

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

TRACKING NO.: 2023-284

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:	October 17, 2023	Phone No.:	416-392-1857

Purpose	To obtain authority to amend the land exchange agreement (the "Land Exchange Agreement") with 80 Dale Avenue Ltd., 80 Dale Avenue L.P., and 80 Dale Avenue G.P. Inc. (collectively referred to as "Podium") to extend the pre-closing conditions set out below, for the transfer of the City Lands (as defined below) to Podium, in exchange for the transfer of the Podium Lands (as defined below) to the City.
Property	<p>City Lands – Part of Part Lot 15, Concession D (Scarborough), being Parts 6 and 9 on the draft reference plan (the "Draft Plan") attached hereto as Appendix "A" (the "City Lands").</p> <p>Podium Lands - A portion of 66 Dale Avenue and a portion of 80 Dale Avenue, Toronto, being part of Part Lot 52, Plan 2320, being Part 11 on the Draft Plan, and part of Part Lot 15 Concession D (Scarborough), being Parts 10 on the Draft Plan (the "Podium Lands").</p>
Actions	1. Authority be granted to enter into an amending agreement with the Podium to amend the Land Exchange Agreement, substantially on the major terms and conditions set out in Appendix "B", and including such other terms and conditions as may be deemed appropriate by the Director, Real Estate Services and in a form satisfactory to the City Solicitor.
Financial Impact	<p>There is no financial impact.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>At its meeting on October 1 and 4, 2021, City Council adopted Item No. SC26.1, "Final Report – 66 and 80 Dale Avenue-Official Plan and Zoning By-law Amendment Application" and approved certain amendments to the Official Plan to re-designate the City Lands from <i>Neighbourhoods and Parks and Open Space (Parks) Areas</i> to <i>Apartment Neighbourhoods</i>, and the Podium Lands from <i>Neighbourhoods</i> to <i>Parks and Open Space (Parks) Areas</i>, amongst other matters. Before introducing the necessary Bills to City Council for enactment, City Council required Podium to enter into the Land Exchange Agreement, and further required Podium to enter into a Section 37 Agreement with the City to secure the provision of certain facilities, services and matters. Provisions within the Section 37 Agreement included, amongst other matters, the requirement for Podium to convey Part 12 on the Draft Plan for public parkland purposes, pursuant to Section 42 of the Planning Act, with such lands to include Base Park Improvements (as defined therein).</p> <p>Pursuant to DAF Tracking No. 2021-304 dated November 8, 2021, the City was authorized to enter into the Land Exchange Agreement with Podium, which included amongst other matters, the requirement for Podium to deliver the Podium Lands with the same Base Park Improvements as required under the Section 37 Agreement.</p> <p>The City entered into a Land Exchange Agreement with Podium dated November 8th, 2021, and accepted January 31, 2022, which was conditional upon Podium completing certain pre-closing conditions to the City's satisfaction by November 4, 2023, which conditions included the Podium Lands to be delivered with the Base Park Improvements. Podium requested an extension of the conditional period in order to complete the pre-closing conditions.</p> <p>Podium advised that it entered into a conditional agreement with a capital partner for this project and are in a holding position as the capital partner completes its due diligence. The capital partner has until the end of next year to satisfy their due diligence.</p> <p>PF&R remain interested in acquiring the Podium Lands to regularize the parkland and completing this transaction in a manner so as to coincide with the transfer of Part 12 to the City via the terms of the Section 37 Agreement would be reasonable as Parts 11 and 12 are a contiguous parcel.</p> <p>In consultation with PF&R, CREM recommends granting the extension of 1 year, with an additional option to extend for 6 months to provide Podium additional time to complete the pre-closing conditions. It will not impact the park development timelines.</p>
Terms	See Appendix "B".

Property Details	Ward:	Ward 24 – Scarborough-Guildwood
	Assessment Roll No.:	1901-07-2-420-00050
	Approximate Size:	irregular
	Approximate Area:	City Lands - 1202.2 m ⁻² ± (12940.3731 ft ² ±) Podium Lands - 1202.2 m ⁻² ± (12940.3731 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 checked="" 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:	Paul Ainslie	Councillor:	
Contact Name:	Antonette DiNovo	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 Objections	Comments:	

Consultation with Divisions and/or Agencies

Division:	Parks Forestry and Recreation	Division:	Financial Planning
Contact Name:	Teresa Liu	Contact Name:	Ciro Tarantino
Comments:	Concurs	Comments:	Concurs

Legal Services Division Contact

Contact Name: Shirley Chow

DAF Tracking No.: 2023-284	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Jennifer Kowalski	October 17, 2023	Signed by Jennifer Kowalski
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	October 20, 2023	Signed by Alison Folosea

APPENDIX "B"**TERMS AND CONDITIONS**

Revised Conditional Period: The Conditional Period for the Pre-Closing Conditions shall be on or before the earlier of: (i) the issuance of the first Above-Grade Building Permit for the Development (such capitalized terms have the meaning as defined in the Section 37 Agreement) or (ii) November 4, 2024.

Extension of Conditional Period: If any of the Pre-Closing Conditions is or are not satisfied prior to the expiry of the Revised Conditional Period to the City's sole and absolute discretion, the DCM may, in their sole and absolute discretion prior to the expiry of the Revised Conditional Period, extend the Revised Conditional Period for one or more time(s) for a period not exceeding six (6) months in total.

All other terms and conditions in the Land Exchange Agreement to remain the same.