

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

TRACKING NO.: 2021-083

With Confidential Attachment

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

Prepared By:	Mike Saffran	Division:	Corporate Real Estate Management
Date Prepared:	March 26, 2021	Phone No.:	(416) 392-7205

Purpose	To obtain authority for the City of Toronto (the "City") to enter into a licence agreement with Enwave Energy Corporation (the "Licensee") for access to portions of City-owned lands at the Toronto Islands, near the Island Filtration Plant, shown on Schedule "A" attached (the "Licensed Lands"), for the purposes of construction staging for the Deep Lake Water Cooling expansion project, (the "Project").		
Property	City-owned lands at the Toronto Islands. The area covered by the License Agreement ("Agreement") is shown on Schedule "A", attached (the "Licenced Lands").		
Actions	1. Authority be granted to enter into the Agreement with the Licensee for the Licensed Lands, substantially on the terms and conditions set out below and on any other or amended terms and conditions as may be determined by the Director, Transaction Services and in a form acceptable to the City Solicitor.		
Financial Impact	For Financial Impact see Confidential Attachment No. 1 on page 6. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.		
Comments	Council adopted Item IE10.9 on December 17, 2019, authorizing the General Manager, Toronto Water to finalize negotiations to permit the Project. The resulting Energy Transfer Agreement ("ETA") was executed on February 26, 2021, allowing the Project to proceed. The Agreement is necessary to permit construction staging for the Project.		
Terms	Owner:	City of Toronto	
	Licencee:	Enwave Energy Corporation	
	Licence Area:	Shown On Schedule "A"	
	Licence Fee:	See Confidential Attachment No. 1	
	Licence Commencement Date:	April 1, 2021	
	Licence Expiry Date:	April 1, 2025 or on an earlier date on completion of the Project on at least 15 day's written notice	
	Permitted Use:	Construction Staging	
	Indemnity & Insurance:	Enwave indemnifies and holds the City harmless from and against liability and damage to the property, personal injury or death incurred by the City arising out of or due to the activities of Enwave and its agents. Enwave must maintain Commercial General Liability Insurance pursuant to Article 21 the Amended and Restated ETA.	
	Conditions:	Enwave to carry out pre-construction requirements as set out in Agreement including providing pre-construction surveys and restoration plan, to satisfaction of PFR. Prior to expiry, Enwave to provide Exit Report from third party environmental consultant regarding presence of Hazardous Substances on Licenced Area.	

Property Details	Ward:	10 – Fort York-Spadina
	Assessment Roll No.:	N/A
	Approximate Size:	Irregular in shape
	Approximate Area:	6,201.2 m ² (66,751.3 ft ²)
	Other Information:	Parks and Open Space

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 checked="" 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:	Joe Cressy	Councillor:	
Contact Name:	Tom Davidson	Contact Name:	
Contacted by:	<input checked="" 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 – March 26, 2021	Comments:	

