

DELEGATED APPROVAL FORM
DEPUTY CITY MANAGER, CORPORATE SERVICES
EXECUTIVE DIRECTOR, CORPORATE REAL ESTATE MANAGEMENT

TRACKING NO.: 2022-301

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

Prepared By:	December 6, 2022	Division:	Corporate Real Estate Management
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Date Prepared:	Trixy Pugh	Phone No.:	(416) 392-8160
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Purpose To obtain authority for the City to enter into a licence (the "Licence") with Metrolinx for the purposes of all works and uses in connection with the construction of the Ontario Line Project (the "Project"), including, without limitation, to occupy, enter, and re-enter on, over, across and through the Licensed Area with all Authorized Users, vehicles, materials, machinery and equipment for general construction purposes associated with the Project including but not limited to staging and laydown and all related work.

Property Parcels located within the Liberty Village area, bounded by Strachan Avenue, East Liberty Street, Hanna Avenue and the Metrolinx corridor, being part of 9 Hanna Avenue shown as Parts 1 to 3 on Dwg. No. PL0500-02-SF141, part of 10 Ordinance Street shown as Parts 1 to 15 on Dwg. No. PL0500-02-EX111, all of PIN 21299-0325(LT), all of PIN 21299-0329(LT), all of PIN 21299-0333(LT), all of PIN 21299-0314(LT) and all of 21299-0324(LT) (collectively, the "Licenced Area") in Appendix "A".

Actions

- Authority be granted to enter into the Licence with Metrolinx, substantially on the major terms and conditions set out 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 The City will receive total licence fee revenues of \$4,404,420.58 (plus HST) over the five (5) year term of the agreement. Revenues will be directed to the 2022 Council Approved Operating Budget for Corporate Real Estate Management under cost centre in FA1379 and functional area code 3220200000, and will be included in future operating budget submissions for Council consideration.

Revenues remitted to the City for each fiscal year is as follows:

Year	Amount:
2022	\$74,308.07
2023	\$891,696.79
2024	\$891,696.79
2025	\$891,696.79
2026	\$891,696.79
2027	\$763,325.37
Total	\$4,404,420.58 (plus HST)

The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.

Comments At its meeting held on December 15, 2021, City Council adopted EX28.12 which authorized the City and the Toronto Transit Commission to enter into the Real Estate Protocol and Land Valuation Principles for Subways and GO Expansion Programs with Metrolinx. The General Terms and Conditions for Real Estate Protocol for Property Acquisitions and Dispositions Relating to Subway Projects in the City of Toronto (the "RE Protocol"), was executed on June 16, 2022. The RE Protocol provides a clear process for the parties to follow relating to the acquisition, ownership and disposition of real property between the parties, both temporary and permanent interests, required for the Subways Program, which includes the Scarborough Subway Extension, the Ontario Line and the Yonge North Subway Extension.

Metrolinx requires the Licence for expansion of the rail corridor, which includes Project construction, construction access, staging and storage, and utility work. The form of the Licence is substantially in the form appended to the RE Protocol.

Term

Term: For temporary requirements only, five (5) years, with one (1) option to extend for a period of four (4) years, upon six (6) months prior written notice to the City.
 For interests with permanent requirements, five (5) years, with one (1) option to extend for a period up to twelve (12) months, or the Licenced Area is transferred to Metrolinx by way of fee simple transfer or permanent easement, whichever is the latter, upon six (6) months prior written notice to the City

Fee: \$4,404,420.58 (plus HST) for the five year term

Property Details	Ward:	10 – Spadina-Fort York
	Approximate Area:	9,781 m ² ± (2.4 ac±)
	Other Information:	

