

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

TRACKING NO.: 2020-332

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

Prepared By:	Glenn Zeta	Division:	Corporate Real Estate Management
Date Prepared:	December 22, 2020	Phone No.:	416-338-7612
Purpose	To obtain authority for the City of Toronto (the "City") to enter into a temporary easement extension and amending agreement (the "Extension and Amending Agreement") with the owners of the Property, as defined below, for the purpose of installing and maintaining gas monitoring probes, and to conduct ongoing monitoring of the installed probes for a five (5) year term over a portion of the Property shown in Appendix "B"		
Property	The property municipally known as 960 Cosburn Avenue and legally described Pt Lt 456 PI 1770 TWP of York; Pt Lt 457 TWP of York, PT 4 64R4213; Toronto (E York), City of Toronto (the "Property") depicted on the attached Appendix "B".		
Actions	1. Authority be granted to enter into the Extension and Amending Agreement with the owners of the Property substantially on the terms and conditions set out herein, and on any such other or amended terms and conditions deemed appropriate by the approving authority herein, and in a form acceptable to the City Solicitor.		
Financial Impact	<p>The annual fee is \$800.00 per year, inclusive of any applicable tax therefore the total potential cost to the City is \$4,000.00, unless the Extension and Amending Agreement is terminated prior to the five (5) year extended term in which case the annual payments will cease. Given that the Extension and Amending Agreement constitutes a supply of real property by virtue of a lease, licence or similar arrangement, the City is not able or required to self-assess. If the owners are registrants within the meaning of the <i>Excise Tax Act</i>, or become registrants at any point during the term, they will be required to deduct the tax payable from the annual fee and remit the tax directly to the Minister of Finance.</p> <p>Funding is available in the 2021 Recommended Capital Budget and Plan for Solid Waste Services under account (CSW 930-04) submitted for Council consideration.</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>		
Comments	<p>On June 26, 27 and 28 2001, Council adopted Clause No.8 Report No. 9 of the Works Committee approving the Old Landfills program which entails the monitoring of methane gas on adjacent lands to former landfill sites - in this case the Stan Wadlow Landfill Site. Gas probes are typically made of PVC pipe, are installed approximately eight (8) metres into the ground, and will not have significant extrusion above ground level. In January 2017, pursuant to the authority set out in DAF 2016-277, the City entered into an Easement Agreement (the "Original Easement Agreement") with the owners of the Property with respect to the program, for a term of three (3) years which was to commence on a date to be specified in writing by the City on at least fifteen (15) days prior written notice to the owners of the Property. On November 22, 2017 a commencement letter was sent to the owners of the Property, specifying a commencement date of January 1, 2018. The Original Easement Agreement expires December 31, 2020.</p> <p>In September 2020, Solid Waste Services advised that an extension of the Original Easement Agreement was necessary in order to ensure the continuance of the program. In November 2020, the Property Owners had agreed to the Extension and Amending Agreement with a commencement date of January 1, 2021, and will be compensated at the beginning of each year of the five (5) year term.</p>		
Terms	Except as set out in Appendix "A", the terms of the Extension and Amending Agreement are the same as the Original Easement Agreement		
Property Details	Ward:	19 – Beaches-East York	
	Assessment Roll No.:	1906021690007700000	
	Approximate Size:	N/A	
	Approximate Area:	48.98 sq. m.	
	Other Information:	N/A	

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 checked="" 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)

Councillor:	Brad Bradford	Councillor:	
Contact Name:	Councillor Brad Bradford	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 – November 2, 2020	Comments:	

Consultation with Divisions and/or Agencies

Division:	Solid Waste Services	Division:	Financial Planning
Contact Name:	Lynda Mulcahy (Manager)	Contact Name:	Patricia Libardo
Comments:	No Concerns – December 8, 2020	Comments:	Comments Incorporated - December 3, 2020

Legal Services Division Contact

Contact Name: Aiden Alexio and Catherine Thomas – November 27, 2020

DAF Tracking No.: 2020- 332	Date	Signature
Concurred with by: Manager, Real Estate Services Melanie Hale-Carter	Dec. 22, 2020	Signed by Melanie Hale-Carter
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Dec. 22, 2020	Signed by Daran Somas
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		

Appendix "A"
Major Terms & Conditions

Term:

Five (5) year term commencing on January 1, 2021 and terminating on December 31, 2025

Use:

The installation and maintenance of gas monitoring probes, as well as the ongoing monitoring of the installed probes.

Annual Fee:

The owners of the Property will be paid an annual fee of \$800.00 inclusive of any applicable HST. The annual fee is payable by non-certified cheque or electronic funds transfer, at the City's sole discretion.

Qualifying Legal Expenses:

Given that the City has already offered to reimburse the Property owners for their Qualifying Legal Expenses in relation to the Original Easement Agreement (up to a maximum of \$1,000.00), the City will not be reimbursing for the Property owners for their legal expenses in relation to the Extension and Amending Agreement.

Appendix "B"

Probe Site Plan showing Probe Location and Easement Lands

