

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

TRACKING NO.: 2020-324

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

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| Prepared By: | Miles Argue | Division: | Corporate Real Estate Management |
| Date Prepared: | December 4, 2020 | Phone No.: | 416-397-7522 |

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| Purpose | To obtain authority to enter into a license agreement (the " Licence Agreement ") with Damis Properties Inc., Sabel Holdings Limited, Briarcrest Apartments Limited, and Microbo Properties Inc., all carrying on business as Briarcrest Manor (collectively, the " Licensor ") with respect to the property municipally known as 263 and 265 Dixon Road, Toronto (the " Property ") for the purpose of repairing an existing City sanitary sewer line and two storm sewer lines (the " Infrastructure "). |
| Property | Part of the property municipally known as 263 and 265 Dixon Road, legally described as Part Lot 21, Concession A FTH, as in EB258283, except Parts 3, 4 & 5 on 64R2202; Etobicoke, City of Toronto as shown outlined in red attached hereto as Schedule "A" (the " Licensed Area ") |
| Actions | 1. Authority be granted to enter into the Licence Agreement with the Licensor, substantially on the major terms and conditions set out below, and including such other terms as deemed appropriate by the approving authority herein, and in a form acceptable to the City Solicitor. |
| Financial Impact | There is no financial impact. The License is for nominal consideration. 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 Infrastructure located on the Property include a failed outfall and exposed sanitary sewer in Humber Creek, west of the intersection of Dixon Road and Islington Avenue (see attached sketch and map). While the City retains an easement over part of the Property for maintaining the sanitary sewer, additional lands are required for construction staging. The proposed Licence Agreement would permit the City to perform both urgent and planned state-of-good-repair work to the Infrastructure, including the storage of all necessary vehicles, machinery, and equipment, and to remove and/or replace trees, plants, soil, fill, and perform erosion-control works to protect and preserve the Infrastructure. |
| Terms | Term: Commencing on December 7, 2020 or on a date mutually agreed to by both parties, and expiring on the earlier of: 1) the day the repair work is completed; and 2) no later than December 31, 2021. The City shall have the right to terminate the License at any time during the Term upon 5 days' written notice. Licensed Area: That part of the Property shown on a sketch attached as Schedule "A" hereto. Consideration: Nominal Restoration: The City shall restore the Licensed Area as close as is reasonably practicable upon expiry or termination of the License. Insurance: Commercial general liability insurance against claims for bodily injury (including death), personal injury and property damage arising out of or in connection with the Work in an amount not less than five million dollars (\$5,000,000.00) per occurrence. Release: Upon removal and restoration of the Licensed Area in accordance with the License, the City shall be released from any liability relating to the License |

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| Property Details | Ward: | 2 – Etobicoke Centre |
| | Assessment Roll No.: | 19 19 026 490 021 00 |
| | Approximate Size: | 108 m x 163 m (irreg.) ± (354 ft x 534 ft (irreg.) ±) |
| | Approximate Area: | 15,452 m ² ± (166,323 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 checked="" 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 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)

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| Councillor: | Stephen Holyday | Councillor: | |
| Contact Name: | Stephen Holyday | 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- Dec 1, 2020 | Comments: | |

Consultation with Divisions and/or Agencies

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| Division: | Engineering & Construction Services | Division: | Financial Planning |
| Contact Name: | Geoff Cole Senior Engineer, Stormwater Management Infrastructure | Contact Name: | Patricia Libardo Senior Financial Planning Analyst |
| Comments: | Comment Incorporated – Dec 1, 2020 | Comments: | Comments Incorporated December 2, 2020 |

Legal Services Division Contact

Contact Name: Gloria Lee, solicitor Comments incorporated –December 2, 2020

| DAF Tracking No.: 2020- 324 | Date | Signature |
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| Concurred with by: Manager, Real Estate Services Melanie Hale-Carter | Dec. 4, 2020 | Signed by Melanie Hale-Carter |
| <input type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas | Dec. 4, 2020 | Signed by Daran Somas |
| <input checked="" type="checkbox"/> Approved by: | | |
| <input type="checkbox"/> Approved by: Director, Real Estate Services | | X |

SCHEDULE "A"
SKETCH OF LICENSED AREA



SCHEDULE "B"

MAP SHOWING PROPERTY LOCATION

