

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

TRACKING NO.: 2020-165

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:	Bruno Iozzo	Division:	Corporate Real Estate Management
Date Prepared:	July 14, 2020	Phone No.:	(416) 392-8151

Purpose	To initiate the process to permanently close and to authorize the General Manager, Transportation Services to give notice to the public of a proposed by-law to permanently close a surplus portion of Eglinton Avenue West (the "Property") and to obtain authority to sell Property to the abutting property owner, 2270-2280 Eglinton Avenue West GP Inc. (the "Purchaser"), conditional upon City Council authorizing the permanent closure of the Property.
Property	The Property is a portion of the public highway municipally known as Eglinton Avenue West, legally described as PT LT 58 PL 1700 TWP OF YORK, PT 1 PLAN 66R-30983; being part of PIN No. 10491-0485 (LT), City of Toronto, as shown on the Location Maps in Appendix "A" and designated as Part 1 on Plan 66R-30983 in Appendix "B".
Actions	<ol style="list-style-type: none"> Authority be granted to the General Manager, Transportation Services to give notice to the public of a proposed by-law to permanently close the Property in accordance with the requirements of the City of Toronto Municipal Code, Chapter 162, with the North York Community Council to hear any member of the public who wishes to speak to the matter during consideration of the proposed by-law. Authority be granted to the General Manager, Transportation Services to advise the public of the proposed closure of the Property prior to implementation, in accordance with the requirements of the Municipal Class Environmental Assessment for Schedule "A+" activities, by posting notice of the proposed closure on the notices page of the City's Website for at least five working days prior to the North York Community Council meeting at which the proposed by-law to close the Property will be considered. Authority be granted to accept an offer from the Purchaser to purchase the Property (the "Offer") for the sum of \$144,000.00 plus HST, substantially on the major terms and conditions set out below, and including any other terms and conditions as deemed appropriate by the approving authority, and in a form satisfactory to the City Solicitor. A portion of the proceeds of the sale be directed to fund any outstanding expenses related to the completion of the sale transaction.
Financial Impact	<p>The City will receive revenue in the amount of \$144,000.00 (exclusive of HST and other applicable taxes), less closing costs and usual adjustments. The proceeds will be contributed to the Land Acquisition Reserve Fund (XR1012) upon closing of the transaction.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>Transportation Services has reviewed the feasibility of permanently closing the Property and advised that it has no objection to the proposed closing subject to City Council approving the permanent closure of the Property.</p> <p>The Property was declared surplus on March 23, 2020 (DAF No. 2020-061), with the intended manner of disposal to be by inviting an offer to purchase the Property from the Purchaser. All steps necessary to comply with the City's real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code have been complied with.</p> <p>The Offer is considered fair, reasonable and reflective of market value, and it is recommended for acceptance substantially on the major terms and conditions set out below.</p>
Terms	<p>Purchase Price: One Hundred and Forty Four Thousand Dollars plus HST (\$144,000.00 plus HST)</p> <p>Deposit: Fourteen Thousand Dollars (\$14,000.00)</p> <p>Balance: Certified cheque or bank draft on closing.</p> <p>Irrevocable Date: 60th day after the Purchaser executes the Offer to Purchase</p> <p>Due Diligence Period: 45th day after the City accepts the Offer</p> <p>Closing Date: 45th day following the date the Closing By-Law is enacted</p> <p>Closing By-Law: If the closing by-law is not enacted by June 30, 2021, the agreement shall be at an end.</p> <p>Sale Conditions: The Purchaser shall accept the Property in "as is", including its environmental condition, and shall provide a Release in favour of the City with respect to any hazardous substances.</p> <p>Indemnity: The Purchaser agrees to indemnify the City in respect of all claims, demands, loss, costs, damages and/or expenses the City may sustain resulting or arising from the City's efforts to permanently close the Property.</p>

Property Details	Ward:	8 – Eglinton-Lawrence
	Assessment Roll No.:	Not assessed
	Approximate Size:	3.05 meters X 10.97 meters
	Approximate Area:	33 m ²
	Other Information:	Portion of public highway

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 checked="" 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 checked="" 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 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.

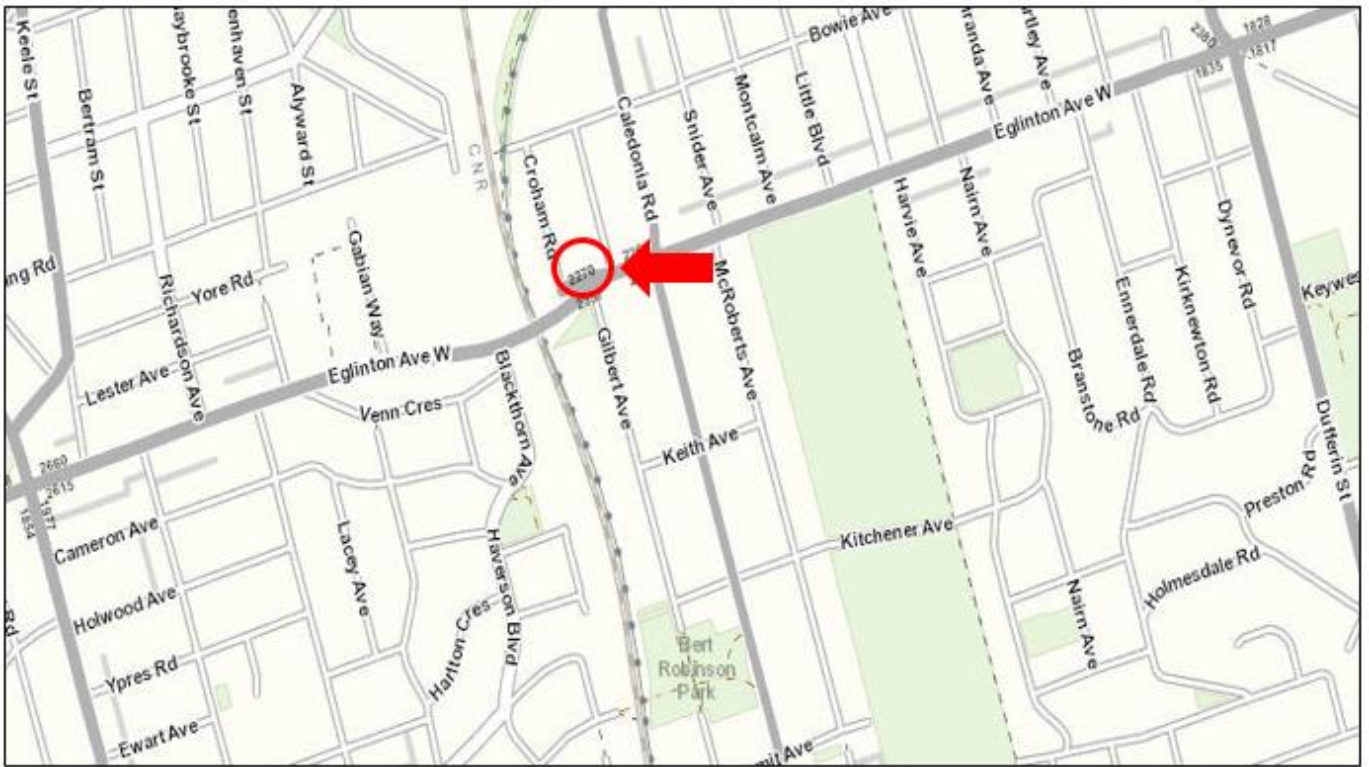
Consultation with Councillor(s)										
Councillor:	Mike Colle					Councillor:				
Contact Name:	Lola Dandybaeva – Chief of Staff					Contact Name:				
Contacted by:	Phone	X	E-Mail	Memo	Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:	No objections (June 30, 2020)					Comments:				
Consultation with Divisions and/or Agencies										
Division:	Transportation Services					Division:	Financial Planning			
Contact Name:	Gopa Pal / Lukasz Pawlowski					Contact Name:	Filisha Jenkins			
Comments:	No concerns raised to e-mails sent. (June 23,2020)					Comments:	No issues (June 24, 2020)			
Legal Division Contact										
Contact Name:	Emily Ng (June 16, 2020)									

DAF Tracking No.: 2020-165	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Acting Manager, Real Estate Services Melanie Hale-Carter	July 28, 2020	Signed by Melanie Hale-Carter
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	July 31, 2020	Signed by Alison Folosea

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" – Location Maps



Appendix "B" - Plan 66R-30983

PLAN 66R-30983
 RECEIVED & DEPOSITED
 DATE: October 1, 2009
 REPRESENTATIVE FOR LAND REGISTRY
 FOR THE LAND TITLES DIVISION OF THE
 TORONTO REGISTRY OFFICE (N° 66)

DATE: 4 Oct 2009
 BRAD K. WARREN
 ONTARIO LAND SURVEYOR

SCHEDULE

PART	REGD PLAN	LOTS	PROPERTY IDENTIFIER	AREA (m ²)
1	1700	P1 of 59	P1 of 10491-C485 (LT)	33

BEARING NOTE
 BEARINGS ARE MTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS
 A & B, BY REAL TIME NETWORK (RTN) OBSERVATIONS
 WITH ZONE 10, NAD83 (CSRS 0200.0)

HEAVY ORANGE GROUND DISTANCES AND
 DISTANCES DERIVED FROM DISTANCE MEASUREMENTS
 CAN BE CONVERTED TO GRID DISTANCES BY DIVIDING
 BY THE COMBINED SCALE FACTOR WHICH IS 0.99982

CO-ORDINATE TABLE

OBSERVED REFERENCE POINTS : MTM ZONE 10 NAD83 (CSRS) (0000.0)
 COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF OREG. 216/10

POINT	NORTHING	EASTING
A	4 839 217.88	307 767.43
B	4 839 273.16	307 849.56
1	4 839 204.21	307 728.90
2	4 839 200.95	307 716.43

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

LEGEND

- DENOTES MONUMENT PLANTED
- MONUMENT FOUND
- WIT WITNESS
- CC CUT CROSS
- OU ORIGINAL CORNER
- IB IRON BAR
- SIB STANDARD IRON BAR
- RP REGISTERED PLAN 1700
- P2 PLAN 66R-30982
- MTR NOTES BY METRO TRANSPORTATION DEPARTMENT, DATED APRIL 8TH, 1971
- MTR1 NOTES BY METRO TRANSPORTATION DEPARTMENT, DATED MAY 19TH, 1971
- L56 LAND SURVEY GROUP INC. O.L.S.
- CDV1222 C. E. DOTTERELL LTD. O.L.S.
- P.L.M. PROPERTY IDENTIFIER NUMBER

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT :
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS REGULATION AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON MARCH 27TH, 2009.

