

DELEGATED APPROVAL FORM
DEPUTY CITY MANAGER, CORPORATE SERVICES
EXECUTIVE DIRECTOR, CORPORATE REAL ESTATE MANAGEMENT

TRACKING NO.: 2022-184

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

Prepared By:	August 4, 2022	Division:	Corporate Real Estate Management
Date Prepared:	Trixy Pugh	Phone No.:	(416) 392-8160
Purpose	To obtain authority for the City to enter into a licence (the "Licence") with Metrolinx for the purposes of all works and uses in connection with the construction of the Ontario Line Project (the "Project"), including, without limitation, to occupy, enter, and re-enter on, over, across and through the Licensed Area with all Authorized Users, vehicles, materials, machinery and equipment for general construction purposes associated with the Project including but not limited to staging and laydown and all related work.		
Property	Parcels located within the Corktown Common area, bounded by Bayview Avenue, Don River and the Metrolinx corridor, being all of PIN 21077-0198(LT), part of PIN 21077-0206(LT) shown as Part 1 on Dwg. No. PL1000-02-SF940, part of PIN 21077-0356(LT) shown as Parts 1 to 4 on Dwg. No. PL0300-02-SF909, part of PIN 21077-0355(LT) shown as Parts 1 and 2 on Dwg. No. PL0750-02-EX917, and the property municipally known as 75R East Liberty Street being all of PIN 21299-0290(LT) (collectively, the "Licenced Area") in Appendix "A".		
Actions	1. Authority be granted to enter into the Licence with Metrolinx, substantially on the major terms and conditions set out below, and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.		
Financial Impact	The City will receive an annual licence fee in the amount of \$748,054 (plus HST). The total licence fee for the five year term will be \$3,740,267 (plus HST) to be deposited in the Land Acquisition Reserve Fund (LARF XR1012). The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.		
Comments	At its meeting held on December 15, 2021, City Council adopted EX28.12 which authorized the City and the Toronto Transit Commission to enter into the Real Estate Protocol and Land Valuation Principles for Subways and GO Expansion Programs with Metrolinx. The General Terms and Conditions for Real Estate Protocol for Property Acquisitions and Dispositions Relating to Subway Projects in the City of Toronto (the "RE Protocol"), was executed on June 16, 2022. The RE Protocol provides a clear process for the parties to follow relating to the acquisition, ownership and disposition of real property between the parties, both temporary and permanent interests, required for the Subways Program, which includes the Scarborough Subway Extension, the Ontario Line and the Yonge North Subway Extension. The form of the Licence is substantially in the form appended to the RE Protocol for which authority has already been obtained under Item EX28.12 adopted by City Council at its meeting on December 15, 2021. Metrolinx requires the Licence for expansion of the rail corridor, which includes a new bridge superstructure, construction access, staging and storage, and utility work.		
Term	Term: For temporary requirements only, five (5) years, with one (1) option to extend for a period of four (4) years, upon six (6) months prior written notice to the City. For interests with permanent requirements, five (5) years, with one (1) option to extend for a period up to twelve (12) months, or the Licenced Area is transferred to Metrolinx by way of fee simple transfer or permanent easement, whichever is the latter, upon six (6) months prior written notice to the City. Fee: \$4,374,0267 (plus HST) for the five year term		
Property Details	Ward:	10 – Spadina-Fort York 13 – Toronto Centre	
	Assessment Roll No.:	1904-07-1-560-03835, 1904-07-5-990-04800, 1904-04-1-130-00703	
	Approximate Size:		
	Approximate Area:		
	Other Information:		

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate 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 \$3 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p>Request/waive hearings of necessity delegated to less senior positions.</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><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 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 \$3 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$3 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 \$3 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>	<p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p>Request/waive hearings of necessity delegated to less senior positions.</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><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 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 \$5 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p><input type="checkbox"/> (c) Where compensation is less than market value, provided tenant and lease satisfy Community Space Tenancy Policy criteria set out in Item EX28.8, as adopted by Council on November 7, 8 and 9, 2017, as amended from time to time.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$5 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 \$5 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. Deputy City Manager, Corporate Services and Executive Director, Corporate Real Estate Management each has signing authority on behalf of the City for:

- Documents required to implement matters for which each position also has delegated approval authority.
- Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
- Expropriation Applications and Notices following Council approval of expropriation.
- 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 Mihevc	Councillor:	Robin Buxton Potts
Contact Name:	Joe Mihevc	Contact Name:	Tyler Johnson
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:		Comments:	

Consultation with Divisions and/or Agencies

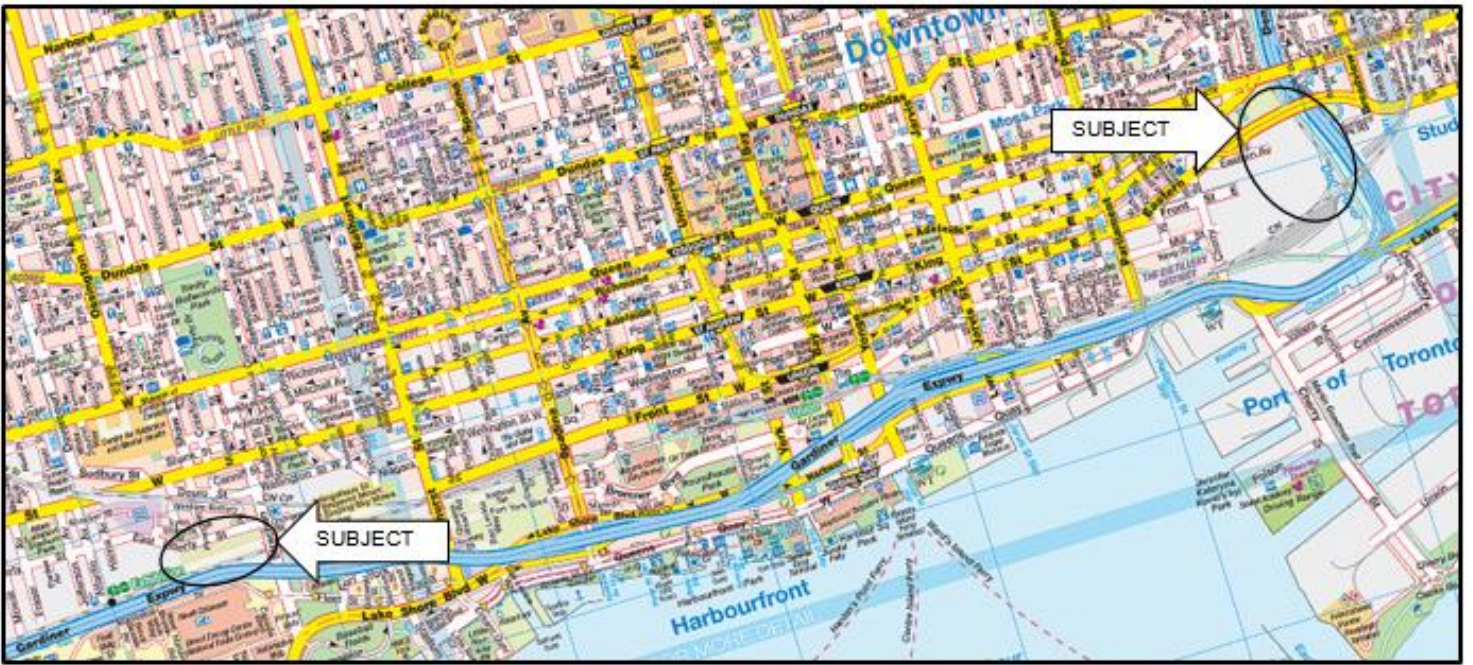
Division:	PF&R	Division:	Financial Planning
Contact Name:	Thomas Kakamousias	Contact Name:	Filisha Jenkins
Comments:	Incorporated into DAF	Comments:	Incorporated into DAF

