

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

TRACKING NO.: 2021-261

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

Prepared By:	Mark Gunaratnam	Division:	Corporate Real Estate Management
Date Prepared:	October 14, 2021	Phone No.:	416-392-2598

Purpose	To obtain authority to enter into an licence amending and extension agreement, including a supplemental agreement as set out in Appendix "A" (collectively, the "2021 Extension Agreement") with Cineplex Entertainment Limited Partnership (the "Licensee") with respect to an area comprising of approximately 5,790 square feet of outdoor space (the "Licensed Area") on the lands and premises referred to as "John Street Roundhouse" and municipally known as 255 Bremner Blvd., Toronto for the purpose of operating an outdoor patio associated with The Rec Room (the "Property").		
Property	The Property is municipally known as 255 Bremner Blvd., Toronto, as shown on the Location Map in Appendix "B".		
Actions	1. Authority be granted to enter into the 2021 Extension Agreement with the Licensee, 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.		
Financial Impact	<p>The City will receive from the Licensee a licence fee of \$57,900.00 (plus HST) per annum, adjusted proportionately to apply to the period from date the Licensee resumes operations at the Licensed Area (the "Second Extension Term Reopening Date") to October 31, 2021. In light of the restrictions resulting from COVID-19, the Licensee will not be required to pay any fee until the Second Extension Term Reopening Date. The license fee shall be paid by the Licensee within 10 business days of the Second Extension Term Reopening Date.</p> <p>The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.</p>		
Comments	<p>The 2021 Extension Agreement will further extend the term set out in the licence agreement between the City and the Licensee dated May 1, 2017 as previously extended and amended, on the same terms and conditions, except as amended in the 2021 Extension Agreement.</p> <p>City staff consider the proposed Agreement to be fair and reasonable to both parties.</p>		
Terms	Please see page 4: Appendix "A" sets out terms and conditions of the 2021 Extension Agreement.		
Property Details	Ward:	Ward 10 – Spadina/Fort York	
	Assessment Roll No.:		
	Approximate Size:		
	Approximate Area:	537.91 m ² ± (5, 790.00 ft ² ±)	
	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 checked="" 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 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:	Bushra Mir	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:	No Objection (May 19,2021)	Comments:	

Consultation with Divisions and/or Agencies

Division:	Parks, Forestry and Recreation & Heritage Services	Division:	Financial Planning
Contact Name:	Margaret Best (Supervisor Parks, Community & Social Services) / Peter White (Manager Parks, Community & Social Services) & Jo Ann Pynn (Director, Museum & Social Services)	Contact Name:	Patricia Libardo
Comments:	Comments Incorporated (May 19,2021) / (May 31,2021) / (May 31,2021)	Comments:	Comments Incorporated (August 26, 2021)

Legal Services Division Contact

Contact Name:	Jack Payne
---------------	------------

DAF Tracking No.: 2021-261	Date	Signature
Concurred with by: Manager, Infrastructure & Development Scott Delahunt	Oct. 26, 2021	Signed by Scott Delahunt
<input type="checkbox"/> Recommended by: Manager, Strategic Initiatives & Major Portfolios	Oct. 26, 2021	Signed by Ronald Ro
<input checked="" type="checkbox"/> Approved by: Ronald Ro		

Appendix "A" – Term Sheet

Licensor: City of Toronto

Licensee: Cineplex Entertainment Limited Partnership

Licensed Area: The portion of the City Lands shown within the black circle in Appendix "B"

Terms and Conditions of Agreement:

1. **Extension Term:** The term of the Licence Agreement shall be extended commencing December 1, 2020 to October 31, 2021.
2. The Licensee shall notify the City once it resumes operations at the Licenced Area (the "Second Extension Term Reopening Date").
3. The Licensee is permitted to operate the Licenced Area, from 11:00 am to midnight, seven days per week, from and after the Second Extension Term Reopening Date until the expiry of the Second Extension Term.
2. **Licence Fee:** \$57,900.00 (plus HST) per annum, adjusted proportionately to be payable from the Second Extension Term Reopening Date to October 31, 2021.
3. Subject to all applicable laws, the Licensee may: (i) enclose all or part of the Licenced Area (provided that such enclosure is permitted by Toronto Public Health and any governmental orders; (ii) heat the Licenced Area using propane; (iii) play soft background music; (iv) erect television screens; and (v) erect commercial umbrellas without advertisement. Should the City receives two complaints regarding the volume of the music, the Licensee shall reduce the volume after the first complaint and the General Manager of Parks, Forestry & Recreation can require that no further music be played in the Licenced Area after the second complaint, and should the City receive two complaints regarding the television volume, the Licensee shall reduce the volume after the first complaint and the General Manager can require the television to be operated with the volume completely off after the second complaint.
4. By a supplemental agreement, the Licensee shall be permitted to operate a Toronto Blue Jays/baseball-themed experience, known as the Fan Zone, on part of the Leased Area.

