

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

**TRACKING NO.: 2022-195**

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 enter into a licence agreement (the "Agreement") with bclMC Realty Corporation (the "Owner") for a Toronto Transit Commission ("TTC") hoarding and staging area and for access to the concourse at 25 King Street West for the purpose of constructing and installing an elevator at TTC's King station (the "Station") entrance for the Easier Access Project (the "Project").
<b>Property</b>	The property municipally known as 25 King Street West, in the City of Toronto, in the Province of Ontario and shown hatched black and colored red in Appendix "A" (the "Licenced Lands").
<b>Actions</b>	1. Authority be granted to enter into the Agreement with the Owner for the access, construction staging and storage of equipment and materials in order to carry out the installation of an elevator, on the terms and conditions as set out herein, and including such other terms and conditions as may be deemed appropriate by the Director, Real Estate Services, or his or her designate, and in a form acceptable to the City Solicitor.
<b>Financial Impact</b>	<p>The Owner has agreed to a nominal consideration for the use of the Licensed Lands however has asked that prior to entry onto the Licensed Lands or the commencement of any construction work, the City shall reimburse the Owner for its reasonable legal fees and disbursements, incurred by the Owner with respect to the review of this Agreement in the amount of \$4,950.00 plus HST. The legal fees are reflective of the market value for the Licensed Lands. Funding 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 implications as identified in the Financial Impact section.</p>
<b>Comments</b>	<p>On July 9, 1969 an agreement was made between The Corporation of the City of Toronto and Canadian Imperial Bank of Commerce, where the Owner was given permission from the City to maintain an underground pedestrian walkway connecting the Commerce Court Lands to the Station through lands owned by the City.</p> <p>In order to meet its requirements under the Accessibility for Ontarians with Disabilities Act, TTC is installing an elevator at the Station entrance at the concourse level within the City lands. The Owner agrees to grant to the City a temporary license to use the Licensed Lands as a hoarding and staging area to facilitate the carrying out of the construction of the elevators.</p> <p>The terms of the Agreement are fair, reasonable and reflective of market value.</p>
<b>Terms</b>	<p><b>Licence Fee:</b> The Owner hereby grants to the City an exclusive, temporary licence in, on, along, and over the Licenced Lands, for nominal consideration. The Owner also grants to the City a non-exclusive temporary right of access to obtain ingress and egress to and from the Licensed Lands over such publicly accessible portions of the Owner lands immediately adjacent to the Licensed Lands as may be reasonably necessary or appropriate for the City to obtain access to the Licensed Lands, for nominal consideration.</p> <p><b>Term:</b> The term of the Temporary Licence and the non-exclusive temporary right of access shall commence on 30 days prior written notice to be given by the City to the Owner and the commencement date shall be no later than December 31, 2022, and shall expire 18 months after the commencement date.</p> <p><b>Extension:</b> The City shall have the right to extend the term for one additional period of up to 6 months, provided that the City gives written notice to the Owner exercising such right to extend not less than 30 days before the expiry of the initial term.</p> <p><b>Termination:</b> The City shall have the right to terminate this Agreement upon 30 days prior written notice to the Owner</p>

<b>Property Details</b>	<b>Ward:</b>	13 – Toronto Centre
	<b>Approximate Size:</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 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:	Robin Buxton Potts	Councillor:	
Contact Name:	Tyler Johnson	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:	Advised	Comments:	

