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**City Council**

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**Notice of Motion**

MM14.12	ACTION			Ward:23
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**Authorization to Release Section 37 Funds to Toronto District School Board for Construction of a Childcare Facility at Churchill Public School - by Councillor John Filion, seconded by Councillor Josh Matlow**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Executive Committee. A two-thirds vote is required to waive referral.*

**Recommendations**

Councillor John Filion, seconded by Councillor Josh Matlow, recommends that:

1. City Council authorize the transfer of \$2,300,000 from the Planning Act Reserve Fund XR3026-370086, fully funded by Section 37 community benefits from the development at 5435 Yonge Street, to the Child Care Capital Reserve Fund XR1103 to provide funding for the construction by Toronto District School Board (TDSB) of a non-profit childcare facility at Churchill Public School, 188 Churchill Avenue.
2. City Council authorize the increase in the 2011 Operating Budget for Children's Services from \$387,902,261 million gross, \$74,272,655 million net by \$2,300,000 gross \$0 net to \$390,202,261 million gross, \$74,272,655 million net so that funds can be forwarded to TDSB in accordance with the terms of agreement between the City and TDSB for the construction of the child care facility at Churchill Public School.
3. City Council direct that, prior to any funds being forwarded to TDSB, the TDSB enter into an agreement with the City with respect to the specifications, construction and operation of the childcare facility, and the transfer of funds from the City to TDSB, with terms and conditions satisfactory to the General Manager of Children's Services and in a form satisfactory to the City Solicitor.
4. City Council authorize and direct the appropriate City officials to take all necessary action to give effect to these recommendations, and authorize the General Manager of Children's Services to execute the agreement with TDSB on behalf of the City.

**Summary**

Authority is being sought to increase the Children's Services 2011 Operating Budget by \$2.3 million, fully funded by Section 37 funds secured in the development at 5435 Yonge Street, to construct a non-profit childcare facility at Churchill Public School, 188 Churchill Avenue. The

construction would be carried out, and the land provided by, Toronto District School Board (TDSB). The funds would be released to TDSB by Children's Services Division in response to invoices submitted as construction proceeds. An agreement between TDSB and the City will be executed prior to any funds being transferred to TDSB.

The Section 37 funds were part of a larger amount (\$7.3 million) secured in the development at 5435 Yonge Street, approved by City Council in February, 2007. The funds have been received by the City. One of the uses for which the funds could be applied is for a "social facility" (eg. child care centre). The proposed non-profit childcare facility qualifies as a social facility.

The proposed facility is a 62-space child care centre providing care for children aged zero to 3.8 years of age. The facility will be part of a new wing of the school but will be self contained with a separate entrance and dedicated playgrounds.

There is a large need in the area for new child care spaces, particularly to accommodate the rapidly increasing population and the lengthy waiting time for pre-school child care spaces.

The agreement with the TDSB will address, among other matters, the following:

- length of term of operation (e.g. 49 years), with TDSB ownership and maintenance;
- TDSB repayment schedule if use prematurely ceases as a non-profit childcare facility;
- Children's Services to review/approve plans, specifications and budget;
- provide for lease between TDSB and non-profit operator jointly selected by TDSB and Children's Services; and
- financial reporting requirements.

(Submitted to City Council on November 29 and 30, 2011 as MM14.5)