

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

TRACKING NO.: 2021-032

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 20, 2021	Phone No.:	416-338-7612

<b>Purpose</b>	To obtain authority to enter into a lease extension agreement (the "Extension Agreement") between Toronto Parking Authority (the "TPA"), Dakin West Inc. (the "Tenant"), and City of Toronto (the "City") to extend for a further five (5) year term the lease entered into between the TPA, as landlord, and the Tenant on February 1, 1995, as extended on May 17, 2004, October 2009, and March 1, 2015, respectively (collectively referred to herein as the "Lease") for the lands and premises known municipally as Unit 2, 33 Queen Street East, Toronto, Ontario which location is shown on the map attached hereto as Schedule "B", also known as Carpark 33, and more particularly shown outlined in red on the sketch attached hereto as Schedule "C" (the "Leased Premises").
<b>Property</b>	Unit 2, being approximately 496 square feet of commercial space on the ground floor located on the lands and premises known municipally as 33 Queen Street East, and outlined in red in the sketch attached hereto as Schedule "C".
<b>Actions</b>	<ol style="list-style-type: none"> <li>1. Authority be granted for the City to enter into the Extension Agreement with the TPA and the Tenant to extend the Term of the Lease, on the terms and conditions outlined herein and in a form acceptable to the City Solicitor.</li> <li>2. The appropriate City staff be authorized and directed to take the necessary action to give effect thereto.</li> </ol>
<b>Financial Impact</b>	<p>The total revenue to the City for the five (5) year Extended Term (as defined herein) will be One Hundred Forty-Five Thousand Eighty Dollars (\$145,080.00) plus HST. The property taxes, operating and maintenance costs associated with the Leased Premises during the Extended Term will be paid by the Tenant according to the terms of the Lease. Details of annual revenue to the City, exclusive of HST, can be found in Schedule "A" attached hereto.</p> <p>Actual expenses and revenues associated with the Lease, as extended by the Extension Agreement, will be reported through the TPA's quarterly variance reports and, if required, related budgets will be subsequently adjusted through the annual budget process.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information as attached on Schedule "A".</p>
<b>Comments</b>	<p>On March 14, 2019, Dakin West Inc. reached out to the TPA to exercise a five (5) year extension right at this location as outlined in the Lease Amending and Extending Agreement dated March 1, 2015. The Extension Agreement will be the fourth extension agreement entered into between TPA and the Tenant for this location.</p> <p>The City of Toronto, pursuant to subsection 146 of the <i>City of Toronto Act, 2006</i>, has the power to change aspects of a city board's operation and under this authority enacted City of Toronto By-Law 1409-2017, to amend Municipal Code Chapter 179, which limits the authority of the TPA concerning the leasing of lands and prevents TPA from entering into the Extension Agreement on behalf of the City of Toronto. Therefore, the City is the Landlord under the Lease and has the power to authorize the Extension Agreement.</p> <p>The Extension Agreement has been previously authorized by DAF 2020-021 however due to unforeseen circumstances, TPA - considered then as the Landlord - was not authorized to execute the Extension Agreement. As it is now clear that the City is the Landlord due to authorities mentioned above, the Extension Agreement must be re-executed with the City being an additional signatory.</p>
<b>Terms</b>	See Appendix "A" attached hereto (Page 4) for terms and conditions.

<b>Property Details</b>	<b>Ward:</b>	13 – Toronto Centre
	<b>Assessment Roll No.:</b>	1904-06-4-658-000300
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	46.08 m <sup>2</sup> (496 ft <sup>2</sup> )
	<b>Other Information:</b>	

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 &amp; Parks &amp; 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><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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><b>Delegated to more senior positions.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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 &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><b>Delegated to more senior positions.</b></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 checked="" 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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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>B. Director, Real Estate Services and Manager, Real Estate Services each has signing authority on behalf of the City for:</b>
<ul style="list-style-type: none"> <li>• Documents required to implement matters for which each position also has delegated approval authority.</li> <li>• Expropriation Applications and Notices following Council approval of expropriation (Manager, Transaction Services is only Manager with such signing authority).</li> </ul>
<b>Director, Real Estate Services also has signing authority on behalf of the City for:</b>
<ul style="list-style-type: none"> <li>• Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.</li> <li>• Community Space Tenancy Leases approved by delegated authority by the Deputy City Manager, Corporate Services and any related documents.</li> </ul>

<b>Pre-Condition to Approval</b>			
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property			
<b>Consultation with Councillor(s)</b>			
Councillor:	Councillor Kristyn Wong-Tam	Councillor:	
Contact Name:	Edward LaRusic	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:	No Objections - January 15, 2020	Comments:	
<b>Consultation with Divisions and/or Agencies</b>			
Division:	Toronto Parking Authority	Division:	Financial Planning
Contact Name:	Darcy Watt	Contact Name:	Filisha Jenkins
Comments:	Concurred – January 13, 2020	Comments:	Comments Incorporated – January 21, 2020
<b>Legal Services Division Contact</b>			
Contact Name:	Stefan Radovanovich (2-8060)		

