

# DELEGATED APPROVAL FORM

## DIRECTOR, REAL ESTATE SERVICES

## MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2024-033

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:	January 18, 2024	Phone No.:	416-338-5028																																	
<b>Purpose</b>	To obtain authority for the City of Toronto (the "City") to enter into a licence agreement (the "Agreement") with the Guild Festival Theatre (the "Licensee") for use of the Greek Theatre and Guild Inn Gardens (the "Licensed Area") located on land owned by the Toronto and Region Conservation Authority (TRCA), but operated by the City, municipally known as 201 Guildwood Parkway for the purposes of rehearsing, supporting, and presenting performances and cultural events for a period of ten (10) years (the "Term") consisting of operating seasons between July 1 and August 31 in each licence year (the "Operating Season").																																			
<b>Property</b>	The Licensed Area is located on a portion of the Property known municipally as 201 Guildwood Parkway, Toronto, legally described as PCL 13-1, SEC S3 ; PT LTS 13 & 14, CONCESSION C , PT ROAD ALLOWANCE BETWEEN LTS 12 & 13, CONCESSION C , STOPPED UP & CLOSED BY BYLAW 5698 AS INST. SC172054 (A251900); S/T SC201173 & RESERVED IN COMPLIANCE WITH BYLAW 7664 AS INST SC201172 (A251901) ; S/T SC201172 SCARBOROUGH , CITY OF TORONTO, being all of PIN 06521-0014 (LT), (the "Property"), as shown on the Location Map in Appendix "A".																																			
<b>Actions</b>	<ol style="list-style-type: none"> <li>Authority be granted to enter into the Agreement between the City, the TRCA and the Licensee for the Licensed Area, substantially on the terms and conditions outlined herein, and on such other amended terms as may be satisfactory to the Director of Real Estate Services, and in a form acceptable to the City Solicitor; and</li> <li>The Director of Real Estate Services or his or her designate shall administer and manage the Agreement, including the provision of any consents, approvals, waivers, notices, and notices of termination provided that the Director of Real Estate Services may, at any time, refer consideration of such matter to City council for its determination and direction.</li> </ol>																																			
<b>Financial Impact</b>	<p>The City shall receive a total amount of Eighty-Two Thousand, Five-Hundred and Twenty-Two Dollars (\$82,522) including HST for the Term.</p> <p>Revenues will be directed to the Parks, Forestry and Recreation cost center P3060.</p> <table border="1"> <thead> <tr> <th>Year</th><th>Operating Season</th><th>Licence Fee (includes HST)</th></tr> </thead> <tbody> <tr><td>1</td><td>July 1 – August 31, 2023</td><td>\$ 7,192.00</td></tr> <tr><td>2</td><td>July 1 – August 31, 2024</td><td>\$ 7,378.00</td></tr> <tr><td>3</td><td>July 1 – August 31, 2025</td><td>\$ 7,626.00</td></tr> <tr><td>4</td><td>July 1 – August 31, 2026</td><td>\$ 7,874.00</td></tr> <tr><td>5</td><td>July 1 – August 31, 2027</td><td>\$ 8,122.00</td></tr> <tr><td>6</td><td>July 1 – August 31, 2028</td><td>\$ 8,370.00</td></tr> <tr><td>7</td><td>July 1 – August 31, 2029</td><td>\$ 8,618.00</td></tr> <tr><td>8</td><td>July 1 – August 