

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

TRACKING NO.: 2024-025

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

Prepared By:	Bruno Iozzo	Division:	Corporate Real Estate Management
Date Prepared:	January 11, 2024	Phone No.:	(416) 392-8151

Purpose	To obtain authority to enter into an Easement Transfer Agreement (the "Agreement") with Enbridge Gas Inc. ("Enbridge") to convey a permanent easement interest (the "Easement") to Enbridge for the purpose of installing, operating and maintaining its gas equipment on the City's lands.
Property	The City's walkway lands located between the properties municipally known as 19 and 23 Lord Roberts Drive, legally described as Part of Blocks B & F, Registered Plan M-680, and Part of Lot 27, Concession D, Geographic Township of Scarborough, City of Toronto, identified by PIN 06348-0443 (LT), PIN 06348-0442 (LT) and PIN 06348-0444 (LT), and displayed on maps and reference plan attached hereto as Appendix "A" and "B" (the "Property").
Actions	1. Authority be granted to enter into the Agreement with Enbridge, substantially on the major terms and conditions set out below, and on such other and/or amended terms as may be acceptable by the approving authority herein, and in a form acceptable to the City Solicitor.
Financial Impact	This Agreement will generate a revenue to the City in the amount of \$508,200.00 plus applicable taxes. The proceeds will be contributed to the Land Acquisition Reserve Fund (XR1012) on closing. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.
Comments	As a result of the Scarborough Subway Extension Project (the "Project"), Metrolinx has requested that Enbridge relocate its existing gas service equipment from its current location (within the City's right of way) onto another suitable property located within a close proximity. Upon reviewing all available options, the Property was determined to be the most suitable relocation site to contain the gas equipment. Subsequently, Enbridge requested a permanent easement from the City on the Property to accommodate the proposed relocation of its gas equipment. At its meeting held on October 11 and 12, 2023, City Council adopted Item GG6.22 titled "Declare Surplus of City Walkway Between 19 and 23 Lord Roberts Drive" granting authority to transfer a permanent easement interest on the Property to Enbridge. The City will continue to own the Property, allowing the general public to continue to use the surface of the lands as a pedestrian walkway. The terms and conditions of the Agreement are considered fair, reasonable and reflective of market value. It is recommended for acceptance substantially on the terms and conditions outlined below.
Terms	Equipment: All pipelines, piping, meters, attachments, appurtenances, apparatus, appliances, markers, fixtures, works and other equipment constructed or to be constructed by Enbridge in, on and/or under the Easement Lands Easement Rights: to survey, lay, construct, install, operate, use, inspect, remove, renew, replace, alter, enlarge, reconstruct, repair, expand and maintain the Equipment Installation: Enbridge will install the Equipment in accordance with the plans reviewed and approved by the City CCTV Inspection: Prior to the initial installation of the Equipment, a pre-installation CCTV report of the City's sewer infrastructure within the Easement Lands shall be prepared, and following installation a post-installation CCTV report shall be prepared, evidencing that work has not negatively impacted the City's existing sewer infrastructure, in accordance with the City's guidelines and specifications, to the satisfaction of Toronto Water Insurance: Enbridge shall maintain Commercial General Liability Insurance including sudden and accidental pollution coverage with the City added as an additional insured, with a limit of liability of \$5,000,000 per occurrence Maintenance of Public Access: Enbridge is permitted to use the surface of the Property for ingress and egress, provided that public pedestrian access is maintained at all times (except where the City has approved an exception) Indemnity: Enbridge shall at all times wholly defend, indemnify and save harmless the City from any and all claims Notification: Each party shall provide the other with 30 days' written notice prior to any excavation, along with details of the proposed scope of work, for review and approval, which shall not be unreasonably withheld

Property Details	Ward:	21 – Scarborough Centre
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	1,125 m 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 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 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:	
<ul style="list-style-type: none"> • 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:	
<ul style="list-style-type: none"> • 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	
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property	
Consultation with Councillor(s)	
Councillor:	Michael Thompson
Contact Name:	Keisha Francis – Executive Assistant
Contacted by:	Phone <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>
Comments:	No objections
Consultation with Divisions and/or Agencies	
Division:	Toronto Water
Contact Name:	Mina Mirzajani/ Lawrence Shintani
Comments:	No objections
Legal Services Division Contact	
Contact Name:	Vanessa Bacher

DAF Tracking No.: 2024-025	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Vinette Prescott-Brown	January 15, 2024	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	January 18, 2024	Signed by Alison Folosea

APPENDIX "A" – Location Map



