

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

**TRACKING NO.: 2020-196**

Approved pursuant to the Delegated Authority contained in Article 2 of City of Toronto Municipal Code Chapter 213, Real Property

Prepared By:	Joe Corigliano	Division:	Corporate Real Estate Management
Date Prepared:	July 17, 2020	Phone No.:	2-1167

<b>Purpose</b>	To obtain authority to enter into a licence agreement with Tippett South Inc. (the "Licensee") with respect to the City-owned parkland adjacent to the property municipally known as 30 Tippett Road, Toronto for the purpose of permitting construction staging activities to facilitate the construction of a development known as "Tretti Condominium" at 30 Tippett Road (the "Licence Agreement").
<b>Property</b>	The City-owned parkland is legally described as BLOCK 1, PLAN 66M2566; CITY OF TORONTO, being all of PIN 10215-1080 (LT) (the "Property"), as shown on the Location Map in Appendix "B", and adjacent to the property municipally known as 30 Tippett Road, Toronto.
<b>Actions</b>	1. Authority be granted to enter into the Licence Agreement with the Licensee, substantially on the major terms and conditions set out in Appendix "A", and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.
<b>Financial Impact</b>	<p>The Licensee will pay the City a one-time licence fee in the amount of \$324,000.00 (plus HST), and will be recorded as revenue in the 2020 Council Approved Operating Budget for Parks, Forestry &amp; Recreation under cost centre P10226, upon the Licensee's execution of the Licence Agreement.</p> <p>If the Licensee exercises its option to extend (up to a maximum of six months), then the Licensee will pay the City additional compensation in the amount of \$6,570.00 (plus HST) per month.</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 Property is currently vacant and unimproved lands upon which the City intends to construct a future park after the expiry of this Licence Agreement.</p> <p>In order to construct the aforementioned condominium development, the Licensee has requested permission to use certain portions of the Property at and above grade consisting of approximately 16,730 square feet (1554.30m<sup>2</sup>), which is identified as the Licensed Area in Appendix "B".</p> <p>The proposed licence fee and other major terms and conditions of the Licence Agreement are considered to be fair, reasonable and reflective of market rates.</p>
<b>Terms</b>	See Appendix "A".

<b>Property Details</b>	<b>Ward:</b>	06 – York Center
	<b>Assessment Roll No.:</b>	
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	1554.30 m <sup>2</sup> ± (16,730 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, Agencies and Corporations:	<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"/> (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 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 six (6) months, including licences for environmental assessments and/or testing, etc.
10. Leases/Licences (City as Tenant/Licensee):	<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>
11. Easements (City as Grantor):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$50,000. <input type="checkbox"/> Where total compensation does not exceed \$50,000. <b>Delegated to more senior positions.</b>	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million. <input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million. <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/Estoppel Certificates <input type="checkbox"/> (f) Objections/Waivers/Cautions <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 each position 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.

**Pre-Condition to Approval**
 Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property
**Consultation with Councillor(s)**

Councillor:	J. Pasternak	Councillor:	
Contact Name:	J. Pasternak	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>	Contacted by:	Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>
Comments:	No objections (July 16 2020)	Comments:	

**Consultation with Divisions and/or Agencies**

Division:	<b>Parks Forestry and Recreation</b>	Division:	<b>Financial Planning</b>
Contact Name:	Christina Iacovino	Contact Name:	Filisha Jenkins
Comments:	No objections (July 16 2020)	Comments:	No objections (July 22, 2020)

**Legal Services Division Contact**

Contact Name:	Emily Ng
---------------	----------

DAF Tracking No.: 2020- 196	Date	Signature
Concurred with by: Manager, Transaction Services		X
<input checked="" type="checkbox"/> <b>Recommended by: Manager, Real Estate Services Daran Somas</b> <input type="checkbox"/> <b>Approved by:</b>	August 10 <sup>th</sup> , 2020	Signed By: Daran Somas
<input checked="" type="checkbox"/> <b>Approved by: Director, Transaction Services Alison Folosea</b>	August 13 <sup>th</sup> , 2020	Signed By: Alison Folosea

DAF 2020-196

Appendix "A"

