

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

TRACKING NO.: 2022-256

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

Prepared By:	Winnie Lam	Division:	Corporate Real Estate Management
Date Prepared:	November 1, 2022	Phone No.:	437-881-9040

Purpose	To obtain authority for the City (as property owner) to provide a Letter of Consent to the Committee of Adjustment, Toronto and East York District, regarding an Application by Bloor CT Acquisition Inc. (the "Ground Tenant"), to divide / sever the leasehold interest of the 1971 Ground Lease as amended, into two (2) leasehold interests at 820 Yonge Street, Toronto, referred to as "Cumberland Terrace" (the "Tenant Application").
Property	The property municipally known as 820 Yonge Street, Toronto, legally described on attached Appendix "A", comprising strata lands from grade to 30 feet above, and below grade lands (the "Property") as shown on the Location Map in Appendix "B".
Actions	<ol style="list-style-type: none"> 1. Authority be granted for the City as property owner to provide a letter of consent to the Committee of Adjustment, for the Tenant's Application to divide / sever the tenant leasehold interest of the Property into two (2) leasehold interests, substantially on the major terms and conditions set out herein, and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor. 2. The appropriate City officials be authorized and directed to take the necessary actions to give effect thereto.
Financial Impact	<p>There are no financial impacts resulting from the approval of this DAF as no changes are being made to the financial terms and conditions of the Ground Lease.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>City of Toronto is the landlord of the ground lease made August 25, 1971 and registered Sept. 28, 1971 as Instrument 85353EM in the Registry Office and Instrument A-330247 in the Land Titles Office, as amended by agreements dated April 30, 2009 and September 28, 2016 (collectively the "Ground Lease"), for strata leased lands with an existing 3 level (2 above grade storeys and 1 below grade concourse) retail complex known as "Cumberland Terrace" (the "Leased Lands").</p> <p>The Ground Tenant / Bloor CT Acquisition LP as owner of the freehold lands above the Leased Lands (the "Air Space Lands"), was granted consent to sever the Air Space Lands by Decision Number B0106/19TEY given on June 10, 2020 by the Committee of Adjustment, Toronto and East York District of the City of Toronto ("Committee of Adjustment"), to create two (2) separate parcels, referred to as: (i) Parts 5, 6, 7, 8 and 11 on Plan 66R-31369, City of Toronto (the "5 Cumberland Air Space Lands"); and (ii) Parts 1, 2, 3, 4, 9 and 10 on Plan 66R-31369, City of Toronto (the "65 Cumberland Air Space Lands").</p> <p>The Ground Tenant has requested that the City (in its capacity as landlord) amend the Ground Lease to two (2) separate Ground Leases, including amending the legal description of the Leased Lands to align with the legal description of the 5 Cumberland Air Space Lands and the 65 Cumberland Air Space Lands. The City (as landlord) and the Tenant are in the process of negotiating the Ground Lease amendment. As the Ground Lease term and extension options exceed 21 years, in order to comply with the <i>Planning Act</i> (Ontario), Committee of Adjustment consent is required.</p>
Terms	<p>Ground Tenant to submit the Tenant Application at its sole cost and expense, to divide / sever the legal description of the Leased Lands to align with the legal description of the 5 Cumberland Air Space Lands and the 65 Cumberland Air Space Lands, subject to all terms and conditions as may be imposed by the Committee of Adjustment, to be complied with at the Tenant's sole cost and expense. In addition, the Ground Tenant is required to comply with all of the terms and conditions of the Ground Lease, and City (as landlord) prior written consent is required, for any proposed assignment, transfer or conveyance of the Ground Lease / Leased Lands, in whole or in part.</p> <p>For greater certainty, by giving consent to submission of the Tenant Application, the City (as landlord) does not acknowledge or approve the contents of the Tenant Application. In addition, this consent does not constitute a waiver of the necessity for consent to any further Tenant applications.</p>

Property Details	Ward:	11 – University- Rosedale
	Assessment Roll No.:	
	Approximate Size:	N/A
	Approximate Area:	N/A
	Other Information:	

