

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

TRACKING NO.: 2022-074

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:	March 17, 2022	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 25,000 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 \$44,136.00 (plus HST) or \$44,912.79 (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 continues to hold public immunization clinics to administer vaccination against the COVID-19 virus. This clinic may also be used by TPH to administer immunizations under the School Immunization Program and for the influenza virus. On September 2, 2021, the City and the Licensor entered into a license for approximately 38,000 square feet of space at the Property for an initial term of three months, beginning on September 1, 2021, as authorized by DAF No. 2021-247. Pursuant to DAF No. 2021-328, the City entered into a license extension agreement dated December 21, 2021 extending and amending the term of the license to March 31 st , 2022 (the "First Extension Agreement"). The Original License and the First Extension Agreement are hereinafter referred to as the "License". Toronto Public Health and the City's Immunization Task Force have determined an extension is required to June 30, 2022. The Licensor is agreeable to extending the term, however has requested the area be reduced to approximately 25,000 square feet. TPH confirmed acceptance of the reduction and has made arrangements with the Licensor to reconfigure the clinic. 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:	3,530.31 m ² ± (38,000 ft ² ±), reduced to 2,322.58 m ² ± (25,000 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 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 (Managers whose position includes responsibility for implementing Council-approved expropriations are the only Managers 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 Michael Ford	Councillor:	
Contact Name:	Jonathan Kent	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:	No concerns (03/16/2021)	Comments:	

Consultation with Divisions and/or Agencies

Division:	Toronto Public Health	Division:	Financial Planning
Contact Name:	Ameeta Mathur	Contact Name:	Marie Barcellos
Comments:	No concerns (03/15/2021)	Comments:	No changes (03/17/2021)

Legal Services Division Contact

Contact Name: Shirley Chow

DAF Tracking No.: 2022-074	Date	Signature
Concurred with by: Manager, Real Estate Services Ronald Ro	Mar. 18, 2022	Signed by Ronald Ro
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Vinette Prescott-Brown	Mar. 18, 2022	Signed by Vinette Prescott-Brown
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		X

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

- Licensors: Hudson's Bay Company ULC Compagnie De La Baie D'Hudson SRI
- Licensee: City of Toronto
- Licensed Area: Commencing March 18, 2022, the Licensed Area shall be reduced from approximately thirty-eight thousand (38,000) square feet of space to be approximately twenty-five thousand (25,000) square feet on the 2nd floor of the unit known as the HBC Retail Store, located in the southeast portion of the Property.
- Term: Three (3) months, commencing on April 1, 2022 and expiring on June 30, 2022 (the "Second Extension Term").
- 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.
- Termination: The Licensee shall have the right (but not the obligation) to terminate this License at any time during the Second Extension Term, upon providing at least seven (7) days' prior written notice (the "Termination Notice") of such termination to the Licensor.
- 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 \$14,712.00 (plus HST) per month, inclusive of an estimated \$4,212.00 per month for additional HBC administrative staff for a total of \$44,136.00 over the term of the extension.
- 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.
- 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





