

October 26, 2021

Transmittal No. 2021 – 119
(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 October 25, 2021 with respect to the report, *Community Access Agreement: Ossington/Old Orchard Junior Public School, 380 Ossington Avenue*, attached herein.

The TLC Board decided that:

- 1) The acceptance of funding in the amount of \$205,000 from the City of Toronto to fund costs associated with site improvements at Ossington/Old Orchard 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 in 2022 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 recommendation in the report, *Community Access Agreement: Ossington/Old Orchard Junior Public School, 380 Ossington Avenue*, is requested.

Sincerely,



Brenda Patterson
Chair, TLC

cc. D. Sage, Executive Officer, TLC

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

**Community Access Agreement:
Ossington/Old Orchard Junior Public School, 380 Ossington Avenue**

To: Policy & Planning Committee
Date: 18 October 2021

Committee Action Requested: ☒ **Decision** ☐ **Discussion** ☐ **Information**

Recommendations:

That the Toronto Lands Corporation (TLC) recommends that:

- 5) The acceptance of funding in the amount of \$205,000 from the City of Toronto to fund costs associated with site improvements at Ossington/Old Orchard Junior Public School, as outlined in the Appendix C; and
- 6) Authority be granted for TLC to execute a Community Access Agreement with the City of Toronto for a term of ten (10) years commencing in 2022 with key business terms and conditions as specified herein;
- 7) That the Community Access Agreement be in a form and content satisfactory to TLC Legal Counsel; and
- 8) The report be forwarded to TDSB Board for approval.

BACKGROUND

The Toronto District School Board is planning to make site improvements at Ossington/Old Orchard 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, on July 14, 2021, has approved a motion (as attached in Appendix A) allocating \$205,000 in funding for site improvements at Ossington/Old Orchard Junior Public School.

The City funded enhancements to the schoolyard (as highlighted in Appendix B1 and B2) is for a new all purpose asphalt walkway around the playing field playground, new sand pit, a new inclusive and accessible playground, a natural play area, and upgrades basketball courts. These playground improvements will allow students attending the school and those living in the neighbourhood to participate in recreational activities.

In the absence of sufficient City playgrounds nearby, the Ossington/Old Orchard Junior Public School grounds will serve that purpose for the local community.

The estimated cost breakdown of the City funding is highlighted in Appendix C. This project is part of a larger project with additional funding of \$70,000 coming from the school fundraising referred to as the 'OOOPS Fundraising campaign'. According to TDSB staff, the total TDSB approved project budget is estimated at \$485,000 with the City providing a contribution of approximately 27% to the overall project.

The TDSB staff advise that there is no expected student accommodation impact during the construction build out for the playground improvements. In addition, TDSB staff confirms that outdoor playground activity may continue during the construction project and will work with the school principal on an appropriate commencement date to minimize student impact.

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: October 2021;
- Purpose: To fund the construction of a new school playground;
- Estimated construction start: July 2022;
- Estimated construction completion: December 2022;
- City's Contribution: \$205,000;
- 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: October 25, 2021
TDSB Board Cycle: November Cycle

From

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

Anita Cook, Director, Real Estate & Leasing, Toronto Lands Corporation, at acook.tlc@tdsb.on.ca or at 416-573-2716

City Council consideration on July 14, 2021

| | | | | |
|--------|--------|---------|--|---------|
| MM35.3 | ACTION | Adopted | | Ward: 9 |
|--------|--------|---------|--|---------|

Authorization to Release Section 37 Funds to Toronto District School Board for Ossington • Old Orchard Junior Public School Playground • by Councillor Ana Bailão, seconded by Councillor Mike Layton

City Council Decision

Caution: This is a preliminary decision. This decision should not be considered final until the meeting is complete and the City Clerk has confirmed the decisions for this meeting.

