

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

TRACKING NO.: 2021-050

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:	February 8, 2021	Phone No.:	416-397-7522

<b>Purpose</b>	To amend DAF no. 2019-085 by amending the Major Terms and Conditions set out in Appendix "A" thereof, and to enter into a License Amending Agreement with Enbridge Gas Inc. (the "Licensee") to modify the restoration obligations set out in a Licence Agreement dated May 8, 2019 (the "Licence Agreement").
<b>Property</b>	155 Bayview Avenue (the "Property"), which is partially owned by the City of Toronto and Toronto & Region Conservation Authority (TRCA). The licensed area is located on the northern portion of the Property, shown outlined in solid black on Appendix "A" (the "Licensed Area")
<b>Actions</b>	<ol style="list-style-type: none"> <li>1. Authority be granted to amend the Major Terms and Conditions set out in Appendix A to DAF no. 2019-085, along with necessary amendments to the Financial Impact, Total Compensation, and signing authority</li> <li>2. Authority be granted to enter into a Licence Amending Agreement with Enbridge Gas Inc. to amend the restoration obligations of the Licensor in the Licence Agreement as set out below.</li> </ol>
<b>Financial Impact</b>	<p>The total compensation to the City is \$1,047,481.00, of which \$547,481.00 was received in 2019 for license fees for the full term of the Licence Agreement (the "Term"), which expired on January 31, 2020 and was not renewed. The amendments proposed herein direct the remaining \$500,000.00 of compensation to the City to the 2021 Council Approved Operating Budget for Parks, Forestry &amp; Recreation under cost center P10227.</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>
<b>Comments</b>	<p>The Licensee and the City entered into the Licence Agreement for the purposes of access, parking, storage, and construction staging to facilitate the Don River 30-Inch Natural Gas Pipeline Replacement Project (the "Project")</p> <p>The License Agreement requires the Licensee to restore the Licensed Area to its prior condition, which includes the reconstruction of a dog off-leash area ("Dog-OLA") which had been located within the Licensed Area prior to the Project.</p> <p>While the Project is complete, the City now intends to construct the Dog-OLA in another location, rendering elements of Licensee's planned restoration work unnecessary. Therefore, the Licensee proposes to restore the Licensed Area, without the Dog-OLA, to a standard acceptable to the General Manager, Parks Forestry and Recreation, and to provide financial compensation equivalent to its cost-savings.</p> <p>The Licensee advised that the proposed modified restoration obligations would amount to a savings of \$500,000.00 in construction and materials costs. PFR is satisfied that the estimate provided by the Licensee reasonably reflects the cost of restoring the Dog-OLA within the Licensed Area. These funds will go towards the construction of a dog-OLA in the new, preferred location.</p>
<b>Terms</b>	<p>All terms of the Licence Agreement to remain unchanged, and in full force and effect, except that the original Section 12 is deleted and replaced with the new restoration obligations, providing that the Licensee shall:</p> <ol style="list-style-type: none"> <li>(i) re-pave the asphalt walkways, re-grade and re-plant the remainder of the Licensed Area with grass, and leave the Licensed Area clean, tidy and in good repair, to satisfaction of the City; and</li> <li>(ii) pay to the City the amount of \$500,000.00 in lieu of restoring the Licensed Area to the same condition as it was prior to occupation by the Licensee, and for clarity the Licensee shall not be required to re-install the dog park fencing and concrete structures on the Licensed Area.</li> </ol>

<b>Property Details</b>	<b>Ward:</b>	13 – Toronto Centre
	<b>Assessment Roll No.:</b>	19 04 07 1 560 03837
	<b>Approximate Size:</b>	Irregular
	<b>Approximate Area:</b>	1,630.6 m <sup>2</sup> (17,551.62 ft <sup>2</sup> )
	<b>Other Information:</b>	

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate Services has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
2A. Expropriations Where City is Expropriating Authority:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.
2B. Expropriations For Transit-Related Purposes Where City is Property Owner or Has Interest in Property Being Expropriated:	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million. <b>Request/waive hearings of necessity delegated to less senior positions.</b>	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million. <b>Request/waive hearings of necessity delegated to less senior positions.</b>
3. Issuance of RFPs/REOIs:	<input type="checkbox"/> Issuance of RFPs/REOIs.	<input type="checkbox"/> Issuance of RFPs/REOIs.
4. Permanent Highway Closures:	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to Divisions, Agencies and Corporations:	<input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.	<input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.
9. Leases/Licences (City as Landlord/Licenser):	<input checked="" type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 Million. <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. <b>Delegated to a more senior position.</b>	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$5 Million. <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. <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.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> (a) Where total compensation does not exceed \$3 Million. <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.	<input type="checkbox"/> (a) Where total compensation does not exceed \$5 Million. <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
14. Miscellaneous:	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences <input type="checkbox"/> (b) Releases/Discharges <input type="checkbox"/> (c) Surrenders/Abandonments <input type="checkbox"/> (d) Enforcements/Terminations <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates <input type="checkbox"/> (f) Objections/Waivers/Cautions <input type="checkbox"/> (g) Notices of Lease and Sublease <input type="checkbox"/> (h) Consent to regulatory applications by City, as owner <input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title <input type="checkbox"/> (j) Documentation relating to Land Titles applications <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences <input type="checkbox"/> (b) Releases/Discharges <input type="checkbox"/> (c) Surrenders/Abandonments <input type="checkbox"/> (d) Enforcements/Terminations <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates <input type="checkbox"/> (f) Objections/Waivers/Cautions <input type="checkbox"/> (g) Notices of Lease and Sublease <input type="checkbox"/> (h) Consent to regulatory applications by City, as owner <input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title <input type="checkbox"/> (j) Documentation relating to Land Titles applications <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds

<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>

<b>Pre-Condition to Approval</b>			
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property			
<b>Consultation with Councillor(s)</b>			
Councillor:	Kristyn Wong-Tam	Councillor:	Paula Fletcher
Contact Name:	Megan Poole	Contact Name:	Susan Serran
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 checked="" type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	No Objections (e-mail 2021.02.08)	Comments:	Notified (e-mail 2021.05.05)
<b>Consultation with Divisions and/or Agencies</b>			
Division:	Parks, Forestry & Recreation	Division:	Financial Planning
Contact Name:	Marc Kramer	Contact Name:	Patricia Libardo
Comments:	Comments Incorporated – (e-mail 2021.01.15)	Comments:	Comments Incorporated (e-mail 2021.02.02)
Division:	Waterfront Secretariat	Division:	
Contact Name:	Michael Noble	Contact Name:	
Comments:	Notified (by e-mail 2021.02.01)	Comments:	
<b>Legal Services Division Contact</b>			
Contact Name:	Vanessa Bacher (Comments Incorporated – e-mail 2020.12.16)		

DAF Tracking No.: 2021-050	Date	Signature
Recommended by: Manager, Real Estate Services, Daran Somas	Feb. 9, 2021	Signed by Daran Somas
Recommended by: Director, Real Estate Services, Alison Folosea	Feb. 18, 2021	Signed by Alison Folosea
<input type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management	Feb. 18, 2021	Signed by Patrick Matozzo
<input checked="" type="checkbox"/> Approved by: Patrick Matozzo		
<input type="checkbox"/> Approved by: Deputy City Manager, Corporate Services Josie Scioli		X

## Appendix "A" Location Map and Sketch

