

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

TRACKING NO.: 2023-242

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:	September 25, 2023	Phone No.:	(416) 392-7205

Purpose	To provide supplementary authorization for a Covenant to Indemnify the Land Titles Assurance Fund regarding the Application for the conversion of a portion of the City-owned public lane at the rear of 6355 Yonge Street from a property registered under the <i>Registry Act</i> to a Land Titles Conversion Qualified ("LTCQ") property registered under the <i>Land Titles Act</i> . Once complete, both Property Identification Numbers (PINs) that legally describe all parts of the City-owned public lane will be consolidated.
Property	The legal description of the Property for the new LTCQ PIN is as follows: Part of the Lane, Plan 2385, Designated as Part 2, Plan 64R-7826; Toronto (N York), City of Toronto Being the whole of PIN 10033-0283 (R), ("Part 2")
Actions	<ol style="list-style-type: none"> Authority be granted to authorize the Covenant to Indemnify the Land Titles Assurance Fund as part of the LT Application authorized in DAF 2023-177 and be in a form satisfactory to the City Solicitor. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	<p>It is not possible to quantify the Financial Impact of this indemnity given by the City. The quantum that the City could be responsible for all depends on the financial loss claimed by a third party asserting that the land registrar erred in converting this PIN from Registry to LTCQ and the claimant having a legitimate possessory interest in Part 2.</p> <p>Any potential claimant would need to successfully prove their claim at a land title assurance fund hearing in order for compensation to be awarded. Should a claimant have a lawyer representing their interests and if they are successful at such a Hearing, the legal costs of the claimant's lawyer would also be the responsibility of the City.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	On December 17, 2001, the Land Registrar's Office ("LRO") converted Parts 1, 3, 4 and 5 on Plan 64R-7826 to Land Titles, leaving Part 2 on 64R-7826 in Registry due to improperly registered documents on title from an abutting property owner. On July 14, 2023, the Director, Transaction Services authorized in DAF 2023-177, the consent of an application for the conversion of a portion of the City-owned public lane, Part 2 from a property registered under the <i>Registry Act</i> to an LTCQ property registered under the <i>Land Titles Act</i> . In order to proceed to clear title to Part 2, the LRO has requested that the City provide a Covenant to Indemnify the Land Titles Assurance Fund. In consideration of Part 2 (PIN 10033-0283) (R) being converted from Registry to LTCQ, the City covenants with His Majesty in right of Ontario, represented by the Director of Titles that it shall indemnify in respect of any valid claim that may hereafter be made on account of this conversion.
Terms	<p>Under the <i>Land Titles Act</i>, the Land Titles Assurance Fund is a fund established to compensate people for certain financial losses they incur due to real estate fraud or omissions and errors of the land registration system.</p> <p>Bulletin No. 2008-05 from the Ontario Ministry of Government Services states: Land Registrars are reminded that pursuant to Section 55 of the <i>Land Titles Act</i>, the Land Registrar may require any application for registration to provide a bond or covenant to indemnify the Land Titles Assurance Fund. As set out in Ontario Regulation 690 under the <i>Land Titles Act</i>, a covenant shall be in Form 54.</p>

Property Details	Ward:	18 – Willowdale
	Assessment Roll No.:	N/A
	Approximate Area:	68.8 m ² (740.6 ft ²)
	Other Information:	Closed public lane

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 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 checked="" 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:	Lily Chen	Councillor:	
Contact Name:	Saham Abdi, Kin Seong	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

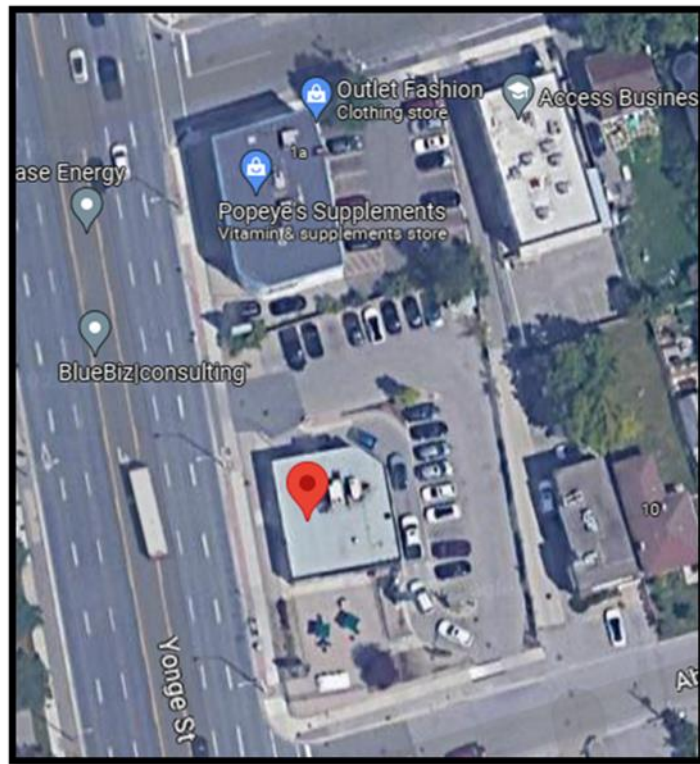
Division:		Division:	Financial Planning
Contact Name:		Contact Name:	Ciro Tarantino
Comments:		Comments:	Provided comments to FIS

Legal Services Division Contact

Contact Name:	Chris Cieslik
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DAF Tracking No.: 2023-242	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Vinette Prescott-Brown	Sept 26, 2023	Signed By: Vinette Prescott-Brown
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Sept 27, 2023	Signed By: Alison Folosea

APPENDIX "A" – Aerial of a portion of the Public lane at rear of 6355 Yonge Street



Excerpt of Reference Plan 64R-7826

