

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

TRACKING NO.: 2020-277

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

Prepared By:	Miles Argue	Division:	Corporate Real Estate Management
Date Prepared:	October 6, 2020	Phone No.:	416-392-7572

Purpose	To obtain authority to enter into two Limiting Distance Agreements with the owners of a proposed mixed use commercial/residential building located at 261 Queen's Quay East (the "Building"): firstly with Aqualuna Bayside Toronto Inc. ("Aqualuna"); and secondly with the City of Toronto, in its capacity as owner of the proposed recreation centre to be constructed within the Building (the "Recreation Centre Owner").
Property	Firstly: that portion of the Water's Edge Promenade described as Part of Block 5 on Plan 66M-2542, designated as Part 1 on Plan 66R-31317, and shown on Schedule "A" hereto as Part 1 (the "Promenade Owner Lands"); and Secondly: that portion of the Water's Edge Promenade described as Part of Block 5 on Plan 66M-2542, designated as Part 2 on Plan 66R-31317 and shown on Schedule "A" hereto as Part 2 (the "City Lands").
Actions	<ol style="list-style-type: none"> 1. Authority be granted to enter into a Limiting Distance Agreement (the "Recreation Centre LDA") with the Recreation Centre Owner, in respect of the Promenade Owner Lands, 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 satisfactory to the City Solicitor. 2. Authority be granted to enter into a Limiting Distance Agreement with Aqualuna (the "Aqualuna LDA"), in respect of the City Lands, 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 satisfactory to the City Solicitor.
Financial Impact	<p>The City will receive \$116,950.00 (plus HST) as a one-time fee in consideration of the Aqualuna LDA. These funds will be directed to 2020 Council Approved Operating Budget for Parks, Forestry and Recreation ("PFR") under cost center P10227, Cost Element, 8620, FAC: 1810400000.</p> <p>There are no financial implications in respect of the Recreation Centre LDA as this is an agreement between the City as the Recreation Centre Owner and the City as owner of the Promenade Owner Lands.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications herein.</p>
Comments	<p>Aqualuna is proposing to construct a mixed use commercial/residential building (the "Building"), at 261 Queens Quay East, adjacent to the City's Water's Edge Promenade. Aqualuna is also managing the construction of the City's Recreation Centre.</p> <p>In order to obtain building permits in accordance with Section 3.2.3.1(11) of Division A of the Ontario Building Code, O. Reg. 332/12, as amended, Aqualuna and the Recreation Centre Owner each require LDA's with respect to the Building's south and east façades, respectively.</p> <p>During negotiations with City staff, it has been agreed to use a 'stratified approach' in the Aqualuna LDA, allowing PFR to continue permitting events along the Waters' Edge Promenade (i.e the Wine & Spirits Festival and the Redpath Waterfront Festival), which use temporary stages or grandstands. Other structures that may be contemplated in the future, such as pavilions and washrooms would be not be prohibited by the LDA, provided that any such structure is does not exceed 5.8 meters in height.</p> <p>The subject lands are within the Designated Waterfront Area. The Director, Waterfront Secretariat has been consulted and approves this transaction.</p> <p>The proposed Aqualuna LDA is considered fair, reasonable and at market value.</p>
Terms	<ol style="list-style-type: none"> 1. No building shall be erected or permitted to be erected on the Promenade Owner Lands or on the City Lands; 2. Aqualuna agrees to pay to the City the amount of \$116,950.00 (plus HST) 3. Aqualuna agrees to release, and to indemnify the City, its officials, officers and employees from any claims arising out of the entering into of the Aqualuna LDA; 4. The above agreements shall terminate upon the intentional demolition of the Building

Property Details	Ward:	10 – Spadina-Fort York
	Assessment Roll No.:	N/A
	Approximate Size:	(1) 9.12 m x 80.94 m (2) 2.00 m x 29.43 m (irregular)± (6.5 ft x 96.6 ft ±)
	Approximate Area:	53.36 m ² ± (570.5 ft ² ±)
	Other Information:	Along the future City-owned Water's Edge Promenade (Phase II)

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 checked="" 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"/> I Surrenders/Abandonments</p> <p><input type="checkbox"/> (d) Enforcements/Terminations</p> <p><input type="checkbox"/> I 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			
<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:	Joe Cressy		Councillor:
Contact Name:	Tom Davidson		Contact Name:
Contacted by:	Phone	<input checked="" type="checkbox"/> E-Mail	Memo
			Other
Comments:	No Objection Date		Comments:
Consultation with Divisions and/or Agencies			
Division:	Parks, Forestry & Recreation		Division:
Contact Name:	Dessislava Simova		Contact Name:
Comments:	Comments incorporated date		Comments:
			Financial Planning
			Contact Name:
			Patricia Libardo
			Comments:
			Comments incorporated date
Legal Services Division Contact			
Contact Name:	Kathleen Kennedy date		

DAF Tracking No.: 2020- 277	Date	Signature
Concurred with by: Manager, Real Estate Services		X
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Melanie Hale-Carter	Oct. 7, 2020	Signed by Melanie Hale-Carter
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Oct. 13, 2020	Signed by Alison Folosea

SCHEDULE "A" Location Map & Sketch

