

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

TRACKING NO.: 2022-290
Confidential Attachment

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

Prepared By:	Joe Corigliano	Division:	Corporate Real Estate Management
Date Prepared:	December 12 th 2022	Phone No.:	416-392 -1167

Purpose	To obtain authority to enter into a lease extension agreement (the " Agreement ") between the City of Toronto, as tenant (the " City "), and the landlord named in Appendix " B " Confidential Attachment (the " Landlord "), for the purposes of extending the term of the lease agreement made between the City and the original landlord on January 1, 1997, as amended, extended and renewed from time to time (collectively, the " Lease Agreement ") for a further period of 5 (five) years, on the major terms and conditions set out in Appendix " A " attached hereto, and for the purpose of continued operation and maintenance of a roof-top antenna and associated cables on a portion of the building more particularly described in Appendix " B " Confidential Attachment (the " Site "), for the use and operation of communications equipment necessary and incidental to the communication requirements of the Licensee, the Toronto Police Services, Fire Services, Toronto Paramedic Services and related services.
Property	See Appendix "B" Confidential Attachment.
Actions	<ol style="list-style-type: none"> 1. Authority be granted for the City to enter into the Agreement with the Landlord 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 acceptable to the City Solicitor. 2. Confidential information in the Confidential Attachment herein shall remain confidential indefinitely as it is information that relates to the security of the property of the City and the Toronto Police Services Board.
Financial Impact	<p>The base rent and additional rent (collectively, the "Rent") to be paid by the City for the full duration of the five (5) year term is estimated to be \$20,899.01 (plus HST) or \$21,266.83 (net of HST recovery), see Appendix "A" for the detail breakdown. The cost to the City on a fiscal year basis, is listed in Appendix "A".</p> <p>Funding is available in the 2022 Council Approved Operating Budget for Toronto Police Services under cost center PLR&EFZ 4530. Future year expenditures will be referred to the City's annual budget process and will be included as part of future year budget submissions for Toronto Police Services 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>By the adoption of the Clause No. 33 of Report No. 26 of the Strategic Policies & Priorities Committee, City Council, at its meeting of December 17, 1998, authorized a \$34.5 million integrated Fire/Police radio communications system for emergency services, including the Toronto Ambulance Service. By way of supporting this radio communications initiative, the Toronto Police Service Board ("TPSB") at its meeting of November 15, 2001 authorized leases or licenses with property owners, as may be required, for the placement of the said radio antenna. The Tenant's involvement in this Agreement, and with the renewals of other TPSB radio antenna sites as they come up for renewal, will harmonize and regularize the real property leases and license agreements of the TPSB with those of other City Boards.</p> <p>This Site is part of the City's emergency radio infrastructure for Police, Fire, and Toronto EMS. This Agreement will have a term of five years.</p> <p>Real Estate Services Staff have reviewed the Agreement and are satisfied that the proposed Rent and other major terms and conditions of this Agreement are considered to be fair, reasonable and reflective of market rates.</p>
Terms	See Appendix "A"

Property Details	Ward:	10 – Spadina-Fort York
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	See confidential attachment
	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 checked="" 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:
<ul style="list-style-type: none"> • 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:
<ul style="list-style-type: none"> • 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			
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property			
Consultation with Councillor(s)			
Councillor:	A. Malik	Councillor:	
Contact Name:	A. Malik	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:	Concurs 12/02/22	Comments:	
Consultation with Divisions and/or Agencies			
Division:	Toronto Police Services	Division:	Financial Planning
Contact Name:	Clay Beers	Contact Name:	Filisha Jenkins 12/12/2022
Comments:	Concurs	Comments:	Concurs
Legal Services Division Contact			
Contact Name:	Michelle Xu 12/01/22		

DAF Tracking No.: 2022- 290	Date	Signature
Concurred with by: Manager, Real Estate Services Ronald Ro	Dec. 12, 2022	Signed by Ronald Ro
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Van Hua	Dec. 12, 2022	Signed by Van Hua
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		

DAF 2022-290**APPENDIX "A"**Major Terms and Conditions of the Lease Extending Agreement

Landlord: See Confidential Attachment

Tenant: City of Toronto

Property: See Confidential Attachment

Site: approximately 80 square feet of space on the rooftop of the structure.

Extended Term: Five (5) years, commencing on July 1, 2022 and expiring on June 30, 2027.

Use: Facility hosting Radio Communications Antenna shared by Toronto Police Services, Fire Services, and Toronto Ambulance Services.

Base Rent: \$3,746.00 plus HST per annum for the first year of the Extended Term. Starting from the second year until the fifth year of the Extended Term, the Base Rent shall increase by the rate of five (5) percent over the previous year's Base Rent as outlined in the table below.

Additional Rent: maximum of Two Hundred Dollars (\$200.00) plus HST for the duration of the Extended Term.

New Rates:5% Increase Each Year of Term July 1, 2022 – June 30, 2027					
Additional Rent: (\$200.00) plus HST					
Year	Base Rent	Utilities/add rent Max \$200 plus HST for the Extended Term	Sub- Total	HST	Pre HST Rebate Total
22	\$3,746.00	\$200.00	\$3,946.00	\$512.98	\$4,458.98
23	\$3,933.30	\$0.00	\$3,933.30	\$511.33	\$4,444.63
24	\$4,129.97	\$0.00	\$4,129.97	\$536.90	\$4,666.86
25	\$4,336.46	\$0.00	\$4,336.46	\$563.74	\$4,900.20
26	\$4,553.29	\$0.00	\$4,553.29	\$591.93	\$5,145.21
Total	\$20,699.01	\$200.00	\$20,899.01	\$2,716.87	\$23,615.89

HST REBATE: \$2,349.05

Cost to the City: \$21,266.83 or (\$23,615.89 – \$2,349.05)

Other Terms:

Provided that the Tenant is not then at default beyond any applicable curing period, the Landlord agrees to provide the Tenant with a Landlord's acknowledgement at the expiration of the Extended Term or at the expiration of any further extended term, which includes the following language:

"The Landlord acknowledges that, the rents, covenants and conditions on the part of the Tenant reserved and contained in the Lease with respect to the Leased Premises have been paid, observed and performed up to the date of this Acknowledgement, and the Landlord releases the Tenant from any and all claims, demands, causes of action, obligations, damages and liabilities, whether or not now known, relating to the Leased Premises and the Lease which the Landlord ever had, now has or claims to have had against the Tenant up to and including the date of Acknowledgement, except as expressly set out herein."