

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

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

Prepared By:	Leila Valenzuela	Division:	Corporate Real Estate Management
Date Prepared:	February 22, 2021	Phone No.:	(416) 392-7174

<b>Purpose</b>	To authorize the City to accept the advance payments of compensation offered by Metrolinx, the expropriating authority, pursuant to Section 25 of the <i>Expropriations Act</i> for the expropriated property interests in parts of Union Station as identified in Appendix "A".
<b>Property</b>	Parts of Union Station legally described in the chart shown in Appendix "A".
<b>Actions</b>	1. Authorize the acceptance of Offer (B) (Advance Payment) of each of the Offers of Compensation served by Metrolinx in accordance with the requirements of the <i>Expropriations Act</i> , in the amounts set out in Appendix "C".
<b>Financial Impact</b>	<p>The total compensation offered to the City and all other registered parties, with each party's share to be determined and subject to payment of any outstanding realty taxes, is in the amount of \$3,240,885.62, as set out in Appendix "C".</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>On December 19, 2019, Metrolinx notified the City it was commencing expropriation proceedings for the purposes of constructing the Union Station Enhancement Project, Package 1 ("USEP 1). On January 9, 2020, with the registration of Expropriation Plan Nos. AT5337436 and CA816767, Metrolinx expropriated various property interests from the City (fee simple, leasehold and temporary easement interests) as detailed in Appendix "A".</p> <p>Notices of Expropriation were served on the City and all other registered encumbrancers. The City-owned portions of Union Station that were expropriated include the unexcavated lands behind Union Station, together with a temporary easement over the rest of Union Station until the end of 2024.</p> <p>Pursuant to Item EX16.6, as adopted by City Council at its meeting held on September 30, October 1 and 2, 2020, City Council was provided with the details of the expropriation by Metrolinx. In addition, City Council authorized the City to enter into a Design and Construction Agreement with Metrolinx, which includes provisions that are intended to mitigate the potentially adverse impacts of USEP 1 on Station operations.</p> <p>In accordance with Section 25 of the <i>Expropriations Act</i>, Metrolinx has served joint Offers of Compensation, together with the related appraisal, on the City and the other parties who had a registered interest in the expropriated property, as set out in Appendix "C", with the following options for acceptance:</p> <ul style="list-style-type: none"> <li>• Offer (A) - offer of an amount in full and final settlement of all claims pertaining to the expropriation of the property interests, subject to payment of any outstanding realty taxes; or</li> <li>• Offer (B) - offer of immediate payment of an amount that represents 100% of the market value of the lands expropriated as estimated by the expropriating authority, subject to payment of any outstanding realty taxes, without prejudice to the expropriated owners' rights conferred by the <i>Expropriations Act</i>, in respect of the determination of compensation, and subject to adjustment in accordance with any compensation that may be subsequently determined under the <i>Expropriations Act</i> or any other Act, or agreed upon.</li> </ul> <p>In addition, Metrolinx is required to pay the City's reasonable legal, appraisal and other costs actually incurred for the purposes of determining the compensation payable in accordance with Section 32 of the <i>Expropriations Act</i>, and interest at 6 per cent per annum in accordance with Section 33 of the <i>Expropriations Act</i>.</p> <p>As staff are still in the process of reviewing the Offers of Compensation and accompanying appraisal, in consultation with external expropriation consultants, it is appropriate for the City to accept Offer (B) at this time, without prejudice to its rights to claim additional compensation in the future. Relevant approval authority will be further sought once a settlement is reached with Metrolinx with respect to final determination of all claims and compensation payable to the City in accordance with the <i>Expropriations Act</i>.</p>
<b>Terms</b>	Not applicable

<b>Property Details</b>	<b>Ward:</b>	10 – Spadina - Fort York
	<b>Assessment Roll No.:</b>	
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	See Appendix "A"
	<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 checked="" 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/REOs:	<input type="checkbox"/> Issuance of RFPs/REOs.	<input type="checkbox"/> Issuance of RFPs/REOs.
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/Licensor):	<input 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. Deputy City Manager, Corporate Services and Executive Director, Corporate Real Estate Management each has signing authority on behalf of the City for:**

- Documents required to implement matters for which each position also has delegated approval authority.
- Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
- Expropriation Applications and Notices following Council approval of expropriation.
- 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:	Joe Cressy	Councillor:	
Contact Name:	Tom Davidson	Contact Name:	
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 type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	No objection (02/21/2021)	Comments:	

