Regular Meeting

December 13, 2017

A regular meeting was convened at 4:32 p.m. on Wednesday, December 13, 2017, in the Boardroom, 5050 Yonge Street, Toronto, with Robin Pilkey, Chair of the Board, presiding.

The following members were present: Trustees Jennifer Arp, Sheila Cary-Meagher, Jerry Chadwick, Tiffany Ford, Gerri Gershon, Chris Glover, Pamela Gough, Parthi Kandavel, Shelley Laskin, Ken Lister, Alexandra Lulka, Ausma Malik, Avtar Minhas, Chris Moise, Abdul Hai Patel, Robin Pilkey, David Smith, Marit Stiles, Jennifer Story, Chris Tonks, Manna Wong and Student Trustee Rakeeb Hossain. Regrets were received from Trustee Alexander Brown. Trustees Smith and Story participated by electronic means.

1. Resolution Into Committee of the Whole (Private)

At 4:33 p.m., on motion of Trustee Laskin, seconded by Trustee Malik, the regular meeting resolved into Committee of the Whole (Private) to consider matters on the private agenda of the Committee of the Whole.

2. Reconvene

At 4:53 p.m., the regular meeting reconvened.

3. <u>Committee of the Whole (Private), Report No. 140, December 13, 2017 (see page 9)</u>

Trustee Lister, seconded by Trustee Laskin, moved: That Report No. 140 of the Committee of the Whole (Private) (see page 9) be adopted.

The motion was carried.

4. Recess and Reconvene

At 4:54 p.m., on motion of Trustee Lister, seconded by Trustee Laskin, the meeting recessed for dinner and reconvened at 7:02 p.m.

5. National Anthem and Acknowledgement of Traditional Lands

The national anthem was performed by students from Brookview Middle School, Rose Avenue Public School and Pierre Laporte Middle School, who are members of the Hammer Band. Following the performance, the Chair recited the acknowledgement of traditional lands.

6. Approval of the Agenda

Trustee Moise, seconded by Trustee Chadwick, moved: That the agenda be approved.

The motion was carried.

7. <u>Celebrating Board Activities</u>

Trustee Cary-Meagher provided information about and introduced the Hammer Band, following which the band performed two pieces.

8. Memorials

Trustee Gershon spoke in remembrance of the Nanjing Massacre Commemorative Day, now recognized in annually Ontario on December 13.

The Chair expressed sympathy on behalf of the Board to the families of Mary Bard and Ken Lounsberry, Board employees, who recently died.

9. Chair's Announcements

The Chair:

- (a) Thanked staff, trustees, students, parents, guardians and community members for work done as the fall term comes to an end and extended holiday greetings to all;
- (b) Spoke about the Board's focus on equity;
- (c) Acknowledged that on December 6, 2017, students and staff recognized the National Day of Remembrance and Action on Violence Against Women, which marks the anniversary of the death of 14 young women who were killed at l'École Polytechnique in Montreal in December 1989.

10. Reports From Trustees Appointed to External Organizations and Student Trustees

- (a) Trustees Arp, Kandavel and Laskin provided a written report presenting an update from the Ontario Public School Boards' Association.
- (b) Trustee Pilkey provided a written report from trustees appointed to the Toronto Foundation for Student Success following its meeting on December 5, 2017.

11. <u>Director's Leadership Report</u>

The Director presented his annual report for 2017, as per section 283(3) of the *Education Act*. The Director's annual report provides an overview of the TDSB and its work to support equity, achievement and well-being. The online version of the report also includes links that provide more detail on the Board's efforts to support students through the Vision of Learning, Integrated Equity Framework and Service Excellence.

12. Matters to be Decided Without Discussion

Trustee Stiles, seconded by Trustee Laskin, moved: That the following matters presented as matters to be decided without discussion be approved or received, as appropriate:

(a) Confirmation of Minutes of Meeting Held on November 22, 2017

- (b) Toronto Lands Corporation: Management Report, November 2017 (For receipt) (see page 11)
- (c) Toronto Lands Corporation: 721 Royal York Easement (see page 20)

That the Toronto Lands Corporation be authorized to enter into a Temporary Easement Agreement with the City of Toronto for a portion of lands located at the former Kingsmill Secondary School, 721 Royal York, that is currently under a long-term lease agreement to the Toronto Catholic District School Board, in order to provide the City of Toronto site-access to accommodate a construction staging area to facilitate the rehabilitation of the South Mimico Sanitary Trunk Sewer.

- (d) PricewaterhouseCoopers' Review of the Toronto Lands Corporation [3281] (For receipt)
- (e) Appointment of External Member to the Audit Committee: Term Extension [3283]

That the term for Catherine Brennan as an external member on the Audit Committee, be extended for one additional year from January 2018 to January 2019.

- (f) Planning and Priorities Committee (Special Meeting), Report No. 68, November 29, 2017 (see page 22)
 - 1 Service Agreement With the City of Toronto: Transition of Parenting and Family Literacy Centres to Ontario Early Years Child and Family Centres [3273]
 - 2 Educational Development Charges Update [3279]
 - 3 Replacement of Avondale Public School and Avondale Elementary Alternative School Incorporating a Child Care Facility: Project Update 2 [3270]
- (g) Special Committee of the Whole Board (Public), Report No. 1, November 30, 2017 (For receipt) (see page 3)
- (h) Mackenzie Report: Ontario's Deteriorating Schools

Whereas, the Board's maintenance backlog is \$3.7 billion and growing; and

Whereas, this amount is only a portion of Ontario's school maintenance backlog, that has grown from \$5.6 to \$15.9 billion since 2002; and

Whereas, the non-partisan grassroots parent group, Fix our Schools is working to raise awareness and to pressure Ontario's government to adopt a plan to address the maintenance backlog; and

Whereas, the Board has been very supportive of the Fix our Schools campaign since its launch in the fall of 2014;

Therefore be it resolved that the Toronto District School Board continue to support the Fix our Schools campaign by:

- (a) Posting the Mackenzie report, Ontario's Deteriorating Schools;
- (b) Sharing the Mackenzie report with the Board's community advisory committees;
- (c) Providing a summary of and link to the report to all parents via a system mail out in the near future.

The motion was carried.

