

DELEGATED APPROVAL FORM
DEPUTY CITY MANAGER, CORPORATE SERVICES
EXECUTIVE DIRECTOR, CORPORATE REAL ESTATE MANAGEMENT

TRACKING NO.: 2021-312

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

Prepared By:	Rutvik Pandya	Division:	Corporate Real Estate Management
Date Prepared:	November 18, 2021	Phone No.:	416-338-5812

Purpose	To obtain authority to enter into (i) a licence agreement with Her Majesty the Queen in Right of Ontario as represented by the Minister of Government and Consumer Services (the " Province ") to allow access to the Licensed Area for construction of a multi-use trail and meadowlands and upon completion of the construction work, to use the Licensed Area for public recreational purposes (the " Licence Agreement "); and (ii) a sub-licence agreement with Toronto and Region Conservation Authority (" TRCA ") for the construction and maintenance of a multi-use trail and meadowlands on the Licensed Area (the " Sublicence Agreement ").
Property	Lands legally described and shown outlined in red on the sketch attached hereto as Appendix "A", comprising an approximate area of 63.04 acres (the " Licensed Area ").
Actions	<ol style="list-style-type: none"> 1. Authority be granted to enter into the Licence Agreement with the Province, substantially on the major terms and conditions set out in Appendix "B", and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor; 2. Authority be granted to enter into the Sublicence Agreement with TRCA, substantially on the major terms and conditions set out in Appendix "C", and including such other terms as deemed appropriate by approving authority herein, and in a form satisfactory to the City Solicitor;
Financial Impact	<p>There is no financial impact to the City. TRCA shall pay to the City prior to or on the commencement date, any costs in connection with its occupation and use of the Licensed Area including taxes, rates or grants that the City is required to pay under the Licence Agreement.</p> <p>The Chief Financial Officer & Treasurer has reviewed this DAF and agrees with the financial impact information</p>
Comments	<p>The Toronto and Region Conservation Authority (TRCA) and The Living City Foundation in partnership with the City of Toronto and The W. Garfield Weston Foundation, are working together to establish a native grass meadow on lands in the Gattineau Hydro Corridor, managed by Hydro One Network Inc., owned by Infrastructure Ontario. The Meadow is broken down into 7 sections and this proposal is focusing on Section 5, which is a 13.9 hectare parcel of publicly accessible greenspace starting at Scarborough Gold Club Road to Neilson Road. Shrub thicket restoration with the planting of shrubs in The Meadoway will be led by the City of Toronto, amounting to 0.4 hectares. The project will involve two phases, including (i) site preparation, shrub planning and meadow seeding and (ii) a period of monitoring. TRCA will be responsible for all regulatory approvals, environmental oversight, and be responsible to supply all the necessary equipment, goods and supplies in respect of the project, security, insurance and maintenance requirements within the meadow itself.</p> <p>On August 25, 26 and 27, 2010 Item GM33.6, City Council authorized a master licence agreement between the City (as Licensee) and Ontario Realty Corporation (now Ontario Infrastructure and Lands Corporation) acting as agent on behalf of Her Majesty the Queen in right of Ontario as represented by the Minister of Infrastructure (as "Licensor"), which agreement was fully executed on October 26, 2010 (the "Master Licence Agreement"). The current term of the Master Licence Agreement has expired, and the City is currently in overholding with the Licensor's consent. Staff are currently working with the Licensor to enter into a renewal of the Master Licence Agreement.</p> <p>The lands will be added to the next amendment to the master park license. In the interim, The City will enter into a one (1) year license agreement with HONI to allow access to the lands for construction of a multi-use trail and meadowlands and upon completion of the construction work, to use the Licensed Area for public recreational purposes. Subsequently, TRCA will enter into a one (1) year Sub License Agreement with the City to proceed with the meadow creation and planting within the Property.</p>
Terms	See Appendix " B " for the major terms and conditions of the License Agreement & Appendix " C " for the major terms and conditions of the Sub-License Agreement

Property Details	Ward:	24-Scarborough Guildwood
	Assessment Roll No.:	Various
	Approximate Size:	
	Approximate Area:	63.04 Acres
	Other Information:	

