

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

TRACKING NO.: 2023-270

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

Prepared By:	Eric Allen	Division:	Corporate Real Estate Management
Date Prepared:	13-OCT-2023	Phone No.:	416-392-1852

Purpose	To obtain authority to enter into a non-exclusive seasonal license agreement with Art & Water Cultural Group Inc., (the "Licensee") with respect to the property partially located within the lands municipally known as 627 Queens Quay West, Toronto, Ontario and partially within the water lot known as Portland Slip, Toronto for the purpose of mooring a vessel operated by the Licensee's recreational boat tour company (the " Agreement").												
Property	The property consists of approximately 2,365 square feet of area partially located within the lands municipally known as 627 Queens Quay West, Toronto, and partially within the water lot known as Portland Slip, Toronto ("Licensed Premises"), such lands and water lot are legally described as PT BLK D, E, F, G PL D1397 TORONTO AS IN CA304797, CA360600, CA360601, CA559870, PT 12, 13 & 14 63R4015; S/T CA571941, CT397311, WF54832; CITY OF TORONTO; being part of PIN 21418-0115 (LT) and PCL S-2 SEC A536E; PT BLK F PL D1397 TORONTO PT 3, 66R13378 EXCEPT PT 1 TO 9, 66R15757, PT 44, 66R15446, PT 1, 66R16279; TORONTO, CITY OF TORONTO, being part of PIN 21418-0051 (LT) (the "Property"), as shown on the Location Map attached hereto as Appendix "B" and the sketch of licensed premises attached hereto as in Appendix "C".												
Actions	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.												
Financial Impact	The total estimated revenue to the City for the license agreement term of three (3) years, commencing on May 1, 2023 and ending October 31, 2025, is approximately \$21,729.00 (plus HST). The following table reflects the total revenues estimated to be remitted to the City for each fiscal year between 2023 and 2025:												
	<table border="1"> <thead> <tr> <th>Year</th> <th>Period</th> <th>License Fee (plus HST)</th> </tr> </thead> <tbody> <tr> <td>Year 1</td> <td>May 1, 2023 to October 31, 2023</td> <td>\$6,893.00</td> </tr> <tr> <td>Year 2</td> <td>May 1, 2024, to October 31, 2024</td> <td>\$7,237.00</td> </tr> <tr> <td>Year 3</td> <td>May 1, 2025, to October 31, 2025</td> <td>\$7,599.00</td> </tr> </tbody> </table>	Year	Period	License Fee (plus HST)	Year 1	May 1, 2023 to October 31, 2023	\$6,893.00	Year 2	May 1, 2024, to October 31, 2024	\$7,237.00	Year 3	May 1, 2025, to October 31, 2025	\$7,599.00
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Comments	<p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p> <p>The Licensee's affiliated company, A Pirate's Life Inc., previously operated their recreational boat tour business from the Licensed Premises between 2020 and 2022 pursuant to a licence agreement with the City dated July 16, 2020, the said licence agreement expired on October 31, 2022. The Licensee assumes the chattels of A Pirate's Life Inc., and remains in occupancy of the Licensed Premises from October 31, 2022 to present. The Licensee's operations include pirate cruises, a pirate-themed children's theatre, and water-based live performances on the water by performers, musicians and theatre artists who produce their own events using the Licensee's vessel.</p> <p>In 2023, the Licensee requested a license to operate their business on the same terms as was contained in A Pirate's Life Inc., for a term expiring on October 31, 2025; the licence is updated to amend the number of Vessels under the Licensee's care and maximum of 1 Vessel is permitted to moor at the Licensed Premises at any given time.</p> <p>The proposed license fee and other major terms and conditions of the Agreement are considered to be fair, reasonable and reflective of market rates.</p>												
Terms	See Appendix "A"												

Property Details	Ward:	10 – Spadina - Fort York
	Assessment Roll No.:	A portion of 190406204100600
	Approximate Size:	13.1 m x 16.8 m ± (43 ft x 55 ft ±)
	Approximate Area:	15,182.21 m2 (163,419.99 ft2)
	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/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 checked="" 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 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 Ausma Malik	Councillor:	
Contact Name:	Nora Cole	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 Comments	Comments:	

Consultation with Divisions and/or Agencies

Division:	City Planning (Waterfront Secretariat)	Division:	Financial Planning
Contact Name:	Heather Inglis-Baron	Contact Name:	Ciro Tarantino
Comments:	No Comments	Comments:	No Comments

Legal Services Division Contact

Contact Name:	Michelle Xu
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DAF Tracking No.: 2023-270	Date	Signature
Concurred with by: Manager, Real Estate Services Niall Robertson	November 1, 2023	Signed by Niall Robertson
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Jennifer Kowalski	October 30, 2023	Signed by Jennifer Kowalski
<input checked="" type="checkbox"/> Approved by:		

APPENDIX "A"
Major Terms and Conditions

Leased Premises: approximately 2,365 square feet in area of the part land and part water lot located within the area municipally known as Portland Slip and as shown in Appendix "B" and "C".

