



Toronto Lands Corporation (TLC) Policy & Planning Committee Meeting

Committee Members: John Fillion, Payman Berjis, Igor Dragovic, Dennis Hastings, Shelley Laskin, Leola Pon, Aleem Punja

06 February 2024

In person: TLC Offices Virtual: Microsoft Teams

60 St. Clair Avenue East, #201

Toronto, ON, M4T 1N5



Meeting Book - Toronto Lands Corporation (TLC) Policy & Planning Committee Meeting

PUBLIC AGENDA

1. Call to Order & Confirmation of Quorum

[Chair](#)

2. Land Acknowledgement

[Chair](#)

We acknowledge we are hosted on the lands of the Mississaugas of the Anishinaabe, the Haudenosaunee Confederacy and the Wendat. We also recognize the enduring presence of all First Nations, Métis and the Inuit peoples.

3. Declaration of Conflict of Interest under the Municipal Conflict of Interest Act and the Ontario Business Corporation Act

[Chair](#)

4. Approval of the Agenda/Other Business

[Chair](#)

For Approval

5. Approval of the Minutes of the Policy & Planning Committee from January 10, 2024

[Chair](#)

For Approval

6. CEO's Report

[Ryan Glenn, Interim CEO](#)

For Information

7. Strategy to Address Growth & Intensification - Update

[Yvonne Choi, TLC Staff](#)

For Approval

8. Disposition of Scarlett Heights Property

[Kevin Bolger, TLC Staff](#)

For Approval

9. Community Partnership Opportunities to Enhance Sports Fields

[Ryan Glenn, Interim CEO](#)

For Approval

10. Adjournment to the Closed Session

[Chair](#)

To deal with Staff Presentation: Future Opportunity Sites

For Approval

11. Termination of Meeting

[Chair](#)

For Approval

**TORONTO LANDS CORPORATION
60 ST. CLAIR AVENUE EAST
TORONTO, ONTARIO**

**MINUTES OF THE POLICY AND PLANNING COMMITTEE
HELD IN-PERSON AT TORONTO LANDS CORPORATION OFFICE
AND VIRTUALLY VIA MICROSOFT TEAMS
TORONTO, ONTARIO**

JANUARY 10, 2024, 5:30 PM

COMMITTEE MEMBERS

Payman Berjis	Citizen Director
John Filion	Citizen Director
Igor Dragovic	Citizen Director
Aleem Punja	Citizen Director (absent)
Dennis Hastings	Trustee Director
Shelley Laskin	Trustee Director
Leola Pon	TDSB Staff Director

TLC STAFF

Kevin Bolger	Manager, Real Estate
Barbara Carou	Manager, Strategic Partnerships & Development
Yvonne Choi	Director of Planning
Ryan Glenn	Interim Chief Executive Officer
George Kralidis	Head of People & Culture
Markus O'Brien Fehr	Communications & External Relations Liaison
Wilber Wong	Manager, Asset Management and Leasing

GUEST

Stacey Zucker	TDSB Staff Director
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1. Call to Order & Confirmation of Quorum

There being a quorum present, and the Directors having been given adequate and proper notice of the meeting, the meeting was called to order by John Filion, TLC Board Chair at 5:33 PM (EST).

2. Election of the Policy and Planning Committee Chair

John Filion, TLC Board Chair called for nominations for Chair of the TLC Policy and Planning Committee. John Filion seconded by Trustee Shelley Laskin, nominated Igor Dragovic, Citizen Director.

There being no further nominations, Igor Dragovic was acclaimed to the position of Chair of the TLC Policy and Planning Committee.

3. Land Acknowledgement

Igor Dragovic, took the chair and read the following land acknowledgement:

We acknowledge we are hosted on the lands of the Mississaugas of the Anishinaabe, the Haudenosaunee Confederacy and the Wendat. We also recognize the enduring presence of all First Nations, Métis, and the Inuit peoples.

4. Declaration of Conflict of Interest under the Municipal Conflict of Interest Act and the Ontario Business Corporation Act

No conflicts of interest were declared.

5. Approval of the Agenda/Other Business

No corrections or amendments to the agenda.

On a motion made by Trustee Shelley Laskin and seconded by John Filion, it was resolved to approve the agenda.

The motion was carried.

6. Approval of Minutes of the Policy and Planning Committee

The minutes of the Policy and Planning Committee meeting held October 17, 2023 were before the Committee. There were no errors or omissions.

On a motion made by John Filion and seconded by Trustee Shelley Laskin, the minutes of the meeting of the Policy & Planning Committee were approved.

The motion was carried.

7. Proposed Property Disposal, Fee Simple

Ryan Glenn, Interim CEO reviewed a set of five properties that had been identified for potential disposal.

On a motion made by John Filion and seconded by Trustee Shelley Laskin, the Committee received the report for information.

8. 2023-24 Q2 Leases & Licenses for TDSB

Wilbur Wong, Manager, Asset Management and Leasing, presented five lease renewals for consideration of the Committee.

On a motion made by Trustee Shelley Laskin and seconded by Leola Pon, the Policy and Planning Committee recommends to the Board of Directors:

- a. That in accordance with section 194(3) of the Education Act, the following spaces highlighted in Appendix A which are not required for the purposes of the board be declared surplus for the term outlined below:
 - i. Burnett PS, 21 Eddifield Avenue, July 1, 2024 – June 30, 2029
 - ii. CB Parsons JHS, 2999 Dufferin Street, September 1, 2024 – August 31, 2032
 - iii. Queens Court PS, 35 Ourland Avenue, July 1, 2024 – June 30, 2032
 - iv. Earls court JPS, 21 Ascot Avenue, July 1, 2024 – June 30, 2032
- b. That the Toronto Lands Corporation (TLC) be authorized to enter into agreements thereof in favour of the following tenants and licensees outlined below for the indicated term upon satisfactory completion of Ontario Regulation 374/23, if required, on terms and conditions satisfactory to TLC in its reasonable discretion in form and content satisfactory to TLC's legal counsel:
 - i. Burnett PS - Prestige School – Lease – 18,589sf, July 1, 2024 – June 30, 2029
 - ii. CB Parsons - JHS Fieldstone School – Lease – 47,189sf, September 1, 2024 – August 31, 2029 + 1x3Year Option to Renew
 - iii. Queens Court PS - Mildenhall Montessori – Lease – 20,017sf, July 1, 2024 – June 30, 2029 + 1x3Year Option to Renew
 - iv. Earls court JPS - Hudson College or New Tenant – Lease – 43,149sf, July 1, 2024 – June 30, 2029 + 1x3Year Option to Renew
 - v. Cedarbrae CI - Wigwamen – License – 14 Parking Spaces, 18 Month term beginning in 2024 during construction
- c. That the TLC report “2023-24 Q2 Leases & Licenses for TDSB” be forwarded to TDSB (Board) for approval.

The motion was carried.

9. Process for Declaring Properties Surplus for the Purposes of Sale or Lease

Kevin Bolger, Manager, Real Estate, presented the process through which non-operating TDSB properties are disposed.

On a motion made by John Filion and seconded by Payman Berjis, the Policy and Planning Committee recommends to the Board of Directors:

- a. That the Committee receive the report for information.
- b. That the (Interim) CEO bring forward recommendations to the Policy and Planning Committee outlining steps within a formal policy governing TLC approval (and recommendation to TDSB) of property dispositions, including lease agreements.

The motion was carried.

10. Termination of the Meeting

On a motion duly made by Trustee Shelley Laskin and seconded by Payman Berjis, the meeting terminated at 6:57 PM.

INFORMATION ITEM

**Strategy to Address Growth and Intensification
– Update to Board on Land Use Planning Matters**

To: Policy & Planning Committee

Date: February 6, 2024

RECOMMENDATION:

It is recommended that the report be received and forwarded to TDSB for information.

EXECUTIVE SUMMARY

In June 2018, TDSB Board of Trustees approved the Strategy to Address City Growth and Intensification. In October 2022, a Strategy Update Report, including Trustee input, was received by TDSB Board of Trustees (TDSB Report #10-22-4415, attached as **Appendix B**), reaffirming the strategy to be utilized, on behalf of the TDSB, regarding land use planning matters with the City of Toronto and provincial entities.

In accordance with the Strategy, this report (at **Appendix A**) provides a general overview and highlights of the various land use planning matters in which the TDSB/TLC is involved.

AUTHORITY OR DIRECTION FOR UNDERTAKING PROJECT

Authority or Direction: TDSB Resolution

June 2018 (PPC:082A Item 10, f): Report periodically to the Board, at a minimum annually, to provide a general overview and highlights of the various land use planning matters in which the TDSB is involved.

Authority or Direction: Shareholders Direction

TLC’s mandate includes the responsibility of all land use planning matters on behalf of the TDSB.

STRATEGIC GOAL AND ANNUAL PLAN DIRECTIONS

TDSB Strategic Plan Goal: (include all that apply)

- Transform Student Learning
- Create a Culture for Student and Staff Well-Being
- Provide Equity of Access to Learning Opportunities for All Students
- Allocate Human and Financial Resources Strategically to Support Student Needs
- Build Strong Relationships and Partnerships with School Communities to Support Student Learning and Well- Being

TLC Strategic Plan
Goal: (include all that apply)

- Transform Student Learning Environment through the Modernization of Facilities
- Create a Culture of Partnership & Collaboration with Key Stakeholder Groups
- To be a highly functioning organization successfully aligning TLC's & TDSB Missions and the Shareholder's Direction

DUE DILIGENCE *(Select all that apply)*

- | | |
|---|---|
| <input type="checkbox"/> Site Inspection | <input type="checkbox"/> Planning Report |
| <input type="checkbox"/> Official Plan | <input type="checkbox"/> Consultation with Local Trustee |
| <input type="checkbox"/> Zoning | <input type="checkbox"/> TDSB Staff Review and Agreement |
| <input type="checkbox"/> Reg 374/23 | <input type="checkbox"/> Consultation with TDSB Executive Staff |
| <input type="checkbox"/> Appraisal Report | <input checked="" type="checkbox"/> Consultation with TDSB Planning Staff |
| <input type="checkbox"/> Environmental Report | <input type="checkbox"/> Consultation with TDSB Finance Staff |
| <input type="checkbox"/> Title Check | <input type="checkbox"/> Historical Assessment |
| <input type="checkbox"/> Other: | |

FINANCIAL IMPLICATIONS

Staff resources at TLC will continue to be reviewed to ensure the various components of the Strategy can be fulfilled. External legal counsel and other consultants (e.g. traffic engineers) may be required to assist in Ontario Land Tribunal matters.

RISK LEVEL

N/A

ACTION PLAN AND ASSOCIATED TIMELINES

Implementation of the Strategy will continue. TLC will continue to report annually to the TLC and TDSB Boards, to provide a general overview and highlights of the various land use planning matters in which TLC/TDSB are involved.

APPENDICES

- **Appendix A: TLC Report on Strategy to Address Growth and Intensification – Update to Board on Land Use Planning Matters**
- **Appendix B: October 2022 TDSB Report on Strategy to Address Growth & Intensification**
- **Appendix C: January 2024 TLC Report on Ontario Regulation 374/23**

FROM

Ryan Glenn, Interim Chief Executive Officer, Toronto Lands Corporation, at rglenn.tlc@tdsb.on.ca

Yvonne Choi, Director of Planning, Toronto Lands Corporation, at ychoi.tlc@tdsb.on.ca

APPENDIX A - TLC Report on Strategy to Address Growth and Intensification – Update to Board on Land Use Planning Matters

BACKGROUND

In June 2018, the TDSB Board of Trustees approved the Strategy to Address City Growth and Intensification to strengthen and enhance the TDSB's role in the municipal planning process to better serve school communities and to meet the TDSB's infrastructure needs. The Strategy is a multi-pronged approach based on four pillars:

- I. Affecting Change within the Municipal Policy Making Process;
- II. Representation at the Local Planning Appeal Tribunal (now the Ontario Land Tribunal);
- III. Greater Participation in the City's Development Application and Approval Process; and
- IV. Affecting Change within the Provincial Policy, Funding and Regulatory Context.

In April 2022, the Board of Trustees approved a motion directing staff to update the Strategy, inclusive of Trustee input, and report back to the Board. In October 2022, the Board of Trustees received an updated Strategy to Address Growth and Intensification (the "October 2022 Strategy Update Report", see **Appendix B**), prepared and co-authored by staff at TDSB and TLC. The October 2022 Strategy Update Report confirmed that the Strategy set out in 2018 remains relevant and set out updated approaches within each of the four pillars of the Strategy. Following Board receipt of this report, TDSB staff reaffirmed to TLC that the Strategy set out in the October 2022 Strategy Update Report is the strategy to be utilized, on behalf of the TDSB, regarding land use planning matters with the City of Toronto and provincial entities.

TRUSTEE ENGAGEMENT

With a new Board of Trustees elected in November 2022, TDSB staff engaged in ward-specific review meetings on its Long-Term Program and Accommodation Strategy (LTPAS), which were held with Trustees in the Spring 2023. TLC staff participated in the LTPAS review meetings, presenting an overview of the land use planning work undertaken on behalf of the TDSB.

Individual Trustees have also been engaged in the following:

- Circulation of TLC commenting letters and City public consultation notices on development applications (which invite Trustees to reach out to the TLC land use planner for additional information)
- Information session on the land use planning process and TLC/TDSB's role
- Meetings with TLC and TDSB staff regarding specific development applications in close proximity to school sites with potential impacts
- Briefing sessions with TLC and TDSB staff regarding opportunities for future elementary schools as part of large development proposal (e.g. in the Wynford-Concorde community)
- Support of TLC's request for the conversion of 38 Orfus Road (Yorkdale Secondary School) from employment to mixed-use designation

REPORT ON THE FOUR PILLARS OF THE STRATEGY

This report provides a general overview and highlights of the various land use planning matters in which the TDSB/TLC is involved for each of the four pillars of the Strategy.

I. Affecting Change within the Municipal Policy Making Process

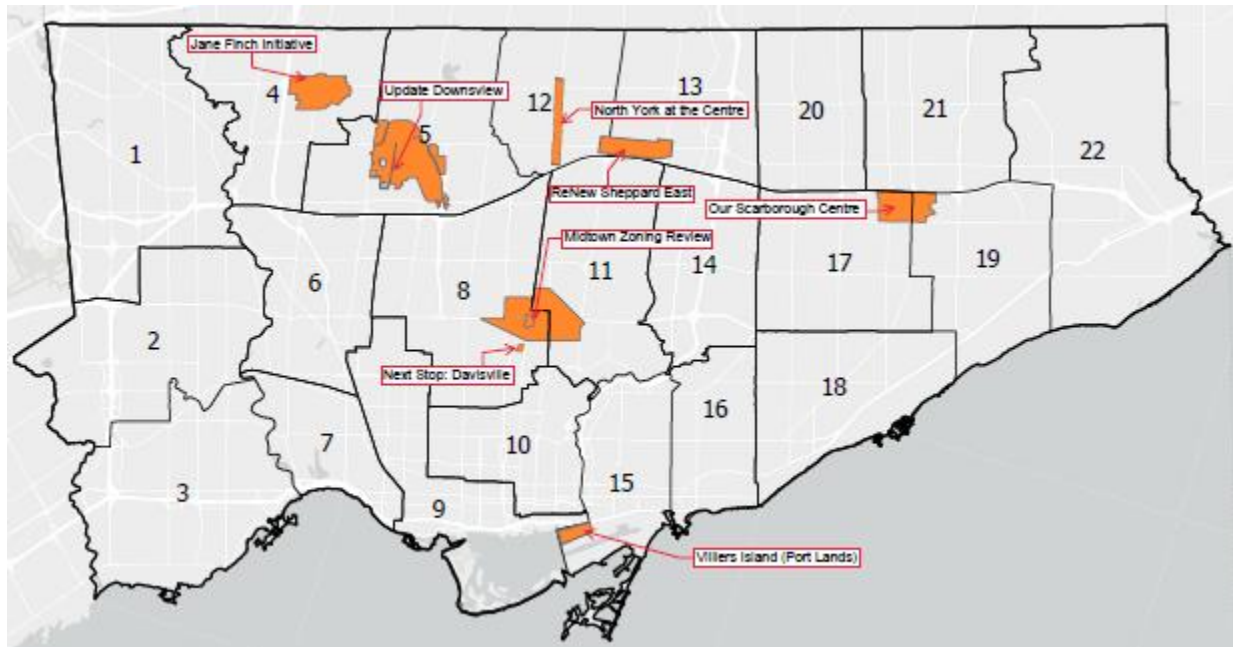
As the city of Toronto continues to grow and plan for growth, it is important that TDSB's interests are reflected in municipal planning policy. The table below includes the updated approach for this pillar, as set out in the October 2022 Strategy Update Report and summarizes the actions TLC and TDSB staff have undertaken in 2023 to implement the Strategy.

Table I-1: Pillar I Summary – Approach & Actions to Implement Strategy

Approach	Actions
Play an active and prominent role in the City's development of municipal policy documents	TLC and TDSB continue to be actively engaged as key stakeholders in the development of the City's municipal planning policy documents and initiatives. TLC, in collaboration with TDSB accommodation planning staff, provide input to City staff, both through draft policy reviews, and as members of technical advisory committees and working groups, which meet regularly with City staff project teams. Where necessary, TLC participates in the Ontario Land Tribunal (OLT) process for City-initiated Secondary Plans and OPAs (discussed further in Pillar II)
Work proactively with the City and developers to identify new and creative opportunities for new school sites, where appropriate	<p>City initiatives benefitting from TLC involvement are often focused on areas experiencing and/or planned for significant growth, where student accommodation is a key consideration. TLC, in collaboration with TDSB accommodation planning staff, advise on any requirements for new school space, so that these may be reflected within planning background and policy documents.</p> <p>Where a need for new school sites has been identified, such as at Downsview, TLC has undertaken meetings and site visits with developers to ensure appropriate sites and building models are considered early in the planning process.</p> <p>TLC/TDSB have been advancing design guidelines for urban format schools with the assistance of an architectural consultant. These guidelines will aid discussions with the City and developers, providing greater clarity on TDSB requirements for urban format schools in mixed-use developments.</p>
Advocate for policies that reflect the critical role schools play in achieving complete communities	TLC has arranged regular meetings with City Planning's Strategic Initiatives, Policies and Analysis team to discuss items including TDSB/TLC's role in City policy formulation and development of agreed standard policy language. This

	<p>language is intended to recognize the importance of schools in achieving complete communities, provide flexibility in school design and outdoor space provision, create incentives for partnerships with school boards, and omit onerous and unnecessary policy requirements for school boards. City planning updates and TDSB school space needs are also shared during meetings.</p>
<p>Take action to protect TDSB assets from adverse impacts of residential development</p>	<p>While this is largely achieved through TLC’s participation in the City’s development application and approval process (Pillar IV), certain actions have been undertaken under this pillar. This includes providing new policy recommendations concerning appropriate locations for new school sites which must consider shadow, wind, air quality, noise and traffic conditions.</p>

The City planning initiatives TLC have been involved in within 2023 are shown on the following map and outlined below; these initiatives include Official Plan Amendments and Secondary Plan updates, Community Service and Facility Strategies, Feasibility Studies, Site and Area Specific Policies, Zoning By-law updates and Urban Design Guidelines, Employment Land Conversion Requests, Community Infrastructure and Housing Accelerator tool, and City implementation of Provincial legislation and policy.



