

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

**TRACKING NO.: 2021-094**  
**Confidential Attachment**

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

Prepared By:	Trixy Pugh	Division:	Corporate Real Estate Management
Date Prepared:	March 31, 2021	Phone No.:	(416) 392-8160

<b>Purpose</b>	To authorize a full and final settlement with Can Pharm Services Inc. (the "Releasor") pursuant to the <i>Expropriations Act</i> and a Full and Final Release and Direction (the "Release") arising from the expropriation and acquisition of temporary easements from part of the property municipally known as 3926-3932 Keele Street, and the construction of the new Finch West Station and works as part of the Toronto-York Spadina Subway Extension (the "Project").
<b>Property</b>	A portion of the property municipally known as 3926-3932 Keele Street, Toronto, described as Parcel B-1, Section M1131, Block B on 66M-1131, Township of York/North York, in the City of Toronto as set out in PIN 40247-0426 (LT), designated as Part 1 on Expropriation Plan AT2630930 (the "Expropriated Lands"), as shown in Appendix "A".
<b>Actions</b>	<ol style="list-style-type: none"> <li>1. Authority be granted to pay the settlement funds, including the reimbursement of the Releasor's reasonable legal and accounting costs incurred in accordance with <i>the Expropriations Act</i> (the "Costs") and pursuant to the Release and as outlined in the Confidential Attachment.</li> <li>2. The Confidential Attachment should remain confidential until there has been a final determination of all property transactions and claims for compensation related to the Project and only released publicly thereafter in consultation with the City Solicitor.</li> <li>3. The City Solicitor be authorized to complete the settlement on behalf of the City, including paying any necessary expenses. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.</li> </ol>
<b>Financial Impact</b>	<p>Funding for the Release, as set out in the Confidential Attachment, is available in the 2021-2030 Council Approved Capital Budget and Plan for the Toronto Transit Commission (the "TTC"), within the Toronto-York Spadina Subway Extension Capital Project (CTT134-01).</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.</p>
<b>Comments</b>	<p>The Property is a commercial plaza located at the south-west corner of Finch Avenue West and Keele Street. The Releasor is a tenant of the Property and operates a pharmacy. The City required a temporary easement over part of the Property for the purpose of constructing the new Finch West Station as part of the Project.</p> <p>At its meeting held on February 7 and 8, 2011, City Council adopted CC3.4 approving the expropriation of several property interests in connection with the construction of the Project. On February 28, 2011, Expropriation Plan No. AT2630930 was registered for the taking of a four year temporary easement over the Expropriated Lands for the purpose of constructing the Project. An additional one year temporary easement with the option to review for two additional terms of six months each was acquired by way of agreement commencing March 14, 2015. A further temporary easement of six and a half months was acquired in March 2017 in order to complete the construction of the Project.</p> <p>Continued on page 4</p>
<b>Terms</b>	As set out in Confidential Attachment

<b>Property Details</b>	<b>Ward:</b>	7 – Humber River-Black Creek
	<b>Assessment Roll No.:</b>	1908-03-3-320-07500
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	179 m <sup>2</sup> ± (1,926.73 ft <sup>2</sup> ±)
	<b>Other Information:</b>	

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 &amp; Parks &amp; 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><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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><b>Delegated to more senior positions.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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 checked="" 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 &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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:	Anthony Perruzza	Councillor:	
Contact Name:	Jessica Pointon	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 (March 23, 2021)	Comments:	

**Consultation with Divisions and/or Agencies**

Division:	TTC	Division:	Financial Planning
Contact Name:	Jerry Pimentiel	Contact Name:	Patricia Libardo
Comments:	Consent (March 29, 2021)	Comments:	No objections (March 31, 2021)

**Legal Services Division Contact**

Contact Name:	Constance Lanteigne (March 29, 2021)
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DAF Tracking No.: 2021-094	Date	Signature
Concurred with by: Manager, Real Estate Services		X
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	April 13, 2021	Signed by Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	April 16, 2021	Signed by Alison Folosea

**Comments**

As the City required early possession onto the Expropriated Lands, on March 15, 2011, DAF Tracking No. 2011-095 authorized the execution of six early possession agreements wherein the owner and five tenants granted the early possession and the City agreed to consider interim payments towards disturbance damages and business losses incurred as a result of the construction of the Project, in accordance with the *Expropriations Act*. DAF Tracking No. 2011-114 dated April 1, 2011 authorized the preparation, service and payment of the Offers of Compensation, pursuant to the *Expropriations Act*.

