

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

TRACKING NO.: 2023-160

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

Prepared By:	Kulvinder Singh	Division:	Corporate Real Estate Management
Date Prepared:	07/04/2023	Phone No.:	4163927130

Purpose
 To obtain authority to enter into (i) a lease extension agreement (the "**Extension Agreement** ") with 2582528 Ontario Inc. c.o.b. as Phil's Place (the "**Tenant**"); and (ii) an assignment and consent agreement (the "**Assignment Agreement**") with the Tenant, 14816609 Canada Inc. (the "**Assignee**") and BYOUNGHWA KIM (the "**Indemnifier**") with respect to the property municipally known as 93 Front St. W., Store No. B10.

Property
 South St. Lawrence Market at 93 Front Street East, Unit No. B10, Toronto, ON M5E 1C3 (location as shown on Schedule "A" attached hereto, comprising approximately 909.28 sq. ft. (the "**Leased Premises**").

Actions
 Authority be granted to enter into the Extension Agreement with the Tenant and the Assignment Agreement with the Tenant, the Assignee and the Indemnifier, substantially on the major terms and conditions set out in Schedule "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
 The City will receive total license fee revenues of \$326,712.64 (plus HST) over the five (5) year term. Revenues to the City will be directed to the 2023 Council Approved Operating Budget for Corporate Real Estate Management (CREM), under cost center FA1375 and functional area code 3220200000, and included in CREM's 2024 Operating Budget and future submissions for Council consideration.

Revenues remitted to the City for each fiscal year are as follows:

2020	\$64,176.06
2021	\$64,176.06
2022	\$64,176.06
2023	\$66,099.92
2024	\$68,084.54
	\$326,712.64 plus HST

Comments
 The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.

The St. Lawrence Market has been operated by the City of Toronto as a food market since 1903. Currently, 62 different tenants occupy approximately 47,000 square feet of rentable space in the Market.

The proposed rent and other major terms and conditions of the Lease Agreement are considered to be fair, reasonable and reflective of market rates.

The Tenant entered into an agreement of purchase and sale to sell its business at the Leased Premises to the Assignee (the "**Purchase Agreement**"). The Assignee proposes to run the business under the current business name "Phil's Place", and has committed to maintain the quality and popularity of the business which are acceptable to St. Lawrence Market Management.

Due to the sale of the Tenant's business, the City has agreed to extend the lease term and consent to the assignment of the lease, provided that the Assignee assume the terms, covenants and conditions of the lease.

Terms
 See Schedule "B" for major terms and conditions.

Property Details	Ward:	13- Toronto Centre
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	909.28 square feet of rentable area
	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:	Chris Moise	Councillor:	
Contact Name:	Edward LaRusic	Contact Name:	
Contacted by:	<input type="checkbox"/> Phone <input 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:	Concur to extension	Comments:	

Consultation with Divisions and/or Agencies

Division:	Financial Planning	Division:	Financial Planning
Contact Name:	Ciro Tarantino	Contact Name:	
Comments:	Reviewed and approved	Comments:	

