



**STAFF REPORT  
ACTION REQUIRED  
Confidential Attachment**

**Negotiation of Indemnity in Hydro Licences including 21 Alness Street**

<b>Date:</b>	February 7, 2013
<b>To:</b>	Government Management Committee
<b>From:</b>	Chief Corporate Officer
<b>Wards:</b>	8 – Trinity Spadina
<b>Reason for Confidential Information:</b>	This report involves the security of property belonging to the City or one of its agencies, boards, and commissions.
<b>Reference Number:</b>	P:\2013\Internal Services\RE\Gm13010re(AFS#17038)

**SUMMARY**

---

The purpose of this report is to obtain City Council authority to negotiate outstanding indemnity provisions with the Province for various Hydro licences including Hydro corridor lands adjacent to 21 Alness Street in Toronto.

**RECOMMENDATIONS**

---

**The Chief Corporate Officer recommends that:**

1. With respect to City-given indemnities for Hydro licences, City Council adopt the confidential instructions to staff and recommendations in Attachment 1 and that such confidential instructions and recommendations remain confidential;
2. With respect to the lands adjacent to 21 Alness Street (the "Lands"), City Council authorize the City as Licensee to enter into a licence agreement with Her Majesty the Queen in Right of Ontario as represented by The Ministry of Infrastructure (the "Licensor") substantially 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 her designate (the "CCO"), and in a form acceptable to the City Solicitor;

3. City Council authorize the CCO to administer and manage the agreement, including the provision of any consents, approvals, waivers, notices of termination provided that the CCO may, at any time refer consideration of such matter to City Council for its determination and direction;
4. City Council authorize the CCO and Director of Real Estate Services to severally execute the Agreement on behalf of the City; and
5. City Council authorize and direct the appropriate City Officials to take whatever action necessary to give effect thereto.

## **FINANCIAL IMPACT**

- (i) Negotiation of Indemnity Provisions

Details of the financial impacts are provided in the Confidential Attachment.

- (ii) 21 Alness Street

The total cost to the City for the term of this licence is estimated to be \$109,670.00 plus HST which is based on a licence fee of \$1,743 per month and realty taxes of \$1,018 per year. Funding of \$21,934 is required for 2013 and is provided in the 2013 Approved Operating Budget for Parks, Forestry & Recreation. Funding for annual parking fees and realty taxes of \$21,934 will be accommodated in Parks, Forestry and Recreation's future budgets.

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

## **DECISION HISTORY**

Beginning in 1977, The Corporation of the City of North York leased a portion of Hydro corridor lands adjacent to 21 Alness Street for the purposes of additional staff parking. The original agreement was renewed on several occasions and most recently in 2000 under the Authority of DAF-2000-028. The agreement lapsed in 2004, but the City has retained use of the Lands on a month-to-month basis. The Licensor now requires a new licence.

## **ISSUE BACKGROUND & COMMENTS**

- (i) Negotiation of Indemnity Provisions

The City licenses many sites from the Licensor for various parking, parks, community gardens and open space purposes. In the course of negotiating licences for these current outstanding and any future sites (the "Hydro Sites"), the parties have been unable to agree

upon the indemnity provisions as demanded in the Licensor's standard form of licence document. Accordingly, Council direction is being sought. The Confidential Attachment to this report addresses those issues.

(ii) 21 Alness Street

The parking facility is located within the former City of North York. Parks, Forestry and Recreation have confirmed the space continues to be required for the purposes of City employee parking. Since the length of this ongoing licence (together with previous terms) exceeds the maximum length of term under the Real Estate delegated authorities, Council authority is being sought. Real Estate Services Staff have negotiated a new licence based on the terms as set out in Appendix "A", and consider these terms and conditions to be fair and reasonable, and at market rates.

## **CONTACT**

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

## **SIGNATURE**

---

Josie Scioli,  
Chief Corporate Officer

## **ATTACHMENTS**

Appendix "A" – Major Terms & Conditions  
Appendix "B" – Location Maps  
Attachment 1 – Confidential Information

## **Appendix "A" - Major Terms & Conditions, 21 Alness Street**

### Licensor:

Her Majesty the Queen in Right of Ontario as represented by The Ministry of Infrastructure

### Licensee:

City of Toronto

### Lands:

Described as Part of the East Half of Lot 21, Concession 3, West of Yonge Street, in the former City of North York comprising of an area approximately 0.664 acre (see map in Appendix "B").

### Term:

Five (5) years, commencing on September 1, 2011 and expiring on August 31, 2016.

### Financial Implications:

Total cost over the Term is estimated to be \$109,670.00 plus HST inclusive of the licence fee and realty taxes.

### Licence Fee:

\$1,743.00 per month plus HST.

