

DELEGATED APPROVAL FORM

DIRECTOR, REAL ESTATE SERVICES

MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2024-315

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

Prepared By:	Boluwarin Mojeed	Division:	Corporate Real Estate Management
Date Prepared:	December 12, 2024	Phone No.:	437-996-8720
Purpose	To obtain authority to enter into a Licence Agreement (the "Licence") with His Majesty the King in Right of Ontario, as represented by The Minister of Infrastructure (the "Licensor"), with respect to the Hydro corridor lands located on Blackthorn Avenue, City of Toronto, for the purpose of accessing the lands and completing Environmental Site Assessment (ESA) Phase II works, in connection with designing a new park. The Licence is to be made retroactively effective as of December 2, 2024.		
Property	Hydro corridor lands located on Blackthorn Avenue, City of Toronto, described as being part of Lot 34 Concession 3 From the Bay, City of Toronto (formerly City of York), being parts of PIN 21320-0995 (LT), PIN 21320-0996(R) and PIN 21320-0944 (LT) (the "Licensed Area"), as shown in Appendix "A" – Location Map and Licensed Area Sketch.		
Actions	1. Authority be granted to enter into the Licence with the Licensor, substantially on the major terms and conditions set out below and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.		
Financial Impact	<p>The total cost to the City will be \$1,500 (plus HST) or \$1,526.40 (net of HST recovery) for the Licence fee.</p> <p>The cost for the transaction will be funded by the 2024 Council Approved Capital Budget for Parks, Forestry and Recreation under capital project account CPR115-50-01.</p> <p>The Chief Financial Officer and Treasurer has reviewed the DAF and agrees with the financial implications as identified in the Financial Impact section.</p>		
Comments	<p>The City requires the license for the purpose of completing Environmental Site Assessment (ESA) Phase II works in association with the delivery of a base park following the decommissioning of the former surface parking lot.</p> <p>The proposed Licensed Fee and other major terms and conditions of the Licence are considered to be fair, reasonable and reflective of market rates.</p>		
Terms	<p>Term: Retroactively effective as of December 2, 2024 and ending on March 1, 2025</p> <p>Licence Fee: \$1,500, plus all applicable taxes</p> <p>Use: For Environmental Site Assessment (ESA) Phase II works</p> <p>Indemnity: The City will indemnify the Licensor against and will release the Licensor from any claims (including environmental) arising from the Licence. This is a stringent indemnity in the Licensor's favor, and has been authorized by Government Management Committee Report No. 20.8 adopted by Council on April 3 and 4, 2013. The City agrees that the Licensor and Hydro One Networks Inc. may plead this Licence as an estoppel.</p> <p>Insurance: City shall take out commercial general liability insurance of not less than five million dollars.</p> <p>Early Termination: The Licensor may terminate the Licence (i) in the event of defaults under this Licence are not remedied; (ii) if the Use becomes in any way reflect improperly on the Licensor or the Government of Ontario; or (iii) the Use in any way interfere with, obstruct, limit or impede the right of Hydro One Networks Inc. to use the Licensed Area to operate the Transmission System or Distribution System.</p> <p>Defined Access: The City agrees only to use such defined access and crossing point(s) provided by the Licensor.</p> <p>Fence: The City shall install temporary fences around the area and such fences shall be maintained during the duration of the Licence.</p> <p>Default: When the Licensee defaults in its obligation, the Licensor shall have the right to immediately cure such default at the cost of the Licensee.</p>		
Property Details	Ward:	9 – Davenport	
	Assessment Roll No.:	N/A	
	Approximate Size:	N/A	
	Approximate Area:	1,350m ²	
	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/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>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 checked="" 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 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:	Alejandra Bravo	Councillor:	
Contact Name:	Wyndham Bettencourt-McCarthy	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:	No Objections	Comments:	

Consultation with Divisions and/or Agencies

Division:	Parks, Forestry and Recreation	Division:	Financial Planning
Contact Name:	Heather Oliver	Contact Name:	Ciro Tarantino
Comments:	Concurred	Comments:	Comments Incorporated

Legal Services Division Contact

Contact Name: Michelle Xu

DAF Tracking No.: 2024-315	Date	Signature
Concurred with by: Manager, Real Estate Services Niall Robertson	Dec. 13, 2024	Signed by Niall Robertson
<input type="checkbox"/> Recommended by: Acting Manager, Real Estate Services Leila Valenzuela	Dec. 13, 2024	Signed by Leila Valenzuela
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		

Appendix "A" – Major Terms and Conditions

1. **Licensors:** His Majesty the King in the right of Ontario, as represented by the Minister of Infrastructure
2. **Licensee:** City of Toronto
3. **Term:** Retroactively effective as of December 2, 2024 and ending on March 1, 2025
4. **Licence Fee:** \$1,500, plus all applicable taxes
5. **Use:** For Environmental Site Assessment (ESA) Phase II works
6. **Indemnity:** The City will indemnify the Licensor against and will release the Licensor from any claims (including environmental) arising from the Licence. This is a stringent indemnity in the Licensor's favor, and has been authorized by Government Management Committee Report No. 20.8 adopted by Council on April 3 and 4, 2013. The City agrees that the Licensor and Hydro One Networks Inc. may plead this Licence as an estoppel.
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9. **Defined Access:** The City agrees only to use such defined access and crossing point(s) provided by the Licensor.
10. **Fence:** The City shall install temporary fences around the area and such fences shall be maintained during the duration of the Licence.
11. **Default:** When the Licensee defaults in its obligation, the Licensor shall have the right to immediately cure such default at the cost of the Licensee.

Appendix "A" – Location Map and Licensed Area



Figure 1- Licensed Area is outlined in green