

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

TRACKING NO.: 2023-190

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

Prepared By:	Devi Mohan	Division:	Corporate Real Estate Management
Date Prepared:	October 27 2023	Phone No.:	437-991-8168

Purpose To obtain authority to enter into a Lease Extension and Amending Agreement and Landlord Consent to Assignment (the "**Agreement**") between the Toronto Public Library Board (the "**Landlord**"), and Donald J. Caunter Limited, as the assigning tenant ("**Assignor**") and Caunter & Teoh Architects, as the assignee tenant (the "**Tenant**"), with respect to the property known municipally as Suite 302, 40 St. Clair Avenue East, Toronto, for the purpose of reinstating, extending and assigning the lease for a further period of three years ending on November 30, 2025.

Property The property municipally known as Suite 302, 40 St. Clair Avenue East, Toronto, ON, legally described as Part of Lot 25, Plan 277 Toronto and Part of Lot 19, Plan 1422 Toronto designated as Part 4 on Plan 63R-2126, City of Toronto being part of PIN21123-0138 (LT) (the "**Property**"), as shown on the Location Map in Appendix "**B**".

Actions 1. Authority be granted to enter into the Agreement between the Landlord, the Assignor and the Tenant, substantially on the major terms and conditions set out in Appendix "**A**", and including such other terms and conditions deemed appropriate by the approving authority herein and the City Librarian and in a form acceptable to the City Solicitor.

Financial Impact The total revenue to the Landlord for the three (3) years term inclusive of base rent, additional rent and parking revenue, is estimated to be \$87,302.00 (plus H.S.T.) or \$98,651.26 including H.S.T, as shown on the table below.

Year	Base Rent	Additional Rent	Parking	Total	Total (+HST)
2022	1,070.67	1,168.00	180.00	2,418.67	2,733.10
2023	12,848.00	14,016.00	2,160.00	29,024.00	32,797.12
2024	12,848.00	14,016.00	2,280.00	29,144.00	32,932.72
2025	11,777.33	12,848.00	2,090.00	26,715.33	30,188.32

Revenues will be directed to the 2023 Council Approved Operating Budget for the Toronto Public Library under cost centre LB1000, and will be included in future operating budget submissions for Council consideration.

The Chief Financial Officer and Treasurer has reviewed this DAF and agree with the financial implications as identified in the Financial Impact Section.

Comments The original lease was made on June 7, 2011, between the Landlord and Donald J. Caunter Architect Limited ("**Original Tenant**") for a term of 29 months commencing on July 1, 2011, and ending on November 30, 2013 (the "**Lease**"). By a lease extension and amending agreement dated October 24, 2016, lease extension and amending agreement dated October 24, 2019, and lease extension and amending agreement dated October 24, 2019, the Lease was extended to November 30, 2022. On January 24, 2023, the Original Tenant changed its name to Donald J. Caunter Limited. On January 25, 2023, Donald J. Caunter Limited and WTA Inc. formed a general partnership registered as Caunter & Teoh Architects. The parties wish to reinstate and retroactively extend the Lease commencing from December 1, 2022, and ending on November 30, 2025, and the Landlord consents to the assignment of the Lease from the Assignor to the Tenant.

The proposed lease rates 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:	Ward 12 – Toronto-St. Paul's
	Assessment Roll No.:	19 04 102 130 027 00
	Approximate Size:	584 SF
	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 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"/> I 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"/> I Surrenders/Abandonments</p> <p><input type="checkbox"/> (d) Enforcements/Terminations</p> <p><input type="checkbox"/> I 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:	Josh Matlow	Councillor:	
Contact Name:	Andrew Athanasiu	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	Comments:	

Consultation with Divisions and/or Agencies

Division:	Toronto Public Library	Division:	Financial Planning Division
Contact Name:	Larry Hughsam	Contact Name:	Ciro Tarantino
Comments:	No objection	Comments:	No objection

Legal Services Division Contact

Contact Name:	Michelle Xu
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DAF Tracking No.: 2023-190	Date	Signature
Concurred with by: Manager, Real Estate Services Niall Robertson		
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Jennifer Kowalski	Oct. 31, 2023	Signed by Jennifer Kowalski
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Nov. 2, 2023	Signed by Alison Folosea

Appendix A - Major Terms and Conditions

Premises:

Approximately 584 square feet of rentable area of the property known municipally as Suite 302, 40 St. Clair Avenue East, Toronto.

Assignor Tenant: Donald J. Caunter Limited (originally Donald J. Caunter Architect Limited)

Assignee Tenant: Caunter & Teoh Architects

Extension Term:

Three (3) years commencing on December 1, 2022 and ending on November 30, 2025.

Extension Term Basic Rent:

\$22 per sq. ft., plus H.S.T. per annum.

