



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

TRACKING NO.: 2023 – 298

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

Prepared By:	Lianne Chen	Division:	Corporate Real Estate Management
Date Prepared:	October 20, 2023	Phone No.:	416-392-7665
Purpose	To obtain authority to enter into a lease amending and extension agreement between the City of Toronto as landlord (the " Landlord ") and Delaware Farms (the " Tenant ") with respect to the City-owned properties located in Middlesex Centre and Southwold Townships, Ontario, for the purpose of agriculture use (the " Lease Agreement ") near to the green lane landfill ("Green Lane Landfill") site.		
Property	<p>Part of the property municipally known as:</p> <ol style="list-style-type: none"> 1. 9474 Southminster Bourne, Middlesex Centre Township/Delaware, Ontario (60.7 acres) 2. 6804 Bells Road, Middlesex Centre Township/Delaware, Ontario (46 acres) 3. 6633 Bells Road, Middlesex Centre Township/Delaware, Ontario (16 acres) 4. Third Line, Township of Southwold, Ontario (67 acres) 5. 37493 Southdel Drive, Township of Southwold, Ontario (8 acres) 6. 37413 Southdel Drive, Township of Southwold, Ontario (0.9 acres) 7. 37480 Third Line, Middlesex Centre Township/Delaware, Ontario (44 acres) and, <p>the property legally described as PT LT 19, Con 2, Southwold as in E435924 Lying SW of Michigan Central Railway; S/T SW22078, SW29142, Southwold.(2.96 acres)</p> <p>Legally described and outlined in red in Appendix "A", attached hereto (the "Leased Premises"), comprising approximately 245.56 acres.</p>		
Actions	Authority be granted to enter into the Lease Agreement with the Tenant, substantially on the major terms and conditions set out in Appendix " B ", 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 tenant shall pay \$78,579.20 per annum, payable in two instalments per year, the first instalment to be paid on April 1st of each year, in the amount of 25% of the annual Basic Rent, and the second instalment to be paid on November 30th of each year, in the amount of 75% of the annual Basic Rent. The total revenue is estimated to be \$235,737.60 for the period of thirty-six (36) months commencing January 1, 2024 and ending December 31, 2026 (the "Extended Term"). Revenues to the City will be directed to the 2024 Council Approved Operating Budget for Corporate Real Estate Management (CREM), under cost centre FA2490, and will be included in future operating budget submission for Council consideration.</p> <p>2024: \$78,579.20 (plus HST) 2025: \$78,579.20 (plus HST) 2026: \$78,579.20 (plus HST) Total: \$235,737.60 (plus HST)</p> <p>The Chief Financial Officer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.</p>		
Comments	<p>By a lease agreement commencing on January 1, 2021 (the "Lease"), the Landlord leased to the Tenant the Leased Premises for a term of three (3) years. The Lease term will expire on December 31, 2023 (see Delegated Approval Form 2023-010). Authority is now being sought to extend the Lease for the Extended Term, and to amend the terms of the Lease.</p> <p>Compass Commercial Realty LP manages the City-owned properties surrounding the Green Lane Landfill site on behalf of City of Toronto.</p> <p>A credit check on the Tenant was conducted and was deemed to be satisfactory.</p> <p>The proposed rent and other major terms and conditions of the Lease Agreement are considered to be fair, reasonable and reflective of market rates.</p>		
Terms	See Appendix " B ".		
Property Details	Ward:	00 – Outside City	
	Assessment Roll No.:	39 39 019 040 021 00 / 39 39 019 040 033 00 39 39 019 040 041 01 / 34 24 000 005 040 00 34 24 000 005 036 00 / 34 24 000 005 098 00 / 34 24 000 005 038 00 34 24 000 005 040 00	
	Approximate Size:	N/A	
	Approximate Area:	245.56 acres	
	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/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/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>



Pre-Condition to Approval			
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property			
Consultation with Councillor(s)			
Councillor:	N/A - 00 – Outside City		Councillor:
Contact Name:			Contact Name:
Contacted by:	Phone	E-Mail	Memo
			Other
Comments:			Comments:
Consultation with Divisions and/or Agencies			
Division:	Solid Waste Management Services		Division:
Contact Name:	Sara Little		Contact Name:
Comments:	No issues		Comments:
Legal Services Division Contact			
Contact Name:	Shahab Siddiqui (Comments incorporated)		


