

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

**TRACKING NO.: 2023-097**

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

<b>Prepared By:</b>	Eric Allen	<b>Division:</b>	Corporate Real Estate Management
<b>Date Prepared:</b>	March 27, 2023	<b>Phone No.:</b>	416-392-1852

<b>Purpose</b>	To obtain authority to enter into a Temporary Access Agreement (the "Agreement") between the City of Toronto (the "City") and Toronto Metropolitan University ("TMU") for the purposes of collection of groundwater samples from existing monitoring wells for environmental geotechnical and hydrogeological investigation (the "Work").
<b>Property</b>	Land municipally known as 38 Dundas Street East, and legally described as PIN 21101-0107 (LT), PT LT 69 E/S VICTORIA ST, 70 E/S VICTORIA ST PL 22A TORONTO PT 2 EXPROP PL CA549811; TORONTO, CITY OF TORONTO, as shown in Appendix A (the "Property").
<b>Actions</b>	1. The City enter into the Agreement to permit TMU and/or their consultants, Terraprobe Inc., or such other consultant (the "Representatives") entry onto the Property for a period of not more than three months for the purposes set out above.
<b>Financial Impact</b>	There is no financial impact resulting from this approval.  TMU is not required to pay a licence fee; however the City will be compensated for this access by receiving the results of the studies for its use. TMU will be responsible for all costs related to the use of the Property and for the costs of preparation of any test results or reports, resulting in no cost to the City.  The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.
<b>Comments</b>	On April 7, 2022, City Council adopted item No. EX31.10 – "ModernTO: Unlocking Eight City-Owned Properties" which authorized, among other things, the Chief Executive Officer, CreateTO in consultation with the Executive Director, Corporate Real Estate Management, to negotiate the disposition of 277 Victoria Street and 38 Dundas Street East at market value, subject to Council approval of the negotiated terms and conditions of sale.  On February 7, 2023 City Council adopted item No. GG1.11 "ModernTO: Transfer of Properties to Build Toronto Inc. and Proposed Municipal Capital Facility Agreement" which authorized negotiations to be carried on or to be carried on by or on behalf of the Board of Directors of CreateTO as part of a proposed or pending acquisition or disposition of property belonging to the City.  TMU, as a party to negotiations being carried out with the Board of Directors of CreateTO under GG1.11, has retained Terraprobe Inc. to perform the investigative Work. TMU requires access to the Property to permit its Representatives to undertake the Work at locations indicated in Schedule "B".
<b>Terms</b>	Major Terms of the License:  <ol style="list-style-type: none"> <li>1. Licence fee: nominal</li> <li>2. Term: Three months</li> <li>3. Insurance: \$2,000,000.00 for Commercial General Liability and \$2,000,000.00 for Professional Liability (Errors and Omissions).</li> <li>4. Use: collection of groundwater samples from existing monitoring wells for environmental geotechnical and hydrogeological investigation.</li> <li>5. Indemnity: TMU 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 Property.</li> <li>6. Restoration: TMU shall restore the Property to its original condition prior to occupancy by TMU or its Representatives, at TMU's sole cost and expense.</li> <li>7. Reports: TMU will provide copies of the results of the testing to the City.</li> </ol>

<b>Property Details</b>	<b>Ward:</b>	13 - Toronto Centre
	<b>Assessment Roll No.:</b>	
	<b>Approximate Size:</b>	35.4 m x 12.1 m ± (116.26 ft x 39.59 ft ±)
	<b>Approximate Area:</b>	521 m <sup>2</sup> ± (5,608 ft <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 checked="" 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 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:	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:		Comments:	

