

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

TRACKING NO.: 2020-019

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, as adopted by City Council on May 22, 23 & 24, 2018 and Item GL9.14, as adopted by City Council on November 26 & 27, 2019 or, where applicable, contained in Item EX28.8, as adopted by City Council on November 7, 8 & 9, 2017.

Prepared By:	Trixy Pugh	Division:	Corporate Real Estate Management
Date Prepared:	January 21, 2020	Phone No.:	(416) 392-8160

Purpose	To obtain authority for the City to enter into a permanent easement agreement over a portion of the property located at 416 Victoria Park Avenue (the "Property"), owned by The Trustees of the Blantyre Park Congregation of Jehovah's Witnesses (the "Owner"). The subject property interest is required to construct a Wheel-Trans Access Hub (the "Access Hub") pursuant to the Toronto Transit Commission (TTC) Wheel-Trans Transformation Program.
Property	Part of the property located on the west side of Victoria Park Avenue, north of Kingston Road, with a municipal address of 416 Victoria Park Avenue and legally described as part of Lot 18 on Plan M336 Toronto, Designated as Part 1 on Plan 66R-31041 on Appendix "A" attached hereto (the "Licensed Area").
Actions	Authority be granted for the City to enter into a permanent easement agreement (the "Easement") over the land described as Part 1 on Plan 66R-31041, for the housing and operation of the TTC Wheel-Trans Access Hub, substantially on the major terms and conditions set out in Appendix "B", and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.
Financial Impact	<p>The total cost to the City is \$11,422.17 (plus HST) or \$11,623.20 (net of HST recoveries) as detailed below:</p> <p>Permanent Easement: \$5,500.00 Legal Fees: \$1,500.00 Sign Relocation: \$4,422.17</p> <p>Funding is included in the 2020-2029 Staff Recommended Capital Budget and Plan for the Toronto Transit Commission (TTC) under capital account CTT110-1 for Council consideration.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	The demand for TTC's Wheel-Trans service has increased by more than 29% over the last five years and is expected to continue to increase with the aging population and the (AODA mandated) changes to eligibility. With the TTC's conventional transit services increasingly accessible, changes can be made to the service delivery model for Wheel-Trans to make better use of limited resources while also adapting and adhering to new provincial legislation through the implementation of a "Family of Services" approach. Family of Services being the utilization of Wheel-Trans and conventional transit modes (bus, subway or streetcar services) for a portion of a trip. The construction of Access Hubs at various strategic locations throughout the city will facilitate the transfer of customers between the Wheel-Trans and conventional transit system in order to implement the Family of Services approach.
Terms	See Appendix A

Property Details	Ward:	19 – Beaches-East York
	Assessment Roll No.:	
	Approximate Size:	4.5 m ± x 9.24 m ± (14.8 ft ± x 30.3 ft ±)
	Approximate Area:	4.16 m ² ± (44.78 ft ² ±)
	Other Information:	

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 type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.
3. Issuance of RFPs/REOIs:	Delegated to more senior positions.	<input type="checkbox"/> Issuance of RFPs/REOIs.
4. Permanent Highway Closures:	Delegated to more senior positions.	<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:	Delegated to more senior positions.	Delegated to more senior positions.
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:	Delegated to more senior positions.	<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.
	Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.	Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.
10. Leases/Licences (City as Tenant/Licensee):	<input checked="" 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.
	Delegated to more senior positions.	<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:	Delegated to more senior positions.	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).
14. Miscellaneous:	Delegated to more senior positions.	<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 the Deputy City Manager, Corporate Services and any related documents.

Consultation with Councillor(s)									
Councillor:	Brad Bradford					Councillor:			
Contact Name:	Brad Bradford					Contact Name:			
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other		
Comments:	Notified Jan 10, 2020					Comments:			
Consultation with Divisions and/or Agencies									
Division:	TTC					Division:	Financial Planning		
Contact Name:	David Cooper					Contact Name:	Filisha Jenkins		
Comments:	Incorporated into DAF (Jan 13, 2020)					Comments:	Incorporated into DAF (Jan 21, 2020)		
Legal Division Contact									
Contact Name:	Gloria Lee (Jan 14, 2020)								

