

**DELEGATED APPROVAL FORM**  
**DIRECTOR, REAL ESTATE SERVICES**  
**MANAGER, REAL ESTATE SERVICES**

**TRACKING NO.: 2019-350**  
**Confidential Attachment**

Approved pursuant to the Delegated Authority contained in Item EX27.12, as adopted by City Council on October 2, 3 & 4, 2017, as amended by Item GM27.12, adopted by City Council on May 22, 23 & 24, 2018 or, where applicable, in Item EX28.8, as adopted by City Council on November 7, 8 & 9, 2017.

Prepared By:	Trixy Pugh	Division:	Real Estate Services
Date Prepared:	December 17, 2019	Phone No.:	(416) 392-8160

<b>Purpose</b>	To approve a settlement (the "Settlement") between the City and 1487654 Ontario Ltd. (the "Owner") including execution of a Full and Final Release and Direction from the Owner, in full and final settlement of any and all claims under the <i>Expropriations Act</i> , including but not limited to market value, injurious affection and disturbance damages that have been incurred as a result of the expropriation and acquisition of portions of the property to facilitate the construction and operation of the Toronto-York Spadina Subway Extension ("TYSSE").
<b>Property</b>	Portions of the property municipally known as 47 St. Regis Crescent (the "Property"), Toronto, being a stratified subsurface fee simple interest for the subway tunnel and a permanent easement for support above the subway tunnel, designated as Parts 1 and 2 on Expropriation Plan No. AT2509848 registered on September 22, 2010 as shown in Appendix "A" and Part 1 on Plan 66R-25688 registered on October 26, 2011 as Instrument No. AT2850469 as shown in Appendix "B".
<b>Actions</b>	<ol style="list-style-type: none"> <li>Authority be granted to enter into the Settlement with the Owner, substantially on the terms and conditions outlined below and in the Confidential Attachment, including the payment of interest, legal, appraisal and other costs, in accordance with the <i>Expropriations Act</i>.</li> <li>The Confidential Attachment should remain confidential until there has been a final determination of all property transactions and claims for compensation related to the Project and only released publicly thereafter in consultation with the City Solicitor.</li> <li>The City Solicitor be authorized to complete the transaction on behalf of the City, including paying any necessary expenses and applicable HST, if any.</li> </ol>
<b>Financial Impact</b>	<p>Funding for the Release, as set out in the Confidential Attachment, is available in the 2019 Council Approved Capital Budget and 2020-2028 Capital Plan for the Toronto Transit Commission (the "TTC"), within the Toronto-York Spadina Subway Extension Capital Project (CTT134-01).</p> <p>The Chief Financial Officer &amp; Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
<b>Comments</b>	<p>On July 6, 7 and 8, 2010, City Council adopted Item GM32.10, which authorized the expropriation of portions of the Property as set out in Appendix "A". Expropriation Plan AT2509848 was registered on September 22, 2010.</p> <p>On December 15, 2010, through DAF 2010-302, authority was granted to prepare, serve and issue payment for the Offer of Compensation pursuant to Section 25 of the <i>Expropriations Act</i>.</p> <p>Additional land for the permanent easement for support was acquired by way of a Section 24 agreement, pursuant to the <i>Expropriations Act</i>, authorized by DAF 2011-186. A Transfer of Easement for Part 1 on Plan 66R-25688 was registered on October 26, 2011 as Instrument No. AT2850469.</p> <p>Continued on page 4</p>

<b>Property Details</b>	<b>Ward:</b>	6 – York Centre
	<b>Assessment Roll No.:</b>	1908-03-3-390-00400
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	
	<b>Other Information:</b>	

A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate Services has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
2. Expropriations:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.	<input checked="" type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.
3. Issuance of RFPs/REOs:	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> Issuance of RFPs/REOs.
4. Permanent Highway Closures:	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to Divisions and Agencies:	<b>Delegated to a more senior position.</b>	<b>Delegated to a more senior position.</b>
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.
9. Leases/Licences (City as Landlord/Licensor):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$50,000.	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 Million.
	<input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding three (3) months, including licences for environmental assessments and/or testing, etc.	<input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding six (6) months, including licences for environmental assessments and/or testing, etc.
	<b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b>	<b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b>
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$50,000.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.
	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).
14. Miscellaneous:	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences
		<input type="checkbox"/> (b) Releases/Discharges
		<input type="checkbox"/> (c) Surrenders/Abandonments
		<input type="checkbox"/> (d) Enforcements/Terminations
		<input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates
		<input type="checkbox"/> (f) Objections/Waivers/Caution
		<input type="checkbox"/> (g) Notices of Lease and Sublease
		<input type="checkbox"/> (h) Consent to regulatory applications by City, as owner
		<input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title
		<input type="checkbox"/> (j) Documentation relating to Land Titles applications
		<input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds

**B. Director, Real Estate Services and Manager, Real Estate Services each has signing authority on behalf of the City for:**

- Documents required to implement matters for which he or she also has delegated approval authority.
- Expropriation Applications and Notices following Council approval of expropriation (Manager, Transaction Services is only Manager with such signing authority).

**Director, Real Estate Services also has signing authority on behalf of the City for:**

- Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
- Community Space Tenancy Leases approved by delegated authority by Deputy City Manager, Corporate Services and any related documents.

Consultation with Councillor(s)									
Councillor:	James Pasternak					Councillor:			
Contact Name:	James Pasternak					Contact Name:			
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other		
Comments:	Notified Dec 2, 2019					Comments:			
Consultation with Divisions and/or Agencies									
Division:	TTC					Division:	Financial Planning		
Contact Name:	Jerry Pimentel					Contact Name:	Filisha Jenkins		
Comments:						Comments:	Incorporated into DAF (Dec 17, 2019)		
Legal Division Contact									
Contact Name:	Constance Lanteigne (Dec 3, 2019)								

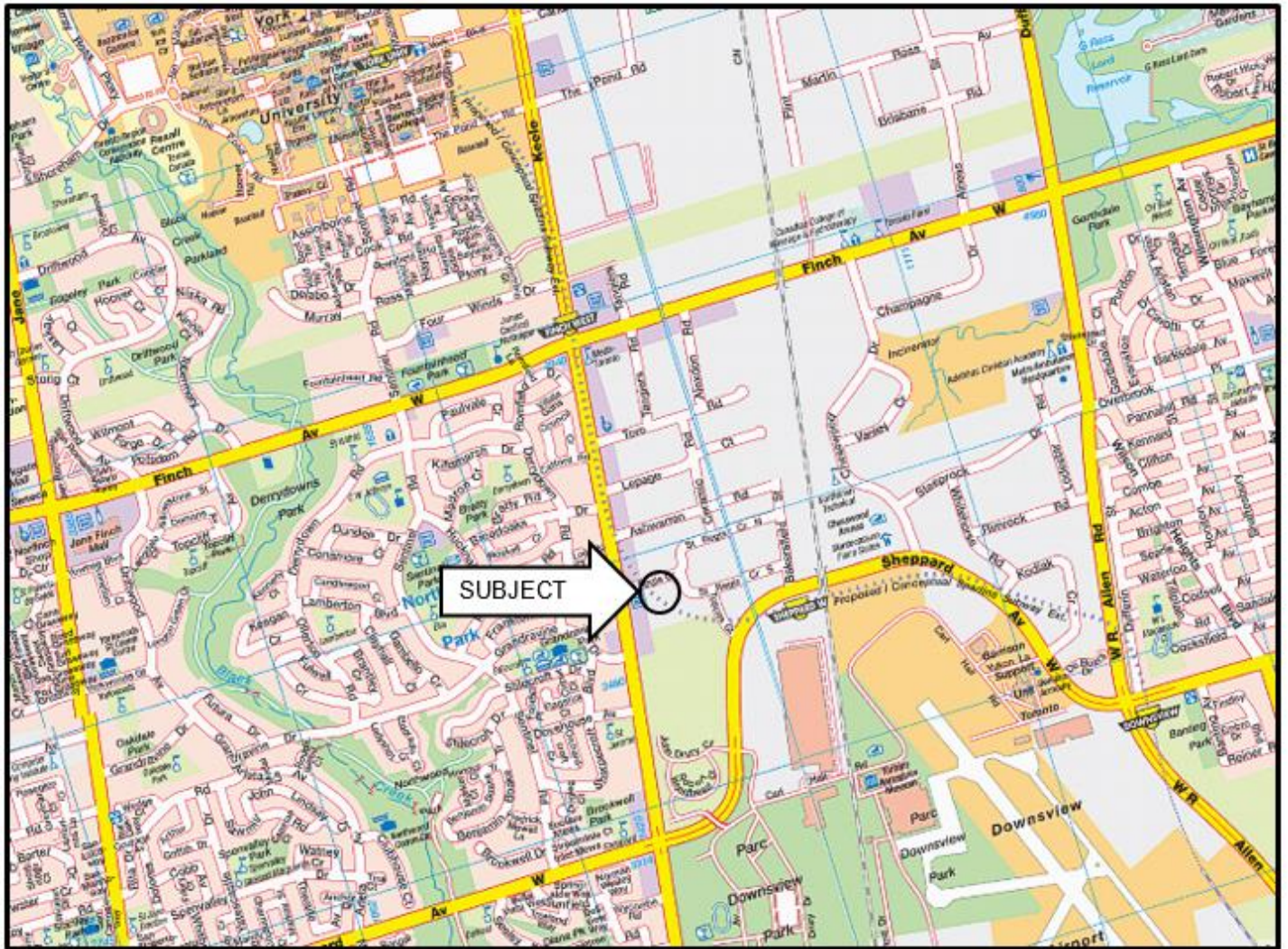
DAF Tracking No.: 2019-350	Date	Signature
<input checked="" type="checkbox"/> Recommended by: <b>Manager, Real Estate Services</b> <input type="checkbox"/> Approved by: <b>Daran Somas</b>	<b>Dec. 20, 2019</b>	Signed by Daran Somas
<input checked="" type="checkbox"/> Approved by: <b>Acting Director, Real Estate Services</b> <b>Nick Simos</b>	<b>Dec. 20, 2019</b>	Signed by Nick Simos

