

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

TRACKING NO.: 2021-060

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

Prepared By:	Patricia Chen	Division:	Corporate Real Estate Management
Date Prepared:	March 2, 2021	Phone No.:	416-338-3583

Purpose	To obtain authority for the City of Toronto (the "City") to enter into an agreement (the "Release Agreement") with FCHT Holdings (Ontario) Corporation (the "Owner") for the release of two existing easements in favour of the City and registered as Instruments EB786697 and TB733511, respectively (collectively, the "Easements"), and the release of the related storm sewer agreements registered as Instruments EB348336 and TB756371, respectively (collectively, the "Storm Sewer Agreements").
Property	A portion of the lands municipally known as 259 & 270 The Kingsway and 1144 Royal York Road, Toronto, Ontario, being all of PIN 07485-0165(LT), more particularly described in Appendix "A" attached hereto, and shown in Appendix "B".
Actions	1. Authority is granted to enter into the Release Agreement with the Owner, substantially on the terms and conditions outlined below, and on such other or amended terms and conditions as may be satisfactory to the Director, Real Estate Services, and in a form acceptable to the City Solicitor.
Financial Impact	The release of the Easements will generate revenue in the amount of \$660,000 (or \$745,800 inclusive of HST). These funds will be contributed to the Land Acquisition Reserve Fund (XR1012). There is no financial impact associated with the release of the Storm Sewer Agreements. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.
Comments	The Easements and Storm Sewer Agreements are no longer required by the City since the Owner has completed the construction of a new storm sewer under an existing right of way and has provided the City with the required access rights to repair and maintain the said replacement storm sewers. The Owner has removed the storm sewers associated with the Easements and the Storm Sewer Agreements in order to proceed with its development of the Lands. The Owner intends to construct a mixed used development on the Lands. The Owner's Site Plan Approval ("SPA") is currently under review by City Planning. The SPA contained several site specific conditions that the Owner must comply with in order to proceed with their proposed development. A pre-approval condition required the Owner to construct a new storm sewer to allow the City access for future repair and maintenance purposes. Additionally, the Owner must coordinate the release of the existing Easements in favor of the City, currently on Title. . The previous owners of the Lands entered into the Storm Sewer Agreements with the City to obtain permission to connect the building sewer on the Lands to the storm sewer. The Storm Sewer Agreements are registered against title to the Lands, together with other lands, comprising of Parts 1 to 22, inclusive, on Plan 66R-31271 (the "Original Lands"). The Owner, pursuant to Committee of Adjustment Decision number B0062/19EYK was given consent to sever the Original Lands. As a result of the severance of the Original Lands and redevelopment of the Lands, which includes relocation of the existing storm sewer to within the municipal right of way, the Storm Sewer Agreements are no longer required. Staff in ECS have conducted their necessary Due Diligence and concur it is appropriate for the City to consent to the partial release of the Storm Sewer Agreements from the lands comprising Parts 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and Parts 19, 20, 21 and 22, on Plan 66R-31271, being part of PIN 07485-0165(LT). The Agreements will remain registered on title to the remainder of the Original Lands being Parts 1, 2, 3, 4 and 18 on Plan 66R-31271 (the "Remainder Lands"). The Owner shall provide the City with an executed acknowledgment releasing and forever discharging the City from any and all claims, actions, and demands for compensation arising from the City's release of the Easements (the "Acknowledgement"). The Owner has agreed to the terms of the Release Agreement.
Terms	Transferor: City of Toronto Transferee: FCHT Holdings (Ontario) Corporation Interest being released: A Release and Abandonment of Instrument Nos. EB78697 and TB733511 from the Lands, and deletion of Instrument Nos. EB348336 and TB756371 from the part of the Lands described as Parts 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and Parts 19, 20, 21 and 22 on Plan 66R-31271, being part of PIN 07485-0165(LT). The City transfers, releases and abandons the portion of the Easements affecting the Lands. Consideration: \$660,000 plus applicable HST (the "Release Fee") Conditions: Prior to the release of the Easements, the Owner shall pay the Release Fee to the City by way of certified cheque, bank draft or wire transfer and shall deliver four executed copies of the Acknowledgement.

Property Details	Ward:	2 – Etobicoke Centre
	Assessment Roll No.:	N/A
	Approximate Size:	Identified in the Instruments
	Approximate Area:	Identified in the Instruments
	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 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 checked="" 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:
<ul style="list-style-type: none"> • 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:
<ul style="list-style-type: none"> • 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			
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property			
Consultation with Councillor(s)			
Councillor:	Stephen Holyday	Councillor:	
Contact Name:		Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X <input checked="" type="checkbox"/> 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 – Feb 26 th , 2021	Comments:	
Consultation with Divisions and/or Agencies			
Division:	Engineering & Construction Services/Toronto Water	Division:	Financial Planning
Contact Name:	Giovanni Baldesarra – Senior Engineer/Patrick Cheung – Senior Engineer	Contact Name:	Patricia Libardo
Comments:	No objections – Feb 11 th , 2021	Comments:	Comments Incorporated – Feb 11 th , 2021
Legal Services Division Contact			
Contact Name:	Stefan Radovanovich (February 10, 2021)		

DAF Tracking No.: 2021-060	Date	Signature
Concurred with by: Manager, Real Estate Services Peter Cheng	March 2, 2021	Signed by Peter Cheng
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Melanie Hale-Carter	March 2, 2021	Signed by Melanie Hale-Carter
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	March 2, 2021	Signed by Alison Folosea

Appendix "A" – the Lands

Legal Description

PIN 07485-0165(LT)

PART ASHLEY AVENUE PL2624 (CLOSED BY BY-LAW 8479, EB132525); PT THE KINGSWAY (FORMERLY ASHLEY AV) PL2624 (CLOSED BY BY-LAW 1990-245, TB733454); PT ASHLEY AV PL3692 (CLOSED BY BY-LAW 1990-245, TB733454); PT THE KINGSWAY PL 2774 (CLOSED BY BY-LAW 1990-245 TB733454); PT LTS 5 & 6 PL1259; PT BLK A & B PL3692, BEING PARTS 1 TO 23 ON PLAN 66R30450; SUBJECT TO AN EASEMENT OVER PARTS 8, 10, 13, 20 & 22 ON PLAN 66R30450 AS IN EB78697 PARTIALLY RELEASED BY TB732680; SUBJECT TO AN EASEMENT OVER PARTS 8, 10, 13, 22 & 23 ON PLAN 66R30450 AS IN TB733511; SUBJECT TO AN EASEMENT OVER PART 15 ON PLAN 66R30450 AS IN TB733512; SUBJECT TO AN EASEMENT OVER PART 15 ON PLAN 66R30450 AS IN TB733513; SUBJECT TO AN EASEMENT OVER PART 18 ON PLAN 66R30450 AS IN EB133549; CITY OF TORONTO

Appendix "B" - Location Map

