

DELEGATED APPROVAL FORM
DEPUTY CITY MANAGER, CORPORATE SERVICES
EXECUTIVE DIRECTOR, CORPORATE REAL ESTATE MANAGEMENT

TRACKING NO.: 2023-110
With Confidential Attachment

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

Prepared By:	Patricia Palmieri	Division:	Corporate Real Estate Management
Date Prepared:	March 30, 2023	Phone No.:	416-392-4829

Purpose	To obtain authority to enter into Minutes of Settlement Agreement (the "Agreement") with Cleansheet Communications Inc., the former tenant at 425 Bloor Street East (the "Tenant"). The Agreement is a full and final settlement of all claims by the Tenant under the <i>Expropriations Act</i> (the "Act") for the expropriated property interests identified on the attached Appendix "A" (the "Property Interests") required for the Easier Access Phase III Program (the "Project") to construct new elevators at Sherbourne Subway Station.
Property	See Appendix "A"
Actions	<ol style="list-style-type: none"> Authority be granted for the City to enter into the Agreement with the Tenant, substantially on the terms and conditions outlined in the Confidential Attachment, and on such other or amended terms and conditions as may be acceptable to the approving authority herein, and in a form satisfactory to the City Solicitor. The Confidential Attachment to remain confidential until there has been a final determination of all property transactions and claims for compensation relative to the Project, and only released publicly thereafter in consultation with the City Solicitor.
Financial Impact	<p>Funding for the compensation, as set out in the Confidential Attachment, is available in the 2023-2032 Council Approved Capital Budget and Plan for the Toronto Transit Commission ("TTC") under capital account CTT028-01.</p> <p>The Chief Financial Officer & Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.</p>
Comments	<p>On March 26, 2018, City Council adopted Item GM25.7 authorizing the expropriation of the Property Interests for the Project. Expropriation Plan AT4884709 was registered on June 13, 2018 and Notices of Expropriation were served on the owners of the Property.</p> <p>On October 18, 2019, Delegated Approval Form 2019-295 was executed authorizing the Director of Real Estate Services to make an interim payment to the Tenant for a number of claims pursuant to the <i>Act</i> for the compensation arising out of its relocation from 425 Bloor Street East for the purpose of the Project. The claims included moving costs, leasehold improvements, rent differential, financing costs and consulting costs.</p> <p>On August 24, 2021 the Tenant served and filed a Notice of Arbitration and Statement of Claim with the Ontario Land Tribunal seeking compensation for any non-settled claims pursuant to the <i>Act</i>. Following settlement discussions, the City, TTC and the Tenant have agreed to settle the total compensation payable to the Tenant in accordance with the <i>Act</i> in the amounts set out in the Confidential Attachment in exchange for full and final release of all the Tenant's claims related to the Property Interests. These amounts are reasonable and avoids additional expenses, payable by the City, associated with the formal proceedings.</p>
Terms	Compensation will be offered in accordance with the <i>Act</i> for the Property Interests outlined in Appendix "A", in the amounts set out in the Confidential Attachment.

Property Details	Ward:	Ward 13 – Toronto Centre
	Assessment Roll No.:	n/a
	Approximate Size:	Irregular
	Approximate Area:	Irregular
	Other Information:	n/a

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate 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/REOs:</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/Licensor):</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 \$3 Million.</p> <p><input checked="" type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p>Request/waive hearings of necessity delegated to less senior positions.</p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 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 \$3 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$3 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 \$3 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>	<p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p>Request/waive hearings of necessity delegated to less senior positions.</p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 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 \$5 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p><input type="checkbox"/> (c) Where compensation is less than market value, provided tenant and lease satisfy Community Space Tenancy Policy criteria set out in Item EX28.8, as adopted by Council on November 7, 8 and 9, 2017, as amended from time to time.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$5 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 \$5 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. Deputy City Manager, Corporate Services and Executive Director, Corporate Real Estate Management each has signing authority on behalf of the City for:
<ul style="list-style-type: none"> • Documents required to implement matters for which each position also has delegated approval authority. • Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval. • Expropriation Applications and Notices following Council approval of expropriation. • 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:	Councillor Chris Moise	Councillor:	
Contact Name:	Tyler Johnson	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:	Advised	Comments:	

