

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

TRACKING NO.: 2021-093
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:	Patricia Palmieri	Division:	Corporate Real Estate Management
Date Prepared:	March 22, 2021	Phone No.:	416-392-4829

Purpose	To obtain authority for the City of Toronto (the "City") to enter into a Minutes of Settlement Agreements (the "Agreements") with the owners of 478 St Clarens Avenue and 699 Lansdowne Avenue (the "Owners"). The Agreements will facilitate the transfer of easements in favour of the City that are required for the construction of the Toronto Transit Commission ("TTC") Lansdowne Station Easier Access Project (the "Project").
Property	As described in Appendix "A" and shown on the Expropriation Plan in Appendix "C" (the "Easement Lands").
Actions	1. Authority be granted for the City to enter into the Agreements with the Owners substantially on the terms and conditions outlined in Appendix "A" and in the Confidential Attachment, and on such other or amended terms and conditions as may be acceptable to the Director of Transaction Services and in a form satisfactory to the City Solicitor.
Financial Impact	Funding for the compensation, as set out in the Confidential Attachment, is available in the 2021-2030 Council Approved Capital Budget and Plan for the TTC under capital account CTT028-1 Easier Access – Phase 2 for Council consideration. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.
Comments	Expropriation was required to construct 3 new elevators at Lansdowne Subway Station as part of the TTC's Plan which will fulfill the provincially-legislated requirements in the Accessibility for Ontarians with Disabilities Act, 2005. On July 4, 5, 6 and 7, 2017 City Council adopted GM21.16 which authorized the initiation of the expropriation process for the Easement Lands, for the Project. On January 31 and February 1, 2018, by the enactment of By-Law No. 101-2018, City Council authorized the expropriation of the Easement Lands for the proposed Project. Expropriation Plan AT4849332 was registered on April 25, 2018 and Notices of Expropriation and offers of Section 25 compensations were served on the Owners. Pursuant to the Expropriations Act, the Owners asserted claims for compensation over and above the amount of the Section 25 offers and to fully resolve the Owners claims arising from the Expropriation, the parties have agreed to the full and final amounts set out in the Confidential Attachment.
Terms	See Appendix "A" and the Confidential Attachment

Property Details	Ward:	Ward 9 - Davenport
	Approximate Size:	Irregular

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 checked="" 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 checked="" 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:	Councillor Ana Bailao	Councillor:	
Contact Name:	Michael Giles	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:	Advised on March 22, 2021	Comments:	

Consultation with Divisions and/or Agencies

Division:	TTC	Division:	Financial Planning
Contact Name:	Duane Lovelace (Property Coordinator)	Contact Name:	Patricia Libardo
Comments:	Concurred on March 22, 2021	Comments:	Concurred on March 15, 2021

Legal Services Division Contact

Contact Name:	Michael Mahoney
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DAF Tracking No.: 2021-093	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services <input type="checkbox"/> Approved by: Daran Somas	May 18, 2021	Signed by Daran Somas
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	May 21, 2021	Signed by Alison Folosea

Appendix "A"
Terms & Conditions

Property Address	Legal Description	Property Interest Expropriated and Area of Property
699 Lansdowne Avenue	PART LOT 6 PL 920 CITY WEST AS IN CA187486 SUBJECT TO AN EASEMENT OVER PART 1 ON EXPROPRIATION PLAN AT4849332 AS IN AT4849332 CITY OF TORONTO (known as the "Easement Lands")	Permanent Easement interest in the land labelled as "Part 1" in the Expropriation Plan located in Appendix "C" – total area of 44m ²
478 St. Clarens Avenue	PT LT 27 PL 1049 TORONTO AS IN CT810033; S/T EW2226; S/T EXECUTION 94-013414, IF ENFORCEABLE SUBJECT TO AN EASEMENT OVER PART 2 ON EXPROPRIATION PLAN AT4849332 AS IN AT4849332 CITY OF TORONTO (known as the "Easement Lands")	Permanent Easement interest in the land labelled as "Part 2" in the Expropriation Plan located in Appendix "C" – total area of 60m ²

After completion of the Project, the City shall reinstate the back yards of the Easement Lands in accordance with the terms set out in the Minutes of Settlement

In exchange for the Compensation outlined in the Confidential Attachment the Owners shall release the City from all claims associated with the Project under the Expropriations Act.

After completion of the Project the City shall reinstate the back yards substantially in accordance with their physical condition as they existed prior to construction.

Minutes of Settlement shall be irrevocable by the Owners for a period of sixty days after the date they are executed by the Owners.

Appendix "B" – Location Map



