TORONTO LANDS CORPORATION

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A subsidiary corporation of the TDSB

June 17, 2021

Transmittal No. 2021 – 116
(Public)

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 June 17, 2021 with respect to the report, ***Community Access Agreement: Davisville Junior Public School, 43 Millwood Road***, attached herein.

1. The acceptance of funding in the amount of $85,000 from the City of Toronto to fund costs associated with site improvements at Davisville Junior Public School, as outlined in the Appendix C; and

2. Authority be granted for TLC to execute a Community Access Agreement with the City of Toronto for a term of ten (10) years commencing on or about August 1, 2021 with key business terms and conditions as specified herein;

3. That the Community Access Agreement be in a form and content satisfactory to TLC Legal Counsel; and

4. 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

BOARD DECISION ITEM
Community Access Agreement:
Davisville Junior Public School, 43 Millwood Road

To: Chair and Members of the Toronto Lands Corporation

Date: June 17, 2021

Recommendations:

That the Toronto Lands Corporation (TLC) recommends that:

1) The acceptance of funding in the amount of $85,000 from the City of Toronto to fund costs associated with site improvements at Davisville Junior Public School, as outlined in the Appendix C; and

2) Authority be granted for TLC to execute a Community Access Agreement with the City of Toronto for a term of ten (10) years commencing on or about August 1, 2021 with key business terms and conditions as specified herein;

3) That the Community Access Agreement be in a form and content satisfactory to TLC Legal Counsel; and

4) The report be forwarded to TDSB Board for approval.

BACKGROUND

The Toronto District School Board is planning to make site improvements at Davisville Junior Public School and is partnering with the City of Toronto for funding contributions.

Section 37 of the Planning Act allows the City to collect funds from a development application in return for additional density. The City's policy permits these funds to be allocated toward improvements to school board playgrounds when the playground serves as a local park, where the public will continue to have reasonable access for the foreseeable future, and where there is no local City-owned parkland in the same community and in combination results in a community benefit. As a condition of transferring the Section 37 funds, the City requires TDSB to enter into a Community Access Agreement.

These additional sources of funds create an opportunity for TDSB to make site improvements that provide enhanced learning or physical activity for students and the entire community while strengthening the partnership relationship with the City.

RATIONALE

Toronto City Council has approved a motion (as shown in Appendix A) allocating $85,000 in funding for site improvements at Davisville Junior Public School. As a result of just being notified (May 31, 2021), of the approved Council Motion and being that the school is opening in September 2021, TDSB would like to make best efforts to complete the agreement, thereby securing funding and have the new playground equipment installed in the Fall of 2021.

The City funded enhancements to the schoolyard (as highlighted in Appendix B1 and B2) is for new playground equipment at the school. The new playground equipment will replace the pre-existing playground that was removed to facilitate the construction of the new school. This new playground equipment will allow children attending the new school and those living in the neighbourhood to participate in recreational activities.

The estimated cost of breakdown for the $85,000 of City funding is highlighted in Appendix C. This represents the entire cost of the playground and TDSB is not providing any internal funding towards the new equipment.

Key Business Terms and Conditions

TLC has entered into negotiations with the City of Toronto for the required Community Access Agreement. Outlined below are the proposed key terms and conditions and are subject to TDSB approval.

- Date funding is required from the City: August 1 2021 (upon execution of the Agreement);
- Purpose: To fund the construction of a new school playground;
- Estimated construction start: Upon receipt of funding;
- Estimated construction completion: Fall, 2021;
- City's Contribution: $85,000;
- Term: 10-year term commencing once the construction is completed;
- Termination Clause: TDSB has the right to terminate this Agreement at any time during the term by providing at least six (6) months prior written notice to the City for the purpose of sale of TDSB Lands or for the purpose of constructing buildings or other improvements on TDSB Lands, provided that on termination, TDSB shall pay to the City an amount determined by multiplying the funds by a fraction equal to the remaining number of months in the term divided by 120.
- Community Access: The school yard area shall be exclusively available to TDSB for use during school days, and operating hours, as amended from time to time, and the City will have access for use by the general public during non- school hours until 11pm.

