

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

**TRACKING NO.: 2022-266**  
**With Confidential Attachment**

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:	December 19, 2022	Phone No.:	416-392-4829

<b>Purpose</b>	To obtain authority to enter into Minutes of Settlement Agreement (the "Agreement") with 765143 Ontario Inc. o/a Spring Day Spa (the "Tenant"), of 40-42 Hayden Street. The Agreement is a full and final settlement of all claims by the Tenant under the <i>Expropriations Act</i> for the full taking of 40-42 Hayden Street for the purpose of constructing a new alternative station entrance, emergency exit and electrical substation facility as part of the Toronto Transit Commission ("TTC") Bloor Yonge Capacity Improvement project (the "Project").
<b>Property</b>	40-42 Hayden Street in the City of Toronto, legally described as PT LT 8 N/S Hayden St PL 163 Toronto as in EP138130 & CA755923 except the easement therein; S/T CA755923; City of Toronto; being all of PIN 211080152 (LT), as shown on Appendix "A" and on the Expropriation Plan in Appendix "B" (the "Acquired Lands").
<b>Actions</b>	<ol style="list-style-type: none"> <li>Authority be granted for the City to enter into the Agreement with the Tenant substantially on the terms and conditions outlined in the Confidential Attachment, and on such other or amended terms and conditions as may be acceptable to the Director of Transaction Services and in a form satisfactory to the City Solicitor.</li> <li>The Confidential Attachment to remain confidential until there has been a final determination of all property transactions and claims for compensation relative to the Project, and only released publicly thereafter in consultation with the City Solicitor.</li> </ol>
<b>Financial Impact</b>	Funding for the compensation, as set out in the Confidential Attachment, is available in the 2022-2031 Council Approved Capital Budget and Plan for the TTC under capital account CTT155-01 Yonge Bloor Capacity Improvement.  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>	<p>On June 8, 2021, City Council adopted GL23.8 authorizing the Executive Director of Corporate Services to initiate expropriation proceedings for the fee simple interests in the Acquired Lands for the Project.</p> <p>On February 2 and 3, 2022, City Council adopted GL28.11 approving the expropriation of the Acquired Lands. The Acquired Lands became vested in the City on May 14, 2022, pursuant to the registration of Expropriation Plan AT6016255</p> <p>The City and the Tenant have agreed to settle the total compensation payable in accordance with the <i>Expropriations Act</i> in the amounts set out in the Confidential Attachment in exchange for full and final releases of all claims related to the Acquired Lands. These amounts are reasonable and avoids additional expenses, payable by the City, associated with formal proceedings.</p>
<b>Terms</b>	See the Confidential Attachment

<b>Property Details</b>	<b>Ward:</b>	11- University-Rosedale
	<b>Assessment Roll No.:</b>	1904-06-8-540-02801
	<b>Approximate Size:</b>	13.95 m x 25.15 m
	<b>Approximate Area:</b>	357 m <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/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 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 checked="" 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 Dianne Saxe	Councillor:	
Contact Name:	Councillor Saxe	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:	Consulted	Comments:	

**Consultation with Divisions and/or Agencies**

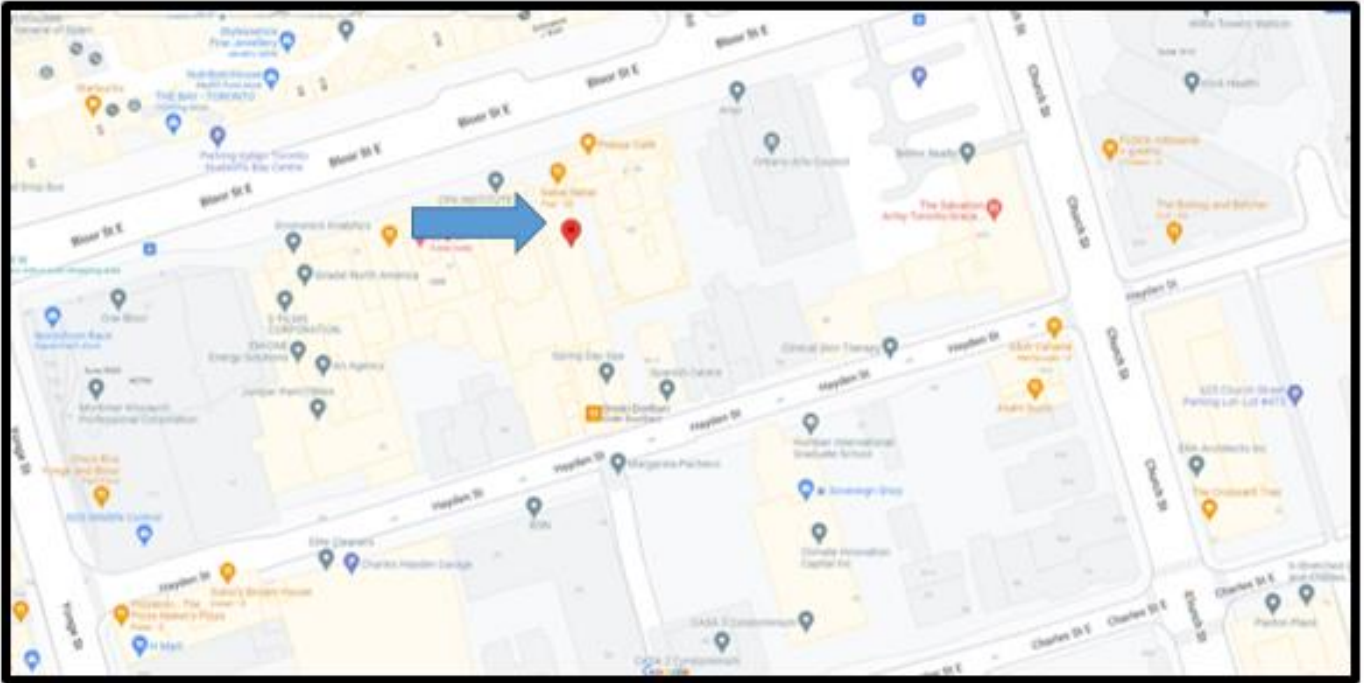
Division:	TTC	Division:	<b>Financial Planning</b>
Contact Name:	Jeremy Dixon	Contact Name:	Filisha Jenkins
Comments:	Concurred	Comments:	Concurred

