

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

TRACKING NO.: 2022-048

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

Prepared By:	Mark Gunaratnam	Division:	Corporate Real Estate Management
Date Prepared:	February 15, 2022	Phone No.:	416-392-2598

Purpose	To obtain authority to enter into an extension agreement (the "Agreement") between the City of Toronto as licensor (the "City") and The Buttcon Limited/Atlas Corporation Joint Venture (the "Licensee") to extend the term of a license agreement entered into between the City and the Licensee on May 26, 2020 (the "Licence Agreement") for an additional term of four (4) months (the "Extension Term").
Property	92 Front Street East, Toronto, Ontario, legally described as LT 1-4 PL 151E TORONTO; PT THE MARKET BLOCK PL TOWN OF YORK TORONTO; CITY OF TORONTO, being all of PIN 21401-0093 (R), more particularly described and shown in the location map attached hereto as Appendix "B" (referred to herein as the "City Lands").
Actions	1. Authority be granted for the City to enter into the Agreement, substantially on the terms and conditions set out below with such revisions thereto and any other or amended terms and conditions as may be determined by the Manager of Real Estate Services, and in a form acceptable to the City Solicitor.
Financial Impact	The City will receive compensation from the Licensee of a monthly licence fee of \$5,250 (plus HST), payable on the first of each and every month of the Extension Term for a total compensation of \$21,000 (plus HST) over the four (4) month Extension Term, commencing January 1 st , 2022. Compensation to the City will be directed to the 2022 Council Approved Operating Budget for Parks, Forestry and Recreation under cost center P10227/FAC 1810400000. 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 Licensee requested permission to swing a crane over a portion of the City Lands having an above ground area of approximately 2,525 square feet, being the Licensed Area shown hatched in blue on the sketch attached hereto as Appendix "C". The Licence period is from January 1, 2022 to and including April 30, 2022. Pursuant to an Agreement authorized by DAF 2020-141, the term of the initial licence was from May 1, 2020 to June 30, 2021. The first extension agreement was authorized by DAF 2021-160 and was from July 1, 2021 to December 31, 2021. The Licensee encountered delays in its completion of the Project and had exercised its right to further extend the Term of the Licence Agreement via email on December 16, 2021. City staff consider the proposed Agreement to be fair and reasonable to both parties.
Terms	Please see page 4: Appendix "A"

Property Details	Ward:	13 – Toronto Centre
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	234.58 m ² ± (2,525.00 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:	Kristyn Wong-Tam	Councillor:	
Contact Name:	Edward LaRusic (Advisor, Constituency & Planning)	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> E-Mail <input checked="" 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 objection (February 14, 2022)	Comments:	

Consultation with Divisions and/or Agencies

Division:	Parks, Forestry and Recreation	Division:	Financial Planning
Contact Name:	Peter White(Manager Parks, Toronto & East York District) / Nancy Chater (Senior Project Manager, Parks, Forestry & Recreation)	Contact Name:	Ciro Tarantino
Comments:	Comments incorporated (February 14, 2022 / February 14, 2022)	Comments:	Comments incorporated (February 14, 2022)

Legal Services Division Contact

Contact Name:	Vanessa Bacher
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	Date	Signature
Concurred with by: Manager, Strategic Initiatives & Major Portfolios Ronald Ro	Feb. 15, 2022	Signed by Ronald Ro
<input type="checkbox"/> Recommended by: Manager, Portfolio Management Scott Delahunt	Feb. 15, 2022	Signed by Scott Delahunt
<input checked="" type="checkbox"/> Approved by:		

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Appendix "A"- Term Sheet

Licensor: City of Toronto

Licensee: The Buttcon Limited/The Atlas Corporation Joint Venture

Licensed Area: The portion of the City Lands shown hatched in blue on the sketch attached hereto as Appendix "C".

