

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

TRACKING NO.: 2021-222

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:	August 4, 2021	Phone No.:	416-397-7522

Purpose	To seek approval to enter into a Temporary Easement Agreement in favour of the City for the purpose of permitting the City (and its successors in title) crane swing rights through the air space above the proposed condominium development known as Aquabella Bayside, located at 118 Edgewater Drive.
Property	Servient/Burdened Lands: Part of Block 3, Plan 66M-2542, designated as Parts 20 & 21, Plan 66R-32009 (the "Aquabella Airspace") Dominant/Benefitting Lands: Firstly: Block 2, Plan 66M-2542 (the "R6 Lands") Secondly: Block 2, Plan 66M-2514 (the "C1 Lands") Thirdly: Block 1, Plan 66M 2542 (the "C2 Lands")
Actions	1. The City acquire an easement from Aquabella Bayside Toronto through the Aquabella Airspace to allow for crane swing access for the future development of the Benefitting Lands for nominal consideration, substantially on the terms and conditions outlined below and on such other or amended terms and conditions as may be acceptable to the Director, Transaction Services and in a form satisfactory to the City Solicitor.
Financial Impact	There is no financial impact to the City, as this temporary easement agreement is for nominal consideration. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.
Comments	As part of the Bayside Development within the East Bayfront Precinct, Toronto Waterfront Revitalization Corporation ("Waterfront Toronto"), as master developer of the East Bayfront, along with their development partners, Hines Canada Management Company II ULC ("Hines") and with concurrence from T3 Bayside I Property Inc., the City's ground tenant of all of the C2 Lands and part of the C1 Lands, ("T3 Bayside"), have jointly requested that the City of Toronto, as owners in fee simple of the C1 Lands and the C2 Lands (collectively, the "Commercial Development Blocks"), facilitate the acquisition of future crane swing air rights over the Aquabella Airspace for the benefit of the Commercial Development Blocks. In order to satisfy the above request, the City must enter into an easement agreement, at no cost to the City, with Aquabella Bayside Toronto Inc. As the City is acting purely as facilitator with respect to the proposed Easements in favour of the Commercial Development Blocks, the usual due diligence title searches, title opinions and postponements of prior charges (which are carried out when the City is acquiring an easement for its own purposes) are not being conducted for the Easement in favour of the Commercial Development Blocks. With respect to the proposed Easement in favour of the R6 Lands (which have been set aside for a City-owned affordable housing initiative), Hines has not yet provided a proposal for consideration by City Council for developing these lands. As it is not yet determined who will be developing the R6 Lands, a title opinion satisfactory to the City Solicitor in respect of the crane swing easement over R6 will be required. Aquabella is scheduled to register as a condominium shortly and it is considered prudent to register the easement before the Condominium is registered. As the subject lands are within the City's Waterfront Designated Area, the Director, Waterfront Secretariat has been consulted and approves this transaction.
Terms	Use: Temporary and non-exclusive easement, to encroach in, on, over, along, across, upon, under and through the Aquabella Airspace, for the purposes of providing crane swing rights within the Aquabella Airspace, permitting overhead cranes, including the boom of a tower crane (but expressly excluding any live loads, with the intent that the City, its successors and assigns are hereby expressly prohibited from carrying or swinging any loads through such airspace above Block 3 on Plan 66M-2542), in order to facilitate and expedite the construction and development of one or more commercial/retail buildings to be constructed on the Commercial Development Blocks, and a residential development to be constructed on the R6 Lands. Term: 10 years from date of registration of this Easement

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:
<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 & Parks & 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>Delegated to more senior positions.</p> <p>Delegated to more senior positions.</p> <p>Delegated to more senior positions.</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>Delegated to more senior positions.</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>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</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>Delegated to more senior positions.</p> <p><input checked="" type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to more senior positions.</p> <p>Delegated to more senior positions.</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 & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p>Delegated to more senior positions.</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>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</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:
<ul style="list-style-type: none"> • 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:
<ul style="list-style-type: none"> • 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 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 Objection (email 2021.08.05)	Comments:	
Consultation with Divisions and/or Agencies			
Division:	Waterfront Secretariat	Division:	Affordable Housing/Financial Planning
Contact Name:	Jayne Naiman	Contact Name:	Erik Hunter/Patricia Libardo
Comments:	Comments Incorporated (email, 2021.07.27)	Comments:	Comments Incorporated (emails 2021.08.05)
Legal Services Division Contact			
Contact Name:	Kathleen Kennedy (email, 2021.08.04 – comments incorporated)		

DAF Tracking No.: 2021-222	Date	Signature
Concurred with by: Manager, Real Estate Services Peter Cheng	Aug. 9, 2021	Signed by Peter Cheng
<input type="checkbox"/> Recommended by: Manager, Real Estate Services	Aug. 20, 2021	Signed by Daran Somas
<input checked="" type="checkbox"/> Approved by: Daran Somas		
<input type="checkbox"/> Approved by: Director, Real Estate Services		X

SCHEDULE "A"

Location and Sketch

