

Approved pursuant to the Delegated Authority contained in Item EX27.12, as adopted by City Council on October 2, 3 & 4, 2017, as amended by Item GM27.12, as adopted by City Council on May 22, 23 & 24, 2018 and Item GL9.14, as adopted by City Council on November 26 & 27, 2019 or, where applicable, contained in Item EX28.8, as adopted by City Council on November 7, 8 & 9, 2017.

Prepared By:	Avery Carr	Division:	Corporate Real Estate Management
Date Prepared:	January 27, 2021	Phone No.:	416-338-3250

<b>Purpose</b>	To amend DAF 2019-210, to authorize amendment of the terms of the Lease between the City (the "Tenant") and 1622774 Ontario Ltd. (the "Landlord"), for the property located at 233 Carlton Street, to be used by Shelter, Support & Housing Administration ("SSHA") for Health and Welfare Services, community programs, and other ancillary services.
<b>Property</b>	The property municipally known as 233 Carlton Street, Toronto and legally described as Part of Lots 24 and 25, Block D, Plan D-138 Toronto, as in Instrument CA668571, being all of PIN 21088-0219 (LT) (the "Property") as shown on the Survey in Appendix "A" and Location Map in Appendix "B".
<b>Actions</b>	1. Authority be granted to enter into a Lease Amending Agreement with the Landlord on the terms and conditions set out herein and such other or amended terms and conditions satisfactory to the Director, Real Estate Services (the "Director") or designate, and in a form satisfactory to the City Solicitor;
<b>Financial Impact</b>	<p>With respect to the existing lease as authorized by DAF 2019-210, total estimated lease and operating costs for the Term and Extended Term and associated capital repairs is \$9,764,984.12 (net of HST recoveries). With respect to the Amending Agreement, the Tenant will be responsible for any roof repair /replacement costs in excess of \$100,000 to a maximum of \$200,000. As such, the Amending Agreement will result in total estimated costs to the City of \$9,964,984.12 (net of HST recoveries) (\$9,764,984.12 + \$200,000).</p> <p>Funding is available in the 2021-2030 Council Approved Capital Budget and Plan for Shelter, Support and Housing Administration ("SSHA") under capital account CHS044-08.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.</p>
<b>Comments</b>	<p>As authorized by DAF 2019-210, the City entered into a Lease Agreement with the Landlord dated August 13, 2019 for a 10 year term to utilize the Property by SSHA for Health and Welfare Services, community programs, and other ancillary services.</p> <p>SSHA now wishes to amend the existing Lease Agreement, which provides that the Tenant shall not be responsible for any replacement costs for any part of the roof. The Amending Agreement permits the Tenant to repair/replace the existing roof at its sole discretion while requiring the Landlord to reimburse the Tenant for the cost to a maximum of \$100,000. Any costs in excess of \$100,000 to a maximum of \$200,000 will be the responsibility of the Tenant.</p> <p>The Amending Agreement also stipulates that the Tenant shall request copies of the roof warranty from the successful proponent and provide a copy to the Landlord.</p>
<b>Terms</b>	The Amending Agreement includes the terms set out above.

<b>Property Details</b>	<b>Ward:</b>	13 – Toronto Centre
	<b>Assessment Roll No.:</b>	19 04 074 080 023 00
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	1,184.89 m <sup>2</sup> ± (12,754 ft <sup>2</sup> ±)
	<b>Other Information:</b>	

A.	City Manager has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
2. Expropriations:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$10 Million.
3. Issuance of RFPs/REOLs:	<b>Delegated to less senior positions.</b>
4. Permanent Highway Closures:	<b>Delegated to less senior positions.</b>
5. Transfer of Operational Management to Divisions and Agencies:	<b>Delegated to less senior positions.</b>
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	<b>Delegated to less senior positions.</b>
9. Leases/Licences (City as Landlord/Licensor):	<input type="checkbox"/> Where total compensation (including options/ renewals) does not exceed \$10 Million. <b>Leases/licences for periods up to 12 months at less than market value delegated to less senior positions.</b> <b>Leases pursuant to the Community Space Tenancy Policy delegated to a less senior position.</b>
10. Leases/Licences (City as Tenant/Licensee):	<input checked="" type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> Where total compensation does not exceed \$10 Million. <b>Nominal sum easements to pre-existing utilities when closing roads delegated to less senior positions.</b>
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).
14. Miscellaneous:	<b>Delegated to less senior positions.</b>