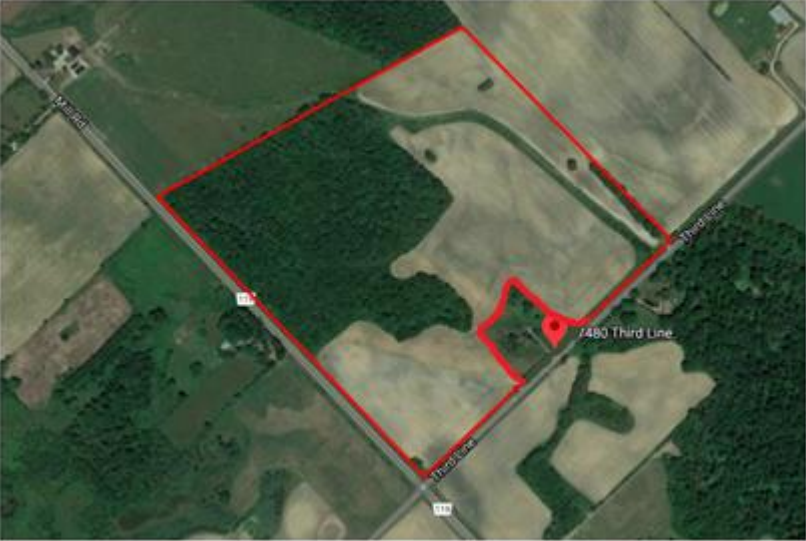

DAF Tracking No.: 2023 – 298	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services	Dec. 19, 2023	Signed by Jennifer Kowalski
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Graham Leah	Dec. 19, 2023	Signed by Graham Leah

Appendix B
Legal Descriptions and Sketches

Address	Legal Description	Acreage
<p>1. 9474 Southminster Bourne</p>	<p>PT LT 24 CON 4, PT 1 34RD33 MIDDLESEX CENTRE TWP/DELAWARE (PIN: 09719-0061)</p>  	<p>60.7</p>

Address	Legal Description	Acreage
2. 6804 Bells Rd	PT LTS 21 & 22 CON 3 AS IN MW57744; EXCEPT PTS 1 – 3 34R1576; S/T DL10511 MIDDLESEX CENTRE TWP/DELAWARE (PIN: 9719-0037) 	46
3. 6633 Bells Rd	PT LT 21 CON 2, PT 1 34R561 MIDDLESEX CENTRE TWP/DELAWARE (PIN: 09719-0019) 	16

Address	Legal Description	Acreage
4. Third Line	PT LT 19 CON 2 SOUTHWOLD AS IN E435924 LYING NE OF MICHIGAN CENTRAL RAILWAY; SOUTHWOLD (PIN: 35158-0109) 	67
5. 37493 Southdel Drive	PT LT 18 CON 2 SOUTHWOLD AS IN E353581; S/T SW27902; SOUTHWOLD (PIN: 35158-0106) 	8

Address	Legal Description	Acreage
<p>6. 37413 Southdel Drive</p>	<p>LT 17 PL 142 SOUTHWOLD; S/T SW29198, SW29902; SOUTHWOLD (PIN: 35158- 0104)</p> 	<p>0.9</p>
<p>7. 37480 Third Line</p>	<p>PT LT 18 CON 2 SOUTHWOLD; SOUTHWOLD (PIN: 35158-0107)</p> 	<p>44</p>
<p>8. Third Line</p>	<p>PT LT 19 CON 2 SOUTHWOLD AS IN E435924 LYING SW OF MICHIGAN CENTRAL RAILWAY; S/T SW22078, SW29142; SOUTHWOLD (PIN: 35158-0108)</p> 	<p>2.96</p>

Appendix "B"
Major Terms and Conditions

Basic Rent:	Lease Year 1	\$78,579.20 net of HST (\$320.00/acre)
	Lease Year 2	\$78,579.20 net of HST (\$320.00/acre)
	Lease Year 3	\$78,579.20 net of HST (\$320.00/acre)
 Area of Property:	 Approximately 245.56 acres.	
 Term:	 Three (3) years (January 1, 2024 – December 31, 2026).	