

Appendix A Amendments to Municipal Code Chapters

Parks, Forestry and Recreation

1. City Council amend Toronto Municipal Code, Chapter 608, Parks as follows:

a. Amend the definition of "PERMIT" in subsection 608-1 "Definitions" to delete the words "to engage in an activity in a park" and insert the words "to allow for the use of any area located within the boundaries of a park, granted in accordance with this chapter."

b. Add a definition of "REAL ESTATE APPROVAL PROCESS" in subsection 608-1 "Definitions" to mean: "the real estate service delivery model and delegated authority approval process as set out in Item EX27.12, adopted by Council at its meeting of October 2, 3 and 4, 2017, including any amendments as approved by Council from time to time".

c. Add, as a new subsection 608-56, "Delegated real estate authority", as follows:

A. The General Manager shall have authority to issue permits in relation to park areas or facilities on terms acceptable to the General Manager, including insurance and indemnification provisions, and in a form satisfactory to the City Solicitor, provided that:

(1) the term of the arrangement, including all rights of renewal or extension, is

(a) for a total period not exceeding one (1) year; or

(b) where the arrangement relates to only a portion of an existing building or structure, for a total period of three (3) years or less,

(c) subject to a right of termination in favour of the City, exercisable upon not greater than 90 days' prior notice;

(2) the total rent or licence fee payable to the City pursuant to such arrangement does not exceed \$50,000;

(3) the start date for the use shall not be later than six (6) months from the date the permit was issued; and

(4) the fee(s) payable to the City in relation to such permit shall conform with the requirements of Chapter 441 (Fees and Charges) or, if Chapter 441 is not applicable, otherwise reflect fair market value.

B. Where the requested permit does not meet the criteria set out in Subsection A, the permit request shall be directed through the Real Estate Approval Process.

C. Where the General Manager wishes to proceed with a transaction that falls outside of the scope of authority delegated by Council pursuant to the Real Estate Approval Process, the General Manager shall seek Council approval for such transaction by way of a joint report together with the Deputy City Manager, Internal Corporate Services.

Toronto Transit Commission

2. City Council amend Toronto Municipal Code, Chapter 279, Toronto Transit Commission as follows:

a. Add, as a new subsection 279-6, "Delegated real estate authority", as follows:

A. As used in this Section, the following term shall have the meaning indicated:

REAL ESTATE APPROVAL PROCESS - the real estate service delivery model and delegated authority approval process as set out in Item EX27.12, adopted by Council at its meeting of October 2, 3 and 4, 2017, including any amendments as approved by Council from time to time.

B. The Toronto Transit Commission shall have authority to approve and enter into licences and leases for the use of lands under the jurisdiction of the Toronto Transit Commission on terms acceptable to the Toronto Transit Commission Board, including insurance and indemnification provisions, and in a form satisfactory to the General Counsel of Toronto Transit Commission, provided that:

(1) the term of the arrangement, including all licences and leases, and rights of extension or renewal, is

(a) for a total period of one (1) year or less; or

(b) where the arrangement relates to only a portion of an existing building or structure, for a total period of three (3) years or less,

(c) subject to a right of termination in favour of the Toronto Transit Commission, exercisable upon not greater than 90 days' prior notice;

(2) the total rent or licence fee payable to the Toronto Transit Commission pursuant to such arrangement does not exceed \$50,000;

(3) the start date for the use shall not be later than six (6) months from the date the licence or lease was issued; and

(4) the fee(s) payable to the Toronto Transit Commission in relation to such arrangements reflect fair market value.

C. Where the proposed transaction does not meet the criteria set out in Subsection B, the transaction shall be directed through the Real Estate Approval Process.

D. Where the Toronto Transit Commission wishes to proceed with a transaction that falls outside of the scope of authority delegated by Council pursuant to the Real Estate Approval Process, the Toronto Transit Commission shall seek Council approval for such transaction by way of a joint report to Council from the Toronto Transit Commission and the Deputy City Manager, Internal Corporate Services.

E. Any property interest acquired or held in the name of the Toronto Transit Commission shall be deemed to be acquired or held by the Toronto Transit Commission in its capacity as an agent of the City, and for the purpose of a transportation system provided by the City, within the meaning of City of Toronto Act, 2006, or any successor legislation.

