

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

TRACKING NO.: 2022-158

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

Prepared By:	Patricia Palmieri	Division:	Corporate Real Estate Management
Date Prepared:	August 29, 2022	Phone No.:	416-392-4829
Purpose	To obtain authority to enter into a licence extension agreement (the "Agreement") with The Ontario Educational Communications Authority (the "Licensor") for continued access to maintain a communication mast tower at 2180 Yonge Street.		
Property	The property municipally known as 2180 Yonge Street, in the City of Toronto, in the Province of Ontario and shown in Appendix "A" (the "Licensed Lands").		
Actions	1. Authority be granted for the City to enter into the Agreement with the Licensor substantially on the terms and conditions outlined below, and on such other or amended terms and conditions as may be acceptable to the Director of Transaction Services and in a form satisfactory to the City Solicitor.		
Financial Impact	<p>The City will pay the amount of \$16,229.18 monthly (plus applicable HST) for the first year term of the Agreement. Thereafter the annual licence fee for each subsequent year of the renewed term shall be the annual licence fee of the immediately preceding year multiplied by 3% or multiplied by the Consumer Price Index ("CPI"), whichever is greater of the two.</p> <p>The cost to the City on a fiscal year basis (including the option to extend) is as follows:</p> <p>Year 2021: \$ 33,029.63 (net of HST recovery) Year 2022: \$199,168.65 (net of HST recovery) Year 2023: \$205,143.71 (net of HST recovery) Year 2024: \$211,298.02 (net of HST recovery) Year 2025: \$217,636.96 (net of HST recovery) Year 2026: \$185,875.68 (net of HST recovery) Total: \$1,052,152.66 (net of HST recovery)</p> <p>Funding for the lease amount is available in the 2023-2032 Council Approved Operating Budget for the TTC under TTC cost center 0723/Account number 4200000.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>		
Comments	<p>The Licensor and the TTC entered into an agreement dated November 1, 2016 for the purposes of accessing and maintaining the mast tower on the Licensed Lands. The licence was for a term of 5 years commencing on November 1, 2016 and terminating on October 31, 2021, with a 5 year option to renew. TTC still requires access to the tower and has exercised the option to renew.</p> <p>The terms of the Agreement are fair, reasonable and reflective of market value.</p>		
Terms	<p>Renewal Term: November 1, 2021 – October 31, 2026 Annual Licence Fee: \$194,750.16, + HST for the first year of the term and the subsequent years shall be the annual licence fee of the immediately preceding year multiplied by 3% or multiplied by the Consumer Price Index ("CPI"), whichever is greater of the two. The City will pay the Licence Fee by the 1st day of each and every month during the Term of this Agreement. Early Termination: The City at any time during the renewed term shall have the right to terminate the renewal licence, upon providing a written notice to the Licensor at least 6 months prior to the termination date. Maintenance – The City shall pay to the Licensor annually and on demand throughout the term of this Agreement 50% of the maintenance costs directly incurred by the Licensor in each and every licence year during the term of this agreement, provided that if there is another user of the tower and/or the site, the City shall pay only its proportionate share of such maintenance costs. The Licensor shall provide a detailed invoice for the invoiced period. Except in cases of emergency, the Licensor shall consult the City prior to incurring maintenance costs for any licence year for which the City's proportionate share will be greater than \$5,000.00</p>		
Property Details	Ward:	Ward 12 - Toronto St Paul's	
	Approximate Area:	Irregular	
	Other Information:		

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate Services has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
2A. Expropriations Where City is Expropriating Authority:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.
2B. Expropriations For Transit-Related Purposes Where City is Property Owner or Has Interest in Property Being Expropriated:	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million. Request/waive hearings of necessity delegated to less senior positions.	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million. Request/waive hearings of necessity delegated to less senior positions.
3. Issuance of RFPs/REOs:	<input type="checkbox"/> Issuance of RFPs/REOs.	<input type="checkbox"/> Issuance of RFPs/REOs.
4. Permanent Highway Closures:	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to Divisions, Agencies and Corporations:	<input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.	<input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.
9. Leases/Licences (City as Landlord/Licensor):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 Million. <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. Delegated to a more senior position.	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$5 Million. <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. <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.
10. Leases/Licences (City as Tenant/Licensee):	<input checked="" type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> (a) Where total compensation does not exceed \$3 Million. <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.	<input type="checkbox"/> (a) Where total compensation does not exceed \$5 Million. <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
14. Miscellaneous:	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences <input type="checkbox"/> (b) Releases/Discharges <input type="checkbox"/> (c) Surrenders/Abandonments <input type="checkbox"/> (d) Enforcements/Terminations <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates <input type="checkbox"/> (f) Objections/Waivers/Cautions <input type="checkbox"/> (g) Notices of Lease and Sublease <input type="checkbox"/> (h) Consent to regulatory applications by City, as owner <input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title <input type="checkbox"/> (j) Documentation relating to Land Titles applications <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences <input type="checkbox"/> (b) Releases/Discharges <input type="checkbox"/> (c) Surrenders/Abandonments <input type="checkbox"/> (d) Enforcements/Terminations <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates <input type="checkbox"/> (f) Objections/Waivers/Cautions <input type="checkbox"/> (g) Notices of Lease and Sublease <input type="checkbox"/> (h) Consent to regulatory applications by City, as owner <input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title <input type="checkbox"/> (j) Documentation relating to Land Titles applications <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds

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:	Councillor Josh Matlow					Councillor:					
Contact Name:	Andrew Athanasiu					Contact Name:					
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail	Memo	Other	Contacted by:	Phone		E-mail	Memo	Other
Comments:	Advised					Comments:					

Consultation with Divisions and/or Agencies

Division:	TTC	Division:	Financial Planning
Contact Name:	Gurpreet Dub	Contact Name:	Filisha Jenkins
Comments:	Concurs	Comments:	Concurs

Legal Services Division Contact

Contact Name:	Amna Shakil
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DAF Tracking No.: 2022-158	Date	Signature
Recommended by: Vinette Prescott-Brown, Manager, Transaction Services	Aug. 29, 2022	Signed by Vinette Prescott-Brown
Recommended by: Alison Folosea, Director, Transaction Services		X
<input type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management	Aug. 29, 2022	Signed by Patrick Matozzo
<input type="checkbox"/> Approved by: Patrick Matozzo		
<input checked="" type="checkbox"/> Approved by: Deputy City Manager, Corporate Services Josie Scioli		X

Appendix "A" – Map

