

**DELEGATED APPROVAL FORM**  
**DEPUTY CITY MANAGER, CORPORATE SERVICES**  
**EXECUTIVE DIRECTOR, CORPORATE REAL ESTATE MANAGEMENT**

TRACKING NO.: 2020-242

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

Prepared By:	Elliott Baron	Division:	Corporate Real Estate Management
Date Prepared:	December 8, 2020	Phone No.:	416-338-3207

<b>Purpose</b>	To obtain authority to enter into a letter agreement (the "Agreement") for the non-exclusive use of City of Toronto-owned lands designated Parks and Open Space with the Toronto Catholic District School Board ("TCDSB") to support their required space expansion for the safe return-to-school.
<b>Property</b>	The Agreement will include a list of 10 requests by the TCDSB, which includes 25 parks (the "Properties"), as attached in Appendix "A". The list may be amended from time to time in response to changing COVID-19 requirements.
<b>Actions</b>	1. Authority be granted to enter into the Agreement with the TCDSB, substantially on the major terms and conditions set out herein, and including such other or amended terms and conditions as may be deemed appropriate by the Executive Director, Corporate Real Estate Management or Director, Transactions Services and in a form acceptable to the City Solicitor.
<b>Financial Impact</b>	<p>The TCDSB will pay to the City \$57,397.00 as estimated lost revenue the City will incur from the standard permits that the TCDSB would have renewed in a standard school year prior to the COVID-19 pandemic. In addition, TCDSB shall cover the equivalent of any lost revenue the City will incur from cancelling pre-existing permits, programs or services with third parties to accommodate their use. Any costs resulting from service requests or increased service levels required for the use of the Properties will be the responsibility of TCDSB. For clarity this Agreement is meant to be cost neutral to the City.</p> <p>Revenue will be directed to 2020 Council Approved Operating Budget for Parks, Forestry and Recreations under cost center P00255 and cost element 9450.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.</p>
<b>Comments</b>	In the Spirit of Partnership during the COVID-19 pandemic, and in accordance with Mayor Tory's offer of access to City facilities and outdoor space to help facilitate school reopening plans, the City has offered the TCDSB the non-exclusive use of the City's outdoor park and open green space. As the TCDSB reviews their requirements, the list of spaces may be amended from time to time. The Properties will allow the TCDSB to meet the guidelines and requirements of Federal, Provincial and Municipal public health officials.
<b>Terms</b>	See Page 4

<b>Property Details</b>	<b>Ward:</b>	All Wards
	<b>Assessment Roll No.:</b>	
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	
	<b>Other Information:</b>	10 requests – 25 parks

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate 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/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 &amp; Parks &amp; 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 \$3 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><b>Request/waive hearings of necessity delegated to less senior positions.</b></p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 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 \$3 Million.</p> <p><input checked="" type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p><b>Delegated to a more senior position.</b></p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$3 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 \$3 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>	<p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p><b>Request/waive hearings of necessity delegated to less senior positions.</b></p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 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 \$5 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p><input type="checkbox"/> (c) Where compensation is less than market value, provided tenant and lease satisfy Community Space Tenancy Policy criteria set out in Item EX28.8, as adopted by Council on November 7, 8 and 9, 2017, as amended from time to time.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$5 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 \$5 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>B. Deputy City Manager, Corporate Services and Executive Director, Corporate Real Estate Management each has signing authority on behalf of the City for:</b>
<ul style="list-style-type: none"> <li>• Documents required to implement matters for which each position also has delegated approval authority.</li> <li>• Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.</li> <li>• Expropriation Applications and Notices following Council approval of expropriation.</li> <li>• Community Space Tenancy Leases approved by delegated authority by the Deputy City Manager, Corporate Services and any related documents.</li> </ul>

**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:	Mayor Tory	Councillor:	
Contact Name:	Courtney Glen	Contact Name:	
Contacted by:	<input type="checkbox"/> Phone <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other	Contacted by:	<input type="checkbox"/> Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	No objections – September 16, 2020	Comments:	

**Consultation with Divisions and/or Agencies**

Division:	<b>Parks, Forestry &amp; Recreation</b>	Division:	<b>Financial Planning</b>
Contact Name:	Christina Iacovino / Rohan Dove	Contact Name:	Patricia Libardo
Comments:	Comments incorporated, December 7, 2020	Comments:	Comments incorporated – December 8, 2020

**Legal Services Division Contact**

Contact Name: **Dale Mellor – comments incorporated – November 18, 2020**

DAF Tracking No.: 2020-242	Date	Signature
Recommended by: Manager, Real Estate Services Melanie Hale-Carter	Dec. 9, 2020	Signed by Melanie Hale-Carter
Recommended by: Director, Real Estate Services Alison Folosea	Dec. 11, 2020	Signed by Alison Folosea
<input type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management <input checked="" type="checkbox"/> Approved by: Patrick Matozzo	Dec. 14, 2020	Signed by Patrick Matozzo
<input type="checkbox"/> Approved by: Deputy City Manager, Corporate Services Josie Scioli		X

