

# CORPORATE SERVICES, STRATEGIC PLANNING AND PROPERTY COMMITTEE REGULAR MEETING Public Session

**AGENDA  
JUNE 8, 2021**

**Angela Kennedy, Chair**  
Trustee Ward 11

**Frank D'Amico, Vice Chair**  
Trustee Ward 6

**Nancy Crawford**  
Trustee Ward 12

**Markus de Domenico**  
Trustee Ward 2

**Michael Del Grande**  
Trustee Ward 7

**Norman Di Pasquale**  
Trustee Ward 9

**Keith Baybayon**  
Student Trustee

**Daniel Di Giorgio**  
Trustee Ward 10

**Ida Li Preti**  
Trustee Ward 3

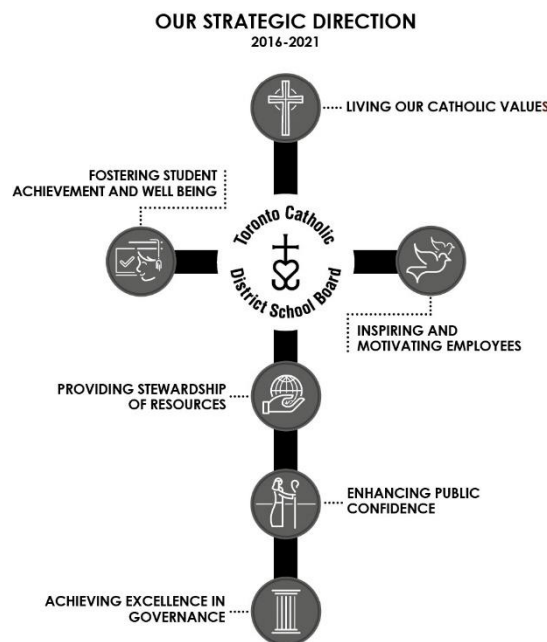
**Teresa Lubinski**  
Trustee Ward 4

**Joseph Martino**  
Trustee Ward 1

**Maria Rizzo**  
Trustee Ward 5

**Garry Tanuan**  
Trustee Ward 8

**Kathy Nguyen**  
Student Trustee



## **MISSION**

*The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.  
We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.*

## **VISION**

*At Toronto Catholic we transform the world through witness, faith, innovation and action.*

**Recording Secretary: Sophia Harris, 416-222-8282 Ext. 2293**  
**Assistant Recording Secretary: Skeeter Hinds-Barnett, 416-222-8282 Ext. 2298**  
**Assistant Recording Secretary: Sarah Pellegrini, 416-222-8282 Ext. 2207**

**Dr. Brendan Browne**  
Director of Education

**Joseph Martino**  
Chair of the Board

**TERMS OF REFERENCE FOR CORPORATE SERVICES, STRATEGIC  
PLANNING AND PROPERTY COMMITTEE**

The Corporate Services, Strategic Planning and Property Committee shall have responsibility for considering matters pertaining to:

- (a) Business services including procurement, pupil transportation risk management/insurance and quarterly financial reporting
- (b) Facilities (buildings and other), including capital planning, construction, custodial services, design, maintenance, naming of schools, enrolment projections and use permits
- (c) Information Technology including, computer and management information services
- (d) Financial matters within the areas of responsibility of the Corporate Services, Strategic Planning and Property Committee including budget development
- (e) Policy development and revision in the areas of responsibility of the Corporate Services, Strategic Planning and Property Committee
- (f) Policies relating to the effective stewardship of board resources in the specific areas of real estate and property planning, facilities renewal and development, financial planning and information technology
- (g) The annual operational and capital budgets along with the financial goals and objectives are aligned with the Board's multi-year strategic plan
- (h) Any matter referred to the Corporate Services, Strategic Planning and Property Committee by the Board
- (i) Intergovernmental affairs and relations with other outside organizations
- (j) Advocacy and political action
- (k) Partnership development and community relations
- (l) Annual strategic planning review and design

## LAND ACKNOWLEDGEMENT

Out of our deep respect for Indigenous peoples in Canada, we acknowledge that all Toronto Catholic District School Board properties are situated upon traditional territories of the Anishinabek (a-ni-shna-bek), the Haudenosaunee (hoh-Dee-noh-Shoh-nee) Confederacy, and the Wendat peoples. We also acknowledge the land covered by Treaty 13 is held by the Mississaugas of the Credit First Nation and Toronto is subject to The Dish with One Spoon covenant. We also recognize the contributions and enduring presence of all First Nations, Métis, and Inuit peoples in Ontario and the rest of Canada.

### La Reconnaissance du Territoire

Nous témoignons du plus grand respect pour les Peuples autochtones au Canada et nous avons à cœur de souligner que tous les immeubles du Toronto Catholic District School Board sont situés sur les terres traditionnelles de la Nation Anishinabek, de la Confédération de Haudenosaunee et des Wendats. Il est également important de noter que le territoire visé par le Traité 13 est celui des Mississaugas de la Première Nation Credit et que celui de Toronto est protégé par l'accord d'« un plat à une cuillère ». Nous tenons également à rappeler la présence pérenne et l'importance des contributions des Premières Nations, des Metis et des Inuits en Ontario, et dans tout le Canada.

## OUR MISSION

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# AGENDA THE REGULAR MEETING OF THE CORPORATE SERVICES, STRATEGIC PLANNING AND PROPERTY COMMITTEE

## PUBLIC SESSION

Angela Kennedy, Chair

Frank D'Amico, Vice-Chair

Tuesday, June 8, 2021

7:00 P.M.

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	Pages
1. Call to Order	
2. Opening Prayer (Chair or Designate)	
3. Land Acknowledgement	
4. Singing of O Canada	
5. Roll Call and Apologies	
6. Approval of the Agenda	
7. Report from Private Session	
8. Declarations of Interest	
9. Approval and Signing of the Minutes of the Meeting Held May 13, 2021	1 - 41
10. Delegations	
10.a. Jennifer Di Francesco regarding Social Media Policy	42 - 45
11. Presentation	



<b>12.</b>	<b>Notices of Motion</b>	
<b>13.</b>	<b>Consent and Review</b>	
<b>14.</b>	<b>Consideration of Motion for which previous notice has been given</b>	
14.a.	From Trustee Rizzo regarding Notice of Motions	46 - 48
14.b.	From Trustee Li Preti regarding National School Food Program	49 - 50
14.c.	From Trustee Crawford regarding Flag Flying Protocol throughout the Toronto Catholic District School Board (TCDSB)	51 - 52
<b>15.</b>	<b>Unfinished Business</b>	
<b>16.</b>	<b>Matters referred or deferred</b>	
	<u>From the May 13, 2021 Corporate Services, Strategic Planning and Property Committee Meeting</u>	
16.a.	2020-21 Second Quarter Financial Status Update (Information) (Held by Trustee Di Giorgio)	53 - 64
16.b.	Communication from Michael Calabrese regarding Online Petition for the Construction of a 21st Century School for Students at St. Raphael (Held by Trustee Rizzo)	65 - 90
16.c.	Communication from Lara Nangini, Parent representative of St Jerome Catholic School Parent Council regarding Consideration of St. Jerome for Capital Projects (Held by Trustee Rizzo)	91 - 93
16.d.	Communication from St. Monica Elementary Catholic School Parent Council regarding input in Capital Priorities (Held by Trustee Rizzo)	94 - 95
16.e.	Communication from Geoffrey F. Cauchi regarding Board Communication on the Legal Issues Arising from Conflicts of Interests at the Toronto Catholic District School Board (Held by Trustee Del Grande)	96 - 151

From the May 20, 2021 Regular Board Meeting and May 27, 2021 Student Achievement and Well-Being Committee Meeting

- 16.f. Update on Acceptable Use of Technology Policy and Social Media Guidelines (Information) (Held by Trustee Di Giorgio) 152 - 155

From the May 27, 2021 Student Achievement and Well-Being Committee Meeting

- 16.g. Response to Motion regarding Individual Education Plans (IEP) Completion (Information) (Held by Trustee Li Preti) 156 - 159
- 16.h. Equity Poverty Action Network (EPAN) School (Information) (Held by Trustee Di Giorgio) 160 - 170
- 16.i. Approval of 2SLGBTQ+ Advisory Committee Terms of Reference (Recommendation) (Held by Trustee Del Grande) 171 - 176

**17. Staff Reports**

- 17.a. 2021-2022 Budget Consultation Survey Results (Information) 177 - 196
- 17.b. Delegating Authority for Summer 2021 Procurement Awards (Recommendation) 197 - 200
- 17.c. New Elementary School at Buttonwood Hill Site Budget Approval (Ward 2) (Recommendation) 201 - 205
- 17.d. Loretto Abbey Project Manager Contract Award and Budget Approval (Ward 5) (Recommendation) 206 - 212
- 17.e. Bishop Allen Academy Replacement School Budget Approval (Ward 4) (Recommendation) 213 - 216
- 17.f. Monthly Procurement Approvals (Recommendation) 217 - 265

**18. Listing of Communications**

**19. Inquiries and Miscellaneous**

**20. Updating of the Pending Lists**

- 20.a. Annual Calendar of Reports and Policy Metrics 266 - 267

21. **Resolve into FULL BOARD to Rise and Report**
22. **Closing Prayer**
23. **Adjournment**

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# **MINUTES OF THE REGULAR VIRTUAL MEETING OF THE CORPORATE SERVICES, STRATEGIC PLANNING AND PROPERTY COMMITTEE PUBLIC SESSION**

**HELD THURSDAY, MAY 13, 2021**

## **PRESENT:**

### **Trustees:**

A. Kennedy, Chair - In Person  
F. D'Amico, Vice-Chair - In Person  
N. Crawford  
M. de Domenico  
M. Del Grande  
D. Di Giorgio  
N. Di Pasquale  
I. Li Preti  
T. Lubinski  
J. Martino  
M. Rizzo  
G. Tanuan

### **Student Trustees:**

K. Baybayon  
K. Nguyen

### **Staff:**

B. Browne  
D. Boyce  
D. Koenig  
S. Camacho  
A. Della Mora

A. Bria  
 M. Caccamo  
 S. Campbell  
 F. Cifelli  
 P. De Cock  
 L. DiMarco  
 K. Dixon  
 M. Farrell  
 C. Fernandes  
 D. Friesen  
 M. Loberto  
 P. Matthews  
 M. Meehan  
 R. Peterson  
 J. Wujek

S. Harris, Recording Secretary

S. Hinds-Barnett, Assistant Recording Secretary

**External Guest:** A. Robertson, Parliamentarian

## **5. Roll Call and Apologies**

An apology for late arrival was extended on behalf of Student Trustee Nguyen.

## **6. Approval of the Agenda**

MOVED by Trustee Rizzo, seconded by Trustee Di Pasquale, that the Agenda, as amended to include the Addendum, reordering of Staff Reports, Items 17a) to 17g) following Item 16c) 2021-2022 School Year Calendar, and the addition of Item 18d) Communication from St. Monica Elementary Catholic School Parent Council regarding input in Capital Priorities, be approved.

The Motion was declared

CARRIED

Trustees Del Grande and Lubinski wished to be recorded as voted in opposition.

**7. Report from Private Session**

There was no PRIVATE Session.

**8. Declarations of Interest**

Trustee Kennedy declared an interest in Items 17f) 2021-22 Grant for Student Needs Announcement and 17h) 2020-21 Second Quarter Financial Status Update as she has family members who are employees of the Board. Trustee Kennedy indicated that she would neither vote nor participate in discussions regarding those Items.

**9. Approval and Signing of the Minutes of the Previous Meeting**

MOVED by Trustee Crawford, seconded by Trustee Di Pasquale, that the Minutes of the meeting held March 11, 2021 for PUBLIC Session be approved.

The Motion was declared

CARRIED

## 10. Delegations

MOVED by Trustee Rizzo, seconded by Trustee Di Giorgio, that Item 10a) be adopted as follows:

- 10a) From Anna DiCredico-Moya, representative of Madonna Catholic School Parent Council (CSPC) regarding Madonna Catholic Secondary School Building** received and referred to Staff.

Results of the Vote taken, as follows:

### In favour

### Opposed

Trustees Crawford  
D'Amico  
de Domenico  
Del Grande  
Di Giorgio  
Di Pasquale  
Kennedy  
Li Preti  
Lubinski  
Martino  
Rizzo  
Tanuan

The Motion was declared

CARRIED

Student Trustee Baybayon wished to be recorded as voted in favour.

MOVED by Trustee Rizzo, seconded by Trustee Martino, that Item 10b) be adopted as follows:

- 10b) From Annalisa Crudo-Perri, representative of Madonna Alumna Association regarding Madonna Catholic Secondary School Field Improvements received and referred to Staff.**

Results of the Vote taken, as follows:

**In favour**

**Opposed**

Trustees Crawford  
D'Amico  
de Domenico  
Del Grande  
Di Giorgio  
Di Pasquale  
Kennedy  
Li Preti  
Lubinski  
Martino  
Rizzo  
Tanuan

The Motion was declared

**CARRIED**

Student Trustee Baybayon wished to be recorded as voted in favour.



MOVED by Trustee Rizzo, seconded by Trustee de Domenico, that Item 10c) be adopted as follows:

- 10c) From Councillor James Pasternak regarding Madonna Catholic Secondary School Bike/Field Request** received and referred to Staff for a report at the June 8, 2021 Corporate Services, Strategic Planning and Property Committee Meeting.

Results of the Vote taken, as follows:

**In favour**

**Opposed**

Trustees Crawford  
D'Amico  
de Domenico  
Del Grande  
Di Giorgio  
Di Pasquale  
Kennedy  
Li Preti  
Lubinski  
Martino  
Rizzo  
Tanuan

The Motion was declared

**CARRIED**

Student Trustee Baybayon wished to be recorded as voted in favour.

Student Trustee Nguyen joined the meeting at 7:57 pm.

MOVED by Trustee Crawford, seconded by Trustee Di Pasquale, that Item 10d) be adopted as follows:

- 10d) From Rosa Morphy, Catholic School Parent Council Co-Chair, Notre Dame High School regarding Notre Dame High School and the 2021 Capital Priorities Project Ranking received and referred to Staff.**

Results of the Vote taken, as follows:

**In favour**

**Opposed**

Trustees Crawford  
D'Amico  
de Domenico  
Del Grande  
Di Giorgio  
Di Pasquale  
Kennedy  
Li Preti  
Lubinski  
Martino  
Rizzo  
Tanuan

The Motion was declared

**CARRIED**

Student Trustees Baybayon and Nguyen wished to be recorded as voted in favour.

## **11. Presentation**

- 11a) Toronto Public Health, Joe Cressy, Chair, Toronto Public Health regarding Toronto Catholic District School Board (TCDSB) Partnerships in a COVID World** regrets for absence received.

## **12. Notices of Motion**

MOVED by Trustee Rizzo, seconded by Trustee de Domenico, that Item 12a) be adopted as follows:

- 12a) From Trustee Rizzo regarding Notice of Motions** to be considered at the June 8, 2021 Corporate Services, Strategic Planning and Property Committee Meeting.

WHEREAS: Notices of Motions/Motions and Amendments are used to bring proposals for consideration by Trustees;

WHEREAS: Notices of Motions/Motions and Amendments are submitted in writing;

WHEREAS: Preamble clauses are Whereas explanatory notes that precede the Be It Resolved clauses;

WHEREAS: Using a preamble or Whereas explanatory notes gives the mover to list the reasons for the Resolution;

WHEREAS: Preamble clauses (Whereas) should support the resolved statement(s);

WHEREAS: Comments made in the preamble should be factual and verifiable;

WHEREAS: Preambles must be as specific as possible about the issue and demonstrate the relevance of the resolution;

WHEREAS: Commentary in the Whereas paragraphs exemplify why action should be taken;

WHEREAS: The TCDSB recently adopted a revised Trustee Code of Conduct that states in part:

Trustees have a duty to treat members of the public, one another and Staff appropriately and without abuse, bullying or intimidation;

WHEREAS: Trustees should be committed to performing their functions with integrity, impartiality and transparency;

WHEREAS: Trustees shall be respectful of the role of Staff to advise based on political neutrality and objectivity and without undue influence from any individual Trustee or faction of the Board;

WHEREAS: Trustees as leaders of the community, are held to a higher standard of behaviour and conduct;

WHEREAS: Trustees shall not maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of Staff, and all Trustees shall show respect for the professional capacities of the Staff of the Board;

WHEREAS: Trustees share a common basis and understanding for acceptable conduct of Trustees, in concert with and beyond the minimum standards of behaviour set out in the existing legislative framework;

WHEREAS: Negative preambles should be avoided;

WHEREAS: Members are not endorsing whereas comments when voting for a resolution; and

WHEREAS: Negative motions or resolutions should not be considered.

THEREFORE BE IT RESOLVED THAT: Trustees in presenting Notices of Motions/Motions and Amendments adopt the following principles effective immediately:

- a) Preambles will be factual and verifiable;
- b) Preambles will be as issue specific as possible;
- c) Negative preambles to Notices of Motions, Amendments and Resolutions will be avoided;

- d) Resolutions and preambles to Notices of Motions/Motions or Amendments will not maliciously or falsely impugn the professional or ethical reputation of Staff or Trustees; and
- e) Resolutions and preambles to Notices of Motions/Motions and Amendments will respect the professional Board Staff and Trustees; and

FURTHER BE IT RESOLVED THAT: The aforementioned be referred to the Governance and Policy Committee and to Staff for necessary amendments to the present policies.

MOVED by Trustee Li Preti, seconded by Trustee Di Pasquale, that Item 12b) be adopted as follows:

- 12b) From Trustee Li Preti regarding National School Feed Program** to be considered at the June 8, 2021 Corporate Services, Strategic Planning and Property Committee Meeting.

WHEREAS: The Toronto Board of Health recommends that City Council authorize the Medical Officer of Health to enter into agreements totaling \$16,407,877.00 with the Angel Foundation for Learning and the Toronto Foundation for Student Success to administer the 2021 approved municipal funding to eligible student nutrition programs across the City of Toronto;

WHEREAS: Toronto City Council and the Board of Health request the Federal Government to provide core funding for a national school food program;

WHEREAS: The City of Toronto and the Board of Health are requesting the Provincial Government to increase its grant funding investment proportionally, to match the increased City of Toronto investment;

BE IT RESOLVED THAT: The Toronto Catholic District School Board request the Federal Government to provide ongoing core funding for a universal national school food program;

BE IT RESOLVED THAT: The Toronto Catholic District School Board (TCDSB) support the ongoing efforts of the Coalition for Healthy School Food to advocate for a universal, healthy school food program based on the shared belief that all children and youth should have daily access to healthy food at school by writing a letter of support to the Ontario Minister of Children, Community and Social Services, The Ontario Minister of Health, The Ontario Minister of Education, Members of the Provincial Parliament of Ontario and Federal Members of Parliament.

MOVED by Trustee Li Preti, seconded by Trustee Rizzo, that Item 12c) be adopted as follows:

- 12c) From Trustee Li Preti regarding TCDSB Proclaim Wednesday of National Accessibility Week as Red Shirt Day** that this be considered at the May 20, 2021 Regular Board Meeting.

WHEREAS: National Accessibility Week is taking place from May 30 to June 5, 2021 and this year's theme "Disability Inclusion 2021: Leaving no one behind", relates to many of the topics and meaningful discussions we continue to have at the TCDSB;

WHEREAS: National Accessibility Week (NAAW) is an opportunity to celebrate the valuable contributions of Canadians with disabilities and to recognize the efforts of individuals, communities and workplaces that are actively working to remove barriers to accessibility and inclusion;

WHEREAS: Easter Seals is just one example of an organization participating in National Accessibility Week and on June 2nd, Easter Seals invites everyone to participate in Red Shirt Day by wearing Red to support Accessibility and Inclusion which highlights their support for people living with disabilities;

WHEREAS: Canadians are pledging to take individual and collective action to help create a fully accessible and inclusive society that honours and

values the contributions of people of all abilities and in all aspects of life;  
and

WHEREAS: Red Shirt Day is a day when people across Canada come together and wear red in schools and workplaces in order to create a visible display of solidarity for people and families living with disabilities.

BE IT RESOLVED THAT: TCDSB proclaim every Wednesday of National Accessibility Week Red Shirt Day to help advance accessibility awareness beginning on Wednesday June 2, 2021; and

BE IT RESOLVED THAT: TCDSB students and Staff be encouraged to wear something red to support National Accessibility Week and to promote messages of support for people and families living with disabilities.

Results of the Vote taken, as follows:

**In favour**

**Opposed**

Trustees Crawford  
D'Amico  
Del Grande  
Di Giorgio  
Di Pasquale  
Kennedy  
Li Preti  
Lubinski  
Rizzo  
Tanuan

Martino

The Motion was declared

CARRIED

Trustee de Domenico did not vote/respond.

Student Trustees Baybayon and Nguyen wished to be recorded as voted in favour.

### **13. Consent and Review**

The Chair reviewed the Order Page and the following Items were held:

- 16a) COVID Response Strategy for Learning – Trustee Rizzo;
- 16b) Ratification of Student Trustee Nominee 2021-2023 – Trustee Crawford;
- 16c) 2021-2022 School Year Calendar – Trustee Crawford;
- 16s) Communication from Geoffrey F. Cauchi regarding Board  
Communication on the Legal Issues Arising from Conflicts of Interests at  
the Toronto Catholic District School Board Conflict of Interest – Trustee  
Del Grande;
- 17a) Capital Priorities 2021-2022 (All Wards) – Trustees Di Giorgio and Rizzo;
- 17b) Student Device Recovery and Redistribution – Trustee Di Giorgio;
- 17d) Monthly Procurement Approvals – Trustee Rizzo;
- 17e) Return to School Update (Information) – Trustee Rizzo;
- 17h) 2020-21 Second Quarter Financial Status Update – Trustee Di Giorgio;
- 17i) 2021-2022 Student Learning Models – Trustee Di Pasquale;
- 17j) Procurement Award Report – Addendum 1 – Trustee Rizzo;



- 18b) Communication from Michael Calabrese regarding Online Petition for the Construction of a 21st Century School for Students at St Raphael – Trustee Rizzo;
- 18c) Communication from Lara Nangini, Parent representative of St Jerome Catholic School Parent Council regarding Consideration of St. Jerome for Capital Projects – Trustee Rizzo; and
- 18d) Communication from St. Monica Elementary Catholic School Parent Council regarding input in Capital Priorities – Trustee Rizzo

Trustee D’Amico left the horseshoe at 8:36 pm.

MOVED by Trustee Di Giorgio, seconded by Trustee Rizzo, that the Items not held be received and the Staff recommendations be approved.

Results of the Vote taken, as follows:

**In favour**

**Opposed**

Trustees Crawford  
de Domenico  
Del Grande  
Di Giorgio  
Di Pasquale  
Kennedy  
Li Preti  
Lubinski  
Martino  
Rizzo  
Tanuan

The Motion was declared

CARRIED

Student Trustees Baybayon and Nguyen wished to be recorded as voted in favour.

Trustee D'Amico returned to the horseshoe at 8:36 pm.

**ITEMS NOT HELD AS CAPTURED IN ABOVE MOTION**

- 16d) Pete McKay, President, Toronto Secondary Unit (TSU) regarding 2SLGBTQ+ Pride Month;**
- 16e) Julie Altomare-DiNunzio, President, Toronto Elementary Catholic Teachers (TECT) regarding the Pride Flag;**
- 16f) Thomas Cardinal Collins, Archbishop of Toronto regarding the Sacred Heard of Jesus;**
- 16g) Diego Olmedo, President, Toronto Catholic Designated Early Childhood Educators (TCDECE) affiliated with Elementary Teachers Federation of Ontario (ETFO) regarding the Pride Flag;**
- 16h) Kathryn Jaitley regarding Acknowledging Pride Month;**
- 16i) Carla and Matthew Hindman regarding Recognizing Pride Month;**
- 16j) Derek Chica regarding Proclamation of Pride Month;**
- 16k) Lou and Michelle Iacobelli regarding 2SLGBTQ+ Committee;**
- 16l) Elyse Hartmann regarding the Pride Flag and Pride Month;**
- 16m) Alexandra Power regarding the Pride Flag;**
- 16n) Catherine Mulroney regarding the Pride Flag;**
- 16o) Kelly MacIntosh regarding the Pride Flag;**

- 16p) Tamara Nugent and Yvonne Runstedler at the request of the Very Reverend Cornelius O'Mahony, Episcopal Vicar for Education for the Catholic Partners of the Diocese of Hamilton regarding the Rainbow Flag;**
- 16q) Natalie Botica regarding the Pride Flag;**
- 16r) Archdiocese of Toronto regarding Reflection on Inclusivity and Acceptance;**
- 16t) D. Murray regarding the 2SLGBTQ+;**
- 16u) Mary Ma regarding the International Languages Program;**
- 16v) Marissa Bondi regarding June as Pride Month;**
- 16w) V. Sharma, President, United Hindu Congress of Canada regarding the Pride Flag;**
- 16x) Joseph Aprile regarding International Languages Program;**
- 16y) Paul Ritchi, Found and General Commissioner, Federation of North-American Explorers regarding the Sacred Heart of Jesus;**
- 16z) Maurice Lelli regarding the International Languages Program;**
- 16aa) Brigida Napolitano regarding the International Languages Program;**
- 16ab) Nahuel Barrios regarding the International Languages Program;**
- 16ac) Angelo D regarding the International Languages Program;**
- 16ad) Val DiGregorio, President, CUPE Local 3155 regarding the Internal Languages Program;**
- 16ae) Zorana regarding the International Languages Program;**
- 16af) Enri regarding the International Languages Program;**
- 16ag) Ash Barrios regarding the International Languages Program;**
- 16ah) Colleen Perry, President, Ontario Provincial Council of the Catholic Women's League of Canada regarding Support for Cardinal Collins' Reflection on Inclusivity in the Toronto Catholic District School Board;**

- 16ai) Phil Masolin regarding the International Languages Program;**
- 16aj) Past and Present Student Trustees regarding the 2SLGBTQ+;**
- 16ak) Teresa Pierre, Ph.D., President, Parents as First Educators regarding the Pride Flag and Pride Month;**
- 16al) Alice Franco regarding the Pride Flag;**
- 16am) Suresh Dominic, Lift Jesus Higher Rally regarding the Pride Flag;**
- 17c) Ontario School Board Insurance Exchange (OSBIE) Renewal** that the Board of Trustees renew the TCDSB's insurance agreement with OSBIE for a five-year term commencing on January 1, 2022 funded by the annual expenditure operating budget;
- 17f) 2021-22 Grant for Student Needs Announcement;**
- 17g) Black Achiever Initiative (BAI);**
- 18a) Communication from Toronto Public Health regarding Response to COVID-19: May 2021 Update;**
- 20a) Annual Calendar of Reports and Policy Metrics; and**
- 20b) Monthly Pending List**

## **16. Matters Referred/Deferred**

MOVED by Trustee Rizzo, seconded by Trustee Li Preti, that Item 16a) be adopted as follows:

### **16a) COVID Response Strategy for Learning:**

WHEREAS: Students have lost many months of learning during this pandemic;

WHEREAS: Educators, parents, and students know that the pandemic has caused rising rates of depression and loss of student learning;

WHEREAS: Continued setbacks, school shutdowns, community spread and uncertainty could have harmful effects on the academic achievement and well-being of students if not addressed this school year;

WHEREAS: The COVID-19 pandemic has forced the most vulnerable students into the least acceptable learning situations with inadequate tools and support systems to navigate them;

WHEREAS: Support must be given to those students who have been most negatively affected;

WHEREAS: The pandemic has illuminated a growing disparity to learning and widened the pre-existing learning gaps pre-COVID;

WHEREAS: COVID may have pushed disadvantaged students even further behind;

WHEREAS: A climate of change must be created to support student learning;

WHEREAS: All possible solutions must be explored for the next school year to mitigate some of the learning loss that is occurring due to the coronavirus pandemic;

WHEREAS: Supplemental learning programs must be provided to students that are struggling;

WHEREAS: A catalyst for accelerated learning is individual and small group supports for students;

WHEREAS: Tutoring programs bring together individual and small groups of students who have been identified by their teachers;

WHEREAS: Existing school Staff, substitutes, retirees, high school, college and university students may be interested in becoming a tutor;

WHEREAS: The Province of Ontario has provided some funding to develop a COVID Gap Closing Strategy that would focus on priorities to support the learning and health and safety of students;

WHEREAS: TCDSB has developed the COVID Response Strategy for Learning that is designed to address the opportunity gaps that some students may have experienced; and

1. THEREFORE BE IT RESOLVED THAT: A tutoring program be added to the TCDSB COVID Response Strategy for Learning;
2. THEREFORE BE IT RESOLVED THAT: A tutoring program be implemented to provide parents as many choices as possible for their children;
3. FURTHER BE IT RESOLVED THAT: Students in Q4 and Q5 and nth tile school communities be set up and delivered as a high priority;
4. FURTHER BE IT RESOLVED THAT: Consideration be given to offer programs in French especially to schools that have lost French teachers as a result of COVID-19;
5. FURTHER BE IT RESOLVED THAT: Funds be requested of the Federal Government; and
6. FURTHER BE IT RESOLVED THAT: The TCDSB request the Ministry of Education for further funding of the COVID Gap Closing Strategy.

Trustee D'Amico left the horseshoe at 8:54 pm and returned at 8:55 pm.

MOVED in AMENDMENT by Trustee Tanuan, seconded by Trustee Del Grande, that the options to partner with existing and new

mentoring/tutoring non-profit organizations at little or no cost to the Board be explored with regards to the tutoring program, and for Staff to come back with an update at the May 27, 2021 Student Achievement and Well-Being, Catholic Education and Human Resources Committee meeting.

Time for business expired.

The Chair called for a 15-minute extension, as per Article 12.6 of the TCDSB's By-law, to complete the debate on the Item, approved as follows:

**In favour**

**Opposed**

Trustees Crawford  
D'Amico  
de Domenico  
Del Grande  
Di Giorgio  
Di Pasquale  
Kennedy  
Li Preti  
Lubinski  
Martino  
Rizzo  
Tanuan

Student Trustees Baybayon and Nguyen wished to be recorded as voted in favour.

MOVED in AMENDMENT to the AMENDMENT by Trustee Rizzo, seconded by Trustee Martino, that *verbal* be inserted before *update*.

Results of the Vote taken on the AMENDMENT to the AMENDMENT, as follows:

**In favour**

**Opposed**

Trustees Crawford  
D'Amico  
Del Grande  
Di Giorgio  
Di Pasquale  
Kennedy  
Li Preti  
Lubinski  
Martino  
Rizzo  
Tanuan

The AMENDMENT to the AMENDMENT was declared

CARRIED

Trustee de Domenico did not vote/respond.

Student Trustees Baybayon Nguyen wished to be recorded as voted in favour.

Results of the Vote taken on the AMENDMENT, as follows:

**In favour**

**Opposed**

Trustees Crawford  
D'Amico  
de Domenico



Del Grande  
 Di Giorgio  
 Di Pasquale  
 Kennedy  
 Li Preti  
 Lubinski  
 Martino  
 Rizzo  
 Tanuan

The AMENDMENT was declared

CARRIED

Student Trustees Baybayon and Nguyen wished to be recorded as voted in favour.

Time for business expired.

The Chair called for a further 15-minute extension, as per Article 12.6 of the TCDSB's By-law, to complete the debate on the Item, approved as follows:

**In favour**

**Opposed**

Trustees Crawford  
 D'Amico  
 de Domenico  
 Del Grande  
 Di Giorgio  
 Di Pasquale  
 Kennedy  
 Li Preti

Lubinski  
Martino  
Rizzo  
Tanuan

Student Trustees Baybayon and Nguyen wished to be recorded as voted in favour.

MOVED in AMENDMENT by Trustee Lubinski, seconded by Trustee Del Grande, that due to a high number of students who are behind in learning across our schools due to the pandemic, that they be offered a tutoring program so that the Board provides equity to all students.

Results of the Vote taken on the AMENDMENT, as follows:

**In favour**

Trustees D'Amico  
Del Grande  
Lubinski  
Tanuan

**Opposed**

Crawford  
de Domenico  
Di Giorgio  
Di Pasquale  
Kennedy  
Li Preti  
Martino  
Rizzo

The AMENDMENT was declared

**FAILED**

Student Trustees Baybayon Nguyen wished to be recorded as voted in opposition.

Trustee Martino requested that the Motion, as amended, be split.

Results of the Vote taken on the Main Motion, as follows:

**In favour**

**Opposed**

Trustees D'Amico  
de Domenico  
Del Grande  
Di Giorgio  
Di Pasquale  
Kennedy  
Li Preti  
Lubinski  
Rizzo  
Tanuan

Crawford  
Martino

The Main Motion was declared

**CARRIED**

Student Trustees Baybayon and Nguyen wished to be recorded as voted in favour.

Results of the Vote taken on the AMENDMENT, as follows:

**In favour**

**Opposed**

Trustees Crawford  
 D'Amico  
 de Domenico  
 Del Grande  
 Di Giorgio  
 Di Pasquale  
 Kennedy  
 Li Preti  
 Lubinski  
 Martino  
 Rizzo  
 Tanuan

The AMENDMENT was declared

CARRIED

Student Trustees Baybayon and Nguyen wished to be recorded as voted in favour.

**ITEM DEEMED AS URGENT**

The Director reviewed the Order Page, as requested by the Chair, and the following Items were deemed urgent:

- 16b) Ratification of Student Trustee Nominee 2021-2023;
- 16c) 2021-2022 School Year Calendar;
- 17a) Capital Priorities 2021-2022 (All Wards);
- 17b) Student Device Recovery and Redistribution;

- 17d) Monthly Procurement Approvals;
- 17e) Return to School Update;
- 17i) 2021-2022 Student Learning Models; and
- 17j) Procurement Award Report – Addendum 1

The Chair declared a 10-minute recess.

The meeting continued with Trustee Kennedy in the Chair and no change to the Attendance list.

## **16. Matters Referred/Deferred**

MOVED by Trustee Crawford, seconded by Trustee Rizzo, that Item 16b) be adopted as follows:

- 16b) Ratification of Student Trustee Nominee 2021-2023** that the Board of Trustees appoint Stephanie De Castro from Senator O'Connor Secondary School as Student Trustee for the term August 1, 2021 through to July 31, 2023.

Results of the Vote taken, as follows:

### **In favour**

### **Opposed**

Trustees Crawford  
 D'Amico  
 Di Giorgio  
 Di Pasquale  
 Kennedy  
 Li Preti  
 Lubinski  
 Martino  
 Rizzo  
 Tanuan

The Motion was declared

CARRIED

Trustees de Domenico and Del Grande did not vote/respond.

Student Trustees Baybayon and Nguyen wished to be recorded as voted in favour.

Student Trustees Baybayon and Nguyen left the meeting at 10:25 pm.

MOVED by Trustee Crawford, seconded by Trustee Martino, that Item 16c) be adopted as follows:

**16c) 2021-2022 School Year Calendar** that the Board of Trustees approve:

1. The school year calendar for the 2021-2022 school year in Appendix A of the report; and
2. The communication plan outlined in the report; and that Principals share the 2021-2022 school year calendar and the plans for professional activity days with their Catholic School Parent Council (CSPC) members and their school communities.

Results of the Vote taken, as follows:

**In favour**

**Opposed**

Trustees Crawford  
D'Amico  
de Domenico

Di Giorgio  
Del Grande  
Di Pasquale  
Kennedy  
Li Preti  
Lubinski  
Rizzo  
Tanuan

The Motion was declared

CARRIED

Trustee Martino did not vote/respond due to technical difficulty.

## **17. Staff Reports**

MOVED by Trustee Giorgio, seconded by Trustee Rizzo, that Item 17a) be adopted as follows:

### **17a) Capital Priorities 2021-2022 (All Wards) received.**

The Chair declared a five-minute recess to resolve technical difficulties reported by Trustee Martino.

The meeting resumed with Trustee Kennedy in the Chair and no change to the Attendance list.

MOVED in AMENDMENT by Trustee Di Giorgio, seconded by Trustee Lubinski:

WHEREAS: Secondary schools have different site size requirements compared to elementary schools

WHEREAS: The matrix scoring category does not account for the disparity in site size requirements between elementary and secondary schools

WHEREAS: Chaminade College is the only school on the capital priorities list which did not receive a score in this category despite having an undersized site.

BE IT RESOLVED THAT: Chaminade College receive a score of five (5) in site size matrix category; the lower of the two scoring options, recognizing that Notre Dame, the other secondary school on the Capital Priorities list, received a score of 10 and has a smaller site.

Results of the Vote taken on the AMENDMENT, as follows:

**In favour**

Trustees D'Amico  
Di Giorgio  
Lubinski  
Martino  
Tanuan

**Opposed**

Crawford  
de Domenico  
Del Grande  
Di Pasquale  
Kennedy  
Li Preti  
Rizzo



The AMENDMENT was declared

FAILED

MOVED in AMENDMENT by Trustee Rizzo, seconded by Trustee Di Pasquale:

That business cases for the following 10 capital priorities be submitted to the Ministry of Education for funding consideration by May 21, 2021.

<b>Rank</b>	<b>School</b>	<b>Project</b>
1	NOTRE DAME (S)	Replacement School
2	ST MONICA (E)	Replacement School
3	ST CYRIL (E)	Replacement School
4	ST RAPHAEL (E)	Replacement School
5	OUR LADY OF THE ASSUMPTION (E)	Replacement School
6	CHAMINADE (S)	Replacement School
7	ST JEROME (E)	Replacement School
8	ST MARTIN DE PORRES (E)	Replacement School
9	ST MICHAEL/ST PAUL AT DUKE OF YORK (E)	Replacement School
10	ST GREGORY (E)	Addition/Retrofit

Results of the Vote taken on the AMENDMENT, as follows:

**In favour**

**Opposed**

Trustees Crawford  
D'Amico  
de Domenico  
Di Pasquale  
Kennedy  
Li Preti  
Rizzo

Del Grande  
Di Giorgio  
Lubinski  
Martino

The AMENDMENT was declared

CARRIED

Trustee Tanuan did not vote/respond.

Results of the Vote taken on the Motion, as amended, follows:

**In favour**

**Opposed**

Trustees Crawford  
D'Amico  
de Domenico  
Del Grande  
Di Pasquale  
Kennedy  
Li Preti  
Rizzo  
Tanuan

Di Giorgio  
Lubinski  
Martino

The Motion, as amended, was declared

CARRIED

MOVED by Trustee Di Giorgio, seconded by Trustee Rizzo, that Item 17b) be adopted as follows:

**17b) Student Device Recovery and Redistribution received.**

MOVED in AMENDMENT by Trustee Rizzo, seconded by Trustee Li Preti, that technology provided by TCDSB to students remain with the students in the fourth (4<sup>th</sup>) and fifth (5<sup>th</sup>) quintile and nth tile, except for the graduating students, and that this be reviewed in September 2021.

Results of the Vote taken on the AMENDMENT, as follows:

**In favour**

**Opposed**

Trustees D'Amico  
De Domenico  
Di Giorgio  
Di Pasquale  
Kennedy  
Li Preti  
Martino  
Rizzo  
Tantuan

Crawford  
Del Grande

The AMENDMENT was declared

CARRIED

Trustee Lubinski did not vote/respond

Results of the Vote taken on the Motion, as amended, as follows:

**In favour**

**Opposed**

Trustees D'Amico  
De Domenico  
Di Giorgio  
Di Pasquale  
Kennedy  
Li Preti  
Martino  
Rizzo  
Tanuan

Crawford  
Del Grande

The Motion, as amended, was declared

CARRIED

Trustee Lubinski did not vote/respond.

MOVED by Trustee Martino, seconded by Trustee Di Pasquale, that Item 17d) be adopted as follows:

- 17d) Monthly Procurement Approvals** that the Board of Trustees approve all procurement activities/awards listed in Appendix A of the Report.

MOVED in AMENDMENT by Trustee Li Preti, seconded by Trustee Rizzo, that Item 6, *Additional Student Barriers COVID-19 Emergency Procurement*

*Award*, of the procurement activities/awards listed in Appendix A of the Report, be excluded from the approval.

The Chair ruled the AMENDMENT out of order.

Results of the Vote taken on the Main Motion, as follows:

**In favour**

**Opposed**

Trustees Crawford  
D'Amico  
de Domenico  
Di Giorgio  
Del Grande  
Di Pasquale  
Kennedy  
Li Preti  
Lubinski  
Martino  
Rizzo  
Tanuan

The Motion was declared

CARRIED

MOVED by Trustee Del Grande, seconded by Trustee Di Giorgio, that all Items not discussed, except Item 17j) Procurement Award Report – Addendum 1, be deferred/referred to the next available meeting (s).

MOVED in AMENDMENT by Trustee Rizzo, seconded by Trustee de Domenico, that Item 17e)Return to School Update be dealt with at this meeting.

Results of the Vote taken on the AMENDMENT, as follows:

**In favour**

**Opposed**

Trustees D'Amico  
De Domenico  
Di Pasquale  
Li Preti  
Martino  
Rizzo  
Tanuan

Crawford  
Del Grande  
Di Giorgio  
Kennedy

The AMENDMENT was declared

CARRIED

Trustee Lubinski did not vote/respond.

Results of the Vote taken on the Motion, as amended, as follows:

**In favour**

**Opposed**

Trustees Crawford  
D'Amico  
de Domenico  
Di Giorgio  
Del Grande  
Di Pasquale

Kennedy  
Li Preti  
Martino  
Rizzo  
Tanuan

The Motion, as amended, was declared

CARRIED

Trustee Lubinski did not vote/respond.

MOVED by Trustee Crawford, seconded by Trustee Rizzo, that Item 17j) be adopted as follows:

- 17j) Procurement Award Report – Addendum 1** that the Procurement Award Report – Addendum 1 - Holy Angels Catholic School at Allanhurst Site Reconstruction in the amount of \$226,616.05 be approved.

Results of the Vote taken, as follows:

**In favour**

**Opposed**

Trustees Crawford  
D’Amico  
de Domenico  
Di Giorgio  
Del Grande  
Di Pasquale  
Kennedy  
Li Preti

Martino  
Rizzo  
Tanuan

The Motion was declared

CARRIED

Trustee Lubinski did not vote/respond.

MOVED by Trustee Rizzo, seconded by Trustee de Domenico, that Item 17e) be adopted as follows:

**17e) Return to School Update** received and:

WHEREAS: Trustees use their devices more frequently and in different ways virtually due to COVID-19;

WHEREAS: The present equipment budget every four years did not consider technological needs during a pandemic;

WHEREAS: Trustees may require additional equipment to adequately manage virtual meetings and associated Agendas;

WHEREAS: Some Trustees need more equipment to accommodate disabilities;

WHEREAS: There have been significant cost savings on mileage and transportation during COVID-19; and



WHEREAS: Some Trustees have unused funds in their equipment budget.

THEREFORE BE IT RESOLVED THAT: A one-time only Trustee equipment budget be modified to accommodate individual Trustee equipment needs (that may include additional computers, battery packs, tablets or phones);

FURTHER BE IT RESOLVED THAT: Unused Trustee equipment budgets be consumed prior to accessing additional funds;

FURTHER BE IT RESOLVED THAT: The amount not exceed \$1,875 per Trustee, if needed;

FURTHER BE IT RESOLVED THAT: Trustees that need accommodation be provided additional resources, if required; and

FURTHER BE IT RESOLVED THAT: Existing devices not be returned at this time if Trustees require them during COVID-19.

Results of the Vote taken, as follows:

**In favour**

**Opposed**

Trustees Crawford  
D'Amico  
de Domenico  
Di Pasquale  
Kennedy  
Martino  
Rizzo  
Tanuan

Del Grande  
Li Preti

The Motion was declared

**CARRIED**

Trustees Di Giorgio and Lubinski did not vote/respond.

**21. Resolve into FULL BOARD to Rise and Report**

MOVED by Trustee de Domenico, seconded by Trustee Crawford, that the meeting resolve into FULL BOARD to Rise and Report.

Results of the Vote taken, as follows:

**In favour**

**Opposed**

Trustees Crawford  
D'Amico  
de Domenico  
Del Grande  
Di Pasquale  
Kennedy  
Li Preti  
Martino  
Rizzo  
Tanuan

The Motion was declared

**CARRIED**

Trustees Di Giorgio and Lubinski did not vote/respond.

## 23. Adjournment

MOVED by Trustee Crawford, seconded by Trustee Martino, that the meeting be adjourned.

Results of the Vote taken, as follows:

### **In favour**

### **Opposed**

Trustees Crawford  
 D'Amico  
 de Domenico  
 Del Grande  
 Di Pasquale  
 Kennedy  
 Li Preti  
 Martino  
 Rizzo  
 Tanuan

The Motion was declared

CARRIED

Trustees Di Giorgio and Lubinski did not vote/respond.

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SECRETARY

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CHAIR



## DELEGATION REGISTRATION FORM FOR BOARD, STANDING OR OTHER COMMITTEES

**First Name:**

Jennifer

**Last Name:**

Di Francesco

**Please select the applicable Board, Standing, Statutory, Sub or Ad Hoc Committee at which you are requesting to depute.**

Corporate Services Strategic Planning and Property Committee

**Do you wish to Delegate by electronic means?**

Yes

**Do you require assistance from the Recording Secretary's Office?**

No

**Do you wish to make your deputation in private session because the matter involves the disclosure of intimate, personal or financial information in respect of a member of the Board or Committee, an employee or prospective employee of the Board or a pupil of his or her parent or guardian?**

No

**Date of Deputation:**

06-08-2021

**Topic of Deputation:**

Social Media Policy

**Key Issue(s):**

Social Media Policy motion was passed on April 28, 2021 and staff have not drafted the policy for Trustees as per the motion.



## **DELEGATION REGISTRATION FORM FOR BOARD, STANDING OR OTHER COMMITTEES**

### **Brief Summary of the Topic of Deputation:**

Please see my deputation that I will send immediately following this.

### **Action Requested:**

That the Board staff draft a Social Media Policy to govern behavior with clear consequences and a fluid guideline attached to the policy as social media evolves.

### **Please select one of the following options:**

I am here as a delegation to speak only on my own behalf.

### **Submission Date:**

06-02-2021

Good evening TCDSB Trustees and Staff. My name is Jennifer Di Francesco and I am here tonight speaking as a parent. You may also know that I am the CSPC chair at St. Eugene and the CPIC Vice-Chair and Ward 1 Rep.

Tonight I'll be speaking in regards to Policy A.29 Acceptable Use of Technology and the Social Media Guidelines. Parents are looking for clarity and want a Social Media Policy that will oversee behaviour. We have been asking for this since the guidelines were being created, but our request and suggestions have not been acted on.

On April 28, 2021 there was a motion presented to have staff draft a Social Media Policy. Staff has come back with a rebuttal to the motion explaining that Trustees on January 29, 2021 approved an update to A.29 Acceptable Use of Technology to include social media guidelines. As of today staff has not presented the Trustees with a draft of a Social Media Policy, which they are required to do since the motion passed on April 28, 2021. I ask why has this not been done and why are staff circumventing the democratic process of the Board and its Trustees?

A Social Media Policy that governs online behaviour is vital at the TCDSB, which could include a guideline that allows more fluidity as social media applications evolve. But if you have a clear, concise, and enforceable policy there should be no need for guidelines, or the language should be incorporated in the policy. We have seen in the last year the damage and carnage that social media and those that abuse it has left behind in its wake. Simply having a guideline is not good enough as it seems some at the board and including those outside of it refuse to follow it. In the Acceptable Use of Technology which we have been told governs the use of school board technology and according to the Scope and Responsibility on page 2 of the document it also "applies to all use of external technology services such as applications, social media, online software, or other technology services used on behalf of the Board or in any capacity that may be reasonably perceived as acting on behalf of the Board". Yet it seems that this Policy is not being enforced and those that took an oath to this Board and the parents it serves, seem to have no regard for this Board, its policies or the parents because there are no consequences.

Here are a few examples from the Acceptable Use Policy that it seems are not being adhered to, enforced or given special treatment:

- Section 5: sub-section 5.2 "Users are expected to comply with relevant policies, procedures, codes of conduct, guidelines, legislation and collective agreements".

- Section 5: sub-section 5.3 “Users will not engage in inappropriate behaviours including, but not limited to cyber bullying, personal attacks, threats, harassment, hate motivated and discriminatory behaviours”.
- Section 5.5: sub-section b. “impede, interfere, impair, or otherwise cause harm to the activities of others”.
- Section 5.5: sub-section o. “suggest the Board’s endorsement of any political candidate or ballot initiative.
- Section 5.6: “Users are compelled to immediately report all breaches of this policy of which they are aware to the appropriate TCDSB authority.
- Section 6: sub-section 6.1 “Disciplinary action will take into account relevant policies, procedures, codes of conduct, guidelines, legislation and collective agreements”.

But what seems to be happening is nothing or at least that’s what it looks like from the outside. If consequences are being experienced there should be a process to advise the parents and students. That will also act as a deterrent for others. Section 5.7 of the Policy states “where necessary, as permitted by law, exceptions to this policy and its regulations may be granted on a case-by-case basis to be authorized by the Chief Information Officer”. Those situations should also be reported to ensure total transparency. There have been many cases that we are aware of where no disciplinary action has been taken, where it seems by those watching that an action should have taken place. Without a stricter, more coherent and concise Policy surrounding behaviour, we will all be left to our own devices and the Board will have no authority to compel users to adhere.

In closing, if people are not held accountable for their actions and words, how are we to truly be what we say we are as a Board and more importantly as a Catholic Board. The strides the board has made in the last while are welcome and encouraging, but you can’t tout equity, equality, diversity and inclusion when it seems those values are only for certain people or groups. Staff needs to follow through and commit to a Social Media Policy that governs behaviour of all Trustees, staff, children and parents.

Thank you.





***Maria Rizzo***  
***Trustee Ward 5***

***E-mail: Maria.Rizzo@tcdsb.org***

***Voicemail/Fax: (416) 512-3407***

**To:** Corporate Services Committee Meeting, June 8, 2021

**From:** Maria Rizzo, Trustee Ward 5

**Subject:** Consideration of Motion – Notice of Motions

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**MOVED BY:** Maria Rizzo, Toronto Catholic District School Board

**SECONDED BY:** Markus de Domenico, Toronto Catholic District School Board

**WHEREAS:** Notices of motions/motions and amendments are used to bring proposals for consideration by trustees;

**WHEREAS:** Notices of motions/motions and amendments are submitted in writing;

**WHEREAS:** Preamble clauses are whereas explanatory notes that precede the be it resolved clauses;

**WHEREAS:** Using a preamble or whereas explanatory notes gives the mover to list the reasons for the resolution;

**WHEREAS:** Preamble clauses (whereas) should support the resolved statement(s);

**WHEREAS:** Comments made in the preamble should be factual and verifiable;

**WHEREAS:** Preambles must be as specific as possible about the issue and demonstrate the relevance of the resolution;

**WHEREAS:** Commentary in the whereas paragraphs exemplify why action should be taken;

**WHEREAS:** The TCDSB recently adopted a revised Trustee Code of Conduct that states in part:

Trustees have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation;

**WHEREAS:** Trustees should be committed to performing their functions with integrity, impartiality and transparency;

**WHEREAS:** Trustees shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual Trustee or faction of the Board;

**WHEREAS:** Trustees as leaders of the community, are held to a higher standard of behaviour and conduct;

**WHEREAS:** Trustees shall not maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff, and all Trustees shall show respect for the professional capacities of the staff of the Board;

**WHEREAS:** Trustees share a common basis and understanding for acceptable conduct of Trustees, in concert with and beyond the minimum standards of behaviour set out in the existing legislative framework;

**WHEREAS:** Negative preambles should be avoided;

**WHEREAS:** Members are not endorsing whereas comments when voting for a resolution; and

**WHEREAS:** Negative motions or resolutions should not be considered.

**THEREFORE BE IT RESOLVED THAT:** Trustees in presenting notices of motions, motions and amendments adopt the following principles effective immediately:

- a). preambles will be factual and verifiable;
- b). preambles will be as issue specific as possible;
- c). negative preambles to notices of motions, amendments and resolutions will be avoided;
- d). resolutions and preambles to notices of motions/motions or amendments will not maliciously or falsely impugn the professional or ethical reputation of staff or trustees; and

e). resolutions and preambles to notices of motions/motions or amendments will respect the professional Board staff and trustees

**FURTHER BE IT RESOLVED THAT:** The aforementioned be referred to the Governance and Policy Committee and to staff for necessary amendments to the present policies.



*Ida Li Preti*  
*Trustee Ward 3*

*E-mail: [Ida.LiPreti@tcdsb.org](mailto:Ida.LiPreti@tcdsb.org)*

*Voicemail: 416-512-3403*

**To:** Corporate Services Committee Meeting , June 8, 2021

**From:** Ida Li Preti, Trustee Ward 3

**Subject:** Consideration of Motion – National School Food Program

**MOVED BY:** Ida Li Preti, Toronto Catholic District School Board

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**WHEREAS:** The Toronto Board of Health recommends that City Council authorize the Medical Officer of Health to enter into agreements totaling \$16,407,877.00 with the Angel Foundation for Learning and the Toronto Foundation for Student Success to administer the 2021 approved municipal funding to eligible student nutrition programs across the City of Toronto;

**WHEREAS:** Toronto City Council and the Board of Health request the Federal Government to provide core funding for a national school food program;

**WHEREAS:** The City of Toronto and the Board of Health are requesting the Provincial Government to increase its grant funding investment proportionally, to match the increased City of Toronto investment;

**BE IT RESOLVED THAT:** The Toronto Catholic District School Board request the Federal Government to provide ongoing core funding for a universal national school food program;

**BE IT RESOLVED THAT:** The Toronto Catholic District School Board support the ongoing efforts of the Coalition for Healthy School Food to advocate for a universal, healthy school food program based on the shared belief that all children and youth should have daily access to healthy food at school by writing a letter of support to the Ontario Minister of Children, Community and Social Services, The Ontario Minister of Health, The Ontario Minister of Education, Members of the Provincial Parliament of Ontario and Federal Members of Parliament.

**Ida Li Preti**  
**Trustee, Ward 3**



*Nancy Crawford  
Trustee Ward 12*

*E-mail: Nancy.Crawford@tcdsb.org*

*Voicemail: 416-512-3412*

**To:** Corporate Services Committee, June 8, 2021

**From:** Nancy Crawford, Trustee Ward 12

**Subject:** Consideration of Motion: Flag Flying Protocol throughout the Toronto Catholic District School Board (TCDSB)

---

**MOVED BY:** **Nancy Crawford**, Toronto Catholic District School Board

**WHEREAS:** The National Flag of Canada is a symbol of honour and pride for all Canadians. The TCDSB has proudly flown the Canadian flag with respect and patriotism since 1965, when the red maple leaf officially replaced the Red Ensign or the Union Jack;

**WHEREAS:** The TCDSB voted on May 6, 2021 to fly the Pride flag during the month of June and the TCDSB has previously flown other flags, such as the Autism flag;

**WHEREAS:** The Department of Canadian Heritage provides guidelines on Canadian Flag etiquette and rules;

**WHEREAS:** It is expected over time that the TCDSB will receive other requests from groups asking the Board to fly their flag;

**WHEREAS:** The TCDSB does not have adequate flag pole infrastructure at the present time, to give the Canadian Flag the respect of flying above all other flags on its own flag pole; and

**WHEREAS:** The TCDSB does not have a flag flying policy and protocol, and therefore does not have criteria to apply in a consistent manner to make decisions in response to such requests.

**BE IT RESOLVED THAT:** The Board refer the matter of researching and developing a flag raising draft policy to staff and that staff bring this draft policy to the Governance and Policy committee for review at the September committee meeting;

**BE IT RESOLVED THAT:** Staff review the Canadian Heritage section of the Canada.ca website specifically the Canadian flag etiquette and rules and include pertinent regulations in the draft policy; and

**BE IT RESOLVED THAT:** Staff provide cost estimates for construction of additional flag poles, to be included in the report to the September Governance and Policy Committee meeting.

**Nancy Crawford**  
**Trustee, Ward 12**

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REPORT TO

## CORPORATE SERVICES, STRATEGIC PLANNING AND PROPERTY COMMITTEE

### 2020-21 SECOND QUARTER FINANCIAL STATUS UPDATE

*"Whatsoever thy hand findeth to do, do it with all thy might."*

**Ecclesiastes 9:10**

Created, Draft	First Tabling	Review
March 30, 2021	April 7, 2021	May 13, 2021

L. LePera, Sr. Financial Analyst

D. Bilenduke, Senior Coordinator of Finance

P. De Cock, Comptroller of Business Services & Finance

#### INFORMATION REPORT

##### Vision

*At Toronto Catholic we transform the world through witness, faith, innovation and action.*

##### Mission:

*The Toronto Catholic District School Board is an inclusive learning community rooted in the love of Christ. We educate students to grow in grace and knowledge and to lead lives of faith, hope and charity.*



Brendan Browne. PhD  
Director of Education

D. Koenig  
Associate Director  
of Academic Affairs

D. Boyce  
Associate Director Facilities,  
Business and Community  
Development



## A. EXECUTIVE SUMMARY

This Financial Update Report as at February 28<sup>th</sup>, 2021 provides a year-to-date look at significant financial activities at the Board.

This is the second update for fiscal 2020-21 using the Revised Estimates approved by the Board of Trustees in December 2020. This update forecasts an in-year deficit of approximately \$33.8M versus the \$42M approved in the 2020-21 Revised Estimates that included additional COVID-19 related expenses. Appendix A provides a more detailed variance summary.

