

**DELEGATED APPROVAL FORM**  
**CITY MANAGER**  
**DEPUTY CITY MANAGER, INTERNAL CORPORATE SERVICES**

TRACKING NO.: 2018-223

Approved pursuant to the Delegated Authority contained in Item EX27.12, as adopted by City Council on October 2, 3 & 4, 2017, as amended by Item GM27.12, adopted by City Council on May 22, 23 & 24, 2018 or, where applicable, in Item EX28.8, as adopted by City Council on November 7, 8 & 9, 2017

Prepared By:	Daniel Picheca	Division:	Real Estate Services
Date Prepared:	June 6, 2018	Phone No.:	416-392-6965

<b>Purpose</b>	To obtain authority to enter into a licence extension agreement with Marlene Cook, (the "Licensee") for a term not to exceed the earlier of October 4, 2020 or December 13, 2020, dependent on site specific zoning bylaw extension with the option in favour of the City of three (3) monthly extension periods at 125 The Esplanade (the "Temporary Building") on Sundays for use as an antique and collectibles market by vendors contracting with the Licensee.
<b>Property</b>	Portions of the Temporary Building situate at 125 The Esplanade, Toronto, ON comprising approximately 9,182 square feet, (the "Licensed Area") – see Draft Sketch and Location Map attached hereto.
<b>Actions</b>	<p>It is recommended that:</p> <ol style="list-style-type: none"> <li>1. authority be granted to enter into a licence extension agreement (the "Agreement") with the Licensee for a term ending at the earlier of October 4, 2020 or December 13, 2020, dependent on the extension of site specific zoning Bylaw No. 1049-2017, commencing on June 18, 2018 as more particularly stipulated herein and substantially on terms and conditions outlined herein, and any such other terms and conditions deemed appropriate by the Deputy City Manager, Internal Corporate Services (the "DCM"), and in a form acceptable to the City Solicitor;</li> <li>2. the DCM and her designate administer and manage the Agreement including the provision of any consents, approvals, waivers, notices and notices of termination provided that the DCM may, at any time, refer consideration of such matters to City Council for its determination and direction; and</li> <li>3. the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.</li> </ol>
<b>Financial Impact</b>	<p>Annual revenue to the City plus HST is as follows: \$70,680.47 for 2018, \$137,826.92 for 2019, and \$116,887.83 for 2020.</p> <p>The Deputy City Manager &amp; Interim Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
<b>Comments</b>	<p>The St. Lawrence Market North Redevelopment Project (the "Project") has been ongoing since 2002, when City Council first approved the "Project" in principle. The Licensee has been a user in the previous North Building since 1996 as well as a current user of the Temporary Building since 2015 pursuant to a licence agreement. All users of the previous North Building, including the Licensee, were relocated on a temporary basis to the Temporary Building in 2015. In accordance with previous public documentation, the temporary market was designed as a temporary building, which acts as an interim replacement while the North Market re-development occurred. Due to the delay in the North Market redevelopment schedule, the City of Toronto looks to extend the Licensee's current agreement within the temporary structure. The Licensee's use of the Temporary Building does not extend to any use or right in the redeveloped North Building.</p> <p>The terms and conditions negotiated with the Licensee are, in the opinion of Real Estate Services staff, reasonable in the circumstances and the rates to be charged have been determined to be appropriate.</p>
<b>Terms</b>	See Terms and Conditions outlined on page 4.

<b>Property Details</b>	<b>Ward:</b>	28 – Toronto Centre Rosedale
	<b>Assessment Roll No.:</b>	
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	9182 square feet
	<b>Other Information:</b>	

