



Exemption from P076, Community Planning and Partnerships, to Allow a Capital Improvement to the Former Vaughan Road Academy Building at 529 Vaughan Road

To: Finance, Budget and Enrolment Committee

Date: 3 November, 2020

Report No.: 11-20-3974

Strategic Directions

- Allocate Human and Financial Resources Strategically to Support Student Needs
- Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being

Recommendation

It is recommended that:

- a) An exemption be made under clause 6.6 of policy P076, Community Planning and Partnerships, to allow two classrooms in the former Vaughan Road Academy building located at 529 Vaughan Road to be leased to the Oakwood Vaughan Community Organization for five years without a six-month termination notice;
- b) The Oakwood Vaughan Community Organization be allowed to facilitate the use of the leased rooms with other community groups provided the community groups go through the vetting process described in clause 6.4 of policy P076, Community Planning and Partnerships, to ensure compatibility with students and school operations; and,
- c) Recommendations a) and b) be contingent on the Oakwood Vaughan Community Organization securing an Ontario Trillium Foundation grant and paying the full cost for the installation of a disability lift and any additional costs required to fit up the space.

Context

Background of the Former Vaughan Road Academy Building

The Vaughan Road Academy building is located at 529 Vaughan Road in Ward 8 (Trustee Laskin).

On December 7, 2016, the Board of Trustees approved that the secondary school, Vaughan Road Academy, close at the end of the 2016-17 school year due to significantly declining enrolment.

On February 8, 2017, the Board of Trustees approved that the building be retained by the TDSB for operating purposes to provide accommodation options for the future and to address pressures in nearby areas.

On October 18, 2017, the Board of Trustees approved that the building be used as a holding site for Davisville Junior Public School and Spectrum Alternative Senior School during the construction of their replacement building. The two schools have been in the former Vaughan Road Academy building since 2018 and will return to their replacement building in 2021.

At this time, staff do not have another use planned for the former Vaughan Road Academy building after Davisville Jr PS and Spectrum Alternative depart but its future use will be considered as staff develop accommodation options and plan new capital projects.

Besides being used as a holding site for Davisville Jr PS and Spectrum Alternative, the former Vaughan Road Academy building accommodates a child care centre (Vaughan Road Infant and Toddler Centre) and the administrative offices of the Caring and Safe Schools Department. Both of these groups will remain in the building after Davisville Jr PS and Spectrum Alternative depart.

Unused Rooms Available for Lease through the Community Planning and Partnerships Program

Over the past couple of years, local residents and community organizations have expressed interest in using the former Vaughan Road Academy building as a hub to provide community services to the Oakwood Vaughan neighbourhood.

In response, staff identified two unused classrooms on the third floor of the building and made them available for lease through the Community Planning and Partnerships

program. The two classrooms are located in an area that is separated from the rest of the building by crash doors and has its own washroom, stairwell and exterior entrance.

The building is served by an elevator; however, the elevator requires upgrades to meet current accessibility standards. The elevator is located at a distance down the corridor from the two classrooms. This may be a security concern if the third floor is also used by students. Additional security measures may be required (such as access control doors) and/or the two community use rooms may need to be relocated closer to the existing elevator.

As per the Community Planning and Partnerships program, the two rooms are posted on the TDSB's public website as available for lease. Community groups may complete an application form on the website to express interest and start the vetting process to ensure they are compatible with students and do not interfere with school operations. The Community Planning and Partnerships policy (P076) specifies that unused rooms are available for lease for a short to medium term with six months' termination notice. All partnerships shall be on a cost-recovery basis and will include operating and capital expenses. Additional costs to adapt the space for the needs of the partner to ensure student safety will be the responsibility of the partner.

Request for an Exemption to the Community Planning and Partnerships Policy P076

The Oakwood Vaughan Community Organization (OVCO) is a non-profit, registered charity incorporated on October 20, 2017 (#1976377). This organization is interested in leasing the two rooms on the third floor; however, it is concerned that the rooms are inaccessible to its program participants because the building does not have a disability lift. OVCO would like to apply for a capital grant from the Ontario Trillium Foundation to install a disability lift in the location of the current elevator. To consider this application, the Ontario Trillium Foundation requires a five-year lease agreement with no termination prior to the expiration date.

