

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

TRACKING NO.: 2021-249

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:	August 30, 2021	Phone No.:	647-458-1934										
Purpose	To obtain authority for the City of Toronto (the " City ") to enter into a Licence Agreement (the " License Agreement ") with Her Majesty the Queen in right of Canada as represented by the Minister of National Defence (the " Licensor "), with respect to the property municipally known as 659 Lake Shore Boulevard West, Toronto for the purpose of entering upon a portion of the property to conduct ground investigations as part of the Inner Harbour West Tunnel project.												
Property	A portion of the property municipally known as 659 Lake Shore Boulevard West, Toronto, legally described in Appendix " C ", being part of PIN 21418-0100 (LT), as more particularly shown on the Location Map in Appendix " B " (the " Property ").												
Actions	1. Authority be granted to enter into the License 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 License 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	By a lease agreement dated July 29, 1946, as amended by a lease amending agreement dated September 12, 1946, The Toronto Harbour Commissions demised and leased unto the City the Property for a term of nine hundred and ninety-nine (999) years commencing on October 1, 1944 and ending on September 13, 2943 (the "Head Lease"); By a sub-lease dated September 12, 1946, and with the written consent of The Toronto Harbour Commissioners attached thereto, the City sub-leased the Property to His Majesty the King in Right of the Dominion of Canada, the predecessor in interest to the Licensor, for a term of nine hundred and ninety-eight (998) years, commencing on October 1, 1944 and ending on September 30, 2942 (the "Sub-Lease") for use as naval barracks for His Majesty's Ship York. Subsequent to the execution of the Head Lease and the Sub-Lease, the City acquired title to the Property, thereby merging the Head Lease. The City requires access to the Property to conduct ground investigations near the proposed tunnel route of the Inner Harbour West Tunnel. Both parties are in agreement with permitting the City entry upon a portion of the Property to conduct ground investigations while also preserving the Licensor's rights and obligations over the balance of the Property in accordance with the Sub-Lease.												
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:35%;">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:	
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Approximate Size:													
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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/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 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 (Sept 1, 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 (Aug 31, 2021)	Comments:	No comments (Sept 1, 2021)

Legal Services Division Contact

Contact Name: Aiden Alexio (Aug 31, 2021)

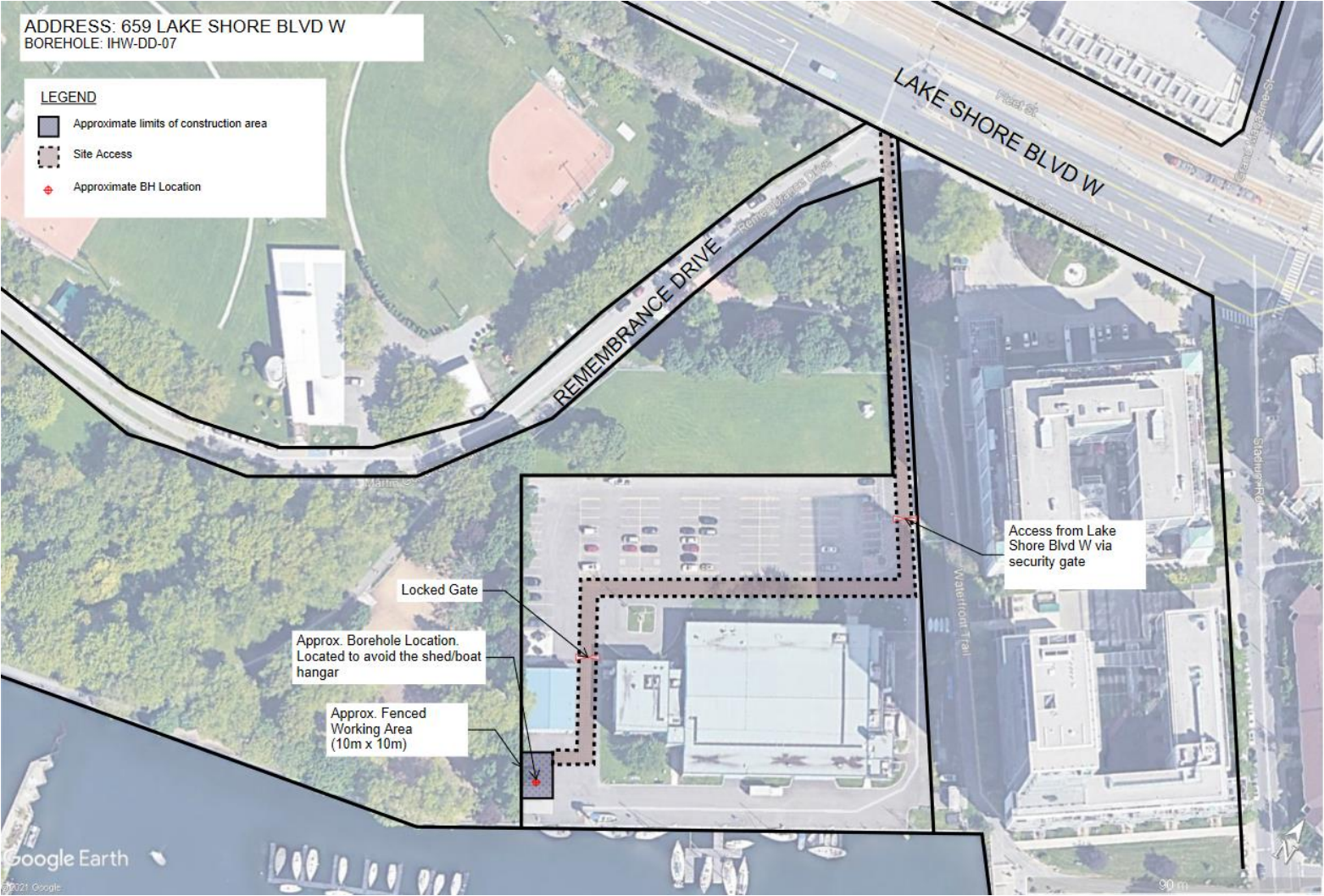
DAF Tracking No.: 2021-249	Date	Signature
Concurred with by: Manager, Real Estate Services Scott Delahunt	Sept 8 th , 2021	Signed By: Scott Delahunt
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Sept 8 th , 2021	Signed By: Daran Somas
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		X

