

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

TRACKING NO.: 2020-295

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:	November 30, 2020	Phone No.:	(416) 392-8151

<b>Purpose</b>	To obtain authority to exercise the City's option to extend the temporary easement term (the "Easement") by an additional three (3) months involving a portion of a property owned by Metrolinx (the "Owner"). The extension is required to allow the City to complete the current construction project involving the installation of a new 1050 mm watermain on a portion of the Owner's lands (within the parking lot area of the Scarborough GO Station).
<b>Property</b>	Portions of the Owner's lands municipally known as 3615 St. Clair Avenue East, Toronto, Ontario and displayed on the maps attached hereto as Appendix "A" (the "Property").
<b>Actions</b>	1. Authority is granted to extend the Easement 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.
<b>Financial Impact</b>	<p>The City of Toronto will incur a cost in the amount of \$56,599.32 (or \$57,595.47 net of HST recoveries) to extend the temporary easement term. Funding for this cost is available in the 2020 Council Approved Capital Budget and Plan for the Toronto Water Division within account CPW066-07.</p> <p>The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.</p>
<b>Comments</b>	<p>In 2018 the City of Toronto commenced a new construction project involving a portion of the Owner's lands. The project entailed the installation of a new 1050 mm watermain through the parking lot area of the Scarborough GO Station. Once completed, the new watermain will improve the water service within the general vicinity. The route of the new watermain was determined through a Municipal Class Environmental Assessment.</p> <p>In order to commence the construction project, temporary and permanent easements were required to utilize a portion of the Owner's lands. City staff successfully acquired the necessary easements in 2018 through a negotiated agreement with the Owner. Authority to enter into the agreement was obtained via DAF 2018-193.</p> <p>The term of the temporary easement ended on October 31, 2020. An extension to the term is required to complete the watermain construction project. The City intends to exercise its option contained within the original easement agreement to extend the term of the temporary easement by an additional three (3) months.</p> <p>Staff consider the terms of the temporary easement extension agreement to be fair and reasonable to both parties.</p>
<b>Terms</b>	<p><b>Agreement Type:</b> Easement Extension/Amending Agreement</p> <p><b>Property Owner (Grantor):</b> Metrolinx</p> <p><b>Grantee:</b> City of Toronto</p> <p><b>Easement Extension/Amending Term:</b> 3 month extension</p> <p><b>Easement Amendment Consideration:</b> \$56,599.32 plus applicable taxes</p> <p><b>Purpose:</b> To complete the construction project involving a new 1050 mm watermain on a portion of the property</p> <p><b>Restoration =</b> City shall restore the Easement Area to its original condition (as close as practicable) at its sole cost</p>

<b>Property Details</b>	<b>Ward:</b>	20 – Scarborough Southwest
	<b>Assessment Roll No.:</b>	19 01 014 350 042 00
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	9,568.65 m <sup>2</sup> or 102,985 ft <sup>2</sup>
	<b>Other Information:</b>	

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 &amp; Parks &amp; 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><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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><b>Delegated to more senior positions.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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 &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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 checked="" 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:	Gary Crawford	Councillor:	
Contact Name:	Monique Lisi – Chief of Staff	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>	Contacted by:	Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>
Comments:	No objections (Oct/21/2020)	Comments:	

**Consultation with Divisions and/or Agencies**

Division:	Engineering and Construction Services	Division:	Financial Planning
Contact Name:	Prapan Dave / Mahtab Tavana	Contact Name:	Patricia Libardo
Comments:	Requires extension to complete work (Oct/20/2020)	Comments:	No issues (Oct/26/2020)

**Legal Services Division Contact**

Contact Name:	Lisa Davies (Oct/21/2020)
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DAF Tracking No.: 2020-295	Date	Signature
<input checked="" type="checkbox"/> Recommended by: <b>Acting Manager, Real Estate Services Melanie Hale-Carter</b>	<b>Nov. 30, 2020</b>	Signed by Melanie Hale-Carter
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: <b>Director, Real Estate Services Alison Folosea</b>	<b>Dec. 7, 2020</b>	Signed by Alison Folosea

### Appendix "A" – The Property

