

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

TRACKING NO.: 2021-131
CONFIDENTIAL ATTACHMENT

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:	May 3, 2021	Phone No.:	(416) 392-8160

Purpose	To obtain authority for the City of Toronto (the "City") to enter into a Section 30 Agreement (the "Agreement") with the owners of 18 Linnsmore Crescent (the "Owners"). The Agreement will facilitate the transfer of easements in favour of the City that are required for the construction of the Toronto Transit Commission ("TTC") Greenwood Station Easier Access Project (the "Project").
Property	Part of the property municipally known as 18 Linnsmore Crescent, shown as Part 1 on 66R-31065 in Appendix "B" (the "Easement Lands").
Actions	1. Authority be granted for the City to enter in the Agreement with the Owners and to serve notice of extension thereto, if required, 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 III. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.
Comments	As part of the Project, the TTC is proposing to construct elevators at Greenwood Subway Station on Line 2 providing accessibility to and from each of the westbound and eastbound platforms to the concourse level. On April 7, 2021, City Council adopted GL21.13 authorizing the acquisition and/or expropriation of the Easement Lands, for the Project. Real Estate staff have negotiated with the Owners the Agreement and TTC staff have reviewed and terms and conditions of the Agreement and concur with proceeding.
Terms	See Appendix "A" and the Confidential Agreement

Property Details	Ward:	14 – Toronto-Danforth
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	19.6 m ² ± (182 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 checked="" 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 checked="" 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 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:
<ul style="list-style-type: none"> • 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:
<ul style="list-style-type: none"> • 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.

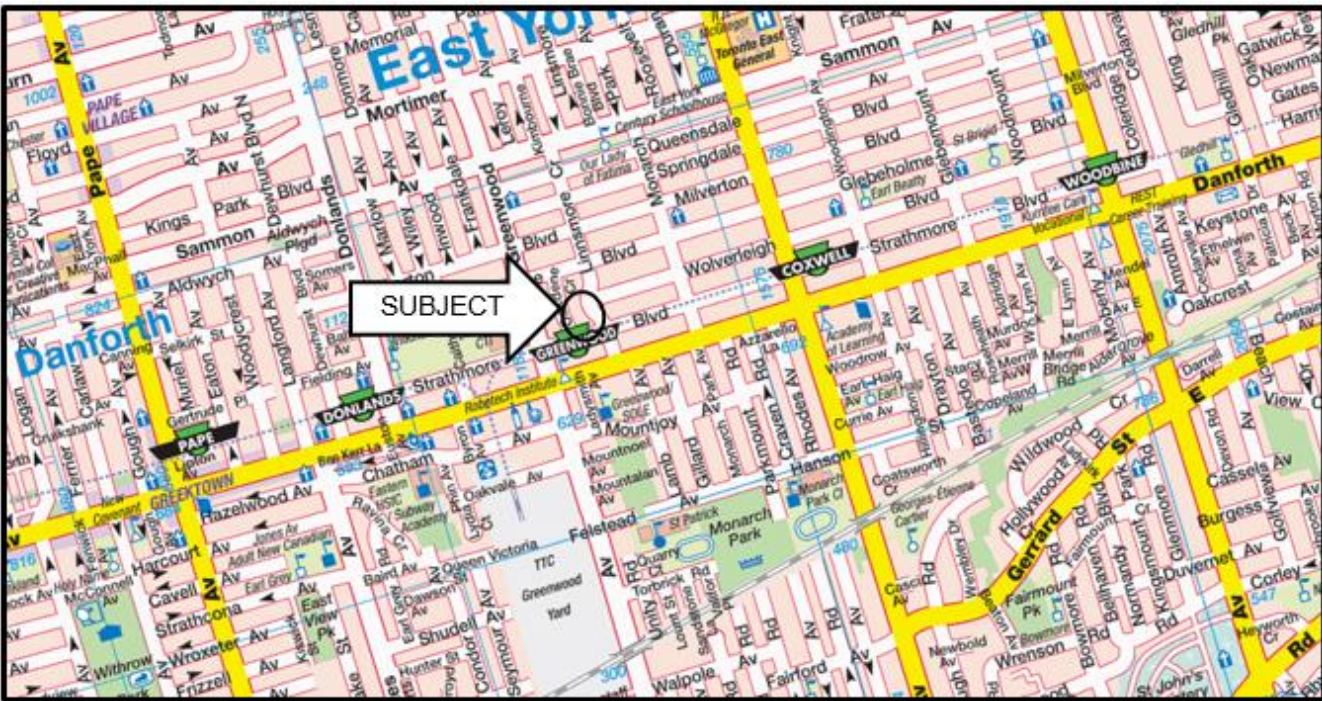
Pre-Condition to Approval			
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property			
Consultation with Councillor(s)			
Councillor:	Paula Fletcher	Councillor:	
Contact Name:	Daryl Finlayson	Contact Name:	
Contacted 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 objections (April 29 2021)	Comments:	
Consultation with Divisions and/or Agencies			
Division:	TTC	Division:	Financial Planning
Contact Name:	Duane Lovelace	Contact Name:	Patricia Libardo
Comments:	Incorporated into DAF (April 26, 2021)	Comments:	Incorporated into DAF (April 27, 2021)
Legal Services Division Contact			
Contact Name:	Dale Mellor (April 26, 2021)		

