

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

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

Prepared By:	Desiree Picchiello	Division:	Corporate Real Estate Management
Date Prepared:	May 26, 2023	Phone No.:	416-338-5028

Purpose	To obtain authority to enter into a licence agreement (the "Licence Agreement") with Branksome Hall (the "Licensee") and provide consent to an application with respect to the property municipally known as 290 Rosedale Valley Road, Toronto for the purposes of remediation and various school uses.																																													
Property	Approximately 111 m ² on the property municipally known as 290 Rosedale Valley Road, Toronto, legally described in Appendix "B" and on the sketch attached as Appendix "C" (collectively, the "Property").																																													
Actions	1. Authority be granted to enter into the Licence Agreement and other associated documentation 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.																																													
Financial Impact	<p>The licence fee of \$2,500 (plus HST) is payable monthly by the Licensee. The City will receive a total licence fee of \$60,000 (plus HST) for the two (2) year term.</p> <p>If the Licensee exercises the three (3) extension options of one (1) year each, then cumulatively the City will receive additional license fees of \$90,000 + HST. Although the extension term would be subject to the Ontario Consumer Price Index, where such Index was used in the below table for the since it cannot be estimated at this time.</p> <table border="1"> <thead> <tr> <th colspan="5">Licence Term (Cost Centre P12642)</th> </tr> <tr> <th>Fiscal Year</th> <th># of months</th> <th>\$ per month</th> <th>Yearly Total</th> <th>Term Sum</th> </tr> </thead> <tbody> <tr> <td>2023</td> <td>7</td> <td>\$2,500</td> <td>\$17,500</td> <td rowspan="3">\$60,000</td> </tr> <tr> <td>2024</td> <td>12</td> <td>\$2,500</td> <td>\$30,000</td> </tr> <tr> <td>2025</td> <td>5</td> <td>\$2,500</td> <td>\$12,500</td> </tr> <tr> <th colspan="5">Extension Option</th> </tr> <tr> <td>2025</td> <td>7</td> <td>\$2,500</td> <td>\$17,500</td> <td rowspan="4">\$90,000</td> </tr> <tr> <td>2026</td> <td>12</td> <td>\$2,500</td> <td>\$30,000</td> </tr> <tr> <td>2027</td> <td>12</td> <td>\$2,500</td> <td>\$30,000</td> </tr> <tr> <td>2028</td> <td>5</td> <td>\$2,500</td> <td>\$12,500</td> </tr> </tbody> </table>	Licence Term (Cost Centre P12642)					Fiscal Year	# of months	\$ per month	Yearly Total	Term Sum	2023	7	\$2,500	\$17,500	\$60,000	2024	12	\$2,500	\$30,000	2025	5	\$2,500	\$12,500	Extension Option					2025	7	\$2,500	\$17,500	\$90,000	2026	12	\$2,500	\$30,000	2027	12	\$2,500	\$30,000	2028	5	\$2,500	\$12,500
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Comments	<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> <p>The Licensee is the registered owner of lands which are adjacent to the Property. The Licensee constructed tennis courts on its lands, a portion of which encroach onto the Property.</p> <p>The Licensee seeks permission to remediate, construct and repair its tennis courts on the Property and to use the Property for various school uses including school events, academic programs, co-curricular programs, athletic programs, auxiliary programs, summer camp recreational tennis programming, and all uses ancillary thereto.</p> <p>The Property is within a Toronto Region Conservation Authority ("TRCA") regulated area and a permit will be required from the TRCA before the Licensee can engage in any works on the Property. The Licensee's permit application to the TRCA must include the written consent of the City, as registered owner of the Property. The City's written consent for the TRCA permit application is the other associated documentation for which authority is being sought.</p> <p>The proposed licence and other major terms and conditions of the Licence Agreement are considered to be fair, reasonable and reflective of market rates.</p>																																													
Terms	See "Appendix A"																																													

Property Details	Ward:	11 – University Rosedale
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	111 m ² ± (1194.79 ft ² ±)
	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/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>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 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>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 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:	Dianne Saxe	Councillor:	
Contact Name:	Dianne Saxe	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> x 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:	

Consultation with Divisions and/or Agencies

Division:	Parks, Forestry & Recreation	Division:	Financial Planning
Contact Name:	Alex Deighan	Contact Name:	Ciro Tarantino
Comments:	Comments incorporated	Comments:	Approved

Legal Services Division Contact

Contact Name: Seija Pietrangelo – Comments incorporated

DAF Tracking No.: 2023-147	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Vinette Prescott-Brown	May 31, 2023	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	June 2, 2023	Signed by Alison Folosea

APPENDIX "A" – TERMS

Licensor

City of Toronto

Licensee

Branksome Hall

Term

June 1, 2023 – May 31, 2025

Extension Option

Three (3) options of one (1) year each, with the licence fee escalated by Ontario Consumer Price Index of the immediately preceding calendar year.

Use

Tennis court remediation, repair and construction, and school uses.

Licence Fee

\$2500+ HST/month

Early Termination

Upon 30 days' prior written notice by either party

Insurance

\$5 Million for Commercial General Liability insurance

Appendix "B"
LEGAL DESCRIPTION OF THE PROPERTY

PART OF PIN 21111-0065 (LT)

PT LT 20 CON 2 FTB TWP OF YORK (FORCED RD); PT LT 20 CON 2 FTB TWP OF YORK AS IN OS7901; BEING
ROSEDALE VALLEY RD BTN PARK RD AND MOUNT PLEASANT RD; CITY OF TORONTO

Appendix "C"

SKETCH OF THE PROPERTY

