

# DELEGATED APPROVAL FORM

## DIRECTOR, REAL ESTATE SERVICES

## MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2024-151

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

Prepared By:	Joseph Sergnese	Division:	Corporate Real Estate Management										
Date Prepared:	June 5, 2024	Phone No.:	416-392-1857										
Purpose	To obtain authority to enter a four (4) year Licence Agreement with Toronto SUP & Kayak, (the "Licensee") with respect to the property municipally known as Cherry Beach within the Eastern Beaches Park, 275 Unwin Avenue, Toronto for the purpose of the operation of non-motorized watercraft rental businesses (the "Licence Agreement").												
Property	Part of Cherry Beach within the Eastern Beaches Park, 275 Unwin Avenue, Toronto												
Actions	1. Authority be granted to enter into the Licence Agreement with the Licensee, 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 satisfactory to the City Solicitor.												
Financial Impact	<p>The City will receive an annual licence fee in the following amounts:</p> <p>in the following amounts:</p> <p>Year 1: \$6,500.00 (prorated) (plus HST)</p> <p>Year 2: \$8,160.00 (plus HST)</p> <p>Year 3: \$8,323.20 (plus HST)</p> <p>Year 4: \$8,489.66 (plus HST)</p> <p>Year 5: \$8,659.46 (if exercised) (plus HST)</p> <p>For a total Licence fee of \$40,132.32 (plus HST)</p> <p>The paid licence fee will be directed into Parks Forestry and Recreation's Operating Account P12642.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>												
Comments	<p>The City is issuing new Licence Agreements to qualified non-motorized watercraft rental operators at several locations across the Toronto waterfront to support waterfront recreation opportunities.</p> <p>Based on a review of information provided by the operator, the City determines that the Licensee, has the experience and capacity to provide service that can provide value for our waterfront areas in parks.</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 - Toronto-Danforth</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>100 sq. m.</td></tr> <tr> <td>Other Information:</td><td></td></tr> </table>			Ward:	14 - Toronto-Danforth	Assessment Roll No.:		Approximate Size:		Approximate Area:	100 sq. m.	Other Information:	
Ward:	14 - Toronto-Danforth												
Assessment Roll No.:													
Approximate Size:													
Approximate Area:	100 sq. m.												
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 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><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 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:	Paula Fletcher	Councillor:	
Contact Name:	Nicolas Valverde	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 Ojection	Comments:	

**Consultation with Divisions and/or Agencies**

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

**Legal Services Division Contact**

Contact Name: Anders Knudsen

DAF Tracking No.: 2024-151	Date	Signature
Concurred with by: Manager, Real Estate Services Niall Robertson	June 19, 2024	Signed by Niall Robertson
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Jennifer Kowalski	June 19, 2024	Signed by Jennifer Kowalski
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		X

## Appendix "A"

### Major Terms and Conditions

**Leased Premises/Licensed Area:** Part of Cherry Beach within the Eastern Beaches Park, 275 Unwin Avenue

**Licence Fee:** Year 1: \$6,500.00 (plus HST)  
 Year 2: \$8,160.00 (plus HST)  
 Year 3: \$8,323.20 (plus HST)  
 Year 4: \$8,489.66 (plus HST)  
 Year 5: \$8,659.46 (if exercised) (plus HST)

**Term:** period of four (4) years

**Commencement Date:** June 19, 2024

**Options to Renew:** City shall have the option to renew the Agreement for one additional year from October 1st, 2027 to September 30th, 2028

**Use:** the operation of non-motorized watercraft rental businesses (the "Business") at multiple locations within the City;

**Insurance:** Licensee agrees to purchase and maintain in force, at its own expense the policies of insurance and coverages set out as follows for the Term of this Agreement unless specified otherwise:

Five Million Dollars (\$5,000,000.00) Commercial General Liability, per occurrence

Two Million Dollars (\$2,000,000), per occurrence Automobile Liability insurance

one hundred (100%) percent of the replacement cost all risks insurance (including flood and earthquake)  
 property insurance

**Early Termination:** the Licensee and the City shall each have the right to terminate this Agreement via a Termination Notice with a specified Termination Date, which shall be at least six (6) months after the Termination Notice.

**Licensee Covenant:** The Licence amongst other obligated covenants, will operate the Business in accordance with the Proposal approved by the City as well as this Agreement, provided that in the event of contradiction or inconsistency between the Proposal and this Agreement, this Agreement shall take precedence.

## Appendix "B"

### Location Map

Address: 275 Unwin Avenue, Toronto  
Approximate Square Footage: 100 sq. m.