Consultation with Divisions and/or Agencies

Division:	TTC	Division:	Financial Planning
Contact Name:	Vincenza Guzzo	Contact Name:	Filisha Jenkins
Comments:	Concurs	Comments:	Comments have been incorporated

Legal Services Division Contact

Contact Name: **Mark Piel**

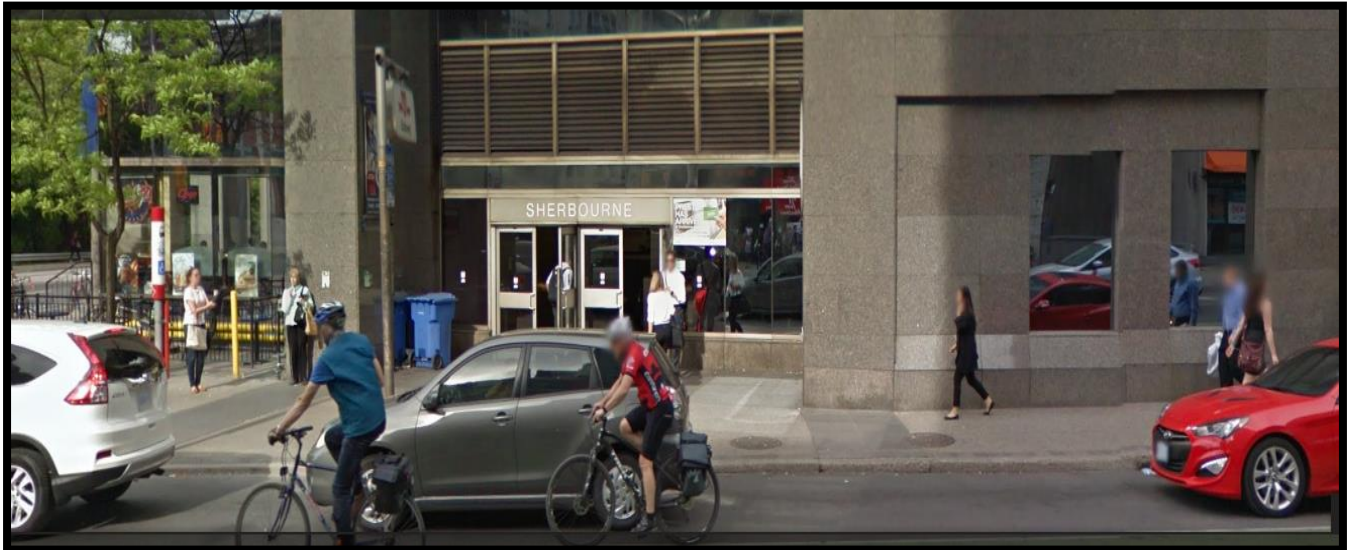
DAF Tracking No.: 2023-110	Date	Signature
Recommended by: Leila Valenzuela, Acting Manager, Transaction Services	March 30, 2023	Signed by Leila Valenzuela
Recommended by: Vinette Prescott-Brown, Acting Director, Transaction Services	March 30, 2023	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management <input checked="" type="checkbox"/> Approved by: Patrick Matozzo	March 31, 2023	Signed by Patrick Matozzo
<input type="checkbox"/> Approved by: Deputy City Manager, Corporate Services Josie Scioli		X

Appendix "A"

Private Property Requirements

Municipal Address	Legal Description	Required Interest	Required Area	Purpose
425 Bloor St E	Those lands described in PIN: 21086-0017 (LT) in the Land Registry Office of Toronto (No.66)	All Right Title and Interest	Parts 1, 8, & 33 shown in red in Drawing Number 2215017012-001E on street level of the Draft Plan that was completed by WSP Geomatics Ontario Ltd. attached in Schedule "A2"	To construct and operate the elevators and related transit facilities
		Permanent Easement	Parts 4, 7, 11 & 32 shown in yellow in Drawing Number 2215017012-001E on street level of the Draft Plan that was completed by WSP Geomatics Ontario Ltd. attached in Schedule "A2"	To construct and maintain the elevator and related transit facilities
		Temporary Easement	Parts 3, 6 & 31 shown in green in Drawing Number 2215017012-001E on street level of the Draft Plan that was completed by WSP Geomatics Ontario Ltd. attached in Schedule "A2"	To construct the elevator and related transit facilities and for construction lay down

Appendix "A1" Site Map



Appendix "A2" Draft Reference Plan