**Consultation with Divisions and/or Agencies**

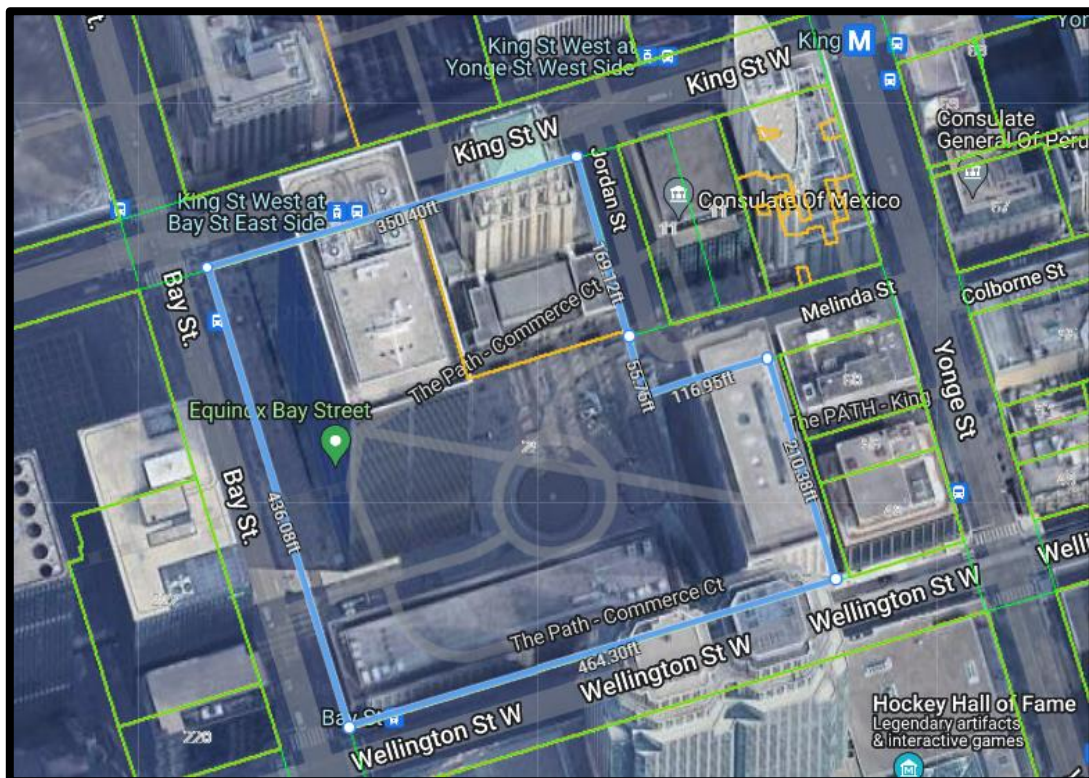
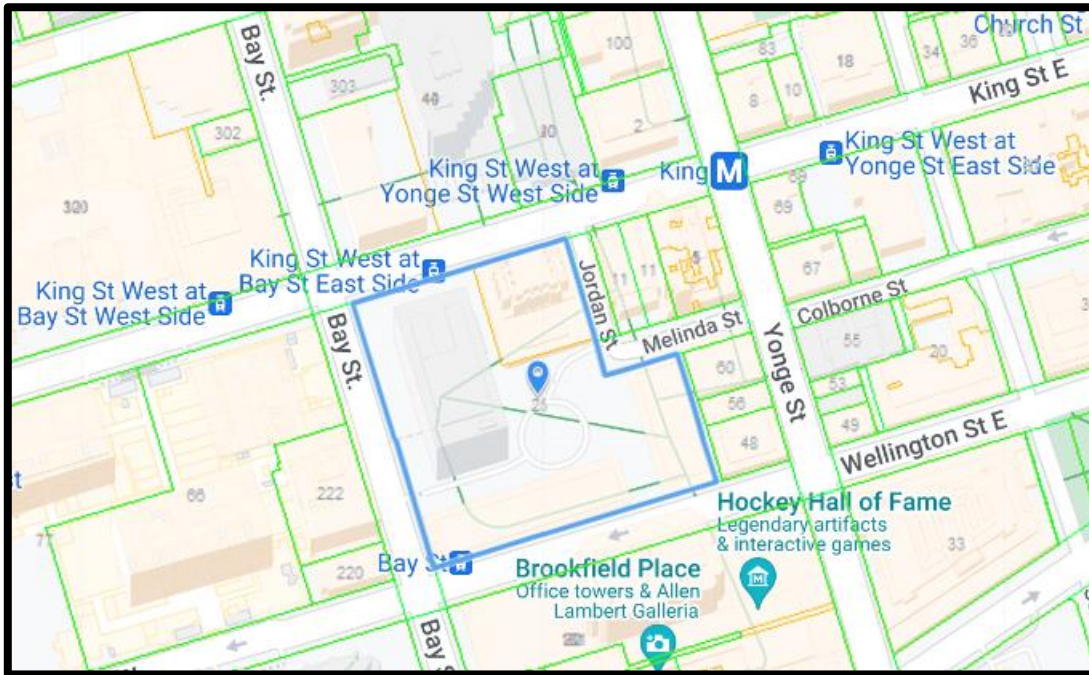
Division:	Toronto Transit Commission	Division:	<b>Financial Planning</b>
Contact Name:	David Cooper	Contact Name:	Filisha Jenkins
Comments:	Concur	Comments:	Concur

