

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

TRACKING NO.: 2022-306

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

Prepared By:	Elliott Baron	Division:	Corporate Real Estate Management
Date Prepared:	December 8, 2022	Phone No.:	(416) 338-3207
Purpose	<p>To correct typographical errors and extend the closing date in DAF 2022-234, which authorized amendment of terms of an agreement of purchase and sale between the City and 500 Bloor Street Property Inc. and 756 Bathurst Street Inc. (the "Vendor"), dated 2017 12 08 (the "APS") authorized by City Council by Item MM31.69, as adopted by City Council on July 4, 5, 6 and 7, 2017 (the "Council Decision"), for the City to purchase the property municipally known as 756 Bathurst Street (the "Property") on terms and conditions set out in Appendix "A" to the Council Decision, as set out below.</p>		
Property	<p>756 Bathurst Street, legally described as Part Lot 61 Plan 93 Toronto as in CA775041; City of Toronto, being all of PIN 21254-0283 (LTCQ)</p>		
Actions	<p>1. Authority is granted for the City to enter into an agreement to amend the APS approved by the Council Decision, as follows, and including such other terms and conditions as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor:</p> <ul style="list-style-type: none"> a) Reduce the purchase price from \$2,550,000.00 to \$2,391,500 (error corrected): b) Change the "Closing Date", as referenced in Appendix "A" to the Council Decision and DAF2022-234, from December 9, 2022 to December 16, 2022 or a date mutually agreed to by the parties' solicitors in writing, prior to December 31, 2022; and c) Change the "Condition of Property", as referenced in Appendix "A" to the Council Decision, to the City agrees to accept the Property in "as is, where is" condition, with tie-backs in place, and that prior to the transfer the Vendor agrees to provide the following: written certification from a professional engineer confirming that the tie-backs can be safely removed upon excavation of the Property, a pre-construction condition survey of the Property satisfactory to the City, and a post-construction survey illustrating any new defects in the Property, as compared to the pre-construction survey. 		
Financial Impact	<p>The financial impact of amending the purchase price for the acquisition of the Property is a reduction of the City's acquisition costs of \$158,500.00 (error corrected). The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>		
Comments	<p>The APS currently provides that the Property will be transferred to the City with the interior of the first and second levels cleaned out and patched, without altering the basic structure, but improved to base building condition, which includes ceilings, basic lighting, plumbing, heating and cooling (HVAC), interior walls (painted or unpainted), electrical outlets, basic rest rooms, and a concrete/unfinished floor (the "Cleanout Work"). A First Amending Agreement was entered into on March 27, 2018 to confirm that the City would accept the property with distressed tie-backs in place following receipt of pre and post construction surveys and to add the tie backs to the list of Permitted Encumbrances.</p> <p>The City intends to lease the Property to a tenant on closing, and the tenant advised that it plans to demolish the building and redevelop. The below-market rent lease to be granted by the City has not yet been finalized and executed, but it was authorized by City Council on December 15, 16 and 17, 2021 by its adoption of Item EC26.6.</p> <p>Since the Tenant plans to demolish, there is no value in the Vendor carrying out the Cleanout Work. The Vendor will instead transfer the Property on an "as is, where is" basis. Corporate Real Estate Management Staff reviewed an estimate from the Vendor setting out the value of the Cleanout Work, and agree that a reduction to the purchase price to be paid by the City of \$158,500.00 (error corrected) is fair and reasonable. Staff also agree with amending the closing date to a mutually agreed date as set out above. These revisions are not materially inconsistent with the original Council Decision and results in a reduction of the City's costs.</p>		
Terms	<p>The Vendor and the City will enter into a Second Amending Agreement, to amend the purchase price from \$2,550,000.00 to \$2,391,500 (error corrected) and to revise the closing date from December 9, 2022 to December 16, 2022 or a mutually convenient date, and to amend the terms to reflect the purchase of the Property on an "as is, where is" basis, as set out above.</p>		
Property Details	Ward:	11- University Rosedale	
	Assessment Roll No.:	1904 067 310 02100	
	Approximate Size:	5 m x 38.1 m ± (16.41 x 125 ft ±)	
	Approximate Area:	N/A	
	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 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 checked="" 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:	Diane Saxe		Councillor:
Contact Name:			Contact Name:
Contacted by:	<input checked="" type="checkbox"/> Phone	<input type="checkbox"/> E-Mail	<input type="checkbox"/> Memo
	<input type="checkbox"/> Other		
Comments:	No Comments – December 8, 2022		Comments:
Consultation with Divisions and/or Agencies			
Division:	Economic, Development & Culture		Division:
Contact Name:	Ben Macintosh		Contact Name:
Comments:	No Comments – December 8, 2022		Comments:
Legal Services Division Contact			
Contact Name:	Vanessa Bacher – Comments incorporated – December 8, 2022		

DAF Tracking No.: 2022-306	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Vinette Prescott-Brown	Dec 9 2022	Signed By: Vinette Prescott-Brown
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Dec 9 2022	Signed By: Alison Folosea