DAF No. 2013-140 dated June 25, 2013, authorized the payment of the first interim compensation agreement with the Releasor for its disturbance damages and business loss as of December 31, 2012 and reasonable costs incurred in accordance with the *Expropriations Act*.

DAF No. 2014-172 dated June 12, 2014, authorized the payment of the second interim compensation agreement with the Releasor for its disturbance damages and business loss incurred for the period of January 1, 2013 to August 31, 2013 and reasonable legal and accounting fees incurred to May 20, 2014, in accordance with the *Expropriations Act*.

DAF No. 2014-198 dated August 18, 2014, authorized the execution of six temporary easement agreements wherein the owner and the tenants granted the City and TTC continued use of the easement lands for one year with the right to renew for two further periods of six months.

DAF Tracking No. 2017-083 dated March 15, 2017, authorized the execution of six temporary easement agreements wherein the owner and the tenants granted the City and TTC continued use of the easement lands for an additional six and a half months. It also authorized the reimbursement of the Releasor's outstanding legal fees incurred.

The Releasor has submitted its financial information and records to the City Solicitor and the City's business loss consultant, Hallinan Tautrims Inc., who reviewed this final claim on behalf of the City and has recommended a reasonable amount for final compensation owing to the Releasor for business losses arising from the expropriation and acquisition of the temporary easements, and the construction of the Project through to March 31, 2018.

The Releasor will also submit invoices for Costs it incurred since May 2017 in accordance with the *Expropriations Act*. The City Solicitor's office will review the claim for Costs and will recommend a reasonable amount for reimbursement.

The recommendations from the City's consultant and the City Solicitor's office are the basis for the Release of all claims arising from the expropriation and acquisition of the temporary easements and construction of the Project. The terms and conditions of the Release as set out in the Confidential Attachment, are considered to be fair and reasonable and are being recommended for approval.

### Appendix "A" Location Map & Expropriation Plan



**PLAN AT 26.3.0130**  
 I HEREBY FILE THIS PLAN AT 26.3.0130 AS A RETURN IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEY REGULATIONS AND ENJOINED IN THE WRITING FOR THE 25.3.07-04.06.07

*Edward J. Lee*  
 SURVEYOR

**SCHEDULE**

PART	BLK.	PLAN	AREA (SQ. FT.)	PERCENTAGE
1	269	M-1033	17,000	100%

EXPROPRIATIONS ACT  
 PLAN OF SURVEY OF  
**PART OF BLOCK B  
 REGISTERED PLAN M-1131  
 SITING IN THE  
 CITY OF TORONTO  
 (FORMERLY CITY OF NORTH YORK)**

SCALE 1" = 400'  
 METRIC: METRE BY METRE (METRIC) - 300  
 "METRIC" - METRE BY METRE (METRIC) - 300

**REFERENCE: INTEGRATION DATA**

THE PLAN IS A SURVEY OF THE PART OF BLOCK B REGISTERED PLAN M-1131 AS SHOWN ON THE PLAN OF SURVEY OF BLOCK B REGISTERED PLAN M-1131 DATED 25.3.07-04.06.07. THE PLAN IS A SURVEY OF THE PART OF BLOCK B REGISTERED PLAN M-1131 AS SHOWN ON THE PLAN OF SURVEY OF BLOCK B REGISTERED PLAN M-1131 DATED 25.3.07-04.06.07. THE PLAN IS A SURVEY OF THE PART OF BLOCK B REGISTERED PLAN M-1131 AS SHOWN ON THE PLAN OF SURVEY OF BLOCK B REGISTERED PLAN M-1131 DATED 25.3.07-04.06.07.

**LEGEND**

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**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE PLAN IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAN AS SHOWN TO ME BY THE SURVEYOR AND THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEY REGULATIONS.

