

Shared Use Agreements with the Toronto District School Boards

Date: April 29, 2021

To: City Council

From: General Manager, Parks, Forestry and Recreation

Wards: All

SUMMARY

This report responds to the motion made at the April 22, 2021 Planning and Housing Committee meeting for the General Manager, Parks, Forestry and Recreation to report directly to City Council on May 5, 2021 with the list and types of all shared use agreements that the City of Toronto has with the Toronto District School Board and the Toronto Catholic District School Board.

The request for this information was part of Item PH22.1 - Christie's Planning Study - City-Initiated Secondary Plan and Zoning By-law and Urban Design and Streetscape Guidelines - Final Report presented at Planning and Housing Committee on April 22, 2021.

The Christie's Secondary Plan and Zoning By-law secures approximately 8,800 square metres of elementary school space (to accommodate both the Toronto District School Board and the Toronto Catholic District School Board) within the podium of a mixed-use building development. The policies in the Secondary Plan also require maximizing the use of the podium space to support dedicated outdoor school play space. However, anticipating the need for supplementary school outdoor space during the school day, the school boards have raised the notion of entering into a shared-use agreement with the City for the use of the neighbouring park. In response to this need and to ensure schools are viable on this site, the Christie's Secondary Plan locates the school sites adjacent to the park to ensure students' safe and easy access to the park, and contains policies that state that the schools' outdoor play space may be supplemented by shared use agreements for a portion of the public parkland at the City's discretion provided the primary use of the park remains for public use.

RECOMMENDATIONS

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

1. City Council receive this report for information.

FINANCIAL IMPACT

There are no financial implications as a result of the recommendation in this report.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the Financial Impact section.

DECISION HISTORY

At its meeting on April 22, 2021, the Planning and Housing Committee requested, by way of a Member Motion that the General Manager, Parks, Forestry and Recreation report directly to City Council on May 5, 2021 with the list and types of all shared use agreements with the Toronto District School Board and the Toronto Catholic District School Board with the City of Toronto.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH22.1>

COMMENTS

Parks, Forestry and Recreation (PFR), the Toronto District School Board (TDSB) and the Toronto Catholic District School Board (TCDSB) have long-standing relationships spanning decades. Over time, various arrangements have been established for the sharing of school board and City property to maximize the benefits of their respective assets for use by both the school population and the broader community.

In some cases, City lands are used by the school boards, and in others school board space is used by the City. In each instance, however, final approval for use of the asset by the other party is granted at the sole discretion of the property owner.

Toronto District School Board

PFR and TDSB have worked collaboratively to encourage the sharing of assets for greater public benefit. Recognizing the importance of schools in the community, PFR has responded to the needs of the TDSB in a variety of ways including opening City parks and recreation facilities during the COVID-19 pandemic to facilitate physical distancing and outdoor learning for students. Similarly, PFR requests reciprocal consideration from the TDSB when negotiating agreements.

In total there are currently 40 shared use agreements between the TDSB and PFR, along with various arrangements whereby the school board uses City property or PFR uses school board property.

PFR shares space with the TDSB in the following ways:

PFR Use of TDSB Space

Exclusive Use Agreements:

This agreement type exists where PFR has exclusive space within a TDSB building for office/administrative use for PFR staff. There are 29 locations under this arrangement. Additional space is used under permit by PFR from the TDSB for programming (Permitted Use). PFR's ability to retain its existing exclusive use space, user fees, and the issuance of permits are at the sole discretion of TDSB. The TDSB reserves the right to revoke permits as required for operational or maintenance needs.

Pool Agreements:

This agreement type exists where PFR pays the full annual operating cost of 28 TDSB pools. The rent subsidizes the TDSB's use of pools during school hours. Nine of the pools captured in this agreement are located in exclusive use locations.

Outdoor Space Agreements:

There are agreements in place at four TDSB locations for the use of outdoor green space or amenities by the community. There are an additional three locations where a similar arrangement exists, sometimes with the additional requirement for the City to maintain the property subject to the agreement.