Legal Services Division Contact

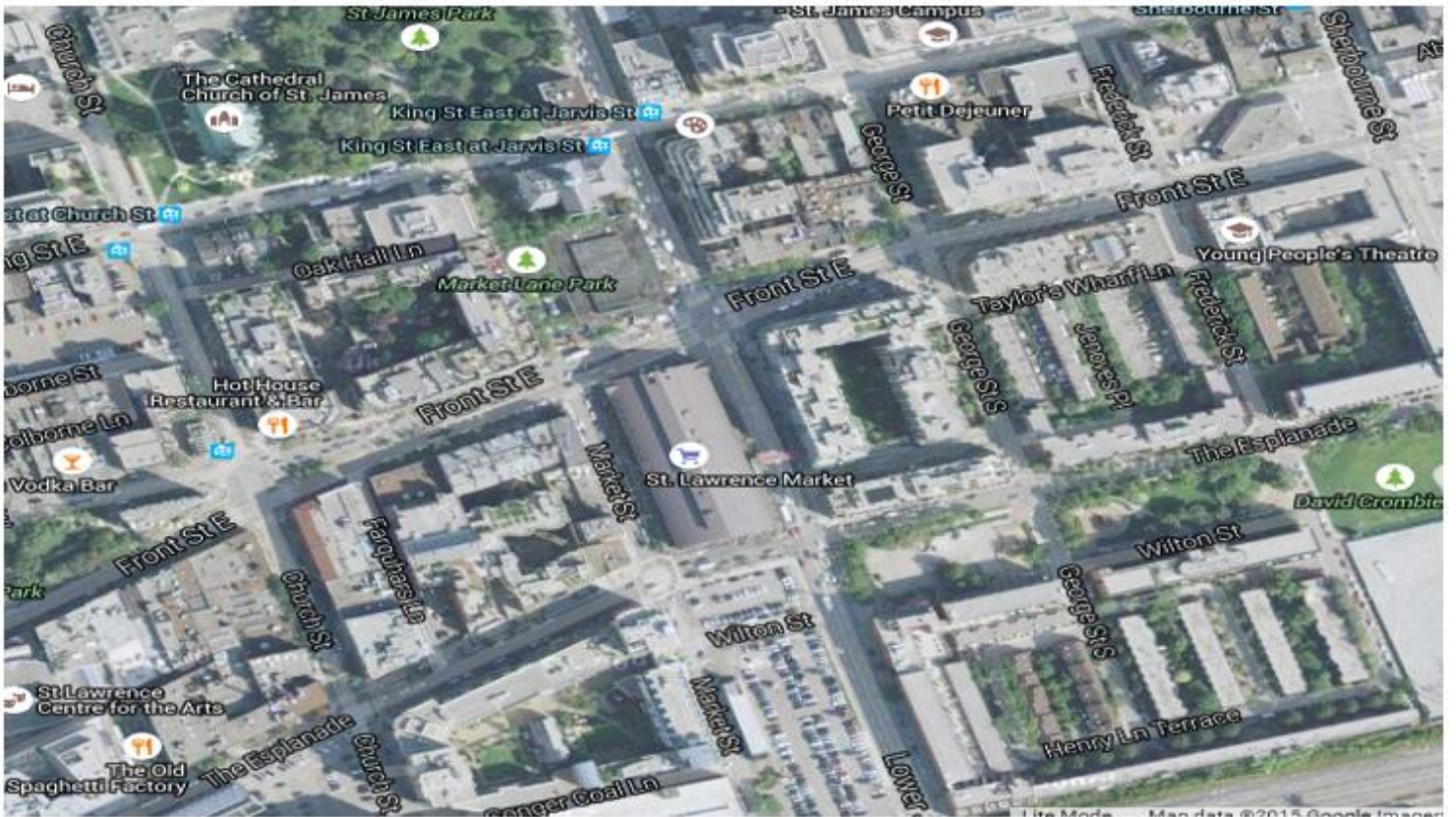
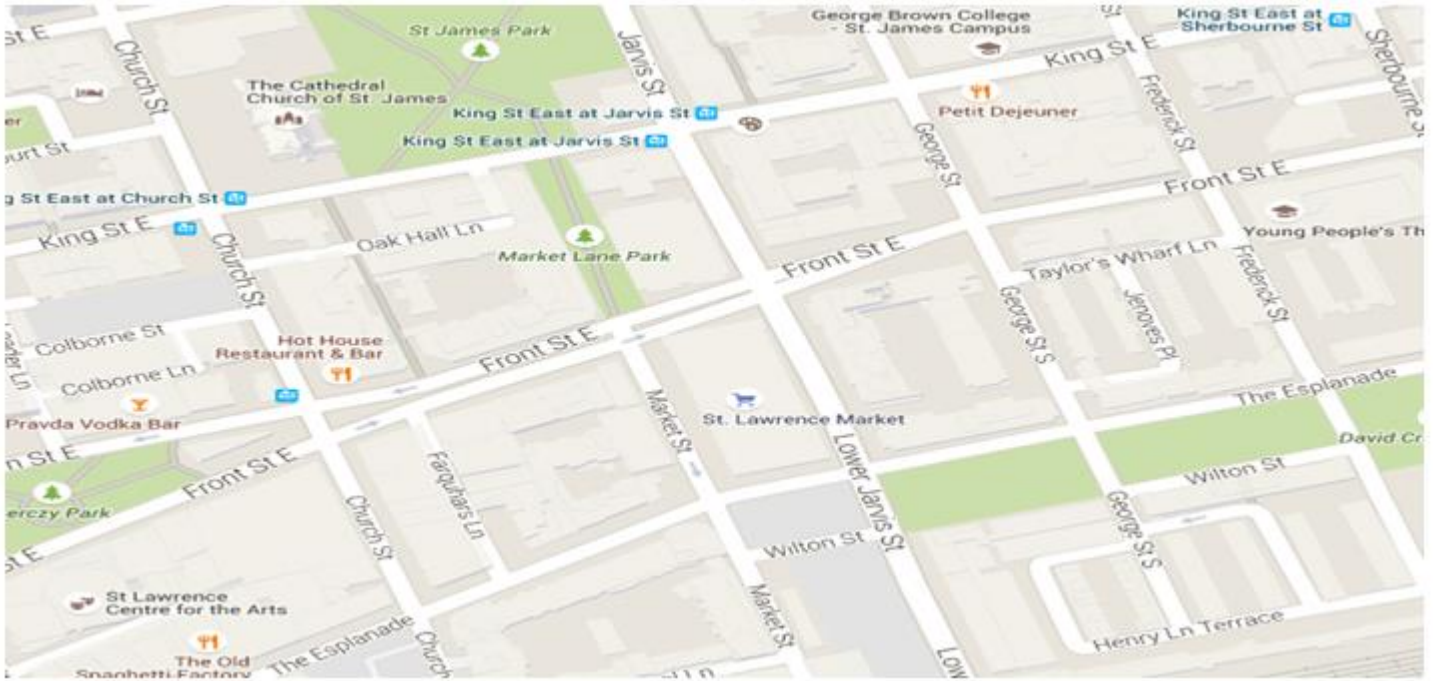
Contact Name:	
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DAF Tracking No.: 2023- 160	Date	Signature
		X
<input type="checkbox"/> Recommended by: Manager, St Lawrence Market Complex <input checked="" type="checkbox"/> Approved by: Daniel Picheca	July 4, 2023	Signed by Daniel Picheca
<input checked="" type="checkbox"/> Approved by: Director, Property Management Graham Leah	July 5, 2023	Signed by Graham Leah

