

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

TRACKING NO.: 2021-294

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 27, 2021	Phone No.:	416-392-2598

Purpose	To obtain authority to provide consent to Swansea Town Hall Residences (the " Licensee ") to enter into a telecommunications licence agreement (the " Agreement ") with Bell Mobility Inc. (the " Service Provider "). By a lease dated March 26, 1992 (the " Lease ") the City of Toronto (the " City ") entered into a lease agreement with the Licensee for the property municipally known as 93 Lavinia Ave, Toronto, ON.
Property	93 Lavinia Avenue, Toronto, Ontario, legally described as Lot 39-49 Plan 569 SWANSEA ; Subject to CA183022; CITY OF TORONTO, being part of PIN 21374-0094 (LT), more particularly described and shown in the location map attached hereto as Appendix " A " (referred to herein as the " Property ").
Actions	1. Authority be granted for the City to consent to the Agreement between the Licensee and the Service Provider.
Financial Impact	The compensation of \$16,000 (plus HST) annually for a 5 year term provided by the Service Provider for the Agreement will be paid to the Licensee rather than to the City. The reasons for this are as follows: (1) The Licensee is a non-profit organization providing housing accommodation for low-moderate income individuals. (2) The licensee constructed the building and has exclusive possession of it during the term of the Lease. However, the building and the land will be surrendered to the City after the lease expires. (3) The building is managed by the Licensee and all costs associated with the building are paid for by the Licensee. 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 lease permitted the Licensee to enter into a ground lease with the City which commenced in March 1992 and will expire in February 2041. The Licensee paid the City \$1,499,000 on the commencement of lease. The licensee constructed a building on this City land (the " Building ") to primarily accommodate individuals with low-moderate income. The Licensee and the residents at Swansea have complained that their calls are being dropped and the signal strength is weak. To resolve this issue the Service Provider will be installing antennas on the rooftop of the Building to improve the service for the residents. The antennas will not only benefit the Property but will also benefit 500-800 meters of area around the Property. The Service Provider will be paying the Licensee \$16,000 (plus HST) annually for the 5 year term and there are 3 options to extend for 5 years. By using this Building to construct the new antenna system the Service Provider has eliminated the need for a 40m stand-alone telecommunication tower. The height of the Building is 18.5m and the new antenna system will increase the height by an additional 3.9m. The design of these new antennas will minimize visual impact and blend in with the surroundings. The Service Provider has confirmed these details through a letter received by the City on September 13, 2021. Furthermore, in the letter the Service Provider has provided details that it is adhering to the City's policies & protocols surrounding antennas and the National Building Code of Canada and The Canada Occupational Health and Safety Regulation. City staff consider the proposed Agreement to be fair and reasonable to both parties.
Terms	N/A

Property Details	Ward:	4 – Parkdale-High Park
	Assessment Roll No.:	
	Approximate Size:	
	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 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 checked="" 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:	Gord Perks	Councillor:	
Contact Name:	Christopher Haskim (Executive Assistant to Councillor)	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> E-Mail <input checked="" 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 objection (August 24, 202)	Comments:	

Consultation with Divisions and/or Agencies

Division:	Shelter, Support & Housing Administration	Division:	Financial Planning
Contact Name:	Teresa Tucci	Contact Name:	Marie Barcellos
Comments:	Comments incorporated (Sep 30, 2021)	Comments:	Comments incorporated (October 20, 2021)

Legal Services Division Contact

Contact Name: Amna Shakil

DAF Tracking No.: 2021-294	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Infrastructure & Development Scott Delahunt	Oct. 28, 2021	Signed by Scott Delahunt
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Nov. 5, 2021	Signed by Alison Folosea

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Appendix "A" – Property

