



STAFF REPORT ACTION REQUIRED

Update on School Board Properties and the School Lands Acquisition Framework

Date:	November 21, 2013
To:	Executive Committee
From:	Executive Director, Social Development, Finance & Administration
Wards:	All
Reference Number:	AFS #17752

SUMMARY

This report provides information about the anticipated impact of the Toronto District School Board's three year 2013-2016 Capital Plan. The Capital Plan involves the sale of eight TDSB properties, four of which are closed surplus schools and the remaining four land severances. This report identifies the potential impacts on local community access to green space and recreational and other community facilities. This report also provides an update on the School Lands Acquisition Framework.

Council authorized funding from the Land Acquisition Reserve Fund (LARF) in the amount of \$7 million, \$5 million and \$3 million in each of the years 2011, 2012 and 2013 respectively to help fund school land acquisitions that have been identified as a priority for the City. The Framework specifies that its dedicated funds in the LARF should be accessed only when there are no other sources of funding (for example, Parkland Acquisition Local Reserve Funds) that can be accessed for acquisition of a school property.

\$5.942 million from the designated LARF funding of \$15.0 million was authorised by Council for the purchase of land at Timothy Eaton for the development of a community hub. This report recommends that the remaining designated funds of \$9.058 million be maintained in order to purchase future properties deemed to be high priority under the framework and for which no other source of funding is available.

RECOMMENDATIONS

The Executive Director, Social Development, Finance and Administration recommends that:

1. City Council maintain the remaining funds contained in the Lands Acquisition Fund under the School Lands Acquisition Framework so that they may be accessed for an appropriate purchase in the future.

Financial Impact

There are no financial implications resulting from the adoption of the recommendations included in 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://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.EX43.2>

At its meeting of November 27 and 28, 2012, City Council directed the Executive Director, Social Development, Finance and Administration to report back 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.

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

Also at its meeting of November 27 and 28, 2012, City Council adopted a motion requesting the Deputy City Manager, Cluster A undertake discussions with the Toronto District School and the Toronto Lands Corporation, and other appropriate parties, regarding the potential closure of Victoria Park Elementary School and Parkside Elementary School and report to the Community Development and Recreation Committee on potential City interest in the use of these schools for such uses as child care, recreation and other community services, consistent with the "School Lands Property Acquisition Framework and Funding Strategy".

See: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.MM28.14>

At its meeting of July 16, 17, 18 and 19, 2013, City Council established the City of Toronto – Toronto School Boards Task Force for the remainder of the 2010-2014 term of Council.

See: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EX33.16>

On October 15, 2013, the Government Management Committee requested that Parks, Forestry, & Recreation schedule a public meeting to discuss the location of the Don Mills

Civitan Arena with the community, including the Toronto District School Board's disposal of the Don Mills Middle School site.

See: <http://app.toronto.ca/tmmis/viewPublishedReport.do?function=getDecisionDocumentReport&meetingId=6875> Item GM25.13

At its meeting of November 13 and 14, 2013, City Council expressed an interest in purchasing lands at the Bannockburn School site, directed City Staff to examine funding possibilities to purchase the lands, directed City staff to meet with TLC and TDSB staff to develop a strategy to preserve school lands in areas of low parkland provision, and called on the Province to reconsider the funding formula to help preserve school lands that are essential to open space/park networks.

See: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.MM41.38>

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 neighbourhoods that are already underserved and also those facing the impacts of new residential and mixed-use development.

The City of Toronto has identified an interest in ensuring that select school properties which are vital to service delivery in neighbourhoods, including recreational opportunities and spaces for social activity, 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 Toronto District School Board's (TDSB) real estate subsidiary.

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). Specifically, the formula does not recognize the role or use of schools for any purpose other than formal education.

On October 3rd, 2012, the Ontario Ministry of Education advised the TDSB that it would suspend approval of any new major capital projects until it received a Capital Deficit Recovery Plan that the Ministry deemed acceptable. The Ministry's directive excluded capital required to address the implementation of Full Day Kindergarten as well as construction required to reconfigure existing child care located in schools.

The Ministry of Education created a Special Assistance Team to assist the TDSB with its budgetary challenges, both capital and operating. This work led to a Capital Deficit Recovery Plan that was approved by the Ministry. The TDSB Board of Trustees approved a 3-Year Capital Plan (2013-2016) on June 19, 2013. On July 11, 2013, the Minister of Education lifted the freeze on capital funding for TDSB.

Under TDSB’s capital planning process, before planning can begin on new major capital projects, a source of funding for the project costs must be identified. In practice, this means that any major capital projects that will be funded through the sale of surplus properties may not enter the planning phase until the Board of Trustees has formally declared as surplus any of the sites the TDSB intends to sell. The TDSB must also continue to declare sites surplus, as the sale of these surplus sites is a primary source of funds to address its capital deficit. As a result, there will be continuing pressure for the TDSB to declare school sites as surplus.

