

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

TRACKING NO.: 2022-052

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

<b>Prepared By:</b>	Mark Gunaratnam	<b>Division:</b>	Corporate Real Estate Management
<b>Date Prepared:</b>	March 8, 2022	<b>Phone No.:</b>	416-392-2598
<b>Purpose</b>	To obtain authority to enter into a Tie Back and Shoring Agreement, with XO2 Residences Inc. (the "Licensee") to permit, temporary encroachments onto the City property municipally known as 1116 King St. W., to facilitate the Licensee's construction of a condominium tower (the "Project") on adjacent property at 1172 King Street West.		
<b>Property</b>	The lands described as PT BLK 6 PL ORDNANCE RESERVE TORONTO AS IN SW4367 (SECONDLY) EXCEPT PT 3, 4, 8, 9 & 10 63R3309, PT 1 & 2 66R16257 & METROPOLITAN TORONTO CONDOMINIUM PLAN 814; CITY OF TORONTO, being all of PIN 21298-0078 (LT) (the " <i>City Lands</i> ") (See Appendix "B", location map).		
<b>Actions</b>	1. Authority be granted to enter into the Tie back and Shoring Agreement (the "Agreement") on the terms and conditions set out in Appendix "A" with such revisions thereto and any other or amended terms and conditions as may be determined by the Director of Real Estate Services, and in a form acceptable to the City Solicitor;		
<b>Financial Impact</b>	<p>The City will receive compensation from the Licensee of a one-time license fee of \$280,000.00 (plus HST), payable on the Licensee's execution of the Tie Back and Shoring Licence Agreement. Compensation will be directed to 2022 Council Approved Operating Budget for Transportation Services under cost center TS6000.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>		
<b>Comments</b>	<p>The Licensee requested permission to install Tie Backs beneath the Licensed Area, having an approximate sub-surface area of 6,135.43 square feet, identified as the Licensed Area in Appendix "C" attached. Following the expiry of six (6) months from the date of completion of construction of the ground floor slab of the Project, the Tie-Backs will no longer be required and, at that time, any or all of the Tie-Backs can be de-stressed and removed from the Licensed Area by the City.</p> <p>Real Estate Services staff consider the proposed Agreement to be fair and reasonable to both parties.</p>		
<b>Terms</b>	Please see page 4: Appendix "A"		
<b>Property Details</b>	<b>Ward:</b>	4 – Spadina-Fort York	
	<b>Assessment Roll No.:</b>		
	<b>Approximate Size:</b>		
	<b>Approximate Area:</b>	Total Area: 570.00 m <sup>2</sup> ± (6,135.43 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 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:	Joe Cressy					Councillor:									
Contact Name:	Anthony MacMahon (Advisor, Constituency and Planning)					Contact Name:									
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other	Contacted by:	Phone		E-mail		Memo		Other
Comments:	No Objection (November 16, 2021)					Comments:									

**Consultation with Divisions and/or Agencies**

Division:	Transportation Services	Division:	<b>Financial Planning</b>
Contact Name:	Vincent Sferrazza (Director, Operations & Maintenance)	Contact Name:	Ciro Tarantino
Comments:	Comments incorporated (February 18, 2022 & March 3, 2022)	Comments:	Comments incorporated (February 22, 2022)

**Legal Services Division Contact**

Contact Name: Vanessa Bacher

DAF Tracking No.: 2022-052	Date	Signature
<input checked="" type="checkbox"/> Recommended by: <b>Manager, Infrastructure &amp; Development Scott Delahunt</b>	Mar. 8, 2022	Signed by Scott Delahunt
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: <b>Director, Real Estate Services Alison Folosea</b>	Mar. 11, 2022	Signed by Alison Folosea