*The cumulative staff time required to prepare this report was 20 hours.*

## B. PURPOSE

The Financial Update report is required to keep Trustees informed on the Board's financial performance through the year and illustrate any variance in expected outcomes. The report will provide a systematic analytical review of Operating and Capital Budgets, in the following order:

- High Level Review and Risk Assessments of Operating Revised Estimates
- Staff Absenteeism
- High Level Review of School Renewal and Capital Projects

## C. BACKGROUND

1. *This report is recognized as a best practice in the province.* The Ministry of Education and the District School Board Reporting Workgroup have both identified regular periodic financial reporting as a best practice in managing the Board's financial outcomes.
2. *Year to year comparisons can be slightly skewed.* When comparing the percentage spent to this period last year, it is important to note that YTD February 2021 had 115 teaching days and YTD February 2020 had 114 teaching days (114 teaching days for YTD February 2020 accounts for 3 job action days by OECTA. Had there been no job action by OECTA, the YTD February 2020 teaching days would have totalled 117). On-line learning is a

significant factor for the current period and was not a factor for the same period last year. Lastly, the 2020-21 Revised Budget Estimates approved by the Board of Trustees in December 2020 included an in-year deficit and a deficit elimination plan for the 2021-22 fiscal/school year. This significant budget increase in various expenditure categories creates extraordinary variances for comparative purposes.

## D. EVIDENCE/RESEARCH/ANALYSIS

### HIGH LEVEL REVIEW AND RISK ASSESSMENTS OF OPERATING REVISED ESTIMATES

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1. ***LATEST FORECAST identifies a Net Savings of \$8.2M vs approved 2020-21 Revised Budget Estimates.*** The savings is largely driven by the delay of new hires in all Instructional positions, with the exception of Occasional Teachers.

<u>Expenditure Saving</u>	<u>\$M</u>
Instructional Staff Costs (excl. Occasional)	13.50
Transportation (offset in Revenue)	0.54
Total Expenditure Savings	14.04

<u>Additional Costs</u>	<u>\$M</u>
Occasional Staff Costs	5.00
Other Staff Costs	0.34
Total Additional Cost	5.34

<u>Revenue Loss</u>	<u>\$M</u>
Transportation Claw-back	0.54

<b><u>Net Savings</u></b>	<b>8.16</b>
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2. ***Salary and Benefit expenditures are expected to finish slightly below target for this academic year (\$8.5M).*** Overall, in the Salary and Benefits area, Figure 1 below illustrates the current risk exposure. This expenditure category is the most closely monitored risk as it comprises the largest portion of the revised operating expenditure estimates.

**Figure 1:** Salary and Benefits Variance / Risk Analysis

	<i>Actual to Revised Estimates (millions)</i>		<i>Risk Assessment</i>
<i>Instructional Salaries</i>	↓	\$36.63 (7.6%)	●
<i>Instructional Benefits</i>	↓	\$9.18 (12.9%)	●
<i>Non-Instructional Salaries</i>	↓	\$0.70 (1.8%)	●
<i>Non-Instructional Benefits</i>	↓	\$0.69 (6.5%)	●

● = Low: On Track    ◆ = Medium: Monitor    ◆ = High: Action Required

Salaries for both Instructional and Non-Instructional categories are projected to come in slightly below Revised Estimates. The small favourability in Benefits, Actuals to the Revised Estimates, is due primarily to the delay in new Instructional hires.

3. *At an aggregate level, the total of other expenditure categories (besides salary and benefits) are expected to finish on target.* Overall, in the Non-Salary area, Figure 2 below illustrates the current risk exposure.

**Figure 2:** Non-Salary Variance / Risk Analysis

	<i>Actual to Revised Estimate (millions)</i>		<i>Risk Assessment</i>
<i>Instructional Expense</i>	↓	\$9.16 (34.5%)	●
<i>Transportation Expense</i>	↓	\$1.14 (4.8%)	●

<i>Operations &amp; Maintenance</i>	↓	\$5.20 (22.2%)	●
<i>Other Non-Instructional</i>	↓	\$0.47 (1.9%)	●

While Operations & Maintenance is tracking low compared to Revised Estimates, they are considered a low risk because of the timing of expenditures. As a result of COVID-19 school closures, Transportation \$0.54M (offset in Revenue)

4. ***Grant Revenue from the Province projected to remain unchanged from the 2020-2021 Revised Estimates.*** Grants for Student Needs (GSNs) revenue is expected to remain unchanged and all indications from the current Provincial Government is that they will not be affected in the 2020-21 fiscal year. The ministry has included a GSN Stabilization funding component that is intended to minimize the enrolment losses funded by the GSN's that all boards are experiencing during the COVID-19 pandemic. It is important to note, the GSN Stabilization did not fully offset the GSN reductions (Net Shortfall of \$1.6M) and additional Revenue losses, i.e. International VISA Student Tuition Revenues (\$11.6M), resulted in an overall loss in revenues for the TCDSB.
5. ***COVID related reductions to Other Revenues (-\$0.54M) as a result of school closures.*** The Transportation Revenue claw-back due to the reduction in bussing usage is estimated to be \$542K.

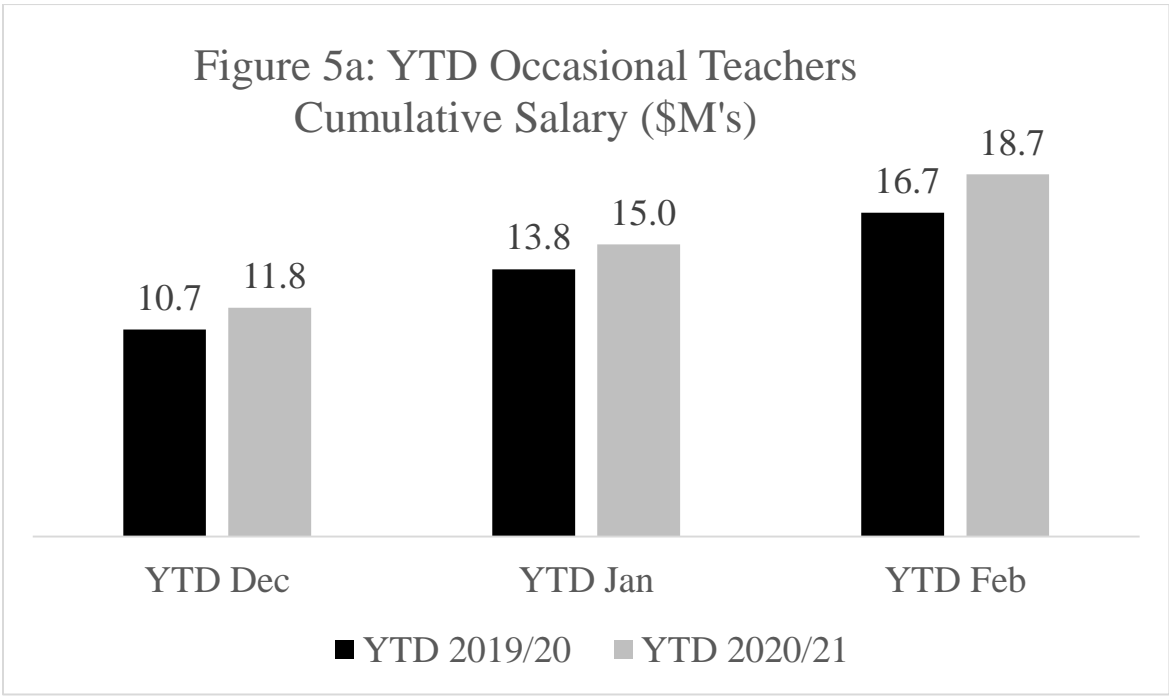
## **STAFF ABSENTEEISM AND EMPLOYEE FAMILY ASSISTANCE PROGRAM**

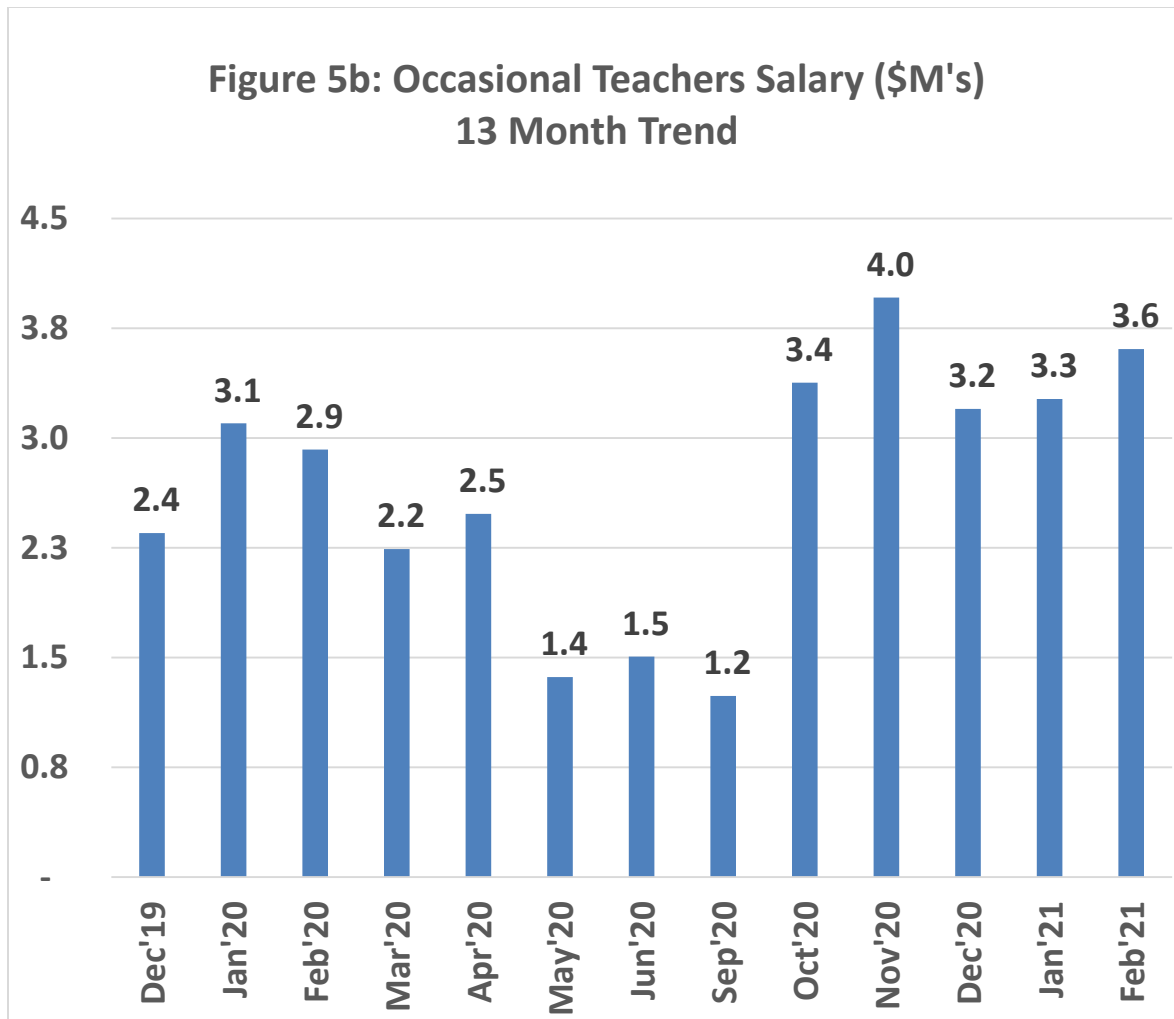
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6. ***Staff Absenteeism Rates and Occasional Fill Rates have decreased overall.*** Recent statistics provide evidence that overall staff absenteeism rates experienced a decrease of 3,030 days over the same period, from the prior year. Although the net absenteeism in Instructional Staff is higher (797 days), the large decrease is driven by the reduction in the Other School Board Employees and the Custodian/Trade/Maint. groups (-3,612 days and -214 days, respectfully). The average absence days per FTE are 11.2 compared to 11.5 in the prior year's first quarter.

\*\* Absence days are inclusive of: Personal/Family Illness Days, Urgent Personal Business Days, Bereavement, Compassionate Leave, Health & Safety Inspections, In Lieu of Planning, Jury Duty/Subpoenaed as Witness, Recoverable, Special Circumstances, Special Permission, Suspension and Teachers' Earned Leave Plan – Partial Paid Days. \*\*

7. ***Staff absenteeism in Instructional groups continues to be an area of concern for the Board.*** The Occasional Teacher costs shown in Figure 5a are expected to come in over the Revised Estimate by \$5.0M. The Board has not been able to fill all teacher absences and the Occasional Teacher cost would be higher still if the teachers were available. Figure 5b illustrates the 13-month trend in Occasional Teachers salary. The first six months of the school year experienced higher levels of salary when compared to prior year. This graph highlights any trends in absenteeism by month, year over year.





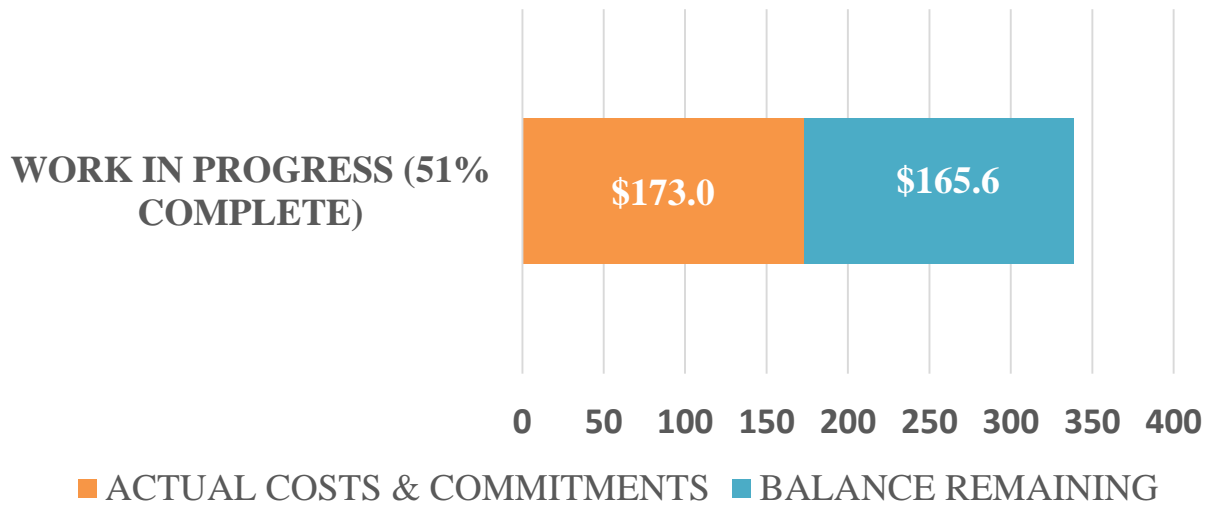

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## **HIGH LEVEL REVIEW OF SCHOOL RENEWAL AND CAPITAL PROJECTS**

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1. ***The Capital program totals \$339 million.*** The Board received Capital Project funding for new schools, additions and childcare spaces. The capital program funding includes Childcare funding and Full Day Kindergarten funding for projects where applicable. Figure 8 illustrates the Ministry approved capital budgets, the amount spent and/or committed, the balance remaining and the percentage completed. **Appendix B** provides more detail regarding the Capital Projects.

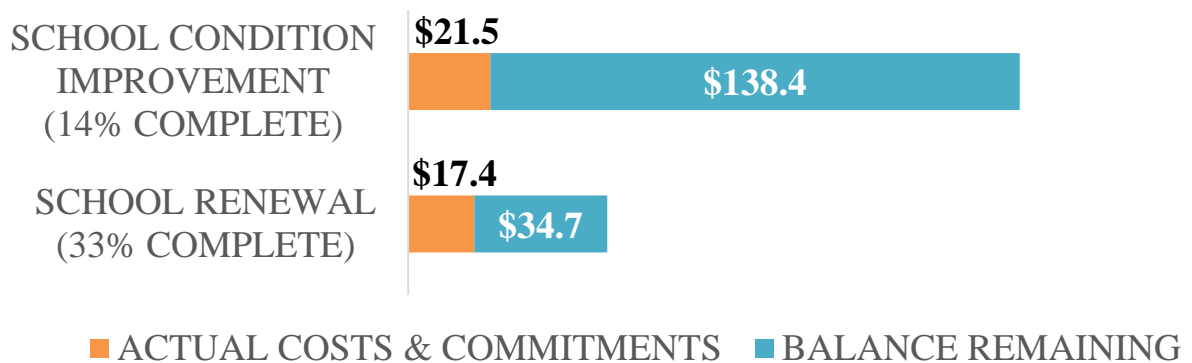
**FIGURE 8: CAPITAL PROJECT SPENDING STATUS  
FOR WORK IN PROGRESS (\$M) NEW**



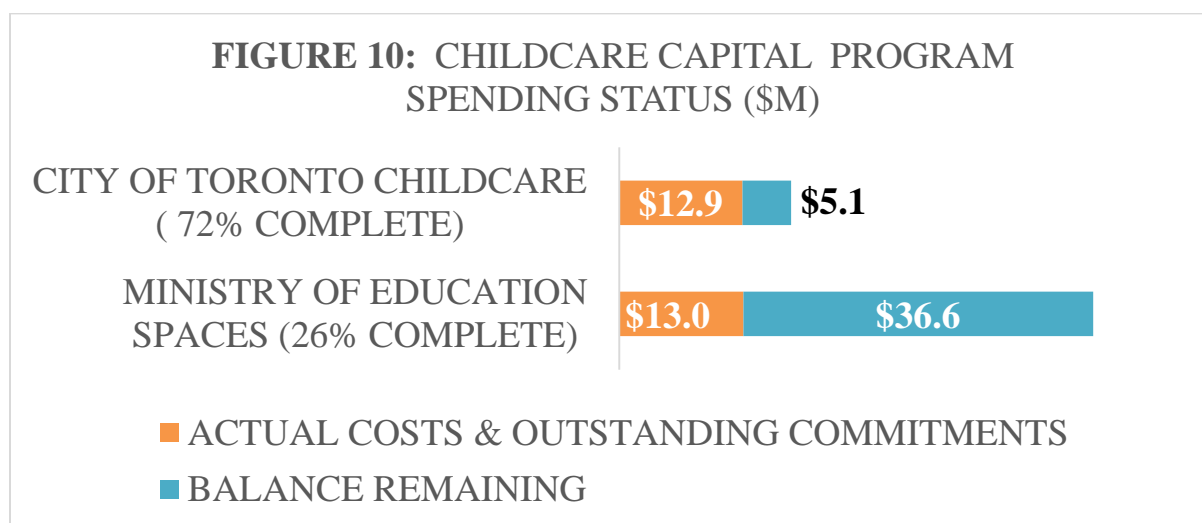
2. *The Renewal Program consists of major building component replacements and site improvements for a total available at September 1, 2020 of \$211.9M with funding of approximately \$173.05M remaining.* The Regular School Renewal Grant, School Improvement Grant and several other grants provide the funding for the School Renewal Program.

Figure 9 provides a high-level view of the Ministry Approved funding, and Appendix C provides the detailed Actual & Committed Amounts spent and the balance remaining for School Renewal and School Renewal Capital Projects to date:

**Figure 9: Renewal Spending Status (\$M's)**



3. ***The childcare program consists of childcare additions, childcares as part of new school construction and retrofit of existing childcares.*** Childcare capital funding is received from the Ministry of Education and the City of Toronto for purposes of building childcare space at specific schools. Figure 10 presents the status of progress to date including the percentage complete, actual and committed costs, as well as the balance remaining for both the Ministry and City of Toronto funded childcares.



## **E. METRICS AND ACCOUNTABILITY**

1. ***Negotiated salary and wage increases are not included in actuals.*** The 1% salary increase negotiated with the various unions for September 2019 and September 2020 will not be paid until the conclusion of all local negotiations.
2. ***The overall actual revenues and expenditures are trending slightly favourable compared with the \$42M deficit approved in the 2020-21 Revised Estimates.*** The Board's latest estimate reflects an in-year deficit of \$33.8M.

## **F. CONCLUDING STATEMENT**

This report is for the consideration of the Corporate Services, Strategic Planning & Property Committee.



**OPERATING EXPENDITURES**  
**@ February 28, 2021**

'000's	Total Revised Estimate	YTD Revised Estimate	YTD Actual	Variance '000's	Variance %	2020/21 YTD % Spent	2019/20 YTD % Spent
<b>Salaries</b>							
Teachers	571,058	338,514	322,100	16,414	4.9%	56.4%	59.0%
Occasional Teachers	27,504	16,503	18,652	(2,150)	-13.0%	67.8%	68.5%
Educational Assistants & ECE's	66,141	39,685	32,713	6,971	17.6%	49.5%	57.7%
Principal & VP	40,639	24,383	23,351	1,032	4.2%	57.5%	60.3%
School Office	19,037	11,422	9,739	1,683	14.7%	51.2%	55.4%
Continuing Education	17,148	10,289	5,060	5,229	50.8%	29.5%	39.0%
Other Instructional	67,227	40,336	32,888	7,448	18.5%	48.9%	58.4%
<b>Sub Total Instruction</b>	<b>808,754</b>	<b>481,131</b>	<b>444,504</b>	<b>36,628</b>	<b>7.6%</b>	<b>55.0%</b>	<b>58.7%</b>
Administration	17,422	8,711	9,596	(885)	-10.2%	55.1%	49.2%
Transportation	1,115	557	461	96	17.3%	41.4%	47.9%
Operations & Maintenance	49,784	24,892	24,194	698	2.8%	48.6%	54.0%
Other	8,591	4,296	3,504	792	18.4%	40.8%	48.6%
<b>Sub Total Non Instruction</b>	<b>76,912</b>	<b>38,456</b>	<b>37,755</b>	<b>701</b>	<b>1.8%</b>	<b>49.1%</b>	<b>52.1%</b>
<b>Total Salaries</b>	<b>885,666</b>	<b>519,587</b>	<b>482,258</b>	<b>37,329</b>	<b>7.2%</b>	<b>54.5%</b>	<b>58.1%</b>
<b>Benefits</b>							
Teachers	87,193	43,596	35,891	7,705	17.7%	41.2%	45.4%
Occasional Teachers	5,818	2,909	3,293	(384)	-13.2%	56.6%	51.8%
Educational Assistants & ECE's	20,774	10,387	9,893	495	4.8%	47.6%	53.2%
Principal & VP	5,307	2,653	2,410	244	9.2%	45.4%	50.8%
School Office	5,671	2,836	2,839	(3)	-0.1%	50.1%	53.8%
Continuing Education	2,634	1,317	1,137	180	13.6%	43.2%	47.8%
Other Instructional	14,770	7,385	6,436	949	12.9%	43.6%	51.2%
<b>Sub Total Instruction</b>	<b>142,167</b>	<b>71,083</b>	<b>61,899</b>	<b>9,184</b>	<b>12.9%</b>	<b>43.5%</b>	<b>47.9%</b>
Administration	5,213	2,607	2,728	(122)	-4.7%	52.3%	52.4%
Transportation	247	124	121	3	2.5%	48.7%	46.4%
Operations & Maintenance	14,673	7,336	6,819	518	7.1%	46.5%	52.9%
Other	1,338	669	376	293	43.8%	28.1%	49.1%
<b>Sub Total Non Instruction</b>	<b>21,472</b>	<b>10,736</b>	<b>10,044</b>	<b>692</b>	<b>6.5%</b>	<b>46.8%</b>	<b>52.5%</b>
<b>Total Benefits</b>	<b>163,639</b>	<b>81,819</b>	<b>71,943</b>	<b>9,877</b>	<b>12.1%</b>	<b>44.0%</b>	<b>48.5%</b>
<b>Operating Expense</b>							
Instructional Expense	44,308	26,585	17,422	9,163	34.5%	39.3%	63.3%
Transportation Expense	39,359	23,616	22,481	1,135	4.8%	57.1%	64.7%
Operations & Maintenance Expense	46,767	23,383	18,182	5,201	22.2%	38.9%	49.5%
Other Non Instructional Expense	4,996	2,498	2,451	47	1.9%	49.1%	33.5%
<b>Total Expense</b>	<b>135,431</b>	<b>76,082</b>	<b>60,536</b>	<b>15,546</b>	<b>20.4%</b>	<b>44.7%</b>	<b>56.8%</b>
<b>Grand Total</b>	<b>1,184,735</b>	<b>677,489</b>	<b>614,737</b>	<b>62,751</b>	<b>9.3%</b>	<b>51.9%</b>	<b>56.7%</b>

## CAPITAL PROJECT

## Appendix B

Financial Update at February 28, 2021

	MINISTRY APPROVAL & COSTS		PROGRESS			
	MINISTRY APPROVED BUDGET	Costs to Date	Outstanding Purchase Order	Costs & Outstanding Purchase Orders ②+③	Balance ①–④	
	①	②	③	④		
Elementary New Schools	167,375,350	71,377,650	7,173,885	78,551,535	88,823,815	47%
Secondary New Schools	98,445,686	33,329,995	2,522,302	35,852,297	62,593,389	36%
Additions - Elementary	72,707,969	56,394,551	2,176,482	58,571,033	14,136,936	81%
	338,529,005	161,102,196	11,872,669	172,974,865	165,554,140	51%

**Elementary New Schools**

**Secondary New Schools**

**Additions**

Twelve (12) Elementary new schools at various stages of completion

Three (3) Secondary new schools at various stages of completion

Sixteen (16) Elementary additions at various stages of completion

## SCHOOL RENEWAL AND SCHOOL CONDITION IMPROVEMENT GRANT BALANCE

## FUNDS REMAINING

Financial Update at February 28, 2021

	SRG Renewal	SRA Renewal	SCI 70% Restricted 70%	SCI 30% Unrestricted 30%	TOTAL
<b>FUNDING AVAILABLE</b>					
Balance Forward - August 31, 2020 EFIS	31,569,495	1,270,554	56,068,470	51,511,693	140,420,212
Grant - 2020-2021 (Estimates & B16:2020)	17,142,224		33,522,645	14,366,848	65,031,717
<b>Total Grant Available for 2020/2021</b>	<b>48,711,719</b>	<b>1,270,554</b>	<b>89,591,115</b>	<b>65,878,541</b>	<b>205,451,929</b>
Add: Accruals (Deducted from EFIS Bal Fwd)	1,957,278	109,663	4,343,107	55,420	6,465,468
Balance Available September 1, 2020 ①	<b>50,668,997</b>	<b>1,380,217</b>	<b>93,934,222</b>	<b>65,933,961</b>	<b>211,917,397</b>
<b>EXPENDITURES &amp; WORK IN PROGRESS (September 1, 2020 - February 28, 2021)</b>					
Actuals - Completed Work	4,996,181	156,704	7,052,825	55,420	12,261,129
*Open Purchase Orders - Work in Progress	12,065,177	140,538	14,359,078	39,261	26,604,055
<b>EXPENDITURES AND OPEN PURCHASE ORDERS ②</b>	<b>17,061,358</b>	<b>297,242</b>	<b>21,411,903</b>	<b>94,681</b>	<b>38,865,183</b>
<b>BALANCE AT February 28, 2021 ①-②</b>	<b>33,607,640</b>	<b>1,082,975</b>	<b>72,522,319</b>	<b>65,839,280</b>	<b>173,052,214</b>

Good morning (Director of Education), Dr. Browne, (Chair of the Board), Mr. Martino and fellow Trustees of the TCDSB,

My name is Michael Calabrese. I am parent with two sons, grade 1 and grade 4 who attend St. Raphael School.

Since Friday, May 7th, I have initiated an online petition regarding the construction of a 21st century school for the students who attend St. Raphael.

To date, I have collected **446 online petitions**. Attached are the online signatures and comments made by supporters of the petition.

The link to the petition is as follows (for your review):

[https://www.change.org/21st\\_century\\_school\\_for\\_St\\_Raphael](https://www.change.org/21st_century_school_for_St_Raphael)

Please formally recognize the desires of the student body and the parent community of St. Raphael School by voting in favour of the Capital Priorities 2021-2022 List of Ten Schools that ranks St. Raphael fourth on the list recommended for **replacement** .

Yours in support of Catholic Education,

*M. Calabrese*

Recipient: Doug Ford, Stephen Lecce, Peter Bethlenfalvy, Brendan Browne, Maria Rizzo

Letter: Greetings,

A 21st century school building for the students of St. Raphael (TCDSB)

# Signatures

Name	Location	Date
Michael Calabrese	Canada	2021-05-05
Monica Afonso	Toronto, Canada	2021-05-07
Mariangela Versace	Toronto, Canada	2021-05-07
Alexandra Adalis	Richmond Hill, Ontario, Canada	2021-05-07
Desiree Clemente	Toronto, Ontario, Canada	2021-05-07
Rosa Barbara-Siconolfi	Etobicoke, Canada	2021-05-07
Carm Cacciato	Toronto, Ontario, Canada	2021-05-07
Anna Cacciato	Toronto, Ontario, Canada	2021-05-07
Patty D'Arienzo	Toronto, Canada	2021-05-07
Diego Cacciato	Toronto, Ontario, Canada	2021-05-07
Sarina Vono	Woodbridge, Canada	2021-05-07
Daniela Russo	Woodbridge, Canada	2021-05-07
mario palazzo	San Severo, Italy	2021-05-07
Pina Crispo	Toronto, Ontario, Canada	2021-05-07
mary grossi	Vaughan, Ontario, Canada	2021-05-07
Rita Chimienti	Toronto, Canada	2021-05-07
Antonietta Giampaolo	Woodbridge, Canada	2021-05-07
Francesca Adamo	Toronto, Ontario, Canada	2021-05-07
Maria Talarico	Toronto, Ontario, Canada	2021-05-07
Joy Rampersad	Toronto, Canada	2021-05-07

Name	Location	Date
Domenica Marino	Vaughan, Canada	2021-05-07
Daniele De Marzi	Woodbridge, Ontario, Canada	2021-05-07
Christina Isabella	Toronto, Canada	2021-05-07
Enza Barbara DiRuscio	Toronto, Ontario, Canada	2021-05-07
Emilia Martelli	Toronto, Ontario, Canada	2021-05-07
Josie Mele	Toronto, Canada	2021-05-07
Lori Paradiso	Toronto, Canada	2021-05-07
Piña Deluca	Toronto, Canada	2021-05-07
Mirella Barbara	Toronto, Ontario, Canada	2021-05-07
Enza Lanni	Toronto, Ontario, Canada	2021-05-07
daniela mignacco	Toronto, Ontario, Canada	2021-05-07
Fatima Bacchus	Brampton, Ontario, Canada	2021-05-07
Fedele Isabella	Toronto, Ontario, Canada	2021-05-07
Julie D'Angelo	Toronto, Ontario, Canada	2021-05-07
Angela De Luca	Toronto, Ontario, Canada	2021-05-07
Natasha Temple	Bolton, Canada	2021-05-07
Stephanie Rodrigues	Toronto, Ontario, Canada	2021-05-07
Vicki D	Toronto, Ontario, Canada	2021-05-07
Antonietta Amico	Toronto, Canada	2021-05-07
Cristina Spagnuolo	Toronto, Canada	2021-05-07
Deb Maguire	Toronto, Ontario, Canada	2021-05-07
Katherine Scalise	Bradford, Ontario, Canada	2021-05-07

Name	Location	Date
Paola Di Giulio	Woodbridge, Ontario, Canada	2021-05-07
Genevieve Grella	Bolton, Canada	2021-05-07
Angelina Addesa	Toronto, Ontario, Canada	2021-05-07
Lina T	Toronto, Ontario, Canada	2021-05-07
Joanne Mendolia	Toronto, Ontario, Canada	2021-05-07
Carla Lombardo	Toronto, Canada	2021-05-07
Rosa Martelli	Toronto, Ontario, Canada	2021-05-07
Antoinette Zanon	Toronto, Ontario, Canada	2021-05-07
Simona Martelli	Toronto, Ontario, Canada	2021-05-07
Carla Fernandes	Toronto, Ontario, Canada	2021-05-07
Stefano Lombardo	Toronto, Ontario, Canada	2021-05-07
Grace MacMillan	Toronto, Canada	2021-05-07
Grazia Bellini	Vaughan, Ontario, Canada	2021-05-07
Jenie Vicente	Toronto, Ontario, Canada	2021-05-07
Melissa M	Toronto, Ontario, Canada	2021-05-07
Shannon Morales	Tottenham, Ontario, Canada	2021-05-07
Jennifer Porto	Toronto, Ontario, Canada	2021-05-07
Laura Scalzo	Toronto, Canada	2021-05-07
Lynn McIsaac Coccari	Etobicoke, Canada	2021-05-07
Felicia Addesa	Toronto, Canada	2021-05-07
Tina Ieraci	Toronto, Canada	2021-05-07
Kelly Estrela	Toronto, Canada	2021-05-07



Name	Location	Date
Michelle Federico	Toronto, Ontario, Canada	2021-05-07
Rose Figliuzzi	Vaughan, Canada	2021-05-07
Rosa Tarascio	Toronto, Ontario, Canada	2021-05-07
Daniel Massaro	Vaughan, Canada	2021-05-07
Liliana Cerqueira	Toronto, Canada	2021-05-07
Richard Lind	Bradford, Ontario, Canada	2021-05-07
Ruby Kilittras	Toronto, Ontario, Canada	2021-05-07
Antonella Candido	Toronto, Ontario, Canada	2021-05-07
Nikki Pinnavaria	Toronto, Ontario, Canada	2021-05-07
Saman Khan	Ajax, Ontario, Canada	2021-05-07
Paquale De Luca	Toronto, Canada	2021-05-07
domenic violillo	Toronto, Ontario, Canada	2021-05-07
Ertuğrul Arıdal	Izmir, Turkey	2021-05-07
Sarah Severin	Toronto, Canada	2021-05-07
Sabrina Izzi	Toronto, Canada	2021-05-07
Jessica Viteri-Lind	Brampton, Ontario, Canada	2021-05-07
Jennifer Nguyen	Toronto, Canada	2021-05-07
Jessica Harwood	Brampton, Ontario, Canada	2021-05-07
Josie Marcantonio	Etobicoke, Canada	2021-05-07
Rita Chawla	Kleinburg, Ontario, Canada	2021-05-07
Daniella D'Angelo	North York, Ontario, Canada	2021-05-07
Shirali Hooper	Burlington, Ontario, Canada	2021-05-07

Name	Location	Date
Tracy St.Croix	Toronto, Ontario, Canada	2021-05-07
colleen araneta	Toronto, Ontario, Canada	2021-05-07
Sadık Çakmak	Toronto, Ontario, Canada	2021-05-07
Grace Araneta	Toronto, Ontario, Canada	2021-05-07
Lisa Lupinacci	Toronto, Ontario, Canada	2021-05-07
Mary Massaro	Vaughan, Canada	2021-05-07
Carmelina Rosauo	Woodbridge, Canada	2021-05-07
Eleonora Di Iella	Kleinburg, Canada	2021-05-07
Dorina Grossi	Toronto, Ontario, Canada	2021-05-07
Franca Marrella	Toronto, Ontario, Canada	2021-05-07
Laura Camerlengo	Woodbridge, Ontario, Canada	2021-05-07
Vivian A	Vaughan, Ontario, Canada	2021-05-07
Lori Caira-Sutherland	Toronto, Ontario, Canada	2021-05-07
Angela Mattiucci	Toronto, Ontario, Canada	2021-05-07
Rita Longo	Toronto, Ontario, Canada	2021-05-07
Lisa Tafuri	Toronto, Ontario, Canada	2021-05-07
Yvonne DE la Rosa	Toronto, Ontario, Canada	2021-05-07
mohammed ahmed	Whitby, Canada	2021-05-07
Dave Ancic	Toronto, Ontario, Canada	2021-05-07
Laura Cerrone	Bolton, Ontario, Canada	2021-05-07
Carmela Bavosa	Toronto, Ontario, Canada	2021-05-07
Vanessa Granzotto	Vaughan, Ontario, Canada	2021-05-07

Name	Location	Date
Suzy Coelho	Toronto, Ontario, Canada	2021-05-07
Rui Fernandes	Toronto, Ontario, Canada	2021-05-07
Joel Hardy	Thunder Bay, Canada	2021-05-07
Amy C	Montréal, Quebec, Canada	2021-05-07
Rann Sharma	Toronto, Ontario, Canada	2021-05-07
Maria saragosa	Toronto, Ontario, Canada	2021-05-07
Shannon Flynn	Toronto, Ontario, Canada	2021-05-07
Elisabetta Marrella-Steddy	Toronto, Canada	2021-05-07
Toni Raimondo	Toronto, Ontario, Canada	2021-05-07
ROBERTO RUSSO	FOGGIA, Italy	2021-05-07
Teresa Malfara	Vaughan, Ontario, Canada	2021-05-07
Lisa Nicopoulos	Toronto, Ontario, Canada	2021-05-07
Christina Angeloni	Brampton, Ontario, Canada	2021-05-07
Alex Cespedes	Mississauga, Canada	2021-05-07
Marianna Sciortino	Toronto, Canada	2021-05-07
Mariella Prochilo	Aurora, Canada	2021-05-07
Rose Malfara	Vaughan, Ontario, Canada	2021-05-07
Marcia Daniel	Mississauga, Canada	2021-05-07
Monica Vertolli	Toronto, Ontario, Canada	2021-05-07
Anna Ciociola	Toronto, Canada	2021-05-07
Marisa Daniel	Toronto, Ontario, Canada	2021-05-07
Constance Rescigno	Woodbridge< ON, Canada	2021-05-07

Name	Location	Date
Stefania Giannetta	North York, Canada	2021-05-07
Elizabeth Caputo	Toronto, Ontario, Canada	2021-05-07
Robert De Luca	Woodbridge, Ontario, Canada	2021-05-07
Julia De Santis	Toronto, Ontario, Canada	2021-05-07
Moe Alvarez	Etobicoke, Canada	2021-05-07
Adele Vescio	Vaughan, Canada	2021-05-07
Lisa Papa	Vaughan, Ontario, Canada	2021-05-07
Andreia Barone	Toronto, Ontario, Canada	2021-05-08
Brenda Bozek	Vaughan, Canada	2021-05-08
Lucie Antonucci	Woodbridge, Ontario, Canada	2021-05-08
Jenny Malfara	Vaughan, Canada	2021-05-08
Amanda Trasolini- Paolella	Toronto, Ontario, Canada	2021-05-08
Mike Caruso	North York, Ontario, Canada	2021-05-08
Sabrina Caruso	North York, Ontario, Canada	2021-05-08
vince picchiello	Toronto, Ontario, Canada	2021-05-08
Mena Zamengo	North York, Canada	2021-05-08
Mary Nicodemo	Toronto, Canada	2021-05-08
Sandra Louro	Toronto, Canada	2021-05-08
Alessandra Axelsson	Toronto, Canada	2021-05-08
Teresa Fabiano	Toronto, Ontario, Canada	2021-05-08
Vito Barbara	Toronto, Ontario, Canada	2021-05-08
Filomena Afonso	Ottawa, Canada	2021-05-08

Name	Location	Date
Sandra Lupinacci	Toronto, Canada	2021-05-08
Kevin White	Stayner, Ontario, Canada	2021-05-08
Alice Chung	North York, Ontario, Canada	2021-05-08
Megan Torgis	Haliburton, Canada	2021-05-08
Josie Leo DelDuca	Toronto, Ontario, Canada	2021-05-08
Nerina Chiodo	York, Ontario, Canada	2021-05-08
Maria Cornacchia	Maple Ontario, Ontario, Canada	2021-05-08
Alfa Singh	Toronto, Ontario, Canada	2021-05-08
Maria Capicotto	Woodbridge, Ontario, Canada	2021-05-08
isabelle maloney	Toronto, Ontario, Canada	2021-05-08
Francis Modica	Toronto, Canada	2021-05-08
Stefan Aceto	Toronto, Ontario, Canada	2021-05-08
Nicolina Kramer	Etobicoke, Ontario, Canada	2021-05-08
Rosa Marcellino	Toronto, Ontario, Canada	2021-05-08
Josephine Christie	Toronto, Ontario, Canada	2021-05-08
Josie Aceto	Scarborough, Ontario, Canada	2021-05-08
Vince D	Toronto, Ontario, Canada	2021-05-08
Peter Di Leo	Toronto, Ontario, Canada	2021-05-08
Nicole Orsi	Toronto, Ontario, Canada	2021-05-08
Mirella Tauro	Vaughan, Ontario, Canada	2021-05-08
Lucia Catania	Vaughan, Ontario, Canada	2021-05-08
Emma Maltus	Gatineau, Canada	2021-05-08

Name	Location	Date
Rita K	Halifax, Canada	2021-05-08
tia .	Ottawa, Canada	2021-05-08
Adele Blandizzi	Toronto, Canada	2021-05-08
Madeleine Thomas	Toronto, Ontario, Canada	2021-05-08
Daniela Ciccarelli	Toronto, Canada	2021-05-08
Alexandra Letch	North York, Canada	2021-05-08
Manuel J Deocampo	Vaughan, Ontario, Canada	2021-05-08
Josie Palladini	Toronto, US	2021-05-08
Tanya Emmanuel	Richmond Hill, Ontario, Canada	2021-05-08
Joseph Malfara	Vaughan, Ontario, Canada	2021-05-08
Natalie Da Silva	Vaughan, Canada	2021-05-08
Josie Florio	Richmond Hill, Ontario, Canada	2021-05-08
Colin Wilkie	Bolton, Ontario, Canada	2021-05-08
David Carnaffan	Sandford, Canada	2021-05-08
Luch Lopez	Woodbridge, Ontario, Canada	2021-05-08
Melissa Preston	Dartmouth, Canada	2021-05-08
Antonio Malfara	Toronto, Ontario, Canada	2021-05-08
Rosa Koraian	Vaughan, Canada	2021-05-08
Victoria Ah Chin	Stouffville, Ontario, Canada	2021-05-08
Rina Calabrese-Csermak	Newmarket, Ontario, Canada	2021-05-08
Teresa Fiorillo	Toronto, Ontario, Canada	2021-05-08
Anna Modica	Toronto, Ontario, Canada	2021-05-08

Name	Location	Date
Rose morra Rose	Toronto, Ontario, Canada	2021-05-08
Antoinette Galloro	Woodbridge, Canada	2021-05-08
Veronica Vujicic	Toronto, Canada	2021-05-08
Grace Malfara	Toronto, Ontario, Canada	2021-05-08
Paula Fantin	Bolingbrook, Illinois, US	2021-05-08
Monica pena	Toronto, Ontario, Canada	2021-05-08
Malfara Sara	Toronto, Ontario, Canada	2021-05-08
Michael Malfara	Toronto, Ontario, Canada	2021-05-08
Fernando Agustin Hooker	Toronto, Ontario, Canada	2021-05-08
Rosa Furlano	Toronto, Canada	2021-05-08
Luca savo	Richmond Hill, Ontario, Canada	2021-05-08
Amanda Finniss	Toronto, Ontario, Canada	2021-05-08
Rosa Passarelli	Vaughan, Ontario, Canada	2021-05-08
Giuliana Capano	Mississauga, Ontario, Canada	2021-05-08
Sara Galloro-Hogan	Toronto, Ontario, Canada	2021-05-08
Rachele Zilli	Woodbridge, Ontario, Canada	2021-05-08
Sanja Kusic	Toronto, Canada	2021-05-09
Nicole Chan	Toronto, Canada	2021-05-09
Maddy S	Whitby, Canada	2021-05-09
Michael Calabrese	Toronto, Canada	2021-05-09
Theresa Simone	Toronto, Canada	2021-05-09
Emily Malfara	Toronto, Ontario, Canada	2021-05-09

Name	Location	Date
Tropea Sandra	Toronto, Ontario, Canada	2021-05-09
tania Cucullo	Vaughan, Ontario, Canada	2021-05-09
Sabrina Niceforo	Woodbridge, Canada	2021-05-09
Anna Montesano	Toronto, Canada	2021-05-09
Frank Furlano	Toronto, Ontario, Canada	2021-05-09
Denise Martino	Maple, Ontario, Canada	2021-05-09
Viviana Congiusti	Toronto, Ontario, Canada	2021-05-09
Mini Green	Toronto, Canada	2021-05-09
Melissa Velocci	Toronto, Ontario, Canada	2021-05-09
Graziella costantino	Bolton, Ontario, Canada	2021-05-09
Aasimah Usuff	Brampton, Canada	2021-05-09
Olga Barros	Toronto, Ontario, Canada	2021-05-09
James Batiz	Burnaby, Canada	2021-05-09
Valentina Matone	Foggia, Italy	2021-05-09
danika bechard	Sarnia, Canada	2021-05-09
Anthony McKinnon	Montréal, Canada	2021-05-09
Mary Santello	Toronto, Ontario, Canada	2021-05-09
Alda Malfara	Toronto, Ontario, Canada	2021-05-09
Antonietta Zeni	Toronto, Ontario, Canada	2021-05-09
Daniella De Sousa	Mississauga, Ontario, Canada	2021-05-09
Vince Malfara	Vaughan, Ontario, Canada	2021-05-09
seedless turtle	toronto, Canada	2021-05-09



Name	Location	Date
Daniela Castagna	Vaughan, Ontario, Canada	2021-05-09
Elecia M	Toronto, Ontario, Canada	2021-05-09
Carol Santagato-Davies	Richmond Hill, Canada	2021-05-09
Joe DAmario	Toronto, Ontario, Canada	2021-05-09
N A	Brampton, Canada	2021-05-09
Ivana Selvaggio	Toronto, Ontario, Canada	2021-05-09
Patricia Frenza Gillins	Toronto, Ontario, Canada	2021-05-09
Mary Clemente	Toronto, Ontario, Canada	2021-05-09
Marcia Smith	Toronto, Canada	2021-05-09
Kenroy gillins	Vaughan, Canada	2021-05-09
John Chimienti	Toronto, Ontario, Canada	2021-05-09
Licia Manocchio	Toronto, Ontario, Canada	2021-05-09
Daniela Aceto	Vaughan, Ontario, Canada	2021-05-09
Tina Saith	Branchton, Ontario, Canada	2021-05-09
Mario Frenza	Brampton, Canada	2021-05-09
Richard Manocchio	Toronto, Ontario, Canada	2021-05-09
Jennifer Donato	Toronto, Ontario, Canada	2021-05-09
Albert Leonardo	Vaughan, Ontario, Canada	2021-05-09
Nicholas Manocchio	Toronto, Ontario, Canada	2021-05-09
JP Dabb	Toronto, Canada	2021-05-09
Michelle Manocchio	Toronto, Ontario, Canada	2021-05-09
Alana Young	Toronto, Ontario, Canada	2021-05-09

Name	Location	Date
Stefan Tountas	Toronto, Ontario, Canada	2021-05-09
Melissa Dab	Scarborough, Ontario, Canada	2021-05-09
SONIA FERREIRA	Mississauga, Ontario, Canada	2021-05-09
Sonia Bellissimo-Marshall	Caledon, Ontario, Canada	2021-05-09
Evan Cyr	Moncton, Canada	2021-05-09
Veronica L	Markham, Ontario, Canada	2021-05-09
Frances De Luca	Maple, Ontario, Canada	2021-05-09
Oswaldo Romero	Toronto, Ontario, Canada	2021-05-09
Grace Arena	Toronto, Canada	2021-05-09
Hermie Monterde	Winnipeg, Canada	2021-05-09
Mary Saith	Toronto, Ontario, Canada	2021-05-09
Bianca Di Santo	Toronto, Canada	2021-05-09
Eliana Tiberio	Toronto, Ontario, Canada	2021-05-09
Matt Jonah	Moncton, Canada	2021-05-09
Vince Arena	Toronto, Ontario, Canada	2021-05-09
Lea Lion	Toronto, Ontario, Canada	2021-05-09
Glen Adams	Burnaby, Canada	2021-05-09
Kate Tofflemire	Windsor, Canada	2021-05-09
Isabelle Su	Calgary, Canada	2021-05-09
Rosa Arena	Toronto, Ontario, Canada	2021-05-09
Anj Maiato	Canada	2021-05-09
Justin Saith	North york, Ontario, Canada	2021-05-09

Name	Location	Date
Kevork Dourian	Scarborough, Canada	2021-05-09
Katherine Vorobiev	Newmarket, Ontario, Canada	2021-05-09
Jessica Mammoliti	Toronto, Canada	2021-05-09
Natalie Cammalleri	Thornhill, Ontario, Canada	2021-05-09
Gabriella Noble	Toronto, Ontario, Canada	2021-05-09
Thomas Jakob	Mississauga, Ontario, Canada	2021-05-09
Alex Vorobiev	Toronto, Ontario, Canada	2021-05-09
Katanna Boudreau	North Vancouver, Canada	2021-05-09
Cheri DiNovo	toronto, Canada	2021-05-09
Aoi Asahina	Canora, Canada	2021-05-09
Ligia Simoes	Toronto, Canada	2021-05-09
Hunter Gregorin	Toronto, Canada	2021-05-09
Jessica Perna	Toronto, Ontario, Canada	2021-05-09
Judi Calado Costa	Mississauga, Ontario, Canada	2021-05-09
Nadia Bellini	Toronto, Canada	2021-05-09
Joyce Costa	Mississauga, Ontario, Canada	2021-05-09
Maimuna Ali	Toronto, Canada	2021-05-09
Carmela Chimienti-Jakob	Mississauga, Ontario, Canada	2021-05-09
Taseer Aziz	Oshawa, Canada	2021-05-09
Amanda Nicolucci	Toronto, Ontario, Canada	2021-05-09
Tracy Bonanno	Toronto, Ontario, Canada	2021-05-10
Priyanka Chotalia	Yellowknife, Canada	2021-05-10

Name	Location	Date
Mehran Islam	Montréal, Canada	2021-05-10
Laura Tulk	Toronto, Canada	2021-05-10
Stefan Serrentino	Toronto, Ontario, Canada	2021-05-10
Lilliana Li	Ottawa, Canada	2021-05-10
Linda Lee	Toronto, Canada	2021-05-10
danica godden	Langley, Canada	2021-05-10
Bai Mi	Hamilton, Canada	2021-05-10
Martin Nicholls	Maple, Ontario, Canada	2021-05-10
Ashleigh Saith	Toronto, Canada	2021-05-10
Ryan Phillips	Lincoln, UK	2021-05-10
marco Scarsella	Toronto, Ontario, Canada	2021-05-10
Julie Johnston	Richmond Hill, Ontario, Canada	2021-05-10
Eloise Adelt Toste	Ottawa, Canada	2021-05-10
Bella Johnson	Toronto, Canada	2021-05-10
Alli Kleiss	Chilliwack, Canada	2021-05-10
Vicky Crimi	Toronto, Ontario, Canada	2021-05-10
Kristina Tiberio	Toronto, Ontario, Canada	2021-05-10
Vince Morgillo	Toronto, Ontario, Canada	2021-05-10
Domenica Ruscica	Toronto, Ontario, Canada	2021-05-10
Muhhamad Zain	Cambridge, Canada	2021-05-10
David Astorino	Woodbridge, Ontario, Canada	2021-05-10
Chris Rapos	Kingston, Canada	2021-05-10

Name	Location	Date
Maura Mansueto	Naples, Italy	2021-05-10
Rose Da silva	Toronto, Ontario, Canada	2021-05-10
Damiano Galloro	Toronto, Canada	2021-05-10
Daniela Selvaggio	Toronto, Ontario, Canada	2021-05-10
Navid Abootalebi Jahromi	Toronto, Canada	2021-05-10
Elisangela Paula	Toronto, Ontario, Canada	2021-05-10
Rina Teschl	Toronto, Ontario, Canada	2021-05-10
Madison Cavill	Calgary, Canada	2021-05-10
Connie Iskric	Toronto, Ontario, Canada	2021-05-10
Cristina Erteki	Toronto, Canada	2021-05-10
Sandy DiBona	King City, Canada	2021-05-10
Jackie Maclean	Aurora, Canada	2021-05-10
Joe Suppa	Toronto, Canada	2021-05-10
Paola Pace	Toronto, Ontario, Canada	2021-05-10
Beata Gruosso	Flesherton, Ontario, Canada	2021-05-10
Brenda Chalifoux	Fort Simpson, Canada	2021-05-11
Alyssa Winkelmann	Warrenton, US	2021-05-11
Lucy Manaloto	Markham, Canada	2021-05-11
Arianne paquettea24@csdmedu.ca	Montréal, Canada	2021-05-11
Kristin Clemente	Barrie, Ontario, Canada	2021-05-11
May Hannah	Glasgow, UK	2021-05-11

Name	Location	Date
Shannen Lucmayon	Richmond Hill, Canada	2021-05-11
Angel Brainard	Leander, US	2021-05-11
Leni Teoli	Montréal, Canada	2021-05-11
Linda Frascino	Toronto, Canada	2021-05-11
Christopher DelMauro	561 - Jupiter, FL, US	2021-05-11
Matthew Brunet	Owen Sound, Canada	2021-05-11
Kristina Fetterolf	Midland, Michigan, US	2021-05-11
Miao chan Tan	Queens, US	2021-05-11
Jess Moerman	Mississauga, Canada	2021-05-11
Sandra Peebles	Houston, US	2021-05-11
Jazmine Cartier	Chatham, Canada	2021-05-11
Andrew Moura	Cambridge, Canada	2021-05-11
Caitlin Brodie	Mississauga, Canada	2021-05-11
Susan Jackson	Etobicoke, Canada	2021-05-11
Alfonsina D'Ascenzo	Montenero di Bisaccia, Italy	2021-05-11
Alessia Martineau	Rouyn-noranda, Canada	2021-05-11
Lynda Larsen-Baldry	Kanata, Canada	2021-05-11
Janai Mattinson	Oxford, Canada	2021-05-11
Faustina Lanzillotti	Toronto, Canada	2021-05-11
Michelle Lagos	Sharon, Canada	2021-05-11
Susan Payne	Jarvis, Canada	2021-05-11
Christine Cheng	Toronto, Canada	2021-05-11

Name	Location	Date
Celina Hy	Calgary, Canada	2021-05-11
Maria Martinez	Calgary, Canada	2021-05-11
Marcello Barone	Toronto, Ontario, Canada	2021-05-11
Emily Amajiki	Saint John, Canada	2021-05-11
Philipose Philip	Woodbridge, Canada	2021-05-11
MOHAMMAD ALI TEZAYAT	Toronto, Canada	2021-05-11
Debbie Kirkpatrick	Brampton, Canada	2021-05-11
Karen Fisher	Markham, Canada	2021-05-11
Anne Delos Reyes	Calgary, Canada	2021-05-11
Damara Kettlesblack	Toronto, Canada	2021-05-11
Dave Andersen	Markham, Canada	2021-05-11
Jit Bhardwaj	Leduc, Canada	2021-05-11
Robert Garofalo	Whitby, Canada	2021-05-12
David Michaux	Victoria, Canada	2021-05-12
Maria Guglielmi	Vaughan, Canada	2021-05-12
Harpreet Sodhi	Oakville, Canada	2021-05-12
Michelle Monaco	Richmond Hill, Canada	2021-05-12
Vanessa Mirabelli	Toronto, Canada	2021-05-12
Alanna M	Bolton, Ontario, Canada	2021-05-12
Caroline Fazio	Kitchener, Canada	2021-05-12
Brianna Gagliano	Bolton, Canada	2021-05-12
Angela Iamundo	Woodbridge, Ontario, Canada	2021-05-12

Name	Location	Date
Angelo Bernardo	Toronto, Canada	2021-05-12
Julia Talarico	Toronto, Ontario, Canada	2021-05-12
Alessia Pileggi	Toronto, Ontario, Canada	2021-05-12
Angela Abbatangelo	Richmond Hill, Canada	2021-05-12
Shamoni Bkoskolan	Toronto, Ontario, Canada	2021-05-12
Tessa Screnci	Toronto, Canada	2021-05-12
Daniele Spaziani	Toronto, Ontario, Canada	2021-05-12
Cristina Diniz	Maple, Canada	2021-05-12
Sarah Novielli	Toronto, Ontario, Canada	2021-05-12
Christine Thai	Brampton, Canada	2021-05-12
Brandon Monserrate	Toronto, Ontario, Canada	2021-05-12
Isaac Walker	Smiths falls, Canada	2021-05-12
David Curry	Canada	2021-05-12
Daniela Mayorga	Brampton, Ontario, Canada	2021-05-12
J D	North York, Ontario, Canada	2021-05-12
Theresa Martinez	Woodbridge, Canada	2021-05-12
Robert Moura	Tottenham, Ontario, Canada	2021-05-12
Frank Pascuzzi	Woodbridge, Ontario, Canada	2021-05-12
Ashley Chiappetta	Woodbridge, Ontario, Canada	2021-05-12
Domenic Servello	Vaughan, Ontario, Canada	2021-05-12
Carlo Mirabelli	Woodbridge, Canada	2021-05-12
Gittens Gittens	Scarborough, Ontario, Canada	2021-05-12



Name	Location	Date
Ally Marino	Toronto, Ontario, Canada	2021-05-12
Michelle Matta	Mississauga, Canada	2021-05-12
Antonella Caggianiello	Toronto, Canada	2021-05-12
Amanda D	Mississauga, Canada	2021-05-12
Emilee Tones	Smiths Falls, Canada	2021-05-12
aleyaa ibrahim	stouffville, Canada	2021-05-12
Valentina Martinez	Maple, Ontario, Canada	2021-05-12
Chanttel Florez	Toronto, Ontario, Canada	2021-05-12
Jerrold Magbitang	Chapleau, Ontario, Canada	2021-05-12
Ryan Yang	Halifax, Canada	2021-05-12
Amanda Sweetnam	Toronto, Ontario, Canada	2021-05-12
Gloria Mendez	Richmond Hill, Ontario, Canada	2021-05-12
Madhurbain Kaur	Brampton, Canada	2021-05-12
Marian Azeem-Angel	Gainesville, Florida, US	2021-05-12
Taylor Barona	Vaughan, Ontario, Canada	2021-05-12
Sara Florez	Toronto, Ontario, Canada	2021-05-12
Alex Corey	Bosnia	2021-05-12
Daisy M	Markham, Canada	2021-05-12
Samantha Spaziani	Toronto, Ontario, Canada	2021-05-12
Michele Curia	Woodbridge, Ontario, Canada	2021-05-12
all options	Toronto, Canada	2021-05-12
Keira Hennigar	Halifax, Canada	2021-05-12

Name	Location	Date
Pierrette Kiedrowski	Freeport, Bahamas	2021-05-12
Sergio Florez	Ottawa, Canada	2021-05-12
Amanda Florez	Toronto, Ontario, Canada	2021-05-12
haley mulville	perth, Canada	2021-05-12
Lara Donnelly	Ottawa, Canada	2021-05-12
Terry-Ann W	Toronto, Ontario, Canada	2021-05-12
Matilda Copenhagen	Shawville, Canada	2021-05-12
Maeve Laing-Gatehouse	Canada	2021-05-12
Clarissa Oakes	Fort Smith, US	2021-05-12

Recipient: Doug Ford, Stephen Lecce, Peter Bethlenfalvy, Brendan Browne, Maria Rizzo

Letter: Greetings,

A 21st century school building for the students of St. Raphael (TCDSB)

# Comments

Name	Location	Date	Comment
Monica Afonso	Toronto, Canada	2021-05-07	"My 3 children attend this school and they deserve better. They deserve a school that isn't falling apart. They deserve an area to play at recess. They deserve proper ventilation, working washrooms on EACH floor, windows that actually open and the list goes on."
Daniela Russo	Woodbridge, Canada	2021-05-07	"building new school"
Rita Chimienti	Toronto, Canada	2021-05-07	"I'm signing this because in the year 2021, with the amount of resources and technology that exist to provide our children with quality education, no child should have to learn in these conditions. The current state of disrepair of this building and more specifically the lack of a mechanical ventilation system does NOT foster the "quality" public education that we pride ourselves of here in the province of Ontario. For the sake of all the children in this school, let us give them an environment that nurtures education and makes our kids, including my 7 and 9 year old, really proud to be students of St Raphaels."
Joy Rampersad	Toronto, Canada	2021-05-07	"My children go to St. Raphael and the building needs to be replaced."
Lori Paradiso	Toronto, Canada	2021-05-07	"Lori Paradiso"
Daniele De Marzi	Woodbridge, Canada	2021-05-07	"The school board talks about children safety and health is their main concern yet in the almost 60 year what investments have they made in upgrading the school to modern towards 2021 standards. The answer is none. A new school is need to meet what they claim!"
Piña Deluca	Toronto, Canada	2021-05-07	"My son deserves a playing area and proper ventilation as any human deserves!"
Daniele De Marzi	Woodbridge, Canada	2021-05-07	"The school board claims that their students health and safety is number one concern. Yet in the almost 60 year since the school was built what investments has the board made toward upgrading St. Raphael. The answer we know is none that would move the school toward modern standards. The children and staff need a new school!"
Antoinetta Amico	Toronto, Canada	2021-05-07	"For the kids!"
Tina Ieraci	Toronto, Ontario, Canada	2021-05-07	"Students need a healthy and safe environment to learn in."
Liliana Cerqueira	Toronto, Canada	2021-05-07	"In support of our teachers and students"
Jennifer Nguyen	Toronto, Canada	2021-05-07	"Schools need to be properly equipped and prepared to protect the teachers and students that attend them."
Alex Cespedes	Mississauga, Canada	2021-05-07	"The best school ever"

Name	Location	Date	Comment
Marianna Sciortino	Toronto, Canada	2021-05-07	"I'm signing this for the well being and education of the children. A better quality building brings better education and learning for these students, which they deserve regardless."
Constance Rescigno	Woodbridge&lt;br/>ON, Canada	2021-05-07	"The school needs upgrades and better air circulation."
Stefania Giannetta	North York, Canada	2021-05-07	"I graduated from St. Raphael June 1988. My son graduated from St. Raphael June 2019. Aside from the incredible teachers and staff not much else has changed! I no longer have children attending but this community deserve a safe new school."
Francis Modica	Toronto, Canada	2021-05-08	"I live in the neighborhood and we were going to send our daughter to this school, but now I am not so sure. These issues need to be resolved because our children deserve better!"
Daniela Ciccarelli	Toronto, Canada	2021-05-08	"I'm a past student of Raphael's."
Sanja Kusic	Toronto, Canada	2021-05-09	"Students and staff deserve a safe school with proper ventilation, a decent playground and washrooms on every floor."
Sabrina Niceforo	Woodbridge, Canada	2021-05-09	"Students' learning environment is as important their learning."
Carol Santagato-Davies	Richmond Hill, Canada	2021-05-09	"All students should be afforded education in a facility that meets health and safety codes, reflects 21st century advancements, and is equitable to that of other students in the same Board."
Kenroy gillins	Vaughan, Canada	2021-05-09	"My son attended this school"
Cheri DiNovo	toronto, Ontario, Canada	2021-05-09	"Time for safe schools!!"
Sandy DiBona	King City, Canada	2021-05-10	"Long Overdue!"
Beata Gruosso	Guelph, Canada	2021-05-11	"This was my elementary school many years ago. Now, my childhood friends children attend this school. These children deserve a safe environment"
Maria Guglielmi	Vaughan, Canada	2021-05-12	"Maria Guglielmi"
Caroline Fazio	Kitchener, Canada	2021-05-12	"This is a wonderful school with the most amazing teacher that care for their students so much and they need a new building"
Angela Abbatangelo	Richmond Hill, Canada	2021-05-12	"My friend works there and i care about her health"
Carlo Mirabelli	Woodbridge, Canada	2021-05-12	"Ministry of Education has distributed \$700 million thru the OECM program for school boards to use for improvements related to Covid 19. To date the allocated funds are sitting there , waiting for someone at there board to initiate there wish list of improvements needed."

