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# The Office of the Associate Director of Modernization and Strategic Resource Alignment

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June 10, 2025

[PlanningConsultation@ontario.ca](mailto:PlanningConsultation@ontario.ca)

and

The Honourable Rob Flack  
Minister of Municipal Affairs and Housing  
777 Bay Street, College Park, 17<sup>th</sup> Floor  
Toronto, ON M7A 2J3  
[minister.mah@ontario.ca](mailto:minister.mah@ontario.ca)

Re: **ERO number 025-0461 [*Planning Act* and *City of Toronto Act, 2006* Changes (Schedules 3 and 7 of Bill 17 - Protect Ontario by Building Faster and Smarter Act, 2025)]**

On behalf of the Toronto District School Board (TDSB), we are writing to provide our feedback on the Environmental Registry of Ontario posting pertaining to changes to the *Planning Act* and *City of Toronto Act, 2006* introduced through Bill 17, which received Royal Assent on June 5.

The TDSB is the largest school board in Canada and one of the largest in North America, with almost 600 schools and serving approximately 12% of all Ontario students. The TDSB supports the province's efforts to respond to the current housing crisis through streamlining land use planning approvals. Together with the current focus on delivering more homes faster for Ontarians, there is also the need to expedite school construction to keep pace with the growth of our communities.

## **Streamline Planning Approval for Schools**

The TDSB is appreciative of the Province's efforts to make it easier and faster to build schools. The two changes introduced through Bill 17 regarding portables and as-of-right permissions for schools, while positive, will not have a significant impact in the Toronto context. Our understanding is that there will be further changes to support a streamlined approvals pathway for schools through the proposed new regulation under development by the Ministry of Municipal Affairs and Housing under s.62.0.3 of the *Planning Act*. In that regard, we reiterate the comments made in TDSB's submission to the Province in May 2024, attached at Appendix A.

## **Complete Applications**

Comments on the proposed regulations regarding complete application reports/studies have been

submitted separately through ERO number 025-0462 by the Toronto Lands Corporation, a wholly owned subsidiary of the TDSB responsible for land use planning and real estate services. We thank you for considering these requests and continuing to recognize that efforts to deliver more housing in Ontario by streamlining planning approvals also requires supporting school boards' collective ability to advance the construction of new schools, additions, and temporary accommodations more quickly.

Sincerely,



Stacey Zucker  
Associate Director  
Modernization and Strategic Resource Alignment

- c Andrea Dutton, Director, Capital Policy, Capital and Business Support Division, Ministry of Education
- Maia Puccetti, Executive Officer, Facility Services and Planning, TDSB
- Dan Castaldo, System Planning Officer (Interim), Strategy and Planning, TDSB
- Ryan Glenn, Chief Executive Officer, Toronto Lands Corporation
- Yvonne Choi, Director of Planning, Toronto Lands Corporation



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Date: May 9, 2024

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and

The Honourable Paul Calandra  
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and

The Honourable Stephen Lecce  
Minister of Education  
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Toronto, ON M7A 2A5  
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Re: **ERO number 019-8369**

**Proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes (Schedules 4, 9, and 12 of Bill 185 - the proposed Bill 185, Cutting Red Tape to Build More Homes Act, 2024)**

On behalf of the Toronto District School Board, we are writing to provide our feedback on the Environmental Registry of Ontario posting pertaining to changes to various land use planning instruments.

The TDSB is the largest school board in Canada and one of the largest in North America, with almost 600 schools and serving approximately 12% of all Ontario students. The TDSB supports the province's efforts to respond to the current housing crisis through streamlining land use planning approvals. Together with the current focus on delivering more homes





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faster for Ontarians, there is also the need to expedite school construction to keep pace with the growth of our communities.

In fall 2023, a new framework for school board capital priorities submissions guided school boards' requests for capital funding for new schools and additions. The focus on "shovel ready" applications is testament to the need to speed up school construction projects. However, in many jurisdictions, including Toronto, some of the most significant delays facing school boards are with the municipal land use planning approval process.

The TDSB and Ontario Association of School Business Officials (OASBO) on behalf of school boards have been advocating for changes to the land use planning regime in Ontario to secure the priority of school sites as part of complete communities and simplifying approvals to construct schools. TDSB comments on the relevant proposals put forward by Bill 185 are below.

