

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

TRACKING NO.: 2021-118

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:	April 21, 2021	Phone No.:	(416) 392-8160

Purpose	To authorize the sale of part of the lane shown as Parts 3, 5, 6, 8 and 9 on the attached draft R plan (the "Property") to the abutting owner, Rockport Yonge and Manor Inc. (the "Purchaser") conditional upon City Council authorizing the permanent closure of the dedicated public lane at the rear of 2104-2110 Yonge Street, to initiate the road closure process and authorize the General Manager of Transportation Services to give notice to the public of a proposed by-law to permanently close the Lane, and to transfer operational management of the lands shown as Parts 4 and 7 to the Toronto Transit Commission (the "TTC").
Property	The public lane at the rear of 2104-2110 Yonge Street, legally described as Part of Lane on Plan 585E Toronto; Being Lane Between Hillsdale Avenue West & Manor Road West, designated as Part 3 on 66R-27137, shown as Parts 3, 4, 5, 6, 7, 8 and 9 on the draft R-Plan (the "Lane") as shown in Appendix "A".
Actions	<ol style="list-style-type: none"> Authority is granted to accept the offer from the Purchaser to purchase the Property for the sum of \$794,250.00 plus HST, substantially on the terms and conditions outlined herein and on such further and other terms as may be deemed appropriate by the Executive Director, Corporate Real Estate Management and in a form satisfactory to the City Solicitor. A portion of the proceeds of the closing be directed to fund any outstanding expenses related to the completion of the sale transaction. The General Manager of Transportation Services is authorized to give notice to the public of a proposed by-law to permanently close the Lane in accordance with the requirements of the City of Toronto Municipal Code, Chapter 162, with the Toronto and East York Community Council to hear any member of the public who wishes to speak to the matter during consideration of the proposed by-law. The General Manager of Transportation Services is authorized to advise the public of the proposed closure of the Lane prior to implementation, in accordance with the requirements of the Municipal Class Environmental Assessment for Schedule "A+" activities, by posting notice of the proposed closure on the notices page of the City's Website for at least five working days prior to the Toronto and East York Community Council meeting at which the proposed by-law to close the Lane will be considered. Transfer operational management of Parts 4 and 7 on the draft R-Plan from Transportation Services to TTC.
Financial Impact	<p>Consideration in the amount of \$794,250.00 (plus HST) will be paid to the City of Toronto for the Property. Adjustments for all realty taxes, local improvement rates, and all other items normally adjusted in a sale of similar property shall be made as of the closing date as appropriate. The proceeds will be contributed to the Land Acquisition Reserve Fund (XR1012) upon closing of the transaction.</p> <p>The Chief Financial Officer and Treasurer has reviewed and agrees with the financial implications as identified in the Financial Impact section.</p>
Comments	Continued on page 4

Property Details	Ward:	12 – St. Paul's
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	451 m ² ± (4,854.5 ft ² ±)
	Other Information:	

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate 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/REOs:</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/Licensor):</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 \$3 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p>Request/waive hearings of necessity delegated to less senior positions.</p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input checked="" type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input checked="" type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input checked="" type="checkbox"/> Where total compensation does not exceed \$3 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 \$3 Million.</p> <p><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.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$3 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 \$3 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>	<p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p>Request/waive hearings of necessity delegated to less senior positions.</p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 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 \$5 Million.</p> <p><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.</p> <p><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.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$5 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 \$5 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. 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:	Josh Matlow	Councillor:	
Contact Name:	Denise McMullin	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 objections (April 15, 2021)	Comments:	

Consultation with Divisions and/or Agencies

Division:	TTC	Division:	Financial Planning
Contact Name:	Matthew Taylor	Contact Name:	Ciro Tarantino
Comments:	Incorporated into DAF (April 21, 2021)	Comments:	Incorporated into DAF (April 14, 2021)

Legal Services Division Contact

Contact Name: **Vanessa Bacher (April 13, 2021)**

DAF Tracking No.: 2021-118	Date	Signature
Recommended by: Manager, Real Estate Services	April 22, 2021	Signed by Daran Somas
Recommended by: Director, Real Estate Services	April 23, 2021	Signed by Alison Folosea
<input type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management	April 26, 2021	Signed by Patrick Matozzo
<input checked="" type="checkbox"/> Approved by: Patrick Matozzo		
<input type="checkbox"/> Approved by: Deputy City Manager, Corporate Services Josie Scioli		X

<p>Comments</p>	<p>In accordance with the City's Real Estate Disposal By-law, No. 814-2007, the Property was declared surplus on December 10, 2020 (DAF No. 2020-036), and amended on February 12, 2021 (DAF 2021-040) with the intended manner of disposal to be by inviting an offer to purchase the Property from the abutting property owner at 2104-2110 Yonge Street.</p> <p>Transportation Services has reviewed the feasibility of permanently closing the Lane and advises that it has no objection to the proposed closing subject to City Council approving the permanent closure of the Lane.</p> <p>All steps necessary to comply with the City's real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code have been complied with.</p> <p>The Offer to Purchase submitted by the Purchasers in the amount of \$794,250.00 plus HST is considered fair, reasonable and reflective of market value. It is recommended for acceptance substantially on the terms and conditions outlined below.</p> <p>TTC has requested for the transfer of Parts 4 and 7 on the draft R-Plan to its operational management to satisfy its subway setback requirements.</p>
<p>Terms</p>	<p>Purchase Price: Seven Hundred Ninety Four Thousand Two Hundred Fifty Dollars plus HST (\$794,250.00 + HST) Deposit: Seventy Nine Thousand Four Hundred Twenty Five Dollars (\$79,425.00) Irrevocable Date: 30th day after the Purchaser executes the Offer Due Diligence Period: 45th day after the City accepts the Offer Closing Date: 45th day following the date the closing By-Law is enacted</p> <p>Sale Conditions:</p> <p>If the closing by-law has not been enacted within twelve (12) months of the City's acceptance of the Offer, the Agreement is at an end.</p> <p>The Purchaser shall accept the Property in "as is" condition and on closing shall execute and deliver a release in favour of the City, in a form satisfactory to the City Solicitor, in respect of all losses, costs, damages, liabilities or actions relating to the environmental condition of the Property.</p> <p>The City will reserve an easement over Parts 3, 5, 6, 8 and 9 on the draft R-Plan for the purposes of accessing, inspecting, constructing, maintaining, repairing, altering, replacing, enlarging and removing the retaining wall adjacent to the Property. If, in connection with the development of its own lands, the Purchaser and City agree to remove the retaining wall at the Purchaser's expense. The City will release the easement on title, upon the Purchaser applying for the release, and at the Purchaser's cost.</p> <p>The Purchaser shall indemnify the City in respect of all claims, including any claims for injurious affection, demands, loss, costs, damages and/or expenses the City may sustain resulting or arising from the City's efforts to permanently close the Lane and from the completion of such closure.</p>

Appendix "A": Location Map & Draft R-Plan



