

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

TRACKING NO.: 2021-035
With Confidential Attachment

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

Prepared By:	Patricia Palmieri	Division:	Corporate Real Estate Management
Date Prepared:	January 21, 2021	Phone No.:	416-392-4829
Purpose	To obtain authority for the City of Toronto (the "City") to enter into Section 30 Agreements (the "Agreements") with the owners of 24, 50 and 41-45 Spadina Road (the "Owners"). The Agreements will facilitate the transfer of easements in favour of the City that are required for the construction of the Toronto Transit Commission ("TTC") Spadina Station Easier Access Project (the "Project").		
Property	As described in Appendix "A" and shown on the Reference Plans in Appendix "B" (the "Easement Lands").		
Actions	1. Authority be granted for the City to enter into the Agreements with the Owners and to serve notice of extension thereto, if required, substantially on the terms and conditions outlined in Appendix "A" and in the Confidential Attachment, and on such other or amended terms and conditions as may be acceptable to the Director of Transaction Services and in a form satisfactory to the City Solicitor.		
Financial Impact	<p>Funding for the compensation, as set out in the Confidential Attachment, has been referred to the City's annual budget process and has been included in the 2021-2030 Capital Budget and Plan Submission for the TTC under capital account CTT028-1 Easier Access – Phase 2 for Council consideration.</p> <p>The Chief Financial Officer and Treasurer has been provided the financial impacts associated with this program for review as part of the 2021 budget process.</p>		
Comments	<p>As part of the Project, the TTC is proposing to construct elevators at Spadina Subway Station on Line 1 providing accessibility to and from each of the northbound and southbound platforms to the concourse level.</p> <p>On January 29, 2020 City Council adopted GL 11.7 authorizing the acquisition and or expropriation of the Easement Lands, for the Project. Real Estate Staff have negotiated with the Owners the Agreements and TTC staff have reviewed the terms and conditions of the Agreements and concur with proceeding.</p>		
Terms	See Appendix "A" and the Confidential Attachment		
Property Details	Ward:	Ward 11 – University-Rosedale	
	Approximate Size:	Irregular	

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/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><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 checked="" 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 checked="" 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:	Councillor Layton	Councillor:	
Contact Name:	Stephanie Nakitsas	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:	Advised on January 21, 2021	Comments:	

Consultation with Divisions and/or Agencies

Division:	TTC	Division:	Financial Planning
Contact Name:	Dan (Property Coordinator)	Contact Name:	Patricia Libardo
Comments:	Concurred on December 19, 2021	Comments:	Concurred on December 19, 2021

