



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

**Toronto District School Board Property located at
24 Strathburn Boulevard – Melody Public School**

Date:	November 3, 2009
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	7 - York West
Reason for Confidential Information:	This report relates to litigation or potential litigation affecting the City
Reference Number:	P:\2009\Internal Services\F&re\Gm09107F&re – (AFS 10847)

SUMMARY

The Toronto District School Board (TDSB) declared the easterly portion of 24 Strathburn Boulevard surplus to its needs under the *Education Act* and circulated notice of its intention to sell that parcel on September 11, 2008. TDSB intends to retain ownership of the westerly half of the school property at this time, being the area that corresponds approximately with the open space component of the property. City staff has been advised that TDSB is willing to enter into an agreement with the City relating to that area on terms outlined in Confidential Attachment 1.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.

2. City Council direct that Confidential Attachment 1 remain confidential under the provisions of the *City of Toronto Act, 2006* as it relates to litigation or potential litigation affecting the City.

Financial Impact

There are no financial implications with respect to this report.

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

DECISION HISTORY

City Council, at its meeting held on June 22, 23 and 24, 2004, considered Clause No. 18 of Report No. 4 of the Administration Committee entitled "Requests by the Toronto District School Board for Release of City Interest in: St. Conrad Separate School (Ward 9 - York Centre); Yvonne Public School (Ward 7 - York West); and Melody Public School (Ward 7 - York West). Further details regarding that confidential report are outlined in Confidential Attachment 1.

ISSUE BACKGROUND

The property known municipally as 24 Strathburn Blvd., and also as the Melody Public School site, is owned by the TDSB. TDSB declared the easterly half of that property (the "Eastern Parcel"), surplus to its needs under the *Education Act* on June 25, 2008 and circulated notice of its intention to sell the Eastern Parcel on September 11, 2008. The area that has been declared surplus corresponds approximately with the school building and parking areas located on the eastern half of the site. City staff has been advised that another school board has expressed an interest in acquiring the Eastern Parcel from TDSB. City staff has also been advised that TDSB intends to retain ownership of the westerly half of the site at this time, being the area that corresponds approximately with open space component of the property (the "Western Parcel").

In 1951, the City conveyed a parcel of land corresponding approximately with the Western Parcel to a predecessor of TDSB for school purposes. The Deed for the lands contained a covenant permitting the City to use the area for community purposes when it was not being used for school purposes, as well as a right to repurchase the land at the original sale price if the board determined that the lands were not required for school purposes in the future. The TDSB has advised City staff that it is of the view that the City's rights under the original deed have expired pursuant to the *Land Titles Act*, as the rights are more than 40 years old. The TDSB has further advised City staff that, even if such rights had not expired, the entire Melody Public School site will continue to be used for school purposes following the current sale transaction, so any right to repurchase would not have been triggered by the current transactions.

COMMENTS

In response to concerns that have been expressed by the City regarding the future use of the Western Parcel, TDSB has engaged in discussions with City staff regarding possible mechanisms for ensuring that the public has continued use of the open space on the site, and has advised City staff that it is prepared to grant the City certain rights relating to such lands, as outlined in Confidential Attachment 1.

CONTACT

Joe Casali
Director, Real Estate Services
Facilities & Real Estate
Tel: (416) 392-7202
Fax: (416) 392-1880
jcasali@toronto.ca

