

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

TRACKING NO.: 2023-091

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

Prepared By:	Boluwarin Mojeed	Division:	Corporate Real Estate Management
Date Prepared:	March 22, 2023	Phone No.:	437-996-8720

Purpose	To obtain authority to enter into a Tieback and Shoring Agreement (the " Agreement ") with Fourme Corp. (the " Licensee ") with respect to the City's property located at the Northeast corner of Markham Road and Brimorton drive, in the City of Toronto (the " Property "), for the purpose of allowing tieback and shoring wall installations upon the Property to support the Licensee's construction of a 34-storey mixed-use residential building located at 1021 Markham Road, Toronto (the " Development ").
Property	Portion of the property located on the Northeast corner of Markham Road and Brimorton Drive, Toronto, legally described as Block 1, Plan 66M2565, City of Toronto, being a portion of PIN 06263-0131 (LT) (the " Property "), as shown on the Location Map in Appendix " B " and labelled as Area 1 on the Licensed Area Sketch in Appendix " C ".
Actions	1. Authority to be granted to enter into the 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	The total compensation to the City for the Agreement will be \$91,524.80 (plus HST). Revenue generated from this transaction will be directed to the 2023 Council Approved Operating Budget for Parks, Forestry and Recreation under cost centre P10228 and functional area code 1810400000. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact Section.
Comments	The Licensee requested permission to access and construct upon a portion of the Property, having an approximate area of 3,640 square feet, identified as Area 1 on the Licensed Areas Sketch in Appendix " C ", for the purposes of tieback and shoring installation to support the Development. The Agreement is proposed to commence on May 1, 2023. The proposed licence fee and other major terms and conditions of the Agreement are considered to be fair, reasonable and reflective of market value.
Terms	Please see page 4: Appendix " A "

Property Details	Ward:	24 – Scarborough-Guildwood
	Assessment Roll No.:	1901 082 420 09452
	Approximate Size:	N/A
	Approximate Area:	338 m ² ± (3,638 ft ² ±)
	Other Information:	N/A

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 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 checked="" 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:	Paul Ainslie	Councillor:	
Contact Name:	Antonette DiNovo	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:	Concurred	Comments:	

Consultation with Divisions and/or Agencies

Division:	Parks, Forestry & Recreation	Division:	Financial Planning
Contact Name:	Brian Majcenic	Contact Name:	Filisha Jenkins
Comments:	Concurred	Comments:	Concurred

