

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

TRACKING NO.: 2020-209

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

Prepared By:	Miles Argue	Division:	Corporate Real Estate Management
Date Prepared:	August 1 2020	Phone No.:	416-397-7522

Purpose	To obtain authority to enter into a Licence Agreement with the Regional Municipality of York (the "Licensee") with respect to the property municipally known as 8127 Bayview Avenue, Markham for the purpose of using a portion of the property as a construction staging and lay-down area (the "Licence Agreement").																								
Property	A portion of the City owned property known as the Bayview Reservoir, municipally known as 8172 Bayview Avenue, legally described as part of Lots 8 & 9, Concession 2, Markham, and shown as Part 2 on Plan 65R-5633 on Appendix 'A' (the 'Licensed Area').																								
Actions	1. Authority be granted to enter into the Licence Agreement with the Licensee, substantially on the major terms and conditions set out below and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.																								
Financial Impact	<p>The City will receive revenues of \$28,666.00 (plus HST) for the one (1) year term of the licence, plus an additional \$2,424.00 per month to a maximum of \$14,544.00 (exclusive of HST) if the Licensee exercises its right to extend the term. If the maximum extension term is exercised, the total revenues to the City would be \$43,210 (plus HST). The following table reflects total revenues to be remitted to the City for each fiscal year:</p> <table border="1"> <thead> <tr> <th>Fiscal Year</th> <th>Period</th> <th>Revenues (plus HST)</th> </tr> </thead> <tbody> <tr> <td>2020</td> <td>Aug 1, 2020 - Dec 31, 2020</td> <td>28,666.00</td> </tr> <tr> <td>2021</td> <td>Jan 1, 2021 - July 31, 2021</td> <td>0.00</td> </tr> <tr> <td></td> <td>Total (Before Extension Option)</td> <td>\$ 28,666.00</td> </tr> <tr> <td>2021</td> <td>Aug 1, 2021 - Dec 31, 2021</td> <td>12,120.00</td> </tr> <tr> <td>2022</td> <td>Jan 1, 2022 - Jan 31, 2022</td> <td>2,424.00</td> </tr> <tr> <td></td> <td>Total (Maximum Amount from Extension Option)</td> <td>\$ 14,544.00</td> </tr> <tr> <td></td> <td>TOTAL</td> <td>\$ 43,210.00</td> </tr> </tbody> </table>	Fiscal Year	Period	Revenues (plus HST)	2020	Aug 1, 2020 - Dec 31, 2020	28,666.00	2021	Jan 1, 2021 - July 31, 2021	0.00		Total (Before Extension Option)	\$ 28,666.00	2021	Aug 1, 2021 - Dec 31, 2021	12,120.00	2022	Jan 1, 2022 - Jan 31, 2022	2,424.00		Total (Maximum Amount from Extension Option)	\$ 14,544.00		TOTAL	\$ 43,210.00
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Comments	<p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p> <p>The former Municipality of Metropolitan Toronto Council, by adoption of By-law 2638 on March 22, 1966, expropriated the Property for the Metro Works Department to construct a reservoir, The reservoir was constructed in 1973 and provides water to York Region. York Region is currently in the process of improving its existing facility located to the north of the Bayview reservoir, and has requested to use the Licensed Area for construction lay down.</p> <p>By DAF 2015-148 and amending DAF 2017-109, authority has been given to the City to grant a 2-year temporary licence to the Licensee with right to extend the term by one (1) month intervals up to a maximum of six (6) months for the above-noted purpose. By DAF 2019-068, authority was given to extend the Licence term for one (1) additional year The term of that Licence terminated on August 1, 2020. York Region is requesting this Licence Agreement to complete their project.</p> <p>Toronto Water has reviewed the Licensee's request and advised that there are no issues or concerns with granting a new Licence Agreement as set out above.</p>																								
Terms	See Appendix "B"																								