13. Report of the Enhancing Equity Task Force [3291]

The meeting considered a report from the Enhancing Equity Task Force and heard a presentation from consultant, Liz Rykert.

Trustee Cary-Meagher, seconded by Trustee Arp, moved:

Whereas, the Board's appreciation and thanks are extended to Liz Rykert for her sensitive, nuanced, creative and unflinching work in preparing the Enhancing Equity Task Force Report and Recommendations; and

Whereas, there has been incalculable time and effort taken by thousands of parents, community, students and staff in responding to the many consultation events held over the last year; and

Whereas, abundant data has been gathered that will feed the Board's research into the effectiveness of programs and courses for the future; and

Whereas, we believe in the principles of the Enhancing Equity Task Force Report and Recommendations;

Therefore, be it resolved:

- (a) That the report regarding the Enhancing Equity Task Force be received;
- (b) That the Enhancing Equity Task Force report be referred to staff for further review and examination of the recommendations;
- (c) That, based on the review the Director present a report to the Planning and Priorities Committee on January 31, 2018 on proposed next steps.

The motion was carried.

14. Establishment of Multi-Year Strategic Plan Ad Hoc Committee [3287]

The Board considered a report from the Director recommending the establishment of a Multi-Year Strategic Plan Ad Hoc Committee.

Trustee Stiles, seconded by Trustee Patel, moved:

- (a) The Board begin to develop a multi-year strategic plan, working in collaboration with the Director of Education and senior staff;
- (b) That up to six trustees, including the Chair and Vice-chair of the Board be appointed to serve on the Multi-Year Strategic Plan Ad Hoc Committee with the Director and designated members of senior staff;
- (c) That the Director and Multi-Year Strategic Plan Ad Hoc Committee present a report and proposed multi-year strategic plan for consideration by the Board at the May 2018 meeting;
- (d) That the Multi-Year Strategic Plan Ad Hoc Committee's mandate be completed with the Board's final approval of the multi-year strategic plan.

Trustee Glover, seconded by Trustee Gough, moved in amendment: That "That an initial strategic planning meeting be held, including all interested trustees, student trustees, four students from groups whose voices are not usually heard and staff appointed by the Director" be added after Part (a).

The amendment was defeated on a recorded vote (see Recorded Vote 102, page 8).

Trustee Glover, seconded by Trustee Gough, moved in amendment: That at Part (b), "up to six trustees" be changed to:

- (i) Interested trustees
- (ii) Student trustees
- (iii) Students from groups whose voices are not usually heard and staff appointed by the Director

Part (i) was carried on a recorded vote (see Recorded Vote 103, page 8).

Part (ii) was carried on a recorded vote (see Recorded Vote 104, page 8). Student Trustee Hossain voted in favour.

Part (iii) was defeated on a recorded vote (see Recorded Vote 105, page 8). Student Trustee Hossain voted in favour.

Trustees Laskin, Gough, Patel, Kandavel, Moise Cary-Meagher, Story, Minhas and Student Trustee Hossain nominated themselves to serve on Multi-Year Strategic Plan Ad Hoc Committee.

Therefore, the Board decided:

- (a) That the Board develop a multi-year strategic plan, working in collaboration with the Director of Education and senior staff;
- (b) That a Multi-Year Strategic Plan Ad Hoc committee be established;

- (c) That interested trustees and student trustees, including the Chair and Vice-chair be appointed to serve on the Multi-Year Strategic Plan Ad Hoc Committee with the Director and designated members of senior staff;
- (d) That Trustees Arp, Cary-Meagher, Gough, Kandavel, Laskin, Minhas, Moise, Patel, Pilkey and Story and Student Trustee Hossain be appointed to serve on the Multi-Year Strategic Plan Ad Hoc Committee;
- (e) That the Director and Ad Hoc Committee draft a report and proposed multi-year strategic plan for consideration by the Board at the May 2018 Board meeting;
- (f) That the Multi-Year Strategic Plan Ad Hoc Committee's mandate be completed with the Board's final approval of the multi-year strategic plan.

15. Student Educational Travel to the United States [3282]

The Board considered a staff report on the matter of student travel to the United States and previous Board decisions.

Trustee Laskin, seconded by Trustee Chadwick, moved: That the Board's decision regarding educational travel for staff and students to the United States continue to be enforced, with the exception of Board-approved United States excursions which predate the March 22, 2017 Board decision.

Trustee Laskin, seconded by Trustee Tonks, moved: That the matter be referred to the Governance and Policy Committee meeting on January 10, 2018.

During discussion, Trustee Tonks, seconded by Trustee Chadwick, moved: **That the debate be ended**.

The motion to end the debate was carried.

The main motion was carried.

16. Executive Compensation Community Feedback [3292]

The Board considered a report from the Chair providing information on the Board's responsibility in compliance with the implementation of the *Broader Public Sector Executive Compensation Act*, 2014.

Trustee Laskin, seconded by Trustee Chadwick, moved: That the executive compensation community feedback, as presented in the report, be received.

The motion was carried.

Trustee Pilkey, seconded by Trustee Gershon, moved:

Whereas, on September 28, 2017 the Board passed an Executive Compensation program that was compliant with the Ministry of Education's Executive Compensation Framework; and

Whereas, the Board was required to conduct community consultation as outlined by the Ministry of Education on the Board's Executive Compensation program and submit those findings to the Ministry, along with a Board resolution endorsing the Executive Compensation Program;

Therefore, be it resolved that the Board submit to the Ministry of Education, the Executive Compensation Program the Board approved on September 28, 2017 and the feedback summary from community consultation.

The motion was carried.

17. 20th Anniversary of the Toronto District School Board

The Board received an oral update from Trustee Laskin on celebrations to recognize the 20th anniversary of the Toronto District School Board to be held on Sunday, January 21, 2018 from 1 to 3 p.m. at the Board's museum and archives.

18. Audit Committee, Report No. 43, December 11, 2017 (see page 26)

The Board considered Report No. 43 of the Audit Committee (see page 26).

Trustee Chadwick, seconded by Trustee Stiles, moved: That Report No. 43 of the Audit Committee be approved.

The motion was carried.

19. Adjournment

At 10:23 p.m., on motion of Trustee Lulka, seconded by Trustee Moise, the meeting adjourned.

