

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

TRACKING NO.: 2021-023

Approved pursuant to the Delegated Authority contained in Article 2 of City of Toronto Municipal Code Chapter 213, Real Property			
Prepared By:	Glenn Zeta	Division:	Corporate Real Estate Management
Date Prepared:	January 14, 2021	Phone No.:	416-338-7612
Purpose	To obtain authority for the City of Toronto (the "City" or the "Licensor") to enter into a third licence extension & amendment agreement (the "Licence Extension") with Auckland and Main Urban Properties Inc. (" the "Licensee") to permit the Licensee to continue to use the Licensed Area, as defined below, for parking site trailers for another two months.		
Property	A portion of the City-owned property municipally known as 30 St. Albans Road, Etobicoke and legally described as Lots 14-18 Plan 2561, being all of PIN 0754-90138, as shown outlined in yellow on Appendix "B" (the "Licensed Area").		
Actions	1. Authority be granted to enter into the Licence Extension with the Licensee and the City of Toronto, as Licensor, for the Licensed Area, substantially on the terms and conditions set out herein, and on any such other or amended terms and conditions deemed appropriate by the Director, Real Estate Services (the "Director"), and in a form acceptable to the City Solicitor.		
Financial Impact	<p>Total revenue to the City is approximately \$ 1,254.00 (plus HST) for granting the third two-month licence extension and has been included in the 2021 Operating Budget Submission for Corporate Real Estate Management (CREM) under cost center FA3057 for Council consideration. If Licensee exercises Option to extend, the total revenue to the City will be \$2,508 (plus HST).</p> <p>The Licensee has also agreed to reimburse the City's legal costs incurred in connection with the preparation and execution of the Licence Extension, in accordance with Chapter 441 of the Municipal Code.</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>The Licensee is currently involved with a mixed-use development project occurring on certain properties adjacent to the Licensed Area. Pursuant to DAF 2017-194, the City entered into a licence staging and tie back agreement (the "Original Agreement") with the Licensee on October 23, 2017. The Original Agreement contained the option of a six-month extension that was exercised on March 31, 2020. While work related to the tiebacks was completed, the Licensee required continued use of the Licensed Area to park its site trailers and requested a one month extension until October 30, 2020, granted by the City via DAF 2020-252 (the "First Extension"). However, a further extension was requested and granted via DAF 2020-311 (the "Second Extension"). Unfortunately, and due to unforeseen delays, the Licensee requires yet another extension of the Licensed Area for a two (2) month period ending on February 28, 2021, subject to the extension right detailed in Appendix "A".</p> <p>Toronto Water has operational management over the Licensed Area and has no concerns with the third extension, with one more option to renew, at the City's discretion, for 2 months.</p>		
Terms	Except as set out in Appendix "A", the Terms are the same as the Original Agreement, as amended by the First Extension and the Second Extension.		
Property Details	Ward:	3 – Etobicoke-Lakeshore	
	Assessment Roll No.:	1919-03-1-010-02700	
	Approximate Size:	N/A	
	Approximate Area:	168 m ² (1,808 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 checked="" 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 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:	Mark Grimes	Councillor:	
Contact Name:	Kim Edgar	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 Objections – January 8, 2021	Comments:	
Consultation with Divisions and/or Agencies			
Division:	Toronto Water	Division:	Financial Planning
Contact Name:	Mike Brannon, Manager	Contact Name:	Patricia Libardo
Comments:	Concurred – January 8, 2021	Comments:	Comments Incorporated – January 15, 2021
Legal Services Division Contact			
Contact Name:	Catherine Thomas – January 15, 2021		

DAF Tracking No.: 2021-023	Date	Signature
Concurred with by: Manager, Real Estate Services Melanie Hale-Carter	Jan. 18, 2021	Signed by Melanie Hale-Carter
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Jan. 18, 2021	Signed by Daran Somas
<input type="checkbox"/> Approved by: Director, Real Estate Services		

Appendix "A"
Major Terms & Conditions

Licensor:

City of Toronto

Licensee:

Aukland and Main Urban Properties Inc.

Licensed Premises:

A portion 30 St.Albans Rd. shown as the "Licensed Area" in Appendix "A"

Term:

Two-month commencing retroactively on January 1, 2021 and terminating on February 28, 2021.

