

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

TRACKING NO.: 2019-157

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:	Loretta Ramadhin	Division:	Real Estate Services
Date Prepared:	June 3, 2019	Phone No.:	416-392-7169

Purpose	To obtain authority to enter into a license agreement (the "Agreement") between the City of Toronto (the "City") and Fred Victor Centre (the "Licensee") for the purpose of operating and maintaining a low barrier respite site.
Property	Part of the property municipally known as 701 Fleet Street, Toronto, legally described as PT BLK 14 PL ORDNANCE RESERVE TORONTO; PT WATER LT IN FRONT OF PL ORDNANCE RESERVE TORONTO PT 3 63R310 LYING W OF PT 1 66R19717; S/T CT264775; CITY OF TORONTO, (the "Property") comprising of approximately a 10,000 square feet of a temporarily erected Sprung Structure on the Gore Lands, as shown outlined in red on Plan RD234 and in blue on the Sketch in Appendix "A" and Location Map in Appendix "B" (the "Licensed Area").
Actions	<ol style="list-style-type: none"> The City enter into a license with the Licensee, substantially on the terms and conditions set out herein and on such and any other or amended terms and conditions as may be satisfactory to the Deputy City Manager, Corporate Services (the "DCM") or her designate, and in a form acceptable to the City Solicitor. The DCM or her designate shall administer and manage the Agreement including the provision of any consents, approvals, waivers, notices and notices of termination provided that, at any time, the DCM may refer consideration of such matter to City Council for its determination and direction. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	The proposed Agreement will result in nominal gross rental revenue to the City. The Chief Financial Officer & Treasurer has reviewed this DAF and agrees with the financial impact information.
Comments	<p>City Council at its meeting held on December 5, 6, 7 and 8, 2017, adopted CD24.7, and at its meeting held January 31 and February 1, 2018, adopted CD 25.5, and authorized the General Manager, Shelter, Support and Housing Administration ("SSHA") to open additional low-barrier respite sites as soon as possible and to retain operations of the necessary respite centres, warming centres, and drop-in programs beyond the scheduled April 15, 2018 timeline, to respond to the overcrowding in the shelter system.</p> <p>As part of this direction, the City of Toronto has purchased three modular semi-permanent structures from Sprung that can be built quickly in order to meet the demand for respite services, while also meeting SSHA performance and accessibility requirements. One of these structures will be placed on the Property. The semi-permanent structure have been designed to accommodate 80 - 100 people and will meet AODA standards for accessibility. The structure will be an insulated, all-weather building constructed with a high-performance tensioned fabric and fibreglass on an aluminum frame. The building system is durable and can be dismantled and moved and installed on an alternate site if required.</p> <p>The City obtained authority through DAF No. 2018-299 and DAF No. 2018-386, to enter into a license agreement with the Licensee for respite services located at 545 Lakeshore Blvd. West commencing August 27, 2018 and expiring May 31, 2019. The City will now license the Licensed Area to the Licensee to operate a respite centre for the term stated below. Real Estate Services staff consider the terms and conditions of this proposed license to be fair and reasonable.</p>
Terms	<p>Licensee: Fred Victor Centre</p> <p>Licensed Premises: Part of 701 Fleet Street, which includes the lands, the temporarily erected Sprung Structure, outdoor smoking area and outdoor pet area.</p> <p>Term: May 27, 2010 through December 31, 2019</p> <p>Licence Fee: A gross licence fee of \$2.00. The City is responsible for all realty taxes, operating costs, utility costs and costs of heating, ventilation and air conditioning with respect to the Properties.</p> <p>Insurance: The Licensee shall maintain at its own expense such insurance coverages as required by the Operating Agreement for this site.</p> <p>Use: The Licensee shall use the Licensed Premises for the purpose of operating a low barrier respite centre.</p> <p>Early Termination: The City has the right terminate the Agreement on not less than 30 days' written notice. In the event the Operating Agreement is terminated for any reason, this Agreement will also terminate.</p> <p>Restoration: At the end of the Term, the Licensee shall remove all its chattels, equipment and other property from the Licensed Area. The Licensee shall not be responsible to repair any damage to the Licensed Area or the building caused by any person at any time, other than damage caused by the Licensee and those for whom the Licensee is responsible at law (but not persons using the Licensed Premises for shelter). The Licensee shall not be responsible for the costs of any repairs to the building's systems.</p>

Property Details	Ward:	10 - Spadina- Fort York
	Assessment Roll No.:	19 04 041 070 001 00
	Approximate Size:	
	Approximate Area:	929 m ² ± (10,000 ft ² ±)
	Other Information:	

A.	Deputy City Manager, 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 & Parks & 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 & 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 type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$5 Million.</p> <p><input checked="" 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>Delegated to a less senior position.</p> <p>Delegated to a less senior position.</p> <p>Delegated to a less senior position.</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>Delegated to a less senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.</p> <p>Delegated to a less senior position.</p> <p>Delegated to a less senior position.</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>Delegated to a less senior position.</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>Delegated to a less senior position.</p>

