

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

TRACKING NO.: 2020-202

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

|                |               |            |                                  |
|----------------|---------------|------------|----------------------------------|
| Prepared By:   | Myron Menezes | Division:  | Corporate Real Estate Management |
| Date Prepared: | July 17, 2020 | Phone No.: | (416) 338-3586                   |

|                         |   |
|-------------------------|---|
| <b>Purpose</b>          | To obtain authority to enter into a license agreement with 2249487 Ontario Limited (o/a The Ballroom) (the "Licensee") with respect to a portion of the property municipally known as 229 Richmond Street West, Toronto for the purposes of a patio in connection with the Licensee's restaurant located immediately to the west of the Licensed Area (the "Agreement").  |
| <b>Property</b>         | A portion of the property municipally known as 229 Richmond Street West (the "Property") as outlined in Schedule "A:" attached hereto (the "Licensed Area").  |
| <b>Actions</b>          | 1. Authority be granted to enter into the Agreement with the Licensee, substantially on the terms and conditions set out below, 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> | The total estimated revenue to the City for the license agreement term of fourteen (14) days is approximately \$5,450.00 (plus HST). This revenue reflects total revenues to be remitted to the City for fiscal year 2020:<br><br>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.   |
| <b>Comments</b>         | The Property was recently acquired by City of Toronto and is currently a vacant land that was used as a parking lot. It was acquired to facilitate strategic City-building opportunities in the downtown core. The parking lot is no longer being operated and is not generating any revenue for the City. While the plans for its redevelopment are finalized, City staff propose that the Property be intermittently used in a similar fashion under the CafeTO program to help surrounding restaurant owners survive amid the COVID-19 pandemic. The Licensee is not qualified under the CafeTO program, therefore, City staff proceeded to grant a licence to the Licensee for a part of the Property at fair market value. Keeping in line with guidelines similar to the CafeTO program, the City entered into negotiations for this Property with the two adjacent business owners, one of which is the Licensee, so that their businesses may generate improved revenue to better manage the dire consequences of the pandemic. The Licensee will ensure it follows all rules and guidelines surrounding its use of the Licensed Area. Municipal Licensing and Standards has confirmed that the extension of the liquor license by the Alcohol and Gaming Commission of Ontario ("AGCO") is sufficient for the Licensee to operate the Licensed Area as an outdoor patio.<br><br>The proposed license fee and other major terms and conditions of the Agreement are considered to be fair, reasonable and reflective of market rates. |
| <b>Terms</b>            | <ol style="list-style-type: none"> <li><b>Term:</b> Fourteen (14) days commencing on the date (the "Commencement Date") that is the earliest of: 1) the date AGCO approves the Licensee's application for temporary extension of the liquor sale licensed area; or 2) July 24, 2020 and ending fourteen days after the Commencement Date</li> <li><b>License Fee:</b> \$5,450.00 (plus HST)</li> <li><b>Operating Costs:</b> To be borne fully by the Licensee</li> <li><b>Early termination:</b> right of early termination in favor of the City of Toronto to terminate the license as long as 5 days' prior written notice is provided to the Licensee.</li> <li><b>Tenant's Insurance:</b> (i) General Liability - \$5,000,000.00 per occurrence (ii) Liquor Liability Insurance - \$2,000,000.00 per occurrence (iii) Standard automobile – \$2,000,000.00 per occurrence</li> </ol>   |

|                         |                             |   |
|-------------------------|-----------------------------|---|
| <b>Property Details</b> | <b>Ward:</b>                | Ward 10 – Spadina- Fort York                            |
|                         | <b>Assessment Roll No.:</b> | Portion of 190406249000400                              |
|                         | <b>Approximate Size:</b>    |   |
|                         | <b>Approximate Area:</b>    | 1,317.50 m <sup>2</sup> ± (14,181.50 ft <sup>2</sup> ±) |
|                         | <b>Other Information:</b>   | Pin: portion of 214110087                               |

| 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, Agencies and Corporations:</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 &amp; Parks &amp; 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><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></p> <p><input 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><b>Delegated to more senior positions.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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 &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><b>Delegated to more senior positions.</b></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 checked="" 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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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/Estoppel 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> |

**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:   | Councillor Joe Cressy  | Councillor:   |   |
| Contact Name: | Councillor Joe Cressy  | Contact Name: |   |
| Contacted by: | <input type="checkbox"/> Phone <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other | Contacted by: | <input type="checkbox"/> Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other |
| Comments:     | No Objections  | Comments:     |   |

