

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

TRACKING NO.: 2021-004

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

Prepared By:	Owen Bartley	Division:	Corporate Real Estate Management
Date Prepared:	January 11, 2021	Phone No.:	(416) 338-1297

Purpose	To obtain authority to enter into an extension of the existing agreement with Metro Toronto Convention Centre (the "Licensor") with respect to part of the property municipally known as 255 Front Street West, for the purpose of operating COVID-19 immunization clinics by Toronto Public Health (TPH) (the "Extension Agreement").
Property	255 Front St W, Toronto, Ontario also known as the Metro Toronto Convention Centre, North Building, Level 300, Exhibit Hall A.
Actions	Authority be granted to enter into an extension agreement with the Licensor substantially on the major terms and conditions set out in Appendix "A-1" and "A-2", and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.
Financial Impact	<p>The total cost to the City for the license fee is approximately \$891,505.94 (plus HST) or \$907,196.44 (net of HST recoveries).</p> <p>Funding has been referred to the City's annual budget process through the 2021 Operating Budget for Toronto Public Health under cost centre PH4081 and functional area 7170000000. These expenditures will be included in the funding being requested from the Province.</p> <p>The Chief Financial Officer and Treasurer has been provided the financial impacts associated with this program for review as part of the 2021 budget process..</p>
Comments	<p>Pursuant to a directive from the Medical Officer of Health for the City of Toronto, TPH plans to hold public immunization clinics to administer vaccination against the COVID-19 virus. TPH has identified 4 principal locations to serve different geographic areas of the city, which will be supplemented by smaller locations in areas of need. This location at The Metro Toronto Convention Centre serves the downtown core of the city.</p> <p>This program is essential to stopping the spread of COVID-19 and protecting the population from its harmful effects. Immunization will play a key role in stopping the pandemic globally, and widespread immunization will reduce cases of infection and decrease the burden on the health care system.</p> <p>The City entered into an agreement with the Licensor for the purpose of a flu immunization clinic, authorized by DAF 2020-254, dated September 28, 2020 which commenced September 28, 2020 and expired on December 18, 2020. TPH would like to extend this agreement until July 31, 2021.</p>
Terms	See Appendix "A-1" and "A-2" for the Major Terms and Conditions of the Extension Agreement. A sketch of the Licensed Areas is attached as Appendix "B". Estimated Payment Details are attached as Appendix "C".

Property Details	Ward:	10 – Spadina-Fort York
	Assessment Roll No.:	19 04 062 060 007 50
	Approximate Size:	76.8 m x 81.1 m ± (252 ft x 266 ft ±)
	Approximate Area:	6,228.5 m ² ± (67,032 ft ² ±)
	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 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 checked="" 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:

- 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:	Joe Cressy	Councillor:	
Contact Name:	Brent Gilliard	Contact Name:	
Contacted by:	Phone <input checked="" type="checkbox"/> 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:	No Concerns (01/06/2021)	Comments:	

Consultation with Divisions and/or Agencies

Division:	Toronto Public Health	Division:	Financial Planning
Contact Name:	Ameeta Mathur	Contact Name:	Patricia Libardo
Comments:	No Concerns (01/06/2021)	Comments:	Revisions Incorporated (01/07/21)

Legal Services Division Contact

Contact Name:	Soo Kim Lee
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DAF Tracking No.: 2021-004	Date	Signature
Concurred with by: Manager, Real Estate Services		X
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Jan 11, 2021	Signed By: Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Jan 11, 2021	Signed By: Alison Folosea

Appendix "A-1" – Major Terms and Conditions of the Extension Agreement

Licensors:	Metro Toronto Convention Centre
Licensee:	City of Toronto
Licensed Area:	A portion of Hall A, located on Level 300 of the MTCC North Building
Licence Fee:	\$0.00 per sq. ft. per year (plus HST)
Estimated Additional Costs:	See Appendix "A-2" and "C" for Additional Costs of cleaning, security, electrical, HVAC and telecommunications charges.
Term:	7 months and 13 days commencing December 19, 2020 and expiring July 31, 2021.
Permitted Use:	The Licensed Areas shall be used by the City for the purpose of operating a Toronto Public Health Immunization Clinic for the general public.
Insurance:	Comprehensive liability insurance shall provide a minimum limit of liability of five million dollars (\$5,000,000) for bodily injury and/or property damage in any one occurrence, shall include a cross-liability clause, shall name Metropolitan Toronto Convention Centre Corporation as additional insured and shall provide that it will not be cancelled or materially altered prior to the termination of the occupancy period.
Services:	Licensors to provide use of the required amount of six-foot folding tables, folding chairs, and stanchions with rope at no charge. Setup and takedown charges are per above. Licensors to provide cleaning staff for the washroom and common areas during clinic operation, charges per above.
Rules:	The Licensor has provided its list of Operating Guidelines.