Community Services and Facilities Strategies

To inform certain City planning studies, City staff may prepare a Community Services and Facilities (CS&F) Strategy to identify local community infrastructure issues and improvements necessary to support the anticipated growth. The City engages TLC on the TDSB’s school accommodation needs and both TLC and TDSB staff will often be part of CS&F working groups or advisory committees, meeting regularly with the City and other community service

stakeholders. In 2023, TLC provided input and feedback on CS&F Strategies as part of the following initiatives:

- Jane Finch Initiative
- Update Downsview
- North York at the Centre
- ReNew Sheppard East
- Villiers Island (Port Lands)

Update Downsview

This Study is concerned with several deliverables, including updating the Downsview Area Secondary Plan, preparing a CS&F Strategy, Urban Design Guidelines and an interim uses zoning by-law. The Downsview lands generally include Downsview Park and Downsview Airport (now closed). It is estimated the Plan Area will accommodate approximately 110,000 new residents over the next 30 years.

TLC's involvement in 2023 has included:

- Monthly Working Group meetings to provide ongoing input and feedback;
- School accommodation planning – review unit projections and phasing to determine potential number and general location of schools over the entire build-out period;
- Review of draft policies to ensure school boards are consulted when consideration is given to integrating new schools into emerging communities;
- Review draft policies and design guidelines to ensure flexible school designs and opportunities for shared use of parks and outdoor school space, particularly in light of reductions to parkland dedication from recent legislative changes;
- Attending public meetings and providing information in response to questions concerning TDSB involvement and new school requirements; and,
- Working with landowners / developers in preparation of initial (Phase 1) District Plans to identify appropriate school sites

Scarborough Centre Review – Our Scarborough Centre

This initiative is concerned with the update of the Scarborough Centre Secondary Plan and related supporting study material. TLC and TDSB staff's involvement has included meetings with City staff to consider projected growth in the area and the anticipated impact on accommodation pressures in local TDSB schools. TDSB projections indicate that the existing schools surrounding the secondary plan area and the planned school (at 705 Progress) within the secondary plan area will not be able to accommodate all the students emerging from the scale of development proposed, and therefore additional school sites will need to be considered to serve the growth. TLC staff have expressed concerns related to the City study materials that identify portions of TDSB East Education Office (120-140 Borough Drive) as future green/open space, which would place restrictions on the opportunity for TDSB to redevelop the site with new elementary school and other uses. TLC will continue to engage in the City's secondary plan process to ensure the final policy framework provides TLC/TDSB with the opportunities required to address future student accommodation in the area.

Midtown Zoning Review

To implement the Yonge-Eglinton Secondary Plan, zoning of some areas in Midtown needs to be revised. This review is being undertaken in stages, each stage concerned with different land use designations in the Secondary Plan. TLC has been reviewing and providing comments to the City

as necessary to ensure that zoning of TDSB properties is appropriately considered and that TDSB schools are protected from adverse development impacts as far as possible.

Employment Land Conversion Requests

As part of the City's Official Plan Review, TLC continued to monitor the outcomes of requests to convert employment land designations to designations that could include future residential development. Updates were provided to TDSB accommodation planning staff to allow any approved changes to be factored into long-term student accommodation planning. TLC also continued to pursue a request for the conversion of 38 Orfus Road (Yorkdale Secondary School) from employment to mixed-use designation, during which time support was obtained from the local Trustee. A mixed-use designation would afford the site greater options for any future redevelopment. Unfortunately, despite the strong case in favour, City planning staff did not recommend conversion and the request was refused by Council.

Monitoring City Planning Updates

TLC continues to monitor and discuss with City staff the implications of certain ongoing changes to City planning processes and the potential application of new planning tools, such as the Community Infrastructure and Housing Accelerator tool. These changes are in part a result of the City's implementation of Provincial legislative and policy changes, including those introduced through Bill 109, *More Homes for Everyone Act (2022)* and Bill 23, *More Homes Built Faster Act (2022)*.

II. Representation at the Ontario Land Tribunal

The Ontario Land Tribunal (OLT) is a provincial administrative tribunal that hears, decides, and mediates appeals on matters related to land use planning, environmental protection, heritage protection, land valuation, land compensation, municipal finance, and related matters.

Where TLC and TDSB's concerns are not adequately addressed through the municipal planning process, TLC - in consultation with TDSB staff (Strategy and Planning, and school administration staff where appropriate) and external legal counsel - will consider whether to get involved at the OLT to protect TDSB's interests.

Table II-1 below sets out the approach in the October 2022 Strategy Update Report regarding OLT matters and outlines the actions TLC and TDSB staff have been undertaking. Table II-2 provides an OLT case summary table of the OLT matters where TLC was involved.

Table II-1: Pillar II Summary – Approach & Actions to Implement Strategy

Approach	Actions
Seek party or participant status at the OLT on matters where the interests of the TDSB need to be protected, such as policy initiatives where new school sites need to be secured or where a proposed development is anticipated to cause adverse impacts on a TDSB site	The OLT case summary table (Table II-2) identifies matters where TLC had party or participant status in 2023 to protect the interests of TDSB. TLC was involved in 12 OLT cases in that year.

Approach	Actions
<p>Prioritize negotiating a consensual resolution of some or all of the issues in dispute through mediation rather than a full hearing</p>	<p>In all the OLT cases where TLC had party status in 2023, TLC participated in mediation or resolved issues through direct discussions with the applicant. Achieving a consensual resolution eliminated the need for lengthy and costly OLT hearings, which have uncertain outcomes.</p>
<p>Advocate for policies that provide for new educational facilities in the City's policy documents</p>	<p>Through the OLT process, TLC seeks policy changes that ensure schools are a permitted use in areas where TDSB has identified a need, as well as policies that incentivize third parties to engage with TDSB/TLC in discussions on how schools may be incorporated into development plans to ensure a local school is available to current and future TDSB students.</p>
<p>Ensure that any comments submitted to the City about a planning application focus on consistency and conformity with applicable provincial and municipal policy</p>	<p>Through the development application review process, reviewed with TDSB Strategy & Planning staff, TLC focuses on providing comments to the City that reflect the current land use or accommodation concerns of the TDSB, while acknowledging the changing landscape of municipal and provincial policy. In particular, and as reported in the October 2022 Strategy Update Report, the TDSB and TLC will no longer be seeking party seeking party status at the OLT to secure Minutes of Settlement (MOS) as a blanket approach to oppose development applications in areas experiencing accommodation pressures. This approach acknowledges the current concerns regarding housing shortfalls in the City, keeps TDSB in line with Provincial legislation – such as More Homes Built Faster Act (2022) – and municipal policy, which seek to address this shortfall.</p>
<p>No longer seek party status at the OLT to secure Minutes of Settlement as a blanket approach to oppose development applications in areas experiencing accommodation pressures.</p>	
<p>Consideration of other forms of agreement outside of the OLT process, such as commitment letters from the developer confirming occupancy timing no earlier than an agreed-upon date.</p>	

Table II-1: OLT Case Summary – TLC Involvement 2023

	TDSB WARD	AREA	DEVELOPMENT ADDRESS / INITIATIVE	APPLI-CATION TYPE ¹	OLT File #	TLC/TDSB STATUS AT OLT ²	NATURE OF TLC/TDSB AT OLT	OUTCOME (TRIBUNAL DECISION)	ISSUES
A. DEVELOPMENT APPLICATIONS									
1.	3	Etobicoke Centre	4340 Bloor St W	ZBA	OLT-22-003672	Party	Negotiated Minutes of Settlement with the developer to secure revised plan, mitigating wind, shadow, vehicular access impacts on Millwood Jr School	Settlement hearing held June 2023 – OLT approval of development, including zoning by-law reflecting negotiated settlement with TLC/TDSB	Land Use (impact on adjacent Millwood Jr School)
2.	14	Wynford-Concorde (DVP/ Eglinton)	1-3 Concorde Gate & 10-12 Concorde Place	ZBA, DPS	OLT-22-002185	Party	Attended mediation; OLT approved zoning by-law includes new public school space able to accommodate a 600 pupil place JK-5 school (in podium)	Settlement hearing held June 2023 – OLT approval of development. Final OLT order pending finalization of zoning by-law (draft zoning by-law reflects requested TDSB school)	Student accommodation (Gateway PS), lack of local school
3.	14	Wynford-Concorde (DVP/ Eglinton)	175 Wynford Dr	ZBA	OLT-21-001257	Party	Attended mediation to seek school space. Withdrew (2023) following progression of 1-3 Concorde Gt site	Settlement hearing held June 2023 – OLT approval of development	Student accommodation (Gateway PS), lack of local school
4.	8	South Hill (St Clair /Avenue Rd)	438-440 Avenue Road	OPA, ZBA	OLT-22-002490	Party	Attended mediation; MOS to reduce building height from 24 to 21 storey, reducing shadow impact	Settlement hearing held June 2023 – OLT approval of development, including zoning by-law which reflected the reduced building height sought by TLC	Shadow impact (Brown JPS)
5.	8	Midtown	181-191 Eglinton Ave E	ZBA	OLT-23-000146	Participant	Monitoring appeal to ensure potential changes do not negatively impact TDSB site. Prepared participant statement identifying issues of concern.	TBD – case management conference or settlement hearing scheduled February 2024	Proximity to Eglinton Jr PS
6.	10	Yorkville	100 Davenport Rd	ZBA	OLT-22-004195	Participant	Monitored appeal to ensure potential changes do not negatively impact TDSB site	TDB – settlement hearing not yet set by OLT	Proximity to Jesse Ketchum Jr & Sr PS

	TDSB WARD	AREA	DEVELOPMENT ADDRESS / INITIATIVE	APPLI-CATION TYPE ¹	OLT File #	TLC/TDSB STATUS AT OLT ²	NATURE OF TLC/TDSB AT OLT	OUTCOME (TRIBUNAL DECISION)	ISSUES
7.	18	South West Scar-borough	1615-1640 Kingston Road	ZBA	OLT-21-001332	Party	Attended mediation; MOS to address need to relocate school playfield to mitigate shadow impacts of proposed development	Minutes of Settlement achieved and approved by OLT (September 2023)	Shadow impact on Birch Cliff PS site
8.	17	Scar-borough Centre	300 Borough Dr	OPA	OLT-22-004605	Party	Attended mediation to secure opportunity(ies) in policy for potential TDSB elementary school	TBD – mediation ongoing	Student accommodation (St. Andrews PS), lack of local school
9.	17	Golden Mile	1920-1940 Eglinton Avenue E	OPA	OLT-22-002062	Party	Engaged in discussions with developer about locating school within development. Reviewed policy language coming out of settlement discussion between the City and applicant to secure opportunity for future school	TBD – settlement hearing not yet set by OLT, but Council approved OPA includes potential opportunity for school within development	Student accommodation, lack of local school
10.	17	Golden Mile	1960 Eglinton Avenue E	OPA	OLT-22-002442	Party (withdrawn)	Withdrew party status in Jan 2023 after securing potential school locations in more suitable portions of the secondary plan area.	Settlement hearing held March 2023 – OLT approval of development. Final OLT order pending finalization of OPA	Student accommodation, lack of local school
B. CITY PLANNING INITIATIVES									
11.	17 / 18	Golden Mile	Golden Mile Secondary Plan OPA 499	OPA	OLT-22-002510	Appellant (Party)	Attended mediation and settled with City on policies. Recommended policy revisions were approved by City Council (March 2022) and are pending presentation to the Tribunal for approval.	TDB – settlement hearing not yet set by OLT	Policies that support TDSB's ability to secure appropriate school sites and align growth with school accommodation
12.	All	City-wide	City-wide Zoning By-law 569-2013	ZBA	OLT-22-002465 (PL130 592)	Appellant (Party)	Attended formal mediation in 2017; ongoing meeting with City staff and TCDSB to resolve issues	TBD – first phase settlement forthcoming	Zoning of school uses and school sites

¹ Application types: OPA = official plan amendment; ZBA = zoning by-law amendment; DPS = draft plan of subdivision

² To be involved in an OLT hearing, the OLT would need to grant either Party or Participant status. Parties have a more active role and certain statutory obligations, whereas Participants are generally limited to providing participant statements.

III. Greater Participation in the City’s Development Application and Approval Process

TLC, on behalf of the TDSB, is a commenting agency for development applications in the City of Toronto and is formally circulated on all development applications (official plan amendments, zoning by-law amendments, site plans, plans of subdivision) in the City of Toronto. The table below includes the updated approach regarding the development application and approval process, as set out in the October 2022 Strategy Update Report, and outlines the actions TLC and TDSB staff have undertaken.

Table III-1: Pillar III Summary – Approach & Actions to Implement Strategy

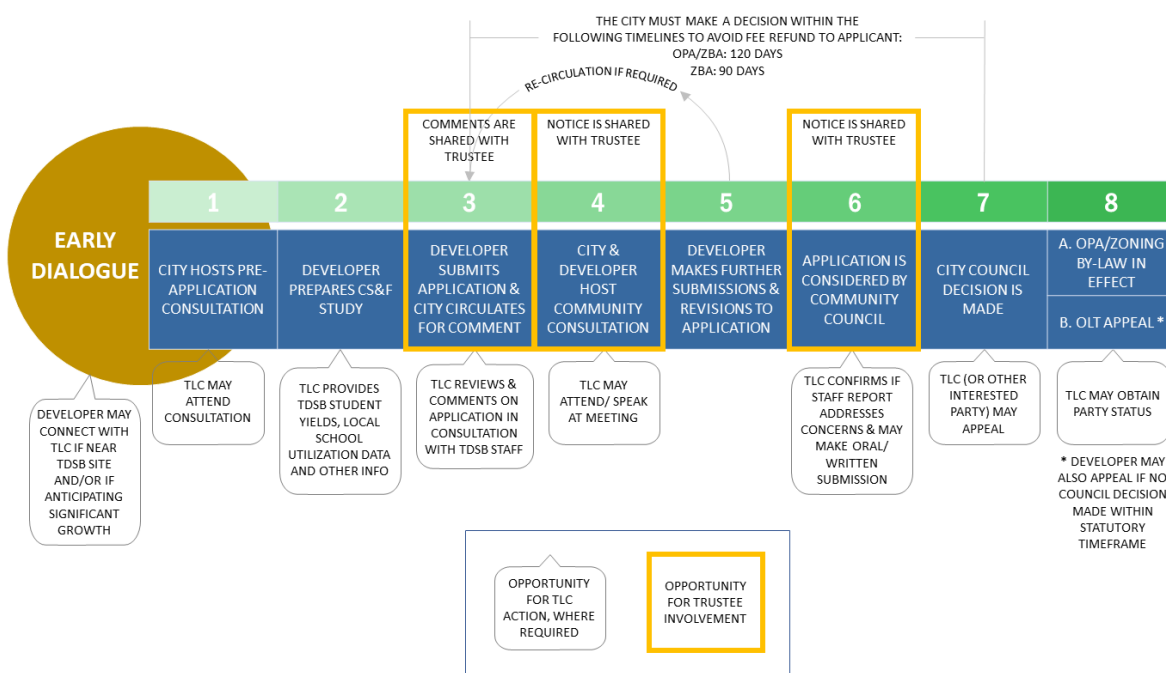
Approach	Actions
Provide thorough and timely comments to the City on planning applications in advance of their consideration by Council	TLC in collaboration with TDSB staff continue to provide thorough and timely comments (443 letters in 2023) that meet the City’s application review deadlines, which have shortened as a result of provincial legislative changes.
Work closely with the City to ensure that the issue of student accommodation is clearly articulated	Comments provided to the City on development applications include updated language and a link to a TDSB webpage with additional resources (described below). TLC staff hold quarterly meetings with City planning staff to discuss areas with significant accommodation pressures.
Work in close partnership with the City and developers on specific development applications where planning issues exist	TLC continues to work in close partnership with the City and developers in securing potential opportunities for new school sites in communities with planned growth and intensification.
Engage early in the planning process to mitigate land use planning impacts from new development and costly appeals at the OLT	TLC staff engage early in the planning process through reviewing and commenting on development applications near TDSB properties, in accordance with the process set out in the TLC’s Development Review Guideline, with refined updates as set out in the October 2022 Strategy Update Report. TDSB administration and school staff (Principal, Superintendent of Education, Facilities Services staff, Occupational Health & Safety staff, Traffic Safety consultant) where appropriate, are also engaged in this process. TLC is working with City staff to ensure involvement at relevant Pre-Application Consultation meetings.
Amend the language in correspondence to the City on proposed development applications to reflect the potentially disruptive measures the TDSB may need to take to accommodate new students.	New language has been implemented, as detailed below.

Approach	Actions
Amend the language on development site signage to incorporate a QR code and landing page to provide helpful information to members of the public on the TDSB's approach to accommodation and land use planning.	New signage language has been implemented, as detailed below.

Changes to the Municipal Planning Approval Process

Bill 109, *More Homes for Everyone Act, 2022* received Royal Assent in April 2022, introducing a number of changes intended to reduce the development application timeframe, including punitive measures (i.e. application fee refunds) for exceeding legislative review timelines. In 2023, the City of Toronto initiated changes to implement Bill 109, including updated application review timelines, eliminating the requirement for preliminary staff reports for official plan and zoning by-law amendment applications, and the requirement for zoning by-law amendment and site plan applications to be filed consecutively. As a result of these changes, application review times have become shorter for TLC and TDSB staff and the need to engage early in the process is even more important for applications in residential growth areas and/or with proximity impacts on a TDSB school. A diagram outlining the planning process is provided below, highlighting opportunities for staff and Trustee involvement:

OPPORTUNITIES FOR TLC & TDSB INVOLVEMENT IN THE CITY OF TORONTO PLANNING PROCESS



As of April 3, 2023, a mandatory Pre-Application Consultation (PAC) meeting between City staff and the applicant is a prerequisite to the submission of a development application. The requirement applies to official plan amendment, zoning by-law amendment, plan of subdivision and site plan applications. TLC staff are working with City staff to ensure notification of PAC meetings and opportunity to engage early in the process, particularly for applications in residential growth areas and/or with potential land use proximity impacts on a TDSB school or site.

Site Plan Conditions of Approval – Warning Clauses and Signage on Development Sites

In areas where TDSB staff have advised that there are or may be student accommodation challenges, TLC staff continue to communicate those concerns in commenting letters to the City on development applications. As outlined in the October 2022 Strategy Update Report, TLC’s commenting letters include updated statements that indicate to the City and developer that future students from the development may not be able to be accommodated at the local school, and that potentially disruptive measures need to be taken to ensure that space is available at the local school in the future. As a condition of site plan approval, TLC staff continue to request warning clauses be included in purchase and sale/lease/rental/tenancy agreements to inform new residents, and that the developer place a sign on the development site as follows:



As set out in the October 2022 Strategy Update Report, the language on these signs has been amended to support information sharing with the public and increase transparency as to the TDSB’s approach to land use and accommodation planning.

