

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

TRACKING NO.: 2022-127

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

Prepared By:	Rutvik Pandya	Division:	Corporate Real Estate Management
Date Prepared:	June 1, 2022	Phone No.:	416-338-5812

Purpose	To obtain authority to enter into an agreement with Coal Harbour Properties Ltd. (" Licensee ") with respect to the property municipally known as Peter Street Basin Park for the purposes of: construction staging, crane swing use, constructing an overhead protection of pedestrian walkway, and protecting of art (the " Licensee's Use "). The Licensee's Use relates to the Licensee's construction project on lands municipally known as 350 to 396 Queens Quay W (" Development Lands ").
Property	The property municipally know as Peter Street Basin Park, Toronto, Ontario, as shown on the sketch attached in Appendix "A", and legally described as: PCL BLOCK U-2 SEC A536E; FIRSTLY: PT BLK U PL 536 TORONTO PT 1, 66R15118; SECONDLY: PT BLK V PL 536E TORONTO PT 2, 66R15118; THIRDLY: PT QUEENS QUAY PL 651E TORONTO CLOSED BY BYLAW 320-86 REGISTERED AS CT786050 PT 3, 66R15118, SAVING AND EXCEPTING AND RESERVING NTO US, OUR HEIRS AND SUCCESSORS, THE FREE USE, PASSAGE AND ENJOYMENT OF, IN, OVER AND UPON ALL NAVIGABLE WATERS THAT NOW ARE OR MAY BE HEREAFTER FOUND ON OR UNDER OR FLOWING THROUGH OR UPON AND PART OF THE SAID LANDS; TOGETHER WITH AN EASEMENT OVER PART OF BLOCKS T, U AND V, PLAN 536-E, BEING PARTS 6,7 & 8 PLAN 66R-31634 AS IN AT5726386; TOGETHER WITH AN EASEMENT OVER PART OF BLOCK R, PLAN 536-E, AND PART OF QUEENS QUAY, PLAN 651E, CLOSED BY BY-LAW 320-86, BEING PARTS 2 & 3, PLAN 66R-31634 AS IN AT5726395; CITY OF TORONTO, being all of PIN 21419-0017 (LT) (the " Property ").
Actions	1. Authority be granted to enter into the License Agreement with the Licensee, substantially on the major terms and conditions set out in Appendix "C", 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 City will receive maximum potential total revenues of \$942,510.00 (plus HST and applicable taxes) over the full thirty (30) months of the license agreement, which includes the option to renew, as further described in Appendix "C". Should the option to renew not be extended, the total revenues to the City will be \$754,008 (plus HST and applicable taxes). Revenue to the City (plus HST and applicable taxes) is as follows: a) \$204,210.00 in 2022 b) \$377,004.00 in 2023 c) \$361,296.00 in 2024 (if extended). Revenue will be directed to the 2022 Council Approved Operating Budget for Parks Forestry and Recreation (PFR) under cost center P10227. 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 composition of the areas of the Property to be licensed are as follows: <ul style="list-style-type: none"> - Construction staging area (yellow) – 456.99 m² or 4918.00 ft² - Crane Swing Area – 557.76 m² or 6003.67 ft². - Overhead Protection Area (pink)– 66.75 m² or 718.49 ft² - Art Protection Area (green) – 34.02 m² or 366.18 ft². The hoarding plan for the Art Protection Area is shown in Appendix "B" and has been approved by Economic Development and Culture. The proposed rent and other major terms and conditions of the Lease are considered to be fair, reasonable and reflective of market rates.
Terms	See Appendix "C"

Property Details	Ward:	10 – Spadina-Fort York
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	6003.70 ft ²
	Other Information:	

	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/REOs:</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/Licensor):</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/REOs.</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 checked="" 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:	Ward 10 Office	Councillor:	
Contact Name:	Brent Gillard	Contact Name:	
Contacted by:	Phone <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:	Concurred – June 2 nd , 2022	Comments:	

