

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

TRACKING NO.: 2021-268

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:	September 27, 2021	Phone No.:	647-458-1934										
Purpose	To obtain authority for the City of Toronto (the " City " or " Licensee ") to enter into a Licence Amending Agreement (the " Amending Agreement ") with Harbourfront Corporation (the " Licensor "), with respect to the property municipally known as 318 Queens Quay West, Toronto for the purpose of entering upon a portion of the property to continue ground investigations as part of the Inner Harbour West Tunnel project.												
Property	A portion of the property municipally known as 318 Queens Quay West, Toronto, as legally described in Appendix " C ", being all of PINs 21419-0005 (LT) and 21419-0107 (LT) (the " Property ") as shown on the Location Map in Appendix " B ".												
Actions	1. Authority be granted to enter into the Amending 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	There are no financial implications to the City. The Amending Agreement will be granted for nominal consideration. 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>The Licensor and the Licensee entered into a lease agreement on November 19, 1996 thereby granting the Licensor exclusive possession of the Property for use as a surface parking lot (the "Original Lease"). The Licensor and the Licensee agreed to amend and extend the original lease effective April 1, 2001 (the "Lease Extension"). The Original Lease, as amended by the Lease Extension has been in over-hold since March 31, 2006 and the Licensor remains in possession of the Property.</p> <p>The Licensor and Licensee entered into a licence agreement dated July 13, 2021 (the "Licence Agreement") to permit the Licensee to enter upon a portion of the Property to conduct ground investigations near the proposed tunnel route of the Inner Harbour West Tunnel, while also preserving the Licensor's rights and obligations over the balance of the Property in accordance with the Lease.</p> <p>Subsequent to the execution of the Licence Agreement the Licensee conducted certain ground investigations on the licensed area, including the drilling of a borehole and the installation of a monitoring well. The Licensee vacated and restored the Licensed Area (save for one (1) flush mounted cap) on August 20, 2021, and requires further access to the Licensed Area to drill another borehole and install another monitoring well.</p> <p>The proposed major terms and conditions of the Amending Agreement are considered to be fair and reasonable.</p>												
Terms	Refer to Appendix " A " for the Terms and Conditions												
Property Details	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">Ward:</td> <td>10 Spadina-Fort York</td> </tr> <tr> <td>Assessment Roll No.:</td> <td></td> </tr> <tr> <td>Approximate Size:</td> <td></td> </tr> <tr> <td>Approximate Area:</td> <td></td> </tr> <tr> <td>Other Information:</td> <td></td> </tr> </table>			Ward:	10 Spadina-Fort York	Assessment Roll No.:		Approximate Size:		Approximate Area:		Other Information:	
Ward:	10 Spadina-Fort York												
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/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 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/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 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:	Joe Cressy	Councillor:	
Contact Name:	Tom Davidson	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X <input 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:	No objection (Sept 28, 2021)	Comments:	

Consultation with Divisions and/or Agencies

Division:	Engineering and Construction Services	Division:	Financial Planning
Contact Name:	Caroline Kaars Sijpesteijn	Contact Name:	Patricia Libardo
Comments:	No comments (Sept 28, 2021)	Comments:	No comments (Sept 30, 2021)

Legal Services Division Contact

Contact Name:	Aiden Alexio (Sept 28, 2021)
---------------	------------------------------

