

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

TRACKING NO.: 2022-204

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

Prepared By:	Irina Fofanova	Division:	Corporate Real Estate Management
Date Prepared:	October 20, 2022	Phone No.:	(416) 397-0806

Purpose	To authorize the City to accept payments of compensation offered by Metrolinx, the expropriating authority, pursuant to Section 25 of the <i>Expropriations Act</i> for the expropriated property interests in various properties along the Lakeshore East Rail Corridor as identified in Appendix "A"
Property	Five properties or parts of properties along Lakeshore East Rail Corridor, legally described in the chart shown in Appendix "A" and also shown on the location map in Appendix "C".
Actions	1. Authorize the acceptance of Offer (B) (Advance Payment) of each of the Offer of Compensation served by Metrolinx in accordance with the requirements of the <i>Expropriations Act</i> , in the amounts set out in Appendix "B".
Financial Impact	<p>The total compensation offered to the City, subject to payment of any outstanding realty taxes, is in the amount of \$493,300.00, as set out in Appendix "C", will be directed to the Land Acquisition Reserve Fund (XR1012).</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.</p>
Comments	<p>On January 14, 2021, Metrolinx notified the City and all registered owners that it was commencing expropriation proceedings for various property interests to facilitate its Lakeshore East-West and Central Corridor Expansion Projects. On September 28, 2021 and October 27, 28 & 29, 2021, with the registration of Expropriation Plans Nos. AT5870500, AT5894735, AT5894264, AT5894363 and AT5898053, Metrolinx expropriated temporary and/or fee simple interests over five City-owned properties. Notices of Expropriation were served to the City on October 8, 2021 and November 5, 2021.</p> <p>In accordance with Section 25 of the <i>Expropriations Act</i> (the "Act"), Metrolinx has served Offers of Compensation, together with the related appraisals, on the City, with the following options for acceptance:</p> <ul style="list-style-type: none"> • Offer (A) - offer of an amount in full and final settlement of all claims pertaining to the expropriation of the property interests, subject to payment of any outstanding realty taxes; or • Offer (B) - offer of immediate payment of an amount that represents 100% of the market value of the lands expropriated as estimated by the expropriating authority, subject to payment of any outstanding realty taxes, without prejudice to the expropriated owners' rights conferred by the <i>Act</i>, in respect of the determination of compensation, and subject to adjustment in accordance with any compensation that may be subsequently determined under the <i>Act</i> or any other Act, or agreed upon. <p>In addition, Metrolinx is required to pay the City's reasonable legal, appraisal and other costs actually incurred for the purposes of determining the compensation payable in accordance with Section 32 of the <i>Expropriations Act</i>; and interest at 6 per cent per annum in accordance with Section 33 of the <i>Expropriations Act</i>.</p> <p>As staff are still in the process of reviewing the Offers of Compensation and accompanying appraisal, it is appropriate for the City to accept Offer (B) at this time, without prejudice to its rights to claim additional compensation in the future. Relevant approval authority will be further sought once settlements are reached with Metrolinx with respect to final determination of all claims and compensation payable to the City in accordance with the <i>Act</i>.</p>
Terms	Not applicable.

Property Details	Ward:	24-Scarborough-Guildwood, 25-Scarborough-Rouge Park & 20-Scarborough Southwest
	Assessment Roll No.:	
	Approximate Size:	Various
	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 checked="" 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 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:	Paul Ainslie / Jennifer McKelvie	Councillor:	Gary Crawford
Contact Name:	Antonette Dinovo / Daniella Marchese	Contact Name:	Monique Lisi
Contacted by:	Phone <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>	Contacted by:	Phone <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>
Comments:	Advised	Comments:	Advised

Consultation with Divisions and/or Agencies

Division:		Division:	Financial Planning
Contact Name:		Contact Name:	Filisha Jenkins
Comments:		Comments:	No Issues

