

DELEGATED APPROVAL FORM
DEPUTY CITY MANAGER, CORPORATE SERVICES
EXECUTIVE DIRECTOR, CORPORATE REAL ESTATE MANAGEMENT

TRACKING NO.: 2023-261

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

Prepared By:	Rocchina Zambri	Division:	Corporate Real Estate Management
Date Prepared:	November 1, 2023	Phone No.:	416.338.2995
Purpose	To obtain authority to enter into two easement agreements (the "Agreements") with His Majesty The King in right of Ontario (the "Owner") with respect to the property as described below for the purposes of a new Toronto Transit Commission ("TTC") bus terminal and a storm sewer system.		
Property	The property municipally known as 1226 Islington Avenue, Toronto, being, Part of PIN 07300-0035 (LT), Part of Lot 7, Concession A Clergy Block, shown as Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 on Plan 66R-32978, and shown as Parts 1 and 2 on Plan 66R-32979 (the "Easement Lands"), in Appendix "A".		
Actions	1. Authority be granted to enter into the Agreements and any ancillary agreements with the Owner, substantially on the major terms and conditions set out below and including such other terms as may be deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.		
Financial Impact	<p>The cost to the City for the two permanent easements is \$2,355,000.00 plus HST.</p> <p>Funding is available in the TTC 2023-2032 Council Approved Capitol Budget under capital program 3.9 Other Buildings and Structures (capital project account CTT028 – Easier Access Phase III)</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>		
Comments	<p>As part of the TTC's Easier Access program, Islington Station will be modernized and redeveloped. The existing bus terminal at the northwest corner of Islington Avenue and Bloor Street will be demolished and a portion of the new bus terminal will be constructed on the Easement Lands. The Easement Lands are owned by His Majesty The King in right of Ontario, however Hydro One Networks Inc. ("HONI") has primary use to operate a transmission or distribution system.</p> <p>Agreements with the Owner for permanent interests in the Easement Lands have been secured. The proposed fee and other major terms of the Easements are considered fair, reasonable and reflective of market rates.</p>		
Terms	<ol style="list-style-type: none"> 1. A non-exclusive right, interest and easement upon, under, along, over and across the Easement Lands for the purposes of constructing, installing, operating, maintaining, inspecting, removing, replacing and reconstructing a bus loop associated with its Islington Station, together with related above and below ground improvements and for the installation of improvements, appurtenances or accessories. 2. A non-exclusive right, interest and easement upon, under, along, over and across the Easement Lands for the purposes of constructing, installing, operating, maintaining inspecting removing, replacing, reconstructing a storm sewer and for the installation of improvements, appurtenances or accessories. 3. The City will pay for any additional taxes, grants, rates fees or other assessments or payments in lieu that the Owner deems reasonable. 4. The City shall indemnify and hold the Owner and HONI harmless at all times from and against any and all losses, damages, penalties, fines, costs, fees and expenses resulting from any breach of or non-compliance with the environmental covenants and any legal or administrative action commenced by, or claim made or notice from, any third party, including, without limitation, any Authority, to or against the Owner and/or HONI, arising from the introduction of Environmental Contaminants. 5. The Owner has the right to terminate the agreement in whole or in part upon 9 months' notice. 6. The City at its own expense, will arrange and maintain a liability insurance policy satisfactory to the Owner in the minimum amount of Five Million (\$5,000,000.00) dollars in order to indemnify the Owner and HONI. 7. HONI agreed to a side letter with the City that it shall not request the termination of either easement on less than 24 months' notice. If terminated in the first five years it shall pay the full cost to TTC to relocate the bus loop and/or storm sewer system, if terminated in the subsequent five-year period (years 6-10) it will pay for 50% of the relocation cost or where the request is over the 10th year it shall have no obligation to pay for any relocation costs. 		
Property Details	Ward:	3 - Etobicoke-Lakeshore	
	Assessment Roll No.:		
	Approximate Size:		
	Approximate Area:	3,142.6m2	
	Other Information:		

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate Services has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
2A. Expropriations Where City is Expropriating Authority:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.
2B. Expropriations For Transit-Related Purposes Where City is Property Owner or Has Interest in Property Being Expropriated:	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.
	Request/waive hearings of necessity delegated to less senior positions.	Request/waive hearings of necessity delegated to less senior positions.
3. Issuance of RFPs/REOIs:	<input type="checkbox"/> Issuance of RFPs/REOIs.	<input type="checkbox"/> Issuance of RFPs/REOIs.
4. Permanent Highway Closures:	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to Divisions, Agencies and Corporations:	<input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.	<input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.
9. Leases/Licences (City as Landlord/Licenser):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 Million.	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$5 Million.
	<input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.	<input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.
	Delegated to a more senior position.	<input type="checkbox"/> (c) Where compensation is less than market value, provided tenant and lease satisfy Community Space Tenancy Policy criteria set out in Item EX28.8, as adopted by Council on November 7, 8 and 9, 2017, as amended from time to time.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> (a) Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> (a) Where total compensation does not exceed \$5 Million.
	<input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.	<input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.
12. Easements (City as Grantee):	<input checked="" type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
14. Miscellaneous:	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences
	<input type="checkbox"/> (b) Releases/Discharges	<input type="checkbox"/> (b) Releases/Discharges
	<input type="checkbox"/> (c) Surrenders/Abandonments	<input type="checkbox"/> (c) Surrenders/Abandonments
	<input type="checkbox"/> (d) Enforcements/Terminations	<input type="checkbox"/> (d) Enforcements/Terminations
	<input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates	<input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates
	<input type="checkbox"/> (f) Objections/Waivers/Cautions	<input type="checkbox"/> (f) Objections/Waivers/Cautions
	<input type="checkbox"/> (g) Notices of Lease and Sublease	<input type="checkbox"/> (g) Notices of Lease and Sublease
	<input type="checkbox"/> (h) Consent to regulatory applications by City, as owner	<input type="checkbox"/> (h) Consent to regulatory applications by City, as owner
	<input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title	<input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title
	<input type="checkbox"/> (j) Documentation relating to Land Titles applications	<input type="checkbox"/> (j) Documentation relating to Land Titles applications
	<input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds	<input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds

B. Deputy City Manager, Corporate Services and Executive Director, Corporate Real Estate Management each has signing authority on behalf of the City for:
<ul style="list-style-type: none"> • Documents required to implement matters for which each position also has delegated approval authority.
<ul style="list-style-type: none"> • Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
<ul style="list-style-type: none"> • Expropriation Applications and Notices following Council approval of expropriation.
<ul style="list-style-type: none"> • 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:	Amber Morely	Councillor:	
Contact Name:		Contact Name:	
Contacted by:	<input 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:	Consulted	Comments:	

Consultation with Divisions and/or Agencies

Division:	TTC	Division:	Financial Planning
Contact Name:	Duane Lovelace	Contact Name:	Ciro Tarantino
Comments:	Concur	Comments:	Concur

Legal Services Division Contact

Contact Name: **Dale Mellor**

DAF Tracking No.: 2023-261	Date	Signature
Recommended by: Manager, Real Estate Services	November 1, 2023	Signed by Vinette Prescott-Brown
Recommended by: Director, Real Estate Services	November 1, 2023	Signed by Alison Folosea
<input type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management <input checked="" type="checkbox"/> Approved by: Patrick Matozzo	November 1, 2023	Signed by Patrick Matozzo
<input type="checkbox"/> Approved by: Deputy City Manager, Corporate Services David Jollimore		X

Appendix "A"
Reference Plan



