



**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

**Supplementary Report - Request for City Consent -
Assignment and Sub-Lease by Tuggs Incorporated to
Cara Operations Limited of 1681 Lake Shore Boulevard
East**

Date:	September 28, 2016
To:	City Council
From:	General Manager, Parks, Forestry and Recreation City Solicitor
Wards:	Ward 32 - Beaches – East York
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege
Reference Number:	P:\2016\Cluster A\PFR\CC21-100516-AFS#23743

SUMMARY

This report responds to Government Management Committee's in-camera request of September 6, 2016 that the General Manager, Parks, Forestry and Recreation and the City Solicitor report directly to Council with respect to Item GM14.10 - "Request for City Consent - Assignment and Sub-Lease by Tuggs Incorporated to Cara Operations Limited of 1681 Lake Shore Boulevard East".

RECOMMENDATIONS

The General Manager, Parks, Forestry and Recreation and the City Solicitor recommend that:

1. City Council direct that Confidential Attachment 1 remain Confidential in its entirety, as it relates to specific privileged third-party financial information and legal advice subject to solicitor-client privilege.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

City Council, at its meeting of September 25, 26, 27, and 28, 2006, adopted Economic Development and Parks Committee Report 6, Clause 22, directing staff to consider Tuggs proposal and to report back on appropriate terms for a twenty-year extension to the agreement with Tuggs.

(City Council, September 25-28, 2006, Economic Development & Parks Committee Report 6, Clause 22)

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060925/edp6rpt/cl022.pdf>

At its meeting of February 5, 6, 7 and 8, 2007, City Council adopted Parks and Environment Committee Report PE1.3 entitled "Tuggs Incorporated Investment Proposal for Redevelopment of the Eastern Beaches Food Services Facilities", and in so doing, directed staff to accept Tuggs unsolicited proposal to redevelop the Eastern Beaches food services.

(City Council, February 5-8, 2007, Parks & Environment Committee Item PE1.3)

<http://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-02-05-cc02-dd.pdf>

At its meeting on May 11 and 12, 2010, Council considered and adopted Item GM30.20 accepting the revised business plan from Tuggs Incorporated. The City and the Tenant entered into the 2010 Agreement by virtue of and in order to implement Council's decision at its meeting on February 5, 6, 7 and 8, 2007 as amended by its decision at its meeting on May 11 and 12, 2010.

(City Council, May 11-12, 2010, Government Management Committee Item GM30.20)

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.GM30.20>

At its meeting of September 6, 2016, the Government Management Committee, amended Item GM14.10 by submitting this item directly to the October 5th City Council meeting without recommendation, and in so doing, requested the General Manager of Parks, Forestry and Recreation and the City Solicitor to report directly to City Council on its confirmed actions made in closed session.

(September 6, 2016, Government Management Committee Item GM14.10)

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.GM14.10>

ISSUE BACKGROUND

Parks, Forestry and Recreation ("PFR") has received a request from the City's tenant, Tuggs Incorporated ("Tuggs") for the City's consent to a partial assignment of the agreement between the City and Tuggs dated June 2, 2010, (the "2010 Agreement") to Cara Operations Limited ("Cara") with respect to the premises municipally known as 1675 Lake Shore Boulevard East, commonly known as 1681 Lake Shore Boulevard East, located in Woodbine Beach Park (the "1681 Building"), as well as concessions at Kew Gardens and the Donald D. Summerville Pool (collectively, the "Premises").

Under the agreement between the City and Tuggs, dated June 2, 2010, (the "2010 Agreement") Tuggs holds exclusive rights for food and beverage catering in the Parklands and exclusive rights to promote or sell non-consumable goods and products related to City approved sponsorship programs and activities in Woodbine Beach Park, Ashbridges Bay Park, Beaches Park, and Kew Gardens Park, ("the Parklands"). The term of the 2010 Agreement expires on September 14, 2028.

The Confidential Attachment to this report responds to the in-camera request of the Government Management Committee made at its meeting of September 6th, 2016.

COMMENTS

This section is included in the Confidential Attachment.

CONTACTS

Ann Ulusoy, Director, Management Services, Parks, Forestry and Recreation,
Tel: 416-392-8190; Fax: 416-397-4899; e-mail: aulusoy@toronto.ca

Jasmine Stein, Solicitor, Municipal Law, Legal Services, Tel: 416 392-7226;
e-mail: jstein@toronto.ca

SIGNATURE

Janie Romoff
General Manager
Parks, Forestry and Recreation

Brian Haley
Interim City Solicitor

ATTACHMENTS

Confidential Attachment 1: Request for City Consent - Assignment and Sub-Lease by Tuggs Incorporated to Cara Operations Limited of 1681 Lake Shore Boulevard East