

REGION OF OTTAWA CARLETON
 RÉGION D'OTTAWA CARLETON

REPORT
 RAPPORT

Our File/N/Réf.
 Your File/V/Réf.

DATE 3 November 1998

TO/DEST. Co-ordinator
 Community Services Committee

FROM/EXP. Commissioner, Social Services Department and
 Commissioner, Planning and Development Approvals

SUBJECT/OBJET **IMPACTS OF SCHOOL CLOSURES ON REGIONAL
 PROGRAMS AND SERVICES**

DEPARTMENTAL RECOMMENDATIONS

That the Community Services Committee recommend Council:

1. **Direct regional staff to work with staff of the Ottawa-Carleton school boards on the issue of school closures to:**
 - a) **Mitigate impacts on regional programs where possible, and;**
 - b) **To develop alternate plans for programs located in schools identified for closure, and;**
 - c) **For each affected department to bring a report forward once the full impacts have been identified and possible contingency plans developed;**
2. **Request the Province to substantially reduce their standard of 100% utilization to allow for neighbourhood population fluctuations and to preserve community access to school facilities;**
3. **Request that the School Boards as part of their studies, account for the future potential of increased school enrolments represented by large parcels of residential land within the NCC Greenbelt such as Lebreton Flats, the Rockcliffe Air Base and other potential sites.**

PURPOSE

On October 15, 1998 Community Services Committee directed staff to prepare a corporate report, including Social Services, OC Transpo, Planning and Development Approvals, on the impacts that school closures will have on the delivery of regional programs and services. The following report outlines general impacts that can be identified at present and establishes principles that regional staff should use in their undertakings with school board staff. Regional staff from the identified departments have been consulted by the Social Services Department and have had input into the preparation of this report.

BACKGROUND

School boards across Ontario have been directed by the Province to rationalize their existing school facilities by designing programs to reach a 100% utilization rate. Funding for operating grants are based on average daily enrolment and excess space does not attract provincial operating grants. School boards have until the end of December 1998 to finalize their pupil accommodation review policy and to submit their plans for school closures to the Province. In addition, school boards must develop plans to dispose of excess space in order to attract any funding for new schools in growth areas. It is intended by the Province that the consolidation of schools will be implemented for the 1999-2000 academic year.

There are four school boards operating in the Region of Ottawa-Carleton: the Ottawa-Carleton District School Board(OCDSB), the Ottawa-Carleton Catholic School Board(OCCSB), Conseil scolaire de district catholique du Centre-Est de l'Ontario (French Language Catholic), Conseil des écoles publiques de l'est (French Language Public). The following is a brief description of the pupil places status for each school board, where available, and the process that they have undertaken to determine how to reach 100% utilization rates to maximize provincial grants.

Ottawa-Carleton District School Board (OCDSB)

The OCDSB must reduce their total space by approximately 1.7 million square feet to reach a Ministry Rated Capacity rate of 100% utilization. At the elementary level there is an excess of 7,000 pupil spaces, which the board estimates will require the closure of up to 14 schools. At the secondary level there are 3,100 extra pupil spaces which will require the closure of up to 3 schools to reach the Ministry Rated Capacity targets.

The OCDSB has established 19 geographically based community working groups (CWG), comprised of parent and community representatives. Information regarding Ministry rated capacities and utilization rates have been developed for each planning area. Each CWG submitted their recommendation by November 3 on how to reach 100% utilization rates for their area. School Board staff will use the CWG input to develop their recommendations which will be made public the week of November 24th. Further opportunities for community input will be provided at the beginning of December before the Board of Trustees makes their final decision by December 21, 1998.

Ottawa-Carleton Catholic School Board (OCCSB)

For active schools at the JK to Grade 8 level, there is a Ministry Rated Capacity (MC) utilization rate of 93%, which means there are 1,721 surplus pupil places in elementary schools. However, there is great disparity between areas inside versus outside the Greenbelt. Inside there are 4,853 surplus pupil places while outside the Greenbelt there is a shortfall of 3,132 pupil places.

