

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

TRACKING NO.: 2023-032

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

Prepared By:	Joseph Sergnese	Division:	Corporate Real Estate Management
Date Prepared:	January 19, 2023	Phone No.:	416-392-1857

Purpose	To obtain authority to enter into a licence agreement with His Majesty the King in right of Ontario as represented by the Minister of Infrastructure (the " Licensor ") with respect to certain lands located north east of Dufferin St. and Finch Ave. W. for the purpose of access and daylighting work (the " Licence Agreement ").
Property	Certain lands located to the east of Dufferin St. and north of Finch Avenue West, legally described as Part of Lot 21, Concession 2, West of Yonge Street, formerly Township of York, PIN 10165-1262 (LT), as shown on the attached sketch in Appendix "A" (the " Licensed Lands ").
Actions	1. Authority be granted to enter into the Licence Agreement with the Licensor, substantially on the major terms and conditions set out in Appendix "B", and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor
Financial Impact	<p>The total cost to the City for the term of licence agreement is \$1,500.00 (plus all applicable taxes).</p> <p>The City will also provide to the Licensor \$10,000.00, to be held by the Licensor as a Security Bond.</p> <p>Funding is available in the 2022-2031 Council Approved Capital Budget and Plan for Toronto Water under capital project account CWW014-17-06 (ECS340).</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>
Comments	<p>The G Ross Lord Reservoir was built on top of the Dufferin Sanitary Trunk Sewer System ("Dufferin STS"). Due to poor condition of the Dufferin STS significant infiltration and inflow of storm water was observed. The City will be upgrading the Dufferin STS to bring it into a state of good repair. The upgrades will include:</p> <ul style="list-style-type: none"> • re-alignment of the Dufferin STS out of the G. Ross Lord Reservoir, along Finch Ave. W., between Dufferin St and Don River West Branch; • Abandoning the existing Dufferin STS and the West Don STS beneath the G. Ross Lord Reservoir, which will be out of service after re-alignment of the Dufferin STS; • Rehabilitate the existing Dufferin STS south of Finch Ave. W. <p>The City will need to enter into an access agreement with the Licensor to provide a point of access for the movement of construction vehicles, equipment and construction supplies to facilitate the work required to upgrade Sanitary Truck Sewer System.</p> <p>The proposed licence fee and other major terms and conditions of the Licence Agreement are considered to be fair, reasonable and reflective of market rates.</p> <p>Although the registered owner of the Licensed Lands is The Hydro-Electric Power Commission of Ontario, the fee simple interest in the Licensed Lands has been transferred to the Licensor pursuant to the Electricity Act, 1998, as amended.</p>
Terms	See Appendix "B"

Property Details	Ward:	Ward 6 - York Centre
	Assessment Roll No.:	1908-05-3-540-08800, 1908-05-3-450-01800
	Approximate Size:	Irregular
	Approximate Area:	Irregular
	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:	James Pasternak	Councillor:	
Contact Name:	Hector Alonso	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 type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	No Objection (January 18, 2023)	Comments:	

Consultation with Divisions and/or Agencies


Division:	Infrastructure & Development Services	Division:	Financial Planning
Contact Name:	Mike Dekhil	Contact Name:	Filisha Jenkins
Comments:	Concurs (January 18, 2023)	Comments:	Concurs (January 19, 2023)


Legal Services Division Contact

Contact Name: Gloria Lee, Concurs (January 18, 2023)

DAF Tracking No.: 2023-032	Date	Signature
Concurred with by: Manager, Real Estate Services Vinette Prescott-Brown	Jan. 25, 2023	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Jennifer Kowalski	Jan. 24, 2023	Signed by Jennifer Kowalski
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		X

**Appendix A
Property Sketch
HONI LICENCE LANDS**

 Licensed Pathway Area (denoted by dashed Yellow line)

 Hydro One property boundary line (part of PIN 101651262)



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Appendix B
MAJOR TERMS AND CONDITIONS

1. Term: One (1) year from March 1, 2023 to February 29, 2024
2. Use: Access and daylighting work
3. Licence Fee: One Thousand Five Hundred dollars (\$1,500.00), plus all applicable taxes.
4. Security: A security bond in the amount of Ten Thousand dollars (\$10,000.00) to be held by the Licensor.
5. Indemnity: The City shall at all times indemnify and save harmless the Licensor and its successors, administrators, permitted assigns, directors, officers, employees, agents, servants, representatives, appointees from and against all loss, damage or injury and all actions, suits, proceedings, costs, charges, damages, expenses, claims or demands arising from the City's use and occupation of the Licensed Lands.
6. 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. The insurance shall name the Licensor, Ontario Infrastructure and Lands Corporation and Hydro One Networks Inc. ("HONI") as additional insureds; contain a cross liability clause; and specify that it is primary coverage and not contributory with or in excess of any insurance maintained by the Licensor or HONI .