

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

TRACKING NO.: 2020-320

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

Prepared By:	Avery Carr	Division:	Corporate Real Estate Management
Date Prepared:	November 19, 2020	Phone No.:	647-458-1934

Purpose	To obtain authority for the City to enter into a license agreement (the "Agreement") with KS 2075 Kennedy Road Inc. (the "Licensor"), with respect to access to the exterior grounds of the property municipally known as 2075 Kennedy Road, Toronto (the "Property") for the purpose of conducting security patrols, addressing loitering and to remove drug paraphernalia, liquor bottles and other debris which may be left on the Property.
Property	The exterior grounds of the Property, as shown outlined in heavy black on the PS Sketch No. PS-2020-072, attached as Appendix "C" (the "Property").
Actions	1. Authority be granted to enter into the Agreement with the Licensor, substantially on the major terms and conditions set out in Appendix "A", and including such other terms and conditions as may be deemed appropriate by the Director, Transaction Services ("Director") and in a form acceptable to the City Solicitor.
Financial Impact	The license fee for this transaction is nominal. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.
Comments	The City has entered into an agreement for the provision of short term accommodations for shelter clients at an adjacent property at 2035 Kennedy Road. The Licensor has raised safety concerns with respect to shelter clients possibly trespassing on the Property and engaging in illegal activities. To help resolve these concerns, the Licensor has agreed to grant the City access to the Property in order to conduct security patrols, address loitering and to remove debris. The City shall have the right to access the Licensed Area at any time, and from time to time, during the term of the Agreement, on a 24/7 basis. The term of the Agreement will be for a period of one (1) month, commencing approximately on December 7, 2020 and expiring on January 6, 2021, and shall automatically extend on a month-to-month basis thereafter, subject to a right to terminate by either party upon providing the other party with no less than thirty (30) days' prior written notice to terminate.
Terms	Refer to Appendix "A" for the Terms and Conditions.

Property Details	Ward:	22 – Scarborough-Agincourt
	Assessment Roll No.:	190111118000400
	Approximate Size:	Irregular shape
	Approximate Area:	17,953 m ² ± (193,244 ft ² ±) (Licensed Area)
	Other Information:	

A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate 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/REOIs:</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 & Parks & Open Space Areas of Official Plan:</p> <p>9. Leases/Licences (City as Landlord/Licensors):</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><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.</p> <p><input type="checkbox"/> (b) Request Hearings of Necessity.</p> <p><input type="checkbox"/> (c) Waive Hearings of Necessity.</p> <p>Delegated to more senior positions.</p> <p>Delegated to more senior positions.</p> <p>Delegated to more senior positions.</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>Delegated to more senior positions.</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>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</p> <p><input checked="" 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>Delegated to more senior positions.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to more senior positions.</p> <p>Delegated to more senior positions.</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"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.</p> <p><input type="checkbox"/> (b) Request Hearings of Necessity.</p> <p><input type="checkbox"/> (c) Waive Hearings of Necessity.</p> <p><input type="checkbox"/> Issuance of RFPs/REOIs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p>Delegated to more senior positions.</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 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>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</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:
<ul style="list-style-type: none"> 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:
<ul style="list-style-type: none"> 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			
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property			
Consultation with Councillor(s)			
Councillor:	Office of the Mayor (on behalf of Ward 22 vacancy)	Councillor:	
Contact Name:	Office of the Mayor	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:	Notified (Dec 1, 2020)	Comments:	
Consultation with Divisions and/or Agencies			
Division:	Shelter, Support and Housing Administration	Division:	Financial Planning
Contact Name:	Kambiz Jahromi, Manager, Asset Management	Contact Name:	Patricia Libardo
Comments:	No comments (Nov 26, 2020)	Comments:	Comments incorporated (Nov 26, 2020)
Legal Services Division Contact			
Contact Name:	Shirley Chow (December 3, 2020)		

DAF Tracking No.: 2020-320	Date	Signature
Concurred with by: Manager, Real Estate Services Melanie Hale-Carter	Dec. 4, 2020	Signed by Melanie Hale-Carter
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Dec. 4, 2020	Signed by Daran Somas
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		X

