

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

TRACKING NO.: 2021-245
CONFIDENTIAL ATTACHMENT

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

Prepared By:	Mark Filice	Division:	Corporate Real Estate Management										
Date Prepared:	September 14, 2021	Phone No.:	(416) 392-1830										
Purpose	To authorize the full and final settlement of compensation with Toronto Standard Condominium Corporation No. 1536 ("the Owner"), pursuant to section 25 of the Expropriations Act, for the expropriated property interests identified on the attached Appendix "A" located at 228-230 Queens Quay West for the reconstruction and realignment of the Gardiner Expressway's York/Bay/Yonge off ramp ("the Project").												
Property	Part of the vacant lands at the rear of the property known municipally as 228-230 Queens Quay West, Toronto, legally described in the attached Appendix "A" and shown on Expropriation Plan AT4488853 as Part 3 (the "Subject Property") which is attached as Appendix "B". A Location Map is attached as Appendix "C". PIN No.: Part of PINs 12536-0001 (LT) to 12536-1 224 (LT)												
Actions	<ol style="list-style-type: none"> 1. Authority be granted to enter into a settlement agreement with the Owner to pay additional compensation to the Owner in the amount set out in the Confidential Attachment in exchange for a full and final release from the Owner of all claims the Owner has or may have under the Expropriations Act including any claims for market value, interest, disturbance damages, relocation, business loss and all other damages, costs, fees and interest in relation to the expropriation of the Subject Property, in a form satisfactory to the City Solicitor. 2. The Confidential Attachment shall remain confidential until there has been a final determination of all property transactions and resulting claims for compensation related to the Project and only released publicly thereafter in consultation with the City Solicitor. 3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto. 												
Financial Impact	<p>Funding for the full and final settlement of compensation, as set out in the Confidential Attachment, is included in the 2021 - 2030 Council Approved Capital Budget and Plan for Transportation Services under capital account CTP814-56-02.</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>On January 31, 2017, by the Enactment of By-Law No. 90-2017, City Council authorized the expropriation of the Subject Property for the Project. Expropriation Plan AT4488853 was registered on February 16, 2017 and Notices of Expropriation were served on the owners of the Subject Property on February 23, 2017.</p> <p>By DAF 2017-145 dated May 24, 2017, authority was granted to serve an Offer of Compensation on the Owner pursuant to Section 25 of the Expropriations Act the amount set out in the Confidential Attachment and to pay the compensation offered to the Owner upon acceptance of the Offer of Compensation.</p> <p>The Owner accepted the City's Offer of Compensation pursuant to Section 25(1)(b) of the Expropriations Act, without prejudice to its rights to have the compensation determined in accordance with the Expropriations Act. Payment of the amount offered by the City (the "Advance Compensation") was made to the Owner on December 24, 2020.</p> <p>Further discussions with the Owner have resulted in a full and final settlement being reached as to the total amount of compensation to be paid to the Owner.</p> <p>The terms and conditions of the full and final settlement, as set out in the Confidential Attachment, are considered to be fair and reasonable and are being recommended for approval.</p> <p>In exchange for payment of the additional compensation in the amount set out in the Confidential Attachment, the Owner will release and discharge the City from any and all claims that it has or may have under the Expropriations Act in relation to the expropriation of the Subject Property.</p>												
Terms	As set out within the Confidential Attachment												
Property Details	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">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>635.92 m²</td> </tr> <tr> <td>Other Information:</td> <td>PIN No.: Part of PINs 12536-0001 (LT) to 12536-1224 (LT)</td> </tr> </table>			Ward:	10 – Spadina-Fort York	Assessment Roll No.:		Approximate Size:		Approximate Area:	635.92 m ²	Other Information:	PIN No.: Part of PINs 12536-0001 (LT) to 12536-1224 (LT)
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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/REOs:</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/Licensor):</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 checked="" 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/REOs.</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:	Brent Gilliard / Anthony MacMahon	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> E-Mail <input type="checkbox"/> X 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 August 26, 2021	Comments:	

Consultation with Divisions and/or Agencies

Division:		Division:	Financial Planning
Contact Name:		Contact Name:	Patricia Libardo
Comments:		Comments:	Concurrence September 13, 2021