Dear Trustees,

I am here tonight on behalf of the St. Jerome CSPC to delegate for our school community. The concerns St. Jerome's face as a community is of the utmost importance to us. Our aging school facility, built in 1963, has experienced noticeable problems. At the forefront of our concerns is the installation of awning style windows in our non-mechanically ventilated building. However, beyond our concerns of poor ventilation and incorrect windows, our aging school must also deal with old and decaying bathroom facilities which are in desperate need of repair. In the recent past, we have had to deal with major leaking from our washrooms, one of which leaked into the classroom below and the other which caused the entire ceiling to collapse! This is not exclusive to our kindergarten washrooms which deserve a complete renovation to properly service our youngest children. And while we experience many issues indoors, our outdoor facility is also experiencing the effects of aging. Our asphalt is in serious need of repair making it difficult for our children to safely run and play or even train for track and field on our crumbling pavement.

Our community cannot ignore that we are growing and growing quickly. Our school population is projected to be 640 students next year and rising. This increase in school population is causing a strain as our school building can no longer properly accommodate our growing enrolment. We simply do not have the space. We no longer have the space to accommodate expanding classes or proper rooms for important meetings regarding our children or the ability to potentially house speciality programs like 5th block or to add another Special Education Resource classroom or to expand our English as a Second Language program in our high immigrant community. Each year we continue to add portables to our school yard. We have added two portables every year for the past 4 years with very little consideration to their placement in our school yard. How many portables can St. Jerome's properly accommodate on our school grounds? Our school already could not handle the amperage from the portables installed in the summer of 2020 and we were required to connect them to the city lines. The increase of portables on our school grounds also means that our children have less and less space for proper play. We are quickly running out of space with no end in sight. How much longer can we allow this to go on?

Our increase in enrolment has also led to many other issues. Our kindergarten yard is inadequate in size and terrain. We cannot properly accommodate all four kindergarten classes at the same time outside. Our school gym is also too small to accommodate our current population which means our children do not have the opportunity to gather as a whole school community and celebrate or pray together. Also, with a single gym and the number of classes we have, it is impossible to schedule every class for a Gym period, leaving many classes to have gym outdoors all year round. The increase in enrolment also means an increase in staff. The school parking lot is overcapacity to even accommodate our present staff which means there are no spaces for parent visitors or school guests to park. We risk parking tickets just to volunteer at our school or attend important meetings regarding our children. Our library is also painfully tiny to meet the needs of our school community. Its size was reduced to accommodate the French Immersion Kindergarten class.

We cannot ignore that our French Immersion program continues to grow at our school. Our school was at 97% capacity when French Immersion was approved for our school. We were completely unaware of the strain this program would place on our infrastructure and in turn on our children. What plans were put in place to properly grow this program? We also cannot ignore the development at Downsview Park as the new development is in our catchment area. We cannot ignore the new condominiums that continue to be built along Keele Street. Once the owners can occupy, they, too, will fall within our catchment area. We cannot ignore that our neighbourhood is growing. Our current structure is unable to accommodate this steady growth; a growth that TCDSB itself once projected to exceed upwards of 800 students for our school. Time is of the essence. We are concerned that, ultimately, our growing community will no longer have access to our school as we are already over 175% capacity!

One of our primary concerns is providing a fair and equitable educational experience for our community. We are concerned that we are potentially creating an inequitable situation for a community who already experience difficult life circumstances as we are a high immigrant, working class community. Our school population is primarily made up of marginalized and new immigrant families along

with a high number of single parent homes. Our families deserve a school that is easily accessible to us. Our families deserve a school structure that properly and safely accommodates our children's learning needs. Our families deserve the proper space to accommodate before and after school care. Our families deserve the proper space to accommodate a daycare as this program currently occupies two potential school classrooms. We deserve the proper space to meet the needs of our marginalized community.

Our school community does amazing work each and every day, despite the challenges we face with a deteriorating, unsafe building that no longer meets our needs. At our most recent CSPC meeting, it was brought to our attention that new funding has been supposedly allocated to our school in the amount of upwards of 1.5 million dollars. How is this cost effective? Clearly, the TCDSB recognizes the debilitating situation at our school, however, no amount of money from these grants will fix our space issue. Distinguished Board of Trustees, Director Browne and all superintendents, I implore you to consider this: why is the St. Jerome community being offered band aids for a situation that requires stitches. The school of St. Jerome must be put forth as one of the top capital project schools for the Ministry of Education to consider.

Thank you



Dear Trustee Kennedy,

Thank you for inviting the St Monica Parent Council to participate in the capital priorities meeting. Our apologies for not being able to get back to you in enough time to participate in person. Please accept the following letter on behalf of our Parent Council to advocate on behalf of the students and staff.

Good evening Director Browne, Trustees, Senior staff,

Thank you for the opportunity to provide a parent perspective in the capital priorities discussion. St. Monica elementary school has long been on the list of capital priorities for a replacement school. It's time that the important work to build a replacement school for the students of St. Monica begins.

St. Monica is an oversubscribed school. Every year students are turned away from our catchment area because there is not enough room in the building to accommodate them. Some of the students go to other Catholic schools whereas others choose to stay within their catchment area and go to the public school. We would rather have the appropriate space to include all members of our Catholic family in our school.

Staff have been creative about creating learning spaces. Every room in the building is well utilized. The library functions as a classroom. The gym functions as a classroom for Physical education and also for music. As parents we recognize the importance of children having the ability to expand their horizons through exploring literacy options in the library, have space to creatively use the gym and participate in music. Currently due to restrictions in space these opportunities are not optimal.

The literacy room has been turned into a room for special education. Special education classes and English language learner classes are held in the hallway or in alcoves in the hallway. As parents we want to ensure every child has an optimal learning environment which is currently not possible.

We want every student to feel welcome and accepted however, this is difficult when our school is not functionally accessible. We have children at the school who have physical needs. There is one lift in the school which works very slowly when it does work. It allows children to access the first and second floors but the third floor is not accessible.

St. Monica is in need of a new playground. This is something that we have discussed and supported at the Parent Council for several years. The students at St. Monica deserve a good playground, however, we are reluctant to fund an initiative such as this when it is really a new school which is needed.

Temperature regulation within the school building is an ongoing issue. In the winter months the classrooms are very warm and in the spring and fall only a few rooms have air conditioning. The parents appreciate the upgrade of the ventilation system secondary to the pandemic.

Technology and internet access is essential to keep up with the new educational initiatives, teaching students to critically appraise information gathered from the internet and evolving curriculum. Recently at St. Monica's there was a wifi update however there are ongoing connectivity issues. Use of technology is important in day to day classroom activities and it is also particularly essential to some individuals learning and IEPs.

Given that there are several condo projects on the cusp of being finished as well as others that will be finished in the near future, it is important that St. Monica be able to accept all of the Catholic children who live in the catchment area. This will not be possible with the current building.

On behalf of all the current and future students of St. Monica Elementary School the parent council would ask the board to make St. Monica a priority to ensure that everyone is included and welcomed.

Sincerely,  
Laura McAdam  
Secretary, Parent council

*Geoffrey F. Cauchi, LL.B, CIC.C*

By email attachment to multiple addressees

May 4, 2021

Toronto Catholic District School  
80 Sheppard Ave. E.,  
Toronto, ON  
M2N 6E8

Attention: Chair of the Board  
All Trustees  
Director of Education  
Integrity Commissioner

Dear Sirs et Mesdames:

**Re: Board Communication on the Legal Issues Arising from Conflicts of Interests at the TCDSB**

*“Dissent, in the form of carefully orchestrated protests and polemics carried on in the media, is opposed to ecclesial communion and to a correct understanding of the hierarchical constitution of the People of God. Opposition to the teaching of the Church’s Pastors cannot be seen as a legitimate expression either of Christian freedom or of the diversity of the Spirit’s gifts. When this happens, the Church’s Pastors have the duty to act in conformity with their apostolic mission, insisting that the right of the faithful to receive Catholic doctrine in its purity and integrity must always be respected.”*

Pope St. John Paul II, Papal Encyclical, *Veritatis Splendour*, n. 113.2

I practise law in Ontario, but I write this communication to the School Board as a ‘friend of the Board’, and not on behalf of any client. Some of the current Trustees have a tenure long enough to remember that, in 2011, I submitted to Cardinal Collins (primarily) and, secondarily, to all of the Trustees of the Board and the Assembly of Catholic Bishops of Ontario, a similar “friend of Cardinal” legal opinion on the Equity and Inclusive Education Policy, generally, and on the subject of so-called “Gay-Straight Alliance” groups in your schools, specifically. That opinion, dated May 18, 2011, as well as another legal opinion submitted by Toronto lawyer Michael Osborne, was the subject of a detailed analysis by your Board’s solicitors, BLG, which was in turn communicated to the Trustees by way of a Memo dated August 31, 2011 (the “2011 BLG Opinion”).

I am a Catholic Elector of the Halton Catholic District School Board, and have been following the recent public controversy arising from its handling of its “Rainbow Flag Resolution” and “Critical Race Theory Resolution” (my terms). That controversy has sparked a number of conversations among Catholic electors of both my Board and yours.

It is my understanding that your Board (the “TCDSB”) is about to deliberate on resolutions to approve the flying of the “Rainbow Flag” at its schools during the month of June, 2021, and approve moving forward with a plan to incorporate into its curricula the ideologies promoted by the organization that goes by the name Black Lives Matter, and those that come under the general description of “Critical Race Theory”.

As a member of the “Class of Persons” in the Province of Ontario who possess what is known as Denominational Rights, I cannot resist the urge to again volunteer my assistance to the Board in helping it avoid serious errors in corporate governance. I have over thirty years experience in providing legal advice in this area to regulated financial institutions, and also served nine years as a volunteer member of the Board of Directors of my local Children’s Aid Society, including one year as Chair of the Board, and one year as Past-Chair. My input here is offered in good faith, and I trust, just as my 2011 submission was received in good faith, it too will be received in good faith.

I also trust that all of the Trustees of the TCDSB honestly acknowledge that they owe fiduciary duties to all of their Catholic Electors who support the Constitutionally Protected Mandate I will explain below. I do not know how I could draw any contrary inference from the requirement in clause 1(d) of your *Code of Conduct* that each Trustee “recognize and rigorously defend the constitutional right of Catholic education”, as well as the public record of each of them answering “I will” to the question – “***Will you be faithful to the teachings of the Church and to the Primacy of the Roman Pontiff and the authority of the Magisterium?***” --- when they each took the oath of office after their election to the office of Trustee. I also trust that all of the Trustees know and understand the implications of the word “Magisterium”, and can discern when a person who is lobbying them on denominational issues dissents from the teachings of the Magisterium.<sup>1</sup>

In this context, my legal commentary to you must be viewed as coming from someone whose interests are perfectly aligned with what should be considered the legitimate interests of the Trustees. There is no ***conflict of interest*** that I need to disclose to you in making my submissions. I am a member in good standing of the Catholic Church and a Catholic Elector of my own Board who considers himself bound, as a matter of conscience, to observe all of the magisterial teachings of the Catholic Church. This is the only religion that I have embraced. I am NOT a believer in the “Religion of OECTA”, and not a member of the “Church of OECTA”. These two “religions” are incompatible.<sup>2</sup> Moreover, in my opinion, as a lawyer, the TDSCB

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<sup>1</sup> “In brief, the magisterium consists of what the pope and the bishops in union with him officially teach. The Second Vatican Council, in its 1965 *Dogmatic Constitution on Divine Revelation (Dei Verum)*, refined this understanding of the Church’s magisterium when it taught that ‘the task of giving an authentic interpretation of the Word of God, whether in its written form or in the form of Tradition, has been entrusted to the living teaching office of the Church alone’ (10)”: Kenneth D. Whitehead, entry for *Magisterium*, Encyclopedia of Catholic Social Thought, Social Science and Social Policy (Lanham, MD: Scarecrow Press, Inc., 2007).

<sup>2</sup> Members of the Church of OECTA will often refuse to admit that they have, in a spiritual sense, left the Catholic Church and become what Pope St. John Paul II sometimes called “practical atheists”, often euphemistically couching their lobbying efforts directed at Catholic Trustees as merely an appeal to a “broader vision” of Catholicism than that of the Magisterium. Then there are other Catholic Electors who deny any close association

does not have the legal or constitutional authority to engage in the religious indoctrination of its students in any religion other than the Catholic religion, as taught by its Magisterium.<sup>3</sup>

I think this is an opportune time for the TCDSB to review its conflicts of interest “management” obligations, and take appropriate action. In my opinion, a failure to do so could materially expose the TCDSB and many of its individual Trustees to valid legal claims asserted by its Catholic Electors.

### **The Executive Summary:**

1. The TCDSB itself owes fiduciary duties to its Catholic Electors who support the Constitutionally Protected Mandate of the Board, as defined in cases such as *Daly*. This Mandate is derived from the rights and privileges referred to in section 93 of the *Constitution Act, 1867* (“Section 93”). To say so, and to go further and say this Mandate *informs* the content and parameters of the fiduciary duties is NOT to improperly use “Section 93” as a “sword” against the Board and its Trustees, as objected to by the authors of the 2011 BLG Opinion. The Trustees, in turn, owe a fiduciary duty to the Board to not act or vote in a way that frustrates the ability of the Board to fulfill its fiduciary duties to the Catholic Electors.
2. There are some basic and fundamental duties that are common to all fiduciary relationships. These include, broadly, a duty of full disclosure and a duty of loyalty to the beneficiary of the fiduciary party (i.e., to put the interests of their beneficiaries above their own personal interests and those of any third party special interest group). However, the full and precise scope of the fiduciary duties in any given case is further informed and defined by any unique features of the particular fiduciary relationship involved (e.g., financial advisor/client, doctor/patient, Priest/parishioner, trustee of a

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with the Church of OECTA, but who nevertheless then attempt to bully our Trustees into approving their own idiosyncratic and subjective religious beliefs that are incompatible with magisterial teachings, and imposing them, by their decisions, on everyone else connected with the Board. Such Catholics are proud of their *dissent* from the magisterial teachings and do not tolerate dissent from their dissent. I do dissent from their dissent. I want my Trustees to be accountable to the faithful Catholic Electors, and I presume that they want to be held accountable to them should they fail to fulfill their Constitutionally Protected Mandate.

<sup>3</sup>In the 1990 decision of the Ontario Court of Appeal in the *Elgin County Case*, the court established the general principle that, as a matter of constitutional law, indoctrination in religion is prohibited in government-funded schools. Notwithstanding this general principle, the Denominational Rights of Catholic Electors in Ontario who adhere to the magisterial teachings of the Catholic Church present a clear, but singular, *exception* to this general prohibition. Thus, when Catholic Electors who are members of the Church of OECTA demand that Catholic Trustees adopt a particular policy that contradicts a magisterial teaching of the Catholic Church they cannot be said to be asserting Denominational Rights, which are the collective rights of the adherent Catholic Electors, exclusively. At best, if the Trustees reject their lobbying efforts, they could, as individuals, complain that the Board has infringed their *Charter* right to freedom of religion, or make a complaint of discrimination on the basis of “creed” under the Ontario Human Rights Code. However, as we all know, the Board has a perfect defence to any such claims or complaints, and that would be the very Denominational Rights that members of the Church of OECTA cannot assert, due to their dissent from magisterial teaching.

family trust/beneficiary, estate trustee/beneficiaries of the estate, corporate officer/corporation, Ontario Catholic School Board/Catholic Electors).

3. The full and precise scope of the fiduciary duties an Ontario Catholic separate school board owes to its faithful Catholic Electors is further informed by:
  - (a) the magisterial teachings of the Catholic Church, especially the *Code of Canon Law*;
  - (b) the Board's Constitutionally Protected Mandate, as explicated by the Courts;
  - (c) the denominational rights of Catholic Electors, as explicated by the Courts;
  - (d) the text of any relevant statutory re-statements of the denominational rights and privileges of Catholic Electors, including ss. 1(4) and 1(4.1) of the *Education Act*, the parallel provisions of the amended *Labour Relations Act, 1995* and the *School Board Collective Bargaining Act, 2014*, and section 19 of the *Human Rights Code* (Ontario);
  - (e) the text of any industry-wide codes or standards of conduct for school board trustees; and
  - (f) the text of the school board's own *Code of Conduct*.
4. The foregoing has, at a minimum, the following legal implications for the TCDSB in respect of all denominational issues that come before it:
  - (a) the Board and its Trustees must always put the interests of the Catholic Electors who support the Mandate of the Board ahead of their own personal interests and the interests of all other persons or special interest groups;
  - (b) the Board and its Trustees must seek out and use all reasonable means at their disposal, including the judicial remedy in Section 93, to oppose government action and legislative and regulatory measures that prejudicially affect the rights and privileges of the Catholic Electors (the "Denominational Rights");
  - (c) the Board and its Trustees must recognize that they do not have the legal capacity or authority to unilaterally *waive* any Denominational Rights on behalf of their Catholic Electors, whether or not they do so under duress from representatives of the provincial government or special interest or advocacy groups;
  - (d) the Board and its Trustees must reject all advice and lobbying efforts from persons and groups that are hostile to the magisterial teachings of the Catholic Church;
  - (e) having recognized the obvious reality that the essential purpose of a Catholic school is to indoctrinate its students in the teachings of the Catholic Church, the Courts have now settled (see the *Loyola* case) that those "teachings" are those taught by its Magisterium, exclusively. Moreover, the *Loyola* decision has essentially signalled to future litigants that the Courts will defer to the Catholic Church's own understanding of what kinds of documents issued by the Church should be accepted by the secular courts as conclusive evidence of what the Catholic Church actually teaches. On most denominational matters, there will be no compelling reason why the TCDSB should think it necessary to retain the services of an expert like Professor Douglas Farrow of

McGill University to provide it with advice on what is to be considered a magisterial document and on whether or not a proposed course of action contradicts a magisterial teaching of the Catholic Church, or, God-forbid, tolerate being lobbied by the officers of OECTA or other dissenting Catholics on such matters. Professor Farrow has already shown you the tools you need to answer such questions, and those tools have been approved by the Courts;

(f) the Board must put in place a *Code of Conduct* that both appropriately reflects all of the legal implications expressed above and includes an effective mechanism to manage any conflicts of interest that may arise, including non-pecuniary conflicts of interest as defined by the common law. This mechanism must require the Trustees to fulfill their duty of full disclosure of conflicts of interest, and absent themselves from any discussion or voting on denominational matters affected by the identified conflict of interest; and

(g) the Board must vigorously enforce its *Code of Conduct* against offending Trustees.

5. A failure by the Board or any of its Trustees to fulfill the duties described above will constitute a breach of fiduciary duty that will trigger a variety of causes of action and their attendant legal remedies to which the injured Catholic Electors should have recourse as a matter of law. Some of them are those that are available to any beneficiary who is victimized by a fiduciary's wrongful conduct, generally; other causes of action and remedies are those that are uniquely available to Catholic Electors. Those causes of action/remedies will include actions for a declaration that the "seat" of the offending Trustee on the Board is "vacant", actions for damages and injunctive relief for breaches of fiduciary duty, actions for damages for the tort of misfeasance in public office, and applications for judicial review.
6. Whatever the authors of the 2011 BLG Opinion actually meant by their talk of "shields" and "swords" (I still am not sure, ten years later), any inference Trustees may wish to draw from it that Catholic Electors do not have any effective legal means to compel their Catholic Board and its Trustees to act in accordance with Catholic doctrine cannot possibly be accurate (see page 1 of the opinion). In the grand scheme of things, the constitutional protections of Section 93 would be illusory if the Trustees (the very people who have a fiduciary duty of loyalty to their electors) could themselves, with impunity, at the same time have a legal right to just stand by and let the provincial government and special interest groups prejudicially affect the rights and privileges of the electors?
7. Apart from vigorously enforcing its *Code of Conduct* against offending Trustees, the TCDSB could further mitigate its risk of legal liability in other ways. For example, applicants for judicial review, seeking perhaps a declaration that a particular decision of the Board was null and void, do so on administrative law grounds ---- that the Board made a decision by taking into consideration things that they ought not to have taken into consideration, and NOT taking consideration other things they ought to have taken into consideration. It is obvious that the TCDSB could strengthen its legal position by:

- (a) refusing to tolerate being lobbied by special interest groups that have no legal standing to do so (like OECTA and the various LGBT political action organizations) on denominational matters;
- (b) pre-screening the participants on committees assigned the task of making recommendations on denominational matters for their loyalty to magisterial teaching of the Catholic Church and/or conflicts of interests, and removing from the committees those persons who do not pass the screening process; and
- (c) putting the onus on Catholic Electors who profess to be loyal to the Church but who nevertheless lobby Trustees to vote in favour of a resolution that would, objectively, contradict magisterial teaching, to present magisterial documents of the Church that support their position. There is no good reason for Trustees to be defensive about their loyalty to the Church and assume that they themselves bear the onus of finding and presenting the magisterial documents that support their opposition to the proposed resolution.<sup>4</sup>

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<sup>4</sup> That said, if Trustees cannot resist the urge to “take the bait” and present to the dissenter magisterial documents that defend the Catholic position on a proposed resolution, I do not recommend expending the effort and energy to prepare a 50 page dissertation on the subject. Instead, they should focus their attention on presenting the best two or three magisterial documents that most clearly and succinctly present the Church’s position. For example, in the case of the “Rainbow Flag” resolution, I would try to focus the dissenter’s attention on the 1986 CDF document entitled “*Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons*”. Cardinal Ratzinger [later Pope Benedict XVI] wrote the following [n. 8-9]:

“....[I]ncreasing numbers of people today, even within the Church, are bringing enormous pressure to bear on the Church to accept the homosexual condition as though it were not disordered and to condone homosexual activity. Those within the Church who argue in this fashion often have close ties with those with similar views outside it. These latter groups are guided by a vision opposed to the truth about the human person, which is fully disclosed in the mystery of Christ. They reflect, even if not entirely consciously, a materialistic ideology which denies the transcendent nature of the human person as well as the supernatural vocation of every individual.

The Church's ministers must ensure that homosexual persons in their care will not be misled by this point of view, so profoundly opposed to the teaching of the Church. But the risk is great and there are many who seek to create confusion regarding the Church's position, and then to use that confusion to their own advantage.

9. The movement within the Church, which takes the form of pressure groups of various names and sizes, attempts to give the impression that it represents all homosexual persons who are Catholics. As a matter of fact, its membership is by and large restricted to those who either ignore the teaching of the Church or seek somehow to undermine it. It brings together under the aegis of Catholicism homosexual persons who have no intention of abandoning their homosexual behaviour. **One tactic used is to protest that any and all criticism of or reservations about homosexual people, their activity and lifestyle, are simply diverse forms of unjust discrimination. [emphasis added]**

There is an effort in some countries to manipulate the Church by gaining the often well-intentioned support of her pastors with a view to changing civil-statutes and laws. This is done in order to conform to these pressure groups' concept that homosexuality is at least a completely harmless, if not an entirely good, thing. Even when the practice of homosexuality may seriously threaten the lives and well-being of a large number of people, its advocates remain undeterred and refuse to consider the magnitude of the risks involved.



### **The Detailed Analysis:**

#### *The TCDSB Code of Conduct – The Fiduciary Duties of the Board and its Trustees and the Management of Conflicts of Interest*

In my view, the existing *Code of Conduct* does an adequate job of both setting out how pecuniary (monetary) conflicts of interest should be handled, and explaining the statutory requirements of the *Municipal Conflicts of Interest Act* (Ontario) (the “MCIA”). However, this does not tell us the *whole* story. The MCIA deals only with pecuniary conflicts of interest, and clearly supplants or replaces the common law principles that used to apply to them (at least in Ontario, and in respect of elected municipal officers and school board trustees). The common law principles governing non-pecuniary conflicts of interest involving directors and officers of corporations and other fiduciaries remain applicable to school board trustees. At common law, a school board trustee can be found to be disqualified from service on the Board if he or she has a non-pecuniary personal and substantial “interest” that a “reasonably well-informed person would conclude might influence” the exercise of the fiduciary duties owed by the trustee. In my opinion, such an “interest” would certainly include any “personal interest” that would be incompatible with his or her fiduciary duties to the Board and/or its Catholic Electors who adhere to the magisterial teachings of the Catholic Church. It would also include a superior “loyalty” that the trustee is perceived to have to advocacy groups or special interests that are hostile to the Catholic Church, or that seek to frustrate the Trustees in their efforts to carry out the Constitutionally Protected Mandate of the Board. In my opinion, a number of current Trustees of the TCDSB have already engaged in public conduct from which a reasonable inference can be drawn that they dissent from the magisterial teachings of the Catholic Church. Others have engaged in conduct from which a reasonable inference can be drawn that they have a loyalty to homosexual political action groups that are openly hostile to the Catholic Church in general, and to efforts by the Trustees to carry out the Constitutionally Protected Mandate, specifically. Their conduct also has demonstrated that they value this loyalty over their loyalty to the Board and its Catholic Electors who adhere to the magisterial teachings of the Church.

The existing *Code of Conduct* gives this topic very short shrift, and is, with respect, very out of date, given the very relevant 2007 decision of the Alberta Queens Bench in *Calgary Roman Catholic Separate School District No. 1 v. O’Malley*<sup>5</sup>. There are only a few oblique references

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The Church can never be so callous. It is true that her clear position cannot be revised by pressure from civil legislation or the trend of the moment. But she is really concerned about the many who are not represented by the pro-homosexual movement and about those who may have been tempted to believe its deceitful propaganda. She is also aware that the view that homosexual activity is equivalent to, or as acceptable as, the sexual expression of conjugal love has a direct impact on society's understanding of the nature and rights of the family and puts them in jeopardy.”

Another useful magisterial document to cite would be the CDF’s *Considerations re Homosexual Unions* (2003), especially the text in II-5, which asserts that, while toleration of evil is sometimes morally acceptable, approval of evil is never justified.

<sup>5</sup> 2007 ABQB 574 (hereinafter referred to as “O’Malley”). See paragraphs 95-99: [95] Elected officials are expected to be free from conflicts so as to enable them to provide an unbiased, even-handed, and disinterested consideration of anything that comes before the elected body and to co-operate with their colleagues to administer

to the topic are in section 6. I note that it says, at one point: “Where a Trustee.....has any pecuniary interest....**or any other conflict of interest in any matter** [emphasis added] and is present at a meeting of the Board at which the matter is the subject of consideration, the Trustee shall.....”. It then goes on to indicate the proper steps to be taken, in all cases.<sup>6</sup> In the *O’Malley* case, the code of conduct of the Calgary Catholic Board was much more explicit about non-pecuniary conflicts of interest: “Trustees shall be loyal to the interest of the ownership which

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the affairs of the elected body in a judicial manner. The Board submitted that a trustee who is in litigation with the very Board of which he is a member is attempting to "serve two masters".

[96] Disqualification at common law was discussed in *Old St. Boniface Residence Assn. Inc. v. Winnipeg (City)*, 1990 CanLII 31 (SCC), [1990] 3 S.C.R. 1170. Sopinka J., speaking for the majority, discussed at p. 1196 the nature of "personal interest" which will disqualify at common law:

I would distinguish between a case of partiality by reason of pre-judgment on the one hand and by reason of personal interest on the other. It is apparent from the facts of this case, for example, that some degree of pre-judgment is inherent in the role of a councillor. That is not the case in respect of interest. There is nothing inherent in the hybrid functions, political, legislative or otherwise, of municipal councillors that would make it mandatory or desirable to excuse them from the requirement that they refrain from dealing with matters in respect of which they have a personal or other interest. It is not part of the job description that municipal councillors be personally interested in matters that come before them beyond the interest that they have in common with the other citizens in the municipality. Where such an interest is found, both at common law and by statute, a member of Council is disqualified if the interest is so related to the exercise of public duty that a reasonably well-informed person would conclude that the interest might influence the exercise of that duty. This is commonly referred to as a conflict of interest.

[97] Therefore, common law disqualification may occur for both pecuniary and non-pecuniary reasons. The interest must be personal and substantial such that a reasonably well-informed person would conclude that it might influence the exercise of the public duty owed by that person. The interest must be more than an interest held in common with other persons of like opinion.

[98] In the matter at hand, the Board argued that there are at least two common law grounds for disqualifying Mr. O'Malley. First, the Board asserted that disqualification is reasonable based on Mr. O'Malley's discussing and voting on the motion to commence legal proceedings against him. Second, the Board took the position that disqualification should follow Mr. O'Malley's having repeatedly sued the very Board of which he was a member.

[99] With respect to the first ground, Mr. O'Malley had a "substantial personal interest" in the November 10, 2005 motion. This personal interest was both pecuniary and non-pecuniary.. He had a non-pecuniary personal interest in continuing in office which would necessarily have influenced his vote irrespective of whether it was consistent with his public duty. In addition, he had a pecuniary interest based on the Board's claim for solicitor and client costs. A reasonably well-informed person would conclude that these interests would influence the exercise of his public duty.

<sup>6</sup>Later in section 6 we see: “No Trustee shall use his or her position, authority or influence for personal....gain.....or for the personal.....gain.....of a relative, friend and/or business associate.....A Trustee shall not use his or her position, authority or influence to give any person or organization special treatment that might, or might be perceived to, advance the interests of the Trustee, or the interests of a relative, friend, and/or business associate of the Trustee.”

loyalty shall supersede the personal interest of any trustee or any loyalty to any advocacy or special interest groups.”<sup>7</sup>

Of course, the fact that the TCDSB’s *Code of Conduct* does not contain such an explicit clause on the subject does not mean that the Trustees can ignore the common law in respect of non-pecuniary conflicts of interest. Yet, in the last ten years since my 2011 submission to you, I have seen several Catholic Boards in Ontario completely ignore this aspect of the law. In my

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<sup>7</sup>See *O’Malley*, paragraphs 109-112:[109] Mr. O’Malley’s steadfast refusal to play by the rules has caused untold turmoil and grief, not to mention the wasted time, money and resources expended to address and respond to his unethical conduct, frivolous lawsuits and unmeritorious complaints. It is clear from authorities such as *Margolis* at p.4 and *Toronto v. Bowes* (1854), 4 Gr. 489, aff’d. (1856), 6 Gr. 1 (C.A.), aff’d. (1858), 11 Moo. P.C. 463 that a school board trustee is a fiduciary. The position of fiduciary imports a high degree of trust requiring a very high standard of care. The need to maintain integrity in public office is of paramount importance and requires that elected officials be held to a very high objective standard of care.

[110] Ms. Moore, the corporate governance expert, testified that, upon reading Mr. O’Malley’s Amended Statement of Defence, she concluded that Mr. O’Malley has a misguided understanding of to whom his fiduciary duties are owed. Ms. Moore testified that the fiduciary duties are owed to the corporate body (the Board) which is, in turn, accountable to the Catholic ownership. Mr. O’Malley wrongly believes that his duties are owed only to the people who voted for him. At p. 11 of her report, Ms. Moore quotes as follows from Carol Hansell’s text entitled *Corporate Governance: what directors need to know* (Toronto: Carswell, 2003):

[...] the courts have been very clear that the fact of a director having been nominated to the board by a particular person does not entitle that director to prefer the interests of that person to the interests of the corporation. *A director must be concerned first and foremost with the interest of the corporation.* As an Ontario court put it, the corporate life of a nominee director who votes against the interests of his or her nominator ‘may be neither happy nor long’, but that director must nevertheless act in the best interests of the corporation. [Emphasis in expert report.]

[111] The Board also relied upon Michael Ng’s text, *Fiduciary Duties: Obligations of Loyalty and Faithfulness*, looseleaf (Aurora, Ont.: Canada Law Book, 2003) at p. 2-6 for the proposition that the standard of faithfulness required of a fiduciary depends on the fiduciary’s role but that, often, codes of professional conduct governing a particular group of fiduciaries inform the standard.

[112] The Board’s Code of Conduct Policy GP-5 (the “Code of Conduct”) sets out the standard of faithfulness and lays out the obligations owed by a trustee of the Board. The Board summarized as follows the provisions of the Code of Conduct which it alleges were breached by Mr. O’Malley:

- (a) The preamble which provides that trustees shall conduct themselves in an ethical and prudent manner and in a manner that reflects respect for the dignity and worth of all individuals;
- (b) Clause 1 of the Code of Conduct which stipulates that trustees shall be loyal to the interest of the ownership which loyalty shall supersede the personal interest of any trustee or any loyalty to any advocacy or special interest groups;.....[emphasis added]

own Board, a Trustee was known to have membership in at least one homosexual political action group, but, to the best of my knowledge and belief, he never formally declared to the Board a conflict of interest on denominational matters, and never absented himself from Board meetings when such matters came up for discussion and in respect of which there were irreconcilable differences between the desires of his special interest group and magisterial teachings of the Catholic Church.

With respect, the conduct of some of your own Trustees in the last ten or so years has been equally problematic. I have observed the following kinds of public conduct, much of which has never been formally acknowledged by the Board, on the record, as reflecting an intolerable personal conflict of interest. Some of your Trustees have engaged in more than one kind:

1. issuing public statements from which a reasonable inference can be drawn that the Trustee dissents from magisterial teachings of the Catholic Church, and therefore has a personal interest of an ideological nature that clearly conflicts with the interests of the Board, having regard to its Constitutionally Protected Mandate;
2. issuing public statements from which a reasonable inference can be drawn that the Trustee has a loyalty to one or more homosexual special interest and advocacy groups that supercedes his or her loyalty to the Board and its Catholic Electors who adhere to the magisterial teachings of the Church;
3. engaging in (and possibly leading or at least co-ordinating one's own political activities with) public political campaigns in which the Trustee invites members of the public to either lobby his or her Trustee colleagues (whether by persuasion or by intimidation) to cast their vote on a Board resolution coming up for a vote in a way that constitutes a breach of their fiduciary duties;
4. issuing, in advance, public statements on how the Trustee will be voting on an upcoming resolution, from which a reasonable inference can be drawn that the Trustee has already "made up his her mind" and will not be listening to contrary views expressed by colleagues with an open mind. This is, in itself, a breach of elected official's fiduciary duties;
5. issuing public statements that amount to counselling Trustees in neighbouring Catholic Separate School Boards to vote a certain way on resolutions of a denominational nature that would constitute a breach of their fiduciary duties. This is improper meddling in the affairs of another Board;
6. lobbying the Minister of Education to interfere in the affairs of the TCDSB that are of a denominational nature, in contravention of both the *Education Act* and Section 93 [I am thinking here of the recent PPM-128 controversy], and counselling the Minister to commit the tort of misfeasance in public office;
7. allowing other persons who have no legal standing to do so, to lobby the Trustee to vote on a resolution coming up for a vote in way that would constitute a breach by the Trustee

of his or her fiduciary obligations, and not reporting such lobbying efforts to the Chair of the Board, forthwith; and

8. failing to formally disclose any of the above-described conduct, as applicable, to the Board at a meeting of the Board. Such a failure, as previously noted, is in itself a breach of a Trustee's fiduciary duties.

In my opinion, it is not unreasonable for the Board to at least demand, without exception, that any Trustee who has engaged in any one or more of these behaviours to comply with the *Code of Conduct* and the requirements of the common law, before any votes are taken on the "Rainbow Flag" and "Critical Race Theory" resolutions. Compliance would require the Trustee to take the steps outlined in section 6:

- (a) prior to the votes being taken, disclose the offending conduct and the personal conflict of interest and the general nature thereof inferred from that conduct. If the Trustee is affiliated with any special interest or advocacy group, such as by way of membership or through donations, or publicly expressed support for the aims, goals, and strategies, that must be disclosed. If the Trustee collaborated with the group in a public campaign to influence decisions of the Board, that, and the details of the nature and extent of such collaboration, must be disclosed;
- (b) refrain from taking part in the discussion of, or vote on the resolutions in respect of which the Trustee has a conflict of interest;
- (c) refrain from discussing the issue with any other person;
- (d) refrain from attempting in any way, whether before, during or after the meeting to influence the voting on such resolution (this is very problematic in the current case, as some Trustees have already done was is clearly prohibited); and
- (e) leave the meeting or the part of the meeting during which the matter is under consideration.

### *Denominational Rights*

The non-pecuniary conflict of interest analysis I have presented here is predicated on the assumption that the Board directly (and its Trustees, indirectly and individually) owe *fiduciary duties* to some entity or some persons. We cannot fully understand how such conflicts of interest should be handled unless we first have a correct understanding of the full nature and scope of the fiduciary relationships between the Board, the Trustees, and their Catholic Electors. In turn, in my view, we cannot have such a correct understanding of these fiduciary relationships unless we know what Denominational Rights are, and who possesses them.

I have always been puzzled that the authors of the 2011 BLG Opinion never got around to discussing either the fiduciary duties of the Board and its Trustees or the fact that the Board's own *Code of Conduct* imposed (and still imposes) on each Trustee an explicit duty to "recognize

and rigorously defend the constitutional right of Catholic Education” (clause 1(d)). Instead, they spent a lot of ink talking about “shields” and “swords” and how Section 93 cannot be used as a “sword” by the Catholic Electors against the Board and its Trustees, before finally pressing their legal opinion that the Board has no legal obligation to assert a Section 93 claim against the provincial government, on behalf of their Catholic Electors, if they do not wish to, and there is nothing the electors can do about it. But as I explain more fully in Appendix “A”, neither I nor Michael Osborne suggested that Section 93 be used as a “sword”. Speaking for myself, all I have ever asserted is that Catholic Electors have recourse to private law causes of action if the Board and its Trustee commit breaches of their fiduciary duties. In the *O’Malley* decision (cited later), the Court appeared to accept the following proposition of law [at paragraph 111]: “[T]he standard of faithfulness required of a fiduciary depends on the fiduciary's role but that, often, codes of professional conduct governing a particular group of fiduciaries inform the standard.” Building on this statement, I have simply added other items to the *list* of things that *inform* the standard Catholic School Boards and their Trustees are required to meet, including, but not limited to, the rights and privileges *referred to* in Section 93. This kind of analysis has nothing to do with using Section 93 as a “sword”, a notion, in any event, for which the authors cited no legal authority.

To be quite specific, I submit that the full and precise scope of the fiduciary duties an Ontario Catholic School Board and its Trustees owe to its faithful Catholic Electors and the standards they must meet are informed by, in addition to the fundamental duties of full disclosure and loyalty common to all fiduciary-beneficiary relationships:

- (a) the magisterial teachings of the Catholic Church, especially the *Code of Canon Law*;
- (b) the Board’s Constitutionally Protected Mandate, as explicated by the Courts;
- (c) the denominational rights of Catholic Electors, as explicated by the Courts;
- (d) the text of any relevant statutory re-statements of the denominational rights and privileges of Catholic Electors, including ss. 1(4) and 1(4.1) of the *Education Act*, the parallel provisions of the amended *Labour Relations Act, 1995* and the *School Board Collective Bargaining Act, 2014*, and section 19 of the *Human Rights Code* (Ontario);<sup>8</sup>

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<sup>8</sup> In essence, a duty to exercise powers under the *Education Act* in a manner consistent with and respectful of the Denominational Rights has been specifically incorporated into the statutory duty in subsection 1(4.1) of the *Education Act* (Ontario), which applies to many persons, including the Trustees of a Catholic Board. See also subsection 1(4).

#### **Constitutional rights and privileges**

S. 1(4) This Act does not adversely affect any right or privilege guaranteed by section 93 of the *Constitution Act, 1867* or by section 23 of the *Canadian Charter of Rights and Freedoms, 1997*, c. 3, s. 2 (6).

#### **Same**

(4.1) Every authority given by this Act, including but not limited to every authority to make a regulation, decision or order and every authority to issue a directive or guideline, shall be exercised in a manner consistent with and respectful of the rights and privileges guaranteed by section 93 of the *Constitution Act, 1867* and by section 23 of the *Canadian Charter of Rights and Freedoms, 1997*, c. 31, s. 1 (5).

- (e) the text of any industry-wide codes or standards of conduct for school board trustees; and
- (f) the text of the school board's own *Code of Conduct*.

The Catholic Electors of the TCDSB possess the denominational rights and privileges *referred to* but not specifically described in Section 93. These rights and privileges have been further interpreted and explicated by the Supreme Court of Canada and the Ontario Court of Appeal, in various decisions. Electors have often been collectively referred to by the courts as members of the “Class of Persons” who possess these rights. In *A.G. (Que.) v. Greater Hull School Board*,<sup>9</sup> a 1984 decision of the Supreme Court of Canada, Justices Le Dain and Lamer characterized [at paragraphs 83-84] these rights as “collective rights”, suggesting that “it is in the interests of the class of persons or community as a whole in denominational education that is to be looked at and not the interests of the individual ratepayer.” Accordingly, they recognized that the Trustees of separate school boards like the TCDSB are only the *representatives* of such a class for purposes of the management of denominational schools, and the rights of the class in respect of such management are necessarily to be determined by reference to the powers of management conferred by law on the trustees, through whom the class of persons may exercise their collective rights. This explains why the courts customarily (if inaccurately) refer to the rights or powers of the trustees themselves in considering the rights of a class of persons under Section 93.<sup>10</sup> I submit that they also

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For the parallel provisions of the *Human Rights Code*, see the following:

#### **Separate school rights preserved**

**19.** (1) This Act shall not be construed to adversely affect any right or privilege respecting separate schools enjoyed by separate school boards or their supporters under the *Constitution Act, 1867* and the *Education Act*. R.S.O. 1990, c. H.19, s. 19 (1).

#### **Duties of teachers**

(2) This Act does not apply to affect the application of the *Education Act* with respect to the duties of teachers. R.S.O. 1990, c. H.19, s. 19 (2).

S. 19(2) was intended to ensure that teachers could comply with section 264(1)(c) of the *Education Act* without being accused of contravening the *Human Rights Code*. S. 264(1)(c) says: “It is the duty of a teacher and a temporary teacher, . . . to inculcate by precept and example respect for religion and the principles of Judaeo-Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues.” “Chastity”, of course, is either an element of “purity”, or is one of the “other virtues”. In 2011, I argued that Gay-Straight Alliance groups notoriously disrespect Christian morality, and scoff at any suggestion that persons with a same-sex attraction should cultivate the virtue of chastity. Today, in my view, the homosexual activists groups that promote the “Rainbow Flag” do not hide the fact that they use this symbol to reflect their own similar disdain for the virtue of chastity. One clear secular and legal objection to proposed Rainbow Flag Resolution is that passage of it by the TCDSB would objectively convey to its own teachers an invitation to contravene a provision of the *Education Act*.

See note 16 below for the text of the relevant parallel provisions of the *Labour Relations Act, 1995* and the *School Boards Collective Bargaining Act, 2014*, S.O. 2014, CH 5.

<sup>9</sup>[1984] 2 S.C.R. 575. Hereinafter often referred to as “*Greater Hull*”.

<sup>10</sup>I have noticed that the TCDSB's own *Code of Conduct* speaks of, in clause 1(d), “defending the constitutional right of Catholic education”, instead of “defending the constitutional rights of its Catholic Electors”, which would be more accurate.

have legal standing to exercise these rights themselves, without the co-operation or assistance of their trustees,<sup>11</sup> particularly in those circumstances when the Board itself has engaged in conduct that is in breach of its corporate fiduciary obligations to its Catholic Electors, and a majority of the elected Trustees are in breach of *their* fiduciary obligations to cast their votes on Board resolutions in such a way as to ensure that the Board does NOT commit a breach of *its* fiduciary obligations to the same Catholic Electors.

In *Calgary Roman Catholic Separate School District No. 1 v. O'Malley*<sup>12</sup>, a case that was about a Catholic School Board, but one in which denominational rights and the differences between public boards and separate boards were not in issue, the Alberta Queen's Bench correctly identified the general rule that a "school board trustee is a fiduciary" and owes those fiduciary obligations "to the corporate body (the Board) which is, in turn, accountable to the Catholic ownership." [109-110]

But this does not tell the whole story. The Court went on to quote, approvingly, from the decision of the Ontario Superior Court of Justice in *Hearst (Town) v. District School Board Ontario North East*, [2000] O.J. No. 3419 at paras. 39 and 40: "While they [the trustees] are accountable to their communities, that accountability is both general and specific. From time to time, there will be a conflict between the interests of a specific constituency and the school community in general. That is to be expected. The trustees must make decisions in the best interests of the entire school community while trying to accommodate the specific constituencies." We submit that this appropriately describes to whom a public school board (and, indirectly, their Trustees) owe fiduciary obligations on all questions to be determined, and to whom a separate school board (and, indirectly, their Trustees) owe fiduciary duties on all *non-denominational* questions.

That said, with respect to *denominational* questions, the beneficiaries of the duty of loyalty of an Ontario separate school board and its Trustees form a very different subset of the taxpayers whose children may attend their schools. In that specific context, there is only a single "specific constituency" the Board and its Trustees must serve, in priority to the demands of all others.

The Ontario Court of Appeal proclaimed in the case of *Daly v. Ontario (A.G.)*<sup>13</sup> the constitutionally protected mandate of an Ontario separate school board to be to transmit the Magisterial teachings of the Catholic Church to its students. In light of this decision, and because the interests of the electors are "collective", there is no choice but to employ a legal fiction that all electors want their Trustees to fulfill that mandate. How could Trustees possibly

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<sup>11</sup> We note that some of the original Applicants in the *Daly* case (see note 5 below) were not trustees of a Catholic separate school board. Neither the Trial Court nor the Ontario Court of Appeal had any issue with their standing to bring the Application to determine whether or not the Province of Ontario had prejudiced the rights and privileges of Catholic electors.

<sup>12</sup>2007 ABQB 574.

<sup>13</sup>*Daly v. Ontario (A.G.)*, (1999), 44 O.R. (3d) 349 (C.A.); leave to appeal to S.C.C. dismissed October 21, 1999. Herein often referred to simply as "*Daly*".



act in the best interests of both faithful Catholics and those who dissent from the Church's teachings, in respect of a denominational matter, at the same time? Their interests are irreconcilable. The right choice is clear, however, since pursuit of the interests of dissenters has no constitutional or statutory mandate. At best, dissenters seek to impose their personal "religious" beliefs on faithful Catholics, which are protected by the merely individual rights that are listed in the *Charter of Rights and Freedoms*, but which are explicitly subordinated to the denominational rights of faithful Catholic Electors. Ever since the "Elgin County Case", the *Education Act* and the *Charter* have been interpreted by the Courts to prohibit government schools from indoctrinating their students in any particular religious beliefs, with the only exception to this principle being the right of Catholic Electors, established at the time of Confederation, to have taxpayer-funded schools that indoctrinate their students in the precepts of the Catholic Church, as taught by the Magisterium.<sup>14</sup>

In *Alberta v. Elder Advocates of Alberta Society*,<sup>15</sup> the Supreme Court of Canada described the fiduciary obligation as "one of utmost loyalty to the beneficiary". The Court went on to say: "As Finn states, the fiduciary principle's function 'is not to mediate between interests...' It is to secure the paramountcy of *one side's* interests . . . . The beneficiary's interests are to be protected. This is achieved through a regime designed to secure loyal service of those interests' (P. D. Finn, "The Fiduciary Principle", in T. G. Youdan, ed., *Equity, Fiduciaries and Trusts* (1989), 1, at p. 27 (underlining added); see also *Hodgkinson*, at p. 468, *per* Sopinka J. and McLachlin J. (as she then was), dissenting). Compelling a fiduciary to put the best interests of the beneficiary before their own is thus essential to the relationship." [43-44].

In the past, some Catholic separate school boards and their Catholic Trustees have acted as if they possessed, as a matter of law, the *discretion* to unilaterally *waive* a particular denominational right possessed by their Catholic Electors, on their behalf. In light of the fiduciary nature of their duties, as described above, a number of statutory amendments to the provincial education-related statutes, and the collective nature of the rights of the electors, I doubt very much that they ever had any such authority, and certainly, that they have any such authority now.<sup>16</sup>

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<sup>14</sup>Some Directors of Education in the Catholic system and some of their Trustees seem to have trouble accepting the legal reality that their Boards are prohibited from attempting to indoctrinate students in the teachings of, for example, the United Church of Canada.

<sup>15</sup>2011 SCC 24 (CanLII), [2011] 2 SCR 261.

<sup>16</sup>Indeed, at one time even some labour arbitrators and the Courts thought that this was true. In *Re Essex County Roman Catholic Separate School Board and Tremblay-Webster et al.*, 1984 CanLII 2138, the Ontario Court of Appeal astonishingly said the following: "Section 93 of the *Constitution Act, 1867* prohibits the provincial Legislature from making laws which prejudicially affect any right or privilege with respect to denominational schools but does not prohibit voluntary collective agreements with respect to those rights and privileges." In other words, the Trustees of a Catholic School Board were not compelled by any law to negotiate with OECTA a collective agreement that made a termination of a teacher's employment for denominational cause (e.g. the teacher married outside of the Church) subject to arbitration by a secular arbitrator, but it could choose to do so if it wished. Once it did make this choice, however, it and its Catholic Electors were bound by the terms of the collective agreement. The Trustees had negotiated away the right of the Catholic Electors to have such decisions made without interference from outside parties, and the Ontario Court of Appeal did not have a problem with that.

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It is speculation of my part, but I think the purpose of the following subsequent amendments to the *Labour Relations Act* and the *School Boards Collective Bargaining Act, 2014* was to, by statute, reverse the legal effect of the Ontario Court of Appeal's decision in *Re Essex*:

See the *School Boards Collective Bargaining Act, 2014*, S.O. 2014, CH 5

### **Constitutional rights and privileges**

S. 1(3) This Act and the *Labour Relations Act, 1995* do not prejudicially affect any right or privilege guaranteed by section 93 of the *Constitution Act, 1867* or by section 23 of the *Canadian Charter of Rights and Freedoms*, and every authority given by this Act and the *Labour Relations Act, 1995* shall be exercised in a manner consistent with those rights and privileges. [in force since 1998]

Note also Section subsection 3 (1): This Act applies to every school board in Ontario, to the bargaining agents that represent employees of those school boards and to the employees represented by those bargaining agents.

It seems to me that the applied effect of this statute, as revised, is that every Catholic School Board in Ontario, and OECTA are all bound by law, in conducting their negotiations for collective agreements, to respect the rights and privileges of the Catholic Electors. In other words, OECTA cannot ask for provisions that would prejudicially affect the rights and privileges of Catholic Electors, and the Board could not agree to them even if OECTA asked for them. It cannot be reasonably asserted, therefore, that a Catholic Board has the lawful authority to unilateral *waive* such rights and privileges of the Class of Persons who possess them.

*Re Essex* was bad law and its reversal by the Legislature of Ontario was appropriate. The very notion that, as a matter of constitutional law, a substantive constitutional right is *capable of being waived*, even by the right-holder himself, has been regarded as very dubious in *Charter* jurisprudence. See *R. v. Horner*, 2013 SKQB 340, at paragraphs 29-36 and 54. See also *Syndicat Northcrest v. Amselem*, 2004 SCC 47 (CanLII), at paragraphs 92 and 100. Add to mix the distinguishing factors that Section 93 rights are collective rights, and not an individual right like the *Charter* right to freedom of religion, and the alleged *waiver* is attempted by a mere "proxyholder" of the right-holder, without the prior knowledge and consent of all of the persons in the Class of Persons who possess the rights, the case for the validity of such a waiver by Catholic School Board Trustees is even weaker than in the *Charter* context.

Another applied effect of subsection 1(3) is the indirect amendment of the provisions of the *Labour Relations Act*. This suggests to me that when contemplating whether or not to file and pursue grievances against a Catholic School Board for unfair treatment of a teacher, on behalf of the teacher, OECTA is prohibited from using its authority to discriminate against teachers mistreated because they were perceived by the administration to be "too Catholic" and in favour of teachers who dissent from magisterial teachings of the Church, whether or not their treatment by the administration was justified. This change in the law should also mean, in theory, we should no longer see arbitrator decisions like we saw in the infamous Joanna Manning case (1994). See *Metropolitan Separate School Board v. OECTA* (1994) 41 L.C. (4<sup>th</sup>) 353 (Ont.). I use the phrase "in theory", because I know from personal experience that such discriminatory conduct on the part of OECTA remains real and systemic. Catholic teachers who adhere to the magisterial teachings of the Church are often mistreated, for that reason, by their supervisors, and when they turn to their union for help, they get "unfair representation".