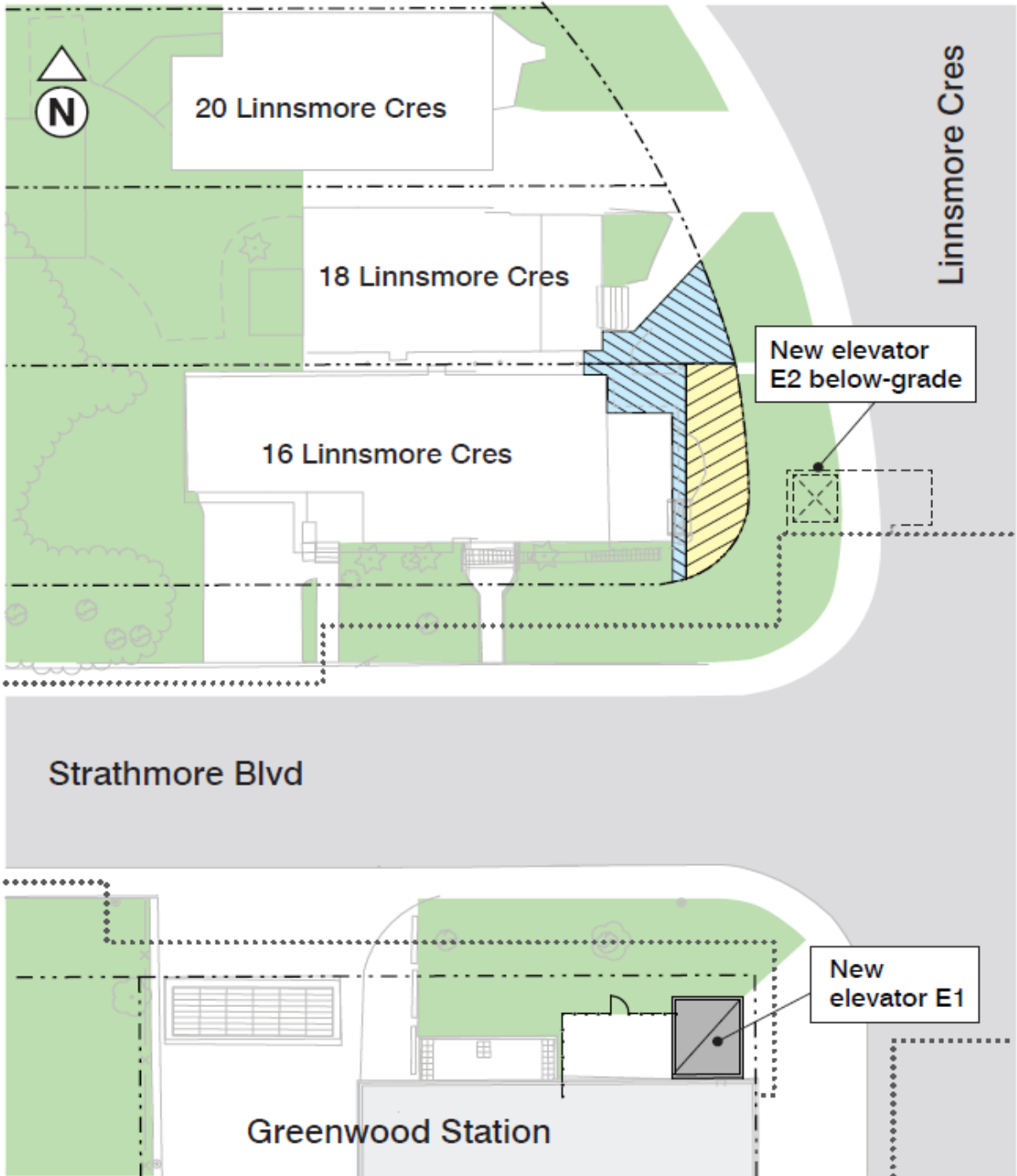
DAF Tracking No.: 2021-131	Date	Signature
Concurred with by: Manager, Real Estate Services Alex Schuler	May 3, 2021	Signed by Alex Schuler
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	May 3, 2021	Signed by Daran Somas
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		

