

DELEGATED APPROVAL FORM

DIRECTOR, REAL ESTATE SERVICES

MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2024-104

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

Prepared By:	Winnie Lam	Division:	Corporate Real Estate Management										
Date Prepared:	May 23, 2024	Phone No.:	437-991-8040										
Purpose	To obtain authority to enter into an extension of a licence agreement (the "Licence Extension Agreement") with Bohdan Czynsky and Luba Krekhovetsky (collectively, the "Licensee"), the owners of the property municipally known as 243 Keele Street ("243 Keele") to allow for the use of a portion of the City-owned vacant strip municipally known as 382R Indian Grove for the purpose of ingress and egress to access the rear of 243 Keele.												
Property	The property consisting of approximately 269 square metres and municipally known as being within the portion of lands known as 382R Indian Grove and legally described firstly as Part of Lot 6, Plan M66, as more particularly set out under PIN 21353-0019 (LT) and secondly Part of Lots 44, 45, 46 and 47, Plan M41, as more particularly set out under PIN 21353-0099 (LT) and, shown as the cross-hatched portion on Sketch No. PS-2015-087 on the Location Map in Appendix "B" (the "Licensed Area").												
Actions	1. Authority be granted to enter into the Licence Extension Agreement with the Licensee substantially on the major terms and conditions set out in Appendix A, and including such other terms and conditions as deemed appropriate by the approving authority herein and in a form satisfactory to the City Solicitor.												
Financial Impact	<p>The City will receive a total licence fee from the Licensee over the proposed eight (8) year term of \$5,591.21 (plus HST) \$5,689.61 (net of HST recoveries). The revenue will be received annually as follows:</p> <p> 2021: \$378.85 2022: \$649.46 2023: \$649.46 2024: \$ 408.33 2025: \$ 708.17 2026: \$ 722.33 2027: \$ 736.78 2028: \$ 751.51 2029: \$ 315.71 </p> <p>Revenue will be directed to cost centre FA1745.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>												
Comments	<p>The City of Toronto acquired the vacant strip of land now known as 382R Indian Grove (the "City Lands"), located between Indian Grove and Keele Street, in 1934 through the tax sale process. The City Lands are located at the rear of a number of properties fronting on Indian Grove and Keele Street, including 243 Keele, which is owned by the Licensee. The City Lands have not been dedicated as a public lane. The City Lands are accessed by a public lane from Indian Grove and Keele Street.</p> <p>The Licensee has expressed interest in using the Licensed Area as a right-of-way to access the rear of its property substantially on the terms and conditions outlined in Appendix "A" as it does not have a parking driveway at the front of its property off of Keele Street.</p> <p>The initial term of the licence agreement was from June 1, 2016 to May 31, 2021 and the extended term will be from June 1, 2021 until May 31, 2029, after which, the Licensee will have two additional options to extend for 5 years each.</p> <p>The proposed licence fee and other major terms and conditions of the Licence Agreement] are considered to be fair, reasonable and reflective of market rates.</p>												
Terms	See Appendix "A"												
Property Details	<table border="1"> <tr> <td>Ward:</td><td>14 – Parkdale-High Park</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>269 m2 ± (2,895.49 ft2 ±)</td></tr> <tr> <td>Other Information:</td><td>Vacant land</td></tr> </table>			Ward:	14 – Parkdale-High Park	Assessment Roll No.:		Approximate Size:		Approximate Area:	269 m2 ± (2,895.49 ft2 ±)	Other Information:	Vacant land
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Other Information:	Vacant land												

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 checked="" 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/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:	Councillor Gord Perks	Councillor:	
Contact Name:	Karen Duffy on behalf of Councillor Perks	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X <input checked="" type="checkbox"/> 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 issues.	Comments:	

Consultation with Divisions and/or Agencies

Division:	Financial Planning	Division:	
Contact Name:	Ciro Tarantino	Contact Name:	
Comments:	No issues.	Comments:	

Legal Services Division Contact

Contact Name: Chris Cieslik

DAF Tracking No.: 2024-104	Date	Signature
Concurred with by: Manager, Real Estate Services Vinette Prescott-Brown	May 31, 2024	Signed by Vinette Prescott-Brown
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Niall Robertson	May 23, 2024	Signed by Niall Robertson
<input checked="" type="checkbox"/> Approved by:		

APPENDIX "A"

Summary of Terms and Conditions

Licensor: City of Toronto

Licensee: Bohdan Czyrsky and Luba Krekhovetsky, the registered owners of the property located at 243 Keele St.