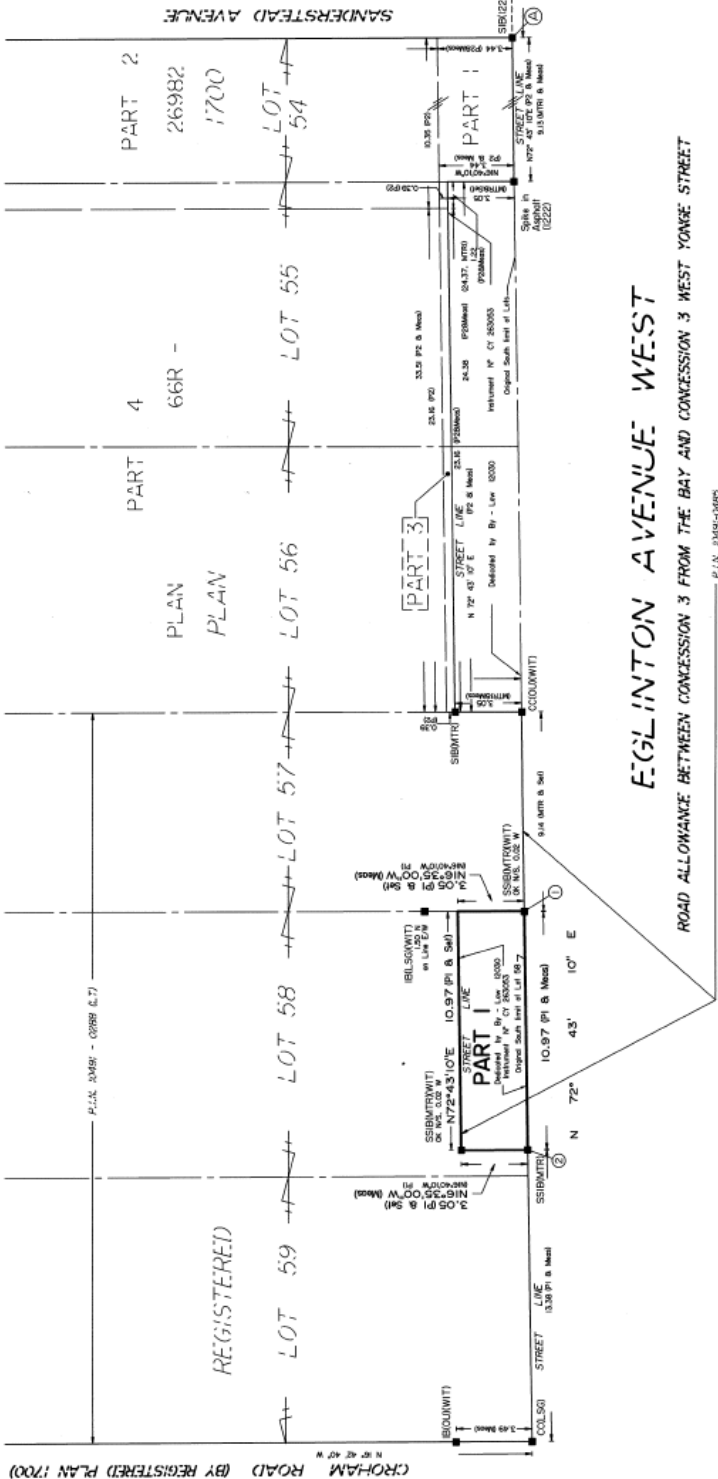
DATE: 4 Oct 2009
 BRAD K. WARREN
 Ontario Land Surveyor

ISG LAND SURVEY GROUP
 ONTARIO LAND SURVEYORS
 777 THE QUEENSWAY, UNIT 1, TORONTO, ONTARIO, M5Z 1N4
 TEL: 416-252-2551 416-467-8823 Fax: 416-252-1081 www.landsurveygroup.com
 DRAWN : P.A.M./A.R. CHECKED BY : B.W./ PLAN N° : L50-1795-5

METRIC
 DISTANCES AND CO-ORDINATES SHOWN HEREON
 ARE IN METRES AND CAN BE CONVERTED
 TO FEET BY DIVIDING BY 0.3048



PLAN OF SURVEY OF
 PART OF LOT 58
 REGISTERED PLAN 1700
 CITY OF TORONTO
 (FORMERLY CITY OF YORK)
 SCALE 1 : 150



EGLINTON AVENUE WEST
 ROAD ALLOWANCE BETWEEN CONVESSION 3 FROM THE BAY AND CONVESSION 3 WEST YONGE STREET

P.L.L. 30486 - 0286 (6.7)