

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

TRACKING NO.: 2021-201
With Confidential Attachment

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

Prepared By:	Joe Corigliano	Division:	Corporate Real Estate Management
Date Prepared:	July 23 rd 2021	Phone No.:	416 392-1167

Purpose	To obtain authority to enter into a License Renewal and Amending Agreement (the " Agreement ") with the Licensor named in the confidential attachment attached hereto for continued operation and maintenance of a roof-top antenna and associated cables on a portion of the building named in the confidential attachment for Toronto Emergency Services communications equipment.
Property	See confidential attachment
Actions	<p>1. Authority be granted to enter into the Agreement with the Licensor substantially on the major terms and conditions set out in Appendix "A", and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.</p> <p>2. Confidential information in the Confidential Attachment herein remain confidential indefinitely as it is information related to a proposed or pending acquisition of land and/or interests in land by the City</p>
Financial Impact	<p>The funding for the annual license cost of \$13,000 plus HST is available in the 2021 Council Approved Operating Budget for Toronto Police Services under cost center PLR&EFZ 4530. Future year expenditures will be referred to the City's annual budget process and will be included as part of the 2022 and future year budget submissions for Council consideration.</p> <p>The total expenditure for the Agreement for the five (5) year term and its possible renewal for another five (5) year term is estimated to be approximately \$194,713.80 (incl. HST) as shown on Appendix "A".</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>
Comments	<p>On December 17, 1998, City Council adopted clause No. 33 of report No. 26 of the Strategic Policies & Priorities Committee and authorized a \$34.5 million integrated fire, police and ambulance emergency radio communications system for emergency services. By way of supporting this radio communications initiative, the Toronto Police Services Board (the "TPSB") at its meeting of November 15, 2001 authorized leases or licences with property owners, as may be required, for the placement of the said communications system. Pursuant to this authority, on June 11, 2001 a licence was entered into at this location for a term commencing on July 1, 2001 and ending on June 30, 2006.</p> <p>On July 1, 2006 a renewal licence was entered into for an additional five (5) year term, commencing on July 1, 2006 and ending on June 30, 2011, which was authorized by Report No. 11(1), as amended, of the Corporate Services Committee adopted by City Council on July 29, 30, and 31, 1998.</p> <p>On February 16, 2011 a further renewal licence was entered into for an additional five (5) year term, commencing on July 1, 2011 and ending on June 30, 2016, which was approved pursuant to the Delegated Authority contained in Executive Committee Item EX43.7 entitled "Delegation of Authority in Certain Real Estate Matters" adopted by City Council on May 11 and 12, 2010 (Confirmatory By-law No. 532-2010, enacted on May 12, 2010).</p> <p><i>Comments Continued on Page 4</i></p>
Terms	See Appendix "A" – Major Terms and Conditions on Page 5.

Property Details	Ward:	02- Etobicoke Centre
	Assessment Roll No.:	N/A
	Approximate Size:	N/A
	Approximate Area:	N/A
	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 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:	S. Holyday	Councillor:	
Contact Name:	S. Holyday	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:	Concurs (July 22 2021)	Comments:	

Consultation with Divisions and/or Agencies

Division:	Toronto Police Services	Division:	Financial Planning
Contact Name:	Clay Beers 05/03/2021	Contact Name:	Patricia Libardo
Comments:	Concurs	Comments:	Concurs (July 21 2021)

Legal Services Division Contact

Contact Name:	Aiden Alexio (July 23 2021)
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DAF Tracking No.: 2021- 201	Date	Signature
Concurred with by: Manager, Real Estate Services		X
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Aug 12, 2021	Signed By: Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Aug 13, 2021	Signed By: Alison Folosea

Comments continued from Page 1

On April 30, 2014 a licence amending agreement was entered into between the parties to add additional space to the licenced area and increase the licence fee for continued use of the licensed area, which was approved pursuant to the Delegated Authority contained in Executive Committee Item EX43.7 entitled "Delegation of Authority in Certain Real Estate Matters" adopted by City Council on May 11 and 12, 2010 (Confirmatory By-law No. 532-2010, enacted on May 12, 2010), as amended.

Finally, on July 26, 2016 a renewal licence was entered into for an additional five (5) year term, commencing on July 1, 2016 and ending on June 30, 2021, which was approved pursuant to the Delegated Authority contained in Executive Committee Item EX43.7 entitled "Delegation of Authority in Certain Real Estate Matters" adopted by City Council on May 11 and 12, 2010 (Confirmatory By-law No. 532-2010, enacted on May 12, 2010), as amended.

The City's involvement in this new Agreement and with the renewals of other TPSB radio antenna sites as they come up for renewal, will harmonize and regulate the real property lease and licence agreements of the TPSB with those of other City boards.

The proposed licence fee and other major terms and conditions of the Agreement are considered to be fair, reasonable, and reflective of market rates.

DAF: 2021-201**Appendix "A": Major Terms and Conditions for Second License Extension and Amending Agreement****Licensors:** See confidential attachment**Licensee:** City of Toronto**Term:** The Term of the License Agreement is extended for a further period of five (5) years, commencing on the 1st day of July, 2021 and ending on the 30th day of June, 2026**Licence Fee:** \$13,000.00 plus HST per annum**Utilities:** \$3,864.28 per annum, escalating by 2% per year

Year	2021	2022	2023	2024	2025
Rate	\$13,000.00	\$13,000.00	\$13,000.00	\$13,000.00	\$13,000.00
Utilities	\$3,864.28	\$3,941.56	\$4,020.39	\$4,100.80	\$4,182.82
HST	13%	\$13%	\$13%	\$13%	\$13%
Total Per Year	\$19,056.64	19,143.96	\$19,233.41	19,323.90	19,416.59

- **Renewal Options:** The Licensee shall have the option to renew the Term for a further period of five (5) years, on the same terms and conditions as set out in the Agreement, except for the rental rate and that there shall be no further renewals. This estimated total compensation is calculated as though all options are exercised, estimating the renewal licence fee based on the highest rate payable in the first term of the licence (i.e. \$13,000 per year).
- **Utilities:** Estimated to continue escalation by 2% per year.

Years (Renewal)	2026	2027	2028	2029	2030
Rate	\$13,000.00	\$13,000.00	\$13,000.00	\$13,000.00	\$13,000.00
Utilities	\$4,266.48	\$4,351.81	\$4,438.84	\$4,527.62	\$4,618.17
HST	13%	\$13%	\$13%	\$13%	\$13%
Total Per Year	\$19,511.12	19,607.54	\$19,705.89	19,806.21	19,908.53

Confidential Information: The Licensee shall hold information provided by the City as confidential**Property/ Building:** See confidential attachment