

**DELEGATED APPROVAL FORM
DIRECTOR, REAL ESTATE SERVICES
MANAGER, REAL ESTATE SERVICES**

TRACKING NO.: 2019-353

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:	Blendian Stefani	Division:	Real Estate Services
Date Prepared:	December 13, 2019	Phone No.:	(416) 397-7481

Purpose	To obtain authority to enter into a licence agreement (the "Agreement") between the City of Toronto (the "Licensee") and The Rector of the Church Wardens of St. James' Cathedral, Toronto (the "Licensor"), to commence on January 1, 2020, to licence to the Licensee (the "Licence") the portion of the lands known municipally as 106 King Street East, Toronto, Ontario, which licensed area is more particularly shown as Part 1 in the sketch attached hereto as Appendix "B-2" (the "Licensed Area") for the purposes of maintaining a pedestrian walkway and landscaping features (including seat walls) and for no other purpose.
Property	The portion of the property known municipally as 106 King Street East, Toronto, ON, M5C 2E9 and shown as Part 1 in the sketch attached hereto as Appendix "B-2".
Actions	1. Authority be granted to enter into the Agreement with the Licensor for access to and use of the Licensed Area, on the terms and conditions outlined herein, and any such other terms and conditions deemed appropriate by the Director of Real Estate Services, and in a form acceptable to the City Solicitor.
Financial Impact	There is no financial impact resulting from this approval as the Agreement is for nominal consideration. The cost to the City for each year of the Term of the Agreement is two dollars (\$2.00), plus HST, per annum. The total cost to the City for the Term will be forty dollars (\$40.00) plus HST. The Chief Financial Officer & Treasurer has reviewed this DAF and agrees with the financial impact information.
Comments	The existing park path crosses Cathedral property from the public sidewalk towards the park. The path will undergo improvements and will remain in its current location. Parks will maintain the portion of the path on Cathedral property for the duration of the agreement.
Terms	See Appendix "A".

Property Details	Ward:	13 – Toronto Centre
	Assessment Roll No.:	19 04 064 360 004 00
	Approximate Size:	18.4 m x 9.8 m ± (60.36 ft x 32.15 ft ±)
	Approximate Area:	106.2 m ² ± (1,143 ft ² ±)
	Other Information:	N/A

A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate Services has approval authority for:
<p>1. Acquisitions:</p> <p>2. Expropriations:</p> <p>3. Issuance of RFPs/REOs:</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 \$50,000.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$50,000.</p> <p><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.</p> <p>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</p> <p><input checked="" type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$50,000.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p>	<p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.</p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 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 \$1 Million.</p> <p><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.</p> <p>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$1 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 \$1 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/Caution</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>B. Director, Real Estate Services and Manager, Real Estate Services each has signing authority on behalf of the City for:</p>		
<ul style="list-style-type: none"> • 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, Transaction Services is only Manager with such signing authority). 		
<p>Director, Real Estate Services also has signing authority on behalf of the City for:</p>		
<ul style="list-style-type: none"> • Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval. • Community Space Tenancy Leases approved by delegated authority by Deputy City Manager, Corporate Services and any related documents. 		

Consultation with Councillor(s)									
Councillor:	Kristyn Wong-Tam					Councillor:			
Contact Name:	Edward LaRusic					Contact Name:			
Contacted by:	Phone	E-Mail	Memo	Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:	Approved; no objections. November 19, 2019.					Comments:			
Consultation with Divisions and/or Agencies									
Division:	Parks, Forestry & Recreation					Division:	Financial Planning		
Contact Name:	Brian Majcencic					Contact Name:	Filisha Jenkins		
Comments:	Approved; no objections. November 22, 2019.					Comments:	Approved; no objections. November 12, 2019.		
Legal Division Contact									
Contact Name:	Stefan Radovanovich								

