

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

TRACKING NO.: 2023- 013

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

Prepared By:	Lianne Chen	Division:	Corporate Real Estate Management
Date Prepared:	Dec 16, 2022	Phone No.:	416-392-7665
Purpose	To obtain authority to enter into a lease amending and extension agreement with Fife Farms Ltd. (the " Tenant ") with respect to the City-owned property located in Southwold Townships, Ontario for the purpose of continuing agricultural use (the " Lease Agreement ").		
Property	<p>Part of the properties municipally known as:</p> <ol style="list-style-type: none"> 11367 Parsons Road, Township of Southwold, Ontario (approx. 88 acres); 7263 Bells Road, Middlesex Centre Township/Delaware, Ontario (approx.77 acres); 9474 Southminster Bourne, Middlesex Centre Township/Delaware, Ontario (approx.3.5 acres); 38070 Fourth Line, Township of Southwold, Ontario (approx. 14.2 acres); 11919 Mill Road, Township of Southwold, Ontario (approx.37 acres); and, 11570 Mill Road, Township of Southwold, Ontario (approx. 20 acres); <p>legally described and outlined in red exclude any buildings situated thereon and the surrounding areas shown outlined in blue in Appendix "A" attached hereto (the "Original Property");</p> <p>the property legally described as Part of Lot 1, Concession 2, Southwold and Part of Lots 13, 18 and 19, Plan 178 Southwold, as more particularly described in Instrument Number E433856, of which 70 acres is tillable farm land as shown hatched on the sketch in Appendix "C" attached hereto, (the "First Additional Property"); and</p> <p>part of the property municipally known as 11366 Parson Road in the Township of Southwold, County of Elgin, of which 9.8 acres is tillable farm land as shown hatched on the sketch in Appendix "C" attached hereto, (the "Second Additional Property").</p>		
Actions	Authority be granted to enter into the Lease Agreement with the Tenant, substantially on the major terms and conditions set out in Appendix " D ", 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>The Tenant shall pay \$82,375.00 per annum, payable in two (2) instalments per year, the first instalment to be paid on April 1st of each year, in the amount of 25% of the annual Basic Rent, and the second instalment to be paid on November 30th of each year, in the amount of 75% of the annual Basic Rent. The total revenue is estimated to be \$247,125.00 for the period of thirty-six (36) months commencing January 1, 2023 and ending December 31, 2025. Revenues to the City will be directed to the 2023 Operating Budget submission for Corporate Real Estate Management (CREM), under cost centre FA2490 and will be included in future operating budget submissions for Council consideration.</p> <p>2023: \$82,375.00 (plus HST) 2024: \$82,375.00 (plus HST) 2025: \$82,375.00 (plus HST) Total: \$247,125.00 (plus HST)</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>Compass Commercial Realty LP manages the City-owned properties surrounding the Green Lane Landfill site on behalf of City of Toronto.</p> <p>DAF 2019-281, dated September 19, 2019, authorized the City to enter into a lease agreement with the Tenant for the Original Property commencing on January 1, 2019 and ending December 31, 2022. DAF 2017-045, dated March 15, 2017, authorized the City to acquire the First Additional Property and to lease the First Additional Property to the Vendor, Bradley Robert Fife on closing, for a term commencing on August 14, 2017 and ending December 31, 2022.</p> <p>Fife Farms Ltd. and Bradley Robert Fife have agreed to consolidate the Original Property and the First Additional Property into one lease on the day after the current expiry date of December 31, 2022, and to surrender to the City vacant possession of a portion of the Original Property municipally known as 11919 Mill Road, Township of Southwold, Ontario, legally described and outlined in red on Appendix "B" attached hereto, comprising approximately 37 acres the "Surrendered Property") effective December 31, 2022. Fife Farms Ltd. wishes to lease the Second Additional Property co-terminously with the extension term, on the same terms conditions as contained in the lease for the Original Property.</p> <p>A credit check on the Tenant was conducted and was deemed to be satisfactory.</p> <p>The proposed rent and other major terms and conditions of the Lease Agreement are considered to be fair, reasonable and reflective of market rates.</p>		
Terms	See Appendix " D ".		
Property Details	Ward:	00 – Outside City	
	Assessment Roll No.:	3424 000 005 07000, 3939 019 040 04800, 3939 019 040 02105 3424 000 005 06300, 3424 000 005 05601, 3424 000 005 02300 3424 000 005 02200, 3424 000 006 22400	
	Approximate Size:	N/A	
	Approximate Area:	282.5 acres	
	Other Information:	N/A	

