

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

TRACKING NO.: 2022-110

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

Prepared By:	Bruno Iozzo	Division:	Corporate Real Estate Management
Date Prepared:	April 29, 2022	Phone No.:	(416) 392-8151

<b>Purpose</b>	To obtain authority for the City of Toronto (the "City") to enter into a Permanent Easement Transfer Agreement (the "PETA") with Metrolinx (the "Transferor") to acquire a permanent easement (the "Easement") on a portion of the Transferor's lands to facilitate the construction of a portion of the Fairbank-Silverthorn Storm Trunk Sewer System (the "Project"). The Project is part of the City's Basement Flooding Protection Program and will help reduce the risk of future basement flooding in the area.
<b>Property</b>	A portion of the lands legally described as Part of Lot 33 Concession 3 FTB township of York Parts 2-8, 66R-24641; City of Toronto [PIN 10487-0709 (LT)], displayed on the location maps attached hereto as Appendix "A" and designated as Part 1, Plan 66R-32488 attached hereto as Appendix "B".
<b>Actions</b>	1. Authority be granted to enter into the PETA with the Transferor to acquire the Easement, substantially on the terms and conditions set out below, and any other or amended terms and conditions as determined by the Director of Real Estate Services, in a form acceptable to the City Solicitor.
<b>Financial Impact</b>	<p>The following costs will be incurred by the City in connection with the PETA:</p> <ol style="list-style-type: none"> <li>1. Permanent Easement – \$187,000.00 (\$190,291.20 net of HST recoveries)</li> <li>2. Land Transfer Taxes – \$1,595.00 (Provincial portion only)</li> <li>3. Registration Costs – \$100.00 (approximately)</li> </ol> <p>Funding for these costs totaling \$188,695.00 (or \$191,986.20 net of HST recoveries) is available in the 2022-2031 Council Approved Capital Budget and Plan for Toronto Water under capital project account CWW421-11.</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 construction of a new storm trunk sewer system in the Fairbank and Silverthorn neighbourhoods of Toronto (south of Eglinton Avenue West, between Dufferin Street and Black Creek Drive) was recommended by the Investigation of Chronic Basement Flooding-Study Area 3 Environmental Assessment completed in 2010. The Project is part of the City's Basement Flooding Protection Program to help reduce the risk of future basement flooding in problematic areas within the City. The majority of the new Project will be constructed on City-owned lands however, easements over private properties are required to accommodate the large size (4.5 meters in diameter) and length (approximately 2.4 kilometers long) of the proposed new sewer system. The Easement is required to facilitate the construction of a portion of the Project on part of the Transferor's property.</p> <p>Staff have communicated the need for the Easement with the Transferor and have successfully negotiated the terms of the PETA to proceed with the Project. Staff deem the terms of the PETA to be fair and reasonable to both parties.</p>
<b>Terms</b>	<p><b>Transferor</b> – Metrolinx</p> <p><b>Property Rights Transferred</b> – Permanent Easement Rights described in the Easement to be registered on title, being the right to construct, operate, maintain and repair a trunk storm sewer system</p> <p><b>Works</b> – A trunk sewer system constructed by tunnel excavation methods, approximately 4.5 metres in diameter and located approximately 28.5 metres below the surface of the Transferor's rail corridor</p> <p><b>Consideration for Permanent Easement Rights</b> - \$187,000</p> <p><b>Indemnity</b> – The City covenants and agrees that it shall indemnify and hold harmless the Transferor from and against any and all claims related to the Easement and City's Works</p> <p><b>Insurance</b> – The City shall maintain Commercial General Liability insurance with limits not less than \$10,000,000 per occurrence, and an aggregate limit of not less than \$10,000,000 within any policy year with respect to completed operations and shall include the Transferor as an additional insured. Limits to be increased to \$20,000,000 during periods of maintenance or repair, and increased to \$50,000,000 during periods of construction</p>

<b>Property Details</b>	<b>Ward:</b>	5 – York South-Weston and 9 – Davenport
	<b>Assessment Roll No.:</b>	19 14 072 400 002 00
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	632 m <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 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 checked="" 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:	Frances Nunziata	Councillor:	Ana Bailão
Contact Name:	Geno Orsi	Contact Name:	Michael Giles
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"/> X <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>
Comments:	Supportive of the easement (April 27, 2022)	Comments:	No issues (April 27, 2022)

**Consultation with Divisions and/or Agencies**

Division:	Engineering and Construction Services	Division:	Financial Planning
Contact Name:	Prapan Dave / Bashir Ahmed	Contact Name:	Ciro Tarantino
Comments:	No concerns. Details are correct (April 25, 2022)	Comments:	No concerns (April 26, 2022)

**Legal Services Division Contact**

Contact Name: Vanessa Bacher (April 25, 2022)

DAF Tracking No.: 2022-110	Date	Signature
<input checked="" type="checkbox"/> Recommended by: <b>Manager, Real Estate Services Scott Delahunt</b>	May 2, 2022	Signed by Scott Delahunt
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: <b>Director, Real Estate Services Alison Folosea</b>	May 17, 2022	Signed by Alison Folosea

### Appendix "A" – Location Maps