Legal Services Division Contact

Contact Name:	Lisa Davies
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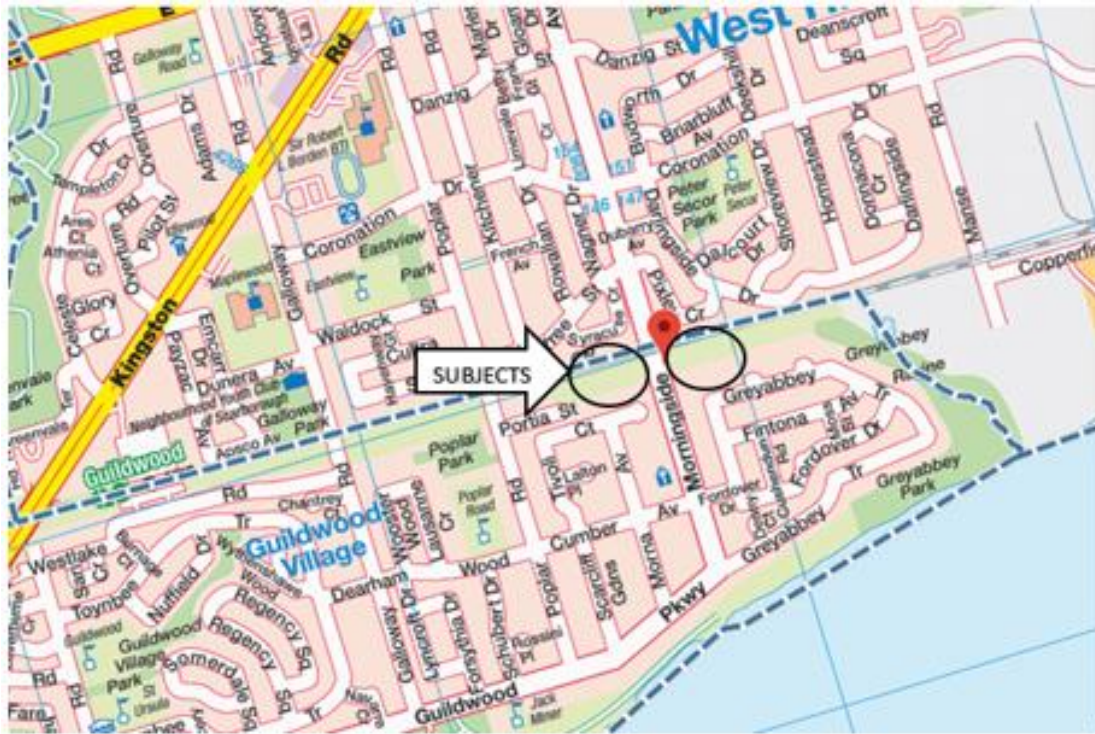
DAF Tracking No.: 2022-204	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Vinette Prescott-Brown	Oct. 31, 2022	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Nov. 2, 2022	Signed by Alison Folosea

Appendix "B"
Offers of Compensation

Property	Compensation	Condition of Offer
87 Morningside Ave	\$82,600.00	Offer to City subject to payment of any outstanding realty taxes
90 Morningside Ave	\$278,900.00	Offer to City subject to payment of any outstanding realty taxes
180 Greyabbey Trail	\$43,700.00	Offer to City subject to payment of any outstanding realty taxes
90 Morningside Ave rear	\$2,300.00	Offer to City subject to payment of any outstanding realty taxes
1 Wolcott Ave	\$85,800.00	Offer to City subject to payment of any outstanding realty taxes
Total	\$493,300.00	

