



October 7, 2019

Ministry of Education
Capital Programs Branch
315 Front Street West, 15th Floor
Toronto, Ontario
M7A 0B8

Re: Consultation on Proposed Changes to O. Reg. 20/98 Education Development Charges (Proposal Number:19-EDU002)

The Toronto District School Board (TDSB) welcomes the opportunity to provide submissions to the Ministry of Education (EDU) consultation on Educational Development Charges (EDC). These submissions are in addition to, not in lieu of, the joint submissions from the Ontario Association of School Business Officials, Council of Senior Business Officials, the Ontario Public School Boards Association, the Ontario Catholic School Trustees Association, and the Ontario Catholic School Business Officials Association.

Overview

The TDSB is very pleased that the EDU is taking steps to modernize the EDC scheme to provide greater flexibility to school boards to use EDC funds to address their priorities in alternative ways. These proposed changes recognize the joint responsibility of the Ministry and each school board in Ontario to improve the learning experience and skills of our students. Overall the proposed changes are positive for the school board sector and support the movement toward recognizing different community-based needs in pupil accommodation. However, the proposed changes do not effectively address the needs of the TDSB as it fails to sufficiently fix the threshold barrier preventing schools boards from qualifying for EDCs. This is a missed opportunity to provide school boards like the TDSB the ability to develop its infrastructure to meet the diverse needs of all the communities that comprise the TDSB.

Background

The TDSB is Canada's largest and most diverse school board. Every day, we welcome more than 246,000 students to 582 schools across the City of Toronto. We also serve more than 140,000 life-long learners in our Adult and Continuing Education programs. We employ nearly 40,000 employees and welcome the support of hundreds of thousands of parents, volunteers,

and community members. It is clear the TDSB directly and indirectly affects the lives of almost every resident of the City of Toronto.

The TDSB's reach will continue to grow in light of the forecasted increase in the City of Toronto's population from 2.9 million in 2017 to 3.9 million by 2041 (Source: Ministry of Finance, Ontario Population Projections Update, 2017-2041, Spring 2018).

For more information on the TDSB, please see Appendix "A" Toronto District School Board At-A-Glance.

Intensification due to Residential Development

Residential development is a significant contributor to the population growth, resulting in substantial pressure on critical public infrastructure serving the area, such as local schools, public transit and roads.

Between 2013 and 2017, approximately 93,000 residential units were built in the City of Toronto. A further 290,000 residential units are under review or awaiting construction, which could generate approximately 22,300 new students.

Most of the residential development is taking place in the growth areas identified in the Growth Plan for the Greater Golden Horseshoe shown in Appendix "B" Residential Development in the City of Toronto as the "Centres" and "Downtown & Central Waterfront". The total proposed development exceeds the forecasts in the Growth Plan (City of Toronto, How Does the City Grow, July 2018).

New developments have resulted in enrolment pressures at the local schools in certain pockets of the city such as Yonge and Eglinton, Yonge and Sheppard, Scarborough Centre, Islington and Dundas, Eglinton and Don Mills, Sheppard and Allen, High Park, Leaside, and the downtown waterfront.

Many schools in these areas are overcrowded and are on small, constrained sites that cannot accommodate portables or additions, which complicates accommodating enrolment growth. The TDSB will need new schools in many of these growing communities; however, the availability of land for new school sites in these areas is extremely limited, meaning support for innovative school models, such as those integrated with new mixed-use development, will be required.

Assessing and planning for long-term student accommodation based on neighbourhood needs is critical to balance enrolment and provide students with high quality education.

Response to Site Acquisition Guidelines and Consultation Document

(a) EDC Eligibility

While other school boards in Ontario are allowed to collect EDCs, the TDSB does not qualify because it has excess capacity when assessed on a district-wide basis, regardless

of significant capacity pressures and challenges faced in many neighborhood schools. This puts the TDSB at a disadvantage.

EDCs are a critical funding tool that would help the TDSB meet growth-related infrastructure needs. Many of our schools are over capacity as a result of significant residential intensification in certain areas.

Lack of sufficient space in local schools in some areas of the City has forced the TDSB to adopt different accommodation strategies for managing enrolment growth, including redirecting students from new residential developments to other TDSB schools located outside the area, the use of portables, and program and school boundary changes.