Term Sheet

**Licensor:** City of Toronto (the "City")

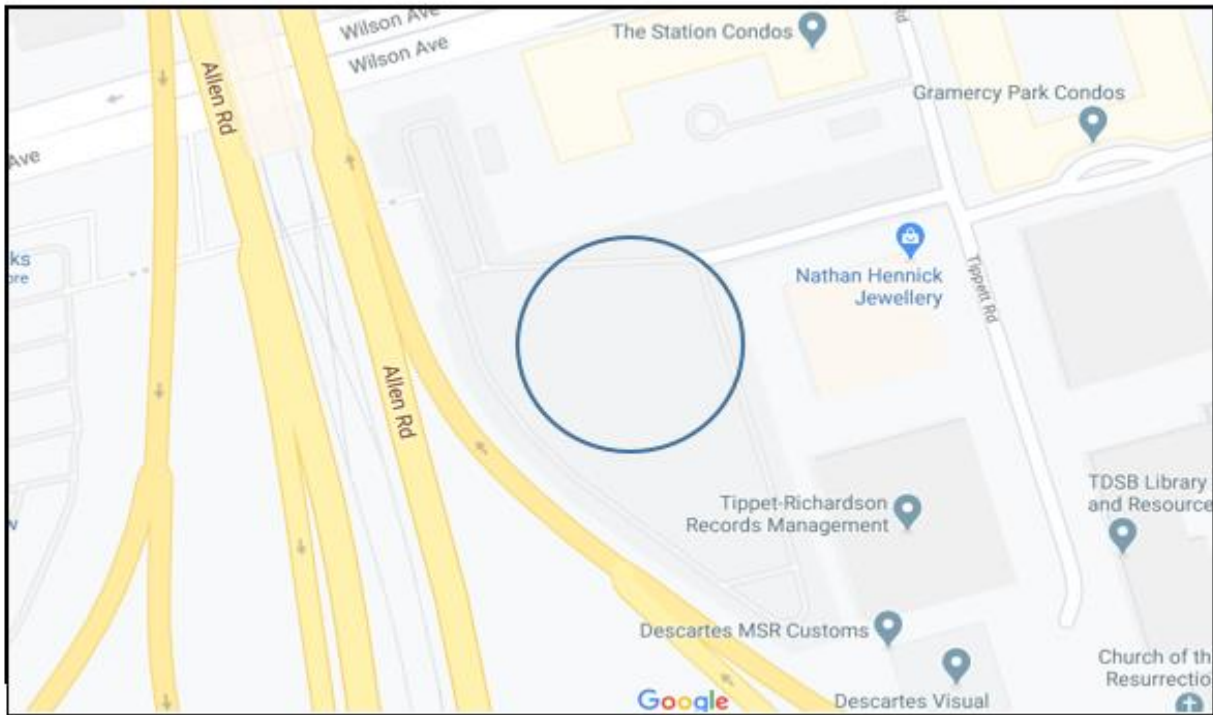
**Licensee:** Tippett South Inc.

**Licensed Area:** approximately 16,730 square feet (at and above grade)

1. **Term:** Two (2) years, commencing on August 1st, 2020 (the "**Commencement Date**") and ending on July 31st, 2022
  - 1.a **Option to Extend:** upon 30 days' written notice prior to July 31st, 2022 (up to a maximum of 6 additional months)
2. **License Fee:** One-time fee of \$324,000.00 plus HST payable on the Commencement Date.
  - 2.a: **Additional License Fees:** monthly fee of \$6,750.00 plus HST, payable upon extension being approved by the City
3. **Use:** To permit the Licensee to carry out construction staging activities required for the construction of its condominium development located at 30 Tippett Road, Toronto, which includes without limitation the following activities: erecting construction hoarding, laying and storing construction materials and equipment, staging and pumping of a concrete truck, temporarily stockpiling materials excavated from the lands located at 30 Tippett Road, Toronto, and operating construction hoists. The Licensee must comply with all applicable laws during the term of the Agreement and any extension thereof.
3. **Insurance:** The Licensee will be required to provide Commercial General Liability in the amount of \$5 million per occurrence for bodily injury (including death) and property damage. The City will be added as an additional insured.
4. **Early Termination:** The City shall have the right to terminate the agreement at any time in the event of a default by the Licensee, provided such default has not been cured by the Licensee within Thirty (30) Days of receipt of written notice by the City, or in the event of an emergency that endangers life and property.
5. **Indemnity:** The Licensee shall, at all times hereafter, fully indemnify and save harmless the City's Representatives against and from all liens which may bind the City Property resulting directly or indirectly from any act or omission of the Licensee's Representatives, including claims under the Construction Act or any successor legislation related to any work performed by or at the direct or indirect request of the Licensee's Representatives at the City Property, and shall at its own expense see to the removal from the registered title to the City Property and/or surrounding lands, by discharge or Order, of any claim for such lien or Certificate of Action in connection therewith, promptly and in any event within five (5) days of being notified in writing by the City to do so, failing which the City may see to such removal at the Licensee's sole cost and expense and the Licensee covenants that it shall pay to the City, the City's reasonable expenses and all attendant costs in relation thereto, plus a 15% administrative fee.

### Appendix "B"

#### Location Map



#### Licensed Area