Licensed Area: A portion of the City Lands, known as 382R Indian Grove, shown as the cross-hatched portion of Part 1 on Sketch No. PS-2015-087, as illustrated on Schedule A and B, approximately 269 sq. m.

Term: Eight (8) years, commencing June 1, 2021 and expiring on May 31, 2029

Option to extend: Two (2) options to extend for Five (5) years each, upon the Licensee providing six (6) months prior written notice; Licence Fees for the Extension Options shall be the then fair market fee for comparable licence agreements in the area, provided that in no event shall such rate be less than the Licence Fees payable during the last twelve (12) month period immediately preceding the commencement of the Extension Options.

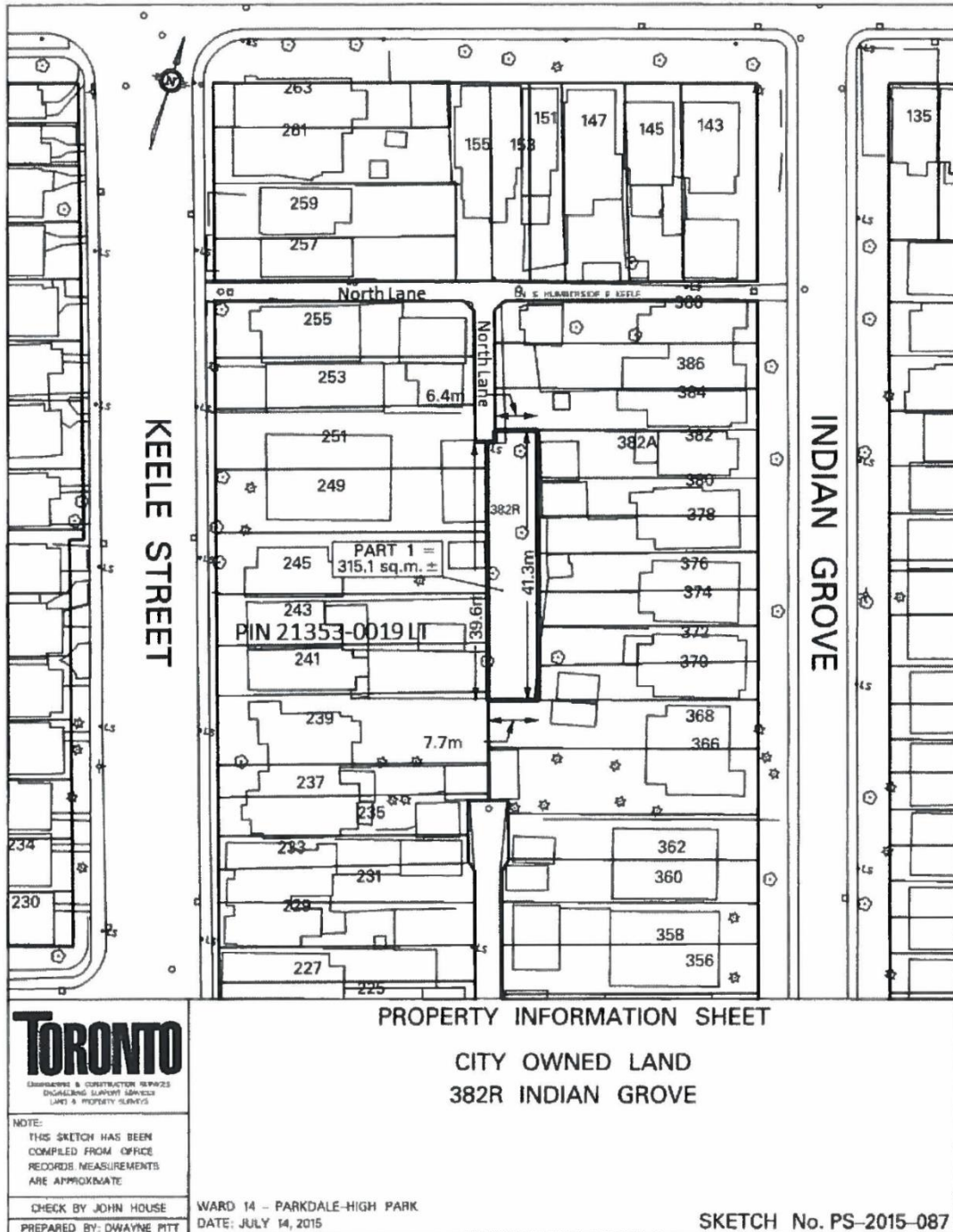
Use: Non-exclusive vehicular and pedestrian ingress and egress rights in favour of the Licensee and their invitees over the Licensed Area to access the rear of 243 Keele St; parking and storage of goods on the Licensed Area are not permitted.

