

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

**TRACKING NO.: 2020-225**

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

|                       |                    |                   |                                  |
|-----------------------|--------------------|-------------------|----------------------------------|
| <b>Prepared By:</b>   | Mike Saffran       | <b>Division:</b>  | Corporate Real Estate Management |
| <b>Date Prepared:</b> | September 29, 2020 | <b>Phone No.:</b> | (416) 392-7205                   |

|                         |   |
|-------------------------|---|
| <b>Purpose</b>          | To authorize the Director, Transaction Services to consent on behalf of the City as land owner, to the inclusion of certain City-owned lands designated as Parks and Open Space Areas, ("POSA") for an official plan amendment in the Development Approval Application (the "Development Application"), in respect of proposed subsurface tunnel at the Toronto Islands, HTO Park, the future Rees Street park, a Linear Park adjacent to the John Street Pumping Station, (the "Lands").   |
| <b>Property</b>         | Various location and shown on Appendix "A".   |
| <b>Actions</b>          | 1. Authority be granted for the City to consent, as property owner, to the inclusion of the Lands in the Development Application.   |
| <b>Financial Impact</b> | There is no financial impact. All costs associated with the Development Application will be paid by the applicant, Enwave Energy Corporation ("Enwave").<br><br>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.   |
| <b>Comments</b>         | Council adopted Item IE10.9 on December 17, 2019, authorizing the General Manager, Toronto Water to finalize negotiations with Enwave Energy Corporation ("Enwave") to permit the expansion of the Deep Lake Water Cooling Expansion Project. Enwave's expansion plan provides for a new raw water tunnel north from the Toronto Island, through land owned by Ports Toronto, through City-owned parks, as well as privately-owned land, north to the John Street Pumping Station, located at the south west corner of Bremner Boulevard and Rees Street. Enwave has expressed an interest in a future purchase of a substrata permanent easement over these Lands for their proposed tunnel.   |
| <b>Terms</b>            | The City's consent is being given solely in the City's capacity as land owner and shall not be deemed to support or endorse the planning merits of Enwave's application, nor derogates from or interferes with or fetters the exercise by the City of all of its rights as a municipality, or imposes any obligations on the City, in its role as a municipality, and the City shall not be prevented from or prejudiced in carrying out its statutory rights and responsibilities, including planning rights and responsibilities. Nothing in this authority fetters the City's discretion to make a determination on any future surplus of the Lands. All costs associated with the Development Applications will be borne by Enwave and not the City. The form of consent being obtained is going to be a letter of consent from the Director, Transaction Services, which Enwave must submit along with the planning application. |

|                         |                             |                           |
|-------------------------|-----------------------------|---------------------------|
| <b>Property Details</b> | <b>Ward:</b>                | 10 – Spadina Fort York    |
|                         | <b>Assessment Roll No.:</b> | N//A                      |
|                         | <b>Approximate Size:</b>    | Various                   |
|                         | <b>Approximate Area:</b>    | Various                   |
|                         | <b>Other Information:</b>   | Park and Open Space Areas |

| 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/REOs:  | <b>Delegated to more senior positions.</b>  | <input type="checkbox"/> Issuance of RFPs/REOs.   |
| 4. Permanent Highway Closures:   | <b>Delegated to more senior positions.</b>  | <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:         | <b>Delegated to more senior positions.</b>  | <b>Delegated to more senior positions.</b>  |
| 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: | <b>Delegated to more senior positions.</b>  | <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.<br><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.<br><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):   | <b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b>   | <b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b>   |
| 11. Easements (City as Grantor):   | <input type="checkbox"/> Where total compensation (including options/ renewals) does not exceed \$50,000.<br><input type="checkbox"/> Where total compensation does not exceed \$50,000.<br><b>Delegated to more senior positions.</b>  | <input type="checkbox"/> Where total compensation (including options/ renewals) does not exceed \$1 Million.<br><input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.<br><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:                             | <b>Delegated to more senior positions.</b>  | <input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).   |
| 14. Miscellaneous:   | <b>Delegated to more senior positions.</b>  | <input checked="" type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences<br><input type="checkbox"/> (b) Releases/Discharges<br><input type="checkbox"/> (c) Surrenders/Abandonments<br><input type="checkbox"/> (d) Enforcements/Terminations<br><input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/ Acknowledgements/Estoppel Certificates<br><input type="checkbox"/> (f) Objections/Waivers/Cautions<br><input type="checkbox"/> (g) Notices of Lease and Sublease<br><input type="checkbox"/> (h) Consent to regulatory applications by City, as owner<br><input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title<br><input type="checkbox"/> (j) Documentation relating to Land Titles applications<br><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:   | Joe Cressy  | Councillor:   |   |
| Contact Name: | Tom Davidson  | Contact Name: |   |
| Contacted by: | <input checked="" 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 – September 8, 2020   | Comments:     |   |

**Consultation with Divisions and/or Agencies**

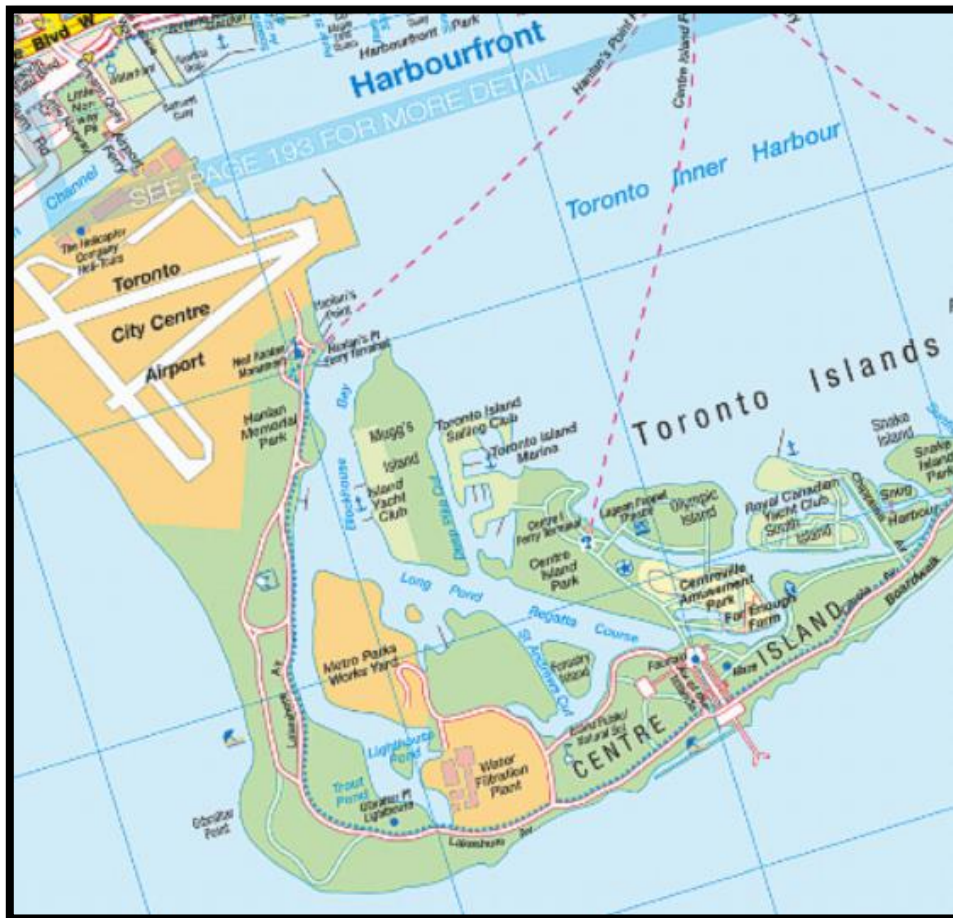
|               |  |               |                                      |
|---------------|--|---------------|--------------------------------------|
| Division:     | Toronto Water / Parks, Forestry & Rec / Planning | Division:     | <b>Financial Planning</b>            |
| Contact Name: | Niall Robertson Jason Bragg Mladen Kukic         | Contact Name: | Patricia Libardo                     |
| Comments:     | Comments provided, September 4, 8, 2020          | Comments:     | Concurs with FIA – September 8, 2020 |