Appendix "A": Term & Conditions





Owners	Masatoshi Ronald Shimizu Edy Goto
Legal Description	18 Linnsmore Crescent PT LT 379 W/S LINNSMORE CRES PLAN 517E TORONTO DESIGNATED AS PART 1 ON 66R-31065 BEING PART OF PIN 10412-0207 (LT) IN THE LAND REGISTRY OFFICE OF TORONTO (NO. 66) IN LAND TITLES DIVISION
Section 30 Conditions	<p>In consideration for the transfer of the easement in favour of the City of the Easement Lands, the City agrees to pay the Owners an advance payment outlined in the Confidential Attachment. Unless specified in the Confidential Attachment, the advance payment shall be without prejudice to the Owners' right to claim further compensation for the acquisition, within the meaning of the <i>Expropriation Act</i> (the "Act"), of the Easement Lands pursuant to section 30 of the Act and as if the Easement Lands had been expropriated by the City.</p> <p>The advance payment shall stand in place of any obligations of the City in accordance with section 25 of the Act. The advance payment is hereby accepted by the Owners, without prejudice to any of its rights to claim additional compensation for the market value of the Easement Lands and other compensation in accordance with the Act and this Agreement.</p> <p>The City will pay the Owners' reasonable interim legal and other costs incurred in relation to the negotiation and settling of the terms of these Agreements.</p> <p>The City shall be responsible for the payment of Land Transfer Tax and registration fees and any other taxes and fees payable in connection with the registration of any documents/instruments that may be required to complete the transactions as described.</p> <p>The City shall provide an appraisal report complying with section 25 of the Act to the Owners within six months of the Closing Date to support the advance payment.</p>
Easement Conditions	<p>The temporary easement shall commence upon (thirty) 30 days' written notice for a term of two (2) years.</p> <p>The City shall have the right to extend the temporary easement for a further period of one (1) year provided that the City shall provide the Owners with no less that two (2) weeks written notice prior to the end of the initial easement term.</p> <p>The City, TTC and or its contractors shall, upon completion of the Works, remove all chattels and equipment belonging to the Owners, and restore the Easement Lands to the condition existing immediately prior to the construction of the Works, or as near as is reasonably possible in consideration of the Works. For clarity, this shall not include the garden located within the Easement Lands, which is to be returned to the Owners clear of all chattels, equipment and debris and finished with topsoil, so that the Owners can undertake restoration of the garden as set out in the Section 30 Agreement entered into between the parties.</p> <p>The City or the TTC shall at all times during the term of the Agreement maintain adequate liability insurance with respect to the works and/or the Easement Lands. The Owners acknowledge that the City or the Toronto Transit Commission may elect to self-insure and, if so, will be deemed to have satisfied its obligations hereunder.</p>

