



**STAFF REPORT
ACTION REQUIRED**

Authority to amend TCDSB Ground Lease at 6 Colonel Samuel Smith Park Drive

Date:	March 23, 2015
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	6 – Etobicoke-Lakeshore
Reference Number:	P:\2015\Internal Services\RE\ Gm15008re – (AFS #20898)

SUMMARY

On December 22nd, 2009 the City entered into a Ground Lease with the Toronto Catholic District School Board ("TCDSB") for the property known as 6 Colonel Samuel Smith Park Drive for the purpose of constructing and operating an elementary school. In authorizing the Ground Lease, Council required that the TCDSB make its best efforts to minimize the impact of fencing on the site and that only the kindergarten play area of the elementary school would be fenced.

On February 14, 2013 the TCDSB submitted a site plan application for this property that included fencing around the entire elementary school site. TCDSB has advised that fencing the entire school playground is standard policy to maintain protection and safety requirements for the children attending the school. TCDSB has requested an amendment to the terms of the Ground Lease to permit for such fencing.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council authorize amending the Ground Lease with the Toronto Catholic District School Board so as to allow fencing around the entire school playground, provided that public access is maintained outside of normal school hours, on and together with such other terms as may be acceptable to the Chief Corporate Officer and in a form acceptable to the City Solicitor.

2. City Council authorize the Chief Corporate Officer or designate to administer and continue to manage the lease, as amended, including the provision of waivers, consents, and notices of termination, provided the Chief Corporate Officer may, at any time, refer consideration of such matters to City Council for its determination and direction.
3. City Council authorize severally each of the Chief Corporate Officer and the Director of Real Estate Services to execute the Ground Lease amendment and associated agreements and documents on behalf of the City.

Financial Impact

There is no financial impact. The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

By the authority of Notice of Motion J(34), City Council, on September 28, 29, 30 and October 1, 2004, authorized the 99 year Ground Lease of 6 Colonel Samuel Smith Park Drive to the Toronto Catholic District School Board for the purposes of constructing and operating an elementary school.

ISSUE BACKGROUND

The authority granted by Council in 2004 required that the TCDSB make its best efforts to minimize the impact of fencing around the elementary school site and that only the kindergarten play area would be fenced.

The TCDSB has submitted a Site Plan Application which includes fencing around the entire elementary school playground (shown in the attached Site Plan and Landscape drawings in Appendix "A" and "B"). The TCDSB cites its policy B.G.02 which requires "Fencing shall be installed as required to provide a safe environment for the school community."

On January 26, 2015, the TCDSB was issued a Notice of Approval Conditions ("NOAC") letter for its Site Plan Application by City Planning. The NOAC allows for the fencing proposed in the TDCSB application, provided that TCDSB secures amendments to its Ground Lease with the City that would permit for fencing around the entire school grounds.

COMMENTS

The intention of the 2004 lease requirement to minimize impacts of fencing was to ensure that the new elementary school on City-owned land would be an asset for use by the community and the school grounds would be fully accessible to the public during non-school hours.

The TCDSB has submitted a letter to the City noting the TCDSB will allow public access to the elementary school grounds outside of normal school hours (provided as an attachment in Appendix "C"). This requirement will be confirmed in the amended lease terms.

Staff from Parks, Forestry and Recreation have advised that they do not object to the proposed fencing, provided that public access to the school grounds is maintained outside of normal school hours and the fence is designed to be visually unobtrusive. TCDSB is in the final phase of securing a Site Plan Agreement with the City and will shortly be tendering the construction of the new school. Approval of the lease amendment is required in order to proceed with the development as currently proposed.

CONTACT

Joe Casali
Director of Real Estate Services
Tel: (416) 392-7202
E-Mail: jcasali@toronto.ca

SIGNATURE

Josie Scioli
Chief Corporate Officer

ATTACHMENTS

Appendix "A" – Location Map
Appendix "B" – Site Plan
Appendix "C" – Letter from TCDSB to the City Permitting Public Access to Grounds