**Consultation with Divisions and/or Agencies**

Division:	Corporate Real Estate Management	Division:	<b>Financial Planning</b>
Contact Name:	Scott Barrett, Head, Union Station Property & Asset Management.	Contact Name:	Patricia Libardo
Comments:	No concerns (01/28/2021)	Comments:	Comments have been incorporated (02/01/2021)

**Legal Services Division Contact**

Contact Name: Jacqueline Vettorel (01/27/2021)

DAF Tracking No.: 2021- 074	Date	Signature
Recommended by: Manager, Real Estate Services	Feb. 23, 2021	Signed by Melanie Hale-Carter
Recommended by: Director, Real Estate Services	March 11, 2021	Signed by Alison Folosea
<input checked="" type="checkbox"/> Recommended by: <b>Executive Director, Corporate Real Estate Management</b> <input type="checkbox"/> Approved by: <b>Patrick Matozzo</b>	March 11, 2021	Signed by Patrick Matozzo
<input checked="" type="checkbox"/> Approved by: <b>Deputy City Manager, Corporate Services</b> <b>Josie Scioli</b>	March 11, 2021	Signed by Josie Scioli

Appendix "A"  
Expropriated Property Interests - Portions of Union Station

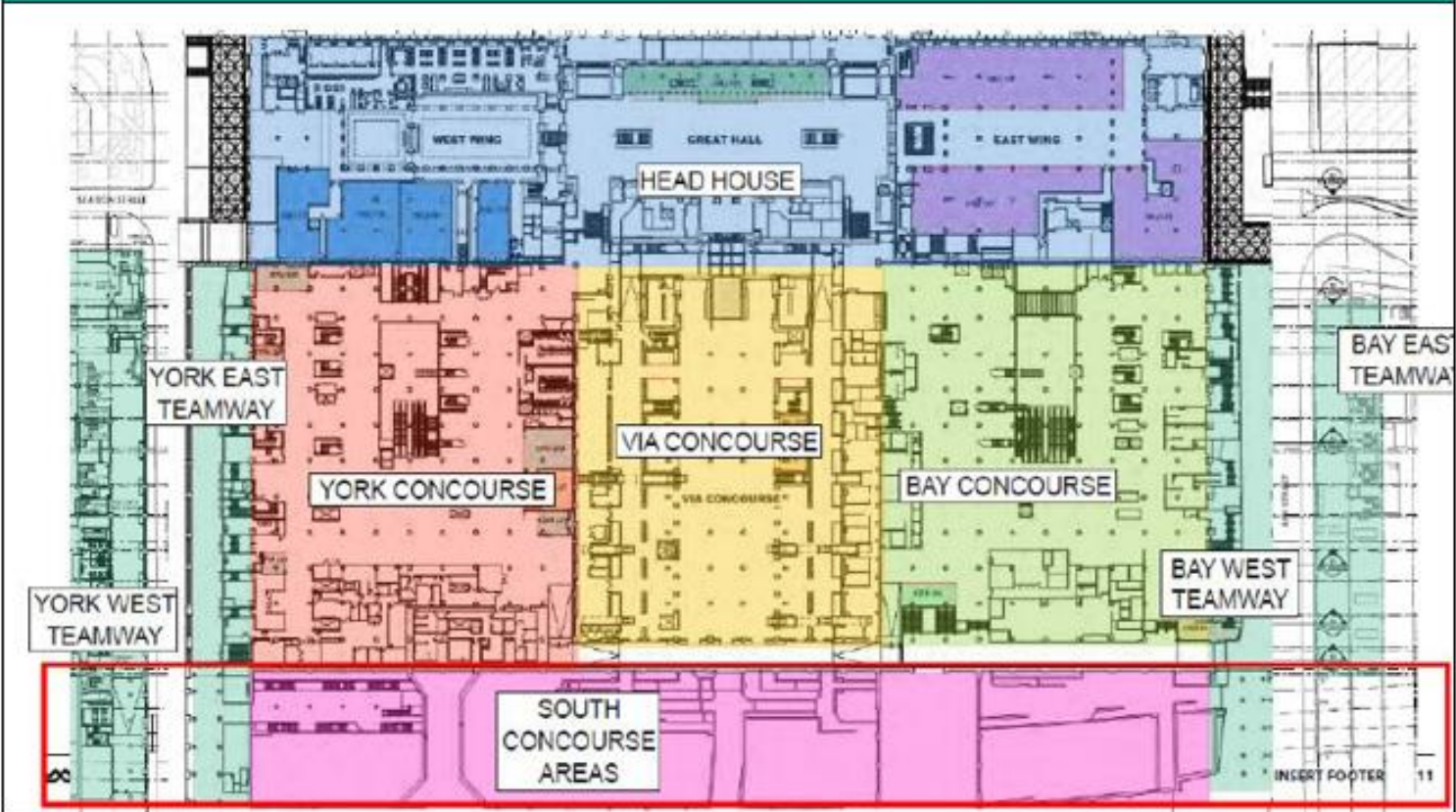
Property Interest	PIN Nos.	Approximate Location of Expropriated Interest	Approximate Area (m2)
Fee Simple Interest	21395-0104 (R)  21395-0107 (LT) 21396-0111 (LT) 21396-0070 (LT) 21396-0057 (LT) 21396-0056 (LT)	Parts on Expropriation Plan CA816767: • Part of York West Teamway – Part 36  Parts on Expropriation Plan AT5337436: • Part of York West Teamway – Part 38 • South Corridors/Unexcavated Areas South of Station – Parts 1 & 2 • Air Space above South Corridors/Unexcavated Areas – Parts 33 & 41 • Arcade (Corridor south of VIA Concourse) - Part 28 • Part of Truck Tunnel – Parts 3, 6, 7 & 9 • Part of York East Teamway – Part 11 • Part of Bay West Teamway – Part 13 • Part of York Street - Above Viaduct – Parts 29, 32, 37 • Part of Bay Street - Above Viaduct – Parts 30, 31, 34, 39 & 40	19,642.90
Leasehold Interest	21396-0089 (LT) 21395-0210 (LT)	Parts on Expropriation Plan AT5337436: • Part of Truck Tunnel – Parts 4 & 5 • Part of York East Teamway – Part 27 • Part of York West Teamway – Parts 12, 26 & 35 • Part of Bay West Teamway – Part 14	690.50
Temporary Exclusive Easement from March 1, 2020 to December 31, 2024	21396-0111 (LT) 21396-0113 (LT) 21396-0115 (LT) 21396-0019 (LT)	Parts on Expropriation Plan AT5337436: • Head House (includes Great Hall, East Wing, Bay Street Promenade, Front Street Promenade & York Street Promenade) – Part 25 • VIA Concourse /Fresh Market/Back of House Area Below VIA Concourse – Parts 16, 24, 42 • Bay Concourse & Retail Area/Back of House Area Below Bay Concourse – Parts 15, 17, 18 • Food Court & Back of House Area Below York Concourse – Parts 8 & 16 • Part of York Concourse & Part of York East Teamway – Part 8 • Part of York East Teamway – Part 21, 22 & 23 • Part of York West Teamway – Part 10 • Part of Bay West Teamway – Parts 19 & 20	31,267.60