## Major Terms and Conditions

1. Term: December 9, 2020 - June 30, 2021;
2. Use: monitored recess and lunch breaks for students, together with physical education and active instructional use by students and teachers, between the hours of 8 a.m. and 4 p.m. Monday to Friday, in accordance with the uses and limitations as set out in Schedule "A";
3. Safety: TCDSB must perform a visual check of the Space to note any hazards and remove where applicable. TCDSB may request assistance with the removal of hazards, which the City may provide in accordance with standard City maintenance timelines;
4. Net and Care Free to the City: TCDSB shall cover the equivalent of any lost revenue the City will incur from cancelling pre-existing permits, programs or services to accommodate their use. The TCDSB will also pay to the City \$57,397.00, payable prior to December 31, 2020, as lost revenue the City will incur from the standard permits that the TCDSB would have renewed in a standard school year prior to the COVID-19 pandemic. For clarity, it is the use of the Properties over and above what would typically occur during a standard school year that will not be charged to the TCDSB. TCDSB shall be responsible for any costs resulting from service requests or increased service levels required for the use of the Properties, including but not limited to additional snow removal. If the use results in a level of damage to the Properties in excess of standard seasonal wear and tear, the TCDSB will be responsible for the costs of City restoration of the Properties to the condition in which they were found at the commencement of the Agreement, the aforementioned standard seasonal wear and tear excluded;
5. Termination: TCDSB is permitted to terminate the Agreement upon giving 30 days' prior written notice;
6. Insurance: TCDSB must obtain Commercial General Liability Insurance which has limits of not less than Ten Million Dollars (\$10,000,000.00) per occurrence, for bodily injury and property damage resulting from any one occurrence and which extends to include Personal Injury Liability, Broad Form Contractual Liability, Owner's and Contractor's Protective Coverage, Completed Operations Coverage, Employer's and/or Contingent Employer's Liability; Tenant's Legal Liability, Non-Owned Automobile Liability and any other provision relevant to their operations. The policy shall include a Cross Liability and Severability of Interest Clause and shall name the City as an additional insured;
7. Release and Indemnity: TCDSB shall indemnify and save the City and their respective officers, agents, servants, contractors, representatives, employees, elected and appointed officials, successors and assigns (collectively, the "Released Persons") harmless from and against any and all manner of actions, claims, charges, costs, damages, demands, expenses, losses and any 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 (including, without restriction, employees, agents, contractors or property of the City and/or the TCDSB) directly or indirectly arising out of, resulting from or sustained as a result of the TCDSB's occupancy or use of the Properties or in respect of the Agreement;
8. Compliance: TCDSB will be responsible for complying at all times with all provisions of any present or future law, by-law, rule, regulation, or order enacted or made by any Federal, Provincial, City, Regional or Municipal authority having jurisdiction including all of the City's policies as may be adopted by City Council from time to time; and
9. COVID-19 Protocols: TCDSB agrees that during the use of the Properties, TCDSB will comply with the City's terms contained in the "General Declaration for Outdoor Permit Holders during COVID-19", attached hereto as Schedule "B", as may be amended from time to time in accordance with the advice of Federal, Provincial or Municipal public health officials. The City acknowledges that there may be overlap between the terms included in Schedule B and the practices and protocols established by the TCDSB in preparation for the commencement of the school year, such as self-assessment and contact tracing protocols, in which case the TCDSB may provide notice to the City upon the execution of this Agreement that such terms will be met through their internal processes.

## Schedule A – Parks and Open Spaces to be Available for the TCDSB (the “Properties”)

Schedule "A" - Final as of December 8, 2020

Toronto Catholic District School Board

Schools Requesting Access to City of

Toronto Parks

Notes:

- All fields (soccer fields, baseball diamonds) are not available Oct 2, 2020 to May 1, 2021

- All locations are non-exclusive and open to the public and/or multiple schools/boards

