

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

TRACKING NO.: 2022-142

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

Prepared By:	Jack Harvey	Division:	Corporate Real Estate Management										
Date Prepared:	June 17, 2022	Phone No.:	(416) 397-7704										
Purpose	To enter into a licence agreement with Toronto Hydro-Electric Limited as part of the Don River Central Waterfront Wet Weather Flow Project, to complete several project related work including storing construction equipment etc, site preparation to complete the required work for a period of approximately four (4) months commencing June 15, 2022 and ending October 14, 2022.												
Property	Includes the lands being designated as Part 1 and Part 2 on Reference Plan 66R-30094 (as per attached)												
Actions	<ol style="list-style-type: none"> 1. The City enter into a Licence Agreement (the "Agreement") with Toronto Hydro-Electric Limited for a four-month term commencing June 15, 2022 and ending October 14, 2022 and any other terms the Deputy City Manager, Internal Corporate Services may deem appropriate, and in a form satisfactory to the City Solicitor; and 2. The appropriate City Officials be authorized and directed to take the action necessary to give effect thereto 												
Financial Impact	<p>The total cost to the City for the entire duration of the licence is \$6,336.00 (inclusive of HST and direct costs including but not limited to property taxes and insurance) or \$6,272.64 (net of HST recoveries). Funding is available 2022-2031 Council Approved Capital Budget and Plan for Toronto Water under capital project account (CWW480-01).</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.</p>												
Comments	<p>The Don River & Central Waterfront Wet Weather Flow Program will protect water quality in the Lower Don River and the Inner Harbour by keeping combined sewer overflow out of City waterways by capturing it within the tunnel system, transporting it for treatment and storing it during extreme rainstorms until system capacity is restored and water can be transported for treatment. The program is made-up of several individual projects that will work together. Stage one project is the Coxwell Bypass Tunnel Project and will include 12 wet weather flow storage shafts along the tunnel. The proposed licence agreement will facilitate additional work required at the location at 4CAR / 4LES (southeast corner of Lakeshore Blvd. E and Carlaw Avenue). The installation of the storage shaft at this location was approved as per DAF 2019-213 dated July 13, 2019.</p>												
Terms	See Page 4.												
Property Details	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Ward:</td> <td>14 – Toronto Danforth</td> </tr> <tr> <td>Assessment Roll No.:</td> <td>N/A</td> </tr> <tr> <td>Approximate Size:</td> <td>4,950 square feet</td> </tr> <tr> <td>Approximate Area:</td> <td>N/A</td> </tr> <tr> <td>Other Information:</td> <td>N/A</td> </tr> </table>			Ward:	14 – Toronto Danforth	Assessment Roll No.:	N/A	Approximate Size:	4,950 square feet	Approximate Area:	N/A	Other Information:	N/A
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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/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 \$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 checked="" 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/REOs.</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:

- 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:	Paul Fletcher	Councillor:	
Contact Name:	Susan Baker	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:	Approved June 20, 2022	Comments:	

Consultation with Divisions and/or Agencies

Division:	Infrastructure & Development	Division:	Financial Planning
Contact Name:	Robert Mayberry	Contact Name:	Felisha Jenkins
Comments:	Approved – June 15, 2022	Comments:	Approved – June 20, 2022

Legal Services Division Contact

Contact Name: Jennifer Davidson

DAF Tracking No.: 2022-142	Date	Signature
Concurred with by: Manager, Real Estate Services Ronald Ro	June 20, 2022	Signed by Ronald Ro
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Susan Lin	June 20, 2022	Signed by Susan Lin
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		X

MAJOR TERMS & CONDITIONS

Licensors: Toronto Hydro-Electric Limited

Licensee: City of Toronto

Term: approximately four months commencing June 15, 2022 and ending October 14, 2022.

Fee: Total of \$6,336.00 (inclusive of HST and direct costs including but not limited to property taxes and insurance.

Use:

storage of construction equipment, vehicles, materials and other personal property at grade and marshalling and/or assembling same;

site preparation works, including but not limited to temporarily relocating the sidewalk and bike storage area;

to complete some underground work on the drop shaft, and this work is supported from the surface.

restoration of the Licensed Lands prior to the expiration of the Term or any extended term, in accordance with the Approved Specifications,

Insurance:

Licensee's consultants and contractors as may be carrying out the Permitted Activities (including the Licence Users) have each obtained a policy of insurance for the conduct of the Permitted Activities on the Licensed Lands, providing coverage, including but not limited to:

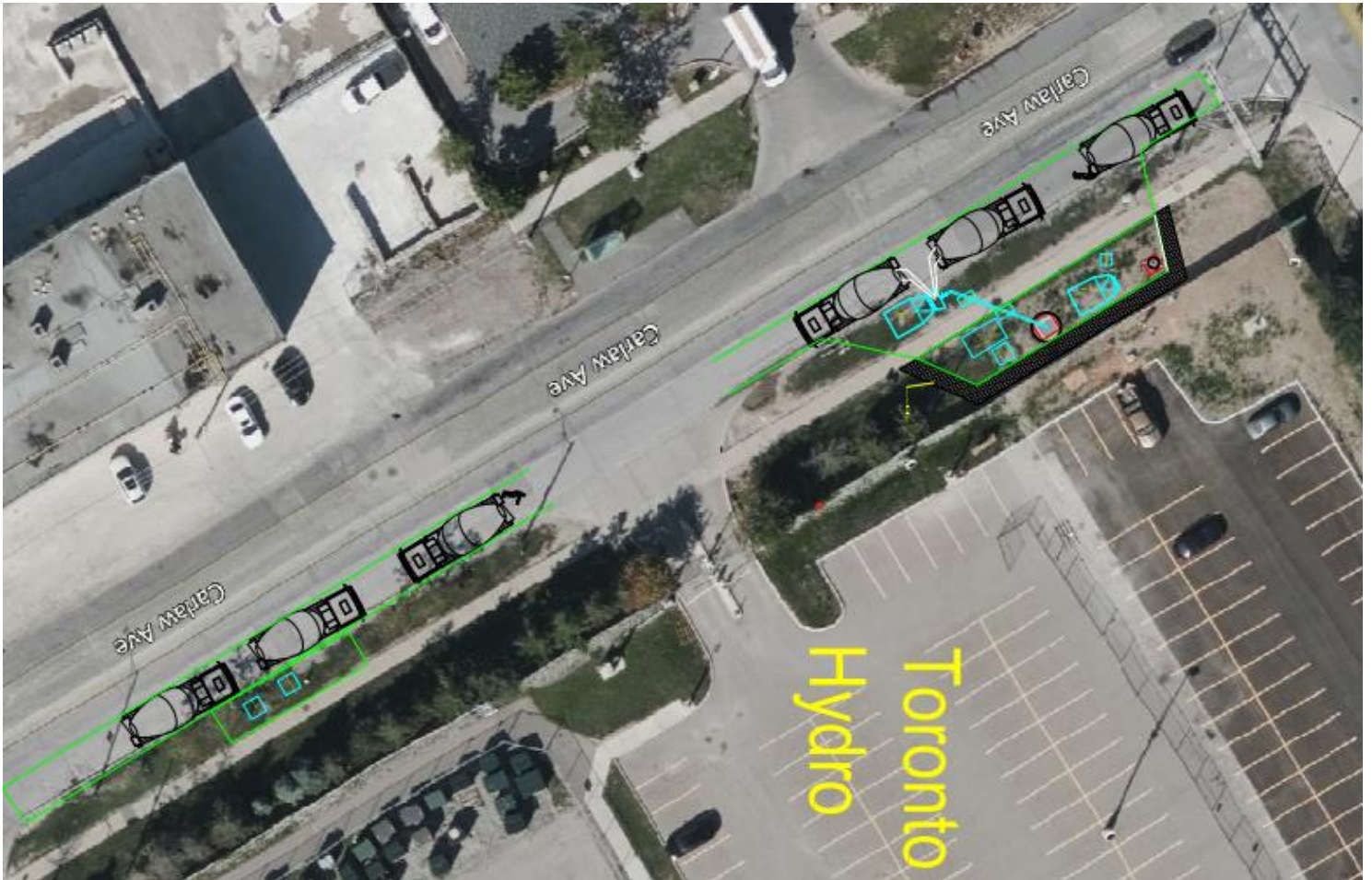
commercial general liability insurance on an occurrence basis having a minimum inclusive coverage limit, including personal injury and property damage, of not less than ten million dollars (\$10,000,000.00) per occurrence with property damage deductible of not more than one hundred thousand dollars (\$100,000.00), which shall be extended to cover contractual liability, products and completed operations liability, contingent employer's liability, owners/contractors protective liability and must also contain a cross liability clause and a severability of interest clause, and must name Toronto Hydro and its affiliates as additional insureds; and

automobile liability insurance on all owned and non-owned vehicles used in connection with the Permitted Activities or otherwise in connection with the Licensed Lands and such insurance coverage shall have a limit of not less than two million dollars (\$2,000,000.00) per vehicle, in respect of bodily injury (including passenger hazard) and property damage inclusive of any one accident and mandatory accident benefits; and

Errors and Omissions Insurance (Professional Liability) covering actual or alleged acts, errors or omissions committed by the Licensee or its representatives, arising out of the performance of the Permitted Activities or otherwise in connection with the use of the Licensed Lands, which shall also extend to include personal injury, bodily injury and property damage from the performance of professional services, in the amount of not less than five million dollars (\$5,000,000.00).

The Licensee shall cause the general contractor engaged by the Licensee to carry (i) Pollution liability ("PL") insurance with limits of not less than fifteen million dollars (\$15,000,000.00) per occurrence. Such PL insurance shall cover claims for bodily injury, property damage, clean-up costs (having an aggregate limit of five million dollars (5,000,000.00) and related legal defense expenses for pollution conditions that result from, or are disrupted by, the services rendered in performance of the Permitted Activities by or on behalf of the Licensee and shall apply to pollution conditions on, at, under, or migrating from the Licensed Lands caused by the Licensee, its agents, contractors, subcontractors or consultants.

Location Map
4CAR / 4LES
(Lakeshore Blvd. E & Carlaw Ave)



4CAR / 4LES