In the Joanna Manning case, the arbitrator ruled that what is now the TCDSB could not discipline her even though she had written a newspaper article in which she was critical of the Catholic Church's position on the role of women within the Church. The disciplinary action taken against her was a denial of a promotion, and removal from teaching religion in the Board's schools, although she suffered no loss of income in her new assigned position. The arbitrator held that this constituted punishment without just cause. In my view, in this case, the arbitrator's interference in the Board's control over her discipline over denominational issues prejudicially affected the Denominational Rights of the Catholic Electors. Any attempt by OECTA to take a similar case to arbitration today, it seems to me, would be prohibited by the current version of the *Labour Relations Act, 1995*.

Another aspect that is “essential to” the fiduciary-beneficiary relationship is compelling the fiduciary to fulfill its duty of full disclosure of wrongdoing it knows has been committed against the beneficiary. This specific duty flows from the fiduciary’s common law duties of “loyalty, fidelity, and candour.”<sup>17</sup>

*How Should the Lobbying Efforts of OECTA Church Members and LGBTQ Political Activists be handled by the Board?*

In my opinion, one of the reasons why Catholic School Boards in Ontario seem so dysfunctional and are constantly in a state of internal turmoil is their tendency to be far too tolerant of inappropriate interference in denominational issues by “busybodies” -- entities and persons who have no legal standing to even comment on these issues, and Catholic Electors who dissent from the magisterial teachings of the Church. Much time, effort, and emotional energy is wasted on dealing with their unsolicited commentary, when, ultimately, the only basis on which a decision has to be made is whether the passage of a proposed resolution is compatible with the magisterial teachings of the Catholic Church. It seems to me ill-advised and uncharitable to say anything to them that will give them a false hope that the Trustees will take their presentations and petitions into consideration.

I take note that the TCDSB *Code of Conduct* says the following in section 2: “It is imperative that the Trustees act, and be seen to act, in the best interests of the public they serve. Trustees are elected to represent all stakeholders in the TCDSB...” As I have argued previously, this is not precisely accurate, and should be corrected, as it may be a source of a “false hope”. The practical reality is that the children of many non-Catholics attend your schools, and some of their parents think that the Board has no choice but to admit their children to its schools if they prefer them over the public schools. But the constitutional reality is that they attend your schools only “by the grace” of the Catholic community, and, notwithstanding the *Erazo* decision of the Divisional Court in 2016, this has been so since the 1928 *Hirsch* decision of the Privy Council (the highest court in the land at the time).<sup>18</sup> So, while the Minister of Education can reasonably

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<sup>17</sup>In *Dunsmuir v Royal Group, Inc.*, 2017 ONSC 4391 (CanLII), the Superior Court of Ontario said, at paragraph 134: “A fiduciary who knows about wrongdoing committed against the beneficiary has a duty to tell the beneficiary. In *Canson Enterprises Ltd. v. Boughton & Co.*, 1991 CanLII 52 (SCC), 1991 SCJ 91, the Supreme Court of Canada held that a lawyer breached his duty to his client who was the buyer of land. The land had been subject to a wrongful flip by an intermediate buyer in breach of its duties to the final buyer. The lawyer had acted on the intermediate flip. It is significant that in that case, the lawyer had not been a principal participating in the flip. Rather, he knew about it and as a duty to the ultimate buyer, the lawyer had a duty to disclose to his client the breaches of duty committed against it. Similarly, the fact that Mr. Goegan did not make a personal profit on the Vaughan West land flip is no answer in law to the claim that his knowledge and silence were breaches of his fiduciary duty to disclose the Vaughan West land flip. His common law duties of loyalty, fidelity, and candour required him to disclose to the corporation the conflicts of interest and the misappropriation of corporate opportunities and assets of which he had knowledge from his participation in the transactions. See also *EM Plastic & Electric Product Ltd. v. Hobza*, [1992] OJ No. 4173 (Gen. Div), at paras. 235 and 236, *affirmed*, [1993] OJ No 5078 (CA), *leave to appeal refused*, [2007] SCCA No. 92.”

<sup>18</sup>See *Hirsch et al. v. Protestant Bd.School Com'rs of Montreal et al.*, 1928 CanLII 500 (UK JCPC)(“*Hirsch*”). See also *Griffin v. Blainville Deux-Montagnes (Commission scolaire regionale)* (1989), 63 D.L.R. (4<sup>th</sup>) 37 (Que. S.C.), in which the court refused a request from English-speaking Catholic students for an order directing an English-speaking Protestant dissentient Board to admit them to its schools, on the ground that it lacked jurisdiction under

say that the Board must consider the non-Catholic parents of students to be “stakeholders” of equal status to the Catholic Electors in respect of the non-denominational aspects of your operations, and that consultations with them on such matters should be welcomed and encouraged, they cannot be “stakeholders” in respect of the denominational aspects. Indeed, the only “stakeholders” in respect of the denominational aspects of your operations are the Catholic Electors who adhere to the magisterial teachings of the Catholic Church. Non-Catholic and dissenting Catholic “busybodies” who seek to lobby the Trustees on denominational issues should be politely told that their efforts will not be tolerated.

One of two important legal principles recognized by the Supreme Court of Canada in the *Greater Hull* case [see the case report attached to this emailed letter] is the principle that, where the Trustees of a Catholic Board are exercising a Denominational Right of its Catholic Electors, any attempt by a provincial government to fetter the Trustees’ discretionary powers of decision by requiring them to seek the approval of, or input from, persons who are not their Catholic Electors, is unconstitutional.

By extension of this principle, if consultation with “outsiders” on denominational matters cannot be compelled by government authority, it seems to me that it must be equally true that Trustees commit of breach of a fiduciary duty to the Catholic Electors if they *voluntarily* permit “outsiders” to influence their decision-making. This surely “waters down” or “prejudicially affects” both the exclusive influence that the Catholic Electors have over their Trustees by “right and privilege” and the accountability of the Trustees to the Catholic Electors.

I would put OECTA in same category as the non-Catholic parents of students and the dissenting Catholic Electors. OECTA is a secular union created by the authority of a provincial statute and all of its activities are governed exclusively by the provisions of the *Labour Relations Act, 1995* and the *School Boards Collective Bargaining Act, 2014*; it is not, and cannot be, a Catholic Elector of the TCDSB. It is not a religious organization recognized as an approved “order” or “ministry” or “institute” of the Catholic Church. Why do Catholic Boards continue to tolerate unsolicited lobbying from OECTA on denominational issues? For that matter, why do Catholic

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section 93 of the *Constitution Act, 1967* to do so. It reconfirmed that section 93 was intended to protect, in Quebec, the denominational rights of Protestants only. Of course, the same applies in Ontario for Catholics. This means that section 42 of the *Education Act*, on its face, is unconstitutional, and is just waiting for some plaintiff to challenge its constitutionality. The text of section 42 itself admits that *Hirsch* is still good law, as the requirement to admit non-Catholic students explicitly purports to apply only to the high schools. It has just not been updated to reflect the Supreme Court of Canada’s holding in *Reference re Bill 30*, [1987] 1 S.C.R. 1148, at paras. 59-60, to the effect that the rights to full funding and all other denominational rights now extend through the end of high school. It also means that the decision of the Divisional Court of Ontario in *Erazo v. Dufferin-Peel Catholic District SchoolBoard*, 2014 ONSC 2072 (CanLII) is bad law. All five lawyers (including three judges) involved in the case pretended to not know of the existence of the *Hirsch* and *Griffin* decisions. It also means that all those “agreements” between Catholic Boards and the Ministry of Education over the last few decades, which purport to bind the Boards to accept non-catholic students, are probably unenforceable against the Catholic electors of those Boards.

Boards continue to tolerate OECTA interference in the elections of Trustees? Why is OECTA not firmly told that both of these activities are not lawful<sup>19</sup> activities of a union?

### *How Can We Know What is Magisterial Teaching of the Catholic Church?*

When the Ontario Court of Appeal, in the *Daly* case, referred to the “Roman Catholic faith” in proclaiming the Constitutionally Protected Mandate of Ontario Catholic Separate School Boards, it surely did not contemplate the very peculiar religious beliefs of OECTA or indeed of any individual person who claims to be Catholic but dissents from the teachings of the Magisterium.<sup>20</sup> If it did, the Denominational Rights of the “class of persons” entitled to assert them would become unintelligible and meaningless. How can the subjective religious views of OECTA’s President become **the** benchmark for all Catholics served by all of the Catholic Boards in Ontario? On this point, I note that the 2011 BLG Opinion tended to express agreement with my view and Michael Osborne’s view that courts hearing Section 93 actions would want to hear evidence of the authoritative teachings of the Catholic Church, and accept that evidence, if presented (page 14 of the BLG Opinion). I trust that the TCDSB now agrees with the view of its own legal counsel that the typical OECTA position on denominational issues that the Board

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<sup>19</sup>I am using the term “not lawful” here in the limited sense of an “entity’s” lack of legal capacity, which flows from “ultra vires doctrine” familiar to lawyers who understand corporate law and administrative law. As indicated elsewhere in this letter, in Ontario, unions cannot be Catholic Electors (only individuals can be), and, as an “entity”, a teachers’ union arguably gets its authority to “act” exclusively from the *Labour Relations Act, 1995* and the *School Boards Collective Bargaining Act, 2014*. I take the position that neither statute contains any provision that explicitly authorizes such a union, or that could reasonably be *interpreted* as authorizing such a union, from a constitutional law perspective, to interfere in Trustee elections or Trustees’ deliberations on denominational issues. Of course, if such a union actually goes as far as to engage in bribery or intimidation of Trustees, such conduct would also be “unlawful” in a criminal law sense. That OECTA has in the past made monetary and “in kind” contributions to the election campaigns of “favoured” Trustee candidates (favoured if they dissent from magisterial teachings of the Church), and withheld such assistance from “disfavoured” candidates, is well known in the Catholic community. That said, it must be acknowledged that fairly recent amendments to the *Municipal Elections Act, 1996* have now eliminated OECTA’s ability to make direct “contributions” to the election campaigns of candidates in Trustee elections, and severely constrained its ability to even engage in third party advertising during municipal elections.

OECTA is likely to object to my analysis by pointing to the decision of the Supreme Court of Canada in *Lavigne v. Ontario Public Service Employees Union*, [1991] 2 S.C.R. 211, as authority for the proposition that unions have an *inherent* legal capacity to engage in public advocacy on a variety of social and political issues. The Court did endorse this general proposition, but only in a qualified way. It cautioned that its legal capacity to engage in such activity could be constrained by the terms of its constituting documents. The Court was not asked to comment on whether it could be further constrained by the Denominational Rights referred to in Section 93, or in provincial statutes governing the conduct of unions that re-stated those Denominational Rights in order to rebut any inference that the provincial government was enabling other entities to prejudicially affect the rights and privileges of Catholic Electors. I think a reasonable court asked to address this question would conclude that a union’s capacity to engage in such activity is also limited by the superior constitutional rights of Catholic Electors.

<sup>20</sup> By contrast, Canadian law seems to me to be fairly clear that, in religious freedom cases involving the *Charter* rights of individuals, the subjective understanding of the individual of his religious obligations is what is relevant (and what a civil court is bound to accept), even if that understanding is not consistent with the “official” teachings of his or her “Church”. See *Syndicat Northcrest v. Amselem*, 2004 SCC 47 (CanLII).

should embrace a “broader view of Catholic values” than what is prescribed by its Magisterium is absurd.

That said, the BLG claim that “the issue of how the content of Catholic doctrine should be proved in court is not settled” (p. 14) was a very uninformed one. The trial court decision in *Loyola High School v. Courshesne*, 2010 QCCS 2631 (CanLII) was released in 2010, and therefore it should have been known to the authors of the 2011 BLG Opinion at the time of its writing. In that case, McGill Professor Douglas Farrow provided expert evidence to the Quebec Superior Court on the nature of the Magisterium of the Catholic Church. At paragraphs 281-285, Justice Gerard Dugre wrote (rough English translation): “As explained by the expert Farrow, in addition to the Pope and the Roman Curia, composed of bishops and cardinals, the Catholic Church has dicasteries, similar to civilian government departments. Among the most important dicasteries is the Congregation for Catholic Education.....Documents produced by these dicasteries are part of the ‘ordinary magisterium’ of the Catholic Church and, as such, have full authority. These texts also had direct application to Catholic schools, including Loyola. The expert Farrow refers to this excerpt of the piece P-11, entitled *The Catholic School*, which reads: ‘28. From the foregoing it appears that at the outset, the school should adjust its training program and methods to the vision of reality on which it is based, which justifies its purpose and which governs all of its activities.’ Finally, as explained by the expert Farrow, statements of the Assembly of Quebec Catholic Bishops (including press releases) are not part of the Magisterium of the Church and therefore are not authority. In any event, it is wrong to pretend that the Assembly of Quebec Catholic Bishops has agreed with the imposition of the ERC program on private Catholic denominational schools. The Court finds the testimony of the expert Farrow concluded that Loyola would be acting contrary to the doctrine of the Catholic Church by teaching the ‘Ethics and Religious Culture’ course with the program mandated by the Minister of Education, Recreation and Sport.”<sup>21</sup>

It therefore seems to me that, as a matter of both Catholic teaching and judicial proceedings involving Denominational Rights, it is now beyond dispute that formal written pronouncements of the Church’s Congregation for the Doctrine of the Faith (“CDF”), the *Catechism*, Papal Encyclicals, and the *Code of Canon Law* constitute magisterial documents, and present the teachings of the Magisterium. It is also beyond dispute that Catholics are required to adhere to such teachings and shun contrary doctrines, and that they have a right, under the laws of the Church, to receive teaching from their Pastors and others having a teaching ministry in the Church that is faithful to the Magisterium. In other words, for a Catholic, there is no such thing as a “right to dissent” from the fundamental contents of faith and morals as taught by the Magisterium of the Catholic Church. Moreover, the laity have a duty to “be on guard, in questions of opinion, against proposing their own view as the teaching of the Church” (Canon 227, *Code of Canon Law*).

Thus, in respect of denominational issues (i.e., issues relating to the Catholicity of the Board’s Schools), no matter how much parents and students dialogue with or complain to the Board, the Trustees have a legal, fiduciary, and constitutional duty to adhere to the teachings of the Magisterium of the Catholic Church. As a matter of administrative law, it would be unlawful for the Trustees to take into consideration the views of Catholics who dissent from Church teaching,

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<sup>21</sup>This decision was reversed on appeal, but then re-instated upon further appeal to the Supreme Court of Canada.

or the views of non-Catholics who are allowed to attend its schools only “by the grace” (see *Hirsch*) of the Catholic Board, in deciding whether or not a resolution on a denominational matter should be passed.

*What Legal Recourse, if any, do the Catholic Electors have against a Trustee who has committed a breach of fiduciary duty?*

In my opinion, Catholic Electors have multiple causes of action against Catholic Boards and their trustees for the kind of breaches of fiduciary duty identified in this letter.

There are many examples of court applications and actions successfully prosecuted by individuals and organizations against school boards and individual trustees (and by the school board itself against individual trustees), in the nature of:

1. applications for judicial review of decisions made or policies enacted by school boards or other school authorities on administrative law grounds [see ss. 2(1) of the *Judicial Review Procedures Act* (Ontario)] . The most prominent recent example is the Supreme Court of Canada’s decision in *Chamberlain v. Surrey School District No. 36*, [2002] 4 S.C.R. 710.
2. applications for a court order compelling a public official to carry out a statutory duty [ss. 2(1) *Judicial Review Procedures Act*; ss. 1(4.1) *Education Act*]. Although the general rule is that a breach of a statutory duty does not give a member of the public a cause of action for damages for the breach *per se*, this general rule does not rule out other causes of action and their associated forms of relief, such as an order compelling the public official to carry out the statutory duty, and an award of damages for deliberate breaches of fiduciary duty.<sup>22</sup> In *Odhavji Estate v. Woodhouse*, [2003] 3 S.C.R. 263 (S.C.C.). Iacobucci J. made the following comments (at p. 286):

I wish to stress that this conclusion is not inconsistent with *R. v. Saskatchewan Wheat Pool*, [1983] 1 S.C.R. 205, in which the Court established that the nominate tort of statutory breach does not exist. *Saskatchewan Wheat Pool* states only that it is insufficient that the defendant has breached the statute. *It does not, however, establish that the breach of a statute cannot give rise to liability if the constituent elements of tortious responsibility have been satisfied.* Put a different way, the mere fact that the alleged misconduct also constitutes a breach of statute is insufficient to exempt the officer from civil liability. Just as a public officer who breaches a statute might be liable for negligence, so too might a public officer who breaches a statute be liable for misfeasance in a public office. *Saskatchewan Wheat Pool* would only be relevant to this motion if the appellants had pleaded no more than a failure to discharge a statutory obligation ... [Underline in original, italicized emphasis added].

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<sup>22</sup> Subject to any statutory provision that might protect a trustee from third party loss or damage claims, or require the board to indemnify the trustee against such liability; subject also to the common law, which will protect a trustee against such liability, provided his or her actions were done in “good faith”. The argument here would be that breaches of fiduciary duty, especially deliberate ones, cannot be done “in good faith”. See *O’Malley*, at paragraphs 121-122.

3. applications for a court order declaring a trustee's seat vacant for violations of a school board's conflict of interest policies, and the common law regarding other forms of conflict of interest. See, for example, the *O'Malley* case, where the board itself took disqualification proceedings against an individual trustee, and *Amaral v. Kennedy*, 2010 ONSC 5776 (CanLII), where disqualification proceedings were taken against a trustee by an individual who was, presumably, an elector. If a Trustee refuses to comply with the requirements of the *Code of Conduct* in connection with a personal/ideological conflict of interest, the Board itself can and should take legal action to have his or her seat declared vacant. However, if a Catholic Board itself refuses to take such action, it seems to me at least arguable that any Catholic Elector has the legal standing to seek a court order declaring the seat to be vacant.<sup>23</sup>

Apart from the above, which are more obvious examples, there is also the more controversial possible cause of action known as misfeasance in public office, which, if pursued against school board trustees, would have the advantage of avoiding the awkward corporate law issues that may be present in other proceedings. Trustees may be akin to directors of a corporation, but they are clearly also elected public officials. On the other hand, this "tort" is an intentional tort, which means that the plaintiff would have to prove that the public official actually intended to harm Catholic Electors who want the Catholic schools to adhere to the teachings of the Magisterium. The elements of this intentional tort are well set out in the case of *Pikangikum v. Nault*, 2010 ONSC 5122 (CanLII).<sup>24</sup>

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<sup>23</sup> See the *O'Malley* case report, wherein the Court remarks: "[Mr. O'Malley] was very familiar with the statutory prohibition and its sanction, having, as an elector, brought disqualification proceedings against a Trustee himself; *O'Malley v. Valentine*, [1992] A.J. No. 1401." [at paragraph 79]

<sup>24</sup> See the following excerpts from the case report:

#### **"ELEMENTS OF MALFEASANCE IN PUBLIC OFFICE"**

[181] Malfeasance in public office is an intentional tort. A tort is an action (other than a breach of contract) by someone that causes damage to someone else for which the injured party may sue for compensation. In this case the action must have been done deliberately, not accidentally.

[182] Deliberate misconduct in these cases consists of:

- (i) an intentional illegal act; and
- (ii) an intent to harm an individual or class of individuals. [*Odhavji Estate v. Woodhouse*, 2003 SCC 69 (CanLII), [2003] 3 SCR 263 ¶25]

[183] In the case of *Odhavji Estate v. Woodhouse*, 2003 SCC 69 (CanLII), [2003] 3 S.C.R. 263 The Supreme Court of Canada noted that misfeasance of office can arise in one of two ways, what was called Category A and Category B. (¶ 22).

[184] "Category A involves conduct that is specifically intended to injure a person or class of persons."



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[185] “Category B involves a public officer who acts with knowledge both that she or he has no power to do the act complained of and that the act is likely to injure the plaintiff.”

[186] The Band submits that Mr. Nault’s conduct falls within Category A. With respect to Category A, the fact that the public officer acted for the express purpose of harming the party suing is sufficient to satisfy each ingredient of the tort. (¶23)

[187] What are those ingredients?

[188] One may recover damages for malfeasance in public office only if it can be shown that the person being sued:

- was a public official at the time of the alleged wrongdoing
- who caused damage to the party who has sued
- by deliberately engaging in unlawful conduct in the exercise of his public functions. (The act of an individual that is otherwise not actionable does not become so because of the motive or reason for doing so. (*Roncarelli v. Duplessis*, [1959] S.C.J. No.1 pg. 18 citing House of Lords in *Allen v. Flood*))
- with an awareness that his conduct was unlawful and likely to injure or where the official acted with reckless indifference or with wilful blindness as to the likely result of his actions upon the person suing. (*Odhavji Estate v. Woodhouse*, 2003 SCC 69 (CanLII), [2003] 3 SCR 263 ¶32)

[189] Oliver Wendell Holmes Jr. wrote that even a dog knows the difference between being stumbled over by accident and being kicked deliberately. In this case the person suing must have been kicked deliberately.

[190] The Supreme Court of Canada has told us that:

The tort applies not only to a public officer who wilfully injures a member of the public through intentional abuse of a statutory power but also to a public officer who wilfully injures a member of the public through an intentional excess of power or a deliberate failure to discharge a statutory duty. [*Odhavji Estate v. Woodhouse*, 2003 SCC 69 (CanLII), [2003] 3 SCR 263 ¶30]

[191] A claim may arise as a result of the misuse of power the official has or as a result of purporting to use power he doesn’t have. (*Odhavji Estate v. Woodhouse*, 2003 SCC 69 (CanLII), [2003] 3 SCR 263 ¶22)

[192] As already noted the relevant act (or omission, in the sense described) must be unlawful.

[193] Liability may arise as a result of an action or as a result of a failure to act but failure to act can amount to misfeasance in a public office only in those circumstances in which the public officer is under a legal obligation to act.[*Odhavji Estate v. Woodhouse*, 2003 SCC 69 (CanLII), [2003] 3 SCR 263 ¶24] “

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All of the above is respectfully submitted.

*“Geoff Cauchi”*

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## Appendix “A”

### *A Supplemental Commentary on the 2011 BLG Opinion*

Here I intend to present, for readers who might be interested in more detailed discussion of the obvious differences between my legal opinions and those of BLG, a significant correction of the 2011 BLG Opinion. I fear that it influenced the TCDSB and other Ontario Catholic separate school boards to wrongly believe that Catholic Electors have *no* legal remedies if a Board and its Trustees refuse “to act in accordance with Catholic doctrine.” I placed this commentary in an Appendix so that readers not so interested are not distracted from the essential arguments I have put forward in this letter.

The first objection I have is that this legal conclusion went far beyond what was necessary to deal with specific controversy at that time. At that time (and perhaps at the time of the more recent case of the Ministry of Education’s attempt to compel Catholic Boards to amend their policies to make them in line with PPM-128) the controversy was specifically about the Board’s lack of interest in challenging a provincial government demand that prejudicially affected the rights and privileges of Catholic Electors. The 2011 BLG Opinion could have specifically dealt with the question at hand without going further to address whether or not a Catholic Board has a legal duty to comply with the magisterial teachings of the Catholic Church that is enforceable by its Catholic Electors. The issue we are dealing with in this letter does not involve government action at all, and the TCDSB may be inappropriately influenced by a 2011 legal opinion that did not adequately deal with the subject of fiduciary duties generally.<sup>25</sup>

Second, in my view, the authors of the BLG Opinion committed the logical fallacy of “arguing beside the point” by insisting that Section 93 cannot be used as a “sword” against the Board or its Trustees by its own Catholic Electors. My “point” in my legal opinion reviewed by BLG (and I believe this was Mr. Osborne’s “point” as well) was that Section 93, as well as the duties stated in the *Code of Conduct* of the TCDSB, and the statutory restatements of the Section 93 rights and privileges in the *Education Act*, the *Labour Relations Act, 1995* and the *School Board Collective Bargaining Act, 2014* are all elements that *inform* the full and complete scope of the *fiduciary duties* Ontario Catholic separate school boards and their Trustees owe to the beneficiaries of that fiduciary-beneficiary relationship. Instead, BLG operated from the false premise that we were arguing that Section 93 *per se* required a Catholic Board and its Trustees to “act in accordance with Catholic doctrine.” Indeed, if it is BLG’s position that a beneficiary of a

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<sup>25</sup>Unfortunately, the 2011 BLG Opinion is not very helpful to the Board now, as it considers the Rainbow Flag and Critical Race Theory Resolutions in that it provided no guidance whatsoever on the question of the nature and content of any fiduciary duties the Board and its Trustees might owe to its Catholic Electors. This was puzzling, as BLG had full knowledge of the 2007 *O’Malley* decision at the time.

fiduciary relationship who has been victimized by a breach of fiduciary duty has no legal remedy against the fiduciary, that would be a remarkably unintelligible legal conclusion. If Michael Osborne and I argued in favour of the use of any “sword”, the “sword” we had in mind was not a Section 93 proceeding, but rather an action for damages against the Board for breach of fiduciary duty, combined, perhaps, with a claim for injunctive relief. I suggested that another potential “sword” was an application for judicial review of the Board’s decision to take no action on the matter.<sup>26</sup>

Just so that everyone clearly understands how Section 93 *informs* the Denominational Rights, and in turn, the fiduciary duties they give rise to -----these duties are owed to the “Class of Persons” who are entitled to the rights and privileges *referred* to in Section 93. While 93 *raises* these rights and privileges, which are derived from other sources of the law, to the level of constitutional rights that may be raised as a “shield” (as the BLG Opinion says) against unconstitutional actions taken by and statutes and regulations enacted by the Ontario Government, it surely does not say that these rights and privileges cannot be enforced by their beneficiaries, the Catholic Electors, against the Trustees who themselves, by their own acts or omissions, either prejudicially affect those same rights and privileges, or give permission to parties other than the Provincial Government to act in way that prejudicially affects these rights and privileges.

The Ontario Court of Appeal, in *Daly v. Ontario (Minister of Education)* case [1999 CanLII 3715], re-confirmed what now must be regarded as a “constitutional fact” that was *informed* by Section 93 when it described the “active pursuit of the goal of indoctrinating students in the teachings of the Catholic religion” as the “constitutionally protected aim of the Catholic schools.” It went on to say: “The purpose of granting to Roman Catholics the right to funding for separate schools and the right to elect trustees to manage their own schools was to enable the

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<sup>26</sup>Initially, as I understand it, BLG advised the TCDSB that it had no choice but to give into the Ministry of Education’s demands in respect of the EIE Policy and Gay-Straight Alliance Groups. However, after it reviewed my opinion and that of Michael Osborne, it changed its position to the following: The Board had an arguable case, relying upon the remedy provided in Section 93, to challenge the EIE Policy, but that would be totally up to the Board own’s discretion. In other words, if it chose not to challenge the government’s demands, there was nothing its Catholic Electors could do about it.

Contrary to BLG’s original and revised opinion, Michael Osborne and I had independently come to the same conclusion that the TCDSB had a fiduciary obligation to its Catholic Electors to challenge the Ontario Government, on their behalf, over its attempt to force Catholic High Schools to allow its students to establish student-led Gay-Straight Alliance Groups, even if this meant permitting the student leaders to use these groups to attack the teachings of the Catholic Church on the subject of homosexuality. We said that the TCDSB was obligated make its objections known to the Ontario Government, and then initiate the judicial remedy provided by section 93 if it refused to concede that its demands were *ultra vires* the provincial legislature. Moreover, if the TCDSB refused to take such action, it would be in breach of its fiduciary duties to its Catholic Electors, who would then have recourse to many of the same private law remedies that any beneficiary of a fiduciary relationship would have for a breach of a fiduciary duty, and perhaps others.

teachings of the Roman Catholic faith to be transmitted to the children of Roman Catholics while educating them in secular subjects.”<sup>27</sup>

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<sup>27</sup>In the trial decision in *Daly v. Ontario (Attorney General)*, Sharpe, J. acknowledged the important differences between the Catholic philosophy of education and the secular vision of education. He said: “Unlike the public schools, which are precluded from attempting to indoctrinate their students with any sectarian religious beliefs (*Canadian Civil Liberties Assn. v. Ontario (Minister of Education)* (1990), 71 O.R. (2d) 341(C.A.) [the “Elgin County Case”], **separate schools have a constitutionally protected mandate to do so.** Separate schools do not aim to teach their students *about* [matters such as life, the meaning of life, and the spiritual life] from a neutral or objective point of view. Separate schools explicitly reject that secular **approach and have consistently defined their mission to be the inculcation of a particular religious faith as the appropriate way for students to confront these issues in their lives. The very notion of religious faith involves an acceptance of the limits of the human intellect and of the need to accept, on faith, certain fundamental precepts as a guide to life.**”

**Attorney General of Quebec** *Appellant;*

and

**Greater Hull School Board, Lakeshore School Board, Lennoxville District School Board, the Greater Quebec School Board, the Protestant School Board of Greater Montreal, the School Trustees for the Municipality of Laurentienne, Quebec Association of Protestant School Boards** *Respondents;*

and

**Attorney General of Canada** *Mis en cause;*

and

**Attorney General of Newfoundland** *Intervener.*

and between

**Attorney General of Quebec** *Appellant;*

and

**Hubert Lavigne, Paul-Émile Touchette, Maurice Archambault and Gilbert Healy** *Respondents;*

and

**Attorney General of Canada** *Mis en cause;*

and

**Attorney General of Newfoundland** *Intervener.*

and between

**Attorney General of Quebec** *Appellant;*

and

**Commission scolaire des Manoirs, Commission scolaire de Drummondville, Commission scolaire Jean Chapais, Commission scolaire Outaouais-Hull, les Syndics d'écoles pour la municipalité de Leeds-Sud and the Fédération des commissions scolaires catholiques du Québec** *Respondents;*

**Le procureur général du Québec** *Appelant;*

et

**Greater Hull School Board, Lakeshore School Board, Lennoxville District School Board, the Greater Quebec School Board, the Protestant School Board of Greater Montreal, the School Trustees for the Municipality of Laurentienne, Quebec Association of Protestant School Boards** *Intimés;*

et

**Le procureur général du Canada** *Mis en cause;*

et

**Le procureur général de Terre-Neuve** *Intervenant.*

et entre

**Le procureur général du Québec** *Appelant;*

et

**Hubert Lavigne, Paul-Émile Touchette, Maurice Archambault et Gilbert Healy** *Intimés;*

et

**Le procureur général du Canada** *Mis en cause;*

et

**Le procureur général de Terre-Neuve** *Intervenant.*

et entre

**Le procureur général du Québec** *Appelant;*

et

**Commission scolaire des Manoirs, Commission scolaire de Drummondville, Commission scolaire Jean Chapais, Commission scolaire Outaouais-Hull, les Syndics d'écoles pour la municipalité de Leeds-Sud et la Fédération des commissions scolaires catholiques du Québec** *Intimés;*



and

**Attorney General of Canada** *Mis en cause;*

and

**Attorney General of Newfoundland**  
*Intervener.*

File No.: 18011.

1984: June 20, 21; 1984: December 20.

Present: Dickson C.J. and Ritchie\*, Beetz, Estey,  
McIntyre, Chouinard, Lamer, Wilson and Le Dain JJ.

ON APPEAL FROM THE COURT OF APPEAL FOR  
QUEBEC

*Constitutional law — Education — Constitutional guarantees — Rights or privileges respecting denominational schools — Act providing for a new system of school financing — Whether provincial provisions intra vires — Constitution Act, 1867, s. 93 — Act respecting municipal taxation and providing amendments to certain legislation, 1979 (Que.), c. 72, ss. 339, 346, 353, 362, 366, 375, 382, 495, 498, 499, 500.*

Respondents brought actions in the Superior Court to have ss. 339, 346, 353, 362, 366, 375, 382, 495, 498, 499 and 500 of the *Act respecting municipal taxation and providing amendments to certain legislation* (the Act) declared unconstitutional. The chief feature of these provisions is the creation of a new system of school financing based on government grants: taxation is now only a complementary method subject to new conditions. These provisions, which amend the *Education Act*, apply to all public schools in Quebec, whether denominational or not. They provide in essence: (1) that the Minister of Education must annually make budgetary rules determining the amount of expenses allowable for the grants to be paid to school boards; (2) that the school commissioners and trustees must levy taxes to provide for expenses not covered by government subsidies or grants; (3) that the assessment may not exceed 6 per cent of the net expense of the school board or 25 cents per hundred dollars of assessment; and (4) that in order to levy taxes in excess of these limits the school board must obtain the approval of the electors in a referendum. The Superior Court dismissed respondents' declaratory actions. By a majority judgment, the Court of Appeal reversed that judgment and held the sections

\* Ritchie J. took no part in the judgment.

et

**Le procureur général du Canada** *Mis en cause;*

et

**Le procureur général de Terre-Neuve**  
*Intervenant.*

N° du greffe: 18011.

1984: 20, 21 juin; 1984: 20 décembre.

Présents: Le juge en chef Dickson et les juges Ritchie \*,  
Beetz, Estey, McIntyre, Chouinard, Lamer, Wilson et  
Le Dain.

EN APPEL DE LA COUR D'APPEL DU QUÉBEC

*Droit constitutionnel — Éducation — Garanties constitutionnelles — Droits ou privilèges relatifs aux écoles confessionnelles — Loi établissant un nouveau régime de financement scolaire — Les dispositions provinciales sont-elles intra vires? — Loi constitutionnelle de 1867, art. 93 — Loi sur la fiscalité municipale et modifiant certaines dispositions législatives, 1979 (Qué.), chap. 72, art. 339, 346, 353, 362, 366, 375, 382, 495, 498, 499, 500.*

Les intimés ont intenté en Cour supérieure des actions pour faire déclarer inconstitutionnels les art. 339, 346, 353, 362, 366, 375, 382, 495, 498, 499 et 500 de la *Loi sur la fiscalité municipale et modifiant certaines dispositions législatives*. Le trait dominant de ces dispositions est l'établissement d'un nouveau régime de financement scolaire à base de subventions gouvernementales, la taxation n'étant plus qu'un moyen complémentaire soumis à des conditions nouvelles. Ces dispositions, qui modifient la *Loi sur l'instruction publique*, s'appliquent à toutes les écoles publiques du Québec qu'elles soient confessionnelles ou non. Elles prévoient en substance: (1) que le ministre de l'Éducation doit établir annuellement des règles budgétaires pour déterminer le montant des dépenses admissible aux subventions à verser aux commissions scolaires; (2) que les commissaires et les syndicats doivent imposer une taxe pour pourvoir aux dépenses non couvertes par les subventions gouvernementales; (3) que la cotisation ne peut excéder 6 pour 100 des dépenses nettes de la commission scolaire ou un taux de 25 cents du cent dollars d'évaluation et (4) que pour taxer au-delà de ces limites, la commission scolaire doit obtenir l'approbation des électeurs par voie de référendum. La Cour supérieure a rejeté les actions

\* Le juge Ritchie n'a pas participé au jugement.



in question *ultra vires*, null and void. This appeal is to determine whether the disputed legislative provisions prejudicially affect the rights and privileges protected by s. 93 of the *Constitution Act, 1867*.

*Held:* The appeal should be dismissed.

*Per* Dickson C.J. and Beetz, Estey, McIntyre, Chouinard and Wilson JJ.: The disputed provisions are *ultra vires* the Quebec legislature and must be set aside. Under section 93 of the Constitution, the provinces have exclusive jurisdiction to legislate with respect to education, but they cannot prejudicially affect a right or privilege affecting denominational schools enjoyed by a particular class of persons by law in effect at the time of the Union. In 1867, the right of Protestants and Roman Catholics to direct and control their own denominational schools was recognized by law. As regards financing, the law gave school commissioners and trustees the right to receive grants on a proportionate basis and the right to levy taxes from their respective electors within the limits of "their respective municipalities". These are rights relating to denominational schools and are protected by s. 93. By omitting to state that the grants must be distributed on a proportionate basis and by ordering, in a referendum, the power of certain school boards — such as those of the Island of Montréal — to decide on an expense requiring a tax to be subject to the will of electors not within their districts, the provincial legislature prejudicially affected rights guaranteed by s. 93 of the *Constitution Act, 1867*. The provisions form a whole, and if those which deal with how grants are made and which govern approval by the electors are set aside, the other provisions fall to the ground as well.

*Per* Lamer and Le Dain JJ.: At Confederation, the Roman Catholics and the Protestants enjoyed the right to have their denominational schools managed by school commissioners or trustees having the power to determine the necessary level of expenditure for the support of such schools and the concomitant power, in order to meet such expenditure, to impose taxes in supplement of other revenue without limitation of amount or the necessity of referral to the ratepayers. It is this right or power of local self government with respect to denominational schools which is protected by s. 93(1) of the *Constitution Act, 1867*. The school commissioners or trustees are not themselves a class of persons contemplated by s. 93(1) but they are the representatives of such a class for

déclaratoires des intimés. Par un arrêt majoritaire, la Cour d'appel a infirmé le jugement et déclaré les articles visés *ultra vires*, nuls et sans effet. Le présent pourvoi vise à déterminer si les dispositions législatives attaquées portent préjudice aux droits et privilèges protégés par l'art. 93 de la *Loi constitutionnelle de 1867*.

*Arrêt:* Le pourvoi est rejeté.

*Le* juge en chef Dickson et les juges Beetz, Estey, McIntyre, Chouinard et Wilson: Les dispositions attaquées sont *ultra vires* de la législature du Québec et doivent être annulées. En vertu de l'art. 93 de la Constitution, les provinces ont compétence exclusive pour légiférer en matière d'éducation, mais elles ne peuvent pas porter préjudice à un droit ou privilège relatif aux écoles confessionnelles dont jouissait une classe particulière de personnes en vertu d'une loi en vigueur au moment de l'Union. En 1867, le droit des protestants et des catholiques romains de diriger et de contrôler leurs propres écoles confessionnelles était reconnu par la loi. En matière de financement, la loi conférait, entre autres, aux commissaires et aux syndics d'écoles le droit de recevoir des subventions sur une base proportionnelle et le droit de prélever des taxes de leurs administrés dans les limites de «leurs municipalités respectives». Ces droits constituent des droits relatifs aux écoles confessionnelles et ils sont protégés par l'art. 93. En omettant de décréter que les subventions doivent être distribuées sur une base proportionnelle et en décrétant, en cas de référendum, que le pouvoir de certaines commissions scolaires—par exemple, celles de l'île de Montréal—de décider d'une dépense nécessitant une taxe soit assujéti à la volonté d'électeurs autres que leurs administrés, la législature provinciale a, d'une façon préjudiciable, porté atteinte à des droits garantis par l'art. 93 de la *Loi constitutionnelle de 1867*. Ces dispositions forment un tout et si celles qui posent le principe des subventions et celles qui régissent l'approbation des électeurs sont annulées, les autres dispositions ne peuvent subsister.

*Les* juges Lamer et Le Dain: Lors de la Confédération, les catholiques romains et les protestants bénéficiaient du droit d'avoir leurs écoles confessionnelles gérées par des commissaires ou des syndics d'écoles qui avaient le pouvoir de déterminer le niveau nécessaire des dépenses pour subvenir aux besoins de ces écoles et, pour faire face à ces dépenses, le pouvoir concomitant de prélever des taxes en plus des autres revenus sans montant limite ou sans qu'il soit nécessaire d'en référer aux contribuables. C'est ce droit ou pouvoir de gestion locale autonome relativement aux écoles confessionnelles que le par. 93(1) de la *Loi constitutionnelle de 1867* protège. Les commissaires et les syndics d'écoles ne constituent pas en eux-mêmes une classe de personnes visée par le



purposes of the management of denominational schools. By imposing the requirement of approval by referendum for taxation beyond the limits prescribed by the Act, the Quebec legislature prejudicially affected this right. Indeed, such a requirement renders the power to tax beyond the limit quite illusory and seriously undermines the power of school commissioners and trustees to provide for and manage denominational schools in the interest of a class of persons.

*City of Winnipeg v. Barrett*, [1892] A.C. 445; *Brophy v. Attorney-General of Manitoba*, [1895] A.C. 202; *Ottawa Separate Schools Trustees v. Mackell*, [1917] A.C. 62; *Ottawa Separate Schools Trustees v. Ottawa Corporation*, [1917] A.C. 76; *Hirsch v. Protestant Board of School Commissioners of Montreal*, [1928] A.C. 200; [1926] S.C.R. 246; *Roman Catholic Separate School Trustees for Tiny v. The King*, [1928] A.C. 363, referred to.

APPEAL from a judgment of the Quebec Court of Appeal, [1983] C.A. 370, reversing a judgment of the Superior Court, [1981] C.S. 337, 133 D.L.R. (3d) 666, declaring certain provisions of the *Act respecting municipal taxation and providing amendments to certain legislation* constitutional. Appeal dismissed.

*Henri Brun, Georges Emery, Q.C., and Jean-K. Samson*, for the appellant.

*Colin K. Irving, Allan R. Hilton, Sandra J. Simpson and Nigel Campbell*, for the respondents Greater Hull School Board *et al.*

*Mario Du Mesnil and Roger Thibault, Q.C.*, for the respondents Lavigne *et al.* and for the respondents Commission scolaire des Manoirs *et al.*

*James L. Thistle and Deborah E. Fry*, for the interveners.

English version of the judgment of Dickson C.J. and Beetz, Estey, McIntyre, Chouinard and Wilson JJ. delivered by

CHOUINARD J.—This appeal raises the following constitutional question:

Are sections 339, 346, 353, 362, 366, 375, 382, 495, 498, 499 and 500 of the *Act respecting municipal taxation and providing amendments to certain legislation*, L.Q. 1979, c. 72, *ultra vires*, inapplicable or inoperative in

par. 93(1), mais ce sont les représentants de cette classe aux fins de la gestion des écoles confessionnelles. En imposant l'obligation de tenir un référendum pour obtenir l'approbation de taxes qui excèdent les limites fixées par la Loi, le législateur du Québec a porté préjudice à ce droit. Pareille obligation rend tout à fait illusoire le pouvoir de taxer au-delà de la limite et mine sérieusement le pouvoir des commissaires et des syndic d'écoles de fournir et de gérer des écoles confessionnelles selon les intérêts d'une classe de personnes.

Jurisprudence: *City of Winnipeg v. Barrett*, [1892] A.C. 445; *Brophy v. Attorney-General of Manitoba*, [1895] A.C. 202; *Ottawa Separate Schools Trustees v. Mackell*, [1917] A.C. 62; *Ottawa Separate Schools Trustees v. Ottawa Corporation*, [1917] A.C. 76; *Hirsch v. Protestant Board of School Commissioners of Montreal*, [1928] A.C. 200; [1926] R.C.S. 246; *Roman Catholic Separate School Trustees for Tiny v. The King*, [1928] A.C. 363.

POURVOI contre un arrêt de la Cour d'appel du Québec, [1983] C.A. 370, qui a infirmé un jugement de la Cour supérieure, [1981] C.S. 337, 133 D.L.R. (3d) 666, qui avait déclaré constitutionnelles certaines dispositions de la *Loi sur la fiscalité municipale et modifiant certaines dispositions législatives*. Pourvoi rejeté.

*Henri Brun, Georges Emery, c.r., et Jean-K. Samson*, pour l'appelant.

*Colin K. Irving, Allan R. Hilton, Sandra J. Simpson et Nigel Campbell*, pour les intimés Greater Hull School Board et autres.

*Mario Du Mesnil et Roger Thibault, c.r.*, pour les intimés Lavigne et autres et pour les intimés Commission scolaire des Manoirs et autres.

*James L. Thistle et Deborah E. Fry*, pour l'intervenant.

Le jugement du juge en chef Dickson et des juges Beetz, Estey, McIntyre, Chouinard et Wilson a été rendu par

LE JUGE CHOUINARD—Ce pourvoi soulève la question constitutionnelle suivante:

Les articles 339, 346, 353, 362, 366, 375, 382, 495, 498, 499 et 500 de la *Loi sur la fiscalité municipale et modifiant certaines dispositions législatives*, L.Q. 1979, c. 72, sont-ils, en tout ou en partie, *ultra vires*, inappli-

whole or in part in virtue of section 93 of the *Constitution Act, 1867*?

Section 93 is the section which gives the provincial legislatures exclusive jurisdiction over education. It also guarantees certain rights to classes of persons in respect of denominational schools and to both Protestant and Catholic dissentient schools. The subsections of that section which apply for the purposes of this appeal are:

**93.** In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following Provisions:

(1) Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union:

(2) All the Powers, Privileges and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissentient Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec:

#### Applicable Legislation

The disputed sections of the *Act respecting municipal taxation and providing amendments to certain legislation*, which I will call the "1979 Act", are all sections relating to school financing.

Respondents Hubert Lavigne *et al.* and Commission scolaire des Manoirs *et al.* stated in their submission that the fundamental purpose of the *1979 Act*:

[TRANSLATION] . . . is to remove all school boards from the real estate tax field, in order to give towns and other municipalities unimpeded real estate taxation powers.

No one disputed the following passage from the judgment of the trial judge, [1981] C.S. 337, at p. 347:

[TRANSLATION] The chief feature of this legislation is the provision of school financing through a system of grants: taxation is now only a complementary method subject to new conditions.

cables ou invalides, en raison de l'article 93 de la *Loi constitutionnelle de 1867*?

L'article 93 est cet article qui consacre la compétence exclusive des législatures provinciales en matière d'éducation. Il garantit par ailleurs certains droits à des classes de personnes relativement aux écoles confessionnelles de même qu'aux écoles dissidentes tant protestantes que catholiques. Les paragraphes pertinents de cet article pour les fins de ce pourvoi sont:

**93.** Dans chaque province et pour chaque province, la législature pourra exclusivement légiférer sur l'éducation, sous réserve et en conformité des dispositions suivantes:

(1) Rien dans cette législation ne devra préjudicier à un droit ou privilège conféré par la loi, lors de l'Union, à quelque classe particulière de personnes dans la province relativement aux écoles confessionnelles;

(2) Tous les pouvoirs, privilèges et devoirs conférés ou imposés par la loi dans le Haut-Canada, lors de l'Union, aux écoles séparées et aux syndicats d'écoles des sujets catholiques romains de la Reine, seront et sont par les présentes étendus aux écoles dissidentes des sujets protestants et catholiques romains de la Reine dans la province de Québec;

#### Les dispositions en cause

Les articles contestés de la *Loi sur la fiscalité municipale et modifiant certaines dispositions législatives*, que j'appellerai la «*Loi de 1979*», sont tous des articles qui portent sur le financement scolaire.

Les intimés Hubert Lavigne et autres, et Commission scolaire des Manoirs et autres, écrivent dans leur mémoire que le but essentiel de la *Loi de 1979*:

. . . est de faire sortir toutes les commissions scolaires du champ de l'impôt foncier pour accorder aux villes et autres municipalités la plénitude du champ foncier de la taxation.

Personne ne conteste le passage suivant du juge de première instance, [1981] C.S. 337, à la p. 347:

Le trait dominant de cette législation est l'établissement du financement scolaire par le système de subventions, la taxation n'étant plus qu'un moyen complémentaire soumis à des conditions nouvelles.



Section 339 of the 1979 *Act* introduced into the *Education Act*, R.S.Q., c. I-14, s. 15.1, which deals with grants to be paid to school boards and imposes on the Minister of Education a duty to annually make, after consultation, budgetary rules determining the amount of expenses allowable for such grants:

**15.1** The Minister shall, each year after consultation with the school boards and regional boards, make and submit to the approval of the Conseil du trésor budgetary rules to determine the amount of expenses allowable for grants to be paid to school boards, to regional boards and to the Conseil scolaire de l'Île de Montréal.

The Minister must, in the budgetary rules contemplated in the first paragraph, provide for the payment of equalization grants to school boards, regional boards or the Conseil scolaire de l'Île de Montréal. These equalization grants shall be paid according to the difference between the standardized assessment of taxable property per student of a school board, of a regional board or of the Conseil scolaire de l'Île de Montréal, as the case may be, and that per student of the aggregate of the school boards, of the regional boards or of the Conseil scolaire de l'Île de Montréal, as the case may be, taking into account the size of the revenue from real estate taxes collected within the limits fixed by section 354.1 or 558.1.

Section 346 replaced s. 226 of the *Education Act*, and I quote the first paragraph of the new provision:

**226.** The school commissioners and trustees must levy taxes for the payment of expenses not otherwise provided for by government subsidies or grants and other revenue. These taxes shall be imposed on all taxable property of the whole school municipality in accordance with Part IV.

This new section contrasts with the old one, in which the first paragraph provided that school commissioners and trustees had a duty to levy taxes to maintain schools under their control. It can thus be seen that the new financing arrangements, instead of being based primarily on taxation as the old, are based on grants, and taxation has become a complementary method. Henceforth, commissioners and trustees shall impose a tax only "for the payment of expenses not otherwise pro-

L'article 339 de la *Loi de 1979* introduit dans la *Loi sur l'instruction publique*, L.R.Q., chap. I-14, l'art. 15.1 qui traite des subventions à verser aux commissions scolaires et qui impose au ministre de l'Éducation l'obligation d'établir annuellement, après consultation, des règles budgétaires pour déterminer le montant des dépenses admissible à ces subventions:

**15.1** Le ministre doit établir annuellement, après consultation avec les commissions scolaires et les commissions régionales, et soumettre à l'approbation du Conseil du trésor des règles budgétaires pour déterminer le montant des dépenses admissible aux subventions à verser aux commissions scolaires, aux commissions régionales et au Conseil scolaire de l'île de Montréal.

Le ministre doit prévoir dans les règles budgétaires visées au premier alinéa le versement de subventions de péréquation aux commissions scolaires, aux commissions régionales ou au Conseil scolaire de l'île de Montréal. Ces subventions de péréquation sont versées en fonction de l'écart entre l'évaluation uniformisée des biens imposables par étudiant d'une commission scolaire, d'une commission régionale ou du Conseil scolaire de l'île de Montréal, selon le cas, et celle par étudiant de l'ensemble des commissions scolaires, des commissions régionales et du Conseil scolaire de l'île de Montréal, compte tenu de l'importance des revenus des taxes foncières perçues à l'intérieur des limites fixées par les articles 354.1 ou 558.1.

L'article 346 remplace l'art. 226 de la *Loi sur l'instruction publique* et je cite le premier alinéa du nouveau texte:

**226.** Les commissaires et les syndics doivent imposer une taxe pour le paiement des dépenses auxquelles il n'est pas autrement pourvu par les subventions gouvernementales et autres revenus. Ces taxes sont imposées sur tous les biens imposables de la municipalité scolaire entière conformément à la Partie IV.

Ce nouvel article contraste avec l'ancien dont le premier alinéa stipulait qu'il est du devoir des commissaires et des syndics d'écoles d'imposer des taxes pour le maintien des écoles sous leur contrôle. D'où l'on voit que le nouveau régime de financement, au lieu d'être fondé principalement sur la taxation comme l'ancien, est à base de subventions, la taxation devenant un moyen complémentaire. Ce n'est que «pour le paiement des dépenses auxquelles il n'est pas autrement pourvu

vided for by government subsidies or grants and other revenue”.

Section 353 of the 1979 Act enacts ss. 354.1, 354.2 and 354.3 of the *Education Act*, requiring school boards to submit for approval by the electors in a referendum any assessment which they intend to impose when the total amount of expenses required by that assessment exceeds 6 per cent of the net expense of the school board, or when the taxation rate exceeds 25 cents per hundred dollars of assessment. The first paragraph of s. 354.1 provides:

**354.1** Where the total amount of expenses for the payment of which an assessment must be levied under section 226 exceeds six per cent of the net expense of the school board or regional board, or the taxation rate for that assessment exceeds 25 cents per hundred dollars of the standardized assessment of the taxable property included in the real estate base of the school board or regional board, that assessment shall be submitted to the approval of the electors in accordance with sections 396 and following.

It should be mentioned that under s. 354.3, when an assessment is approved by the electors that approval applies for three taxation years.

Section 362 enacts ss. 396 to 399.5 of the *Education Act*, defining the procedures of a referendum.

Section 366 replaces the old ss. 441 to 444 of the *Education Act* by the new ss. 441 to 443, conferring on regional school boards a taxing power analogous to that of school boards and subject to the same conditions.

Sections 375 and 382 make amendments to Part IX of the *Education Act*, titled “Education in the Island of Montréal”. They enact ss. 558.1 to 558.4 and 567 to 567.4, requiring the council in the Island of Montréal to submit for approval by the electors any surtax exceeding the limits indicated—the same as those provided for school boards in the remainder of the province area—and defin-

par les subventions gouvernementales et autres revenus» que dorénavant les commissaires et les syndicats doivent imposer une taxe.

L'article 353 de la *Loi de 1979* édicte les art. 354.1, 354.2 et 354.3 de la *Loi sur l'instruction publique* qui obligent les commissions scolaires à soumettre à l'approbation des électeurs par voie de référendum toute cotisation qu'elles entendent imposer lorsque le montant total des dépenses qui nécessitent cette cotisation excède 6 pour 100 de la dépense nette de la commission scolaire, ou que le taux d'imposition excède 25 cents par cent dollars d'évaluation. Le premier alinéa de l'art. 354.1 stipule:

**354.1** Lorsque le montant total des dépenses pour le paiement desquelles une cotisation doit être imposée en vertu de l'article 226 excède six pour cent de la dépense nette de la commission scolaire ou de la commission régionale, ou que le taux d'imposition de cette cotisation excède 25 cents par cent dollars de l'évaluation uniformisée des biens imposables incluse dans l'assiette foncière de la commission scolaire ou de la commission régionale, cette cotisation doit être soumise à l'approbation des électeurs conformément aux articles 396 et suivants.

Il convient de signaler que suivant l'art. 354.3, lorsqu'une cotisation est approuvée par les électeurs, cette approbation vaut pour trois années d'imposition.

L'article 362 édicte les art. 396 à 399.5 de la *Loi sur l'instruction publique* qui définissent les modalités du référendum.

L'article 366 remplace les anciens art. 441 à 444 de la *Loi sur l'instruction publique* par les nouveaux art. 441 à 443 qui confèrent aux commissions scolaires régionales un pouvoir de taxation analogue à celui des commissions scolaires et soumis aux mêmes conditions.

Les articles 375 et 382 apportent des modifications à la partie IX de la *Loi sur l'instruction publique* intitulée: «De l'instruction publique dans l'île de Montréal». Ils édictent les art. 558.1 à 558.4 et 567 à 567.4 qui obligent le conseil scolaire de l'île de Montréal à soumettre à l'approbation des électeurs toute surtaxe qui excède les limites indiquées—les mêmes que celles prévues pour les



ing procedures for a referendum. It should be noted here that, for the Island of Montréal, a general budget is prepared by the council based on budgets from school boards and its own expenses, and this budget is not effective until approved by the Minister of Education. The council has alone the power to levy taxes (s. 566 which is not in issue). If it becomes necessary to impose a surtax which must be submitted to the electors for approval, all the electors on the Island of Montréal may vote. I will return to this point below.

Section 495 of the 1979 Act provides:

**495.** No school board or regional board may exercise a taxation power except within the limits provided by this act, notwithstanding any general law or special act or any charter conferring such power upon it.

Finally, sections 498, 499 and 500 are transitional provisions designed to allow the new sections on taxation to be implemented.

#### Conditions for Application of s. 93 Guarantees

There is no disagreement between the parties as to the conditions under which the s. 93 guarantees of the *Constitution Act, 1867* will apply, as stated by the trial judge at p. 342 of his judgment:

[TRANSLATION] 2. In order to claim the protection of this section, the following conditions must of necessity be met:

- (a) there must be a right or privilege affecting a denominational school;
- (b) enjoyed by a particular class of persons;
- (c) by law;
- (d) in effect at the time of the Union;
- (e) and which is prejudicially affected.

It is also well established that, in 1867, all the common schools in Montréal and Québec were denominational. Outside those two cities, dissentient schools were denominational but common schools were not.

commissions scolaires du reste du territoire décrites plus haut—et qui définissent les modalités du référendum. Il faut noter, dès à présent, que pour l'île de Montréal un budget global est préparé par le conseil scolaire à partir des budgets des commissions scolaires et de ses propres dépenses, lequel budget est sans effet tant qu'il n'a pas été approuvé par le ministre de l'Éducation. Seul le conseil scolaire peut imposer des taxes (art. 566, lequel n'est pas attaqué). S'il devient nécessaire d'imposer une surtaxe qui doit être soumise à l'approbation des électeurs, c'est l'ensemble des électeurs de l'île de Montréal qui est appelé à voter. Je reviendrai sur ce sujet plus loin.

L'article 495 de la *Loi de 1979* stipule:

**495.** Une commission scolaire ou une commission régionale ne peut exercer un pouvoir de taxation que dans les limites prévues par la présente loi, malgré toute loi générale ou spéciale ou charte qui lui confère un tel pouvoir.

Enfin, les art. 498, 499 et 500 sont des dispositions transitoires qui visent à permettre la mise en œuvre des nouveaux articles relatifs à la taxation.

#### Les conditions d'application des garanties de l'art. 93

Il n'y a pas de désaccord entre les parties quant aux conditions d'application des garanties de l'art. 93 de la *Loi constitutionnelle de 1867* ainsi exposées par le juge de première instance à la p. 342 de son jugement:

2. Pour réclamer la protection de cet article, les conditions suivantes doivent nécessairement être réunies:

- a) qu'il s'agisse d'un droit ou privilège relatif à une école confessionnelle;
- b) dont jouissait une classe particulière de personnes;
- c) en vertu d'une loi;
- d) en vigueur au moment de l'Union
- e) et auquel on porte préjudice.

Il est bien établi par ailleurs qu'en 1867 toutes les écoles communes de Montréal et de Québec étaient confessionnelles. En dehors de ces deux villes, les écoles dissidentes étaient confessionnelles mais les écoles communes ne l'étaient pas.

The propositions I have just stated proceed from decisions of the Privy Council, in particular the following cases: *City of Winnipeg v. Barrett*, [1892] A.C. 445; *Brophy v. Attorney-General of Manitoba*, [1895] A.C. 202; *Ottawa Separate Schools Trustees v. Mackell*, [1917] A.C. 62; *Ottawa Separate Schools Trustees v. Ottawa Corporation*, [1917] A.C. 76; *Hirsch v. Protestant Board of School Commissioners of Montreal*, [1928] A.C. 200; *Roman Catholic Separate School Trustees for Tiny v. The King*, [1928] A.C. 363.

