



**STAFF REPORT  
ACTION REQUIRED**

**Schools as Community Assets: A Policy Agenda for the  
City-School Boards Advisory Committee**

Date:	March 10, 2015
To:	Executive Committee
From:	Acting Deputy City Manager, Cluster A
Wards:	All
Reference Number:	AFS #20883

**SUMMARY**

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This report clarifies the Toronto District School Board (TDSB) ten year plan for school closures and summarizes the implications of this plan in light of the City's fourfold interest in schools as community assets:

1. schools as spaces for child care and early learning;
2. school lands as green space;
3. schools as sites for non-educational services and programming; and
4. schools to serve growth areas.

The report recommends that the City pursue a new multilateral relationship with the School Boards and the Province of Ontario in relation to the disposition of school board properties in Toronto, in order to realize and retain the value of schools as community assets. The new City-School Boards Advisory Committee, approved by Toronto City Council at its February 2015 meeting, is the appropriate body to investigate and recommend options for this process.

**RECOMMENDATIONS**

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**The Acting Deputy City Manager, Cluster A recommends that:**

1. City Council direct the City-School Boards Advisory Council to prioritize in its 2015-2016 work plan, the development of a new multilateral, consultative relationship for the City of Toronto, the School Boards and the Province of Ontario with respect to schools lands disposition that:

- a) takes into consideration the full value of schools as community assets, in addition to their value as educational institutions;
  - b) provides a viable framework for retaining public ownership of former school properties when there is agreement among the parties that the site should be retained; and,
  - c) identifies additional capital funding sources for school renewal in Toronto.
2. City Council direct the City-School Boards Advisory Council to report back to Executive Committee on these issues by the fourth quarter of 2015.
  3. City Council request the Province and the Toronto District School Board (TDSB) to engage the City of Toronto as a strategic partner in the 2014-2016 studies of potential school sales and closures.

### **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.

### **Equity Impact Statement**

This report includes an analysis of the City's four municipal interests in TDSB school sites that are for sale or under review for closure. An equity lens was applied by overlaying an analysis by Neighbourhood Improvement Areas (NIAs). This revealed that in NIAs, a much larger proportion of the schools under review were sites for the delivery of non-educational services (55%), compared to non-NIAs (31%).

Neighbourhood Improvement Areas (NIAs) by definition have lower levels of access to service. In many NIAs, schools have historically have been one of the few types of facilities where community services have been available. The Toronto Strong Neighbourhoods Strategy is intended to create equitable outcomes across City neighbourhoods, in part by strengthening services in NIAs. It will be a priority of the City, the Province, and its partners, to preserve and to grow service delivery spaces in NIAs, including, where appropriate, in schools sites. Exacerbating inequities by further reducing service availability in NIAs should be avoided.

### **DECISION HISTORY**

City Council has long recognized the need for more collaborative relationships with School Board Trustees, in order to respond more effectively to shared concerns related to the use of school lands in Toronto. Since 2012, Council has taken a series of careful steps to develop the appropriate structure and focus for such relationships, beginning with a Member's Motion in May 2012 to establish a City of Toronto-Toronto School Boards Working Group. In July 2013, City Council established the City of Toronto – Toronto School Boards Task Force, to advise on the best means to ensure ongoing collaboration. In May 2014, the Task Force completed its consultations and recommended the establishment

of a City-School Boards Advisory Committee to City Council. While Council's meetings are governed by the City of Toronto Act, meetings of Boards of Education are governed by the Education Act. To avoid potential conflict or confusion as to which Act presides, it was recommended that the advisory committee report to City Council and follow the City of Toronto Act. On February 10 and 11, 2015, Council established the new City-School Boards Advisory Committee for the remainder of the 2014-2018 Term. Council also requested the Province of Ontario to assign a representative from the Ministry of Education to act in an advisory capacity to this Committee. School Boards appointments to the Committee were requested by the City Clerk on February 20, 2015. On March 9, 2015, the Striking Committee of City Council recommended six City Councillor appointments, for the term ending December 31, 2016.

