



May 17<sup>th</sup>, 2019

Chair and Members of the Toronto and East York Community Council  
City Hall, 2<sup>nd</sup> Floor  
100 Queen Street West  
Toronto, ON M5H 2N2

Chair and Members of Committee:

**Re: ITEM TE6.15**  
**Toronto and East York Community Council – May 22<sup>nd</sup>, 2019**  
**30 Merton Street – Official Plan and Zoning By-law Amendment Application**  
**File No. 17 173706 STE 22 OZ**

The Toronto Lands Corporation (TLC), a wholly owned subsidiary of the Toronto District School Board (TDSB), incorporated in 2008, now manages and has been appointed by the TDSB to be responsible for all real estate, land use planning, leasing and partnership matters.

At this time, TLC **does not support** the approval of the proposed official plan and zoning by-law amendment applications for a residential development of 304 rental apartment units at 30 Merton Street. Based on the data available, TLC in consultation with the TDSB has determined that there is insufficient space at the local schools to accommodate the students anticipated from the proposed development. TLC's position is that the provision of accommodation for students in local public schools is a critical element of building and sustaining complete communities throughout the City. As such, the approval of these applications is premature until such time as the TDSB can determine that the future students attributed to this development can be accommodated.

The proposed development is within TDSB Ward 8 and is within the Davisville Jr. PS catchment area. The former Davisville Jr. PS facility at 43 Millwood Road was operating over capacity at a 119% utilization rate in 2017. The new Davisville Jr PS facility will be rebuilt to a larger capacity of 731 pupil places. However, due to the additional density proposed within the catchment area since the Ministry of Education's approval of the new school project, the new school is projected to be over utilized shortly after opening in September 2021. To address this, the TDSB submitted a business case to the Ministry of Education in support of the construction of additional pupil places (5 classrooms), as part of the construction of the new Davisville Jr. PS. However, in April 2019, the Ministry of Education refused the TDSB's request for the additional pupil places.

Further, all elementary schools within the midtown area are experiencing accommodation pressures. By 2021, based upon the current available data, there will be at least a shortfall of more than 500 students that cannot be accommodated by local public schools. This does not take into consideration any future development applications in the area that have yet to be formally submitted. Without adequate local school capacity, students generated by new development will not be accommodated by local schools and will need to be bussed, often on lengthy commutes, to other TDSB schools far outside the local community.

The TDSB does not support a proposed development that will add additional elementary students to a catchment area that is significantly and currently overcapacity. The cumulative impact of over 50 developments within the

Midtown area will result in an unsustainable accommodation pressure that cannot be addressed within existing local TDSB schools.

Furthermore, it is the position of TLC that the approval of this development at this time does not adequately meet the Provincial objective of the provision of accommodation in local public schools.

For example, section 3.2.8.1 of the Province's Growth Plan 2017 and Growth Plan 2019 requires that land use planning and planning/investment in public service facilities (defined to include schools) be coordinated and section 1.2.1 requires that planning achieve complete communities that are designed to support people's needs for daily living throughout their entire lifetime. The guiding principles of the Growth Plan 2017 and Growth Plan 2019 reference the importance of investing in public service facilities such as schools to keep pace with future growth. Otherwise, should development outpace the provision of these community facilities, the objectives of achieving a complete community are not being met.

The proposed development is also not consistent with section 1.6.1 of the Provincial Policy Statement, 2014 (PPS) which requires that planning for public service facilities (i.e. schools) shall be coordinated and integrated with land use planning so that they are available to meet current and projected need. The Province has clearly carved out a path for development to occur in tandem with planning for schools, just as one would consider the provision of adequate servicing.

Section 2 of the *Planning Act* requires decision makers to have regard for the adequate provision and distribution of educational facilities. The Province is clearly intending accommodation issues to be part of the land use planning process.

The City of Toronto's new Yonge Eglinton Secondary Plan, adopted by Council in July 2018, addresses the importance of the provision of infrastructure, including schools, to ensure a complete community. Specifically, policy 2.2.2 provides that "Development will not be permitted to outpace the provision of infrastructure, and will not proceed until such a time as the necessary infrastructure to support development is provided."

In July 2018, City Council, in consideration of the Midtown in Focus Final Report, passed a number of resolutions regarding the provision of educational facilities, including:

*26. City Council direct City staff to work together with the Toronto District School Board, as appropriate, in the context of Local Planning Appeal Tribunal hearings for development applications in the Yonge-Eglinton Secondary Plan area and the Toronto District School Board's ongoing accommodation review in order to secure appropriate conditions of approval regarding the provision of educational facilities on a site by site basis.*

The TDSB provided its initial comments on this development application during the planning approval process in a letter to City Planning dated August 1, 2017, and provided comments again in a letter to City Planning dated January 14, 2019, of which both are attached. We note that the staff report dated 2 May 2019 does not include or address the concerns raised in the two TDSB letters. We suggest that future staff reports include our comments; this will enable City Council, when considering the development application, to have before it the appropriate information needed to have regard for matters of provincial interest set out in the *Planning Act*, such as the adequate provision and distribution of educational facilities.

