

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

TRACKING NO.: 2021-230

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

| | | | |
|----------------|-------------------|------------|----------------------------------|
| Prepared By: | Patricia Palmieri | Division: | Corporate Real Estate Management |
| Date Prepared: | August 10, 2021 | Phone No.: | 416-392-4829 |

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|-------------------------|--|
| Purpose | To obtain authority for the City of Toronto (the "City") to enter into a lease agreement (the "Lease") with Yonge Park Plaza Inc., the owner of 4050 Yonge Street (the "Landlord"). The Lease will allow the Toronto Transit Commission ("TTC") to use the Leased Lands for a temporary TTC bus transit facility while repairs are being completed at the TTC bus terminal at York Mills Station (the "Project"). |
| Property | As described in Appendix "A" and shown in Appendix "C" (the "Leased Lands"). |
| Actions | 1. Authority be granted for the City to enter into the Lease with the Landlord substantially on the terms and conditions outlined in Appendix "A", and on such other or amended terms and conditions as may be acceptable to the Director of Transaction Services and in a form satisfactory to the City Solicitor. |
| Financial Impact | Funding for the compensation, as set out in Appendix "A", is available in the 2021 Council Approved Capital Budget for Toronto Transit Commission under capital project CTT020 as part of the 3.4 Bridges and Tunnels Program. 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 TTC has a bus transit station at the York Mills Centre, located near the Leased Property. This transit station requires repairs, which will be undertaken by the former owner of the York Mills Centre property. In order to complete the repairs, the station must be temporarily closed. In order to avoid any closures and disruptions to TTC's bus operations, TTC will be temporarily relocating the bus terminal to the Leased Lands |
| Terms | See Appendix "A" |

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| Property Details | Ward: | Ward 8 Eglinton-Lawrence |
| | Approximate Size: | Irregular |

| 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: | Councillor Mike Colle | Councillor: | |
| Contact Name: | Angela Cugliari | 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: | Advised on August 12, 2021 | Comments: | |

Consultation with Divisions and/or Agencies

| | | | |
|---------------|------------------------------|---------------|---------------------------|
| Division: | TTC | Division: | Financial Planning |
| Contact Name: | Matthew Taylor | Contact Name: | Patricia Libardo |
| Comments: | Concurred on August 12, 2021 | Comments: | Concurred on |

Legal Services Division Contact

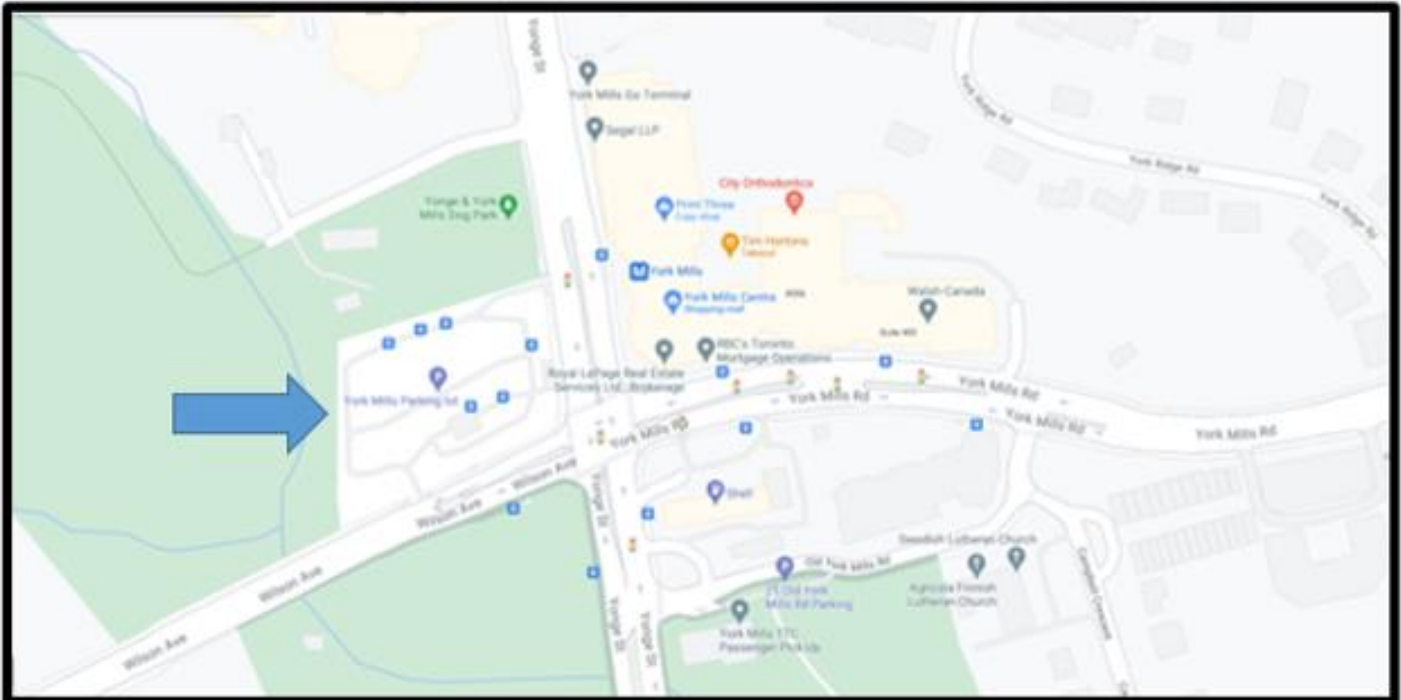
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|---------------|------------|
| Contact Name: | Jack Payne |
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| DAF Tracking No.: 2021-230 | Date | Signature |
|---|--------------|---------------------------|
| Concurred with by: Manager, Real Estate Services | | X |
| <input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas | Aug 13, 2021 | Signed By: Daran Somas |
| <input type="checkbox"/> Approved by: | | |
| <input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea | Aug 16, 2021 | Signed By: Alison Folosea |

