

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

TRACKING NO.: 2024-198
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:	Leila Valenzuela	Division:	Corporate Real Estate Management
Date Prepared:	December 9, 2024	Phone No.:	(416) 392-7174
Purpose	To obtain authority to enter into an agreement (the "Agreement") made pursuant to Section 24 of the Expropriations Act (the "Act") between Metrolinx and the City regarding the extension of the existing temporary easement expropriated by Metrolinx (the "Existing Temporary Easement") in portions of Union Station to facilitate the construction of the Union Station Enhancement Project (the "Project") as part of the GO Expansion Program.		
Property	Portions of the property known as Union Station at 61/65/71 & 97 Front Street West, more particularly the areas designated as Parts 8, 10, 15 through 25 (inclusive) and 42 on the expropriation plan registered as Instrument No. AT5337436 (Land Titles) / CA816767 (Registry), (the "Temporary Easement Lands"), as shown and described in Appendix "A".		
Actions	<ol style="list-style-type: none"> Authority be granted to enter into the Agreement, substantially on the terms and conditions outlined below and in the Confidential Attachment, including such other or amended terms and conditions as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor. 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	The total compensation offered to the City for the temporary easement is set out in the Confidential Attachment. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.		
Comments	<p>On January 9, 2020, with the registration of Expropriation Plan Nos. AT5337436 and CA816767, Metrolinx expropriated the Existing Temporary Easement, set to expire on December 31, 2024, to facilitate the Project. As per Item 2020.EX16.6, City Council authorized the Deputy City Manager, Corporate Services to approve and execute any necessary easements, operating agreements and/or amendments to the existing reciprocal rights agreement between the City and Metrolinx that are required as a result of Metrolinx's expropriation of property at Union Station and construction of the Project.</p> <p>On September 19, 2024, Metrolinx registered two Plans of Expropriation (AT6663517 and AT6663753) thereby extending the Existing Temporary Easement over the Temporary Easement Lands for an additional four years. On September 25, 2024, Metrolinx served the City and the City's tenant, Osmington (Union Station Inc.), with Notices of Expropriation, Notices of Election and Notices of Possession in accordance with the Act.</p> <p>At its meeting on October 9, 10 & 11, 2024, City Council adopted Item 2024.CC22.4 regarding litigation related to Metrolinx's expropriation of parts of Union Station for the Project. Recommendations are contained in the Confidential Attachment of that report.</p> <p>This Agreement is being sought for approval for the terms outlined in Appendix "B".</p>		
Terms	See Appendix "B" for Section 24 major terms and conditions:		
Property Details	Ward:	10 – Spadina -Fort York	
	Assessment Roll No.:		
	Approximate Size:		
	Approximate Area:	See Appendix "A"	
	Other Information:		

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate 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 \$3 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p>Request/waive hearings of necessity delegated to less senior positions.</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><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 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 \$3 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$3 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 \$3 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>	<p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p><input checked="" type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p>Request/waive hearings of necessity delegated to less senior positions.</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><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 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 \$5 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p><input type="checkbox"/> (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.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$5 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 \$5 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. 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

☒ Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property

Consultation with Councillor(s)

Councillor:	Councillor Malik	Councillor:	
Contact Name:	Nora Cole	Contact Name:	
Contacted by:	Phone <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