At the broader policy level, the desirability to the City of maintaining certain school board sites as a re-usable publically accessible community resource may not be compatible with the shorter term needs of the school board to divest itself of underused school properties in order to fund its new major capital projects. In part to address challenges such as this, the newly formed Toronto School Boards Task Force has been created to investigate and propose means to coordinate strategic direction between the City and the School Boards, particularly on land-related issues regarding school properties.

COMMENTS

Toronto District School Board Capital Plan

The 2013-2014 TDSB Capital plan identifies four closed surplus sites which have been transferred to TLC for sale. One site is the Boyne River Natural Science School in Shelburne, Ontario. The three sites located within the City of Toronto are:

Ward	Site	Address
3	Kipling Grove Site	19 Glen Agar Drive
6	Vincent Massey Site	68 Daisy Avenue
34	Mallow Site	15 Mallow Road

Four schools sites have also been approved for severance and sale of a portion of the site’s land:

Ward	School	Address
10	Fisherville Senior Public School	425 Patricia Avenue
16	Bannockburn Public School	12 Bannockburn Avenue
23	Peckham Centre School	85 Peckham Avenue
34	Don Mills Middle School	17 The Donway East

Over the months of September and October, 2013, TDSB and TLC have been holding community information meetings about these seven Toronto school sites.

TDSB Capital Plan impact on child care facilities

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.

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.

Two of the school sites identified for sale in TDSB's Capital Plan contain child care agencies. The Vincent Massey Day Care & Nursery School is a commercial, licensed child care located in Vincent Massey Public School with a total capacity of 180 child care spaces. Kiddy Village Day Care Centre is also a commercial, licensed child care which is located in Kipling Grove Public School offering a total capacity of 105 child care spaces. Both centres are not eligible for space in TDSB and would have to relocate or close as a result of the sale of these school sites.

Analysis by staff in Children's Services indicates that if these two child care centres were to close, there would not only be the impact of the loss of the spaces, but the loss would have an impact on the ability of Children's Services to meet the needs of children in both Ward 3 and Ward 6. Staff in Children's Services have been meeting with staff at TLC to plan for these property sales and are working with the child care community on the relocation (if required) of children displaced by these closures.

Official Plan policy on preservation of school lands

The City's Official Plan provides policy guidance on the preservation of school lands, particularly Section 3.2.2 Community Services and Facilities and Section 3.2.3, Parks and Open Spaces.

Official Plan Policy 3.2.2.2 states that "Keeping surplus schools for community service purposes will be pursued where the need for such has been identified as a priority. Where this is not feasible, alternate uses of closed schools must be compatible with the surrounding neighbourhood and should provide City residents with continued access to school playgrounds and playing fields." Policy 3.2.2.4 states that "Council recognizes that schools are an integral community resource that serve not only as learning institutions but also as socio-cultural centres and a source of valuable community open space. The City will encourage and promote the shared use of schools, parks and public

open space. The City will consider acquiring publically owned school sites [...] for parks and open space purposes should they no longer be needed as learning institutions.”

This approach is not consistent with, nor is it supported by the Provincial funding formula for schools.

Official Plan Policy 3.2.3.1 also states that “Toronto's system of parks and open spaces will continue to be a necessary element of city-building as the city grows and changes. Maintaining, enhancing and expanding the system requires the following actions: a) adding new parks and amenities, particularly in growth areas and maintaining, improving and expanding existing parks;” and “c) protecting access to existing publically accessible open spaces, as well as expanding the system of open spaces and developing open space linkages.”

TDSB Capital Plan impact on open and green spaces

The loss of any type of green space and related recreational or other community services can significantly affect a neighbourhood. The distinction as to whether the space in question is a City park, for instance, or a playing field located within a school board property to which the public is accustomed to having access, is often not a particularly important one to the affected community.

On May 7, 2013, City Council approved the Parks Plan 2013-2017. As part of this approval, City Council directed Parks, Forestry and Recreation, City Planning, and the City Manager to create a detailed parkland acquisition strategy and report back to the Parks and Environment Committee by the first quarter of 2014 with recommendations on how to formally streamline the process to deliver tangible and measurable acquisition goals. Assessing the suitability of surplus school board lands for parkland acquisition purposes will form part of the parkland acquisition strategy outcomes.

In the meantime, Parks Forestry and Recreation staff assess the sites which come available for sale on a case by case basis for suitability for acquisition. For parkland acquisition, the level of available parkland is assessed for a local area termed a Local Parkland Acquisition Cell (LPAC).

Of the sites identified for sale, there are four sites which are located in LPACs which fall within the second lowest quintile of parkland provision across the City of Toronto. This means these are areas where additional parkland is needed, and a loss of school open spaces would have significant local impact. One of the sites, the Mallow site, is identified for sale of the entire property. Three of the sites are schools identified for severance and sale of a portion of the school's lands: Bannockburn Public School, Fisherville Senior Public School, and Peckham Centre School. All four of these sites fall within North District.

Of these four sites, the Fisherville and Peckham schools are both close to existing parks. Moore Park is directly connected to the portion of Peckham Centre School's lands identified for severance. Lissom Park is located directly across Patricia Avenue from the

portion of Fisherville Senior Public's lands identified for severance. As a result, a loss of open space from the school lands at these two sites would be partly mitigated by the presence of existing City parks. The neighbourhoods containing these two sites are not anticipated to experience significant residential growth.

