

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

TRACKING NO.: 2023-295

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

Prepared By:	Vanessa Bacher	Division:	Legal Services
Date Prepared:	November 14, 2023	Phone No.:	416 392 2930

Purpose	To obtain authority for the City to consent to the registration of a Notice of Termination for Metropolitan Toronto Condominium Corporation No. 1194 (MTCC No. 1194), and for the City to enter into an Assignment and Assumption Agreement regarding existing encroachments over 2727 Yonge Street.
Property	The property known as 2727 Yonge Street legally described as: REM PCL 3-9, SEC Y-13, PT LT 3, CON 1 EYS, DES AS PTS 2, 4-6, 13, 15, 17, 18, 23, 26, 30, 31, 33-40 & 44 ON 66R17758, CITY OF TORONTO (the "Property").
Actions	<ol style="list-style-type: none"> 1. Authority be granted to provide the City's written consent to the termination of MTCC No. 1194, on such terms as deemed appropriate by the approving authority and in a form satisfactory to the City Solicitor; 2. Authority be granted for the City to execute an Assignment and Assumption Agreement with MTCC No. 1194 and 688687 ONTARIO LIMITED to provide for the assignment of an Encroachment Agreement (as defined below), on such terms as deemed appropriate by the approving authority and in a form satisfactory to the City Solicitor.
Financial Impact	<p>There is no financial impact.</p> <p>Municipal code fees prescribed by Chapter 411 Schedule 15 will be collected by Legal Services, being: \$280.43 plus HST for the Assignment and Assumption Agreement \$280.43 plus HST for the consent to termination. (Total 633.77 inclusive of HST to be collected by Legal Services)</p>
Comments	<p>MTCC No. 1194 requested the City's written consent to the termination of the governance of the Property by the <i>Condominium Act, 1998</i>. The City's consent is required, because there is an Encroachment Agreement registered on title to the Property as D614928, between the City and MTCC No. 1194, permitting the installation of awnings over Yonge Street (the "Encroachment Agreement"). The <i>Condominium Act, 1998</i>, requires that all persons with a registered interest in the condominium property consent in writing to a termination (s. 122(2)). Given the Encroachment Agreement, MTCC No. 1194 requires the City's written consent prior to registering the Notice of Termination.</p> <p>Following the termination of the condominium, the awnings will remain over Yonge Street, but MTCC No. 1194 will cease to exist and ownership of the Property will vest in 688687 ONTARIO LIMITED. Therefore, an Assignment and Assumption Agreement is required to ensure that the new owner of the Property is bound to the obligations set out in the Encroachment Agreement.</p> <p>Transportation Services (William Bosley) concurs with this approach. As the assignor and assignee wish to complete the assignment prior to it being confirmed that all fees are up to date, the assignee will be assuming the obligation for any outstanding amounts under the encroachment agreement.</p>
Terms	Effective as of the date of the registration of the Notice of Termination, MTCC No. 1194 transfers and assigns all rights and obligations under the Encroachment Agreement to 688687 ONTARIO LIMITED, and 688687 ONTARIO LIMITED agreed to be liable for all obligations thereunder.

Property Details	Ward:	15 – Don Valley Road West
	Assessment Roll No.:	n/a
	Approximate Size:	n/a
	Approximate Area:	n/a
	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 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:	Jane Robinson	Councillor:		
Contact Name:		Contact Name:		
Contacted by:	Phone	E-Mail	Memo	Other
Comments:	(not consulted)			

Consultation with Divisions and/or Agencies

Division:	Transportation Services	Division:	Financial Planning
Contact Name:	William Bosley	Contact Name:	
Comments:	Email on October 31, 2023.	Comments:	

Legal Services Division Contact

Contact Name:	Vanessa Bacher, Solicitor
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DAF Tracking No.: 2023-295	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Ray Mickevicius, Director Real Estate Law	Nov. 15, 2023	Signed by Ray Mickevicius
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Nov. 15, 2023	Signed by Alison Folosea