Additional Rent:

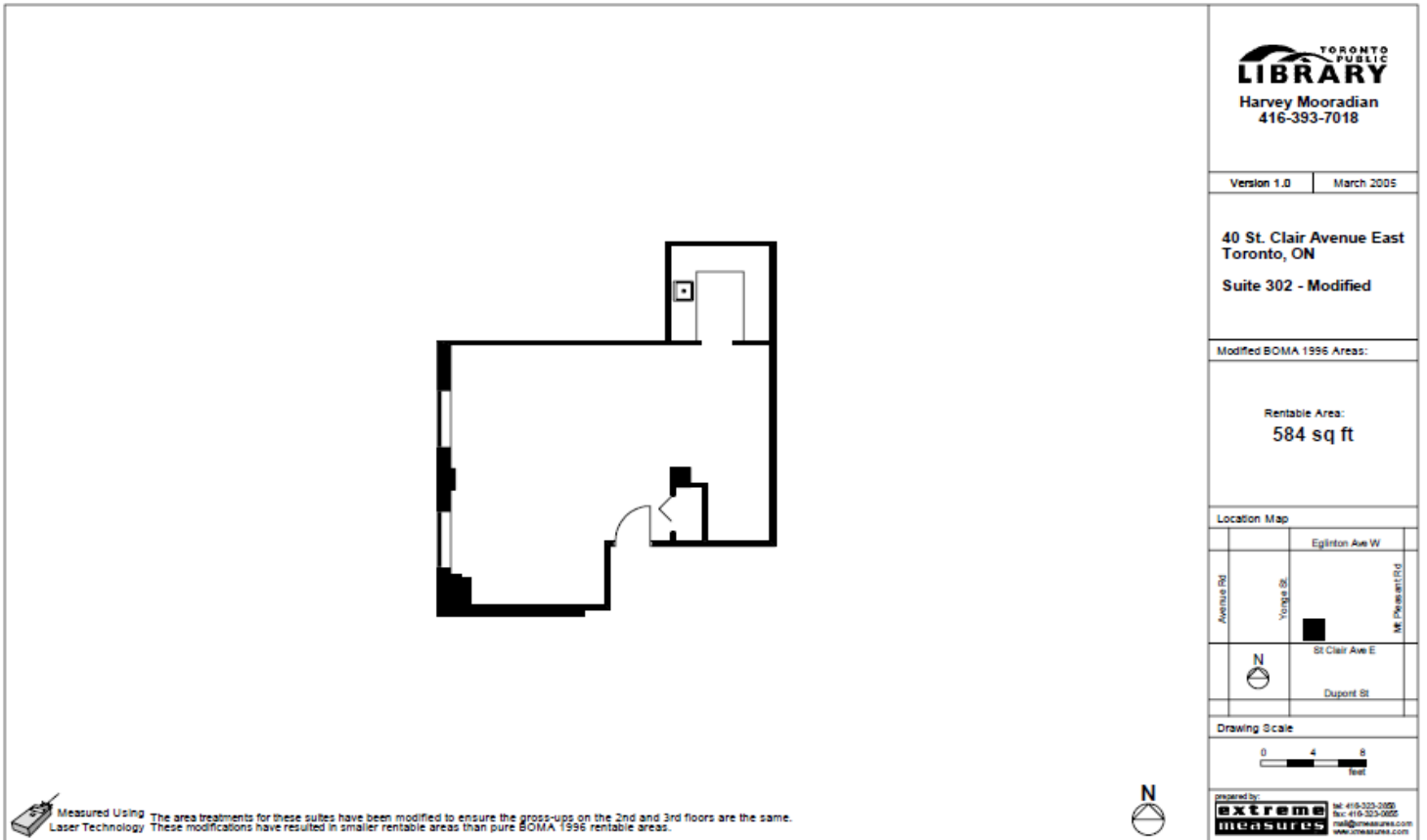
The estimated additional rent for the Extension Term is \$24.00 per sq. ft., plus H.S.T. per annum.

Parking Fee:

The charge for a parking space is \$180.00 plus H.S.T. per month, per reserved Parking Space, effective from December 1, 2022, until December 31, 2023. Commencing from January 1, 2024, until November 30, 2023, the rate of parking will be \$190.00 plus H.S.T. per reserved Parking Space, per month. The Landlord may, but is not obligated to, revise the rate of parking on an annual basis. The estimated increase in parking rate is around \$10.00 - \$30.00 above the rate of parking charged for the preceding year of the Term.

Security Deposit Top-Up: The Tenant agrees to increase the sum of the Security Deposit from \$2,705.00 to \$2,733.09, being one month of Basic Rent, Additional Rent and parking charge plus H.S.T. payable during the first year of the Extension Term by Pre-Authorized Payment to be drawn on or before September 1, 2023. Upon the expiry of the Term, the Landlord may return any portion of the unused Security Deposit to any of the general partners.

Appendix B – The Property



Appendix B Cont'd – The Property

