

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

TRACKING NO.: 2020-232

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

Prepared By:	Mike Saffran	Division:	CREM
Date Prepared:	October 5, 2021	Phone No.:	(416) 392-7205

<b>Purpose</b>	To obtain authority to acquire a portion of the property municipally known as 155 St. Clair Avenue West, Toronto (the "Property") from Toronto Standard Condominium Corporation No. 2146 (the "Owner") for the purpose a creating a corner rounding at the south-west corner of St. Clair Avenue West and Avenue Road.
<b>Property</b>	Part of the common element of Toronto Standard Condominium Plan No. 2146, designated as Part 1 on the draft reference plan as set out in Appendix "B", being part of PINs 76146-0001 (LT) to 76146-0294 (LT).
<b>Actions</b>	1. Authority be granted to accept an offer from the Owner to sell the Property to the City (the "Offer") for the sum of \$20,800.00, plus HST, substantially on the major terms and conditions set out in Appendix "A", and including 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>	<p>The following costs will be incurred by the City in connection with the Agreement:</p> <ol style="list-style-type: none"> <li>Purchase Price - \$20,800.00</li> <li>HST - \$366.00 (net, payable by the City)</li> <li>Land Transfer Tax (Provincial) - \$104.00</li> <li>Contribution Towards Owner's Legal Costs and Disbursements – maximum amount of (\$7,500.00 + \$5,500.00) = \$13,000.00 (plus HST)            Note: Minimum Payment of Disbursements of \$6,500.00 (plus HST) is a financial implication for the City should TSCC No. 2146 be unable to satisfy s. 124(2)(a)-(b) of the <i>Condominium Act, 1998</i> to secure authority for the transaction to proceed.</li> <li>Registrations Costs - \$77.62 (inclusive of registration fees and taxes)</li> </ol> <p>Total maximum cost to the City is \$38,375.62 net of HST recoveries. Funding is available in the 2021 – 2030 Council Approved Capital Plan for Transportation Services under capital project CTP817-03-138.</p>
<b>Comments</b>	<p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p> <p>On September 30, 2020 City Council adopted MM24.4, to approve the acquisition of the Property in accordance with the delegated authorities set out in Article 2 of City of Toronto Municipal Code, Chapter 213, Real Property, without satisfying General Condition (H) of Appendix B of the chapter. City staff advised that conducting an environmental site assessment on the Property would not be feasible given its small size, but the potential risk of acquiring the Property without conducting any environmental due diligence was minimal given the small size of the Property and its location being adjacent to existing City-owned property already used as a public highway. The Property will be used as a corner rounding and will serve to enhance public and road safety measures at the south-west corner of St. Clair Avenue West Avenue Road.</p> <p>The Property constitutes a portion of the common elements of Toronto Standard Condominium Corporation No. 2146, located at 155 St. Clair Avenue West. To authorize the sale of this Property, the Owner must satisfy section 124(2)(a)-(b) of the <i>Condominium Act, 1998</i>, which provides that: the owners of at least 80 per cent of the units, at the date of the vote, vote in favour of the sale; and at least 80 per cent of those persons who, at the date of the vote, have registered claims against the property being sold, that were created after the registration of the declaration and description that made the <i>Condominium Act, 1998</i> applicable to the property being sold, consent in writing to the sale. The Offer is therefore conditional upon the Owner's satisfaction of section 124(2)(a)-(b) of the <i>Condominium Act, 1998</i>. If the Owner is unable to satisfy section 124(2)(a)-(b) of the <i>Condominium Act, 1998</i> by November 30, 2021 (the "Outside Date"), the binding agreement of purchase and sale created by the City's acceptance of the Offer shall be at an end, and the Owner and the City shall be released from all obligations under the Offer, save and except that the City shall pay to the Owner \$6,500.00 plus HST as a contribution towards the legal and disbursement fee expenses incurred by the Owner within a reasonable period of time after November 30, 2021. The City may, in its sole and absolute discretion, extend the Outside Date for a period not exceeding forty-five (45) days, by delivering to the Vendor prior to the Outside Date an extension notice specifying the date to which the Outside Date shall be extended.</p> <p>The Offer is considered fair, reasonable and reflective of market value, and it is recommended for acceptance substantially on the major terms and conditions set out in Appendix "A".</p>
<b>Terms</b>	See Appendix "A"

