

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

TRACKING NO.: 2020-208

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

Prepared By:	Mark Filice	Division:	Corporate Real Estate Management
Date Prepared:	July 29, 2020	Phone No.:	416-392-1830

Purpose	To obtain the authority to enter into the licence amending agreement (the "Amending Agreement") with 86 Northline Inc. (the "Licensor") for the purpose of temporary access for construction vehicles and equipment to facilitate sewer rehabilitation work (the "Works").																																		
Property	Part of the property municipally known as 86 Northline Road, Toronto, Ontario and legally described as part of PT LT 3 CON3 FTB TWP OF YORK AS IN NY560012 EXCEPT THE EASEMENT CONTAINED THEREIN; S/T NY5Y0730; NY671216; TORONTO (N YORK), CITY OF TORONTO and shown as Part 2 on the attached Appendix "C", (the "Licensed Area").																																		
Actions	1. Authority be granted to enter into the Amending Agreement with the Licensor, substantially on the terms and conditions set out in Appendix "A", including such other terms and conditions as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.																																		
Financial Impact	<p>There is no financial implication resulting from this approval, as the total fees outlined in the original licence agreement remain unchanged. The amendment is to commence the licence agreement four (4) months earlier than planned.</p> <p>The original licence agreement reflected the following costs to be incurred by the City during the licence term:</p> <p>(a) Licence fee payable to the Licensor in the amount of \$16,000 (plus HST) or \$16,281.60 (net of HST recoveries); (b) Licence fee (extended term) payable to the Licensor in the amount of \$5,364 (plus HST) or \$5,458.41 (net of HST recoveries); and (c) Legal fees payable to Licensor in the amount of \$2,000.00 (plus HST) or \$2,035.20 (net of HST recoveries).</p> <p>Total estimated costs for the term of the licence is \$23,364 (plus HST) or \$23,775.21 (net of HST recoveries).</p> <p>The below table reflects the total licence expenditures to the City for each fiscal year.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Fiscal Year</th> <th rowspan="2">Period</th> <th colspan="2">Total</th> </tr> <tr> <th>Excluding HST</th> <th>Net of HST recoveries</th> </tr> </thead> <tbody> <tr> <td>2020</td> <td>Sep 8, 2020 - Dec 31, 2020</td> <td>\$3,753.09</td> <td>\$3,819.14</td> </tr> <tr> <td>2021</td> <td>Jan 1, 2021 - Dec 31, 2021</td> <td>\$12016.46</td> <td>\$12,227.95</td> </tr> <tr> <td>2022</td> <td>Jan 1, 2022 - Jan 7, 2022</td> <td>\$230.45</td> <td>\$234.51</td> </tr> <tr> <td></td> <td>Total Costs (Before Extension Option)</td> <td>\$16,000.00</td> <td>\$16,281.60</td> </tr> <tr> <td>2022</td> <td>Jan 8, 2022 - Jul 7, 2022</td> <td></td> <td></td> </tr> <tr> <td></td> <td>Total Cost Of Extension Option</td> <td>\$5,364.00</td> <td>\$5,458.41</td> </tr> <tr> <td></td> <td>TOTAL COST (Inclusive of Legal Fees)</td> <td>\$23,364.00</td> <td>\$23,775.21</td> </tr> </tbody> </table>	Fiscal Year	Period	Total		Excluding HST	Net of HST recoveries	2020	Sep 8, 2020 - Dec 31, 2020	\$3,753.09	\$3,819.14	2021	Jan 1, 2021 - Dec 31, 2021	\$12016.46	\$12,227.95	2022	Jan 1, 2022 - Jan 7, 2022	\$230.45	\$234.51		Total Costs (Before Extension Option)	\$16,000.00	\$16,281.60	2022	Jan 8, 2022 - Jul 7, 2022				Total Cost Of Extension Option	\$5,364.00	\$5,458.41		TOTAL COST (Inclusive of Legal Fees)	\$23,364.00	\$23,775.21
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Comments	<p>Funding is available in the 2020-2029 Council Approved Capital Budget and Plan for Toronto Water under capital project account CWWO14-17-02. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p> <p>Engineering and Construction Services, in consultation with Toronto Water, has identified an existing City of Toronto sewer and watermain, just north of 86 Northline Road, as a priority for infrastructure upgrades. The City has an existing easement for the sewer and watermain but require temporary access to its easement during the term of the licence to allow for access of construction vehicles and equipment in order to facilitate rehabilitation works.</p> <p>The City initially entered into a licence agreement dated August 1, 2019 with the Licensor to facilitate the Works (the "Licence Agreement") (DAF 2019-197). The Licence Agreement was for a term of sixteen (16) months, commencing on February 1, 2021. The Amending Agreement amends the commencement date to September 8, 2020. The term shall remain for a total of sixteen (16) months.</p> <p>Both parties have agreed to amend the terms of the Licence Agreement upon the terms and conditions set out below.</p>																																		
Terms	Please see page 4 for terms and conditions of the Amending Agreement.																																		

