

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

TRACKING NO.: 2023-133

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

Prepared By:	Myron Menezes	Division:	Corporate Real Estate Management
Date Prepared:	May 2, 2023	Phone No.:	416-338-3586

Purpose	To obtain authority for the City to enter into an agreement (the "Agreement") with 2761448 Ontario Inc. (the "Owner") for the release of an existing easement in favour of the City registered as Instrument CA340124 (the "Easement").
Property	A portion of the lands as more particularly described in Appendix "A" (the "Lands") and municipally known as part of 52 Birchcliff Avenue, Toronto, Ontario, being part of PIN 0651-10120, as shown approximately on the location map attached hereto as Appendix "B" and on the plan attached hereto as Appendix "C".
Actions	1. Authority is granted to enter into the Agreement with the Owner, substantially on the terms and conditions outlined below, and on such other or amended terms and conditions as may be satisfactory to the approving authority herein, and in a form acceptable to the City Solicitor.
Financial Impact	<p>The release of the Easement will generate revenue to the City in the amount of \$67,500.00 (or \$76,275.00 inclusive of HST) and will be directed to the Land Acquisition Reserve Fund (XR1012).</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>
Comments	<p>The Easement, in favour of the City, was acquired in 1995 for the purpose of constructing, operating, installing, altering, removing, replacing, reconstructing and repairing storm and sanitary outfall sewers.</p> <p>The Owner is seeking to develop the Lands into a new development comprising of a 9-storey mixed-use building with commercial on the ground floor and residential above. A four storey stand alone rental building is also proposed fronting Birchcliff Avenue. They have submitted a development application to the City and presently are in the official plan amendment and rezoning phase with an appeal at the Ontario Land Tribunal. Toronto Water Division does not require this easement because there are no longer any sewers or watermains through this easement.</p> <p>The Owner shall provide the City with a wire payment or electronic funds transfer in the amount \$67,500 plus HST as compensation for the release of the Easement in the Lands, and to provide the City with an executed acknowledgment releasing and forever discharging the City from any and all claims, actions, and demands for compensation arising from the City's release of the Easement (the "Acknowledgement").</p>
Terms	<p>Transferee: 2761448 Ontario Inc.</p> <p>Interest being released: The City transfers, releases and abandons the Easement from the Lands registered as Instrument No. CA340124.</p> <p>Consideration: \$67,500 plus applicable HST (the "Release Fee")</p> <p>Conditions: Prior to the release of the Easement, the Owner shall: (1) pay the Release Fee to the City by way of wire payment or electronic funds transfer; and (2) shall deliver to the City an executed copy of the Acknowledgement.</p>

Property Details	Ward:	20 – Scarborough Southwest
	Assessment Roll No.:	190101130001950
	Approximate Size:	
	Approximate Area:	33.35 m ² ± (358.98 ft ² ±)
	Other Information:	Pin: 065110120

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 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 checked="" 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:	Gary Crawford	Councillor:	
Contact Name:	Monique Lisi	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:	Toronto Water	Division:	Financial Planning
Contact Name:	Rattan Seeboruth	Contact Name:	Ciro Tarantino
Comments:	Comments incorporated	Comments:	Comments incorporated

Legal Services Division Contact

Contact Name: Karen Pfuetzner

DAF Tracking No.: 2023- 133	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Vinette Prescott-Brown	May 2, 2023	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	May 2, 2023	Signed by Alison Folosea