2021-261

Appendix "B"

Location Map

Municipal Address:

255 Bremner Boulevard ("John Street Roundhouse"), Toronto, Ontario





2021 SEASON SCHEDULE

APRIL

SUN	MON	TUE	WED	THU	FRI	SAT
				1 NYY 1:05PM	2	3 NYY 1:05PM
4 NYY 1:05PM	5 TEX 4:05PM	6 TEX 8:05PM	7 TEX 2:05PM	8 LAA 7:07PM	9 LAA 7:07PM	10 LAA 7:07PM
11 LAA 1:07PM	12 NYY 7:07PM	13 NYY 7:07PM	14 NYY 1:07PM	15 KC 8:10PM	16 KC 8:10PM	17 KC 2:10PM
18 KC 2:10PM	19	20 BOS 7:10PM	21 BOS 7:10PM	22	23 TB 7:10PM	24 TB 6:10PM
25 TB 1:10PM	26	27 WSH 7:07PM	28 WSH 7:07PM	29	30 ATL 7:37PM	

MAY

SUN	MON	TUE	WED	THU	FRI	SAT
						1 ATL 7:37PM
2 ATL 1:07PM	3 OAK 9:40PM	4 OAK 9:40PM	5 OAK 9:40PM	6 OAK 3:37PM	7 HOU 8:10PM	8 HOU 7:10PM
9 HOU 2:10PM	10	11 ATL 7:20PM	12 ATL 7:20PM	13 ATL 12:20PM	14 PHI 7:37PM	15 PHI 7:37PM
16 PHI 1:07PM	17	18 BOS 7:37PM	19 BOS 7:37PM	20 BOS 7:37PM	21 TB 7:37PM	22 TB 7:37PM
23 TB 1:07PM	24 TB 1:07PM	25 NYY 7:05PM	26 NYY 7:05PM	27 NYY 7:05PM	28 CLE 7:10PM	29 CLE 4:10PM
30 CLE 1:10PM	31					

JUNE

SUN	MON	TUE	WED	THU	FRI	SAT
		1 MIA 7:07PM	2 MIA 7:07PM	3	4 HOU 7:07PM	5 HOU 3:07PM
6 HOU 1:07PM	7	8 CWS 8:10PM	9 CWS 8:10PM	10 CWS 8:10PM	11 BOS 7:10PM	12 BOS 4:10PM
13 BOS 1:10PM	14 BOS 7:10PM	15 NYY 7:07PM	16 NYY 7:07PM	17 NYY 7:07PM	18 BAL 7:05PM	19 BAL 4:05PM
20 BAL 1:05PM	21	22 MIA 7:10PM	23 MIA 7:10PM	24 BAL 7:07PM	25 BAL 7:07PM	26 BAL 3:07PM
27 BAL 1:07PM	28	29 SEA 7:07PM	30 SEA 7:07PM			

JULY

SUN	MON	TUE	WED	THU	FRI	SAT
				1 SEA 1:07PM	2 TB 7:07PM	3 TB 3:07PM
4 TB 1:07PM	5	6 BAL 7:05PM	7 BAL 7:05PM	8 BAL 7:05PM	9 TB 7:10PM	10 TB 1:10PM
11 TB 1:10PM	12	13	14	15	16 TEX 7:07PM	17 TEX 3:07PM
18 TEX 1:07PM	19 BOS 7:07PM	20 BOS 7:07PM	21 BOS 7:07PM	22	23 NYM 7:10PM	24 NYM 7:10PM
25 NYM 1:10PM	26 BOS 7:10PM	27 BOS 7:10PM	28 BOS 7:10PM	29 BOS 7:10PM	30 KC 7:07PM	31 KC 3:07PM

AUGUST

SUN	MON	TUE	WED	THU	FRI	SAT
1 KC 1:07PM	2 CLE 3:07PM	3 CLE 7:07PM	4 CLE 7:07PM	5 CLE 7:07PM	6 BOS 7:07PM	7 BOS 3:07PM BOS 7:07PM
8 BOS 1:07PM	9	10 LAA 6:07PM LAA 10:07PM	11 LAA 9:38PM	12 LAA 9:38PM	13 SEA 10:10PM	14 SEA 10:10PM
15 SEA 4:10PM	16	17 WSH 7:05PM	18 WSH 4:05PM	19	20 DET 7:07PM	21 DET 3:07PM
22 DET 1:07PM	23 CWS 7:05PM	24 CWS 7:05PM	25 CWS 7:05PM	26 CWS 3:07PM	27 DET 7:10PM	28 DET 6:10PM
29 DET 1:10PM	30 BAL 7:07PM	31 BAL 7:07PM				

SEPT/OCT

SUN	MON	TUE	WED	THU	FRI	SAT
			1 BAL 7:07PM	2	3 OAK 7:07PM	4 OAK 3:07PM
5 OAK 1:07PM	6 NYY 1:05PM	7 NYY 7:05PM	8 NYY 7:05PM	9 NYY 7:05PM	10 BAL 7:05PM	11 BAL 7:05PM
12 BAL 1:05PM	13 TB 7:07PM	14 TB 7:07PM	15 TB 3:07PM	16	17 MIN 7:07PM	18 MIN 3:07PM
19 MIN 1:07PM	20 TB 7:10PM	21 TB 7:10PM	22 TB 3:10PM	23 MIN 7:40PM	24 MIN 8:10PM	25 MIN 7:10PM
26 MIN 2:10PM	27	28 NYY 7:07PM	29 NYY 7:07PM	30 NYY 7:07PM	1 BAL 7:07PM	2 BAL 3:07PM
3 BAL 3:07PM						

HOME

AWAY

Opponents and dates are subject to change. Schedule as of July 21, 2021.