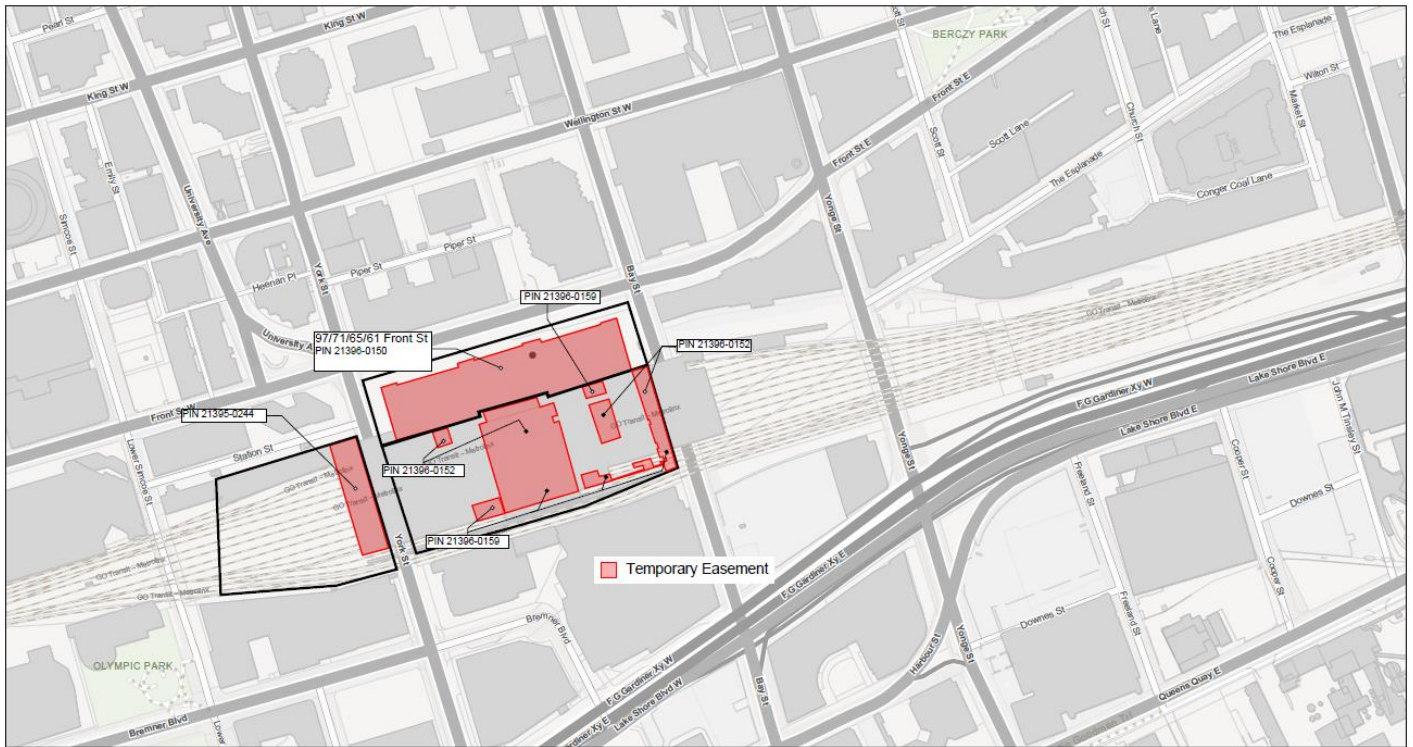
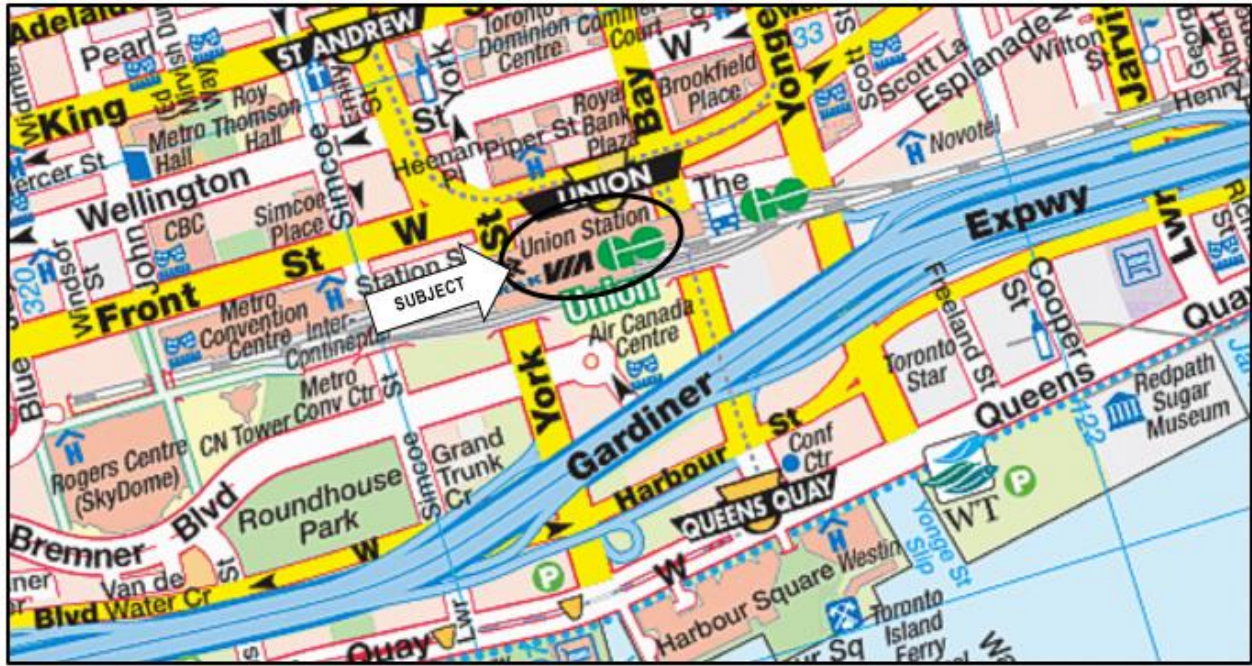
Division:	CREM – Union Station	Division:	Financial Planning
Contact Name:	Diane Silver	Contact Name:	Ciro Tarantino
Comments:	Comments have been incorporated	Comments:	No concerns

