



REPORT TO

CORPORATE SERVICES, STRATEGIC PLANNING AND PROPERTY COMMITTEE

SENATOR O’CONNOR CS ESTATE BUILDINGS WARD 11

Lead me in your truth, and teach me, for you are the God of my salvation; for you I wait all day long...Psalms 25:5

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INFORMATION REPORT

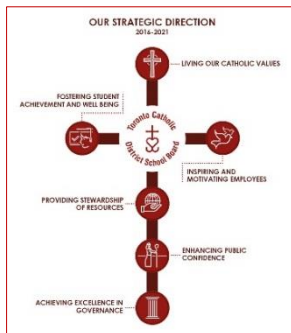
Vision:

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

Mission:

The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.

We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.



Rory McGuckin
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 Associate Director of Facilities, Business and Community Development, and Chief Financial Officer

A. EXECUTIVE SUMMARY

At the March 21, 2019 Corporate Services Committee meeting, the Board received a delegation from the O'Connor Irish Heritage House Inc. (OCHH). This report provides a response to the issues raised in the delegation, as well as additional information to the Board regarding the agreement with the OCHH with respect to the Senator O'Connor Estate Buildings located at Senator O'Connor College School.

As part of the agreement with the Toronto Catholic District School Board (TCDSB), OCHH had exclusive access to two rooms in the Estate House. OCHH took occupancy of its exclusive space in October 2015, however as a result of water infiltration issues beyond the Board's control, the Estate House was closed for an extended period of time.

On January 14, 2019, OCHH informed the Board that it was dissolving as a Corporation, and would not be renewing its agreement with the Board, which expired on January 31, 2019.

The cumulative staff time required to prepare this report was 5 hours

B. BACKGROUND

1. ***The TCDSB investigated several options for the Senator O'Connor Estate Buildings.*** In 2004, the TCDSB investigated alternatives for the Senator O'Connor Estate Buildings, located on the grounds of Senator O'Connor College School, including demolition. In 2005, a group of Irish-affiliated organizations approached the Board and requested time to establish a proposal to renovate the Estate Buildings, garner community support, and initiate fund raising.
2. ***The TCDSB entered into a lease with OCHH for the Estate Buildings.*** This culminated in the Board executing a lease with the O'Connor Irish Heritage House Inc. (OCHH) dated June 16, 2010, for the entire Estate Buildings. The intent of the lease was that it would be completely carefree to the TCDSB as the Landlord. There were two subsequent Lease Amending Agreements.

3. ***The two parties entered into a Letter Operating Agreement Plan in 2015, which included the removal of the \$2.65 million OCHH capital repayment.*** On July 8, 2015, The Board and OCCH entered into a Letter Agreement Operating Plan, which reflected the June 5, 2014 Board resolution that OCHH was no longer obligated for the \$2.65 million capital repayment as per the Lease Agreement. In addition, The Letter Agreement Operating Plan, which expired on January 31, 2019, included the following terms:
 - The exclusive leased premises were reduced to two rooms within the Estate House with access to the kitchen and Coach House;
 - OCHH was responsible for paying its proportional share of utilities for the facility, estimated at 8.92%. This was subsequently reduced to 4.46%, as the Estate House was also being used for Student Accommodation;
 - OCHH had access to the facility on all regular school days (Monday to Friday) from 8:00am until 10:30pm. Access outside of those times required the tenant to pay direct costs incurred, namely custodial overtime; and
 - The two parties would jointly approve third party permits for the facility.

4. ***All three levels of government provided funding for the capital renovation costs.*** The Board received approximately \$3 million in funding for capital renovation costs from the Ontario Trillium Foundation, City of Toronto Section 37 funds, and the Federal Government.

5. ***OCHH took occupancy of the exclusive space on October 1, 2015, and remitted a payment for its proportionate share of utilities.*** OCHH took occupancy of their two exclusive rooms in the Senator O'Connor Estate House on October 1, 2015. Throughout the term of the lease, OCHH remitted one payment for its proportional share of utilities.

6. ***The Estate House was closed due to water infiltration issues beyond the TCDSB's control.*** Since taking occupancy, OCHH had limited access to its exclusive space due to issues beyond the Board's control. As a result of extensive water infiltration issues, the Estate House was closed for repair/construction work, with no access for safety reasons for two periods: September 20, 2016 to February 6, 2017, and August 2017 to June 18, 2018.

The TCDSB did not seek any payments from OCHH for periods when they did not occupy the facility.

C. EVIDENCE/RESEARCH/ANALYSIS

1. ***OCHH informed the Board that it will be dissolving the Corporation.*** On January 14, 2019, the TCDSB received a communication from the OCHH Board advising that, due to financial difficulties, it will be dissolving the Corporation and its charitable status (*Appendix 'A'*), and as such not pursuing renewal of their agreement with the Board upon its expiry on January 31, 2019. The letter referenced issues with respect to lack of communication and information from the TCDSB.

The TCDSB provided a response to this communication on January 29, 2019 (*Appendix 'B'*).

2. ***The March 21, 2019 delegation also referenced issues with the TCDSB contributing to the dissolution of the Corporation.*** At the March 21, 2019 Corporate Services Committee, the Board received a delegation from Tony Wagner, an OCHH Board member (*Appendix 'C'*), which highlighted some issues with the TCDSB as contributing factors to the dissolution of the Corporation.

3. ***The TCDSB response to the claims of lack of communication and information were highlighted in the January 29, 2019 letter to OCHH.*** With respect to claims of lack of communication and information from the Board, the TCDSB letter highlighted the following:

- Upon OCHH taking occupancy an Operating Committee was established, consisting of representatives of OCHH, School Principal, TCDSB Real Property and Facilities staff. That Committee met on site to discuss maintenance and operation of the Estate House, practical occupancy issues, lease related matters and facility improvements. That Committee met 11 times between the period of November 10, 2015 and October 9, 2018; and
- In addition to the Operating Committee meetings, throughout the access closure to the Estate House for required repair/construction work, OCHH were provided with communications, via emails, on a regular basis to

inform them of the status of the construction work, when occupancy clearance was approved, and access would again be available. A total of 9 email communications were sent during the closure time periods.

4. ***The lack of access to the building was due to issues beyond the Board's control.*** While the Board acknowledges that there was limited access to the facility, the water infiltration issue was beyond TCDSB's control. As a result, significant mould remediation was required throughout the building.

With respect to the work on the basement, at the time of restoration, there was a shortage of funds to complete the basement. As such, the water proofing of the basement was deleted from the scope of work of the original restoration project.

5. ***The school use of the space has not led to the deterioration of the facility.*** The interior of the Estate/Coach House used by the school has been subject to ongoing maintenance work by the Board, and has been kept in good condition.
6. ***The TCDSB will continue to maintain the facility and address any outstanding issues.*** The Board will continue ongoing maintenance of the buildings to ensure that the space remains in good condition. The deficiencies associated with the last repairs are currently being corrected in order to complete the work. In addition, a new roof leak has been identified, and the consultant is preparing the scope of the work in order to address this issue.
7. ***Staff are willing to work with OCHH to support the organization's objectives.*** The Board recognizes that OCHH was a valued partner in the restoration of the Senator O'Connor Estate Buildings. Staff are willing to work with OCHH by providing permits through the Community Use of Schools department to support the organization's arts/cultural mission.

D. CONCLUDING STATEMENT

This report is for the information of the Board.