DAF Tracking No.: 2019-353	Date	Signature
Concurred with by: Manager, Real Estate Services		
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Dec. 13, 2019	Signed by Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Acting Director, Real Estate Services Nick Simos	Dec. 16, 2019	Signed by Nick Simos

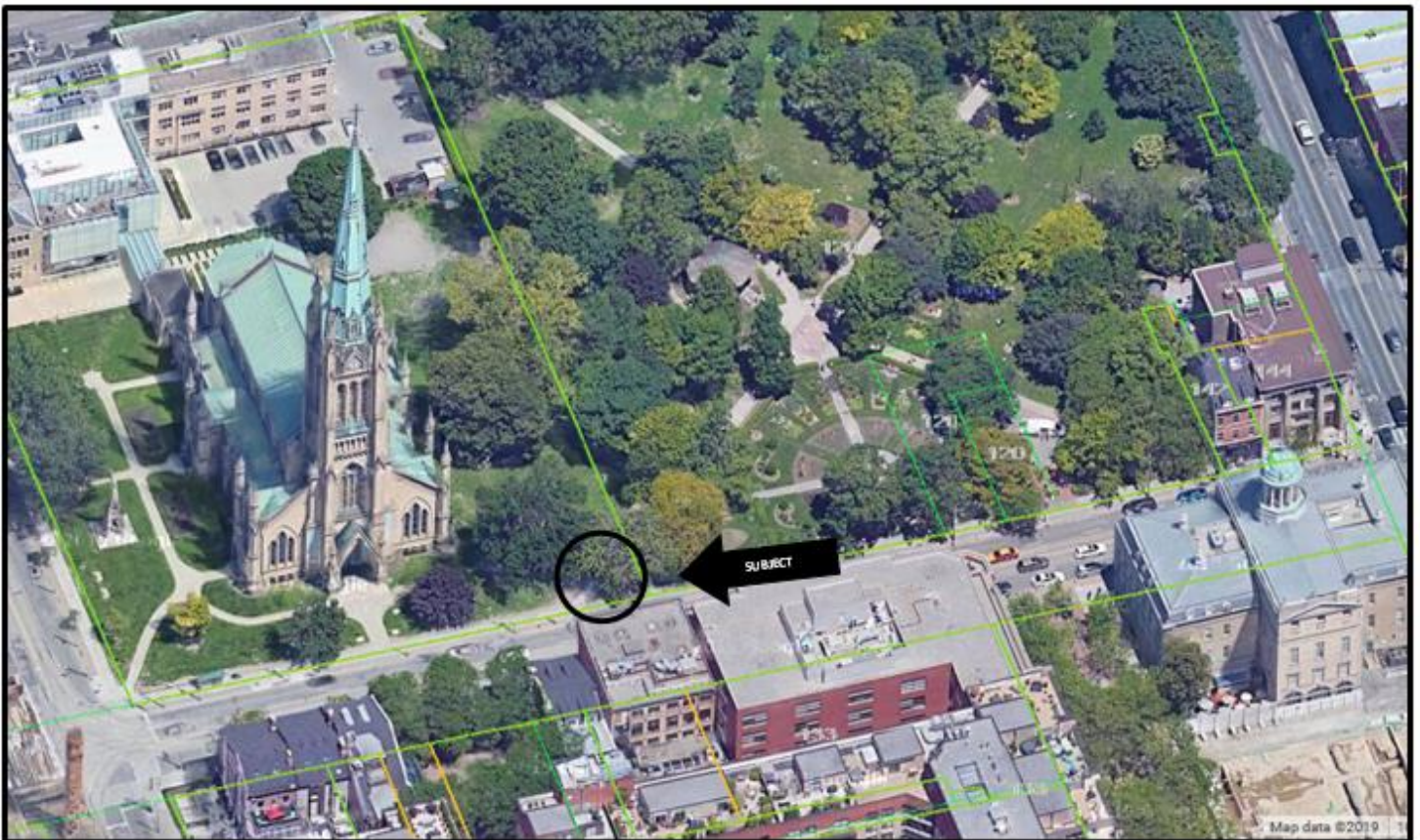
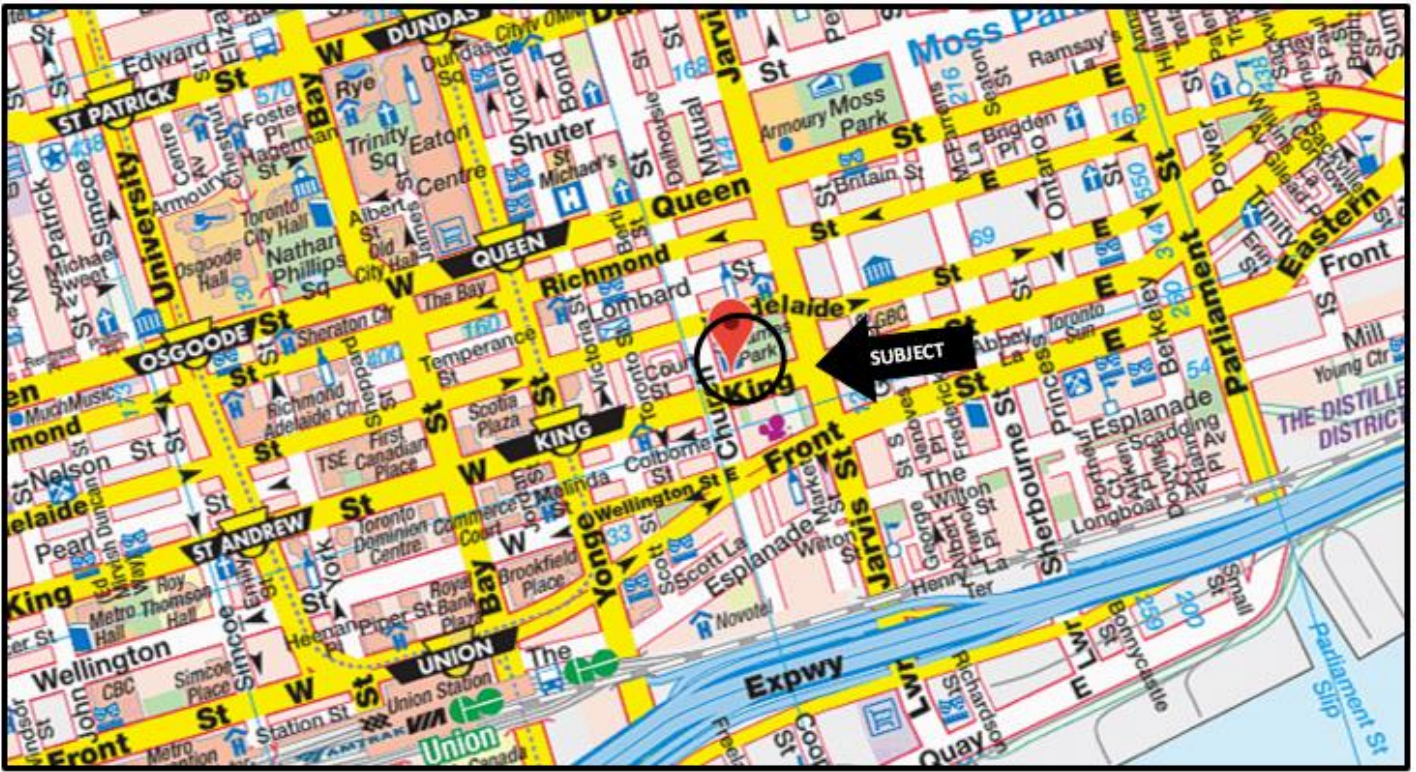
General Conditions ("GC")