<b>Property Details</b>	<b>Ward:</b>	12 – Toronto-St. Paul's
	<b>Assessment Roll No.:</b>	Portion of 1904-054-350-01542
	<b>Approximate Size:</b>	Irregular Shaped
	<b>Approximate Area:</b>	0.77 m <sup>2</sup> (8.29 ft <sup>2</sup> )
	<b>Other Information:</b>	Portion of 155 St. Clair Avenue West

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>B. Director, Real Estate Services and Manager, Real Estate Services each has signing authority on behalf of the City for:</b>
<ul style="list-style-type: none"> <li>Documents required to implement matters for which each position also has delegated approval authority.</li> <li>Expropriation Applications and Notices following Council approval of expropriation (Manager, Transaction Services is only Manager with such signing authority).</li> </ul>
<b>Director, Real Estate Services also has signing authority on behalf of the City for:</b>
<ul style="list-style-type: none"> <li>Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.</li> <li>Community Space Tenancy Leases approved by delegated authority by the Deputy City Manager, Corporate Services and any related documents.</li> </ul>

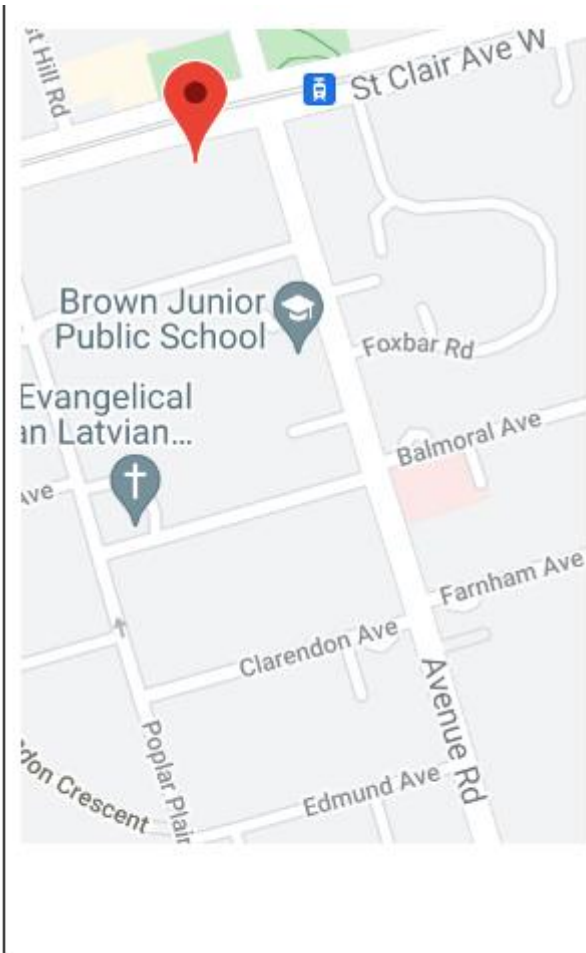
<b>Pre-Condition to Approval</b>			
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property			
<b>Consultation with Councillor(s)</b>			
Councillor:	Josh Matlow	Councillor:	
Contact Name:	Carolina Vecchiarelli	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X <input checked="" 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 objections – August 27, 2021	Comments:	
<b>Consultation with Divisions and/or Agencies</b>			
Division:	Transportation Services	Division:	Finance
Contact Name:	Nora Hallett	Contact Name:	Patricia Libardo
Comments:	Concurs with DAF – September 24, 2021	Comments:	Concurs with FIS – September 10, 2021
<b>Legal Services Division Contact</b>			
Contact Name:	Seija Pietrangelo – August 25, 2021		

DAF Tracking No.: 2021-232	Date	Signature
Concurred with by: <b>Manager, Real Estate Services Ronald Ro</b>	Oct. 19, 2021	Signed by Ronald Ro
<input checked="" type="checkbox"/> <b>Recommended by: Manager, Portfolio Management Scott Delahunt</b>	Oct. 19, 2021	Signed by Scott Delahunt
<input type="checkbox"/> <b>Approved by:</b>		
<input checked="" type="checkbox"/> <b>Approved by: Director, Transaction Services Alison Folosea</b>	Oct. 21, 2021	Signed by Alison Folosea

