

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

TRACKING NO.: 2021-140

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

Prepared By:	Ishan Dasgupta	Division:	Corporate Real Estate Management
Date Prepared:	May 6, 2021	Phone No.:	(416) 392-7165

Purpose	To amend Delegated Approval Form No. 2017-046, as previously amended by Delegated Approval Form No. 2020-205, to reflect various amendments to the proposed construction and construction staging licence authorized thereby.
Property	Portion of the property municipally known as 251 Esther Shiner Boulevard (the " Property "), shown outlined red on the aerial photograph on the attached Schedule "B". The general location of the Property is also shown on the map on the attached Schedule "B",
Actions	1. Authority be granted to enter into the licence agreement on the terms as set out in DAF 2017-046, as amended by DAF 2020-205 and on the amended terms set out in the "Comments" section and "Terms" section hereof.
Financial Impact	Total licence fee revenues to the City for the Licensed Area identified in Appendix "B" are \$5,000.00 (plus HST) which is considered fair market value. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.
Comments	Delegated Approval Form No. 2017-046 (the " Original DAF ") authorized the City as licensor to enter into a licence agreement with Her Majesty the Queen in Right of Ontario, as represented by the Minister of Transportation (" MTO ") to permit access to the Property for the purpose of construction staging in connection of the construction re-location by MTO's contractor of a City watermain situate on the Property and other lands in the vicinity thereof. The Original DAF was amended by DAF 2020-205 to amend the term of the licence, add an additional term for any required warranty repairs and replace MTO with CRH CANADA GROUP INC., carrying on business as DUFFERIN CONSTRUCTION COMPANY as the licensee. Prolonged negotiations between the City and MTO regarding the construction contract for the watermain have resulted in delays to the project start date which requires an amendment to the term of the Licence Agreement as more particularly set out in Schedule "A" hereto. The City's Corporate Real Estate Management Division has confirmed with operational staff at the Property that the new term of the proposed Licence Agreement is satisfactory.
Terms	See Schedule "A" for a summary of the principal amended terms and conditions of the proposed Licence Agreement. All other principal terms of the proposed Licence Agreement remain the same.

Property Details	Ward:	17 – Don Valley North
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	912 sq. m.
	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 checked="" 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 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:	Shelley Carroll				Councillor:				
Contact Name:	Tom Gleason				Contact Name:				
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other		
Comments:	No objections (May 4, 2021)				Comments:				

Consultation with Divisions and/or Agencies

Division:	Toronto Water	Division:	Financial Planning
Contact Name:	Monirul Islam	Contact Name:	Patricia Libardo
Comments:	Comments incorporated	Comments:	Comments incorporated

Legal Services Division Contact

Contact Name:	Mark Zwegers
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DAF Tracking No.: 2021-140	Date	Signature
Concurred with by: Acting Manager, Real Estate Services Alex Schuler	May 10, 2021	Signed by Alex Schuler
<input type="checkbox"/> Recommended by: Acting Manager, Real Estate Services Daran Somas	May 7, 2021	Signed by Daran Somas
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		X

Schedule "A"**Amended Terms and Conditions****Construction and
Constructing Staging
Term:**

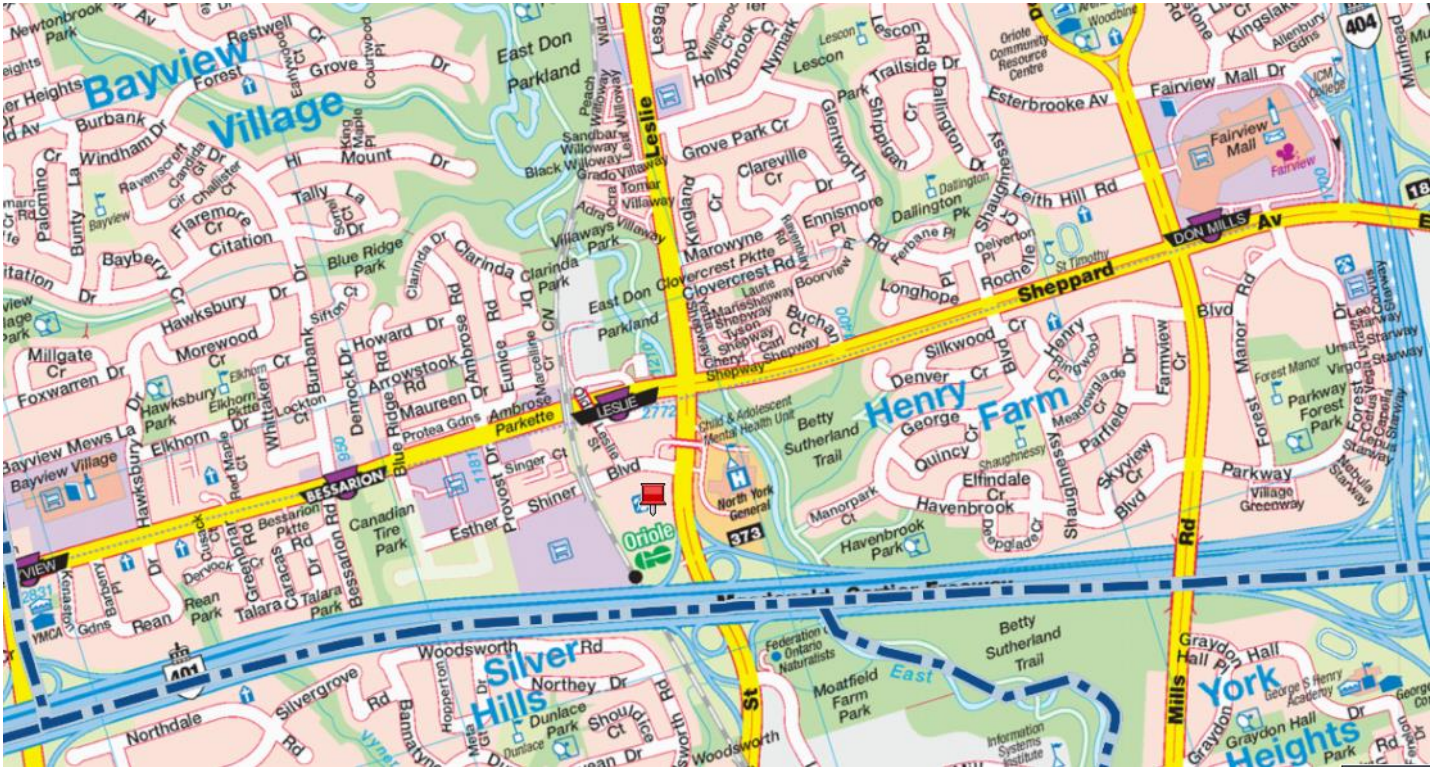
Commencing on the later of the date of mutual execution of the licence agreement and May 10, 2021 and ending on June 18, 2021. The licence is exclusive to the licensee during the construction and construction staging term. The licensee shall have exclusive access to the licensed area 24 hours a day, 7 days a week during the construction and construction staging term, provided that access to the licensed area is gained only from the service road at the south end of the Property, failing which the licensee shall only have access to the licensed area between the hours of 6:30 a.m. and 2:30 p.m. on each business day.

Option to Terminate

The City has the right to terminate the licence agreement on 30 days' prior written notice to the licensee.

Schedule "B"

Location Map



Licence Area Sketch

