

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

TRACKING NO.: 2022-220

Approved pursuant to the Delegated Authority contained in Article 2 of City of Toronto Municipal Code Chapter 213, Real Property													
Prepared By:	Blendian Stefani	Division:	Corporate Real Estate Management										
Date Prepared:	November 7, 2022	Phone No.:	(416) 397-7481										
Purpose	<p>To obtain authority for the City, as owner of the property municipally known as 130 The Queensway Road to:</p> <p>(1) amend the Original Master Telecommunication Agreement between the City and Rogers Communications Inc. (the "Licensee") dated August 27, 2015, to allow the Licensee to co-locate the licensed premises and to amend the licence fee resulting from the co-location (the "Licence Amending Agreement"); and</p> <p>(2) enter into a Co-Location Agreement with the Licensee and Bell Mobility Inc. (the "Co-Locator") whereby the Licensee sublicenses to the Co-Locator the right to use the Licensee's equipment located on the licensed premises as permitted under the Licence Amending Agreement (the "Co-Location Agreement").</p>												
Property	Sunnyside II - North Side of The Queensway and West of Humber River, municipally known as 130 The Queensway Road, Toronto, Ontario as described in Appendix "A" (the "Licensed Premises").												
Actions	1. Authority be granted for the City to enter into the Licence Amending Agreement and the Co-Location Agreement, substantially on the terms and conditions set out in Appendix "B", and on such other or amended terms and conditions deemed appropriate by the approving authority herein, and in a form acceptable to the City Solicitor.												
Financial Impact	<p>The City will receive total revenue of \$39,297.20 over the remaining eighteen (18) months of the existing license agreement. The fee reflects a 3% increase per year and includes Hydro Consumption and Co-Location Fees.</p> <p>Revenues remitted to the City on a fiscal year basis is as follows: 2022: \$16,332.40 2023: \$22,964.80 Total: \$39,297.20 (plus HST)</p> <p>Revenue to the City will be directed to the 2022 Council Approved Operating Budget for Corporate Real Estate Management under cost center FA1799 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>												
Comments	<p>In 2013, by its adoption of Item 2013.GM26.8, City Council authorized the City to enter into a Master License Agreement with the Licensee for the installation, operation and maintenance of telecommunication equipment on certain City-owned sites. The Original Master Telecommunication Agreement was executed on August 27, 2015, and was amended on January 23, 2018; July 9, 2018 and January 31, 2019. The Humber River Plant property at 130 The Queensway (under the operational management of Toronto Water) is a permitted site with existing Rogers' antennas and associated equipment.</p> <p>Bell Mobility Inc. has requested to install its equipment onto the existing telecommunication tower owned by the Licensor located on the Licensed Premises. This request is in line with the City's Telecommunication Tower and Antenna Protocol guidelines. Toronto Water (Humber River Plant) and Rogers have agreed to the terms and conditions of the Co-Location Agreement.</p> <p>The proposed fee and other terms and conditions of the Licence Amending Agreement and Co-Location Agreement are considered to be fair, reasonable and reflective of market rates.</p>												
Terms	See Appendix "B"												
Property Details	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">Ward:</td> <td>3 – Etobicoke - Lakeshore</td> </tr> <tr> <td>Assessment Roll No.:</td> <td></td> </tr> <tr> <td>Approximate Size:</td> <td></td> </tr> <tr> <td>Approximate Area:</td> <td>413,288 m² ± (4,448,601 ft² ±)</td> </tr> <tr> <td>Other Information:</td> <td>N/A</td> </tr> </table>			Ward:	3 – Etobicoke - Lakeshore	Assessment Roll No.:		Approximate Size:		Approximate Area:	413,288 m ² ± (4,448,601 ft ² ±)	Other Information:	N/A
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Other Information:	N/A												

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/Licensor):</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 checked="" 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 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:	Mark Grimes	Councillor:	
Contact Name:	Kim Edgar	Contact Name:	
Contacted by:	Phone <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 objections (September 28, 2022)	Comments:	

Consultation with Divisions and/or Agencies

Division:	Toronto Water	Division:	Financial Planning
Contact Name:	Richard Szigeti	Contact Name:	Filisha Jenkins
Comments:	Concurs (September 28, 2022)	Comments:	No objections (November 9, 2022)

