

**DELEGATED APPROVAL FORM**  
**DEPUTY CITY MANAGER, CORPORATE SERVICES**  
**EXECUTIVE DIRECTOR, CORPORATE REAL ESTATE MANAGEMENT**

TRACKING NO.: 2020-270

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

Prepared By:	Jeff Shewchuk	Division:	Corporate Real Estate Management
Date Prepared:	Dec 2, 2020	Phone No.:	416-338-3968

<b>Purpose</b>	To obtain authority for City of Toronto (the "Sub-landlord") to enter into a Community Space Tenancy sub-lease agreement (the "Sublease") with No. 9 Contemporary Art & The Environment (the "Subtenant") for certain premises comprising approximately 5,350 square feet of space and identified as Unit 33 on Level 1 (the "Premises") of the building (the "Building") situated on the Property, for the purpose of providing community based services and programs to the general public		
<b>Property</b>	39 Queens Quay East, Toronto.		
<b>Actions</b>	1. Authority be granted for the City to enter into a Community Space Tenancy Sublease with the Subtenant for the Premises, on the terms and conditions outlined in Appendix "A" attached hereto and in a form acceptable to the City Solicitor.		
<b>Financial Impact</b>	<p>There is no financial impact as the space was secured by the City net and carefree from the Head Landlord. The City is under no obligation of any sort to pay rent or additional rent to the Head Landlord and has subsequently passed down the same benefit to the Subtenant.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.</p>		
<b>Comments</b>	<p>By a lease dated June 17, 2014 and registered as Instrument No. AT3627739 (the "Head Lease"), Pier 27 Toronto Inc. as Head Landlord, leased to the City of Toronto, as Tenant, the Premises for a term of ninety-nine (99) years. The City as Sub-landlord in turn leased the Premises to No. 9 Contemporary Art &amp; The Environment (the Sub-tenant) under a five (5) year Below Market Rent agreement under the authority of Item GM32.20, adopted by City of Toronto Council at its meeting held on August 25, 26, 27 &amp; 26, 2014. The Below Market Rent sub-lease expired on March 24, 2020. The City has agreed to renew the sub-lease under the terms of the new Community Space Tenancy Policy for a term of five years. As per the requirements of Community Space Tenancy policy, Social Development Finance &amp; Administration have conducted an eligibility review of the Sub-tenant and have declared them to be compliant with the Policy and therefore eligible to receive a new Community Space Tenancy lease with a five year term.</p>		
<b>Terms</b>	See "Terms and Conditions" in Appendix "A" on page 4.		

<b>Property Details</b>	<b>Ward:</b>	10 – Spadina – Fort York
	<b>Assessment Roll No.:</b>	19 04 064 010 02893
	<b>Approximate Size:</b>	5,350 square feet of rentable area
	<b>Approximate Area:</b>	
	<b>Other Information:</b>	

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate Services has approval authority for:
<p>1. Acquisitions:</p> <p>2A. Expropriations Where City is Expropriating Authority:</p> <p>2B. Expropriations For Transit-Related Purposes Where City is Property Owner or Has Interest in Property Being Expropriated:</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 \$3 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><b>Request/waive hearings of necessity delegated to less senior positions.</b></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><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 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 type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p><b>Delegated to a more senior position.</b></p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$3 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 \$3 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>	<p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p><b>Request/waive hearings of necessity delegated to less senior positions.</b></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><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 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 type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$5 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p><input checked="" type="checkbox"/> (c) Where compensation is less than market value, provided tenant and lease satisfy Community Space Tenancy Policy criteria set out in Item EX28.8, as adopted by Council on November 7, 8 and 9, 2017, as amended from time to time.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$5 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 \$5 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. Deputy City Manager, Corporate Services and Executive Director, Corporate Real Estate Management each has signing authority on behalf of the City for:**

- Documents required to implement matters for which each position also has delegated approval authority.
- Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
- Expropriation Applications and Notices following Council approval of expropriation.
- 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:	Joe 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 concerns. Oct. 28/2020	Comments:	

**Consultation with Divisions and/or Agencies**

Division:	Social Development & Finance Administration	Division:	<b>Financial Planning</b>
Contact Name:	Aderonke Akande-Manager Denise Andrea Campbell-Executive Director	Contact Name:	Patricia Libardo
Comments:	No concerns. Dec 2/2020	Comments:	No Concerns Sept 30, 2020

**Legal Services Division Contact**

Contact Name:	Bronwyn Atkinson. Dec. 2/2020
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DAF Tracking No.: 2020- 270	Date	Signature
Recommended by: Manager, Real Estate Services	Dec. 2, 2020	Signed by Melanie Hale-Carter
Recommended by: Director, Real Estate Services	Dec. 11, 2020	Signed by Alison Folosea
<input type="checkbox"/> Recommended by: <b>Executive Director, Corporate Real Estate Management</b>	<b>Dec. 14, 2020</b>	Signed by Patrick Matozzo
<input type="checkbox"/> Approved by: <b>Patrick Matozzo</b>		
<input type="checkbox"/> Approved by: <b>Deputy City Manager, Corporate Services</b>	<b>Dec. 14, 2020</b>	Signed by Josie Scioli
<input type="checkbox"/> Approved by: <b>Josie Scioli</b>		

## Appendix "A"

### 39 Queens Quay East Community Space Sub-Lease Terms and Conditions

<b>Sub-Landlord</b>	City of Toronto
<b>Sub-Tenant</b>	No. 9 Contemporary Art & The Environment
<b>Premises</b>	Subleased Premises represent approximately 5,350 square feet in Unit 33 on Level 1 of the property municipally known as 39 Queens Quay East as depicted in Appendix "B".
<b>Building</b>	Pier 27 Condominium, 39 Queens Quay East, Toronto
<b>Use</b>	In keeping with the sub-tenants mandate the premises are to be utilized for programming and educational purposes while working with a number of guest curators, education program managers and production staff, providing unique opportunities to local and international talent to address the relationship between art and the environment.
<b>Hours of Operation</b>	General office hours with community programming on occasional weekends.
<b>Social Purpose Enterprise</b>	Not applicable
<b>Term</b>	Five (5) Years
<b>Commencement Date</b>	November 1, 2020
<b>Expiry Date</b>	October 31, 2025
<b>Option to Extend</b>	Not applicable
<b>Basic Rent</b>	\$2.00 per year.
<b>Proportionate Share</b>	Not applicable
<b>Sub-Leasing</b>	Maximum of two sub-tenants as per Community Space Tenancy Policy
<b>Estimated Additional Rent</b>	Not applicable
<b>Tenant Notice Particulars</b>	No. 9 Contemporary Art & The Environment 39 Queens Quay East, Suite 100, Toronto, Ontario. M5E 0A5 Attn: Mr. Andrew Davies, Executive Director
<b>Special Provisions</b>	All rules pertaining to the use of Pier 27 Condominium as detailed in Schedule "E" of the original sub-lease agreement and as occasionally amended by the Condominium Corporation shall remain in effect.
<b>Insurance</b>	The Tenant shall provide annual proof to the Landlord in the form of a certificate of insurance with coverage equivalent to or greater than required by the City as periodically updated and amended. Current requirements are for Commercial General Liability Insurance in a form protecting the Sub-Landlord and the Sub-Tenant against liability for bodily and personal injury and for damage to or destruction of property by reason of any occurrence or accident in, on or about the Premises, including legal liability, with liability coverage in an amount of not less than FIVE MILLION DOLLARS (\$5,000,000.00) per occurrence.

### Appendix "B"

### The Sub-Leased Premises & Site Map