Option to Extend:

In the event that the Licensee has not fully restored the *Licensed Area* or fulfilled any other obligation under this Agreement to the satisfaction of the City by February 28, 2021, the Licensee shall be permitted to request the right to remain in occupation of the *Licensed Area*, on the same terms and conditions, for an additional two (2) months and the City shall grant said request, provided the Licensee is not in default and the Licensed Area is not required for a municipal purpose.

Use:

The Licensee shall only use the Licensed Area for the purpose of parking site trailers.

License Fee:

The Licensee shall pay to the City, a licence fee in the amount of \$1,254 plus HST. An additional \$1,254 plus HST is payable to the City in the event the City consents to the Licensee remaining in occupation of the Licensed Area for an additional two months following the Termination Date.

Restoration:

As per the Original Agreement, the Licensed Area shall be restored to its initial condition or better at no cost to the City and to the satisfaction of the City designate no later than the Termination date.

Insurance:

Licensee to provide certificates of insurance evidencing the coverage required in the Original Licence concurrent with the execution of this third extension agreement.

Appendix "B" – Legal Description, Map of the Property and Licensed Area

30 St. Albans Road

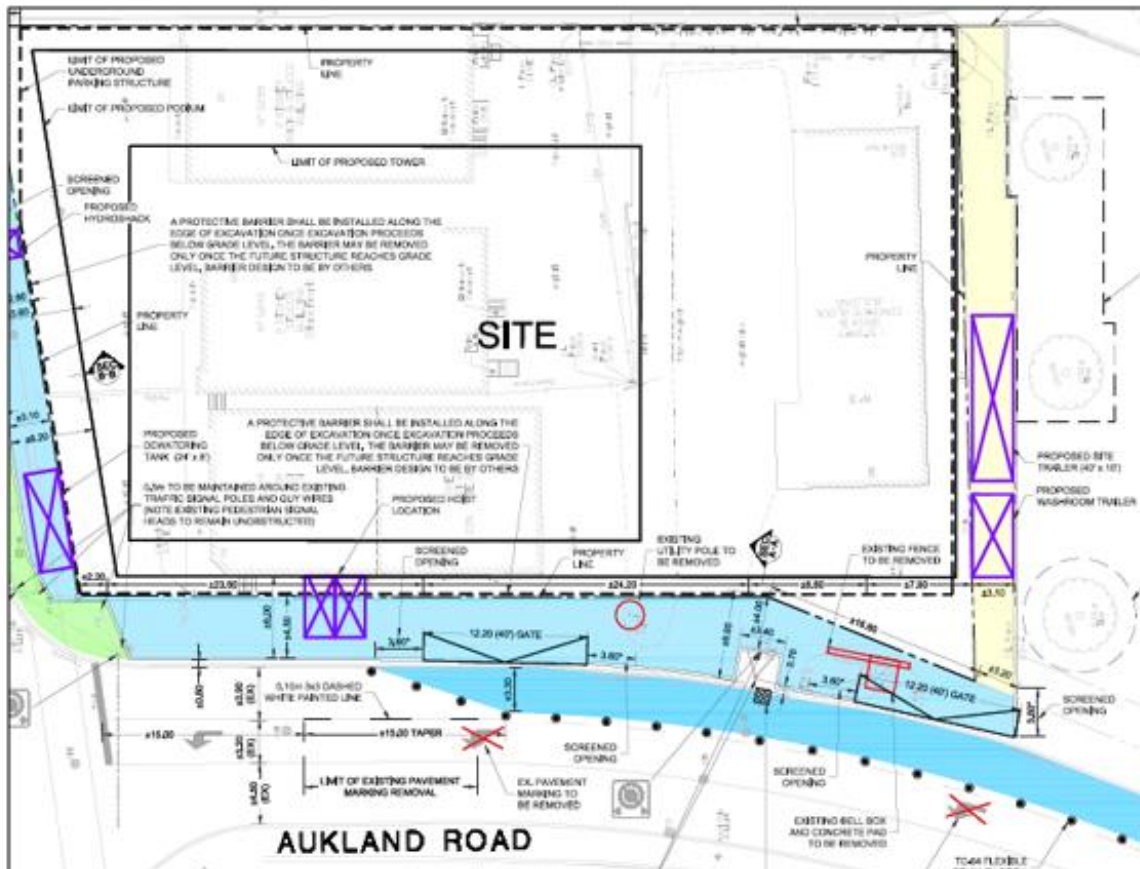
Legal Description:

PIN 075490138

LOTS 14, 15, 16, 17 and 18 PLAN 2561



Licensed area is shaded in yellow.



Tree Protection Zone

AUKLAND ROAD