

**DELEGATED APPROVAL FORM
CHIEF CORPORATE OFFICER
DIRECTOR OF REAL ESTATE SERVICES**

TRACKING NO.: 2016-164

<input checked="" type="checkbox"/> Approved pursuant to the Delegated Authority contained in Executive Committee Item EX43.7 entitled "Delegation of Authority in Certain Real Estate Matters" adopted by City Council on May 11 and 12, 2010 (Confirmatory By-law No. 532-2010, enacted on May 12, 2010), as amended by GM24.9 entitled "Minor Amendments to Delegation of Authority in Certain Real Estate Matters" adopted by City Council on October 8, 9, 10 and 11, 2013 (Confirmatory By-Law No. 1234-2013, enacted October 11, 2013), as amended by DAF 2013-307 and DAF 2014-087; and further amended by EX44.22 entitled "Strategic Property Acquisitions" adopted by City Council on August 25, 26, 27 and 28, 2014 (Confirmatory By-law No.1074-2014, enacted on August 28, 2014).			
<input type="checkbox"/> Approved pursuant to the Delegated Authority contained in Executive Committee Item EX33.44 entitled "Union Station Revitalization Implementation and Head Lessee Selection" adopted by City Council on August 5 and 6, 2009. City Council confirmatory By-law No. 749-2009, enacted on August 6, 2009.			
Prepared By:	Simona Rasanu	Division:	Real Estate Services
Date Prepared:	August 3, 2016	Phone No.:	416-397-7682
Purpose	To obtain authority for the City of Toronto as licensee (the "City") to enter into a licence agreement (the "Licence") with 2141805 Ontario Inc. (the "Licensor") for the use of a portion of 865 York Mills Road (the "Property") consisting of 60 parking spaces located at the southern portion of the surface parking lot at the Property to accommodate Toronto Police Service staff vehicles being displaced from the City-owned property at 2 Dyas Road as a result of a series of site improvement projects.		
Property	The portion of 865 York Mills Road (the "Property"), as shown hatched on Appendix "B"(the "Licensed Area").		
Actions	<ol style="list-style-type: none"> 1. Authority be granted for the City to enter into the Licence with the Licensor for use of the Property, subject to the terms and conditions outlined herein, and on such other or amended terms as may be satisfactory to the Chief Corporate Officer and in a form acceptable to the City Solicitor; 2. The Chief Corporate Officer or designate administer and manage the Licence, including the provision of any amendments, consents, approvals, waivers, notices and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matter to City Council for its determination and direction; and 3. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto. 		
Financial Impact	<p>The total cost to the City over the term of the Licence will be \$16,272.00 (inclusive of HST). The City has two options to extend for one (1) week each, and if both options are exercised, an additional amount to a maximum of \$1,084.80 (inclusive of HST) would be paid. Funding for these costs is available in the 2016 Council Approved Capital Budget for Facilities Management, Real Estate, Environment & Energy (FREEE) under capital account CCA253-03-04.</p> <p>The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>		
Comments	<p>The City is undertaking a series of capital projects (the "Projects") at its property at 2 Dyas Road (a City-owned property) which lands are managed by Facilities Management division and operated by Toronto Police Services ("TPS"). The Projects will be undertaken between August 15 and December 31, 2016. As a result of these Projects, TPS parking at 2 Dyas Road will be displaced and the City will require 24 hour a day off-site accommodations.</p> <p>The Licensor is the owner of the Property and operates it as the Galleria Supermarket. The Property has a surface parking lot for its customers. Since the parking lot is currently not being used at its full capacity, the Licensor has agreed that TPS staff may use up to 60 parking spaces to accommodate TPS vehicles. All day use of sixty (60) parking stalls are required for the first period of the displacement beginning on August 15, 2016 to October 15, 2016. Twenty four (24) spaces will be required for the remaining period from October 16, 2016 until December 31, 2016. Real Estate Services staff negotiated a monthly rate of \$80 per parking stall.</p> <p>Real Estate Services staff have reviewed the negotiated terms and are satisfied that the terms and conditions are fair, reasonable and at market value.</p>		
Terms	Please see page 4 – Appendix "A": Summary of Terms & Conditions		
Property Details	Ward:	34 – Don Valley East	

