

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

TRACKING NO.: 2023-299
with Confidential Attachment

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

Prepared By:	Boluwarin Mojeed	Division:	Corporate Real Estate Management
Date Prepared:	November 13, 2023	Phone No.:	437-996-8720

Purpose	To obtain authority to enter into a Section 30 Agreement pursuant to the Expropriations Act (the "Agreement") with Windsor Construction Limited (the "Owner") to acquire a temporary easement over part of the lands and premises municipally known as 2333 Dundas Street West, Toronto for the purpose of constructing a new municipal facility on the adjacent lands municipally known as 2299 Dundas Street West, Toronto (the "City Property").
Property	Part of the property municipally known as 2333 Dundas Street West, Toronto, legally described as PT LT 1, 45 PL 664 City West as in WG158890, except PT 1, 63R653; City of Toronto, being all of PIN: 21350-0294 (LT) (the "Property"), as shown on the Location Map in Appendix "A" and the draft reference plan in Appendix "B".
Actions	1. Authority be granted to enter into the Agreement with the Owner, substantially on the major terms and conditions set out in Appendix "C", and in Confidential Attachment "D" and including such other terms and conditions as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.
Financial Impact	See Confidential Attachment "D".
Comments	<p>The City plans to construct a new municipal facility at 2299 Dundas Street West as part the George Street Revitalization ("GSR") project to establish a replacement shelter for the Seaton House. The City cannot carry out the work required by the Ontario Building Code at the City Property without the temporary easement for access, installation of construction hoarding, fencing and dust protection measures, limited construction staging and storage of supplies.</p> <p>The City initiated expropriation proceedings by Council's adoption of Item GL11.6 on January 29, 2020 and by adoption of Item GG7.11 on November 8, 2023 for revised requirements. Negotiations with the owner resulted in a reduction of the property requirement and settlement of the fair market value of the Temporary Easement. The Agreement allows the City to acquire the easement and preserves the Owner's right to make additional compensation claims against the City. The Temporary Easement Price is considered fair, reasonable and reflective of market value, and it is recommended for acceptance substantially on the major terms and conditions set out in Appendix "C".</p>
Terms	See Appendix "C".

Property Details	Ward:	4 – Parkdale-High Park
	Assessment Roll No.:	N/A
	Approximate Size:	N/A
	Approximate Area:	183 m ² ± (1,970 ft ² ±)
	Other Information:	N/A

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"/> I 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"/> I 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 checked="" 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"/> I Surrenders/Abandonments</p> <p><input type="checkbox"/> (d) Enforcements/Terminations</p> <p><input type="checkbox"/> I 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:	<input type="checkbox"/> Phone <input 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:	No Objections	Comments:	