A.	Deputy City Manager, Internal Corporate Services has approval authority for:	City Manager has approval authority for:
<p>1. Acquisitions:</p> <p>2. Expropriations:</p> <p>3. Issuance of RFPs/REOIs:</p> <p>4. Permanent Highway Closures:</p> <p>5. Transfer of Operational Management to Divisions and Agencies:</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 &amp; Parks &amp; Open Space Areas of Official Plan:</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 \$5 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p><input type="checkbox"/> Issuance of RFPs/REOIs.</p> <p><input type="checkbox"/> Initiate process &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to Divisions and Agencies.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 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 \$5 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p><input type="checkbox"/> (c) Where compensation is less than market value, provided tenant and lease satisfy Community Space Tenancy Policy criteria set out in Item EX28.8, as adopted by Council on November 7, 8 and 9, 2017.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).</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 \$10 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$10 Million.</p> <p><b>Delegated to a less senior position.</b></p> <p><b>Delegated to a less senior position.</b></p> <p><b>Delegated to a less senior position.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$10 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$10 Million.</p> <p><b>Delegated to a less senior position.</b></p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.</p> <p><b>Delegated to a less senior position.</b></p> <p><b>Delegated to a less senior position.</b></p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$10 Million.</p> <p><b>Delegated to a less senior position.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$10 Million.</p> <p><input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).</p> <p><b>Delegated to a less senior position.</b></p>

**B. City Manager and Deputy Manager, Internal Corporate 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.

**Deputy City Manager, Internal Corporate 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.
- Expropriation Applications and Notices following Council approval of expropriation.

Consultation with Councillor(s)									
Councillor:	Lucy Troisi					Councillor:			
Contact Name:	Tom Davidson					Contact Name:			
Contacted by:	<input checked="" type="checkbox"/>	Phone	<input type="checkbox"/>	E-Mail	<input type="checkbox"/>	Memo	<input type="checkbox"/>	Other	
Comments:	Concur					Comments:			
Consultation with Divisions and/or Agencies									
Division:	Financial Planning					Division:	Financial Planning		
Contact Name:	Patricia Libardo					Contact Name:			
Comments:	Reviewed and no changes					Comments:			
Legal Division Contact									
Contact Name:	Jennifer Davidson								

DAF Tracking No.: 2018- 223	Date	Signature
Recommended by: Daniel Picheca - Manager, Real Estate Services	June 14, 2018	Signed by Daniel Picheca
Recommended by: David Jollimore - Director, Real Estate Services	June 14, 2018	Signed by Tim Park per David Jollimore
<input type="checkbox"/> Recommended by: Deputy City Manager, Internal Corporate Services <input checked="" type="checkbox"/> Approved by: Josie Scioli	June 14, 2018	Signed by Josie Scioli
<input type="checkbox"/> Approved by: Interim City Manager Giuliana Carbone		X

**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 50M<sup>2</sup> 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.
- (dd) Where the City is transacting with a public agency, and such agency requires that an unqualified environmental indemnity be granted by the City, the authority to acquire property includes authority to grant such an indemnity, provided that the Phase I and Phase II environmental site assessments undertaken on behalf of the City have identified no significant environmental impacts or human health threats, with no, or minor action required ("Low Risk").

