

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

TRACKING NO.: 2022-191

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

Prepared By:	Joanna Mysak	Division:	Corporate Real Estate Management
Date Prepared:	August 30, 2022	Phone No.:	416-338-0405

<b>Purpose</b>	To obtain authority to enter into a five (5) year Licence Extension and Amending Agreement with The Leo Baeck Day School (the " <b>Licensee</b> ") for use of a portion of a City owned parking lot and park lands in Cedarvale Park (the " <b>Property</b> ") for the purpose of parking, playground and sports court.																					
<b>Property</b>	Cedarvale Park in Ward 21, being part of PIN 10464-0294 (LT). See Appendix "A".																					
<b>Actions</b>	1. Authority be granted to enter into a Licence Extension and Amending Agreement with the Licensee, substantially on the major terms and conditions set out in Appendix " <b>B</b> ", 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 total estimated revenue to the City for the initial five (5) year extension term is approximately \$187,345.45 (excluding HST and applicable taxes). The annual financial impact to the City is as follows:</p> <table border="1"> <thead> <tr> <th>Period</th> <th>Annual Minimum Fee</th> <th>Monthly Minimum Fee for 10 months</th> </tr> </thead> <tbody> <tr> <td>Sept 1, 2022 – June 30, 2023</td> <td>\$ 36,000.00</td> <td>\$ 3,600.00</td> </tr> <tr> <td>Sept 1, 2023 – June 30, 2024</td> <td>\$ 36,720.00</td> <td>\$ 3,672.00</td> </tr> <tr> <td>Sept 1, 2024 – June 30, 2025</td> <td>\$ 37,454.40</td> <td>\$ 3,745.44</td> </tr> <tr> <td>Sept 1, 2025 – June 30, 2026</td> <td>\$ 38,203.49</td> <td>\$ 3,820.35</td> </tr> <tr> <td>Sept 1, 2026 – June 30, 2027</td> <td>\$ 38,967.56</td> <td>\$ 3,896.76</td> </tr> <tr> <td><b>Total Cost for the 5-year term (excluding HST)</b></td> <td></td> <td><b>\$ 187,345.45</b></td> </tr> </tbody> </table> <p>Annual revenue will be directed to the 2022 Council Approved Operating Budget for Parks, Forestry &amp; Recreation under cost center P10227, functional area code 1810400000, and will be included in future operating budget submissions for Council consideration.</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>	Period	Annual Minimum Fee	Monthly Minimum Fee for 10 months	Sept 1, 2022 – June 30, 2023	\$ 36,000.00	\$ 3,600.00	Sept 1, 2023 – June 30, 2024	\$ 36,720.00	\$ 3,672.00	Sept 1, 2024 – June 30, 2025	\$ 37,454.40	\$ 3,745.44	Sept 1, 2025 – June 30, 2026	\$ 38,203.49	\$ 3,820.35	Sept 1, 2026 – June 30, 2027	\$ 38,967.56	\$ 3,896.76	<b>Total Cost for the 5-year term (excluding HST)</b>		<b>\$ 187,345.45</b>
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<b>Total Cost for the 5-year term (excluding HST)</b>		<b>\$ 187,345.45</b>																				
<b>Comments</b>	<p>The Leo Baeck Day School is located at 501 Arlington Ave. DAF 2012-226 and 2013-144 authorized the Licensee and the City of Toronto (the "<b>City</b>") to enter into a five (5) year Licence Agreement (the "<b>Agreement</b>") dated September 1, 2012, which expired on June 30, 2017. The Licence was extended in 2018 for another five (5) year term commencing on September 1, 2017 and expiring on June 30, 2022 as documented by DAF No. 2018-304.</p> <p>The Licensee requested that the Licence be extended for a further (5) year term commencing on August 1, 2022 and expiring June 30<sup>th</sup>, 2027. With the exception of 2022, where the Licensee will be using the Licensed Premises in August, the Licensee is to only use the Licensed Premises between September 1<sup>st</sup> to June 30<sup>th</sup> of each year, Monday to Friday, from 7:00 am to 5:00 pm.</p> <p>The proposed rent and other major terms and conditions of the Lease are considered to be fair, reasonable and reflective of market rates.</p>																					
<b>Terms</b>	Please see Appendix "B" for the major terms and conditions.																					

