

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

TRACKING NO.: 2021-328

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

Prepared By:	Owen Bartley	Division:	Corporate Real Estate Management
Date Prepared:	December 1, 2021	Phone No.:	(416) 338-1297

Purpose	To obtain authority to enter into a licence extension and amending agreement (the "Licence Extension Agreement") with Hudson's Bay Company ULC Compagnie De La Baie D'Hudson SRI (the "Licensor") with respect to a portion of the second floor of the Hudson's Bay retail store (the "HBC Retail Store") located in the property municipally known as Woodbine Mall, 500 Rexdale Boulevard, Toronto (the "Property"), for the purpose of operating a Toronto Public Health ("TPH") immunization clinic.
Property	A portion of the second floor of the HBC Retail Store located in the property municipally known as Woodbine Mall, 500 Rexdale Boulevard, Toronto, which portion shall comprise of approximately 38,000 sq. ft. of space (the "Licensed Area"), as shown on the Location Map in Appendix "B" and the floor plans in Appendix "C1" and "C2".
Actions	1. Authority be granted to enter into the Licence Extension 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.
Financial Impact	The total cost to the City is approximately \$76,800.00 (plus HST) or \$78,151.68 (net of HST recoveries). Costs will be charged to cost centre PH4128, Functional Area Code 7170000000. Funding for TPH to support the operational requirements of the Mass Immunization Clinics (the "MICs") is expected to be received through continued COVID-19 support funding from the other levels of government as needed. TPH is seeking reimbursement for costs incurred to operate its MICs from the Ministry of Health (the "Ministry") as part of the Ministry's MIC Extra-Ordinary Cost Recovery 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	Pursuant to a directive from the Medical Officer of Health for the City of Toronto, TPH plans to hold public immunization clinics to administer vaccination against the COVID-19 virus. This clinic will also be used by TPH to administer immunizations under the School Immunization Program and for the influenza virus. The Licensor is the tenant of the HBC Retail Store pursuant to a lease dated August 7, 1985 (the "Lease"), with Woodbine Mall Holdings Inc. (the "Landlord"). The Licensor will secure the consent of the Landlord to permit the Licensor to execute the Licence Extension Agreement with the City, and to confirm that the City shall have no obligations under the Lease. The City is currently licensing the Licensed Area pursuant to a license agreement dated September 2, 2021, with effect as of September 1, 2021 (the "License"), which was authorized under the authority of DAF Tracking No. 2021-247, and currently expires November 30, 2021. The proposed costs for the operating costs and other major terms and conditions of the Licence Extension Agreement are considered to be fair, reasonable and reflective of market rates.
Terms	See Appendix "A" for the Major Terms and Conditions of the Licence Extension Agreement.

Property Details	Ward:	1 – Etobicoke North
	Assessment Roll No.:	1919 044 470 00500
	Approximate Size:	
	Approximate Area:	3530.31 m ² ± (38,000 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 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:
<ul style="list-style-type: none"> 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:
<ul style="list-style-type: none"> 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			
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property			
Consultation with Councillor(s)			
Councillor:	Councillor Michael Ford	Councillor:	
Contact Name:	Jonathan Kent	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X <input checked="" type="checkbox"/> 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:	No concerns (12/01/2021)	Comments:	
Consultation with Divisions and/or Agencies			
Division:	Toronto Public Health	Division:	Financial Planning
Contact Name:	Ameeta Mathur	Contact Name:	Ciro Tarantino
Comments:	No concerns (12/01/2021)	Comments:	No changes (12/1/2021)
Legal Services Division Contact			
Contact Name:	Shirley Chow		

DAF Tracking No.: 2021-328	Date	Signature
Concurred with by: Manager, Real Estate Services		X
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Dec. 1, 2021	Signed by Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Transaction Services Alison Folosea	Dec. 9, 2021	Signed by Alison Folosea

Appendix "A" – Major Terms and Conditions of the Licence Extension Agreement

- Licensor: Hudson's Bay Company ULC Compagnie De La Baie D'Hudson SRI
- Licensee: City of Toronto
- Licensed Area: Approximately thirty-eight thousand (38,000) square feet of space on the 2nd floor of the unit known as the HBC Retail Store, located in the southeast portion of the Property.
- Term: Four (4) months, commencing on December 1, 2021 and expiring on March 31, 2022.
- Licence Fee: During the Term, the City shall pay to the Licensor, a licence fee in the amount of Two Dollars (\$2.00) for the Term.
- Operating Costs: The City shall be responsible for its proportionate share of all operating cost, estimates of which are provided below, inclusive of all charges for electricity, water, gas, and other utilities, HVAC, and property taxes.
- Operating Costs are estimated at \$15,960 (plus HST) per month, for a total of \$63,840 over the term of the extension.
- The Licensor agrees that the City shall have access and use of the Licensor's standard waste and recycling bins for disposal of non-medical waste, at no cost to the City. The City will be responsible for the daily removal and disposal of all medical waste from the Licensed Area.
- The City shall be responsible for any additional expenses incurred by the Licensor at City's request, such as expenses for security, administrative staff, and electrical consumption other than the existing power in the building, among others. Additional administrative staff is estimated at approximately \$3,240.00 per month based on current clinic and store hours.
- The Licensor and the City agree that in order to accommodate the City's operating hours, in the event that such hours exceed the regular operating hours of the Property, additional security or HBC staff coverage may be required, at the City's sole expense, to monitor doors providing entry and exit to the Licensed Area, and to ensure that they are properly locked and secured after the close of the clinic's operations. The Licensor will determine the cost of security or HBC staff coverage, acting reasonably.
- Harmonized Sales Tax: The City shall pay to the Licensor any Harmonized Sales Tax or goods and services tax applicable to any payments to be made by the City hereunder.

All other terms and conditions of the License shall remain the same.

Appendix "B" – Location Map



Appendix "C2" Approximate Location of Licensed Area

