

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

TRACKING NO.: 2023-207

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:	July 27, 2023	Phone No.:	416-392-1852

Purpose	To obtain authority to enter into a licence agreement with Enwave Energy Corporation (the "Licensee") with respect to part of the property municipally known as 3755 Bloor Street West, Toronto for the purpose of mobilizing construction of boreholes and related infrastructure for the supply of the thermal energy within and outside of the Development Site (the "Licence Agreement").
Property	Part of the property municipally known as 3755 Bloor Street West, Toronto, being Block 4 on the Bloor-Kipling Block Context Plan, legally described as Part 18, Plan 66R-31942, being part of PIN 07533-0001 (LT), and Parts 20 and 21 on 66R-31942, being parts of PIN 07533-0043 (LT) (the "Licensed Area"), as shown on the Location Map and Sketch in Appendix "A".
Actions	1. Authority be granted to enter into the Licence Agreement with the Licensee, substantially on the major terms and conditions below, 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 Licence Agreement is for nominal consideration. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.
Comments	On April 4, 2018, the City of Toronto signed a joint development agreement with the Licensee which provided the Licensee certain preferred rights in respect of opportunities for a joint development and operation of district energy systems with the City of Toronto (the "Joint Development Agreement"). Such systems include a central heating and cooling plant including geothermal or other renewable energy sources that services a group of buildings through a distributed pipe network. The City's Bloor-Kipling (Six Points) site, a 17-acre site located in the Etobicoke Centre at the intersection of Bloor Street and Kipling Avenue is the first such joint project to be undertaken under the Joint Development Agreement. The site is comprised of seven (7) blocks, including the new Etobicoke Civic Centre ("ECC"), a public park, and five (5) development blocks connected to the Housing Now Initiative. The proposed joint project to develop a low carbon geothermal district energy system for the site will enable the development of the City's first near zero carbon community. The Licence Agreement will allow work to commence on mobilizing construction of boreholes and related infrastructure for the supply of the thermal energy needs so that the construction of the planned Etobicoke Civic Centre at 3755 Bloor Street West may proceed in a timely manner, until agreements are finalized between Enwave, Build Toronto Inc. and the City of Toronto.
Terms	Use: Mobilizing construction of boreholes and related infrastructure required for the supply of the thermal energy within and outside of the Development Site. Specific scope of licensed activities are listed in Appendix B. Term: Twelve (12) months, commencing July 28th, 2023 and expiring July 27th 2024. Insurance: \$5,000,000 per occurrence. Restoration: The Licensee will restore the Licensed Area to as close as is practicable to its original condition immediately prior to the Licensee's occupancy of the Licensed Area, at the Licensee's sole cost and expense, save and except for any improvements agreed to and accepted by the Licensor. The proposed major terms and conditions of the Licence Agreement are deemed fair and reasonable.

Property Details	Ward:	3 – Etobicoke-Lakeshore
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	15,182.21 m2 (163,419.99 ft2)
	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 checked="" 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 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 Amber Morley	Councillor:	
Contact Name:	Chezlie Alexander	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:	CreateTO	Division:	Financial Planning
Contact Name:	Justin Kong	Contact Name:	Ciro Tarantino
Comments:	Concurred	Comments:	Concurred

