

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

**TRACKING NO.: 2020-205**

Approved pursuant to the Delegated Authority contained in Article 2 of City of Toronto Municipal Code Chapter 213, Real Property

Prepared By:	Ishan Dasgupta	Division:	Corporate Real Estate Management
Date Prepared:	July 21, 2020	Phone No.:	(416) 392-7165

<b>Purpose</b>	To amend Delegated Approval Form No. 2017-046, to reflect various amendments to the proposed construction staging licence authorized thereby.
<b>Property</b>	Portion of the Property municipally known as 251 Esther Shiner Boulevard (the "Property"), shown outlined red on the aerial photograph on the attached Schedule "B". The general location of the Property is also shown on the map on the attached Schedule "B",
<b>Actions</b>	1. Authority be granted to enter into the licence agreement on the terms as set out in DAF 2017-046 on the amended terms set out in the "Comments" section and "Terms" section hereof.
<b>Financial Impact</b>	Total licence fee revenues to the City for the Licensed Area identified in Appendix "B" are \$5,000.00 (plus HST) which is considered fair market value.  The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.
<b>Comments</b>	Delegated Approval Form No. 2017-046 authorized the City as licensor to enter into a licence agreement with Her Majesty the Queen in Right of Ontario, as represented by the Minister of Transportation ("MTO") to permit access to the Property for the purpose of construction staging in connection of the construction re-location by MTO's contractor of a City watermain situate on the Property and other lands in the vicinity thereof. Prolonged negotiations between the City and MTO regarding the construction contract for the watermain have resulted in delays to the project start date which has resulted in a required amendment to the term of the Licence Agreement. Further, MTO has refused to sign the agreement as licensee and requires that the City enter into the licence agreement directly with MTO's contractor, CRH Canada Group Inc., carrying on business as Dufferin Construction Company ("DCC"). The term of the licence was also extended to authorize DCC to enter onto the Property following completion of the watermain construction to complete any repairs required under its construction warranty. The City's Corporate Real Estate Management Division has confirmed with operational staff at the Property that the new term of the proposed Licence Agreement is satisfactory.
<b>Terms</b>	See Schedule "A" for a summary of the principal amended terms and conditions of the proposed Licence Agreement. All other principal terms of the proposed Licence Agreement remain the same.

<b>Property Details</b>	<b>Ward:</b>	17 – Don Valley North
	<b>Assessment Roll No.:</b>	
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	912 sq. m.
	<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 type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.
3. Issuance of RFPs/REOIs:	<b>Delegated to more senior positions.</b>	<input type="checkbox"/> Issuance of RFPs/REOIs.
4. Permanent Highway Closures:	<b>Delegated to more senior positions.</b>	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to Divisions, Agencies and Corporations:	<b>Delegated to more senior positions.</b>	<b>Delegated to more senior positions.</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 more senior positions.</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 checked="" type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$50,000. <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"/> (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 six (6) months, including licences for environmental assessments and/or testing, etc.
10. Leases/Licences (City as Tenant/Licensee):	<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>
11. Easements (City as Grantor):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$50,000. <input type="checkbox"/> Where total compensation does not exceed \$50,000. <b>Delegated to more senior positions.</b>	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million. <input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million. <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 more senior positions.</b>	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
14. Miscellaneous:	<b>Delegated to more senior positions.</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/Estoppel Certificates <input type="checkbox"/> (f) Objections/Waivers/Cautions <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 each position 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.

Pre-Condition to Approval			
<input type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property			
Consultation with Councillor(s)			
Councillor:	Shelley Carroll		Councillor:
Contact Name:	Tom Gleason		Contact Name:
Contacted by:	Phone	<input checked="" type="checkbox"/> E-Mail	Memo
			Other
Comments:	No objections (07/20/2020)		Comments:
Consultation with Divisions and/or Agencies			
Division:	Toronto Water		Division:
Contact Name:	Monirul Islam		Contact Name:
Comments:	Comments incorporated		Comments:
			Financial Planning
			Contact Name:
			Filisha Jenkins
			Comments:
			Comments incorporated (07/16/2020)
Legal Services Division Contact			
Contact Name:	Mark Zwegers (comments incorporated – 07/22/2020)		

