

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

TRACKING NO.: 2021-192

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:	July 5, 2021	Phone No.:	416-338-7612

Purpose To obtain authority to enter into a licence amending agreement (the "Second Amending Agreement") to amend the terms of a licence agreement dated September 5, 2019 between the Toronto Parking Authority as licensor (the "TPA"), 2676417 Ontario Inc. as licensee (the "Licensee"), Enver Coovadia as indemnifier (the "Indemnifier"), and City of Toronto (the "City") (the "Licence Agreement") as amended by a first amending agreement dated March 26, 2021 between the City as licensor, the Licensee, and the Indemnifier (the "First Amending Agreement").

Property Five (5) parking spaces, a storage room and an office located on the P2 below grade parking level of the parking facility located on the lands and premises known municipally as 110 Queen St. West, Toronto, located as shown on the map attached hereto as Appendix "B" and shown highlighted and bolded on the sketch attached as Appendix "C".

- Actions**
1. Authority be granted for the City to enter into the Second Amending Agreement with the Licensee and Indemnifier, substantially on the major terms and conditions set out in Appendix "A" attached hereto, and in a form satisfactory to the City Solicitor.
 2. The appropriate City staff be authorized and directed to take the necessary action to give effect thereto.

Financial Impact TPA will receive an additional \$483.86 including HST resulting from the Second Amending Agreement.

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 Licensor has permitted the relocation of the Licensee's business to Municipal Car Park 36 due to the pandemic. The TPA Board of Directors subsequently approved the relocation on December 14, 2020. The First Amending Agreement was executed by all parties and authorized by way of DAF 2021-085. However, due to extended lockdown caused by the pandemic, the Licensee was not able to do relocation work during the provided rent-free Fixturing Period and hence the Licensee requested for 2 months of extended Fixturing Period. As provided in the Second Amending Agreement, the Term of the Licence Agreement will also be extended for another 2 months to compensate for the revenue loss to the City of the 2 month extended rent-free Fixturing Period.

Terms Refer to Schedule "A" attached for major terms and conditions.

Property Details	Ward:	13 – Spadina-Fort York
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	Irregular
	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 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>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:

- 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:	Councillor Joe Cressy	Councillor:	
Contact Name:	Brent Gilliard	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X <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 – July 5, 2021	Comments:	

Consultation with Divisions and/or Agencies

Division:	Toronto Parking Authority	Division:	Financial Planning
Contact Name:	Darcy Watt	Contact Name:	Patricia Libardo
Comments:	Concurred – July 5, 2021	Comments:	Comments Incorporated – July 5, 2021

Legal Services Division Contact

Contact Name:	Stefan Radovanovich (July 5, 2021)
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DAF Tracking No.: 2021-192	Date	Signature
Concurred with by: Manager, Real Estate Services		
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	July 16, 2021	Signed by Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	July 16, 2021	Signed by Alison Folosea

Schedule "A"

Fixturing Period: The Second Fixturing Period (as such term is defined in the First Amending Agreement) shall be extended for a further period of two (2) months, expiring August 31, 2021.

Term: Six (6) years, eight (8) months and twenty-two (22) days commencing on September 10, 2019 and expiring on May 31, 2026.

