

TORONTO CATHOLIC DISTRICT SCHOOL BOARD REGULAR MEETING

PUBLIC SESSION

AGENDA

AUGUST 27, 2015

Michael Del Grande, Chair
Trustee Ward 7

Nancy Crawford, Vice Chair
Trustee Ward 12

Ann Andrachuk
Trustee Ward 2

Patricia Bottoni
Trustee Ward 4

Frank D'Amico
Trustee Ward 6

Jo-Ann Davis
Trustee Ward 9

Allison Gacad
Student Trustee

Angela Kennedy
Trustee Ward 11

Joseph Martino
Trustee Ward 1

Sal Piccininni
Trustee Ward 3

Barbara Poplawski
Trustee Ward 10

Maria Rizzo
Trustee Ward 5

Garry Tanuan
Trustee Ward 8

Karina Dubrovskaya
Student Trustee



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.*

VISION

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

Recording Secretary: Lalita Fernandes 222-8282 extension 2293

Angela Gauthier
Director of Education

Michael Del Grande
Chair of the Board



OUR MISSION

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OUR VISION

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through witness, faith, innovation and action.*



AGENDA THE REGULAR MEETING OF THE TORONTO CATHOLIC DISTRICT SCHOOL BOARD PUBLIC SESSION

Michael Del Grande, Chair

Nancy Crawford, Vice-Chair

Thursday, August 27, 2015

7:00 P.M.

	Pages
1. Memorials and Opening Prayer	
2. Roll Call & Apologies	
3. Approval of the Agenda	
4. Rise and Report on items approved in Private Session	
5. Notices of Motion	
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15.	Matters Recommended by Statutory Committees of the Board	
15.a	SEAC	

15.a.1 Minutes of the SEAC Meeting held May 13, 2015

247 - 254

1. That the Board change the qualification of the ASL interpreter to be a member of ALVIC versus certified by AVLIC.

2 SEAC recommends that the Special Education Advisory Committee be provided with a comprehensive report outlining:

a) The exact number of identified and non-identified students that are in receipt of special education programs and services by exceptionality

b) Staffing allocations broken down by programs and services, sub-categorized by ward

c) The approved program and service reductions by sub-categories including and not limited to Junior Literacy and Gifted programs, teachers, EA's, resource teachers, social workers, student supervisors

d) The projected impact on student achievement for both identified and non-identified students receiving special education programs and services

e) How the TCDSB will ensure that identified and non-identified students in need of special education programs and services will continue to receive the programs and services necessary for student achievement

3. SEAC recommends to Board that all budget and finance information pertaining to the TCDSB 2015-2015 Budget be sent electronically to all members of SEAC immediately for review by their respective associations with input to be brought back to the Board of Trustees for consideration before submission to the Ministry of Education deadline of July 31st, 2015.

4. SEAC recommends to the Board that from this point

forward; SEAC be updated in the same timeline as the Board of Trustees on Budget and Finance matters so that SEAC members will be enabled to participate in an effective and informed manner, as per Ontario legislation 464/97, Section 12 (2) and (3) regarding financial statements and budget process thus providing for an opportunity for SEAC members to report to their associations for input.

5. that SEAC recommends that TCDSB Policy A.23 Special Education Advisory Committee be revised to reflect that the Chair and Vice Chair positions be parents.

6. That legal counsel provide an understanding from both provincial legislation and TCDSB Bylaw on why SEAC is not permitted to sit on other committees in writing.

15.b CPIC

16. Reports from Trustee Representatives on the following Special Committees

16.a Nurturing Our Catholic Community

16.b Safe Schools

16.c Canadian National Exhibition (CNE)

16.d OCSTA

17. Reports For Information

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18. Communications

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19.a	From Trustee Davis regarding military recruiting in schools.	265
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WHEREAS: The stated TCDSB vision is “At Toronto Catholic we transform the world through witness, faith, innovation and action.” Our mission is to “educate students to grow in grace and knowledge and to lead lives of faith, hope and charity.”

WHEREAS: Pope’s Francis’s recent Encyclical letter *Laudato Si (Praise be to You)* on the “Care for our Common Home” centers around the concept of integral ecology to describe the relationships of each of us: with God, with one’s self, with other human beings, with creation.

WHEREAS: In the letter Pope Francis asks us all, “What kind of world do we want to leave to those who come after us, to children who are now growing up?

WHEREAS: He writes that “we need a conversation which includes everyone, since the environmental challenge we are undergoing, and its human roots, concern and affect us all.”

WHEREAS: In Chapter 6, *Ecological Education and Spirituality* Pope Francis writes, “Many things have to change course, but it is we human beings above all who need to change. We lack an awareness of our common origin, of our mutual belonging, and of a future to be shared with everyone. This basic awareness would enable the development of new convictions, attitudes and forms of life. A great cultural, spiritual and educational challenge stands before us, and it will demand that we set out on the long path of renewal.”

THEREFORE BE IT RESOLVED THAT:

- School boards have a clear role to play in the pope’s urgent appeal for conversation and ‘profound internal conversion’.
- Staff develop programming for roll-out to both elementary and secondary students for a study of, and reflection on, Pope’s Francis’s Encyclical letter *Laudato Si* on the “Care for our Common Home” which responds to both needs.

**MINUTES OF THE REGULAR MEETING
OF THE
TORONTO CATHOLIC DISTRICT SCHOOL BOARD
HELD MAY 21, 2015
PUBLIC SESSION**

PRESENT:

Trustees M. Del Grande, Chair
N. Crawford, Vice Chair
J. Martino
A. Andrachuk
S. Piccininni
P. Bottoni
M. Rizzo
F. D'Amico
G. Tanuan
J.A. Davis
B. Poplawski – by teleconference
A. Kennedy

A. Gauthier
G. Poole
A. Sangiorgio
D. Koenig
D. Yack
F. Piddisi
G. Grant
G. Iuliano Marrello
L. Notten
J. Saraco
J. Shain
J. Shanahan
M. Puccetti
N. D'Avella

P. Keyes
 P. De Cock
 R. McGuckin
 V. Burzotta
 P. Matthews
 J. Yan

G. Mak, Officer Corporate Services
 M. Rocca

Apologies were received from Student Trustees McGroarty and MacDonald who were unable to attend the meeting.

MOVED by Trustee Davis, seconded by Trustee Kennedy, that the agenda, as Amended, be approved.

On the vote being taken, the agenda as Amended, was declared

CARRIED

MOVED by Trustee Crawford, seconded by Trustee Martino, that the items dealt with in PRIVATE SESSION regarding Property and Human Resources matters be approved.

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
 Kennedy
 Poplawski
 Davis
 Tanuan
 Del Grande
 Martino
 Andrachuk

Piccininni
Bottoni
Rizzo
D'Amico

The Motion was declared

CARRIED

**(Private Minutes distributed
Under Separate Cover)**

Trustee Kennedy presented a Notice of Motion regarding Health and Physical Education Curriculum 2015.

Trustees D'Amico, Kennedy and Del Grande declared an interest in item 12a) 2015 - 2016 Budget Estimates – as their family members are employees of the Board. Trustees D'Amico, Kennedy and Del Grande indicated that they would neither vote nor participate in the discussion of the item.

Paula Tenuta, Vice President, Policy & Government Relations at Building Industry and Land Development Association (BILD) addressed the Board regarding Education Development Charges By-law.

MOVED by Trustee Rizzo, seconded by Trustee Davis, that the presentation by Paula Tenuta, representing Building Industry and Land Development Association (BILD), regarding Education Development Charges By-law be received.

Motion B-15-05-21-001.

On the vote being taken, as follows:

In favour**Opposed**

Trustees Crawford
 Kennedy
 Poplawski
 Davis
 Bottoni
 Rizzo
 D'Amico

Trustees Tanuan
 Del Grande
 Martino
 Andrachuk
 Piccininni

The Motion was declared

CARRIED

Pat Lanni, St. Fidelis CSAC Chair, addressed the Board regarding St. Fidelis Temporary Accommodation.

MOVED by Trustee Piccininni, seconded by Trustee Tanuan, that the presentation by Pat Lanni, St. Fidelis CSAC Chair, regarding St. Fidelis Temporary Accommodation be received and referred to staff.

Motion B-15-05-21-002.

On the vote being taken, as follows:

In favour**Opposed**

Trustees Crawford
 Kennedy
 Poplawski
 Davis
 Tanuan
 Del Grande
 Martino
 Andrachuk
 Piccininni
 Bottoni
 Rizzo
 D'Amico

The Motion was declared

CARRIED

Joe Jamieson and Jamie Broad representing Ontario College of Teachers addressed the Board regarding the role of the college.

MOVED by Trustee Andrachuk, seconded by Trustee Kennedy, that the presentation by Joe Jamieson and Jamie Broad representing Ontario College of Teachers, regarding the role of the college be received.

Motion B-15-05-21-003.

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
Kennedy
Poplawski
Davis
Tanuan
Del Grande
Martino
Andrachuk
Piccininni
Bottoni
Rizzo
D'Amico

The Motion was declared

CARRIED

Cynthia Clarke representing Ameresco Asset Sustainability Group addressed the Board regarding Education Development Charges.

MOVED by Trustee Rizzo, seconded by Trustee Crawford, that the presentation by Cynthia Clarke representing Ameresco Asset Sustainability Group, regarding Education Development Charges be received

Motion B-15-05-21-004.

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
Kennedy
Poplawski
Davis
Tanuan
Del Grande
Martino
Andrachuk
Piccininni
Bottoni
Rizzo
D'Amico

The Motion was declared

CARRIED

Paul Crawford, Chair of Safe Schools Inquiry Panel addressed the Board regarding items 9c) & 12c) Safe Schools Inquiry Panel Report.

MOVED by Trustee Bottoni, seconded by Trustee Davis, that the presentation by Paul Crawford, Chair of Safe Schools Inquiry Panel, regarding the Schools Inquiry Panel Report be received **Motion B-15-05-21-005.**

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
Kennedy
Poplawski
Davis
Tanuan
Del Grande
Martino
Andrachuk
Piccininni
Bottoni
Rizzo
D'Amico

The Motion was declared

CARRIED

MOVED by Trustee Bottoni, seconded by Trustee Martino, that item 12c) be adopted as follows:

- 12c) Safe Schools Inquiry Panel Report** that the Safe Schools Inquiry Panel Report be received and referred to Board Staff for a report on the 33 recommendations presented and options for implementation. **Motion B-15-05-21-006.**

MOVED in AMENDMENT by Trustee Kennedy, seconded by Trustee Tanuan that the staff report be considered at Special Board meeting called before November 2015.

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford	Trustees Kennedy
Poplawski	Davis
Tanuan	Bottoni
Del Grande	Rizzo
Martino	
Andrachuk	
Piccininni	
D'Amico	

The Motion was declared

CARRIED

On the vote being taken, on the Motion, as Amended as follows:

In favour

Opposed

Trustees Crawford
Kennedy
Poplawski
Davis
Tanuan
Del Grande
Martino
Andrachuk
Piccininni
Bottoni
Rizzo
D'Amico

The Motion, as Amended was declared

CARRIED

MOVED by Trustee Davis, seconded by Trustee Tanuan, that items 9d), 9e) and 9f) be adopted as follows:

- l) **Monthly Report from the Chair of the Board** – received.
Motion B-15-05-21-007.
- m) **Monthly Report from the Director of Education** – received.
Motion B-15-05-21-008.
- n) **Monthly Report from Student Trustee(s)** – received.
Motion B-15-05-21-009.

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
Kennedy
Poplawski
Davis
Tanuan
Del Grande
Martino
Andrachuk
Piccininni
Bottoni
Rizzo
D'Amico

The Motion was declared

CARRIED

The Chair declared a 10 minute recess.

MOVED by Trustee Del Grande, seconded by Trustee Andrachuk that the agenda be re-opened to add miscellaneous items regarding Green Turf and City By-Laws

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
Kennedy
Poplawski
Davis
Tanuan
Del Grande
Martino
Andrachuk
Piccininni
Bottoni
Rizzo
D'Amico

The Motion was declared

CARRIED

Trustees D'Amico and Kennedy left the meeting.

Trustee Del Grande turned the Chair over to Trustee Crawford and left the meeting.

MOVED by Trustee Davis, seconded by Trustee Rizzo, that item 12a) be adopted as follows:

- 12a) 2015 - 2016 Budget Estimates** to refer this item to the June board, with staff prepared to come back to trustees with the considerations put forward this evening as it relates to the support staff line items.
Motion B-15-05-21-010.

MOVED in AMENDMENT by Trustee Rizzo, seconded by Trustee Bottoni that we adopt staff recommendation number 2 and reinstate seven full time child and youth workers.

On the vote being taken, on the Amendment as follows:

In favour

Opposed

Trustees Davis
Tanuan
Bottoni
Rizzo

Trustees Crawford
Poplawski
Martino
Andrachuk
Piccininni

The Amendment was declared

LOST

On the vote being taken, on the Motion, as follows:

In favour

Opposed

Trustees Crawford
Poplawski
Davis
Tanuan
Martino
Andrachuk
Piccininni
Bottoni
Rizzo

The Motion was declared

CARRIED

MOVED by Trustee Poplawski, seconded by Trustee Bottoni, that the meeting be extended till 11:00 p.m.

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
Poplawski
Davis
Andrachuk
Piccininni
Bottoni
Rizzo

Trustee Martino

The Motion was declared

CARRIED

MOVED by Trustee Davis, seconded by Trustee Andrachuk, that the Special Board - Budget meeting currently planned for June 2nd be changed to a Special Board to focus on the 2015 - 2020 Multi-Year Strategy Plan.

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
Poplawski
Davis
Tanuan
Martino
Andrachuk
Piccininni
Bottoni
Rizzo

The Motion was declared

CARRIED

Trustees D'Amico, Kennedy and Del Grande returned to the meeting.

The meeting continued with Trustee Del Grande in the Chair.

MOVED by Trustee Kennedy, seconded by Trustee Tanuan, that item 12b) be adopted as follows:

12b) Amendment to Education Development Charges By-Law 2013 – No. 178

1. That the following amendments to Education Development Charges By-law 2013 – No. 178, be approved:
 - to rescind the rate increase phase-in provisions; and
 - to increase the charge from \$1309.00 per dwelling unit (without the phase-in provision) to \$1556.00 per dwelling unit for residential development, and from \$0.94 per square foot of gross floor area (without the phase-in provision) to \$1.12 per square foot of gross area for non-residential development.
2. That amending By-law 2015 – No.186 be passed, as presented in Appendix 'B', to come into force on July 1, 2015.

MOVED in AMENDMENT by Trustee Piccininni, seconded by Trustee Andrachuk that the item be deferred to June 11, 2015 Board.

On the vote being taken on the amendment, as follows:

In favour

Trustees Crawford
 Poplawski
 Davis
 Tanuan
 Del Grande
 Martino
 Andrachuk
 Piccininni
 Bottoni
 D'Amico

Opposed

Trustees Kennedy
 Rizzo

The Amendment was declared

CARRIED

The Chair ruled that item 15.a.1) Draft Minutes of the Regular Meeting of SEAC of May 13, 2015 is out of order.

MOVED by Trustee Piccininni, seconded by Trustee Andrachuk, that item 12d) be adopted as follows:

12d) St. Fidelis - Temporary Accommodations Strategy

1. That the Director of Education be authorized to negotiate a lease with Nelson A. Boylen effective September 2015 subject to a funding source for the leasing costs.
2. That the Ministry of Education be requested to fund the extra-ordinary costs of accommodating the St. Fidelis Catholic Elementary students during the reconstruction of the school.

On the vote being taken, as follows:

In favour

Opposed

Trustees Poplawski
Piccininni
Rizzo
D'Amico

Trustees Kennedy
Crawford
Davis
Tanuan
Del Grande
Martino
Andrachuk
Bottoni

The Motion was declared

LOST

MOVED by Trustee Davis, seconded by Trustee Andrachuk that the Director of Education be authorized to negotiate a lease of Nelson A. Boylen effective for September 2016. **Motion B-15-05-21-011.**

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
Kennedy
Poplawski
Davis
Tanuan
Del Grande
Martino
Andrachuk
Piccininni
Bottoni
D'Amico

Trustees Rizzo

The Motion was declared

CARRIED

MOVED by Trustee Davis, seconded by Trustee Kennedy, that item 19a) be adopted as follows:

- 19a) **Selection of Additional Member of Director's Performance Appraisal Committee** – that Trustee Tanuan be appointed on the Selection Committee of the Director's Performance Appraisal Committee. **Motion B-15-05-21-012.**

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
Kennedy
Poplawski
Davis
Tanuan
Del Grande
Martino
Andrachuk
Piccininni
Bottoni
Rizzo
D'Amico

The Motion was declared

CARRIED

MOVED by Trustee Crawford, seconded by Trustee Kennedy that Minutes of the Meeting for Public Session 7a) Special Board - March 27, 2015 continued April 1st and April 7 minutes be deferred to the next Board Meeting:

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
 Kennedy
 Poplawski
 Davis
 Tanuan
 Del Grande
 Martino
 Andrachuk
 Piccininni
 Bottoni
 Rizzo
 D'Amico

The Motion was declared

CARRIED

MOVED by Trustee Davis, seconded by Trustee Martino that the Minutes of the following meetings be approved:

7b) Special Board (Student Achievement) - April 9, 2015
Motion B-15-05-21-013.

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
 Kennedy
 Poplawski
 Davis
 Tanuan
 Del Grande
 Martino
 Andrachuk
 Piccininni
 Bottoni
 Rizzo
 D'Amico

The Motion was declared

CARRIED

MOVED by Trustee Martino, seconded by Trustee Davis that the Minutes of the following meetings be approved:

7c) Special Board (Corporate Affairs) - April 14, 2015

Motion B-15-05-21-014.

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
Kennedy
Poplawski
Davis
Tanuan
Del Grande
Martino
Andrachuk
Piccininni
Bottoni
D'Amico

Trustee Rizzo

The Motion was declared

CARRIED

MOVED by Trustee Davis, seconded by Trustee Andrachuk that the Minutes of the following meetings be approved:

7d) Regular Board - April 23, 2015

Motion B-15-05-21-015.

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
Kennedy
Poplawski
Davis
Tanuan
Del Grande
Martino
Andrachuk
Piccininni
Bottoni
Rizzo
D'Amico

The Motion was declared

CARRIED

MOVED by Trustee Andrachuk, seconded by Trustee Martino that the Minutes of the following meetings be approved:

**15 b1) CPIC - Minutes of the Meeting held February 9, 2015 – received.
Motion B-15-05-21-016.**

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
Kennedy
Poplawski
Davis
Tanuan
Del Grande
Martino

Andrachuk
 Piccininni
 Bottoni
 Rizzo
 D'Amico

The Motion was declared

CARRIED

MOVED by Trustee Davis, seconded by Trustee Crawford, that item 16d) be adopted as follows:

**16.d) OCSTA – Verbal Update from Trustee D'Amico – received.
 Motion B-15-05-21-017.**

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
 Kennedy
 Poplawski
 Davis
 Tanuan
 Del Grande
 Martino
 Andrachuk
 Piccininni
 Bottoni
 Rizzo
 D'Amico

The Motion was declared

CARRIED

The Chair cancelled the June 1st Special Board meeting.

MOVED by Trustee Crawford, seconded Trustee Poplawski that the agenda be re-opened to deal with Inquiries and Miscellaneous.

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
Kennedy
Poplawski
Davis
Tanuan
Del Grande
Martino
Andrachuk
Piccininni
Bottoni
Rizzo
D'Amico

The Motion was declared

CARRIED

MOVED by Trustee Andrachuk, seconded by Trustee Davis, that the meeting adjourn.

On the vote being taken, as follows:

In favour**Opposed**

Trustees Crawford
 Kennedy
 Poplawski
 Davis
 Tanuan
 Del Grande
 Martino
 Andrachuk
 Piccininni
 Bottoni
 Rizzo
 D'Amico

The Motion was declared

CARRIED

SECRETARY

CHAIR

**MINUTES OF THE SPECIAL MEETING OF THE
TORONTO CATHOLIC DISTRICT SCHOOL BOARD**

HELD THURSDAY, JUNE 4, 2015

STUDENT ACHIEVEMENT

PRESENT:

M. Del Grande, Chair
N. Crawford
A. Andrachuk
P. Bottoni
F. D'Amico
J.A. Davis
N. Crawford
A. Kennedy
S. Piccininni
B. Poplawski – by teleconference
M. Rizzo – by teleconference
G. Tanuan

F. Gauthier
G. Poole
A. Sangiorgio
D. Koenig
P. Matthews
J. Yan

L. Fernandes, Recording Secretary

The items dealt with at the Student Achievement and Well Being, Catholic Education and Human Resources Committee in PUBLIC SESSION were deemed presented.

MOVED by Trustee Kennedy, seconded by Trustee Bottoni, that the items dealt with in PUBLIC SESSION be approved.

CARRIED

MATTERS AS CAPTURED IN THE ABOVE MOTION

**Minutes of the Regular meeting held April 9, 2015 – approved
Motion B-15-06-04-001.**

Presentation by Remigiusz Wolowiec, regarding Sept 2015 Registration for JK at Our Lady of Sorrows School - received and referred to staff to be included as part of the ARC Process. Motion B-15-06-04-002.

Presentation by Urszula Zapert regarding the Sex Education Curriculum - received. Motion B-15-06-04-003.

Presentation by Laura Di Credico regarding French Immersion at St. Conrad Catholic School – received. Motion B-15-06-04-004.

Presentation by Angelo Bolotta, regarding the Launch of Transformations Website - received. Motion B-15-06-04-005.

Presentation by Lori Di Marco, regarding 21st Century Learning - received. Motion B-15-06-04-006.

21st Century Learning Annual Update – received. Motion B-15-06-04-007.

**Ratification of Student Trustee Nominee 2015-2016 that the following Strategic Communications Plan, be approved for implementation:
Motion B-15-06-04-008.**

1. That the Board of Trustees appoint Allison Gacad from St. John Paul II Catholic Secondary School as Student Trustee for the term August 1, 2015 through to July 31, 2016.
2. That the Board of Trustees appoint Karina Dubrovskaya from Bishop Allen Academy Catholic Secondary School as Student Trustee for the term August 1, 2015 through to July 31, 2017.

2015 - 2016 Budget Estimates
Motion B-15-06-04-009.

1. that the 2015-2016 Expenditure Budget of \$1,047,148,000 as presented by staff be approved.
2. that the reduction of 10 full-time equivalent Secondary Schools Student Supervisor positions be reversed at an incremental cost of 10 full time equivalent positions and \$219,000 be approved.

Revised Annual Report Conflict Resolution Department 2015

Motion B-15-06-04-010. – that the Conflict Resolution department provide a report by November, 2015, which:

- summarizes the types of complaints / inquiries received for the past year.
- identifies any patterns which indicate either systemic issues for the Director to action or policy issues which the Board should review
- provides a summary of direct feedback via surveys completed by individuals who have contacted the department regarding the effectiveness, fairness and privacy of the conflict resolution department.
- That the above be provided as part of the annual report presented by the Conflict Resolution Department to Student Achievement going forward.

TCDSB International Education Strategy – received.

Motion B-15-06-04-011.

Daily Physical Activity Action Plan in TCDSB Elementary Schools – received and that an Annual Report be submitted **Motion B-15-06-04-012.**

Review of Boundary Effectiveness and Impact of French immersion at St. Conrad and St. Raphael – received. **Motion B-15-06-04-013.**

Communication from Trustee Davis regarding Toronto Star Article on Toronto High Schools - received and referred to staff to report back on any recommendations they may have. **Motion B-15-06-04-014.**

Communication from Trustee Andrachuk regarding Campus Safety Article – received. Motion B-15-06-04-015.

Communication from the Institute for Catholic Education – received. Motion B-15-06-04-016.

MOVED by Trustee Kennedy, seconded by Trustee Tanuan, that items dealt with in PRIVATE SESSION regarding Principal/Vice Principal Transfer and Placement be approved.

CARRIED

**(Private Session Minutes distributed
Under Separate Cover)**

MOVED by Trustee Andrachuk, seconded by Trustee Tanuan, that the meeting adjourn.

CARRIED

S E C R E T A R Y

C H A I R

**MINUTES OF THE SPECIAL MEETING OF THE
TORONTO CATHOLIC DISTRICT SCHOOL BOARD**

HELD MONDAY, JUNE 8, 2015

Corporate Affairs

PRESENT:

J. Martino, Chair
S. Piccininni, Vice-Chair
A. Andrachuk
N. Crawford
J.A. Davis – by teleconference
M. Del Grande
A. Kennedy
G. Tanuan – by teleconference

A Gauthier
A. Sangiorgio
G. Poole
P. Matthews
R. McGuckin
P. DeCock
M. Puccetti
J. Yan

Lalita Fernandes, Recoreomt
G. Mak, Officer – Corporate Services

The items dealt with at the Corporate Affairs, Strategic Planning and Property Committee Meeting were deemed presented.

MOVED by Trustee Martino, seconded by Trustee Andrachuk, that the items dealt with in PUBLIC SESSION be approved.

CARRIED

MATTERS AS CAPTURED IN THE ABOVE MOTION

Minutes of the Regular Meeting held May 14, 2015 for Public Session - approved with an amendment to page 4, first paragraph to add Cardinal Newman as the name of the school Trustee Crawford was requesting the permit for.
Motion B-15-06-08-001.

St. Fidelis Catholic School Replacement School
Motion B-15-06-08-002.

1. That Snyder & Associates Inc. be appointed on the terms outlined in Appendix A to provide full architect and sub-consultant services including feasibility study of the existing site and an alternate site, demolition and replacement school for St. Fidelis Catholic School in the amount of \$675,441.00 plus a net HST of \$14,589.53 for a total of \$690,030.53.
2. That an municipal/utility permit and fee allowance of \$360,000.00 be allocated to address all municipal permits, fees and utility fees required for the replacement of St. Fidelis Catholic School.
3. That funding is available from the Ministry of Education 2013-2014 Capital Priorities Grant.

Report regarding Delegating Authority for Approval of Summer Projects (All Wards) that the Board delegate authority to the Director of Education, the Chair of the Board, or designate, and the School Trustee to award new school and major addition contracts, as detailed in Appendix A attached and School Renewal contracts, over \$500,000, that exceed the approved Renewal project budget, during the months of June, July and August 2015.
Motion B-15-06-08-003.

Report regarding Capital Priorities 2015-2016 that the following Capital Projects be submitted to the Ministry of Education for funding approval:

Motion B-15-06-08-004.

Rank	Project	Description
1	Blessed Cardinal Newman	Replacement School/Child Care
2	St. Michael Choir	Replacement School
3	St. Antoine Daniel	Addition/Gymnasium/Child Care
4	St. Augustine of Canterbury	Addition/Gymnasium/Child Care
5	Bishop Allen	Addition/Gymnasium/Child Care
6	St. Clement	Addition/Gymnasium/Child Care
7	St. Boniface	Replacement School/Child Care
8	Loretto Abbey	Addition/Major Retrofit/ Gymnasium/Child Care

Transportation Contract Extension that the Directors of Education of the TCDSB and TDSB be authorized to extend current transportation contracts for a period of one (1) year effective September 1, 2015 to August 31, 2016 with the following companies under the same terms and conditions as the current contract with the exception of a fixed contract rate increase of 1.76%:

Motion B-15-06-08-005.

Attridge Transportation
Dignity Transportation
First Student Canada
McCluskey Transportation
Stock Transportation
Wheelchair Accessible Transit

Report regarding Ministry Response to St. Michael's Choir School Funding Submission – received.

Motion B-15-06-08-006.

Ward Priority Funds Update - received with a direction to staff to advise the Trustees if there is any money left over in their account that they could give to their schools. **Motion B-15-06-08-007.**

Report regarding Financial Update Report as at March 31, 2015 – received. **Motion B-15-06-08-008.**

MOVED by Trustee Martino, seconded by Trustee Andrachuk, that the items dealt with in PRIVATE SESSION regarding property matters be approved.

CARRIED

**(Private Session Minutes distributed
Under Separate Cover)**

MOVED by Trustee Andrachuk, seconded by Trustee Tanuan, that the meeting adjourn.

CARRIED

S E C R E T A R Y

C H A I R

**MINUTES OF THE REGULAR MEETING
OF THE
TORONTO CATHOLIC DISTRICT SCHOOL BOARD
HELD JUNE 11, 2015**

PUBLIC SESSION

PRESENT:

Trustees M. Del Grande, Chair
N. Crawford, Vice Chair
A. Andrachuk
P. Bottoni
F. D'Amico
G. Tanuan
J.A. Davis
A. Kennedy
S. Piccininni
J. Martino
M. Rizzo – by teleconference
B. Poplawski – by teleconference
H. McGroarty, Student Trustee
C. MacDonald, Student Trustee

A. Gauthier
G. Poole
A. Sangiorgio
P. Matthews
D. Koenig
R. McGuckin
P. De Cock
P. Matthews
G. Grant
J. Shain
J. Shanahan
M. Puccetti

N. D'Avella
V. Burzotta
J. Yan

L. Fernandes, Recording Secretary
G. Mak, Officer Corporate Services

MOVED by Trustee Tanuan, seconded by Trustee Bottoni, that the agenda, as amended, be approved.

On the vote being taken, the agenda as amended, was declared

CARRIED

MOVED by Crawford, seconded by Trustee Martino, that the items dealt with in PRIVATE SESSION regarding Human Resources and Property matters be approved.

On the vote being taken, as follows:

In favour

Opposed

Trustees Rizzo
Poplawski
Martino
Andrachuk
Piccininni
Bottoni
D'Amico
Crawford
Del Grande
Tanuan
Davis
Kennedy

The Motion was declared

CARRIED

MOVED by Trustee Andrachuk, seconded by Trustee Davis that the Minutes of the following meetings be approved: **Motion B-15-06-11-001.**

7a) Special Board - March 27, 2015 continued April 1st and April 7

7b) Special Board (Corporate Affairs)

On the vote being taken, as follows:

In favour

Opposed

Trustees Rizzo

Poplawski

Martino

Andrachuk

Piccininni

Bottoni

D'Amico

Crawford

Del Grande

Tanuan

Davis

Kennedy

The Motion was declared

CARRIED

MOVED by Trustee Tanuan, seconded by Trustee Crawford, that item 7c) Minutes of the Regular Board held May 21, 2015 be deferred to the next meeting of the Board.

Motion B-15-06-11-002.

On the vote being taken, as follows:

In favour

Opposed

Trustees Rizzo

Trustee Poplawski

Martino

Andrachuk

Piccininni

Bottoni

D'Amico

Crawford

Del Grande

Tanuan

Davis

Kennedy

The Motion was declared

CARRIED

The following delegations were heard by the Board:

1. Iola Fortino, regarding New Sex Ed Curriculum.
2. Urszula Zapert regarding Sex Education Curriculum and Revision of Fully Alive in relation to HPE curriculum

3. Jane Seymour representing OAPCE regarding the New Health and Physical Education Curriculum
4. Cheryl Bristol-Matte representing CPIC regarding TCDSB to Parent Communication
5. Christine Manrique regarding Sex Education
6. Ann Alphonso addressed the Board regarding Sex-Ed Section

MOVED by Trustee Tanuan, seconded by Trustee Davis, that the above presentations be received and referred to staff.

MOVED in AMENDMENT by Trustee Rizzo, seconded by Trustee Davis,

1. that the five presentations regarding the new Sex Education Curriculum be received **Motion B-15-06-11-003.**
2. that the presentation by the CPIC representative be received and referred to staff. **Motion B-15-06-11-004.**

On the vote being taken on part 2 of the Amendment, as follows:

In favour

Opposed

Trustees Rizzo

Poplawski
Martino
Andrachuk
Piccininni
Crawford
Kennedy
Bottoni
Del Grande
Tanuan
Poplawski
Davis

Part 2 of the Amendment was declared

CARRIED

On the vote being taken on part 1 of the Amendment as follows:

In favour

Opposed

Trustees Rizzo

Poplawski

Martino

Andrachuk

Crawford

Kennedy

Davis

Trustees Bottoni

Del Grande

Tanuan

Poplawski

Part 1 of the Amendment was declared

CARRIED

On the vote being taken, the Motion, as Amended, was declared

CARRIED

MOVED by Trustee Kennedy, seconded by Trustee Tanuan, that item 10a) be adopted as follows:

10a) Health and Physical Education Curriculum 2015

Motion B-15-06-11-005.

1. That the TCDSB provide multiple opportunities for a Board-wide Consultation on the New Health and Physical Education Curriculum 2015 before, during and after the Draft Catholic Version is released.
2. That the TCDSB provide the feedback to The Institute for Catholic Education and Assembly of Catholic Bishops of Ontario with a copy to OCSTA and OAPCE.
3. That the Toronto Catholic District School Board write a formal letter in June 2015 to the Minister of Education requesting that the 2015 Health and Physical Education curriculum be delayed from implementation for one year.

MOVED in AMENDMENT by Trustee Martino, seconded by Trustee Piccininni, to delete the words “before, during and” in part 1 of the Motion.

On the vote being taken, on the Amendment as follows:

In favour

Trustees Martino
Poplawski
Andrachuk
Rizzo
Piccininni
Bottoni
Del Grande
Crawford

Opposed

Trustees D’Amico
Davis
Tanuan
Kennedy

The Amendment was declared

CARRIED

MOVED by Trustee Tanuan, seconded by Trustee Kennedy, that the debate on the item be extended for 15 minutes.

CARRIED

MOVED by Trustee Poplawski, that the question be divided.

CARRIED

On the vote being taken, on part 1 of the Motion, as Amended, as follows:

In favour

Opposed

Trustees Poplawski
Martino
Piccininni
Bottoni
Del Grande
Tanuan
Kennedy
D'Amico
Crawford

Trustees Rizzo
Andrachuk
Davis

Part 1 of the Motion, as Amended, was declared

CARRIED

On the vote being taken, on part 2 of the Motion, as Amended, as follows:

In favour**Opposed**

Trustees Poplawski
 Martino
 Piccininni
 Bottoni
 Del Grande
 Tanuan
 Kennedy
 D'Amico
 Crawford

Trustees Rizzo
 Andrachuk
 Davis

Part 2 of the Motion, as Amended, was declared

CARRIED

On the vote being taken, on part 3 of the Motion, as Amended, as follows:

In favour**Opposed**

Trustees D'Amico
 Del Grande
 Tanuan
 Kennedy

Trustees Poplawski
 Rizzo
 Martino
 Andrachuk
 Piccininni
 Bottoni
 Davis
 Crawford

Part 3 of the Motion, as Amended, was declared

LOST

Student Trustees McGroarty and MacDonald were wished to be recorded as being opposed to part 3 of the Motion, as Amended.

Cynthia Clarke, representing Ameresco Asset Sustainability Group made a presentation to the Board regarding Education Development Charges.

MOVED by Andrachuk, seconded by Crawford, that the presentation by Cynthia Clarke, representing Ameresco Asset Sustainability Group, regarding Education Development Charges be received.

Motion B-15-06-11-006.

CARRIED

MOVED by Trustee Andrachuk, seconded by Trustee Martino, that item 12a) be adopted as follows:

12a) Amendment to Education Development Charges By-Law 2013 – No 178
Motion B-15-06-11-007.

1. That the following amendments to Education Development Charges By-law 2013 – No. 178, be approved:
 - to rescind the rate increase phase-in provisions; and
 - to increase the charge from \$1309.00 per dwelling unit (without the phase-in provision) to \$1493.00 per dwelling unit for residential development, and from \$0.94 per square foot of gross floor area (without the phase-in provision) to \$1.07 per square foot of gross area for non-residential development.
2. That amending By-law 2015 – No.186, as presented, be passed and to into force on July 1, 2015.

On the vote being taken, as follows:

In favour

Opposed

Trustees Rizzo

Poplawski

Martino

Andrachuk

Piccininni

Crawford

Kennedy

Bottoni

Del Grande

Tanuan

Poplawski

Davis

The Motion was declared

CARRIED

MOVED by Trustee Davis, seconded by Trustee Andrachuk, that items 9b) and 9c) be adopted as follows:

**9b) Monthly Report from the Chair of the Board – received.
Motion B-15-06-11-008.**

**9c) Monthly Report from the Director of Education – received.
Motion B-15-06-11-009.**

**9d) Monthly Report from Student Trustee(s) – received.
Motion B-15-06-11-010.**

On the vote being taken, as follows:

In favour**Opposed**

Trustees Rizzo

Poplawski

Martino

Andrachuk

Piccininni

Crawford

Kennedy

Bottoni

Del Grande

Tanuan

Poplawski

Davis

The Motion was declared

CARRIED

Trustee Del Grande turned the Chair over to Trustee Crawford.

MOVED by Trustee Tanuan, seconded by Trustee Del Grande, that item 12b) be adopted as follows:

- 12b) Multi Language Elementary School** That staff continues to pursue the study of the various components necessary for the recommendations for approval and successful implementation of the multi-language school for September, 2016

Motion B-15-06-11-011.

MOVED in AMENDMENT by Trustee Davis, seconded by Trustee Rizzo, that the further investigation of possible multi-language programming be done as part of a report from staff outlining the costs, benefits, feasibility and recommendations for enhanced programming priorities at elementary schools across the TCDSB based on stated Board priorities, including the creation of equal learning opportunities for our students, and the development of strategies to support the most under-subscribed areas of our board.

On the vote being taken, on the Amendment, as follows:

In favour

Opposed

Trustees Rizzo

Bottoni

Davis

Kennedy

Trustees Martino

Andrachuk

D'Amico

Del Grande

Crawford

Tanuan

The Amendment was declared

LOST

On the vote being taken, on the Motion as follows:

In favour

Opposed

Trustees Martino

Andrachuk

D'Amico

Del Grande

Tanuan

Kennedy

Crawford

Trustees Rizzo

Bottoni

Davis

The Motion was declared

CARRIED

The meeting continued with Trustee Del Grande in the Chair.

The Chair reviewed the Order Paper Items.

The following items were questioned.

Item 12e)	Trustee Rizzo
Item 14b)	Trustee Andrachuk
Item 14d)	Trustee Rizzo
Item 15a) 1	Trustee Kennedy
Item 16b)	Trustee D'Amico

MOVED by Trustee Martino, seconded by Trustee Crawford, that all items not questioned be approved.

On the voted being taken, as follows:

<u>In favour</u>	<u>Opposed</u>
-------------------------	-----------------------

Trustees Rizzo	
Poplawski	
Martino	
Andrachuk	
Piccininni	
Crawford	
Kennedy	
Bottoni	
Del Grande	
Tanuan	
Poplawski	
Davis	

The Motion was declared

CARRIED

MATTERS AS CAPTURED IN THE ABOVE MOTION

OCSTA Resolution 6-15 Charter First nations, Metis, Inuit Education that the Board adopt the OCSTA Charter of Commitment for First Nation, Métis and Inuit Education. **Motion B-15-06-11-012.**

Report of the Governance and Policy Committee on Catholic School Parent Council Policy S.10 follow up that the Board adopt the revised Policy S. 10 Catholic School Advisory Council (Appendix A) and the revised TCDSB Catholic School Council Operational Procedures Protocol (Appendix B) with the amendments identified in the Action Plan above. **Motion B-15-06-11-013.**

Report of the Governance and Policy Committee on Alcohol and other drugs S.S. 03 Policy that the board approve the revised S.S. 03 Alcohol and Other Drugs policy. **Motion B-15-06-11-014.**

Report of the Governance and Policy Committee on Elementary French programming T. 20 that the board approve the revised and consolidated S.P. 02 Elementary French Programming Policy, as amended. **Motion B-15-06-11-015.**

Financial Update Report as at April 30, 2015 – received. **Motion B-15-06-11-016.**

Communication from Building Industry and Land Development Association – received. **Motion B-15-06-11-017.**

MOVED by Trustee Andrachuk, seconded by Trustee Martino, that items 12d) and 12e) be dealt with as urgent items.

