

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

TRACKING NO.: 2022-196

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

Prepared By:	Avery Carr	Division:	Corporate Real Estate Management
Date Prepared:	September 9, 2022	Phone No.:	(647) 458-1934

Purpose	To obtain authority for the City of Toronto (the "City"), to enter into a licence agreement (the "Licence") with Metrolinx ("Metrolinx"), for temporary subsurface access to and use of lands as shown in Appendix "A", for tunneling works associated with the Yonge North Subway Extension ("YNSE").
Property	The portions of the properties listed in Appendix "A" and as shown in in Appendix "B" (the "Licensed Areas").
Actions	1. Authority be granted for the City to enter into the Licence on the terms and conditions set out herein.
Financial Impact	<p>The licence fee for this transaction is nominal, as per the terms and conditions agreed to by the City and Metrolinx in the real estate protocol, executed on June 16, 2022 as approved by City Council by adoption of Report EX28.12 on December 15, 16 and 17, 2021.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as detailed in the Financial Impact section.</p>
Comments	<p>Metrolinx will be constructing certain improvements and works in connection with the YNSE, which requires temporary subsurface access to and use of the Licensed Areas as identified on the sketches shown in Appendix "B". The City has agreed to grant a temporary license to Metrolinx to enter and utilize the Licensed Areas to undertake these works associated with the YNSE project.</p> <p>Metrolinx and the City (along with the Toronto Transit Commission) intend to enter into a subways master agreement in respect of matters pertaining to the subway program. However, in order to accommodate Metrolinx's timeline, the City has agreed to grant the License for Metrolinx to undertake the required works.</p> <p>Metrolinx and the City have entered into a real estate protocol related to the subway program dated June 16, 2022, to which the Licence is a schedule and shall be incorporated into the subways master agreement to be negotiated between the parties as it may be amended from time to time as agreed to between the parties.</p>
Terms	<p>Term: 5 years</p> <p>Extension Term: 5 years, upon 3 months written notice from Metrolinx to the City</p> <p>Licence Fee: nominal</p> <p>Restoration: Metrolinx shall, prior to the expiry of the Licence, repair at its own expense and to the satisfaction of the City, all damage to the Licensed Areas and shall restore the Licensed Areas to substantially the same condition that the Licensed Areas were in prior to the commencement of the Licence.</p> <p>CREM staff consider the terms and conditions of the proposed Agreement to be fair and reasonable.</p>

Property Details	Ward:	18 – Willowdale
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	
	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"/> I 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 checked="" 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 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"/> I 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"/> I Surrenders/Abandonments</p> <p><input type="checkbox"/> (d) Enforcements/Terminations</p> <p><input type="checkbox"/> I 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 Filion	Councillor:	
Contact Name:	Mark Strifler	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:	Notified (Sept 1, 2022)	Comments:	

Consultation with Divisions and/or Agencies

Division:	Transportation Services	Division:	Financial Planning
Contact Name:	Garvin Tom	Contact Name:	Filisha Jenkins
Comments:	No concerns (Sept 8, 2022)	Comments:	Comments incorporated (Sept 1, 2022)

Legal Services Division Contact

Contact Name: Luxmen Aloysius (Aug 31, 2022)

DAF Tracking No.: 2022-196	Date	Signature
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Vinette Prescott-Brown	Sept. 13, 2022	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Sept. 14, 2022	Signed by Alison Folosea