The OCCSB also has 10 “non-day schools facilities” with a total pupil places allocation of 2,135. These are former elementary schools that have previously been closed by the Board but not yet sold. Some of these schools are now used by community groups. Since all non-day school facilities are inside the Greenbelt, this adds to the area discrepancy whereby there is 6,988 excess pupil places (4856+3135) inside the Greenbelt. Therefore, the net total surplus elementary pupil places is 3,856 (6,988-3,132).

At the 9-OAC secondary level there is an MC utilization of 120% MC, which means there are 1,896 more pupils than pupil places.

The administration of the OCCSB has undertaken public consultations in the preparation of a report on recommended school closures to be presented to the Board of Trustees for their consideration on November 5th. Further public consultation will follow this meeting.

Conseil scolaire de district catholique du Centre-Est de l'Ontario (CSDCCEO)

The catchment area for this Board is as follows: a) West Area which includes, South Algonquin, Renfrew, Hastings, Prince Edward, Lennox and Addington, Frontenac, Lanark and Leeds and Grenville, b) Ottawa-Carleton within the greenbelt which includes Ottawa, Vanier, Rockcliffe, parts of Nepean and parts of Gloucester and c) Ottawa-Carleton outside the greenbelt which includes West Carleton, Goulbourn, Rideau, Kanata, parts of Nepean, parts of Gloucester, Osgoode and Cumberland. The board has 7200 excess pupil spaces and will therefore have to close schools to reach an MC of 100%. Most of the excess space is within the greenbelt. However, new construction is required in Ottawa-Carleton outside the greenbelt and in the other communities served by the Board.

A Comité d'étude externe has been established, with a mandate to hold public meetings and make recommendations to the board by December 8, 1998. The board will then submit its plan to the Ministry by the end of the December 31, 1998 deadline.

Conseil des écoles publiques de l'est (CEPE)

The catchment area for this Board includes Ottawa-Carleton, Prescott-Russell and Stormont Dundas and Glengary. This board has no excess pupil places and is therefore meeting 100% utilization, full Ministry rated capacity guidelines. The board has made a commitment to maintain the co-location of child care programs within the schools. If any schools are required to close the board has made a commitment to relocate any affected child care programs to another school. Programs will, however, be faced with increased cost for rent and janitorial services.

IMPACTS ON COMMUNITY AND REGIONAL PROGRAMS

1. General Issues

Although the Province has been very clear on the calculation of available pupil places and the expectations on the school boards, there are still outstanding issues around the process and alternatives that may be employed by communities to preserve their assets.

Many community programs are currently operated in schools. These include programs funded and/or delivered by the Region and Area Municipality as well as programs that do not receive any government assistance. Schools have been exceptional resources for providing space in which to deliver these programs. With the move to 100% utilization of space in all schools it will be very difficult for organizations that require dedicated space to operate in schools. Even for community programs that share space with school programs, space to operate and store supplies will be at a premium. A shortage of gymnasium facilities is already being experienced by community groups in Ottawa-Carleton. A substantial reduction in the utilization rate would provide greater flexibility in the school system and help the school boards to ensure community access to school facilities. With 100% space utilization, the opportunities for future use of school space by new community groups or the co-location of new child care centres will be seriously diminished.

The Ministry of Education and Training has notified school boards that operating grants for schools will only be based on the costs associated with school board programming. Boards are consequently required by this new policy to provide space for community use on a full cost recovery basis. This will place a greater financial burden on community programs, especially those serving low income individuals and families.

The following sections provide details of regional services that may be impacted by the school boards' implementation plans of the provincial changes to the pupil places grants. The following sections also raise issues of regional concern to this community. Until the school boards finalize their plans and identify specific schools for closure it is not possible for the Region to assess how large an impact the new provincial policy will have on individual regional programs and services. It is expected that of all regionally funded or operated programs, child care will be the most significantly impacted.

2. Health Department

The Health Department operates a number of programs in schools such as immunization clinics, but only the health sexuality clinics operate in dedicated space. These clinics are operated in approximately half a dozen secondary schools across the Region. The clinics do not require much space, nor do they have capital infrastructure investments in the schools where they operate programs. The Health Department expects that they will not have difficulty being accommodated in schools after the closures and new utilization rates have been implemented.

