



REPORT TO

GOVERNANCE AND POLICY COMMITTEE

UPDATE TO RENTAL OF SURPLUS SCHOOL SPACE AND PROPERTIES POLICIES (B.R.01, B.R.03, B.R.04)

*Let the wise hear and increase in learning, and the one who understands obtain guidance
Proverbs 1:5*

Created, Draft

October 24, 2017

First Tabling

November 7, 2017

Review

J. Volek, Acting Comptroller of Planning and Development
M. Loberto, Sr. Coordinator of Development Services
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RECOMMENDATION REPORT

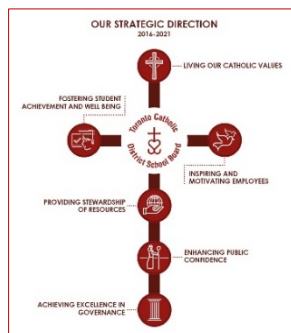
Vision:

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 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
Director of Education

D. Koenig
Associate Director
of Academic Affairs

A. Sangiorgio
Associate Director
of Planning and Facilities

T.B.D.
Executive Superintendent
of Business Services and
Chief Financial Officer

A. EXECUTIVE SUMMARY

This report recommends that the existing *Rental of Properties B.R.03*; and *Rental of School Accommodation B.R.04* policies be rescinded due to redundancies already outlined in the Education Act and Ontario Regulations.

Additionally, that *Rental of Surplus School Space B.R.01* be amended and updated in meta policy format to reflect updated legislation and operational procedures and the change name of the policy to *Rental of Surplus School Space and Properties B.R.01*.

The cumulative staff time required to prepare this report was 11 hours

B. PURPOSE

This recommendation report is on the Order Paper of the Governance & Policy Committee as it recommends a Policy revision.

C. BACKGROUND

1. The Toronto Catholic District School Board (TCDSB) approved the following Real Property policies:

Policy #	Policy Title	Board Approval and/or Last Revision Date
B.R.01	Rental of Surplus School Space	September 2006
B.R.03	Rental of Properties	June 1986
B.R.04	Rental of School Accommodation	June 1986

For more detail on the policies listed above, refer to *Appendix 'A'*.

D. EVIDENCE/RESEARCH/ANALYSIS

Due primarily to education legislative and funding changes since the time of policy approvals, particularly to *Ontario Regulation. 444/98: Disposition of Surplus Real Property*, as well as the reality that these policies have not been amended in 31 years (B.R.03 and B.R.04) and 11 years (B.R.01), these policies require an amendment, consolidation, and update into current meta policy format.

Rental of Surplus School Space (B.R.01):

1. The *Rental of Surplus School Space* policy, approved in September 2006, requires that Toronto Catholic District School Board facilities shall be leased, where feasible, at fair market value with the exception of the outside agencies which shall be charged a rental rate equivalent to the Board's last fiscal period average Pupil Accommodation Grant (PAG) operating and renewal costs per square foot, including custodial maintenance, utilities, administration and insurance, which may be reviewed and adjusted annually.
2. Staff recommend that this policy be amended based on the following reasons:
 - The current policy is not in meta policy format and requires updates to align with current practice.
 - On June 6th 2017, leasing unit rates were updated to an occupancy cost recovery rate that includes deferred maintenance for charitable organizations.
 - Previous rates were based on the Pupil Accommodation Grant (which no longer exists) divided by the total square footage of the Board facilities which resulted in an under-recovery of costs.
 - All Board lease agreements, shared or otherwise, are dealt with on a case-by-case basis and subject to Board approval.
 - The leasing of surplus school space is governed by *Ontario Regulation 444/98; Disposition of Surplus Real Property; Made under the Education Act*.
3. *Rental of Properties B.R.03* approved in June 1986, states that residential properties acquired for a new school site or the expansion of an existing school site which cannot be demolished immediately, may be rented on a month-to-month basis.

4. *Rental of School Accommodation B.R.04* approved in June 1986, states that when the TCDSB is unable to conduct an approved educational program within its present plant, suitable accommodation may be rented.
5. Staff recommends that these policies be rescinded based on the following reasons:
 - All Board lease agreements, shared or otherwise, are dealt with on a case-by-case basis and subject to Board approval.
 - These policies are obsolete due to already defined process requirements outlined in the Education Act and Ontario Regulations.

E. METRICS AND ACCOUNTABILITY

1. Recommendations in this report will be monitored jointly by Policy Development and Development Services staff.
2. Further reports will be brought to Board in accordance with the policy review schedule.

F. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN

The updated policy as approved will be posted on the TCDSB policy register.

G. STAFF RECOMMENDATION

1. That the Board rescind the following Real Property policies:
 - a. *Rental of Properties (B.R.03)*.
 - b. *Rental of School Accommodation (B.R.04)*.
2. That the amended policy *Rental of Surplus School Space & Properties (B.R.01)* be approved, as outlined in *Appendix 'B'*.

Rental Of Surplus School Space B.R.01

Date Approved: September 20, 2006 – Board	Dates of Amendment: BM p. 177 June 1998, BM p 95, 16 Jan 97; BM p 112, 20 Jan 94; BM, 21 Jul 88; BM p 126, 19 Jun 86; BM p 182, Jan 83; BM p 904, Aug 80; BM p 938, Sep 80; BM p 110, Dec 80.
Cross Reference:	

Policy:

1. The Toronto Catholic District School Board may lease, licence or otherwise make available surplus school space which has been declared surplus to the educational needs of the Board.
2. Surplus school space available for lease shall be circulated first to the coterminous school boards and preferred agencies in accordance with Ontario Regulation 444/98; Disposition of Surplus Real Property.
3. The Toronto Catholic District School Board reserves the right to reject any applications and applicants whose goals or activities are incompatible with the teachings of the Catholic Church.
4. For greater certainty the Toronto Catholic District School Board reserves the right to reject any applications, for any reason whatsoever, without limiting the generality of the foregoing, including any applications the Board considers incompatible with the educational and fiscal objectives of the Board.

