

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

TRACKING NO.: 2021-159

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 Management
Date Prepared:	July 19, 2021	Phone No.:	416-392-1857

Purpose	To obtain authority to enter into a Permission to Enter/Licence Agreement (the "Licence Agreement") with Build Toronto Inc. ("Build Toronto") to permit their consultants, Archaeological Services Inc. or such other consultant ("Representatives") as may be approved by the City in writing, to conduct an archaeological study.
Property	Part of the lands municipally known as 311 Staines Road described as the South Parcel, as shown on Appendix A.
Actions	<ol style="list-style-type: none"> Authority be granted to enter into a Licence Agreement to permit Build Toronto and/or their Representatives entry onto the Property for a period commencing July 1, 2021 and ending December 31, 2021, or such later dates as the City's Director of Real Estate Services (the "Director") may determine to be reasonable, provided that the total length of the term shall not exceed six months, for the purpose of conducting field surveys for an archaeological study (the "Work"), substantially on the terms and conditions set out herein, and on such other terms and conditions deemed appropriate by the Director, and in a form acceptable to the City Solicitor. The Director, Real Estate Services, or her designate (the "Director"), shall administer and manage the Licence Agreement, including the provision of any consents, approvals, waivers, notices and notices of termination, provided that the Director may, at any time, refer consideration of such matters to City Council for its determination and direction; and, The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	<p>There are no financial implications resulting from this approval. Build Toronto is not required to pay a licence fee; however the City will be compensated for this access by receiving the results of the study for its use. Build Toronto will be responsible, at its sole expense, for all costs related to the use of the Property by Build Toronto and its Representatives, and for the costs of preparation of any findings or studies.</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>
Comments	<p>The Property was acquired by the City in 2007. It is part of 311 Staines Road which consists of a North Parcel and a South Parcel (see Appendix A). Given that the Property abuts the Rouge River Valley, it is considered an important piece of Toronto's cultural and Indigenous history. As authorized by GL16.8, adopted by City Council on October 27, 28 & 30, 2020, City Council authorized the Executive Director, Corporate Real Estate Management, in consultation with the Chief Executive Officer, CreateTO, General Manager of Economic Development & Culture, Chief Planner and Executive Director of City Planning along with the General Manager, Parks, Forestry and Recreation to enter into a fair market-value Long-Term Land Lease with the Tamil Community Centre, to design, build, finance and operate a new not-for-profit Community Recreation Facility on the south parcel of the City-owned property at 311 Staines Road.</p> <p>As authorized by DAF 2020-216, CreateTO retained the Representatives in July 2020 to undertake a Stage 1 and Stage 2 archaeological study. The study is complete and recommended additional field work to comprehensively rule out the possibility of finding Indigenous artefacts. This additional field work will involve the excavation of three test trenches, measuring 10-20 metres long and 1.5 metres wide, along the eastern boundary. The proposed location is illustrated in Appendix B. Parks, Forestry and Recreation staff have put up fencing to protect native species vegetation and mature trees.</p> <p>The Ward Councillor advised that she is supportive of the additional field work.</p>
Terms	See Appendix C

Property Details	Ward:	Ward 25 Scarborough-Rouge Park
	Assessment Roll No.:	1901-12-6-330-001202 (south parcel)
	Approximate Size:	Irregular
	Approximate Area:	6.62 acres (south parcel)
	Other Information:	

