

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

TRACKING NO.: 2024-036

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

Prepared By:	Mark Filice	Division:	Corporate Real Estate Management
Date Prepared:	January 26, 2024	Phone No.:	416-392-1830

Purpose	To obtain authority to enter into a Permanent Easement Transfer Agreement (the "Agreement") with Nestle Canada Inc. (the "Transferor") to acquire a permanent easement (the "Easement") over a portion of the property municipally known as 72 Sterling Road to facilitate the construction of a portion of the West Toronto Railpath.
Property	Portion of lands municipally known as 72 Sterling Road, legally described as Pt Lt 60 PI 287 Toronto as In WG130068 except WG145188; Pt Blk D PI 1160 City West as in WG116824; City of Toronto; being all of PIN 21331-0432 (LT) (the "Site"), shown as Part 1 on the draft plan attached in Appendix "B".
Actions	1. Authority be granted to enter into the Agreement with the Transferor to acquire the Easement, substantially on the terms and conditions set out below and including such other terms and conditions as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.
Financial Impact	<p>The following costs will be incurred by the City in connection with the Agreement:</p> <ol style="list-style-type: none"> 1. Permanent Easement Price – \$93,500.00 (exclusive of HST) 2. HST - \$12,025.00 3. Legal Fees - \$2,000.00 (inclusive of HST) 4. Land Transfer Taxes – \$660.00 (Provincial portion only) 5. Registration Costs – \$100.00 (approximately) <p>Funding is available for items 1-5 in the 2023-2032 Council Approved Capital Plan and 2024 – 2033 Capital Budget submission for Transportation Services under capital project CTP820-05-03</p> <p>Total maximum cost is \$108,285.00</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>The City and Metrolinx are extending the West Toronto Railpath, a multi-use trail extension of approximately two kilometers south-easterly from the path terminus at Dundas Street West and Sterling Road, along the Kitchener GO rail corridor to south of Queen Street West (Sudbury Street and Abell Street). City Council's authorized the extension with the adoption of PW15.2 titled "Bikeway Trails Implementation Plan, on June 6, 2012 and by adoption of Item MM29.47 on May 24, 2017.</p> <p>The Easement is required to facilitate the construction and be a part of the realigned trail.</p> <p>The Agreement is considered fair, reasonable and reflective of market value and is recommended for acceptance substantially on the major terms and conditions set out below.</p>
Terms	<p>Transferor – Nestle Canada Inc</p> <p>Property Rights – Permanent Easement over Part 1 on plan, being the right to the construction, installation, maintenance, operation, inspection, repair, removal, and reconstruction of a multi-use trail and all works ancillary thereto.</p> <p>Consideration:- \$93,500.00 (exclusive of HST)</p> <p>Indemnity – The City to indemnify the Transferor from and against claims related to the Easement and the use of the trail.</p> <p>Insurance – The City shall maintain liability insurance with respect to the trail.</p>

Property Details	Ward:	9 – Davenport
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	100.42 m ² ± (1080.9 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/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/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 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 checked="" 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:	Alejandra Bravo	Councillor:	
Contact Name:	Wyndham Bettencourt-McCarthy	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 Objection	Comments:	