MOVED in AMENDMENT by Trustee Crawford, seconded by Trustee Kennedy, that the Board deal with Inquiries and Miscellaneous.

On the vote being taken on the Amendment as follows:

In favour

Trustees Kennedy
 Davis
 Rizzo
 Tanuan
 Del Grande
 Crawford
 D'Amico
 Bottoni

Opposed

Trustees Martino
 Andrachuk

The Amendment was declared

CARRIED

On the vote being taken, on the Motion, as Amended, as follows:

In favour

Trustees Kennedy
 Davis
 Rizzo
 Tanuan
 Del Grande
 Crawford
 D'Amico
 Bottoni
 Martino
 Andrachuk

Opposed

The Motion, as Amended, was declared

CARRIED

MOVED by Trustee Tanuan, seconded by Trustee Davis, that item 12d) be adopted as follows

12d) Award of Request for Proposal for WIFI Equipment And Tender For Network Cabling and Installation Services.

Motion B-15-06-11-018.

1. that the contract for the supply of WiFi networking infrastructure products, services and on-going maintenance and support be awarded for a five-year term to the lowest cost and highest scoring proponent best meeting the Board requirements being Access2Networks.
2. that the Tender for the cabling and installation of the WiFi access points be awarded for a three (3) year term with two additional 1-year renewal options to the lowest cost bid meeting the Board requirements being Bell.

On the vote being taken, as follows:

In favour

Opposed

Trustees Kennedy
Davis
Tanuan
Del Grande
Crawford
D'Amico
Bottoni
Martino
Andrachuk

Trustee Rizzo

The Motion was declared

CARRIED

MOVED by Trustee Tanuan, seconded by Trustee Davis, that item 12e) be adopted as follows:

- 12e) Tender award p-039-15: leasing rates for notebook computers –**
That the Board of Trustees approve the tender award for leasing rates for computer equipment, to the low bidder meeting specifications being IBM Canada at a yearly rate of \$178,630.54 and a grand total of \$714,522.16 excluding taxes over a 4 year term. This expenditure will be funded from the In School Administration and Central School Computers budgets.

Motion B-15-06-11-019.

On the vote being taken, as follows:

In favour

Opposed

Trustees Kennedy
Rizzo
Davis
Tanuan
Crawford
D'Amico
Bottoni
Martino
Andrachuk

Trustee Del Grande

The Motion was declared

CARRIED

Arising out of inquiry from Trustee Del Grande regarding future Special Meetings of the Board to approve the Board By-law, the Board agreed to hold the Special Meeting on Wednesday, August 26, 2015.

MOVED by Trustee Bottoni, seconded by Trustee Andrachuk, that the meeting adjourn.

CARRIED

SECRETARY

CHAIR



TORONTO CATHOLIC DISTRICT SCHOOL BOARD

DELEGATION REGISTRATION FORM FOR STANDING OR OTHER COMMITTEES

For Board Use Only

Delegation No.

- ☐ Public Session
☐ Private Session
☐ Five (5) Minutes

PLEASE BE ADVISED THAT ALL STANDING COMMITTEE MEETINGS ARE BEING RECORDED

Name: Lynn Hiebert, CEO PLASP Child Care Services

☐ Copy Provided

Standing or Other Committee:

- | | | |
|---|--|--|
| <input type="checkbox"/> Corporate Affairs, Strategic Planning and Property | <input type="checkbox"/> SEAC | <input type="checkbox"/> Student Achievement & Well-Being, Catholic Education, Human Resources |
| <input type="checkbox"/> Governance Framework | <input type="checkbox"/> Special Board | <input type="checkbox"/> Other |

Date of Presentation: August 27, 2015

Topic or Issue: Bringing greetings and thanks to the board.

Details: An overview of PLASP programs going into our 40th year of operation.

Action Requested: _____

Check One Box

- ☐ I am here as a delegation to speak only on my own behalf.
- ☐ I am an official representative of the Catholic School Advisory Committee.
School _____ Position _____
- ☐ I am an official representative of student government.
School _____ Position _____
- ☒ I am here as a spokesperson for another group or organization.
Name of group PLASP Child Care Services

Date: August 17, 2015

Signature: _____

Address: _____ Telephone: _____

Postal Code: _____ e-mail _____

Please remember to save your completed form to your computer before submitting.

Please fax to Recording Secretary at 416 229 5353 or by email lalita.fernandes@tcdsb.org



TORONTO CATHOLIC DISTRICT SCHOOL BOARD

DELEGATION REGISTRATION FORM FOR STANDING OR OTHER COMMITTEES

PLEASE BE ADVISED THAT ALL STANDING
COMMITTEE MEETINGS ARE BEING
RECORDED

For Board Use
Only

Delegation No. _____

☐ Public Session
☐ Private Session
☐ Five (5) Minutes

Name	Fiona Fu
Committee	Regular / Special Board
Date of Presentation	8/26/2015
Topic of Presentation	St. Joseph Morrow Park
Topic or Issue	Expropriation of 30 townhomes to expand a land for the relocation of the secondary school
Details	I would like to be involved in any topics that touch on this particular topic
Action Requested	To take part in this conversation

I am here as a delegation to speak only on my own behalf	Yes
I am an official representative of the Catholic School Advisory Committee (CSAC)	No
I am here as a spokesperson for another group or organization	

Submittal Date	8/24/2015
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TORONTO CATHOLIC DISTRICT SCHOOL BOARD

DELEGATION REGISTRATION FORM FOR STANDING OR OTHER COMMITTEES

PLEASE BE ADVISED THAT ALL STANDING
COMMITTEE MEETINGS ARE BEING
RECORDED

For Board Use
Only

Delegation No. _____

☐ Public Session

☐ Private
Session

☐ Five (5)
Minutes

Name	Annmeza Szeto
Committee	Regular / Special Board
Date of Presentation	8/27/2015
Topic of Presentation	Expropriation of Bayview Townhouses
Topic or Issue	Relocation of St. Joseph Morrow Park to 500 Cummer and the possibility of expropriating the townhouses along Bayview
Details	Present to the Board on why expropriation is not necessary/appropriate for this project.
Action Requested	Present to the Board PRIOR to a decision being made on whether to expropriate or not.

I am here as a delegation to speak only on my own behalf	Yes
I am an official representative of the Catholic School Advisory Committee (CSAC)	No
I am an official representative of student government	
I am here as a spokesperson for another group or organization	

Submittal Date	8/24/2015
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REPORT TO

REGULAR BOARD

ST. JOSEPH'S MORROW PARK SITE EXPANSION – TCDSB RESPONSE TO INQUIRY OFFICER REPORT

In all your ways acknowledge him, and he will make straight your paths. Proverbs 3:6

Created, Draft	First Tabling	Review
August 18, 2015	August 27, 2015	Click here to enter a date.
Michael Loberto, Senior Coordinator of Development Maia Puccetti, Superintendent of Facilities Services		
RECOMMENDATION 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.



G. Poole

Associate Director of Academic Affairs

A. Sangiorgio

Associate Director of Planning and
Facilities

Angela Gauthier

Director of Education

A. EXECUTIVE SUMMARY

This report provides staff recommendations to inform the Toronto Catholic District School Board (TCDSB) response to the findings and recommendations of the Inquiry Officer arising from the Hearing of Necessity regarding the lands which the Board Notice of Intent to expropriate in order to accommodate the construction of a new secondary school for St. Joseph's Morrow Park Catholic Secondary School (SJMP). The Hearing was held on April 29, 30, and May 5, 2015, and the Inquiry Officer's report was completed on June 9, 2015.

This staff report attaches the Report of the Inquiry Officer into the proposed expropriation of 26 Townhouse units on west side of Bayview Avenue, between Cummer Avenue and Ruth Avenue for the purpose of completing a school site for SJMP. The Board of Trustees, in its capacity as Approving Authority under the *Expropriations Act* is required to consider the Report of the Inquiry Officer in deciding whether to approve the proposed expropriations, not approve any of them, or approve several but not all of them (approve with modifications).

The Inquiry Officer concluded that the taking of all of these lands was not fair, sound, or reasonably necessary to achieve the TCDSB objectives of providing a new secondary school facility for SJMP on the former Cummer LINC school site (500 Cummer Avenue), including the provision for accommodating projected enrolment growth.

The Hearing Officer made two key recommendations:

- That the townhouse residents and the TCDSB enter into discussions for the shared use of the existing laneway and vehicle entrance off Bayview Avenue.
- That the Board continue with its appeal for the minor variance for the three-storey school, with the townhouse owners supporting the appeal and finding a way to work with the TCDSB and City to make the smaller site work.

The TCDSB reached out to both the City and the legal counsel for the townhouse owners who objected to both the minor variance application and expropriation in order to determine the support for the Hearing Officer's recommendations.

The Report of the Inquiry Officer is a recommendation which the Board as Approving Authority can accept or not, in whole or in part. The Inquiry's

Officer's report offers an independent review of the matters put before him at the hearing, and thus a full consideration of that report appropriately bears on the exercise of the discretion to Approve or not Approve or Approve with modifications. However, the ultimate decision on this matter rests with the Board of Trustees as the Approval Authority.

At the conclusion of its considerations at this meeting, the Board will issue a Decision, with written reasons. This decision will be immediately served on all parties to the hearing. If it determines to expropriate with or without modifications, it will cease to act as an Approval Authority and act as an Expropriating Authority to pass an implementing resolution authorizing execution of a certificate of approval and further authorizing proceeding with the expropriation process.

If the Board elects to proceed with the Approval with Modifications option, staff have prepared a draft Reasons for Decision and draft Implementing Resolution, attached as *Appendix 'D'* and *Appendix 'E'* to this report. In passing that Resolution, the Board will then be acting again as an Expropriating Authority. The staff drafts include acceptance of several of the alternative recommendations of the Inquiry Officer as to extended possession and costs.

B. BACKGROUND

1. The Toronto Catholic District School Board (TCDSB) has been seeking a permanent accommodation solution for St. Joseph's Morrow Park Catholic Secondary School (SJMP) since the Sisters of St. Joseph advised the TCDSB that they sold the Morrow Park property to Tyndale University College and Seminary in June 2006.
2. Since being notified of the sale, the school has been operating in its current location through short-term leases with Tyndale. The uncertainty surrounding the future of SJMP has negatively impacted student enrolment, staff, and the local community. The Board was able to secure one further three year lease extension, which expires June 30, 2018 in order to provide sufficient time for the completion of the new secondary school.
3. The Board has diligently explored numerous options for a permanent relocation of the SJMP school since the sale of the existing property. These options, including the construction of a replacement facility as part of a k-12

school on the Blessed Trinity site, and a stand-alone school on the former St. Leonard site, did not provide suitable long-term accommodation solutions for the school community. The Blessed Trinity solution, which had school community support, was not supported by the Ministry of Education and did not received funding despite being identified by the TCDSB as an urgent capital priority.

4. On November 26, 2010, the TCDSB received funding approval from the Ministry of Education to construct an 800 pupil place replacement facility for SJMP. On October 19, 2012, the Ministry approved the TCDSB purchase of the 5.04 acre former Cummer LINC site, located at 500 Cummer Avenue, from the Toronto District School Board in order to build a replacement facility for St. Joseph's Morrow Park.
5. TCDSB Education Development Charges (EDC) By-law No. 178 was adopted by the Board on June 6, 2013, and came into effect on July 1, 2013. In accordance with the By-law, the Board is eligible to acquire 8.03 acres of land to accommodate the construction of the new secondary school. The purchase of the 500 Cummer Avenue property, expansion of the Cummer site, as well as the demolition of the existing structures is funded by monies generated by this EDC By-law.
6. The existing school site is 5.04 acres in size, and as such, is less than the 8.03 acres that the Board is eligible to acquire. The TCDSB is eligible to acquire an additional 2.99 acres of land to expand the property, which still falls below both the Board standard for secondary school sites (10 acres) and the EDC By-law site size of 8.03 acres. The EDC guideline for a secondary school site is 1.2 acres per 100 students, which would result in a site size of 9.6 acres.

The Board is also proposing the provision of underground parking in order to reduce its land surface area requirements and minimizing the acquisition of additional residential properties.

7. There are thirty townhouse units fronting Bayview Avenue adjacent to the future SJMP site (*Appendix 'A'*). The townhouse dwellings, which include 12 common elements condominium-style units (Block 4: 3336-3340 Bayview Avenue), and eighteen freehold units (Block 1-3: 3348 Bayview Avenue, Units A-R) occupy approximately 1.42 acres of land, and back onto the existing school site.

8. The townhouse owners and area residents were invited to three community meetings, which included presentations on design options for the construction of an 800 pupil place school. The option of expanding the existing 5.04 site in order to right-size the school property and gain access to Bayview Avenue was presented at each meeting. Arising from these meetings, Board staff actively pursued the purchase of townhouse units.
9. The Board has purchased four townhouse dwellings (3348 Bayview Units F, I, K, and M), and submitted through its realtor Agreements of Purchase and Sale to acquire fourteen additional units contiguous to the northern end of the school site fronting Bayview Avenue.
10. On June 28, 2013, the Board submitted a Site Plan application to construct a new three-storey school on the existing 5.04 acre property. The zoning review results received from the City of Toronto in August 2014 identified that the three-storey structure required a minor variance for height, from 9.50 metres (two-storeys) to 13.32 metres (three-storeys). The Committee of Adjustment (C of A) Hearing was held on November 26, 2014 at the North York Civic Centre.
11. The hearing was approximately two hours in length, and representatives from the school community (alumni, staff, and students) were in attendance to speak in support of the application. However, several local residents, primarily those who reside in the Bayview townhouses adjacent to the school site, spoke against both the height variance and the project in general. They expressed concern that the school was too large for the existing 5.04 acre property. The Committee of Adjustment did not approve the minor variance by a vote of 2 to 1.
12. The Board has sought similar or identical variances for the previous six new school projects, and in each instance, the C of A has approved these applications. Staff have appealed the Committee of Adjustment decision to not grant the variance request for the construction of a new three-storey secondary school for SJMP to the Ontario Municipal Board.
13. Following the C of A decision, the Board began design work on a two-storey school to eliminate the need to obtain a height variance. The two-storey option offered significant additional benefits in terms of design flexibility, efficient site use, and maximized the amount of functional greenspace for

school and community use. The two-storey option requires the acquisition of townhouses along Bayview Avenue. In addition, the two-storey option with a second access to Bayview Avenue addresses a significant concern of the City related to a single entry/exit on Cummer Avenue for the three-storey option. This second point of entry and exit to the school site will assist in alleviating the current traffic congestion issues on Cummer Avenue.

14. Given the noteworthy benefits associated with the two-storey option, on January 22, 2015, the TCDSB approved initiating expropriation proceedings to acquire the remaining twenty six townhouse units, and served a Notice of its Application for Approval to Expropriate on the registered owners of these properties.
15. Twenty two townhouse owners requested a Hearing of Necessity to determine whether the TCDSB's taking of the subject lands was fair, sound, and reasonably necessary to achieve its objective of constructing a replacement facility for SJMP on the former Cummer LINC site.
16. The Hearing of Necessity was held on April 29, April 30, and May 5, 2015. The TCDSB called on three expert professional witnesses (the project architect, a professional land use planner, and an economic consultant/EDC expert) to provide evidence. Five townhouse owners provided evidence on behalf of those requesting the Hearing.
17. On June 9, 2015, the Inquiry Officer submitted a report outlining the findings and recommendations from the Hearing of Necessity (*Appendix 'B'*). The inquiry officer concluded that the taking of all of these lands was not fair, sound, or reasonably necessary to achieve the TCDSB objectives of providing a replacement facility for SJMP at 500 Cummer Avenue, and accommodating projected enrolment growth.
18. A Hearing of Necessity is not a legal contest to be won or lost, but an opportunity for the Board to receive an independent recommendation to consider carefully and inform its decision. The recommendations put forth in the report result in neither the Board nor the townhouse owners achieving their preferred outcome. The Board is being asked to return to the option of constructing a three-storey school on the smaller site, which it moved away from following the unsuccessful Committee of Adjustment hearing. The townhouse owners are being asked to consider accepting a three-storey school, which they opposed at the Committee of Adjustment, and share the

laneway with the new school, which has never been offered in discussions with the TCDSB.

19. The Inquiry Officer questioned both the demographic projections for the area, and the rationale for constructing an 800 pupil place replacement facility. The size of the school, approved by the Ministry of Education, was determined by projections which take into account historic trends, census data, City of Toronto population forecasts, and new residential development. In addition, the projected future growth in the area was identified in TCDSB Education Development Charges By-law no. 178, which underwent a public consultation process, and was also approved by the Ministry of Education. It is the opinion of staff that the Inquiry Officer clearly overstepped both his jurisdiction and the scope of the Hearing in questioning the demographic rationale for the project. But regardless of that legal issue, the demographic analysis is supported by expert opinion and implemented by the EDC By-law, and Provincial acceptance of that By-law.
20. The Inquiry Officer made two key recommendations in the report:
 - That the townhouse residents and the TCDSB enter into discussions for the shared use of the laneway and service vehicle entrance off Bayview Avenue.
 - That the Board continue with its appeal for the minor variance for the three-storey school, and that the townhouse owners support the appeal and find a way to work with the TCDSB to make the smaller site function.
21. The TCDSB has engaged both the City and the legal counsel for the townhouse owners who objected to the expropriation in order to address the recommendations outlined above.
22. With respect to the City, the Board solicitor sent a communication to the City's legal counsel on June 19, 2015 regarding potential support for the three-storey option. At the inquiry, one of the residents testified that a meeting took place between the townhouse owners, Councillor Shiner, and a City Planner, where it appeared that the City was open to approving the Site Plan application subject to minor modifications to address Cummer Avenue traffic concerns. The TCDSB requested to be advised whether the local Councillor would both support the minor variance to allow a three-storey secondary school on the smaller site, and would he further support granting Site Plan approval for the smaller school property.

The TCDSB did not receive a response from the City to its communication.

23. On June 19, 2015, the Board's legal counsel sent a communication to the solicitor representing the townhouse owner regarding the laneway and service vehicle entrance, as well as the three-storey school option. The TCDSB was seeking consent for the shared use of both the service vehicle entrance off of Bayview Avenue and laneway from Ruth Avenue to Cummer Avenue, as well as an agreement to expand both if required.

The Board was also seeking the townhouse owners' support with respect to the Ontario Municipal Board appeal of the height variance for the three-storey school on the smaller site. This included having the solicitor attend the Ontario Municipal Board hearing on behalf of the residents to support the appeal of the minor variance, and advising the City Councillor that the owners support the approval of the Site Plan for a three-storey school on the smaller site.

24. On June 29, 2015, the TCDSB received an email response from the resident's solicitor. The townhouse owners expressed concern regarding sharing the laneway, as it already serves many functions including a fire route, location for visitor's parking, sole access to their parking garages, and access for municipal services. They are concerned about the increased frequency of use, and the potential for the laneway and service entrance becoming a public thoroughfare.
25. With respect to the outstanding appeal on the height variance, the solicitor referenced the Inquiry Officer's questioning of the enrolment projections for the new facility. The townhouse owners share the same concerns, and feel that the Board can only justify the construction of a 500 pupil place school, which could potentially be accommodated on the existing site without a height variance.

As previously mentioned, staff is not recommending that the TCDSB reconsider the capacity of the new secondary school.

C. EVIDENCE/RESEARCH/ANALYSIS

1. Arising from the Hearing of Necessity, the Board is required to consider three options:
 - **Option 1:** Approval of none of the Expropriations for which the application has been made.
 - **Option 2:** Approval of all of the Expropriations for which the application has been made.
 - **Option 3:** Approval of some, but not all of the Expropriations for which the application has been made (Approval with modifications).
2. **Option 1:** This option would involve proceeding with Ontario Municipal Board (OMB) appeal for the Committee of Adjustment decision regarding the variance for the three-storey school on the existing school site. Proceeding with the OMB appeal allows the Board to maintain the design submitted as part of the Site Plan application, saving the time associated with redesigning the school. However, there is a time delay associated with securing a hearing date, which adds further interruptions to the project.

The lack of response from the City, and the feedback received from the townhouse owners regarding this option creates concern. If the local Councillor is not prepared to support the minor variance, and the residents continue to oppose the concept of a three-storey school, there is potential for an unfavourable OMB decision, which can only be appealed to Divisional Court on the grounds of an error in law.

3. **Option 2:** The option of proceeding with the expropriation of the twenty six townhouse units would provide a school site which accommodates both a two-storey school building, and maximizes the amount of functional greenspace available for student and community use. The larger site would provide a more suitable playfield for secondary programming requirements.

Proceeding with this option does respond in any manner to the Inquiry Officer's recommendations, and negatively impacts the private interests brought to light during the Hearing of Necessity. It has the most significant impact on the community.

4. **Option 3:** This option involves proceeding with the expropriation of some townhouse units in order to accommodate the construction of the replacement secondary school. If the Board elects to proceed with this option, staff recommends a reduced number of expropriations on the following basis to accommodate the construction of a two-storey facility:

The Board proceed with the expropriation of 17 townhouse units adjacent to the southern end of the school site: the 12 common elements condominium-style units (3336-3340 Bayview Avenue) including the common element condominium, five freehold units (3348 Bayview Avenue, Units A to E), and a remnant parcel. The Board already owns Unit F in the 3348 Bayview complex.

5. The reduced taking allows the Board to deliver a two-storey secondary school (*Appendix 'C'*) to meet its current future needs, and provides numerous advantages:
- Acquiring a portion of the properties avoids further delay and risk of the lack of success which would result if the Board proceeds to appeal the Minor Variance.
 - This option eliminates the height variance and increases design flexibility options, resulting in an efficient use of the site.
 - Acquiring the properties along Bayview Avenue would also permit the construction of a second point of entry and exit to the school site, which would assist in alleviating the current traffic congestion issues on Cummer Avenue.
 - This option also creates flexibility by being designed to accommodate a future addition on the first and second floor, which could be constructed without impacting the operations of the school, avoiding costly temporary relocation.
 - A further benefit of this option is Bayview frontage for the new SJMP facility. This ensures a main street presence and exposure, and provides a direct connection to the existing public transit, vehicular and pedestrian networks.

- While a partial acquisition leaves the school with an undersized playing field, this clear loss of a public interest is acceptable in light of the private interests brought to the attention of the Board in the Inquiry Officer's report.
 - Moreover, this option accepts the Inquiry Officer's recommendations with respect to costs and offering extended possession to owners until the demolition of the units must proceed
6. The TCDSB is prepared to direct staff to seek reasonable arrangements to accommodate expropriated owners by offering leases or other appropriate interest in the three townhouse units it owns as a result of voluntary acquisition. These units are not located in blocks to be expropriated.
 7. Given that the Ministry of Education provided funding to for the replacement secondary school in 2010, and the lease with Tyndale expires on June 30, 2018, it is imperative that the Board move forward with the construction of the new SJMP.

D. STAFF RECOMMENDATIONS

The Board is required to exercise its statutory power as Approval Authority. To inform the exercise of Authority, staff has set out recommendations of Approval with modification as the preferred option.

St. Joseph Morrow Park - 500 Cummer Ave & Surrounding Area

Label #	Property Location	Status
1	3348 BAYVIEW AVE UNIT R	Offer Submitted
2	3348 BAYVIEW AVE UNIT Q	Offer Submitted
3	3348 BAYVIEW AVE UNIT P	Offer Submitted
4	3348 BAYVIEW AVE UNIT O	Offer Submitted
5	3348 BAYVIEW AVE UNIT N	Offer Submitted
6	3348 BAYVIEW AVE UNIT M	TCDSB Owned
7	3348 BAYVIEW AVE UNIT L	Offer Submitted
8	3348 BAYVIEW AVE UNIT K	TCDSB Owned
9	3348 BAYVIEW AVE UNIT J	Offer Submitted
10	3348 BAYVIEW AVE UNIT I	TCDSB Owned
11	3348 BAYVIEW AVE UNIT H	Offer Submitted
12	3348 BAYVIEW AVE UNIT G	Offer Submitted
13	3348 BAYVIEW AVE UNIT F	TCDSB Owned
14	3348 BAYVIEW AVE UNIT E	Offer Submitted
15	3348 BAYVIEW AVE UNIT D	Offer Submitted
16	3348 BAYVIEW AVE UNIT C	Offer Submitted
17	3348 BAYVIEW AVE UNIT B	Offer Submitted
18	3348 BAYVIEW AVE UNIT A	Offer Submitted
19	3340 D BAYVIEW AVE	TBD
20	3340 C BAYVIEW AVE UNIT 11	TBD
21	3340 B BAYVIEW AVE	TBD
22	3340 A BAYVIEW AVE	TBD
23	3338 D BAYVIEW AVE	TBD
24	3338 C BAYVIEW AVE	TBD
25	3338 B BAYVIEW AVE	TBD
26	3338 A BAYVIEW AVE	TBD
27	3336 D BAYVIEW AVE	TBD
28	3336 C BAYVIEW AVE	TBD
29	3336 B BAYVIEW AVE	TBD
30	3336 A BAYVIEW AVE	TBD

EDC Residential Property Acquisitions = 1.42 acres

EDC Eligibility = 8.03 acres



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

-INQUIRY HEARING-

APPLICATION by the Toronto Catholic District School Board for Approval to Expropriate Lands for the purpose of acquiring in its jurisdiction a school site in the City of Toronto ancillary and necessary to the expansion of St. Joseph's Morrow Park Catholic Secondary School Site and works ancillary thereto.

AND IN THE MATTER OF a hearing fixed for April 29 and 30, and May 5, 2015 at the hour of 9:30 a.m. in the forenoon at Victory Verbatim, Ernst & Young Tower, 222 Bay Street, Suite 900, Toronto, ON M5K 1H6.

FINDINGS AND RECOMMENDATIONS

INQUIRY OFFICER:

David R. Vine, Q.C.

368-121 Richmond St. West

Toronto, ON

M5C 2K1

416-863-9341

IN THE MATTER OF THE EXPROPRIATIONS ACT

IN THE MATTER OF an application by Toronto Catholic District School Board for approval to expropriate lands for the purpose of acquiring in the jurisdiction a school site in the City of Toronto ancillary and necessary to the expansion of St. Joseph's Morrow Park Catholic Secondary School Site and works ancillary thereto.

AND IN THE MATTER OF a hearing fixed for April 29 and 30, and May 5, 2015 at the hour of 9:30 a.m. in the forenoon at Victory Verbatim, Ernst & Young Tower, 222 Bay Street, Suite 900, Toronto, ON, M5K 1H6. Phone No. 416-360-6117

INQUIRY HEARING

Inquiry Officer:

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**Representing 21 Owners
(List of owners attached)**

STEPHEN D'AGOSTINO
DANITZA KOEV
Thomson Rogers
3100-390 Bay Street
Toronto, ON M5H 1W2
Tel: 416-868-3100
Fax: 416-868-3134

Unrepresented Owners

DONG QING DENG & BIN GU
3348A Bayview Ave.
Toronto, ON M2M 3R9

FINDING & RECOMMENDATIONS

A summary of the evidence and arguments advanced by both parties follows the finding and recommendations. Also, more detailed notes of the proceedings are available upon request.

It is recommended and I find that the taking of the land herein is not fair, sound and reasonably necessary, in the achievement of the objectives of the Expropriating Authority, which are primarily to replace St. Joseph Morrow Park Secondary School and to respond to projected increases in student enrolment.

I find that the Toronto Catholic District School had from May, 2007 (the date when the Sisters of St. Joseph sold the property on which St. Joseph Morrow Park Secondary School stands to Tyndale University College and Seminary) to date, to find a suitable site for St. Joseph's Morrow Park School. As the Counsel for the Toronto Catholic District School Board informed the inquiry, the TCDSB spent 7-8 years examining alternative sites. The board examined 19 sites, which were narrowed down to three and ultimately those three were eliminated. Time is now of the essence because the lease between Tyndale University College and St. Joseph Morrow Park expires on June 30, 2015 and the TCDSB is negotiating an extension to June, 2018.

In July, 2014, the TCDSB presented a plan (entered as Exhibit #9) to the community which showed a 3-storey school structure and left the townhouses intact. That design incorporated underground parking, a full-sized field hockey field, a sprint track and soccer field (3-metres short of regulation). That option is still pending appeal at the Municipal Board.

I am in agreement that the issue of fairness to owners is not the question before the inquiry. However, the original plan did take them into consideration.

Counsel for the Toronto Catholic District School Board presented evidence and witnesses supporting the site at the northwest corner of Cummer Avenue and Bayview Avenue and supporting the expropriation of land, to provide a replacement for St. Joseph Morrow Park and to allow for expansion in the future. Counsel argued that none of the three site options were suitable, primarily because they did not accommodate growth. It is troubling that none of the three main sites considered over the time period were compared against the Cummer site, also that accommodating growth was not a consideration in those sites.

Because the application for variance was refused, the TCDSB turned to a two-storey building with a larger footprint option (see Exhibit #7). Both plans are for a single-gender secondary school to accommodate approximately 800 students and to allow for an additional 300 pupil places in the future.

The Board argued that the taking of lands is necessary to provide two means of access and egress, a lower structure with room for expansion, a larger playing field, green space and also to allow for more visibility with frontage on two main arterial roads, it also allows the building to become a focal point for the community. I do not agree that a school necessarily requires frontage on two main arteries to be a focal point in the community.

Both the two- and three-storey plans offer the same access to public transportation, parking and allowance for growth. The three-storey site has a soccer pitch that is three metres narrower than regulation, which I do not consider a serious difference.

The drawing on Exhibit #9 shows one road off Cummer accessing the site. The plan also shows an existing two-way laneway running behind the townhouses from Cummer Avenue to Ruth Avenue along the eastern edge of the school property. There is also an access lane marked "For Service Vehicles Only" off Bayview. I suggest the residents of the townhouses enter discussions with the TSDSB for shared use of the laneway and service vehicle entrance. That would allow two points of entry from Cummer Avenue, one from Bayview Avenue and one from Ruth Avenue. It would allow for flow-through traffic for drop-offs, buses and garbage trucks. It's a sacrifice the townhouse owners may consider in lieu of losing their homes.

I also do not find the demographic predictions for this neighbourhood convincing. The numbers in general are valid, however, there is no way of knowing how many of the families moving into the area will be Catholic School supporters, how many will have secondary school aged daughters and how many of those will wish to attend a single-gender school. Also, the current enrolment at St. Joseph's Morrow Park is 500+. The new school is using 800 pupil places as the replacement number. In fact, the school has to rebuild its enrolment to reach that number.

I recommend that the board continue with its appeal for the minor variance and that the townhouse owners support the appeal, and find a way to work with the TCDSB to make the smaller site work.

In the discussion of alternatives, three expert witnesses testified that the Cummer site was the preferred site. Counsel for the TCDSB said none of the other sites previously considered, allowed for expansion. St. Leonard's is not large enough and would require expropriation. It fronts on only one main road. Blessed Trinity also requires expropriation and two years in planning. The site is currently occupied by an elementary school. The Board looked at combining the existing school with a new St. Joseph's, but funding for a new elementary school was refused. Because of the sloping topography of the land, there is no room for expansion. At the Brebeuf site, there is not enough room for another secondary school. The neighbouring elementary school is already over capacity. There is also limited road access.

I agree with counsel for the owners that this report must deal with alternatives. Since all of the above alternatives are flawed, the best alternative appears to be the one on the smaller Cummer

site. It is also the one that has the best chance of completion within the time deadline. I agree with counsel for the owners that the board should have provided a representative to answer questions. The board at one time felt the smaller site at Cummer was workable. I believe that option is still suitable and less disruptive to the neighbourhood.

Counsel for the TCDSB said the process has been in the public domain since June, 2013, and that the public has had ample opportunity to express concerns and opinions.

St. Joseph's is a specialty school. It is gender-specific and does not have a defined catchment area. Students have historically come from all over the city and surroundings, including Scarborough and York. There is no evidence that the predicted population growth correctly estimates the number of Catholic girls who will want to attend a gender-specific secondary school. I feel the plan for a larger area is unnecessary and unreasonable in the achievement of its objectives, and that those objectives can be met without the taking of the townhouse properties.

If the board decides to proceed with the expropriation, I recommend that it offer to extend the vacancy date by another year for owners needing more time to relocate.

I also recommend to the approving authority that the owners who requested the inquiry be paid \$200.00 per unit by the expropriating authority.

It is clear from the evidence called that the taking of the above-noted lands is not fair, sound and reasonably necessary in light of other viable alternatives.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

DATE AT TORONTO THIS 9 DAY OF JUNE, 2015



David R. Vine, Q.C.
Inquiry Officer

PURPOSE

The purpose of this expropriation by the Toronto Catholic District School Board is to acquire the lands necessary for the replacement of St. Joseph's Morrow Park Secondary School.

The Toronto Catholic District School Board has applied for approval to expropriate all right, title and interest in 26 townhomes located on the west side of Bayview Avenue between Cummer Avenue and Ruth Avenue.

(3338R Bayview Avenue)

12580-0001 (LT) being Toronto Common Elements Condominium Plan No. 1580 and its appurtenant common interest being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

(3336A Bayview Avenue)

10024-0354 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 1 and 19 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

(3336B Bayview Avenue)

10024-0355 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 2 and 20 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

(3336C Bayview Avenue)

10024-0356 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 3 and 21 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

(3336D Bayview Avenue)

10024-0357 (LT) being Part of Lots 1 and 2 on Plan 4180 designated as Parts 4 and 22 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

(3338A Bayview Avenue)

10024-0358 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 5 and 23 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

(3338B Bayview Avenue)

10024-0359 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 6 and 24 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

(3338C Bayview Avenue)

10024-0360 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 7 and 25 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

(3338D Bayview Avenue)

10024-0361 (LT) being Part of Lots 2 and 3 on Plan 4180 designated as Parts 8 and 26 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

(3340A Bayview Avenue)

10024-0362 (LT) being Part of Lots 2 and 3 on Plan 4180 designated as Parts 9 and 27 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

(3340B Bayview Avenue)

10024-0363 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 10 and 28 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

(3340C Bayview Avenue)

10024-0364 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 11 and 29 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

(3340D Bayview Avenue)

10024-0365 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 12 and 30 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

(3348R Bayview Avenue)

10024-0187 (LT) being Part of Lot 9 on Plan 4180 North York designated as Parts 24, 25 and 79 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984433

(3348Q Bayview Avenue)

10024-0188 (LT) being Part of Lot 9 on Plan 4180 North York designated as Parts 23, 26, 77 and 78 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984432

(3348P Bayview Avenue)

10024-0189 (LT) being Part of Lots 8 and 9 on Plan 4180 North York designated as Parts 22, 27, 75 and 76 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984431

(3348O Bayview Avenue)

10024-0190 (LT) being Part of Lots 8 and 9 on Plan 4180 North York designated as Parts 21, 28, 73 and 74 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984430

(3348N Bayview Avenue)

10024-0191 (LT) being Part of Lot 8 on Plan 4180 North York designated as Parts 20, 29, 71 and 72 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984429

(3348M Bayview Avenue)

10024-0192 (LT) being Part of Lot 8 on Plan 4180 North York designated as Parts 18, 19, 30, 69 and 70 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984428

(3348L Bayview Avenue)

10024-0193 (LT) being Part of Lots 7 and 8 on Plan 4180 North York designated as Parts 16, 17, 31, 67 and 68 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984427

(3348K Bayview Avenue)

10024-0194 (LT) being Part of Lot 7 on Plan 4180 North York designated as Parts 15, 32, 65 and 66 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984426

(3348J Bayview Avenue)

10024-0195 (LT) being Part of Lot 7 on Plan 4180 North York designated as Parts 14, 33, 63 and 64 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984425

(3348I Bayview Avenue)

10024-0196 (LT) being Part of Lots 6 and 7 on Plan 4180 North York designated as Parts 13, 34, 61 and 62 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984424

(3348H Bayview Avenue)

10024-0197 (LT) being Part of Lots 6 and 7 on Plan 4180 North York designated as Parts 12, 35, 59 and 60 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984423

(3348G Bayview Avenue)

10024-0198 (LT) being Part of Lot 6 on Plan 4180 North York designated as Parts 10, 11, 36, 57 and 58 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984422

(3348F Bayview Avenue)

10024-0199 (LT) being Part of Lots 5 and 6 on Plan 4180 North York designated as Parts 8, 9, 37, 55 and 56 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984421

(3348E Bayview Avenue)

10024-0200 (LT) being Part of Lots 5 and 6 on Plan 4180 North York designated as Parts 7, 38, 53 and 54 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984420

(3348D Bayview Avenue)

10024-0201 (LT) being Part of Lot 5 on Plan 4180 North York designated as Parts 6, 39, 51 and 52 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984419

(3348C Bayview Avenue)

10024-0202 (LT) being Part of Lots 4 and 5 on Plan 4180 North York designated as Parts 5, 40, 49 and 50 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984418

(3348B Bayview Avenue)

10024-0203 (LT) being Part of Lots 4 and 5 on Plan 4180 North York designated as Parts 4, 41, 47 and 48 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984417

(3348A Bayview Avenue)

10024-0204 (LT) being Part of Lot 4 on Plan 4180 North York designated as Parts 1, 2, 3, 42, 44, 45 and 46 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984416

(3342R Bayview Avenue)

10024-0205 (LT) being Part of Lot 4 on Plan 4180 North York designated as Part 43 on Plan 64R-15130, City of Toronto

REQUEST FOR ADJOURNMENT

(Notes from the Hearing of Necessity are attached hereto)

Prior to the start of proceedings Mr. D'Agostino requested an adjournment, due to the fact that he was still waiting for responses from his requests under the Freedom of Information Act. Mr. D'Agostino said the information requested was related to the Board's decision to abandon other alternative sites for St. Joseph's Morrow Park Secondary School. Mr. D'Agostino referred to several cases which he entered as Exhibit #2.

Mr. Waque reminded the inquiry officer that the rules of civil procedure do not apply to Hearings of Necessity, and that the Board had gone above and beyond as far as providing disclosure. Mr. Waque said that the process to date had been transparent, that the application for a minor variance in order to build a three-storey building on the site was a matter of public record. Mr. Waque cited cases regarding disclosure and requests under the Freedom of Information Act. Mr. Waque said the Board is moving quickly to provide a school for students at St. Joseph's Morrow Park because the building is currently being leased and the lease is being renegotiated to end in June of 2018.

Mr. D'Agostino said that no one from the Board had responded to his requests for information, nor is any member of the Board scheduled to testify at this hearing. Mr. D'Agostino said there is no report on how the Board came to the decision to select the Cummer Street site.

Mr. Vine asked about the length of delay being requested.

Mr. D'Agostino said he would be prepared within 3 (three) weeks of receiving the requested documents.

Mr. Waque said that Mr. D'Agostino was asking for an indefinite delay.

Mr. Vine said he was satisfied by the arguments put forward, and that the request by owners for documents is based on the preposition that the documents exist. As far as the Act, Mr. Vine said the hearing should go forward.

