

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:	June 9, 2023	Phone No.:	416-338-2995

<b>Purpose</b>	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 a total area of approximately 12.929 acres for the purposes of the Finch Station east commuter parking lot (the "Parking Lot") and a multi-use path.																																				
<b>Property</b>	Hydro corridor lands on the east side of Yonge Street, legally described as Part of Lot 21, Concession 1, East of Yonge Street, being part of PIN 10036-0236 (LT), as shown in Appendix "A" (the "Property").																																				
<b>Actions</b>	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.																																				
<b>Financial Impact</b>	<p>The total cost to the City over the five (5) year term is estimated to be \$7,508,731.00 (net of HST recoveries) which is based on an annual fee of \$1,386,635.00 plus HST and realty taxes. Total annual cost to the City is detailed below.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th></th> <th>Licence Fee</th> <th>Est. Realty Tax*</th> <th>Licence Fee &amp; Est. Realty Tax</th> <th>Non-recoverable HST</th> <th>Total incl. Non-recoverable HST</th> </tr> </thead> <tbody> <tr> <td>Jan 1 – Dec 31, 2022</td> <td>\$1,386,635.00</td> <td>\$80,658.36</td> <td>\$1,467,293.30</td> <td>\$25,824.36</td> <td>\$1,493,117.60</td> </tr> <tr> <td>Jan 1 – Dec 31, 2023</td> <td>\$1,386,635.00</td> <td>\$84,691.27</td> <td>\$1,471,326.20</td> <td>\$25,895.34</td> <td>\$1,497,221.50</td> </tr> <tr> <td>Jan 1 – Dec 31, 2024</td> <td>\$1,386,635.00</td> <td>\$88,925.83</td> <td>\$1,475,560.80</td> <td>\$25,969.87</td> <td>\$1,501,530.60</td> </tr> <tr> <td>Jan 1 – Dec 31, 2025</td> <td>\$1,386,635.00</td> <td>\$93,372.21</td> <td>\$1,480,007.20</td> <td>\$26,048.13</td> <td>\$1,506,055.30</td> </tr> <tr> <td>Jan 1 – Dec 31, 2026</td> <td>\$1,386,635.00</td> <td>\$98,040.82</td> <td>\$1,484,675.80</td> <td>\$26,130.29</td> <td>\$1,510,806.00</td> </tr> </tbody> </table> <p><small>*Estimated realty tax based on 2022 value</small></p> <p>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.</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>		Licence Fee	Est. Realty Tax*	Licence Fee & Est. Realty Tax	Non-recoverable HST	Total incl. Non-recoverable HST	Jan 1 – Dec 31, 2022	\$1,386,635.00	\$80,658.36	\$1,467,293.30	\$25,824.36	\$1,493,117.60	Jan 1 – Dec 31, 2023	\$1,386,635.00	\$84,691.27	\$1,471,326.20	\$25,895.34	\$1,497,221.50	Jan 1 – Dec 31, 2024	\$1,386,635.00	\$88,925.83	\$1,475,560.80	\$25,969.87	\$1,501,530.60	Jan 1 – Dec 31, 2025	\$1,386,635.00	\$93,372.21	\$1,480,007.20	\$26,048.13	\$1,506,055.30	Jan 1 – Dec 31, 2026	\$1,386,635.00	\$98,040.82	\$1,484,675.80	\$26,130.29	\$1,510,806.00
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<b>Comments</b>	<p>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 1983 for the Parking Lot. Authority for the past agreements can be traced back through the exercise of a series of Council as well as delegated authorities. The most recent authority was by Delegated Approval Form No. 2018-046, which recommended a licence extension with the Licensor for a term of five (5) years from January 1, 2017, and ending on 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 and the inclusion of a multi-use path.</p> <p>The proposed fee and other major terms and conditions of the Agreement are considered to be fair, reasonable, and reflective of market rates.</p>																																				
<b>Terms</b>	<p><b>Term</b> - Five (5) years commencing on January 1, 2022, and ending on December 31, 2026</p> <p><b>Realty Taxes</b> - City will be responsible for payment of 75% of the realty taxes for the licenced area + HST</p>																																				

<b>Property Details</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><b>Ward:</b></td> <td>18 - Willowdale</td> </tr> <tr> <td><b>Assessment Roll No.:</b></td> <td>1908-07-3-990-00200</td> </tr> <tr> <td><b>Approximate Size:</b></td> <td>Irregular</td> </tr> <tr> <td><b>Approximate Area:</b></td> <td>12.929 ac (commuter parking lot and mult-use path)</td> </tr> <tr> <td><b>Other Information:</b></td> <td></td> </tr> </table>	<b>Ward:</b>	18 - Willowdale	<b>Assessment Roll No.:</b>	1908-07-3-990-00200	<b>Approximate Size:</b>	Irregular	<b>Approximate Area:</b>	12.929 ac (commuter parking lot and mult-use path)	<b>Other Information:</b>	
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<b>Other Information:</b>											

A.	City Manager has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
2A. Expropriations Where City is Expropriating Authority:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$10 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 \$10 Million.
3. Issuance of RFPs/REOs:	<b>Request/waive hearings of necessity delegated to less senior positions.</b>
4. Permanent Highway Closures:	<b>Delegated to less senior positions.</b>
5. Transfer of Operational Management to Divisions, Agencies and Corporations:	<b>Delegated to less senior positions.</b>
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	<b>Delegated to less senior positions.</b>
9. Leases/Licences (City as Landlord/Licensor):	<input type="checkbox"/> Where total compensation (including options/ renewals) does not exceed \$10 Million. <b>Leases/licences for periods up to 12 months at less than market value delegated to less senior positions.</b> <b>Leases pursuant to the Community Space Tenancy Policy delegated to a less senior position.</b>
10. Leases/Licences (City as Tenant/Licensee):	<input checked="" type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> Where total compensation does not exceed \$10 Million. <b>Nominal sum easements to pre-existing utilities when closing roads delegated to less senior positions.</b>
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$10 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)).
14. Miscellaneous:	<b>Delegated to less senior positions.</b>

**B. City Manager has signing authority on behalf of the City for:**

- Documents required to implement matters for which this position also has delegated approval authority.

**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:	Lily Cheng	Councillor:	
Contact Name:		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 objection	Comments:	

**Consultation with Divisions and/or Agencies**

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

**Legal Services Division Contact**

Contact Name:	<b>Frank Weng</b>
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DAF Tracking No.: 2023-100	Date	Signature
Recommended by: Manager, Real Estate Services	June 12, 2023	Signed by Vinette Prescott-Brown
Recommended by: Director, Real Estate Services	June 23, 2023	Signed by Alison Folosea
<input checked="" type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management Patrick Matozzo	June 27, 2023	Signed by Patrick Matozzo
<input checked="" type="checkbox"/> Recommended by: Deputy City Manager, Corporate Services Josie Scioli	June 27, 2023	Signed by Josie Scioli
<input checked="" type="checkbox"/> Approved by: City Manager Paul Johnson	June 30, 2023	Signed by Paul Johnson



### APPENDIX "A" Location Map & Sketch