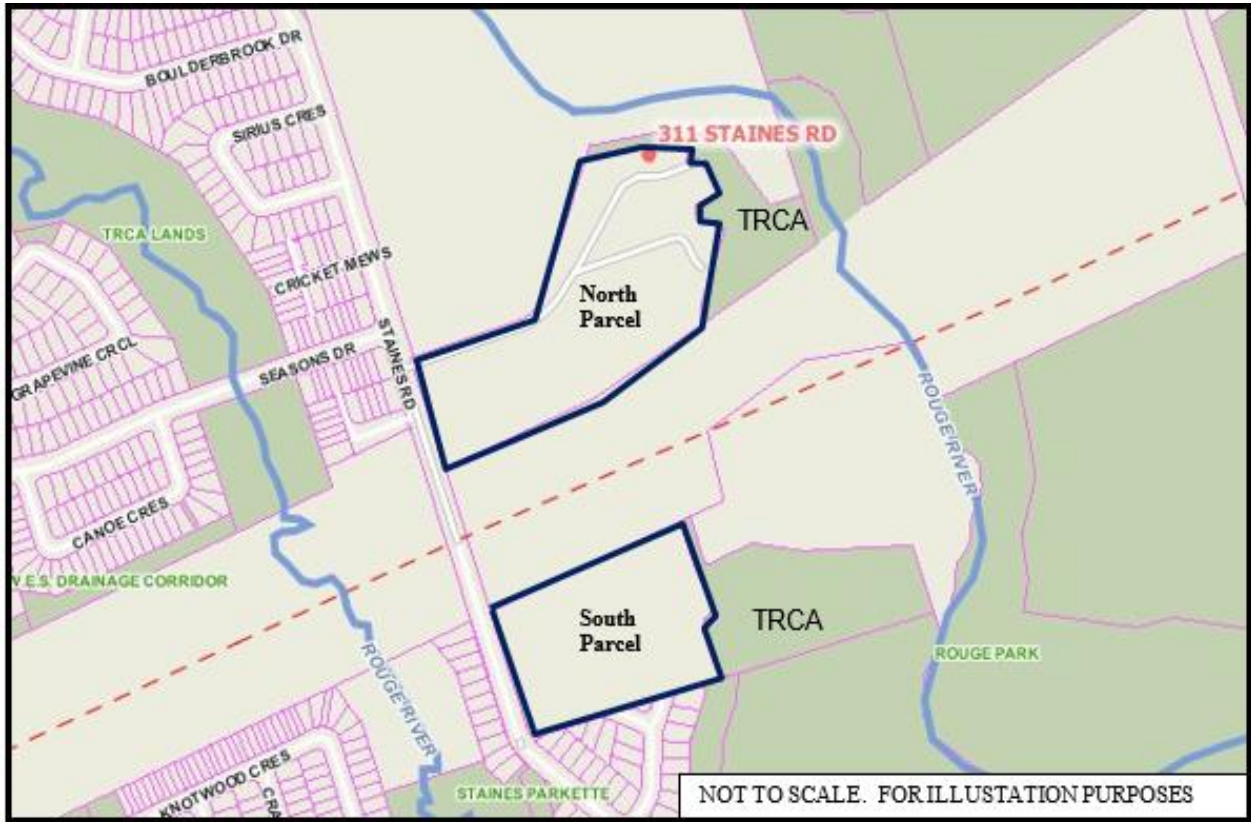
A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate Services has approval authority for:
<p>1. Acquisitions:</p> <p>2A. Expropriations Where City is Expropriating Authority:</p> <p>2B. Expropriations For Transit-Related Purposes Where City is Property Owner or Has Interest 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 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 checked="" 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:
<ul style="list-style-type: none"> • 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:
<ul style="list-style-type: none"> • 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			
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property			
Consultation with Councillor(s)			
Councillor:	Jennifer McKelvie	Councillor:	
Contact Name:		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:	Proceed (May 18, 2021)	Comments:	
Consultation with Divisions and/or Agencies			
Division:	Parks Forestry and Recreation/CreateTO	Division:	Financial Planning
Contact Name:	Kevin Caissie SoMei Quan	Contact Name:	Patricia Labardo
Comments:	Proceed (May 11, 2021)	Comments:	Proceed (May 25, 2021)
Legal Services Division Contact			
Contact Name:	Soo Kim Lee (416-392-1246)		

DAF Tracking No.: 2021-159	Date	Signature
Concurred with by: Manager, Real Estate Services Peter Cheng	July 22, 2021	Signed by Peter Cheng
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	July 22, 2021	Signed by Daran Somas
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		X

Appendix A: Location Map



Appendix B: Area for further archaeological work



Appendix C: Terms

Major Terms and Conditions of Licence Agreement:

1. Permitted Activities: The Licensed Area is licensed in its present condition and shall be used by the Licensee and its agents, consultants, contractors and/or any other party that the Licensee permits to have access to the *Licensed Area* for the purpose of conducting field surveys for an archaeological report, and excavation of three test trenches, measuring 10-20 metres long and 1.5 metres wide, along the eastern boundary, as shown on Schedule "B", and for no other purpose whatsoever.
2. Any access during the term of the Licence shall be mutually arranged upon at least 48 hours' notice, and the investigations shall be undertaken in such time and manner to minimize disruptions to the adjacent City operations;
3. Build Toronto will be responsible, at its sole expense, for all costs related to the use of the Property by Build Toronto and its Representatives, and for the costs of preparation of any test results or reports;
4. Build Toronto shall at all times indemnify and save harmless the City, from any and all manner of claims, demands, losses, costs, charges, actions and other proceedings whatsoever, made or brought against, suffered by or imposed on the City or its property in respect of any loss, damage or injury (including fatal injury) to any person or property;
5. Prior to the start of the work, a certificate of insurance evidencing that it or its Representatives have obtained a policy of insurance for the conduct of the proposed investigations on the Property providing coverage including but not limited to environmental liability in an amount of not less than \$5,000,000.00 per occurrence shall be provided to the City. The policy of insurance shall name the City as an additional insured, provide cross-liability coverage and waiver of subrogation and contain a clause providing the insurance shall not be changed or cancelled during the term of this Licence; and,
6. Build Toronto shall provide the City with copies of any test results and reports regarding the Property. The test results and reports shall be addressed to the City and shall be accompanied by authorization from Build Toronto and the qualified professional preparing the test results and reports permitting the City to use them for any purpose. The City shall be entitled to utilize the findings and study in any manner it sees fit; and Build Toronto shall restore the Property, at its expense, and to the satisfaction of the Director.