Licence Fee:

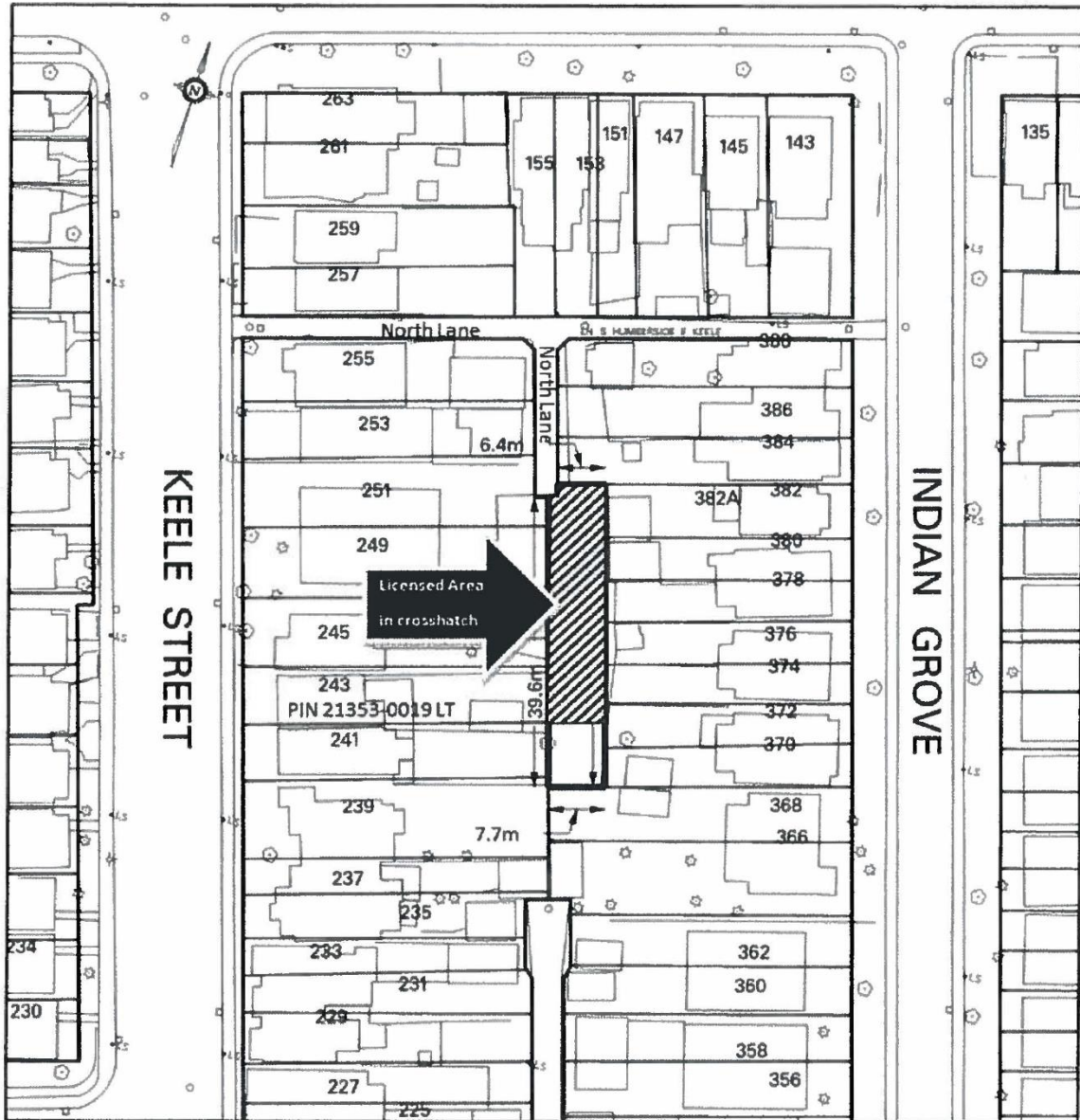
	Licence Years for the Extended Term:	Licence Fees per year	Licence Fees per month	Licence Fees per month with HST	Annual Licence Fees with HST
1	June 1, 2021 - May 31, 2022	\$ 649.46	\$ 54.12	\$ 61.16	\$ 733.89
2	June 1, 2022 - May 31, 2023	\$ 649.46	\$ 54.12	\$ 61.16	\$ 733.89
3	June 1, 2023 - May 31, 2024	\$ 649.46	\$ 54.12	\$ 61.16	\$ 733.89
4	June 1, 2024 - May 31, 2025	\$ 700.00	\$ 58.33	\$ 65.92	\$ 791.00
5	June 1, 2025 - May 31, 2026	\$ 714.00	\$ 59.50	\$ 67.24	\$ 806.82
6	June 1, 2026 - May 31, 2027	\$ 728.28	\$ 60.69	\$ 68.58	\$ 822.96
7	June 1, 2027 - May 31, 2028	\$ 742.85	\$ 61.90	\$ 69.95	\$ 839.42
8	June 1, 2028 - May 31, 2029	\$ 757.70	\$ 63.14	\$ 71.35	\$ 856.20

APPENDIX "B"
Location Map

Schedule "A"
The Lands (Part 1, 315.1 m² +/-)



Schedule "B"
The Licensed Area (Cross-hatched, 269 m² +/-)



<p style="font-size: 24pt; font-weight: bold; margin: 0;">TORONTO</p> <p style="font-size: 8pt; margin: 0;">ENGINEERING & CONSTRUCTION SERVICES ENGINEERING SUPPORT SERVICES LAND & PROPERTY SURVEYS</p> <p style="font-size: 8pt; margin: 0;">NOTE: THIS SKETCH HAS BEEN COMPILED FROM OFFICE RECORDS. MEASUREMENTS ARE APPROXIMATE</p> <p style="font-size: 8pt; margin: 0;">CHECK BY JOHN HOUSE PREPARED BY: DWAYNE PITT</p>	<p style="font-weight: bold; margin: 0;">PROPERTY INFORMATION SHEET</p> <p style="font-weight: bold; margin: 0;">CITY OWNED LAND</p> <p style="font-weight: bold; margin: 0;">382R INDIAN GROVE</p>	
	<p style="font-size: 8pt; margin: 0;">WARD 14 - PARKDALE-HIGH PARK DATE: JULY 14, 2015</p>	
	<p style="font-size: 8pt; margin: 0;">SKETCH No. PS-2015-087</p>	