



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

TRACKING NO.: 2025-149

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

Prepared By:	Jack Harvey	Division:	Corporate Real Estate Management
Date Prepared:	June 2, 2025	Phone No.:	(416) 397-0790
Purpose	To obtain authority to enter into (a) a permanent easement agreement (the "Easement") with the City of Toronto Economic Development Corporation (carrying on business as Toronto Port Lands Company) (referred to as "TEDCO" herein) and (b) a Consent Agreement (the "Consent") with the Toronto Hydro-Electric Limited ("THESL"), TEDCO'S long-term tenant. Both agreements are required in connection with the Don River Central Waterfront Wet Weather Flow Project with respect to the property municipally known as part of 500 Commissioners Road, Toronto, located at the corner of Lakeshore Blvd and Carlaw Avenue, for the purpose of the construction, use, operation, repair and maintenance of adit shaft and tunnel infrastructure.		
Property	Permanent Easement interest in lands being designated as Parts 1 and 2 on Reference Plan 66R-32542 (the "Easement Lands") being Part of Block A, Plan 650E {Part of 21385-0090(LT)}		
Actions	<ol style="list-style-type: none"> The City enter into an Easement with TEDCO in respect of the Easement Lands, substantially on the terms and conditions set out in Appendix "A" attached hereto, and any other terms the Deputy City Manager, Internal Corporate Services may deem appropriate, and in a form satisfactory to the City Solicitor; The City enter into a Consent with THESL, the tenant of TEDCO, substantially on the terms and conditions set out in Appendix "A" attached hereto and any other terms the Deputy City Manager, Internal Corporate Services may deem appropriate, and in a form satisfactory to the City Solicitor. 		
Financial Impact	<p>The fee, payable to THESL, in respect of the Consent (to the Easement) is \$94,000. Plus, HST together with legal fees not to exceed \$4,000.00 plus, HST. Consideration payable to TEDCO for the Easement is nominal. There are related land registration costs not to exceed \$300.00. Funding is available 2019-2028 Council approved Capital budget and Plan for -Toronto Water (CWW480-01)</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.</p>		
Comments	<p>The Don River & Central Waterfront Wet Weather Flow Program will protect water quality in the Lower Don River and the Inner Harbour by keeping combined sewer overflow out of City waterways by capturing it within a continuous tunnel system, transporting it for treatment and storing it during extreme rainstorms until system capacity is restored and water can be transported for treatment at the Ashbridges Bay facility. The program is made-up of several individual projects that will work together.</p> <p>Stage one project is the Coxwell Bypass Tunnel Project which includes 12 wet weather flow storage shafts along the tunnel. The adit shaft and tunnel on a TEDCO owned/THESL leased site, at the south east corner of Lakeshore Boulevard and Carlaw Avenue, connects to the main tunnel beneath Lakeshore Boulevard The Easement to be acquired from TEDCO will confirm the right to construct, exercised originally through a licence agreement with THESL (DAF 2019-213; extended under DAF 2022-022) together with the right to operate, maintain, and repair the infrastructure. A Consent is required from THESL, the long-term TEDCO tenant. While TEDCO will grant the Easement to the City for nominal consideration, THESL is requiring market payment to grant their consent to the transaction.</p> <p>Corporate Real Estate Services staff has reviewed and confirmed the terms and conditions of the Easement Agreement are reasonable in accordance with market value.</p>		
Terms	See Page 4.		
Property Details	Ward:	14 – Toronto Danforth	
	Assessment Roll No.:	N/A	
	Approximate Size:	220.1 square metres (Part 1 is a stratified interest)	
	Approximate Area:	N/A	
	Other Information:	N/A	

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/REOIs:</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/REOIs.</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:	Paula Fletcher	Councillor:	
Contact Name:	Nicholas Valverde	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> E-Mail <input checked="" 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:	Approved – May 28, 2025	Comments:	

Consultation with Divisions and/or Agencies

Division:	ECS - Infrastructure & Development	Division:	Financial Planning
Contact Name:	Robert Mayberry	Contact Name:	Ciro Tarantino
Comments:	Approved – June 2, 2025	Comments:	Approved – June 2, 2025

Legal Services Division Contact

Contact Name:	Jennifer Davidson
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DAF Tracking No.: 2025-149	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Eric Allen (Acting)	02-JUN-2025	Signed by Eric Allen (Acting)
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	05-JUN-2025	Signed by Alison Folosea

Appendix "A"

Major Terms and Conditions

Landlord/Transferee: City of Toronto Economic Development Corporation carrying on business as Toronto Port Lands Company

Tenant: Toronto Hydro-Electric Limited

Transferee: City of Toronto

Interest: Permanent Easement through, in, under the Easement Lands

Fee: Consent Fee payable to THESL = Total of \$98,500. (Inclusive of HST) together with legal fees not to exceed \$4000.00 plus HST

Use: Solely for the construction, use, operation, repair and maintenance of the easement infrastructure (Permitted Activities)

Significant Terms:

- (1) Use of the lands only for Permitted Activities and covenant not to interfere with THESL's use and operations of the leased lands;
- (2) Repair and restoration of the Easement Lands by the Transferee together with proper operations and upkeep of the Easement Infrastructure;
- (3) THESL has access rights for grass cutting and other maintenance;
- (4) Prohibition on the installation of fencing, hoarding, or changes to the Easement Infrastructure without the prior consent and approval of THESL;
- (5) Prohibition on use, deposit, of storage of hazardous substances;
- (6) Protection of all utilities, trees, and hardscape on the Easement Lands;
- (7) Inclusion of discussion, mitigation, and staff escalation provisions in the event of interference by the Transferee on THESL use and operations of the adjacent land;
- (8) Compliance with all federal, provincial, and municipal legislation, rules, bylaws, etc. This includes compliance with THESL policies;
- (9) No assignment of any or all of the Transferee's interest without consent;
- (10) Complete indemnity of THESL and TEDCO by the Transferee; and
- (11) Transferee to provide proof of insurance coverage as follows: 5 million per occurrence Commercial General Liability including standard coverages and sudden and accidental pollution, owner/contractors protective liability together with a cross liability/severability of interest clause; THESL and TEDCO as additional insured

Appendix "B"

Reference Plan