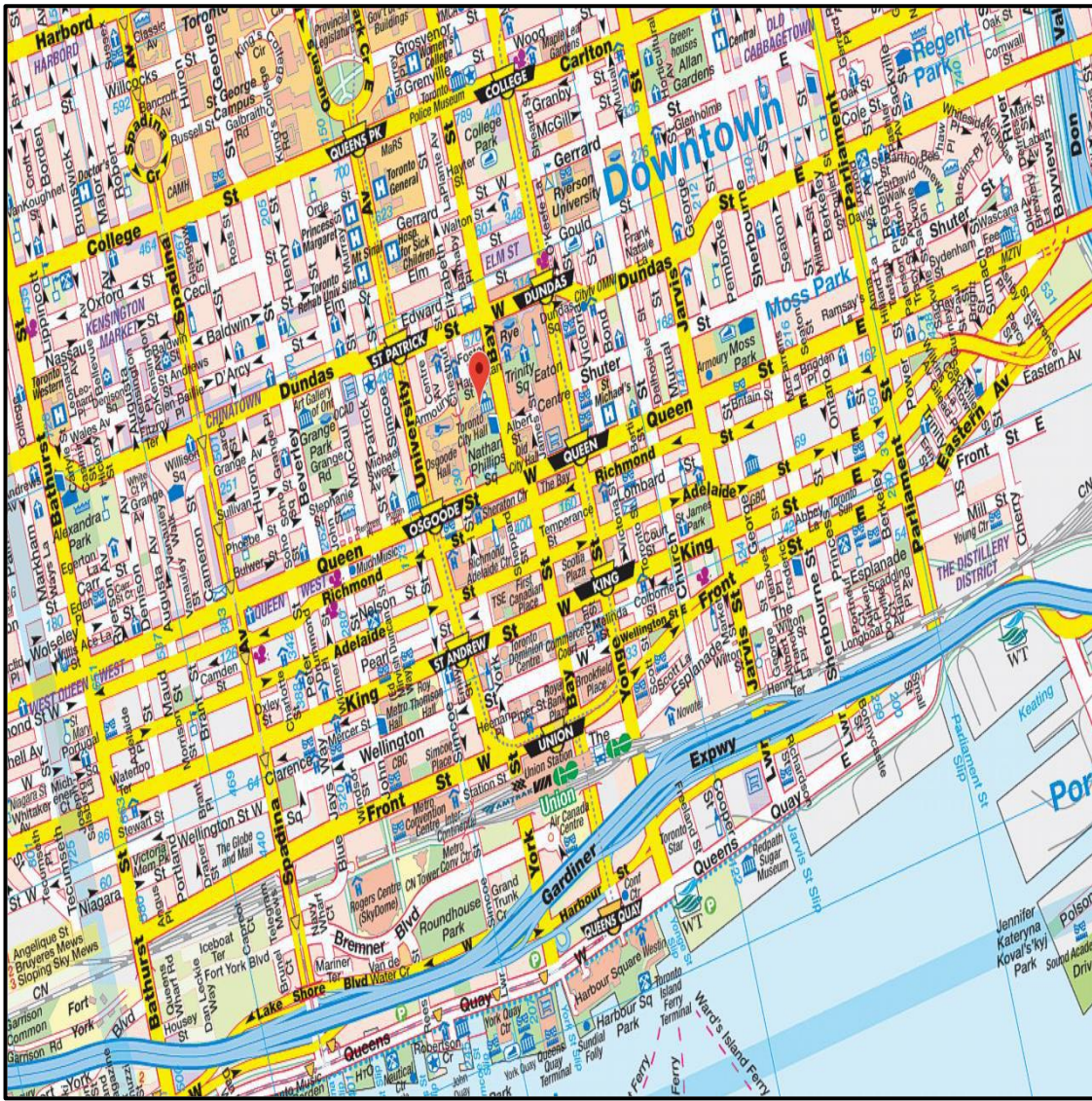
Licence Fees: Effective April 1, 2021, and for the balance of the Term, the Licensee shall pay to the City the following Licence Fee:

April 1, 2021 – March 31, 2022	\$35,190.00 per annum	\$2,932.50 per month
April 1, 2022 – March 31, 2023	\$35,893.80 per annum	\$2,991.15 per month
April 1, 2023 – March 31, 2024	\$36,611.68 per annum	\$3,050.97 per month
April 1, 2024 – March 31, 2025	\$37,343.91 per annum	\$3,111.99 per month
April 1, 2025 – March 31, 2026	\$38,090.76 per annum	\$3,174.23 per month
April 1, 2026 – May 31, 2026	\$6,348.46 total	\$3,174.23 per month

