

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

TRACKING NO.: 2021-161

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

Prepared By:	Joseph Sergnese	Division:	Corporate Real Estate Services
Date Prepared:	May 26, 2021	Phone No.:	416-392-1857
<b>Purpose</b>	To obtain authority to enter into a Permission to Enter/Licence Agreement (the "Licence") between the City of Toronto (the "City") and Build Toronto Inc. ("Build Toronto") and/or their consultants, EXP Services Inc., or such other consultant ("Representatives") as may be approved by the City in writing, for the purposes of borehole drilling and monitoring well installations for environmental geotechnical and hydrogeological investigation.		
<b>Property</b>	The property municipally known as 158 Borough Drive, legally described in Appendix "A", and as shown on the Location Map in Appendix "B" (the "Licensed Area").		
<b>Actions</b>	<ol style="list-style-type: none"> <li>1. The City enter the Licence to permit Build Toronto and/or the Representatives entry onto the Property for a period of not more than three months for the purposes set out above.</li> <li>2. The Manager of Real Estate Services, or her designate, shall administer and manage the Licence including the provision of any consents, approvals, waivers, notices and notices of termination, provided that the Director of Real Estate Services may, at any time, refer consideration of such matters to City Council for its determination and direction; and</li> <li>3. The appropriate City Officials to be authorized and directed to take the necessary action to give effect thereto.</li> </ol>		
<b>Financial Impact</b>	<p>There is no financial impact to the City. The Licence is to allow for environmental testing for nominal consideration. Build Toronto will be responsible for all costs related to the use of the Licensed Area and for the costs of preparation of any test results or reports, resulting in no cost to the City.</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>		
<b>Comments</b>	<p>The Property is being redeveloped for affordable housing pursuant to the Housing Now initiative being led by CreateTO. Build Toronto Requires access to the property to conduct environmental testing in support of the redevelopment. Build Toronto has entered into a Service Agreement with CreateTO whereby Build Toronto engaged CreateTO to provide such services as may be required in order to permit Build Toronto to operate its Business. In some circumstances, such as entering into Service Agreements, CreateTO will contract through Build Toronto, but in others CreateTO will contract. In this case CreateTO, through Build Toronto, has retained EXP Services Inc. (the "Representatives") to perform the Work. Build Toronto requires access to the Property to permit its Representatives to undertake the Work.</p>		
<b>Terms</b>	<ol style="list-style-type: none"> <li>1. Licence fee: nominal</li> <li>2. Term: Three months</li> <li>3. Insurance: \$2,000,000.00 Commercial General Liability</li> <li>4. Use: Borehole drilling and monitoring well installation for environmental, geotechnical and hydrogeological investigation.</li> <li>5. Indemnity: Applicant will indemnify and save harmless the City from and all manner of claims, demands, losses, costs, charges, actions and other proceedings whatsoever, directly or indirectly resulting from occupation of or use of the Licensed Area.</li> <li>6. Restoration: Applicant shall restore the Licensed Area to its original condition prior to occupancy by Applicant or its Authorized Users, at Applicant's sole cost and expense.</li> <li>7. Reports: Application will provide copies of the results of the testing to the City.</li> </ol>		
<b>Property Details</b>	<b>Ward:</b>	Ward 21 – Scarborough Centre	
	<b>Assessment Roll No.:</b>	1901-05-1-730-00501 (Part)	
	<b>Approximate Size:</b>	Frontage on Borough Drive: 101.4 m ± (332.7 ft±) Flankage on Town Centre Court: 53.5 m± (175.5 ft±)	
	<b>Approximate Area:</b>	6,312 m²± (67,944 ft²±)	
	<b>Other Information:</b>	2-level deck parking structure	

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/REOs:</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 &amp; Parks &amp; Open Space Areas of Official Plan:</p> <p>9. Leases/Licences (City as Landlord/Licensor):</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><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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><b>Delegated to more senior positions.</b></p> <p><input type="checkbox"/> (a) Where total compensation (including options/ renewals) does not exceed \$50,000.</p> <p><input checked="" 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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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><b>Delegated to more senior positions.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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/REOs.</p> <p><input type="checkbox"/> Initiate process &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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:	Councillor Michael Thompson	Councillor:	
Contact Name:	Ihor D. Wons	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X <input checked="" type="checkbox"/> 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:	No objections (May 26, 2021)	Comments:	

**Consultation with Divisions and/or Agencies**

Division:	CreateTO	Division:	<b>Financial Planning</b>
Contact Name:	Tracey Smith	Contact Name:	Patricia Libardo
Comments:	Concurrence (May 26, 2021)	Comments:	Concurrence (May 26, 2021)

**Legal Services Division Contact**

Contact Name: Amna Shakil, Concurrence (May 26, 2021)

DAF Tracking No.: 2021-161	Date	Signature
Concurred with by: Manager, Real Estate Services <b>Peter Cheng</b>	May 26, 2021	Signed by Peter Cheng
<input type="checkbox"/> Recommended by: Manager, Real Estate Services <b>Daran Somas</b>	May 26, 2021	Signed by Daran Somas
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		X

## Appendix A - Legal Description

### Part of PIN 06000-0518 (LT)

FIRSTLY: BLOCKS J & O ON PLAN M1410, AND BLOCK I, PLAN M1410, S/E PARTS 8, 9, 10, 11, 12 & 13 ON PLAN 66R21521 & S/E PT 18 ON PLAN 66R12865. S/T RGT, EASEMENT & COV. AS IN A652797. S/T A R.O.W. OVER BLOCK O, PLAN M1410 AS IN C253717. T/W A RIGHT, EASEMENT & COVN. OVER PT BLK K, PL M1410, BEING PT 1, PL 66R13518 AS IN C255085; T/W A R.O.W. OVER BLKS AX,DX,FX,GX,HX,KX,LX,OX,PX,OX,RX, TX AS IN A322822 AND BLKS EX,JX,SX,UX AS IN A322823 & A344281; T/W A DECK PARKING EASEMENT OVER PT BLK I, PL M1410, DES. AS PT 8, PL 66R21521 AS SET OUT IN AT1011940; T/W ACCESS EASEMENT OVER PT BLK I, PL M1410, DES. AS PTS 9 & 10, PL 66R21521 FOR THE PURPOSE AS SET OUT IN AT1011940; T/W A DECK PARKING EASEMENT OVER PT 8, PL 66R21521 AS DESCRIBED IN AT1011943; T/W AN ACCESS EASEMENT OVER PTS 9 & 10, PL 66R21521 AS DESCRIBED IN AT1011944; T/W AN EASEMENT AS SET OUT IN SCHEDULE "A" OF DECLARATION AS IN AT2231895; T/W AN EASEMENT AS SET OUT IN SCHEDULE "A" OF DECLARATION AS IN AT2266495; CITY OF TORONTO (FORMERLY CITY OF SCARBOROUGH); TOGETHER WITH AN EASEMENT OVER PTS 1, 2, 3, 4, 9, 12, 13, 14, 15, 16, 17, 42, 44, 45, 47, 51, 53, 54 AND 57 AS IN AT2266495; SECONDLY: BLK MX (1'RES), PLAN 66M1410 SCARBOROUGH, CITY OF TORONTO; THIRDLY: BLKS NX (1'RES) & OX (1'RES), PLAN 66M1410, SUBJ TO RGT OF WAY OVER BLK OX AS IN A322822 & A322040 SCARBOROUGH.; CITY OF TORONTO.

