

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

TRACKING NO.: 2020-185

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 16, 2020	Phone No.:	(416) 338-3586

<b>Purpose</b>	To obtain authority to enter into a seasonal license agreement with A PIRATE'S LIFE INC. (the "Licensee") with respect to the property municipally known as Portland Slip, Toronto for purpose of mooring a vessel operated by a recreational boat tour company (the "Agreement").															
<b>Property</b>	The property is municipally known as Portland Slip, legally described as PCL S-2 SEC A536E; PT BLK F PL D1397 TORONTO PT 3, 66R13378 EXCEPT PT 1 TO 9, 66R15757, PT 44, 66R15446, PT 1, 66R16279; TORONTO, CITY OF TORONTO, being all of PIN 21418-0051 (LT) (the "Property"), as shown on the Location Map and Site Plan in Appendix "A".															
<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>	<p>The total estimated revenue to the City for the license agreement term of three (3) years, commencing July 20, 2020 and ending October 31, 2022, is approximately \$15,041.00 (plus HST). The following table reflects total revenues to be remitted to the City for each fiscal year:</p> <table border="1"> <thead> <tr> <th>Fiscal Year</th> <th>Term / Period</th> <th>Total Revenues (plus HST)</th> </tr> </thead> <tbody> <tr> <td>2020</td> <td>July 2020 - October 2020</td> <td>\$ 2,835.00</td> </tr> <tr> <td>2021</td> <td>May 2021 - October 2021</td> <td>\$ 5,954.00</td> </tr> <tr> <td>2022</td> <td>May 2022 - October 2022</td> <td>\$ 6,252.00</td> </tr> <tr> <td><b>Total</b></td> <td></td> <td><b>\$ 15,041.00</b></td> </tr> </tbody> </table> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>	Fiscal Year	Term / Period	Total Revenues (plus HST)	2020	July 2020 - October 2020	\$ 2,835.00	2021	May 2021 - October 2021	\$ 5,954.00	2022	May 2022 - October 2022	\$ 6,252.00	<b>Total</b>		<b>\$ 15,041.00</b>
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<b>Total</b>		<b>\$ 15,041.00</b>														
<b>Comments</b>	<p>The Licensee initially ran their operations out of Centre Island between 2015 and 2016. The City of Toronto, in 2016, was approached by the Licensee for permit renewal and could not renew the Licensee's Parks' permit for the 2017 season due to reasons specific to Centre Island. Pirate Life then relocated to Parliament Street from 2017 to 2019. During this time the Quayside project by Sidewalk Labs (a subsidiary of Google) began to be drafted up. The Licensee was given notice from their landlord, they would not be able to renew the lease for 2020 as the plans for the area could not include the Licensee.</p> <p>The Licensee has requested to temporarily locate at Portland Slip until the Bathurst Quay Streetscape and Public Realm Improvement Plan is finalized and constructed. The Licensee's operations align with the vision for the surrounding area of Portland Slip. Directly west of the Slip, the vision is to have a community and cultural hub with a potential future location for an aquatic center. Buildings and facilities planned for the nearby area include an Arts, Heritage and cultural interpretive center, a playground and a pedestrian plaza. In addition to the Licensee's base operations as a Pirate themed Children's theatre, the Licensee also uses the venue for live performances on the water by performers, musicians and theatre artists who produce their own events using the Licensee's vessel. Although Sidewalk Labs has confirmed they will no longer be moving forward with their project, revitalization at Parliament Street is still an eventuality that will force the Licensee to have to re-locate. With a combination of for profit in addition to charitable operations, Corporate Real Estate Management together with the Waterfront Secretariat believe the Licensee is a good fit for Portland Slip while the Bathurst Quay Streetscape and Public Realm Improvement Plan is finalized and constructed.</p> <p>The proposed license fee and other major terms and conditions of the Agreement are considered to be fair, reasonable and reflective of market rates.</p>															
<b>Terms</b>	<ol style="list-style-type: none"> <li><b>Term:</b> Three (3) years starting in 2020 and ending in 2022 (consisting of May 1 – October 31 of each year except the first year commencing on July 20)</li> <li><b>License Fee:</b> (i) Year 1: \$2,835.00/year (ii) Year 2: \$5,954.00/year (iii) Year 3: \$6,252.00/year</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 1 year's written notice is provided to the licensee.</li> <li><b>Tenant's Insurance:</b> General Liability - \$5,000,000.00 per occurrence</li> </ol>															

<b>Property Details</b>	<b>Ward:</b>	10 – Spadina - Fort York
	<b>Assessment Roll No.:</b>	A portion of 190406204100600
	<b>Approximate Size:</b>	13.1 m x 16.8 m ± (43 ft x 55 ft ±)
	<b>Approximate Area:</b>	219.7 m <sup>2</sup> ± (2,365 ft <sup>2</sup> ±)
	<b>Other Information:</b>	Pin: a portion of 214180051