Property Details	Ward:	19 – Beaches East York
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	405m ² (4359.4 ft ²)
	Other Information:	

Revised: July 2, 2020

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 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/Licensor):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$50,000. <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"/> (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 six (6) months, including licences for environmental assessments and/or testing, etc.
10. Leases/Licences (City as Tenant/Licensee):	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.
11. Easements (City as Grantor):	<input checked="" type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$50,000. <input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million. <input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million. <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

Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property

Consultation with Councillor(s)

Councillor:	Brad Bradford	Councillor:	
Contact Name:	Brad Bradford	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 Objection July 29, 2020	Comments:	

Consultation with Divisions and/or Agencies

Division:	Engineering and Construction Services	Division:	Financial Planning
Contact Name:	Mariana Balaban	Contact Name:	Filisha Jenkins
Comments:	Concurrence July 28, 2020	Comments:	No Objection July 29, 2020

Legal Services Division Contact

Contact Name:	Gloria Lee	July 22, 2020
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DAF Tracking No.: 2020-208	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Melanie Hale-Carter	Aug. 11, 2020	Signed by Melanie Hale-Carter
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Manager, Real Estate Services Daran Somas	Aug, 11, 2020	Signed by Daran Somas

Appendix “A” — Terms and Conditions

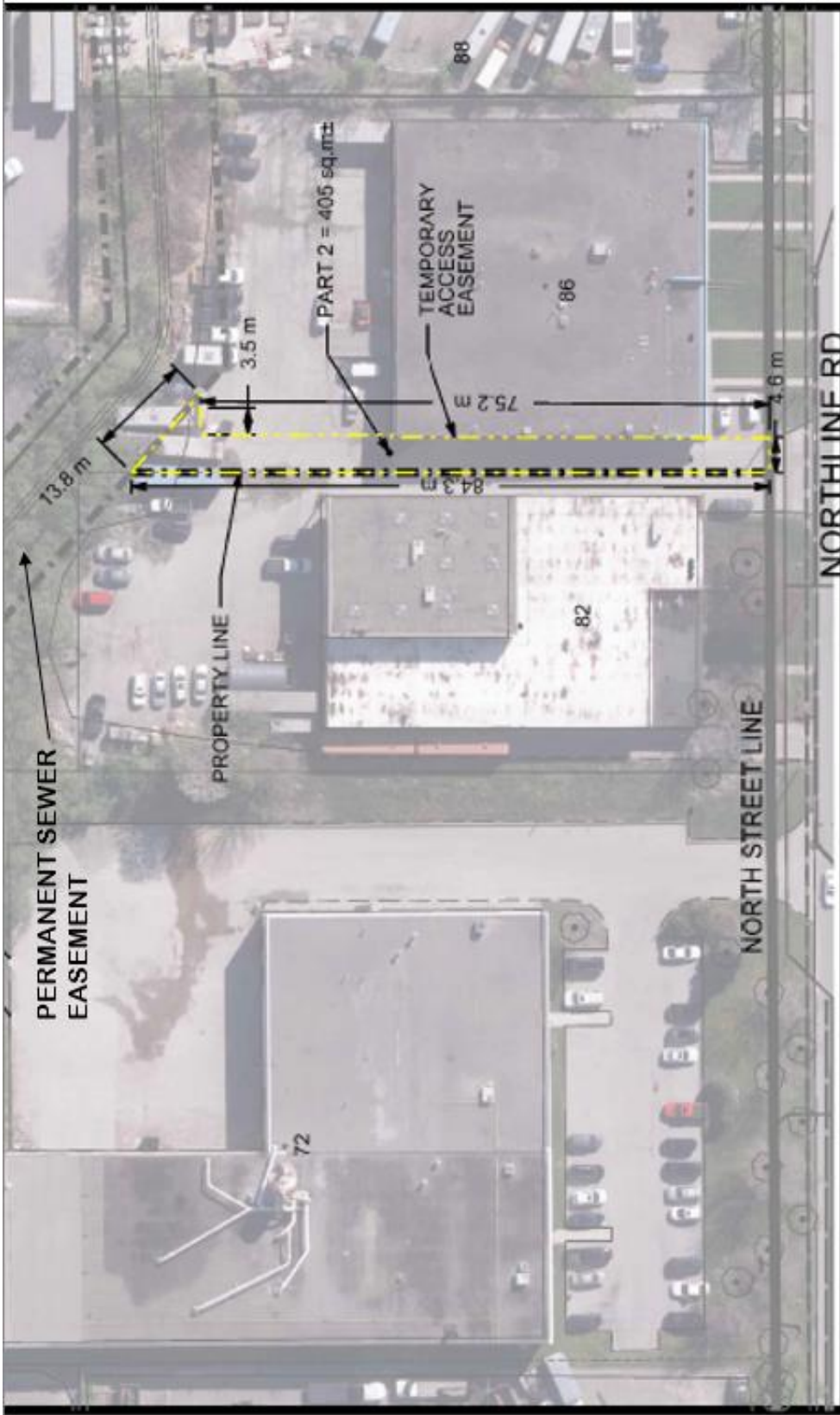
Major terms and conditions of the Agreement are as follows:

- Owner/Licensor: 86 Northline Inc.
- Licensee: City of Toronto
- Licensed Area: Part of the property municipally known as 86 Northline Road and labeled as Part 2 on the drawing attached hereto as Appendix “C”. Approx. 405m².
- Commencement Date: September 8, 2020
- Expiry Date: January 7, 2022. Option to extend term for an additional six (6) months
- Licence Term Breakdown:
 - Term 1 : September 8, 2020 to March 7, 2021
 - Term 2: March 7, 2021 to September 8, 2021
 - Term 3: September 8, 2021 to January 7 , 2022
- Total Licence Fee: \$1 6,000 plus HST
 - Term 1 : \$6,000 plus HST
 - Term 2: \$6,000 plus HST
 - Term 3: \$4,000 plus HST
 - Extended Term: If the option to extend is exercised, the licence fee payable for the extended term is \$5,364 plus HST.
- Use: The Agreement will enable the City to have temporary access over part of the Property for its construction vehicles and equipment to facilitate sewer rehabilitation works to complete infrastructure upgrades. The City may access the Licensed Area only between the hours of 7:00 am. and 7:00 p.m. Mondays to Fridays, both inclusive, and between the hours of 9:00 am. and 5:00 pm. on Saturdays and Sundays, unless otherwise mutually arranged between the parties.
- Early Termination: The City has the right to terminate the Agreement upon giving five (5) days prior written notice to the Licensor. The Agreement shall terminate without the abatement of the licence fee.
- Indemnity: The City shall indemnify and save the Licensor harmless from and against costs, expenses, claims, and demands brought against the Licensor in respect of loss, damage or injury to persons or property, arising directly or indirectly out of the carrying out of the Work upon the Licensed Area by the City and its representatives during the licence term, except to the extent caused and/or contributed to by the gross negligence or wilful misconduct of the Licensor.

Appendix "B" - Location and Site Map



Appendix "C" – Licensed Area



Engineering & Construction Services

SUNRISE AVENUE STM
SEWER REHAB PROGRAM PROJECT 2 - TENDER 1

EASEMENT PLAN 1

NO. 86 NORTHLINE ROAD



NOT TO SCALE

DRAWING NUMBER **1225-19-05-SA-01** DATE: 09/2017