

# DELEGATED APPROVAL FORM

## DIRECTOR, REAL ESTATE SERVICES

## MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2024-140

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

Prepared By:	Desiree Picchiello	Division:	Corporate Real Estate Management
Date Prepared:	May 31 2024	Phone No.:	416-338-5028
<b>Purpose</b>	To obtain authority to enter into a license agreement (the " <b>Agreement</b> ") with The Residences of the Dupont Inc. (The " <b>Licensee</b> ") with respect to the City-owned lands municipally known as 840 Dupont Street, Toronto for the purpose of installing tie-backs and shoring excavation to facilitate the Licensee's neighbouring development.		
<b>Property</b>	The impacted area is approximately 265.52 m <sup>2</sup> of the surface and subsurface area within the property municipally known as 840 Dupont Street, Toronto, as outlined in red in the diagrams attached as Appendix " <b>B</b> " (the " <b>Licensed Area</b> "); legally described as PART OF LOTS 7, 8, 9, AND 10, PLAN 814, AND PART OF LOT 49, PLAN 197(YORK), DESIGNATED AS PART 2, PLAN 66R-32422; CITY OF TORONTO, being all of PIN 21265-0318 (LT) (the " <b>Property</b> "), as shown on the Location Map attached hereto as Appendix " <b>C</b> ".		
<b>Actions</b>	<ol style="list-style-type: none"> <li>1. Authority be granted to enter into the Agreement between the City and the Licensee, substantially on the major terms and conditions set out in Appendix "<b>A</b>", and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor;</li> <li>2. The Director of Real Estate Services or his or her designate shall administer and manage the Agreement, including the provision of any consents, approvals, waivers, notices, and notices of termination provided that the Director of Real Estate Services may, at any time, refer consideration of such matter to City council for its determination and direction; and</li> <li>3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.</li> </ol>		
<b>Financial Impact</b>	<p><b>The City shall receive a total of Seventy-Nine Thousand and Four Hundred Dollars (\$79,400.00) plus any harmonized sales tax</b> for the tieback encroachment.</p> <p>Revenues will be directed to the 2024 Council Approved Operating Budget for Parks, Forestry and Recreation under cost center P12642.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>		
<b>Comments</b>	<p>The Licensee is an affiliate of The Tridel Group of Companies, and they are developing a future parkland neighbouring the Property. The Licensee has requested access and occupancy of the Licensed Area for the purposes of installing tie-backs and retaining walls in support of its future parkland development. PFR staff support this proposal.</p> <p>The proposed licence fee and other major terms and conditions of the Agreement are considered to be fair, reasonable and reflective of market rates.</p>		
<b>Terms</b>	See Appendix A		
<b>Property Details</b>	<b>Ward:</b>	11 – University-Rosedale	
	<b>Assessment Roll No.:</b>		
	<b>Approximate Size:</b>		
	<b>Approximate Area:</b>	265 m <sup>2</sup> ±	
	<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 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:	Saxe	Councillor:	
Contact Name:	Councillor_saxe@toronto.ca	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:	Consulted	Comments:	

**Consultation with Divisions and/or Agencies**

Division:	PF&R	Division:	<b>Financial Planning</b>
Contact Name:	Glenn Zeta	Contact Name:	Ciro Tarantino
Comments:	Approved on (03/06/23)	Comments:	Consulted

**Legal Services Division Contact**

Contact Name: Michelle Xu

DAF Tracking No.: 2024-140	Date	Signature
Concurred with by: Manager, Real Estate Services		X
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Niall Robertson	June 17, 2024	Signed by Niall Robertson
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	June 21, 2024	Signed by Alison Folosea

## Appendix "A"

### Major Terms and Conditions

**LICENSEE:**

The Residences of the Dupont Inc.

**LICENSOR:**

City of Toronto

**LICENSED AREA:**

Approximately 265.52 square metres of the lands municipally known as 840 Dupont Street, Toronto and outlined in red the attached Appendix "B"

**TERM:**

Twenty-four (24) months commencing August 1 2023 and ending July 31 2025.

**TERMINATION:**

The Licensee shall have the right to terminate the Agreement upon 60 days' of prior written notice to the City.

**LICENSE FEE:**

Seventy-Nine Thousand and Four Hundred Dollars (\$79,400.00) plus any harmonized sales tax.

