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A subsidiary corporation of the TDSB



Oct 4, 2019

Transmittal No. 2020 – 81
(Public)

Sir Robert Borden - 770 Don Mills Road - Land Exchange with City of Toronto

To: Robin Pilkey, Chair

This communication is to inform you of a recent decision made by the TLC Board at its meeting of September 26, 2019 with respect to the report entitled *Sir Robert Borden- 770 Don Mills Road- Land Exchange with City of Toronto*. The recommendations outlined in the report (attached herein) were approved by the TLC Board and are being forwarded to the TDSB Board for approval.

On behalf of the Board of Directors of the Toronto Lands Corporation, approval of the above noted reported is requested.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Crombie', written in a cursive style.

David Crombie
Chair, TLC

cc. D. Sage, Executive Officer, TLC
cc. J. Malloy, Director of Education, TDSB
cc. C. Jackson, Associate Director, Business Operations and Service Excellence, TDSB
cc. S. Shaw, Executive Officer, Facility Services and Planning, TDSB

TORONTO LANDS CORPORATION**Sir Robert Borden – 770 Don Mills Road – Land Exchange with City of Toronto**

To: Chair and Members of the Toronto Lands Corporation

Date: September 26, 2019

Recommendation:

It is recommended that:

- 1) TDSB grant authority for TLC to negotiate and prepare a conditional Land Exchange Agreement with the City of Toronto on terms and conditions agreed to between the parties that will consider the TDSB declared surplus site known as Sir Robert Borden, 200 Poplar Road in exchange for approximately 54,000 square feet of a stratified non-condominium title interest in 770 Don Mills Road, being part of Parts 1 and 2 on Sketch No. PS-2005-026 attached as Appendix 1, that will be conveyed as improved with a new elementary school, built consistent with TDSB and Ministry standards, and an additional abutting open space area of approximately .9 acres in fee simple for playground purposes.
- 2) TLC presents a report, with recommendations, on the Land Exchange Agreement to the TDSB, in the spring of 2020.
- 3) The report be forwarded to TDSB Board for approval.

Rationale

The TDSB property at 200 Poplar Road, formerly known as Sir Robert Borden, was closed and declared surplus by TDSB on June 22, 2016. The former school is situated on 11.93 acres in the Kingston Road and Lawrence Avenue East neighbourhood and is adjacent to community housing and single family residential homes. The City of Toronto expressed an interest in this site being an opportunity for community services but was not in a position to acquire the property at market value as required under the Regulation. Upon completion of the regulatory circulation process and without any public interest, TDSB authorized TLC prior to issuing a market request for offers, in October, 2017, that TLC establish and lead a steering committee to develop an effective framework that would guide the identification of local community needs and provide for the opportunity to create a vibrant and sustainable hub that could be integrated with the redevelopment scheme. Upon completion of an independent study and public consultation, it was determined that although a number of community services were identified, funding became the challenge. Thus, the Borden property went to the open market on June 11, 2018 and offers were reviewed on July 26, 2018. TLC accepted a conditional offer from a well-known developer who proceeded to complete its due diligence activities. At that time in the market place, the OMB had been displaced and the new LPAT was in effect, making secondary sites, such as the Borden property a risky investment due to uncertainty around the new outcomes. As a result, the developer did not proceed with finalizing the sale leaving TLC to pursue other interests.

Context

TLC had been aware of the student accommodation pressures in the quadrant south of Don Mills Road and Eglinton Avenue East. TDSB Planning had advised that TDSB would require a school in this area and a preliminary review found that vacant land was extremely limited and existing school sites had no further space for expansion. Inability to accommodate new students from the growing number of developments in this area was becoming critical with busing students outside their resident area being the primary option. In conjunction with CreateTO, TLC staff identified undeveloped land, in public ownership connected with the Ontario Science Centre complex which included a portion of the large parking lot located at 770 Don Mills Road.

Recently, the City of Toronto Council approved a "Housing Now Initiative" that would accelerate the City's efforts in creating affordable housing on City-owned properties suitable for residential development. One of these sites is on the south side, and south west corner of Don Mills Road and Eglinton Avenue East, abutting the Ontario Science Centre lands at 770 Don Mills Road. Appendix 1 attached outlines the City-owned property that will be part of its Housing Now Initiative. The CreateTO was aware that TDSB had a critical issue for student capacity in this already high density residential area. As a standard option for this area, City Planning could include a reservation for a potential school in the redevelopment scheme which would allow the school board the opportunity to acquire the space at market value and build a school. However, additional lands that would be required for playground area could not be secured through this process.