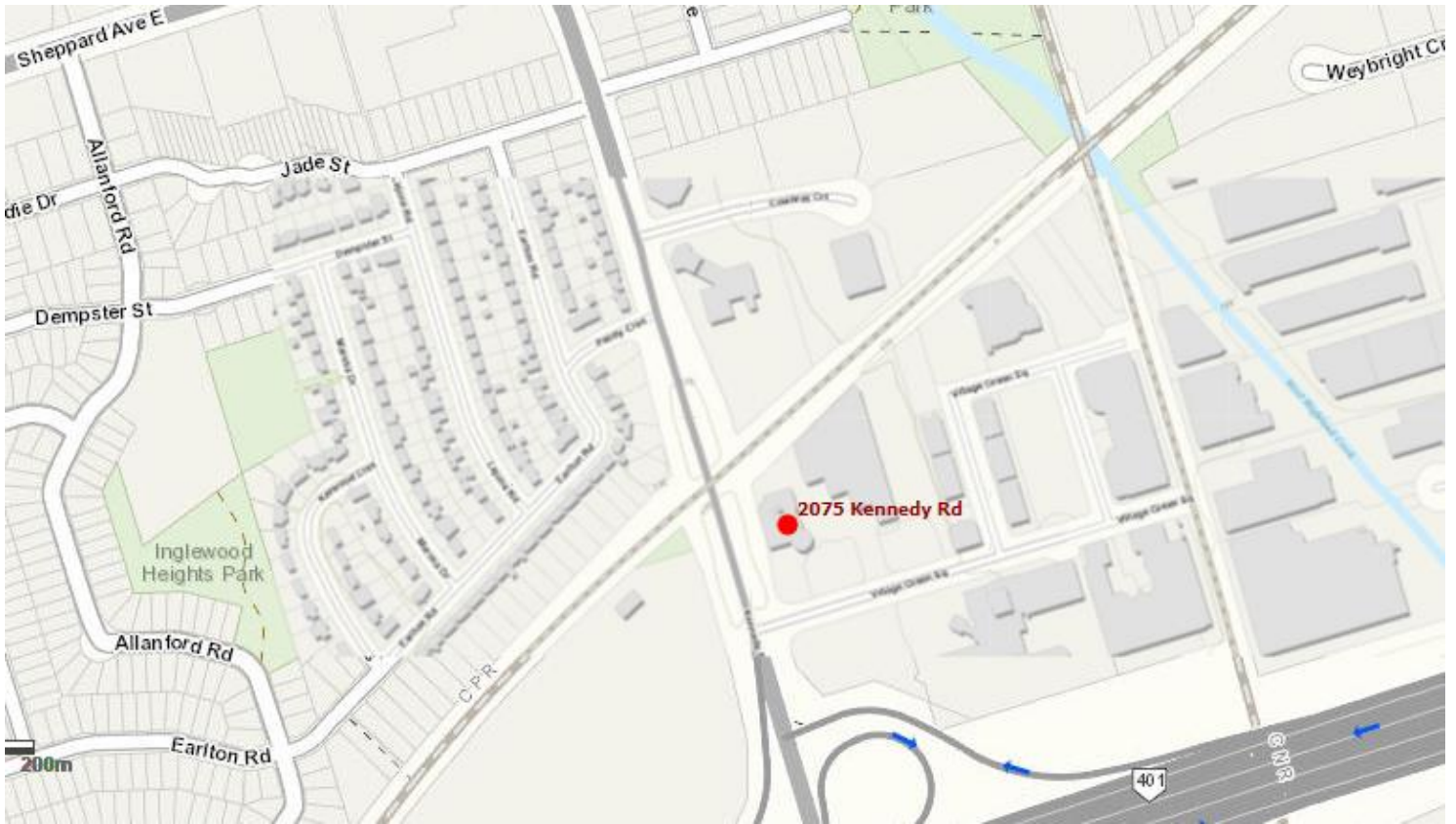
Appendix "A"

Major Terms and Conditions

- Licensor:** KS 2075 Kennedy Road Inc.
- Property:** Exterior grounds of the property municipally known as 2075 Kennedy Road, Toronto.
- Licence Fee:** Nominal
- Term:** One (1) month, commencing on December 7, 2020 and expiring on January 6, 2021, and shall automatically extend on a month-to-month basis thereafter, subject to the right to terminate by either party upon providing the other party with no less than thirty (30) days' prior written notice to terminate.
- Use:** Access to the Property at any time and from time to time, on a 24 hour/7 day basis during the Term, to conduct security patrols, address loitering shelter clients and to remove debris left by shelter clients.
- Insurance:** The City shall take out and maintain throughout the Term of this *Licence* general liability insurance in an amount of not less than \$5,000,000 per occurrence for bodily injury, including death, property damage, and personal injury. Such policies shall include the Licensor, Triovest Realty Advisors Inc. In Trust for KS 2075 Kennedy Road Inc. as additional insured. And shall include a cross liability/ severability of interest clause, and a broad form of contractual liability clause covering the liability assumed under non-owned automobile coverage.
- The City shall also take out and maintain Automobile Liability Insurance in an amount not less than \$2,000,000 per occurrence for bodily injury and property damage. Such policy shall cover all automobiles used in the performance of any duties associated with this Agreement.
- As Is:** The Property is licensed on an "as-is" basis.
- Indemnity:** The City shall indemnify and save the Licensor harmless from and against costs, expenses, claims, and demands brought against the Licensor in respect of loss, damage or injury to persons or property, arising directly out of the City's use of the Property.