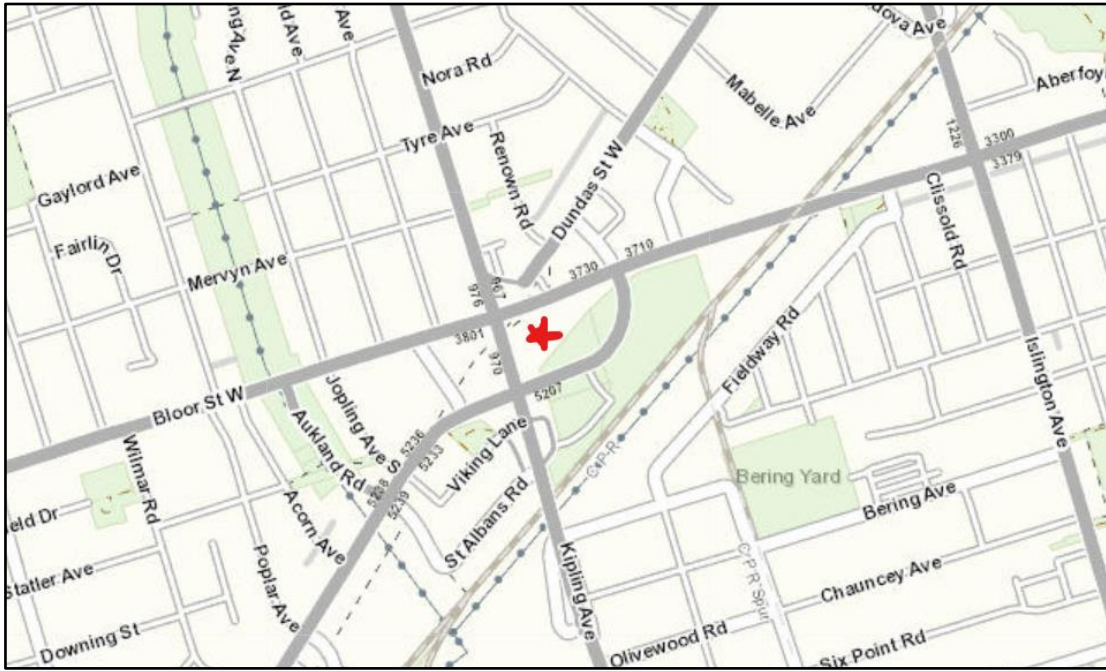
Legal Services Division Contact

Contact Name: Bronwyn Atkinson

DAF Tracking No.: 2023- 207	Date	Signature
Concurred with by: Manager, Real Estate Services Vinette Prescott-Brown	July 28, 2023	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Jennifer Kowalski	July 28, 2023	Signed by Jennifer Kowalski
<input checked="" type="checkbox"/> Approved by:		

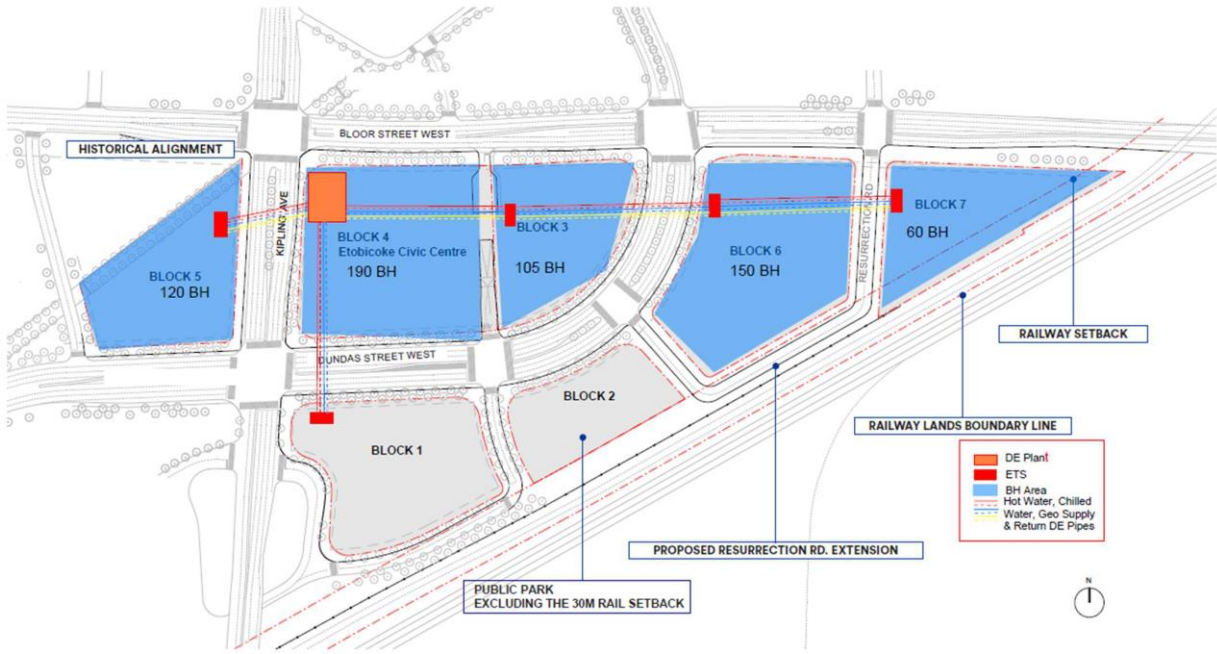
APPENDIX "A"