#### Judgments of the Superior Court and the Court of Appeal

The Superior Court judgment dismissed the declaratory actions of respondents.

By a majority judgment, the Court of Appeal, [1983] C.A. 370, reversed the trial judgment and held the sections in question *ultra vires*, null and void.

#### Appellant's First Argument

The Attorney General submitted, as his first argument, that the measures introduced by the 1979 Act are not at variance with s. 93, because they do not apply to the object of that section, which is denominational schools. He submitted:

[TRANSLATION] This measure does not affect the guarantee in s. 93(1) of the *Constitution Act, 1867*. Its real object is the way in which a taxing power is exercised, whereas the object of the 93(1) guarantee is denominational schooling. This is the first argument on which our appeal is based.

He went on to say:

[TRANSLATION] The provisions in question [...] do not affect the guarantee in s. 93(1) of the *Constitution Act*, for the simple reason that their object has no connection with the object of s. 93(1).

Further, he stated:

[TRANSLATION] The disputed provisions [...] actually apply to the way in which a taxing power is exercised. They provide that the province's school commissioners must obtain the approval of their electors before they can tax beyond a given financing level.

Les propositions que je viens d'énoncer découlent de la jurisprudence du Conseil privé, notamment des arrêts suivants: *City of Winnipeg v. Barrett*, [1892] A.C. 445; *Brophy v. Attorney-General of Manitoba*, [1895] A.C. 202; *Ottawa Separate Schools Trustees v. Mackell*, [1917] A.C. 62; *Ottawa Separate Schools Trustees v. Ottawa Corporation*, [1917] A.C. 76; *Hirsch v. Protestant Board of School Commissioners of Montreal*, [1928] A.C. 200; *Roman Catholic Separate School Trustees for Tiny v. The King*, [1928] A.C. 363.

#### Le jugement de la Cour supérieure et l'arrêt de la Cour d'appel

Le jugement de la Cour supérieure a rejeté les actions déclaratoires des intimés.

Par un arrêt majoritaire, la Cour d'appel, [1983] C.A. 370, a infirmé le jugement de première instance et a déclaré les articles visés *ultra vires*, nuls et sans effet.

#### Le premier moyen de l'appelant

Le procureur général soumet, et c'est sa prétention première, que les mesures mises en place par la *Loi de 1979* ne vont pas à l'encontre de l'art. 93 parce qu'elles ne visent pas son objet qui est la confessionnalité. Il écrit dans son mémoire:

Cette mesure n'affecte pas la garantie du paragraphe 93(1) de la *Loi constitutionnelle de 1867*. Elle a pour objet réel la façon d'exercer un pouvoir de taxer, alors que la garantie de 93(1) a pour objet la confessionnalité. C'est là la prétention première sur laquelle se fonde notre appel.

Il écrit encore:

Les dispositions en cause [...] n'affectent pas la garantie du paragraphe 93(1) de la *Loi constitutionnelle* pour la raison essentielle que leur objet n'a aucun rapport avec l'objet du paragraphe 93(1).

On peut lire plus loin:

Les dispositions contestées [...] portent réellement sur le mode d'exercice d'un pouvoir de taxation. Elles stipulent que les commissaires d'écoles de la province doivent obtenir l'approbation de leurs électeurs avant de pouvoir surtaxer au-delà d'un niveau donné de financement.



The provisions of s. 93(1) of the *Constitution Act, 1867* are concerned with denominational schools. Their object is to protect certain denominational schools against anything threatening their denominational status.

Without discussing the argument submitted in support of this claim in detail, I consider that it cannot be allowed. Denominational status does not exist in a vacuum.

Section 93 guarantees the rights and privileges relating to denominational schools.

In *Hirsch* in this Court, [1926] S.C.R. 246, Anglin C.J., who was not overruled by the Privy Council on this point, wrote at p. 269:

From what has been said it is apparent that we would regard legislation designed to impair the right of Protestants, as a class of persons in the province of Quebec, to the exclusive control, financial and pedagogic, of their schools, as *ultra vires* of the provincial legislature.

In *Tiny* the Privy Council wrote at p. 375:

Unless the legislatures of Ontario and Quebec were debarred from prejudicially affecting the rights and privileges which the religious minorities possessed in regard to their denominational schools in regard to maintenance and support, the protection given by the section would be illusory.

In their analysis of *Les problèmes constitutionnels posés par la restructuration scolaire de l'île de Montréal*, Québec, Department of Education, 1972, at p. 22, the writers F. Chevette, H. Marx and A. Tremblay, based on precedent and in the context of effective protection, wrote:

[TRANSLATION] It is clear that the spirit of s. 93 seeks to guarantee the denominational status of education as that status existed in 1867, that is, in relation to education provided in dissentient schools in the province and in the schools of Montréal and Québec. In this regard, the ultimate aim of the section is a religious one, and that aim was undoubtedly given constitutional form. The question remains whether only that aim was so treated, or whether certain concrete means of achieving it were as well, namely a number of powers and administrative devices to ensure that the denominational status of education would be respected and maintained in

Les dispositions du paragraphe 93(1) de la *Loi constitutionnelle de 1867* portent quant à elles sur la confessionnalité. Elles ont pour objet de protéger certaines écoles confessionnelles contre ce qui mettrait en péril leur confessionnalité.

Sans entrer dans le détail de l'argumentation soumise à l'appui de cette prétention, je suis d'avis qu'elle ne peut être retenue. La confessionnalité n'existe pas dans un vacuum.

Ce sont les droits et privilèges relatifs aux écoles confessionnelles que garantit l'art. 93.

Dans l'arrêt *Hirsch* en cette Cour, [1926] R.C.S. 246, le juge en chef Anglin, qui sur ce point n'est pas contredit par le Conseil privé, écrit à la p. 269:

[TRADUCTION] Il ressort de ce qui précède que nous considérons que la loi destinée à amoindrir le droit des protestants, comme classe de personnes dans la province de Québec, au contrôle exclusif, financier et pédagogique de leurs écoles, est *ultra vires* de la législature de la province.

Dans l'arrêt *Tiny* le Conseil privé écrit à la p. 375:

[TRADUCTION] À moins qu'il ne soit interdit aux législatures de l'Ontario et du Québec de préjudicier aux droits et privilèges en matière de financement dont jouissent les minorités religieuses relativement à leurs écoles confessionnelles, la protection que prévoit l'article serait illusoire.

S'appuyant sur la jurisprudence et dans l'optique d'une protection effective, les auteurs F. Chevette, H. Marx et A. Tremblay écrivent dans leur étude sur *Les problèmes constitutionnels posés par la restructuration scolaire de l'île de Montréal*, Québec, ministère de l'Éducation, 1972, à la p. 22:

Il est certain que dans son esprit l'article 93 vise à garantir la confessionnalité de l'enseignement telle que cette confessionnalité se présentait en 1867, c'est-à-dire au niveau de l'enseignement dispensé dans les écoles dissidentes de la province et dans les écoles de Montréal et de Québec. À ce titre l'objectif final de cet article est de nature religieuse et il ne fait pas de doute que cet objectif ait été constitutionnalisé. Reste la question de savoir si c'est cet objectif final seul qui l'a été, ou si ne l'ont pas été aussi certains moyens concrets d'y parvenir, c'est-à-dire un certain nombre de pouvoirs et de structures administratives assurant que la confessionnalité de



practice. There is also no doubt of the answer to this question: constitutional form was also given to a number of means of achieving the result, and the wording of s. 93 itself seems clear in this regard, since it speaks of any "Right or Privilege with respect to Denominational Schools" rather than referring merely to "denominational schools".

It should be noted that in themselves, and viewed in isolation, these means are not necessarily religious in nature, for they may include financial powers, the power to hire teachers and so on; however, such means should still be related to the denominational status of education and connected directly with maintaining it.

Denominational status applies in its context, and though some legislation which does not prejudicially affect a right or privilege conferred by law at the time of the Union is conceivable, other legislation will have such an effect.

The legislature is not divested of the power to legislate in respect of the schools referred to in s. 93. In *Barrett*, the Privy Council wrote at p. 459:

With the policy of the Act of 1890 their Lordships are not concerned. But they cannot help observing that, if the views of the respondents were to prevail, it would be extremely difficult for the provincial legislature, which has been entrusted with the exclusive power of making laws relating to education to provide for the educational wants of the more sparsely inhabited districts of a country almost as large as Great Britain, and that the powers of the legislature, which on the face of the Act appear so large, would be limited to the useful but somewhat humble office of making regulations for the sanitary conditions of school-houses, imposing rates for the support of denominational schools, enforcing the compulsory attendance of scholars, and matters of that sort.

Similarly, in *Hirsch* it wrote at p. 215:

While s. 93 of the Act of 1867 protects every right or privilege with respect to denominational schools which any class of persons may have had by law at the Union, it does not purport to stereotype the educational system of the Province as then existing. On the contrary, it expressly authorizes the Provincial Legislature to make laws in regard to education subject only to the provisions of the section; and it is difficult to see how the Legisla-

l'enseignement serait en pratique respectée et maintenue. La réponse à cette question ne fait pas de doute non plus; on a aussi constitutionnalisé un certain nombre de moyens d'y parvenir et le texte même de l'article 93 semble clair à ce sujet puisqu'il parle de «droit ou privilège relativement aux écoles confessionnelles» au lieu de parler plus simplement «d'écoles confessionnelles».

Remarquons qu'en eux-mêmes et considérés isolément ces moyens n'ont pas nécessairement une nature religieuse, car il pourra éventuellement s'agir de pouvoirs financiers, du pouvoir d'engager des maîtres, etc. Mais il demeure que ces moyens doivent être relatifs à la confessionnalité de l'enseignement et reliés directement au maintien de celle-ci.

La confessionnalité s'exerce dans un cadre et si certaines législations qui ne préjudicient pas à un droit ou privilège conféré par la loi lors de l'Union sont concevables, d'autres y porteront préjudice.

La législature n'est pas privée du pouvoir de légiférer en regard des écoles visées par l'art. 93. Dans l'arrêt *Barrett*, le Conseil privé écrit à la p. 459:

[TRADUCTION] Leurs Seigneuries ne s'intéressent pas à la politique de la Loi de 1890. Toutefois, elles ne peuvent s'empêcher de remarquer que, si les opinions des intimés devaient s'appliquer, il serait extrêmement difficile pour la législature de la province, qui a le pouvoir exclusif d'adopter des lois relatives à l'éducation, de combler les besoins en matière d'éducation des districts les moins peuplés d'un pays presque aussi grand que la Grande-Bretagne et que les pouvoirs de la législature qui, d'après la Loi, paraissent tellement étendus seraient limités à la tâche utile, mais plutôt humble, d'établir des règlements portant sur les conditions d'hygiène dans les écoles, sur le prélèvement d'impôts pour le financement des écoles confessionnelles, sur le respect de la présence obligatoire des enseignants et sur des questions de ce genre.

De même dans l'arrêt *Hirsch*, il est écrit à la p. 215:

[TRADUCTION] Bien que l'art. 93 de la Loi de 1867 protège chaque droit ou privilège relatif aux écoles confessionnelles que la loi conférait à toute classe de personnes lors de l'Union, il ne prétend pas stéréotyper le système d'éducation de la province qui existait à ce moment-là. Au contraire, il autorise expressément la législature de la province à légiférer en matière d'éducation sous réserve seulement des dispositions de l'article;

ture can effectively exercise the power so entrusted to it unless it is to have a large measure of freedom to meet new circumstances and needs as they arise.

However, a statute adopted for the purpose of suspending some commissioners and replacing them with others for an indefinite period, unless the first complied with a regulation regarding the language of instruction, has been held unconstitutional: see *Ottawa Separate Schools Trustees v. Ottawa Corporation*, *supra*.

Accordingly, the question is what rights the law conferred on school boards and trustees of corporations at the time of the Union, in particular over financing, grants and taxation. It will then be necessary to determine whether the disputed provisions prejudicially affect these rights.

#### The Law in 1867

The law in Quebec at the time of the Union was c. 15 of the Consolidated Statutes for Lower Canada, 1861, titled the *Act respecting Provincial Aid for Superior Education,—and Normal and Common Schools* (the “1861 Act”). Under this Act, two systems of education existed, one for the cities of Montréal and Québec and the other for the remainder of the province (ss. 27 *et seq.* and ss. 128 *et seq.* of the 1861 Act).

In Montréal and Québec common schools existed open to all children between the ages of five and sixteen. These schools were directed and controlled by two groups of commissioners, one Catholic and the other Protestant. All these schools were denominational.

The commissioners were not elected but appointed by the Municipal Council.

In *Hirsch*, *supra*, the Court observed at p. 212:

The Roman Catholics in Montreal or Quebec formed a class of persons who had the right and privilege of having their schools controlled and managed by Commissioners of that religious persuasion and their teachers examined by Examiners of the same persuasion; and like

et je peux difficilement voir comment la législature peut exercer d'une manière efficace le pouvoir qui lui a été conféré si elle n'a pas une grande marge de manœuvre pour s'adapter aux circonstances et aux besoins nouveaux lorsqu'ils se présentent.

Mais une loi ayant pour objet de suspendre les commissaires et de les remplacer par d'autres pour une période indéfinie, faute par les premiers de se conformer à un règlement relatif à la langue d'enseignement, a été jugée inconstitutionnelle: voir *Ottawa Separate Schools Trustees v. Ottawa Corporation*, précité.

Il importe donc de déterminer quels droits la loi conférait aux commissions scolaires et aux corporations de syndicats au moment de l'Union, plus particulièrement en matière de financement, de subventions et de taxation. Il faudra voir ensuite si les dispositions attaquées affectent ces droits de façon préjudiciable.

#### La loi en 1867

La loi au Québec au moment de l'Union était le chap. 15 des Statuts Refondus pour le Bas Canada de 1861 intitulé: *Acte concernant l'allocation provinciale en faveur de l'éducation supérieure,—et les écoles normales et communes* (la «Loi de 1861»). En vertu de cette loi, il existait deux systèmes d'éducation, l'un pour les villes de Montréal et de Québec et l'autre pour le reste de la province (art. 27 *et suiv.* et art. 128 *et suiv.* de la *Loi de 1861*).

À Montréal et à Québec il existait des écoles communes auxquelles avaient accès tous les enfants âgés de cinq à seize ans. Ces écoles étaient dirigées et contrôlées par deux groupes de commissaires, l'un catholique et l'autre protestant. Toutes ces écoles étaient confessionnelles.

Les commissaires n'étaient pas élus mais nommés par le conseil municipal.

Dans l'arrêt *Hirsch*, précité, on peut lire à la p. 212:

[TRADUCTION] Les catholiques romains à Montréal ou à Québec formaient une classe de personnes qui avaient le droit et le privilège d'avoir des écoles dirigées et contrôlées par des commissaires de cette confession, et d'avoir des enseignants dont les compétences sont véri-



privileges belonged to the Protestants of each city with regard to the schools controlled by the Protestant Board of Commissioners.

Outside Montréal and Québec there were common schools in each municipality, which were also directed and controlled by school commissioners. These were elected. According to the Privy Council decision in *Hirsch, supra*, these schools were non-denominational.

In these municipalities the members of a minority religious group had the right to create one or more dissentient schools directed and controlled by trustees elected by them. These dissentient schools were denominational.

The right of Protestants and Catholics to direct and control their own denominational schools was therefore recognized by law at the time of the Union.

The financing came from three sources: government grants, taxes and school fees. It is not necessary to deal with the fees for the purposes of this appeal.

A common schools fund existed, and school commissioners and trustees were entitled to receive a proportionate share of this.

Section 24(1) provided:

**24.** It shall be the duty of the Superintendent of Education—

1. To receive from the Receiver General all sums of money appropriate for Common School purposes, and to distribute the same among the School Commissioners and Trustees of the respective Municipalities, according to law, and in proportion to the population of the same, as ascertained by the then last Census;

With regard to the trustees of dissentient schools, s. 55(2) provided:

2. Such Trustees shall have the same powers and be subject to the same duties as School Commissioners, but for the management of those Schools only which shall be under their control; and such dissentient inhabitants may, by the intervention of the Trustees, establish, in the manner provided with regard to other Schools, one or more Schools, which shall be subject to the same

fiées par des examinateurs de la même confession; les protestants de chaque ville ont des privilèges semblables en ce qui a trait aux écoles contrôlées par les commissions scolaires protestantes.

À l'extérieur de Montréal et de Québec il existait des écoles communes dans chaque municipalité, lesquelles étaient également dirigées et contrôlées par des commissaires d'écoles. Ceux-ci étaient élus. Suivant l'arrêt *Hirsch*, précité, du Conseil privé, ces écoles étaient non-confessionnelles.

Dans ces municipalités les membres d'un groupe religieux minoritaire avaient le droit de créer une ou des écoles dissidentes dirigées et contrôlées par des syndics élus par eux. Ces écoles dissidentes étaient confessionnelles.

Le droit des protestants et des catholiques de diriger et de contrôler leurs propres écoles confessionnelles était donc reconnu par la loi au moment de l'Union.

Quant au financement, il provenait de trois sources: les subventions gouvernementales, les taxes et les frais de scolarité. Il n'est pas nécessaire de parler de ces derniers frais pour les fins de ce pourvoi.

Il existait un fonds des écoles communes duquel les commissaires et syndics d'écoles avaient le droit de recevoir une part proportionnelle.

Le paragraphe 1 de l'art. 24 stipulait:

**24.** Il sera du devoir du surintendant de l'éducation:

1. De recevoir du receveur-général toutes sommes d'argent affectées aux fins des écoles, et d'en faire la distribution entre les commissaires d'école et les syndics des diverses municipalités d'après les dispositions de la loi et proportionnellement au chiffre de leur population, telle que constatée par le dernier recensement pour le temps;

Pour ce qui est des syndics des écoles dissidentes, le par. 2 de l'art. 55 disposait:

2. Tels syndics seront soumis aux mêmes devoirs et auront les mêmes pouvoirs que les commissaires d'école, mais pour la régie des écoles sous leur contrôle seulement; et les dits habitants dissidents pourront établir, par l'intermédiaire des dits syndics, en la manière prescrite quant aux autres écoles, une ou plusieurs écoles, qui seront soumises aux mêmes dispositions, devoirs et

provisions, duties and supervision, and they shall be entitled to receive from the Superintendent or from the School Commissioners, a sum out of the general or local School Fund, proportionate to the dissentient population they represent;

Reference should also be made to s. 57(3), which for the same trustees and the same dissentient schools, established a proportionality on the basis not of population but of the number of children attending the schools:

3. The said Trustees shall be a Corporation for the purposes of their own dissentient Schools and School Districts, and shall be entitled to receive, from the Superintendent of Education, shares of the General School Fund, bearing the same proportion to the whole sums allotted from time to time to such Municipality as the number of children attending such Dissentient Schools bears to the entire number of children attending School in such Municipality at the same time, and a similar share of the building fund;

The commissioners and trustees had a duty to levy taxes in an amount equal to the grants received from the common schools fund. They further had the power to levy any additional sum. This is indicated in ss. 73 and 74:

73. It shall be the duty of the School Commissioners and of the Trustees of Dissentient Schools, in their respective Municipalities, to cause to be levied by assessment and rate, in each Municipality, a sum equal to that allowed out of the Common School Fund (for such Municipality,) and to report their proceedings in this respect to the Superintendent of Education; and to enable them to receive from the said Superintendent their share of the Common School Fund, they must furnish him with a declaration from their Secretary-Treasurer, that he has actually and *bonâ fide* received, or that he has placed in the hands of the School Commissioners or Trustees for the purposes of this Act, a sum equal to the said share accruing to such Commissioners or Trustees.

74. The School Commissioners or Trustees of Dissentient Schools may cause to be levied by assessment and rate, such additional sum beyond that which they are directed to levy by the next preceding section as they think it necessary to raise for the support of the Schools under their control; and this provision extends to the Cities of Quebec and Montreal.

surveillance, et ils auront droit de recevoir du surintendant ou des commissaires d'école leur part du fonds général ou local des écoles, en proportion du chiffre de la population dissidente qu'ils représentent;

Il faut citer en outre le par. 3 de l'art. 57 qui, pour les mêmes syndics et les mêmes écoles dissidentes, établissait la proportionnalité sur la base non pas de la population mais sur la base du nombre d'enfants fréquentant les écoles:

3. Les dits syndics seront une corporation pour les fins de leurs propres écoles dissidentes et arrondissements d'école, et auront droit de recevoir du surintendant de l'éducation des parts du fonds général des écoles ayant la même proportion vis-à-vis du montant entier des sommes accordées de temps à autre à la dite municipalité que le nombre des enfants fréquentant les dites écoles dissidentes a vis-à-vis du nombre entier des enfants assistant à l'école à la fois dans la dite municipalité, et une semblable part du fonds de construction;

Les commissaires et les syndics avaient l'obligation de prélever des taxes pour un montant égal aux subventions reçues à même le fonds des écoles communes. Ils avaient en outre le pouvoir de prélever toute somme additionnelle. Ce sont les art. 73 et 74:

73. Il sera du devoir des commissaires d'école et des syndics des écoles dissidentes, dans leurs municipalités respectives, de faire prélever, par voie de répartition et cotisation dans chaque municipalité, une somme égale à celle allouée à telle municipalité sur le fonds commun des écoles, et de faire rapport de leurs procédés à cet égard au surintendant de l'éducation; et les commissaires d'école, pour recevoir leur part du fonds commun des écoles du surintendant de l'éducation, devront lui fournir une déclaration du secrétaire-trésorier, portant qu'il a actuellement et de bonne foi reçu, ou qu'il a mis entre les mains des commissaires ou syndics d'école pour les fins de cet acte, une somme égale à la part afférente aux dits commissaires ou syndics.

74. Les commissaires d'école ou les syndics des écoles dissidentes feront prélever, par voie de répartition et cotisation, telle somme additionnelle en sus de celle qu'il leur est prescrit de prélever par la section précédente, qu'ils croiront nécessaire pour le soutien des écoles sous leur contrôle; et cette disposition s'applique aussi aux cités de Québec et Montréal.



Under section 131, school commissions in Montréal and Québec were also entitled to receive a share of the common schools fund; however, they did not impose a tax corresponding to the grants made to them. Instead, the treasurer of the city was required, from the funds held by him, to "pay to the respective Boards of School Commissioners of such City, and in proportion to the population of the religious persuasion represented by such Boards respectively, a sum equal in amount to that apportioned to such City out of the Common School Fund [...]".

However, as provided in s. 74 cited above, Montréal and Québec commissioners had the power to levy "such additional sum [...] as they think it necessary to raise for the support of the Schools under their control".

Those, then, were the rights of the school commissioners and trustees over financing, grants and taxation which respondents alleged were prejudicially affected by the 1979 Act.

#### Issue

Based on the submissions of the parties, and the judgments of the Court of Appeal and the Superior Court, I may summarize the objections made by respondents to this statute as follows:

1. they no longer have the right to determine the level of their expenses themselves: it is the Minister of Education who in his sole discretion, after merely consulting with school commissioners, sets the level of the expenses which can be covered by grants;
2. the Act does not provide for grants as of right;
3. the right to grants being made on a proportional basis has been abolished;
4. the power to tax beyond the given ceiling is limited, if not completely abolished for all practical purposes, because of the requirement that the approval of the electors be obtained by referendum.

Suivant l'article 131, les commissions scolaires de Montréal et de Québec avaient, elles aussi, le droit de recevoir une part du fonds des écoles communes. Mais elles n'imposaient pas de taxe correspondant aux subventions qui leur étaient afférentes. Au lieu et place, le trésorier de la cité était tenu, à même les deniers de sa caisse, «de payer aux bureaux respectifs des commissaires d'écoles de telle cité, et proportionnellement au chiffre de la population de la croyance religieuse représentée par les dits bureaux respectivement, une somme égale à celle afférente à la dite cité sur les fonds des écoles communes, [...]».

Cependant, les commissaires de Montréal et de Québec avaient, comme le stipule l'art. 74 précité, le pouvoir de prélever «telle somme additionnelle [...] qu'ils croiront nécessaire pour le soutien des écoles sous leur contrôle».

Tels étaient donc les droits des commissaires et des syndic d'écoles en matière de financement, de subvention et de taxation que les intimés disent affectés de façon préjudiciable par la *Loi de 1979*.

#### Le fond du litige

M'inspirant des mémoires des parties, de l'arrêt de la Cour d'appel et du jugement de la Cour supérieure, je résume ainsi les griefs des intimés à l'encontre de cette loi:

1. Ils n'ont plus le droit de déterminer eux-mêmes le niveau de leurs dépenses. C'est le ministre de l'Éducation qui établit à sa seule discrétion, après simple consultation avec les commissions scolaires, le niveau des dépenses qui devront être couvertes par des subventions.
2. La loi ne pourvoit pas à des subventions de plein droit.
3. Le droit à ce que les subventions soient octroyées sur une base proportionnelle a été supprimé.
4. Le pouvoir de taxer au-delà du plafond indiqué est restreint, sinon inexistant à toutes fins pratiques, à cause de l'obligation d'obtenir l'approbation des électeurs par voie de référendum.

The first objection contains two propositions which need to be treated separately. It is true that the level of expenses which will be covered by grants is set by the Minister of Education in his sole discretion, after merely consulting with school boards. It is the Minister who determines the total amount allocated, which he submits to the Conseil du trésor for approval, and expenditure of which will eventually be authorized by the legislature. The Court was not shown that the situation under the *1861 Act* was different. That Act is silent as to how the common schools fund was to be made up, and one has to conclude that it was fixed by the government and voted on by the legislature.

On the other hand, what the Minister fixes in his budgetary rules is the amount of the expenses which will be eligible for grants, not the amount of the expenses of school boards and trustees. The latter are free to set their expenses at the level they consider necessary, but they will have to impose taxes for any amount exceeding the grants. I will of course return to the question of the taxing power. This first objection is without foundation.

The second objection is also invalid, in my opinion. The *1979 Act* does not use the same language as the *1861 Act*. The latter imposed on the Superintendent of Education a duty to distribute (s. 24(1)) and conferred on commissioners and trustees a right to receive their share (ss. 55(2); 57(3); 131; 133). However, when s. 15.1 of the *Education Act* says that the Minister shall make budgetary rules to determine the amount of expenses allowable for grants to be paid to school boards, to regional boards and to the Conseil de l'île de Montréal, this includes them all and means that grants must be paid to them.

Respondents' third objection must be upheld. As we have seen, the relevant sections of the *1861 Act* all spoke of proportionality. In sections 24(1), 55(2) and 131 the proportion is based on population, while in s. 57(3) it is based on the number of children attending school. Given the existence of these provisions, it is difficult to determine which should prevail. F. Chevette, H. Marx and A.

Le premier grief renferme deux propositions qu'il faut dissocier. Il est vrai que c'est le ministre de l'Éducation qui établit à sa seule discrétion, après simple consultation avec les commissions scolaires, le niveau des dépenses qui devront être couvertes par des subventions. C'est le ministre en somme qui détermine le montant global alloué qu'il soumet à l'approbation du Conseil du trésor et dont la dépense sera éventuellement autorisée par la législature. Il ne nous a pas été démontré qu'il en était autrement en vertu de la *Loi de 1861*. Cette dernière loi est muette au sujet de la détermination du fonds des écoles communes et il faut conclure que c'était le gouvernement qui l'établissait et la législature qui le votait.

Par ailleurs, ce que le ministre établit par ses règles budgétaires, c'est le montant des dépenses qui sera admis aux subventions et non pas le montant des dépenses des commissions scolaires et des syndicats. Ces derniers sont libres d'établir leurs dépenses au niveau qu'ils jugent nécessaire quitte à taxer pour ce qui excède les subventions. Bien entendu, je reviendrai plus loin sur le pouvoir de taxer. Ce premier grief est mal fondé.

Le second grief est également mal fondé à mon avis. La *Loi de 1979* n'emploie pas le même langage que la *Loi de 1861*. Cette dernière loi imposait au surintendant de l'éducation le devoir de distribuer (art. 24, par. 1) et conférait aux commissaires et aux syndicats le droit de recevoir leur part (art. 55, par. 2; 57, par. 3; 131; 133). Mais, quand l'art. 15.1 de la *Loi sur l'instruction publique* dit que le ministre doit établir des règles budgétaires pour déterminer le montant des dépenses admissible aux subventions à verser aux commissions scolaires, aux commissions scolaires régionales et au conseil de l'île de Montréal, cela les comprend tous et veut dire que des subventions doivent leur être versées.

Sur le troisième grief il faut donner raison aux intimés. Comme on l'a vu, les articles pertinents de la *Loi de 1861* parlaient tous de proportionnalité. Aux articles 24, par. 1, 55, par. 2 et 131 la proportion est fonction de la population, tandis qu'à l'art. 57, par. 3 elle est fonction du nombre d'enfants qui fréquentent l'école. En présence de ces textes il est difficile de déterminer laquelle doit



Tremblay, in their study cited above, appear to adopt the latter position when, discussing dissentient schools, they cite s. 57(3). At page 44 of their study, they write:

[TRANSLATION] The 1861 Lower Canada statute gave the trustees of dissentient schools a right to a share in public funds proportional to the number of students attending those schools in relation to the total number of students in a given school municipality.

This position seems more plausible in light of, for example, s. 90 of the *1861 Act*, which makes it a condition of receiving a grant that a school is attended by at least fifteen children. This establishes a connection between the grant and attendance.

In any case, I do not think that this point is conclusive. Proportionality is more significant. Whether on the basis of total population or that of school attendance, the principle of a fair and non-discriminatory distribution is recognized.

The *Act respecting grants to school boards*, R.S.Q., c. S-36, which provides for grants to be made for special purposes such as the costs of administration and maintenance and payment of teaching personnel, fixes such grants on a basis of so much per student.

I do not doubt that the legislator intended that the Minister's budgetary rules should be based on proportionality, and the grants are established on a proportional basis, as was indicated at the hearing. However, while the *1861 Act* provided this expressly, it is not stated by s. 15.1 of the *Education Act*. In my opinion, it is a right conferred by law at the time of the Union, which is protected by s. 93 of the *Constitution Act, 1867*.

The fourth objection relates essentially to the referendum. While the *1861 Act* authorized all school commissions, including those of Montréal and Québec, to levy any additional sum (s. 74), under the *1979 Act* a school board may still levy any amount which it considers necessary, but beyond the ceiling indicated above the tax required

prévaloir. F. Chevrette, H. Marx et A. Tremblay dans leur étude précitée, semblent adopter la dernière hypothèse alors que traitant des écoles dissidentes ils citent le par. 3 de l'art. 57. Ils écrivent à la p. 44 de leur étude:

La loi du Bas-Canada de 1861 donnait en effet aux syndics des écoles dissidentes le droit à une part des fonds publics proportionnelle au nombre d'élèves fréquentant ces écoles par rapport au nombre total d'élèves dans une municipalité scolaire donnée.

Cette hypothèse paraît plus plausible en regard par exemple de l'art. 90 de la *Loi de 1861* qui pose comme condition pour recevoir une allocation, qu'une école ait été fréquentée par au moins quinze enfants. On établit par là un rapport entre l'allocation et la fréquentation.

Quoi qu'il en soit, je ne crois pas que cette question soit déterminante. Ce qui importe davantage c'est la proportionnalité. Qu'elle soit sur la base de la population totale ou sur la base de la clientèle scolaire, le principe est reconnu d'une répartition équitable et sans discrimination.

La *Loi sur les subventions aux commissions scolaires*, L.R.Q., chap. S-36, qui pourvoit à des subventions pour des fins particulières tels les frais d'administration et d'entretien, la rémunération du personnel enseignant, établit ces subventions sur une base de tant par élève.

Je ne doute pas que ce soit l'intention du législateur que les règles budgétaires du ministre respectent la proportionnalité et que les subventions sont établies proportionnellement comme il nous a été indiqué à l'audience. Mais, alors que la *Loi de 1861* le stipulait expressément, l'art. 15.1 de la *Loi sur l'instruction publique* ne le dit pas. C'est là à mon avis un droit conféré par la loi lors de l'Union et que protège l'art. 93 de la *Loi constitutionnelle de 1867*.

Le quatrième grief se rapporte en somme au référendum. Alors que la *Loi de 1861* autorisait toutes les commissions scolaires, y compris celles de Montréal et de Québec, à prélever toute somme additionnelle (art. 74), par l'effet de la *Loi de 1979* une commission scolaire peut encore prélever toute somme qu'elle estime nécessaire mais au-

must be submitted to the electors for approval in a referendum.

This duty to hold a referendum is challenged on three grounds.

(a) There was no such condition in 1867 limiting the taxing power of commissioners and trustees. The mere fact of imposing it has the effect of prejudicially affecting their power.

(b) The procedure is so cumbersome and costly, apart from the risk that the electors may well be unwilling to approve a surtax affecting them, that in practice it would be almost unrealistic to think of using it, and this accordingly constitutes an impediment to the taxing power.

(c) Any elector would be entitled to vote in such a referendum, whether or not his religious affiliation is that of the school board in question.

The principle of a referendum itself is not in my view such as to constitute an infringement of the taxing right, making the legislation unconstitutional. There is no limit on the taxing right. It is only that the legislator has thought it proper to confer a supervisory power on persons who, in fact, are members of the class of persons whose rights are protected. I adopt the following passage from the reasons of Vallerand J.A., dissenting in the Court of Appeal (at p. 385):

[TRANSLATION] It is true that beyond certain taxing limits the impugned legislation provides for recourse to a referendum, and that appellants argued that this is such a serious obstacle that for all practical purposes it constitutes an impediment. I cannot share their anxiety. In fact, I have the impression that the alleged constitutional guarantees are being claimed for representatives and mandataries against their electors and mandators, who are the sole beneficiaries of those guarantees.

In a very comprehensive study, *De la notion de droit collectif et de son application en matière scolaire au Québec*, September 1984, prepared for the Centre de recherche en droit public, Faculté de droit, Université de Montréal, its director, Professor Pierre Carignan, comments on the Court of Appeal's decision.

delà du plafond déjà indiqué, la taxe requise doit être soumise à l'approbation des électeurs par voie de référendum.

Cette obligation de tenir un référendum est attaquée sous trois rapports:

a) Aucune telle condition ne venait, en 1867 contrôler ainsi le pouvoir de taxer des commissaires et des syndics. Le seul fait de l'imposer a pour effet d'affecter leur pouvoir de façon préjudiciable.

b) La procédure est si lourde et si coûteuse, sans compter le risque que les électeurs soient peu enclins à approuver une surtaxe qui les affecte, qu'il serait à peu près irréaliste de songer à y recourir en pratique, ce qui constitue en conséquence une entrave au pouvoir de taxer.

c) Aurait droit de vote à un pareil référendum tout électeur, peu importe qu'il soit de la dénomination religieuse ou non de la commission scolaire concernée.

Le principe même d'un référendum n'est pas à mon avis de nature à constituer une violation du droit de taxer qui entraîne l'inconstitutionnalité de cette législation. Il n'y a pas de limite au droit de taxer. Il y a seulement que le législateur a jugé à propos de conférer un contrôle aux personnes qui, en définitive, sont les membres de cette classe de personnes dont les droits sont protégés. Je fais mien le passage suivant des motifs du juge Vallerand, dissident en Cour d'appel (à la p. 385):

Il est vrai qu'au-delà de certaines frontières fiscales la loi reprochée prescrit le recours au référendum et que les appelants ont voulu trouver là un obstacle à ce point sérieux qu'il constitue à toutes fins pratiques un empêchement. Je ne puis partager leur angoisse. A vrai dire j'ai l'impression qu'on revendique de prétendues garanties constitutionnelles pour les élus et mandataires à l'encontre de leurs électeurs et mandants qui seuls pourtant en sont les bénéficiaires.

Dans une étude très fouillée, *De la notion de droit collectif et de son application en matière scolaire au Québec*, Septembre 1984, préparée pour le Centre de recherche en droit public, Faculté de droit, Université de Montréal, le professeur Pierre Carignan, qui en est le directeur, commente l'arrêt de la Cour d'appel.



He asks himself the following question at p. 130:

[TRANSLATION] Did the Quebec National Assembly, by reducing the taxing power of school boards, prejudicially affect a right enjoyed by a particular class of persons by law at the time of the Union with respect to denominational schools?

At pages 131-32 he writes:

[TRANSLATION] There are various aspects of the question above stated. For the purposes of this study, its interest lies in the fact that, in answering it, the collective nature of the constitutionally entrenched rights has to be kept in mind. With this in mind Trotier J., of the Superior Court, gave a negative answer. So did Vallérand J.A. in the Court of Appeal, but his brothers Malouf and Kaufman J.J.A. opted for the affirmative. In his reasons, Malouf J.A. recognized that the rights at issue were collective in nature. He considered that commissioners and trustees represent classes of persons. Having said that, however, he appears to have reasoned as if they were the real beneficiaries of the constitutional protection. The reduction in the latter's taxing powers led him to conclude that the disputed provisions were unconstitutional. In the case of Kaufman J.A., it seems even clearer that he regarded the constitutional protection as pertaining to the boards themselves, even as capable of being maintained against the electors. In his view, the requirement of approval by the electors infringed on the constitutionally entrenched rights of the commissioners and trustees.

There is then this conclusive passage, at pp. 132-33:

[TRANSLATION] This position is, to say the least, surprising. The constitutional protection exists for the benefit of religious communities. More specifically, it benefits Roman Catholics and Protestants in the cities of Montréal and Québec and dissentients outside those cities. Accordingly, commissioners and trustees are only the representatives of the real beneficiaries. Moreover, if one refuses to lift the veil of legal entity and regards the school boards as the ultimate holders of the taxing right, since the latter do not constitute a class of persons they are not in a position to invoke the constitutional protection.

The judges in the majority on the Court of Appeal did not specifically rule on respondents' second ground of challenge to the referendum, namely the cumbersome and costly nature of the procedure and the small likelihood of its success.

À la page 130 il se pose la question suivante:

En réduisant le pouvoir de taxation des organismes scolaires, l'Assemblée nationale du Québec a-t-elle porté atteinte de façon préjudiciable à un droit qu'une classe particulière de personnes possédait en vertu de la loi au moment de l'avènement de la confédération relativement à des écoles confessionnelles?

Aux pages 131 et 132 il écrit:

La question posée plus haut présente diverses facettes. Pour les fins de la présente étude son intérêt réside en ceci qu'il importe, en y apportant une réponse, de garder à l'esprit le caractère collectif des droits constitutionnalisés. Tenant compte de ce caractère, monsieur le juge Trotier, de la Cour supérieure, a répondu par la négative. Ainsi en est-il, en cour d'appel, de l'honorable juge Vallérand, mais ses collègues, les honorables juges Malouf et Kaufman ont opté pour l'affirmative. Dans ses notes, l'honorable juge Malouf admet le caractère collectif des droits en jeu. Pour lui, en effet, commissaires et syndics représentent des classes de personnes. Mais cette admission faite, il paraît raisonner comme s'ils étaient les véritables bénéficiaires de la protection constitutionnelle. Du fait de la réduction de leur pouvoir de taxation, il conclut à l'inconstitutionnalité des dispositions contestées. Quant à l'honorable juge Kaufman, il semble encore plus clair qu'il reconnaît la protection constitutionnelle aux organismes eux-mêmes et cela à l'encontre même des électeurs. En effet, selon lui, l'appel à l'approbation des électeurs porte atteinte aux droits constitutionnalisés des commissaires et des syndics.

Suit aux pages 132 et 133 ce passage concluant:

Cette position est, pour le moins, surprenante. En effet, la protection constitutionnelle joue en faveur de collectivités religieuses. Plus précisément, elle bénéficie aux catholiques romains et aux protestants dans les villes de Montréal et de Québec et aux dissidents en dehors de ces villes. Commissaires et syndics ne sont donc que les représentants des véritables bénéficiaires. D'ailleurs, si, refusant de lever le voile de la personnalité morale, on voyait dans les organismes scolaires les titulaires ultimes du droit de taxation, ces derniers, ne constituant pas une classe de personnes, ne sauraient invoquer la protection constitutionnelle.

Les juges de la majorité de la Cour d'appel ne se sont pas prononcés de façon spécifique sur le deuxième rapport sous lequel les intimés attaquent le référendum, à savoir la lourdeur et le coût de la procédure ainsi que son peu de chance de succès.

The trial judge, who heard the evidence presented by respondents in this regard and not rebutted, wrote the following at p. 350 of his judgment:

[TRANSLATION] The cost will undoubtedly be high, and it will be a source of inconvenience to school administrators, but the National Assembly probably considered that greater democratization of relations between governors and governed justified this.

Although the effect of the provisions in these sections is to reduce administrative autonomy, they do not in our opinion constitute the "prejudicial effect" referred to in s. 93. The fiscal field (grants and taxation) remains the same: the taxing right has not been abolished, but its exercise is entrenched in a procedure which the sovereign power has a right to impose.

The trial judge noted that the referendum would be a source of inconvenience, but he nevertheless concluded that such a constraint did not prejudicially affect the rights guaranteed to respondents. Not all interferences will make legislation constitutionally invalid.

In *Ottawa Separate Schools Trustees v. Ottawa Corporation*, *supra*, it states at p. 81:

It is possible that an interference with a legal right or privilege may not in all cases imply that such right or privilege has been prejudicially affected.

In *Tiny*, *supra*, there is the following passage at p. 389:

It is indeed true that power to regulate merely does not imply a power to abolish. But the controversy with which this Board has to deal on the present occasion is a long way from abolition. It may be that the new laws will hamper the freedom of the Roman Catholics in their denominational schools. They may conceivably be or have been subjected to injustice of a kind that they can submit to the Governor-General in Council, and through him to the Parliament of Canada. But they are still left with separate schools, which are none the less actual because the liberty of giving secondary and higher education in them may be abridged by regulation.

The school boards retain the power of taxing without limit, subject to the requirement that they submit the tax to a referendum in certain cases,

Le juge de première instance qui a entendu la preuve offerte par les intimés à ce sujet, non contredite du reste, écrit ce qui suit à la p. 350 de son jugement:

Certes, le coût en sera élevé et il sera source d'inconvénients pour les administrateurs scolaires, mais l'Assemblée nationale a probablement considéré qu'une plus grande démocratisation des rapports entre administrateurs et administrés le justifiait.

Même si les dispositions de ces articles entraînent une réduction d'autonomie administrative, elles ne constituent pas à notre avis le «préjudice» prévu à l'article 93. Le champ fiscal (subvention et taxation) demeure le même: le droit de taxer n'est pas prohibé, mais son exercice est enchâssé dans une modalité que le pouvoir souverain a droit d'imposer.

Le juge de première instance constate que le référendum sera source d'inconvénients mais il n'en conclut pas pour autant que cette contrainte affecte de façon préjudiciable les droits garantis des intimés. Tous les inconvénients ne vont pas entraîner l'invalidité constitutionnelle d'une disposition législative.

Dans l'arrêt *Ottawa Separate Schools Trustees v. Ottawa Corporation*, précité, on peut lire à la p. 81:

[TRADUCTION] Un empiétement sur un droit ou un privilège peut ne pas toujours signifier qu'il y a eu atteinte préjudiciable à ce droit ou privilège.

Dans l'arrêt *Tiny*, précité, on trouve le passage suivant, à la p. 389:

[TRADUCTION] En effet, il est vrai que le simple pouvoir de réglementer ne sous-entend pas le pouvoir d'abolir. Toutefois, la controverse avec laquelle cette commission est aux prises en l'espèce est loin de l'abolition. Il se peut que les nouvelles lois entravent la liberté des catholiques romains face à leurs écoles confessionnelles. Il se peut bien qu'ils aient été l'objet d'un type d'injustice dont ils peuvent se plaindre au gouverneur général en conseil et par son entremise au Parlement du Canada. Toutefois, ils conservent des écoles séparées qui sont néanmoins réelles parce que la liberté d'y offrir un enseignement secondaire et supérieur peut être limitée par règlement.

Les commissions scolaires conservent le pouvoir de taxer sans limite sujet à soumettre la taxe à un référendum dans certains cas, mais il n'a pas été



but it was not shown that this was impractical and constituted a denial of the right.

The same cannot be said of the third ground of challenge to the referendum, namely that in some cases any elector would be entitled to vote, whether or not he was of the religious affiliation of the school board in question.

At page 349, the trial judge wrote:

[TRANSLATION] Furthermore, all electors would be entitled to vote in such a referendum. For the meaning of the word "elector", reference is made to s. 82 of the *Education Act*:

(...)

- (1) to be at least 18 years of age and a Canadian citizen;
- (2) to be domiciled in the school municipality or to be the owner of real estate or of a building and to be entered as such on the valuation roll; and
- (3) not to be affected by any legal incapacity other than minority.

(...)

Thus, Bill 57 would give the right to vote to persons who are not property owners and do not pay taxes. Some electors might even be of a religious affiliation other than the school board which had ordered such a referendum to be held.

The trial judge disposed of this argument as follows, at p. 350:

[TRANSLATION] Moreover, the argument of plaintiffs regarding the persons allegedly entitled to vote in the referendum has to be qualified. They omitted to cite s. 83 of the *Education Act*, which is none other than the old s. 56(3) of the 1861 Act, and which contains a limitation on the electoral qualification made by s. 82 cited above:

83. In any municipality in which there are school trustees, no dissident may vote at the election of school commissioners and only dissidents may vote at the election of school trustees.

The same will be true for the referendum, and the same limitation is provided for. The new s. 567 confirms this:

When a tax is submitted to the approval of the electors, the vote shall be taken in accordance with sections 567.1 to 567.4 and sections 83 to 88, 90 to 143, 537 and 538 apply, *mutatis mutandis*, when the vote is held.

démontré que celui-ci était impraticable et avait pour effet de nier le droit.

Il en va autrement du troisième aspect contesté du référendum qui fait qu'en certains cas aurait droit de vote tout électeur, peu importe qu'il soit de la dénomination religieuse ou non de la commission scolaire concernée.

Le juge de première instance écrit à la p. 349:

Au surplus, tous les électeurs auraient droit de voter à un tel référendum. Pour connaître la signification du mot «électeur», ils en réfèrent à l'article 82 de la *Loi sur l'instruction publique*:

(...)

1. avoir au moins 18 ans et être citoyen canadien;
2. être domicilié dans la municipalité scolaire, ou être propriétaire d'un bien-fonds ou d'un bâtiment et être inscrit comme tel au rôle d'évaluation; et
3. n'être frappé d'aucune incapacité légale autre que la minorité.

(...)

Ainsi, la Loi 57 donnerait le droit de vote à des personnes qui ne sont pas propriétaires et ne paient pas de taxes. Il peut même arriver que certains électeurs soient d'une croyance religieuse autre que la commission scolaire qui aurait décrété la tenue d'un tel référendum.

Le juge de première instance dispose de ce moyen en ces termes, à la p. 350:

De plus, l'argument des demandeurs relatif aux personnes qui auraient droit de vote au référendum mérite d'être nuancé. Ils omettent de citer l'article 83 de la *Loi sur l'instruction publique* qui n'est autre que l'ancien article 56 paragr. 3 de la loi de 1861 et qui comporte une restriction au sens électoral établi par l'article 82 ci-haut cité:

Art. 83: Dans toute municipalité où il y a des syndics d'écoles, les dissidents ne peuvent voter à l'élection des commissaires d'écoles et peuvent seuls voter à l'élection des syndics d'écoles.

Or, ce sera la même chose pour le référendum et la même restriction est prévue. Le nouvel article 567 le confirme:

Quand la taxe est soumise à l'approbation des électeurs, le vote est pris suivant les articles 567.1 à 567.4, et les articles 83 à 88, 90 à 143, 537 et 538 s'appliquent, en les adaptant, lors de la tenue du vote.

Before examining this reasoning by the trial judge, one point should be made. The judge referred only to s. 567, which applies to the Island of Montréal. It should be noted that the situation is no different in the remainder of the Province. Section 396 of the *Education Act*, enacted by s. 362 of the 1979 Act, is to the same effect as s. 567, and provides *inter alia* that when a tax is submitted to the approval of the electors s. 83 regarding dissentients applies.

The reason given by the trial judge is a valid one in the case of dissentients, who will be the only ones entitled to vote in a referendum affecting their schools; but it does not solve the problem as regards Catholic and Protestant school boards.

To take an example, an Island of Montréal school board might decide on an expenditure making it necessary to impose a tax exceeding the ceiling. The Island of Montréal has a single budget, including the budgets of all school boards (s. 519 of the *Education Act*). In the case of a referendum, the electoral list is prepared for the whole Island of Montréal (s. 567.1). Section 567.3 provides:

**567.3** The following shall be printed on the ballot papers:

Do you approve the levy of a tax at the rate of (x) cents per hundred dollars of the standardized assessment of the taxable property of the island of Montreal?

1	YES
2	NO

NOTE: That rate corresponds to (y) per cent of the net expenses of the Conseil scolaire de l'île de Montréal for the school year (*insert here the taxation year*).

This means that the increase in tax occasioned by a particular school board is subject to approval by all the electors in the Island of Montréal. It follows that the school board in question may have its decision rejected or approved by the vote of electors who are not subject to its administration. This in my opinion is a prejudicial invasion of the powers guaranteed by s. 93 of the *Constitution Act, 1867*. Under the 1861 Act, school commissioners and trustees had the power to levy taxes "in their respective municipalities". Catholic and

Avant d'examiner ce motif du juge de première instance il convient d'apporter une précision. Le juge ne cite que l'art. 567 lequel s'applique à l'île de Montréal. Je signale que pour le reste du territoire la situation n'est pas différente. En effet l'art. 396 de la *Loi sur l'instruction publique* édicté par l'art. 362 de la *Loi de 1979* est au même effet que l'art. 567 et porte notamment que quand la taxe est soumise à l'approbation des électeurs l'art. 83 relatif aux dissidents s'applique.

Le motif retenu par le juge de première instance vaut pour les dissidents qui seuls auront le droit de voter au référendum concernant leurs écoles. Mais cela ne solutionne pas la difficulté en ce qui touche les commissions scolaires catholiques et protestantes.

Je prends pour exemple une commission scolaire de l'île de Montréal qui déciderait d'une dépense nécessitant l'imposition d'une taxe qui excède le plafond. Il n'y a pour l'île de Montréal qu'un seul budget qui englobe les budgets de toutes les commissions scolaires (art. 519 de la *Loi sur l'instruction publique*). Dans le cas d'un référendum la liste électorale est dressée pour toute l'île de Montréal (art. 567.1). L'article 567.3 dispose:

**567.3** Les bulletins de vote portent les inscriptions suivantes:

Approuvez-vous l'imposition d'une taxe au taux de (x) cents par cent dollars de l'évaluation uniformisée des biens imposables de l'île de Montréal?

1	OUI
2	NON

NOTE: Ce taux correspond à un taux de (y) pour cent des dépenses nettes du Conseil scolaire de l'île de Montréal pour l'année scolaire (*inscrire ici l'année scolaire*).

Ceci signifie que l'augmentation de taxe occasionnée par une commission scolaire donnée est soumise à l'approbation de tous les électeurs de l'île de Montréal. Il s'ensuit que la commission scolaire en cause peut voir sa décision rejetée ou approuvée par l'effet du vote d'électeurs qui ne sont pas de ses administrés. C'est là à mon avis une atteinte préjudiciable aux pouvoirs garantis par l'art. 93 de la *Loi constitutionnelle de 1867*. Les commissaires et les syndics d'écoles avaient en vertu de la *Loi de 1861* le pouvoir de prélever des



Protestant commissioners in Montréal and Québec and the trustees of dissentient schools had the power to levy such taxes on their Catholic or Protestant populations, as the case might be. It is a prejudicial invasion of the rights and privileges of classes of persons encompassed by s. 93 to subject the exercise of the power of a school board to decide on an expense requiring a tax, to the approval of all electors in the Island of Montréal, whatever school board they belong to and whatever their religious affiliation.

For this reason, the provisions regarding the referendum must be held *ultra vires* and void.

#### Appellant's Alternative Argument

The Attorney General submitted the following alternative argument:

[TRANSLATION] If the impugned provisions [ . . . ] were unconstitutional, this could only be the case with respect to Catholics and Protestants exercising the right of dissent, and those in the territories of Québec and Montréal in 1867, with respect to elementary schools.

As a result, he argued, if some or all of the provisions of the 1979 Act were to be held contrary to s. 93, the unconstitutionality should take the form of making those provisions inapplicable or inoperative, not invalid.

In my opinion, it is not necessary for the purposes of this appeal to determine whether the provisions of s. 93 apply, in respect of Québec and Montréal, only at the level of elementary education and in the territories of those two cities, as they existed in 1867. If this were in fact true, how could the confusion ever be sorted out? On this point I agree with counsel for respondents Greater Hull School Board *et al.*, who wrote in their submission:

In these circumstances, if the legislation offends against the provisions of Section 93, but only in respect of certain levels of schools or geographic areas, it would be for the National Assembly to decide whether, given the scope and intent of the legislation, it should be re-enacted in some more limited form.

taxes «dans leurs municipalités respectives». Les commissaires catholiques et protestants à Montréal et à Québec et les syndics d'écoles dissidentes avaient le pouvoir de prélever telles taxes de leurs administrés catholiques ou protestants selon le cas. C'est une atteinte préjudiciable aux droits et privilèges des classes de personnes visées à l'art. 93 que de soumettre l'exercice du pouvoir d'une commission scolaire de décider d'une dépense nécessitant une taxe, à l'approbation de tous les électeurs de l'île de Montréal quelle que soit la commission scolaire à laquelle ils appartiennent et quelle que soit leur dénomination religieuse.

Pour ce motif les dispositions relatives au référendum doivent être déclarées *ultra vires* et nulles.

#### Moyen subsidiaire de l'appelant

Le procureur général soumet le moyen subsidiaire suivant:

Si les dispositions incriminées [ . . . ] étaient inconstitutionnelles, ce ne pourrait être qu'à l'égard des catholiques et des protestants ayant exercé le droit de dissidence, de même qu'à ceux des territoires de Québec et de Montréal de 1867, relativement aux écoles élémentaires.

En conséquence, dit-il, si les dispositions de la Loi de 1979 ou certaines d'entre elles devaient être jugées contraires à l'art. 93, l'inconstitutionnalité devrait prendre la forme d'une inapplicabilité et d'inopposabilité et non d'une invalidité.

Il n'est pas nécessaire à mon avis, pour les fins de ce pourvoi, de déterminer si les dispositions de l'art. 93 s'appliquent, quant à Québec et Montréal, uniquement au niveau élémentaire d'enseignement et aux territoires de ces deux villes, tels qu'ils étaient délimités en 1867. En fût-il ainsi en effet, comment démêler l'écheveau? Sur ce point je suis d'accord avec les procureurs des intimés Greater Hull School Board et autres, qui écrivent dans leur mémoire:

[TRANSLATION] Dans ces circonstances, si la loi contrevient aux dispositions de l'article 93, mais seulement en ce qui a trait à certains niveaux d'écoles ou certaines régions géographiques, il appartiendrait à l'Assemblée nationale de décider si, compte tenu de la portée et de l'intention de la loi, elle doit être adoptée de nouveau dans une forme plus limitée.

### Conclusion

Because the disputed provisions omit to state that the grants must be distributed on a proportionate basis, and because in a referendum the will of a school board may be subject to the will of electors not within their districts, I conclude that these provisions must be found to be *ultra vires* and void. The provisions form a whole, and if those which deal with how grants are made and which govern approval by the electors are set aside, the other provisions fall as well.

To the constitutional question I would answer: ss. 339, 346, 353, 362, 366, 375, 382, 495, 498, 499 and 500 of the *Act respecting municipal taxation and providing amendments to certain legislation*, 1979 (Que.), c. 72, are *ultra vires* and void in whole.

I would dismiss the appeal with costs.

The reasons of Lamer and Le Dain JJ. were delivered by

LE DAIN J.—I agree with the reasons for judgment of Mr. Justice Chouinard except for his conclusion concerning the validity of the requirement of referendum, apart from the question of who is eligible to vote. In my opinion, the requirement of approval by referendum for taxation in excess of 6 per cent of net expenditure or 25 cents per one hundred dollars of valuation prescribed in ss. 353 and 375 of the *Act respecting municipal taxation and providing amendments to certain legislation*, 1979 (Que.), c. 72 (the “*Act of 1979*”), prejudicially affects, within the meaning of s. 93(1) of the *Constitution Act, 1867*, the right which the classes of persons in question had by law at Confederation to provide by taxation for the support of denominational schools.

Under the provisions of *An Act respecting Provincial Aid for Superior Education,—and Normal and Common Schools*, C.S.L.C. 1861, c. 15 (the “*Act of 1861*”), and in particular ss. 73 and 74 thereof, the classes of persons in question enjoyed the right to have their denominational schools managed by school commissioners or trustees

### Conclusion

Parce que les dispositions contestées omettent de décréter que les subventions doivent être distribuées sur une base proportionnelle et parce qu'au cas de référendum la volonté d'une commission scolaire peut être assujettie à la volonté d'électeurs autres que ses administrés, je conclus que ces dispositions doivent être déclarées *ultra vires* et nulles. Ces dispositions forment un tout et si celles qui posent le principe des subventions et celles qui régissent l'approbation des électeurs sont annulées, les autres dispositions ne peuvent subsister.

À la question constitutionnelle je réponds: les art. 339, 346, 353, 362, 366, 375, 382, 495, 498, 499 et 500 de la *Loi sur la fiscalité municipale et modifiant certaines dispositions législatives*, 1979 (Qué.), chap 72, sont *ultra vires* et nuls pour le tout.

Je suis d'avis de rejeter le pourvoi avec dépens.

