

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

TRACKING NO.: 2021-143

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

Prepared By:	Mark Filice	Division:	Corporate Real Estate Management
Date Prepared:	May 4, 2021	Phone No.:	(416) 392-1830

Purpose	To obtain authority to enter into a Construction Staging Licence Agreement, with Holly Dunfield Residences Corp. (the "Licensee"), for a term of eighteen (18) months (the "Term"), with two (2) options to extend for an additional term of three (3) months each (each an "Extended Term"), to permit access, ingress, and egress over City-owned lands (the "Licensed Area"), adjacent to the Licensee's construction site, to facilitate the building of the adjacent development located at 25 Holly Street and 50 Dunfield Avenue.
Property	Part of a future City Park, legally described as Part of Lots 27,28 & 29 Block D Plan 653 Toronto, Parts 4,5,6,7 & 8 on 66R30148; City of Toronto. (the "City Lands") (See Appendix B, location map). The City Lands were conveyed to the City by the Licensee pursuant to the development approval process (park land dedication).
Actions	<ol style="list-style-type: none"> 1. Authority be granted to enter into the Construction Staging Licence Agreement (the "Agreement") with the Licensee for the Licensed Area, substantially on the terms and conditions set out below with such revisions thereto and any other or amended terms and conditions as may be determined by the Director of Corporate Real Estate Management, and in a form acceptable to the City Solicitor; 2. The Director of Corporate Real Estate Management or her designate shall administer and manage the Licence, including the provision of any consents, approvals, amendments, waivers, notices and notice of termination provided that the Director may, at any time, refer consideration of such matters (including their consent) to City Council for its determination and direction;
Financial Impact	<p>The Licensee shall pay to the City as a fee for the full Term of the Licence, the amount of \$7,877.00 per month, plus any applicable HST or other taxes, payable in advance on or before the first day of the Term, or the first day of the Extended Term, if applicable.</p> <p>Total revenue to the City for the 18 month Term will be \$141,786.00 (plus HST) and, if applicable, \$23,631.00 (plus HST) for each 3 month Extended Term, if exercised. Compensation to the City will be directed to the 2021 Council Approved Operating Budget for Corporate Real Estate Management under cost center FA1379.</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>
Comments	<p>The Licensee has requested permission to use City Lands in order to access their adjacent development to facilitate the construction of an infill residential condominium development. The Licensed Area has an approximate area of 105.3 square metres, shown hatched in red on the sketch attached in Appendix C.</p> <p>The City of Toronto is the registered owner of the Site. The potential impact of the proposed Agreement on the City's assets in the future park was considered by PFR staff and no objections to the proposed Agreement were raised.</p> <p>Upon expiry of the Agreement, the Licensee shall restore the City Lands to base park condition as defined in the Section 37 Agreement between the Licensee and the City of Toronto.</p>
Terms	<p>Corporate Real Estate Management staff consider the proposed Agreement to be fair and reasonable to all parties</p> <p>Major Terms and Conditions are set out on page 4: Appendix "A"</p>

Property Details	Ward:	12 – Toronto – St.Paul
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	105.3 m ² or 1133.4 ft ²
	Other Information:	

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:	Josh Matlow	Councillor:	
Contact Name:	Slavisa Mijatovic	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> E-Mail <input checked="" 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 Objection April 27, 2021	Comments:	

Consultation with Divisions and/or Agencies

Division:	Parks, Forestry and Recreation	Division:	Financial Planning
Contact Name:	Andrea Bake	Contact Name:	Patricia Libardo
Comments:	Concurrence May 4, 2021	Comments:	Concurrence April 29, 2021

Legal Services Division Contact

Contact Name:	Vanessa Bacher	April 14, 2021
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DAF Tracking No.: 2021-143	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	May 4, 2021	Signed by Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	May 13, 2021	Signed by Alison Folosea

Appendix "A"- Term Sheet

Licensor: City of Toronto (the "City")

Licensee: Holly Dunfield Residences Corp

Property: Part of a future City Park, legally described as Part of Lots 27,28 & 29 Block D Plan 653 Toronto, Parts 4,5,6,7 & 8 on 66R30148; City of Toronto. (See Appendix B, location map).