B. City Manager and Deputy Manager, 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, 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:	Joe Cressy				Councillor:				
Contact Name:	Lia Brewer				Contact Name:				
Contacted by:	<input checked="" type="checkbox"/>	Phone	<input checked="" type="checkbox"/>	E-Mail	<input type="checkbox"/>	Memo	<input type="checkbox"/>	Other	
Comments:	Responded June 11, 2019 (no objections)				Comments:				
Consultation with Divisions and/or Agencies									
Division:	Shelter, Support and Housing Administration				Division:	Financial Planning			
Contact Name:	Irene Gryniewski				Contact Name:	Lauren Birch			
Comments:	Responded June 4, 2019 (no objections)				Comments:	Responded June 4, 2019 (no objections)			
Legal Division Contact									
Contact Name:	Jacqueline Kiggundu								

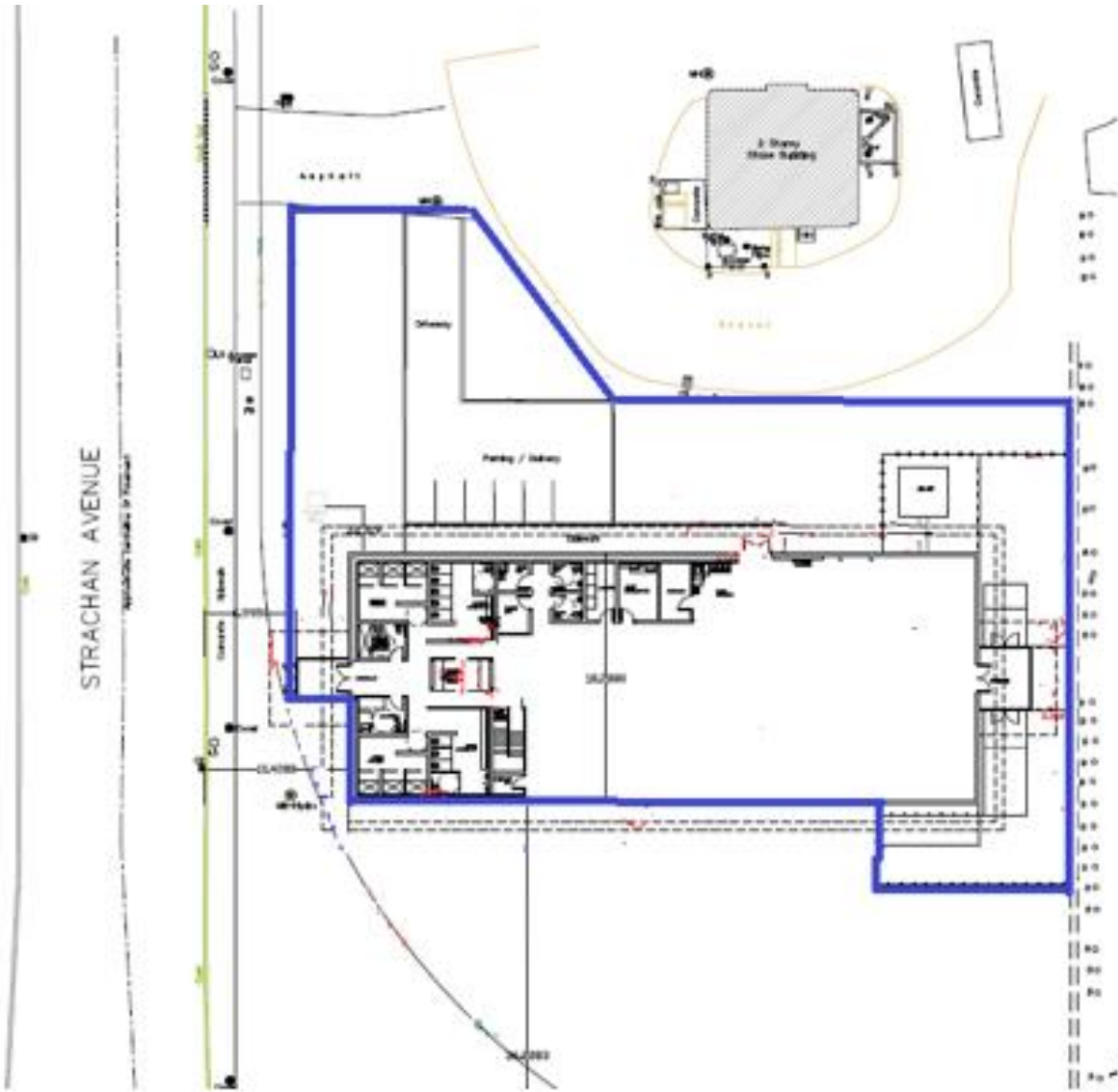
DAF Tracking No.: 2019-157	Date	Signature
Recommended by: Manager, Real Estate Services – D. Somas	June 11, 2019	Signed by Daran Somas
Recommended by: Acting Director, Real Estate Services–N. Simos	June 13, 2019	Signed by Nick Simos
<input checked="" type="checkbox"/> Recommended by: Deputy City Manager, Corporate Services	June 18, 2019	Signed by Josie Scioli
<input checked="" type="checkbox"/> Approved by: Josie Scioli		
<input type="checkbox"/> Approved by: City Manager Chris Murray	June 25, 2019	Signed by Chris Murray

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, 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-bonus 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.
- (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").

Appendix "A"

Sketch



pendix "B"

Location Map