Robin Pilkey Chair

Summary of Recorded Votes

Trustee	Recorded Vote 102 (see pg. 5)		Recorded Vote 104 (see pg. 5)	Recorded Vote 105 (see pg. 5)
Arp	N	Y	Y	N
Brown	A	A	A	A
Cary-Meagher	N	Y	Y	N
Chadwick	N	Y	Y	N
Ford	Y	A	Y	Y
Gershon	N	N	Y	N
Glover	Y	Y	Y	Y
Gough	Y	Y	Y	Y
Kandavel	N	Y	Y	N
Laskin	N	N	Y	N
Lister	N	N	Y	N
Lulka	N	Y	Y	N
Malik	N	Y	Y	Y
Minhas	N	Y	Y	N
Moise	Y	Y	Y	Y
Patel	N	Y	Y	N
Pilkey	N	Y	Y	N
Smith	A	A	A	A
Stiles	N	Y	Y	Y
Story	A	A	Y	A
Tonks	N	Y	Y	Y
Wong	N	Y	Y	N
Total Y	4	15	20	7
Total N	15	3	0	12
Total A and C	3	4	2	3

Y Vote in favour N Vote against A Absent * No vote cast (the Chair). The Board's Bylaws, Section 28.5 states: "The chair may vote once on each motion under consideration."

N* No vote cast. The Board's Bylaws, Section 28.3 states: A member, except the chair, who is present and who fails to vote on a motion shall be deemed to have voted against the motion.

C Absent due to declaration of a possible conflict of interest

Committee of the Whole (Private), Report No. 139, November 22, 2017

Committee of the Whole (Private)

Report No. 140, December 13, 2017

A meeting of the Committee of the Whole (Private) was convened at 4:33 p.m. on Wednesday, December 13, 2017 in the Boardroom, 5050 Yonge Street, Toronto, with Jennifer Arp presiding.

The following members were present: Trustees Jennifer Arp, Sheila Cary-Meagher, Jerry Chadwick, Tiffany Ford, Gerri Gershon, Chris Glover, Pamela Gough, Parthi Kandavel, Shelley Laskin, Ken Lister, Ausma Malik, Chris Moise, Abdul Hai Patel, Robin Pilkey, Chris Tonks and Manna Wong. Regrets were received from Trustee Alexander Brown. Trustees Kandavel, Tonks and Wong participated by electronic means.

1. Selections, Transfers and Placements of Principals and Vice-principals

The Committee considered a report from staff (as shown in the private minutes of the Committee of the Whole) presenting selections, transfers and placements of principals and vice-principals for approval.

The Committee of the Whole **RECOMMENDS** that the selections, transfers and placements of principals and vice-principals be approved.

2. Appointment of Superintendent of Education [3288]

The Committee considered a report from staff (as shown in the private minutes of the Committee of the Whole) presenting an appointment of a Superintendent of Education.

The Committee of the Whole **RECOMMENDS** that the appointment of Marguerite Campbell as Superintendent of Education, Learning Centre 1, be approved.

3. <u>Academic Supervisory Officer Selection Process, December 2017: Qualified Applicant Pool [3289]</u>

The Committee considered a report from staff presenting candidates to be added to the qualified applicant pool (as shown in the private minutes of the Committee of the Whole).

The Committee of the Whole **RECOMMENDS** that the report be approved.

4. Appointment of General Counsel, Legal Services [3285]

The Committee considered a report from staff (as shown in the private minutes of the Committee of the Whole) presenting an appointment to the position of General Counsel, Legal Services.

The Committee of the Whole (Private) **RECOMMENDS** that the appointment of Leola Pon as General Counsel, Legal Services be received.

5. Audit Committee, Report No. 43 (Private), December 11, 2017

The Committee considered Report No. 43 (Private) of the Audit Committee (as shown in the private minutes of the Committee of the Whole).

Committee of the Whole (Private), Report No. 139, November 22, 2017

The Committee of the Whole (Private) **RECOMMENDS** that Report No. 43 (Private) of the Audit Committee (as shown in the private minutes of the Committee of the Whole) be received.

6. <u>Planning and Priorities Committee, Report No. 68 (Private), November 29, 2017</u>

The Committee considered Report No. 68 (Private) of the Planning and Priories Committee (as shown in the private minutes of the Committee of the Whole).

The Committee of the Whole (Private) **RECOMMENDS** that Report No. 68 (Private) of the Planning and Priorities Committee (as shown in the private minutes of the Committee of the Whole) be approved.

Jennifer Arp Chair of the Committee

Adopted December 13, 2017 (see page 1)

Toronto Lands Corporation: Management Report, November 2017

As presented to the Board on December 13, 2017 (see page 11).

Background

This report provides an overview and update with regard to work in progress on property and project files within the TLC portfolio as directed by TDSB.

Surplus Properties: Update

(a) Baycrest Public School

Built in 1953, Baycrest Public School is located in the vicinity of Bathurst Street and Wilson Avenue, has a gross floor area of 22,206 square feet, and sits on 5.4 acres of land.

On April 19, 2017, the TDSB Board declared the school surplus and referred the site to the TLC for sale with a stipulation that any sale not be completed before 30 June 2018.

TLC circulated the Baycrest property to qualifying public agencies pursuant to Regulation 444/98 on August 25, 2017. Under the regulation, interested parties were required to submit an expression of interest on or before the 90th day concluding on November 23, 2017.

As a part of the surplus declaration, TDSB Planning indicated that the Baycrest students cannot be relocated into the Sir Sandford Fleming school until early 2019. Accordingly, TLC included in the circulation materials a stipulation that the property valuation date is to be as of November 1, 2018.

Given the TCDSB expressed interest in the Baycrest site, staff will draft and submit a Purchase and Sale Agreement (PSA) to the TCDSB. The PSA will be consistent with previously accepted terms and conditions between the Boards excluding the selling price which will be inserted following the November 2018 evaluation date.

(b) Greenwood Secondary School

Constructed in 1971, this three-story building is located in the vicinity of Coxwell Avenue and Danforth Avenue. It has a reported gross floor area of 84,463 square feet and a site area of 0.9 acres.

