

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

TRACKING NO.: 2020-216

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

Prepared By:	Joseph Sergnese	Division:	Corporate Real Estate Management
Date Prepared:	September 28, 2020	Phone No.:	416-392-1857

Purpose	To obtain authority to enter into a Permission to Enter/Licence Agreement (the "Licence") with Build Toronto Inc. ("Build Toronto") to permit their consultants, Archaeological Services Inc. or such other consultant ("Representatives") as may be approved by the City in writing, to conduct an archaeological study.
Property	Part of 311 Staines Road described as the South Parcel, as shown on Appendix A.
Actions	<ol style="list-style-type: none"> The City enter into the Licence to permit Build Toronto and/or their Representatives entry onto the Property for a period commencing October 1, 2020 and ending December 31, 2020, or such later dates as the City may determine to be reasonable, provided that the total length of the term shall not exceed three months, to undertake ploughing of the site and to conduct field surveys for an archaeological study (the "Work"). The Manager of Real Estate Services, or her designate, shall administer and manage the Licence including the provision of any consents, approvals, waivers, notices and notices of termination, provided that the Manager of Real Estate Services may, at any time, refer consideration of such matters to City Council for its determination and direction; and, The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	<p>There are no financial implications resulting from this approval. Build Toronto is not required to pay a licence fee; however the City will be compensated for this access by receiving the results of the study for its use. Build Toronto will be responsible, at its sole expense, for all costs related to the use of the Property by Build Toronto and its Representatives, and for the costs of preparation of any findings or studies.</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	<p>The Property was acquired by the City in 2007. It is part of 311 Staines Road which consists of a North Parcel and a South Parcel (see Appendix A). Given that the Property abuts the Rouge River Valley, it is considered an important piece of Toronto's cultural and Indigenous history. An archaeological study is required to understand the cultural and archaeological significance of the Property. This is required due diligence to allow the Property to be developed.</p> <p>At its meeting of July 24, 2020, the CreateTO Board directed the Chief Executive Officer, CreateTO in consultation with the Executive Director, Corporate Real Estate Management, the General Manager, Economic Development and Culture, the Chief Planner and Executive Director, City Planning along with the General Manager, Parks, Forestry and Recreation to negotiate the terms and conditions of a long-term fair market-value lease agreement with the Tamil Community Centre, to design, build, finance and operate a new not-for-profit Community Recreation Facility on the South Parcel of the City-owned property at 311 Staines Road.</p> <p>CreateTO has retained the Representatives to do the Work. Access to the Property is required.</p> <p>The archaeological study for the Property consists of two stages. Stage 1 is background research and Stage 2 is a field survey. Prior to the field survey, the Property will be ploughed to increase the potential of bringing cultural and archaeological resources to the surface.</p> <p>On September 23, 2020, staff from Parks, Forestry & Recreation (PF&R) and CreateTO met with the local Councillor on-site to assess the Property. Before any ploughing work begins, PF&R staff will put up fencing to protect native species vegetation and mature trees. The Councillor advised that she is supportive of the ploughing and the archaeological study.</p> <p>Build Toronto has entered into a Service Agreement with CreateTO whereby Build Toronto engaged CreateTO to provide such services as may be required in order to permit Build Toronto to operate its Business. In some circumstances, such as entering into Service Agreements CreateTO will contract through Build Toronto, but in others Create will contract. In this case CreateTO, through Build Toronto, has retained Golder Associates Inc. (the "Representatives") to perform the Work. Build Toronto requires access to the Property to permit its Representatives to undertake the Work.</p>
Terms	Continued on page 7

Property Details	Ward:	Ward 25 Scarborough-Rouge Park
	Assessment Roll No.:	1901-12-6-330-001202 (south parcel)
	Approximate Size:	Irregular
	Approximate Area:	6.62 acres (south parcel)
	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 checked="" 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 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).

