

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

TRACKING NO.: 2020-215

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

Prepared By:	Joe Corigliano	Division:	Corporate Real Estate Management
Date Prepared:	October 7 th 2020	Phone No.:	(416) 392 -1167

Purpose	To obtain authority to enter into Settlement and Release Agreements with each of Toronto Standard Condominium Corporation No. 2064 ("TSCC 2064"), Metro Toronto Condominium Corporation No. 805 ("MTCC 805") and Toronto Standard Condominium Corporation No. 2048 ("TSCC 2048") with respect to the acquisition by expropriation of the fee simple interest and all right title and interest thereto, in those lands shown as Part 1 and 2 on draft reference plan attached in Appendix "B" attached hereto (collectively the "Property Interest"), being part of those lands known municipally as 5795 Yonge Street, Toronto Ontario for the purpose of a new public road extending from Cummer Avenue to Yonge Street (the "Project").		
Property	The Property Interest is located on lands municipally known as 5795 Yonge Street in the City of Toronto and is located between the condominiums at 5791-5793 Yonge Street to the south, and the Newtonbrook Plaza Development at 5799-5915 Yonge Street to the north as shown on the Location Map in Appendix "C".		
Actions	<ol style="list-style-type: none"> 1. Authority be granted for the City to enter into settlement and release agreements with each of TSCC 2064, MTCC 805 and TSCC 2048 (collectively the "Settlement and Release Agreements" and individually the "Settlement and Release Agreement"), substantially on the major terms and conditions set out in Appendix "A", and including such other terms as deemed appropriate by the City's Director, Transaction Services and in a form satisfactory to the City Solicitor. 2. The City Solicitor be authorized to complete the transactions on behalf of the City contemplated in Recommendation No. 1, including paying any necessary expenses, amending dates under the Settlement and Release Agreements and amending and waiving terms and conditions thereof, on such terms as the City's Director, Transaction Services considers reasonable. 3. The City's Director, Transaction Services shall administer and manage the Settlement and Release Agreements, including the provision of any amendments, consents, certificates, approvals, waivers, notices, and notices of termination, provided that the Deputy City Manager, Corporate Services may, at any time, refer consideration of such matters to City Council for its determination and direction. 		
Financial Impact	<p>The total cost of the proposed Settlement and Release Agreements is \$843,000.00 and is at no cost to the City. It is anticipated that the City will not bear any of the expropriation costs outlined in this DAF, as the adjacent developer of the Newtonbrook Plaza Development under an Indemnity Agreement with the City, has indemnified the City for all costs and liabilities arising directly or indirectly out of the acquisition, whether by agreement or expropriation of the Property Interest to a maximum amount.</p> <p>Total compensation of \$843,000.00 from the Adjacent Developer to the City will be directed to the Land Acquisition Reserve Fund (XR1012) with a commitment to fund the 2020 – 2029 Council Approved Capital Budget and Plan for Corporate Real Estate Management (CREM) capital project account CCA226-01 - Strategic Property Acquisitions – 2015 for compensation to the affected property owners. The current estimated break down of figures to be paid to each affected property owner of the subject expropriation are set out in Appendix "A" attached hereto and are based upon settlement discussions with each of TSCC 2048, TSCC 2064 and MTCC 805 and are inclusive of any and all fees and taxes, including legal fees.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.</p>		
Comments	See page 4.		
Terms	See Appendix "A"		

Property Details	Ward:	18 – Willowdale
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	459.68 m ² ± (4,948 ft ² ±)
	Other Information:	

A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate Services has approval authority for:
<p>1. Acquisitions:</p> <p>2A. Expropriations Where City is Expropriating Authority:</p> <p>2B. Expropriations For Transit-Related Purposes Where City is Property Owner or Has Interest in Property Being Expropriated:</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/Licensors):</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><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.</p> <p><input type="checkbox"/> (b) Request Hearings of Necessity.</p> <p><input type="checkbox"/> (c) Waive Hearings of Necessity.</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 checked="" type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.</p> <p><input type="checkbox"/> (b) Request Hearings of Necessity.</p> <p><input type="checkbox"/> (c) Waive Hearings of Necessity.</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 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:	J. Fillion	Councillor:	
Contact Name:	J. Fillion	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>	Contacted by:	Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>
Comments:	No objections (July 28, 2020)	Comments:	

