



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

Prepared By:	Fiona Thomas	Division:	Corporate Real Estate Management										
Date Prepared:	November 29 2024	Phone No.:	(416) 338-5045										
Purpose	To obtain authority to enter into an omnibus licence agreement with Metrolinx with respect to 13 one-foot reserve lands owned by the City located along the Eglinton Avenue East and McCowan Road area for all works and uses relating to the construction of certain improvements and works in connection with the Scarborough Subway Extension (the “Agreement”).												
Property	13 one-foot reserve properties in the Scarborough Subway Extension corridor, as shown on the location map attached hereto as Appendix “B” and as described in Appendix “C.”												
Actions	1. Authority be granted to enter into the Agreement with Metrolinx, substantially on the major terms and conditions set out in Appendix “A”, and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.												
Financial Impact	The City is estimated to collect a total licence fee in the amount of \$65,117.05 (or \$13,023.41 per annum) plus HST over the five (5) years of the initial term of the agreement, subject to adjustment of the licence fee. The revenue will be directed to the 2024 Approved Operating Budget for Corporate Real Estate Management under cost centre FA1495 and functional area code 3220200000.												
Comments	<p>On December 15, 2021, City Council adopted Item EX28.12 titled "Metrolinx Subways Program – Real Estate Protocol and Land Valuation Principles for Subways and GO Expansion Programs". Upon its adoption, the City, TTC and Metrolinx entered into an agreement dated June 16, 2022 ("Subways Master Agreement"), which included a schedule that outlined the process for real estate transactions related to subway projects (the "Real Estate Protocol"). The Real Estate Protocol provides a clear process for the City, TTC and Metrolinx to follow relating to the acquisition, ownership, and disposition of real property between the parties, both temporary and permanent interests, required for the Subways Program, which includes the Scarborough Subway Extension (“the Project”).</p> <p>Metrolinx intends to construct certain improvements and works in connection with the Project, which requires temporary access to and use of the properties as identified on the sketch shown in Appendix "C". The City has agreed to grant a temporary licence to Metrolinx to enter and utilize the properties to undertake these works associated with the Project. The form of the Agreement is substantially in the form appended to the Real Estate Protocol. The licence will serve as a temporary measure for certain properties and as an interim measure for all permanent interests, pending a permanent easement or fee simple acquisition under a separate transfer agreement.</p> <p>On June 26th, 2024, City Council authorized staff report EX15.2 titled “Priorities in Transit Expansion and Transit-Oriented Communities Projects”. The report contained a recommendation that required Metrolinx to provide the City with certain information prior to completing any further real estate transactions involving City lands. The Transit Expansion (TE) Division has confirmed that the Ward Councillor is comfortable proceeding with this land transaction based on the information provided by Metrolinx about its mitigation efforts related to construction impact to residential tenants and businesses. Therefore, TE confirms that Metrolinx has satisfied the conditions set out in EX15.2 relating to the Property.</p>												
Terms	Please see Appendix “A”												
Property Details	<table><tr><td>Ward:</td><td>Ward 21 – Scarborough Centre, Ward 23 – Scarborough North</td></tr><tr><td>Assessment Roll No.:</td><td></td></tr><tr><td>Approximate Size:</td><td>8m²+3m²+0.1m²+2m²+8m²+6m²+44m²+12m²+2m²+8m²+20m²+137m²+6m²</td></tr><tr><td>Approximate Area:</td><td>256.01m²</td></tr><tr><td>Other Information:</td><td></td></tr></table>			Ward:	Ward 21 – Scarborough Centre, Ward 23 – Scarborough North	Assessment Roll No.:		Approximate Size:	8m²+3m²+0.1m²+2m²+8m²+6m²+44m²+12m²+2m²+8m²+20m²+137m²+6m²	Approximate Area:	256.01m²	Other Information:	
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Other Information:													

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/REOs:	Delegated to more senior positions.	<input type="checkbox"/> Issuance of RFPs/REOs.
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. Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.	<input checked="" type="checkbox"/> (a) Where total compensation (including options/ renewals) does not exceed \$1 Million. <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):	<input type="checkbox"/> Where total compensation (including options/ renewals) does not exceed \$50,000.	Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position. <input type="checkbox"/> Where total compensation (including options/ renewals) does not exceed \$1 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> Where total compensation does not exceed \$50,000. Delegated to more senior positions.	<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.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
13. Revisions to Council Decisions in Real Estate Matters:	Delegated to more senior positions.	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
14. Miscellaneous:	Delegated to more senior positions.	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences <input 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:
<ul style="list-style-type: none">• 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:
<ul style="list-style-type: none">• 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																							
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property																							
Consultation with Councillor(s)																							
Councillor:		Councillor Michael Thompson						Councillor:		Councillor Jamaal Myers													
Contact Name:		Councillor Michael Thompson						Contact Name:		Councillor Jamaal Myers													
Contacted by:			Phone	<input checked="" type="checkbox"/>	E-Mail			Memo			Other	Contacted by:			Phone	<input checked="" type="checkbox"/>	E-mail			Memo			Other
Comments:		Advised						Comments:		Advised													
Consultation with Divisions and/or Agencies																							
Division:		Transportation Services						Division:		Financial Planning													
Contact Name:		Murad Khan						Contact Name:		Ciro Tarantino													
Comments:		No Comments						Comments:		No Comments													
Legal Services Division Contact																							
Contact Name:		Michelle Xu																					

