

DELEGATED APPROVAL FORM

DIRECTOR, REAL ESTATE SERVICES

MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2020-187

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

Prepared By:	Bruno Iozzo	Division:	Corporate Real Estate Management
Date Prepared:	December 11, 2020	Phone No.:	(416) 392-8151
Purpose	To obtain authority for the City of Toronto (the "City") to enter into an agreement (the "Release Agreement") with 2470347 Ontario Inc. (the "Owner") for the partial release of an existing easement in favour of the City registered as WH69572 (the "1951 Easement") against title to the Owner's lands more particularly described in Appendix "A" (the "Lands") and shown on the maps attached hereto as Appendix "B". A portion of the 1951 Easement is no longer required by the City given that the Owner intends to relocate a portion of the existing watermain on the Lands to proceed with the first phase of its proposed development.		
Property	A portion of the lands municipally known as 1245 Dupont Street, Toronto, Ontario, being part of PIN 21313-0003 (LT), described as Part 45, 46 and 68 on Plan 66R-30758, attached hereto as Appendix "C".		
Actions	1. Authority is granted to enter into the Release Agreement with the Owner, substantially on the terms and conditions outlined below, and on such other or amended terms and conditions as may be satisfactory to the Director, Transaction Services, and in a form acceptable to the City Solicitor.		
Financial Impact	The City will receive revenue in the amount of \$620,000.00 (plus HST) from the Release Agreement. These funds will be contributed to the Land Acquisition Reserve Fund (XR1012). The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.		
Comments	<p>The Owner has received approval to construct a new development on the Lands consisting of eight (8) mixed-use buildings, a community recreation facility, a public park, public and private streets, a pedestrian plaza and a pedestrian walkway. To facilitate the proposed development, the Owner entered into a consent agreement with the City dated February 13, 2020, registered on title to the Lands as instrument number AT5364247 (the "Consent Agreement") which sets out the Owner's obligations concerning the proposed development including the construction of the municipal facilities and the impact to the existing municipal watermain that crosses the Lands.</p> <p>The proposed development is intended to be completed over multiple phases. The initial phase requires the Owner to relocate a small portion of the existing municipal watermain located on the north-western portion of the Lands. The watermain was constructed over 70 years ago and is evidenced by the registration of the 1951 Easement on title to the Lands.</p> <p>Through the Consent Agreement, the Owner is required to construct a new watermain on a different portion of the Lands to replace a small portion of the existing watermain. The relocated watermain will be constructed on a portion of the Owner's Lands that are intended to be conveyed to the City in the future for road widening purposes. Until such time as the road widening lands are conveyed to the City, the Owner is required to convey a temporary easement to the City for the relocated portion of the watermain for nominal consideration. Once the relocated watermain is operational and the temporary easement has been conveyed to the City, the Owner is required to compensate the City for the fair market value of the easement in exchange for the partial release of the 1951 Easement.</p> <p>The Release Agreement is related to the initial phase of the watermain relocation and requires the Owner to provide the City with a payment in the amount \$620,000.00 plus HST (which is reflective of the current market value of the City's interests in the easement lands) as compensation for the partial release of the 1951 Easement from the Lands, and to provide the City with an executed acknowledgment releasing and forever discharging the City from any and all claims, actions, and demands for compensation arising from the City's partial release of the 1951 Easement (the "Acknowledgement"). The Owner has agreed to the terms of the Release Agreement.</p> <p>Prior to release, an OLS surveyor will confirm the easement lands that are no longer required.</p>		
Terms	<p>Transferor: City of Toronto</p> <p>Transferee: 2470347 Ontario Inc.</p> <p>Interest Released: A partial Transfer, Release and Abandonment of Instrument No. WH69572. The City transfers, releases and abandons the 1951 Easement from the portion of the Lands described as Parts 45, 46 and 68 on Reference Plan 66R-30758</p> <p>Consideration for the Release: \$620,000.00 plus applicable HST (the "Release Fee")</p> <p>Conditions for the Release: Prior to the partial release of the 1951 Easement, the Owner shall pay the Release Fee to the City by way of certified cheque, bank draft or wire transfer and shall deliver to the City four executed copies of the Acknowledgement along with a Transfer Easement over Parts 26, 27 and 56 on Plan 66R-30758 in accordance with the terms and conditions in Article I of Schedule "B" of the Consent Agreement and all applicable City policies and requirements to be met to the satisfaction of the appropriate City official.</p>		
Property Details	Ward:	9 – Davenport	
	Assessment Roll No.:	19 04 031 490 036 00	
	Approximate Size:		
	Approximate Area:	257.23 m ² or 2,768.8 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>2. Expropriations:</p> <p>3. Issuance of RFPs/REOs:</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 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/REOs.</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 checked="" 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:		
<ul style="list-style-type: none"> 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:		
<ul style="list-style-type: none"> 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. 		

