

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

**TRACKING NO.: 2023-246**

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

Prepared By:	Owen Bartley	Division:	Corporate Real Estate Management
Date Prepared:	September 19, 2023	Phone No.:	(416) 338-1297

<b>Purpose</b>	To obtain authority to enter into a Tie Back And Shoring Agreement (the "Agreement") with Mattamy (1660 Bloor) Limited ("Licensee") with respect to the property municipally known as 139 Indian Grove, Toronto, for the purpose of constructing and installing temporary tie-backs within a portion of the Property ("Tie-Backs").
<b>Property</b>	A portion of the property having a sub-surface area of approximately 7,328 square feet within the lands municipally known as 139 Indian Grove, Toronto, legally described as Pcl 3 Sec Rapid Transit (E); Pt Lt 1 PI M125 York Pt Lt 2 PI M125, as in B49592; Pt Lt 2 PI M125 York; Pt Lt 5 PI M125 York as in B49020; Pt Lt 6 PI M125 York; Pt Lt 9 PI M125 York; Pt Lt 10 PI M125 York; Lt 13 PI M125 York; Pt Lt 14 n/s Edna Av PI M125 York as in B66308; Pt Lt 18 e/s Indian Grove PI M125 York; Pt Lt 19 E/S Indian Grove PI M125 York; S/T B242308; Toronto, City of Toronto, being part of PIN 21352-0206 (LT) (the "Property"), and as shown on the Location Map attached as Appendix "B" and outlined in red in the Shoring Plan attached as Appendix "C".
<b>Actions</b>	1. Authority be granted to enter into the 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.
<b>Financial Impact</b>	Total revenue to be remitted to the City is \$500,507.37 (plus HST). The revenue will be directed to the 2023 Council Approved Operating Budget for Corporate Real Estate Management under cost centre FA1379.  The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.
<b>Comments</b>	The Licensee is constructing a new development at the adjacent property, 1660 Bloor Street West. They requested permission to install underground tie-backs on the City-owned Property. These tie-backs will de-stress naturally over eighteen months after installation, and can be safely removed at any time after if required.  The proposed licence fee and other major terms and conditions of the Agreement are considered to be fair, reasonable and reflective of market rates.
<b>Terms</b>	See Appendix "A"

<b>Property Details</b>	<b>Ward:</b>	4 - Parkdale-High Park
	<b>Assessment Roll No.:</b>	190401316000100
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	680.8 m <sup>2</sup> ± (7,328 ft <sup>2</sup> ±)
	<b>Other Information:</b>	

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 &amp; Parks &amp; 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><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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><b>Delegated to more senior positions.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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 &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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:	Gord Perks	Councillor:	
Contact Name:	Karen Duffy	Contact Name:	
Contacted by:	Phone <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 concerns	Comments:	

**Consultation with Divisions and/or Agencies**

Division:	TTC	Division:	<b>Financial Planning</b>
Contact Name:	Edward Zeng	Contact Name:	Ciro Tarantino
Comments:	No Concerns	Comments:	No concerns

**Legal Services Division Contact**

Contact Name:	Michelle Xu
---------------	-------------

DAF Tracking No.: 2023-246	Date	Signature
<input checked="" type="checkbox"/> Recommended by: <b>Manager, Real Estate Services</b> Vinette Prescott-Brown	Sept 21, 2023	Signed By: Vinette Prescott-Brown
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: <b>Director, Real Estate Services</b> Alison Folosea	Sept 27, 2023	Signed By: Alison Folosea

**APPENDIX "A"**

**Licensed Area:** approximately 7,328 square feet of sub-surface area located within the lands municipally known as 139 Indian Grove, and as outlined in red in Appendix "C"

**Licence Fee:** Five Hundred Thousand Five Hundred and Seven Dollars and Thirty-Seven Cents (\$500,507.37) CAD, plus H.S.T.