Legal Services Division Contact

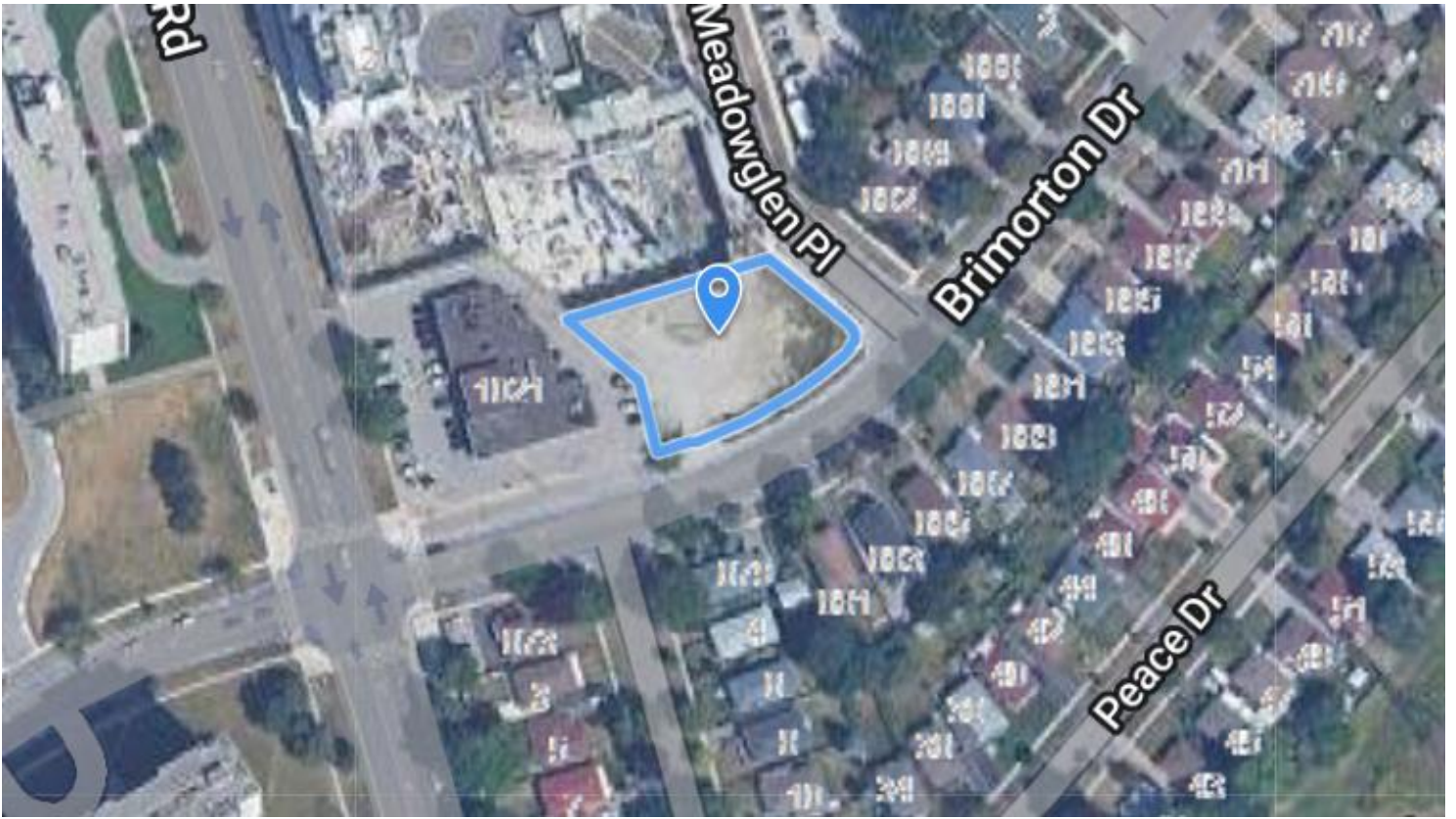
Contact Name:	Michelle Xu
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DAF Tracking No.: 2023-091	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Jennifer Kowalski	March 24, 2023	Signed by Jennifer Kowalski
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Acting Director, Real Estate Services Vinette Prescott-Brown	March 28, 2023	Signed by Vinette Prescott-Brown