Appendix "C"
Location Maps

87 & 90 Morningside Ave, 180 Greyabbey Trail

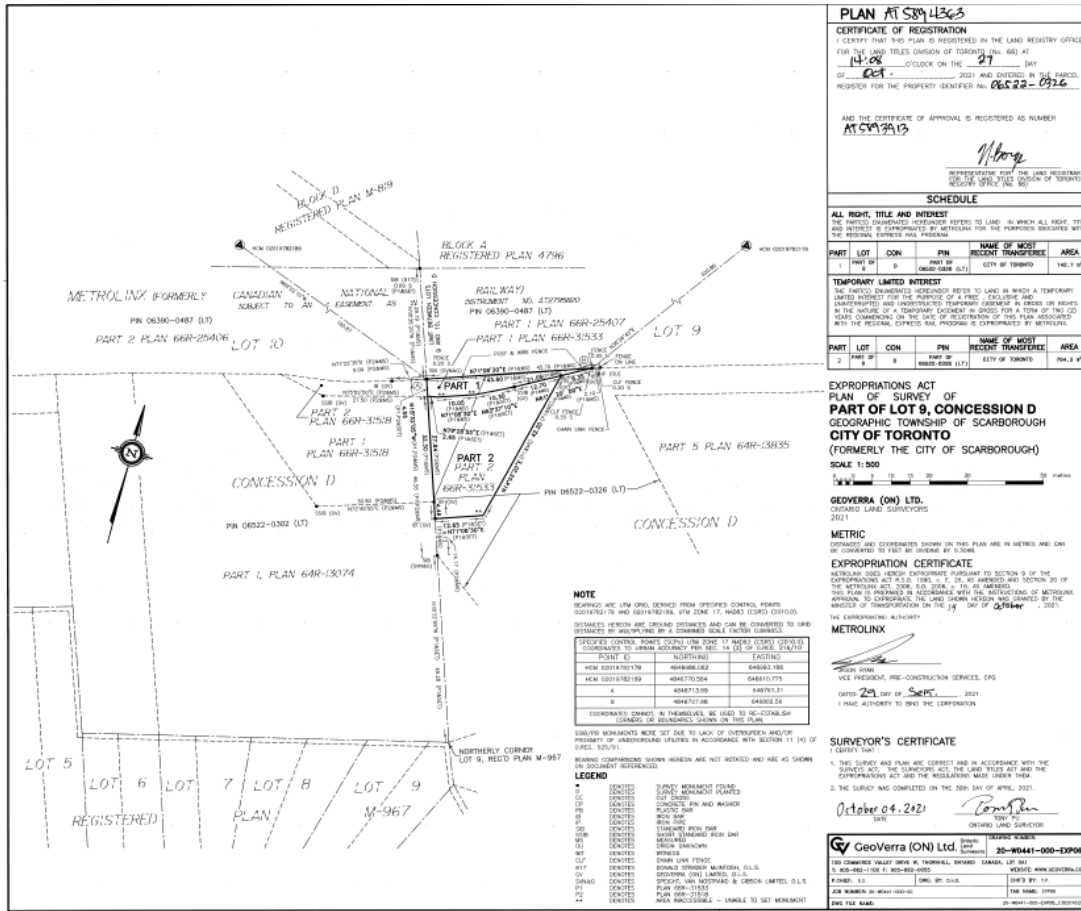


1 Wolcott Avenue

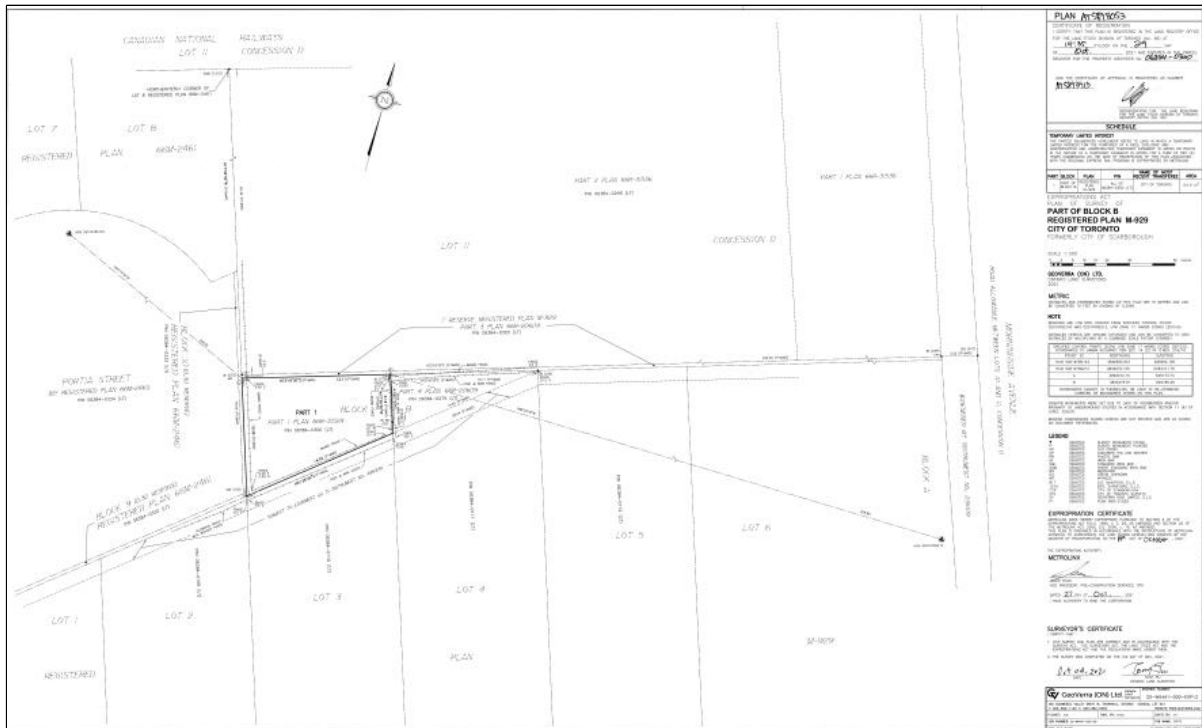


Appendix "D" con'd
Expropriation Plans

AT5894363

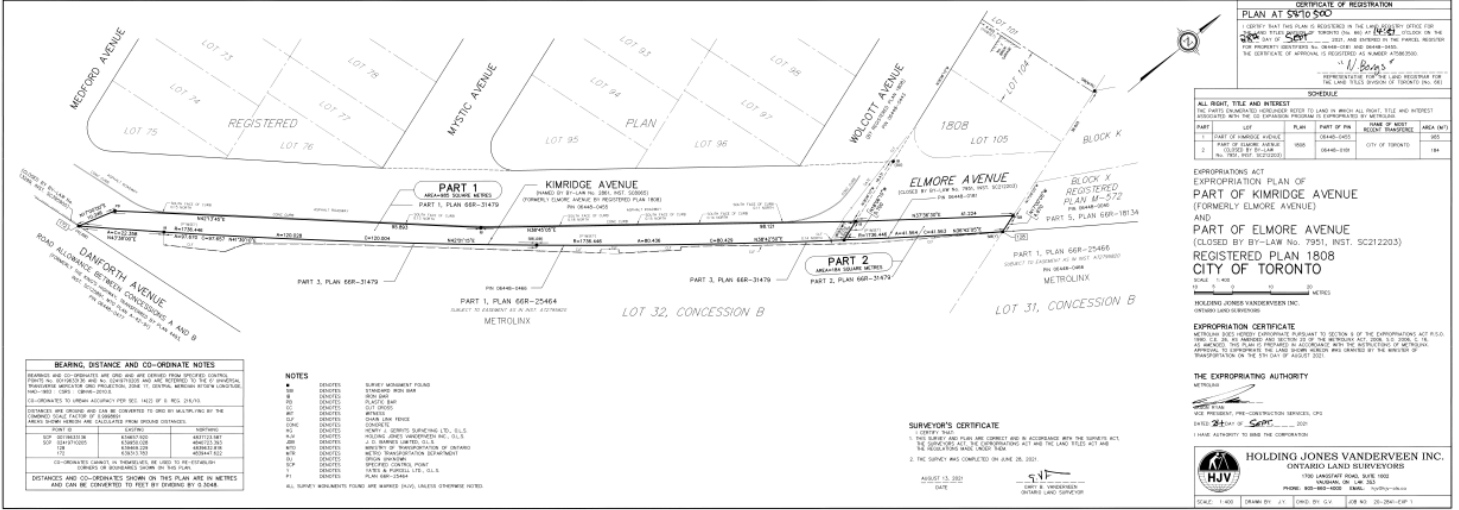


AT5898053



Appendix "D" con'd
Expropriation Plans

AT5870500



CERTIFICATE OF REGISTRATION
PLAN AT 5870500
 I, the undersigned, being a duly qualified and licensed Surveyor in and for the Province of Ontario, do hereby certify that the above described plan is a true and correct copy of the original as shown to me by the person claiming to be the owner thereof, and that the same is in accordance with the provisions of the Act in that behalf made.

SCHEDULE

PART	LOT	PLAN	PART OF PLAN	NAME OF WALK	AREA (M ²)
1	PART OF LOTS 93, 94, 95	668-25464	1	WALK	365
2	PART OF LOTS 93, 94, 95	668-25464	2	WALK	365

EXPROPRIATION ACT
EXPROPRIATION PLAN OF
PART OF KIMRIDGE AVENUE
(FORMERLY ELMORE AVENUE)
 AND
PART OF ELMORE AVENUE
(CLOSED BY BY-LAW NO. 7951, INST. SC212203)
REGISTERED PLAN 1808
CITY OF TORONTO

EXPROPRIATION CERTIFICATE
 METROLINX
 HOLDING JONES VANDERVEEN INC.
 OWNERS LANDS INTERESTS

SURVEYOR'S CERTIFICATE