#### General Conditions ("GC")

- (a) The local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be consulted prior to the exercise of delegated Approving Authority by staff for all Acquisitions, Disposals, Land Exchanges and Leases. In the event of a vacancy in the Ward in which the subject property is located, the Mayor's office shall be consulted in the alternative.
- (b) Where approving power has been delegated to staff, the Deputy City Manager, Corporate Services, in consultation with any other applicable Deputy City Manager or the City Manager, may determine that such matter is of such special interest that same should be returned to the relevant Committee and Council for consideration and determination.
- (c) Exercise of delegated authority is subject to all applicable Council policies, statutes or other applicable law.
- (d) Authority to approve financial commitments/expenditures is subject to all amounts being available in an approved budget, or funding being available from third party sources, except for "Strategic Property Acquisitions" as set out in EX44.22 adopted by Council August 25, 26, 27 and 28, 2014, which identifies alternative funding mechanisms subject to additional approval requirements.
- (e) Property interests are to be based on appraised value, and no interest shall be granted at less than market value unless otherwise specifically authorized.
- (f) Authority to approve transactions at less than market value is subject to statutory anti-bonusing provisions.
- (g) Total compensation means the aggregate of all types of payments, including land value, estimated clean-up costs, potential arbitration awards, loss claims, etc., but exclusive of any applicable taxes and registration costs.
- (h) Authority to acquire property is conditional upon provision being made to bring the property into compliance with applicable MOE or other requirements such that it will be fit for its intended municipal purpose, except for property acquisitions of 50M<sup>2</sup> or less for transit shelter purposes.
- (i) Authority to initiate the permanent road closure process in **A.4** is conditional upon confirmation by the GM of Transportation Services that it is feasible to permanently close the highway.
- (j) Disposal authorities in **A.7** are subject to the property having been declared surplus, and the disposal policy complied with.
- (k) Land exchanges, except for those in **A.8**, may be authorized based on the delegated Approving Authority for disposals in **A.7**.
- (l) Approving Authority with respect to land located in the Designated Waterfront Area as defined in the *Toronto Waterfront Revitalization Corporation Act, 2002* is conditional upon the approval of the Director, Waterfront Secretariat.
- (m) Authority to approve an exchange of land in **A.8** is conditional upon confirmation by the Chief Planner and Executive Director of City Planning, and the GM of Parks, Forestry & Recreation, that the land being exchanged is (i) nearby land of equivalent or larger area, and (ii) of comparable or superior green space utility.
- (n) Approving Authority in **A.9** Leases (City as Landlord) but not Licences (City as Licensor) is limited to periods (including options/renewals) of less than twenty-one (21) years, as leases of 21 years or more may be authorized based on the delegated Approving Authority for disposals in **A.7**.
- (o) Total compensation in leasing matters where the City is landlord (**A.9**) includes the value of tenant improvements if factored into tenant's rental payments.
- (p) Total compensation in leasing matters where the City is the tenant (**A.10**) includes the value of any tenant improvements to be paid by the City.
- (q) Where options/renewals are included in leases, if the renewal rent is to be determined at a date later than the original approval date, total compensation is to be calculated as though all options are exercised, estimating the renewal rent based on the highest rent payable in the first term of the lease.