B. City Manager has signing authority on behalf of the City for:
<ul style="list-style-type: none"> <li>Documents required to implement matters for which he or she also has delegated approval authority.</li> </ul>

Consultation with Councillor(s)			
Councillor:	Kristyn Wong-Tam	Councillor:	
Contact Name:	Tyler Johnson	Contact Name:	
Contacted by:	<input type="checkbox"/> Phone <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other	Contacted by:	<input type="checkbox"/> Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	Consulted (June 11, 2020)	Comments:	
Consultation with Divisions and/or Agencies			
Division:	Shelter, Support and Housing Administration	Division:	<b>Financial Planning</b>
Contact Name:	Loretta Ramadhin	Contact Name:	Filisha Jenkins / Patricia Libardo
Comments:	Comments incorporated (June 1, 2020)	Comments:	Comments incorporated (Apr 22, 2021)
Legal Division Contact			
Contact Name:	<b>Soo Kim Lee (Apr 7, 2020)</b>		

DAF Tracking No.: 2021- 002	Date	Signature
Recommended by: Manager, Real Estate Services	Jan. 27, 2021	Signed by Daran Somas
Recommended by: Director, Real Estate Services	Mar. 31, 2021	Signed by Alison Folosea
<input type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management Patrick Matozzo	Mar. 31, 2021	Signed by Patrick Matozzo
<input type="checkbox"/> Recommended by: Deputy City Manager, Corporate Services Josie Scioli	April 1, 2021	Signed by Josie Scioli
<input type="checkbox"/> Approved by: City Manager Chris Murray	April 1, 2021	Signed by Chris Murray

### General Conditions ("GC")

- (a) The local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be consulted prior to the exercise of delegated Approving Authority by staff for all Acquisitions, Disposals, Land Exchanges and Leases. In the event of a vacancy in the Ward in which the subject property is located, the Mayor's office shall be consulted in the alternative.
- (b) Where approving power has been delegated to staff, the Deputy City Manager, Corporate Services, in consultation with any other applicable Deputy City Manager or the City Manager, may determine that such matter is of such special interest that same should be returned to the relevant Committee and Council for consideration and determination.
- (c) Exercise of delegated authority is subject to all applicable Council policies, statutes or other applicable law.
- (d) Authority to approve financial commitments/expenditures is subject to all amounts being available in an approved budget, or funding being available from third party sources, except for "Strategic Property Acquisitions" as set out in EX44.22 adopted by Council August 25, 26, 27 and 28, 2014, which identifies alternative funding mechanisms subject to additional approval requirements.
- (e) Property interests are to be based on appraised market value and no interest shall be granted for an amount less than the appraised market value, nor additional compensation paid, unless specifically authorized by City Council.
- (f) Authority to approve any transaction is subject to statutory anti-bonusing provisions.
- (g) Total compensation means the aggregate of all types of payments, including land value, estimated clean-up costs, potential arbitration awards, loss claims, etc., but exclusive of any applicable taxes and registration costs.
- (h) Authority to acquire property is conditional upon provision being made to bring the property into compliance with applicable MOE or other requirements such that it will be fit for its intended municipal purpose, except for property acquisitions of 50M<sup>2</sup> or less for transit shelter purposes.
- (i) Authority to initiate the permanent road closure process in **A.4** is conditional upon confirmation by the GM of Transportation Services that it is feasible to permanently close the highway.
- (j) Disposal authorities in **A.7** are subject to the property having been declared surplus, and the disposal policy complied with.
- (k) Land exchanges, except for those in **A.8**, may be authorized based on the delegated Approving Authority for disposals in **A.7**.
- (l) Approving Authority with respect to land located in the Designated Waterfront Area as defined in the *Toronto Waterfront Revitalization Corporation Act, 2002* is conditional upon the approval of the Director, Waterfront Secretariat.