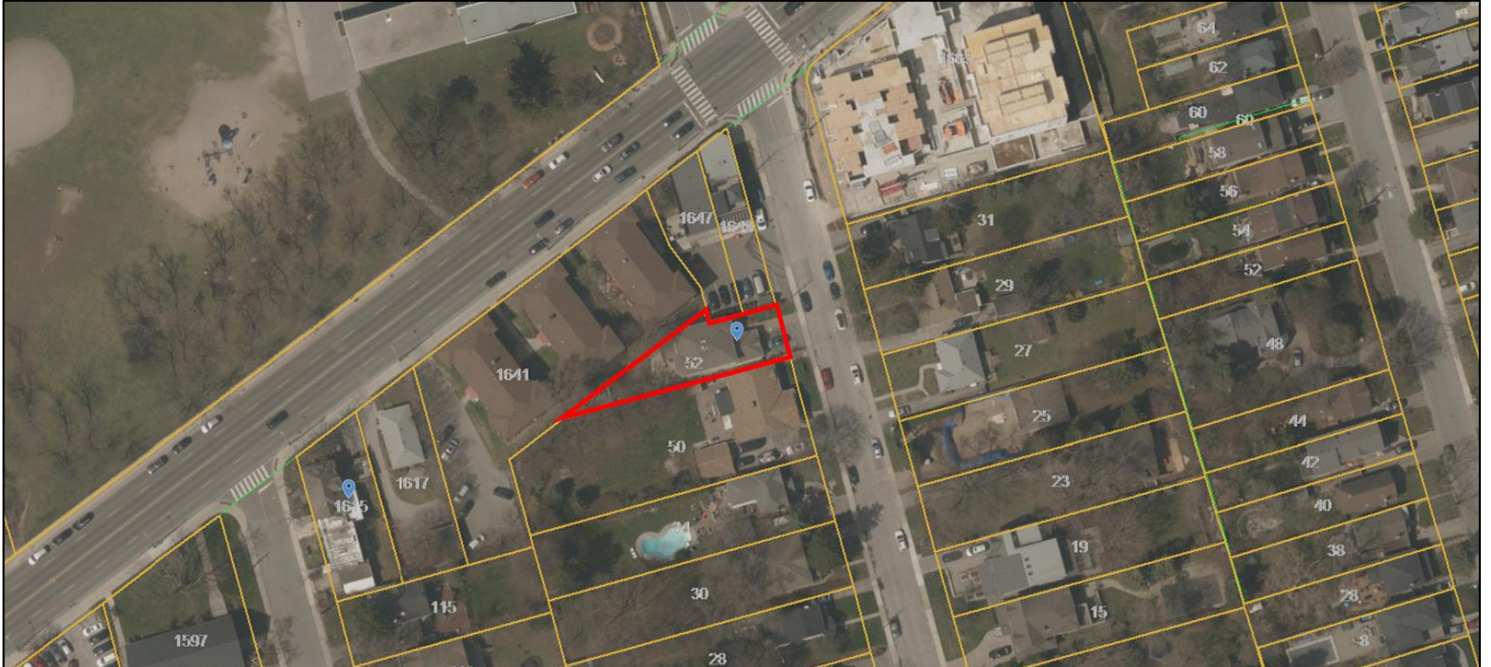
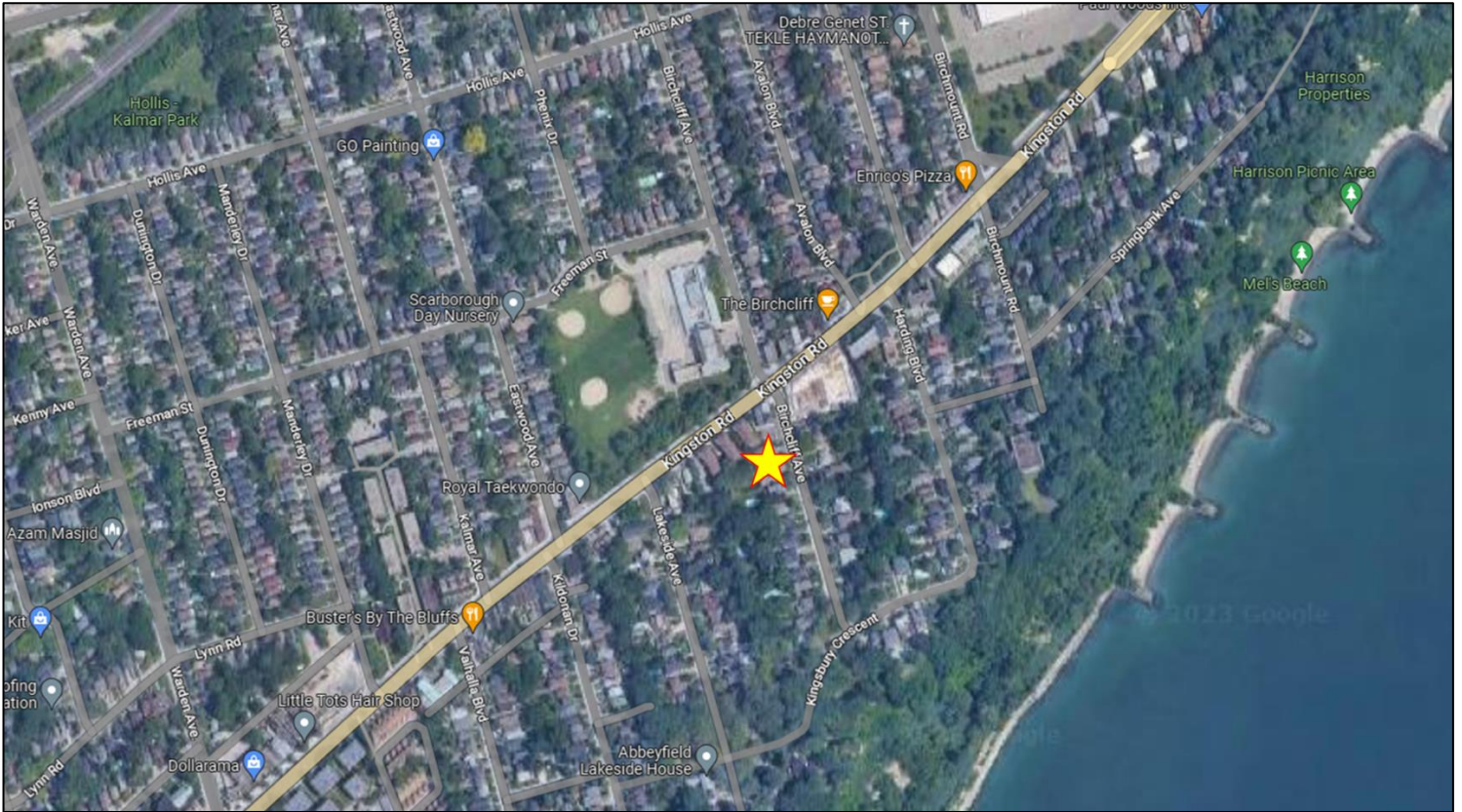
Appendix "A" – the Lands