## **Proposal: Expedited Approval Process for Community Service Facility Projects**

Create regulation-making authority to enable a streamlined approvals pathway for prescribed class(es) of "community service facility" projects (public schools K-12, hospitals and long-term care facilities) that support the creation of complete communities

TDSB is pleased to see the above proposal and the respective proposed amendments to the *Planning Act* and *City of Toronto Act, 2006*, with the intention of enabling an expedited approval process for community service facilities such as public schools. Notably, the proposal considers offering an exemption, limitation or restriction of the application of sections of the *City of Toronto Act* and the *Planning Act* and its regulations to community service facilities, such as schools.

**Similar to the current approach taken with the Crown and Colleges, and now proposed for Universities with respect to student housing, TDSB requests:**

- That publicly funded school boards in Ontario be given exemptions from the *Planning Act* and the planning provisions of the *City of Toronto Act*, and any applicable/corresponding changes considered in the *Municipal Act*.





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School boards are consolidated onto the provincial government's financial statements and all school board capital and operating funding comes from the government. Delays in projects translate into cost escalations that become a direct pressure on the government. An exemption would also allow for school capital projects to be delivered in a much more responsive and timely manner.

School board capital projects are subject to significant provincial oversight in school location, siting, design and construction processes:

- New construction funding requests are reviewed and approved by the Ministry of Education.
- The Ministry of Education must approve school board requests to acquire land. These reviews are undertaken in consultation with the Ministry of Municipal Affairs and Housing. The Ministry of Education also has a role in the disposition of surplus school board properties.
- School design and funding proposals are reviewed by the Ministry of Education before funds are allocated for tendering the construction of new capital projects.

Furthermore, school capital projects would continue to involve accredited professionals (architects, engineers, planners) and adhere to all other applicable laws and approvals, including the Ontario Building Code, environmental approvals, and other applicable permits. Furthermore, TDSB's internal design process involves significant community engagement, which ensure the local school community's needs are included and addressed.

**If a full exemption is not granted, TDSB requests the following:**

- **That a separate, expedited approval process be established for school board capital projects (including associated child care facilities). The process would include a standard process containing minimum project requirements and appropriate approval timelines. These would include clear requirements for transparency of the overall process. Through the proposed regulation, the application of the *Planning Act* and the *City of Toronto Act, 2006* should be limited to also:**
- **Exclude specific types of capital projects (e.g. any additions to existing school sites or replacement schools on existing school sites) from site plan**



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approval (section 41 of the *Planning Act*, and section 114 of the *City of Toronto Act, 2006*)

- Exempt all school board capital projects from all or specific site plan approval conditions set out in City of Toronto Act s.114(11) (e.g. road widenings, sidewalk widenings, garbage enclosures), as set out in Attachment 1.

Furthermore, where new standalone school sites are not a viable option to accommodate areas of high-density residential growth and intensification:

- That additional exemptions and consideration be given to support efficiently delivering schools on shared sites, as contemplated by the *Education Act* s.195(1.5) and the related proposed new regulation (Proposal Number: 23-EDU009)

To facilitate creative and innovative forms of schools, such as podium schools, a more flexible planning framework is needed. TDSB's October 2023 submission on the proposed new regulation for schools on shared sites is provided at Attachment 2.

## **Proposal: Community Infrastructure and Housing Accelerator (CIHA)**

- Remove the Community Infrastructure and Housing Accelerator (CIHA) tool from the Planning Act by repealing s. 34.1 of the Planning Act to avoid unnecessary duplication with a revised and transparent process for requesting and issuing minister's zoning orders.
- Provide transition rules to permit CIHA orders that have been made to date to continue functioning as municipal zoning by-laws

TDSB is not opposed to the proposal to remove the CIHA tool from the *Planning Act*, but requests that the Minister's Zoning Order (MZO) framework specify clear approval timeframes to ensure greater efficiency than the municipal planning process. Furthermore, for any project involving public schools, it should be coordinated and integrated with the Ministry of Education's capital planning process to ensure schools can be built quickly to meet the demands of residential development.



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## Proposal: “Use It or Lose It” Tools

For site plan control approvals:

- Enable a municipal “authorized person” to apply a lapsing condition when approving a new site plan control application.
- Create Minister’s regulation-making authority to set timelines for lapsing provisions and establish exemptions from lapsing provisions.

TDSB requests that school boards be provided with exemptions from lapsing provisions, as there are matters beyond the control of school boards (e.g. Ministry of Education approvals for construction and additional funding, child care funding, etc.) that may impact the ability to proceed with building permits within regulated timeframes. The need to go through the approval process again would lead to significant delays and cost escalation.