Requesting School		Requested City Property					City Staff Comments	
School Name	School Address	Site	Facility Type	Use	Time of Use	Date of Use	Availability	TDSB Requested? Y/N
Holy Name	690 CARLAW AVE	Withrow Park	Withrow Park	some class instruction, outdoor recreation and physical education use	8:30am - 3:30pm	M to F	Withrow - Diamond & Field Available. Parkland - Bootcamp (Sept 18 & 25 - 10am-12pm), Special Event (Oct 7 & 9 -7am-4pm)	Yes
St Anselm	182 BESSBOROUGH DR	Father Caulfield, Trace Manes Parks	Father Caulfield, Trace Manes Parks	outdoor recreation and physical education use	8:30am - 3:30pm	M to F	Trace Manes Park: Available	Father Caulfield - No , Trace Manes - Yes
St Anthony	130 SHANLY ST	Dovercourt Park, Dufferin Grove Park, Christie Pits Park	Dovercourt Park, Dufferin Grove Park, Christie Pits Park	physical education use	8:30am - 3:30pm	M to F	Christie Pitts - Diamonds & Field available, Parkland - Special Event (Sept 25 -12pm-3pm)	Dovercourt - No , Dufferin Grove - No, Christie Pits - Yes
St Augustine of Canterbury	98 SHOREHAM DR	Hullmar Park, Elm Park	Hullmar Park, Elm Park	outdoor recreation and physical education use	8:30am - 3:30pm	M to F	Available	No
St Cecilia	355 ANNETTE ST	Ravina Park	Ravina Park	outdoor recreation and physical education use	8:30am - 3:30pm	M to F	Ravina Gardens Park: Available	Yes
St John XXIII	175 GRENOBLE DR	Flemingdon Park	Flemingdon Park	recesses and for occasional outdoor	9:00AM - 3:30PM	M to F	Available	Yes
St Kateri Tekakwitha	70 MARGARET AVE	VanHorne Park	VanHorne Park	some class instruction, outdoor recreation and physical education use	8:30am - 3:30pm	M to F	Available	No
St Norbert	60 MANIZA RD	Ancaster Park	Ancaster Park	recreational and physical education use	8:30am - 3:30pm	M to F	Available	Yes
Bishop Macdonell	20 BRUNEL CRT	Canoe Landing, Fort York/Garrison Common, Toronto Music Garden, Northern Linear Park, Southern Linear Park, Ireland Park, June Callwood Park, Olympic Park, Little Norway Park, HTO and HTO Park West, Roundhouse Park, Bobby Rosenfeld Park	Canoe Landing, Fort York/Garrison Common, Toronto Music Garden, Northern Linear Park, Southern Linear Park, Ireland Park, June Callwood Park, Olympic Park, Little Norway Park, HTO and HTO Park West, Roundhouse Park, Bobby Rosenfeld Park	some class instruction, outdoor recreation and physical education use	9:00am - 3:00pm	M to F	Check in with PS as park listed are public passive parks or require PS approval prior to booking. May also be some SE in the months of May & June 2020. Some parks may have homeless encampment so each school can assess per location.	Canoe Landing - No, Fort York/Garrison Common - No, Toronto Music Garden - No, Northern Linear Park - No, Southern Linear Park - No, Ireland Park -No, June Callwood Park - No, Olympic Park No, Little Norway Park - No, HTO and HTO Park West -No, Roundhouse Park -No, Bobby Rosenfeld Park -No
Father Serra	111 SUN ROW DR	Green Meadows Park	Green Meadows Park	recreational and physical education use	8:30am - 3:30pm	M to F	Available	No

## Schedule B - General Declaration for Outdoor Permit Holders during COVID-19

### General Declaration for Outdoor Permit

**Declaration for Permit Holders during COVID-19** – Permit holders will be responsible for ensuring infection control measures to help reduce the risk of COVID-19 are followed, including the following:

- Permit is subject to modifications based on the provincial orders and guidelines and Toronto Public Health guidance
- All activities must comply with the physical distancing measures and other direction issued by federal, provincial, and municipal government authorities, including Toronto Public Health.
- Permit holder agrees to the maximum number of participants, as required by the Provincial Regulation and as set out in the permit.
- Anyone who is exhibiting symptoms of COVID-19 or has had close contact with a confirmed case cannot participate in the permitting activity.
- Prior to attending the activity, every participant must do the self-assessment for COVID-19 on the Ontario Ministry of Health website and if they do not pass the assessment they should not attend until they pass the assessment and do not have signs and symptoms of COVID-19. Participants can visit the City's website to determine if further care is required and learn about assessment centres.
- Permit holders should be aware that the risk of severe illness may be higher if you have a weakened immune system. This may be the case for:
  - People over the age of 60, and those with weakened immunity or underlying health conditions.
  - People with chronic disease such as diabetes, cancer, heart, renal or chronic lung disease
- People who become ill with COVID 19 symptoms while participating in the permitted activity must go home to self-isolate. If a participant tests positive for COVID-19, their local Public Health Unit (TPH for Toronto residents) will follow-up with close contacts who may include other participants. Other participants who came in close contact with the infected individual may be required to self-isolate.
- Facilities may not have all amenities/services available (e.g. water fountains).
- Permit holders must comply with limitations to access restricted areas such as change rooms and washrooms.
- Participants should arrive for the starting time of the activity and not linger after the permit or activity is over.
- Each permit holder must to the best of their ability maintain a record of participants that could support potential public health contact tracing as needed.
- The Permit holder is responsible for ensuring any equipment being used is properly disinfected prior to use. Anything a permit holder brings in must also be disinfected.
- Participants should not be sharing equipment, such as water bottles, towels or sports equipment, prior to or during the permitted activity.
- Participants must exercise appropriate hygiene including hand washing, avoiding touching other players (e.g. shaking hands, high fives), and avoiding touching your face as much as possible.
- Permit holders should look to sport/activity-specific guidelines developed by provincial and national organizations for guidance in ensuring safe participation in activities.

**Declaration for permit groups using Parks, Forestry & Recreation Facilities**

I declare that I have read and understand the Declaration for Permit Holders during COVID-19 that will be attached to my permit or lease for participating in any permit with in a Parks, Forestry & Recreation Facilities. I understand what my responsibilities are.