

DELEGATED APPROVAL FORM

DIRECTOR, REAL ESTATE SERVICES

MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2024-276

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

Prepared By:	Rocchina Zambri	Division:	Corporate Real Estate Management
Date Prepared:	November 4 2024	Phone No.:	416-338-2995
Purpose	To obtain authority to acquire a below-grade fee simple portion of the property municipally known as 5415 Dundas Street West (the "Lands") and to enter into a negative support easement agreement (the "Easement") with Pinnacle International (Dundas) Ltd. (the "Owner").		
Property	<p>The lands required in fee simple is a sub-surface portion of the Lands, legally described as part of PIN 07549-0215 (LT), being Part of Lots 1 to 9 and Part Lots 20, 21 and 22, Plan 2104, designated as Parts 23, 25, 27, 29, 31, 33 to 42, inclusive, and 44 on the Reference Plan 66R-33914 (the "Fee Simple Lands").</p> <p>The lands subject to the Easement is a stratified portion of the Lands, legally described as part of PIN 07549-0215 (LT), being Part of Lots 1 to 9 and Part Lots 20, 21 and 22, Plan 2104, designated as Parts 2 to 9, inclusive, Parts 19, 22, 24, 26, 28, 30, 32 and 43 on Reference Plan 66R-33914 (the "Easement Lands"), shown as Appendix "B", City of Toronto.</p>		
Actions	<ol style="list-style-type: none"> Authority be granted to accept an offer from the Owner to obtain the Fee Simple Lands and to enter into the Easement and any ancillary agreements with the Owner, substantially on the major terms and conditions as set out below, and including such other terms and conditions as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor. Authority be granted to enter into an authorization agreement to permit the inclusion of the City on certain Application (General) registration documents and to authorize the registration (or release for registration) of those registration documents, such authorization agreement to be in a form acceptable to the City Solicitor. 		
Financial Impact	<p>There is no financial impact associated with the authorization agreement, acquisition of the Easement and the fee simple Lands. The consideration for such rights are nominal.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>		
Comments	<p>The Owner entered into a Section 37 Agreement with the City on March 8, 2022, to construct a multi-phased residential development. Pursuant to the Section 37 Agreement, the Owner has agreed to transfer the Fee Simple Lands to the City and to grant the City an easement in, on, over and through a portion of the lands above the Fee Simple Lands for the support and the safe operation of municipal subsurface infrastructure. In order for the Easement to have legal priority on title to the development lands over existing easements, the City will need to allow the Owner to submit registration documents post-closing through Application (Generals) as opposed to postponement documents because the condominium created on the property has resulted in too many PINs for the registration system to process on closing. The authorization agreement will allow that post-closing registration.</p>		
Terms	<p>Term: In the event that the perpetual duration of the Easement is precluded by statute or common law the easement will expire in Nine Hundred and Ninety-Nine (999) years from the date of the registration on title.</p> <p>Notice: Written notice must be provided to the City and/or the TTC in order to commence work of any type whatsoever, including the excavation, construction, grading, drilling, digging, demolition, deconstruction or other material alteration of the Easement Lands or improvements in, on, over or through the Easement Lands. Written notice must also be provided if there are alterations to the Easement Lands or effect changes to the use of the Easement Lands.</p> <p>Compliance: The Owner shall keep and maintain the Easement Lands and all improvements in, on, over or through the Easement Lands, in a good and safe condition, in compliance with all applicable laws, by-laws, regulations, standards and governmental policies.</p>		
Property Details	Ward:	3 – Etobicoke- Lakeshore	
	Assessment Roll No.:	N/A	
	Approximate Size:	N/A	
	Approximate Area:	Irregular	
	Other Information:	N/A	

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 checked="" 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 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 checked="" 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 Amber Morley	Councillor:	
Contact Name:	Councillor Amber Morley	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:	Advised	Comments:	