**Legal Services Division Contact**

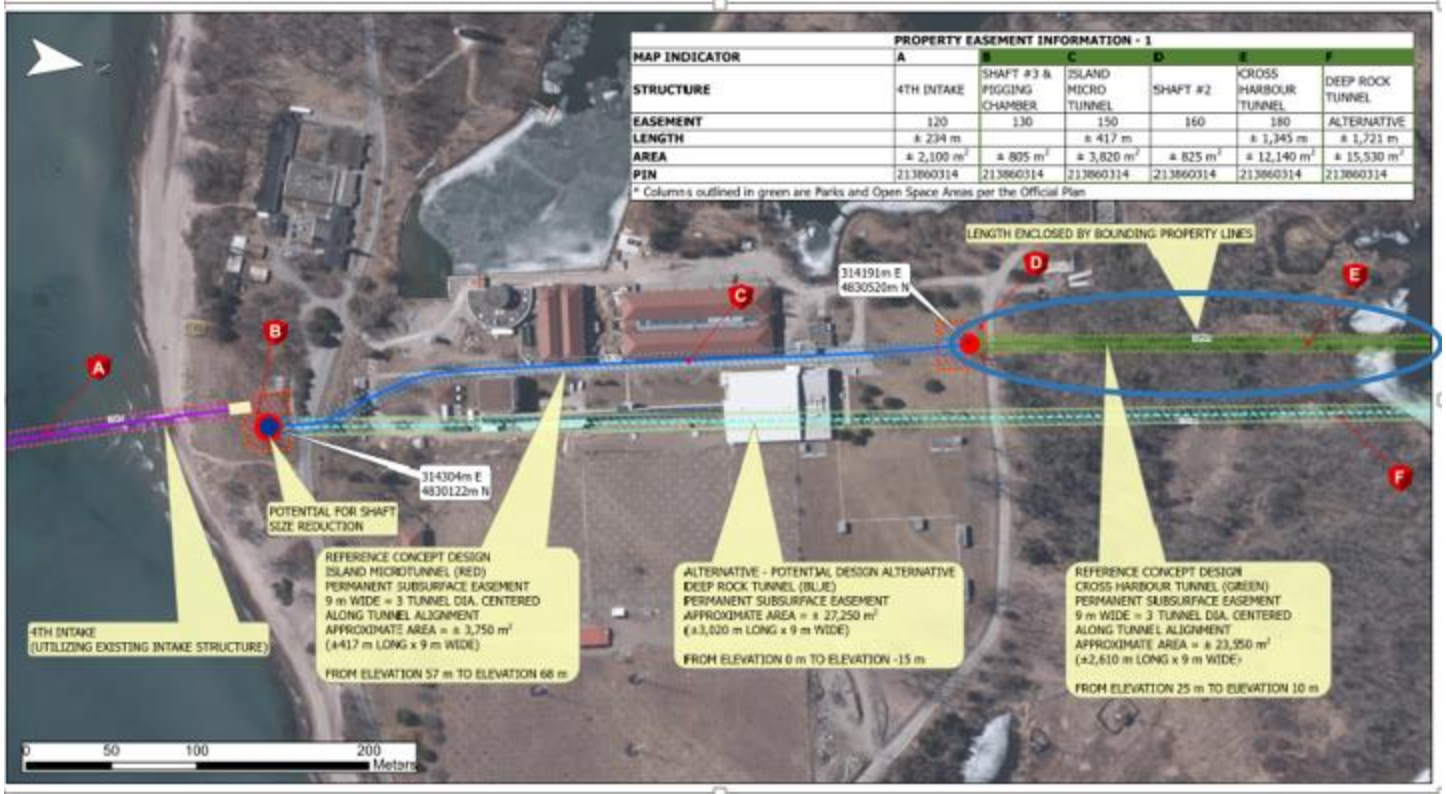
|               |                                    |
|---------------|------------------------------------|
| Contact Name: | Vanessa Bacher – September 2, 2020 |
|---------------|------------------------------------|

| DAF Tracking No.: 2020-225  | Date                  | Signature                |
|---|-----------------------|--------------------------|
| <input checked="" type="checkbox"/> Recommended by: <b>Manager, Transaction Services<br/>Daran Somas</b>  | <b>Sept. 29, 2020</b> | Signed by Daran Somas    |
| <input type="checkbox"/> Approved by:   |                       |                          |
| <input checked="" type="checkbox"/> Approved by: <b>Director, Transaction Services<br/>Alison Folosea</b> | <b>Oct. 1, 2020</b>   | Signed by Alison Folosea |

Appendix "A" – Aerial Map and Proposed Easement location



- South to North view of Toronto Islands



-South to North View of HtO Park, Rees Park, Linear Park adjacent to JSPS