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate Services has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
2A. Expropriations Where City is Expropriating Authority:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.
2B. Expropriations For Transit-Related Purposes Where City is Property Owner or Has Interest in Property Being Expropriated:	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million. Request/waive hearings of necessity delegated to less senior positions.	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million. Request/waive hearings of necessity delegated to less senior positions.
3. Issuance of RFPs/REOs:	<input type="checkbox"/> Issuance of RFPs/REOs.	<input type="checkbox"/> Issuance of RFPs/REOs.
4. Permanent Highway Closures:	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to Divisions, Agencies and Corporations:	<input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.	<input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.
9. Leases/Licences (City as Landlord/Licensor):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 Million. <input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc. Delegated to a more senior position.	<input checked="" type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$5 Million. <input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc. <input type="checkbox"/> (c) Where compensation is less than market value, provided tenant and lease satisfy Community Space Tenancy Policy criteria set out in Item EX28.8, as adopted by Council on November 7, 8 and 9, 2017, as amended from time to time.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> (a) Where total compensation does not exceed \$3 Million. <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.	<input type="checkbox"/> (a) Where total compensation does not exceed \$5 Million. <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
14. Miscellaneous:	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences <input type="checkbox"/> (b) Releases/Discharges <input type="checkbox"/> (c) Surrenders/Abandonments <input type="checkbox"/> (d) Enforcements/Terminations <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates <input type="checkbox"/> (f) Objections/Waivers/Cautions <input type="checkbox"/> (g) Notices of Lease and Sublease <input type="checkbox"/> (h) Consent to regulatory applications by City, as owner <input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title <input type="checkbox"/> (j) Documentation relating to Land Titles applications <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences <input type="checkbox"/> (b) Releases/Discharges <input type="checkbox"/> (c) Surrenders/Abandonments <input type="checkbox"/> (d) Enforcements/Terminations <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates <input type="checkbox"/> (f) Objections/Waivers/Cautions <input type="checkbox"/> (g) Notices of Lease and Sublease <input type="checkbox"/> (h) Consent to regulatory applications by City, as owner <input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title <input type="checkbox"/> (j) Documentation relating to Land Titles applications <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds

B. Deputy City Manager, Corporate Services and Executive Director, Corporate Real Estate Management each has signing authority on behalf of the City for:

- Documents required to implement matters for which each position also has delegated approval authority.
- Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
- Expropriation Applications and Notices following Council approval of expropriation.
- 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:	Ausma Malik					Councillor:					
Contact Name:	Ausma Malik					Contact Name:					
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail	Memo	Other	Contacted by:	Phone		E-mail	Memo	Other
Comments:						Comments:					

Consultation with Divisions and/or Agencies

Division:	TPS, TS, PFR, TW			Division:	Financial Planning		
Contact Name:				Contact Name:	Filisha Jenkins		
Comments:	Incorporated into DAF			Comments:	Incorporated into DAF		

