

# DELEGATED APPROVAL FORM

## DIRECTOR, REAL ESTATE SERVICES

## MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2021-301

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

Prepared By:	Glenn Zeta	Division:	Corporate Real Estate Management
Date Prepared:	November 2, 2021	Phone No.:	416-338-7612
<b>Purpose</b>	To obtain authority for the City (" <b>Licensor</b> ") to enter into a license agreement with Metrolinx (the " <b>Licensee</b> ") at 1269 Danforth Road, Toronto for access, construction and installation of Metrolinx infrastructure in connection with the Scarborough Subway Extension project.		
<b>Property</b>	The property municipally known as 1269 Danforth Road, Toronto, legally described as Part of Lot 24 on Concession D, as in SC496622, Scarborough, City of Toronto, being all of PIN 06361-0096 (LT) as shown on the Location Map in Appendix "B" (the "Property").		
<b>Actions</b>	1. Authority be granted to enter into a license agreement with the Licensee, substantially on the 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.		
<b>Financial Impact</b>	<p>Total revenue to the City is approximately \$172,000.00 (net of HST) over the one (1) year term (or \$14,333 net of HST per month) of the licence agreement. Revenue will be directed to Corporate Real Estate Management's One-Time Revenue cost centre FA1379.</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>		
<b>Comments</b>	<p>At its meeting of December 5, 6, 7 and 8, 2017, City Council authorized the Director, Real Estate Services, to negotiate the acquisition of the Property, and if unsuccessful, to initiate the expropriation process to acquire the Property for a Traction Power Substation (TPSS) required for the extension of Line 2 (Bloor-Danforth Subway).</p> <p>On June 6, 2018, DAF 2018-215 authorized the settlement of all claims for compensation pursuant to the Expropriations Act, including market value, injurious affection, disturbance damages, interest and costs with the owner of the Property.</p> <p>In 2019, construction of certain priority transit projects were uploaded to the Province, including the extension of Line 2 (now the Scarborough Subway Extension). As a result, Metrolinx has requested the transfer of fee simple interest in the Property from the City to Metrolinx. Metrolinx is committed to reimbursing the City for all costs incurred in the acquisition of the Property.</p> <p>Metrolinx requires access to the Property to begin construction by mid- November 2021. The holistic report to City Council regarding the cost recovery for the Scarborough Subway Extension is scheduled for the first quarter in 2022. Given the urgency for Metrolinx to access the Property, both parties agreed to enter into a licence agreement that will terminate upon the closing of the fee simple interest to Metrolinx. The closing of the fee simple interest transfer is expected to occur on or before one (1) year from the commencement date of this licence agreement.</p> <p>The proposed licence fee is considered to be fair, reasonable and reflective of market value.</p>		
<b>Terms</b>	See Appendix "A".		
<b>Property Details</b>	<b>Ward:</b>	21 - Scarborough Centre	
	<b>Assessment Roll No.:</b>	1901063010005000000	
	<b>Approximate Size:</b>		
	<b>Approximate Area:</b>	1,337 m2 ± (14,391 ft2±)	
	<b>Other Information:</b>		

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/Licensor):</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><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"/> (c) 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 checked="" 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 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:	Michael Thompson	Councillor:	
Contact Name:	Debbie Gedz	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:	Concurred – November 4, 2021	Comments:	

**Consultation with Divisions and/or Agencies**

Division:		Division:	<b>Financial Planning</b>
Contact Name:		Contact Name:	Ciro Tarantino
Comments:		Comments:	Comments Incorporated – November 3, 2021

**Legal Services Division Contact**

Contact Name: Luxmen Aloysius

DAF Tracking No.: 2021 - 301	Date	Signature
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Vinette Prescott-Brown	Nov. 4, 2021	Signed by Vinette Prescott-Brown
<input checked="" type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Nov. 5, 2021	Signed by Alison Folosea

**Appendix "A"****Major Terms & Conditions****Licensor:**

City of Toronto

**Licensee:**

Metrolinx

**Licensed Premises:**

Property municipally known as 1269 Danforth Road, Toronto, legally described as Part of Lot 24 on Concession D, as in SC496622, SCARBOROUGH, CITY OF TORONTO, Being all of PIN 06361-0096 (LT)

**Licence Use:**

For the purpose of temporary use and access of the Licensee in relation to the construction of Scarborough Subway Line.

**Term:**

To commence upon execution of the License Agreement and shall expire on the date which is earlier of: (i) one (1) year from the commencement date; or (ii) the date upon which the acquisition by Metrolinx of the Licensed Premises, in fee simple, is completed.

**Licence Fee:**

Annual fee of \$172,000.00 /year plus HST to be paid upfront. However, in accordance with the agreement, if the purchase price for the fee simple acquisition is less than the total Licence Fee paid by the Licensee, then the City will refund to Metrolinx the difference.

In the event the Licensee terminate the Licence at any time during the Term, any pre-paid portion of the Licence fee will be refunded to the Licensee on a pro-rated basis.

**Restoration:**

In the event that the transfer of the Licensed Premises is not completed for any reason, Metrolinx shall prior to the expiry of the License repair at its own expense and to the satisfaction of the City, acting reasonably, all damage to the Licensed Area and improvements thereon caused by the use of the Licensed Area by Metrolinx or its Authorized Users and shall restore the Licensed Area to substantially the same condition that the Licensed Area was in prior to the commencement of the License.

## Appendix "B"

### Map Location