Appendix "A"
Major Terms and Conditions

Licensor:	Her Majesty the Queen in right of Canada as represented by the Minister of National Defence
Licensee:	City of Toronto
Licensed Area:	A portion of the property municipally known as 659 Lake Shore Boulevard West
Licence Fee:	Nominal
Term:	Thirty five (35) days, commencing on a date to be specified in writing by the City upon at least 48 hours prior written notice to the Licensor. Work within the Licensed Area shall occur between the hours of 8 a.m. and 4 p.m. on Mondays through Fridays during the Term.
Monitoring Well Period:	The City shall return periodically on an anticipated monthly basis for data collection, the decommissioning of the monitoring well, and soil replacement work ending no later than 18 months after the commencement date
Term Extension:	Upon at least 21 business days written notice to the Licensor, the Licensee may exercise an option to extend the Term for a period of 21 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 City shall have the right to terminate the License, at its sole discretion, upon giving at least 48 hours written notice to the Licensor.
Use:	Conducting soil investigation through borehole testing, field surveying, and the installation of a temporary monitoring well in the Licensed Area; periodic access to the monitoring well for the purpose of data collection and decommissioning the monitoring well; review, testing, and analysis of soil and rock samples; a designated substance survey of soil samples retrieved; and pedestrian and vehicular access from the security gate entrance abutting the public highways known municipally as Lake Shore Boulevard West and Remembrance Drive
Restoration:	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.
Insurance:	The City shall, prior to the start of any work, deliver to the Licensor a signed certificate of insurance evidencing that the City's geo-engineering investigation sub-consultant Golder Associates Inc., has obtained a policy of insurance for the conduct of the work on the Licensed Area, providing coverage in an amount of not less than \$5 million dollars Commercial General Liability insurance. The policy of insurance shall name the Licensor as well as the City as additional insureds, provide cross-liability coverage, and contain a clause providing that the Licensee nor the City's geo-engineering investigation sub-consultant Golder Associates Inc. shall not change or cancel the insurance during the Term of the Licence.

Appendix "B"

Licensed Area and Access Route



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

PT BLK A, M PL D1397 TORONTO; PT WATER LT IN FRONT OF PL ORDNANCE RESERVE TORONTO LYING E OF WATER LT AT FOOT OF DUFFERIN ST & S OF LAKE SHORE BLVD W, GRANTED TO THE TORONTO HARBOUR COMMISSIONERS BY DOMINION GOVERNMENT ON JUNE 5, 1934 BY WF17942 AS IN WF55391 (PARCEL 5) EXCEPT 63R1786 & 63R2034 ANDAS IN OF24339 EXCEPT WF55391; S/T CA208787; CITY OF TORONTO