

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

TRACKING NO.: 2021-277

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:	October 4, 2021	Phone No.:	416-392-1857

<b>Purpose</b>	To obtain authority to acquire the Property from Library District Inc. (the "Owner") for the purposes of access to the adjacent City-owned property at 150 Queens Wharf Road, Toronto.
<b>Property</b>	(i) Unit 71, Level B, Toronto Standard Condominium Plan No. 2406 and its Appurtenant Interest; Subject To and Together With Easements As Set Out in Schedule A as in Instrument No. AT3695513; City of Toronto being All of PIN 76406-0064(LT); and  (ii) Unit 186, Level C, Toronto Standard Condominium Plan No. 2406 and its Appurtenant Interest; Subject To and Together With Easements As Set Out in Schedule A as in Instrument No. AT3695513; City of Toronto being All of PIN 76406-0852(LT), collectively, the "Property", being underground airspace comprising two knock-out panel condominium units in the building known as 170 Fort York Blvd, Toronto, shown on the Location Map in Appendix "A".
<b>Actions</b>	1. Authority be granted to acquire the Property for nominal consideration on the terms and conditions set out herein and on such other terms and conditions as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.
<b>Financial Impact</b>	The acquisition of the Property is for nominal consideration. The City will be required to pay registration costs in the approximate amount of <b>\$85.00</b> Funding is available in the 2021 Council Approved Operating Budget for Corporate Real Estate Management (CREM) under FA3720. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.
<b>Comments</b>	The City owned certain development blocks in the City Place neighbourhood, being the area bounded by Front Street West to the North, Spadina Avenue to the east, the Gardiner Expressway to the south and Bathurst Street in the west. By approving Item EX10.34 at its meeting of July 16, 17, 18 and 19, 2007, Council authorized the transfer of one of those development blocks known as Block 36 to Toronto Community Housing Corporation ("TCHC") for the development of an affordable rental and ownership housing. A portion of Block 36 now municipally known as 150 Queens Wharf Road is referred to herein as "Block 36 North". <a href="http://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-07-16-cc11-dd.pdf">http://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-07-16-cc11-dd.pdf</a> TCHC decided not to proceed with developing Block 36 North and asked the City to reacquire ownership thereof, which was authorized by Council by Item EX16.27 on July 12, 13, 14 and 15, 2016. That Item also authorized the City to enter into a long-term lease for the development of the property for affordable housing purposes, which plan has since been abandoned. <a href="http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX16.27">http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX16.27</a> Council directed Block 36 North to be included in the Phase Two Housing Now Initiative through the adoption of CC21.3 on May 28, 2020. CreateTO is now looking to bring Block 36 North to market and needs to own the Property in order to optimally develop the lot for the reasons set out below. <a href="http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC21.3">http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC21.3</a> While it was the owner of Block 36 North, TCHC entered into a Shared Facilities Agreement dated September 23, 2014 (the "SFA") with the owner of the adjacent lands, namely Toronto Standard Condominium Corporation No. 2406 (the "Condominium") and the Owner, as owner of the lands on which a library would be built. When the City reacquired ownership of Block 36 North, the SFA was assumed by the City by way of an Assignment and Assumption of Shared Facilities Agreement between the City and TCHC dated May 17, 2017. The SFA provides that all parties can use certain units in the Condominium for the purposes of drive aisles and driveways to access the underground parking of the Condominium and the future development on the Block 36 North lands. Each of the parties to the SFA would be co-owners of those units. The Property consists of two knock-out panel condominium units which act as a gateway between the Condominium's underground parking garage and the future parking garage to be built on the Block 36 North lands. While the Property ought to have been included in the SFA as units that TCHC (and now City) could use and co-own, it was mistakenly excluded from the SFA. This oversight effectively frustrates the intended underground access to and parking use of Block 36 North. Rather than amending the SFA to add the Property as units to be used and co-owned by all of the parties, the Owner has suggested that it convey the Property solely to the City. As the Property only provides access to and from Block 36 North, the other parties have no need to use and/or co-own the Property. Accepting the transfer of the Property would correct the oversight in the SFA and provide the City with underground access to Block 36 North. The Owner proposes to rectify the omission in the SFA by transferring the Property to the City for nominal consideration.
<b>Terms</b>	<ul style="list-style-type: none"> <li>- City and owner to exchange certain closing documents including the Owner's Statutory Declaration re: <i>Income Tax Act</i> and <i>Family Law Act</i> and Undertakings to Readjust</li> <li>- City to obtain Status Certificate for the Property</li> <li>- City Solicitor to be satisfied with the Transfer of the Property prior to registering same</li> </ul>

<b>Property Details</b>	<b>Ward:</b>	Ward 10 – Spadina Fort York
	<b>Assessment Roll No.:</b>	
	<b>Approximate Size:</b>	Each of the units comprising the Property is approximately 5.5m x 0.5m
	<b>Approximate Area:</b>	5.5m <sup>2</sup>
	<b>Other Information:</b>	