Licence Fee:

- (i) \$6,893.00 for Year 1 (6 months);
- (ii) \$7,237.00 for Year 2 (6 months); and
- (iii) \$7,599.00 for Year 3 (6 months).

Term: Three (3) periods of six (6) months each between May 1 – October 31 of each year between 2023 and 2025.

- (a) Year 1: May 1, 2023, to October 31, 2023;
- (b) Year 2: May 1, 2024, to October 31, 2024; and
- (c) Year 3: May 1, 2025, to October 31, 2025.

Use: operating the Licensed Premises as a recreational boat tour company on a non-exclusive basis, moor a maximum of 1 of the Vessels at the Licensed Premises, access the Licensed Premises and the Access Route (outlined in blue and shown in Appendix "C") for pedestrian access to the Vessel.

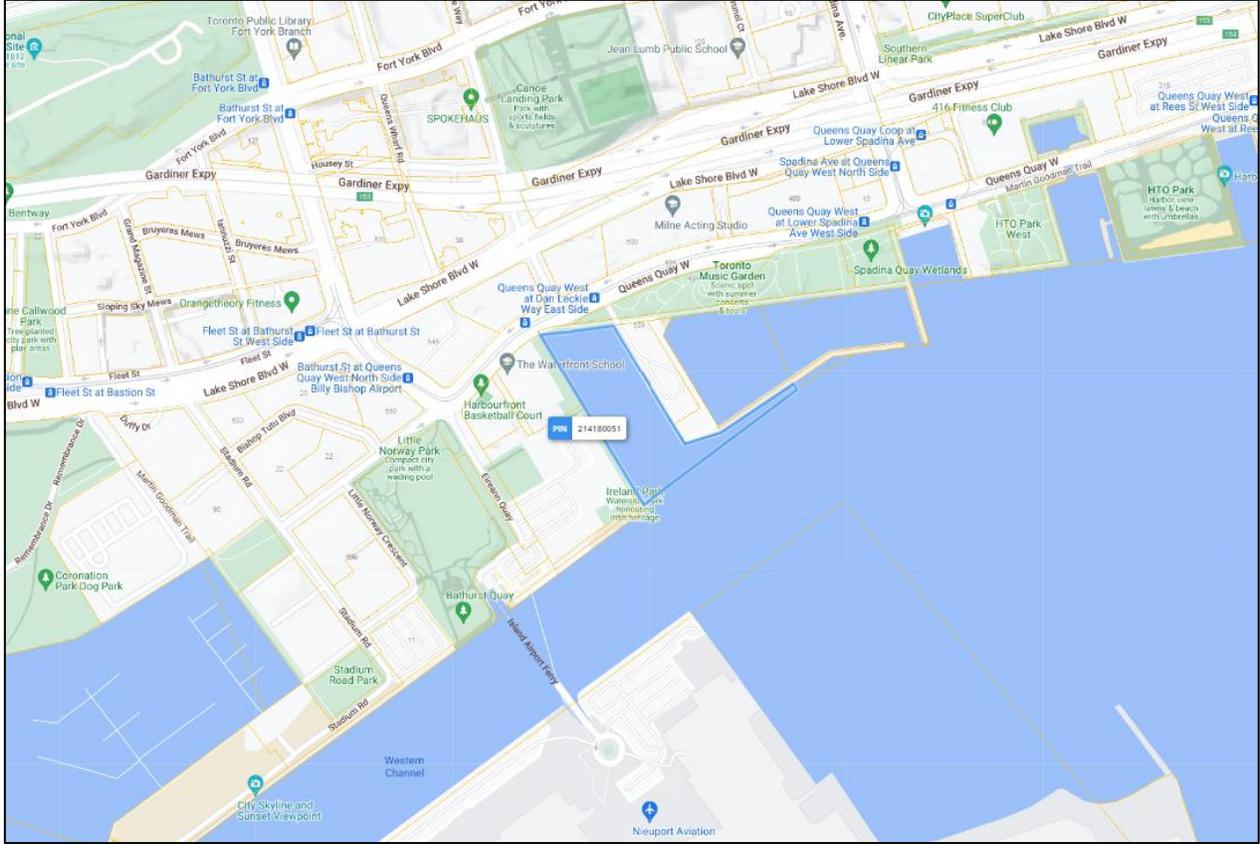
Insurance:

- (a) General Liability of not less than \$5,000,000.00 per occurrence;
- (b) all risk property insurance on full replacement cost;
- (c) hull and machinery insurance; and
- (d) protection and indemnity insurance including removal or wreck, pollution and collision liability of not less than \$2,000,000.00 per occurrence or not less than the amounts specified by the Marine Liability Act S.C. 2001 C.6 and Regulations Respecting Compulsory Insurance for Ships Carrying Passengers SOR/2018/245, whichever is greater.

Early Termination: the City has the right to terminate the Licence for any reason whatsoever upon 365 days of prior written notice to the Licensee.

APPENDIX "B"

Location Map



Appendix B SKETCH OF LICENSED PREMISES

