
Government Management Committee

Meeting No.	19	Contact	Yvonne Davies, Committee Administrator
Meeting Date	Friday, November 21, 2008	Phone	416-392-7443
Start Time	9:30 AM	E-mail	ydavies@toronto.ca
Location	Committee Room 1, City Hall	Chair	Deputy Speaker Gloria Lindsay Luby

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Start Time 9:30 AM	E-mail ydavies@toronto.ca
Location Committee Room 1, City Hall	Chair Deputy Speaker Gloria Lindsay Luby

GM19.1	Adopted			Ward: All
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Apportionment of Property Taxes – November 2008 Hearing

City Council Decision

City Council on December 1, 2 and 3, 2008, adopted the following motions:

- City Council approve the apportionment of property tax in the amounts identified in Appendix “A” and Appendix “B” under the columns entitled “Apportioned Tax” and “Apportioned Phase In/Capping”, excluding the following applications:

Page No.	Tax Year	Original Roll Number	Tax Roll No. for Apportioned Properties	Tax Apportionment	Ward No.
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Treasurer Initiated Applications – Appendix A:

19 of 25	2007	1919 01 1 120 01700	1919 01 1 120 01801		
19 of 25	2007	1919 01 1 120 01800	Range to 1919 01 1 120 01874	\$14,933.29	4
			Total:	\$14,933.29	

Taxpayers Initiated Applications – Appendix B:

2 of 3	2008		1908 12 1 115 01501	\$72,336.42	34
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 Considered by City Council on December 1, 2 and 3, 2008

		1908 12 1 115 01500	Range to		
			1908 12 1 115 01502		
				Total:	\$72,336.42

2. City Council authorize and direct the appropriate City officials to take the necessary action to give effect thereto.

Statutory - City of Toronto Act, 2006

Committee Recommendations

The Government Management Committee recommends that City Council:

1. Approve the apportionment of property tax in the amounts identified in Appendix "A" and Appendix "B" under the columns entitled "Apportioned Tax" and "Apportioned Phase In/Capping", excluding the following applications:

Page No.	Tax Year	Original Roll Number	Tax Roll No. for Apportioned Properties	Tax Apportionment	Ward No.
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Treasurer Initiated Applications – Appendix A:

19 of 25	2007	1919 01 1 120 01700	1919 01 1 120 01801		
19 of 25	2007	1919 01 1 120 01800	Range to	\$14,933.29	4
			1919 01 1 120 01874		
				Total:	\$14,933.29

Taxpayers Initiated Applications – Appendix B:

2 of 3	2008	1908 12 1 115 01500	1908 12 1 115 01501		
			Range to	\$72,336.42	34
			1908 12 1 115 01502		
				Total:	\$72,336.42

2. Authorize and direct the appropriate City officials to take the necessary action to give effect thereto.

Committee Decision Advice and Other Information

The Government Management Committee held a statutory hearing on Friday, November 21, 2008, in accordance with the *City of Toronto Act, 2006*. No one appeared before the Committee.

Origin

(November 5, 2008) Report from Giuliana Carbone, Acting Treasurer

Summary

This report deals with 49 tax apportionment applications made by the Treasurer or to the Treasurer by an owner of land pursuant to section 322 of the *City of Toronto Act, 2006*, for the properties listed in Appendices A and B (attached).

The legislation requires Council to hold a public meeting at which the applicants and / or property owners may make representations. Council has delegated authority to hold such public meetings to the Government Management Committee.

Staff have mailed Notices of Hearing to affected taxpayers advising of the upcoming hearing before the Government Management Committee.

Background Information (Committee)

Report - Apportionment of Property Taxes - November 2008 Hearing

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17368.pdf>)

Appendix A: Apportionment Report - Treasurer Initiated Tax Apportionments (October 23, 2008)

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17369.pdf>)

Appendix B: Apportionment Report - Taxpayer Initiated Tax Apportionments (October 23, 2008)

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17370.pdf>)

GM19.2	Adopted			Ward: All
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Cancellation, Reduction or Refund of Property Taxes – November 2008 Hearing

City Council Decision

City Council on December 1, 2 and 3, 2008, adopted the following motions:

1. City Council approve the individual appeals pursuant to Section 323 of the City of Toronto Act, 2006 as provided in the Detailed Hearing Report marked as Appendix “A” attached to the report dated November 5, 2008 from the Treasurer, excluding the

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 Considered by City Council on December 1, 2 and 3, 2008

following applications:

Section 323 -Appendix A

Ward Number	Appeal Number	Tax Year	Assessment Roll Number	Property Location	Reason for Adjournment	Tax Adjustment
13	200700316	2007	1914 08 2 390 06000	3635 Dundas Street W.	Under staff review	\$ 3,297.23
28	200800446	2008	1904 06 1 270 00393	1 King St. W. 818	Under Staff review	0.00
28	200800449	2008	1904 06 1 270 00695	1 King St. W. 3104	Under staff review	0.00
28	200800420	2008	1904 06 1 270 00827	1 King St. W. 4208	Under staff review	0.00
41	2008 00 320	2007	1901 11 4 500 01500	3700 Midland Ave.	Under staff review	0.00
44	200800192	2007	1901 09 6 650 12500	6530 Lawrence Ave. E.	Under staff review	32,713.08
44	200800193	2007	1901 09 6 670 12700	6520 Lawrence Ave. E.	Under Staff review	14,945.36
44	200800194	2007	1901 09 6 670 12800	6510 Lawrence Ave. E.	Under staff review	14,859.83
44	200800195	2007	1901 09 6 670 12900	6500 Lawrence Ave. E.	Under staff review	16,722.28
					TOTAL	82,537.78

2. City Council approve the individual tax appeal applications made pursuant to section 325 of the City of Toronto Act, 2006 resulting in tax reductions totalling \$2,537.78 including reductions in Business Improvements Area charges and excluding phase-in/capping adjustments, as identified in Appendix B.

Statutory - City of Toronto Act, 2006

Committee Recommendations

The Government Management Committee recommends that City Council:

1. Approve the individual appeals pursuant to Section 323 of the City of Toronto Act, 2006 as provided in the Detailed Hearing Report marked as Appendix "A" attached to the report dated November 5, 2008 from the Treasurer, excluding the following applications:

Section 323 -Appendix A

Ward Number	Appeal Number	Tax Year	Assessment Roll Number	Property Location	Reason for Adjournment	Tax Adjustment
13	200700316	2007	1914 08 2 390 06000	3635 Dundas Street W.	Under staff review	\$ 3,297.23

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28	200800446	2008	1904 06 1 270 00393	1 King St. W. 818	Under Staff review	0.00
28	200800449	2008	1904 06 1 270 00695	1 King St. W. 3104	Under staff review	0.00
28	200800420	2008	1904 06 1 270 00827	1 King St. W. 4208	Under staff review	0.00
41	2008 00 320	2007	1901 11 4 500 01500	3700 Midland Ave.	Under staff review	0.00
44	200800192	2007	1901 09 6 650 12500	6530 Lawrence Ave. E.	Under staff review	32,713.08
44	200800193	2007	1901 09 6 670 12700	6520 Lawrence Ave. E.	Under Staff review	14,945.36
44	200800194	2007	1901 09 6 670 12800	6510 Lawrence Ave. E.	Under staff review	14, 859.83
44	200800195	2007	1901 09 6 670 12900	6500 Lawrence Ave. E.	Under staff review	16,722.28
					TOTAL	82,537.78

2. Approve the individual tax appeal applications made pursuant to section 325 of the *City of Toronto Act, 2006* resulting in tax reductions totalling \$2,537.78 including reductions in Business Improvements Area charges and excluding phase-in/capping adjustments, as identified in Appendix B.

Committee Decision Advice and Other Information

The Government Management Committee held a statutory hearing on Friday, November 21, 2008, in accordance with the *City of Toronto Act, 2006*. No one appeared before the Committee.

Origin

(November 5, 2008) Report from Giuliana Carbone, Acting Treasurer

Summary

This report deals with tax appeal applications made to the Treasurer pursuant to sections 323 and 325 of the *City of Toronto Act, 2006 (COTA)*. Section 323 permits Council to cancel, reduce or refund taxes in cases when, during the year, a property undergoes changes such as when it is destroyed by fire or demolished, becomes exempt from taxation, or is reclassified due to a change in use. Under section 325 of the *COTA*, taxpayers can request a cancellation, reduction or refund of taxes when an error in the assessment roll is identified which results in an overcharge.

The legislation requires Council to hold a public meeting where the applicants may make a submission in defence of their position. Council has delegated authority to hold such public meetings to the Government Management Committee.

Staff have mailed Notices of Hearing to affected taxpayers and recommend approval of the applications as listed in Appendices A and B.

Background Information (Committee)

Report - Cancellation, Reduction or Refund of Property Taxes - November 2008 Hearing
<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17371.pdf>

Appendix A: Council Detail Hearing Report - Section 323 of COTA, Hearing 2008H5
<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17372.pdf>

Appendix B: Council Detail Hearing Report - Section 325 of COTA, Hearing 2008H5
<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17373.pdf>

GM19.3	Adopted			Ward: 7, 14, 34
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Designation of Sites Leased by Toronto Public Health at 2300 Sheppard Avenue West, 2340 Dundas Street West and 225 Duncan Mill Road as Municipal Capital Facilities

City Council Decision

City Council on December 1, 2 and 3, 2008, adopted the following motions:

1. City Council pass a by-law pursuant to section 252 of the City of Toronto Act, 2006, providing authority to:
 - a. enter into a municipal capital facility agreement with the owners, Shepbram Investments Inc., of the property located at 2300 Sheppard Avenue West, 690981 Ontario Limited, of the property located at 2340 Dundas Street West and Dunbourne Properties Inc., of the property located at 225 Duncan Mill Road in respect of lands leased by the City of Toronto, Public Health Division; and
 - b. exempt the leased spaces at 2300 Sheppard Avenue West (6,960 square feet), 2340 Dundas Street West (34,940 square feet) and 225 Duncan Mill Road (14,859 square feet) from taxation for municipal and school purposes, which tax exemption is to be effective from the later of the following dates: the date the municipal capital facility agreement is signed; or the date the tax exemption by-law is enacted.
2. The City Clerk be directed to give written notice of the by-law to the Minister of Education, the Municipal Property Assessment Corporation, the Toronto District School Board, the Toronto Catholic District School Board, the Conseil Scolaire de District du Centre-Sud-Ouest, and the Conseil Scolaire de District du Catholique Centre-Sud.
3. Authority be granted for the introduction of the necessary bills to give effect thereto.
4. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Committee Recommendations

The Government Management Committee recommends that:

1. Council pass a by-law pursuant to section 252 of the City of Toronto Act, 2006, providing authority to:
 - a. enter into a municipal capital facility agreement with the owners, Shepbram Investments Inc., of the property located at 2300 Sheppard Avenue West, 690981 Ontario Limited, of the property located at 2340 Dundas Street West and Dunbourne Properties Inc., of the property located at 225 Duncan Mill Road in respect of lands leased by the City of Toronto, Public Health Division; and
 - b. exempt the leased spaces at 2300 Sheppard Avenue West (6,960 square feet), 2340 Dundas Street West (34,940 square feet) and 225 Duncan Mill Road (14,859 square feet) from taxation for municipal and school purposes, which tax exemption is to be effective from the later of the following dates: the date the municipal capital facility agreement is signed; or the date the tax exemption by-law is enacted.
2. The City Clerk be directed to give written notice of the by-law to the Minister of Education, the Municipal Property Assessment Corporation, the Toronto District School Board, the Toronto Catholic District School Board, the Conseil Scolaire de District du Centre-Sud-Ouest, and the Conseil Scolaire de District du Catholique Centre-Sud.
3. Authority be granted for the introduction of the necessary bills to give effect thereto.
4. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Origin

(November 5, 2008) Report from Giuliana Carbone, Acting Treasurer

Summary

This report seeks Council authority to adopt the necessary by-laws to designate the following three Toronto Public Health (TPH) sites as municipal capital facilities and to provide a property tax exemption for municipal and education purposes for each site:

- | | | |
|----|---------------------------|-----------|
| 1. | 2300 Sheppard Avenue West | - Ward 7 |
| 2. | 2340 Dundas Street West | - Ward 14 |
| 3. | 225 Duncan Mill Road | - Ward 34 |

Providing a tax exemption for the leased space will result in a net financial savings to the City of approximately \$81,632 per year, representing the provincial education share of taxes that will no longer be payable.

Background Information (Committee)

Report - Designation of sites leased by Toronto Public Health at 2300 Sheppard Avenue West,

2340 Dundas Street West and 225 Duncan Mill Road as Municipal Capital Facilities
<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17374.pdf>

GM19.5	Adopted			Ward: All
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Write-Off Policy for Fines under the Provincial Offences Act Deemed Uncollectible

City Council Decision

City Council on December 1, 2 and 3, 2008, adopted the following motions:

1. Parking related fines, fees, costs and penalties imposed under Part II of the Provincial Offences Act and/or City by-law(s) that have been outstanding for at least two years, may be written off as uncollectible consistent with Chapter 71 "Financial Control" Article VIII of the Toronto Municipal Code, once the Treasurer is satisfied that all reasonable steps to collect the amount owing have been undertaken, and if:
 - a. the person convicted and who owes the unpaid amount(s) is deceased and collection from an estate is impractical or has been unsuccessful; or
 - b. for unpaid fines totalling less than \$1,000.00, the person convicted and who owes the unpaid amount(s) has reached the age of 90 and no longer possesses a valid driver's license; or
 - c. the operating entity, business or organization convicted and that owes the unpaid amount(s) has claimed bankruptcy and the City Solicitor's office has confirmed that civil efforts to collect the amount owing have been unsuccessful or that civil efforts to collect the amount owing are not recommended given that it would likely not result in the successful recovery of the amount owing; or
 - d. the operating entity, business or organization convicted and that owes the unpaid amount(s) is no longer in operation and has no assets against which the City can pursue a claim, making collection from the defunct entity impractical.

2. Fines, fees, costs and penalties imposed under Parts I and III of the Provincial Offences Act and/or City by-law(s) that have been outstanding for at least two years, may be written off as uncollectible consistent with Chapter 71 "Financial Control" Article VIII of the Toronto Municipal Code, once the Treasurer is satisfied that all reasonable steps to collect the amount owing have been undertaken, and if:
 - a. the person convicted and who owes the unpaid amount(s) is deceased and collection from an estate is impractical or has been unsuccessful; or
 - b. for unpaid fines totalling less than \$1,000.00, the person convicted and who owes the unpaid amount(s) has reached the age of 90 and no longer possesses a

valid driver's license; or

- c. for fines more than fifteen (15) years old, the person convicted and who owes the unpaid amount(s) no longer resides in the Province of Ontario and the fine(s) is for an offence for which there is no mechanism for inter-provincial enforcement; or
 - d. the operating entity, business or organization convicted and that owes the unpaid amount(s) has claimed bankruptcy and the City Solicitor's office has confirmed that civil efforts to collect the amount owing have been unsuccessful or that civil efforts to collect the amount owing are not recommended given that it would likely not result in the successful recovery of the amount owing to the City; or
 - e. the operating entity, business or organization convicted and that owes the unpaid amount(s) is no longer in operation and has no assets against which the City can pursue a claim, making collection from the defunct entity impractical; or
 - f. the limitation period to pursue civil enforcement action has expired and other collection mechanisms have been, or are likely to be, unsuccessful as determined by the City Solicitor; or
 - g. for violations over 15 years old where supporting documentation providing proof of the conviction and/or payment to satisfy the amount owed cannot be located, a sworn affidavit is filed with the City by the defendant attesting to the fact they have in fact previously paid for the fine(s) and that they do not have in their possession the required documentation to prove such a claim; or
 - h. the individual or corporation convicted and who owes the unpaid amount(s) cannot be located.
3. The Treasurer, or his/her designate, be authorized to annually provide the Ministry of the Attorney General with information regarding the total value of all fines deemed uncollectible and written off during the previous municipal fiscal year as part of the Annual Performance and Progress Report to be submitted to the Ministry no later than June 30th of each year.

Committee Recommendations

The Government Management Committee recommends that:

- 1. Parking related fines, fees, costs and penalties imposed under Part II of the Provincial Offences Act and/or City by-law(s) that have been outstanding for at least two years, may be written off as uncollectible consistent with Chapter 71 "Financial Control" Article VIII of the Toronto Municipal Code, once the Treasurer is satisfied that all reasonable steps to collect the amount owing have been undertaken, and if:

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- a. the person convicted and who owes the unpaid amount(s) is deceased and collection from an estate is impractical or has been unsuccessful; or
 - b. for unpaid fines totalling less than \$1,000, the person convicted and who owes the unpaid amount(s) has reached the age of 90 and no longer possesses a valid driver's license; or
 - c. the operating entity, business or organization convicted and that owes the unpaid amount(s) has claimed bankruptcy and the City Solicitor's office has confirmed that civil efforts to collect the amount owing have been unsuccessful or that civil efforts to collect the amount owing are not recommended given that it would likely not result in the successful recovery of the amount owing; or
 - d. the operating entity, business or organization convicted and that owes the unpaid amount(s) is no longer in operation and has no assets against which the City can pursue a claim, making collection from the defunct entity impractical.
2. Fines, fees, costs and penalties imposed under Parts I and III of the Provincial Offences Act and/or City by-law(s) that have been outstanding for at least two years, may be written off as uncollectible consistent with Chapter 71 "Financial Control" Article VIII of the Toronto Municipal Code, once the Treasurer is satisfied that all reasonable steps to collect the amount owing have been undertaken, and if:
- a. the person convicted and who owes the unpaid amount(s) is deceased and collection from an estate is impractical or has been unsuccessful; or
 - b. for unpaid fines totalling less than \$1,000, the person convicted and who owes the unpaid amount(s) has reached the age of 90 and no longer possesses a valid driver's license; or
 - c. for fines more than fifteen (15) years old, the person convicted and who owes the unpaid amount(s) no longer resides in the Province of Ontario and the fine(s) is for an offence for which there is no mechanism for inter-provincial enforcement; or
 - d. the operating entity, business or organization convicted and that owes the unpaid amount(s) has claimed bankruptcy and the City Solicitor's office has confirmed that civil efforts to collect the amount owing have been unsuccessful or that civil efforts to collect the amount owing are not recommended given that it would likely not result in the successful recovery of the amount owing to the City; or
 - e. the operating entity, business or organization convicted and that owes the unpaid amount(s) is no longer in operation and has no assets against which the City can pursue a claim, making collection from the defunct entity impractical; or
 - f. the limitation period to pursue civil enforcement action has expired and other collection mechanisms have been, or are likely to be, unsuccessful as determined by the City Solicitor; or

- g. for violations over 15 years old where supporting documentation providing proof of the conviction and/or payment to satisfy the amount owed cannot be located, a sworn affidavit is filed with the City by the defendant attesting to the fact they have in fact previously paid for the fine(s) and that they do not have in their possession the required documentation to prove such a claim; or
 - h. the individual or corporation convicted and who owes the unpaid amount(s) cannot be located.
3. The Treasurer, or his/her designate, be authorized to annually provide the Ministry of the Attorney General with information regarding the total value of all fines deemed uncollectible and written off during the previous municipal fiscal year as part of the Annual Performance and Progress Report to be submitted to the Ministry no later than June 30th of each year.

Origin

(October 31, 2008) Report from Giuliana Carbone, Acting Treasurer

Summary

This report recommends a policy establishing protocols and thresholds under which *Provincial Offences Act* (POA) accounts receivable, including parking fines, shall be deemed uncollectible and therefore eligible for write-off consistent with the write-off directive and operating guideline published by the Ministry of the Attorney General.

Background Information (Committee)

Report - Write-Off Policy for Fines under the Provincial Offences Act Deemed Uncollectible
<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17376.pdf>

GM19.6	Adopted			Ward: All
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Purchase Order Amendment – Sole Source Contract 47011841 for Safety Inspections, Parts, and Service for Various Aerial and Crane Devices

City Council Decision

City Council on December 1, 2 and 3, 2008, adopted the following motion:

1. City Council grant authority to extend the term and increase the amount of the current sole source blanket contract 47011841 to Wajax Industries Ltd. for safety inspections, parts and service for various aerial and crane devices and heavy equipment for the period from December 1, 2008 to November 30, 2009, with the option to renew for four (4) additional separate one year periods. The total increase amount required to the current contract is \$150,000.00 net of GST from \$400,000.00 net of GST for a new total

value of \$550,000.00 net of GST. The increases requested for each of the renewal option year periods is \$150,000.00 net of GST from December 1, 2009 to November 30, 2010, December 1, 2010 to November 30, 2011, December 1, 2011 to November 30, 2012, and from December 1, 2012 to November 30, 2013, for a total amount of \$600,000.00 net of GST. Should the options to renew be exercised, the Director of Fleet Services will instruct the Director of Purchasing and Materials Management to process the contract renewals under the same terms and conditions. The total potential cost of the blanket contract will be increased by \$750,000.00 net of GST from \$400,000.00 net of GST to \$1,150,000.00 net of GST.

Committee Recommendations

The Government Management Committee recommends that City Council grant authority to:

1. Extend the term and increase the amount of the current sole source blanket contract 47011841 to Wajax Industries Ltd. for safety inspections, parts, and service for various aerial and crane devices and heavy equipment for the period from December 1, 2008 to November 30, 2009 with the option to renew for four (4) additional separate one year periods. The total increase amount required to the current contract is \$150,000.00 net of GST from \$400,000.00 net of GST for a new total value of \$550,000.00 net of GST. The increases requested for each of the renewal option year periods is \$150,000.00 net of GST from December 1, 2009 to November 30, 2010, December 1, 2010 to November 30, 2011, December 1, 2011 to November 30, 2012, and from December 1, 2012 to November 30, 2013 for a total amount of \$600,000.00 net of GST . Should the options to renew be exercised, the Director of Fleet Services will instruct the Director of Purchasing and Materials Management to process the contract renewals under the same terms and conditions. The total potential cost of the blanket contract will be increased by \$750,000.00 net of GST from \$400,000.00 net of GST to \$1,150,000.00 net of GST.

Origin

(November 5, 2008) Report from Director, Fleet Services Division, and Acting Director, Purchasing and Materials Management Division

Summary

This report requests authority to amend and extend the current sole source contract 47011841 to Wajax Industries Ltd., being the only Ontario authorized dealer for safety inspections, parts, and service for various aerial and crane devices and heavy equipment for Fleet Services from December 1, 2008 to November 30, 2009 with the option to renew for four (4) additional separate one (1) year periods.

Background Information (Committee)

Report - Purchase Order Amendment - Sole Source Contract 47011841 For Safety Inspections, Parts, and Service for Various Aerial and Crane Devices

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17377.pdf>)

(Deferred from October 21, 2008 - 2008.GM18-8)

GM19.7	Adopted			Ward: All
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Exhibition Place - Records Retention By-law Amendment

City Council Decision

City Council on December 1, 2 and 3, 2008, adopted the following motions:

1. City Council approve the draft by-law set out in Appendix A to this report.
2. City Council approve the records retention schedule set out in Appendix B to this report.
3. City Council pass any necessary by-law substantially as set out in Appendix "A" and to establish the records retention schedules set out in Appendix "B".
4. City Council authorize and direct the appropriate Exhibition Place and City officials to take the necessary action to give effect thereto.

Committee Recommendations

The Government Management Committee recommends that the City Council:

1. Approve the draft by-law set out in Appendix A to this report.
2. Approve the records retention schedule set out in Appendix B to this report.
3. Pass any necessary by-law substantially as set out in Appendix "A" and to establish the records retention schedules set out in Appendix "B".
4. Authorize and direct the appropriate Exhibition Place and City Officials to take the necessary action to give effect there.

Origin

(November 6, 2008) Report from Chief Executive Officer, Exhibition Place

Summary

Under section 201 of the City of Toronto Act, 2006, a record of the City or of its Local Boards, other than a copy of the original record, may only be destroyed if the retention period for the record has expired, except as otherwise provided. In 2006, the City of Toronto approved By-Law No. 688-2006 which established a retention schedule for Exhibition Place.

When the Exhibition Place retention schedule was approved by City Council in 2006, there was an understanding that the schedule did not address all existing records series and that subsequent by-law amendments would capture new record series. This report requests approval for a routine amendment to the Board's records retention by-law, Municipal Code c. 219, Records, Corporate (Local Boards).

These amendments revise the existing records retention schedule by adding new classes of records to the schedule, by amending existing record series descriptions, and by permitting the destruction of unusable records. The appendices containing the draft by-law amendment and the new records retention schedule were prepared by staff of the Records & Archives Unit of Exhibition Place and have been reviewed by the following Exhibition Place staff: the Chief Executive Officer, Corporate Secretary and Chief Financial Officer. They have also been reviewed by the City Legal, City Archivist and the external auditor. All concur that the retention schedules affected by this report are appropriate and in compliance with applicable standards and legislation.

Background Information (Committee)

Report - Records Retention Bylaw Amendment

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17378.pdf>

Appendix B - Records Retention Bylaw Amendment

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17379.pdf>

GM19.8	Adopted			Ward: 20
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Roundhouse Rail Heritage

City Council Decision

City Council on December 1, 2 and 3, 2008, adopted the following motions:

1. City Council establish a discretionary reserve fund called the "Rail Heritage Reserve Fund" to provide a source of funding for the development and state of good repair of Rail Heritage associated with the John Street Roundhouse (Attachment A).
2. Municipal Code Chapter 227 (Reserves and Reserve Funds) be amended by adding the "Rail Heritage Reserve Fund" to Schedule #7, Corporate Discretionary Reserve Funds, and that leave be granted for the introduction of any necessary bills in Council to give effect thereto.
3. Authority be granted to the Executive Director of Cultural Services to expand the scope of City rail heritage work to be coordinated and undertaken by the Tenant, in compliance with applicable City policies, including fair wage and labour trades, in order that the disruptive park construction be completed before July 2009 to coincide with the tenant's grand opening and that any contracting money advanced by the Tenant to complete City work be deducted from the prepaid basic rent to be paid to the City, expected before summer 2009.