Consultation with Divisions and/or Agencies

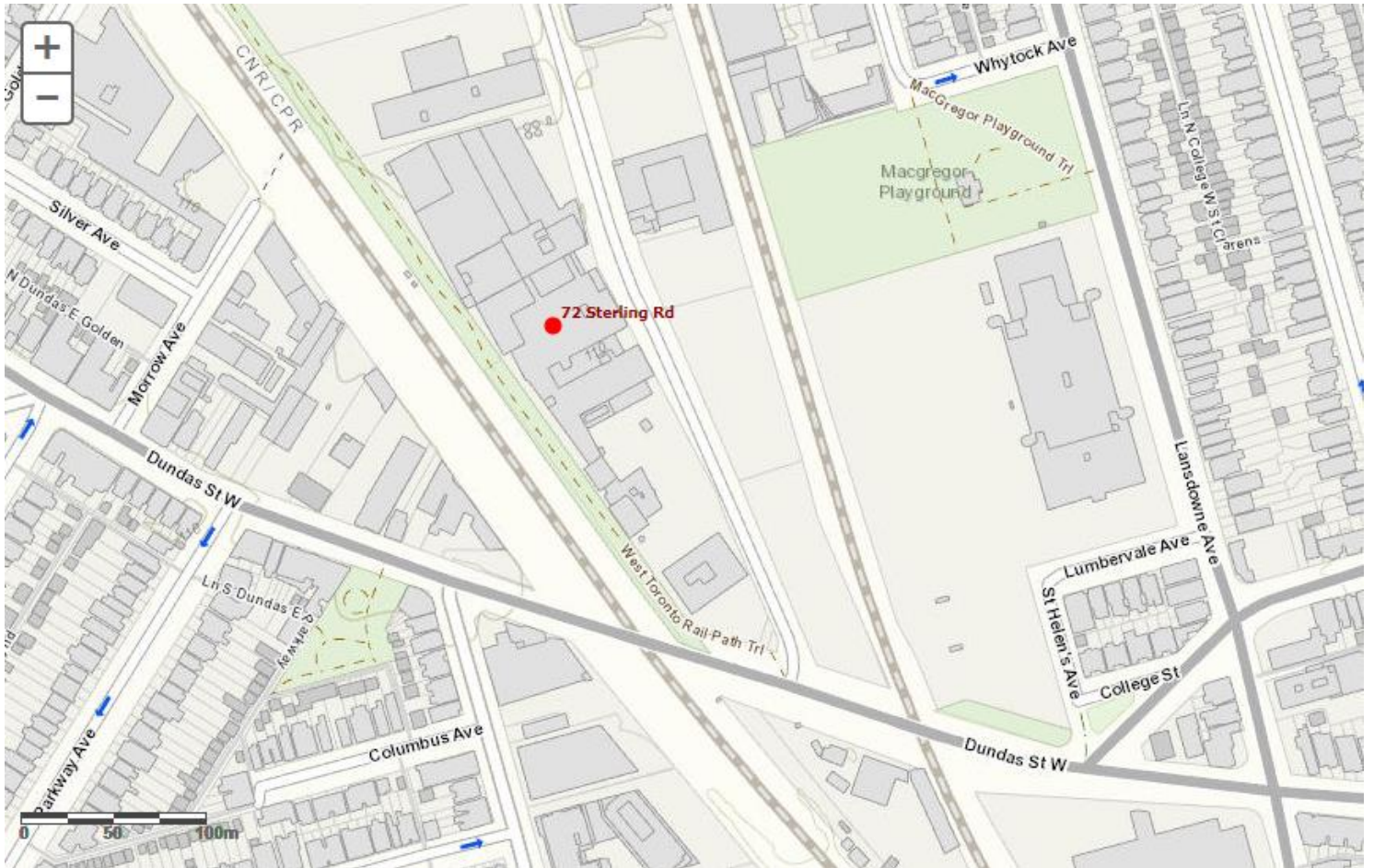
Division:	Transportation Services	Division:	Financial Planning
Contact Name:	Kelsey Carriere	Contact Name:	Ciro Tarantino
Comments:	No concerns	Comments:	Comments Incorporated

