

DELEGATED APPROVAL FORM DIRECTOR, REAL ESTATE SERVICES MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2024-286

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

Prepared By:	Trixy Pugh	Division:	Corporate Real Estate Management
Date Prepared:	December 3, 2024	Phone No.:	(416) 392-8160

Purpose To obtain authority to enter into a licence agreement (the "Licence") with Metrolinx for the purposes of all works and uses in connection with the construction of the Ontario Line Project (the "Project") over the Property (defined below) owned by TRCA and managed by the City pursuant to a master agreement dated June 14, 1961. The commencement date of the Licence is to be retroactively effective as of October 28, 2024.

Property Parcels located within the Corktown Common area and Lower Don Yard, along the Don River and Metrolinx corridor, being parts of PINs 21077-0149, 21077-0152, 21077-0156 and 21077-0275 (collectively, the "Licensed Area") as shown in Appendix "B".

Actions 1. Authority be granted to enter into the Licence 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 will receive total licence fee revenues of \$446,164 (plus HST) over the five (5) year term of the agreement. Revenues received for PIN 21077-0156 will be directed to the 2024 Approved Operating Budget for Parks, Forestry & Recreation under cost centre P00147 and function area code 1820100000 and will be included in future operating budget submissions for Council consideration.

The balance of the revenues will be directed to the 2024 Approved Operating Budget for Corporate Real Estate Management under cost centre FA1474 and will be included in future operating budget submissions for Council Consideration.

Revenues remitted to the City for each fiscal year are as follows:

CREM		PF&R (PIN 21077-0156)	
Year	Amount (plus HST)	Year	Amount (plus HST)
2024	\$9,379	2024	\$6,267
2025	\$53,491	2025	\$35,742
2026	\$53,491	2026	\$35,742
2027	\$53,491	2027	\$35,742
2028	\$53,491	2028	\$35,742
2029	\$44,111	2029	\$29,475
Total	\$267,454	Total	\$178,710

The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.

Comments Metrolinx requires the Licence for the construction of the Project, which includes advanced works, construction access, staging and storage, utility works, bridge construction and HONI transmission line relocation. Some of the Licensed Areas are planned to be transferred to Metrolinx by way of fee simple or permanent easement under a separate transfer agreement.

On December 15, 2021, City Council adopted EX28.12 titled "Metrolinx Subways Program – Real Estate Protocol and Land Valuation Principles for Subways and GO Expansion Programs". Upon its adoption, the City and Metrolinx entered into an agreement dated June 16, 2022, which included a schedule that outlined the process for real estate transactions related to the Subway Program (the "Real Estate Protocol"). The Real Estate Protocol provides a clear process for the City 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 Ontario Line.

Staff from Parks, Recreation & Forestry, Toronto Water, Waterfront Toronto and Toronto and Region Conservation Authority have no objection to the granting of the Licence. The form of the Licence is substantially in the form appended to the Real Estate Protocol.

Continued on page 4

Terms See Appendix "A"

Property Details	Ward:	10 – Spadina-Fort York 13 – Toronto Centre
	Approximate Area:	4,194 m ² ± (45,144 ft ² ±)
	Other Information:	

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 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 checked="" 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:	Chris Moise, Ausma Malik					Councillor:					
Contact Name:	Chris Moise, Ausma Malik					Contact Name:					
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Contacted by:	Phone		E-mail	
Comments:	Consulted					Comments:					

Consultation with Divisions and/or Agencies

Division:	PF&R, TW, WT, TRCA, TE					Division:	Financial Planning				
Contact Name:						Contact Name:	Ciro Tarantino				
Comments:	Incorporated into DAF					Comments:	Incorporated into DAF				

Legal Services Division Contact

Contact Name:	Michelle Xu										
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DAF Tracking No.: 2024-286		Date	Signature
<input checked="" type="checkbox"/> Recommended by:	Manager, Real Estate Services Niall Robertson	Dec. 3, 2024	Signed by Niall Robertson
<input type="checkbox"/> Approved by:			
<input checked="" type="checkbox"/> Approved by:	Director, Real Estate Services Alison Folosea	Dec. 6, 2024	Signed by Alison Folosea