Legal Services Division Contact

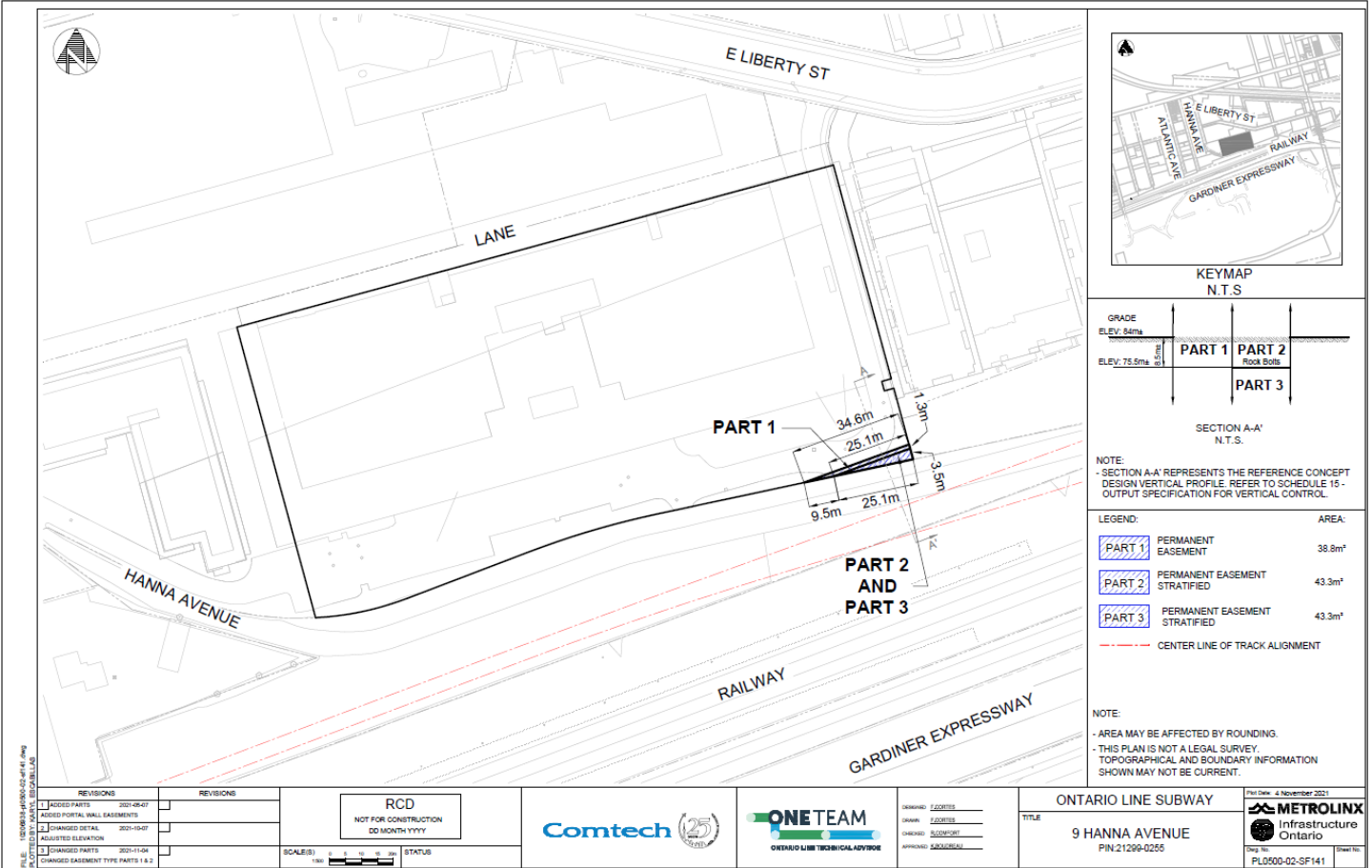
Contact Name:	Luxmen Aloysius
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DAF Tracking No.: 2022-301	Date	Signature
Recommended by: Manager, Real Estate Services	Dec. 6, 2022	Signed by Vinette Prescott-Brown
Recommended by: Director, Real Estate Services	Dec. 6, 2022	Signed by Alison Folosea
<input checked="" type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management	Dec. 7, 2022	Signed by Patrick Matozzo
<input type="checkbox"/> Approved by: Patrick Matozzo		
<input checked="" type="checkbox"/> Approved by: Deputy City Manager, Corporate Services	Dec. 7, 2022	Signed by Josie Scioli
<input type="checkbox"/> Approved by: Josie Scioli		