City Buildings on TDSB Lands:

There are agreements in place or under negotiation at six TDSB locations where City infrastructure is built on TDSB property. In these instances, the City assumes capital responsibility for the building, and often the use of the facility is granted to the school in lieu of rent.

Section 37 & Section 45 Planning Act Shared Use Agreements:

Funds secured through Section 37 and Section 45 of the Planning Act are invested into TDSB-owned outdoor spaces with the agreement that these spaces are opened up to the community after school hours. There are 22 such agreements, totaling \$4.5M of additional approved funding for TDSB properties since 2015.

TDSB Use of PFR Space

Use of City Parks and Community Centres for Outdoor Learning and Physical Distancing:

The TDSB was granted the use of City parks and available space in community centres for the 2020/21 school year to assist with physical distancing during the pandemic. The agreements include the use of 224 parks and three community centres.

Historical Arrangements for use of Outdoor Space:

Various historical arrangements have evolved over time between PFR and TDSB where the City and school share space, often outdoors. In each arrangement the use of the land is at the sole discretion of the land owner, and the agreements are subject to

approval by the land owner's respective authority (City Council or Board). There are approximately 22 parks being used by the TDSB, and five TDSB facilities built on PFR lands that fall within this category.

Co-Located Facilities

Co-Located Facilities are adjacent facilities under jurisdictional management or ownership of each party, with common areas, systems, and/or shared spaces. There are four locations in this category, each relying on a unique shared use arrangement. Agreements for co-located facilities are entered into based on terms mutually agreed upon by both parties.

Toronto Catholic District School Board

Similar to the PFR/TDSB relationship, PFR and TCDSB share spaces across the City, albeit to a lesser degree. PFR and TCDSB also have agreements in place for City parks and community centres in response to the COVID-19 pandemic.

In total there are 23 shared use agreements between the TCDSB and PFR, along with a limited number of arrangements whereby the school board uses City property or PFR uses school board property.

PFR Use of TCDSB Space

Outdoor Space:

There are five agreements in place on TCDSB property whereby the community has access to TCDSB outdoor space. In most instances, parks or outdoor recreational amenities are constructed on the lands and use is shared between the school and the community.

Section 37 & Section 45 Planning Act Shared Use Agreements: Funds secured through Section 37 and Section 45 of the Planning Act are invested into TCDSB-owned outdoor spaces and in return those spaces are opened up to the community after school hours. There are two such agreements, totaling \$75,000 of approved funding for TCDSB properties since 2015.

TCDSB Use of PFR Space:

Historical Arrangements for use of Outdoor Space:

Similar to those with TDSB, various historical arrangements have evolved over time between PFR and TCDSB where the City and school share space, often outdoors. In each arrangement the use of the land is at the sole discretion of the land owner, and the agreements are subject to approval by the land owner's respective authority (City Council or Board). There are approximately four parks being used by the TCDSB under historical arrangement and, one TCDSB facility built on PFR lands that fall within this category.

Shared Facilities or Reciprocal Use

Co-Located Facilities: There are eight co-located TCDSB/PFR locations in this category, each relying on a unique shared use arrangement.

Exchange of Services: The Master Exchange of Services Agreement provides the TCDSB free permitted ice time at 40 city operated arenas during school hours in exchange for the use of TCDSB spaces as required by PFR on a permitted basis. Issuance of permits to PFR by the TCDSB for space under this agreement is free and subject to availability of space.

City and School Partnership Model

PFR and school boards endeavour to collaborate on the sharing of their assets for public benefit, as is demonstrated by current agreements, and agreements under negotiation. In all instances, final approval on rights and space use are at the sole discretion of the property owner.

As the City looks ahead to continued growth, PFR continues to work collaboratively with the TDSB and TCDSB, working to leverage publicly funded assets with the aim of increasing overall public benefit for students and the greater community.

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SIGNATURE

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