A landing page for the QR code has been created containing helpful resources on how the TDSB manages enrolment growth from new residential development, information on where TDSB is redirecting students from new residential development to other schools outside of the immediate area, and Frequently Asked Questions.

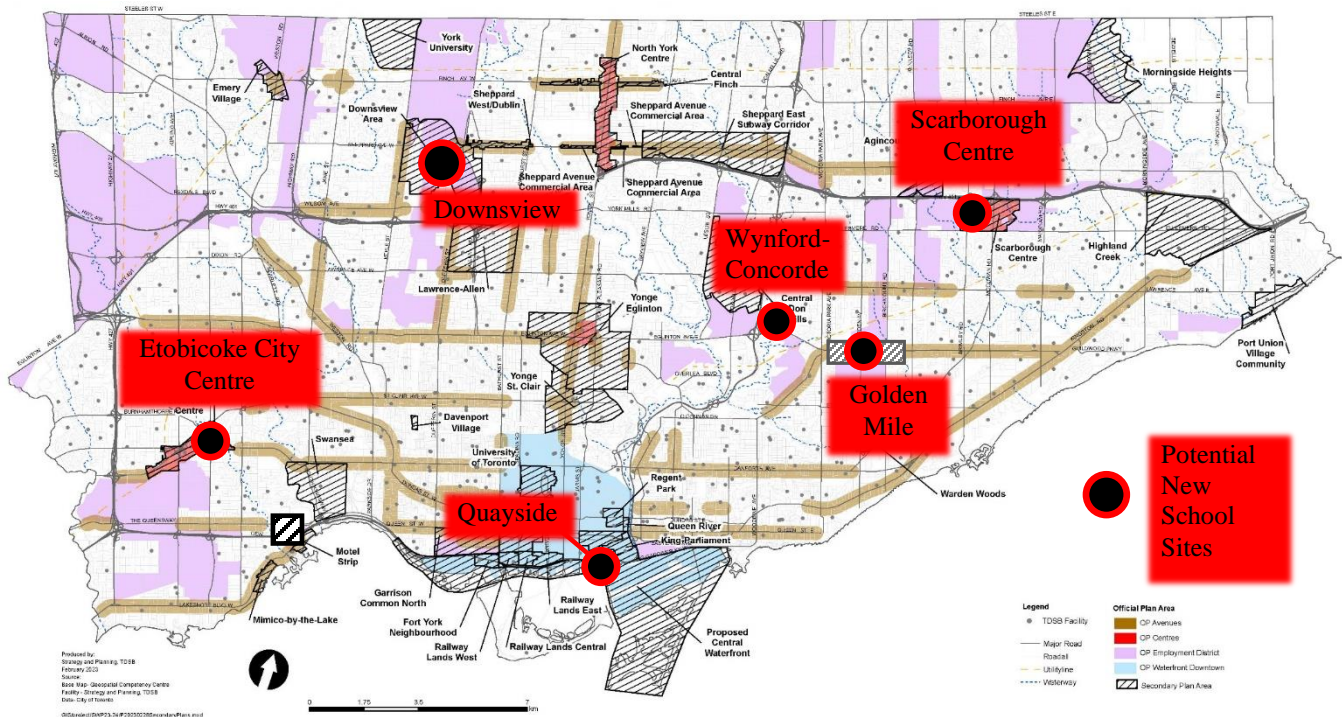
Equity

TLC staff consider the school’s Learning Opportunities Index (LOI) ranking when reviewing development applications near a TDSB school. City planning staff and developers are advised of the additional factors and barriers to participation that may need to be considered to ensure inclusive and accessible public engagement opportunity is provided for the school community.

The school administration staff (Principal, Superintendent of Education) and Trustee are also advised of the development application, to share with the school community.

Securing Opportunities for Potential New School Sites

TDSB and TLC staff have continued to advance discussions for potential new school sites in emerging neighbourhoods across the city, including Etobicoke City Centre, Downsview, Quayside, Wynford-Concorde, Golden Mile, and Scarborough Centre. These opportunities have been identified early in the planning stages through extensive work with staff at the City as well as the developers. In some cases, staff have had to proceed to the OLT to ensure that these opportunities are preserved in the final approved plans.



Review and Mitigating Impacts of Development Near School Sites

Engaging earlier in the process has allowed the TLC to resolve land use planning impacts through the development approval process, and in some cases avoiding an appeal to the OLT. Examples of mitigating development impacts near school sites since the October 2022 Strategy Update Report include:

- 4340 Bloor Street West – Active application. Mitigating concerns with building massing, setbacks, balcony, wind, vehicular access and construction concerns from Millwood Junior School
- 2345 Yonge Street – Active application. Resubmitted materials removed amenity space directly adjacent North Toronto Collegiate Institute playing field following safety concerns outlined by TLC.
- 47 Ranleigh Avenue – Active application. Resubmitted materials reduced massing of proposed building adjacent Bedford PS and added roof-top amenity space screens to reduce overlooking

IV. Affecting Change within the Provincial Policy, Funding and Regulatory Context

The Strategy outlined several areas where increased collaboration with the provincial government was required for the TDSB to ensure that schools were available to address growth and intensification in the city. The table below includes the updated approach for this pillar as set out in the October 2022 Strategy Update Report and summarizes the actions TLC and TDSB staff have undertaken to implement the Strategy.

Table IV-1: Pillar IV Summary – Approach & Actions to Implement Strategy

Approach	Actions
Continue to advocate to the provincial government for greater presence, influence and autonomy in land use and capital planning processes.	A number of significant provincial legislative, regulatory and policy changes have been made or proposed that impact land use and capital planning. As these changes were emerging, TDSB and TLC staff have taken advantage of available opportunities for advocacy, highlighted below in this report.

Provincial Changes

Bill 23, *More Homes Built Faster Act, 2022*

Bill 23, *the More Homes Built Faster Act, 2022* received Royal Assent on November 28, 2022. Bill 23 makes changes to legislation related to planning and development, development charges, heritage, conservation authorities, and new construction, with the objective of supporting the provincial objective of getting 1.5 million homes built over the next ten years. TLC staff prepared a summary of the changes and preliminary assessment of potential impacts on TLC/TDSB ([Report #2023-01-15](#)), which was presented to TLC's Policy and Planning Committee in January 2023 and subsequently shared with Trustees. Staff continue to monitor and assess these changes as they are implemented in the City of Toronto.

Bill 98, *Better Schools and Student Outcomes Act, 2023* and related regulatory changes

Bill 98, *Better Schools and Student Outcomes Act, 2023* received Royal Assent on June 8, 2023, which made broad amendments to the *Early Childhood Educators Act*, the *Education Act*, and the *Ontario College of Teachers Act*. The Bill 98 changes included allowance for new and amended regulations governing school board property. In the Fall of 2023, school boards were invited to review proposals for changes to two regulations and provide comments. TDSB and TLC staff reviewed the proposed changes and prepared comments set out in [TDSB Report #10-23-4610](#) that was presented to TDSB's Finance, Budget and Enrolment Committee and TLC Board in October 2023.

1. O. Reg 374/23 Acquisition and Disposition of Real Property

O. Reg 374/23 came into effect December 31, 2023. TLC and TDSB staff are reviewing and discussing the new regulation and will be seeking additional clarification from the Ministry on certain matters.

2. Proposed New Regulation: Schools on a Shared Site

The second regulation for comment is a new regulation dealing with schools on shared sites. This regulation will provide a process for school boards to follow to construct a school on a shared site, for example, a school built in the podium of a residential tower. As of the date of this report, the Ministry has not released the new regulation.

Proposed Provincial Planning Statement

In April 2023, as part of the Province’s housing-focused policy review, a new proposed Provincial Planning Statement (“Proposed PPS”) was released as a draft for review. The Proposed PPS is intended to replace the existing provincial planning policy documents: A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (“A Place to Grow”) and the Provincial Policy Statement, 2020 (the “PPS 2020”). In general, the proposed new policies align with the direction the TDSB is taking with respect to many new school opportunities in emerging high-density neighbourhoods, and also support TLC’s mandate to modernize public schools and unlock the potential of TDSB properties for the benefit of students, staff, and communities. To provide further support in the delivery of these mandates, TLC staff have requested additional provincial planning policy changes, which are set out in the correspondence to the Ministry of Municipal Affairs & Housing in August 2023. Specifically, the request addressed:

- Prioritizing schools - policies that prioritize and expedite development approvals for schools, requiring planning authorities to consider the use of all tools available to them, to ensure that schools can be available when residential developments are occupied.
- Phasing of development / school capacity – policies that require municipal planning approvals to consider the adequacy of existing and planned school sites, and for municipalities to establish and implement phasing policies to ensure the orderly progression of development and the timely provision of public service facilities in conjunction with that growth.
- Innovative approaches in school design – policies to ensure school boards are given full opportunity to participate in determining when and what innovative approaches may be appropriate, ensuring flexibility in policies and standards to allow for innovative school facilities.
- Leveraging development proponents – policies that that encourage/incentivize private sector and public sector partners to include school facilities within their development through municipal planning measures such as density exemptions and bonusing, and community benefit charge credits.
- Optimizing public open space – policies that direct municipalities to collaborate and consult with other public agencies (including school boards) in coordinating, planning, and sharing public open space, to ensure the use and potential of these public assets are optimized.

It is the understanding of TLC staff that Ministry of Education and Ministry of Municipal Affairs and Housing staff are discussing the above noted requested changes.

Advancing the Modernization Strategy

In light of the capital funding challenges faced by TDSB, TLC has been exploring potential alternatives through a modernization strategy that seeks to leverage the value of TDSB assets to support the renewal and construction of new schools, along with exploring other broader city building objectives which strengthen the communities these schools serve. See [TLC Report #2023-10-052](#), presented to the TLC Board and TDSB Board of Trustees in October and November 2023. Specifically, the TLC Board directed staff to prioritize and continue to explore development and redevelopment potential on three TDSB sites.

TDSB and TLC staff have continued to meet with Ministry staff to ensure that the modernization strategy is supported, and that the TDSB is able to proceed is able with these opportunities.

Appendix B



Strategy to Address City Growth and Intensification: Update

To: Planning and Priorities Committee

Date: 20 October, 2022

Report No.: 10-22-4415

Strategic Directions

- Allocate Human and Financial Resources Strategically to Support Student Needs

Recommendation

It is recommended that the updated Strategy to Address City Growth and Intensification be received.

Context

In June 2018, the Board of Trustees approved the Strategy to Address City Growth and Intensification to strengthen and enhance the TDSB's role in the municipal planning process to better serve school communities and to meet the TDSB's infrastructure needs.

The Strategy to Address City Growth and Intensification is a multi-pronged approach based on four pillars:

- I. Affecting Change within the Municipal Policy Making Process;
- II. Representation at the Local Planning Appeals Tribunal (LPAT);
- III. Greater Participation in the City's Development Application and Approval Process; and
- IV. Affecting Change within the Provincial Policy, Funding and Regulatory Context.

Specifically, the Board approved that staff:

- a) Ensure that future planning policy documents reflect the TDSB's interests in the provision of school accommodation as a component of a complete community. Such interests to reflect in policy the principle that development cannot proceed unless adequate school accommodation can be provided;

- b) Take any and all measures to ensure future development proposals are phased to align with the adequate provision of school accommodation;
- c) Seek redress from proponents of development in the form of assets that can contribute to the provision of school accommodation;
- d) Take any and all measures to minimize adverse impacts resulting from development adjacent to school sites;
- e) Meet with development proponents early in the planning process to ensure the TDSB's accommodation needs are understood; and
- f) Report periodically to the Board, at a minimum annually, to provide a general overview and highlights of the various land use planning matters in which the TDSB is involved.

As per recommendation f), the Toronto Lands Corporation (TLC), who has responsibility for land use planning matters on behalf of the TDSB, has provided updates on progress made on the Strategy in their annual update reports.

In April 2022, the Board of Trustees approved a motion that directed staff to update the Strategy, inclusive of Trustee input, and to report back to the Board.

Staff from both the TLC and TDSB have worked collaboratively over the past few months to prepare and co-author the updated Strategy. Each organization remains highly involved and active in the planning process to ensure that expertise in both student accommodation planning and land use planning is reflected in the work.

Working Relationship Between the TDSB and the TLC

The collaborative relationship that exists between Planning staff at the TLC and the TDSB is critical to successfully implement the Strategy. Input from both teams is required to ensure that each development application, policy initiative, or study is reviewed in a comprehensive manner.

Since the Strategy was approved in June 2018, the TLC and the TDSB have worked together to review and comment on nearly 1,500 development applications throughout the city. Similarly, staff from both teams have been active in participating in over 26 municipal policy initiatives and studies to ensure that the TDSB's interests were represented.

TDSB Planning staff are responsible for reviewing each development application and policy initiative from the lens of student accommodation involving: forecasting pupil yields; analyzing projected enrolment at local schools to assess impacts of new development; identifying the need for future school sites based on proposed urban structure; and determining studies to address accommodation issues because of new development.

TLC Land Use Planning staff are the conduit to the City of Toronto Planning Department and the development community, and are responsible for reviewing each development application and policy initiative through the land use planning lens involving: determining whether a development is anticipated to have adverse impacts on TDSB property to ensure the health and safety of students and staff; facilitating the review of construction management plans; assessing whether creative opportunities may exist for new school opportunities; and attending public consultation meetings on behalf of the TDSB.

Planning staff from both organizations meet regularly to review all residential development applications and non-residential applications near or adjacent to TDSB sites to determine the nature of the response to the City. Staff from the TDSB advise on accommodation impacts, and staff from the TLC advise on land use impacts.

Further, staff from both organizations are involved in each policy initiative led by the City or developer. Examples of this include Community Services and Facilities Strategies, as well as working groups such as those organized for the major redevelopments at Downsview and Canada Square.

Updating the Strategy to Address City Growth and Intensification

To date, the collaboration between the TDSB and the TLC in moving the Strategy forward has been successful. The recommendations approved by the Trustees in 2018 remain relevant and continue to be implemented.

There have been several lessons learned over the past four years that will influence staff's implementation of components of the Strategy. The work to date and modifications within each of the four pillars is described below.

I. Affecting Change within the Municipal Policy Making Process.

Work to Date:

Both TLC and TDSB staff had taken a more prominent and active role in the City's development of municipal policy documents prior to the approval of the Strategy in 2018. Staff were active on many initiatives that regulate, inform and guide how the city grows and intensifies including Official Plan Amendments, Site and Area Specific Policies, and Urban Design Guidelines.

Staff from the TDSB and the TLC continue to play a highly active role in these processes, many in key growth areas that will impact long-term student accommodation. Examples of this work include:

- Participating in the City's Technical Advisory Committees and Community Services and Facilities Working Groups for major planning initiatives;

- Initiating meetings with City Planning staff to review and discuss ‘hot spot’ areas where intensification has, or is anticipated to, impact the TDSB’s ability to accommodate students at local schools;
- Participating in the City’s Official Plan review, which is currently underway;
- Reviewing and providing comments on draft secondary plans and other policy documents; and
- Working with developers and landowners to ensure school sites are secured in emerging neighbourhoods.

In these land use planning initiatives, staff have been consistent in emphasizing the importance of complete communities, where schools are considered integral and essential components of a healthy neighbourhood.

Holding Provisions and Phasing Development

When a development application is circulated, the practice is to notify the City through written correspondence on the status of space availability in local schools (either sufficient space is available or is not available). In 2018, this practice was expanded in areas experiencing severe accommodation challenges to include a clause stating that the TDSB does not support an application in its current form.

The intent of this statement was to highlight the accommodation challenges that exist in some neighbourhoods, and to suggest that the phasing of growth and student accommodation was an issue to be addressed through the development process.

To address the issue of aligning new residential development with the ability of local schools to accommodate it, staff at the TDSB and the TLC explored the use of holding provisions to align the occupancy of development with space being available at local schools. This concept emerged through a series of discussions with internal and external legal staff to identify potential tools to better align growth with the availability of space in local schools. Staff from the TDSB and the TLC met with City Planning and legal staff on many occasions to discuss this opportunity.

The City may impose holding by-laws on new residential development to ensure that critical infrastructure is in place prior to new dwellings being constructed. This practice is bestowed upon the City through Section 36 of the Provincial Planning Act and is reflected in the City’s Official Plan as a tool to manage growth. However, the concept of imposing a holding provision to allow the TDSB time to implement changes to create space at local schools or construct new facilities was not supported by City Planning and legal staff.

The City’s approach in recent years has been to implement holding provisions with conditions that can be satisfied by the developer (e.g., delivering infrastructure improvements). As neither the developer nor the City has the ability to control the

timing of provincial funding for new school space, the City has not been willing to implement a holding provision to delay new residential development on the grounds of insufficient school capacity.

Further, delaying or denying development applications on the grounds of insufficient local school capacity is also at odds with broader provincial directives such as greater intensification along key transit corridors and the increased provision of affordable housing.

School boards in Ontario have an obligation under the Education Act to accommodate all students within their respective jurisdictions and have the tools available to create space such as using portables, realigning school boundaries, moving programs, bussing students to schools where space is available, and building more space through the Ministry of Education's Capital Priorities program.

Instead of seeking holding provisions on new development applications, the TDSB and the TLC will continue to work collaboratively with the City and proponents of new residential development to identify new and creative opportunities for school sites, where appropriate, as a proactive means of providing accommodation for future students. For example, staff are working with the City and developers to secure opportunities to build schools in mixed-use developments in emerging neighbourhoods such as Canada Square, the Golden Mile, the Christie Lands, and Downsview.

Where new sites are not required and residential development is anticipated to cause or increase accommodation pressure at a school, TDSB staff will continue to work with Trustees through the TDSB's Long-Term Program and Accommodation Strategy process to identify appropriate measures to address the enrolment pressures through future studies.

Updated Approach

- TDSB and TLC staff will continue to:
 - Play an active and prominent role in the City's development of municipal policy documents;
 - Work proactively with the City and developers to identify new and creative opportunities for new school sites, where appropriate;
 - Advocate for policies that reflect the critical role schools play in achieving complete communities; and
 - Take action to protect TDSB assets from adverse impacts of residential development.
- TDSB and TLC will no longer seek holding provisions on new development. City Planning and legal staff have been very clear that placing a holding provision on

a development application on the grounds of insufficient local school accommodation is not supported.

II. Representation at the Ontario Land Tribunal

In June 2021, the Ontario Land Tribunal (OLT) was established, which amalgamated the Local Planning Appeal Tribunal (LPAT), Environmental Review Tribunal, Board of Negotiation, Conservation Review Board, and the Mining and Lands Tribunal. The provincial government introduced this change to decrease the amount of time required to resolve land use planning disputes and to increase housing supply across the province.

When the Strategy was presented to Trustees in 2018, the province had recently made changes to the LPAT that influenced how the TDSB engaged in the process. Those changes were largely reversed by the province in 2019, returning to broader planning appeal grounds and a hearing process with the Tribunal making final decisions.

Work to Date:

Staff from the TLC and the TDSB have been actively participating in cases before the OLT where representation was necessary to address issues related to student accommodation, securing new school sites, language in municipal policies, and development adjacent to school sites.

