

# DELEGATED APPROVAL FORM

## DIRECTOR, REAL ESTATE SERVICES

## MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2022-233

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

Prepared By:	Bruno Iozzo	Division:	Corporate Real Estate Management
Date Prepared:	October 14, 2022	Phone No.:	(416) 392-8151
<b>Purpose</b>	To obtain authority to enter into a Licence Agreement (the "Agreement") with James Kenneth Reid (the "Licensor") to allow the City to enter upon the Property (hereinafter defined) for the purpose of conducting environmental investigations (the "Works").		
<b>Property</b>	The property municipally known as 10 Scarlett Road, Toronto, Ontario and legally described as Lot 79, Plan 1829, Township of York; City of Toronto; PIN 10533-0165 (LT); displayed on the maps attached hereto as Appendix "A".		
<b>Actions</b>	1. Authority be granted to enter into the Agreement with the Licensor, substantially on the major terms and conditions below and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.		
<b>Financial Impact</b>	<p>There is no financial impact associated with the Agreement.</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>		
<b>Comments</b>	<p>At its meeting held on June 8 and 9, 2021, City Council adopted Item GL23.9 titled, "Scarlett Road Bridge Reconstruction Project - Expropriations - Stage 1", granting authority to the Executive Director, Corporate Real Estate Management, to continue negotiations for the acquisition of the Property and initiate expropriation proceedings for the Property in connection with the Scarlett Road Bridge Reconstruction Project (the "Project").</p> <p>At its meeting held on July 19, 20, 21 and 22, 2022, City Council adopted Item GL32.26 titled, "Scarlett Road Bridge Reconstruction Project - Expropriations - Stage 2", granting authority to proceed with expropriation proceedings and approve the expropriation of the Property that will allow the City to complete the proposed Scarlett Road Bridge Reconstruction Project.</p> <p>An Expropriation Plan was registered on the Property on September 27<sup>th</sup>, 2022 (Instrument No. AT6190239). The City's possession of the Property will likely take place in early 2023. The City would like to perform environmental testing on the Property prior to the possession date given the future intentions to demolish the building on the site to complete the Project. City staff have approached the Licensor and have requested to obtain early access to the Property to perform the Works. The Licensor has agreed to the requested early access subject to entering into a proper agreement and delaying the possession date to provide the Licensor and its tenant additional time to find a suitable relocation site. City staff have agreed to the Licensor's request given the proposed construction schedule of the Project.</p>		
<b>Terms</b>	<p><b>Licensor</b> – James Kenneth Reid</p> <p><b>Property Address</b> – 10 Scarlett Road</p> <p><b>Agreement Type</b> – Licence Agreement</p> <p><b>Purpose</b> – To conduct environmental investigations including soil, air and water testing, and any other work necessary, as determined by the City, acting reasonably, to complete a Phase I ESA, Phase II ESA, and a Designated Substance and Hazardous Material Survey</p> <p><b>Term</b> – one-hundred and eighty (180) days</p> <p><b>Commencement Date</b> – The earlier of (i) five (5) business days following delivery of written notice to the Licensor from the City or (ii) December 31, 2022</p> <p><b>Restoration</b> – Upon expiry or termination, the City shall remove all equipment and debris it brought upon the Property in connection with the Agreement, and shall restore the Property as close as is practical, considering the Works, to its original condition immediately prior to the Commencement Date, at the City's sole cost and expense</p> <p><b>Interference</b> – City will use reasonable efforts not to interfere with the Licensor's access to and use of the Property, minimize disturbance to the normal usage of any adjoining property and not to interfere with the use of the commercial tenant on the main floor of the building</p> <p><b>Release and Indemnity</b> – City shall indemnify and save the Licensor harmless from and against all costs, expenses, claims, and demands brought against the Licensor arising directly out of the City's Works</p>		
<b>Property Details</b>	<b>Ward:</b>	5 – York South-Weston	
	<b>Assessment Roll No.:</b>	19 14 083 190 065 00	
	<b>Approximate Size:</b>	22 feet X 105 feet	
	<b>Approximate Area:</b>	2,300 ft <sup>2</sup>	
	<b>Other Information:</b>		

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/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 \$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 checked="" 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><b>Delegated to more senior positions.</b></p> <p><input 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:	Frances Nunziata	Councillor:	
Contact Name:	Geno Orsi – Executive Assistant	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X <input checked="" type="checkbox"/> 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:	No objections (Sept/29/2022)	Comments:	

**Consultation with Divisions and/or Agencies**

Division:	Transportation Services	Division:	Financial Planning
Contact Name:	Liz Trenton	Contact Name:	Filisha Jenkins
Comments:	Details are accurate (Sept/29/2022)	Comments:	No issues with this DAF (Sept/30/2022)

**Legal Services Division Contact**

Contact Name: Gloria Lee (Oct/14/2022)

DAF Tracking No.: 2022-233	Date	Signature
Concurred with by: Manager, Real Estate Services Susan Lin	Oct. 17, 2022	Signed by Susan Lin
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Van Hua	Oct. 17, 2022	Signed by Van Hua
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		

# Appendix "A" – The Property