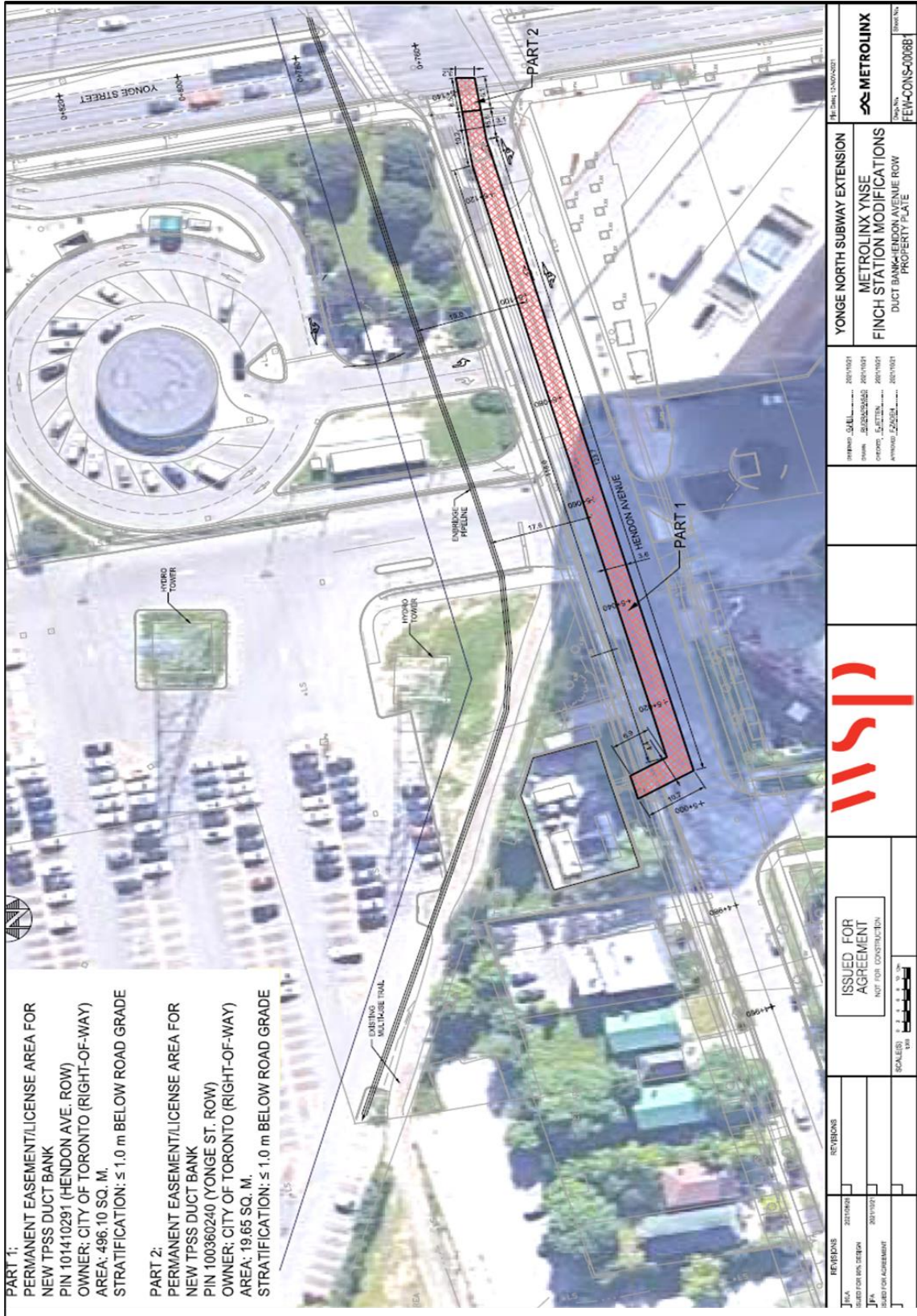
Appendix "A"

