

DELEGATED APPROVAL FORM

DIRECTOR, REAL ESTATE SERVICES

MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2024-085

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

Prepared By:	Desiree Picchiello	Division:	Corporate Real Estate Management
Date Prepared:	April 12 2024	Phone No.:	416-338-5028
Purpose	To obtain authority to enter into an exclusive licence agreement between Toronto Public Library Board (the “ Licensee ” or “ TPL ”) and Royal Bank of Canada and National Auto Parks Ltd. (collectively, the “ Licensors ”) and 297506 Ontario Limited, Cath Ann Limited and 1057194 Ontario Limited (collectively, the “ Owner ”), for TPL’s occupation over a portion of the lands municipally known as 2346 Yonge Street for access, construction staging, demolition, reconstruction and all other ancillary works relating to the renovation of the dividing wall located within TPL’s lands at 40 Orchard View Boulevard, Toronto (the “ Agreement ”), commencing on April 9, 2024.		
Property	Part of the property municipally known as 2346 Yonge Street, Toronto, legally described as PCL 1-1 SEC A1567; PT LT 1 PL 1567 TORONTO; PT LT 2 PL 1567 TORONTO; PT LT 3 PL 1567 TORONTO PT 1, 66R16376; TORONTO , CITY OF TORONTO; being part of PIN 21171-0003 (LT) as shown on the Location Map attached in Appendix “ B ”, having a surface area of approximately 4.5 square meters and shown as the area between the boundary line and the green line in the Sketch of Licensed Area attached hereto as Appendix “ C ” (the “ Licensed Area ”).		
Actions	<ol style="list-style-type: none"> Authority be granted to enter into the Agreement between TPL, the Licensors and the Owner, substantially on the major terms and conditions as 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	<p>The financial impact for this Agreement shall be a Licence Fee of Forty-One Thousand One Hundred and Thirty-Two Dollars (\$41,132.00) inclusive of HST for the Term of this Agreement or a daily rate of Four Hundred Dollars (\$400.00) plus HST per day for the 91-day term, and an overholding fee of \$400.00 plus HST per day for occupation of the Licensed Area following the expiration or early termination of the Term. TPL agrees to pay the Owner’s legal/consent fee of Two Thousand Dollars (\$2,000.00) plus HST. The total estimated cost to TPL is \$43,392.00 inclusive of HST.</p> <p>The fees will be paid for by the Toronto Public Library under cost center LBS1000.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>		
Comments	<p>The proposed licence fee and other major terms and conditions of the Agreement are considered to be fair, reasonable and reflective of market rates.</p> <p>The Property is owned by the Owner. By a ground lease made on April 26, 1995, the Owner leased the property to Royal Bank of Canada for a term ending on December 31, 2029. By a parking agreement made between Royal Bank of Canada and National Auto Parks Ltd., as extended by a Parking Management Extension Agreement dated November 30, 2022, Royal Bank of Canada granted a permission to National Auto Parks Ltd, to operate a parking lot over part of the Property (including the Licensed Area), for a term ending on December 31, 2029.</p>		
Terms	See Appendix “ A ”		
Property Details	Ward:	8 – Eglinton-Lawrence	
	Assessment Roll No.:		
	Approximate Size:		
	Approximate Area:	4.2 m ² ± (45 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/REOs:</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 checked="" 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/REOs.</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 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:	Mike Colle	Councillor:	
Contact Name:	councillor_colle8@toronto.ca	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:	Consulted	Comments:	

Consultation with Divisions and/or Agencies

Division:	TPL	Division:	Financial Planning
Contact Name:	Harvey Mooradian	Contact Name:	Ciro Tarantino
Comments:	Consulted	Comments:	Consulted

Legal Services Division Contact

Contact Name: Michelle Xu

DAF Tracking No.: 2024-085	Date	Signature
Concurred with by: Manager, Real Estate Services Niall Robertson	April 12, 2024	Signed by Niall Robertson
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Jennifer Kowalski		
<input checked="" type="checkbox"/> Approved by:	April 12, 2024	Signed by Jennifer Kowalski

APPENDIX "A"

LICENSEE: TORONTO PUBLIC LIBRARY BOARD

LICENSOR: ROYAL BANK OF CANADA and NATIONAL AUTO PARKS LTD.

OWNER: 297506 ONTARIO LIMITED, CATH ANN LIMITED and 1057194 ONTARIO LIMITED

LICENSED AREA: Approximately 4.2 square metres of the lands within the property municipally known as 2346 Yonge Street, Toronto, Ontario and shown as the area between the boundary line and the green line in the attached Appendix "C".

