

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

TRACKING NO.: 2020-068

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, as adopted by City Council on May 22, 23 & 24, 2018 and Item GL9.14, as adopted by City Council on November 26 & 27, 2019 or, where applicable, contained in Item EX28.8, as adopted by City Council on November 7, 8 & 9, 2017.

Prepared By:	Glenn Zeta	Division:	Corporate Real Estate Management
Date Prepared:	March 2, 2020	Phone No.:	416-338-7612

<b>Purpose</b>	To obtain authority for the City of Toronto (the " <b>City</b> ") to enter into a Lease Extension and Amending Agreement (the " <b>Agreement</b> ") with 481 Uni Investments Inc. (" <b>Landlord</b> "), with respect to a Lease Agreement (the " <b>Lease</b> ") dated December 29, 2017 for office space utilized by City Planning and Children's Services at 481 University Avenue, Toronto.
<b>Property</b>	481 University Avenue (" <b>Property</b> ") as shown on the location map attached as Appendix "B". The leased space is the entire 6 <sup>th</sup> floor (the " <b>Premises</b> ") as shown in Appendix "C"
<b>Actions</b>	1. Authority be granted to enter into a Lease Extension and Amending Agreement with the Landlord, and the City of Toronto, as tenant, for the Premises, substantially on the terms and conditions set out herein, and on any such other or amended terms and conditions deemed appropriate by the Director, Real Estate Services (the "Director"), and in a form acceptable to the City Solicitor.
<b>Financial Impact</b>	<p>The total cost to the City is approximately \$82,104.75 (net of HST recoveries) in which \$42,568.29 (net of HST recoveries) relates to basic rent and \$39,536.45 (net of HST recoveries) for additional rent over the entire four (4) month extension. City Planning is responsible for \$16,420.27 (net of HST recoveries) and Children's Services for \$65,684.48 (net of HST recoveries). Funding is available in the 2020 Council Approved Operating Budgets for City Planning and Children's Services cost centres, UR0022 and E0115A respectively.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
<b>Comments</b>	<p>The City entered into the Lease for as tenant for the Premises, which was the result of a request to find additional office space in the downtown core for City Planning and Children's Services for approximately 100 staff (50 staff from each division) due to divisional space requirements. The two City Divisions were sharing the cost with a 50/50 split. The Lease had a term of two (2) years and five (5) months which commenced on March 1, 2018.</p> <p>In February 2019, the Landlord exercised early termination by providing the City with a Notice of Termination to take back the premises by March 31, 2020. However, both City Divisions requested for an extension of the Lease with City Planning leaving the space by April 30, 2020 and Children's Services by July 31, 2020. The two City Divisions will be relocated to a City-Owned space once the Premises have been vacated respectively. The Landlord has agreed within the extension to the City having the right to terminate the Lease at any time by providing the Landlord with thirty (30) days prior written notice.</p>
<b>Terms</b>	See Appendix "A" for Major Terms and Conditions.

<b>Property Details</b>	<b>Ward:</b>	11 – University-Rosedale
	<b>Assessment Roll No.:</b>	
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	1,342.00 m <sup>2</sup> (14,445.00 ft <sup>2</sup> )
	<b>Other Information:</b>	

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/REOIs:	<b>Delegated to more senior positions.</b>	<input type="checkbox"/> Issuance of RFPs/REOIs.
4. Permanent Highway Closures:	<b>Delegated to more senior positions.</b>	<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:	<b>Delegated to more senior positions.</b>	<b>Delegated to more senior positions.</b>
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:	<b>Delegated to more senior positions.</b>	<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"/> (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.
	<b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b>	<b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b>
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/ renewals) does not exceed \$50,000.	<input checked="" 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.
	<b>Delegated to more senior positions.</b>	<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:	<b>Delegated to more senior positions.</b>	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).
14. Miscellaneous:	<b>Delegated to more senior positions.</b>	<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 the Deputy City Manager, Corporate Services and any related documents.

Consultation with Councillor(s)										
Councillor:	Mike Layton				Councillor:					
Contact Name:	Emily Wong				Contact Name:					
Contacted by:	Phone	x	E-Mail	Memo	Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:	No Objections – March 3, 2020				Comments:					
Consultation with Divisions and/or Agencies										
Division:	City Planning/Children's Services				Division:	Financial Planning				
Contact Name:	Doris Michel/Nino Dodaro				Contact Name:	Filisha Jenkins				
Comments:	Concurred – March 2, 2020				Comments:	Concurred – March 6, 2020				
Legal Division Contact										
Contact Name:	Dale Mellor									

DAF Tracking No.: 2020-068	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Supervisor, Real Estate Services Van Hua	March 6 <sup>th</sup> , 2020	Signed By: Van Hua
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Acting Director, Real Estate Services Nick Simos	March 16 <sup>th</sup> , 2020	Signed By: Alison Folosea

#### 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 market value and no interest shall be granted for an amount less than the appraised market value, nor additional compensation paid, unless specifically authorized by City Council.
- (f) Authority to approve any transaction 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").