A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate Services has approval authority for:
1. Acquisitions:	<input checked="" type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
2A. Expropriations Where City is Expropriating Authority:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.
2B. Expropriations For Transit-Related Purposes Where City is Property Owner or Has Interest in Property Being Expropriated:	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000. <input type="checkbox"/> (b) Request Hearings of Necessity. <input type="checkbox"/> (c) Waive Hearings of Necessity.	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million. <input type="checkbox"/> (b) Request Hearings of Necessity. <input type="checkbox"/> (c) Waive Hearings of Necessity.
3. Issuance of RFPs/REOIs:	<b>Delegated to more senior positions.</b>	<input type="checkbox"/> Issuance of RFPs/REOIs.
4. Permanent Highway Closures:	<b>Delegated to more senior positions.</b>	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to Divisions, Agencies and Corporations:	<b>Delegated to more senior positions.</b>	<b>Delegated to more senior positions.</b>
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	<b>Delegated to more senior positions.</b>	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.
9. Leases/Licences (City as Landlord/Licensor):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$50,000. <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.	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 Million. <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.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$50,000.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> Where total compensation does not exceed \$50,000. <b>Delegated to more senior positions.</b>	<input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million. <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<b>Delegated to more senior positions.</b>	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
14. Miscellaneous:	<b>Delegated to more senior positions.</b>	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences <input type="checkbox"/> (b) Releases/Discharges <input type="checkbox"/> (c) Surrenders/Abandonments <input type="checkbox"/> (d) Enforcements/Terminations <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates <input type="checkbox"/> (f) Objections/Waivers/Cautions <input type="checkbox"/> (g) Notices of Lease and Sublease <input type="checkbox"/> (h) Consent to regulatory applications by City, as owner <input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title <input type="checkbox"/> (j) Documentation relating to Land Titles applications <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds

**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:	Joe Cressy	Councillor:	
Contact Name:	Brent Gilliard	Contact Name:	
Contacted by:	<input type="checkbox"/> Phone <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other	Contacted by:	<input type="checkbox"/> Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	No Objections (September 28, 2021)	Comments:	

**Consultation with Divisions and/or Agencies**

Division:		Division:	<b>Financial Planning</b>
Contact Name:		Contact Name:	Patricia Libardo
Comments:		Comments:	Concurred (September 28, 2021)

**Legal Services Division Contact**

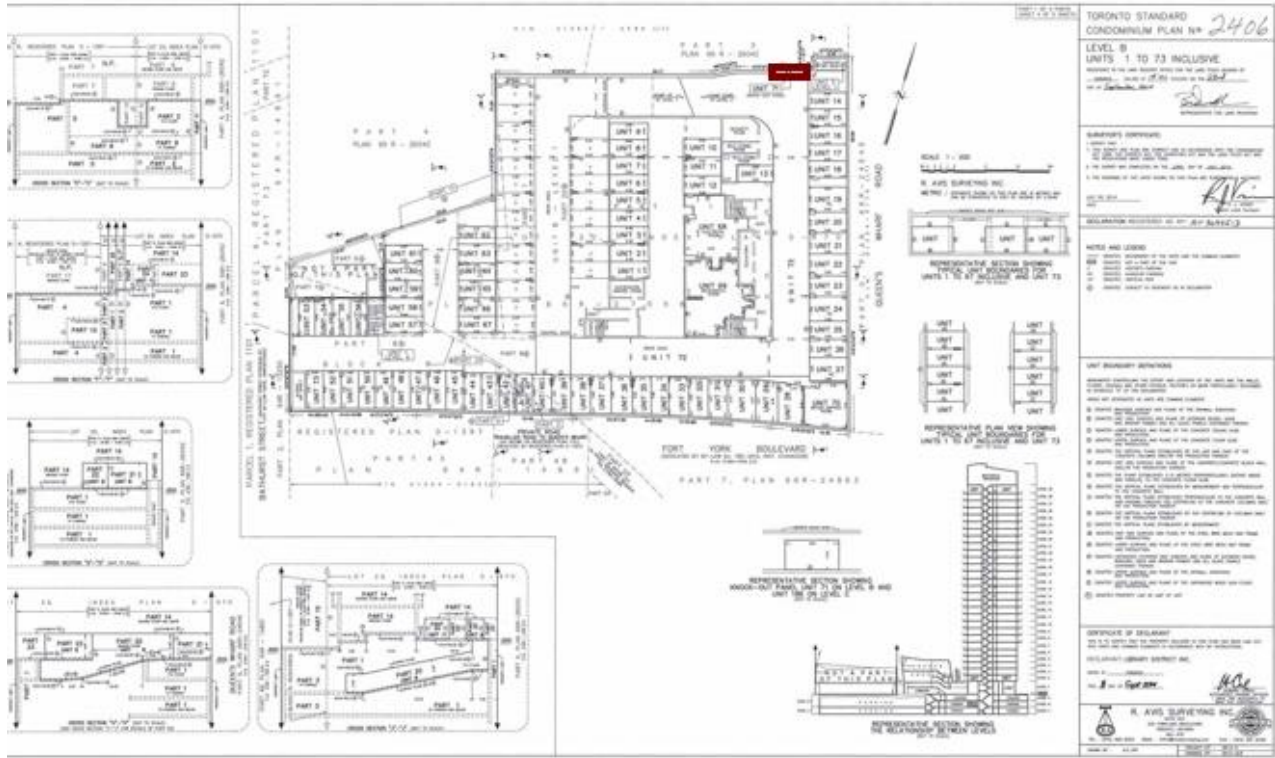
Contact Name: Rebecca Hartley (Concurred, September 20, 2021)

