

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

TRACKING NO.: 2023-291

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

Prepared By:	Bruno Iozzo	Division:	Corporate Real Estate Management
Date Prepared:	October 30, 2023	Phone No.:	(416) 392-8151

Purpose	To obtain authority to enter into two (2) separate licence agreements (the "Agreements") with Metrolinx to permit Metrolinx to temporarily access and use portions of the City's lands to construct certain improvements and works in connection with the Scarborough Subway Extension project (the "Project").		
Property	Portions of the following properties (the "Properties"): <ol style="list-style-type: none"> Municipally known as 2457 Eglinton Avenue East & 155 Transway Crescent and legally described as Part of Lots 1 & 2, Plan 3973, as in Part 1, Expropriation Plan 10377, except Part 3, 64R9021; Part Lot 2, Plan 3973, as Part in SC586340, lying, south-east of Plan 64R9021; Scarborough, City of Toronto, being part of PIN 06437-0252 (LT); and Municipally known as 120 Transway Crescent and legally described as Part of Lot 2, Plan 3973, Part 1, Plan 64R6712, except Part 3, Plan 64R9021 and Part 14, Plan 64R4925; Part of Lot 3, Plan 3973, Part 7, 64R6712; Scarborough, City of Toronto, being part of PIN 06437-0254 (LT). 		
Actions	<ol style="list-style-type: none"> Authority be granted to enter into the Agreements with Metrolinx, substantially on the terms and conditions set out in Appendix "A", and on such other terms and conditions deemed appropriate by the approving authority herein, and in a form acceptable to the City Solicitor. 		
Financial Impact	<p>The City will collect a total licence fee in the amount of \$810,729.12 plus applicable taxes for the Agreements. The revenues will be directed to the 2023 Council Approved Operating Budget for Corporate Real Estate Management under cost centre FA1495 and functional area code 3220200000.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.</p>		
Comments	<p>On December 15, 2021, City Council adopted Item EX28.12 titled "Metrolinx Subways Program – Real Estate Protocol and Land Valuation Principles for Subways and GO Expansion Programs". Upon its adoption, the City and Metrolinx entered into an agreement dated June 16, 2022, which included a schedule that outlined the process for real estate transactions related to subway projects (the "Real Estate Protocol"). The Real Estate Protocol provides a clear process for the City and Metrolinx to follow relating to the acquisition, ownership and disposition of real property between the parties, both temporary and permanent interests, required for the Subways Program, which includes the Scarborough Subway Extension.</p> <p>Metrolinx intends to construct certain improvements and works in connection with the Project, which requires temporary access to and use of the Properties as identified on the sketches shown in Appendix "C". The City has agreed to grant a temporary licence to Metrolinx to enter and utilize the Properties to undertake these works associated with the Project. The terms and conditions of the Agreements are substantially as provided in the Real Estate Protocol.</p> <p>The proposed licence fee and other major terms and conditions of the Agreements are considered to be fair, reasonable and reflective of market rates.</p>		
Terms	Please see Appendix "A"		

Property Details	Ward:	20 – Scarborough Southwest
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	3,222 m ² + 582 m ² = 3,804 m 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 type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.</p> <p><input checked="" 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:	Vacant	Councillor:	
Contact Name:	Mayor Chow	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> E-Mail <input checked="" 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:	Mayor's office was consulted on both agreements	Comments:	

Consultation with Divisions and/or Agencies

Division:	Toronto Transit Commission	Division:	Financial Planning
Contact Name:	David Cooper / Rafael Gutierrez	Contact Name:	Ciro Tarantino
Comments:	No concerns with the property request	Comments:	No issues

Legal Services Division Contact

Contact Name:	Luxmen Aloysius
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DAF Tracking No.: 2023-291	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Vinette Prescott-Brown	Nov. 7, 2023	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Nov. 9, 2023	Signed by Alison Folosea

Appendix "A" – Major Terms and Conditions of the Agreements

Term:

One (1) year

Commencement Date:

Upon execution of the Agreements by both parties

Right to Extend:

Metrolinx shall have the unilateral right to extend the term of the Agreements (the "Extension Term"), on the same terms and conditions as contained in the Agreements, subject to providing the City with proper written notice and an extension term fee

Permitted Purpose:

All works and uses in connection with the construction of the Project, including, without limitation:

1. subsurface – excavation and structural/civil/mechanical/electrical Works for permanent Project infrastructure (microtunnel, electrical duct bank, cable chamber);
2. surface – construction of permanent facilities (Tunnel Ventilation System Electrical Building, or TVSEB), additional contractor laydown and staging area; and
3. surface – construction of temporary parking stalls and temporary modifications of TTC's Passenger Pick Up and Drop Off (PPUDO), and delineation of construction staging areas for permanent facilities (West Ventilation Fan Plant, or WVFP).

