

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

**TRACKING NO.: 2023-202**

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

<b>Prepared By:</b>	Rocchina Zambri	<b>Division:</b>	Corporate Real Estate Management
<b>Date Prepared:</b>	July 12, 2023	<b>Phone No.:</b>	(416)338-2995

<b>Purpose</b>	To obtain authority to enter into a licence agreement (the "Agreement") with Urbacon Buildings Group Inc. (the "Licensee") with respect to a portion of the lands at St. Clair Station (the "Property"), for the purpose of access to the adjacent property and for staging construction material and equipment.												
<b>Property</b>	Part of St. Clair Station, legally described as Part of PIN 21120-0079 (LT) being Lot 9 Plan 663 Deer Park; Lots 7-11 Plan 708 Deer Park; Part Lot 12 Plan 708 Deer Park; Part Lot 4 Plan 274 Toronto save and except Parts 5, 8, 10 Plan R4692; Part Lot 1, 20-21 Plan 413E Toronto; Part Lots 8 Plan 633 Deer Park; Part Lot 6 Plan 708 Deer Park as in EP66666 (Block 28) except EM71634, EM71636 and Parts 3 and 5 Plan 63R2665; together with EM81541; City of Toronto as shown in Appendix "B".												
<b>Actions</b>	1. Authority be granted to enter into the Agreement 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.												
<b>Financial Impact</b>	<p>The Toronto Transit Commission (the "TTC") will receive a total licence fee revenue of \$282,000.00 (plus HST) over the two (2) year term of the agreement, as more specifically outlined in the table below:</p> <p>Revenues remitted to the TTC for each fiscal year are as follows:</p> <table border="1"> <thead> <tr> <th>Year</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>2021</td> <td>\$47,000.00</td> </tr> <tr> <td>2022</td> <td>\$141,000.00</td> </tr> <tr> <td>2023</td> <td>\$94,000.00</td> </tr> <tr> <td><b>TOTA:</b></td> <td><b>\$282,000.00 (plus HST)</b></td> </tr> </tbody> </table> <p>Revenue will be directed to the 2023 Operating Budget Submission for the TTC.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>			Year	Amount	2021	\$47,000.00	2022	\$141,000.00	2023	\$94,000.00	<b>TOTA:</b>	<b>\$282,000.00 (plus HST)</b>
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2021	\$47,000.00												
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<b>TOTA:</b>	<b>\$282,000.00 (plus HST)</b>												
<b>Comments</b>	<p>The Licensee is undertaking works to the adjacent property at 25-55 St. Clair Avenue East. The Property is owned by the TTC and it entered into a one year lease with the Licensee, which expired August 7, 2021. City staff have negotiated a new Agreement with the Licensee to use the Property for an additional two (2) years to accommodate its construction. The City and the Licensee have agreed to the new terms and conditions set out in the Agreement.</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>												
<b>Terms</b>	See Appendix "A"												

<b>Property Details</b>	<b>Ward:</b>	1 – Toronto - St. Paul's
	<b>Assessment Roll No.:</b>	n/a
	<b>Approximate Size:</b>	5112 sq ft.
	<b>Approximate Area:</b>	n/a
	<b>Other Information:</b>	

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 &amp; Parks &amp; 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><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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><b>Delegated to more senior positions.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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 &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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:	Josh Matlow	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:	Arno VanDijk	Contact Name:	Ciro Tarantino
Comments:	Concur	Comments:	Concur