DAF Tracking No.: 2021-277	Date	Signature
Concurred with by: <b>Manager, Real Estate Services Ronald Ro</b>	October 6, 2021	Signed by Ronald Ho
<input type="checkbox"/> Recommended by: <b>Manager, Real Estate Services Scott Delahunt</b>	October 6, 2021	Signed by Scott Delahunt
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: <b>Director, Real Estate Services</b>		X

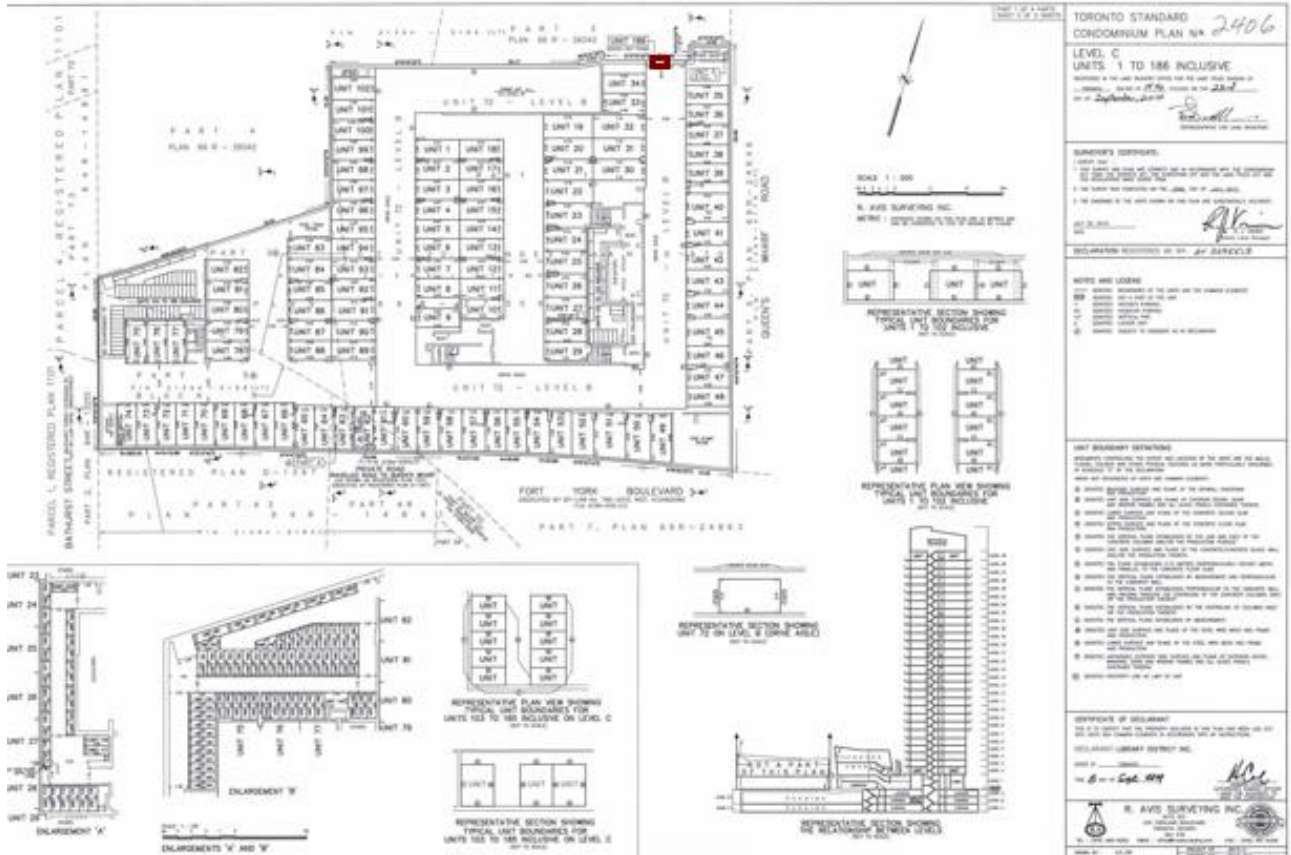
Appendix "A"  
Location Map



### Schedule "B" Condo Units



Unit 71, Level B



Unit 186, Level C