

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

TRACKING NO.: 2020-265

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

Prepared By:	Mark Gunaratnam	Division:	Corporate Real Estate Management
Date Prepared:	October 15, 2020	Phone No.:	416-392-2598

Purpose	To obtain authority to enter into a Construction Staging Agreement, with XO Residences Inc. (the "Licensee") to permit, temporary encroachments onto the City property municipally known as the Dufferin-King Parkette, to facilitate the Licensee's construction of a condominium tower (the "Development") on adjacent property at 1221 King Street West.
Property	The lands described as LT 22 PL 431 PARKDALE; PT LT 21 PL 431 PARKDALE PT 1 TO 7 63R1761, 63R1761; S/T CA12074; CITY OF TORONTO, municipally known as the Dufferin-King Parkette (the "City Lands") (See Appendix "B", location map).
Actions	1. <i>Authority be granted to enter into the Construction Staging Agreement (the "Agreement") on the terms and conditions set out in Appendix "A" with such revisions thereto and any other or amended terms and conditions as may be determined by the Director of Real Estate Services, and in a form acceptable to the City Solicitor;</i>
Financial Impact	Total compensation to the City for the nineteen (19) month term of the agreement will be \$209,320.34 (plus HST). If the Licensee exercises its option to extend, the City will receive additional monthly licence fee revenues for up to an additional twelve (12) months, for a total maximum potential value of \$341,522.66 (plus HST). 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 Licensee requested permission to use, occupy, and access a portion of the City Lands, having an approximate area of 2,970.84 square feet, identified as the Licensed Area in Appendix "C" attached for constructing staging purposes in support of the adjacent Development. The City has already entered into Tie-Back and Crane Swing Licenses with the Licensee with respect to the Development. Real Estate Services staff consider the proposed Agreement to be fair and reasonable to both parties.
Terms	Please see page 3: Appendix "A"

Property Details	Ward:	4 – Parkdale-High Park
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	276 m ² ± (2970.84 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 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 checked="" 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:	Gord Perks	Councillor:		
Contact Name:	Gord Perks	Contact Name:		
Contacted by:	Phone	E-Mail	Memo	Other
Comments:	No Objection (March 30, 2020)			

Consultation with Divisions and/or Agencies

Division:	Parks Forestry and Recreation	Division:	Financial Planning
Contact Name:	Brian Majcenic	Contact Name:	Patricia Libardo
Comments:	No Objection (March 26, 2020)	Comments:	No Objection (September 29, 2020)