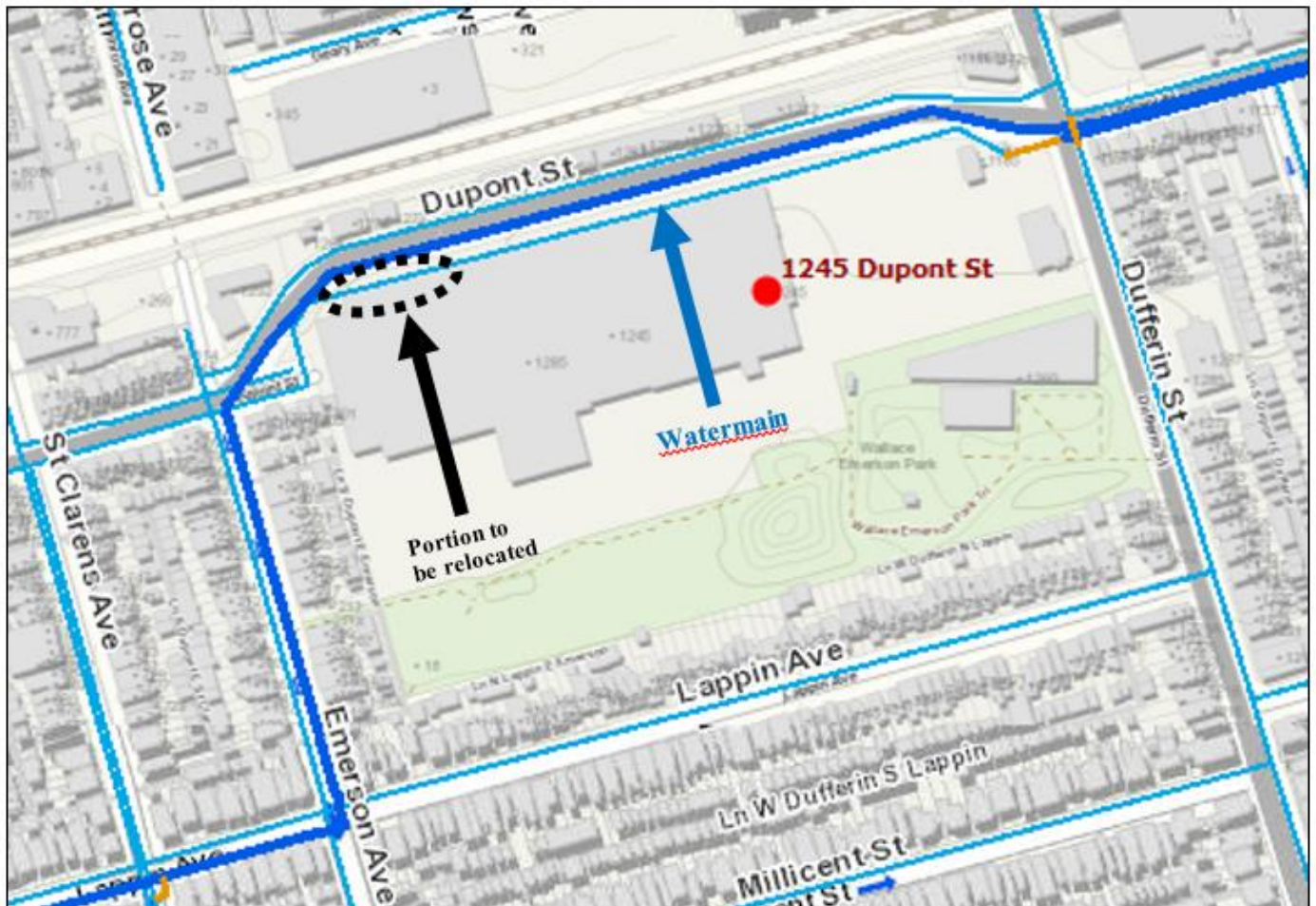
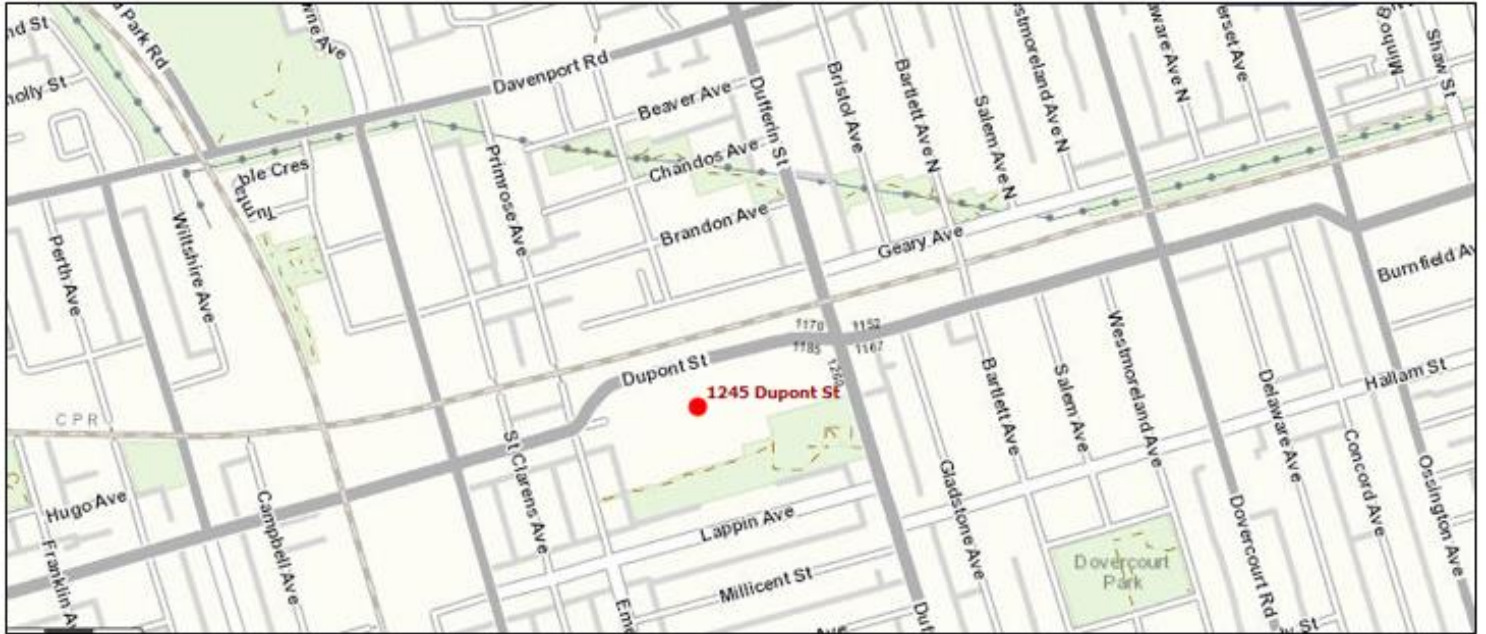
Pre-Condition to Approval																	
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property																	
Consultation with Councillor(s)																	
Councillor:		Ana Bailão						Councillor:									
Contact Name:		Nicholas Gallant						Contact Name:									
Contacted by:		Phone	<input checked="" type="checkbox"/>	E-Mail	<input type="checkbox"/>	Memo	<input type="checkbox"/>	Other	Contacted by:		Phone	<input type="checkbox"/>	E-mail	<input type="checkbox"/>	Memo	<input type="checkbox"/>	Other
Comments:		No objections (March 31, 2020)						Comments:									
Consultation with Divisions and/or Agencies																	
Division:		Engineering & Construction Services						Division:		Financial Planning							
Contact Name:		Avi Bacher / Sebastian Birritteri						Contact Name:		Filisha Jenkins							
Comments:		Comments incorporated (December 3, 2020)						Comments:		Revision included (April 1, 2020)							
Legal Services Division Contact																	
Contact Name:		Stefan Radovanovich (August 13, 2020)															