**Legal Services Division Contact**

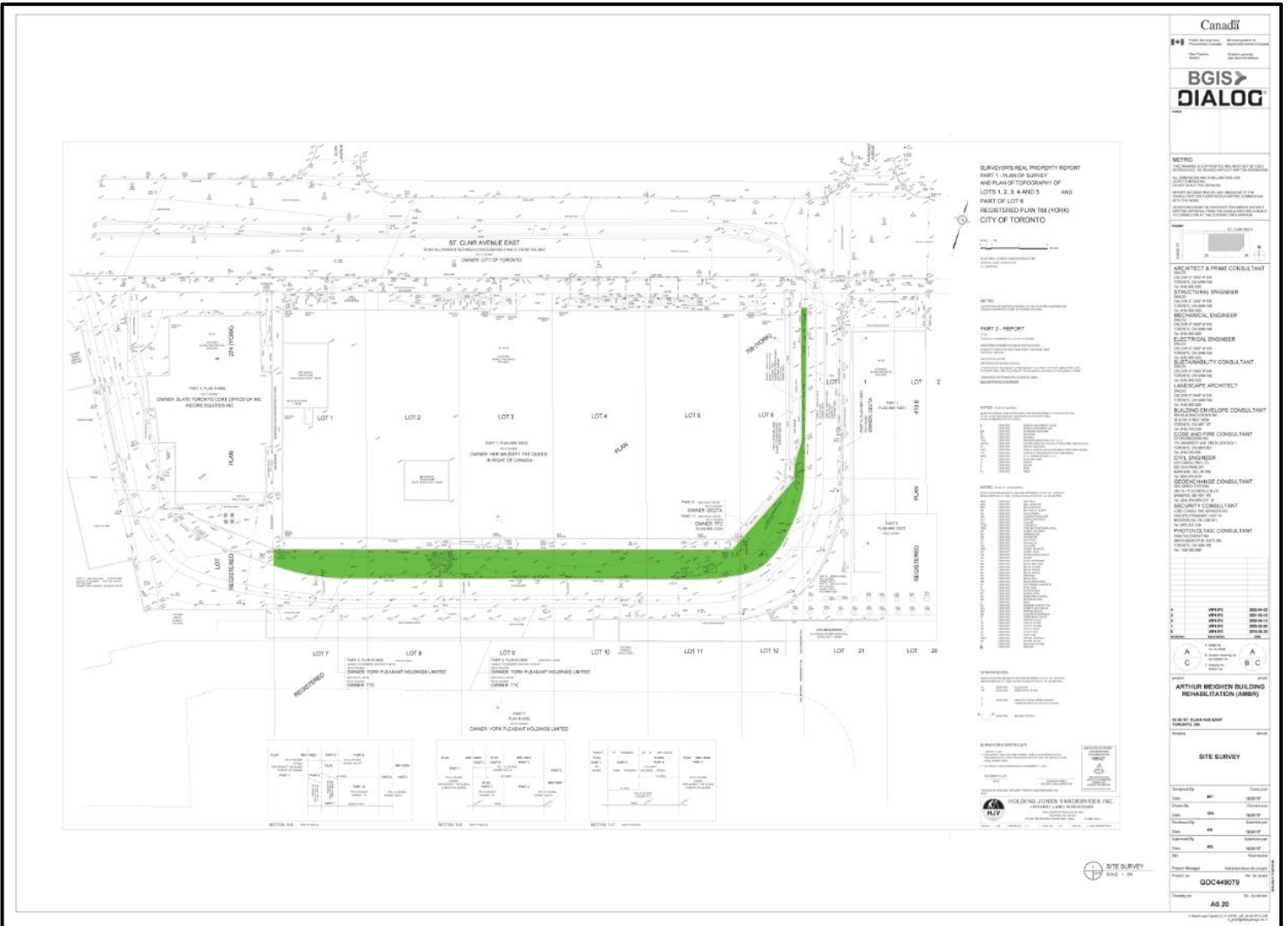
Contact Name:	Tammy Turner
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DAF Tracking No.: 2023-202	Date	Signature
<input type="checkbox"/> Recommended by: <b>Manager, Real Estate Services Vinette Prescott-Brown</b>	July 18, 2023	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: <b>Director, Real Estate Services Alison Folosea</b>	July 19, 2023	Signed by Alison Folosea

**APPENDIX "A"**  
**Terms and Conditions**

Licensor:	City of Toronto
Licensee:	Urbacon Buildings Group Inc.
Licensed Premises:	Part of St. Clair Station as shown on attached sketch
Licence Fee:	\$141,00.00 per annum plus HST
Term:	2 years, commencing August 8, 2021 and ending August 7, 2023 Option to renew for thirty (30) days, by notice given to the City not less than sixty (60) days before the expiry of the Term, on the same term and conditions, except for the Licence Fee
Costs:	Licensee is responsible for paying all costs and expenses related to the Licensed Area and the Licensee's use and occupancy.
Early Termination:	Both parties have the right to terminate the agreement upon written notice to the other party. The notice will include the termination date which shall be at least thirty (30) days after the notice is given.
Use:	Access to the adjacent property and construction staging and storage of small construction machinery, equipment and materials on a non-exclusive basis
Insurance:	Commercial General Liability Insurance - \$10,000,000.00 per occurrence Contractor's Pollution Liability - \$1,000,00.00 Standard Automobile Liability - \$2,000,000.00
Indemnity:	The Licensee releases and shall at all times hereafter fully indemnify and save harmless the City (including the TTC) of and from any and all manner of Claims.  The Licensee shall, at all times hereafter, fully indemnify and save harmless the City (including the TTC) against and from all liens which may bind the Property resulting directly or indirectly from any act or omission of the Licensee.

Appendix "B"



Canada

BGIS DIALOG

METRIC

ARCHITECT & PRIME CONSULTANT

MECHANICAL ENGINEER

ELECTRICAL ENGINEER

LANDSCAPE ARCHITECT

BUILDING ENVELOPE CONSULTANT

CODE AND FIRE CONSULTANT

PLUMBING ENGINEER

SECURITY CONSULTANT

PROTECTIVE TAC CONSULTANT

ARTHUR MEICHEN BUILDING REHABILITATION (AMBR)

2545 ST. CLAIR AVENUE EAST TORONTO, ON

**SITE SURVEY**

Drawn By: [Name]

Date: [Date]

Checked By: [Name]

Project No: G0C449079

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