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate Services has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
2A. Expropriations Where City is Expropriating Authority:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 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 \$3 Million. Request/waive hearings of necessity delegated to less senior positions.	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million. Request/waive hearings of necessity delegated to less senior positions.
3. Issuance of RFPs/REOIs:	<input type="checkbox"/> Issuance of RFPs/REOIs.	<input type="checkbox"/> Issuance of RFPs/REOIs.
4. Permanent Highway Closures:	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.	<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:	<input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.	<input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.	<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/Licenser):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 Million. <input checked="" type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc. Delegated to a more senior position.	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$5 Million. <input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc. <input type="checkbox"/> (c) Where compensation is less than market value, provided tenant and lease satisfy Community Space Tenancy Policy criteria set out in Item EX28.8, as adopted by Council on November 7, 8 and 9, 2017, as amended from time to time.
10. Leases/Licences (City as Tenant/Licensee):	<input checked="" type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> (a) Where total compensation does not exceed \$3 Million. <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.	<input type="checkbox"/> (a) Where total compensation does not exceed \$5 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 \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
14. Miscellaneous:	<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	<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. Deputy City Manager, Corporate Services and Executive Director, Corporate Real Estate Management 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. • Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval. • Expropriation Applications and Notices following Council approval of expropriation. • 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:	Paul Ainslie	Councillor:	
Contact Name:		Contact Name:	
Contacted by:	<input type="checkbox"/> Phone <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other	Contacted by:	<input type="checkbox"/> Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	No objections – Nov 11,2021	Comments:	

Consultation with Divisions and/or Agencies

Division:	Parks, Forestry & Recreation	Division:	Financial Planning
Contact Name:	Brian Majcenic	Contact Name:	Ciro Tarantino
Comments:	Comments incorporated	Comments:	No objections – Nov 15,2021

Legal Services Division Contact

Contact Name: **Gloria Lee – Comments incorporated**

DAF Tracking No.: 2021- 312	Date	Signature
Recommended by: Manager, Real Estate Services	Nov. 23, 2021	Signed by Daran Somas
Recommended by: Director, Real Estate Services	Nov. 23, 2021	Signed by Alison Folosea
<input type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management <input checked="" type="checkbox"/> Approved by: Patrick Matozzo	Nov. 23, 2021	Signed by Patrick Matozzo
<input type="checkbox"/> Approved by: Deputy City Manager, Corporate Services Josie Scioli		X

Appendix "A"
Licensed Area

License Area: 63.04 acres
Taxable Area: 2.78 acres

Legal Description of the Licensed Area:

1) Licensed Area labelled as A, B and H:

PART LOTS 15 AND 16 CON 1 DESIGNATED AS PARTS 1, 3, 4, 5 AND 6 PLAN 66R20996; SCARBOROUGH, CITY OF TORONTO, being all of PIN 06249-0325 (LT); and
PT LT 15 CON 1 AS IN SC39767 LYING E OF ORTON PARK RD & S OF ELLESMERE RD WIDENED BY BY LAW # 13882 "DESCRIPTION IN SC39767 MAY NOT BE ACCEPTABLE IN FUTURE" SCARBOROUGH, CITY OF TORONTO, being all of PIN 06247-0344 (LT).

2) Licensed Area labelled as C:

PT LT 16 CON 2 SCARBOROUGH (TRAVELLED RD); BEING MILITARY TRAIL (FORMERLY DANFORTH RD) NW OF ELLESMERE RD; TORONTO, CITY OF TORONTO, being all of PIN 06181-0504 (LT);
PT LT 16 CON 2 SCARBOROUGH AS IN SC39778; EXCEPT SC392064 (SECONDLY) LYING S OF MILITARY TRAIL; TORONTO, CITY OF TORONTO, being all of PIN 06181-0503 (LT); and
PT LT 15 CON 2 SCARBOROUGH AS IN SC93513; PT LT 16 CON 2 SCARBOROUGH AS IN SC92764, SC39778 EXCEPT SC392064; TORONTO, CITY OF TORONTO, being all of PIN 06181-0502 (LT).

3) Licensed Area labelled as D:

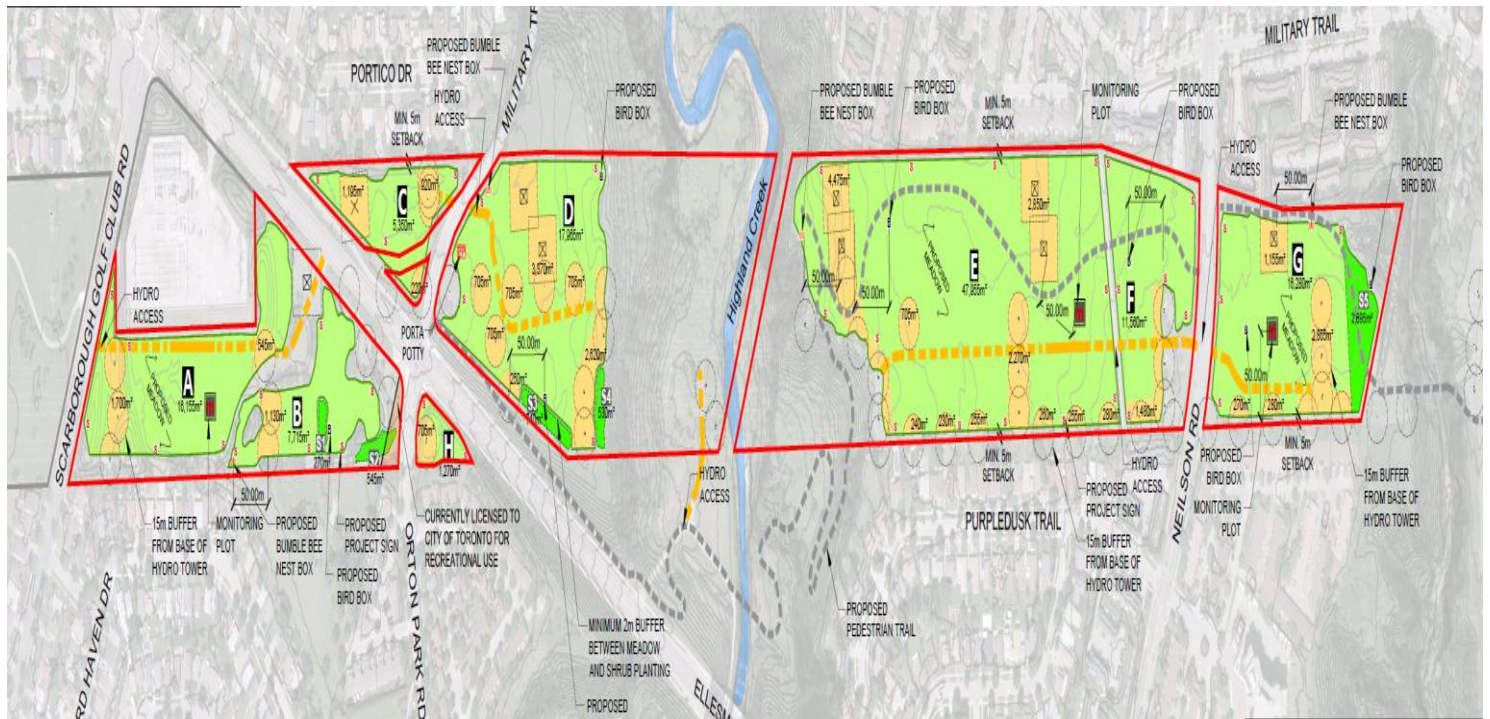
PT LT 16 CON 2 SCARBOROUGH AS IN SC39778 LYING E & N OF ELLESMERE RD; PT LT 15 CON 2 SCARBOROUGH AS IN SC39768, SC40003, SC41184, SC93513, SC102146 & SC161083 EXCEPT SC392064 (SECONDLY), CITY OF TORONTO, being all of PIN 06185-0069 (LT).

4) Licensed Area labelled as E and F:

PT LT 13 CON 2 SCARBOROUGH AS IN SC94678 & SC40800 LYING W OF NELSON'S RD; PT LT 14 CON 2 SCARBOROUGH AS IN SC40492 & SC93554, CITY OF TORONTO, being all of PIN 06185-0063 (LT).

5) Licensed Area labelled as G:

PT LT 13 CON 2 SCARBOROUGH AS IN SC40800 & SC94678 LYING E OF NELSON RD, CITY OF TORONTO, being all of PIN 06186-0016 (LT).



Appendix "B"
Major Terms – Licence Agreement

Licensor: Her Majesty the Queen in Right of Ontario as represented by the Minister of Government and Consumer Services

Term: December 1, 2021 – Nov 30, 2022

Use: Construction of a multi-use trail and meadowlands and upon completion of the construction work, use for recreational purposes.

Fee: 50% of all taxes, rates or grants in lieu thereof assessed or levied against the Licensed Area during the Term.

Early Termination Right: The Licensor has the right to terminate the licence upon providing the City with Ninety (90) days' prior written notice

Insurance: The City shall at its own expense, arrange and maintain a liability insurance policy satisfactory to the Licensor in the minimum amount of Five Million (\$5,000,000.00) dollars. Such insurance shall name the Licensor, Ontario Infrastructure and Lands Corporation and Hydro One Networks Inc. as additional insureds, contain a cross liability clause and specify that it is primary coverage.

Removal: Upon termination of the licence, the City is required to remove any of its installations and facilities from the Licensed Area and restore the Licensed Area to the satisfaction of the Licensor unless the Licensed Area is added to the Master Licence Agreement between the City and the Licensor dated October 26, 2010, as amended from time to time.

Appendix "C"
Major Terms – Sub-Licence Agreement

Licensee: Toronto and Region Conservation Authority

Use: Construction and maintenance of a multiuse-trail and meadowlands as part of the Meadoway Project

Term: December 1, 2021 – Nov 30, 2022

Fee: All taxes, rates or grants in lieu thereof assessed or levied against the Licensed Area during the Term payable by the City to the Head Licensor

Insurance: Maintain a liability insurance policy satisfactory to the City in the minimum amount of Five Million (\$5,000,000.00) dollars and promptly advise the City of any cancellation, material alteration or lapse of any policies of insurance.

As is, Where is: TRCA accepts the Licensed Area in its "as is" and "where is" condition.