

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

TRACKING NO.: 2022- 219

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

Prepared By:	Joseph Sergnese	Division:	Corporate Real Estate Management
Date Prepared:	September 27, 2022	Phone No.:	416-392-1857

Purpose	To obtain authority to amend the encroachment agreement dated August 3 rd , 2021 between the City as Licensor, and Noventa-Toronto Western L.P ("Noventa"), as Licensee, approved pursuant to DAF 2021-211, to reflect a revised project area and revised definitions of City Lands and Encroachment Area.
Property	Parts of Wales Ave, Dundas Street West and Bathurst Street, as described in Appendix 'A'
Actions	<ol style="list-style-type: none"> 1. The City be authorized to enter into an agreement to amend the Encroachment Agreement by: <ol style="list-style-type: none"> a. Deleting the definition of "City Lands" in Schedule A and replacing with that attached in Appendix A b. Deleting the diagrams showing the "Encroachment Area" in Schedule B and replacing them with the sketch attached as Appendix B; and c. Updating definitions and conditions precedent on such terms as may be satisfactory to the Executive Director, Real Estate Services and in a form satisfactory to the City Solicitor.
Financial Impact	<p>The financial impact of the Encroachment Agreement, as amended by this authority, remains as set out in DAF 2021-211.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>The Licensee is undertaking a wastewater energy transfer project to transfer thermal energy to and from the City's wastewater system ("Noventa System") which will then supply thermal energy to Toronto Western Hospital.</p> <p>The City entered into a Wastewater Energy Transfer Agreement ("WETA") on April 29, 2021 and Encroachment Agreement on August 3, 2021, to permit the Noventa System to be maintained within certain City Lands.</p> <p>The Licensee and Licensor wish to amend the Encroachment Agreement to reflect amendments to the WETA and an altered location for the Noventa System, with a larger footprint on lands owned by Toronto Western Hospital. An Amending Agreement is required to replace the definition of "City Lands" in the Encroachment Agreement with that set out in Appendix A (attached), and to replace the definition of the "Encroachment Area" with the sketch attached as Appendix B.</p>

Property Details	Ward:	Ward 11 – University-Rosedale
	Assessment Roll No.:	n/a
	Approximate Size:	Irregular
	Approximate Area:	VAULT 5,741 sq ft (533 sq. m.) WET WELL 1,181.89 sq ft (110 sq. m.)
	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 checked="" 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 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:
<ul style="list-style-type: none"> • 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:	Mike Layton	Councillor:	
Contact Name:	Marco Bianchi	Contact Name:	
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 type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	No Objections (September 29, 2022)	Comments:	

Consultation with Divisions and/or Agencies

Division:		Division:	Financial Planning
Contact Name:		Contact Name:	Patricia Libardo
Comments:		Comments:	Concurs (September 28, 2022)

Legal Services Division Contact

Contact Name: Vanessa Bacher (concurs September 27, 2022)

DAF Tracking No.: 2022- 219	Date	Signature
Recommended by: Manager, Real Estate Services	Sept. 29, 2022	Signed by Susan Lin
Recommended by: Director, Real Estate Services	Sept. 30, 2022	Signed by Alison Folosea
<input type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management <input checked="" type="checkbox"/> Approved by: Patrick Matozzo	Sept. 30, 2022	Signed by Patrick Matozzo
<input type="checkbox"/> Approved by: Deputy City Manager, Corporate Services Josie Scioli		X

Appendix "A"
LEGAL DESCRIPTION – City Lands

Bathurst Street

RDAL BTN LT 18 & 19 CON 1 FTB TWP OF YORK; PT LT 1-7 PL 312 CITY WEST PT 1 63R343; ST. PATRICK ST PL 312 CITY WEST (AKA DUNDAS ST W AKA SCADDING COURT) S OF PT 1 63R343, BEING BATHURST ST BTN QUEEN ST AND DUNDAS ST W; CITY OF TORONTO

PIN: 21237-0043 (LT)

RDAL BTN PARKLT 18 & 19 CON 1 FTB TWP OF YORK BEING BATHURST ST BTN COLLEGE ST & DUNDAS ST; CITY OF TORONTO

PIN: 21236-0037 (LT)

Dundas Street West

DUNDAS ST W PL D1482 TORONTO EXCEPT PT 1 RD79; CARLYLE ST, CASMIR ST PL 312 CITY WEST; ST. PATRICK ST PL D122 TORONTO; LANE PL D1482 TORONTO; RDAL BTN PARKLT 18 & 19 CON 1 FTB TWP OF YORK; PT LT 4 PL D1482 TORONTO PT 2 63R343; PT LT 13-14 PL 312 CITY WEST; PT LT 5 PL D1482 TORONTO PT 3 63R343; PT PARKLT 17 CON 1 FTB TWP OF YORK TRAVELLED RD BEING DUNDAS ST W BTN BATHURST ST AND AUGUSTA AV; CITY OF TORONTO

PIN: 21236-0038 (LT)

Wales Avenue



BELLEVUE PLACE PL D55 TORONTO AKA WALES AV; CITY OF TORONTO

PIN: 21226-0493 (LT)

Appendix "B"
Amended Encroachment Area



NO	REVISION DESCRIPTION	DATE
3	PRELIMINARY LAYOUT	202002
1	PRELIMINARY LAYOUT	191126
NO	REVISION DESCRIPTION	DATE

	
	
PROJECT: TORONTO WESTERN HOSPITAL ARCHITECT: TRIGLER DATE:	SHEET: S.C. NO: AL 020408 DATE:
CONCEPT LAYOUT - STREET ALLOWANCE NO: 5001-NE-1	