

**DELEGATED APPROVAL FORM  
DEPUTY CITY MANAGER, CORPORATE SERVICES**

TRACKING NO.: 2023-077

|  |   |  |                                  |
|--|---|--|----------------------------------|
| Approved pursuant to the Delegated Authority contained in Item EX20.2 entitled " <b>Advancing the SmartTrack Stations Program</b> " as adopted by City Council on February 2, 3 and 5, 2021. |   |  |                                  |
| Prepared By:   | Blendian Stefani  | Division:  | Corporate Real Estate Management |
| Date Prepared:   | March 29, 2023  | Phone No.:   | (416) 397-7481                   |
| <b>Approval Authority</b>  | <b>Deputy City Manager, Corporate Services ("DCM, CS") has approval authority to approve the disposal to Metrolinx of certain City property required for the implementation of the SmartTrack Stations Program for nominal consideration, on terms satisfactory to the DCM, CS and in a form acceptable to the City Solicitor.</b>  |  |                                  |
| <b>Signing Authority</b>   | <b>Deputy City Manager, Corporate Services has signing authority on behalf of the City for Documents required to implement matters for which he or she also has delegated approval authority.</b>   |  |                                  |
| <b>Purpose</b>   | To obtain authority to grant an Omnibus Permission to Enter Agreement (the "OPTE") in favour of Metrolinx, over parts of City properties that have been identified as required for the SmartTrack Stations Program, for the purpose of due diligence work.  |  |                                  |
| <b>Property</b>  | Any City property required for the SmartTrack Stations Program. The current requested property is listed on Appendix "B" and shown on Appendix "C".   |  |                                  |
| <b>Actions</b>   | <ol style="list-style-type: none"> <li>1. Authority be granted to enter into the OPTE in favour of Metrolinx, as same may be amended, restated or extended from time to time, for the due diligence work (the "Works") as detailed in Appendix "A", on terms and conditions as set out herein and as deemed appropriate by the Director, Real Estate Services, or designate, and in a form satisfactory to the City Solicitor.</li> <li>2. Authority be granted to waive the City's administrative fee pursuant to Chapter 441 of the Toronto Municipal Code for the Amending Agreement.</li> </ol>   |  |                                  |
| <b>Financial Impact</b>  | Licence fees payable for the Licensed Area identified on Appendix "B" and any other additional licensed areas are for nominal consideration in accordance with the Term Sheet attached to Item EX20.2 adopted by City Council on February 2, 3 and 5 2021 entitled <i>Advancing the SmartTrack Stations Program</i> . The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.   |  |                                  |
| <b>Comments</b>  | Metrolinx will require temporary use of certain City-owned properties to undertake the due diligence work to facilitate the SmartTrack Stations Program. At this time, the Licensed Area as shown on Appendix "C" is required. There will be additional City-owned properties ("Additional Licensed Area") that Metrolinx will be requesting in the future for temporary use to perform the Works for the SmartTrack Stations Program.  |  |                                  |
| <b>Terms</b>   | <p><b>Licensee:</b> Metrolinx</p> <p><b>Licence Fee:</b> \$1.00 for the Licensed Area identified on Appendix "C" and each Additional Licensed Area.</p> <p><b>Term:</b> Each Term not to exceed three (3) months, commencing on the date which is twenty (20) business days following the delivery of a notice of commencement. For the Licensed Area identified on Appendix "C", the twenty (20) business days' notice of commencement will be waived due to the urgency to perform the Works.</p> <p><b>Early Termination:</b> The City may terminate the OPTE for the Licensed Area or any particular Additional Licensed Area prior to the expiry of the Term in the event of an emergency.</p> <p><b>Insurance:</b> Comprehensive General Liability Insurance in the amount not less than \$5,000,000.00</p> <p><b>Use:</b> Generally for the purposes of the Works.</p> <p><b>Indemnity:</b> Metrolinx will indemnify and save harmless the City from and all manner of claims, demands, losses, costs, charges, actions and other proceedings whatsoever, directly or indirectly resulting from occupation of or use of the Licensed Area or Additional Licensed Areas.</p> <p><b>Restoration:</b> Metrolinx shall restore the Licensed Area or Additional Licensed Areas to as close as is practicable to the original condition prior to occupancy by Metrolinx or its authorized users, at Metrolinx's sole cost and expense.</p> |  |                                  |
| <b>Property Details</b>  | <b>Ward:</b>  | City-wide – All Ward;<br>Licensed Area on Appendix "B" – Ward 22 |                                  |
|  | <b>Assessment Roll No.:</b>   |  |                                  |
|  | <b>Approximate Size:</b>  |  |                                  |
|  | <b>Approximate Area:</b>  | See Appendix "B"   |                                  |
|  | <b>Other Information:</b>   | N/A  |                                  |

