

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

TRACKING NO.: 2022-093

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:	May 5, 2022	Phone No.:	(416) 338-1297

Purpose	To obtain authority to enter into a Licence Agreement between the City of Toronto, as Licensor, and The West Toronto Photography Group, as Licensee, for temporary access to approximately 1,215 square meters on a portion of Part 6 at 22 John St, Toronto, on Wednesdays during the period of three (3) months and thirteen (13) days commencing on May 25, 2022 and expiring on September 7, 2022.
Property	22 John St., Toronto, Ontario, M9N 0B1 (near Weston & Lawrence Avenue)
Actions	<ol style="list-style-type: none"> Authority be granted to enter into a Licence agreement with The West Toronto Photography Group, as Licensee and the City of Toronto, as Licensor, for temporary access to approximately 1,215 square meters on a portion of Part 6 on Plan 66R-28757 at 22 John St., Toronto (noted on Appendix C1 as "Usable Area"), for a period of three (3) months and thirteen (13) days commencing on May 25, 2022 and expiring on September 17, 2022 substantially on the terms and conditions outlined herein, and any such other terms and conditions deemed appropriate by the Manager, Real Estate Services ("Manager"), and in a form acceptable to the City Solicitor; The Manager, or designate, administer and manage the Licence Agreement including the provision of any consents, approvals, waivers, notices and notices of termination, provided that the Manager may, at any time, refer consideration of such matters to City Council for determination and direction.
Financial Impact	<p>This agreement is of nominal consideration with total financial implications to the City of \$2.00.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>The City is the registered owner of the vacant lands referred to as the "Farmer's Market Area" and designated as Part 6 on Plan 66R-28757 (the "Property"). The Property is adjacent to the Weston redevelopment of a 370 unit market rental apartment building and 7 market rental townhouses at 22 John Street, a lease to Toronto Artscape Inc. of 26 affordable artist live-work rental homes and a community/cultural hub in the adjacent building at 33 King Street; a publicly-accessible Artist's Courtyard between 33 King Street and 22 John Street; and a new Toronto Parking Authority (TPA) surface parking lot at 14 John Street and 2 Elsmere.</p> <p>The Licensee wishes to license part of the Property, for use as farmer's market focused on local food insecurity, and as community and cultural events space. In accordance with a Section 37 Agreement between 22 John Street Developments Inc., 2295477 Ontario Inc. and the City dated October 31, 2016 and registered on November 2, 2016 as Instrument No. AT4390021, the developer will maintain and repair the Property.</p> <p>Item MM37.26, adopted by City Council on November 9, 2021, authorized the City to enter into a Licence Agreement of a term of twenty (20) years commencing on or about November 9, 2021 with Toronto Artscape Inc. ("Artscape") as licensee, with such revisions thereto and such other terms acceptable to the Executive Director, Corporate Real Estate Management. In March 2022, Artscape advised that they did not wish to proceed, but have now advised that negotiations may continue, which will take some time. In view of time constraints, Artscape is aware that their License Agreement will exclude Wednesdays from May 25 to September 7, 2022.</p>
Terms	<i>Refer to page 4 for details</i>

Property Details	Ward:	5 – York South-Weston
	Assessment Roll No.:	19 14 064 220 002 06
	Approximate Size:	
	Approximate Area:	1,215 m ² ± (13,078 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 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:

- 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:	Frances Nunziata	Councillor:	
Contact Name:	Shawn Cabral	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 Comments (04/07/2022)	Comments:	

Consultation with Divisions and/or Agencies

Division:		Division:	Financial Planning
Contact Name:		Contact Name:	Ciro Tarantino
Comments:		Comments:	No Changes (04/06/2022)

Legal Services Division Contact

Contact Name:	Soo Kim Lee
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DAF Tracking No.: 2022-093	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Vinette Prescott-Brown	May 5, 2022	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	May 17, 2022	Signed by Alison Folosea

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

Approximately 1,215 square meters on a portion of Part 6 at 22 John St, Toronto, noted on Appendix C-1

Licensor:

City of Toronto

Term:

On Wednesdays during the Three (3) months and thirteen (13) days commencing on May 25, 2022 and expiring on September 7, 2022. Markets will occur each Wednesday including: May 25, 2022; June 1, 8, 15, 22 & 29, 2022; August 3, 10, 17, 24 & 31, 2022; and September 7, 2022.

Operating Days and Hours:

Wednesdays from 12:00 p.m. to 8:00 p.m. to allow for set-up and take down, with Market hours operating from 4:00 p.m. to 7:00 p.m.

Extended Term:

There is no right to extend or renew the Term

Use:

For use as artisan / farmer's market, and community and cultural events space known as the Weston Artists Good Food Market from 4 to a maximum of 12 stalls.