In our view, the same way that developers pay for services such as roads, transit, water, sewer infrastructure and community centres, they should contribute towards education. In other words, growth should pay for growth.

For all school boards, including the TDSB, it is vitally important to assess and plan for long-term student accommodation on the basis of neighbourhood needs, not on a jurisdiction-wide basis. Section 10 of Ontario Reg. 20/98 does not serve the purpose of either the *Education Act* or the original purpose of EDC funding, which was meant for new developments to fund new school sites.

Without the restrictions found in Section 10 of Ontario Reg. 20/98, the TDSB would qualify for EDCs and generate revenue of approximately \$400 million over the next 15 years, which would help us meet growth-related infrastructure needs. Given the invaluable role that schools play in each community, such an investment would benefit all citizens of Toronto.

Recommendation: Modify or remove the restrictions in section 10 of Ontario Regulation 20/98 to allow the TDSB to qualify for EDCs.

(b) Review Areas

An assessment for EDC eligibility based on smaller review areas within the school district, especially for large school boards like the TDSB with hundreds of communities, is vital to address growth-based needs.

Recommendation: Allow schools boards to determine the review areas and provide school boards the opportunity to enact EDC by-laws by review area.

(c) Holding Students

We support the inclusion of students from new developments who are not permanently accommodated at a school to the counting of new pupils as a result of new residential development. This provides a more accurate portrait of the accommodation pressures in certain schools and communities. We would, however, recommend that the calculation be

modified to allow school boards to consider long term capacity projections based on accommodation strategies. The current language is focussed only on “existing” pupil places and ignores a school board’s long term accommodation strategies such as changes to attendance boundaries and programs.

Recommendation: Students from new developments who are not permanently accommodated at a school should be added to the counting of new pupils as a result of new residential development. Allow school boards to consider long term capacity projections based on accommodation strategies.

(d) Acquisition of Sites

The proposed requirement for school boards to provide 60 days’ notification to the Minister of Education and to give the EDU up to 60 days for a response is not practical. Realistically, conditions should be at the front end of any agreement, not just before the financial close.

The TDSB also believes the proposed notification process will have a negative impact on the desire of a property owner to sell to a school board, especially in a key market where property is scarce and values are steadily increasing with demand outweighing supply.

Recommendation: School boards should notify the EDU on a proposed acquisition once a conditional agreement has been executed and/or approved, and a response from the EDU should be provided to the school board within 60 days of receipt of the notification.

(e) Expropriation of Sites

Acquisition of a site under an expropriation scenario is very different than a standard or mutual acquisition of a property. An expropriation is the taking of land without the consent of the owner which procedure is set out by the *Expropriations Act*. The Act requires various steps and timelines throughout the long process. The proposal as set out by the EDU is not possible within the Act. However, it is believed that the EDU intent is to have school boards request permission prior to commencing an expropriation and thereafter, if approved, to proceed in accordance with the *Expropriations Act*.

Recommendation: Notify the EDU at least 120 days (60 days notification; allow 60 days response) before the date the school board plans to submit a report to its Board of Trustees recommending approval for Notice of Application for Approval to Expropriate and Application for Approval to Expropriate.

(f) Localized Education Development Agreements (LEDA)

The draft guidelines and consultation document do not set out the “prescribed criteria” with which the Minister will use for approval of LEDAs. As well, there is no indication of timing of the Minister’s approval. The absence of clearly stated approval criteria and timelines for

approval could put at risk a carefully negotiated LEDA between the school board and developer/land owner.

Recommendation: Clearly communicate the prescribed criteria for the Minister's approval of LEDAs and the maximum timelines for the Minister's review and approval.

Final Comments

Thank you for the opportunity to provide feedback on the proposed changes. The TDSB would welcome the opportunity to meet to further discuss our submission.

A handwritten signature in black ink, appearing to read 'Robin Pilkey', with a stylized flourish at the end.

Robin Pilkey, CPA, CA, ICD.D
Chair, Toronto District School Board

APPENDIX “A”

Toronto District School Board at a Glance

The Toronto District School Board (TDSB) is Canada’s largest and most diverse school board. Every day, we welcome more than 246,000 students to 582 schools across the City of Toronto. We also serve more than 140,000 life-long learners in our Adult and Continuing Education programs. It is because we are the largest and most diverse school board in the country, that we have a unique set of needs when it comes to what is required to best support our students and communities.

Students

- 173,000 elementary students
- 73,000 high school students
- 2,200 international students
- 140,000 continuing education students
- 29,000 students are enrolled in immersion and extended French programs
- 23% were born outside of Canada
- There are over 120 languages spoken by TDSB students and their families

Racial Backgrounds

- White (29%), South Asian (22%), East Asian (14%), Mixed (12%), Black (11%), Middle Eastern (6%), Southeast Asian (4%), Latin American (2%), Indigenous (0.3%)

Faith/Religion/Creed

- Christianity (33%), no religion (29%), Islam (19%), Hinduism (8%), Buddhism (4%), other (4%), Judaism (2%)

Family Socioeconomic Status

- 41% of family incomes are less than \$50,000 Staff
- 17,000 permanent teachers (11,820 Elementary; 5,180 Secondary)
- 5,800 occasional teachers (3,860 Elementary; 1,940 Secondary)
- 15,500 permanent support staff and 4,000 supply/casual employees (including Designated Early Childhood Educators, professional support 8 workers, caretakers, maintenance staff, IT support, administrators, etc.)

Schools

- 471 Elementary schools (including 1 Elementary/Secondary First Nations School, 18 Elementary Alternative schools, 6 Special Education self-contained schools)

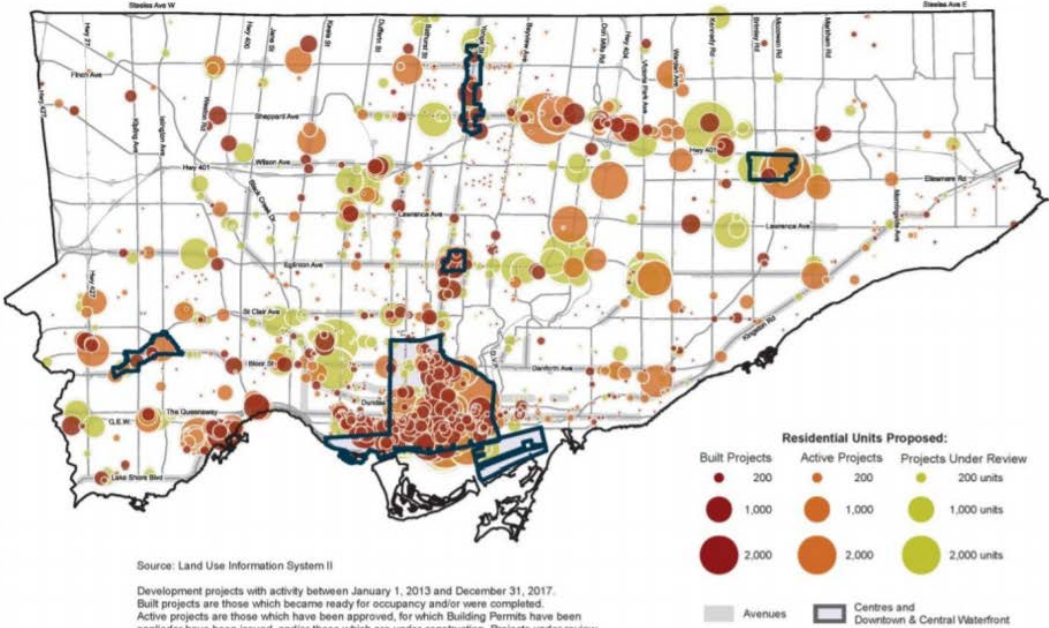
- 111 Secondary schools (including 1 Elementary/Secondary Alternative school, 20 Secondary Alternative schools, 4 Caring and Safe Schools Programs, 5 Adult/EdVance Programs, 2 Native Learning Centres, 6 Special Education self-contained schools)

Operating Budget for 2018-2019:

Approx. \$3.4 Billion.

APPENDIX “B” Residential Development Activity in the City of Toronto

Map 1: Residential development activity in the City of Toronto



Source: Land Use Information System II
 Development projects with activity between January 1, 2013 and December 31, 2017.
 Built projects are those which became ready for occupancy and/or were completed.
 Active projects are those which have been approved, for which Building Permits have been issued, and/or those which are under construction. Projects under review are those which have not yet been approved or refused and those which are under appeal.



Toronto City Planning Division, Research and Information - June 2018

