

March 4, 2021

Transmittal No. 2021 – 106
(Public)

Infrastructure: Metrolinx Finch West LRT: Former Humbergrove Secondary School, 1760 Martin Grove Road

To: Alexander Brown, Chair, Toronto District School Board (TDSB)

This communication is to inform you of a recent decision made by the TLC Board at its meeting of March 4, 2021 with respect to the report *Infrastructure: Metrolinx Finch West LRT: Former Humbergrove Secondary School, 1760 Martin Grove Road*, attached herein.

The TLC Board decided that:

1. TDSB, in accordance with Section 194 subsection (3) of the Education Act, declare approximately 50.5 square metres (543.6 square feet) of the former Humbergrove Secondary School located at 1760 Martin Grove Road (the “Subject Lands”), surplus for sale for the purpose of transferring it to Metrolinx, as outlined in Appendix 1;
2. Upon satisfactory completion of Ont. Regulation 444/98, TLC be granted the authority to execute all agreements and documentation as required to give effect thereto in a form and content satisfactory to its legal counsel; and
3. The report be forwarded to TDSB Board for approval.

On behalf of the Board of Directors of the Toronto Lands Corporation, approval of the report is requested.

Sincerely,



Brenda Patterson
Chair, TLC

cc. D. Sage, Executive Officer, TLC

cc. C. Snider, Associate Director, Business Operations and Service Excellence, TDSB

TORONTO LANDS CORPORATION
Infrastructure: Metrolinx Finch West LRT:
Former Humbergrove Secondary School, 1760 Martin Grove Road

To: Chair and Members of the Toronto Lands Corporation

Date: March 4, 2021

Recommendation:

It is recommended that:

- 1) TDSB, in accordance with Section 194 subsection (3) of the Education Act, declare approximately 50.5 square metres (543.6 square feet) of the former Humbergrove Secondary School located at 1760 Martin Grove Road (the "Subject Lands"), surplus for sale for the purpose of transferring it to Metrolinx, as outlined in Appendix 1;
- 2) Upon satisfactory completion of Ont. Regulation 444/98, TLC be granted the authority to execute all agreements and documentation as required to give effect thereto in a form and content satisfactory to its legal counsel; and
- 3) The report be forwarded to TDSB Board for approval.

Rationale

In February 2016, Infrastructure Ontario (IO) and Metrolinx (MX) released a Request for Proposal (RFP) to companies shortlisted to design, build, finance and maintain the Finch West Light Rail Transit (LRT) project. The RFP closed on December 13, 2017 and on May 7, 2018, the contract was awarded to the Mosaic Transit Group (Mosaic) to design, build, finance and maintain the Finch West LRT. Major construction commenced in 2019 and the project will be completed in 2023.

The Finch West LRT will be a 11-kilometre LRT that will run in a semi-exclusive lane along Finch Avenue. This project will consist of a below-grade terminal stop at Humber College, 16 surface stops, as well as an underground interchange station at Keele Street that connects with the new Finch West Subway Station on the Toronto-York Spadina Subway Extension. The Finch West LRT will include lands along Finch Avenue West abutting the northern boundary of the TDSB school property municipally located at 1760 Martin Grove Road, formerly operating as the Humbergrove Secondary School and now leased as one of the Bill 30 schools to the Toronto Catholic School Board and operating as the Father Henry Carr Catholic Secondary School.

As part of the construction project, MX will need to install a new metal enclosed electrical switchgear equipment on a small portion of the school property to provide electrical power to this section of the LRT.

Context

As part of the construction of the new Finch West LRT transit system, significant road work will be required along this entire corridor. This will involve the widening of the travelled road and sidewalks for Finch Avenue to provide room to install the new LRT track. In the area of the former Humbergrove Secondary School, located at 1760 Martin Grove Road, MX has advised that it will need to install a new electrical switchgear box on a small portion of the school land, identified as the Subject Lands,

(refer to Appendix 1) to provide power to this section of the LRT and has requested the fee simple transfer of such lands. During the property negotiations, MX has worked with TLC to redesign its construction plans to minimize the impact to the existing school track and field complex that is located directly adjacent to the Subject Lands.

