

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

TRACKING NO.: 2020-282
Confidential Attachment

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

Prepared By:	Trixy Pugh	Division:	Corporate Real Estate Management
Date Prepared:	October 15, 2020	Phone No.:	(416) 392-8160

Purpose	To authorize a settlement for the payment of business losses and the reimbursement of legal fees pursuant to the <i>Expropriations Act</i> and a Full and Final Release and Direction (the "Release") from the owner, CFG Centennial Plaza Inc. (the "Owner/Releasor"). The Release relates to the expropriation and acquisition of temporary construction easements from part of the property municipally known as 3923-3932 Keele Street, required for the construction of the new Finch West Station and works as part of the Toronto-York Spadina Subway Extension Project (the "Project").
Property	A portion of the property municipally known as 3926-3932 Keele Street, Toronto, described as Parcel B-1, Section M1131, Block B on Plan 66M-1131, Township of York/North York, in the City of Toronto as set out in PIN 40247-0426(LT), designated as Part 1 on Expropriation Plan AT2630930, registered on February 28, 2011 (the "Expropriated Lands"), the temporary easement over the Expropriated Lands acquired by way of Temporary Easement Agreements dated in October 20, 2014 and March 9, 2017, as shown in Appendix "A".
Actions	<ol style="list-style-type: none"> Authority be granted to pay the settlement funds including the reimbursement of the Owner/Releasor's legal fees in accordance with the <i>Expropriations Act</i> and pursuant to the Release and as outlined in the terms and conditions outlined below and in the Confidential Attachment. The Confidential Attachment should remain confidential until there has been a final determination of all property transactions and claims for compensation related to the Project and only released publicly thereafter in consultation with the City Solicitor. The City Solicitor be authorized to complete the settlement on behalf of the City, including paying any necessary expenses. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	<p>Funding for the Release, as set out in the Confidential Attachment, is available in the 2020-2029 Council Approved Capital Budget and Plan for the Toronto Transit Commission (the "TTC"), within the Toronto-York Spadina Subway Extension Capital Project (CTT134-01).</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>
Comments	<p>This property is a commercial plaza located at the south-west corner of Finch Avenue West and Keele Street. On February 28, 2011, Expropriation Plan No. AT2630930 was registered for the taking of a four year temporary easement over the Expropriated Lands for the purpose of constructing the Project. An additional one year temporary easement with the option to review for two additional terms of six months each was acquired by way of agreement commencing March 14, 2015. A further temporary easement of six and a half months was acquired in March 2017 in order to complete the construction of the Project.</p> <p>Continued on page 4</p>
Terms	As set out in Confidential Attachment

Property Details	Ward:	7 – Humber River-Black Creek
	Assessment Roll No.:	1908-03-3-320-07500
	Approximate Size:	
	Approximate Area:	179 m ² ± (1,926.73 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 checked="" 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 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:	Anthony Perruzza	Councillor:	
Contact Name:	Jessica Pointon	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 (September 28, 2020)	Comments:	

Consultation with Divisions and/or Agencies

Division:		Division:	Financial Planning
Contact Name:		Contact Name:	Patricia Libardo
Comments:		Comments:	Incorporated into DAF (September xx, 2020)

Legal Services Division Contact

Contact Name:	
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DAF Tracking No.: 2020-282	Date	Signature
Concurred with by: Manager, Real Estate Services		X
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Dec. 2, 2020	Signed by Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Dec. 10, 2020	Signed by Alison Folosea

Comments

As the City required early possession onto the expropriated land, on March 15, 2011, DAF Tracking No. 2011-095 authorized the execution of six early possession agreements wherein the Owner and five tenants granted the early possession and the City agreed to consider interim payments towards disturbance damages and business losses incurred as a result of the construction of the Project, in accordance with the *Expropriations Act*. DAF Tracking No. 2011-114 dated April 1, 2011 authorized the preparation, service and payment of the Offers of Compensation, pursuant to the *Expropriations Act*.

On September 5, 2014, DAF Tracking No. 2014-198 authorized the execution of the six temporary easement agreements wherein the Owner and the tenants granted the City and TTC continued use of the easement lands for one year with the right to renew for two further periods of six months.

DAF Tracking No. 2015-219 dated September 2, 2015, authorized the payment of the first interim compensation agreement with the Owner for its disturbance damages and business loss incurred for the period of January 1, 2014 to December 31, 2014.

DAF Tracking No. 2016-099 dated June 20, 2016, authorized the payment of the second interim compensation agreement with the Owner for its disturbance damages and business loss incurred for the period of January 1, 2015 to December 31, 2015.

DAF Tracking No. 2017-083 dated March 15, 2017, authorized the execution of the temporary easement agreements wherein the Owner and the tenants granted the City and TTC continued use of the easement lands for an additional six and a half months.

DAF Tracking No. 2017-191 dated July 7, 2017, authorized the payment of the third interim compensation agreement with the Owner for its disturbance damages and business loss incurred for the period January 1, 2016 to December 31, 2016.

The Owner has submitted its financial information and records to the City Solicitor and the City's business loss consultant, Hallinan Tautrims Inc., who reviewed this final claim on behalf of the City and has recommended a reasonable amount for final compensation owing to the Owner for business losses for the period of January 1, 2017 to December 31, 2017.

The Owner has also submitted invoices for legal and other professional fees incurred in accordance with the *Expropriations Act*. The City Solicitor's office has reviewed the claim for legal and other fees and has recommended a reasonable amount for the reimbursement of legal fees incurred since the expropriation in February 2011.

The City's consultant and the City Solicitor's recommendations are the basis for the Release of all claims arising from the expropriation and construction of the Project. The terms and conditions of the Release as set out in the Confidential Attachment, are considered to be fair and reasonable and are being recommended for approval.

Appendix "A" – Location Map & Expropriation Plan