- (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-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.
- (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").

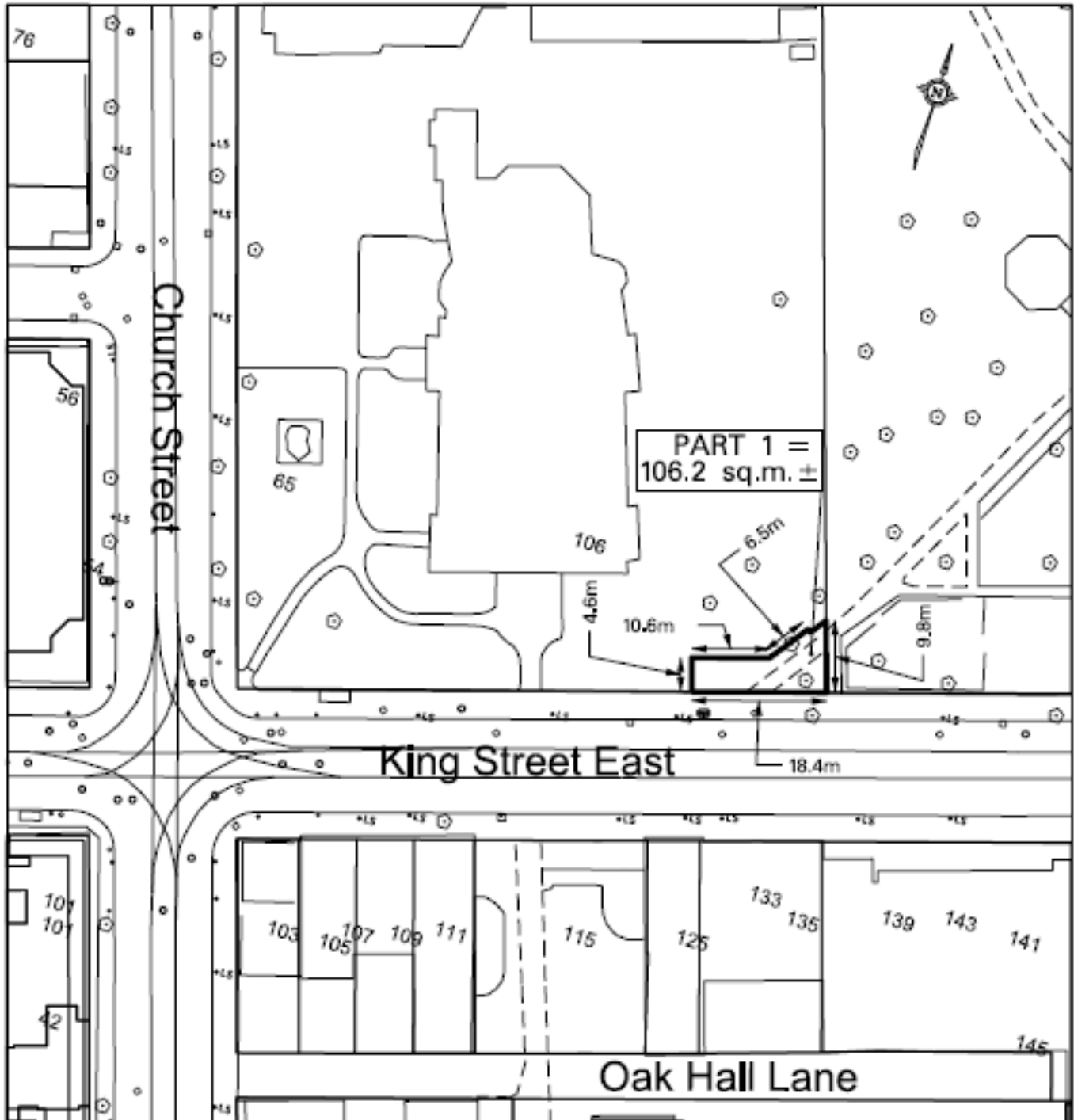
Appendix "A" – Terms and Conditions

- Licensor:** The Rector of the Church Wardens of St. James' Cathedral, Toronto
- Licensee:** City of Toronto
- Licensed Area:** The portion of the lands legally described as PT EPISCOPAL CHURCH BLK A PL TOWN OF YORK TORONTO AS IN CA647149; CITY OF TORONTO, being all of PIN 21401-0075 (R) shown generally on the sketches attached hereto as Appendix "B-1" and shown as Part 1 on the sketch attached hereto as Appendix "B-2" (the "Licensed Area").
- Term:** Twenty (20) years (the "Term") commencing on January 1, 2020 and ending on December 31, 2039.
- Use:** The Licensee, its employees, contractors, agents and invitees shall use the Licensed Area only for the purposes of maintaining and repairing a pedestrian walkway and landscaping features (including seat walls) and for no other purposes whatsoever.
- Maintenance & Repair:** The Licensee shall, at all times during the Term and every Extension Term, if any, at its sole expense, and without the prior consent of the Licensor: (i) maintain and keep the Licensed Area and every party thereof in a state of good order, condition and repair, reasonable wear and tear excepted, and keep the Licensed Area at all times free and clear of obstructions, snow and ice, in accordance with the Licensee's maintenance and snow clearing standard in force from time to time; (ii) maintain and repair when necessary the pedestrian walkway and landscaping features located in the Licensed Area in accordance with the Licensee's maintenance and repair standards for walkways and landscaping in force from time to time, and the Licensee shall ensure that the condition of the walkway complies with all applicable legislation, including all legislation governing health and safety standards; and (iii) repair all damage to the Licensed Area necessitated by the negligence, carelessness, misconduct, fault or act of the Licensee or those for whom the Licensee is responsible in law.