## Appendix "A"

### Major Terms & Conditions

#### 2020 Lease Extension and Amending Agreement

**Leased Premises:** Suite 600 (14,445.00 ft<sup>2</sup>)

**Lease Termination Date:**

- (i) City Planning occupying 7,222 sq. ft. of the Premises will vacate on April 30, 2020.
- (ii) Children's Services occupying 7,223 sq. ft. of the Premises will vacate on July 31, 2020.

**Financial Implications:**

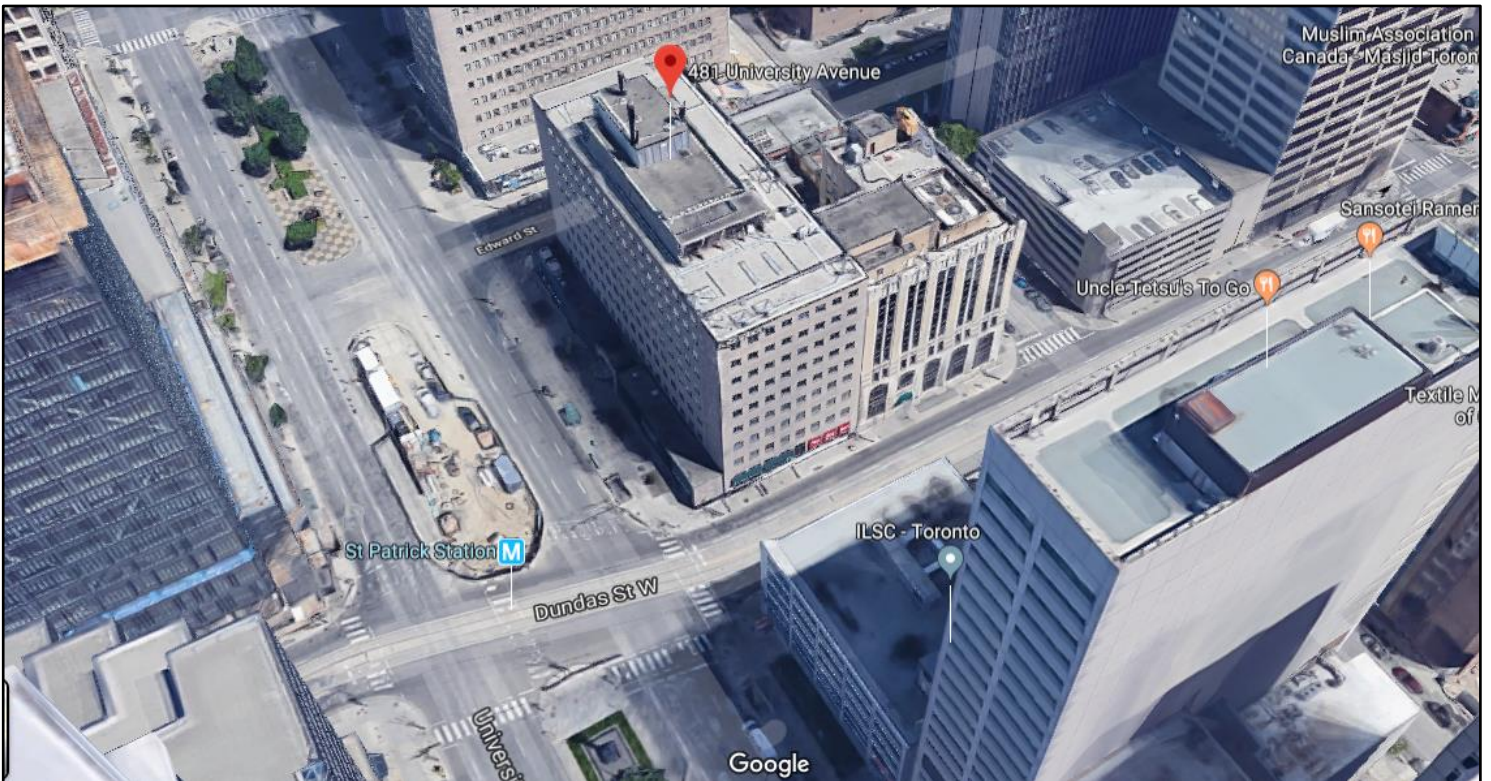
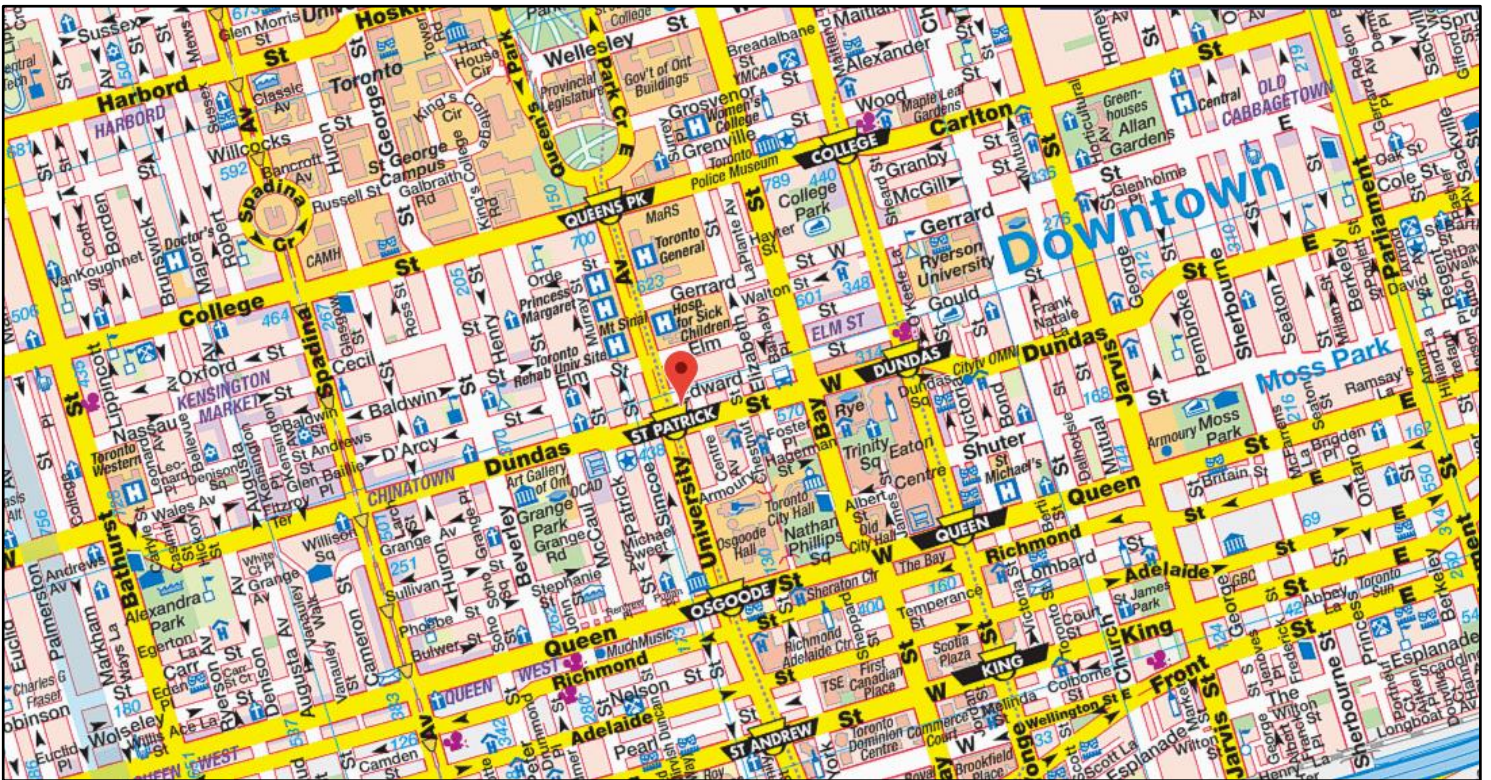
Monthly Term	April	May	June	July	Total
Basic Rent (Before HST)	\$ 16,732.13	\$ 8,366.64	\$ 8,366.64	\$ 8,366.64	\$ <b>41,832.05</b>
Additional Rent (Before HST)	\$ 15,540.41	\$ 7,770.74	\$ 7,770.74	\$ 7,770.74	\$ <b>38,852.65</b>
Total before HST	\$ <b>32,272.54</b>	\$ <b>16,137.39</b>	\$ <b>16,137.39</b>	\$ <b>16,137.39</b>	\$ <b>80,684.70</b>
Total Net of HST Recovery (for Lease in)	\$ <b>32,840.53</b>	\$ <b>16,421.40</b>	\$ <b>16,421.40</b>	\$ <b>16,421.40</b>	\$ <b>82,104.75</b>

**Option to Terminate:** The City (as tenant) has the right to terminate the Lease at any time by providing the Landlord with thirty (30) days prior written notice. All rent shall be due and owing to the termination date, subject to any year-end adjustments.