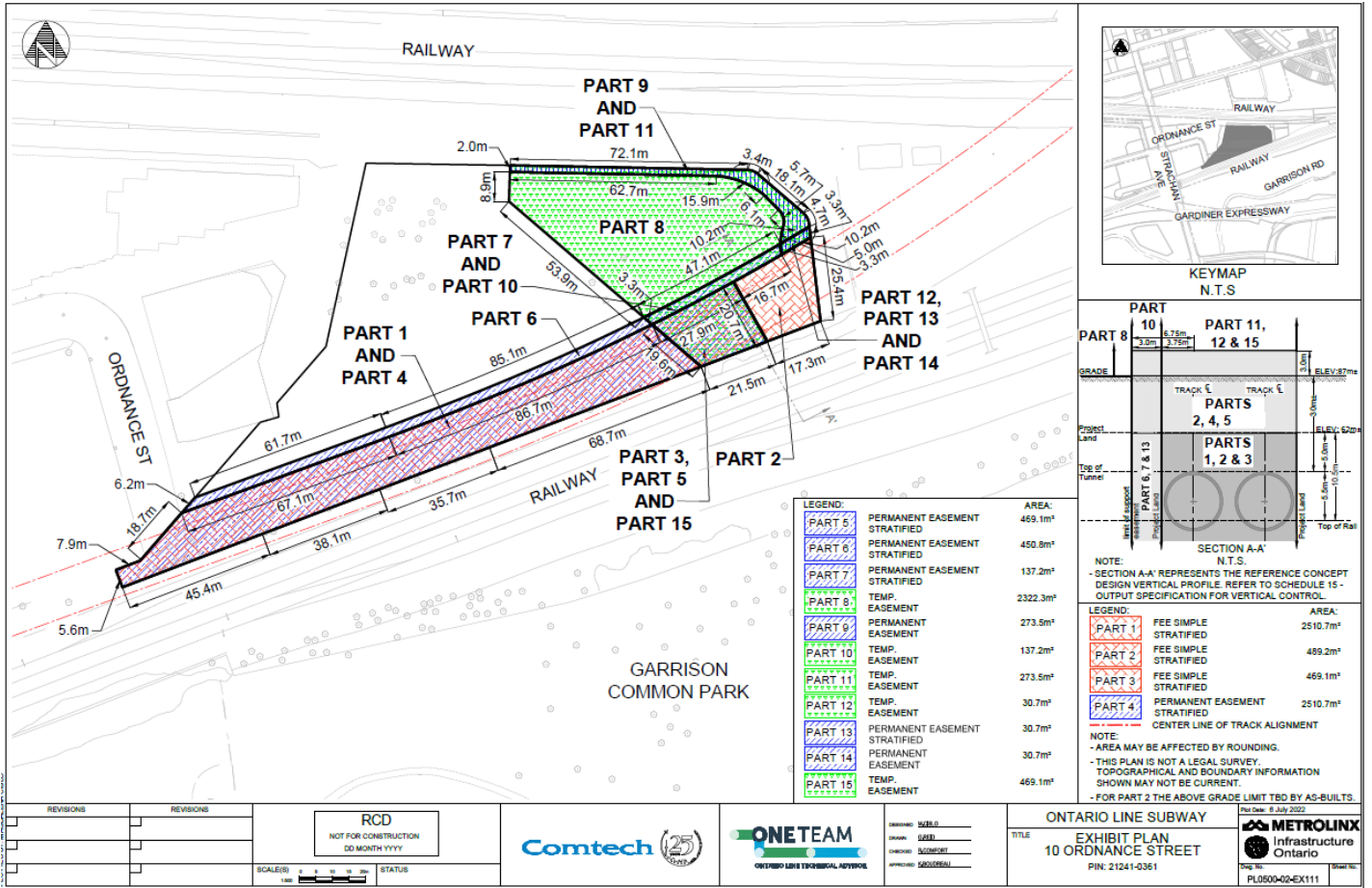
Appendix "A" Location Map & Property Plates



