

Update on the Negotiations of the Community Centre Exclusive Use Agreement and Pool Agreement between the TDSB and the City of Toronto

Date: May 24, 2017

To: Community Development and Recreation Committee

From: General Manager, Parks, Forestry and Recreation

Wards: All

SUMMARY

This report responds to the Community Development and Recreation Committee request that the General Manager, Parks, Forestry and Recreation ("GM") report to the May 10, 2017 Community Development and Recreation Committee on the status of negotiations between the City of Toronto (the "City") and the Toronto District School Board (the "TDSB") on the shared-use and exclusive-use agreements for recreation space and pools in schools.

RECOMMENDATIONS

The General Manager, Parks, Forestry and Recreation recommends that:

1. The Community Development and Recreation Committee receive this report for information.

FINANCIAL IMPACT

There is no financial impact from the adoption of the recommendation in this report.

Currently the City has budgeted \$9.11 million in 2017 to use TDSB space for Parks, Forestry and Recreation ("PF&R"). Funding is provided in the Council Approved 2017 Operating Budget. Once the negotiations on the Agreements are completed, the GM will report back on the full financial impact of the Agreements and provide this information for consideration with the 2018 Operating Budget.

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The Deputy City Manager & Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting of July 25, 26 and 27, 2006, City Council authorized the General Manager, Parks, Forestry and Recreation to execute a Master Shared Use Lease Agreement with the TDSB for the exclusive use of space within TDSB facilities.

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060725/pof6rpt/cl022.pdf>

At its meeting of May 6, 7 and 8, 2014, City Council requested the Deputy City Manager, Cluster A to report to the June 16, 2014 Government Management Committee meeting on the status of negotiations between the City and the TDSB on shared-use and exclusive-use agreements for recreation space in schools, including the proposed key terms and conditions, locations and estimated costs of the proposed "Master Agreement" under discussion.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.MM51.27>

At its meeting of March 2, 2017, the Community Development and Recreation Committee requested the General Manager, Parks, Forestry and Recreation to report to the May 10, 2017 Community Development and Recreation Committee meeting on the status of negotiations between the City and the TDSB on shared-use and exclusive-use agreements for recreation space and pools in schools.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.CD18.10>

COMMENTS

Exclusive Use / Shared Use Agreement

PF&R has been working with the TDSB to finalize an agreement that would harmonize the relationship between PF&R and the TDSB for each location outlined in Appendix A to this report, which are specific to the Exclusive Use / Shared Use Agreement. These locations are used as community recreation offices, rooms exclusive to PF&R along with some exclusive programming space. Throughout the history of the agreements, the TDSB and the City have used the terms "Exclusive Use" and "Shared Use" interchangeably. For the purposes of this report, the term "Exclusive Use" will be used to describe that agreement. The 2017 budgeted amount for payment to the TDSB for the use of these spaces is \$0.89 million. Programming outside of the exclusive use space in the school is delivered through permitting additional space from the TDSB. The permitted space is considered "permitted use" and includes classrooms and gyms for seasonal programming, March break and summer camps. Subject to the payment of a

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Stage 1 Fee of \$1.1 million per year, the City benefits from a preferred lower permit rate.

For the Exclusive use space, the City pays an additional fee over and above the \$0.89 million for telephone charges, and caretaking services outside of the agreed hours of use, on weekends and school holidays. The TDSB is responsible for caretaking, water, gas and hydro charges during the agreed upon hours of use. The TDSB is also responsible for maintaining the interior and exterior of the demised premises and school buildings.

The Division, with the support of Legal Services, is working to simplify the agreements to avoid potential overlaps in the calculation of charges with respect to City use of TDSB space under the exclusive use, permitted use and aquatic arrangements. The City has proposed a "term sheet" specific to exclusive use space which is expected to clarify the questions around the cost recovery, particularly around the TDSB's operating costs related to weekends. The City and the TDSB are engaged in ongoing discussions and expect to report back in the fall with the complete exclusive/shared use agreement.

Pool Agreement

PF&R currently uses 26 pools located in TDSB owned and operated schools, identified in Appendix B to this report. This agreement covers the full annual operating cost of the pools with an annual payment to the TDSB of approximately \$5.6 million. The payment includes the City's use of the pool during the school year from 6 p.m. to 10 p.m. Monday to Friday, and 8 a.m. to 10 p.m. on weekends, along with 8 a.m. to 10 p.m. for the entire summer which subsidizes the TDSB's use of pools during school hours. The current agreement is for a term of five years and expires on June 30, 2017 with no rights of renewal.

Currently, the City and the Toronto Lands Corporation ("the TLC") have agreed to up to a two year extension of the current agreement which will include a minor amending clause to include a moratorium on any deletions of any pools listed in Appendix B to this report until a long term new agreement is executed. The work on the new agreement is ongoing and will be reported to Council upon completion.

Summary of Agreements between the TDSB and the City

The 2017 budget for the TDSB agreements is \$9.117 million under the following agreements:

Table 1 - Total TDSB Payments

	Current (\$000's)
Pool Agreement (26 Sites)	\$5,626.00
Exclusive Use (27 Sites)	\$889.50
Permitted Uses	<u>\$2,662.00</u>
	<u>\$9,117.50</u>

CONTACT

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SIGNATURE

Janie Romoff
General Manager, Parks, Forestry and Recreation

ATTACHMENTS

Appendix A - Initial Locations to be included in the Exclusive Use Agreement
Appendix B - Sites in Current Pool Agreement

Appendix A – Initial Locations to be included in the Exclusive Use Agreement

Site	District	Exclusive Use Space (square footage)
Adam Beck	Toronto/East York	3,181
Balmy Beach	Toronto/East York	1,575
Bedford Park	North York	171
Bickford 1/Bob Abate CC1	Toronto/East York	7,082
Bloordale	Etobicoke/York	2,466
Bowmore Road (Fairmount)	Toronto/East York	6,172
Brown	Toronto/East York	602
Earl Beatty	Toronto/East York	519
Frankland CC	Toronto/East York	4,414
Hillcrest	Toronto/East York	5,844
Hilltop	Etobicoke/York	344
Hollycrest	Etobicoke/York	593
Islington	Etobicoke/York	425
James S. Bell	Etobicoke/York	532
John English	Etobicoke/York	2,352
John G. Althouse	Etobicoke/York	1,018
Keele Street	Etobicoke/York	3,874
Kingsview	Etobicoke/York	158
Maurice Cody	Toronto/East York	356
North Bendale	Scarborough	777
Park Lawn	Etobicoke/York	416
Parkdale JR & Sr	Toronto/East York	7,537
Secord	Toronto/East York	10,203
Smithfield	Etobicoke/York	1,055
Swansea	Etobicoke/York	6,799
Terry Fox	Toronto/East York	1,104
York Memorial	Etobicoke/York	5,827

Appendix B – Sites in Current Pool Agreement

Site / School Name	City Ward
ALBERT CAMPBELL CI	41
BEDFORD PK	25
BOWMORE	32
CEDARBRAE	38
CW JEFFERYS	8
DA MORRISON	31
EARL BEATTY	31
EMERY	7
FRANKLAND	30
GEORGE VANIER	33
GLEN AMES	32
GORDON A BROWN	31
HILLCREST	21
L'AMOREAUX	39
LB PEARSON CI	42
NORTHVIEW	10
PARKDALE PS	14
RUNNYMEDE CI	11
SIR OLIVER MOWAT	44
SWANSEA	13
VAUGHAN ROAD	15
VICTORIA PARK SS	34
WEST HILL CI	43
WESTON CI	11
WEXFORD CI	37
YORK MILLS CI	25