



STAFF REPORT ACTION REQUIRED

Lease Agreement for Toronto Emergency Services Antenna Facility – 990 Jane Street

Date:	March 14, 2011
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	11 – York South-Weston
Reference Number:	P:\2011\InternalServices\RE\Gm11013re (AFS# 13591)

SUMMARY

The purpose of this report is to obtain City Council authority to enter into a lease agreement (the "Lease Agreement") with the Landlord, the Toronto District School Board (TDSB), for use of a portion of the property known municipally as 990 Jane Street as a Toronto Emergency Services radio antenna facility.

RECOMMENDATIONS

The Chief Corporate Officer recommends:

1. City Council authorize the Lease Agreement with TDSB for use of approximately 1,655 square feet of land within the property known municipally as 990 Jane Street, substantively on the terms and conditions 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 acceptable to the City Solicitor.
2. City Council authorize the Chief Corporate Officer or designate to administer and manage the Lease Agreement including the provision of any consents, approvals, waivers, and notices of termination provided that the Chief Corporate Officer may, at any time refer consideration of such matter to City Council for its determination and direction.

3. The City Solicitor be authorized to complete the transaction on behalf of the City, including paying any necessary expenses, amending the relevant dates and amending and waiving terms and conditions, on such terms as she considers reasonable.
4. The appropriate City Officials be authorized and directed to take whatever action necessary to give effect thereto.

FINANCIAL IMPACT

The total rental cost to the City payable to TDSB is \$1.00 per year in each year of the term. Utilities are paid by the City and are estimated to be approximately \$18,000 per year, to be equally shared by the 3 Services. Funding is available in the Approved 2011 Operating Budgets for Toronto Police Service, Toronto Fire Services and Toronto Emergency Medical Services and will be included in future budgets.

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

DECISION HISTORY

Under the authority of Metropolitan Toronto Executive Committee Report No. 53 (39), adopted by Council on November 5, 1974, The Municipality of Metropolitan Toronto entered into a lease agreement with The Board of Education for The Borough of York for approximately 1,665 square feet of land at 990 Jane Street. A police communication tower was constructed at this location to serve the westerly portion of the Metropolitan Toronto Police Communication System.

ISSUE BACKGROUND

The original lease between The Board of Education for The Borough of York and The Municipality of Metropolitan Toronto dated June 9, 1975 had a term of twenty-five (25) years commencing on July 1, 1975 and ending on June 30, 2000. Toronto Emergency Services have indicated the facility is a key part of its radio communication network and are desirous of a new lease agreement for the site, subject to the terms as outlined in Appendix "A".

COMMENTS

Under the general conditions of "Delegation of Authority in Certain Real Estate Matters", approved pursuant to the Delegated Authority contained in Executive Committee Item EX43.7, adopted by City Council on May 11 and 12, 2010 and confirmed under By-law

No. 532-2010, enacted on May 12, 2010, approval authority in leasing matters is limited to periods (including options/renewals) of less than twenty one (21) years.

As more than 21 years has elapsed from the date of the initial agreement, the proposed lease agreement for the subject property at 990 Jane Street requires the approval of City Council.

Real Estate Services Staff consider the terms and conditions of this proposed Lease Agreement, as detailed in Appendix "A", to be fair and reasonable.

CONTACT

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

SIGNATURE

Bruce Bowes, P. Eng.
Chief Corporate Officer

ATTACHMENTS

Appendix "A" – Major Terms and Conditions
Appendix "B" – Locations Maps

Appendix "A" Major Terms and Conditions

Landlord: Toronto District School Board

Tenant: City of Toronto.

Demised Area: Approximately 1,655 square feet of land at the northeast corner of 990 Jane Street.

Term: Ten (10) years, commencing July 1, 2010 and expiring June 30, 2020.

Basic Rent: One (\$1.00) per annum in each year of the renewal term.

Utilities: By separate meter(s) the City as tenant is responsible for the cost of all utilities consumed by the antenna installation. The annual cost of all utilities is estimated to be approximately \$18,000.00 per year.

Fencing and Yard Maintenance: The City is responsible to maintain, in good repair, a protective fence surrounding the Demised Area.

Termination: Either party has the right to terminate the Lease Agreement at any time upon giving six (6) months prior written notice to the other party without penalty.

Option To Renew: The City has the option to renew the Lease Agreement for one (1) additional term of ten (10) years, upon giving TDSB three (3) months prior written notice.

Right To Sublease: The City as Tenant has the right to sub-lease space within the Demised Area to federal or provincial police agencies upon giving TDSB thirty (30) days written notice. Any sub-leasing will remain solely for the purposes of radio communications.

Appendix "B"

Locations Maps



Source: Iview & Bing Mapping