

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

TRACKING NO.: 2023-288

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

Prepared By:	Mike Saffran	Division:	Corporate Real Estate Management
Date Prepared:	October 30, 2023	Phone No.:	(416) 392-7025

Purpose	To obtain authority to apply for an easement over unpatented lakebed located in Lake Ontario by executing an application form (attached as Appendix A) and submitting it to the Ministry of Natural Resources and Forestry (MNRF) by email. This is the result of the fourth intake pipe for the Deep Lake Water Cooling Expansion Project being constructed by Enwave Energy Corporation ("Enwave").
Property	The property municipally known as Lake Ontario, being Parts 2, and 3 on the attached draft plan attached as Appendix B.
Actions	1. Authority be granted to apply to the Ministry of Natural Resources and Forestry for an easement for the Fourth Intake as part of Enwave's construction of the Deep Lake Water Cooling Expansion Project, by executing the attached Application Form (Appendix A).
Financial Impact	There is no financial impact. .
Comments	<p>In accordance with the Amended and Restated Energy Transfer Agreement between the Transferee and the Transferor, dated February 26, 2021 (the "ETA"), Enwave constructed the DLWC Expansion Project including the Fourth Intake. The Fourth Intake is a fourth water intake pipe at the Island Filtration Plant to be installed by Enwave through the existing easternmost intake pipe (which is currently not used by Toronto Water), that will be used for supplying deep lake cold water from Lake Ontario. The Fourth Intake will form part of the City's drinking water system and is owned by the City.</p> <p>As such, in accordance with section 5.02 of the ETA, the City must apply for the lease or easement rights required to permit the Fourth Intake to be located on the bed of Lake Ontario, from the MNRF. The attached application form shown in Appendix A is required by the MNRF to initiate the easement process.</p> <p>Once the easement terms are negotiated, a further authority will be obtained for the City to enter into any easement or lease agreement with the MNRF. In accordance with the ETA, all costs will be borne by Enwave.</p>
Terms	N/A

Property Details	Ward:	10 – Spadina-Fort York
	Assessment Roll No.:	N/A
	Approximate Size:	Irregular-shaped
	Other Information:	Lakebed of Lake Ontario

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 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 checked="" 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:	Ausma Malik	Councillor:	
Contact Name:	Tom Davidson	Contact Name:	
Contacted by:	<input checked="" 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:	No objections	Comments:	

Consultation with Divisions and/or Agencies

Division:	Toronto Water	Division:	Financial Planning
Contact Name:	Mike Brannon /Henry Polvi	Contact Name:	Ciro Tarantino
Comments:		Comments:	Concurs with FIS

Legal Services Division Contact

Contact Name: Vanessa Bacher

DAF Tracking No.: 2023-288	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Portfolio Management Vinette Prescott-Brown	Oct. 31, 2023	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Transaction Services Alison Folosea	Nov. 2, 2023	Signed by Alison Folosea



For Ministry use only	
File number: _____	
Type of occupational authority	Type of applicant
<input type="checkbox"/> Purchase/patent	<input type="checkbox"/> Personal
<input type="checkbox"/> Lease	<input type="checkbox"/> Corporation
<input type="checkbox"/> License of occupation	<input type="checkbox"/> Municipality
<input type="checkbox"/> Easement	
<input type="checkbox"/> Land use permit	

Please type or print. Once the form is completed, please contact your local MNRF District Office to determine the appropriate contact for submission.

Section 1. Applicant information

Name of applicant (Applicant must show given names in full. No initials)

City of Toronto

Mailing address (Street, PO Box or R.R. Number)

Toronto City Hall, 100 Queen Street W

City, town or village

Toronto

Province

Ontario

Postal code

M5H 2N2

Preferred telephone number during business hours

416-392-2930

Email address

Vanessa.Bacher@toronto.ca

I/We either: am/are an employee(s) of the Ministry of Natural Resources and Forestry, OR

am/are not an employee(s) of the Ministry of Natural Resources and Forestry

Section 2. Complete this section if more than one applicant

Additional applicant 1:

Check one of the following:

Joint tenants

Tenants in common

Other: _____

Name of applicant (Applicant must show given names in full. No initials)

Mailing address (Street, PO Box or R.R. Number)

City, town or village

Province

Postal code

Preferred telephone number during business hours

Email address

Additional applicant 2:

Check one of the following:

 Joint tenants Tenants in common Other: _____

Name of applicant (Applicant must show given names in full. No initials)

Mailing address (Street, PO Box or R.R. Number)

City, town or village

Province

Postal code

Preferred telephone number during business hours

Email address

Section 3. Purpose for which the Crown land is required

State specific use

To operate, maintain, inspect, control, alter, remove, replace, lay down, construct, reconstruct and repair water intake pipes for commercial cooling process and municipal potable water supply

Section 4. Requested duration of occupation

(negotiable - infrastructure is required long-term as part of municipal water supply system)

Section 5. Description of Crown land requiredSketch attached? Yes No

Lot	Conc.	Township	County, district or regional municipality	Registered plan number

Location

Size in hectares

U.T.M. grid number

Preliminary description

Parts 2, and 3 on draft plan created by Monteith & Rutherford Project #023TOR-20 Enwave. Dated June 28, 2023

Section 6. Applicant's or corporation's acknowledgement and declaration

Note: All named applicants must sign form.

In making this application, I/we acknowledge that:

- I/We understand that this application, including all information contained herein, is a public record and, as such, is accessible by the public upon request.
- Any occupational authority or patent that may be issued in respect of this application will contain such terms, conditions, reservations, exceptions and covenants as may be considered appropriate by the Ministry or required by law.

I/We solemnly declare that:

- I/We make this application on my/our own behalf. I am/I we are neither interposing for an employee of, or a person holding office under, the Ministry of Natural Resources and Forestry, nor do I/we intend to hold the subject lands in trust for such employee or person;
- I am/I we are at least 18 years of age on the date this form is signed;
- All statements made and information given in respect of this application, as well as any supporting documentation, are true and correct.

Signature of applicant/corporation official	Date signed (yyyy/mm/dd)	Signature of applicant	Date signed (yyyy/mm/dd)
Signature of applicant/corporation official	Date signed (yyyy/mm/dd)	Signature of applicant	Date signed (yyyy/mm/dd)
Signature of applicant/corporation official	Date signed (yyyy/mm/dd)	Signature of applicant	Date signed (yyyy/mm/dd)

Section 7. Complete this section also if applicant is a corporation

Jurisdiction of Incorporation

[City of Toronto Act, 2006, S.O. 2006, c. 11, Sched. A](#)

I hereby declare that the herein named corporation is eligible to hold land in Ontario.

Initials and surname of corporation official (please print)

Signature of corporation official

I have the authority to bind the herein named corporation.

Section 8. Collection of personal information

The Ministry of Natural Resources and Forestry is collecting your personal information under the authority of Section 2, 16, 17, 20, 21 of the *Public Lands Act*.

It will be used for the purposes of identification, enforcement and administration of occupational authority or issuance of letters patent. Personal information may be shared with the Ministry of Government and Consumer Services for land registration in local Land Registry Offices, the Municipal Property Assessment Corporation for assessment purposes, the Ministry of Energy, Northern Development and Mines for their purposes of managing dispositions under the *Mining Act* and Ontario Ministry of Agriculture, Food and Rural Affairs for dispositions related to agriculture.

For information about collection, use and sharing practices, contact the District Manager in your local MNRF office.

For Ministry use only		
Recommendations		
MNRF district office contact name	MNRF district office phone number	MNRF district address

[Save Form](#)

[Print Form](#)

[Clear Form](#)

Appendix "B"