Location Map

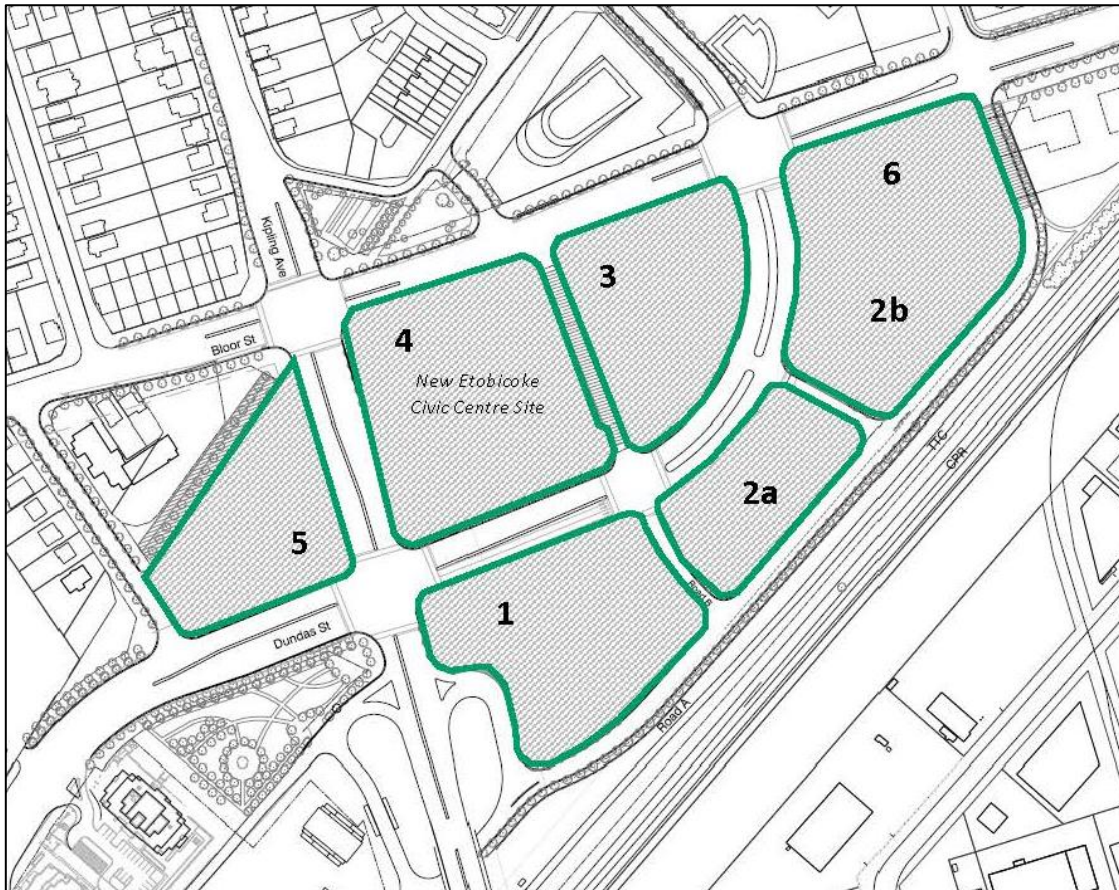


Licensed Area





Sketch – Block Plan



Appendix B

Scope of Licensed Activities

Licensee and/or its agent, contractor and/or consultant will use the Licensed Area for the purpose of mobilizing construction of the Boreholes, which includes undertaking the following activities:

- Surveying
- Borehole marking
- Site office and temporary facilities (e.g. washrooms) set up
- Temporary services (e.g. water and power connections) set up
- Mobilizing equipment to site
- Establishing laydown areas
- Moving material to site (e.g. spools of piping, grout, casings)
- Site safety work, including erecting site fencing and signage as needed
- Pre-construction survey work
- Site leveling / preparation activities, which may involve soil disturbance