



Surplus Declaration of a Portion of the Mimico Adult Learning Centre Site and Easement Agreement

To: Planning and Priorities Committee

Date: 1 March, 2023

Report No.: 03-23-4488

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) The Toronto Lands Corporation be authorized to establish new property lines for the Mimico Adult Learning Centre site, 255 Royal York Road, to create three parcels as shown in Appendix B of this report;
- b) The parcels created through recommendation a) shown as Parts 1 and 2 in Appendix B, be declared surplus to the needs of the Toronto District School Board and referred to the Toronto Lands Corporation for sale and granting of a surface easement to the Toronto Catholic District School Board;
- c) If the Toronto Catholic District School Board purchases Part 1, the Toronto Lands Corporation be authorized to enter into a surface easement agreement with the Toronto Catholic District School Board over Part 2 to permit the construction of a laneway for the purpose of providing vehicular access and garbage pickup and access to approximately 24 parking spots for use by the Toronto Catholic District School Board to support St. Leo Catholic School, and that the Toronto Catholic District School Board pay for the relocation of the child care centre's outdoor play area and the reconfiguration of the parking lot on the north side of the Mimico Adult Learning Centre; and
- d) If Part 1 is not sold to the Toronto Catholic District School Board at fair market value, then Parts 1 and 2 be returned to the Toronto District School Board.

Context

On June 29, 2022, the Toronto Lands Corporation brought an information report to the Board of Trustees regarding a request from the Toronto Catholic District School Board to acquire a parking lot and easement at the Mimico Adult Learning Centre located at 255 Royal York Road in Ward 3 (Trustee Nunziata). This report presents the outcome of the review.

Request from the Toronto Catholic District School Board (TCDSB)

St. Leo Catholic School is a TCDSB elementary school located directly to the north of the Mimico Adult Learning Centre in southeast Etobicoke at Royal York Road and Mimico Avenue. The TCDSB has received approval and funding from the Ministry of Education to expand St. Leo CS. The St. Leo site is small at 1.96 acres. The TCDSB needs more land to expand the school. The TCDSB has requested to acquire the northwest parking lot at the Mimico site and an easement along the north edge of the Mimico property.

The northwest parking lot is already under a long-term lease to the TCDSB to provide St. Leo CS with sufficient staff parking. The lease started in 2011 and extends for 49 years until 2060. The TCDSB would like to purchase the parking lot and convert it into a playfield for the expanded school to address a shortage of exterior play space.

To offset the loss of parking, the TCDSB would like to acquire a surface easement on the Mimico property for a laneway and approximately 24 parking spots. The laneway would be one-way from Elizabeth Street to Royal York Road. The laneway would provide access to staff parking spots and allow for garbage pickup.

Appendix A contains an aerial photo that shows the location of St. Leo CS, the Mimico Adult Learning Centre, the northwest parking lot, the proposed easement, and the existing property lines.

Impact on the Mimico Adult Learning Centre of the Proposed Sale of the Parking Lot and the Easement

The Mimico Adult Learning Centre is a fully utilized multi-purpose centre. It accommodates a child care centre and several adult programs: English as a Second Language, Literacy and Basic Skills, and General Interest.

The northwest parking lot is small at 0.27 acres with 26 parking spots. The Mimico site has sufficient parking to support the users of the building without the use of the northwest lot. If the northwest lot is sold, the Mimico site size will decrease from 4.5 acres to 4.23 acres. This will have no impact on current operations. It will not impact the ability of the site to accommodate future changes to programming, nor will it impact the

expansion or replacement of the building or the addition of portables to the site. The integrity of the site is maintained; it will continue to be able to function as a multi-purpose centre and accommodate changes over time.

The proposed surface easement for the laneway and 24 parking spots runs along the north edge of the Mimico site through the north parking lot and the child care centre's outdoor play area. The easement will displace parking spots used by the Mimico user groups and impact the outdoor play area. To address these impacts, the TCDSB will pay to relocate the outdoor play area to another location on the Mimico site and reconfigure the north parking lot to receive all the displaced parking spots. There will be no loss of parking spots for the Mimico site. The laneway will be shared by the TCDSB staff and the users of the Mimico building.

Based on consultation with the child care operator and key representatives of the user groups in the Mimico building, the outdoor play area will be relocated to the east side of the Mimico building along Elizabeth Street. There is sufficient open space in this location to meet the licensing standards for the child care centre. This location also allows safe access for the children – the children will not need to cross a parking lot.

The TCDSB will pay for the relocation of the child care centre's outdoor play area, the construction of the shared laneway, and the reconfiguration of the north parking lot.