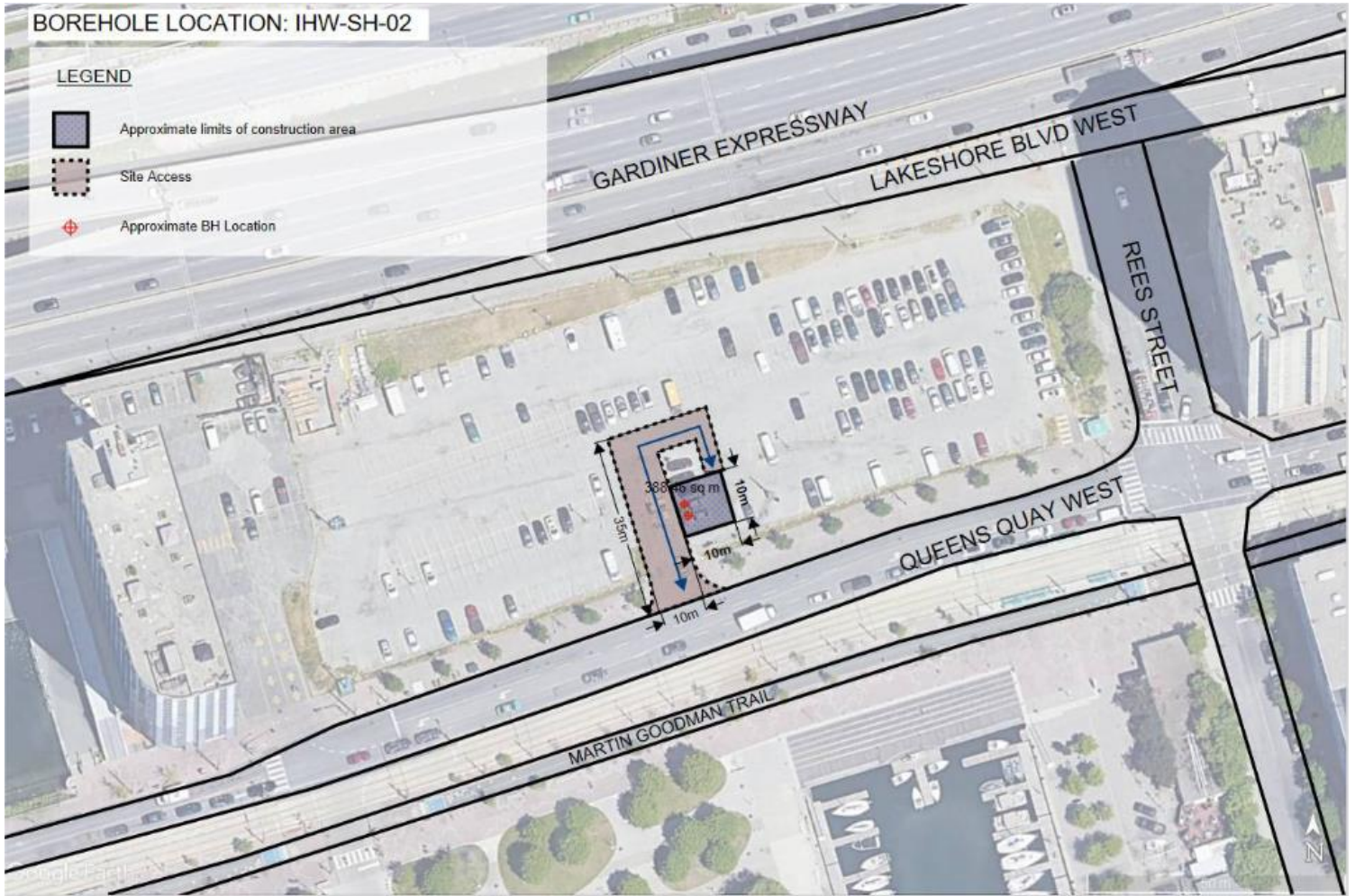
DAF Tracking No.: 2021-268	Date	Signature
Concurred with by: Manager, Real Estate Services Ronald Ro	October 4, 2021	Signed by Ronald Ro
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Scott Delahunt	October 3, 2021	Signed by Scott Delahunt
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		X