Property Details	Ward:	00 – Outside City
	Assessment Roll No.:	Part of 1 936-02-0-1 1 2-06000
	Approximate Size:	33.5 m x 33.5 m (110 ft x 110 ft)
	Approximate Area:	1,122.25 m ² ± (12,080 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/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 checked="" 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. <input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$50,000.	Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position. <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. Delegated to more senior positions.	<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:	n/a – outside City Ward boundaries	Councillor:	
Contact Name:		Contact Name:	
Contacted by:	Phone <input type="checkbox"/> E-Mail <input 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:		Comments:	

Consultation with Divisions and/or Agencies

Division:	Toronto Water	Division:	Financial Planning
Contact Name:	Mike Brannon - Manager, Water Supply – April 29, 2020	Contact Name:	Filisha Jenkins
Comments:	Please proceed	Comments:	Incorporated into DAF July 31, 2020

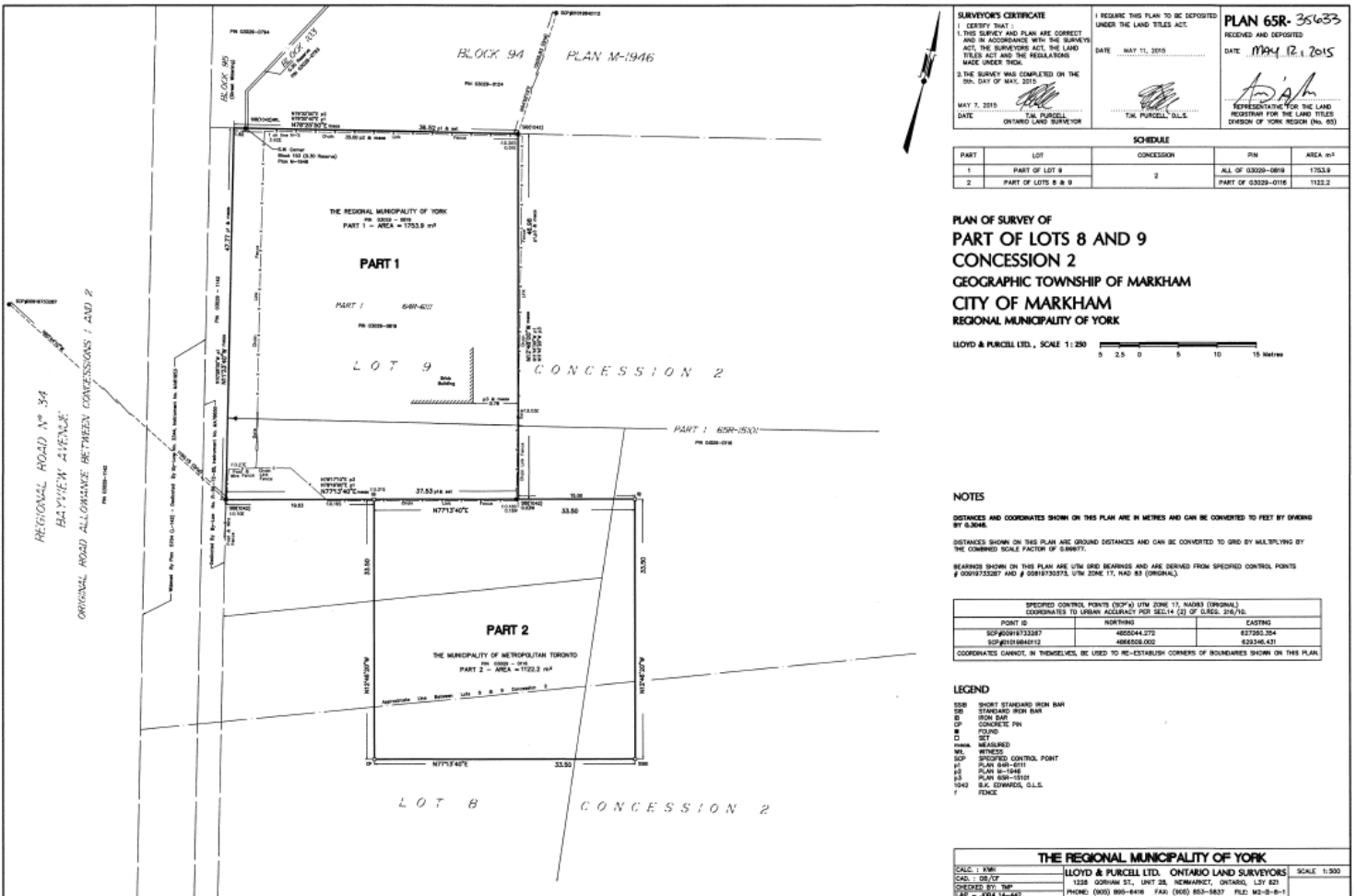
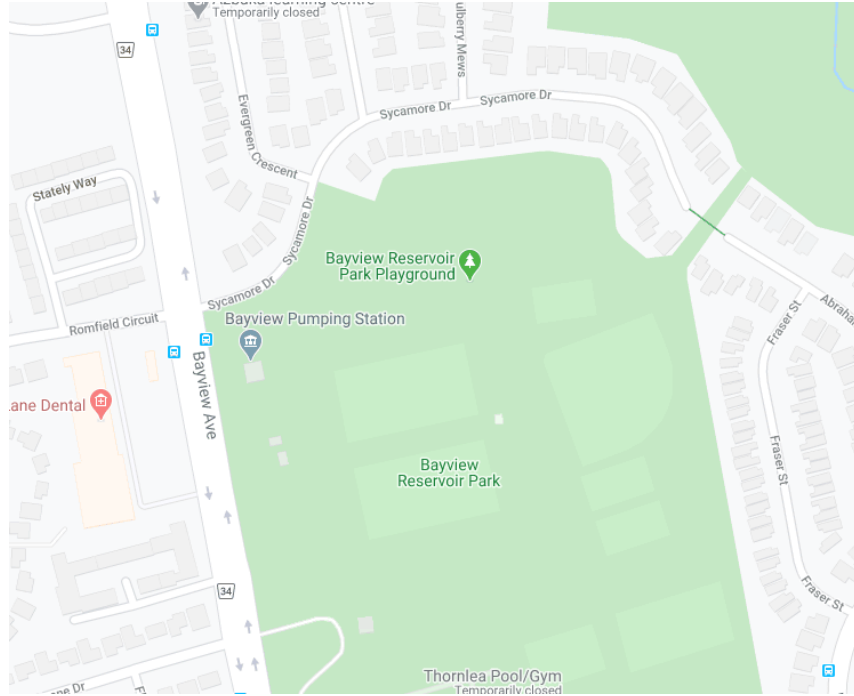
Legal Services Division Contact

