



**STAFF REPORT  
ACTION REQUIRED**

**Renewal of Licence for Outdoor Patio at 100 Queen Street West**

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| <b>Date:</b>             | June 18, 2008   |
| <b>To:</b>               | General Management Committee                            |
| <b>From:</b>             | Chief Corporate Officer                                 |
| <b>Wards:</b>            | Ward No. 27 (Toronto Centre-Rosedale)                   |
| <b>Reference Number:</b> | P:\2008\Internal Services\F&re\Gm08064F&re – (AFS 8090) |

**SUMMARY**

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The purpose of this report is to obtain Council’s authority for renewal of a licence agreement for one (1) year with University of Toronto (the ‘Licensee’) commencing on April 1, 2008 and expiring on March 31, 2009 for an outdoor patio and garden area. The proposed renewal would be substantially on the terms and conditions outlined in Appendix “A” to this Report.

**RECOMMENDATIONS**

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**The Chief Corporate Officer recommends that:**

1. Council authorize the proposed one (1) year renewal of a licence agreement with University of Toronto (the “Licensee”) for the outdoor patio and garden areas at the north-west corner of Nathan Phillips Square, for approximately 986.40 square feet of total licensed area, comprising of a patio of 674.40 square feet and a garden area of 312 square feet. The renewal term commencing on April 1, 2008 will be expiring on March 31, 2009. The licence fee will be \$4,930.00 net per annum, plus GST and all of the costs and expenses of maintaining and operating the property and all taxes, if any. The proposed renewal would be substantially on the terms and conditions outlined in Appendix “A” to this Report;
2. The Chief Corporate Officer be authorized to administer and manage the renewal agreement including the provision of any consents, approvals, notices and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction;

3. the City Solicitor be authorized to complete the renewal agreement, deliver any notices (including termination), pay any expenses and amend the commencement and other dates to such earlier or later date(s), on such terms and conditions, as she may, from time to time, determine; and
4. the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

### **Financial Impact**

The annual licence fee to the City will be \$4,930.00, plus GST. The total revenue for the one (1) year term of the licence, commencing retroactively on April 1, 2008 and ending on March 31, 2009 is \$4,930.00 plus GST. The licence fee and GST have been paid up-to-date.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### **DECISION HISTORY**

City Council, at its meeting held on May 21, 1996, approved a Licence Agreement with Singdeer Investments Limited operating as the Toronto Colony Hotel to construct a patio at the northwest corner of Nathan Phillips Square for three (3) year term. The Toronto Colony Hotel deferred construction of the patio until the spring of 1997. Due to this delay, the former City of Toronto Board of Management at its meeting held on May 1, 1997 approved a shorter term Licence Agreement of two (2) years which expired on March 31, 1999. The Licence fee was \$2,500.00 per annum plus all operating costs and taxes, if any.

The City approved on March 29, 1999 via Delegated Approval Form, Tracking No. 99-047, to renew the licence for three (3) years commencing from April 1, 1999 and ending on March 31, 2002. The Licence fee was \$2,625.00 for the first year with five percent (5%) increase for each subsequent year. The Licensee was responsible for all operating costs and taxes, if any.

By Delegated Approval Form (Tracking No. 2002-076), the City approved the renewal of a three year agreement with the annual licence fees at \$3,720.00 in year 1; \$3,906.00 in year 2 and \$4,101.00 in year three plus all applicable taxes and costs relating to the licensed area. Each party held the right also to terminate the license upon giving ninety (90) days prior written notice to the other.

In anticipation of a sale of its interest in the Toronto Colony Hotel at the request of Singdeer Investments Limited, the City via Delegated Authority (Tracking No. 2003-051), consented to the assignment of the Licence from Singdeer to the purchaser, the University of Toronto,

By Delegated Approval Form (Tracking No. 2005-005), the lease was renewed for a further term of three (3) years commencing on April 1, 2005 and expiring on March 31, 2008 with the annual licence fees at \$4,306.00 in year 1; \$4,351.00 in year 2 and \$4,481.00 in year 3 plus all applicable taxes and costs relating to the licensed area.

## **ISSUE BACKGROUND**

The Licence Agreement expired in March 31, 2008 and the Licensee requested to renew. The Nathan Phillips Square Design Team of Facilities and Real Estate Services requested the licence to be renewed for one year.

## **COMMENTS**

The term of the Renewed Licence Agreement will be one (1) year commencing on April 1, 2008 and expiring on March 31, 2009. The new licence fee will be \$4,930.00 net plus GST. The renewal, save and except for the new licence fee, will be subject to the same terms and conditions as the expired Licence, including the right of either the Licensor (the City) or the Licensee (University of Toronto) to terminate the license at any time, with a minimum of 90 days written notice to the other. There shall be no right of renewal.

The rent and realty tax have been paid to date, and the tenant is not in default of its obligation under the terms of the lease. The rent and other terms and conditions of the lease agreement reflect current market value according to market research and valuation conducted by F&RE staff.

## **CONTACT**

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## **SIGNATURE**

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Bruce Bowes, P. Eng.  
Chief Corporate Officer

## **ATTACHMENTS**

Appendix "A" – Major terms and conditions  
Appendix "B" – Location Map