

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

**TRACKING NO.: 2021-185**

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

Prepared By:	Irina Fofanova	Division:	Corporate Real Estate Services
Date Prepared:	July 8, 2021	Phone No.:	416-397-0608

<b>Purpose</b>	To amend Delegated Approval Form No. 2020-160 to reflect amended and additional permitted scope of work (the "Works") and to update the schedule of properties Metrolinx may require to access to perform due diligence work to facilitate the Eglinton Crosstown West Extension project (the "ECWE") and to obtain authority to enter into an amending agreement or amending agreements to the Omnibus Permission to Enter Agreement dated July 9, 2020 between the City of Toronto and Metrolinx (the "OPTE") with respect to the same.
<b>Property</b>	Whole or parts of properties owned or managed by the City as listed on Appendix "B" required to facilitate the ECWE. The current licensed areas are listed and shown in Appendix "C".
<b>Actions</b>	1. Authority be granted to enter into an amending agreement or amending agreements to the OPTE on the terms as set out in DAF 2020-160 and on the amended terms set out herein.
<b>Financial Impact</b>	<p>Until a formal arrangement between the City and Metrolinx respecting ECWE has been agreed to, any licensed area shall be at market fee; unless the licenses are for environmental, cultural heritage or archaeological assessments; testing or surveying, natural resource investigations or tree/vegetation removal or maintenance for periods not exceeding 3 months and do not impact the revenue generation and operations of the property. The current licensed areas required are for Stage 2 Archeological Study, Natural Environment Investigations and Tree Inventory shown in Appendix "B" and are for nominal consideration.</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>Delegated Approval Form No. 2020-160 authorized the City as licensor to enter into the OPTE in favour of Metrolinx to permit access to City-owned properties that have been or will be identified as required to facilitate the Eglinton Crosstown West Extension, for the purpose of due diligence work as listed on Appendix "A" of DAF 2020-160. This allows for staggered delivery of properties as they are identified by Metrolinx.</p> <p>While certain short-term access to parklands can be obtained through the Park Access Agreements administered by Parks, Forestry and Recreation ("PF&amp;R"), it was determined that for transit projects, any short-term request for access to park and open space areas to facilitate works under an Urban Forestry permit (e.g. tree and vegetation removal) or any other short term construction access to park and open space property should be through the OPTE. As such, the due diligence work as permitted under DAF 2020-160 is recommended here to be amended to reflect this additional scope of work.</p> <p>In addition, it is intended that the properties owned by or managed by the City, listed in Appendix "B" are to be subject to the OPTE.</p>
<b>Terms</b>	<p>Amended Terms and Conditions:</p> <p>Other condition: Access to parks and open space to perform work shall be subject to Metrolinx providing detailed extent of park impacts as outlined in the final approved Urban Forestry permit</p> <p>Use: Appendix "A" of DAF 2020-160 is hereby replaced by Appendix "A" of this DAF 2021-185</p> <p>All other principal terms of the OPTE will remain the same.</p>

<b>Property Details</b>	<b>Ward:</b>	02 - Etobicoke Centre & 05 - York South Weston
	<b>Assessment Roll No.:</b>	various
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	
	<b>Other Information:</b>	

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 &amp; Parks &amp; 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><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 checked="" 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/REOIs.</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:	Stephen Holyday	Councillor:	Frances Nunziata
Contact Name:	Amelia ter Brugge	Contact Name:	Jennifer Cicchelli
Contacted by:	Phone <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>	Contacted by:	Phone <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>
Comments:	No Objections – May 25, 2021	Comments:	No Objections – May 25, 2021

**Consultation with Divisions and/or Agencies**

Division:	PF&R	Division:	Financial Planning
Contact Name:	Kellie Spencer - May 19, 2021	Contact Name:	Patricia Libardo
Comments:	Included	Comments:	No changes – June 25, 2021

**Legal Services Division Contact**

Contact Name: Luxmen Aloysius – June 24, 2021

DAF Tracking No.: 2021-185	Date	Signature
Concurred with by: Manager, Real Estate Services Alex Schuler	July 13, 2021	Signed by Alexander Schuler
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	July 13, 2021	Signed by Daran Somas
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		X

## APPENDIX "A"

### THE "WORKS"

#### Natural Resource Investigations

- Include multiple walk-throughs and targeted observations by naturalist(s) to identify and photograph plant material and observe wildlife (terrestrial, aquatic) and bird nesting sites.
- All field visits will record incidental observations of wildlife. The species and location of observed wildlife will be noted. The presence of migratory routes or aspects of habitat use (e.g., dens, burrows) will be noted if applicable.

