

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

TRACKING NO.: 2023-122

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

Prepared By:	Mark Filice	Division:	Corporate Real Estate Management
Date Prepared:	April 18, 2023	Phone No.:	416-392-1830

<b>Purpose</b>	To obtain authority to acquire a portion of the property municipally known as 20 Dubray Avenue, Toronto from the Toronto Catholic District School Board (the "Owner") for the purpose of the creation of an expanded bus shelter.
<b>Property</b>	The property municipally known as 20 Dubray Avenue, Toronto and legally described as Part of Blk C, D PI 5991 North York; Pt Blk A PI 5991 North York as in TB609032; Toronto (N York), City of Toronto, comprising a portion of the lands identified in PIN 10234-0081 (LT) (the "Property"), being Part 1 on the draft reference plan as shown on Appendix "C".
<b>Actions</b>	1. Authority be granted to accept an offer to sell with the Owner (the "Offer") for the sum of \$255,000.00, substantially on the major terms and conditions set out in Appendix "A", and including such other terms and conditions as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.
<b>Financial Impact</b>	<p>The following costs will be incurred in connection with the Offer:</p> <ol style="list-style-type: none"> <li>Purchase Price - \$255,000.00</li> <li>HST - \$0.00 (**see note below)</li> <li>Land Transfer Tax (Provincial) - \$2,300.00</li> <li>Registration Costs - \$ 82.00 (inclusive of registration fees and taxes)</li> <li>Fence Replacement – \$18,700.00 (approximately)</li> <li>Costs Associated with Removal or Injury of Trees, in accordance with Toronto Municipal Code Chapter 813 and all Applicable Laws: \$12,243.00 (approximately)</li> </ol> <p>Funding is available for items 1-4 in the 2023-2032 Council Approved Capital Plan for Transportation Services under capital project CTP717-58-190. Funding is available for items 5-6 in the 2023-2032 Council Approved Capital Plan for Toronto Transit Commission under capital project CTT063 – Other Service Planning.</p> <p>Total maximum cost is \$288,325.00.</p> <p>**The Offer obligates the Owner to execute and deliver to the City a Vendor's HST Certificate, in which the Owner represents and warrants to the City that it is a school authority within the meaning of the <i>Excise Tax Act</i>, R.S.C., 1985, c. E-15, as amended (the "ETA") and that the sale of the Property is an exempt supply of real property under Section 25 of Part VI of Schedule V to the ETA and that none of the exclusions to the exemption set out in the ETA, including its Schedules, apply to the sale of the Property to the City. For this reason, the Owner is not permitted to collect HST on the sale of the Property, and accordingly, no HST is payable by the City in respect of the Purchase Price.</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>At its meeting on May 14 and 15, 2019, City Council adopted MM7.7, which directed the General Manager of Transportation Services, in consultation with Toronto Transit Commission ("TTC") staff, and appropriate staff of the Toronto Catholic District School Board ("TCDSB") and the Toronto District School Board ("TDSB"), to review the current bus stop and sidewalk configuration at the north-east corner of Wilson Avenue and Dubray Avenue (the "Area") and report back with findings to the North York Community Council by the June 25, 2019 meeting.</p> <p>It was determined that the Area receives a high volume of pedestrian traffic due to the location of the current bus stop which is situated near two secondary schools. The existing sidewalk on Wilson Avenue is approximately 1.7 metres wide and did not comply with current City or TTC standards.</p> <p>In order to improve the public realm and increase safety for pedestrians, the City is purchasing the Property from the TCDSB, to be used for the expansion of the existing TTC bus layby area for buses and construction of wider sidewalk to accommodate the high volumes of passengers at the TTC bus stop on Wilson Avenue at Dubray Avenue.</p> <p>The Offer is considered fair, reasonable and reflective of market value, and it is recommended for acceptance substantially on the major terms and conditions set out in Appendix "A".</p>
<b>Terms</b>	See Appendix "A"