Legal Services Division Contact

Contact Name:	Jacqueline Kiggundu
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DAF Tracking No.: 2024-198	Date	Signature
Recommended by: Acting Manager, Real Estate Services Diane Silver	Dec. 12, 2024	Signed by Diane Silver
Recommended by: Interim Director, Real Estate Services Scott Barrett	Dec. 12, 2024	Signed by Scott Barrett
<input checked="" type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management Patrick Matozzo	Dec. 16, 2024	Signed by Patrick Matozzo
<input checked="" type="checkbox"/> Approved by: Deputy City Manager, Corporate Services David Jollimore	Dec. 20, 2024	Signed by David Jollimore

Appendix "A" Location Map and Temporary Easement Lands



<p>Temporary Exclusive Easement from Jan. 1, 2025 to December 31, 2028</p>	<p>PIN Nos: 21396-0150 (LT) 21396-0159 (LT) 21396-0152 (LT) 21395-0244(LT)</p>	<ul style="list-style-type: none"> • Head House – Part 25 on Plan 66R-30921 (also referred as Part 25 on Expropriation Plan AT5337436) • Concourse - Parts 1, 2, 7, 10 & 13 on Reference Plan 66R-34086 • Concourse - Parts 4, 6, 8, 9, 11 & 12 on Reference Plan 66R-34086 • Concourse – Part 5 on Reference Plan 66R-34086 	<p>Total Easement Land Area (approx):</p> <p>30,386 m2</p>
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Appendix "B"

Section 24 - Major Terms and Conditions

- The City waives and releases Metrolinx from compliance with the procedural and substantive requirements of the Act, including but not limited to those set out in sections 6, 7, 8, 9, 10, 25, 39, 41 and 42;
- Notwithstanding the date for possession as set out in the Notice of Possession, the parties agree and acknowledge that Metrolinx shall have the legal right to obtain possession of the Temporary Easement Lands from January 1, 2025 to December 31, 2028.
- Metrolinx agrees to pay the City the Temporary Easement compensation outlined in the Confidential Attachment which the City may divide the compensation with its tenant, Osmington (Union Station Inc.), who leases the Temporary Easement Lands from the City, as the City sees fit. The payment shall be without prejudice to the City's respective right to claim further compensation in accordance with the Act.
- Metrolinx agrees to pay reasonable legal fees and disbursement incurred by the City in connection with the negotiation and completion of the Agreement, as well as in the determination of the final compensation.
- In addition to the payment of the compensation, Metrolinx shall pay to the City the rate for the Temporary Easement in the proceedings bearing Case Nos. OLT File No. 23-000158 and OLT-23-000343 for the term and square footage of the Temporary Easement acquired. If there is any dispute about the amount owed pursuant to the Agreement upon conclusion of the proceedings bearing Case Nos. OLT File No. 23-000158 and OLT-23-000343, the City may commence an Application to the Tribunal to determine the amount of compensation and may rely on the decision in Case Nos. OLT File No. 23-000158 and OLT-23-000343 in that application. Any payments pursuant to this paragraph shall be subject to adjustment based on the final decision in Case Nos. OLT File No. 23-000158 and OLT-23-000343.
- The Agreement will be in effect upon its execution.