

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

TRACKING NO.: 2024-290
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:	November 28, 2024	Phone No.:	416-392-4829		
Purpose	To obtain authority to enter into Minutes of Settlement Agreement (the "Agreement") with the former owners at 35-49 Bales Avenue (the "Owners") for the expropriated interests required to construct the Toronto Transit Commission (TTC) Sheppard Subway Project (the "Project").				
Property	The property municipally known as 35-49 Bales Avenue, City of Toronto, legally described as being part of Block A, Plan 2090 and Part 2 on Plan 66R-12991 (the "Property Interests"), as shown on the expropriation plan in Appendix "B".				
Actions	1. Authority be granted to enter into the Agreement with the Owners, substantially on the terms and conditions outlined in the Confidential Attachment, and on such other or amended terms and conditions as may be acceptable to the approving authority herein, and in a form satisfactory to the City Solicitor.				
	2. 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	Funding for the compensation, as set out in the Confidential Attachment, is available in the 2024-2033 Council Approved Capital Budget and Plan for the TTC under CTT035.				
	The Chief Financial Officer & Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.				
Comments	In July 1997, the former Metropolitan Toronto Council authorized the expropriation of the Property Interes 48 months for the construction and operation of the Project. The plan of expropriation was registered on a second				
	In accordance with Section 25 of the <i>Expropriations Act</i> (the "Act"), an Offer of Compensation was served upon the Owners. The Owners accepted the immediate payment of compensation without prejudice to their rights to have compensation determined in accordance the Act, and payment was made.				
	The Owners served and filed a claim with the Ontario Land Tribunal (OLT) seeking damages against the City and the TTC pursuant to section 26 of the Act. Following settlement discussions, the City, TTC and the Owners have agreed to settle the total compensation payable to the Owners in accordance with the Act in the amounts set out in the Confidential Attachment, in exchange for a full and final release of all the Owners' claims related to the Property Interests and damages claimed in respect of the construction of the Project. These amounts are reasonable, and settlement will avoid the City incurring additional expenses, that would arise with the continuation of the matter to a contested hearing before the OLT.				
Terms	See Confidential Attachment				
Property Details	Ward:	Ward 18 - Willowdale			
	Assessment Roll No.:	n/a			
	Approximate Size:	n/a			
	Approximate Area:	n/a			
	Other Information:	n/a			
		1			