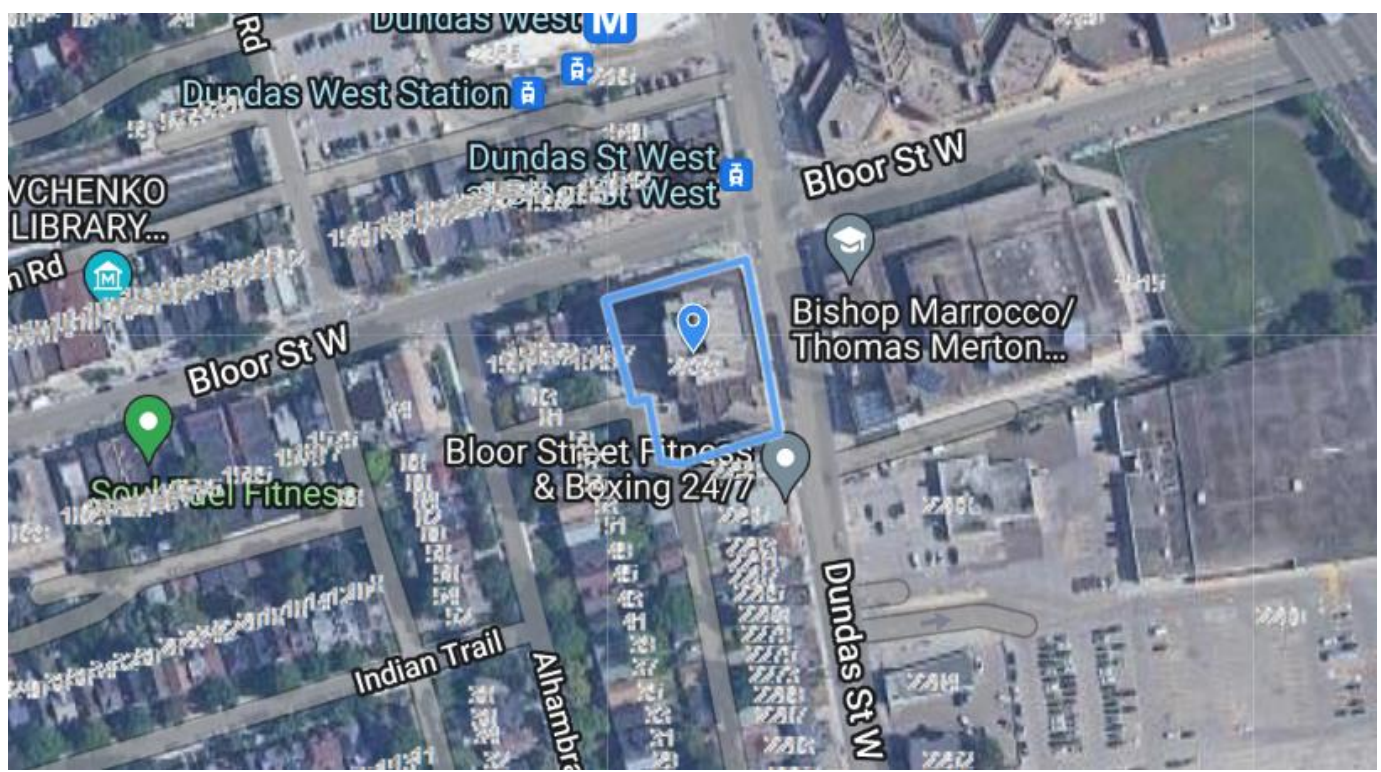
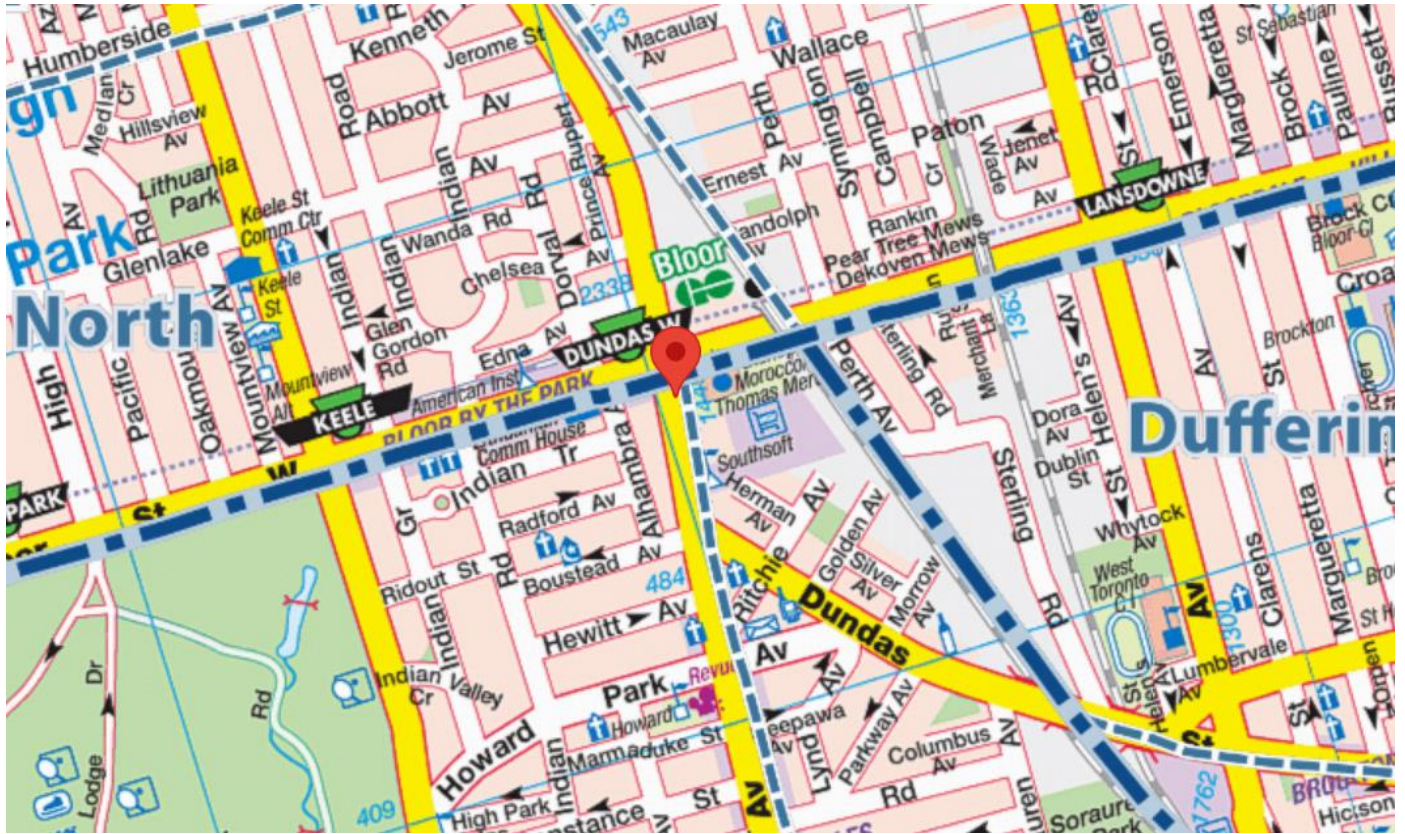
Consultation with Divisions and/or Agencies

Division:	Shelter, Support & Housing Administration	Division:	Financial Planning
Contact Name:	Loretta Ramadhin	Contact Name:	Ciro Tarantino
Comments:	Comments Incorporated	Comments:	Comments Incorporated