Legal Services Division Contact

Contact Name: Dale Mellor

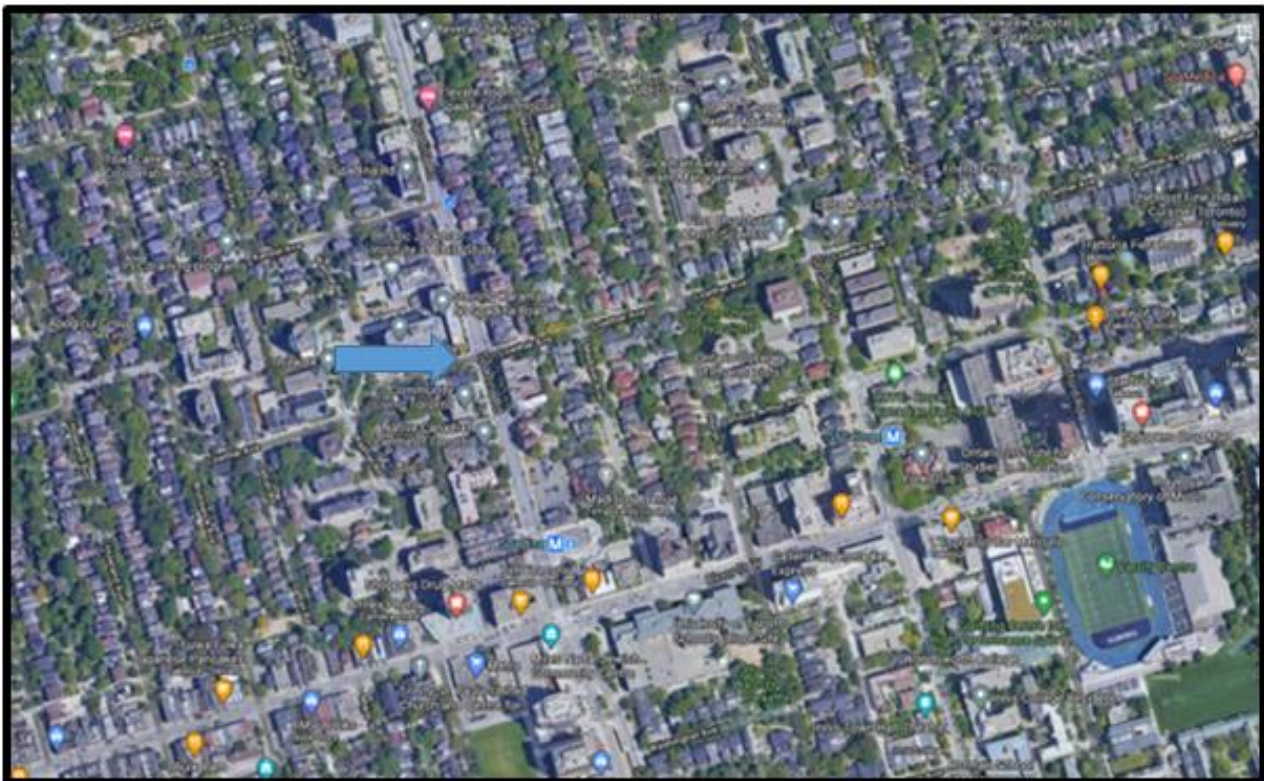
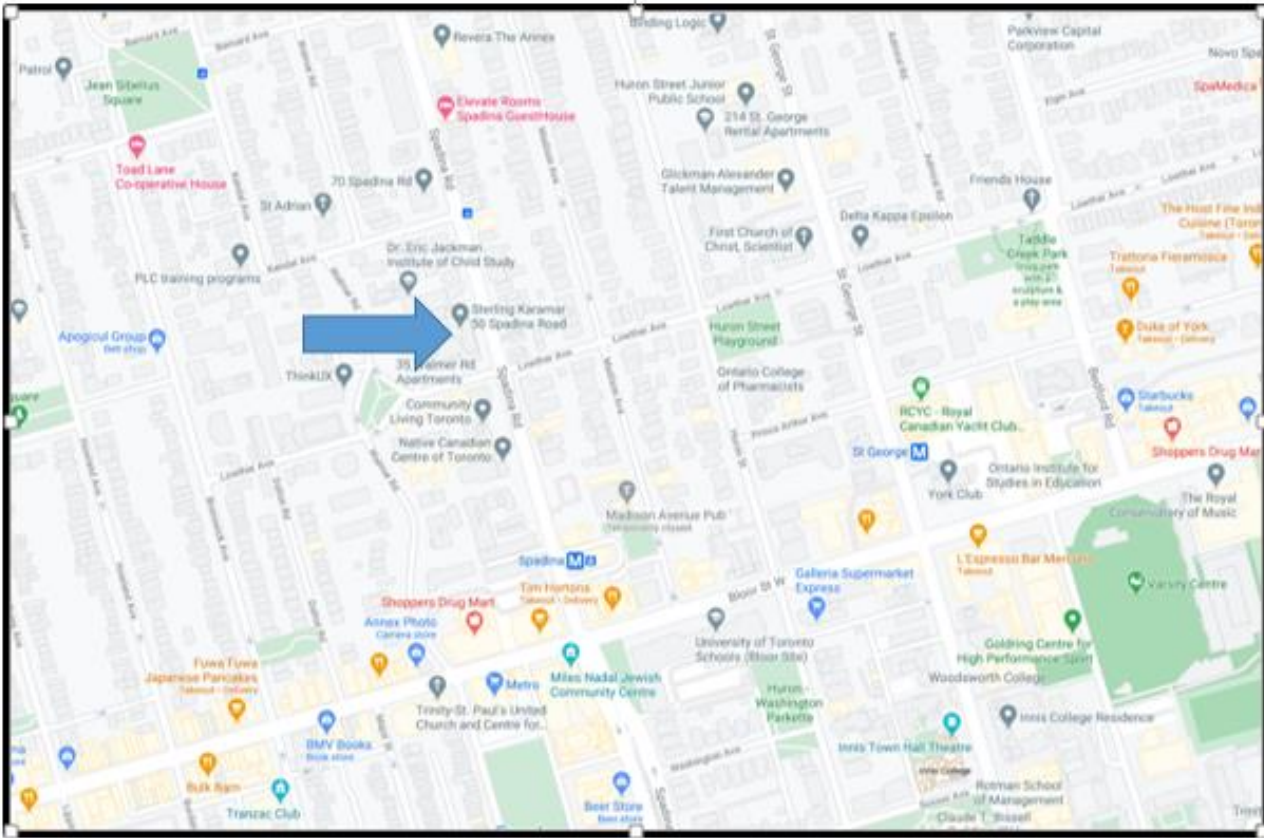
DAF Tracking No.: 2021-035	Date	Signature
Concurred with by: Manager, Real Estate Services		X
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas <input type="checkbox"/> Approved by:	Jan. 29, 2021	Signed by Daran Somas
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services	Feb. 8, 2021	Signed by Alison Folosea