**Terms and Conditions**

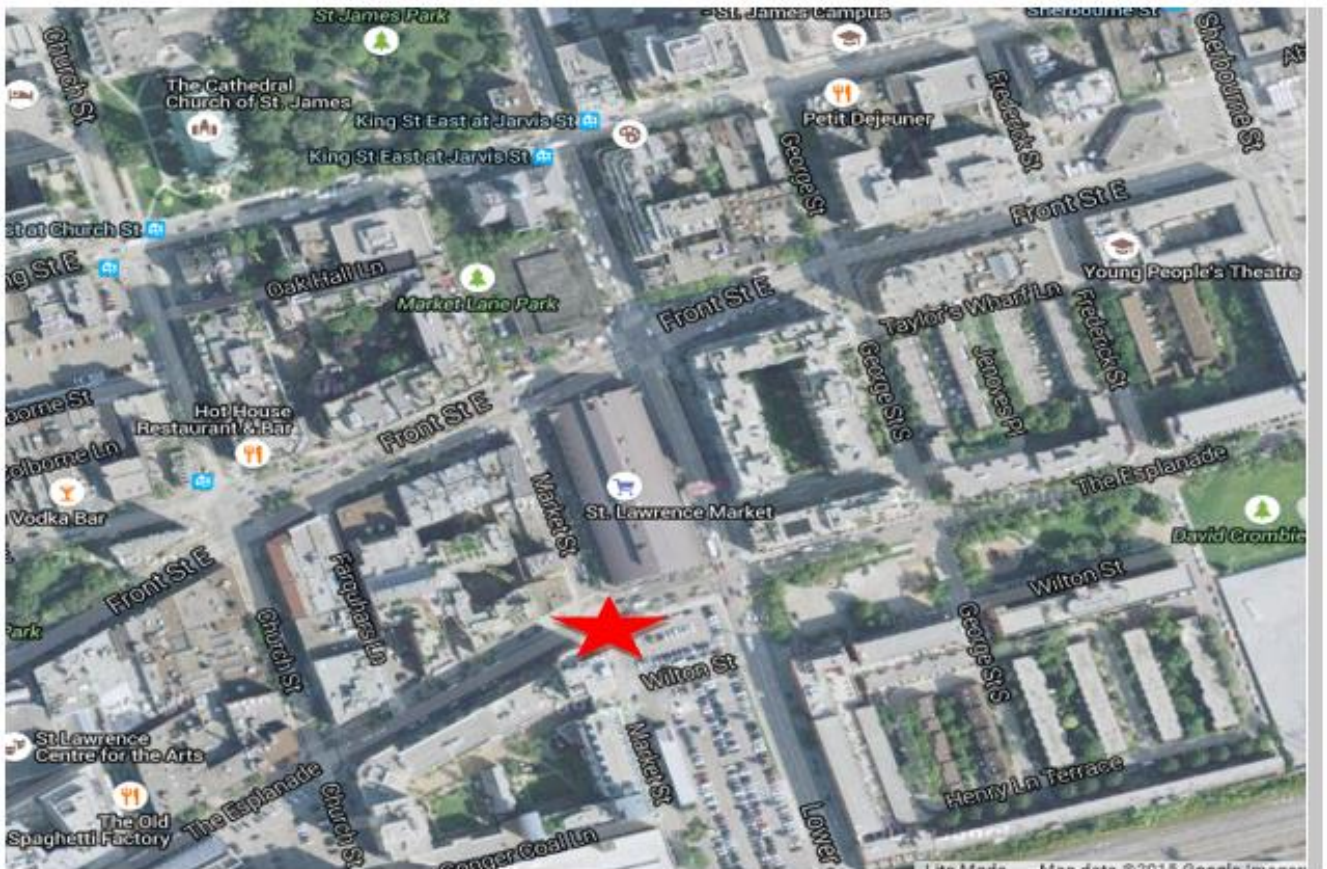
- Licensed Premises: Portions of the Temporary Building  
(see Location Map and draft Licensed Area sketch on pages 5 and 6)
- Term: 5:00 a.m. to 7:00 p.m. on all Sundays, from June 18th, 2018 ("the Commencement Date") until the October 4<sup>th</sup>, 2020, being the end date as set out in By-law No. 1049-2017 as more particularly set out in subsection 3(b) below (the "Expiry Date") or the last Sunday of usage of the Temporary Building in contemplation of the structure's decommission for use by the City and third party users, as determined by the City acting reasonably, which date shall not occur prior to October 4, 2020 and shall be communicated to the Licensee no later than two (2) months prior to such date (the "Expiry Date"). Such term shall except two (2) Sundays which shall not occur in the same month, including but not limited to the Santa Claus Parade ("Excepted Sundays"), a list of which will be confirmed to the Licensee, in writing, on before November 1st of each year. The Licensee shall not be responsible for Licence Fees for such Excepted Sundays. It is understood and agreed that under no circumstances shall the Expiry Date of the "Further Extension Terms" be later than March 20, 2021 in accordance with the lease extension.
- Use: Antique and Collectibles Market
- License Fee: \$2233.90 per Sunday use, plus H.S.T., payable monthly, on the Thursday in advance of the first Sunday of each month; subject to an annual increase of (5) percent; \$500 charged per hour or part thereof for time exceedances; rental rates plus HST charged in addition for use of City-owned tables and chairs
- Insurance: Commercial General Liability of not less than Five Million Dollars (\$5,000,000.00)
- Other: Restricted assignment clause: Licensee may assign to son and/or daughter-in-law if those named individuals are actively engaged in the business at the time of requested assignment.

# Map of South St. Lawrence Temporary Market 125 The Esplanade, Toronto, ON

## Street View



## Aerial View



Draft Sketch of Licensed Area

