

DELEGATED APPROVAL FORM
DEPUTY CITY MANAGER, CORPORATE SERVICES
EXECUTIVE DIRECTOR, CORPORATE REAL ESTATE MANAGEMENT

TRACKING NO.: 2023-121

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

Prepared By:	Devi Mohan	Division:	Corporate Real Estate Management
Date Prepared:	April 17, 2023	Phone No.:	(437) 991 8168
Purpose	To obtain authority to enter into an amending Agreement (the "Amending Agreement") with Ontario Power Generation ("OPG") to amend the terms and conditions of the Charge registered as Instrument No. AT6214071 (the "Charge"), the Agreement of Purchase and Sale dated January 10, 2022, as amended (the "APS"), the Holdback Agreement dated October 31, 2022 (the "Holdback Agreement"), and the Lease dated October 31, 2022 (the "Lease") made between the parties, in respect to the City's acquisition of an industrial property, which is a part of and identified as the north parcel (Appendix A) of the property municipally known as 800 Kipling Avenue, Toronto (the "Property").		
Property	The lands are located at 800 Kipling Avenue, Toronto as shown in Appendix A, Site plan & location map.		
Actions	1. Authority be granted for the City to enter into the Amending Agreement with OPG, substantially on the terms and conditions outlined herein, and on such other or amended term and conditions as may be acceptable to the Director of Transaction Services and in a form satisfactory to the City Solicitor.		
Financial Impact	<p>The maximum financial impact of the Amending Agreement will be the interest of 6% per annum pro-rated from April 17, 2023 to June 16, 2023. The parties agree to off-set the market value rent payable by the tenant by the amount of interest payable by the City on the principal as set out in the Charge.</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>		
Comments	<p>The City acquired portions of the property at 800 Kipling Ave, which includes the Property, for municipal industrial purposes. The transaction to acquire the Property closed on October 31, 2022. The Waiver and Amending Agreement dated August 26, 2022 entered into for the purpose of amending the APS requires that the City make repayment of the principal contained in the Charge by April 17, 2023. The City requested an additional extension of eight weeks up to June 16, 2023 in order to repay the principal and OPG have agreed to the extension. The extension is subject to the City paying interest on a portion of the principal of the Charge for the period April 17, 2023 and the earlier of the repayment of the principal, or June 16, 2023. The Lease on the Property between the City and OPG will be amended to provide OPG with an additional one (1) year option to renew at fair market value rent, with the payment of the interest accruing under the Charge being off-set against the rent incurred by OPG in either the 2nd or 3rd renewal term.</p>		
Terms	<p>Amending Agreement Terms and Conditions:</p> <ol style="list-style-type: none"> The Charge, the APS and the Holdback Agreement are amended so that the Balance Due Date and Maturity Date is extended from April 17, 2023 to June 16, 2023. The City shall pay interest on only \$34,332,600.00 of the principal of the Charge at an annual rate of six (6) percent per annum for the period between April 17, 2023 and the earlier of the repayment of the principal, or June 16, 2023. The Lease is amended to provide an Option for a third (3rd) renewal term of one (1) year at then fair market value rent. The parties agree to off-set the base rent payable by OPG in the Lease within the 2nd or 3rd renewal term, by the amount of interest payable by the City on the principal as set out in the Charge. <p>All other terms and conditions of the Charge, APS, Holdback Agreement and Lease shall remain the same.</p>		
Property Details	Ward:	Ward 3 - Etobicoke- Lakeshore	
	Assessment Roll No.:	N/A	
	Approximate Size:	N/A	
	Approximate Area:	14 Acres	
	Other Information:	N/A	

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate 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/REOs:</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/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 \$3 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p>Request/waive hearings of necessity delegated to less senior positions.</p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 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 \$3 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$3 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 \$3 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>	<p><input checked="" type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p>Request/waive hearings of necessity delegated to less senior positions.</p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 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 \$5 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p><input type="checkbox"/> (c) Where compensation is less than market value, provided tenant and lease satisfy Community Space Tenancy Policy criteria set out in Item EX28.8, as adopted by Council on November 7, 8 and 9, 2017, as amended from time to time.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$5 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 \$5 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. Deputy City Manager, Corporate Services and Executive Director, Corporate Real Estate Management each has signing authority on behalf of the City for:

- Documents required to implement matters for which each position also has delegated approval authority.
- Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
- Expropriation Applications and Notices following Council approval of expropriation.
- 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:	Amber Morley				Councillor:				
Contact Name:	Chezlie Alexander				Contact Name:				
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other		
Comments:	No objections				Comments:				

Consultation with Divisions and/or Agencies

Division:	CreateTO	Division:	Financial Planning
Contact Name:	Don Logie	Contact Name:	Filisha Jenkins
Comments:	Concurred	Comments:	Revisions incorporated

Legal Services Division Contact

Contact Name:	Dale Mellor
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DAF Tracking No.: 2023- 121	Date	Signature
Recommended by: Jennifer Kowalski, Manager, Real Estate	April 20, 2023	Signed by Jennifer Kowalski
Recommended by: Vinette Prescott- Brown, Acting Director, Real Estate Services	April 20, 2023	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management	April 20, 2023	Signed by Patrick Matozzo
<input type="checkbox"/> Approved by: Patrick Matozzo		
<input type="checkbox"/> Approved by: Deputy City Manager, Corporate Services	April 21, 2023	Signed by Josie Scioli
<input type="checkbox"/> Approved by: Josie Scioli		

APPENDIX A – SITE PLAN & LOCATION MAP

800 KIPLING – Site Plan



800 Kipling – Location Map