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 checked="" 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):	<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:	Councillor Cressy	Councillor:	
Contact Name:	Bushra Mir	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 – July 7, 2020	Comments:	

**Consultation with Divisions and/or Agencies**

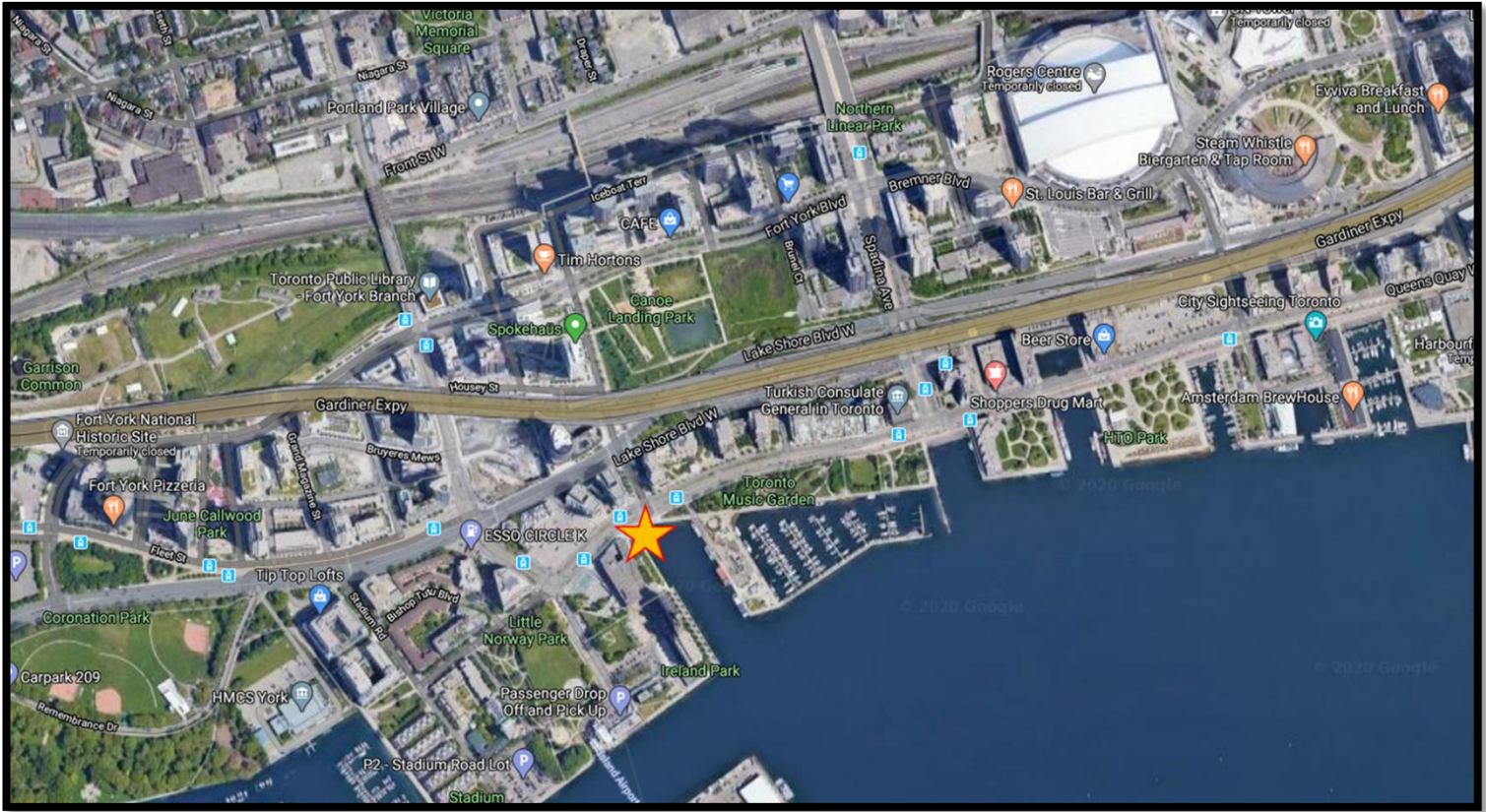
Division:	PF&R	Division:	<b>Financial Planning</b>
Contact Name:	Daniel Vala / Christina Iacovino	Contact Name:	Filisha Jenkins
Comments:	No objections – October 15, 2019 and July 14, 2020	Comments:	No objections – July 13, 2020

**Legal Services Division Contact**

Contact Name:	Emily Ng
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DAF Tracking No.: 2020- 185	Date	Signature
Concurred with by: Manager, Portfolio Management <b>Melanie Hale-Carter</b>	July 16, 2020	Signed by Melanie Hale-Carter
<input type="checkbox"/> Recommended by: Acting Manager, Transaction Services Daran Somas	<b>July 16, 2020</b>	Signed by Daran Somas
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		<b>X</b>

# Appendix "A" Location Map



### Site Plan

