

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

TRACKING NO.: 2021-145

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

Prepared By:	Bruno Iozzo	Division:	Corporate Real Estate Management
Date Prepared:	May 5, 2021	Phone No.:	(416) 392-8151

Purpose	To obtain authority to enter into a Permission to Enter Licence Agreement (the "Agreement") with Ontario Heritage Trust (the "Owner") to utilize a portion of the Owner's property for the purpose of storing an odour control unit to control sewer gases from being released in the area during a City sewer reconstruction project (the "Project").
Property	A portion of the property municipally known as 1444 Queen Street East, Toronto, Ontario and legally described as Lot 1-2, Plan 229E Toronto; Lot C, D, E, F, G, H of Plan 289E Toronto; Part Lot 3, 15 of Plan 229E Toronto, Part Lot 9 Concession 1 FTB Township of York as in ET132566; except easement therein; City of Toronto; portion of PIN 21040-0234 (LT); displayed on the maps attached hereto as Appendix "A".
Actions	1. Authority be granted to enter into the Agreement with the Owner, substantially on the major terms and conditions below and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.
Financial Impact	There is no financial impact associated with the Agreement. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.
Comments	The City intends to complete a sewer project within a close proximity of the Property. Given the size and type of sewer involved, an odour control unit is required during the Project to collect and control sewer gases from being released uncontrollably within the general area. The unit will sit on the surface of the Property and collect sewer odours via a temporary pipe that is buried a shallow distance underground. The Property is a suitable location to store the odour control unit given its strategic location in relation to the location of the sewer project. City staff have contacted the Owner to request the temporary use of the Property to store the odour control unit during the Project. The Owner has agreed to the requested temporary use subject to the terms of the Agreement.
Terms	<p>Property Owner – Ontario Heritage Trust</p> <p>Property Address – 1444 Queen Street East</p> <p>Agreement Type – Permission to Enter (Licence)</p> <p>Purpose/Works – To house an odour control unit that will assist in controlling sewer gases from being released in the area during the City's sewer project</p> <p>Term - Fourteen (14) months</p> <p>Commencement Date – June 1, 2021</p> <p>Option to Extend – The City shall have the option to extend the Agreement for a period of up to three (3) months, on the same terms and conditions contained within the Agreement upon providing the Owner with written notice not less than thirty (30) days prior to the expiration of the Term</p> <p>Restoration – The City shall restore any part of the Property disturbed by the City's use (as close to its original condition as is reasonably possible)</p> <p>Insurance – The City shall provide the Owner with proof of insurance required by the Agreement in the form of valid certificates of insurance that reference the Agreement</p> <p>Indemnity – The City shall indemnify and hold the Owner harmless from and against liability or damage including claims suffered by the Owner as a result of the activities of the City.</p> <p>Noise By-law – The City shall be responsible to comply with Toronto Municipal Code, Chapter 591 (Noise)</p>

Property Details	Ward:	14 – Toronto-Danforth
	Assessment Roll No.:	1904 083120 115 00
	Approximate Size:	8 meters X 12 meters
	Approximate Area:	96 m 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 checked="" 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:	Paula Fletcher	Councillor:	
Contact Name:	Nicolas Valverde – Constituency Assistant	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:	No concerns (05/25/2021)	Comments:	

Consultation with Divisions and/or Agencies

Division:	Engineering and Construction Services	Division:	Financial Planning
Contact Name:	Kuldip Tamberh	Contact Name:	Patricia Libardo
Comments:	No concerns (05/06/2021)	Comments:	No concerns (05/10/2021)

Legal Services Division Contact

Contact Name: Amna Shakil (05/06/2021)

DAF Tracking No.: 2021-145	Date	Signature
Concurred with by: Acting Manager, Real Estate Services Peter Cheng	June 1, 2021	Signed by Peter Cheng
<input type="checkbox"/> Recommended by: Acting Manager, Real Estate Services Daran Somas	June 1, 2021	Signed by Daran Somas
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		

Appendix "A" – The Property

Location Map



Licensed Lands

