

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

TRACKING NO.: 2020-137

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

Prepared By:	Jack Harvey	Division:	Corporate Real Estate Management
Date Prepared:	December 15, 2020	Phone No.:	(416) 397-7704

Purpose	To obtain authority for the City (as landlord) to consent to an assignment from Eglinton (Pine Villa) Facility Inc. (the " Existing Tenant ") to Sunnybrook Health Sciences Centre (the " Assignee ") of a ground lease dated November 20, 1979 between City of Toronto (formerly The Corporation of the Borough of York) ("the " City "), and Community Nursing Homes Limited, as tenant, as amended (the " Lease ").
Property	1035 Eglinton Avenue West - The Leased Lands consist of approximately 2,900 square feet (designated as Part 2 on Plan 64R-8134) located behind Pine Villa, a building operated as a senior citizens retirement lodge (the "Adjacent Lands") legally described as PT BLK C PL 2599 TWP OF YORK, Part 1 on Plan 64R-8134 , City of Toronto
Actions	Authority be granted to enter into an agreement (the " Consent Agreement ") between the City, the Existing Tenant, and the Assignee, for the City as landlord to consent to assignment of the Lease to the Assignee, on terms as may be deemed appropriate by the staff member with delegated authority, and in a form acceptable to the City Solicitor.
Financial Impact	There is no financial impact. 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 former Borough of York (the "Landlord") entered into a lease with Community Nursing Homes Limited (the original tenant) dated November 20, 1979, in conjunction with the tenant's application to amend a zoning by-law to allow for a senior citizens retirement lodge. The rezoning was conditional upon the subject Property being conveyed to the Landlord and then leased back to the tenant for use as a parking lot for the retirement lodge. The term of the Lease is for 50 years (April 21, 1980 to April 20, 2030). The rent for the entire term of the Lease is \$50.00 which was paid in total in advance. A second condition was that the lands adjacent to the leased Property, owned by the tenant, must be used throughout the term of the Lease only for a senior citizens retirement lodge. If this use is discontinued, it is a default under the Lease. In addition, Section 5 of the Lease requires that the leased Property be reconveyed to the tenant in the following circumstances: (i) if the tenant's building on the adjacent lands are demolished and developed in accordance with general commercial uses permitted under By-law 15955 or its successor; (ii) if the adjacent lands are rezoned to permit another use; or (iii) upon the expiry or termination of the lease term. The lease was assigned (the "First Assignment") by an agreement dated February 1, 1996 to Central Park Lodges Ltd ("CPPL"), and was further assigned (the "Second Assignment") by an agreement dated March, 2001 to Eglinton (Pine Villa) Facility Inc. Section 4 of the Lease permits the tenant to assign the lease with the landlord's consent, not to be unreasonably withheld. And provided that the assignee agrees in writing to assume the terms and conditions of the Lease. CREM staff has determined the assignment of the ground lease to be fair and reasonable in accordance with City requirements.
Terms	N/A

Property Details	Ward:	Ward 12 – St. Paul's
	Assessment Roll No.:	N/A
	Approximate Size:	Approximately 2900 square feet
	Approximate Area:	N/A
	Other Information:	N/A

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 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 checked="" 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:	Josh Matlow	Councillor:	
Contact Name:	Andrew Athanasiu	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:	Approved	Comments:	

Consultation with Divisions and/or Agencies

Division:		Division:	Financial Planning
Contact Name:		Contact Name:	Patricia Libardo
Comments:		Comments:	Approved

Legal Services Division Contact

Contact Name:	Soo Kim Lee
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DAF Tracking No.: 2020-137	Date	Signature
Concurred with by: N/A		X
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Alex Schuler	Dec. 15, 2020	Signed by Alex Schuler
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Dec. 21, 2020	Signed by Alison Folosea

1035 Eglinton Avenue West Location Map

