



DELEGATED APPROVAL FORM DECLARE SURPLUS

TRACKING NO.: 2016-197

Approved pursuant to the Delegated Authority contained in Government Management Committee Item GM6.18 entitled "Policy with Respect to the Sale/Disposition of Land" adopted as amended by City Council on July 16, 17, 18 and 19, 2007. By-law No. 814-2007, enacted on July 19, 2007.

Prepared By:	Neubert Li	Division:	Real Estate Services										
Date Prepared:	October 20, 2016	Phone No.:	(416) 392-1243										
Purpose:	To declare surplus a portion of the City garage located in the basement of the building known municipally as 246 The Esplanade, containing two hundred and seventeen (217) parking spaces on Levels PA2, PA3 and PA4.												
Property:	The City garage located in the basement of the building municipally known as 246 The Esplanade, containing two hundred and seventeen (217) parking spaces on Levels PA2, PA3 and PA4 (the "Property") .												
Actions:	<ol style="list-style-type: none"> 1. The Property be declared surplus with the intended manner of disposal to be by way of a lease extension agreement with the incumbent tenant, 1099580 Ontario Inc.(the "Tenant") and Berkeley Castle Investments Ltd. (the "Indemnifier"). 2. An offer to extend the existing lease agreement and to enter into an amending agreement for a further term(s) at market rent to be determined.. 3. Notice be published in a newspaper in circulation in the area of the Property and be posted on the City's website. 4. All steps necessary to comply with the City's real estate disposal process, as set out in Chapter 213 of the City of Toronto Municipal Code, be taken. 												
Financial Impact:	There are no financial implications resulting from this approval. The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.												
Background:	<p>The Property was leased to the Tenant, with Berkeley Castle Investments Ltd. as the Indemnifier since 1994 through a number of lease extensions and renewals. The Property is located at the basement of the building municipally known as 246 The Esplanade (the "Premises") and consists of a total of 217 parking spaces on three (3) Levels designated as PA2, PA3 and PA4. The Premises is also known as St Lawrence Community Centre.</p> <p>The Tenant's current lease expires on October 31, 2016. It is requesting a lease extension for another 5 years with an option to extend for another term of 5 years. The lease extension, if approved, will cumulate to more than 21 years in occupancy that would necessitate the City declaring the Property surplus to municipal needs prior to continue leasing the Property.</p>												
Comments:	<p>Staff from the Toronto Parking Authority has conducted a site inspection and indicated they have no interest in the Property.</p> <p>Property Management Committee has reviewed this matter and concurs.</p>												
Property Details:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Ward:</td> <td>28 – Toronto Centre - Rosedale</td> </tr> <tr> <td>Assessment Roll No.:</td> <td>1904-071-390-01250</td> </tr> <tr> <td>Approximate Size:</td> <td>N/A</td> </tr> <tr> <td>Approximate Area:</td> <td>N/A</td> </tr> <tr> <td>Other Information:</td> <td>Levels PA2,PA3 and PA4 in the basement of 246 The Esplanade</td> </tr> </table> <p style="margin-top: 10px;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Lands are located within the Green Space System or the Parks & Open Space Areas of the Official Plan.</p>			Ward:	28 – Toronto Centre - Rosedale	Assessment Roll No.:	1904-071-390-01250	Approximate Size:	N/A	Approximate Area:	N/A	Other Information:	Levels PA2,PA3 and PA4 in the basement of 246 The Esplanade
Ward:	28 – Toronto Centre - Rosedale												
Assessment Roll No.:	1904-071-390-01250												
Approximate Size:	N/A												
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Other Information:	Levels PA2,PA3 and PA4 in the basement of 246 The Esplanade												

Pre-Conditions to Approval:

- (1) **Highways** - The GM of Transportation Services has concurred in the Highway being declared surplus conditional upon City Council approving the permanent closure of the Highway.
- (2) **Lands located within the Green Space System and the Parks & Open Space Areas of the Official Plan** -

The Chief Planner & Executive Director and the GM of Parks, Forestry & Recreation have confirmed that the land being exchanged is (i) nearby land of equivalent or larger area, and (ii) of comparable or superior green space utility.

Chief Corporate Officer has approval authority for:

- A (1)** declaring land surplus and approving the intended manner or process by which the sale of the land will be carried out, provided that the local Councillor does not require the matter to be determined by Council through the Government Management Committee (§ 213-6).
 - Councillor does not require the declaration of surplus or the intended manner or process by which the sale of the land will be carried out to be determined by Council.
- (2)** determining the method of giving notice to the public, following consultation with the local Councillor (§ 213-7)
 - Councillor has been consulted regarding method of giving notice to the public.
- (3)** exempting sales to the following public bodies from the requirement for an appraisal, provided that the local Councillor (or if the land abuts other wards, the local Councillors) does not require the determination to be made by Council (§ 213-4):
 - (a) a municipality
 - (b) a local board, including a school board and a conservation authority
 - (c) the Crown in right of Ontario or Canada and their agencies
 - n/a Councillor(s) agrees with exemption from appraisal. **[Revise box to an x if any of (3)(a)-(c) applies.]**
- (4)** exempting the sale of land in the following classes from the requirement for an appraisal and/or for notice to the public, provided that the local Councillor(s) (if the land abuts other wards) does not require the determination to be made by Council (§ 213-5):
 - (a) land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*
 - (b) closed highways if sold to an owner of land abutting the closed highways
 - (c) land formerly used for railway lines if sold to an owner of land abutting the former railway land
 - (d) land does not have direct access to a highway if sold to the owner of land abutting that land
 - (e) land repurchased by an owner in accordance with section 42 of the *Expropriations Act*
 - (f) easements
 - n/a Councillor(s) agrees with exemption from appraisal. **[Revise box to an x if any of (4)(a)-(f) applies.]**
 - n/a Councillor(s) agrees with exemption from notice to the public. **[Revise box to an x if any of (4)(a)-(f) applies.]**
- (5)** revising the intended manner of sale
- (6)** rescinding the declaration of surplus authority

Title	Date	Recommended/ Approved
Manager	Nov. 10, 2016	Nick Simos
Director	Nov. 18, 2016	Joe Casali
Chief Corporate Officer	Nov. 22, 2016	Josie Scioli
Return to: Neubert Li Real Estate Services Metro Hall, 55 John Street, 2nd Fl (416) 392-8160		
DAF Tracking No.: 2016-197		

Consultation with Councillor(s):					
Councillor:	Pam McConnell				
Contact Name:	Thomas Davidson				
Contacted by	Phone	<input checked="" type="checkbox"/>	E-mail	Memo	Other
Comments:	Confirmed no objection to the matter proceeding on August 25, 2016				
Councillor:					
Contact Name:					
Contacted by	Phone		E-mail	Memo	Other
Comments:					

Consultation with other Division(s):			
Division:	Real Estate Services	Division:	Financial Planning
Contact Name:	Simona Rasanu	Contact Name:	Filisha Mohammed
Comments:	Incorporated into DAF, October 18, 2016	Comments:	Incorporated into DAF,
Real Estate Law Contact:	Soo Kim Lee, commented, October 18, 2016	Date:	August 25, 2016

APPENDIX "A": LOCATION MAP & SKETCH

