



Parks, Forestry and Recreation
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March 23, 2018

City Clerk
Toronto City Hall
100 Queen Street West
Toronto, Ontario M5H 2N2

Dear Madam Clerk,

**Response to Administrative Inquiry:
Toronto District School Board (the "TDSB") Shared Use / Exclusive Use
Agreement (the "Agreement") for Recreation Space in Schools**

I am writing in response to the Administrative Inquiry submitted by Councillor Janet Davis, dated March 15, 2018. The Inquiry requests clarification regarding the current status of negotiations on the Agreement between the City of Toronto (the "City") and the TDSB.

Shared / Exclusive Use Agreements

The City has 26 separate agreements for use of exclusive space within TDSB schools, mostly dating back to the time schools were constructed. In 2006, as these agreements began to expire, City Council directed the General Manager of Parks, Forestry and Recreation to negotiate one master use agreement for use of exclusive space within these TDSB facilities. Since 2006, all of these agreements have been in over hold.

For many of these locations, the City of Toronto has contributed capital funding to construct exclusive space within or attached to TDSB property. The spaces are used as office space for the on-site Community Recreation staff in conjunction with permitted programming space. The City remits approximately \$0.89 million annually in rent for the Exclusive / Shared Use Space agreements. Programming outside of the exclusive use space in the schools is delivered through permitting additional space from the TDSB. Consequently, last minute permit cancellations as a result of capital and/or operational issues have negatively impacted City programming.

Status of negotiations

The City has been working with the TDSB since 2006 to renegotiate the agreement and to harmonize the relationship between Parks, Forestry and Recreation and the TDSB for these school locations.

There have been many attempts to reach a renegotiated agreement, the latest occurring in 2017. A number of key issues remain outstanding, including:

- Access to the school building outside of regular school hours and the security implications arising therefrom;
- Length of the Term;
- Termination provisions of both parties;
- The rental rate that calculates the Rent payable by the City;
- The permitted hours of use; and
- The extent of the Insurance and Indemnity provisions to be apportioned.

Following a number of progressive meetings in July and August of 2017, there was agreement in principle on a number of long-standing issues between the parties, however the TDSB's position on these matters changed in October of that year. Subsequently, the TDSB experienced significant turnover in key staff positions that had a direct impact on our ability to pursue negotiations.

The City has re-engaged with the TDSB and have their commitment to resume the negotiations with the expectation of reaching mutually acceptable terms finalizing an Exclusive / Shared Use Agreement. A final agreement would be subject to Council approval.

Yours truly,

City Clerk's Office

Original signed by

Janie Romoff
General Manager
Parks, Forestry and Recreation