In addition to the above comments on the specific proposals put forward by the proposed Bill 185, TDSB also requests:

- That publicly funded schools be permitted in any residential land use designation, and in non-residential designations outside of Employment Areas, that are located in Designated Growth Areas and Settlement Areas as defined by the Provincial Planning Statement;
- That publicly funded schools be permitted, as of right, in any zone allowing residential, commercial, or mixed-use development in Designated Growth Areas and Settlement Areas as defined by the Provincial Planning Statement; and
- That all temporary accommodation (portables) be exempt from Site Plan Approval. Currently, site plan exemptions for portables only apply to schools in existence on January 1, 2007. Site plan approvals, amendments and other approvals can create a challenge for the timing of the delivery of temporary accommodation which is necessary to respond to fluctuating enrolment. Matters pertaining to siting etc. are otherwise within the purview of the Ontario Building Code.
- That density exemptions and bonusing be permitted for mixed use development incorporating public school facilities, in order to:
- encourage/incentivize private sector and public sector partners to include school facilities within their development;



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- support the financial viability and opportunity for school boards to acquire space within the development;
- meet the objectives of the proposed Provincial Planning Statement policy directing the planning of public service facilities to “leverage the capacity of development proponents” (3.1.1.b) and for “schools integrated in high-rise developments” (3.1.5)

We thank you for considering these requests and continuing to recognize that efforts to deliver more housing in Ontario by streamlining planning approvals also requires supporting school boards’ collective ability to advance the construction of new schools, additions, and temporary accommodations more quickly.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacey Zucker", is positioned below the "Sincerely," text.

Stacey Zucker  
Associate Director  
Modernization and Strategic Resource Alignment

- C. Maia Puccetti, Executive Officer, Facility Services and Planning, TDSB  
Andrew Gowdy, System Planning Officer, Strategy and Planning, TDSB  
Dan Castaldo, Senior Manager, Strategy and Planning, TDSB  
Ryan Glenn, Chief Executive Officer (Interim), Toronto Lands Corporation  
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The following table provide a rationale and example of scenarios where the City of Toronto has requested specific site plan conditions set out in the City of Toronto Act s.114(11), which have been challenge for the Toronto District School Board.

Requested Exemption	Rationale for Exemption
<b>Specific site plan conditions</b> set out in s.114(11) of the <i>City of Toronto Act, 2006</i>	s.114(11) of the <i>COTA</i> specifies conditions of site plan approval, requiring the applicant to provide to the satisfaction of and at no expense to the City certain facilities or works on-site and off-site. These requirements, subject to municipal discretion, can add significant costs and delay to the approval process.
(i) Road widenings that abut the land	This conveyance of lands to the City for future road widening is a lengthy process, involving environmental site assessment and documentation, retention of a third-party peer reviewer, and completion of any required environmental remediation. As the widenings are not being utilized immediately, conveyances should not be required to be completed prior to issuance of site plan approval.  The land taking could be minimal (e.g. 40 cm wide strips) or substantial (e.g. 10 m wide for a future public road). The latter is offside Education Act O. Reg 374/23 (Acquisition and Disposition of Real Property) which allows for exceptions to the disposition process for the purposes of infrastructure (development charge services, including roads), but requires the disposition to be at fair market value.
(iii) off-street vehicular loading and parking facilities	The City of Toronto has requested on-site vehicular pick-up drop-off at school sites where TDSB has not required them, impacting the amount of outdoor playspace available to students and adding time and costs to the project by requiring additional traffic study work and consultant time in negotiations.
(iv) walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access, (iv.1) facilities designed to have regard for accessibility for persons with disabilities;	The City of Toronto requests reconstruction of sidewalks on the adjacent City right-of-way to a width of 2.1m to meet City of Toronto Green Standards (beyond the AODA width requirement of 1.5m). In some instances, the City has requested sidewalk reconstruction of fairly new sidewalks that effectively increase the width by as little as 10cm or requested sidewalk widenings on multiple abutting streets that are not impacted by the TDSB capital project.

Requested Exemption	Rationale for Exemption
(vi) walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands	The City of Toronto has requested the TDSB install certain types of fencing and landscaping at higher costs than Ministry benchmarks, resulting in delays from the need to seek additional funding.
(vii) vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material	The City of Toronto requires garbage storage to be incorporated into an enclosed building, which add significant cost (building GFA, ventilation, etc) when there are other more cost-effective and efficient storage solutions (e.g. in-ground Molok Systems) that can address municipal concerns around odour and visibility of garbage facilities.