Appendix "A"

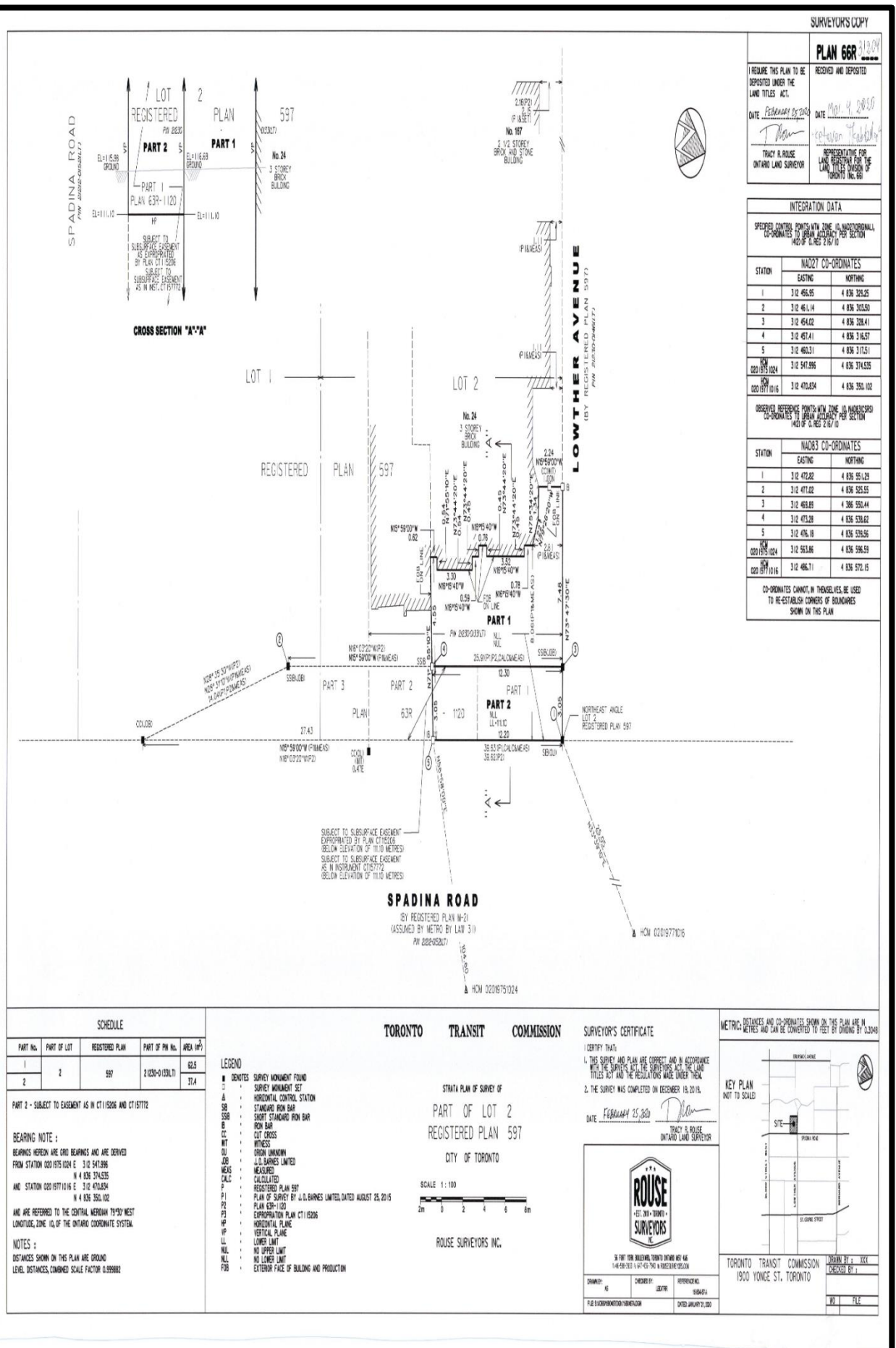
Terms & Conditions

Vendors	<p>24 Spadina Road – Alliance Francaise De Toronto</p> <p>50 Spadina Road – IMH Walmar Spadina Ltd.</p> <p>41-45 Spadina Road – 41-45 Spadina Rd.Property Inc.</p>
Legal Description	<p>24 Spadina Road PT LT 2 PL 597 NORTH WEST ANNEX AS IN CT846939; S/T CT115206, CT157772; CITY OF TORONTO; DESIGNATED AS PARTS 1 AND 2 ON PLAN 66R-31204 BEING PART OF PIN: 21230-0133 (LT) IN THE LAND REGISTRY OFFICE OF TORONTO (NO. 66) IN LAND TITLES DIVISION.</p> <p>50 Spadina Road LOT 3, 10-11 PLAN 597 NORTH WEST ANNEX; PART OF LOT 4 PLAN 597 NORTH WEST ANNEX AS IN WA100599; CITY OF TORONTO; DESIGNATED AS PARTS 1 AND 2 ON PLAN 66R-31206 BEING PART OF PIN: 21230-0134 (LT) IN THE LAND REGISTRY OFFICE OF TORONTO (NO. 66) IN LAND TITLES DIVISION.</p> <p>41-45 Spadina Road PCL 17-1 SEC M2; PT LT 19 E/S SPADINA RD PL M2 TORONTO; S/T 66D283 PARTIALLY RELEASED BY A900946; TORONTO, CITY OF TORONTO; DESIGNATED AS PARTS 1 AND 2 ON PLAN 66R-31205 BEING PART OF PIN: 21212-0001 (LT) IN THE LAND REGISTRY OFFICE OF TORONTO (NO. 66) IN LAND TITLES DIVISION. (referred to as the "Easement Lands").</p>
Section 30 Conditions	<p>In consideration for the transfers of the easements in favor of the City of the Required Lands, the City agrees to pay the Vendors an advance payment outlined in the Confidential Attachment. The advance payment shall be without prejudice to the Vendor's right to claim further compensation for the acquisition, within the meaning of the <i>Expropriation Act</i> (the "Act"), of the Easement Lands pursuant to section 30 of the Act and as if the Easement Lands had been expropriated by the City.