

Portion of 205 Wilmington Avenue (Irving W. Chapley Park) - Licence Extension Agreement with Beth Emeth Bais Yehuda Synagogue

Date: April 4, 2023

To: General Government Committee

From: Executive Director, Corporate Real Estate Management

Wards: 6 - York Centre

SUMMARY

The purpose of this report is to obtain City Council authority for the City (the "Licensor") to enter into a license extension agreement (the "Agreement") with Beth Emeth Bais Yehuda Synagogue (the "Licensee") for parking purposes. The Agreement will (i) amend the terms the parties' existing parking licence agreement (the "Licence") for a portion of the City-owned lands located at 205 Wilmington Avenue (the "Licenced Premises") shown on Appendix A to this report and (ii) extend the term of the Licence for an additional period of ten years. Parking on the Licenced Premises will continue to be available to the visitors of the synagogue, the abutting Irving W. Chapley Park and the surrounding community.

RECOMMENDATIONS

The Executive Director, Corporate Real Estate Management recommends that:

1. City Council authorize the City to enter into a licence extension agreement with Beth Emeth Bais Yehuda Synagogue for a portion of the City-owned lands located at the property municipally known as 205 Wilmington Avenue as outlined in Appendix A, substantially on the terms and conditions set out in Appendix B and on such other or amended terms and conditions acceptable to the Executive Director, Corporate Real Estate Management, and in a form acceptable to the City Solicitor.
2. City Council authorize each of the Executive Director, Corporate Real Estate Management, and the Director, Transaction Services, Corporate Real Estate Management severally to execute the licence extension agreement, and any related documents on behalf of the City.

3. City Council authorize the Executive Director, Corporate Real Estate Management, their successors and designates, to administer and manage the licence extension agreement, including the provision of any consents, approvals, waivers, notices (including notices of termination) provided that the Executive Director, Corporate Real Estate Management may, at any time, refer consideration of such matters to City Council for direction and determination.

FINANCIAL IMPACT

The Agreement will be provided for nominal consideration. In accordance with the terms of the Licence, the Licensee will be responsible for all costs and expenses attributable to the maintenance, repair, management and operation of the Licensed Premises, including any costs for security, landscaping, waste collection, disposal and recycling, snow removal, utilities, as well as any fees for entering into renewals, extensions, amendments, and consents (including fees payable to the City for entering into this Agreement).

Market research indicates the estimated total opportunity cost of the Licence over the 10-year extended term, is approximately \$515,007.00 based on a starting base monthly rate of \$110.40 per parking stall, with annual inflation of two percent, and prorated by 25 percent due to the non-exclusive nature of the License, and the use of the parking facility by the general public and park users during the remaining.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.

DECISION HISTORY

At its meeting held on June 7, 8 and 9, 2016, Council adopted Item MM19.9, pursuant to which City Council deemed the Licence to be in the interest of the City, and authorized the City, as Licensor, to enter into the Licence for the initial term of five years for nominal consideration, and substantially based on the terms and conditions as set out in MM19.9 (<https://secure.toronto.ca/council/agenda-item.do?item=2016.MM19.9>)

COMMENTS

Background

The Licensee has been occupying the Licenced Premises, a portion of Irving W. Chapley Park located at 205 Wilmington Avenue, since February 1992. The Licenced Premises are used on an occasional and non-exclusive basis for parking purposes. The initial occupancy, through a nominal lease with the former Corporation of the City of North York and the Licensee, expired on February 1, 2013.

Subsequently, City Council authorized the continued occupancy of the Licenced Premises and the City and the Licensee entered into the current License, which commenced on July 1, 2016, and expired on June 30, 2021.

10-Year Extension of Licence

The Licensee wishes to continue its non-exclusive use of the Licenced Premises for parking purposes. Given the benefits to the surrounding community and overall park, staff recommend the City enter into the Agreement to extend the Licence for an additional period of 10 years. Staff from the City's Parks, Forestry and Recreation Division have been consulted and have no operational concerns with the continuation of the non-exclusive use of the Licenced Premises by the Licensee. Visitors to the synagogue, the abutting Irving W. Chapley Park and the broader community will continue to have access to parking on the Licenced Premises. See Appendix B for full details of the major terms and conditions of the Agreement.

