

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

TRACKING NO.: 2023-001

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

Prepared By:	Owen Bartley	Division:	Corporate Real Estate Management
Date Prepared:	January 4, 2023	Phone No.:	(416) 338-1297

<b>Purpose</b>	To obtain authority to enter into a License Extension Agreement (the " <b>Agreement</b> ") with Angus Inc., operating as Hero Certified Burgers (the " <b>Licensee</b> ") with respect to the two-storey building located at Nathan Phillips Square, on the lands municipally known as 100 Queen Street West for the continued occupancy and use of the licensed area by the Licensee as a food service concession.																
<b>Property</b>	The two-storey building located at Nathan Phillips Square, on the lands municipally known as 100 Queen Street West, Toronto, legally described in PIN 21200-0009 (LT) and PIN21200-0071 (LT) (the " <b>Property</b> "), as shown on the Location Map in Appendix "A".																
<b>Actions</b>	1. Authority be granted to enter into the Agreement with the Licensee, substantially on the major terms and conditions set out in Appendix "A", and including such other or amended terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.																
<b>Financial Impact</b>	<p>The City will receive total licence fee revenues of \$185,299.80 (plus HST) over the five (5) year term of the agreement, as more specifically outlined in the table below. Revenues will continue to be directed to the 2022 Council Approved Operating Budget for Corporate Real Estate Management, cost centre FA0131, functional area code 3220200000 and will be included in future year operating budget submissions for Council consideration.</p> <p>Revenues remitted to the City for each fiscal year are as follows:</p> <table border="1"> <thead> <tr> <th>Year</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>2023</td> <td>\$ 21,618.31</td> </tr> <tr> <td>2024</td> <td>\$ 37,059.96</td> </tr> <tr> <td>2025</td> <td>\$ 37,059.96</td> </tr> <tr> <td>2026</td> <td>\$ 37,059.96</td> </tr> <tr> <td>2027</td> <td>\$ 37,059.96</td> </tr> <tr> <td>2028</td> <td>\$ 15,441.65</td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>\$ 185,299.80 (+ HST)</b></td> </tr> </tbody> </table> <p>In addition to the license fee above, the City will receive a percentage license fee in the amount of 5% of the store's gross revenue.</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>	Year	Amount	2023	\$ 21,618.31	2024	\$ 37,059.96	2025	\$ 37,059.96	2026	\$ 37,059.96	2027	\$ 37,059.96	2028	\$ 15,441.65	<b>TOTAL</b>	<b>\$ 185,299.80 (+ HST)</b>
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<b>TOTAL</b>	<b>\$ 185,299.80 (+ HST)</b>																
<b>Comments</b>	<p>This food service location was originally authorized by City Council at the meeting on April 3, 2013 (agenda item GM20.12). The initial license began on June 1, 2013 for a period of five (5) years with two (2) options of extension for a period of five (5) years each. This Agreement represents the second option to extend under the initial license agreement.</p> <p>The proposed licence fee and other major terms and conditions of the Agreement 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>	10 – Spadina-Fort York
	<b>Assessment Roll No.:</b>	1904 066 100 03300
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	37.81 m <sup>2</sup> ± (407 ft <sup>2</sup> ±)
	<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:	Ausma Malik	Councillor:	
Contact Name:	Bushra Mir	Contact Name:	
Contacted by:	Phone <input checked="" type="checkbox"/> 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 concerns	Comments:	

**Consultation with Divisions and/or Agencies**

Division:		Division:	<b>Financial Planning</b>
Contact Name:		Contact Name:	Filisha Jenkins
Comments:		Comments:	Revisions incorporated

**Legal Services Division Contact**

Contact Name:	
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DAF Tracking No.: 2023-001	Date	Signature
<input checked="" type="checkbox"/> Recommended by: <b>Manager, Real Estate Services Vinette Prescott-Brown</b>	Jan. 9, 2023	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: <b>Director, Real Estate Services Alison Folosea</b>	Jan. 9, 2023	Signed by Alison Folosea

## APPENDIX "A"

### TERMS

**Licensor:** City of Toronto

**Licensee:** Angus Inc., operating as Hero Certified Burgers

**Licensed Area:** A portion of the Property with an area of approximately 407 square feet in size

**License Fee:** \$3,088.33 per month (plus HST)

**Percentage License Fee:** 5% of gross revenue derived from the Licensee's Snack Bar Use, plus HST, payable monthly in arrears within 15 days of the last day of the preceding calendar month, accompanied by a statement in writing certified the gross revenue of the previous month

**Term:** Five (5) Years, from June 1, 2023 to May 31, 2028

### LOCATION MAP

