

Section I – Items for Authority Action

TO: Chair and Members of the Executive Committee
Meeting #8/18, Friday, October 05, 2018

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: DURHAM DISTRICT SCHOOL BOARD
Renewal of Lease Agreement with the Durham District School Board and Approval for Replacement of Two Bridge Crossings, Claremont Conservation Area, City of Pickering, Regional Municipality of Durham, Duffins Creek Watershed (CFN 24474)

KEY ISSUE

Renewal of the lease agreement with the Durham District School Board for use of Toronto and Region Conservation Authority land within the Claremont Conservation Area, for the operation of the Board-established Duffins Creek Environmental Education Centre, and approval for the replacement of two bridges crossing Mitchell Creek for the purposes of student program use, City of Pickering, Regional Municipality of Durham, Duffins Creek watershed.

RECOMMENDATION

THE EXECUTIVE COMMITTEE RECOMMENDS THAT WHEREAS Toronto and Region Conservation Authority (TRCA) is in receipt of a request from Durham District School Board (DDSB) to renew the lease agreement for the operation of the DDSB-established Duffins Creek Environmental Education Centre located within TRCA's Claremont Conservation Area, for a further five year period ending December 31, 2022, based on the continued use by the School Board of their non-permanent, portable structures, and for the replacement of two bridges crossing Mitchell Creek for the purposes of student program use, City of Pickering, Regional Municipality of Durham, Duffins Creek watershed;

THEREFORE LET IT BE RESOLVED THAT TRCA renew the lease agreement with DDSB for the use of 1 hectare (2.47acres), more or less, said land being Part of Lot 12, Concession VII, City of Pickering, designated as Part 1 on Plan 40R- 12592, City of Pickering, Regional Municipality of Durham;

THAT the lease agreement with DDSB be subject to the following terms and conditions:

- (i) that the term of the lease agreement be for a five year term, together with one renewal option for a further five year period at the sole option of TRCA;
- (ii) that consideration be \$13,246 per annum, plus 15% administration service charges (to be reviewed annually), effective January 1, 2018 and increased by the Consumer Price Index (CPI) of the preceding year for each successive year of the term of the lease agreement, plus HST;
- (iii) A daily rate to be established for the use of the Pioneer Cabin;
- (iv) that DDSB be responsible for the replacement of two bridges crossing Mitchell Creek for student program use, subject to all necessary approvals;
- (v) any other terms and conditions deemed appropriate by the TRCA staff and solicitor;

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AND FURTHER THAT authorized TRCA officials be directed to take the necessary action to finalize the transaction, including obtaining any necessary approvals and the signing and execution of documents.

BACKGROUND

In 1989 the Durham District School Board (DDSB) requested permission to construct an outdoor education centre facility on TRCA-owned lands for the purpose of providing outdoor education programs to Durham school board students. The DDSB indicated that their objective was to provide a facility to accommodate both residential and day programs, however, given the economic situation of the day, the board wished to proceed with a portable, day-use facility only within the first five-year term of the lease. TRCA considered this use compatible with the Claremont Conservation Area (where TRCA owns and operates its own residential nature centre) and in July 1989, directed staff to prepare the necessary agreement document to allow for the construction of a portable structure by the school board.

At the request of the DDSB, in 1994, 1999, 2005 and 2012 TRCA approved the renewal of the lease for a further term of five years each, based on the continued use and operation by the board of their non-permanent portable structure. The last term ended December 31, 2017.

The area subject to this lease consists of approximately 1 hectare (2.47 acres) of land. The following are the key terms and conditions of the proposed lease arrangement:

1. Lease Payment: \$13,246 per annum, plus all applicable taxes and 15% administration service charges (to be reviewed annually) and increased by CPI of the preceding year for each successive year of the term of the lease agreement, plus HST;
2. Daily rate for the use of the Pioneer Cabin;
3. Initial Term five years, together with one extension option for a further five-year term, at TRCA's sole option;
4. Insurance: DDAB will provide \$5,000,000 in commercial general liability insurance;
5. Taxes and Utilities: DDSB will be responsible for all applicable taxes and utilities;
6. Further Approvals: DDSB will comply with any applicable laws, directions, rules and regulations.

RATIONALE

Staff from TRCA and DDSB formally meet on an annual basis to review the operation. The DDSB advised that they wish to renew the lease agreement for a further five-year period. The DDSB facility is very well maintained and has been subject to regular improvements both inside and outside. The working relationship with the DDSB over the last 27 years has also been excellent in both qualities of programming and personnel. The centre is well attended by DDSB students (just over 3,100 students in 2017) which greatly enhances the delivery of conservation education within the region. In addition, TRCA's working relationship with the DDSB extends beyond this lease agreement as the DDSB is the primary user of TRCA's Claremont Nature Centre which provides students with a residential education experience. As a result of the above, TRCA recommend that the lease be renewed.

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There are two temporary bridges that cross Mitchell Creek associated with the DDSB lease that do not meet current TRCA standards. These two temporary bridges will be replaced with two permanent bridges that meet all regulatory and safety standards. DDSB was to undertake the replacement of these two bridges in 2013, however due to budget constraints the DDSB was not able to undertake this work. It is the DDSB's intention to have the two bridges replaced during this five-year term, pending final plan review approval from TRCA and Ministry staff. Discussions will occur with DDSB on whether TRCA can undertake this work on their behalf. DDSB will be responsible for all costs associated with the construction and maintenance of these bridges for the duration of the lease.

FINANCIAL DETAILS

The lease cost for the 2018 calendar year is \$13,246, plus a 15% administrative service charge. Provision to increase the basic rent each year based on the Consumer Price Index of the preceding year is incorporated. Starting in 2018 there will be a daily rate charged to the DDSB for the use of the Pioneer Cabin.

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