

**Renewal of License Agreement for the Condominium  
Sales Centre at 18 Lower Jarvis Street (also known as 1  
Market Street)**

<b>Date:</b>	April 7, 2010
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Manager, Right of Way Management, Transportation Services Toronto and East York District
<b>Wards:</b>	Toronto Centre-Rosedale – Ward 28
<b>Reference Number:</b>	Te10034te.row

**SUMMARY**

This staff report is regarding a matter which Community Council has delegated authority from City Council to make a final decision.

Context (Market Wharf) Inc. plans to develop a mixed-use project on the property, consisting of an 8-storey podium and a 33-storey residential tower. They need to continue to maintain the sales centre and temporary asphalt sidewalk on the east side of Market Street until construction of the retail area of the building is complete, at which time the sales centre can be moved into the building.

The sales centre and temporary asphalt sidewalk does not impact negatively on the public right of way and Transportation Services recommends approval of the request to renew the license agreement.

**RECOMMENDATIONS**

**Transportation Services recommends that Toronto and East York Community Council:**

1. approve the request to renew the license agreement to maintain the sales centre at 18 Lower Jarvis Street (also known as 1 Market Street) and temporary asphalt sidewalk on the east side of Market Street until such time that the construction of the retail portion of the building is complete and the sales centre can be moved into the building;

2. pay an annual fee for the encroaching sales centre and temporary asphalt sidewalk as determined by the Director of Real Estate Services, Facilities and Real Estate;
3. authorize Legal Services and/or the General Manager of Transportation Services to extend the License Agreement to the new owner in the event of sale or transfer of the property abutting the encroachment, subject to the approval of the General Manager of Transportation Services; and
4. Request Legal Services to prepare and execute the License Agreement.

### **Financial Impact**

There is no financial impact to the City as a result of this report.

### **DECISION HISTORY**

City Council at its meeting of April 28 and 29, 2008, in considering Item TE14.73, approved the construction and maintenance of a condominium sales centre and temporary asphalt sidewalk on the east side of Market Street for a 24-month period from May 1, 2008 to May 1, 2010.

### **ISSUE BACKGROUND**

Transportation Services has received a letter from Context (Market Wharf) Inc. requesting to renew the license agreement for the condominium sales centre and temporary asphalt sidewalk located on the east side of Market Street. The license agreement to maintain the sales centre and asphalt sidewalk expires May 1, 2010.

Context Inc. originally thought that they would have the retail portion of the building constructed and have the sales centre relocated within the building by May 1, 2010. As the project is not on schedule, they are requesting to maintain the sales centre and asphalt sidewalk within the public right of way until the 8-storeys retail podium of the building is constructed and the sales centre is relocated within the building; and the sales centre and temporary asphalt sidewalk on the east side of Market Street will be removed.

### **COMMENTS**

To date, the sales centre and temporary asphalt sidewalk is being maintained in a satisfactory condition and rental fees for the 24-month period have been received.

The annual net market rent for the sales centre was appraised by Appraisal Services, Facilities and Real Estate in 2008 to be \$72,800.00 per year, to be adjusted annually by the Consumer Price Index (CPI). Staff have consulted with Appraisal Services to confirm that the annual net market rent remains the same, however, this was not confirmed at the time of preparing the report. It is recommended that the applicant pay the annual net market rent as determined by Appraisal Services.

Photos of the sales centre and temporary asphalt sidewalk are shown in Appendix "A".

## **Reasons for Approval**

Transportation Services has assessed the request and determined that the application to renew the license agreement for the sales centre and temporary asphalt sidewalk will not impact negatively on the public right of way.

Details of the encroachment are on file with Transportation Services.

## **CONTACT**

Elio Capizzano, Supervisor, Right of Way Management  
Telephone: 416-392-7876, Fax: 416-392-7465, E-mail: [ecapizza@toronto.ca](mailto:ecapizza@toronto.ca)

## **SIGNATURE**

---

Angie Antoniou  
Manager, Right of Way Management

## **ATTACHMENTS**

Appendix “A” – Photos of the sales centre and temporary asphalt sidewalk

P:\2010\cluster B\TRA\Toronto and EastYork\row\Te10034te.row - cam