Also at its February 2015 meeting, City Council requested the Ministry of Education and TDSB to review the current method for assessing school utilization and to reserve consideration of selling school properties that may be of interest to the City. Council directed the City Manager to develop of a comprehensive plan to protect publicly accessible green space, open spaces, and sports facilities on TDSB properties, and to report to the March 25, 2015 Executive Committee meeting on the extent of the City's interests in TDSB schools that have been proposed for closure, on the feasibility of different models for City-School Board relationships, and to identify current and future opportunities for the City to productively engage with the Ministry of Education and School Boards in the determination of which schools are maintained for public purpose and those to be disposed of to fund capital improvements.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.ST3.1>  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EX2.1>  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.MM3.12>  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.MM3.14>  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.MM51.38>  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EX33.16>  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EX24.10>  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.MM23.3>

## **ISSUE BACKGROUND**

### **The Wilson Report and TDSB School Closures**

In January 2015, the Ministry of Education released Margaret Wilson's operational review of the Toronto District School Board (TDSB). While it focused primarily on governance issues, the Wilson Report also recommended that TDSB "significantly reduce unused spaces and address the condition of existing school facilities." The Report suggested that political interference at the ward level has prevented TDSB from working strategically to maintain a stock of viable school buildings across Toronto and to follow objective procedures for reviewing, consolidating, and, when appropriate, closing underused schools. According to the Report, as many as 79 TDSB schools are operating below 50% of capacity. The Report observed that, while school closures need to be planned with a view toward future growth, "even a spectacular growth in the city over the next decades would

not require all of the school stock which the Board owns<sup>1</sup>." As Directive 9 in her subsequent letter to the TDSB, the Minister of Education requested a detailed work plan for closing and refurbishing schools.

TDSB submitted its ten year plan for school closures on February 11, 2015. In the days leading up to the release of the plan, the media published a number of different, sometimes conflicting lists of potential school closures. Many stakeholders remain confused about the current and future status of TDSB schools. This report clarifies the key components of the TDSB plan.

### **Advancing Shared Interests**

The City of Toronto, the School Boards, and the Province of Ontario have complementary and shared interests regarding Toronto's public schools. These include: replacing and refurbishing aging schools; integrating services so that schools serve as hubs for learning and for accessing services in the community; preserving green space and recreational space in neighbourhoods; and ensuring that schools are available in areas with growing and/or naturally changing populations. In light of these shared interests, closing public schools (and selling them at market value) as a prerequisite for funding new capital projects may not be good or viable public policy. Multilateral policies that promote efficient use of public space and efficient development of public infrastructure present more promising long-term solutions and need to be developed in order to deliver to each level of government "a return on its investment exceeding the benefits it could hope to achieve by continuing to pursue unilateral or bilateral policy options<sup>2</sup>."

This argument for a multilateral approach to maintaining public assets and financing the capital renewal of schools was initially presented by the Toronto Catholic School Board and the Toronto District School Board in 2006, in their report, "A Made in Toronto Solution". The proposal remains relevant nearly ten years later, and was highlighted in the Terms of Reference adopted by City Council in February 2015 as a key purpose of the newly-established City-School Boards Advisory Committee.

The creation of the City-School Boards Advisory Committee to develop a "Made in Toronto Solution," with the invited participation of the Province of Ontario, is timely in light of the current controversies regarding school closures in Toronto and expressions of support from the Mayor and the Minister of Education for greater intergovernmental consultation related to schools.

As the largest city in the country, and the fourth largest government in Canada, the City of Toronto is a major stakeholder in relation to school system policies and Ministry of

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<sup>1</sup> Wilson, M. January 15, 2015. *Review of the Toronto District School Board. Submitted to the Honourable Liz Sandals.* [www.edu.gov.on.ca/eng/new/2015/TDSBReview2015.pdf](http://www.edu.gov.on.ca/eng/new/2015/TDSBReview2015.pdf)

<sup>2</sup> Toronto Catholic School Board and Toronto District School Board. June 21, 2006. *The "Made in Toronto" Solution.* [www.toronto.ca/legdocs/mmis/2014/ts/bgrd/backgroundfile-66455.pdf](http://www.toronto.ca/legdocs/mmis/2014/ts/bgrd/backgroundfile-66455.pdf)

Education directives. Government-to-Government dialogue with the Province of Ontario, in addition to the School Boards, is essential for ensuring that changes to the TDSB portfolio of schools has the effect of enhancing, not harming, growth potential and community well-being in Toronto.