Appendix "A"
Terms & Conditions

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| Parties | Yonge Park Plaza Inc. ("Landlord"); City of Toronto ("Tenant") and Toronto Transit Commission ("TTC") |
| Address of Leased Lands | 4050 Yonge St |
| Legal Description of Leased Lands | Part of the lands described as: PT LOTS 98, 99, 100, 101, 102, 103, & 104 PLAN 204 AND PT LT 11 CON 1 WYS, PTS 1, 2, 3, & 4 PL 66R22242, SAVE AND EXCEPT PARTS 1 & 2 ON PLAN 66R26058; SUBJECT TO AN EASEMENT IN GROSS OVER PT 3 PL 66R22242 AS IN AT1061201; CITY OF TORONTO: as shown on Appendix "C" |
| Area | 4938 Square Meters |
| Minimum Rent | \$50,000.00 + HST monthly on the first day of each and every month during the Term |
| Terms & Conditions | <ul style="list-style-type: none"> - 3 month term (the "Term") commencing on August 1, 2021 and expiring on October 31, 2021 - The Tenant has have the option to extend the lease for 2 further periods of one month each, by giving written notice at least two weeks prior to the date on which the Term or first extension term, as the case may be, expires. The extension terms are on the same terms and conditions as the Term, including with respect to Minimum Rent, save that there will be no further extension rights. - The Landlord will permit the Tenant at its sole cost and option to make leasehold improvements for its intended use, subject to the Landlord's approval. - The Lease is a net lease to the Landlord. In addition to the monthly rent the City/TTC will pay the realty taxes, utilities consumed and all non-capital repairs and maintenance to the Leased Lands - The Leased Lands shall be used as a temporary TTC bus transit facility and any ancillary purposes permitted by law. - The Tenant shall maintain and repair the Leased Premises. - At the expiry of the Term of final extension, the Tenant shall remove all of TTC's property and shall, if requested by the Landlord, at its own expense restore the Leased Lands to its condition as at the commencement date. - The Tenant is not permitted to assign or sublet the Lease or part with possession of any part of the Leased Lands. - Unless the Tenant advises to the contrary, and save and except as specifically provided in the Lease, any right, entitlement, covenant or obligation of the Tenant in this Lease may be exercised, performed or complied with by the Tenant and/or TTC. - If City Council passes a municipal capital facility tax exemption by-law, the parties will be bound by the MCF Agreement attached as Schedule "C" to the Lease and the Landlord shall pass the benefit of the tax exemption to the Tenant |

Appendix "B" – Location Map



Appendix "C"