*Edward J. Lee*  
 SURVEYOR

**MACKAY & JETTÉ**  
 SURVEYORS  
 100 KING STREET WEST  
 TORONTO, ONTARIO M5X 1C5  
 TEL: 416-593-1111  
 FAX: 416-593-1112  
 WWW.MACKAYJETTE.COM



**CERTIFICATE OF APPROVAL**

THE PLAN IS A SURVEY OF THE PART OF BLOCK B REGISTERED PLAN M-1131 AS SHOWN ON THE PLAN OF SURVEY OF BLOCK B REGISTERED PLAN M-1131 DATED 25.3.07-04.06.07. THE PLAN IS A SURVEY OF THE PART OF BLOCK B REGISTERED PLAN M-1131 AS SHOWN ON THE PLAN OF SURVEY OF BLOCK B REGISTERED PLAN M-1131 DATED 25.3.07-04.06.07. THE PLAN IS A SURVEY OF THE PART OF BLOCK B REGISTERED PLAN M-1131 AS SHOWN ON THE PLAN OF SURVEY OF BLOCK B REGISTERED PLAN M-1131 DATED 25.3.07-04.06.07.

*Edward J. Lee*  
 SURVEYOR

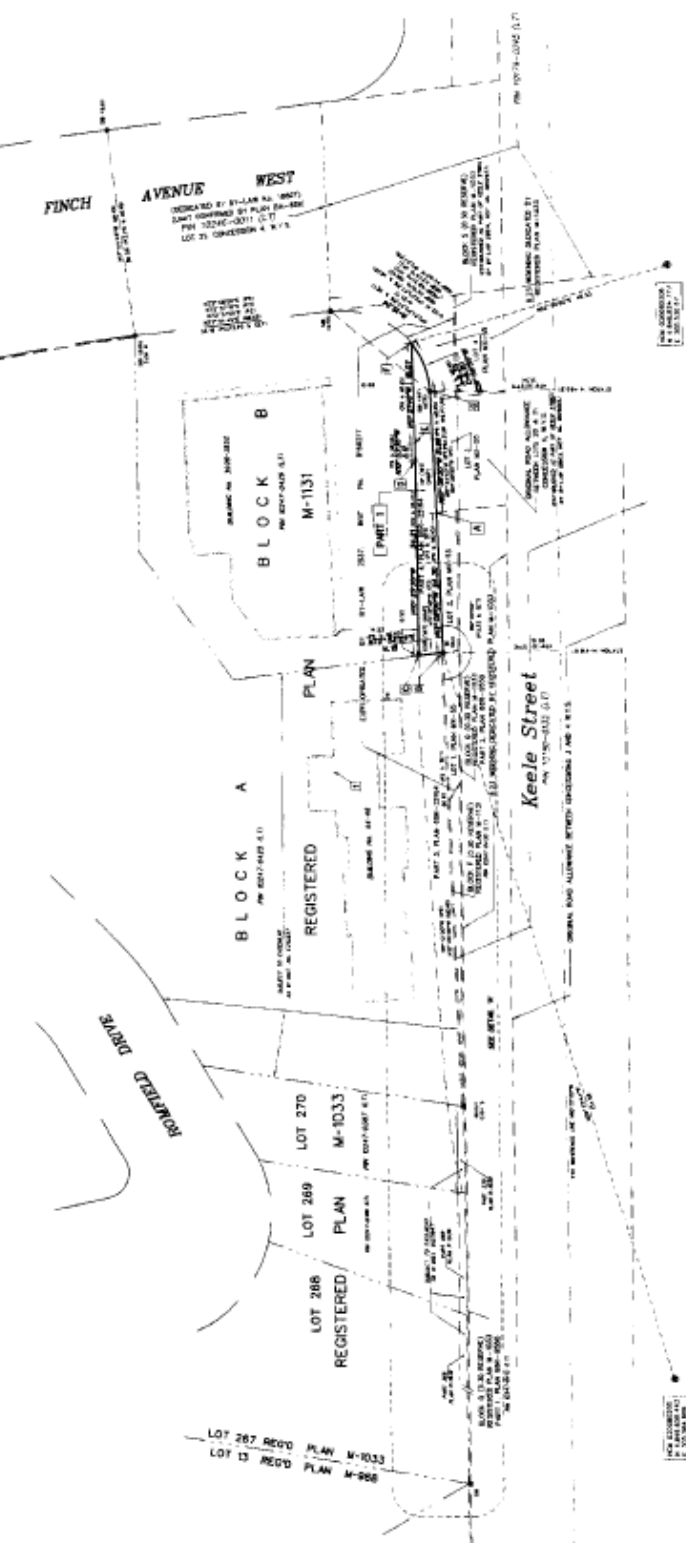
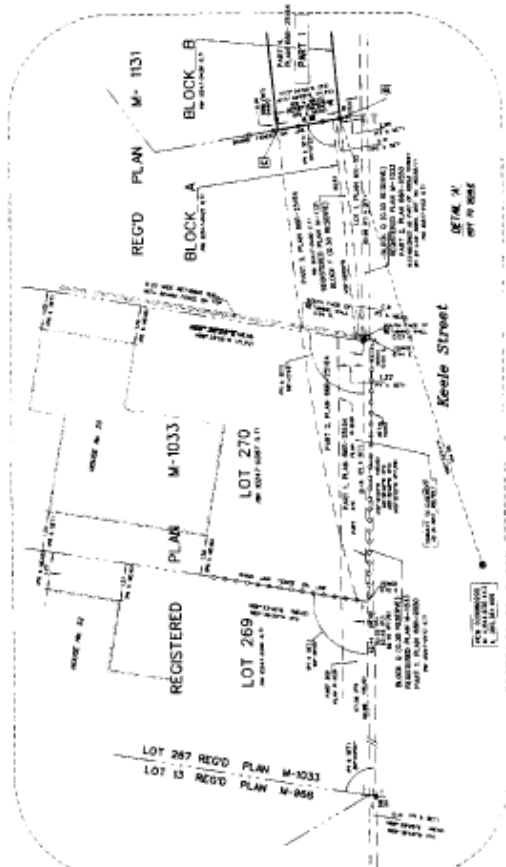
**STATEMENT OF EXPROPRIATING AUTHORITY**

