

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

TRACKING NO.: 2023-200

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

Prepared By:	Eric Allen	Division:	Corporate Real Estate Management
Date Prepared:	Jul 11, 2023	Phone No.:	416-392-1852

Purpose	To obtain authority for the City of Toronto (the "City") to enter into an easement agreement ("the Agreement") with Toronto Metropolitan University (the "Owner") for rights over a portion of the properties municipally known as 277 Victoria Street and 38 Dundas Street East (the "Properties") for the purpose of maintaining a municipal sewer easement in perpetuity in, on, under, over, along and through those parts of the properties.
Property	A portion of the Properties designated as Part(s) 2 and 5 on Reference Plan 66R-33430 as shown in Appendix "A" (the "Easement Lands") and legally described as Part of PIN 21101-0106 (LT), LOT 71 EAST SIDE OF VICTORIA ST, LOT 72 EAST SIDE OF VICTORIA ST, PLAN 22A ; PART LOT 70 EAST SIDE OF VICTORIA ST, PART LOT 73 EAST SIDE OF VICTORIA ST, PLAN 22A AS IN CA402064; EXCEPT CA549811; CITY OF TORONTO (277 Victoria Street); and Part of PIN 21101-0107 (LT), PART LOT 69 EAST SIDE OF VICTORIA ST, PART LOT 70 EAST SIDE OF VICTORIA ST, PLAN 22A, PART 2 ON EXPROPRIATION PLAN CA549811; CITY OF TORONTO (38 Dundas Street East).
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	There is no financial impact. The Agreement is 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	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, among other things, the Executive Director, Corporate Real Estate Management, to enter into an agreement to transfer the Properties, to CreateTO's corporate entity known as Build Toronto Inc., on terms and conditions set out in Confidential Attachment 1 to the report (January 6, 2023), for the purposes of subsequent disposition of the properties at market value to the Owner. During closing, City staff identified an existing municipal sewer requiring an easement agreement between the City and the Owner, which was not included in the Council authorities to transfer the Properties to Build Toronto Inc.
Terms	Grantor: Toronto Metropolitan University Interest being granted: The Owner has agreed to transfer a non-exclusive easement or right in the nature of an easement in perpetuity to the City in, on, under, over, along and through the Easement Lands for the purposes of accessing, surveying, laying, constructing, installing, erecting, operating, using, inspecting, maintaining, removing, renewing, repairing, replacing, altering, enlarging, expanding, and reconstructing the municipal sewer presently existing within the Easement Lands. Consideration: \$2.00 plus applicable HST (the "Transfer Fee").

Property Details	Ward:	13 - Toronto Centre
	Assessment Roll No.:	
	Approximate Size:	34.5 m x 5 m ± (113 ft x 16 ft ±)
	Approximate Area:	172.5 m ² ± (1,857 ft 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 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 checked="" 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:

- 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:	Phone <input type="checkbox"/> X <input checked="" type="checkbox"/> 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 Issues 11-JUL-2023	Comments:	

Consultation with Divisions and/or Agencies

Division:	Toronto Water	Division:	Financial Planning
Contact Name:	Lisa MacCumber	Contact Name:	Ciro Tarantino
Comments:	No Issues 11-JUL-2023	Comments:	No Issues 11-JUL-2023

Legal Services Division Contact

Contact Name:	Karen Pfuetzner
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DAF Tracking No.: 2023-200	Date	Signature
Concurred with by: Manager, Real Estate Services Vinette Prescott-Brown	July 11, 2023	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Ronald Ro	July 11, 2023	Signed by Ronald Ro
<input type="checkbox"/> Approved by: Director, Real Estate Services		X

