

**DELEGATED APPROVAL FORM**  
**DEPUTY CITY MANAGER, CORPORATE SERVICES**  
**EXECUTIVE DIRECTOR, CORPORATE REAL ESTATE MANAGEMENT**

TRACKING NO.: 2022-154

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

|                         |   |                                  |                             |
|-------------------------|---|----------------------------------|-----------------------------|
| <b>Prepared By:</b>     | Boluwarin Mojeed/Priscila Faminial  | <b>Division:</b>                 | CREM/Toronto Public Library |
| <b>Date Prepared:</b>   | July 18, 2022   | <b>Phone No.:</b>                | 416-392-7399/416-397-5952   |
| <b>Purpose</b>          | To obtain authority to enter into a Lease Renewal and Amending Agreement between Westdale Construction Co. Limited (the "Landlord"), and the Toronto Public Library Board (the "Tenant"), for approximately 5,782 square feet of rentable space of the property known municipally as 1700 Wilson Avenue, Unit 63-64, Toronto (the "Premises"), starting September 1, 2022, for a term of 5 years.   |                                  |                             |
| <b>Property</b>         | 1700 Wilson Avenue, Unit 63-64, Toronto, ON M3L 1B2 (shown in Appendix B – The Property)  |                                  |                             |
| <b>Actions</b>          | 1. Authority to be granted to enter into a Lease Renewal and Amending Agreement between the Landlord and the Tenant, for the Premises, substantially on the major terms and conditions set out in Appendix "A", and including such other terms and conditions as deemed appropriate by the approving authority herein and the City Librarian and in a form acceptable to the City Solicitor;  |                                  |                             |
| <b>Financial Impact</b> | <p>The total cost to the Tenant for the five (5) year term inclusive of minimum rent, utilities, and additional rent, which consists of the City's proportionate share of common area maintenance, will be \$1,012,543.84 (plus HST) or \$1,030,364.61 (net of HST recovery).</p> <p>Lease costs to be paid by the Tenant for each fiscal year is shown in Appendix A – Major Terms and Conditions. Funding is available in the 2022 Council Approved Operating Budget for the Toronto Public Library under cost centre LB1000, and will be included in future operating budget submissions for Council consideration.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.</p> |                                  |                             |
| <b>Comments</b>         | <p>Black Creek branch is situated in Sheridan Mall at 1700 Wilson Avenue. The branch has been in its current location within the mall since September 2002.</p> <p>The terms of the lease renewal have been negotiated with the Landlord. City Council has directed that, where feasible, library branches should be located on City-owned property. In discussion with the City, there are currently no available City-owned sites to accommodate this branch. City Real Estate staff have confirmed that the proposed lease rates and other major terms and conditions are reasonable and represent fair market value.</p>  |                                  |                             |
| <b>Terms</b>            | Refer to Appendix A – Major Terms and Conditions on page 4.   |                                  |                             |
| <b>Property Details</b> | <b>Ward:</b>  | Ward 7 – Humber River-Back Creek |                             |
|                         | <b>Assessment Roll No.:</b>   |                                  |                             |
|                         | <b>Approximate Size:</b>  |                                  |                             |
|                         | <b>Approximate Area:</b>  | 5,782 sq. ft.                    |                             |
|                         | <b>Other Information:</b>   |                                  |                             |

| A.   | Executive Director, Corporate Real Estate Management has approval authority for:  | Deputy City Manager, Corporate 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 &amp; Parks &amp; 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 \$3 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><b>Request/waive hearings of necessity delegated to less senior positions.</b></p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 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 \$3 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p><b>Delegated to a more senior position.</b></p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$3 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 \$3 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> | <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p><b>Request/waive hearings of necessity delegated to less senior positions.</b></p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 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 \$5 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p><input type="checkbox"/> (c) Where compensation is less than market value, provided tenant and lease satisfy Community Space Tenancy Policy criteria set out in Item EX28.8, as adopted by Council on November 7, 8 and 9, 2017, as amended from time to time.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$5 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 \$5 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. Deputy City Manager, Corporate Services and Executive Director, Corporate Real Estate Management each has signing authority on behalf of the City for:**

- Documents required to implement matters for which each position also has delegated approval authority.
- Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
- Expropriation Applications and Notices following Council approval of expropriation.
- 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:   | Anthony Perruzza            |                                     |        |  | Councillor:   |  |       |  |  |
| Contact Name: | Matias de Dovitiis          |                                     |        |  | Contact Name: |  |       |  |  |
| Contacted by: | Phone                       | <input checked="" type="checkbox"/> | E-Mail |  | Memo          |  | Other |  |  |
| Comments:     | No Objections July 20, 2022 |                                     |        |  | Comments:     |  |       |  |  |

**Consultation with Divisions and/or Agencies**

|               |                        |  |               |                             |  |
|---------------|------------------------|--|---------------|-----------------------------|--|
| Division:     | Toronto Public Library |  | Division:     | Financial Planning Division |  |
| Contact Name: | Harvey Mooradian       |  | Contact Name: | Filisha Jenkins             |  |
| Comments:     | Concurred May 20, 2022 |  | Comments:     | Concurred June 29, 2022     |  |