CONTACT

Vinette Prescott-Brown, Acting Director, Transaction Services, Corporate Real Estate Management, 416-392-7138, Vinette.Prescott-Brown@toronto.ca

SIGNATURE

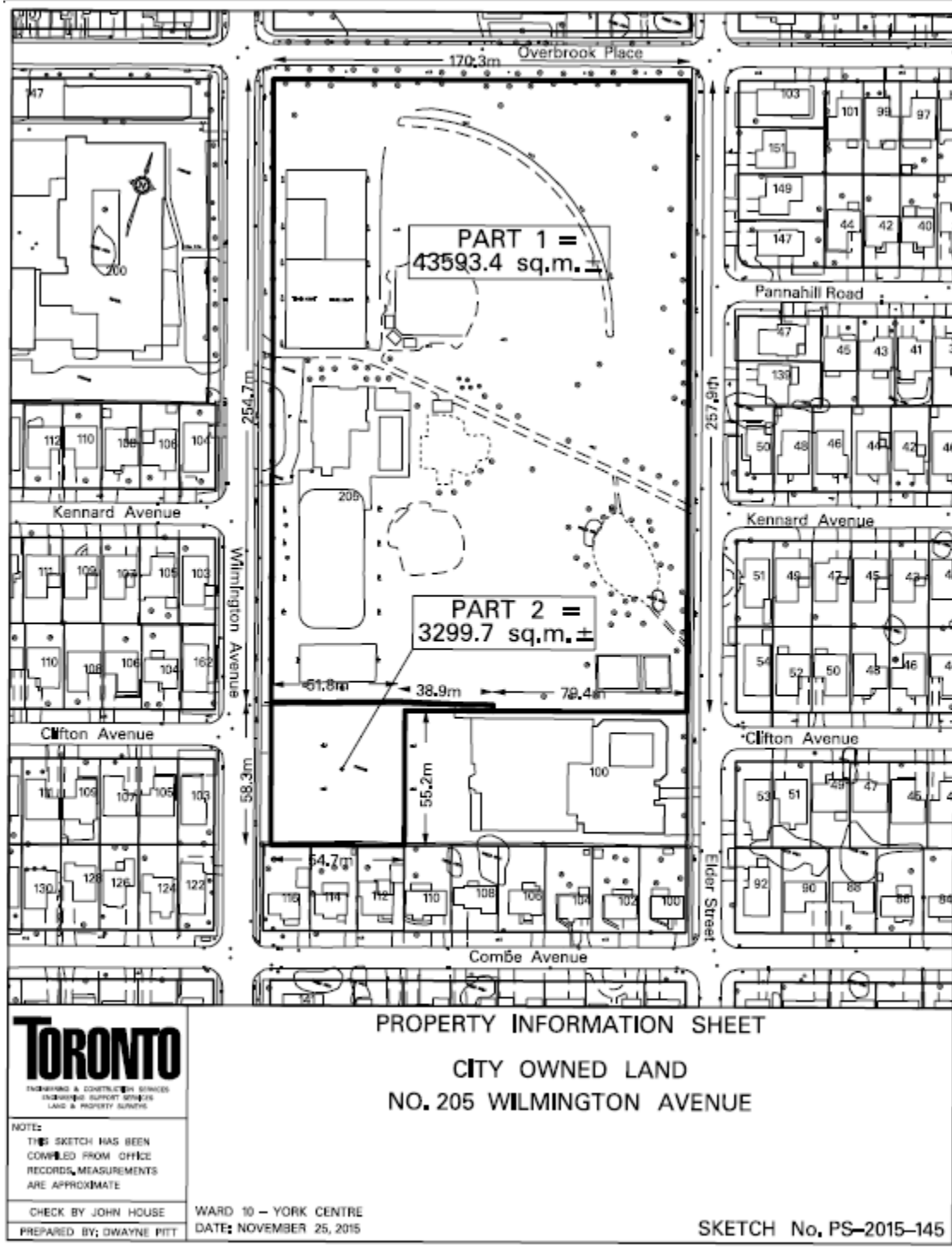
Patrick Matozzo
Executive Director, Corporate Real Estate Management

ATTACHMENTS

Appendix A - Property Sketch and Legal Description of Licenced Premises
Appendix B - Major Terms and Conditions of the Agreement

Appendix A - Property Sketch and Legal Description of Licenced Premises

Legal Description: Part 2 on Sketch PS-2015-145, being part of PIN No. 10169-0131, being those lands legally described as: BLOCK E PL 5011, PT LTS 194, 195, 198 ALL LTS 189, 192-193, 196-197, 199,200, PT OF CLIFTON AVE. (N. LOT 189,190,191) & PT OF KENNARD AVE. S. OF (LOTS 198,199, 200) PLAN 1899 EXCEPT NY707917, SUBJECT TO NY735661 TWP OF YORK/NORTH YORK (AMENDED 95/12/08 BY BKN) , CITY OF TORONTO



Appendix B - Major Terms and Conditions of the Agreement

Licensor: City of Toronto

Licensee: Beth Emeth Bais Yehuda Synagogue

Licensed Area: southwest portion of 205 Wilmington Avenue with an approximate area of 35, 517.68 square feet (0.82 acres) shown as Part 2 on Appendix A

Extended Term: 10 years commencing on July 1, 2021 and ending on June 30, 2031

Basic Licence Fee: Basic licence fees of \$2 per year (\$20 over the course of the 10-year extended term payable upon execution of the Agreement)