On June 21st, 2017 TDSB declared the Greenwood Secondary School surplus for lease and referred the property to the Toronto Lands Corporation for actioning. On July 13, 2017 TLC circulated the property pursuant to Regulation 444/98 of the Education Act. The only party that submitted an expression of interest before the regulatory 90 day deadline of October 11, 2017 was the French Public Board, Conseil Soclaire Viamonde (CSV). Staff prepared and delivered a draft lease to the CSV on October 31, 2017 which provided for a potential start date of January 1, 2018.

The draft lease provides for the operating and renewal rental figure of \$7.97 psf. and \$1.12 psf., respectively as provided for in Regulation 444/98. It also allows for an initial lease term of 5

years and a 5 year right of renewal. Although the term is 5 years with the right of renewal, TLC has included a standard condition stipulating that either the landlord or the tenant can terminate the lease on June 30th of any year subject to providing prior notice of not less than 12 months.

(c) Nelson A. Boylen – 155 Falstaff Avenue

A 10.89 acre parcel of land improved with a two-storey school having a gross floor area of 107,229 square feet, was declared surplus by TDSB on June 22, 2016. Regulatory circulation resulted in an interest from the Toronto Catholic District School Board (TCDSB).

In June, 2017, the TCDSB requested an arbitrator to determine purchase price for the acquisition of the Boylen property. With the agreement of purchase and sale executed (subject to purchase price), due diligence in progress, and now an arbitrator confirmed by both parties, all parties are awaiting an arbitration date. As previously reported, it is anticipated that a date for the hearing will likely commence sometime in late spring 2018. In preparation, TLC has engaged the services of an appraiser who will attend as an expert witness at the arbitration.

(d) <u>Buttonwood Hill</u>

Constructed in 1964, this 30,555 square feet, school sits on 6.0 acres located in the vicinity of Royal York Road and Eglinton Avenue West.

TDSB declared Buttonwood Public School surplus for sale on February 8, 2017. On July 13, 2017 TLC circulated the property to prescribed public agencies in accordance with Regulation 444/98. TCDSB was the only party to submit an expression of interest for the property before the 90 day deadline of May 25, 2017.

As agent of TDSB, a purchase and sale agreement was signed by TLC and TCDSB on July 28, 2017. Subsequently, the TCDSB waived its due diligence conditions on October 30, 2017. However the signed agreement included TCDSB's regulatory option to establish the selling price through binding arbitration and included a buyer condition that its Board and MOE approved the sale within 30 days of the established price.

(e) Thistletown – 925 Albion Road

The City of Toronto has leased the TDSB facility for almost three decades and has successfully operated as a hub providing multiple services and programs to the neighbouring community. TLC and the City of Toronto have successfully negotiated an Offer to Sell Agreement for the property which will ensure that the Thistletown Multi Service Centre will continue to remain operational as a community hub by the City for the benefit of the neighbourhood and community at large.

City staff is now proceeding to City of Toronto Council for approval of the terms and conditions of the agreement at its meeting in December, 2017. For reference, the City report is attached as *Appendix A*.

A City of Toronto Council authorization of the transaction should result in closing in the first quarter of 2018.

(f) Sir Robert Borden – 200 Poplar Road: Provincial Surplus Property Initiative

Following an accommodation review, the Sir Robert Borden property was declared surplus by TDSB and referred to TLC for sale. TLC completed the regulatory requirement in March, 2017, without any prescribed public sector interest in acquiring the site. The Borden site is a 11.93 acre parcel of land with a two-storey school of approximately 142,000 square feet. The property is situated in the West Hill Neighbourhood Improvement area at Lawrence Avenue East and Kingston Road.

As previously reported, the City and Province requested that TLC delay any open market sale in an effort to allow more time to pursue interest in the site and assess any arising community benefits. During this time, the Province announced its short term initiative for surplus properties whereby Boards would volunteer their surplus properties to be held for up to a further 18 months.

On September 26, 2017, the TLC Board was informed on the new voluntary Provincial Initiative and provided the following direction:

That the report Provincial Surplus Property Transition Initiative be received and forwarded to the TDSB Board for information;

That TLC staff undertake a review of the Provincial Surplus Property Transition Initiative in conjunction with any applications submitted following the October 16, 2017 submission deadline; and,

That TLC staff report back to the TLC Board of Directors at its November 2017 meeting, in order to better inform the TDSB of implications that may arise should TDSB consider participating in the initiative.

At the TDSB meeting on October 18, 2017, the Board received the Provincial Surplus Property Transition Initiative report as directed by TLC Board and was advised that a non-profit group did submit an application to the Province under this program. To reiterate, for the application to be approved by the Province, the property owner, (the TDSB) would be required to provide a letter in support of holding the property in abeyance for 18 months and entering into a MOU with the Province whereby the 18 month time frame would only commence upon execution of the MOU. Under this program, the Province is to receive a letter from the property owner on or before November 30, 2017, otherwise the participant cannot be considered for this program.

Upon receiving both the update on the Bordon report and the detailed report on the Surplus Property Initiative that illustrated Borden as an example of the program, the TDSB approved the following resolution.

On October 18, 2017, the Board decided:

Whereas, in its report to the TDSB on the Provincial surplus Property Transition Initiative, the TLC has presented, as a case study, the Sir Robert L. Borden property, which was closed in June 2016 and transferred to the TLC for disposition; and

Whereas, the Provincial initiative is a strategy to enhance and encourage local community hub development and a key element of the initiative is to place a

publicly-owned property on hold for up to 18 months to allow interested, eligible organizations more time to complete their business plan, secure funding and establish partnerships in order to potentially acquire the property and create a community hub at the site;

Therefore, be it resolved:

- (a) That prior to issuing a request for offers for the Sir Robert L. Borden property, to be completed prior to June 2018, the Toronto Lands Corporation:
- (i) establish and lead a steering committee that includes provincial, Ministry of Education, City of Toronto and Toronto District School Board representatives, to develop an effective framework that will guide the identification of local community service needs and potential supporting partners, that would contribute to the creation of a vibrant and sustainable community hub, to be integrated with the redevelopment of the surplus lands;
- (ii) present a report to the Toronto District School Board on the work of the steering committee, by the March 2018 cycle of meeting;
- (b) That ongoing operational costs to sustain and protect the facility and site at Sir Robert L. Borden be identified and forwarded to the Ministry of Education for reimbursement.