Appendix "A-2" – Schedule "A" of MTCC form of Extension Agreement



Event #: 55549
Account #: 00059142

Metro Toronto Convention Centre
City of Toronto
Toronto Public Health Immunization Clinics
SCHEDULE A - SPACE RENTAL SCHEDULE

Description Space Booked Start Time End Time Occupancy Fee

Saturday, December 19, 2020 - Saturday, July 31, 2021

Exhibit Hall A 12:00 am 11:59 pm

Occupancy Fee:
HST: \$0.00
OCCUPANCY FEE AND TAXES: \$0.00



Event #: 55549
Account #: 00059142

Metro Toronto Convention Centre
City of Toronto
Toronto Public Health Immunization Clinics
SCHEDULE A - SPACE RENTAL SCHEDULE

Currency

All amounts set out in this agreement are in Canadian funds. (Payments received in U.S. funds or any other currency will be exchanged into Canadian funds at a rate determined by the Licensor's bank at the time of deposit).

Schedule B

The rooms contracted reflect your needs at the time of booking. Schedule B - Capacities and Dimensions, provides detailed seating capacities for a variety of room setups. Please consult Schedule B when planning your final requirements. Note the capacities do not reflect sightlines or audio visual requirements.

Notes:

The Licensor agrees to extend the occupancy period to July 31, 2021, however additional terms and conditions as outlined below are to be finalized and will be mutually agreed to by both parties:

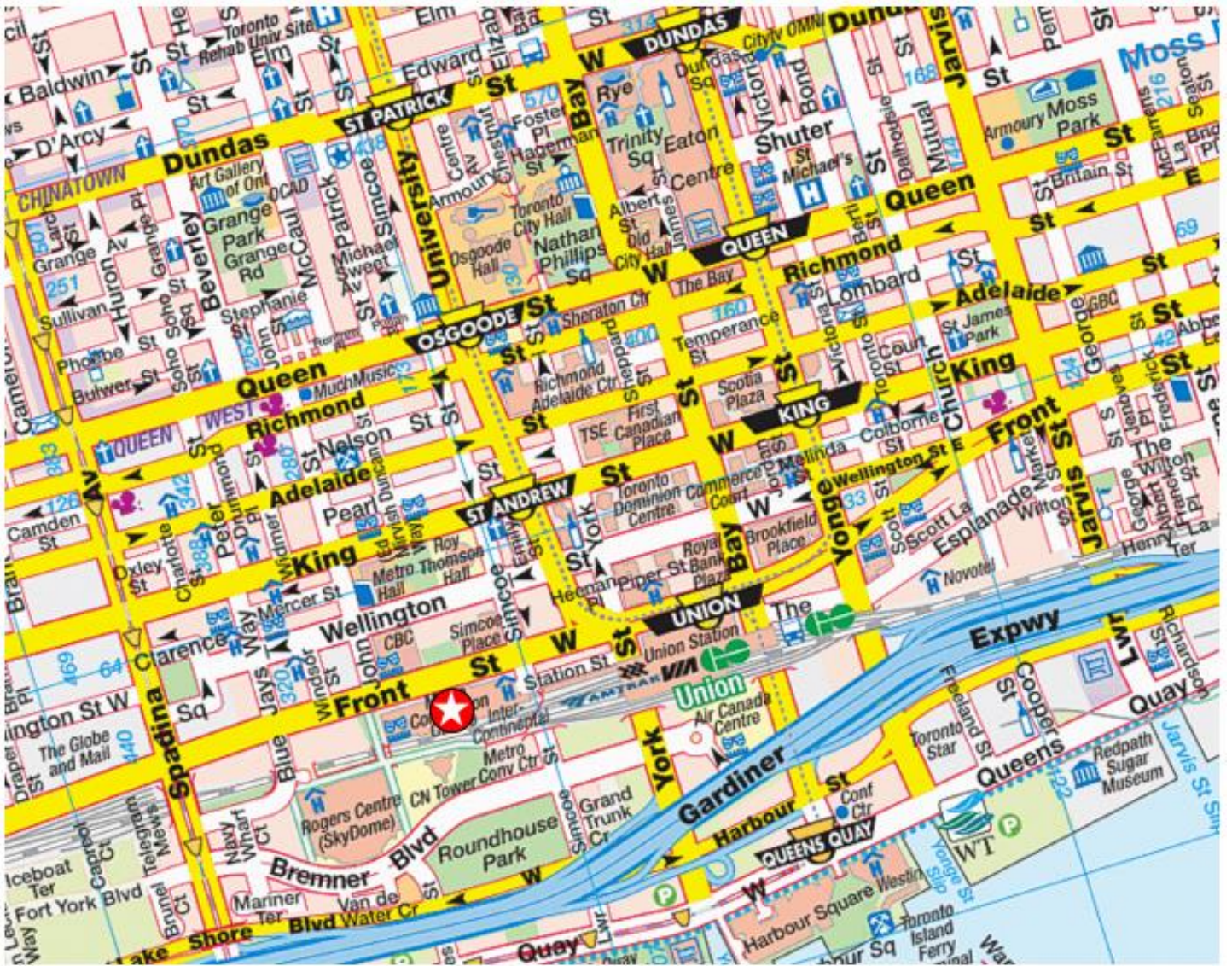
1. Space Booked – The Licensor reserves the ability to provide the Licensee with alternative equivalent space with reasonable notice to the Licensee.