<b>Property Details</b>	<b>Ward:</b>	06 – York Centre
	<b>Assessment Roll No.:</b>	1908031520021000000
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	167.50 m <sup>2</sup>
	<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/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 &amp; Parks &amp; 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><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 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 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 checked="" 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 &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:	James Pasternak	Councillor:	
Contact Name:		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:	No Objection	Comments:	

**Consultation with Divisions and/or Agencies**

Division:	Transportation Services	Division:	<b>Financial Planning</b>
Contact Name:	Basil Tsomokos	Contact Name:	Filisha Jenkins
Comments:	Concur	Comments:	Incorporated

**Legal Services Division Contact**

Contact Name: Seija Pietrangelo

DAF Tracking No.: 2023-122	Date	Signature
<input checked="" type="checkbox"/> Recommended by: <b>Manager, Real Estate Services</b> Leila Valenzuela	April 18, 2023	Signed by Leila Valenzuela
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: <b>Acting Director, Real Estate Services</b> Vinette Prescott-Brown	April 18, 2023	Signed by Vinette Prescott-Brown

## Appendix "A"

### Major Terms and Conditions

- Purchase Price:** Two Hundred and Fifty-Five Thousand Dollars (\$255,000.00).
- Harmonized Sales Tax:** The Offer obligates the Owner to execute and deliver to the City a Vendor's HST Certificate, in which the Owner represents and warrants to the City that it is a school authority within the meaning of the *Excise Tax Act*, R.S.C., 1985, c. E-15, as amended (the "ETA") and that the sale of the Property is an exempt supply of real property under Section 25 of Part VI of Schedule V to the ETA and that none of the exclusions to the exemption set out in the ETA, including its Schedules, apply to the sale of the Property to the City. For this reason, the Owner is not permitted to collect HST on the sale of the Property, and accordingly, no HST is payable by the City in respect of the Purchase Price.
- Irrevocable Period:** The Irrevocable Period shall be the period of time ending at 11:59 p.m. on the Business Day next following 45 days after the date upon which the Offer is executed by the Owner.
- Due Diligence:** The Due Diligence Period shall be the period of time ending at 11:59 p.m. on the Business Day next following ninety (90) days after the date upon which the Offer is executed by the City.
- Closing Date:** The Closing Date shall be the Business Day next following forty-five (45) days after delivery of a Notice of Waiver or Notice of Satisfaction in connection with the Due Diligence Condition, or such earlier or later date as the parties, or their respective solicitors, may mutually agree in writing.
- Insurance:** If the City exercises its right to enter upon the Property during the Due Diligence Period, prior to the City's entry upon the Property, the City agrees to obtain and maintain: (a) a policy of general commercial liability insurance insuring the City's interests against claims for personal injury, bodily injury, death, and property damage occurring on, in, or about the Property and the ways immediately adjoining the Property, with a "Combined Single Limit" (covering personal injury liability, bodily injury liability, and property damage liability) of not less than Two Million Dollars (\$2,000,000.00). The Owner must be endorsed as an additional insured on such policy; (b) all applicable Workers' Compensation and Employers' Liability Insurance required under applicable Workers' Compensation Acts and/or applicable law; and (c) Automobile Liability Insurance with a minimum limit of not less than One Million Dollars (\$1,000,000.00) Combined Single Limit per accident, and coverage applying to "Any Auto."
- City Covenants:** The City shall remove and replace the existing fence from the Property along the boundary of the public right of way known as Dubray Avenue and from the Property along the boundary of the public right of way known as Wilson Avenue with a new fence which aligns with the new property boundary between the Property and the Remnant Parcel (representing approximately 54.5 meters of total fence replacement). The City shall carry out the work in accordance with all applicable laws, using materials similar to the fence currently existing on the Property.
- The City shall be responsible for the costs associated with the removal or injury of trees on the Property, in accordance with Toronto Municipal Code Chapter 813 and all Applicable Laws.
- The above-referenced City Covenants shall survive Closing.

### Appendix "B" Location Map



# Appendix "C"

## Draft Reference Plan

