

# DELEGATED APPROVAL FORM

## DIRECTOR, REAL ESTATE SERVICES

## MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2022-174

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

Prepared By:	Rutvik Pandya	Division:	Corporate Real Estate Management
Date Prepared:	December 21, 2022	Phone No.:	416-338-5812
<b>Purpose</b>	To obtain authority to enter into (i) two license agreements with His Majesty the King in Right of Ontario as represented by the Minister of Infrastructure (the "Province") to allow access to the Licensed Areas within the Gatineau Hydro Corridor for construction of a multi-use trail and meadowlands, and the use of same for recreational purposes (collectively, the "License Agreement"); and (ii) a sub-license agreement with Toronto and Region Conservation Authority ("TRCA") for construction of a multi-use trail and meadowlands on the Licensed Areas (the "Sublicense Agreement").		
<b>Property</b>	Lands legally described and shown outlined in red on the sketch attached hereto as Appendix "A" (Section 3: Railway – Brimley Rd.), comprising an approximate area of 46 acres, and Appendix "B" (Section 6: Military Trail – Conlins Rd.), comprising an approximate area of 40 acres (collectively the "Licensed Areas").		
<b>Actions</b>	<ol style="list-style-type: none"> <li>1. Authority be granted to enter into the License Agreement with the Province, substantially on the major terms and conditions set out in Appendix "C", and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor; and</li> <li>2. Authority be granted to enter into the Sublicense Agreement with TRCA, substantially on the major terms and conditions set out in Appendix "D", and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.</li> </ol>		
<b>Financial Impact</b>	<p>The City must pay 50% of the annual taxes or grants/payments in lieu of taxes (PILT) portion of the licensed areas of approximately 86 acres. The total one-time estimated PILT for all licensed areas is \$41,023.55 (plus HST) or \$41,745.56 (net of HST recovery).</p> <p>Funding is available in the 2022 Council Approved Operating Budget for Parks, Forestry &amp; Recreation.</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>Since 2018, TRCA, Toronto and Region Conservation Foundation, City of Toronto and The W. Garfield Weston Foundation have been working in partnership to transform 16 kilometres of under-utilized hydro-corridor lands into one of Canada's largest urban linear parks (a.k.a. The Meadoway). The Meadoway is broken down into seven sections and this licence proposal is for Sections 3 and 6 within the Gatineau Hydro Corridor, managed by Hydro One Network Inc. and owned by the Province. The project will involve two phases, including (i) site preparation, shrub planning and meadow seeding and (ii) a period of monitoring. TRCA will be responsible for all regulatory approvals, environmental oversight, and be responsible to supply all the necessary equipment, goods and supplies in respect of the project, security, insurance and maintenance requirements of the Licensed Area.</p> <p>On August 25, 26 and 27, 2010 Item GM33.6, City Council authorized a master licence agreement between the City (as Licensee) and Ontario Realty Corporation (now Ontario Infrastructure and Lands Corporation) acting as agent on behalf of Her Majesty the Queen in right of Ontario as represented by the Minister of Infrastructure, which agreement was fully executed on October 26, 2010 (the "Master License Agreement"). Staff are currently working with the Province to amend the Master License Agreement to include the Licensed Areas as a part of the Master License Agreement.</p>		
<b>Terms</b>	See Appendix "C" for the major terms and conditions of the License Agreement & Appendix "D" for the major terms and conditions of the Sublicense Agreement.		
<b>Property Details</b>	<b>Ward:</b>	21, 24, 25	
	<b>Assessment Roll No.:</b>		
	<b>Approximate Size:</b>		
	<b>Approximate Area:</b>	86 acres	
	<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/REOs:</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/Licensor):</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 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><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/REOs.</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 Thompson, Councillor Ainslie	Councillor:	Councillor McKelvie
Contact Name:		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 checked="" type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	Notified	Comments:	Notified

**Consultation with Divisions and/or Agencies**

Division:	Park Forestry & Recreation	Division:	<b>Financial Planning</b>
Contact Name:	Brian Majcenic	Contact Name:	Filisha Jenkins
Comments:	Incorporated	Comments:	Concurred

**Legal Services Division Contact**

Contact Name: Gloria Lee – Comments Incorporated

DAF Tracking No.: 2022- 174	Date	Signature
Concurred with by: Manager, Real Estate Services		X
<input checked="" type="checkbox"/> Recommended by: <b>Manager, Real Estate Services Vinette Prescott-Brown</b> <input type="checkbox"/> Approved by:	Dec. 22, 2022	Signed by Vinette Prescott-Brown
<input checked="" type="checkbox"/> Approved by: <b>Manager, Real Estate Services Leila Valenzuela</b>	Dec. 21, 2022	Signed by Leila Valenzuela

**Appendix "A"**  
**Licensed Area - Section 3 (Railway - Brimley Road)**

**Licensed Area:** 46.00 acres (outlined by red dotted lines on the Sketch below)

**Taxable Area:** 1.13 acres (Proposed Trail area)

**Legal Description of the Licensed Area:**

1) Lands labelled as E and F on the sketch below:

(a) Part Lot 27 Con D as in SC40476 except SC306540, SC56626; save and except Part 30 on Plan 66R-19353; S/T SC277301. Toronto, City of Toronto, being all of PIN 06474-0263 (LT); and

(b) Parcel 18419K, Section Scarborough, Block B, PLAN M806 Scarborough, City Of Toronto, being all of PIN 06474-0147 (LT).