### **O. Reg 444-98 of the *Education Act* - Disposition of Surplus Property**

The disposal of real property by school boards is governed by *O. Reg 444-98* of the *Education Act*. The regulation sets out a procedure for declaring properties as surplus, and sets out that unless the property is being sold or leased for use to accommodate elementary or secondary school students, that it shall be offered for sale to a prioritized list of purchasers at fair market value. As identified in previous staff reports<sup>3</sup> the regulation does not provide adequate notice for the City to undertake informed and strategic analysis of the City's interest in acquiring a site before the property is offered for sale to the public market. These two limitations: a) that sites must be sold or leased at market value and b) the limited response period before the sites are available to the broader market, have limited the City's ability to anticipate future disposals and incorporate the financial impacts of acquisition into the budget cycle. Given number of properties that may be declared surplus through the TDSB's current analysis, and the cost of land within Toronto, the funds available through the City's Lands Acquisition Fund, established for the purchase of school properties, will have limited impact in address the City's broad interests in maintaining school properties in public ownership. This report recommends that alternative options for retaining schools in the public realm and financing educational capital projects should be explored.

## **COMMENTS**

### **Clarification of the TDSB's Ten Year Plan for School Closures**

The TDSB has undertaken a considerable amount of work and analysis to develop this long-term capital plan, and each site has its own unique considerations." A set of twelve guiding principles have informed TDSB's work:

1. To offer a variety of program choices to all learners including adults
2. To provide equity of opportunity and access to programs
3. To achieve a fair and equal distribution of specialized programs and schools
4. To review program viability
5. To maintain a distribution of elementary schools within walking distance and secondary schools with good access to public transit
6. To minimize transitions
7. To minimize the use of portables (three is acceptable)
8. To integrate services in schools (wherever possible)
9. To review schools at 60% or less and schools over 100% utilization rate
10. To review attendance areas (shared boundaries, split attendance areas)
11. To use existing space efficiently to balance enrolment
12. To review schools in close proximity or on the same site.

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<sup>3</sup> School Lands Property Acquisition Framework and Funding Strategy  
<http://www.toronto.ca/legdocs/mmis/2010/ex/bgrd/backgroundfile-29044.pdf>  
Issues Arising from the Purchase or Lease of Surplus School Board Properties  
<http://www.toronto.ca/legdocs/mmis/2009/cc/bgrd/backgroundfile-25445.pdf>  
Staff Report for Action on Schools as Community Assets

The following is a summary of the key components of the TDSB plan. This describes what properties may be the subject of disposal and should clarify that the TDSB has not announced an imminent widespread closure of schools in Toronto:

### **1. Consideration for Sale: 23 (non-operating) Properties**

Twenty-three properties have already been closed by the TDSB and transferred to the TDSB's real estate subsidiary, the Toronto Lands Corporation (TLC), for consideration for sale. The timeframe for disposal of a number of assets is within the next year.

Of these 23 (non-operating) properties,

- 3 are in the process of being sold;
- 4 have been approved by the Board to be sold;
- 7 have been proposed for sale by staff, but have not been confirmed and require community consultations to be conducted, including consultation with the City of Toronto; and,
- 9 have been identified as requiring further investigation prior to being proposed for sale. TDSB has requested the immediate participation of the City of Toronto in these investigations. Parks, Forestry and Recreation is in communication with TLC about these sites. Children's Services also seeks to be involved, as two of these sites currently deliver child care.

### **2. Review for Possible Closure: 70 Schools**

Seventy currently operating schools have been designated for review. These reviews will be conducted in waves over a ten year period, through a series of studies and consultations, called Pupil Accommodation Reviews, as required by the Ministry of Education. The purpose of the PAR process is to consolidate student populations and programs into fewer facilities. Each PAR will review a set of schools in a geographic cluster. The PAR process considers program viability, enrollment, and the physical condition of each school.