EVIDENCE CALLED BY THE TORONTO CATHOLIC DISTRICT SCHOOL BOARD

(Notes from the Hearing of Necessity are attached hereto)

Mr. Stephen Waque representing the Toronto Catholic District School Board presented 8 (eight) Exhibits (Exhibit List attached hereto), and called 3 (three) witnesses in support of the application by the TCDSB for approval to expropriate the lands in question.

TESTIMONY OF CYNTHIA CLARKE

Ms. Clarke is a financial analyst and economic consultant who has worked with school boards to help them determine where school should be placed, based on population profiles and costing strategies. She was accepted as an expert witness.

Ms. Clarke explained that the lease between St. Joseph's and Tyndale University College & Seminary is set to expire in June, 2015, but that negotiations are underway to extend the lease to June, 2018.

Ms. Clarke described the expected areas of development, particularly along the Yonge/Sheppard corridor, and that 20,000 new housing units are expected within the next 15 (fifteen) years.

Ms. Clarke said that the replacement for St. Joseph's would have to accommodate 800 students from the current school, plus 600 more from expected development.

Ms. Clarke described the funding process for new schools and the use of EDC monies to acquire property. She said that the TCDSB purchased the Cummer site from the TDSB. It is a 4.9 acre property.

Ms. Clarke discussed the various options considered by the Board. She said that Brebeuf College is an all-boys school and that adding a girls' school, would make it co-ed. Also there is only one access point from Steeles. She said St. Leonard's is currently being used as an adult education facility, and is situated too far from the growth development area. She said Blessed

Trinity would require expropriation of 8 (eight) properties because the site is not large enough for the proposed K-12 school. The site is also not on level ground.

Ms. Clarke said the Cummer site was the best choice because it allowed for expansion, sat on a corner and allowed for two points of entry and egress. She said the taking is fair, sound and reasonably necessary.

QUESTIONING OF MS. CLARKE BY MR. D'AGOSTINO

Mr. D'Agostino asked about the elementary school sitting adjacent to the Brebeuf site. Ms. Clarke said it was a TDSB school. She said the Brebeuf site could accommodate underground parking.

Mr. D'Agostino asked about the location of St. Leonard's. Ms. Clarke said it was geographically central to the area from which St. Joseph's draws students. She said St. Joseph's students come from a much larger area. She said that historically families in the Yonge corridor have sent their children to private schools, but with more condominiums being built the demographic is expected to change. She said in terms of parent priorities, if they can't send their children to private schools, the second choice might be single-gender schools.

Ms. Clarke said that school boards are expecting an influx of elementary aged children to enter the school system. These are the grandchildren of baby boomers.

Mr. D'Agostino reviewed the options of Brebeuf, St. Leonard's and Blessed Trinity.

Ms. Clarke said the Cummer site was not considered at the time, because the property hadn't been purchased.

Ms. Clarke said there was no defined catchment area for schools (other than for JK) and that students could go to the school of their choosing. She said there were no options for Catholic girls in North York.

Mr. D'Agostino questioned the requirements for new development in high growth areas, and how many of the families coming into the area would desire a single-gender school for their daughters.

Ms. Clarke said there were no other options other than going to a TDSB secondary school.

Mr. D'Agostino questioned the cost of acquiring the townhouses.

Ms. Clarke said the cost for the 30 townhouses was estimated at \$26.9m - \$28m. This did not include demolition or construction costs.

RE-EXAMINATION OF MS. CLARKE BY MR. WAQUE

Mr. Waque asked about the enrolment at St. Agnes (next to Brebeuf).

Ms. Clarke said enrolment was increasing and had exceeded capacity at the time of the study, so it was not considered. She said the Tyndale site was ruled out because it was not available as a long term option. She said that in 2012 the Ministry indicated it would not provide funding for a joint school proposal rebuilding Blessed Trinity for St. Joseph Morrow Park and Blessed Trinity together as JK-12 school.

TESTIMONY OF COSTAS CATSAROS

Mr. Costas Catsaros is an architect with 15 (fifteen) years' experience working in the educational field. He was accepted as an expert witness.

Mr. Catsaros discussed the original design for the Cummer site which included a three-storey building, underground parking of 93 stalls, and single access to the site. He said the Board sought a variance from the Committee of Adjustment because the height of 13.32 metres exceeded the bylaw of 9.5 metres. The variance was rejected and that led to the design for a two-storey building. That design allowed for an addition to house 300 student places at a future date. The design also allowed for two access roads (from Bayview and Cummer). It has a regulation soccer pitch that accommodates a field hockey pitch, running track and sprint track.

Mr. Catsaros said the acquisition of the townhouse lands gives the school greater presence and makes it an anchor point for the community.

Mr. Catsaros said the Board hoped to apply for approvals by August 2015. It would take a year to develop final drawings. By late next summer (2016) request for tenders would go out and by September 2016, construction would start. It would take two-years to build the school, making it ready for occupancy in the late spring of 2018. He said the timeline is compressed and ambitious.

Mr. Waque asked whether taking the townhouse lands was required.

Mr. Catsaros said it was.

QUESTIONING OF MR. CATSAROS BY MR. D'AGOSTINO

Mr. D'Agostino asked about Mr. Catsaros' involvement in site selection.

Mr. Catsaros said he'd only looked at the Blessed Trinity option in 2012.

Mr. Waque said that the Blessed Trinity option did not proceed because of lack of funding.

Mr. D'Agostino said there was no funding for the elementary school. He then asked whether, if the variance appeal was approved, were there any other impediments to the plan.

Mr. Catsaros said there were compromises, and that he had advised the Board that the site was not suitably sized for the project, but that he would work around it.

Mr. D'Agostino questioned the exterior appearance of the planned building, and its fit visually with the neighbourhood.

Mr. Catsaros said it was of a different character, but it should stand out.

Mr. D'Agostino went through the various sites and their suitability. These included an option for the joint-use of Blessed Trinity and St. Joseph's, with and without expropriation and with and without underground parking.

Mr. Catsaros said the smaller Cummer site had an under-sized soccer field and track.

RE-EXAMINATION OF MR. CATSAROS BY MR. WAQUE

Mr. Waque asked whether any of the options allowed for a 300 pupil growth.

Mr. Catsaros said they did not. He also said that the current design met or exceeded the template for student loading and pupil place ratios.

TESTIMONY OF PAUL STAGL

Mr. Paul Stagl is an urban planner with 40+ years' experience. He was accepted as an expert witness.

Mr. Stagl said the Yonge-Sheppard corridor is an area of growth identified by the City of Toronto. These areas are identified for community infrastructure planning. He said North York was expected to grow by 40,000 units.

Mr. Waque asked about the process involved in the Cummer site.

Mr. Stagl said the application went through two revisions, and then it went to the Committee of Adjustment. He said the Board held three public meetings about the site. He said a number of issues raised by the community, including concerns about parking, traffic, access, loading, servicing; all having to do with the size and layout of the property and adequate access to it by school buses, parents, garbage trucks.

Mr. Waque asked about the plan that was refused variance.

Mr. Stagl said it wasn't so much the height of the building, as entry and egress points. The solution required a larger area. The smaller site did not allow for traffic permeability, that particularly garbage trucks need to move in a forward motion. He said the larger site allows for easier use by large and small vehicles and bicycles. It orients the building toward the corner and addresses issues of safety and privacy. It also offers a larger playing field and running track. It also has better parking.

Mr. Waque asked about access from Ruth Avenue and Algo Court.

Mr. Stagl said Ruth is not signalized and access from these smaller streets was dismissed by the city because residents were upset by the prospect of more traffic.

Mr. Waque asked about the alternative sites.

Mr. Stagl said Blessed Trinity would require expropriation. It's less accessible. It's not on a corner and it only has one point of access. He said St. Leonard's faces similar challenges. It sits on a corner, but requires expropriation. It is further from the growth area. Brebeuf would have to double-up to accept St. Joseph's. That means an expanded site. The transit is not as good.

Mr. Stagl summarized his views saying the expanded plan is fair, sound and reasonably necessary. It addresses provincial interests regarding public facilities. It is consistent with the city's approved plan. It deals with all the issues raised at the site plan level. The expanded area is reasonable. The original site left concerns, which the larger site addresses including traffic, access and growth. All the Board and municipal issues are addressed.

QUESTIONING OF MR. STAGL BY MR. D'AGOSTINO

Mr. D'Agostino asked whether the Board could still proceed with the three-storey site.

Mr. Stagl said he wasn't recommending against the three-storey proposal, but rather recommending that the expanded site provides a solution.

Mr. D'Agostino asked about the city considering a widening of Cummer and whether that is a viable option for the smaller site.

Mr. Stagl said it might address queuing problems but garbage trucks and buses would still have a problem. He said the Board has discovered there is no solution other than providing a larger site.

Mr. D'Agostino said there was no way of knowing what portion of the new growth area would be separate school supporters. He also asked about the convenience of the Cummer site.

Mr. Stagl said transit is already there and it's more suitable for bicycles.

Mr. D'Agostino asked about residential intensification.

Mr. Stagl said the larger site would result in a diminished residential intensification, but greater community facilities, and it introduces greater land use impact.

Mr. Stagl said the land where the townhouses stand is zoned residential and specifically it is zoned for townhouses only. So there would need to be a revision of the zoning. He said the Cummer site is still the best option. Any other site would have to start from scratch.

Mr. D'Agostino discussed the definition of neighbourhoods and how new development should fit existing neighbourhoods.

Mr. Stagl said the same test does not apply to homes as public buildings. The school can and should be prominent. The official plan means "compatible with" not "same as" neighbourhood.

RE-EXAMINATION OF MR. STAGL BY MR. WAQUE

Mr. Waque asked Mr. Stagl to read from the official plan.

Mr. Stagl read "schools, places of worship .. schools are an integral part of a neighbourhood .. schools will be designed to offer amenities to the community."

END OF EVIDENCE FROM TORONTO CATHOLIC DISTRICT SCHOOL BOARD

Mr. Vine asked whether any unrepresented owners were present who wished to speak.

Ms. Marissa Luchico came forward. She said she was the owner of 3348L Bayview Avenue and that she was present to lend her support to her neighbours.

Dong Qing Deng and Bin Gu, the owners of 3348A Bayview Avenue requested the hearing of necessity, but they were not present during the proceedings and did not submit evidence.

EVIDENCE CALLED BY THE OWNERS REQUESTING THE HEARING

(Notes from the Hearing of Necessity are attached hereto)

TESTIMONY OF FIONA FU

Ms. Fiona Fu is the sole owner of 3348C Bayview Avenue, where she resides with her elderly parents. She said she went to St. Joseph Morrow Park and Blessed Trinity schools. She offered photographs of the community explaining the convenience of the location. She said one of her parents, who lives with her, has a terminal illness and is currently close to medical appointments. She said the taking of lands is unfair and unreasonable and unjust. She said she loves the neighbourhood and wants to raise her children there.

QUESTIONING OF MS. FU BY MR. WAQUE

Mr. Waque asked whether it would be of assistance for her family to stay for an extended period of time.

Ms. Fu answered that she wanted to stay in the neighbourhood. She said of the four owners who had sold, one was downsizing, one was renting and another was bullied.

RE-EXAMINATION OF MS. FU BY MS. KOEV

Ms. Koev asked whether Ms. Fu was willing to relocate.

Ms. Fu said relocating would be very costly

TESTIMONY OF MS. MAHTAB MIRMoeZI

Ms. Mirmoezi and her husband own 3336C Bayview Avenue, where they reside with their son. She said it took her family a long time to find their perfect home. She said the townhouse has three bedrooms, and a three car garage, which is rare for townhouses. She said her son is close to school, and that her in-laws are also nearby and they both rely on Ms. Mirmoezi and help her with the care of their grandson. Ms. Mirmoezi also helps her in-laws because they don't speak English. She said she hadn't been able to find much information on the Cummer site. She said the family had renovated intending to stay for a long time. She said the taking wasn't fair because it's where she lives and it's the first house she's owned in Canada.

QUESTIONING OF MS. MIRMoeZI BY MR. WAQUE

Mr. Waque said that there was a considerable amount of information online about the school site. He asked whether Ms. Mirmoezi had attended any of the public meetings.

Ms. Miroezi said she had attended two of the three meetings.

NO RE-EXAMINATION OF MS. MIRMOEZI BY MS. KOEV

TESTIMONY OF MS. STELLA PUI PUI LEE

Ms. Lee and her husband own 338C Bayview Avenue and reside there with their son, daughter and mother-in-law. She said it took her family two years to find their home. She said it was ideal because it had four bedrooms, each with its own bathroom. She said the neighbourhood is handy for her 85 year-old mother-in-law who can still walk around and do chores. Ms. Lee said she is the Secretary on the condominium board (for the 12 units linked together). She said the first time she realized her home was at risk was at a meeting in July 2013, when the school board presented two options for St. Joseph Morrow Park. She said she was shocked to see that one of options showed the townhouses gone. She said the taking is not fair, sound and reasonably necessary. She said she's a homeowner and doesn't think it's fair to 30 families.

NO QUESTIONING OF MS. LEE BY MR. WAQUE

TESTIMONY OF MR. STEVEN WHITE

Mr. White and his wife own 2228A Bayview Avenue and reside there with their daughter. He said he grew up in the neighbourhood and purchased his home because of the familiarity and convenience of the location. He said it was one of the few places that accepts large dogs. He said the townhouse is a perfect fit for his family. He said he never considered selling to the school board, and doesn't understand why the board didn't stick with option A (which leaves the townhouses). He said the stress of the looming expropriation has taken a toll on his wife. She now suffers from anxiety and panic attacks. She also has recently been diagnosed with a brain tumor and needs extensive treatment and hospital visits. Mr. White said he doesn't even want to consider a move, and that his wife is his primary concern.

QUESTIONING OF MR. WHITE BY MR. WAQUE

Mr. Waque asked whether Mr. White had contributed to the Committee of Adjustment application, had he attended meetings or made submissions.

Mr. White said he had not been able to attend the meetings.

NO RE-EXAMINATION OF MR. WHITE BY MS. KOEV**TESTIMONY OF MS. ANNMEZA SZETO**

Ms. Szeto owns and resides at 3348H Bayview Avenue. She said the location is central and close to amenities. She said she first learned about the possible expropriation at the first meeting when the board displayed Option A and Option B. She said of the 30 affected owners only four have chosen to sell. The remaining 26 want to stay. She said their homes are unique and can't be replaced in the same neighbourhood. She said the board has said that the option of leaving the townhouses makes the site too small for a secondary school, but in fact during a search of the internet she found that 11 (eleven) secondary schools sit on five acres or less and at least 16 (sixteen) sit on 4 (four) acres or less. She discussed the costs involved in some of the rejected sites. She said it's not fair to expropriate when there are other options available. She said to go forward with the larger site on Cummer means re-starting the clock. Going forward with the smaller site would be quicker.

QUESTIONING OF MS.SZETO BY MR. WAQUE

Mr. Waque questioned Ms. Szeto's attendance at the Committee of Adjustment. He said she opposed the minor variance.

Ms. Szeto said at the time she had concerns about the traffic.

Mr. Waque asked whether the owners had considered hiring their own experts, such as planners.

Ms. Szeto said they were homeowners and couldn't afford to hire experts.

RE-EXAMINATION OF MS. SZETO BY MR. D'AGOSTINO

Ms. Szeto described a letter written by then Councillor Mike Delgrande in which he says "the property is too small and the board is undertaking an expropriation plan to acquire more land."

Mr. Waque objected to the question

Mr. D'Agostino said the inquiry was not bound by the rules of evidence.

Ms. Szeto said a traffic engineer had told her the traffic issues into the smaller site could be resolved.

END OF EVIDENCE FROM OWNERS

FINAL SUBMISSION BY TORONTO CATHOLIC DISTRICT SCHOOL BOARD

Mr. Waque said the present journey began in 2007 when the Sisters of St. Joseph sold their land. At that time the Board began searching for a new home of St. Joseph Morrow Park. The Board's first choice was not to expropriate, and that expropriation is not done with enthusiasm, rather out of necessity. He said the Board acquired the Cummer site in 2013. He said the Board considered 19 sites which were narrowed down to three (St. Leonard's, Blessed Trinity, Brebeuf).

Mr. Waque said the first design at the Cummer site (with a 3-storey building) raised concerns about access. The 2-storey plan adds 1.42 acres providing 6.2 acres and allows for growth.

Mr. Waque said the grounds for the taking were to accommodate growth, to relocate St. Joseph Morrow Park. He cited *Grey (County) Hydro Corridor Committee v. Ontario (Minister of Energy)* 12 L.C.R. 193, in which Mr. Justice Grange said "The inquiry officer has no right to look into the merits of those objectives. His jurisdiction is solely to determine whether the taking of the land is "fair, sound and reasonably necessary" in the achievement thereof."

Mr. Waque said the Cummer site is close to the growth centre, and the only way to accommodate growth is to expand St. Joseph Morrow Park. It's the only Catholic girls' school in North York. He said Ms. Clarke noted that it's impossible to expand in developed areas without

expropriation. He said most of the evidence relied on 7 years of work done by the Board. He said the first drawings didn't address growth. When the three-storey option was rejected, it became obvious more land was required.

Mr. Waque said the Board held public meetings. He said the Board still needs site plan approval and that the widening of Cummer is necessary one way or another, but more importantly, the site requires two points of access. He said the expanded site and building design exceeds standards of efficiency and will become a community hub. It's the type of facility that the official plan endorses.

Mr. Waque said it comes down to the consideration of alternatives, and the extent of alternatives in this situation is unusually large. He said three witnesses explained why the Cummer site was the preferred site. He said the sites at St. Leonard, Blessed Trinity and Brebeuf did not accommodate growth. St. Leonard's would require expropriation and fronts on only one main arterial road. Blessed Trinity is also not expropriation-free. It would require two years in planning and is not unoccupied. The Board would have to build another elementary school to replace it. Brebeuf has no vacant land available. The neighbouring St. Agnes is already over-capacity and it has limited road access.

Mr. Waque said the Board's process has been substantive and thoughtful. The owners' book offers 43 tabs which include materials from the public domain. There have been five separate elements of public process. He said the inquiry has heard from owners regarding the fairness of expropriation, but that question is not before the inquiry. That question was decided when the school board was given the right of expropriation. The fact that schools can take land is already decided. He said the board is willing to make one unusual proposal, that the board is willing to let owners stay up to one year, if moving is difficult.

Mr. Waque said the board must accommodate growth. It must proceed with the acquisition of additional land and the witnesses showed the taking is reasonably necessary.

FINAL SUBMISSION BY THE OWNERS

Mr. D'Agostino said there is a viable option without expropriation. There are a number of viable options. The objective of the school board is to obtain a school site for the replacement of St. Joseph Morrow Park and that requires the examination of alternatives.

Mr. D'Agostino said the board actually approved the site at Blessed Trinity in 2010. He said the board has chosen not to have representatives present to provide answers. The board has chosen to withhold evidence. He said the appeal of the decision on the minor variance has been adjourned. If time is of the essence, he asked why was the two-storey option was not pursued. The board at one time said the smaller site was workable.

Mr. D'Agostino said St. Joseph's is a specialty school. It's gender specific and does not have a catchment area. It draws from a wide area. He said the population growth numbers cannot predict how many families could be separate school supporters and how many girls would choose to go to a single-gender school.

Mr. D'Agostino cited *Karn v. Hydro* which says "to ascribe any meaning whatever to this section and particularly the words 'fair, sound and reasonably necessary', it must follow that the inquiry includes the issue of alternative routes."

Mr. D'Agostino said at no time did the board test the other alternatives against Cummer.

Mr. D'Agostino said in 2010 the board considered Blessed Trinity to be the best site. It had the benefits of location (Bayview & Finch) and it was better suited to the students who attend St. Joseph. He said St. Leonard is the most geo-centric, and it's close to transit. He said that the Brebeuf option is troubling, because the expert witnesses were not involved in the school analysis and when a group of parents opposed moving St Joseph to the site, it was taken off the table. The Tyndale site is also troubling because the board has the option of expropriating that land. It can stop the clock through expropriation.

Mr. D'Agostino said, given the options, the taking is not fair, sound and reasonably necessary. The board has not been forthcoming with information. The experts could not speak to the process. The board's objectives can be achieved without expropriation. This is not a last resort.

There is still a decision pending on the appeal of the application for a minor variance. The board cannot rely on growth numbers that do not apply to this school. Economically, the other sites are cheaper than Cummer. The Cummer project without expropriation will cost \$21m, with expropriation it becomes \$53m. It is far and away the most expensive option.

Mr. D'Agostino said the driving force for the board is to relocate St Joseph's. The townhouse owners ought not to pay the price because the board couldn't act soon enough. The board has the ability to stop the clock. He said the board could force Tyndale to negotiate

Mr. D'Agostino asked that the inquiry officer recommend to the approving authority that all owners who are party to the inquiry be paid \$200.00 for costs.

RESPONSE BY TORONTO CATHOLIC DISTRICT SCHOOL BOARD

Mr. Waque said that between the Notice of Grounds and the Notice of Application for Hearing of Necessity, the phrase "expansion" was added. He said the issue of expansion was not examined at Holy Trinity and St. Leonard. He said regarding Freedom of Information, the board will have its own response. He said the other sites are only of academic interest. The Cummer site is the only one that makes accommodation for growth. He said considering the Tyndale site is not practical. The school only uses 25% of the property. The chapel is only available five days a year. Expropriation is not a practical option. Ms. Clarke said the growth expectation is 665 students and 300 would be girls.

Mr. Waque said the board has acted reasonably. It has come to expropriation as a last result. It's a situation that's taken 7-8 years to come to this point.

END OF EVIDENCE AND ARGUEMENTS

NOTICE OF GROUNDS

NOTICE IS HEREBY GIVEN that the Toronto Catholic District School Board (the "Board") intends to rely on the following grounds:

1. The lands to be taken are required for or in connection with the following objectives:
 - (a) to respond to increased and projected increases in student enrolment;
 - (b) to implement the Board school site criteria, policies and procedures;
 - (c) to implement Board Education Development Charges ("EDC") By-Law No. 178;
 - (d) to provide for an area allowing design flexibility including, but not limited to, placement of portables, construction of new buildings and demolition and/or reconstruction of existing buildings;
 - (e) to construct a two storey school building for single gender enrolment;
 - (f) to construct playing fields and green spaces;
 - (g) to construct an underground parking facility;
 - (h) to provide road frontage with access to an arterial road and public transit;
 - (i) to construct a hard surface play area; and
 - (j) to commence construction by 2016 or as soon as possible.

2. The required lands achieve the above objectives, including minimizing costs. In that connection:
- (a) The Board's lease of the existing St. Joseph's Morrow Park Secondary School at 3377 Bayview Avenue will expire June 30, 2015 and is under review to extend to June 30, 2018 at which time no further extensions are available (the "Leased Site").
 - (b) The Board acquired 5.04 acres in 2013 west of the subject properties from the Toronto District School Board ("New Site") to replace the Leased Site;
 - (c) the New Site is significantly undersized and falls below both the Board standard for secondary school sites and the EDC guideline of 1.2 acres per 100 pupils;
 - (d) enrolment at the Leased Site exceeds capacity with no room for expansion or placement of portables;
 - (e) the New Site lies within the catchment area of the Leased Site and is centrally located for planned growth and with expansion can accommodate a growing area population;
 - (f) the New Site is in a catchment area that requires additional facilities and new locations have proven difficult to obtain;
 - (g) there are few alternative opportunities to acquire large parcels without the expropriation and displacement of numerous homeowners by assembling single family homes;
 - (h) to assemble other lands involves complexity, cost and delay;
 - (i) a minor variance application to construct a 3 storey school building on the New Site was refused;
 - (j) alternative sites were considered at 211 Steeles Avenue East and 100 Ravel Road, however these were not viable;
 - (k) acquiring the subject properties together with the New Site provides sufficient area for a two storey building and associated hard surface play areas, playing fields and green areas;
 - (l) acquisition of the Bayview Avenue frontage allows direct access off Bayview and improved site circulation and thus has less traffic impacts on the neighbourhood;
 - (m) acquisition of the Bayview Avenue frontage allows the school site to function more effectively as a community hub offering community access to its indoor gym and theatre facilities and outdoor open space and playing field facilities;
 - (n) site size requirements have been reduced by providing for underground parking which also reduces the impact of use of the site on the neighbourhood;

- (o) overall the acquisition of land in the City of Toronto for new or expanded school sites is proving extremely difficult;
- (p) the inclusion of this site complies with the criteria and policies of the Board with respect to site area and associated amenities;
- (q) construction is expected to start in 2016, therefore, possession of the required land must be attained by late 2015 or as soon as possible; and
- (r) funding through Education Development Charges is already in place to acquire this site.

IN THE MATTER OF THE *EXPROPRIATIONS ACT*

IN THE MATTER OF an Application by the Toronto Catholic District School Board
For Approval to Expropriate Lands for the purpose of acquiring in its jurisdiction a school site in the City of Toronto ancillary and necessary to the expansion of St. Joseph's Morrow Park Catholic Secondary School Site and works ancillary thereto.

AND IN THE MATTER OF a hearing fixed for April 29 and 30 and May 5, 2015 at the hour of 9:30 a.m. in the forenoon at Victory Verbatim, Ernst & Young Tower, 222 Bay Street, Suite 900, Toronto, Ontario M5K 1H6.

**CLOSING SUBMISSIONS
OF THE TORONTO CATHOLIC DISTRICT SCHOOL BOARD
ON THE HEARING OF NECESSITY
FOR
ST. JOSEPH'S MORROW PARK CATHOLIC SECONDARY SCHOOL**

May 5, 2015

**BORDEN LADNER GERVAIS LLP
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Background

1. Toronto Catholic District School Board acquired 500 Cummer Avenue, North York ("Cummer Site") from Toronto District School Board on March 28, 2013. Currently the Board leases a portion of 3377 Bayview Avenue ("Leased Site") from Tyndale University College & Seminary for the purposes of a girls secondary school known as St. Joseph's Morrow Park ("SJMP"). The lease is expiring June 30, 2015, however, is under negotiation to be extended to June 30, 2018 without any further options to renew the lease.

Board Productions, Exhibit 3, Tab 74(c)
Board Productions, Exhibit 3, Tabs 2 and 3

2. Prior to the acquisition of the Cummer Site the Board looked at alternative locations to replace the 800 pupil place leased facility. Around March 25, 2009 the Board had considered as many as 19 options for the replacement the Leased Site. By January 27, 2010 the Board had narrowed this down to 5 options at 3 sites. The alternative locations looked at were St. Leonard, Blessed Trinity and Brebeuf College which for various reasons such as size, funding, pupil spacing and gender enrolment were not suitable replacement sites.

Owner Document Book, Exhibit 8, Tab 27, Page 5 (15 pages in)
Owner Document Book, Exhibit 8, Tab 13, Page 9
Owner Document Book, Exhibit 8, Tab 18, Page 9

3. The Board proposed to construct a 3 storey facility on the Cummer Site with underground parking, a sports field and a single access from Cummer Avenue. In order to construct the 3 storey facility a minor variance would be required from the City of Toronto. On October 17, 2014 the Board made an Application to the Committee of Adjustment for a minor variance to allow the construction of the 3 storey facility. The Committee decision refused the application. The decision has been appealed by the Board and is currently pending.

Board Productions, Exhibit 3, Tab 26
Board Productions, Exhibit 3, Tab 30
Board Productions, Exhibit 3, Tabs 32 and 33

4. The Board proposal for the 3-storey facility on the Cummer Site was also met with concerns that impeded Site Plan Approval, besides the height, regarding access, playing fields, vehicle storage and queuing (PUDO), garbage pick up by City staff and school bus access, the community and other commenting agencies.

Evidence of Paul Stagl, Witness for the Board
Exhibit 12

Board Productions, Exhibit 3, Tab 31 (a) to (m)

5. As a result of the challenges to construct the replacement facility and to accommodate growth, the Board commenced expropriation proceedings to acquire 1.42 acres comprising a remnant parcel, 26 townhouses and appurtenant rights of way (the "Townhouses") to expand the Cummer Site to a total area of 6.40 acres. The Board proposes to construct a 2 storey girls only facility on the expanded site with associated amenities (playing field, two access points and underground parking) thereby alleviating the Board from seeking approval for a minor variance for height and improving the site to provide for solutions to the concerns brought forward by City staff, the community and commenting agencies and thus, assuring Site Plan Approval. Further, the Board's other objective of accommodating growth can be met on the expanded site.

**Exhibit 1, Tab C
Exhibit 7**

Proposed Taking

6. The Board proposes to expropriate 26 townhouses located on the west side of Bayview Avenue between Cummer Avenue and Ruth Avenue. The townhouses lie adjacent to the east limit of the Cummer Site. Of the 26 townhouses, remnant parcel and appurtenant rights of way, 22 townhouse owners requested an inquiry into whether the proposed taking is fair, sound and reasonably defensible to achieve the objectives of the expropriating authority. The remaining 4 townhouse owners did not request an inquiry. The owners of 3348A Bayview Avenue did not participate in the inquiry despite having requested the inquiry.

**Exhibit 7
Exhibit 1, Tab CC and DD**

Leased Site

7. Currently the Board leases a portion of 3377 Bayview Avenue which is owned by Tyndale University College & Seminary for St. Joseph's Morrow Park Catholic Secondary School. The school is for girls only from Grade 9 to 12. The lease expires June 30, 2015. A lease extension is under negotiation between Tyndale and the Board to extend the lease to June 30, 2018. The proposed extended lease provides for an increase in rent, reduced use of exclusive space and no further extensions to the lease. The Board is required to relocate the school.

Board Productions, Exhibit 3, Tabs 2 and 3

8. The Notice of Grounds make it clear that the School Board's objectives in pursuing the Application for Approval to Expropriate are two-fold. First, there is the accommodation of growth. Second, there is the continuance of the long-standing objective of relocating St. Joseph's Morrow Park Catholic Secondary School from its existing location, where it is subject to a time limit. This cannot be further extended. Neither objective is open to review at the Hearing of Necessity.

Notice of Grounds, Exhibit 1, Tab GG

9. As was made clear by Mr. Justice Grange in *Grey (County) Hydro Corridor Committee v. Ontario (Minister of Energy)* 12 L.C.R. 193:

The issue seems to me to revolve around the words at the end of the subsection, viz. "the objectives of the expropriating authority". The inquiry officer has no right to look into the merits of those objectives. His jurisdiction is solely to determine whether the taking of the land is "fair, sound and reasonably necessary" in the achievement thereof.

Grey v. Ontario, 12 L.C.R. 193 at para. 4 – Tab 2, Brief of Cases.

Growth Objective

10. The School Board did not choose growth. Growth by way of intensification is mandated by the Province through a number of policies, including the Growth Plan, which identifies the Yonge Street Corridor, approximately 2 kilometres away from the subject lands as an Urban Growth Centre. To accommodate high school girls not enrolled in specialty arts programs in North York, including pupils generated from the Urban Growth Centre, the only option available to the Board is to accommodate that growth at a relocated site for St. Joseph's Morrow Park School. It has no other high school site available.

**Growth Plan, Exhibit 3, Tab 38, page 65
EDC Background Study, Exhibit 2, Tab 9, page 93**

11. The land that the Board seeks to acquire through expropriation (1.4 acres) is less than the amount of land (3.1 acres) for which Education Development Charges have been collected for the purposes of supporting the purchaser expropriation of the land to accommodate growth.

Background Study, Exhibit 2, Tab 9, page 93

12. As demonstrated by the evidence of Cynthia Clarke, in a built up urban community like the City of Toronto, it is virtually impossible to meet the goal of accommodating growth without the use of the power of expropriation, particularly, when there is a time limit on achieving that goal.

Evidence of Cynthia Clarke, Witness for the Board

13. As Ms. Clarke noted, only 3 of the 19 property acquisition goals as established in the background study to the Education Development Charges Chart By-Law have been met without the use, up to now, of the power of expropriation.

Evidence of Cynthia Clarke, Witness for the Board

14. A large portion of the evidence before the Inquiry Officer focused on the attempts for the last 7 years to find a replacement site for St. Joseph's Morrow Park Catholic Secondary School and the consideration of alternative sites for replacement only. None of that evidence assists the Inquiry Officer as to how other sites might accommodate growth.

The Variance Application

15. The Variance Application represented an attempt by the Board prior to its establishment of accommodating growth as an objective for this expropriation. However, it demonstrates that even without the need to meet the objective of accommodating growth, it is necessary to expropriate the Townhouse Lands in order to proceed with the St. Joseph's Morrow Park relocation project.
16. There was no disagreement in the evidence before the Inquiry Officer that the refusal of the Committee of Adjustment to allow a 3-storey high school building meant that in order to accommodate a 2-storey high school building, the Townhouse Lands would have to be acquired

Minor Variance Application

17. The Board made public presentations on June 19, 2013 and on July 8, 2014 thereby presenting conceptual site plans on the Cummer Site and including the Townhouses. At the first presentation the facility included a 3 storey building, surface parking and a sports field. The second presentation included a 3 storey building, underground parking and a sports field. On October 17, 2014, a Minor Variance Application was made to the

Committee of Adjustment for minor variances to By-Law 7625 for building height and front yard landscaping to permit a 3 storey building on the Cummer Site.

Board Productions, Exhibit 3, Tabs 21, 22 and 26 (a) to (g)

18. The minor variance was refused. The minor variance was not supported by many members of the community including residents of the Bayview-Woods Steeles community and the owners of 3338C Bayview Avenue, a party to this inquiry. Parties to this inquiry did not provide any support to the Minor Variance Application and in one case spoke against the application due to concerns of deficiencies regarding access.

Board Productions, Exhibit 3, Tabs 30, 31(d) and (k)
Evidence of Steve White, Witness for Property Owners
Evidence of Annmeza Szeto, Witness for Property Owners

19. The minor variance refusal has been appealed by the Board, but the matter is adjourned. Because of site plan issues, however, future appeal of the variance will not advance the project, even if it were successful.

Site Plan Approval Issues

20. In addition to the inability to achieve a minor variance, the School Board's attempt to fit the relocation project onto the 500 Cummer Site without the Townhouse Lands was bound to fail to achieve Site Plan Approval.
21. As Mr. Stagl outlined carefully in his evidence, the City of Toronto raised a large number of issues with the Site Plan Application separate and apart from the issue of the height of the high school building, so that even if the Minor Variance was later achieved, Site Plan Approval could not be achieved.

22. These deficiencies are as follows:

1. Traffic and pedestrian access
2. Onsite parking
3. Service vehicles
4. Visual access
5. Adjacent property considerations
6. Garbage pickup
7. Pick up and drop off (loading)
8. Size of sports field

Evidence of Paul Stagl, Witness for the Board
Exhibit 12

23. One of the principal issues with respect to Site Plan Approval had to do with traffic circulation. There was a suggestion in the Owner's evidence, that the traffic circulation issue could be resolved by a widening on Cummer Avenue. The widening on Cummer Avenue would be necessary irrespective of whether there was a development on the 500 Cummer Lands, with or without the Townhouse Lands. More important were questions of access to Bayview and an internal circulation road through the site and promoting traffic to flow from Bayview to Cummer, which is only possible if the Townhouse Lands are acquired.
24. Access to the 3 storey site was only from Cummer Avenue. Residents in the neighbourhood and the City were against access from Ruth Avenue and Algo Court as these are local roads. (City Transportation staff seemed to support this option, but there is no evidence that City Planning supported it.) There is no signalized intersection at Ruth and Bayview Avenue and traffic infiltration into the neighbourhood would result. Accordingly, Mr. Stagl explained that the City prefers access be from an arterial road like Cummer Avenue. Additional access from Bayview Avenue provides for improved site circulation for staff vehicles, busses, student pick up and drop off, loading and service vehicles. Garbage trucks can service the site without having to back up to exit which is much safer.

Evidence of Paul Stagl, Witness for the Board

25. Parking on site was designed underground to save on site space and avoid additional land takings to the west on Algo Court. The cost of underground parking is significant and is being designed for the first time at a secondary school for the Board. This is designed to reduce the land required. The design of the 2 storey building above grade is also very efficient. As Mr. Catsaros testified, the result is a building which is more efficient than the standard set by an expert panel.

Exhibit 4, Tab 25(b)

26. Pick up and drop off areas for cars and buses is improved as there is more space designed for traffic circulation. Access points from Cummer Avenue and Bayview Avenue are designed for two-way traffic.

Evidence of Costas Catsaros, Witness for the Board

27. Visual access is important in terms of safety and recognizability in the community. The building is intended to be offset from the corner of Cummer Avenue and Bayview Avenue with landscape features. Public buildings are scrutinized more for safety. Public buildings open to the street are well received especially when there is a community use

taking place. Public access to the school, gym, theatre and cafeteria facilities would be encouraged and facilitated by this corner location.

Evidence of Paul Stagl, Witness for the Board
Evidence of Costas Catsaros, Witness for the Board

28. Adjacent property owners had concerns with the 3 storey site plan in terms of traffic, height, shadowing, privacy, off-site parking, queuing on streets, noise, building size out of character in neighbourhood, transit capacity, spending of public money and enrolment capacity.

Board Productions, Exhibit 3, Tab 31 (a) to (f), (j), (k), (m)
Evidence of Annmeza Szeto, Witness for Property Owners

29. The 2 storey site plan on the expanded site is expected to alleviate the concerns of these residents. The proposed site will front two major arterial roads at Cummer Avenue and Bayview Avenue both of which are supported by public transit. Transit accessibility is improved through four combined means of access for vehicles, pedestrians and cyclists which is fully supported by Provincial Policy. Funding of the school is provided through educational development charges paid by developers, not the public.

Evidence of Paul Stagl, Witness for the Board
Board Productions, Exhibit 3, Tab 37 (a) and (b)
Board Productions, Exhibit 3, Tabs 9 and 14

School Program Objectives

30. The acquisition of the Townhouse Lands provides for physical education and sports aspects of the school program to be met. Without the Townhouse Lands being acquired, a sports track and usable sprint track cannot be provided. Additionally, the acquisition of the Townhouse Lands permits a larger soccer pitch as well as maintaining the ability to provide for a playing field for field hockey. No challenge was made in the evidence to the value of these school programs or the fact that is demonstrated by Mr. Catsaros that including the Townhouse Lands in the site area allowed these facilities to be developed.

Evidence of Costas Catsaros, Witness for the Board
Evidence of Paul Stagl, Witness for the Board
Exhibit 7

Consideration of Alternatives

31. It is admitted that the consideration of alternatives is an appropriate part of the inquiry before the Inquiry Officer.

32. In this hearing, the Inquiry Officer heard from three independent expert witnesses about the site search and all 3 witnesses agreed that the preferred site was the site proposed by the Board before the Inquiry Officer. The Inquiry Officer also heard from 5 lay witnesses, some of whom referred to portions of the record in which other sites had been commented on by Board staff at various stages in the process.
33. First, it must be said that the record shows that the Board did a thorough and ongoing review of site alternatives, starting with a review of 19 possible sites. Cherry-picking old reports to find comments on the preference for one site or another has limited evidentiary value because:
- (1) Almost all of those comments did not consider the current proposed site because it was not available earlier in the process;
- And,
- (2) None of the comparative comments consider the objective of accommodating growth.

St. Leonard

34. This site has an area of 5.11 acres, essentially the same size as the Cummer Site, at the corner of Leslie Street and Ravel Road in North York. The site is bounded to the north and east by single family residential properties. The site is closed as an elementary school and serves an adult learning centre for English as a second language program.

