

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

TRACKING NO.: 2023-101

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 Prepared: | June 5, 2023 | Phone No.: | 416-338-2995 |

Purpose
 To obtain authority to enter into a licence renewal agreement (the "Agreement") with His Majesty the King in Right of Ontario as represented by the Minister of Infrastructure (the "Licensor") for certain hydro corridor lands comprising an area of approximately 3.56 acre(s), for the purposes of construction and operation of a commuter parking lot (the "Parking Lot").

Property
 Hydro corridor lands south of the CP tracks and east of Kipling Avenue, legally described as Part of Lot 15, First Meridian, Geographic Township of Etobicoke, PIN 07533-0005 (LT) in the City of Toronto in Appendix "A" (the "Property").

Actions
 1. Authority be granted to enter into the Agreement with the Licensor for the use of the Property, substantially on the terms set out herein, and such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.

Financial Impact
 The total cost to the City over the five (5) year term is estimated to be \$1,977,302.86 (net of HST recoveries) which is based on an annual fee of \$381,810.00 plus HST & realty taxes. Total annual cost to the City is detailed below.

| | Licence Fee | Estimated Realty Tax* | Licence Fee & Est. Realty Tax | Non-recoverable HST | Total incl. Non-recoverable HST |
|----------------------|--------------|-----------------------|-------------------------------|---------------------|---------------------------------|
| Jan 1 – Dec 31, 2022 | \$381,810.00 | \$6,162.97 | \$387,972.97 | \$6,828.32 | \$394,801.29 |
| Jan 1 – Dec 31, 2023 | \$381,810.00 | \$6,471.11 | \$388,281.11 | \$6,833.75 | \$395,114.86 |
| Jan 1 – Dec 31, 2024 | \$381,810.00 | \$6,794.66 | \$388,604.66 | \$6,839.44 | \$395,444.10 |
| Jan 1 – Dec 31, 2025 | \$381,810.00 | \$7,134.39 | \$388,944.39 | \$6,845.42 | \$395,789.81 |
| Jan 1 – Dec 31, 2026 | \$381,810.00 | \$7,491.10 | \$389,301.10 | \$6,851.70 | \$396,152.80 |

*Estimated realty tax based on 2022 value

Funding is available in the 2023 Council Approved Operating Budget for Toronto Transit Commission (TTC) for 2023 Hydro One Network Inc./Ontario Infrastructure Lands Corporation (HONI/OILC) licence fees and related taxes under cost centre #TT0010. Fees related to 2024-26 will be referred to future Budget Processes.

The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.

Comments
 The Property has been under a licence with Ontario Hydro (now His Majesty the King in Right of Ontario as represented by the Minister of Infrastructure) since 2017 for the purposes of a Parking Lot. The authority for the initial term was through City Council by its adoption of Government Management Committee Item No. GM13.20 on July 12-15, 2016, which recommended a licence agreement with the Licensor for a term of four (4) years and ten (10) months from March 1, 2017 until December 31, 2021. The City and the Licensor have agreed to extend the agreement for an additional five years on the same terms and condition as the original agreement, except for the rental amount.

The proposed fee and other major terms and conditions of the Agreement are considered to be fair, reasonable, and reflective of market rates.

Terms
Term - Five (5) years commencing on January 1, 2022, and ending on December 31, 2026
Realty Taxes - City will be responsible for payment of 75% of the realty taxes for the licenced area + HST

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|-------------------------|-----------------------------|-------------------------|
| Property Details | Ward: | 3 – Etobicoke-Lakeshore |
| | Assessment Roll No.: | 1904-102-520-00100 |
| | Approximate Size: | Irregular |
| | Approximate Area: | 3.56 ac |
| | Other Information: | |

| A. | Executive Director, Corporate Real Estate Management has approval authority for: | Deputy City Manager, Corporate Services has approval authority for: |
|--|---|---|
| 1. Acquisitions: | <input type="checkbox"/> Where total compensation does not exceed \$3 Million. | <input type="checkbox"/> Where total compensation does not exceed \$5 Million. |
| 2A. Expropriations Where City is Expropriating Authority: | <input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million. | <input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 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 \$3 Million. Request/waive hearings of necessity delegated to less senior positions. | <input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million. Request/waive hearings of necessity delegated to less senior positions. |
| 3. Issuance of RFPs/REOs: | <input type="checkbox"/> Issuance of RFPs/REOs. | <input type="checkbox"/> Issuance of RFPs/REOs. |
| 4. Permanent Highway Closures: | <input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law. | <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: | <input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations. | <input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations. |
| 6. Limiting Distance Agreements: | <input type="checkbox"/> Where total compensation does not exceed \$3 Million. | <input type="checkbox"/> Where total compensation does not exceed \$5 Million. |
| 7. Disposals (including Leases of 21 years or more): | <input type="checkbox"/> Where total compensation does not exceed \$3 Million. | <input type="checkbox"/> Where total compensation does not exceed \$5 Million. |
| 8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan: | <input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan. | <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/Licensor): | <input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 Million. <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. Delegated to a more senior position. | <input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$5 Million. <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. <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. |
| 10. Leases/Licences (City as Tenant/Licensee): | <input checked="" type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million. | <input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million. |
| 11. Easements (City as Grantor): | <input type="checkbox"/> (a) Where total compensation does not exceed \$3 Million. <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration. | <input type="checkbox"/> (a) Where total compensation does not exceed \$5 Million. <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 \$3 Million. | <input type="checkbox"/> Where total compensation does not exceed \$5 Million. |
| 13. Revisions to Council Decisions in Real Estate Matters: | <input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)). | <input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)). |
| 14. Miscellaneous: | <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 | <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 |

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| B. Deputy City Manager, Corporate Services and Executive Director, Corporate Real Estate Management 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. • 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: | | 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 type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other |
| Comments: | No objection | Comments: | |

Consultation with Divisions and/or Agencies

| | | | |
|---------------|----------------------------|---------------|---------------------------|
| Division: | Toronto Transit Commission | Division: | Financial Planning |
| Contact Name: | Duane Lovelace | Contact Name: | Ciro Tarantino |
| Comments: | Concur | Comments: | Concur |

Legal Services Division Contact

Contact Name: **Frank Weng**

| DAF Tracking No.: 2023-101 | Date | Signature |
|---|---------------|----------------------------------|
| Recommended by: Manager, Real Estate Services | June 8, 2023 | Signed by Vinette Prescott-Brown |
| Recommended by: Director, Real Estate Services | June 12, 2023 | Signed by Alison Folosea |
| <input type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management <input checked="" type="checkbox"/> Approved by: Patrick Matozzo | June 13, 2023 | Signed by Patrick Matozzo |
| <input type="checkbox"/> Approved by: Deputy City Manager, Corporate Services Josie Scioli | | X |

APPENDIX "A"
Location Map & Sketch