**Appendix "A"**  
**Major Terms and Conditions**

<b>Owner:</b>	Toronto Standard Condominium Corporation No. 2146
<b>Purchase Price:</b>	\$20,800.00 + HST
<b>Deposit:</b>	\$10.00
<b>Legal and Disbursement Fees:</b>	Legal Fees to a maximum of \$7,500.00, and Disbursement Fees to a maximum of \$6,500.00. *see qualification in "Conditional Agreement"
<b>Conditional Agreement:</b>	If the Owner is unable to satisfy section 124(2)(a)-(b) of the <i>Condominium Act, 1998</i> by November 30, 2021, the binding agreement of purchase and sale created by the City's acceptance of the Offer shall be at an end, and the Owner and the City shall be released from all obligations under the Offer, save and except that the City shall pay to the Owner \$6,500.00 plus HST as a contribution towards the legal and disbursement fee expenses incurred by the Owner within a reasonable period of time after November 30, 2021. The City may, in its sole and absolute discretion, extend the Outside Date for a period not exceeding forty-five (45) days, by delivering to the Vendor prior to the Outside Date an extension notice specifying the date to which the Outside Date shall be extended.
<b>Irrevocable Period:</b>	45 days after the date upon which the Offer is executed by the Vendor
<b>Due Diligence Period:</b>	60 days after the date upon which the Offer is executed by the City
<b>Requisition Period:</b>	45 days after delivery of a Notice of Waiver or Notice of Satisfaction in connection with the Due Diligence Condition
<b>Closing Date:</b>	45 days after delivery of a Notice of Waiver or Notice of Satisfaction in connection with the Due Diligence Condition, or such earlier or later date as the parties, or their respective solicitors, may mutually agree in writing.
<b>Vacant Possession:</b>	The Vendor shall deliver on Closing, vacant possession of the Property.

**Appendix "B"**  
Location Map, Aerial and draft Reference Plan



<b>COORDINATE TABLE</b>	
POINT	EASTING
1	4 038 972.24
2	4 038 972.26

<b>PLAN 688</b>	
REVISIONS AND DATES	
DATE	BY
4 FEBRUARY 01 S	
PREPARED BY: J. J. WILSON	
DRAWN BY: J. J. WILSON	
CHECKED BY: J. J. WILSON	
DATE: 4 FEBRUARY 01 S	
PART OF PLAN NO. 2146	
AS IN INST. A7300599	

**PLAN OF SURVEY OF PART OF THE COMMON ELEMENT TORONTO STANDARD CONDOMINIUM PLAN NO. 2146 CITY OF TORONTO**

**LEGEND**

- 1. DOTTED SYMBOLS INDICATE THE LOCATION OF THE COMMON ELEMENTS
- 2. DOTTED SYMBOLS INDICATE THE LOCATION OF THE COMMON ELEMENTS
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- 10. DOTTED SYMBOLS INDICATE THE LOCATION OF THE COMMON ELEMENTS

