

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

TRACKING NO.: 2021-141

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

Prepared By:	Ishan Dasgupta	Division:	Corporate Real Estate Management
Date Prepared:	April 6, 2021	Phone No.:	(416) 392-7165

Purpose	To obtain authority to consent to the discharge of certain restrictive covenants benefitting lands owned by City of Toronto.
Property	Part of Cherry Street, legally described as Block 19, 66M-2488, bearing Property Identifier Number (PIN) 21077-0315(LT) and Part of Front Street East, legally described as Block 7, 66M-2488, bearing PIN 21077-0303(LT) (collectively, the " Properties "), being the highlighted blue parcel shown on the aerial photograph on Appendix "A" hereto.
Actions	1. Authority be granted to release any interest the City may have in the Properties under certain restrictive covenants registered on December 01, 2005 as AT998421 (the " Restrictive Covenants ").
Financial Impact	The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.
Comments	<p>Ontario Realty Corporation Acting as agent on behalf Of Her Majesty The Queen In Right Of Ontario as represented by the Minister Of Public Infrastructure Renewal ("IO") entered into a Restrictive Covenant Agreement dated November 14, 2005 (the "Restrictions") with 1380543 Ontario Limited, 1654197 Ontario Limited, 1654199 Ontario Limited and 1385144 Ontario Limited (collectively, the "Covenantors"), pursuant to which the Covenantors agreed with IO not to apply for a change in use of any of certain lands owned by the Covenantors which would result in an increased density for such lands without the prior written consent of IO. The Restrictions are for the benefit of certain lands (the "Benefitting Lands") then-owned by IO. The lands subject to the Restrictions are shown as highlighted blue on Appendix "B" attached hereto. IO applied for and registered a plan of subdivision of certain lands, including part of the Benefitting Lands. The plan of subdivision was registered as number 66M-2488. As a condition to its approval of the plan of subdivision, the City required that the Properties (which formed part of the Benefitting Lands) be conveyed to it for the purposes of road widening and accordingly, by Transfer registered on November 14, 2014 as instrument number AT3741252, IO transferred the Properties to the City. In its capacity as owner of part of the Benefitting Lands, the City inherited the benefit of the Restrictions in common with IO by operation of law. IO has since agreed with the Covenantors to release the Restrictions from the Burdened Lands, but requires the City in its capacity as owner of part of the Benefitting Lands to consent to the release of the Restrictions.</p> <p>City staff in the Planning Division and the Planning Law section of the Legal Services Division have both advised that they have no objection to consenting to the release of the Restrictions.</p>
Terms	The City's consent will state that it is without prejudice to and does not derogate from or fetter its rights and responsibilities as a municipality, including without limitation any planning rights and responsibilities, nor does it impose any obligations on the City in its role as a municipality.

Property Details	Ward:	13 – Toronto Centre
	Assessment Roll No.:	N/A
	Approximate Size:	N/A
	Approximate Area:	N/A
	Other Information:	N/A

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 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 checked="" 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:	Kristyn Wong-Tam	Councillor:	
Contact Name:	Megan Poole	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 (07/07/2021)	Comments:	

Consultation with Divisions and/or Agencies

Division:	Planning Law	Division:	Financial Planning
Contact Name:	Brian Haley	Contact Name:	Patricia Libardo
Comments:	No concerns	Comments:	Comments incorporated (05/04/2021)

Legal Services Division Contact

Contact Name: Mark Zwegers

DAF Tracking No.: 2021-141	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Acting Manager, Real Estate Services Daran Somas	July 20, 2021	Signed by Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	July 22, 2021	Signed by Alison Folosea

Appendix "A" – City Properties – Block 7 & 19



Appendix "B" – Burdened Lands

