

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

TRACKING NO.: 2022-193

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

Prepared By:	Rocchina Zambri	Division:	Corporate Real Estate Management
Date Prepared:	November 2, 2022	Phone No.:	416-338-2995

Purpose
 To obtain authority to enter into a licence renewal agreement (the "Agreement") with His Majesty the King in Right of Ontario as represented by the Minister of Infrastructure (the "**Licensor**") for the purpose of the Islington East commuter parking lot and temporary construction staging area as shown in Appendix B.

Property
 Islington East commuter parking lot, legally described as Part of Lot 7, Concession "B", Clergy Block (east side of Islington Avenue), Geographic Township of Etobicoke, in the City of Toronto as shown in Appendix A ("**Property**").

Actions
 1. Authority be granted to enter into the Licence with the Licensor, substantially on the major terms and conditions set out below, and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City solicitor.

Financial Impact
 The cost to the City over the five (5) year term is estimated to be \$1,306,145.00 (net of HST recoveries) which is based on an annual fee of \$228,765.00 (plus HST & realty taxes). Total annual cost to the City is detailed below.

	Licence Fee	Estimated Realty Tax*	Licence Fee & Est. Realty Tax	Non-recoverable HST (1.76%)	Total incl. Non-recoverable HST
Jan 1 – Dec 31, 2022	\$228,765.00	\$26,318.00	\$255,083.00	\$4,490.00	\$259,573.00
Jan 1 – Dec 31, 2023	\$228,765.00	\$27,108.00	\$255,873.00	\$4,504.00	\$260,377.00
Jan 1 – Dec 31, 2024	\$228,765.00	\$27,921.00	\$256,686.00	\$4,518.00	\$261,204.00
Jan 1 – Dec 31, 2025	\$228,765.00	\$28,759.00	\$257,524.00	\$4,533.00	\$262,057.00
Jan 1 – Dec 31, 2026	\$228,765.00	\$29,621.00	\$258,386.00	\$4,548.00	\$262,934.00
	\$1,143,825.00	\$139,727.00	\$1,283,552.00	\$22,593.00	\$1,306,145.00

*Estimated realty tax based on 2021 value

Funding is available in the 2022-2031 Council Approved Capital Budget for the Toronto Transit Commission (TTC) under capital program 3.9 Other Buildings and Structures (capital project account CTT028 – Easier Access Phase III).

The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.

Comments
 The TTC and the Licensor entered into a licence agreement dated June 5, 2012 to accommodate commuter parking at the Property for a five-year term, commencing on January 1, 2012 and expiring on December 31, 2016. The licence agreement was extended, as authorized by DAF No. 2018-044, for an additional five-year term, which expired on December 31, 2021. The City and the Licensor have agreed to extend the licence agreement again for an additional five years on the same terms and condition as the original agreement, except for the rental amount.

The proposed fee and other major terms and conditions of the Agreement are considered to be fair, reasonable and reflective of market rates.

Terms
Term – Five (5) years, commencing on January 1, 2022.

Licence Fee –\$228,765.00 (plus HST). The City will also pay an amount equal to Seventy-Five percent (75%) of the annual realty taxes or grants and/or payments in lieu payable with respect to the Property.

Property Details	Ward:	Ward 3 - Etobicoke-Lakeshore
	Assessment Roll No.:	191901898000100
	Approximate Size:	2.133 acres
	Other Information:	Commuter Parking Lot

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate Services has approval authority for:
1. Acquisitions:	<input checked="" 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/REOIs:	<input type="checkbox"/> Issuance of RFPs/REOIs.	<input type="checkbox"/> Issuance of RFPs/REOIs.
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/Licenser):	<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 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:
<ul style="list-style-type: none"> • 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:	Mark Grimes	Councillor:	
Contact Name:	Mark Grimes	Contact Name:	
Contacted by:	<input type="checkbox"/> Phone <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other	Contacted by:	<input type="checkbox"/> Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	Advised	Comments:	

Consultation with Divisions and/or Agencies

Division:	TTC	Division:	Financial Planning
Contact Name:	Duane Lovelace	Contact Name:	Filisha Jenkins
Comments:	Concur	Comments:	Concur

