

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

TRACKING NO.: 2023-228

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:	September 12, 2023	Phone No.:	416-338-2995

Purpose	To obtain authority to enter into an entrance connection agreement (the "Agreement") with bclMC Realty Corporation (the "Owner") with respect to the property as described below for the purpose of maintaining an underground pedestrian walkway to the King subway station (the "Agreement").
Property	PIN 21047-0005 (LT) Commerce Court Lands and PIN 21401-0133 (LT) King Subway Station, shown in Appendix "B"
Actions	1. Authority be granted to enter into the Agreement with the Owner, 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.
Financial Impact	The TTC will pay a one-time maintenance fee of \$15,000.00 plus a fifteen percent (15%) administration fee. Funding is available in the TTC's 2023-2032 Council Approved Capital Budget under capital program 3.9 Other Buildings and Structures (capital project account CTT028 – Easier Access Phase III). The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.
Comments	The City entered into an agreement with Canadian Imperial Bank of Commerce ("CIBC") (a predecessor owner of the Commerce Court Lands) on July 9, 1969, to allow the City to maintain an underground pedestrian walkway connecting the Commerce Court Lands to the King subway station (the "Station"). On October 1, 1971, Toronto Transit Commission ("TTC") and CIBC entered into an agreement for the purpose of pedestrian ingress and egress to and from the Station and the surface of Melinda Street for a term of 21 years, with an option to renew for a further 21 years.. The term expired on January 31, 2023. Both parties have agreed to enter into a new entrance connection agreement substantially on the major terms set out in Appendix "A". The proposed fee and other major terms and conditions of the Agreement are considered to be fair, reasonable and reflective of market rates.
Terms	See Appendix "A"

Property Details	Ward:	13 – Toronto Centre
	Assessment Roll No.:	
	Approximate Size:	N/A
	Approximate Area:	N/A
	Other Information:	N/A

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"/> I 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 checked="" 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 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:	Chris Moise	Councillor:	
Contact Name:	Chris Moise	Contact Name:	
Contacted by:	<input type="checkbox"/> Phone <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other	Contacted by:	<input type="checkbox"/> Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	No objection	Comments:	

Consultation with Divisions and/or Agencies

Division:	Toronto Transit Commission	Division:	Financial Planning
Contact Name:	David Cooper	Contact Name:	Ciro Tarantino
Comments:	Concur	Comments:	Concur