TDSB and TLC staff, supported by external legal counsel, have been successful in working with parties at the OLT to better align development with the provision of school capacity by securing Minutes of Settlement (MOS) in the Midtown and High Park areas. These are agreements that contractually bind the developer (and their successors) from occupying dwellings in their development before a certain date. The MOS are secured in advance of a contested hearing, thereby avoiding a lengthy process requiring significant staff time and cost, and with uncertain outcomes.

The dates in the MOS are typically linked to studies in the TDSB's Long-Term Program and Accommodation Strategy that are oriented toward creating space at a local school to accommodate enrolment growth. Although these MOS are a tool being used to align development with the provision of local school capacity similar to a holding provision, the dates secured in the Midtown and High Park MOS have generally aligned with the developer's own timeline, therefore not causing an overly burdensome delay for them.

To date, there have been a total of 15 settlements that secure occupancy timing for residential development to ensure it is phased to better align with the TDSB's timing and strategy for providing sufficient local school accommodation.

Staff from the TDSB and the TLC have also been able to resolve broader policy issues related to future school sites at the OLT. Examples of this work include securing language that allows for flexibility on urban design requirements and different school models (JK-8, 7-12, 9-12) on sites in the Port Lands area of the downtown waterfront.

Further, through mediation or direct discussions with the developer, TLC and TDSB staff have been successful in negotiating revised development proposals and agreements with developers to achieve lower building heights resulting in reduced shadows on TDSB property, increased setbacks, elimination of balconies overlooking school sites, enhanced interface between the development and school property, traffic safety improvements, and active involvement of TLC and TDSB in construction management plans and site design committees. These achievements have protected the TDSB's interests in numerous developments across the city.

Updated Approach

- TDSB and TLC staff will continue to:
 - Seek party and/or participant status at the OLT on matters where the interests of the TDSB need to be protected, such as policy initiatives where new school sites need to be secured or where a proposed development is anticipated to cause adverse impacts on a TDSB site;
 - Prioritize negotiating a consensual resolution of some or all of the issues in dispute through mediation rather than a full hearing;
 - Advocate for policies that provide for new educational facilities in the City's policy documents; and
 - Ensure that any comments submitted to the City about a planning application focus on consistency and conformity with applicable provincial and municipal policy.

- The TDSB and TLC will no longer be seeking party status at the OLT to secure MOS as a blanket approach to oppose development applications in areas experiencing accommodation pressures. Obtaining party status at the OLT is a costly endeavor for the TLC and requires external legal counsel and potentially significant TDSB and TLC staff time. Further, the dates secured through the MOS have generally been aligning with the developer's own project timelines and are not providing a significant amount of additional time for the TDSB. However, there may be instances where seeking party status is necessary to protect the TDSB's interests.

- Where appropriate, TDSB and TLC will consider other forms of agreement outside of the OLT process, such as commitment letters from the developer confirming occupancy timing no earlier than an agreed-upon date. While these letters will not have the same legal weight as formal MOS, they provide a level of

comfort to the TDSB for creating enrolment projections and student accommodation plans.

III. Greater Participation in the City's Development Application and Approval Process

The Planning Act establishes a legislated municipal planning approval process. School boards have no statutory authority in that process, but similar to other organizations and members of the public, the TDSB has the opportunity to participate in the planning process. Appendix A contains a diagram illustrating the process in the City of Toronto for Official Plan and Zoning By-Law applications, and the different opportunities for involvement by the TDSB and TLC.

In areas where student accommodation or proximity to a school site is anticipated to be challenging, TDSB and TLC staff have been very effective in coordinating meetings with City staff, developers and their consultant teams earlier in the process.

These meetings are opportunities for the City and developer to understand the impact that a proposed development may have on the local schools and sites.

Work to Date:

Securing Potential School Sites

TDSB and TLC staff have continued to be successful in securing opportunities for new schools in emerging neighbourhoods across the city. These opportunities have been identified early in the planning stages through extensive work with staff at the City as well as the developers. In some cases, staff has had to proceed to the OLT to ensure that these opportunities were preserved in the final approved plans.

Examples of new school opportunities that have been identified recently include the Christie Lands in south Etobicoke, Canada Square in Midtown, and the Golden Mile in Scarborough. Staff from both teams continue to be engaged in work to secure additional sites in emerging neighbourhoods such as Downsview and Wynford-Concorde in North York and East Harbour in the downtown.

Staff will continue to advance this work in emerging communities where new schools are required to meet the needs of future students and families.

Review and Mitigating Impacts of Development Near School Sites

Engaging earlier in the process has allowed the TLC to resolve land use planning impacts through the development approval process, and in some cases avoiding an appeal to the OLT.

TLC prepared the “Development Review Guideline: Reviewing Proposed Development in the Vicinity of TDSB Sites” to ensure development applications in the vicinity of TDSB properties are reviewed in a comprehensive and consistent manner. This guideline was received by the TLC Board in September 2019, and forwarded to the TDSB for information in October 2019, in TLC Board Report # 2019-09-791. The guideline continues to be refined and updated, and includes:

- Communication and consultation with TDSB school administration to ensure the school is informed and operational concerns are considered;
- Detailed review and assessment of potential shadow impacts on TDSB property based on policy considerations and utilizing software tools to model built form changes and incremental shadow;
- A refined process to minimize the impact of construction on TDSB students, staff, and properties through commitments at zoning and site plan stages, and a team-based review of construction management plans with TDSB staff

Signage on Development Sites

In areas where local schools are experiencing accommodation challenges the TDSB and TLC staff request that the developer place a sign on the development site indicating that local schools are full and that students may be redirected to another school with space.

The language on these signs is being amended to reflect a more welcoming tone as well as a QR code that will direct members of the public to the TDSB website where additional information will be housed. This change in approach is to support information sharing with the public and increase transparency as to the TDSB’s approach to land use and accommodation planning.

A landing page for the QR code is being created that will contain helpful resources on how the TDSB is involved in the land use planning process, information on how the TDSB engages in planning for student accommodation and Frequently Asked Questions.

It is anticipated that the new signs, inclusive of the QR code and landing page will be up and running for the Fall of 2022. An example of the sign can be found in Appendix B.

Correspondence to the City on Development Applications

TDSB and TLC staff have changed the language in correspondence that is sent to the City on development applications in areas where accommodation challenges exist. These letters now include statements that indicate to the City and developer that future students from the development may not be able to be accommodated at the local

school, and that potentially disruptive measures may need to be taken to ensure that space is available at the local school in the future. This revised language is as follows:

“To address accommodation challenges that may arise, the Board may need to use portables to accommodate students or engage in studies to explore options for creating space at a local school. These options include changing school boundaries, moving programs, or bussing new students to another school, among others. These studies are made publicly available in the Board’s Long-Term Program and Accommodation Strategy and may be subject to Board approval and (in some cases) include public engagement.”

Further, TDSB and TLC staff worked together to develop a more robust response template for the City’s information requests related to Community Services and Facilities Studies. These templates were designed to ensure that applicants better understand the TDSB’s accommodation needs and the development’s impact on TDSB schools.

Updated Approach

- TDSB and TLC staff will continue to:
 - Provide thorough and timely comments to the City on planning applications in advance of their consideration by Council;
 - Work closely with the City to ensure that the issue of student accommodation is clearly articulated;
 - Work in close partnership with the City and developers on specific development applications where planning issues exist; and
 - Engage early in the planning process to mitigate land use planning impacts from new development and costly appeals at the OLT.
- TDSB and TLC staff will amend the language in correspondence to the City on proposed development applications to reflect the potentially disruptive measures the TDSB may need to take to accommodate new students.
- TDSB and TLC staff will amend the language on development site signage to incorporate a QR code and landing page to provide helpful information to members of the public on the TDSB’s approach to accommodation and land use planning.

IV. Affecting Change within the Provincial Policy, Funding and Regulatory Context

Work to Date:

The Strategy outlined several areas where increased collaboration with the provincial government was required for the TDSB to ensure that schools were available for emerging communities in high density parts of the city. In some cases, holding students at nearby schools is challenging due to small sites and the inability to accommodate portables.

To meet the long-term accommodation needs of these areas, the TDSB may need to construct new schools prior to having a critical mass of students 'in hand'. The TDSB receives funding from the provincial government through the Capital Priorities program to support new schools and expansions to existing schools. Typically, the criteria from the Ministry will give priority to projects where the need for new school capacity is demonstrable, i.e., students are 'in hand' and accommodated in a holding arrangement. Secondary consideration is given to projects where the accommodation pressure is projected to emerge within five to ten years.

The inability to secure and construct new schools in advance of a critical mass of students was a challenge that existed in the Lower Yonge Precinct. This rapidly developing part of the city's central waterfront was projected to place incredible strain on local schools once fully occupied, and the TDSB was able to secure an opportunity for a new elementary school within the podium of a condominium tower in the area.

In advance of and during the Capital Priorities process in 2021 where the Lower Yonge Precinct school was to be submitted for consideration, TDSB and TLC staff worked collaboratively with Ministry staff to communicate the challenges associated with the current model that prioritized projects that demonstrated an existing pressure over a projected one.

One of the primary challenges was the developer's timeline for the project, specifically a deadline that required the TDSB to commit to the project, after which point the opportunity would be lost. Significant inroads were made with Ministry staff through a series of meetings on the project to ensure that the urgency associated with the Lower Yonge Precinct was fully understood. In April 2021, funding was approved for the future school.

There are no students currently residing in the Lower Yonge Precinct, meaning that the TDSB was successful in advocating for the ability to build schools in high density emerging communities in advance.

This approach will likely be replicated in other areas of the city where schools in mixed-use developments are proposed, such as the Golden Mile and Christie Lands.

Education Development Charges

In February 2018, the TDSB filed an application for a judicial review of the existing Education Development Charge (EDC) regulation, Ontario Regulation 20/98. The TDSB's position was that the regulation as currently written undermines the fundamental purpose of the EDC that growth pays for growth.

Unfortunately, the TDSB's position was not supported by the Superior Court and the judicial review was dismissed in June 2021. The ruling found that EDCs still permit growth to pay for growth but can be levied for that purpose only when school capacity is required within the area served by the school board. As a result of the many underutilized schools that exist throughout the city, the ruling suggests that this underutilized capacity is still an opportunity for the TDSB to accommodate students from new development.

Exploring Creative Funding Opportunities

Although EDCs remain unavailable to the TDSB staff, in consultation with the province, will continue to pursue changes that create the conditions for the TDSB to engage in direct agreements with developers to secure a levy in areas where significant density is being proposed.

This model was applied when the Railway Lands was proposed for redevelopment in the late 1980's and ultimately paid for two new elementary schools which opened in 2018: Jean Lumb PS and Bishop Macdonell CS.

Although not appropriate in all areas, there are emerging neighbourhoods where a large amount of density has been proposed that will require one or more new schools to accommodate future students. For example, the redevelopment of the Bombardier Lands in Downsview will house approximately 80,000 new residents. This massive substantive change to urban structure in the area will necessitate a number of new schools to accommodate future students. A levy regime, if agreed to by the province, on new residential units in this area could create a revenue stream to fund these future schools when they are required.

Advancing the Modernization Strategy

The TLC has developed a modernization strategy that seeks to leverage the value of TDSB assets to support the construction of new schools across the city. This is a departure from the current framework whereby the TDSB is reliant on Capital Priority grants to construct new schools and expand existing ones.

TDSB and TLC staff must continue to work with the Ministry to ensure that the modernization strategy is supported, and that the TDSB is able to proceed. The current framework mandates that Proceeds of Disposition (POD) are to be used for renewal

work only, not to support the cost of new school facilities unless exempted by the Minister of Education.

Updated Approach

- Continue to advocate to the provincial government for greater presence, influence and autonomy in land use and capital planning processes.

Trustee Input

In September 2022, the Strategy to Address City Growth and Intensification was sent to all Trustees. Staff requested feedback from Trustees on the Strategy to better inform the approach to updating the document.

A total of six responses was received from Trustees. The key themes and staff responses are summarized in Appendix C.

Action Plan and Associated Timeline

Implementation of the Strategy will continue. Following receipt of this report, staff will reaffirm to the TLC that the Strategy to Address City Growth and Intensification is the strategy to be utilized, on behalf of the TDSB, with development applications at the City of Toronto and provincial entities.

Resource Implications

Staff resources at the TLC will need to be reviewed to ensure that the various components of the Strategy can be fulfilled.

In some instances, external legal and/or land use planning expertise may be sought to assist in preparing for hearings at the OLT. This includes Case Management Conferences, mediation, and full hearings before the OLT.

Communications Considerations

Communication strategies will be developed as required.

Board Policy and Procedure Reference(s)

Not applicable.

Appendices

- Appendix A: Municipal Planning Process
- Appendix B: Language on Signs on Development Sites
- Appendix C: Feedback from the Trustees

From

Stacey Zucker, Associate Director, Modernization and Strategic Resource Alignment, at stacey.zucker@tdsb.on.ca or at 416-397-3188

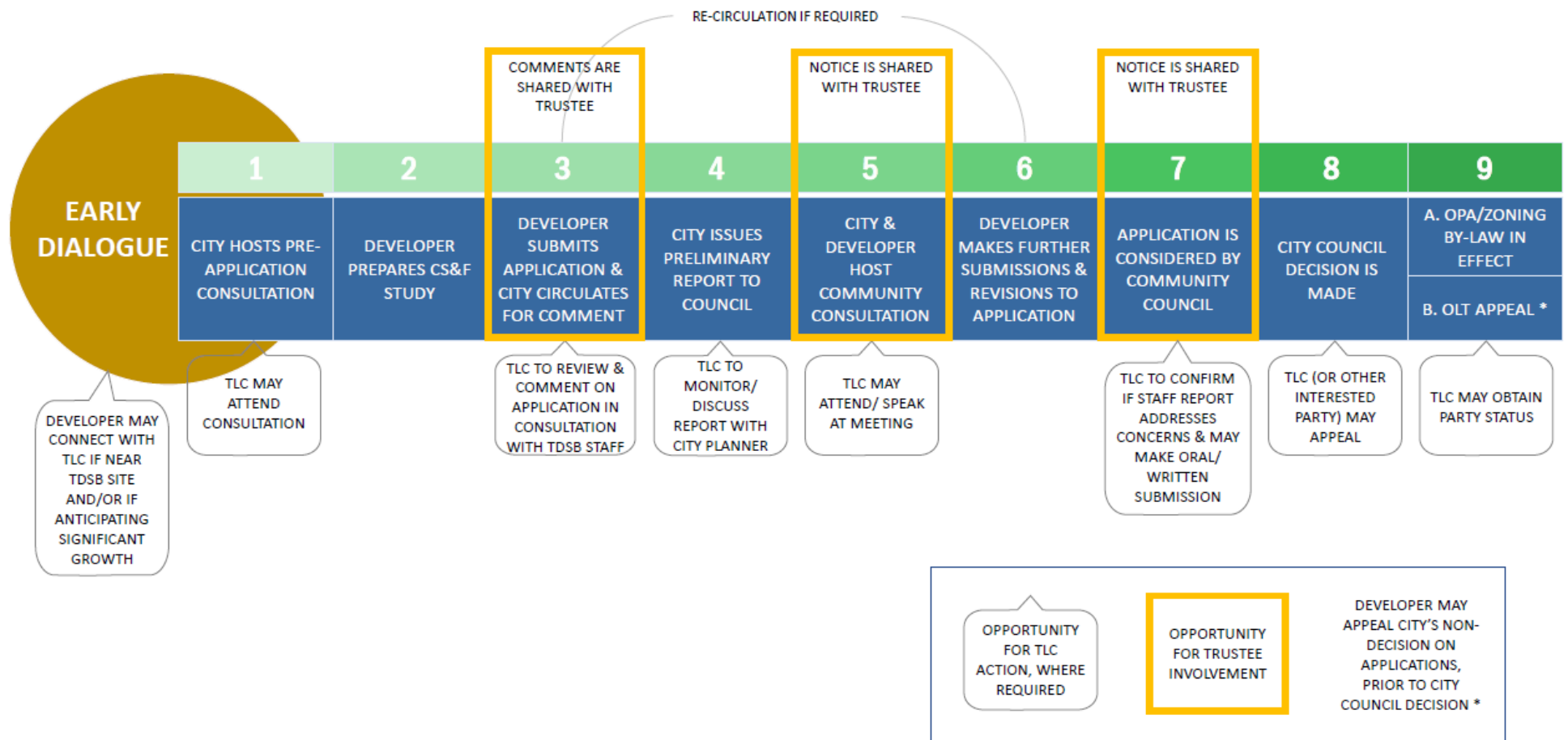
Maia Puccetti, Executive Officer, Facility Services and Planning, at maia.puccetti@tdsb.on.ca or at 416-393-8780

Andrew Gowdy, System Planning Officer, Strategy and Planning, at andrew.gowdy@tdsb.on.ca or at 416-394-3917

Dan Castaldo, Senior Manager, Strategy and Planning, at daniel.castaldo@tdsb.on.ca or at 416-428-1857

Municipal Planning Process

Opportunities for TLC and TDSB Involvement in the City of Toronto Planning Process



Language on Signs on Development Sites

Current Language on Development Redirection Sign:



Important Notice to New and Potential Residents

The Toronto District School Board makes every effort to accommodate students at local schools. However, due to residential growth, sufficient accommodation may not be available for all students. Students may be accommodated in schools outside this area until space in local schools becomes available.

For information regarding designated school(s), please call 416-394-7526.

Planning Division
Toronto District School Board

Revised Language:



The Toronto District School Board Welcomes You!

Every effort is made to accommodate students at local schools. Due to increasing enrolment, local schools may not have space for students from this address. If this is the case, students will be sent to other schools with available space. Students may be bussed until space becomes available locally.

For more information, please scan the QR code,
or go to <https://www.tdsb.on.ca/Residential-Developments-And-Schools>,
or call 416-394-7526.



Planning Division
Toronto District School Board

Feedback from the Trustees

On September 22, 2022, a survey was sent to all Trustees requesting input into the Strategy to Address City Growth and Intensification. A total of six responses was received from Trustees. The four questions asked in the survey are listed below, along with a high-level summary of the key themes reflected in the feedback, and comments from staff on those themes.

Question 1: Do you feel that the Strategy and the pillars are effective in guiding the Board's involvement in the Land Use Planning process?

Key Themes

- Responses generally indicated support for the pillars and their effectiveness
- One response indicated that the pillars should be stronger
- The need for greater clarity for the public on the pillars and the work being undertaken

Staff Response

Staff will continue working on a refined public website for the Strategy that will contain a variety of accessible materials that provide more information to the public. Signs on development sites will include a QR code that connects to the website where materials can be easily accessed.

Question 2: Are there any changes that you feel are needed to strengthen the pillars?

Key Themes

- Exploring measurable goals
- 'Sub-pillars' to provide more detail on each of the four pillars
- Better communication and consultation with the public, accessible materials to increase public knowledge
- Clarity on the roles the TDSB and the TLC play in the process

Staff Response

The updated report includes a section that outlines the roles played by both TDSB and TLC in the process. The report also details how the two organizations have worked closely together over the past five years to implement the Strategy.