- (r) Total compensation in leasing matters where the City is landlord (**A.9**) or tenant (**A.10**) is to be calculated from the date of approval pursuant to this delegation (ie. first allowing for the expiry of any prior approvals, whether by Council or a delegated authority).
- (s) Approving Authority in leasing matters includes authority to approve renewals/extensions within the parameters of the delegated Approving Authority.
- (t) Approving Authority includes authority for amendments within the parameters of the delegated Approving Authority, the cumulative total of which may not exceed the delegated financial limit.
- (u) Where proposed additional amounts in **A.13** exceed 10 per cent of the original decision, even if otherwise in compliance with all other conditions, then Approving Authority is transferred upwards to the next more senior level of Approving Authority having the relevant overall financial limit.
- (v) Approving Authority includes authority for all documents necessary to implement the authority, including ancillary agreements, on terms and conditions satisfactory to the Approving Authority, in consultation with the relevant operating Division(s).
- (w) Staff positions referred to in this delegation include successors from time to time.
- (x) Documents are to be in a form satisfactory to the City Solicitor (including indemnity and insurance provisions).
- (y) Delegated signing authorities in **B** are conditional upon the documents having received the City Solicitor's prior "Approval as to Form".
- (z) Authority to use land acquired by the City for parking purposes by the Toronto Parking Authority is conditional upon Council enacting a by-law designating such use.
- (aa) All residential leasing documents shall adhere to the *Residential Tenancies Act, 2006* and any successor legislation.
- (bb) Despite GC(n), Approving Authority in residential leasing matters is not limited to periods of less than twenty-one (21) years and total compensation in residential leasing matters where the City is landlord is to be calculated based on an assumed term of ten years unless the lease term expressly identified therein is longer.
- (cc) Where Approving Authority has been delegated to the Manager level, such authority shall be conditional upon the Manager first having secured the written concurrence of a second Manager within the Real Estate Services Division.
- (dd) Where the City is transacting with a public agency, and such agency requires that an unqualified environmental indemnity be granted by the City, the authority to acquire property includes authority to grant such an indemnity, provided that the Phase I and Phase II environmental site assessments undertaken on behalf of the City have identified no significant environmental impacts or human health threats, with no, or minor action required ("Low Risk").



Appendix "A" – Location Map & Expropriation Plan



**CERTIFICATE OF REGISTRATION**  
 I HEREBY CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE  
 OF THE LAND TITLES DIVISION OF TORONTO (INCORPORATED) AT THE ADDRESS ABOVE ON THE  
 DATE AND IN ACCORDANCE WITH THE LAND TITLES ACT, COMPENSATION ACT AND THE  
 REGISTRATION ACT AND THE LAND TITLES ACT, COMPENSATION ACT AND THE  
 REGISTRATION ACT.

SCHEDULE	
PART	LOCATION
1	PART OF LOTS 5 AND 6, REGISTERED PLAN 3672
2	REMAINDER OF LOTS 5 AND 6, REGISTERED PLAN 3672

**"EXPROPRIATIONS ACT"**

**PLAN OF SURVEY OF  
 PART OF LOTS 5 AND 6  
 REGISTERED PLAN 3672  
 CITY OF TORONTO  
 SCALE 1:5000**

MMM GEOMETRICS ONTARIO LIMITED  
 ONTARIO LAND SURVEYORS

**METRIC**  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND  
 CAN BE CONSIDERED TO BE PRECISE TO 0.30MM

**NOTE**  
 THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE OF THE LAND TITLES DIVISION OF TORONTO (INCORPORATED) AT THE ADDRESS ABOVE ON THE DATE AND IN ACCORDANCE WITH THE LAND TITLES ACT, COMPENSATION ACT AND THE REGISTRATION ACT AND THE LAND TITLES ACT, COMPENSATION ACT AND THE REGISTRATION ACT.

