

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

TRACKING NO.: 2019-343

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:	Anthony Waddell	Division:	Real Estate Services
Date Prepared:	December 24 th , 2019	Phone No.:	(416) 392-3883

Purpose
 To obtain authority to enter into a lease extension and amending agreement (the "**Agreement**") with Michael Law (the "**Tenant**") for a term of two (2) years and five (5) months, commencing on December 1, 2019 and expiring on April 30, 2022 (the "**Extended Term**"), for the continued operation of the Tenant's doctor's office. There are no further options to renew or otherwise extend the Lease beyond the expiry of the Extended Term.

Property
 The main floor of the property municipally known as 223 Gladys Allison Place, Toronto, comprised of approximately 1,050 square feet of space (the "**Leased Premises**"), legally described as Part Lot 246-248, Plan 1609, Township of York as in TB68284; City of Toronto, being PIN 10083-0061 (the "**Property**"), and as shown on the location map attached as Appendix "A".

Actions
 1. Authority be granted for the City to enter into the Agreement with the Tenant in respect of the Leased Premises, substantially on the terms and conditions outlined herein and on any such other or amended terms as may be satisfactory to the Director of Real Estate Services or designate (the "**Director**"), and in a form acceptable to the City Solicitor.

Financial Impact
 The City will receive revenue in the amount of \$15,750.00 plus HST per annum for a total of \$38,062.50 plus HST over the full 29-month Extended Term (the "**Basic Rent**"), based on a rate of \$15.00 per square foot of gross leasable area of the Leased Premises. The Tenant is responsible for all operating costs (the "**Additional Rent**") related to the Leased Premises, including but not limited to utilities, repair, maintenance and Realty Taxes.

 The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.

Comments
 By way of DAF Tracking No. 2015-070 dated May 4, 2015, authority was granted to enter into a lease agreement dated August 25, 2015 (the "**Lease**") with the Tenant, for a term of four (4) years, commencing August 25, 2015 and expiring on August 31, 2019. The Tenant has remained in possession of the Leased Premises on an overhold basis since September 1, 2019.

The Tenant is currently in arrears in the amount of \$37,785.15 (the "**Arrears**") due to non-payment of 2019 Realty Taxes and underpayment of monthly Basic Rent and Additional Rent. The Agreement is contingent upon the Tenant's adherence to the repayment schedule attached as Appendix "B" (the "**Repayment Schedule**").

Terms
Extended Term: Two (2) years and five (5) months commencing on December 1, 2019 and expiring April 30, 2022
Property Address: 223 Gladys Allison Place, Toronto
Leased Premises: Main floor of the Property (commercial space), approximately 1050 square feet
Basic Rent: \$15,750.00 per annum, plus HST, payable in monthly installments of \$1,312.50, plus HST
Additional Rent: To be estimated each year by the Landlord based on the actual operating costs of the Property. Realty Taxes are estimated to be \$1,956.55 (inclusive of HST) per month for the first year of the Extended Term.
Repayment Schedule: See attached Appendix B.
Tenant's Early Termination Right: The Tenant shall have the right to terminate the Lease upon not less than two (2) months' prior written notice, subject to the Tenant's repayment of the Arrears.

 All other terms and conditions of the Lease to remain the same.

Property Details	Ward:	23 - Willowdale
	Assessment Roll No.:	1908092570002000000
	Approximate Size:	N/A
	Approximate Area:	9,450 Ft ²
	Other Information:	N/A

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:	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 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 three (3) months, including licences for environmental assessments and/or testing, etc.	<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.	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.	<input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.
	Delegated to a more senior position.	<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, Transaction Services 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.
- Community Space Tenancy Leases approved by delegated authority by Deputy City Manager, Corporate Services and any related documents.

