

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

TRACKING NO.: 2015-192

<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. City Council confirmatory By-law No. 532-2010, enacted on May 12, 2010.																							
<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:	Derek Wei	Division:	Real Estate Services																					
Date Prepared:	August 4, 2015	Phone No.	2-1259																					
Purpose	To obtain authority to enter into a five (5) year lease extension and amending agreement (the "Agreement") between the City of Toronto (the "Tenant") and The Trustees of the Congregation of Revivaltime Tabernacle (the "Landlord") for sixty (60) parking spaces for use by Toronto Paramedic Services and Fire Services.																							
Property	Sixty (60) parking stalls located on a portion of the property municipally known as 4340 Dufferin Street, Toronto, Ontario. (See Schedule "A" – Site Location Map and Schedule "B" - Premises.																							
Actions	<ol style="list-style-type: none"> 1. Authority be granted to enter into a lease extension and amending agreement with The Trustees of the Congregation of Revivaltime substantially on the terms and conditions outlined herein, and any such other terms and conditions deemed appropriate by the Director of Real Estate Services, and in a form acceptable to the City Solicitor; 2. The Chief Corporate Officer or designate shall administer and manage the Agreement including the provision of any amendments to dates under the Agreement, consents, approvals, waivers, notices and notices of termination provided that the Chief Corporate officer may, at any time, refer consideration for 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 for the five (5) year term of this extension is \$146,565.84 (plus additional HST).</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th align="center"><u>Per Month</u></th> <th align="center"><u>Per Annum</u></th> </tr> </thead> <tbody> <tr> <td>November 1, 2014 – June 30, 2015</td> <td align="center">\$2,335.54</td> <td align="center">\$28,026.48 (Plus HST)</td> </tr> <tr> <td>July 1, 2015 – October 31, 2015</td> <td align="center">\$2,370.57</td> <td align="center">\$28,446.84 (Plus HST)</td> </tr> <tr> <td>November 1, 2015 – October 31, 2016</td> <td align="center">\$2,406.13</td> <td align="center">\$28,873.56 (Plus HST)</td> </tr> <tr> <td>November 1, 2016 – October 31, 2017</td> <td align="center">\$2,442.22</td> <td align="center">\$29,306.64 (Plus HST)</td> </tr> <tr> <td>November 1, 2017 – October 31, 2018</td> <td align="center">\$2,478.86</td> <td align="center">\$29,746.32 (Plus HST)</td> </tr> <tr> <td>November 1, 2018 – October 31, 2019</td> <td align="center">\$2,516.04</td> <td align="center">\$30,192.48 (Plus HST)</td> </tr> </tbody> </table> <p>The funding for the lease payments is included in the 2015 Council Approved Operating budget for Fire Services and Toronto Paramedic Services.</p> <p>The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>				<u>Per Month</u>	<u>Per Annum</u>	November 1, 2014 – June 30, 2015	\$2,335.54	\$28,026.48 (Plus HST)	July 1, 2015 – October 31, 2015	\$2,370.57	\$28,446.84 (Plus HST)	November 1, 2015 – October 31, 2016	\$2,406.13	\$28,873.56 (Plus HST)	November 1, 2016 – October 31, 2017	\$2,442.22	\$29,306.64 (Plus HST)	November 1, 2017 – October 31, 2018	\$2,478.86	\$29,746.32 (Plus HST)	November 1, 2018 – October 31, 2019	\$2,516.04	\$30,192.48 (Plus HST)
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Comments	<p>Further to: (a) Indenture of Lease dated November 1, 1999, (b) Lease Renewal Agreement dated March 23, 2006 and (c) the Lease Renewal Agreement dated July 15, 2010 (collectively the "Lease") between the City of Toronto, as tenant, and the Landlord, this DAF seeks authority to extend the Lease for a five (5) year term commencing November 1, 2014 and ending on October 31, 2019. Upon termination, the Tenant will have the option to renew for an additional five (5) years.</p> <p>Real Estate Services staff have reviewed the Agreement and are satisfied that the terms and conditions of the Agreement are fair, reasonable and at market value.</p>																							

Terms

Major terms and conditions of the proposed Agreement are as follows:

Premises:

60 parking stalls at 4340 Dufferin Street, Toronto, Ontario.

Landlord:

Trustees for the Congregation of Revivaltime Tabernacle

Term:

Five (5) years, commencing November 1, 2014 and expiring on October 31, 2019.

Renewal rights:

The tenant has the option to renew for a further term of five (5) years.

Rent/Fee:

Total Rent over the five years will be \$146,565.84, plus HST.

Early Termination:

At any time during the Term and any extension thereof, the Tenant shall have the right (but not the obligation) to terminate the Lease upon 3 months' written notice.

Property Details

Ward:	York West
Assessment Roll No.:	
Approximate Size:	60 parking stalls
Approximate Area:	17,000 Square Feet ±
Other Information:	N/A

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)									
Councillor:	Stephen Holyday					Councillor:			
Contact Name:	Sheila Henderson					Contact Name:			
Contacted by:	<input checked="" type="checkbox"/>	Phone	<input type="checkbox"/>	E-Mail	<input type="checkbox"/>	Memo	<input type="checkbox"/>	Other	
Comments:	Concurs					Comments:			
Consultation with ABCDs									
Division:	Toronto Paramedic Services & Fire Services					Division:	Financial Planning Division		
Contact Name:	Ralph Hole (Toronto Paramedic Services), Arnold Louie (Fire Services)					Contact Name:	Filisha Mohammed		
Comments:	Approved					Comments:	Approved		
Legal Division Contact									
Contact Name:	Luxmen Aloysius								

DAF Tracking No.: 2015 - 192	Date	Signature
Recommended by: Manager	Aug 27, 2015	Sgd. Wayne Duong
<input type="checkbox"/> Recommended by: Director of Real Estate Services <input checked="" type="checkbox"/> Approved by: Joe Casali	Sept 2, 2015	Sgd. Joe Casali
<input type="checkbox"/> Approved by: Chief Corporate Officer Josie Scioli	N/A	X N/A

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 leasing matters (**A.9 and A.10**) 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.

Schedule "A"
SITE LOCATION MAP



Schedule "B"
PREMISES

