

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

TRACKING NO.: 2021-333

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

Prepared By:	Miles Argue	Division:	Corporate Real Estate Management
Date Prepared:	December 2, 2021	Phone No.:	416-392-7572

Purpose	To obtain authority to enter into a Limiting Distance Agreement with T3 Bayside I Property Inc., as nominee for and on behalf of T3 Bayside I GP Inc. in its capacity as general partner of T3 Bayside I Limited Partnership (the "Developer"), in respect of (a) a proposed commercial building located at 261 Queen's Quay East, and (b) a proposed affordable housing project located at 263 Merchant's Wharf (collectively, the "Buildings")
Property	Firstly: 261 Queens Quay East, legally described as Block 1 on Plan 66M-2542 (the "C2 Lands") Secondly: 263 Merchant's Wharf, legally described as Block 2 on Plan 66M-2542 (the "R6 Lands")
Actions	1. Authority be granted to enter into a Limiting Distance Agreement (the "LDA") with the Developer, in respect of the Buildings, substantially on the major terms and conditions set out below, and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.
Financial Impact	There are no financial implications to the City. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact Section.
Comments	The Developer is constructing a commercial building (the "T3 Building") on the C2 Lands, of which the Developer is the leasehold owner and the City is the freehold owner. The C2 lands are adjacent to the R6 Lands, upon which the City intends to construct an affordable housing project (the "Affordable Housing Project"). In order to obtain building permits in accordance with Section 3.2.3.1(11) of Division B of the Ontario Building Code, O. Reg. 332/12, as amended (the "OBC"), the Developer requires a limiting distance agreement with the City, with respect to the distances between the Buildings; accordingly, an Amending Subdivision Agreement in respect of the C2 Lands and the R6 Lands was registered on title on November 30, 2021 as Instrument No. AT5924697 (the "Subdivision Agreement"). The Subdivision Agreement requires the parties to enter into the LDA for nominal consideration, and provides for a 'stratified approach' in the LDA, providing varying distances between the Buildings depending on the elevations. The subject lands have been identified as required for affordable housing by the Housing Secretariat. The Housing Secretariat has been consulted and approves this transaction. The subject lands are within the Designated Waterfront Area. The Waterfront Secretariat has been consulted and approves this transaction.
Terms	The limiting distance areas between the buildings are set out in accordance with the Subdivision Agreement, and are described by the Parts shown on Reference Plan 66R-32193.

Property Details	Ward:	10 – Spadina-Fort York
	Assessment Roll No.:	
	Approximate Size:	Irreg.
	Approximate Area:	Irreg.
	Other Information:	

A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate Services has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
2. Expropriations:	<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.
3. Issuance of RFPs/REOIs:	Delegated to more senior positions.	<input type="checkbox"/> Issuance of RFPs/REOIs.
4. Permanent Highway Closures:	Delegated to more senior positions.	<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:	Delegated to more senior positions.	Delegated to more senior positions.
6. Limiting Distance Agreements:	<input checked="" 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:	Delegated to more senior positions.	<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"/> (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 three (3) months, including licences for environmental assessments and/or testing, etc.	<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.
	Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.	Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.
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.	<input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.
	Delegated to more senior positions.	<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:	Delegated to more senior positions.	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
14. Miscellaneous:	Delegated to more senior positions.	<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. 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			
<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:	Joe Cressy		Councillor:
Contact Name:	Tom Davidson		Contact Name:
Contacted by:	Phone	<input checked="" type="checkbox"/> E-Mail	Memo
			Other
Comments:	No Objection (email 2021.12.03)		Comments:
Consultation with Divisions and/or Agencies			
Division:	Housing Secretariat		Division:
Contact Name:	Erik Hunter		Contact Name:
Comments:	Comments incorporated (email 2021.12.03)		Comments:
			Waterfront Secretariat
			Contact Name:
			Jayne Naiman
			Comments:
			Comments Incorporated (email 2021.12.03)
Legal Services Division Contact			
Contact Name:	Kathleen Kennedy		

DAF Tracking No.: 2021-333	Date	Signature
Concurred with by: Manager, Real Estate Services Ronald Ro	Dec. 7, 2021	Signed by Ronald Ro
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Scott Delahunt	Dec. 7, 2021	Signed by Scott Delahunt
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		

SCHEDULE "A" Location Map & Sketch

