

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

TRACKING NO.: 2023-114

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

Prepared By:	Desiree Picchiello	Division:	Corporate Real Estate Management
Date Prepared:	September 22 2023	Phone No.:	416-338-5028

Purpose	To obtain authority for the City of Toronto (the " City ") to enter into a staging licence agreement (the " Agreement ") with 110 Broadway Inc. (the " Licensee "), once the City becomes the registered owner of lands to be conveyed by The R.W. One Hundred Development Corporation (the " Conveyance Lands "), for a term of 24 months (the " Term "). The Agreement grants to the Licensee the right on a non-exclusive basis to use, occupy, and access a portion of the Conveyance Lands comprising approximately 205.83 m ² (the " Licensed Area ") for staging purposes.
Property	The Conveyance Lands is legally described as PT LT 10-11 PL 806 NORTH TORONTO AS IN CA669928; CITY OF TORONTO; TOGETHER WITH AN EASEMENT OVER PART LOT 13 PLAN 806 NORTH TORONTO AS IN EO106750 AS IN AT5562456, AND OVER PART LOT 13 PLAN 806 NORTH TORONTO AS IN CT84867 AS IN AT5562456, AND OVER LOT 12 PLAN 806 NORTH TORONTO AS IN AT5562456; SUBJECT TO AN EASEMENT IN FAVOUR OF LOT 12 PLAN 806 NORTH TORONTO AS IN AT5562468 AND IN FAVOUR OF PART LOT 13 PLAN 806 NORTH TORONTO AS IN EO106750 AS IN AT5562468 AND IN FAVOUR OF PART LOT 13 PLAN 806 NORTH TORONTO AS IN CT848679 AS IN AT5562468 on PIN 21136-0280 (LT).
Actions	<ol style="list-style-type: none"> 1. Authority be granted to enter into the Agreement between the City and the Licensee for the Licensed Area, substantially on the terms and conditions outlined herein, and on such other amended terms as may be satisfactory to the Director of Real Estate Services, and in a form acceptable to the City Solicitor; 2. The Director of Real Estate Services or his or her designate shall administer and manage the Agreement, including the provision of any consents, approvals, waivers, notices, and notices of termination provided that the Director of Real Estate Services may, at any time, refer consideration of such matter to City Council for its determination and direction; and 3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	<p>The City shall receive a total of Five Hundred and Forty-Three Thousand Two Hundred Nineteen Dollars and Two cents (\$543,219.02) plus any harmonized sales tax for the construction staging agreement.</p> <p>The City will receive the amount of One Hundred and Fifty-Eight Thousand Three Hundred and Ninety-Seven Dollars and Forty-One Cents (\$158,397.41) plus any harmonized sales tax for Phase 1 as outlined in Appendix "B" of the Term from the start of the license or Sixty-Five Thousand Two Hundred and Eighty-Five Dollars and Forty-Two Cents (\$65,285.42) plus any harmonized sales tax per month for a period of 2.5 months.</p> <p>The City will receive the amount of Three Hundred and Eighty-Four Thousand Eight Hundred and Twenty-One Dollars and Sixty-One Cents (\$384,821.61) plus any harmonized sales tax for Phase 2 as outlined in Appendix "B" of the Term from the end of the Phase 1 of the license or Seventeen Thousand Nine Hundred and Twenty Dollars and Thirty Eight Cents (\$17,920.38) plus any harmonized sales tax per month for a period of 21.5 Months.</p> <p>License fees are to be recorded as PF&R revenue into cost center P12271</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	The R.W. One Hundred Development Corporation, the registered owner of the Conveyance Lands, has agreed to convey the Conveyance Lands to the City free of encumbrances to the satisfaction of the City's Planning solicitor in order to pursue a development project known as Untitled Toronto Condos on the abutting lands. To facilitate the development, the Licensee has agreed to construct a parkette on the Conveyance Lands but has requested access to and use of a portion of the Conveyance Lands for staging purposes. PFR staff supports this proposal.
Terms	See Appendix A

Property Details	Ward:	15 - Don Valley West
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	205 m ² ±
	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/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 \$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:	Jaye Robinson	Councillor:	
Contact Name:	Councillor_robinson@toronto.ca	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 (02/21/23)	Comments:	

Consultation with Divisions and/or Agencies

Division:	PF&R	Division:	Financial Planning
Contact Name:	Glenn Zeta	Contact Name:	Ciro Tarantino
Comments:	Approved on 08/23/23	Comments:	Approved on 09/25/23

Legal Services Division Contact

Contact Name:	Frank Weng
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DAF Tracking No.: 2023-114	Date	Signature
Concurred with by: Manager, Real Estate Services		X
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services	October 4, 2023	Signed by Jennifer Kowalski
<input type="checkbox"/> Approved by: Jennifer Kowalski		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	October 13, 2023	Signed by Alison Folosea

APPENDIX "A" - TERMS & CONDITIONS**LICENSEE:**

110 Broadway Inc.

LICENSOR:

City of Toronto

AREA:

Approximately 205.83 m² delineated on the diagrams attached in Appendix "B"

TERM:

The term of the Licence shall be a period of twenty-four (24) months, commencing on the later of

- i. The date the City and the Licensee execute this Agreement; and
- ii. The date that the City becomes the registered owner of the Conveyance Lands (the "Commencement Date"),

And ending twenty-four (24) months from the Commencement Date (the "Expiry Date").

The Licensee shall have the option to extend the Licence for a period of six (6) months.

TERMINATION:

The Licensee and the City shall each have the right to terminate this Agreement upon giving written notice. The notice shall specify the termination date, which shall be at least thirty (30) days after the notice is given.

