

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

**TRACKING NO.: 2023-320**

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:	December 1, 2023	Phone No.:	416 392 2930

<b>Purpose</b>	To obtain authority for the City to consent to the release of an Encroachment Agreement registered on title as Instrument WG134316 on lands owned by 390 DUFFERIN GP INC. as general partner for 390 DUFFERIN RESIDENCES LP.
<b>Property</b>	The property known as 390-400 Dufferin Street, legally described in PINs 21304-0241 and 21304-0242 (the "Property")
<b>Actions</b>	1. Authority be granted to provide the City's written consent to the release of Encroachment Agreement registered on title as Instrument WG134316 to the Property, on such terms as deemed appropriate by the approving authority and in a form satisfactory to the City Solicitor.
<b>Financial Impact</b>	Municipal code fees prescribed by Chapter 411 Schedule 15 were collected by Legal Services with respect to the release of Instrument WG134316 from the Property owned by 390 DUFFERIN GP INC. as general partner for 390 DUFFERIN RESIDENCES LP. being \$280.43 plus HST.
<b>Comments</b>	<p>Council authorized the acquisition of property now designated as Part 9 on 66R-33458 (the "Triangle") by adoption of TE34.18 on June 19, 2022, for inclusion in the West Toronto Railpath Project. The City and the Vendor (390 DUFFERIN GP INC. as general partner for 390 DUFFERIN RESIDENCES LP) entered into an Agreement of Purchase and Sale to effect the transfer of the Triangle executed on June 24, 2023 (the "APS"). The APS obligates the Vendor to transfer the Triangle free and clear of all encumbrances.</p> <p>The Triangle is part of PIN 21304-0242 which is encumbered by WG134316; a 1965 encroachment agreement between the City and a prior property owner. The encroachments referred to in WG134316 no longer exist, as the property was redeveloped in accordance with the approvals described in the Report for Item TE34.18 (2022).</p> <p>Consenting to the release of WG134316 from title to the Property (to be registered by the Vendor) will allow the City to acquire the Triangle free and clear of all encumbrances.</p> <p>WG134316 will remain on title to adjacent City-owned lands legally described in PINs 21304-0240, 21304-0067, 213040-0068 and can be deleted with a further authority, should the applicable operating division(s) be willing to pay the associated teraview registration fees.</p>
<b>Terms</b>	n/a

<b>Property Details</b>	<b>Ward:</b>	9- Davenport
	<b>Assessment Roll No.:</b>	n/a
	<b>Approximate Size:</b>	n/a
	<b>Approximate Area:</b>	n/a
	<b>Other Information:</b>	n/a

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 &amp; Parks &amp; Open Space Areas of Official Plan:</p> <p>9. Leases/Licences (City as Landlord/Licensor):</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><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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><b>Delegated to more senior positions.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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 &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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 checked="" 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:	Alejandra Bravo	Councillor:	
Contact Name:	Not consulted	Contact Name:	
Contacted by:	<input type="checkbox"/> Phone <input 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:	(not consulted)	Comments:	

**Consultation with Divisions and/or Agencies**

Division:	CREM	Division:	Transportation Services
Contact Name:	Mark Filice	Contact Name:	Kelsie Carriere
Comments:	By email on November 22, 2023	Comments:	By email on November 22, 2023

**Legal Services Division Contact**

Contact Name:	Vanessa Bacher, Solicitor
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DAF Tracking No.: 2023-320	Date	Signature
<input checked="" type="checkbox"/> Recommended by: <b>Ray Mickevicius, Director Real Estate Law</b> <input type="checkbox"/> Approved by:	Dec. 5, 2023	Signed by Ray Mickevicius
<input checked="" type="checkbox"/> Approved by: <b>Director, Real Estate Services Alison Folosea</b>	Dec. 5, 2023	Signed by Alison Folosea