

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

TRACKING NO.: 2020-138

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

Prepared By:	Patricia Chen	Division:	Corporate Real Estate Management
Date Prepared:	August 13, 2020	Phone No.:	416-338-3583

Purpose	To obtain authority to enter into a Tie-back Agreement (the "Agreement") with Hagler Properties Inc. (the "Licensee") to permit the installation of temporary tie backs beneath a future City Park to facilitate the construction of a residential condominium development located at 89-109 Niagara Street (the "Project") subject to the necessary consent from Stackt Properties Inc. (the "Tenant"), which will continue to lease a portion of the Licensed Area described below during the term of the Agreement.
Property	Portion of a future City Park, municipally known as 28 Bathurst St and legally described as Blocks B and D and part of Block A, Plan 655 designated as Parts 1, 2, 3, and 4 on Plan 64R-16673 ("City Lands").
Actions	<ol style="list-style-type: none"> 1. Authority be granted to enter into the Agreement with the Licensee for that portion of the City Lands , being approximately 10,650 sq. ft. (989.4 sq. m.) shown on Appendix C attached (the "Licensed Area"), substantially on the terms and conditions set out below with such revisions thereto and any other or amended terms and conditions as may be determined by the Director of Real Estate Services, and in a form acceptable to the City Solicitor; 2. The Director of Real Estate Services or her designate shall administer and manage the Licence, including the provision of any consents, approvals, amendments, waivers, notices and notice of termination provided that the Director may, at any time, refer consideration of such matters (including their consent) to City Council for its determination and direction; and 3. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto
Financial Impact	<p>The City will receive compensation from the Licensee of a one-time license fee of \$430,000 (plus HST), payable on the Licensee's execution of the Agreement.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>The Licensee requested permission to install tie-backs beneath the Licensed Area, having an approximate subsurface area of 989.4 square metres, as shown in Appendix C attached. The potential impact of the proposed tie-backs on the City's assets in the future park was considered by Parks, Forestry and Recreation staff and no objections to the proposed Agreement was raised. The Licensee will obtain the necessary consent from the Tenant to use the portions of the Licensed Area that is leased out to the Tenant.</p> <p>The tie-backs will be de-stressed by the Licensee following the completion of construction of the ground floor slab of the Project ("the Slab Completion Date"). However, the City shall have the right at the Licensee's sole expense to remove the tie-backs within six (6) months from the Slab Completion Date on the occurrence that the tie-backs are not removed by the Licensee.</p> <p>The City agrees to releases the Tenant from compliance with and performance of the Tenant's Obligations and any other provisions under the lease between the City and the Tenant in respect of the Developer's Work.</p> <p>Real Estate Services staff consider the proposed Agreement to be fair and reasonable to both parties.</p>
Terms	Major Terms and Conditions are set out on page 4: Appendix "A"

Property Details	Ward:	10 – Spadina-Fort York
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	Total Subsurface Area of 10,650 sq ft or 989 sq m
	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/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 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 checked="" 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:	Councillor Joe Cressy	Councillor:	
Contact Name:	Joan Wilson	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:	No objections - June 8, 2020	Comments:	

Consultation with Divisions and/or Agencies

Division:	Parks, Forestry, and Recreation	Division:	Financial Planning
Contact Name:	Jennifer Kowalski	Contact Name:	Filisha Jenkins
Comments:	No objections - August 7, 2020	Comments:	No objections – June 8 th , 2020

Legal Services Division Contact

Contact Name:	Michele Desimone
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DAF Tracking No.: 2020-138	Date	Signature
Concurred with by: Manager, Real Estate Services		X
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas <input type="checkbox"/> Approved by:	Aug. 13, 2020	Signed by Daran Somas
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Aug. 18, 2020	Signed by Alison Folosea

Appendix A – Major Terms and Conditions

Licensor: City of Toronto (the "City")

Licensee: Hagler Properties Inc.

Properties: Portion of a future City Park, municipally known as 28 Bathurst St and legally described as Blocks B and D and part of Block A, Plan 655 designated as Parts 1, 2, 3, and 4 on Plan 64R-16673 (See Appendix B, location map)

Tie Back Licence Area (below-ground): approximately 10,650 sq ft or 989 sq m

Term-Start: Date of execution of the agreement by all parties (the "Commencement Date")

Expiration of Term: The Licence will expire on the earlier of: (a) nine (9) months following the Slab Completion Date; and (b) January 31, 2022

License Fee: One-time fee of \$430,000.00 (plus HST) payable on the Licensee's execution of the Agreement

Use: To permit the Licensee to construct and install temporary tie-backs beneath a portion of the City Lands

Completion: Upon completion of the foundation structure of the Project along the City Lands boundary, the Licensee shall restore the Licensed Area in accordance with the terms of the Agreement

Insurance: The Licensee shall obtain and maintain, throughout the term of the Licence, comprehensive general liability insurance against claims for bodily injury (including death) and property damage in an amount not less than \$10,000,000.00 per occurrence

Indemnity: The Licensee shall indemnify and save the City and the Tenant harmless from and against any and all manner of actions, claims, charges, costs, damages, demands, expenses, losses and any other proceedings whatsoever made or brought against, suffered by or imposed on the City and/or the Tenant or the property of each in respect of any loss, damage or injury (including fatal injury) to any person or property (including, without restriction, employees, agents, contractors or property of the City and/or the Developer) directly or indirectly arising out of, resulting from or sustained as a result of the Developer's Work and its occupancy and use of the Licensed Areas

Appendix B – Location Map

