

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

TRACKING NO.: 2020-226

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

Prepared By:	Joseph Sergnese	Division:	Corporate Real Estate Management
Date Prepared:	September 1, 2020	Phone No.:	416.392.1857

Purpose	To obtain authority for the City to consent, as owner of the property municipally known as 11 Bay Street, Toronto (the "Property"), to an application for zoning bylaw amendment by QuadReal Property Group Limited Partnership ("QuadReal") and Barney River Investments Limited ("Barney River"), on behalf of the City's tenant, SCG Aquarius Toronto Hotel, Inc., as tenant and SCG Aquarius Toronto Hotel, Inc., in its capacity as General Partner for SWA Toronto L.P., as beneficial tenant, collectively the "Applicant", to facilitate the proposed new lease agreement, and the proposed redevelopment of the Property, containing retail, conference facility and office uses within the base building, as well as office uses within the tower.
Property	The City-owned land legally described as: PT BLK D, E, F PL 640E TORONTO PT 2, 3 & 4 63R1166; T/W & S/T CA333154; TORONTO, CITY OF TORONTO, being all of PIN 21384-0055 (LT) and municipally known as 11 Bay Street, Toronto, as shown on the location map attached as Appendix "A".
Actions	<ol style="list-style-type: none"> Authority be granted for the City to consent to, as land owner, to an application for zoning bylaw amendment by the Applicant in respect of the Property. The appropriate City Officials be authorized and directed to take the necessary action to give effect hereto.
Financial Impact	<p>There is no financial impact.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>Pursuant to Item RA12.3, adopted by the Board of Directors of CreateTO at its meeting held on April 24, 2020, CreateTO and City staff have been engaged in negotiations with QuadReal and Barney River, to advance options around a new long-term land lease agreement for the Property. Negotiations are currently underway and a new lease agreement is targeted for execution in Q4 2020, subject to Council approval. Concurrently, the Applicant has been engaged in pre-application discussions with City Planning respecting a zoning bylaw amendment application and subsequent site plan application of the Property. The proposed zoning amendments would not impact existing current operations until such time the site is developed. The Applicant will be required to seek further consent from the City prior to submitting for its site plan control application.</p> <p>Both QuadReal and Barney River are aware that resources, financial or otherwise, allocated to this project, including the rezoning and site plan applications are at their own risk, and that any proposed redevelopment and lease agreement for the Property are contingent on the City securing all requisite approvals and authorities, including that of City Council. The Applicant further understands that the applications for zoning bylaw amendment and site plan approvals are contingent on a new lease agreement being agreed to by all parties and, ultimately, approved by City Council.</p>
Terms	The letter of consent that is provided to the Applicant will expressly state that the City's consent is being given solely in the City's capacity as land owner and that by giving consent, the City shall not be deemed to support or endorse the merits of the Applicant's application nor to fetter City Council's discretion in any way including Council's discretion to accept or reject any of the proposed terms of the new lease agreement. The Applicant shall be required to assume all risk, cost and expense associated with the applications.

Property Details	Ward:	10 Spadina – Fort York
	Assessment Roll No.:	190406107001000
	Approximate Size:	Frontage: 299 ft Depth: 200.66 ft
	Approximate Area:	63,959.09 ft ² (1.468 ac)
	Other Information:	

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 more senior positions.	<input type="checkbox"/> Issuance of RFPs/REOs.
4. Permanent Highway Closures:	Delegated to more senior positions.	<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:	Delegated to more senior positions.	Delegated to more senior positions.
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 more senior positions.	<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 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):	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.
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. Delegated to more senior positions.	<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:	Delegated to more senior positions.	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
14. Miscellaneous:	Delegated to more senior positions.	<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 checked="" 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:	Councillor Joe Cressy	Councillor:	
Contact Name:	Brent Gilliard	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 (August 24 th , 2020)	Comments:	

Consultation with Divisions and/or Agencies

Division:	City Planning, CreateTO	Division:	Financial Planning
Contact Name:	Nader Kadri (Planning), Nader Qawasmi (CreateTO)	Contact Name:	Filisha Jenkins
Comments:	Proceed (August 24 th , 2020)	Comments:	Proceed (August 24 th , 2020)

Legal Services Division Contact

Contact Name:	Shirley Chow (September 1 st , 2020)
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DAF Tracking No.: 2020- 226

Date

Signature

 Recommended by: **Manager, Program & Policy Management – Melanie Hale-Carter**
 Approved by:

September 1, 2020

Signed by Melanie Hale-Carter

 Approved by: **Director, Transaction Services Alison Folosea**

September 1, 2020

Signed by Alison Folosea

Appendix A – Site Profile