<b>Property Details</b>	<b>Ward:</b>	Ward 12 Toronto—St. Paul's
	<b>Assessment Roll No.:</b>	
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	1,760 m <sup>2</sup> (18,944 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 Josh Matlow	Councillor:	
Contact Name:		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:	Concurred (8/19/2022)	Comments:	

**Consultation with Divisions and/or Agencies**

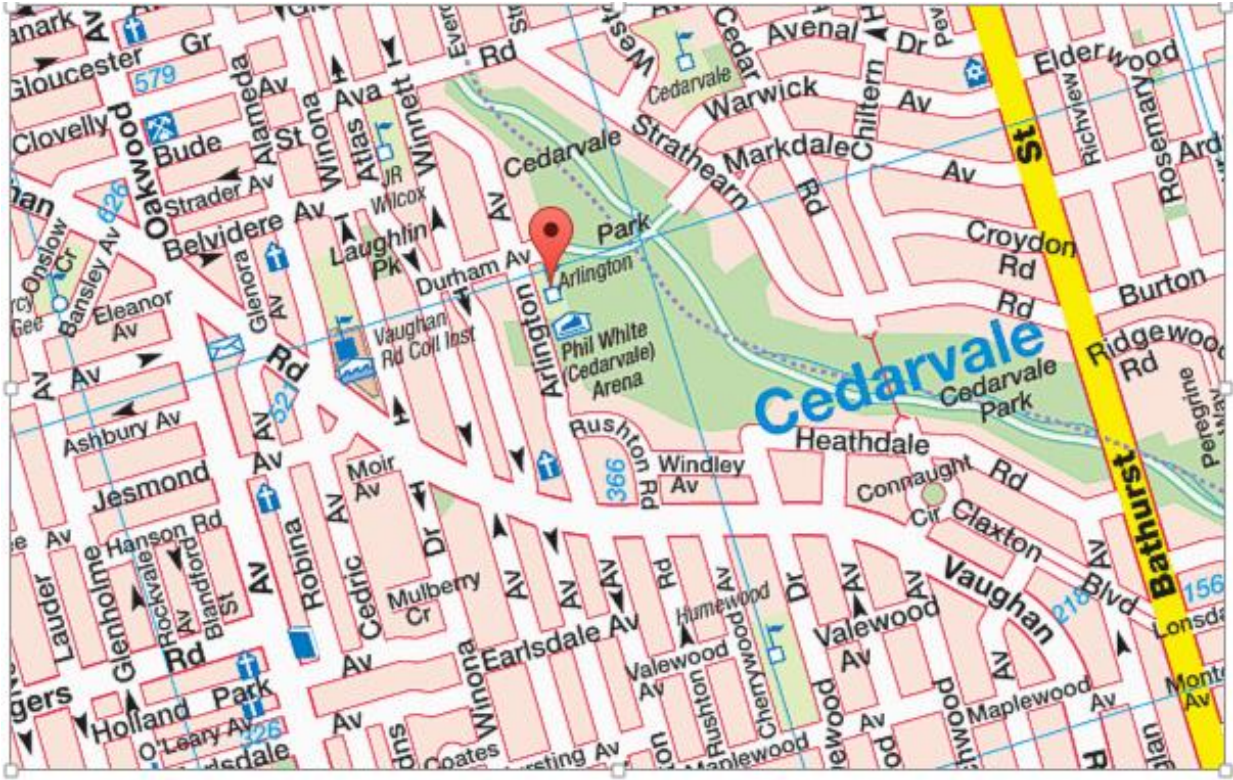
Division:	Parks, Forestry, & Recreation	Division:	<b>Financial Planning</b>
Contact Name:	Alex Deighan	Contact Name:	Filisha Jenkins
Comments:	Concurred (4/26/2022)	Comments:	Concurred (8/17/2022)