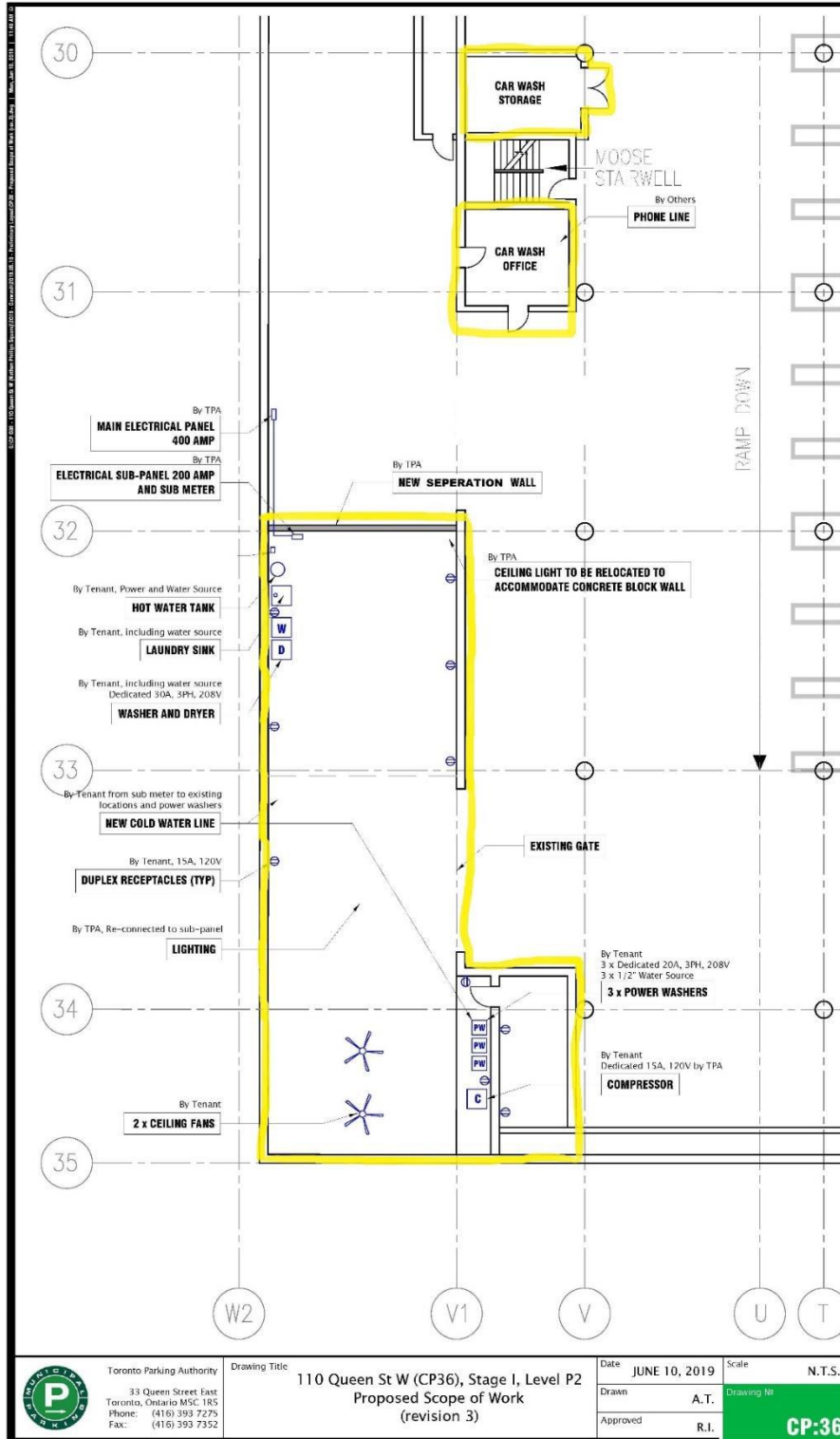
The Licence Fee shall be paid to the City in accordance with Section 4(a) of the original Licence Agreement.

General: The Second Amending Agreement shall be read together with the Licence Agreement and the First Amending Agreement and the parties will confirm that, except as otherwise modified in the Second Amending Agreement, all covenants, terms and conditions in the Licence Agreement and the First Amending Agreement shall remain unchanged, unmodified and in full force and effect.

SCHEDULE "B" SITE LOCATION MAP



SCHEDULE "C" LICENSED AREA (highlighted)



Toronto Parking Authority
33 Queen Street East
Toronto, Ontario M5C 1R5
Phone: (416) 393 7275
Fax: (416) 393 7352

Drawing Title
**110 Queen St W (CP36), Stage I, Level P2
Proposed Scope of Work
(revision 3)**

Date	JUNE 10, 2019	Scale	N.T.S.
Drawn	A.T.	Drawing Nr	
Approved	R.I.		