- (m) Authority to approve an exchange of land in **A.8** is conditional upon confirmation by the Chief Planner and Executive Director of City Planning, and the GM of Parks, Forestry & Recreation, that the land being exchanged is (i) nearby land of equivalent or larger area, and (ii) of comparable or superior green space utility.
- (n) Approving Authority in **A.9** Leases (City as Landlord) but not Licences (City as Licensor) is limited to periods (including options/renewals) of less than twenty-one (21) years, as leases of 21 years or more may be authorized based on the delegated Approving Authority for disposals in **A.7**.
- (o) Total compensation in leasing matters where the City is landlord (**A.9**) includes the value of tenant improvements if factored into tenant's rental payments.
- (p) Total compensation in leasing matters where the City is the tenant (**A.10**) includes the value of any tenant improvements to be paid by the City.
- (q) Where options/renewals are included in leases, if the renewal rent is to be determined at a date later than the original approval date, total compensation is to be calculated as though all options are exercised, estimating the renewal rent based on the highest rent payable in the first term of the lease.
- (r) Total compensation in leasing matters where the City is landlord (**A.9**) or tenant (**A.10**) is to be calculated from the date of approval pursuant to this delegation (ie. first allowing for the expiry of any prior approvals, whether by Council or a delegated authority).
- (s) Approving Authority in leasing matters includes authority to approve renewals/extensions within the parameters of the delegated Approving Authority.
- (t) Approving Authority includes authority for amendments within the parameters of the delegated Approving Authority, the cumulative total of which may not exceed the delegated financial limit.
- (u) Where proposed additional amounts in **A.13** exceed 10 per cent of the original decision, even if otherwise in compliance with all other conditions, then Approving Authority is transferred upwards to the next more senior level of Approving Authority having the relevant overall financial limit.
- (v) Approving Authority includes authority for all documents necessary to implement the authority, including ancillary agreements, on terms and conditions satisfactory to the Approving Authority, in consultation with the relevant operating Division(s).
- (w) Staff positions referred to in this delegation include successors from time to time.
- (x) Documents are to be in a form satisfactory to the City Solicitor (including indemnity and insurance provisions).
- (y) Delegated signing authorities in **B** are conditional upon the documents having received the City Solicitor's prior "Approval as to Form".
- (z) Authority to use land acquired by the City for parking purposes by the Toronto Parking Authority is conditional upon Council enacting a by-law designating such use.
- (aa) All residential leasing documents shall adhere to the *Residential Tenancies Act, 2006* and any successor legislation.
- (bb) Despite GC(n), Approving Authority in residential leasing matters is not limited to periods of less than twenty-one (21) years and total compensation in residential leasing matters where the City is landlord is to be calculated based on an assumed term of ten years unless the lease term expressly identified therein is longer.
- (cc) Where Approving Authority has been delegated to the Manager level, such authority shall be conditional upon the Manager first having secured the written concurrence of a second Manager within the Real Estate Services Division.
- (dd) Where the City is transacting with a public agency, and such agency requires that an unqualified environmental indemnity be granted by the City, the authority to acquire property includes authority to grant such an indemnity, provided that the Phase I and Phase II environmental site assessments undertaken on behalf of the City have identified no significant environmental impacts or human health threats, with no, or minor action required ("Low Risk").

