

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

TRACKING NO.: 2023-130

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

Prepared By:	Bruno Iozzo	Division:	Corporate Real Estate Management
Date Prepared:	April 28, 2023	Phone No.:	(416) 392-8151

Purpose	To obtain authority to enter into a lease agreement (the "Agreement") with Metrolinx (the "Lessor") to permit the City to utilize a portion of the lands owned by the Lessor as a temporary diversion road (the "Diversion Road") in relation to the Scarborough Subway Extension (the "Project").
Property	Portions of the properties municipally known as 2500-2532 Eglinton Avenue East, legally described as Part of Lot 26, Concession D, designated as Parts 1-11 (inclusive) on Plan 66R-32613, City of Toronto, being part of PINs 06353-0195 (LT) to 06353-0205 (LT), inclusive (the "Property").
Actions	1. Authority be granted to enter into the Agreement with the Lessor, substantially on the terms and conditions set out below, and on such other terms and conditions deemed appropriate by the approving authority herein, and in a form acceptable to the City Solicitor.
Financial Impact	There is no financial impact associated with the Agreement. The City will acquire the real estate interest for nominal consideration. 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 Lessor intends to construct the Diversion Road on the Property to facilitate and carry out a component of the Project. Upon completion of the Diversion Road construction and the City has accepted the lands for temporary road purposes and in accordance with the applicable protocols, the City is to dedicate the Property for temporary public highway purposes under its jurisdiction. In order for the City to dedicate the Property as a public highway, the Lessor has agreed to lease the Property to the City in accordance with the terms and conditions of the Agreement. Through By-law 1026-2022, the City Council has enacted the dedication of the Property as public highway; however the dedication does not come into effect until the notice of the Agreement is registered on title. City staff deem the terms of the proposed Agreement to be fair, reasonable and in accordance with the general terms and conditions contained within the Real Estate Protocol between both parties.
Terms	Lessor: Metrolinx Lessee: City of Toronto Gross Rent: \$1.00 Term: Commencing on the date when the Diversion Road is dedicated as a public highway and expiring one day prior to the expiry or termination of the term of the Agreement or as extended or renewed from time to time until such time as the original portion of Eglinton Avenue East can be opened by the City as a public highway and used by the public for vehicular and pedestrian purposes Use: a public highway under the jurisdiction of the City and all uses ancillary to a public highway Maintenance and Repair: The Lessor covenants at its own cost and expense to repair and maintain the Diversion Road in a manner which permits the public to access and use the road as a public highway Warranty: The Lessor will ensure that a warranty is obtained for a period of two (2) years from completion of the Diversion Road and ensure the Diversion Road is constructed in a good and workmanlike manner in accordance with the City's standards and specifications and in accordance with the plans approved by the City Insurance: The Lessor shall obtain and maintain Commercial General Liability Insurance in an amount of Fifteen Million Dollars (\$15,000,000.00) per occurrence Indemnity: The Lessor shall indemnify and hold harmless the City and its appropriate parties from and against any and all demands, actions, liabilities and claims, etc. which the City may suffer or incur as a result of the Lessor's acts or omissions or those for whom it is at law responsible arising from the Agreement

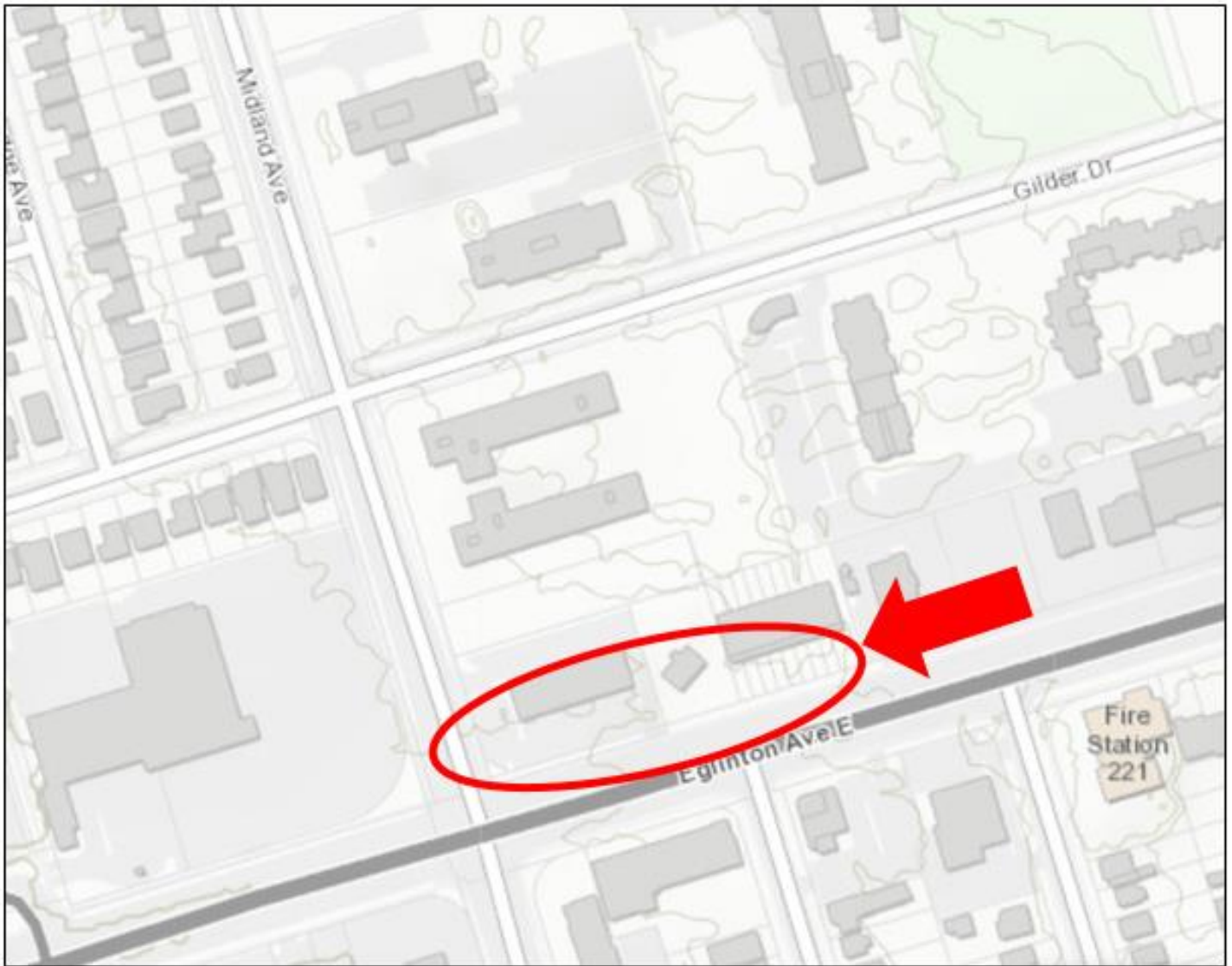
Property Details	Ward:	21 – Scarborough Centre
	Assessment Roll No.:	Multiple properties
	Approximate Size:	
	Approximate Area:	3,564 m ²
	Other Information:	

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 checked="" 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 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:	
<ul style="list-style-type: none"> 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:	
<ul style="list-style-type: none"> 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			
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property			
Consultation with Councillor(s)			
Councillor:	Michael Thompson	Councillor:	
Contact Name:	Amalia Stefanopoulos	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 objections	Comments:	
Consultation with Divisions and/or Agencies			
Division:	Transportation Services	Division:	Financial Planning
Contact Name:	Emily Chang	Contact Name:	Ciro Tarantino
Comments:	Edits included	Comments:	No comments
Legal Services Division Contact			
Contact Name:	Luxmen Aloysius		

DAF Tracking No.: 2023-130	Date	Signature
Concurred with by: Manager, Real Estate Services Ronald Ro	April 28, 2023	Signed by Ronald Ro
<input type="checkbox"/> Recommended by: Acting Manager, Real Estate Services Leila Valenzuela	April 28, 2023	Signed by Leila Valenzuela
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Acting Director, Real Estate Services Vinette Prescott-Brown		



Appendix "B" - Plan 66R-32613