F. Toronto Transit Commission shall assist in the implementation of transactions proposed by the Deputy City Manager, Internal Corporate Services with respect to property under the jurisdiction of, or registered in the name of, the Toronto Transit Commission, as requested by the Deputy City Manager, Internal Corporate Services.

Parking Authority

3. City Council amend Toronto Municipal Code, Chapter 179, Parking Authority as follows:

a. Delete subsection 179-7.1(C), "Authority over bike share system".

b. Add, as a new subsection 179-8.1, "Delegated real estate authority", as follows:

A. As used in this Section, the following term shall have the meaning indicated:

REAL ESTATE APPROVAL PROCESS - the real estate service delivery model and delegated authority approval process as set out in Item EX27.12, adopted by Council at its meeting of October 2, 3 and 4, 2017, including any amendments as approved by Council from time to time.

B. The Parking Authority shall have authority to approve and enter into licences and leases in relation to areas or facilities under the jurisdiction of the Parking Authority on terms acceptable to the Parking Authority, including insurance and indemnification provisions, and in a form satisfactory to the City Solicitor, provided that:

- (1) the term of the arrangement, including all licences and leases and rights of extension or renewal, is
 - (a) for a total period of one (1) year or less; or
 - (b) where the arrangement relates to only a portion of an existing building or structure, for a total period of three (3) years or less,
 - (c) subject to a right of termination in favour of the Parking Authority, exercisable upon not greater than 90 days' prior notice;
- (2) the total rent or licence fee payable to the Parking Authority pursuant to such arrangement does not exceed \$50,000;
- (3) the start date for the use shall not be later than six (6) months from the date the licence or lease was issued;
- (4) the fee(s) payable to the Parking Authority in relation to such licences or leases shall conform to the requirements of Chapter 441 (Fees and Charges) or, if Chapter 441 is not applicable, otherwise reflect fair market value; and
- (5) where the arrangement relates to the provision of a bike share system in accordance with Section 179-7.1, the arrangement complies with the terms of Section 179-7.1 and, for greater certainty, such arrangement is not subject to the limitations set out in (1)-(4) above.

C. Where a proposed transaction does not meet the criteria set out in B, the transaction shall be directed through then Real Estate Approval Process.

D. Where the Parking Authority wishes to proceed with a transaction that falls outside of the scope of authority delegated by Council pursuant to the Real Estate Approval Process, the Parking Authority shall seek Council approval for such transaction by way of a joint report to Council from the President and the Deputy City Manager, Internal Corporate Services.

E. The Parking Authority shall assist in the implementation of transactions proposed by the Deputy City Manager, Internal Corporate Services with respect to property under the jurisdiction of the Parking Authority, as requested by the Deputy City Manager, Internal Corporate Services.

c. Add the words "where the Deputy City Manager, Internal Corporate Services has concurred," between the words "The Parking Authority may" and "enter into agreements for" in subsection 179-9, "Agreements for construction of parking facilities"

d. Delete subsections 179-10(A)-(C), "Disposal of land or buildings".

e. Delete subsection 179-10(D), and replace with the following: "The money obtained from a sale or lease of property under the jurisdiction of the Parking Authority shall be paid to the City and the balance remaining after payment of incidental expenses shall be paid into the reserve fund established under section 417 of the Municipal Act, 2001 or under a predecessor to that section, subject to the terms of any revenue-sharing agreement between the City and the Parking Authority."

f. Delete subsection 179-10(E) and subsections 179-10(E)(1)-(2), and replace with the following: "Despite anything in this chapter, the Parking Authority shall be subject to the policy and procedures governing land transactions among City agencies, boards, commissions and departments and allocating net proceeds from the sale of City-owned real property as established by Council, subject to the terms of any revenue-sharing agreement between the City and the Parking Authority."

g. Delete subsection 179-11, "Authority to construct buildings or structures for other uses".

h. Delete subsection 179-12(B), " Authority to lease facilities".

Toronto Public Library

City Council amend Toronto Municipal Code, Chapter 137, Public Library Board as follows:

a. Add, as a new subsection 137-3, "Delegated real estate authority", as follows:

Council's consent to real property transactions proposed by the Library Board under the Public Libraries Act shall be subject to the following:

A. As used in this Section, the following term shall have the meaning indicated:

REAL ESTATE APPROVAL PROCESS - the real estate service delivery model and delegated authority approval process as set out in Item EX27.12, adopted by Council at its meeting of October 2, 3 and 4, 2017, including any amendments as approved by Council from time to time.

