

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

TRACKING NO.: 2024-127

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:	May 23, 2024	Phone No.:	(416) 392-8160										
<b>Purpose</b>	To obtain authority to enter into a licence agreement with Metrolinx for portions of 770 and 805 Don Mills Road, for the purposes of all works and uses in connection with the construction of the Ontario Line Project ((the "Licence").												
<b>Property</b>	Part of the property municipally known as 770 Don Mills Road, being part of PIN 10369-0143 (LT), shown as Parts 1 and 2 on Exhibit Plate dated January 17, 2024 and part of the property municipally known as 805 Don Mills Road, being part of PIN 10133-0057 (LT), shown as Parts 1 and 2 on Exhibit Plate dated December 6, 2023 (collectively, the "Licensed Area") both shown on the Location Map attached hereto as Appendix "A" and in the Exhibit Plates attached hereto as Appendix "A-1".												
<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>	The City will receive licence fee revenues of \$270,000 (plus HST) for the one (1) year term of the agreement, after which there will be a monthly fee of \$22,500 (plus HST) should Metrolinx exercise the option to extend the Licence. Revenues will be directed to the 2024 Council Approved Operation Budget for Corporate Real Estate Management under cost centre FA1474 and functional area code 3220200000, and will be included in future operating budget submissions for Council consideration.												
<b>Comments</b>	<p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p> <p>Metrolinx requires the Licence in connection with the Project, which includes due diligence works, construction staging and access, utility works, excavation, grading and landscaping.</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 Project (the "Project").</p> <p>Metrolinx requires the Licence to upgrade existing utilities to support the Project. Staff from Toronto Water, Transportation Services, CreateTO and Ontario Science Centre have no objection to 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 License to be fair, reasonable and reflective of market rates.</p>												
<b>Terms</b>	<table border="1"> <tr> <td>Term:</td><td>Commencing on June 3, 2024 for a term of One (1) year, with one (1) option to extend the Licence up to twelve (12) months, upon one (1) month of prior written notice to the City.</td></tr> <tr> <td>Fee:</td><td>\$270,000.00 plus HST per annum, or \$22,500.00 plus HST per month for the Extension Term</td></tr> <tr> <td>Early Termination:</td><td>Metrolinx shall have the right to terminate the Licence upon giving no less than 30 days of prior written notice to the City.</td></tr> <tr> <td>Other Terms:</td><td>City (including Toronto Water) and Metrolinx shall comply with the terms and conditions set out in Schedule 4 of the Licence</td></tr> <tr> <td>Restoration:</td><td>Restoration activities exclude the portion(s) of the Licensed Area where a permanent easement will be granted to Toronto Hydro.</td></tr> </table>			Term:	Commencing on June 3, 2024 for a term of One (1) year, with one (1) option to extend the Licence up to twelve (12) months, upon one (1) month of prior written notice to the City.	Fee:	\$270,000.00 plus HST per annum, or \$22,500.00 plus HST per month for the Extension Term	Early Termination:	Metrolinx shall have the right to terminate the Licence upon giving no less than 30 days of prior written notice to the City.	Other Terms:	City (including Toronto Water) and Metrolinx shall comply with the terms and conditions set out in Schedule 4 of the Licence	Restoration:	Restoration activities exclude the portion(s) of the Licensed Area where a permanent easement will be granted to Toronto Hydro.
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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/REOLs:</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 &amp; Parks &amp; 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><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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><b>Delegated to more senior positions.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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/REOLs.</p> <p><input type="checkbox"/> Initiate process &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><b>Delegated to more senior positions.</b></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 checked="" 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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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:	Jon Burnside	Councillor:	
Contact Name:	Jon Burnside	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X <input checked="" type="checkbox"/> 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:	Consulted	Comments:	

