

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

TRACKING NO.: 2022-182

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

Prepared By:	Boluwarin Mojeed	Division:	Corporate Real Estate Management
Date Prepared:	June 16, 2022	Phone No.:	416-392-7399

<b>Purpose</b>	To obtain authority to enter into a Rooftop Construction Staging Licence Agreement with 346 Davenport (Yorkville) Development Limited (the " <b>Licensee</b> ") to facilitate the Licensee's construction of a 9-storey mixed use tower (the " <b>Development</b> ") on the Licensee's lands.
<b>Property</b>	Portion of the property municipally known as 348 Davenport Road, Toronto, and legally described as PCL 22-1 SEC M52; PT LT 22 PL M52 TORONTO PT 1 66R15261; T/W A ROW OVER PT 2 66R15261 AS IN C493475; TORONTO, CITY OF TORONTO, being a portion of PIN 212170010 (the " <b>Property</b> "), as shown on the Location Map in Appendix " <b>B</b> " and on the Licensed Area Sketch in Appendix " <b>C</b> ".
<b>Actions</b>	1. Authority to be granted to enter into a Rooftop Construction Staging Licence Agreement (the " <b>Agreement</b> ") with the Licensee to use a portion of the Property, substantially on the major terms and conditions set out in Appendix " <b>A</b> ", and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.
<b>Financial Impact</b>	The total compensation to the City for the Agreement will be \$7,730.00 (plus HST).  Revenue generated from this transaction will be directed to the 2022 Council Approved Operating Budget for Corporate Real Estate Management under Cost Centre FA0111 and Functional Area Code 3220300000. Future year revenues will be referred to the City's annual Budget process and will be included as part of future year Budget submissions for Council consideration.  The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.
<b>Comments</b>	The Licensee requested for permission to use, occupy, and access a portion of the rooftop of the Property, having an approximate area of 450 square feet, identified as the "Construction Staging Area" in Appendix " <b>C</b> ", for the purposes of construction staging in support of the adjacent Development (" <b>Construction Staging Licence</b> "). The Construction Staging Licence is proposed to commence on August 15, 2022 and expire on October 21, 2022.  City staff consider the proposed Agreement to be fair and reasonable to both parties.
<b>Terms</b>	Please see page 4: Appendix "A"

<b>Property Details</b>	<b>Ward:</b>	11 – University-Rosedale
	<b>Assessment Roll No.:</b>	
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	42 m <sup>2</sup> ± (450 ft <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 checked="" 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 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:	Mike Layton	Councillor:	
Contact Name:	Marco Bianchi	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 (August 02, 2022)	Comments:	

**Consultation with Divisions and/or Agencies**

Division:	YWCA	Division:	<b>Financial Planning</b>
Contact Name:	Allan Wing	Contact Name:	Filisha Jenkins
Comments:	No Objections (June 03, 2022)	Comments:	Concurred (July 20, 2022)

**Legal Services Division Contact**

Contact Name:	Michelle Xu
Comments:	Concurred (July 25, 2022)

DAF Tracking No.: 2022-182	Date	Signature
Concurred with by: Manager, Real Estate Services Vinette Prescott-Brown	Aug. 3, 2022	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Susan Lin	Aug. 2, 2022	Signed by Susan Lin
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by:		

## Appendix "A" – Term Sheet

1. **Term:** Construction Staging Licence will have a term of forty (55) business days (the "**Construction Staging Term**"), commencing August 15, 2022 and ending October 21, 2022.
2. **Licence Fee:** \$7,730 (plus HST), payable in two equal instalments of \$3,865.00 (plus HST) in advance on or before August 15, 2022, and September 1, 2022 respectively.
3. **Use: Construction Staging Licence:** to permit the Licensee to use the licensed area for the purposes of construction staging activities, including vehicular access, construction hoarding, laying and storing equipment and material, and temporarily stockpiling material.
4. **Insurance:** The Licensee will be required to provide Comprehensive General Liability in the amount of \$10 million per occurrence for bodily injury (including death) and property damage. The City will be added as an additional insured. Additionally, the Licensee will be required to provide Contractor's Pollution Liability in the amount of \$5 million and Standard Automobile Liability coverage in the amount of \$5 million. Insurance certificate to be provided upon execution.
5. **Indemnity:** The Licensee agrees to indemnify and save the City harmless from and against any and all liabilities, claims, losses, demands, expenses, actions, injuries, damages, causes of action and costs whatsoever arising out of or in connecting with the Licensee's occupancy or use of the Licensed Area or any operation or work on the Licensed Area.
6. **Restoration:** Upon expiry or termination of the Licence, and the Licensee shall remove all of the Licensee's chattels.
7. Licensee's Undertaking and Licensee's Restrictions:

### LICENSEE'S UNDERTAKING

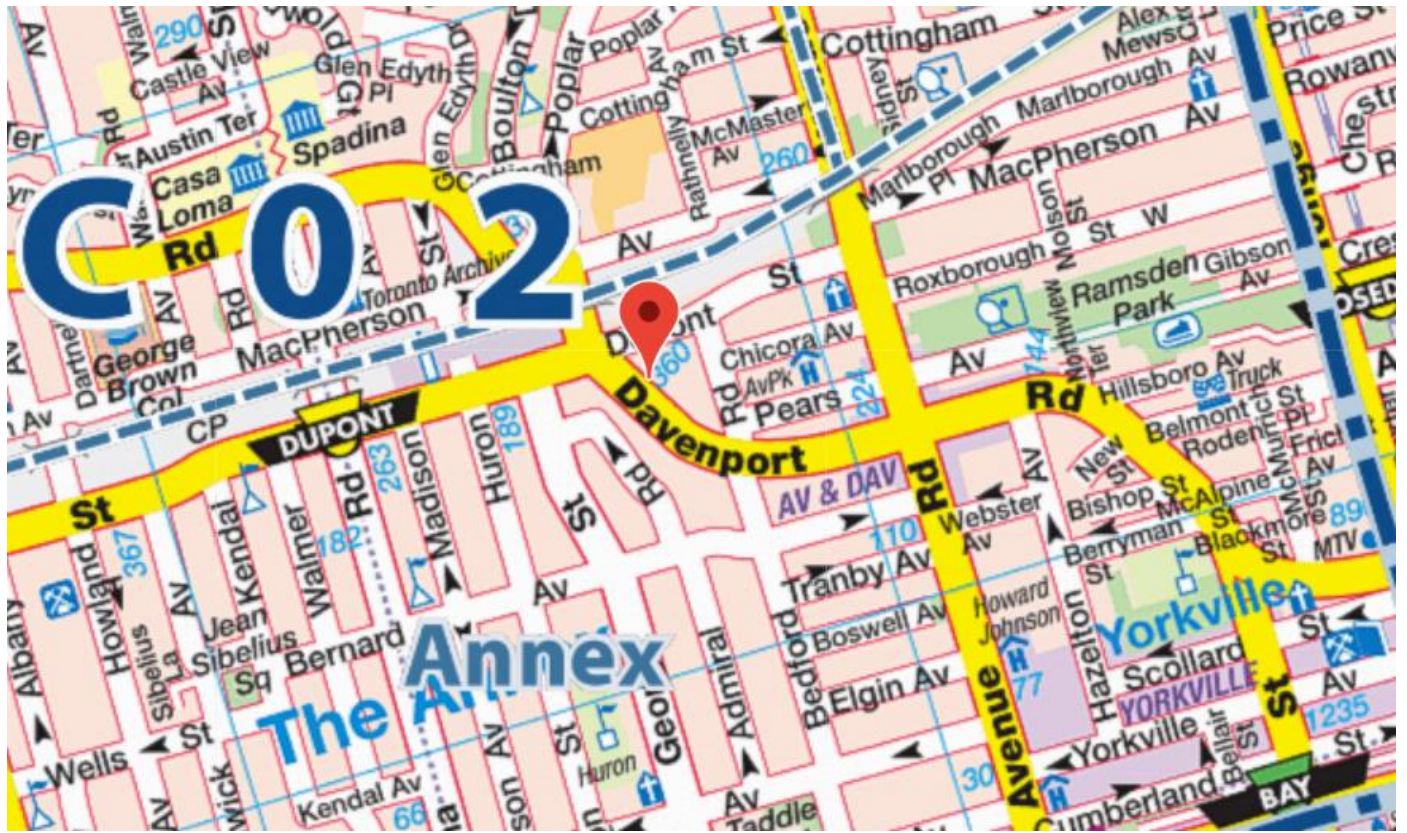
The Licensee's shall provide the following items and complete the following works at the Licensee's own expense prior to the commencement of the Licence and prior to commencing any Permitted Use of the Licence:

- The Skylight on the rooftop shall be completely covered and sealed by a non-transparent material during the Term of this Licence
- Licensee to take commercially reasonable steps and procedures to reduce construction noise on the rooftop
- The outside covered smoking lounge on the 4th floor at 348 Davenport to be tarped off
- All or any debris must be cleaned from the roof, the ground floor, the front and back entrance on a daily basis
- The Licensee be responsible for cleaning and fixing all defects caused by this work, and will complete all work to the City's original specs and to their satisfaction within a 30 day period after the license agreement ends
- The Licensee to provide proof of worker training on fall-arrest, working at heights for all workers that will be on the swing stage and any other necessary worker's training documents
- Provide a Diagram of how swing stage will be connected to their building
- Provide a Pre and Post - rooftop inspection report complete with photos to the City prior to the commencement date and at the expiration date, to be used as a standard of the rooftop condition to be restored upon the expiry of the Licence
- Provide a description or list of items that will be lifted on the swing stage and a description or list of items that will be stored on the rooftop
- Provide stamped engineer drawing(s) of the weight of loads, including workers and assets on both 1) the swing and 2) the rooftop, and locations, if any, of where construction materials are intended to be stored on the rooftop

### LICENSEE'S RESTRICTION

- Swing cannot go over the front entrance or the back entrance without a construction site representative or paid duty police officer in place to ensure the safety and security of the City's employees, operator's employees and occupants of the building

Appendix "B" – Location Map



Appendix "C" – Licensed Area Sketch