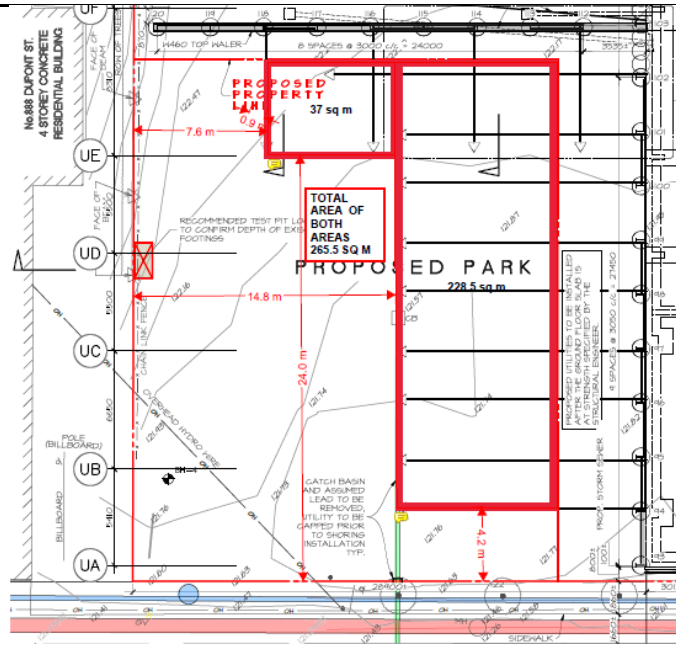
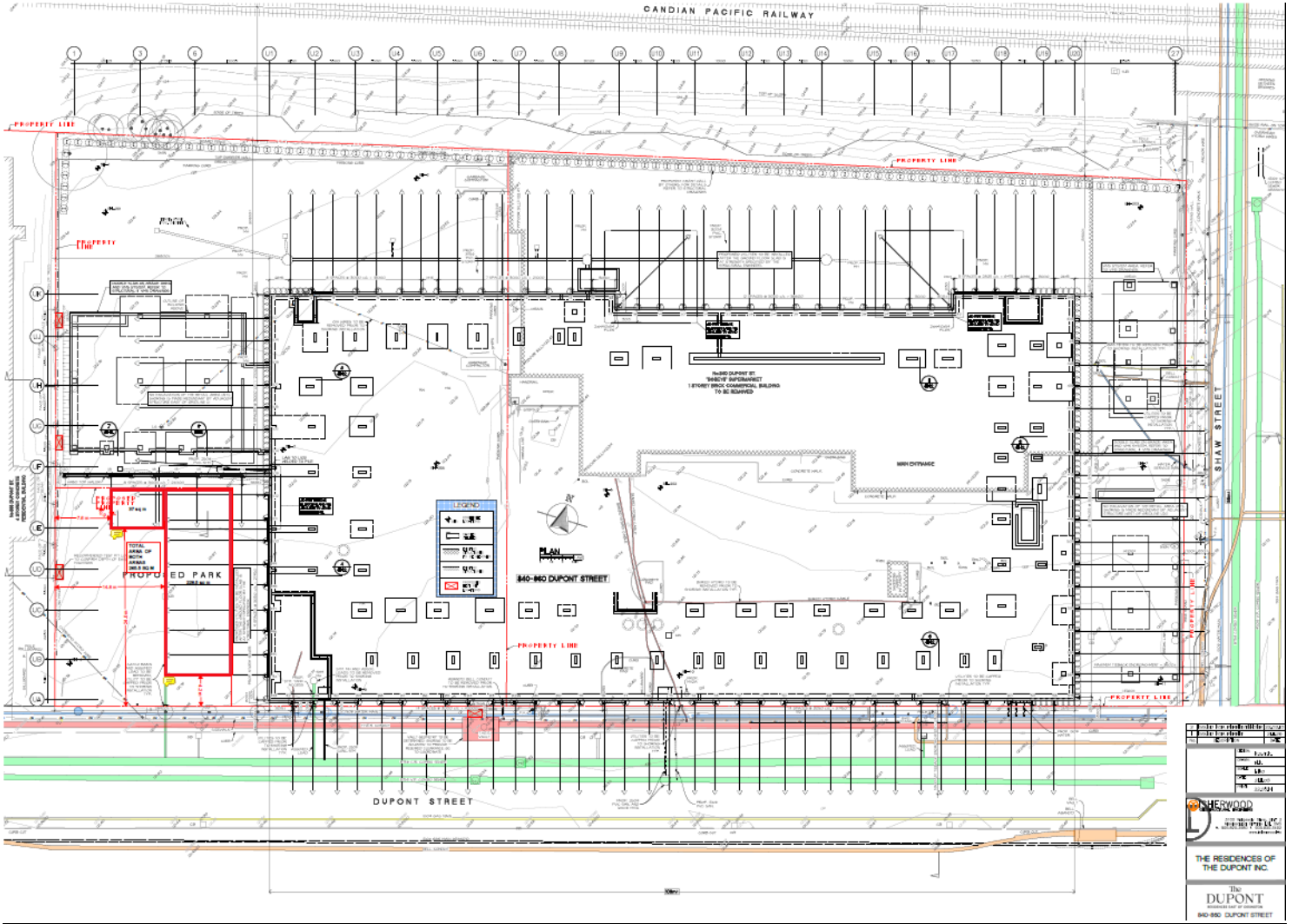
**INSURANCE:**

Commercial general liability insurance against all claims for bodily injury (including death) and for property damage in an amount of not less than \$20,000,000.00 per occurrence, and shall name the City as an additional insured.

**USE:** to access, construct and install temporary tie-backs, H-piles and their concrete bases within the Licensed Area

## Appendix "B"

### TIEBACK & SHORING LICENSED AREA





**APPENDIX "C" – LOCATION MAP**

