

Approved pursuant to the Delegated Authority contained in Executive Committee Item EX27.12, as adopted by City Council on October 2, 3 and 4, 2017 or, where applicable, in Executive Committee Item EX28.8, as adopted by City Council on November 7, 8 and 9, 2017.

Prepared By:	Patrick McCabe	Division:	Parks, Forestry & Recreation
Date Prepared:	February 7, 2018	Phone No.:	416 338 0791

Purpose	To obtain authority to enter into a licence agreement (the "Agreement") with East End Arts Toronto, ("EEAT") for use of the former St. Matthews Lawn Bowling Clubhouse in Riverdale Park										
Property	Riverdale Park – 550 Broadview Avenue (see attached Schedule "A")										
Actions	<ol style="list-style-type: none"> Authority be granted to enter into a licence agreement for a 5 year term plus a 5 year option, at the sole discretion of the General Manager – Parks, Forestry & Recreation, effective on or about March 1, 2018 with East End Arts Toronto, for use of the St. Matthews Lawn Bowling Clubhouse; and The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto. 										
Financial Impact	<p>The City of Toronto will receive approximately \$31,850 + HST for the first 5 year term and approximately \$36,925 + HST for the remaining 5 years if the option is exercised, for a total of \$68,775. The EEAT will be responsible for 40% of the annual gross operating costs of the premises representing the proportionate area associated with the basement space to be billed annually.</p> <p>The Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>										
Comments	<p>The former St. Matthews Lawn Bowling Clubhouse was built in 1905 and renovated in 2011. The structure has a finished basement of approximately 730 square feet and ground floor space of approximately 970 square feet, for a total usable area of 1700 square feet.</p> <p>East End Arts Toronto is a Local Arts Service Organization ("LASO") serving wards 29, 30, 31 and 32. Their mandate is to encourage artistic growth in both emerging and established artists, contribute to the economy of local tourism, promote inclusion and equity, support healthy social change and help create audiences for the future.</p> <p>EEAT staff will have exclusive use of the basement space for administrative purposes while the main floor space will be non-exclusive and utilized specifically for community arts programming as well as other community group purposes, working in concert with the City's Recreation Services branch. The space will allow EEAT to expand their current programming while increasing public awareness and participation. EEAT will have the ability to use the space to fundraise through hosting special events or permitting, and will coordinate current permit holder use of the space including access and time of use. All permit rates charged will be subject to the approval of the General Manager - Parks, Forestry & Recreation.</p>										
Terms	<table border="0"> <tr> <td>Year 1 - \$500.00 per month gross licence fee + HST</td> <td>Year 6 - \$580.00 per month gross licence fee + HST</td> </tr> <tr> <td>2 - \$515.00 per month gross licence fee + HST</td> <td>Year 7 - \$597.00 per month gross licence fee + HST</td> </tr> <tr> <td>3 - \$530.00 per month gross licence fee + HST</td> <td>Year 8 - \$615.00 per month gross licence fee + HST</td> </tr> <tr> <td>4 - \$546.00 per month gross licence fee + HST</td> <td>Year 9 - \$633.00 per month gross licence fee + HST</td> </tr> <tr> <td>5 - \$563.00 per month gross licence fee + HST</td> <td>Year 10 - \$652.00 per month gross licence fee + HST</td> </tr> </table>	Year 1 - \$500.00 per month gross licence fee + HST	Year 6 - \$580.00 per month gross licence fee + HST	2 - \$515.00 per month gross licence fee + HST	Year 7 - \$597.00 per month gross licence fee + HST	3 - \$530.00 per month gross licence fee + HST	Year 8 - \$615.00 per month gross licence fee + HST	4 - \$546.00 per month gross licence fee + HST	Year 9 - \$633.00 per month gross licence fee + HST	5 - \$563.00 per month gross licence fee + HST	Year 10 - \$652.00 per month gross licence fee + HST
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Property Details	Ward:	30 – Toronto Danforth
	Assessment Roll No.:	1904 075 110 00100
	Approximate Size:	
	Approximate Area:	158 m ² ± (1,700 ft ² ±)
	Other Information:	

A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate Services has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
2. Expropriations:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 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 Divisions and Agencies:	Delegated to a more senior position.	Delegated to a more senior position.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan: N/A	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 type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$50,000. <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. Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.	<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 six (6) months, including licences for environmental assessments and/or testing, etc. Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$50,000.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> Where total compensation does not exceed \$50,000. Delegated to a more senior position.	<input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million. <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
13. Revisions to Council Decisions in Real Estate Matters:	Delegated to a more senior position.	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).
14. Miscellaneous:	Delegated to a more senior position.	<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/Caution <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. Director, Real Estate Services and Manager, Real Estate Services each has signing authority on behalf of the City for:

- Documents required to implement matters for which he or she also has delegated approval authority.
- Expropriation Applications and Notices following Council approval of expropriation (Manager, Acquisitions & Expropriations is only Manager with such signing authority).

Director, Real Estate Services also has signing authority on behalf of the City for:

- Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.

Consultation with Councillor(s)									
Councillor:	Paula Fletcher				Councillor:				
Contact Name:	Susan Serran				Contact Name:				
Contacted by:	Phone	E-Mail	Memo	X Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:	Councillor Concurs				Comments:				
Consultation with Divisions and/or Agencies									
Division:	Parks, Forestry & Recreation				Division:				
Contact Name:	Joanna Swietlik / Ann Ulusoy				Contact Name:				
Comments:					Comments:				
Legal Division Contact									
Contact Name:	Lisa Strucken								

DAF Tracking No.: 2018 - 008	Date	Signature
Recommended by:		
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Feb. 9, 2018	Signed by Daran Somas
<input type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services David Jollimore	Feb. 15, 2018	Signed by David Jollimore

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. In the event of a vacancy in the Ward in which the subject property is located, the Mayor's office shall be consulted in the alternative.
- (b) Where approving power has been delegated to staff, the Deputy City Manager, Internal Corporate Services, in consultation with any other 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 as defined in the *Toronto Waterfront Revitalization Corporation Act, 2002* 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 of City Planning, 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, as leases of 21 years or more may be authorized based on the delegated Approving Authority for disposals in **A.7**.
- (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, including ancillary agreements, 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) 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.
- (aa) All residential leasing documents shall adhere to the *Residential Tenancies Act, 2006* and any successor legislation.
- (bb) Despite GC(n), Approving Authority in residential leasing matters is not limited to periods of less than twenty-one (21) years and total compensation in residential leasing matters where the City is landlord is to be calculated based on an assumed term of ten years unless the lease term expressly identified therein is longer.
- (cc) Where Approving Authority has been delegated to the Manager level, such authority shall be conditional upon the Manager first having secured the written concurrence of a second Manager within the Real Estate Services Division.

SCHEDULE A