**Consultation with Divisions and/or Agencies**

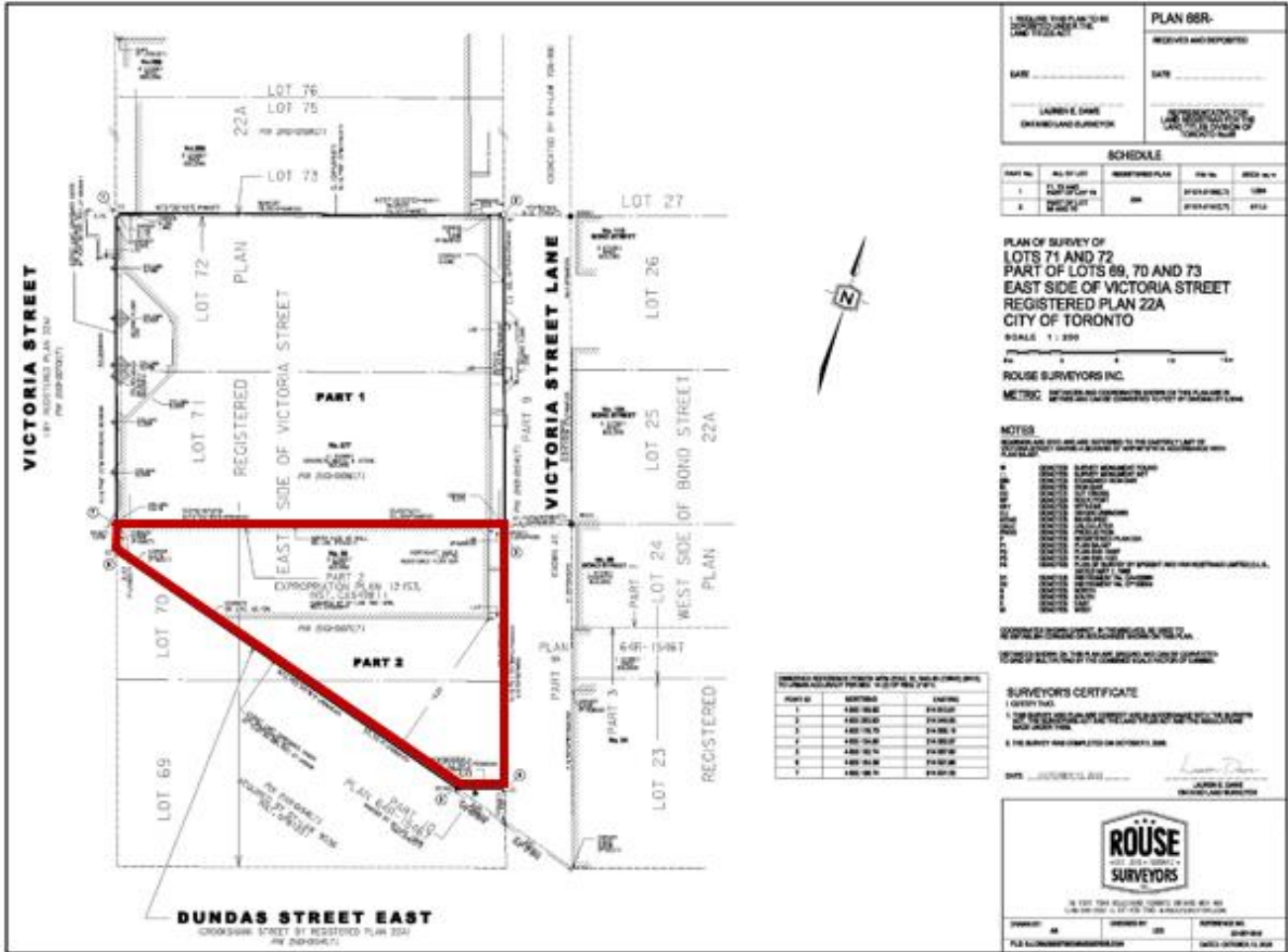
Division:	CreateTO	Division:	<b>Financial Planning</b>
Contact Name:	Peter Harron	Contact Name:	Filisha Jenkins
Comments:		Comments:	

**Legal Services Division Contact**

Contact Name:	Karen Pfuetzner
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DAF Tracking No.: 2023-097	Date	Signature
Concurred with by: <b>Manager, Real Estate Services Jennifer Kowalski</b>	March 31, 2023	Signed by Jennifer Kowalski
<input type="checkbox"/> Recommended by: <b>Manager, Real Estate Services Ronald Ro</b>	March 31, 2023	Signed by Ronald Ro
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: <b>Director, Real Estate Services</b>		X

Schedule "A"  
Access Area



**Schedule "B"**  
**Borehole Location Plan**