DAF Tracking No.: 2020-187		Date	Signature
<input checked="" type="checkbox"/>	Recommended by:	Acting Manager, Real Estate Services	Signed by Melanie Hale-Carter
<input type="checkbox"/>	Approved by:	Melanie Hale-Carter	
<input checked="" type="checkbox"/>	Approved by:	Director, Real Estate Services	Signed by Alison Folosea
		Alison Folosea	

Appendix "A" – The Owner's Lands

PCL 3-2 SEC M567; FIRSTLY: LT 3 PL M567 TORONTO; LT 4 PL M567 TORONTO; LT 13 PL M567 TORONTO; LT 14 PL M567 TORONTO; LT 15 PL M567 TORONTO; SECONDLY: PT LT 9 PL M567 TORONTO; PT LT 11 PL M567 TORONTO PT 1 66R8628; T/W A ROW OVER LOTS 19 AND 20 ON SAID PL M567 AND THAT PT OF LT 24 ON PL D1382 DESCRIBED AS FOLLOWS: BEGINNING AT THE N WLY ANGLE OF THE SAID LT 24; THENCE S 16 DEGREES E ALONG THE WLY LIMIT OF THE SAID LT 24, 24 FT; THENCE N 76 DEGREES, 20 MINUTES E PARALLEL TO THE NLY LIMIT OF SAID LT 24, 6 FT 1 1/2 INCHES; THENCE S 65 DEGREES 31 MINUTES E, 9 FT 8 1/2 INCHES MORE OR LESS TO A POINT IN THE SLY LIMIT OF THE SAID LT 24, WHICH POINT IS DISTANT 86 FT 5 3/4 INCHES MEASURED WLY THEREON FROM THE WLY LIMIT OF DUFFERIN ST; THENCE N 76 DEGREES 20 MINUTES E ALONG THE SAID SLY LIMIT OF LT 24, 41 FT 6 3/4 INCHES TO THE LINE OF A FENCE RUNNING N WLY; THENCE N 65 DEGREES 31 MINUTES W ALONG THE SAID LINE OF FENCE 48 FT 6 INCHES MORE OR LESS TO THE NLY LIMIT OF THE SAID LT 24; THENCE S 76 DEGREES 20 MINUTES W ALONG THE LAST MENTIONED LIMIT 18 FT 2 3/4 INCHES MORE OR LESS TO THE POB; THIRDLY: PT LT 10 PL 61 TORONTO; PT 1, 3, 4, 5, 6, 66R6147; S/T WH69572 CITY OF TORONTO.

Appendix "B" – Location Maps



Appendix "C" – Reference Plan (66R-30758)