#### Request of Council:

In accordance with the July 2018 Council direction, over the past few months, TLC and TDSB staff had several meetings with City staff. We are continuing to have these discussions, and therefore, TLC seeks the support of the City in the Local Planning Approval Tribunal (LPAT) approval process to ensure that the phasing of

residential development coincides with the adequate provision and distribution of educational facilities, by adopting the following resolutions in respect of the development application for 30 Merton Street:

*In the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, City Council authorize the City Solicitor to support the request of the TDSB that the LPAT withhold the issuance of any order(s) granting approval of the Official Plan Amendment and Zoning By-law Amendment applications for the subject lands pending confirmation from the TDSB that satisfactory arrangements regarding the provision and distribution of educational facilities may be made between the developer/applicant and the TDSB;*

*City Council authorize the City Solicitor to ensure that any settlement documentation in respect of the appeals now before the LPAT is consistent with the foregoing resolution, and will enable the City of Toronto to support the TDSB at an LPAT hearing of the appeals if the applicant challenges the appropriateness of withholding the LPAT order;*

Furthermore, TLC requests that City Council adopt the following resolution, similar to the resolutions passed by City Council in January 2019 regarding 22 Balliol Street and in March 2019 regarding 265 Balliol Street:

*City Council request the City Solicitor to request the LPAT to consider the cumulative impacts, including community services (defined to include schools) and physical infrastructure, of the proposed developments on the following subject sites in, and adjacent to, the Davisville Village Apartment Neighbourhood currently under appeal:*

- a. 1925-1951 Yonge Street, 17-21 Millwood Road, and 22 Davisville Avenue;*
- b. 22 Balliol Street;*
- c. 30 Merton Street;*
- d. 141 Davisville Avenue; and*
- e. 265 Balliol Street.*

Thank you again for your ongoing support of the TDSB and TLC. If you have specific questions regarding this correspondence, please contact Bianca Bielski (Senior Manager, Land Use Planning) at (416) 393-0582 or [bbielski.tlc@tdsb.on.ca](mailto:bbielski.tlc@tdsb.on.ca).

Yours truly,



Daryl Sage

Chief Executive Officer

Cc. John Malloy, Director of Education, TDSB  
Robin Pilkey, Chair, TDSB  
Shelley Laskin, Trustee, Ward 8, TDSB  
Josh Matlow, City Councillor, Ward 12  
Gregg Lintern, Chief City Planner  
Alex Teixeira, Senior Planner, City of Toronto Planning Division  
Bianca MV Bielski, Senior Manager, Land Use Planning, TLC  
Yvonne Choi, Manager, Land Use Planning, TLC  
Alejandro Cifuentes, Senior Planner, TLC



January 14, 2019

Mr. Alex Teixeira, Planner  
City of Toronto Planning Division  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Mr. Teixeira:

**Re: Zoning Amendment Application 17 173706 STE 22 OZ  
and Site Plan Application 18 249392 STE 22 SA  
Healthcare Property Holdings Limited  
30 Merton Street**

The Toronto District School Board 'the Board' has had an opportunity to review the above noted development application and does not support the approval of this application for development at this time.

This application located in a community that is experiencing residential intensification and population growth that is presenting a challenge to accommodate future students. At the present time, based on the data available, the Board has determined that there is insufficient space at the local schools to accommodate the students anticipated from the proposed development. As such, the Board cannot support the approval of this application until or unless it can be demonstrated that the future students attributed to this development can be accommodated.

As such, the Board is of the opinion that the approval of this application is premature until or unless it can be demonstrated that the future students attributed to this development can be accommodated.

As per Council direction, this application is subject to the draft Midtown in Focus: Proposed Yonge Eglinton Secondary Plan Update. This plan contains a number of policies that reflect the urgent need for Community Services and Facilities, which includes schools, to keep pace with rapid growth in the area in order to ensure that complete communities are established. Of specific importance are Section 3.1.3(b) of this plan, which ensures that 'development does not exceed the capacity of infrastructure, including community services and facilities, municipal servicing, streets and public transportation', and Section 3.5.8(c), which states that development may be required to 'accommodate school facilities on the site, including satellite school facilities'

Given that adequate and reasonable local accommodation is not currently available for students, it is our opinion that the intent of the policies related to the provision of Community Services and Facilities in the proposed Yonge-Eglinton Secondary Plan are not being met. Board staff would be pleased to meet with the City and representatives of the developer to discuss the aforementioned issues, and to identify workable solutions.

However, if despite our comments the application is approved, the Board requests that the status of local school accommodation be conveyed to potential purchasers as well as communicated to the existing community to inform them that children from new development will not displace existing students at local schools. In addition, alternative arrangements will be identified consistent with optimizing enrolment levels at all schools across the Toronto District School Board. At this time, the schools anticipated to serve the development are unknown, and bussing to schools outside of the immediate area will likely be required.