2) Lands labelled as G and H on the sketch below:

Pt Lt 26 Con D as in SC43298; Pt Lt 26 Con D as in SC40379 Except Land In SC259564 & SC266098; Pt Lt 26 Con D As In SC42019 except land in SC259564, SC272904 & SC306540; Pt Lt 26 Con D as in SC41928 Except Land In SC272904 & SC306540; Pt Lt 26 Con D As In SC39380 Except Land In SC56317; S/T Row In SC56317; Pt Lts 26 & 25 Con D As In SC41059 & SC115435 Lying W Of Marcos Blvd Ded By SC241195 & Lying S Of Lawrence Av As Widened By SC420495; S/T Row In SC41059 "Description In SC43298 May Not Be Acceptable In Future" Re: Poc; SC40379, SC42019, SC41928 & SC56317 S/T SC286123 Scarborough, City Of Toronto, being all of PIN 06349-0141 (LT).

3) Lands labelled as I on the sketch below:

Pt Lt 25 Con 1 as in SC94966; SC89156 (Pt Lying E Of Rushley Dr By By-Law 7823); SC39769, SC39498, SC77092; Except SC165563, SC186737, SC288693, Pt 364R-1821, Pts 1 To 8 64R-11044, "Description In SC39769, SC39498, SC77092, SC89156 May Not Be Acceptable In Future - Re: Exceptions" Scarborough, City Of Toronto, being all of PIN 06295-0159 (LT).

4) Lands labelled as J, K and L on the sketch below:

Pt Lt 25 Con D as in SC41059, SC43859 and SC77092 Lying E Of Marcos Blvd S Of Pt 4 64R-1821, SW Of Pt 1 64R-9086, NW Of Pt 1 64R9086, NW Of Pt 1 64R11295 And N Of 64R11226; S/T Row As In SR41059; "Description In SC77092 May Not Be Acceptable In Future" S/T SC225449 Scarborough, City Of Toronto, being all of PIN 06475-0391 (LT).



**Appendix "B"**  
**Licensed Area – Section 6 (Military Trail – Conlins Road)**

**Licensed Area:** 40.00 acres (outlined by red dotted lines on the sketch below)

**Taxable Area:** 0.60 acres (Proposed Trail area)

**Legal Description of the Licensed Area:**

- 1) Lands labelled as A on the sketch below:

Pt S1/2 & NE1/4 Lt 12 Con 2 Scarborough Pt 2, 4 & 5 64R-9195; S/T SC366079; Toronto , City of Toronto, being all of PIN 06186-0017 (LT)

- 2) Lands labelled as B on the sketch below:

Pt Lt 11 Con 2 Scarborough As In SC40577, SC40945, SC43865, SC53645 Except SC51442, SC173810, SC375857, Pts 1 & 2, 64R-2188 & Pts 1 & 2, 64R3965 Except Pt 1, 64R7216; Pt S1/2 & Ne1/4 Lt 12 Con 2 Scarborough Pt 1, 64R-9195; S/T SC83088, SC283670, SC285204 & SC80218; Toronto , City Of Toronto ; S/T an easement in favour of the City Of Toronto, Over Pt Lt 11, Con 2 Scarborough Des Pts 2 & 5, PI 66R-21058, As Set Out In AT660868.; Subject To An Easement In Gross Over Pt Lt 11 Con 2 Scarborough Pt 2, 66R25066 As In AT2670487,being all of PIN 06189-0326 (LT).

- 3) Lands located on the southeast corner of Morningside Ave. and Hwy 401:

Lt 9 RCP 10303 Scarborough except Pt 1 Expropriation Plan 12064 (TB834504C) & Pt 5 64R-12209; S/T SC39530; Scarborough, City of Toronto, being all of PIN 06192-0302 (LT).

- 4) Lands Labelled As C & D on the sketch below:

Lt 31 RCP 10303 Scarborough except Pts 2 & 3 64R-12726 & Pt 1 64R-10007; Scarborough, City of Toronto, being all of PIN 06192-0305 (LT).





**Appendix "C"**  
**Major Terms – License Agreement**

**Licensor:** His Majesty the King in Right of Ontario as represented by the Minister of Infrastructure

**Term:** September 1, 2022 – August 31, 2023

**Use:** Construction of a multi-use trail and meadowlands and use of the same for recreational purposes

**Fee:** 50% of all taxes, rates or grants in lieu thereof assessed or levied against the Licensed Area during the Term.

**Early Termination Right:** The Licensor has the right to terminate the license upon providing the City with ninety (90) days' prior written notice

**Insurance:** The City shall at its own expense, arrange and maintain a liability insurance policy satisfactory to the Licensor in the minimum amount of Five Million (\$5,000,000.00) dollars. Such insurance shall name the Licensor, Ontario Infrastructure and Lands Corporation and Hydro One Networks Inc. as additional insureds, contain a cross liability clause and specify that it is primary coverage.

**Removal:** Upon termination of the licence, the City is required to remove any of its installations and facilities from the Licensed Area and restore the Licensed Area to the satisfaction of the Licensor unless the Licensed Area is added to the Master Licence Agreement between the City and the Licensor dated October 26, 2010, as amended from time to time.



**Appendix "D"**  
**Major Terms – Sub-Licence Agreement**

**Licensee:** Toronto and Region Conservation Authority

**Use:** Construction of a multi-use trail and meadowlands

**Term:** November 7, 2022 – November 6, 2023

**Fee:** All taxes, rates or grants in lieu thereof assessed or levied against the Licensed Area during the Term payable by the City to the Head Licensor

**Insurance:** Maintain a liability insurance policy satisfactory to the City in the minimum amount of Five Million (\$5,000,000.00) dollars and promptly advise the City of any cancellation, material alteration or lapse of any policies of insurance.

**As is, Where is:** TRCA accepts the Licensed Area in its "as is" and "where is" condition.