Comparatively, the Bannockburn school site is in an area that has experienced significant growth in recent years and is not attached to any immediate parkland or open space. The school site provides the largest area of open space for this neighbourhood.

The neighbourhood containing the Mallow site has a population that is stable and low growth, but which has few other local park spaces. There is also a possibility of population growth at some time in the future given the number of older apartment buildings in the area. The playground and open space associated with this site is viewed by local residents as their neighbourhood's local park, for activities such as dog walking, playground, and casual outdoor recreation such as soccer and baseball.

Of potential further impact to the Mallow site's neighbourhood is the fact that another nearby open space, the Don Mills Middle School site, has also been identified as a property for severance and sale of a portion of its lands. While very near the Mallow site, the Don Mills Middle School site is in a different LPAC, one which falls in the middle quintile of parkland provision. On October 15, 2013, the Government Management Committee requested that Parks, Forestry, & Recreation schedule a public meeting to discuss the location of the Don Mills Civitan Arena with the community, including the Toronto District School Board's disposal of the Don Mills Middle School site. Discussion of the site of the Civitan Arena was deferred until the January 6, 2014, meeting of the Government Management Committee.

Parks Forestry and Recreation Staff are assessing the surplus school sites to determine potential parkland opportunities. City Staff are looking for creative solutions to identify appropriate funding for acquisitions that meet both parkland priorities and wider City objectives.

TDSB Capital Plan Impact on shared use of schools

Staff in Real Estate Services completed a review of shared use agreements between the TDSB and the City. There are no shared use agreements in place for any of the identified sites. Staff also reviewed sites where a City-owned building exists within a school yard. None of the sites identified for sale contain City-owned buildings.

Ongoing Pupil Accommodation Review Committees

A continuing pressure for capital funds means that there will be a corresponding pressure to close, surplus, and sell school properties. 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 the school year 2011-12, one in Wards 1&2 (Etobicoke North), and two in Ward 31 (Beaches East York). The reviews have been completed and the Committee have submitted their reports but are still awaiting a resolution. With the approval of the 2013-2016 Capital Plan, it is anticipated that approval to proceed from the Ministry of Education will be forthcoming.

Staff received direction from Council to review two TDSB properties in Ward 31 in anticipation of a decision by the TDSB to close schools in the Ward. It is important to note that the TDSB has not yet made such a decision. The two properties requested for review are:

Ward	School	Address
31	Parkside Elementary School	401 Cedarvale Avenue
31	Victoria Park Elementary School	145 Tiago Avenue

Both of these schools house child care facilities. Parkside Child Care Centre is a City-run, licensed child care which is located in Parkside Elementary School offering a total capacity of 47 child care spaces. Tiago Avenue Community Child Care is a nonprofit, licensed child care which is located in Victoria Park Elementary School, with a total capacity of 41 spaces. According to analysis performed by Children’s Services staff, loss of these child care spaces would significantly impact capacity to meet the needs of children in receipt of subsidy in Ward 31.

Victoria Park Elementary is located in a Local Parkland Acquisition Cell (LPAC) which falls within the lowest quintile of parkland provision per capita in Toronto. However, the amount of open space on the site is very small and this particular LPAC is surrounded by LPACs with higher levels of parkland provision. The school site is located directly across Victoria Park Avenue from Jim McPherson Park. Jim McPherson Park is located in a neighbouring LPAC with much higher levels of parkland provision.

The School Lands Property Acquisition Framework

In May 2010, City Council approved the School Lands Property Acquisition Framework and Funding Strategy as a coherent and coordinated approach to the acquisition of school properties. This framework established a School Lands Staff Team and initiated an approach for prioritizing school lands. Council authorized funding from the Land Acquisition Reserve Fund (LARF) in the amount of \$7 million, \$5 million and \$3 million in each of the years 2011, 2012 and 2013 respectively to help fund school land acquisitions that have been identified as a priority for the City. The Framework specifies that its dedicated funds in the LARF should be accessed only when there are no other sources of funding (for example, Parkland Acquisition Local Reserve Funds) that can be accessed for acquisition of a school property. Through the Framework, the City now takes an active and coordinated role in identifying and planning to preserve those school lands which are critical to city building.

The City can expect continuing pressure to acquire school lands for community use and green space. The School Lands Staff Team that was formed to implement the Framework continues to anticipate and consider school properties that may become available for sale. However, 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 prohibitively expensive, and the School Lands Acquisition Framework does not provide a funding source for any operating costs of programming at a purchased school site.

Due in part to these barriers, the Framework has been used to access the LARF only once over the three years of its existence, in order to purchase land at Timothy Eaton for the development of a community hub. At a purchase price of \$5.942 million, that now leaves \$9.058 million available to be accessed via the School Lands Property Acquisition Framework. While no further funds are currently planned to be designated to the Framework, maintaining the remaining funds will allow for access for appropriate purchase(s) in the future.

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