

DELEGATED APPROVAL FORM

DIRECTOR, REAL ESTATE SERVICES

MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2024-108

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 30 2024	Phone No.:	416-338-5028
Purpose	To obtain authority to enter into a lease extension and amending agreement (the "Extension Agreement") with Bell Mobility Inc. (the "Tenant"), in respect of the property municipally known as 65 Dundas Street East, Toronto, for the purpose of extending and amending the existing rooftop antenna lease.		
Property	The property is comprised of a portion (approximately 400 square feet) of the rooftop of the property municipally known as 65 Dundas Street East, City of Toronto being part of PIN 21098-0107 (the "Property") and as shown on the Location Map in Appendix "B".		
Actions	1. Authority be granted to enter into the Extension Agreement with the Tenant, substantially on the major terms and conditions set out in Appendix "A", and including such other terms as deemed appropriate by the approving authority herein and in a form acceptable to the City Solicitor		
Financial Impact	<p>The financial impact of this Extension Agreement will result in a total rental income of \$291,129.60 (plus HST) and \$328,976.45(net of HST recoveries) for the full five (5) year term, or \$58,225.92 (plus HST) and \$65,795.28 (net of HST recoveries) annually for five (5) years.</p> <p>Rent from this Extension Agreement will be directed to Corporate Real Estate's cost center FA3755.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>		
Comments	<p>Pursuant to Item No. PH26.4 of the Planning and Housing Committee, adopted by City Council at its meeting on October 1 and 4, 2021, the City acquired the Bond Hotel located at 65 Dundas Street East, Toronto on September 9, 2022 (the "Hotel"). The acquisition of the Hotel was subject to the assumption of an existing antenna lease in favour of the Tenant. The Tenant has been leasing the Property since 1989 pursuant to a lease dated August 11, 1989, which was replaced by a new lease dated February 26, 1999 (the "Lease"). The Lease was amended and extended on numerous occasions and currently encompasses 15 antennas on the Property, with the current term expiring on April 30, 2024. An extension and amending agreement dated February 20, 2019 granted the Tenant an automatic right to extend the term of the Lease for a further term of five (5) years commencing on May 1, 2024, in accordance with the terms set out therein.</p> <p>The proposed rent and other major terms and conditions of the Extension Agreement are considered to be fair, reasonable and reflective of market rates.</p>		
Terms	See Appendix "A"		
Property Details	Ward:	13 - Toronto-Centre	
	Assessment Roll No.:		
	Approximate Size:		
	Approximate Area:	Irregular	
	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 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 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:	Councillor_Moise@toronto.ca	Contact Name:	
Contacted by:	<input type="checkbox"/> Phone <input checked="" 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:	Consulted	Comments:	

Consultation with Divisions and/or Agencies

Division:	Housing Secretariat	Division:	Financial Planning
Contact Name:	Matt Hilder	Contact Name:	Ciro Tarantino
Comments:	Consulted	Comments:	Consulted

Legal Services Division Contact

Contact Name: Shirley Chow

DAF Tracking No.: 2024-108	Date	Signature
Concurred with by: Manager, Real Estate Services		X
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Niall Robertson	May 24, 2024	Signed by Niall Robertson
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	May 28, 2024	Signed by Alison Folosea

APPENDIX "A"
Major Terms & Conditions

Landlord: City of Toronto

Tenant: Bell Mobility Inc.

Property: A portion of the rooftop (approximately 400 square feet) of the property municipally known as 65 Dundas Street East, Toronto

Rate: \$58,225.92 (plus HST) annually throughout the Term.

Additional Rent: The Tenant is responsible for the Tenant's electricity consumption and currently paying \$2,475.32 per month (plus HST), subject to annual adjustment.

Term: Five (5) years commencing on May 1, 2024 and ending on April 30, 2029.

Lease Amendments:

- (i) The Landlord's Termination Right in Section 12(b) of the Lease shall continue to apply during the Term. The parties agree that the notice required to be given by the Landlord to the Tenant in this section shall be amended to six (6) months.
- (ii) Section 7 of the Lease shall be deleted in its entirety and replaced with the following: The Landlord shall provide the Tenant access to the Property on as as-needed basis to access the Leased Premises upon no less than 24 hours prior written notice, which access shall not be unreasonably withheld, with such access to be provided to the Tenant by the onsite Property security personnel or staff.
- (iii) Section 16 of the Lease shall be deleted in its entirety regarding the Landlord's environmental indemnity.
- (iv) Section 2(e) of the lease amending agreement dated January 8, 2009 shall be deleted in its entirety regarding the airline credits.

All other existing terms and conditions of the Lease are to remain the same.

APPENDIX "B"

Map & Drawings

