

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

**TRACKING NO.: 2023-138**

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

Prepared By:	Rocchina Zambri	Division:	Corporate Real Estate Management
Date:	May 19, 2023	Phone No.:	416-338-2995

<b>Purpose</b>	To obtain authority to enter into a licence agreement (the "Licence Agreement") with Woodbine Entertainment Group ("WEG"), and Handel Viarruel, as Licensor, with respect to a portion of the lands at 1141 Eastern Avenue to be used as a parking lot for Toronto Transit Commission.												
<b>Property</b>	The property municipally known as 1141 Eastern Avenue, legally described as parcel Plan 1, Section 66M2311, Block 145, Plan 66M2311, Toronto, City of Toronto, being part of PIN 21022-0218 (LT) (the "Property"), as shown on the Location Map in Appendix "B".												
<b>Actions</b>	1. Authority be granted to enter into the Licence Agreement, with the Licensor, substantially on the major terms and conditions set out below, 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>Toronto Transit Commission (the "TTC") will pay a total sum of \$202,500.00 (plus HST) or \$208,608.00 (net of HST recoveries) for the two year term of the agreement.</p> <p>The total cost to be incurred for each fiscal year is listed as follows:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Year</th> <th>Annual Rent (Excluding HST)</th> <th>Annual Rent (net of HST recoveries)</th> </tr> </thead> <tbody> <tr> <td align="center">2023</td> <td align="center">\$82,500.00</td> <td align="center">\$53,424.00</td> </tr> <tr> <td align="center">2024</td> <td align="center">\$90,000.00</td> <td align="center">\$91,584.00</td> </tr> <tr> <td align="center">2025</td> <td align="center">\$30,000.00</td> <td align="center">\$30,528.00</td> </tr> </tbody> </table> <p>Funding is available in the TTC's 2023-2032 Council Approved Capital Budget under capital project CTT110 - Other Buildings and Structures.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>	Year	Annual Rent (Excluding HST)	Annual Rent (net of HST recoveries)	2023	\$82,500.00	\$53,424.00	2024	\$90,000.00	\$91,584.00	2025	\$30,000.00	\$30,528.00
Year	Annual Rent (Excluding HST)	Annual Rent (net of HST recoveries)											
2023	\$82,500.00	\$53,424.00											
2024	\$90,000.00	\$91,584.00											
2025	\$30,000.00	\$30,528.00											
<b>Comments</b>	<p>TTC will be undergoing construction at Russel Carhouse, located at 1411 Queen Street, which will temporarily displace approximately 125 employee parking spaces. City staff have negotiated an agreement with the Licensor to use the Property to accommodate parking for the displaced employees. The Property is owned by EMM Financial Corp., and leased to WEG pursuant to a lease dated August 19, 1997. Pursuant to an agreement dated November 1, 2012, as amended, renewed or extended from time to time, WEG grants Handel Viarruel a permission to charge a fee to the public to park on the Property. WEG has reviewed and approved the proposed licence.</p> <p>The proposed licence fee and other major terms and conditions of the Licence Agreement are considered to be fair, reasonable and reflective of market rates.</p>												
<b>Terms</b>	<b>Term</b> – See Appendix "A"												

<b>Property Details</b>	<b>Ward:</b>	Beaches-East York
	<b>Assessment Roll No.:</b>	
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	50,383 sq. feet (4,680.7 sq. 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/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. 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:	Brad Bradford	Councillor:	
Contact Name:		Contact Name:	
Contacted by:	<input type="checkbox"/> Phone <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other	Contacted by:	<input type="checkbox"/> Phone <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	No objection	Comments:	

**Consultation with Divisions and/or Agencies**

Division:	Duane Lovelace	Division:	<b>Financial Planning</b>
Contact Name:	Toronto Transit Commission	Contact Name:	Ciro Tarantino
Comments:		Comments:	Concur

**Legal Services Division Contact**

Contact Name:	Michelle Xu
---------------	-------------

DAF Tracking No.: 2023-138	Date	Signature
<input type="checkbox"/> Recommended by: <b>Manager, Real Estate Services Vinette Prescott-Brown</b>	May 25, 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>	May 26, 2023	Signed by Alison Folosea

## APPENDIX "A"

Licensor: Handel Viaruel on behalf of Woodbine Entertainment Group

Licensee: City of Toronto

Licensed Premises: approximately 50,383 sq. feet (4,680.7 sq. metres) of the lands municipally known as 1141 Eastern Avenue, Toronto, Ontario and as outlined in Appendix "B".

