

**DELEGATED APPROVAL FORM
CITY MANAGER
DEPUTY CITY MANAGER & CHIEF FINANCIAL OFFICER**

TRACKING NO.: 2016-063

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.			
Prepared By:	Adam Pressick	Division:	Real Estate Services
Date Prepared:	July 26, 2016	Phone No.:	416-392-1166
Purpose	To obtain authority to enter into a sublease agreement (the "Agreement") with Auberge Francophone (the "Subtenant") for sublease premises (the "Sublease Premises") located at the Thistletown Multi-Service Centre (the "Lease Premises") for a period of three (3) years commencing August 1, 2016, and terminating July 31, 2019.		
Property	The Sublease Premises are approximately 774 square feet, Room 306, at the Thistletown Multi-Service Centre, known municipally as 925 Albion Road, Toronto, Ontario (the location is shown on Appendix "A" attached hereto and plan of which is shown on Appendix "B" attached hereto).		
Actions	<ol style="list-style-type: none"> 1) authority be granted to enter into the sublease agreement (the "Agreement") between the City and the Subtenant for the Sublease Premises, subject to the major terms and conditions outlined on page 4 of this form and on such other 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 shall administer and manage the Agreement, 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 City will receive a gross rent of \$29,574.54 plus HST over the three (3) year term of the Agreement.</p> <p>The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with this financial impact information.</p>		
Comments	<p>On September 1, 1985, the former Corporation of the City of Etobicoke entered into a lease agreement for the Leased Premises from the Board of Education (the predecessor to the Toronto District School Board (TDSB)) to operate the Thistletown Multi-Service Centre. The City has continued to lease the Leased Premises from TDSB, with the most recent term of the lease to expire on August 31, 2020, which was authorized by DAF 2016-004. The Lease Premises have been declared surplus, as the lease has exceeded 21 years, which was authorized by DAF 2016-009. Since inception of the lease with TDSB, the City has appointed a Board of Management composed of the local Councillor and members of the general public to oversee operations of the Lease Premises.</p> <p>The Subtenant has occupied the Leased Premises since January 1, 2010. Parks Forestry & Recreation (PF&R) and the Board of Management have confirmed that the Sublease Premises are surplus to their programming requirements and have no issue entering into the Agreement with the Subtenant.</p>		
Terms	Real Estate Services staff consider the major terms and conditions of the Agreement as outlined in Major Terms and Conditions attached hereto, on page 4, to be fair and reasonable, and at market rates.		
Property Details	Ward:	1 – Etobicoke North	
	Assessment Roll No.:	1919-01-5-030-0060	
	Approximate Size:	Irregular	
	Approximate Area:	71.9m ² ± 774ft ² ±	
	Other Information:		

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/REOs:	Delegated to a more senior position.	<input type="checkbox"/> Issuance of RFPs/REOs.
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"/> (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"/> (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 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"/> (b) When closing road, easements to pre-existing utilities for nominal consideration.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million. 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"/> (b) Releases/Discharges; <input type="checkbox"/> (c) Surrenders/Abandonments; <input type="checkbox"/> (d) Enforcements/Terminations; <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates; <input type="checkbox"/> (f) Objections/Waivers/Cautions; <input type="checkbox"/> (g) Notices of Lease and Sublease; <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"/> (j) Documentation relating to Land Titles applications; <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences; <input type="checkbox"/> (b) Releases/Discharges; <input type="checkbox"/> (c) Surrenders/Abandonments; <input type="checkbox"/> (d) Enforcements/Terminations; <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates; <input type="checkbox"/> (f) Objections/Waivers/Cautions; <input type="checkbox"/> (g) Notices of Lease and Sublease; <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"/> (j) Documentation relating to Land Titles applications; <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:		Vincent Crisanti				Councillor:			
Contact Name:		Amanda Arnone				Contact Name:			
Contacted by:		Phone	X	E-Mail		Memo		Other	
Comments:		Consented				Comments:			
Consultation with ABCDs									
Division:		Parks, Forestry & Recreation				Division:		Financial Planning	
Contact Name:		Rohan Dove/Chris Mackenzie				Contact Name:		Ron Budhu	
Comments:		Consented				Comments:		Consented	
Legal Division Contact									
Contact Name:		Luxmen Aloysius							
DAF Tracking No.: 2016-063					Date		Signature		
Recommended by: Wayne Duong, Mgr. Leasing and Site Mgt					July/26/2016		Sgd.\ Wayne Duong		
<input type="checkbox"/> Recommended by: Director of Real Estate Services Joe Casali					Aug/2/2016		Sgd.\ Joe Casali		
<input checked="" type="checkbox"/> Approved by:									
<input type="checkbox"/> Approved by: Chief Corporate Officer Josie Scioli							X		

General Conditions ("GC")