3. Planning and Development Approvals Department

Provincial planning policy issued under Section 3 of the Planning Act is outlined in the Provincial Policy Statement. This Policy Statement's intent is to ensure strong communities through efficient cost-effective development and land use patterns. The promotion of residential intensification is one objective that seeks to make efficient use of existing municipal services through encouraging residential infill and redevelopment in built-up areas. The Policy Statement also requires municipalities to have regard to supporting long term economic prosperity by making provisions such that *public service facilities* (ie, schools) will be available to accommodate projected growth. Similarly, the Planning Act [s51(24)] states that when considering subdivision plans for approval, municipal councils shall have regard to the adequacy of school sites.

In practice, when considering new subdivisions for approval, municipalities reserve school sites in response to the needs of each School Board. However, some sites are never developed for school purposes for a variety of reasons including funding shortfalls or lower than anticipated school enrolments. Such sites either revert to residential uses or alternative institutional uses like seniors housing or churches.

3a) Demographic Trends

Demographic projections suggest that from 1996 through 2006, the school age population (**SAP**), comprised of ages 5 to 14, will gradually increase (7.2% over ten years) across the Region as a whole. From 2006 to 2016 it is expected the SAP will gradually decrease by -3.4%, after which the numbers will again increase (3.5%) to 2021, slightly exceeding the totals experienced in 2006. After 2001, overall SAP numbers remain relatively constant, hovering around the 100,000 level.

A more revealing trend appears in distinguishing between inside and outside the Greenbelt as shown in Table 1 below. For areas within the Greenbelt, the SAP is predicted to slightly increase (3%) to 2001, decreasing thereafter by -19% to the year 2011, and a further -14% by 2021. In contrast, for urban areas outside the Greenbelt, the SAP is expected to increase by 47% to the year 2011, increasing an additional 20% thereafter to 2021. For the rural area, a 5% increase is expected to the year 2011, followed by an additional 7% increase to the year 2021.

	1996		2001		2006		2011		2016		2021	
	No.		No.	%	No.	%	No.	%	No.	%	No.	%
	Ages 5-14		Change		Change		Change		Change		Change	
Inside Greenbelt	54975	56650	3%	54000	-5%	46100	-15%	40500	-12%	39800	-2%	
Outside Greenbelt	27525	31650	15%	35000	11%	40400	15%	45000	11%	48600	8%	
Rural	13260	12550	-5%	13700	9%	13900	1%	14300	3%	14900	4%	
TOTAL RMOC	95760	100850	5%	102700	2%	100400	-2%	99800	-1%	103300	4%	
Sources: 1996 from Statistics Canada, Census of Canada. All other data from Region of Ottawa-Carleton projections												

TABLE 1: School Age Population Projections ~ 1996-2021

One notable trend that materializes in new neighbourhoods over the span of 25 to 30 years is a significant decrease in the SAP as grown children eventually leave home. As many such neighbourhoods have already experienced, certain schools have been closed or converted to other uses for lack of young students.

Another factor that has potential to increase future SAP levels is the development/redevelopment of large parcels of land within the Greenbelt for housing. While anticipated school enrolments are being considered along with school closures, School Boards should be encouraged to take into account these potential development/redevelopment sites. Work done in conjunction with the new Official Plan identified development potential inside the Greenbelt.

3b) The Regional Official Plan

The development strategy articulated in the Regional Official Plan is to increase the amount of residential development on lands inside the NCC Greenbelt. The Regional Plan also emphasizes the importance of developing strong communities, with residents having “a sense of belonging and responsibility, and where children have the opportunity to walk to a neighbourhood school.” Strong communities also entail easy access to community services, open spaces, shopping and the work place. In other words, the Regional Plan envisages much more than just subdivisions; rather, fully integrated communities developed with a full range of services that provide quality of life.

Excess school capacity is almost entirely situated in older neighbourhoods inside the NCC Greenbelt. In contrast, schools in the urban centres outside the Greenbelt often exceed their capacity through extensive use of portables. Therefore, any decision to close schools will most affect neighbourhoods within the Greenbelt. However, since the number and exact location of anticipated school closings will not be known until December, only general implications can be identified at this time.

The Regional Plan also supports growth in the rural area which will continue to account for 10% of all growth in Ottawa-Carleton. Although much less than the urban areas, some excess capacity has been identified in the rural parts of the Region. Given the dispersed location of rural schools, there is less ability to provide substitute school space to replace any closed schools. In this sense, school closings could also significantly impact certain rural communities.

