

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

TRACKING NO.: 2023-312

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

Prepared By:	Allan Mak	Division:	Corporate Real Estate Management
Date Prepared:	November 24, 2023	Phone No.:	416-392-8159

Purpose To obtain authority to enter into a temporary use and access licence agreement (the "**Licence**") with His Majesty the King in Right of Ontario, as represented by The Minister of Infrastructure (the "**Licensor**"), subject to Hydro One's terms and conditions, for the purpose of crossing transmission corridor with construction vehicles and equipment. The "Licensed Area" is shown in Appendix "B"

Property Hydro corridor lands is located in the vicinity of Haldon Avenue and Cosburn Avenue and is legally described as Pt Lt 5 Pl 94 Twp of York; Pt Lt 6 Pl 94 Twp of York; Pt Lt 7 Pl 94 Twp of York; Pt Lt 109 Pl 1351 Twp of York; Pt Lt 110 Pl 1351 Twp of York; Pt Lt 111 Pl 1351 Twp Of York; Pt Lt 112 Pl 1351 Twp of York; Pt Blk A Pl 1351 Twp of York; Pt Lt 122 Pl 1351 Twp of York; Pt Lt 123 Pl 1351 Twp of York; Pt Lt 124 Pl 1351 Twp of York; Pt Lt 3 Con 2 FTB Twp of York; Pt E1/2 Lt 4 Con 2 Ftb Twp of York; Pt W1/2 Lt 4 Con 2 FTB Twp of York; Pt N1/2 Lt 5 Con 2 FTB Twp of York as in EY100968; Pt 1 Ft Reserve Pl 1351 Twp of York As In EY100968 Except Pt 4 & 5 66R13906, R3420, & EY154098; S/T EY142492, EY186845, TB388156; Toronto (E York), City of Toronto, also identified as part of PIN 104340991.

Actions 1. Authority be granted to enter the Licence, substantially on the major terms and conditions set out in Appendix "A", and including such other amended terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.

Financial Impact The total cost to the City will be \$15,600 (plus HST) or \$15,874.56 (net of HST recovery) for the Licence fee. The cost for the transaction will be funded by the 2023 Council Approved Capital Budget for Engineering & Construction Services under capital project account CWW466-08.

The Chief Financial Officer has reviewed the DAF and agrees with the financial implications as identified in the Financial Impact section.

Comments The City requires the Licence for the purpose of crossing the transmission corridor with construction vehicles and equipment to access and complete the construction of nearby erosion control measures for Toronto Water infrastructure located in Taylor Massey Creek.

The proposed licence fee and other major terms and conditions of the Licence are considered to be fair, reasonable and reflective of market rates.

Terms The proposed licence fee and other major terms and conditions of the Licence are considered to be fair, reasonable and reflective of market rates.

Property Details	Ward:	19 – Beaches-East York
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	339m ² ± (3648.96 ft 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/REOs:</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/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>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 checked="" 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/REOs.</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 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:	Councillor Brad Bradford	Councillor:	
Contact Name:	Craig Ruttan, Chief of Staff	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X E-Mail <input 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:	No Concerns	Comments:	

Consultation with Divisions and/or Agencies

Division:	Engineering & Construction Services	Division:	Financial Planning
Contact Name:	Niloufar Mohajerani, Senior Engineer	Contact Name:	Ciro Tarantino
Comments:	Concurs	Comments:	Concurs

Legal Services Division Contact

Contact Name:	Frank Weng
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DAF Tracking No.: 2023-312	Date	Signature
Concurred with by: Manager, Real Estate Services Jennifer Kowalski	Nov. 27, 2023	Signed by Jennifer Kowalski
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Vinette Prescott-Brown	Nov. 27, 2023	Signed by Vinette Prescott-Brown
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		X