#### Noise and Vibration Survey

- Include measurements of baseline ambient noise and vibration levels. Typically, devices are left for 24-48 hours depending on the location.

#### Utility Survey (Including MASW)

- Utility mapping using portable geophysical equipment to delineate the existence and approximate horizontal alignment of existing utilities.
- Excavation of test pits may be required at specific points to delineate the horizontal, vertical depth and subsequent measurements of existing underground utilities by actual exposure (i.e. "daylighting").
- Utility locates are required for any excavations related to a utility survey.

All existing trees within and adjacent to excavations within the licensed area shall be fenced at the dripline or TPZ, whichever is greater, with snow fence or other similar material approved by PF&R. Any tree injuries and removals require an Urban Forestry permit and/or written approval in advance of entering City property.

#### Geotechnical and Hydrogeological Investigations

- All geotechnical investigations and/or hydrogeological investigations shall be conducted in accordance with applicable law and industry best practices.
- Ground disturbance on TRCA property may necessitate an archaeological assessment, which must be cleared prior to any construction. In order to verify archaeological potential, please contact TRCA archaeological staff and a fee may be required.
- Activities may include, but are not limited to, site visits, utility locates, intrusive investigative activities (drilling of boreholes and/or excavation of test pits, installation of monitoring wells), collection of soil and/or groundwater samples for laboratory analysis, etc.
- All monitoring wells shall be decommissioned upon completion of the Term in accordance with Ontario Regulation 903.
- Geophysical assessment may be completed as part of the Work, including magnetometer, electro magnetometer, ground penetrating radar and seismic surveys as appropriate.
- Any collected material must be stored in a location approved by the property owner/operator and removed off site within 24 hours.

All existing trees within and adjacent to excavations within the licensed area shall be fenced at the dripline or TPZ, whichever is greater, with snow fence or other similar material approved by PF&R. Any tree injuries and removals require an Urban Forestry permit and/or written approval in advance of entering City property.

#### Cultural Heritage Evaluations

- Cultural Heritage Evaluations will be undertaken in accordance with the *Ontario Heritage Act*, the Standards and Guidelines for Conservation of Provincial Heritage Properties and the Metrolinx Interim Heritage Management Process.
- Activities may include, but are not limited to, site visits, records review, historical research, consultation with relevant stakeholders and government authorities.
- Heritage Investigations may also include visual inspections and photography of interior and exterior building features.

#### Archaeological Stage 1 Study

- Archaeological Assessments of the Property will be undertaken in accordance with the *Ontario Heritage Act*, the 2011 Ministry of Tourism, Culture and Sport Standards and Guidelines for Consultant Archaeologists and industry best practices.
- Activities may include, but are not limited to, site visits, records review, historical research, consultation with relevant stakeholders and government authorities.
- Reports will be submitted to the Ministry of Tourism, Culture and Sport for review and acceptance.

#### Archaeological Stage 2 Study

- Stage 2 archaeological investigations with field work necessary to identify archaeological resources and to confirm areas of recent and extensive ground disturbance will be conducted as follows:
  - A test-pitting and/or pedestrian form of survey will be performed at survey intervals of 5 metres.
  - Test-pits are 30 cm units excavated manually with shovels to subsoil.
  - Soil fills are screened through 6 mm mesh and all test-pits are backfilled.
  - If archaeological materials are identified during the test pit survey, the survey may be intensified to include at least one 1 metre by 1 metre unit and up to eight additional test pits at 2.5 metre intervals around the positive test pit.
  - Pedestrian survey involves walking along ploughed and weathered fields at 5 metre intervals. Pedestrian survey must be undertaken on actively or recently cultivated land. Fields must be recently ploughed and allowed to weather through one hard or three light rainfalls and at least 80% of the ploughed ground surface must be visible.
  - If archaeological materials are identified during the pedestrian survey, the survey is intensified and the interval is reduced to 1 metre to determine whether the artifact is an isolated find or part of a larger scatter.
  - All artifacts recovered will be taken back to the laboratory for processing and analysis.