Contact Name: Catherine Thomas, Solicitor – July 30, 2020

DAF Tracking No.: 2020-209	Date	Signature
Concurred with by: Manager, Real Estate Services Melanie Hale-Carter	Aug. 12, 2020	Signed by Melanie Hale-Carter
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Aug. 12, 2020	Signed by Daran Somas
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		X

APPENDIX "A"

Location and Reference Plan



"APPENDIX B"
Major Terms and Conditions

Terms:

Term: 1 Year with option to renew

Commencement Date: August 1, 2020

Expiry Date: July 31, 2021

Option to Extend: Up to 6 months

Licence Fee: \$28,666.00/annum

Option Fee: \$2,424.00/month

Insurance: \$5,000,000.00 CGL
 \$1,000,000.00 Pollution
 \$2,000,000.00 Automotive

Indemnity: City indemnified from all claims or construction liens arising out of the Permitted uses, or out of any City interference with or inconvenience to the Licensee

Additional Terms: Licensee to take all necessary steps during the Term to locate, stake, and protect City's existing infrastructure, public works, trees, and reservoir,

Licensee to expeditiously repair any damage in or adjacent to the Licensed Area.

Licensee to permit the City, its staff, agents and contractors access to the Licensed Area at any time as required.

Licensee to Restore Licensed Area to its original condition upon termination.