OVCO has asked to start the lease upon completion of the disability lift, if it receives the funding.

On October 14, 2020, Trustees Laskin and Donaldson presented a notice of motion to the Finance Budget and Enrolment Committee proposing that an exemption be made to the Community Planning and Partnerships policy to allow the two rooms to be leased to OVCO for five years without the six-months' termination notice in order for OVCO to secure a capital grant and install the disability lift. The notice of motion is attached as Appendix A.

Staff has reviewed the notice of motion and has the following comments:

- Staff is supportive of the proposed exemption to the Community Planning and Partnerships policy and leasing the two rooms to OVCO on the condition that the Ontario Trillium Foundation grant is secured and OVCO pays the full cost for the installation of the disability lift and any additional costs required to fit up the space.
- Staff is supportive of allowing OVCO to facilitate the use of the leased rooms with other community groups provided the community groups go through the vetting process described in the Community Planning and Partnerships policy to ensure compatibility with students and school operations.
- It is not necessary for the Director to write to the Minister of Education to request an exemption from the Fund Raising Guidelines for OVCO to pay for the installation of the disability lift. The Ministry's Community Planning and Partnerships Guideline that the TDSB's policy is based on states that capital improvements required to accommodate a partner must be paid for by the partner: "On a cost-recovery basis, the fees charged to partners should cover the operations and capital cost, including administrative costs and property taxes (if applicable), to the board of the space occupied by the partner. Additional costs to perform minor renovations to protect student safety, provide appropriate washrooms, and otherwise make the space suitable for use by facility partners should be borne by the partners."

Action Plan and Associated Timeline

If the Board of Trustees approves the recommendation, TDSB staff will notify OVCO. Once OVCO secures the funds to install the disability lift, Toronto Lands Corporation (TLC) staff will enter into a lease.

Resource Implications

The installation of the disability lift will occur at no cost to the TDSB. The lease will recover all operating costs.

Communications Considerations

Not applicable.

Board Policy and Procedure Reference(s)

Community Planning and Partnerships Policy, P076
Community Planning and Partnerships Procedure, PR713.

Appendices

- Appendix A: Written Notice of Motion for Consideration (Trustees Laskin and Donaldson) - Improvement to the Former Vaughan Road Academy School Building at 529 Vaughan Road – October 14, 2020

From

Craig Snider, Interim Associate Director, Business Operations and Service Excellence at craig.snider@tdsb.on.ca or at 416-395-8469.

Maia Puccetti, Executive Officer, Facilities and Planning at maia.puccetti@tdsb.on.ca or at 416-393-8780.

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Written Notice of Motion for Consideration (Trustees Laskin and Donaldson)

From: Denise Joseph-Dowers, Manager, Board Services, Governance and Board Services

In accordance with Board Bylaw 5.15.2, notice of the following motion was provided at the regular Board meeting on September 23 2020 and is therefore submitted for consideration at this time.

5.15.2 A notice of motion will be introduced by a member who is present as an advance notification of a matter to be considered at a subsequent Board or Committee meeting. A notice of motion will not be debated at the meeting at which it is introduced...

5.15.2 (c) A notice of motion submitted prior to, or at a Board meeting, will be considered at a subsequent Board meeting or will be referred to the appropriate committee...

Exemptions From P076, Community Planning and Partnerships to Allow for a Capital Improvement to the Former Vaughan Road Academy School Building at 529 Vaughan Road

Whereas, the Board makes decisions about partnerships through the approval of partnership agreements in the form of leases according to Policy 076, Community Planning and Partnerships; and

Whereas, in the fall of 2018, the Board voted to retain the school building at 529 Vaughan Road in its property portfolio as a "holding site" for public education for children and youth from other communities whose schools were in transition (housing Davisville Public School/Spectrum Alternative Senior School from September 2018 to June 2021 during construction of the new build); and

