

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

TRACKING NO.: 2021-056

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

Prepared By:	Mark Gunaratnam	Division:	Corporate Real Estate Management
Date Prepared:	March 4, 2021	Phone No.:	416-392-2598

Purpose	To obtain authority to enter into a licence agreement (the "Agreement") between the City of Toronto (the "City") and The Buttcon Limited/Atlas Corporation Joint Venture (the "Licensee") to permit the Licensee to construct and install temporary tiebacks (collectively "Tie-Backs") beneath a portion of City-owned land, (the "Licensed Area"), to stabilize the excavation and construction of the adjacent exterior foundations and/or walls of their development project.
Property	92 Front Street East, Toronto, Ontario, legally described as LT 1-4 PL 151E TORONTO; PT THE MARKET BLOCK PL TOWN OF YORK TORONTO; CITY OF TORONTO, being all of PIN 21401-0093 (R), more particularly described and shown in the location map attached hereto as Appendix "B" (referred to herein as the "City Lands") and highlighted in red on the sketch attached hereto as Appendix "C".
Actions	1. Authority be granted to enter into the Agreement, substantially on the terms and conditions set out below with such revisions thereto and any other or amended terms and conditions as may be determined by the Director of Real Estate Services, and in a form acceptable to the City Solicitor.
Financial Impact	The City will receive compensation from the Licensee of a one-time license fee of \$48,200 (plus HST), payable on the Licensee's execution of the Tie Back and Shoring Licence Agreement. Compensation of \$26,510 plus applicable taxes will be directed to 2021 Council Approved Operating Budget for Parks, Forestry & Recreation under cost center P00549 and \$21,690 plus applicable taxes will be directed to 2021 Council Approved Operating Budget for Corporate Real Estate Management under cost center FA1326. The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.
Comments	The Licensee requested permission to construct and install temporary Tie-Backs beneath the portion of the City Lands, having a total approximate sub-surface area of 42.50 square metres, being the Licensed Area shown in red lines on the sketch attached hereto as Appendix "C". The Licensee agrees all Tie-Backs will be de-stressed on March 31, 2021 at its own cost and shall upon completion provide to the City with written confirmation of same. City staff consider the proposed Agreement to be fair and reasonable to both parties.
Terms	Please see page 4: Appendix "A".

Property Details	Ward:	13 – Toronto Centre
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	42.50 m ² ± (457.47 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 checked="" 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"/> (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:	Kristyn Wong-Tam					Councillor:					
Contact Name:	Edward LaRusic (Advisor, Constituency & Planning)					Contact Name:					
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other				
Comments:	No objection (Mar 3, 2021)					Comments:					

Consultation with Divisions and/or Agencies

Division:	PF&R/Heritage Planning/City Planning(Archaeology)	Division:	Financial Planning
Contact Name:	Peter White (Manager Parks, Toronto & East York District) / Joe Mueller (Program Manager, Heritage Planning, Urban Design) / Alison Torrie-Lapaire (Project Manager, Archaeology)	Contact Name:	Patricia Libardo
Comments:	Comments incorporated (Feb 12, 2020 /Sep 8, 2020/June 2, 2020)	Comments:	Comments incorporated (February 4, 2021)

Legal Services Division Contact

Contact Name: Stefan Radovanovich (January 25 & February 9, 2021)

DAF Tracking No.: 2021-056	Date	Signature
Concurred by: Manager, Real Estate Services Melanie Hale-Carter	Mar, 5, 2021	Signed by Melanie Hale-Carter
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Mar. 5, 2021	Signed by Daran Somas
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		X

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Appendix "A" - Term Sheet

Licensor: City of Toronto

Licensee: The Buttcon Limited/The Atlas Corporation Joint Venture

Licensed Area: The portion of the City Lands shown marked in red lines on the sketch attached hereto as Appendix "C".

Terms and Conditions of Agreement:

1. **Term-Start:** January 1st, 2020 (the "Effective Date") of the Agreement.
2. **Expiration of Term:** The Licence will expire on March 31, 2021.
3. **License Fee:** One-time license fee of \$48,200 (plus HST), payable upon execution.
4. **Use:** To permit the Licensee to construct and install temporary Tie-Backs beneath a portion of the City Lands having an approximate sub-surface area of 42.50 square meters, shown on Appendix "C".
5. **Insurance:** The Licensee will be required to provide Comprehensive General Liability in the amount of \$10 million per occurrence for bodily injury (including death) and property damage. The City will be added as an additional insured.
6. **Termination upon Default:** In the event of any default by the Licensee, and provided that such default has not been cured by the Licensee on or before the expiration of the fifth (5th) Business Day, the City may either: (a) terminate the Agreement on written notice to the Licensee or (b) remedy the default and the costs of remedying such default shall be payable by the Licensee on demand.
7. **Indemnities:**
 - A. The Licensee hereby covenants and agrees to indemnify and save the City and its respective officers, councilors, servants, contractors, employees, agents, representatives, elected and appointed officials, successors, assigns, and anyone for whom the City is in law responsible, or any of them (collectively, the "City's Representatives"), harmless from and against any and all liabilities, claims, losses, executions, demands, expenses, actions, suits, injuries, damages, causes of action and costs (hereafter the "Claims") whatsoever arising out of the Licensee's occupancy or use of the Licensed Area or any operation or work or any fixtures or chattels thereon.
 - B. The Licensee further covenants and agrees to forever release and discharge the City and the City's Representatives from any and all manner of Claims which the Licensee, its officers, employees, or agents may, at any time hereafter, have against the City and its officers, employees and agents in respect of any loss, injury or damage suffered by the Licensee, its officers, employees and agents, arising or to arise by reason of the permission granted pursuant to this Agreement or any of the terms and conditions hereof or arising or to arise by reason of the de-stressing of any Tie-Backs by the City in accordance with the terms of this Agreement.