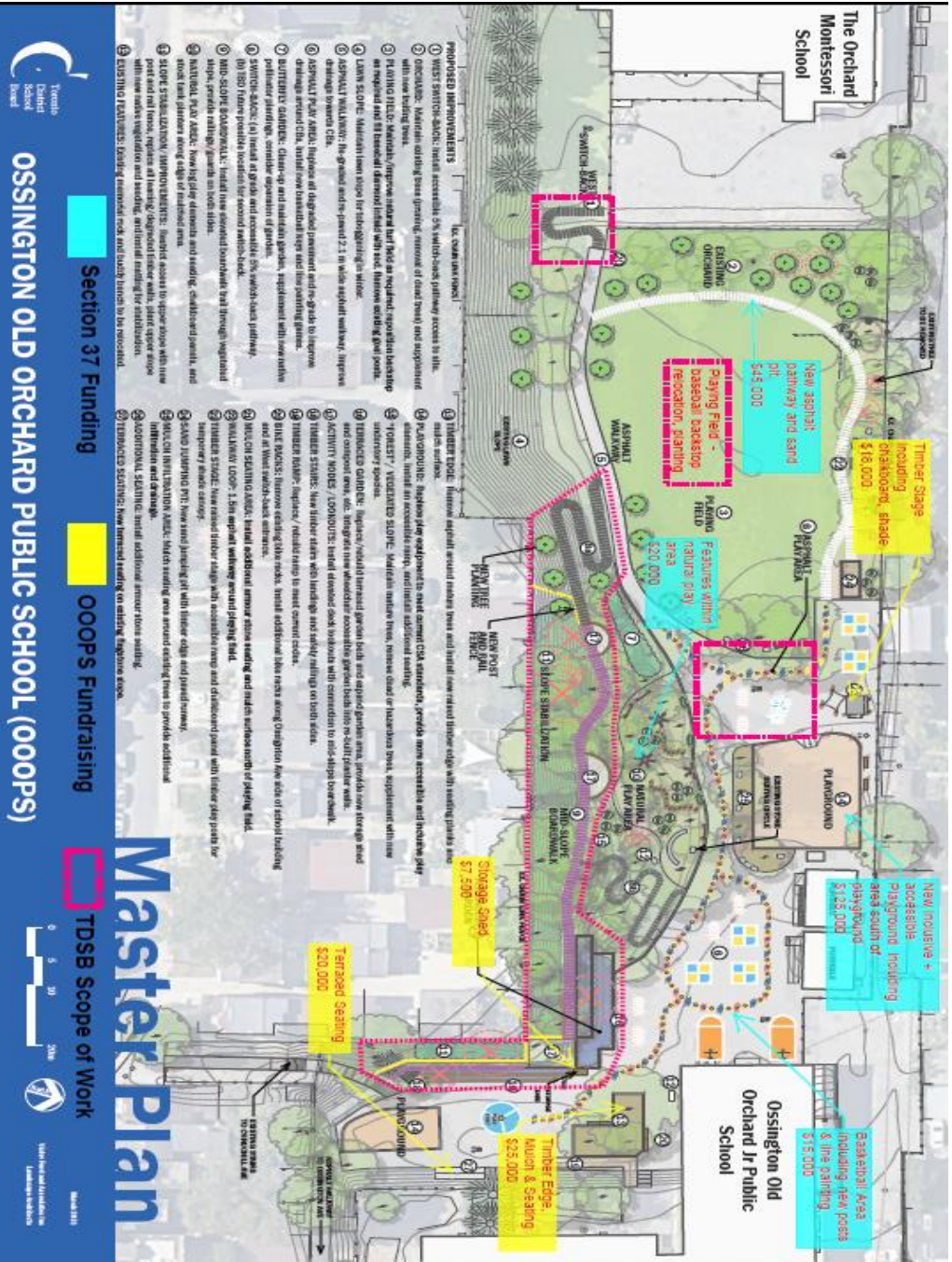
City Council on July 14, 15 and 16, 2021, adopted the following:

1. City Council increase the 2021 Council Approved Operating Budget for Non-Program by \$205,000.00 gross, \$0 net, fully funded by Section 37 funds obtained in the development at 871 to 899 College Street (Source Account: XR3026-3701124), for the purpose of providing one-time capital funding to the Toronto District School Board for playground improvements at Ossington • Old Orchard Junior Public School (Cost Centre NP2161).
2. City Council request City staff from 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, provided acceptable terms can be agreed upon.
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 Ossington • Old Orchard Junior Public School, on terms and conditions satisfactory to the General Manager, Parks, Forestry and Recreation, and in a form satisfactory to 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.
5. City Council direct that the funds be used for: a new asphalt walkway around playing field for a run / walk / bike path around field; new sand pit; a new Inclusive and Accessible Playground; a Natural Play Area; and upgraded basketball courts.

Background Information (City Council)

pp.toronto.ca/tmmis/viewAgendaItemHistory.do?Item=2021/MM35.3

Appendix B1: Location of the School



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:

| Descripton | Units | No. of Units | Unit Price | Extended Price |
|---|-------|--------------|--------------|----------------|
| Demolition & Removals & Site Prep | LS | 1 | \$ 10,000.00 | \$ 10,000.00 |
| Natural Play Elements | LS | 1 | \$ 15,000.00 | \$ 10,000.00 |
| Basketball Improvements | LS | 1 | \$ 18,000.00 | \$ 15,000.00 |
| Playground Equipment incl. Installation | LS | 1 | \$ 65,000.00 | \$ 65,000.00 |
| Subsurface Drainage & Safety Surfacing | LS | 1 | \$ 15,000.00 | \$ 15,000.00 |
| Asphalt Paving & AODA Access | LS | 1 | \$ 15,000.00 | \$ 55,000.00 |
| Inspection & Testing | LS | 1 | \$ 2,500.00 | \$ 2,500.00 |
| | | | SUBTOTAL | \$ 172,500.00 |
| Mobilization & Demobilization | | | | \$ 8,500.00 |
| Contingency | | | | \$ 10,000.00 |
| Consulting fees & Permits | | | | \$ 11,677.00 |
| HST Share (2.16%) | | | | \$ 2,323.00 |
| TOTAL | | | | \$ 205,000.00 |