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 & Parks & 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>Delegated to more senior positions.</p> <p>Delegated to more senior positions.</p> <p>Delegated to more senior positions.</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>Delegated to more senior positions.</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>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</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>Delegated to more senior positions.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to more senior positions.</p> <p>Delegated to more senior positions.</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 & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p>Delegated to more senior positions.</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 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>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</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 checked="" 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 Layton	Councillor:	
Contact Name:	Mike Layton	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X <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:	No concerns- Oct 31, 2022	Comments:	

Consultation with Divisions and/or Agencies

Division:	Financial Planning	Division:	City Planning
Contact Name:	Filisha Jenkins	Contact Name:	David Dreidger
Comments:	No issues- Oct 28, 2022	Comments:	No objections
Division:	TTC	Division:	
Contact Name:	Matthew Taylor	Contact Name:	
Comments:	No objections	Comments:	

Legal Services Division Contact

Contact Name:	Soo Kim Lee
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DAF Tracking No.: 2022-256	Date	Signature
Concurred with by:		X
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Ronald Ro	Nov. 2, 2022	Signed by Ronald Ro
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Nov. 2, 2022	Signed by Alison Folosea

Appendix A

Legal Description of Property

Firstly: PIN 21197-0245 (LT) (All of the PIN except Part 42 Plan 66R-24268)

City of Toronto, Part of Lots 6, 7 and 8, Plan 158 York and Part of Lot 21, Concession 2, from the Bay, designated as Parts 3, 7, 8, 9, 22, 24, 37, 38, 39, 41, and 44, Plan 66R-24268.

Reserving to the Landlord a permanent subsurface easement for the construction, operation and maintenance of the Bloor-Danforth Subway over said Parts 7, 8, 9, 22 and 24, Plan 66R-24268.

Reserving to the Landlord a permanent easement for the construction, operation and maintenance of a fan room servicing the Yonge/Bloor Subway Station over said Part 44, Plan 66R-24268.

Secondly: PIN 21197-0247 (LT)

City of Toronto, Part of Lot 21, Concession 2, from the Bay, designated as Part 4, Plan 66R-24268.

Thirdly: PIN 21197-0251 (LT)

City of Toronto, Part of 1 Foot Reserve, Plan 419 York, Part of Lot 21, Concession 2, from the Bay, Part of Lot 1 and the 6 Foot Strip Plan 69 York, designated as Parts 5, 6, 19, 25, 26, 27, 33 and 34, Plan 66R-24268.

Reserving to the Landlord a permanent subsurface easement for the construction, operation and maintenance of the Bloor-Danforth Subway over said Parts 6, 26 and 27, Plan 66R-24268.

Fourthly: PIN 21197-0257 (LT)

City of Toronto, Part of Lot 21, Concession 2, from the Bay, designated as Parts 12 and 36, Plan 66R-24268.

Reserving to the Landlord a permanent subsurface easement for the construction, operation and maintenance of the Bloor-Danforth Subway over said Part 12, Plan 66R-24268.

Fifthly: PIN 21197-0255 (LT)

City of Toronto, Part of Lot 21, Concession 2, from the Bay, designated as Parts 13 and 14, Plan 66R-24268.

Reserving to the Landlord a permanent subsurface easement for the construction, operation and maintenance of the Bloor-Danforth Subway over said Part 14, Plan 66R-24268.

Sixthly: PIN 21197-0249 (LT)

City of Toronto, Part Lot 21, Concession 2, from the Bay, designated as Part 35, Plan 66R-24268.

Seventhly: PIN 21197-0253 (LT)

City of Toronto, Part of Lot 21, Concession 2, from the Bay, designated as Part 40, Plan 66R-24268.

Eighthly: PIN 21197-0245 (LT) (Part)

City of Toronto, Part of Lot 6 and 7, Plan 150 York Concession 2, from the Bay, designated as Part 2 on Plan 66R-28760.

Appendix B - Map