APPENDIX "A" – Major Terms and Conditions

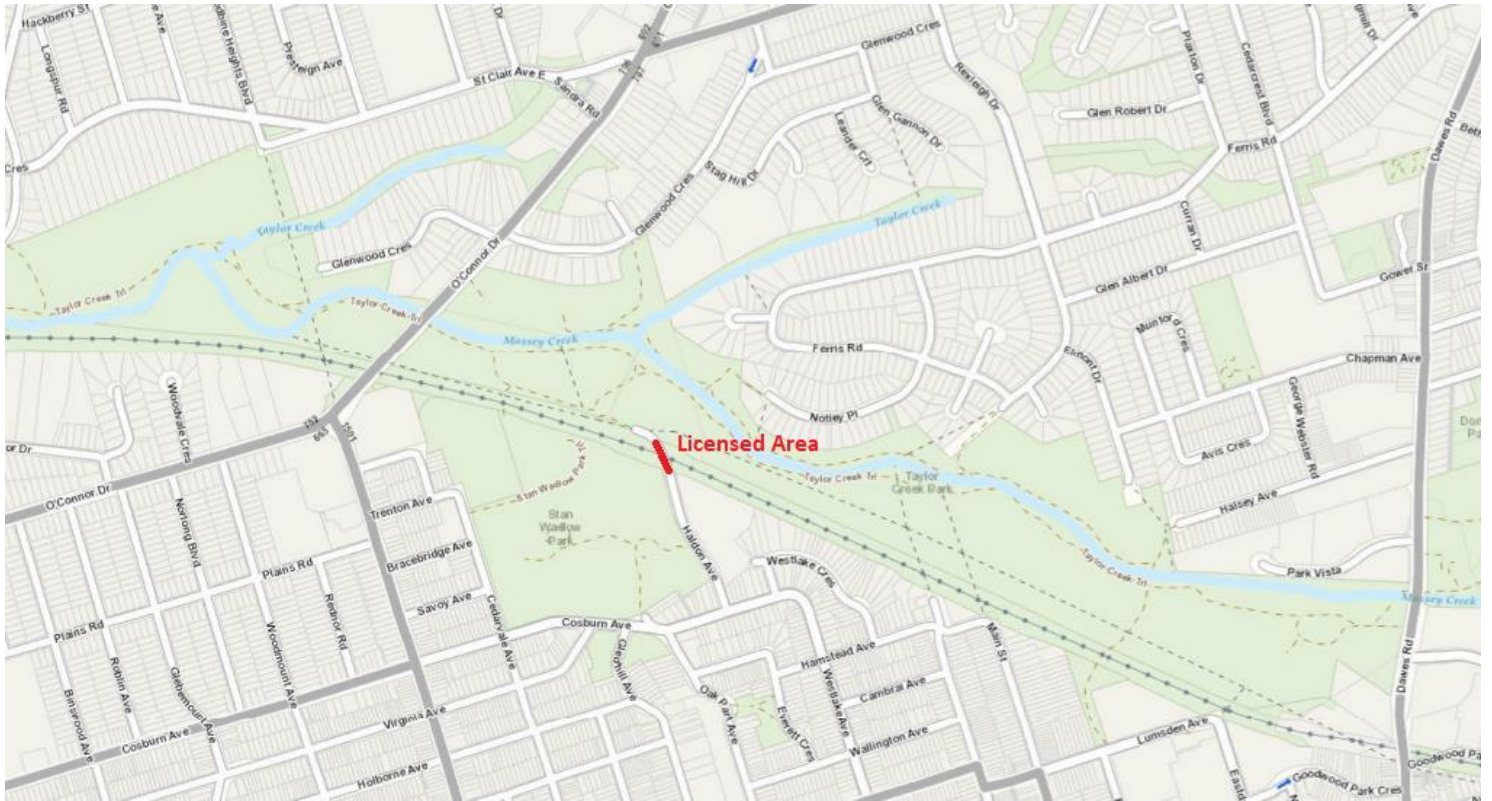
1. **Licensor:** His Majesty the King in the right of Ontario, as represented by the Minister of Infrastructure, with Ontario Infrastructure and Lands Corporation as the authorized signing officer
2. **Licensee:** City of Toronto (the "City")
3. **Term:** One (1) year commencing from November 16, 2023 and ending on November 15, 2024
4. **Licence Fee:** \$15,600, plus all applicable taxes
5. **Security Bond:** Not Applicable
6. **Use:** For the purpose of crossing the transmission corridor with construction vehicles and equipment.
7. **Indemnity:**
 - a. The City assumes liability for all persons and property at any time and neither the Licensor nor Hydro One Networks Inc. shall be liable for any loss, damage, or injury however occurring.
 - b. The City acknowledges that Hydro One Networks Inc. has rights to maintain a Transmission System or Distribution System and assumes all liabilities associated with its use in such close proximity except for instances of gross negligence.
 - c. The City agrees to release and forever discharge the Licensor and Hydro One Networks Inc. from any cause of action and agrees to not make any claims against any other person or corporation who might claim contribution or indemnity through common law or statute.
 - d. The City agrees both the Licensor and Hydro One Networks Inc can plead this Licence as an estoppel.
8. **Insurance:** City shall take out commercial general liability insurance of not less than five million dollars.
9. **Fence:** The City shall install temporary fences around the area and such fences shall be maintained during the duration of the Licence. The City acknowledges that this is a standard clause within the Licensor's agreements and that no fencing is required for the City's Use.

HYDRO ONE NETWORKS INC.'s Site Specific Conditions on the "Letter" dated February 18, 2023, HONI File # EAST YORK 632.5-8290

1. Scope of approval of the Work, once issued by HONI, is valid for one (1) year from the approval date; otherwise the City will have to resubmit all drawings for further review at an additional charge.
2. City must comply with the safety and clearance regulations as per Occupational Health and Safety Act (OHSA).
3. City must adhere to HONI's HV Cable Precaution sheet when working in the vicinity of underground cables, and must ensure a HONI personnel is present when performing any daylighting work.
4. Once construction has been completed, the City is to contact HONI's Real Estate Coordinator to arrange for a post-construction site inspection to ensure everything was built in accordance with the final approved plans and drawings.
5. If at any time during a site inspection, the listed conditions are not complied with or the lands are used for inappropriate or non-approved purposes, the Proponent's land occupation agreement will be subject to cancellation upon written notice.
6. City will be held liable for any damage to HONI's facilities, as a result of flooding or standing water caused by the Work.
7. Any relocation, modification and/or repair of HONI's facilities as a result of the Work will be carried out by HONI at the City's expense.
8. City is responsible for all other utility permits and permissions, which may be required for the Work.
9. No parking of construction vehicles or storage of equipment or materials is permitted within the licensed area.

Appendix "B" – Location Map and Licensed Area Sketch

Location Map – License area in Red



Licensed Area (Shaded in Yellow)