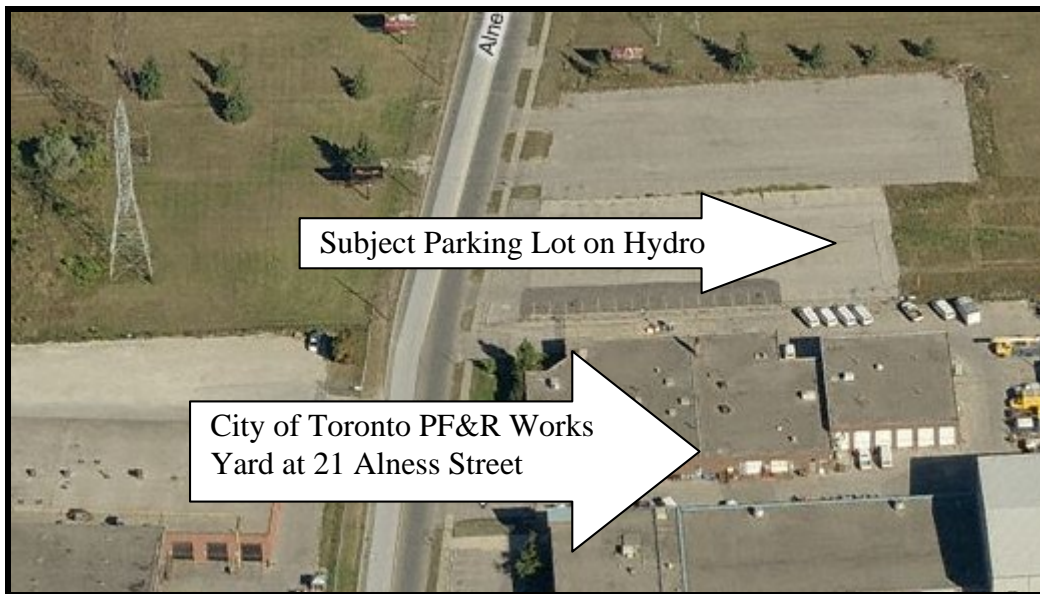
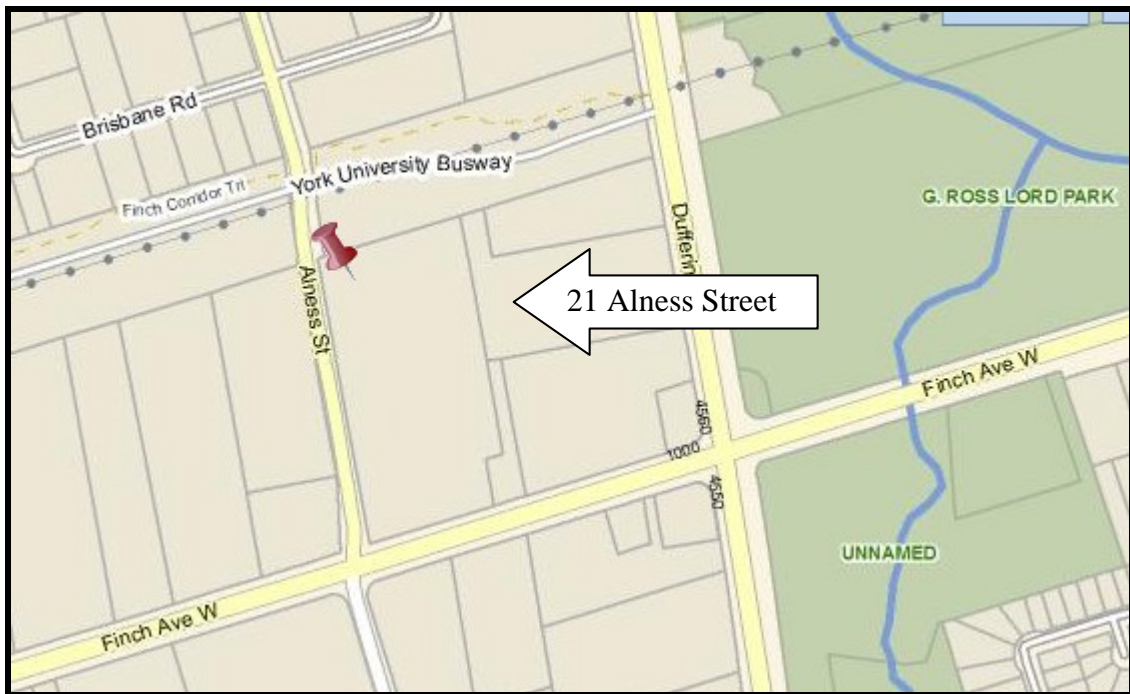
### Realty Taxes:

The City as Licensee is responsible for 75% of the of the applicable annual realty taxes which are currently estimated to be \$1,018.00 per year.

### "As-Is"

The City as Licensee accepts use of the area on an "as-is, where is" basis.

**Appendix "B" - Location Map for 21 Alness Parking**



Source : Iview and Bing Mapping