

# DELEGATED APPROVAL FORM

## DIRECTOR, REAL ESTATE SERVICES

## MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2024-130

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

|                         |   |   |                                  |
|-------------------------|---|---|----------------------------------|
| Prepared By:            | Blendian Stefani  | Division:   | Corporate Real Estate Management |
| Date Prepared:          | June 13, 2024   | Phone No.:  | (416) 397-7481                   |
| <b>Purpose</b>          | To obtain authority to enter into a licence agreement with Metrolinx with respect to a portion of the property known as the Old Queen Street Bridge located between The Queensway and the Gardiner Expressway (the "Property") for the purpose of a temporary non-exclusive use to facilitate the backfilling of the Old Queen Steet Rail Bridge and ancillary works (the "Licence Agreement").   |   |                                  |
| <b>Property</b>         | The Property, legally described as all of PIN 07623-0037 (LT), Road allowance between Lot 1 Concession Kings Mill Reserve and Lot F Broken Front Concession, abutting railway lands, formerly the Borough of Etobicoke, City of Toronto, and part of PIN 07501-0199 (LT) Pt Lt 1-8 Blk D Pl 548 Etobicoke; Pt Lt 8 Blk A Pl 548 Etobicoke; Pt Lt 1-8, 83-90 Pl 1055 Etobicoke; Pt Amelia St Pl 548 Etobicoke; Pt Oliver St, MacDonald St Pl 1055 Etobicoke; S/T EB391097E; Toronto (Etobicoke);City of Toronto (the "Licensed Area"); as shown on the Location Map in Appendix "A".   |   |                                  |
| <b>Actions</b>          | 1. Authority be granted to enter into the Licence Agreement 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> | <p>Total revenue to be remitted to the City is \$62,248.00 (plus HST) for the initial term. If Metrolinx exercises its two options to extend for up to six months, the total revenue to the City will be \$93,373.00 (plus HST). The revenues will be directed to CREM under cost centre FA1379 and functional area code 3220200000.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>   |   |                                  |
| <b>Comments</b>         | <p>Metrolinx requires access to the Licensed Area to transport equipment to perform work necessary in connection with its backfilling of the Old Queen Steet Rail Bridge and related works ("the Project").</p> <p>The City has agreed to grant a temporary license to Metrolinx to enter and utilize the Licensed Area to undertake these works associated with the Project. The site, if adversely affected, will be restored prior to the expiry of the term of the Licence.</p> <p>The proposed fee and other major terms and conditions of the Licence Agreement are considered to be fair, reasonable and reflective of market value.</p>   |   |                                  |
| <b>Terms</b>            | <p>Term: Date of full execution ("Effective Date") and expiring thirteen months later.</p> <p>Option to Extend: Two (2) options to extend for up to ninety days each</p> <p>Licence Fee: \$62,248.00 (plus HST) for the initial term</p> <p>Use: General construction related activities and associated works within the Licensed Area, and all related works and/or uses ancillary to the backfilling of the Old Queen Street Bridge.</p> <p>Insurance: Liability with limits of not less than Ten Million Dollars (\$10,000,000.00), per occurrence. The City is to be added as an additional insured</p> <p>Early Termination: Upon giving not less than thirty (30) days' prior written notice to the City. In the event of any early termination, any pre-paid portion of the License Fee shall be refunded to Metrolinx on a pro-rated basis.</p> |   |                                  |
| <b>Property Details</b> | <b>Ward:</b>  | 3 – Etobicoke-Lakeshore                           |                                  |
|                         | <b>Assessment Roll No.:</b>   |   |                                  |
|                         | <b>Approximate Size:</b>  |   |                                  |
|                         | <b>Approximate Area:</b>  | 2,111 m <sup>2</sup> ± (22,723 ft <sup>2</sup> ±) |                                  |
|                         | <b>Other Information:</b>   | N/A   |                                  |

| A.   | Manager, Real Estate Services<br>has approval authority for:  | Director, Real Estate Services<br>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 &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/REOs.</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:   | Amber Morley  | Councillor:   |   |
| Contact Name: | Matt Cook   | Contact Name: |   |
| Contacted by: | <input type="checkbox"/> Phone <input type="checkbox"/> E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other | Contacted by: | <input type="checkbox"/> Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other |
| Comments:     | Advised   | Comments:     |   |

**Consultation with Divisions and/or Agencies**

|               |                                       |               |                                       |
|---------------|---------------------------------------|---------------|---------------------------------------|
| Division:     | Toronto Water/Transportation Services | Division:     | Financial Planning                    |
| Contact Name: | Lawrence Shintani / Elio Capizzano    | Contact Name: | Karen Liu on behalf of Ciro Tarantino |
| Comments:     | No Objections                         | Comments:     | Concurs                               |

**Legal Services Division Contact**

Contact Name: Karen Pfuetzner

| DAF Tracking No.: 2024-130  | Date          | Signature                        |
|---|---------------|----------------------------------|
| <input checked="" type="checkbox"/> Recommended by: <b>Manager, Real Estate Services</b><br><b>Vinette Prescott-Brown</b> | June 13, 2024 | Signed by Vinette Prescott-Brown |
| <input type="checkbox"/> Approved by:   |               |                                  |
| <input checked="" type="checkbox"/> Approved by: <b>Director, Real Estate Services</b><br><b>Alison Folosea</b>           | June 14, 2024 | Signed by Alison Folosea         |