3c) Planning Impacts

Closing significant numbers of schools within the Greenbelt may have the following impacts:

- The attractiveness of some neighbourhoods will be reduced for those families with school age children. An official at the Real Estate Board of Ottawa-Carleton suggested that for such families, schools rank as the second or third priority in their home buying decision. This in turn may impede our ability to achieve the Regional Development Strategy.

- Certainly, schools are an important element in the planning of residential neighbourhoods. Besides education, schools serve as a major community focus of social activities including evening use and outdoor recreation. For those residents affected by school closings, the School Boards will have to determine the best alternate means to continue providing them with educational services.
- Closing schools will likely result in increased busing. In this sense, the School Boards should be encouraged to keep schools open in central locations that are easily accessed by public transit. For older students this will mean increased use of OC Transpo.
- On the other hand, opportunities for the redevelopment or re-use of surplus school sites will be increased. For some sites, this could take the form of new residential development which would directly support the Region's policy of encouraging more residential development inside the Greenbelt. However, the successful transition to residential use will depend on the strength of the 'empty nest' and non-family housing market. Alternatively, surplus sites could be retrofitted for other public or institutional uses and thereby continue to serve their communities.

There are many examples of the successful conversion of surplus schools throughout older parts of the Region. One recent example is the former St. Charles School in New Edinburgh that was converted to loft apartments and townhouses.

3d) Disposal of Surplus Sites

With respect to the disposal of surplus school sites, School Boards can dispose of all or part of such sites. Two main disposal options are available. School Boards may offer these sites at no charge to other School Boards or the Ontario Realty Corporation by the end of January 1999 in which case they receive full credit for any excess capacity eliminated thereby. Alternatively, School Boards may decide to retain certain schools even though they represent excess capacity for which they will not be able to reduce their excess capacity numbers. Retained sites may be sold or leased at fair market value in accordance with agreements between the individual School Board and the Education Improvement Commission. In this case, other School Boards, municipalities (including the Region), colleges and universities will receive a written proposal of the intent to sell or lease, to which they may respond if interested in the property.

4. OC Transpo

OC Transpo currently provides transit service for some students attending most of the intermediate and secondary schools within the urban portion of Ottawa-Carleton. Some of these students are accommodated on regular services while others travel on extra trips that supplement the normal transit routes. In general, students attending elementary schools do not travel on public transit.

In order to plan the school related services, OC Transpo meets regularly with the planning and transportation representatives from all of the local school boards. These information exchange

meetings allow OC Transpo to respond effectively to the regular shifts in school boundaries, changes to school start and end times and the opening or closing of schools.

Proposed school closings will not have a significant impact on OC Transpo's services. Once the schools to be closed have been confirmed, this information would be included in the normal discussions with the school boards and the appropriate service adjustments would be made. These would form part of the normal adjustments that are made each year to accommodate the ever changing needs of this market.

5. Social Services Department - Child Care Program

Child care is a service that many families rely on in this community. Waiting lists for child care programs as well as for child care subsidies indicate the shortage of this service in the community. Even in this era of rationalizing programs, and returning to core services, child care is still viewed as a program that requires growth. The possible closure of high quality centre-based child care programs co-located in schools, some of which have high capital cost investments would be a serious loss to the community.

There are currently 70 licensed child care programs located in schools in Ottawa-Carleton. These programs serve a total of 3,505 children of whom 1,606 are in receipt of subsidy. These spaces represent approximately one third of all licensed spaces and 25% of our total subsidized child care program. The following chart outlines the details of co-located programs according to school board.

<u>BOARD</u>	<u># OF PROGRAMS</u>	<u>CAPACITY</u>	<u># OF SUBSIDIZED SPACES</u>
OCDSB	33	1658	796
OCCSB	18	860	447
CSDCCEO	14	667	213
CEPE	5	321	150
Total	70	3505	1606

In addition to licensed centres there are also four family resource centres, 14 nursery schools and a number of informal child minding services often associated with ESL programs. Co-location of child care programs and schools has been very beneficial in the past for both families and school boards. Benefits include ease of access for parents to both child care and school programs at one location and continuity of care for children. Co-located child care programs are recognized to have a positive impact on the choice families make of which schools to access. Co-location of programs also provide savings to both systems resulting from shared access to resources. Schools also offer a safe, appropriate location to provide child care, which can be difficult to find, especially in the downtown core.