THE CITY OF TORONTO, THROUGH ITS EXPROPRIATING AUTHORITY, HAS THE HONOUR TO ANNOUNCE THAT IT HAS EXPROPRIATED THE PART OF BLOCK B REGISTERED PLAN M-1131 AS SHOWN ON THE PLAN OF SURVEY OF BLOCK B REGISTERED PLAN M-1131 DATED 25.3.07-04.06.07. THE PLAN IS A SURVEY OF THE PART OF BLOCK B REGISTERED PLAN M-1131 AS SHOWN ON THE PLAN OF SURVEY OF BLOCK B REGISTERED PLAN M-1131 DATED 25.3.07-04.06.07.

**CITY OF TORONTO**  
 100 KING STREET WEST  
 TORONTO, ONTARIO M5X 1C5  
 TEL: 416-392-3100  
 FAX: 416-392-3101  
 WWW.CITYOFTORONTO.CA

**COORDINATE TABLE**

PART	NORTHING	EASTING
A	1046111.123	305408.036
B	1046112.048	305408.036
C	1046112.973	305408.036
D	1046113.898	305408.036
E	1046114.823	305408.036
F	1046115.748	305408.036
G	1046116.673	305408.036
H	1046117.598	305408.036
I	1046118.523	305408.036
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K	1046120.373	305408.036
L	1046121.298	305408.036
M	1046122.223	305408.036
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O	1046124.073	305408.036
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Q	1046125.923	305408.036
R	1046126.848	305408.036
S	1046127.773	305408.036
T	1046128.698	305408.036
U	1046129.623	305408.036
V	1046130.548	305408.036
W	1046131.473	305408.036
X	1046132.398	305408.036
Y	1046133.323	305408.036
Z	1046134.248	305408.036



**FINCH AVENUE WEST**  
 REGISTERED PLAN M-1131  
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