Version française des motifs des juges Lamer et Le Dain rendus par

LE JUGE LE DAIN—Je suis d'accord avec les motifs de jugement du juge Chouinard, sauf pour ce qui est de sa conclusion sur la validité de l'obligation de tenir un référendum, indépendamment de la question de savoir qui a le droit de vote. À mon avis, on préjudicie, au sens du par. 93(1) de la *Loi constitutionnelle de 1867*, au droit que la loi conférerait aux classes de personnes en question à l'époque de la Confédération d'assurer une assiette fiscale aux écoles confessionnelles en imposant l'obligation de tenir un référendum pour obtenir l'approbation de la taxation qui excède 6 pour 100 de la dépense nette ou 25 cents par cent dollars d'évaluation aux termes des art. 353 et 375 de la *Loi sur la fiscalité municipale et modifiant certaines dispositions législatives*, 1979 (Qué.), chap. 72 (la “*Loi de 1979*”).

En vertu des dispositions de l'*Acte concernant l'allocation provinciale en faveur de l'éducation supérieure,—et les écoles normales et communes*, S.R.B.C. 1861, chap. 15 (la “*Loi de 1861*”), et en particulier ses art. 73 et 74, les classes de personnes en question bénéficiaient du droit d'avoir leurs écoles confessionnelles gérées par des commissaires



having the power to determine the necessary level of expenditure for the support of such schools and the concomitant power, in order to meet such expenditure, to impose taxes in supplement of other revenue without limitation of amount or the necessity of referral to the ratepayers. It is this right or power of local self government with respect to denominational schools which, in my opinion, is protected by s. 93(1) of the *Constitution Act, 1867*, and is prejudicially affected by the requirement of approval by referendum.

I would agree that school commissioners or trustees are not themselves a class of persons contemplated by s. 93(1) of the *Constitution Act, 1867*, but they are the representatives of such a class for purposes of the management of denominational schools, and the rights of the class in respect of such management at Confederation are necessarily to be determined by reference to the powers of management conferred by law on school commissioners and trustees, through whom the class exercises its rights. It is for this reason that it is customary to refer, as in the reasons for judgment of the majority in the Quebec Court of Appeal, to the rights or powers of the school commissioners or trustees themselves in considering the rights of a class of persons under s. 93(1). See *Ottawa Separate Schools Trustees v. Ottawa Corporation*, [1917] A.C. 76, at pp. 80-81.

I would also agree that the rights contemplated by s. 93(1) of the *Constitution Act, 1867*, may be characterized as "collective rights", as suggested by Professor Carignan in his study, *De la notion de droit collectif et de son application en matière scolaire au Québec*, which is referred to by Mr. Justice Chouinard, although such characterization does not necessarily by itself yield obvious answers to the issues that arise under this provision of the Constitution. What the characterization does suggest, however, is that it is the interests of the class of persons or community as a whole in denominational education that is to be looked at and not the interests of the individual ratepayer. While the requirement of approval by referendum for taxation beyond severely limited amount may be said

ou des syndicats d'écoles qui avaient le pouvoir de déterminer le niveau nécessaire des dépenses pour subvenir aux besoins de ces écoles et, pour faire face à ces dépenses, le pouvoir concomitant de prélever des taxes en plus des autres revenus sans montant limite ni sans qu'il soit nécessaire d'en référer aux contribuables. C'est ce droit ou pouvoir de gestion locale autonome relativement aux écoles confessionnelles qu'à mon avis, le par. 93(1) de la *Loi constitutionnelle de 1867* protège et auquel l'obligation de tenir un référendum pour obtenir une approbation porte préjudice.

Je suis d'accord pour dire que les commissaires ou les syndicats d'écoles ne constituent pas eux-mêmes une classe de personnes visée par le par. 93(1) de la *Loi constitutionnelle de 1867*, mais ce sont les représentants de cette classe aux fins de la gestion des écoles confessionnelles et il faut nécessairement déterminer les droits de la classe à cet égard au moment de la Confédération par référence aux pouvoirs de gestion conférés en droit aux commissaires et syndicats d'écoles par l'intermédiaire desquels la classe exerce ses droits. C'est pourquoi on parle habituellement, comme dans les motifs de jugement de la majorité en Cour d'appel du Québec, des droits ou pouvoirs des commissaires ou syndicats d'écoles eux-mêmes quand on examine les droits d'une classe de personnes en vertu du par. 93(1). Voir *Ottawa Separate Schools Trustees v. Ottawa Corporation*, [1917] A.C. 76, aux pp. 80 et 81.

Je suis aussi d'accord pour dire qu'on peut qualifier les droits visés par le par. 93(1) de la *Loi constitutionnelle de 1867* de «droits collectifs», comme le suggère le professeur Carignan dans son étude, *De la notion de droit collectif et de son application en matière scolaire au Québec*, citée par le juge Chouinard, bien que cette qualification ne fournisse pas nécessairement en soi des réponses évidentes aux questions que soulève cette disposition de la Constitution. Ce que cette qualification suggère par contre, c'est qu'on doit prendre en considération les intérêts de la classe de personnes ou de la collectivité globalement en matière d'éducation confessionnelle et non les intérêts de chaque contribuable. Bien qu'on puisse dire que l'obligation de tenir un référendum pour obtenir l'appro-



to enlarge the democratic rights of the individual member of the class and to be a measure for the protection of his or her pocketbook, it is a measure or requirement which, because of its cost and uncertainty of outcome as indicated in the evidence, is prejudicial to the effective management of denominational schools in the interests of the class as a whole. In some cases the cost of holding a referendum could largely offset the additional revenue to be derived from the proposed taxes. The requirement of a referendum seriously undermines the responsibility of school commissioners or trustees for determination of the necessary level of expenditure for the schools under their jurisdiction by putting beyond their effective control the necessary power of taxation to meet such expenditure. Indeed, I agree with the conclusion that the requirement of approval by referendum renders the power to tax beyond the limit prescribed quite illusory. What is in issue here is not the theoretical scope of the democratic rights of a class of persons, viewed in the abstract, but the effective power of school commissioners and trustees to provide for and manage denominational schools in the interests of the class.

The learned trial judge was of the view that by the application of s. 93(2) of the *Constitution Act, 1867*, and the legislation in Upper Canada respecting separate schools at Confederation, the apparently unlimited and unqualified power of taxation conferred by s. 74 of the *Act of 1861* in Quebec was in fact qualified by a right of direct participation or consultation possessed by ratepayers which could be analogized to the requirement of approval by referendum laid down by the *Act of 1979*. With great respect, I am unable to agree with this conclusion. My own conclusion on this question may be briefly indicated. Section 93(2) of the *Constitution Act, 1867*, extends to the "Dissentient Schools" in Quebec, whether Roman Catholic or Protestant, all the "Powers, Privileges and Duties" which were conferred or imposed by law at Confederation on Roman Catholic "Separate Schools and School Trustees" (a further indication in the Constitution that the rights of the class are to be determined by reference to the rights or

bation de la taxation au-delà d'un montant strictement fixé élargisse les droits démocratiques de chaque membre de la classe et revienne à protéger son portefeuille, c'est une mesure ou une obligation qui, à cause du coût et du résultat incertain de l'opération comme l'indique la preuve, porte préjudice à la gestion efficace des écoles confessionnelles selon les intérêts de l'ensemble de la classe. Dans certains cas, le coût de la tenue d'un référendum pourrait largement absorber le revenu additionnel provenant des taxes proposées. L'obligation de tenir un référendum mine sérieusement la responsabilité des commissaires ou syndics d'écoles quant à la détermination du niveau nécessaire des dépenses pour les écoles qui relèvent de leur compétence en mettant hors de leur contrôle réel le pouvoir de taxation nécessaire pour faire face à ces dépenses. Je suis bien d'accord avec la conclusion que l'obligation de tenir un référendum pour obtenir l'approbation rend tout à fait illusoire le pouvoir de taxer au-delà de la limite prescrite. Ce qui est en litige ici, ce n'est pas la portée théorique des droits démocratiques d'une classe de personnes, dans l'abstrait, mais le pouvoir réel des commissaires et syndics d'écoles de fournir et de gérer des écoles confessionnelles selon les intérêts de la classe.

Le savant juge de première instance était d'avis qu'en appliquant le par. 93(2) de la *Loi constitutionnelle de 1867* et les lois du Haut-Canada relatives aux écoles séparées en vigueur à la Confédération, le pouvoir de taxation apparemment illimité et inconditionnel accordé par l'art. 74 de la *Loi de 1861* au Québec était en fait limité par un droit de participation ou de consultation directes appartenant aux contribuables qu'on pourrait rapprocher de l'obligation de tenir un référendum pour obtenir l'approbation, imposée par la *Loi de 1979*. Avec égards, je ne suis pas d'accord avec cette conclusion. Ma propre conclusion sur ce point peut se résumer ainsi. Le paragraphe 93(2) de la *Loi constitutionnelle de 1867* étend aux «écoles dissidentes» du Québec, qu'elles soient catholiques romaines ou protestantes, tous les «pouvoirs, privilèges et devoirs» conférés ou imposés par la loi lors de la Confédération «aux écoles séparées et aux syndics d'écoles» des catholiques romains (une autre indication dans la Constitution



powers of school trustees). Section 7 of *An Act to restore to Roman Catholics in Upper Canada certain rights in respect to Separate Schools*, 1863 (Can.), 26 Vict., c. 5 (the “Act of 1863”), conferred on the trustees of separate schools an unqualified power to provide for such schools by school rates or subscriptions and provided further that they should have, in respect of separate schools, all the “powers” possessed by the trustees of common schools under the Act relating to common schools. Section 27(10) of *An Act respecting Common Schools in Upper Canada*, C.S.U.C. 1859, c. 64 (the “Act of 1859”), imposed a “duty” on the trustees of common schools to provide for the salaries of teachers and all other expenses of the schools “in such manner as may be desired by a majority of the freeholders and householders . . . at the annual school meeting, or at a special meeting called for that purpose”. It was apparently the words quoted that led the learned trial judge in the present case to conclude that the power to tax conferred by s. 74 of the *Act of 1861* in Quebec was in fact qualified by the right of the members of the class to vote upon proposed taxation at an annual or special meeting. Section 27(10) of the *Act of 1859* respecting common schools in Upper Canada went on, however, to confer on the trustees of common schools (and by operation of s. 7 of the *Act of 1863* respecting separate schools, on the trustees of the latter) an unqualified power to “assess and cause to be collected an additional rate, in order to pay the balance of the Teacher’s salary and other expenses of such school”. It is this power, and not the “duty” referred to earlier, that in my opinion was made applicable to the trustees of separate schools by the reference in s. 7 of the *Act of 1863* to the “powers” of the trustees of common schools. In any event, the words “in such manner as may be desired by a majority of the freeholders and householders” do not qualify the power to supplement revenue by taxation, but would appear rather to refer to determination of the forms or modes of raising revenue (subscription, fees or taxes) to be adopted for the support of the schools. Cf. *Brophy v. Attorney-General of Manitoba*, [1895] A.C. 202, at p. 224. It is the power in s. 27(10) of the *Act of 1859* respecting common schools to levy an

que les droits de la classe doivent être déterminés par rapport aux droits ou pouvoirs des syndics d’écoles). L’article 7 de l’*Acte pour réintégrer les catholiques romains du Haut-Canada dans l’exercice de certains droits concernant les écoles séparées*, 1863 (Can.), 26 Vict., chap. 5 (la «*Loi de 1863*»), conférait aux syndics des écoles séparées un pouvoir illimité de subvenir aux besoins de ces écoles par des taxes d’écoles ou des souscriptions et il prévoyait en outre qu’ils devaient avoir tous les «pouvoirs» à l’égard des écoles séparées que les syndics des écoles communes possédaient en vertu de l’Acte concernant les écoles communes. Le paragraphe 27(10) de *An Act respecting Common Schools in Upper Canada*, C.S.U.C. 1859, chap. 64 (la «*Loi de 1859*»), imposait l’«obligation» aux syndics des écoles communes de payer le salaire des enseignants et toutes les autres dépenses des écoles [TRADUCTION] «de la manière que peut souhaiter une majorité des propriétaires fonciers . . . à la réunion annuelle de l’école ou à une réunion spéciale convoquée à cette fin». C’est apparemment ces citations qui ont amené le savant juge de première instance en l’espèce à conclure que le pouvoir de taxation conféré par l’art. 74 de la *Loi de 1861* au Québec était en fait limité par le droit des membres de la classe de voter sur la taxation proposée à une réunion annuelle ou spéciale. Le paragraphe 27(10) de la *Loi de 1859* relative aux écoles communes du Haut-Canada conférait également aux syndics des écoles communes (et selon l’art. 7 de la *Loi de 1863* relative aux écoles séparées, aux syndics de ces dernières) un pouvoir illimité [TRADUCTION] «d’évaluer et de faire prélever une cotisation additionnelle pour payer le solde du salaire de l’enseignant et les autres dépenses de cette école». C’est ce pouvoir et non «l’obligation» mentionnée précédemment qui, à mon avis, devenait applicable aux syndics des écoles séparées par la mention à l’art. 7 de la *Loi de 1863* des «pouvoirs» des syndics des écoles communes. De toute façon, les mots [TRADUCTION] «de la manière que peut souhaiter une majorité des propriétaires fonciers» ne limitent pas le pouvoir d’augmenter le revenu par la taxation, mais sembleraient plutôt renvoyer à la détermination du processus ou des modalités à adopter pour rassembler le revenu nécessaire (souscription, droits ou

“additional rate” which corresponds to the power conferred by s. 74 of the *Act of 1861* in Quebec to raise an “additional sum” by taxation. It follows, in my opinion, that s. 93(2) of the *Constitution Act, 1867*, did not have the effect of qualifying the power to tax conferred by the *Act of 1861* by imposing a duty upon school commissioners and trustees to obtain the prior approval of the ratepayers for proposed taxation.

For these reasons and for the reasons of Mr. Justice Chouinard, with the exception expressed herein, I would dispose of the appeal as proposed by him.

*Appeal dismissed with costs.*

*Solicitors for the appellant: Henri Brun, Georges Emery and Jean-K. Samson, Ste-Foy.*

*Solicitors for the respondents Greater Hull School Board et al.: Clarkson, Tétrault, Montréal.*

*Solicitors for the respondents Lavigne et al. and the respondents Commission scolaire des Manoirs et al.: Mario Du Mesnil, Montréal; Roger Thibaudeau, Québec.*

*Solicitor for the intervener: Ronald G. Penney, St. John's.*

taxes) pour subvenir aux besoins des écoles. Cf. *Brophy v. Attorney-General of Manitoba*, [1895] A.C. 202, à la p. 224. C'est le pouvoir énoncé au par. 27(10) de la *Loi de 1859* relativement aux écoles communes de prélever une «cotisation additionnelle» qui correspond au pouvoir conféré par l'art. 74 de la *Loi de 1861* au Québec de prélever une «somme additionnelle» par voie de taxation. Il s'en suit, à mon avis, que le par. 93(2) de la *Loi constitutionnelle de 1867* n'avait pas pour effet de limiter le pouvoir de taxation conféré par la *Loi de 1861* en imposant aux commissaires et syndics d'écoles l'obligation d'obtenir l'approbation préalable des contribuables relativement à un projet de taxation.

Pour ces motifs et pour les motifs exprimés par le juge Chouinard, avec la restriction énoncée aux présentes, je suis d'avis de trancher le pourvoi comme il le propose.

*Pourvoi rejeté avec dépens.*

*Procureurs de l'appelant: Henri Brun, Georges Emery et Jean-K. Samson, Ste-Foy.*

*Procureurs des intimés Greater Hull School Board et autres: Clarkson, Tétrault, Montréal.*

*Procureurs des intimés Lavigne et autres et des intimés Commission scolaire des Manoirs et autres: Mario Du Mesnil, Montréal; Roger Thibaudeau, Québec.*

*Procureur de l'intervenant: Ronald G. Penney, St. John's.*



## REPORT TO

## REGULAR BOARD

### UPDATE ON ACCEPTABLE USE OF TECHNOLOGY POLICY AND SOCIAL MEDIA GUIDELINES

*And do not forget to do good and to share with others, for with such sacrifices God is pleased. – Hebrews 13:16*

Created, Draft	First Tabling	Review
May 12, 2021	May 20, 2021	<a href="#">Click here to enter a date.</a>

Shazia Vlahos, Chief of Communications & Government Relations

### INFORMATION REPORT

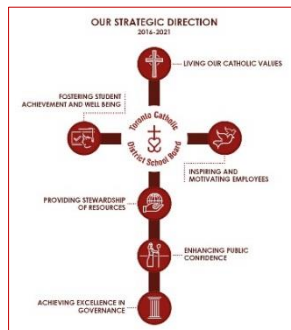
**Vision:**

*At Toronto Catholic we transform the world through witness, faith, innovation and action.*

**Mission:**

*The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.*

*We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.*



Brendan Browne, PhD  
Director of Education

D. Koenig  
Associate Director  
of Academic Affairs

D. Boyce  
Associate Director of  
Facilities, Business and  
Community Development



## **A. EXECUTIVE SUMMARY**

At the Special Board meeting on April 28, 2021, Trustees approved a motion that staff draft a social media policy.

This report will update the Board of Trustees on the current [Acceptable Use of Technology Policy A.29](#) and the accompanying [Social Media Guidelines](#).

*The cumulative staff time required to prepare this report was 1 hour.*

## **B. PURPOSE**

1. This report seeks to clarify that Trustees have already approved an updated Acceptable Use of Technology Policy A.29 on January 29, 2021 which includes scope over social media. Additionally, accompanying Social Media Guidelines were developed to offer the TCDSB community with “best practices” and considerations for engagement on TCDSB social media platforms.

## **C. BACKGROUND**

1. At the Special Board meeting on April 28, 2021, following discussion on the Integrity Commissioner’s Disposition Report, a Trustee asked whether an applicable policy for social media exists. During that time, information was shared about the TCDSB’s social media guidelines that had been developed in consultation with stakeholders and has become operational.
2. At that time, reference to the applicable Acceptable Use of Technology Policy A.29 was missed.
3. Reference to the Acceptable Use of Technology Policy A.29 is important given the consultations that took place over the course of approximately two years with stakeholders, which led to the Board approval of the policy in January 2021.
4. Simultaneously while Policy A.29 was being revised, the Chief of Communications together with the Senior Manager for Record Management and Freedom of Information started to research and develop the first-ever TCDSB social media guidelines to accompany the Acceptable Use of Technology Policy A.29 to serve as an operational document.

5. The TCDSB Social Media Guidelines encompasses social media best practices developed following research and a review of documents from other Ontario school boards and school districts in other jurisdictions.
6. The Social Media Guidelines underwent consultations with stakeholders including CPIC, OAPCE, union groups, principals, legal and other central departments over the course of approximately two years.
7. On March 9, 2021 Trustees were provided with an opportunity for any additional input before operationalizing of this accompanying resource to the Acceptable Use of Technology Policy A.29.
8. At the April 19, 2021 CPIC meeting, the Chief of Communications made another presentation to members, received additional feedback and made updates to the Social Media Guidelines.
9. At the April 26, 2021 OAPCE meeting, the Chief of Communications made another presentation to members, received additional feedback and made updates to the Social Media Guidelines.
10. At the April 29, 2021 Principals Meeting, the Chief of Communications made another presentation regarding the operationalizing of the Acceptable Use of Technology Policy A.29 and accompanying Social Media Guidelines.

#### **D. EVIDENCE/RESEARCH/ANALYSIS**

1. In the Acceptable Use of Technology Policy A.29, under Scope and Responsibility, it notes that “This policy applies to all individuals including students, employees, trustees, parents... of the Board while using any Board owned or managed information technology or related services of any kind either remotely or while on Board property, and all personally-owned electronic communication technology when used to access Board resources from any location”. It also notes that examples of such technology include social media platforms and that all technology users share the responsibility for compliance.
2. Recognizing that social media is impossible to police at all times, there was recognition of a need to fill the gap with operationalizing best practices around social media use within the TCDSB context as per the scope of the Acceptable Use of Technology Policy A.29.
3. Hence, the Chief of Communications began to develop the TCDSB’s first-ever Social Media Guidelines, together with input from stakeholder engagement.

4. Following consultation with parent groups, the Social Media Guidelines were updated to include a section on Compliance, whereby all users are reminded that the Acceptable Use of Technology Policy A.29 is the applicable policy and applicable actions in the event there are instances of non-compliance.
5. Given the ever-evolving nature of social media and their relevant platforms, best practices suggest that guidelines are most appropriate as they enable timely updates when required as the social media landscape continues to change.
6. The Social Media Guidelines serve as an invaluable resource to support the scope of social media within the Acceptable Use of Technology Policy A.29.

## **E. CONCLUDING STATEMENT**

This report is for the information of the Board.



REPORT TO

**STUDENT ACHIEVEMENT AND  
WELL BEING, CATHOLIC  
EDUCATION AND HUMAN  
RESOURCES COMMITTEE**

**RESPONSE TO MOTION REGARDING IEP  
COMPLETION**

*For the word of the Lord is upright, and all his work is done in faithfulness. He loves righteousness and justice; the earth is full of the steadfast love of the Lord. Psalm 33:4-5*

**Created, Draft**

May 17, 2021

**First Tabling**

May 27, 2021

**Review**

[Click here to enter a date.](#)

Maria Meehan, Superintendent, Special Services

Dr. Marina Vanayan, Senior Coordinator, Educational Research

**INFORMATION REPORT**

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**Brendan Browne, PhD**  
Director of Education

**D. Koenig**  
Associate Director  
of Academic Affairs

**S. Camacho**  
Acting Associate Director  
Facilities, Business and  
Community Development

## **A. EXECUTIVE SUMMARY**

This report provides information regarding the number of 2020 – 2021 Individual Education Plans (IEP) noted as complete as of May 3, 2021.

*The cumulative staff time required to prepare this report was 32 hours.*

## **B. PURPOSE**

1. This Recommendation Report is on the Order Paper of the November 12, 2020 Corporate Services, Strategic Planning and Property Committee Regular Meeting, in response to the September 16, 2020 Special Education Advisory Committee (SEAC) motion. The motion requests information regarding the IEP completion rate in the first 30 school-days and the following 30 calendar days. *“That the report be prepared for counting the number of Individual Education Plans (IEP) due at the beginning of a school year or term/semester and the number and percent of completed IEPs that were sent to parents on or before the 30-school day period has passed. The report to include IEPs due no earlier than the beginning of the 2020/21 school year. The report to accumulate new reporting periods as the 30 school-day period expires. The report should not include more than the previous 5 school years of reporting.”*
2. This report is based on data gathered from the Individual Education Plan platform.

## **C. BACKGROUND**

1. The Ministry of Education requires that school boards develop an IEP for every identified student. School boards also have the discretion to develop an IEP for students who have not been formally identified as exceptional but who are receiving special education supports and services.
2. Ontario Regulation 181/98, subsection 8, indicates that an IEP should be developed “within 30 school days after placement of the pupil in the program and a copy sent home to a parent of the pupil and, where the pupil is 16 years of age or older, the pupil.”



3. This data in this report was gathered from the TCDSB IEP platform. The data was gathered based on staff input of completion dates through the platform.

## **D. EVIDENCE/RESEARCH/ANALYSIS**

1. The table below shows the number of students and the percentage of IEPs completed for the 2020-2021 school year as of May 3, 2021.

<b>IEP Completion 2020 -2021 as of May 3, 2021</b>		
Total Number of Students with IEP	Total Number of IEP Complete	Percentage of IEP Complete
18 088	17 436	96.4%

### **2. Results:**

- a. There are 18 088 students with IEP.
- b. As of May 3, 2021, 17 426 IEP are noted through the IEP platform as complete.
- c. The percentage of completed IEP as of May 3, 2021 is 96.4%.
- d. Students who are placed in a special education program through a recent IPRC meeting, may have IEP that are being initiated or updated.
- e. If the date of completion has not been entered into the platform, the IEP may be noted as incomplete in spite of all of the contents being complete.

## **E. METRICS AND ACCOUNTABILITY**

1. As recommended by SEAC, this report will be prepared annually starting in 2020-2021.
2. This is the first annual report. Subsequent reports will include up to five years of data to allow tracking of change over time.
3. Professional development for administrators will review all data to be entered on the IEP platform.

4. Special Services is providing input on the new Student Information System project, including the monitoring of IEP completion data.

## **F. CONCLUDING STATEMENT**

This report is for the consideration of the Board.



REPORT TO

## STUDENT ACHIEVEMENT AND WELL BEING, CATHOLIC EDUCATION AND HUMAN RESOURCES COMMITTEE

### REPORT ON EPAN SCHOOLS

*Righteousness and justice are the foundation of your throne; steadfast love and faithfulness go before you.  
Psalm 89:14*

Created, Draft	First Tabling	Review
May 3, 2021	May 27, 2021	<a href="#">Click here to enter a date.</a>
Derek Chen, Superintendent – Equity, Diversity, Indigenous Education & Community Relations		
INFORMATION REPORT		

**Vision:**

*At Toronto Catholic we transform the world through witness, faith, innovation and action.*

**Mission:**

*The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.*

*We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.*



Brendan Browne, PhD  
Director of Education

D. Koenig  
Associate Director  
of Academic Affairs

D. Boyce  
Associate Director of  
Facilities, Business and  
Community Development

## **A. EXECUTIVE SUMMARY**

This report details the origin and evolution of Equity Poverty Action Network (EPAN) schools, and provide clarification as it pertains to EPAN schools and the allocation of equity funds. The report also outlines how some fund allocation anomalies were corrected, and provides a staff resolution that seeks to align the two initiatives while eliminating the possibility of any future gaps. *The cumulative staff time required to prepare this report was 12 hours*

## **B. PURPOSE**

1. This report will provide a clarification about EPAN schools and the allocation of equity funds. It will also outline a new process aligning the two programs in order to ensure that all communities be identified as an EPAN school and receive equity funds as appropriate.

## **C. BACKGROUND**

1. At the March 25, 2021 Regular Board Meeting, the following motion was passed: “Be it resolved that in the interest of transparency and recognizing these are public funds, the 2019/2020 block budget equity distributions and the 2020/2021 block budget equity distributions be included in a report to Board highlighting changes made and that staff report back to Board on ways to rectify any prior errors ensuring those communities which were potentially mistreated receive the funds they deserve; and any distribution of these types of funds across the system be made available in public reports moving forward.”
2. EPAN schools have been designated in a separate and distinct process than the allocation of equity funds to schools.
  - a. The objective of EPAN schools was to provide programming for schools located mostly within marginalized communities.
  - b. The allocation of equity funds commenced as a result of recognizing the need to provide extra funds to schools with demographics requiring greater support.
3. The history of EPAN schools is as follows:

- a. Originating in 2016, and initially called “Spotlight” schools, the intention of the initiative was to provide professional learning, partnership amongst schools, and parental and parish engagement to schools identified in need based on select criteria. The term Equity Poverty Action Network, or EPAN, was coined in 2018.
  - b. In 2016-17, 12 schools (9 elementary and 3 secondary) were selected based on socioeconomic status data and EQAO scores, one school per Trustee ward.
  - c. In 2017-18, the number was increased to 16 schools (13 elementary and 3 secondary) to include 4 more elementary with the highest rate of poverty.
  - d. In 2018-19, the number was increased to 46 schools (37 elementary and 9 secondary) based on N-tiles (broader criteria included socioeconomic status, EQAO, IEPs, English Language Learners, etc.). Several schools were offered the opportunity to join the initiative even if they were a 6 or 7, as principals expressed an interest in having their schools take part of the professional learning, partnership, and engagement with parents and parish. The original 12 were kept as part of the 46.
  - e. In 2019-20, the number was increased to 61 schools (50 elementary and 11 secondary) to ensure that all of the schools with the highest needs (N-tile 9s) were included. The goal stated in the MYSP was to have approximately 60 schools as part of the initiative.
4. When the allocation of equity funds began, the criteria for eligibility of these funds was based on schools with scores 6, 7, 8, or 9. This has not changed since inception in 2017.
  5. In 2020-21, in order to rectify the allocation of funds to EPAN schools that would not normally receive equity funds, four EPAN schools had their designation removed given that their scores were in the range of 1-5. However, schools with scores 6, 7, 8, or 9 received equity funds, but were not identified as an EPAN school.

## **D. EVIDENCE/RESEARCH/ANALYSIS**

1. The two initiatives (EPAN schools and the allocation of equity funds) have a similar focus, it should be noted that EPAN was intended mainly for

programming, while equity funds were distributed to schools with scores 6, 7, 8 and 9. The two programs were established and evolved in different ways.

2. Following the motion, staff conducted a review of the two programs.
3. The review concluded with the following change: starting with the 2021-22 school year, EPAN schools and equity-funded schools will be merged; that is, all schools with a score of 6, 7, 8, or 9 will be designated EPAN schools and will receive funding based on overall score and school enrollment. In this way, no gaps will exist in schools that require support, and schools identified not in need of support will no longer receive support.
4. Schools that move from 6, 7, 8, or 9 to a score of 5 will continue to receive a one-time amount to support the transition. However, these schools will no longer be designated EPAN schools.
5. Scores will be calculated by the Research department using Trillium data after the October 31 ONSIS submission in any given year.
6. EPAN schools will resume their participation in collaborative inquiries and other programming with regard to culturally responsive and relevant pedagogy and learning, along with an intense focus on dismantling racism and oppression through professional learning in the 2021-22 school year.

## **E. METRICS AND ACCOUNTABILITY**

1. As per the motion, any distribution of equity funds will be made available in public reports.
2. Appendix A and B indicate the equity funds distributions for 2019-2020 and 2020-2021 respectively.

## **F. CONCLUDING STATEMENT**

This report is for the consideration of the Board.

School Name	Enrolment	2019-2020 Composite Score	Total Allocation
Father Henry Carr	875	8	\$33,312
Holy Child	324	7	\$14,929
Monsignor Percy Johnson	975	8	\$34,833
Msgr. John Corrigan	236	8	\$23,590
St. Andrew	729	9	\$31,091
St. Angela	515	9	\$27,835
St. Dorothy	336	8	\$25,112
St. John Vianney	365	8	\$25,553
St. Maurice	272	8	\$24,138
St. Stephen	417	9	\$26,344
St. Marcellus	421	9	\$26,405
Blessed Margherita	347	6	\$7,500
James Cardinal McGuigan	891	9	\$33,555
St. Andre	687	9	\$30,452
St. Augustine	603	9	\$29,174
St. Basil-The-Great	1286	8	\$39,565
St. Charles Garnier	490	9	\$27,455
St. Francis de Sales	476	9	\$27,242
St. Jane Frances	699	9	\$30,634
St. Jude	757	9	\$31,517
St. Roch	355	8	\$25,401
St. Wilfrid	636	9	\$29,676
Bishop Marrocco/Thomas Merton	693	7	\$20,543
Holy Family	228	8	\$23,469
James Culnan	570	7	\$18,672
St. James	189	8	\$22,875
St. Leo	380	2	\$5,000
Dante Alighieri Academy	864	7	\$23,145
Madonna	666	8	\$30,132
Our Lady of the Assumption	367	8	\$25,583
St. Antoine Daniel	403	6	\$7,500
St. Gabriel	301	7	\$14,579
St. Jerome	569	7	\$18,657
St. Margaret	618	7	\$19,402
St. Martha	232	7	\$13,530
St. Paschal Baylon	740	7	\$21,258
St. Raphael	516	6	\$7,500
St. Mary Catholic Academy	730	5	\$10,000
St. Paul VI	309	6	\$7,500
St. Rita	80	6	\$10,000
Epiphany of Our Lord	188	8	\$22,860
Holy Spirit	467	9	\$27,105



School Name	Enrolment	2019-2020 Composite Score	Total Allocation
Jean Vanier	827	8	\$32,582
Precious Blood	456	8	\$26,937
St. Aidan	298	7	\$14,534
St. Albert	401	8	\$26,101
St. Lawrence	467	7	\$17,105
St. Nicholas	408	6	\$10,000
St. Sylvester	183	6	\$7,500
Francis Libermann	863	6	\$7,500
Sacred Heart	268	6	\$7,500
St. Barnabas	297	5	\$5,000
St. Bede	142	5	\$10,000
St. Columba	266	7	\$14,047
St. Elizabeth Seton	132	6	\$7,500
St. Mother Teresa	461	7	\$17,014
St. Rene Goupil	82	6	\$7,500
Monsignor Fraser College	1073	9	\$36,324
Our Lady of Lourdes	571	9	\$28,687
St. Alphonsus	248	5	\$5,000
St. Mary	315	7	\$14,792
St. Michael	158	6	\$7,500
St. Paul	204	8	\$23,104
St. Thomas Aquinas	498	7	\$17,576
Immaculate Conception	519	8	\$27,896
Our Lady of Victory	702	9	\$30,680
Santa Maria	225	7	\$13,423
St. Bernard	696	9	\$30,589
St. Francis Xavier	546	7	\$18,307
St. John the Evangelist	489	8	\$27,440
St. Matthew	528	6	\$7,500
St. Oscar Romero	642	6	\$7,500
Blessed Trinity	208	8	\$23,164
Canadian Martyrs	360	6	\$7,500
Holy Cross	343	6	\$7,500
Our Lady of Guadalupe	151	7	\$12,297
St. Gerald	285	6	\$7,500
St. Isaac Jogues	340	7	\$15,173
St. John XXIII	455	9	\$26,922
St. Joseph Morrow Park	457	6	\$10,000
St. Kateri Tekakwitha	243	6	\$7,500
St. Matthias	306	6	\$7,500
St. Patrick	787	9	\$31,973
St. Timothy	602	8	\$29,159
Neil McNeil	851	2	\$5,000
Our Lady of Fatima	808	7	\$22,293

School Name	Enrolment	2019-2020 Composite Score	Total Allocation
St. Barbara	311	8	\$24,731
St. Boniface	325	8	\$24,944
St. Dunstan	303	9	\$24,610
St. Edmund Campion	270	6	\$7,500
St. Joachim	294	7	\$14,473
St. Maria Goretti	972	8	\$34,788
St. Martin de Porres	453	9	\$26,892
St. Rose of Lima	444	7	\$16,755
St. Thomas More	333	7	\$15,066

Trustee Name	Superintendent Name	School Name	Enrolment	2020-2021 Composite Score	E-Pan	2019-2020 Composite Score for Comparison	2020-2021 Fixed Allocation	2020-2021 Enrolment Allocation	2020-2021 Total Allocation	10% of 2020-2021 Total Allocation
Angela Kennedy	Kimberly Dixon	St. John XXIII	450	9	E-Pan	9	20000	6028	26028	2603
Angela Kennedy	Cristina Fernandes	Blessed Trinity	199	8	E-Pan	8	20000	2666	22666	2267
Angela Kennedy	Kimberly Dixon	St. Patrick	852	8	E-Pan	9	20000	11414	31414	3141
Angela Kennedy	Kimberly Dixon	Holy Cross	366	7		6	10000	4903	14903	1490
Angela Kennedy	Cristina Fernandes	St. Gerald	274	7		6	10000	3671	13671	1367
Angela Kennedy	Cristina Fernandes	St. Isaac Jogues	327	7	E-Pan	7	10000	4381	14381	1438
Angela Kennedy	Cristina Fernandes	St. Timothy	567	7	E-Pan	8	10000	7596	17596	1760
Angela Kennedy	Cristina Fernandes	Our Lady of Guadalupe	144	6	E-Pan	7	10000		10000	1000
Angela Kennedy	Cristina Fernandes	St. Kateri Tekakwitha	209	6		6	7500		7500	750
Angela Kennedy	Cristina Fernandes	St. Matthias	302	6		6	7500		7500	750
Angela Kennedy	Kimberly Dixon	Canadian Martyrs	353	5		6	5000		5000	500
Daniel Di Giorgio	Joe Bria	Our Lady of Victory	680	9	E-Pan	9	20000	9109	29109	2911
Daniel Di Giorgio	Joe Bria	St. Bernard	680	9	E-Pan	9	20000	9109	29109	2911
Daniel Di Giorgio	Joe Bria	St. John the Evangelist	524	9	E-Pan	8	20000	7020	27020	2702
Daniel Di Giorgio	Joe Bria	Immaculate Conception	506	8	E-Pan	8	20000	6779	26779	2678
Daniel Di Giorgio	Laraine D'Souza	St. Francis Xavier	513	8		7	20000	6872	26872	2687
Daniel Di Giorgio	Joe Bria	St. Matthew	495	7		6	10000	6631	16631	1663
Daniel Di Giorgio	Joe Bria	St. Oscar Romero	704	7		6	10000	9431	19431	1943
Daniel Di Giorgio	Joe Bria	Santa Maria	200	6	E-Pan	7	10000		10000	1000
Frank D'Amico	John Wujek	St. Mary Catholic Academy	744	6	E-Pan	5	10000		10000	1000
Frank D'Amico	John Wujek	St. Paul VI	295	5		6	5000		5000	500
Frank D'Amico	John Wujek	St. Rita	85	5		6	5000		5000	500
Garry Tanuan	Ryan Peterson	St. Martin de Porres	410	9	E-Pan	9	20000	5492	25492	2549
Garry Tanuan	Peter Aguiar	Prince of Peace	269	7		5	10000	3604	13604	1360
Garry Tanuan	Peter Aguiar	St. Mother Teresa	469	7	E-Pan	7	10000	6283	16283	1628
Garry Tanuan	Peter Aguiar	Sacred Heart	219	6		6	7500		7500	750
Garry Tanuan	Ryan Peterson	St. Columba	256	6	E-Pan	7	10000		10000	1000
Garry Tanuan	Peter Aguiar	St. Rene Goupil	47	6		6	7500		7500	750
Garry Tanuan	Peter Aguiar	St. Elizabeth Seton	124	5		6	5000		5000	500
Garry Tanuan	Peter Aguiar	Francis Libermann	846	4		6	5000		5000	500
Ida LiPreti	Shawna Campbell	James Cardinal McGuigan	884	9	E-Pan	9	20000	11842	31842	3184
Ida LiPreti	Shawna Campbell	St. Andre	653	9	E-Pan	9	20000	8748	28748	2875

Trustee Name	Superintendent Name	School Name	Enrolment	2020-2021 Composite Score	E-Pan	2019-2020 Composite Score for Comparison	2020-2021 Fixed Allocation	2020-2021 Enrolment Allocation	2020-2021 Total Allocation	10% of 2020-2021 Total Allocation
Ida LiPreti	Shawna Campbell	St. Augustine	580	9	E-Pan	9	20000	7770	27770	2777
Ida LiPreti	Flora Cifelli	St. Basil-The-Great	1259	9	E-Pan	8	20000	16866	36866	3687
Ida LiPreti	Shawna Campbell	St. Francis de Sales	450	9	E-Pan	9	20000	6028	26028	2603
Ida LiPreti	Shawna Campbell	St. Jane Frances	660	9	E-Pan	9	20000	8842	28842	2884
Ida LiPreti	Flora Cifelli	St. Jude	718	9	E-Pan	9	20000	9619	29619	2962
Ida LiPreti	Shawna Campbell	St. Wilfrid	620	9	E-Pan	9	20000	8306	28306	2831
Ida LiPreti	Shawna Campbell	St. Charles Garnier	444	8	E-Pan	9	20000	5948	25948	2595
Ida LiPreti	Flora Cifelli	St. Roch	337	8	E-Pan	8	20000	4515	24515	2451
Ida LiPreti	Shawna Campbell	Blessed Margherita	331	5		6	5000		5000	500
Joseph Martino	Flora Cifelli	St. Andrew	670	9	E-Pan	9	20000	8975	28975	2898
Joseph Martino	Flora Cifelli	St. Angela	450	9	E-Pan	9	20000	6028	26028	2603
Joseph Martino	Flora Cifelli	St. Stephen	374	9	E-Pan	9	20000	5010	25010	2501
Joseph Martino	Flora Cifelli	Father Henry Carr	835	8	E-Pan	8	20000	11186	31186	3119
Joseph Martino	Flora Cifelli	Holy Child	303	8	E-Pan	7	20000	4059	24059	2406
Joseph Martino	Flora Cifelli	St. Dorothy	316	8	E-Pan	8	20000	4233	24233	2423
Joseph Martino	Flora Cifelli	St. John Vianney	357	8	E-Pan	8	20000	4782	24782	2478
Joseph Martino	Flora Cifelli	St. Maurice	276	8	E-Pan	8	20000	3697	23697	2370
Joseph Martino	Flora Cifelli	Monsignor Percy Johnson	989	7	E-Pan	8	10000	13249	23249	2325
Joseph Martino	Flora Cifelli	Msgr. John Corrigan	231	7	E-Pan	8	10000	3095	13095	1309
Joseph Martino	Flora Cifelli	St. Benedict	616	6		4	7500		7500	750
Maria Rizzo	Shawna Campbell	Madonna	678	8	E-Pan	8	20000	9083	29083	2908
Maria Rizzo	Cristina Fernandes	St. Paschal Baylon	703	8	E-Pan	7	20000	9418	29418	2942
Maria Rizzo	Shawna Campbell	Our Lady of the Assumptio	347	7	E-Pan	8	10000	4649	14649	1465
Maria Rizzo	Shawna Campbell	St. Margaret	604	7	E-Pan	7	10000	8091	18091	1809
Maria Rizzo	Shawna Campbell	Dante Alighieri Academy	714	6		7	7500		7500	750
Maria Rizzo	Cristina Fernandes	St. Gabriel	268	6		7	7500		7500	750
Maria Rizzo	Shawna Campbell	St. Jerome	564	6		7	7500		7500	750
Maria Rizzo	Shawna Campbell	St. Martha	223	6		7	7500		7500	750
Maria Rizzo	Cristina Fernandes	St. Antoine Daniel	416	5		6	5000		5000	500
Maria Rizzo	Shawna Campbell	St. Raphael	532	5		6	5000		5000	500
Maria Rizzo	Cristina Fernandes	St. Joseph Morrow Park	456	4		6	5000		5000	500
Markus DeDomenico	Flora Cifelli	St. Marcellus	402	8	E-Pan	9	20000	5385	25385	2539

Trustee Name	Superintendent Name	School Name	Enrolment	2020-2021 Composite Score	E-Pan	2019-2020 Composite Score for Comparison	2020-2021 Fixed Allocation	2020-2021 Enrolment Allocation	2020-2021 Total Allocation	10% of 2020-2021 Total Allocation
Mike Del Grande	Cristina Fernandes	Precious Blood	469	9	E-Pan	8	20000	6283	26283	2628
Mike Del Grande	Cristina Fernandes	Epiphany of Our Lord	164	8	E-Pan	8	20000	2197	22197	2220
Mike Del Grande	Peter Aguiar	Holy Spirit	472	8	E-Pan	9	20000	6323	26323	2632
Mike Del Grande	Peter Aguiar	St. Aidan	281	7	E-Pan	7	10000	3764	13764	1376
Mike Del Grande	Peter Aguiar	St. Joan of Arc	804	7	E-Pan	8	10000	10771	20771	2077
Mike Del Grande	Peter Aguiar	St. Lawrence	435	7		7	10000	5827	15827	1583
Mike Del Grande	Peter Aguiar	St. Nicholas	406	7	E-Pan	6	10000	5439	15439	1544
Mike Del Grande	Peter Aguiar	St. Sylvester	168	7		6	10000	2251	12251	1225
Mike Del Grande	Peter Aguiar	St. Albert	368	6	E-Pan	8	10000		10000	1000
Mike Del Grande	Cristina Fernandes	St. Henry	251	6		4	7500		7500	750
Mike Del Grande	Cristina Fernandes	St. Kevin	248	6		5	7500		7500	750
Nancy Crawford	Ryan Peterson	St. Barbara	318	9	E-Pan	8	20000	4260	24260	2426
Nancy Crawford	Ryan Peterson	St. Dunstan	281	9	E-Pan	9	20000	3764	23764	2376
Nancy Crawford	Ryan Peterson	St. Boniface	313	8	E-Pan	8	20000	4193	24193	2419
Nancy Crawford	Ryan Peterson	St. Maria Goretti	937	8	E-Pan	8	20000	12552	32552	3255
Nancy Crawford	Ryan Peterson	Our Lady of Fatima	795	7		7	10000	10650	20650	2065
Nancy Crawford	Ryan Peterson	St. Joachim	299	7	E-Pan	7	10000	4005	14005	1401
Nancy Crawford	Ryan Peterson	St. Rose of Lima	457	7		7	10000	6122	16122	1612
Nancy Crawford	Ryan Peterson	St. Edmund Campion	276	6		6	7500		7500	750
Nancy Crawford	Ryan Peterson	St. Thomas More	342	6		7	7500		7500	750
Norm DiPasquale	Gina Iuliano Marrello	Monsignor Fraser College	792	9	E-Pan	9	20000	10610	30610	3061
Norm DiPasquale	Kimberly Dixon	Our Lady of Lourdes	555	9	E-Pan	9	20000	7435	27435	2743
Norm DiPasquale	Kimberly Dixon	St. Paul	212	8	E-Pan	8	20000	2840	22840	2284
Norm DiPasquale	Kimberly Dixon	St. Michael	160	7		6	10000	2143	12143	1214
Norm DiPasquale	John Wujek	St. Thomas Aquinas	481	7		7	10000	6444	16444	1644
Norm DiPasquale	Kimberly Dixon	St. Joseph's College	684	6		4	7500		7500	750
Norm DiPasquale	Kimberly Dixon	St. Mary	279	6		7	7500		7500	750
Teresa Lubinski	John Wujek	Bishop Marrocco/Thomas	686	8		7	20000	9190	29190	2919
Teresa Lubinski	John Wujek	James Culnan	554	8		7	20000	7422	27422	2742
Teresa Lubinski	Martha Cioppa	St. James	174	8	E-Pan	8	20000	2331	22331	2233
Teresa Lubinski	John Wujek	Holy Family	207	7	E-Pan	8	10000	2773	12773	1277
Teresa Lubinski	Joe Bria	St. Mark	212	6		5	7500		7500	750

Trustee Name	Superintendent Name	School Name	Enrolment	2020-2021 Composite Score	E-Pan	2019-2020 Composite Score for Comparison	2020-2021 Fixed Allocation	2020-2021 Enrolment Allocation	2020-2021 Total Allocation	10% of 2020-2021 Total Allocation
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REPORT TO

**STUDENT ACHIEVEMENT AND  
WELL BEING, CATHOLIC  
EDUCATION AND HUMAN  
RESOURCES COMMITTEE**

**RECOMMENDATION REPORT FOR APPROVAL OF  
2SLGBTQ+ ADVISORY COMMITTEE TERMS OF  
REFERENCE**

*For it was you who formed my inward parts; you knit me together in my mother's womb. I praise you, for I am fearfully and wonderfully made. Wonderful are your works; that I know very well. Psalm 139:13-14*

Created, Draft	First Tabling	Review
May 3, 2021	May 27, 2021	<a href="#">Click here to enter a date.</a>

Derek Chen, Superintendent – Equity, Diversity, Indigenous Education & Community Relations

**RECOMMENDATION REPORT**

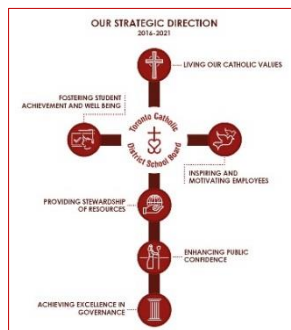
**Vision:**

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*The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.*

*We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.*



Brendan Browne, PhD  
Director of Education

D. Koenig  
Associate Director  
of Academic Affairs

D. Boyce  
Associate Director of  
Facilities, Business and  
Community Development



## **A. EXECUTIVE SUMMARY**

This report presents the terms of reference for the newly established 2SLGBTQ+ Advisory Committee (Appendix A). It outlines the process by which they were created and recommends the approval by the Board of Trustees.

*The cumulative staff time required to prepare this report was 3 hours*

## **B. PURPOSE**

1. This report presents the terms of reference for the 2SLGBTQ+ Advisory Committee (Appendix A), and recommends approval of these terms of reference by the Board of Trustees.

## **C. BACKGROUND**

1. On January 14, 2021, a motion was put forward and passed that “the TCDSB form a LGBTQ2S Advisory Committee made up of Trustees, community organizations, parents and students with support from our Equity and Human Rights Advisor and our Equity, Diversity, Indigenous Department.”
2. Subsequently, the 2SLGBTQ+ Advisory Committee was created in accordance with the Board motion and with the Selection Process for Parent /Community Membership on TCDSB Staff, Steering, Advisory or Ad Hoc Committees.
3. A working sub-committee was established to create the terms of reference for the 2SLGBTQ+ Advisory Committee.
4. Using models of terms of reference of existing advisory committees, including the Filipino-Canadian Advisory Committee and the African Canadian Advisory Committee, the sub-committee drafted terms of reference that closely mirror other advisory committees, and presented these to the full committee.
5. The draft terms of reference were reviewed by the full committee. Input was incorporated as appropriate, and a new draft was reviewed by TCDSB Legal Department.

## **D. EVIDENCE/RESEARCH/ANALYSIS**

1. The terms of reference for the 2SLGBTQ+ Advisory Committee were developed by using existing models to create terms of reference that fulfil the unique mission and meet the unique needs of the 2SLGBTQ+ community.

## **E. METRICS AND ACCOUNTABILITY**

1. The 2SLGBTQ+ Advisory Committee will monitor the effectiveness of the terms of reference as they relate to the fulfilment of the committees' goals and objectives.
2. The Terms of Reference will be reviewed by the committee on a yearly basis.

## **F. STAFF RECOMMENDATION**

Staff recommends the approval of the revised Terms of Reference for the 2SLGBTQ+ Advisory Committee (Appendix A).

.

# TCDSB 2SLGBTQ+ Advisory Committee Terms of Reference

*The 2SLGBTQ+ Advisory Committee shall have the responsibility for advising the Board of Trustees and Director of Education of the Toronto Catholic District School Board on matters pertaining to the following:*

- 1) To advocate for commitment, resources, and support to improve student success and to foster well-being for members of the 2SLGBTQ+ community
- 2) To advance best practices that foster equitable education and greater student achievement for students who identify as two-spirited, lesbian, gay, bisexual, transgender\*, queer, and other members of the 2SLGBTQ+ community
- 3) To support 2SLGBTQ+ families in nurturing their faith through a meaningful relationship between home, school, and parish
- 4) To work toward making the TCDSB a safer and more welcoming space for members of the 2SLGBTQ+ community
- 5) To strengthen the effectiveness of initiatives taken to improve student success and to foster well-being of 2SLGBTQ+ students
- 6) To welcome 2SLGBTQ+ community members beyond students, including family members and staff
- 7) To make recommendations for the allocation of funds to improve accommodations for 2SLGBTQ+ students, including, but not limited, to funds for staff training and student initiatives
- 8) To work in partnership with other marginalized communities in supporting 2SLGBTQ+ students within the TCDSB.

## **Composition of Advisory Committee**

The 2SLGBTQ+ Advisory Committee shall be comprised of the following volunteer members who shall be members of or allies to the 2SLGBTQ+ community:

- 1) Two community members
- 2) Four staff
- 3) Two students
- 4) Three parents/guardians

- 5) Two Trustees
- 6) One Human Rights and Equity Advisor
- 7) One representative of Nurturing Our Catholic Community
- 8) The Superintendent of Equity, Diversity, Indigenous Education, and Community Relations

### **Leadership and Guidance**

The 2SLGBTQ+ advisory committee shall be jointly chaired by the Superintendent of Equity, Diversity, Indigenous Education, and Community Relations or their designate and a Co-Chair elected via a ranked, secret ballot by the committee.

The election of the Co-chair shall be supervised by two committee members who are not participating in the election as candidates.

Elections shall take place annually at the first meeting of the school year or any meeting in which the position of Co-chair is vacant, whichever is earlier. Co-chairs may serve a maximum of two years consecutively in that role.

### **Terms of Service**

The Co-Chair and Advisory Committee shall have a maximum appointment of two terms for two years each consecutively. In the appointment of members, the committee shall consider the ability of individuals to carry out the role effectively and to have the time available for the role. In the event that a Member is absent without the prior approval of the committee for three consecutive meetings, the Committee shall determine a replacement for said Member.

### **Frequency of Meetings**

The Committee shall meet four times per year or more frequently at the discretion of the Chair. Quorum for committee meetings will be 50% plus one of the committee members. The advisory committee community members and the Superintendent of Equity, Diversity, Indigenous Education, and Community Relations shall have ad hoc meetings to follow up on on action items and coordinate future efforts.

### **Reporting Responsibilities**

The 2SLGBTQ+ Advisory Committee shall be accountable to the TCDSB for the effective performance of their roles and responsibilities. The activities of the committee shall be reported to the Board of Trustees in the annual report on advisory committees.

### **Appointment Process**

The Committee seeks to reflect the diversity within the 2SLGBTQ+ community. All positions are

voluntary and candidates should be members of or allies to the 2SLGBTQ+ community who support the mission and vision of the TCDSB. The appointment process shall follow the guidelines laid out in "Selection Process for Parent Membership on TCDSB Staff, Steering, Advisory or Ad Hoc Committees." Committee members may continue in office for a second term by advising the Chair of the committee of their intention.



REPORT TO

PUBLIC

## CORPORATE SERVICES, STRATEGIC PLANNING AND PROPERTY COMMITTEE

### 2021-2022 BUDGET CONSULTATION SURVEY RESULTS

*Good planning and hard work lead to prosperity, but hasty shortcuts lead to poverty. –  
Proverbs 21:5*

#### Created, Draft

May 20, 2021

#### First Tabling

June 8, 2021

#### Review

[Click here to enter a date.](#)

Steve Camacho, Chief Information Officer

Shazia Vlahos, Chief of Communications and Government Relations

Emma Moynihan, Supervisor, Communications and Public Relations

#### INFORMATION REPORT

##### **Vision:**

*At Toronto Catholic we transform the world through  
witness, faith, innovation and action.*

##### **Mission:**

*The Toronto Catholic District School Board is an inclusive  
learning community uniting home, parish and school and  
rooted in the love of Christ.*

*We educate students to grow in grace and knowledge to  
lead lives of faith, hope and charity.*

Dr. Brendan Browne  
Director of Education

D. Koenig  
Associate Director  
of Academic Affairs

D. Boyce  
Associate Director of Facilities,  
Business and Community  
Development

## **A. EXECUTIVE SUMMARY**

The 2021-2022 budget consultation launched on March 30, 2021 and included an enhanced webpage with supporting documents and tools to share information and engage the public in the budget consultation process.

Three themed virtual town halls were held for stakeholders:

- Theme 1: Students on Tuesday, March 30, 2021
- Theme 2: Staffing on Wednesday, March 31, 2021
- Theme 3: Facilities on Tuesday, April 20, 2021

The budget consultation plan reflects the compassion and care dictated by applying the Catholic lens when considering how best to support students. Emphasizing the importance of parent/guardian and community voice in these consultations underscores the Board's commitment to maintaining public confidence as per the Board's Multi-Year Strategic Plan to ensure feedback is considered while complying with the Ministry of Education's directive to submit a balanced budget for the 2021-2022 fiscal year.

*The cumulative staff time required to prepare this report was 16 hours.*

## **B. PURPOSE**

This report provides the Board of Trustees with feedback received from the budget survey and virtual town hall to inform 2021-2022 budget considerations.

## **C. BACKGROUND**

1. **March 30:** The TCDSB budget consultation process launched. A Virtual Town Hall on the theme of students was held. Communications to families included information about the budget process, consultation and town halls.
2. **March 31:** Virtual Town Hall on the theme of staff held.
3. **April 1 to April 30, 2021:** The budget survey was released publicly to all stakeholders.



4. **April 1 to May 20, 2021:** Senior staff met with the following groups to present budget considerations and gather input:
  - Special Education Advisory Committee (SEAC)
  - Catholic Parent Involvement Committee (CPIC)
  - Ontario Association of Parent in Catholic Education (OAPCE)
  - Toronto Elementary Catholic Teachers (TECT)
  - Toronto Secondary Unit (TSU) Teachers
  - Elementary Teachers Federation of Ontario (ETFO)
  - Canadian Union of Public Employees (CUPE)
  - Association for Professional Student Services Personnel (APSSP)
5. **April 7:** Catholic School Parent Councils (CSPC) were provided with a budget consultation moderator guide, including a virtual presentation from Finance staff regarding budget considerations and were asked to complete a survey for each CSPC.
6. **April 16:** Families received a reminder communication with information about the final Virtual Town Hall and survey deadline.
7. **April 20:** Virtual Town Hall on the theme of facilities was held.
8. **April 28:** CSPC chairs received a reminder communication about the survey deadline.

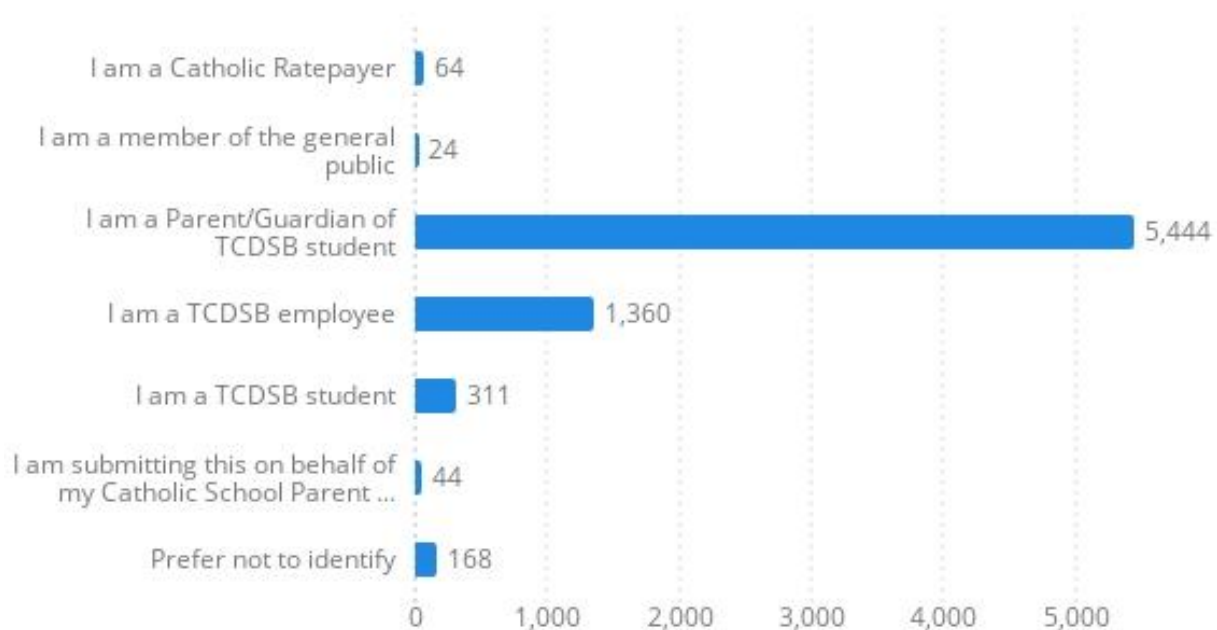
## **D. EVIDENCE/RESEARCH/ANALYSIS**

### **BUDGET SURVEY SUMMARY**

The 2021-2022 budget survey was administered to stakeholders between April 1 and April 30, 2021.