31, 2030</td><td>\$ 8,866.00</td></tr> <tr><td>9</td><td>July 1 – August 31, 2031</td><td>\$ 9,114.00</td></tr> <tr><td>10</td><td>July 1 – August 31, 2032</td><td>\$ 9,362.00</td></tr> </tbody> </table>			Year	Operating Season	Licence Fee (includes HST)	1	July 1 – August 31, 2023	\$ 7,192.00	2	July 1 – August 31, 2024	\$ 7,378.00	3	July 1 – August 31, 2025	\$ 7,626.00	4	July 1 – August 31, 2026	\$ 7,874.00	5	July 1 – August 31, 2027	\$ 8,122.00	6	July 1 – August 31, 2028	\$ 8,370.00	7	July 1 – August 31, 2029	\$ 8,618.00	8	July 1 – August 31, 2030	\$ 8,866.00	9	July 1 – August 31, 2031	\$ 9,114.00	10	July 1 – August 31, 2032	\$ 9,362.00
Year	Operating Season	Licence Fee (includes HST)																																		
1	July 1 – August 31, 2023	\$ 7,192.00																																		
2	July 1 – August 31, 2024	\$ 7,378.00																																		
3	July 1 – August 31, 2025	\$ 7,626.00																																		
4	July 1 – August 31, 2026	\$ 7,874.00																																		
5	July 1 – August 31, 2027	\$ 8,122.00																																		
6	July 1 – August 31, 2028	\$ 8,370.00																																		
7	July 1 – August 31, 2029	\$ 8,618.00																																		
8	July 1 – August 31, 2030	\$ 8,866.00																																		
9	July 1 – August 31, 2031	\$ 9,114.00																																		
10	July 1 – August 31, 2032	\$ 9,362.00																																		
<b>Comments</b>	<p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p> <p>Dates specifically agreed upon for the 2023 Operating Season are set out in Schedule "A". Dates for future licence years will be agreed upon between the parties before March 1 of any future Operating Season.</p>																																			
<b>Terms</b>	See Appendix "B"																																			
<b>Property Details</b>	<table border="1"> <tr> <td>Ward:</td><td>24 – Scarborough-Guildwood</td></tr> <tr> <td>Assessment Roll No.:</td><td></td></tr> <tr> <td>Approximate Size:</td><td></td></tr> <tr> <td>Approximate Area:</td><td>±3,207.64 m<sup>2</sup></td></tr> <tr> <td>Other Information:</td><td></td></tr> </table>	Ward:	24 – Scarborough-Guildwood	Assessment Roll No.:		Approximate Size:		Approximate Area:	±3,207.64 m <sup>2</sup>	Other Information:																										
Ward:	24 – Scarborough-Guildwood																																			
Assessment Roll No.:																																				
Approximate Size:																																				
Approximate Area:	±3,207.64 m <sup>2</sup>																																			
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 &amp; Parks &amp; 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><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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><b>Delegated to more senior positions.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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 &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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:	Councillor Ainslie	Councillor:	
Contact Name:	Councillor.ainslie@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:	No Objections	Comments:	