**Owner Document Book, Exhibit 8, Tab 23, Page 8
Evidence of Cynthia Clarke, Witness for the Board**

35. The site is not a viable alternative to replace SJMP for the following reasons:
1. An expanded site would be required to construct a similar 2 storey facility thereby requiring the expropriation of residential properties.
 2. The planning process to construct the facility would be required to start from the beginning causing considerable delay in constructing the facility before the proposed extended lease expires.
 3. The site is farther away from the North York growth centre as defined in the Provincial Growth Plan that will feed enrolment of SJMP.
 4. The site fronts a major arterial road and a local road, rather than being on the corner of a major arterial and minor arterial road.
 5. The site does not have the same east-west transit service as the Cummer Site.
 6. The site does not qualify for funding through Educational Development Charges (EDC) to construct the facility.
 7. The site does not have space for growth.

Evidence of Cynthia Clarke, Witness for the Board

**Evidence of Paul Stagl, Witness for the Board
Owner Document Book, Exhibit 8, Tab 18, Page 188, Item 9(ii)**

Blessed Trinity

36. This site has an area of 4.95 acres, essentially the same size as the Cummer Site, on the east side of Bayview Avenue just north of Finch Avenue in North York. The site is bounded to the north and south by residential high-rise buildings and to the east by single family residential properties.

**Owner Document Book, Exhibit 8, Tab 23, Page 10
Board Productions, Exhibit 3, Tab 5A**

37. The site is not a viable alternative to replace SJMP for the following reasons:

1. An expanded site would be required to construct a similar 2 storey facility thereby requiring the expropriation of residential properties to the east.
2. The planning process to construct the facility would be required to start from the beginning causing considerable delay in constructing the facility before the proposed extended lease expires.
3. The site was proposed to construct a joint facility for elementary and secondary uses, however, Ministry funding for the elementary school was not approved.
4. The site is not a corner lot making points of access on a single arterial road.
5. The site does not have the same east-west transit service as the Cummer Site.
6. This site is not at a signalized intersection.
7. The site is challenged by sloping topography in the rear in terms of constructing a sports field.
8. The site could only be expanded to 6.1 acres for both joint uses.
9. A site for secondary use only would require the dispersal of current elementary school pupils.
10. The site does not have space for growth.

**Evidence of Cynthia Clarke, Witness for the Board
Evidence of Paul Stagl, Witness for the Board
Exhibit 11
Owner Document Book, Exhibit 8, Tab 30**

Brebeuf College

38. The site is not a viable alternative to replace SJMP for the following reasons:

1. This site is an all boys secondary school and is not intended to become a co-ed facility.
2. This site does not have the capacity to add 800 pupil places.

3. This site does not have enough area to construct a new facility for 800 PP without removing the playing field.
4. The site of St. Agnes elementary school beside this site is already over capacity and will likely be expanded as an elementary school, rather than made available for secondary school use.
5. The site is not permeable in terms of traffic.
6. The site does not have space for growth.

**Evidence of Cynthia Clarke, Witness for the Board
Evidence of Paul Stagl, Witness for the Board
Board Productions, Exhibit 3, Tab 9, Page 93**

Public Process

39. The most important part of public process is this Hearing of Necessity. In presenting the need for the acquisition, the Board exceeded the minimum statutory requirements with respect to disclosure. Further, the lengthy document book prepared by the Owners demonstrates that ample additional information was available in the public domain, particularly, on the Board's website concerning relevant matters, including the search for alternative locations.

Exhibit 8, Tabs 1 to 43

40. Immediately prior to the Hearing of Necessity, there was a public hearing in the form of a Minor Variance Application, which as described below, fully exposed the issues with relying on the site without the Townhouse Lands included. Even some of the Townhouse Owners themselves, as highlighted below, objected to the project proceeding highlighting the need for a larger site. As the productions of the School Board indicates, the Minor Variance Application was well attended and led to both disclosure of the Board's plans and documented public response to it.

Exhibit 4, Tabs 24(a) to (g) and Tabs 27, 28, 29, 30 and 31 Tabs (a) to (m)

41. Prior to the Hearing of Necessity, the Board held a number of public meetings to discuss the options for the subject site. As the Owner's evidence highlighted, the option of expropriation was discussed at public meetings as early as June of 2013, when Concept A and Concept B were discussed.

Exhibit 8, Tab 40; Exhibit 4, Tab 21

42. In fact, the Board held a second public meeting in July of 2013, to respond to public requests for additional disclosure.

Exhibit 4, Tab 22

43. While the objective of addressing its growth requirements through expropriation is new, with the Notice of Application for Approval to Expropriate, there is ample public process with respect to the growth issue and the need to expand to acquire new land to facilitate both the relocation of St. Joseph's Morrow Park School and to accommodate growth. This is demonstrated through the public process that surrounded the passage of the Development Charges By-Law and the detailed references to St. Joseph's Morrow Park Catholic Secondary School and the cost of acquiring the Townhouse Lands is explicitly set out in the Education Development Charge Background Study, in the references

Exhibit 3, Tabs 9 to 15

Exhibit 3, Tab 9, page 93 and page 61.

The Test for the Inquiry Officer

44. The evidence of the Owners focussed on the question of fairness from their perspective. As one of the witnesses succinctly put it in answer to the question as to whether or not the taking was fair "forcing someone out, the acquisition by expropriation, is never fair". The essence of expropriation is compulsory taking, or taking without the consent of the owner. Instinctively, the Owner always feels that this is not fair. If the Owner's feelings in this regard were the test for fair, sound and reasonably necessary, then every time an owner objected to a compulsory taking, the test would not be met.
45. Rather than focus on each word in the test, the approach approved by the Courts is to focus on the overall test of whether the expropriation is reasonably defensible. As confirmed by Mr. Justice Cory as he then was in re: *Parkins and The Queen*, in reference to the fair, sound and reasonably necessary test:

"I agree that it is pointless to analyze each adjective. The test suggested by Mr. Morden, that is to say, having regard to the objectives of the expropriating authority is this expropriation reasonably defensible, is in my opinion one that can and should be considered and applied by an inquiry officer."

Parkins and The Queen, 13 L.C.R. 306 at 315, confirmed by the Court of Appeal in Parkins v. R, 14 L.C.R. 327.

Case Brief Tab 6

Other Concerns of the Owners

46. While most of the Owners' concerns can be addressed by way of compensation to assist them in relocating, the Board notes that there are some cases of extenuating circumstances with respect to the difficulty in relocation. Because the Board can defer demolition of the Townhouses during the remaining planning and development process, the Board indicates to the Inquiry Officer its intention to accommodate Owners who wish

to remain on site as long as possible. Conceivably, possession could be extended for up to a year to accommodate those Owners who would be challenged by a quick relocation effort. If the Inquiry Officer recommends approval for the expropriation, the report made by staff to the Board will recommend offering an opportunity for extended possession after the Expropriation Plan is filed if requested by the Owners.

Summary

47. The Board needs to replace an 800 pupil place secondary school due to the expiry of a lease on the existing school site while planning for growth to accommodate 1100 pupil places. The proposed taking of the Townhouses will expand the Cummer Site owned by the Board. It is centrally located in an area recognized for intensification in the Provincial Growth Plan. The site is located in an area where development is planned for 20,000 new housing units.

Evidence of Paul Stagl, Witness for the Board Evidence of Cynthia Clarke, Witness for the Board

48. Alternatives were considered by the Board and determined not to be viable for reasons of inadequate size, access, transit and funding. All of these alternatives were considered prior to the Cummer Site being available for purchase by the Board. Once acquired the Board had a viable alternative and designed a 3 storey facility. Due to the height of the building the Board made an application for a minor variance which was refused. Notwithstanding the refusal, there were other concerns with the site plan regarding traffic circulation, safety, use by service vehicles, access and pick up and drop off. Acquiring the Townhouses is expected to alleviate these other concerns as well as allowing the Board to construct a 2 storey facility thereby not needing a minor variance approval. Further, the expanded site provides for growth.
49. The proposed 2 storey facility includes amenities like a gym, theatre and sports field and track which are amenities that can be used by the public thereby enhancing the community and conforms with City policy.

Exhibit 13

50. The public was engaged throughout the process and have commented, mostly opposing the 3 storey site plan. City staff have commented as well. Their concerns can be resolved by the expanded site. The Board produced 3 expert witnesses who each identified the various deficiencies with the alternative sites and providing supporting evidence for the proposed taking of the Townhouses. The parties who requested this inquiry have not provided any evidence from expert witnesses who can support their opposition to the proposed taking or respond to the Board's expert witnesses.

51. For these reasons the Board submits that the proposed taking is fair, sound and reasonably defensible in achieving the objectives of the expropriating authority.

Respectfully submitted,

A handwritten signature in black ink, consisting of a horizontal line with a small upward curve at the right end.

Stephen F. Waqué

**IN THE MATTER OF THE EXPROPRIATIONS
ACT**

IN THE MATTER OF an Application by the Toronto Catholic District School Board for Approval to Expropriate Lands for the purpose of acquiring in its jurisdiction a school site in the City of Toronto ancillary and necessary to the expansion of St. Joseph's Morrow Park Catholic Secondary School Site and works ancillary thereto.

AND IN THE MATTER OF a hearing fixed for April 29 and 30 and May 5, 2015 at the hour of 9:30 a.m. in the forenoon at Victory Verbatim, Ernst & Young Tower, 222 Bay Street, Suite 900, Toronto, Ontario M5K 1H6.

**CLOSING SUBMISSIONS
OF THE TORONTO CATHOLIC
DISTRICT SCHOOL BOARD
ON THE HEARING OF NECESSITY
FOR
ST. JOSEPH'S MORROW PARK
CATHOLIC SECONDARY**

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ADDITIONAL CLOSING SUBMISSIONS

The submissions were as follows:

1. The scope of discovery is established by the *Expropriations Act* itself: read Section 7(3).
2. The Board exceeded those requirements and produced 4 volumes in hard copy of productions.
3. The Owners gather another large volume of materials from the Board web site and other public sources.
4. There has been 5 substantive public processes around this matter:
 - (a) The EDC By-law process;
 - (b) The numerous Board meetings concerning the replacement site from 2009 forward;
 - (c) The non-statutory public meetings in July and August, 2013;
 - (d) The Minor Variance public hearing;
 - (e) This Hearing of Necessity.
5. The Cases are Clear: the Inquiry cannot be impugned on issues of production if the Statute is followed: *Ball Vs Hydro*, Tab 4, Case Brief, page 9, Para 33.
6. The specific issue of waiting for an FOI search has been considered in the *Bezic* case at Tab 8, page 3; the *Davis Drive* case at Tab 11, page 6; and the *York District School Board* case at Tab 13, page 2. In each case, the motion to adjourn has been refused.
7. The motion was properly refused here and a Hearing as contemplated by the *Act* was conducted.

IN THE MATTER OF THE EXPROPRIATIONS ACT

IN THE MATTER OF an application by Toronto Catholic District School Board for approval to expropriate lands for the purpose of acquiring in its jurisdiction a school site in the city of Toronto ancillary and necessary to the expansion of St. Joseph's Morrow Park Catholic Secondary School Site and works ancillary thereto.

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OUTLINE OF SUBMISSIONS OF THE OWNERS

May 5, 2015

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OUTLINE OF SUBMISSIONS OF THE OWNERS

1. If there is a viable option that meets the Toronto Catholic District School Board's ("Board") objectives without the need to expropriate, it cannot be said that the proposed expropriation is "fair, sound and reasonably necessary" in accordance with Subsection 7(5) of the *Expropriation Act*, R.S.O. 1990, c. E. 26 ("Act").

2. It is evident from the record that there are a number of viable options available to the Board that would enable it to achieve its stated objective "to acquire a school site ancillary and necessary to the expansion of St. Joseph's Morrow Park CSS ("SJMP")" without the need to expropriate any land.

3. During various stages of the accommodation review process, the Board has deemed each of the following to be suitable options for the achievement of its objectives:

- Blessed Trinity;
- St. Leonard;
- Brebeuf / St. Agnes; and
- the current SJMP site.

4. The Board chose Blessed Trinity as a replacement site in June of 2010. None of these options require expropriation. Notwithstanding, the Board has chosen not to provide the Inquiry Officer with relevant evidence related to these other options. In fact, the Board has acted swiftly (and without the consent of the majority of owners requesting this hearing) to secure a hearing date for this inquiry that precedes the statutory deadline to respond to two Freedom of Information requests (made March 24, and April 9, 2015) seeking information from the Board pertaining to the above-noted options.

5. To date, the Board has not responded to either request for information despite a letter sent to Mr. Waqué by Thomson, Rogers on April 15, 2015, notifying him of the Freedom of Information requests and demanding a response to those requests before the commencement of this inquiry. Where the Board, and its counsel, so choose to withhold relevant evidence from the hearing officer and the affected owners related to alternative options that do not require expropriation, it cannot be said that the taking is fair, sound, or reasonably necessary.

6. Additionally, there is a pending OMB hearing that will determine whether the Board is able to develop a 3-story school on the 500 Cummer Avenue site based on a site plan that also does not require expropriation. An appeal of the Committee of Adjustment's rejection of the three-story building was scheduled to commence at the Ontario Municipal Board ("OMB hearing") on May 6, 2015. The Board has successfully moved to adjourn the OMB hearing but has not abandoned it.

7. If timing is truly a critical concern for the Board, it is unclear why it would adjourn the OMB hearing. The Board has already completed substantial work in terms of its site plan approval application and zoning variances of a school site plan on 500 Cummer Avenue that does not require expropriation. As evidenced by the Board's planner, Mr. Stagl, the Board and City have gone through a number of submissions in this regard. As stated by Annmeza Szeto ("Ms. Szeto"), the City appears to be open to approving the application subject to some minor modifications that address traffic concerns. It would therefore have been more prudent for the Board to adjourn this hearing and pursue a decision at the OMB, where a more balanced outcome that accounts for all party interests could have been obtained.

8. For these reasons and the reasons that follow, it is not fair, sound, or reasonably necessary for the Board to displace the 33 owners ("Owners") and their families from their one-of-a-kind homes ("Subject Lands") identified in attached Schedule A in order to achieve its objective.

A. The Board's objective is not limited to a particular school site; rather, its objective includes the consideration of any school site in the City of Toronto

9. Subsection 7(5) of the Act, requires an inquiry officer to inquire into whether the taking of the lands of an owner or of more than one owner of the same lands is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority.

10. The Board's objective is clearly stated in the Notice of Application for Approval to Expropriate Land, dated February 4, 2015, which states that it proposes to expropriate the subject lands "for the purpose of acquiring in its jurisdiction a school site in the City of Toronto ancillary and necessary to the expansion of St. Joseph's Morrow Park Catholic Secondary School site and works ancillary thereto." Counsel for the Board has attempted to limit the scope of this objective in paragraph 1 of the Notice of Grounds.

11. Notwithstanding, in accordance with subsection 7(6) of the Act, the inquiry officer is only required to opine on the merits of the application for approval.

12. Therefore, the only objective that we ought to be concerned with for the purposes of this hearing is the objective outlined in application for approval; namely, the Board's acquisition of a school site in the City of Toronto ancillary and necessary to the expansion of SJMP.

B. Alternative Options Must Be Considered

13. The Court of Appeal has stated that in order to ascribe any meaning to s.7(5) of the Act "and particularly the words 'fair, sound and reasonably necessary,' it must follow

that the inquiry includes the issue of alternative routes. To eliminate this question from the inquiry would almost negate the inquiry.” See attached TAB 1: *Karn v. Ontario Hydro*, 1977 CarswellOnt 1090, 11 L.C.R. 1 (O.C.A.) at para. 7.

14. Evidence of alternative designs or options intended to implement the objectives of the expropriating authority is relevant to the inquiry; particularly where those alternatives would reduce the scope of the taking. See attached TAB 2: Waque 10-38 citing *Crozier v. Ontario (Minister of Transportation)*, an unreported decision heard December 4, 5, and 7, 2000.

C. There are a number of alternative sites, which are preferable to the 500 Cummer Avenue site and would meet the Board’s objectives without the need to expropriate any lands.

i. Blessed Trinity site (3205 Bayview Avenue):

- Board, through consultation with community, has considered a range of options with respect to utilization of site for achievement of its stated objectives without the need to expropriate. For example, see Exhibit 8, Tab 24, lower page 34, where options include:
 1. A new SJMP secondary school at site, with closure of existing elementary school at site and:
 - a. Redirection of students to neighboring schools; or,
 - b. Blessed Trinity students redirected to expanded St. Gabriel; or,
 2. A new JK-12 secondary school at site with:
 - a. Co-ed elementary school and grades 9-12 female single gender secondary school; or
 - b. JK-12 female single gender secondary school with elementary boys redirected to proximate schools.
- On June 16, 2010, the Board approved a recommendation that (subsequent to Ministry approval and financial capacity) the Director of Education proceed with the design and construction of a JK-12 school facility on the site to include an 800 pupil-place all-girls secondary school to accommodate the SJMP school population, and that there be a 285 pupil place co-ed elementary replacement for Blessed Trinity (see Ex. 8, Tab 27, Page 5). The Board continued to be committed to this option through 2011 and early 2012, as evidence by Ex. 8, Tab 30 and Ex. 11.

- The site is located near the intersection of Bayview Avenue and Finch Avenue, with superior access to frequent transit service and the hydro corridor (for those riding bikes to school) compared to Cummer site;
- This is the second-most geocentric option; egocentricity being one of the factors considered by the Board when considering possible school sites for SJMP. The first-most geocentric option being St. Leonard;
- The site is equally proximate to the Yonge Street growth corridor as the Cummer site, but is closer to the Sheppard / Yonge intersection, which is the busiest and most critical growth area in North York.
- A shortage of funding for redevelopment of the elementary school appears to be the only reason why this project did not go ahead as the Ministry approved funding for the secondary school (SJMP) portion of the project (see Ex. 8, Tab 30) because the Board chose not to bring an informed witness from the Board refused to answer our FOI request there is no evidence to support the contention that the secondary school only portion with elementary students disbursed would not be the most viable option for the relocation of SJMP;
- By Ms. Clarke's own admission, the enrollment numbers at Blessed Trinity are declining and expected to continue declining to as low as 118 pupils in 2018 (see Tab 9, Page 85, Line 87 of Exhibit 3 for exact numbers). This suggests that it would be fairly easy to retain a number of the female pupils at SJMP (Blessed Trinity location) and disperse the rest of the student population to neighboring schools – a far more effective solution than having to permanently displace the Owners from their homes;
- The FIT study, dated May 22, 2012, overseen by the Board's architect, identifies site as viable without need for expropriation.

ii. St. Leonard site (near Finch and Leslie):

- Most geo-centric site with respect to existing SJMP student population (Ex. 8, Tab 14, bottom p. 20);
- Chosen by the Board's Staff as the preferred site in March 2009 for being "superior in all assessments" including for being the least costly option, and for prospect of development being completed in the shortest time (see Ex. 8, Tab 14, bottom p. 17);
- As stated by Fiona Fu ("Ms. Fu"), owner and former SJMP student, this site is preferable to the 500 Cummer site because of its greater proximity to more frequent transit along Finch Avenue; the Old

Cummer Go station (with parking); and access to public services such as the Cummer Park Community Centre and Toronto Public Library;

- Additionally, this site is better able to handle the traffic generated by the new school because the site is located on the northbound side of Leslie Street, and so would not contribute to Highway 401 congestion going south, as is the case with the Cummer site.

iii. Brebeuf / St. Agnes site (211 Steele Avenue East):

- This site was identified and considered as an option by the Board on the bases that it has a lower construction cost attached to it. The large site and the fact that the site did not require a formal accommodation review were also considered as advantages of the site (see Ex. 8, Tab 14, bottom p. 17).
- The site also features easy access to more frequent transit services along Steeles Avenue than the 500 Cummer site provides.
- Notably, it appears that the site was ultimately abandoned by the Board because of significant local concerns expressed by the St. Agnes and Brebeuf communities (see Ex. 8, Tab 18, bottom p. 188). It is entirely unfair for the Board to heed the concerns of that community over the concerns of the Owners in this hearing.

iv. Tyndale / Current SJMP site (3379 Bayview Avenue):

- Based on communications and reports from the Board, remaining on the current SJMP premises was considered a viable option (see Tabs 9 and 13 of Exhibit 8). None of the Board's witnesses could speak to why this site ceased being a longterm option;
- As stated by Ms. Fu, the site is preferable for its unique and iconic character, location near Steeles Avenue (where frequent transit service is easily accessible), and the privacy created by the surrounding open space;
- The site has previously been able to comfortably accommodate a larger enrollment number than currently exists. As such, it is not evident from the record why the Board has not pursued this option more intently. At the very least, the Board ought to expropriate the area currently housing SJMP as a temporary easement until a suitable replacement has been found.

15. Given all 4 of the above-outlined options, displacing 33 homeowners and their families cannot be considered fair, sound and reasonably necessary. Clearly it is possible for the Board to acquire a school site that achieves the Board's objectives without the need to demolish 30 highly desirable townhomes.

16. Any opinion regarding the merits of the application for approval ought to account for the fact that the Board did not produce any witnesses that were qualified to speak to the alternative options. Specifically, none of the Board's witnesses:

- were part of accommodation review process that considered above alternatives in detail;
- could speak to why the Blessed Trinity, St. Leonard, Brebeuf / St. Agnes, and Tyndale sites were ultimately rejected or advise whether the 500 Cummer site was considered in relation to those alternatives.

17. Based on the evidence produced by the Board, none of the alternative options appear to have played any role in the decision making process that led the Board's conclusion that an expanded 500 Cummer site, which includes expropriation, was reasonably necessary in order to achieve its stated objective.

D. Even if the SJMP expansion were to be built on the 500 Cummer Avenue site, the Board's objectives can be achieved without the need to expropriate.

- i. The Board has failed to adduce any actual evidence to support the level of expansion that has been proposed**

18. As stated by Board Trustee John Del Grande in Exhibit 15, "we can absolutely build and make work what we need on the property we own ... expropriation is a very last resort [...] I am not in favour of removing residents for the mere sake of a sports field."

19. Notwithstanding Del Grande's assurances, the Board is currently proposing an 1100 pupil school site, with the development of an 800 pupil school that has a 300 pupil addition capacity;

20. No evidence has been adduced to sufficiently justify the need for space beyond 800 pupils and no timeframe has been provided for when the construction of a 300 addition would commence or when it would actually be needed;

21. According to the Board's architect, he has consistently been asked to design a school site with up to 800 pupils;

22. It is inappropriate to rely on the expected growth along the Yonge / Sheppard and Yonge / Finch growth centers as a basis for increased enrollment numbers at SJMP because, as Ms. Clarke states, the pupils attending SJMP come from across the City; not just one specific area. This is primarily due to the fact that SJMP is a single gendered school and is not bound by a specific catchment area. Proximity to new housing is

therefore irrelevant for the purposes of determining projected enrollment numbers at SJMP;

23. Ms. Clarke admits that there are "tremendous variables" in the calculation of enrollment numbers. She also admits that there is "no legislated bridge" between the Education Development Charges By-law and the Board's decision on how to accommodate or allocate pupils. Ms. Clarke further admits that the additional 669 pupils she projected as a result of expected growth along the Yonge corridor will not necessarily end up at SJMP.

E. Contrary to paragraph 2 of the Notice of Grounds, the proposed taking amounts to the most expensive option for the purposes of achieving the Board's stated objective. As such, the proposal to expropriate is founded on unsound financial practices and is not reasonably defensible.

24. At paragraph 2 of the Notice of Grounds, it is stated that one of the objectives med by the acquisition of the Subject Lands is "minimizing costs."

25. According to the evidence adduced by Ms. Szeto, the proposed project on the Cummer site is the most expensive option (*see Charts estimating cost of developing school on various alternative sites at Ex. 8, Tab 14, bottom p. 88, and Tab 18, bottom p. 193*).

26. In summary:

Option	Board's Estimated Cost (Range)	Comments
Blessed Trinity Site (SJMP only; former Blessed Trinity Students consolidated w/ St. Gabriel)	\$16,872,227 - \$21,918,484	*Based on 2010 amounts.
Blessed Trinity Site (SJMP combined with Elementary School)	\$26,835,656	* Based on 2009 amounts.
Blessed Trinity Site (SJMP only)	\$20,780,000	* Based on Exhibit 11, architect drawings Option 5(a) dated May 2012
St. Leonard Site (SJMP only)	\$23,194,151 - \$23,389,246	*Based on 2009/10 amounts.
Tyndale Site (Temporary Easement)	N/A	- Range between current and expected cost of annual rent to 2018: \$456,170 - \$600,000 annually.
Brebeuf / St. Agnes Site (Co-located secondary / elementary)	\$23,389,246	*Based on 2009 amounts.

Brebeuf / St. Agnes Site (SJMP only)	\$23,620,396 – \$30,833,492	* Based on 2009 amounts vary depending on where elementary population relocated.
500 Cummer Site (no expropriation)	\$21,507,575	*Calculated at \$205 per sq. ft. in today's dollar amount for a total of 104,915 sq. ft. (evidence of Board's architect)
500 Cummer Site (with expropriation)	\$21,788,630 + cost of townhouse acquisition + cost of underground parking	Total = Over \$53 million

F. It is unfair to force the Owners out of their homes due to the Board's failure to secure a suitable school site in a timely fashion.

27. It is evident that the main driving force behind this expropriation is the need to for the Board to secure a space for SJMP before its current lease with Tyndale expires. This consideration cannot and ought not to be deemed as sufficient for the purposes of the "reasonably necessary" test;

28. Owners should not have to pay the price for Board's poor management practices; particularly when other viable options are still available;

29. As evidenced by all of the Owners' testimonies, they would suffer significant non-compensable losses if they were forced to leave their homes. None of the Owners are interested in selling their homes for a variety of reasons, including but not limited to the unique size of the townhouses, the particular location of the homes (such their proximity to Sunnybrook and to family members), the quality of the neighborhood, and the need to stay put for health reasons.

30. As a result, the better solution for the Board's time constraint would be to temporarily expropriate easement representing area of current SJMP site until in order to allow sufficient time to find a suitable location for the school site and/or to obtain any requisite municipal approvals for development of a school where no expropriation is required.

31. The owners request maximum amount of costs in accordance with the Act.

SCHEDULE "A"

LIST OF THOMSON, ROGERS CLIENTS AND THEIR RESPECTIVE LANDS

No. of House-holds	Owner(s) / Title Holder(s)	Municipal Address & Legal Description of Lands Being Expropriated in the City of Toronto
1.	Fiona Miao Fu	3348 Bayview Avenue – Unit C 10024-0202 (LT) being Part of Lots 4 and 5 on Plan 4180 North York designated as Parts 5, 40, 49 and 50 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984418
2.	Anity Tsun-Min Chang Liao	3348 Bayview Avenue – Unit E 10024-0200 (LT) being Part of Lots 5 and 6 on Plan 4180 North York designated as Parts 7, 38, 53 and 54 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984420
3.	Annmeza Szeto, and James Szeto	3348 Bayview Avenue – Unit H 10024-0197 (LT) being Part of Lots 6 and 7 on Plan 4180 North York designated as Parts 12, 35, 59 and 60 on Plan 64R-15130, City Of Toronto, subject to and together with easements as in TB984423

4.	Mary Joseph Chakkalackal	3348 Bayview Avenue – Unit J 10024-0195 (LT) being Part of Lot 7 On Plan 4180 North York designated as Parts 14, 33, 63 and 64 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984425
5.	Flora Yi Man Ken, and Joe Lau Tai Ip	3348 Bayview Avenue – Unit N 10024-0191 (LT) being Part of Lot 8 on Plan 4180 North York designated as Parts 20, 29, 71 and 72 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984429
6.	Lai Fun Brenda Chan	3348 Bayview Avenue – Unit O 10024-0190 (LT) being Part of Lots 8 and 9 on Plan 4180 North York designated as Parts 21, 28, 73 and 74 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984430
7.	Leung Hang David Lee, and Yuk Yee Jeanne Chiu	3348 Bayview Avenue – Unit R 10024-0187 (LT) being Part of Lot 9 on Plan 4180 North York designated as Parts 24, 25 and 79 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984433

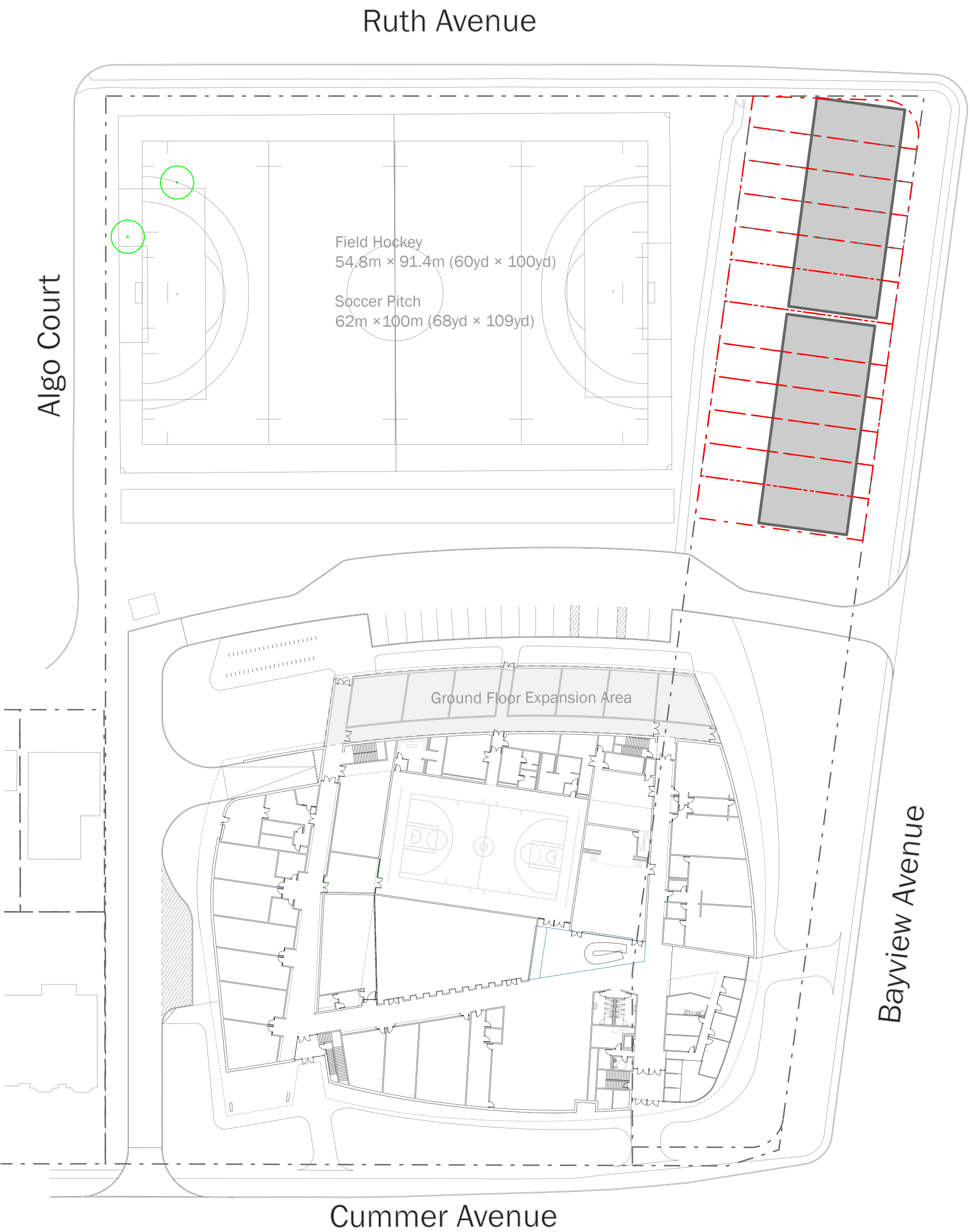
8.	Shu-Shin Shen	<p>3340 Bayview Avenue – Unit B</p> <p>10024-0363 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 10 and 28 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto.</p>
9.	Hui Ling Liu, and Xiang Ping Zhang	<p>3340 Bayview Avenue – Unit C</p> <p>10024-0364 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 11 and 29 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part-Of Lots 1, 2 and 3, on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto</p>
10.	Yuan Peng Zhao, and Chun Lan Luo	<p>3340 Bayview Avenue – Unit D</p> <p>10024-0365 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 12 and 30 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto</p>

11.	Kathleen Shinn, and Steven White	3338 Bayview Avenue – Unit A 10024-0358 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 5 and 23 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
12.	Jiani Xi, and Xiaoyan Zhou	3338 Bayview Avenue – Unit B 10024-0358 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 6 and 24 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 of Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
13.	Stella Pui Pui Lee, and Philip Wing-Chan Lee	3338 Bayview Avenue – Unit C 10024-0360 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 7 and 25 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

14.	Vinay Verma, and Purti Papneja	3338 Bayview Avenue – Unit D 10024-0361 (LT) being Part of Lots 2 and 3 on Plan 4180 designated as Parts 8 and 26 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
15.	Dae Seong Park, and Chanae Suck	3336 Bayview Avenue – Unit A 10024-0354 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 1 and 19 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
16.	Jianhua Zhang	3336 Bayview Avenue – Unit B 10024-0355 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 2 and 20 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT357427, City of Toronto

17.	Mahtab Mirmoezi, and Shahin Shokatpour Torab	3336 Bayview Avenue – Unit C 10024-0356 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 3 and 21 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration.No. AT397427, City of Toronto
18.	Navid Mehrasa	3336 Bayview Avenue – Unit D 10024-0357 (LT) being Part of Lots 1 and 2 on Plan 4180 designated as Parts 4 and 22 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
19.	Mark Lin	3348 Bayview Avenue – Unit Q 10024-0188 (LT) being Part of Lot 9 on Plan 4180 North York designated as Parts 23,26, 77 and 78 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984432
20.	Ademola Laoye and Adekemi Laoye	3348 Bayview Avenue – Unit G 10024-0198 (LT) being Part of Lot 6 on Plan 4180 North York designated as Parts 10, 11, 36, 57 and 58 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984422

21.	Yue Zhao	3340 Bayview Avenue – Unit A 10024-0362 (LT) being Part of Lots 2 and 3 of Plan 4180 designated as Parts 9 and 27 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
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APPENDIX ‘D’

Reasons for the Decision to Approve the Expropriation with Modifications

- (a) Acquiring part of the proposed expropriation avoids further delay and risk of lack of success that would result if the Board proceeded to the OMB to appeal the minor variance;
- (b) Acquiring part of the proposed expropriation responds to the inquiry officer’s recommendations in part;
- (c) Acquiring part of the proposed expropriation leaves the school site with an undersized playing field, a clear loss of a public interest which is accepted in light of the private interests brought to the attention of the Board by the inquiry officer’s report;
- (d) The Board further responds to the inquiry officer’s report by accepting the recommendations with respect to costs and to the offer of extended possession;
- (e) The Board directs staff to seek reasonable arrangements to accommodate expropriated owners by offering leases or other appropriate interest in the 3 Townhouse units it owns as a result of voluntary acquisition, which units are not located in the Blocks to be expropriated;
- (f) The Board’s lease of the existing St. Joseph’s Morrow Park Secondary School at 3377 Bayview Avenue will expire June 30, 2015 and is under review to extend to June 30, 2018 at which time no further extensions are available (the “Leased Site”);
- (g) The Board acquired 5.04 acres in 2013 west of the subject properties from the Toronto District School Board (“New Site”) to replace the Leased Site;
- (h) the New Site is significantly undersized and falls below both the Board standard for secondary school sites and the EDC guideline of 1.2 acres per 100 pupils;
- (i) enrolment at the Leased Site exceeds capacity with no room for expansion or placement of portables;
- (j) the New Site lies within the catchment area of the Leased Site and is centrally located for planned growth and with expansion can accommodate a growing area population;
- (k) the New Site is in a catchment area that requires additional facilities and new locations have proven difficult to obtain;

- (l) there are few alternative opportunities to acquire large parcels without the expropriation and displacement of numerous homeowners by assembling single family homes;
- (m) to assemble other lands involves complexity, cost and delay;
- (n) a minor variance application to construct a 3 storey school building on the New Site was refused;
- (o) alternative sites were considered at 211 Steeles Avenue East and 100 Ravel Road, however these were not viable;
- (p) acquiring the subject properties together with the New Site provides sufficient area for a two storey building and associated hard surface play areas, playing fields and green areas;
- (q) acquisition of the Bayview Avenue frontage allows direct access off Bayview and improved site circulation and thus has less traffic impacts on the neighbourhood;
- (r) acquisition of the Bayview Avenue frontage allows the school site to function more effectively as a community hub offering community access to its indoor gym and theatre facilities and outdoor open space and playing field facilities;
- (s) site size requirements have been reduced by providing for underground parking which also reduces the impact of use of the site on the neighbourhood;
- (t) overall the acquisition of land in the City of Toronto for new or expanded school sites is proving extremely difficult;
- (u) the inclusion of this site complies with the criteria and policies of the Board with respect to site area and associated amenities;
- (v) construction is expected to start in 2016, therefore, possession of the required land must be attained by late 2015 or as soon as possible; and
- (w) funding through Education Development Charges is already in place to acquire this site.

APPENDIX 'E'

TORONTO CATHOLIC DISTRICT SCHOOL BOARD

RESOLUTION

Moved by:

Seconded by:

RECOMMENDATION

RESOLUTION

Moved by:

Seconded by:

WHEREAS the Toronto Catholic District School Board (the "Board") required all right, title and interest in the lands more particularly described in Schedule "A" (the "Lands") appended hereto for the purpose of a school site in the City of Toronto ancillary and necessary to the expansion of St. Joseph's Morrow Park Catholic Secondary School Site and works ancillary thereto;

AND WHEREAS the Board approved making an Application for Approval to Expropriate Land pursuant to a resolution dated January 22, 2015 for the Lands and on February 6, 13 and 20, 2015 published a Notice of Application for Approval to Expropriate Land in the local newspaper having circulation in the area of the Lands and on February 4, 2015 served the said Notice upon the registered owners;

AND WHEREAS the owners of some of the Lands described in Schedule "B" attached hereto requested an inquiry or later became a party to that inquiry to determine if the taking is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority;

AND WHEREAS an inquiry was held on April 29 and 30 and May 5, 2015 with respect to the Lands in Schedule B to determine if the taking is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority;

AND WHEREAS the Board has received the report of the inquiry officer David R. Vine dated June 9, 2015 attached hereto as Schedule "E" wherein the inquiry officer found that the proposed taking is not reasonably defensible in the achievement of the Board's objective and made such recommendations for consideration by the Board;

AND WHEREAS in accordance with subsection 8(1) of the Expropriations Act the "approving authority shall consider the report of the inquiry officer and shall approve or not approve the proposed expropriation or approve the proposed expropriation with such modifications as the approving authority considers proper, but an approval with modifications shall not affect the lands of a registered owner who is not or has not been made a party to the hearing.";

AND WHEREAS the Board has considered the report of the inquiry officer and made such

modifications to the proposed expropriation it considers proper and has decided to reduce the proposed expropriation of the lands in Schedule "A" and only approve the expropriation of the lands in Schedule "C" for the reasons set out herein in Schedule "F";

AND WHEREAS the owner of the land described in Schedule "D" did not request an inquiry and did not subsequently participate as a party to the inquiry, the Board has agreed to approve the expropriation of this land with modifications it considers proper, however is prepared to expropriate all of the land in Schedule "D" at the option of the registered owners; and;

AND WHEREAS pursuant to Section 195(1) of the Education Act, R.S.O. 1990, c. E.2, as amended, a school board may expropriate a school site that is within its area of jurisdiction;

AND WHEREAS pursuant to Section 4(1) of the Expropriations Act, R.S.O. 1990, c.E.26, as amended (hereinafter referred to as the "Expropriations Act"), an expropriating authority shall not expropriate land without the approval of the approving authority;

AND WHEREAS pursuant to Section 5(1)(b) of the Expropriations Act where an elected school board expropriates lands, the approving authority shall be the school board;

AND WHEREAS the Board shall conduct the expropriation in accordance with the Expropriations Act.