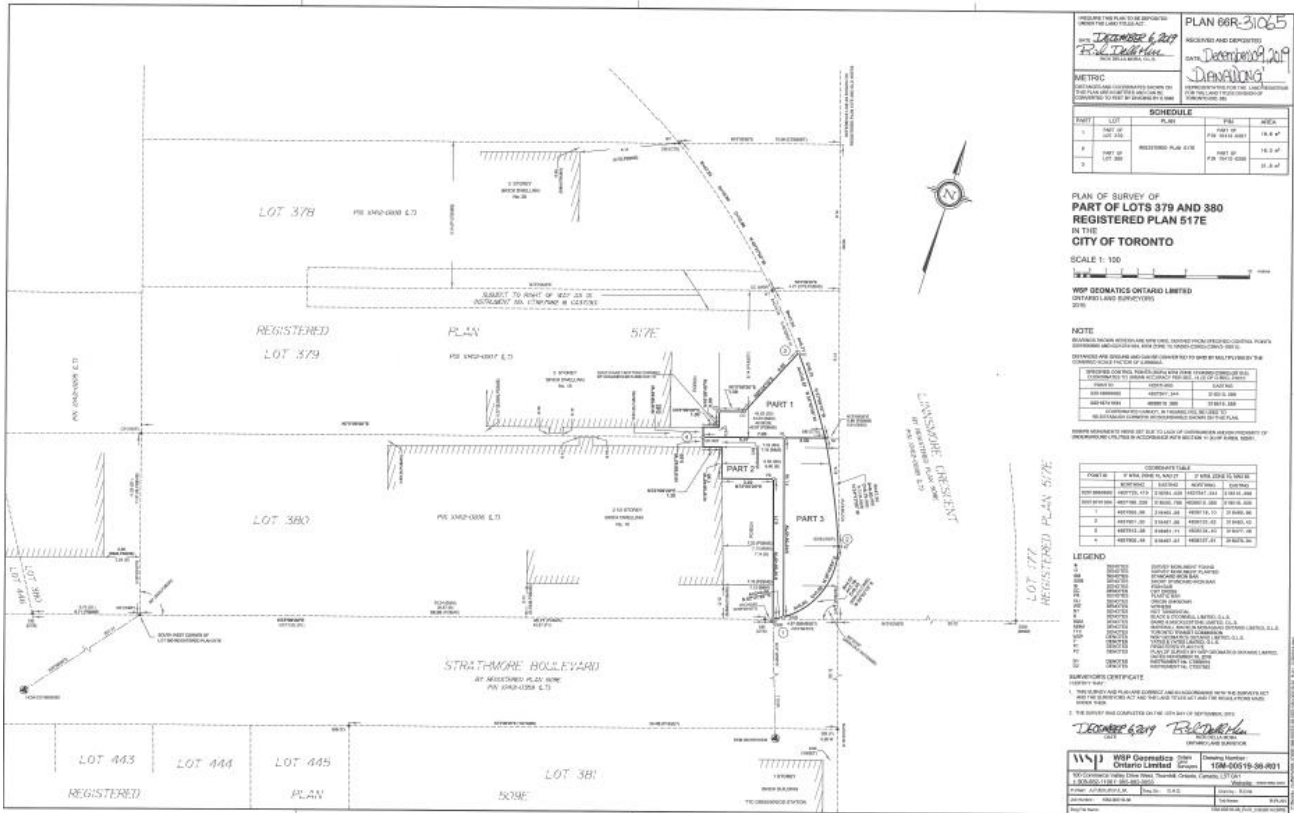
Appendix "B": Location Map & Reference Plan





Legend

-  Permanent easement
-  Temporary easement
-  Property line
-  Outline of TTC infrastructure below-grade



DATE OF SURVEY: 2017	DATE OF DEPOSIT: 2019	PLAN 66R-31065
DATE OF SURVEY: 2017	DATE OF DEPOSIT: 2019	REGISTERED PLAN 517E
METRIC		
SCALE 1:100		
WSP GEOMATICS ONTARIO LIMITED		