License Fee:

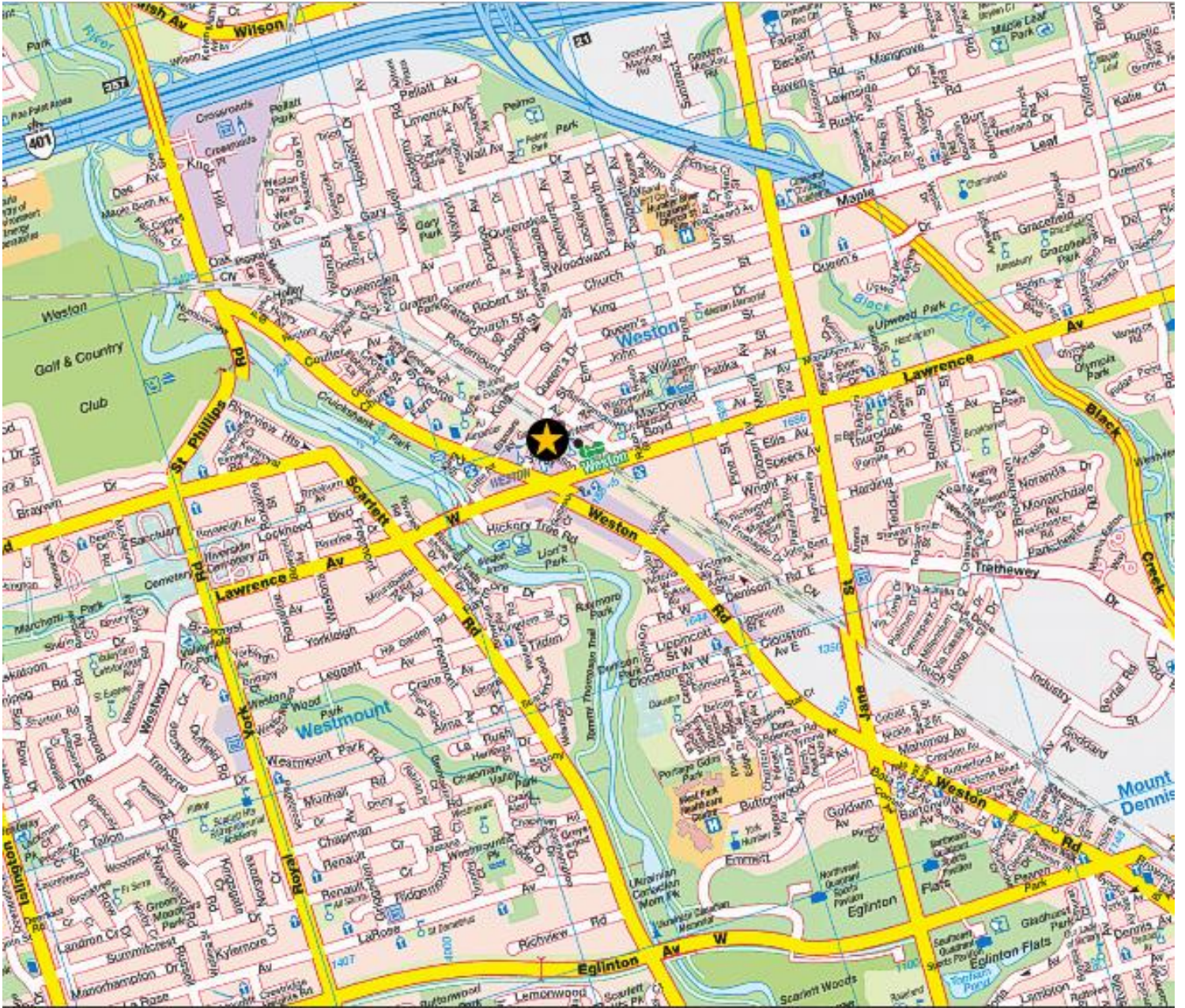
This agreement is of nominal consideration with total financial implications to the City of \$2.00.

Insurance:

The Licensee, at all times during the Term and any renewal thereof, shall maintain at its own expense:

- (a) Comprehensive General Liability insurance, including contractual liability on an occurrence basis, against claims for personal or bodily injury, death, or property damage suffered by others arising in connection with the Licensee's equipment or out of the operations of the Licensee, its agents, assigns, servants, employees, officers, invitees and contractors, or any of them, indemnifying and insuring the Indemnified Persons in such amount and to such extent from time to time as would a prudent licensee, and which amount shall not be less than **Five Million Dollars (\$5,000,000.00)** per occurrence and which policy shall include provisions for cross-liability and severability of interest. The insurance policy(s) placed by the Licensee pursuant to this agreement shall be primary and shall be fully exhausted before calling into contribution any insurance available to the City;
- (b) "all risk" insurance on the Licensee's equipment, and any improvements or permitted signage in the Property, and all parts of the Property which the Licensee is obliged to keep in repair pursuant to this agreement in an amount sufficient to cover 100% of the full replacement cost thereof;
- (c) such other insurance as may be required by the City from time to time.

Appendix "B" – Location Map



Appendix "C1" – Usable Area

