

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

**TRACKING NO.: 2021-172**

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:	June 17, 2021	Phone No.:	647-458-1934

<b>Purpose</b>	To obtain authority for the City of Toronto to enter into an agreement (the "Agreement") with the Owner to settle the expropriation of permanent easement rights over a part of the properties municipally known as 429 and 433 Port Union Road, Toronto Ontario.
<b>Property</b>	Part of the properties municipally known as 429 and 433 Port Union Road, designated as Part 1 on 66R-31089 and Part 1 on 66R-31091 and shown on sketches attached as Appendix "A" (the "Property").
<b>Actions</b>	1. Authority be granted to enter into the Agreement with the Owner to settle all claims related to the expropriation of a permanent easement over the Property, substantially on the major terms and conditions set out below, and including such other terms and conditions as may be deemed appropriate by the Director, Transaction Services ("Director") and in a form acceptable to the City Solicitor.
<b>Financial Impact</b>	Total cost to the City is \$65,205 (exclusive of HST and assuming no HST is payable in respect of permanent easements over used residential property) and is detailed as follows: compensation for property interest of \$27,455 for the easement over 429 Port Union Road and \$29,750 for the easement over 433 Port Union Road and \$8,000 (plus HST) for legal expenses.  Funding is available in the 2021 – 2030 Council Approved Capital Budget and Plan for Transportation Services under capital project CTP815-25.  The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.
<b>Comments</b>	At the December 16, 2020 meeting of City Council, by adoption of Item GL19.13, Council authorized the initiation of expropriation proceedings to acquire permanent easement interests over the Property, pursuant to the Expropriations Act. At the June 8, 2021 meeting of City Council, by adoption of Item GL23.10, Council authorized the expropriation of easements over the Property and to permit the City to take all necessary steps to comply with the Expropriations Act, including the preparation and registration of Expropriation Plans and the service of Notices of Election and Notices of Possession.  The City and the Owner are entering into a Settlement and Release Agreement pursuant to section 24 of the Expropriations Act to document the settlement agreed to by the parties with respect to all claims, including, but not limited to, costs, under the Act in the determination of the compensation to which the Owner is entitled as a result of the expropriation.  The expropriation of permanent easements over the Property will permit the City to construct, install and maintain a retaining wall on City-owned lands, as part of a project to widen Port Union Road. The easements will allow for removal of and alterations to hard and soft landscaping, re-grading work, and provide the City with the right to enter and occupy the Property as needed for the project, and thereafter for maintenance purposes.
<b>Terms</b>	Corporate Real Estate Management staff consider the major terms and conditions of the Agreement to be fair and reasonable.

<b>Property Details</b>	<b>Ward:</b>	25 – Scarborough-Rouge Park
	<b>Assessment Roll No.:</b>	190109621005800 and 190109621005900
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	1,003 m <sup>2</sup> ± (10,800 ft <sup>2</sup> ±) and 1,003 m <sup>2</sup> ± (10,800 ft <sup>2</sup> ±)
	<b>Other Information:</b>	Easement area is approximately 125 m <sup>2</sup> (65 m <sup>2</sup> + 60 m <sup>2</sup> )

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 &amp; Parks &amp; 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"/> I Waive Hearings of Necessity.</p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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><b>Delegated to more senior positions.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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"/> I Waive Hearings of Necessity.</p> <p><input type="checkbox"/> Issuance of RFPs/REOIs.</p> <p><input type="checkbox"/> Initiate process &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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 checked="" 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"/> I Surrenders/Abandonments</p> <p><input type="checkbox"/> (d) Enforcements/Terminations</p> <p><input type="checkbox"/> I 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:	Jennifer McKelvie	Councillor:	
Contact Name:	John Sinclair	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 (June 9, 2021)	Comments:	

**Consultation with Divisions and/or Agencies**

Division:	Transportation Services	Division:	<b>Financial Planning</b>
Contact Name:	Gary Papas, Senior Project Manager	Contact Name:	Patricia Libardo
Comments:	Comments incorporated (June 9, 2021)	Comments:	Comments incorporated (June 17, 2021)

**Legal Services Division Contact**

Contact Name: Vanessa Bacher (June 9, 2021)

DAF Tracking No.: 2021-172	Date	Signature
<input checked="" type="checkbox"/> Recommended by: <b>Manager, Real Estate Services Daran Somas</b>	June 17, 2021	Signed by Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: <b>Director, Real Estate Services Alison Folosea</b>	June 18, 2021	Signed by Alison Folosea

## Appendix "A"

### Easement Information

429 Port Union Road



