

Authority: Executive Committee Item EX29.5, as adopted by City of Toronto Council on December 5, 6, and 7, 2017

CITY OF TORONTO

Bill 1408

BY-LAW -2017

To amend City of Toronto Municipal Code Chapter 279, Toronto Transit Commission, to amend the delegated real estate approval process.

Whereas Council has authorized changes to Municipal Code Chapter 279, Toronto Transit Commission, to establish new provisions with respect to the delegated real estate approval process for real estate transactions at the Toronto Transit Commission.

The Council of the City of Toronto enacts:

1. Municipal Code Chapter 279, Toronto Transit Commission is amended as follows, by:

A. Adding a new Subsection 279-6 as follows:

§ 279-6. Delegated real estate authority.

A. As used in this Section, the following term shall have the meaning indicated:

REAL ESTATE APPROVAL PROCESS - the real estate service delivery model and delegated authority approval process as set out in Item EX27.12, adopted by Council at its meeting of October 2, 3 and 4, 2017, including any amendments as approved by Council from time to time.

B. The Toronto Transit Commission shall have authority to approve and enter into licences and leases for the use of lands under the jurisdiction of the Toronto Transit Commission on terms acceptable to the Toronto Transit Commission Board, including insurance and indemnification provisions, and in a form satisfactory to the General Counsel of the Toronto Transit Commission, provided that:

(1) the term of the arrangement, including all licences and leases, and rights of extension or renewal, is

(a) for a total period of one (1) year or less; or

(b) where the arrangement relates to only a portion of an existing building or structure, for a total period of three (3) years or less, and

(c) subject to a right of termination in favour of the Toronto Transit Commission, exercisable upon not greater than 90 days' prior notice;

- (2) the total rent or licence fee payable to the Toronto Transit Commission pursuant to such arrangement does not exceed \$50,000;
- (3) the start date for the use shall not be later than six (6) months from the date the licence or lease was issued; and
- (4) the fee(s) payable to the Toronto Transit Commission in relation to such arrangements reflects fair market value.

- C. Where the proposed transaction does not meet the criteria set out in Subsection B, the transaction shall be directed through the Real Estate Approval Process.
- D. Where the Toronto Transit Commission wishes to proceed with a transaction that falls outside of the scope of authority delegated by Council pursuant to the Real Estate Approval Process, the Toronto Transit Commission shall seek Council approval for such transaction by way of a joint report to Council from the Toronto Transit Commission and the Deputy City Manager, Internal Corporate Services.
- E. Any property interest acquired or held in the name of the Toronto Transit Commission shall be deemed to be acquired or held by the Toronto Transit Commission in its capacity as an agent of the City, and for the purpose of a transportation system provided by the City, within the meaning of *City of Toronto Act, 2006*, or any successor legislation.
- F. Toronto Transit Commission shall assist in the implementation of transactions proposed by the Deputy City Manager, Internal Corporate Services with respect to property under the jurisdiction of, or registered in the name of, the Toronto Transit Commission, as requested by the Deputy City Manager, Internal Corporate Services.

2. This by-law shall come into force on January 1, 2018.

Enacted and passed on December , 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)