Appendix "A"
Major Terms and Conditions

Licensor:	Harbourfront Corporation
Licensee:	City of Toronto
Licensed Area:	A portion of the property municipally known as 318 Queens Quay West
Licence Fee:	Nominal
Term:	The term is amended to be fifty-seven (57) days (the "Term"), for a period of twenty-nine (29) days from July 23, 2021 to August 20, 2021, and for a period of twenty-eight (28) days from a date to be specified by the City upon at least forty-eight (48) hours prior written notice to the Licensor (the "Work Resumption Date").
Monitoring Well Period:	The Licensee shall complete the initial work of borehole drilling, soil sampling, and installation of monitoring wells during the Term and will return periodically on an anticipated monthly basis for data collection, the decommissioning of the monitoring wells, and soil replacement work ending no later than twelve (12) months after the expiry of the Term (the "Monitoring Well Period")
Term Extension:	Upon at least 48 hours written notice to the Licensor, the City may exercise an option to extend the Term for a period of 14 days and the Monitoring Well Period for a period of 6 months, on the same terms and conditions contained in the License.
Early Termination:	During the Term and Monitoring Well Period, the Licensee shall have the right to terminate the License, at its sole discretion, upon giving at least 48 hours written notice to the Licensor.
Use:	The primary purpose of the Amending Agreement is to permit the City to drill a second borehole and install a second monitoring well. The full use of the licensed area can be described as: conducting soil and rock investigation through testing by boring of soil and rock, field surveying, the installation of temporary monitoring wells in the licensed area; periodic access to the monitoring wells for the purpose of data collection and decommissioning the monitoring wells; review, testing, and analysis of soil and rock samples; a designated substance survey of soil samples retrieved; and pedestrian and vehicular access from the existing parking lot entrance abutting the public highway known municipally as Queen's Quay West.
Restoration:	<p>On August 20, 2021, the City was to remove all fixture(s), equipment, structures and debris from the licensed area and restore the licensed area to as close as is practicable to its original condition immediately prior to the City's occupancy at the City's sole cost and expense, with the exception of one (1) flush mounted cap, all to the satisfaction of the Licensor, acting reasonably, in order to allow the Licensor to occupy the licenced area until the Work Resumption Date when the Term shall resume and the City intends to resume the work.</p> <p>Upon expiry of the Term and Monitoring Well Period, or termination of the licence for any reason whatsoever, the City shall forthwith remove all fixture(s), equipment, structures 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 City's occupancy at the City's sole cost and expense, all to the satisfaction of the Licensor, acting reasonably.</p>

Appendix "B"

Licensed Area



Appendix "C"**Legal Description of the Property**

PCL BLK R-5 SEC A536E;

FIRSTLY: PT BLK R PL 536E TORONTO; PT QUEENS QUAY PL 651E TORONTO CLOSED BY BYLAW 21509 REGISTERED AS ES54059 (SEEC180836) PT 1, 3 & 12 ON 66R15682, T/W PT QUEENS QUAY PL 651-E TORONTO CLOSED BY BYLAW CT786050 (SEE C394277) PT 4 ON 66R16478 AND PT BLK W PL 536-E TORONTO PT 1 ON 66R16478 AS IN C890905 S/T EASEMENT AS IN C859620

SECONDLY: PT BLK X PL 536E TORONTO; PT QUEENS QUAY PL 651E TORONTO CLOSED BY BYLAW 320-86 REGISTERED AS CT786050 (SEE C3944277) PARTS 2, 4 & 11 ON 66R15682, S/T EASEMENT AS IN C89093, T/W PT QUEENS QUAY PL 651E TORONTO CLOSED BY BYLAW 320-86 REGISTERED AS CT786050 (SEE C394277) PT 4 ON 66R16478 AND PT BLK W PL 536E TORONTO, PT 1 ON 66R16478 AS IN C890905 S/T EASEMENT S IN C859620

THIRDLY: PT BLK W PL 536E TORONTO PARTS 8,9, 10 ON 66R15682, S/T EASEMENT AS IN C890903, T/W PT QUEENS QUAY PL 651E TORONTO CLOSED BY BYLAW 320-86 AND REGISTERED AS CT786050 (SEE C394277) PT 4 ON 66R16478 AND PT BLK W PL 536E TORONTO PT 1, 66R16478, S/T EASEMENT AS IN C859620; TORONTO

Being all the lands and premises within PIN 21419-0005(LT)

And:

PT BLK X PL 536E TORONTO PT 13 63R4541; S/T CA252391; CITY OF TORONTO

Being all the lands and premises within PIN 21419-0107(LT)