2. Additional Services – charges for the below additional services are still to be determined and will be based on requirements for the number of operational days and daily hours of operation. The costs of the additional services shall be agreed upon by both parties prior to the active operation of the COVID-19 Immunization Clinic and can be amended thereafter should the location of the clinic be relocated to alternative equivalent space within the facility.

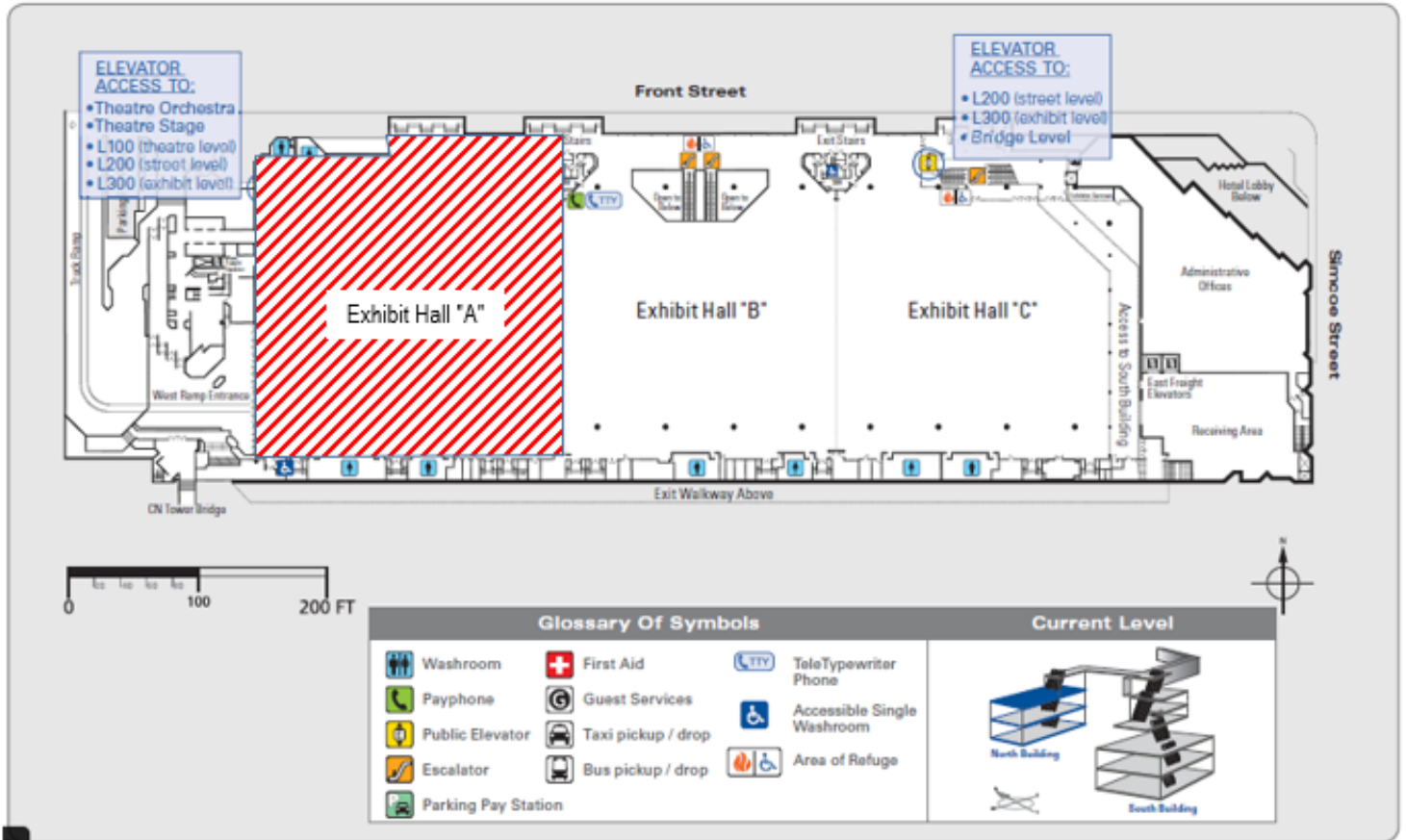
- a. Cleaning services
- b. Security
- c. Electrical
- d. HVAC
- e. Telecommunications
- f. Event Services