| Consultation with Councillor(s)             |                       |                                     |        |  |      |               |                                 |  |  |
|---|-----------------------|-------------------------------------|--------|--|------|---------------|---------------------------------|--|--|
| Councillor:                                 | Nick Mantas           |                                     |        |  |      | Councillor:   |                                 |  |  |
| Contact Name:                               | Joanne Fusillo Ademaj |                                     |        |  |      | Contact Name: |                                 |  |  |
| Contacted by:                               | Phone                 | <input checked="" type="checkbox"/> | E-Mail |  | Memo |               | Other                           |  |  |
| Comments:                                   | No Objections         |                                     |        |  |      | Comments:     |                                 |  |  |
| Consultation with Divisions and/or Agencies |                       |                                     |        |  |      |               |                                 |  |  |
| Division:                                   | Toronto Water         |                                     |        |  |      | Division:     | <b>Financial Planning</b>       |  |  |
| Contact Name:                               | Majde Qaqish          |                                     |        |  |      | Contact Name: | Filisha Jenkins                 |  |  |
| Comments:                                   | No concerns           |                                     |        |  |      | Comments:     | Comments have been incorporated |  |  |
| Legal Division Contact                      |                       |                                     |        |  |      |               |                                 |  |  |
| Contact Name:                               | Lisa Davies           |                                     |        |  |      |               |                                 |  |  |

| DAF Tracking No.: 2023-077  | Date           | Signature                       |
|---|----------------|---------------------------------|
| Recommended by: Acting Manager, Real Estate Services<br>Leila Valenzuela  | March 29, 2023 | Signed by Leila Valenzuela      |
| Recommended by: Acting Director, Real Estate Services<br>Vnette Prescott-Brown  | March 30, 2023 | Signed by Vnette Prescott-Brown |
| <input checked="" type="checkbox"/> Recommended by: <b>Executive Director,<br/>Corporate Real Estate Management<br/>Patrick Matozzo</b> | March 30, 2023 | Signed by Patrick Matozzo       |
| <input checked="" type="checkbox"/> Approved by: <b>Deputy City Manager,<br/>Corporate Services<br/>Josie Scioli</b>                    | April 3, 2023  | Signed by Josie Scioli          |

## Appendix "A"

### The "Works"

#### Natural Resource Investigations

- Include multiple walk-throughs and targeted observations by naturalist(s) to identify and photograph plant material and observe wildlife (terrestrial, aquatic) and bird nesting sites.
- All field visits will record incidental observations of wildlife. The species and location of observed wildlife will be noted. The presence of migratory routes or aspects of habitat use (e.g., dens, burrows) will be noted if applicable.

#### Noise and Vibration Survey

- Include measurements of baseline ambient noise and vibration levels. Typically, devices are left for 24-48 hours depending on the location.

#### Utility Survey

- Utility mapping using portable geophysical equipment to delineate the existence and approximate horizontal alignment of existing utilities.
- Excavation of test pits may be required at specific points to delineate the horizontal, vertical depth and subsequent measurements of existing underground utilities by actual exposure (i.e. "daylighting").