As a result, TLC has created a Steering Committee that has engaged the services of Public Interest, the consultant who previously provided support to TDSB in the area's pupil accommodation review thus being very familiar with the site and the community. Public Interest has been authorized by the Steering Committee to approach existing relevant stakeholders (up to 25) to gather data and complete an environmental scan of all parties who had previously been involved in the Borden site and representing local community interests. They will also gather statistical data along with demographic and local service information from the City of Toronto on the West Hill Community. Public Interest upon completing its research will catalogue existing services and identify further opportunities to strengthen local community supports. Public Interest findings will be presented through a report to the Steering Committee on December 5, 2017.

Based on this analysis, the Steering Committee will determine its next steps aligning with TLC's requirement to provide a report back to TDSB in March, 2018. In accordance with the board resolution, the intention is that a Request for Offer (RFO) will go to the market in late spring 2018; it will incorporate requirements for a community hub on a portion of the site as long as the TDSB is able to remain whole from a highest and best use perspective as required under the Regulation. At this time, it is anticipated that the reports of Public Interest will also serve the Province and the City of Toronto in support of a community hub on a portion of the property at this location. A new community hub would be beneficial to the local neighbourhood and become a destination for community for services and activities.

As a procedural regulatory requirement, TLC provided evidence to the Ministry of Education that the circulation process to prescribed public agencies was satisfactorily completed and that no public agencies expressed interest in the acquisition of the Borden property.

Attached as *Appendix B* is the Ministry's formal acknowledgment. Having satisfied the conditions within Ontario Regulation 444/98, the property is cleared to be presented on the open market. At the appropriate time, TLC will select a real-estate broker as required under the shareholders agreement, and develop a Request For Offers (RFO) that will ensure an open, transparent and competitive bid process. The RFO will include the Steering Committees input regarding the redevelopment of the site to consider a community hub subject to Provincial and City commitment to funding. As per the TDSB decision, the RFO is to be completed prior to June 2018.

(g) 99 Cartwright Avenue

This 6.0 acre site is located in the vicinity of Dufferin Street and the Yorkdale Shopping Centre. The Cartwright site has been under a lease arrangement for the past 25 years and the existing lease provides for potential continued leasing through to 2052.

TDSB formally declared the property surplus for sale on June 21, 2017 and on July 13, 2017, TLC circulated the property in accordance with Regulation 444/98. No expressions of interest were received before the regulatory deadline of October 11, 2017.

TLC has now finalized an unconditional agreement of purchase and sale with the tenant who holds and a first right of purchase subject to statutory rights granted by Regulation 444/98. The sale is scheduled to close on November 29, 2017.

(h) Lawrence-Midland Lands, 1555 Midland Avenue & 2740 Lawrence Avenue East

Following TDSB's decision to merge Bendale Technical School and David and Mary Thompson High School into one Ministry approved new High School, TLC was given the authority to redevelop the sites surplus lands. As a result, TLC undertook the severance of lands into three parcels whereby a 7.6A parcel was taken through the City planning process and received approval for its plan of subdivision. A second 2A parcel was sold to the City with the remaining 9A parcel to be a part of a new redevelopment plan with the potential to include a community hub.

As part of its current new school construction contract, TDSB will be demolishing the old Bendale Technical School ("BTI", 158,000 sf. on two storeys) situated on the smaller parcel while the buyer of the large parcel will be required to assume TDSB responsibility to demolish the David Thompson High School ("DMT", 232,000 sf. on 2 storeys) as stipulated by a severance agreement between TDSB and the City.

The new school to replace the planned closure of BTI and DMT is currently under construction. To date the new school footings and 90% of the 1st floor load bearing walls have been completed. Installation of the 2nd floor slab has begun and the entire project is considered 16% complete. Marketing of the sale parcels will likely being in the spring to summer of 2018 with closing scheduled following demolition of BTI.

(i) Bloor Dufferin

The buyer, Capital Developments, submitted its Site Plan Application to the City of Toronto in late September, 2017. The developer advises that the application has been deemed complete by the City and currently remains in circulation within City departments awaiting comments.

Key features of the redevelopment scheme provide opportunities for greater school and broader community access to the overall site to achieve a truly vibrant community. A few of the key elements to community use and space include:

- (i) The inclusion of up to a 30,000 square foot community hub, subject to approved Provincial and City funding.
- (ii) Former Kent school to have its historical building assembly retained with a portion of the school being a potential destination for the community hub, including child care.
- (iii) A new public park, 0.385 hectres, fronting onto Croatia Street, which will include soft and hard landscaping, which will be activated and turn into a new public gathering space with community events.
- (iv) A new indoor/outdoor POPS (Privately Owned Public Space) at the corner of Bloor and Dufferin. The indoor space will be designed as a winter garden, similar to the IBM atrium in New York City. Attached as *Appendix C* is an image of the IBM space. This space will create a relief area for people waiting for buses all year around. Art, plants, benches, lighting are all part of this unique and versatile space.
- (v) A creation of an "Artist Mews" within the alleys between blocks that will provide unique gallery-like spaces outdoors with street furniture, overhead lighting and plantings.
- (vi) The main street will be enhanced with an activity zone that will allow for patios for restaurants and retail uses or pop up shops and/or community driven uses.
- (vii) While the development proposal is only in its initial stage, it is apparent that the existing school and neighbourhood community are a key focus in the overall plan to create a dynamic space for all the residents. Given the developer's pre-consultation efforts and preliminary City overview, they remain optimistic that the project, including site plan and severance approvals, remains on schedule.

(j) New Davisville Public Elementary School

TLC continues its' negotiations with City staff on the lease of TDSB approved 0.452 acres of surplus lands for the construction of a City funded and operated community aquatic Centre and a shared-use agreement for gym access in the new the Davisville school. Ongoing discussions rely on input from TDSB in order to ensure that the new facility will adequately respond to current and future ongoing school programming needs. All parties agree that a key principle in sharing the space and truly creating a community hub atmosphere is to make best efforts to maximize the use of the gymnasium guided by changing policy and procedures of TDSB and the Province.

TLC staff anticipate finalizing the terms and conditions within the prescribed time period of February 2018. In the interim, TLC still awaits a response from its August, 2017, request to the Ministry for consent to enter into a 49 year Lease arrangement pursuant to section 194(4) of the Education Act. At present, MOE staff has advised that consent is forthcoming.

<u>Update on Additional TLC Projects</u>

(a) <u>TLC Review by PWC: Update</u>

Pricewaterhouse Coopers LLP (PwC) completed its review of the TLC by report dated July, 2017. A TDSB trustee information session was held by PWC on November 15th and their report will be received at the TDSB meeting on November 22, 2017. It is anticipated that TDSB staff will respond to the PwC report in the first quarter of 2018.

(b) Bill 30 Schools:

In a 1988 settlement agreement relating to equalizing Provincial funding, the TDSB transferred eight secondary school facilities under long term lease agreements to the TCDSB. Given the leasing terms within the settlement, TDSB continues as owner of each site and as such must review and sign off on any initiatives involving City Planning approvals.

Choice Properties REIT is intending to redevelop the south-east corner of Bloor & Dundas, which abuts the former West Park Secondary School site. This school board property is one of the Bill 30 sites under long term lease to the TCDSB. Before any applications are submitted to the City, Choice Properties is working with the TCDSB with the goal of integrating a new Catholic High School into their redevelopment scheme for this area. In order to move forward through the City Planning process, should the TCDSB wish to proceed with any proposal for a new school, they will require approval from TDSB/TLC.

On June 14th, Choice Properties held a public meeting and outlined their conceptual plans for the development of their site Plan. It is anticipated that the developer will need to know soon whether or not to include a new TCDSB secondary high school in their submission. To date the TCDSB is considering next steps although has not made any formal request through TDSB/TLC for approval to proceed.

(c) <u>Land Donation-Agincourt PS, portion of 25 Lockie Avenue</u>

According to City staff, the land area to be donated to the TDSB does not meeting zoning requirements for school playground use. As a result, a committee of adjustment application for a minor variance in zoning along with the severance is required prior to transfer to TDSB. In October, 2017, the City of Toronto Committee of Adjustment approved that the property owner, Mr. Milton Lee, of 25 Lockie Avenue did not have to cover the cost for the rezoning application as his application was a direct result of wanting to donate the land to the TDSB. The next step will now be the Committee of Adjustment hearing to request the severance and rezoning. City staff and Mr. Lee advise that the Councillor is in support of the application as the additional land will benefit the school community. Upon satisfactory completion with City requirements, TLC will commence the acquisition of the property with the general terms and conditions already concurred to with all parties.

(d) 705 Progress Road

This property comprises 10.89 acres of land and 5 industrial buildings with a total rentable are of 155,000 square feet. The City and TDSB each hold a 50% undivided interest in the property.

The City has indicated their interest to begin the first phase of its planned park development in 2019 and have asked TLC to identify its conditions for approving same. Staff's proposed key business terms were outlined in a report to the TLC Board in September and then onto the TDSB Board in October. At the TDSB Board, the Board requested that prior to finalizing the proposed business conditions, TLC request that the City provide a pro-forma statement demonstrating the financial impact on tenant revenues given the proposed demolition of the largest revenue producing facility in order to accommodate the park. Staff has now made this request and is awaiting a response. Both the TLC and TDSB Board's will be updated accordingly.

(e) Alexander Muir Land Sale and Construction Staging Easement

TDSB design and construction, planning and legal staff will be submitting a report to the TDSB Board on November 22, 2017 requesting authority to declare surplus and sell to the City of Toronto a small land parcel comprising part of the Dufferin Street frontage of the Alexander Muir Public School.

The City plans to use the lands to create a short north-south link between 2 staggered stretches of the west cross-town bike route that was approved by City council.

To date, TLC staff has been involved in reviewing and confirming the conclusions of a third party appraisal used to establish the selling price for the lands. Under the directive of TDSB, TLC staff was requested to negotiate, on a conditional basis, the rent to be paid for short term City use of an adjacent lands area for construction staging purposes.

Subject to TDSB approval and direction to TLC, the surplus parcel of land will be circulated pursuant to Regulation 444/98 and together with legal council would finalize the selling and easement agreements.

<u>Update on Pools: Condition Survey –City Pools</u>

A request for proposals has been issued seeking quotes to complete a condition survey for the 30 pools included under the umbrella agreement with the City of Toronto. Interested parties are required to identify and evaluate potential capital improvements identified over the next 10 years. In addition, pricing was requested for 3 optional and additional areas of inquiry including code compliance, performance and safety enhancement and operating cost improvement.

The condition survey component requires the consultant to group future costs into 4 priority categories including urgent, high, medium and low or further described as immediate, 1-3 years, 4-6 years -6-10 years.

The deadline for proposals is the end of calendar year.

Update: Director's and Officer's Liability Insurance

In 2009 when TLC was created, TLC arranged for Director's and Officer's (D&O) liability insurance. According to TDSB's Insurance provider at the time, OSBIE, TLC was excluded from TDSB's coverage as a subsidiary company. In 2011, TLC and TDSB legal staff agreed that a full indemnity from TDSB was sufficient to protect TLC. It wasn't until 2016-17, TDSB entered into an agreement with a new insurance company, Aon. Based on a revised risk assessment, it was agreed by TDSB that TLC should consider obtaining a separate D&O policy.

As a result, TLC staff has purchased D&O coverage for a 3-year term through Chubb Insurance Company at an annual premium of \$2,250. TLC can cancel coverage without any repercussions at any time, for example, either at the time of the annual expiry, therefore not renewing for the next year or anytime during the year which would result in pro-rated refund of the premium paid.

The appendices mentioned in the report will be maintained for a limited time.

Approved by the Board (see page 3).

Toronto Lands Corporation: 721 Royal York Easement

Toronto Lands Corporation: 721 Royal York Easement

As presented to the Board on December 13, 2017 (see page 3).

Background

Under the Provincial Bill 30 separate school funding agreement of 1988, the Board of Education in the City of Etobicoke, entered into a perpetual lease with the Metropolitan Separate School Board for the Kingsmill Secondary School. The property now known as Bishop Allen Academy remains under the operation by the Toronto Catholic District School Board. This lease was one of several entered into between local school Boards and MSSB under a provincially mediated settlement that was necessary to accommodate the extended high school funding of MSSB and its students.