Consultation with Divisions and/or Agencies

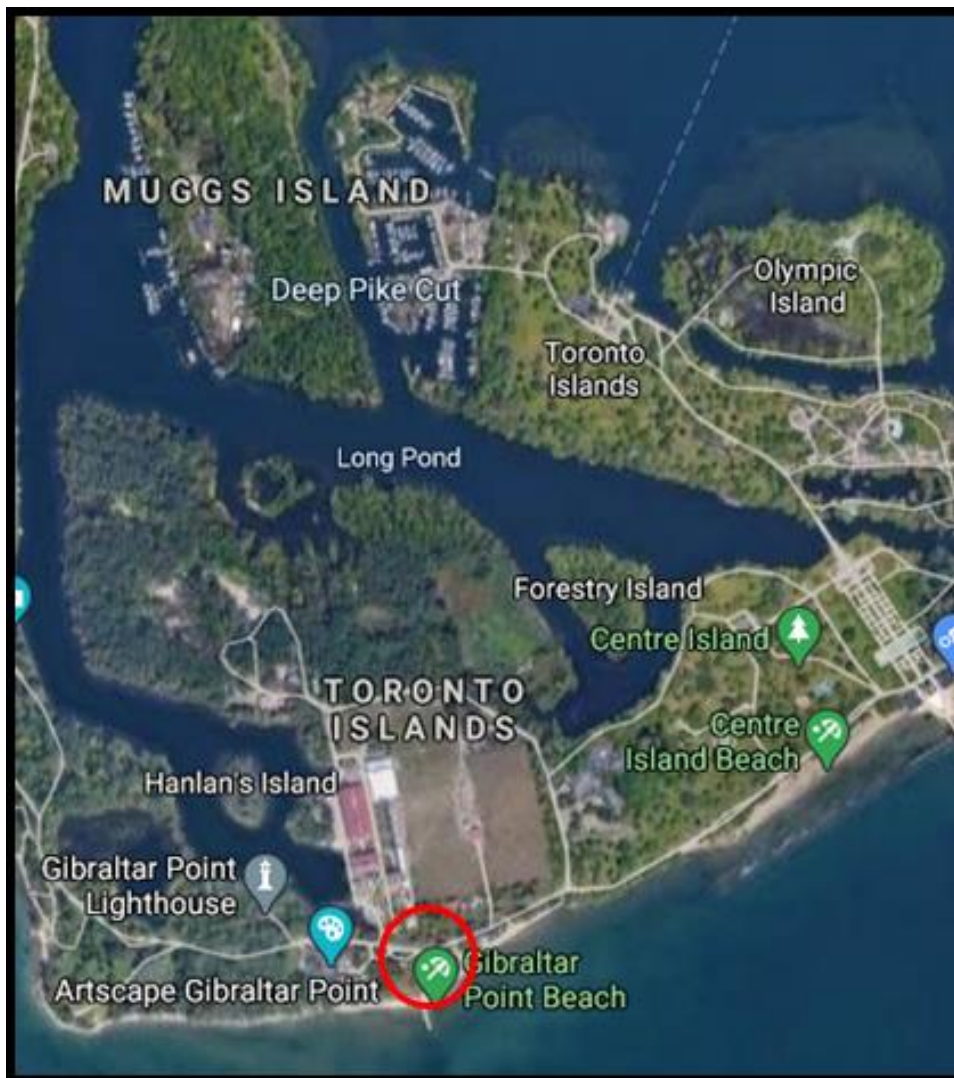
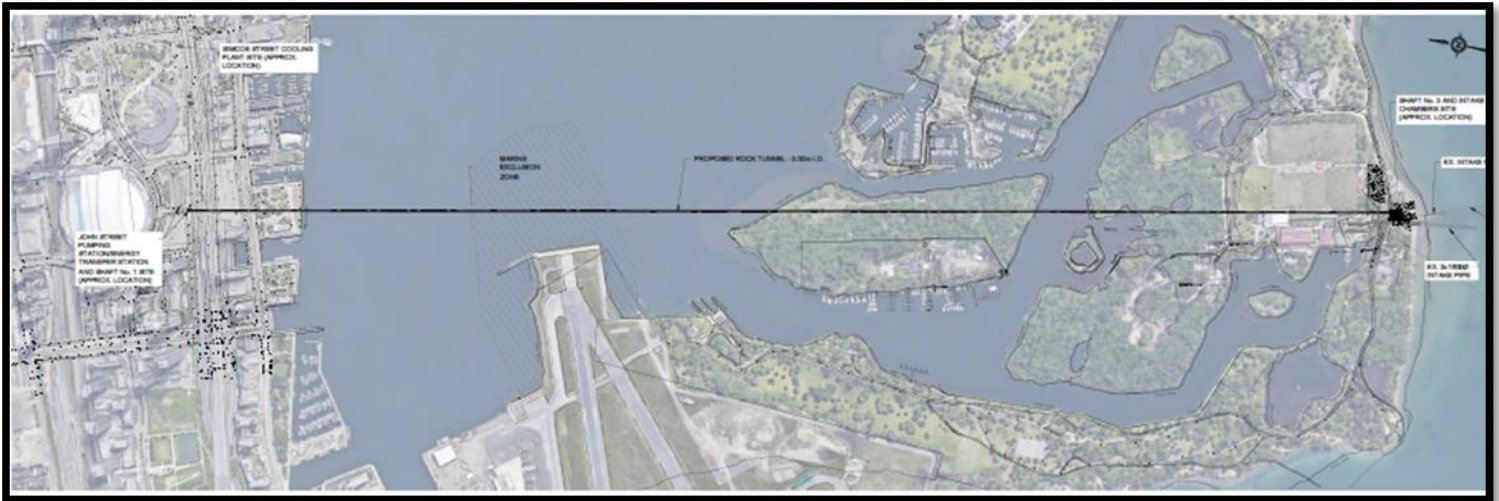
Division:	Toronto Water / Parks, Forestry & Recreation	Division:	Finance
Contact Name:	Niall Robertson / Jason Bragg	Contact Name:	Patricia Libardo
Comments:	Concurs with submission of DAF – March 26, 2021	Comments:	Concurs with FIS – March 25, 2021

Legal Services Division Contact

Contact Name: Vanessa Bacher – March 22, 2021

DAF Tracking No.: 2021- 083	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Transaction Services Daran Somas	Mar. 26, 2021	Signed by Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Transaction Services Alison Folosea	Mar. 31, 2021	Signed by Alison Folosea

Appendix "A" – Aerial Map & Licenced Area



Draft R-Plan - March 10, 2021
(Ref #20-22-878-00-RP2 – plotted March 18, 2021)

