

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

TRACKING NO.: 2024-061

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

Prepared By:	Boluwarin Mojeed	Division:	Corporate Real Estate Management
Date Prepared:	February 27, 2024	Phone No.:	416-392-7399

Purpose	To obtain authority to enter into an easement transfer agreement and grant an easement registered on title (the " Easement Agreement ") to Warren Nicholas Boyd Brown (the " Transferee ") with respect to the property and easement lands as described below. The purpose of the easement is to provide vehicular access for the Transferee to and from Chapman Avenue. This easement will allow for the Transferee to legally have access to the parking pad at the rear of his property municipally known as 80 Chapman Avenue, Toronto (the " Transferee Property "). Without this easement being granted, the Transferee would be trespassing on City property in order to access the parking pad on the Transferee Property.
Property	The property is municipally known as 82 Chapman Avenue, Toronto, legally described as Lot 1 Plan 2429 Designated as Parts 1 and 2 on PLN 66R-19414; Toronto, City of Toronto; being all of PIN: 10441-0213 (LT) (the " City Property "). Within the City Property are the easement lands outlined in red crosshatches on the site plan sketch in Appendix " C " and legally described by way of a reference plan registered on title to City Property as Part of Lot 1, Registered Plan 2429, designated as Part 1 on Plan 66R-33416 (the " Easement Lands ")
Actions	1. Authority be granted to enter into the Easement Agreement with the Transferee, on the terms and conditions outlined in Appendix " A ", and including such other terms and conditions as may be deemed appropriate by the approving authority herein, and in a form acceptable to the City Solicitor.
Financial Impact	The Transferee will pay a one-time fee of \$31,000.00 to the City for the easement, in addition to the cost of registering the easement on City Property and the Transferee Property (plus HST). The Transferee is also responsible for the City's fixed legal fee of \$701.71 (plus HST) as set out in Chapter 441 of the Toronto Municipal Code. Revenue from the Easement Agreement will be directed to the 2024 Council Approved Operating Budget for the Toronto Public Library under cost centre LB1000. The Chief Financial Officer and Treasurer have reviewed this DAF and agree with the financial implications as identified in the Financial Impact Section.
Comments	The Toronto Public Library Board is proposing a 4-storey redevelopment of the existing Dawes Road Branch Library at 414-416 Dawes Road, which includes the demolition and expansion of the current buildings at 414-416 Dawes Road and 82 Chapman Avenue. The proposed fee and other major terms and conditions of the Easement Agreement are considered to be fair, reasonable and reflective of market rates. During the redevelopment of the new Dawes Road Branch Library it will not be possible for the Transferee to access parking at the Transferee Property due to construction hoarding being temporarily set up on City Property. Throughout the duration of the redevelopment alternate parking will be arranged for the Transferee and his tenants/licensees. This alternate parking is being arranged and paid for by the Toronto Public Library Board in accordance with its delegated real estate authority as set out in Chapter 137 of the Toronto Municipal Code.
Terms	See Appendix " A "

Property Details	Ward:	19 – Beaches-East York
	Assessment Roll No.:	N/A
	Approximate Size:	N/A
	Approximate Area:	35.6 m ² ± (377 ft ² ±)
	Other Information:	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 & 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 checked="" 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 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:	Brad Bradford	Councillor:	
Contact Name:	Craig Ruttan	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 Objections	Comments:	

Consultation with Divisions and/or Agencies

Division:	Toronto Public Library	Division:	Financial Planning
Contact Name:	Harvey Moordian	Contact Name:	Ciro Tarantino
Comments:	Comments Incorporated	Comments:	Comments Incorporated

Legal Services Division Contact

Contact Name:	Chris Cieslik
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DAF Tracking No.: 2024-061	Date	Signature
Concurred with by: Manager, Real Estate Services Niall Robertson	Feb. 27, 2024	Signed by Niall Robertson
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Jennifer Kowalski	Feb. 27, 2024	Signed by Jennifer Kowalski
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		

Appendix "A" – Major Terms and Conditions

Servient Lands being the Easement Lands, owned by the City:

Lands municipally known as 82 Chapman Avenue, Toronto, Ontario and legally described as, Lot 1 Plan 2429 Designated as Parts 1 and 2 on PLN 66R-19414; Toronto, City of Toronto; being all of PIN: 10441-0213 (LT) (the "**City Property**").

Within the City Property are the easement lands legally described as Part of Lot 1, Registered Plan 2429, designated as Part 1 on Plan 66R-33416 (the "**Easement Lands**").

Dominant Lands, owned by the Transferee:

Lands municipally known as 80 Chapman Avenue, Toronto, Ontario and legally described as, Lot 2 Plan 2429 Designated as Parts 3 and 4 on PLN 66R-19414; Toronto., City of Toronto; being all of PIN: 10441-0214 (LT) (the "**Transferee Property**").

Term:

The easement being granted is a permanent easement and is subject to the Easement Lands being declared surplus by the City of Toronto.

Easement Fee:

The Transferee will pay a one-time fee of \$31,000.00 to the City for the easement in addition to the costs associated with registering the easement on City Property and the Transferee Property (plus HST). The Transferee is also responsible for the City's fixed legal fee of \$701.71 (plus HST) as set out in Chapter 441 of the Toronto Municipal Code.

Purpose:

The purpose of the easement is to provide vehicular access for the Transferee to and from Chapman Avenue. This easement will allow for the Transferee to legally have access to the parking pad at the rear of the Transferee Property. Without this easement being granted, the Transferee would be trespassing on the City Property in order to access the parking pad on the Transferee Property.

Appendix "B" – Location Map



Appendix "C" – Site Plan Sketch