**Legal Services Division Contact**

|               |                         |  |
|---------------|-------------------------|--|
| Contact Name: | Tammy Turner            |  |
| Comments:     | Concurred July 18, 2022 |  |

| DAF Tracking No.: 2022-154   | Date          | Signature                 |
|--|---------------|---------------------------|
| Recommended by: Manager, Real Estate Services<br>Susan Lin                                       | July 20, 2022 | Signed by Susan Lin       |
| Recommended by: Director, Real Estate Services<br>Alison Folosea                                 | July 22, 2022 | Signed by Alison Folosea  |
| <input type="checkbox"/> Recommended by: Executive Director,<br>Corporate Real Estate Management | July 22, 2022 | Signed by Patrick Matozzo |
| <input checked="" type="checkbox"/> Approved by: Patrick Matozzo                                 |               |                           |

## Appendix A - Major Terms and Conditions

**Premises:**

Approximately 5,782 square feet of rentable space at 1700 Wilson Avenue, Unit 63-64, Toronto.

**Landlord:**

Westdale Construction Co. Limited

**Term:**

Five years commencing on September 1, 2022 to August 31, 2027

**Use:**

Neighbourhood library operated by Toronto Public Library

**Base Rent:**

The base rent is \$14.00 per sq. ft. in Year 1 and 2, and \$15.00 per sq. ft. in Year 3 to 5, plus HST.

**Additional Rent:**

The estimated rate for additional rent is \$16.41 per sq. ft. or \$94,882.62 per year, plus HST.

**Utilities:**

Utilities are estimated at \$3.00 per sq. ft., or \$17,346.00 per year, plus HST.

Total estimated costs, net of HST recoveries and with HST, by contract year are shown in the table below:

|                                  | Year 1               | Year 2               | Year 3               | Year 4               | Year 5               |
|----------------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Base Rent                        | \$ 80,948.00         | \$ 80,948.00         | \$ 86,730.00         | \$ 86,730.00         | \$ 86,730.00         |
| Additional Rent                  | \$ 94,882.62         | \$ 97,715.80         | \$ 100,664.62        | \$ 103,671.26        | \$ 106,793.54        |
| <b>Subtotal</b>                  | <b>\$ 175,830.62</b> | <b>\$ 178,663.80</b> | <b>\$ 187,394.62</b> | <b>\$ 190,401.26</b> | <b>\$ 193,523.54</b> |
| Utilities                        | \$ 17,346.00         | \$ 17,346.00         | \$ 17,346.00         | \$ 17,346.00         | \$ 17,346.00         |
| <b>Total</b>                     | <b>\$ 193,176.62</b> | <b>\$ 196,009.80</b> | <b>\$ 204,740.62</b> | <b>\$ 207,747.26</b> | <b>\$ 210,869.54</b> |
| HST                              | \$ 25,112.96         | \$ 25,481.27         | \$ 26,616.28         | \$ 27,007.14         | \$ 27,413.04         |
| <b>Total</b>                     | <b>\$ 218,289.58</b> | <b>\$ 221,491.07</b> | <b>\$ 231,356.90</b> | <b>\$ 234,754.40</b> | <b>\$ 238,282.58</b> |
| <b>Total Net of HST Recovery</b> | <b>\$ 196,576.53</b> | <b>\$ 199,459.57</b> | <b>\$ 208,344.05</b> | <b>\$ 211,403.61</b> | <b>\$ 214,580.84</b> |

\*Additional Rent is estimated to increase annually by 3%

Total estimated costs, net of HST recoveries and with HST, by fiscal year are shown in the table below:

| Fiscal Year                      | 2022                | 2023                 | 2024                 | 2025                 | 2026                 | 2027                 |
|----------------------------------|---------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Base Rent (Before HST)           | \$ 26,982.67        | \$ 80,948.00         | \$ 82,875.33         | \$ 86,730.00         | \$ 86,730.00         | \$ 57,820.00         |
| Additional Rent (Before HST)     | \$ 31,627.54        | \$ 95,827.01         | \$ 98,698.74         | \$ 101,666.83        | \$ 104,712.02        | \$ 71,195.69         |
| Utilities (Before HST)           | \$ 5,782.00         | \$ 17,346.00         | \$ 17,346.00         | \$ 17,346.00         | \$ 17,346.00         | \$ 11,564.00         |
| <b>Subtotal</b>                  | <b>\$ 64,392.21</b> | <b>\$ 194,121.01</b> | <b>\$ 198,920.07</b> | <b>\$ 205,742.83</b> | <b>\$ 208,788.02</b> | <b>\$ 140,579.69</b> |
| <b>Total Net of HST Recovery</b> | <b>\$ 65,525.51</b> | <b>\$ 197,537.54</b> | <b>\$ 202,421.07</b> | <b>\$ 209,363.91</b> | <b>\$ 212,462.69</b> | <b>\$ 143,053.90</b> |

\*Additional Rent is estimated to increase annually by 3%

### Appendix B – The Property

