

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

TRACKING NO.: 2020-018

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 17, 2020 | Phone No.: | (416) 392-8160 |

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|-------------------------|--|
| Purpose | To obtain authority for the City to enter into a temporary licence (the "Licence") over a portion of the property located at 6464 Yonge Street (the "Property"), owned by Revenue Properties Company Limited (the "Owner"). The subject property interest is required to construct and house 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 north-east corner of Yonge Street and Steeles Avenue West, with a municipal address of 6464 Yonge Street and legally described as Part of Lot 25, Concession 1, Toronto Described as Parts 1, 2, 3, 4 and 5 on Plan 66R-18411, Subject to an Easement Over Part 2 on Plan 66R-18411 in Favour of the City of North York As In NY552901, and Subject to an Easement Over Part 3 on Plan 66R-18411 in Favour of the Corporation of the City of North York As In NY574212 and Subject to an Easement Over Part 5 on Plan 66R-18411 As In NY664753 in Favour of The Corporation of North York, shaded in dark grey on Appendix "B" attached hereto (the "Licensed Area"). |
| Actions | Authority be granted for the City to enter into the Licence with the Owner in which the City/TTC will be permitted to enter and use the Licensed Area, substantially on the major terms and conditions set out in Appendix "A", 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 cost to the City for the five (5) year term of the temporary licence is \$50,000.00 (plus HST) or \$50,880.00 (net of HST recoveries).</p> <p>Should the City extend the licence for a further five (5) year term, there will be an additional cost of \$64,000.00 (plus HST) or \$65,126.40 (net of HST recoveries), resulting in a total cost of \$114,000 (plus HST) or \$116,006.40 (net of HST recoveries).</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 page 4 |

| | | |
|-------------------------|-----------------------------|--|
| Property Details | Ward: | 18 – Willowdale |
| | Assessment Roll No.: | |
| | Approximate Size: | |
| | Approximate Area: | 650 m ² ± (6,996.5 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 type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$50,000. | <input checked="" 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: | John Filion | | | | Councillor: | | | | |
| Contact Name: | John Filion | | | | Contact Name: | | | | |
| Contacted by: | Phone | <input checked="" type="checkbox"/> | E-Mail | | Memo | | Other | | |
| Comments: | Notified Jan 9, 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 14, 2020) | | | | Comments: | Incorporated into DAF (Jan 21, 2020) | | | |
| Legal Division Contact | | | | | | | | | |
| Contact Name: | Gloria Lee (Jan 14, 2020) | | | | | | | | |

| DAF Tracking No.: 2020-018 | Date | Signature |
|--|----------------------|-----------------------|
| | | X |
| <input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services <input type="checkbox"/> Approved by: Daran Somas | Jan. 24, 2020 | Signed by Daran Somas |
| <input checked="" type="checkbox"/> Approved by: Acting Director, Real Estate Services Nick Simos | Feb. 3, 2020 | Signed by Nick Simos |

General Conditions ("GC")