Legal Services Division Contact

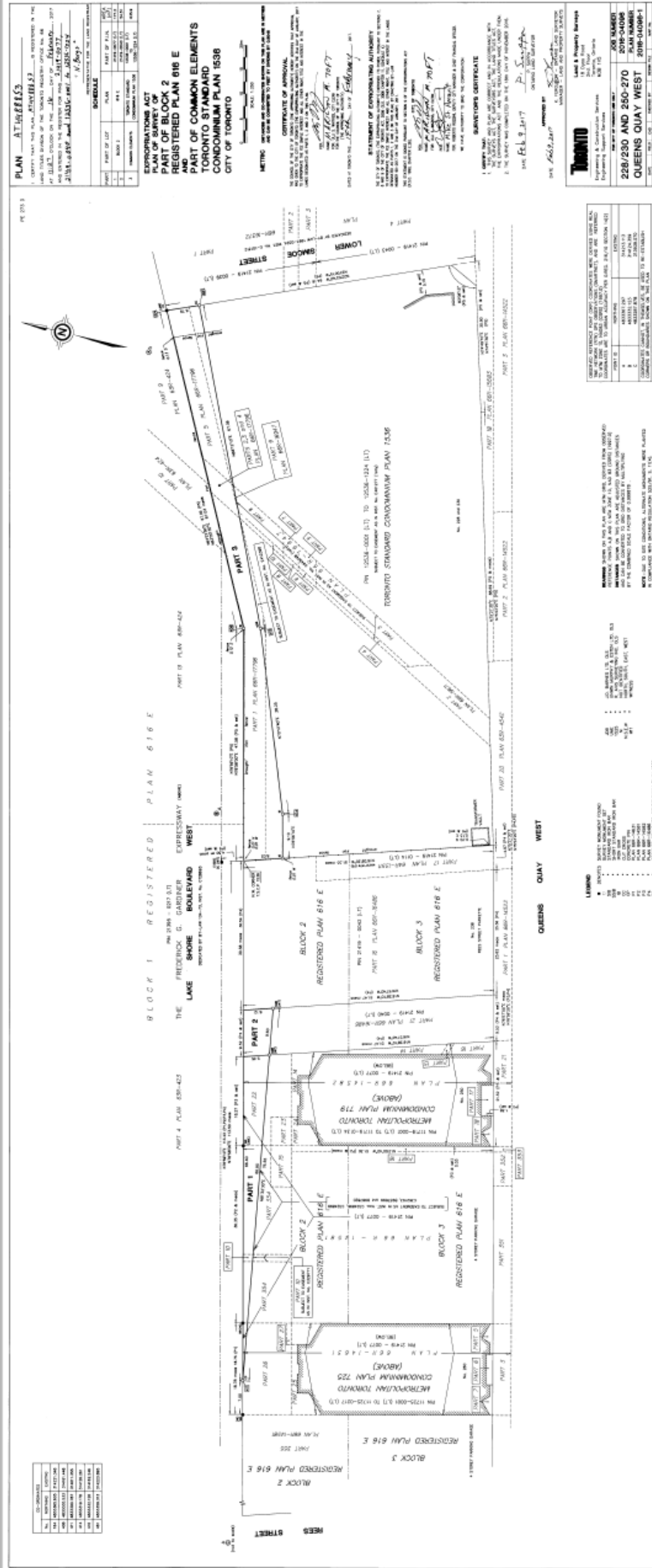
Contact Name:	Jacqueline Vettorel and Brendan O'Callaghan	August 20, 2021
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DAF Tracking No.: 2021-245	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Sept. 21, 2021	Signed by Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Sept. 21, 2021	Signed by Alison Folosea

Appendix "A"- Property Description

Property Address	Legal Description	Property Interest Expropriated and Area of Property
Part of 228-230 Queens Quay West, Toronto, ON	Part of the common elements on Toronto Standard Condominium Plan No. 1536, City of Toronto, being part of PIN 12536-0001 (LT) to PIN 12536-1224 (LT), designated as Part 3 on Expropriation Plan AT4488853, City of Toronto	Fee simple interest and all other right, title and interest in the property – 635.9 m ²

Appendix "B"- Expropriation Plan



Appendix "C"- Location Map

