

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

**TRACKING NO.: 2022-235**

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:	October 17, 2022	Phone No.:	416-392-4829

<b>Purpose</b>	To obtain authority to acquire a below-grade fee-simple portion of the property located at 501 Yonge Street, as shown on the location map in Appendix "A", from Lanterra 501 Yonge Developments Limited (the "Developer"), and to enter into a mutual easement agreement (the "Easement") with the Developer to allow the Developer and City to access elements of the others infrastructure, and for Toronto Transit Commission ("TTC") staff to provide for the support of and safe operation of the Yonge Subway line.
<b>Property</b>	The lands subject to the Easement is a stratified portion of 501 Yonge Street, shown as Parts of Lots 16 to 26 INCL., PL 34 designated as Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 60, 62, 63 and 64 on Plan 66R-32139, shown attached hereto in Appendix "B" (the "Easement Lands").  The lands subject to the fee-simple transfer is a stratified portion of 501 Yonge Street, shown as Parts of Lots 16 to 26 INCL., PL 34 designated as parts 16, 21, 29, 30, 37, 38, 39, 40, 41, 52, 53, 54, 55, 56, 57, 58, 59 and 61 on reference plan 66R-32139, known as (the "Property")
<b>Actions</b>	1. The City to accept the offer from the Developer to obtain the Property and to enter into the Easement and any ancillary agreements with the Developer, substantially on the terms and conditions as set out in the agreement (the "Agreement"), and including such other or amended terms and conditions as may be deemed appropriate by the Director, Transaction Services, or his or her designate, and in a form acceptable to the City Solicitor.
<b>Financial Impact</b>	There is no financial impact from the rights granted under the Agreement. The consideration for such rights is for nominal 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>	In 2017 an application was received by City Planning for a mixed use development with podiums and two point towers to be constructed over the TTC subway, and new vent shafts to be built in the road right of way. The Developer has constructed a development on the Easement Lands and Property and has entered into a Site Plan Agreement with the City. Pursuant to the Site Plan Agreement the Developer has agreed to convert the City's real estate interest in the Property through which the TTC has constructed, installed and operated from time to time a transit system and/or other municipal system(s) and/or services(s) (the "Subsurface System") to a fee simple interest in lands, together with the transfer of additional fee-simple property constructed by the Developer. The City and the Developer have agreed to enter into mutual easements over the Easement Lands and the Property, with the intent to provide for the safe, efficient and harmonious operation of the Developer's facilities and the TTC's Subsurface System.  The terms of the Agreement are fair, reasonable and reflective of market value
<b>Terms</b>	<b>Monthly License Fee:</b> The mutual easements are non-exclusive and are for nominal consideration. <b>Term:</b> In the event that the perpetual duration of the Easements granted is precluded by statute or common law, the Easements will expire in 999 years from the date of their registration on title to the Property and Easement Lands, as the case may be. <b>Maintenance:</b> The Developer agrees that in the event it requires access over, onto or through the TTC facilities in order to exercise the Property, it shall, for non-emergency work, provide a minimum of ten (10) business days' notice to the City. The Developer acknowledges that due to TTC operating requirements, the City/TTC may require the use of any of the Easement Lands at any time of the day, including but not limited to between the hours of 22:00 and 7:00, to maintain the TTC facilities. The City/TTC is to notify the Developer with three (3) business days' of the TTC's intention to carry out such work during such hours. In the event that emergency maintenance is required by the TTC, in the City's opinion, acting reasonably, then no notice shall be required to be given to the Developer before undertaking the required maintenance.

<b>Property Details</b>	<b>Ward:</b>	Ward 13 – Toronto Centre
	<b>Approximate Area:</b>	n/a
	<b>Other Information:</b>	n/a

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 checked="" 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 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 checked="" 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"/> 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:	Councillor Robin Buxton Potts	Councillor:	
Contact Name:	Tyler Johnson	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:	<b>Financial Planning</b>
Contact Name:	Matthew Taylor	Contact Name:	Filisha Jenkins
Comments:	Concur	Comments:	Concur

**Legal Services Division Contact**

Contact Name: Dale Mellor

DAF Tracking No.: 2022-235	Date	Signature
Concurred with by: Susan Lin, Manager, Real Estate Services	October 17, 2022	Signed by Susan Lin
<input type="checkbox"/> Recommended by: <b>Manager, Real Estate Services Vnette Prescott-Brown</b>	October 17, 2022	Signed by Vnette Prescott-Brown
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: <b>Director, Real Estate Services Alison Folosea</b>		X

### Appendix "A" Location Map



