

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

TRACKING NO.: 2023-179

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

Prepared By:	Jatinder Rahul	Division:	Corporate Real Estate Management
Date Prepared:	July 25, 2023	Phone No.:	(437) 992-9124

Purpose	To obtain authority for City of Toronto (the "City") to enter into a tieback and shoring licence agreement (the "Agreement") with Reena, a registered charity with registration number 108093642RR0001 (the "Licensee") with respect to the property municipally known as 80R Fairleigh Crescent, Toronto, ON (the beltline at the rear of 165 Elm Ridge Drive, Toronto, ON) for the purposes of constructing and installing temporary tie-backs to support the development project called "The Frankfort Family Reena Residence Project" at 165 Elm Ridge Drive, Toronto, ON. The licensed area is approximately 602 m ² and is shown in Appendix B (the "Licensed Area").
Property	The property municipally known as 80R Fairleigh Crescent., Toronto, Ontario, legally described as PT LT 2 CON 2 WYS FOREST HILL PT 1 63R523; TORONTO , CITY OF TORONTO on PIN 10446-0514 (LT)
Actions	<ol style="list-style-type: none"> 1. Authority be granted to enter into the Agreement between the City and the Licensee for the Licensed Area, substantially on the terms and conditions outlined herein, and on such other amended terms as may be satisfactory to the Director of Real Estate Services, and in a form acceptable to the City Solicitor; 2. The Director of Real Estate Services or his or her designate shall administer and manage the Agreement, including the provision of any consents, approvals, waivers, notices, and notices of termination provided that the Director of Real Estate Services may, at any time, refer consideration of such matter to City council for its determination and direction; and 3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	No Financial Impact – Licence will be executed at nominal. Member Motion was adopted by City Council on July 20, 2023 as Item – 2023-MM8.25
Comments	<p>Reena has requested the use of a portion of the property municipally known as 80R Fairleigh Cres. (the beltline at the rear of 165 Elm Ridge Drive) for a tie-back licence in relation to its development at 165 Elm Ridge Rd. The Licensed Area is comprised of lands designated as parks and open spaces pursuant to the Official Plan. Accordingly consultations have taken place with the City's Parks, Forestry and Recreation division, who has communicated its approval of the proposed licence.</p> <p>Member motion was put to City Council to grant the tie-back licence at nominal fee and to waive the corresponding City fees. Consequently, Item 2023-MM8.25 was adopted on July 20, 2023. More specifically, recommendation one of the Item authorizes the Executive Director, Corporate Real Estate Management, in consultation with the General Manager, Parks, Forestry and Recreation, to enter into real estate licenses, at nominal value, for tie-back encumbrances, crane swing, and construction staging as required for the construction of the affordable housing project at 165 Elm Ridge Drive, with the value of the agreements to be secured in the Contribution Agreement between the City and Reena.</p> <p>The terms and conditions of the licence have been determined to be reasonable. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Terms	<i>See Appendix A</i>

Property Details	Ward:	8 – Eglinton - Lawrence
	Assessment Roll No.:	1904113310008500000
	Approximate Size:	
	Approximate Area:	17m x 35.4m = 602 m ²
	Other Information:	

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate Services has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
2A. Expropriations Where City is Expropriating Authority:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.
2B. Expropriations For Transit-Related Purposes Where City is Property Owner or Has Interest in Property Being Expropriated:	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million. Request/waive hearings of necessity delegated to less senior positions.	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million. Request/waive hearings of necessity delegated to less senior positions.
3. Issuance of RFPs/REOs:	<input type="checkbox"/> Issuance of RFPs/REOs.	<input type="checkbox"/> Issuance of RFPs/REOs.
4. Permanent Highway Closures:	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to Divisions, Agencies and Corporations:	<input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.	<input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.
9. Leases/Licences (City as Landlord/Licensor):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 Million. <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. Delegated to a more senior position.	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$5 Million. <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. <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.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> (a) Where total compensation does not exceed \$3 Million. <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.	<input type="checkbox"/> (a) Where total compensation does not exceed \$5 Million. <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
14. Miscellaneous:	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences <input type="checkbox"/> (b) Releases/Discharges <input type="checkbox"/> (c) Surrenders/Abandonments <input type="checkbox"/> (d) Enforcements/Terminations <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates <input type="checkbox"/> (f) Objections/Waivers/Cautions <input type="checkbox"/> (g) Notices of Lease and Sublease <input type="checkbox"/> (h) Consent to regulatory applications by City, as owner <input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title <input type="checkbox"/> (j) Documentation relating to Land Titles applications <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences <input type="checkbox"/> (b) Releases/Discharges <input type="checkbox"/> (c) Surrenders/Abandonments <input type="checkbox"/> (d) Enforcements/Terminations <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates <input type="checkbox"/> (f) Objections/Waivers/Cautions <input type="checkbox"/> (g) Notices of Lease and Sublease <input type="checkbox"/> (h) Consent to regulatory applications by City, as owner <input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title <input type="checkbox"/> (j) Documentation relating to Land Titles applications <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds

B. Deputy City Manager, Corporate Services and Executive Director, Corporate Real Estate Management each has signing authority on behalf of the City for:

- 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:	Mike Colle	Councillor:	
Contact Name:	Andy Stein	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:	Concurs	Comments:	

Consultation with Divisions and/or Agencies

Division:	Parks, Forest and Recreation	Division:	Financial Planning
Contact Name:	Thomas Kakamousias	Contact Name:	Ciro Tarantino
Comments:	Concurs	Comments:	Concurs

Legal Services Division Contact

Contact Name:	Frank Weng
---------------	------------

DAF Tracking No.: 2023- 179	Date	Signature
Recommended by: Jennifer Kowalski Manager, Real Estate Services	July 26, 2023	Signed by Jennifer Kowalski
Recommended by: Alison Folosea Director, Real Estate Services	July 27, 2023	Signed by Alison Folosea
<input type="checkbox"/> Approved by: Executive Director, Corporate Real Estate Management Patrick Matozzo	July 27, 2023	Signed by Patrick Matozzo

Appendix A
Major terms of the Licence Agreement

LICENSEE:

Reena

LICENSOR:

City of Toronto

TERM:

23 months and 7 days, commencing on June 26, 2023 and ending on June 1, 2025

AREA:

The Licensed Area has an approximate sub-surface area of 602 square metres, shown outlined in yellow on Drawing No. L.4, dated July 29, 2021, named "SHORING & PARK TREES," prepared by Gotfryd Group as attached in Appendix B

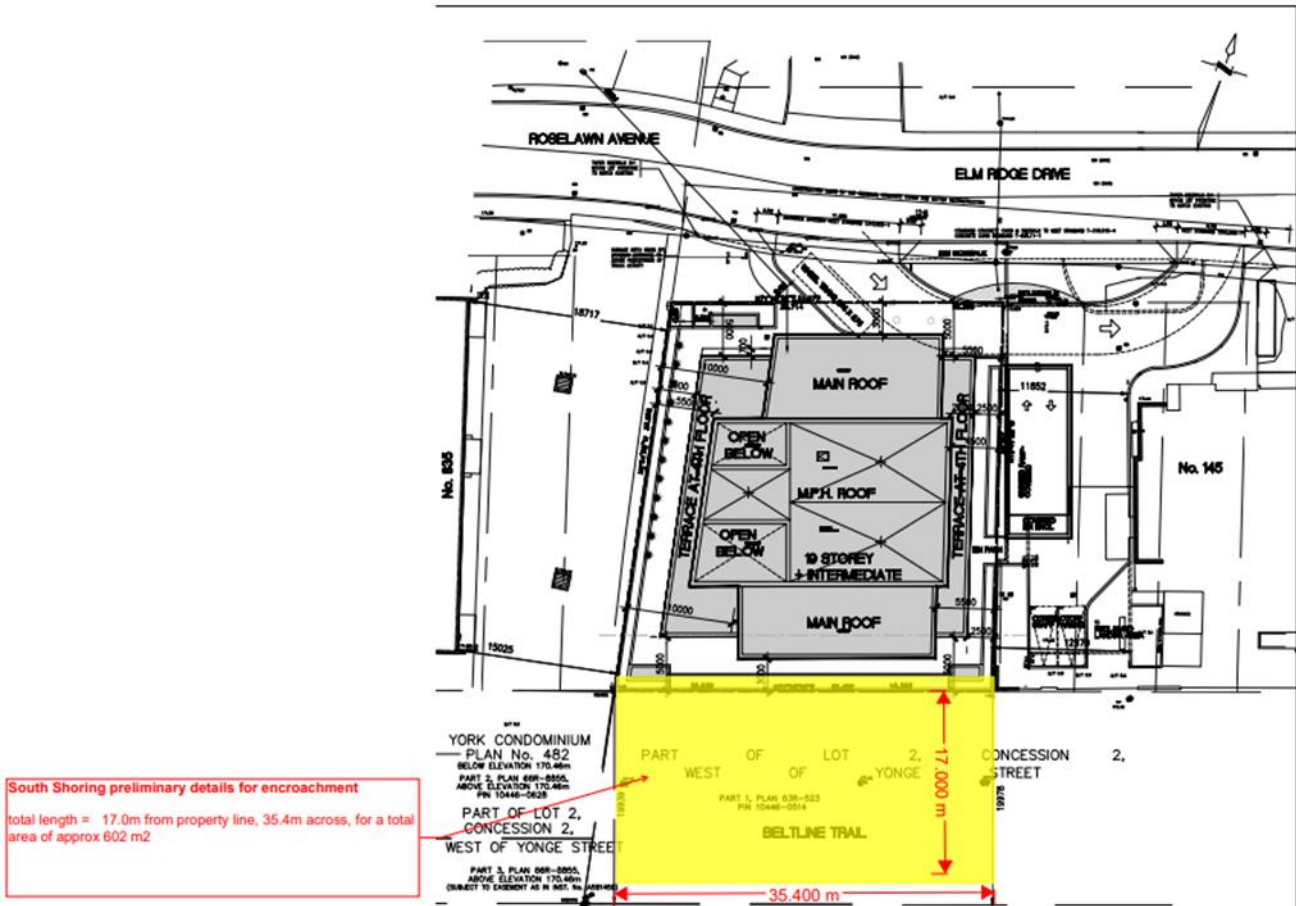
LICENSE FEE:

Nominal - adopted by City Council on July 20, 2023 through - Item – 2023-MM8.25

INSURANCE:

The Licensee shall obtain and maintain, throughout the term of the Licence, comprehensive general liability insurance against claims for bodily injury (including death) and property damage in an amount not less than \$10,000,000.00 per occurrence for bodily injury (including death) and property damage. Such insurance shall name the City of Toronto as additional insureds. Such insurance shall contain cross-liability and waiver of subrogation provisions.

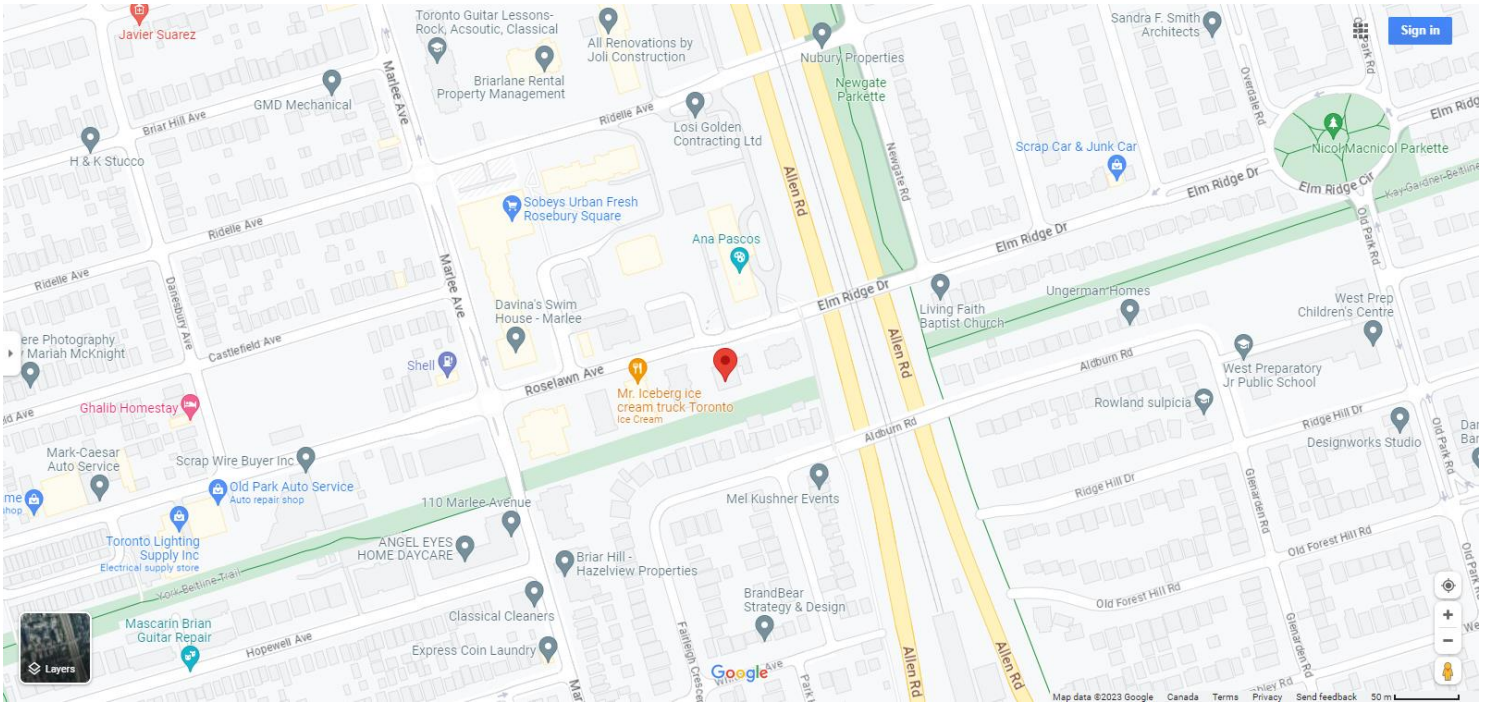
Appendix B Licensed Area



Proposed Development Area: 165 Elm Ridge Drive, Toronto, ON



Map of General Area and Site Location



165 Elm Ridge Rd