



## STAFF REPORT ACTION REQUIRED

### York Woods Branch Property – Transfer of Ownership to City of Toronto

**Date:** June 19, 2023

**To:** Toronto Public Library Board

**From:** City Librarian

#### **SUMMARY**

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The purpose of this report is to seek Toronto Public Library Board approval to transfer the ownership of the York Woods Branch property, 1785 Finch Avenue West, to the City of Toronto. The transfer is in response to Council's endorsement for building of a music school at the site of the York Woods branch. City Legal has advised that ownership of the land needs to be transferred to the City which has the authority to enter into an agreement with the Community Music School of Toronto (CMST) to build the school and establish a long-term lease.

The property will continue to be jurisdictionally owned by Toronto Public Library (TPL) for York Woods branch operations.

This report also identifies a number of issues which will need to be addressed in order to protect TPL's interests and avoid service disruption.

## **RECOMMENDATIONS**

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### **The City Librarian recommends that the Toronto Public Library Board:**

1. approves the transfer of the ownership interest held by Toronto Public Library Board in the property known municipally as 1785 Finch Avenue West, the site of the York Woods branch, to the City of Toronto in order to facilitate the Community Music School of Toronto (CMST) building and operating a music school on the site, subject to the following:
  - a. City Council approves the music school at 1785 Finch Ave West after reviewing the findings of the feasibility review and community consultation;
  - b. the City is successful in negotiating a long-term lease with CMST and the terms of the lease are satisfactory to the City Librarian;
  - c. City Council approves the transfer of the property at 1785 Finch Avenue West to the City of Toronto;
  - d. Toronto Public Library retains jurisdictional ownership of the property for the operations of the York Woods branch;
  - e. Toronto Public Library Board's authority and interests should continue to be recognized throughout the process; and
2. authorizes the City Librarian to act on its behalf to execute the title transfer and any ancillary documents, and enter into any agreements.

## **FINANCIAL IMPACT**

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The cost to transfer ownership title of 1785 Finch Avenue West to the City of Toronto is very minor.

The lease agreement between CMST and the City will include terms and conditions which specify responsibility for costs and protect the interests of TPL. CMST shall be responsible for all costs related to the construction of the building and operating the music school.

The Director, Finance & Treasurer, has reviewed this financial impact statement and agrees with it.

## DECISION HISTORY

At its meeting on May 24, 25 and 26, 2017, Council considered [EX25.9 City-Wide Real Estate Transformation](#) and adopted a new service delivery model that centralized all real estate activities city-wide and established the Toronto Realty Agency (renamed CreateTO). Council also directed the City Manager to report on a delegation of authority framework for real estate matters that aligns with the new city-wide real estate model, including a recommendation to rescind or amend the current delegations of authority for real estate matters, as required.

At the meeting on April 30, 2018, the Library Board considered [City-Wide Real Estate Program – Revised Authorities](#) that provided information on Council's decision to rescind or amend the delegation of authority for real estate matters to align with the new city-wide real estate model, thereby significantly reducing TPL's authority to enter into lease agreements and other real estate transactions. Nearly all TPL real estate transactions now require approval by the City under the city-wide real estate model.

## BACKGROUND

At its meeting on February 28, 2022, the Library Board received for information [Music School at Site of York Woods Library](#) which explained that at the Council meeting of February 2 - 3, 2022, recommendations of [Member Motion MM39.16](#) were adopted:

1. City Council endorse the building of a music school at the site of the York Woods Library and direct the City Manager to engage all of the relevant City of Toronto divisions, the Toronto Public Library and the Community Music Schools of Toronto to explore the feasibility of building a music school at this site.
2. City Council direct the Executive Director, Social Development, Finance and Administration together with all relevant stakeholders, to commence a community consultation/engagement for this project.

The report to the Board noted that for the City Manager's feasibility review, TPL will be an active participant to ensure that the Library's interest and concerns are addressed.