**Municipal Capital Facility:** Section 11 of Schedule "C" to the Lease continues to apply.



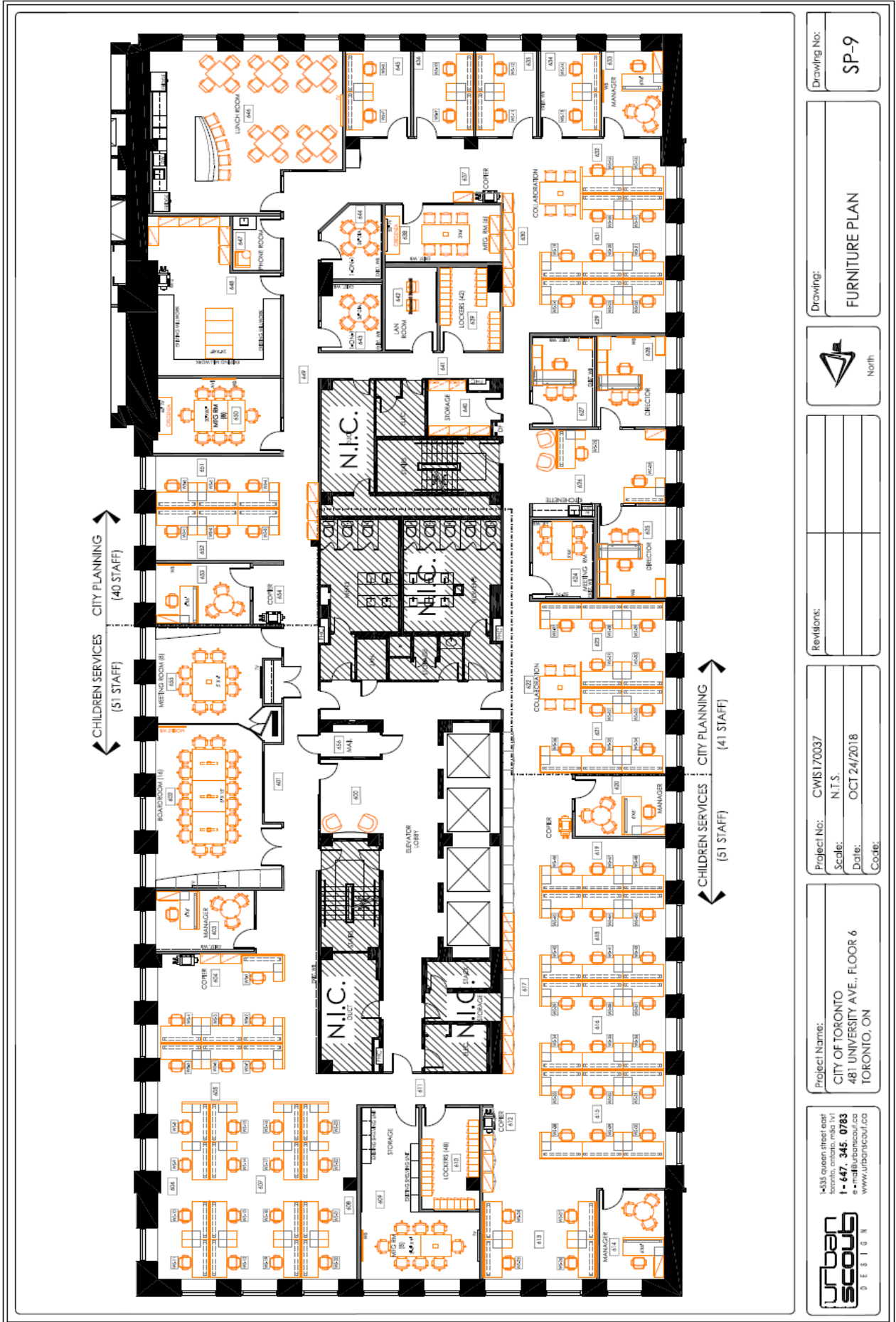
### Appendix "B" Location Map





# Appendix "C"

## Premises



Drawing No: **SP-9**

Drawing: **FURNITURE PLAN**



Revisions

Project No: **CW17/0037**  
 Scale: **N.T.S.**  
 Date: **OCT 24/2018**  
 Code:

Project Name:  
**CITY OF TORONTO**  
**481 UNIVERSITY AVE., FLOOR 6**  
**TORONTO, ON**

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