

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

TRACKING NO.: 2021-036

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

Prepared By:	Joseph Sergnese	Division:	Corporate Real Estate Management
Date Prepared:	January 25, 2021	Phone No.:	416-392-1857

Purpose	To obtain authority to enter into a Permission to Enter/Licence Agreement (the "Licence") between the City and Build Toronto Inc. ("Build Toronto") and/or their consultants, EXP Services Inc., or such other consultant ("Representatives") as may be approved by the City in writing, for a term of three (3) months to commence on February 1, 2021, with respect to the City property municipally known as 229 Richmond Street West, to conduct borehole drilling and monitoring well installations for environmental geotechnical and hydrogeological investigations.
Property	229 Richmond Street West, Toronto, being LT 6-7 PL D78 Toronto; PT LT F PL D5 Toronto; PT LT 5, 8 PL D78 Toronto; PT Lane PL D78 Toronto closed by Plan D149, as in CA150187, City of Toronto .
Actions	<ol style="list-style-type: none"> The City enter into a Licence with Build Toronto to permit Build Toronto and/or their Representatives entry onto the Property for a period of not more than three months commencing February 1, 2021 and ending May 2, 2021, or such later dates as the City may determine to be reasonable, provided that the total length of the term shall not exceed three months, to conduct soil sampling for environmental and hydrogeological purposes. The Manager of Real Estate Services, or her designate, shall administer and manage the Licence including the provision of any consents, approvals, waivers, notices and notices of termination, provided that the Director of Real Estate Services may, at any time, refer consideration of such matters to City Council for its determination and direction
Financial Impact	<p>There are no financial implications resulting from this approval. Build Toronto is not required to pay a licence fee; however the City will be compensated for this access by receiving the results of testing for its use. Build Toronto will be responsible, at its sole expense, for all costs related to the use of the Property by Build Toronto and its Representatives, and for the costs of preparation of any test results or reports.</p> <p>The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.</p>
Comments	Build Toronto requires access to the Property for the purposes of borehole drilling and monitoring well installations for environmental geotechnical and hydrogeological investigation at 229 Richmond Street West, Toronto. Build Toronto has entered into a Service Agreement with CreateTO whereby Build Toronto engaged CreateTO to provide such services as may be required in order to permit Build Toronto to operate its Business. In some circumstances, such as entering into Service Agreements, CreateTO will contract through Build Toronto, but in others CreateTO will contract. In this case CreateTO, through Build Toronto, has retained EXP Services Inc. (the "Representatives") to perform the Work. Build Toronto requires access to the Property to permit its Representatives to undertake the Work. The Licences will include the following terms and conditions, as appropriate and such other terms and conditions as may be approved by the Director of Real Estate Services (the "Director"):
Terms	<ol style="list-style-type: none"> Any access during the term of the Licence shall be mutually arranged upon at least 48 hours' notice, and investigations shall be undertaken in such time and manner to minimize disruptions to adjacent City operations; Build Toronto will be responsible, at its sole expense, for all costs related to the use of the Property by Build Toronto and its Representatives, and for the costs of preparation of any test results or reports; Build Toronto shall at all times indemnify and save harmless the City, from any and all manner of claims, demands, losses, costs, charges, actions and other proceedings whatsoever, made or brought against, suffered by or imposed on the City or its property in respect of any loss, damage or injury (including fatal injury) to any person or property; Prior to the start of any work, a certificate of insurance evidencing that it or its Representatives have obtained a policy of insurance for the conduct of the proposed investigations on the Property providing coverage including but not limited to environmental liability in an amount of not less than \$10,000,000.00 per occurrence shall be provided to the City. The policy of insurance shall name the City as an insured, provide cross-liability coverage and waiver of subrogation and contain a clause providing the insurance shall not be changed or cancelled during the term of this Licence; Build Toronto shall provide the City with copies of any test results and reports regarding the Property. The test results and reports shall be addressed to the City and shall be accompanied by authorization from Build Toronto and the qualified professional preparing the test results and reports permitting the City to use them for any purpose. The City shall be entitled to utilize any test results and reports in any manner it sees fit; and Build Toronto shall restore the Property, at its expense, and to the satisfaction of the Director, acting reasonably.

Property Details	Ward:	Ward 10 – Spadina-Fort York
	Assessment Roll No.:	1904-06-2-490-00400
	Approximate Size:	
	Approximate Area:	2,635 m ² ± (28,363 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 checked="" 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"/> (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:	Councillor Joe Cressy	Councillor:	
Contact Name:	Brent Gillard	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 (January 21, 2021)	Comments:	

Consultation with Divisions and/or Agencies

Division:	Tracey Smith	Division:	Financial Planning
Contact Name:	January 25, 2021	Contact Name:	Patricia Libarddo
Comments:		Comments:	Concurs (January 22, 2021)

Legal Services Division Contact

Contact Name: Bronwyn Atkinson (concurs January 21, 2021)

DAF Tracking No.: 2021- 036	Date	Signature
Concurred with by: Manager, Real Estate Services Peter Cheng	Jan. 25, 2021	Signed by Peter Cheng
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Melanie Hale-Carter	Jan. 25, 2021	Signed by Melanie Hale-Carter
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		X

229 Richmond Street West, Toronto, being LT 6-7 PL D78 Toronto; PT LT F PL D5 Toronto; PT LT 5, 8 PL D78 Toronto; PT Lane PL D78 Toronto closed by Plan D149, as in CA150187, City of Toronto