RESOLVED, THAT THE TORONTO CATHOLIC DISTRICT SCHOOL BOARD HEREBY RESOLVES AS FOLLOWS:

- 1. THAT the Toronto Catholic District School Board hereby approves the expropriation of the lands described in Schedules "C" and "D", for the written reasons attached hereto as Schedule "F"; and***
- 2. THAT the decision of the Toronto Catholic District School Board to approve the expropriation and the written reasons therefore be served upon the parties to this matter and upon the Inquiry Officer; and***
- 3. THAT the Director of Education or any other authorized representative of the Toronto Catholic District School Board are hereby authorized and directed to sign and execute the Certificate of Approval and Expropriation Certificate on the expropriation plan and all other notices and documents which are necessary to carry out the provisions of this resolution; and***
- 4. THAT a Plan of Expropriation be prepared and registered in the proper land registry office with respect to the lands described in Schedules "C" and "D"; and***
- 5. THAT a Notice of Expropriation be served upon the registered owners of the lands described in Schedules "C" and "D" together with a copy of the Expropriation Plan and a Notice of Election, relating to the date of assessment of compensation; and***

6. **THAT** an appraisal report estimating the market value of the lands described in Schedules “C” and “D” be obtained from an accredited appraiser and that such environmental testing as is appropriate be conducted on the said lands; and
7. **THAT** an offer of an amount in full compensation for the registered owner’s interest and an offer for immediate payment of 100% of the market value as estimated by the expropriating authority in the lands described in Schedules “C” and “D”, all in accordance with s. 25 of the Expropriations Act, be served, together with a copy of the appraisal report on which the offer of compensation is based; and
8. **THAT** a Notice of Possession be served requiring possession of the lands described in Schedules “C” and “D”, at least three months after the date of service of the said Notice; and
9. **THAT** the Toronto Catholic District School Board is hereby authorized to enter and take possession of the lands described in Schedules “C” and “D”, on the day permitted under the Expropriations Act, or pursuant to any Court Order thereunder, or pursuant to any agreement entered into between the relevant owners and the Toronto Catholic District School Board; and
10. **THAT** the Toronto Catholic District School Board staff and authorized agents are hereby otherwise authorized and directed to do all things required arising from the authorizations provided for by this resolution, including the provision of extended possession for expropriated owners by lease or license of expropriated premises and the lease or license of relevant townhouse lands acquired by the Board by voluntary agreement to accommodate expropriated owners.

SCHEDULE "A"

All right, title and interest in all of the lands in the City of Toronto described as follows:

1. (3338R Bayview Avenue)

All of PIN: 12580-0001 (LT) being Toronto Common Elements Condominium Plan No. 1580 and its appurtenant common interest being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
2. (3336A Bayview Avenue)

All of PIN: 10024-0354 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 1 and 19 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
3. (3336B Bayview Avenue)

All of PIN: 10024-0355 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 2 and 20 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
4. (3336C Bayview Avenue)

All of PIN: 10024-0356 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 3 and 21 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
5. (3336D Bayview Avenue)

All of PIN: 10024-0357 (LT) being Part of Lots 1 and 2 on Plan 4180 designated as Parts 4 and 22 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

6. (3338A Bayview Avenue)
- All of PIN: 10024-0358 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 5 and 23 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
7. (3338B Bayview Avenue)
- All of PIN: 10024-0359 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 6 and 24 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
8. (3338C Bayview Avenue)
- All of PIN: 10024-0360 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 7 and 25 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
9. (3338D Bayview Avenue)
- All of PIN: 10024-0361 (LT) being Part of Lots 2 and 3 on Plan 4180 designated as Parts 8 and 26 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
10. (3340A Bayview Avenue)
- All of PIN: 10024-0362 (LT) being Part of Lots 2 and 3 on Plan 4180 designated as Parts 9 and 27 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

11. (3340B Bayview Avenue)
- All of PIN: 10024-0363 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 10 and 28 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
12. (3340C Bayview Avenue)
- All of PIN: 10024-0364 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 11 and 29 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
13. (3340D Bayview Avenue)
- All of PIN: 10024-0365 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 12 and 30 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
14. (3348R Bayview Avenue)
- All of PIN: 10024-0187 (LT) being Part of Lot 9 on Plan 4180 North York designated as Parts 24, 25 and 79 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984433
15. (3348Q Bayview Avenue)
- All of PIN: 10024-0188 (LT) being Part of Lot 9 on Plan 4180 North York designated as Parts 23, 26, 77 and 78 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984432
16. (3348P Bayview Avenue)
- All of PIN: 10024-0189 (LT) being Part of Lots 8 and 9 on Plan 4180 North York designated as Parts 22, 27, 75 and 76 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984431

17. (3348O Bayview Avenue)
- All of PIN: 10024-0190 (LT) being Part of Lots 8 and 9 on Plan 4180 North York designated as Parts 21, 28, 73 and 74 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984430
18. (3348N Bayview Avenue)
- All of PIN: 10024-0191 (LT) being Part of Lot 8 on Plan 4180 North York designated as Parts 20, 29, 71 and 72 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984429
19. (3348L Bayview Avenue)
- All of PIN: 10024-0193 (LT) being Part of Lots 7 and 8 on Plan 4180 North York designated as Parts 16, 17, 31, 67 and 68 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984427
20. (3348J Bayview Avenue)
- All of PIN: 10024-0195 (LT) being Part of Lot 7 on Plan 4180 North York designated as Parts 14, 33, 63 and 64 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984425
21. (3348H Bayview Avenue)
- All of PIN: 10024-0197 (LT) being Part of Lots 6 and 7 on Plan 4180 North York designated as Parts 12, 35, 59 and 60 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984423
22. (3348G Bayview Avenue)
- All of PIN: 10024-0198 (LT) being Part of Lot 6 on Plan 4180 North York designated as Parts 10, 11, 36, 57 and 58 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984422
23. (3348E Bayview Avenue)
- All of PIN: 10024-0200 (LT) being Part of Lots 5 and 6 on Plan 4180 North York designated as Parts 7, 38, 53 and 54 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984420
24. (3348D Bayview Avenue)
- All of PIN: 10024-0201 (LT) being Part of Lot 5 on Plan 4180 North York designated as Parts 6, 39, 51 and 52 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984419

25. (3348C Bayview Avenue)
- All of PIN: 10024-0202 (LT) being Part of Lots 4 and 5 on Plan 4180 North York designated as Parts 5, 40, 49 and 50 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984418
26. (3348B Bayview Avenue)
- All of PIN: 10024-0203 (LT) being Part of Lots 4 and 5 on Plan 4180 North York designated as Parts 4, 41, 47 and 48 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984417
27. (3348A Bayview Avenue)
- All of PIN: 10024-0204 (LT) being Part of Lot 4 on Plan 4180 North York designated as Parts 1, 2, 3, 42, 44, 45 and 46 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB989416
28. (3342R Bayview Avenue)
- All of PIN: 10024-0205 (LT) being Part of Lot 4 on Plan 4180 North York designated as Part 43 on Plan 64R-15130, City of Toronto

SCHEDULE "B"

The lands in the City of Toronto described as follows:

1. (3336A Bayview Avenue)

All of PIN: 10024-0354 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 1 and 19 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
2. (3336B Bayview Avenue)

All of PIN: 10024-0355 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 2 and 20 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
3. (3336C Bayview Avenue)

All of PIN: 10024-0356 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 3 and 21 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
4. (3336D Bayview Avenue)

All of PIN: 10024-0357 (LT) being Part of Lots 1 and 2 on Plan 4180 designated as Parts 4 and 22 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
5. (3338A Bayview Avenue)

All of PIN: 10024-0358 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 5 and 23 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

6. (3338B Bayview Avenue)

All of PIN: 10024-0359 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 6 and 24 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
7. (3338C Bayview Avenue)

All of PIN: 10024-0360 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 7 and 25 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
8. (3338D Bayview Avenue)

All of PIN: 10024-0361 (LT) being Part of Lots 2 and 3 on Plan 4180 designated as Parts 8 and 26 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
9. (3340A Bayview Avenue)

All of PIN: 10024-0362 (LT) being Part of Lots 2 and 3 on Plan 4180 designated as Parts 9 and 27 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
10. (3340B Bayview Avenue)

All of PIN: 10024-0363 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 10 and 28 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

11. (3340C Bayview Avenue)
- All of PIN: 10024-0364 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 11 and 29 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
12. (3340D Bayview Avenue)
- All of PIN: 10024-0365 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 12 and 30 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
13. (3348R Bayview Avenue)
- All of PIN: 10024-0187 (LT) being Part of Lot 9 on Plan 4180 North York designated as Parts 24, 25 and 79 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984433
14. (3348Q Bayview Avenue)
- All of PIN: 10024-0188 (LT) being Part of Lot 9 on Plan 4180 North York designated as Parts 23, 26, 77 and 78 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984432
15. (3348O Bayview Avenue)
- All of PIN: 10024-0190 (LT) being Part of Lots 8 and 9 on Plan 4180 North York designated as Parts 21, 28, 73 and 74 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984430
16. (3348N Bayview Avenue)
- All of PIN: 10024-0191 (LT) being Part of Lot 8 on Plan 4180 North York designated as Parts 20, 29, 71 and 72 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984429
17. (3348L Bayview Avenue)
- All of PIN: 10024-0193 (LT) being Part of Lots 7 and 8 on Plan 4180 North York designated as Parts 16, 17, 31, 67 and 68 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984427

18. (3348J Bayview Avenue)
- All of PIN: 10024-0195 (LT) being Part of Lot 7 on Plan 4180 North York designated as Parts 14, 33, 63 and 64 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984425
19. (3348H Bayview Avenue)
- All of PIN: 10024-0197 (LT) being Part of Lots 6 and 7 on Plan 4180 North York designated as Parts 12, 35, 59 and 60 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984423
20. (3348G Bayview Avenue)
- All of PIN: 10024-0198 (LT) being Part of Lot 6 on Plan 4180 North York designated as Parts 10, 11, 36, 57 and 58 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984422
21. (3348E Bayview Avenue)
- All of PIN: 10024-0200 (LT) being Part of Lots 5 and 6 on Plan 4180 North York designated as Parts 7, 38, 53 and 54 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984420
22. (3348C Bayview Avenue)
- All of PIN: 10024-0202 (LT) being Part of Lots 4 and 5 on Plan 4180 North York designated as Parts 5, 40, 49 and 50 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984418
23. (3348A Bayview Avenue)
- All of PIN: 10024-0204 (LT) being Part of Lot 4 on Plan 4180 North York designated as Parts 1, 2, 3, 42, 44, 45 and 46 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB989416

SCHEDULE "C"

All right, title and interest in all of the lands in the City of Toronto described as follows:

1. (3338R Bayview Avenue)

All of PIN: 12580-0001 (LT) being Toronto Common Elements Condominium Plan No. 1580 and its appurtenant common interest being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
2. (3336A Bayview Avenue)

All of PIN: 10024-0354 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 1 and 19 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
3. (3336B Bayview Avenue)

All of PIN: 10024-0355 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 2 and 20 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
4. (3336C Bayview Avenue)

All of PIN: 10024-0356 (LT) being Part of Lot 1 on Plan 4180 designated as Parts 3 and 21 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
5. (3336D Bayview Avenue)

All of PIN: 10024-0357 (LT) being Part of Lots 1 and 2 on Plan 4180 designated as Parts 4 and 22 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

6. (3338A Bayview Avenue)

All of PIN: 10024-0358 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 5 and 23 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
7. (3338B Bayview Avenue)

All of PIN: 10024-0359 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 6 and 24 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
8. (3338C Bayview Avenue)

All of PIN: 10024-0360 (LT) being Part of Lot 2 on Plan 4180 designated as Parts 7 and 25 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
9. (3338D Bayview Avenue)

All of PIN: 10024-0361 (LT) being Part of Lots 2 and 3 on Plan 4180 designated as Parts 8 and 26 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
10. (3340A Bayview Avenue)

All of PIN: 10024-0362 (LT) being Part of Lots 2 and 3 on Plan 4180 designated as Parts 9 and 27 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto

11. (3340B Bayview Avenue)
- All of PIN: 10024-0363 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 10 and 28 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
12. (3340C Bayview Avenue)
- All of PIN: 10024-0364 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 11 and 29 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
13. (3340D Bayview Avenue)
- All of PIN: 10024-0365 (LT) being Part of Lot 3 on Plan 4180 designated as Parts 12 and 30 on Plan 66R-20483, City of Toronto together with an undivided common interest in Toronto Common Elements Condominium Corporation No. 1580 being Part of Lots 1, 2 and 3 on Plan 4180 designated as Parts 13, 14, 15, 16, 17, 18, 31, 32 & 33 on Plan 66R-20483 as in Declaration No. AT397427, City of Toronto
14. (3348E Bayview Avenue)
- All of PIN: 10024-0200 (LT) being Part of Lots 5 and 6 on Plan 4180 North York designated as Parts 7, 38, 53 and 54 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984420
15. (3348D Bayview Avenue)
- All of PIN: 10024-0201 (LT) being Part of Lot 5 on Plan 4180 North York designated as Parts 6, 39, 51 and 52 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984419
16. (3348C Bayview Avenue)
- All of PIN: 10024-0202 (LT) being Part of Lots 4 and 5 on Plan 4180 North York designated as Parts 5, 40, 49 and 50 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984418

17. (3348B Bayview Avenue)
- All of PIN: 10024-0203 (LT) being Part of Lots 4 and 5 on Plan 4180 North York designated as Parts 4, 41, 47 and 48 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984417
18. (3348A Bayview Avenue)
- All of PIN: 10024-0204 (LT) being Part of Lot 4 on Plan 4180 North York designated as Parts 1, 2, 3, 42, 44, 45 and 46 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB989416
19. (3342R Bayview Avenue)
- All of PIN: 10024-0205 (LT) being Part of Lot 4 on Plan 4180 North York designated as Part 43 on Plan 64R-15130, City of Toronto
- All right, title and interest in the easements only under, over and upon Parts 1 to 9, both inclusive, 37 to 42, both inclusive and 44 to 56, both inclusive, on Plan 64R-15130 that benefit all of the lands in the City of Toronto described as follows:
20. (3348R Bayview Avenue)
- All of PIN: 10024-0187 (LT) being Part of Lot 9 on Plan 4180 North York designated as Parts 24, 25 and 79 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984433
21. (3348Q Bayview Avenue)
- All of PIN: 10024-0188 (LT) being Part of Lot 9 on Plan 4180 North York designated as Parts 23, 26, 77 and 78 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984432
22. (3348O Bayview Avenue)
- All of PIN: 10024-0190 (LT) being Part of Lots 8 and 9 on Plan 4180 North York designated as Parts 21, 28, 73 and 74 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984430
23. (3348N Bayview Avenue)
- All of PIN: 10024-0191 (LT) being Part of Lot 8 on Plan 4180 North York designated as Parts 20, 29, 71 and 72 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984429

24. (3348L Bayview Avenue)

All of PIN: 10024-0193 (LT) being Part of Lots 7 and 8 on Plan 4180 North York designated as Parts 16, 17, 31, 67 and 68 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984427

25. (3348J Bayview Avenue)

All of PIN: 10024-0195 (LT) being Part of Lot 7 on Plan 4180 North York designated as Parts 14, 33, 63 and 64 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984425

26. (3348H Bayview Avenue)

All of PIN: 10024-0197 (LT) being Part of Lots 6 and 7 on Plan 4180 North York designated as Parts 12, 35, 59 and 60 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984423

27. (3348G Bayview Avenue)

All of PIN: 10024-0198 (LT) being Part of Lot 6 on Plan 4180 North York designated as Parts 10, 11, 36, 57 and 58 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984422

SCHEDULE "D"

All right, title and interest in all of the lands in the City of Toronto described as follows:

1. (3348P Bayview Avenue)

All of PIN: 10024-0189 (LT) being Part of Lots 8 and 9 on Plan 4180 North York designated as Parts 22, 27, 75 and 76 on Plan 64R-15130, City of Toronto, subject to and together with easements as in TB984431.

However, the registered owners may elect in the next sixty (60) days following the date of this resolution to require the Board to expropriate all right, title and interest in the easements only under, over and upon Parts 1 to 9, both inclusive, 37 to 42, both inclusive and 44 to 56, both inclusive, on Plan 64R-15130 that benefit the lands described above.

SCHEDULE “E”

Decision of David R. Vine dated June 9, 2015

SCHEDULE “F”

After considering the decision of Inquiry Officer David R. Vine dated June 9, 2015 from the inquiry relating to the proposed taking, the Toronto Catholic District School Board has made such modifications to the proposed expropriation it considers proper and approves the expropriation of the lands set out in Schedules “C” and “D” to this Resolution it deems is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority for the following reasons:

Reasons for the Decision to Approve the Expropriation with Modifications

- (a) Acquiring part of the proposed expropriation avoids further delay and risk of lack of success that would result if the Board proceeded to the OMB to appeal the minor variance;
- (b) Acquiring part of the proposed expropriation responds to the inquiry officer’s recommendations in part;
- (c) Acquiring part of the proposed expropriation leaves the school site with an undersized playing field, a clear loss of a public interest which is accepted in light of the private interests brought to the attention of the Board by the inquiry officer’s report;
- (d) The Board further responds to the inquiry officer’s report by accepting the recommendations with respect to costs and to the offer of extended possession;
- (e) The Board directs staff to seek reasonable arrangements to accommodate expropriated owners by offering leases or other appropriate interest in the 3 Townhouse units it owns as a result of voluntary acquisition, which units are not located in the Blocks to be expropriated;
- (f) The Board’s lease of the existing St. Joseph’s Morrow Park Secondary School at 3377 Bayview Avenue will expire June 30, 2015 and is under review to extend to June 30, 2018 at which time no further extensions are available (the “Leased Site”);
- (g) The Board acquired 5.04 acres in 2013 west of the subject properties from the Toronto District School Board (“New Site”) to replace the Leased Site;
- (h) the New Site is significantly undersized and falls below both the Board standard for secondary school sites and the EDC guideline of 1.2 acres per 100 pupils;
- (i) enrolment at the Leased Site exceeds capacity with no room for expansion or placement of portables;

- (j) the New Site lies within the catchment area of the Leased Site and is centrally located for planned growth and with expansion can accommodate a growing area population;
- (k) the New Site is in a catchment area that requires additional facilities and new locations have proven difficult to obtain;
- (l) there are few alternative opportunities to acquire large parcels without the expropriation and displacement of numerous homeowners by assembling single family homes;
- (m) to assemble other lands involves complexity, cost and delay;
- (n) a minor variance application to construct a 3 storey school building on the New Site was refused;
- (o) alternative sites were considered at 211 Steeles Avenue East and 100 Ravel Road, however these were not viable;
- (p) acquiring the subject properties together with the New Site provides sufficient area for a two storey building and associated hard surface play areas, playing fields and green areas;
- (q) acquisition of the Bayview Avenue frontage allows direct access off Bayview and improved site circulation and thus has less traffic impacts on the neighbourhood;
- (r) acquisition of the Bayview Avenue frontage allows the school site to function more effectively as a community hub offering community access to its indoor gym and theatre facilities and outdoor open space and playing field facilities;
- (s) site size requirements have been reduced by providing for underground parking which also reduces the impact of use of the site on the neighbourhood;
- (t) overall the acquisition of land in the City of Toronto for new or expanded school sites is proving extremely difficult;
- (u) the inclusion of this site complies with the criteria and policies of the Board with respect to site area and associated amenities;
- (v) construction is expected to start in 2016, therefore, possession of the required land must be attained by late 2015 or as soon as possible; and
- (w) funding through Education Development Charges is already in place to acquire this site.



REPORT TO

REGULAR BOARD

PARENT AND STUDENT CHARTER OF RIGHTS

"For as in one body we have many members, and the members do not have the same function, so we, though many, are one body in Christ, and individually members one of another."

Romans 12:4-5

Created, Draft	First Tabling	Review
June 22, 2015	August 27, 2015	Click here to enter a date.
C. Marchetti, Coordinator International Languages and Parent/Community Engagement J. Yan, Senior Coordinator, Communications D. Koenig, Superintendent of Education, Curriculum and Accountability		

RECOMMENDATION 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.



G. Poole

Associate Director of Academic Affairs

A. Sangiorgio

Associate Director of Planning and Facilities

Angela Gauthier

Director of Education

A. EXECUTIVE SUMMARY

This report provides the Draft Parent and Student Charter of Rights for external consultation.

B. PURPOSE

The Draft Parent and Student Charter of Rights was developed and underwent an internal consultation with CPIC and OAPCE T.O. with the feedback incorporated in the revised draft. The purpose of this report is to obtain approval for the external consultation for the Draft Parent and Student Charter of Rights (Appendix A).

C. BACKGROUND

- a) At the February 27, 2014 Board Meeting the following motion was approved:

“The Board of Trustees approve the formation of a special ad-hoc committee to develop a student/parent charter or bill of rights to report back to Board by August 2014. That this special ad-hoc committee include representation from staff, trustees, parents and students”.

- b) The general Terms of Reference and Composition are outlined in Appendix B. Note that the committee is comprised of five parent representatives, with representation from both the elementary and secondary panel, four student representatives, one Trustee and three TCDSB staff. This charter of rights will provide parents with being able to expect their children’s educational needs to be met by the schools and the right to access school and district administration and information. It is expected that the development and approval of the parent/student charter of rights will increase public confidence in the board and support in the attainment of goals as outlined in the Multi-Year Strategic Plan.

D. EVIDENCE/RESEARCH/ANALYSIS

- a) The Parent/Student Charter of Rights Committee met during the 2014/2015 school year and drafted a Parent and Student Charter of Rights.
- b) Internal consultation for the Draft Parent and Student Charter of Rights was held on December 8, 2015 with OAPCE T.O. and on December 15, 2015 with CPIC.
- c) The format for the consultation included an overview of the process the committee used to draft the charter. OAPCE T.O. and CPIC members were divided into small focus groups with a facilitator and recorder assigned to each group.
- d) Feedback from the small groups was recorded and, subsequently, compiled into emerging themes and suggestions.
- e) The Committee was provided with the raw data and the compiled feedback for consideration.
- f) A final Draft Parent and Student Charter of Rights was developed and approved by the committee for the Board of Trustees to approve for external consultation.

E. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN

This strategic communications and community engagement action plan has been developed to support stakeholder input and ensure maximum engagement regarding the TCDSB's proposed Parent and Student Charter of Rights. The integrated and multi-faceted communications plan will include (but not be limited to) the list outlined in the Who Will Be Consulted and How We Will Consult section below.

The community engagement level of "CONSULT" is being recommended. The definition of CONSULT is: "Obtain input from community members and the general public on proposed Board directions and decisions."

To further enhance direct involvement, there will be an additional opportunity for participants to submit more detailed written suggestions through the creation and launch of a dedicated Parent and Student Charter of Rights Community Consultation webpage with a customized input tool. This communications input tool will ensure the confidentiality of anyone providing feedback or comments.

This practice has been used successfully in the most recent Board community consultations regarding the Board's 2015-16 Budget and Admissions Policy.

Promotion of the proposed Parent and Student Charter of Rights consultation process will be coordinated using all media modalities in the Communications Department inventory. The initial point of communication will be an open invitation letter delivered to all parents in elementary schools, and through a Synervoice broadcast phone message at the secondary level.

The Communications Plan will also be aligned to support the initiative through follow up in the Director's Bulletin Board, Weekly Wrap Up, web (TCDSB's external and internal portal), social media (i.e. Twitter) and E-newsletters, posters to engage and inform internal and external audiences and stakeholders. This will be further sustained through school newsletters and working with the Archdiocese for access via their website and individual parish bulletins.

Who Will Be Consulted:

- Parents and Students
- Student Leaders (CSLIT and ECSLIT)
- Community Leaders and Members (CSPC, TAPCE etc)
- Employees (Teachers/Support Staff)
- Principals & Vice Principals
- Trustees
- Senior Staff (TCDSB)
- Parishioners and Catholic Stakeholders (via Archdiocese)

How We Will Consult:

- Web (www.tcdsb.org) hosting of proposed Parent and Student Charter of Rights Report webpage containing all background and supporting documentation, with confidential online consultation submission tool
- Hosting of info and updates on all 201 school websites
- Letter and information sent home with elementary students
- Synervoice broadcast to all secondary students
- Twitter and other social media
- TCDSB E-News
- News Release and Public Service Announcements (PSA)
- Communication to Parishes via Archdiocese with request for a direct link to TCDSB Parent and Student Charter of Rights website and information

F. METRICS AND ACCOUNTABILITY

For each of the community sector consultations there will be a facilitator and recorder. These notes will be compiled according to emerging themes and suggestions. Once all of the consultations have been completed, the Parent and Student Charter of Rights Committee will reconvene to determine the revisions and edits which are recommended based on the community feedback.

Once completed there will be a report to Board with the final Draft of the Parent and Student Charter of Rights.

G. STAFF RECOMMENDATION

That the Board of Trustees approve the Draft Parent and Student Charter of Rights for external consultation.



Appendix A

TORONTO CATHOLIC DISTRICT SCHOOL BOARD

CHARTER OF RIGHTS

The Toronto Catholic District School Board (TCDSB) 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.

Our vision of Catholic education invites each one of us—students, parents, TCDSB staff, and other community members--to work together as a community of believers committed to putting the values of our faith into practice in the daily life of the school, the home, the parish and in all of society.

As parents in the TCDSB, you can expect your child to receive a quality education based on the Ontario Catholic School Graduate Expectations in an appropriate learning environment, recognizing the diversity of students and their needs.

Guided by the principles of respect, equity, integrity, trust, accountability and transparency the TCDSB ensures the rights of both parents and students as enshrined in the Parent/Student Charter of Rights.

Definitions:

- a) Parent/Guardian:** As defined by the Ontario Education Act: A person who has the lawful custody of a child, other than the parent of the child; includes anyone who has received into his or her home a person, other than his or her own child, of compulsory school age and that person resides with him or her or is in his or her care
- b) TCDSB:** those individuals that are employed or are stakeholders within the Toronto District School Board

PARENT CHARTER OF RIGHTS

- 1. The right to a faith based publically funded school with education grounded in Catholic doctrine, traditions and teachings for your child.**
- 2. The right to opportunities for involvement in your child's education.**
- 3. The right to ensure that your child is learning in a safe, healthy, and caring school, free of discrimination, prejudice, bullying and harassment.**
- 4. The right to ensure that your child's spiritual, physical, emotional, mental, social and academic needs are appropriately met.**
- 5. The right to delivery of the curriculum consistent with our Catholic faith and with the provincial requirements.**
- 6. The right for your child to receive appropriate materials, resources and technologies consistent with the requirements of the curriculum.**
- 7. The right to communicate, to comment, to raise concern(s), or to register complaint(s) in a respectful manner to TCDSB staff, and to the Board of Trustees without fear of unjust repercussions and have your question, concern or complaint acknowledged with a response within a reasonable time in a respectful manner.**
- 8. The right to the confidentiality of your child's records in accordance with TCDSB policies and applicable legislation.**
- 9. The right to access all your child's education records and to meet with TCDSB staff to discuss their progress.**
- 10. The right to have any special needs assessments addressed by Board designated professionals within the required timelines.**
- 11. The right to access and understand available information, consistent with Privacy Laws, about your child's school, school board, teachers, administrators, facilities, policies, procedures, and programs within a reasonable time.**
- 12. The right to have TCDSB rules and regulations and individual school policies applied and adhered to with transparency, consistency, fairness and compassion.**

STUDENT CHARTER OF RIGHTS

- 1. The right to participate in decisions that affect their education and school life, where appropriate.**
- 2. The right to equity and inclusiveness amongst all students in the Toronto Catholic District School Board.**
- 3. The right to spiritually, socially, emotionally and physically safe, and positive school climate where one is respected and treated in a manner consistent with our Catholic values and teachings.**
- 4. The right to have yearly access to available extra-curricular activities.**
- 5. The right to effective and qualified instruction, including having access to the resources and adequate learning environment necessary for success.**
- 6. The right to elect student representation.**
- 7. The right for students, where legally permitted, to advocate for themselves or to choose another representative without a fear of ageism or any other form of discrimination.**
- 8. The right to make a phone call or communicate with their parents or designated guardian in case of personal distress or emergency.**
- 9. The right to have school rules and regulations applied and adhered to with consistency, fairness, and compassion.**
- 10. The right to engage in a respectful dialogue with the school Principal and staff, raising comments and concerns as well as to have them addressed.**

TCDSB Parent Charter or Bill of Rights Committee

Terms of Reference and Composition 2013-2014

The Parent/Student Charter or Bill of Rights Committee will meet 2 times in the 2013/2014 school year to draft a Parent/Student Charter or Bill of Rights. Any additional meetings will be at the discretion of majority vote of the committee. The various stakeholder group representatives can bring forth information and advice related to the articles which should be included in this charter for consideration of the committee.

Meetings will occur on June 18th & June 24th from 7-9p.m.

All meetings will take place at the Catholic Education Center, 80 Sheppard Ave. E. (Yonge and Sheppard) and in the Large Committee Room on the 2nd Floor.

Free parking is available in the underground parking lot, accessible from the east side of the building.

1. The Parent/Student Charter or Bill of Rights Committee is a special Ad Hoc Committee with the mandate to draft a Parent/Student Charter or Bill of Rights. This charter or bill of rights will provide parents with being able to expect their children's educational needs to be met by the schools and the right to access school and district administration and information. It is expected that the development and approval of the parent/student charter or bill of rights will increase public confidence in the board and support in the attainment of goals as outlined in the Multi Year Strategic Plan.
2. Representatives from the following groups will comprise the committee:
 - Trustees
 - Staff
 - Parents
 - Students





REPORT TO

REGULAR BOARD

**REPORT OF THE GOVERNANCE AND POLICY
COMMITTEE ON OPENING & CLOSING
EXERCISES S.S. 02 POLICY**

*Here is what I have seen to be good and fitting: to eat, to drink and enjoy oneself in all one's labour.
Ecclesiastes 5:18*

Created, Draft

May 11, 2015

First Tabling

May 19, 2015

Review

June 11, 2015

Ann Andrachuk, Chair, Governance and Policy Committee
Loretta Notten, Superintendent Governance and Policy

RECOMMENDATION REPORT

Vision:

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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.*



Members of the Committee:

Ann Andrachuk, Chair
Angela Kennedy, Vice Chair
Maria Rizzo, Trustee Ward 5
Mike Del Grande, Trustee Ward 7
Gary Tanuan, Trustee Ward 8
Jo-Ann Davis, Trustee Ward 9
Nancy Crawford, Ex-Officio

A. COMMITTEE RECOMMENDATIONS

That the Board approve the revised S.S.02 Opening and Closing Exercises policy with the following amendments:

1. Under Regulations, Paragraph 1, the word “will” be replaced with “shall”.
2. Under Regulation 9, the word “social” be removed.

B. ORIGIN

Board policies must be aligned with changes in Ministry policy and all changes in legislation, and congruent with TCDSB Board approved motions. As part of a review of the TCDSB Policy register, our policy for Opening and Closing Exercises has been revised to reflect recent Ministry policy and legislative requirements and the goals of our Multi-Year Strategic Plan.

C. EXECUTIVE SUMMARY

The process of commencing each school day in prayer and with the national anthem speaks to our proud Catholic faith tradition and our desire to cultivate strong national pride. The policy for Opening and Closing Exercises was last revised in 2002. In order to be consistent with Board motions regarding the singing of O Canada, Ministry of Education Policy Memorandums in relation to religious accommodation and the development of the TCDSB Multi-Year Strategic Plan, it was necessary to revise our current policy.

Conversation at Governance revolved around our Denominational Rights and those students who may elect to absent themselves from either the anthem or the prayer. A pastoral approach that considers each individual and their circumstances is how the system best responds, realizing that our denominational rights are “more of a shield than a sword”. This is also consistent with other related (cross-referenced) policy documents. The revised policy passed unanimously.

D. APPENDICES

1. Appendix A: Revised Opening Exercises Policy S.S. 02 – Side by Side Presentation
2. Appendix B: Report to Governance on revised Food and Beverage Policy.

E. MOTIONS

That the board approve the revised S.S. 02 Opening and Closing Exercises policy.

Motion as amended carried.

CURRENT**TCDSB Policy Register****Safe Schools:****OPENING OR CLOSING EXERCISES POLICY S.S.02****Date** **Dates of Amendment:****Approved:**

November 14, 2002 - Board September 6, 2001

Cross Reference:

1. Ontario Safe Schools Code of Conduct
2. Safe Schools legislation Bill 81, S. 304
3. Ministry Regulations 298 (Operation of Schools General - as amended by Reg. 436) and Regulation:435 (Opening or Closing Exercises)
4. Prayers in Schools TCDSB Policy S.23
5. Ministry Memorandum August 30, 2000 from Deputy Minister re: new regulations

PROPOSED

Date Approved:	Date of Review: 2018	Dates of Amendment: Sept. 6, 2001; November 14, 2002
Cross Reference: Ministry of Ontario Regulation 298 Operation of Schools Ministry of Ontario Regulation 435/00 Opening or Closing Exercises TCDSB Policy S. 23 Prayer in Schools TCDSB Policy S. 22 Religious Accommodation TCDSB Policy H. M. 24 Catholic Equity and Inclusive Education Policy Ontario Ministry of Education PPM 119, Developing and Implementing Equity and Inclusive Education Policies in Ontario		
Attachments: Appendix A: Exemption Request Form: Parent Appendix B: Exemption Request Form: Student		

Purpose:

This Policy provides direction on opening and closing exercises in schools in the Toronto Catholic District School Board which are reflective of the board's commitment to Living Our Values and developing school communities formed by Catholic beliefs and traditions.

Policy

In keeping with the Board's commitment to develop school communities formed by Catholic beliefs and traditions, opening or closing exercises in each of the schools shall be conducted according to the following:

- (a) Each Principal shall ensure that opening or closing exercises are included within the daily schedule.
- (b) These exercises shall include public prayer and the

Scope and Responsibility:

The policy governs all schools within the TCDSB. The Director of Education is responsible for this policy.

Alignment with MYSP:

Living Our Values
Fostering Student Achievement and Well Being
Strengthening Public Confidence

Financial Impact:

Generally, there is no significant financial impact.

Legal Impact:

Generally, there is no legal impact. In the event that a student petitioned for religious accommodation, there would be the potential for a legal challenge if the board did not follow appropriate due diligence in application of the Religious Accommodation policy and Catholic Equity and Education Policy.

Policy

The Toronto Catholic District School Board is committed to living the values of our Catholic faith and to supporting the development of school communities formed by Catholic beliefs and traditions, while also fostering national pride. Each principal of a school within the Toronto Catholic District School Board will ensure that daily opening and

singing of “O Canada” and may include the Pledge of Citizenship, the singing of “God Save the Queen”, scriptural/spiritual readings and public announcements.

Regulations:

1. The principal will, in annual consultation with the school council, establish procedures for daily opening or closing exercises. These procedures will be reviewed for the beginning of each school year.
2. These exercises will include a vocal version of “O Canada”.
3. In keeping with the Board’s Mission Statement and statement of Catholic Graduate School Outcomes, prayers and/or scripture readings will form an integral part of each opening or closing exercise as per Board Policy S. 23: Prayers in School.
4. The principal may decide, after consultation with the school council, to include the Pledge of Citizenship *in the opening or closing exercise*. The version recited will be the one set out in regulation as follows:
“I affirm that I will be faithful and bear true allegiance to her Majesty Queen Elizabeth the Second, Queen of Canada, and to her heirs and successors, and that I will faithfully observe the laws of Canada and fulfill my duties as a Canadian Citizen.”
5. Following the consultation with the school council, the principal shall inform students 18 years of age or older and

closing exercises include public prayer and the singing of O Canada.

Regulations:

1. The principal shall, in annual consultation with the Catholic School Parent Council, establish procedures for opening and closing exercises. These procedures will be reviewed at the beginning of each school year.
2. In respect of the national anthem, students will sing O Canada *a cappella*.
3. Consistent with the Board’s *Multi Year Strategic Plan* and the *Ontario* Catholic School Graduate *Expectations*, and Board policy S. 23, *Prayer in Schools*, prayers and/or scriptural readings will form an integral part of each opening or closing exercise.
4. The principal may decide, after consultation with the school council, to include the Pledge of Citizenship *in the opening or closing exercise*. The version recited will be the one set out in regulation as follows:
“I affirm that I will be faithful and bear true allegiance to her Majesty Queen Elizabeth the Second, Queen of Canada, and to her heirs and successors, and that I will faithfully observe the laws of Canada and fulfill my duties as a Canadian Citizen.”

the parents/guardians of students under 18 years of age in writing of their right to request an exemption from the singing of O'Canada and/or the recitation of the Pledge of Citizenship and of the process whereby they may do so.

6. The principal will exempt students from the singing of "O Canada" and the recitation of the Pledge of Citizenship upon annual application, if:

(a) The parent/guardian of a student under 18 years of age applies in writing to the principal for an exemption; (see Appendix A)

(b) A student, who is at least 18 years of age, applies in writing to the Principal to be exempted. (see Appendix B)

7. Exempted students will follow locally established school procedures for respecting the singing of "O Canada" and recitation of the Pledge of Citizenship; for example: stop, stand respectfully, remove hat, etc.

5. A pupil is not required to sing *O Canada* or recite the pledge of citizenship in the following circumstances:

a. In the case of a pupil who is less than 18 year old, if the pupil's parent or guardian applies in writing to the principal to be exempted from doing so. (Appendix A)

b. In the case of a pupil who is at least 18 years old, if the pupil applies in writing to the principal to be exempted from doing so. (Appendix B)

6. Any pupil exempted under regulation 5, will follow locally established school procedures for respecting the a capella singing of "O Canada" and/or the recitation of the Pledge of Citizenship; for example: stop, stand respectfully, remove hat, etcetera.

7. Consistent with S. 22, Prayer in Schools, TCDSB will, at all times, seek to accommodate an individual's right to freedom of religion in a manner that not only respects the individual's beliefs, but the principles of the Catholic Church.

8. It is understood that all students registered in TCDSB schools acknowledge that the school community

8. Prior to the commencement of classes in September, the principal shall communicate to all classroom teachers in writing the local expectations congruent with the Policy regarding the scheduling of Opening Exercises.

9. The policy applies to all elementary and secondary schools under the jurisdiction of the TCDSB.

10. Provision needs to be made for Opening or Closing Exercises for those classes that are not present at the time of the scheduled morning opening or closing exercises. E.g.: p.m. JK/SK classes.

proclaims, celebrates and cherishes its Catholic identity and traditions and that staff will teach the curriculum from a Catholic perspective. At the same time, the school is enriched and is committed to providing an environment that is inclusive, safe and free of barriers based on religion.