- Based on findings, a final report will be prepared with recommendations to the Ministry of Tourism, Culture and Sport that either 1) the property be cleared of archaeological concern as no significant archaeological resources were identified, or 2) further work be conducted to clear the archaeological concern.
- A revised scope of work for Stage 3 archaeological investigations will be submitted to the City in advance.

#### **Phase I Environmental Site Assessment**

- Phase I Environmental Site Assessment (ESA) will be undertaken in accordance with either Ontario Regulation 153/04, as amended or Canadian Standards Association Z768-01, as determined by Metrolinx and in accordance with applicable law and industry best practices.
- Activities may include, but are not limited to, site visits, interviews with people familiar with the Licensed Area, records reviews, contacting government agencies, etc.

#### **Phase II Environmental Site Assessment**

- Phase II Environmental Site Assessment (ESA) will be undertaken in accordance with either Ontario Regulation 153/04, as amended or Canadian Standards Association Z769-00, as determined by Metrolinx and in accordance with applicable law and industry best practices.
- Activities may include, but are not limited to, site visits, utility locates, intrusive investigative activities (drilling of boreholes and/or excavation of test pits, installation of monitoring wells), collection of soil and/or groundwater samples for laboratory analysis, etc.
- All existing trees within and adjacent to excavations within the licensed area shall be fenced at the dripline or TPZ, whichever is greater, with snow fence or other similar material approved by UF. Any tree injuries and removals require an Urban Forestry permit and/or written approval in advance of entering City property.

#### **Designated Substances and Hazardous Material Survey**

- All Work shall be done in accordance with applicable law and industry best practices and shall provide sufficient detail to satisfy the requirements of the *Occupational Health and Safety Act*, Ontario Regulation 278/05.
- A survey of site buildings and structures will be undertaken to determine the presence of designated substances, mould and polychlorinated biphenyls.
- The collection and analysis of samples for asbestos containing materials, lead and mould shall be completed as required.
- Any collected material must be stored in a location approved by the property owner/operator and removed off site within 24 hours. All existing trees within and adjacent to excavations within the licensed area shall be fenced at the dripline or TPZ, whichever is greater, with snow fence or other similar material approved by PF&R. Any tree injuries and removals require an Urban Forestry permit and/or written approval in advance of entering City property.

#### **Topographic and Cadastral Surveying**

- Efforts will be made to effect minimum disturbance to the Licensed Area and the City's use and enjoyment thereof.
- The survey method to be used does not involve any destructive measures or noise above normal business activity levels.
- Only standard portable surveying equipment is anticipated to be utilized.
- Members of the survey crew will wear proper safety attire and they will present identification upon request.

#### **Control Survey**

- A control survey, with control sketches showing reference ties to the proposed alignment, set within the surveyed area.
- Control points to be referenced to 3° MTM (Nad27) control network consisting of either brass caps supplied by Metrolinx or Short Standard Iron bars/ cut crosses where appropriate.

