

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

TRACKING NO.: 2022-078

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

Prepared By:	Myron Menezes	Division:	Corporate Real Estate Management
Date Prepared:	March 23, 2022	Phone No.:	416-338-3586
Purpose	To obtain authority to enter into a licence agreement (the " Agreement ") between the City of Toronto (the " Licensor ") and the Downtown Yonge Business Improvement Area (the " Licensee ") to grant to the Licensee a non-exclusive licence (the " Licence ") to use, occupy, and access a portion of the Property comprising approximately 5845 square feet, as shown on the sketch attached as Schedule "A" (the " Licensed Area "), for the purposes of painting a mural (the " Mural ") according to the specifications contained in Schedule "B", and any work incidental thereto (the " Work ").		
Property	<ul style="list-style-type: none"> Municipal Address: 38 Dundas Street East, Toronto, ON M5B 1C5 Legal Description: PT LT 69 E/S VICTORIA ST, 70 E/S VICTORIA ST PL 22A TORONTO PT 2 EXPROP PL CA549811; TORONTO, CITY OF TORONTO, being all of PIN 21101-0107 (LT). 		
Actions	Authority be granted to enter into the Licence Agreement with the Licensee, 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 satisfactory to the City Solicitor.		
Financial Impact	<p><i>There is no financial impact.</i></p> <p><i>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</i></p>		
Comments	<p>38 Dundas Street is located a few steps east of Yonge and Dundas Square. Yonge and Dundas square has hosted many cultural festivals, public events, performances and art displays, establishing itself as a prominent landmark in Toronto and one of the City's prime tourist attractions. In support of this square, the City consistently seeks to improve the surrounding areas where possible.</p> <p>38 Dundas Street is one particular area that provides this opportunity. The facade of this building, in the past, had a tired old appearance that was frequently tagged with graffiti causing it to stick out in a negative way. Being in a high traffic tourist zone, the Councillor's office together with the local Business improvement area ("BIA") and CreateTO previously proposed and subsequently created a mural on the façade (the "Original Mural"). The Original Mural promoted local artists while, at the same time, preventing graffiti. The Original Mural was completed in August 2019 and was highly successful. Due to its success, the BIA has proposed we update the mural for new local artists.</p>		
Terms	<p>The proposed license fee and other major terms and conditions of the Agreement are considered to be fair, reasonable and reflective of market rates.</p> <ol style="list-style-type: none"> Licensor: City of Toronto Licensee: Downtown Yonge Business Improvement Area License Fees: Nominal Term: Ten (10) days, commencing on the date of the Agreement. Use of Licensed Area: to enter upon and for unobstructed access to the Licensed Area, together with all necessary and convenient vehicles, supplies, machinery, gear and equipment, including the use of a scissor lift, for the purpose of performing the Work during the Term. <p>The Licensee shall have access to the Licensed Area to perform the Work between the hours of 8:00 a.m. and 9:00 p.m., unless otherwise mutually agreed in writing between the parties.</p> <ol style="list-style-type: none"> Parking: Parking spaces for two (2) vehicles on site to be occupied by the Licensee and the Licensee's Representatives during the hours of 8:00 a.m. until 9:00 p.m. Provisions for access to parking to be arranged by the Licensor from time to time. Insurance: Comprehensive General Liability of \$5,000,000.00 per occurrence. Special Provisions: <ul style="list-style-type: none"> Licensor may terminate the Licence at any time during the Term on not less than 24 hours prior written notice. The Mural will become the Licensor's absolute property without any additional compensation to the Licensee. The Licensor shall be entitled to use images or photographs of the Mural in its promotional materials without the payment of any additional compensation, fees, or royalties by the Licensor to the Licensee. After the expiration of the Term, the Licensor may, at its own cost, remove, modify, further develop or otherwise use the Mural in any way that the Licensor deems necessary. The Licensee shall not incorporate into the Mural anything that would restrict the right of the Licensor to remove, modify, further develop or otherwise use the mural. 		
Property Details	Ward:	13 – Toronto Center	
	Assessment Roll No.:		
	Approximate Size:	Approximately 94ft x 33ft	
	Approximate Area:	3,100 ft ² ±	
	Other Information:	*See SCHEDULE "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 & 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 checked="" 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:	Kristyn Wong-Tam	Councillor:	
Contact Name:	Robin Buxton Potts	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 – March 18, 2022	Comments:	

Consultation with Divisions and/or Agencies

Division:	Parks, Forestry and Recreation & T.P.A.	Division:	Financial Planning
Contact Name:	Alex Deighan and Cai De Ridder	Contact Name:	Anthony Ng
Comments:	Comments incorporated – March 23, 2022	Comments:	Comments incorporated – March 18, 2022

Legal Services Division Contact

Contact Name:	Amna Shakil
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DAF Tracking No.: 2022- 078	Date	Signature
Concurred with by: Manager, Real Estate Services Scott Delahunt	Mar. 25, 2022	Signed by Scott Delahunt
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Ronald Ro	Mar. 25. 2022	Signed by Ronald Ro
<input checked="" type="checkbox"/> Approved by:		

SCHEDULE A

Sketch of Licensed Area



NOTE: Highlight of Licensed Area is approximate.

NOTE: The Licensed Area is approximately 5845 Square Feet.

SCHEDULE B

SPECIFICATIONS OF THE MURAL

The Mural shall be painted on the South facing exterior wall of the vacant, 3-storey building located on the Property, according to the following specifications:

1. Approximate square footage of Mural on South facing façade: 3100 square feet (as shown);



2. The following Mural design has been approved by the Licensor:

