

**Licence to Rowbry Holdings Ltd. – “Driveway Lands”
South of 1100 Eglinton Avenue East**

Date:	December 16, 2009
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	Ward 25 – Don Valley West
Reference Number:	P:\2010\Internal Services\F&re\Gm10003F&re – (AFS 10992)

SUMMARY

The purpose of this report is to obtain authority to enter into a Licence agreement with Rowbry Holdings Ltd. to occupy and maintain the driveway located on the road allowance at the north east corner of Eglinton Avenue East and Leslie Street south of 1100 Eglinton Avenue East.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council authorize the Licence agreement to be entered into with Rowbry Holdings Ltd., substantially on the terms and conditions as set out in Appendix A of this report, together with such other terms and conditions as may be deemed appropriate by the Chief Corporate Officer and in a form approved by the City Solicitor.
2. City Council authorize to the Chief Corporate Officer to administer and manage the Licence 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 matter (including their content) to City Council for its determination and direction.

Financial Impact

Net rental revenue of \$120,180.00 plus applicable taxes and additional rent will be generated over the five-year term.

It is the Licencee's intention to purchase the subject lands from the City. The agreement would be terminated on the closing day of any potential purchase.

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

DECISION HISTORY

By the adoption of Clause No.10 of Report No. 16 of the Corporate Administration Committee on May 17, 1995 and Clause No. 25 of Report No.1 of the Environment and Public Space Committee on January 25 and 26, 1995, the former Metropolitan Council approved entering into a Licence agreement with FRC Properties Partnerships (later 1144020 Ontario Limited), the owner of the Inn of the Park, located at 1100 Eglinton Avenue East for use of the driveway and pedestrian walkway on the road allowance, at the north-east corner of Eglinton Avenue East and Leslie Street on the south side of the Licencee's property. The agreement was for a term of five (5) years commencing on August 20, 1994 with the annual fee of \$10,908.00 net plus applicable taxes.

By adoption of DAF # 99-202 dated November 3, 1999 authority was granted to enter into a five (5) year Licence agreement with 1144020 Ontario Limited effective August 20, 1999 and expiring August 19, 2004 with the rental rate of \$15,000.00 per annum net plus applicable taxes.

On October 22, 2004, 1144020 Ontario Ltd. sold the property at 1100 Eglinton Avenue East to Rowbry Holdings Limited.

By adoption of DAF # 2005-027 dated December 14, 2005, authority was granted to enter into a five (5) year Licence agreement with Rowbry Holdings Limited effective October 22, 2004 at the rate of \$18,750.00 net plus applicable taxes. This agreement expired on October 21, 2009.

COMMENTS

Rowbry Holdings Ltd has constructed a new driveway with sidewalks on the subject lands in 2009 to meet the current municipal standards. The driveway design was approved by the City Planning and Technical Services Department through a new site plan application.

There is an interest from Rowbry Holdings Limited to purchase the subject lands. The Licencee is currently working with Real Estate Services to acquire these lands. In the interim the City and Rowbry Holdings Ltd. will enter into a Licence extension until the purchase is completed, if approved.

The Licence fee and other terms and conditions of the proposed Licence agreement reflect current market value according to market research and valuation conducted by F&RE staff.

CONTACT

Joe Casali
Director, Real Estate Services
Tel: (416) 392-7202
Fax: (416) 392-1880
jcasali@toronto.ca

Chuck Donohue, P. Eng.
Executive Director, Facilities & Real Estate
(416) 397-5151
(416) 392-4828
cdonohue@toronto.ca

SIGNATURE

Bruce Bowes, P. Eng.
Chief Corporate Officer

ATTACHMENTS

Appendix “A” - Major Terms & Conditions
Appendix “B” – Location Map
Appendix “C” – Reference Plan