4. The Roundhouse Park Plan (Attachment B) be received for information.
5. The Chief Corporate Officer be directed to determine any necessary adjustments to the boundaries of Hydro One's Transformer Station lands, to facilitate a more compact underground configuration that would avoid demolition of the Roundhouse Machine Shop and support a reinstated driveway access, including any necessary conveyances to Hydro One and any reconveyances of the Transformer Station Lands to the City, and to report back to City Council for its consideration and direction.

Committee Recommendations

The Government Management Committee recommends that:

1. Council establish a discretionary reserve fund called the "Rail Heritage Reserve Fund" to provide a source of funding for the development and state of good repair of Rail Heritage associated with the John Street Roundhouse (Attachment A).
2. Municipal Code Chapter 227 (Reserves and Reserve Funds) be amended by adding the "Rail Heritage Reserve Fund" to Schedule #7, Corporate Discretionary Reserve Funds, and that leave be granted for the introduction of any necessary bills in Council to give effect thereto.
3. Authority be granted to the Executive Director of Cultural Services to expand the scope of City rail heritage work to be coordinated and undertaken by the Tenant, in compliance with applicable City policies, including fair wage and labour trades, in order that the disruptive park construction be completed before July 2009 to coincide with the tenant's grand opening and that any contracting money advanced by the Tenant to complete City work be deducted from the prepaid basic rent to be paid to the City, expected before summer 2009.
4. The Roundhouse Park Plan (Attachment B) be received for information.
5. The Chief Corporate Officer be directed to determine any necessary adjustments to the boundaries of Hydro One's Transformer Station lands, to facilitate a more compact underground configuration that would avoid demolition of the Roundhouse Machine Shop and support a reinstated driveway access, including any necessary conveyances to Hydro One and any reconveyances of the Transformer Station Lands to the City, and to report back to City Council for its consideration and direction.

Origin

(November 6, 2008) Report from Sue Corke, Deputy City Manager, and Cam Weldon, Acting Deputy City Manager and Chief Financial Officer

Summary

The John Street Roundhouse was built by the Canadian Pacific Railway ("CPR") in 1929 to

service the steam locomotives that hauled CPR passenger trains into the new Union Station. When steam engines were finally retired in 1959-60, the Roundhouse was converted to servicing diesel locomotives and it remained in service until 1986.

At its meeting of September 25, 26 and 27, 2006 (Clause 39 of Report 6 of the Administration Committee), Council approved a 60 year head lease (the "Lease") with John Street Roundhouse Development Corp. (the "Tenant") to restore and revitalize the Roundhouse and expanded Steam Whistle's lease to include 3 more bays and set their remaining term to expire on April 30, 2032. As part of the Lease, the Tenant agreed to pre-pay 60 years worth of basic rent or \$4.8 million. The City agreed to restore the related historic structures and develop a rail heritage museum in association with the Toronto Railway Historical Association (TRHA) within 7 years of September 2006.

The purpose of this report is to inform Council of the progress on the implementation of the Rail Heritage Museum as well as solutions being worked on to mitigate any negative impact that a new hydro transformer station might have on this National Historic Site. Building restoration and tenant improvements have commenced and the railway turntable has been restored and is now operational. The initial phase of Rail Heritage Museum involves three bays of the Roundhouse and re-establishing a modest portion of the rail heritage landscape to help interpret the site. This will be accomplished by placing radial display track from the turntable into the park to showcase the rail artifact collection consisting of locomotives and other rolling stock, and opening a series of restored railway structures to the public, including the original Don Station which is being moved from Todmorden Mills.

Background Information (Committee)

Report - Roundhouse Rail Heritage

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17380.pdf>

Attachment A - Rail Heritage Reserve Fund Criteria

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17381.pdf>

Attachment B - Roundhouse Park Plan

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17382.pdf>

GM19.9	Adopted			Ward: All
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Agreement between the City of Toronto and Toronto Catholic District School Board for After School Space

City Council Decision

City Council on December 1, 2 and 3, 2008, adopted the following motions:

1. City Council grant authority to negotiate and enter into a License Agreement with the Toronto Catholic District School Board for a ten (10) month term commencing September 1, 2008, and ending June 30, 2009, for the current use of certain rooms in the schools as specified in Schedule "A", and any future use of TCDSB school sites as determined by the General Manager of Parks, Forestry and Recreation and the TCDSB,

at a fee to be offset through the Exchange of Services Agreement, in a form and content acceptable to the General Manager of Parks, Forestry and Recreation, and all in a form and content satisfactory to the City Solicitor.

2. City Council grant authority to the General Manager, Parks, Forestry and Recreation Division to amend the agreement from time to time to include additional schools, as determined by the General Manager of Parks, forestry and Recreation and the Toronto Catholic District School Board, to be used for the After School Recreation and Care (ARC) program.
3. City Council direct that the agreement automatically renew on an annual basis for a further 10 month term, subject to all terms and conditions of the agreement being met.

Committee Recommendations

The Government Management Committee recommends that City Council:

1. Grant authority to negotiate and enter into a License Agreement with the Toronto Catholic District School Board for a ten (10) month term commencing September 1, 2008 and ending June 30, 2009, for the current use of certain rooms in the schools as specified in Schedule "A," and any future use of TCDSB school sites as determined by the General Manager of Parks, Forestry and Recreation and the TCDSB, at a fee to be offset through the Exchange of Services Agreement, in a form and content acceptable to the General Manager of Parks, Forestry and Recreation, and all in a form and content satisfactory to the City Solicitor.
2. Grant authority to the General Manager, Parks, Forestry and Recreation Division to amend the agreement from time to time to include additional schools, as determined by the General Manager of Parks, forestry and Recreation and the Toronto Catholic District School Board, to be used for the After School Recreation and Care (ARC) program.
3. Direct that the agreement automatically renew on an annual basis for a further 10 month term, subject to all terms and conditions of the agreement being met.

Origin

(October 29, 2008) Report from Brenda Patterson, General Manager, Parks, Forestry and Recreation

Summary

The purpose of this report is to request City Council authority to negotiate and enter into a license agreement for a ten (10) month term with the Toronto Catholic District Board (TCDSB) for the current use of certain rooms in the schools as specified in Schedule "A" commencing September 1, 2008 and ending June 30, 2009, and any future use of TCDSB school sites as determined by the General Manager of Parks, Forestry and Recreation and the TCDSB.

The term of this agreement shall automatically renew on an annual basis, for a further ten (10) month term, subject to all terms and conditions of the agreement being met.

License fees and any additional fees for the use of the school space will be offset through the Exchange of Services Agreement approved by City Council on October 29, 2008. In the event that the Exchange of Services Agreement expires, is terminated, or otherwise ceases to be in effect, the City will be required to pay \$500 in license fees which also includes consumables for each school site that will be absorbed by the After School Recreation and Care (ARC) program and recovered from user fees.

Background Information (Committee)

Report - Agreement between the City of Toronto and Toronto Catholic District School Board for After School Space

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17383.pdf>)

GM19.10	Adopted			Ward: All
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Contract Award – Request for Proposal (RFP) 0612-08-0248 Supply, Installation and Operation of Snack and Hot Drink Vending

City Council Decision

City Council on December 1, 2 and 3, 2008, adopted the following motion:

1. City Council grant authority to enter into an agreement with Imperial Vending Services Inc. being the highest overall scoring Proponent meeting the requirements of the RFP for the Supply, Installation and Operation of Snack and Hot Drink Vending within the Parks, Forestry and Recreation (PFR) Division for the period from January 1, 2009 to December 31, 2010, with an option to renew the agreement for a two (2) year term for the period January 1, 2011 to December 31, 2012. Should the option to renew be exercised, the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Committee Recommendations

The Government Management Committee recommends that:

1. City Council grant authority to enter into an agreement with Imperial Vending Services Inc. being the highest overall scoring Proponent meeting the requirements of the RFP for the Supply, Installation and Operation of Snack and Hot Drink Vending within the Parks, Forestry and Recreation (PFR) Division for the period from January 1, 2009 to December 31, 2010 with an option to renew the agreement for a two (2) year term for the period January 1, 2011 to December 31, 2012. Should the option to renew be exercised, the appropriate City Officials be authorized and directed to take the

necessary action to give effect thereto.

Origin

(November 4, 2008) Report from General Manager, Parks, Forestry and Recreation Acting Director, Purchasing and Materials Management Division

Summary

The purpose of this report is to advise the Government Management Committee on the results of Request for Proposal (RFP) 0612-08-0248 for the Supply, Installation and Operation of Snack and Hot Drink Vending within the Parks, Forestry and Recreation (PFR) Division, and to request authority to enter into a two (2) year agreement with the recommended Proponent for the period January 1, 2009 to December 31, 2010 with an option to renew the agreement for an additional two (2) year term for the period January 1, 2011 to December 31, 2012.