Legal Services Division Contact

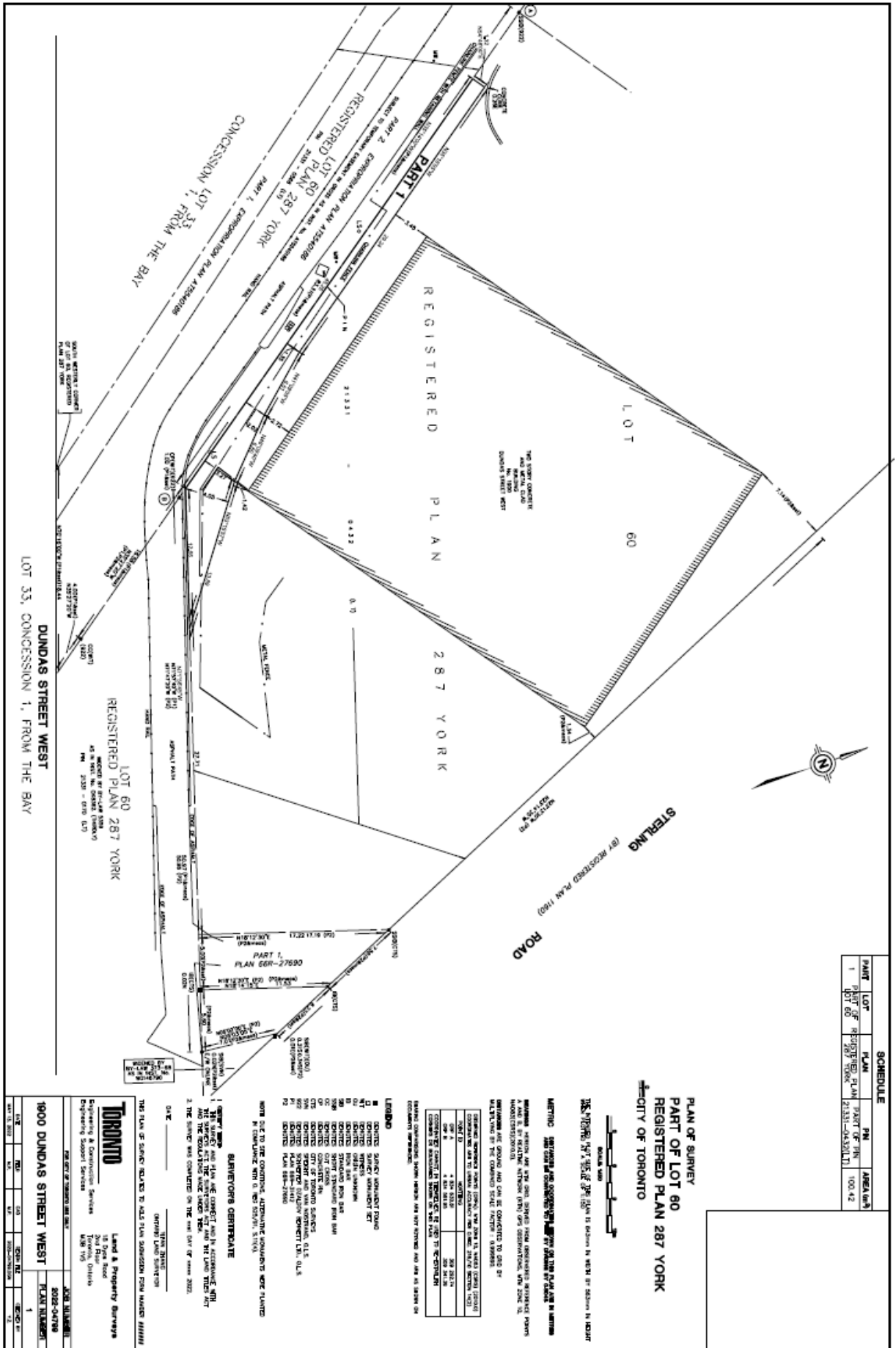
Contact Name: Vanessa Bacher

DAF Tracking No.: 2024-036	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Vinette Prescott-Brown	January 30, 2024	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	February 8, 2024	Signed by Alison Folosea

APPENDIX "A" – Location Map



APPENDIX "B" – Draft Reference Plan



SCHEDULE

PART	LOT	PLAN	PI	AREA(S)
1	PART OF REGISTERED PLAN 287 YORK	PART OF LOT 60	100.42	

PLAN OF SURVEY
 PART OF LOT 60
 REGISTERED PLAN 287 YORK
 CITY OF TORONTO

LETTERS - REFER TO THE SURVEY PLAN FOR THE LOCATION OF THE LETTERS.
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TORONTO
 Land & Property Surveys
 Engineering & Construction Services
 200 King Street West
 Toronto, Ontario
 M5X 1C5
 416-392-9610
 www.toronto.ca/land-property-surveys

1900 DUNDAS STREET WEST
 PLAN NUMBER
 2025-0478
 DATE
 APR 15, 2025