

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

TRACKING NO.: 2017-122

- 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 on 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), and further amended by GM16.16 entitled "Transit Shelter Property Acquisitions" adopted by City Council on December 13, 14 and 15, 2016 (Confirmatory By-Law No. 1290-2016, enacted on December 15, 2016).
- 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:	Jack Harvey	Division:	Real Estate
Date Prepared:	April 19, 2017	Phone No.:	7-7704

Purpose	To obtain authority to renew the lease with 1594342 Ontario Limited, (the "Landlord"), for the continuing use of approximately 11,039 square feet and additional space of approximately 2,836 square feet for a total of 13,875 square feet of community centre program space within the premises known municipally as 160 Eglinton Avenue East.
Property	160 Eglinton Avenue East, Toronto Plan 639 PT LOTS 10, 11 & 12
Actions	<ol style="list-style-type: none"> 1) authority be granted to renew the existing lease with the Landlord for the above noted premises subject to the 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 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 five (5) year lease renewal term is estimated to be \$2,121,282.52 (plus HST) or \$2,158,617.09 (net of HST recoveries). Funding is included in the 2017 Council Approved Operating Budget for Facilities, Real Estate, Environment & Energy (FREEE) and will be included in future Operating Budget submissions.</p> <p>The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>The Central Eglinton Community Centre remains an integral part of the Yonge/Eglinton community providing a wide variety of services ranging from child care to income tax preparation seminars. This Community Centre is one of 10 such centres known as the Association of Community Centres (AOCC's) who receive their funding as a group via the annual City Council approved Operating Budget. Under the terms of this agreement the Lease is being renewed for a term of 5 years.</p> <p>By the adoption of Clause 31 of the former City of Toronto Executive Committee Report No. 23, as approved on August 10, 1992, the City entered into a 10 year lease with Coscan Development Corp. for the establishment of the Central Eglinton Community Centre. Under the authority of Delegated Approval Form 1999-153 the Lease was amended to increase the demised area by 3,106 sq. ft. to a total of 11,039 sq. ft. The amendment was structured to expire on the date of the original lease on November 30, 2002. Under the Authority of Delegated Approval Form 2002-133, the lease was renewed with the new owners of the property, Brookfield Properties Ltd., for a further term of 10 years less one day expiring on November 29, 2012. A further renewal for a five year term was approved under Delegated Approval Form 2012-225 the new owner 1594342 Ontario Ltd. This proposed lease renewal will ensure the continuation of the community centre in this location as part of the city planning objectives.</p>
Terms	<p>Terms and Conditions on Page 4.</p> <p>Real Estate Services Staff is satisfied that the terms and conditions of this lease renewal are fair, reasonable and at market value.</p>

Property Details	Ward:	22 – St. Pauls
	Assessment Roll No.:	1904-10-4-010-05600
	Approximate Size:	
	Approximate Area:	13,875 square feet
	Other Information:	

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: N/A</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 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 checked="" 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:	
<p><input type="checkbox"/> 1. Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.</p> <p><input type="checkbox"/> 2. Expropriation Applications and Notices following Council approval of expropriation.</p> <p><input checked="" type="checkbox"/> 3. Documents required to implement the delegated approval exercised by him or her.</p>	<p>Chief Corporate Officer also has approval authority for:</p> <p><input type="checkbox"/> Leases/licences/permits at Union Station during the Revitalization Period, if the rent/fee is at market value.</p> <p>Consultation with Councillor(s)</p>

Councillor:	Josh Matlow	Councillor:	
Contact Name:	Blake Webb	Contact Name:	
Contacted by:	X Phone X E-Mail Memo Other	Contacted by:	Phone E-mail Memo Other
Comments:	Approved	Comments:	
Consultation with ABCDs			
Division:	Social Development	Division:	Financial Planning
Contact Name:	Costanza Allevato	Contact Name:	Filisha Jenkins
Comments:	Approved	Comments:	Approved
Legal Division Contact			
Contact Name:	Joanne Franco		
DAF Tracking No.: 2017-122		Date	Signature
Recommended by: Wayne Duong, Mgr. Leasing & Site Mgt.		June/23/2017	Sgd.\ Wayne Duong
<input checked="" type="checkbox"/> Recommended	Director of Real Estate Services	July/14/2017	Sgd.\ Joe Casali
<input type="checkbox"/> Approved by:	Joe Casali		
<input checked="" type="checkbox"/> Approved by:	Chief Corporate Officer	July/17/2017	Sgd.\ Josie Scioli
	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 being available from third party sources, except for "Strategic Property Acquisitions" as set out in EX44.22 adopted by Council August 25, 26, 27 and 28, 2014, which identifies alternative funding mechanisms subject to additional approval requirements.
- (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, except for property acquisitions of 50M² or less for transit shelter purposes.
- (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.

Landlord: 1594342 Ontario Ltd.

Tenant: City of Toronto, Central Eglinton Community Centre, Association of Community Centres

Property: 160 Eglinton Avenue East

Demised Area: 6,469 square feet on the ground floor
 3,106 square feet on the second floor
 1,464 square feet on the mezzanine
2,836 square feet on the third floor

Total 13,875 square feet

Renewal Term: Five (5) years, commencing November 30, 2017 and expiring November 29, 2022

Further Option To Renew: None

Basic Rent:

Premises	Square Feet	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Rate PSF		\$14.50	\$14.50	\$15.50	\$15.50	\$15.50	
Program Area	12,411	\$179,959.50	\$179,959.50	\$192,370.50	\$192,370.50	\$192,370.50	\$937,030.50
Rate PSF		\$5.00	\$5.00	\$6.00	\$6.00	\$7.00	
Mezzanine Area	1,464	\$7,320.00	\$7,320.00	\$8,784.00	\$8,784.00	\$10,248.00	\$ 42,456.00
Totals	13875	\$187,279.50	\$187,279.50	\$201,154.50	\$201,154.50	\$202,618.50	\$979,486.50

Additional Rent: The City as Tenant is responsible on a proportionate basis for the all operating costs. For 2017 the operating expenses were estimated to be the following (with an estimated 3% annual increase):

Operating Costs = \$ 9.66 per square foot or \$134,032.50 per year plus HST (upon realty tax exemption approval)
 Realty Taxes = \$ 5.65 per square foot \$ 78,393.75 per year plus HST
 Total = \$15.50 per square foot or \$215,062.50 per year plus HST (pending realty tax exemption approval)

	Square Feet	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Rate PSF		\$15.50	\$15.97	\$16.44	\$16.94	\$17.45	
	13875	\$215,062.50	\$221,514.38	\$228,159.81	\$235,004.60	\$242,054.74	\$1,141,796.02

Insurance: Tenant to hold an insurance policy including: (i) All Risks Property Insurance (ii) Commercial general liability insurance coverage in an amount not less than Five Million (\$5,000,000.00).

Municipal Capital Facility Agreement: Pending Council approval

160 Eglinton Avenue East Location Map