Background Information (Committee)

Report - Contract Award - Request for Proposal (RFP) 0612-08-0248 Supply, Installation and Operation of Snack and Hot Drink Vending
<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17384.pdf>

GM19.11	Adopted			Ward: 28
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Proposed Strata Sale of Portions of Union Station and Related Real Estate Transactions

City Council Decision

City Council on December 1, 2 and 3, 2008, adopted the following motions:

1. City Council authorize the City to enter into an agreement of purchase and sale (the "West Wing Strata Sale Agreement") with the Greater Toronto Transit Authority ("GO Transit") for a strata portion of the west wing of Union Station, namely, all of the west wing above the first floor, including the external walls and roof, comprising approximately 89,555 square feet, more or less, of gross floor area (the "West Wing Strata Property) as shown in Appendix "C" with an anticipated initial closing date on or around March 31, 2009, as may be adjusted by the parties, substantially on the terms and conditions set out in the Transaction Summary in Appendix "A" and Attachment 1 and such other terms and conditions as may be acceptable to the Chief Corporate Officer, in a form satisfactory to the City Solicitor.
2. City Council authorize the City to enter into an agreement of purchase and sale (the "Concourse Strata Sale Agreement") with GO Transit for a strata portion of Union Station representing the future east and west concourses to be constructed by the City as part of the revitalization of Union Station, comprising approximately 122,688 square feet of gross floor area (the "Concourse Strata Property") as shown in Appendix "C", with an anticipated initial closing date on or around March 31, 2009, as may be adjusted

by the parties, substantially on the terms and conditions set out in the Transaction Summary in Appendix "A" and Attachment 1 and such other terms and conditions as may be acceptable to the Chief Corporate Officer, in a form satisfactory to the City Solicitor.

3. City Council approve the terms of the letter of intent between the Chief Corporate Officer and the Greater Toronto Transit Authority ("GO Transit"), substantially on the terms as set out in Appendix A and Confidential Attachment 1, together with such revisions as the Chief Corporate Officer, in consultation with the City Solicitor, deems appropriate, and subject to a condition being added that the City's obligation to construct and convey the new east and west concourses to GO Transit shall be conditional upon the necessary funding being available to the City to carry out the revitalization of Union Station in accordance with the Recommended Approach, and that such condition be included in the Concourse Strata Sale Agreement referred to in Recommendation 2.
4. City Council authorize the City to enter into a Lease (the "Lease") with GO Transit for the use and occupancy by GO Transit for its general offices of a portion of the first floor of the west wing and the north side of the second, third and fourth floors of the centre block of Union Station, comprising approximately 12,826 square feet, more or less, of rentable area (the "Leased Premises") as shown in Appendix "C", with an initial term commencing, on or about May 1, 2012 and ending on April 30, 2062 (the "Term"), together with a 49-year renewal option, and substantially on the terms and conditions set out in the Transaction Summary in Appendix "A" and Attachment 1 and such other terms and conditions as may be acceptable to the Chief Corporate Officer, in a form satisfactory to the City Solicitor.
5. City Council authorize the City to enter into an amending agreement ("Reciprocal Rights Amending Agreement") with GO Transit to further amend the Reciprocal Rights Agreement between the parties, dated June 30, 2000, to reflect the parties' respective rights and responsibilities in relation to the split ownership of the Union Station building, on such terms and conditions as the Chief Corporate Officer deems appropriate, and in a form satisfactory to the City Solicitor.
6. City Council authorize the City to enter into an appropriate agreement (the "NW Path Agreement") with GO Transit to secure shared commitments related to capital and operating costs, retain resources and consultants for engineering design and construction of the new NW PATH project, and to provide GO Transit with pedestrian access rights to the NW PATH, on such terms and conditions as the Chief Corporate Officer deems appropriate, and in a form satisfactory to the City Solicitor.
7. City Council authorize the public release of the confidential information in Attachment 1 once the Sale Agreement and the Lease have been executed and the transaction contemplated in the Sale Agreement has been completed.
8. City Council direct that any proceeds for the Union Station project be used only for the development or revitalization of Union Station.

9. City Council authorize the City Solicitor to complete the transactions on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waving terms and conditions, on such terms as she considers reasonable.
10. City Council authorize the Chief Corporate Officer to administer and manage the Lease 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.
11. City Council receive the report (October 3, 2008) from the Chief Corporate Officer entitled "Union Station West Wing Lease".

Confidential Attachment 1 to the report (November 19, 2008) from the Chief Corporate Officer, and the executed copy of the Letter of Intent which was distributed at the November 21, 2008 meeting of the Government Management Committee, remain confidential at this time, in accordance with the provisions of the City of Toronto Act, 2006, as they contain information related to a proposed or pending acquisition or sale of land for municipal or local board purposes. The confidential information contained in Confidential Attachment 1 and the executed copy of the Letter of Intent will be made public once the Sale Agreement and the Lease have been executed and the transaction contemplated in the Sale Agreement has been completed.

Confidential Attachment 1 to the report (October 3, 2008) from the Chief Corporate Officer, remains confidential at this time, in accordance with the provisions of the City of Toronto Act, 2006, as it contains information related to a proposed or pending acquisition or sale of land for municipal or local board purposes. The confidential information contained in Confidential Attachment 1 will be made public once the Lease has been executed.

City Council Decision Advice and Other Information

City Council considered this Item with Item EX26.3, headed "Union Station Revitalization Implementation".

Confidential Attachment - 1 - A proposed or pending acquisition or sale of land for municipal or local board purposes

Committee Recommendations

The Government Management Committee recommends that City Council:

1. Authorize the City to enter into an agreement of purchase and sale (the "West Wing Strata Sale Agreement") with the Greater Toronto Transit Authority ("GO Transit") for a strata portion of the west wing of Union Station namely, all of the west wing above the first floor, including the external walls and roof, comprising approximately 89,555 square feet, more or less, of gross floor area (the "West Wing Strata Property) as shown in Appendix "C" with an anticipated initial closing date on or around March 31, 2009, as may be adjusted by the parties, substantially on the terms and conditions set out in

- the Transaction Summary in Appendix “A” and Attachment 1 and such other terms and conditions as may be acceptable to the Chief Corporate Officer, in a form satisfactory to the City Solicitor.
2. Authorize the City to enter into an agreement of purchase and sale (the “Concourse Strata Sale Agreement”) with GO Transit for a strata portion of Union Station representing the future east and west concourses to be constructed by the City as part of the revitalization of Union Station, comprising approximately 122,688 square feet of gross floor area (the “Concourse Strata Property”) as shown in Appendix “C”, with an anticipated initial closing date on or around March 31, 2009, as may be adjusted by the parties, substantially on the terms and conditions set out in the Transaction Summary in Appendix “A” and Attachment 1 and such other terms and conditions as may be acceptable to the Chief Corporate Officer, in a form satisfactory to the City Solicitor.
 3. Approve the terms of the letter of intent between the Chief Corporate Officer and the Greater Toronto Transit Authority (“GO Transit”), substantially on the terms as set out in Appendix A and Confidential Attachment 1, together with such revisions as the Chief Corporate Officer, in consultation with the City Solicitor, deems appropriate, and subject to a condition being added that the City’s obligation to construct and convey the new east and west concourses to GO Transit shall be conditional upon the necessary funding being available to the City to carry out the revitalization of Union Station in accordance with the Recommended Approach, and that such condition be included in the Concourse Strata Sale Agreement referred to in Recommendation 2.
 4. Authorize the City to enter into a Lease (the “Lease”) with GO Transit for the use and occupancy by GO Transit for its general offices of a portion of the first floor of the west wing and the north side of the second, third and fourth floors of the centre block of Union Station, comprising approximately 12,826 square feet, more or less, of rentable area (the “Leased Premises”) as shown in Appendix “C”, with an initial term commencing, on or about May 1, 2012 and ending on April 30, 2062 (the “Term”), together with a 49 year renewal option, and substantially on the terms and conditions set out in the Transaction Summary in Appendix “A” and Attachment 1 and such other terms and conditions as may be acceptable to the Chief Corporate Officer, in a form satisfactory to the City Solicitor.
 5. Authorize the City to enter into an amending agreement (“Reciprocal Rights Amending Agreement”) with GO Transit to further amend the Reciprocal Rights Agreement between the parties, dated June 30, 2000, to reflect the parties’ respective rights and responsibilities in relation to the split ownership of the Union Station building, on such terms and conditions as the Chief Corporate Officer deems appropriate, and in a form satisfactory to the City Solicitor.
 6. Authorize the City to enter into an appropriate agreement (the “NW Path Agreement”) with GO Transit to secure shared commitments related to capital and operating costs, retain resources and consultants for engineering design and construction of the new NW PATH project, and to provide GO Transit with pedestrian access rights to the NW PATH, on such terms and conditions as the Chief Corporate Officer deems appropriate, and in a form satisfactory to the City Solicitor.

7. Authorize the public release of the confidential information in Attachment 1 once the Sale Agreement and the Lease have been executed and the transaction contemplated in the Sale Agreement has been completed.
8. Direct that any proceeds for the Union Station project be used only for the development or revitalization of Union Station.
9. Authorize the City Solicitor to complete the transactions on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waving terms and conditions, on such terms as she considers reasonable.
10. Authorize the Chief Corporate Officer to administer and manage the Lease 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.
11. Receive the report (October 3, 2008) from the Chief Corporate Officer entitled "Union Station West Wing Lease".

Origin

(November 19, 2008) Report from Chief Corporate Officer

Summary

At its meeting of December 11, 12 and 13, 2007, Council endorsed the Recommended Approach as the conceptual framework for the revitalization of Union Station. Among other things, recommendations in this report authorized the Chief Corporate Officer to initiate negotiations with third parties, including GO Transit.

This report proposes a series of realty transactions that support the revitalization plans for Union Station and based on the outcome of the discussions with GO Transit:

- sale of a strata portion of all of the west wing of Union Station, above the first floor;
- sale of a strata portion of Union Station representing the future east and west concourses to be constructed by the City as part of the revitalization of Union Station;
- a long-term office lease for the use of a portion of the first floor, west wing and the north-side second, third and fourth floors of centre block of Union Station, consisting of approximately 12,826 square feet.
- an agreement to grant GO Transit access to the future Northwest Path connection.

Background Information (Committee)

Report - Proposed Strata Sale of Portions of Union Station and Related Real Estate Transactions

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17571.pdf>

Confidential Attachment 1 - GM19-11

Confidential Attachment 1(Part 2) - GM19.11

(Deferred from October 21, 2008 - 2008.GM18.15)

11a Union Station West Wing Lease

Confidential Attachment - 1 - A proposed or pending acquisition or sale of land for municipal or local board purposes

Origin

(October 3, 2008) Report from Chief Corporate Officer

Summary

At its meeting of December 11, 12 and 13, 2007, Council endorsed the Recommended Approach as the conceptual framework for the revitalization of Union Station. Among other things, recommendations in this report, authorized the Chief Corporate Officer to initiate negotiations with third parties to pursue development of the Recommended Approach.

A third party has expressed an interest in entering into a long-term office lease for the use of a portion of the first floor, the entire second, third and fourth floors of the west wing and the north side of the second, third and fourth floors of centre block of Union Station, consisting of approximately 87,330 square feet.

This report also seeks authority to extend the retainer for NORR Architects to enable the City to secure heritage approvals from Parks Canada and to complete certain base building improvements to the west wing of Union Station on or before January 1, 2012, as required pursuant to the proposed lease terms.

Background Information (Committee)

Report - Union Station West Wing Lease

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17220.pdf>

Confidential Attachment 1 - GM19-11a

GM19.13	Adopted			Ward: 27
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Arbitration Settlement - 2 Bloor Street West

City Council Decision

City Council on December 1, 2 and 3, 2008, adopted the following motions:

1. City Council authorize the City to enter into a Purchase and Sale Agreement with OREC Cumberland Development GP Inc., an ORMC-related entity, for that portion of the City-owned land located at 2 Bloor Street West generally described as the air space

above the second storey level of the City-owned lands comprising Cumberland Terrace, currently shown as parts Parts 19, 29, 30 and 31 on the draft reference plan attached as Appendix A (the "Air Space Lands"), substantially on the terms set out in Attachment 1, and such other terms and conditions as may be acceptable to the Chief Corporate Officer, in a form satisfactory to the City Solicitor.

2. City Council authorize the City to enter into an Exchange and Settlement Agreement with ORMC related to a land exchange of Parts 28 (of which the boundaries are subject to adjustment to accommodate TTC subway right of way set back requirements) and 4 on the draft reference plan attached as Appendix A, and other terms related to settlement of the arbitration proceedings, substantially on the terms and conditions outlined in Attachment 1, and such other terms and conditions as may be acceptable to the Chief Corporate Officer, in a form satisfactory to the City Solicitor.
3. City Council authorize the City to enter into Lease Amending Agreements to remove the Air Space Lands from the ground lease, add the Part 4 lands to the ground lease, provide for a new rent during the renewal term, grant an additional renewal term, and other related amendments to the ground lease and associated reserves lease, substantially on the terms and conditions outlined in Attachment 1, and such other terms and conditions as may be acceptable to the Chief Corporate Officer, in a form satisfactory to the City Solicitor.
4. City Council approve, as the approving authority under the provisions of the Expropriations Act, the sale of the Airspace Lands and Adjustment Lands without giving the original owners from whom the Property were expropriated the first chance to repurchase these lands.
5. City Council authorize the public release of the confidential information in Attachment 1, once the agreements have been executed and the sale and land exchange transactions have been completed.
6. City Council authorize the Chief Corporate Officer to administer and manage the lease, 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.
7. City Council authorize the City Solicitor to complete the transactions on behalf of the City, including making payment of any necessary expenses and amending the closing and other dates to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable.
8. City Council authorize the Chief Corporate Officer to direct a portion of the proceeds of closing to fund the outstanding expenses related to the property and arbitration proceedings and the completion of the purchase and sale transactions.

Confidential Attachment 1 to the report (November 19, 2008) from the Chief Corporate Officer, remains confidential at this time, in accordance with the provisions of the City of Toronto Act, 2006, as it contains information related to the security of the property of the

municipality or local board. The confidential information contained in Confidential Attachment 1 will be made public once the agreements have been executed and the sale and land exchange transactions have been completed.

Confidential Attachment - 1 - The security of the property of the municipality or local board

Committee Recommendations

The Government Management Committee recommends that City Council:

1. Authorize the City to enter into a Purchase and Sale Agreement with OREC Cumberland Development GP Inc., an ORMC-related entity, for that portion of the City-owned land located at 2 Bloor Street West generally described as the air space above the second storey level of the City-owned lands comprising Cumberland Terrace, currently shown as parts Parts 19, 29, 30 and 31 on the draft reference plan attached as Appendix A (the "Air Space Lands"), substantially on the terms set out in Attachment 1, and such other terms and conditions as may be acceptable to the Chief Corporate Officer, in a form satisfactory to the City Solicitor.
2. Authorize the City to enter into an Exchange and Settlement Agreement with ORMC related to a land exchange of Parts 28 (of which the boundaries are subject to adjustment to accommodate TTC subway right of way set back requirements) and 4 on the draft reference plan attached as Appendix A, and other terms related to settlement of the arbitration proceedings, substantially on the terms and conditions outlined in Attachment 1, and such other terms and conditions as may be acceptable to the Chief Corporate Officer, in a form satisfactory to the City Solicitor.
3. Authorize the City to enter into Lease Amending Agreements to remove the Air Space Lands from the ground lease, add the Part 4 lands to the ground lease, provide for a new rent during the renewal term, grant an additional renewal term, and other related amendments to the ground lease and associated reserves lease, substantially on the terms and conditions outlined in Attachment 1, and such other terms and conditions as may be acceptable to the Chief Corporate Officer, in a form satisfactory to the City Solicitor.
4. City Council approve, as the approving authority under the provisions of the Expropriations Act, the sale of the Airspace Lands and Adjustment Lands without giving the original owners from whom the Property were expropriated the first chance to repurchase these lands.
5. Authorize the public release of the confidential information in Attachment 1 once the agreements have been executed and the sale and land exchange transactions have been completed.
6. Authorize the Chief Corporate Officer to administer and manage the lease 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.

7. Authorize the City Solicitor to complete the transactions on behalf of the City, including making payment of any necessary expenses and amending the closing and other dates to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable.
8. Authorize the Chief Corporate Officer to direct a portion of the proceeds of closing to fund the outstanding expenses related to the property and arbitration proceedings and the completion of the purchase and sale transactions.

Origin

(November 14, 2008) Report from Chief Corporate Officer

Summary

The City and OMERS Realty Management Corporation (“ORMC”) each own a portion of the lands comprising the complex known as 2 Bloor Street West and Cumberland Terrace. The City leased its lands within the complex to ORMC by a ground lease dated August 25, 1971. Through protracted rent arbitration proceedings under the long term ground lease pertaining to the rent for a renewal term, the City and ORMC have negotiated a settlement involving a series of realty transactions: firstly, a sale to an ORMC-related entity of the air space above the amended leased premises; secondly, a land exchange to improve the configuration of each party’s real estate holdings within the complex, whereby a strip of the City-owned lands on which a portion of the commercial office tower at 2 Bloor Street West was incorrectly built (part 28 on J.D. Barnes Limited draft reference plan 97-22-016-11, Appendix A) will be conveyed to ORMC, and in exchange the City will acquire from ORMC a strata interest in a parcel of land at the corner of Cumberland and Yonge (part 4 on Appendix A) which improves the configuration of the City’s land holdings within the complex; and thirdly, amendments to the ground lease and a related reserves lease to reflect the new terms and conditions including new rent, revised boundaries of the leased premises to reflect the revised land holdings and to add the Cumberland/Yonge strata interest, and a further renewal right of 37 years to the end of the term. For further reference and graphic explanation of the transactions refer to Appendix “B” – Site Sketch.

This report seeks authority to enter into the purchase and sale agreement, land exchange and settlement agreement, lease amending agreements, and all related documentation to give effect to the settlement.

The terms for completing these transactions, as set out herein, are considered to be fair, Reasonable and reflective of market value.

Background Information (Committee)

Report - Arbitration Settlement - 2 Bloor Street West

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17562.pdf>

Appendix A - Draft Reference Plan (GM19-13)

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17563.pdf>

Appendix B - Site Sketch (GM19-13)

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17564.pdf>)

Appendix C - Site Map (GM19-13)

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17565.pdf>)

Confidential Attachment 1 (GM19-13)

13a Arbitration Settlement - 2 Bloor Street West

Origin

(November 6, 2008) Report from Chief Corporate Officer

Summary

The purpose of this report is to advise that a staff action report, "Arbitration Settlement 2 Bloor Street West" will be on the Supplementary Agenda for the Government Management Committee meeting scheduled for November 21, 2008.

Background Information (Committee)

Item - Arbitration Settlement 2 Bloor Street West

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17389.pdf>)

GM19.15	Adopted			Ward: 8
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Licence Renewal – Lands Adjacent to 3965 Keele Street

City Council Decision

City Council on December 1, 2 and 3, 2008, adopted the following motions:

1. City Council authorize the proposed three (3) year renewal of a licence agreement with Imperial Oil, a partnership of Imperial Oil Limited and McColl-Frontenac Petroleum Inc. (the Licensor) for the use of a portion of lands known as Finch Terminal, located adjacent to the City-owned property municipality known as 3965 Keele Street, for the purposes of an existing asphalt driveway and parking curb commencing on January 1, 2008, and expiring on December 31, 2010, under the same terms and conditions as in the existing Licence Agreement, as 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 Chief Corporate Officer be authorized and delegated to approve any future renewals of this licence indefinitely, as required by Toronto Fire Services.

Committee Recommendations

The Government Management Committee recommends that:

1. Council authorize the proposed three (3) year renewal of a licence agreement with Imperial Oil, a partnership of Imperial Oil Limited and McColl-Frontenac Petroleum Inc. (the Licensor) for the use of a portion of lands known as Finch Terminal, located adjacent to the City-owned property municipality known as 3965 Keele Street, for the purposes of an existing asphalt driveway and parking curb commencing on January 1, 2008 and expiring on December 31, 2010 under the same terms and conditions as in the existing Licence Agreement, as 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 Chief Corporate Officer be authorized and delegated to approve any future renewals of this licence indefinitely, as required by Toronto Fire Services.

Origin

(October 31, 2008) Report from Chief Corporate Officer

Summary

The purpose of this Report is to obtain Council's authority to enter into a three (3) year renewal of a licence agreement with Imperial Oil, for the City's use of a portion of Imperial Oil lands known as Finch Terminal, adjacent to the City-owned property municipality known as 3965 Keele Street. The licence is for the use of an existing asphalt driveway and parking curb.

Background Information (Committee)

Report - Licence Renewal - Lands Adjacent to 3965 Keele Street
<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17393.pdf>
 Appendix A - Major Terms and Conditions of the Existing Licence
<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17394.pdf>
 Appendix B - Location Map
<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17395.pdf>

GM19.16	Referred			Ward: 10
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Site Licence at the Corner of Allen Road and Transit Road

City Council Decision

City Council on December 1, 2 and 3, 2008, given the prominent location of this tower, referred this Item to the Chief Planner and Executive Director, City Planning:

1. to enter into discussions with Rogers Wireless Inc., with a view to enhancing the appearance of the installation; and
2. to negotiate, in consultation with the Chief Corporate Officer, a public art component of the lease agreement for this structure, which can best be described as a “finger of jagged ugliness thrust into the Downsview sky”.

Committee Recommendations

The Government Management Committee recommends that City Council:

1. Authorize the City to enter into a License Agreement with Rogers Wireless Inc.(the “Licensee”) to use and occupy approximately 48.26 square meters of land area, located on the corner of Allen Rd and Transit Road (the “Premises”) for its wireless network services, commencing Jan 1, 2007 and expiring on Dec 31, 2016, substantially on the terms and conditions as set out in “Appendix A” and on such other terms and conditions as approved by the Chief Corporate Officer, or his or her designate, and in a form and content acceptable to the City Solicitor.
2. Authorize the Chief Corporate Officer to administer and manage the License 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.

Origin

(November 4, 2008) Report from Chief Corporate Officer

Summary

The purpose of this Report is to obtain City Council approval to enter into a license agreement (the “**Licence Agreement**”) with Rogers Wireless Inc. (“**Rogers**”) to permit Rogers to continue to maintain their wireless equipment cabinets and antennas on City of Toronto (the “City”) property at the southeast corner of Allen Road and Transit Road.

The proposed agreement is for five years with renewal right for another 5 years.

Background Information (Committee)

Report - Site Licence at the Corner of Allen Road and Transit Road
(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17396.pdf>)
Schedule A - Major Terms of the License Agreement
(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17397.pdf>)

Schedule B - Location Map

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17398.pdf>)

GM19.17	Adopted			Ward: 29
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Don Valley Brick Works – Ground Lease Amendments and New Parking Lot Lease – Part of 550 Bayview Avenue

City Council Decision

City Council on December 1, 2 and 3, 2008, adopted the following motions:

1. City Council grant authority:
 - A. to make the revisions listed below in Parts 1.B.i. to vi. inclusive of Recommendation 1 to the existing ground lease (“Ground Lease”) with Evergreen and Toronto And Region Conservation Authority (“TRCA”) for the Project known as “Evergreen at the Brickworks” (“Leased Lands”), at 550 Bayview Avenue; and
 - B. to make similar revisions to such other Project-related agreements including the existing heritage easement agreement (“Heritage Easement”) for the Leased Lands between TRCA and Evergreen, which, in the opinion of the General Manager of Economic Development, Culture and Tourism (“General Manager”) in consultation with the Chief Corporate Officer and the Deputy City Manager and Acting Chief Financial Officer (“Acting DCM/CFO”) and TRCA, are also required to be so amended:
 - i. to allow during the period from approximately early December 2008 to March 31, 2009, or such extension thereof not to extend past July 31, 2009 (“Phase One Construction”), for preparatory site preparation and mobilization, building stabilization including drilling of micro-piles or foundation caissons, installation of below-grade site services and infrastructure to existing City infrastructure; grade alterations for storm water management, erosion and sediment control, base courses to support asphalt, concrete and brick paving, and for universal accessibility, on terms and conditions satisfactory to Evergreen, TRCA and the General Manager in consultation with the Chief Corporate Officer;
 - ii. thereafter, to allow Evergreen to substantially complete the rest of its Project construction work as described in Evergreen’s June 9, 2008 Site Plan Application submission as approved by TRCA in final form and in accordance with the Heritage Easement and Ground Lease by no later than December 31, 2010 (“Phase Two Construction”), unless the same be further extended as set out in the Ground Lease;

