

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

TRACKING NO.: 2024-320

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

Prepared By:	Joe Corigliano	Division:	Corporate Real Estate Management
Date Prepared:	December 11 th 2024	Phone No.:	(416) 392-7205

Purpose	To obtain authority to sell a portion of a City-owned parcel of land located at 13 Barberry Place to, the adjacent property owner, 2594025 Ontario Inc. (the "Purchaser")		
Property	Part of the property municipally known 13 Barberry Place, Toronto, Ontario, being Part of Lot 1, Registered Plan 4797, City of Toronto (formerly City of North York) being part of Part 2, Expropriation Plan AT4797618, being Part of PIN 10090-0046 (LT), as shown cross hatched in blue on the attached sketch in Schedule "A" (the "Property")		
Actions	<ol style="list-style-type: none"> Authority be granted to accept an offer from the Purchaser to purchase the Property (the "Offer") for the sum of \$1,120,000.00 (plus HST), substantially on the terms outlined in Appendix "A", and including such other terms and conditions as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor. A portion of the proceeds of the sale be directed to fund the outstanding expenses related to the completion of the sale transaction. 		
Financial Impact	<p>The City will receive revenue in the amount of \$1,120,000.00, (exclusive of HST and applicable taxes and fees), less closing costs and the usual adjustments. The proceeds will be contributed to the Land Acquisition Reserve Fund (XR1012) upon closing of the transaction.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>		
Comments	<p>The Property, together with lands to the south cross-hatched in red on Appendix "B", was expropriated by the City by Expropriation Plan AT4797618, registered on February 6, 2018, for road construction purposes. Subsequently, the City determined that the Property is not required for its purposes.</p> <p>An affiliate of the Purchaser is proposing a residential development on the Lands immediately north of the Property, and has expressed interest in purchasing the Property to improve access to this development..</p> <p>The Property was declared surplus on February 15, 2023 by DAF 2023-052 with the intended manner of disposal to by way of inviting an offer to purchase from the adjacent owner.</p> <p>By adoption of General Government Committee Item GG2.21 on March 29, 30, and 31, 2023, City Council, pursuant to the <i>Expropriations Act</i>, authorized the disposition of the Property without giving the owner from whom it was expropriated the first chance to repurchase the Property.</p> <p>All steps necessary to comply with the City's real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code have been complied with.</p> <p>The Offer is considered fair, reasonable and reflective of market value, and it is recommended for acceptance substantially on the major terms and conditions set out in the terms below.</p>		
Terms	See Appendix "A" - Major Terms and Conditions		

Property Details	Ward:	17 - Don Valley North
	Assessment Roll No.:	190811305003450
	Approximate Size:	
	Approximate Area:	215.4 m2 ± (2,318.55 ft2 ±)
	Other Information:	

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate Services has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
2A. Expropriations Where City is Expropriating Authority:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.	<input type="checkbox"/> 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 in Property Being Expropriated:	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.
	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:	<input type="checkbox"/> Issuance of RFPs/REOIs.	<input type="checkbox"/> Issuance of RFPs/REOIs.
4. Permanent Highway Closures:	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.	<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:	<input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.	<input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
7. Disposals (including Leases of 21 years or more):	<input checked="" type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.	<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 \$3 Million.	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$5 Million.
	<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.	<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.
	Delegated to a more senior position.	<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.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> (a) Where total compensation does not exceed \$3 Million. <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.	<input type="checkbox"/> (a) Where total compensation does not exceed \$5 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 \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
14. Miscellaneous:	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences
	<input type="checkbox"/> (b) Releases/Discharges	<input type="checkbox"/> (b) Releases/Discharges
	<input type="checkbox"/> (c) Surrenders/Abandonments	<input type="checkbox"/> (c) Surrenders/Abandonments
	<input type="checkbox"/> (d) Enforcements/Terminations	<input type="checkbox"/> (d) Enforcements/Terminations
	<input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates	<input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates
	<input type="checkbox"/> (f) Objections/Waivers/Cautions	<input type="checkbox"/> (f) Objections/Waivers/Cautions
	<input type="checkbox"/> (g) Notices of Lease and Sublease	<input type="checkbox"/> (g) Notices of Lease and Sublease
	<input type="checkbox"/> (h) Consent to regulatory applications by City, as owner	<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"/> (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"/> (j) Documentation relating to Land Titles applications
	<input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds	<input type="checkbox"/> (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:
<ul style="list-style-type: none"> • 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:	Shelley Carroll				Councillor:				
Contact Name:	Tom Gleason				Contact Name:				
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other		
Comments:	No Objection				Comments:				

Consultation with Divisions and/or Agencies

Division:	Transportation Services	Division:	Ciro Tarantino
Contact Name:	Sonali Praharaj	Contact Name:	Financial Planning
Comments:	No Objections	Comments:	No Objection

Legal Services Division Contact

Contact Name: **Jake Payne**

DAF Tracking No.: 2024-320	Date	Signature
Recommended by: Manager, Real Estate Services Niall Robertson	Dec. 16, 2024	Signed by Niall Robertson
Recommended by: Director, Real Estate Services Alison Folosea	Dec. 17, 2024	Signed by Alison Folosea
<input type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management	Dec. 18, 2024	Signed by Patrick Matozzo
<input checked="" type="checkbox"/> Approved by: Patrick Matozzo		
<input type="checkbox"/> Approved by: Deputy City Manager, Corporate Services David Jollimore		N/A

Appendix "A"**Major Terms and Conditions**

Irrevocable Date: 30 days after execution of the Offer to Purchase (the "Offer") by the Purchaser

Purchase Price: \$1,120,000.00

Deposit: \$100,000.00

Balance: \$1,020,000.00 (Certified cheque on closing), subject to usual adjustments

Demolition of Existing Home on Property: The City covenants to use all reasonable expediency to demolish the Existing Home by December 31, 2024 (the "Demolition Date"). The City has the right, on prior notice to the Purchaser, to extend the Demolition Date by up to 30 days. Forthwith upon completion of demolition of the Existing Home, the City shall provide Notice of completion of such demolition to the Purchaser (the "Completion Notice"). The City confirms that the demolition has already commenced.

Reference Plan: The Purchaser shall, at its own expense, prepare a reference plan showing the Property and adjoining City-retained lands for the City's review and approval, and deposit the reference plan on title.

Purchaser's Title Requisition Period: 15 days following receipt of the Completion Notice.

Purchaser's Environmental Due Diligence Period: 30 days following receipt of the Completion Notice.

Closing Date: 30th day following expiry of Purchaser's Environmental Due Diligence Period

Purchaser's Closing Conditions:

- a) the City having fully demolished the Existing Home;
- b) certification of the Reference Plan by the Land Registry Office ("LRO"); and
- c) The City performing all of its covenants and obligations under the Agreement.

City's Closing Conditions:

- a) the City having fully demolished the Existing Home;
- b) certification of the Reference Plan by the LRO; and
- c) the Purchaser performing all of its covenants and obligations under the Agreement.

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Appendix "B"

Location Map

