

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

TRACKING NO.: 2023-186

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

Prepared By:	Devi Mohan	Division:	Corporate Real Estate Management
Date Prepared:	June 22, 2023	Phone No.:	(437) 991-8168

Purpose	To obtain authority for the City of Toronto (the "City"), on behalf of the Toronto Public Library (the "Library"), to enter into a lease extension and amending agreement (the "Agreement") with bcIMC Realty Corporation (the "Landlord") for a rentable area of approximately 6,333 square feet at Bayview Village Shopping Centre, located at Unit 123A, 2901 Bayview Avenue, North York (the "Premises").										
Property	The property municipally known as Unit 123A, 2901 Bayview Avenue, Toronto.										
Actions	<ol style="list-style-type: none"> Authority be granted to enter into the Agreement with the Landlord, subject to the terms and conditions outlined in Appendix "A" herein, and on such other terms and conditions as may be satisfactory to the Director, Real Estate Services, and in a form acceptable to the City Solicitor; The City Librarian, or her designate, administer and manage the Agreement, including the provision of any consents, approvals, waivers, notices and notices of termination provided that the City Librarian may, at any time, refer consideration of such matters to Director of Transaction Services, Corporate Real Estate Management for determination and direction; The appropriate Library and City Officials be authorized and directed to take the necessary action to give effect thereto. 										
Financial Impact	<p>The Library will pay \$198,191.24 (plus HST), or \$201,679.40 (net of HST recoveries), for the six (6) month extension term.</p> <table border="1"> <thead> <tr> <th>Year</th> <th>Base Rent PSF</th> <th>Additional Rent</th> <th>Total Licence Fee (6 months)</th> <th>Licence Fee w/ HST</th> </tr> </thead> <tbody> <tr> <td>2023</td> <td>\$42.50</td> <td>\$20.09</td> <td>198,191.24</td> <td>\$201,679.40</td> </tr> </tbody> </table> <p>The funds will come out of the cost center LB1000.</p> <p>The Director, Finance and Treasurer (TPL) and Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>	Year	Base Rent PSF	Additional Rent	Total Licence Fee (6 months)	Licence Fee w/ HST	2023	\$42.50	\$20.09	198,191.24	\$201,679.40
Year	Base Rent PSF	Additional Rent	Total Licence Fee (6 months)	Licence Fee w/ HST							
2023	\$42.50	\$20.09	198,191.24	\$201,679.40							
Comments	The Library's approved capital plan included a project to relocate the Bayview branch from the mall onto City land, known as the Ethenonnhawahstihnen' Community Recreation Centre & Library. The project is now complete and the Library is in the process of moving out of the Bayview location.										
Terms	Please see Appendix "A"										

Property Details	Ward:	17 – Don Valley North
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	588.36 m2 ± (6,333 ft2 ±)
	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 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:	Shelley Carroll	Councillor:	
Contact Name:	Tom Gleason	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:	Toronto Public Library	Division:	Financial Planning
Contact Name:	Larry Hughsam	Contact Name:	Ciro Tarantino
Comments:	Reviewed	Comments:	No comments

Legal Services Division Contact

Contact Name:	Frank Weng
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DAF Tracking No.: 2023-186	Date	Signature
Concurred with by: Manager, Real Estate Services		
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Ronald Ro	July 13, 2023	Signed by Ronald Ro
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	July 19, 2023	Signed by Alison Folosea

Appendix "A" – Major Terms and Conditions of the Agreement

Landlord: bclMC Realty Corporation

Tenant: City of Toronto, on behalf of the Toronto Public Library

Premises: Approximately 6,333 square feet of rentable space at the property located at Unit 123A, 2901 Bayview Avenue, also known as the Bayview Village Shopping Centre.

Term: Six (6) months, commencing on February 1, 2023, and ending on July 31, 2023.

Use: Neighbourhood library branch, operated by the Toronto Public Library.

Rent Breakdown: The Library will pay \$198,191.24 (plus HST), or \$201,679.40 (net of HST recoveries), for the six (6) month extension term, where Basic Rent is \$42.50 per square foot, and Additional Rent is estimated at \$20.09 per square foot.

Amending Section 18.25

All exculpatory provisions, releases and indemnities included in this Lease for the benefit of the Landlord are also intended to benefit the Mortgagees, any owners or lessors with an interest in the Shopping Centre superior to any owners and property managers appointed for the Shopping Centre, and the officers, directors, shareholders, employees and agents of each one of them (individually and collectively, the "Landlord Parties"). In furtherance of this Section 18.25 and the related exculpatory provisions, releases and indemnities contemplated herein, the Landlord has executed this Lease as agent of and for the benefit of all the Landlord Parties.

Appendix "B" – Location Map

2901 Bayview Avenue, North York, ON