Consultation with Divisions and/or Agencies

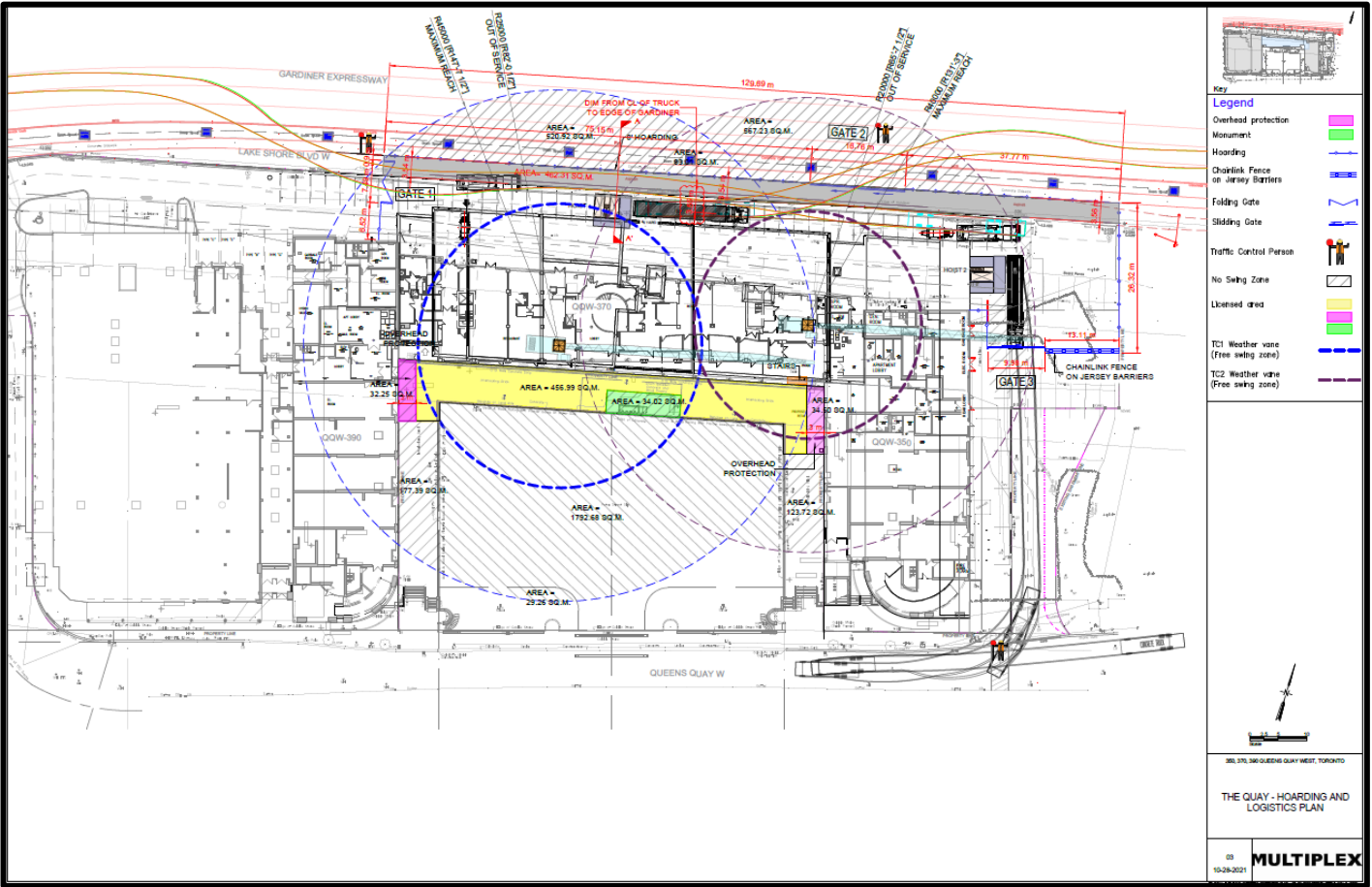
Division:	Parks, Forestry and Recreation	Division:	Financial Planning
Contact Name:	Brian Majcenic	Contact Name:	Filisha Jenkins
Comments:	Comments incorporated	Comments:	Concurred – June 2 nd , 2022

