



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

TRACKING NO.: 2023 – 313

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:	November 24, 2023	Phone No.:	416-392-7665
Purpose	To obtain authority to enter a lease amending and extension agreement between the City of Toronto as landlord (the " Landlord ") and David William Dubyk (the " Tenant ") with respect to the City-owned property located in Southwold Townships, Ontario, for the purpose of agriculture use (the " Lease Agreement ")		
Property	<p>Part of the property municipally known as:</p> <ol style="list-style-type: none"> 37547 Third Line, Township of Southwold, Ontario (approx. 20 acres) (the "Farmland 1"); 37600 Fourth Line, Township of Southwold, Ontario (approx. 16 acres) (the "Farmland 2"); and <p>legally described and outlined in red in Appendix "A", attached hereto (collectively referred to as the "Original Property"), comprising approximately 36 acres.</p> <ol style="list-style-type: none"> 37730 Third Line, Township of Southwold, Ontario, comprising of approximately 63.1 acres (the "Farmland 3") <p>legally described and outlined in yellow in Appendix "B", attached hereto (collectively referred to as the "Additional Property"), comprising approximately 63.1 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 "C", 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 \$28,737.00 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 \$86,211.00 for the period of thirty-six (36) months commencing January 1, 2024 and ending December 31, 2026. 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: \$28,737.00 (plus HST) 2025: \$28,737.00 (plus HST) 2026: \$28,737.00 (plus HST) Total: \$86,211.00 (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>DAF 2023-012, dated January 16, 2023, authorized the City to enter into a lease agreement with the Tenant for the Original Property commencing January 1, 2021 to December 31, 2023. DAF 2023-009, dated January 16, 2023, authorized the City to enter into a lease agreement with the Tenant for the Additional Property commencing January 1, 2021 to December 31, 2023.</p> <p>The Tenant has agreed to consolidate the Original Property and the Additional Property into one lease amending and extension agreement on the day after the current expiry date of December 31, 2022. The 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.:	34 24 000 005 055 00 / 34 24 000 005 060 00 34 24 000 005 039 00	
	Approximate Size:	N/A	
	Approximate Area:	99.1 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>

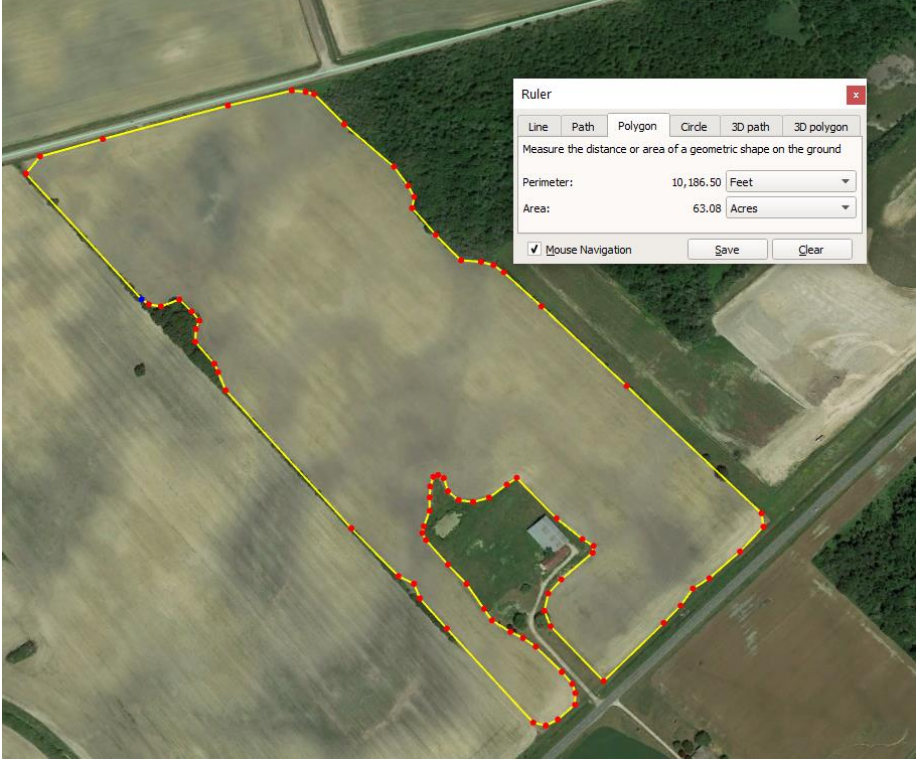

Pre-Condition to Approval			
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property			
Consultation with Councillor(s)			
Councillor:	N/A - 00 – Outside City		Councillor:
Contact Name:			Contact Name:
Contacted by:	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 – 313	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services	Dec. 20, 2023	Signed by Jennifer Kowalski
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Graham Leah	Dec. 20, 2023	Signed by Graham Leah

Appendix A
Legal Descriptions and Sketches of Original Property

Address	Legal Description	Acreage
<p>1. 37547 Third Line</p>	<p>PT N1/2 LT 18 CON 3 SOUTHWOLD AS IN E420385; SOUTHWOLD (PIN: 35158-0114) (the "Farmland 1")</p> 	<p>20</p>
	<p>Parts where there is less-than-ideal land for crop growth in Farmland 1</p> 	<p>1.11</p>
<p>2. 37600 Fourth Line</p>	<p>PT LT 19 CON 3 SOUTHWOLD AS IN E393687; S/T SW20939, SW29235; SOUTHWOLD (PIN: 35158-0122) (the "Farmland 2")</p> 	<p>16</p>

Appendix B
Legal Descriptions and Sketches of Additional Property

Address	Legal Description	Acreage
<p>1. 37730 Third Line</p>	<p>PT N1/2 LT 18 CON 3 SOUTHWOLD AS IN E420385; SOUTHWOLD (PIN: 35158-0114) (the "Farmland 3")</p> 	<p>63.1</p>
	<p>Parts where less-than-ideal land for crop growth in Farmland 3</p> 	<p>2.75</p>

Appendix "C"
Major Terms and Conditions

Basic Rent:	Lease Year 1	<p>Farmland 1: \$5,667.00 net of HST (\$300.00) – 18.89 acres \$277.50 net of HST (\$250.00) – 1.11 acres</p> <p>Farmland 2: \$4,000.00 net of HST (\$250.00) – 16 acres</p> <p>Farmland 3: \$18,105.00 net of HST (\$300.00) – 60.35 acres \$687.50 net of HST (\$250.00) – 2.75 acres</p>
	Lease Year 2	<p>Farmland 1: \$5,667.00 net of HST (\$300.00) – 18.89 acres \$277.50 net of HST (\$250.00) – 1.11 acres</p> <p>Farmland 2: \$4,000.00 net of HST (\$250.00) – 16 acres</p> <p>Farmland 3: \$18,105.00 net of HST (\$300.00) – 60.35 acres \$687.50 net of HST (\$250.00) – 2.75 acres</p>
	Lease Year 3	<p>Farmland 1: \$5,667.00 net of HST (\$300.00) – 18.89 acres \$277.50 net of HST (\$250.00) – 1.11 acres</p> <p>Farmland 2: \$4,000.00 net of HST (\$250.00) – 16 acres</p> <p>Farmland 3: \$18,105.00 net of HST (\$300.00) – 60.35 acres \$687.50 net of HST (\$250.00) – 2.75 acres</p>
Term:	Three (3) years (January 1, 2024 – December 31, 2026).	
Area of Property:	Approximately 99.1 acres.	