9. In respect of religious accommodation, TCDSB acknowledges that all students, in accordance with what the Catholic Church offers in its teachings and reflective practice, are entitled to their rights and responsibilities under the Ontario Human Rights Code.

10. Prior to the commencement of classes in September, the principal shall communicate to all classroom teachers in writing the local expectations congruent with the Policy regarding the scheduling of Opening Exercises.

Definitions:

Accommodation:

An adjustment made to policies, programs, guidelines, or practices, including adjustments to physical settings and various types of criteria, that enables individuals to benefit

from and take part in the provision of services equally and to participate equally and perform to the best of their ability in the workplace or an educational setting. Accommodations are provided so that individuals are not disadvantaged or discriminated against on the basis of the prohibited grounds.

Religious Accommodation:

An obligation under the Ontario Human Rights Code to provide reasonable accommodation for students and employees who wish to observe the tenets or practices of their faith, as well as for those who wish not to participate in any form of religious observance.

Ontario Human Rights Code, Section 19

While the Human Rights Code prohibits discrimination and provides equal treatment for all people in Ontario with respect to a number of categories, Section 19 recognizes that the Code will 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.

Evaluation and Metrics:

1. Implementation of the Opening and Closing Exercises policy is the responsibility of the school principal, in consultation with the Area Superintendent.
2. The consistent application of religious accommodation requests will be monitored and reported in an annual report to the Board of Trustees.

APPENDIX A: EXEMPTION REQUEST FORM: PARENT

The principal will exempt students from the singing of “O Canada” and the recitation of the Pledge of Citizenship upon annual application, if the parent/guardian of a student under 18 years of age applies in writing to the principal for an exemption; or a student who is at least 18 years of age, applies in writing to the Principal to be exempted.

Please be advised I am requesting that my child, a student less than 18 years of age:

Name: _____

Date of Birth: _____

Be exempt from:

- ☐ The singing of O Canada
- ☐ The Recitation of the Pledge of Citizenship

For the current school year.

Parent signature

Month: _____ Day: _____ Year: _____

APPENDIX A: EXEMPTION REQUEST FORM: PARENT

The principal will exempt students from the singing of “O Canada” and the recitation of the Pledge of Citizenship upon annual application, if the parent/guardian of a student under 18 years of age applies in writing to the principal for an exemption; or a student who is at least 18 years of age, applies in writing to the Principal to be exempted.

Please be advised I am requesting that my child, a student less than 18 years of age:

Name: _____

Date of Birth: _____

Be exempt from:

- ☐ The singing of O Canada
- ☐ The Recitation of the Pledge of Citizenship

For the current school year.

Parent signature

Month: _____ Day: _____ Year: _____

APPENDIX B: EXEMPTION REQUEST FORM: STUDENT

The principal will exempt students from the singing of “O Canada” and the recitation of the Pledge of Citizenship upon annual application, if the parent/guardian of a student under 18 years of age applies in writing to the principal for an exemption; or a student who is at least 18 years of age, applies in writing to the Principal to be exempted.

Please be advised I am student at least 18 years of age.

Name: _____

Date of Birth: _____

I am requesting that I be exempt from:

- ☐ The singing of O Canada
 - ☐ The Recitation of the Pledge of Citizenship
- For the current school year.

Signature

Month: _____ Day: _____ Year: _____

APPENDIX B: EXEMPTION REQUEST FORM: STUDENT

The principal will exempt students from the singing of “O Canada” and the recitation of the Pledge of Citizenship upon annual application, if the parent/guardian of a student under 18 years of age applies in writing to the principal for an exemption; or a student who is at least 18 years of age, applies in writing to the Principal to be exempted.

Please be advised I am student at least 18 years of age.

Name: _____

Date of Birth: _____

I am requesting that I be exempt from:

- ☐ The singing of O Canada
 - ☐ The Recitation of the Pledge of Citizenship
- For the current school year.

Signature

Month: _____ Day: _____ Year: _____



REPORT TO

GOVERNANCE AND POLICY COMMITTEE

APPENDIX B S.S. 02 OPENING AND CLOSING EXERCISES POLICY REPORT.DOCX

*Let us come into his presence with thanksgiving; let us make a joyful noise to him with songs of praise.
Psalm 95:2*

Created, Draft	First Tabling	Review
May 11, 2015	May 19, 2015	Click here to enter a date.

Loretta Notten, Superintendent of Governance and Policy

RECOMMENDATION REPORT

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G. Poole
Associate Director of Academic Affairs

A. Sangiorgio
Associate Director of Planning and
Facilities

Angela Gauthier
Director of Education

A. EXECUTIVE SUMMARY

The process of commencing each school day in prayer and with the national anthem speaks to our proud Catholic faith tradition and our desire to cultivate strong national pride. The policy for Opening and Closing Exercises was last revised in 2002. In order to be consistent with Board motions regarding the singing of O Canada, Ministry of Education Policy Memorandums in relation to religious accommodation and the development of the TCDSB Multi-Year Strategic Plan, it was necessary to revise our current policy.

B. PURPOSE

1. Board policies must be aligned with changes in Ministry policy and all changes in legislation, and congruent with TCDSB Board approved motions. As part of a review of the TCDSB Policy register, our policy for Opening and Closing Exercises has been revised to reflect recent Ministry policy and legislative requirements and the goals of our Multi-Year Strategic Plan.

C. BACKGROUND

1. Each of the schools of the TCDSB promotes and celebrates our Catholic faith by ensuring that prayer, scripture reading or religious reflection is integral to the Opening and/or Closing Exercises of the school day. Similarly, all schools cultivate a strong sense of national pride and identity by including the national anthem in their Opening Exercises.
2. On April 4th, 2012 the Board of Trustees passed a motion regarding the singing of O Canada, requesting that the policy and practice be changed to require students to sing O Canada a cappella. Practice in schools has largely changed to reflect the motion but policy had not be adequately updated.
3. While the Human Rights Code prohibits discrimination and provides equal treatment for all people in Ontario with respect to a number of categories, Section 19 recognizes that the Code will 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.

4. School Boards have an obligation under the Ontario Human Rights Code to provide reasonable accommodation for students and employees who wish to observe the tenets or practices of their faith, as well as for those who wish not to participate in any form of religious observance.
5. Students over the age of 18 or the parent/guardian of a student under the age of 18 has the right to request an exemption from the requirement to sing O Canada or recite the pledge of citizenship (where used as part of Opening or closing exercises), per Regulation 298. 4 (4) and 435/00 of *The Education Act*.

D. VISION

VISION	PRINCIPLES	GOALS
Provide a policy to govern TCDSB Opening and Closing Exercises that is respectful of our legal obligations under the Ontario Human Rights Code and PPM 119, as well as the Safe and Accepting Schools Act.	Aligns with the MYSP goals of Living Our Values, Fostering Student Achievement and Well-Being and Strengthening Public Confidence.	Newly revised policy consistent with the MYSP Policy Template. Clearly understood obligations articulated in TCDSB policy reflective of Ministry policy and the Ontario Human Rights Code. Clearly understood policy respectful of Board motion regarding the singing of O Canada.

E. ACTION PLAN

1. The policy has been revised to provide a policy which is aligned with other TCDSB Policies in relation to prayer and religious accommodation, and to our obligations under Ministry Policy Memorandum, and the Ontario Human Rights code.

2. Students will have an authentic experience of prayer and their faith in each school day.
3. Students will commence each day singing O Canada a cappella respectful of the Board motion stating the same.
4. Policy revision reflects the goals of our TCDSB Multi-year Strategic Plan and the principles of our Catholic Graduate Expectations, in order to build and sustain a positive, faith-filled, inclusive school climate.
5. TCDSB will, at all times, seek to accommodate an individual's right to freedom of religion in a manner that not only respects the individual's beliefs, but the principles of the Catholic Church.
6. Religious accommodation will be provided per the individual rights and responsibilities provided under the Ontario Human Rights Code.

F. METRICS AND ACCOUNTABILITY

1. Implementation of the Opening and Closing Exercises policy is the responsibility of the school principal, in consultation with the Area Superintendent.
2. The consistent application of religious accommodation requests will be monitored and reported in an annual report to the Board of Trustees.

G. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN

1. Policy updates will be provided to all school administrators and published to the TCDSB Policy Register.

H. STAFF RECOMMENDATION

That the board approve the revised S.S. 02 Opening and Closing Exercises Policy, per Appendix A.



REPORT TO

REGULAR BOARD

REPORT OF THE GOVERNANCE AND POLICY COMMITTEE ON APPLICATION OF TRESPASS POLICY S.S. 14

But the gift is not like the trespass. For if the many died by the trespass of the one man, how much more did God's grace and the gift that came by the grace of the one man, Jesus Christ, overflow to the many! Romans 5:15

Created, Draft	First Tabling	Review
May 11, 2015	May 19, 2015	August 27, 2015
Ann Andrachuk, Chair, Governance and Policy Committee Loretta Notten, Superintendent Governance and Policy		

RECOMMENDATION 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.



Members of the Committee:

Ann Andrachuk, Chair
Angela Kennedy, Vice Chair
Maria Rizzo, Trustee Ward 5
Mike Del Grande, Trustee Ward 7
Gary Tanuan, Trustee Ward 8
Jo-Ann Davis, Trustee Ward 9
Nancy Crawford, Ex-Officio

A. COMMITTEE RECOMMENDATIONS

That the Board approve the revised policy S.S. 14, as found in Appendix A, with the following amendments:

- a) That Regulation 13.I to include “The principal will respond within 14 days upon receipt of the appeal.”
- b) That Regulation 13.V and 13.VI be revised as summative statements as opposed to steps and processes.
- c) That the paragraph in Regulation 13.VI, the word ‘promptly’ be replaced with ‘2 Business Days’.

B. ORIGIN

At the Nov 5th, 2014 meeting of the Student Achievement, trustees directed staff to explore “*what can be done to support our school communities and staff and that staff bring back the Policy on Protocol and Trespass Orders as part of the report coming back*” and “*that the report that comes back as a result of the delegations, there be a draft policy outlining protocol for issuing trespass notice and an appeal process.*”

Upon receipt of that report at Board on April 23rd, 2015, trustees directed that staff bring back a draft policy re issuing of a trespass order and a draft policy re the appeal process, which was to be vetted first by the Governance and Policy Committee.

C. EXECUTIVE SUMMARY

In September 2014 the Board of Trustees passed a revised Trespass Policy S.S. 14. Regulation 474 of the *Education Act* in collaboration with the *Trespass to Property Act*, authorizes principals to ensure the safety of their school community and authorizes the principal to respond to those individuals who are perceived to pose a threat to the safety of any member of the school community. The Trespass Policy is tightly connected to the Access to Schools Policy S.S. 04.

After being redirected back to the Governance and Policy Committee, the policy was reviewed at both the May 19th, 2015 and June 9th, 2015

committee meetings. Conversation at Governance in May included commentary about the role of trustees in an appeal. There is no formal role in law and the ultimate decision resides with the principal. There was concern that parents and stakeholders need an avenue for appeal. The channels and individuals who can be pursued for assistance in a progressive, stepped manner, were reviewed. It was felt that some of the language and commentary that was present in the cover report, should also find itself in the policy. There was also a recommendation to consider the interval at which a trespass notice could be reviewed. Discussion in June centred on timelines for response. The policy as amended was passed unanimously.

D. APPENDICES

1. Appendix A: Revised Trespass Policy S.S. 14
2. Appendix B: Report to Governance Committee on Application of Trespass Policy S.S. 14.

E. MOTIONS

That the board approve the revised Trespass Policy S.S. 14.

The Motion carried as amended.



POLICY SECTION: SAFE SCHOOLS
A

APPENDIX

SUB-SECTION:

POLICY NAME: TRESPASS

POLICY NO: S.S.14

Date Approved:
September 11, 2014 - Board

Review Cycle:
September, 2017

Dates of Amendment:
December 6, 2011

Cross Reference:

Trespass to Property Act

O. Reg.474/00, Access to School Premises

S.S. 04 Access to School Premises

Attachment(s):

Purpose

This policy affirms the need for students, teachers and other staff to feel safe in their school community. The purpose of this policy is to outline the steps followed in those circumstances where an individual may be trespassing on school property. The policy also describes an appeal process available to an individual who wants to contest a trespass notice.

Scope and Responsibility

This Policy extends to all visitors, organizations or other individuals accessing or seeking access to Toronto Catholic District School Board schools or other TCDSB premises. The Director of Education, supported by the Superintendent of Safe Schools and school principals, is responsible for this policy.

Alignment with MYSP:

Living Our Values

Fostering Student Achievement and Well Being

Inspired and Motivated Employees

Strengthening Public Confidence

Financial Impact

Generally, there is no significant financial impact on the TCDSB.



POLICY SECTION: **SAFE SCHOOLS**
 A

APPENDIX

SUB-SECTION:

POLICY NAME: **TRESPASS**

POLICY NO: **S.S.14**

Legal Impact

The Education Act requires school boards and all schools of a board to maintain a positive and safe learning environment. When the safety of a school community or other TCDSB community may be compromised by the presence of a visitor or other individual, all reasonable steps must be taken to protect the safety of students, teachers, school staff, and other members of the school community.

Policy

All Toronto Catholic District School Board personnel are authorized by the Board of Trustees to exercise the rights and responsibilities of the Board as a person who has responsibility for, and control over, Board premises for the purposes of the provisions of the *Trespass to Property Act*.

Regulations

1. The Toronto Catholic District School Board is committed to ensuring that schools be an example of Christian Community that promote, maintain, and encourage responsibility, respect, civility, equity, inclusivity, academic excellence, and well-being in a safe learning and teaching environment. A positive school climate exists when all members of the school community feel safe, comfortable, and accepted, and is supported through a whole-school approach. The Trespass Policy will be applied in a manner consistent with the TCDSB's Catholic values.
2. The principal, teachers and support personnel shall safeguard the students in regard to trespassers on school property.
3. Unknown visitors may be requested to produce proper identification as per Policy S.S. 04 Access to School Premises and to follow locally established school visitor procedures.
4. A person is not permitted to remain on school premises if his or her presence is detrimental to the safety or well-being of a person on the premises, in the judgment of the principal, a vice-principal or another person authorized by the board to make such a determination. Failure to leave the premises when asked will result in the visitor being considered a trespasser.



**POLICY SECTION: SAFE SCHOOLS
A**

APPENDIX

SUB-SECTION:

POLICY NAME: TRESPASS

POLICY NO: S.S.14

5. A person is not permitted to remain on school premises if a policy of the board requires the person to report his or her presence on the premises in a specified manner and the person fails to do so. Failure to leave the premises when asked will result in the visitor being considered a trespasser.
6. A person identified as a trespasser shall be warned and asked to leave the property by the principal, vice-principal, or another person authorized by the Board as a person who has responsibility for, and control over, the condition of Board premises or the activities being carried on at Board premises.
7. Where there is an element of danger with respect to a trespass situation, the police shall be contacted.
8. Where the identity and address of the trespasser is known and the Principal does not wish the individual to re-enter Board premises, the superintendent shall be consulted and a "Trespass Notice" may be sent by the school principal or designated official.
9. A Principal shall consider issuing a "Cease and Desist Letter" to a person prior to issuing a Trespass Notice. A Cease and Desist Letter may be a sufficient response to encourage the person to stop acting in a way that is detrimental to the safety or well-being of other persons on the premises.
10. Where a Trespass Notice is sent, a copy shall be retained at the workplace and a copy shall be forwarded to the local police division.
11. When a Trespass Notice has been issued, the Principal will review the issues that gave rise to the Trespass Notice being issued and make a determination whether present circumstances warrant the Trespass Notice being rescinded. The Principal will conduct such review once every ninety (90) days after the Trespass Notice was issued.
12. A record of any trespassing notices will be kept by the Principal and by the Safe Schools Department. The Safe Schools Department will present a quarterly update report to the Board of Trustees.
13. An individual who wishes to appeal a trespass notice has available the following appeal process. The appeal process must be followed in the order prescribed:
 - i. Communicate in writing directly with the school principal and provide reasons why the trespass notice should be rescinded. The principal will respond within 14 days upon receipt of the appeal.



**POLICY SECTION: SAFE SCHOOLS
A**

APPENDIX

SUB-SECTION:

POLICY NAME: TRESPASS

POLICY NO: S.S.14

- ii. Communicate verbally or in writing with the school superintendent, advising why the trespass notice should be rescinded. The school superintendent will discuss the appeal with the school principal.
- iii. Communicate verbally or in writing with the Associate Director of Education (Academic Affairs). The Associate Director will discuss the appeal with the school superintendent.
- iv. The Associate Director of Education (Academic Affairs) will discuss the appeal with the Director of Education, as required.

At every stage of the appeal process, the views of both the school principal and the individual subject to the trespass notice will be considered.

The school principal, after having given reasonable consideration to the basis of the appeal and the advice of the area superintendent, (and the associate director, where applicable), will render a decision within 2 business days with respect to the appeal.

Definitions

School Climate

The learning environment and relationships found within a school and school community. A positive school climate exists when all members of the school community feel safe, included, and accepted, and actively promote positive behaviors and interactions.

Metrics

- 1. Annual Safe Schools Climate surveys administered to representative groups of TCDSB students.
- 2. Anonymous school climate surveys conducted with Parents and Staff at least every two years.
- 3. Safe Schools data: Reporting Forms – Part I, Trespass Notices, Violent Incidents



REPORT TO

GOVERNANCE AND POLICY COMMITTEE

APPENDIX B REPORT ON APPLICATION OF TCDSB TRESPASS POLICY JUNE 2015.DOCX

But the gift is not like the trespass. For if the many died by the trespass of the one man, how much more did God's grace and the gift that came by the grace of the one man, Jesus Christ, overflow to the many! Romans 5:15

Created, Draft	First Tabling	Review
January 19, 2015	January 29, 2015	June 9, 2015
Loretta Notten, Superintendent of Governance, Policy and Strategic Planning Vincent Burzotta, Superintendent of Student Success, Alt Ed and Safe Schools Paul Matthews, Corporate Services		
INFORMATION REPORT		

Vision:

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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



G. Poole

Associate Director of Academic Affairs

A. Sangiorgio

Associate Director of Planning and Facilities

Angela Gauthier

Director of Education

A. EXECUTIVE SUMMARY

In September 2014 the Board of Trustees passed a revised Trespass Policy S.S. 14. Regulation 474 of the *Education Act* in collaboration with the *Trespass to Property Act*, authorizes principals to ensure the safety of their school community and authorizes the principal to respond to those individuals who are perceived to pose a threat to the safety of any member of the school community. The Trespass Policy is tightly connected to the Access to Schools Policy S.S. 04.

B. PURPOSE

At the Nov 5th, 2014 meeting of the Student Achievement, trustees directed staff to explore “*what can be done to support our school communities and staff and that staff bring back the Policy on Protocol and Trespass Orders as part of the report coming back*” and “*that the report that comes back as a result of the delegations, there be a draft policy outlining protocol for issuing trespass notice and an appeal process.*”

C. BACKGROUND

1. Ontario Regulation 474/00 of the *Education Act* (the “Act”) governs access to schools and outlines those who have rights of access, those actions which can subsequently compromise or prevent an individual’s access and the recourse that principals are given under the Act. Section 3(1) of that Regulation provides:

3. (1) A person is not permitted to remain on school premises if his or her presence is detrimental to the safety or well-being of a person on the premises, in the judgment of the principal, a vice-principal or another person authorized by the board to make such a determination.
2. Regulation 298/11.(1) of the Education Act also outlines the duties of a principal, which include organization and management of the school, and supervision of pupils reg. 298/11.(3)(e) of *The Act*. Principals have been vested with the responsibility of ensure the safe operation of their schools and the safety of all who learn and work in this same environment.
3. In September 2014, the TCDSB Board of trustees approved a revised Trespass Policy SS. 14. The policy ensures that a positive, safe and

inclusive and accepting school climate is maintained in situations where an individual may be trespassing on school property. Failure on the part of a principal to take all reasonable steps to protect the safety of individuals on Board premises may result in the Board being held liable for any harm that might come to the individual. TCDSB Trespass Policy SS. 14 cross-references Regulation 474/00 of *The Education Act*, (Access to Schools) and the *Trespass to Property Act* as the foundations for the policy.

4. A “*Cease and Desist*” letter signed by the principal is also an option within a progressive process, that could be used in advance of a Trespass Notice being issued. The “Cease and Desist” letter clearly communicates the school and board’s position regarding consequences if the undesired behaviour continues. If there is a perceived element of danger with respect to a trespass situation, the police shall be contacted.
5. In issuing a Trespass Notice, principals consult with their Superintendent. Superintendents engage in regular communication with Trustees, and shall inform their local trustee of any school where a Trespass notice has been issued.
6. Other relevant policies that impact on a situation where the principal is dealing with a problematic individual, include H.M. 37 – Workplace Violence and H.M. 14 – Harassment and Discrimination.
7. In addition to the Education Act, school board employees are also subject to Ministry of Labour legislation, under Bill 168 and the *Occupational Health and Safety Act*, which offers protection from workplace violence. Under *the Act*, an employer can appeal an order but a parent cannot appeal Ministry of Labour ruling.

D. EVIDENCE/RESEARCH/ANALYSIS

1. Principals are called upon daily to make judgement calls for their community. They have been empowered to be the principal of a TCDSB school because their professional judgement has been deemed to be sound. They are further guided by the policies of the TCDSB and provincial legislation.

2. Principals are called upon to provide a safe learning environment and do on occasion issue progressive discipline to their students. On occasion, principals are also called upon to issue Trespass notices, so as to ensure safety of their community. Trespass notices are but one mechanism available to Principals, but one that they require the confidence to call upon, should they determine that it is appropriate to ensure the safety of their community.
3. Principals work with their superintendent to ensure their decisions are based on sound professional judgment and prudent principles.
4. If an individual wishes to appeal or discuss a Trespass Notice, the individual should follow the appeal process outlined at paragraph 10 (i)-(vi) of Policy S.S. 14- *Trespass*. The steps outlined at paragraph 10 (i)-(vi) of Policy S.S. 14- *Trespass* are consistent with Policy A. 33 *Guidelines for Trustees, Parents and Staff in Addressing School Related Concerns*. Legally however, the ultimate decision-maker with respect to the issuing and rescinding of a trespass notice is exclusively the legal purview of the principal, pursuant to Ontario Regulation 474/00, Section 3(1). The political body of the Board is not vested with the responsibility of hearing trespass appeals. The only process for appealing a trespass notice is outlined at paragraph 10 (i)-(vi) of Policy S.S. 14- *Trespass*.
5. A review of eight Catholic Boards comparable to Toronto Catholic reveals that an appeal of trespass notices is not contemplated, outside of a consultation with the school superintendent. Boards that were reviewed were York Catholic, Dufferin Peel Catholic, Durham Catholic, Ottawa Catholic, London Catholic, Halton Catholic, Simcoe Muskoka Catholic and Windsor Catholic. All vest the responsibility of a trespass notice with the principal, per *the Education Act* and with police services, per the *Trespass to Property Act*.

E. METRICS AND ACCOUNTABILITY

1. The Safe Schools department can include in its annual report the number of Trespass notices that were issued.

F. CONCLUDING STATEMENT

This report is for the consideration of the Board.

APPENDIX B



REPORT TO

REGULAR BOARD

REPORT OF THE GOVERNANCE AND POLICY COMMITTEE ON BOARD VEHICLE POLICY B.G. 04

The Lord will keep your going out and your coming in from this time forth and forevermore. Psalm 121:8

Created, Draft	First Tabling	Review
June 1, 2015	June 9, 2015	August 27, 2015
Ann Andrachuk, Chair, Governance and Policy Committee Loretta Notten, Superintendent Governance and Policy		
RECOMMENDATION REPORT		

Vision:

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Angela Kennedy, Vice Chair
Maria Rizzo, Trustee Ward 5
Mike Del Grande, Trustee Ward 7
Gary Tanuan, Trustee Ward 8
Jo-Ann Davis, Trustee Ward 9
Nancy Crawford, Ex-Officio

A. COMMITTEE RECOMMENDATIONS

That the Board rescind Policy S. 14 Vehicles – Secondary Schools.

That the board approve the revised and consolidated policy, B. G. 04 Board Vehicle Policy, per Appendix A.

B. ORIGIN

The current policies in relation to Board vehicles are significantly outdated, having been last updated in the 1980s and require substantial revision in order to reflect current realities and expectations. Further, all policies in the TCDSB policy register are to align with the Board’s Meta Policy and the Multi-Year Strategic Plan.

C. EXECUTIVE SUMMARY

This report provides recommendations that are in alignment with the board goal of updating and consolidating the TCDSB Policy register. This consolidation will provide greater clarity and transparency regarding TCDSB policy in relation to all aspects of the safe operation of Board vehicles. The TCDSB policy register will be consolidated and significantly updated in keeping with our Multi-Year Strategic Plan goals. The proposed policy brings together the old B.G. 04 Motor Vehicles on School Property and S. 14 Vehicles – Secondary Schools. TCDSB stakeholders will be more easily able to find information in relation to the safe and responsible operation of TCDSB Board vehicles from the policy register.

At the Governance and Policy Committee, the policy was reviewed and the revised policy was generally found to be effective in addressing the Board’s requirements of such a policy at this point in time. There was a recommendation to consider the inclusion of Green and Hybrid vehicles in the Vehicle Type and Standard Section. There was some discussion about cost being prohibitive, so the language was framed to indicate “as feasible as possible”. The amendment lost and the policy as originally presented was passed unanimously.

D. APPENDICES

1. Appendix A: Revised Board Vehicle Policy B.G. 04
2. Appendix B: Operational Procedures, TCDSB Board Vehicles
3. Appendix C: Report to Governance Committee on Application of Trespass Policy S.S. 14.

E. MOTIONS

That the Board rescind Policy S. 14 Vehicles – Secondary Schools.

That the board approve the revised and consolidated policy, B. G. 04 Board Vehicle Policy, per Appendix A.

The Motion carried.



POLICY SECTION: Buildings/Plant/ Grounds

SUB-SECTION: School Grounds

POLICY NAME: Board Vehicles

POLICY NO: B. G. 04

Date Approved:	Date of Review:	Dates of Amendment: B. G. 04: 1970; 1986 S. 14: 1968; 1988
<p>Cross Reference:</p> <p>(Consolidated) S. 14 Vehicles –Secondary Schools</p> <p>(Consolidated) B. G. 04 Motor Vehicles on School Property</p> <p>Administrative Procedure: Board Vehicles</p> <p>Hand-Held (Mobile) Wireless Communication Device – A.31</p> <p>Ontario Regulation 266/09 Display Screens and Handheld Devices</p> <p>Highway Traffic Act S.78.1</p> <p>http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90h08_e.htm</p> <p>Smoke Free Ontario Act</p> <p>City of Toronto Idle Bylaw</p> <p>http://www.toronto.ca/health/idling/idling_bylaw.htm</p> <p>OSBIE Risk Management Advisory for Automobile Insurance</p> <p>Accident Reporting Procedure</p> <p>Canadian Standards Association (CSA) Standard Z96-09 "High-Visibility Safety Apparel"</p> <p>http://www.ccohs.ca/oshanswers/prevention/ppe/high_visibility.html</p>		

Purpose:

This Policy recognizes that the Toronto Catholic District School Board is committed to safety and responsibility. This policy requires all employees who operate Board vehicles do so in a lawful and safe manner. The Board also requires that all vehicle assets of the Board are managed responsibly throughout the vehicle's life cycle, and that vehicles are used solely for the purposes of conducting the business of the Board.

Scope and Responsibility:

This policy applies to all staff of the Toronto Catholic District School Board who are assigned a vehicle and/or who are required to operate a vehicle in conducting his/her job, or for the purpose of transporting groups of students, staff, other employees or visitors. The Director of Education, supported by the Superintendent of Facilities, is responsible for this policy.

Alignment with MYSP:

Providing Stewardship of Resources

Strengthening Public Confidence

Achieving Excellence in Governance

Stewardship of Resources

Financial Impact:

Vehicles represent a significant financial cost to the board, both in terms of initial investment and in relation to maintenance. Adherence to the policy and procedures outlined herein will ensure that TCDSB realizes effective stewardship of their resources. That is, lifespan of vehicles will be maximized and the risk of potential liability will be minimized.

Legal Impact:

Safe and responsible operation of TCDSB owned vehicles will ensure a minimized legal risk. Strict adherence to the regulations herein will ensure TCDSB operates

all vehicles responsibly. Further, the Highway Traffic Act S.78.1 and Board Policy A.31 Hand-Held (Mobile) Wireless Communication Device also require the TCDSB to ensure its assets are maintained and operated in a safe and lawful manner.

Policy:

The TCDSB is committed to the safe and lawful operation of its vehicle assets, ensuring that all standards are upheld and maintained.

Regulations:

1. Employees are expected to take all steps necessary to avoid endangering themselves and others while operating Board vehicles.
2. Employees are expected to take all necessary steps to ensure all required licences are maintained in good standing.
3. Proof of insurance in the form of a liability certificate must be carried in each Board vehicle. If waiting for a liability certificate for a newly acquired vehicle, a facsimile (FAX) or scanned copy of the liability certificate is acceptable.
4. Employees, trustees, volunteers, parents, students and other individuals are protected while operating a vehicle not owned by them if on board business. Driving to and from work is not considered board business.
5. Any staff member who is in violation of Board safety expectations may be subject to disciplinary action by the Board up to and including termination.
6. Recording of Maintenance, Warehouse, Portable Crew and Courier vehicle assets information, insurance, safety recalls will be the responsibility of Facilities Services Department. Recording of other Board vehicle assets will be the responsibility of the Transportation Department.
7. Any school which engages in vehicle rental must ensure that the vehicle has been rented in the name of the TCDSB, in order to ensure appropriate liability insurance.

8. a) Vehicles that are rented as temporary substitute vehicles to replace board-owned vehicles damaged in an accident would be covered by the board's fleet automobile insurance policy.
b) b) Vehicles rented for specified projects, for 30 days or more, need to be ordered through the TCDSB central office in order for the vehicles to be considered for and obtain coverage through the Board's provider, (OSBIE).
9. All TCDSB schools shall adhere to the License Requirements for Vehicles owned and operated as TCDSB vehicles. Vehicles are divided into three categories based on seating capacity, (*see Operational Procedures, 4 b*).
10. Before TCDSB schools proceed with accepting donated or borrowed vehicles the school principal should notify the TCDSB Transportation Department to ensure that proper insurance coverage is being provided.
11. Maintenance, licensing and registration, plating and vehicle logs will be the responsibility of each department and school that are assigned a Board vehicle. Departments will be responsible for gas, mileage and any costs incurred on tolled highways, and will also be responsible to ensure that vehicles have yearly safety inspections.
12. Board vehicles must adhere to the standard fleet colour and design. The Board logo will be clearly placed on all Board-owned vehicles on each side of the vehicle, on the doors panels. All vehicles will be clearly numbered and identified by function or location and model year. Exceptions for special circumstances such as vehicle wrapping may be approved by the Superintendent of Facilities Services. Individual Departments will be responsible in ensuring vehicle standards will be upheld and maintained.

Definitions:

Board vehicle:

Board vehicle refers to any motorized vehicle such as car, truck or van that is owned, rented or leased by the Board expressly for the purpose of carrying out Board business.

Maintenance:

All work required by vehicle manufacturer to keep the vehicle in proper working order, up to and including gas, oil changes, tire pressure, vehicle fluid levels and changes, safety checks and rust proofing as required.

Evaluation and Metrics:

1. Implementation of the Board Vehicle Policy is the responsibility of the Superintendent of Facilities.
2. In the case of a school which maintain a Board vehicle, it is the joint responsibility of the principal, the school superintendent and the Superintendent of Facilities to ensure the Board Vehicle Policy is implemented.

Operational Procedures
TCDSB Board Vehicles

1. PURPOSE:

The purpose of this procedure is to set forth the requirements applicable to all Board organizations and Board employees who are assigned Board vehicles for conducting Board business. This procedure is intended to safeguard people, protect Board vehicle assets, increase efficiencies and the safety of their operation, and reduce the frequency and severity of accidents, both on and off TCDSB locations, involving Board vehicles operated for Board business.

Driving a Board vehicle is a privilege and the Board reserves the right to deny or revoke the driving privileges of any employee in the event that the employee does not meet the requirements of this procedure.

2. JOB FUNCTIONS / SCHOOL PROGRAMS WHICH REQUIRE A BOARD-OWNED VEHICLE:

A Board-owned vehicle may be assigned:

- To staff whose job function requires a specific type of vehicle, not normally owned by an employee, to deliver services.
- To certain supervisory staff who are on-call after hours, i.e., required to respond to emergencies and therefore need to have a vehicle available at all time.
- Staff to whom the Board grants the privilege of operating a Board vehicle to conduct Board business.

3. BOARD VEHICLE AND DRIVER LICENSE RECORDS:

Each department will have the responsibility for maintaining a database of authorized drivers for their vehicles, including copies of their licenses as well as vehicle registration information. The types of license required are governed by the Ministry of Transportation. Maintenance vehicles require a type 'G' license and warehouse vehicles require a type 'DZ' license.

- a) Each department must validate the information in their database once a year, at the start of the school year and whenever there is a change in authorized drives or vehicles.
- b) Each department shall provide the Facilities Services Department with current and updated vehicle and driver license information.
- c) Facilities Services Department shall on an annual basis, provide a copy of the current database to the Board's insurance representative in Business Services.

4. LICENSING AND VEHICLE REQUIREMENTS FOR PASSENGER VEHICLES:

5 Passenger seats plus the driver: If the vehicle is owned, leased or rented in the name of the Board, must carry a valid "G" class license and vehicle must have safety inspection stickers and carry a logbook.

6 to 9 passenger seats plus the driver: If the vehicle is owned, leased or rented in the name of the Board, must carry a valid "G" class license and vehicle must have safety inspection stickers and carry a logbook. As far as the Ministry of Transportation is concerned, any form of remuneration (i.e., mileage, gas allowance, flat fee, etc.) paid by the Board to anyone to transport students enters into a contract with the Board. Therefore, any vehicle in this category owned, leased or rented by a volunteer, teacher, employee, parent, student, etc. used to transport students in return for some form of remuneration is deemed to be under contract with the Board.

10 to 24 passenger seats plus the driver: If the vehicle is owned, leased or rented in the name of the Board, the driver must carry a class "E" license and the vehicle must meet all "school purposes bus" regulations under the Highway Traffic Act. If the vehicle is owned, leased, or rented by a volunteer, teacher, parent, student, employee, etc. and no payment is made by the Board for the occasional transportation of students, then the driver must carry a class "F" license if the vehicle will seat more than 11 passengers and the vehicle need not meet the "school purposes bus" regulations under the Highway Traffic Act.

Regulations under the Highway Traffic Act are very stringent and violation of these regulations could result in a fine, license suspension or such other penalty as permitted by the Highway Traffic Act.

a) **Maintenance:**

Each department that has a Board vehicle in its control is responsible for ensuring that such vehicle(s) is/are properly inspected and maintained. The departments with owned vehicles are responsible for all costs of operation including annual vehicle safety inspections, maintenance, repairs, and gas. Repairs and maintenance should only be performed by trained auto professionals.

- (i.) Vehicles shall be maintained to ensure the safe operation and longevity of the vehicle. Any required repairs are to be reported by the employee assigned to that vehicle, to the employee's supervisor.
- (ii.) All vehicle repairs shall be approved by the supervisor/manager.
- (iii.) Each vehicle shall have an annual safety check.
- (iv.) All vehicles shall be rust-proofed by-annually.
- (v.) Maintenance logs shall be maintained for each department Board vehicle.

b) **Safety:**

- (i.) Vehicles shall be operated within the legal speed limits at all times, or at a lower speed as dictated by poor road conditions.
- (ii.) Vehicles shall be operated at all times in a proper and safe manner following all provincial and municipal laws. If improper operation of a vehicle results in a traffic infraction, payment of a fine or legal representation is the responsibility of the employee. Vehicle infractions may involve further disciplinary action depending on the severity of the event.

- (iii.) The use of either Board-owned or personal electronic devices will not be permitted while the vehicle is in use consistent with the Distracted Driving Law (HWT S.78 1) and as set out in Hand-Held (Mobile) Wireless Communications Device – A.31.
- (iv.) At the beginning of each work day, prior to the use of the vehicle, the employee assigned to a vehicle will perform a circle safety check and complete an entry in the vehicle log. The log shall be kept in the vehicle at all times.
- (v.) All staff who operate a Board vehicle must maintain the appropriate class of driver's license. At any time, the employer may require a Statement of Driving Record from employees assigned to vehicles. Past traffic infractions must be disclosed and subsequent traffic infractions or parking tickets must be immediately reported to the employee's supervisor.
- (vi.) Board vehicles shall be equipped with a global positioning system (GPS) device to ensure the security and safety of both the operator and the vehicle.
- (vii.) Individuals not employed by the Board are not permitted to drive Board vehicles, unless for the purposes of servicing the vehicles.

c) **Vehicle Operation:**

The following applies to all drivers of a Board vehicle:

- (i.) Board vehicles shall be used only for authorized Board business. At no time shall the vehicle be used for an employee's personal use. Should a personal emergency occur, which may require the personal use of the vehicle, the employee's supervisor, or on-call supervisor shall be notified first to obtain approval. Failure to abide by this restriction constitutes improper use of Board assets and may result in disciplinary action up to and including termination of employment.

- (ii.) Vehicles shall not be left idling for more than 1 minute in a 60 minute period – City of Toronto idling By-Law.
- (iii.) Vehicles shall be driven in a direct route between assigned workplace sites. Vehicles shall never be used to go to unassigned locations, with the exception of Maintenance staff that are permitted to use the Board Vehicle during the 1-hour unpaid lunch period.
- (iv.) Board vehicles shall not congregate at off-Board sites.
- (v.) All vehicle occupants are required to wear seat belts while the vehicle is in motion. The vehicle must not be operated unless all passengers are properly belted.
- (vi.) At no time shall the number of occupants exceed the maximum capacity of the vehicle.
- (vii.) The speed limit and all provincial and federal traffic laws shall be obeyed at all times.
- (viii.) Drivers shall refrain from alcohol consumption while on duty or to/from home. It is strongly advised that drivers refrain from alcohol consumption for at least 24 hours before driving. Driver shall take prescription and over-the-counter medication only as prescribed or recommended, and shall heed all warnings with respect to driving or operation of machinery.
- (ix.) The use of illicit or prescription drugs by a driver or any other vehicle occupant that impair a drivers ability shall be strictly prohibited at all times.
- (x.) Cell phone use by the driver while the vehicle is in motion is not allowed. When appropriate, drivers must pull the vehicle over (only if exiting lane or re-entry into traffic can be done safely) if it is necessary to answer or place a cell phone call, as per the Policy A.31 “Hand-Held (Mobile) Wireless Communication Device –.
- (xi.) Drivers shall at all times be well-rested and focused on driving duties. No loud music or other driver distractions will be permitted in the vehicle cab.