Regulations:

1. Outside agencies leasing surplus space in a Toronto Catholic District School Board facility shall pay a rental fee.
2. Toronto Catholic District School Board facilities shall be leased, where feasible, at fair market value with the exception of the following categories of outside agencies which shall be charged a rental rate equivalent to the Board's last fiscal period average PAG operating and renewal costs per square foot, including custodial, maintenance, utilities, administration and insurance, which may be reviewed and adjusted annually:
 - Catholic Church
 - Non-Profit Child Care
 - Non-Profit Charitable Organization
3. Non-Profit Before and After School programs shall operate under a 10 month, self-renewing Licence Agreement. The Licence Fee may be reviewed and adjusted annually.
4. All Lease and Licence Agreements are subject to Toronto Catholic District School Board approval.

Rental Of Properties B.R.03

Policy

Residential properties acquired for a new school site or the expansion of an existing school site which cannot be demolished immediately may be rented on a month-to-month basis.

Regulations:

1. Properties may be rented to tenants on the following priority basis:
 - a) separate school supporters with dependents;
 - b) separate school supporters.
2. a) The rental rate for newly acquired and not previously rented properties will be the current market value unless otherwise approved by the Board.

b) The tenants will be responsible for the costs of the telephone rates, electricity, gas, heat, water and all other service charges, including general upkeep and minor repair.

c) The cost of major repairs, i.e., roof replacement, heating plant, plumbing and electrical, of the rented facilities will be the responsibility of the Board unless caused by negligence of the tenants.

3. The tenants will enter into the tenancy agreement with the Board.

4. If the property can be neither rented nor demolished, it will be properly secured, in accordance with local bylaws.

BM p 126, 19 Jun 86; BM p 909, Aug 80.

Rental Of School Accommodation B.R.04

Policy

When the TCDSB is unable to conduct an approved educational program within its present plant, suitable accommodation may be rented.

BM p 126, 19 Jun 86; BM p 187, Feb 71.

APPENDIX A



POLICY SECTION: BUILDINGS/PLANT/GROUNDS
SUB-SECTION: RENTALS/PERMITS
POLICY NAME: RENTAL OF SURPLUS SCHOOL SPACE & PROPERTIES
POLICY NO: B.R. 01

Date Approved: June 1986	Date of Next Review: November 2022	Dates of Amendments: November 16, 2017
Cross References: Ontario Regulation 444/98 – Disposition of Surplus Real Property Child Care Centre policy (B.R.02) <i>Amending Rental of Surplus School Space (B.R.01)</i> <i>Rescinding Rental of Properties (B.R.03) and Rental of School Accommodation (B.R.04)</i>		

Purpose:

This policy sets out parameters for rental of surplus school space and other board properties.

Scope and Responsibility:

This policy applies to all Board properties and rental agreements. The Director is responsible for this policy with the support of the Development Services Department.

Alignment with MYSP:

Living Our Catholic values
Strengthening Public Confidence
Providing Stewardship of Resources



POLICY SECTION: BUILDINGS/PLANT/GROUNDS
SUB-SECTION: RENTALS/PERMITS
POLICY NAME: RENTAL OF SURPLUS SCHOOL SPACE & PROPERTIES
POLICY NO: B.R. 01

Policy:

The Toronto Catholic District School Board (TCDSB) may lease, licence or otherwise make available surplus school space which has been declared surplus to the educational needs of the Board. ~~Residential properties acquired for a new school site or the expansion of an existing school site which cannot be demolished immediately may be rented on a month-to-month basis. When the TCDSB is unable to conduct an approved educational program within its present plant, suitable accommodation may be rented.~~

Regulations:

Rental of Surplus School Space

1. Surplus school space **and properties** available for lease shall be circulated first to the coterminous school boards and preferred agencies in accordance with *Ontario Regulation 444/98; Disposition of Surplus Real Property*.
2. The TCDSB reserves the right to reject any applications and applicants whose goals or activities are incompatible with the teachings of the Catholic Church.
3. For greater certainty the TCDSB reserves the right to reject any applications, for any reason whatsoever, without limiting the generality of the foregoing, including any applications the Board considers incompatible with the educational and fiscal objectives of the Board.
4. Outside agencies leasing surplus space in a TCDSB facility shall pay a rental fee.
5. TCDSB facilities shall be leased, where feasible, at fair market value with the exception of the following categories of outside agencies which shall be charged a **occupancy cost recovery** rental rate ~~equivalent to the Board's last fiscal period average PAG~~ which includes operating and renewal costs per square foot,



POLICY SECTION: BUILDINGS/PLANT/GROUNDS
SUB-SECTION: RENTALS/PERMITS
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& PROPERTIES
POLICY NO: B.R. 01

including custodial, maintenance, utilities, **deferred maintenance**, administration and insurance, which may be reviewed and adjusted annually:

- Catholic Church
- Non-Profit Child Care
- Non-Profit Charitable Organization

6. Non-Profit Before and After School programs shall operate under a 10 month, self-renewing Licence Agreement. The Licence Fee may be reviewed and adjusted annually.

7. All Lease and Licence Agreements are subject to ~~Toronto Catholic District School Board~~ approval.

Evaluation and Metrics:

The effectiveness of the policy will be determined by measuring the following:

Facilities and Development Services will continue to monitor and review the policy.