

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

TRACKING NO.: 2022-245

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

Prepared By:	Allan Mak	Division:	Corporate Real Estate Management
Date Prepared	November 4, 2022	Phone No.:	416-392-8159

<b>Purpose</b>	To obtain authority to enter into a licence extension agreement (the " <b>2022 Extension Agreement</b> ") and a supplemental licence for December 1, 2022 (the " <b>Off-Season Licence</b> ") with Cineplex Entertainment Limited Partnership (the " <b>Licensee</b> ") with respect to an area comprising of approximately 5,790 square feet of outdoor space (the " <b>Licensed Area</b> ") on the lands and premises referred to as "John Street Roundhouse" and municipally known as 255 Bremner Boulevard, Toronto for the purpose of operating an outdoor patio associated with The Rec Room (the " <b>Property</b> ").																				
<b>Property</b>	The Property municipally known as 255 Bremner Boulevard, Toronto, as shown on the Location Map in Appendix "B".																				
<b>Actions</b>	1. Authority be granted to enter into the 2022 Extension Agreement and the Off-Season Licence with the Licensee, substantially on the major terms and conditions set out in Appendix "A", 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>	<p>The City will receive from the Licensee Licence Fees for the six month period of May 1 to October 31 during each year of the Third Extension Term as listed below. All amounts below are subject to HST.</p> <table border="1"> <thead> <tr> <th>Season</th> <th>Cost Per Annum</th> <th>Cost For Season (6 Months)</th> <th>Total Rental Revenue</th> </tr> </thead> <tbody> <tr> <td>2022</td> <td>\$ 57,900.00</td> <td>\$ 28,950.00</td> <td></td> </tr> <tr> <td>2023</td> <td>\$ 60,795.00</td> <td>\$ 30,397.50</td> <td></td> </tr> <tr> <td>2024</td> <td>\$ 63,690.00</td> <td>\$ 31,845.00</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td align="right">\$ 91,192.50</td> </tr> </tbody> </table> <p>In addition to the License Fees above, the Licensee shall have the right to continue to operate the Licenced Area in the Off-Season Period in each year of the Third Extension Term at a per diem rate of \$158.63 (plus HST) for each day that the Licensee operates the Licenced Area during the Off-Season Period. The Licensee shall pay the above per diem rate for each day of the Off Season Licence.</p> <p>The total License Fees to be paid by the Licensee for the supplemental license for December 1, 2022 will be \$158.63 (plus HST).</p> <p>Revenues will be directed to the 2022 Council Approved Operating Budget for Parks, Forestry &amp; Recreation under cost centre P00557.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>	Season	Cost Per Annum	Cost For Season (6 Months)	Total Rental Revenue	2022	\$ 57,900.00	\$ 28,950.00		2023	\$ 60,795.00	\$ 30,397.50		2024	\$ 63,690.00	\$ 31,845.00					\$ 91,192.50
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<b>Comments</b>	<p>The Extension Agreement will further extend the term set out in the licence agreement between the City and the Licensee dated May 1, 2017 as previously extended and amended, on the same terms and conditions, except for the License Fees and as otherwise amended by the 2022 Extension Agreement.</p> <p>City staff consider the proposed Agreement to be fair and reasonable to both parties.</p>																				
<b>Terms</b>	Please see page 4: Appendix "A" for the major terms and conditions of the 2022 Extension Agreement and Off-Season Licence.																				

<b>Property Details</b>	<b>Ward:</b>	Ward 10 – Spadina/Fort York
	<b>Assessment Roll No.:</b>	
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	537.91m <sup>2</sup> ± (5,790.00 ft <sup>2</sup> ±)
	<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"/> (c) 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"/> (c) 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"/> (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:	Councillor Joe Mihevc	Councillor:	
Contact Name:	Bushra Mir, Advisor, Constituency and Planning	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X 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:	No Objection (November 3, 2022)	Comments:	

**Consultation with Divisions and/or Agencies**

Division:	Parks, Forestry and Recreation & Heritage Services	Division:	<b>Financial Planning</b>
Contact Name:	Margaret Best (Supervisor Parks, Community & Social Services) / Peter White (Manager Parks, Community & Social Services) & Jo Ann Pynn (Director, Museum & Social Services)	Contact Name:	Filisha Jenkins
Comments:	No Objection (November 2, 2022)	Comments:	Comments Incorporated (October 27, 2022)

**Legal Services Division Contact**

Contact Name: Jack Payne (November 4, 2022)

DAF Tracking No.: 2022-245	Date	Signature
Concurred with by: Manager, Real Estate Services		X
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Van Hua	Nov. 9, 2022	Signed by Van Hua
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Nov. 11, 2022	Signed by Alison Folosea

**Appendix "A" – Term Sheet**

**Licensor:** City of Toronto

**Licensee:** Cineplex Entertainment Limited Partnership

**Licensed Area:** The portion of the City Lands shown outlined in red in Appendix "B"

**Terms and Conditions of Agreement:**

- Extension Term:** The term of the Licence Agreement shall be extended for the period of May 1 to October 31 in each of 2022, 2023 and 2024, commencing May 1<sup>st</sup>, 2022 and expiring October 31, 2024 (the "**Third Extension Term**").
- The Licensee is permitted to operate the Licenced Area, from 11:00 am to midnight, seven days per week, throughout and until the expiry of the Third Extension Term.
- Licence Fee:** The Licensee shall pay Licence Fees for the six month period of May 1 to October 31 during each year of the Third Extension Term as set out below.

<b>Season</b>	<b>Cost Per Annum</b>	<b>Cost For Season (6 Months)</b>	<b>Total Rental Revenue</b>
2022	\$ 57,900.00	\$ 28,950.00	
2023	\$ 60,795.00	\$ 30,397.50	
2024	\$ 63,690.00	\$ 31,845.00	
			\$ 91,192.50

In addition to the License Fee above, the Licensee shall have the right to continue to operate the Licenced Area in the Off-Season Period in each year of the Third Extension Term at a per diem rate of \$158.63 for each day that the Licensee operates the Licenced Area during the Off-Season Period.

- Subject to all applicable laws, the Licensee may: (i) enclose all or part of the Licenced Area (provided that such enclosure is permitted by Toronto Public Health and any governmental orders; (ii) heat the Licenced Area using propane; (iii) play soft background music; (iv) erect television screens; and (v) erect commercial umbrellas without advertisement. Should the City receives two complaints regarding the volume of the music, the Licensee shall reduce the volume after the first complaint and the General Manager of Parks, Forestry & Recreation can require that no further music be played in the Licenced Area after the second complaint, and should the City receive two complaints regarding the television volume, the Licensee shall reduce the volume after the first complaint and the General Manager can require the television to be operated with the volume completely off after the second complaint.

**Off-Season Licence:** The Off-Season Licence shall be for December 1, 2022, at a per diem rate of \$158.63 plus HST, and otherwise on the same terms and conditions as the licence agreement between the City and the Licensee dated May 1, 2017 as extended and amended, including pursuant to the 2022 Extension Agreement.



**Appendix "B" - Location Map**

**Municipal Address:** 255 Bremner Boulevard ("John Street Roundhouse"), Toronto, Ontario

