

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

**TRACKING NO.: 2023-051**

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

Prepared By:	Eric Allen	Division:	Corporate Real Estate Management
Date Prepared:	February 7, 2023	Phone No.:	416-392-1852

<b>Purpose</b>	To obtain authority to enter into a lease extension and amending agreement with Bernardo Funeral Home Limited (the "Landlord") with respect to the property municipally known as 2952 Dufferin Street, Ground Floor and Basement with Bernardo Funeral Home Limited (the "Landlord") for the purpose of maintaining a constituency office for Ward 8, Councillor Mike Colle, (the "Lease Extension Agreement").
<b>Property</b>	<p>The leased premises is the Ground Floor and Basement of the property known municipally as 2952 Dufferin Street (the "Leased Premises"). The Leased Premises is part of the building which also includes Bernardo Funeral Home, two residential units, and one other commercial unit. The Leased Premises consists of approximately 1,086 rentable square feet of space. The floor plan of the Leased Premises is attached hereto as Appendix "B".</p> <p>The Leased Premises is located near Dufferin Street and Lawrence Avenue West and is shown on the Location Map, attached hereto as Appendix "C".</p>
<b>Actions</b>	1. Authority be granted to enter into the Lease Extension 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 satisfactory to the City Solicitor.
<b>Financial Impact</b>	<p>The total estimated cost to the City over the four (4) year term of the Lease Extension Agreement, as outlined in Appendix A, is \$129,600.00 (plus HST) or \$131,880.96 (net of HST recovery) payable as gross rent.</p> <p>Funding is available in the 2022 Council Approved Operating Budget for City Council (under cost centre CNY008) and will be included in future operating budget submissions for Council consideration.</p> <p>The cost of gross rent to be incurred by the City for each fiscal year is as follows:</p> <p>2022: \$2,747.52                  2023: \$32,970.24                  2024: \$32,970.24                  2025: \$32,970.24                  2026: \$32,970.24</p> <p><b>Total: \$131,880.96 (net of HST recovery)</b></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>
<b>Comments</b>	<p>At its meeting on July 11, 12 and 13, 2012, City Council adopted and amended report EX21.9 "Policy Changes to Councillor Office Operations". In doing so, City Council directed that the provision of a constituency office within a civic centre (including City Hall) or within the Councillor's respective ward be funded from the General Council Account and further that staff develop appropriate parameters for these spaces.</p> <p>At its meeting on October 30, 31, and November 1, 2012, City Council adopted Recommendation 1 of report CC27.5 "Parameters for Councillor Constituency Offices" and approved the proposed parameters.</p> <p>At its meeting on March 7, 2019, City Council amended and adopted EX2.5 "2019 Capital and Operating Budgets" amending the Parameters for Councillor Constituency Offices Policy to set the annual constituency office rent budget per Councillor for 2019. The parameters include an annual inflationary adjustment for the lease entitlement.</p> <p>The proposed Lease Extension Agreement enables Councillor Mike Colle to maintain a constituency office within his Ward (Ward 8 – Eglinton-Lawrence). The proposed rent and other terms and conditions of the Leased Premises are considered to be fair, reasonable and reflective of market rates.</p>
<b>Terms</b>	See Appendix "A"

<b>Property Details</b>	<b>Ward:</b>	Ward 8 – Eglinton-Lawrence
	<b>Assessment Roll No.:</b>	Not Applicable
	<b>Approximate Size:</b>	Not Applicable
	<b>Approximate Area:</b>	100.89 sq m (1,086.00 sq ft)
	<b>Other Information:</b>	Not Applicable

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 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 checked="" 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>B. Director, Real Estate Services and Manager, Real Estate Services each has signing authority on behalf of the City for:</b>
<ul style="list-style-type: none"> <li>Documents required to implement matters for which each position also has delegated approval authority.</li> <li>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).</li> </ul>
<b>Director, Real Estate Services also has signing authority on behalf of the City for:</b>
<ul style="list-style-type: none"> <li>Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.</li> <li>Community Space Tenancy Leases approved by delegated authority by the Deputy City Manager, Corporate Services and any related documents.</li> </ul>

<b>Pre-Condition to Approval</b>			
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property			
<b>Consultation with Councillor(s)</b>			
Councillor:	<b>Councillor Mike Colle – Ward 8</b>	Councillor:	
Contact Name:	Andy Stein	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	Comments:	
<b>Consultation with Divisions and/or Agencies</b>			
Division:	City Clerk's Office	Division:	<b>Financial Planning</b>
Contact Name:	Lesley Ruscica	Contact Name:	Filisha Jenkins
Comments:	Comments received	Comments:	Comments received
<b>Legal Services Division Contact</b>			
Contact Name:	Chris Cieslik		

DAF Tracking No.: 2023-051	Date	Signature
<input checked="" type="checkbox"/> Recommended by: <b>Manager, Real Estate Services Ronald Ro</b>	February 8, 2023	Signed by Ronald Ro
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: <b>Acting Director, Real Estate Services Vinette Prescott-Brown</b>	February 8, 2023	Signed by Vinette Prescott-Brown

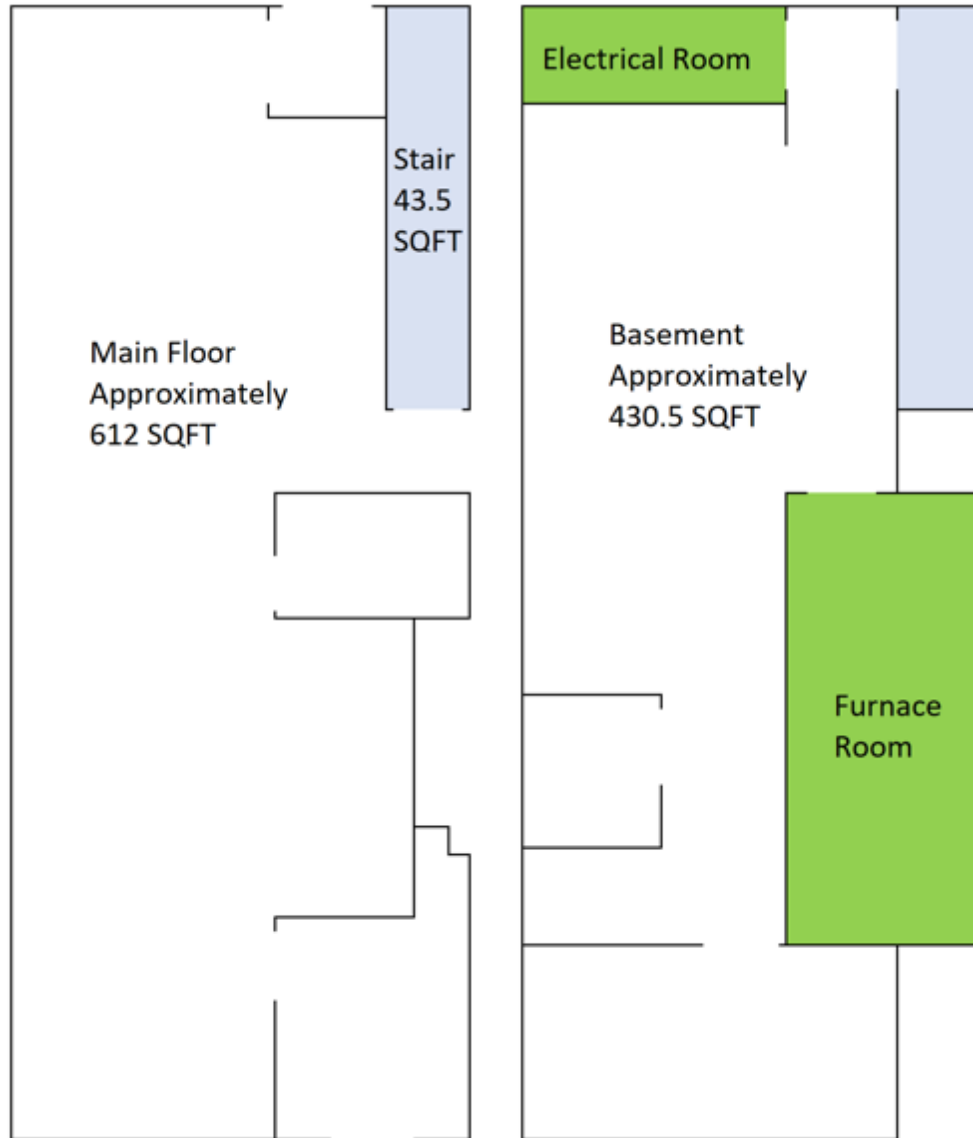
**Appendix "A" – Major Terms and Conditions**

Landlord:	Bernardo Funeral Home Limited
Tenant:	City of Toronto
Leased Premises:	Ground Floor and Basement space located in the building municipally known as 2952 Dufferin Street
Approximate Space:	1,086 rentable square feet
Lease Commencement:	December 1, 2022
Lease Expiry:	November 30, 2026
Gross Rent (Monthly):	\$2,700.00, including (i) garbage removal from the Leased Premises, and (ii) snow removal and salting of the walkway immediately in front of the property, exclusive of HST.
Alterations:	The City accepts the Leased Premises in an as-is condition and shall complete all alterations and improvements as the City deems necessary at its sole cost and expense.
Restoration:	At the end of the Term or any renewal or extension thereof, the City shall not be required to remove any leasehold improvements or to restore the Leased Premises.
Early Termination:	This Lease shall terminate, if for any reason, Councillor Mike Colle's term as a Member of City of Toronto Council should end.
Insurance:	The City shall, at its expense, arrange for tenant liability, property damage and other insurance in the amount of not less than Five Million (\$5,000,000.00) per occurrence and shall provide evidence of such insurance to the Landlord.
Parking:	The City shall have use of one unreserved parking space in front of the property municipally known as 2960 Dufferin Street.
Signage:	The City may install and maintain building standard identification signage on the directory board(s) of the building at its sole expense. All identification signage shall be subject to the Landlord's written approval.

**Municipal Capital Facilities Agreement**

The Landlord acknowledges that the City has the right, in its discretion, to request Toronto City Council to exempt the Property from taxation for municipal and school purposes if the City considers that the Leased Premises may be used as a municipal capital facility. Provided Toronto City Council grants satisfactory approval to this effect, the Landlord has agreed to enter at its sole cost and expense into the necessary municipal capital facility agreement with the City pursuant to Section 110(1) of the Municipal Act, 2001, as amended, in a form acceptable to the City Solicitor and legal counsel for the Landlord and to pass the full benefit of such exemption on to the City during the entire period of any such exemption.

**Appendix "B" – Leased Premises Floor Plan**



Appendix "C" – Location of Subject Property

