

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

TRACKING NO.: 2020-159

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

Prepared By:	Irina Fofanova	Division:	Corporate Real Estate Management
Date Prepared:	August 12, 2020	Phone No.:	416-397-0608

Purpose	To obtain authority to grant an Omnibus Permission to Enter Agreement (the "OPTE") in favour of Metrolinx, over City properties that have been or will be identified as required for Scarborough Subway Extension (the "SSE"), for the purpose of due diligence work.
Property	City properties required to facilitate the Scarborough Subway Extension Line. The current requested property is listed on Appendix "B" and shown on Appendix "C", and any other additional City-owned properties required for the SSE project.
Actions	<ol style="list-style-type: none"> 1. Authority be granted to enter into the OPTE in favour of Metrolinx for the due diligence work (the "Works") as detailed in Appendix "A", on terms and conditions as set out herein and as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor. 2. Authority be granted for the Executive Director, Corporate Real Estate Management, or his/her designate to administer and manage the OPTE including the provision of any amendments, consents, approvals, waivers, notices and notices of termination provided that the Executive Director, Corporate Real Estate Management may, at any time, refer consideration of such matters to City Council for its determination and direction. 3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	<p>The total licence fees payable to Toronto Parking Authority ("TPA") for the Licensed Areas identified in Appendix "C" is \$3,150.00 (including HST) as it is a TPA operated parking lot. Until a formal arrangement between the City and Metrolinx respecting the SSE has been agreed to, any additional licensed areas shall be at market rate.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>Metrolinx will require temporary use of certain City-owned properties to undertake the due diligence work to facilitate the SSE. At this time, the Licensed Areas as shown on Appendix "C" are required. There will be additional City-owned properties ("Additional Licensed Area") that Metrolinx will be requesting in the future for temporary use to perform the Works for the SSE.</p> <p>To allow for the staggered delivery of properties as they are identified by Metrolinx, the City and Metrolinx has agreed to enter into an OPTE. Real Estate Services staff consider the terms and conditions of this proposed agreement as detailed below to be fair and reasonable.</p>
Terms	<i>Please see page 3</i>

Property Details	Ward:	City-wide and Licensed Areas on Appendix "C" — Ward 24
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	
	Other Information:	

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/REOs:</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/REOs.</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					
<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:	Paul Ainslie			Councillor:	
Contact Name:				Contact Name:	
Contacted by:	Phone	E-Mail	Memo	Other	
Comments:	No objections – June 10, 2020			Comments:	
Consultation with Divisions and/or Agencies					
Division:	TPA			Division:	Financial Planning
Contact Name:	Darcy Watts – June 9, 2020			Contact Name:	Filisha Jenkins - June 11, 2020
Comments:	Included			Comments:	Included
Legal Services Division Contact					
Contact Name:	Lisa Davis – June 23, 2020				

DAF Tracking No.: 2020-159	Date	Signature
Concurred with by: Acting Manager, Real Estate Services Daran Somas	Aug. 13, 2020	Signed by Daran Somas
<input checked="" type="checkbox"/> Recommended by: Acting Manager, Real Estate Services Melanie Hale-Carter	Aug. 13, 2020	Signed by Melanie Hale-Carter
<input type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		X

Terms (continued from page 1)

Licensee: Metrolinx

Licence Fee:

\$3,150.00 (incl. HST) for the Licensed Areas identified on Appendix “C”. The fee applicable to a particular Additional Licensed Area shall be at market rate, having regard to the nature of proposed activities and the Term requested by Metrolinx in respect of such Additional Licensed Area.

Term:

Not to exceed three (3) months, commencing on the date which is twenty (20) business days following the delivery of a notice of commencement. For the Licensed Areas identified on Appendix “C”, the twenty (20) business days’ notice of commencement will be waived due to the urgency to perform the Work.

Early Termination:

The City may terminate the agreement for any particular Licensed Area prior to the expiry of the Term in the event of an emergency.

Insurance:

Comprehensive General Liability Insurance in the amount not less than \$5,000,000.00.

Use:

Generally for the purposes of the Works as listed on Appendix “A”. However, the use of the Licensed Areas identified on Appendix “C” shall be Geotechnical Investigations only.

Indemnity:

Metrolinx will indemnify and save harmless the City from and all manner of claims, demands, losses, costs, charges, actions and other proceedings whatsoever, directly or indirectly resulting from occupation of or use of the Licensed Areas or Additional Licensed Areas.

Restoration:

Metrolinx shall restore the Licensed Areas or Additional Licensed Areas to as close as is practicable to the original condition prior to occupancy by Metrolinx or its Authorized Users, at Metrolinx’s sole cost and expense.

APPENDIX "A" THE "WORKS"

Natural Resource Investigations

- Include multiple walk-throughs and targeted observations by naturalist(s) to identify and photograph plant material and observe wildlife (terrestrial, aquatic) and bird nesting sites.
- All field visits will record incidental observations of wildlife. The species and location of observed wildlife will be noted. The presence of migratory routes or aspects of habitat use (e.g., dens, burrows) will be noted if applicable.

Noise and Vibration Survey

- Include measurements of baseline ambient noise and vibration levels. Typically, devices are left for 24-48 hours depending on the location.

Utility Survey

- Utility mapping using portable geophysical equipment to delineate the existence and approximate horizontal alignment of existing utilities.
- Excavation of test pits may be required at specific points to delineate the horizontal, vertical depth and subsequent measurements of existing underground utilities by actual exposure (i.e. "daylighting").

Geotechnical and Hydrogeological Investigations

- All geotechnical investigations and/or hydrogeological investigations shall be conducted in accordance with applicable law and industry best practices.
- Activities may include, but are not limited to, site visits, utility locates, intrusive investigative activities (drilling of boreholes and/or excavation of test pits, installation of monitoring wells), collection of soil and/or groundwater samples for laboratory analysis, etc.
- All monitoring wells shall be decommissioned upon completion of the Term in accordance with Ontario Regulation 903.
- Geophysical assessment may be completed as part of the Work, including magnetometer, electro magnetometer, ground penetrating radar and seismic surveys as appropriate.

Cultural Heritage Evaluations

- Cultural Heritage Evaluations will be undertaken in accordance with the *Ontario Heritage Act*, the Standards and Guidelines for Conservation of Provincial Heritage Properties and the Metrolinx Interim Heritage Management Process.
- Activities may include, but are not limited to, site visits, records review, historical research, consultation with relevant stakeholders and government authorities.
- Heritage Investigations may also include visual inspections and photography of interior and exterior building features.

Archaeological Stage 1 Study

- Archaeological Assessments of the Property will be undertaken in accordance with the *Ontario Heritage Act*, the 2011 Ministry of Tourism, Culture and Sport Standards and Guidelines for Consultant Archaeologists and industry best practices.
- Activities may include, but are not limited to, site visits, records review, historical research, consultation with relevant stakeholders and government authorities.
- Reports will be submitted to the Ministry of Tourism, Culture and Sport for review and acceptance.

Archaeological Stage 2 Study

- Stage 2 archaeological investigations with field work necessary to identify archaeological resources and to confirm areas of recent and extensive ground disturbance will be conducted as follows:
 - A test-pitting and/or pedestrian form of survey will be performed at survey intervals of 5 metres.
 - Test-pits are 30 cm units excavated manually with shovels to subsoil.
 - Soil fills are screened through 6 mm mesh and all test-pits are backfilled.
 - If archaeological materials are identified during the test pit survey, the survey may be intensified to include at least one 1 metre by 1 metre unit and up to eight additional test pits at 2.5 metre intervals around the positive test pit.
 - Pedestrian survey involves walking along ploughed and weathered fields at 5 metre intervals. Pedestrian survey must be undertaken on actively or recently cultivated land. Fields must be recently ploughed and allowed to weather through one hard or three light rainfalls and at least 80% of the ploughed ground surface must be visible.
 - If archaeological materials are identified during the pedestrian survey, the survey is intensified and the interval is reduced to 1 metre to determine whether the artifact is an isolated find or part of a larger scatter.
 - All artifacts recovered will be taken back to the laboratory for processing and analysis.
 - Based on findings, a final report will be prepared with recommendations to the Ministry of Tourism, Culture and Sport that either 1) the property be cleared of archaeological concern as no significant archaeological resources were identified, or 2) further work be conducted to clear the archaeological concern.
 - A revised scope of work for Stage 3 archaeological investigations will submitted to the City in advance.

Phase I Environmental Site Assessment

- Phase I Environmental Site Assessment (ESA) will be undertaken in accordance with either Ontario Regulation 153/04, as amended or Canadian Standards Association Z68-01, as determined by Metrolinx and in accordance with applicable law and industry best practices.
- Activities may include, but are not limited to, site visits, interviews with people familiar with the Licensed Area, records reviews, contacting government agencies, etc.

Phase II Environmental Site Assessment

- Phase II Environmental Site Assessment (ESA) will be undertaken in accordance with either Ontario Regulation 153/04, as amended or Canadian Standards Association Z69-02, as determined by Metrolinx.
- Activities may include, but are not limited to, site visits, utility locates, intrusive investigative activities (drilling of boreholes and/or excavation of test pits, installation of monitoring wells), collection of soil and/or groundwater samples for laboratory analysis, etc.

Designated Substances and Hazardous Material Survey

- All Work shall be done in accordance with applicable law and industry best practices and shall provide sufficient detail to satisfy the requirements of the *Occupational Health and Safety Act*, Ontario Regulation 278/05.
- A survey of site buildings and structures will be undertaken to determine the presence of designated substances, mould and polychlorinated biphenyls.
- The collection and analysis of samples for asbestos containing materials, lead and mould shall be completed as required.

Topographic and Cadastral Surveying

- Efforts will be made to effect minimum disturbance to the Licensed Area and the City's use and enjoyment thereof.
- The survey method to be used does not involve any destructive measures or noise above normal business activity levels.
- Only standard portable surveying equipment is anticipated to be utilized.
- Members of the survey crew will wear proper safety attire and they will present identification upon request.

Control Survey

- A control survey, with control sketches showing reference ties to the proposed alignment, set within the surveyed area.
- Control points to be referenced to 3° MTM (Nad27) control network consisting of either brass caps supplied by Metrolinx or Short Standard Iron bars/ cut crosses where appropriate.

APPENDIX "B"

Property Address, Type of Work and Duration of Work

PIN	Property Address	Area (m2)	Ward No.	Works to be Completed	Duration to Complete	Licence Fee Payable (plus applicable HST)
Part of 060000514	TPA Parking Lot - 40 Bushby Dr.	390 m2 & 300 m2 (23 parking spaces for the first week & 19 parking spaces for 3 additional weeks)	24	Geotechnical investigation	4 weeks	\$2800 (based on \$5 per parking space per day) plus TPA administration fee \$350.00

APPENDIX "C"
Sketches of Licensed Areas at 40 Bushby Drive