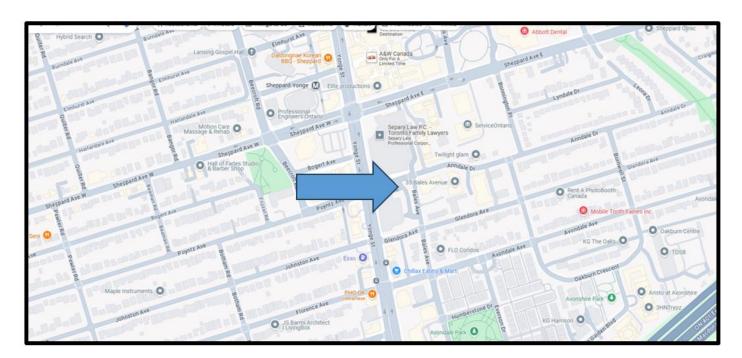
Α.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate Services has approval authority for:			
1. Acquisitions:	Where total compensation does not exceed \$3 Million.	Where total compensation does not exceed \$5 Million.			
2A. Expropriations Where City is Expropriating Authority:	Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.	Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.			
2B. Expropriations For Transit- Related Purposes Where City is Property Owner or Has Interest	(a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.	(a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.			
in Property Being Expropriated:	Request/waive hearings of necessity delegated to less senior positions.	Request/waive hearings of necessity delegated to less senior positions.			
3. Issuance of RFPs/REOIs:	Issuance of RFPs/REOIs.	Issuance of RFPs/REOIs.			
4. Permanent Highway Closures:	Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.	Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.			
5. Transfer of Operational Management to Divisions, Agencies and Corporations:	Transfer of Operational Management to Divisions, Agencies and Corporations.	Transfer of Operational Management to Divisions, Agencies and Corporations.			
6. Limiting Distance Agreements:	Where total compensation does not exceed \$3 Million.	Where total compensation does not exceed \$5 Million.			
7. Disposals (including Leases of 21 years or more):	Where total compensation does not exceed \$3 Million.	Where total compensation does not exceed \$5 Million.			
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.	Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.			
9. Leases/Licences (City as Landlord/Licensor):	(a) Where total compensation (including options/ renewals) does not exceed \$3 Million.	(a) Where total compensation (including options/renewals) does not exceed \$5 Million.			
	(b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.	(b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.			
	Delegated to a more senior position.	(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.			
10. Leases/Licences (City as Tenant/Licensee):	Where total compensation (including options/ renewals) does not exceed \$3 Million.	Where total compensation (including options/ renewals) does not exceed \$5 Million.			
11. Easements (City as Grantor):	(a) Where total compensation does not exceed \$3 Million.	(a) Where total compensation does not exceed \$5 Million.			
	(b) When closing roads, easements to pre-existing utilities for nominal consideration.	(b) When closing roads, easements to pre- existing utilities for nominal consideration.			
12. Easements (City as Grantee):	Where total compensation does not exceed \$3 Million.	Where total compensation does not exceed \$5 Million.			
13. Revisions to Council Decisions in Real Estate Matters:	Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).	Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).			
14. Miscellaneous:	(a) Approvals, Consents, Notices and Assignments under all Leases/Licences	(a) Approvals, Consents, Notices and Assignments under all Leases/Licences			
	(b) Releases/Discharges	(b) Releases/Discharges			
	(c) Surrenders/Abandonments (d) Enforcements/Terminations	(c) Surrenders/Abandonments (d) Enforcements/Terminations			
	(e) Consents/Non-Disturbance Agreements/ Acknowledgements/Estoppel Certificates	(e) Consents/Non-Disturbance Agreements/ Acknowledgements/Estoppel Certificates			
	(f) Objections/Waivers/Cautions	(f) Objections/Waivers/Cautions			
	(g) Notices of Lease and Sublease	(g) Notices of Lease and Sublease			
	(h) Consent to regulatory applications by City, as owner	(h) Consent to regulatory applications by City, as owner			
	(i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title	(i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title			
	(j) Documentation relating to Land Titles applications	(j) Documentation relating to Land Titles applications			
	(k) Correcting/Quit Claim Transfer/Deeds	(k) Correcting/Quit Claim Transfer/Deeds			
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						
X Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property						
Consultation with Councillor(s)						
Councillor:	Councillor Lily Cheng	Councillor:				
Contact Name:	Sara Hildebrand	Contact Name:				
Contacted by:	Phone X E-Mail Memo Other	Contacted by:	Phone E-mail Memo Other			
Comments:	Consulted	Comments:				
Consultation with Divisions and/or Agencies						
Division:	TTC	Division:	Financial Planning			
Contact Name:	Vincenza Guzzo	Contact Name:	Ciro Tarantino			
Comments:	Concurs	Comments:	Concurs			
Legal Services Division Contact						
Contact Name:	Matthew Longo					

DAF Tracking No.: 2024-2	90	Date	Signature
Recommended by: Manager, Real Estate Services Vinette Prescott-Brown		Nov. 29, 2024	Signed by Vinette Prescott-Brown
Recommended by: Director, Real Estate Services Alison Folosea		Nov. 29, 2024	Signed by Alison Folosea
X Recommended by: Approved by:	Executive Director, Corporate Real Estate Management Patrick Matozzo	Nov. 29, 2024	Signed by Patrick Matozzo
X Approved by:	Deputy City Manager, Corporate Services David Jollimore	Dec. 3, 2024	Signed by David Jollimore

Appendix "A" Location Map





Appendix "B" Expropriation Plan