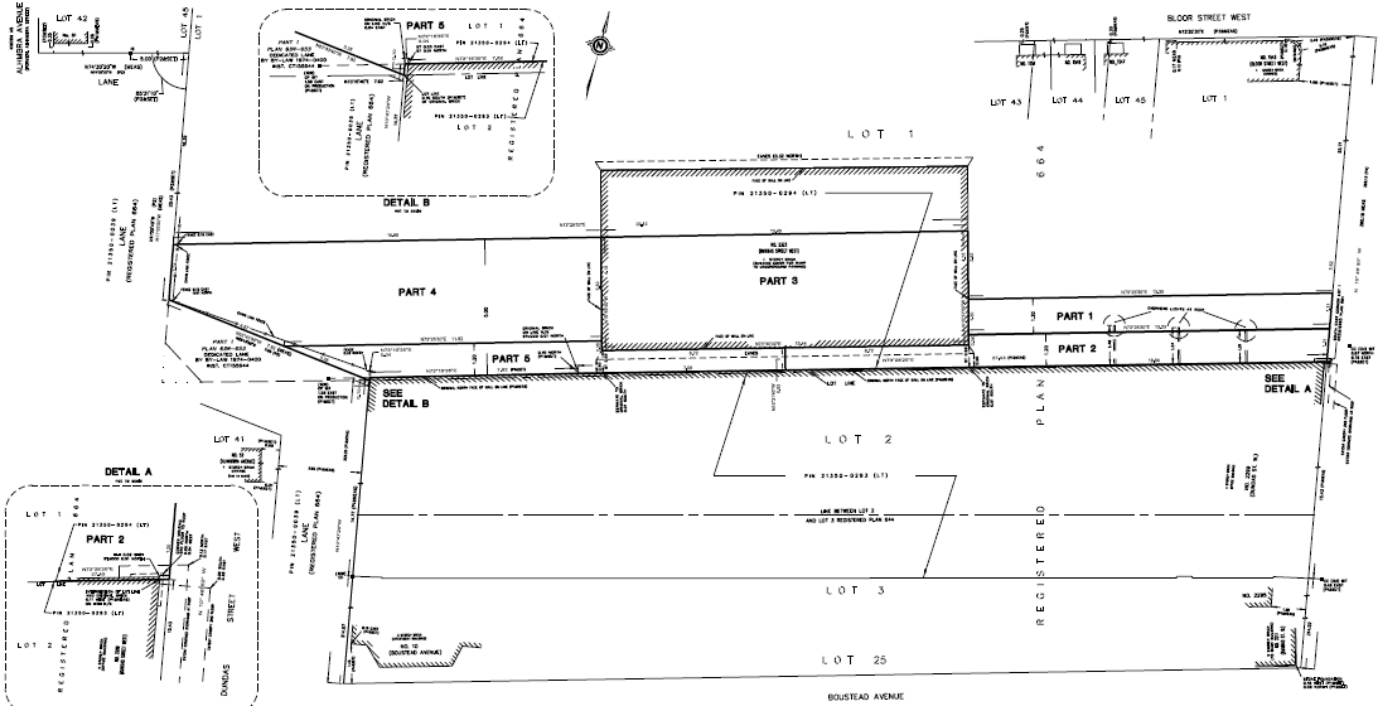
Legal Services Division Contact

Contact Name:	Vanessa Bacher
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DAF Tracking No.: 2023-299	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Jennifer Kowalski <input type="checkbox"/> Approved by:	Nov. 14, 2023	Signed by Jennifer Kowalski
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Nov. 16, 2023	Signed by Alison Folosea



Appendix "B" – Draft Reference Plan



SHEET	PAGE OF
1	1
2	1
3	1
4	1
5	1

P.M. 21282-0284 (L1)
 DUNDAS STREET WEST
 (L1) P.L. COMBINATION 1 AND THE BAY

Appendix "C" – Terms

Transferor – Windsor Construction Limited

Property Rights Transferred – Temporary Easement

Temporary Easement Term – the Temporary Easement shall commence after March 20, 2023, on a date to be specified in writing by the City to the Owner no less than ninety (90) days prior to the first day of entry under the Temporary Easement, and shall continue for 1 year. The Temporary Easement shall expire no later than December 31, 2026.

Financial Impact – As set out in Confidential Attachment "D".

Temporary Easement Purpose – for all purposes relating to the construction of a new municipal facility on the City Property, including without limitation, providing contractor access to the City Property, the removal of fencing and curbing to allow access, installation of construction hoarding, fencing and dust protection measures, construction staging and storage of all supplies and equipment.

Closing Date – means the Business Day which next follows the later of:

- (i) ten (10) Business Days following the deposit on title of all reference plans required to describe the location and dimensions of the Easement Lands, or
- (ii) such date as is mutually agreed upon between the parties in writing.

SECTION 30 OF THE EXPROPRIATIONS ACT – The Agreement allows the City to obtain the Temporary Easement for the purchase price noted above, while allowing the Owner to preserve all other rights under the *Expropriations Act*, including the right to bring additional claims against the City.