



STAFF REPORT ACTION REQUIRED

Land Exchange with Toronto District School Board for City Land at 255 Chester Le Boulevard (Chester Le Park)

Date:	August 28, 2009
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	Ward 39 – Scarborough-Agincourt
Reference Number:	P:\2009\Internal Services\F&re\Gm09072F&re – (AFS 10427)

SUMMARY

The purpose of this report is to seek authority to enter into an agreement to exchange lands owned by the City for lands owned by the Toronto District School Board (“TDSB”) for the purpose of including the land with other land owned by TDSB on which a new child care centre is to be built.

The terms for completing the transaction, as set out in this report, are considered to be fair, reasonable and reflective of market value.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. Authority be granted for the City to enter into a Land Exchange Agreement with the Toronto District School Board (“TDSB”) for part of Block B, Plan 9133, shown as Part 2 on Sketch No. PS-2009-065 (“TDSB Lands”) in exchange for part of Block A, Plan 9133, shown as Part 1 on Sketch No. PS-2009-065 (“City Lands”), substantially on the terms and conditions outlined in Appendix “A” to this report and such other terms as may be approved by the Chief Corporate Officer in a form satisfactory to the City Solicitor.
2. Each of the Chief Corporate Officer and the Director of Real Estate Services be authorized severally to accept the terms of the Land Exchange Agreement on behalf of the City.

3. The City Solicitor be authorized to complete the transactions provided for in the land exchange agreement on behalf of the City, including making payment of any necessary expenses and amending the closing and other dates to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable.

Financial Impact

This agreement involves a land exchange between the Toronto District School Board and the City. Since the parties have agreed that the lands to be exchanged are of equal value, estimated at \$70,100.00, the City will incur only the land exchange costs. These costs are estimated in the total amount of \$12,963.00. Of that amount, \$2,016.00 pertains to the City lands exchange costs, such as registration, survey, land transfer tax etc., while the remaining \$10,947.00 are costs related to the TDSB lands that include Provincial and Municipal land transfer tax, GST, registration and survey costs, and TDSB legal costs.

All costs associated with the construction of the child care facility will be funded from the 2009 Approved Capital Budget for Children's Services (CCS010-02), including the above land exchange costs. The City will assume the TDSB share as this project is for the benefit of the City, rather than TDSB.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

On November 19 and 20, 2007, City Council adopted, without amendment, Item CD10.5 of the Community Development and Recreation Committee, entitled "Development of New Child Care Centres", thereby approving the Children Service's 2007 Capital Budget to build new child care centres, and to enter into an agreement with TDSB for the construction of a child care centre adjoining Chester Le Junior Public School (Child Care Project B).

In accordance with the City's Real Estate Disposal By-law, No. 814-2007, the City Lands were declared surplus on August 25, 2009 (DAF No. 2009-069) with the intended manner of disposal to be by way of a land exchange with the TDSB for the TDSB Lands, conditional upon City Council approving that the land being exchanged is (i) for nearby land of equivalent or larger area and (ii) of comparable or superior green space utility.

ISSUE BACKGROUND

The City Lands are a part of Chester Le Park, which was conveyed to the former Corporation of the Borough of Scarborough for nominal consideration in 1972. Chester Le Park adjoins lands owned by the TDSB, municipally known as 201 Chester Le Boulevard, on which is located Chester Le Junior Public School.

In November, 2004, the Ministry of Children and Youth Services announced the Best Start Strategy ("Best Start"), which is a 10-year plan designed to give Ontario's children the best start in life, and to help them succeed in school by providing a comprehensive

system of services that support children from birth to transition into school. Best Start is an amendment to the 2005-2009 Toronto Child Care Service Plan, which includes a number of components including a major expansion of the licensed child care system. The expansion is funded through the 2003 Multilateral Framework on Early Learning and Child Care and the 2005 Federal Early Learning and Child Care funds. The Province of Ontario is using this federal funding to expand the number of licensed child care spaces, increase access to subsidies, and improve wages for child care workers.

At its meeting held on March 31 and April 1, 2008, City Council adopted Executive Committee Report EX18.1 which included the recommendation that the General Manager be authorized to enter into an agreement on behalf of the City with TDSB for the purpose of funding the construction or renovation of child care facilities to be located at schools operated by TDSB with funds provided under Best Start. The agreement includes stipulations on completion of the work, ownership and capital repayment for early termination.

The Chester Le community is part of the Steeles-L'Amoureux neighbourhood, identified as one of the 13 priority neighbourhoods across Toronto for focused investment to strengthen neighbourhood supports. According to Best Start, it was recommended that a child care centre be constructed on Chester Le Junior Public School land, adjoining the school (the "Project"). It is a joint Project between TDSB and the City. The City is responsible for all construction and maintenance costs and TDSB is responsible for providing the land for the facility and undertaking the project management of the construction and maintenance of the facility.

TDSB originally requested that a limiting distance agreement and a permanent easement over the City Lands be granted to it, as the child care centre will be built up to the property line between Chester Le Park and Chester Le Junior Public School. However, as the City Lands are within the Parks and Open Space Areas in the Official Plan, the disposal of such (by sale or easement over 21 years) is prohibited by the Official Plan. Section 4.3, Parks and Open Space Areas ("POSA"), Policy 8 of the Official Plan states that the sale or disposal of publicly owned lands in POSA is discouraged and no City owned lands in POSA will be sold or disposed of. However, City owned land in POSA may be exchanged for other nearby land of equivalent or larger area and comparable or superior green space utility. A land exchange was proposed whereby the City would convey the City Lands, shown as Part 1 on Sketch No. PS-2009-065, containing an approximate area of 342.72 m² to TDSB and TDSB would convey the TDSB Lands, shown as Part 2 on the same Sketch, containing the same approximate area of 342.72 m² to the City. Staff of Parks, Forestry & Recreation were consulted and have no objection to the proposed land exchange.

COMMENTS

Further details of the properties:	City Lands	TDSB Lands
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Approximate Site Dimensions:	Rectangular	Rectangular
Approximate Area:	342.72 m ² ± (3,689 ft ²)	342.72 m ² ± (3,689 ft ²)
Current Use:	Parkland	School Playground

The General Manager of Parks, Forestry and Recreation has confirmed that the TDSB land is nearby, of equivalent area, and comparable green space utility, relative to the City Lands being exchanged under this proposal. The Chief Planner & Executive Director has advised that he is generally satisfied that the proposed exchange of lands meets the intent of Section 4.3, Policy 8 of the Official Plan.

Negotiations between the City and the TDSB, represented by the Toronto Lands Corporation as an agent for and on behalf of TDSB, have been completed and the parties have agreed that the value of each of the City Lands and the TDSB Lands is \$70,100.00. A Cost Centre has been put in place by Children's Services to charge costs related to the Project, and Children's Services has advised that costs related to the land exchange are to be charged to this Cost Centre. These costs include such items as Land Transfer Taxes, GST, surveying, registration and miscellaneous closing costs of the City. The same costs incurred by TDSB, plus legal costs in the amount of \$5,000.00, will also be charged to the Cost Centre.

By the date of consideration by City Council, all steps necessary to comply with the City's real estate disposal process, as set out in Chapter 213 of the City of Toronto Municipal Code will have been complied with including giving the required public notice.

CONTACT

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SIGNATURE

Bruce Bowes, P. Eng.
 Chief Corporate Officer

ATTACHMENTS

Appendix A – Major Terms and Conditions
 Appendix B – Sketch & Map