Subject to satisfactory detailed terms and conditions, City, TDSB and Ministry of Education approvals, an equitable exchange has been discussed whereby the City would transfer to the TDSB, approximately 54,000 square feet of a stratified non-condominium title interest in 770 Don Mills Road, being part of Parts 1 and 2 on Sketch No. PS-2005-026 attached as Appendix 1, that will be conveyed as improved with a new elementary school, kindergarten up to grade 8, based upon TDSB specifications, and an additional abutting open space area of approximately .9 acres in fee simple for playground purposes. As the City brings this property to market, the successful development proponent will be required to build the school as part of the proposal. The playground area will become part of a shared-use agreement with the City allowing community use after school hours and non-school days. In the equitable exchange, the TDSB would convey to the City of Toronto the 200 Poplar Road property in order for the City to redevelop the site with a community hub and other services that will also maximize public benefits in this location.

On July 16, 2019, CreateTO obtained City of Council approval to proceed with a Land Exchange Agreement and the report is appended as Appendix 2. TLC is now seeking similar authority from TDSB to negotiate and prepare a conditional Land Exchange Agreement with CreateTO/ City of Toronto. This equitable exchange agreement would be conditional upon obtaining all of the necessary final approvals from the City, TDSB and upon Ministry of Education.

CreateTO and TLC came together to develop a mutually beneficial solution by maximizing the best use of public assets through an equitable exchange of property interest between the TDSB and the City of Toronto. This initiative would be beneficial in multiple aspects for not only two large communities but would represent the ability to match City and School Board needs while maintaining ownership of these site specific public assets in perpetuity.

Regular Meeting
26 September 2019

TLC Board Agenda
Report # 2019-07-787

Appendices

Appendix 1 Stratified Interest in 770 Don Mills Road
Appendix 2 City Council Report, July 16, 2019