**Consultation with Divisions and/or Agencies**

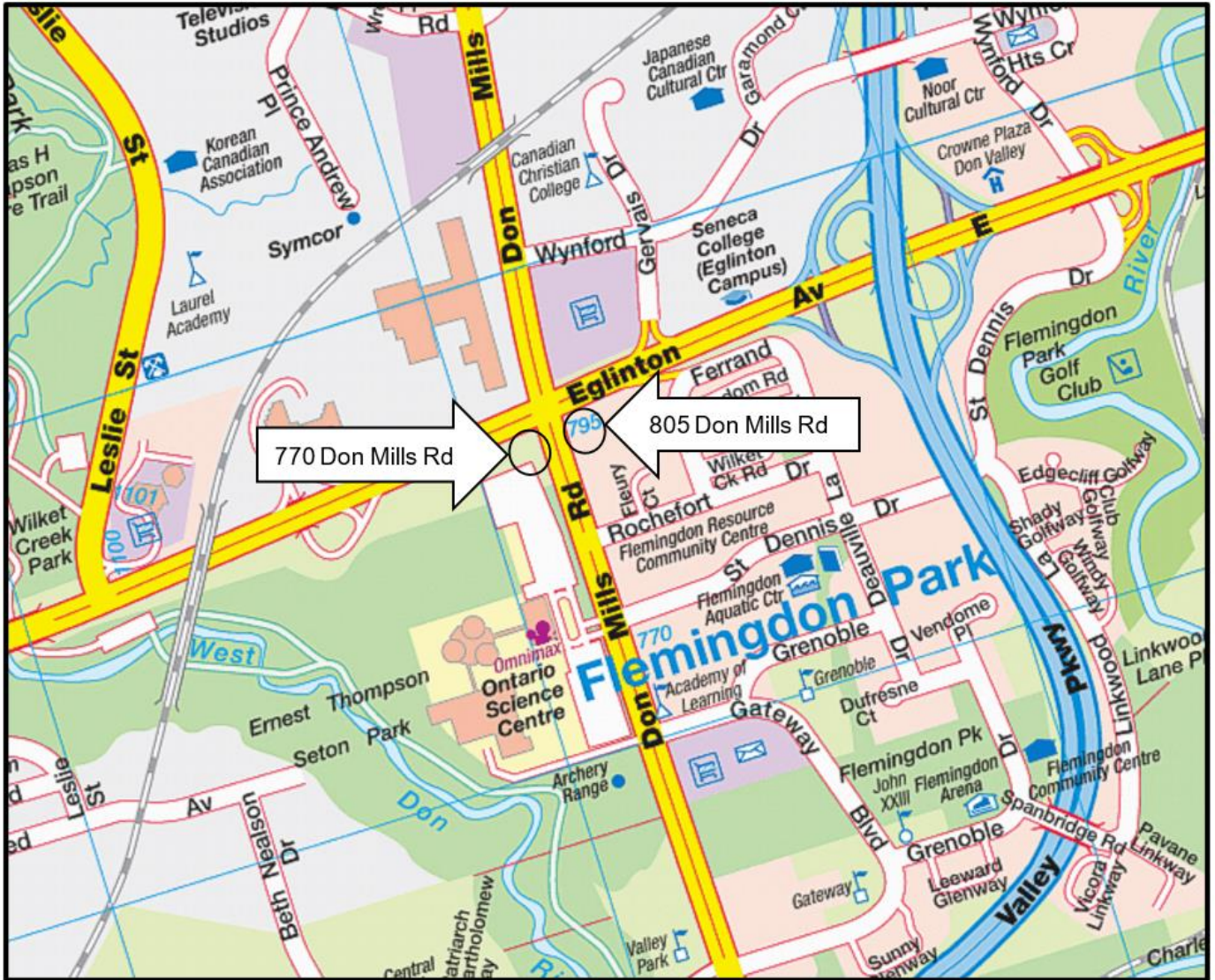
Division:	TS, TW, CTO	Division:	<b>Financial Planning</b>
Contact Name:		Contact Name:	Ciro Tarantino
Comments:	Incorporated into DAF	Comments:	Incorporated into DAF