Severance Process

To provide the northwest parking lot and the surface easement to the TCDSB, the Mimico site must be severed into three separate parcels. To do this, a consent to sever application must be submitted to the City of Toronto's Committee of Adjustment. Appendix B shows the three proposed parcels. Part 1 is the northwest parking lot to be sold to the TCDSB. Part 2 is the easement area owned by the TDSB but allowing access to the TCDSB for the shared laneway. Part 3 is the remainder of the Mimico site exclusively owned by the TDSB.

The Toronto Lands Corporation implements consent application submissions on behalf of the TDSB.

Sale Process

When selling a property, school boards in Ontario must follow the process outlined in Ontario Regulation 444/98. This process requires that the property be offered to a ranked list of public agencies for them to consider for purchase. The list includes the coterminous school boards, local colleges and universities, the Local Health Integration Networks, several Indigenous organizations, the local municipal government, the provincial government, and the federal government.

The public agencies have 90 days to express interest in purchasing the property and a further 90 days to make an offer. If no expression of interest is received or sale achieved, then the property can be offered to the private sector.

At the top of the ranked list of public agencies is any school board that holds a lease for the property.

The northwest parking lot will be circulated to the list of public agencies. Since the TCDSB holds a lease for the northwest parking lot, the TCDSB has first right to purchase it. It is highly unlikely that any other public agency will express interest in the northwest parking lot because it is encumbered by a long-term lease.

The surface easement does not require circulation to the list of public agencies and may be granted directly to the TCDSB.

All disposition of property must occur at fair market value. The Toronto Lands Corporation implements the disposition process on behalf of the TDSB.

Community Consultation

A notice describing the proposed sale of the northwest parking lot and the establishment of the easement on the Mimico site was sent to the user groups in the Mimico building for posting and distribution. The notice was also delivered to the addresses within 500 metres of the Mimico building.

A virtual public meeting was held on February 16, 2023, to share information and gather community feedback. The meeting was attended by eleven people. The participants had questions for clarification on matters such as the impact of the laneway on trees and the relocation of the child care centre's outdoor play area. No concerns were expressed for selling the northwest parking lot and granting the easement.

An online survey was available for members of the public to submit comments and questions. Three survey responses were received. All three responses were supportive of the proposed sale of northwest parking lot. Two responses were concerned about the impact of the proposed laneway on the outdoor space for the child care centre and the existing mature tree in that area.

Two members of the public submitted comments by email. One member was opposed to the sale of TDSB property in general, even to other public agencies. The other was supportive of the proposal provided the child care centre's outdoor play area was relocated.

The low participation during the consultation process is most likely due to the lack of concern about the proposed disposition to the TCDSB. The parking lot is already used

by the TCDSB. The sale of the parking lot does not change the use of the surrounding lands (i.e., St. Leo CS and the Mimico Adult Learning Centre will continue to operate).

Staff have concluded that there is general support for the sale of the northwest parking lot and the granting of the surface easement to the TCDSB.

Action Plan and Associated Timeline

If approved, the Toronto Lands Corporation will submit a consent to sever application to the Committee of Adjustment to create new property lines for the Mimico site.

Concurrently, the Toronto Lands Corporation will circulate the northwest parking lot for sale to public agencies as per Ontario Regulation 444/98. The public agencies will have 90 days to express interest in purchasing the property and a further 90 days to make an offer. It is anticipated that the TCDSB will promptly respond to the offer since the acquisition of the property has been approved by the TCDSB Board of Trustees.

The Toronto Lands Corporation will also execute the surface easement agreement with the TCDSB.

The TCDSB will relocate and construct the child care centre's outdoor play in June 2023. Then the TCDSB will construct the laneway and reconfigure the north parking lot in July and August 2023.

It is anticipated that the severance and purchase and sale agreement will be finalized in spring 2024.

Resource Implications

The TCDSB will pay all costs associated with this project: the costs for the relocation and construction of the outdoor play area for the child care centre; the costs for the construction of the laneway and the reconfiguration of the north parking lot; and all administrative, consulting and legal fees to implement the transaction.

Communications Considerations

Information about the review and the Board decision will be posted on the TDSB's Accommodation Reviews website.

Board Policy and Procedure Reference(s)

Not applicable.

Appendices

- Appendix A: Aerial Photo Showing the Location of St. Leo Catholic School, Mimico Adult Learning Centre, the Northwest Parking Lot, the Proposed Easement, and the Existing Property Lines
- Appendix B: Registered Plan Showing the Proposed Severance of the Mimico Adult Learning Centre Site into Three Parcels

From

Stacey Zucker, Associate Director, Modernization and Strategic Resource Alignment, at stacey.zucker@tdsb.on.ca or at 416-397-3188

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

Andrew Gowdy, System Planning Officer, Strategy and Planning, at andrew.gowdy@tdsb.on.ca or at 416-394-3917