



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

TRACKING NO.: 2024-024

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

Prepared By:	Fiona Thomas	Division:	Corporate Real Estate Management
Date Prepared:	May 7, 2024	Phone No.:	(416) 338-5045
Purpose	To obtain authority to enter into a licence agreement with Metrolinx for lands located in the Scarlett Road and Eglinton Avenue West area for the purposes of all works and uses in connection with the construction of the Eglinton Crosstown West Extension ("the "Licence").		
Property	Lands located to the northeast of the intersection of Scarlett Road and Eglinton Avenue West, being part of PIN 07378-0294, shown as Parts 32 & 33 and part of PIN 105080806 shown as Part 34 on Drawing Number CPG_ECWE610_P0252A, (the "Licenced Areas"), as shown in Appendix "A".		
Actions	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.		
Financial Impact	<p>The City will receive \$40,802.04 per year for total licence fee revenues of \$204,010.20 (plus HST) over the initial five (5) year term of the agreement. Should Metrolinx exercise its option to extend the term of the Agreement, the City is estimated to collect an additional \$173,000.65 plus applicable taxes (subject to amendments based on the annual average CPI rate increase for years 7-9), for a total of \$377,010.85.</p> <p>Revenues will be directed to the 2024 Approved Operating Budget for Parks, Forestry & Recreation under cost centre in P00147 and functional area code 1820100000 and will be included in future operating budget submissions for Council consideration.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.</p>		
Comments	<p>On December 15, 2021, the City Council adopted item EX28.12 "Metrolinx Subways Program – Real Estate Protocol and Land Valuation Principles for Subways and GO Expansion Programs." Upon its adoption, the City, TTC and Metrolinx entered into an agreement dated June 16, 2022 ("Subways Master Agreement") which included a schedule which outlined the process for real estate transactions related to subway projects (the "Real Estate Protocol"). The Real Estate Protocol provides a clear process for the City, TTC, 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 Eglinton Crosstown West Extension ("ECWE").</p> <p>Metrolinx will be conducting works in connection with construction of the ECWE, which requires temporary access to, and use of the Licenced Areas as identified on the sketches shown in Appendix "B". The City has agreed to grant the Licence to Metrolinx for construction laydown for guideway, station and Emmett TPSS for ECWE.</p> <p>The proposed fee and other major terms and conditions of the Licence are considered to be fair, reasonable and reflective of market rates.</p>		
Terms	<p>Term: Five (5) years, commencing on October 1, 2024 and ending on September 30, 2029, with one (1) option to extend the Term for a period of up to four (4) years, upon six (6) months' prior written notice to the City.</p> <p>Early Termination: Metrolinx shall have the right to terminate the Licence upon not less than 30 days prior written notice to the City, in the event of termination, any pre-paid portion of the Licence Fee shall be refunded to Metrolinx on a pro-rated basis.</p>		
Property Details	Ward:	Ward 2 – Etobicoke Centre & Ward 5 – York South – Weston	
	Assessment Roll No.:		
	Approximate Size:	Part 32: 13.6m ² x 26.2m ² x 31.9m ² Part 33: 17.0m ² x 16.9m ² x 31.9m ² x 13.9m ² x 7.4m ² x 35.6m ² Part 34: 7.8m ² x 22.7m ² x 14.6m ² x 18.5m ² x 10.1m ² x 9.7m ² x 6.3m ²	
	Approximate Area:	1391 m ²	
	Other Information:		

A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate Services has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
2A. Expropriations Where City is Expropriating Authority:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 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 \$50,000. <input type="checkbox"/> (b) Request Hearings of Necessity. <input type="checkbox"/> (c) Waive Hearings of Necessity.	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million. <input type="checkbox"/> (b) Request Hearings of Necessity. <input type="checkbox"/> (c) Waive Hearings of Necessity.
3. Issuance of RFPs/REOIs:	Delegated to more senior positions.	<input type="checkbox"/> Issuance of RFPs/REOIs.
4. Permanent Highway Closures:	Delegated to more senior positions.	<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:	Delegated to more senior positions.	Delegated to more senior positions.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	Delegated to more senior positions.	<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 \$50,000. <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. Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.	<input checked="" type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 Million. <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. Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$50,000.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> Where total compensation does not exceed \$50,000. Delegated to more senior positions.	<input type="checkbox"/> (a) Where total compensation does not exceed \$1 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 \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
13. Revisions to Council Decisions in Real Estate Matters:	Delegated to more senior positions.	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
14. Miscellaneous:	Delegated to more senior positions.	<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. 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:	Stephen Holyday						Councillor:	Frances Nunziata															
Contact Name:	Stephen Holyday						Contact Name:	Frances Nunziata															
Contacted by:	<input type="checkbox"/>	Phone	<input checked="" type="checkbox"/>	X	E-Mail	<input type="checkbox"/>	<input type="checkbox"/>	Memo	<input type="checkbox"/>	<input type="checkbox"/>	Other	Contacted by:	<input type="checkbox"/>	Phone	<input checked="" type="checkbox"/>	X	E-mail	<input type="checkbox"/>	<input type="checkbox"/>	Memo	<input type="checkbox"/>	<input type="checkbox"/>	Other
Comments:	Advised						Comments:	Advised															

Consultation with Divisions and/or Agencies

Division:	Parks, Forestry and Recreation					Division:	Financial Planning				
Contact Name:	Kellie Spence					Contact Name:	Ciro Tarantino				
Comments:	Consulted					Comments:	Approved				

Legal Services Division Contact

Contact Name: Michelle Xu

DAF Tracking No.: 2024-024		Date	Signature
<input type="checkbox"/> Recommended by:	Manager, Real Estate Services Vinette Prescott-Brown	May 8, 2024	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Approved by:	Director, Real Estate Services Alison Folosea	May 14, 2024	Signed by Alison Folosea