Schedule "A"

Map of South Market- St. Lawrence Market
93 Front St, Toronto, ON

Street View



Appendix "A"

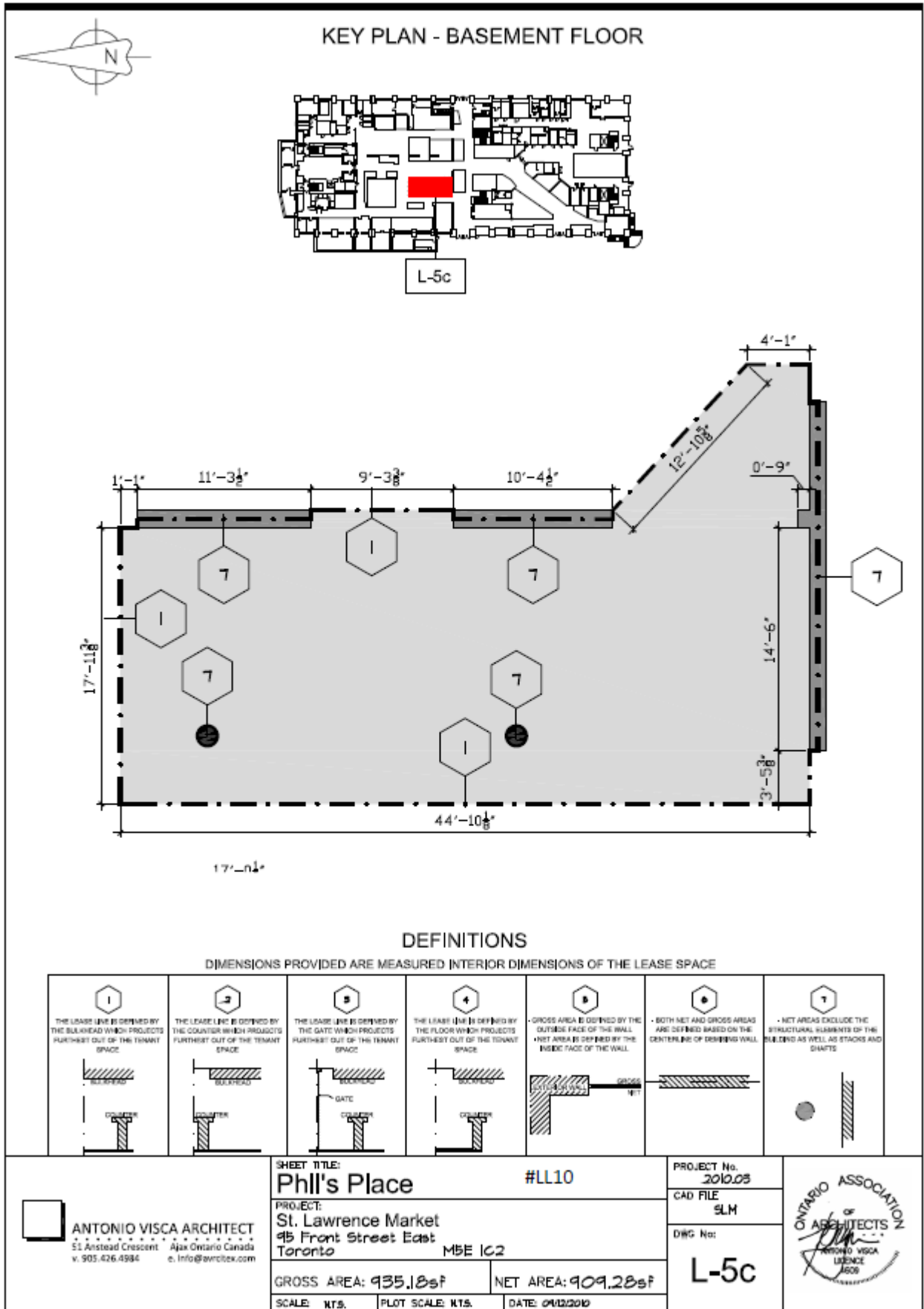
Floor Plan of the Centre



	<p>ANTONIO VISCA ARCHITECT 51 Avenue Road, Suite 2000 Toronto, Ontario M5R 2L2 Tel: 416-593-8888 Fax: 416-593-8889 Email: info@aviscas.com</p>	<p>SHEET TITLE: St. Lawrence Market Lower Level</p> <p>PROJECT: St. Lawrence Market 45 Front Street East Toronto, ON M5E 1G2</p> <p>SCALE: As Noted PLOT SCALE: As Noted DATE: MARCH 2010</p>	<p>PROJECT No.: 201009</p> <p>CAD FILE: SLN</p> <p>DWG No.: O-1</p>		
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Appendix "B"

Certificate of Land Surveyor



Schedule "B" – Major Terms and Conditions

Lease Extension Agreement

1. Extended **Term**: January 1, 2020 to December 31, 2024
2. **Semi-gross rent**:

Period	Semi-Gross Rent
January 1, 2020 to December 31, 2022	\$63.38 per sq. ft. per year (\$64,176.06 per year)
January 1, 2023 to December 31, 2023	\$65.28 per sq. ft. per year (\$66,099.92 per year)
January 1, 2024 to December 31, 2024	\$67.24 per sq. ft. per year (\$68,084.54 per year)

3. **Option to Extend**: The Tenant shall have the right to extend the Term of the Lease for an period of five (5) years from January 1, 2025 to December 31, 2029.