Legal Services Division Contact

Contact Name:	Shahab Siddiqui
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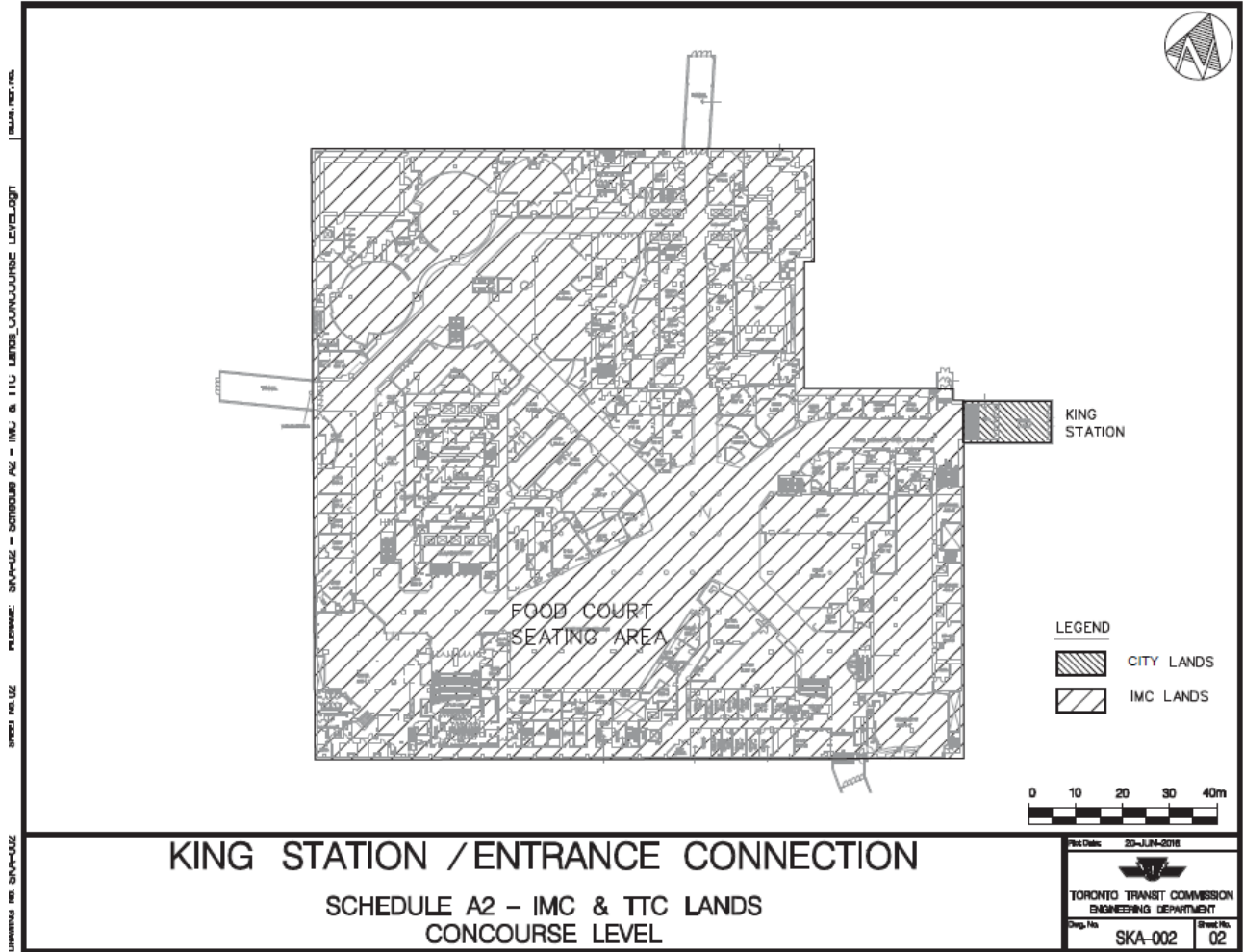
DAF Tracking No.: 2023-228	Date	Signature
Concurred with by: Manager, Real Estate Services Jennifer Kowalski	Sept 12, 2023	Signed By: Jennifer Kowalski
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Vinette Prescott-Brown	Sept 12, 2023	Signed By: Vinette Prescott-Brown
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		X

APPEND "X" "A"

Terms & Conditions – Entrance Connection Agreement

Terms	20 years commencing February 1, 2023 and expiring January 31, 2043, with option to extend.
Licence for Access	<p>City of Toronto grants the Owner a licence or right in the nature of a licence, including ingress and egress in and through the Entrance Connection for the passage and re-passage of pedestrians in and through the Entrance Connection for the purpose of providing access between the Development and the Station, and ingress and egress to and from adjacent streets. Such licence or right in the nature of a licence may be exercised by the Owner, its officers, employees, servants, contractors and agents, the tenants and invitees of the Owner, together with other persons entitled thereto, including members of the public.</p> <p>The Owner grants to the City a licence, including ingress and egress, in and through such portion of the Owner Lands as may be necessary for the purpose of providing access between the Station and the Development, and ingress and egress to and from adjacent streets. Such licence or right in the nature of a licence may be exercised by the City, the TTC, their respective officers, employees, servants, contractors and agents, the tenants and invitees of the City and/or the TTC, together with other persons entitled thereto, including members of the public.</p>
Fees	One time maintenance fee of Fifteen Thousand Dollars, (\$15,000.00) plus a fifteen percent (15%) administration fee plus HST.
Maintenance Cost	<p>Until such time as the TTC completes the construction of the King Station passenger elevator, TTC will reimburse the owner for costs of maintaining, repairing, replacing and operating the Owner's Escalator (provided that only 50% of the electricity costs incurred by the Owner to operate the escalators which will be paid by the TTC), all as reasonably apportioned by the Owner, together with a fifteen percent (15%) administration fee thereon.</p> <p>The City of Toronto agrees, at its own cost and expense, to operate (including the locking and unlocking of the Connecting Doors and doors of the Entrance Connection), maintain, repair and replace, (subject to the Owner's right to replace the Connecting Doors) the Entrance Connection.</p> <p>The Owner at its own expense, will clean and patrol the Entrance Connection and for maintaining the connecting doors.</p>
Insurance	Commercial general liability – Ten Million Dollars (\$10,000,000.00) per occurrence for both parties

Appendix "B" Owner Lands and City Lands



DATE: 2018-06-20 10:54:12 AM
PROJECT: SKA-002 - ENTRANCE A2 - IMC & TTC LANDS, CONCOURSE LEVEL
DRAWING NO: 02