A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate Services has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
2A. Expropriations Where City is Expropriating Authority:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.
2B. Expropriations For Transit-Related Purposes Where City is Property Owner or Has Interest in Property Being Expropriated:	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.
	<input type="checkbox"/> (b) Request Hearings of Necessity.	<input type="checkbox"/> (b) Request Hearings of Necessity.
	<input type="checkbox"/> (c) Waive Hearings of Necessity.	<input type="checkbox"/> (c) Waive Hearings of Necessity.
3. Issuance of RFPs/REOIs:	Delegated to more senior positions.	<input type="checkbox"/> Issuance of RFPs/REOIs.
4. Permanent Highway Closures:	Delegated to more senior positions.	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to Divisions, Agencies and Corporations:	Delegated to more senior positions.	Delegated to more senior positions.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	Delegated to more senior positions.	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.
9. Leases/Licences (City as Landlord/Licensors):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$50,000.	<input checked="" type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 Million.
	<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.	<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.
	Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.	Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$50,000.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.
	Delegated to more senior positions.	<input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
13. Revisions to Council Decisions in Real Estate Matters:	Delegated to more senior positions.	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
14. Miscellaneous:	Delegated to more senior positions.	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences
		<input type="checkbox"/> (b) Releases/Discharges
		<input type="checkbox"/> (c) Surrenders/Abandonments
		<input type="checkbox"/> (d) Enforcements/Terminations
		<input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates
		<input type="checkbox"/> (f) Objections/Waivers/Cautions
		<input type="checkbox"/> (g) Notices of Lease and Sublease
		<input type="checkbox"/> (h) Consent to regulatory applications by City, as owner
		<input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title
		<input type="checkbox"/> (j) Documentation relating to Land Titles applications
		<input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds

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:	N/A - 00 – Outside City					Councillor:	
Contact Name:						Contact Name:	
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other
Comments:						Comments:	

Consultation with Divisions and/or Agencies

Division:		Division:	Financial Planning
Contact Name:		Contact Name:	Filisha Jenkins
Comments:		Comments:	Feb 1, 2023 No objections

Legal Services Division Contact

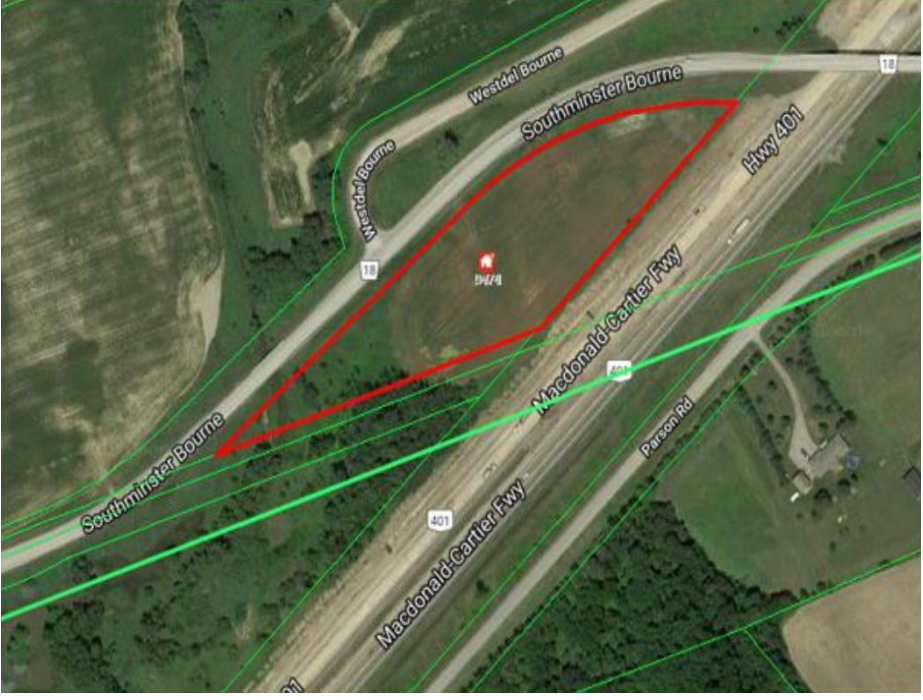

Contact Name:	Tammy Turner (Comments incorporated)
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DAF Tracking No.: 2023- 013

	Date	Signature
Concurred with by:		
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Abdulle Elmi	March 29, 2023	Signed by Abdulle Elmi
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Graham Leah	March 30, 2023	Signed by Graham Leah