Whereas, for the last number of years, local residents, community organizations, local city councillors and school trustees have discussed the need for social and economic development in the Oakwood-Vaughan neighbourhood with a particular concern about the lack of health and community services in the area, especially with respect to certain populations such as low income families, children and youth, seniors and newcomers; and

Whereas, the Oakwood Vaughan Community Organization (OVCO), a non-profit organization incorporated on October 20, 2017 (#1976377) and registered as a charitable organization has assumed the responsibility for collaboration with the TDSB to pursue the goal of initiating community services in space reserved for it at the former VRA, which OVCO has characterized at this time as the "nub of a hub"; and

Whereas, over the last several years, the TDSB has advertised two adjacent rooms on the third floor of 529 Vaughan Road are reserved for community use; and

Whereas, the rooms reserved for community use are not being used as accessibility for program participants with physical and mobility challenges is a barrier; and

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Whereas, OVCO has identified a funding opportunity with the Ontario Trillium Foundation (OTF) which has a capital projects policy and has a funding stream that is available to community organizations for capital improvements to community sites serving community groups in OTF's priority outcome areas (eligible community organizations can apply for capital grants up to \$150,000); and

Whereas, OVCO leadership has discussed with an OTF capital grants program officer whether a project to install an elevator in a school facility for creating access to community programming space would be considered eligible for an OTF capital grant and the consistent response in three consultations since October 2019 is that such a proposal on its face would qualify as a capital grant application (success would depend on satisfying the criteria of the OTF adjudication process for all submissions); and

Whereas, OVCO would like to apply for an OTF capital grant to install an upgraded Disability Lift or a LULA elevator in the location of the current elevator as a capital improvement to the school facility at 529 Vaughan Road; and

Whereas, a critical requirement for an OTF capital grant application is as follows: "Proof of ownership or a five-year lease agreement is required for all renovations or improvements to land or property" and this is contrary to the TDSB's current policy requirement that lease agreements with community partners be subject to termination notice of six months should a school require the community space for educational purposes; and

Whereas, in the Guiding Principles for Community Use of Board Facilities it states "Neighbourhood schools must be hubs of the community. These facilities are the product of long-term public investment in neighbourhood and community infrastructure. Their value must be broadly recognized, not narrowly defined, and the use of these assets should be maximized to further both educational and community objectives."; and

Whereas, in procedure PR713, Community Planning and Partnership, under 6.6 it states "Opportunities for Co-Building with Community Partners - a) The Board shall evaluate capital projects such as the construction of a new school, a major addition or renovation on a case-by-case basis to determine whether partnerships may be appropriate or beneficial."; and

Whereas, the community sees this partnership with OVCO as beneficial and whereas the Board would benefit from a capital improvement to 529 Vaughan Road;

Therefore, be it resolved:

- (a) That an exemption be made under clause 6.6 of policy P076, Community Planning and Partnerships to allow for a five-year lease to Oakwood Vaughan Community Organization, without a six-month termination notice, as the former Vaughan Road Academy facility has enough space to designate two classrooms for community use¹;
- (b) That under clause 6.4, Partnership Compatibility of policy P076, Oakwood Vaughan Community Organization be allowed to facilitate the use of the leased rooms with other community partnerships but that the provisions of clause 6.4 would still apply;

¹ Current policy - facility partnerships shall include a provision that the partnership agreement may be terminated by the Director or designate with six months' notice. The Board shall consider longer-term leases when partners make significant capital upgrades to their space

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- (c) That the Director write to the Minister of Education to request an exemption from their Fund Raising Guidelines (2012) "Examples of Unacceptable Uses of Fundraising Proceeds - Facility renewal, maintenance, or upgrades funded through provincial grants such as structural repairs, sanitation, emergency repairs, or replacing flooring due to wear and tear"¹.

¹ The rationale – Ontario Trillium Grants come from government – and if used for capital improvement would be in service to community access to space for youth programming not directly operated by the school board, which would seem to be a reasonable exception to usual restrictions. The additional accessibility benefits that students with mobility challenges whose classrooms are on the second and third floors are welcome, but ancillary, to OVCO's main purpose.