DAF Tracking No.: 2020-019	Date	Signature
Concurred with by: Manager, Real Estate Services Alex Schuler	Jan. 28, 2020	Signed by Alex Schuler
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Jan. 24, 2020	Signed by Daran Somas
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Acting Director, Real Estate Services Nick Simos		X

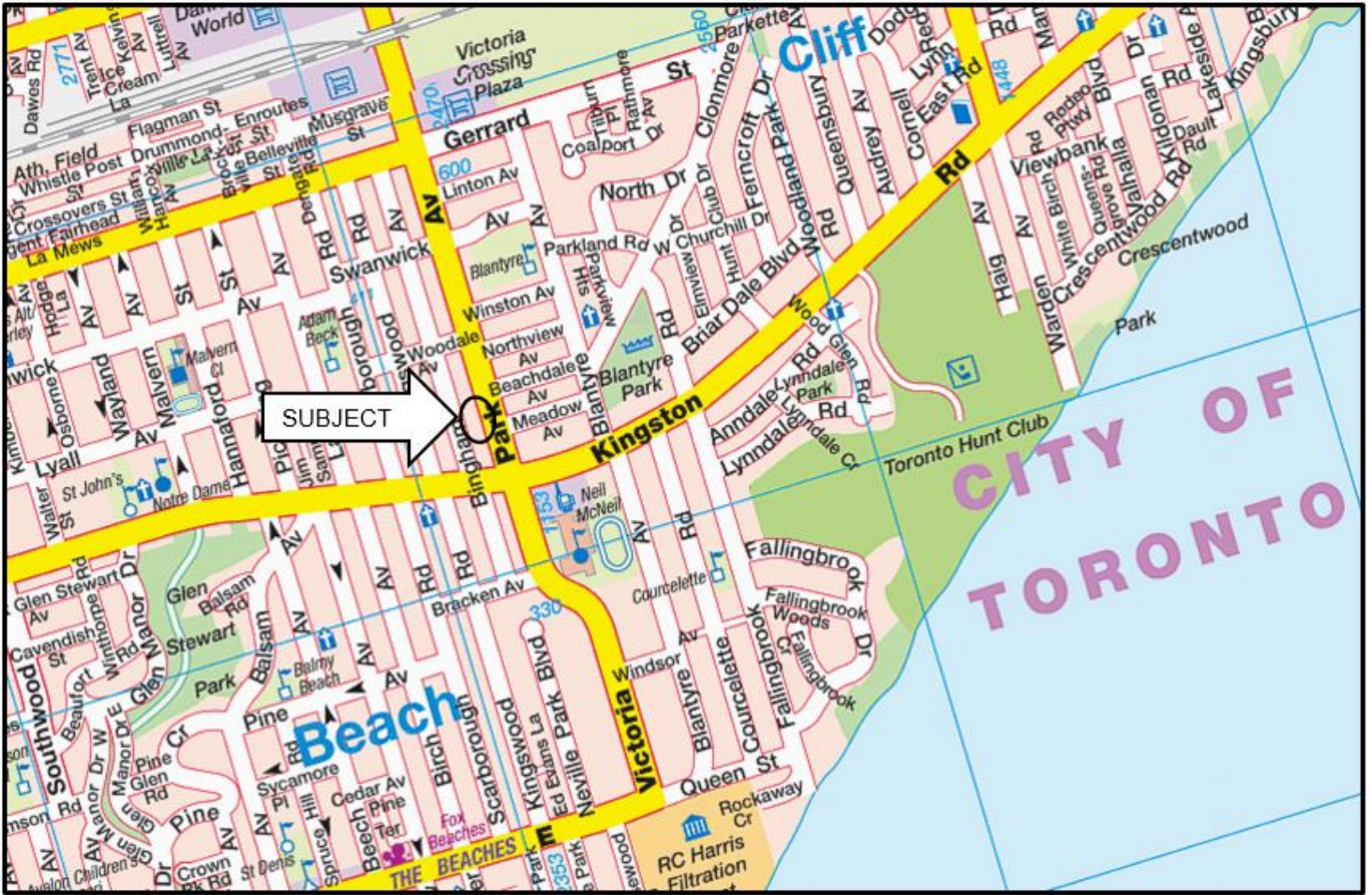
General Conditions ("GC")

