

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

TRACKING NO.: 2022-197

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

Prepared By:	Avery Carr	Division:	Corporate Real Estate Management
Date Prepared:	October 12, 2022	Phone No.:	(647) 458-1934

Purpose	To obtain authority for the City to enter into a licence agreement (the "Licence") with Metrolinx for temporary subsurface access to and use of lands as shown in Appendix "A", for tunneling works associated with the Scarborough Subway Extension ("SSE").
Property	The portions of the properties listed in Appendix "A" and as shown in in Appendix "B" (the "Licensed Areas").
Actions	1. Authority be granted for the City 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	<p>The licence fee for this transaction is nominal, as per the terms and conditions agreed to by the City and Metrolinx in the real estate protocol, executed on June 16, 2022 as approved by City Council by adoption of Report EX28.12 on December 15, 16 and 17, 2021.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as detailed in the Financial Impact section.</p>
Comments	<p>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 a 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.</p> <p>Metrolinx requires the Licence for subsurface access to and use of the Licensed Areas, as identified on the sketches shown in Appendix "B". The City has agreed to grant a temporary license to Metrolinx to enter and utilize the Licensed Areas to undertake these works associated with the SSE project. The form of the Licence is substantially in the form appended to the RE Protocol</p>
Terms	<p>Term: 5 years</p> <p>Extension Term: 5 years, upon 3 months written notice from Metrolinx to the City</p> <p>Licence Fee: nominal</p> <p>Restoration: Metrolinx shall, prior to the expiry of the Licence, repair at its own expense and to the satisfaction of the City, all damage to the Licensed Areas and shall restore the Licensed Areas to substantially the same condition that the Licensed Areas were in prior to the commencement of the Licence.</p>

Property Details	Ward:	20, 21 and 24
	Assessment Roll No.:	
	Approximate Size:	See Appendix "A"
	Approximate Area:	See Appendix "A"
	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 checked="" 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:	Michael Thompson	Councillor:	Gary Crawford, Paul Ainslie
Contact Name:	Ihor Wons	Contact Name:	Monique Lisi, Antonette DiNovo
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:	Notified	Comments:	Notified

Consultation with Divisions and/or Agencies

Division:	Transportation Services	Division:	Financial Planning
Contact Name:	Emily Chang	Contact Name:	Filisha Jenkins
Comments:	No concerns	Comments:	No concerns

Legal Services Division Contact

Contact Name: Luxmen Aloysius

DAF Tracking No.: 2022-197	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Vinette Prescott-Brown	Oct. 14, 2022	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services	Oct. 14, 2022	Signed by Alison Folosea

Appendix "A"

CITY LANDS

No.	PIN	Reference Plan	Part No.	Property Address / Description	Requirement Area (m²)
1	06363-0184 (LT)	66R-32582	1 & 2	Part of McCowan Road south of Lawrence Avenue East and north of Furlong Court.	2,957
2	06364-0160 (LT)	66R-32571	1, 2, 4-7	Part of Danforth Road (travelled road) south of Furlong Court and north of Carslake Crescent.	5,855
3	06480-0223 (LT)	66R-32607	1 & 2	Part of Danforth Road (forced road) south of Seminole Avenue and north of Pringdale Gardens Circle.	3,276
		66R-32602	1, 2, 4-7		5,928
4	06361-0131 (LT)	66R-32615	1 & 2	Part of Danforth Road (travelled road) between south of Savarin Street and north of Eglinton Avenue East.	4,833
		66R-32604	1, 2, 4-7		4,750
5	06355-0338 (LT)	66R-32603	3 & 4	Part of Eglinton Avenue East between west limit of Brimley Road and east of Danforth Road.	2,255
6	06354-0152 (LT)	66R-32603	1 & 2	Part of Eglinton Avenue East between west limit of Brimley Road and west limit of Bimbrok Road.	6,112
7	06353-0256 (LT)	66R-32605	1, 2, 4-7	Part of Eglinton Avenue East between west limit of Bimbrok Road and west limit of Midland Avenue.	6,759
8	06363-0186 (LT)	66R-32570	1 & 2,	Danforth Road (travelled road)	1,917
9	06278-0183 (LT)	66R-32332	12 & 13	McCowan Road North of Lawrence Avenue.	453
10	06290-0194 (LT)	66R-32331	5 & 6	Triangle on St. Andrews Road; 1.26m at widest part.	11

No.	PIN	Reference Plan	Part No.	Property Address / Description	Requirement Area (m ²)
11	06361-0133 (LT)	66R-32604	10 & 11	Part of Trudelle Street.	38
12	06355-0323 (LT)	66R-32604	12 & 13	Service Lane	20
13	06000-0246 (LT)	66R-32334	19, 20, 22-25	Progress Avenue where it merges into McCowan Road; tunnel and headwall location includes about 1.5 metres of Progress Ave.	606.2
		66R-32324	3 & 4		49
14	06000-0309 (LT)	66R-32334	35 & 36	Bushby Drive where it merges into McCowan Road; tunnel location includes about 3.3 metres of Bushby Drive.	118.4
15	06286-0164 (LT)	66R-32333	10 & 11	Road widening at south east corner of Ellesmere; 3.8m at widest part.	106.1