- (xii.) Only Board-affiliated passengers will be permitted to be transported in any Board vehicle.
- (xiii.) Drivers will always turn the vehicle off, remove the keys, and lock the vehicle when it is unattended.
- (xiv.) Drivers shall at all times during operation of a Board vehicle have a valid driver's license on their person and shall ensure that the vehicle's registration documents and insurance card are in the glove compartment.
- (xv.) Smoking is not permitted in any Board vehicle.

d) **GPS System:**

- (i.) All Facility Services vehicles will be equipped with a GPS device to ensure the safety and security of Board employees and vehicles.
- (ii.) Information gathered by the system including vehicle travel, stop, idling, speed and location will be stored in a database while the Board owns the vehicle.
- (iii.) Weekly reports will be printed and reviewed by the vehicle operations supervisor to ensure the vehicle has been operated in a safe and environmentally responsible manner.
- (iv.) Online access to the data shall be restricted to the Facility Services Managers.
- (v.) The GPS system shall be used to provide information in support of the following situations:
 - a. Determination/investigation of missing/stolen vehicle
 - b. Public concern of vehicle activity
 - c. Excessive speed occurrence
 - d. Location of vehicle for emergency response
 - e. Data to improve efficiency

- f. Safety/Vehicle Operation
- g. Excessive idling

5. ACCIDENTS, BREAKDOWNS AND/OR TRAFFIC VIOLATIONS:

In the event of an accident while driving a Board vehicle, drivers should follow these instructions:

- a) Take whatever steps are immediately necessary to render emergency medical care, salvage property, or reduce the further extent of the loss. If possible, do not disturb the evidence or hazard which caused the claim until the conditions are recorded.
- b) Report the accident to your supervisor as soon as you can get to a phone. If it is after normal business hours contact the –on-call supervisor. If you are at-fault, you are also responsible for obtaining a copy of the police report. When you receive the report provide the original to you supervisor.
- c) Report the accident at once to the local police department or highway patrol. Get the police report number, the police officer's name, badge number, and department. If the information provided at the scene does not have a telephone number, get a number where the police department can be called.
- d) Specify as many facts (not opinions) as you can that will help determine who was at fault. Note any objects that may have impaired your vision. Do not leave the scene without writing down the name, address, phone number and insurance company of all other drivers involved.
- e) Get written driver and witness statements where possible. If you have a camera or a camera cell phone with you, take some pictures. The police may not take pictures and it will be beneficial to all parties involved if the accident scene and damages are documented.
- f) It is the responsibility of the applicable department to get the Board vehicle to a repair shop, if the vehicle needs to be towed contact the

Board Vehicle Towing Vendor; if a repair shop has been designated by our claims administrator then the applicable department shall take the Board vehicle to such designated repair shop.

The Board is not responsible for personal cost or inconvenience that may occur because of an accident.

6. TRAFFIC VIOLATIONS:

Drivers shall personally assume responsibility for any and all fines, penalties, or traffic violations associated with use of any Board vehicle or issued while the driver is conducting Board business. The Board will not defend any driver who has operated such a vehicle in violation of traffic laws. Any traffic violation incurred while driving a Board vehicle must be reported to Facilities Service.

7. ENFORCEMENT OF PROCEDURE:

Failure to meet the conditions of this procedure may result in revocation of driving privileges, reassignment to a non-driving position, as well as disciplinary action up to and including termination of employment.

8. VEHICLE TYPE AND STANDARDS:

a) Vehicle Standards:

- (i.) The Board fleet colour is burgundy/maroon and/or White with burgundy/maroon (depending on the age of the vehicle).
- (ii.) The Board logo will be clearly placed on all Board-owned vehicles, on each side of the vehicle on the door panels of school board vehicles
- (iii.) All vehicles will be clearly numbered and identified by function or location and model year.
- (iv.) Exceptions for special circumstances such as vehicle wrapping may be proved by the Superintendent of Facilities Services.

CROSS – REFERENCES:

Hand-Held (Mobile) Wireless Communication Device – A.31

<http://www.tcdsb.org/board/policies/pages/A31.aspx>

Highway Traffic Act S.78.1

[http://www.e-](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90ho8_e.htm)

[laws.gov.on.ca/html/statutes/english/elaws_statutes_90ho8_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90ho8_e.htm)

City of Toronto Idle Bylaw

http://www.toronto.ca/health/idling_bylaw.htm

OSBIE Risk Management Advisory for Motor Vehicles

<http://osbie.on.ca/risk-management/advisories/automobile.aspx#advisories>



REPORT TO

GOVERNANCE AND POLICY COMMITTEE

APPENDIX C B. G. 04 BOARD VEHICLE POLICY REPORT.DOCX

The Lord will keep your going out and your coming in from this time forth and forevermore. Psalm 121:8

Created, Draft	First Tabling	Review
June 1, 2015	June 9, 2015	Click here to enter a date.
Loretta Notten. Superintendent of Governance and Policy Maia Puccetti, Superintendent of Facilities and Planning		

RECOMMENDATION 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.



G. Poole
Associate Director of Academic Affairs

A. Sangiorgio
Associate Director of Planning and
Facilities

Angela Gauthier
Director of Education

A. EXECUTIVE SUMMARY

This report provides recommendations that are in alignment with the board goal of updating and consolidating the TCDSB Policy register. This consolidation will provide greater clarity and transparency regarding TCDSB policy in relation to all aspects of the safe operation of Board vehicles. The TCDSB policy register will be consolidated and significantly updated in keeping with our Multi-Year Strategic Plan goals. The proposed policy brings together the old B.G. 04 Motor Vehicles on School Property and S. 14 Vehicles – Secondary Schools. TCDSB stakeholders will be more easily able to find information in relation to the safe and responsible operation of TCDSB Board vehicles from the policy register.

B. PURPOSE

The current policies in relation to Board vehicles are significantly outdated, having been last updated in the 1980s and require substantial revision in order to reflect current realities and expectations. Further, all policies in the TCDSB policy register are to align with the Board's Meta Policy and the Multi-Year Strategic Plan.

C. BACKGROUND

1. The current policies in relation to Board vehicles were last updated in 1986 (B.G. 04) and 1988 (S. 14) respectively. In the intervening years there have been advancements in technology, for example Hand-Held (Mobile) Wireless Communication Devices, as well as updates to relevant legislation, and city Bylaws.
2. The Ontario School Boards' Insurance Exchange (OSBIE) provides guidelines for considerations that will reduce liability for school boards in relation to the safe operation of motor vehicles.
3. Vehicles represent a significant financial cost to the Board, both in terms of investment and in relation to maintenance. Further, there is the potential for great financial liability if vehicles are not safely driven. In keeping with the Board's Multi-year Strategic Year Plan goal of effective Stewardship of

Resources, the Board requires a more comprehensive policy to guide the responsible upkeep and safe operation of its vehicles.

4. At the current time there is only one secondary school that has a vehicle that is used to transport students, but many others have historically had vehicles. There are licensing and vehicle requirements based on the size of vehicle that is being driven.
5. There are different insurance provisions based on whether a vehicle is owned, rented, a temporary substitute or donated. Generally the Board's insurance provider will cover all scenarios, but stakeholders need to be guided through policy in the required steps and provisions that will ensure that coverage.

D. VISION

VISION	PRINCIPLES	GOALS
Provide a new policy that consolidates and updates TCDSB policies and procedures in relation to Board vehicles.	Aligns with the MYSP goals of Providing Stewardship of Resources and Strengthening Public Confidence.	Craft and implement a consolidated policy and procedure to guide the safe and responsible operation of all TCDSB Board vehicles.

E. ACTION PLAN

1. In keeping with our Catholic Graduate Expectations and our Multi-year Strategic Plan, the TCDSB shares a commitment to being a responsible citizen and a strong steward of resources (environmental and monetary). The TCDSB policy on Board vehicles will be guided by this understanding.
2. The Facilities Services Department shall hold ultimate responsibility for this policy, but each department or school is responsible for maintaining updated vehicle and driver license information.

3. Similarly, each department or school is responsible for ensuring that the vehicles in their care are properly maintained to ensure both safety and vehicle longevity.
4. Safety will be the primary consideration in the development of our policy. In addition to guidelines about vehicle maintenance, and in keeping with TCDSB Policy A. 31 on Mobile Devices, there is also consideration for outlining obligations as they apply to the non-use of hand-held devices while operating a board vehicle.
5. The Ontario School Board Insurance Exchange (OSBIE) Risk Advisory for Automobile Insurance has been used as a resource in the development of this policy and operational procedure.

F. METRICS AND ACCOUNTABILITY

1. The TCDSB Facilities Services Department will be ultimately responsible for the Board Vehicle Policy.
2. The principal and local field superintendent, along with the Superintendent of Facilities, will hold responsibility for any school that operates a Board vehicle.
3. All vehicles will have an annual safety-check and all departments/schools will maintain a log of any and all vehicle inspections and maintenance.
4. All drivers of TCDSB vehicles will be governed by this policy.

G. COMMUNICATIONS AND IMPLEMENTATION PLAN

1. All departments and schools operating vehicles will be informed and educated about the new TCDSB policy and procedure in relation to Board Vehicles.

H. STAFF RECOMMENDATION

That the Board rescind Policy S. 14 Vehicles – Secondary Schools.

That the Board approve the revised and consolidated policy, B.G. 04 Board Vehicles, per Appendix A.

APPENDIX C



REPORT TO

REGULAR BOARD

REPORT OF THE GOVERNANCE AND POLICY COMMITTEE ON ASTHMA POLICY S.M. 16

The Lord God formed man of dust from the ground, and breathed into his nostrils the breath of life, and man became a living being. Genesis 2:7

Created, Draft	First Tabling	Review
June 1, 2015	June 9, 2015	August 27, 2015
Ann Andrachuk, Chair, Governance and Policy Committee Loretta Notten, Superintendent Governance and Policy		

RECOMMENDATION REPORT

Vision:

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Mission:

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Members of the Committee:

Ann Andrachuk, Chair
Angela Kennedy, Vice Chair
Maria Rizzo, Trustee Ward 5
Mike Del Grande, Trustee Ward 7
Gary Tanuan, Trustee Ward 8
Jo-Ann Davis, Trustee Ward 9
Nancy Crawford, Ex-Officio

A. COMMITTEE RECOMMENDATIONS

That the board approve the new policy S.M 16 Asthma, as found in Appendix A on an interim basis.

That the board consider revising the policy to include Operational Procedures once the guidelines are received from the Ministry of Education/Ontario Education Services Corporation.

B. ORIGIN

In October 2012, student Ryan Gibbons died at school of an asthma attack. His tragic death inspired the Government of Ontario to contemplate legislation entitled “Ensuring Asthma Free Schools”. The policy will require schools to ensure that they are taking the appropriate precautions to ensure the safety of their students suffering from asthma and also allow for students to carry their inhalers with them to allow for immediate remediation should an asthma attack take place.

C. EXECUTIVE SUMMARY

On April 30th, 2015, the Government of Ontario enacted “Ryan’s Law”, legislation intended to protect and support individuals who suffer from asthma. The legislation requires all school boards in Ontario to craft and implement a policy to identify, support and intervene (when necessary) for students suffering from asthma. Currently the TCDSB does not have such a policy and so this report recommends the adoption of an interim policy to satisfy the requirements of Ryan’s Law. There is the potential for TCDSB to consider a longer term plan that might consolidate all policies dealing with Health Care issues.

At the Governance and Policy Committee, there was some initial discussion as to whether the Board has a Type 1 Diabetes Policy or Guideline. At staff’s recommendation, there was also discussion that as the Board looks to the fall, as more information becomes available from the Ministry of Education and OESC, the Board should contemplate revising the current policy with more detailed Operational Procedures and or a single consolidated policy for all medical policies, with separate related

Operational Procedures for each. Items might include asthma, diabetes, concussion, anaphylaxis, etcetera.

D. APPENDICES

1. Appendix A: New Board Asthma Policy S. M. 16
2. Appendix B: Report to Governance Committee on Asthma Policy, S. M. 16

E. MOTIONS

That the board approve the new policy S.M 16 Asthma, as found in Appendix A on an interim basis.

That the board consider revising the policy to include Operational Procedures once the guidelines are received from the Ministry of Education/Ontario Education Services Corporation.

The Motion carried.



**POLICY
SECTION:**

Schools

APPENDIX A

SUB-SECTION:

Miscellaneous

POLICY NAME:

Asthma Policy

POLICY NO:

S. M. 16

Date Approved:	Date of Next Review:	Dates of Amendments:
Cross References: Ryan's Law, 2015 – Ensuring Asthma Friendly Schools Education Act, Sec 265 (Duties of a Principal) Education Act, Sec 298 (Duties of Teachers) TCDSB Policy S. M. 15 Anaphylaxis TCDSB Policy B.B. 04 Smoke Free Space		
Appendix A – Operational Procedures for Asthma Policy		

Purpose

All students of the TCDSB are children of God and as a board we value and prioritize their care. Under the auspices of Ryan's Law, school boards are obligated to develop and maintain policy to support and intervene for students suffering from asthma.

Scope and Responsibility

The safety of students with a medical condition such as asthma is a shared responsibility of the board, school, family, health care provider and community partners. The Director of Education is responsible for this policy.



**POLICY
SECTION:**

Schools

APPENDIX A

SUB-SECTION:

Miscellaneous

POLICY NAME:

Asthma Policy

POLICY NO:

S. M. 16

Alignment with MYSP:

Fostering Student Achievement and Well-Being
Strengthening Public Confidence

Financial Impact:

There is generally no financial impact connected with the implementation of this policy. Lapses in the appropriate standard of caution and care outlined in the policy and procedure may result in some financial impact connected to legal liability.

Legal Impact:

The Board has an obligation to provide an appropriate standard of care to all students. Adherence to the directives provided within this policy and the corresponding operational procedures will ensure that this standard of care will be maintained and that there is no liability to the Board.

Policy

In accordance with Ryan's Law- Ensuring Asthma Friendly Schools – 2015, the Toronto Catholic District School Board will maintain a policy for students diagnosed with asthma. This policy outlines the board's commitment to students with asthma.

Regulations

1. The Board shall ensure that all students have easy access to their prescribed reliever inhaler medications.



**POLICY
SECTION:**

Schools

APPENDIX A

SUB-SECTION:

Miscellaneous

POLICY NAME:

Asthma Policy

POLICY NO:

S. M. 16

2. All schools will review school grounds and identify asthma triggers in classrooms, common school areas and in planning field trips, and implement strategies to reduce the risk of exposure.
3. School Principals will establish a communication plan to share information on asthma to parents/guardians, students, employees and include any other person who has direct contact with a student with asthma.
4. The Superintendent of Special Services will provide annual training reminders to all staff regarding the requirement for asthma education and provide regular training opportunities on recognizing and preventing asthma triggers, recognizing when symptoms are worsening and managing asthma exacerbations for all employees and others who are in direct contact with students on a regular basis.
5. All school principals will establish a process to identify students with asthma at the time of registration or following diagnosis and gather the necessary asthma related information from the parents/guardians and student.
6. All school principals will develop an individual student asthma management plan for each student diagnosed with asthma, based on the recommendation of the student's health care provider.
7. All school principals will maintain a file for each student diagnosed with asthma. The file main contain personal medical information, treatment plans and/or other pertinent information about the student, if that information is obtained with the consent of the student or the parent/guardian, in accordance with applicable legislation, including relevant privacy legislation. This file shall also include current emergency contact information.
8. All school principals will inform school board personnel and others who are in direct contact on a regular basis regarding a student with asthma about the contents of the student's asthma management plan.



**POLICY
SECTION:**

Schools

APPENDIX A

SUB-SECTION:

Miscellaneous

POLICY NAME:

Asthma Policy

POLICY NO:

S. M. 16

Definitions:

Asthma:

According to the Ontario Lung Association, asthma is a very common chronic (long-term) lung disease that can make it hard to breathe.

People with asthma have sensitive airways that react to triggers. There are many different types of triggers for example poor air quality, mold, dust, pollen, viral infections, animals, smoke and cold air. Symptoms of asthma are variable and can include coughing, wheezing, difficulty breathing, shortness of breath and chest tightness. The symptoms can range from mild to severe and sometimes could be life threatening.

Emergency Medication:

“Emergency Medication” refers to medication that is administered by a staff member to a student at the time of an asthma exacerbation - for example - reliever inhaler or stand-by-medication.

Medication:

“Medication” refers to medications that are prescribed by a health care provider and, by necessity, may be administered to a student, or taken by the student during school hours or school related activities.

Immunity:

The Act to Protect Pupils with Asthma states that “No action or other proceeding for damages shall be commenced against an employee for an act or omission done or omitted by the employee in good faith in the execution or intended execution of any duty or power under this Act.”



**POLICY
SECTION:**

Schools

APPENDIX A

SUB-SECTION:

Miscellaneous

POLICY NAME:

Asthma Policy

POLICY NO:

S. M. 16

Metrics

1. All school principals will review local data related to the number of incidents involving asthma attacks to ensure that proper precautions were taken in terms of the learning environment and that responses to the asthma attack were appropriate. In short, that all preventative and reactive measures were reasonable and responsible.



REPORT TO

GOVERNANCE AND POLICY COMMITTEE

APPENDIX B S M 16 ASTHMA POLICY REPORT.DOCX

The Lord God formed man of dust from the ground, and breathed into his nostrils the breath of life, and man became a living being. Genesis 2:7

Created, Draft	First Tabling	Review
June 1, 2015	June 9, 2015	Click here to enter a date.

Loretta Notten, Superintendent of Governance and Policy
Frank Piddisi, Superintendent of Special Services

RECOMMENDATION REPORT

Vision:

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G. Poole
Associate Director of Academic Affairs

A. Sangiorgio
Associate Director of Planning and
Facilities

Angela Gauthier
Director of Education

A. EXECUTIVE SUMMARY

On April 30th, 2015, the Government of Ontario enacted “Ryan’s Law”, legislation intended to protect and support individuals who suffer from asthma. The legislation requires all school boards in Ontario to craft and implement a policy to identify, support and intervene (when necessary) for students suffering from asthma. Currently the TCDSB does not have such a policy and so this report recommends the adoption of an interim policy to satisfy the requirements of Ryan’s Law. There is the potential for TCDSB to consider a longer term plan that might consolidate all policies dealing with Health Care issues.

B. PURPOSE

In October 2012, student Ryan Gibbons died at school of an asthma attack. His tragic death inspired the Government of Ontario to contemplate legislation entitled “Ensuring Asthma Free Schools”. The policy will require schools to ensure that they are taking the appropriate precautions to ensure the safety of their students suffering from asthma and also allow for students to carry their inhalers with them to allow for immediate remediation should an asthma attack take place.

C. BACKGROUND

1. In October 2012, Ryan Gibbons a young student of 12 years of age died of asthma attack during recess. Ryan did not have his inhaler with him, but rather it was locked in the main office with all of the other prescribed medications. His tragic death has inspired the government of Ontario to review school protocols and practices in relation to students suffering from asthma.
2. The TCDSB currently has a policy for Anaphylaxis (S.M. 15) but does not have a policy in relation to asthma.
3. The Ontario Education Services Corporation has been working with the Ministry of Education to help prepare templates to support the implementation of sound policy and procedure in relation to Ryan’s Law.

4. At this time templates have been provided that support the development of policy so that Boards would be able to move quickly in the development and implementation of policy. Further supports are expected to support more comprehensive Operational Procedures in relation to the responsible prevention and treatment of asthma.

D. VISION

VISION	PRINCIPLES	GOALS
Provide a new policy to govern both the proactive and reactive responses to students who have been diagnosed as suffering from asthma.	Aligns with the MYSP goals of Fostering Student Achievement and Well-Being And Strengthening Public Confidence	Craft and implement a new policy with the guidelines provided by the Ministry of Education through the Ontario Education Services Corporation. Nurture schools that provided a safe and caring environment for our students.

E. ACTION PLAN

1. The TCDSB would have a wide cross-section of students who suffer from asthma and its symptoms. Ryan's Law was legislated in an effort to more formally address the potential life-threatening attacks of asthma sustained by students at the elementary and secondary levels. TCDSB will comply with legislation and implement a policy on "ensuring asthma free schools".
2. The TCDSB shares the Ministry commitment to promoting awareness of safety and a commitment to student's long term health and academic success. The policy which has been developed, has been heavily informed by the guidelines provided by the *Ontario Education Services Corporation (OESC)*.

3. The OESC has further indicated that a resource for the development of more comprehensive Operational Procedures is also forthcoming, (likely in June 2015). Therefore it would be prudent to implement the current policy as an interim policy and then supplement the policy with more comprehensive Operational Procedures. Upon receipt of those guidelines, the TCDSB may also wish to consider the possibility of an “omnibus” Student Health Care Policy in which the current policies on anaphylaxis, asthma and possibly concussion might be consolidated.
4. In order to build widespread awareness about the importance of the Asthma Policy and Protocol the TCDSB Special Services Department will work with administrators and local staff to ensure broadly understood awareness about the Policy and its requirements.
5. The new asthma policy reflects the goals of the Multi-Year Strategic Plan and the principles of our Catholic Social Teachings, insofar as it builds and sustains a positive, safe and healthy school climate in all our TCDSB learning environments.

F. METRICS AND ACCOUNTABILITY

1. The TCDSB Special Services Department will be responsible for the Asthma Policy. Statistics and reporting evidence will be maintained at local schools, with a goal of both reducing the number of asthma attacks which take place and the safe care of students who have incurred an asthma attack.

G. COMMUNICATION AND IMPLEMENTATION PLAN

1. Principals will be in-serviced on the new asthma policy, with an update provided at fall Principal meetings. Principals in turn will implement and highlight the new policy in their local schools.
2. The Superintendent of Special Services will message all schools annually regarding inservice opportunities on the new asthma protocol.

H. STAFF RECOMMENDATION

That the board approve the new policy S.M 16 Asthma, as found in Appendix A on an interim basis.

That the board consider revising the policy to include Operational Procedures once the guidelines are received from the Ministry of Education/Ontario Education Services Corporation.

APPENDIX B



REPORT TO

REGULAR BOARD

REPORT OF THE GOVERNANCE AND POLICY COMMITTEE ON STUDENT ASSESSMENT POLICY S.P. 13

But the gift is not like the trespass. For if the many died by the trespass of the one man, how much more did God's grace and the gift that came by the grace of the one man, Jesus Christ, overflow to the many! Romans 5:15

Created, Draft	First Tabling	Review
May 11, 2015	May 19, 2015	August 27, 2015
Ann Andrachuk, Chair, Governance and Policy Committee Loretta Notten, Superintendent Governance and Policy		

RECOMMENDATION REPORT

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Members of the Committee:

Ann Andrachuk, Chair
Angela Kennedy, Vice Chair
Maria Rizzo, Trustee Ward 5
Mike Del Grande, Trustee Ward 7
Gary Tanuan, Trustee Ward 8
Jo-Ann Davis, Trustee Ward 9
Nancy Crawford, Ex-Officio

A. COMMITTEE RECOMMENDATIONS

That the Board approve the new consolidated policy S.P. 13, as found in Appendix A, and the new corresponding Operational Procedures for S.P. 13, per Appendix B, with the following amendments:

- a) That a further explanation of the achievement chart be included in S.P. 13 Student Assessment, Evaluation and Reporting, section c), *Guidelines for Course Weightings* subsection.
- b) That a passing grade of 50% be included in the policy as a passing grade in S.P. 13 Student Assessment, Evaluation and Reporting, section f) Determining Lower Limits of Marks.

B. ORIGIN

The Multi-Year Strategic Plan identified the work of policy revision and the streamlining of the policy register as a priority. The Student and Program Assessment policy was last revised in 2006. Since that time, the Ministry of Education has significantly revised in Assessment, Evaluation and Reporting policies creating a new standard of obligation for all teachers and school boards.

C. EXECUTIVE SUMMARY

The primary purpose of Catholic Education is to assist all students to fulfil their God-given potential and to succeed in attaining the Catholic Graduate Expectations. The Ontario Ministry of Education requires school boards to implement a student assessment and evaluation policy. TCDSB is committed to providing policy and procedure that is consistent with the fundamental principles found in the Ministry Policy document *Growing Success, Assessment, Evaluation, and in Ontario Schools, K-12 (2010)*. In keeping with the Multi-Year Strategic Plan and the TCDSB goal to consolidate the register and bring all policies in line with the Meta-Policy template, this report recommends the merging two outdated policies into one new consolidated policy and a new Operational Procedure, with detailed processes and guidelines, outlining TCDSB's assessment, evaluation and reporting practices and obligations.

Discussion at the Governance and Policy Committee, centred primarily on points of clarification. There was some discussion regarding how parents understand a passing grade and it was decided that 50% should be formally identified as the benchmark for a passing grade. Further, it was recommended that the achievement chart should be further explained within the section on Course Weightings. The policy as amended was passed unanimously.

D. APPENDICES

1. Appendix A: New Consolidated Policy S.P. 13
2. Appendix B: New Operational Procedures and Guidelines for S.P. 13
3. Appendix C: Report to Governance Committee on Application of Trespass Policy S.S. 14.

E. MOTIONS

That the board approve the new consolidated Student and Program Assessment Policy S.P. 13, as found in Appendix A, and the new corresponding Operational Procedures for S.P. 13, per Appendix B.

The Motion carried as amended.



POLICY SECTION: Students

SUB-SECTION: Programs

POLICY NAME: Student and Program Assessment

POLICY NO: S. P. 13

Date Approved:	Policy Review Cycle:	Dates of Amendment:
	May 2019	1996; 2006
<p>Cross Reference: Ontario Ministry of Education Policy/Program Memorandum No. 155: Diagnostic Assessment in Support of Student Learning, January 2013</p> <p>Ontario Ministry of Education Policy: Growing Success, Assessment, Evaluation, and Reporting in Ontario Schools, First edition, Covering Grades 1 to 12, 2010</p> <p>TCDSB Assessment for Learning, Assessment & Evaluation of Student Achievement in Catholic Schools, Intermediate and senior Divisions Grades 9 – 12, Policy 2005</p> <p>Consolidated: TCDSB Policy P. 01 Reporting to Parents</p>		

Purpose:

Each student is a child of God and the purpose of assessment, evaluation and reporting is to support each child in fulfilling his/her God-given potential, according to their interests, abilities and goals. This primary purpose of Catholic Education is found in the common vision and focus of the Ontario Catholic School Graduate Expectations which assist students in the acquisition of the expectations contained in the Ontario Curriculum. This policy outlines how the results of assessment and evaluations will be reported to students, parents, and other stakeholders to provide appropriate feedback on proficiency and progress in an accurate, relevant and accountable manner.

Scope and Responsibility:

The policy extends to students while in attendance at TCDSB day schools, while in Continuing Education, while involved in e-learning and/or while engaged in other TCDSB learning environments. The Director of Education, supported by Supervisory Officers, Principals and Teachers, is responsible for this policy.

Alignment with MYSP:

Living Our Catholic Values

Fostering Student Achievement and Well-being

Strengthening Public Confidence

Financial Impact:

Generally there is no financial impact associated with this policy.

Legal Impact:

The Ontario Ministry of Education requires school boards to implement its student assessment and evaluation policy, allowing for flexibility of boards to develop some locally focused guidelines and implementation strategies. Failure of a school board to implement the policy on assessment, evaluation and reporting of student achievement would be a contravention of the Education Act.

Policy:

The primary purpose of Catholic Education is to assist all students, regardless of age, to develop the fullness of humanity of which our Lord Jesus Christ is the model. The TCDSB is committed to student assessment, evaluation and reporting that is comprehensive, valid, informative, equitable, ethical, collaborative, and redemptive in nature and focused on the pursuit of enabling students to reach their potential as 21st century learners. Effective student assessment and evaluation in TCDSB will provide educators with the information needed to improve student learning and the effectiveness of programs. TCDSB Operational Procedures on assessment, evaluation and reporting practices provide direction to schools of the

board in the development of their local plans, consistent with TCDSB policies and *Growing Success: Assessment, Evaluation and Reporting in Ontario Schools, First Edition, Covering Grades 1 to 12 (2010)*.

Regulations:

- 1) Assessment, Evaluation and Reporting practices at TCDSB will be consistent with our Catholic beliefs and values, and will support the delivery of a distinctly Catholic curriculum, respect the worth and dignity of students and challenge them to reach their potential.
- 2) The foundation for the implementation of this policy is the Assessment, Evaluation and Reporting Operational Procedures.
- 3) In alignment with Ministry requirements and TCDSB protocol, each school will develop an Assessment, Evaluation and Reporting Action Plan connected to their School Learning Improvement Plan (SLIP) that will guide the implementation and regular review of these Policies and Procedures.
- 4) Assessment and evaluation of student achievement must include a variety of strategies so that students, regardless of their special needs and learning styles, are given an opportunity to demonstrate their progress and achievement, and allow for the information gathered by teachers to be used for assessment as, of and for learning. Where required, modifications and accommodations shall be provided in accordance with a student's Individual Education Plan (IEP).
- 5) The following will be the evaluation and reporting structure for grades 1-12:
 - a) For Grades 1 – 6, student achievement of the overall curriculum expectations will be evaluated in accordance with the achievement charts in the provincial curriculum and will be reported using letter grades, with the exception of Religion which is reported solely through teacher comments.

- b) For Grades 7 to 12, student achievement of the overall curriculum expectations will be evaluated in accordance with the achievement charts in the provincial curriculum and will be reported using percentage marks.
 - c) For Grades 9 to 12, a final grade (percentage mark is recorded for every course based in accordance with the policy in Growing Success – Evaluation.
- 6) Outside of the standard reporting cycles at TCDSB, information about assessment and evaluation activities will be communicated regularly to students and parents.
 - 7) The principal will publish, using a variety of modalities, an overview of the assessment, evaluation and reporting procedures used at the school.
 - 8) In the assessment or evaluation of a student's work, should the teacher discover elements of cheating or plagiarism, the teacher will determine the most appropriate response, taking the following into consideration:
 - a) The particular student circumstances (eg., mitigating factors like student age and/or maturity etc.); and
 - b) The nature and severity of the cheating and plagiarism. (*See Section D of Operational Procedures*)
 - 9) Students shall be provided with multiple opportunities to demonstrate achievement of curriculum expectations. Late and missed assignments for evaluation will be noted on the report card as part of the evaluation of the student's development of learning skills and work habits. If a student is absent at the time of an evaluation, it will be considered as incomplete and will be treated as a missed or late assignment. (*See Section E of Operational Procedures*)
 - 10) Assessment and evaluation tools shall be free of bias. Leadership and professional development opportunities to build capacity and ensure the use of

effective, bias-free assessment and evaluation strategies and tools will be provided.

- 11) Assessment and evaluation practices will continually be refined and include professional learning opportunities for staff members in schools.
- 12) Determining a report card grade will involve teachers' professional judgement and interpretation of evidence and should reflect the student's most consistent level of achievement , with special consideration given to more recent evidence.
- 13) Superintendents of Education will be responsible for the provision of instruction for teachers in student evaluation techniques and for the development of skills to conduct teacher-parent conferences.
- 14) All schools will schedule times for parent-teacher conferences to discuss their children's academic achievement.

Definitions:

Accommodation

Accommodation is used to refer to the “unique teaching and assessment strategies, human supports, and/or individual equipment required to enable a student to learn and to demonstrate learning. Accommodations do not alter the provincial curriculum expectations for the grade.”

Achievement

Achievement refers to the learning and skills that students are able to demonstrate.

Assessment

The process of gathering and recording information, from a variety of sources, over time, that accurately reflects how well a student is achieving the curriculum expectations in a subject or course, as well as providing students with descriptive feedback to guide their improvement.

Bias

Bias refers to an inaccurate and limited view of the world, a given situation, or individuals or groups. A bias against or towards members of a particular cultural, racial, religious, or linguistic group can be expressed through speech, nonverbal behaviour, and written and other materials.

Evaluation

The process of collecting and interpreting evidence for the purpose of summarizing and judging the quality of student learning on the basis of established criteria and assigning a value to represent the quality.

Diagnostic Assessment

Assessment that is used to identify a student's needs and abilities and the student's readiness to acquire the knowledge and skills outlined in the curriculum expectations.

Judgement

Judgement involves a purposeful and systematic thinking process that evolves in terms of accuracy and insight with ongoing reflection and self-correction.

Modification

Modifications are changes made in the age-appropriate grade level expectations for a subject or course in order to meet a student's learning needs. These changes may involve developing expectations that reflect knowledge and skills required in the curriculum for a different grade level and/or increasing or decreasing the number and/or complexity of the regular grade level curriculum expectations.

Plagiarism

The use or close imitation of the language and thoughts of another without attribution, in order to represent them as one's own original work.

Reporting

Reporting is the process of communicating the results of assessment and evaluation to students and parents/guardians.

Evaluation and Metrics:

1. All academic superintendents will support the implementation and oversee the compliance of the policy and its related operational procedures.
2. Assessment and evaluation information (both school and system) will be used to inform the Multi-Year Strategic Plan and the Board Learning Improvement Plan.
3. The TCDSB Data Integration Platform will be used to support the school and system in monitoring its progress against all stated goals and will be a source for all assessment data.
4. Per Regulation 612.19. (1) 3, local schools share Board and School action plans for improvement based on EQAO reports on the results of pupils.

S.P. 13 OPERATIONAL PROCEDURES

The primary purpose of assessment and evaluation is to improve student learning. The Ministry of Education Growing Success document (2010) identifies Seven Principles of assessment and evaluation that will ensure that assessment, evaluation and reporting are valid and reliable. Teachers will use practices and procedures that:

- i) Are fair transparent, and equitable for all students
- ii) Support all students, including those with special education needs, those who are learning the language of instruction (English or French), and those who are First Nation, Metis, or Inuit;
- iii) Are carefully planned to relate to the curriculum expectations and learning goals and, as much as possible, to the interests, learning styles and preferences, needs and experiences of all students;
- iv) Are communicated clearly to students and parents at the beginning of the school year or course and at other appropriate points throughout the school year or course;
- v) Are ongoing, varied in nature, and administered over a period of time to provide multiple opportunities for students to demonstrate the full range of their learning;
- vi) Provide ongoing descriptive feedback that is clear, specific, meaningful, and timely to support improved learning and achievement;
- vii) Develop students' self-assessment skills to enable them to assess their own learning, set specific goals and plan next steps for their learning.

The following criteria, consistent with the principles of Assessment, Evaluation and Reporting will be applied to ensure appropriate assessment practices:

Teachers will use a variety of criteria for the evaluation, assessment and reporting of student achievement as prescribed by the TCDSB Procedural Guideline for Student Assessment, Evaluation and Reporting.

a) Criteria for Student Assessment, Evaluation and Reporting Practices

- i. Assessment and evaluation practices must honour and respect the worth and dignity of each student and challenge students to realize their potential.
- ii. Since assessment and evaluation must be an integral part of the teaching and learning process, assessment and evaluation activities must be ongoing and timely.
- iii. Assessment and evaluation activities and methods must aim to gather information that can be used for diagnostic, formative, and summative purposes.
- iv. Assessment and evaluation must draw upon a variety of methods so that students, regardless of their special needs and learning styles, are given an opportunity to demonstrate their progress and achievement.
- v. Assessment and evaluation activities and methods must collect information on a range of knowledge, skills, attitudes, and values; they must assess both the process and product(s) of learning.
- vi. The assessment and evaluation methods used must be appropriate for the information required and the instructional approaches used.
- vii. Assessment and evaluation practices must be free of bias and must take into account factors and/or circumstances that affect student performance.

- viii. Assessment practices must encourage and include opportunities for student self-assessment. Opportunities for peer assessment should also be included.
- ix. Assessment and evaluation must be appropriately criterion-referenced, or self-referenced, in keeping with the purpose of the assessment or evaluation.
- x. Assessment and evaluation practices may include both individuals and groups.
- xi. Information about assessment and evaluation activities must be communicated regularly to students and parents. The information should include the purpose of the assessment and evaluation; the criteria used, which should be communicated to students in advance of the assessment and evaluation; and the results obtained.
- xii. Reporting procedures must meet the needs of students, parents, and other stakeholders.
- xiii.* Late and missed assignments for evaluation will be noted on the report card as part of the evaluation of the student's development of learning skills and work habits. If a student is absent at the time of an evaluation, it will be considered as incomplete and will be treated as a missed or late assignment. (See section e) of the Operational Procedures)

b) Criteria for Program Assessment

- i. Assessment practices must support the delivery of a distinctively Catholic curriculum.
- ii. Assessment practices must allow for ongoing program review at the school and system levels.
- iii. Assessment activities must aim primarily to effect improvements in programs and student learning progress, and must include action plans for undertaking such improvements.

- iv. The purposes and outcomes of assessment initiatives must be clearly defined and understood by all those involved in the assessment.
- v. The procedures, methods, and approaches used in the assessment activity must be appropriate for the purposes of the assessment and responsive to community needs.
- vi. Assessment activities must be supported by those involved, or having a stake, in program assessment.
- vii. Assessment practices must include the use of an appropriate variety of assessment methods.
- viii. Assessment practices must include provision for students with special needs, including accommodation and modification.

c) Guidelines for Course Weightings

The Ontario Curriculum for Grades 1 to 12 comprises Content Standards (the curriculum expectations) and Performance Standards (outlined in the Achievement Chart). The Achievement Chart provides a common framework to guide the development of high-quality assessment tasks and help in the planning of instruction, as well providing a basis for consistent feedback and performance standards. The categories of knowledge and skills are as follows:

- a) **Knowledge and Understanding:** *subject specific content acquired in each grade;*
- b) **Thinking:** *The use of critical and creative thinking skills or processes;*
- c) **Communication:** *the conveying of meaning through various forms;*
- d) **Application:** *The use of knowledge and skills to make connections with and between various contexts.*

The achievement chart also identifies four levels of achievement, which are identified by specific qualifiers to help describe what constitutes student performance at each of the four levels of achievement.

The relative emphasis/weightings of the categories in the Achievement Chart will apply to all credit granting courses and be guided in accordance with the following listed in priority order:

- i. For all courses in all subject areas across the TCDSB the relative emphasis/weightings of any of the four categories must not exceed 40 out of the possible 70 marks (57.14%) nor fall below 10 out of the possible 70 marks (14.28%) for the student reported course evaluation;
- ii. Subject to section (i) above, Senior staff and/or principals, in collaboration with the respective subject department heads, may further refine the upper and lower limits or establish specific relative emphasis/weightings of any of the four categories for any course and such limits will apply to all;
- iii. Subject to (i) and (ii), at the school or department level further refining of the upper and lower limits may take place to establish more specific relative emphasis/weightings of any of the four categories; in such cases, the limits must apply to all sections of the particular course.
- iv. The relative emphasis/weightings of the categories in the Achievement Chart for all courses at a school once finalized will be published and accessible to students and parents in September and stay in effect for the full school year until the annual review.

d) Cheating and Plagiarism

In considering the most appropriate response to address cheating and plagiarism, the following must be taken into consideration:

- i) the particular student and circumstances (e.g., mitigating factors like student age and/or maturity etc.); and,
- ii) the nature and severity of the cheating and plagiarism.

In the event that a student chooses to cheat or submit a plagiarized assignment for evaluation, the teacher, using professional judgement, will determine which, if any, of the following consequences may be an appropriate response to the specific incident of cheating and/or plagiarism:

Grades 1 to 8

- reprimand;
- assignment of reflection activity/think paper;
- provision for alternative assignments or tests where, in the teacher's professional judgement, it is reasonable and appropriate to do so;
- parent notification;
- conference with the parent and student; or,
- referral to a school administrator.

Grades 9 to 12

It is recognized that students in Grades 9-12, depending on any mitigating circumstances, should be increasingly more aware of the serious nature of cheating and/or plagiarism. While in some instances of cheating/plagiarism a reprimand, assignment of reflection activity or provision of alternative assignments might be an appropriate response, there will likely be a need for greater consequences for older and more mature students. If, in the professional judgement of the teacher, and in consultation with the appropriate Department Head and/or school administrator, there is evidence of cheating and/or plagiarism of a more serious nature teachers may:

- deduct marks, up to and including the full value of the assignment;
- request a meeting with the student and parent, if appropriate;
- request documentation to be kept by school administration.