The negotiated terms and conditions are considered fair and reasonable by TLC and will provide overall benefit to students and the local community. Overall, the project represents a good working framework between two public agencies and demonstrates how different school and community needs can be maximized through the effect utilization of public assets.

RISK ASSESSMENT

N/A

IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

COMMUNICATIONS APPROACH:

N/A

APPENDICIES:

Appendix A	City of Toronto Council Motion
Appendix B1	Location of the School and the Project
Appendix B2	TDSB Master Plan for the Project
Appendix C	Cost Breakdown for the Use of the Section 37 Funds

Routing

TLC Board: 17 June 2021
TDSB Board Cycle: June 2021

From

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

Anita Cook, Executive Manager, Toronto Lands Corporation, at acook.tlc@tdsb.on.ca or at 416-573-2716

Appendix A
CITY of TORONTO COUNCIL MOTION

TORONTO

John D. Elvidge
City Clerk

City Clerk's Office

Secretariat
Marilyn Toft
Council Secretariat Support
City Hall, 12th Floor, West
100 Queen Street West
Toronto, Ontario M5H 2N2

Tel: 416-392-7032
Fax: 416-392-2980
e-mail: Marilyn.Toft@toronto.ca
web: www.toronto.ca

In reply please quote:
Ref.: 21-MM32.11

May 19, 2021

RECEIVED
MAY 31 2021
DIRECTOR'S OFFICE

Karen Falconer, Interim Director of Education
Toronto District School Board
5050 Yonge Street, 5th Floor
Toronto, Ontario M2N 5N8

Dear Ms. Falconer:

Subject: **Member Motion Item 32.11**
Authorization to Release Section 37 Funds to Toronto District School Board for Davisville Junior Public School Playground (Ward All)

City Council on May 5 and 6, 2021, adopted the following:

1. City Council increase the 2021 Operating Budget for Non-Program by $85,000.00 gross, $0 net, (cost centre: NP2161) fully funded by Section 37 funds obtained in the development at 174-188 Soudan Avenue and 71-73 Redpath Avenue (Formerly 18 Brownlow Avenue) (Source Account: XR3026-3701086), for the purpose of providing one time capital funding to the Toronto District School Board for playground improvements at Davisville Junior Public School.

2. City Council request staff of the Management Services Branch, Parks, Forestry and Recreation to participate in the preparation of the Community Access Agreement and City Council request the City Solicitor to draw up the Agreement, in consultation with the Ward Councillor and Community Planning staff.

3. City Council authorize the execution of a Community Access Agreement with the Toronto District School Board for the capital improvements to the playgrounds at Davisville Junior Public School, to the satisfaction of the City Solicitor.

4. City Council direct that the funds be forwarded to the Toronto District School Board once the Toronto District School Board has signed a Community Access Agreement with the City, governing the purpose of the funds, the financial reporting requirements, and addressing community access to the playground facilities.

