

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

TRACKING NO.: 2023-206

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

Prepared By:	Joseph Sergnese	Division:	Corporate Real Estate Management
Date Prepared:	June 20 ,2023	Phone No.:	416-392-1857

Purpose	To obtain authority to enter into a licence agreement with Roselawn and Main Urban Properties Inc. and WBTC Roselawn Inc. (the "Licensee") with respect to the properties municipally known as 2398 Yonge Street and 16 Montgomery Avenue, Toronto (the "City Lands") so that the Licensee can construct and install [temporary tie-backs, H-piles and their concrete bases] (collectively "Tie-Backs") beneath the portion of the City Lands that abut its proposed mixed-use development property municipally known as 2400-2444 Yonge Street, Toronto (the "Licence Agreement").
Property	2398 Yonge Street and 16 Montgomery Avenue being all of PINs, 21171-0104 (LT) and 21171-0103 (LT), respectively as shown in the enclosed Shoring Plan in Schedule B.
Actions	1. Authority be granted to enter into the Licence Agreement with the Licensee, substantially on the major terms and conditions set out in Appendix "A", and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.
Financial Impact	The City will receive a lump sum payment from the Licensee, pursuant to the Licence Agreement, of \$260,000.00 plus HST (the "Licence Fee") and will be directed in CREM's operating budget under FA1379. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.
Comments	Real Estate Services staff consider the proposed Licence Agreement and associated Licence Fee to be fair and reasonable to both parties, based on the market value of the City's property and the term of the licence.
Terms	See Appendix "A"

Property Details	Ward:	Eglinton-Lawrence
	Assessment Roll No.:	
	Approximate Size:	Irregular
	Approximate Area:	2398 Yonge Street 2072 m ² ± (22299 ft ² ±), 16 Montgomery Avenue 780 m ² ± (8399 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 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 checked="" 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:	Mike Colle	Councillor:	
Contact Name:	Andy Stein	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 Fire	Division:	Financial Planning
Contact Name:	Arnold Louie	Contact Name:	Ciro Tarantino
Comments:	Concurs	Comments:	Concurs

Legal Services Division Contact

Contact Name:	Chris Cieslik
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DAF Tracking No.: 2023-206	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Jennifer Kowalski	July 17, 2023	Signed by Jennifer Kowalski
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	July 19, 2023	Signed by Alison Folosea

APPENDIX "A"

Major Terms and Conditions

Licensor:

City of Toronto.

Licensee:

ROSELAWN AND MAIN URBAN PROPERTIES INC. and WBTC ROSELAWN INC.

Licensed Area:

An approximate sub-surface area of 413 square metres as shown in the hatched area in the attached Shoring Plan in Schedule "B".

Use:

The Licensed Area is to be used for the installation of Tie-Backs, as illustrated in the attached Shoring Plan in Schedule "B", to assist the Licensee with construction of its mixed-use development.

Tie-Back/Shoring Plan:

The Shoring Plan was prepared on May 3, 2022 by Isherwood Geotechnical Engineers also known as Brian Isherwood & Associates Ltd. and attached hereto as Schedule "B".

Licence Fee:

\$260,000.00 plus HST.

Term:

- (1) The Licence Agreement will commence on the date of execution.
- (2) The Licensee's Work must be completed no later than July 31, 2025 (the "Licence Termination Date").
- (3) The Licence will expire on the earlier of:
 - (a) six (6) months following the Slab Completion Date; or
 - (b) the Licence Termination Date.

Options to Renew: None

Pre-Conditions to Commencement of Licensee's Work:

The Licensee has agreed that it shall not commence any of the Licensee's Work until the Pre-Conditions set out in section 5 of the Licence Agreement are complied with.

Requirements Following Completion of Licensee's Work - Engineering Drawings:

As set out in section 7 of the Licence Agreement, the Licensee covenants and agrees, at its sole cost and expense to provide the City with "as built final drawings", surveys and records identifying the locations and dimensions of the Tie-Backs, certified by the engineer of record with respect thereto.

Insurance:

The Licensee shall obtain and maintain, throughout the term of the Licence, commercial 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.

Indemnity:

The Licensee shall indemnify and save the City harmless from and against any and all manner of actions, claims, charges, costs, damages, demands, expenses, losses and any other proceedings whatsoever (including but not limited to those under or in connection with the *Workplace Safety and Insurance Act, 1997* or any successor legislation) made or brought against, suffered by or imposed on the City or its property in respect of any loss, damage or injury (including fatal injury) to any person or property (including, without restriction, employees, agents, contractors or property of the City and/or the Licensee) directly or indirectly arising out of, resulting from or sustained as a result of the Licensee's occupancy or use of the Licensed Area or any operation or work or any fixtures or chattels thereon.

Additional Requirements from Toronto Building:

Upon the Licence Agreement being fully executed it shall constitute consent, in the City's capacity as the land owner, to the Licensee's Work for the purpose of the Licensee's application for related building permits, should such consent be required by Toronto Building.

SCHEDULE "B"

SHORING PLAN

