

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

TRACKING NO.: 2023-286

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

Prepared By:	Jag Prajapati	Division:	Corporate Real Estate Management
Date Prepared:	October 25, 2023	Phone No.:	416-394-5472

Purpose	To obtain authority to enter into a lease agreement (the "Lease") with Lhamo Dolma (the "Tenant") with respect to the Property (defined below) municipally known as Unit 6, 161 Baldwin Street, Toronto for the purpose of leasing the Property for retail use.
Property	The premises known as Unit 6 located on the ground floor of the property municipally known as 161 Baldwin Street, Toronto, legally described as LT 11, 14-16 PL D15 TORONTO; LT 1-3 PL 1092 CITY WEST; PT LT 5, 12, 17 PL D15 TORONTO; PT LT A PL 1092 CITY WEST PT 1 63R1240, PT 1 - 14 WA83703 T/W CT320074 EXCEPT PT 2 & 3 63R1240; CITY OF TORONTO, being all of PIN 212350366, (the " Property "), as shown on the Location Map and Exterior Photo of Leased Premises attached as Appendix "B".
Actions	1. Authority be granted to enter into the Lease with the Tenant, 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	<p>The City will receive total revenues of \$208,913.10 over the five (5) year term of the Lease. The property taxes and operating and maintenance costs associated with the Premises will be paid by the Tenant. Actual expenses and revenues will be reported through the Toronto Parking Authority's ("TPA") variance reports. Revenues will be directed to the 2023 Operating Budget submission for TPA, and will be included in future year operating budget submissions, for Council consideration.</p> <p>Revenues shall be remitted to TPA for each fiscal year as follows:</p> <ul style="list-style-type: none"> a) 2024: \$39,952.60 b) 2025: \$40,840.60 c) 2026: \$41,754.50 d) 2027: \$42,698.00 e) 2028: \$43,667.40 <p>HST and applicable taxes will be in addition to the above amounts.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	The proposed base rent and major terms and conditions of the Lease are considered to be fair, reasonable, and reflective of market rents.
Terms	See Appendix "A".

Property Details	Ward:	Ward 11 – University-Rosedale
	Assessment Roll No.:	190406563002500
	Approximate Size:	
	Approximate Area:	± 370 sq.ft. (± 34.4 sq.m.)
	Other Information:	New Lease

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:	Councillor Dianne Saxe	Councillor:	
Contact Name:	Andrew Greene, Chief of Staff	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 Parking Authority	Division:	Financial Planning
Contact Name:	Miguel de Jesus	Contact Name:	Ciro Tarantino
Comments:	Comments incorporated	Comments:	Comments incorporated.

Legal Services Division Contact

Contact Name:	Vanessa Bacher
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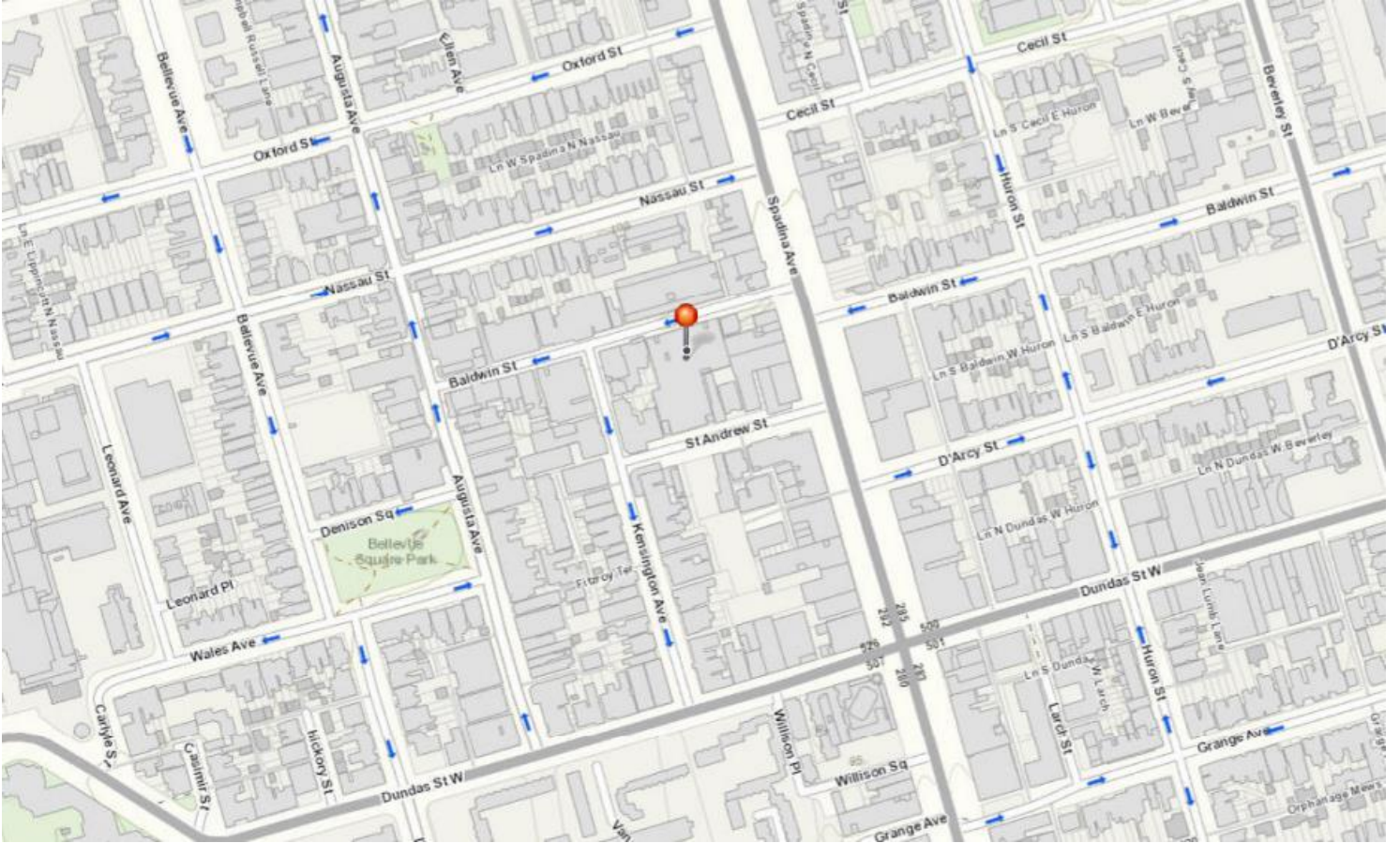
DAF Tracking No.: 2023-286	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Niall Robertson	October 26, 2023	Signed by Niall Robertson
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	October 31, 2023	Signed by Alison Folosea