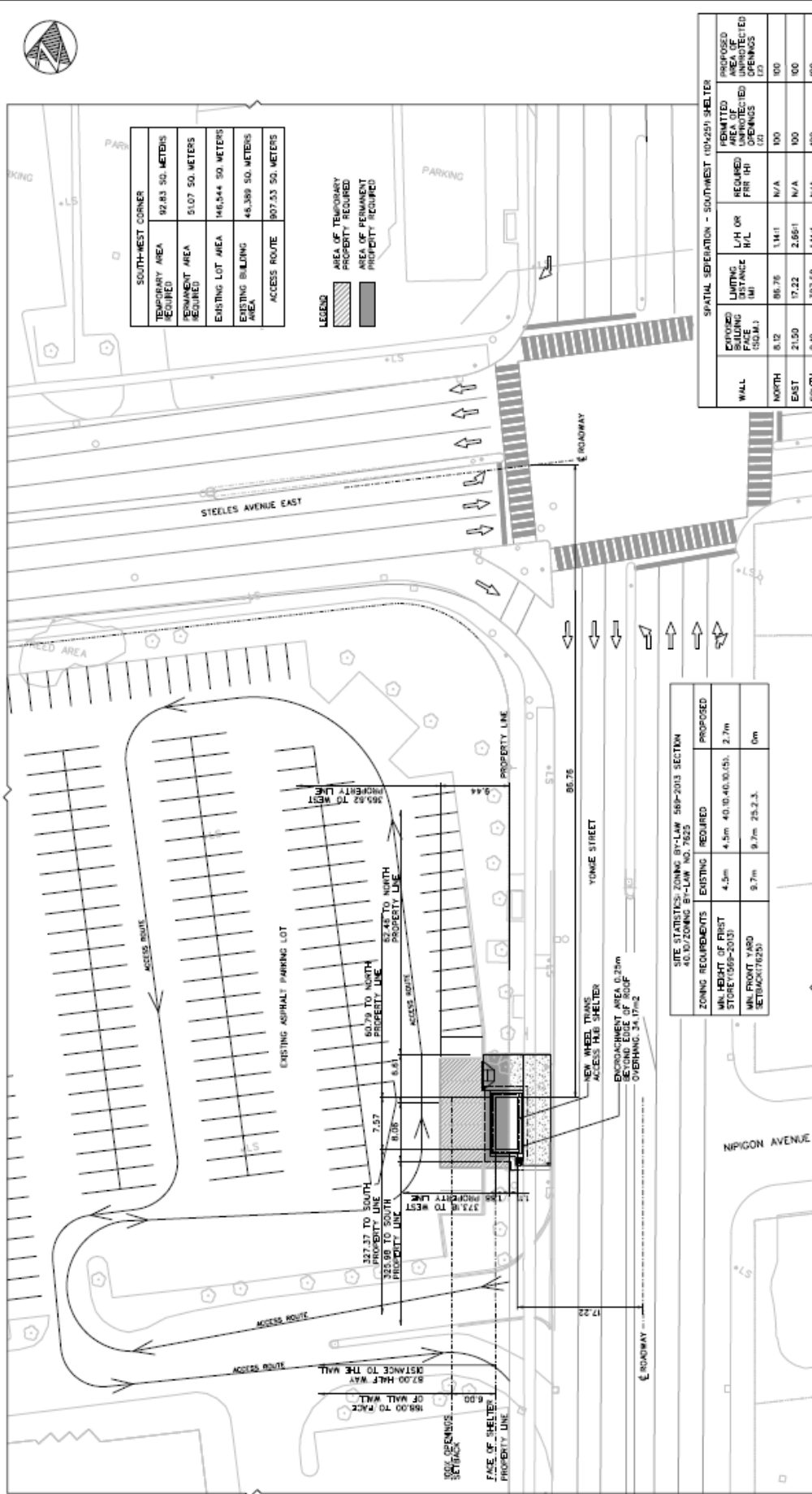
- (a) The local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be consulted prior to the exercise of delegated Approving Authority by staff for all Acquisitions, Disposals, Land 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 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) Construction Term: Three (3) months commencing upon execution of the Licence.
- (ii) Use Term: Four (4) years and nine (9) months, commencing immediately after the expiry of the Construction Term, with an option to extend for a further term of five (5) years.
- (iii) License Fee: \$50,000.00 plus HST for the Use Term; and
\$64,000.00 plus HST should the City extend for a further five (5) year term.
- (iv) At all times, the City and/or TTC shall maintain commercial general liability insurance against claims for bodily injury (including death), personal injury and property damage in an amount not less than ten million dollars (\$10,000,000.00) per occurrence. Such insurance shall name the Owner and its mortgagee, if applicable, as an additional insured.
- (v) The City shall indemnify and save the Owner harmless from and against costs, expenses, claims, and demands brought against the Owner in respect of loss, damage or injury to persons or property, arising from the access to or use of the Licensed Area by the City, its employees, invitees, agents and those for whom it is at law responsible for during the Term (as the same may be extended), provided that this indemnity does not extend to any negligence or other tortious acts or omissions, willful misconduct or breach of contract by the Owner (including its agents and employees).
- (vi) This Agreement shall terminate:
 - (a) at the option of the City, for any reason on providing the Owner with thirty (30) days' prior written notice during the first five (5) years of the initial Use Term;
 - (b) at the option of the Owner, if the City fails to remedy the default within the ten (10) business days of prior written notice to the City for non-payment of the Fee or breach of any other provision of the Agreement;
 - (c) at the option of the Owner, for any reason on providing the City with thirty (30) days' prior written notice following the first five (5) years of the initial Use Term; or
 - (d) due to the action of the Owner, the Licence violates any applicable laws or the site plan applicable to the property.

Appendix "B": Location Map & Sketch





| SOUTH-WEST CORNER | |
|-------------------------|-------------------|
| TEMPORARY AREA REQUIRED | 92.83 50 METERS |
| PERMANENT AREA REQUIRED | 51.07 50 METERS |
| EXISTING LOT AREA | 146,544 50 METERS |
| EXISTING BILLING AREA | 45,389 50 METERS |
| ACCESS ROUTE | 307.53 50 METERS |

LEGEND

- AREA OF TEMPORARY PROPERTY REQUIRED
- AREA OF PERMANENT PROPERTY REQUIRED

| SITE STATISTICS: ZONING BY-LAW 569-2013 SECTION 43.03-ZONING E-CAR AND T225 | |
|---|----------------------------|
| ZONING REQUIREMENTS | EXISTING REQUIRED |
| MIN. HEIGHT OF FIRST STOREY (069-2013) | 4.5m |
| MIN. FRONT YARD SETBACK (7825) | 9.7m |
| PROPOSED | 4.5m 40.10 (40.10/5), 2.7m |
| | 0m |

| SPATIAL SEPARATION - SOUTHWEST (WASH) SHELTER | | | |
|---|-------------------------------|--------------------------|---|
| WALL | PROPOSED SOLIDITY FACE (SQ.M) | LIMITING DISTANCE FR (H) | REQUIRED AREA OF UNOCCUPIED OPENINGS (SQ.M) |
| NORTH | 8.12 | 86.75 | 1.411 |
| EAST | 21.50 | 17.22 | 2.651 |
| SOUTH | 8.12 | 327.58 | 1.411 |
| WEST | 18.82 | 87.00 | 3.041 |
| 3.2.2.26. GROUP A, DIVISION 2: CONSTRUCTION AND CLADDING TYPE PERMITTED: COMMERCIAL OR NON-COMMERCIAL | | | |

PARTIAL PLAN
SITE PLAN AT INTERSECTION OF YONGE AND STEELES

REVISED: 27/04/2014
DRAWN: 27/04/2014
CHECKED: 27/04/2014
SCALE: AS SHOWN

CLM+
CONSULTANTS LIMITED
355-555 ALBERTA ST. MISSISSAUGA
ON L4V 1W6 CANADA

ISSUED FOR CONSTRUCTION

WHEEL-TRANS ACCESS HUBS
YONGE AND STEELES E (SW)

GENERAL SITE PLAN

TORONTO TRASH COMMISSION
ENFORCEMENT DIVISION
050-305-6102
002