#### **Tree/Vegetation, Protection, Removal and Maintenance**

- Activities may include, but are not limited to, tree pruning, tree removal, vegetation removal, clearing and grubbing, stump grinding, restoration, grade alteration, etc.
- All Works require an Urban Forestry permit and/or written approval in advance of entering City property.
- All arboricultural works shall be conducted in accordance with applicable law and industry best practices by an appropriate licensed professional with a minimum of five (5) years' experience, which includes providing measures to prevent soil compaction and undertake soil remediation, including de-compaction post-activity.
- In areas of existing manicured lawn, trees to be cut to existing grade level, then stumps should be ground down to a depth of 30cm (12") below grade, the hole should be back-filled with topsoil, lightly compacted without the use of machinery, and application of turf seed or sod rolls for final restoration.
- Utility locates are required prior to any excavations or stump grinding activities commence on City lands.
- If there are a number of trees removed in a manicured area and existing turf is destroyed, the area should be restored to original conditions, or better, including the addition of topsoil to re-establish pre-existing grades, sod rolls or turf seed shall be added.
- If tree removal work is done in a naturalized area, then trees should be cut flush to the ground to avoid tripping hazards. If trunks are to be left as wildlife habitat, following approval by TRCA and/or UF, trees shall be cut to 3 to 5 meters in height. Stump removal is not necessary in naturalized areas, especially on sloped areas to minimize the slope disturbance and erosion. No mulch or stump debris shall be left in naturalized areas. If the site is disturbed by equipment or these works, then the site should be restored to existing grades, a naturalized seed mix should be added to retain soil until re-planting can be completed.
- Efforts will be made through the methods and equipment used to effect minimum disturbance to the Licensed Area and both the City's and public's use and enjoyment thereof.
- To protect the public, a work zone plan must be submitted for the City's approval and the work zone area must be fenced off prior to the commencement of any work.
- Use of any chemical treatment including pesticides or herbicides must be approved in writing by the General Manager of Parks, Forestry and Recreation in advance of any application.
- No waste or debris from the above removal works shall be left in the licensed work area. All waste and debris should be disposed of offsite according to current City standards

## APPENDIX "B"

## List of City-owned Properties that may be subject to the OPTE

	Property Description - Address	PIN	Ward Name
1	425 Scarlett Rd (TRCA owned)	073780218	Etobicoke Centre (2)
2	Vacant land & part of Richview St cul-de-sac	073820154	Etobicoke Centre (2)
3	4400 Eglinton Ave West	073830188	Etobicoke Centre (2)
4	4400 Eglinton Ave West	073830191	Etobicoke Centre (2)
5	Vacant land - 4300 Eglinton Ave West	073830193	Etobicoke Centre (2)
6	Residential property - 4200 Eglinton Ave West	073830194	Etobicoke Centre (2)
7	Vacant land & ROW-N of Eglinton W between Islington Ave & Russell Rd	073840237	Etobicoke Centre (2)
8	Vacant Land - 4600 Eglinton Ave West	074010145	Etobicoke Centre (2)
9	Richview Park - 555 Martin Grove Road	074050056	Etobicoke Centre (2)
10	Vacant land - 4760 Eglinton Ave West	074050080	Etobicoke Centre (2)
11	Eglinton West Trail	074790087	Etobicoke Centre (2)
12	Scarlet Mills Park (TRCA owned)	074920061	2 & 5
13	Eglinton Flats West Side (TRCA owned)	105080724	York South-Weston (5)
14	101 Emmett Ave (TRCA owned)	105080725	York South-Weston (5)
15	Fergy Brown Park -3650 Eglinton Ave W (TRCA owned)	105090090	York South-Weston (5)
16	Fergy Brown Park – adj to Gilmour Cres	105090194	York South-Weston (5)
17	Pearen Park – 30 Pearen St	105090232	York South-Weston (5)
18	Fergy Bown Park – 3650 Eglinton Ave W	105090389	York South-Weston (5)
19	Eglinton Flats East side - 3651 Eglinton Ave W (TRCA owned)	105100049	York South-Weston (5)
20	Fergy Browns Park – 1000 Jane St (TRCA owned)	105320037	York South-Weston (5)

APPENDIX "C"

**A. City-owned Properties currently being proposed for Stage 2 Archeological Study (crosshatched in yellow), Natural Environmental Investigations and Tree Inventory (shown in green).**

Property Description - Address		Licensed Area	Licence Fee Payable
1	Richview Park - 555 Martin Grove Road	3,351 m2	Nominal
2	Vacant Land - 4760 Eglinton Ave W	8,817 m2	Nominal
3	Vacant Land - 4600 Eglinton Ave W	28,308 m2	Nominal
4	Vacant Land - 4300 Eglinton Ave W	854 m2	Nominal
5	Residential Property - 4200 Eglinton Ave W	1,215 m2	Nominal
6	Fergy Brown Park – 3650 Eglinton Ave W	43 m2	Nominal

**B. Sketches – Proposed licensed areas are crosshatched in yellow and shown in green**

**1. 555 Martin Grove Road**



**2. 4760 Eglinton Ave W**



3. 4600 Eglinton Ave W



4. 4300 Eglinton Ave W



5. 4200 Eglinton Ave W





