

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

TRACKING NO.: 2022-113

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

Prepared By:	Myron Menezes	Division:	Corporate Real Estate Management
Date Prepared:	May 20, 2022	Phone No.:	416-338-3536

Purpose	To obtain approval for the City of Toronto to enter into a Shoring Access Consent (the "Consent") required to permit RC Ashbridges Inc. and RC Ashbridges II Inc. (the "Owner"), to access, stage and complete works within lands through which the City of Toronto has easement rights by way of easement agreements and pursuant to the City of Toronto Act, 2006 for a portion of the Coxwell Trunk Sewer (the "STS") and segments of other sewer infrastructure (the "City Public Utility")
Property	A portion of the property known as 1555 - 1575 Queen Street East, Toronto, the entirety of the Owner's property is legally described as all of PIN's 21393-0222(LT) and 21393-0002(LT) and part of PIN 21393-0086(LT). The affected portion of the property is depicted in green and purple on the Consent Location in Appendix "B" (the "Combined Easement Lands")
Actions	1. Authority be granted to enter into the Consent with the Owner, substantially on the major terms and conditions set out in Appendix "A", and including such other terms as determined appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.
Financial Impact	The Consent to access the Combined Easement Lands (owned by the Owner) is being provided for nominal consideration. As part of the development obligations, the Owner will be transferring, for nominal consideration, a replacement easement having a greater width than is currently in place. The Consent serves to safeguard the integrity and operation of the STS and the City Public Utility and in the event of damage, require the Owner to cover the costs. There is no financial impact.
Comments	The Owner, subsidiaries of Context (Summerville) Inc, for the purposes of constructing a multi-use development in conjunction with Toronto Community Housing Corporation (TCHC), with market rent, affordable rent, and rent geared to income residential components, requires significant access over lands through which the City has express easement agreements for the STS and statutory authority for the City Public Utility (which will be decommissioned during the course of the multi-year construction). In order to safeguard the infrastructure, and in particular the STS, Toronto Water and Engineering Construction Services has imposed construction, loads, vibration monitoring, and CCTV requirements upon the Owner. The Owner is also required to enter into the Consent which confirms those requirements and imposes further obligations as set out in Appendix "A" all in order to protect the integrity and ongoing operation of the STS. The Consent further imposes obligations with respect to the City Public Utility until such time as it is appropriately decommissioned.
Terms	Refer to Appendix "A" for the Terms and Conditions.

Property Details	Ward:	14 Toronto-Danforth
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	2,322.58 m2 (25,000.00 ft2 ±)
	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 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 checked="" 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 (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:

- 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:	Councillor Fletcher	Councillor:	
Contact Name:	Susan Serran, Executive Assistant	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X 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 – May 20, 2022	Comments:	

Consultation with Divisions and/or Agencies

Division:	Toronto Water	Division:	Financial Planning
Contact Name:	Erin Pritchard	Contact Name:	Ciro Tarantino
Comments:	Comments incorporated - May 9, 2022	Comments:	Comments incorporated - May 9, 2022

Legal Services Division Contact

Contact Name: Jennifer Davidson - May 9, 2022

DAF Tracking No.: 2022-113	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Ronald Ro	May 20, 2022	Signed by Ronald Ro
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	May 24, 2022	Signed by Alison Folosea

Appendix "A"

Major Terms and Conditions

Owner:	RC Ashbridge Inc. and RC Ashbridge II Inc.
Infrastructure Owner:	City of Toronto [STS: easement instruments CT302797 – June 29, 1978 and ES4346 September 18, 1956) and City Public Utility having subsection 72(4) City of Toronto Act, 2006 statutory benefits].
Protected Area:	A portion of the property municipally known as 1555-1575 Queen Street East, as shown in green (STS) and in purple (City Public Utility), referred to as the Combined Easement Lands on Appendix "B"
Term:	Term to commence upon the issuance of the required Shoring Permit and to end no later than May 1, 2026, contemplated to be the end date of the construction of the Owner/TCHC development
Owner's Work:	The Owner's Work consists of accessing the surface of the Combined Easement Lands with equipment, vehicles, and machinery in order to install, if necessary, a site trailer and otherwise accessing the remainder of the development site; constructing and installing various permitted shoring and caisson structures in specified locations, decommissioning the City Public Utility, completing required site plan requirements including hard and soft landscaping work together with all necessary site restoration work. All of the Owner's Work is to be completed in accordance with the Consent and other required City approvals.
Pre-conditions:	The Owner is to provide a geotechnical impact assessment; detailed plans and specifications of installations and/or scheduled construction; CCTV and engineering confirmations as to the current integrity of the STS; letter of credit in the amount of \$500,000.00; and have obtained all necessary permits
Performance Obligations:	The Owner is to install and operate vibration monitoring equipment; is not to drill or dig within the Combined Easement Lands without permission of the General Manager of Toronto Water the "GM") except as specifically provided for in the Consent; is not to store or use any hazardous materials and shall be responsible for the remediation of any contamination caused by the Owner's Work; accepts the lands on a "as is" basis; is to comply with all federal, provincial, and municipal requirements; is to erect hoarding and other structures as required by the GM; is to carry out the Owner's Work in such a way as to protect the STS and the City Public Utility (until such time as the City Public Utility is appropriately decommissioned) and safeguard the operation of same; and is to reimburse the City for all direct costs incurred by the City related to the Consent and the Owner's Work.
Insurance:	The Owner is to obtain and maintain throughout the Term comprehensive general liability insurance in the amount of \$10,000,000.00 per occurrence and contractor's pollution coverage in an amount of not less than \$5,000,000.00 per occurrence. The policy of insurance shall name the City of Toronto, as well as the Owners, as additional insureds and provide for all further standard City requirements.
Indemnity:	The Owner shall indemnify and save the City harmless from and against costs, expenses, claims and demands made, brought against, suffered by or imposed on the City in respect of loss, damage or injury to persons or property arising directly or indirectly out of the Owner's use or occupancy of the Combined Easement Lands.
Administration Fee:	The Owner is to pay \$742.27 (\$656.88 plus \$85.39 HST) in accordance with the Chapter 441 (Appendix C, Schedule 15)

Appendix "B" Consent Location

Combined Easement Lands:
STS depicted in green
City Public Utility in purple