The initial 99 year lease term expires June 30, 2087 and automatically renews for successive terms of 99 years on the condition that TCDSB uses property for any purpose permitted by the Education Act. All Bill 30 lease agreements were contained for TDSB reference in TLC's previous report on long term leases.

The requested easement area is located in the remote rear of the property and backs onto Mimico Creek. These lands are also traversed by the Mimico Sanitary Trunk sewer. This sewer has experienced moderate to heavy corrosion and requires rehabilitation. In order to complete this project the City requires a construction staging area adjacent to the sewer line.

The easement area covers approximate 4,300 square feet and is highlighted in yellow on the aerial map provided (attached). This portion of land is contained within the conservation set back area of the creek.

The easement lands will be used for the installation of a temporary access road, routing of bypass piping and vehicular stationing. The TCDSB is supportive of the City's access as it does not interfere with student programming and will be a party to the easement agreement.

Key Terms of the Easement Agreement will include but are not be limited to the following:

- 1. Co-execution of the agreement by TCDSB
- 2. City Indemnification of TDSB for any resulting damages or 3rd party claims, in a form satisfactory to its legal counsel.
- 3. A maximum term of not more than 5 Years to accommodate the planned lifespan of the rehabilitation project.
- 4. Full rehabilitation and restoration of any damaged or modified surfaces including the replacement of trees in accordance with City Bylaws.
- 5. City access to the easement area will be from the rear of the school via the Berry Road Park parking lot. Any required truck traffic or deliveries will be prohibited during ingress and egress times at the start and the end of the school day. A flag person will direct pedestrian traffic at other times.

Toronto Lands Corporation: 721 Royal York Easement

- 6. City reimbursement to TLC for all 3rd party legal costs incurred in reviewing and approving the agreement.
- 7. City shall install secure fencing and/or hoarding around the easement lands.

The appendices mentioned in the report will be maintained for a limited time.

For the Board's decision see page 3.

Planning and Priorities Committee, Report No. 68, November 29, 2017

Planning and Priorities Committee (Special Meeting)

Report No. 68, November 29, 2017

Presented to the Board on December 13, 2017 (see page 3).

MEETING A special meeting of the Planning and Priorities Committee convened

on Wednesday, November 29, 2017 from 5:06 to 8:09 p.m., including a fifteen-minute recess, in the Boardroom, Main Floor, 5050 Yonge

Street, Toronto, Ontario, with Robin Pilkey presiding.

ATTENDANCE The following members were present: Trustees Robin Pilkey (Chair),

Jennifer Arp, Alexander Brown, Tiffany Ford, Pamela Gough, Ken Lister, Ausma Malik and Chris Moise. Regrets were received from Trustees Parthi Kandavel, Marit Stiles and Jennifer Story. Also present were Trustees Sheila Cary-Meagher, Gerri Gershon, Shelley Laskin, Alexandra Lulka and Abdul Hai Patel. Trustees Arp and Ford

participated by electronic means.

The Committee decided to report and recommend as follows:

Part A: Committee Recommendations

1. Service Agreement With the City of Toronto: Transition of Parenting and Family Literacy Centres to Ontario Early Years Child and Family Centres [3273]

The Committee considered a report from staff (see PPC:076A) presenting information on a service agreement with the City of Toronto regarding the transition of system coordination and management of parenting and family literacy centres to Ontario early years child and family centres.

Committee's recommendation or action regarding the staff recommendation:

Concur	Refer
	☐ Postpone consideration (defer)
Disregard	Other

On motion of Trustee Gough, as amended by Trustee Lister, on behalf of Trustee Laskin, the Planning and Priorities Committee **RECOMMENDS**:

(a) That a service agreement with the City of Toronto regarding the transition of Parenting and Family Literacy Centres to Ontario Early Years Child and Family Centres, as presented in the report, be approved;

Planning and Priorities Committee, Report No. 68, November 29, 2017

- (b) That the first transition year operating budget, in the amount of \$4,718,155 be approved to provide stability to the families using and staff in the program;
- (c) That the Director present an annual report on the operation of EarlyON programs, including both operational and financial information;
- (d) That the Chair write a letter to the Minister of Education to seek fully funded collective agreements through Education Program Other Grants, as the same as Grants for Student Needs;
- (e) That the Director of Education be advised that the Board's expectation is that beginning in the 2018-19 school year, the City-Board service level agreement is cost neutral.

Parts (d) and (e) were added on amendment of Trustee Lister, on behalf of Trustee Laskin.

2. Educational Development Charges Update [3279]

The Committee considered a report from staff (see PPC:076A) presenting information on the history and context of, and staff plan with regard to education development charges.

Committee's recommendation or action regarding the staff recommendation:

	Refer
Amend	☐ Postpone consideration (defer)
Disregard	Other

On motion of Trustee Lister, the Planning and Priorities Committee **RECOMMENDS**:

- (a) That the Director engage other interested stakeholders and approach the Province seeking their agreement to:
 - (i) delete Section 10 of O.Reg. 20/98, Education Development Charges of the *Education Act*;
 - (ii) amend the definition(s) of Education Land Costs in the *Education Act* to include the capital cost of new construction;
- (b) That the Director be authorized to commence an application for judicial review seeking relief in the general nature outlined in Appendix "A", and to take whatever action is necessary in the course of these proceedings to ensure a timely hearing of the matter and/or resolution of the proceeding on terms they may deem acceptable.
- 3. Replacement of Avondale Public School and Avondale Elementary Alternative School Incorporating a Child Care Facility: Project Update 2 [3270]

The Committee considered a report from staff (see PPC:076A) presenting information on the additions to Avondale Public School.