 I, the undersigned, being a duly qualified and licensed Surveyor in and for the Province of Ontario, do hereby certify that the above described plan is a true and correct copy of the original as shown to me by the person claiming to be the owner thereof, and that the same is in accordance with the provisions of the Act in that behalf made.

HOLDING JONES VANDERVEEN INC.
ONTARIO LAND SURVEYORS
 1700 LAWRENCE AVENUE EAST, SUITE 1000
 SCARBOROUGH, ONTARIO M1P 5G8
 PHONE: (416) 291-1100 FAX: (416) 291-1101
 EMAIL: info@hjuv.com

BEARING, DISTANCE AND CO-ORDINATE NOTES

BEARINGS AND DISTANCES ARE GIVEN AS EITHER TRUE OR MAGNETIC. POINTS ARE DESIGNATED BY AN ALPHABETIC AND ARE REFERRED TO BY THE ALPHABETIC DESIGNATION AND THE DISTANCE. BEARINGS ARE GIVEN AS EITHER TRUE OR MAGNETIC. CO-ORDINATES TO 100MM ACCURACY FOR THE 4000 X 6000 PLAN. DISTANCES AND BEARINGS ARE TO BE CONVERTED TO GRID BY ADDING 17.5 METRES TO THE NORTHING AND SUBTRACTING 0.05 METRES FROM THE EASTING. CO-ORDINATES LISTED IN THIS PLAN ARE USED TO BE ESTABLISHED. CO-ORDINATES OF BOUNDARY CORNERS ON THIS PLAN.

DISTANCES AND CO-ORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

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