Of these 70 PAR schools:

- 33 had utilization rates at or below 65% in 2014; and
- 37 had higher utilization rates but are located in geographic proximity to a lower utilization school. The TDSB intends to include surrounding schools in PAR studies in order to look at best options for local transfers, consolidations, and maintaining the most relevant facilities.
- 41 schools will undergo the PAR process between now and 2016.

### **3. Review of Utilization: 130 Schools**

One hundred thirty schools in the TDSB were reported to have utilization rates at or below 65% in 2014. This does not constitute a list of schools that are up for closure. Of these 130 schools,

- 33 will be reviewed through the PAR process as noted above;
- The remaining 97 schools not been slated for review for closure, because they have been identified to have other strategic value at this time.

The Ministry of Education measures utilization of schools in terms of the ratio of fulltime pupil enrolment to square feet of instructional space. Schools are assessed against capacity benchmarks that are applied relatively uniformly across the province: 30.4 square feet (9.2 metres) per elementary student and 33.3 square feet (10.1 metres) per secondary student).

### **Municipal Interests in Schools TDSB Schools Proposed for Review for Closure or Proposed for Sale**

The City's municipal interest in schools as community assets is fourfold:

1. Schools as spaces for child care and early learning;
2. School lands as community green space;
3. School as sites for non-educational services and programming; and
4. Schools to serve growth areas.

To provide Council with the overarching view of the City's municipal interests in the sites under consideration, staff asked 4 simple "yes/no" questions in relation to each school site:

- is a child care service provided at the site?
- is a non-educational municipal program service or program provided at the site?
- is the site located in a parkland deficient area?
- is the site located in a potential for future growth area?

Staff also noted if the school was located in a Neighbourhood Improvement Area (NIA), and if it had heritage designation or potential. Summary statistics, data tables, maps, and further commentary from Children's Services, City Planning, and Parks, Forestry, and Recreation are found in Appendices A-G. Definitions and the data used to answer these summary questions are explained in the footnotes to Table 1 and Table 2 in Appendix B.

### **Key Points**

1. More than half of the schools under consideration by the TDSB may have considerable significance for the City of Toronto. The City has two or more interests in:
  - 54% of the schools slated for PAR processes between now and 2016.
  - 50% of the TLC sites that require immediate consultation.
  - 38% of the schools located in a NIA.<sup>4</sup>

It is important to secure an active role for the City in imminent school closure reviews and pre-sale consultations, and to develop comprehensive measure of the community asset value of schools.

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<sup>4</sup> \*The lower rate for NIAs schools is explained by overall lower levels of service delivery available in these neighbourhoods – which contributed to their designation as NIAs.

2. Some of the schools under review may not be of significant strategic interest to the City, beyond their role as public educational institutions. The City has currently not identified an immediate or long-term interest in:
  - 25% of the TLC sites that require consultation
  - 10% of the schools slated for PAR process between now and 2016

The City does not discourage the closure of schools altogether and recognizes that some schools may not represent a significant community asset.

3. Preserving space for future growth is most often the reason why the City has an interest in a school proposed for review/sale, followed closely by the concern over parkland deficiency. Future growth potential is relevant for:
  - 56% of the schools slated for PAR Processes between now and 2016.
  - 69% of the TLC schools that require immediate consultation.

If, through the PAR process, the TDSB recommends disposal of properties in areas where there may be a future need for school facilities, the TDSB will be in the position of having to acquire land in a built-up urban area, with few opportunities for appropriate sites, and at a high land value. Further, areas of growth place additional demands on all community facilities; school facilities often help to meet the social and recreational needs of neighbourhoods in which they are located. This theme is discussed in more detail in Appendix G: City Planning Comments.

4. However, in those schools located in Neighbourhood Improvement Areas (NIAs), non-educational programming was the City's top interest. Non-educational programming was reported for:
  - 55% of the schools located in a NIA and slated for a PAR process.
  - 31% of schools slated for a PAR process overall.

By definition, NIAs have limited space for community-focused services and programming. Consultations in NIAs and the former priority neighbourhoods consistently show that schools represent community hubs in NIAs, where few other services are available. Preserving and growing existing community hub spaces in NIAs, including school spaces, will be a priority of the City, the Province, and their partners, and every effort should be made not to make the community space situation in NIAs worse.