Metrolinx Covenants

1. Metrolinx accepts the Licensed Areas in an "as is", "where is" condition and will not require the City to pay for or do any work, or supply any equipment or services, save and except as specifically provided in the Agreements (or as otherwise agreed upon in writing by the City and Metrolinx)
2. The City shall be permitted, subject to the approval of Metrolinx on a case-by-case basis, to carry out inspections of the Licensed Areas as it deems reasonably necessary, and upon not less than seventy-two (72) hours' prior written notice to Metrolinx

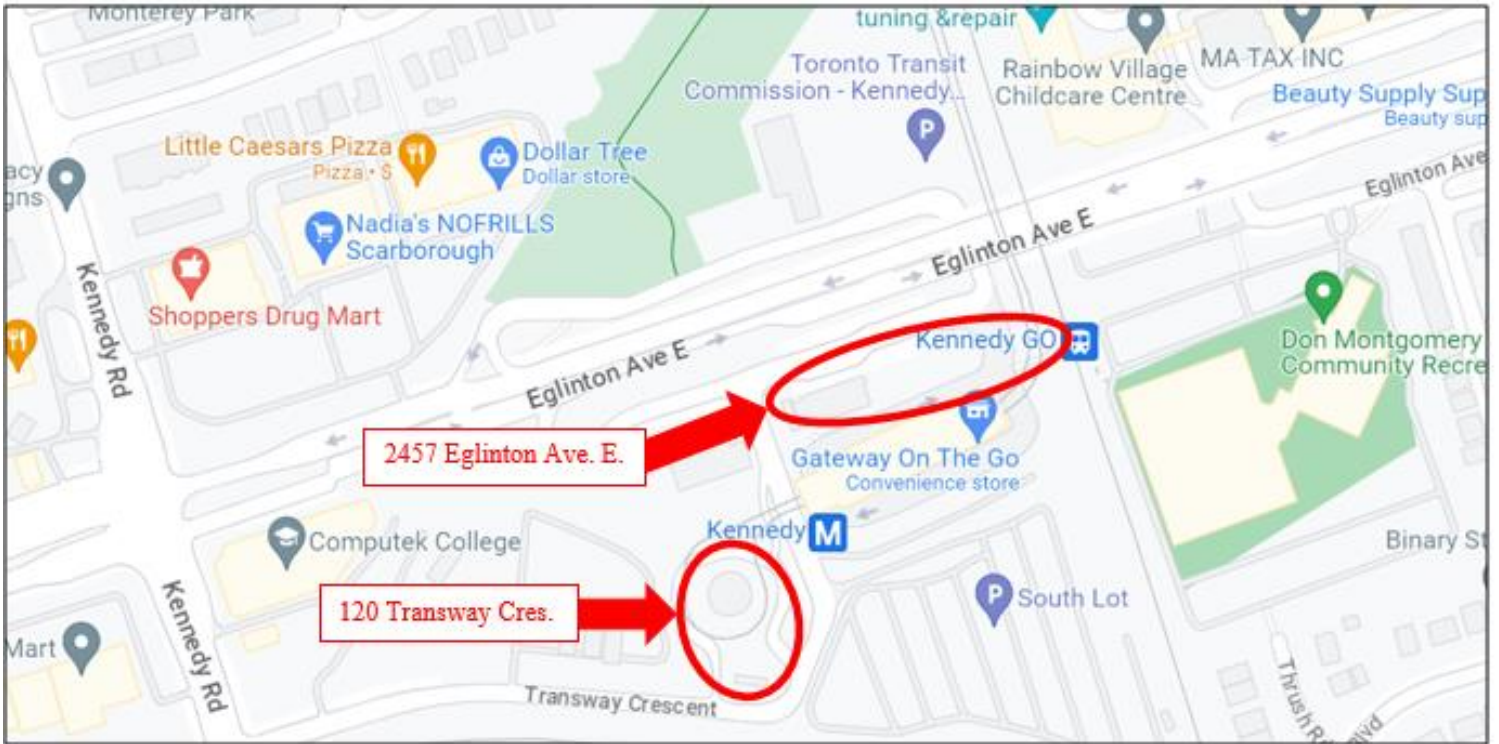
Existing Rights Holders

Metrolinx acknowledges that the Agreements are subject to all leases, subleases, easements, licences, permits, rights of use or occupation or other rights of Existing Rights Holders