Legal Services Division Contact

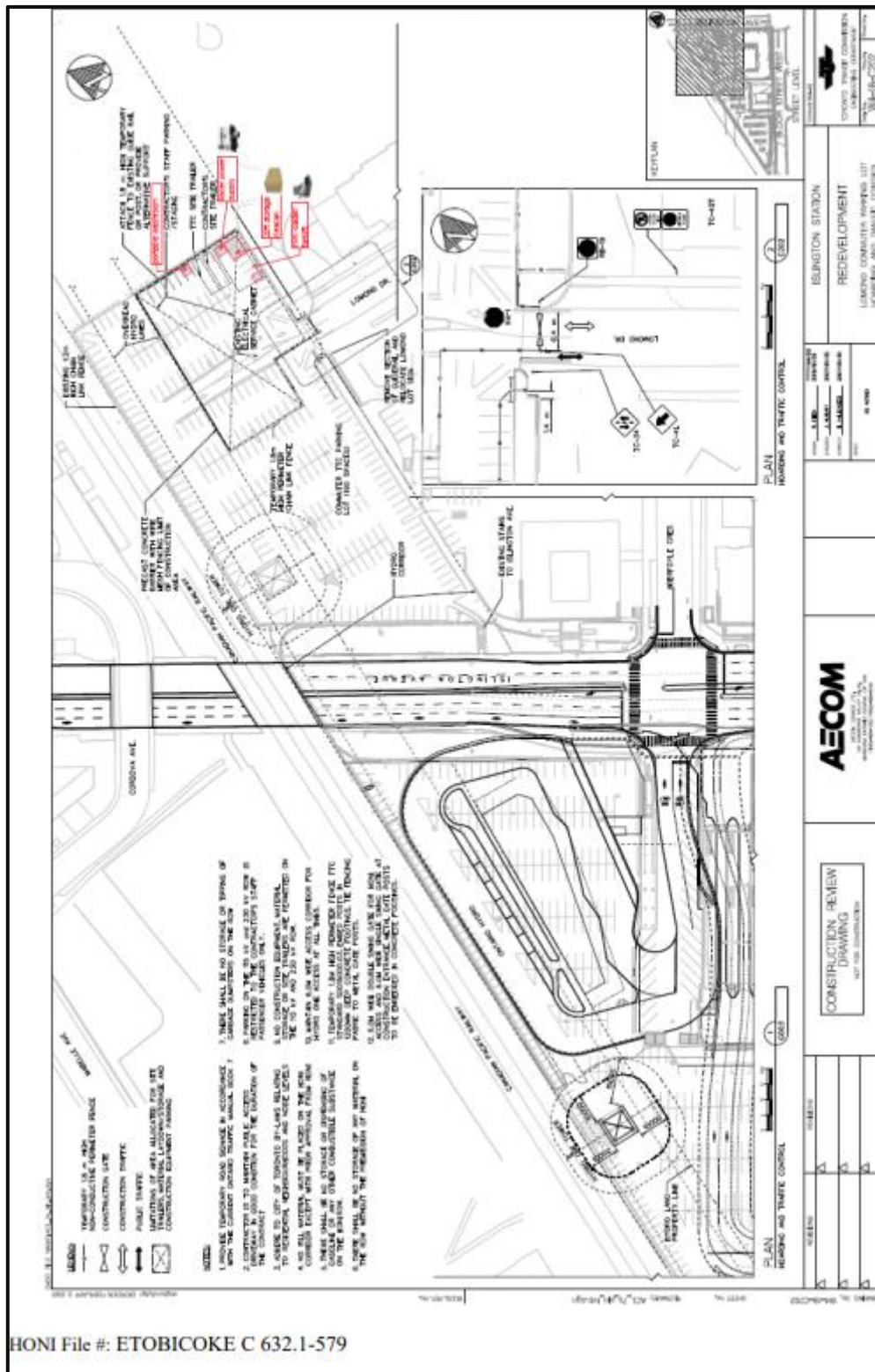
Contact Name: Frank Weng

DAF Tracking No.: 2022-193	Date	Signature
Recommended by: Manager, Real Estate Services	Nov. 2, 2022	Signed by Vinette Prescott-Brown
Recommended by: Director, Real Estate Services	Nov. 4, 2022	Signed by Alison Folosea
<input type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management <input checked="" type="checkbox"/> Approved by: Patrick Matozzo	Nov. 4, 2022	Signed by Patrick Matozzo
<input type="checkbox"/> Approved by: Deputy City Manager, Corporate Services Josie Scioli		X

Appendix A – Subject Property Location Map



Appendix B – Staging Area



HONI File #: ETOBICOKE C 632.1-579