- iii. to amend and confirm that the description of and any reference to the “Leased Lands’ in the Ground Lease and related Project documentation shall henceforth include those sub-surface strata and ground-water portions of the Leased Lands which Evergreen, TRCA and the General Manager in consultation with the Chief Corporate Officer, agree in writing are necessary or desirable to effectively implement, support, maintain, repair, replace or otherwise be used, for the work described in Recommendation 1A., above, as well as all adjacent trench excavation areas disturbed or used in connection therewith;
 - iv. by substituting a proposed maximum cost of Thirty-Seven Million, Eight-Hundred Thousand (\$37,800,000.00) Dollars (Inclusive of GST and other applicable taxes) for any references to the previously approved Forty-Two Million (\$42,000,000.00) Dollars in any agreement(s) between the City, TRCA, Evergreen and Evergreen’s design build guaranteed price contractor;
 - v. by substituting a sum equal to Thirty-One Million, Five Hundred Thousand (\$31,500,000.00) Dollars (inclusive of GST and other applicable taxes) of Capital Improvement Construction Costs for the Project plus a 20% contingency thereof in the amount of Six Million and Three Hundred Thousand (\$6,300,000.00) Dollars (collectively, Thirty Seven Million Eight Hundred Thousand (\$37,800,000.00)) Dollars for any references to the previously proposed amounts of Thirty-Five Million (\$35,000,000.00) Dollars and Seven Million (\$7,000,000.00) Dollars respectively; and
 - vi. by extending the relevant time periods for fulfilling the pre-conditions and other requirements in the Ground Lease and related Project documentation relating to the commencement of the Ground Lease and to Project construction (other than the Substantial Completion Date) to allow for Phase One and Phase Two Construction and such other revisions as described above, from the dates currently described in the Ground Lease to such date(s) not to exceed December 31, 2010, as are considered satisfactory to the Chief Corporate Officer in consultation with the Acting Deputy City Manager and Chief Financial Officer and the General Manager.
2. City Council confirm that its earlier authorizations for the City to enter into financing related agreements with Evergreen and its institutional or private Project lenders and TRCA to facilitate construction of the Project on the Leased Lands shall be deemed to have also been so amended to include the revisions listed in Parts 1.B.i, to 1.B.vi., inclusive of Recommendation 1.
3. City Council grant authority for the City to enter into:
 - i. an amending agreement with TRCA and Evergreen, and Ontario Heritage Trust

and The W. Garfield Weston Foundation, as required; and

- ii. the financing and other Project-related agreements with Evergreen and its lenders and TRCA,

which, in the opinion of the General Manager in consultation with the Acting Deputy City Manager and Chief Financial Officer and Chief Corporate Officer, are appropriate, to implement the revisions described in Recommendations 1 and 2, subject to such further revisions and other terms and conditions as may be satisfactory to the General Manager in consultation with the Acting Deputy City Manager and Chief Financial Officer and the Chief Corporate Officer, all in form satisfactory to the City Solicitor.

- 4. City Council grant authority to enter into a new lease with Evergreen (“Parking Lot Lease”) for a portion of the City-owned road allowance proximate to the Project shown as Part 1 on Sketch PS-2008-135 attached as Appendix 1 to this report, in order to permit use thereof by Evergreen for parking and access purposes for the Project, based on terms of a net lease to the City for nominal consideration, having a term co-terminus with the Canadian Pacific Railway lease with Evergreen of adjacent lands but with an expiration date not later than the expiration of the Ground Lease and with a cross-default clause to the Ground Lease at the discretion of the Chief Corporate Officer, and subject to such other lease terms and conditions, as may be satisfactory to the Chief Corporate Officer and in a form satisfactory to the City Solicitor.
- 5. The Chief Corporate Officer be authorized to administer and manage the Parking Lot Lease, 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.

Committee Recommendations

The Government Management Committee recommends that City Council:

- 1. Grant authority:
 - (A) to make the revisions listed below in (B)(i) to (vi) inclusive of Recommendation No. 1 to the existing ground lease (“Ground Lease”) with Evergreen and Toronto And Region Conservation Authority (“TRCA”) for the Project known as “Evergreen at the Brickworks” (“Leased Lands”), at 550 Bayview Avenue; and
 - (B) to make similar revisions to such other Project-related agreements including the existing heritage easement agreement (“Heritage Easement”) for the Leased Lands between TRCA and Evergreen, which, in the opinion of the General Manager of Economic Development, Culture and Tourism (“General Manager”) in consultation with the Chief Corporate Officer and the Deputy City Manager

and Acting Chief Financial Officer (“Acting DCM/CFO”) and TRCA, are also required to be so amended:

- (i) to allow during the period from approximately early December 2008 to March 31, 2009 or such extension thereof not to extend past July 31, 2009 (“Phase One Construction”) for preparatory site preparation and mobilization, building stabilization including drilling of micro-piles or foundation caissons, installation of below-grade site services and infrastructure to existing City infrastructure; grade alterations for storm water management, erosion and sediment control, base courses to support asphalt, concrete and brick paving, and for universal accessibility, on terms and conditions satisfactory to Evergreen, TRCA and the General Manager in consultation with the Chief Corporate Officer;
- (ii) thereafter, to allow Evergreen to substantially complete the rest of its Project construction work as described in Evergreen’s June 9, 2008 Site Plan Application submission as approved by TRCA in final form and in accordance with the Heritage Easement and Ground Lease by no later than December 31, 2010 (“Phase Two Construction”) unless the same be further extended as set out in the Ground Lease;
- (iii) to amend and confirm that the description of and any reference to the “Leased Lands’ in the Ground Lease and related Project documentation shall henceforth include those sub-surface strata and ground-water portions of the Leased Lands which Evergreen, TRCA and the General Manager in consultation with the Chief Corporate Officer, agree in writing are necessary or desirable to effectively implement, support, maintain, repair, replace or otherwise be used, for the work described in Recommendation No. 1(a) above, as well as all adjacent trench excavation areas disturbed or used in connection therewith;
- (iv) by substituting a proposed maximum cost of Thirty Seven Million Eight Hundred Thousand (\$37,800,000.00) Dollars (Inclusive of GST and other applicable taxes) for any references to the previously approved Forty-Two Million (\$42,000,000.00) Dollars in any agreement(s) between the City, TRCA, Evergreen and Evergreen’s design build guaranteed price contractor;
- (v) by substituting a sum equal to Thirty One Million Five Hundred Thousand (\$31,500,000.00) Dollars (inclusive of GST and other applicable taxes) of Capital Improvement Construction Costs for the Project plus a 20% contingency thereof in the amount of Six Million and Three Hundred Thousand (\$6,300,000.00) Dollars (collectively, Thirty Seven Million Eight Hundred Thousand (\$37,800,000.00)) Dollars for any references to the previously proposed amounts of Thirty-Five Million (\$35,000,000.00) Dollars and Seven Million (\$7,000,000.00) Dollars respectively; and

- (vi) by extending the relevant time periods for fulfilling the pre-conditions and other requirements in the Ground Lease and related Project documentation relating to the commencement of the Ground Lease and to Project construction (other than the Substantial Completion Date) to allow for Phase One and Phase Two Construction and such other revisions as described above, from the dates currently described in the Ground Lease to such date(s) not to exceed December 31, 2010 as are considered satisfactory to the Chief Corporate Officer in consultation with the Acting DCM/CFO and the General Manager.
2. Confirm that its earlier authorizations for the City to enter into financing related agreements with Evergreen and its institutional or private Project lenders and TRCA to facilitate construction of the Project on the Leased Lands shall be deemed to have also been so amended to include the revisions listed in (B)(i) to (B)(vi) inclusive of Recommendation No.1.
3. Grant authority for the City to enter into:
 - (i) an amending agreement with TRCA and Evergreen, and Ontario Heritage Trust and The W. Garfield Weston Foundation, as required; and
 - (ii) the financing and other Project-related agreements with Evergreen and its lenders and TRCA,

which, in the opinion of the General Manager in consultation with the DCM/CFO and Chief Corporate Officer, are appropriate, to implement the revisions described in Recommendations Nos. 1 and 2, subject to such further revisions and other terms and conditions as may be satisfactory to the General Manager in consultation with the Acting DCM/CFO and the Chief Corporate Officer, all in form satisfactory to the City Solicitor.
4. Grant authority to enter into a new lease with Evergreen (“Parking Lot Lease”) for a portion of the City-owned road allowance proximate to the Project shown as Part 1 on Sketch PS-2008-135 attached as Appendix 1 to this report, in order to permit use thereof by Evergreen for parking and access purposes for the Project, based on terms of a net lease to the City for nominal consideration, having a term co-terminus with the Canadian Pacific Railway lease with Evergreen of adjacent lands but with an expiration date not later than the expiration of the Ground Lease and with a cross-default clause to the Ground Lease at the discretion of the Chief Corporate Officer, and subject to such other lease terms and conditions, as may be satisfactory to the Chief Corporate Officer and in a form satisfactory to the City Solicitor.
5. The Chief Corporate Officer be authorized to administer and manage the Parking Lot Lease, 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.

Origin

(November 5, 2008) Report from Acting Deputy City Manager and Chief Financial Officer, and Deputy City Manager

Summary

To obtain authority to enter into an amending agreement with Toronto And Region Conservation Authority and Evergreen to amend the Ground Lease for the Project known as “Evergreen at the Brickworks”, 550 Bayview Avenue (the “Project”) to facilitate Project construction in Two Phases. In addition, authority is sought for a net lease with Evergreen and the City for nominal consideration of a portion of the City-owned road allowance adjacent to the north-easterly limit of the Canadian Pacific Railway Lands abutting the Project.

Background Information (Committee)

Report - Don Valley Brick Works - Ground Lease Amendments and New Parking Lot Lease - Part of 550 Bayview Avenue

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17415.pdf>

Appendix 1 - Sketch Ps-2008-135

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-17416.pdf>

Submitted Friday, November 21, 2008

Deputy Speaker Gloria Lindsay Luby, Chair, Government Management Committee