Legal Services Division Contact

Contact Name:	Vanessa Bacher
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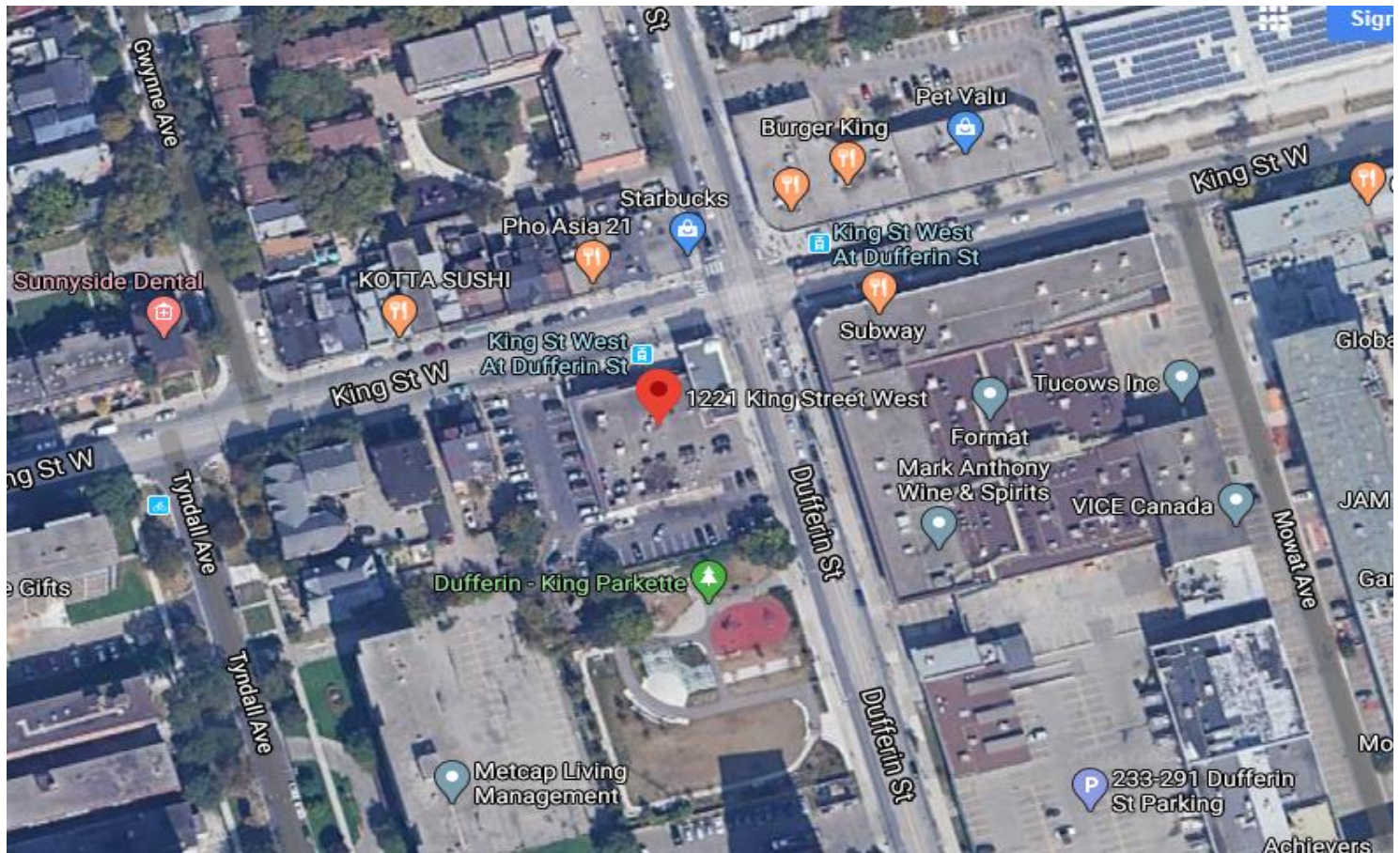
DAF Tracking No.: 2020-265	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Oct. 15, 2020	Signed by Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Oct. 19, 2020	Signed by Alison Folosea

