

## City Council

### Motion without Notice

MM47.106	ACTION			Ward: 10
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**Reopening MM37.29, Various Agreements with The Canada Ireland Foundation and PortsToronto at 3 Eireann Quay - by Councillor Joe Mihevc, seconded by Mayor John Tory**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is subject to a re-opening of Item MM37.29. A two-thirds vote is required to re-open that Item. If re-opened, the previous Council decision remains in force unless Council decides otherwise.*

### Recommendations

Councillor Joe Mihevc, seconded by Mayor John Tory, recommends that:

1. City Council amend its previous decision on Item MM37.29 so that it reads as follows:
  1. City Council waive the application of the Community Space Tenancy Policy in respect of the lease transaction including the requirements outlined in the Request for Expressions of Interest in the Community Space Tenancy Policy and declare that it is in the interest of the City to grant a new lease to The Canada Ireland Foundation (the "Tenant") for nominal consideration.
  2. City Council authorize the Executive Director, Corporate Real Estate Management, in consultation with the General Manager, Economic Development and Culture and Chief Planner and Executive Director, City Planning, to negotiate a nominal sum lease, including any amendments to the Lease, not materially inconsistent with the major terms and conditions set out in Appendix A to the report (November 5, 2021) from the Executive Director, Corporate Real Estate Management, the General Manager, Economic Development and Culture and the Chief Planner and Executive Director, City Planning and in a form acceptable to the City Solicitor.
  3. City Council authorize the City, as Landlord to enter into:
    - a. an agreement with Tenant to effect the termination and surrender of the existing lease between the City and the Tenant dated September 13, 2019 ("Surrender of Lease"); and
    - b. the Lease with the Tenant, for a portion of the Administration Building (the "Building") located at 3 Eireann Quay comprising approximately 9,050 square feet (the "Leased Premises") for a twenty (20) year term substantially on the terms and conditions set out in Appendix A to the report (November 5, 2021) from the Executive Director, Corporate Real Estate Management, including State of Good

Repair and Accessibility for Ontarians with Disabilities Act work to be carried out at the Building in which the City will contribute up to \$1,976,850 (net of Harmonized Sales Tax), together with such other terms and conditions as may be deemed appropriate by the Executive Director, Corporate Real Estate Management in consultation with the General Manager, Economic Development and Culture and the Chief Planner and Executive Director, City Planning and in a form acceptable to the City Solicitor.

5. City Council authorize the Executive Director, Corporate Real Estate Management, as licensor to enter into a licence extension agreement with the Tenant to extend the licence agreement dated October 29, 2021 (as documented by Delegated Authority Form No. 2021-295) for a further term of up to twelve (12) months, as mutually agreed upon by both parties, for nominal consideration, for the purpose of construction staging in connection with the Tenant's renovation work at the Building (the "Licence Extension Agreement") and amend any terms and conditions as may be deemed appropriate by the Executive Director, Corporate Real Estate Management.

6. City Council authorize each of the Executive Director, Corporate Real Estate Management and the Director of Transaction Services severally to execute and deliver the Surrender of Lease, the Lease and any amendments to the Lease, the Licence Extension Agreement and any related documents contemplated thereunder on behalf of the City (collectively, the "Agreements").

7. City Council authorize the Executive Director, Corporate Real Estate Management, in consultation with the General Manager, Economic Development and Culture and Chief Planner and Executive Director, City Planning, to direct the appropriate City staff to collaborate with the Tenant for a protocol on occasional outdoor programming and activation (the "Protocol"). The Protocol shall provide guidance for the provision of occasional and temporary access to the Tenant to the patio/landscaped area immediately adjacent the Building for purposes consistent with the use provisions in the Lease including:

- a. the location and extent of areas to which access may be provided;
- b. the types of events for which access may be provided; and
- c. the frequency of use.

8. City Council authorize the City Solicitor to complete the Agreements on behalf of the City, including amending the commencement date of the Agreements and other dates, and amending terms and conditions, on such terms as the City Solicitor deems advisable.

