

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

TRACKING NO.: 2021-169
With Confidential Attachment

Approved pursuant to the Delegated Authority contained in Article 2 of City of Toronto Municipal Code Chapter 213, Real Property			
Prepared By:	Avery Carr	Division:	Corporate Real Estate Management
Date Prepared:	June 22, 2021	Phone No.:	647-458-1934
Purpose	To obtain authority for the City of Toronto (the " Licensee " or " City ") to enter into a Licence Agreement (the " Licence Agreement ") with Firoza Lalani (the " Licensor "), with respect to the property municipally known as 3644C St Clair Avenue East, Toronto for the purpose of entering upon a portion of the property to maintain temporary construction fencing, repair and restore the property, reinstall destabilized fencing and complete any incidental work on the property.		
Property	A portion of the property municipally known as 3644C St Clair Avenue East, Toronto, as legally described in Appendix " C ", as shown on the Location Map in Appendix " B " (the " Property ").		
Actions	1. Authority be granted to enter into the License Agreement with the Licensor, substantially on the major terms and conditions set out in Appendix " A ", and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.		
Financial Impact	<p>Total cost to the City is \$12,000 for the six (6) month term, inclusive of any applicable HST or other taxes (the "Licence Fee"). The Licence Fee shall be payable in monthly installments of \$2,000, which are due on the last day of each month of the Term. Funding is available in the 2021 Council Approved Capital Budget and 2022-2030 Council Approved Capital Plan for Toronto Water under project CPW066-07.</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, including as it relates to compensation authority (Item GL10.8 approved by City Council on December 17, 2019).</p>		
Comments	<p>On March 12, 2021 the City, through its contractor Clearway Construction Inc., was conducting excavation work near St. Clair Avenue East and Midland Avenue in order to install a transmission watermain and chamber in support of the Scarborough Transmission Watermain Project (the "Project").</p> <p>Due to poor soil and ground conditions, a portion of the ground on the eastern edge of the Property caved in, which was subsequently backfilled by the City's contractor Clearway Construction Inc. with granular material to help stabilize the area and existing fencing due to the remaining soft pocket of soil. After a discussion with the Licensor, temporary construction fencing was also installed on the east side of the Property for safety reasons.</p> <p>The Licensor and the City have agreed to enter into the License Agreement in order for the City to maintain temporary construction fencing, repair and restore the caved area, reinstall the destabilized fencing, as well as complete any incidental work on the Property in support of the Project.</p> <p>The Licence Fee is in addition to the fair market value of the property interest, with authority for such compensation being approved by the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the Executive Director, Corporate Real Estate Management, pursuant to City Council Item GL10.8 adopted by City Council on December 17, 2019. Such authority is exercised in accordance with the confidential instructions to staff in the Confidential Attachment 1 to the report (November 29, 2019) from the Executive Director, Corporate Real Estate Management, and the General Manager, Toronto Water. Further details regarding the confidential instructions to staff can be found in the Confidential Attachment in Appendix "D".</p>		
Terms	Refer to Appendix " A " for the Terms and Conditions		
Property Details	Ward:	20 - Scarborough Southwest	
	Assessment Roll No.:		
	Approximate Size:		
	Approximate Area:		
	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/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 & Parks & 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>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/REOs.</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:	Gary Crawford	Councillor:	
Contact Name:	Monique Lisi	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 objections (June 7, 2021)	Comments:	

Consultation with Divisions and/or Agencies

Division:	Engineering and Construction Services	Division:	Financial Planning
Contact Name:	Mahtab Tavana	Contact Name:	Patricia Libardo
Comments:	No concerns (June 7, 2021)	Comments:	Comments incorporated (June 22, 2021)

