

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

TRACKING NO.: 2024-118

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

<b>Prepared By:</b>	Carm Curcuruto	<b>Division:</b>	Legal File No. 2600-700-5551-2024
<b>Date Prepared:</b>	May 10, 2024	<b>Phone No.:</b>	416 397-5599
<b>Purpose</b>	To consent to the release of a Consent Agreement registered as Instrument Number AT5655447 on February 19, 2021, (the "Agreement"), from the land described part Lots 31 and 32, Plan 339 or 389 Parts 1, 2, 3, 4, 5, 7, 8 & 9 on Plan 66R31633 City of Toronto being all of PIN 07601-0314(LT) ("Property").		
<b>Property</b>	36 and 40 Horner Avenue, Toronto		
<b>Actions</b>	To consent to the release of the Consent Agreement.		
<b>Financial Impact</b>	There is no financial impact.		
<b>Comments</b>	<p>Historically, 36 and 40 Horner Avenue were one parcel of land with one building. The previous owner, B&amp;Y Property Holdings Inc. applied for and received a consent certificate to sever the property (B0022/19EYK). In its decision, the Committee of Adjustment imposed a condition requiring that a Consent Agreement be entered into with the City which was primarily for the purpose of securing works relating to the construction of certain services necessary for the creation of a new lot. A Letter of Credit in the amount of \$120,853.50 was also posted to secure the obligations under the Consent Agreement.</p>		
<b>Terms</b>	<p>The current owner, Downing Street (Horner Assembly) Inc., purchased 36 and 40 Horner Ave after the former owner had satisfied conditions of consent, including entering into the Consent Agreement. The new owner applied to return the property to its original status as one parcel of land and applied to the Committee of Adjustment pursuant to Section 53(45) of the Planning Act to cancel the original Consent Certificate registered at the time of transfer of 36 Horner Avenue. A Certificate of Cancellation was granted and subsequently registered on title as Instrument AT6324724.</p> <p>John Baldesarra, Senior Engineer, Development Engineering, Etobicoke York District, confirmed by e-mail dated May 3, 2024, in consultation with Leslie Forder, Planning and Administrative Tribunal Law, that the property is no longer being split so the sanitary extension is no longer required. Therefore, it is appropriate to release the Consent Agreement from the Property.</p>		
<b>Property Details</b>	<b>Ward:</b>	Ward 3-Etobicoke Lakeshore	
	<b>Assessment Roll No.:</b>		
	<b>Approximate Size:</b>		
	<b>Approximate Area:</b>		
	<b>Other Information:</b>		

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 &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 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 checked="" 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:		
Contact Name:		Contact Name:		
Contacted by:	Phone	E-Mail	Memo	Other
Comments:		Comments:		

**Consultation with Divisions and/or Agencies**

Division:	Development Engineering, Etobicoke York District	Division:	Planning and Administrative Tribunal Law
Contact Name:	<b>John Baldesarra, Senior Engineer</b>	Contact Name:	<b>Leslie Forder, Solicitor</b>
Comments:	No Objection	Comments:	

**Legal Services Division Contact**

Contact Name: Carm Curcuruto, Legal Conveyancing Clerk

DAF Tracking No.: 2024-118	Date	Signature
<input checked="" type="checkbox"/> Recommended by: <b>Director, Real Estate Law Ray Mickevicius</b>	May 27, 2024	Signed by Ray Mickevicius
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: <b>Director, Real Estate Services Alison Folosea</b>	May 28, 2024	Signed by Alison Folosea