## TDSB Comments on Proposed Changes to Regulations

**New Regulation: Schools on a Shared Site**

It is our understanding that a new regulation under the Education Act will be created to prescribe:

- Circumstances under which a school board shall give notice to the Minister or require approval from the Minister for the acquisition of land or premises for a school to be shared with other entities;
- The specific types of notices and approvals needed to proceed with the acquisition;
- Timelines associated with providing notices and obtaining approvals; and
- Criteria for obtaining approvals.

This proposed regulation would not apply to school sites that will be shared exclusively with another school board, municipality, or child care center.

**TDSB Comments on the Proposed New Regulation**Scope of the Regulation

This new regulation would apply to circumstances “Where a board plans to acquire a school site for pupil accommodation and the site will not be occupied or used exclusively by the board, or exclusively with another board, municipality, child care centre or other prescribed entity” (Section 195 (1.5)). We recommend that other prescribed entities include other public entities and non-profit entities.

We recommend that the new regulation not apply to projects that are already funded by the Ministry such as the new elementary school in the Lower Yonge Precinct that is being planned to be built in the podium of a condominium tower.

Approvals by the Ministry

We are supportive of clear direction of the type of notices and approvals required and recommend that notice be in a format that directly ties to the approval criteria to ensure efficient reporting by school boards and review by the Ministry.

We support the removal of the original Section 196 of the Education Act that required the Minister to provide approval for a school board to begin negotiations of a Memorandum of Understanding with a person or entity other than a school board or municipality, such as a developer, for the provision of student accommodation on a

At a minimum, the eligibility requirement should be eliminated for a school board to enter into a Localized Education Development Agreement (LEDA) which would allow school boards like the TDSB to potentially acquire a school on a shared site funded by the developer. A successful example from the past that would be beneficial to replicate was the agreement for the redevelopment of the Railway Lands in downtown Toronto (now called CityPlace) where the developers of the area paid a per-unit levy that funded the construction of a mixed-use facility consisting of a TDSB school (Jean Lumb Public School), a TCDSB school (Bishop Macdonell Catholic School), a child care centre, and a community centre – at no cost to the Ministry of Education.

We also recommend that the permitted uses of EDCs be expanded from land related costs to include construction costs for new buildings and other costs to meet growth-related infrastructure needs such as additions and renovations to existing schools.

These recommended changes to EDCs should benefit all schools, not just schools on a shared site.

### Support for School Boards in Working with Developers and Municipalities

We recommend that measures be put in place to support school boards in acquiring a school on a shared site:

- Incentives should be provided for developers to accommodate a school on a shared site when the need is identified by school board staff; and
- Municipalities should be required to share green space next to a shared site for use as the school's playfield, drop-off area, and marshalling area (the terms for sharing the green space should take into consideration exclusive use for the school during certain hours to ensure student safety).

To have real effect, we recommend that these measures be incorporated into legislation where appropriate, such as the Planning Act, to give school boards authority and leverage in working with municipalities and developers to ensure that local student accommodation needs are met.

### Unique Considerations

We offer the following unique considerations for schools on shared sites for the awareness of the Ministry, incorporation into the appropriate guiding documents, and for accommodation in the approvals process. This is not a comprehensive list and will change over time as more schools on shared sites are constructed.

- It is essential that a school located within a mixed-use development has a positive and defining impact on the plan and character of the community instead of just 'fitting a school into a condo'.
- School boards should be brought in early in the developer's design process to have an opportunity to create a Memorandum of Understanding prior to Ministry approval that includes consideration for:
  - gym location;
  - column spacing;
  - size and location of rooftop play;
  - mechanical systems;
  - appropriate windowsill heights and sizes, operable window vents and shading devices where required; and
  - access to natural light and views from all instructional spaces.
- Early consultation with the developer and the municipality is essential to allow for the exploration of planned local amenities for shared-use opportunities, e.g., community and recreation centres, child care facilities, city park developments.
- Ministry benchmarks for funding the construction of schools on shared sites need to be increased to reflect actual construction costs and cost premiums. Cost premiums associated with a school co-located within a mixed-use development include:
  - Premiums for finishes at areas that become part of the overall architectural expression of the building;
  - Consideration for improved quality of interior space related to a dense urban environment, e.g., improved ventilation to ensure a high level of indoor air quality at dense urban locations where operable windows may not be appropriate for both air quality and/or acoustic reasons; and
  - School Identity – premiums for signage and street/community presence, which must be approved by the developer and integrated into the overall building design.
- This type of school development will have no room for portables or building future additions, so consideration must be made for purchasing additional space which may be leased out until the school needs the space due to enrolment changes. This type of school should be built to a utilization rate less than 100% for the projected peak enrolment – we recommend 80%. This additional space will function as flex space to accommodate fluctuations in enrolment.