**Legal Services Division Contact**

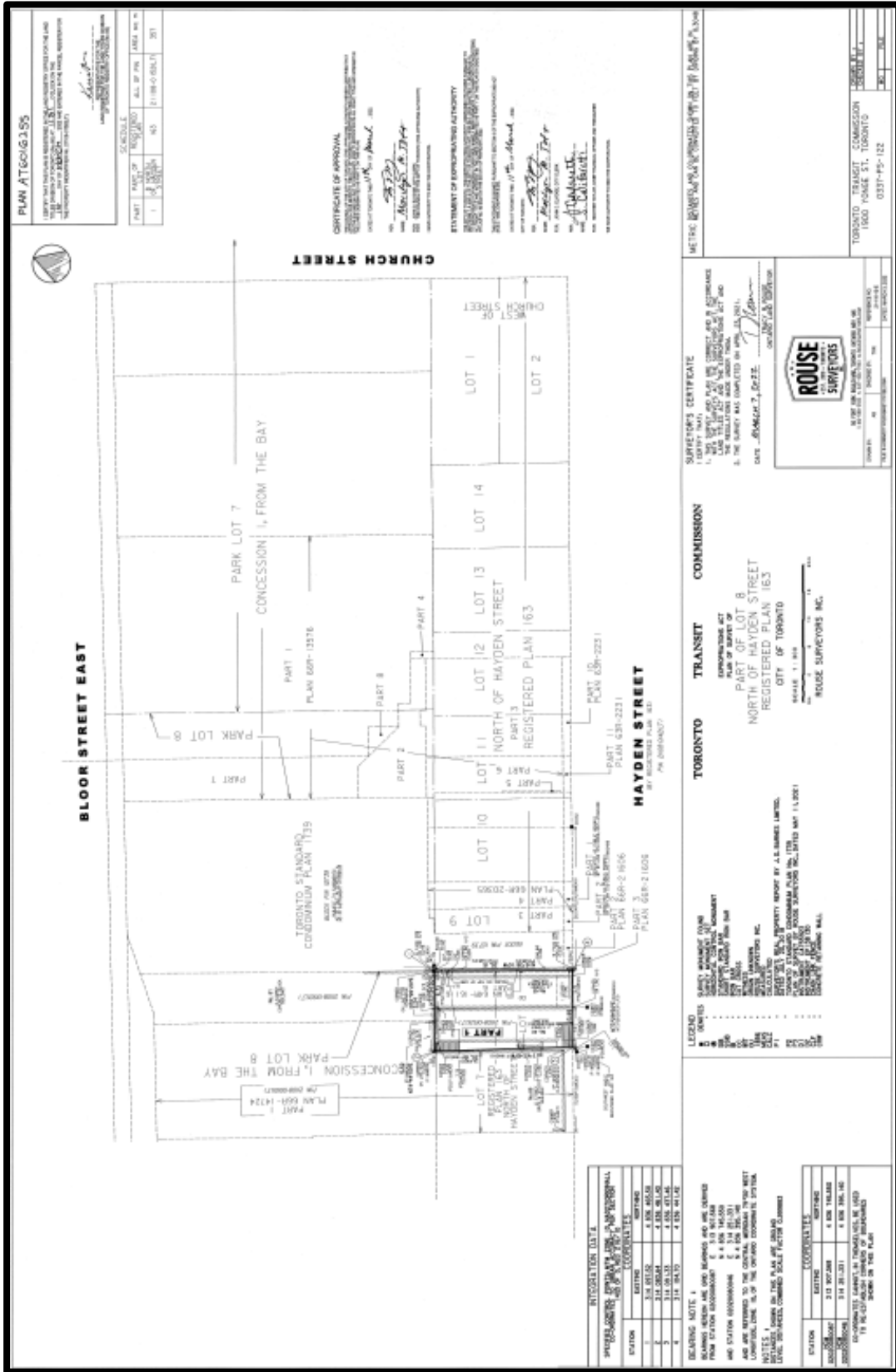
Contact Name:	Nathan Muscat
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DAF Tracking No.: 2022-266	Date	Signature
<input checked="" type="checkbox"/> Recommended by: <b>Manager, Real Estate Services Vinette Prescott-Brown</b>	Dec. 12, 2022	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: <b>Director, Real Estate Services Alison Folosea</b>	Dec. 20, 2022	Signed by Alison Folosea