**LEGEND**  
 (S) SURVEY POINT  
 (O) SURVEY POINT  
 (X) SURVEY POINT  
 (M) SURVEY POINT  
 (W) SURVEY POINT  
 (P) SURVEY POINT  
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 (W) SURVEY POINT  
 (P) SURVEY POINT  
 (E) SURVEY POINT  
 (N) SURVEY POINT

**SURVEYOR'S CERTIFICATE**  
 I, THE SURVEYOR, DO SO IN ACCORDANCE WITH THE SURVEY ACT AND THE LAND TITLES ACT, COMPENSATION ACT AND THE REGISTRATION ACT AND THE LAND TITLES ACT, COMPENSATION ACT AND THE REGISTRATION ACT.

DATE: AUGUST 21, 2020  
 SURVEYOR: JAC  
 DRAWING NUMBER: 16-88046-030  
 PROJECT: ST. REGIS CRESCENT

PE 960

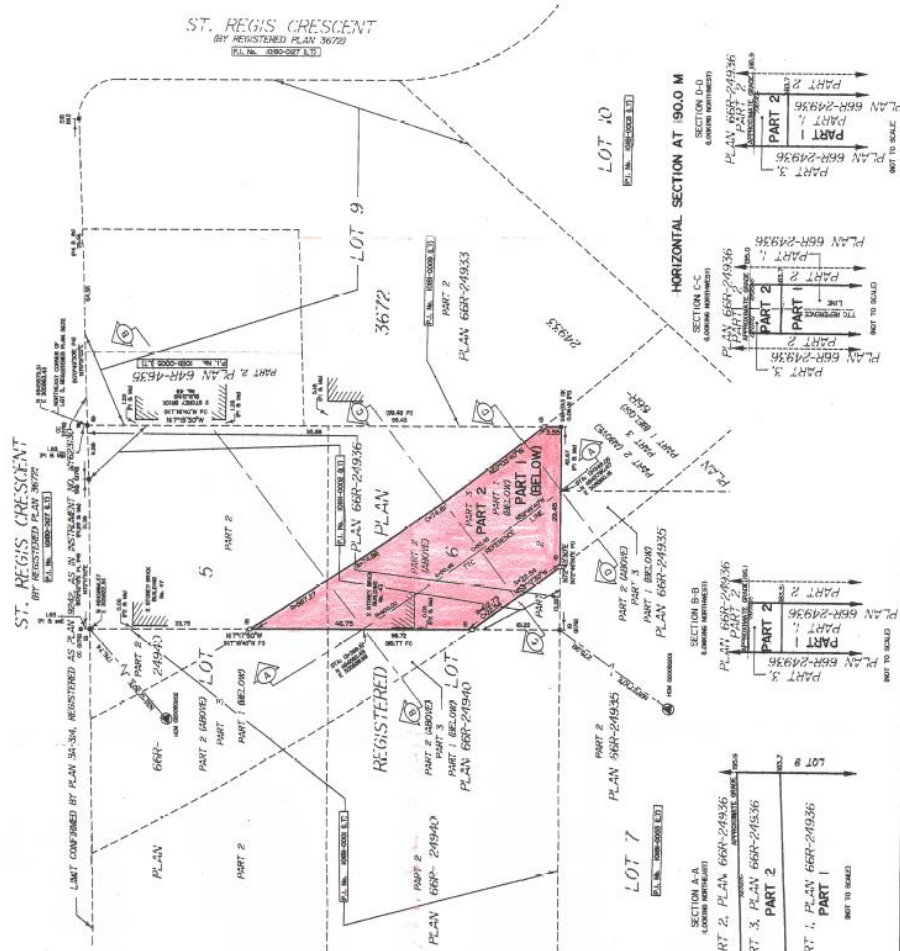
**CERTIFICATE OF APPROVAL**  
 I, the Mayor of the City of Toronto, do hereby approve the proposed survey and the registration of the same in the Land Registry Office of the Land Titles Division of Toronto (Incorporated) at the address above on the date and in accordance with the Land Titles Act, Compensation Act and the Registration Act and the Land Titles Act, Compensation Act and the Registration Act.

**STATEMENT OF EXPROPRIATING AUTHORITY**  
 I, the Mayor of the City of Toronto, do hereby authorize the City of Toronto to acquire the land described in the Schedule to this Order in Council for the purposes of the City of Toronto Act, 2006, and to pay the compensation payable to the owner of the land in accordance with the Land Titles Act, Compensation Act and the Registration Act and the Land Titles Act, Compensation Act and the Registration Act.

**LEGEND**  
 (S) SURVEY POINT  
 (O) SURVEY POINT  
 (X) SURVEY POINT  
 (M) SURVEY POINT  
 (W) SURVEY POINT  
 (P) SURVEY POINT  
 (E) SURVEY POINT  
 (N) SURVEY POINT

**SURVEYOR'S CERTIFICATE**  
 I, THE SURVEYOR, DO SO IN ACCORDANCE WITH THE SURVEY ACT AND THE LAND TITLES ACT, COMPENSATION ACT AND THE REGISTRATION ACT AND THE LAND TITLES ACT, COMPENSATION ACT AND THE REGISTRATION ACT.

DATE: AUGUST 21, 2020  
 SURVEYOR: JAC  
 DRAWING NUMBER: 16-88046-030  
 PROJECT: ST. REGIS CRESCENT



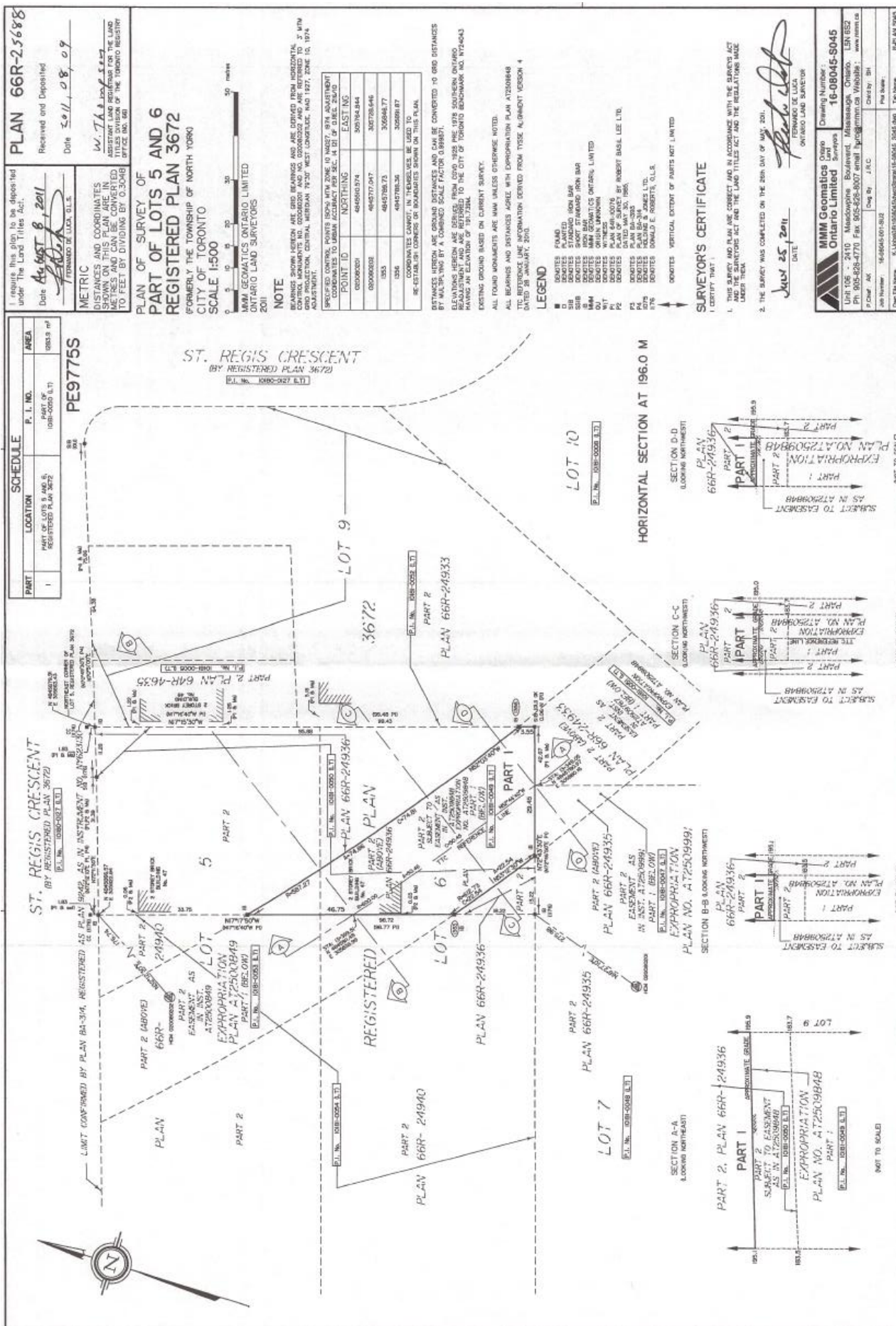
**CITY OF TORONTO**  
 Mayor: *Rob Ford*  
 Deputy Mayor: *John Tory*  
 City Clerk: *Christine Spence*