9. City Council pass a By-law pursuant to Section 252 of the City of Toronto Act, 2006, providing authority to:

- a. enter into a Municipal Capital Facility Agreement with Canada Ireland Foundation, with whom the City of Toronto will execute a lease for the property known as 3 Eireann Quay, for approximately 9,050 square feet owned by the City of Toronto, with respect to a facility used for cultural purposes; and
- b. exempt the Leased Premises from taxation for municipal and school purposes, with the tax exemption being effective from the latest of:

- 1. the commencement date of the lease;

2. the date the Municipal Capital Facility Agreement is entered into; and
  3. the date the Tax Exemption By-law is enacted.
10. City Council pass a resolution that the Municipal Capital Facility referenced in Part 9 above is for the purposes of the City of Toronto and is for public use.
11. City Council direct the City Clerk to give written notice of the By-law to the Minister of Finance, the Municipal Property Assessment Corporation, the Toronto District School Board, the Toronto Catholic District School Board, le Conseil scolaire Viamonde and le Conseil scolaire catholique MonAvenir.
12. City Council direct the Executive Director, Corporate Real Estate Management in consultation with General Manager, Parks Forestry and Recreation, to exclude from lease negotiations with PortsToronto the potential renewal of approximately 1,614 square feet of space within the Building located at 3 Eireann Quay, and deliver to PortsToronto a notice to terminate the currently overheld lease at the 3 Eireann Quay building, in a form acceptable to the City Solicitor.
13. City Council authorize the Executive Director, Corporate Real Estate Management, in consultation with the General Manager, Parks, Forestry and Recreation, to negotiate and enter into a license for a term of two years with an option to extend the term for up to one year, with PortsToronto to utilize a portion of 5 Eireann Quay for the purposes of accommodating one portable site office, on terms and conditions as deemed appropriate by the Executive Director, Corporate Real Estate Management, in consultation with the General Manager, Parks, Forestry and Recreation, and in a form satisfactory to the City Solicitor.

## **Summary**

Following more than two years of intensive consultation and study, in 2017 City Council approved the Bathurst Quay Neighbourhood Plan with a vision to improve this derelict City-owned property with new public spaces, and to repair and revitalize the heritage-designated Canada Malting Silos located on the property into a cultural and community services-focused hub.

Since that time, the City with our local partners including the local resident association and business community, Canada Ireland Foundation, Waterfront Neighbourhood Centre, Ports Toronto, and the Toronto District School Board, have been hard at work advancing this vision.

In October 2019, construction on the first phase of public realm improvements got started, and a new waterfront promenade and additional improvements were formally opened in November 2021.

The next phase of work on the Bathurst Quay Neighbourhood Plan is now well underway including two major initiatives: repurposing a derelict office building on the site into "The Corleck" - a new waterfront hub for arts and culture to be operated by the non-profit Canada Ireland Foundation; and the structural rehabilitation and repair of the historically significant Canada Malting Company Silos – two of the oldest remaining maritime structures on Toronto's waterfront. In addition, construction will shortly begin on a dynamic new public waterfront plaza with which to tie all of these improvements to each other and to the water's edge.

As work has advanced at The Corleck, it has become apparent that maximizing the value to the public and the opportunity for the future arts and culture hub requires amending the lease

arrangements approved by City Council in November 2021 under MM37.29. Expanding the lease with the Canada Ireland Foundation to cover the entire building creates additional opportunities for programming and partnerships, such as working with OCAD University which City Council asked staff to explore through item MM41.17.

These changes will necessitate further coordination with Ports Toronto, which had anticipated a temporary 5-year term to use a portion of The Corleck following the completion of renovations. City staff will work with Ports Toronto and the ward councillor to identify essential city-side airport operations in need of temporary accommodation in the vicinity of the pedestrian tunnel and ferry, which may include traffic management and security staff, while a long-term solution can be designed and constructed within airport-owned facilities.

**REQUIRES RE-OPENING:**

Item MM37.29 (November 9, 10 and 12, 2021 City Council meeting).

**Background Information (City Council)**

Member Motion MM47.106