## COMMENTS

The consultation and engagement process was led by CMST, Social Development, Finance and Administration (SDFA) and Economic Development, Culture and Tourism (EDCT) and included community groups, networks and resident engagement. The consultation was to determine the need or desire for a music school to be located in the Jane-Finch area, and a community consultation and engagement report will be completed.

Discussions have been taking place between TPL, City Corporate Real Estate Management (CREM), CMST and their architect, Diamond Schmitt Architects Inc. (DSAI), City Legal, and SDFA regarding the proposed location for the school on the property, obtaining City Planning approvals, proposed construction and timelines, access to utility services, the terms of a long-term lease including a cost sharing agreement, and strategies to mitigate any potential negative impacts on TPL.

As the Library Board is the registered owner of the property known municipally as 1785 Finch Avenue West, it cannot provide a long-term lease (21 years or more) of a portion of the property without first obtaining Committee of Adjustment consent pursuant to the provisions of the [Planning Act, R.S.O 1990 c.P.13 s. 50\(3\)](#) and CMST is requiring a long-term lease in excess of 21 years.

In order to obviate the need for such consent and to expedite the granting of a lease, it is considered reasonable to transfer the property to the City which is exempt from the part-lot control provisions of the Planning Act. This will not adversely affect the Library Board as it will retain jurisdictional and operational control over the property.

The transfer of property ownership from TPL to the City will be conditional on a number of factors which will protect TPL's interests. City Council approval is required for the music school to be located at 1785 Finch Ave West after reviewing the findings of the feasibility review and community consultation. A lease will need to be negotiated between CMST and the City which is acceptable

to the City Librarian. Additionally, the Library Board's authority and interests should continue to be recognized throughout the process.

## **Proposed Lease**

Because York Woods branch is newly renovated, and the proposed location for the school is very close to the branch, it is important that the lease agreement includes terms and conditions which protect the Library's and City's interests and is acceptable to the City Librarian. The following are some of the operational and financial considerations that need to be addressed in the proposed lease:

1. Neither the City nor the Library will be responsible for any costs associated with this initiative and CMST will be responsible for all costs related to the construction of the school and its subsequent operations.
2. For the construction of the music school:
  - a. the school is designed and constructed to be a separate stand-alone building with its own municipal address;
  - b. the construction of the music school will be managed by CMST and should not interfere with or detract from the improvements at York Woods branch;
  - c. all reasonable efforts will be taken to avoid or minimize interruption to the branch operations during the school construction, including access to parking and the branch, programming, and the delivery of library materials;
  - d. any construction which could impede access to the branch or significantly impact branch operations should be scheduled for outside of branch hours;
  - e. The staging area and hoarding line will be established and approved by TPL and maintenance of this area will be the responsibility of CMST; and
  - f. CMST services are to be fully separated and stand-alone, including building controls, water, hydro, gas, waste water/sewers, fire systems and data, unless agreed to by the City Librarian;

3. For the operations of the music school:
  - a. the operations of the music school should be completely funded by CMST and shall have no negative financial or operational impacts on TPL branch operations;
  - b. CMST should assume a proportionate share of costs for common use areas or equipment, including those related to the maintenance and capital repairs for the parking lot, driveway, fencing, landscaping and site utility services;
  - c. TPL should have continuous access to the parking lot and driveway, including the option of using the parking lot for delivering outdoor programs;
  - d. there will be no dedicated parking for CMST;
  - e. CMST will follow TPL's established venue rentals process for booking the York Woods theatre;
  - f. a process will be established for CMST to co-present programs with TPL;
  - g. signage requirements and locations will be approved by TPL; and
  - h. a dispute resolution process will be incorporated into the operating agreement.

Because nearly all TPL property transactions now require City of Toronto approval, Council will need to approve the transfer of TPL-owned property at 1785 Finch Avenue West to the City of Toronto.

## **CONTACT**

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## **SIGNATURE**

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City Librarian