**Consultation with Divisions and/or Agencies**

|               |                              |               |                           |
|---------------|------------------------------|---------------|---------------------------|
| Division:     | CreateTO                     | Division:     | <b>Financial Planning</b> |
| Contact Name: | Mehakdeep Dhillon            | Contact Name: | Patricia Librado          |
| Comments:     | No objections per phone call | Comments:     | No objections             |

**Legal Services Division Contact**

|               |            |
|---------------|------------|
| Contact Name: | Gloria Lee |
|---------------|------------|

DAF Tracking No.: 2020- 202

Date

Signature

 Recommended by: Supervisor, Transaction Services  
Van Hua

 Approved by:

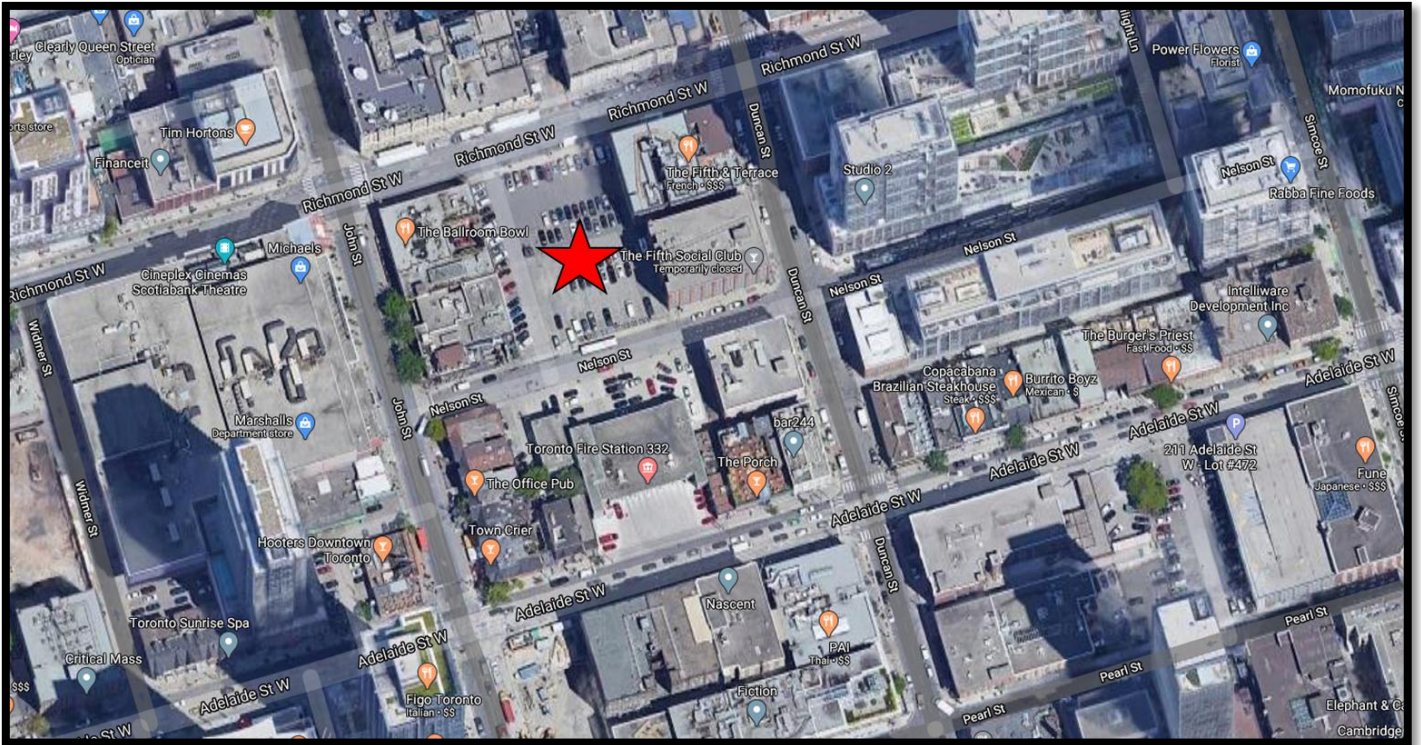
X

 Approved by: Director, Real Estate Services  
Alison Folosea

July 17, 2020

Signed by Alison Folosea

### Appendix "A" Location Map



### Site Plan