CITY LANDS

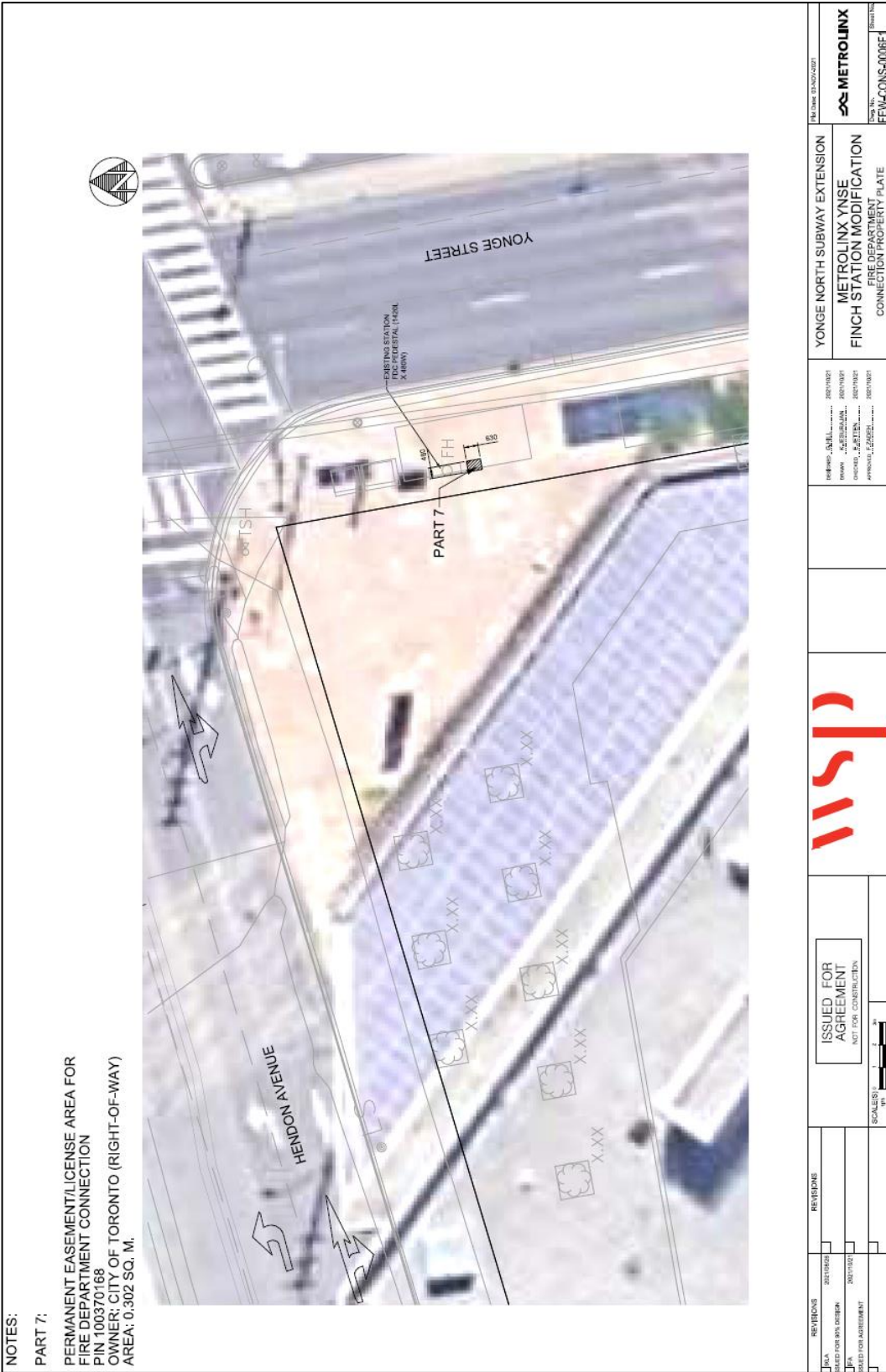
Property No.	PIN	Property Address	Area (Acres/SF)	Sketch	R-Plan	Ward #	Nearest Main Intersection
1	10141-0291	Hendon Ave ROW	0.1226/5,340	FEW-CONS-0006B1 Part 1	66R-32358 Part 1	18	Yonge St. and Finch Ave.
2	10036-0240	Yonge St ROW	0.0005/213	FEW-CONS-0006B1 Part 2	66R-32358 Part 2	18	Yonge St. and Finch Ave.
3	10037-0168	Yonge St ROW	0.00007/3.25	FEW-CONS-0006F1 Part 7	66R-32356 Part 1	18	Yonge St. and Finch Ave.

Appendix "B" SKETCH OF LICENSED AREA/REFERENCE PLANS

PROPERTY No. 1 HENDON STREET ROW & PROPERTY No. 2 YONGE STREET ROW



PROPERTY NO. 3 YONGE STREET ROW



NOTES:

PART 7:

PERMANENT EASEMENT/LICENSE AREA FOR
 FIRE DEPARTMENT CONNECTION
 PIN 100370168
 OWNER: CITY OF TORONTO (RIGHT-OF-WAY)
 AREA: 0.302 SQ. M.

METROLINX PROJECT NO. FEW-CONS-0008F		YONGE NORTH SUBWAY EXTENSION METROLINX YNSE FINCH STATION MODIFICATION FIRE DEPARTMENT CONNECTION PROPERTY PLATE	
PREPARED BY: [REDACTED] DRAWN BY: [REDACTED] CHECKED BY: [REDACTED] APPROVED BY: [REDACTED]	ISSUED FOR AGREEMENT NOT FOR CONSTRUCTION		
REVISIONS NO. DATE 1 01/15/2021 2 01/15/2021	SCALE: 1" = 100'		