Yours truly,

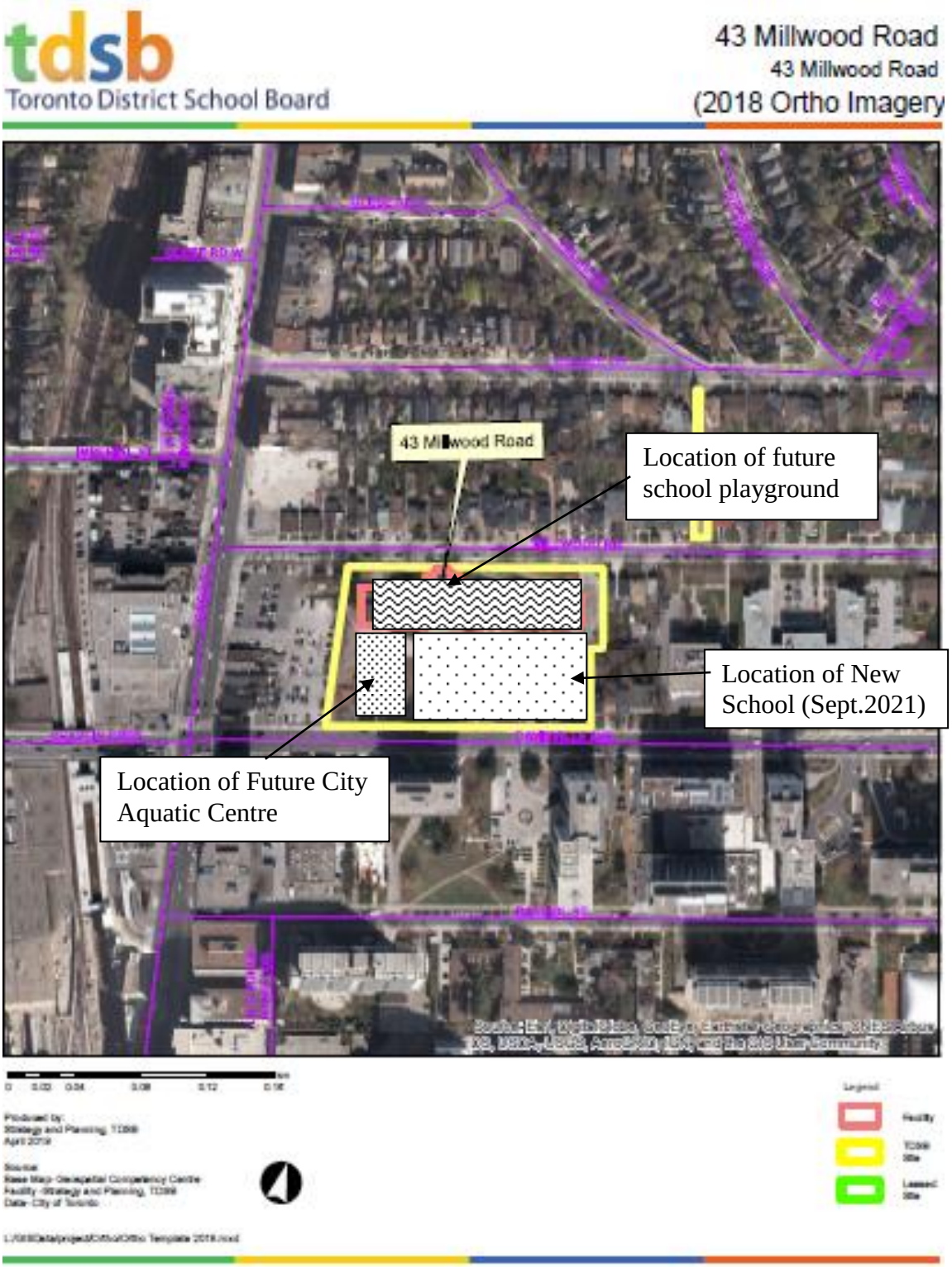
for City Clerk

M. Toft/wg

Attachment

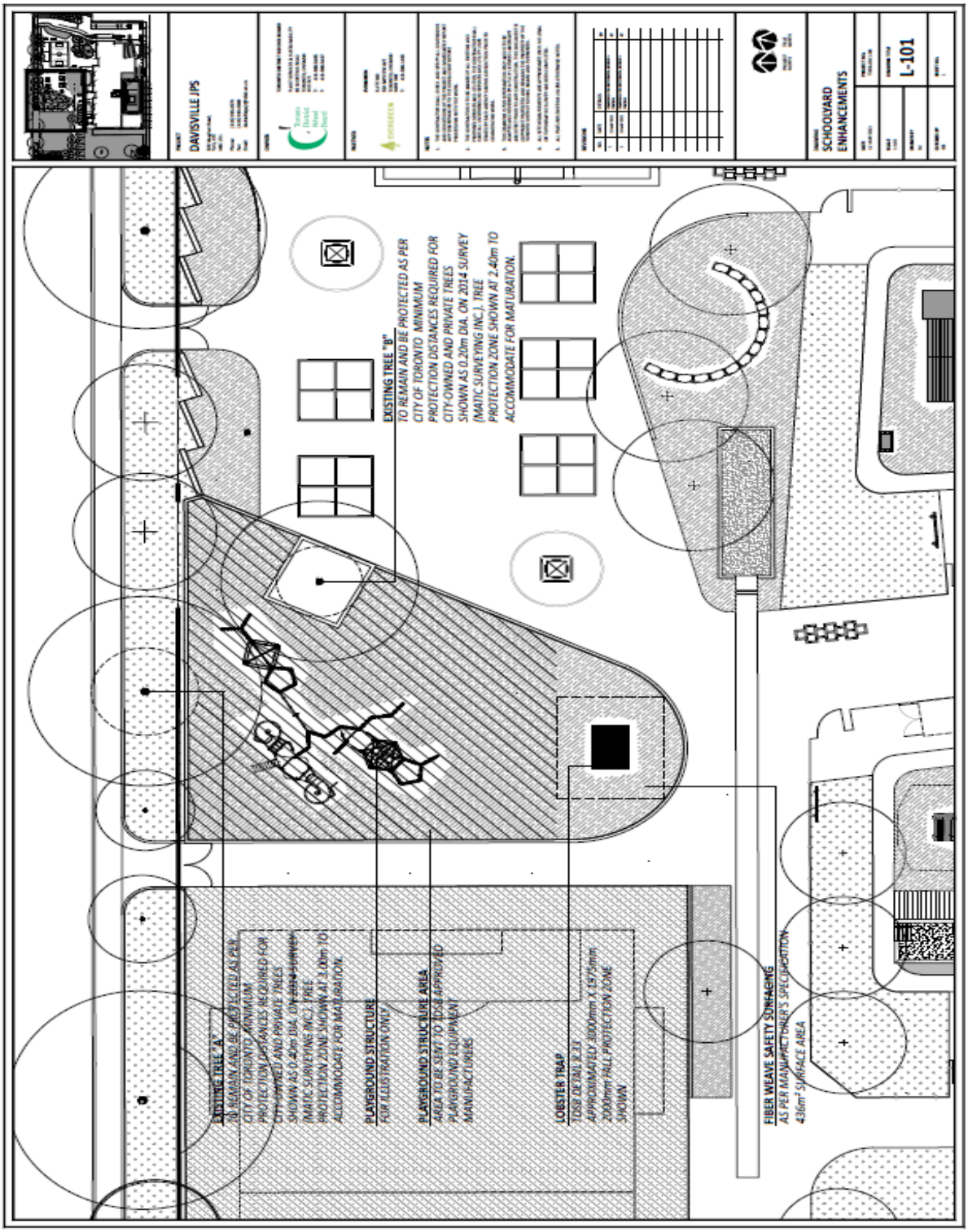
c. City Manager

Appendix B1: Location of the School



Appendix B2: TDSB Master Plan for the Project

The City funded enhancements are included in the following master plan for the school yard improvements:



Appendix C: Cost Breakdown for the Use of the Section 37 Funds

The following table shows the estimated cost breakdown for the City funded enhancements at this school:

Description		**No. of Units**	**Unit Price**	**Extended Price**
Supply Playground Equipment (manu-factures quote		1	$ 40,000.00	$ 40,000.00
Install playground equipment (equip-ment cost x 40%)		1	$ 10,000.00	$ 10,000.00
Lobster Trap Climbing Structure (1.8m x 3m)		1	$ 14,490.00	$ 14,490.00
			SUBTOTAL	**$ 64,490.00**
Mobilization, equipment, inspections				$ 20,510.00
TOTAL				**$ 85,000.00**