

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

TRACKING NO.: 2023-029

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

Prepared By:	Joe Corigliano	Division:	Corporate Real Estate Management
Date Prepared:	January 13 th 2023	Phone No.:	416 392-1167

Purpose	To obtain authority to enter into a Licence Agreement (the "Agreement") with Trans Northern Pipelines Inc (the "Licensee") to allow for a construction staging area and temporary working area for an integrity dig on the lands described below in Appendix "B".
Property	Part of Centennial Park Boulevard, legally described Pt of Elmcrest Rd also known as Mercer Rd Also Known as Centennial Park Blvd Lying Btn the S Limit Of Eglinton Ave W and the S Limit of the Ontario Hydro Lands In EB353352 Being; Pt Lot C, Con River Etobicoke, being a Forced Rd; Pt Lot C&D, Con River Etobicoke, Pts 2-10 & 12-20 64R10480; Secondly; PT LT C & D, Con River Etobicoke, Part 1, 21, 64R10480; S/T EB509584, TB144235 Etobicoke, City Of Toronto (LT); being PIN 07434-0535 (the "City Lands");
Actions	1. Authority be granted to enter into the Licence Agreement with the Licensee, substantially on the major terms and conditions set out in Appendix "A", 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 licence fee to be paid to the City is \$1,275.00 (plus HST) per calendar month paid in advance. The Licensee has the right to extend the Agreement for up to two (2) additional months, on 10 days' notice. Total value of the Agreement, including optional extension, is \$3,825.00 (plus HST).</p> <p>Revenues to be remitted to the City on a fiscal year basis is as follows:</p> <p>2023 Total: \$3,825.00 (plus HST)</p> <p>Revenue will be directed to the 2023 Council Approved Operating Budget for Parks, Forestry and Recreation under Cost Centre PA10229, FAC 1810400000.</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>Vertex Resource Group Ltd will be working on behalf of the Licensee to perform an integrity dig on its existing pipeline. The Licensee requires an area that extends beyond its existing easement which passes through Centennial Park Boulevard, as shown in Appendix "B" coloured in brown.</p> <p>Parks, Forestry and Recreation manages Centennial Park Boulevard and is agreeable to the granting of the Agreement.</p> <p>The proposed licence fee and other major terms and conditions of the Agreement are considered to be fair, reasonable and reflective of market rate.</p>
Terms	See Appendix A

Property Details	Ward:	02 – Etobicoke Centre
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	441.6 m ² ± (4753.34 ft ² ±)
	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 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"/> (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:	Stephen Holyday	Councillor:	
Contact Name:	Stephen Holyday	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:	Concurs	Comments:	

Consultation with Divisions and/or Agencies

Division:	Parks, Forestry and Recreation	Division:	Financial Planning
Contact Name:	Brian Majenic	Contact Name:	Filisha Jenkins
Comments:	Concurs	Comments:	Concurs

Legal Services Division Contact

Contact Name: Vanessa Bacher

DAF Tracking No.: 2023-029	Date	Signature
Concurred with by: Manager, Real Estate Services Ronald Ro	Jan. 13, 2023	Signed by Ronald Ro
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Vinette Prescott - Brown	Jan. 13, 2023	Signed by Vinette Prescott-Brown
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		n/a

"Appendix A - Term Sheet"

Licensor:	City of Toronto (the "City")
Licensee:	Trans-Northern Pipelines Inc.
Licensed area:	Part of Centennial Park Blvd, shown on Appendix B.
Term:	1 month beginning on at least 10 business days' advance written Notice to City Parks, before May 1, 2023. Right to extend for up to 2 months upon at least 10 business days' written notice
License Fee:	\$1,275.00 (Plus HST) per month) for the occupancy of the Licensed Area, payable in advance of the commencement date and prior to any requested extension.
Use:	The Licensee and the Licensee's Representatives shall use the Licensed Area only for the purposes of a construction staging area and temporary working area for an integrity dig and works ancillary thereto
Insurance:	Commercial General Liability in the amount of \$5 million per occurrence for bodily injury (including death) and property damage. The City will be added as an additional insured.
Indemnities:	<p>The Licensee shall at all times indemnify and save harmless the City and the City's Representatives from any and all manner of claims, demands, losses, costs, charges, actions and other proceedings whatsoever, made or brought against, suffered by or imposed on the City or the City's Representatives or their property in respect of any loss, damage or injury (including fatal injury) to any person or property including, without restriction, employees, agents and property of the City, its officials, officers, employees, consultants, contractors, representatives, agents, successors and assigns or of the Licensee, directly or indirectly arising out of or resulting from or sustained as a result of either the Licensee's or the Licensee's Representatives</p> <p>The Licensee shall fully indemnify and save harmless the City and the City's Representatives against and from all liens and other claims under the <i>Construction Act</i> or any successor legislation related to any work performed by or at the direct or indirect request of the Licensee at the Licensed Area, and shall at its own expense see to the removal from the registered title to the Licensed Area and/or surrounding lands, by discharge or Order, of any claim for such lien or Certificate of Action in connection therewith, promptly and in any event within ten (10) days of being notified in writing by the City to do so, failing which the City may see to such removal and recover the expense and all attendant costs plus a 15% administrative fee from the Licensee as owing and in arrears.</p>

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"Appendix B – Licensed Area and Location Map"