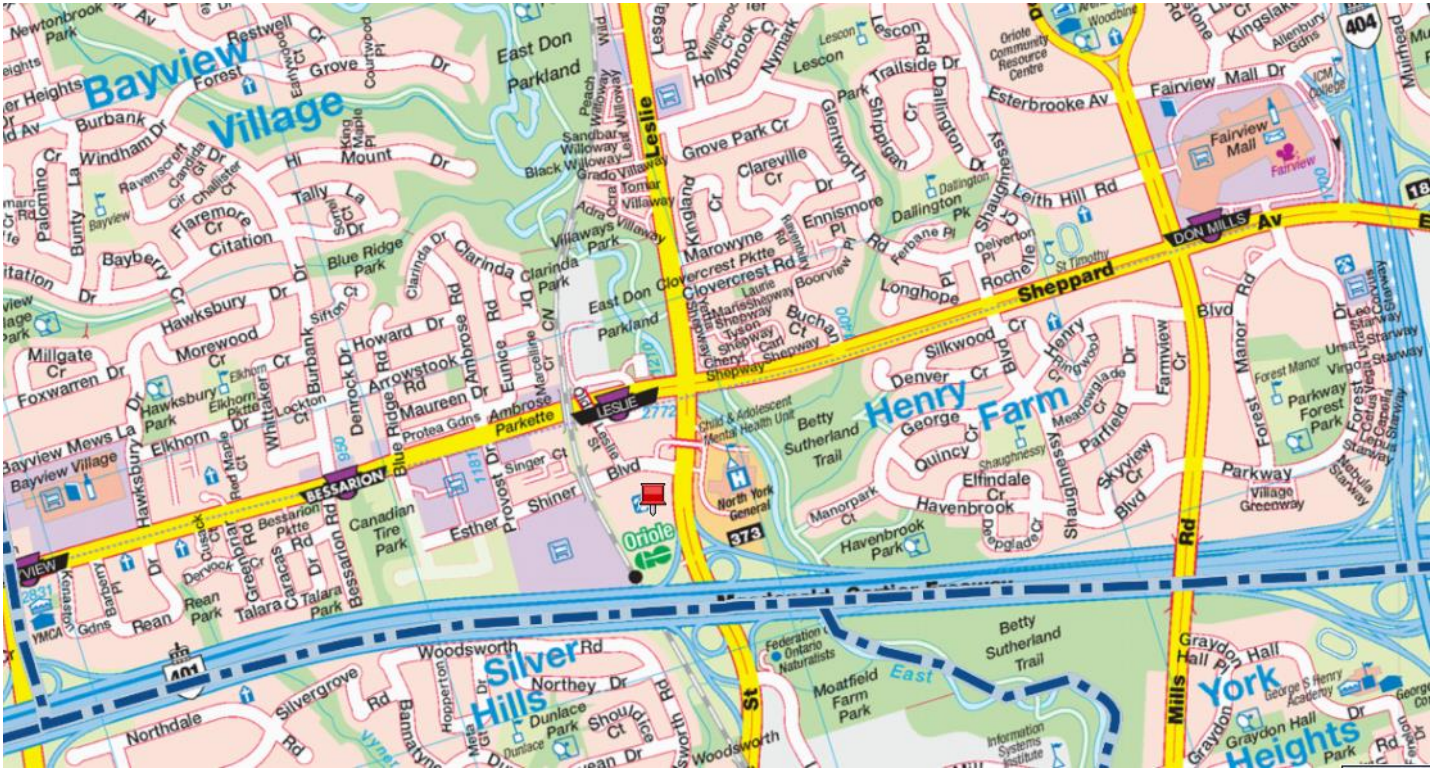
DAF Tracking No.: 2020-205	Date	Signature
Concurred with by: Acting Manager, Real Estate Services <b>Daran Somas</b>	July 24, 2020	Signed by Daran Somas
<input type="checkbox"/> Recommended by: Acting Manager, Real Estate Services <b>Melanie Hale-Carter</b>	July 24, 2020	Signed by Melanie Hale-Carter
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services <b>Alison Folosea</b>		X

**Schedule "A"****Amended Terms and Conditions**

<b>Licensee:</b>	CRH CANADA GROUP INC., carrying on business as DUFFERIN CONSTRUCTION COMPANY
<b>Construction and Constructing Staging Term:</b>	Commencing on the later of the date of mutual execution of the licence agreement and July 22, 2020 and ending on October 15, 2020. The licence is exclusive to the licensee during the Construction and Construction Staging term.
<b>Option to Renew:</b>	City has the right to extend the term of the Licence Agreement by a period not exceeding three-months.
<b>Warranty Repair Term:</b>	31 month period commencing on the date the watermain is in service. Licence is non-exclusive during the Warranty Repair Term.

### Schedule "B"

### Location Map



### Licence Area Sketch