<p>Comments</p>	<p>On June 26, 2024, City Council authorized staff report EX15.2 titled “Priorities in Transit Expansion and Transit-Oriented Communities Projects”. The report contained a recommendation that requires 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 on residential tenants and businesses. Therefore, TE confirms that Metrolinx has satisfied the conditions set out in EX15.2 relating to the Licensed Areas.</p> <p>The proposed licence fees and other major terms and conditions of the Licence are considered to be fair, reasonable and reflective of market rates.</p>
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Appendix "A"

Major Terms and Conditions

Option for Extension: Metrolinx shall, upon six (6) months prior written notice to the City, have the unilateral right to extend the Licence for: (i) up to four (4) years from the expiry of the Term; or (ii) with respect to the parts of the Licensed Areas to be acquired by Metrolinx, up to the date on which such parts are transferred to Metrolinx by way of fee simple transfer or permanent easement, whichever is the latter.

Extension Term Licence Fee: in the event that Metrolinx requests an Extension Term, and the aggregate of the Extension Term and the Term equals a period of five (5) years or greater, the Licence Fee for the Extension Term payable to the City by Metrolinx on the sixth (6th) year shall be increased by six percent (6%) and, thereafter, the Licence Fee for each additional extension year shall increase annually based on the annual average rate of Consumer Price Index (CPI) applicable to the City of Toronto, of the preceding year, which fees shall be effective and payable as of the date of commencement of the Extension Term and each additional extension year, plus applicable HST.

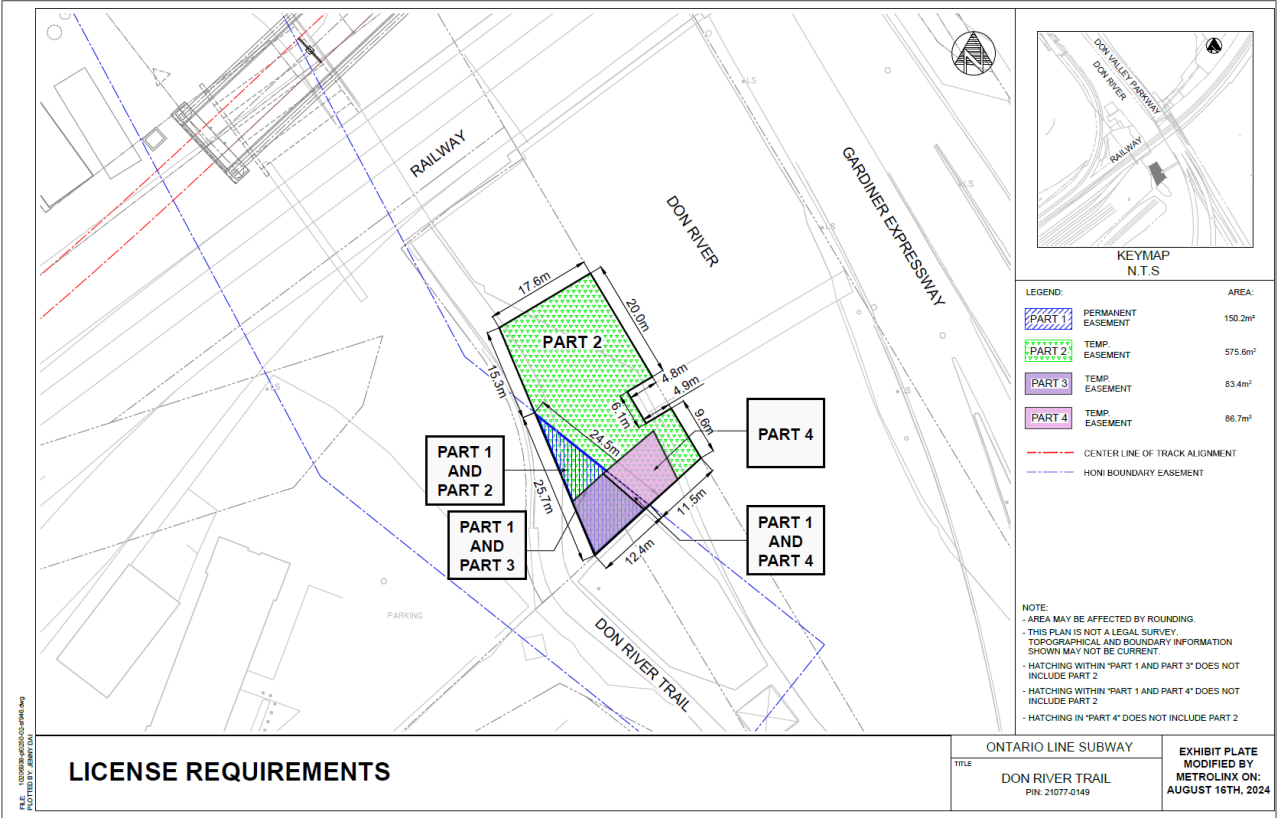
Early Termination: Metrolinx shall have the right to terminate this License at any time during the Term or the Extension Term upon giving not less than thirty (30) days prior written notice to the City. In the event of any such termination, any pre-paid portion of the License Fee (as defined below) shall be refunded to Metrolinx on a pro-rated basis.