Appendix "A" – Survey

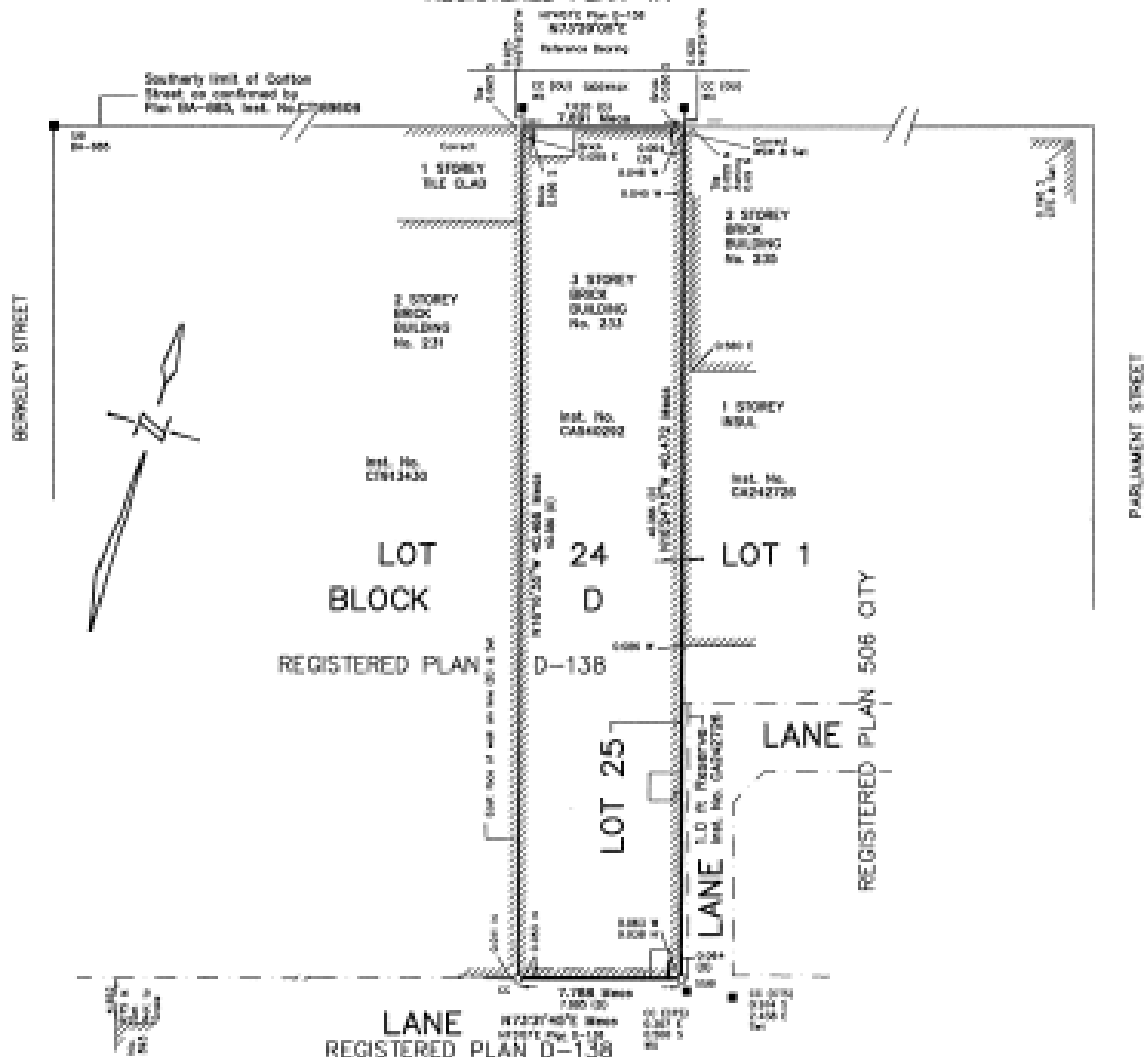
PLAN OF SURVEY OF  
PARTS OF LOTS 24 & 25 IN BLOCK D  
REGISTERED PLAN D-138  
FORMERLY IN THE CITY OF TORONTO  
MUNICIPALITY OF METROPOLITAN TORONTO  
NOW IN THE  
CITY OF TORONTO

SCALE 1:200



C. E. DOTTERILL LTD. SURVEYORS

CARLTON STREET  
REGISTERED PLAN 4A



ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN BUSINESS FORM  
1297854

THIS PLAN IS NOT VALID UNLESS SIGNED BY A REGISTERED SURVEYOR ISSUED BY THE SURVEYOR IN ACCORDANCE WITH REGULATION 1028, SECTION 10(2)

**PART 2**  
THIS REPORT MUST BE READ IN CONJUNCTION  
WITH SURVEY REPORT DATED MAY 4th 2000

NOTE	
S.I.B.	denotes Standard Iron Bar
U.B.	denotes Iron Bar
S.S.I.B.	denotes Short Standard Iron Bar
I.T.	denotes Iron Tube
C.C.	denotes Cast Brass
P.	denotes Found
W.	denotes Witness
W.I.	denotes Witness
C.T.	denotes City of Toronto Survey
C.T.S.	denotes City of Toronto Survey
W.S.	denotes W.S. Wilson C.L.S.
D.	denotes Instrument No. C4548282

**SURVEYOR'S CERTIFICATE**

I certify that  
1. This survey and plan are correct and in accordance with the Survey Act, the Surveyors Act and the regulations made under them.  
2. The survey was completed on the 2nd day of May, 2000.

May 4th 2000

*C. E. Dotterill*  
C. E. DOTTERILL  
Ontario Land Surveyor

**BEARING NOTE**

Bearings are astronomic and are referred to the southerly limit of Carlton Street.  
84-885 having a bearing of N73°29'09"E

**METRIC**

Distances shown on this plan are in metres and can be converted to feet by dividing by 0.3048

**C. E. DOTTERILL LTD.**

ONTARIO LAND SURVEYOR  
684 MILLWOOD ROAD  
TORONTO ONTARIO 467-8023

JOB No  
00-122

Appendix "B" – Location Map

