

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

TRACKING NO.: 2022-156
With Confidential Attachment

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

Prepared By:	Patricia Palmieri	Division:	Corporate Real Estate Management
Date Prepared:	September 8, 2022	Phone No.:	416-392-4829

Purpose	To obtain authority to amend Delegated Approval For Tracking No.: 2021-093 to include additional costs that were not captured in the Confidential Attachment.
Property	As described in Appendix "A" and shown on the Expropriation Plan in Appendix "C" (the "Easement Lands").
Actions	<ol style="list-style-type: none"> 1. Authority be granted to amend Delegated Approval Form Tracking ("DAF") No.: 2021-093 by replacing the Confidential Attachment thereto with the Confidential Attachment hereto. 2. The Confidential Attachment to remain confidential until final determination of all property transactions and claims for compensation relative to the Toronto Transit Commission's Lansdowne Station Easier Access Project (the "Project"), and only publically released thereafter in consultation with the City Solicitor.
Financial Impact	<p>Funding for the compensation, as set out in the Confidential Attachment, is available in the 2022-2031 Council Approved Capital Budget and Plan for the TTC under capital project account CTT028-1 Easier Access – Phase 2.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>Three new elevators were required to be constructed by the Toronto Transit Commission ("TTC") as part of the Project to fulfill the provincially-legislated requirements in the Accessibility for Ontarians with Disabilities Act, 2005.</p> <p>On July 4, 5, 6 and 7, 2017 City Council adopted GM21.16, which authorized the initiation of the expropriation process for the Easement Lands.</p> <p>On January 31 and February 1, 2018, by the enactment of By-Law No. 101-2018, City Council authorized the expropriation of the Easement Lands. Expropriation Plan AT4849332 was registered on April 25, 2018, and Notices of Expropriation and Section 25 offers of compensations were served on the Owners. DAF Tracking No 2018-288, executed on August 9, 2018, authorized the payment of the Section 25 Advance Payment to the owners.</p> <p>Pursuant to the Expropriations Act, the owners asserted claims for compensation over and above the amount of the Section 25 offers. A full and final settlement was negotiated with the owners and authorized under DAF No.: 2021-093, executed on May 21, 2021. The amounts reflected in the Confidential Attachment attached to this DAF needs to be amended to reflect the additional amounts negotiated and the statutory interest amount payable. These amounts are reasonable and avoids additional expenses, payable by the City, associated with formal proceedings.</p>
Terms	See Appendix "A" and the Confidential Attachment

Property Details	Ward:	Ward 9 - Davenport
	Approximate Size:	Irregular

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 checked="" 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 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 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 (Manager, Transaction Services is only Manager 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:	Councillor Ana Bailao	Councillor:	
Contact Name:	Michael Giles	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:	Advised	Comments:	

Consultation with Divisions and/or Agencies

Division:	TTC	Division:	Financial Planning
Contact Name:	Duane Lovelace (Property Coordinator)	Contact Name:	Filisha Jenkins
Comments:	Concurred	Comments:	Concurred

Legal Services Division Contact

Contact Name: Michael Mahoney

DAF Tracking No.: 2022-156	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Vinette Prescott-Brown	Sept. 8, 2022	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Sept. 12, 2022	Signed by Alison Folosea

Appendix "A"
Terms & Conditions

Property Address	Legal Description	Property Interest Expropriated and Area of Property
699 Lansdowne Avenue	PART LOT 6 PL 920 CITY WEST AS IN CA187486 SUBJECT TO AN EASEMENT OVER PART 1 ON EXPROPRIATION PLAN AT4849332 AS IN AT4849332 CITY OF TORONTO (known as the "Easement Lands")	Permanent Easement interest in the land labelled as "Part 1" in the Expropriation Plan located in Appendix "C" – total area of 44m ²
478 St. Clarens Avenue	PT LT 27 PL 1049 TORONTO AS IN CT810033; S/T EW2226; S/T EXECUTION 94-013414, IF ENFORCEABLE SUBJECT TO AN EASEMENT OVER PART 2 ON EXPROPRIATION PLAN AT4849332 AS IN AT4849332 CITY OF TORONTO (known as the "Easement Lands")	Permanent Easement interest in the land labelled as "Part 2" in the Expropriation Plan located in Appendix "C" – total area of 60m ²