Routing

TLC Board: 26 September 2019
TDSB Board: October 2019 Cycle

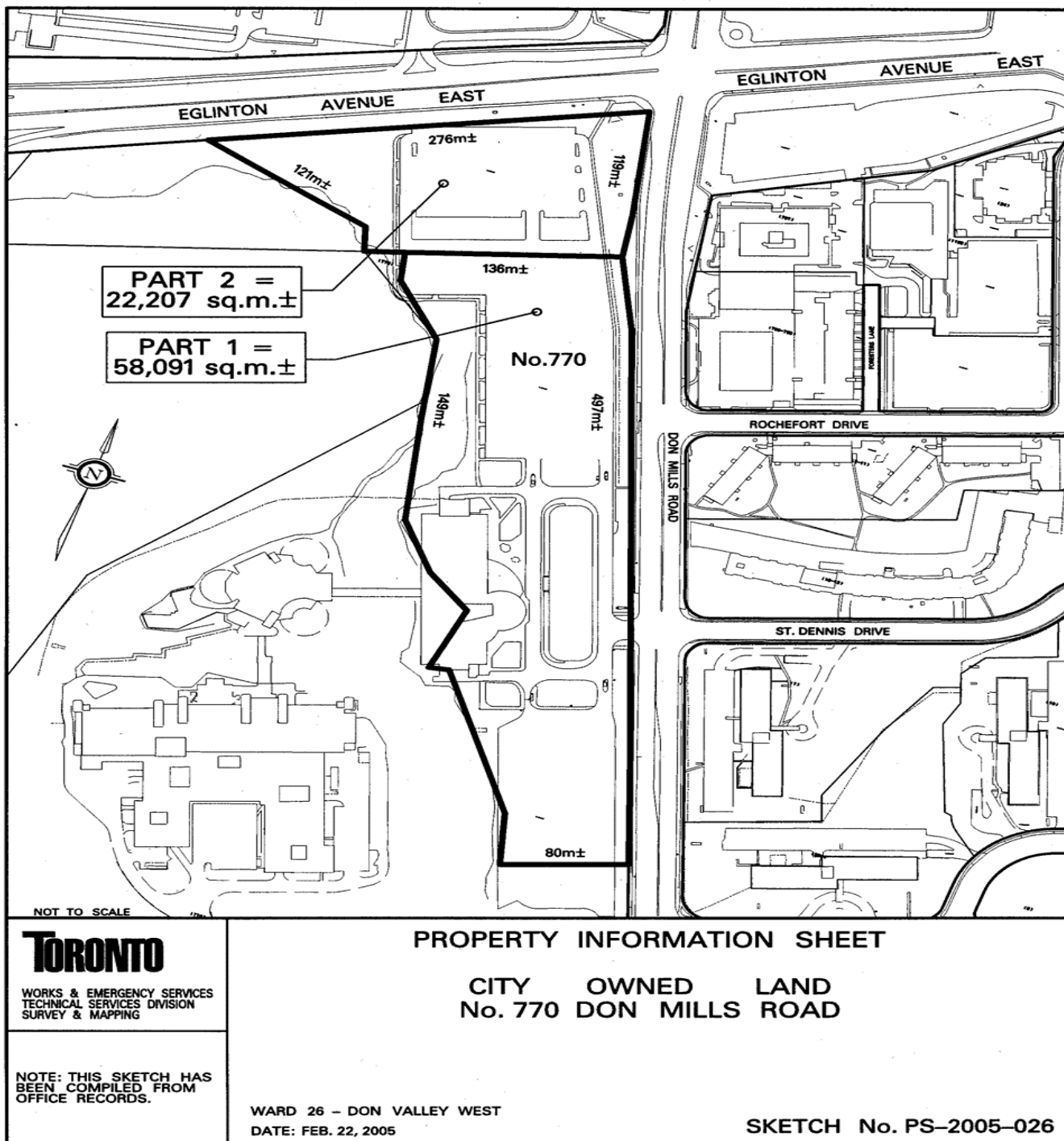
From

Daryl Sage, Executive Officer, Toronto Lands Corporation, at dsage.tlc@tdsb.on.ca or at 416-393-0575

Anita Cook, Senior Manager, Real Estate, Toronto Lands Corporation, at acook.tlc@tdsb.on.ca or at 416-393-0632

GO5 /2020 Board Mtgs/ (Sir Robert Borden-770 Don Mills Road-Land Exchange with City of Toronto)tk.8000
Last update: September 20, 2019

Appendix 1 Stratified Interest in 770 Don Mills Road



APPROXIMATELY 54,000 SQUARE FEET OF STRATIFIED AIRSPACE CONTAINED WITHIN PART 2 ON PS-2005-026 BEING PART OF PIN: 10369-0143 (LT) IN THE LAND REGISTRY OFFICE OF TORONTO (NO. 66) IN LAND TITLES DIVISION.

Land Exchange - 200 Poplar Rd for Stratified Ownership at 770 Don Mills Rd



Tracking Status

- City Council adopted this item on July 16, 2019 without amendments and without debate.
- This item was considered by the General Government and Licensing Committee on June 24, 2019 and adopted without amendment. It will be considered by City Council on July 16, 2019.

City Council consideration on July 16, 2019

GL6.17	ACTION	Adopted on Consent		Ward: 16, 24
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Land Exchange with the Toronto District School Board - City Acquisition of 200 Poplar Road in Exchange for Stratified Ownership at 770 Don Mills Road

City Council Decision

City Council on July 16, 17 and 18, 2019, adopted the following:

1. City Council authorize the City of Toronto (the City) to enter into a Land Exchange Agreement with the Toronto District School Board for the property known as 200 Poplar Road, legally described in Appendix 1 to the revised report (June 10, 2019) from the Acting Director, Real Estate Services, in exchange for approximately 54,000 square feet of stratified fee simple interest in part of 770 Don Mills Road, being Parts 2 and 5 on Plan RS-882, also shown as Part 2 on Sketch Number PS-2005-026 in Appendix 2 to the revised report (June 10, 2019) from the Acting Director, Real Estate Services, substantially on the terms and conditions to be agreed between the parties, as may be approved by the Director, Real Estate Services, and in a form satisfactory to the City Solicitor.
2. City Council approve that the transaction meets the requirement for an exchange of land as outlined in Chapter 4.3 (Parks and Open Space Areas), Policy 8 of the City of Toronto's Official Plan.
3. City Council authorize the Director, Real Estate Services to accept the terms of the Land Exchange Agreement on behalf of the City of Toronto.
4. City Council authorize the City Solicitor to complete the transaction on behalf of the City of Toronto, including paying any necessary expenses, amending the closing and other dates to such earlier or later date(s), and on such terms and conditions as the City Solicitor may, from time to time, consider reasonable.
5. City Council authorize and direct the appropriate City officials to take the necessary action to give effect to City Council's decision.