**Consultation with Divisions and/or Agencies**

Division:	Parks Forestry & Recreation	Division:	<b>Financial Planning</b>
Contact Name:	Glenn Zeta	Contact Name:	Ciro Tarantino
Comments:	Approved	Comments:	Approved

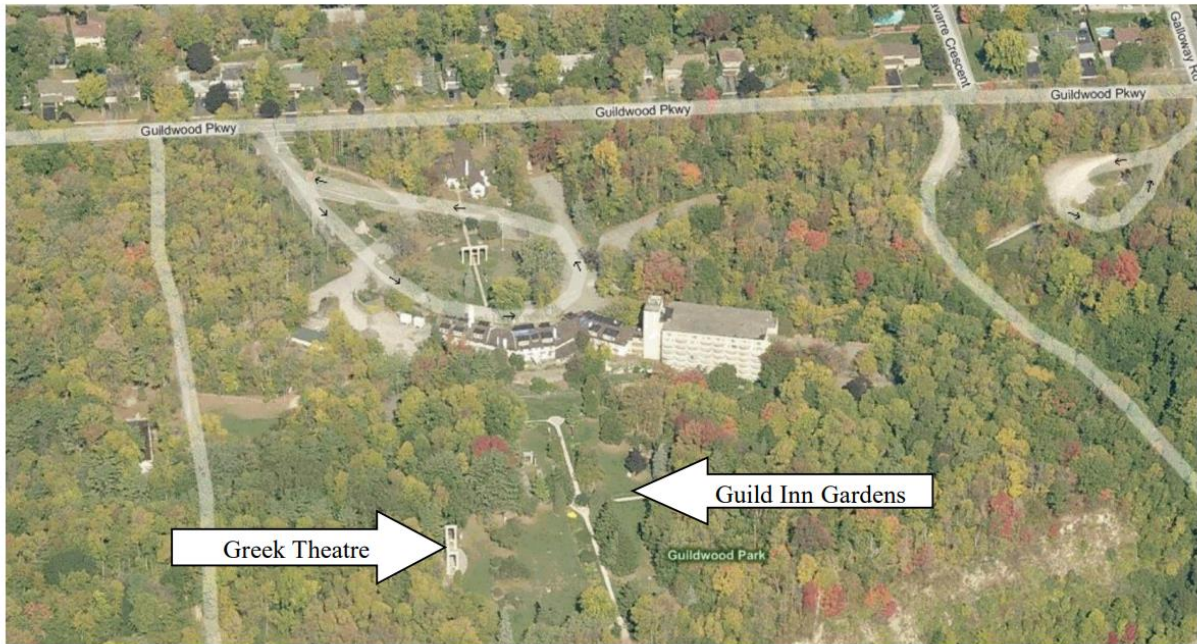
**Legal Services Division Contact**

Contact Name: Chris Cieslik

DAF Tracking No.: 2024-033	Date	Signature
Concurred with by: Manager, Real Estate Services		X
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Jennifer Kowalski	February 28, 2024	Signed by Jennifer Kowalski
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	February 29, 2024	Signed by Alison Folosea

**Appendix "A"**  
**Licensed Area**

Licensed Premises  
201 Guildwood Parkway



## Appendix "B"

### Terms & Conditions

**Licensor:**

City of Toronto

**Licensee:**

Guild Festival Theatre

**Licensed Area:**

Licensed Area is located on a portion of the Property known municipally as 201 Guildwood Parkway, Toronto.

**Term:**

10 (ten) years Commencing July 1, 2023 and ending August 31, 2032.

**Licence Fee:**

Total amount of Eighty-Two Thousand, Five-Hundred and Twenty-Two Dollars (\$82,522) including HST for the Term.

Year	Operating Season	Licence Fee (includes HST)
1	July 1 – August 31, 2023	\$ 7,192.00
2	July 1 – August 31, 2024	\$ 7,378.00
3	July 1 – August 31, 2025	\$ 7,626.00
4	July 1 – August 31, 2026	\$ 7,874.00
5	July 1 – August 31, 2027	\$ 8,122.00
6	July 1 – August 31, 2028	\$ 8,370.00
7	July 1 – August 31, 2029	\$ 8,618.00
8	July 1 – August 31, 2030	\$ 8,866.00
9	July 1 – August 31, 2031	\$ 9,114.00
10	July 1 – August 31, 2032	\$ 9,362.00

**Use:**

For the purposes of rehearsing, supporting, and presenting performances and cultural events during the period July 1, to August 31, (the "Operating Season") in each year of the Term of this Agreement. Some dates included under Schedule "A" for 2023 Operating Season will be released by the Licensee for the City to permit the Licensed Area for public use. Dates for future licence years will be agreed upon between the parties before March 1 of any future Operating Season.

**Options to Renew:**

Provided that the Licensee has not been in default of any of the terms and conditions of this Agreement, the City, at its sole discretion, may choose to extend this Agreement for one (1) additional term on the same terms and conditions, except that the Licence Fee during the relevant extension term shall be the then fair market fee for comparable land in the City of Toronto. Should the City elect to extend this Agreement it must provide the Licensee with at least six (6) months' notice in writing before the start of the last Operating Season, commencing on July 1, 2032

**Early Termination:**


Either the Licensee or the City may terminate this Agreement at any time and for any reason whatsoever, upon providing to the other at least six (6) months advance notice in writing.

**Insurance:**

Commercial general liability insurance not less than two million dollars (\$2,000,000.00) per occurrence and adding the City as an additional insured.