Work: to access the Licensed Area from TPL's property located at 40 Orchard View Blvd along with construction equipment, material and vehicles for construction staging, demolition and reconstruction of the dividing wall located within 40 Orchard View Blvd.

TERM: 91 days commencing on April 9, 2024 and ending on July 8, 2024.

OVERHOLDING: in the event that TPL overholds the Licensed Area with consent of the Licensor but without further written agreement, TPL shall be deemed to be a day to day licensee upon the same terms and conditions as in the Agreement except for duration, and the overholding fee is \$400 plus HST per day, payable on monthly basis on the earlier of the date of vacancy or the last date of the month.

TERMINATION: TPL shall have the right to terminate the License, in its sole discretion, upon giving **three (3) days of advance** written notice thereof to the Licensor. In the event of such notice, the Licensor shall refund a part of the License Fee pro-rated on a daily basis to TPL for the unused portion of the Term.

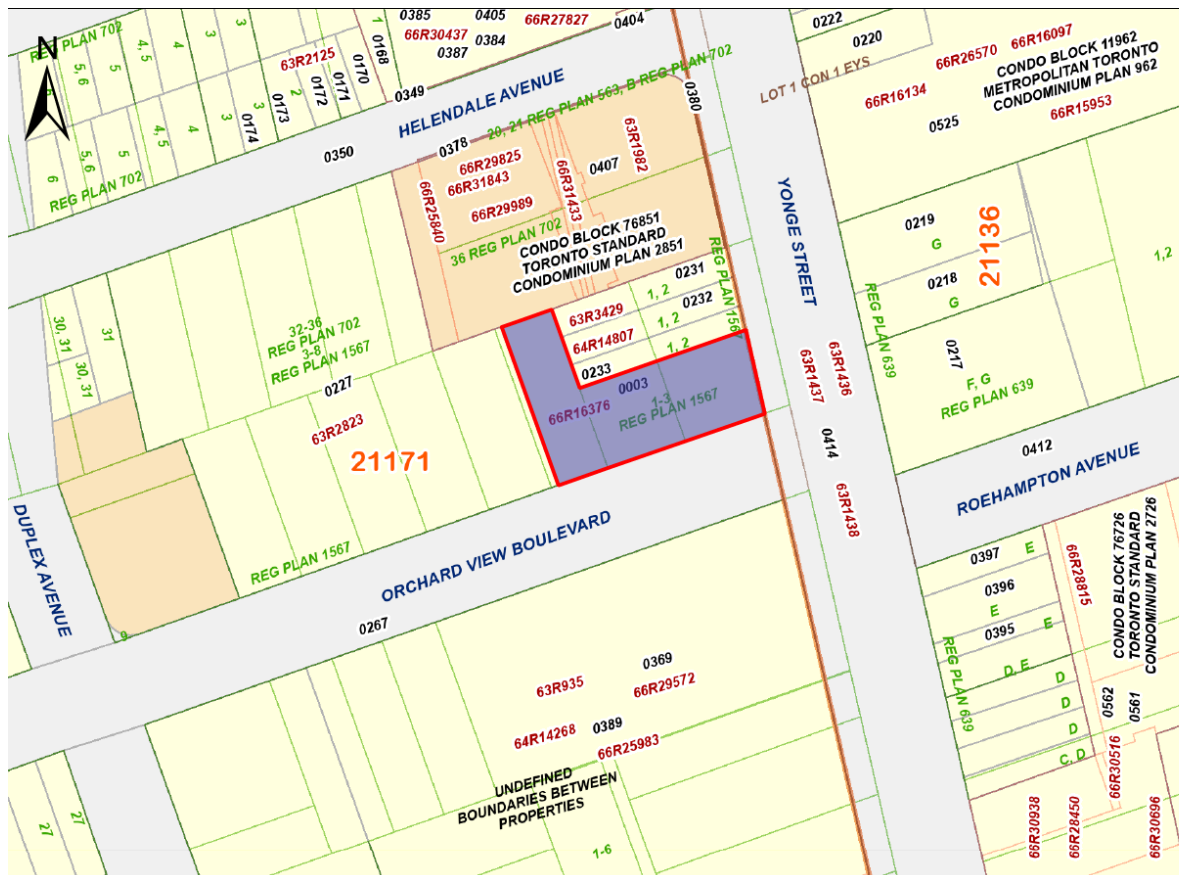
LICENSE FEE:

Forty-One Thousand One Hundred and Thirty-Two Dollars (\$ \$41,132.00) Including HST for the Term of this Agreement or a daily rate or Four Hundred Dollars (\$400.00) plus HST per day for the 91 day term.