**Term:** commencing on the date of execution of the Agreement and expiring on November 30, 2024.

**Use:** to construct and install temporary tie-backs within the Licensed Area

**Insurance:** commercial general liability insurance covering an amount not less than \$15,000,000.00 per occurrence. Such insurance shall name the City of Toronto and Toronto Transit Commission as additional insureds.

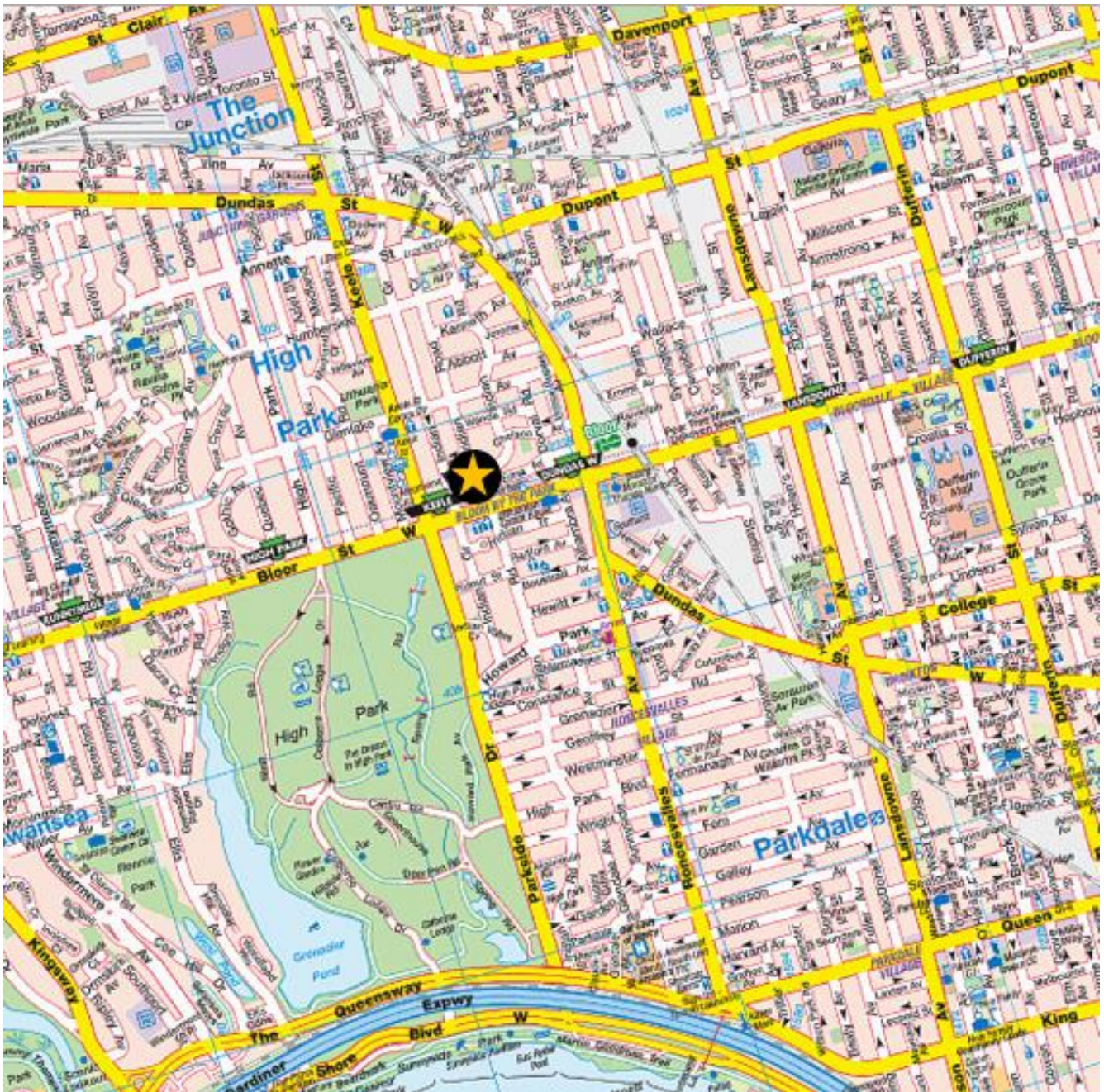
**Indemnity:**

(1) The Licensee shall indemnify and save the City and its agents harmless from and against any and all manner of actions, costs, damages, and any other proceedings whatsoever made or brought within a period of five (5) years from the expiry of the Licence directly or indirectly arising out of the de-stressing and removal of Tie-Backs by the City and its agents in accordance with the terms of this Agreement, except where the loss, damage or injury was caused or contributed to by the willful misconduct or gross negligence of the City, its employees, staff, agents or representatives.