Appendix "A"
Location Map of Original Property

Address	Legal Description	Acreage
<p>1. 11367 Parsons Road</p>	<p>PT S 1/2 LT 22 CON 3 SOUTHWOLD; PT LT 23 CON 3 SOUTHWOLD AS IN E329874; SOUTHWOLD (PIN: 35158-0135)</p> 	<p align="center">88</p>
<p>2. 7263 Bells Road</p>	<p>EAST ½ LT 24 CN 2, EXCEPT PT 1 P 33R-13075; MIDDLESEX CENTRE TWP/DELAWARE (PIN: 09719-0080)</p> 	<p align="center">77</p>



Address	Legal Description	Acreage
<p>3. 9474 Southminster Bourne</p>	<p>PT LT 24 CON 4, PT 3 34R863 MIDDLESEX CENTRE TWP/DELAWARE (PIN: 09719-0062)</p> 	<p>3.5</p>
<p>4. 38072 Fourth Line</p>	<p>PT LT 20 CON 3 SOUTHWOLD AS IN E382093 S/T E382093; SOUTHWOLD (PIN: 35158-0126)</p> 	<p>14.2</p>

Address	Legal Description	Acreage
<p>5. 11919 Mill Road</p>	<p>PT LT1 CON 2 SOUTHWOLD AS IN E202256; SOUTHWOLD (PIN: 35146-0163)</p> 	<p>37.00</p>
<p>6. 11570 Mill Road</p>	<p>PT N1/2 LT 18 CON 3 SOUTHWOLD PT 14 11R971; SOUTHWOLD (PIN: 35158-0116)</p> 	<p>20.00</p>

Appendix "B"
Location Map of Surrendered Property

Address	Legal Description	Acreage
<p>11919 Mill Road</p>	<p>PT LT1 CON 2 SOUTHWOLD AS IN E202256; SOUTHWOLD (PIN: 35146-0163)</p>  <p>The map is an aerial photograph with a red rectangular outline highlighting a specific parcel. The parcel is situated in a rural area with a mix of green fields and wooded regions. A road, likely Mill Road, runs diagonally across the top right of the parcel. A red dot is placed within the parcel, indicating a specific point of interest. The surrounding area includes other parcels outlined in green and various natural features like trees and open fields.</p>	<p>37.00</p>

Appendix "C"
Location Map of Additional Property

Address	Legal Description	Acreage
N/A	PT LT 1 CON 2 SOUTHWOLD, PT LOTS 13, 18 and 19 PLAN 178 SOUTHWOLD (PIN: 35146-0159) 	70.00
2. 11366 Parsons Road	PT SW1/2 LT 24 CON 3 SOUTHWOLD AS IN E353964; SOUTHWOLD (PIN: 35159-0103) 	9.8

Appendix "D"
Major Terms and Conditions

Basic Rent:	<p>\$49,500.00 net of HST (\$300.00 per acre) per annum (165.00 acres) for the properties municipally known as:</p> <ol style="list-style-type: none"> 1. 11367 Parsons Road, Township of Southwold, Ontario (approx. 88 acres); 2. 7263 Bells Road, Middlesex Centre Township/Delaware, Ontario (approx.77 acres); <p>\$11,875.00 net of HST (\$250.00 per acre) per annum (47.5 acres) for the properties municipally known as:</p> <ol style="list-style-type: none"> 1. 9474 Southminster Bourne, Middlesex Centre Township/Delaware, Ont.(approx.3.5 acres); 2. 38070 Fourth Line, Township of Southwold, Ontario (approx. 14.2 acres); 3. 11570 Mill Road, Township of Southwold, Ontario (approx. 20 acres); 4. 11366 Parsons Road, Township of Southwold, Ontario (approx. 9.8 acres); <p>\$21,000.00 net of HST (\$300.00 per acre) per annum for the First Additional Property (70 acres)</p>
Additional Rent:	The Tenant is responsible to pay all relevant taxes, except realty taxes, and other costs required to be paid by the Tenant in accordance with the Lease.
Realty Taxes:	The City is responsible for the payment of realty taxes for the Property unless the Tenant fails to sign the City's application for property tax reduction under the Farm Property Class Tax Rate Program upon request, in which case the Tenant is responsible for the difference in realty taxes resulting from ineligibility of the Property for such property tax reduction.
Area of Property:	Approximately 282.50 Acres in total
Term:	Three (3) years (January 1, 2023 – December 31, 2025)
Use:	Agriculture