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January 21, 2015

Mayor John Tory and Members of Council
c/o Executive Committee
City of Toronto
City Hall
100 Queen Street West
10th Floor
Toronto, Ontario M5H 2N2

Attention: Jennifer Forkes, Committee Administrator

Dear Sirs/Mesdames:

**Re: Acquisition of a Portion of 12 Bannockburn Avenue
Executive Committee Item No: EX2.5**

We are acting on behalf of the Toronto Lands Corporation, agent for Toronto District School Board ("TDSB") and are writing in respect of the staff recommendations outlined in the Staff Report dated January 8, 2015, in connection with the City's purchase of a portion of the Bannockburn School site. Given the circumstances described below, we are respectfully requesting the City to direct that the potential acquisition be undertaken expeditiously, including reducing the due diligence period to 30 days rather than 90 days as recommended by staff.

TDSB is directed by the Ministry of Education to raise funds for capital improvements to meet current and future school needs. An important part of this funding is raised through the sale of lands or facilities that are identified as being surplus to the needs of TDSB to provide public education. Within the City of Toronto, TDSB continues to experience declining enrollment with approximately 70,000 surplus student spaces.

The TDSB property at 12 Bannockburn (the "Site") is a 5 acre parcel of land that for the last 30 years has not been used for the purpose of public education and is leased to a private school. Following the Board's announcement that approximately 2.13 acres of the Site (the "Surplus Parcel") had been declared surplus, City Council passed a motion in November 2013, confirming that it had an interest in acquiring the Surplus Parcel and directed staff to examine funding opportunities for the purchase.

Since 2013, no offer related to the potential purchase of the Surplus Parcel has been received from the City. TDSB, in an effort to facilitate a sale to the City, provided a written offer to City staff on December 8th, 2014, for the sale of all or a portion of the Surplus Parcel to the City. At that time staff was invited to commence due diligence work to avoid delay. We understand that staff has yet to commence any due diligence work notwithstanding the Council expression of interest dating back to November 2013, the Council direction to staff, and the stated evidence of staff during the ongoing Ontario Municipal Board hearing which commenced last autumn for the

severance of the Surplus Parcel. At the hearing the Board was advised that the City could and would work quickly and cooperatively with TDSB to settle the terms of an agreement of purchase and sale before the end of the year (2014).

The terms and conditions related to the purchase of a portion of the Surplus Parcel, as found in Appendix "A" to the staff report, recommend a due diligence period of 90 days. Given the City identified in November of 2013 its interest in the Surplus Land, this is not reasonable or acceptable to TDSB. We respectfully suggest that a due diligence period of 30 days is appropriate and more than sufficient.

We note that in the connection with the City's purchase of TDSB lands at each of the Mallow and Briar Hill School sites, the City completed its due diligence prior to both the Council authorization and signing of a purchase and sale agreement. In both cases the agreements were within a day or two after the Council approved the purchases. In the case of Bannockburn, the recommended approach of staff effectively further delays matters.

Thank you for your consideration.

Yours truly,



Cynthia A. MacDougall

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