As such, the Board requests the following as conditions of approval:

That the applicant/developer enter into an agreement to erect and maintain signs, at points of egress and ingress of the development site, advising that;

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"The Toronto District School Board makes every effort to accommodate students at local schools. However, due to residential growth, sufficient accommodation may not be available for all students. Students may be accommodated in schools outside this area until space in local schools becomes available.

For information regarding designated school(s), please call (416) 394-7526."

These signs shall be to the Board's specifications and erected at the same time or soon after the City of Toronto signage regarding the notice of application.

That the applicant/developer agree in the Servicing and/or Development agreement and any Section 37 agreement registered on title, to include the following warning clauses in all offers of purchase and sale of residential units (prior to registration of the plan and for a period of ten years following registration) and any lease agreements of 12 months or more, and if appropriate, the Condominium Declaration, that;

"Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the development area and that students may be accommodated in facilities outside the area, and further, that students may later be transferred.

Purchasers agree for the purpose of transportation to school, if bussing is provided by the Toronto District School Board in accordance with the Board's policy, that students will not be bussed home to school, but will meet the bus at designated locations in or outside of the area."

Despite these provisions, the Board reserves the right to change this status at any time without further notice.

The Board further requests to be notified on all further public notices, appeals and other matters with respect to these applications and requests to be included on the Interested Parties List.

If you have any questions regarding this matter, I can be reached at (416) 338-4471.

Sincerely yours,



Daniel Castaldo, Senior Manager, Planning  
Strategy and Planning  
Toronto District School Board

- c. Shelley Laskin, Trustee, Ward 8
- Rachel Chernos Lin, Trustee, Ward 11
- Andrew Gowdy, System Planning Officer
- Joyce Kwong, Educational Planning Officer
- Kathleen Garner, Superintendent
- Shona Farrelly, Principal, Davisville Jr PS
- Lori Campbell, Principal, Hodgson MS
- William Mack, Principal, North Toronto CI
- Steve Shaw, Executive Officer, Facility Services, Sustainability and Planning
- Bianca Bielski, Senior Manager, Land Use Planning, TLC
- Dawne Jubb, General Counsel, TLC



August 1, 2017

Mr. Alex Teixeira, Planner  
City of Toronto Planning Division  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Mr. Teixeira:

**Re: Zoning Amendment Application 17 173706 STE 22 OZ  
BCIMC Holdco (2007) Incorporated  
30 Merton Street**

The Toronto District School Board 'the Board' does not support the approval of this application for development at this time.

This application located in a community that is experiencing residential intensification and population growth that is presenting a challenge to accommodate future students. At the present time, based on the data available, the Board has determined that there is insufficient space at the local schools to accommodate the students anticipated from the proposed development. As such, the Board cannot support the approval of this application until or unless it can be demonstrated that the future students attributed to this development can be accommodated.

This community is the subject of the City's Midtown in Focus Study. This study will provide population growth targets which will ultimately frame the long-term urban structure and growth strategy for the broader community. Once this portion of the study is completed and these figures are shared with the Board, Board staff will have the data it requires to inform an accommodation study to determine how students will be accommodated over the long-term. Based on the information from City staff we anticipate that this can be completed by the end of 2017.

Given that adequate and reasonable local accommodation is not currently available for students, nor can it be fully and accurately forecasted at this time, it is our opinion that the intent of the City's Official Plan and Yonge-Eglinton Secondary Plan are not being met. Specifically, Section 3.2.2 of the City's Official Plan emphasizes the need for coordinated planning efforts to maintain and improve existing CS&F, and promote new ones in areas experiencing growth. It also acknowledges that schools are an integral community resource. Section 2.18 of the Yonge-Eglinton Secondary Plan requires that community service facilities will be delivered in a timely manner in order to provide the social infrastructure required to support additional growth in the Yonge-Eglinton Secondary Plan area.

As such, the Board requests the following as conditions of approval:

That the applicant/developer enter into an agreement to erect and maintain signs, at points of egress and ingress of the development site, advising that;

"The Toronto District School Board makes every effort to accommodate students at local schools. However, due to residential growth, sufficient accommodation may not be available for all students. Students may be

accommodated in schools outside this area until space in local schools becomes available.

For information regarding designated school(s), please call (416) 394-7526."

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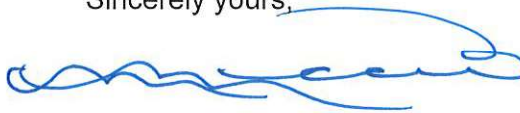
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The Board further requests to be notified on all further public notices, appeals and other matters with respect to this application.

Despite these provisions, the Board reserves the right to change this status at any time without further notice. If you have any questions regarding this matter, I can be reached at (416) 338-4471.

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 Daniel Castaldo, Manager, Planning  
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William Mack, Principal, North Toronto CI  
Angelos Bacopoulos, Associate Director, Facilities, Sustainability and Employee Services  
Erica Pallotta, Land Use Project Manager, Strategy and Planning  
Dawne Jubb, Senior Legal Counsel, Municipal Land Use Planning