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Appendix "B" – City Lands

Municipal Address:

92 Front Street East, Toronto, Ontario

Legal Description:

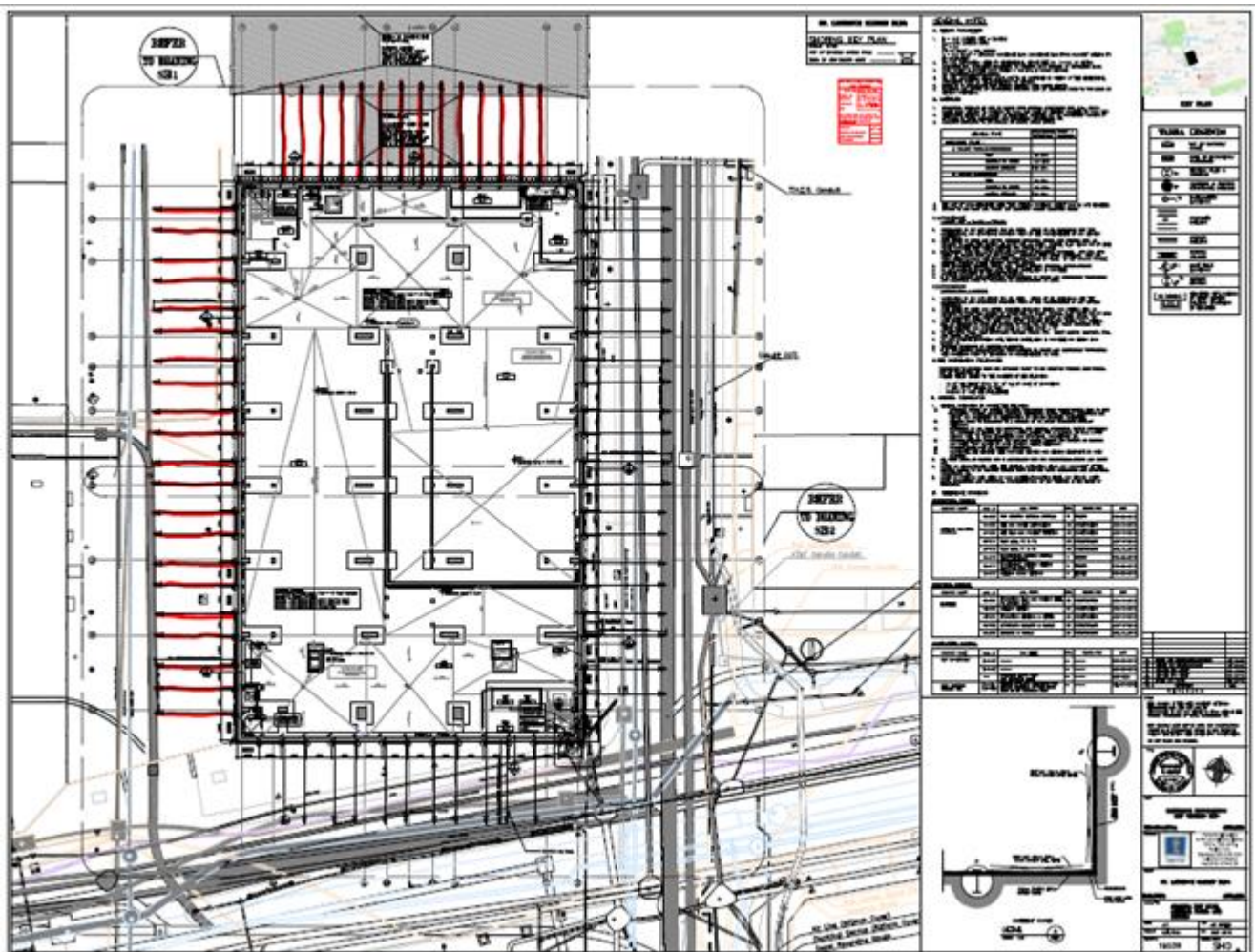
LT 1-4 PL 151E TORONTO; PT THE MARKET BLOCK PL TOWN OF YORK TORONTO; CITY OF TORONTO, being all of PIN 21401-0093 (R)

Location Map:



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Appendix "C" – LICENSED AREA – Tie-Backs (457.47 sq. ft.)



Note: Licensed Area is marked with red lines, having a total area of approximately 457.47 square feet (area to the north approx. 207.96 sq.ft.; area to the west approx. 249.51 sq. ft.).