

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

**TRACKING NO.: 2023-022**

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

Prepared By:	Joanna Mysak	Division:	Corporate Real Estate Management
Date Prepared:	February 27, 2023	Phone No.:	416-338-0405

<b>Purpose</b>	To obtain authority to enter into a licence agreement with Lanterra (Bathurst Glencairn) Realty Inc. (the "Licensee") with respect to portion of the properties municipally known as 2788 Bathurst Street and 515 Glencairn Avenue, for a term of twenty four (24) months upon conveyance of the licensed area to the City, for the purposes of construction staging and crane swing use (the "Licence Agreement").
<b>Property</b>	Part of 2788 Bathurst St & 515 Glencairn Avenue as shown outlined in red on the sketch attached to Appendix "B" (the " <b>Licensed Area</b> ").
<b>Actions</b>	1. Authority be granted to enter into the License 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.
<b>Financial Impact</b>	<p>The City will receive total revenues of \$757,000 (plus HST and applicable taxes) over the twenty-four (24) month term of the license agreement, payable in the amount of \$31,541.67 per month.</p> <p>Revenue to be remitted to the City for each fiscal year (plus HST and applicable taxes) is as follows:</p> <ul style="list-style-type: none"> <li>a) \$378,500 in 2023</li> <li>b) \$378,500 in 2024</li> </ul> <p>Revenue will be directed to the 2023 Operating Budget submission for Parks Forestry and Recreation (PFR) under cost center P10226, and will be included in future year operating budget submissions, for Council consideration.</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>By its adoption of Item MM18.29, City Council, at its meeting on February 2, 2021, amended its decision on Item 2020.NY13.1 - Zoning By-law Amendment Application - 2788 Bathurst Street and 515 Glencairn Avenue, by authorizing among other things, the acceptance of on-site parkland dedication, subject to the owner transferring the parkland to the City free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition; the owner may propose the exception of encumbrances of tiebacks and such other encumbrances, if any, where such encumbrances are deemed acceptable by the General Manager, Parks, Forestry and Recreation, in consultation with the City Solicitor, and such encumbrances would be subject to the payment of compensation to the City, in an amount as determined by the General Manager, Parks, Forestry and Recreation and the Executive Director, Corporate Real Estate Management.</p> <p>The transfer of ownership of the future parkland, being the Licensed Area, to the City has not occurred yet. The Licensee has requested the use of the Licensed Area upon transfer of the same to the City in order to access its adjacent development to facilitate construction. Approximately 1,230 square metres will be used for the purposes of vehicle access, staging of equipment and materials as well as storage of bins and trailers. Approximately 75 square metres within the Licensed Area will also be used as crane swing area.</p> <p>The proposed license fee and other major terms and conditions of the License are considered to be fair, reasonable and reflective of market value.</p>
<b>Terms</b>	See Appendix "A".

<b>Property Details</b>	<b>Ward:</b>	8 - Eglinton-Lawrence
	<b>Assessment Roll No.:</b>	
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	1,230 square metres
	<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/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><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>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:	Councillor Mike Colle	Councillor:	
Contact Name:		Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X <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 Objections	Comments:	
<b>Consultation with Divisions and/or Agencies</b>			
Division:	PFR	Division:	<b>Financial Planning</b>
Contact Name:	Brian Majcenic	Contact Name:	Filisha Jenkins
Comments:	No objections	Comments:	Comments incorporated
<b>Legal Services Division Contact</b>			
Contact Name:	Shahab Siddiqui		

DAF Tracking No.: 2023-022	Date	Signature
<input checked="" type="checkbox"/> Recommended by: <b>Manager, Real Estate Services</b> Jennifer Kowalski	February 27, 2023	Signed by Jennifer Kowalski
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: <b>Acting Director, Real Estate Services</b> Vinette Prescott-Brown	February 28, 2023	Signed by Vinette Prescott-Brown

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

- Licensor:** City of Toronto (the "City")
- Licensee:** Lanterra (Bathurst Glencairn) Realty Inc.
- Licensed Area:** Construction Staging area of approximately 1,230 square metres as shown outlined in red on the sketch attached to Appendix "B". Crane Swing area of approximately 75 square metres of the Licensed Area is shown highlighted in yellow on the sketch attached to Appendix "B".
- License Fee:** The total cost of the 24 month Term will be \$757,000 (plus HST).
- Term:** 24 months commencing on the date that the City becomes the registered owner of the Licensed Area.
- Use:** Vehicle access, staging of construction equipment and materials, garbage bin and trailer storage.
- Early Termination:** At any time during the Term, the Licensee and the City shall each have the right (but not the obligation) to terminate this Agreement, in their respective sole discretion, upon giving at least 60 days written notice of such termination to the other party.
- Insurance:** Prior to the commencement of the Term, the Licensee agrees to purchase and maintain, at its sole cost and expense, for the duration of this Agreement, the following policies of insurance:
- (a) Commercial General Liability Insurance which has inclusive limits of not less than \$10,000,000.00 per occurrence,
  - (b) Contractor's Pollution Liability with a minimal limit of \$2,000,000.00;
  - (c) Standard Automobile Liability coverage with a limit of at least \$5,000,000.00 for all licensed motorized vehicles used on the Licensed Area.
- Indemnity:** The Licensee shall indemnify and save harmless the City from any and all manner of Claims which may be made or brought against, suffered by, or imposed on the City's Representatives or their property, in respect of any loss, damage, or injury (including property damage, personal injury, bodily injury, and death) to any person or property (including, without restriction, directly or indirectly arising out of, resulting from, or sustained as a result of the exercise of the Licence.

**Appendix "B"- Location Map and the Property Sketch**