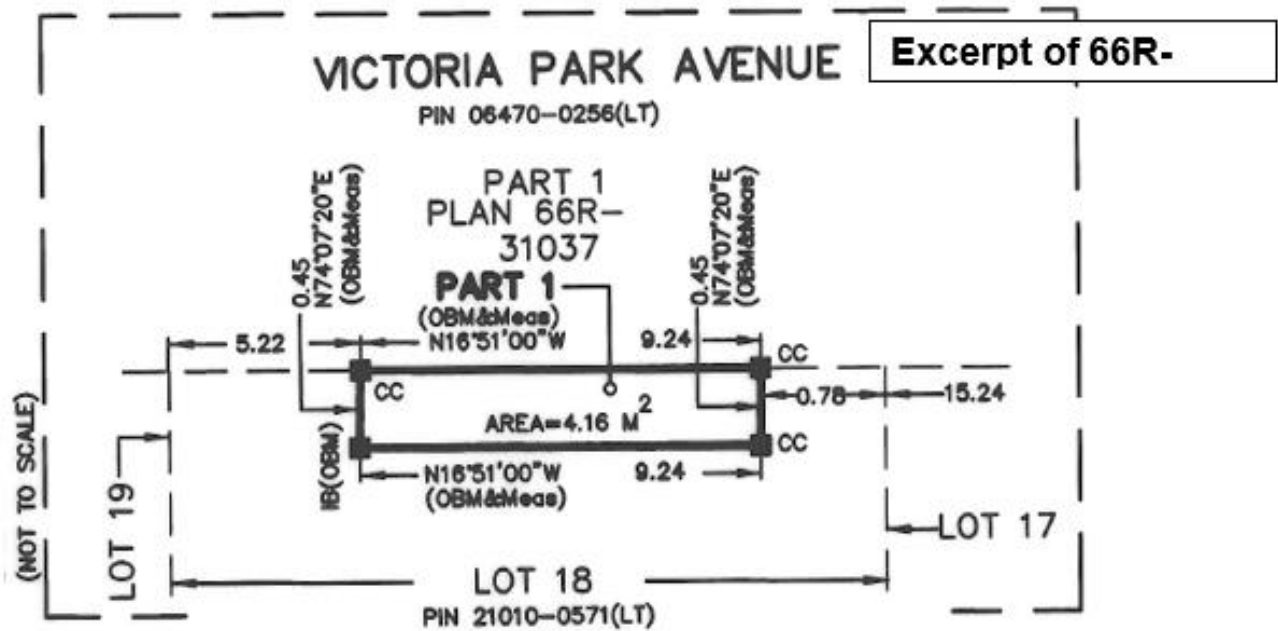
- (a) The local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be consulted prior to the exercise of delegated Approving Authority by staff for all Acquisitions, Disposals, Land 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 market value and no interest shall be granted for an amount less than the appraised market value, nor additional compensation paid, unless specifically authorized by City Council.
- (f) Authority to approve any transaction 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 50M² 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"**Major Provisions:**

- (i) Fees:
Permanent Easement: \$5,500.00 plus HST
Legal: \$1,500.00 plus HST
Sign Relocation: \$4,422.17 plus HST
- (ii) At all times during the term of the Permanent Easement, the City of Toronto or the TTC shall maintain adequate liability insurance with respect to the Works and/or the Permanent Easement. The Owner acknowledges that the City or the TTC may elect to self-insure and, if so, will be deemed to have satisfied its obligations hereunder.
- (iii) The City or the TTC shall not place or affix any sign or advertisement on the Access Hub.
- (iv) The City or the TTC shall relocate the part of the fence that is encroaching onto the City's property to the Owner's property line at the sole cost of the City and in accordance with all federal, provincial and municipal laws, by-laws, rules and regulations.

Appendix "B": Location Map & Sketch





METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

PE-13856

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

Nov. 19, 2019
DATE

Omari M. Mwinyi
OMARI B. MWINYI, O.L.S.

