

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

TRACKING NO.: 2020-245

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

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

Purpose	To obtain authority for the City to enter into a temporary access agreement (the "Licence") over a portion of the property located at 401 Alliance Avenue (the "Property"), owned by Toronto District School Board (the "Owner"). The subject property interest is required as a construction staging area for the retaining wall repair works to be undertaken on the City lands under the operational management of Toronto Transit Commission ("TTC").
Property	Part of the property with the municipal address of 401 Alliance Avenue in Toronto, legally described as Part of Blocks H and J on Plan 5098, Township of York as in CY475207, Toronto (York), City of Toronto being part of PIN 10514-0051 (LT), and further shown highlighted in light grey on TTC Drawing No. X60-3-C201 on Appendix "A" attached hereto (the "Licensed Area").
Actions	<ol style="list-style-type: none"> Authority be granted for the City to enter into the Licence with the Owner to license the Property for a term of two (2) months commencing on October 1, 2020, substantially on the major terms and conditions set out herein, and including such other or amended terms and conditions as may be deemed appropriate by the Executive Director, Corporate Real Estate Management or Director, Transactions Services and in a form acceptable to the City Solicitor.
Financial Impact	<p>The total cost to the City is \$800.00 for the Licence. No HST is applicable in relation to this transaction as per Paragraph 25 of Part VI of Schedule V under the <i>Excise Tax Act</i>.</p> <p>Funding is available in the 2020-2029 Council Approved Capital Budget and Plan for the Toronto Transit Commission (TTC) under capital project account CTT110-1 – Other Buildings and Structures Projects.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	TTC is repairing an existing retaining wall on its property located at 391 Alliance Avenue. The retaining wall serves to redirect storm water run-off towards the wooded area to the south, and away from the Property. As the retaining wall is close to the property limits, TTC needs to erect a temporary fence on the Property to provide space for the construction work. At the end of the term, TTC will remediate the paved area within the Licensed Area. TTC had previously entered into a licence agreement for 2 months by DAF 2020-176 but due to contract delays, require another 2 months to complete the work.
Terms	<p>Term: Two (2) months, commencing on October 1, 2020 and expiring on November 30, 2020.</p> <p>Fee: \$800.00</p> <p>Insurance: The City shall maintain or have maintained at its sole expense, commercial general liability insurance or wrap up insurance which shall include coverage for bodily injury (including death), personal injury and property damage, contractual liability, owned, non-owned and leased automobile liability, employers liability, completed operations, sudden and accidental pollution liability, cross liability and severability of interest clause arising out of or in connection with the City, its Representatives or anyone permitted by the City to use the TDSB Lands and the Access Area. The insurance shall be written on an occurrence basis with limits of not less than five million dollars (\$5,000,000.00) per occurrence, and an aggregate limit of not less than five million dollars (\$5,000,000.00) within any policy year with respect to completed operations.</p> <p>Access: The City and its Representatives and those authorized by or under the City shall at all times act reasonably and with due consideration for the TDSB, shall have access only during regular business hours from 7:00am to 5:00pm from Monday to Friday during the Term of this Agreement to complete the Activities.</p>

Property Details	Ward:	5 – York-South Weston
	Assessment Roll No.:	1914-07-1-401-04400
	Approximate Size:	1.2 m x 98 m ± (4 ft x 321.52 ft ±)
	Approximate Area:	117.6 m ² ± (1,265.84 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/REOs:	Delegated to more senior positions.	<input type="checkbox"/> Issuance of RFPs/REOs.
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, Agencies and Corporations:	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/Licensors):	<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/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).

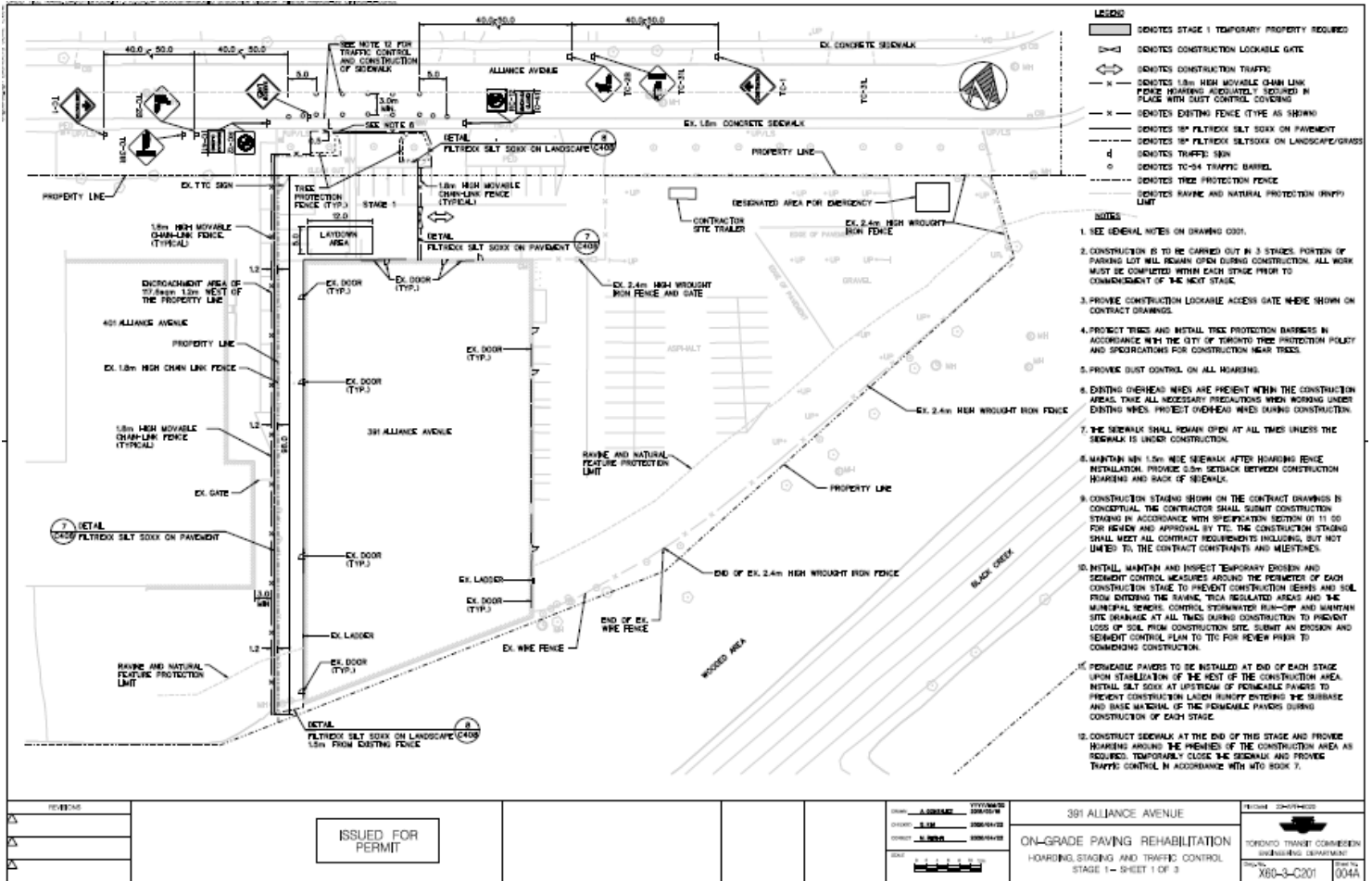
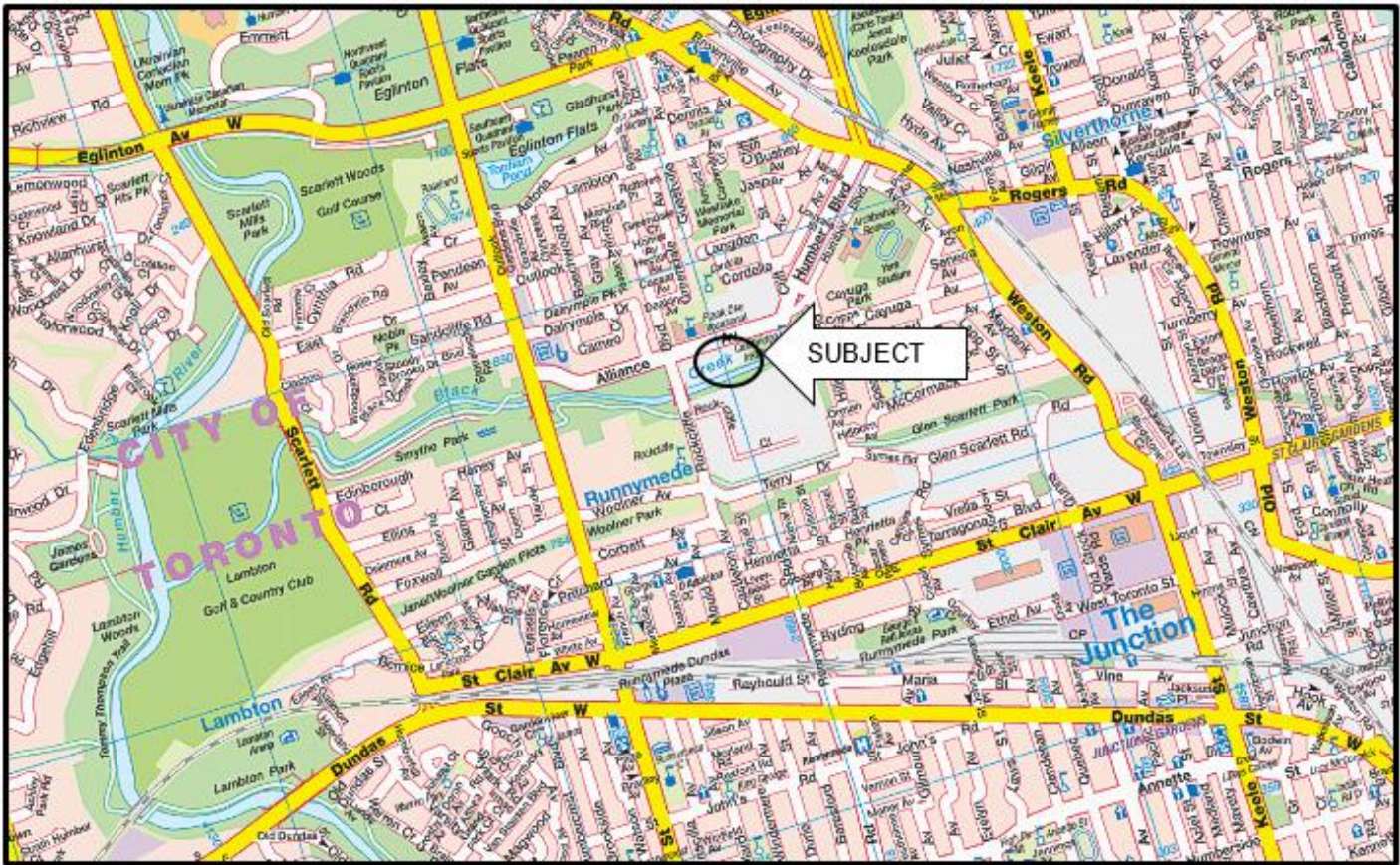
Director, Real Estate Services also has signing authority on behalf of the City for:

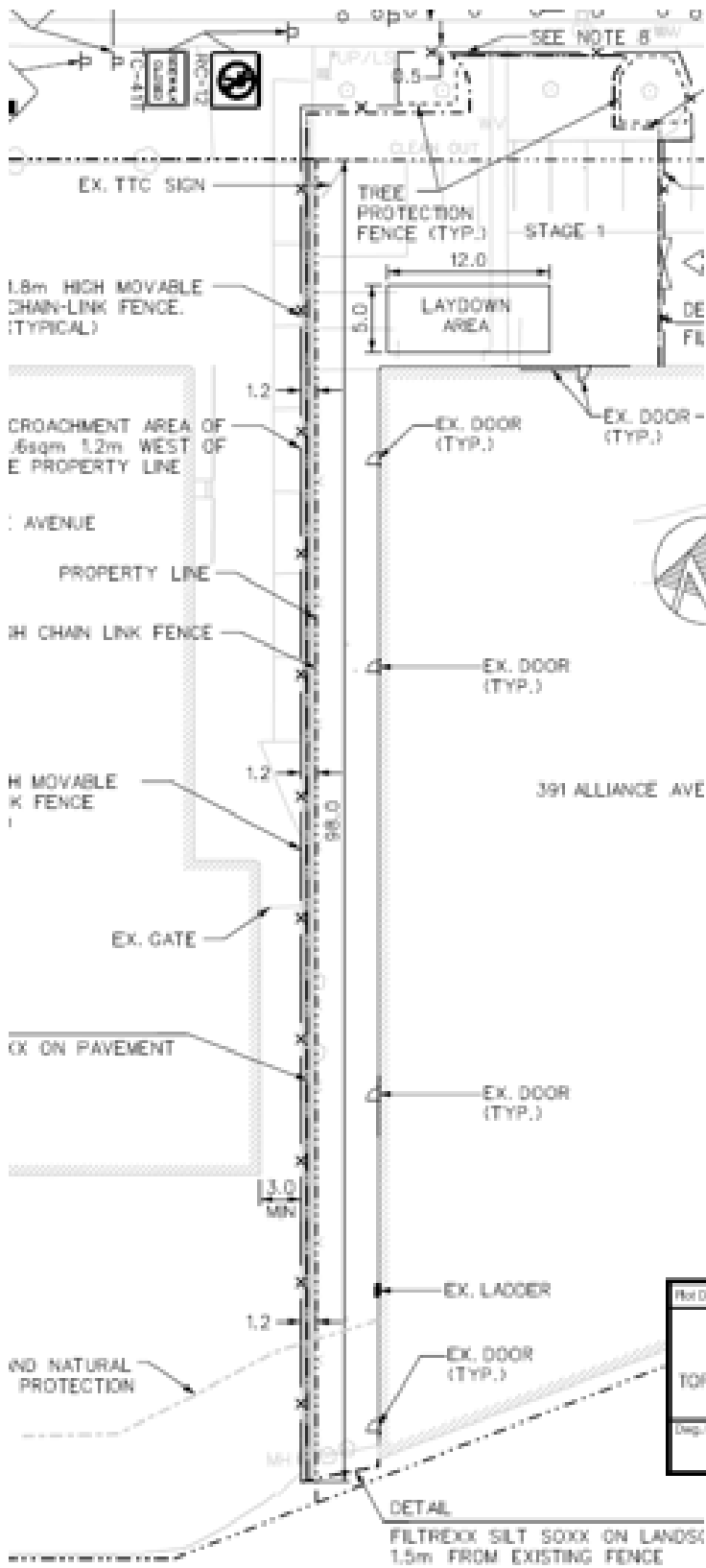
- Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
- Community Space Tenancy Leases approved by delegated authority by the Deputy City Manager, Corporate Services and any related documents.

Pre-Condition to Approval			
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property			
Consultation with Councillor(s)			
Councillor:	Frances Nunziata		Councillor:
Contact Name:	Jennifer Cichelli		Contact Name:
Contacted by:	Phone	<input checked="" type="checkbox"/> E-Mail	Memo
			Other
Comments:	No objections June 30, 2020		Comments:
Consultation with Divisions and/or Agencies			
Division:	TTC		Division:
Contact Name:	Daniel Spalvieri		Contact Name:
Comments:	Incorporated into DAF (June 29, 2020)		Comments:
			Financial Planning
			Contact Name:
			Filisha Jenkins
			Comments:
			Incorporated into DAF (June 30, 2020)
Legal Services Division Contact			
Contact Name:	Dale Mellor (September 21, 2020)		

DAF Tracking No.: 2020-245	Date	Signature
Concurred with by: Manager, Real Estate Services Alex Schuler	Sept. 23, 2020	Signed by Alex Schuler
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Sept. 23, 2020	Signed by Daran Somas
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		X

Appendix "A": Location Map & Sketch





Rev. Date: 20-APR-2020	
	
TORONTO TRANSIT COMMISSION ENGINEERING DEPARTMENT	
Dep. No. X60-3-C201	Sheet No. 004A