A.	Director of Real Estate Services has approval authority for:	Chief Corporate Officer has approval authority for:
<p>1. Acquisitions:</p> <p>2. Expropriations:</p> <p>3. Issuance of RFPs/REOs:</p> <p>4. Permanent Highway Closures:</p> <p>5. Transfer of Operational Management to ABCDs:</p> <p>6. Limiting Distance Agreements:</p> <p>7. Disposals (including Leases of 21 years or more):</p> <p>8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:</p> <p>9. Leases/Licences (City as Landlord/Licensor):</p> <p>10. Leases/Licences (City as Tenant/Licensee):</p> <p>11. Easements (City as Grantor):</p> <p>12. Easements (City as Grantee):</p> <p>13. Revisions to Council Decisions in Real Estate Matters:</p> <p>14. Miscellaneous:</p>	<p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 Million;</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding three (3) months, including licences for environmental assessments and/or testing, etc.</p> <p><input checked="" type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> (b) When closing road, easements to pre-existing utilities for nominal consideration.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and may include increase not to exceed the amount of the original decision by the lesser of 10 per cent and \$500,000).</p> <p><input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences;</p> <p><input type="checkbox"/> (b) Releases/Discharges;</p> <p><input type="checkbox"/> (c) Surrenders/Abandonments;</p> <p><input type="checkbox"/> (d) Enforcements/Terminations;</p> <p><input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;</p> <p><input type="checkbox"/> (f) Objections/Waivers/Cautions;</p> <p><input type="checkbox"/> (g) Notices of Lease and Sublease;</p> <p><input type="checkbox"/> (h) Consent to regulatory applications by City, as owner;</p> <p><input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;</p> <p><input type="checkbox"/> (j) Documentation relating to Land Titles applications;</p> <p><input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.</p>	<p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to ABCDs.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.</p> <p><input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 Million;</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding six (6) months, including licences for environmental assessments and/or testing, etc.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p>Delegated to a less senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and may include increase not to exceed the amount of the original decision by the lesser of 10 per cent and \$1 Million).</p> <p><input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences;</p> <p><input type="checkbox"/> (b) Releases/Discharges;</p> <p><input type="checkbox"/> (c) Surrenders/Abandonments;</p> <p><input type="checkbox"/> (d) Enforcements/Terminations;</p> <p><input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;</p> <p><input type="checkbox"/> (f) Objections/Waivers/Cautions;</p> <p><input type="checkbox"/> (g) Notices of Lease and Sublease;</p> <p><input type="checkbox"/> (h) Consent to regulatory applications by City, as owner;</p> <p><input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;</p> <p><input type="checkbox"/> (j) Documentation relating to Land Titles applications;</p> <p><input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.</p>

B. Chief Corporate Officer and Director of Real Estate Services each has signing authority on behalf of the City for:

- 1. Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
- 2. Expropriation Applications and Notices following Council approval of expropriation.
- 3. Documents required to implement the delegated approval exercised by him.

Chief Corporate Officer also has approval authority for:

- Leases/licences/permits at Union Station during the Revitalization Period, if the rent/fee is at market value

Consultation with Councillor(s) – July 11, 2016										
Councillor:	Denzil Minnan-Wong					Councillor:				
Contact Name:	Anna Milner					Contact Name:				
Contacted by:	Phone	X	E-Mail	Memo	Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:						Comments:				
Consultation with ABCDs										
Division:	Facilities Management					Division:	Financial Planning			
Contact Name:	Douglas Geldart/Frank Molinari					Contact Name:	Filisha Mohammed			
Comments:	Comments have been incorporated					Comments:	Concurs with Financial Impact			
Legal Division Contact										
Contact Name:	Maria Vlahos									
DAF Tracking No.: 2016-164			Date			Signature				
Recommended by:	Manager			Aug/4/2016			Sgd.\ Wayne Duong			
<input type="checkbox"/>	Recommended by: Director of Real Estate Services			Aug/12/2016			Sgd.\ Joe Casali			
<input checked="" type="checkbox"/>	Approved by: Joe Casali									
<input type="checkbox"/>	Approved by: Chief Corporate Officer									
	Josie Scioli									

General Conditions ("GC")

