

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

TRACKING NO.: 2023-143

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:	May 15, 2023	Phone No.:	(416)-338-0405

Purpose	To obtain authority for City of Toronto (the " City "), as landlord to consent to Toronto Port Authority (" Sublandlord ") subleasing the Subleased Premises to Nieuport Aviation Infrastructure Partners GP (the " Subtenant "), for the purposes of constructing an EV charging station for its electric airport bus fleet operation at Billy Bishop Airport (the " Use ").
Property	Premises legally described as PT BATHURST ST PL D1442 TORONTO (CLOSED BY CT809698) designated as PTS 1, 2 and 3 on PL 63R-3642, in the City of Toronto, in the Province of Ontario, being all of PIN 21418-0121 (LT), comprising approximately eight (8) square feet as outlined red and shaded in yellow on the sketch attached hereto as Appendix "A" (the " Subleased Premises ").
Actions	Authority be granted to enter into an agreement (the " Consent Agreement ") between the City, the Sublandlord and the Subtenant consenting to the sublease of the Subleased Premises, substantially on the terms and conditions set out in Appendix "B", and including such other terms and conditions as deemed appropriate by the approving authority herein, and in a form acceptable to the City Solicitor.
Financial Impact	There is no financial impact. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.
Comments	By a lease dated August 1, 1987 (the " Lease "), The Corporation of the City of Toronto (the former landlord) leased to The Toronto Harbour Commissioners (the former tenant), with Harbourfront Corporation as the obligee, certain premises designated as Parts 1, 2 and 3 on Plan 63R-3642, in the City of Toronto (the " Leased Premises "), for and during the term of five (5) years, commencing on September 17, 1987 and expiring on September 16, 1992 and automatically renewed for a further term of five (5) years with no limitation on the number of renewal terms. In 1999, port operations and airport functions of The Toronto Harbour Commissioners were transferred to the Toronto Port Authority. The Lease contains a covenant on the part of the tenant not to assign the Lease or to sublease the Leased Premises without the landlord's prior consent. The Sublandlord has requested that the City provide a consent to allow the Subtenant to sublease the Subleased Premises, for the purposes of constructing an EV charging station for its electric airport bus fleet operation at Billy Bishop Airport. The City has agreed to provide its written consent for the sublease. Real Estate Services has reviewed the request to sublease and consider it to be fair and reasonable.
Terms	Refer to Appendix "B".

Property Details	Ward:	10 – Spadina-Fort York
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	8 square feet
	Other Information:	

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 & Parks & 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>Delegated to more senior positions.</p> <p>Delegated to more senior positions.</p> <p>Delegated to more senior positions.</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>Delegated to more senior positions.</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>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</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>Delegated to more senior positions.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to more senior positions.</p> <p>Delegated to more senior positions.</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 & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p>Delegated to more senior positions.</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>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</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 checked="" 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>