DAF Tracking No.: 2024-256	Date	Signature
<input type="checkbox"/> Recommended by: Manager, Real Estate Services <input type="checkbox"/> Approved by: Vinette Prescott-Brown	Nov. 29, 2024	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Dec. 10, 2024	Signed by Alison Folosea

Appendix "A"

Major Terms and Conditions

Licensed Area:

Approximately 256 square metres (or 2,756 square feet)

Term:

(1) The term of the licence is five (5) years commencing on the full execution of the Agreement. For permanent interests to be acquired by Metrolinx, Metrolinx has the option to extend that part of the licence upon 6 months notice to the City, for up to 12 months or until the date that the permanent interests are acquired by Metrolinx.

(2) For temporary interests, Metrolinx has the option, upon six (6) months prior written notice to the City, to extend the term of the licence for a further period up to four (4) years.

Any further extension of the term is subject to the approval of the City in its sole discretion.

Licence Fee:

Metrolinx agrees to pay to the City the amount of \$13,023.41 per annum, plus HST for the Term (or \$65,117.05 plus applicable taxes for the initial 5-year term of the Agreement). If the Term is extended, the fees payable for the 6th year of the Term shall be increased by six percent (6%) to \$13,804.81 plus HST, and thereafter, fees payable for each additional extension year shall increase annually based on the annual average rate of CPI of the preceding calendar year plus HST.

Insurance:

Metrolinx may self-insure.

Early Termination:

- Metrolinx shall have the right to terminate the Licence at any time during the Term or the extension term, as applicable, upon giving not less than thirty (30) days of prior written notice to the City. In the event of any such termination, any pre-paid portion of the Licence Fee representing the unused portion of the Term shall be refunded to Metrolinx on a pro-rated basis.
- A termination of the Subways Master Agreement or the Real Estate Protocol is a termination of the Licence.

Permitted Purpose:

To enable surface and below grade construction works on City-owned one-foot reserves, shown in Appendix "B" for the Station Rails and Systems for the Scarborough Subway Extension.

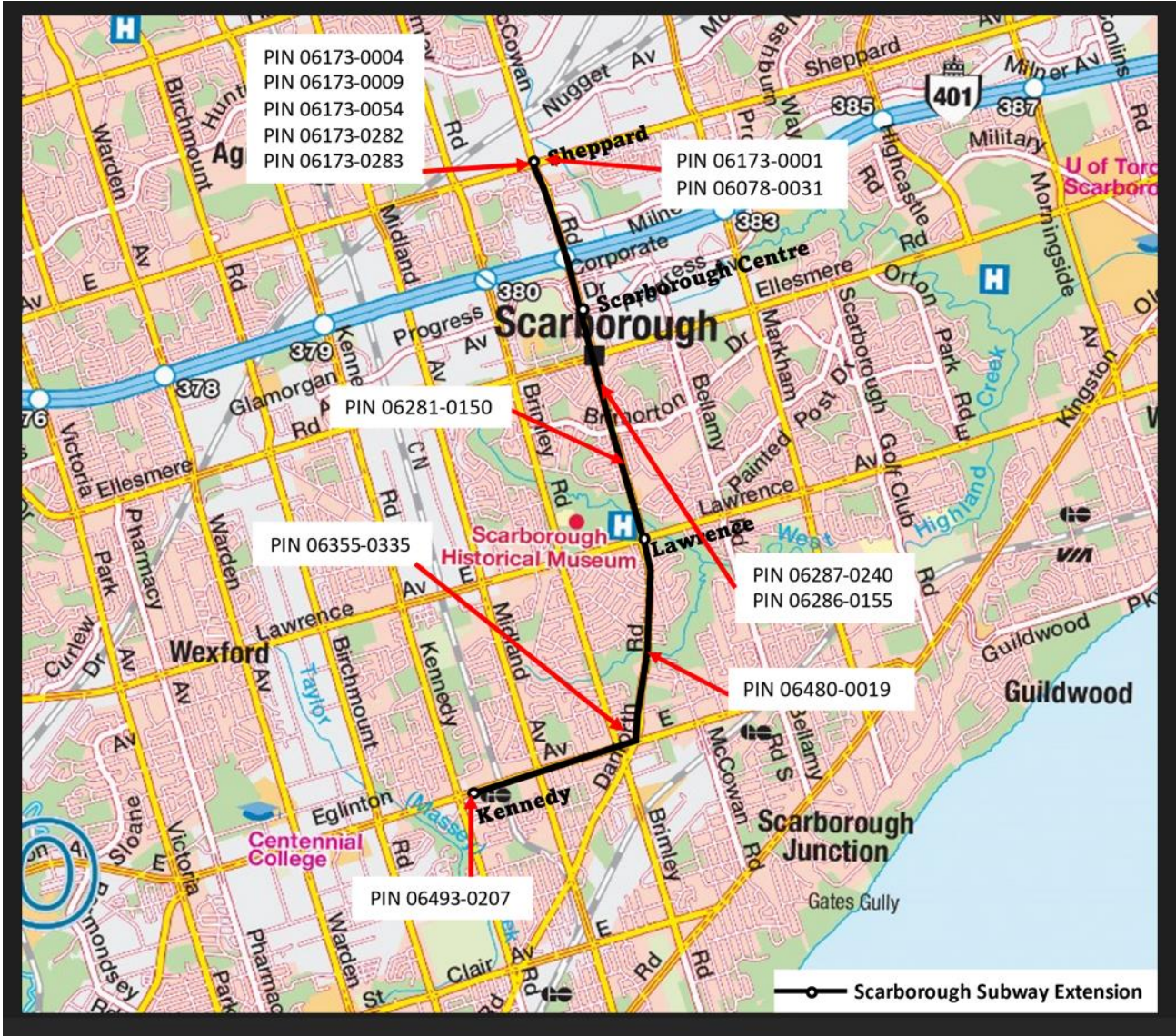
Removal and Restoration:

With the exception of the areas that will be acquired by Metrolinx on a permanent basis by way of fee simple interest or permanent easement on the expiry or early termination of the Agreement, Metrolinx shall repair at its own expense and to the satisfaction of the City, acting reasonably, all damage to the Property and improvements thereon caused by the use of the Property by Metrolinx or its Authorized Users and shall restore the Property to substantially the same condition that the Property was in prior to the commencement of the Agreement.

Appendix "B"

Location Map

Appendix “B”- Map of Areas to be Licensed



Appendix “C” – Legal Descriptions and Property Requirements

#	PIN	ADDRESS	REQUIREMENT AREA (SM)	PROPOSED USE
1	06173-0283	1-ft Reserve Closed Road Allowance (Sidewalk/Boulevard)	4	To support cut and cover construction of connection
		North East Corner of Sheppard Avenue East and McCowan Road	4	Infrastructure connecting Sheppard Station Box and EEB 8
2	06173-0004	1-ft Reserve (Sidewalk/Boulevard)	2	To support cut and cover construction Sheppard Station Box
		North East Corner of Sheppard Avenue East and McCowan Road	1	3m maintenance buffer for Sheppard Station Box
3	06173-0054	1-ft Reserve (Sidewalk/Boulevard) North East Corner of Sheppard Avenue East and McCowan Road	0.1	To support cut and cover construction Sheppard Station Box
4	06173-0282	1-ft Reserve (Sidewalk/Boulevard) North East Corner of Sheppard Avenue East and McCowan Road	1	To support cut and cover construction Sheppard Station Box
			1	3m maintenance buffer of the infrastructure connecting Sheppard Station Box and EEB 8
5	06355-0335	1-ft Reserve (Sidewalk/Boulevard) South West Corner of Eglinton Avenue East and Danforth Road	8	To support cut and cover construction of EEB 2 connection
6	06287-0240	1-ft Reserve (Sidewalk/Boulevard) North West Corner of Ellesmere Road and McCowan Road	3	To support cut and cover construction of EEB 6 connection
			3	Infrastructure connecting EEB 6 headhouse to tunnel & 3m maintenance buffer
7	06286-0155	1-ft Reserve (Sidewalk/Boulevard) North West Corner of Ellesmere Road and McCowan Road	6	To support cut and cover construction of EEB 6 connection
			6	3m maintenance buffer of infrastructure connecting EEB 6 headhouse to tunnel
			32	Temporary THSEL utility relocation, access and construction
8	06493-0207	1-ft Reserve (Sidewalk/Boulevard) North West Corner of Eglinton Avenue East and Midland Avenue	6	To support cut and cover construction of Kennedy Station Box and demolition of existing Kennedy Tail Track infrastructure
			6	Kennedy Station Box & 3m maintenance buffer
9	06173-0009	1-ft Reserve (Sidewalk/Boulevard) North East Corner of Sheppard Avenue East and McCowan Road	1	To support cut and cover construction of connection
			1	3m maintenance buffer of the infrastructure connecting Sheppard Station Box and EEB 8
10	06173-0001	1-ft Reserve (Sidewalk/Boulevard) North East Corner of Sheppard Avenue East and McCowan Road	4	Infrastructure connecting Sheppard Station Box and EEB 8 & 3m maintenance buffer
			4	To support cut and cover construction of connection
11	06078-0031	1-ft Reserve (Sidewalk/Boulevard) South East Corner of Sheppard Avenue East and McCowan Road	10	Infrastructure connecting Sheppard Station Box and EEB 8 & 3m maintenance buffer
			10	To support cut and cover construction of connection
12	06281-0150	1ft on the east side of McCowan Rd, south of Brimorton Dr	137	Temporary THSEL utility relocation, access, construction and traffic staggering
13	06480-0019	1-ft Reserve on the east side of Danforth Rd, south of Thicketwood Dr	6	Temporary THSEL utility relocation, access, construction, traffic staggering and tiebacks commencing at 4.3m below grade.