

Long Term Licence Agreement with an Exhibition Client - Supplementary Report

Date: March 30, 2023

To: Board of Governors of Exhibition Place

From: Don Boyle, Chief Executive Officer

Wards: All

REASON FOR CONFIDENTIAL INFORMATION

The attachment to this report is about a plan to be applied to negotiations carried on or to be carried on by or on behalf of the Board and contains financial information supplied in confidence to the Board, which, if disclosed, could reasonably be expected to significantly prejudice the competitive position, or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

SUMMARY

This report is supplementary to the report dated March 21, 2023 from the Chief Executive Officer, Exhibition Place (the "CEO") which recommends the Board authorize the CEO to work with the City Corporate Real Estate Management ("CREM") staff to negotiate a licence agreement between an Exhibition Client identified in Confidential Attachment 1 to that report (the "Exhibition Client"), as licensee, the City as licensor and The Board of Governors of Exhibition Place for space within the Better Living Centre, and in the event negotiations are successful, to approve, subject to City approval, a licence agreement (the "Licence Agreement") substantially on the terms and conditions set out in Confidential Attachment 1 Supplementary to that report.

The purpose of this supplementary report is to provide the Board with updated proposed terms and conditions for the recommended licence Agreement based on recent discussions between the parties on March 28 and 29, 2023. Revised terms and conditions are set out in Confidential Attachment 1 to this supplementary report. It is recommended that the Board adopt the recommendations in this supplementary report, instead of the recommendations provided in the March 21, 2023 report.

RECOMMENDATIONS

The Chief Executive Officer recommends that:

1. The Board grant authority for the Chief Executive Officer, Exhibition Place to work with CREM staff to negotiate a licence agreement with the Exhibition Client, as set out in Confidential Attachment 1 to this supplementary report.
2. In the event that, following negotiations, the Exhibition Client agrees in principle to terms and conditions materially as set out in Confidential Attachment 1 to this supplementary report then, subject to obtaining the necessary City of Toronto approval, the Board approve a licence agreement (the "Licence Agreement") between the City of Toronto, (the "City"), as licensor, Exhibition Client, as licensee, and the Board, substantially on the terms and conditions set out in Confidential Attachment 1, and such other and amended terms and conditions deemed appropriate by the Deputy City Manager, Corporate Services (the "DCM"), the Chief Executive Officer of Exhibition Place (the "CEO"), and in a form satisfactory to the City Solicitor.
3. The Board authorize the Chief Executive Officer, Exhibition Place to request the necessary City authorities to approve and enter into the Licence Agreement.
4. The Board direct that the confidential information contained in Confidential Attachment 1 to this supplementary report and in Confidential Attachment 1 to the report (March 21, 2023) from the Chief Executive Officer remain confidential as they are about a plan to be applied to negotiations carried on or to be carried on by or on behalf of the Board and contains financial information supplied in confidence to the Board, which, if disclosed, could reasonably be expected to significantly prejudice the competitive position, or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

FINANCIAL IMPACT

The Licence Agreement provides financial revenues to the Board as set out in Confidential Attachment 1.

DECISION HISTORY

The Exhibition Place Strategic Plan 2022-2026 has a Business Development Goal to activate Exhibition Place grounds 365 days a year, and as a strategy maintain strong relationships with existing clients or events.

COMMENTS

The Exhibition Client is identified in Confidential Attachment 1 to this supplementary report.

The CEO recommends that staff at Exhibition Place, working with CREM, attempt to negotiate an agreement with the Exhibition Client materially on the terms and conditions provided in Confidential Attachment 1 to this supplementary report.

The Exhibition Client requested on March 15, 2023 and was given a high-level summary of estimated licence fees and available days and estimated show services. Staff from Exhibition Place met with staff from the Exhibition Client on March 28 and 29, 2023 to commence discussions on the proposed Licence Agreement and the results of those discussions are reflected in the terms and conditions set out in Confidential Attachment 1 to this supplementary report.

CONTACT

Laura Purdy, General Manager, 416-263-3020, LPurdy@explace.on.ca

SIGNATURE

Don Boyle
Chief Executive Officer

ATTACHMENTS

Confidential Attachment 1 Supplementary - Licence Agreement Proposed Terms and Conditions