

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

TRACKING NO.: 2022-202

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:	August 30, 2022	Phone No.:	(416) 392-8151

Purpose	To obtain authority to enter into a lease agreement (the "Lease") with City of Toronto Economic Development Corporation c.o.b. Toronto Port Lands Company (the "Lessor") to permit the City to operate portions of the newly constructed segments of Cherry Street and Commissioners Street on lands owned by the Lessor as part of the public highways.
Property	Part of PIN 21385 - 0224(LT), being part of Blocks 8 and 9, Plan 540-E and part of Block A, Plan 649-E, designated as Parts 1-9, 13-20, 25, 34, and 45-48 on Plan 66R-32609, attached hereto as Appendix "B".
Actions	1. Authority be granted to enter into the Lease with the Lessor, 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.
Financial Impact	There is no financial impact associated with this Lease. The City will secure the Lease 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.
Comments	As part of the Port Lands Flood Protection and Enabling Infrastructure Project (the "PLFP Project"), Waterfront Toronto ("WT"), on behalf of the three levels of government, will construct the new mouth of the Don River through portions of the lands currently designated as Cherry Street (between Commissioners Street and Polson Street). In order to facilitate construction of the new river mouth, WT is constructing a new alignment of Cherry Street to the west of its current location, and a portion of the existing alignment of Cherry Street between Commissioners Street and Polson Street will be removed. The new Cherry Street alignment will connect the remaining portion of existing Cherry Street to the south to Commissioners Street, which is being extended approximately 100 metres west. Vehicular traffic, pedestrians and cyclists on the old Cherry Street alignment will be shifted to the new alignment. Comments continued on page 4.
Terms	Commencement Date: Commencing on the date that a by-law enacted by the Toronto City Council and dedicating the Property as public highway, takes effect. Term: Five (5) years Early Termination by City: The City shall have the right to terminate the Lease upon giving written notice to the Lessor at least fifteen (15) days in advance. The Lease will terminate automatically in the event the City acquires ownership of the Property. Use: For the purpose of a public highway under the jurisdiction of the City, and all uses ancillary thereto Gross Rent: \$1.00 Maintenance and Repair: The City covenants to repair and maintain the Property as required pursuant to the Minimum Maintenance Standards for Highways in the City of Toronto Indemnity: The City will indemnify the Lessor from and against all loss, damage, injury or expense arising by reason of the Lessor exercising its rights granted, any breach of the Lessor's obligations or covenants in the Lease or any damage or injury to any persons or property caused by construction, repair, maintenance or operation of any works in, over, upon, under and/or through the Property, except to the extent that such loss, damage, injury or expense is caused by the negligence or wilful misconduct of the Lessor Permits: The City shall be entitled to grant permits and licences with respect to the Property, as part of a public highway within its jurisdiction No Forfeiture or Re-Entry: The Lessor will not have rights of re-entry, termination, or regained possession of the Property until expiration of the Term, so as not to interrupt use of the highway. Notice of Lease: The City will be entitled to register a notice of Lease on title to the Property, which will trigger the dedication of the Property as public highway pursuant to the Dedication By-Law

Property Details	Ward:	14 – Toronto Danforth
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	8,967.8 m ²
	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 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>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 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:	Paula Fletcher	Councillor:	
Contact Name:	Susan Serran – Executive Assistant	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:	No objections (08/29/2022)	Comments:	

Consultation with Divisions and/or Agencies

Division:	City Planning	Division:	Financial Planning
Contact Name:	Christian Giles	Contact Name:	Filisha Jenkins
Comments:	Concurs (09/30/2022)	Comments:	No issues (09/01/2022)

Legal Services Division Contact

Contact Name:	Charlene Farrugia (09/30/2022)
---------------	--------------------------------

DAF Tracking No.: 2022-202	Date	Signature
Concurred with by: Manager, Real Estate Services Susan Lin	Sept. 30, 2022	Signed by Susan Lin
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Van Hua	Sept. 30, 2022	Signed by Van Hua
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		

Comments

The vehicular lanes and sidewalks are being constructed to base asphalt condition, and sections on the north side of new Cherry Street and the east side of the Commissioners Street extension will still be under construction during the interim opening of new Cherry Street. The lands being opened as new Cherry Street and the extension of Commissioners Street will need to be leased by the City from their current owner, the Lessor, until Cherry Street is completely built out in its new alignment and the land is transferred to the City. The Lessor has agreed to lease the applicable lands to the City for nominal consideration in order to proceed with the PLFP Project.

On July 22, 2022, City of Toronto Council enacted By-Law 996-2022, dedicating the Property as a public highway (the "Dedication By-Law"), which will become effective with respect to the Property upon registration of a notice of lease of the Property on title.

Appendix "A" – The Property