Legal Services Division Contact

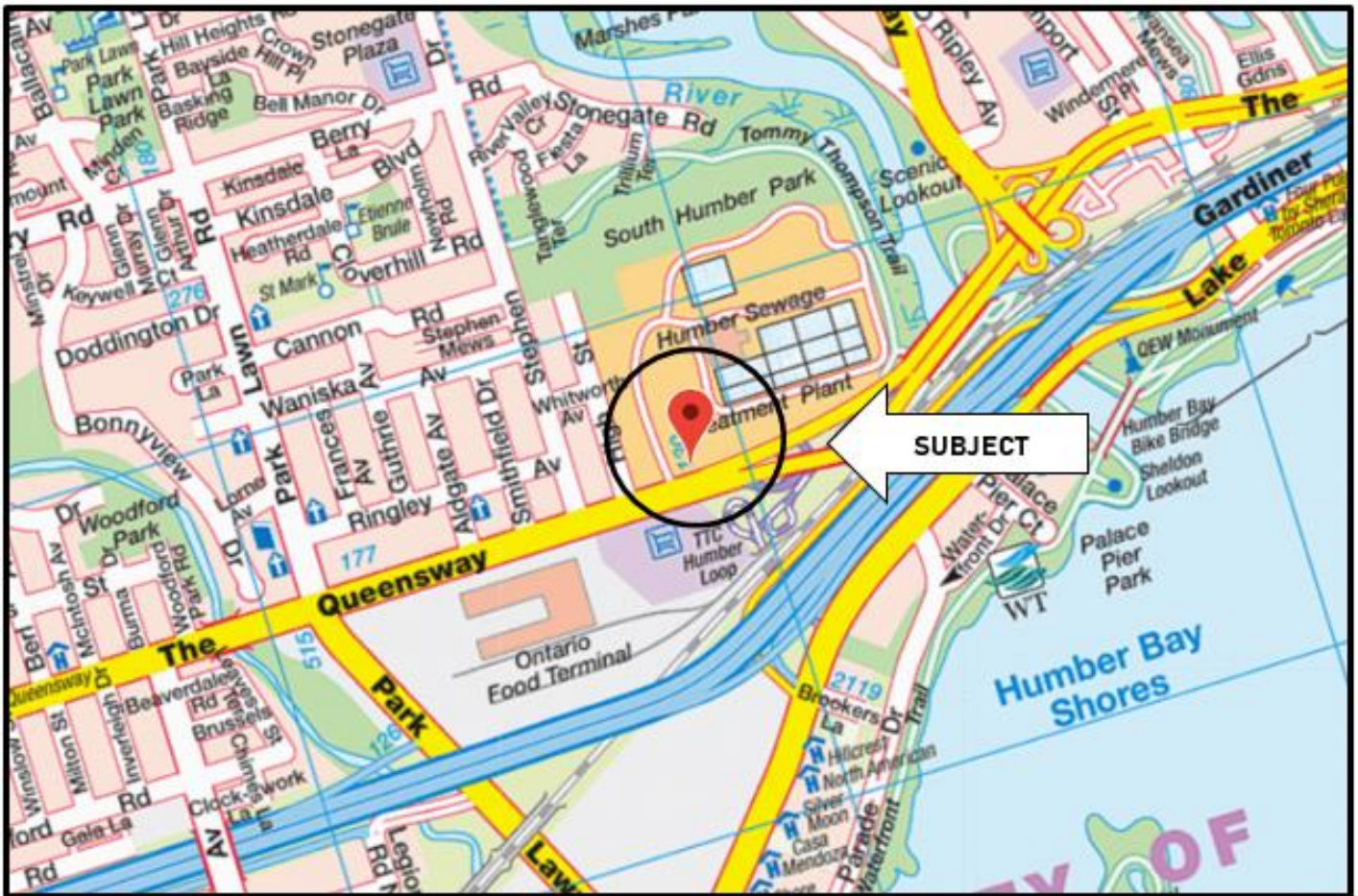
Contact Name: Frank Weng (last reviewed November 9, 2022)

DAF Tracking No.: 2022-220	Date	Signature
Concurred with by: Manager, Real Estate Services Leila Valenzuela	Nov. 15, 2022	Signed by Leila Valenzuela
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Van Hua	Nov. 16, 2022	Signed by Van Hua
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		X

Appendix "A"

Location Map

130 The Queensway - Sunnyside II - North side of The Queensway and west of Humber River (Humber River Plant)



Appendix "B"

Major Terms of the Amending Licence Agreement

Minimum Fee	\$20,000.00 annually
Additional Fee	\$1,055.40 monthly fee for hydro effective August 1, 2022, and any other additional fees
Co-Location Fee	\$10,000.00 annually
Co-Location Agreement	The City, Licensee and Bell Mobility Inc. shall enter into a Co-Location Agreement, upon execution of the Amending Licence Agreement
Other	All other terms and conditions of the Original Master Telecommunication Licence Agreement to remain the same

Major Terms of the Co-Location Agreement

Co-Location Fee	\$10,000.00 annually
Co-Locator	Bell Mobility Inc.
Sublicence Agreement	The Licensee sublicences to the Co-Locator the Licensee's rights and interests under the Amending Licence Agreement
Consent	The City consents to the Sublicence Agreement