The TLC website currently includes an interactive map and information on TDSB/TLC's involvement at the OLT, major city planning initiatives, and development near school sites. Staff will continue to explore how the TLC and TDSB public websites can be improved to include information on how the Strategy has been implemented. The website is an accessible place where materials (letters, maps, FAQ) could be posted that clearly explain for the public how the Board is involved in land use planning matters.

Staff at the TDSB and the TLC will consider how measurable goals could be developed to track progress on the Strategy and report back to the Board in future updates.

Question 3: Is there anything that should be added or eliminated from the Strategy or the pillars?

Key Themes

- Proactive outreach to developers and other private sector partners
- Stronger language clearly stating that staff and the Board will organize against development where accommodation pressures exist at local schools
- Greater Trustee voice in the land use planning process

Staff Response

Staff have drafted the Strategy and the pillars to align with the Board's ability to influence land use planning under existing legislation. School boards are not granted any authority within the Planning Act to significantly affect or influence the land use planning process, but do have the opportunity (similar to any other stakeholder / member of the public) to participate in the process and provide advice and recommendations for consideration by City Council.

Under the Strategy, staff will:

- Continue to advise the City through written correspondence of the accommodation challenges faced by many school communities;
- Continue to make deputations to City Council on development applications in areas where accommodation challenges exist;

- Continue to participate in public meetings to share concerns around development and the impacts on schools;
- Continue to work with developers to better align timing with adequate local school accommodation – either at the Ontario Lands Tribunal or through direct conversations outside of the process;
- Continue to work with the City on land use planning initiatives to ensure that policies in these documents include schools as a critical element of complete communities; and
- Continue to work with developers and the City where proposed developments are expected to have adverse impacts on TDSB property.

With respect to Trustee involvement, staff from the TDSB and the TLC will consider ways to improve how Trustees are engaged on land use planning matters. Appendix A to this report outlines the stages in the municipal planning process where the currently TLC engages the local Trustees.

Question 4: Are there any other comments that you would like to share with us?

Key Themes

- Be proactive to improve the TDSB's position
- Greater collaboration with the relevant Ministry's at the province as well as the City on developing complete communities
- Greater Trustee and community involvement in land use planning decisions

Staff Response

Staff acknowledges the importance of being proactive in the land use planning process to identify creative ways to address the TDSB's needs. This approach will continue to be the focus as the Strategy is implemented.

Collaboration with the provincial government is critical to ensure that planning legislation is changed to better reflect the role of school boards in the development of complete communities. Staff will continue to pursue these changes where appropriate.

Staff from the TDSB and the TLC will consider ways to improve how Trustees are meaningfully engaged on land use planning matters. Appendix A to this report outlines

the stages in the municipal planning process where the TLC currently engages the local Trustees.

INFORMATION ITEM**ONTARIO REGULATION 374/23- SUMMARY OF CHANGES AND PRELIMINARY ASSESSMENT OF POTENTIAL IMPACTS TO SCHOOL BOARD PROPERTIES****COMMITTEE DECISION**

The Committee received the report for information.

To: HR, NOMINATING & GOVERNANCE COMMITTEE

Date: January 9, 2023

RECOMMENDATION:

It is recommended that the report be received for information.

EXECUTIVE SUMMARY

On April 17, 2023, the Ontario Legislature introduced Bill 98, also known as the *Better Schools and Student Outcomes Act, 2023*. This Bill made several amendments to the *Education Act*, including changes to Schedule 2, Section 19 of the Act which aims to streamline the process by which boards surplus and dispose of property.

On December 6, 2023 the Province released Ontario Regulation 374/23: *Acquisition and Disposition of Real Property* which provides the directives to support the amendments in the *Better Schools and Student Outcomes Act, 2023*. The new Regulation, which will come into force on December 31, 2023, is intended to replace O.Reg. 444/98.

Toronto Lands Corporation (TLC) has reviewed the legislative changes introduced through O.Reg. 374/23: *Acquisition and Disposition of Real Property* related to the disposition of properties owned by the Toronto District School Board (TDSB). This report will provide a high-level overview of the proposed changes as they relate to the following:

- Circumstances in which a board may make or shall make a sale, lease or disposition
- Circumstances in which a board shall give notice to the Minister of a sale, lease or disposition or obtain the approval of the Minister for the sale, lease or disposition
- Details around the conduct of a sale, lease or disposition
- Bodies to whom school sites or parts of school sites or property may or must be offered
- Directives around the price or other considerations for a disposition, and
- Directives around the use of the proceeds of a disposition

AUTHORITY OR DIRECTION FOR UNDERTAKING PROJECT

Authority or Direction (select from drop down): Shareholders Direction

STRATEGIC GOAL AND ANNUAL PLAN DIRECTIONS

N/A

DUE DILIGENCE (Select all that apply)**Policy & Planning Committee**

- | | |
|---|---|
| <input type="checkbox"/> Site Inspection | <input type="checkbox"/> Planning Report |
| <input type="checkbox"/> Official Plan> | <input type="checkbox"/> Consultation with Local Trustee |
| <input type="checkbox"/> Zoning | <input type="checkbox"/> TDSB Staff Review and Agreement |
| <input checked="" type="checkbox"/> Reg 444/98 (O.Reg 374/23 replaces this) | <input type="checkbox"/> Consultation with TDSB Executive Staff |
| <input type="checkbox"/> Appraisal Report | <input type="checkbox"/> Consultation with TDSB Planning Staff |
| <input type="checkbox"/> Environmental Report | <input type="checkbox"/> Consultation with TDSB Finance Staff |
| <input type="checkbox"/> Title Check | <input type="checkbox"/> Historical Assessment |
| <input type="checkbox"/> Other: | |

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

RISK LEVEL

- N/A

ACTION PLAN AND ASSOCIATED TIMELINES

- N/A

TLC AND TDSB BOARD POLICY AND PROCEDURE REFERENCE(S)

- N/A

APPENDICES

- **Appendix A: Assessment of Regulatory Impacts**

FROM

Ryan Glenn, Interim Chief Executive Officer, Toronto Lands Corporation rqlenn.tlc@tdsb.on.ca

Barbara Carou, Manager, Partnerships and Development, Toronto Lands Corporation
bcarou.tlc@tdsb.on.ca

APPENDIX A: ASSESSMENT OF REGULATORY IMPACTS

The changes proposed by Ontario Regulation 374/23: *Acquisition and Disposition of Real Property*, support amendments to Section 19 of Schedule 2 of the *Education Act*, which sets out a new framework for managing assets no longer needed for educational purposes by a school board.

The new legislation has the intended outcome of streamlining and standardizing the process by which boards dispose of property no longer required to meet pupil accommodation needs. The proposed changes look to assist boards in maximizing their capital assets; expedite the use of property surplus to a board's needs to satisfy the need of another school board; and provide opportunities for other provincial priorities such as building affordable housing and long-term care facilities.

The following is a summary of the proposed amendments through O.Reg. 374/23 that are related to the disposition of properties owned by the Toronto District School Board (TDSB).

Disposition of Property

Discretionary Disposition

Section 1(1) sets out a regime for the discretionary disposition of a property by a board which adds new clarity around the ability of a board to be able to not only sell lease or otherwise dispose of a school site, but also to be able to surplus a “portion” of school site as well as “other property” not required for the purposes of the board.

Section 1(2) provides new opportunities for boards to expedite the sale, lease or disposition in whole or in part of a school site by exempting transactions from the notice of disposition process, provided the following is achieved:

- The board adopts a resolution that the disposition is a reasonable step in a plan to provide accommodation for pupils
- The transaction is a “swap” allowing for a replacement school site
- The board will continue to use the disposed site for pupil accommodation
- The Minister approves the disposition

The board is required to notify the Minister when negotiations begin, provide information as requested and obtain the approval of the Minister prior to entering into an agreement. The prescribed time period within which the Minister must notify the board remains at no more than 60 days from the day of notice.

Mandatory Disposition

Bill 98 provides the Minister of Education with greater direct and indirect influence regarding the utilization of surplus school board facilities and lands including the ability to mandate a disposition if a board does not voluntarily elect to do so.

Section 2(1) of the new Regulations supports the changes in *Bill 98* by allowing the Minister to notify the board of the requirement to lease, sell or dispose of a school site or other property which is not being used or has not been identified as required to meet the board's pupil accommodation needs for the next 10 years. However, the framework establishes that prior to doing so, the Minister shall review whether additional factors need to be considered or consultation needs to be completed before a decision is made. Specification on what additional factors the Minister may take into consideration were not outlined as part of the new Regulation.

However, provisions are also made within the Regulation that allow the Minister, at its discretion, to exempt a school site or property from this process if the board can demonstrate that it will need the property for pupil accommodation at a time more than 10 years into the future. If the Minister agrees to provide such exemption, it may be given with or without conditions.

Notice of Disposition and Exemptions to Disposition

The new Regulation proposes significant changes to the circulation process of surplus property, as it significantly reduces the prioritized list of public bodies to whom notice must be given. Through the new Regulation, the Minister has the discretion to identify to whom an offer must be made considering the following persons or bodies, and in the following order of priority:

- **School boards-** A surplus property would first be assessed by the Minister as to whether it is needed by another school board for pupil accommodation.
- **The Crown-** If the surplus property is not needed by another school board, the Crown has priority for acquisition.
- **Persons or bodies requiring property in order to achieve Provincial priorities-** The Minister has the ability to assess whether a property should be granted to a person or body in order to address critical Provincial priorities.
- **Other Persons or Bodies-** If the surplus property is not needed for public education or other provincial priorities, the Minister would direct school boards to dispose of the property on the open market.

The coterminous school board would continue to retain priority for obtaining surplus lands from another school board for education purposes, however, the new Regulation significantly changes the previous circulation process which required notice be given to a much broader list of public bodies.

Within this new framework, the Ministry has 120 days after receiving notice that the board intends to surplus, lease or dispose a property to identify a person or body to whom the property must be offered to; or otherwise inform the board the property may be offered to any person or body.

Once the person or body to whom the offer shall be made is identified, the board and such party have 180 days to enter into an agreement to dispose of the property. If an agreement is not reached in that time and an extension is not granted by the Minister, the board may offer that property to any person or body or elect to restart the property disposition process.

Exemptions

In addition to an exemption to the Notice of Disposition Process for properties outlined in section 1(2) related to pupil accommodation, new exemptions are also granted if a property is required by the municipality or board of the municipality for infrastructure projects outlined in the *Development Charges Act, 1997* or for the purposes of child focused programming as per the *Child Care and Early Years Act, 2014*.

Exemptions also apply in instances where a board may sell, lease or otherwise dispose of property for the purpose of granting easements.

Valuation and Proceeds of Disposition

Fair Market Value

The proposed regulation continues to indicate disposition, sale or lease of property by school boards, in all instances, would need to be conducted at fair market value.

The one potential exemption to this rule, requiring further clarification, is noted in Section 1(3)a “the granting of the easement is for consideration that a board considers reasonable.”

Proceeds of Disposition

School boards would continue to be allowed to reinvest processed of disposition of surplus property in their school facilities as per Ontario Regulation 193/10. No changes were proposed to broaden or provide more flexibility as to where proceeds of disposition may be utilized. Changes were also not made to the requirements for Ministry approval.

COMMENTS

The proposed regulatory amendments through O.Reg 374/23 are intended to create a more efficient process to dispose of surplus property and continue to allow for the reinvestment of proceeds of disposition by school boards in their schools. The Regulation also better positions

the Province to leverage property surplus to a school board's requirements for use by another school board and/or other provincial priorities such as building affordable housing and long-term care facilities. However, there are a number of sections within the Regulation where further clarification is required:

- Section 1(3)b refers to language around "... granting of an easement for consideration that the board considers reasonable". Clarification is required whether "reasonable consideration" trumps the requirement for fair market value.
- Section 2 (1) affords the Minister to direct the sale of a property that is not required to meet pupil accommodation needs in the next 10 years. The Minister may also exempt a site from this process if the board can demonstrate that it will need the property for pupil accommodation at a time more than 10 years into the future. However, is unclear whether this exemption is only limited to properties that support pupil accommodation. Often times, sites that have a non-operating school may be used to support the delivery of other educational programs and services such as continuing education and adult learning, administration, training, and facility maintenance. Non-operating schools may also be reserved to accommodate students of planned school rebuild projects in addition to being held for future schools.
- There is no information or context to understand the circumstances in which the Minister "may" direct a board to act on surplus property. It would be helpful to understand the additional factors which will be considered by the Ministry before deciding on whether the property must be disposed of.
- The regulation in section 5(1) 1. "The Minister shall identify the person or body to whom the property must be offered, *if the board intends to offer [the property] to any person or body*" is vague. Further clarification is required as to whether the board has the ability to dispose of a property to a specific group (as long as it meets the priorities set out by the Ministry) or whether this is at the sole discretion of the Ministry.
- If a property is deemed surplus by a board, and there is no need for it by another school board, the property is to be considered as an opportunity to support provincial priorities. Further details are required as to how the list of priorities will be communicated to the boards, including any new priorities that may arise from time to time.

As part of the Ministry's consultation on the draft regulations, TLC and TDSB provided a number of comments for consideration. In addition to recommendations on the disposition of surplus property, suggestions were also made to include changes to the regulations that address challenges around consideration for fair market value and restrictions on the use of proceeds of disposition. The comments provided to the Ministry on this subject are summarized below:

- Recommendation for an amendment to be added to the regulation that enables the board to request Ministerial exemption in the need to obtain fair market value where a direct benefit is being secured that enhances the education and learning opportunities for students (i.e., Davisville Aquatic Centre adjacent to Davisville Junior Public School)
- Recommendation for amendments that provide greater flexibility in the use of proceeds of disposition for other purposes beyond facility renewal, allowing the board to better respond in a timely manner and enhance the learning environment for students. Specifically, that permission be given to use proceeds of disposition for:
 - a. Building new pupil places such as additions, replacement schools and new schools.
 - b. Improving barrier-free accessibility to schools
 - c. Upgrading outdated instructional spaces in schools such as science labs and shops
 - d. Expanding under-sized gyms in schools
 - e. Renovating space to accommodate changes in program such as converting a regular classroom into a kindergarten room

While O.Reg. 374/23 does acknowledge the need to consider other provincial priorities, including affordable housing and long-term care facilities, the new Regulation does not reflect the recommendations put forward by TLC and TDSB to broaden the requirement around fair market value to include other direct benefits to education. The continued requirement to obtain fair market value for land, as proposed by O.Reg 374/23, will likely impact the feasibility of delivering on other Provincial priorities on school lands.

Requested changes to the way a board can apply proceeds of disposition beyond that of school renewal were also not reflected.

REFERENCES

- O. Reg. 374/23: Acquisition and Disposition of Real Property
<https://www.ontario.ca/laws/regulation/r23374>
- Bill 98, Better Schools and Student Outcomes Act, 2023
<https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-98>
- Ontario Regulation 444/98: Disposition of Surplus Real Property and Acquisition of Real Property (under Education Act, R.S.O. 1990, c. E.2)
<https://www.ontario.ca/laws/regulation/980444>

DECISION ITEM**Disposition of Scarlett Heights Property, 15 Trehorne Drive****To: Planning and Priorities Committee****Date:** February 6, 2024**RECOMMENDATION:**

It is recommended that

1. That the Toronto Lands Corporation (TLC) be authorized to enter into agreements with the Toronto Catholic District School Board upon satisfactory completion of Ontario Regulation 444/98 to dispose of the Scarlett Heights property, located at 15 Trehorne Drive, on terms and conditions satisfactory to TLC's legal counsel;
2. TLC be granted authority to execute all agreements and other documents as required to give effect thereto in a form and content satisfactory to its legal counsel; and
3. The report be forwarded to the TDSB Board for approval.

EXECUTIVE SUMMARY

The Scarlett Heights building is a secondary school facility located in the center of Etobicoke, northeast of Eglinton Avenue West and Royal York Road, in Ward 2. In 2018 this facility was closed as an operating school due to declining enrolment. In 2019, York Memorial Collegiate Institute was relocated into this facility as a temporary holding solution due to substantial fire damage. York Memorial CI was subsequently re-located to George Harvey CI in the summer of 2022 and the Scarlett Heights facility is currently vacant.

The Scarlett Heights facility is part of a large 18-acre TDSB property that includes Hilltop Middle School. TDSB reviewed both school facilities and concluded that Hilltop MS continues to be required and is better suited to satisfy the long-term student accommodation requirements in this area. In June 2022, the TDSB Board decided to create two parcels of land from the site. The east parcel, the one that contains the Scarlett Heights facility, was declared surplus and referred to TLC to complete the disposition and severance processes.

In accordance with Regulation 444/98, TLC circulated the property in early 2023 to other public agencies and received interest from the Toronto Catholic District School Board. TLC commenced negotiations with TCDSB and agreement on the terms was reached in January 2024. TCDSB advised that they will seeking approval of the agreement at their Board in early February 2024.

The primary terms of the agreement include:

- TCDSB to purchase the 10-acre former Scarlett Heights property for \$61,200,000;
- TDSB will continue to operate Hilltop MS on the remaining 8 acres;
- TDSB/TLC to complete the severance process;
- TDSB to pay for the removal of an existing solar panel system and the corresponding solar power easement from the roof of the school building;

- Each party will complete necessary site improvements on their respective lands resulting from the splitting of the larger site, including storm water control sewer, play field improvements, relocation of the existing track;
- Both parties will share the cost of the installation of a boundary fence on the new property line;
- TCDSB is required to sign a subsequent sale agreement with TDSB that returns any profits from a re-sale of the property within a 20-year period;
- TCDSB will be required to obtain Ministry approval

TLC also started the severance process with the City of Toronto. On August 3rd, the City's Committee of Adjustment approved the severance application. As part of the approval, the City required that the TDSB convey 0.4 metres of land along Royal York Road for future road widening, among other standard conditions (i.e. municipal addressing, registering the draft r-plan, etc).

This transaction represents an excellent example of transferring surplus TDSB land to another school board so that it can continue to be used for public benefit. Funds from this transaction will be used by TDSB to complete capital improvements on its schools, including repairs to Hilltop MS.