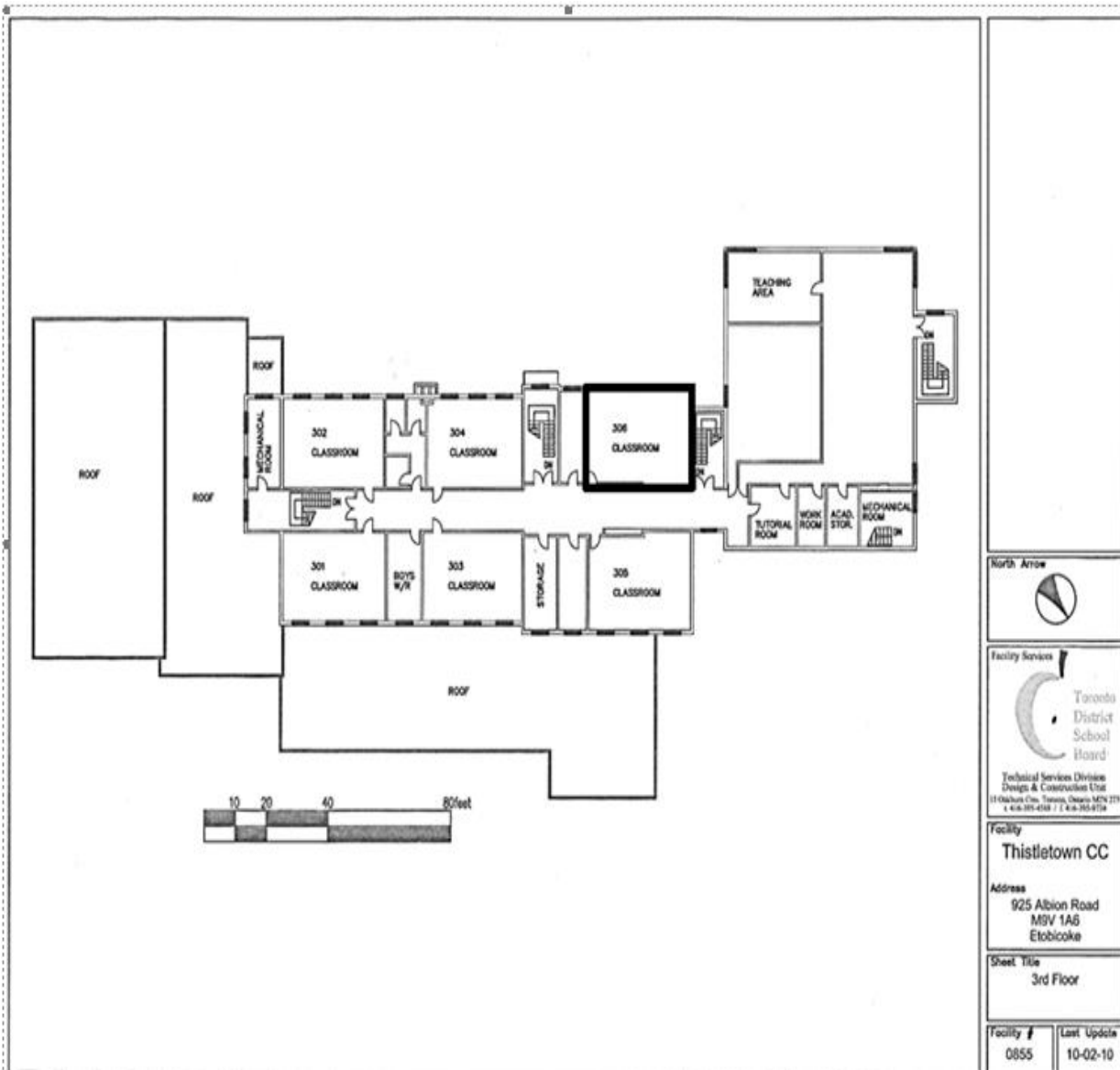
- (a) The local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be consulted prior to the exercise of delegated Approving Authority by staff for all Acquisitions, Disposals, Land 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.

Major Terms and Conditions

Subtenant	Auberge Francophone
Premises	774 square feet, shown outlined in bold on Schedule "B"
Term	Three (3) years commencing August 1, 2016 and terminating July 31, 2019
Gross Rent	Year 1: \$ 12.48/sq ft plus HST per annum Year 2: \$ 12.74/sq ft plus HST per annum Year 3: \$ 12.99/sq ft plus HST per annum
Use	Solely for serving the local community by delivering social, health, recreational, community, employment, and/or support services to low income residents
Renewal rights	No option to renew
Early Termination	The City has the right to terminate the licence at any time upon thirty (30) days' prior written notice.
Insurance	Public Liability Insurance of not less than Two Million Dollars (\$2,000,000.00) per occurrence



Appendix "B" – Sketch of Sublease Premises (outlined)



Facility Services

Toronto District School Board

Technical Services Division
Design & Construction Unit
1100 Bayview Ave., Toronto, Ontario M2N 1T1
416-393-4100 / 416-393-8709

Facility
Thistletown CC

Address
925 Albion Road
MSV 1A6
Etobicoke

Sheet Title
3rd Floor

Facility # 0855	Last Update 10-02-10
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