

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

TRACKING NO.: 2023-104

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 9, 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 5.238 acres, for the purposes of the Kipling South commuter parking lot (the "Parking Lot").

Property Hydro corridor lands south of the CP tracks and west of Kipling Avenue, legally described as Part of Lot 6, Concession 5, Colonel Smith's Tract and designated as Parts 1, 2, 5, 9, 10, 13, 14, 17, 19, 20, 21, 29, 30 and 31 on Plan WX-177, registered as Reference Plan 64R-12116, Geographic Township of Etobicoke, in the City of Toronto, PIN 07549-0167 (LT) as shown 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 \$3,174,368.13 (net of HST recoveries) which is based on an annual fee of \$561,775 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	\$561,775.00	\$56,209.07	\$617,984.07	\$10,876.52	\$628,860.59
Jan 1 – Dec 31, 2023	\$561,775.00	\$59,019.52	\$620,794.52	\$10,925.98	\$631,720.50
Jan 1 – Dec 31, 2024	\$561,775.00	\$61,970.49	\$623,745.49	\$10,977.92	\$634,723.41
Jan 1 – Dec 31, 2025	\$561,775.00	\$65,069.01	\$626,844.01	\$11,032.45	\$637,876.46
Jan 1 – Dec 31, 2026	\$561,775.00	\$68,322.46	\$630,097.46	\$11,089.71	\$641,187.17

*Estimated realty tax based on 2021 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 1979 for the purposes of the Parking Lot. Authority for the past agreements can be traced back through the exercise of a series of Council as well as standing delegated authorities. The most recent authority was through, Delegated Approval Form No. 2018-043, which recommended a licence extension with the Licensor for a term of five (5) years from January 1, 2017 until December 31, 2021. The City and the Licensor has 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

Property Details	Ward:	3 – Etobicoke-Lakeshore
	Assessment Roll No.:	1919-014-020-00100
	Approximate Size:	Irregular
	Approximate Area:	5.238 ac
	Other Information:	

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate 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/REOs:</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 \$3 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p>Request/waive hearings of necessity delegated to less senior positions.</p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 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 \$3 Million.</p> <p><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.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$3 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 \$3 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>	<p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p>Request/waive hearings of necessity delegated to less senior positions.</p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 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 \$5 Million.</p> <p><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.</p> <p><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.</p> <p><input checked="" type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$5 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 \$5 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. Deputy City Manager, Corporate Services and Executive Director, Corporate Real Estate Management each has signing authority on behalf of the City for:

- 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:	Phone	<input checked="" type="checkbox"/>	E-Mail	Memo	Other	Contacted by:	Phone		E-mail	Memo	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
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DAF Tracking No.: 2023-104	Date	Signature
Recommended by: Manager, Real Estate Services	June 12, 2023	Signed by Vinette Prescott-Brown
Recommended by: Director, Real Estate Services	June 16, 2023	Signed by Alison Folosea
<input checked="" type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management	June 19, 2023	Signed by Patrick Matozzo
<input type="checkbox"/> Approved by: Patrick Matozzo		
<input checked="" type="checkbox"/> Approved by: Deputy City Manager, Corporate Services	June 20, 2023	Signed by Josie Scioli

