

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

**TRACKING NO.: 2021-263**

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

<b>Prepared By:</b>	Miles Argue	<b>Division:</b>	Corporate Real Estate Management
<b>Date Prepared:</b>	September 20, 2021	<b>Phone No.:</b>	416-397-7522
<b>Purpose</b>	To obtain authority to enter into a temporary License Agreement (the "License Agreement") with Enbridge Gas Inc. (the "Licensee") over a portion of McCLeary Park located at 755 Lakeshore Blvd. E (the "Property") for the purpose of operating a fixed mount drill rig to create a drill shaft for the future installation of a replacement gas line located beneath Lakeshore Blvd E and Booth Ave.		
<b>Property</b>	Part of the property municipally known as 755 Lakeshore Blvd. E, Toronto, legally described as Part of Block E on Plan 554E Toronto as in ES64216, as shown outlined in yellow on the sketch attached hereto as Appendix "B" (the "Licensed Area")		
<b>Actions</b>	Authority be granted to enter into the Licence Agreement with the Licensor, substantially on the major 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 acceptable to the City Solicitor.		
<b>Financial Impact</b>	<p>The City will receive revenue of \$1,700.00, plus any applicable HST or other taxes during the initial term of the License Agreement. Should the Licensee exercise the option to extend the License Agreement, the City will receive additional revenue of \$567.00, plus any applicable HST or other taxes.</p> <p>Revenue to the City arising out of the License Agreement will be directed to the 2021 Council Approved Operating Budget for Parks, Forestry and Recreation under cost centre P00539/FAC 1820800000.</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>The Licensee has requested the temporary use of the Licensed Area to operate a fixed mount drill rig to create a drill shaft for the future installation of the replacement gas line located beneath Lakeshore Blvd E, adjacent to the Property.</p> <p>The proposed license fee and other major terms and conditions of the License Agreement are considered to be fair, reasonable and reflective of market rates.</p>		
<b>Terms</b>	See Appendix "A"		
<b>Property Details</b>	<b>Ward:</b>	14 – Toronto-Danforth	
	<b>Assessment Roll No.:</b>	1904 081 160 0001	
	<b>Approximate Size:</b>	3 m x 20 m ± (9.8 ft x 65.6 ft ±)	
	<b>Approximate Area:</b>	60 m <sup>2</sup> ± (645.8 ft <sup>2</sup> ±)	
	<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/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"/> (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 checked="" 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 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:	Paula Fletcher	Councillor:	
Contact Name:	Susan Serran	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 (email Sept. 21, 2021)	Comments:	

**Consultation with Divisions and/or Agencies**

Division:	Parks, Forestry and Recreation	Division:	<b>Financial Planning</b>
Contact Name:	Brock Rochus	Contact Name:	Patricia Libardo
Comments:	Comments Incorporated (email Sept. 21, 2021)	Comments:	Comments Incorporated (email Sept. 23 2021)

**Legal Services Division Contact**

Contact Name:	Aiden Alexio, Solicitor
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DAF Tracking No.: 2021-263	Date	Signature
Concurred with by: Peter Cheng Manager, Real Estate Services	Sept. 23, 2021	Signed by Peter Cheng
<input type="checkbox"/> Recommended by: <b>Scott Delahunt</b> Manager, Real Estate Services	Sept.23, 2021	Signed by Scott Delahunt
<input type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: <b>Director, Real Estate Services</b>		

## Appendix "A"

### Major Terms and Conditions

**Licensed Area:** 60 sq. m., as shown in Appendix "B"

**Commencement date:** On or before December 1, 2021

**Term / Extended Term:** 3 months (the "Term"), with an option to extend the Term by 1 month (the "Extended Term")

**License fee:** \$1,700.00 (plus HST) for the Term; \$567.00 (plus HST) for the Extended Term, if applicable.

**Insurance:** Commercial General Liability insurance which has inclusive limits of \$10,000,000.00 per occurrence. Standard Automobile Liability coverage with a limit of \$5,000,000.00.

**Alternative Pedestrian Path:** The Licensee shall ensure that all users of the existing pathways located within the Property are safely and effectively directed away from the existing pathway located within the Licensed Area, and are safely and effectively directed to use an alternate, temporary accessible pathway (the "Alternative Pedestrian Path") The Licensee shall construct an alternative pedestrian path using asphalt, with sufficient fencing and pylons to be installed to prevent pedestrian traffic from accessing the Licensee's chattels and the drill entry point, to the satisfaction of the City (including the Director, Real Estate Services and Parks, Forestry and Recreation).

**Early Termination:** The City may terminate the License Agreement upon at least twenty (20) days' notice.

**Restoration:** Upon expiry or termination of the License Agreement, the Licensee shall remove all equipment and restore the Licensed Area at their sole expense to the satisfaction of Parks, Forestry and Recreation, acting reasonably.

### Appendix "B"

### LOCATION MAP AND SKETCH OF THE LICENSED AREA