### *School Entrances*

## TDSB Comments on Proposed Changes to Regulations

- Exterior marshalling area for access to the main school entrance must accommodate a minimum of three classrooms (up to 90 students) at one time. If the playground is across a road a similar sized marshalling area is required on the playground side.
- Exclusive main school entrance must be located at ground level. If the remainder of the school is at different floor levels, the entrance lobby must be large enough (approximately 250 square meters) to accommodate a minimum of two classrooms at one time (up to 60 students) and include lockable storage space, washrooms, location for a staff member to welcome and supervise students and visitors, and large video monitor and security camera for connection to general office.
- Two oversized elevators (30-person capacity) are required to facilitate student movement during arrival, dismissal, lunch and recess. A second exclusive school entrance, with the second elevator, may be required to improve traffic flow. Location will be determined by specific site configuration.
- Two exclusive exit stairs in addition to the required exit stairs are preferred. If the school is located on more than one floor, two exclusive exits/internal circulation stairs are recommended.
- Exit stairs must be designed for the comfort and safety of small children, e.g., wider treads, shorter risers, and child-height handrails in addition to the handrails required by code.
- Exit stairs that are shared with other building occupants require additional security measures, e.g., alarms, cameras or vestibules separating the school space from the public space.

### *Instructional Areas and Student Amenity Spaces*

- The Ministry's area benchmark should be revised to accommodate the unique needs of schools in shared sites. To compensate for smaller outdoor play areas and potential challenges with access to playgrounds and outdoor learning environments, the provision of additional indoor amenities and gross motor skills space at each school level is recommended. These spaces may include multi-purpose rooms, collaboration spaces, a kitchen to accommodate nutrition programs, or lunchroom, depending on the specific need. Approximately 0.5 – 0.75 square meter per pupil place is recommended.
- Classrooms and other instructional spaces may require some flexibility in size and configuration to fit specific site or building configurations while creating exemplary learning environments.

- Space should be planned with acoustic separation to manage sound transmission between classrooms, specific program spaces, and other users in the building. If possible, avoid direct adjacency of school spaces to residential units.

### *Safety and Security*

- Additional safety and security measures are required:
  - Additional security cameras;
  - Fire safety plan (amendment to main building); and
  - Special school board fire drill and evacuation considerations, e.g., wider stairwells).

### *Play Areas*

- Kindergarten and primary students must have direct access to fenced/enclosed outdoor play. This will often be in rooftop space on the podium.
- Direct access to outdoor play for all other grade levels is preferred, e.g., on the same site, not crossing a public road.
- If outdoor play must be located with access crossing a public road, provision of safe road crossing facilities is required. Additional staff are required for supervision. A storage shed and convenient washroom facilities for exclusive use of the school are strongly recommended. Shade must be provided by planting mature trees or provision of a shade structure.
- Fencing or a landscaped enclosure must be provided at shared playgrounds, such as city parks. Fencing is particularly important to separate dog runs from areas in which children play.
- Rooftop play requires upgraded structure and roof depth to accommodate the live occupant load and play surfaces. Higher guard rails, than what is required by the Ontario Building Code, are also required. Shade structures may also be required where trees cannot be accommodated. Access to water and power is required. Consideration should be given for snow clearing for all-year access, e.g., covered play area, heat tracing, etc.
- The total area of recommended exclusive outdoor play is 8 to 10 square meters per pupil place. Kindergarten and primary students must have a secured outdoor play area with direct access to the school. For grades 4-8 direct access to the school is preferred.

### *Shared Spaces*

- Specific provisions including additional security and circulation space may be required for community access to the school (gymnasium, library, etc.) or outdoor play and amenity spaces.
- There are premium costs for underground parking and bike parking, as required by code and site-specific needs. Consideration for bus and parent drop-off requires early consultation with the developer or building owner. Premium costs may be incurred to accommodate drop-off on a dense urban site, e.g., access to underground parking and service areas.
- Requirement for handling of waste, deliveries, etc. in a different way will have space and staffing implications, e.g., service elevator with garbage holding area and storage area at below grade levels.

Schools on shared sites are new experiences for school boards and more will be learned as these schools are built which could change construction parameters. We recommend that guidelines be developed with school board staff. Flexibility should be embedded in the guidelines since high-density neighbourhoods are unique in their design; schools incorporated into these neighbourhoods will require unique design as well.