AUTHORITY OR DIRECTION FOR UNDERTAKING PROJECT

Authority or Direction (select from drop down): Shareholders Direction

STRATEGIC GOAL AND ANNUAL PLAN DIRECTIONS

TDSB Strategic Plan Goal: (include all that apply)

- Provide Equity of Access to Learning Opportunities for All Students
- Allocate Human and Financial Resources Strategically to Support Student Needs
- Build Strong Relationships and Partnerships with School Communities to Support Student Learning and Well- Being

Working with the TCDSB to create a strong partnership to generate revenue that supports student learning at TDSB

TLC Strategic Plan Goal: (include all that apply)

- Transform Student Learning Environment through the Modernization of Facilities
- Create a Culture of Partnership & Collaboration with Key Stakeholder Groups
- To be a highly functioning organization successfully aligning TLC's & TDSB Missions and the Shareholder's Direction

Collaborating with another school board partner to achieve mutually beneficial results and success

DUE DILIGENCE

Policy & Planning Committee

- | | |
|--|--|
| <input checked="" type="checkbox"/> Site Inspection | <input type="checkbox"/> Planning Report |
| <input checked="" type="checkbox"/> Official Plan | <input type="checkbox"/> Consultation with Local Trustee |
| <input checked="" type="checkbox"/> Zoning | <input type="checkbox"/> TDSB Staff Review and Agreement |
| <input checked="" type="checkbox"/> Reg 444/98 | <input checked="" type="checkbox"/> Consultation with TDSB Executive Staff |
| <input checked="" type="checkbox"/> Appraisal Report | <input checked="" type="checkbox"/> Consultation with TDSB Planning Staff |
| <input type="checkbox"/> Environmental Report | <input checked="" type="checkbox"/> Consultation with TDSB Finance Staff |
| <input checked="" type="checkbox"/> Title Check | <input type="checkbox"/> Historical Assessment |
| <input type="checkbox"/> Other: | |

FINANCIAL IMPLICATIONS

Sale Price: \$61,200,000
 Less: Removal of Solar Panels - estimated to be \$1,100,000
 Hilltop MS Playground work - TDSB to provide estimate
 Hilltop MS water retention system – TDSB to provide estimate
 Boundary Fence – TDSB to provide estimate
 Legal Fees – estimated to be \$15,000
 Appraisal Fees – \$18,800
 Severance Fees - \$25,000
 R-plan – \$5,000
 Topographic Survey - \$10,000

RISK LEVEL

N/A – Low

ACTION PLAN AND ASSOCIATED TIMELINES

- February 15, 2024 – TLC Board Approval
- March 6, 2024 – TDSB Board Approval
- February 2024 – TCDSB Board Approval
- Closing date is 20 days following TCDSB waiver of their conditions, including environmental, planning, and title review, along with receipt of Ministry approval
- TDSB is required to remove the solar panels within 90 days of execution of the agreement

TLC AND TDSB BOARD POLICY AND PROCEDURE REFERENCE(S)

- Shareholder Direction
- Toronto District School Board Disposition of Property Policy

APPENDICES

- **Appendix A:** Review of the Scarlett Heights Property, 15 Trehorne Drive – April 12, 2022
- **Appendix B:** Review of the Scarlett Heights Property, 15 Trehorne – June 22, 2022
- **Appendix C:** TDSB Board Resolution – July 5, 2022
- **Appendix D:** TCDSB Expression of Interest – February 2023

FROM

Ryan Glenn, Interim Chief Executive Officer, Toronto Lands Corporation, at rglenn.tlc@tdsb.on.ca or at 437-219-8191.

Kevin Bolger, Manager of Real Estate and Leasing, Toronto Lands Corporation, at kbolger.tlc@tdsb.on.ca or at 416 254-5665.



Update on the Review of the Scarlett Heights Property, 15 Trehorne Drive

To: Planning and Priorities Committee

Date: 12 April, 2022

Report No.: 04-22-4304

Strategic Directions

- Provide Equity of Access to Learning Opportunities for All Students
- Allocate Human and Financial Resources Strategically to Support Student Needs

Recommendation

It is recommended that the update on the review of the Scarlett Heights property be received.

Context

The purpose of this report is to provide an update on the status of the Scarlett Heights building and the review to determine its long-term future. The Scarlett Heights building is a secondary school facility located in the centre of Etobicoke, northeast of Eglinton Avenue West and Royal York Road, in Ward 2 (Trustee MacLean).

In 2018, Scarlett Heights Entrepreneurial Academy closed as an operating secondary school due to declining enrolment. In 2019, York Memorial Collegiate Institute was relocated into the Scarlett Heights building as a temporary holding solution due to the fire that devastated the York Memorial building. In the summer of 2022, York Memorial CI will be relocated to the George Harvey building to become a single consolidated school with George Harvey CI. After this relocation, the Scarlett Heights building will be vacant.

When a building becomes vacant, staff reviews the property to determine the TDSB's long-term need for it. There are three possibilities for vacant sites: they can be used to address a current pressure; they can be sold to achieve efficiencies and generate revenue; or they can be kept to address a future pressure and leased out until required.

Staff is currently in the process of reviewing the Scarlett Heights building to determine its long-term future and has the following findings to share.

Is a TDSB secondary school needed on the site?

The Scarlett Heights building is not required to serve as a future TDSB secondary school because the area is well served by another secondary school, Kipling CI, that has space to accommodate any growth that occurs over the long term.

Through the Pupil Accommodation Review that concluded with the closure of Scarlett Heights Entrepreneurial Academy, Kipling CI was identified as the local secondary school to serve the Scarlett Heights neighbourhood. The addresses in the Scarlett Heights neighbourhood are all within 4.8 km distance of Kipling CI (4.8 km is the distance within which secondary students are expected to make their own way to school). Kipling CI was renovated and improved through the closure process. The school has sufficient space to accommodate any growth that may occur over the long term (it is currently 67% utilized).

Is a TDSB elementary school needed on the site?

There is already a TDSB elementary school on the property. The Scarlett Heights building is located on a large 18-acre property that also accommodates Hilltop Middle School (see Appendix A for an aerial photo of the property). Hilltop MS is a viable school that is a necessary component of the TDSB's distribution of sites to accommodate local students within walking distance.

Hilltop MS currently has 515 students and is 84% utilized. The school has a regular program, a French Immersion program, and two Special Education programs. In 2020-21, a decision was made to start a new intermediate-level French Immersion program in southern Etobicoke to improve geographic accessibility to the French program. The implementation of this new French program will decrease the size of the French program at Hilltop MS. Over the long term, the enrolment at Hilltop MS is anticipated to decrease to approximately 400-450 students (65-73% utilization). There is no need for more space to accommodate elementary students in this area.

Which building is the best to keep for the TDSB?

Because the Scarlett Heights building and the Hilltop building are on the same property, there is an opportunity to compare the two buildings and keep the best one to accommodate Hilltop MS. The other building can be sold because it is not required to provide a local TDSB presence in the neighbourhood.

It is staff's opinion that the Hilltop building should be kept and continued to be used for accommodating Hilltop MS for the following reasons:

- The Hilltop building is the appropriate size to accommodate Hilltop's enrolment. The Scarlett Heights building has a larger capacity than is required for Hilltop MS. If Hilltop MS were to occupy the Scarlett Heights building, the school would be under-utilized over the long term – approximately 50% utilized.
- The Hilltop building is in better condition than the Scarlett Heights building. The Scarlett Heights building has a renewal backlog of \$10.8M; the Hilltop building has a renewal backlog of \$5M.
- The Hilltop building is more efficient to operate than the Scarlett Heights building. The Hilltop building has 145 square feet per pupil place; the Scarlett Heights building has 150 square feet per pupil place. Preceding the closure of Scarlett Heights Entrepreneurial Academy, the Scarlett Heights building had an annual operating cost (caretaking and maintenance) of approximately \$450,000. Hilltop MS had an annual operating cost of approximately \$395,000.

Is there interest from other public agencies in purchasing the site?

The Toronto Catholic School Board has expressed interest in purchasing the Scarlett Heights building to use for a secondary school. The Ministry of Education is supportive and has provided the TCDSB with capital funds to establish this school. From an overall site configuration perspective, the better location to place a secondary school on the 18-acre property is on the eastern portion where the Scarlett Heights building is situated. It is closer to a major street and public transit and will minimize traffic going through the adjacent residential neighbourhood.

Next Steps

Staff will organize a public meeting to inform the community of the review of the Scarlett Heights building, staff's recommendation to keep the Hilltop building and sell the Scarlett Heights building, and to collect feedback. The meeting will be held in May 2022. Following the public meeting, staff will present a report to the Board of Trustees for decision-making in the June 2022 cycle of meetings.

Action Plan and Associated Timeline

A public meeting will be held in May 2022 at a time to be arranged with the local Trustee. A report containing the feedback from the public meeting and staff's recommendation will be submitted to the Planning and Priorities Committee on June 22, 2022, and to the Board of Trustees on June 29, 2022.

Resource Implications

The public meeting will be paid for from the budget of the Strategy and Planning Department.

Communications Considerations

Not applicable.

Board Policy and Procedure Reference(s)

Not applicable.

Appendices

- Appendix A: Aerial Photo of the Scarlett Heights and Hilltop Property

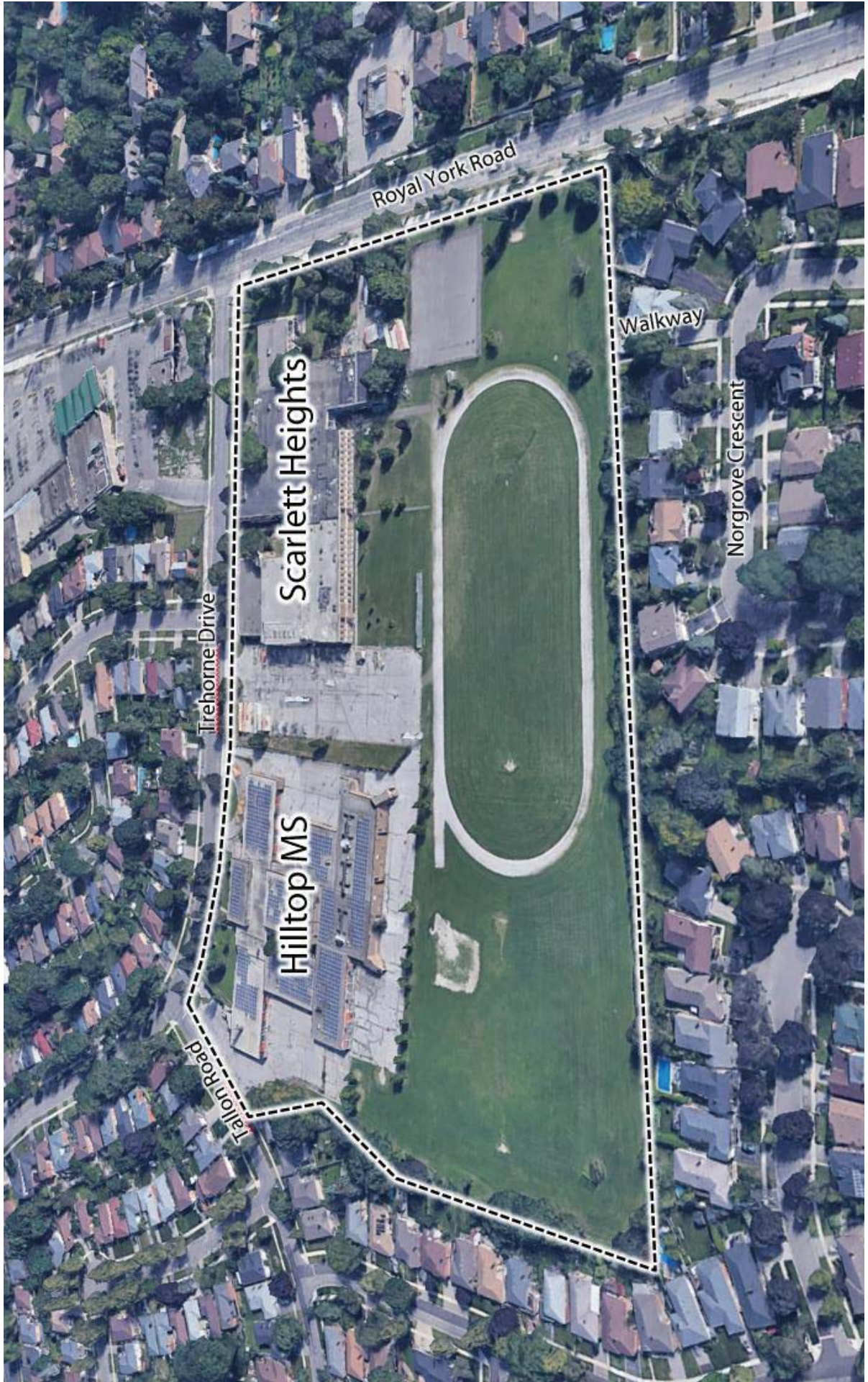
From

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Aerial Photo of the Scarlett Heights and Hilltop Property





Review of the Need for the Scarlett Heights Property, 15 Trehorne Drive

To: Planning and Priorities Committee

Date: 22 June, 2022

Report No.: 06-22-4353

Strategic Directions

- Provide Equity of Access to Learning Opportunities for All Students
- Allocate Human and Financial Resources Strategically to Support Student Needs
- Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being

Recommendation

It is recommended that:

- a) New property lines be established for the Scarlett Heights building, 15 Trehorne Drive, and Hilltop Middle School, 35 Trehorne Drive, to create two parcels as shown in Appendix C of this report; and
- b) The east parcel created through recommendation a) that contains the Scarlett Heights building be declared surplus to the needs of the Toronto District School Board and referred to the Toronto Lands Corporation for sale.

Context

This report presents the outcome of the review of the long-term need for the Scarlett Heights building. The Scarlett Heights building is a secondary school facility located in the centre of Etobicoke, northeast of Eglinton Avenue West and Royal York Road, in Ward 2 (Trustee MacLean). Appendix A shows the location of the Scarlett Heights building and the surrounding TDSB facilities.

In 2018, Scarlett Heights Entrepreneurial Academy closed as an operating secondary school due to declining enrolment. In 2019, York Memorial Collegiate Institute was relocated into the Scarlett Heights building as a temporary holding solution due to the

fire that devastated the York Memorial building. In the summer of 2022, York Memorial CI will be relocated to the George Harvey building to become a single consolidated school with George Harvey CI. After this relocation, the Scarlett Heights building will be vacant.

When a building becomes vacant, staff reviews the property to determine the TDSB's long-term need for it. There are three possibilities for a vacant building: it can be used to address a current pressure; it can be sold to achieve efficiencies and generate revenue; or it can be kept to address a future pressure and leased out until required.

Staff have completed the review of the Scarlett Heights building and are recommending that it be sold.

Property Review

Detailed information about the Scarlett Heights building and the adjacent TDSB sites can be found in Appendix B.

The Scarlett Heights building is located on a large 18-acre property with Hilltop MS. The Scarlett Heights building is located on the eastern portion of the property and the Hilltop MS building is located on the western portion.

Staff considers the Scarlett Heights building as unnecessary to serve the long-term accommodation needs of the TDSB because there is an adequate distribution of other TDSB facilities in the area to provide options for neighbourhood schools and flexibility for the future. A full explanation and rationale can be found in Appendix B.

The portion of the property that contains Hilltop MS is necessary to be retained by the TDSB to provide a local middle school and flexibility for future elementary accommodations.

To retain the Hilltop portion and dispose of the Scarlett Heights building, new property lines must be established to separate the 18-acre property into two parcels. Appendix C shows the existing and proposed property lines.

Staff is recommending that the eastern parcel containing the Scarlett Heights building be sold. The TCDSB has expressed interest in purchasing the building for use as a Catholic secondary school. The Ministry of Education has provided capital priority funds to the TCDSB to establish this secondary school. The TCDSB has Education Development Charges that it can use to purchase the land. From an overall site configuration perspective, the better location to place a secondary school is on the eastern parcel because it is closer to a major street and public transit and will minimize traffic going through the adjacent residential neighbourhood.

The proposed property lines create a 10-acre parcel that the TCDSB can acquire and an 8-acre parcel to be retained for Hilltop MS. The acreage to be retained for Hilltop MS

is sufficient to support a viable middle school and provide flexibility for the future. As can be seen from the aerial photo in Appendix C, the property line that divides the property into east-west parcels is proposed to go through the west end of the track. The TCDSB may choose to build a new track on the eastern parcel or they could enter into a shared-use arrangement with the TDSB and use the track in its current location.

By selling the Scarlett Heights building, revenue will be generated that the TDSB can invest in other TDSB facilities. Staff is recommending that some of the revenue be used to address facility condition issues at Hilltop MS such as reconfiguration of the open-concept pod to enclose the classrooms and provide corridor access, and improvement of the playfield. In addition to generating revenue, the sale will also reduce costs for the TDSB. The TDSB will no longer need to operate and maintain the Scarlett Heights building and grounds, and will eliminate the renewal backlog of \$10.8M.

Staff explored moving Hilltop MS into the Scarlett Heights building and selling the Hilltop portion of the property. Staff concluded that the Hilltop building should be kept and continued to be used for accommodating Hilltop MS for the following reasons:

- The Hilltop building is the appropriate size to accommodate Hilltop's enrolment. The Scarlett Heights building has a larger capacity than is required for Hilltop MS. If Hilltop MS were to occupy the Scarlett Heights building, the school would be under-utilized over the long term – approximately 50% utilized.
- The Hilltop building is in better condition than the Scarlett Heights building. The Scarlett Heights building has a renewal backlog of \$10.8M; the Hilltop building has a renewal backlog of \$5M.
- The Hilltop building is more efficient to operate than the Scarlett Heights building. The Hilltop building has 145 square feet per pupil place; the Scarlett Heights building has 150 square feet per pupil place. Before the closure of Scarlett Heights Entrepreneurial Academy, the Scarlett Heights building had an annual operating cost (caretaking and maintenance) of approximately \$450,000. Hilltop MS had an annual operating cost of approximately \$395,000.

Community Consultation

A virtual public meeting was held on May 30, 2022 to share information and gather community feedback. The meeting was attended by 35 people. In general, the participants expressed support for selling the Scarlett Heights building to the TCDSB.

An online survey was available for the public to complete. The results of the survey are presented in Appendix D.

The majority of respondents (88%) were in support of selling the Scarlett Heights building to the TCDSB. Respondents in support of the sale stated that they like that the property will stay in public ownership, be actively used and maintained, serve local residents, and not be sold to a developer.

A small number of respondents (12%) were opposed to the sale. A respondent opposed to the sale stated that the TDSB should keep the property for future TDSB needs and lease it out to the TCDSB until required for TDSB purposes.

Action Plan and Associated Timeline

If approved, the Toronto Lands Corporation will submit a Consent to Sever application to the Committee of Adjustment to create new property lines for Hilltop MS and the Scarlett Heights building.

The Toronto Lands Corporation will circulate the east parcel containing the Scarlett Heights building created through the severance process to public agencies as per Ontario Regulation 444/98.

Resource Implications

Costs incurred in the sale of the property will be offset by the revenue generated.

At this time, staff have anticipated that approximately \$10M of the revenue will be used to address facility condition issues at Hilltop MS, subject to approval from the Ministry of Education. A more detailed design and facility condition study will be initiated to determine the full scope of the renovations and site improvements. Some of the work can be funded through the existing School Condition Improvement grant.

Communications Considerations

Information and results of this report will be posted on the TDSB's Accommodation Reviews website.

Board Policy and Procedure Reference(s)

Not applicable.