</p> <p>The advance payment shall stand in place of any obligations of the City in accordance with section 25 of the Act. The advance payment is hereby accepted by the Vendor's, without prejudice to any of its rights to claim additional compensation for the market value of the Easement Lands and other compensation in accordance with the Act and these Agreements.</p> <p>The City will pay the Vendor's reasonable legal and other costs incurred in relation to the negotiation and settling of the terms of these Agreements.</p> <p>The City shall be responsible for the payment of Land Transfer Tax and registration fees and any other taxes and fees payable in connection with the registration of any documents/instruments that may be required to complete the transactions as described</p>
Easement Conditions	<p>The temporary easements for 24 and 50 Spadina shall commence upon 60 days' written notice and the temporary easement for 41-45 Spadina shall commence upon 30 days' written notice</p> <p>The term of the temporary easement for 24 and 50 Spadina shall be for an initial term of two (2) years with an option for an extension of one (1) year. The term of the temporary easement for 41-45 Spadina shall be for an initial term of one (1) year with an option for two extensions of one (1) year each time.</p> <p>The City, TTC and or its contractors shall restore the Easement Lands to the condition existing immediately prior to the construction of the works, or as near as is reasonably possible.</p> <p>The City or the TTC shall at all times during the term of the Easement maintain adequate liability insurance with respect to the Works and/or the Easement. The Vendor acknowledges that the City or the Toronto Transit Commission may elect to self-insure and, if so, will be deemed to have satisfied its obligations hereunder.</p>