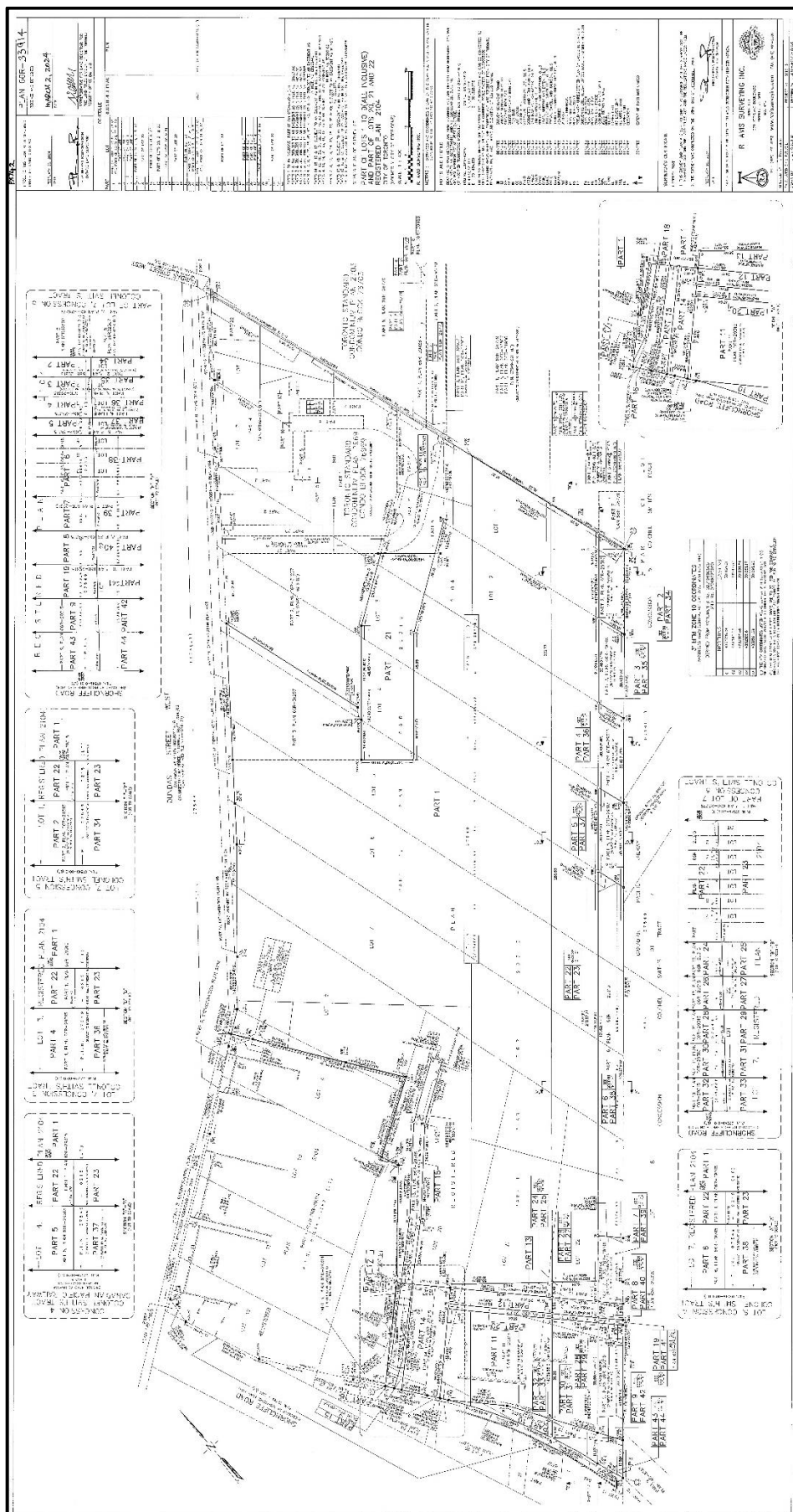
Consultation with Divisions and/or Agencies

Division:	Floyd Heath	Division:	Financial Planning
Contact Name:	Toronto Transit Commissioner	Contact Name:	Ciro Tarantino
Comments:	Concur	Comments:	Concur

Legal Services Division Contact

Contact Name: Dale Mellor

DAF Tracking No.: 2024-276	Date	Signature
Concurred with by: Manager, Real Estate Services Niall Robertson	November 5, 2024	Signed by Niall Robertson
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Vinette Prescott-Brown	November 5, 2024	Signed by Vinette Prescott-Brown
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		X



Location Map

