

DELEGATED APPROVAL FORM
DEPUTY CITY MANAGER, CORPORATE SERVICES
EXECUTIVE DIRECTOR, CORPORATE REAL ESTATE MANAGEMENT

TRACKING NO.: 2024-183

With Confidential
Attachment

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

Prepared By:	Patricia Palmieri	Division:	Corporate Real Estate Management
Date Prepared:	July 30, 2024	Phone No.:	416-618-2751
Purpose	To obtain authority to enter into Section 30 Agreement (the "Agreement") to acquire a part of the property municipally known as 39 Old Mill Road, Toronto from 534078 Ontario Limited, Judicrest Holdings Inc, Weintraub Holdings Limited, Samper Developments Limited, Jassder Developments Limited and 2484558 Ontario Limited (the "Owners"). The Agreement will facilitate the transfer of a partial fee simple, permanent and temporary easements in favour of the City for the purpose to construct new elevators at Old Mill Station for the Toronto Transit Commission (TTC) Easier Access Phase III Program (the "Project").		
Property	Part of the property municipally known as 39 Old Mill Road, Toronto, legally described in Appendix "B", designated as Parts 1 - 21 on Reference Plan 66R-34172, being part of PIN 07498-0086 (LT) (the "Property Interests") as shown in Appendices "C and D".		
Actions	<ol style="list-style-type: none"> Authority be granted to enter the Agreement substantially on the terms and conditions outline in Appendix "A" and in the Confidential Attachment, including such other terms and conditions as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor. The Confidential Attachment to remain confidential until there has been a final determination of all property transactions and claims for compensation relative to the Project, and only released publicly thereafter in consultation with the City Solicitor. 		
Financial Impact	<p>Funding for the compensation, as set out in the Confidential Attachment, has been referred to the City's annual budget process and has been included in the 2024-2033 Capital Budget and Plan Submission for the TTC under capital account CTT028-1 Easier Access – Phase 2 for Council consideration.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information associated with this program for review as part of the 2024 budget process.</p>		
Comments	<p>As part of the Project, the TTC is proposing to construct elevators at Old Mill Subway Station on Line 2 providing accessibility to and from each of the eastbound and westbound platforms to the concourse level.</p> <p>On May 22, 2024, City Council adopted Item GL 12.17 authorizing the acquisition and or expropriation of the Property Interests for the Project. Notices of Application to Expropriate the Property Interests were served on all registered owners and published in the newspaper. Real Estate Staff have negotiated an agreement with the Owner in accordance with section 30 of the <i>Expropriations Act</i> in order to avoid the necessity of formal expropriation proceedings. TTC staff have reviewed the terms and conditions of the Agreement and concur with proceeding.</p> <p>The terms of the Agreement are reasonable and avoids additional expenses, payable by the City, associated with formal expropriation proceedings.</p>		
Terms	See Appendix "A"		
Property Details	Ward:	Ward 3 – Etobicoke-Lakeshore	
	Assessment Roll No.:	n/a	
	Approximate Size:	Irregular	
	Approximate Area:	Irregular	
	Other Information:	n/a	

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate 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/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 \$3 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p>Request/waive hearings of necessity delegated to less senior positions.</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><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 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 \$3 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$3 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 \$3 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>	<p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input checked="" type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p>Request/waive hearings of necessity delegated to less senior positions.</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><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 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 \$5 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p><input type="checkbox"/> (c) Where compensation is less than market value, provided tenant and lease satisfy Community Space Tenancy Policy criteria set out in Item EX28.8, as adopted by Council on November 7, 8 and 9, 2017, as amended from time to time.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$5 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 \$5 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. Deputy City Manager, Corporate Services and Executive Director, Corporate Real Estate Management each has signing authority on behalf of the City for:

- Documents required to implement matters for which each position also has delegated approval authority.
- Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
- Expropriation Applications and Notices following Council approval of expropriation.
- 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 Amber Morley	Councillor:	
Contact Name:	Lisa Brody Hoffman	Contact Name:	
Contacted by:	<input type="checkbox"/> Phone <input checked="" 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:	TTC	Division:	Financial Planning
Contact Name:	Dan Spalvieri	Contact Name:	Ciro Tarantino
Comments:	Concurs	Comments:	Concurs

Legal Services Division Contact

Contact Name:	Dale Mellor
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DAF Tracking No.: 2024-183	Date	Signature
Recommended by: Manager, Real Estate Services Vinette Prescott-Brown	August 2, 2024	Signed by Vinette Prescott-Brown
Recommended by: Director, Real Estate Services Alison Folosea	August 2, 2024	Signed by Alison Folosea
<input type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management <input type="checkbox"/> Approved by: Patrick Matozzo		X
<input checked="" type="checkbox"/> Approved by: Deputy City Manager, Corporate Services David Jollimore	August 7, 2024	Signed by David Jollimore

Appendix "A"

Major Terms and Conditions

Fee Simple Interest

Irrevocable Period:	11:59 p.m. on the Business Day next following ten (10) days after the Owners execution of the Agreement
Due Diligence Period:	The period of time ending at 11:59 p.m. on the business day next following fifteen (15) days after the acceptable date. The date upon which the Agreement is executed by the City.
Closing Date:	August 16, 2024
Vacant Possession:	The Owners shall deliver on closing vacant possession of the fee simple aspects of the Property Interests, subject to the permitted encumbrances.

Permanent Interest

Use/Purpose:	Construction, installation and maintenance of below grade subsurface transit and/or other transit and/or other municipal system(s) structures
Covenant:	Use of lands shall remain unobstructed

Temporary Easements

Term :	Two years commencing on 30 days written notice
Extension:	Three further terms of one year each on no less than five days' notice prior to the extension of any term
Use/Purpose:	Temporary ingress and egress purposes and all works ancillary to construction
City Covenants:	Upon completion of the construction the City to remove all chattels and equipment and restore the lands to the condition existing immediately prior to the construction or as near as is reasonably possible in the circumstance
Indemnity:	City shall indemnify and save harmless the Owner from any and all claims, demands, losses, costs, charges, Actions or other proceedings under the <i>Construction Act</i> of Ontario in connection with the construction.

Appendix “B” Legal Description

Fee Simple

Part of Block X, Plan M416, designated as Part 9 on Plan 66R-34172, City of Toronto; being part of PIN: 07498-0086 (LT) in the Land Registry Office of Toronto (No. 66) in Land Titles Division.

Permanent Easement

Part of Block X, Plan M416, designated as Parts 2, 4, 5, 6, 10, 11, 14 and 17 on Plan 66R-34172, City of Toronto; being part of PIN: 07498-0086 (LT) in the Land Registry Office of Toronto (No. 66) in Land Titles Division.

Temporary Construction Easement

Part of Block B, Plan M385; Part of Block X, Plan M416, designated as Parts 3, 7, 8 and 15 on Plan 66R-34172, City of Toronto; being part of PIN: 07498-0086 (LT) in the Land Registry Office of Toronto (No. 66) in Land Titles Division.

Temporary Access Easement

Part of Block B, Plan M385; part of Block X, Plan M416, designated as Parts 1, 12, 13, 16, 18, 19, 20 and 21 on Plan 66R-34172, City of Toronto; being part of PIN: 07498-0086 (LT) in the Land Registry Office of Toronto (No. 66) in Land Titles Division.

Appendix "C" Location Map