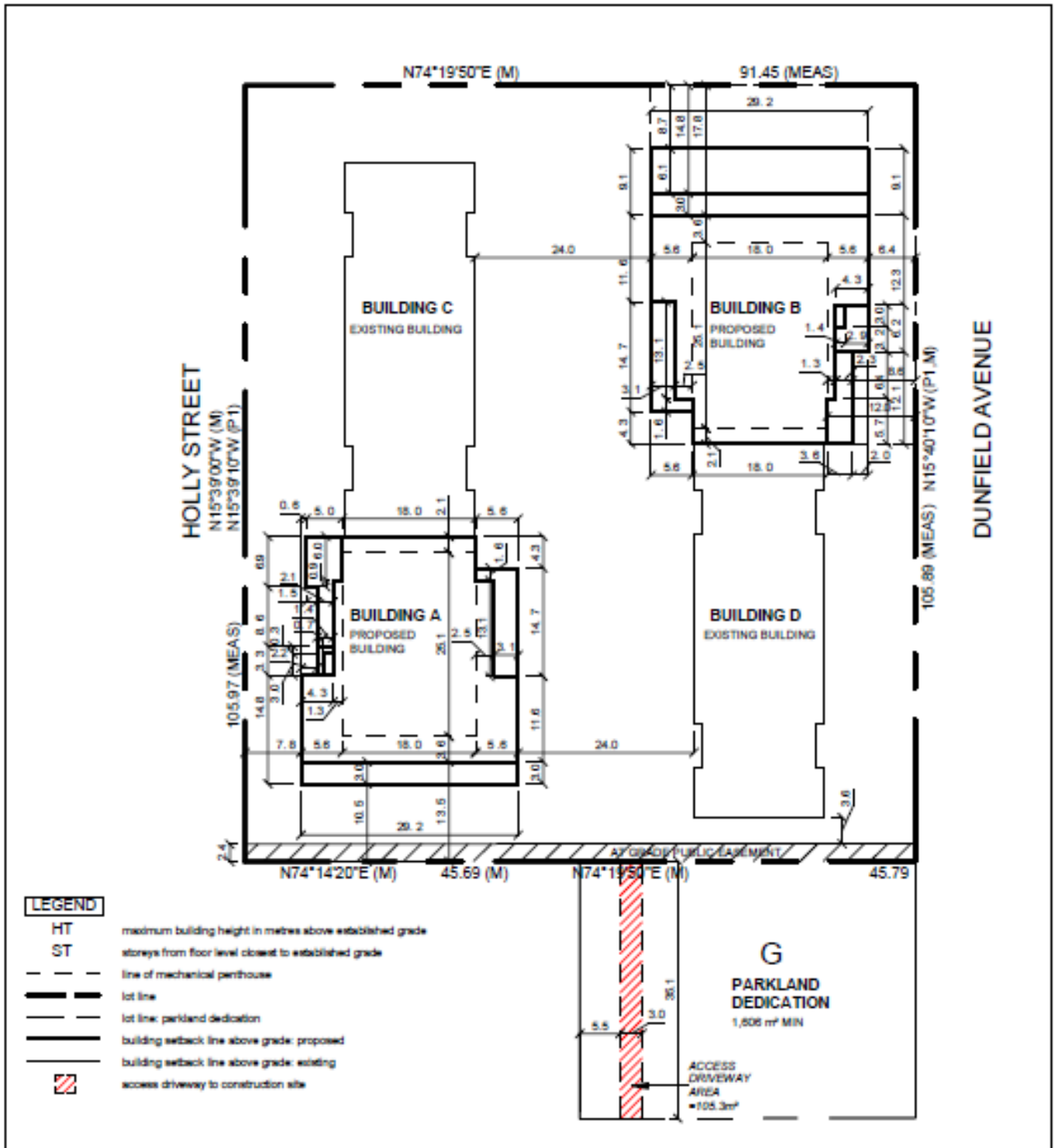
Licence Area: Approximately 105.3 square metres of the Property shown hatched in red on the sketch attached to Appendix "C"

1. **Term:** 18 months commencing on June 1, 2021 and ending on December 31, 2022 with two options to extend for an additional term of 3 months each
2. **Expiration of Term:** No later than June 31, 2023.
3. **License Fee:** The total cost of the 18 month Term will be \$141,786.00 (plus HST) and, if applicable, \$23,631.00 (plus HST) for each 3 month Extended Term, if exercised
4. **Use:** Access, ingress and egress to the adjacent construction site by the Licensee and it's permitted contractors employees and invitees to facilitate the construction of the adjacent Development
5. **Completion:** Upon the expiry the Licensee shall restore the Licensed Area to Base Park condition as defined in the Section 37 Agreement between the Licensee and the City of Toronto.
6. **Insurance:**
 - Commercial General Liability Insurance which has inclusive limits of not less than \$5,000,000.00 per occurrence,
 - Contractor's Pollution Liability with a minimal limit of \$2,000,000.00
 - Standard Automobile Liability coverage with a limit of at least \$2,000,000.00 for all licensed motorized vehicles used on the Licensed Area
7. **Indemnity:** The Licensee shall indemnify and save harmless the City from any and all manner of Claims which may be made or brought against, suffered by, or imposed on the City's Representatives or their property, in respect of any loss, damage, or injury (including property damage, personal injury, bodily injury, and death) to any person or property (including, without restriction, directly or indirectly arising out of, resulting from, or sustained as a result of the exercise of the Licence;

Appendix "B"- Location Map



Appendix "C" - Licensed Area



Quadrangle

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 701 Toronto, ON M5V 3H5
 416 596 1240
 www.quadrangle.ca



25 Holly Street & 50
 Dunfield Avenue
 Toronto, ON

DATE
 2019-07-18

PROJECT REVISION
 16077

DRAWN REVIEWED
 MN SSC

SCALE
 1 : 750

D-03

Note: This drawing is the property of the Architect and may not be reproduced or used without the expressed consent of the Architect. The Contractor is responsible for checking and verifying all levels and dimensions and shall report all discrepancies to the Architect and obtain confirmation prior to commencing work.