Legal Description

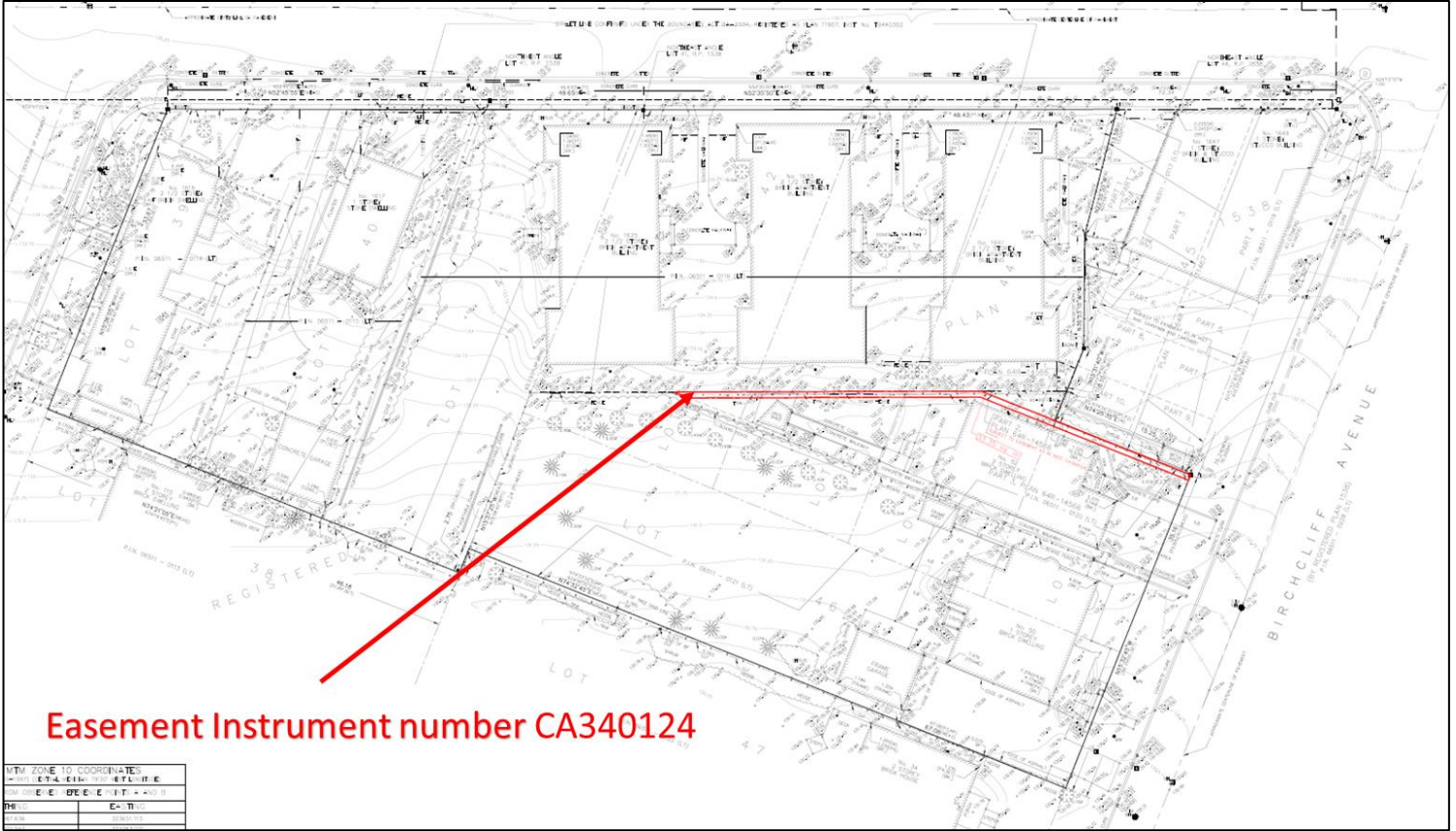
PIN 065110120

PT LT 42 PL 1538 SCARBOROUGH; PT LT 43 PL 1538 SCARBOROUGH; PT LT 44 PL 1538 SCARBOROUGH; PT LT 45 PL 1538 SCARBOROUGH PT 1, 2, 3 64R14566; S/T CA340124; TORONTO , CITY OF TORONTO

Appendix "B" - Location Map and Owner's Property



Appendix "C" - Easement to be released



Easement Instrument number CA340124