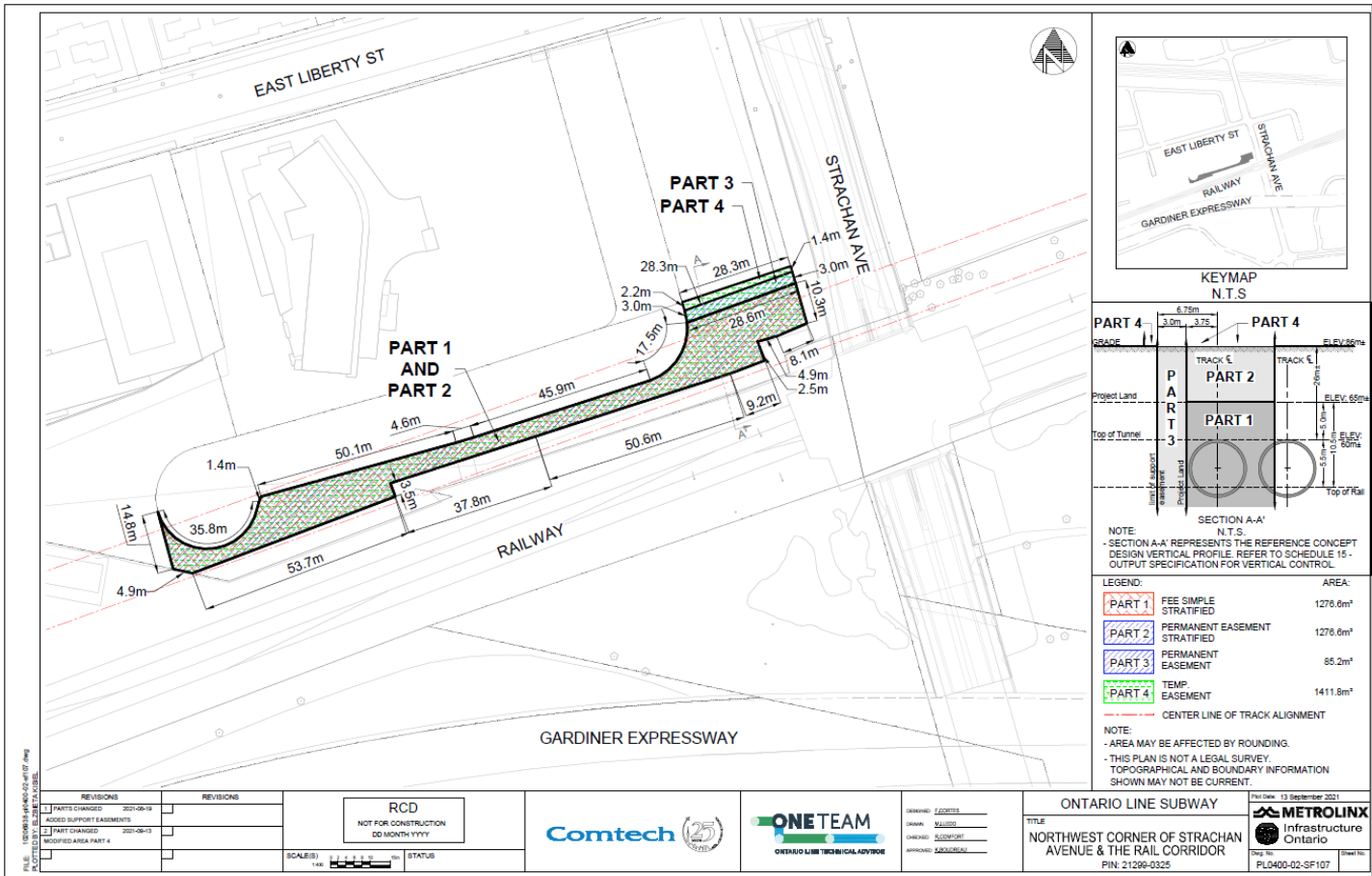
Part of 9 Hanna Avenue (Parts 1 to 3 on Dwg. No. PL0500-02-SF141)