Appendix "B"  
Location Map



**Concourse Level**



Portions of Union Station that were expropriated include unexcavated lands at the rear of Union Station, together with a temporary easement over the rest of Union Station until the end of 2024.

Appendix "C"  
Offers of Compensation

Union Station PIN Nos.	Compensation	Condition of Offer
21395-0104 (R)	\$138,863.00	- jointly offered to City and 2 other registered parties, with each party's share to be determined - subject to payment of any outstanding realty taxes
21396-0019 (LT)	\$26,492.40	- jointly offered to City and 17 other registered parties, with each party's share to be determined - subject to payment of any outstanding realty taxes
21395-0107 (LT)	\$261,375.00	- offered to City - subject to payment of any outstanding realty taxes
21395-0210 (LT)	\$2.00	- offered to City - subject to payment of any outstanding realty taxes
21396-0056 (LT)	\$1.00	- jointly offered to City and 2 other registered parties, with each party's share to be determined - subject to payment of any outstanding realty taxes
21396-0057 (LT)	\$1.00	- jointly offered to City and 7 other registered parties, with each party's share to be determined - subject to payment of any outstanding realty taxes
21396-0070 (LT)	\$316,316.00	- jointly offered to City and 21 other registered parties, with each party's share to be determined - subject to payment of any outstanding realty taxes
21396-0089 (LT)	\$5.00	- jointly offered to City and 8 other registered parties, with each party's share to be determined - subject to payment of any outstanding realty taxes
21396-0111 (LT)	\$2,221,435.10	- jointly offered to City and 33 other registered parties, with each party's share to be determined - subject to payment of any outstanding realty taxes
21396-0113 (LT)	\$125,326.00	- jointly offered to City and 34 other registered parties, with each party's share to be determined - subject to payment of any outstanding realty taxes
21396-0115 (LT)	\$151,069.12	- jointly offered to City and 30 other registered parties, with each party's share to be determined - subject to payment of any outstanding realty taxes
Total	\$3,240,885.62	- total compensation offered to City and all other registered parties, subject to payment of any outstanding realty taxes