

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

TRACKING NO.: 2023-243

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

| | | | |
|----------------|---------------------------|------------|----------------------------------|
| Prepared By: | Sami Aljundi | Division: | Corporate Real Estate Management |
| Date Prepared: | 14 th Nov 2023 | Phone No.: | 416 338 4862 |

| Purpose | To obtain authority to enter into a license renewal and amending agreement (the "License Renewal Agreement") with bcIMC Realty Corporation (the "Licensor") with respect to a portion of Unit 190 located in the property municipally known as Cloverdale Mall, 250 The East Mall, Toronto, for the purpose of operating a Toronto Public Health ("TPH") immunization clinic. | | | | | | | | | | | |
|-------------------------|---|-----------------------------|--|------|------------------|-----------------------------|------|----------|----------|------|-----------|-----------|
| Property | A portion of Unit 190, including exclusive use of the northern surface parking lot at Cloverdale Mall, 250 The East Mall, Toronto, Ontario (as shown on the Location Map in Appendix "B"), which unit is comprised of approximately 20,200 square feet of space for the period of July 1 st , 2022 – December 31 ^s , 2023. | | | | | | | | | | | |
| Actions | 1. Authority be granted to enter into the License Renewal Agreement with the Licensor, 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 cost to the City is approximately \$180,000 (plus HST) or \$183,168 (net of HST recoveries). | | | | | | | | | | | |
| | <table border="1"> <thead> <tr> <th>Year</th> <th>Cost to the City</th> <th>Total net of HST recoveries</th> </tr> </thead> <tbody> <tr> <td>2022</td> <td>\$60,000</td> <td>\$61,056</td> </tr> <tr> <td>2023</td> <td>\$120,000</td> <td>\$122,112</td> </tr> </tbody> </table> | | | Year | Cost to the City | Total net of HST recoveries | 2022 | \$60,000 | \$61,056 | 2023 | \$120,000 | \$122,112 |
| Year | Cost to the City | Total net of HST recoveries | | | | | | | | | | |
| 2022 | \$60,000 | \$61,056 | | | | | | | | | | |
| 2023 | \$120,000 | \$122,112 | | | | | | | | | | |
| | Costs will be charged to cost centre PH4128, Functional Area Code 7170000000. | | | | | | | | | | | |
| | Funding for TPH to support the operational requirements of the Mass Immunization Clinics ("MICs") is expected to be received through continued COVID-19 support funding from the other levels of government as needed. TPH is seeking reimbursement for costs incurred to operate its MICs from the Ministry of Health (the "Ministry") as part of the Ministry's MIC Extra-Ordinary Cost Recovery Program. | | | | | | | | | | | |
| | 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>Pursuant to a directive from the Medical Officer of Health for the City of Toronto, TPH continues to hold public immunization clinics to administer vaccination against the COVID-19 virus. This clinic will also be used by TPH to administer immunizations under the School Immunization Program and for the influenza virus.</p> <p>This program is essential to stopping the spread of COVID-19 and protecting the population from its harmful effects. Immunization is going to play a key role in stopping the pandemic globally, and widespread immunization will reduce cases of infection and decrease the burden on the health care system.</p> <p>The City initially licensed the Property pursuant to a license agreement dated February 18, 2021 (the "Original License"), which was authorized under the authority of DAF Tracking No. 2021-061, for a term of 5 months and 13 days, commencing on February 19, 2021 and expiring July 31, 2021. The License was subsequently revised and extended until November 30, 2021 by a license renewal agreement dated September 7, 2021 (the "First Renewal Agreement") and authorized by DAF Tracking No. 2021-209. The License was further revised and extended until June 30, 2022 by a license renewal agreement dated January 19, 2022 (the "Second Renewal Agreement") and authorized by DAF Tracking No. 2022-011. The Original License, the First Renewal Agreement and the Second Renewal Agreement are hereinafter referred to as the "License".</p> <p>The proposed costs for the operating costs and other major terms and conditions of the License Renewal Agreement are considered to be fair, reasonable and reflective of market rates.</p> | | | | | | | | | | | |
| Terms | See Appendix "A". | | | | | | | | | | | |

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|-------------------------|-----------------------------|--|
| Property Details | Ward: | 3 – Etobicoke-Lakeshore |
| | Assessment Roll No.: | 19 19 031 070 001 00 |
| | Approximate Size: | |
| | Approximate Area: | 1876.64 m ² ± (20,200 ft ² ±) and 3,037.93 m ² ± (32,700 ft ² ±) |
| | 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 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 checked="" 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: | Amber Morley | Councillor: | |
| Contact Name: | Asli Mumin | 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: | Concurred | Comments: | |

Consultation with Divisions and/or Agencies

| | | | |
|---------------|-----------------------|---------------|---------------------------|
| Division: | Toronto Public Health | Division: | Financial Planning |
| Contact Name: | Anthony Moscar | Contact Name: | Ciro Tarantino |
| Comments: | Concurred | Comments: | Concurred |

Legal Services Division Contact

| | |
|---------------|--------------|
| Contact Name: | Shirley Chow |
|---------------|--------------|

| DAF Tracking No.: 2023- 243 | Date | Signature |
|--|---------------|---------------------------|
| Concurred with by: | | X |
| <input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Niall Robertson | Nov. 14, 2023 | Signed by Niall Robertson |
| <input type="checkbox"/> Approved by: | | |
| <input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea | Nov. 16, 2023 | Signed by Alison Folosea |

Appendix "A" – Major Terms and Conditions of the Licence Agreement

- Licensor: bcIMC Realty Corporation
- Licensee: City of Toronto
- Licensed Area: A portion of the unit described as Unit 190, including exclusive use of the northern surface parking lot, located in the property municipally known as Cloverdale Mall, 250 The East Mall, Toronto, being an area of approximately 20,200 sq. feet for the period commencing July 1, 2022 – December 31, 2023.
- Renewal Term: One (1) year and six (6) months, commencing on July 1, 2022 and ending on December 31, 2023 (the "Renewal Term").
- Operating Costs: The Licensee shall be responsible for a proportionate share of operating costs related to the operation of the unit, including, without limitation, mall security oversight (excluding security within the Licensed Area, which shall be the sole responsibility of the Licensee), hydro utility charges, and bathroom cleaning costs, as it relates specifically to Unit 190. The licensing fee is based on the estimated monthly costs for utilities, which are approximately \$10,000 per month (plus HST) for the Renewal Term.
- Use: A Toronto Public Health immunization clinic for the general public, with related services considered appropriate by the Licensee from time to time.
- Option to Renew: There are no further options to renew.

All other terms and conditions of the License shall remain the same during the Renewal Term.

