

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

TRACKING NO.: 2024-029

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

Prepared By:	Jatinder Rahul	Division:	Corporate Real Estate Management
Date Prepared:	January 12, 2024	Phone No.:	(416) 392-7290

Purpose To obtain authority to enter into a licence agreement with 2811752 ONTARIO INC. as nominee, and **2811751 ONTARIO INC.** in its capacity as general partner of **KINGDOM NORTH YORK PROJECT LIMITED PARTNERSHIP** (collectively, the "**Licensee**") with respect to the property municipally known as 77 Curlew Dr., Toronto, Ontario, for the purpose of accessing a portion of the property by the Licensee's vehicles (the "**Agreement**").

Property The portion of lands having an area of approximately 6,135 square feet within the property municipally known as 77 Curlew Drive, Toronto, legally described as PCL MM-3, MM-4 & MM-8, sect M766 PT BLK MM, Plan 66M766, PT 1 66R787, PT 1 66R513 & PT 1 66R1016 twp of York/North York, city of Toronto; subject to an easement as in AT6155622, being part of PIN10108-0015 (LT) (the "**Property**"), as shown on the Location Map and highlighted in green on the sketch attached hereto as Appendix "**B**" ("**Licensed Area**").

Actions 1. Authority be granted to enter 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 Revenue to the City (plus HST and applicable taxes) is as follows:

	Fee	HST	Total
Revenue from Fee	\$47,900	\$6,227	\$54,127
Potential Additional Revenue if Extended	\$114,960	\$14,944.80	\$129,904.80
Total	\$162,860	\$21,171.80	\$184,031.80

The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information. The revenue generated from this licence agreement will be allocated to CC P12642, Functional Area Code 182010000 under Parks Operating budget.

Comments 2811752 ONTARIO INC. would like to use the Licensed Area for the purposes of accessing, ingress and egress from and to, the Licensee's development located at 75 Curlew Drive with the Licensee's vehicles.

The proposed licence fee 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 16 - Don Valley East
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	570m ² (6,135ft 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/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>

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:	Jon Burnside	Councillor:	
Contact Name:	Mary Campbell	Contact Name:	
Contacted by:	<input type="checkbox"/> Phone <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other	Contacted by:	<input type="checkbox"/> Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	Concurs	Comments:	

Consultation with Divisions and/or Agencies

Division:	Parks, Forestry and Recreation	Division:	Financial Planning
Contact Name:	Glenn Zeta	Contact Name:	Ciro Tarantino
Comments:	Concurs	Comments:	Concurs

Legal Services Division Contact

Contact Name:	Michelle Xu
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DAF Tracking No.: 2024-029	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Jennifer Kowalski <input type="checkbox"/> Approved by:	January 12, 2024	Signed by Jennifer Kowalski
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	January 18, 2024	Signed by Alison Folosea

Appendix "A"

Licensee: 2811752 ONTARIO INC. as nominee for and on behalf of 2811751 ONTARIO INC. in its capacity as general partner of KINGDOM NORTH YORK PROJECT LIMITED PARTNERSHIP and 2811751 ONTARIO INC. in its capacity as general partner of KINGDOM NORTH YORK PROJECT LIMITED PARTNERSHIP

Licensed Area: approximately 6,135 square feet of area located within the lands municipally known as 77 Curlew Drive, Toronto, as shown highlighted in green on the sketch attached in Appendix "B".

Term: Five (5) months. Provided that the Licensee is not and has not at any time during the Term been in default beyond any applicable curing period, the Licensee will have one (1) option to extend the Term for an additional period of twelve (12) months, exercisable by delivering a written notice to the City no less than 60 days prior to the expiry of the Term.

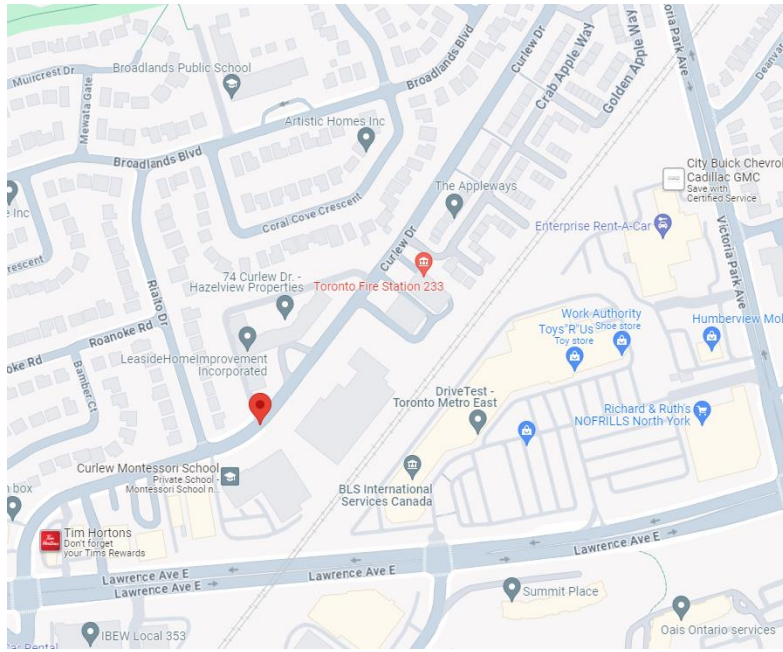
Licence Fee: \$47,900 plus HST for the Term. If the option of extension is exercised by the Licensee, the Licence Fee during the extended term is \$9,580.00 plus HST per month.

Insurance: Commercial General Liability Insurance of not less than \$5,000,000.00 per occurrence, Contractor's Pollution Liability insurance with a minimal limit of \$1,000,000.00, Standard Automobile Liability coverage with a limit of at least \$2,000,000.00 for all licensed motorized vehicles used on the Licensed Area

Permitted Use: access with commercial vehicles.

Early Termination: The City has a right to terminate the Agreement with 30 days of advance notice to the Licensee. Upon early termination by the City, the City shall refund the portion of the Licence Fee representing the unused portion of the Term to the Licensee. The Licensee has the right to terminate the Agreement with 60 days of advance notice to the City.

Appendix "B" Location Map



Licensed Area Licensed Area (Highlighted in Green)