Planning and Priorities Committee, Report No. 68, November 29, 2017	
Committee's recommendation or action regarding the staff recommendation:	
On motion of Trustee Brown, the Planning and Priorities Committee RECOMMENDS :	
(a) That the revised scope of work at Avondale Public School, as presented in the report, be approved;	
(b) That the Director be authorized to obtain approval from the Ministry of Education to use proceeds of disposition as a funding source for the additional scope of work at Avondale Public School, pending approval of a capital priority funding request.	
Part B: Information Only	
4. <u>Delegations</u>	
The following oral delegations were heard in accordance with the Board's procedure for hearing delegations:	
re Educational Development Charges Update [3279]	
Rachel Chernos Lin, Northlea Elementary & Middle School	

No matters to report

Part C: Ongoing Matters

SUBMITTED BY Robin Pilkey

Chair of the Committee

Adopted December 13, 2017 (see page 3)

Special Committee of the Whole Board, Report No. 1, November 30, 2017

Special Committee of the Whole Board (Public)

Report No. 1, November 30, 2017

Presented to the Board on December 13, 2013 (see page 3).

MEETING A special meeting of Committee of the Whole Board convened on

Thursday, November 30, 2017 from 5:04 to 5:07 p.m., in the

Boardroom, Main Floor, 5050 Yonge Street, Toronto, Ontario, with

Robin Pilkey presiding.

ATTENDANCE The following members were present: Trustees Robin Pilkey (Chair),

Jennifer Arp, Alexander Brown, Gerri Gershon, Pamela Gough,

Shelley Laskin, Avtar Minhas, Chris Moise, Abdul Patel, David Smith, Marit Stiles and Chris Tonks. Regrets were received from Trustees Sheila Cary-Meagher, Jerry Chadwick, Tiffany Ford, Chris Glover, Parthi Kandavel, Ken Lister, Alexandra Lulka, Ausma Malik, Jennifer Story and Manna Wong. Trustees Brown, Gough, Minhas, Moise,

Patel, Stiles and Tonks participated by electronic means.

Part A: Committee Recommendations

No matters to report

Part B: Information Only

1. **Delegations**

The Chair invited delegations to address the committee however no delegates were present.

Part C: Ongoing Matters

No matters to report

SUBMITTED BY Robin Pilkey

Chair of the Committee

Received December 13, 2017 (see page 3)

Audit Committee

Report No. 43, December 11, 2017

Presented to the Board on December 13, 2017 (see page 7).

MEETING A meeting of the Audit Committee was convened on Monday,

December 11, 2017 from 4:02 to 6:06 p.m. in Committee Room A, Main Floor, 5050 Yonge Street, Toronto, Ontario, with Robin Pilkey

(Chair pro tem) presiding.

ATTENDANCE The following committee members were present: Trustees Jennifer

Arp, Gerri Gershon, Robin Pilkey and Jennifer Story.

The following external members were present: Catherine Brennan

(Chair), Denise Arsenault and Jerry Mancini.

Catherine Brennan, Jerry Mancini and Trustee Story participated by

electronic means.

The Committee decided to report and recommend as follows:

Part A: Committee Recommendations

1. Fiscal Year 2016-17 Audited Financial Statements [3274]

The Committee considered a report from staff (see AC:044A) presenting the 2016-17 audited financial statements.

Committee's recommendation or action regarding the staff recommendation:

Concur	Refer
Mend Amend	Postpone consideration (defer)
Disregard	Other

During consideration of the matter, staff presented revisions to the audited financial statements 2016-17 to include the following:

The Board has passed a resolution to increase the credit line to \$250 million and this has been arranged with the Board's banking service provider.

At the request of the Committee, the following has been deleted under the note for Insurance, as presented in the report:

The liability insurance limit remains at \$24 million per occurrence.

On motion of Trustee Arp, the Audit Committee **RECOMMENDS**:

(a) That the audited Financial Statements of the Toronto District School Board for its fiscal year ending 31 August 2017, as presented in the report, be approved;

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- **(b)** That the audited Trust Financial Statements of the Toronto District School Board for its fiscal year ending 31 August 2017, be approved;
- (c) That the internally restricted funds be applied, as presented in the report.

Attendance Support [3276] 2.

The Committee considered a report from staff (see AC:044A) presenting information on

absenteeism.	
Committee's recommendation	on or action regarding the staff recommendation:
☐ Concur☐ Amend☐ Disregard	☐ Refer ☐ Postpone consideration (defer) ☐ Other
On motion of Trustee Gershoreceived.	on, the Audit Committee RECOMMENDS that the report be
3. Overview of the Co of Conduct Complia	de of Conduct and Related Protocols: Board Member Code ance Activity [3280]
The Committee considered a information on code of cond	report from the Integrity Commissioner (see AC:044A) presenting uct compliance activity.
Committee's recommendati	on or action regarding the staff recommendation:
Concur Amend Disregard	☐ Refer ☐ Postpone consideration (defer) ☐ Other
On motion of Denise Arsena received.	ult, the Audit Committee RECOMMENDS that the report be
4. Audit Committee O.	Reg 361/10 Requirements Work Tracker [3277]
	report from staff (see AC:044A) presenting the work tracker, a 10 requirements to assist with the planning of Audit Committee as.
Committee's recommendation	on or action regarding the staff recommendation:
☐ Concur☐ Amend☐ Disregard	Refer Postpone consideration (defer) Other
On motion of Jerry Mancini	the Audit Committee RECOMMENDS that the report be

On motion of Jerry Mancini, the Audit Committee RECOMMENDS that the report be received.

5. <u>Engagement on Governance Supports: Ministry of Education Request for Feedback</u> Discussion Guide [3278]

The Committee considered a report from staff (see AC:044A) presenting information on a Ministry invitation to members of the Audit Committee to provide feedback on governance topics.

Committee's recommendation or action regarding the staff recommendation:
☐ Concur ☐ Amend ☐ Disregard ☐ Disregard ☐ Concur ☐ Refer ☐ Postpone consideration (defer) ☐ Other
On motion of Trustee Gershon, the Audit Committee RECOMMENDS that the report be received.
Part B: Information Only
6. Approval of Meeting Minutes of October 16, 2017
On motion of Jerry Mancini, the Committee approved the meeting minutes of October 16, 2017.
7. External Auditor Year End Communications
The committee heard an oral presentation from external auditors, Deloitte LLP on its engagement and year end observations in response to the year-end financials.
Part C: Ongoing Matters
No matters to report
SUBMITTED BY Robin Pilkey Chair pro tem
Adopted December 13, 2017 (see page 7)

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