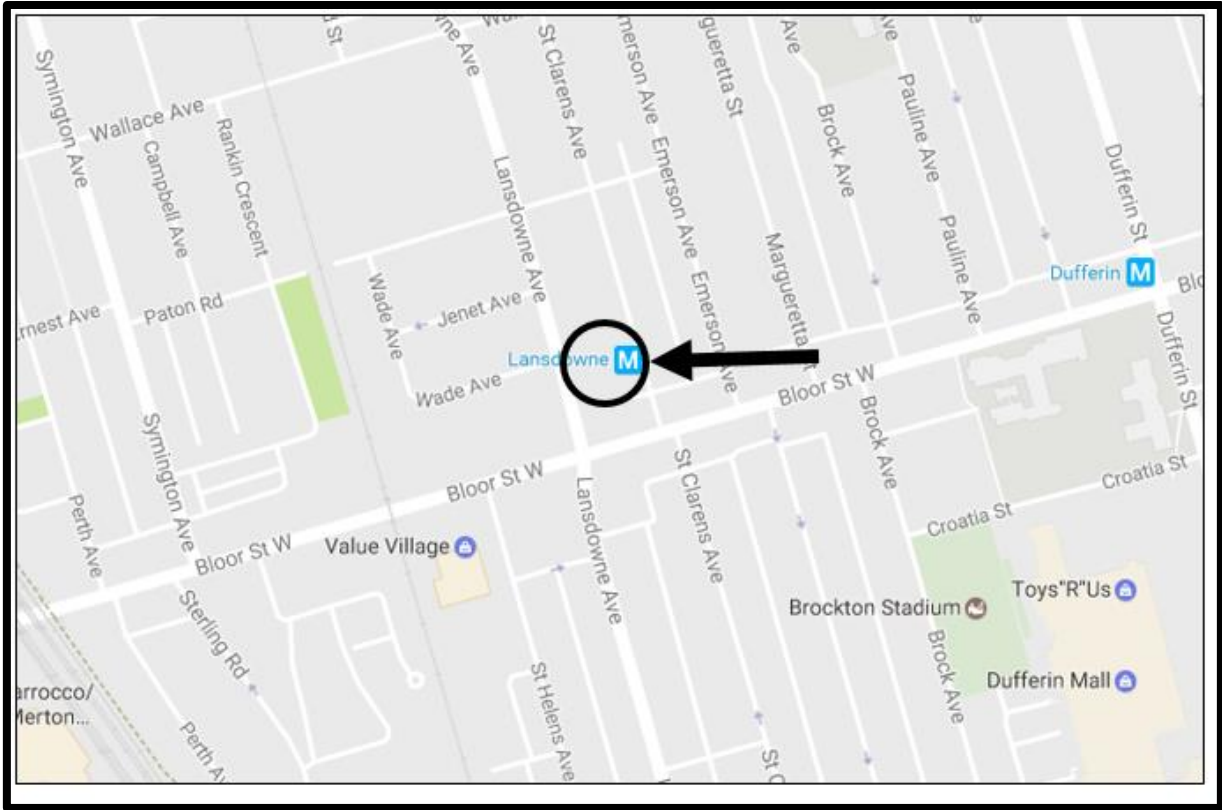
After completion of the Project, the City shall reinstate the back yards of the Easement Lands in accordance with the terms set out in the Minutes of Settlement

In exchange for the Compensation outlined in the Confidential Attachment the Owners shall release the City from all claims associated with the Project under the Expropriations Act.