Legal Services Division Contact

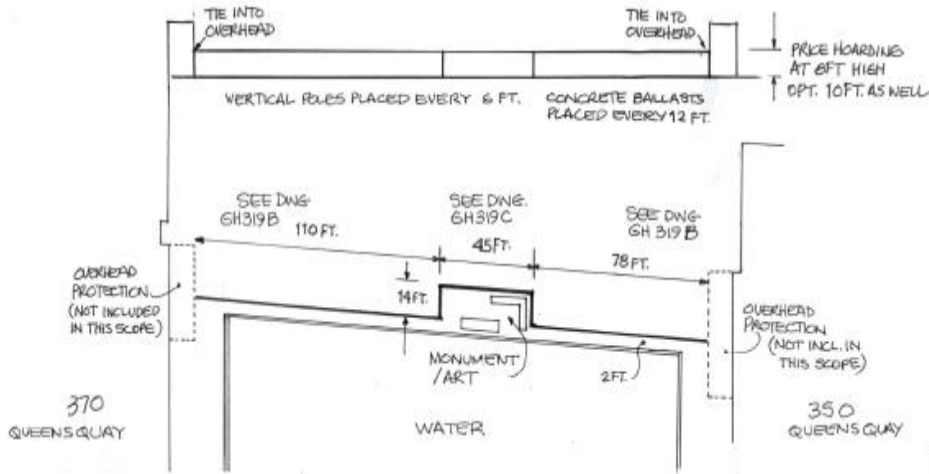
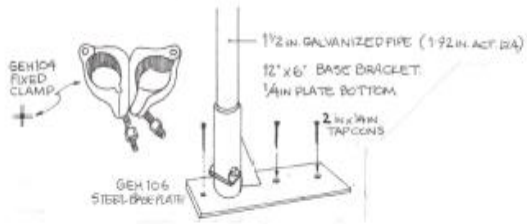
Contact Name:	Amna Shakil
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DAF Tracking No.: 2022- 127	Date	Signature
Concurred with by:		X
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Susan Lin	June 3, 2022	Signed by Susan Lin
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	June 7, 2022	Signed by Alison Folosea

Appendix "A" Licensed Lands



Appendix "B"
Art Protection Area Hoarding Plan



FOR STRUCTURAL PURPOSES ONLY
Drawing # 21-356



PROJECT: 350 QUEENS QUAY	DWG. NO
CLIENT: MULTIPLEX	GH319A
DATE: 02/26/22 DWN. BMC	



Appendix "C"

Major Terms and Conditions – Licensed Lands

1. LICENCE / PERMITTED USE:

- Construction Staging Area - to be used for the purposes of carrying out construction staging activities to facilitate the construction of the Development as the Licensee may deem necessary or expedient, including, but not limited to, the following activities:
 - (i) construction hoarding;
 - (ii) access and egress by foot or by vehicles approved by the City to the Development , with the Licensee's general construction materials; and
 - (iii) laying and storing construction materials and equipment.
- Crane Swing Area - to encroach upon the Crane Swing Area, with the boom of a construction crane, but not with the counter weight, hoisting load, or any other materials, equipment, or loads situate on the Development Lands.
- Overhead Protection Area - for the purposes of construction hoarding and installing, using, maintaining, repairing, and replacing equipment for the purposes of an overhead protection to protect the general public and any other permitted users from the construction occurring on the Licensed Lands and the Development Lands.
- Art Protection Area - for the purposes installing a 10 feet high construction hoarding to protect the art piece located in the Art Protection Area (the "**Art Piece**"). The Licensee shall install either a door or numerous cut outs into the hoarding to allow the City to visually inspect the Art Piece.

2. TERM: Twenty four (24) months, commencing on the date of the Agreement.

3. EXTENTION TERM: Option to extend for six (6) months.

4. EARLY TERMINATION: Either party can terminate by providing at least a sixty (60) days' notice.

5. LICENSE FEE - \$31,417.00 + HST / month payable in advance on the 1st day of each month.

6. INSURANCE:

- (a) Commercial General Liability Insurance in the amount of not less than Twenty Million Dollars (\$20,000,000) per occurrence.
- (b) Automobile Liability Insurance in the amount of not less than Five Million Dollars (\$5,000,000) per occurrence.