- (a) The local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be consulted prior to the exercise of delegated Approving Authority by staff for all Acquisitions, Disposals, Land Exchanges and Leases.
- (b) Where approving power has been delegated to staff, the Chief Corporate Officer, in consultation with the applicable Deputy City Manager or the City Manager, may determine that such matter is of such special interest that same should be returned to the relevant Committee and Council for consideration and determination.
- (c) Exercise of delegated authority is subject to all applicable Council policies, statutes or other applicable law.
- (d) Authority to approve financial commitments/expenditures is subject to all amounts being available in an approved budget [or funding is available from alternative sources].
- (e) Property interests are to be based on appraised value, and no interest shall be granted at less than market value unless otherwise specifically authorized.
- (f) Authority to approve transactions at less than market value is subject to statutory anti-bonusing provisions.
- (g) Total compensation means the aggregate of all types of payments, including land value, estimated clean-up costs, potential arbitration awards, loss claims, etc, but exclusive of any applicable taxes and registration costs.
- (h) Authority to acquire property is conditional upon provision being made to bring the property into compliance with applicable MOE or other requirements such that it will be fit for its intended municipal purpose.
- (i) Authority to initiate the permanent road closure process in **A.4** is conditional upon confirmation by the GM of Transportation Services that it is feasible to permanently close the highway.
- (j) Disposal authorities in **A.7** are subject to the property having been declared surplus, and the disposal policy complied with.
- (k) Land exchanges, except for those in **A.8**, may be authorized based on the delegated Approving Authority for Disposals in **A.7**.
- (l) Approving Authority with respect to land located in the Designated Waterfront Area is conditional upon the approval of the Director, Waterfront Secretariat.
- (m) Authority to approve an exchange of land in **A.8** is conditional upon confirmation by the Chief Planner and Executive Director, and the GM of Parks, Forestry & Recreation, that the land being exchanged is (i) nearby land of equivalent or larger area, and (ii) of comparable or superior green space utility.
- (n) Approving Authority in **A.9** Leases (City as Landlord) but not Licences (City as Licensor) is limited to periods (including options/renewals) of less than twenty-one (21) years.
- (o) Total compensation in leasing matters where the City is landlord (**A.9**) includes the value of tenant improvements if factored into tenant's rental payments.
- (p) Total compensation in leasing matters where the City is the tenant (**A.10**) includes the value of any tenant improvements to be paid by the City.
- (q) Where options/renewals are included in leases, if the renewal rent is to be determined at a date later than the original approval date, total compensation is to be calculated as though all options are exercised, estimating the renewal rent based on the highest rent payable in the first term of the lease.
- (r) Total compensation in leasing matters where the City is landlord (**A.9**) or tenant (**A.10**) is to be calculated from the date of approval pursuant to this delegation (ie. first allowing for the expiry of any prior approvals, whether by Council or a delegated authority).
- (s) Approving Authority in leasing matters includes authority to approve renewals/extensions within the parameters of the delegated Approving Authority.
- (t) Approving Authority includes authority for amendments within the parameters of the delegated Approving Authority, the cumulative total of which may not exceed the delegated financial limit.
- (u) Where proposed additional amounts in **A.13** exceed 10 per cent of the original decision, even if otherwise in compliance with all other conditions, then approving authority is transferred upwards to the next more senior level of approving authority having the relevant overall financial limit.
- (v) Approving Authority includes authority for all documents necessary to implement the authority, on terms and conditions satisfactory to the Approving Authority, in consultation with the relevant operating Division(s).
- (w) Staff positions referred to in this delegation include successors from time to time.
- (x) Documents are to be in a form satisfactory to the City Solicitor (including indemnity and insurance provisions).
- (y) Delegated signing authorities in **B** are conditional upon the documents having received the City Solicitor's prior "Approval as to Form".
- (z) This delegation does not affect sales, acquisitions and leases over which the Affordable Housing Committee has responsibility.
- (aa) Authority to use land acquired by the City for parking purposes by the Toronto Parking Authority is conditional upon Council enacting a by-law designating such use.
- (bb) All residential leasing documents shall adhere to the *Residential Tenancies Act* and any successor legislation.
- (cc) Despite GC(n), Approving Authority in residential leasing matters is not limited to periods of less than twenty-one (21) years.

Appendix "A": Summary of Terms & Conditions

Licensor: 2141805 Ontario Inc.

Licensee: City of Toronto

Property: Portion of 865 York Mills Road

Licensed Area: Up to 60 parking stalls at the south end of 865 York Mills Road surface parking lot (See Appendix "B" for Location Map)

Term: August 15, 2016 until December 31, 2016, inclusive.

Use: To provide 24 hour a day off-site temporary parking to TPS staff. Beginning on August 15, 2016 and ending on October 15, 2016, there shall be 60 parking stalls provided to TPS staff. From October 16, 2016 and ending on December 31, 2016, there shall be 24 parking stalls for TPS staff.

Options to Extend: 2 options of 1 week each, provided the City gives no less than 48 hours' notice to the Licensor, and subject to the same terms and conditions.

Licence Fee: Monthly Rate of \$80 per parking stall as follows:

60 Parking Stalls (August 15, 2016 – October 15, 2016): \$9,600.00 plus HST

24 Parking Stalls (October 16, 2016- December 31, 2016): \$4,800.00 plus HST

Grand Total including HST is: \$16,272.00

If the City exercises one of both of its options to extend, the Licence Fee shall be \$542.40 (inclusive of HST) for a one-week extension, or \$1,084.80 (inclusive of HST) for a two-week extension.

