

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

TRACKING NO.: 2022-273

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 14, 2022	Phone No.:	416-392-8159

Purpose	To obtain authority to enter into a non-exclusive license agreement (the " License Agreement ") with Downtown Towing & Storage Inc. (the " Licensee ") with respect to part of the property municipally known as 520 Lakeshore Boulevard East, Toronto (the " Property ") for the purpose of operating a short term parking lot for third-party personal use vehicles (not commercial vehicles), where the Licensee charges a fee for such use.
Property	The Property and Licensed Area as shown on the Location Map in Appendix "B".
Actions	1. Authority be granted to enter into the License Agreement 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.
Financial Impact	<p>The City will receive from the Licensee a licence fee of \$30,000.00 plus applicable HST or other taxes (excluding realty taxes). Revenues will be directed to the 2022 Council Approved Operating Budget for Corporate Real Estate Management under cost centre FA1672.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.</p>
Comments	<p>The timing of the proposed licence agreement coincides with The Distillery District Winter Village event. The Licensee will manage the parking operations.</p> <p>The Property is owned by the City and used for a variety of purposes including as a construction staging area for the Gardiner rehabilitation project and a storage site for excess snow as part of Transportation Services winter operations. An alternative location for excess snow storage has been provided by the Licensee at no cost to the City. All impacted divisions have been notified of the proposed temporary licence to permit parking, and no other conflicts have been identified.</p> <p>City staff consider the Licence Agreement to be fair and reasonable to both parties.</p>
Terms	Please see page 4: Appendix "A" for the major terms and conditions of the License Agreement.

Property Details	Ward:	Spadina-Fort York
	Assessment Roll No.:	190407113000406
	Approximate Size:	
	Approximate Area:	5 Acres ± (217,800.00 ft ² ±)
	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 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>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 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:		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 Objection (November 14, 2022)	Comments:	

Consultation with Divisions and/or Agencies

Division:	ECS and Transportation Services	Division:	CreateTO
Contact Name:	Jodie Atkins, Director Design & Construction Vincent Sferrazza, Director Trans Operations & Maintenance	Contact Name:	Neil Finlayson, Sr. Property Manager
Comments:	No Objection (July, 25, 2022 / November 9, 2022)	Comments:	Comments Incorporated (October 27, 2022)

Division:	Waterfront Secretariat	Division:	Financial Planning
Contact Name:	David Stonehouse, Director	Contact Name:	Filisha Jenkins
Comments:	No Objection (November 9, 2022)	Comments:	Comments Incorporated (November 10, 2022)

Legal Services Division Contact

Contact Name: Vanessa Bacher (November 10, 2022)

DAF Tracking No.: 2022-273	Date	Signature
Concurred with by: Manager, Real Estate Services		X
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Van Hua	Nov. 14, 2022	Signed by Van Hua
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Nov. 14, 2022	Signed by Alison Folosea

Appendix "A" – Term Sheet

Licensor: City of Toronto

Licensee: Downtown Towing & Storage Inc.

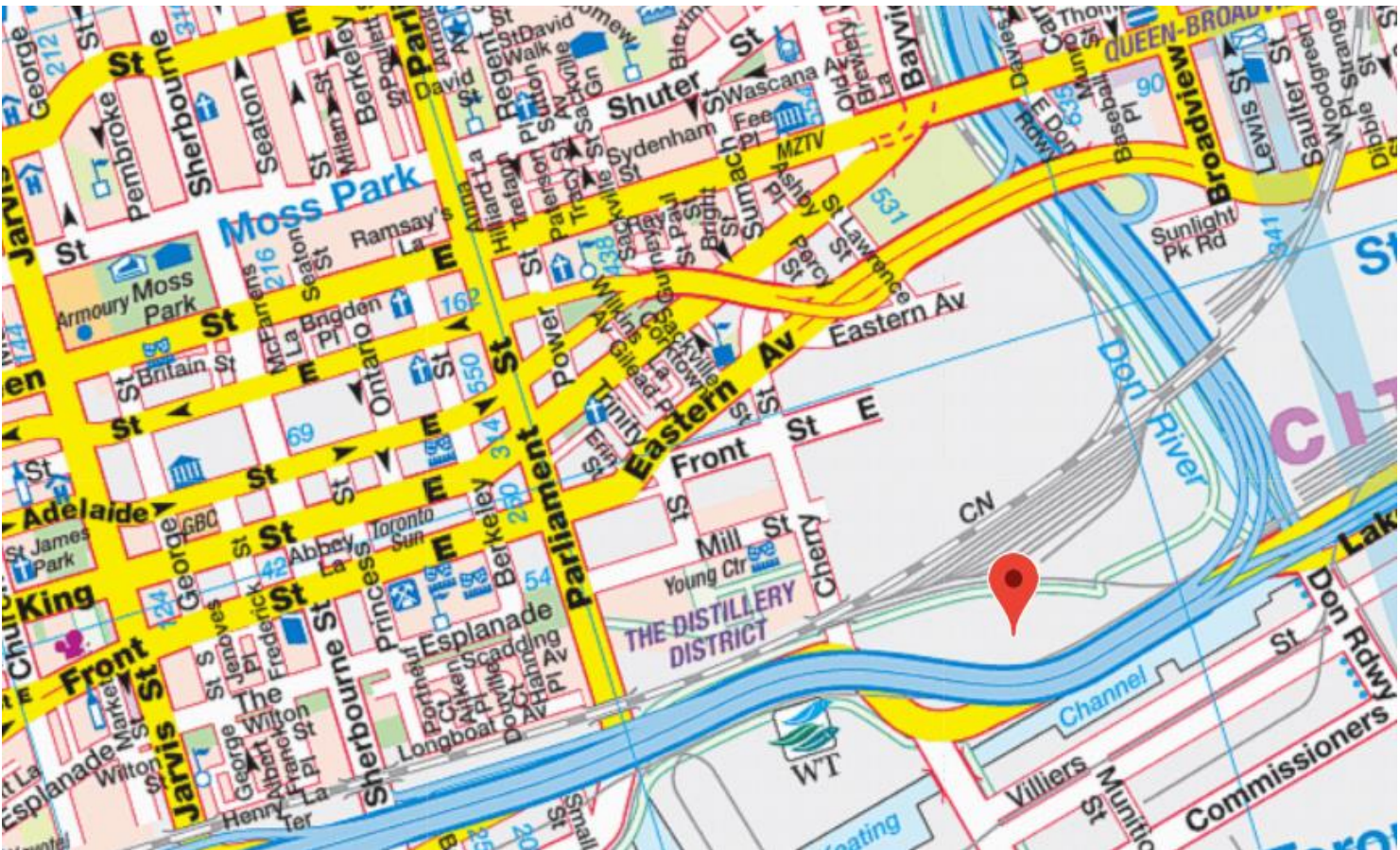
Licensed Area: The portion of the City Lands shown within the red outline in Appendix "B"