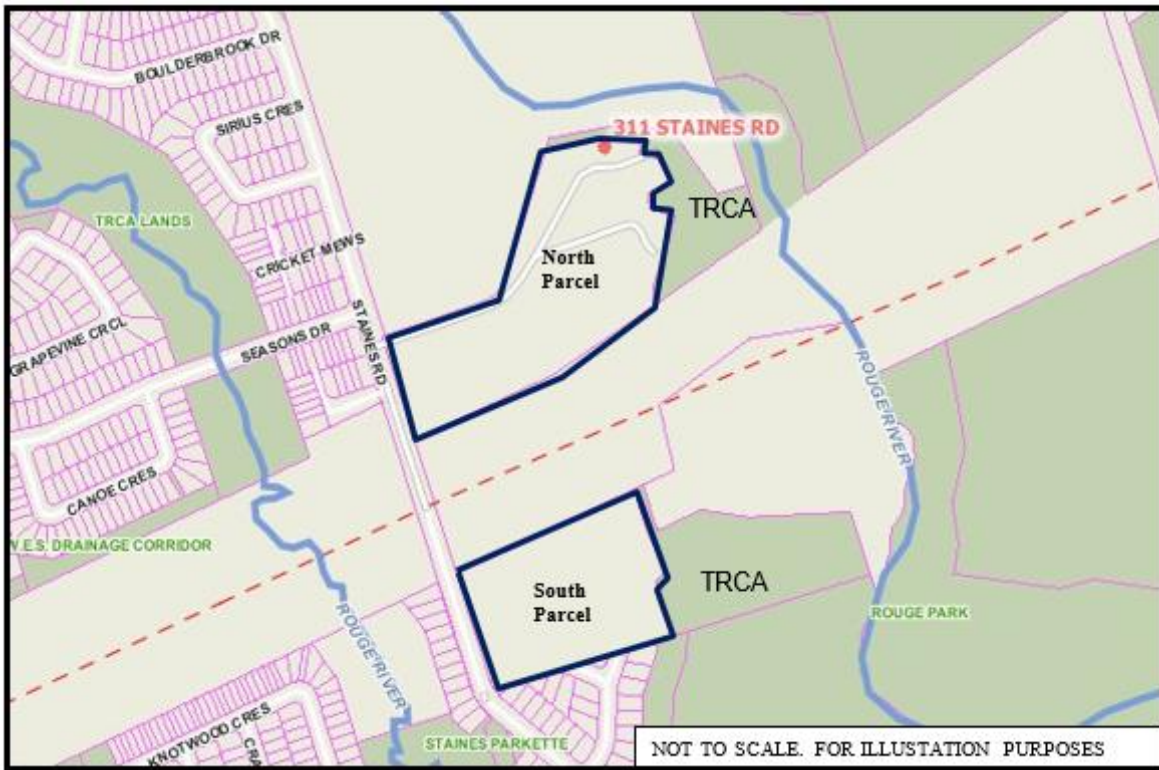
Director, Real Estate Services also has signing authority on behalf of the City for:

- 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			
<input type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property			
Consultation with Councillor(s)			
Councillor:	Jennifer McKelvie		Councillor:
Contact Name:			Contact Name:
Contacted by:	<input type="checkbox"/> Phone	<input type="checkbox"/> E-Mail	<input checked="" type="checkbox"/> Memo
			<input checked="" type="checkbox"/> Other
Comments:	Proceed (September 23, 2020)		Comments:
Consultation with Divisions and/or Agencies			
Division:	Parks Forestry and Recreation/CreateTO		Division:
Contact Name:	Jennifer Kowalski SoMei Quan		Contact Name:
Comments:	Proceed (September 23, 2020)		Comments:
			Financial Planning
			Patricia Libardo
			Proceed (September 28, 2020)
Legal Services Division Contact			
Contact Name:	Bronwyn Atkinson		

DAF Tracking No.: 2020-216	Date	Signature
Concurred with by: Acting Manager, Real Estate Services Daran Somas	Sept. 30, 2020	Signed by Daran Somas
<input type="checkbox"/> Recommended by: Acting Manager, Real Estate Services Melanie Hale-Carter	Sept. 30, 2020	Signed by Melanie Hale-Carter
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		X

Appendix A: Location Map



Appendix B: Arial Photo



Appendix C: Site Photos



Looking east from Staines Road



Looking southeast from Staines Road

Appendix D: Terms

The Licence will include the following terms and conditions, as appropriate and such other terms and conditions as may be approved by the Manager of Real Estate Services (the "Manager"):

1. Any access during the term of the Licence shall be mutually arranged upon at least 48 hours' notice, and the investigations shall be undertaken in such time and manner to minimize disruptions to the adjacent City operations;
2. Build Toronto will be responsible, at its sole expense, for all costs related to the use of the Property by Build Toronto and its Representatives, and for the costs of preparation of any test results or reports;
3. Build Toronto shall at all times indemnify and save harmless the City, from any and all manner of claims, demands, losses, costs, charges, actions and other proceedings whatsoever, made or brought against, suffered by or imposed on the City or its property in respect of any loss, damage or injury (including fatal injury) to any person or property;
4. Prior to the start of the Work, a certificate of insurance evidencing that it or its Representatives have obtained a policy of insurance for the conduct of the proposed investigations on the Property providing coverage including but not limited to environmental liability in an amount of not less than \$5,000,000.00 per occurrence shall be provided to the City. The policy of insurance shall name the City as an insured, provide cross-liability coverage and waiver of subrogation and contain a clause providing the insurance shall not be changed or cancelled during the term of this Licence; and
5. Build Toronto shall provide the City with copies of any test results and reports regarding the Property. The test results and reports shall be addressed to the City and shall be accompanied by authorization from Build Toronto and the qualified professional preparing the test results and reports permitting the City to use them for any purpose. The City shall be entitled to utilize the findings and study in any manner it sees fit; and Build Toronto shall restore the Property, at its expense, and to the satisfaction of the Manager, acting reasonably.