PLAN OF SURVEY OF PART OF LOTS 379 AND 380 REGISTERED PLAN 517E IN THE CITY OF TORONTO

SCALE 1:100

WSP GEOMATICS ONTARIO LIMITED

NO.	DESCRIPTION	DATE
1	REGISTERED PLAN 517E	2019
2	REGISTERED PLAN 517E	2019

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1	REGISTERED PLAN 517E	2019
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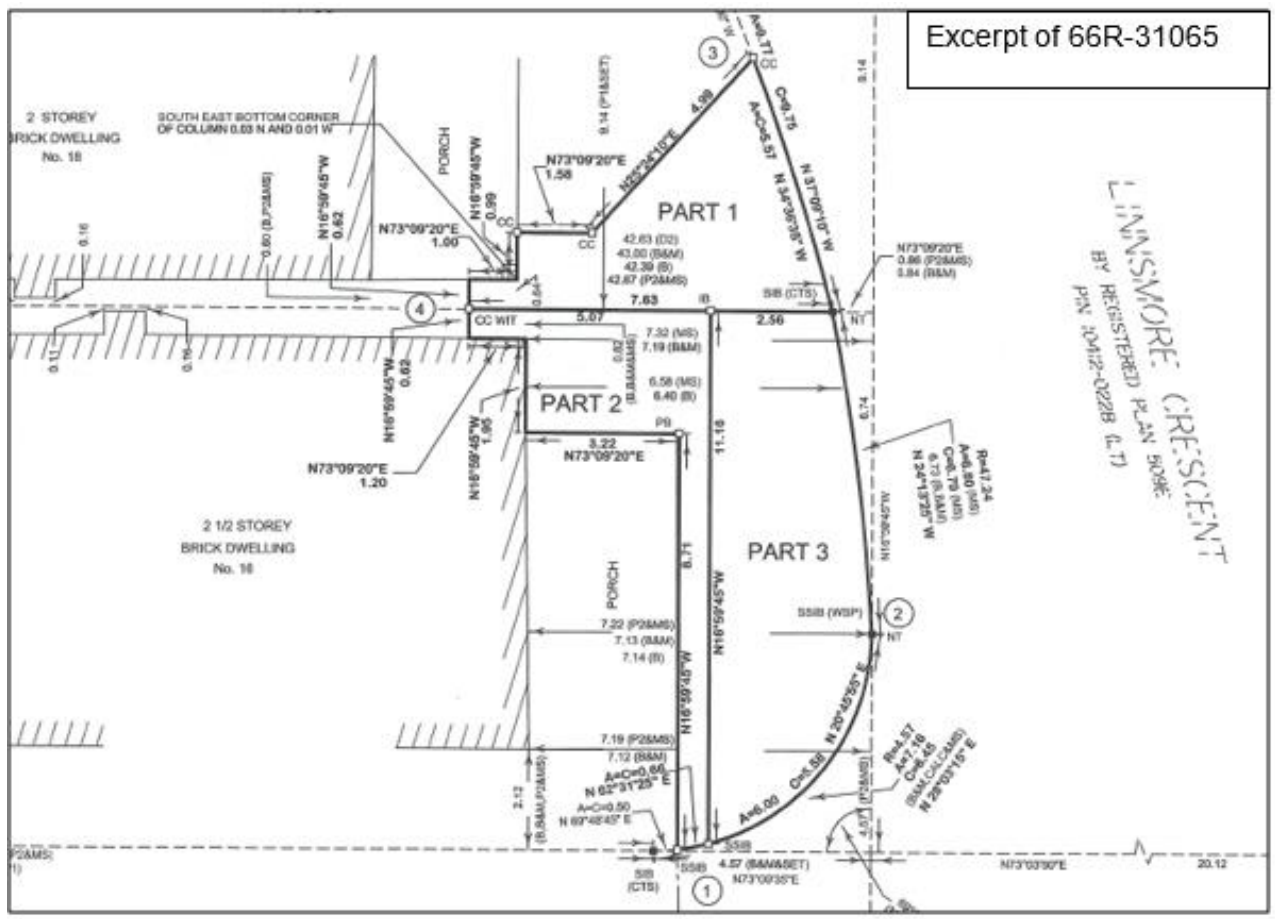
NO.	DESCRIPTION	DATE
1	REGISTERED PLAN 517E	2019
2	REGISTERED PLAN 517E	2019

WSP GEOMATICS ONTARIO LIMITED

1500 SHEPPARD AVENUE EAST, SUITE 100, SCARBOROUGH, ONTARIO M1S 1T7

TEL: (416) 291-1111 FAX: (416) 291-1112

WWW.WSPGEOMATICS.COM



Excerpt of 66R-31065

LINNSMORE CRESCENT

BY REGISTERED PLAN 517E

PIN 2017-02218 (L7)