

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

TRACKING NO.: 2023 - 260

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

| | | | |
|----------------|----------------------|------------|----------------------|
| Prepared By: | Clinton van Niekerk | Division: | Real Estate Services |
| Date Prepared: | September 26th, 2023 | Phone No.: | (416) 397-7704 |

| | |
|-------------------------|---|
| Purpose | To obtain authority to enter into an acknowledgement agreement with Gestion Famille Wei Li Inc. / Wei Li Family Holding Inc. (the "Current Tenant") and Caisse Desjardins De Brossard (the "Lender") with respect to the City-owned lands at the rear of 65 Skyway Avenue, Toronto, consenting to an agreement between the Tenant and Caisse Desjardins De Brossard (the "Lender") regarding an amendment to the First Leasehold Mortgage (the "Acknowledgement Agreement"). |
| Property | Lands at the rear of 65 Skyway Avenue, Toronto, designated as Parts 1 & 2 on Plan 64R-8647 and containing an area of approximately 1.78 acres, as shown in Appendix "A" (the "Property"). |
| Actions | 1. Authority be granted to enter into the Acknowledgement Agreement with the Tenant and the Lender, substantially on the major terms and conditions set out below, including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor. |
| Financial Impact | There is no financial impact. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section. |
| Comments | <p>The Lease is for a term of 92 years and 5 months, commencing on October 1, 1980 and expiring on February 28, 2073. The Lease provides that the tenant will not assign, sub-let, mortgage, pledge or encumber the lease without the landlord's prior written consent. Accordingly, the Tenant has requested the City's consent to a Second Leasehold Mortgage. CREM is satisfied that the Lender is an institutional mortgagee within the meaning of the Lease.</p> <p>The Lease provides that the tenant will not assign, sub-let, mortgage, pledge or encumber the lease without the landlord's prior written consent (with certain exceptions that do not apply to this proposed assignment). Accordingly, the Tenant has requested the City's consent to a second leasehold mortgage. CREM has reviewed the proposed Acknowledgement Agreement and is also satisfied that the Lender is an institutional mortgagee within the meaning of the Lease.</p> |
| Terms | <p>There are no terms or conditions in the Agreement that will have the effect of amending the Lease.</p> <p>The Tenant must provide the City with the municipal code fee payment of \$421.29 plus HST for costs associated with the Acknowledgement (Chapter 441, Appendix C Schedule 15 (Legal Services) Ref. 15).</p> |

| | | |
|-------------------------|-----------------------------|--|
| Property Details | Ward: | 1 – Etobicoke North |
| | Assessment Roll No.: | 1919-03-8-240-00300 |
| | Approximate Size: | 18 m x 400.2 m ± (59 ft x 1312 ft ±) |
| | Approximate Area: | 1.78 acres, or 7203.4 m ² ± (77536.8 ft ² ±) |
| | 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/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 \$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/REOs.</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 checked="" 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: | Vincent Cresanti | Councillor: | |
| Contact Name: | Amanda DaCosta | Contact Name: | |
| Contacted by: | Phone <input type="checkbox"/> X <input checked="" type="checkbox"/> 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 – September 26, 2023 | Comments: | |

Consultation with Divisions and/or Agencies

| | | | |
|---------------|--|---------------|-------------------------------|
| Division: | | Division: | Financial Planning |
| Contact Name: | | Contact Name: | Ciro Tarantino |
| Comments: | | Comments: | No objections – July 11, 2023 |

Legal Services Division Contact

| | |
|---------------|----------------|
| Contact Name: | Vanessa Bacher |
|---------------|----------------|

| DAF Tracking No.: 2023 - 260 | Date | Signature |
|---|---------------|------------------------------|
| <input checked="" type="checkbox"/> Recommended by: Jennifer Kowalski Manager, Transactions Services | Sept 27, 2023 | Signed By: Jennifer Kowalski |
| <input checked="" type="checkbox"/> Approved by: Alison Folosea Director, Transactions Services | Sept 27, 2023 | Signed By: Alison Folosea |

APPENDIX "A"

Location Map



Property View