5. Due to the Province's regulations regarding operations for Child Care Centres, child care and non-educational programming are least likely to be combined interests in these schools. The most common combination of municipal interests in these schools is Parkland+Growth. Schools that have child care are most likely to also be in parkland deficient areas (15/22). They are least likely to also have non-educational municipal service or programming available (11/22). Opportunities to strengthen integration of municipal services in school sites should be explored.



This report provides a summary perspective on the City's municipal interests in the TDSB schools under consideration, using a few key indicators. It does not report on services provided in schools that are paid for by other funders. More comprehensive analyses may be conducted as part of the City's consultations with the TLC, during the Pupil Accommodation Review processes, in consultation with the Ministry, and at the request of City-School Boards Advisory Committee.

### **A Stronger City Role in the Pupil Accommodation Review Process**

Appropriately, TDSB's guiding principles prioritize the view of schools as educational institutions and take into consideration the impact of school closures on neighbouring schools. However, none of the guiding principles reflect the role of schools as community assets in local neighbourhoods, which is the overarching municipal interest in school buildings and school lands.

The City was not closely engaged during the TDSB's recent capital planning process. Historically the City has had limited involvement in the planning and design of TDSB's PAR studies on the impact of a school closure. Though local City Councillors may be part of the process there is no standard procedure for incorporating City planning analyses or reviewing partnership opportunities with the City to keep public assets in the public domain.

A new TDSB-City of Toronto Capital Planning Table was launched in November 2014 to develop an integrated planning protocol to align current and future planning studies. In addition, the newly-struck City-School Boards Advisory Committee will promote information-sharing and planning coordination. To enhance this work, and ensure a more comprehensive analysis of the potential impact of school closures on communities, this report recommends that Council request a strategic partnership role for the City in the design and development of the 2014-2016 PAR processes, as a pilot initiative with the TDSB. The results of this pilot initiative may be reported to the City-School Boards Advisory Committee and to the Ministry of Education for consideration when new PAR guidelines are developed. This is particularly important given the considerable interest that the City may have in the schools slated for review between 2014 and 2016. A strategic partnership role for the City is also recommended in relation to the review of sites on the TLC inventory.

The TDSB is seeking City involvement in virtually all sites in question, the exception being the properties where sales are already in progress. Sites on the TLC inventory that have Board approval for disposal will be subject to a technical review prior to any public consultation sessions. TDSB schools in PAR clusters will be reviewed through a local feasibility study which will be to inform the community engagement process required by the *Education Act*. The benefit of this approach is that City staff can provide insight into the City's interests in each site, based on the four interests defined in this report. Through these processes, staff will be in the position to establish an informed position on each site that can be communicated to the public through consultation, and further referenced in discussion of future use for each facility.

## **A Policy Agenda for the City-School Boards Advisory Committee**

Ensuring that Toronto schools and school lands are safe, well-maintained, and conducive to student learning and community vitality are concerns that the City shares with the School Boards and the Ministry of Education. However, unilateral and bilateral policies and regulations for assessing the value of schools and for disposing of school board properties that are no longer appropriate for educational use have had the effect of polarizing the needs of the Province, the City, and the School Boards, rather than advancing shared public policy goals.

The debate over school closures ("no school should be sold" versus "all educationally underutilized schools should be sold") needs to be replaced with a nuanced conversation about the diverse roles that schools may play in communities, and the complementary roles for governments and other stakeholders in supporting and maintaining these facilities in the public realm. As the Mayor expressed in his letter of February 2, 2015, the City acknowledges that some schools in Toronto should be closed. Many school buildings are not in a state of good repair and do not represent good value for money. Nevertheless other schools do remain strategically relevant as public institutions and community assets in the city, after their viability as an educational institution has expired.

The current process and tools that are used to determine the fate of schools in Toronto largely leave the interests of the City out of the picture until the school is put up for sale. Then, because school boards are required to maximize their return on any property sale under Regulation 444/98 of the Education Act, the school sites are usually priced at the private market rate – well out of reach for the City. This lack of coordination between the Province, the school boards, and the municipality has limited opportunities for innovative partnerships and undermines the objectives of the City's Official Plan, local service system planning, and place-based planning.