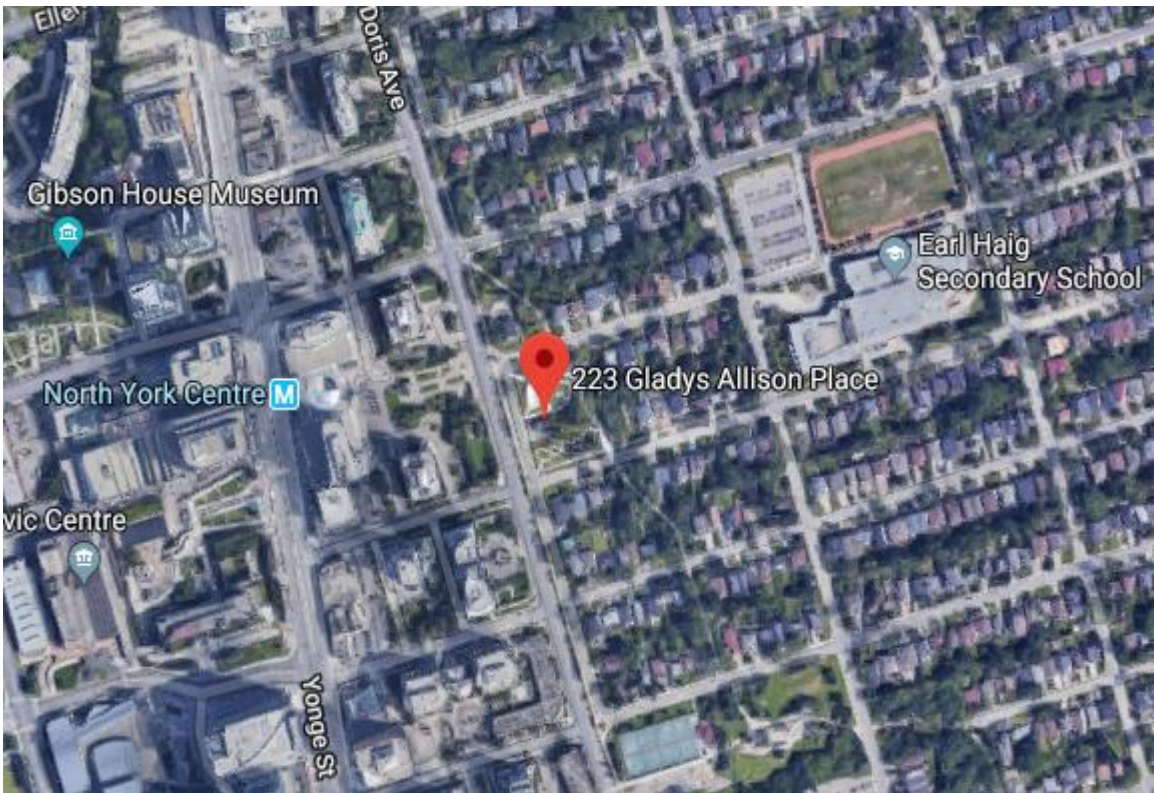
Consultation with Councillor(s)										
Councillor:	Councillor Filion					Councillor:				
Contact Name:						Contact Name:				
Contacted by:	Phone	E-Mail	Memo	Other		Contacted by:	Phone	E-mail	Memo	Other
Comments:						Comments:				
Consultation with Divisions and/or Agencies										
Division:	Legal Services (Real Estate Law)					Division:				
Contact Name:	Shirley Chow					Contact Name:				
Comments:						Comments:				
Legal Division Contact										
Contact Name:										

DAF Tracking No.: 2019- TBD	Date	Signature
Concurred with by: Manager, Real Estate Services		
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Alex Schuler	Dec. 24, 2019	Signed by Alex Schuler
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Acting Director, Real Estate Services Nick Simos	Dec. 24, 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"



Appendix "B"



CITY OF TORONTO
CORPORATE REAL ESTATE MANAGEMENT
 55 JOHN STREET, 2ND FLOOR
 TORONTO, ON
 M5V 3C6

REPAYMENT SCHEDULE

DR. MICHAEL K. LAW
 223 GLADYS ALLISON PLACE
 NORTH YORK, ON
 M2N 4T5

Account No.: 91001641
 Contract No.: 301897
 First Installment Date: December 31st, 2019
 Final Installment Date: May 31st, 2020

Current Arrears Balance \$ 37,785.15

Date	Payment Amount	Interest (1.25%/month)	Balance
12/31/2019	\$ 18,892.58	\$ -	\$ 18,892.58
01/01/2020	\$ -	\$ 236.16	\$ 19,128.74
02/01/2020	\$ -	\$ 472.31	\$ 19,364.89
03/01/2020	\$ -	\$ 708.47	\$ 19,601.05
04/01/2020	\$ -	\$ 944.63	\$ 19,837.21
05/01/2020	\$ -	\$ 1,180.79	\$ 20,073.37
05/31/2020	\$ 20,073.37	\$ -	\$ -