Appendix "A"- Term Sheet**Construction Staging Licence Area**

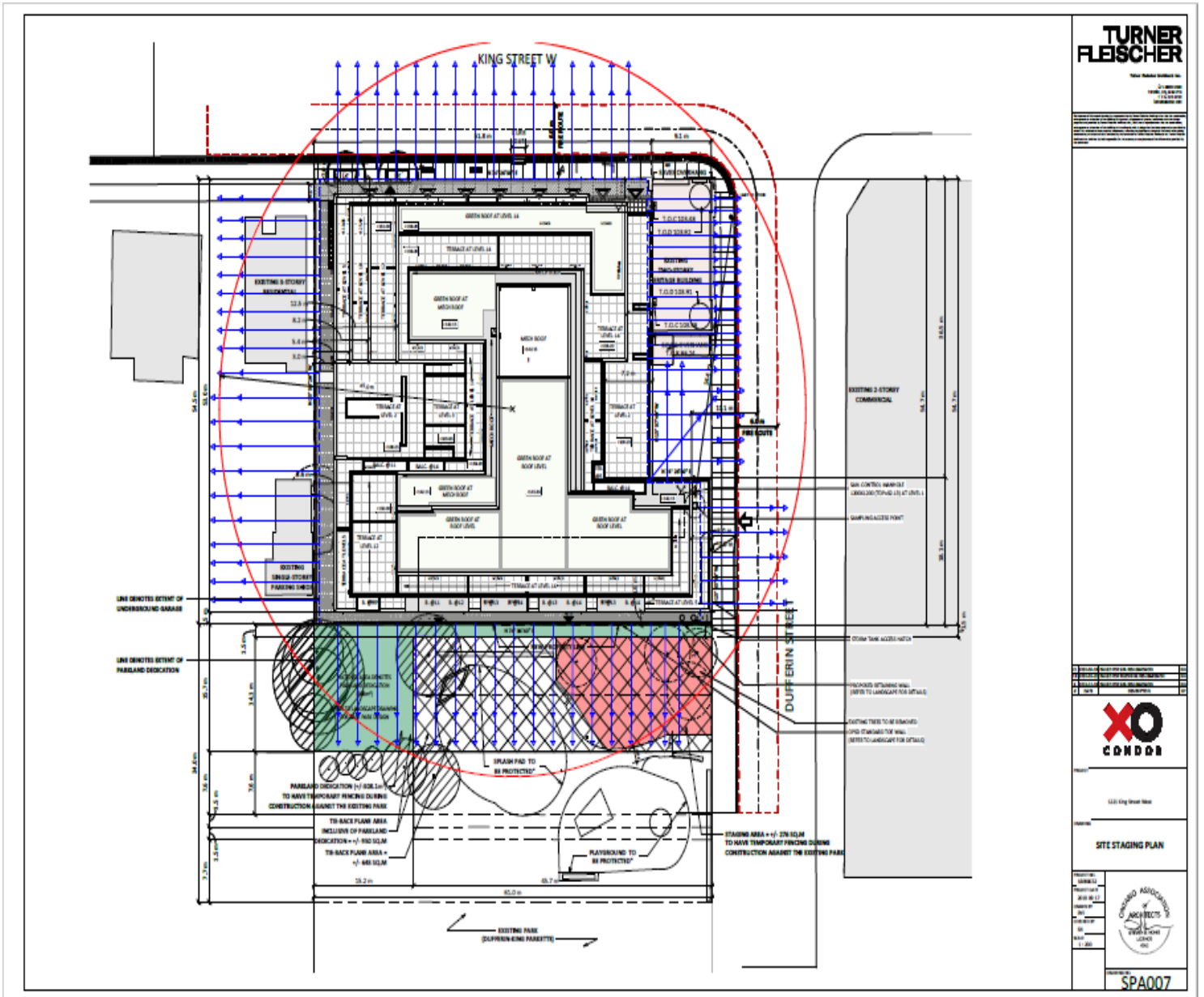
1. **Term-Start:** Commencing on the execution of this agreement (the "Commencement Date").
2. **Expiration of Term:** 19 months after the Commencement Date but no later than May 31, 2022, subject to Licensee's right to extend for up to twelve months ending May 31, 2023.
3. **License Fee:** One-time fee of \$209,320.34 during the 19 month term and a monthly fee of \$11,016.86 for the 12 month extension term if exercised.
4. **Use:** To permit the Licensee to use the licensed area for the purposes of construction staging, access, storage of vehicles, equipment, and materials to facilitate the Licensee's adjacent Development on a portion of the City Lands having an approximate area of 276 square meters, shown on Appendix "C".
5. **Insurance:**

The Licensee will be required to provide Comprehensive General Liability in the amount of \$10 million per occurrence for bodily injury (including death) and property damage. The City will be added as an additional insured. Additionally, the Licensee will be required to provide Contractor's Pollution Liability in the amount of \$2 million and Standard Automobile Liability coverage in the amount of \$5 million.
6. **Termination:** The Licensee and the City shall each have the right (but not the obligation) to terminate this Agreement upon giving written notice. The Termination date shall be 90 days after notice is given.
7. **Indemnity:**
The Licensee hereby covenants and agrees to indemnify and save the City harmless from and against any and all liabilities, claims, losses, demands, expenses, actions, injuries, damages, causes of action and costs whatsoever arising out of or in connection with the Licensee's occupancy or use of the Licensed Area or any operation or work on the Licensed Area.

Appendix "B" - Location Map



Appendix "C" – LICENSED AREA – CONSTRUCTION STAGING PLAN



Note: Construction Staging area is the shaded pink area.