MX has advised TLC that their contractor, Mosaic, plans to commence construction of the switchgear box in April 2021 and has requested early access be granted, in the form of a license agreement, prior to the completion of the fee simple transfer of the Subject Lands. In addition, MX has advised TLC that Mosaic also requires access to this school property to complete re-grading of the grass landscaping as a result of changes to the municipal sidewalk located in front of the school. This re-grading work will require the temporary removal of some sections of the school fence located in this area so that their construction equipment can access the area. As a result of their planning construction activity on the school property MX has advised that several tree's will need to be cut down. The tree removal will be subject to approval by the TCDSB and require a City permit be issued. It is expected that the trees will be replaced at a 3 to 1 ratio.

As this school is currently leased to the Toronto Catholic District School Board (TCDSB) under a Bill 30 agreement, TLC will advise Metrolinx that it will be required to negotiate with the TCDSB to obtain any necessary permissions and/or agreements that may be required to complete the above noted work. TLC will arrange a meeting with TCDSB to provide information on the project and will provide TDSB's consent as required to allow for this temporary access license agreement.

Key Business Terms and Conditions

TLC has entered into negotiations with Metrolinx and now recommends settlement on the terms and conditions as described herein:

- MX's Finch West LRT project requires fee simple of the Subject Lands, being approximately 50.5 square metres (543.6 square feet) of irregularly shaped school property along Finch Avenue West located at 1760 Martin Grove Road.
- The TDSB is required to satisfy the Ontario Regulation 444/98 when disposing of school property, which mandates that the Subject Lands must be circulated to the prescribed public agencies as set out in the Regulation.
- In accordance with the Regulation to dispose of assets at market value an independent appraisal report will be completed for the fee simple portion of the site. This report will be completed by Bosley Farr Associates Ltd. using the 'across the fence value in contribution' method.
- The new electrical switchgear equipment that will be installed in the Subject Lands will be enclosed in a metal box. For safety and visual reasons, MX will be required to install a chain link fence on the perimeter of the subject property that matches the existing school fencing, along with maintenance free shrubs/trees to hide the switchgear box from view as much as possible.
- The school property is owned by TDSB and currently leased to Toronto Catholic School Board, under a Bill 30 lease agreement and is operating the Father Henry Carr Catholic Secondary School. As such, this fee simple request will require a partial surrender by TCDSB of its lease.
- MX will be required to prepare and deposit on title a reference plan outlining the requested property. This draft reference plan will be subject to review by TLC prior to deposit at the land registry office.
- MX will be responsible for all costs associated with this transaction, which includes, appraisal, TLC legal fees, reference plan, deposit of plan, transfer costs at the registry office and all taxes. The transaction is to be at no cost to TLC and/or TDSB. These costs (if paid by the TLC/TDSB, will be added to costs on closing to complete the transaction). All costs to be paid on closing.
- The final form of the Agreement of Purchase and Sale will be in a form and content satisfactory to TLC legal counsel.

The negotiated terms and conditions are considered fair and reasonable and have focused on the safety of the student community at this location during the construction of another major Provincial infrastructure project. Overall, the project represents another example of a good working framework between two public agencies and demonstrates how a collaborative effort can best meet the needs of all stakeholders.

Appendix

- Appendix 1: Sketch of the Subject Lands: Former Humbergrove Secondary School

Routing

TLC Board: 4 March 2021

TDSB Board: April P&P and Regular Board

From

Daryl Sage, Executive Officer, Toronto Lands Corporation, at dsage.tlc@tdsb.on.ca or at 416-393-0575.

Anita Cook, Executive Manager, Real Estate and Leasing, Toronto Lands Corporation at acook.tlc@tdsb.on.ca or 416-393-0632.

GO5 (2019 Board Mtgs/ 7 May 2019)lp.8000

Last update: May 2, 2019

Appendix 1 Former Humbergrove Secondary School: 1760 Martin Grove Road
Sketch of the Subject Lands