## Schedule "A" – 2023 Schedule

			2023 Guild Festival Theatre Schedule		
Date	Working Hours		Date	Working Hours	
June 26, 2023	9am-11pm		August 1, 2023	9am-11pm	Performances 7pm-9:30pm
June 27, 2023	9am-11pm		August 2, 2023	9am-11pm	Performances 7pm-9:30pm
June 28, 2023	9am-11pm		August 3, 2023	9am-11pm	Performances 7pm-9:30pm
June 29, 2023	9am-11pm		August 4, 2023	9am-11pm	Performances 7pm-9:30pm
June 30, 2023	9am-11pm		August 5, 2023	9am-11pm	Performances 7pm-9:30pm
July 1, 2023			August 6, 2023	9am-11pm	Performances 7pm-9:30pm
July 2, 2023	9am-11pm		August 7, 2023	9am-11pm	
July 3, 2023	9am-11pm		August 8, 2023	9am-11pm	Performances 7pm-9:30pm
July 4, 2023	9am-11pm		August 9, 2023	9am-11pm	Performances 7pm-9:30pm
July 5, 2023	9am-11pm		August 10, 2023	9am-11pm	Performances 7pm-9:30pm
July 6, 2023	9am-11pm		August 11, 2023	9am-11pm	Performances 7pm-9:30pm
July 7, 2023	9am-11pm	Performances 12pm-8pm	August 12, 2023	9am-11pm	Performances 7pm-9:30pm
July 8, 2023	9am-11pm	Performances 12pm-8pm	August 13, 2023	9am-11pm	Performances 7pm-9:30pm
July 9, 2023	9am-11pm	Performances 12pm-8pm	August 14, 2023	9am-11pm	
July 10, 2023	9am-11pm		August 15, 2023	9am-11pm	Performances 7pm-9:30pm
July 11, 2023	9am-11pm	Performances 7pm-9:30pm	August 16, 2023	9am-11pm	Performances 7pm-9:30pm
July 12, 2023	9am-11pm	Performances 7pm-9:30pm	August 17, 2023	9am-11pm	Performances 7pm-9:30pm
July 13, 2023	9am-11pm	Performances 7pm-9:30pm	August 18, 2023	9am-11pm	Performances 7pm-9:30pm
July 14, 2023	9am-11pm	Performances 7pm-9:30pm	August 19, 2023	9am-11pm	Performances 7pm-9:30pm
July 15, 2023	9am-11pm	Performances 7pm-9:30pm	August 20, 2023	9am-11pm	Performances 7pm-9:30pm
July 16, 2023	9am-11pm	Performances 7pm-9:30pm	August 21, 2023	9am-11pm	
July 17, 2023	9am-11pm		August 22, 2023	9am-11pm	Performances 7pm-9:30pm
July 18, 2023	9am-11pm	Performances 7pm-9:30pm	August 23, 2023	9am-11pm	Performances 7pm-9:30pm
July 19, 2023	9am-11pm	Performances 7pm-9:30pm	August 24, 2023	9am-11pm	Performances 7pm-9:30pm
July 20, 2023	9am-11pm	Performances 7pm-9:30pm	August 25, 2023	9am-11pm	Performances 7pm-9:30pm
July 21, 2023	9am-11pm	Guild Alive With Culture	August 26, 2023	9am-11pm	Performances 7pm-9:30pm
July 22, 2023	9am-11pm	Guild Alive With Culture	August 27, 2023	9am-11pm	Performances 7pm-9:30pm
July 23, 2023	9am-11pm	Guild Alive With Culture	August 28, 2023	9am-11pm	
July 24, 2023	9am-11pm		August 29, 2023	9am-11pm	
July 25, 2023	9am-11pm		August 30, 2023	9am-11pm	
July 26, 2023	9am-11pm	Performances 7pm-9:30pm	August 31, 2023	9am-11pm	
July 27, 2023	9am-11pm	Performances 7pm-9:30pm	September 1, 2023	9am-11pm	
July 28, 2023	9am-11pm	Performances 7pm-9:30pm	September 2, 2023	9am-11pm	
July 29, 2023	9am-11pm	Performances 7pm-9:30pm	September 3, 2023	9am-11pm	
July 30, 2023	9am-11pm	Performances 7pm-9:30pm			
July 31, 2023	9am-11pm				

**Licensee has agreed to release the dates below for City of Toronto to permit for public use:**

***July 1, July 2, August 7, August 14, August 21, August 31, Sept 1, Sept 2, Sept 3***

***The Greek Theatre available until 4pm***

***Aug 19, 22, 23, 24, 25, 26***