

DELEGATED APPROVAL FORM

DIRECTOR, REAL ESTATE SERVICES

MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2024-010

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

Prepared By:	Avery Carr	Division:	Corporate Real Estate Management
Date Prepared:	January 5, 2024	Phone No.:	647-458-1934
Purpose	To obtain authority for the City of Toronto (the "City" or the "Lessee") to enter into a lease agreement (the "Lease") with the Toronto Waterfront Revitalization Corporation ("Waterfront Toronto" or the "Lessor") for lands for use as a public highway in order to open Commissioners Street prior to final completion and formal acceptance of the asset.		
Property	Part of PIN 21385-0071 (LT) PT BLK B, C, YX PL 520E TORONTO AS IN ES64251; CITY OF TORONTO designated as Parts 22 & 23 on 66R-33608; City of Toronto attached hereto as Appendix "A" (the "Leased Lands").		
Actions	1. Authority be granted to enter into the Lease with the Lessor, 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	There is no financial impact. The Lease is for nominal consideration. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.		
Comments	As part of the Port Lands Flood Protection and Enabling Infrastructure Project (PLFP), Waterfront Toronto has shifted or is in the process of shifting Commissioners Street to the north between Cherry Street and east of the Don Roadway, constructing a bridge over a new section of the Don River, and constructing and modifying road infrastructure and other works. Upon completion and acceptance of these construction works, the City intends to acquire and operate the Leased Lands as part of the public highway known as Commissioners Street under the jurisdiction of the City of Toronto. Waterfront Toronto requires that the Leased Lands be opened as part of Commissioners Street prior to final completion and formal acceptance of Commissioners Street by the City so that a portion of Villiers Street to the north can be closed to facilitate the PLFP project. In order for the City to dedicate and operate the Leased Lands as part of a public highway, Waterfront Toronto has agreed to lease the required lands to the City in accordance with the terms and conditions set out in the Lease and noted below, including the condition that the parties work together to effect the transfer of ownership of all portions of the Leased Lands. On December 8, 2023, the City and Waterfront Toronto entered into an Operation and Maintenance Agreement which allocates responsibilities for Commissioners Street during the interim opening period and the Lease is intended to be read in conjunction with the Operation and Maintenance Agreement.		
Terms	The Lease includes the following terms and conditions: 1. Gross Rent: Nominal 2. Term: Three (3) years, commencing on the date that a notice of the Lease is registered on title. 3. Early Termination: The City may terminate the Lease upon fifteen (15) days-notice. The Lease shall terminate over any portion of the Leased Lands transferred to the Lessee during the Term 4. Use: the Leased Lands will be used by the Lessee for the purpose of a public highway under the jurisdiction of the Lessee and all ancillary uses including any work required to complete or rectify the construction of Commissioners Street, the operation, maintenance, replacement and repair of 3 rd party utilities and any work lawfully permitted within the Leased Lands on account of its status of public highway 5. Maintenance and Repair Standard: The Lessee must repair and maintain the Leased Lands in accordance with applicable laws throughout the Term. 6. Traffic Regulation and Enforcement: The Lessee shall be responsible for traffic regulation and enforcement over the Leased Lands during the Term 7. Lessor Right of Access: Subject to obtaining the necessary permits, the Lessor will have a right to enter the Leased Lands to complete or rectify the construction of Commissioners Street, as realigned, to complete maintenance or inspection of Commissioners Street		
Property Details	Ward:	14 – Toronto-Danforth	
	Assessment Roll No.:		
	Approximate Size:		
	Approximate Area:		
	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/Licensors):</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 checked="" 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 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:	Councillor Paula Fletcher	Councillor:	
Contact Name:	Nicolas Valverde	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:	No objections	Comments:	

Consultation with Divisions and/or Agencies

Division:	Transportation Services	Division:	Financial Planning
Contact Name:	Mark Berkovitz	Contact Name:	Ciro Tarantino
Comments:	No concerns	Comments:	No concerns

Legal Services Division Contact

Contact Name: Charlene Farrugia

DAF Tracking No.: 2024-010	Date	Signature
Concurred with by: Manager, Real Estate Services Vinette Prescott-Brown	January 22, 2024	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Niall Robertson	January 22, 2024	Signed by Niall Robertson
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		X

APPENDIX "A"
Leased Lands
Parts 22 & 23 on Plan 66R-33608