**Legal Services Division Contact**

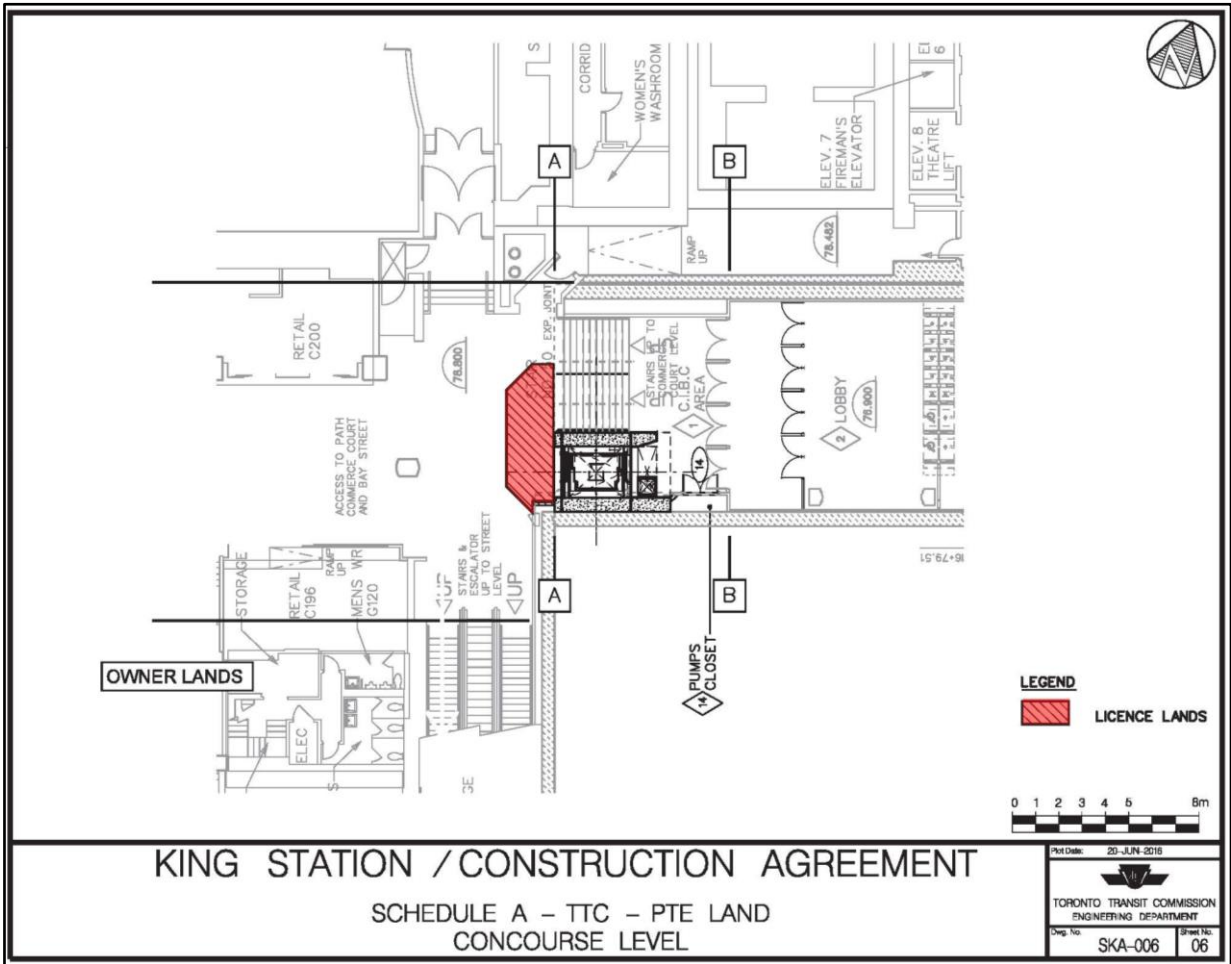
Contact Name:	Dale Mellor
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DAF Tracking No.: 2022-195	Date	Signature
Concurred with by: Susan Lin, Manager, Transaction Services	October 18, 2022	Signed by Susan Lin
<input type="checkbox"/> Recommended by: <b>Manager, Transaction Services Vinette Prescott-Brown</b> <input checked="" type="checkbox"/> Approved by:	October 18, 2022	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Approved by: <b>Director, Real Estate Services Alison Folosea</b>		X

### Location Map



### Schedule "A" Licensed Lands



**Map of Path Leading to Elevator**