LICENSE FEE:

The City shall receive a total fee of Five Hundred and Forty-Three Thousand Two Hundred Nineteen Dollars and Two cents (\$543,219.02) plus any harmonized sales tax for the staging agreement.

LICENSEE'S USE

The Licensee shall use the Licensed Area for the purposes of utilizing and storing hydro substation, switchgear, power cubical and hoist deck, and for the purpose of providing access for materials to be delivered.

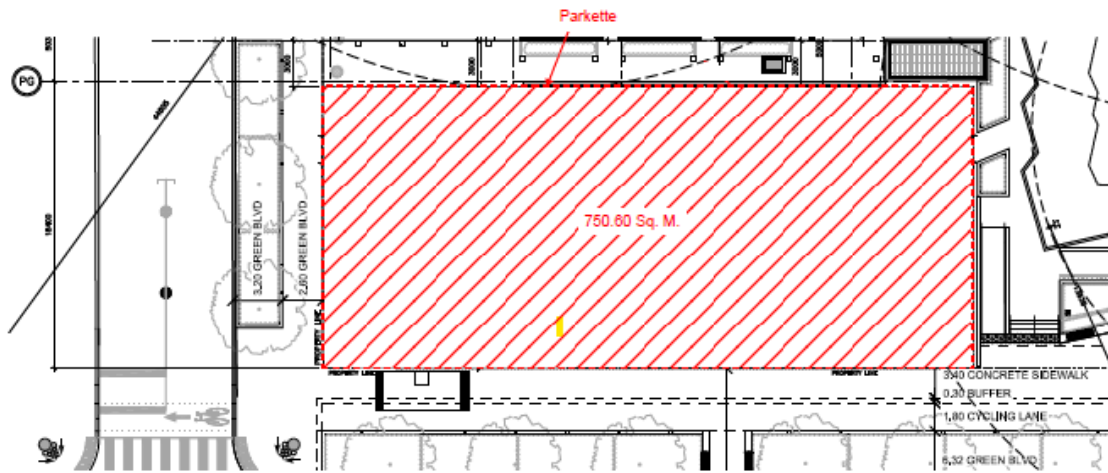
INSURANCE:

- (a) Commercial General Liability Insurance which has inclusive limits of not less than \$5,000,000.00 per occurrence, for bodily injury and property damage resulting from any one occurrence and which extends to include Personal Injury Liability, Broad Form Contractual Liability, Owner's and Contractor's Protective Coverage, Completed Operations Coverage, Employer's and/or Contingent Employer's Liability; and Non-Owned Automobile Liability. The policy shall include a Cross Liability and Severability of Interest Clause and shall name the City as an additional insured;
- (b) Contractor's Pollution Liability with a minimal limit of \$1,000,000.00;
- (c) Standard Automobile Liability coverage with a limit of at least \$2,000,000.00 for all licensed motorized vehicles used on the Licensed Area

APPENDIX "B" – STAGING LICENSED AREA

Phase 1

100 Broadway/ 110 Broadway Parkette Site Logistics - Phase 1

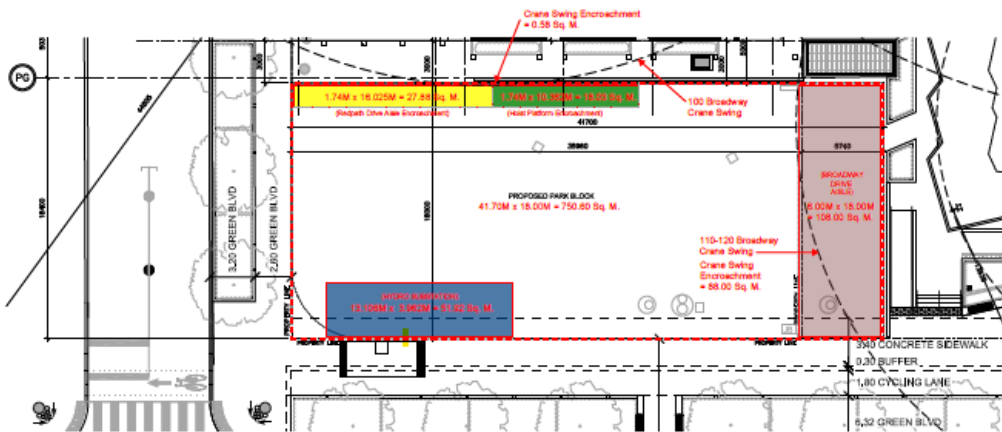


LEGEND

 Parkette: 41.70M x 18.00M = 750.60 Sq. M.


Phase 2


100 Broadway/ 110 Broadway Parkette Site Logistics - Phase 2





LEGEND

 Parkette: 41.70M x 18.00M = 750.60 Sq. M.

 Redpath Drive Aisle Encroachment: 1.74M x 16.025M = 27.88 Sq. M.
Redpath Drive Aisle - Access to hoist for trade deliveries
100 Broadway Hoist Removal - July 2024 (1 Month after occupancy)

 Hoist Platform Encroachment: 1.74M x 10.362M = 18.03 Sq. M.
100 Broadway Hoist Removal - July 2024 (1 Month after occupancy)

 Broadway Drive Aisle: 6.00M x 18.00M = 108.00 Sq. M.
Broadway Drive Aisle - Access to hoist for garbage removal & porta-pottie cleaning
100 Broadway Hoist Removal - July 2024 (1 Month after occupancy)

 Hydro Substation: 13.106M x 3.962M = 51.92 Sq. M.
Hydro Substation Removal - April 2024

APPENDIX "C" – LOCATION MAP

