

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

TRACKING NO.: 2022-087

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 29, 2022	Phone No.:	(146) 392-7137

Purpose	To authorize the City to request a Hearing of Necessity in relation to the proposed expropriation by Metrolinx of parcels of City-owned lands identified in Appendix "A" for the GO Expansion Program's Don Valley Layover Facility.		
Property	Parcels of City-owned lands abutting and forming part of the Lower Don Parkland, as shown and listed in Appendix "A" (the "Properties")		
Actions	Authority be granted for the City to issue a request of Hearing of Necessity, in accordance with the <i>Expropriations Act</i> , for determination to be made whether the proposed expropriation of the Properties was "fair, sound and reasonably necessary" to achieve the objectives of Metrolinx, the expropriating authority		
Financial Impact	<p>There is no financial impact resulting from the approval of this authority.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>		
Comments	<p>On February 28, 2022, the City received Notices of Application for Approval to Expropriate from Metrolinx in respect of City-owned lands required by Metrolinx for its GO Expansion project, being the proposed Don Valley Layover Facility (the "Project"). The purpose of the layover facility is to provide a location for storage and light maintenance of trains during day-time off-peak periods. The facility will utilize the existing Metrolinx Don Branch rail corridor (currently not operational) that runs parallel to the Don Valley Parkway. While the facility will be built on Metrolinx-owned lands, Metrolinx has indicated that it will also require the Properties for parking lot, access road and construction and staging purposes. The Properties consist of Bayview Avenue road allowances and parts of the Lower Don Parkland west of the Don Valley Parkway.</p> <p>While Metrolinx and City staff are continuing their negotiations with a view to reaching agreement on mutually satisfactory terms to provide the Properties to Metrolinx, Metrolinx advised that commencing the expropriation proceedings is necessary to preserve its project time line. Parks, Forestry and Recreation Services, as supported by Transit Expansion Office, recommends that given the 30 day time limit set out in the Expropriations Act for the City to request a hearing, it is necessary for the City to request a hearing in order to preserve the City's rights under the Act. The hearing may provide the City with the requested formal background information in respect of the Metrolinx request for the Properties as well as set out any alternative options that were considered by Metrolinx for its Project. Further, City staff is of the opinion that Metrolinx objectives can be achieved by means of a licence agreement or permanent easement between the parties, rather than permanently taking the Properties by way of a fee simple acquisition. If the City retains title to the Properties, it would give the City and Metrolinx an opportunity to negotiate an amicable agreement with Metrolinx with respect to the use of the Properties, and give the City the opportunity to include terms of restoration of the Properties in the event the facility is no longer needed.</p>		
Property Details	Ward:	14 – Toronto Danforth; 11- University - Rosedale	
	Assessment Roll No.:		
	Approximate Size:		
	Approximate Area:	See Appendix A	
	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 checked="" 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 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 (Managers whose position includes responsibility for implementing Council-approved expropriations are the only Managers 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:	Councillor Fletcher (Ward 14)	Councillor:	Councillor Layton (Ward 11)
Contact Name:	Daryl Finlayson	Contact Name:	Stephanie Nakitsas
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 checked="" type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	notified	Comments:	No concerns
Consultation with Divisions and/or Agencies			
Division:	PFR, TEO	Division:	Financial Planning
Contact Name:	T. Fernandes, F. Khan,	Contact Name:	Ciro Tarantino
Comments:	Concurs with the recommendation	Comments:	No concerns
Legal Services Division Contact			
Contact Name:	Lisa Davies (March 30, 2022)		

DAF Tracking No.: 2022- 087	Date	Signature
Concurred with by: Manager, Real Estate Services Ronald Ro	March 30, 2022	Signed by Ronald Ro
<input type="checkbox"/> Recommended by: Manager, Real Estate Services	March 30, 2022	Signed by Vinette Prescott-Brown
<input checked="" type="checkbox"/> Approved by: Vinette Prescott-Brown		
<input type="checkbox"/> Approved by: Director, Real Estate Services		X

Appendix "A"
Proposed Property Takings by Metrolinx

PIN No.	Location / Property Description	Ward No.	Property Interest	Sketch (Fig. 1)	Area (m2)	Purpose
10395-0114 (Part)	Part of DVP road allowance located below Prince Edward Viaduct	14	All rights, titles and interests	yellow	377.12	Construction and operation of Don Valley Layover facility
21068-0034 (Part)	Part of Bayview Avenue road allowance	11	All rights, titles and interests	orange	1,790.00	Construction and operation of Don Valley Layover facility
10395-0536 (Part)	Part of Don Valley Parkland (Natural Areas)	14	All rights, titles and interests	blue	10,304.75	Parking lot and access road
		14	Temporary Easement	purple	5,025.00	Construction & staging
10395-0124 (Part)	Part of Bayview Ave ramp - road allowance	14	Temporary Easement	purple	287.00	Construction & staging
10395-0126 (Part)	Part of Don Valley Parkland (Natural Areas)	14	Temporary Easement	purple	1,219.00	Construction & staging



Figure 1 - Proposed Don Valley Layover Facility Property Requirements

LEGEND:
Green: Existing Metrolinx Lands
Blue: City-Owned; Metrolinx Permanent Requirement
Yellow: City-Owned; Metrolinx Permanent Requirement
Orange: City-Owned; Metrolinx Permanent Requirement
Purple: City-Owned; Metrolinx Temporary Requirement