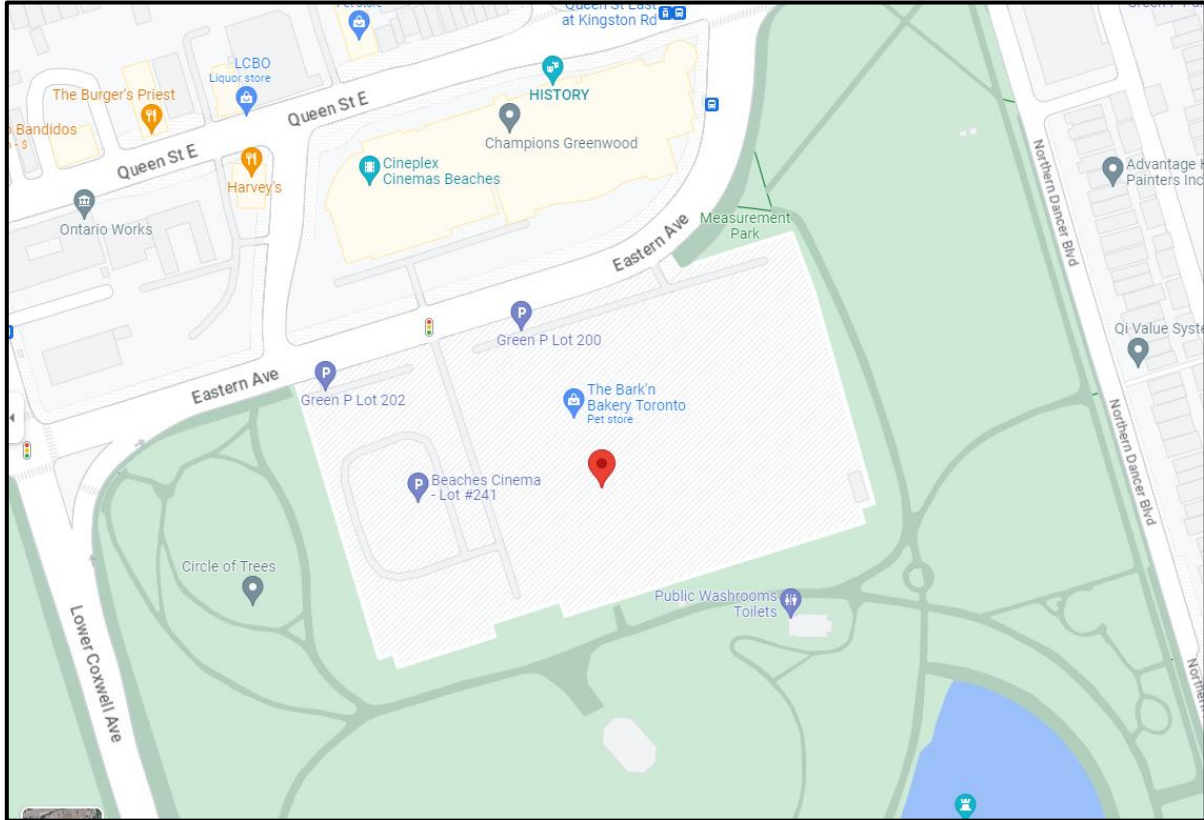
Licence Fee: Seven Thousand Five Hundred Dollars (\$7,500.00) plus HST per month

Term: two (2) years and two (2) months commencing February 1, 2023 and ending April 9, 2025.

Use: Parking lot for the City of Toronto and its representatives, including staff of TTC

Insurance: Commercial general liability insurance of not less than five (5) million dollars per occurrence, and the City may self-insure.

## APPENDIX "B" LOCATION MAP



## LICENSED AREA