**Legal Services Division Contact**

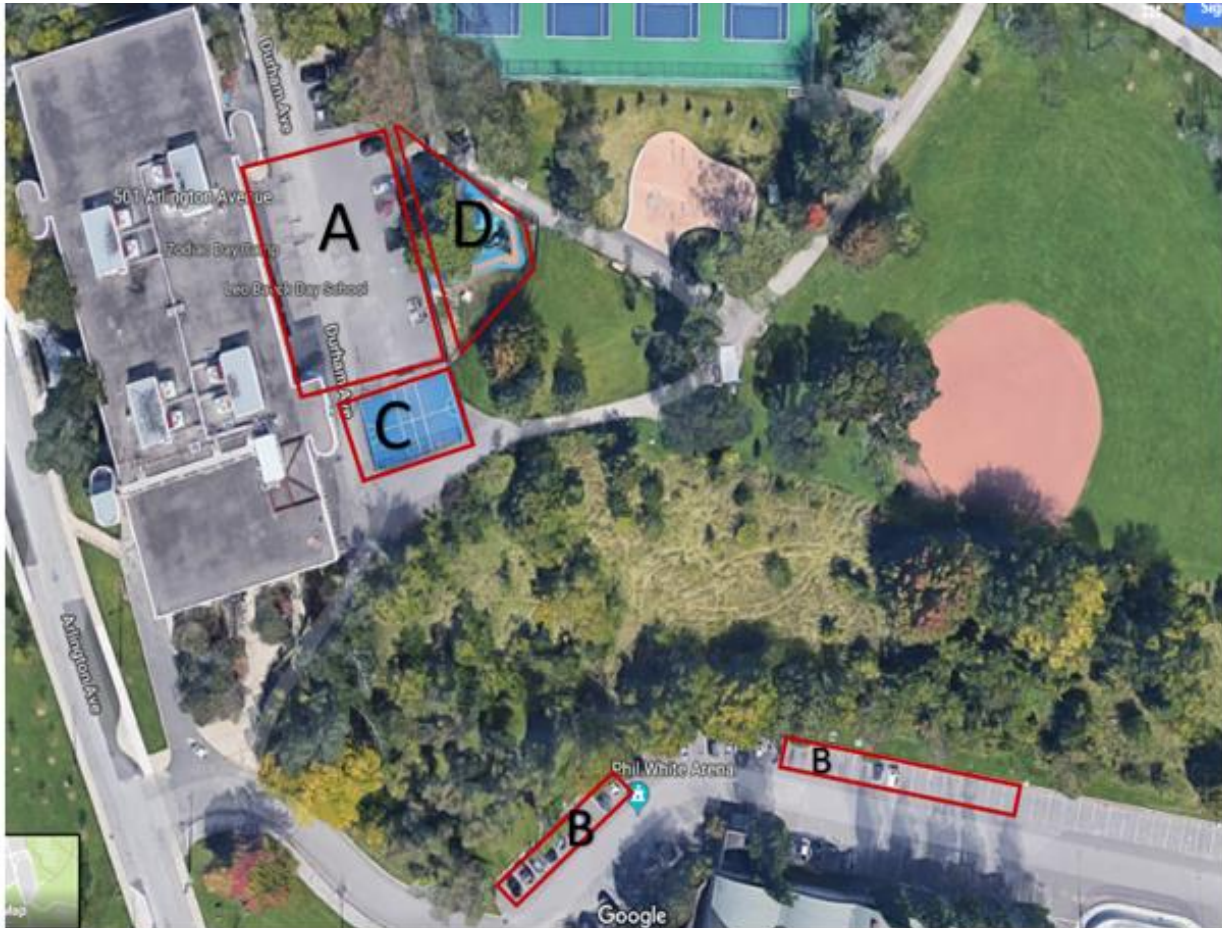
Contact Name:	Amna Shakil
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DAF Tracking No.: 2022-191	Date	Signature
Concurred with by: Manager, Real Estate Services		X
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Susan Lin <input type="checkbox"/> Approved by:	August 30, 2022	Signed by Susan Lin
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Sept. 8, 2022	Signed by Alison Folosea

Appendix "A"  
Location Map and Licenced Premises



Licensed Premises outlined in red, identified as A, B, C, and D.



**Appendix "B"**  
**Major Terms and Conditions**

**Licensor:** City of Toronto

**Licensee:** The Leo Baeck Day School

**Term:** Five (5) years, commencing on August 1, 2022 and and expiring June 30, 2027 (the "**Second Extension Term**"), during a certain period of each year, being Monday to Friday from 7am to 5pm from September 1<sup>st</sup> to June 30<sup>th</sup> (the "**School Use Period**").

**Licensed Premises:** Approximately 18,944 square feet in total as identified in Appendix "A".

**Licence Fee:** The Licence fee escalates at 2% annually. The Licensee shall pay to the City an annual Licence Fee payable in 10 equal monthly instalments as follows:

Period	Annual Minimum Fee	Monthly Minimum Fee for 10 months
Sept 1, 2022 – June 30, 2023	\$ 36,000.00	\$ 3,600.00
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<b>Total Cost for the 5-year term (excluding HST)</b>		<b>\$ 187,345.45</b>

**Amendment:** The original licence agreement is amended to allow the Licensee to install and maintain new pathways made out of rubber in Areas "C" and "D" of the Park Area shown in Appendix "A".