



## Cynthia Clarke

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**From:** Peter Lauwers [plauwers@millerthomson.com]  
**Sent:** Wednesday, July 23, 2008 9:28 AM  
**To:** Cynthia Clarke  
**Cc:** Mike Riley(legal)  
**Subject:** Fw: Proposed Amendment to O. Reg 20/98

Next iteration. It deals with the possibility (more likely under the new funding model) of area-specific bylaws, and also leaves discretion re utilization with the Minister:

iv) The board demonstrates that there are growth-related net education land costs in the area to which the proposed education development charge by-law will apply, that the need for a new school or addition has been identified in the board's long-term capital plan, and that the planned school or addition is projected to experience an average utilization over the 10-year period beginning in the second full year of the operation of the new school or addition that is satisfactory to the Minister.

I don't know if Mike Riley is coming to the meeting with Nancy today, but I am forwarding a copy of this to him for his consideration.

### **Peter Lauwers**

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----- Forwarded by Peter Lauwers/mtca on 07/23/2008 09:13 AM -----

Peter Lauwers/mtca

07/31/2007 04:22 PM

To "Cynthia Clarke" <[clarke@watson-econ.ca](mailto:clarke@watson-econ.ca)>

cc

Subject Re: Proposed Amendment to O. Reg 20/98 [Link](#)

Cynthia, her is my proposed revision of your draft:

A proposed addition to section 10 (2) of O. Reg 20/98:

iv) The board demonstrates that there are growth-related net education land costs in its jurisdiction, that the need for a new school or addition has been identified in the board's long-term capital plan, and that the planned school or addition is projected to experience an average utilization of 80 percent or more of Ministry-rated capacity over the 10-year period beginning in the second full year of the operation of the new school or addition.

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"Cynthia Clarke" <[clarke@watson-econ.ca](mailto:clarke@watson-econ.ca)>

06/27/2007 03:10 PM

To "Peter Lauwers" <[plauwers@millerthomson.com](mailto:plauwers@millerthomson.com)>  
cc

Subject Proposed Amendment to O. Reg 20/98

Peter:

We are concerned about boards who currently have EDC by-laws in place, and due to declining enrolment and the previous school closure moratorium, will not meet the eligibility trigger for a successor EDC by-law. Trying to create a deficit in the reserve fund will also be tricky, given the response to Board 59's attempt to pre commit sites from the EDC RF.

I am therefore proposing an addition to section 10 (2) of O. Reg 20/98. A fourth condition something along these lines:

iv) The Board can demonstrate, through the submission of a business case to the Minister of Education, that there are growth-related site needs within the jurisdiction of the Board, and that the need for a new school has been identified as part of the Board's long-term capital plan. Further the Board must demonstrate that the planned school is projected to be at an average utilization of 80 percent or greater over a 10-year period beginning in the second year of the operation of the school.

The latter wording is consistent with the criteria for growth schools allocation as I indicated in my VM. I'm sure you can improve upon my wording and intent if you agree.

Thanks

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Court File No. 112/18

THE TORONTO DISTRICT SCHOOL BOARD

-and-

HER MAJESTY THE QUEEN IN RIGHT  
OF THE PROVINCE OF ONTARIO

Applicant

Respondent

*ONTARIO*  
SUPERIOR COURT OF JUSTICE  
DIVISIONAL COURT

Proceeding commenced in Toronto

AFFIDAVIT

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THE TORONTO DISTRICT SCHOOL BOARD

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REPLY AFFIDAVIT OF  
CYNTHIA CLARKE

**TORONTO DISTRICT SCHOOL BOARD**

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