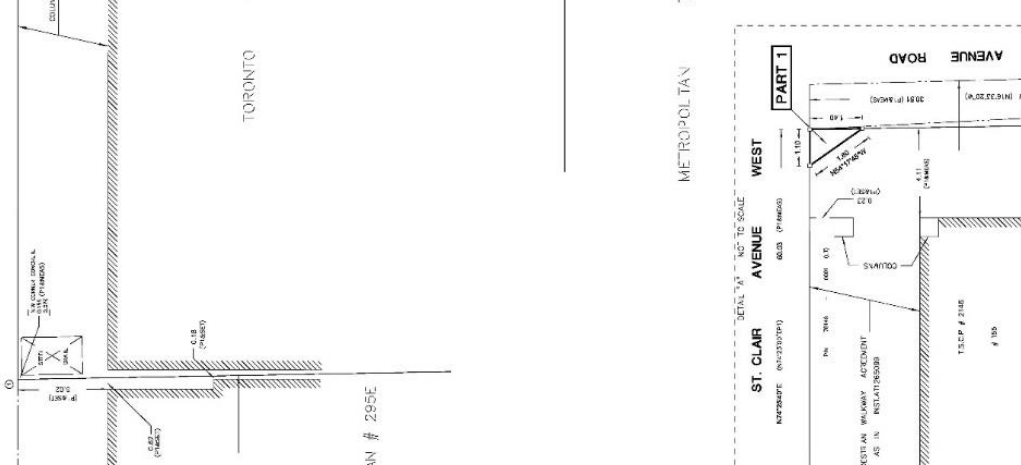
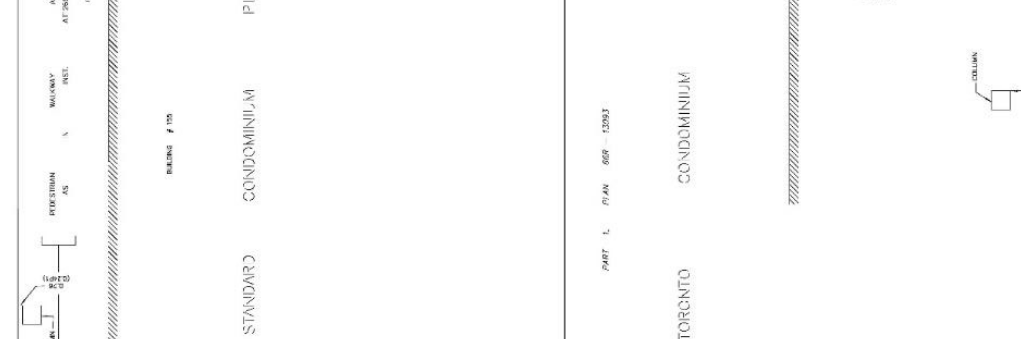
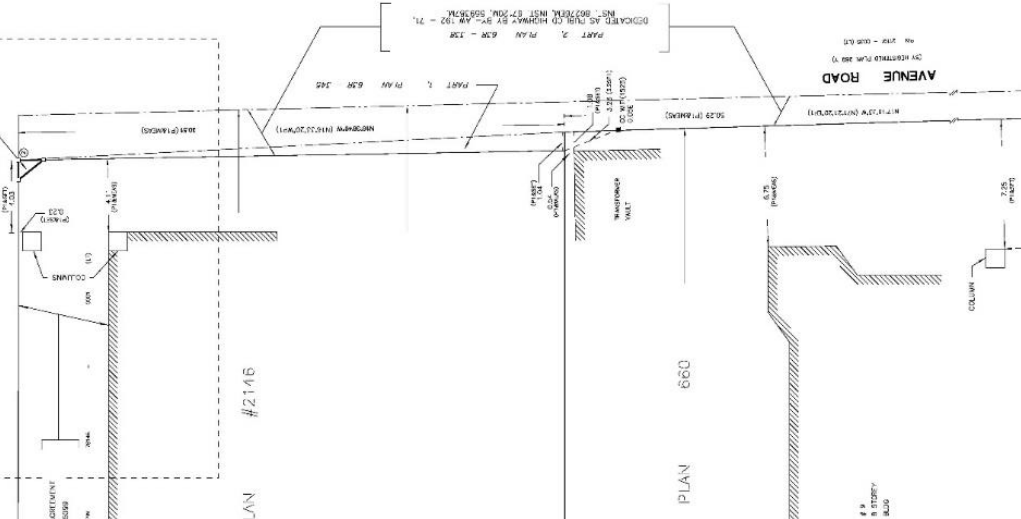
**SURVEYOR'S CERTIFICATE**

I, J. J. WILSON, SURVEYOR, DO HEREBY CERTIFY THAT THE SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS MADE THEREUNDER AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS MADE THEREUNDER AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS MADE THEREUNDER.

DATE: 4 FEBRUARY 01 S

BY: J. J. WILSON

<b>Land &amp; Property Surveys</b>	
Professional Corporation	
200 Adelaide Street East	
Toronto, Ontario M5E 1B5	
Tel: (416) 593-9300	
Fax: (416) 593-9301	
E-mail: info@landproperty.com	
Web: www.landproperty.com	
165 ST. CLAIR AVENUE WEST	
TORONTO, ONTARIO M5E 1B5	
PLAN NUMBER: 2146	
DATE: 4 FEBRUARY 01 S	



<b>REGISTERED PLAN # 2895E</b>	
TORONTO STANDARD CONDOMINIUM PLAN # 2146	
METROPOLITAN TORONTO CONDOMINIUM PLAN 688	
ST. CLAIR AVENUE WEST	
TORONTO, ONTARIO M5E 1B5	
DATE: 4 FEBRUARY 01 S	