Consultation with Divisions and/or Agencies

Division:	Transportation Services	Division:	Financial Planning
Contact Name:	Jacquelyn Hayward	Contact Name:	Patricia Libardo
Comments:	No objections (September 30, 2020)	Comments:	No objections (October 5, 2020)

Legal Services Division Contact

Contact Name:	Luxmen Aloysius
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DAF Tracking No.: 2020- 215	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	October 15, 2020	Signed by Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	October 27, 2020	Signed by Alison Folosea

Comments

The Required Property Interests are owned by MTCC 805 as part of its common elements and there are easement interests in favour of TSCC 2048 and TSCC 2064 as set out in Appendix "A" attached hereto. MTCC 805, TSCC 2048 and TSCC 2064 use the Property Interests as access points to their respective condominiums. The Project, once completed, will provide public street access for all three condominiums.

The Expropriation process was started and approved by the Toronto City Council as seen by the links below and City Staff have negotiated settlement agreements with TSCC 2064, MTCC 805 and TSCC 2048 for which authority is being obtained herein.

City Council on July 12, 13, 14 and 15, 2016, adopted Item No. GM13.18 being a report entitled Expropriation of a Portion of 5795 Yonge Street for Public Street Purposes, initiating the expropriation for the City to acquire the Required Property Interests.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.GM13.18>

City Council on July 28th, 2020, adopted Item No. GL14.10, Expropriation of a Portion of 5795 Yonge Street for Public Street Purposes, approving the expropriation for the City to acquire the Property Interests.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.GL14.10>

The proposed settlement fees of the Settlement and Release Agreements are considered to be fair, reasonable and reflective of market rates.

DAF 2020-215

Appendix "A"Term Sheet**Property Interests:**

A fee simple interest and all right title and interest thereto, in those lands shown as Part 1 and 2 on draft reference plan attached in Appendix "B", being part of those lands known municipally as part of 5795 Yonge Street, legally described as part of Metro Toronto Condominium Plan No. 805 and its appurtenant interest, the description of the Condominium Property is: Part Lot 22, Con 1, EYS- Parts 1, 2 and 3 on 66R-15154 as described in Schedule A to D90986; City of Toronto in the Land Registry Office of Toronto in Land Titles Division.

City Staff have finalized the Settlement Agreements with each of TSCC 2048, 2064 and TSCC 805 for the rights listed below:

TSCC 2048: is a condominium corporation created on those lands municipally known as 5791 Yonge Street, Toronto Ontario (being adjacent to 5795 Yonge Street, Toronto, Ontario) and has an easement interest for pedestrian and vehicular access over the Property Interest pursuant to Instrument No. TB333354 registered in the Land Registry Office in Toronto (No.66) in Land Titles Division (the "Easement Interest");

TSCC 2064: is a condominium corporation created on those lands municipally known as 5793 Yonge Street, Toronto Ontario (being adjacent to 5795 Yonge Street, Toronto, Ontario) and has an easement interest for pedestrian and vehicular access over the Property Interest pursuant to Instrument No. AT2256134 registered in the Land Registry Office in Toronto (No.66) in Land Titles Division (the "Easement Interest");

MTCC 805: is a condominium corporation created on those lands municipally known as 5795 Yonge Street, Toronto Ontario and the Property Interest forms part of the common elements of MTCC 805;

Financial Settlement to the above:

The current break down of figures to be paid to each affected property owner of the subject expropriation are set out below and are based upon settlement discussions with each of TSCC 2048, TSCC 2064 and MTCC 805 and are inclusive of any and all fees and taxes, including legal fees:

TSCC 2048: \$154,000.00

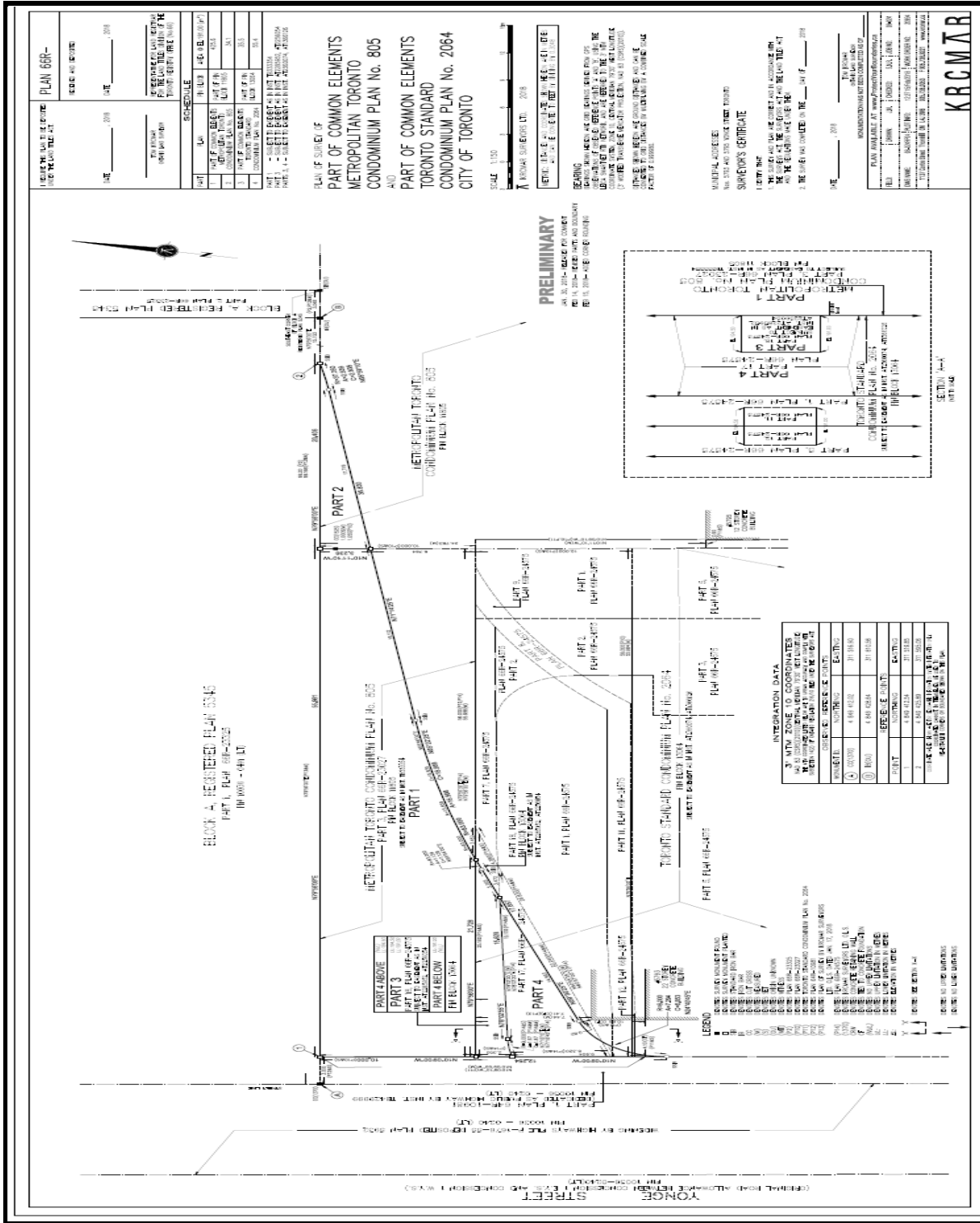
TSCC 2064: \$154,000.00

TSCC 805: \$535,000.00

Settlement and Release:

In accordance with and subject to Section 24 of the *Expropriations Act* and the terms and conditions of each of the Settlement and Release Agreement between the City and each of TSCC 2048, TSCC 2064 and MTCC 805 and in consideration of the payment by the City of the financial settlement amounts set out above, TSCC 2048, TSCC 2064 and MTCC 805 each release its interest in the Property Interest and releases and forever discharges the City its agents, employees, officers, elected officials, successors and assigns from compliance with the procedural and substantive requirements of the *Expropriations Act*, including but not limited to the obligation to serve a Notice of Expropriation, Notice of Election, Notice of Possession, Offer of Compensation and appraisal, any and all manner of actions or causes of action, debts, claims, demands, damages, losses, liabilities, costs, obligations, charges, fines, penalties, orders, expenses, fees (including any legal fees), or other proceedings whatsoever, and demands for loss or damages of any kind that each of TSCC 2048, TSCC 2064 and MTCC 805 has, may have had, or may hereafter have for, or by reason of, or in any way arising out of the *Expropriations Act* and/or each of the Settlement and Release Agreements and/or the expropriation of the Property Interests by the City.