Legal Services Division Contact

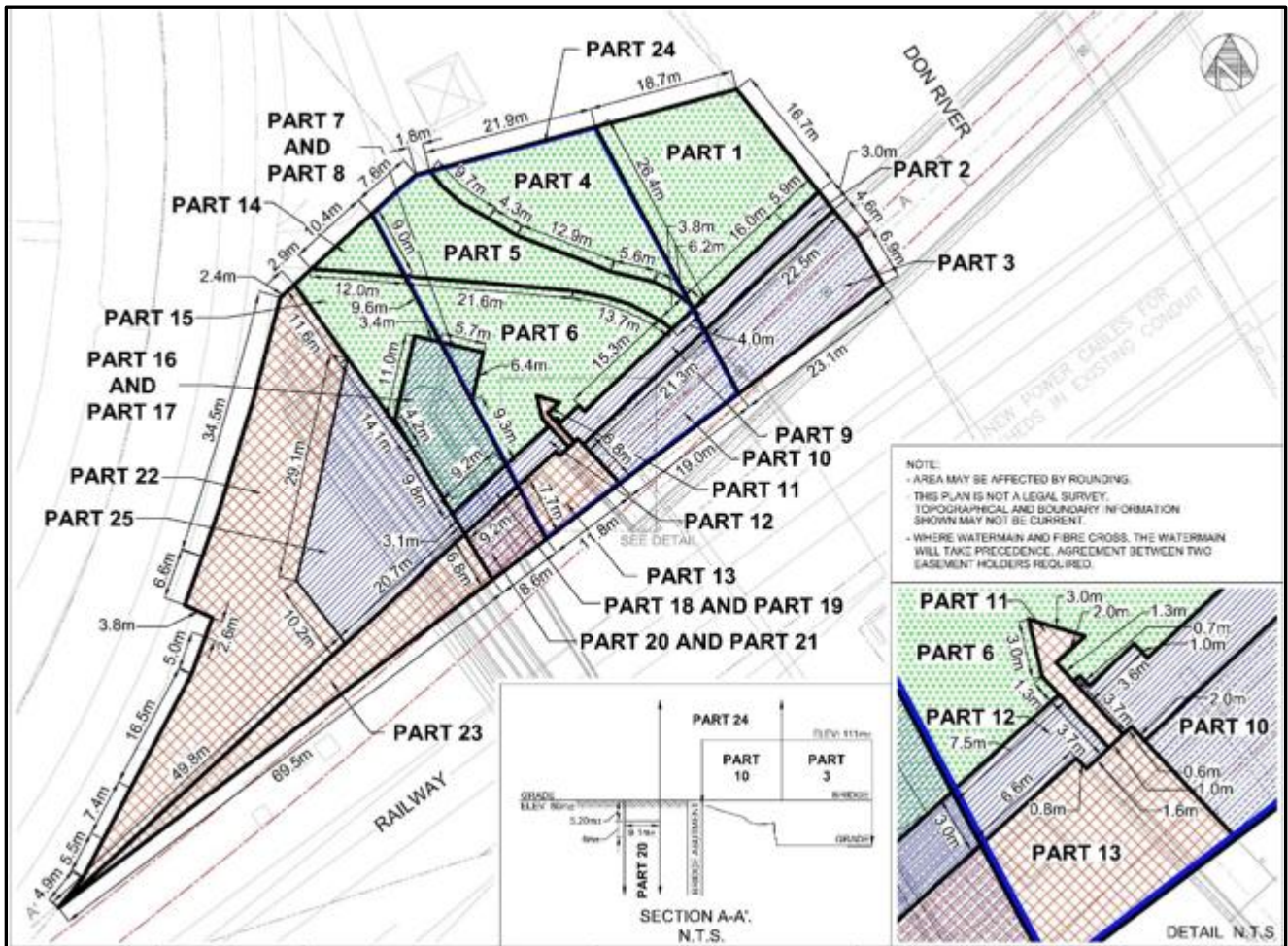
Contact Name:	Luxmen Aloysius
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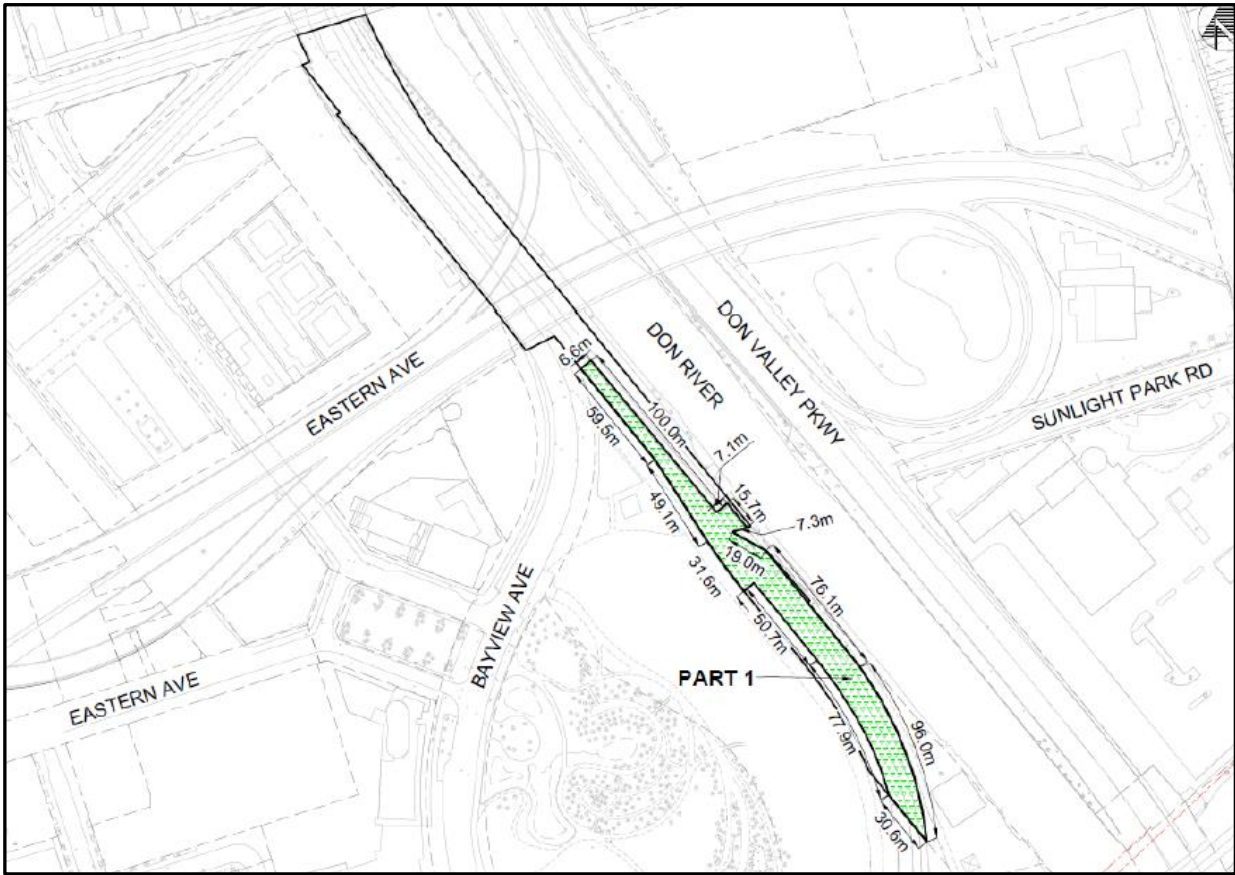
DAF Tracking No.: 2022-184	Date	Signature
Recommended by: Manager, Real Estate Services	Aug. 4, 2022	Signed by Vinette Prescott-Brown
Recommended by: Director, Real Estate Services		X
<input checked="" type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management	Aug. 4, 2022	Signed by Patrick Matozzo
<input type="checkbox"/> Approved by: Patrick Matozzo		
<input checked="" type="checkbox"/> Approved by: Deputy City Manager, Corporate Services	Aug. 4, 2022	Signed by Josie Scioli
<input type="checkbox"/> Approved by: Josie Scioli		

