

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

TRACKING NO.: 2021-297

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

Prepared By:	Rafael Gutierrez	Division:	Corporate Real Estate Management
Date Prepared:	October 26, 2021	Phone No.:	416-338-2995

Purpose	To amend Delegated Approval Form No. 2020-160, which authorizes the Omnibus Permission to Enter (" OPTE ") between the City of Toronto and Metrolinx, by adding the property listed in Appendix "A" and shown in Appendix "B" requiring due diligence work to facilitate the Eglinton Crosstown West Extension project (the " ECWE ") by Metrolinx and to enter into an amending Agreement (the " Amending Agreement ") with respect to the same.
Property	The property listed in Appendix "A" and shown in in Appendix "B" (the " Property ").
Actions	<ol style="list-style-type: none"> 1. Authority be granted to amend Delegated Approval Form 2020-160 to add the Property in the list of properties requiring to be added to the OPTE. 2. Authority be granted for the City to enter into the Amending Agreement on the terms and conditions listed in Delegated Approval Form 2020-160 and the terms and conditions set out herein. 3. Authority be granted to waive the City's administrative fee pursuant to Chapter 441 of the Toronto Municipal Code for the Amending Agreement.
Financial Impact	<p>Until a formal arrangement between the City and Metrolinx respecting ECWE has been agreed to, any licensed area shall be at market fee; unless the licenses are for environmental, cultural heritage or archaeological assessments; testing or surveying, natural resource investigations or tree/vegetation removal or maintenance for periods not exceeding 3 months and do not impact the revenue generation and operations of the property. The current licensed areas required under the Amending Agreement are for Stage 2 archeological study, natural environment investigations and tree/vegetation removal or maintenance and are for nominal consideration.</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>Delegated Approval Form No. 2020-160 authorized the City, as licensor, to enter into the OPTE in favour of Metrolinx to permit access to City-owned properties that have been identified as required to facilitate ECWE, for the purpose of due diligence work, as listed on Appendix "A" of DAF 2020-160. This allows for staggered delivery of properties as they are identified by Metrolinx.</p> <p>Delegated Approval Form No. 2021-185 authorized the amendment of the permitted scope of work, updated the schedule of properties requiring access by Metrolinx and required amending agreements to the OPTE Agreement dated July 9, 2020.</p> <p>Delegated Approval Form Nos. 2021-259 and 2021-269 authorized the addition of additional City-owned properties and waived the administrative fee pursuant to Chapter 441 of the Toronto Municipal Code for the Amending Agreement. This Delegated Approval Form will seek to do the same.</p>
Terms	<p>Amended Terms and Conditions:</p> <p>Waiver of Administrative Fee: Metrolinx shall not be required to pay the City's administrative fee pursuant to Chapter 441 of the Toronto Municipal Code for the Amending Agreement.</p> <p>All other terms and conditions of the OPTE will remain the same.</p>

Property Details	Ward:	02 - Etobicoke Centre
	Assessment Roll No.:	19 19 022 310 036 00
	Approximate Size:	N/A
	Approximate Area:	11,785 m ² (126,852.7 ft ²)
	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 checked="" 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 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:	
<ul style="list-style-type: none"> 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:	
<ul style="list-style-type: none"> 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	
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property	
Consultation with Councillor(s)	
Councillor:	Stephen Holyday
Contact Name:	Amelia ter Brugge
Contacted by:	Phone <input type="checkbox"/> X E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>
Comments:	No objections – October 7, 2021
Consultation with Divisions and/or Agencies	
Division:	Corporate Real Estate Management
Contact Name:	Mark MacSorley
Comments:	No objections – October 18, 2021
Division:	Financial Planning
Contact Name:	Maria Barcellos, Ciro Tarantino
Comments:	No objections – October 26, 2021
Legal Services Division Contact	
Contact Name:	Luxmen Aloysius (October 26, 2021)

DAF Tracking No.: 2021-297	Date	Signature
Concurred with by: Manager, Real Estate Services Daran Somas	Oct. 28, 2021	Signed by Daran Somas
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Vinette Prescott-Brown	Oct. 28, 2021	Signed by Vinette Prescott-Brown
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services		X

APPENDIX "A"**Property to be added to the OPTE**

Property Description - Address	PIN	Ward Name
Southwest corner of Eglinton Ave W and Royal York Rd	074790088	Etobicoke Centre (2)

APPENDIX "B"

Aerial Map and Sketches of the Property to be added to the OPTE

1. Southwest corner of Eglinton Avenue West and Royal York Road (PIN 074790088)