- Licence Fee:** Two Dollars (2.00) per annum, plus applicable HST (the "License Fee"). In addition to the License Fee, the Licensee shall be solely responsible for the cost of maintaining and repairing the Licensed Area in accordance with the Licensee's maintenance, repair, and snow clearing standards in force from time to time.
- Financial Impact:** The cost to the City for the term of the agreement is two dollars (\$2.00), plus HST, per annum. The total cost to the City for the twenty (20) year term, will be forty dollars (\$40.00) plus HST.
- Option to Extend:** Provided the Licensee is not in default beyond any applicable cure period, and subject to the parties' respective termination rights set out in the Agreement, the Licensee shall have the option to extend the Term for two (2) further periods of twenty (20) years each (each extended term being referred to as an "Extended Term"), provided that the Licensee has delivered to the Licensor written notice of its intention to exercise its option herein not less than six (6) months' prior to the expiry of the initial Term or first Extended Term, as the case may be. Each Extended Term shall be on the same terms and conditions set out in the Agreement and the License Fee shall be the same fee as payable during the initial Term.
- Termination Right:** At any time during the Term and any Extended Term, the Licensor and Licensee shall each have the right (but not the obligation) to terminate the Agreement (the "Termination Right"), in their respective sole discretion, upon giving written notice (the "Termination Notice") of such termination to the other party. The Termination Notice shall specify the termination date (the "Termination Date"), which shall be at least ninety (90) days after the Termination Notice is given. The Termination Right shall be on such terms and conditions deemed appropriate by the Director of Real Estate Services, and in a form acceptable to the City Solicitor.
- Insurance:** The Licensed Area and Licensor will be added to the Licensee's blanket insurance policy.
- Additional Fees:** No additional fees are associated with this transaction.

Appendix "B1" – Location Map



Appendix "B2" – PS Sketch



NOTE:
THIS SKETCH HAS BEEN
COMPILED FROM OFFICE
RECORDS, MEASUREMENTS
ARE APPROXIMATE

CHECK BY JOHN HOUSE
PREPARED BY: DWAYNE PITT

PROPERTY INFORMATION SHEET
SKETCH SHOWING A PORTION OF
NO. 106 KING STREET EAST

WARD 13 • TORONTO CENTRE
DATE: NOVEMBER 15, 2019

SKETCH No. PS-2019-130