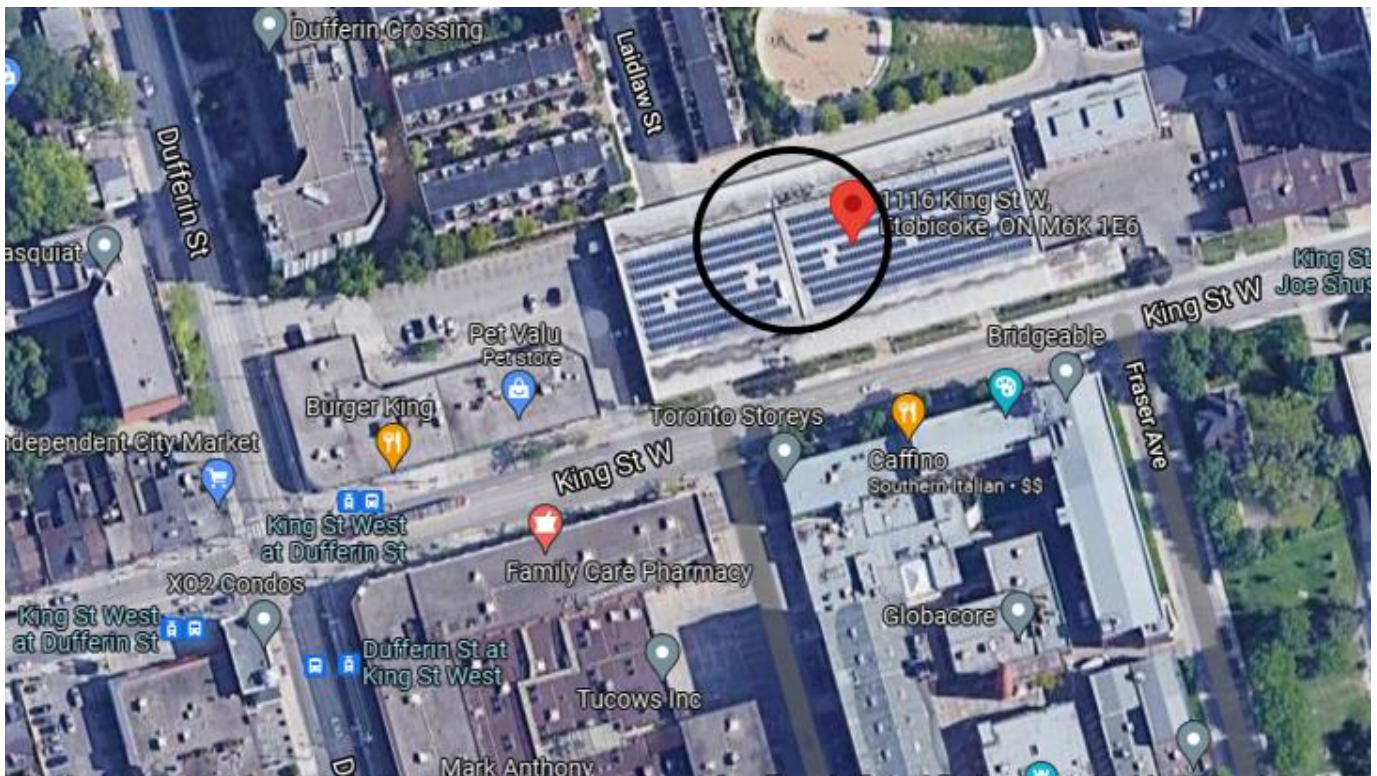
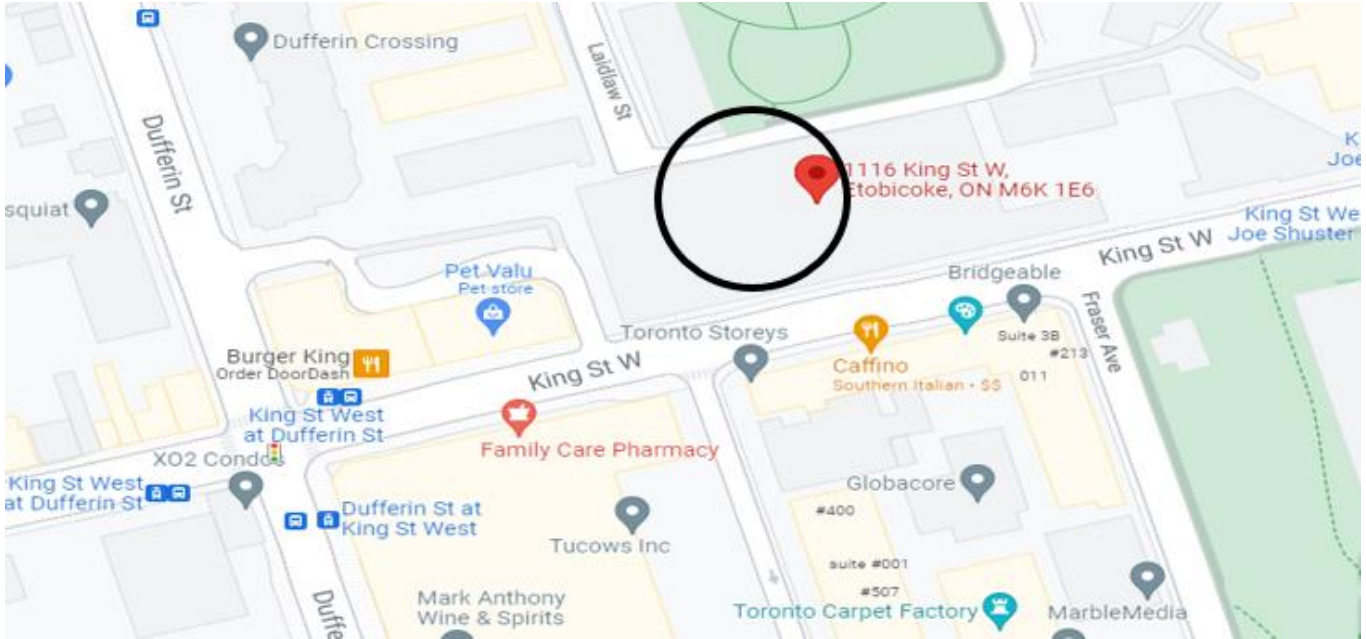
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Appendix "A"- Term SheetTie Back and Shoring Licence Area