Total number of survey responses is 7,415, including 44 that were submitted by Catholic School Parent Councils (CSPC). Most respondents identified as either parents (5,444 or 73%) or staff (1,360 or 18%). Student responses were 311 (4%).

The following table shows the breakdown of all categories:



*Figure 1 - Survey Respondents by Type*

## **DETAILED BUDGET SURVEY RESULTS BY QUESTION**

1. The survey was divided into sections with questions representing the following areas:
  - Elementary Staffing, Programs and Services including bussing
  - Secondary Staffing, Programs and Services
  - School buildings and associated amenities
  - Technology use and distribution

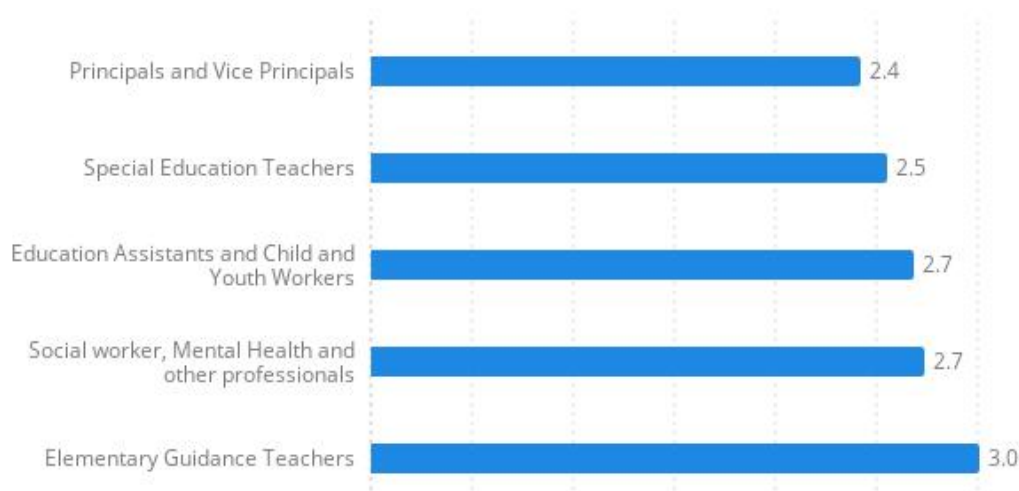
Respondents were only asked question there were relevant to them based on how they identified themselves. For example, parents/guardians were only asked elementary questions if they identified as having elementary students in the system.

2. Respondents also had an opportunity to provide comments regarding considerations in making strategic investments in the classroom to support students, and ideas to be fiscally efficient. Given there was a significant number of comments for these two questions, this raw data has been shared with Trustees.

## Elementary School Programs and Services

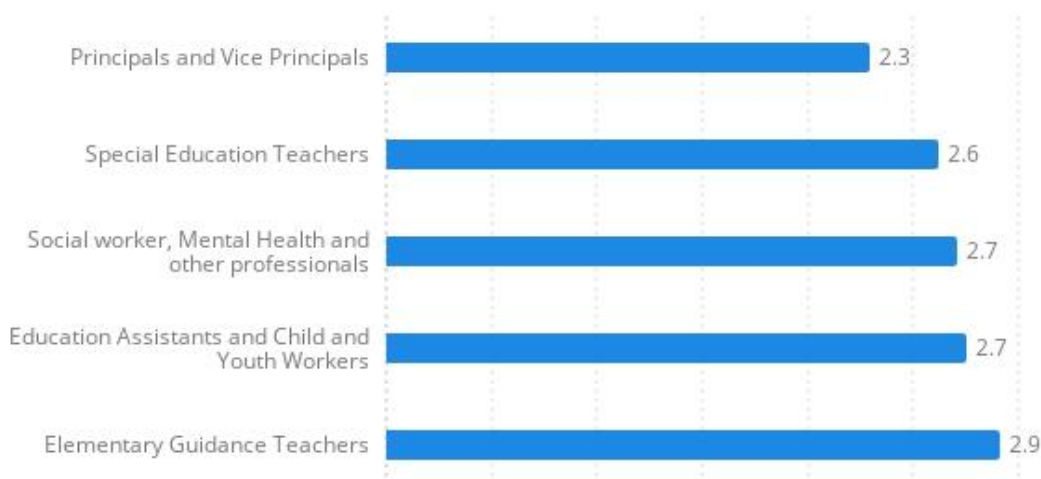
3. Respondents were asked to select and rank the top 5 elementary roles they believe are the most important to student achievement and well-being in elementary schools (in addition to classroom teachers). *A lower number indicates a higher average rank.*

**Overall Results Summary:** Support for Principals and Vice Principals was ranked the highest followed by Special Education teachers.



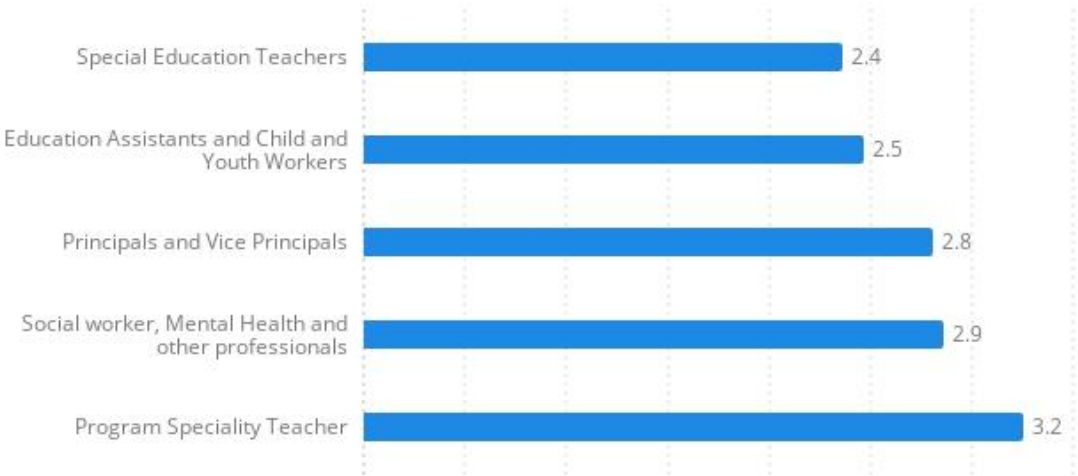
*Figure 2 – Overall Top Elementary Roles (n=4,434)*

**Parent/Guardian Results Summary:** Support for Principals and Vice Principals was ranked the highest followed by Special Education teachers.



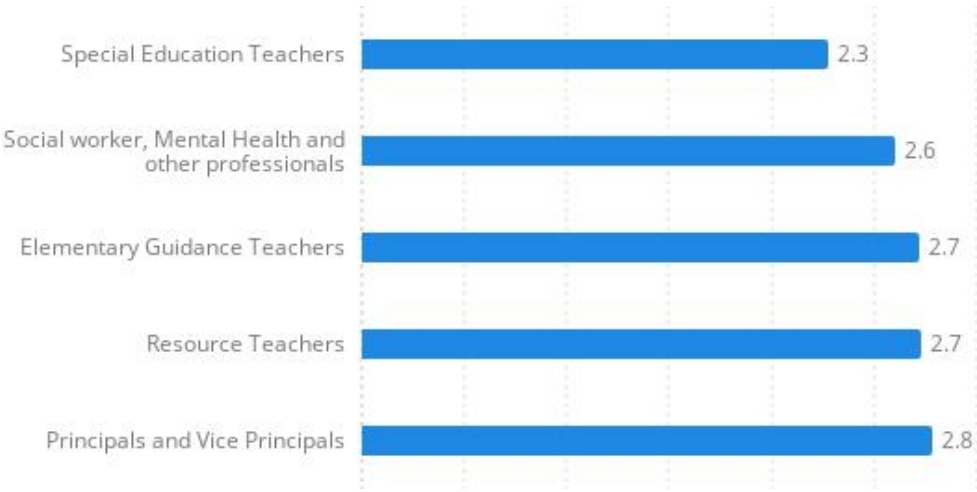
*Figure 3 – Parent/Guardian Top Elementary Roles (n=3,632)*

**Employee Results Summary:** Support for Special Education teachers was ranked the highest followed by Education Assistants and Child and Youth Workers.



*Figure 4 – Employee Top Elementary Roles (n=850)*

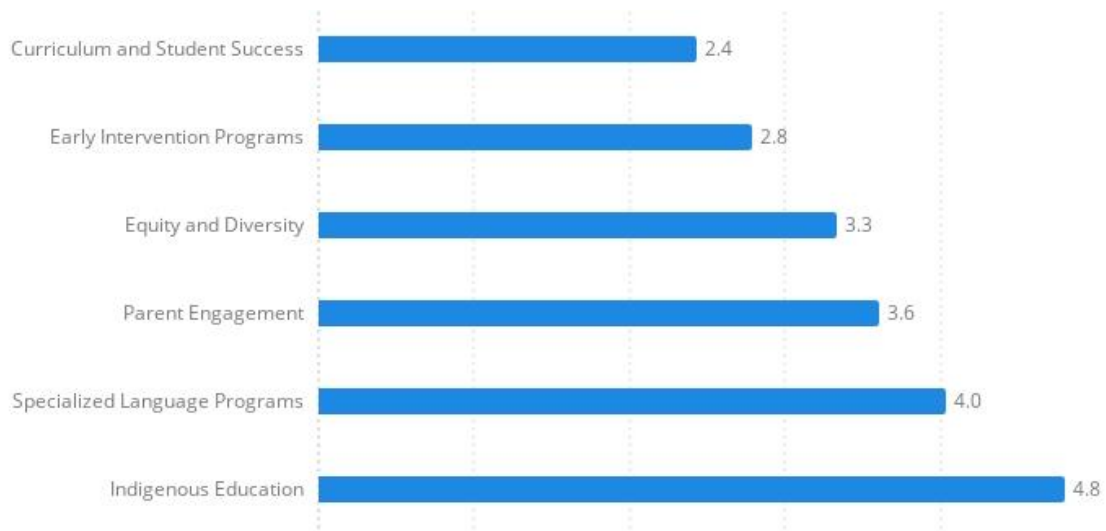
**Student Results Summary:** Support for Special Education teachers was ranked the highest followed by Social Worker, Mental Health and other professionals.



*Figure 5 – Students Top Elementary Roles (N=44)*

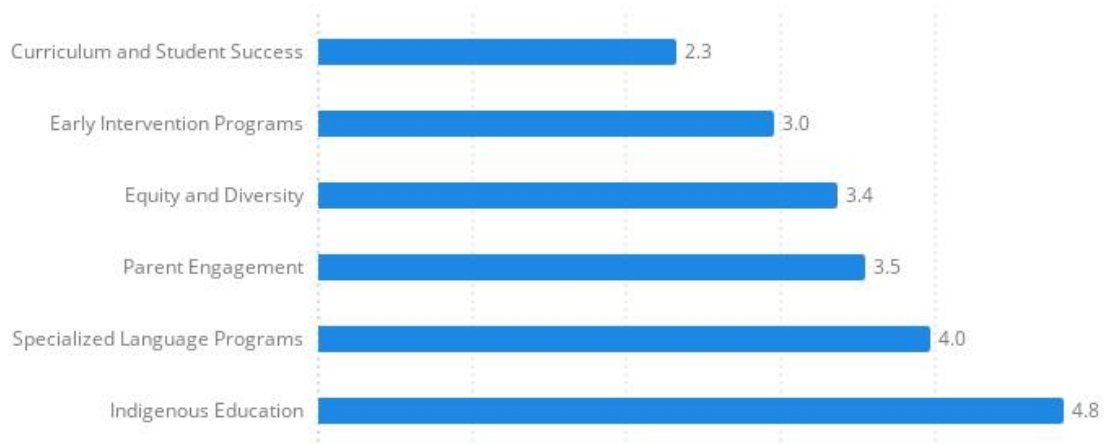
4. Respondents were asked to rank which programs and support areas they believe are the most important to support student achievement and well-being in elementary schools.

**Overall Results Summary:** Curriculum and Student Success were ranked the highest followed by Early Intervention Programs.



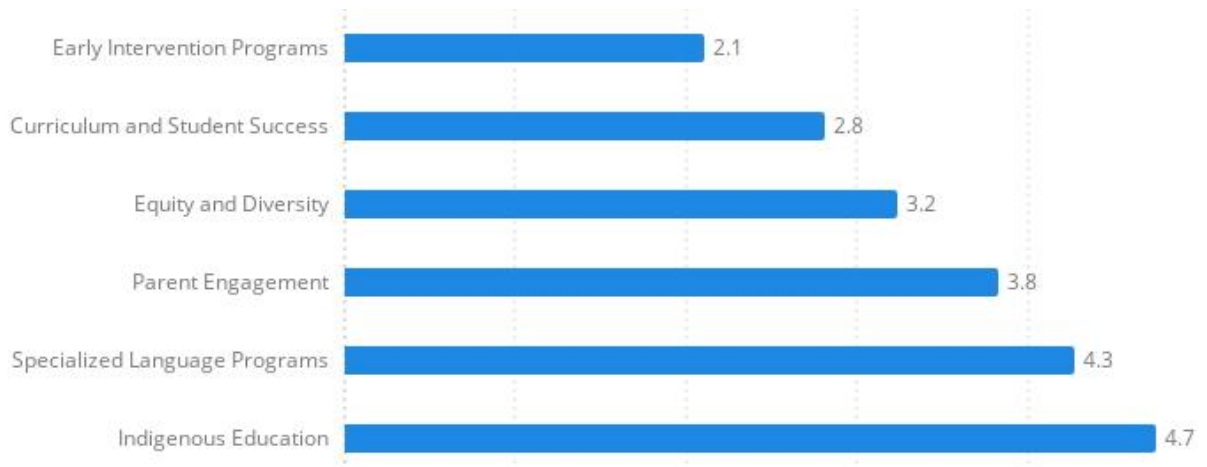
*Figure 6 – Overall Top Elementary Program/Supports (N=4,852)*

**Parent/Guardian Results Summary:** Curriculum and Student Success were ranked the highest followed by Early Intervention Programs.



*Figure 7 – Parents/Guardian Top Elementary Program/Supports (N=3,716)*

**Employee Results Summary:** Support for Early Intervention Programs was ranked the highest followed by Curriculum and Student Success.



*Figure 8 – Employee Top Elementary Program/Supports (N=895)*

**Student Results Summary:** Support for Equity and Diversity was ranked the highest followed by Curriculum and Student Success.

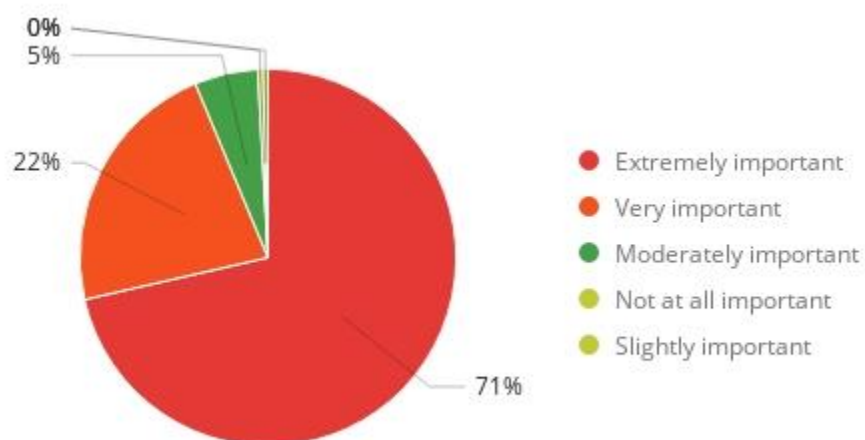


*Figure 9 – Overall Top Elementary Program/Supports (N=48)*

## Bussing

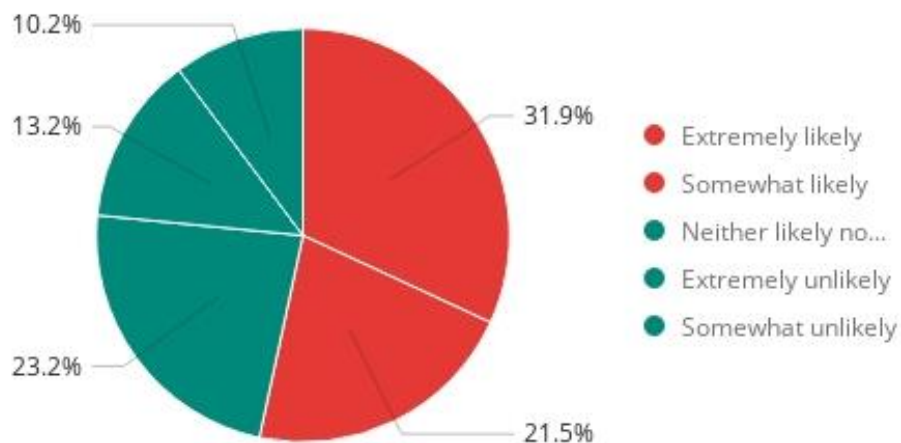
- Respondents (parents/guardians only) were asked how important bussing is to their school community.

**Results Summary:** 93% of respondents reported bussing as very or extremely important.



*Figure 10 – Parents Importance of Bussing (N=1,158)*

However, when asked if they would likely change schools if bussing was not offered the response was split with only 52% of respondents reporting they would likely change schools, while 48% were either unsure or would likely not change schools.



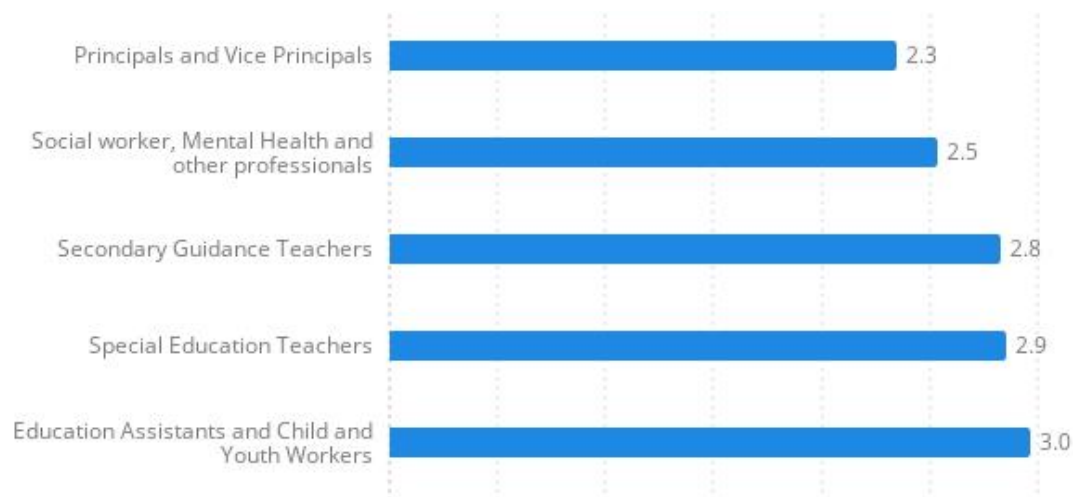
*Figure 11 – Likelihood of changing school for Bussing (N=1,158)*



## Secondary Schools Programs and Services

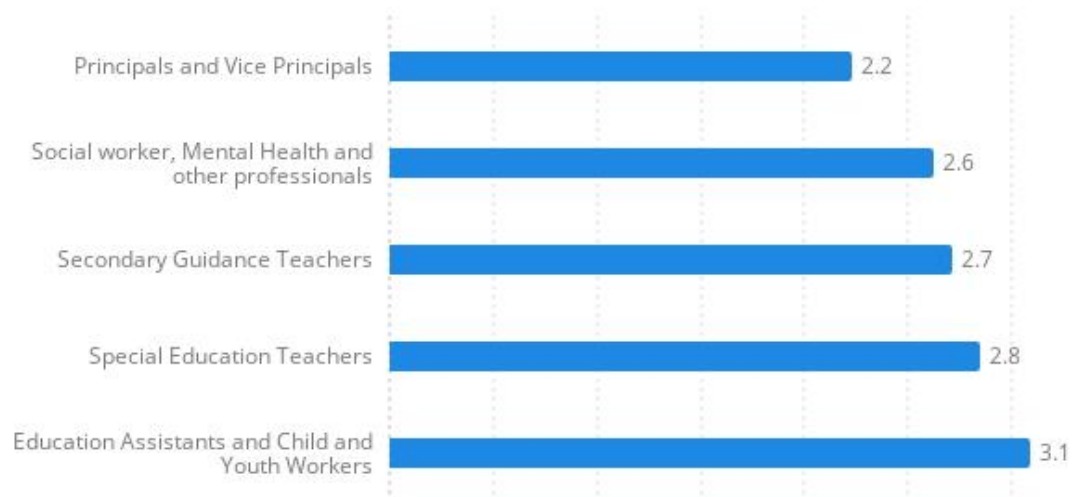
6. Respondents were asked to select the top 5 roles that they believed are the most important to student achievement and well-being in secondary schools (in addition to classroom teachers).

**Overall Summary:** Support for Principals and Vice Principals was ranked the highest followed by Social Worker, Mental Health and other professionals.



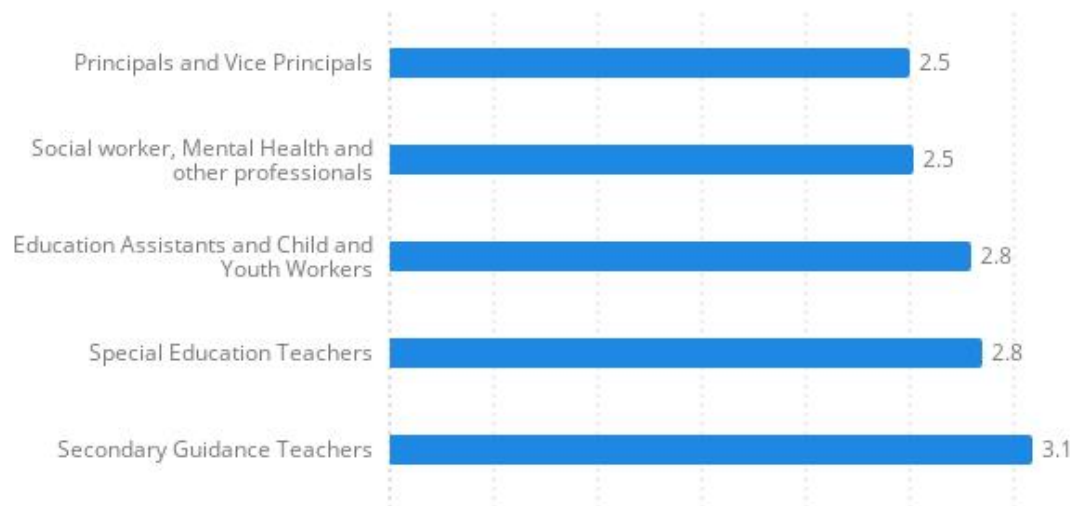
*Figure 12 – Overall Top Secondary Roles (N=2,083)*

**Parent Summary:** Support for Principals and Vice Principals was ranked the highest followed by Social Worker, Mental Health and other professionals.



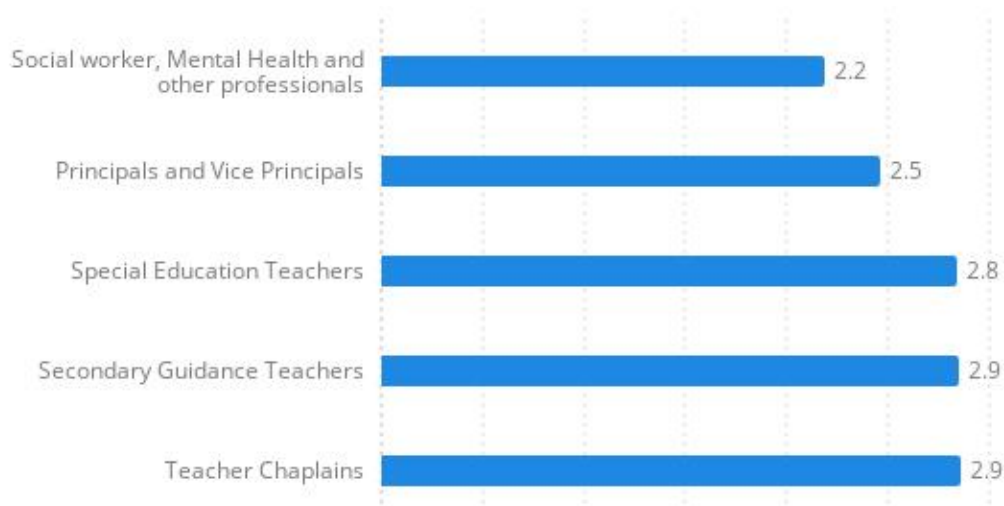
*Figure 13 – Parent Top Secondary Roles (N=1,138)*

**Employee Summary:** Support for Principals and Vice Principals was ranked the highest followed by Social Worker, Mental Health and other professionals.



*Figure 14 – Employee Top Secondary Roles (N=625)*

**Student Results Summary:** Social Worker, Mental Health and other professionals was ranked the highest followed by Principals and Vice Principals.



*Figure 14 – Employee Top Secondary Roles (N=167)*

7. Respondents were asked to order which programs and support areas they believe are the most important to support student achievement and well-being in secondary schools.

***Overall Parent/Guardian, Employee and Student Results Summary:***

Consistently across all groups, more options for course selections were ranked the highest followed by Specialized Programs (co-op, SHSM, Arts, IB, etc.). Extra-Curricular activities and support were ranked the lowest.



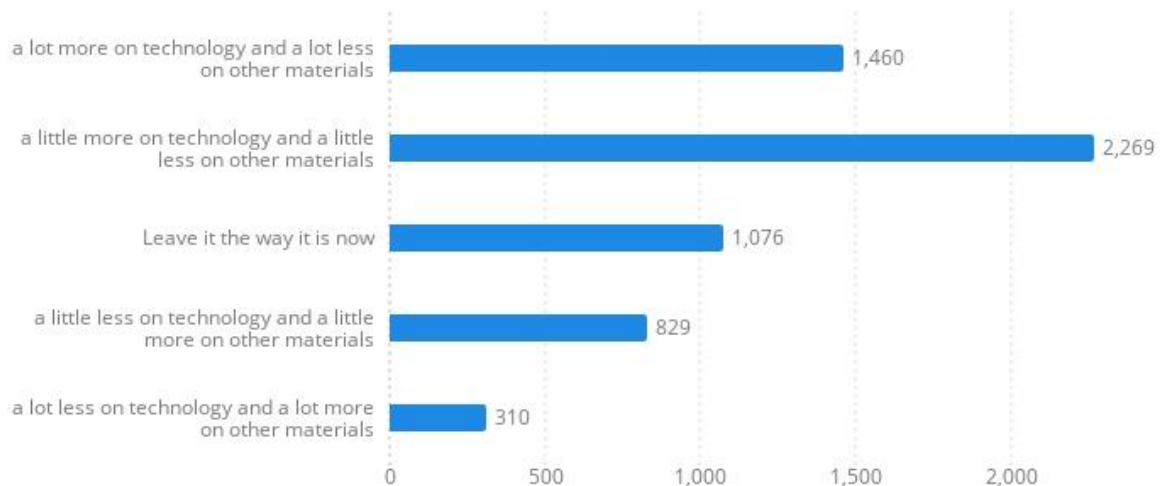
*Figure 15 – Overall Top Program and Support Areas for Secondary (N=2,056)*

**Technology**

8. Respondents were asked how much they think the TCDSB should spend on technology versus other materials.

***Overall, Parent/Guardian, Employee, and Student Results Summary:***

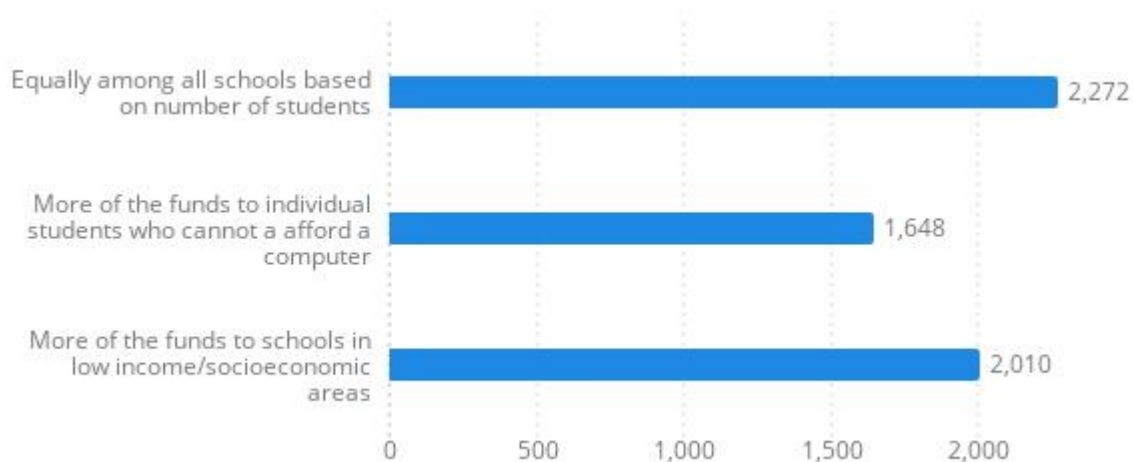
Consistently across all groups, a little more on technology and a little less on other materials ranked the highest.



*Figure 16 – Technology vs Other Materials (N=5,944)*

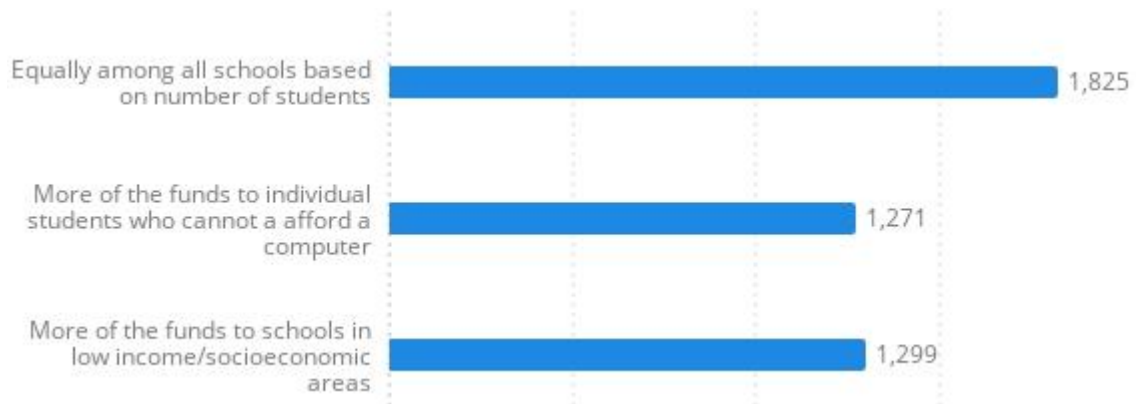
9. Respondents were asked how they think the TCDSB should distribute technology among its school communities/students.

**Overall Results Summary:** Ranked the highest was equally distribute technology among all schools based on the number of students, followed by more funds to schools in low-income areas.



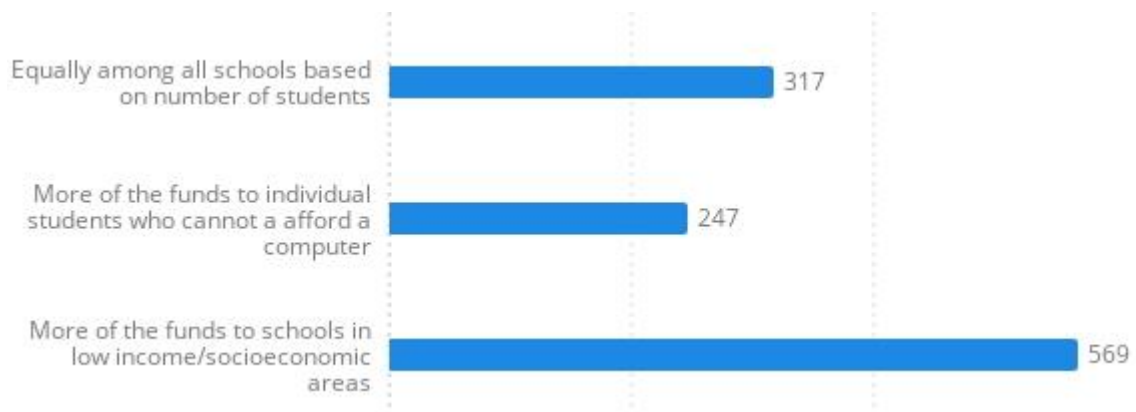
*Figure 17 – Overall Distribution of Technology Materials (N=5,930)*

***Parent/Guardian Results Summary:*** Ranked the highest was equally distribute technology among all schools based on the number of students, followed by more funds to individual students who cannot afford technology.



*Figure 18 – Parent Distribution of Technology Materials (N=5,930)*

***Employee Results Summary:*** More funds to schools in low-income areas ranked highest, followed by equally distribute among all schools based on number of students ranked highest.



*Figure 19 – Employee Distribution of Technology Materials (N=1,133)*

**Student Results Summary:** More of the funds to individual students who cannot afford technology ranked highest, followed by more funds to schools in low-income areas.

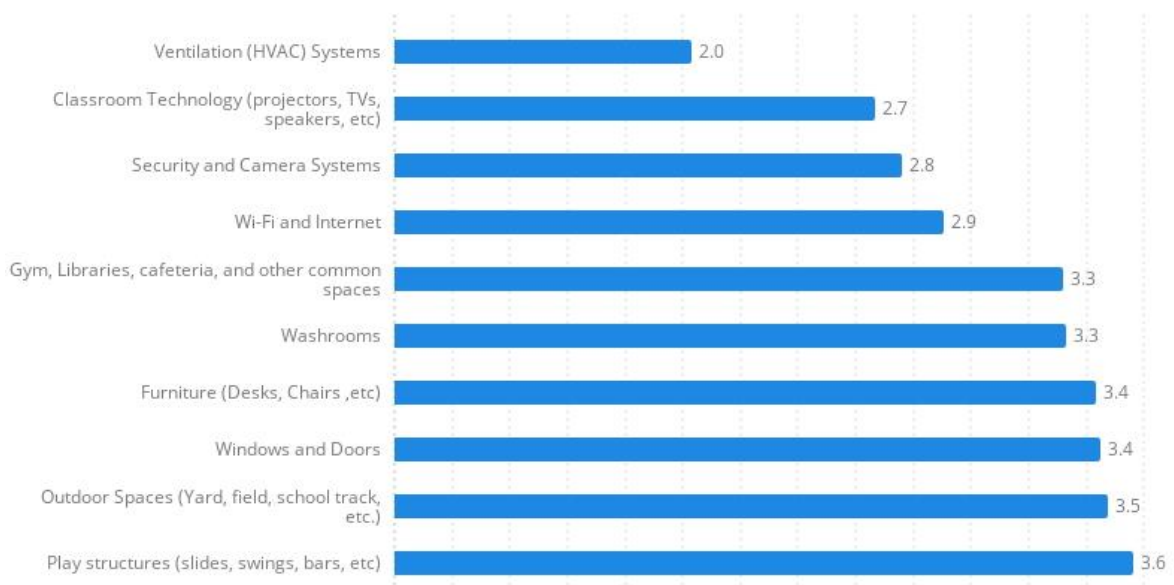


*Figure 20 – Student Distribution of Technology Materials (N=211)*

## Buildings

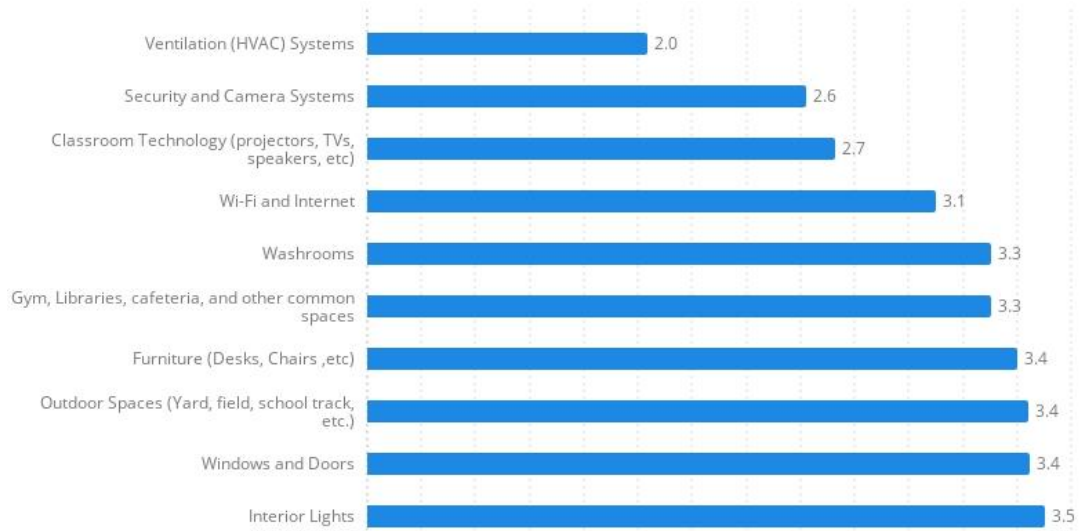
10. Respondents were asked to consider over the next 3 to 5 years, and rank which school building improvements they think are the most important to support overall student achievement and well-being.

**Overall Results Summary:** Ventilation (HVAC) Systems ranked highest, followed by Classroom Technology, Security Camera Systems, Wi-Fi and Internet, and Gym, Libraries, cafeteria and other common spaces.



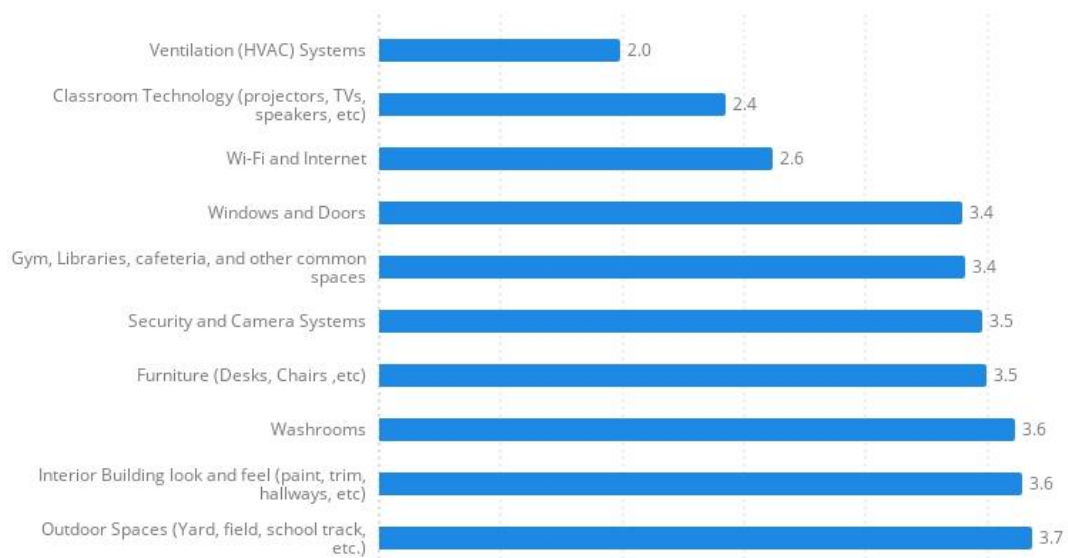
*Figure 21 – Overall Building Improvement Choices (N=5,337)*

***Parent/Guardian Results Summary:*** Ventilation (HVAC) Systems ranked highest, followed by Security Camera Systems, Classroom Technology, Wi-Fi and Internet, and Gym, Libraries, cafeteria and other common spaces.



***Figure 22 – Parent/Guardian Building Improvement Choices (N=3,916)***

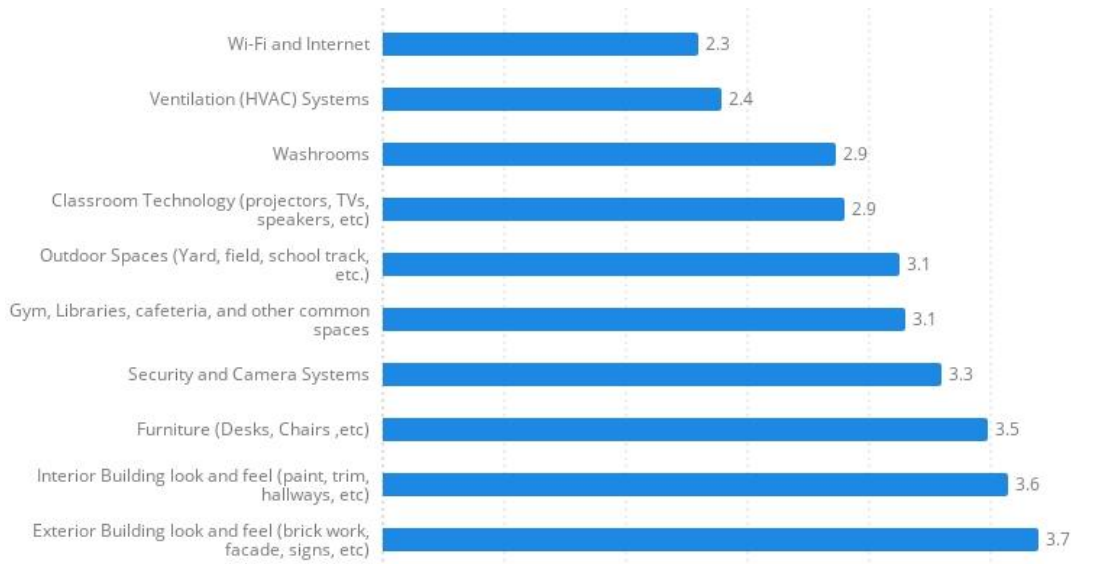
***Employee Results Summary:*** Ventilation (HVAC) Systems ranked highest, followed by Classroom Technology, Wi-Fi and Internet, Windows and Doors, and Gym, Libraries, cafeteria and common spaces.



***Figure 23 – Employee Building Improvement Choices (N=1,047)***



***Student Results Summary:*** Wi-Fi and Internet ranked highest, followed by Ventilation (HVAC) Systems, Washrooms, Classroom Technology, and Outdoor Spaces.



*Figure 24 – Student Building Improvement Choices (N=200)*

### **Other Efficiencies (open-ended question)**

11. At the end of the survey respondents were asked an open-ended question about how the TCDSB can be more fiscally efficient.

***Results summary:*** Overall, comments reflect student learning and support as a top priority. Majority of comments related to COVID-19 and remote learning, with a focus on increased access to technology, and special education and mental health supports.

Most referenced themes included increased student mental health supports, staff positions and salary, closing low enrolment schools, reducing transportation/busing costs, and changing or eliminating international languages program.

Comments varied between preference for increased online textbooks and increased funding to replace/update physical textbooks. Comments also varied regarding increasing support for EAs, CYWs, and social workers in the classroom and school wide. Some commentary on calls for improved equitable distribution of funding based on need, rather than distributing funds equally.

Other comments that did not fit into the major themes included smaller class sizes, increased school facility improvements with a focus on washrooms, and selling/leasing excess Board property.

## **VIRTUAL TOWN HALL**

12. On March 30, March 31 and April 20, 2021, Virtual Town Halls were held from 6:00-7:30 p.m. with attendees able to access via Zoom and YouTube.

Senior staff responded to approximately 25 questions per Virtual Town Hall, for a total of 82 questions. Questions posed addressed:

- Staffing
- Learning Models
- COVID-19 Impacts
- Health and Safety
- School ventilation
- Construction and Facilities
- Programs and Services (Special Education, French Immersion, International Languages)

A total of 354 participants attended live (120 on zoom and 234 on YouTube), and the Town Hall videos have been viewed 608 times on YouTube, as of May 6, 2021.

## **SEAC, CPIC AND OAPCE MEETINGS**

13. On April 19, 21, and 26 TCDSB senior staff met with SEAC, CPIC, and OAPCE respectively to discuss the 2021-22 Budget.

A number of questions were asked at these meetings, reflecting the key areas of focus for these groups. The following themes were discussed at all meetings:

- Focus on Special Education
- Improving buildings where possible
- Continuing virtual learning
- Student Health & Safety regarding COVID-19

## **UNION PARTNER MEETINGS**

14. On May 6, 11, and 14 TCDSB senior staff met with TEC, TSU, and CUPE and APSSP respectively to discuss the 2021-22 Budget.

The following themes were discussed at all meetings:

- Ensuring virtual learning, if needed, is supported properly
- Staff Health & Safety regarding COVID-19
- Minimizing the impact of enrollment reductions
- Understanding COVID-19

## **E. METRICS AND ACCOUNTABILITY**

The budget consultation process was promoted using a number of different means including:

1. Invitations to everyone on exchange including CPIC, OAPCE, CSPC Chairs and SEAC.
2. All TCDSB families received information and reminders about the budget process and survey via School Messenger.
3. Posters with information about the budget survey and virtual town hall were shared on social media channels including Twitter, Facebook and Instagram, the weekly wrap-up, Director's Bulletin Board and school newsletters.
4. Frequently asked questions (FAQs) were monitored and regularly updated on the budget webpage.
5. A digital social media campaign including paid and organic content was implemented to increase overall participation. Promotion through TCDSB Twitter, Facebook and Instagram accounts targeted individuals who like, follow and engage with TCDSB social channels as well lookalike audiences i.e. those with similar profiles as our existing audience, using "smart audience" ad features. The April 1 – 30, 2021 campaign resulted in an audience reach of 133,491, with 1,712 engaging with the post and 540 clicks to the budget survey resulting in a total 63% increase in participation rate over 2020.
6. Due to the continued pandemic and considerations for public safety, this year there was no in-person consultation. However, survey results this year compared to last year were significantly higher as well as turnout at the three

themed virtual town halls.

<b>2019</b>	<b>2020</b>	<b>2021</b>
Survey responses: 1,942	Survey Responses: 4,549	Survey Responses: 7,415
Virtual town hall attendees: 60	Virtual town hall attendees: 326	Virtual Town Hall attendees  Theme 1, March 30: 216 - Post views: 154  Theme 2, March 31: 72 - Post views: 319  Theme 3, April 20: 66 - Post views: 135

## **F. CONCLUDING STATEMENT**

Input received from the budget consultation survey, virtual townhalls, and various meetings is being provided for consideration of the Board of Trustees. Perspectives offered through the consultation feedback will also be part of staff considerations when developing the final budget for Trustee approval.



REPORT TO

## CORPORATE SERVICES, STRATEGIC PLANNING AND PROPERTY COMMITTEE

### DELEGATING AUTHORITY FOR SUMMER 2021 PROCUREMENT AWARDS

*“As God’s chosen ones, holy and beloved, clothe yourselves with compassion, kindness, humility, meekness, and patience.”*

**Colossians 3:12**

Created, Draft	First Tabling	Review
June 1, 2021	June 8, 2021	<a href="#">Click here to enter a date</a>
P. De Cock, Comptroller of Business Services & Finance D. Reid, Acting Coordinator of Materials Management		
<b>RECOMMENDATION REPORT</b>		

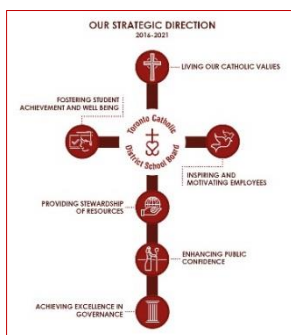
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*At Toronto Catholic we transform the world through witness, faith, innovation and action.*

**Mission:**

*The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.*

*We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.*



**Brendan Browne, PhD**  
Director of Education

**D. Koenig**  
Associate Director  
of Academic Affairs

**D. Boyce**  
Associate Director  
Facilities, Business and  
Community Development

## **A. EXECUTIVE SUMMARY**

During the summer period when there are no scheduled Committee or Board meetings, it is anticipated that there will be a number of tender contract awards purchases that would normally require Board approval under the Board Purchasing Policy.

There will be a number of required contract awards and procurements prior to the resumption of Board meetings in order to meet the ongoing business requirements of the Board in the areas of Facilities, ICT and Curriculum. These procurement awards and purchases are essential to facilitate the ongoing continuity of school operations in September 2021.

This report recommends that the Board delegate authority to the Director of Education or designate, and the Chair of the Board or designate, or the Chair of the Corporate Services Committee to award procurement contracts and approve purchases over \$50,000 for the months of June, July and August 2021. The Board of Trustees will be updated in the fall with a list of all awards and purchases approved by delegated authority over the summer.

*The cumulative staff time required to prepare this report was 4 hours.*

## **B. PURPOSE**

1. Board approval is required for tender awards for new school construction, major school additions and all awards above \$50,000. During the summer period when the Board is not scheduled to meet, the Board typically delegates approval authority to the Director of Education or designate.
2. Timely contract approvals will facilitate the scheduling and implementation of major construction projects and key operational work ahead of the start of school.

## **C. BACKGROUND**

1. *As required by the TCDSB Purchasing Policy (FP.01), the Board of Trustees approve any procurement activity/awards more than \$50,000.* The Board Purchasing Policy FP01 provides delegation of authority to the Director of Education to approve the award of all contracts and expenditures not to

exceed a threshold of \$50,000 where the Board of Trustees has approved the budget, project or report.

2. ***Procurement activities continue during the summer months when the Board of Trustees do not meet at Board and/or Committees of the Whole Board.*** In order to initiate the design and/or construction process for Capital and Renewal projects, Maintenance and ICT contracts and complete purchases required for school operations to commence in September, the Board of Trustees may approve the delegation of authority during the summer months to the Director of Education or designate to approve contracts and purchases that exceed \$50,000.

#### **D. EVIDENCE/RESEARCH/ANALYSIS**

1. ***The Board typically delegates approval authority to the Director of Education during the summer period from June until August.*** This avoids costly project delays when there are no scheduled Board or Committees of the Whole Board meetings. An information report is provided to the Board of Trustees in the following September.
2. ***In recent years, the delegation of authority has included one of either the Chair, Vice-Chair of the Board or Chair of Corporate Services.*** On June 11<sup>th</sup>, 2020, the Board approved the delegation of authority to the Director of Education or designate and the Chair or Vice-Chair of the Board or the Chair of the Corporate Services Committee.

#### **E. METRICS AND ACCOUNTABILITY**

1. ***A report listing all contracts awarded during the summer months will be provided to the Corporate Service Committee in September.*** Capital project budgets are monitored through the Board's financial systems and audit processes and the financial status is reported to the Ministry of Education annually through Capital Asset Project Template (CAPT) system.



## **F. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN**

1. *Director's Council will recommend contract awards in June, July and August, 2021 prior to circulation to the Chair/Vice-Chair.* The recommendation report to Director's Council will then be sent by email to the Chair of the Board for approval. If the Chair is not available, it will be circulated to the Vice-Chair, and if she is not available it will be circulated to the Chair of Corporate Services.
2. *The appropriate local School Trustees will be informed of major construction awards in their ward.* The local trustee will be informed by email of awards of major Capital construction contracts in their wards during the summer period.

## **G. STAFF RECOMMENDATION**

That the Board of Trustees delegate authority to the Director of Education or designate, and the Chair or Vice-Chair of the Board, or the Chair of the Corporate Services Committee, to award procurement contracts and approve purchases over \$50,000 from June 11, 2021 to August 31, 2021.



## REPORT TO

# CORPORATE SERVICES, STRATEGIC PLANNING AND PROPERTY COMMITTEE

## NEW ELEMENTARY SCHOOL AT BUTTONWOOD HILL SITE BUDGET APPROVAL (WARD 2)

*"I can do all things through HIM who strengthens me."  
Philippians 4:13 (NRSVCE)*

Created, Draft	First Tabling	Review
June 1, 2021	June 8, 2021	

L. Northey, Senior Coordinator, Capital Development, Asset Management and Renewal  
P. de Cock, Comptroller, Business Services  
A. Bria, Superintendent of Learning, Student Achievement and Well-Being  
D. Friesen, Superintendent, Capital Development, Asset Management and Renewal

### RECOMMENDATION REPORT

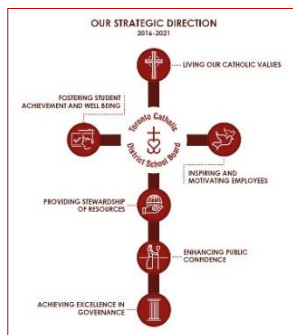
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*The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.*

*We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.*



Brendan Browne, PhD  
Director of Education

D. Koenig  
Associate Director  
of Academic Affairs

D. Boyce  
Associate Director of  
Facilities, Business and  
Community Development

## **A. EXECUTIVE SUMMARY**

The report recommends approval of a project budget of \$18,736,785 for the new elementary at the Buttonwood Hill site. Funding is available from the Ministry of Education Capital Priorities grant and Education Development Charges. Additional funding for unique site costs, estimated at \$719,250 will be requested following completion of preliminary design and costing.

A capital project budget for the new Etobicoke secondary school will be brought to the Board at a later date when a site has been acquired.

*The cumulative staff time required to prepare this report was 5 hours.*

## **B. PURPOSE**

The Board's Policy requires that capital budgets for new schools and major additions be approved by the Board of Trustees.

## **C. BACKGROUND**

1. ***Funding was publicly announced in August 2020 for a new elementary school at the Buttonwood Hill site.*** The Ministry Education (EDU) approved Capital Priorities funding in the amount of \$15,800,000 for the construction of a new 600 pupil place elementary school.
2. ***The Space Plan Template (SPT) for the new school was submitted to EDU and received approval February 2, 2021.*** The SPT was prepared in consultation with the area superintendent.
3. ***A two-stage procurement process for architectural services is underway and a contract is anticipated to be awarded in July 2021.*** Four architectural firms were prequalified in stage one and a Request for Proposal (stage two) has been issued. Award of the consultant contract is expected to be approved in the summer of 2021 under Delegated Authority.
4. ***A project budget and consultant award for the new Etobicoke secondary school will be brought to the Board separately.*** Timelines for the acquisition of property for the construction of the secondary school require that the design and construction of the elementary school progress in advance of the secondary school.

## D. METRICS AND ACCOUNTABILITY

1. *The preliminary project budget for the new Buttonwood Hill site elementary school is outlined in Table 1 below:*

**Table 1: New Elementary School at Buttonwood Project Budget**

	Funding Breakdown				Total Estimated Costs
	In Benchmark		Not in Benchmark		
	Capital Priorities	Child Care	Site Prep/ Demolition (EDC)	Unique Site Costs	
A. Estimated Pre-Design Costs			\$27,481		\$27,481
B. Estimated Consultant Fees	\$877,526	\$117,195	\$167,739	\$0	\$1,052,186
C.Estimated Municipal Fees	\$171,875	\$22,246	\$87,261	\$0	\$281,383
D. Estimated TCDSB Allowances	\$372,758	\$95,862	\$10,000	\$0	\$478,620
E. Estimated Construction Budget	\$11,192,960	\$2,376,246	\$1,750,000	\$685,000	\$16,004,206
F. Contingency Allowance	\$544,831	\$116,054	\$87,500	\$34,250	\$782,635
TOTAL PROJECT COST	\$13,159,951	\$2,727,603	\$2,129,981	\$719,250	\$18,736,785
APPROVED FUNDING	\$13,159,951	\$2,727,603			\$15,887,554

2. *EDU has in the past provided additional funding to address unique site costs for Capital projects.* A request for additional funding will be submitted to the EDU upon completion of a detailed Design Development costing by a certified Quantity Surveyor. This project is also eligible for Education

Development Charges (EDC) to cover the cost of site preparation and demolition.

3. ***Approval to Proceed to tender (ATP) is required from the Ministry of Education.*** Based on a detailed pre-tender cost estimate by a third party cost consultant, a request for ATP, identifying all funding sources, will be submitted prior to tendering the project. Following tendering, the project budget will be revised to reflect the actual tender price and a report will be submitted for Board approval prior to award of tender.

## **E. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN**

1. ***Consultation with the school community and other stakeholders will continue throughout the design process.*** Following procurement of the architect, a Local Design Committee (LDC) will be struck to meet regularly with the design team and Capital staff. As this is a new school community, the LDC membership will be determined in consultation with Planning staff and the Area Superintendent.
2. ***Regular Capital project status updates will be provided quarterly to the new school community when that is identified and will also be posted on the TCDSB website.***
3. ***The current anticipated timeline for key project milestones is as follows:***

Architect Award	July 2021
Site Plan Application to City of Toronto	March 2022
Request for Ministry Approval to Proceed to Tender	March 2023
Construction Start	Spring 2023
School Opening	September 2024

## **F. STAFF RECOMMENDATION**

That a project budget of \$18,736,785.00 for the construction of a new 600 pupil place elementary school at the Buttonwood Hill site, as detailed in Table 1, be approved.