3. Additional Services Pre-Payment – The Licensee hereby covenants to pay to the Licensor a deposit for estimated additional services for the first three months of the occupancy period. Should the actual cost of the additional services for the first three months of the occupancy period amount to less than the deposit, the amount of the excess will be transferred to invoices for subsequent months during the term until the deposit is exhausted. Should the actual cost of the additional services for the first three months of the occupancy period amount to more than the deposit, the amount of such shortfall will be paid by the Licensee with the next installment for additional services coming due.

This Schedule "A" sets out all of the final terms and conditions of the addendum to the original agreement signed and dated on September 28, 2020, which are agreed to by City of Toronto.



Appendix "B" – Floor Plan



<p>Invoice to:</p> <p>City of Toronto Alison Folosea 55 John Street, 14th Floor Metro Hall Toronto, ON M5V 3C6</p>		 <p>255 Front Street West Toronto, Ontario M5V 2W6</p>	
		Date: January 7, 2021	
Event Date : Jan 18 – April 30, 2021		Invoice No: 55550-01	
Description/Reference		Amount	
January Additional Charges (pre-tax)		\$49,960.00	
January Additional Charges (HST 13%)		\$6,494.80	
Total January Additional Charges		\$56,454.80	
February Additional Charges (pre-tax)		\$131,954.99	
February Additional Charges (HST 13%)		\$17,154.15	
Total February Additional Charges		\$149,109.14	
March Additional Charges (pre-tax)		\$140,470.99	
March Additional Charges (HST 13%)		\$18,261.23	
Total March Additional Charges		\$158,732.22	
April Additional Charges (pre-tax)		\$143,734.99	
April Additional Charges (HST 13%)		\$18,685.55	
Total April Additional Charges		\$162,420.54	
Subtotal Total		\$466,120.97	
HST (13%)		\$60,595.73	
Total Due		\$526,716.70	
<p>INVOICE DUE UPON RECEIPT Metro Toronto Convention Centre 255 Front Street West Toronto, Ontario, M5V 2W6</p> <p>Inquires: Accounts Receivable (416) 585-8213 E-mail Christopher Barrett: cbarrett@mtccc.com</p>			

Invoice to:



City of Toronto
 Alison Folosea
 55 John Street, 14th Floor
 Metro Hall
 Toronto, ON
 M5V 3C6

255 Front Street West
Toronto, Ontario
M5V 2W6

Date: January 7, 2021

Event Date : May 1 – July 31, 2021

Invoice No: 55550-02

Description/Reference	Amount
May Additional Charges (pre-tax)	\$143,990.99
May Additional Charges (HST 13%)	\$18,718.83
Total May Additional Charges	\$162,709.82
June Additional Charges (pre-tax)	\$136,694.99
June Additional Charges (HST 13%)	\$17,770.35
Total June Additional Charges	\$154,465.34
July Additional Charges (pre-tax)	\$144,698.99
July Additional Charges (HST 13%)	\$18,810.87
Total July Additional Charges	\$163,509.86
Subtotal Total	\$425,384.97
HST (13%)	\$55,300.05
Total Due	<u>\$480,685.02</u>
INVOICE DUE ON OR BEFORE <u>MAY 1, 2021</u>	
Metro Toronto Convention Centre 255 Front Street West Toronto, Ontario, M5V 2W6 Inquires: Accounts Receivable (416) 585-8213 E-mail Christopher Barrett: cbarrett@mtccc.com	