There are three stages in the schools closure process where stronger coordination of the City, the School Boards, and the Province will be of benefit. The first stage is the identification of "underused" schools. The City's position is that the process for identifying surplus schools should be informed by all the uses of a school, both as an educational facility and more broadly, as a community asset. City staff propose the development of a new measure, called the "Community Asset Utilization Rate," to complement the Ministry's measure of school utilization. The Community Asset Utilization Rate may stand alone or be combined with the educational utilization rate to reflect more comprehensive, accurate measure of the public use of a public school facility. At minimum, the Community Asset Utilization Rate should reflect the use of a school in terms of child care sites, green spaces, non-educational programming, and future growth in Toronto. The City recommends that this measure be developed in consultation with the School Boards, the Province, and other Toronto community stakeholders, including agencies that utilize schools for non-educational services.

The second stage is the decision to dispose of a school site. The current approach at this stage focuses only on the question "is this school appropriate for student education?" An equally important question for Toronto residents, prior to putting a school on the market is, "should it remain a public space"? Such a decision has long-term repercussions, not only for the local community, but for the future growth and well-being of the City overall. If a school asset is sold out of the public domain, it is costly and challenging to ever replace it. The City proposes the development of a decision framework with the Province to determine jointly if it is desirable and sustainable to retain a former school facility in the public realm. Because under-utilized or closed schools are often the site where Provincially-funded programs are delivered, highlighting the cross-ministerial interest in maintaining these facilities should be a key consideration for the Ministry of Education and others about whether the facility should be retained.

Finally, it is appropriate for the City to explore with the Province and the School Boards the multilateral financing options that can facilitate public retention of school sites, while also ensuring that new capital projects for schools renewal are funded. A range of mechanisms may be explored, including options that Council has identified for review, including alternative models of municipal-school program and governance, like the "After School Matters" program in Chicago and increasing school utilization by inviting foreign students to enroll. Changing provincial regulations to allow TDSB to collect educational development charges from developers, despite having lower than capacity enrolment, should also be considered.

Because disposing of a school facility out of the public realm is a public policy decision that affects multiple stakeholders, the City encourages the development of a multilateral, consultative relationship with the School Boards and the Province of Ontario that:

- a) takes into consideration the full value of schools as community assets, in addition to their value as educational institutions;
- b) provides a realistic framework for retaining public ownership of former school properties when there is agreement among the parties that the site should be retained; and
- c) identifies alternate capital funding sources for schools renewal in Toronto;

The new City-School Boards Advisory Committee, with the invited participation of the Province, is appropriately positioned to pursue the development of this relationship. In light of the urgency for resolution of this issue, this report recommends that Council request the City-School Boards Advisory Committee to prioritize these issues during its inaugural year and provide recommendations by the final quarter of 2015.

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## SIGNATURE

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Chris Brillinger  
Acting Deputy City Manager

## ATTACHMENTS

- Appendix A: Summary Statistics on Municipal Interests in TDSB Properties under Review/ Proposed for Closure.
- Appendix B: Table 1 –Municipal Interests in "Consideration for Sale" sites: TLC Properties Identified for Potential Sale.  
Table 1a – Non-Educational Uses at "Consideration for Sale" sites: TLC Properties Identified for Potential Sale.
- Appendix C: Map 1 – Municipal Interests in "Consideration for Sale" sites: TLC Properties Identified for Potential Sale.
- Appendix D: Table 2 –Municipal Interests in "Review for Closure" Sites: TDSB Schools Identified for Pupil Accommodation Reviews.  
Table 2a – Non-Educational Uses at "Review for Closure" Sites: TDSB Schools Identified for Pupil Accommodation Reviews.
- Appendix E: Map 2 - Municipal Interests in "Review for Closure" Sites: TDSB Schools Identified for Pupil Accommodation Reviews.
- Appendix F: List of 130 TDSB Schools with 2014 Utilization Rates 65% or Lower.
- Appendix G: Divisional Comments on TDSB Potential School Closures: Children's Services, City Planning; and Parks, Forestry and Recreation.