

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:	Trixy Pugh	Division:	Real Estate Services
Date Prepared:	August 9, 2017	Phone No.:	(416) 392-8160

Purpose: To declare surplus the City-owned property located at 185 Fifth Street pursuant to the City's existing disposal bylaw, subject to the retention of any required interests by the City, with the intended manner of disposal to be by way of a new lease for which a separate authority will be sought because the cumulative term of all previous agreements has exceeded twenty-one (21) years.

Property: The property located at 185 Fifth Street, being Lots 379, 380, 381 & 382 on Plan 1043; Lots 343, 344, 345 & 346 on Plan 1043; Part Reserved on Plan 1043, Lying Between Fourth Street and Fifth Street As In NT7864; Etobicoke (PIN 07609-0142))(LT), as illustrated in Appendix "A" (the "Property").

- Actions:**
1. The Property be declared surplus, subject to the retention of any required interests by the City, and with the intended manner of disposal to be by way of a new lease with Lakeshore Area Multi-Services Project (LAMP) Inc. (the "Tenant").
 2. Notice be published in a newspaper in circulation in the area of the Property 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: 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: The Property was not acquired through expropriation proceedings.

The Property has been occupied by the Tenant since 1976. The Tenant and the former City of Etobicoke entered into the most recent lease agreement commencing January 1, 1998 and expiring December 31st, 2007. The Tenant has been overholding since the expiry date of December 31, 2007.

The Tenant wishes to enter into a below-market rent lease agreement with the City, conditional on City Council approval. This requires that the Property be declared surplus at this time, subject to the retention of any required interests by the City, pursuant to the City's existing disposal bylaw as the cumulative lease term has exceeded 21 years.

Comments: A circulation to the City's ABCDs was undertaken to ascertain whether or not there is any municipal interest in retaining the Property. No municipal interest was expressed. Staff of the Affordable Housing Office has determined that there is no interest in the Leased Lands for affordable housing. Accordingly, it is appropriate that the Leased Lands be declared surplus. The Property Management Committee has reviewed this matter and concurs.

Property Details:

Ward:	6 – Etobicoke-Lakeshore
Assessment Roll No.:	1919-05-2-600-02000
Approximate Area:	6,299 m ² ± (67,802 ft ² ±)

Yes 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	Aug. 9, 2017	Melanie Hale-Carter (for Nick Simos)
Director	Aug. 10, 2017	Joe Casali
Chief Corporate Officer	Aug. 14, 2017	Josie Scioli
Return to: Trixy Pugh Real Estate Services Metro Hall, 55 John Street, 2nd Fl (416) 392-8160		
DAF Tracking No.: 2017-198		

Consultation with Councillor(s):						
Councillor:	Mark Grimes					
Contact Name:	Mark Grimes (July 17, 2017)					
Contacted by	Phone	<input checked="" type="checkbox"/>	E-mail	<input type="checkbox"/>	Memo	Other
Comments:	<ul style="list-style-type: none"> • No objections to recommendations • Does not require the matter to be determined by Council • Does not require further consultation re: public notice 					
Councillor:						
Contact Name:						
Contacted by	Phone	<input type="checkbox"/>	E-mail	<input type="checkbox"/>	Memo	Other
Comments:						

Consultation with other Division(s):			
Division:	RES – Leasing & Site Management	Division:	Financial Planning
Contact Name:	Simona Rasanu	Contact Name:	Filisha Jenkins
Comments:	Comments have been incorporated	Comments:	Incorporated into DAF
Real Estate Law Contact:	Michele Desimone (August 4, 2017)	Date:	August 9, 2017

APPENDIX "A": LOCATION MAP & SKETCH