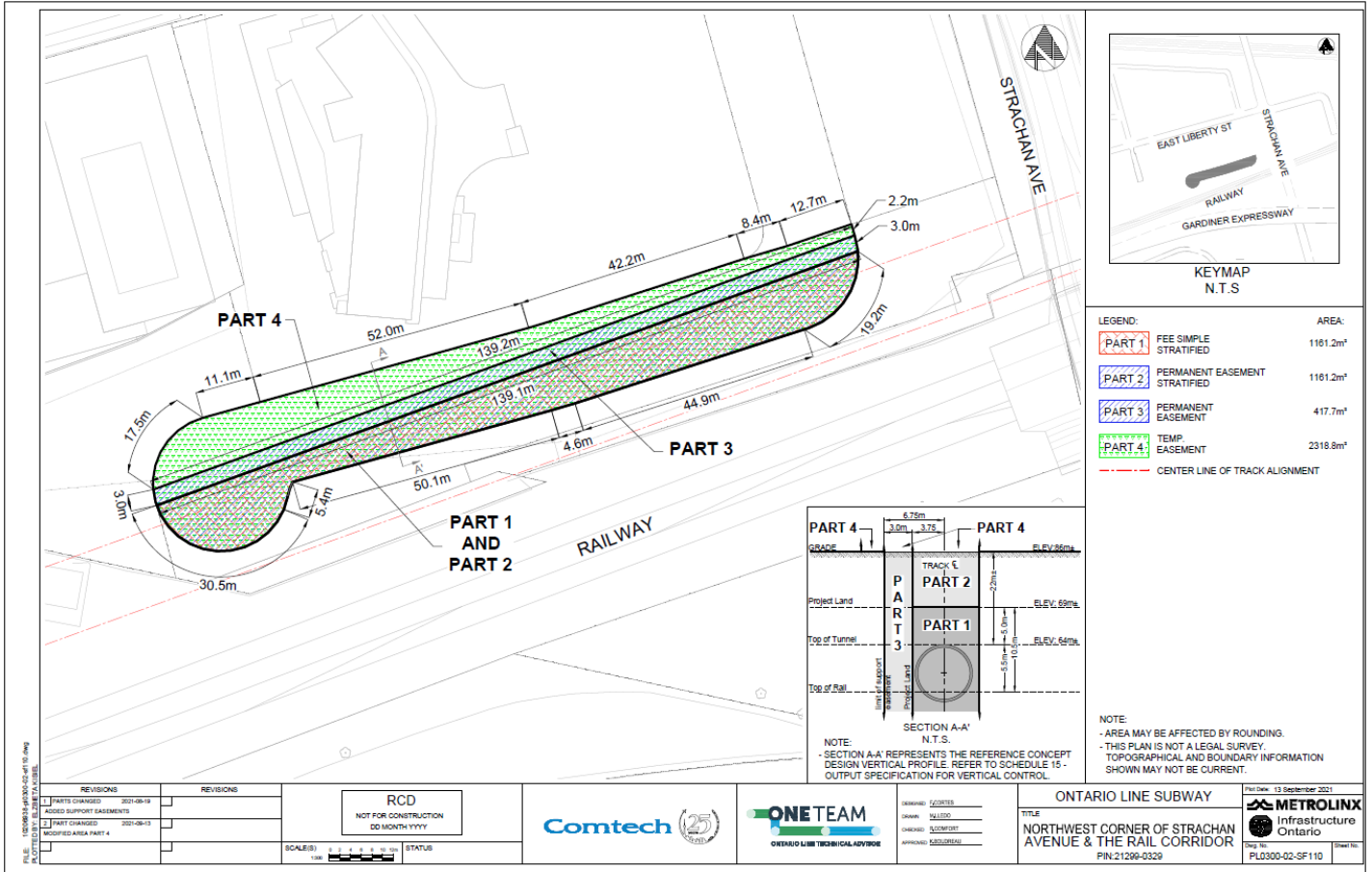
Part of 10 Ordnance Street (Parts 1-15 on Dwg. No. PL0500-02-EX111)