**CITY OF YORK**  
 Mayor: *Mel Lastman*  
 Deputy Mayor: *John Egan*  
 City Clerk: *Christine Spence*

**CITY OF NORTH YORK**  
 Mayor: *John Egan*  
 Deputy Mayor: *John Egan*  
 City Clerk: *Christine Spence*

**CITY OF EAST YORK**  
 Mayor: *John Egan*  
 Deputy Mayor: *John Egan*  
 City Clerk: *Christine Spence*

**CITY OF WEST YORK**  
 Mayor: *John Egan*  
 Deputy Mayor: *John Egan*  
 City Clerk: *Christine Spence*



**SCHEDULE**

PART	LOCATION	P. I. NO.	AREA
1	PART OF LOTS 5 AND 6 REGISTERED PLAN 3672	(O.B. CODE E.L.T)	0.855 m <sup>2</sup>

PLAN 66R-24938  
Received and Deposited  
Date August 8, 2011  
Deputy Registrar  
T. J. [Signature]

**PLAN OF SURVEY OF PART OF LOTS 5 AND 6 REGISTERED PLAN 3672 FORMERLY THE TOWNSHIP OF NORTH YORK CITY OF TORONTO SCALE 1:5000**

MINIMUM DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN ACCORDANCE WITH THE REGULATION MADE BY THE DIVISION OF THE TORONTO REGISTERED PLANS AND COORDINATES TO FEET BY DIVIDING BY 0.3048

**POINT ID**

NORTHING	EASTING
4845690.574	509194.844
4845717.017	509208.646
5353	505988.177
4845706.725	505988.177
5354	505988.177

**NOTE**

BEARINGS SHOWN HEREON ARE GRID BEARINGS AND ARE DERIVED FROM HORIZONTAL CONTROL MONUMENTS NO. 02080007 AND NO. 02080002 AND ARE REFERRED TO 3rd NAD ADJUSTMENT. CENTRAL MERIDIAN 79°01' WEST LONGITUDE 149°12'37.740 EAST. ZONE 18, 1974 ADJUSTMENT.

PROPOSED CONTROL POINTS 19040 WITH ZONE 18 NORTH, 1974 ADJUSTMENT COORDINATES TO UTM ACCURACY FOR SEC. 4 OF U.T.M. ZONE 18

COORDINATE SYSTEM IS THE UTM SYSTEM AS USED TO ESTABLISH CONTROL POINTS AND MONUMENTS SHOWN ON THIS PLAN.

**LEGEND**

1. DEVIATES PLANTED  
2. DEVIATES FROM BENCH  
3. DEVIATES FROM BENCH  
4. DEVIATES FROM BENCH  
5. DEVIATES FROM BENCH  
6. DEVIATES FROM BENCH  
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17. DEVIATES FROM BENCH  
18. DEVIATES FROM BENCH  
19. DEVIATES FROM BENCH  
20. DEVIATES FROM BENCH

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT I

- THESE PLANS AND THE SURVEY AND THE ACCURACY OF THE BEARINGS AND DISTANCES AND THE LOCATION OF THE MONUMENTS AND THE REGULATIONS MADE THEREIN.
- THE SURVEY WAS COMPLETED ON THE 20th DAY OF MAY, 2011.

JULY 25, 2011 DATE

[Signature] SURVEYOR

**MMM Geomatics Ontario Limited**  
16-08045-S045

1001 - 2410 Meadowdale Boulevard, Mississauga, Ontario L5N 8S2  
PH: 905-828-4770 Fax: 905-828-8007 Email: info@mmm.on.ca

Job Number: 16-08045-001-S02  
Drawing Date: July 25, 2011  
Drawing By: J.R.C.