

DELEGATED APPROVAL FORM
DEPUTY CITY MANAGER, CORPORATE SERVICES
EXECUTIVE DIRECTOR, CORPORATE REAL ESTATE MANAGEMENT

TRACKING NO.: 2022-059

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

Prepared By:	Leila Valenzuela	Division:	Corporate Real Estate Management
Date Prepared:	March 3, 2022	Phone No.:	(416) 392-7174

Purpose	To obtain authority to enter into a Licence Agreement (the "Licence") with Metrolinx (the "Licensee") for the use of City-owned retaining wall located north of the Gardiner Expressway and south of Metrolinx's Lakeshore west rail corridor within the Exhibition Grounds for the purpose of relocating telecom cables from Metrolinx's adjoining property to be placed on the wall temporarily to facilitate the Ontario Line project.
Property	Part of City-owned lands containing a retaining wall situated between the abutting Metrolinx's rail corridor and the Gardiner Expressway, City of Toronto, being part of Part of PIN 21299-0166(LT) and shown on the location map on Appendix "B" (the "Licensed Area").
Actions	Authority be granted to enter into the Licence with the Licensee, 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 satisfactory to the City Solicitor.
Financial Impact	There is no financial impact associated with the proposed Licence. The Licence will be at 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	To accommodate the early works portion of the proposed Ontario Line at Exhibition GO Station, Metrolinx has requested the City to temporarily relocate signal conduits and cables from the north of the railway tracks to the abutting north side of the City-owned concrete retaining wall. The cables will be put in a bracket and attached on the north side of the retaining wall; i.e. the Licensed Area, facing the Metrolinx's owned rail corridor. Staff from the Exhibition Place, Engineering & Construction Services and Transit Expansion Office have been consulted and determined no concerns with granting Metrolinx with a licence agreement for the requested use of the retaining wall. Before commencing any work under the Licence, and again after removing such work, Metrolinx will arrange for a report by a qualified professional engineer on the condition of the Wall. Metrolinx will share these reports with the City. Transaction Services staff consider the major terms and conditions of the Licence contained on page 4 to be fair and reasonable. The nominal consideration is reflective of the minimal work and occupation of the retaining wall and, in addition, the City will receive a report of the condition of the wall after the removal of the cables from the wall.
Terms:	See Appendix "A".

Property Details	Ward:	10 – Spadina - Fort York
	Assessment Roll No.:	Not applicable
	Approximate Size:	Wall is approximately 208 metres long and 1 metre in width
	Approximate Area:	208 m2
	Other Information:	

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate 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/REOs:</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/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 \$3 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p>Request/waive hearings of necessity delegated to less senior positions.</p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 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 \$3 Million.</p> <p><input checked="" type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$3 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 \$3 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>	<p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p>Request/waive hearings of necessity delegated to less senior positions.</p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 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 \$5 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p><input type="checkbox"/> (c) Where compensation is less than market value, provided tenant and lease satisfy Community Space Tenancy Policy criteria set out in Item EX28.8, as adopted by Council on November 7, 8 and 9, 2017, as amended from time to time.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$5 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 \$5 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. Deputy City Manager, Corporate Services and Executive Director, Corporate Real Estate Management each has signing authority on behalf of the City for:

- Documents required to implement matters for which each position also has delegated approval authority.
- Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
- Expropriation Applications and Notices following Council approval of expropriation.
- 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:	Councillor Cressy	Councillor:	
Contact Name:	Brent Gilliard	Contact Name:	
Contacted by:	<input type="checkbox"/> Phone <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other	Contacted by:	<input type="checkbox"/> Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	No objections (02/18/20)	Comments:	

Consultation with Divisions and/or Agencies

Division:	ECS; Exhibition Place	Division:	Financial Planning
Contact Name:	Sherif Sidky(ECS); Tony Porter (Exhibition Place)	Contact Name:	Ciro Tarantino
Comments:	No concerns	Comments:	No concerns (03/03/20)

Legal Services Division Contact

Contact Name:	Luxmen Aloysius (03/03/20)
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DAF Tracking No.: 2022- 059	Date	Signature
Recommended by: Manager, Real Estate Services	March 3, 2022	Signed by Vinette Prescott-Brown
Recommended by: Director, Real Estate Services	March 11, 2022	Signed by Alison Folosea
<input type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management	March 11, 2022	Signed by Patrick Matozzo
<input checked="" type="checkbox"/> Approved by: Patrick Matozzo		
<input type="checkbox"/> Approved by: Deputy City Manager, Corporate Services Josie Scioli		X

Appendix "A"
Major Terms and Conditions

Term:	1 year, commencing upon execution of the Licence agreement
Extension Option:	none
License Fee:	\$2.00 for the Term
Licensed Area:	Retaining wall approximately 208 metres long and 1 metre in width
Use:	Access on, over and through the Licensed Area to pass over from time to time with authorized personnel, materials, machinery and equipment for the relocation, installation, maintenance, repair and removal by Metrolinx of cables belonging to CN, Bell 360, Metrolinx and others to the north side of the Wall in the Licensed Area including the installation of brackets and other supporting and incidental apparatus.
Insurance:	Metrolinx shall obtain and maintain commercial general liability insurance with limits of not less than \$10,000,000.00 per occurrence. City to be added as an additional insured.
Indemnification:	The Licensee covenants to indemnify and save harmless the City from any and all manner of claims in respect of any losses, damage, and injury (including property damage, personal injury, bodily injury and death), either directly or indirectly arising out of or resulting from the Licensee's occupation of the Licensed Area.
Early Termination Rights:	Metrolinx may terminate upon giving not less than 30 days' prior written notice to the City.
Removal & Restoration:	Prior to the expiry or early termination of the Licence, Metrolinx shall remove all of its works and restore the Licensed Area to the condition in which the Licensed Area was delivered to Metrolinx by the City unless the City agrees to restoration to such other condition as is acceptable to the City.

Appendix "B"

Location Map