Repeated or particularly grievous incidents of cheating and plagiarism, as determined by school administration, may result in the suspension of the student.

Recognizing the unique nature of all our school communities schools will develop and publish, either in a student agenda, course information sheet or principal letter to students and parents the procedure and process that they will follow in dealing with cheating and plagiarism in the evaluation process. This locally developed procedure and process will be in effect in all classes of the school.

e) Late and Missed Assignments

Late and missed assignments for evaluation will be noted on the report card as part of the evaluation of the student's development of the learning skills and work habits.

- i) While absences and lates significantly impact on student achievement, attendance and punctuality are learning skills and will not be used to determine the student's grade.
- ii) If a student is absent at the time of an evaluation, it will be considered as incomplete and will be treated as a missed or late evaluation.
- iii) In the case of late or missing evaluations, an "incomplete" will be reported until such time as the teacher determines that the final due

date has passed and the expectation cannot be met. At that point, generally at the end of the course, the mark becomes a zero.

- iv) It is the responsibility of the student to explain to the teacher the reasons for late and missed demonstrations of achievement and undertake actions prescribed by the teacher to provide alternative demonstrations of achievement.
- v) It is the responsibility of the teacher to assist students with poor Learning Skills such as poor time management and organizational skills in the prevention of late and missed assignments, including communication with students and parents on appropriate strategies.
- vi) For mid-course evaluation, calculations will be based on the student's term evaluations. The teacher will judge the extent to which the student has demonstrated achievement of the course expectations in each of the four categories and will assign a percentage to represent the student's most consistent overall achievement.
- vii) If a student has missed one or more evaluations and an "incomplete" has been recorded to indicate that evaluation is incomplete, the teacher will review the student's progress and consider: whether the student demonstrated achievement of the expectations on the missed evaluations through other evaluations deemed appropriate by the teacher; the student's most consistent level of achievement on the completed evaluations with particular emphasis on those which are more recent; the student's motive or reason for the missed evaluations.
- viii) If, in the teacher's professional judgment, the student has demonstrated achievement of the missed expectations through other assessments; the teacher will determine that sufficient evidence has been provided to make a valid evaluation of student achievement. The teacher will determine the student's level of achievement based on this evidence.
- ix) If, in the teacher's professional judgment, the student has not demonstrated achievement of the missed expectations through other evaluations and/or the student's motive or reason for the missed evaluations is unsatisfactory, the teacher will determine that insufficient evidence of achievement has been provided to make a valid evaluation of student performance. The teacher will consider the student's most consistent overall level of achievement on completed evaluations and will use professional judgment to adjust the level and

corresponding percentage to reflect the lack of demonstrable evidence of achievement.

- Missing assignments and assessments should be recorded as “I” for “incomplete”.
 - If these affect the student’s percentage grade, use the comment “This mark reflects incomplete assignments” on the report card.
- x) At mid-term reporting, or at any other reporting period prior to the final grade, a teacher will be provided with two grades to present to the student and/or parents.
- The true running average - This will calculate the mark translating all of the incompletes into zeros.
 - The running average - This will omit the incompletes. It will indicate the potential mark if the incompletes are completed at a level equivalent to the completed assignments.
- xi) For the final grade, barring extenuating circumstances and the teacher’s professional judgment, all incompletes will be translated to zero. The mark appearing on the report card will reflect the true running average.

Recognizing the unique nature of all our school communities schools will develop and publish, either in a student agenda, course information sheet or principal letter to students and parents the procedure and process that they will follow in dealing with late and missed assignments in the evaluation process. This locally developed procedure and process will be in effect in all classes of the school.

f) Determining Lower Limits of Marks

For Grades 7 and 8, teachers will use the codes “I” (Insufficient evidence) or “R” (Remediation required) to indicate when student achievement has fallen below 50%. See *Growing Success*, p.42 for detailed meaning and use of these codes. Through consultation with parents, strategies to address the student’s specific learning needs will be developed in order to support the student in achieving success in his or her learning.

For students in Grades 9 to 12 the final report percentage mark (0 to 100%) assigned on the final report card will reflect the student's actual achievement in the course as determined by the classroom teacher. Note that the mark on any students first report (or second report in non-semester schools) does not reflect the complete achievement to be calculated on the overall student expectations for any course thus the these report mark may not be lower than 35%. In the case of Grade 9 or 10 courses a Ministry of Education approved code of "I" or "R" may also be used.

50% is the passing grade for a course. For students whose achievement has fallen below 50%, it is expected that clear and ongoing communication with the student and his/her parents (where appropriate) regarding ways to support success in learning has occurred. It is further expected that, when appropriate, collaboration with Guidance Counsellors, Student Success teachers and school administration has also taken place as a means of supporting the student.

g) Course Failure

- A course is deemed to be unsuccessfully completed if achievement is below 50%.
- The school should establish a consistent and publicized minimum attendance percentage. Unexcused absence from or absence of that percentage of summative evaluation may result in failure or removal from the course by the Principal if the expectations cannot be met in an acceptable alternative way.
- Students with persistent lates, absence or non-submissions are to be referred to the administration, guidance.



REPORT TO

GOVERNANCE AND POLICY COMMITTEE

APPENDIX C S.P 13 STUDENT AND PROGRAM ASSESSMENT POLICY REPORT.DOCX

*An intelligent heart acquires knowledge, and the ear of the wise seeks knowledge.
Proverbs 18:15*

Created, Draft	First Tabling	Review
May 25, 2015	June 9, 2015	Click here to enter a date.

Loretta Notten, Superintendent of Governance, Policy and Strategic Planning
Dan Koenig, Superintendent of Curriculum and Accountability

RECOMMENDATION 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.



G. Poole
Associate Director of Academic Affairs

A. Sangiorgio
Associate Director of Planning and
Facilities

Angela Gauthier
Director of Education

A. EXECUTIVE SUMMARY

The primary purpose of Catholic Education is to assist all students to fulfil their God-given potential and to succeed in attaining the Catholic Graduate Expectations. The Ontario Ministry of Education requires school boards to implement a student assessment and evaluation policy. TCDSB is committed to providing policy and procedure that is consistent with the fundamental principles found in the Ministry Policy document *Growing Success, Assessment, Evaluation, and in Ontario Schools, K-12 (2010)*. In keeping with the Multi-Year Strategic Plan and the TCDSB goal to consolidate the register and bring all policies in line with the Meta-Policy template, this report recommends the merging two outdated policies into one new consolidated policy and a new Operational Procedure, with detailed processes and guidelines, outlining TCDSB's assessment, evaluation and reporting practices and obligations.

B. PURPOSE

The Multi-Year Strategic Plan identified the work of policy revision and the streamlining of the policy register as a priority. The Student and Program Assessment policy was last revised in 2006. Since that time, the Ministry of Education has significantly revised in Assessment, Evaluation and Reporting policies creating a new standard of obligation for all teachers and school boards.

C. BACKGROUND AND ANALYSIS

1. The TCDSB currently has two policies which govern assessment, evaluation and reporting: S.P. 13 Student and Program Assessment and P. 01 Reporting to Parents.
2. In 2010 the Ministry of Education released *Growing Success* which provided an updated understanding of all Assessment, Evaluation and Reporting policies and procedures, superceding all previous provincial curriculum documents. A second edition was published in 2011. *Growing Success* clarified and consolidated various aspects of assessment policy, with a goal of maintaining high standards, improving student learning, and benefitting students, teachers and parents.

3. The Ontario Ministry of Education has asserted that sound assessment practice is founded on seven fundamental principles (as outlined in the Operational Procedures – Appendix B) and that successful implementation is founded on sound professional judgment at all levels of the system.
4. Failure of a school board to implement the policy on assessment, evaluation and reporting of student achievement would be a contravention of the Education Act.
5. All staff of the TCDSB have been introduced to the assessment, evaluation and reporting policies and practices outlined in *Growing Success*. Professional Development and board action plans are tied to the principles contained within *Growing Success*. This policy and operational procedure codifies required practice and brings TCDSB policy in line with Ministry policy.

D. VISION

VISION	PRINCIPLES	GOALS
Provide one new consolidated policy to govern all K-12 Assessment, Evaluation and Reporting obligations and practices.	Aligns with the MYSP goals of Improved Student Achievement and Well Being, as well as Living Our Values and Strengthening Public Confidence.	<ol style="list-style-type: none"> 1. New consolidated policy consistent with the MYSP Policy Template. 2. Clearly communicated and understood assessment, evaluation and reporting processes for both panels, elementary and secondary. 3. Clear delineation between items of policy and those which are procedural. 4. Clear and aligned

VISION	PRINCIPLES	GOALS
		system guidelines for dealing with plagiarism, as well as late and missed assignments.

E. ACTION PLAN

1. Consolidating related policies will ease understanding for TCDSB stakeholders and to assist in navigating the TCDSB Policy register. Two policies which are tightly linked and would benefit from merging. They are: Student and Program Assessment S.P. 13 and Reporting to Parents P. 01.
2. Given the importance of assessment, evaluation and reporting and the value that stakeholders ascribe to the related classroom practices, it is important to ensure that are related TCDSB policies, procedures and guidelines are transparent and aligned. This goal will be achieved by updating and revising policy to reflect current realities within Ministry policy and within the TCDSB.
3. Given the updates in practices that have occurred in other relevant TCDSB curriculum documents, as outlined above in the evidence and analysis, it is necessary to ensure related policies, such as those related to Student Assessment, are also thoughtfully aligned to ensure consistency, fairness and transparency, and a maximum benefit for all TCDSB students.
4. Assessment and evaluation of student achievement must be respectful of our Catholic Graduate Expectations and also adhere to the seven principles of effective assessment (per *Growing Success*, 2011).
5. All assessment and evaluation of student achievement will reflect a variety of strategies, and include accommodation and modification where appropriate, so that the learning needs of all students, including those students who are identified, are respected and addressed.

F. METRICS AND ACCOUNTABILITY

1. All academic superintendents will support the implementation and oversee the compliance of the policy and its related operational procedures.
2. Assessment and evaluation information (both school and system) will be used to inform the Multi-Year Strategic Plan and the Board Learning Improvement Plan.
3. The TCDSB Data Integration Platform will be used to support the school and system in monitoring its progress against all stated goals and will be a source for all assessment data.
4. Per Regulation 612.19. (1) 3, local schools share Board and School action plans for improvement based on EQAO reports on the results of pupils.

G. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN

1. Once the new Student and Program Assessment Policy is passed, there will be broad based communication to all TCDSB stakeholders and the following individuals in particular:
 - a. All elementary and secondary school principals
 - b. All parents of TCDSB students (on an annual basis) at the beginning of the school year and as appropriate throughout the school year.
2. Communication will be supported through the use of the TCDSB website, twitter, e-News, It Starts in the Schools, and email, as well as information shared with parents/guardians, as appropriate.

H. STAFF RECOMMENDATION

That the Board approve the new consolidated Student and Program Assessment Policy S.P. 13 per appendix A and the new corresponding Operational Procedures for S.P. 13 per appendix B.

**MINUTES OF THE
SPECIAL EDUCATION ADVISORY COMMITTEE
HELD WEDNESDAY, MAY 13, 2015**

PUBLIC SESSION

PRESENT: Marilyn Taylor, Chair
Rosanna Del Grosso
Dario Imbrogno
John MacKenzie
Sandra Mastronardi
Ashleigh Molloy
Giselle Romanino
Raul Vomisescu
Glenn Webster

Staff Present Trustee G. Tanuan, Vice-Chair
Trustee A. Kennedy

F. Piddisi
Maria Kokai
A. Coke
L. Maselli-Jackman
J. Wilhelm
S. Menary
D. Reid
R. Macchia
A.M. Cassin

G.Mak, Officer – Corporate Services

Trustee Andrachuk sends her regrets that she could not join the meeting due to technical difficulties.

MOVED by Ashleigh Molloy, Seconded by Rosanna Del Grosso, that the agenda, as amended, be approved.

CARRIED

MOVED by Ashleigh Molloy, seconded by Rosanna Del Grosso, that the minutes of Regular Meeting held March 25, 2015, be approved with an amendment to page 2 to replace the name of Marilyn Taylor with Giselle Romanino for the approval of the minutes.

CARRIED

Students from Dante Alighieri Academy addressed the Committee regarding the Deaf and Hard of Hearing Program.

MOVED by Sandra Mastronardi, seconded by John MacKenzie, that the presentation by the Students from Dante Alighieri Academy regarding the Deaf and Hard of Hearing Program be received.

CARRIED

MOVED by Rosanna Del Grosso, seconded by Sandra Mastronardi that the Board change the qualification of the ASL interpreter to be a member of ALVIC versus certified by AVLIC.

CARRIED

Agnes Mader addressed the Committee regarding the Arrowsmith Program.

MOVED by Ashleigh Molloy, seconded by Sandra Mastronardi, that the presentation by Agnes Mader regarding the Arrowsmith Program be received.

CARRIED

Randy Low addressed the Committee regarding the Arrowsmith Program.

MOVED by Ashleigh Molloy, seconded by John MacKenzie, that the presentation by Randy Low regarding the Arrowsmith Program be received.

CARRIED

MOVED by Glenn Webster, seconded by John MacKenzie that the Arrowsmith delegations be given an extension to speak until midnight.

CARRIED

Anne Borrelly addressed the Committee regarding the Arrowsmith Program.

MOVED by Trustee Tanuan, seconded by Giselle Romanino, that the presentation by Anne Borrelly regarding the Arrowsmith Program be received.

CARRIED

Pamela Haines addressed the Committee regarding the Arrowsmith Program.

MOVED by Raul Vomisescu, seconded by Sandra Mastronardi, that the presentation by Pamela Haines regarding the Arrowsmith Program be received.

CARRIED

William Meaney addressed the Committee regarding the Arrowsmith Program.

MOVED by Giselle Romanino, seconded by Dario Imbrogno, that the presentation by William Meaney regarding the Arrowsmith Program be received.

CARRIED

Sheila Guerra addressed the Committee regarding the Arrowsmith Program.

MOVED by Sandra Mastronardi, seconded by Raul Vomisescu, that the presentation by Sheila Guerra regarding the Arrowsmith Program be received.

CARRIED

Trustee Del Grande addressed the Committee regarding Acoustic Neuroma / Arrowsmith Program.

The Chair declared a five minute recess.

MOVED Trustee Kennedy, seconded by Trustee Tanuan, that SEAC change the Arrowsmith recommendations made on Jan 29, 2015 and commit to an informed review of the program which measures actual outcomes of TCDSB students.

LOST

MOVED by Rosanna Del Grosso, seconded by Giselle Romanino, that the SEAC recommendation to the Board remain the same as the minutes of Jan 12, 2015.

CARRIED

MOVED by Sandra Mastronardi, seconded by Rosanna Del Grosso, that the meeting be extended to 10:30pm.

CARRIED

MOVED by Sandra Mastronardi, seconded by Rosanna Del Grosso, regarding Deficit Recovery Plan Reductions and their impact on Special Education Program and Service Delivery:

WHEREAS.....the TCDSB has identified a deficit that has grown into the amount of \$34.3 million dollars due to a clerical error/oversight by TCDSB staff

WHEREAS....the TCDSB is required under the Education Act to produce a balanced budget

WHEREAS....financial reductions to Special Education programs and services have been approved by the board of Trustees that include and are not limited to Junior Literacy and Gifted programs, teachers, EA's, resource teachers, social workers, student supervisors

WHEREAS....according to Director Gauthier at the April 1st 2015 board meeting, "as a general pattern" special education needs have increased

SEAC recommends that the Special Education Advisory Committee be provided with a comprehensive report outlining:

- a) The exact number of identified and non-identified students that are in receipt of special education programs and services by exceptionality
- b) Staffing allocations broken down by programs and services, sub-categorized by ward
- c) The approved program and service reductions by sub-categories including and not limited to Junior Literacy and Gifted programs, teachers, EA's, resource teachers, social workers, student supervisors
- d) The projected impact on student achievement for both identified and non-identified students receiving special education programs and services

e) How the TCDSB will ensure that identified and non-identified students in need of special education programs and services will continue to receive the programs and services necessary for student achievement

CARRIED

MOVED by Sandra Mastronardi, seconded by Giselle Romanino, that the communication from Helen Bruni, regarding the Arrowsmith Program be received.

CARRIED

MOVED by Trustee Tanuan, seconded by Trustee Kennedy, that the communication from Agnes Mader, regarding the Arrowsmith Program be received.

CARRIED

MOVED by Giselle Romanino, seconded by Rosanna Del Gross, that the meeting be extended to 10:45pm.

CARRIED

MOVED by Rosanna Del Grosso, seconded by Glenn Webster that legal counsel provide an understanding from both provincial legislation and TCDSB Bylaw on why SEAC is not permitted to sit on other committees in writing.

CARRIED

MOVED by Sandra Mastronardi, seconded by Ashleigh Molloy that staff provide SEAC with a report on staff allocation focusing on special ed programs and services with comparative data from 2014 – 2015.

CARRIED

MOVED by Sandra Mastronardi, seconded by Rosanna Del Grosso, SEAC recommends to Board that all budget and finance information pertaining to the TCDSB 2015-2015 Budget be sent electronically to all members of SEAC immediately for review by their respective associations with input to be brought back to the Board of Trustees for consideration before submission to the Ministry of Education deadline of July 31st, 2015.

CARRIED

MOVED by Sandra Mastronardi, seconded by John MacKenzie, SEAC recommends to the Board that from this point forward; SEAC be updated in the same timeline as the Board of Trustees on Budget and Finance matters so that SEAC members will be enabled to participate in an effective and informed manner, as per Ontario legislation 464/97, Section 12 (2) and (3) regarding financial statements and budget process thus providing for an opportunity for SEAC members to report to their associations for input.

CARRIED

MOVED by Sandra Mastronardi, seconded by Giselle Romanino that from this point forward; the Special Education Plan be reviewed by SEAC, section by section over a period of several meetings each year.

CARRIED

MOVED by Raul Vomisescu, seconded by Trustee Tanuan, that the communication from Marilyn Taylor regarding the May 2nd SEAC Conference be received.

CARRIED

MOVED by Trustee Kennedy, seconded by Dario Imbrogno that SEAC recommends that TCDSB Policy A.23 Special Education Advisory Committee be revised to reflect that the Chair and Vice Chair positions be parents.

CARRIED

MOVED by Giselle Romanino, seconded by John MacKenzie, that the communication from Frank Piddisi regarding Council for Exceptional Students Educator of the Year Award - Odilia Pariselli including four students who received the “Yes I can Award” be received.

CARRIED

MOVED by Rosanna Del Grosso and seconded by Giselle Romanino that the meeting adjourn.

CARRIED

SECRETARY

CHAIR



REPORT TO

REGULAR BOARD

UPDATE ON PREMIER'S COMMUNITY HUBS ADVISORY GROUP REPORT

Wealth gained hastily will dwindle, but whoever gathers little by little will increase it...Proverbs 13:11

Created, Draft	First Tabling	Review
August 18, 2015	August 27, 2015	Click here to enter a date.
Michael Loberto, Senior Coordinator of Development John Volek, Senior Coordinator of Planning and Accountability Maia Puccetti, Superintendent of Facilities Services		
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



G. Poole

Associate Director of Academic Affairs

A. Sangiorgio

Associate Director of Planning and Facilities

Angela Gauthier

Director of Education

A. EXECUTIVE SUMMARY

The Toronto Catholic District School Board is committed to ensuring the most efficient use of space in all schools, and is exploring the potential of integrating important community programs and services in Board facilities.

In response to the Premier's Community Hub Framework Advisory Group's report entitled: *Community Hubs in Ontario: A Strategic Framework and Action Plan*, staff will review the recommendations set out by the Advisory Group to the Ministry of Education, and advise on how the Board can improve program and service delivery through community hubs in key schools throughout the system.

B. BACKGROUND

1. On March 20, 2015, Premier Kathleen Wynne appointed Karen Pitre as Special Advisor on Community Hubs and Chair of the Advisory Group. On April 8, 2015, the Premier appointed nine members to the Community Hub Framework Advisory Group to work with the Special Advisor in order to review current provincial policies and develop a framework for adapting existing public assets to become community hubs.
2. On August 10, 2015, The Ministry of Education issued a report on the findings of the Premier's Community Hub Framework Advisory Group entitled: *Community Hubs in Ontario: A Strategic Framework and Action Plan*. The report can be downloaded by following the link below: <http://www.ontario.ca/page/community-hubs>

Copies of the report will be provided to Trustees at the August 27, 2015 meeting of the Board.

3. The Advisory Group's report provides specific recommendations to help the Province review current policies and develop a comprehensive framework to adapt existing public assets into community hubs.
4. The Community Hubs in Ontario report identified three categories of policy and regulatory barriers that the Government of Ontario should address in

order to become an "enabler" of community hub development and sustainability:

- Barriers to coordinated planning;
- Barriers to integrated service delivery; and
- Barriers to community use of community infrastructure and publicly owned facilities, such as schools.

5. The report also outlines broad recommendations for overcoming the aforementioned barriers.

- Establish a provincial secretariat for community hubs
- Support integrated and longer-term local planning
- Remove barriers and create incentives for integrated service delivery
- Ensure financially sustainable community hubs
- Increase local capacity
- Evaluate and monitor outcomes; and
- Develop a provincial strategy for public properties

6. Furthermore, the report also recommended that the Province, "on an expedited basis," amend *Ontario Regulation 444/98* of the *Education Act*, which governs the disposition of surplus schools. Two amendments were proposed, under the title "short term strategy for school property":

- Extending the 90 day circulation period of surplus property to 180 days and
- Creating an exemption to the requirement that properties be sold at Fair Market Value.

The proposed amendments are intended to reduce barriers to the formation of community hubs while school boards are right-sizing their portfolios of school properties.

7. The Provincial Government is committed to the efficient use of public assets, and is promoting collaboration between school boards, municipalities, and other community partners.

8. With respect to school boards, the Advisory Group report highlights the Ministry of Education initiative encouraging boards to right-size school facilities given changing demographic trends in order to ensure effective program delivery.

9. In addition, the report states that school boards should continue to diligently review their short and long-term accommodation needs in consultation with communities, which may still result in school consolidations or closures.
10. As outlined in *Appendix 'A'*, the Ministry of Education is supportive of the Advisory Group recommendations, and will work collaboratively with other ministries, school boards, municipalities, and community partners to implement them.
11. Staff will review the action plan, and prepare a further report outlining the impact of, and how the TCDSB can implement the Advisory Groups recommendations regarding community hubs and improved service delivery in key under-utilized educational facilities throughout the City of Toronto.

C. CONCLUDING STATEMENT

This report is for the consideration of the Board.

Ministry of Education

Minister

Mowat Block
Queen's Park
Toronto ON M7A 1L2

Ministère de l'Éducation

Ministre

Édifice Mowat
Queen's Park
Toronto ON M7A 1L2



August 10, 2015

Dear Chair,

I am writing to advise you that today the Premier's Community Hub Framework Advisory Group – chaired by Karen Pitre, special advisor to Premier Wynne on community hubs – issued its report entitled *Community Hubs in Ontario: A Strategic Framework and Action Plan*. The report can be found at: www.ontario.ca/communityhubs

We all know that schools can play an important role as a hub for programs and services that benefit the broader community. Our government fully supports integrated service delivery through community hubs. In fact, there are more than 2,500 licensed child care programs offered in schools across Ontario. However, we know that more can be done to remove some of the barriers to creating community hubs in schools.

As the advisory group's report notes, our government has been encouraging school boards to "right size" their space, given changing demographics and to ensure quality education programs. We remain committed to promoting efficient use of public assets, improved collaboration between school boards, municipalities, and community partners and enhanced learning opportunities, so that our students continue to achieve excellence. Accordingly, school boards should continue to diligently review their short and long-term school needs in consultation with their communities, which may still result in school consolidations or closures.

The report's strategic framework and action plan outlines specific recommendations to help Ontario review provincial policies and develop a framework to adapt existing public properties to become community hubs. Our government is supportive of the advisory group's recommendations and my ministry will work with other government ministries, school boards, municipalities, and community partners, to implement them. We will also consult with our education partners and other stakeholders on these recommendations beginning in September. Details about the consultations will be provided in the near future.

I want to express my sincere thanks and appreciation for the helpful advice and support that your board and colleagues across Ontario provided to the advisory group. We are committed to engaging with our partners to build on the strength of our partnerships and further improve community access to schools to support the communities they serve, as well as our vision for Ontario as the best place to work, live and raise a family.

.../2

I look forward to continuing to work together.

Sincerely.

A handwritten signature in black ink, appearing to read "Liz Sandals". The signature is fluid and cursive, with the first name "Liz" and last name "Sandals" clearly distinguishable.

Liz Sandals
Minister

- c: Association des conseils scolaires des écoles publiques de l'Ontario
Association franco-ontarienne des conseils scolaires catholiques
Ontario Catholic School Trustees' Association
Ontario Public School Boards' Association.



COMMUNICATION

Submitted By: Trustee Sal Piccininni
Submitted To: Regular Board – August 27, 2015
Date: July 15, 2015

WHEREAS: Trustee Policy T.17 Regulation H(2) states

Any surplus in the Trustee Services Budget will be placed into a ward priority needs fund at the end of the budget year for trustee expenses, to be dispersed with the approval of the Board on the recommendation of the Trustee.

WHEREAS: The remaining surplus for Ward 3 for the period of December 1st, 2013 to November 30th, 2014 was \$6,345.31 in the non-administrative support categories.

WHEREAS: Needs have been identified by school communities where funding is not available through other sources.

Therefore be it resolved

THAT THE BOARD APPROVE THE RELEASE FROM THE ‘WARD 3 PRIORITY NEEDS FUND’ FOR THE FOLLOWING IDENTIFIED SCHOOL REQUESTS:

St. Francis Xavier	\$ 500.00
St. Matthew	\$ 500.00
St. Andre	\$ 500.00
St. Simon	\$ 300.00
Venerable John Merlini	\$ 500.00
St. Francis de Sales	\$ 500.00
St. Jude	\$ 500.00
St. Roch	\$ 500.00
St. Bernard	\$ 500.00
Immaculate Conception	\$ 500.00
St. Fidelis	\$ 300.00
Chaminade College	\$ 500.00
St. Basil-The-Great	\$ 745.31

Schools are required to consult with their respective CSACs’ concerning the matter in which the funds are dispersed.



COMMUNICATION

Submitted By: Trustee Garry Tanuan
Submitted To: Regular Board – August 27, 2015
Date: August 24, 2015

WHEREAS: Trustee Policy T.17 Regulation H(2) states

Any surplus in the Trustee Services Budget will be placed into a ward priority needs fund at the end of the budget year for trustee expenses, to be dispersed with the approval of the Board on the recommendation of the Trustee.

WHEREAS: The remaining surplus for Ward 8 for the period of December 1st, 2013 to November 30th, 2014 was \$5,472.78 in the non-administrative support categories.

WHEREAS: Needs have been identified by school communities where funding is not available through other sources.

Therefore be it resolved

THAT THE BOARD APPROVE THE RELEASE FROM THE ‘WARD 8 PRIORITY NEEDS FUND’ FOR THE FOLLOWING IDENTIFIED SCHOOL REQUESTS:

St. Bartholomew	\$ 2322.78
Blessed pier Giorgio Frassati	\$ 150.00
Cardinal Leger	\$ 150.00
Our Lady of Grace	\$ 150.00
Prince of Peace	\$ 150.00
Sacred Heart	\$ 150.00
St. Barnabas	\$ 150.00
St. Bede	\$ 150.00
St. Brendan	\$ 150.00
St. Columba	\$ 150.00
St. Dominic Savio	\$ 150.00
St. Elizabeth Seaton	\$ 150.00
St. Florence	\$ 150.00
St. Gabriel Lalemant	\$ 150.00
St. Ignatius of Layola	\$ 150.00
St. Jean de Brebeuf	\$ 150.00
St. Malachy	\$ 150.00
St. Marguerite Bourgeoys	\$ 150.00

St. Rene Goupil	\$ 150.00
The Divine Infant	\$ 150.00
Blessed Mother Teresa	\$ 150.00
Francis Libermann	\$ 150.00

Schools are required to consult with their respective CSPCs' concerning the matter in which the funds are dispersed.



COMMUNICATION

Submitted By: Trustee Joe Martino
Submitted To: Regular Board - August 27, 2015
Date: August 24, 2015

WHEREAS: Trustee Policy T.17 Regulation H(2) states

Any surplus in the Trustee Services Budget will be placed into a ward priority needs fund at the end of the budget year for trustee expenses, to be dispersed with the approval of the Board on the recommendation of the Trustee.

WHEREAS: The remaining surplus for Ward 1 for the period of December 1st, 2013 to November 30th, 2014 was \$4,459.96 in the non-administrative support categories.

WHEREAS: Needs have been identified by school communities where funding is not available through other sources.

Therefore be it resolved

THAT THE BOARD APPROVE THE RELEASE FROM THE 'WARD 1 PRIORITY NEEDS FUND' FOR THE FOLLOWING IDENTIFIED SCHOOL REQUESTS:

Holy Child	\$445.00
Msgr. John Corrigan	\$445.00
St. Andrew	\$445.00
St. Angela	\$445.00
St. Benedict	\$445.00
St. Dorothy	\$445.00
St. John Vianney	\$445.00
St. Maurice	\$445.00
St. Stephen	\$445.00
Transfiguration	\$445.00

Schools are required to consult with their respective CSACs' concerning the matter in which the funds are dispersed.

From: Cathy Lacroix [cathy_lacroix@hotmail.com]
Sent: August 18, 2015 11:52 AM
To: Davis, Jo-Ann (Trustees' Services)
Subject: request to ban military recruiting

Hello Jo-Ann,

As you know, Pax Christi is the world's largest Catholic lay organization. It has come to the attention of Pax Christi Toronto that there is military recruiting in some of our Catholic schools. We believe this is inconsistent with Catholic social teaching. Could you and the Board please look into banning military recruiting in our Catholic schools in Toronto?

Peace,
Cathy Lacroix

PENDING LIST AND ROLLING CALENDAR AS OF JUNE 11, 2015

#	Date Requested	Due Date	Committee/Board	Subject	Delegated To
1	Oct-14	Oct-15	Student Achievement	Update Report on the Pilot Project for Jump Math	Associate Director Academic Affairs
2	Dec-14	Mar-15	Student Achievement	Further Report as to the merits of the proposal as expressed by the previous Trustee's motion regarding Mary Ward Admission and Programming Options	Associate Director Academic Affairs
3	Feb-15		Student Achievement	Staff investigate the chaplaincy model at the elementary panel within the existing allocation given the financial realities.	Associate Director, Academic Affairs
4	Mar-15	Deferred to come back at a later date to be determined by the Director	Student Achievement	Piping In Classical Music To Washrooms & Parking Lots To Address Safe School Concerns	Associate Director, Academic Affairs

5	Oct-13	Feb-2014 R - May-15 R - Dec -15	Corporate Affairs	<p>Report that outlines a strategy that will address housing those students that represent over enrolment at Our Lady of Wisdom for the 2014 school year and look at providing possible caps/boundaries including French Immersion for over-subscribed schools when the Admissions Policy comes back for review.</p> <p>Report regarding French Immersion Program: Recommendations for Oversubscribed FI Program Schools - that St. Cyril be referred back to staff as an oversubscribed French Immersion program school and possible solutions.</p> <p>Report regarding the feasibility of establishing a French Immersion Program at St. Conrad Catholic School to be included in the report to come to Board</p>	Associate Director Academic Affairs
6	Mar-14	Jun-2014 R - Jan 2015 R - Dec-15	Corporate Affairs	That the director initiate meetings with community colleges and high schools that provide culinary programs to pursue educational opportunities and report back to the Board	Associate Director, Academic Affairs
7	Jun-14	Aug-15	Corporate Affairs	Report regarding compliance, risks and any operational changes that will impact our school communities with respect to the FAQs and Canada's Anti-Spam Law (CASL) and Canadian Educational Advancement	Legal Counsel

8	Dec-14	Deferred until such time that deficit is under control	Corporate Affairs	Report regarding System-Wide Approach to Digital School Signage	Associate Director of Planning and Facilities
9	Dec-14	Sep-15	Corporate Affairs	Information and Communications Technology Update Supplementary Report with information on the cost and benefit analysis of i) completed projects ii) projects in progress and iii) projects awaiting funding	Business Services
10	Dec-14	Sep-15	Corporate Affairs	Report on how the money that was allocated by Trustees to their individual wards was used or whether the principals or CSACs directed the money elsewhere.	Business Services
11	Jan-15	Oct-15	Corporate Affairs	Plan to reduce under-utilized (small schools) with less than a 65% utilization rate.	Associate Director Planning and Facilities
12	Feb-15	Aug-15	Corporate Affairs	Report on Bill 8 into law, the impacts (short and-long-term) and potential risks (financial, legal, operational, reputational) to both the Corporate Board and the Board	General Counsel
13	Feb-14	Apr-2015 R - August 15	Corporate Affairs	Report regarding Breakdown of the funding subsidies that exists and the amounts with respect to the Permit Policy	Associate Director of Planning and Facilities
14	Apr-15	Sep-15	Regular Board	Amendment to Regulation 3 of the Elementary School Admissions Policy. That staff include in the report the pros and cons and jurisdictional comparison where a lottery vs time/stamp system is used across Canada	Associate Director of Planning and Facilities
15	Apr-15	Aug-15	Regular Board	Staff prepare a report that provides the costs generated by permitting TCDSB facilities for the Federal election this fall	

16	Apr-15	Ongoing	Corporate Affairs	Staff prepare a report comparing the TDSB budget and identify any possible reductions in expenditures to the TCDSB: Some of the areas include the following: Reduction in overtime in Facility Services, Facilities productivity savings, Non-school based staffing reductions through attrition, Transportation alignment of costs, Efficiencies in Permit Department, Attendance Management, Efficiencies in Payroll Services, Policy Review of mileage claims	Associate Director of Planning and Facilities
17	Apr-15	Aug-15	Corporate Affairs	Staff prepare a report on drafting a new permit rate for external organizations seeking to use our school spaces with a projected increase in revenue of \$500,000.	Associate Director of Planning and Facilities
18	Apr-15	Aug-15	Regular Board	Staff prepare a report on the Provincial Ombudsman having oversight over school Boards.	Superintendent Governance, Policy and Strategic Planning

ANNUAL REPORTS DUE TO BOARD AND COMMITTEES AS OF JUNE 11, 2015

#	Due Date	Committee/Board	Subject	Responsibility of
1	January (A)	Student Achievement	Mental Health Report	Associate Director Academic Affairs
2	January (A)	Corporate Affairs	Monthly Financial Report	Associate Director Business Services
3	February (A)	Student Achievement	External Research Report	Associate Director Academic Affairs
4	February (A)	Student Achievement	Accountability Framework for Special Education	Associate Director Academic Affairs
5	February (A)	Corporate Affairs	Planning Enrolment Projection	Associate Director of Planning and Facilities
6	February (A)	Corporate Affairs	Legal Fees Report	Associate Director Business Services
7	February (A)	Corporate Affairs	Statement Reserves Accumulated Surplus	Associate Director Business Services
8	February (A)	Corporate Affairs	Monthly Financial Report	Associate Director Business Services
9	February (A)	Regular Board	Policy Budget Timeline and Public Consultation Survey	Associate Director Business Services
10	February (A)	Regular Board	Metrics for MYSP 6 Strategic Directions	Director of Education
11	March (A)	Corporate Affairs	Monthly Financial Report	Associate Director Business Services
12	March (A)	Student Achievement	Staffing Status Report for Next School Year	Associate Director Academic Affairs
13	April (A)	Student Achievement	Conflict Resolution Department Report	Associate Director Academic Affairs
14	April (A)	Corporate Affairs	Monthly Financial Report	Associate Director Business Services
15	April (A)	Regular Board	Non-Resident VISA Student Fees for September 2013	Associate Director Academic Affairs
16	April (A)	Regular Board	Education Development Charges Policy Review	Associate Director of Planning and Facilities
17	May (A)	Student Achievement	Report regarding Updates on items referred to in Ministry of Education Operational Review	Associate Director Academic Affairs
18	May (A)	Student Achievement	Staffing Status Report for Next School Year	Associate Director Business Services
19	May (A)	Student Achievement	Ratification of Student Trustee Nominees	Associate Director Academic Affairs
20	May (A)	Corporate Affairs	Monthly Financial Report	Associate Director Academic Affairs
21	June (A)	Student Achievement	21 st Century Learning Update	Associate Director Business Services
22	October (A)	Student Achievement	Student Trustees: Voices that Challenge	Associate Director Academic Affairs
23	June (A)	Regular Board	Budget Estimates	Associate Director Academic Affairs
24	September (A)	Student Achievement	Secondary School Enrolment Update	Associate Director Business Services

25	September (A)	Student Achievement	Secondary School Enrolment Report	Associate Director Academic Affairs
26	September (A)	Student Achievement	Portuguese Speaking	Associate Director Academic Affairs
27	September (A)	Student Achievement	Full Day Kindergarten Enrolment Report	Associate Director Academic Affairs
28	September (A)	Corporate Affairs	Enrolment for September Report	Associate Director Academic Affairs
29	September (A)	Corporate Affairs	Trustee Honorarium Report	Associate Director Academic Affairs
30	September (A)	Corporate Affairs	Monthly Financial Report	Associate Director Business Services
31	September (A)	Regular Board	Angel Foundation for Learning Year In Report	Associate Director Business Services
32	September (A)	Student Achievement	Community Engagement	Director of Education
33	September (A)	Student Achievement	Portuguese Speaking	Associate Director Academic Affairs
34	October (A)	Student Achievement	Annual Safe Schools Report	Associate Director Academic Affairs
35	October (A)	Student Achievement	Information Report on the International Languages Program to include dates, statistical trends, surveys, results of previous assessments in changing demographics (city-wide population and home language dynamics) and immigration patterns in all wards.	Associate Director Academic Affairs
36	October (A)	Student Achievement	Primary and Junior Division Assessments Of Reading, Writing and Mathematics (EQAO) · Grade 9 Assessment of Mathematics (second semester and full-year students) and OSSLT Assessment (EQAO)	Associate Director Academic Affairs
37	October (A)	Special Board	Director's Performance Appraisal (over 3 consecutive Special Board Meetings)	Director of Education
38	October (A)	Corporate Affairs	Trustee Honorarium Report	Associate Director Business Services
39	November (A)	Student Achievement	Board Learning Improvement Plan (BLIP)	Associate Director Academic Affairs
40	November (A)	Student Achievement	K-12 Professional Development Plan for Student Achievement and Well-Being	Associate Director Academic Affairs
41	November (A)	Student Achievement	Religious Accommodation Report	Associate Director Academic Affairs
42	November (A)	Corporate Affairs	Monthly Financial Report	Associate Director Business Services

43	November (A)	Regular Board	Annual Calendar of Meetings	Director of Education
44	November (A)	Regular Board	Audited Financial Statements	Associate Director Business Services
45	November (A)	Student Achievement	Board Learning Improvement Plan	Associate Director Academic Affairs
46	December (A)	Corporate Affairs	Revised Budget Estimate for Consideration	Associate Director Business Services
47	December (A)	Regular Board	Director's Annual Report	Director of Education