#### Geotechnical and Hydrogeological Investigations

- All geotechnical investigations and/or hydrogeological investigations shall be conducted in accordance with applicable law and industry best practices.
- Activities may include, but are not limited to, site visits, utility locates, intrusive investigative activities (drilling of boreholes and/or excavation of test pits, installation of monitoring wells), collection of soil and/or groundwater samples for laboratory analysis, etc.
- All monitoring wells shall be decommissioned upon completion of the Term in accordance with Ontario Regulation 903.
- Geophysical assessment may be completed as part of the Work, including magnetometer, electro magnetometer, ground penetrating radar and seismic surveys as appropriate.

#### Cultural Heritage Evaluations

- Cultural Heritage Evaluations will be undertaken in accordance with the Ontario Heritage Act, the Standards and Guidelines for Conservation of Provincial Heritage Properties and the Metrolinx Interim Heritage Management Process.
- Activities may include, but are not limited to, site visits, records review, historical research, consultation with relevant stakeholders and government authorities.
- Heritage Investigations may also include visual inspections and photography of interior and exterior building features.

#### Archaeological Stage 1 Study

- Archaeological Assessments of the Property will be undertaken in accordance with the Ontario Heritage Act, the 2011 Ministry of Tourism, Culture and Sport Standards and Guidelines for Consultant Archaeologists and industry best practices.
- Activities may include, but are not limited to, site visits, records review, historical research, consultation with relevant stakeholders and government authorities.
- Reports will be submitted to the Ministry of Tourism, Culture and Sport for review and acceptance.

#### Archaeological Stage 2 Study

- Stage 2 archaeological investigations with field work necessary to identify archaeological resources and to confirm areas of recent and extensive ground disturbance will be conducted as follows:
  - A test-pitting and/or pedestrian form of survey will be performed at survey intervals of 5 metres.
  - Test-pits are 30 cm units excavated manually with shovels to subsoil.
  - Soil fills are screened through 6 mm mesh and all test-pits are backfilled.
  - If archaeological materials are identified during the test pit survey, the survey may be intensified to include at least one 1 metre by 1 metre unit and up to eight additional test pits at 2.5 metre intervals around the positive test pit.
  - Pedestrian survey involves walking along ploughed and weathered fields at 5 metre intervals. Pedestrian survey must be undertaken on actively or recently cultivated land. Fields must be recently ploughed and allowed to weather through one hard or three light rainfalls and at least 80% of the ploughed ground surface must be visible.
  - If archaeological materials are identified during the pedestrian survey, the survey is intensified and the interval is reduced to 1 metre to determine whether the artifact is an isolated find or part of a larger scatter.

- All artifacts recovered will be taken back to the laboratory for processing and analysis.
- Based on findings, a final report will be prepared with recommendations to the Ministry of Tourism, Culture and Sport that either 1) the property be cleared of archaeological concern as no significant archaeological resources were identified, or 2) further work be conducted to clear the archaeological concern.
- A revised scope of work for Stage 3 archaeological investigations will submitted to the City in advance.

### **Phase I Environmental Site Assessment**

- Phase I Environmental Site Assessment (ESA) will be undertaken in accordance with either Ontario Regulation 153/04, as amended or Canadian Standards Association Z68-01, as determined by Metrolinx and in accordance with applicable law and industry best practices.
- Activities may include, but are not limited to, site visits, interviews with people familiar with the Licensed Area, records reviews, contacting government agencies, etc.

### **Phase II Environmental Site Assessment**

- Phase II Environmental Site Assessment (ESA) will be undertaken in accordance with either Ontario Regulation 153/04, as amended or Canadian Standards Association Z69-02, as determined by Metrolinx.
- Activities may include, but are not limited to, site visits, utility locates, intrusive investigative activities (drilling of boreholes and/or excavation of test pits, installation of monitoring wells), collection of soil and/or groundwater samples for laboratory analysis, etc.

