
City Council

Motion without Notice

MM28.33	ACTION			Ward: 10
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Tripartite and Lease Amending Agreement between the City, Woodsworth Housing Co-operative Incorporated and Peoples Trust Company with respect to 133 Wilton Street - by Councillor Joe Cressy, seconded by Councillor Kristyn Wong-Tam

This Motion has been deemed urgent by the Chair.

This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.

Recommendations

Councillor Joe Cressy, seconded by Councillor Kristyn Wong-Tam, recommends that:

1. City Council authorize the Executive Director, Corporate Real Estate Management to amend the ground lease agreement (the "Lease") between the City of Toronto and Woodsworth Housing Co-operative Incorporated (the "Tenant") by approving and executing a tripartite and lease amending agreement (the "Agreement") between the City, the Tenant and Peoples Trust Company for the property known as 133 Wilton Street, substantially on the terms and conditions outlined in Appendix A to this Motion, and including such other terms and conditions as may be acceptable to the Executive Director, Corporate Real Estate Management, in consultation with the Executive Director, Housing Secretariat and in a form satisfactory to the City Solicitor.
2. City Council authorize the Executive Director, Corporate Real Estate Management, or designate, to execute the Agreement, and any related documents on behalf of the City of Toronto, as required.

Summary

Woodsworth Housing Co-operative Incorporated (the "Tenant") is a non-profit

housing provider that leases the City-owned land located at 133 Wilton Street (the "Property"). On November 24, 1977, the City and the Tenant entered into a 99-year ground lease, with a term commencing on December 8, 1977 and expiring on December 7, 2076 (the "Lease"). The Lease was authorized by Clause No. 71 of Executive Committee Report No. 29, as amended and adopted by former Toronto City Council at its meeting held on July 25 and 27, 1977, on the terms set out in Clause Nos. 70 and 71 of Executive Committee Report No. 29, Clause No. 60 of Executive Committee Report No. 30, as amended, Clause No. 58 of Executive Committee Report No. 30, as amended and Clause No. 115 of Executive Committee Report No. 30, as amended, all of which were adopted by former Toronto City Council at its meeting held on July 25 and 27, 1977. The terms of the Lease were subsequently amended by Clause No. 6 of Committee on Neighbourhoods, Housing, Fire and Legislation Report No. 21 in Executive Committee Report No. 48, as amended and adopted by former Toronto City Council at its meeting held on November 21, 1977.

The Lease provides that the Tenant shall construct a building to be used for the purposes of non-profit housing. In order to construct the building, the Tenant received financing from the Canada Mortgage and Housing Corporation ("CMHC"). The Tenant completed the construction of the building, which it owns separately from the City's land, and the building now requires capital investment to maintain and repair. In order to complete the required capital work, the Tenant requires financing and is seeking a loan from Peoples Trust Company (the "Leasehold Mortgagee").

The Leasehold Mortgagee has advised that in order to grant the loan to the Tenant, it requires that the City and the Tenant enter into the Agreement with the Leasehold Mortgagee, which includes certain material amendments to the Lease. Corporate Real Estate Management staff is currently finalizing the terms of the Agreement with the Tenant and the Leasehold Mortgagee and requires City Council's authority to approve and execute the Agreement substantially on the terms set out in Appendix A to the Motion.

Corporate Real Estate Management staff and Housing Secretariat staff consider the terms and conditions of the Agreement to be fair and commercially reasonable.

This Motion is urgent in order to permit the required capital repairs to be undertaken without further delay.

Background Information (City Council)

Member Motion MM28.33

Appendix A - Major Terms and Conditions

<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-163367.pdf>