REPORT TO

## CORPORATE SERVICES, STRATEGIC PLANNING AND PROPERTY COMMITTEE

### LORETTO ABBEY PROJECT MANAGER CONTRACT AWARD AND BUDGET APPROVAL (WARD 5)

*"I can do all things through HIM who strengthens me."  
Philippians 4:13 (NRSVCE)*

Created, Draft	First Tabling	Review
June 1, 2021	June 8, 2021	

L. Northey, Senior Coordinator, Capital Development, Asset Management and Renewal

Morris Iafrate, Senior Coordinator, Asset Management and Renewal

P. de Cock, Comptroller, Business Services

C. Fernandes, Superintendent of Learning, Student Achievement and Well-Being

D. Friesen, Superintendent, Capital Development, Asset Management and Renewal

### RECOMMENDATION REPORT

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D. Boyce  
Associate Director of  
Facilities, Business and  
Community Development



## **A. EXECUTIVE SUMMARY**

The report recommends the award of a contract to Colliers Project Managers Inc. to provide project management services for the design and construction of an addition, retrofit and renewal of Loretto Abbey for total fees and expenses of \$377,992.00 including net HST.

The report also recommends approval of a project budget of \$33,942,507. Funding is available from the Ministry of Education Capital Priorities grant, and the School Condition Improvement Grant (SCI). Additional funding for unique site costs and site preparation costs, estimated at \$4,398,419 will be requested following completion of preliminary design and costing. Renewal funding of \$5,544,088 from the School Condition Improvement grant for forecasted building component upgrades is included on the project budget.

## **B. PURPOSE**

The Board's Purchasing Policy requires that contract awards for new schools and major additions be approved by the Board of Trustees.

## **C. BACKGROUND**

1. ***Funding of \$24M was approved in November 2020 for an addition and retrofit of Loretto Abbey.*** The Ministry of Education (EDU) approved Capital Priorities funding in the amount of \$17.5M for the construction of an addition and \$6.5M for the retrofit of the former convent area of the building to provide for a total of 1100 pupil places at Loretto Abbey Catholic Secondary School.
2. ***School Renewal funding will be required for the upgrade of systems and renovation of spaces in the existing school area of the building.*** The estimated cost for the completion of renewal work, included in the 2021-2024 Renewal Forecast, is \$5.54M. The final scope of Renewal Work to be completed will be determined in consultation with the Project Manager, based on feasibility of timing and detailed cost estimates.
3. ***The replacement of the heating system at Loretto Abbey is being completed as a separate Renewal project commencing on site in May 2021.*** This work is being carried out in two phases with staff and students remaining onsite and

involves the installation of new high-efficiency hot water boilers, radiators, domestic hot water system and air conditioning.

4. ***A Project Manager is required to coordinate a complex project of this nature.*** If students are to be kept on site during construction, the work will need to be carried out over several phases. Expertise is needed as to how much work can be completed during summer months, how construction areas can be delineated and separated from occupied areas, how phasing and heritage considerations will affect construction timelines and costs, how the work will be tied into the second phase of the HVAC project and what specialty consultants will be required.
5. ***The Project Manager will support Board staff in maintaining project budget and timelines.*** In consultation with Board staff, design consultants and all stakeholders, the Project Manager will oversee procurement of design consultants, revisit the previous feasibility study to consider the recent availability of the convent and infirmary, develop a phasing plan, facilitate school community consultation, and recommend and oversee tendering procedures and construction contract(s).

#### **D. EVIDENCE/RESEARCH/ANALYSIS**

1. ***A Request for Proposals (RFP) was issued to qualified Project Management Firms on March 30, 2021.*** Nine (9) firms responded to the RFP. All responses were evaluated by a committee of the Board's Capital and Materials Management staff according to the criteria stipulated in the RFP and noted below. Parts A through D were evaluated and scored prior to the opening and scoring of the proposed fixed fee (Part E).

<b><u>Evaluation Criteria</u></b>	<b><u>Points Available</u></b>
A. Firm Profile and Staff Assigned to Project	20
B. Understanding of Scope of Work - Completeness of Work Plan Deliverables	20
C. Proposed schedule	15
D. Similar Completed Projects and References	20
E. Proposed Fixed Fee (Excluding Stipulated Allowances) (Appendix B)	25
<b>Total</b>	<b>100</b>

2. *The highest scoring firm at the conclusion of the evaluation was Colliers Project Managers Inc.* This is the recommended firm for award of the contract to provide project management services for the project. Their fee of \$370,000.00 includes allowances for expenses. The fee does not include design and construction contract administration services, which will be carried out by architects and engineers selected through a separate RFP process.

## E. METRICS AND ACCOUNTABILITY

1. *The preliminary project budget for the addition and retrofit for Loretto Abbey, is outlined in Table 1 below.*

**Table 1: Loretto Abbey Capital Project Budget**

	Funding Source				Total
	Ministry of Education (EDU)	Site Prep / Demolition	Unique Site Costs	Renewal (SCI)	Estimated
<b>A.1 Total Project Management Fees</b>	\$377,992				\$377,992
<b>A.2 Estimated Design Consulting Cost</b>	\$1,220,183	\$183,888	\$184,000	\$204,320	\$1,792,391
<b>B1. Estimated Municipal Fees</b>	\$242,649	\$75,207	\$0	\$0	\$317,856
<b>B2. Estimated TCDSB Allowances</b>	\$682,295	\$15,324			\$697,619
<b>C. Estimated Construction Cost</b>	\$20,276,882	\$1,000,000	\$2,600,000	\$5,059,768	\$28,936,650
<b>D. Contingency Allowance</b>	\$1,200,000	\$80,000	\$260,000	\$280,000	\$1,820,000
<b>TOTAL ESTIMATED PROJECT COST</b>	<b>\$24,000,000</b>	<b>\$1,354,419</b>	<b>\$3,044,000</b>	<b>\$5,544,088</b>	<b>\$33,942,507</b>
<b>FUNDING</b>	<b>\$24,000,000</b>				<b>\$24,000,000</b>

2. *EDU has in the past provided additional funding to address unique site costs for Capital projects.* A request for additional funding will be submitted to the

EDU upon completion of a detailed Design Development costing by a certified Quantity Surveyor. This will include additional costs related to preservation of heritage attributes of the site.

3. ***Approval to Proceed to tender (ATP) is required from the Ministry of Education for Capital projects.*** Based on a detailed pre-tender cost estimate by a third party cost consultant, a request for ATP, identifying all funding sources, will be submitted prior to tendering the project. Following tendering, the project budget will be revised to reflect the actual tender price and a report will be submitted for Board approval along with award of the tender.

## **F. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN**

1. ***Consultation with the school community and other stakeholders will continue throughout the design process.*** Consultation will be conducted in the following ways:
  - i. Following the appointment of the architect, a Local Design Committee (LDC), comprised of the Principal, Superintendent, Trustee, teachers, parents and students, will be struck to meet regularly with the Project Manager, Design Consultants and Capital staff.
  - ii. Presentations to the larger school community, including students, staff and parents, will be held at key stages of the design process to provide information and receive feedback.
  - iii. Public meetings will be held as required during the Site Plan Approval process and a Good Neighbour Construction Information Meeting will be held prior to the beginning of construction.
2. ***Regular project status updates will be provided to the school community and will also be posted on the school website.*** Facilities staff will communicate directly with the Principal, caretakers, and the area SQS to coordinate construction activities, including project schedule, hours of work, site access, health and safety issues, and to provide support to the Principal and Superintendent for communication with school communities.
3. ***The results of previous consultation with the school community indicated that students are to remain on site during construction if at all possible.*** The

Project Manager will be responsible for the development of a construction phasing plan to ensure that students and staff can safely occupy the building during the construction. School community consultation on this phasing plan will be required.

4. ***The immediate project next steps are anticipated as follows:***

- i. Prequalification of architectural teams is underway and a Request for Proposals will be issued once the Project Manager is retained.
- ii. The 2017 Feasibility Study will be reviewed and revised with consideration to the recent availability of the convent and infirmary building.
- iii. With the assistance of the Project Manager and Architect, a Space Plan Template will be completed and submitted to the Ministry for approval.
- iv. The design and timing of Phase 2 of the current Renewal project to replace the heating system, which is to address the convent area of the existing building, will be reviewed and revised as necessary to ensure that the Renewal work to be done will support the future retrofit of the space.

5. ***The current anticipated timeline for key project milestones is as follows:***

Architect Award	August 2021
Site Plan Application to City of Toronto	May 2022
Request for Ministry Approval to Proceed to Tender	March 2023
Construction Start	Summer 2023
Addition / Retrofit Opening	September 2025

## **G. STAFF RECOMMENDATION**

1. That a contract be awarded to Colliers Project Managers Inc. to provide project management services for the design and construction of an addition, retrofit and renewal for Loretto Abbey for a fee of \$ 370,000.00, plus net HST of \$7,992.00 for a total cost of \$377,992.00 including expenses.
2. That a project budget of \$33,942,507.00 for the addition, retrofit and renewal for Loretto Abbey, as detailed in Table 1, be approved.





REPORT TO

## CORPORATE SERVICES, STRATEGIC PLANNING AND PROPERTY COMMITTEE

### BISHOP ALLEN ACADEMY REPLACEMENT SCHOOL BUDGET APPROVAL (WARD 4)

*"I can do all things through HIM who strengthens me."  
Philippians 4:13 (NRSVCE)*

Created, Draft	First Tabling	Review
June 1, 2021	June 8, 2021	

L. Northey, Senior Coordinator, Capital Development, Asset Management and Renewal  
P. de Cock, Comptroller, Business Services  
A. Bria, Superintendent of Learning, Student Achievement and Well-Being  
D. Friesen, Superintendent, Capital Development, Asset Management and Renewal

### RECOMMENDATION REPORT

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Director of Education

D. Koenig  
Associate Director  
of Academic Affairs

D. Boyce  
Associate Director of  
Facilities, Business and  
Community Development



## **A. EXECUTIVE SUMMARY**

The report recommends approval of a project budget of \$40,292,103 for the replacement of Bishop Allen Academy. Funding is available from the Ministry of Education Capital Priorities grant. Additional funding for site preparation and unique site costs, estimated at \$4,538,227 will be requested following completion of preliminary design and costing.

*The cumulative staff time required to prepare this report was 6 hours.*

## **B. PURPOSE**

The Board's Policy requires that capital budgets for new schools and major additions be approved by the Board of Trustees.

## **C. BACKGROUND**

1. *Funding was publicly announced in November 2020 for the replacement of Bishop Allen Academy.* The Ministry Education (EDU) approved Capital Priorities funding in the amount of \$36,013,876 for the construction of a new 1300 pupil place school to replace Bishop Allen Academy.
2. *The Space Plan for the new school was submitted to EDU and received approval on March 19, 2021.* The space plan was developed with input from the Principal and Area Superintendent and includes spaces to support the school's specialty programs.
3. *A two-stage procurement process for architectural services is underway and a contract is anticipated to be awarded in July 2021.* Four architectural firms were prequalified in stage one and a Request for Proposal (stage two) has been issued. Award of the consultant contract is expected to be approved under delegated authority.

## **D. METRICS AND ACCOUNTABILITY**

1. *The preliminary project budget for the replacement of Bishop Allen Academy is outlined in Table 1 below:*

**TABLE 1: Bishop Allen Project Budget**

	<i>FundingSource</i>			Total
	Ministry of Education (EDU)	Site Prep / Demolition	Unique Site Costs	Estimated
<b>A. Total Estimated Consulting Cost</b>	<b>\$1,195,272</b>	<b>\$183,888</b>	<b>\$184,000</b>	<b>\$1,563,160</b>
<b>B1. Estimated Municipal Permits &amp; Fees</b>	<b>\$452,196</b>	<b>\$137,255</b>	<b>\$0</b>	<b>\$589,450</b>
<b>B2. Estimated TCDSB Allowances</b>	<b>\$874,295</b>	<b>\$15,324</b>	<b>\$0</b>	<b>\$889,619</b>
<b>C. Total Estimated Construction Cost</b>	<b>\$31,795,640</b>	<b>\$1,021,600</b>	<b>\$2,656,160</b>	<b>\$35,473,400</b>
<b>D. Contingency Allowance</b>	<b>\$1,696,474</b>	<b>\$80,000</b>	<b>\$260,000</b>	<b>\$1,776,474</b>
<b>TOTAL ESTIMATED PROJECT COST</b>	<b>\$36,013,876</b>	<b>\$1,438,067</b>	<b>\$3,100,160</b>	<b>\$40,292,103</b>
<b>FUNDING</b>	<b>\$36,013,876</b>			<b>\$36,013,876</b>

2. ***EDU has in the past provided additional funding to address unique site costs for Capital projects.*** A request for additional funding will be submitted to the EDU upon completion of a detailed Design Development costing by a certified Quantity Surveyor.
3. ***Approval to Proceed to tender (ATP) is required from the Ministry of Education.*** Based on a detailed pre-tender cost estimate by a third party cost consultant, a request for ATP, identifying all funding sources, will be submitted prior to tendering the project. Following tendering, the project budget will be revised to reflect the actual tender price and a report will be submitted for Board approval prior to award of tender.

## **E. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN**

1. ***Consultation with the school community and other stakeholders will continue throughout the design process.*** Following procurement of the architect, a Local Design Committee (LDC), comprising the Principal, Superintendent, Trustee, parents, teachers and students, will be struck to meet regularly with the design team and Capital staff.
2. ***Regular Capital project status updates will be provided to the school community and will also be posted on the school website.*** Facilities staff will communicate directly with the Principal, caretakers, and the area SQS to coordinate construction activities, including project schedule, hours of work, site access, health and safety issues and to provide support to the Principal and Area Superintendent for communication with school communities.
3. ***Relocation of students during construction will be required.*** A decision on where and when students will be relocated will be determined in consultation with the school community. Consultation will not begin until the later stages of project design when timelines for Municipal and Ministry approvals prior to construction tender can be determined and available potential relocation sites can be identified.
4. ***The current anticipated timeline for key project milestones is as follows:***

Architect Award	July 2021
Site Plan Application to City of Toronto	May 2022
Request for Ministry Approval to Proceed to Tender	March 2023
Construction Start	Fall 2023
School Opening	September 2025

## **F. STAFF RECOMMENDATION**

That a project budget of \$40,292,103.00 for the construction of a 1300 pupil place replacement school for Bishop Allen Academy, as detailed in Table 1, be approved.



## REPORT TO

## CORPORATE SERVICES, STRATEGIC PLANNING AND PROPERTY COMMITTEE

### MONTHLY PROCUREMENT APPROVALS

*“What you heard from me, keep as the pattern of sound teaching, with faith and love in Christ Jesus. Guard the good deposit that was entrusted to you—guard it with the help of the Holy Spirit who lives in us.”*

**2 Timothy 1:13-14**

Created, Draft	First Tabling	Review
May 30, 2021	June 8, 2021	<a href="#">Click here to enter a date</a>
D. Reid, (Acting) Coordinator of Material Management V. Artuso, Purchasing Manager P. De Cock, Comptroller of Business Services & Finance		
<b>RECOMMENDATION REPORT</b>		

**Vision:**

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**D. Boyce**  
Associate Director of Facilities,  
Business and Community  
Development

## **A. EXECUTIVE SUMMARY**

As required by the TCDSB Purchasing Policy (FP.01), the Board of Trustees approve any procurement activity/awards in excess of \$50,000. This report submits to the Board of Trustees all procurement activity/awards in excess of \$50,000 subsequent to **May 13, 2021** for review and approval, and further reports will be prepared on a monthly basis for the Corporate Services, Strategic Planning and Property Committee.

*The cumulative staff time required to prepare this report was 40 hours.*

## **B. PURPOSE**

1. This report responds to a TCDSB Purchasing Policy regulation requiring Board of Trustees approval for any procurement activity/award equal to or greater than \$50,000.

## **C. BACKGROUND**

1. The Board Purchasing Policy FP01 provides delegation of authority to the Director of Education to approve the award of all contracts and expenditures not to exceed a threshold of \$50,000 where the Board of Trustees has approved the budget, project or report.
2. In order to facilitate procurement activity and/or awards in excess of the \$50,000 limit, this report recommends approval for the attached list of procurement requisitions and/or awards.

## **D. EVIDENCE/RESEARCH/ANALYSIS**

1. A complete listing and description of procurement requisitions and/or awards appears in **Appendix A**.

## **E. CONCLUDING STATEMENT**

That the Board of Trustees approve all procurement activities/awards listed in Appendix A.

## Appendix A

No.	Report Name	Type	Vendor Name(s)	Description	Amount
1	Sophie Bonny Lecue FSL writing services	New Procurement Award	Sophie Bonny Lecue	FSL writing services for TELL ON eLearning Project	\$89,728.00
2	Suzanne Rochon FSL writing services	New Procurement Award	Suzanne Rochon	FSL writing services for TELL ON eLearning Project	\$89,305.00
3	Renewal of AirWatch Mobile Device Management Cloud Subscription Service	New Procurement Award	CDW Canada Corp.	18,300 AirWatch Shared Cloud - Subscription License and 2 AirWatch Telecom Add On - Shared Cloud - Subscription license	\$168,559.78
4	Tree Removal and Pruning Unit-Price Contract 2 Year Extension	Modification to Existing Award	Davey Tree Expert Co. of Canada	Unit-price cost for tree removals, pruning services, stump grinding and structural testing of trees on Board sites	\$200,000.00
5	Custodial Equipment Repair and Maintenance 2nd Year Contract Renewal	Modification to Existing Award	Allsource Cleaning Equipment and Supplies Inc. / Swish Maintenance Limited	Indoor/Outdoor Custodial Equipment Repair and Maintenance	\$161,600.00
6	Our Lady of Fatima Catholic School HVAC Upgrades Contractor Award	New Procurement Award	Active Mechanical	Replacement of the Chiller at Our Lady Of Fatima School	\$392,155.00

## Appendix A

No.	Report Name	Type	Vendor Name(s)	Description	Amount
7	St. Demetrius Catholic School HVAC Upgrades Contractor Award	New Procurement Award	Active Mechanical	Air handling unit replacement St Demetrius Catholic School	\$328,113.00
8	St. John Paul II Catholic Secondary School HVAC Upgrades Contractor Award	New Procurement Award	Trane Canada ULC	Installation of a new Variable Frequency Drive (VFD) on the compressor of the chiller at Saint John Paul II Catholic Secondary School	\$138,540.00
9	St. Dorothy Catholic School Brick Restoration Contractor Award	New Procurement Award	Everest Restoration Ltd.	Exterior masonry brick repairs at St. Dorothy Catholic School	\$77,683.50
10	Don Bosco Catholic Secondary School Interior Renovations for Dante Alighieri Readiness Budget Approval and Contractor Award	New Procurement Award	Martinway Contracting Ltd.	Interior Renovations and site work at Don Bosco Catholic Secondary School to make it School Ready for the relocation of staff and students of Dante Alighieri Catholic Secondary School	\$163,478.00
11	St. Josaphat Catholic School Staircase Replacement Contractor Award	New Procurement Award	Martinway Contracting Ltd.	Replacement of all (4) staircases and railings at St. Josaphat Catholic School	\$276,000.00



## Appendix A

No.	Report Name	Type	Vendor Name(s)	Description	Amount
12	Mother Cabrini Catholic School Staircase Replacement Contractor Award	New Procurement Award	Martinway Contracting Ltd.	Replacement of all staircases (3) and railings at Mother Cabrini Catholic School	\$145,000.00
13	St. Benedict Catholic School Replace Parking Lot Asphalt Contractor Award	New Procurement Award	Tony Battista Paving Inc.	Replacement of asphalt, slight expansion, and improve drainage to the parking lot at St. Benedict Catholic School	\$313,838.00
14	James Cardinal McGuigan Catholic Secondary School Locker Replacement Contractor Award	New Procurement Award	GRB Storage Inc.	To replace all student lockers in the old section of James Cardinal McGuigan Catholic Secondary School	\$295,400.00
15	Francis Libermann Catholic Secondary School Locker Replacement Contractor Award	New Procurement Award	GRB Storage Inc.	Complete replacement of all student lockers including girls and boys change rooms at Francis Libermann Catholic Secondary School	\$301,014.00
16	St. Fidelis Catholic School Public Address Upgrade Contractor Award	New Procurement Award	Sojat Electric Limited	Replacement of the Public Address System at St. Fidelis Catholic School	\$106,300.00

### Appendix A

No.	Report Name	Type	Vendor Name(s)	Description	Amount
17	St. Martha Catholic School Main Switchboard Upgrade Contractor Award	New Procurement Award	Electrobauer Systems Limited	Supply and installation of a new main electrical switchboard and distribution panel at St. Martha Catholic School	\$85,989.88
18	St. Mark Catholic School Fire Alarm and PA Upgrade Contractor Award	New Procurement Award	Sojat Electric Limited	Supply and installation of Public Address and Fire Alarm system upgrades at St. Mark Catholic School	\$230,153.00
19	St. Dorothy Catholic School Emergency Replacement Two Indoor Air Handlers Equipment Pre-Purchase	New Procurement Award	The State Group Inc.	Pre-purchase of the mechanical equipment associated with the emergency replacement of two gas fired indoor heating/ventilation air handlers at St. Dorothy Catholic School	\$260,150.00
20	Transfiguration Catholic School Replacement of Boilers and Domestic Hot Water System Contractor Award	New Procurement Award	Stellar Mechanical Inc.	Replacement of boilers and associated BAS, pumps and domestic hot water tanks at Transfiguration of Our Lord Catholic School	\$219,000.00

## Appendix A

No.	Report Name	Type	Vendor Name(s)	Description	Amount
21	Christ the King Catholic School Foundation Wall and Asphalt Play Surface Contractor Award and Budget Increase	New Procurement Award	Mopal Construction Ltd.	Foundation wall repairs along the west and north façade and asphalt paving of the north school yard at Christ the King Catholic School.	\$215,800.00



# Procurement Award Report

*(for Purchases/Contracts over \$50,000)*

## 1. Report Information

Report Name	Sophie Bonny Lecue FSL writing services
Division	Adult Education
SO/Executive	P. Aguiar, Superintendent of Education
Initiator/Requestor	L. Hu-DiNoto, Administrator
Report Type	New procurment award

## 2. Tender/RFP Information

RFP/Tender #		Value + Net HST	\$89,728.00
Term Start Date	September 1, 2020	Term End date	March 31, 2022

## 3. Description of Goods/Service or Change

<p>Vendor: Sophie Bonny Lecue</p> <p>Type: Contract</p> <p>FSL writing services for TELL ON eLearning Project</p> <p>September 1, 2020 – March 31, 2021: \$34,728</p> <p>April 1, 2021 – August 31, 2021 (16 weeks): \$20,500</p> <p>September 1, 2021 – March 31, 2022 (27 weeks): \$34,500</p>
--

#### 4. Procurement Process

Procurement Type	Single/Sole Source
Consortium/Group Purchase	No
# of Compliant Bidders/Respondents	1
Name of Recommend Vendor/Bidder	Sophie Bonny Lecue
Winning Bid Value + Net HST	\$89,728
Budget Source	GL 65400 I/O 3000056
Budget Source approval (Report & Date)	
Under/Over Budget	Within approved budget

#### 5. Formal Award Recommendation

That the Board ratify the contract for FSL writing services to Sophie Bonny Lecue in the amount of \$89,728 plus net HST.



# Procurement Award Report

(for Purchases/Contracts over \$50,000)

## 1. Report Information

Report Name	Suzanne Rochon FSL writing services
Division	Adult Education
SO/Executive	P. Aguiar, Superintendent of Education
Initiator/Requestor	L. Hu-DiNoto, Administrator
Report Type	New procurment award

## 2. Tender/RFP Information

RFP/Tender #		Value + Net HST	\$89,305.00
Term Start Date	September 1, 2020	Term End date	March 31, 2022

## 3. Description of Goods/Service or Change

Vendor: Suzanne Rochon

Type: Contract

FSL writing services for TELL ON eLearning Project

September 1, 2020 – March 3, 2021: \$34,305

April 1, 2021 – August 31, 2021 (16 weeks): \$20,500

September 1, 2021 – March 31, 2022 (27 weeks): \$34,500

#### 4. Procurement Process

Procurement Type	Single/Sole Source
Consortium/Group Purchase	No
# of Compliant Bidders/Respondents	1
Name of Recommend Vendor/Bidder	Suzanne Rochon
Winning Bid Value + Net HST	\$89,305
Budget Source	GL 65400 I/O 3000056
Budget Source approval (Report & Date)	
Under/Over Budget	Within approved budget

#### 5. Formal Award Recommendation

That the Board ratify the contract for FSL writing services to Suzanne Rochon in the amount of \$89,305 plus net HST.





# Procurement Award Report

## 1. Report Information

Report Name	Renewal of AirWatch Mobile Device Management Cloud Subscription Service
Division	ICT Services Division
SO/Executive	O. Malik, Acting Chief Information Officer
Initiator/Requestor	B. Tari, Senior Manager, Field Technical Support & Software Deployment J. Di Fonzo, Senior Coordinator, IT Infrastructure & Operations
Report Type	New procurement award

## 2. Tender/RFP Information

RFP/Tender #	RFQ-026-21	Value (excl. all Taxes)	\$168,559.78
Term Start Date	July 14, 2021	Term End date	July 14, 2022

## 3. Description of Goods/Service or Change

On May 11, 2021, RFQ-026-21 - AirWatch License and Support was issued by TCDSB and posted on Bids and Tenders to obtain the lowest price for 18,300 AirWatch Shared Cloud - Subscription License and 2 AirWatch Telecom Add On - Shared Cloud - Subscription license.

The ICT Services Division utilize the AirWatch mobile device management (MDM) toolset for remote administration, device setup and configuration, application deployment and updates and inventory management of 18,300 Apple iOS devices. This includes iPads in school classrooms along with iPhones for administrative use.

The AirWatch MDM toolset is a cloud subscription service renewed annually.

#### 4. Procurement Process

Procurement Type	RFQ
Consortium/Group Purchase	Yes - OECM
# of Compliant Bidders/Respondents	2
Name of Recommended Vendor/Bidder	CDW Canada Corp.
Winning Bid Value (excluding all Taxes)	\$168,559.78
Budget Source	ICT Services Division – operations budget
Budget Source approval (Report & Date)	2020-21 Budget Estimates – Overall and Instructional 2020-21 Budget Estimates – Non-Instructional July 23, 2020
Under/Over Budget	Within approved budget

#### 5. Formal Award Recommendation

This report recommends awarding RFQ-026-21 - AirWatch License and Support to CDW Canada Corp. at a cost of \$168,559.78 plus net HST.



# Procurement Award Report

(for Contracts over \$50,000)

## 1. Report Information

Report Name	Tree Removal and Pruning Unit-Price Contract 2 Year Extension
Report #	Ope 2020 027
Division	Environmental Support Services
SO/Executive	M. Farrell, Superintendent, Environmental Support Services
Initiator/Requestor	V. Luciani, Officer of Environmental Services

## 2. Tender/RFP/RFQ Information

RFP/Tender #	<b>P-003-18</b>	Value (exclude all Taxes)	\$200,000.00
Term Start Date	March 2, 2021	Term End date	March 1, 2023

## 3. Description of Goods/Service or Change

On February 25, 2018, Corporate Services approved the award of a contract to Davey Tree Expert Co. of Canada for unit-price cost for tree removals, pruning services, stump grinding and structural testing of trees on Board sites. The current contract provided a three (3)-year period with the option to renew for an additional two (2), one (1)-year periods. The three (3)-year term has expired on March 1, 2021.

The Board requested Davey Tree Expert Co. of Canada to provide pricing for the 1<sup>st</sup> and 2<sup>nd</sup> year extension. Davey Tree Expert Co. of Canada notified the Board of of an overall 3% unit-price increase for the option years.

Operations Staff have reviewed the recent experience and service with the current vendor and have determined the price increase to be reasonable. Staff recommend acceptance of Davey Tree Expert Co. of Canada's proposal for the extension of the 1<sup>st</sup> and 2<sup>nd</sup>-year terms of the contract.

#### 4. Procurement Process

Procurement Type	Tender
Consortium/Group Purchase	No
# of Compliant Bidders/Respondents	N/A
Name of Recommend Vendor/Bidder	Davey Tree Expert Co. of Canada
Winning Bid Value (exclude all Taxes)	\$200,000.00
Budget Source	Maintenance and Operations
Budget Source approval (Report & Date)	

#### 5. Formal Award Recommendation

1. This report recommends approval of the first and second-year options for Tree Removal and Pruning contract for the period ending March 1, 2023 with current vendor Davey Tree Expert Co. of Canada. The annual cost for tree removal and pruning is approximately \$100,000 per year. Total an estimated amount for the two 1 year terms would be approximately \$200,000.00 plus Net HST.



# Procurement Award Report

(for Contracts over \$50,000)

## 1. Report Information

Report Name	Custodial Equipment Repair and Maintenance 2nd Year Contract Renewal
Report #	Ope 2020 030
Division	Environmental Support Services
SO/Executive	M. Farrell, Superintendent, Environmental Support Services
Initiator/Requestor	V. Luciani, Officer of Environmental Services

## 2. Tender/RFP/RFQ Information

RFP/Tender #	<b>Q-010-17</b>	Value (exclude all Taxes)	\$161,600.00
Term Start Date	June 2, 2021	Term End date	June 1, 2022

## 3. Description of Goods/Service or Change

The current contract with Allsource Cleaning Equipment and Supplies Inc. and Swish Maintenance Limited provided a fixed term of three (3) years with an option to renew at the Board's discretion for up to two (2) one-year extensions. The first one-year option was exercised and ends June 1, 2021.

The Board informed Allsource Cleaning Equipment and Supplies Inc. and Swish Maintenance Limited that the extension of the contract was being considered for the 2<sup>nd</sup> and final year extension. Both firms provided quotes with Swish Maintenance Limited an increased to hourly labour rates which reflects current cost increases in the market place.

Based on satisfactory past experience and pricing submitted, staff have found the submissions to be fair and reasonable and recommend extending the contract for one additional year.

The expenditure for Indoor/Outdoor Custodial Equipment Repair and Maintenance is approximately \$161,600.00 annually.

#### 4. Procurement Process

Procurement Type	RFQ
Consortium/Group Purchase	No
# of Compliant Bidders/Respondents	
Name of Recommend Vendor/Bidder	Allsource Cleaning Equipment and Supplies Inc. / Swish Maintenance Limited
Winning Bid Value (exclude all Taxes)	\$161,600.00
Budget Source	Maintenance and Operations
Budget Source approval (Report & Date)	

#### 5. Formal Award Recommendation

1. This report recommends that the second and final one-year renewal option of the contract(s) for Indoor/Outdoor Custodial Equipment Repair and Maintenance for the period ending June 1, 2022 with the current vendors; Allsource Cleaning Equipment and Supplies Inc. and Swish Maintenance Limited in the estimated amount of \$161,600.00 plus net HST.



# Procurement Award Report

(for Contracts over \$50,000)

## 1. Report Information

Report Name	Our Lady of Fatima Catholic School HVAC Upgrades Contractor Award
Report #	Ren 2020 089
Division	Capital Development, Asset Management and Renewal
SO/Executive	D. Friesen, Superintendent, Capital Development, Asset Management and Renewal
Initiator/Requestor	L. Lobo, Project Supervisor

## 2. Tender/RFP/RFQ Information

RFP/Tender #	<b>T-014-21</b>	Value (exclude all Taxes)	\$392,155.00
Term Start Date	May 17, 2021	Term End date	October 13, 2021

## 3. Description of Goods/Service or Change

Requesting to award a contract to Active Mechanical, for the replacement of the Chiller at Our Lady Of Fatima School.



#### 4. Procurement Process

Procurement Type	RFP
Consortium/Group Purchase	No
# of Compliant Bidders/Respondents	4
Name of Recommend Vendor/Bidder	Active Mechanical
Winning Bid Value (exclude all Taxes)	\$392,155.00
Budget Source	School Condition Improvement SCI-70
Budget Source approval (Report & Date)	Ren 2019-002 (2019-10-10)

#### 5. Formal Award Recommendation

1. That a contract be awarded to Active Mechanical, for the replacement of the chiller at Our Lady of Fatima, in the amount of \$392,155.00, plus net HST of \$8,470.55 for a total amount of \$400,625.55.



# Procurement Award Report

(for Contracts over \$50,000)

## 1. Report Information

Report Name	St. Demetrius Catholic School HVAC Upgrades Contractor Award
Report #	Ren 2020 090
Division	Capital Development, Asset Management and Renewal
SO/Executive	D. Friesen, Superintendent, Capital Development, Asset Management and Renewal
Initiator/Requestor	L. Lobo, Project Supervisor

## 2. Tender/RFP/RFQ Information

RFP/Tender #	<b>T-013-21</b>	Value (exclude all Taxes)	\$328,113.00
Term Start Date	May 18, 2021	Term End date	October 19, 2021

## 3. Description of Goods/Service or Change

Design-Build contract award for an air handling unit replacement St Demetrius Catholic School.

#### 4. Procurement Process

Procurement Type	RFP
Consortium/Group Purchase	No
# of Compliant Bidders/Respondents	3
Name of Recommend Vendor/Bidder	Active Mechanical
Winning Bid Value (exclude all Taxes)	\$328,113.00
Budget Source	School Condition Improvement
Budget Source approval (Report & Date)	Ren 2020-010, School Renewal Plan, Jan. 14, 2021

#### 5. Formal Award Recommendation

1. That a design-build contract be awarded to Active Mechanical, for the replacement of the Air Handling Unit at St. Demetrius Catholic School, in the amount of \$328,113.00, plus net HST of \$7,087.24, for a total amount of \$335,200.24.



# Procurement Award Report

(for Contracts over \$50,000)

## 1. Report Information

Report Name	St. John Paul II Catholic Secondary School HVAC Upgrades Contractor Award
Report #	Ren 2020 091
Division	Capital Development, Asset Management and Renewal
SO/Executive	D. Friesen, Superintendent, Capital Development, Asset Management and Renewal
Initiator/Requestor	Louis Lobo, Renewal Supervisor

## 2. Tender/RFP/RFQ Information

RFP/Tender #	<b>T-015- 21</b>	Value (exclude all Taxes)	\$138,540.00
Term Start Date	May 17, 2021	Term End date	August 16, 2021

## 3. Description of Goods/Service or Change

Installation, of a new Variable Frequency Drive (VFD) on the compressor of the chiller at Saint John Paul II Catholic Secondary School.

This will improve the energy efficiency of the air conditioning system and resulting energy cost savings.

#### 4. Procurement Process

Procurement Type	RFP
Consortium/Group Purchase	No
# of Compliant Bidders/Respondents	5
Name of Recommend Vendor/Bidder	Trane Canada ULC
Winning Bid Value (exclude all Taxes)	\$138,540.00
Budget Source	School Condition Improvement
Budget Source approval (Report & Date)	Ren 2016-090

#### 5. Formal Award Recommendation

1.	That a contract be awarded to Trane Canada ULC, for the installation of a VFD on the compressor at Saint John Paul II Catholic Secondary School, in the amount of \$138,540.00, plus net HST of \$2,992.46, for a total amount of \$141,532.46.
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# Procurement Award Report

(for Contracts over \$50,000)

## 1. Report Information

Report Name	St. Dorothy Catholic School Brick Restoration Contractor Award
Report #	Ren 2020 123
Division	Capital Development, Asset Management and Renewal
SO/Executive	D. Friesen, Superintendent, Capital Development, Asset Management and Renewal
Initiator/Requestor	A. Ruscetta, Project Supervisor

## 2. Tender/RFP/RFQ Information

RFP/Tender #	<b>T-044-21</b>	Value (exclude all Taxes)	\$77,683.50
Term Start Date	May 11, 2021	Term End date	September 3, 2021

## 3. Description of Goods/Service or Change

Exterior masonry brick repairs at St. Dorothy Catholic School.

#### 4. Procurement Process

Procurement Type	Tender
Consortium/Group Purchase	No
# of Compliant Bidders/Respondents	8
Name of Recommend Vendor/Bidder	Everest Restoration Ltd.
Winning Bid Value (exclude all Taxes)	\$77,683.50
Budget Source	School Condition Improvement Grant
Budget Source approval (Report & Date)	Ren 2018-057 December 12, 2018 Ren 2018-182 June 13, 2019

#### 5. Formal Award Recommendation

That a contract for brick restoration at St. Dorothy Catholic School be awarded to Everest Restoration Ltd. in the amount of \$77,683.50 plus net HST of \$1,677.96 for a total of \$79,361.46.





# Procurement Award Report

(for Contracts over \$50,000)

## 1. Report Information

Report Name	Don Bosco Catholic Secondary School Interior Renovations for Dante Alighieri Readiness Budget Approval and Contractor Award
Report #	Ren 2020 124
Division	Capital Development, Asset Management and Renewal
SO/Executive	D. Friesen, Superintendent, Capital Development, Asset Management and Renewal
Initiator/Requestor	J. Lester, Building Condition Supervisor

## 2. Tender/RFP/RFQ Information

RFP/Tender #	<b>T-048-21</b>	Value (exclude all Taxes)	\$163,478.00
Term Start Date	May 17, 2021	Term End date	September 30, 2021

## 3. Description of Goods/Service or Change

Interior Renovations and site work at Don Bosco Catholic Secondary School to make it School Ready for the relocation of staff and students of Dante Alighieri Catholic Secondary School during the construction of the replacement school.

#### 4. Procurement Process

Procurement Type	Tender
Consortium/Group Purchase	No
# of Compliant Bidders/Respondents	9
Name of Recommend Vendor/Bidder	Martinway Contracting Ltd.
Winning Bid Value (exclude all Taxes)	\$163,478.00
Budget Source	School Renewal Allocation
Budget Source approval (Report & Date)	Ren 2020 010 – 2020-2021 Renewal Plan, Jan 14 <sup>th</sup> , 2021

#### 5. Formal Award Recommendation

That a construction contract be awarded to Martinway Contracting Ltd. for the Interior Renovations at Don Bosco Catholic Secondary School in the amount of \$163,478.00 plus net HST of \$3,531.12 for a total of \$167,009.12.



# Procurement Award Report

*(for Contracts over \$50,000)*

## 1. Report Information

Report Name	St. Josaphat Catholic School Staircase Replacement Contractor Award
Report #	Ren 2020 126
Division	Capital Development, Asset Management and Renewal
SO/Executive	D. Friesen, Superintendent, Capital Development, Asset Management and Renewal
Initiator/Requestor	A. Ruschetta, Project Supervisor

## 2. Tender/RFP/RFQ Information

RFP/Tender #	<b>T-051-21</b>	Value (exclude all Taxes)	\$276,000.00
Term Start Date	May 20, 2021	Term End date	September 3, 2021

## 3. Description of Goods/Service or Change

Replacement of all (4) staircases and railings at St. Josaphat Catholic School.
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#### 4. Procurement Process

Procurement Type	Tender
Consortium/Group Purchase	No
# of Compliant Bidders/Respondents	9
Name of Recommend Vendor/Bidder	Martinway Contracting Ltd.
Winning Bid Value (exclude all Taxes)	\$276,000.00
Budget Source	School Condition Improvement Grant
Budget Source approval (Report & Date)	Ren 2013-185 (2014-09-18) Ren 2018-057 (2018-12-12)

#### 5. Formal Award Recommendation

That a contract be awarded to Martinway Contracting Ltd. in the amount of \$276,000.00 plus net HST of \$5,961.60 for a total of \$281,961.60.



# Procurement Award Report

(for Contracts over \$50,000)

## 1. Report Information

Report Name	Mother Cabrini Catholic School Staircase Replacement Contractor Award
Report #	Ren 2020 127
Division	Capital Development, Asset Management and Renewal
SO/Executive	D. Friesen, Superintendent, Capital Development, Asset Management and Renewal
Initiator/Requestor	A. Ruschetta, Project Supervisor

## 2. Tender/RFP/RFQ Information

RFP/Tender #	<b>T-049-21</b>	Value (exclude all Taxes)	\$145,000.00
Term Start Date	May 20, 2021	Term End date	September 3, 2021

## 3. Description of Goods/Service or Change

Replacement of all staircases (3) and railings at Mother Cabrini Catholic School
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#### 4. Procurement Process

Procurement Type	Tender
Consortium/Group Purchase	No
# of Compliant Bidders/Respondents	9
Name of Recommend Vendor/Bidder	Martinway Contracting Ltd.
Winning Bid Value (exclude all Taxes)	\$145,000.00
Budget Source	School Condition Improvement Grant
Budget Source approval (Report & Date)	Ren 2018 057; December 12, 2018

#### 5. Formal Award Recommendation

That a contract for staircase replacement at Mother Cabrini Catholic School be awarded to Martinway Contracting Ltd. in the amount of \$145,000.00 plus net HST of \$3,120.00 for a total of \$148,132.00.



# Procurement Award Report

(for Contracts over \$50,000)

## 1. Report Information

Report Name	St. Benedict Catholic School Replace Parking Lot Asphalt Contractor Award
Report #	Ren 2020 133
Division	Capital Development, Asset Management and Renewal
SO/Executive	D. Friesen, Superintendent, Capital Development, Asset Management and Renewal
Initiator/Requestor	A. Ruschetta, Project Supervisor

## 2. Tender/RFP/RFQ Information

RFP/Tender #	<b>T-047-21</b>	Value (exclude all Taxes)	\$313,838.00
Term Start Date	May 27, 2021	Term End date	August 24, 2021

## 3. Description of Goods/Service or Change

Replacement of asphalt, slight expansion, and improve drainage to the parking lot at St. Benedict Catholic School.

#### 4. Procurement Process

Procurement Type	Tender
Consortium/Group Purchase	No
# of Compliant Bidders/Respondents	4
Name of Recommend Vendor/Bidder	Tony Battista Paving Inc.
Winning Bid Value (exclude all Taxes)	\$313,838.00
Budget Source	School Condition Improvement Grant
Budget Source approval (Report & Date)	Ren 2018 057 (December 12, 2018)

#### 5. Formal Award Recommendation

That a contract be awarded to Tony Battista Paving Inc. for replacement of asphalt and drainage improvements to the parking lot at St. Benedict Catholic School in the amount of \$313,838.00 plus a net HST. of \$6,778.90 for a total of \$320,616.90.





# Procurement Award Report

(for Contracts over \$50,000)

## 1. Report Information

Report Name	James Cardinal McGuigan Catholic Secondary School Locker Replacement Contractor Award
Report #	Ren 2020 134
Division	Capital Development, Asset Management and Renewal
SO/Executive	D. Friesen, Superintendent, Capital Development, Asset Management and Renewal
Initiator/Requestor	A. Ruschetta, Project Supervisor

## 2. Tender/RFP/RFQ Information

RFP/Tender #	N/A	Value (exclude all Taxes)	\$295,400.00
Term Start Date	May 27, 2021	Term End date	August 31, 2021

## 3. Description of Goods/Service or Change

To replace all student lockers in the old section of James Cardinal McGuigan Catholic Secondary School.

#### 4. Procurement Process

Procurement Type	Tender
Consortium/Group Purchase	No
# of Compliant Bidders/Respondents	3
Name of Recommend Vendor/Bidder	GRB Storage Inc.
Winning Bid Value (exclude all Taxes)	\$295,400.00
Budget Source	School Condition Improvement Grant
Budget Source approval (Report & Date)	Ren 2020-010 (2021-01-14)

#### 5. Formal Award Recommendation

That a contract be awarded to GRB Storage Inc. in the amount of \$295,400.00, plus net HST. of \$6,380.64, for a total of \$301,780.64.



# Procurement Award Report

*(for Contracts over \$50,000)*

## 1. Report Information

Report Name	Francis Libermann Catholic Secondary School Locker Replacement Contractor Award
Report #	Ren 2020 135
Division	Capital Development, Asset Management and Renewal
SO/Executive	D. Friesen, Superintendent, Capital Development, Asset Management and Renewal
Initiator/Requestor	A. Ruschetta, Project Supervisor

## 2. Tender/RFP/RFQ Information

RFP/Tender #	N/A	Value (exclude all Taxes)	\$301,014.00
Term Start Date	May 27, 2021	Term End date	August 27, 2021

## 3. Description of Goods/Service or Change

Complete replacement of all student lockers including girls and boys change rooms at Francis Libermann Catholic Secondary School.

#### 4. Procurement Process

Procurement Type	Tender
Consortium/Group Purchase	No
# of Compliant Bidders/Respondents	3
Name of Recommend Vendor/Bidder	GRB Storage Inc.
Winning Bid Value (exclude all Taxes)	\$301,014.00
Budget Source	School Condition Improvement Grant
Budget Source approval (Report & Date)	Ren 2020-010 (2021-01-14)

#### 5. Formal Award Recommendation

That a contract be awarded to GRB Storage Inc. for replacement of all student lockers at Francis Libermann Catholic Secondary School in the amount of \$301,014.00, plus net HST of \$6,501.90, for a total of \$307,515.90.



# Procurement Award Report

(for Contracts over \$50,000)

## 1. Report Information

Report Name	St. Fidelis Catholic School Public Address Upgrade Contractor Award
Report #	Ren 2020 149
Division	Capital Development, Asset Management and Renewal
SO/Executive	D. Friesen, Superintendent, Capital Development, Asset Management and Renewal
Initiator/Requestor	D. Thompson, Project Supervisor

## 2. Tender/RFP/RFQ Information

RFP/Tender #	<b>T-037-21</b>	Value (exclude all Taxes)	\$106,300.00
Term Start Date	June 30, 2021	Term End date	August 31, 2021

## 3. Description of Goods/Service or Change

Replacement of the Public Address System at St. Fidelis Catholic School.

#### 4. Procurement Process

Procurement Type	Tender
Consortium/Group Purchase	No
# of Compliant Bidders/Respondents	7
Name of Recommend Vendor/Bidder	Sojat Electric Limited
Winning Bid Value (exclude all Taxes)	\$106,300.00
Budget Source	School Condition Improvement Grant
Budget Source approval (Report & Date)	Ren 2019 002 – October 10, 2019

#### 5. Formal Award Recommendation

1. That a contract be awarded to Sojat Electric Limited for the replacement of the Public Address System at St. Fidelis Catholic School in the amount of \$106,300.00, plus net HST of \$2,296.08, for a total of \$108,596.08.



# Procurement Award Report

*(for Contracts over \$50,000)*

## 1. Report Information

Report Name	St. Martha Catholic School Main Switchboard Upgrade Contractor Award
Report #	Ren 2020 150
Division	Capital Development, Asset Management and Renewal
SO/Executive	D. Friesen, Superintendent, Capital Development, Asset Management and Renewal
Initiator/Requestor	D. Thompson, Project Supervisor

## 2. Tender/RFP/RFQ Information

RFP/Tender #	T-037-21	Value (exclude all Taxes)	\$85,989.88
Term Start Date	June 30, 2021	Term End date	August 31, 2021

## 3. Description of Goods/Service or Change

Supply and installation of a new main electrical switchboard and distribution panel at St. Martha Catholic School.

#### 4. Procurement Process

Procurement Type	Tender
Consortium/Group Purchase	No
# of Compliant Bidders/Respondents	9
Name of Recommend Vendor/Bidder	Electrobauer Systems Limited
Winning Bid Value (exclude all Taxes)	\$85,989.88
Budget Source	School Condition Improvement Grant
Budget Source approval (Report & Date)	Ren 2019 002 – October 10, 2019

#### 5. Formal Award Recommendation

1. That a contract be awarded to Electrobauer Systems Limited for the installation of a new main electrical switchboard at St. Martha Catholic School, in the amount of \$85,989.88, plus net HST of \$1,857.38, for a total of \$87,847.26, including net HST.





# Procurement Award Report

*(for Contracts over \$50,000)*

## 1. Report Information

Report Name	St. Mark Catholic School Fire Alarm and PA Upgrade Contractor Award
Report #	Ren 2020 151
Division	Capital Development, Asset Management and Renewal
SO/Executive	D. Friesen, Superintendent, Capital Development, Asset Management and Renewal
Initiator/Requestor	D. Thompson, Project Supervisor

## 2. Tender/RFP/RFQ Information

RFP/Tender #	<b>T-037-21</b>	Value (exclude all Taxes)	\$230,153.00
Term Start Date	June 30, 2021	Term End date	September 30, 2021

## 3. Description of Goods/Service or Change

Supply and installation of Public Address and Fire Alarm system upgrades at St. Mark Catholic School.

#### 4. Procurement Process

Procurement Type	Tender
Consortium/Group Purchase	No
# of Compliant Bidders/Respondents	9
Name of Recommend Vendor/Bidder	Sojat Electric Limited
Winning Bid Value (exclude all Taxes)	\$230,153.00
Budget Source	School Condition Improvement Grant
Budget Source approval (Report & Date)	Ren 2019 002 – October 10, 2019

#### 5. Formal Award Recommendation

1. That a contract be awarded to Sojat Electric Limited for the Public Address and Fire Alarm System upgrades at St. Mark Catholic School, in the amount of \$230,153.00, plus net HST of \$4,971.30, for a total of \$235,124.30.



# Procurement Award Report

(for Contracts over \$50,000)

## 1. Report Information

Report Name	St. Dorothy Catholic School Emergency Replacement Two Indoor Air Handlers Equipment Pre-Purchase
Report #	Ren 2020 153
Division	Capital Development, Asset Management and Renewal
SO/Executive	D. Friesen, Superintendent, Capital Development, Asset Management and Renewal
Initiator/Requestor	M. Iafrate, Senior Coordinator, Asset Management and Renewal

## 2. Tender/RFP/RFQ Information

RFP/Tender #	N/A	Value (exclude all Taxes)	\$260,150.00
Term Start Date	June 1, 2021	Term End date	October 29, 2021

## 3. Description of Goods/Service or Change

Pre-purchase of the mechanical equipment associated with the emergency replacement of two gas fired indoor heating/ventilation air handlers at St. Dorothy Catholic School.

Two existing indoor gas fired air handlers serving the 1984 addition of St. Dorothy have failed and are tagged “out of service.” These units are the only source of heating for this portion of the school.

Lead time for these units is 18 weeks. In order to complete the installation in time for the start of the 2021 heating season, this emergency purchase was approved by Director’s Council on June 1, 2021.

#### 4. Procurement Process

Procurement Type	Single/Sole Source
Consortium/Group Purchase	No
# of Compliant Bidders/Respondents	1
Name of Recommend Vendor/Bidder	The State Group Inc.
Winning Bid Value (exclude all Taxes)	\$260,150.00
Budget Source	SCI – 2020-2021 Renewal Contingency
Budget Source approval (Report & Date)	Ren 2020 010 (01-14-21) Ren 2020 117 (05-05-21)

#### 5. Formal Award Recommendation

1. That a contract to The State Group to pre-purchase the mechanical equipment associated with the emergency replacement of the two indoor gas-fired air handlers at St. Dorothy Catholic School be ratified in the amount of \$260,150.00, plus net HST of \$5,619.24, for total of \$265,769.24.



# Procurement Award Report

*(for Contracts over \$50,000)*

## 1. Report Information

Report Name	Transfiguration Catholic School Replacement of Boilers and Domestic Hot Water System Contractor Award
Report #	Ren 2020 125
Division	Capital Development, Asset Management and Renewal
SO/Executive	D. Friesen, Superintendent, Capital Development, Asset Management and Renewal
Initiator/Requestor	L. Lobo, Project Supervisor

## 2. Tender/RFP/RFQ Information

RFP/Tender #	<b>T-054-21</b>	Value (exclude all Taxes)	\$219,000.00
Term Start Date	May 27, 2021	Term End date	November 8, 2021

## 3. Description of Goods/Service or Change

Replacement of boilers and associated BAS, pumps and domestic hot water tanks at Transfiguration of Our Lord Catholic School.

#### 4. Procurement Process

Procurement Type	RFP
Consortium/Group Purchase	No
# of Compliant Bidders/Respondents	9 Takers
Name of Recommend Vendor/Bidder	Stellar Mechanical Inc.
Winning Bid Value (exclude all Taxes)	\$219,000.00
Budget Source	School Condition Improvement Grant (SCI)
Budget Source approval (Report & Date)	Ren 2018-057 (Dec. 12, 2018)

#### 5. Formal Award Recommendation

1. That a contract be awarded to Stellar Mechanical Inc, to replace the boilers and associated BAS, hot water tanks and pumps at Transfiguration Catholic School for a contract value of \$219,000.00, plus a net HST of \$4,730.40, for a total amount of \$223,730.40



# Procurement Award Report

(for Contracts over \$50,000)

## 1. Report Information

Report Name	Christ the King Catholic School Foundation Wall and Asphalt Play Surface Contractor Award and Budget Increase
Report #	Ren 2020 139
Division	Capital Development, Asset Management and Renewal
SO/Executive	D. Friesen, Superintendent, Capital Development, Asset Management and Renewal
Initiator/Requestor	J. Lester, Project Supervisor

## 2. Tender/RFP/RFQ Information

RFP/Tender #	<b>T-056-21</b>	Value (exclude all Taxes)	\$215,800.00
Term Start Date	June 7, 2021	Term End date	September 30, 2021

## 3. Description of Goods/Service or Change

Foundation wall repairs along the west and north façade and asphalt paving of the north school yard at Christ the King Catholic School.

The work is required to prepare the school for the temporary relocation of St. Leo Catholic School in September 2021, for construction of the replacement school.

#### 4. Procurement Process

Procurement Type	Tender
Consortium/Group Purchase	No
# of Compliant Bidders/Respondents	10
Name of Recommend Vendor/Bidder	Mopal Construction Ltd.
Winning Bid Value (exclude all Taxes)	\$215,800.00
Budget Source	SCI
Budget Source approval (Report & Date)	Ren 2019-118 (2020-05-01) Ren 2020-010 (2021-01-14)

#### 5. Formal Award Recommendation

That a construction contract be awarded to Mopal Construction Ltd. for the foundation wall repairs and repaving the school play surface on the North side of the school at Christ the King Catholic School in the amount of \$215,800.00, plus net HST of \$4,661.28, for a total cost of \$220,461.28.



## 2021 CALENDAR OF ANNUAL REPORTS & POLICY METRICS

A = Annual Report

P = Policy Metric Report

Q = Quarter Report

#	Due Date	Committee/Board	Subject	Responsibility of
1	January (P)	Corporate Services	B.R.01 Rental of Surplus School Space & Properties Policy Metric	A.D. Facilities, Business, Community Development
2	February (Q)	Corporate Services	Financial Status Update Report #1	A.D. Facilities, Business, Community Development
3	March (A)	Corporate Services	Budget Series Report: Financial Planning and Consultation Plan	A.D. Facilities, Business, Community Development
4	March (A)	Corporate Services	Consensus Student Enrolment Projection	A.D. Facilities, Business, Community Development
5	March (A/P)	Corporate Services	Transportation Annual Report and <u>S.T.01 Transportation Policy Metric</u>	A.D. Facilities, Business, Community Development
6	March	Corporate Services	A.18 Development Proposals, Amendments and Official Plans and Bylaws Policy Metric	A.D. Facilities, Business, Community Development
7	April (A)	Corporate Services	Budget Series Report: Grants for Student Needs Update	A.D. Facilities, Business, Community Development
8	May (Q)	Corporate Services	Financial Status Update Report #2	A.D. Facilities, Business, Community Development
9	May (A)	Corporate Services	Budget Series Report: Preliminary Budget Estimates for the Following Fiscal Year	A.D. Facilities, Business, Community Development
10	June (A)	Corporate Services	Budget Series Report: Recommended Budget Estimates for the Following Fiscal Year	A.D. Facilities, Business, Community Development
11	June (A)	Corporate Services	Delegated Authority Report	A.D. Facilities, Business, Community Development
12	September (Q)	Corporate Services	Financial Status Update Report #3	A.D. Facilities, Business, Community Development

## 2021 CALENDAR OF ANNUAL REPORTS & POLICY METRICS

<b>13</b>	September (A)	Corporate Services	Capital Program Update	A.D. Facilities, Business, Community Development
<b>14</b>	September (A)	Corporate Services	Delegated Authority Update Report	A.D. Facilities, Business, Community Development
<b>15</b>	October (A)	Corporate Services	Trustee Honorarium Report	A.D. Facilities, Business, Community Development
<b>16</b>	November	Corporate Services	Preliminary Enrolment Reports Elementary and Secondary Schools and S.A.01 Elementary Admission and Placement Policy Metric	A.D. Facilities, Business, Community Development
<b>17</b>	November (A)	Corporate Services	Legal Fees Report	A.D. Facilities, Business, Community Development
<b>18</b>	November (A/Q)	Corporate Services	Audited Financial Statement and Financial Status Update #4	A.D. Facilities, Business, Community Development
<b>19</b>	December (A)	Corporate Services	Budget Series Report: Revised Budget Estimates for the Current Fiscal Year	A.D. Facilities, Business, Community Development
<b>20</b>	December	Corporate Services	Capital Renewal Program Report	A.D. Facilities, Business, Community Development
<b>21</b>	December (A)	Corporate Services	Annual Investment Report	A.D. Facilities, Business, Community Development

**CORPORATE SERVICES, STRATEGIC PLANNING AND PROPERTY  
PENDING LIST TO JUNE 8, 2021**

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
1	Jan-16 Corporate Services	TBD	Corporate Services	That all options be explored for Loretto Abbey and Dante Alighieri and that a report on relocation come back at the February 13, 2020 Corporate Services Committee meeting or February 20, 2020 Board meeting, and a report on Dante Alighieri comes back at the March 12, 2020 or April 16, 2020 Corporate Services Committee meeting; <b>(2020-2021 School Relocations Plan)</b>	Associate Director of Facilities, Business & Comm. Dev.
2	Jan-2021 Student Achievement	TBD	Corporate Services	1. That staff bring back a report with a revised 2020-2021 Renewal Plan in the Spring of 2021 following announcement of CVRIS funding allocations; and  2. That a report be submitted to Board on the findings of the consultant <b>(Renewal Plan 2020-2021 and Three-Year Forecast (All Wards))</b>	Associate Director of Facilities, Business & Comm. Dev.