Terms and Conditions of the Licence Agreement:

1. **Term:** A period of Forty-Seven (46) Days commencing November 16, 2022 and ending December 31, 2022.
2. **Permitted Use:** operating a short term parking lot for personal use vehicles (not commercial vehicles) belonging to third-parties, where the Licensee charges a fee for such use.
3. **Licence Fee:** \$30,000.00 plus applicable HST or other taxes (excluding realty taxes).
4. **City's Use of 55 Unwin Ave:** The Licensee grants to the City permission to use part of the property municipally known as 55 Unwin Ave, illustrated on Appendix "C", for snow storage and no other purpose, during the Term.
5. **Acceptance of Licensed Area "As Is":** The Licensee accepts the Licensed Premises in its "as is" and "where is" condition.
6. **Restoration:** Licensee will immediately, at its sole cost and expense and to the satisfaction of the *City Designate*, (1) remove all of the Licensee's Chattels from and about the Licensed Area, and (2) restore the Licensed Area by
 - (i) returning the Licensed Area to the same condition as existed prior to occupation by the Licensee, and
 - (ii) making good any damage caused to the Licensed Area by such installation and removal and leaving the Licensed Area clean, tidy and in good repair.
7. **Insurance:** The Licensee's contractors will be required to maintain:
 - a. Commercial General Liability insurance including, products liability, if applicable, personal injury, employer's/and contingent employer's liability, blanket contractual liability and provisions for cross liability and severability of interests and non-owned automobile liability with limits of not less than Five Million Dollars (\$5,000,000.00), per occurrence. The City is to be added as an additional insured; and
 - b. Standard Garage Automobile Liability in the amount of not less than Two Million Dollars (\$2,000,000.00) for each occurrence. The policy must include coverage for Collision/Upset Legal Liability and Specified Perils for any one customer vehicle and Liability for Comprehensive Damage to a Customer's Automobile, including Open Lot Theft; and
 - c. such other insurance as may be reasonably required by the City from time to time.
8. **Indemnity:** The Licensee shall indemnify and save harmless the City from any claims arising from:
 - a. the exercise of this Licence;
 - b. the installation, removal, operation, use, maintenance or repair of the Licensee's chattels;
 - c. the occupation or use of any portion of the Licensed Area by the Licensee's Representatives and their customers and invitees;
 - d. the breach of any warranty or the performance, breach or default in the observation of any covenant or agreement under this License Agreement by the Licensee's Representatives;
 - e. the Licensees Representatives' failure to observe Applicable Laws; and
 - f. the presence of any pollutant on the Licensed Area or the release or escape of any pollutant on the Licensed Area due to an action or omission by the Licensee's Representatives (as defined within the License Agreement).
9. **Parking Rates:** Daily parking rates to be capped at up to \$25.00 per parking space.

Appendix "B" - Location Map

Municipal Address: 520 Lakeshore Boulevard East, Toronto – Licensed Area outlined in red:



Appendix "C" – 55 Unwin Avenue

The Licensee grants to the City permission to use part "I" (in Lilac below, approximately 68,289 sq. ft.) of the property municipally known as 55 Unwin Ave, illustrated below:

