

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:	Christian Eng	Division:	Real Estate Services										
Date Prepared:	July 27, 2017	Phone No.:	(416) 392-8161										
Purpose:	To declare surplus the City-owned property located at 1313 Queen Street West, with the intended manner of disposal to be by way of entering into a new lease (for which separate authority will be sought) with the existing tenant, Toronto Artscape Inc. The proposed new lease, when combined with the previous term of the lease, will result in a cumulative term that exceeds 21 years.												
Property:	1313 Queen Street West, being Part of Lot 1-2 on Plan 382, Parkdale, as in EW1980 (Sixthly); City of Toronto, illustrated in Appendix "A" (the "Leased Lands")												
Actions:	<ol style="list-style-type: none"> 1. The Leased Lands be declared surplus, for the purpose of and with the intended manner of disposal to be by way of entering into lease agreement(s) with the existing tenant, the collective length of which (including extensions, renewals, options, assignments etc.) would exceed twenty-one (21) years. 2. Notice be published in a newspaper in circulation in the area of the Leased Lands and on the City's website. 3. 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:	<p>There are no financial implications resulting from this approval.</p> <p>The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>												
Background:	<p>The Leased Lands are located on the southwest corner of Queen Street West and Cowan Avenue and were not acquired through expropriation proceedings. At its meeting held on November 6, 1996, the former Metropolitan Toronto Council adopted Clause 2 of Report No. 23 of the Corporate Administration Committee granting authority to enter into a net lease of the Leased Lands with Toronto Artscape Inc. (the "Tenant") for a term of 20 years at an annual rent of \$1.00 per year. The lease commenced on August 15, 1997 and will expire on August 14, 2017.</p> <p>The Tenant has expressed interest in extending the lease under the Below Market Rent (BMR) policy. During the review of the BMR request, it was determined that the Tenant would not be eligible under the BMR policy as the existing use was primarily for residential purposes, being a live in/work facility with cultural space, rather than a cultural hub. However, the Affordable Housing Office advises that it supports a new lease with the Tenant.</p> <p>It is necessary to declare surplus the Leased Lands for the purpose of entering into the net lease, since the proposed lease will result in cumulative lease terms exceeding twenty-one (21) years.</p>												
Comments:	A circulation of the Leased Lands to the City's ABCDs was undertaken to ascertain whether or not there is any municipal interest in retaining the Leased Lands. Staff of the Affordable Housing Office are supportive of the City entering into a new lease with the Tenant. Accordingly, it is appropriate that the Leased Lands be declared surplus. The Property Management Committee has reviewed this matter and concurs.												
Property Details:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Ward:</td> <td>14 – Parkdale-High Park</td> </tr> <tr> <td>Assessment Roll No.:</td> <td>1904-02-1-2900-3900</td> </tr> <tr> <td>Approximate Size:</td> <td>38.82 m x 35.55 m ± (127.36 ft x 116.63 ft ±)</td> </tr> <tr> <td>Approximate Area:</td> <td>1,415.29 m² ± (15,234.05 ft² ±)</td> </tr> <tr> <td>Other Information:</td> <td>2-storey building</td> </tr> </table>			Ward:	14 – Parkdale-High Park	Assessment Roll No.:	1904-02-1-2900-3900	Approximate Size:	38.82 m x 35.55 m ± (127.36 ft x 116.63 ft ±)	Approximate Area:	1,415.29 m ² ± (15,234.05 ft ² ±)	Other Information:	2-storey building
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	<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.												

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	July 31, 2017	Signed by Nick Simos
Director	Aug. 4, 2017	Signed by Joe Casali
Chief Corporate Officer	Aug. 8, 2017	Signed by Josie Scioli
Return to: Christian Eng Real Estate Services Metro Hall, 55 John Street, 2nd Fl (416) 392-8161		
DAF Tracking No.: 2017-186		

Consultation with Councillor(s):	
Councillor:	Gord Perks (November 16, 2016)
Contact Name:	
Contacted by	X Phone X E-mail Memo X Other
Comments:	<ul style="list-style-type: none"> No objections with recommendation Does not require the matter to be determined by Council Does not require further consultation re: public notice
Councillor:	
Contact Name:	
Contacted by	Phone E-mail Memo Other
Comments:	

Consultation with other Division(s):			
Division:	RES and Affordable Housing Office	Division:	Finance
Contact Name:	Leila Valenzuela (RES) and Erik Hunter (AHO) – July 4, 2017	Contact Name:	Filisha Jenkins
Comments:	Tenant in good standing – February 2017	Comments:	Incorporated into DAF
Real Estate Law Contact:	Jack Payne – March 24, 2017 Charlotte Harbell – July 24, 2017	Date:	July 19, 2017

Appendix "A": Location Map & Sketch