APPENDIX "A"
Major Terms and Conditions

Leased Premises:	Unit 6 – 161 Baldwin Street
Landlord:	City of Toronto
Tenant:	Lhamo Dolma
Leased Area:	Approximately 370 sq.ft. (34.4 sq.m)
Base Rent:	Year 1: \$80.00 per sq.ft. per annum Year 2: \$82.40 per sq.ft. per annum Year 3: \$84.87 per sq.ft. per annum Year 4: \$87.42 per sq.ft. per annum Year 5: \$90.04 per sq.ft. per annum
Additional Rent:	Approximately \$27.98 per sq.ft. per annum. This is to be reconciled with actuals on a calendar year basis.
Term:	Five (5) years (January 1, 2024 to December 31, 2028)
Fixturing Period:	From: November 1, 2023 To: December 31, 2023 During the Fixturing Period, the Tenant is responsible for all utility costs.
Lease Commencement Date:	January 1, 2024
Option to Extend:	None
Use / Purpose:	The Tenant shall use the Leased Premises solely for the business of the preparation and sale of Tibetan food and beverages, and retail sale of Tibetan food and beverages, and for no other business or purpose.
Early Termination:	The Landlord shall have the right to terminate this Lease with 6 months' written notice.
Landlord Improvement:	None. Unit to be leased as is, where is.
Tenant Improvement:	The Tenant shall, at its expense, complete the Leased Premises in accordance with the standards of a first-class commercial building using new materials, including but not limited to the installation of: Interior Work: a) All interior partitioning including the finishing thereof. b) Finished non-combustible ceiling over all areas of the Leased Premises. c) All other interior finishes and installations (beyond those set out under Landlord's Work) including, without limiting the generality thereof, floor covering, painting, show window enclosures, and display platforms. d) Store front of sliding glass and aluminum framing.

	<p>Power:</p> <ul style="list-style-type: none"> a) All power distribution within the Leased Premises from the load side of the fused disconnect including a meter KWH/D and meter base to be carried out at the Tenant's expense. b) All lighting fixtures, switches, receptacles, etc., in the store area and all wiring between those outlets and the load centre. <p>Telephone:</p> <p>Telephone conduit, wiring and equipment required to serve the Leased Premises distributed through partitions and/or power poles to be carried at the Tenant's expense.</p> <p>Heating, Ventilation and Air-Conditioning:</p> <p>Any additions or modifications to the Landlord's system required by the Tenant will be at the Tenant's expense.</p> <p>Signs:</p> <p>Tenant signage proposals must be presented to the Landlord for approval. Only those signs which are compatible with the Project and are tasteful in size, colour and logo will be approved.</p>
Insurance:	<p>The Tenant shall take out and maintain comprehensive liability insurance (minimum \$5,000,000.00), fire and standard extended coverage (full insurable value), business interruption insurance, plate glass insurance, and such other insurance. Such insurance shall include the Landlord as an additional insured and/or loss payee and contain cross-liability and severability of interest provisions, as applicable</p>
Pre-Paid Rent:	<p>\$5,242.92 plus HST to be applied towards the first and last month's Base Rent.</p>
Security Deposit:	<p>\$2,466.67 plus HST to be held, without interest, by the Landlord as security for the Tenant's performance of its covenants, obligations, and agreements under this Lease.</p>
Landlord's Real Estate Broker:	<p>This Lease is part of the arrangement with Avison Young (Canada).</p>

APPENDIX "B" Location Map



Exterior Photo of Leased Premises
(Unit 6 – 161 Baldwin Street)