Early Termination: The Licensor has the right to terminate the Licence upon providing thirty (30) business days written notice. In the event of such termination, the City would only be responsible for payment until the termination date. The City also has the right to terminate upon providing two (2) business days written notice.

Other Terms

i) The Licensor will provide parking stickers (decals) to be distributed to TPS staff to identify vehicles permitted to be parked on the Licensed Area.

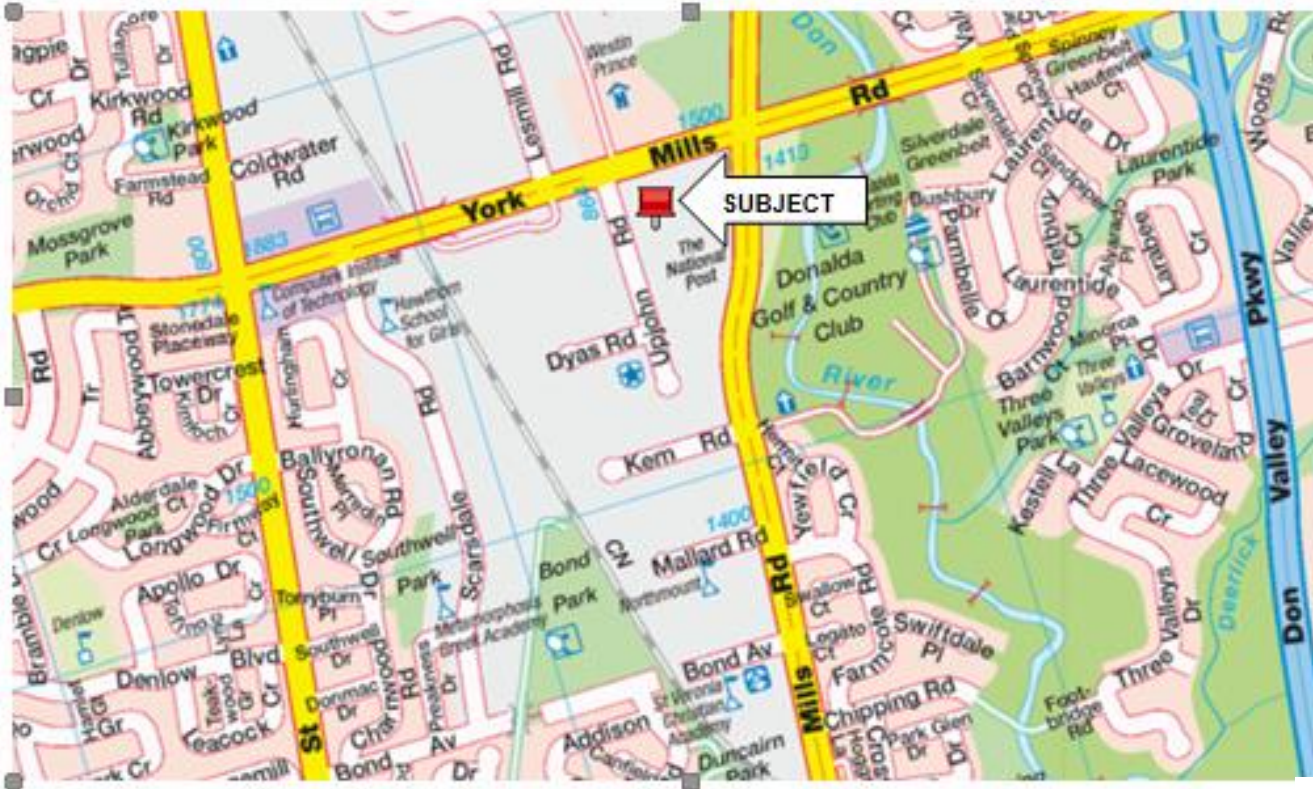
ii) The Licensor will maintain the Licensed Area in the same manner as the rest of the Property, at its sole cost and expense. The City is not responsible for any maintenance whatsoever, including snow plowing.

Indemnity

i) The City shall indemnify and save the Licensor harmless from and against any and all costs, expenses, claims and demands arising from any default by the City, and claims by or on behalf of any person, firm or corporation arising from the operations of the City in the Licensed Area, and from any intentional act or negligence of the City, and from and against all costs, fees, expenses and liabilities arising from or incurred in respect of any such claim or any action.

ii) The City shall agree that the Licensor shall not be responsible for any damage which may occur to any automobile or contents parked in the Licensed Area by any means whatsoever, except as a result of any intentional act or negligence of the Licensor.

Appendix "B": Location Map



Source: MapArt



Source: iView