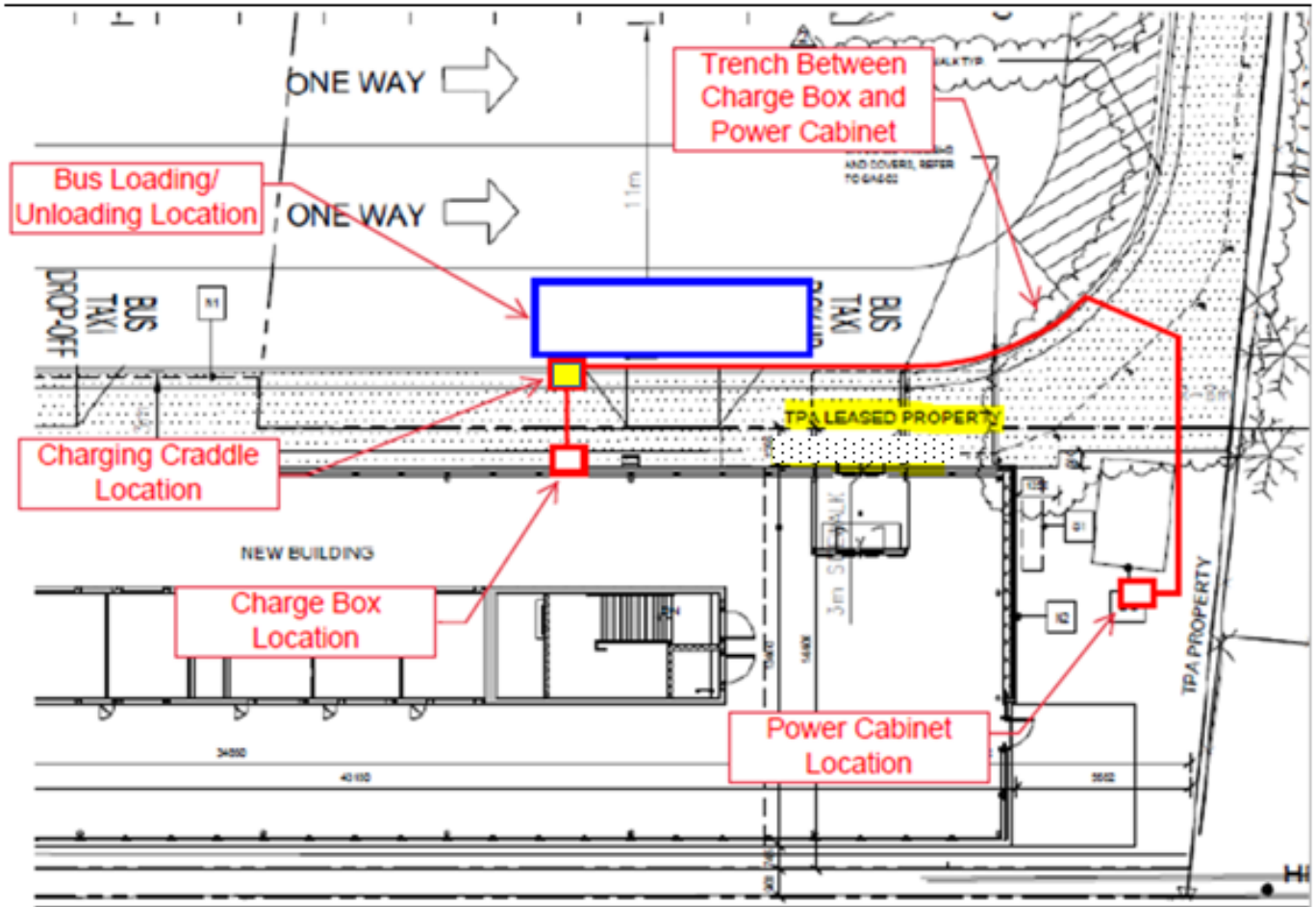
B. Director, Real Estate Services and Manager, Real Estate Services each has signing authority on behalf of the City for:
<ul style="list-style-type: none"> • Documents required to implement matters for which each position also has delegated approval authority. • Expropriation Applications and Notices 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:
<ul style="list-style-type: none"> • 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			
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property			
Consultation with Councillor(s)			
Councillor:	Councillor Ausma Malik	Councillor:	
Contact Name:		Contact Name:	
Contacted by:	Phone	E-Mail	Memo
			Other
Comments:		Comments:	
Consultation with Divisions and/or Agencies			
Division:		Division:	Financial Planning
Contact Name:		Contact Name:	Filisha Jenkins
Comments:		Comments:	
Legal Services Division Contact			
Contact Name:	Gloria Lee		

DAF Tracking No.: 2023-143	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Jennifer Kowalski	May 25, 2023	Signed by Jennifer Kowalski
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	May 26, 2023	Signed by Alison Folosea

APPENDIX "A"

LOCATION MAP AND SKETCH



APPENDIX "B"

MAJOR TERMS AND CONDITIONS

- The Sublandlord is not released from its obligations under the Lease
- The Sublandlord and the Subtenant shall be jointly and severally responsible for and shall save the City harmless and indemnify it from all costs in connection with the consent to sublease
- The City does not acknowledge nor approve of the terms of the sublease
- The City reserves the right to collect any excess rent paid by the Subtenant to the Sublandlord
- The Subtenant shall pay all costs related to any work carried out on the Subleased Premises and prior to commencing such work, the Subtenant shall provide:
 - drawings and specifications for the City's approval
 - letter of credit in an amount sufficient to secure the work