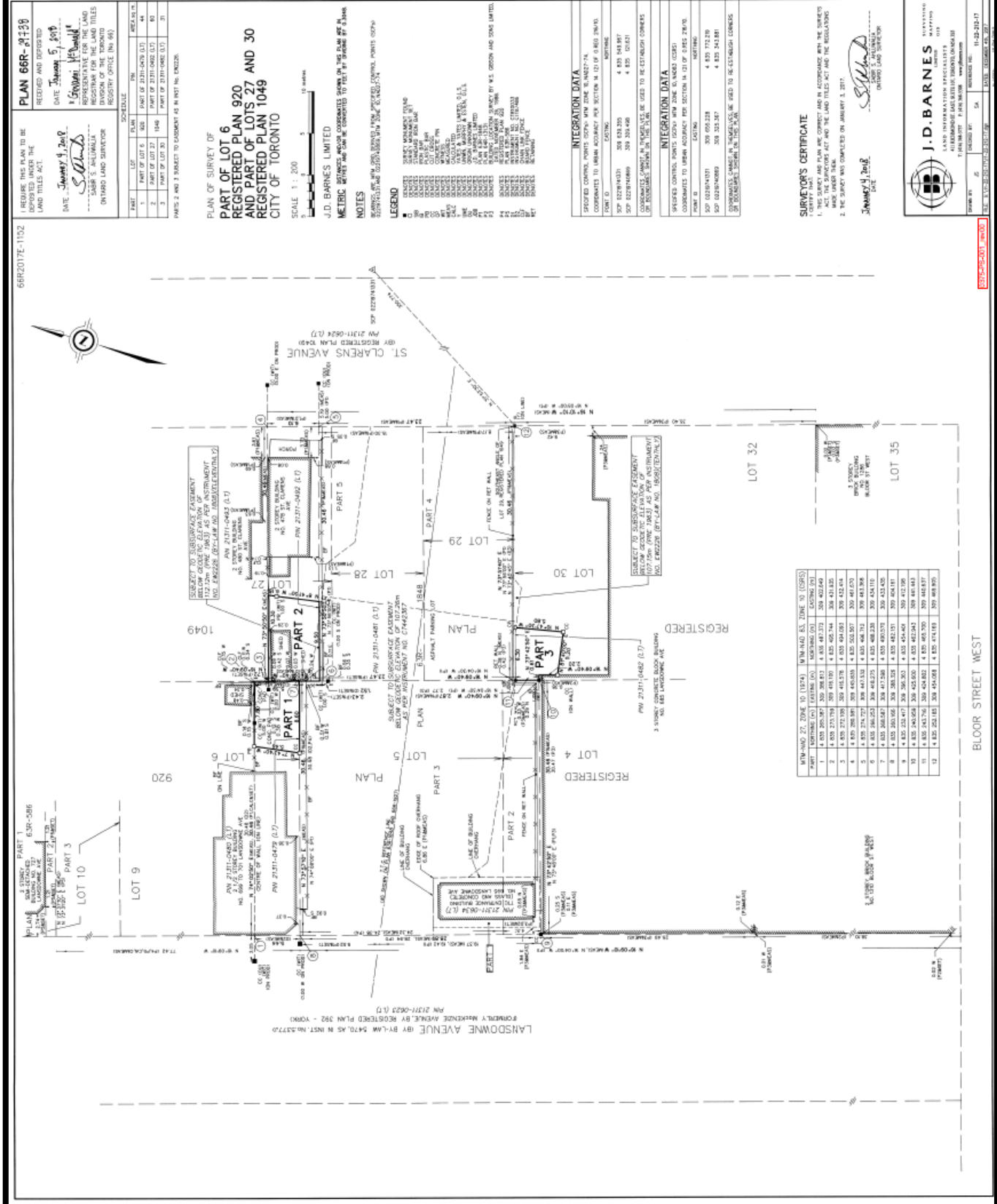
After completion of the Project the City shall reinstate the back yards substantially in accordance with their physical condition as they existed prior to construction.

Minutes of Settlement shall be irrevocable by the Owners for a period of sixty days after the date they are executed by the Owners.

Appendix "B" – Location Map



Expropriation Plan



66R2017E-1102

REGARDING THIS PLAN TO BE RECORDED UNDER THE LAND TITLES ACT.

DATE: January 3, 2019

DATE: January 5, 2019

S. G. G. G.

REGISTRAR OF LAND TITLES

DIVISION OF THE TORONTO

ONTARIO LAND SURVEYOR

REGISTRY OFFICE (N 99)

PART	PLAN	AREA (S.L.)
1	PART OF LOT 6	602
2	PART OF LOT 27	1446
3	PART OF LOT 28	21

PARTS 2 AND 3 SUBJECT TO COMMENT AS IN PART NO. ENDS.

PLAN OF SURVEY OF
**PART OF LOT 6
 REGISTERED PLAN 920
 AND PART OF LOTS 27 AND 30
 REGISTERED PLAN 1049
 CITY OF TORONTO**

SCALE 1: 200

J.D. BARNES LIMITED
 METRIC SURVEYORS INC. TORONTO

NOTES

1. THE SURVEY WAS COMPLETED ON JANUARY 3, 2019.

2. THE SURVEY WAS COMPLETED ON JANUARY 5, 2019.

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INTEGRATION DATA

SPECIFIED CONTROL POINTS (EPOCH, MIN. ZONE 18, NAD 83)

COORDINATES TO UTM (EPOCH, MIN. ZONE 18, NAD 83)

POINT NO. EASTING NORTHING

107 8229194351 308 655228 4 833 772.20

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SURVEYOR'S CERTIFICATE

I, THE SURVEYOR, HEREBY CERTIFY THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEY ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEREOF.

DATE: January 3, 2019

S. G. G. G.

ONTARIO LAND SURVEYOR

J.D. BARNES LIMITED

LAND INFORMATION SPECIALISTS

4160 SHEPPARD AVENUE EAST, SUITE 101

SCARBOROUGH, ONTARIO M1S 1T6

PHONE: (416) 291-1111

FAX: (416) 291-1112

WWW.JDBARNES.COM

DATE: January 3, 2019

PROJECT NO.: 11-20-210-17

DATE: 11-20-210-17

PART	NORTHING (S.L.)	EASTING (S.L.)	AREA (S.L.)
1	4 833 295.87	308 398.81	4 833 482.37
2	4 833 273.78	308 415.93	4 833 462.34
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