Removal and Restoration:

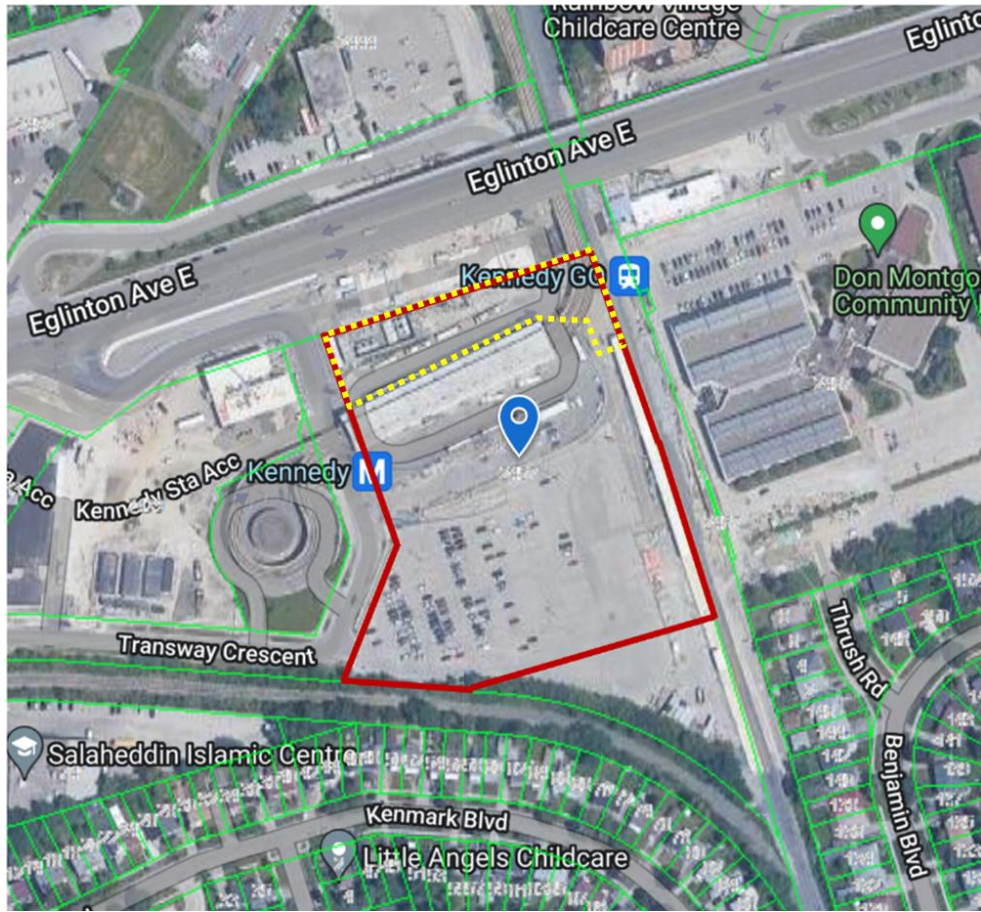
With the exception of the areas that will be acquired by Metrolinx on a permanent basis by way of fee simple interest or permanent easement on the expiry or early termination of the Agreements, Metrolinx shall repair at its own expense and to the satisfaction of the City, acting reasonably, all damage to the Properties and improvements thereon caused by the use of the Properties by Metrolinx or its Authorized Users and shall restore the Properties to substantially the same condition that the Properties were in prior to the commencement of the Agreements

Appendix "B" – Location Map



Appendix "C" – The Properties

2457 Eglinton Avenue East



120 Transway Crescent