Appendix "A" Location Map & Property Plates

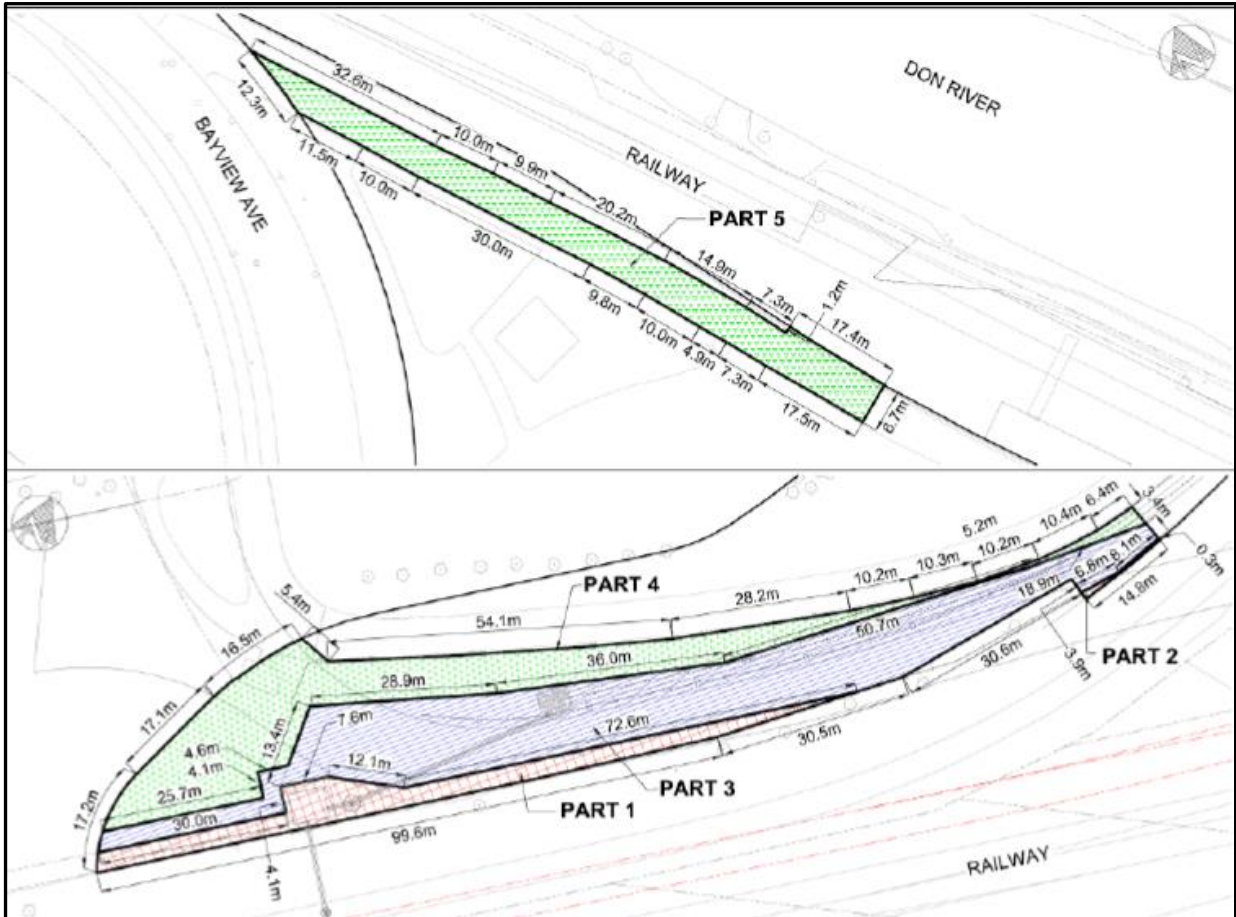


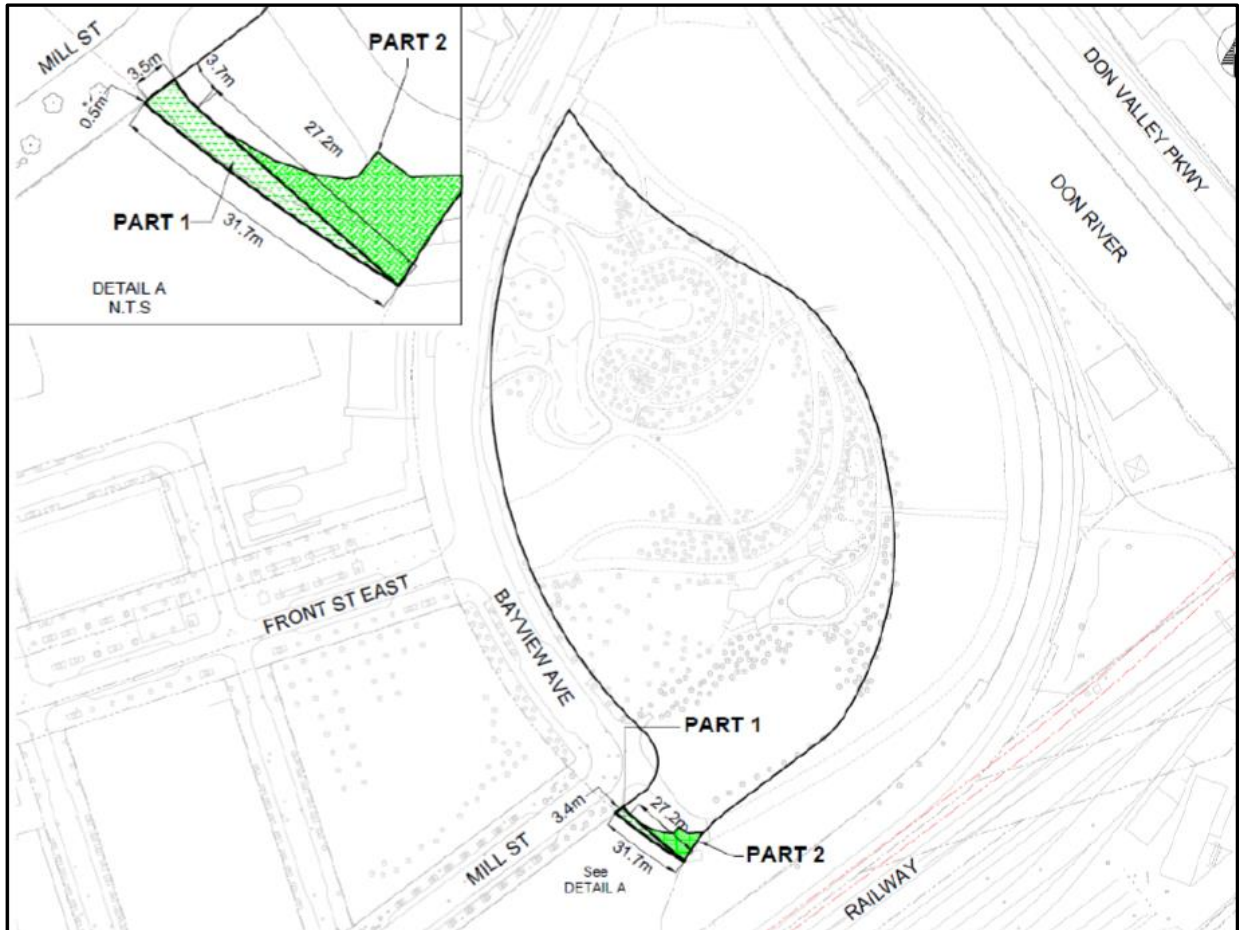
All of PIN 21077-0198(LT)





Part of PIN 21077-0356(LT) (Dwg. No. PL0300-02-SF909)





All of PIN 21299-0270(LT)

