

DELEGATED APPROVAL FORM

DIRECTOR, REAL ESTATE SERVICES

MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2024-217

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

Prepared By:	Jag Prajapati	Division:	Corporate Real Estate Management
Date Prepared:	November 18, 2024	Phone No.:	416-394-5473
Purpose	To obtain authority to enter into a lease agreement with Dipped Donuts Inc. (the " Tenant ") and Jiten Grover (the " Indemnifier "), with respect to the property municipally known as Unit 1, 161 Baldwin Street, Toronto for the purpose of operating a gourmet donut shop (the " Lease Agreement ").		
Property	The property municipally known as Unit 1, 161 Baldwin Street, Toronto, legally described as LT 11, 14-16 PL D15 TORONTO; LT 1-3 PL 1092 CITY WEST; PT LT 5, 12, 17 PL D15 TORONTO; PT LT A PL 1092 CITY WEST PT 1 63R1240, PT 1 - 14 WA83703 T/W CT320074 EXCEPT PT 2 & 3 63R1240; CITY OF TORONTO, being all of PIN 21235-0366, as shown on the Location Map in Appendix "B" (the " Premises ").		
Actions	1. Authority be granted to enter into the Lease Agreement with the Tenant and the Indemnifier, 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 revenues of \$209,986.10 plus HST over the five (5) years term, inclusive of base rent, operating and maintenance costs and property taxes. The base rent revenue will be \$157,150.10 and the expense reimbursement will be \$52,836.00.</p> <p>The property taxes and operating and maintenance costs associated with the Premises will be paid by the Tenant. Actual expenses and revenues will be reported through the Toronto Parking Authority's ("TPA") variance reports and will be included in future year operating budget submissions for TPA.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>		
Comments	<p>In February 2018, the City entered into an offer to lease with the Tenant, authorized by DAF No. 2018-059, granting use of the Premises for a term of five (5) years expiring on April 30, 2023. Both parties agreed to enter into a new lease agreement for the use of the Premises.</p> <p>The proposed base rent and other major terms and conditions of the Lease Agreement are considered to be fair, reasonable and reflective of market rates.</p>		
Terms	Refer Appendix "A"		
Property Details	Ward:	Ward 11 – University-Rosedale	
	Assessment Roll No.:		
	Approximate Size:		
	Approximate Area:	34.4 m ² ± (370 ft ² ±)	
	Other Information:	Lease Renewal	

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:	Councillor Dianne Saxe	Councillor:	
Contact Name:	Andrew Greene, Chief of Staff	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 objection	Comments:	

Consultation with Divisions and/or Agencies

Division:	Toronto Parking Authority	Division:	Financial Planning
Contact Name:	Miguel de Jesus	Contact Name:	Ciro Tarantino
Comments:	Comments incorporated	Comments:	Comments incorporated

Legal Services Division Contact

Contact Name: Gloria Lee

DAF Tracking No.: 2024-217	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Niall Robertson	Nov. 18, 2024	Signed by Niall Robertson
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Nov. 21, 2024	Signed by Alison Folosea

Appendix "A"

Major Terms and Conditions

Leased Premises:	Unit 1, 161 Baldwin Street
Landlord:	City of Toronto
Tenant:	Dipped Donuts Inc.
Indemnifier	Jiten Grover
Leased Area:	Approximately 370 square feet (34.4 square meters)
Base Rent:	Year 1: \$72.50 per sq.ft. per annum Year 2: \$78.25 per sq.ft. per annum Year 3: \$84.45 per sq.ft. per annum Year 4: \$91.15 per sq.ft. per annum Year 5: \$98.38 per sq.ft. per annum
Additional Rent:	Approximately \$28.56 per sq.ft. per annum
Lease Commencement Date:	October 1, 2024
Fixturing Period:	N/A
Term:	Five (5) years
Option to Extend:	None
Use / Purpose:	The Tenant shall use the Premises solely for the business of the preparation and sale of gourmet donuts, baked goods, coffee, tea and other desserts and beverages in a reputable manner. Any addition/change in menu items is to be approved by the Landlord.
Insurance:	The Tenant shall take out, at its expense, Commercial General Liability Insurance of not less than two million dollars (2,000,000.00) per occurrence. Such insurance shall include the Landlord as an additional insured and/or loss payee and contain cross-liability and severability of interest provisions, as applicable
Security Deposit:	\$3,427.72 (including HST)
Pre-Paid Rent:	\$3,033.38 (last month's base rent) + \$880.56 (additional rent) = \$3,913.98 + HST = \$4,422.80.
Indemnifier:	The Indemnifier agrees to indemnify and hold harmless the City from any loss, damage or injury arising from any default of the Tenant under the Lease Agreement and shall guarantee the performance and observation of the covenants, obligations and agreements under the Lease Agreement.

Appendix "B"

Location Map

