

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

TRACKING NO.: 2022-157

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 30 ,2022 | Phone No.: | 416-338-5812                     |

|                         |  |
|-------------------------|--|
| <b>Purpose</b>          | To obtain authority to enter into a lease amending agreement with Ashbridges Bay Yacht Club (the "Tenant", "ABYC") with respect to the property municipally known as 30 Ashbridges Bay Park Rd, Toronto, Ontario for the purpose of expanding the area of the water lot which forms part of the leased property by 0.5 acres for completing the replacement of existing fixed docks and constructing additional floating docks (the " <b>Lease Agreement</b> ").   |
| <b>Property</b>         | The property municipally known as 30 Ashbridges Bay Park Rd, Toronto, Ontario, as shown on the Location Map in Appendix " <b>B</b> " (the " <b>Premises</b> "), and described as:<br>PCL ONTARIO WATER RESERVE-1 SEC CL1924; PT BED OF LAKE ONTARIO IN FRONT OF THE RESERVE FOR PARK DEVELOPMENT PL 502E TORONTO PT1, 66R9063 EXCEPT PT 9, 66R14959, IT IS A CONDITION OF THESE LETTERS PATENT THAT THE LAND SHALL BE USED ONLY FOR PUBLIC RECREATIONAL PURPOSE PARTIAL RELEASED BY C531105; S/T C566650; TORONTO, CITY OF TORONTO.<br><br>BEING PIN: 21389-0145 (LT)  |
| <b>Actions</b>          | 1. Authority be granted to enter into the Lease Amending Agreement with the Tenant, substantially on the major terms and conditions set out in Appendix " <b>A</b> ", and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.  |
| <b>Financial Impact</b> | The City will collect total revenue of \$194,703.31 (plus HST) for the three (3) year and (7) month term of the lease amending agreement (details can be found in Appendix A).<br>Total revenues to be remitted to the City for each fiscal year is as follows:<br><br>2022 – 2023: \$65,685.07 (plus HST)<br>2023 – 2024: \$64,509.12 (plus HST)<br>2024 – 2025: \$64,509.12 (plus HST)<br><br><b>Total Revenues: \$194,703.31 (plus HST)</b><br><br>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.  |
| <b>Comments</b>         | By Lease dated August 1, 2005, the City of Toronto ("Landlord"), with the consent of the Toronto Regional Conversation Authority ("Authority"), leased the Leased Property to the Ashbridges Bay Yacht Club ("Tenant") for use as a not-for-profit boating and yachting club and ancillary uses, as more particularly described in the 2005 Agreement, for a Term expiring on July 31, 2025. The rental rate was set via council authority to be \$3000/acre + HST escalated by annual Toronto CPI<br><br>The tenant subsequently entered into a lease amending agreement dated Jan 1,2020 to expand its water lot footprint by 2.4 acres for the purpose of replacing existing fixed docks and constructing additional floating docks.<br><br>The current lease amendment is expected to be retroactive to January 1,2022 and will expand the tenant's water lot footprint by 0.5 acres for a total of 16 acres of land and water lot.<br><br>The proposed rent and other major terms and conditions of the Lease are considered to be fair, reasonable and reflective of market rates. |
| <b>Terms</b>            | See Appendix "A"   |

**Property Details**

|                             |                            |
|-----------------------------|----------------------------|
| <b>Ward:</b>                | Ward 19, Beaches-East York |
| <b>Assessment Roll No.:</b> |                            |
| <b>Approximate Size:</b>    | 16 Acres                   |
| <b>Approximate Area:</b>    |                            |
| <b>Other Information:</b>   |                            |

| 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 &amp; Parks &amp; 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"/> I Waive Hearings of Necessity.</p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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><b>Delegated to more senior positions.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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"/> I Waive Hearings of Necessity.</p> <p><input type="checkbox"/> Issuance of RFPs/REOIs.</p> <p><input type="checkbox"/> Initiate process &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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"/> I Surrenders/Abandonments</p> <p><input type="checkbox"/> (d) Enforcements/Terminations</p> <p><input type="checkbox"/> I 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:   | Brad Bradford  | Councillor:   |   |
| Contact Name: |  | 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 13,2022   | Comments:     |   |

**Consultation with Divisions and/or Agencies**

|               |                                   |               |                           |
|---------------|-----------------------------------|---------------|---------------------------|
| Division:     | Parks, Forestry and Recreation    | Division:     | <b>Financial Planning</b> |
| Contact Name: | Alex Deighan                      | Contact Name: | Filisha Jenkins           |
| Comments:     | Consented via email – Feb 25,2022 | Comments:     | Concurred June 9, 2022    |

**Legal Services Division Contact**

|               |             |
|---------------|-------------|
| Contact Name: | Michelle Xu |
|---------------|-------------|

| DAF Tracking No.: 2022- 157   | Date          | Signature                |
|---|---------------|--------------------------|
| Concurred with by:  |               | X                        |
| <input checked="" type="checkbox"/> Recommended by: <b>Manager, Real Estate Services<br/>Susan Lin</b>    | July 7, 2022  | Signed by Susan Lin      |
| <input type="checkbox"/> Approved by:   |               |                          |
| <input checked="" type="checkbox"/> Approved by: <b>Director, Real Estate Services<br/>Alison Folosea</b> | July 15, 2022 | Signed by Alison Folosea |

**Appendix "A"**  
**Major Terms and Conditions**

- Minimum Rent:** Between January 1, 2022 and July 31, 2022, the minimum rent of \$ 1,175.95+HST being at the rate of \$4031.82/acre + HST for the expended area of 0.5 acres, in addition to the total rent paid under the existing lease agreement.
- Between August 1, 2022 and July 31, 2025, the minimum rent of \$193,527.36 plus escalation at the rate of annual Toronto CPI plus HST, being minimum rent at the rate of 4031.82/acre and escalation at the rate of the annual Toronto CPI plus HST for a total of 16 acres.
- Additional Rent:** The tenant is responsible for the payment of realty tax, utilities and maintenance directly to the respective service providers.
- Area of Premises:** Total area of 16 Acres (15.5 Acres plus the extended area of 0.5 Acres)
- Term:** Three (3) years and Seven (7) Months (January 1, 2022 – July 31, 2025).
- Use:** The Premises shall be used and shall continually be operated throughout the term as a not-for-profit boating and yachting club and ancillary uses and for no other purposes.
- Landlord's Work:** N/A.

**Appendix "B"**  
**Premises – Water lot Footprint**

