

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

TRACKING NO.: 2023-330

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

Prepared By:	Trixy Pugh	Division:	Corporate Real Estate Management
Date Prepared:	December 18, 2023	Phone No.:	(416) 392-8160

<b>Purpose</b>	To obtain authority to enter into a licence agreement (the "Licence") with Metrolinx at 743 Pape Avenue, 20 Eaton Avenue and 25 Lipton Avenue for the purposes of all works and uses in connection with the construction of the Ontario Line Project (the "Project").														
<b>Property</b>	Lands located in the Riverdale area, being 743 Pape Avenue, 20 Eaton Avenue and 25 Lipton Avenue (collectively, the "Licensed Area") in Appendix "A".														
<b>Actions</b>	1. Authority be granted to enter into the Licence with Metrolinx, substantially on the major terms and conditions set out below and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.														
<b>Financial Impact</b>	<p>The City will receive total licence fee revenues of \$1,545,908 (plus HST) over the five (5) year term of the agreement. Revenues received for 743 Pape Avenue and 25 Lipton Avenue for each fiscal year will be \$157,480 plus HST, and will be directed to the 2023 Council Approved Operating Budget for Corporate Real Estate Management under cost centre FA1474 and functional area code 3220200000, and will be included in the future operating budget submissions for Council Consideration.</p> <p>Revenues received for 20 Eaton Avenue for each fiscal year will be directed to the Toronto Parking Authority.</p> <table border="1" style="width: 100%;"> <thead> <tr> <th>Year</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>2024</td> <td>\$140,041</td> </tr> <tr> <td>2025</td> <td>\$145,643</td> </tr> <tr> <td>2026</td> <td>\$151,469</td> </tr> <tr> <td>2027</td> <td>\$157,527</td> </tr> <tr> <td>2028</td> <td>\$163,828</td> </tr> <tr> <td><b>Total</b></td> <td><b>\$758,508 (plus HST)</b></td> </tr> </tbody> </table> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>	Year	Amount	2024	\$140,041	2025	\$145,643	2026	\$151,469	2027	\$157,527	2028	\$163,828	<b>Total</b>	<b>\$758,508 (plus HST)</b>
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<b>Total</b>	<b>\$758,508 (plus HST)</b>														
<b>Comments</b>	<p>Metrolinx requires the Licence for construction of the Project, which includes advanced works, construction access, staging and storage, utility works, demolition and reconstruction of existing structures and retaining wall work. Some of the Licensed Area is subject to be transferred to Metrolinx by way of fee simple or permanent easement.</p> <p>On December 15, 2021, City Council adopted 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 the Subway Program (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 Ontario Line.</p> <p>Staff from Toronto Transit Commission, Transportation Services, Toronto Water and Toronto Parking Authority have no objection the granting of the Licence. The form of the Licence is substantially in the form appended to the Real Estate Protocol.</p> <p>Real Estate Services staff considers the proposed fee and other terms and conditions of the Licence to be fair, reasonable and reflective of market rates.</p>														
<b>Term</b>	<p>Term: For temporary requirements only, five (5) years, with one (1) option to extend for a period of four (4) years, upon six (6) months prior written notice to the City.</p> <p>For interests with permanent requirements, the initial term, with one (1) option to extend for a period up to twelve (12) months, or the Licensed Area is transferred to Metrolinx by way of fee simple transfer or permanent easement, whichever is the latter, upon six (6) months prior written notice to the City.</p>														
<b>Property Details</b>	<table border="1" style="width: 100%;"> <tr> <td><b>Ward:</b></td> <td>14 – Toronto-Danforth</td> </tr> <tr> <td><b>Assessment Roll No.:</b></td> <td>1904-08-4-440-01410, 190-08-4-440-09850</td> </tr> <tr> <td><b>Approximate Size:</b></td> <td></td> </tr> <tr> <td><b>Approximate Area:</b></td> <td>4,462.2 m<sup>2</sup> ± (48,030.7 ft<sup>2</sup> ±)</td> </tr> <tr> <td><b>Other Information:</b></td> <td></td> </tr> </table>	<b>Ward:</b>	14 – Toronto-Danforth	<b>Assessment Roll No.:</b>	1904-08-4-440-01410, 190-08-4-440-09850	<b>Approximate Size:</b>		<b>Approximate Area:</b>	4,462.2 m <sup>2</sup> ± (48,030.7 ft <sup>2</sup> ±)	<b>Other Information:</b>					
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<b>Other Information:</b>															

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. <b>Request/waive hearings of necessity delegated to less senior positions.</b>	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million. <b>Request/waive hearings of necessity delegated to less senior positions.</b>
3. Issuance of RFPs/REOs:	<input type="checkbox"/> Issuance of RFPs/REOs.	<input type="checkbox"/> Issuance of RFPs/REOs.
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/Licensor):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 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. <b>Delegated to a more senior position.</b>	<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"/> (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 checked="" 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"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.	<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.
12. Easements (City as Grantee):	<input 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"/> (b) Releases/Discharges <input type="checkbox"/> (c) Surrenders/Abandonments <input type="checkbox"/> (d) Enforcements/Terminations <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates <input type="checkbox"/> (f) Objections/Waivers/Cautions <input type="checkbox"/> (g) Notices of Lease and Sublease <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"/> (j) Documentation relating to Land Titles applications <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences <input type="checkbox"/> (b) Releases/Discharges <input type="checkbox"/> (c) Surrenders/Abandonments <input type="checkbox"/> (d) Enforcements/Terminations <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates <input type="checkbox"/> (f) Objections/Waivers/Cautions <input type="checkbox"/> (g) Notices of Lease and Sublease <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"/> (j) Documentation relating to Land Titles applications <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:**

- Documents required to implement matters for which each position also has delegated approval authority.
- Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
- Expropriation Applications and Notices following Council approval of expropriation.
- 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:	Paula Fletcher				Councillor:				
Contact Name:	Paula Fletcher				Contact Name:				
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other		
Comments:	Consulted				Comments:				

**Consultation with Divisions and/or Agencies**

Division:	TTC, TS, TW, TPA		Division:	Financial Planning	
Contact Name:			Contact Name:	Ciro Tarantino	
Comments:	Incorporated into DAF		Comments:	Incorporated into DAF	

**Legal Services Division Contact**

Contact Name:	Lisa Davies
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DAF Tracking No.: 2023- 330	Date	Signature
Recommended by: Manager, Real Estate Services Vnette Prescott-Brown	Dec. 19, 2023	Signed by Vnette Prescott-Brown
Recommended by: Director, Real Estate Services Alison Folosea	Dec. 22, 2023	Signed by Alison Folosea
<input type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management	Dec. 21, 2023	Signed by Patrick Matozzo
<input checked="" type="checkbox"/> Approved by: Patrick Matozzo		
<input type="checkbox"/> Approved by: Deputy City Manager, Corporate Services David Jollimore		X

APPENDIX "A": Location Map & Aerial

