

DELEGATED APPROVAL FORM

DIRECTOR, REAL ESTATE SERVICES

MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2024-250

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:	October 18, 2024	Phone No.:	(416) 397-7481

Purpose	To obtain authority to enter into an easement release agreement with Queensway Properties Inc. (the "Owner") for the release of an existing easement in favor of the City over parts of the property municipally known as 935 The Queensway (the "Agreement").		
Property	The lands municipally known as 935 The Queensway, Toronto, Ontario, and legally described as Part of Lot 2, Plan 1106 as in EB226643, S/E Expropriation Plan 7882 Registered as EB318934, Former Township of Etobicoke, City of Toronto, being all of PIN 07603-0347 (LT) and as shown approximately on the location map attached hereto as Appendix "A" (the "Lands").		
Actions	1. Authority is granted to enter into the Agreement with the Owner, substantially on the terms and conditions outlined below, and on such other or amended terms and conditions as may be satisfactory to the Director, Transaction Services, and in a form acceptable to the City Solicitor.		
Financial Impact	<p>The release of the Easement will generate revenue to the City in the amount of \$775,000 (or \$875,750 inclusive of HST) and will be directed to the Land Acquisition Reserve Fund (XR1012).</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the financial impact section.</p>		
Comments	<p>An easement, in favor of the City, was registered on December 16, 1955 as instrument number EB162589 for the purpose of constructing a trunk storm sewer and such incidental workings as may be necessary in and under the surface over Parts 1, 6 and 7 on Reference Plan 66R-34202, attached as Appendix "B" (the "Easement Lands").</p> <p>The Owner is seeking to develop the Lands into a mixed-use building and submitted a development application to the City. City Planning approved the development application number 20104057WET03SA for the Lands. Toronto Water Division no longer requires any maintenance of the infrastructure because the Owner, as a requirement of its development application, has built a new permanent infrastructure in its place.</p> <p>The Owner will provide payment in the amount \$775,000 plus HST as compensation for the release of the easement and provide the City with an executed acknowledgment releasing and forever discharging the City from any and all claims, actions, and demands for compensation arising from the City's release of the easement (the "Acknowledgement").</p> <p>The proposed fee and other major terms and conditions of the Agreement are considered to be fair, reasonable and reflective of market rates.</p>		
Terms	<p>Interest being released: The easement registered as Instrument No. EB162589</p> <p>Consideration: \$775,000 plus applicable HST (the "Release Fee")</p> <p>Conditions: Prior to the release of the Easement, the Owner shall: (1) pay the Release Fee to the City and any other fees as set out in the Agreement; and (2) deliver to the City an executed copy of the Acknowledgement.</p>		
Property Details	Ward:	3 – Etobicoke-Lakeshore	
	Assessment Roll No.:	19 19 015 080 010 00	
	Approximate Size:		
	Approximate Area:	408 m ² ± (4,393.60 ft ² ±)	
	Other Information:	N/A	

A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate Services has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
2A. Expropriations Where City is Expropriating Authority:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.
2B. Expropriations For Transit-Related Purposes Where City is Property Owner or Has Interest in Property Being Expropriated:	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000. <input type="checkbox"/> (b) Request Hearings of Necessity. <input type="checkbox"/> (c) Waive Hearings of Necessity.	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million. <input type="checkbox"/> (b) Request Hearings of Necessity. <input type="checkbox"/> (c) Waive Hearings of Necessity.
3. Issuance of RFPs/REOIs:	Delegated to more senior positions.	<input type="checkbox"/> Issuance of RFPs/REOIs.
4. Permanent Highway Closures:	Delegated to more senior positions.	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to Divisions, Agencies and Corporations:	Delegated to more senior positions.	Delegated to more senior positions.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	Delegated to more senior positions.	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.
9. Leases/Licences (City as Landlord/Licensor):	<input type="checkbox"/> (a) Where total compensation (including options/ renewals) does not exceed \$50,000. <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.	<input type="checkbox"/> (a) Where total compensation (including options/ renewals) does not exceed \$50,000. <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.
10. Leases/Licences (City as Tenant/Licensee):	Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.	Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.
11. Easements (City as Grantor):	<input type="checkbox"/> Where total compensation (including options/ renewals) does not exceed \$50,000.	<input type="checkbox"/> Where total compensation (including options/ renewals) does not exceed \$1 Million.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million. <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.
13. Revisions to Council Decisions in Real Estate Matters:	Delegated to more senior positions.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
14. Miscellaneous:	Delegated to more senior positions.	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
		<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences <input checked="" type="checkbox"/> (b) Releases/Discharges <input type="checkbox"/> (c) Surrenders/Abandonments <input type="checkbox"/> (d) Enforcements/Terminations <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/ Acknowledgements/Estoppel Certificates <input type="checkbox"/> (f) Objections/Waivers/Cautions <input type="checkbox"/> (g) Notices of Lease and Sublease <input type="checkbox"/> (h) Consent to regulatory applications by City, as owner <input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title <input type="checkbox"/> (j) Documentation relating to Land Titles applications <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds

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:	Lisa Brody Hoffman	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	Division:	Financial Planning
Contact Name:	Lisa MacCumber	Contact Name:	Ciro Tarantino
Comments:	No Objections	Comments:	Concurs

Legal Services Division Contact

Contact Name:	Karen Pfuetzner
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DAF Tracking No.: 2024-250	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Vinette Prescott-Brown	October 22, 2024	Signed By: Vinette Prescott-Brown
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	October 23, 2024	Signed By: Alison Folosea

Appendix "A"

Location Map