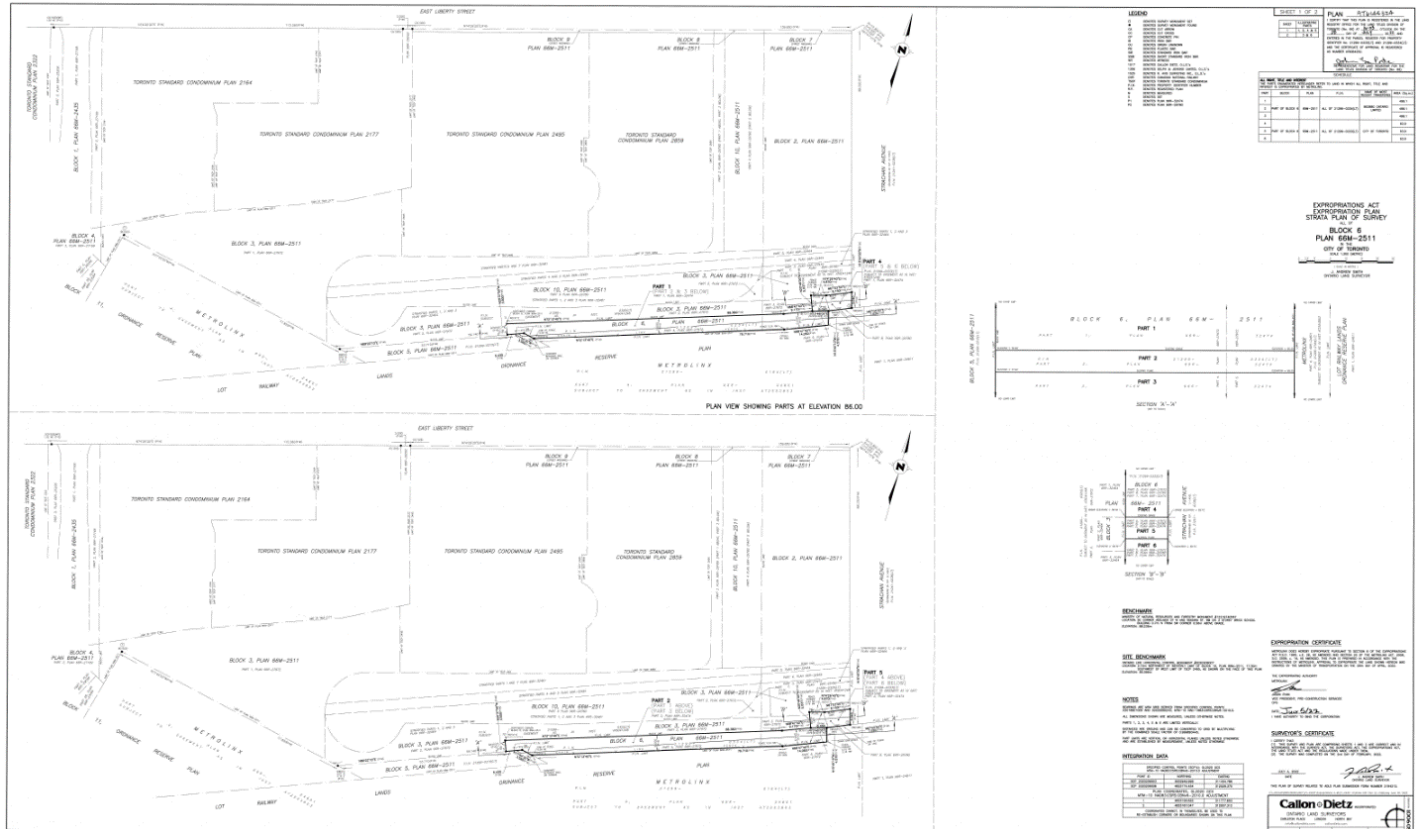
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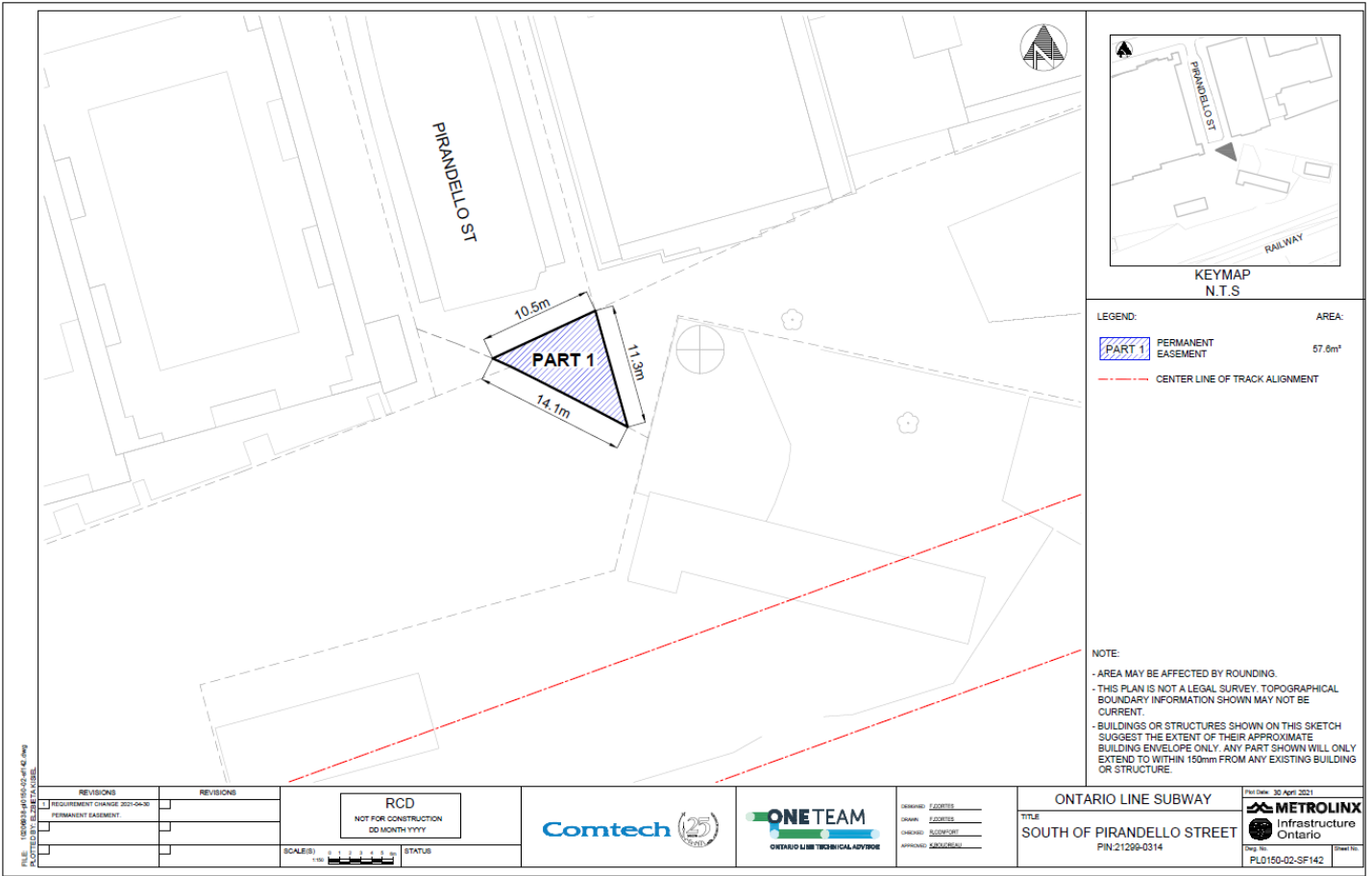
All of PIN 21299-0329(LT)



All of PIN 21299-0333(LT)



All of PIN 21299-0314(LT)



All of PIN 21299-0324(LT)