### **Designated Substances and Hazardous Material Survey**

- All Work shall be done in accordance with applicable law and industry best practices and shall provide sufficient detail to satisfy the requirements of the Occupational Health and Safety Act, Ontario Regulation 278/05.
- A survey of site buildings and structures will be undertaken to determine the presence of designated substances, mould and polychlorinated biphenyls.
- The collection and analysis of samples for asbestos containing materials, lead and mould shall be completed as required.

### **Topographic and Cadastral Surveying**

- Efforts will be made to effect minimum disturbance to the Licensed Area and the City's use and enjoyment thereof.
- The survey method to be used does not involve any destructive measures or noise above normal business activity levels.
- Only standard portable surveying equipment is anticipated to be utilized.
- Members of the survey crew will wear proper safety attire and they will present identification upon request.

### **Control Survey**

- A control survey, with control sketches showing reference ties to the proposed alignment, set within the surveyed area.
- Control points to be referenced to 3° MTM (Nad27) control network consisting of either brass caps supplied by Metrolinx or Short Standard Iron bars/ cut crosses where appropriate.

### **Tree/Vegetation, Protection, Removal and Maintenance**

- Activities may include, but are not limited to, tree pruning, tree removal, vegetation removal, clearing and grubbing, stump grinding, restoration, grade alteration, etc.
- All Works require an Urban Forestry permit and/or written approval in advance of entering City property.
- All arboricultural works shall be conducted in accordance with applicable law and industry best practices by an appropriate licensed professional with a minimum of five (5) years' experience, which includes providing measures to prevent soil compaction and undertake soil remediation, including de-compaction post-activity.
- In areas of existing manicured lawn, trees to be cut to existing grade level, then stumps should be ground down to a depth of 30cm (12") below grade, the hole should be back-filled with topsoil, lightly compacted without the use of machinery, and application of turf seed or sod rolls for final restoration.
- Utility locates are required prior to any excavations or stump grinding activities commence on City lands.
- If there are a number of trees removed in a manicured area and existing turf is destroyed, the area should be restored to original conditions, or better, including the addition of topsoil to re-establish pre-existing grades, sod rolls or turf seed shall be added.
- If tree removal work is done in a naturalized area, then trees should be cut flush to the ground to avoid tripping hazards. If trunks are to be left as wildlife habitat, following approval by TRCA and/or UF, trees shall be cut to 3 to 5 meters in height. Stump removal is not necessary in naturalized areas, especially on sloped areas to minimize the slope disturbance and erosion. No mulch or stump debris shall be left in naturalized areas. If the site is disturbed by equipment or these works, then the site should be restored to existing grades, a naturalized seed mix should be added to retain soil until re-planting can be completed.

- Efforts will be made through the methods and equipment used to effect minimum disturbance to the Licensed Area and both the City's and public's use and enjoyment thereof.
- To protect the public, a work zone plan must be submitted for the City's approval and the work zone area must be fenced off prior to the commencement of any work.
- Use of any chemical treatment including pesticides or herbicides must be approved in writing by the General Manager of Parks, Forestry and Recreation in advance of any application.
- No waste or debris from the above removal works shall be left in the licensed work area. All waste and debris should be disposed of offsite according to current City standards.

## Appendix "B"

## Property Address, Type of Work and Duration of Work

| Property No. | PIN                  | Property Address | Area (m2) | Ward No. | Works to be Completed | Duration to Complete | Licence Fee Payable |
|--------------|----------------------|------------------|-----------|----------|-----------------------|----------------------|---------------------|
| 1            | Part of<br>061010229 | 21 Baylawn Drive | 519       | 22       | Borehole Testing      | 12 weeks             | \$1.00              |

### Appendix "C"

### Location Map and Sketch of Licensed Area

21 Baylawn Drive – PIN 061010229