1. **Term-Start:** Date of execution of the agreement by the City of Toronto ( the "Commencement Date")
2. **Expiration of Term:** The Licence will expire on the earlier of:
  - (a) Six (6) months following the Slab Completion Date; and
  - (b) Four years following the Commencement Date.
3. **License Fee:** One-time fee of \$280,000.00 plus HST payable on the Licensee's execution of the Agreement.
4. **Use:** To permit the Licensee to construct and install temporary tie-backs, H-piles and their concrete bases (collectively "Tie-Backs") beneath a portion of the City Lands having an approximate sub-surface area of 570.00 square meters, shown on Appendix "C".
5. **Work Pre-conditions:** Licensee shall provide specifications to Director, CREM for approval, shall obtain pre-construction survey of City building at 1116 King Street West and provide to City, pay costs of any engineers retained by the City to review specifications and install 2 monitor points on exterior of building.
6. **Completion,** Upon completion of the exterior foundations and/or walls of the Development, on the Development Lands, to restore the Licensed Area in accordance with the terms of this Agreement.
  - (c) six (6) months following the Slab Completion Date; and
  - (d) Four years following the Commencement Date.
7. **Insurance:** The Licensee will be required to provide Comprehensive General Liability in the amount of \$10 million per occurrence for bodily injury (including death) and property damage. The City will be added as an additional insured.
8. **Indemnity:**
  - A. The Licensee hereby covenants and agrees to indemnify and save the City harmless from and against any and all liabilities, claims, losses, demands, expenses, actions, injuries, damages, causes of action and costs (hereafter the "Claims") whatsoever arising out of or in connection with the Licensee's occupancy or use of the Licensed Area or any operation or work on the Licensed Area.

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Appendix "B" - Location Map



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Appendix "C" – LICENSED AREA