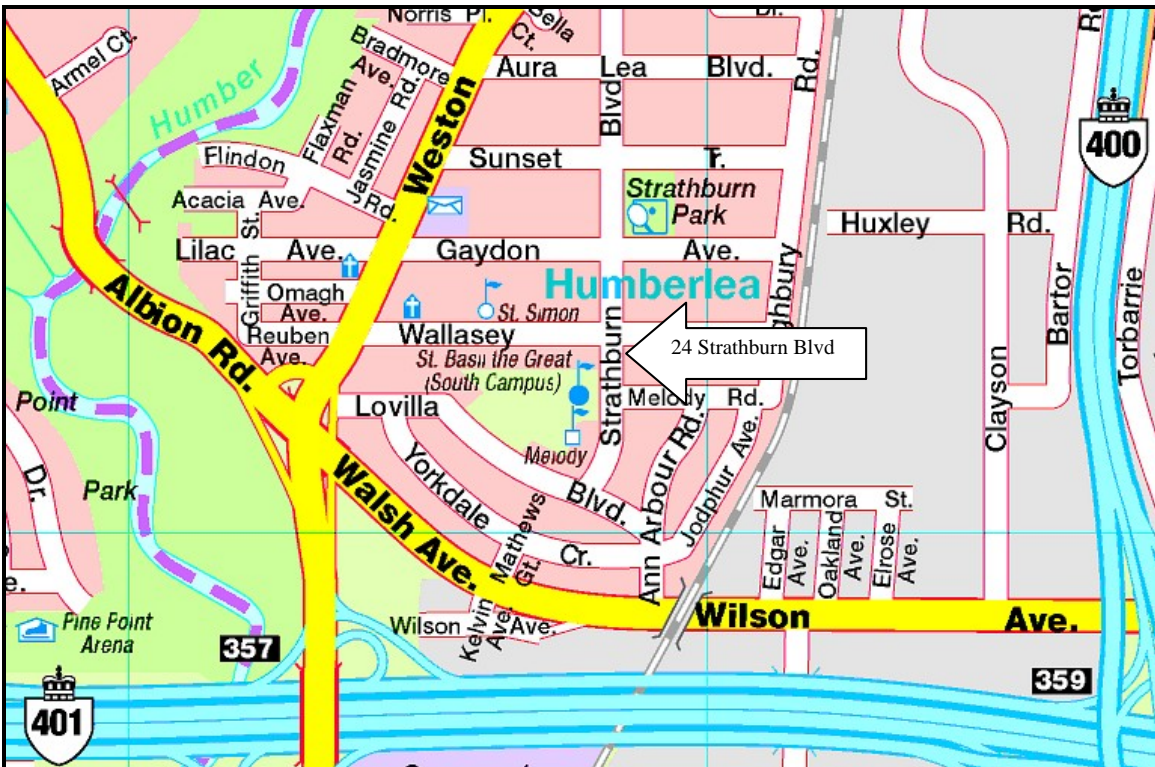
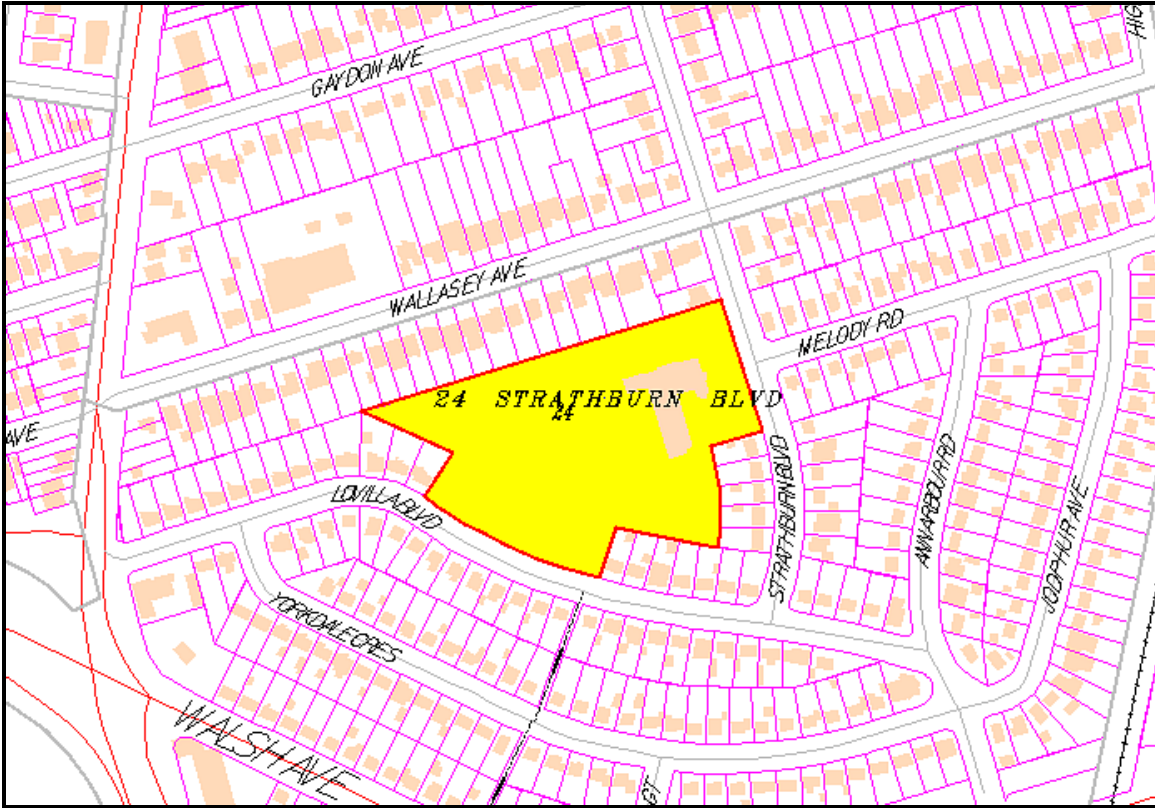
SIGNATURE

Bruce Bowes, P. Eng.
Chief Corporate Officer

ATTACHMENTS

Appendix “A” - Location Map- 24 Strathburn Boulevard
Appendix “B” - Property Delineation – 24 Strathburn Boulevard
Attachment 1 – Confidential Information

Appendix "A" - Location Map



Appendix "B" – Property Delineation 24 Strathburn Boulevard



Melody - Approximately 3.37 Acres



0 12.5 25 50 75 100 Meters
Produced by:
Hilary Chow
Planning Division, 11200
July 2009
Draw Map - Land Information Toronto
Facility and Student Care - Facility Services TDSB
L1201 LC Prop 4449/20050/029-Melody337 Acres.pdf

Legend
Site Road
Subject Site