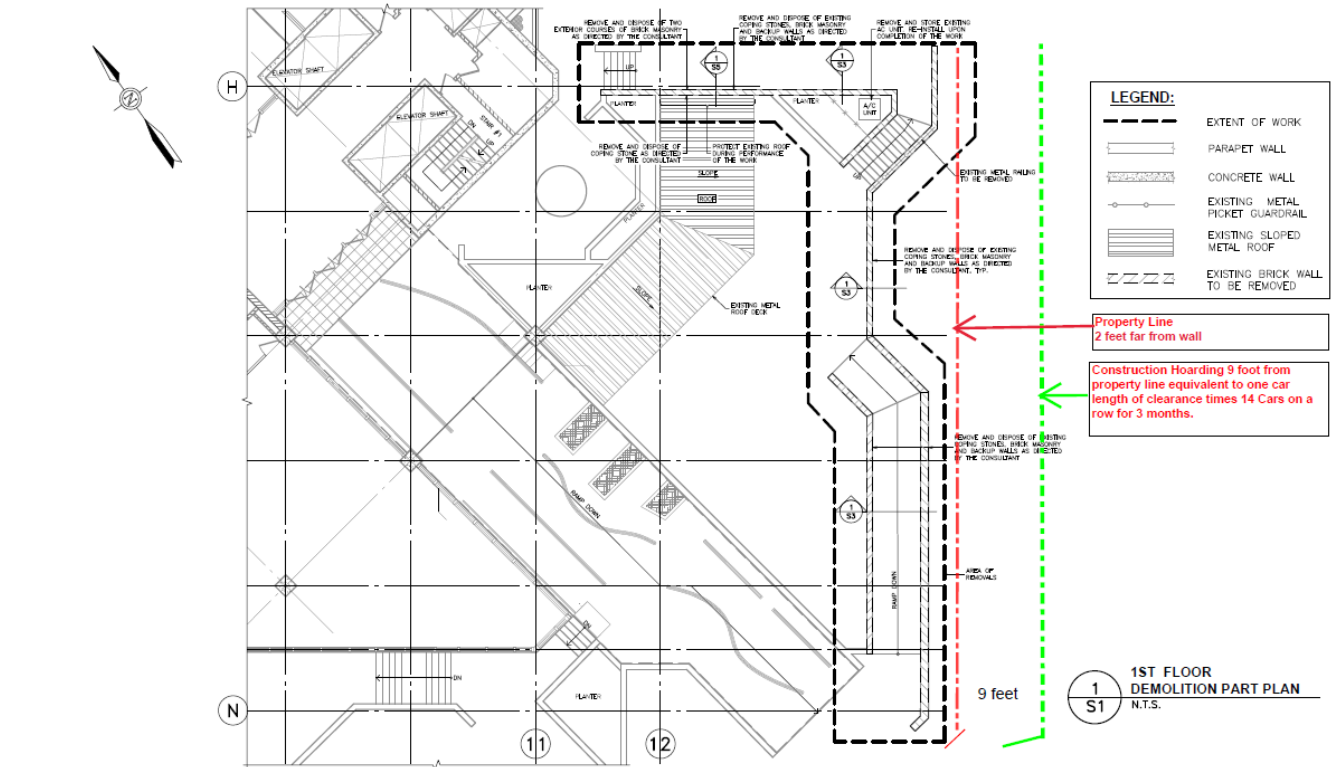
TPL shall pay the Owner Two Thousand Dollars (\$2,000.00) plus HST for the owner's for legal /consent fee.

INSURANCE:

1. TPL's agent H.N. Construction Limited shall maintain commercial general liability insurance against all claims for bodily injury and for property damage in an amount of not less than \$2,000,000.00 per occurrence and shall name TPL, the Owner and the Licensor as additional insureds.



APPENDIX "C"
SKETCH OF LICENSED AREA



1.	ISSUED FOR NOPC No.7	Oct. 5, 23	P.R.
No.	Revision	Date	By



Read Jones Christofferson Ltd.
Engineers
rjc.ca
100 University Avenue,
North Tower, Suite 300
Toronto, ON M5J 1V6 Canada
tel 416-977-6335
email toronto@rjc.ca

Project Name
Northern District Library,
40 Orchard View Boulevard, Toronto, Ontario
Sketch Title
**NORTH-EAST ENTRANCE
RESTORATION PART PLAN**

Dwg. Ref. **S2.1**
Scale N.T.S.
Date October 5, 2023
Project No. TOR. 116311.0005
Sketch Number Rev.
S1