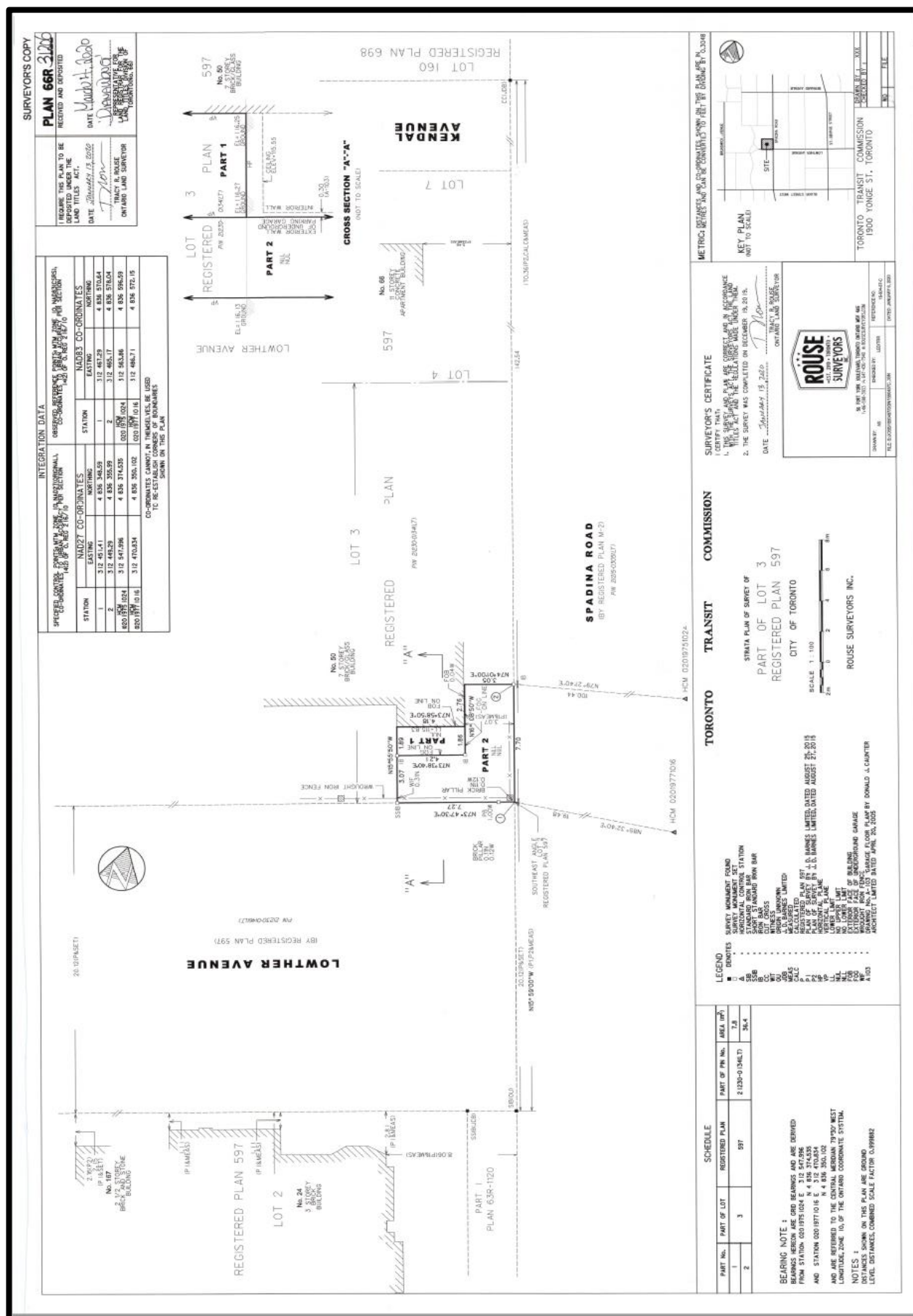
Appendix "B"



Reference Plan



Reference Plan



Reference Plan