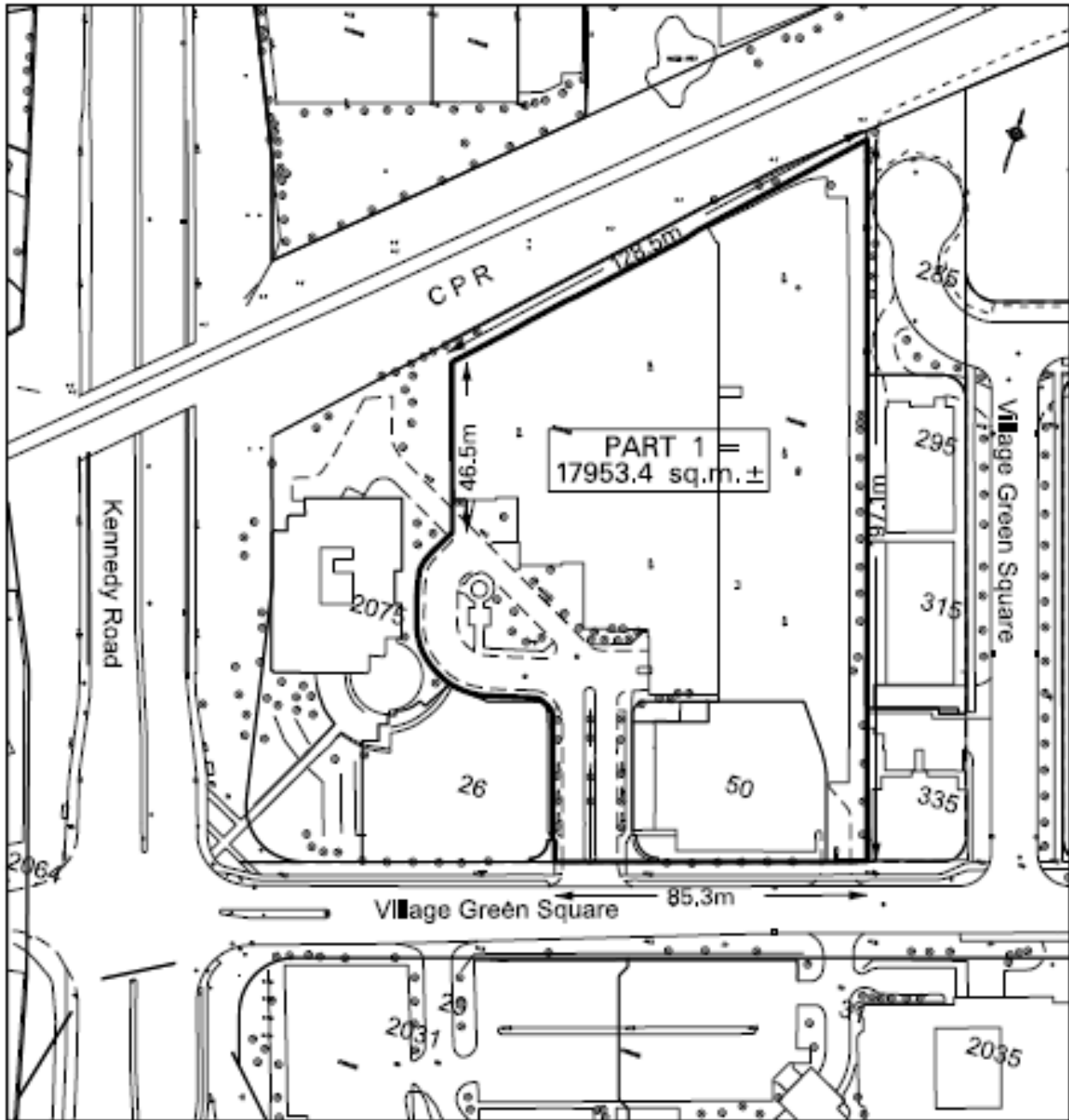
Appendix "B"

Location Map



Appendix "C"

Licensed Area



PROPERTY INFORMATION SHEET

SKETCH SHOWING
NO. 2075 KENNEDY ROAD

NOTE:
THIS SKETCH HAS BEEN
COMPILED FROM OFFICE
RECORDS, MEASUREMENTS
ARE APPROXIMATE

CHECK BY ANA MICHALEK
PREPARED BY: DWAYNE PITT

WARD 22 - SCARBOROUGH-AGINCOURT
DATE: NOVEMBER 05, 2020

SKETCH No. PS-2020-072