

Authority: Executive Committee Item EX29.5, as adopted by City of Toronto Council on December 5, 6, 7 and 8, 2017

CITY OF TORONTO

BY-LAW 1409-2017

To amend City of Toronto Municipal Code Chapter 179, Parking Authority, to amend the delegated real estate approval process.

Whereas Council has authorized changes to Municipal Code Chapter 179, Parking Authority, to establish new provisions with respect to the delegated real estate approval process for real estate transactions at the Toronto Parking Authority;

The Council of the City of Toronto enacts:

1. Municipal Code Chapter 179, Parking Authority is amended by:

- A. Deleting subsection 179-7.1(C).
- B. Adding a new subsection 179-8.1 as follows:

§ 179-8.1. Delegated real estate authority.

- 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, and
 - (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 reflects fair market value; and
 - (5) where the arrangement relates to the provision of a bike share system in accordance with § 179-7.1, the arrangement complies with the terms of § 179-7.1 and, for greater certainty, such arrangement is not subject to the limitations set out in Subsections B(1) to (4) above.
- C. Where a 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 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. Deleting Section 179-9 and substituting the following:
- § 179-9. Agreements for construction of parking facilities**
- The Parking Authority may, where the Deputy City Manager, Internal Corporate Services has concurred, enter into agreements for the construction of parking facilities in, under, over or on land that is vested in the City for any purpose.
- D. Deleting Subsections 179-10(A), (B) and (C).
 - E. Deleting Subsection 179-10(D) and substituting the following:
 - D. 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. Deleting Subsection 179-10(E) and Subsections 179-10(E)(1) and (2), and replacing them with the following:
 - E. 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. Deleting Subsection 179-11.
- H. Deleting Subsection 179-12(B).

2. This by-law shall come into force on January 1, 2018.

Enacted and passed on December 8, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)