

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

TRACKING NO.: 2020-081

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

Prepared By:	Rafael Gutierrez	Division:	Corporate Real Estate Management
Date Prepared:	July 7, 2020	Phone No.:	416-338-2995

Purpose To obtain authority to enter into a licence agreement (the "**Agreement**") with 1456087 Ontario Inc. (the "**Owner**") and City of Toronto, hereinafter (the "**City**"), as the licensee, to allow for the installation, operation and maintenance of one (1) gas probe (hereinafter the "**Works**") on the Owner's property (the "**Licensed Area**"), for the purpose of monitoring soil gas conditions.

Property The property municipally known as 53 Riverwood Parkway, Etobicoke, Ontario, legally described as PLAN 4431 PT LOTS 3 & 4 (Appendix "A").

Actions 1. The City enter into the Agreement with the Owner to access the Licensed Area, commencing August 10, 2017 and ending August 9, 2023, substantially on the major terms and conditions set out below and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.

Financial Impact The City will pay a total sum of \$6,000.00 (plus HST), or \$6,105.60 (net of HST recoveries), for the six (6) year term retroactive from August 10, 2017 to August 9, 2023. Payments will commence in 2020 with a first payment of \$4,070.40 (net of HST recoveries) to cover the period from August 10, 2017 to August 9, 2021. The remaining two payments of \$1,017.60 (net of HST recoveries) will be paid in each year subsequent. The below table reflects the total licence expenditures to the City for each fiscal year.

Fiscal Year Payment is Made	Period	No. of Years	Annual Rate	Excluding HST	Net of HST recoveries (additional 1.76% before taxes)
				Total (per period)	Total (per period)
2020	Aug. 10, 2017 to Aug. 9, 2021	4	\$1,000.00	\$ 4,000.00	\$ 4,070.40
2021	Aug. 10, 2021 to Aug. 9, 2022	1	\$1,000.00	\$ 1,000.00	\$ 1,017.60
2022	Aug. 10, 2022 to Aug. 9, 2023	1	\$1,000.00	\$ 1,000.00	\$ 1,017.60
	TOTAL			\$ 6,000.00	\$ 6,105.60

Funding is available in the 2020-2029 Council Approved Capital Budget and Plan for Solid Waste Management under the capital project account for Solid Waste Management Services-Salary, Benefit & Other Recovery (CSW-930-04-03).

The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.

Comments The Licensed Area is located near the closed Lower Riverwood Landfill Site. There are engineered landfill controls at the site to mitigate potential environmental impacts, one of which is the possible presence of methane gas in the landfill.

The City is required to conduct certain long term environmental monitoring programs of adjacent lands in connection with the closed Lower Riverwood Landfill Site, as required by the Ministry of Environment Conservation and Parks.

Gas monitoring is done through the installation of gas probes, which are installed eight (8) metres into the ground, with no significant extrusion above ground level.

The City of Toronto will install the gas probe, and require access to the backyard for regular monitoring. This would be done on a monthly basis, however monitoring could be as frequent as weekly depending on the data collected.

Solid Waste Management Services will be responsible for any repairs and maintenance costs in connection with the gas probe.

Terms See Page 4.

Property Details	Ward:	3 – Etobicoke-Lakeshore
	Assessment Roll No.:	19 19 018 510 007 00
	Approximate Size:	N/A
	Approximate Area:	N/A
	Other Information:	N/A

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

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
 Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property
Consultation with Councillor(s)

Councillor:	Mark Grimes	Councillor:	
Contact Name:	Aaron Prance	Contact Name:	
Contacted by:	<input type="checkbox"/> Phone <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other	Contacted by:	<input type="checkbox"/> Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	Concurs (July 9, 2020)	Comments:	

Consultation with Divisions and/or Agencies

Division:	Solid Waste Management Division	Division:	Financial Planning
Contact Name:	Lynda Mulcahy	Contact Name:	Filisha Jenkins
Comments:	Concurs (July 9, 2020)	Comments:	Concurs (July 7, 2020)

Legal Services Division Contact

Contact Name:	Gloria Lee
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DAF Tracking No.: 2020-081	Date	Signature
Concurred with by: Manager, Real Estate Services Alex Schuler	July 13 th , 2020	Signed by Alex Schuler
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas <input checked="" type="checkbox"/> Approved by:	July 29, 2020	Signed by Daran Somas
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		X

Major Terms and Conditions

Owner: 1456087 Ontario Inc.

Licensee: City of Toronto

Licensed Area: 53 Riverwood Parkway, Etobicoke, ON (legally described as PLAN 4431 PT LOTS 3 & 4)

Commencement Date: August 10, 2017

Expiry Date: August 9, 2023

Permitted Use: To install a gas probe in the Licensed Area to monitor soil gas conditions.

Annual Fee: \$1,000.00 (plus HST).

Termination: Both parties can early terminate the Agreement upon providing thirty (30) days' prior written notice to the other and the City will decommission the gas probe and restore the lands to its original condition prior to the installation of the gas probe.

Insurance: Liability insurance with a limit of not less than Five Million Dollars (\$5,000,000.00).

Appendix "A" – Site Map, Aerial Map 53 Riverwood Parkway