Legal Services Division Contact

Contact Name:	Aiden Alexio (June 4, 2021)
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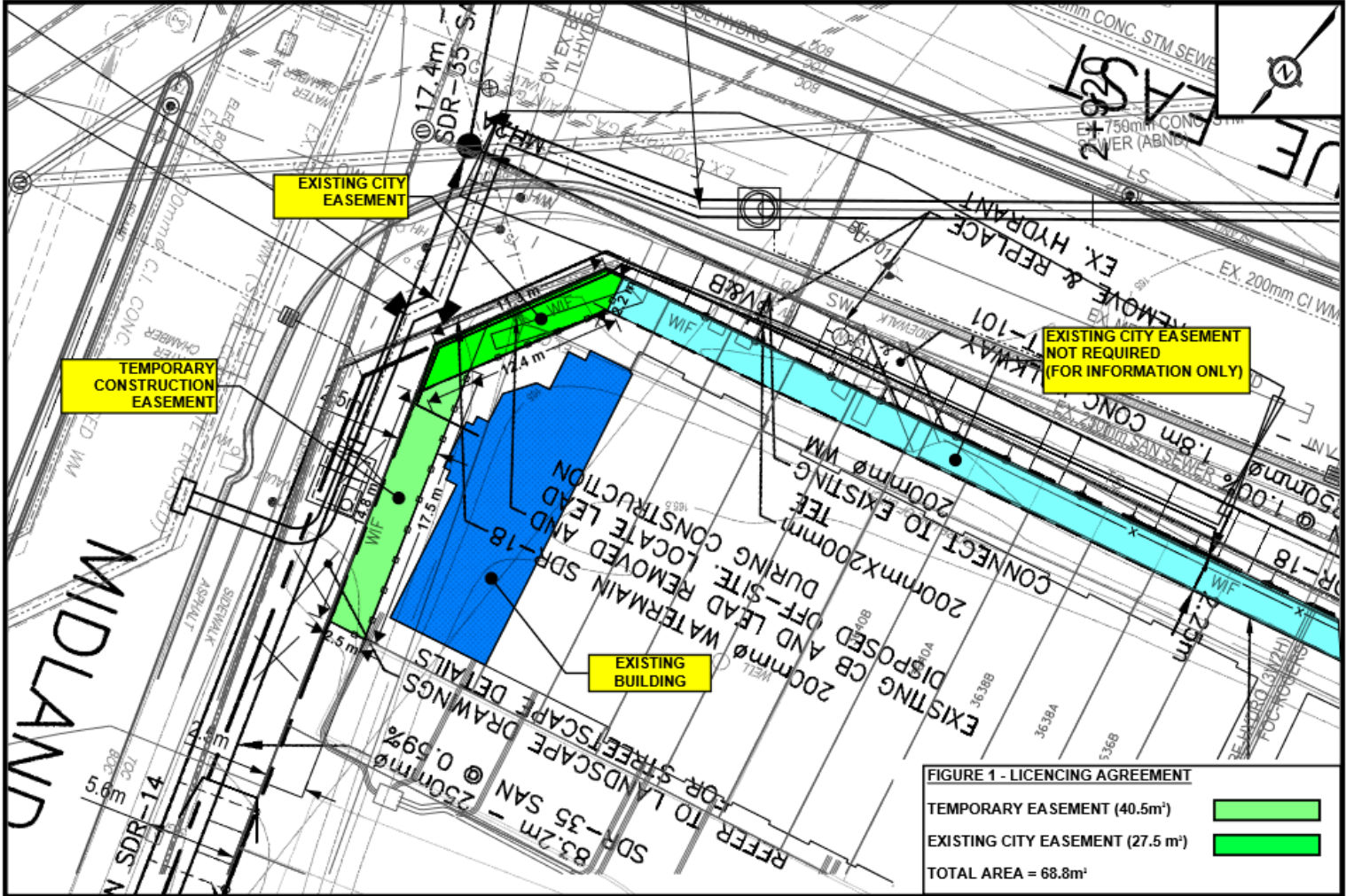
DAF Tracking No.: 2021-169	Date	Signature
Concurred with by: Manager, Real Estate Services	July 12, 2021	Signed by Alexander Schuler
<input type="checkbox"/> Recommended by: Manager, Real Estate Services <input checked="" type="checkbox"/> Approved by: Daran Somas	July 9, 2021	Signed by Daran Somas
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		X

Appendix "A"
Major Terms and Conditions

Licensors:	Firoza Lalani
Licensee:	City of Toronto
Licensed Area:	A portion of the property municipally known as 3644C St Clair Avenue East, Toronto, as legally described in Appendix "C"
Licence Fee:	\$12,000, payable in six (6) monthly installments of \$2,000
Term:	Six (6) months, commencing on March 12, 2021 and expiring on September 11, 2021
Early Termination:	During the Term, the Licensee shall have the right to terminate the License, at its sole discretion, upon giving at least thirty (30) days written notice to the Licensor.
Use:	Maintain temporary construction fencing, repair and restore caved-in areas of the property, reinstall destabilized fencing, and any incidental work on the property in support of the Project.
Restoration:	Upon expiry of the Term or termination of the Licence for any reason whatsoever, the Licensee shall remove all equipment and debris from the licensed area and shall restore the licensed area to as close as is practicable to its original condition immediately prior to the commencement date, at the Licensee's sole cost and expense, prior to the expiry of termination of the Licence.
Complete Settlement:	The payment of the Licence Fee constitutes a full and complete settlement of any and all claims at law in respect of the City's use of the Property in connection with the work, including any alleged disturbance of the Licensor's quiet enjoyment of the Property and any and all claims for other costs actually incurred by the Licensor.

Appendix "B"

Licensed Area



Appendix "C"**LEGAL DESCRIPTION OF THE PROPERTY**

PIN 06435-0554 (LT)

PART OF BLOCK 1, PLAN 66M2510 DESIGNATED AS PARTS 23, 93, 125 AND 139 PLAN 66R27384; T/W AN UNDIVIDED COMMON INTEREST IN TORONTO COMMON ELEMENTS CONDOMINIUM CORPORATION NO. 2385; SUBJECT TO AN EASEMENT IN GROSS OVER PART OF BLOCK 1, PLAN 66M2510, DESIGNATED AS PART 125 ON PLAN 66R27384 AS IN AT3474646; SUBJECT TO AN EASEMENT IN GROSS OVER PART OF BLOCK 1, PLAN 66M2510 DESIGNATED AS PARTS 23, 93, 125 AND 139 PLAN 66R27384 AS IN AT3495546; SUBJECT TO AN EASEMENT IN GROSS OVER PART OF BLOCK 1 PLAN 66M2510 DESIGNATED AS PART 93 PLAN 66R27384 AS IN AT3489250; SUBJECT TO AN EASEMENT IN GROSS OVER PART OF BLOCK 1 PLAN 66M2510 DESIGNATED AS PARTS 23, 93, 125 AND 139 PLAN 66R27384 AS IN AT3500534; SUBJECT TO AN EASEMENT OVER PART OF BLOCK 1 PLAN 66M2510 DESIGNATED AS PART 139 PLAN 66R27384 IN FAVOUR OF PARTS 22 AND 124 PLAN 66R27384 AS IN AT3581315; SUBJECT TO EASEMENTS AS SET OUT IN SCHEDULE A AS IN AT3602945; SUBJECT TO AN EASEMENT IN FAVOUR OF ROGERS COMMUNICATIONS INC. AS IN AT3616889; SUBJECT TO AN EASEMENT IN FAVOUR OF BELL CANADA AS IN AT3616891; CITY OF TORONTO