## Appendix "A" "Acquired Lands"



**Appendix "B" - Expropriation Plan AT6016255  
"Acquired Lands"**



**INTERSECTION DATA**

**SURVEY STATION** (EASTING, NORTHING) **STATION** (EASTING, NORTHING)

STATION	EASTING	NORTHING
1	4 826 463.6	4 826 463.6
2	4 826 463.6	4 826 463.6
3	4 826 463.6	4 826 463.6
4	4 826 463.6	4 826 463.6

**DECLARING NOTE 1**  
BOUNDARY MARKS ARE NOT SHOWN AND ARE DERIVED FROM STATION COORDINATES.  
AND STATION COORDINATES ARE DERIVED FROM THE METRIC DATUM OF THE CANADIAN COORDINATE SYSTEM.  
NOTES: 1. SOME OF THE PLAN ARE SHOWN LEVEL TO THE CANADIAN DATUM OF 1985.

STATION	EASTING	NORTHING
1	4 826 463.6	4 826 463.6
2	4 826 463.6	4 826 463.6
3	4 826 463.6	4 826 463.6
4	4 826 463.6	4 826 463.6

**LEGEND**

1. BOUNDARY MARKS  
2. BOUNDARY LINES  
3. BOUNDARY SURVEY LINES  
4. BOUNDARY SURVEY POINTS  
5. BOUNDARY SURVEY STATIONS  
6. BOUNDARY SURVEY MARKS  
7. BOUNDARY SURVEY DATA  
8. BOUNDARY SURVEY POINTS  
9. BOUNDARY SURVEY STATIONS  
10. BOUNDARY SURVEY MARKS  
11. BOUNDARY SURVEY DATA

**SURVEYOR'S CERTIFICATE**  
I, the undersigned, being a duly qualified and licensed Surveyor, do hereby certify that the above is a true and correct copy of the original plan and survey as shown to me by the owner of the lands therein depicted, and that the same are in accordance with the provisions of the Survey Act, R.S.O. 1990, Chapter S.5, and the Regulations made thereunder.  
DATE: JANUARY 2, 2022. *Signature*  
ROUSE SURVEYORS INC.  
1180 EAST BEAVER CREEK ROAD  
SCARBOROUGH, ONTARIO M1H 2E1

**TORONTO COMMISSION**  
PART OF LOT 8  
NORTH OF HAYDEN STREET  
REGISTERED PLAN 163  
CITY OF TORONTO  
SCALE: 1:500  
ROUSE SURVEYORS INC.

**TORONTO COMMISSION**  
PART 11  
PLAN G21-2231  
BY REGISTERED PLAN 163  
PART 11  
PLAN G21-2231  
BY REGISTERED PLAN 163

**TORONTO COMMISSION**  
PART 1  
PLAN G21-1376  
CONCESSION 1 FROM THE BAY  
PARK LOT 7  
CONCESSION 1 FROM THE BAY  
PARK LOT 8  
CONCESSION 1 FROM THE BAY

**TORONTO COMMISSION**  
PART 1  
PLAN G21-1734  
CONCESSION 1 FROM THE BAY  
PARK LOT 8  
CONCESSION 1 FROM THE BAY

**TORONTO COMMISSION**  
PART 1  
PLAN G21-1734  
CONCESSION 1 FROM THE BAY  
PARK LOT 8  
CONCESSION 1 FROM THE BAY

**TORONTO COMMISSION**  
PART 1  
PLAN G21-1734  
CONCESSION 1 FROM THE BAY  
PARK LOT 8  
CONCESSION 1 FROM THE BAY