

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

Prepared By:	Myron Menezes	Division:	Corporate Real Estate Management
Date Prepared:	August 12, 2022	Phone No.:	416-338-3586
Purpose	To obtain authority to amend City Council's decision dated November 9, 2021 adopting Executive Committee Item No. EX27.5 (the " Council Decision ") which authorized the sale by the City of a stratified part of the lands and premises municipally known as 249 Queens Quay West to 1548383 Ontario Inc., (the " Purchaser "), as purchaser, on various financial terms set out in Confidential Attachment 1 (the " Council Confidential Attachment ") to the Council Decision.		
Property	The property is municipally known as 249 Queens Quay West, Toronto, Ontario, and legally described in Appendix A (the " Property ").		
Actions	<ol style="list-style-type: none"> 1. Authority is granted to make the following amendments to the Council Confidential Attachment: <ol style="list-style-type: none"> a. amend the amount of the "Cash Payment Silver Hotel Group to City of Toronto" in Table 2 of the Council Confidential Attachment ("Table 2") to the amount set out in Confidential Attachment 1 to this Delegated Approval Form (the "DAF Confidential Attachment"); b. amend the amount of the "Cash Payment City of Toronto to Harbourfront Centre", after disposal transaction is completed in Table 2 to the amount set out in the DAF Confidential Attachment; and c. amend the "Direct remaining proceeds to Land Acquisition Reserve Fund (XR1012)" in Table 2 to the amount set out in the DAF Confidential Attachment. 2. Authority is granted to amend Paragraph 4 of the Council Decision by deleting and replacing "prior to" with "as a requirement of", such that Paragraph 4 of the Council Decision reads "ensure that the Silver Hotel Group's account in respect of its lease of Subject Property A is reconciled and that the lease is in good standing as a requirement of the closing of any proposed transaction." 		
Financial Impact	Total revenues to the City for the modifications to the staff report with confidential attachment is noted under "Direct remaining proceeds to Land Acquisition Reserve Fund (XR1012)" in Confidential Attachment and is to be transferred from the disposal to the Land Acquisition Reserve Fund (XR1012) and designated to be used for the Multi-Unit Residential Acquisitions Program managed by the Executive Director, Housing Secretariat with support from the Executive Director, Corporate Real Estate Management. The remainder noted under "Cash payment City of Toronto to Harbourfront Centre or Corporation after disposal transaction is completed" of the Confidential Attachment shall be used to pay the Harbourfront Centre		
Comments	<p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p> <p>The Council Decision authorized the City to work with the Federal Crown and Harbourfront Centre with respect to the allocation of the sale proceeds from the Property between the City and Harbourfront Centre in the amounts set out in Table 2. By Member's Motion moved by then Councillor Jo Cressy, City staff were directed to obtain an updated appraisal for the Property which would form the basis for the negotiations of the sale price for the Property. An updated appraisal was obtained which resulted in an increase in the sale price for the Property and subsequent execution of the agreement to sell. The amended amounts shown in the DAF Confidential Attachment set out the sale price to be paid by the Purchaser based on the updated appraisal and the increased amount to be paid to Harbourfront Centre due to the increase in the sale price from that set out in Table 2, which is consistent with the original intent of the transactions as authorized by Council.</p>		
Terms	<p>With respect to arrears of rent owing under the lease of the Property between the City as landlord and the Purchaser as tenant, a cash payment will be made to the City on closing of the sale transaction on account of the estimated rent arrears and the Purchaser will undertake to pay any additional amount of rental arrears that may be owing to the City upon final determination of same after closing.</p> <p>Please see the DAF Confidential Attachment for the amended terms.</p> <p>The DAF Confidential Attachment is confidential at this time in accordance with the provisions of the <i>City of Toronto Act, 2006</i>, as it pertains to a pending or proposed disposition of land by the City of Toronto.</p> <p>The City Manager authorizes the public release of the DAF Confidential Attachment following the closing of the sale of the Property.</p>		
Property Details	Ward:	10 - Spadina-Fort York	
	Assessment Roll No.:		
	Approximate Size:		
	Approximate Area:	2850.08 m ² ± (30,678 ft ² ±)	
	Other Information:		

A.	City Manager has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
2A. Expropriations Where City is Expropriating Authority:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$10 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 \$10 Million.
3. Issuance of RFPs/REOs:	Request/waive hearings of necessity delegated to less senior positions.
4. Permanent Highway Closures:	Delegated to less senior positions.
5. Transfer of Operational Management to Divisions, Agencies and Corporations:	Delegated to less senior positions.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	Delegated to less senior positions.
9. Leases/Licences (City as Landlord/Licensor):	<input type="checkbox"/> Where total compensation (including options/ renewals) does not exceed \$10 Million. Leases/licences for periods up to 12 months at less than market value delegated to less senior positions. Leases pursuant to the Community Space Tenancy Policy delegated to a less senior position.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> Where total compensation does not exceed \$10 Million. Nominal sum easements to pre-existing utilities when closing roads delegated to less senior positions.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<input checked="" type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
14. Miscellaneous:	Delegated to less senior positions.

B. City Manager has signing authority on behalf of the City for:
<ul style="list-style-type: none"> Documents required to implement matters for which this position also has delegated approval authority.

Pre-Condition to Approval	
<input checked="" type="checkbox"/>	Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property
Consultation with Councillor(s)	
Councillor:	Joe Mihevc
Contact Name:	Tom Davidson
Contacted by:	Phone <input type="checkbox"/> X E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>
Comments:	No objections – August 11, 2022
Consultation with Divisions and/or Agencies	
Division:	CreateTO
Contact Name:	Vic Gupta
Comments:	Comments Incorporated – August 9, 2022
Division:	Financial Planning
Contact Name:	Filisha Jenkins
Comments:	Comments Incorporated – August 11, 2022
Legal Services Division Contact	
Contact Name:	Mark Zwegers

DAF Tracking No.: 2022-188	Date	Signature
Recommended by: Manager, Real Estate Services		X
Recommended by: Director, Real Estate Services	August 12, 2022	Signed by Alison Folosea
<input checked="" type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management Patrick Matozzo		X
<input checked="" type="checkbox"/> Recommended by: Deputy City Manager, Corporate Services Josie Scioli	August 15, 2022	Signed by Josie Scioli
<input checked="" type="checkbox"/> Approved by: City Manager Chris Murray	August 15, 2022	Signed by Chris Murray

Appendix A

Legal Description:

PIN 21419-0051 (LT)
 PCL 10-6 SEC A616E; PT BLK 10 PL 616E TORONTO PARTS 2 TO 4, 6, 8, 10 TO 27, 30, 33, 35, 37 TO 45, 66R15188 SAVING AND EXCEPTING AND RESERVING UNTO HER MAJESTY THE QUEEN IN RIGHT OF CANADA, HER 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 ANY PT OF THE ABOVE LANDS AS SET OUT IN C191047; T/W A NON-EXCLUSIVE EASEMENT OVER NOT ONLY THE COMMON ELEMENTS, BUT ALSO ALL OF THE UNITS CONTAINED WITHIN METROPOLITAN TORONTO CONDOMINIUM PL # 817 IN FAVOUR OF HARBOURFRONT CORPORATION; S/T THE CONDITIONS PROVIDED IN NOTICE OF AGREEMENT D114038, FOR THE PURPOSES OF (A) SUPPORT OVER THE SUPPORT FACILITIES (B) TO USE, MAINTAIN, REPAIR, RESTORE, RECONSTRUCT, REPLACE AND INSPECT ANY NON-OCCUPANT BENEFIT SERVICE FACILITIES OR SUPPORT FACILITIES (C) ALL NECESSARY AND REASONABLE ACCESS (T/W SUPPLIES, MACHINERY, EQUIPMENT AND PERSONS), (D) PERMITTING EMERGENCY FIRE ROUTE ACCESS FOR THE PURPOSES AND WITH THE PROVISIONS AS MORE PARTICULARLY SET OUT IN TRANSFER OF EASEMENT D114039; S/T A NON-EXCLUSIVE EASEMENT IN FAVOUR OF METROPOLITAN TORONTO CONDOMINIUM PL # 817 OVER THE ABOVE PCL; S/T THE CONDITIONS PROVIDED IN NOTICE OF AGREEMENT D114038 FOR THE PURPOSE OF (A) SUPPORT OVER THE SUPPORT FACILITIES (B) TO USE, MAINTAIN, REPAIR, RESTORE, RECONSTRUCT, REPLACE AND INSPECT ANY NON-OCCUPANT BENEFIT SERVICE FACILITIES OR SUPPORT FACILITIES (C) ALL NECESSARY AND REASONABLE ACCESS (T/W SUPPLIES, MACHINERY, EQUIPMENT AND PERSONS), (D) PERMITTING EMERGENCY FIRE ROUTE ACCESS FOR THE PURPOSES AND WITH THE PROVISIONS AS MORE PARTICULARLY SET OUT IN TRANSFER OF EASEMENT D114040; S/T RIGHTS IN FAVOUR OF PT OF BLK 10 ON PL 616E DESIGNATED AS PARTS 1, 5, 7, 9, 28, 29, 31, 32, 34 AND 36 ON PL 66R15188 AS SET BELOW: S/T RIGHTS-OF-WAY IN THE NATURE OF EASEMENTS OVER, ALONG AND UPON THE WALKWAYS, STAIRWAYS, CORRIDORS, RAMPS, OR DRIVEWAYS LOCATED WITHIN PARTS 2, 3, 4, 14, 15, 17 AND 42 ON PL 66R15188 FOR THE PURPOSES AS SET OUT IN C550633; S/T A ROW IN THE NATURE OF AN EASEMENT OVER, ALONG AND UPON THE SIDEWALKS AND WALKWAYS LOCATED WITHIN PT 40 ON PL 66R15188 FOR THE PURPOSES AS SET OUT IN C550633; S/T RIGHTS-OF-WAY IN THE NATURE OF EASEMENTS OVER, ALONG AND UPON PARTS 37 AND 39 ON PL 66R15188 FOR THE PURPOSES AS SET OUT IN C550633; S/T A ROW IN THE NATURE OF AN EASEMENT OVER THOSE WALKWAYS, STAIRWAYS AND CORRIDORS LOCATED WITHIN PT 2 ON PL 66R15188 FOR THE PURPOSES AS SET OUT IN C550633; S/T A RIGHT IN THE NATURE OF AN EASEMENT OVER PT 19 ON PL 66R15188 FOR THE PURPOSES AS SET OUT IN C550633; S/T A ROW IN THE NATURE OF AN EASEMENT OVER PARTS 19, 21 AND 22 ON PL 66R15188 FOR THE PURPOSES AS SET OUT IN C550633; S/T RIGHTS IN THE NATURE OF EASEMENTS OVER PT 8, 11, 12, 13, 16, 18, 20, 21, 24, 25, 26, 27, 30, 35, 41, 42, 43 AND 44 ON PL 66R15188 FOR THE PURPOSES AS SET OUT IN C550633; S/T A ROW IN THE NATURE OF AN EASEMENT OVER PT 10 ON PL 66R15188 FOR THE PURPOSES AS SET OUT IN C550633; S/T AN EASEMENT OVER PT 10 ON PL 66R15188 FOR THE PURPOSES AS SET OUT IN C550633; S/T AN EASEMENT OVER PARTS 33 AND 45 ON PL 66R15188 FOR THE PURPOSES AS SET OUT IN C550633; S/T A ROW IN THE NATURE OF AN EASEMENT OVER PT 38 ON PL 66R15188 FOR THE PURPOSES AS SET OUT IN C550633; S/T AN EASEMENT OVER PARTS 2, 3,4, 6, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26,27, 30, 33, 35, 37, 38, 39,40, 41,42, 43, 44 AND 45 ON PL 66R15188 FOR THE PURPOSES AS SET OUT IN C550633; S/T AN EASEMENT OVER PARTS 2, 3, 4, 6, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 33, 35, 37, 38, 39, 40, 41, 42, 43, 44 AND 45 ON PLAN 66R15188 FOR THE PURPOSES AS SET OUT IN C550633; T/W RIGHTS-OF-WAY IN THE NATURE OF EASEMENTS IN, OVER, ALONG AND UPON STAIRWAYS, WALKWAYS, CORRIDORS OR ELEVATOR INCLUDED WITH PARTS 5, 7, 29, 31 AND 32 ON PL 66R15188 FOR THE PURPOSES AS SET OUT IN C550633; T/W AN EASEMENT OVER PARTS 9 AND 34 ON PL 66R15188 FOR THE PURPOSES AS SET OUT IN C550633; T/W AN EASEMENT OVER PT 28 ON PL 66R15188 FOR THE PURPOSES AS SET OUT IN C550633; T/W AN EASEMENT OVER PT 1 ON PL 66R15188 FOR THE PURPOSES AS SET OUT IN C550633; T/W AN EASEMENT OVER PT 36 ON PL 66R15188 FOR THE PURPOSES AS SET OUT IN C550633; T/W AN EASEMENT OVER PARTS 1, 5, 7, 9, 28, 29, 31, 32, 34 AND 36 ON PL 66R15188 FOR THE PURPOSES AS SET OUT IN C550633, NOTE: TITLE IS S/T UNREGISTERED LEASES, IF ANY, EXISTING AT THE TIME OF FIRST REGISTRATION OF THIS LAND UNDER THE LAND TITLES ACT, FOR A TERM NOT EXCEEDING 7 YEARS WHERE THERE IS ACTUAL POSSESSION UNDER THE LEASE.; S/T C539499; TORONTO , CITY OF TORONTO
 SAVE AND EXCEPT THE AIRSPACE HAVING A LOWER VERTICAL LIMIT WITH AN ELEVATION THAT IS 20 METRES ABOVE THE HIGHEST POINT OF THE HOTEL BUILDING AND ALL EQUIPMENT PRESENTLY SITUATE ON THE LANDS CURRENTLY LEASED TO THE PURCHASER PURSUANT TO THE LEASE (AS HEREAFTER DEFINED) AND HAVING NO UPPER VERTICAL LIMIT.

Location Map:

