

DELEGATED APPROVAL FORM

DIRECTOR, REAL ESTATE SERVICES

MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2024-281

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

Prepared By:	Myron Menezes	Division:	Corporate Real Estate Management
Date Prepared:	November 26, 2024	Phone No.:	416-338-3586
Purpose	To obtain authority to enter into a licence amending agreement with Prince Arthur Real Estate Corporation (the "Licensee") with respect to the property municipally known as 9 and 11 Bedford Road, Toronto for the purpose of surface-level staging and access (the "Licence Agreement").		
Property	The property municipally known as 9 and 11 Bedford Road , Toronto, legally described as Part of Lots 15 & 16, Registered Plan 301, designated as Part 1, Plan 66R-33334, City of Toronto, being all of PIN 21213-0128 & 21213-0129, (the "Property"), as shown on the Location Map in Appendix "B".		
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	The City will receive a revenue of \$6,639.17 (plus HST) per month during Phase 1 and \$9,566.67 (plus HST) per month during Phase 2, phase 3 and any of the two extended terms. The City will receive a total revenue of \$140,572.55 (plus HST) or \$143,046.63 (HST inclusive) over the fifteen (15) month term. If the options to extend are exercised, the City will receive a total revenue of \$197,972.57 (plus HST) or \$201,456.89 (HST inclusive) over the Twenty-One (21) month term. Revenues will be directed to the 2024 Operating Budget for Toronto Parking Authority and will be included in future year operating budget submissions.		
Comments	<p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p> <p>The Prince Arthur redevelopment project, located at 29-31 Prince Arthur Avenue in the City of Toronto (the "Licensee's Lands"), consists of a four-story rear addition integrated with the existing three-story semi-detached brick building on the Site. This project received unanimous support by Committee of Adjustments at the December 7, 2022 meeting.</p> <p>The Licensee's Lands include limited side yard area and access for construction of the rear addition is extremely constrained. As such, access through the Green P Lot located at 9 Bedford Road, for the purposes of loading and unloading materials and equipment, was a necessity in order to facilitate construction and alleviates inconvenience for the local community.</p> <p>DAF 2024-232 dated September 13, 2024 authorized a License Agreement to provide the Licensee construction access and included certain provisions to ensure that the City's construction work at the parking lot was not interrupted. Recently, the Licensee has reached out to the City and asked for additional access during weekdays This DAF requests authority to enter into an amending agreement to provide that further access.</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	Please see Appendix A.		
Property Details	Ward:	11 – University-Rosedale	
	Assessment Roll No.:	19 04 052 080 002 00	
	Approximate Size:		
	Approximate Area:	375.14 m ² ± (4,038 ft ² ±) comprising approximately 9.5 parking stalls plus an additional three (3) feet to the south of each stall	
	Other Information:	Pin: 21213-0128 & 21213-0129	

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:	Dianne Saxe	Councillor:	
Contact Name:	Andrew Greene	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 objections	Comments:	

Consultation with Divisions and/or Agencies

Division:	Toronto Parking Authority	Division:	Financial Planning
Contact Name:	Mina Shirk	Contact Name:	Ciro Tarantino
Comments:	Comments Incorporated	Comments:	Comments Incorporated

Legal Services Division Contact

Contact Name: Jacqueline Kiggundu

DAF Tracking No.: 2024-281	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Niall Robertson	Nov. 26, 2024	Signed by Niall Robertson
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Nov. 26, 2024	Signed by Alison Folosea

Appendix "A"

Major Terms and Conditions

- Type of agreement: License amending agreement
- Licenced Area: 4,038 ft2 comprising approximately 9.5 parking stalls plus an additional three (3) feet to the south of each stall.
- Term:
 - 15 months commencing on September 17, 2024 and expiring on December 16, 2025
 - The Term of this licence is broken down into three separate phases:
 - Phase I Term: September 17, 2024 to October 16, 2024
 - Phase II Term: October 17, 2024 to the day before the Phase III Commencement Date.
 - Phase III Term: Phase III Commencement Date (the date TPA has completed the completed repair and restoration work at 9 Bedford Rd and provided such Notice to the Licensee) to December 16, 2025
- Licensee's Use of the Licenced Area:
 - Phase I Use:
 - For the purposes of access and construction staging, provided that the Licensee has given no less than 7 days' prior written Notice to the TPA for each Access Period (between from Fridays 7:00 p.m. to Sundays 7:00 p.m.) within the Phase I Term.
 - Phase II Use:
 - For the purposes of access and construction staging, provided that the Licensee has given no less than 7 days' prior written Notice to the TPA for each Access Period (between from Fridays 7:00 p.m. to Sundays 7:00 p.m.) within the Phase II Term; and
 - Access the surface parking lot for the ingress and egress of no more than 9 trucks per 24 hour period solely for the purposes of soil removal and shoring at the Licensee's Lands, with each truck weighing no more than 30,000 kg.
 - Phase III Use:
 - Provided that the TPA has completed repair and restoration work at 9 Bedford Rd. and has delivered written Notice to the Licensee, from the Phase III Commencement Date and expiring on the Phase III Term, the Licensee shall be permitted to use the Licensed Area for the purposes of access and construction staging.
 - During all three Phases, the Licensee has a non-exclusive use of the Licenced Area.
 - TPA retains the right to temporarily suspend the Licence during the Phase II Use and the Phase III Use. If the TPA exercises their right to temporarily suspend the Licence, TPA will provide the Licensee with 30 days' written Notice and will endeavor to limit the duration of the suspension.
- License Fee:
 - Phase II Term: \$9,566.67 per month + HST, payable on the first day of each month.
 - Phase III Term: \$9,566.67 per month + HST, payable on the first day of each month.
- Payment of the City's Legal Costs
 - Pursuant to Chapter 441 of the Toronto Municipal Code, the Licensee agrees to pay the City \$584.62 + HST, for the City's legal costs in connection with the preparation and execution of this License Amending Agreement.

Appendix "B"

Location Map

