

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

TRACKING NO.: 2021-293
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:	October 25 th 2021	Phone No.:	416 392-1167
Purpose	To obtain authority to enter into a licence extension agreement (the "Agreement") between the City of Toronto as licensee (the "City") and the licensor named in Confidential Attachment "A" attached hereto (the "Licensor") to extend the term of a licence agreement entered into between the City and the Licensor on October 1, 2001, as extended and amended by licence extension agreements dated December 11, 2007, July 20, 2011, and November 15, 2016, respectively (collectively, the "Licence Agreement") for a further ten (10) year term on the terms and conditions set out in Appendix "A" attached hereto, and for the purpose of continued operation and maintenance of a roof-top antenna and associated cables on a portion of the building more particularly described in Confidential Attachment "A" for the use and operation of communications equipment necessary and incidental to the communication requirements of the Licensee, the Toronto Police Services, Fire Services, Toronto Paramedic Services and related services.		
Property	See Confidential Attachment "A".		
Actions	<p>1. Authority is granted for the City to enter into the Agreement with the Licensor substantially on the terms and conditions set out in Appendix "A" together with such other terms, conditions, and amendments as may be satisfactory to the Director, Real Estate Services and in a form acceptable to the City Solicitor.</p> <p>2. Confidential information in the Confidential Attachment herein shall remain confidential indefinitely as it is information that relates to the security of the property of the City and the Toronto Police Services Board.</p>		
Financial Impact	<p>The funding for the annual license cost of \$7,430.70 plus HST is available in the 2021 Council Approved Operating Budget for Toronto Police Services under cost center PLR&EFZ 4530. Future year expenditures (including Hydro) will increase by 2% per annum for a 10 year period and 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 (Including hydro plus HST) for the ten (10) year term is estimated to be approximately \$167,665.31 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>By the adoption of the Clause No. 33 of Report No. 26 of the Strategic Policies & Priorities Committee, City Council, at its meeting of December 17, 1998, authorized a \$34.5 million integrated Fire/Police radio communications system for emergency services, including the Toronto Ambulance Service. 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 licenses with property owners, as may be required, for the placement of the said radio antenna. A related report to the Board indicated that there were approximately 17 potential antenna locations in the City. These decisions were the continuation of the decision of the TPSB which authorized the original license at this location. The original Licence Agreement dated October 1, 2001 carried a five (5) year term and expired on September 30, 2006. Under the authority of DAF 2007-105 the the Licence Agreement was extended for a term of five (5) years commencing October 1, 2006 and expiring September 30, 2011. TPSB acknowledge that this antenna facility is still required. The Licence Agreement was further renewed for a term beginning October 1, 2011 and expiring September 30, 2016. Finally, on October 6, 2016 the Licence Agreement was further extended for an additional five (5) year term, commencing on October 1, 2016 and ending on September 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 proposed Agreement will be for a further ten (10) year term.</p> <p>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.</p> <p>The proposed licence fee and other major terms and conditions of the Agreement are considered to be fair, reasonable, and reflective of market rates.</p>		
Terms	See Appendix "A" – Major Terms and Conditions on Page 5.		
Property Details	Ward:	01- Etobicoke North	
	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:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
2A. Expropriations Where City is Expropriating Authority:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.
2B. Expropriations For Transit-Related Purposes Where City is Property Owner or Has Interest in Property Being Expropriated:	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000. <input type="checkbox"/> (b) Request Hearings of Necessity. <input type="checkbox"/> (c) Waive Hearings of Necessity.	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million. <input type="checkbox"/> (b) Request Hearings of Necessity. <input type="checkbox"/> (c) Waive Hearings of Necessity.
3. Issuance of RFPs/REOIs:	Delegated to more senior positions.	<input type="checkbox"/> Issuance of RFPs/REOIs.
4. Permanent Highway Closures:	Delegated to more senior positions.	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to Divisions, Agencies and Corporations:	Delegated to more senior positions.	Delegated to more senior positions.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	Delegated to more senior positions.	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.
9. Leases/Licences (City as Landlord/Licensor):	<input type="checkbox"/> (a) Where total compensation (including options/ renewals) does not exceed \$50,000. <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.	<input type="checkbox"/> (a) Where total compensation (including options/ renewals) does not exceed \$1 Million. <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.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/ renewals) does not exceed \$50,000.	<input checked="" type="checkbox"/> Where total compensation (including options/ renewals) does not exceed \$1 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> Where total compensation does not exceed \$50,000. Delegated to more senior positions.	<input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million. <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
13. Revisions to Council Decisions in Real Estate Matters:	Delegated to more senior positions.	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
14. Miscellaneous:	Delegated to more senior positions.	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences <input type="checkbox"/> (b) Releases/Discharges <input type="checkbox"/> (c) Surrenders/Abandonments <input type="checkbox"/> (d) Enforcements/Terminations <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/ Acknowledgements/Estoppel Certificates <input type="checkbox"/> (f) Objections/Waivers/Cautions <input type="checkbox"/> (g) Notices of Lease and Sublease <input type="checkbox"/> (h) Consent to regulatory applications by City, as owner <input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title <input type="checkbox"/> (j) Documentation relating to Land Titles applications <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds

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:	M. Ford	Councillor:	
Contact Name:	M. Ford	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 (October 25 2021)	Comments:	

Consultation with Divisions and/or Agencies

Division:	Toronto Police Services	Division:	Financial Planning
Contact Name:	Clay Beers 05/03/2021	Contact Name:	Ciro Tarantino
Comments:	Concurs	Comments:	Concurs (10/ 21/ 2021)

Legal Services Division Contact

Contact Name: Stefan Radovanovich (October 15, 2021)

DAF Tracking No.: 2021-293	Date	Signature
Concurred with by: Manager, Real Estate Services Ronald Ro	Oct. 26, 2021	Signed by Ronald Ro
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Scott Delahunt	Oct. 26, 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

Appendix "A"**Major Terms and Conditions for Licence Extension Agreement**

Licensor: See Confidential Attachment "A"

Licensee: City of Toronto

Site: approximately 224 square feet of space on the upper level of the building on the property more particularly described in Confidential Attachment "A".

Term: The term of the Licence Agreement is extended for a further prior of ten (10) years (the "Term"), commencing on the 1st day of October, 2021, and ending on the 30th day of September, 2031.

Current Licence Fees and Hydro Fees:

Licence Fee	Hydro	Sub-Total	HST	Total
\$7,285.00	\$6,000.00	\$13,285.00	\$1,727.05	\$15,012.05

New Licence Fees and Hydro Fees: Licence Fees and Hydro Fees shall increase by 2% per year, commencing on the first (1st) day of the extended term and increasing by 2% on the first (1st) of each subsequent October for the balance of the extended Term. For greater clarity, Licence Fees and Hydro Fees during the extended Term shall be as follows:

Year	Licence Fee	Hydro	Sub-Total	HST	Total
2021	\$7,430.70	\$6,120.00	\$13,550.70	\$1,761.59	\$15,312.29
2022	\$7,579.31	\$6,242.40	\$13,821.71	\$1,796.82	\$15,618.54
2023	\$7,730.90	\$6,367.25	\$14,098.15	\$1,832.76	\$15,930.91
2024	\$7,885.52	\$6,494.59	\$14,380.11	\$1,869.41	\$16,249.53
2025	\$8,043.23	\$6,624.48	\$14,667.71	\$1,906.80	\$16,574.52
2026	\$8,204.09	\$6,756.97	\$14,961.07	\$1,944.94	\$16,906.01
2027	\$8,368.18	\$6,892.11	\$15,260.29	\$1,983.84	\$17,244.13
2028	\$8,535.54	\$7,029.96	\$15,565.49	\$2,023.51	\$17,589.01
2029	\$8,706.25	\$7,170.56	\$15,876.80	\$2,063.98	\$17,940.79
2030	\$8,880.37	\$7,313.97	\$16,194.34	\$2,105.26	\$18,299.61
TOTAL					\$167,665.31

Utilities: Estimated to continue escalation by 2% per year.

Confidential Information: The Licensee shall hold information provided by the City as confidential