DAF Tracking No.: 2021- 032	Date	Signature
Concurred with by: Manager, Real Estate Services		X
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Jan. 21, 2021	Signed Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Jan. 28, 2021	Signed by Alison Folosea

## Schedule "A"

### Major Terms and Conditions

**Landlord:** City of Toronto

**Tenant:** Dakin West Inc.

**Property:** 33 Queen Street East (Municipal Carpark 26), Toronto, ON (the "Property").

**Leased Area:** Unit 2 of the Property, being approximately 496 square feet, and shown highlighted in red in the sketch attached hereto as Schedule "C" and depicted in the images attached hereto as Schedule "D".

**Use:** Convenience Store

**Extended Term:** Five (5) years, commencing March 1, 2020 and continuing to and including February 28, 2025 (referred to herein as the "Extended Term").

**Minimum Rent:**

Year 1 - \$55.50 per square foot - \$27,528.00 per annum, \$2294.00 per month

Year 2 - \$57.00 per square foot - \$28,272.00 per annum, \$2356.00 per month

Year 3 - \$58.00 per square foot - \$28,768.00 per annum, \$2397.33 per month

Year 4 - \$60.00 per square foot - \$29,760.00 per annum, \$2,480.00 per month

Year 5 - \$62.00 per square foot - \$30,752.00 per annum, \$2,562.67 per month

All amounts of Minimum Rent payable hereunder will be plus applicable taxes.

**Additional Rent:** The Tenant shall pay to the City the Additional Rent in accordance with all applicable provisions of the Lease.

**Option to Extend:**

The Tenant shall have one (1) additional further right to extend the Term for a further five (5) years, to be exercised during the Extended Term in the same manner and subject to the terms and conditions set forth in Section 1.01 of Schedule "I" of the Lease.

**Insurance:** The Tenant shall take out and maintain, at all times during the Extended Term and any future renewal or extension of the Term of the Lease, the Tenant's insurance as is required in Article 10 of the Lease.

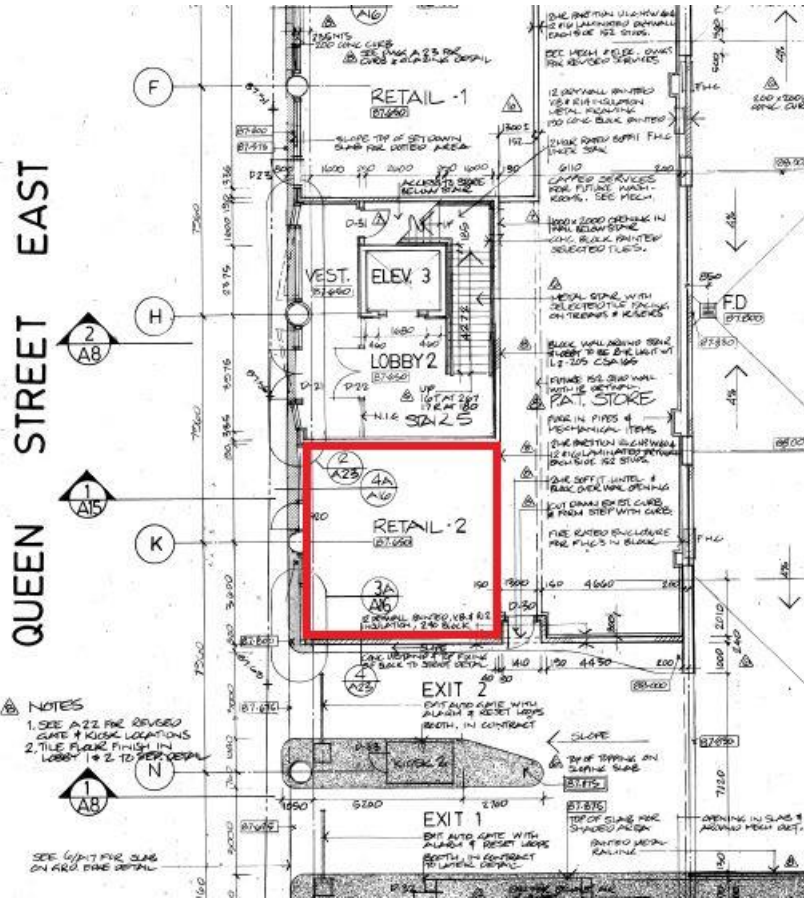
**Other:** The Extension Agreement shall be read together with the Lease and the City and the Tenant confirm that, except as modified by the Extension Agreement, all covenants, terms and conditions of the Lease remain unchanged, unmodified and in full force and effect.

SCHEDULE "B"  
SITE LOCATION MAP



# SCHEDULE "C"

## SITE PLAN



SCHEDULE "D"

IMAGES OF 33 QUEEN STREET EAST, UNIT 2