B. The Library Board shall have authority to approve and enter into leases and licences in relation to areas or facilities under its jurisdiction in the following instances:

(1) Where the Library Board is the landlord:

(a) the term of the lease, including renewal or extension options, shall not exceed a total term of one (1) year;

(b) the rent payable to the Library Board in relation to such arrangements reflects fair market value; and

(c) the base rent for the entire term shall not exceed \$50,000.

(2) Where the Library Board is the tenant:

(a) the term of the lease, including renewal or extension options, shall not exceed a total term of one (1) year;

(b) the base rent shall be no greater than fair market value;

(c) the base rent for the entire term of the lease shall not exceed \$50,000; and

(d) funds to cover the associated costs have been approved by Council in the Library Board's operating budget.

(3) Where the Library Board is the licensor or licensee:

(a) the term of the licence, including renewal or extension options, shall not exceed a total term of five (5) years;

(b) where the Library Board is the licensor, the licence agreement shall have a termination clause of one (1) years' notice in favour of the Library Board; and

(c) the total licence fee for the entire term shall not exceed \$10,000.

C. Where a proposed transaction does not meet the criteria set out in Section B, the transaction shall be directed through the Real Estate Approval Process.

D. Where the Library Board wishes to proceed with a transaction that falls outside of the scope of authority delegated by Council pursuant to the Real Estate Approval Process, the Library Board shall seek Council approval for such transaction by way of a joint report to Council together with the Deputy City Manager, Internal Corporate Services.

E. The Library Board shall assist in the implementation of transactions proposed by the Deputy City Manager, Internal Corporate Services with respect to property under the jurisdiction of the Library Board, as requested by the Deputy City Manager, Internal Corporate Services.

Exhibition Place

5. City Council amend Toronto Municipal Code, Chapter 63, Exhibition Place, Governance, as follows:

a. Add a definition of "REAL ESTATE APPROVAL PROCESS" in subsection 63-1 "Definitions" to mean: "the real estate service delivery model and delegated authority approval process as set out in Item EX27.12, adopted by Council at its meeting of October 2, 3 and 4, 2017, including any amendments as approved by Council from time to time".

b. Delete subsection 63-4(E), under "Board mandate".

c. Delete subsections 63-6(F)-(G), under "Matters requiring Council approval".

d. Add, as a new subsection 63-6.1, under "Delegated real estate authority", as follows:

A. The Board may approve and execute licences and leases in relation to areas or facilities on Exhibition Place lands (other than licences for consumer and trade shows and conferences and events set out in Subsection B) on terms acceptable to the Board, including insurance and indemnification provisions, and in a form satisfactory to the City Solicitor, provided that:

(1) the term of the arrangement, including all licences and leases and rights of extension or renewal granted in relation thereto, is

(a) for a total period of one (1) year or less; or

(b) where the arrangement relates to only a portion of an existing building or structure, for a total period of four (4) years or less,

(c) subject to a right of termination in favour of the Board, exercisable upon not greater than 90 days' prior notice;

(2) the total licence or rental fee payable to the Board pursuant to such arrangement does not exceed \$50,000;

(3) the start date for the use shall not be later than six (6) months from the date the licence or lease was issued; and

(4) the fee or rent payable to Exhibition Place in relation to such licence or lease shall conform with the requirements of Chapter 441 (Fees and Charges) or, if not specified in Chapter 441, in accordance with Council approval, or otherwise reflect fair market value.

B. Exhibition Place shall be authorized to enter into single-year or multi-year licence agreements for consumer and trade shows and conferences and events that are less than 20 days' duration in any one year provided such multi-year agreements are for a term of 10 years or less.

C. Where a proposed transaction does not meet the criteria set out in Section A or B, the transaction shall be directed through the Real Estate Approval Process.

D. Where Exhibition Place wishes to proceed with a transaction that falls outside of the scope of authority delegated by Council pursuant to the Real Estate Approval Process the CEO shall seek Council approval for such transaction by way of a joint report to Council together with the Deputy City Manager, Internal Corporate Services.

E. Exhibition Place shall assist in the implementation of transactions proposed by the Deputy City Manager, Internal Corporate Services with respect to property under the jurisdiction of the Exhibition Place, as requested by the Deputy City Manager, Internal Corporate Services.