

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

TRACKING NO.: 2020-240

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 licence agreement (the "Agreement") between the City of Toronto (the "City") and Build Toronto Inc. ("Build Toronto") for a term of one (1) month to commence on October 1, 2020, to licence to Build Toronto (the "Licence") part of the Property as shown highlighted in red in the sketch attached hereto as Appendix "A" (the "Licensed Area") for the purposes of utility locating and sewer measurements, more particularly described in Appendix "B" attached hereto (collectively, the "Work").
Property	The property municipally known as 251 Esther Shiner Boulevard, Toronto, Ontario; legally described as as PT LT 14-15 CON 2 EYS TWP OF YORK AS IN NY56205, PARTS 1-14 64R2792, PARTS 1& 2 64R8472 CLOSED BY NY800568 & NY458892 W OF NY651357 EXCEPT PARTS 2, 3 & 5 64R14900; S/T NY658165; S/T NY808199, TB8831; TORONTO (IN YORK), CITY OF TORONTO as highlighted in red on the sketch attached hereto as Appendix "A".
Actions	1. The City enter into the Agreement with Build Toronto, substantially on the major terms and conditions set out herein, and in a form satisfactory to the City Solicitor.
Financial Impact	The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section. .
Comments	The Property is being redeveloped for affordable housing pursuant to the Housing Now initiative being led by CreateTO. 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 R&B Locating Services Inc. (the "Representatives") to perform the Work. Build Toronto requires access to the Property to permit its Representatives to undertake the Work.
Terms	The Licence will include the following terms and conditions, as appropriate and such other terms and conditions as may be approved by the Director of Real Estate Services (the "Director"): <ol style="list-style-type: none"> Term: One (1) month (the "Term"), commencing on October 1, 2020 and continuing to and including October 31, 2020 Purpose: Completion of a subsurface utility engineering survey of the Licensed Area, including the Work Any access during the Term 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 Licensed Area and adjoining property; Build Toronto will be responsible, at its sole expense, for all costs related to the use of the Licensed Area by Build Toronto and its Representatives, and for the costs of preparation of any test results or reports; 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; 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 Licensed Area providing coverage including but not limited to General Commercial Liability coverage in an amount of not less than \$2,000,000.00 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; Build Toronto shall provide the City with copies of any test results and reports regarding the Licensed Area and 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 any test results and reports in any manner it sees fit; and Build Toronto shall restore the Licensed Area, at its expense, and to the satisfaction of the Director, acting reasonably.

Property Details	Ward:	Ward 19 – Beaches-East York
	Assessment Roll No.:	1904-09-1-030-00200
	Approximate Size:	Irregular
	Approximate Area:	2833 m2 ± (30493 ft2 ±)
	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 type="checkbox"/> (a) Where total compensation (including options/ renewals) does not exceed \$50,000.	<input type="checkbox"/> (a) Where total compensation (including options/ renewals) does not exceed \$1 Million.
	<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.	<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.
	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.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/ renewals) does not exceed \$50,000.	<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.	<input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.
	Delegated to more senior positions.	<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:	Shelley Carroll (no, objections September 24, 2020)				Councillor:										
Contact Name:	Tom Gleason														
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other	Contacted by:	Phone		E-mail		Memo		Other
Comments:					Comments:										

Consultation with Divisions and/or Agencies

Division:	CreateTO	Division:	Financial Planning
Contact Name:	Tracey Smith	Contact Name:	Patricia Libardo
Comments:	Concurrence (September 24, 2020)	Comments:	Concurrence (September 28, 2020)

Legal Services Division Contact

Contact Name: Stefan Radovanovich (2-8060) (September 11, 2020)

DAF Tracking No.: 2020- 240	Date	Signature
Concurred with by: Manager, Real Estate Services Daran Somas	Sept. 28, 2020	Signed by Daran Somas
<input type="checkbox"/> Recommended by: Acting Manager, Real Estate Services Melanie Hale-Carter	Sept. 28, 2020	Signed by Melanie Hale-Carter
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		X

Appendix "B"

Scope of the Work

- Completion of a Subsurface Utility Engineering Survey, including:
 - Utility locating and sewer measurements throughout the investigation area
 - Finding utility connection points (valves, building connections, above ground conduits, etc.) and connecting a transmitter to transmit radio frequencies throughout the conductive material of the utility and then tracing that signal with a receiver wand
 - Utility positions will be marked with water-based marking paint and/or flags to record their positions for mapping onto the existing CAD drawing
 - Sewer measurements will be taken by opening the sewer chamber lid and measuring the depth of the pipe invert and the inside diameter of the pipe. In some cases confined space entry will be required to obtain these measurements.

Equipment

- Handheld transmitter and receiver wand (approximately 2-5 lbs each and the size of a small suitcase)
- Confined space rescue equipment will be available, if required (tripod, winch, and gas detector)
- Each technician will bring a regular sized work van on the site with them