

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

TRACKING NO.: 2015-195

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 (City Council 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 (City Council confirmatory By-Law No. 1234-2013 enacted October 11, 2013), as amended by DAF 2013-307 and DAF 2014-087.

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:	Sherri Andjelic	Division:	Real Estate Services
Date Prepared:	August 4, 2015	Phone No.:	416-392-7176

Purpose
To obtain authority to enter into:

- A lease agreement between the City of Toronto (the "City"), as landlord, and 1615067 Ontario Ltd. o/a C.P. Auto Body & Mechanic, as tenant, for vacant land to be used for automobile parking and storage purposes; and
- A licence agreement between the City, as licensor, and 1615067 Ontario Ltd., as licensee, for vacant land to be used for the purpose of ingress and egress to the leased lands.

Property
Lease: The City-owned vacant land legally described as Part 8 on Plan 64R-16970, located adjacent to 25 Cariboo Avenue, Toronto, Ontario and comprising a rentable area of approximately 12,852 square feet (the "Leased Lands").
Licence: The City-owned vacant land legally described as a Part 9 and a portion of Parts 10 & 11 on Plan 64R-16970, located adjacent to Cariboo Avenue, Toronto, Ontario and comprising an area of approximately 880 square feet (the "Access Lands").
Collectively, the Leased Lands and the Access Lands are shown on the attached *Schedule "A" – Site Location Map* and *Schedule "B" – Leased Lands and Access Lands*.

Actions
It is recommended that:

- Authority be granted to enter into a lease of the lands described as Part 8 on Plan 64R-16970 and a licence of the lands described as Part 9 and a portion of Parts 10 & 11 on Plan 64R-16970 as shown on Schedule "B" attached hereto between the City, as landlord, and 1615067 Ontario Inc., as tenant, for a one (1) year term commencing August 15, 2015, substantially on the terms and conditions outlined herein, and any such other terms and conditions deemed appropriate by the Chief Corporate Officer, and in a form acceptable to the City Solicitor.
- The Chief Corporate Officer or her designate, administer and manage the Agreement including the provision of any consents, approvals, waivers, notices and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matters to City Council for its determination and direction.
- The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact
The City will receive \$4,680.00 in basic rental revenue (net of HST) over the course of the one (1) year term agreement commencing August 15, 2015.
The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.

Comments
Refer to Page 4.

Terms
Landlord/Licensor: City of Toronto.
Tenant/Licensee: 1615067 Ontario Ltd. o/a C.P. Auto Body & Mechanic.
Term: One (1) year term commencing August 15, 2015 and expiring August 14, 2016.
Basic Rent (Lease): \$390.00 + HST per month or \$4,680.00 + HST per annum.
Additional Rent (Lease): The Lease is completely net and carefree to the City.
Termination: The Lease and the Licence shall automatically terminate upon sale of the Leased Lands.
Insurance: Tenant shall obtain and maintain Commercial General Liability Insurance coverage of not less than \$5,000,000 per occurrence.

Property Details	Ward:	18 – Davenport
	Assessment Roll No:	Part of 1904-01-3-690-00200
	Approximate Area:	Leased Lands: 1,194 m ² ± (12,852 ft ² ±); Access Lands: 82 m ² ± (880 ft ² ±)

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

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)										
Councillor:	Ana Bailão					Councillor:				
Contact Name:						Contact Name:				
Contacted by:	Phone	X	E-Mail	Memo	Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:	Consent to proceed.					Comments:				
Consultation with ABCDs										
Division/Unit:	Real Estate Services, Portfolio Management					Division:	Financial Planning			
Contact Name:	Irina Fofanova, Property Officer					Contact Name:	Filisha Mohammed			
Comments:	Comments incorporated.					Comments:	Comments incorporated.			
Legal Division Contact										
Contact Name:	Michele Desimone									
DAF Tracking No.: 2015-195			Date			Signature				
Recommended by: Wayne Duong, Manager			Aug 7, 2015			Sgd.\ Wayne Duong				
<input type="checkbox"/>	Recommended by: Director of Real Estate Services		Aug 10, 2015			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.

Comments:

At its meeting on August 1, 2, 3, and 4, 2000, City Council approved the Agreement of Purchase and Sale for the acquisition of an abandoned Canadian Pacific Railway Spur Line, extending from Cariboo Avenue to Dundas Street West, for the purpose of developing a pedestrian/bicycle path. With the purchase, the City also assumed a number of licenses, easements and agreements from Canadian Pacific Railway Company, including a Lease of the subject property with 1175743 Ontario Ltd (o/a T.A.P Auto Collision) for approximately 24,753 square feet of vacant land (comprised of the Leased Lands and Parts 4 & 7 on Plan 64R-16970).

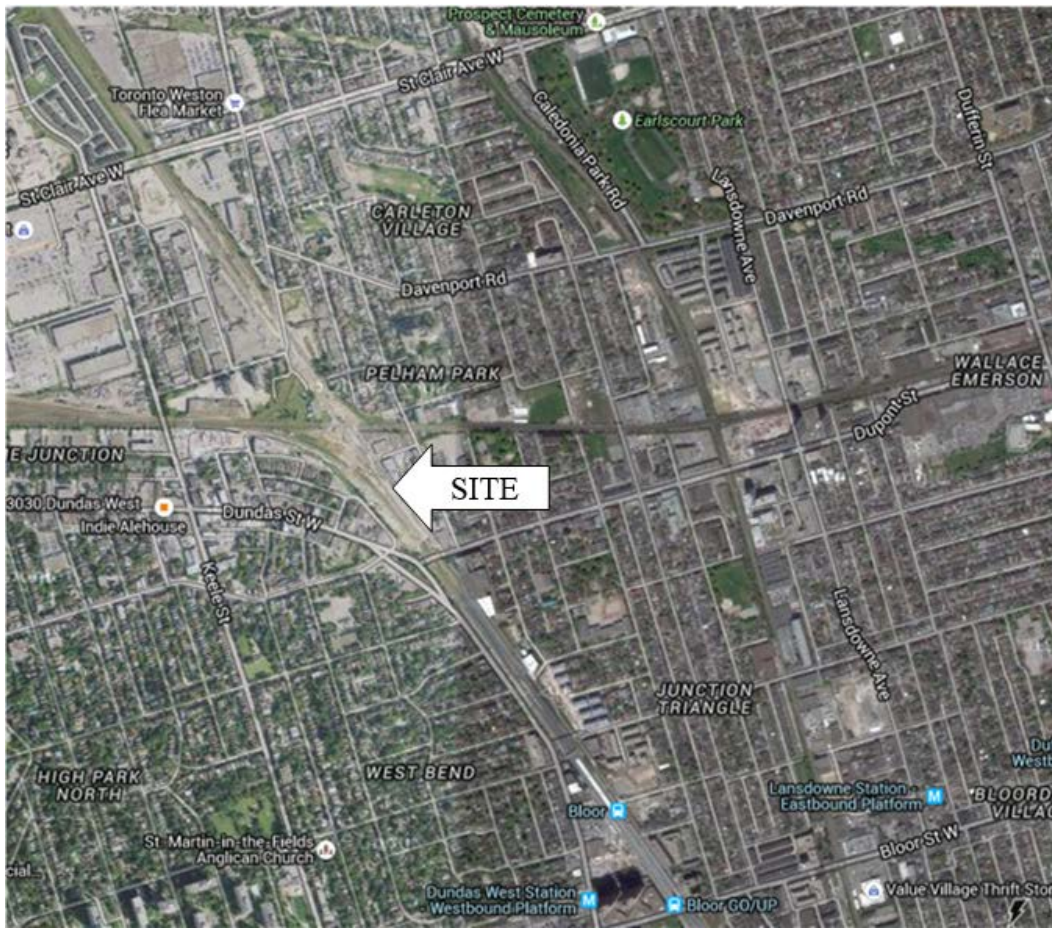
The City assumed the Lease between Canadian Pacific Railway Company, as landlord, and 1175743 Ontario Ltd (o/a T.A.P Auto Collision), as tenant, effective July 11th, 2003. The owner of the business has since changed the corporate name of the business to 1615067 Ontario Ltd. (o/a C.P Auto Body and Mechanic).

At its meeting on May 25, 26 and 27, 2009, City Council authorized the Lease Amending and Extension Agreement between the City, as landlord, and 1615067 Ontario Ltd. (o/a C.P Auto Body and Mechanic), as tenant, for a term of five (5) years commencing June 1, 2009 and expiring May 31, 2014 for approximately 24,763 square feet of vacant land (comprised of the Leased Lands and Parts 4 & 7 on Plan 64R-16970). Effective September 30, 2014, Parts 4 & 7 were sold to a corporate affiliate of the tenant. Further, this Lease Amending and Extension Agreement was terminated effective March 15, 2015 in order to accommodate the construction of a barrier wall by Metrolinx (as part of its Union Pearson Express line project). The barrier wall by Metrolinx is now complete.

An affiliate of C.P. Auto Body has expressed interest in purchasing the Leased Lands, which are to be subject to permanent, non-exclusive easements in favour of the City (Toronto Water), Metrolinx, the Canadian National Railway (CNR) and the Canadian Pacific Railway (CPR). Real Estate Services has declared the Leased Lands surplus (DAF No. 2015-140) but short-term lease and licence agreements are required until such time as the above-noted easements can be properly documented and registered, and the purchase and sale agreement negotiated/finalized in accordance with the City's real estate disposal process.

Staff considers the terms and conditions of the Lease and Licence to be fair and reasonable.

Schedule "A" – Site Location Map



Schedule "B" – Leased Lands and Access Lands