Terms and Conditions of Agreement:

1. **Extension Term:** Four (4) months (the "Term"), commencing January 1st 2022 (the "Commencement Date") and expiring on April 30, 2022.
2. **Extension License Fee:** A monthly fee of \$5,250.00 (plus HST), payable on the first (1st) of each and every month of the Term.

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Appendix "B" – City Lands

Municipal Address:

92 Front Street East, Toronto, Ontario

Legal Description:

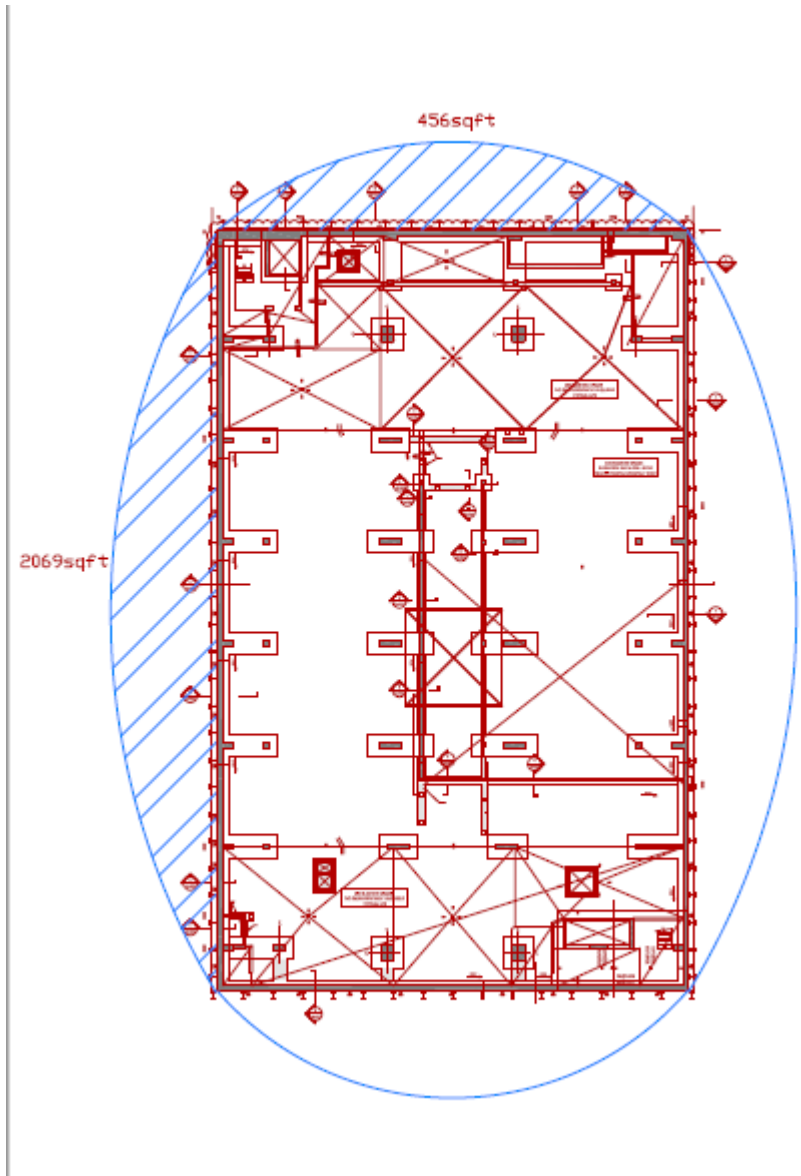
LT 1-4 PL 151E TORONTO; PT THE MARKET BLOCK PL TOWN OF YORK TORONTO; CITY OF TORONTO, being all of PIN 21401-0093 (R)

Location Map:



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Appendix "C" – LICENSED AREA – Crane Swing (2,525 sq. ft.)



Note: Licensed Area is the area hatched in blue, having a total area of approximately 2,525 square feet (area to the north approx. 456 sf. ft.; area to the west approx. 2,069 sq. ft.)