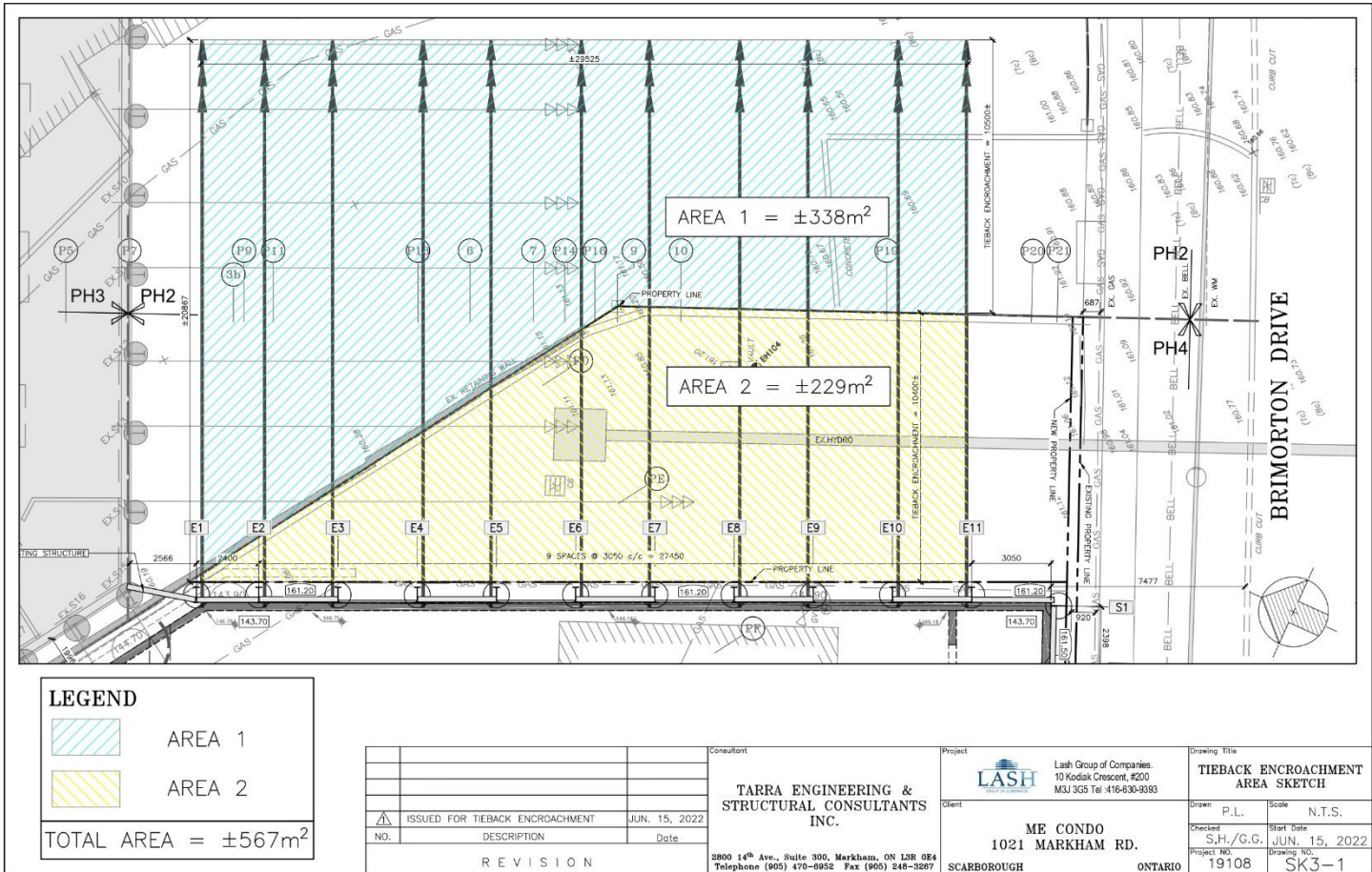
Appendix "A" – Term Sheet

1. **Licensor:** City of Toronto
2. **Licensee:** Fourme Corp.
3. **Term:** Commences on May 1, 2023 and expires on April 30, 2025.
4. **Licence Fee:** one-time fee of \$91,524.80 (plus HST), payable in full and in advance on or before the commencement date.
5. **Licensed Area:** an approximate area of 3,640 square feet or 338 square meters of vacant parkland.
6. **Use:** to permit the Licensee to access and construct tieback and shoring walls upon the licensed area for the purpose of supporting the Development.
7. **Insurance:** comprehensive general liability insurance against claims for bodily injury (including death) and property damage in an amount not less than \$10,000,000.00 per occurrence. Such insurance shall name the City of Toronto as additional insureds, and contain cross-liability and waiver of subrogation provisions and shall provide that the insurer will not cancel nor refuse to renew the said insurance without first giving each insured party thirty (30) days' prior written notice in advance.
8. **De-stressing and Tieback Removals:** Licensee warrants that the tieback and shoring are safe to de-stress within six (6) months after the slab completion date (as outlined in the Agreement). The City shall have the right to de-stress the tieback and shoring six months following the slab completion date in the event the Licensee fails to do so.
9. **Restoration:** Upon expiry or termination of the Licence, and the Licensee shall remove all of the Licensee's chattels and restore the Licensed Area in accordance with the terms of the Agreement.

Appendix "B" – Location Map



Appendix "C" – Licensed Area Sketch



		Consultant	Project	Drawing Title
		TARRA ENGINEERING & STRUCTURAL CONSULTANTS INC. 2800 14 th Ave., Suite 300, Markham, ON L3R 0E4 Telephone (905) 470-0952 Fax (905) 248-3287	LASH Lash Group of Companies. 10 Kodjak Crescent, #200 M3J 3G5 Tel +16-830-9393	TIEBACK ENCROACHMENT AREA SKETCH
ISSUED FOR TIEBACK ENCROACHMENT JUN. 15, 2022				Client
NO. DESCRIPTION Date		REVISION		