Appendices

- Appendix A: Map Showing the Location of the Scarlett Heights Property
- Appendix B: Property Review
- Appendix C: Aerial Photos Showing the Existing and Proposed Property Lines

- Appendix D: Survey Results

From

Craig Snider, Interim Associate Director, Business Operations and Service Excellence at craig.snider@tdsb.on.ca or 416-395-8462

Maia Puccetti, Executive Officer, Facilities and Planning, at maia.puccetti@tdsb.on.ca or at 416-393-8780

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**Property Review
Scarlett Heights Property**

Site Description

Address:	15 Trehorne Drive, Etob	Facility Size:	124,087 Sq Ft
Ward:	2	Ministry Capacity:	828 Pupil Places
Trustee:	Dan MacLean	Official Plan:	Neighbourhood
Learning Network:	LN03	Existing Zoning:	R2
Superintendent:	Kwame Lennon	Expropriated Land¹:	No
Tenure:	Exclusive Ownership	Heritage Status²:	None
Used As:	Secondary	Renewal Backlog³:	\$10.8 Million
Site Size:	18 acres shared with Hilltop MS		

Adjacent TDSB Properties

School and Facility Facts

Property Name	Used As	Grade Range	Learning Opportunities Index ⁴	Site Size Acres	Portables Used for Instruction ⁵	Ministry Capacity Pupil Places
Hilltop MS	Elem	6-8	145	18 shared	0	614
St George's JS	Elem	JK-5	411	6.1	0	254
Valleyfield JS	Elem	JK-5	51	6.2	0	355
Westmount JS	Elem	JK-5	111	6.3	0	347
Westway JS	Elem	JK-5	93	6.2	1	251
Kipling CI	Sec	9-12	18	12.1	0	936
Martingrove CI	Sec	9-12	67	16.9	0	1,059
Richview CI	Sec	9-12	85	13.8	2	873
Thistle town CI	Sec	9-12	25	14.6	0	975
West Humber CI	Sec	9-12	40	17.2	0	1,248
Weston CI	Sec	9-12	9	8.2	0	1,287

Enrolment and Utilization

Property Name	Actual Enrolment ⁶ 2001	Actual Enrolment ⁶ 2021	Projected Enrolment ^{6,7} 2031	Actual Utilization 2001	Actual Utilization 2021	Projected Utilization 2031
Hilltop MS	647	515	405	105%	84%	66%
St George's JS	245	171	178	96%	67%	70%
Valleyfield JS	315	289	315	89%	81%	89%
Westmount JS	422	223	270	122%	64%	78%
Westway JS	235	188	225	94%	75%	90%
Kipling CI	729	624	567	78%	67%	61%
Martingrove CI	1,042	936	968	98%	88%	91%
Richview CI	991	1,117	1,319	114%	128%	151%
Thistle town CI	1,037	501	464	105%	51%	48%

Property Name	Actual Enrolment ⁶ 2001	Actual Enrolment ⁶ 2021	Projected Enrolment ^{6,7} 2031	Actual Utilization 2001	Actual Utilization 2021	Projected Utilization 2031
West Humber CI	1,116	1,086	785	89%	87%	63%
Weston CI	1,287	1,082	950	100%	84%	74%

Discussion

Background

- The Scarlett Heights building was constructed in 1963. It opened as Scarlett Heights Collegiate Institute. In the late 1990’s, the school introduced a business focus to its curriculum and was renamed Scarlett Heights Entrepreneurial Academy.
- In 2016-17, a Pupil Accommodation Review was conducted to address declining enrolment and underutilization at Scarlett Heights Entrepreneurial Academy. As a result of this review, on June 21, 2017, the Board of Trustees approved the closure of the school effective September 1, 2018. The majority of the Scarlett Heights attendance area was assigned to Kipling CI; a smaller portion was assigned to Richview CI.
- As a result of the fire that devastated the York Memorial CI building, on June 19, 2019, the Board of Trustees decided that York Memorial CI will be accommodated in the Scarlett Heights building until a plan is established for the school.
- On June 30, 2021, the Board of Trustees approved a plan for York Memorial CI. In this plan York Memorial CI will consolidate with George Harvey CI in the George Harvey building and become a single school effective September 1, 2022.
- At the end of August 2022, the Scarlett Heights building will be vacant.

Enrolment

- Most secondary schools in the area experienced a decline in enrolment since 2001. Richview CI increased in enrolment mostly due to increased admission to the elementary French programs in Etobicoke.
- Looking to the future, there are a mix of trends for the secondary schools: some are expected to remain stable; some are expected to decline; and some are expected to grow. The Long-Term Program and Accommodation Strategy contains studies to address the changes in enrolment: the declining enrolment at Thistletown CI will be addressed in a Pupil Accommodation Review; and the growth at Richview CI will be addressed by starting new secondary French programs and changing pathways.
- Most elementary schools experienced a decrease in enrolment since 2001.
- Over the long term, the elementary schools are projected to stabilize in enrolment.

Development

- There is little residential development in the immediate vicinity of this property.

- There is potential for development activity to occur along Eglinton Avenue West in the long term. The City of Toronto has identified this area in its official plan as an “Avenue” where higher density, mixed uses, including residential uses, are encouraged.
- Over the next ten years, the Eglinton Crosstown LRT will be expanded along Eglinton Avenue West through this area from Weston Road to Renforth Drive. This transit improvement will likely stimulate residential development in the “Avenue”.
- There are several TDSB sites that are close to the “Avenue” that will provide the TDSB with options for accommodating students from this potential development (e.g. Kipling CI, Richview CI, and Martingrove CI).

Distance

- All residential addresses in the vicinity of the Scarlett Heights property are within 4.8 km of a TDSB secondary school (4.8 km is the distance threshold for eligibility for transportation for students in Grades 9 to 12).
- There are addresses in the greater area around the Scarlett Heights property that are outside of 1.6 km to an operating TDSB elementary school (1.6 km is the distance threshold for eligibility for transportation for students in JK to 5). The Scarlett Heights property is not in a better location to serve these addresses.

Site Size

- The adjacent elementary and secondary schools all have large site sizes that can accommodate portables and expanded facilities if required in the future.

Property Lines

- The Scarlett Heights building and Hilltop MS building are located on an 18-acre site. The existing property lines divide the site into two north-south parcels where the north parcel contains the two buildings and the south parcel contains the sports fields (see Appendix C).
- To sell the portion of the property that contains the Scarlett Heights building, new property lines should be created that divide the site into east-west parcels, separating the Hilltop MS building from the Scarlett Heights building. The property line dividing the two parcels should be drawn between the east driveway of Hilltop MS and the west parking lot of the Scarlett Heights building to create an 8-acre parcel for Hilltop MS and a 10-acre parcel for the Scarlett Heights building.

Encumbrances

- A solar easement has been registered on title to allow the installation and operation of solar panels on the roof of the Scarlett Heights building. If this property is sold, the TDSB must do one of the following: have the solar easement and related agreements assumed by the purchaser; or, provide a suitable alternative rooftop property and pay all costs of relocation (including lost revenues); or, terminate the solar easement and pay the lost profit and all costs for the balance of the solar contract.
- There is a sewer connection agreement registered on title.

Comments from Other Public Organizations

- The TCDSB has expressed interest in purchasing the Scarlett Heights property for use as a secondary school.
- The Ministry of Education has provided capital priority funds to the TCDSB to establish this secondary school. The TCDSB has Education Development Charges that it can use to purchase the land.
- The local City Councillor and Member of Provincial Parliament have expressed support for the sale of the property to the TCDSB.

Conclusion

- The area immediately surrounding the Scarlett Heights property is stable and is unlikely to experience significant growth. There is potential in the long term for growth to occur in the Eglinton Avenue corridor but there are several TDSB properties in proximity to the corridor that provide options for the TDSB.
- The Scarlett Heights property is not necessary to provide a local secondary school within 4.8 km of the residential addresses in the area. While there are residential addresses outside of 1.6 km distance to an elementary school, the Scarlett Heights property does not improve geographic accessibility.
- There are adjacent TDSB properties to this site that are of adequate size to accommodate expansion if unanticipated growth requires additional accommodations to be constructed in the future.
- The portion of the property that contains Hilltop MS is necessary to be retained by the TDSB to provide a local middle school and flexibility for future elementary accommodations.
- Because there is an adequate distribution of other TDSB properties in the area, staff considers the Scarlett Heights property unnecessary to serve the long-term accommodation needs of the TDSB.

Notes:

1. It is important to be aware of lands that the Board has expropriated in the past, because, according to section 42 of the Expropriations Act, when the Board is disposing of expropriated lands the Board must give the former owners of the expropriated lands the first chance to repurchase the lands unless the Board specifically approves not to do so.
2. Heritage Status – "Listed" means City Council has adopted a recommendation for the property to be included on the Heritage Properties Inventory; inclusion on the Inventory is a clear statement that the City would like to see the heritage attributes of these properties preserved. "Designated" means the property has been designated under Part IV of the Ontario Heritage Act (or is located within a Heritage Conservation District designated under Part V); the property owner must apply to the City for a permit to undertake alterations to any of the identified heritage elements of the property or to demolish any buildings or

structures on the property. Designated properties are identified by a by-law number. “None” means the property is neither “Listed” nor “Designated”.

3. Renewal Backlog – an estimate of the total cost to repair the major components of the building, such as windows, roofs, and boilers.
4. Learning Opportunities Index (LOI) – ranks each school based on measures of external challenges affecting student success. The school with the greatest level of external challenges is ranked number one and is described as highest on the index.
5. The portable count reported includes only those portables used for instructional use as of September 2021. Excluded are portables used for storage, washrooms, and leased to tenants (such as child care centres). Also excluded are portables that are surplus to the needs of the school that remain on site. The portable count includes stand-alone portables as well as those in portapaks.
6. The enrolment reported is Full Time Equivalent enrolment (FTE) – FTE is a count of the number of students attending a school where every student is counted by the amount of time they are registered for instruction, as opposed to the Head Count (HC) where every individual student is counted as “1.0”. The actual and projected enrolments are reported as of October 31 of each school year.
7. The projected enrolments were calculated in the 2020-21 school year for the 20-year period from 2021-22 to 2040-41. Virtual students are counted at their home school in the actual enrolment for 2021 and the projected enrolment for 2031.

Aerial Photos Showing the Existing and Proposed Property Lines

Existing Property Lines



Proposed Property Lines



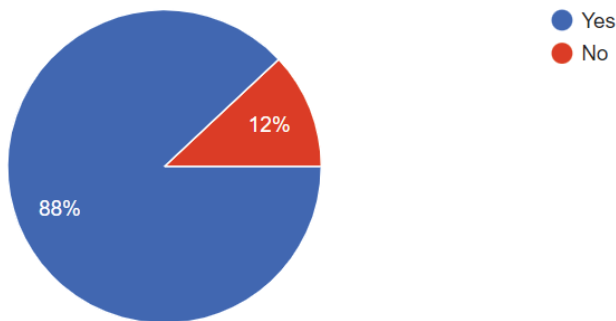
Scarlett Heights Property Review

Survey Results

Question 1

Are you supportive of the proposed sale of the Scarlett Heights property to the Toronto Catholic District School Board?

25 responses



Question 2

Why or why not?

22 responses

1. It would enable my elementary school children to continue their high school education in a Catholic school close to home.
2. We need more Catholic high schools in central Etobicoke.
3. We need a Catholic high school in the area.
4. To support local students to stay in their community for high school instead of travelling far distances.
5. Our community needs a Catholic high school. Michael Power is too far from at least 3 elementary schools and it is beyond capacity.
6. This school is an important community resource. It is important to have the school being used to its full potential. Having said this, TCDSB has no other HS options in the area. The students in the community deserve a local HS.
7. There is a strong desire by many parents like myself in the community who wish to send our children to a local Catholic high school. Michael Power is not very convenient and I would not consider it local, and also I understand it is overpopulated.

8. Important for the Catholic school community to FINALLY have a high school in this neighbourhood and not so far away (as with MPSJ CHS).
9. The TCDSB needs a school in the area and given that the TDSB no longer needs Scarlett Heights, it makes a lot of sense. This is a win for both school boards.
10. We need a Catholic high school.
11. It's my high school I went to SHCI, I am very happy to have students attend it once again, and as a retired teacher of the TCDSB, am extremely supportive of their purchasing it.
12. A Catholic high school is really needed in this area.
13. Complimentary to neighbourhood.
14. Hopefully by the time the sale and reno are done it will be when my sons are starting or about to start high school walking distance from home vs other current options.
15. It would mean a Catholic high school in walking distance from our home.
16. Currently there is no Catholic secondary school in central or east Etobicoke center. There are 3 or 4 Catholic primary feeder schools in the immediate area of Scarlett Heights and those students basically have no local secondary school. The need is very obvious and the facility already exists [Scarlett Heights]. I think your process is very fair and considerate to all parties and will result in the best use of the facility. Congratulations on a job well done.
17. If TCDSB wants to purchase property, needs a high school, that is better than letting the property sit empty or be sold for non-public purposes. This also means that in the future, it is possible for the property to be sold back to TDSB if the situation warrants it, or for some other public purpose.
18. The community need a Catholic High School since we have quite a few feeder schools to support the enrolment.
19. The reasons for the sale that were outlined in the presentation make sense and it would be nice to continue to have the vibrancy of a high school in the area as part of the community.
20. The TDSB should keep this prime property and plan for its use in the future if need be. The TDSB will struggle to re-purchase large enough property to build schools and think about the needs of students. The property could alternatively be leased to the TCDSB for an approximate amount of time (i.e., 10-20 years), which allows the TDSB to remain ownership of this key property in a good location and still be able to use it in the future if need be. Selling the property would be a mistake.

21. TCDSB needs more high schools in Etobicoke.
22. The area needs more Catholic high schools.

Question 3

Please share any additional comments you may have.

14 responses

1. I believe the students of the four Catholic elementary schools in the immediate vicinity of Scarlett Heights (St. Eugene, Father Serra, All Saints & St. Demetrius), would benefit from having the option to attend a catholic high school in the area.
2. With a full staff on site they can also support local businesses in the area during lunch and after work.
3. We support and look forward to a Catholic high school being in the community. We hope the transaction can take be expedited so our kids (grade 7 and 5) can attend high school in our neighbourhood).
4. Thank you for the opportunity to share feedback.
5. It sounds like a win-win for all parties involved. Thank you for providing this consultation.
6. What I would hope is that a NEW Middle School be considered for the area north of the Hilltop MS. 90% of the students come from north and east of Dixon Rd/Islington. For the SAFETY, and the morale of the students not having to travel such a far distance to school, opening a new middle school within their own community would be a great asset. The children coming into this community to go to Hilltop have been disrespectful to the nearby residents and have caused some property damage as well. Little has been done on the transit side to move the children out of the neighbourhood more quickly and the children are often left loitering on residents' properties and even causing traffic congestion. Keep Hilltop middle school for the local residents, but a NEW school should be considered for somewhere in the Dixon Rd/Islington area where there are more junior schools that would feed into them.
7. Great meeting.
8. As long as it doesn't end up in the hands of developers, I am very supportive of the school.
9. I am in agreement as to the Catholic School Board not having a Catholic High School in this area since Don Bosco closed. This is a positive for the neighbour and would give stability for

my alma mater-Scarlett Heights Collegiate. Thank you for the thorough presentation to all and for your follow up.

10. As great as it would be conceptually for Hilltop and the possible new TCDSB high school to share the fields/track/green space etc. I don't believe that it's a feasible option that would work out smoothly for both schools.
11. The public officials involved were well informed, courteous, and civil, and very professional. We, as taxpayers, are well represented. Thank you.
12. An expansion of the property to include a community centre would be welcome since there is not one in this area. Note that when the high school is completed, traffic will increase on Royal York Road which is already a high traffic road. Also, there will need to be better separation of high school students from the middle school students at Hilltop to ensure that the middle school students are not bullied, exploited, etc.
13. The format, content and delivery of the presentation was very effective and well done. Thank you!
14. A re-drawing of the enrolment boundaries and de-stigmatizing specific locations and schools would have helped with declining enrollment. Students and families are clamouring into over-enrolled schools leaving some like this property to have to be closed. Recalling the closure of this school the TDSB forced students north of Eglinton Avenue West into a new catchment area at Kipling CI rather than a few blocks south at Richview CI. Richview does have high enrollment, but it seems that equitable access to schools wasn't considered as the higher income proportionately south of Eglinton group we're sent to the school that has a good image and high enrollment. The people in walking distance to the school, we're sent a bus ride away to Kipling CI. The catchment boundaries favour the wealthy and well connected and leave the people who have no other choice but to rely on public education. You can see it throughout the city. When Cedarvale's parents were able to remove students in JR Wilcox via catchment from attending Forest Hill and forcing them to go south to Oakwood, students in the north end of the catchment were left travelling further than they needed to the go-to school after the closing of Vaughn Road. The JR Wilcox parents are also generally low-middle class working parents, especially at the time. Those parents generally don't have the time to be able to attend these meetings due to their circumstances that are forgotten and it has made the catchment areas inequitable. The TDSB needs to take a deep look at the specific catchment areas and look into what they can do to make the boundaries more equitable, without the large class divide that makes parents want to send their

children to schools that have greater opportunities. If specialized schools we're able to become more equitable with this new application process, how is it that students in higher class neighbourhoods get access to greater programming and choice than students in those lower-class areas with lower enrollment? A redrawing of the catchments and maybe reintegrating these buildings at some point in the future would be able to provide more equity in determining catchment areas. Selling these buildings would be a mistake and a lease may be the better option than selling the property. These inequitable catchment areas further stigmatize specific schools and drive enrollment away from specific schools forcing them to close. This was a missed opportunity to keep more schools, with lower student populations and greater course offerings. As stated in the planning 2021-2030 state that schools would be optimal at 90% of schools operating at those levels would be able to build better catchments and better school communities for students.

Please note: All comments are verbatim.



July 5, 2022

Mr. Daryl Sage
Chief Executive Officer
Toronto Lands Corporation
60 St. Clair Avenue East, Suite 201
Toronto, ON. M4T 1N5

Dear Mr. Sage:

**RE: Review of the Need for the Scarlett Heights Property, 15 Trehorne Drive
[4353]**

Please be advised that at its June 29, 2022, meeting, the Board decided:

- (a) That new property lines be established for the Scarlett Heights building, 15 Trehorne Drive, and Hilltop Middle School, 35 Trehorne Drive, to create two parcels as shown in Appendix C, as presented in the report;
- (b) That the east parcel created through part a) that contains the Scarlett Heights building be declared surplus to the needs of the Toronto District School Board and referred to the Toronto Lands Corporation for sale.

Sincerely,

A handwritten signature in black ink, appearing to be 'Alexander Brown'.

Alexander Brown
Chair, Toronto District School Board



February 10, 2023

Toronto Lands Corporation
60 St. Clair Avenue East, Suite 201
Toronto, Ontario M4T 1N5

Attention: Daryl Sage, Chief Executive Officer

Dear Mr. Sage,

Re: TCDSB Expression of Interest – Scarlett Heights (15 Trehorne Drive)

We are writing in response to the January 26, 2023 circulation of the TDSB school building known as Scarlett Heights (15 Trehorne Drive), which was declared surplus by the Toronto District School Board on June 29, 2022.

As per the requirements of *Ontario Regulation 444/98*, this letter constitutes the Toronto Catholic District School Board (TCDSB) expression of interest to acquire the Scarlett Heights building and property as identified in the circulation. As you are aware, the TCDSB has a long-standing interest in purchasing this property, located at 15 Trehorne Drive, to address its student accommodation needs.

The TCDSB Board of Trustees has approved the submission of an offer to acquire the property.

We look forward to continuing discussions on the acquisition of this site. If you have further questions regarding this matter, please contact Michael Loberto, Superintendent of Planning and Development, at (416) 222-8282 ext. 2026 or michael.loberto@tcdsb.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Derek Boyce".

