

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

TRACKING NO.: 2022-112

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

Prepared By:	Priscila Faminial/Patricia Chen	Division:	Toronto Public Library / CREM
Date Prepared:	July 7, 2022	Phone No.:	416-393-7018

<b>Purpose</b>	To obtain authority to renew a lease with Bamburgh Gardens Properties Inc., as Landlord, and the Toronto Public Library Board, as Tenant, for approximately 5,453 square feet of rentable space at Bamburgh Gardens Shopping Plaza, Units 106-107, 375 Bamburgh Circle, Toronto starting September 1, 2021 for a term of 5 years.
<b>Property</b>	Bamburgh Gardens Shopping Plaza, Units 106-107, 375 Bamburgh Circle, Toronto, ON, M1W 3Y1 (shown in Appendix B – the Property)
<b>Actions</b>	<ol style="list-style-type: none"> <li>Authority be granted to renew the lease with Bamburgh Gardens Properties Inc., as Landlord, and the Toronto Public Library Board, as Tenant, for approximately 5,453 square feet of rentable space at Bamburgh Gardens Shopping Plaza, Units 106-107, 375 Bamburgh Circle, Toronto (the "Premises"), substantially on the terms and conditions outlined herein, and any such other terms and conditions deemed appropriate by the Director of Real Estate Services, and in a form acceptable to the City Solicitor;</li> <li>The City Librarian, or her designate, administer and manage the Lease including the provision of any consents, approvals, waivers, notices and notices of termination provided that the City Librarian may, at any time, refer consideration of such matters to Director of Transaction Services, Corporate Real Estate Management for determination and direction;</li> <li>The appropriate Library and City Officials be authorized and directed to take the necessary action to give effect thereto.</li> </ol>
<b>Financial Impact</b>	<p>The total cost to the Library for the 5-year term inclusive of minimum rent, utilities, and additional rent, which consists of the City's proportionate share of common area maintenance, is estimated to be \$936,825.40 before HST or \$953,313.53 net of HST recoveries.</p> <p>The base rent is \$21.50 per sq. ft. in Year 1, \$22.00 per sq. ft. in Years 2 and 3, \$22.50 per sq. ft. in Years 4 and 5, before HST. The estimated rate for additional rent is \$8.72 per sq. ft. or \$47,550.16 per year before HST. Utilities are estimated at \$3.00 per sq. ft., or \$16,359 per year before HST.</p> <p>The annual cost to the Library net of HST recoveries is shown in Appendix A – Major Terms and Conditions. The cost centre the funds will be coming out of is LB1000.</p> <p>The Director, Finance and Treasurer (TPL) and Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
<b>Comments</b>	<p>Steeles Branch is situated in Bamburgh Gardens Shopping Plaza, at 375 Bamburgh Circle just south of the intersection of Steeles Ave. East and Warden Ave. The branch has occupied space in this plaza since 1987.</p> <p>Steeles Branch is a small and busy neighbourhood branch with annual library material circulation of 198,868 and annual physical visits totaling 162,606 in 2019. The branch operates out of a leased space totalling 5,453 square feet which is well below the service standard minimum of 10,000 square feet for a neighbourhood branch. The branch serves diverse populations from residential neighbourhoods comprised of both single family dwellings and apartment buildings. The branch has attracted new customers from the nearby vertical communities, many of whom are newcomers.</p>
<b>Terms</b>	Refer to Appendix A – Major Terms and Conditions on page 4.

<b>Property Details</b>	<b>Ward:</b>	Ward 22 – Scarborough-Agincourt
	<b>Assessment Roll No.:</b>	
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	5,453 sq. ft.
	<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:	Nick Mantas	Councillor:	
Contact Name:	Nick Mantas	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:	No objections – May 12, 2022	Comments:	

**Consultation with Divisions and/or Agencies**

Division:	Toronto Public Library	Division:	<b>Financial Planning</b>
Contact Name:	Priscila Faminial	Contact Name:	Ciro Tarantino
Comments:	No objections – May 5, 2022	Comments:	No objections – May 12, 2022

**Legal Services Division Contact**

Contact Name:	Michele Desimone
---------------	------------------

DAF Tracking No.: 2022-112	Date	Signature
Concurred with by: Manager, Real Estate Services Ronald Ro	July 11, 2022	Signed by Ronald Ro
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Susan Lin	July 11, 2022	Signed by Susan Lin
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	July 12, 2022	Signed by Alison Folosea

## Appendix A - Major Terms and Conditions

**Premises:**

Approximately 5,453 square feet of rentable space, Units C106 and C107, at Bamburgh Gardens Shopping Plaza, 375 Bamburgh Circle, Toronto.

**Landlord:**

Bamburgh Gardens Properties Inc.

**Term:**

Five years commencing on September 1, 2021 to August 31, 2026.

**Use:**

Neighbourhood library branch operated by Toronto Public Library.

**Rent and Utilities:**

Total estimated costs, net of HST recoveries and with HST, are as shown in the table below:

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Base Rent	\$ 117,239.50	\$ 119,966.00	\$ 119,966.00	\$ 122,692.50	\$ 122,692.50
Additional Rent	\$ 47,550.16	\$ 48,967.94	\$ 50,440.25	\$ 51,967.09	\$ 53,548.46
<b>Subtotal</b>	<b>\$ 164,789.66</b>	<b>\$ 168,933.94</b>	<b>\$ 170,406.25</b>	<b>\$ 174,659.59</b>	<b>\$ 176,240.96</b>
Utilities	\$ 16,359.00	\$ 16,359.00	\$ 16,359.00	\$ 16,359.00	\$ 16,359.00
<b>Total</b>	<b>\$ 181,148.66</b>	<b>\$ 185,292.94</b>	<b>\$ 186,765.25</b>	<b>\$ 191,018.59</b>	<b>\$ 192,599.96</b>
HST	\$ 23,549.33	\$ 24,088.08	\$ 24,279.48	\$ 24,832.42	\$ 25,037.99
<b>Total</b>	<b>\$ 204,697.99</b>	<b>\$ 209,381.02</b>	<b>\$ 211,044.73</b>	<b>\$ 215,851.01</b>	<b>\$ 217,637.95</b>
<b>Total Net of HST Recovery</b>	<b>\$ 184,336.88</b>	<b>\$ 188,554.10</b>	<b>\$ 190,052.32</b>	<b>\$ 194,380.52</b>	<b>\$ 195,989.72</b>



Appendix B – The Property