(2) The Licensee shall indemnify and save the City and its agents harmless from and against any and all manner of actions, costs, damages and any other proceedings whatsoever suffered by or imposed on the City and the TTC 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, the TTC and/or the Licensee) directly or indirectly arising out of the Licensee's occupancy or use of the Licensed Area or such cause of action arising within five years from the expiry of this Licence in connection with the Licensee's occupancy or use of the Licensed Area in connection with this Agreement. Notwithstanding the foregoing, the Licensee shall have no obligation to indemnify the City and/or its agents where the loss, damage or injury was caused by the willful misconduct or gross negligence of the TTC, the City or their staff, employees and representatives.

APPENDIX "B"

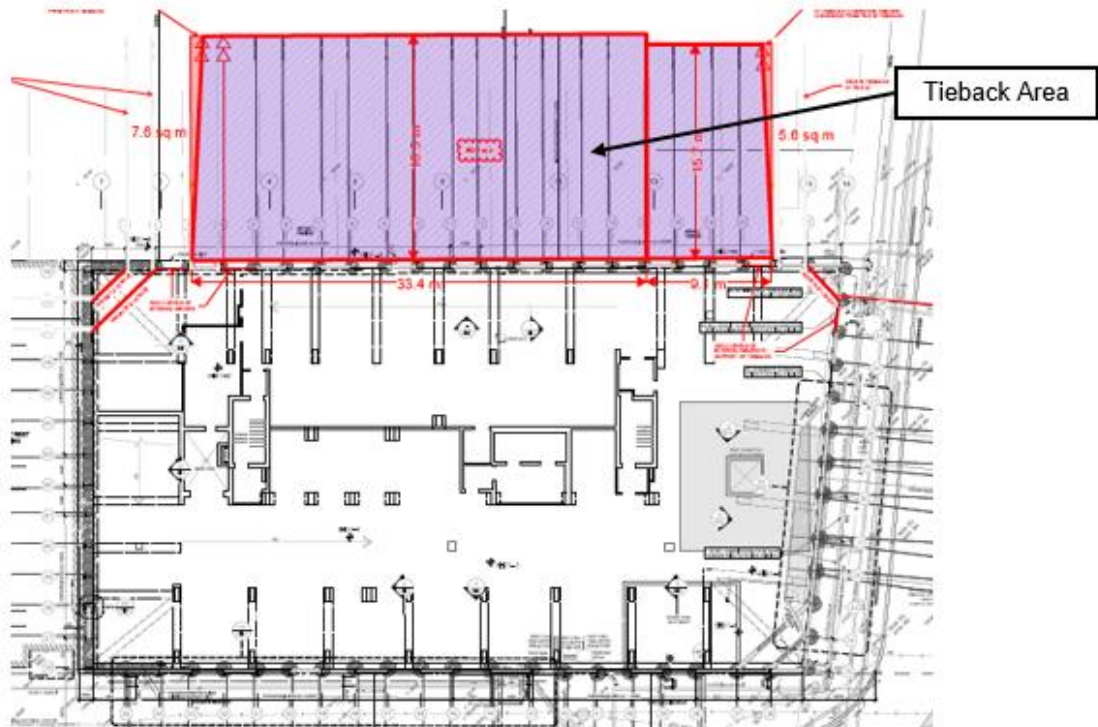
Location Map





# APPENDIX "C"

## Shoring Plan



Tieback Area