PLAN 66R-31041

RECEIVED AND DEPOSITED
November 19, 2019

"Paula Forthome"

REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF TORONTO REGISTRY OFFICE(No. 66)

SCHEDULE

PART	PART OF LOT	REGISTERED PLAN	PART OF P.L.N.
1	18	M-336	21010-0571(LT)

LEGEND

- DENOTES MONUMENTS FOUND
- DENOTES MONUMENTS PLANTED
- SB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- CC DENOTES CUT CROSS
- IF DENOTES IRON FENCE
- P DENOTES PLAN BA-2021
- P1 DENOTES PLAN 66R-15500
- P2 DENOTES REGISTERED PLAN M-336
- MTR DENOTES METRO ROADS
- MMM DENOTES MARSH, MACKLIN AND MONAGHAN, O.L.S.
- OBM DENOTES OMARI MWINYI SURVEYING LTD., O.L.S.

**PLAN OF SURVEY OF
PART OF LOT 18
REGISTERED PLAN M-336
CITY OF TORONTO**



BEARINGS:

NOTE:
BEARINGS HEREON ARE GRID BEARINGS AND ARE DERIVED FROM HCM 02219742205 AND HCM 02019812224 BASED ON THE ONTARIO COORDINATE SYSTEM (OCS) CENTRAL MERIDIAN 79° 30' W LONGITUDE, ZONE 10, NAD 27, 1974 ADJUSTMENT.

DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND LEVEL DISTANCES AND CAN BE USED TO COMPUTE GRID COORDINATES BY MULTIPLYING THE DISTANCES BY A COMBINED SCALE FACTOR OF 0.99988043

POINT No.	NORTHINGS	EASTINGS
HCM 02219742205	4637862.637	322032.207
HCM 02019812224	4637837.852	322139.934

CAUTION: COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

SURVEYOR'S CERTIFICATE:

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT, AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 7TH DAY OF NOVEMBER, 2019.

Nov. 19, 2019
DATE

Omari M. Mwinyi
OMARI B. MWINYI
ONTARIO LAND SURVEYOR

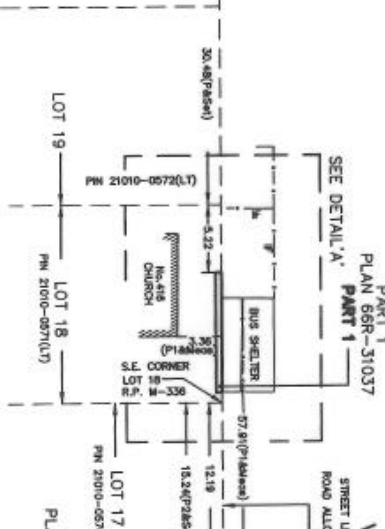
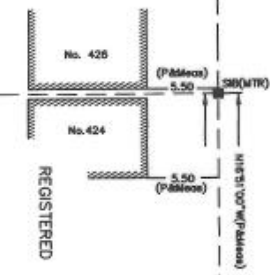
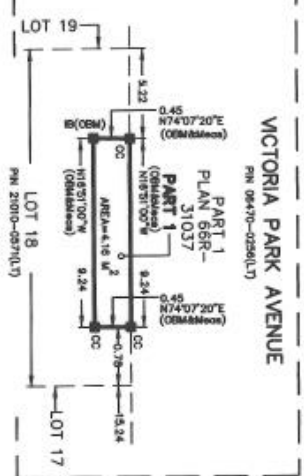
OMARI MWINYI SURVEYING LTD



1905 PINEGROVE AVENUE
PICKERING ON, L1V 6T1
Ph. (905) 831 5485
Email: omwinyi@rogers.com

PROJECT		PROJECT No.
VICTORIA PARK AVENUE		18-101-R
DRAFTSPERSON	CALCULATIONS	CHECKED BY
SUG	C:\OMSL\18-101\18-101	O.M.

DETAIL 'A'
(NOT TO SCALE)



VICTORIA PARK AVENUE (P/M M-336)
STREET LINE AS CONTINUED BY PLAN BA-2021 INST. NO. 021306, REG. AS D-794
ROAD ALIGNMENT BETWEEN THE FORMER TOWNSHIP OF YORK AND THE TOWNSHIP OF SCARBOROUGH
P/M 06470-0296(LT)