Derek Boyce
Associate Director of Corporate Services and Chief Commercial Officer

DECISION ITEM

Community Partnership Opportunities to Enhance TDSB Sports Fields

To: Policy and Planning Committee

RECOMMENDATION:

It is recommended that:

1. The Board of the Toronto Lands Corporation (“TLC”) approve the terms of the Licence Agreement (Appendix A) between the Toronto District School Board (“TDSB”) and the Toronto Scottish Rugby Football Club (“TSRFC”) to grant non-exclusive shared use of the sports field at Lawrence Park Collegiate Institute (“LPCI”) in exchange for financial investment in the construction of an artificial turf field at LPCI.
2. The Board of the Toronto Lands Corporation authorize staff of the TLC to work with the TDSB on establishing a Request for Proposal (“RFP”) process to seek out community, not-for-profit partners at Emery Collegiate Institute and Pearson Collegiate Institute with the intent to enhance the existing outdoor sports fields for the benefit of the school and community.
3. The terms of the Licence Agreement between the TDSB and the TSRFC form the basis of the RFP process for Emery Collegiate Institute and Pearson Collegiate Institute, the results of which will be reported by TLC staff with recommendations to the TLC Board, and that TLC staff report back to the TLC Board on the outcome of both.
4. The report be forwarded to the TDSB Board with recommendations for consideration and approval.

EXECUTIVE SUMMARY

The TLC working with the TDSB issued a public RFP in the spring of 2023 seeking a community, not-for-profit partner to invest in the enhancement of the outdoor sports field at LPCI (Appendix B). Through this process, staff received a single proposal from TSRFC for financial investment in the field for the benefit of their club, the school and the broader community. The TSRFC is a Toronto-based rugby club which currently fields 2 senior men’s teams and 1 senior women’s team. In addition, TSRFC has a juniors rugby program.

Subsequent to evaluation and approval of the proposal under the terms of the RFP staff have been working with the TSRFC on the terms of the Agreement (Appendix A). The proposed Agreement represents a novel approach for the TDSB, insofar that by partnering with a not-for-profit community group the overall outcome allows for not only the enhancement of a public asset but also a broad and direct benefit to community stakeholders. In this arrangement, the TSRFC will have access and use of the field for prescribed times throughout the term of the Agreement, leaving the remaining time, including during all school hours, for the exclusive benefit of the school and a significant amount of time after school hours for the general or permitted use of the community. This shared-use model for improvement of TDSB outdoor facilities differs significantly from current agreements with for-profit partners as the asset

remains under TDSB control and revenues from the permit process could be allocated to outdoor facility improvement and maintenance. The agreement will see the TSRFC invest \$1,500,000 as a cash contribution for the design and construction of the new field, with TDSB responsible for the balance of project costs. All ongoing maintenance and operation over the term of the agreement would be the responsibility of the TDSB. The proposed hours of use by the TSRFC are outlined below:

- Lawrence Park Collegiate Institute will have exclusive use of the Field during regular school days up to 6:00 p.m., use of the Field outside of regular school hours will be shared.
- The Licensee will have use of the Field annually April through November for rugby training, practice and playing of games as follows:
 - Saturday: 9 hours, beginning at 9:30 AM to 6:30 PM (Adult and Youth)
 - Tuesday: 3 hours, beginning at 6:00 PM (Adult)
 - Wednesday: 3 hours, beginning at 6:00 PM (Youth)
 - Thursday: 3 hours, beginning at 6:00 PM (Adult)

The work done to date to establish these draft terms at LPCI provides an opportunity to replicate this process on other TDSB assets that could also benefit from community partnerships to establish enhanced sports fields. Staff from the TDSB and the TLC have identified two other sites that they feel should be prioritized and would be excellent candidates for this type of partnership. Both Emery Collegiate Institute (Appendix C) and Pearson Collegiate Institute (Appendix D) are sites that staff have determined would be sites to be prioritized for this type of approach. These sites lend themselves to this approach in that they are both large sites and located in areas of the city high on the Learning Opportunities Index (LOI).

The approach taken at LPCI is novel in that it will see a true partnership between the TDSB and the TSRFC, where both parties have specific responsibilities and commitments to the establishment and ongoing operation and maintenance of this new asset. In that type of partnership, the overall benefit to the school and broader community is recognized, and the opportunity to maximize the impact and enjoyment of this new and valuable asset is paramount.

AUTHORITY OR DIRECTION FOR UNDERTAKING PROJECT

Authority or Direction (select from drop down): Shareholders Direction

STRATEGIC GOAL AND ANNUAL PLAN DIRECTIONS

TDSB Strategic Plan Goal: (include all that apply)

- Provide Equity of Access to Learning Opportunities for All Students
- Allocate Human and Financial Resources Strategically to Support Student Needs
- Build Strong Relationships and Partnerships with School Communities to Support Student Learning and Well-Being

Working with the TCDSB to create a strong partnership to generate revenue that supports student learning at TDSB

TLC Strategic Plan

Goal: (include all that apply)

- Transform Student Learning Environment through the Modernization of Facilities
- Create a Culture of Partnership & Collaboration with Key Stakeholder Groups
- To be a highly functioning organization successfully aligning TLC's & TDSB Missions and the Shareholder's Direction

Collaborating with another school board partner to achieve mutually beneficial results and success

DUE DILIGENCE

Policy & Planning Committee

- | | |
|---|--|
| <input checked="" type="checkbox"/> Site Inspection | <input type="checkbox"/> Planning Report |
| <input checked="" type="checkbox"/> Official Plan | <input type="checkbox"/> Consultation with Local Trustee |
| <input checked="" type="checkbox"/> Zoning | <input type="checkbox"/> TDSB Staff Review and Agreement |
| <input checked="" type="checkbox"/> Reg 444/98 | <input checked="" type="checkbox"/> Consultation with TDSB Executive Staff |
| <input type="checkbox"/> Appraisal Report | <input checked="" type="checkbox"/> Consultation with TDSB Planning Staff |
| <input type="checkbox"/> Environmental Report | <input checked="" type="checkbox"/> Consultation with TDSB Finance Staff |
| <input type="checkbox"/> Title Check | <input type="checkbox"/> Historical Assessment |
| <input type="checkbox"/> Other: | |

FINANCIAL IMPLICATIONS

See Term Sheet

RISK LEVEL

N/A – Low

ACTION PLAN AND ASSOCIATED TIMELINES

- February 15, 2024 – TLC Board Approval
- March 6, 2024 – TDSB Board Approval

TLC AND TDSB BOARD POLICY AND PROCEDURE REFERENCE(S)

- Shareholder Direction

- Toronto District School Board Disposition of Property Policy

APPENDICES

- **Appendix A:** Term Sheet
- **Appendix B:** Lawrence Park Collegiate Institute Property Profile
- **Appendix C:** Emery Collegiate Institute Property Profile
- **Appendix D:** Pearson Collegiate Institute Property Profile

FROM

Ryan Glenn, Interim Chief Executive Officer, Toronto Lands Corporation, at rglenn.tlc@tdsb.on.ca or at 437-219-8191.

APPENDIX A

Term Sheet Toronto District School Board – Toronto Scottish Rugby Football Club Capital Funding and Shared Use

1. PREMISES

Lawrence Park Collegiate Institute – 125 Chatsworth Drive, Toronto, Ontario

2. PARTIES

Toronto District School Board (“TDSB”) – Toronto Lands Corporation (“TLC”) – Toronto Scottish Rugby Football Club (“TSRFC”).

3. USE

Shared (scheduled) use of outdoor artificial turf field for rugby (TSRFC), TDSB school purposes, public use and community sports programming by permit fee. TSRFC shall have access to the field at a schedule agreed to by the Parties as outlined herein.

4. TSRFC SCHEDULED USE

See Schedule “A”

5. TERM

25-year initial term, plus a 25-year renewal term, commencing on a date agreed to by the Parties upon completion of field construction and approval for use. The renewal term is subject to all obligations being met by TSRFC under terms of the Agreement.

6. CAPITAL INVESTMENT

TSRFC – One Million Five Hundred Thousand Dollars (\$1,500,000)

TDSB – Capital investment required for completion of field and related capital improvements

TSRFC capital contribution to be released within 6 weeks of construction start date.

7. CONSTRUCTION

TDSB will undertake design and construction of the field subject to technical specifications which will be mutually established, The Parties agree that TSRFC’s contribution to the project is subject to adherence to a mutually agreed timeline to be set out as a Schedule to the agreement. TSRFC reserves the right to terminate this Agreement and re-allocate its capital investment to another field partner if the established milestone timeline is not achieved.

8. PARKING

TSRFC will contribute 50% of costs associated with a parking and / or traffic impact study / opinion letter, up to a maximum of \$5000, if required or requested, for outdoor sports facilities. The qualifications and selection for transportation engineering firm to conduct the assessment to be undertaken by the TDSB.

9. CAPITAL INVESTMENT - TERMINATION

TDSB shall be required to repay the TSRFC Capital Investment if the Agreement is terminated during the initial or renewal Term or at any other time the Agreement is terminated, including the end of the initial term

or any subsequent renewal term. TDSB shall not be required to repay the TSRFC Capital Investment if TSRFC is terminated for cause under terms of the Agreement. In the event of a dispute or if the TDSB needs to terminate without cause, the Parties agree to participate in mediation / arbitration with an impartial third-party.

10. OPERATING COSTS, MAINTENANCE AND REPAIR

TDSB shall be responsible for operating costs, field maintenance and repair throughout the Term, including any renewal. Both Parties agree that required maintenance is to be carried out in a timely manner (time is of the essence) and will not be scheduled in interference with TSRFC scheduled field time.

11. TURF REPLACEMENT

TDSB shall maintain a reserve fund throughout the Term, including renewals, for the replacement of the artificial turf at approximately 15 years intervals, or at the end of the turf life cycle as reasonably determined and agreed to by the Parties.

12. FIELD RENTAL/PERMITS

TDSB will manage field access for school purposes and coordinate field rental for community purposes under the existing permit system, proceeds of which will be designated to the reserve fund for ongoing maintenance and turf replacement.

13. INSURANCE

TSRFC shall at all times during the Term maintain comprehensive public liability insurance in amounts satisfactory to TDSB, acting reasonably.

14. RELEASE AND INDEMNITY

The TSRFC shall indemnify and save harmless TDSB and TLC, its officers, directors and employees, against and from all losses, liabilities, damages, fines, suits, claims, demands, costs and actions of every kind, which TDSB/TLC, its officers, directors, employees, or any of them, suffer by reason of or in connection with any breach by the TSRFC of the Agreement, or by reason of any injury, death, damage or accident suffered by any person or persons or any property by reason of or in connection with the occupation or use of the Premises, including any gross negligence on the part of the TSRFC or any of its agents, employees, or other person or persons for whom it is in law responsible, save and except for any losses, liabilities, damages, fines, suits, claims.

SHARED USE SCHEDULE

- Lawrence Park Collegiate Institute will have exclusive use of the Field during regular school days up to 6:00 p.m., use of the Field outside of regular school hours will be shared.
- The Licensee will have use of the Field annually April through November for rugby training, practice and playing of games as follows:
- Saturday: 9 hours, beginning at 9:30AM
 - 9:30am – 12:30pm Youth
 - 12:30pm – 6:30pm Adult
- Tuesday: 3 hours, beginning at 6:00PM (Adult)
- Wednesday: 3 hours, beginning at 6:00PM (Youth)
- Thursday: 3 hours, beginning at 6:00PM (Adult)
- For non-scheduled times during evenings, weekends, and holidays TDSB will make the Field available to other groups for community recreational use.
- The Licensee shall have non-exclusive use of parking on site within designated parking areas for Club members.
- The Licensee shall not have the right to permit the for fee use of the Field to any groups or individuals.
- The community will have access to the Field outside of regular school hours, and when it is not being used by either the Licensee or by permit holders.

Lawrence Park CI

125 Chatsworth Dr

9-12

Secondary

TDSB Ward 8 City Ward(s) 8 and 12

Shelley Laskin

Lawrence Park CI

88

Building Age

11.37

Site Size (Ac)

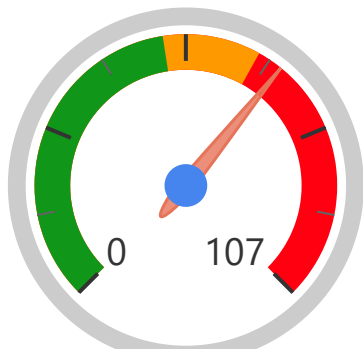
168K

Facility Size (Sf)

882

Student Capacity

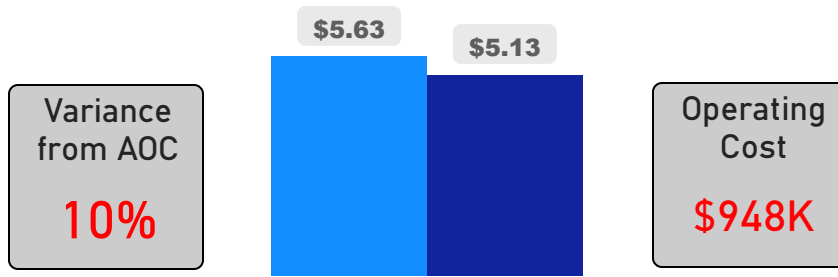
Current FCI



69%

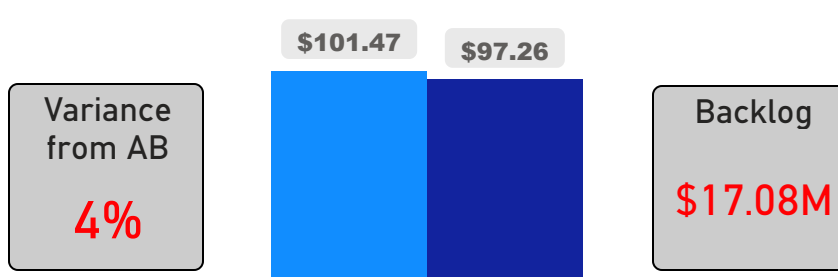
Operating Cost Per Square Foot

● Operating Cost/Sf ● Average Operating Cost (AOC)/Sf



Backlog Per Square Foot

● Backlog/Sf ● Average Backlog (AB)/Sf



Legend



Facility



TDSB Site



Leased Site



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Emery CI

3395 Weston Rd

9-12

Secondary

TDSB Ward 4 City Ward(s) 7

Matias de Dovitiis

Emery CI

63

Building Age

11.61

Site Size (Ac)

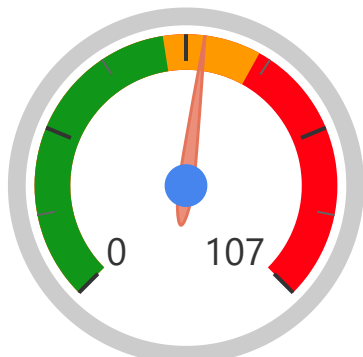
240K

Facility Size (Sf)

1,416

Student Capacity

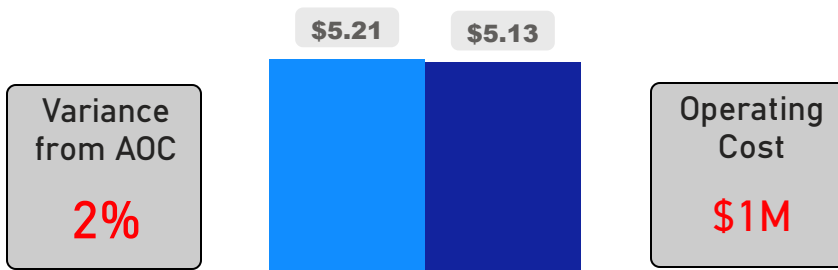
Current FCI



56%

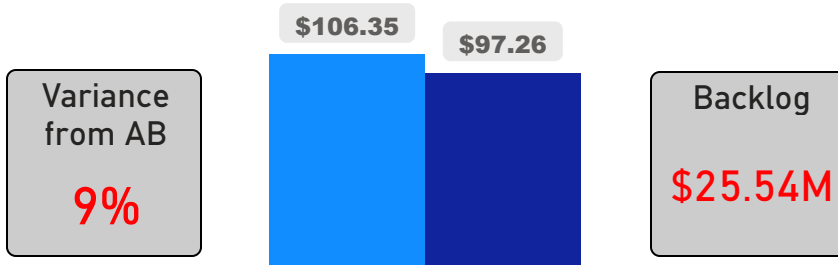
Operating Cost Per Square Foot

● Operating Cost/Sf ● Average Operating Cost (AOC)/Sf



Backlog Per Square Foot

● Backlog/Sf ● Average Backlog (AB)/Sf



Legend



Facility



TDSB Site



Leased Site



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Lester B Pearson CI

150 Tapscott Rd

9-12

Secondary

TDSB Ward 21 City Ward(s) 23

Yalini Rajakulasingam

Lester B Pearson CI

45

Building Age

14.50

Site Size (Ac)

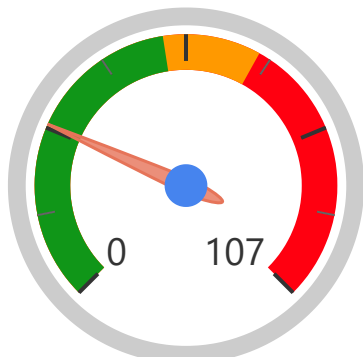
195K

Facility Size (Sf)

1,275

Student Capacity

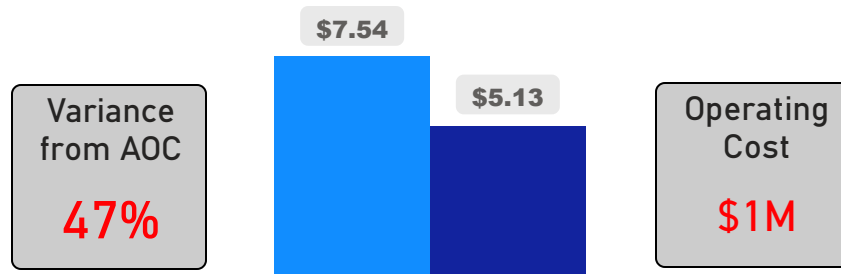
Current FCI



27%

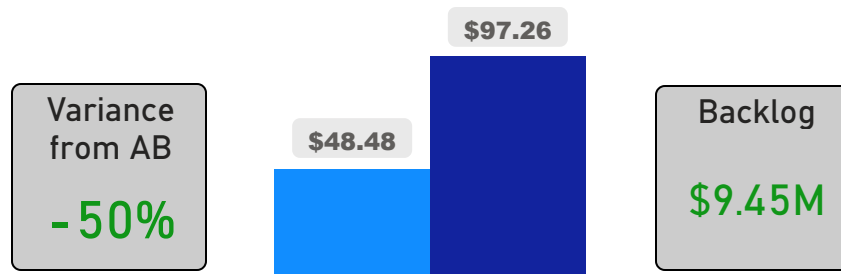
Operating Cost Per Square Foot

● Operating Cost/Sf ● Average Operating Cost (AOC)/Sf



Backlog Per Square Foot

● Backlog/Sf ● Average Backlog (AB)/Sf



Legend



Facility



TDSB Site



Leased Site



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community