

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

TRACKING NO.: 2022-030

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

Prepared By:	Robin Chen/Daran Somas	Division:	Corporate Real Estate Management
Date Prepared:	January 17, 2022	Phone No.:	(416) 397 7671

Purpose	To obtain authority to enter into a license agreement with Thunder Woman Healing Lodge Society (the " Licensee ") with respect to the property municipally known as 161 Spadina Road, Toronto for the purpose of construction staging and access (the " Licence Agreement ").
Property	All of the property municipally known as 161 Spadina Road, Toronto, (the " Property "), including a residential dwelling of approximately 3,650 square foot as shown on the sketch in Appendix "B" (the " Licensed Area ").
Actions	<ol style="list-style-type: none"> 1. Authority be granted to enter into the Licence Agreement with the Licensee, substantially on the major terms and conditions set out in Appendix "A", and including such other terms deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.
Financial Impact	<p>There is no financial impact resulting from this approval. The license agreement is for nominal consideration of \$10.00 (plus HST).</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	The City of Toronto leases 161 Spadina Road from the Province of Ontario pursuant to a 99 year lease. The lease permits the City to sublease and license the property to third parties. City staff will seek authority from City Council to enter into a below market rent lease for a 20 year term (the "Conditional Lease") with the Licensee to operate a transitional housing facility at the property. The Licensee requires access to the Licensed Area to begin construction prior to April 1, 2022 when their lease at their current location expires. Occupancy under the license agreement and the Conditional Lease is supported by the Housing Secretariat and the City's Indigenous Funding Framework and Reconciliation Action Plan.
Terms	Please see page 4: Appendix "A"

Property Details	Ward:	Ward 11 0 University-Rosedale
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	
	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 checked="" 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:
<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:	Mike Layton	Councillor:	
Contact Name:	Stephanie Nakitsas	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:	Consent (1/21/2022)	Comments:	
Consultation with Divisions and/or Agencies			
Division:	Housing Secretariat	Division:	Financial Planning
Contact Name:	Valesa Faria	Contact Name:	Ciro Tarantino
Comments:	Consent	Comments:	Consent (1/21/2022)
Legal Services Division Contact			
Contact Name:	Jacqueline Kiggundu (1/21/2022)		

DAF Tracking No.: 2022- 030	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Jan. 21, 2022	Signed by Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Jan. 21, 2022	Signed by Alison Folosea

"Appendix A- Term Sheet"

Licensor: City of Toronto

Licensee: Thunder Woman Healing Lodge Society

Licensed Area: The entirety of 161 Spadina Road including an approximately 3,650 sq. ft. residential dwelling

Term: the period of time commencing on the effective date of the license agreement and ending on the earlier of (i) five (5) months and twenty-nine (29) days from the effective date of the license agreement; or (ii) the commencement date of the Conditional Lease

License Fee: \$10.00 plus HST

Use: Access and construction staging.

Insurance: The Licensee will be required to maintain: 1) Commercial General Liability in the amount of \$5 million per occurrence for bodily injury (including death) and property damage; 2) Contractor's Pollution Liability with a minimal limit of \$1,000,000.00; 3) Standard Automobile Liability coverage with a limit of at least \$2,000,000.00; and 4) any other insurance as the City, may reasonably require. The City will be added as an additional insured.

Early Termination: At any time during the Term and any extension thereof, the Licensee and the City shall each have the right to terminate the Agreement, upon giving fifteen (15) days' prior written notice of such termination to the other party.

Indemnity:

- A. The Licensee releases and hereafter fully indemnify and save harmless the City and its officers, councilors, servants, contractors, employees, agents, representatives, elected and appointed officials, successors, assigns, from any and all manner of actions, suits, claims, demands, and any other proceedings whatsoever arising out of the exercise of the licence and the use of the Licensed Area.
- B. The Licensee covenants and agrees to indemnify and save the City harmless from and against any and all liens related to any work performed by the Licensee at the Property and shall at its own expense see to the removal from the registered title to the Property, by discharge or Order, of any claim for such lien or Certificate of Action in connection therewith.

"Appendix B- Licensed Area"

