



STAFF REPORT ACTION REQUIRED

Update on the School Lands Acquisition Framework

Date:	November 26,2012
To:	City Council
From:	City Manager
Wards:	All
Reference Number:	AFS #16777

SUMMARY

This report provides an update on the School Lands Property Acquisition Framework in the context of recent developments surrounding capital planning issues at the Toronto District School Board.

RECOMMENDATIONS

The City Manager recommends that:

1. City Council direct the Executive Director, Social Development, Finance and Administration to report back to City Council at the earliest opportunity following approval of a capital plan for the Toronto District School Board on the impact of the plan on City and community use of schools, the implementation of the province's new "Schools First Child Care" policy, existing child care centres within schools, and community use of green space.

Financial Impact

There are no financial implications associated with this report. The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting of May 11 and 12, 2010, City Council approved a School Lands Acquisition Framework.

See: <http://www.toronto.ca/legdocs/mmis/2010/ex/bgrd/backgroundfile-29044.pdf>

At its meeting of August 25, 26 and 27, 2010, City Council approved the School Lands Acquisition Framework and Funding Strategy Follow up Report.

See: <http://www.toronto.ca/legdocs/mmis/2010/ex/bgrd/backgroundfile-32904.pdf>

At its meeting of May 8 and 9, 2012, City Council referred Member Motion MM23.3 "Working Together - Establishing a City of Toronto - Toronto School Boards Working Group" to the City Manager to report back to Executive Committee.

See: <http://www.toronto.ca/legdocs/mmis/2012/mm/bgrd/backgroundfile-46835.pdf>

At its meeting of November 19, 2012, Executive Committee referred a motion to the City Manager to provide this report directly to City Council.

See: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EX25.7>

ISSUE BACKGROUND

Schools are places of learning, but are also locations for child care, recreation programs, community meetings and neighbourhood green space. The closure and sale of schools and their lands can have a range of effects on neighbourhoods, particularly those that are already underserved.

School boards are under increasing financial pressure. This financial pressure is a result of the Ontario Ministry of Education funding formula, which assigns funding based on student enrolment and the number and size of schools in the board. The formula aims to encourage school boards to rationalize and divest themselves of underused facilities. This formula may not, however, adequately address the challenges faced by large urban boards such as the Toronto District School Board (TDSB).

The City of Toronto has an interest in ensuring that strategic school properties which are vital to service delivery in neighbourhoods are maintained for public use. For this reason, City Council adopted a School Lands Acquisition Framework to identify and prioritize properties that become available for sale by local school boards and the Toronto Lands Corporation (TLC), the TDSB's real estate subsidiary.

Recent events involving the TDSB's capital planning process have created new financial pressures for the school board. On October 3rd, 2012, the Ontario Ministry of Education advised the TDSB that it would suspend approval of any new major capital projects. The Ministry took this action in part over concerns with TDSB's capital deficit. The Ministry instructed the TDSB that it must submit a plan to eliminate its capital deficit as one of the conditions of ending the suspension of new funding. The Ministry's directive excludes capital required to address the implementation of Full Day Kindergarten as well as construction required to reconfigure existing child care located in schools.

On November 21st, 2012, the TDSB Board of Trustees voted on a capital plan which proposed addressing the TDSB's capital deficit by seeking consents to sever portions of TDSB properties which could then be sold. The Board voted against the plan, 15-7. This

leaves the TDSB still without a Ministry-approved plan, and the property severance idea currently off the table. TDSB will now begin work on a new plan to address its capital funding issues. As of Friday, November 23rd, 2012, the Ministry of Education had not issued a public response to the Board's decision.

COMMENTS

The result of the Board of Trustees' decision is that TDSB does not as yet have a capital plan for City staff to assess for impact. However, it is likely that decisions to close schools or sell off portions of school properties could well form part of an eventual capital plan. Some of the key impacts of this development for the City and the community are discussed below.

Pupil Accommodation Review Committees

The process to close or consolidate a school is laid out in guidelines set by the Ministry of Education under the authority of the Education Act. This process is referred to as a "Pupil Accommodation Review". There are prescribed rules about public consultation as well as the option for participants to seek an administrative review from the Ministry if these rules are not followed.

Three Pupil Accommodation Review Committee (PARC) processes were conducted for 2011-12, one in TDSB Ward 1 (Etobicoke North), and two in TDSB Ward 16 (Beaches East York). While the committees have completed their reports, TDSB staff recommendations regarding the committees' reports will not be presented until the Ministry of Education has given approval to proceed. This process may well be further delayed by TDSB's capital planning issues. The School Lands Staff Team will continue to monitor these processes.

School closings and consolidations and the impact on child care

The closing of a school can have significant detrimental effects on that school's local community and parents' ability to access child care which supports their ability to participate in the workforce or school.

For example, many child care programs are located within school properties. The Ministry of Education encourages this and is moving towards a schools-first capital investment approach for child care. This approach emphasizes investment in child care spaces located within active schools to help ease transitions for children and to improve convenience for families. However, this approach has the effect of decreasing the appeal of any surplus school sites for use as a community child care hub as such a site would not be a priority for Ministry investment.

The result of these Provincial policies is that school-based child care centres are even more reliant on the preservation of schools in which they are located and ever more anxious about the security of their tenure.

Consents to sever and the impact on open and green spaces

Unlike the process for closing or consolidating schools, the consultation process for a board to divide a school's property in order to sell a portion is not well defined. While the importance of community consultation regarding the sale of even a portion of a school's property is widely endorsed by TDSB Trustees and staff, it is not clear what degree or type of consultation would be required by the Ministry of Education for severances.

If TDSB does at some point in the future proceed with severing some of its properties, a number of open spaces could become available within a relatively short time frame. Given the short time frames dictated by Ministry regulations for the sale of school properties, it is vital for the City to have a framework in place to assess the suitability of such open spaces for acquisition.

The loss of any type of green space can significantly affect a community. The distinction as to whether the space is a City park or a school board property is often not particularly important to the local community. The City's Official Plan provides guidance and policy on the preservation of school lands, particularly Section 3.2.2 Community Services and Facilities, and Section 3.2.3, Parks and Open Spaces.

The City of Toronto, via authority given to the Committee of Adjustment by the Planning Act, grants consent to sever land into new lots, to establish easements or rights-of-way and to lease or register a mortgage over 21 years. In any decision to grant consent to sever land, the Committee of Adjustment must ensure that the intent and purpose of the City's Official Plan, as well as its Zoning By-law, is maintained. When an application is made to the Committee, registered owners of land located within 60 meters of the subject land are notified of the application, and the public hearing date during which the application will be considered by the Committee. All interested persons are invited to attend public hearings of the Committee to express their views and concerns. Committee of Adjustment decisions may be appealed (by anyone) to the Ontario Municipal Board.

Also, Parks, Forestry, and Recreation is planning to bring forward its Parks Plan as well as a subsequent Facilities Plan next spring. The Parks and Facilities Plans will help identify those areas of the City that have a low provision of parkland and where open space preservation is therefore most critical. However, it is possible that many of the TDSB properties that would be considered for severance would be in districts of the city not considered to have a low provision of parkland.

City of Toronto – Toronto School Boards Working Group

The City can expect continuing pressure to buy school lands for community use and green space. The School Lands Staff Team that was formed to implement the School Lands Acquisition Framework continues to anticipate and consider school properties that may become available for sale. However, as reported to Executive Committee at its meeting of September 6, 2011, there are significant cost barriers to repurposing school buildings. School boards are required by Regulation 444 of the Education Act to maximize their return on any sale of properties, the cost of restoring schools to a state of good repair is often very expensive, and the School Lands Acquisition Framework does

not provide a funding source for any operating costs of programming at a purchased school site.

The increasing pressure for the sale of school properties and the significant cost barriers identified by the School Lands Acquisition process underscore the need for further and better coordination between the City and all Toronto-serving school boards. City staff continue work to organize a City of Toronto – Toronto School Boards Working Group comprised of City councillors and trustees representing the four Toronto-serving school boards. Present circumstances serve to make this task more challenging, but also all the more important. Staff will be reporting to Executive Committee on their progress in the new year.

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SIGNATURE

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