

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

TRACKING NO.: 2022-016

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:	December 10 th 2022	Phone No.:	2-1167

Purpose	To obtain authority to enter into a licence agreement with Zorra Street Developments Inc.. (the " Licensee ") with respect to the City-owned parkland adjacent to the property municipally known as 36 Zorra Street, Toronto to facilitate the Licensee's construction of a development known as "Thirty Six Zorra Condos" (the " Licence Agreement ").
Property	The City-owned parkland is legally described as Lot 17, Plan 1865; Etobicoke; City of Toronto , being all of PIN <u>07602-0175</u> (LT) (the "Property"), as shown on the Location Map in Appendix "B", and adjacent to the property municipally known as 36 Zorra Street, Toronto.
Actions	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 as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.
Financial Impact	The Licensee will pay the City a one-time licence fee in the amount of \$7,700.00 (plus HST), and will be recorded as revenue in the 2022 Council Approved Operating Budget for Parks, Forestry & Recreation under cost centre P10226, upon the Licensee's execution of the Licence Agreement. 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 Property is currently vacant and unimproved lands upon which the City intends to construct a future park after the expiry of this Licence Agreement. In order to construct the aforementioned condominium development, the Licensee has requested permission to use certain portions of the Property at and above grade consisting of approximately 4100 square feet (381.m ²), which is identified as the Licensed Area in Appendix "B". The proposed licence fee and other major terms and conditions of the Licence Agreement are considered to be fair, reasonable and reflective of market rates.
Terms	See Appendix "A".

Property Details	Ward:	03– Etobicoke Lakeshore
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	381 m ² ± (4100 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 checked="" 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 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:	M. Grimes	Councillor:	
Contact Name:	M Grimes	Contact Name:	
Contacted by:	<input type="checkbox"/> Phone <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other	Contacted by:	<input type="checkbox"/> Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	(concurs)02/10/2022	Comments:	

Consultation with Divisions and/or Agencies

Division:	Parks Forestry and Recreation	Division:	Financial Planning
Contact Name:	Brian Majcenic	Contact Name:	Ciro Tarantino
Comments:	(concur) 01/18/2022	Comments:	(concur) 07/02/2022

Legal Services Division Contact

Contact Name: (concur) Amna Shakil (07/02/2022)

DAF Tracking No.: 2022- 016	Date	Signature
Concurred with by: Manager, Real Estate Services Ronald Ro	Feb. 10, 2022	Signed by Ronald Ro
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Scott Delahunt	Feb. 10, 2022	Signed by Scott Delahunt
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		

DAF 2022-016

Appendix "A"

Term Sheet

Licensor: City of Toronto (the "City")

Licensee: Zorra Street Developments Inc.

Licensed Area: approximately 4,100 square feet (at and above grade)

1. **Term:** Six (6) Months, commencing on the date the date of the Licence Agreement (the "**Commencement Date**").
 - 1.a **Option to Extend:** One option to extend for up to 6 months, by giving written notice to the City not more than four (4) months and not less than two (2) months prior to the expiration of the *Term*.
2. **Licence Fee:** One-time fee of \$7,700 plus HST payable on the Commencement Date.
 - 2.a: **Additional Licence Fees:** monthly fee of \$1,283.30 plus HST, payable upon extension being approved by the City
3. **Use:** The Licensee shall use the *Licensed Area* on a non-exclusive basis for the purposes of construction staging activities, including vehicular access, construction hoarding, laying and storing equipment and material, and temporarily stockpiling material.
3. **Insurance:** The Licensee will be required to purchase and maintain the following policies of insurance: Commercial General Liability in the amount of \$5 million per occurrence for bodily injury (including death) and property damage, Contractor's Equipment Insurance, Contractor's Pollution Liability with a minimal limit of \$1 million, and Standard Automobile Liability with a limit of at least \$2 million. The City will be added as an additional insured.
4. **Early Termination:** The City shall have the right to terminate the agreement at any time in the event of a default by the Licensee, provided such default has not been cured by the Licensee within Thirty (30) Days of receipt of written notice by the City, or in the event of an emergency that endangers life and property.
5. **Indemnity:** The Licensee shall, at all times hereafter, fully indemnify and save harmless the City's Representatives against and from all liens which may bind the City Property resulting directly or indirectly from any act or omission of the Licensee's Representatives, including claims under the Construction Act or any successor legislation related to any work performed by or at the direct or indirect request of the Licensee's Representatives at the City Property, and shall at its own expense see to the removal from the registered title to the City Property and/or surrounding lands, by discharge or Order, of any claim for such lien or Certificate of Action in connection therewith, promptly and in any event within five (5) days of being notified in writing by the City to do so, failing which the City may see to such removal at the Licensee's sole cost and expense and the Licensee covenants that it shall pay to the City, the City's reasonable expenses and all attendant costs in relation thereto, plus a 15% administrative fee.

Appendix "B"

Location Map