Appendix "B" –Expropriation Plan



GENERAL INFORMATION	
PROJECT NAME	PLAN 668-
DATE	2018
DATE	2018
DATE	2018
DATE	2018
DATE	2018
DATE	2018

SCHEDULE	
NO.	DESCRIPTION
1.	GENERAL NOTES
2.	CONDOMINIUM FLAT No. 805
3.	CONDOMINIUM FLAT No. 2064
4.	CONDOMINIUM FLAT No. 2064
5.	CONDOMINIUM FLAT No. 2064
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47.	CONDOMINIUM FLAT No. 2064
48.	CONDOMINIUM FLAT No. 2064
49.	CONDOMINIUM FLAT No. 2064
50.	CONDOMINIUM FLAT No. 2064

PLAN OF SURVEY OF
 PART OF COMMON ELEMENTS
 METROPOLITAN TORONTO
 CONDOMINIUM PLAN No. 805
 AND
 PART OF COMMON ELEMENTS
 TORONTO STANDARD
 CONDOMINIUM PLAN No. 2064
 CITY OF TORONTO

SCALE 1:500
 1 METRE SURVEYS LTD. 2018

NOTE: THIS PLAN IS A PRELIMINARY PLAN AND SHOULD NOT BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.

REMARKS:
 1. THIS PLAN IS A PRELIMINARY PLAN AND SHOULD NOT BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.
 2. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO DISCREPANCIES.

DATE: 2018

DATE: 2018

DATE: 2018

DATE: 2018

DATE: 2018

DATE: 2018

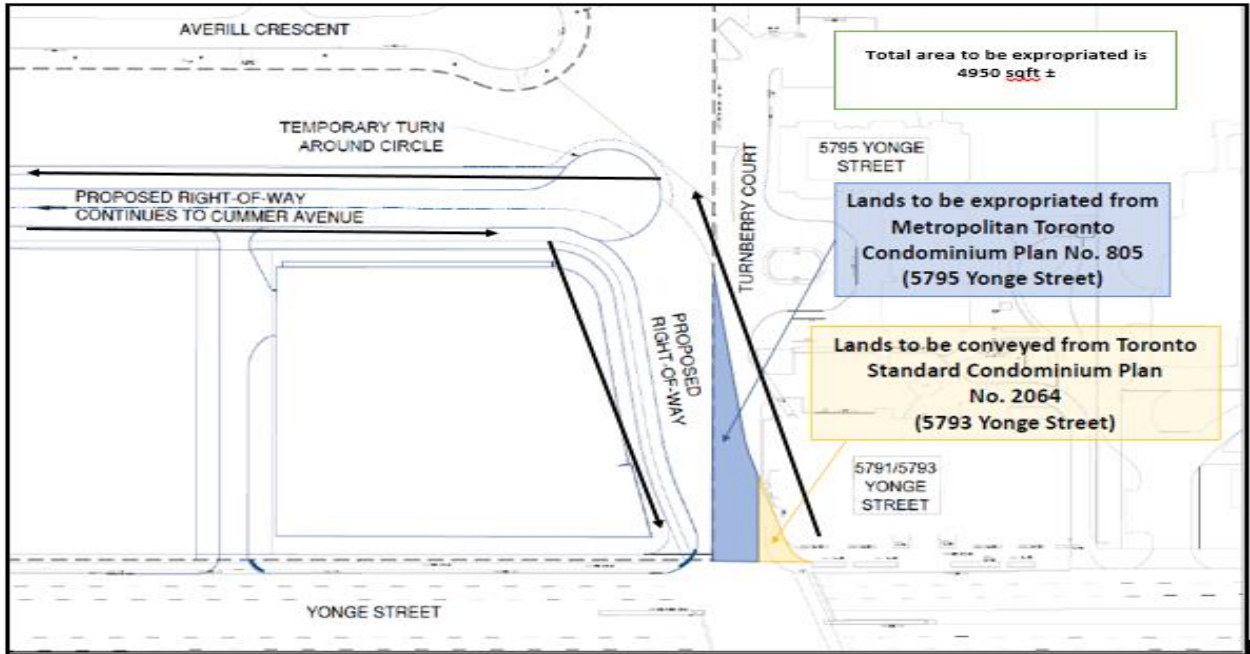
DATE: 2018

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Appendix "C" – Location Map/ Aerial View with proposed Right of way



Appendix "C" – Location Map/ Aerial View with proposed Right of way (CONTINUED)