Appendix "B"

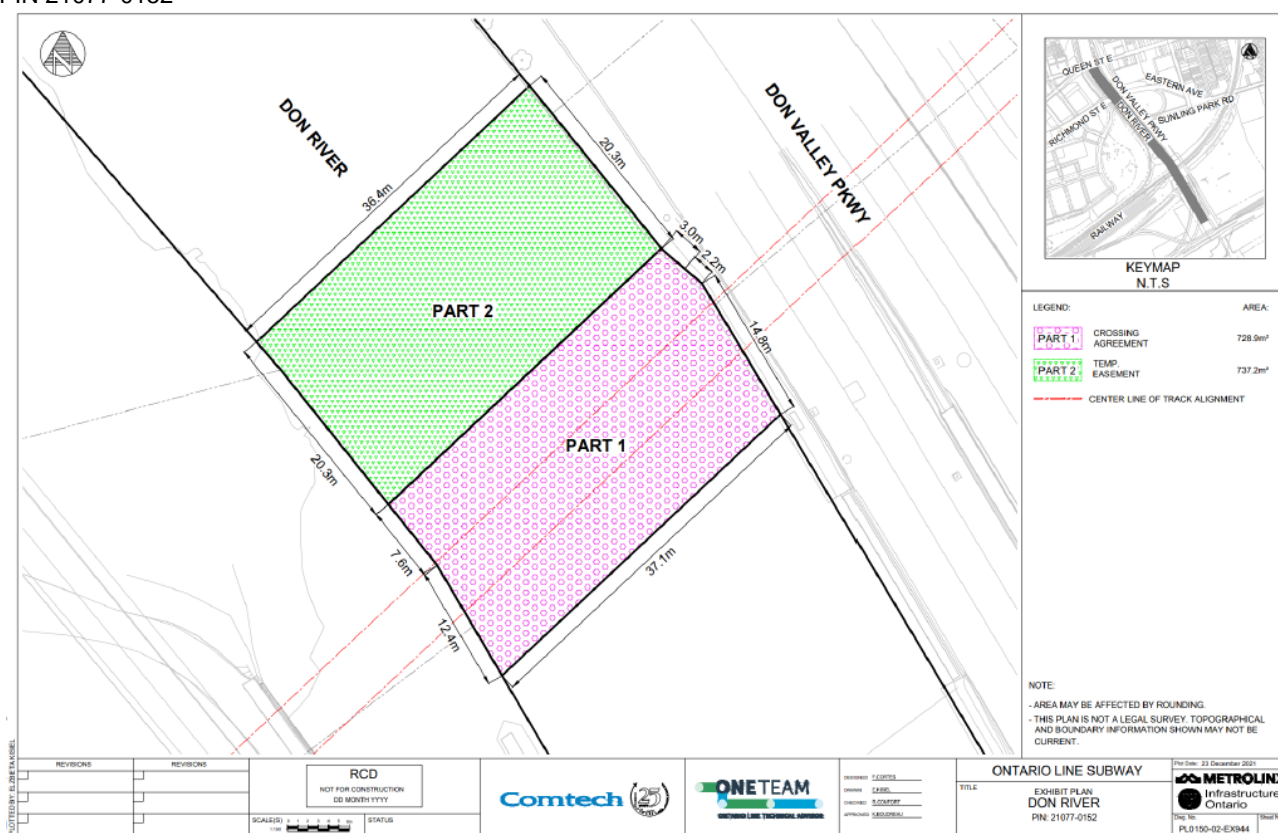
Location Map



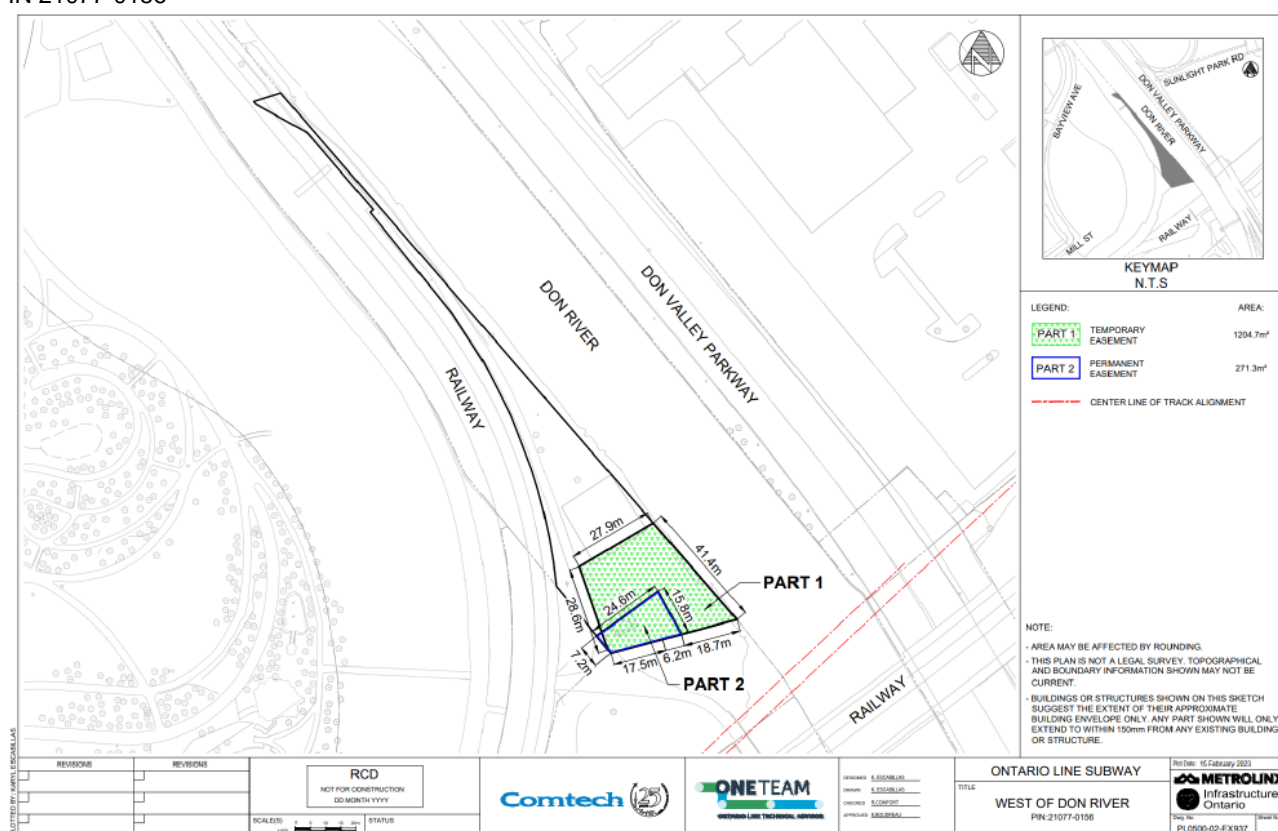
PIN 21077-0149



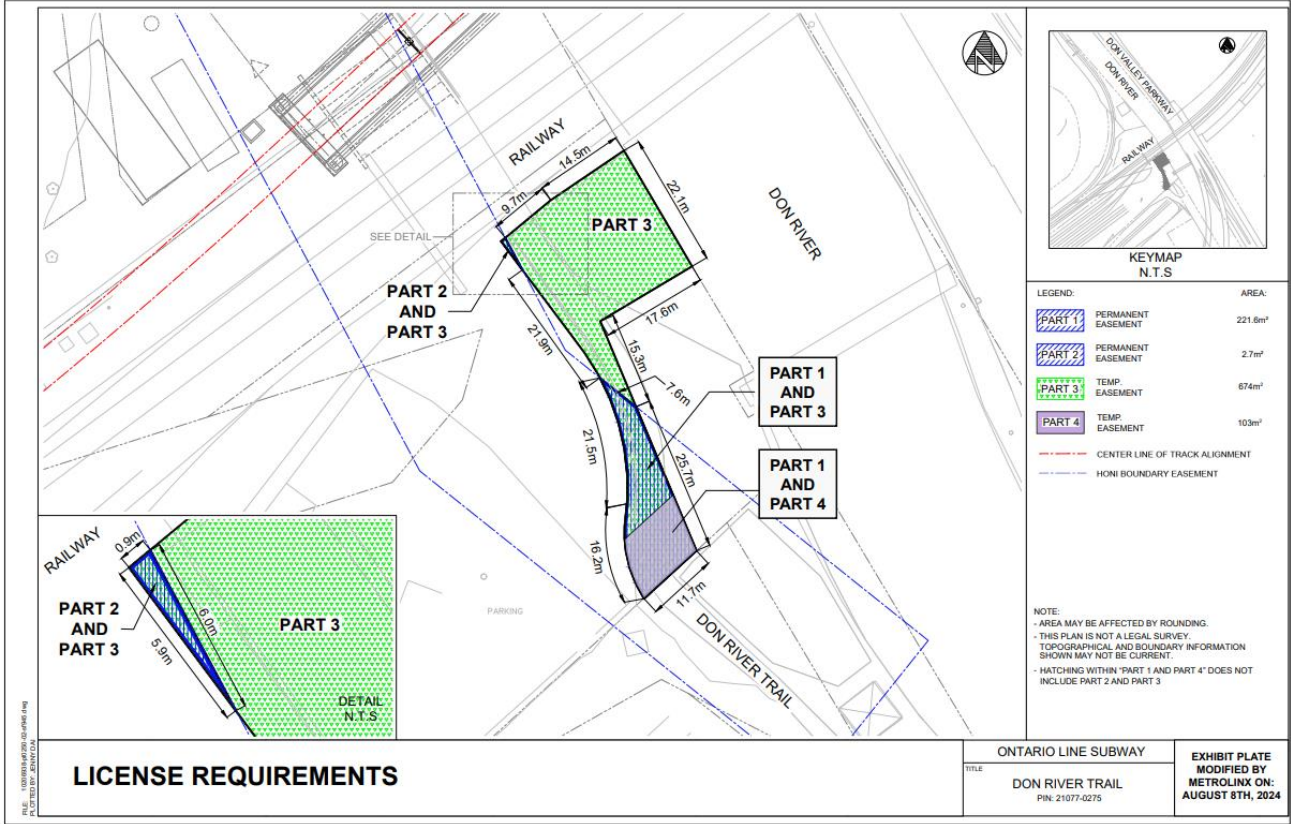
PIN 21077-0152



PIN 21077-0156



PIN 21077-0275



LEGEND:	AREA:
PART 1	PERMANENT EASEMENT 221.6m ²
PART 2	PERMANENT EASEMENT 2.7m ²
PART 3	TEMP. EASEMENT 674m ²
PART 4	TEMP. EASEMENT 103m ²
CENTER LINE OF TRACK ALIGNMENT	
HONI BOUNDARY EASEMENT	

NOTE:

- AREA MAY BE AFFECTED BY ROUNDING.
- THIS PLAN IS NOT A LEGAL SURVEY. TOPOGRAPHICAL AND BOUNDARY INFORMATION SHOWN MAY NOT BE CURRENT.
- HATCHING WITHIN 'PART 1 AND PART 4' DOES NOT INCLUDE PART 2 AND PART 3

LICENSE REQUIREMENTS

ONTARIO LINE SUBWAY

TITLE
DON RIVER TRAIL
PIN: 21077-0275

EXHIBIT PLATE
MODIFIED BY
METROLINX ON:
AUGUST 8TH, 2024