**Legal Services Division Contact**

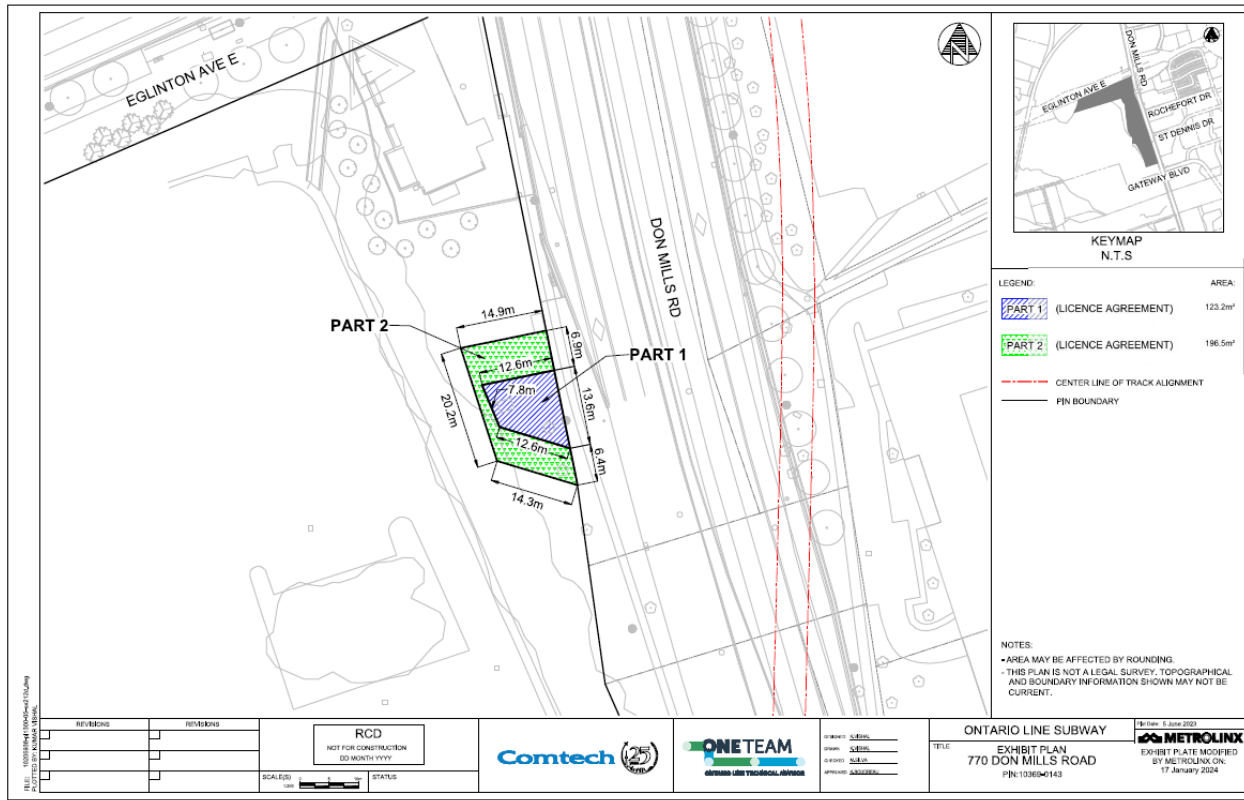
Contact Name: Michelle Xu

DAF Tracking No.: 2024-127	Date	Signature
<input checked="" type="checkbox"/> Recommended by: <b>Manager, Real Estate Services</b> <b>Vinette Prescott-Brown</b>	May 23, 2024	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: <b>Director, Real Estate Services</b> <b>Alison Folosea</b>	May 23, 2024	Signed by Alison Folosea

APPENDIX "A" Location Map and Property Plates



# 770 Don Mills Road



# 805 Don Mills Road

