

October 26, 2021

Transmittal No. 2021 – 121
(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, *Brockton Stadium: Lease Agreement Alliance of Portuguese Clubs and Associations of Ontario (APCAO)*, attached herein.

The TLC Board decided that:

- 1) In accordance with subsection 194(3) of the Education Act, TDSB pass a resolution that the Brockton Stadium municipally known as 515 Brock Avenue, Toronto is not required for the purposes of the Board;
- 2) TLC be authorized to circulate a proposal under Regulation 444/98 for a lease having a term of two (2) years on the terms and conditions detailed herein;
- 3) If no lease with a public body is entered into resulting from the circulation, authority be given to TLC to enter into a lease with the Alliance of Portuguese Clubs and Associations of Toronto (APCAO) on the terms described in the proposal; and
- 4) The Lease Agreement is to be in a form and content satisfactory to TLC legal counsel; and
- 5) The TLC Report be forwarded to TDSB for approval.

On behalf of the Board of Directors of the Toronto Lands Corporation, approval of the recommendation in the report, *Brockton Stadium: Lease Agreement Alliance of Portuguese Clubs and Associations of Ontario (APCAO)*, is requested.

Sincerely,



Brenda Patterson
Chair, TLC

cc. D. Sage, Executive Officer, TLC
cc. C. Snider, Associate Director, Business Operations and Service Excellence, TDSB

Committee Decision Item
Brockton Stadium: Lease Agreement
Alliance of Portuguese Clubs and Associations of Ontario (APCAO)

To: Policy & Planning Committee
Date: 18 October 2021

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

RECOMMENDATION:

It is recommended that:

- 6) In accordance with subsection 194(3) of the Education Act, TDSB pass a resolution that the Brockton Stadium municipally known as 515 Brock Avenue, Toronto is not required for the purposes of the Board;
- 7) TLC be authorized to circulate a proposal under Regulation 444/98 for a lease having a term of two (2) years on the terms and conditions detailed herein;
- 8) If no lease with a public body is entered into resulting from the circulation, authority be given to TLC to enter into a lease with the Alliance of Portuguese Clubs and Associations of Toronto (APCAO) on the terms described in the proposal; and
- 9) The Lease Agreement is to be in a form and content satisfactory to TLC legal counsel; and
- 10) The TLC Report be forwarded to TDSB for approval.

BACKGROUND:

Brockton Stadium, municipally known as 515 Brock Avenue situated at the corner of Brock and Croatia, near the intersection of Bloor Dufferin, has been associated with the former Brockton Learning Centre (since demolished) and Bloor Collegiate. The Alliance of Portuguese Clubs and Associations of Toronto (APCAO) has been the sole tenant of the TDSB Stadium since 2003. APCAo used the Brockton stadium for its soccer associations and have identified this facility as one of the premier natural turf fields in the City and a key field for programming.

The lease has just expired and at the present time, the tenant is overholding on the existing terms and conditions on a month-to-month basis. The existing lease provided school use during the day and by APCAo during the evenings and weekends. The agreement allows the tenant to fund upgrades to the field in exchange for a reduction in the rental payment. The tenant has completed extensive upgrades to the site. The tenant has approached TLC and indicated that they would like to renew the lease and continue operations at the Brockton Site for a further two (2) year term.

RATIONALE:

Bloor Collegiate Institute and Alpha II Alternative School building currently fronting onto Bloor Street have been sold. As a result, the former Brockton school location at 90 Croatia Street currently vacant

land, will be the location for the new Bloor CI replacement school and according to TDSB will commence construction shortly. The Brockton Stadium situated directly across the street will become the playing field daily when the new school is opened. In the interim, it remains a good option for TDSB to continue to lease the facility and to ensure it remains in a good state of repair.

Subject to satisfactory completion of the Ont. Reg. 444/98, TDSB staff is recommending TLC enter into a new lease having an expiration date of August 31, 2023, with the expectation that the new Bloor CI/Alpha II will commence operations thereafter.

The existing tenant, APCAO, has been an occupant of the Stadium since 2003. Upon the lease expiry and confirmation from TDSB, TLC has negotiated a two-year agreement, conditional upon Board approvals, completion of Ont. Reg. 444/98, no other public agency express an interest to lease during the preferred agency circulation period. and other conditions as stated herein.

Key business terms are as follows:

Term: September 1, 2021 to August 31, 2023, with no further right of extension.

Lease Rate: \$70,000 to be offset by operating expenses, repair and all maintenance costs (an increase from the previous amount of \$50,000)

Community Access:

Under the existing lease, community access was granted upon request through the TDSB or the community. It is preferable to have specific hours of use available to the community that can be posted on the APCAO web site.

Dedicated community access will be all Sundays from 9 a.m. to 9 p.m. plus a minimum of one evening (1) per week from 5 PM to 9 PM.

The Club also covenants and agrees that it will consider in good faith any requests by the public to have access to and use of the Stadium at other times to the extent that such requests can be facilitated having regard to the Club's own use.

Should the community be requesting access during the day (Monday through Friday) and/or Saturday/ or holidays during the term of this Agreement, TLC will provide 30 days advance written Notice to the Tenant, thereby allowing up to two (2) days access during the day from 9 AM to 5 PM on Monday – Friday (the days to be selected at the time by the Tenant and one (1) holiday from 8a.m. to 5pm.) The Tenant may be requested to install automatic locking mechanisms during these community access periods. TDSB will be responsible for any damage or repairs caused by the community during community access periods. Should the Tenant be provided Notice and thereby be required to allow the additional community access during the July and August periods as aforementioned, the community use, including the up to two (2) evenings and Sunday, will be required to be posted on the Tenant's website.

Tenant Use:

The Stadium shall be used and occupied only for the purpose of holding sporting events and related activities and uses ancillary thereto and for no other purpose. Such use by the tenant shall be restricted to the following times:

- (i) July 1 to August 31 - unrestricted, except for one (1) evening per week available to public from 5 PM to 9 PM and Sundays from 9 AM to 9 PM

- (ii) April 1 to June 30 and September 1 to September 30 - after 6:00 p.m. only, Mondays to Fridays, exclusive of statutory holidays except for one (1) evening per week available to public from 5 PM to 9 PM and Sundays from 9 AM to 9 PM
- (iii) April 1 to June 30 and September 1 to September 30 – unrestricted (Saturdays and Statutory Holidays) except for one (1) evening per week available to public from 5 PM to 9 PM and Sundays from 9 AM to 9 PM
- (iv) all other times – only upon written approval of TDSB

As the TDSB will not be relying on Brockton Stadium for programming purposes until the new Bloor CI/Alpha II is built, it is fair and reasonable to enter into a new short term, two-year agreement with the existing tenant, APCAO, subject to satisfactory completion of the Regulatory requirements. APCAO will continue to maintain and repair the facility. New scheduled community access during this timeframe will benefit the community at large and represents a joint positive collaboration between all parties to maximize the use of the public asset.

RISK ASSESSMENT

Low Risk

IMPLICATIONS

N/A

COMMUNICATIONS APPROACH

N/A

Routing

TLC Board: October 25, 2021

APPENDICIES:

Appendix A: Aerial Map: Brockton Stadium

From

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

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

Brockton Stadium



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