Regional staff have been aware of the potential difficulties that both school board amalgamations and the new pupil places funding formula could have on child care programs operated in schools or school board property. Staff have been corresponding with their provincial counterparts to raise awareness of the issues and develop solutions. The Province did exempt child care centres operated in schools before March 1998 in the calculation of available space.

Local school boards have been very supportive in trying to preserve child care programs and mitigate impacts, but it is unreasonable to assume that there will be no impacts, given the huge task and major shifts in attendance that will be required to comply with the new provincial policy directives. Although child care programs have a space exemption, it is unclear how programs operating in non-active or warehoused schools will be affected. Programs operating in schools identified for closure will also be affected even though they have a space exemption. Once schools are identified for closure the Region will be able to identify the number of programs and spaces affected. In partnership with the school boards alternative locations will be sought in schools or other appropriate community locations as appropriate. The relocation of child care programs will require capital investments that non-profit programs do not usually possess. To maintain these community assets the Region should pursue with the Ministry of Community and Social Services the one time funding of capital costs incurred by programs relocating due to new provincial education policy directives being implemented at the local level.

The future of co-located child care programs in schools does not look as promising as it has in the past. Although child care centres have been exempted from the calculations of available space for pupil utilization, school boards must now recover all operating and maintenance costs of child care programs located in schools. This will increase the operating costs of child care centres and put even greater pressure on both subsidy rates and the financial resources of full fee paying families. With the 100% utilization of space it will become difficult to locate space in schools for new child care programs.

Questions exist that need to be clarified with the Province to provide a better understanding of the guidelines that must be followed on school closures and child care programs. It is unclear if school boards can retain warehoused or non-operational schools if the programs located in them cover all the operating costs, or if the boards grants will be negatively affected by doing this. If schools identified for closure contain child care programs it is not known if the child care centre can take its space exemption to another school. If centres can do this, it may help them to relocate and encourage school boards to provide space. If the provincial guidelines on space utilization were reduced, boards could still achieve operational efficiencies but better community access would be preserved. The Region should assist school boards in endeavouring to answer these questions.

GUIDING PRINCIPLES

Regional staff maintain contact with their school board colleagues and have begun discussions with them on the impacts of school closures on regional programs. School boards are generally aware of the issues around regional, municipal and community programs provided in schools and will try to mitigate impacts where possible. Once schools have been identified for closure more

detailed operational impacts and solutions can be developed at the staff level. The following principles would be used by Regional staff to guide their work with staff of the school boards to mitigate impacts on programs and costs to regional taxpayers where possible

1. Emphasize the value that Regional and community programs operated in schools provide to enhance the school environment for students and families.
2. Encourage boards to minimize, where possible the relocation of regionally funded programs, particularly those with high capital investments in the schools.
3. Request that boards assist the Region in mitigating the costs of relocation of programs displaced by the new pupil accommodation plans.
4. Request that all school boards agree to accommodate, to the best of their ability, all existing school-based child care programs currently located in schools identified for closure in alternate schools.
5. Request that boards balance school closures across the Region to preserve access to resources and infrastructure for all communities, paying particular attention to the needs of low income neighbourhoods.

To achieve these goals each school board will be requested to establish staff workgroups between the Region and the school boards to look at how best to accommodate regional programs once specific schools have been identified for closure. School board staff have already indicated their willingness to work with Regional staff to address issues of concern and operational implications as well as explore innovative joint solutions in facilities.

FINANCIAL IMPLICATIONS

There are no detailed financial impacts contained in this report. As the school boards finalize their plans for school closures direct impacts to programs can be identified. Each department will identify any future financial impacts, develop options and present them for Regional Council's consideration.

PUBLIC CONSULTATION

Each school board has undertaken an extensive public consultation plan to assist in the preparation of their plans for school closures. Regional staff are undertaking to identify all possible impacts to programs and services and participate in the school boards decision making process. Regional staff have had informal discussions with representatives of the child care community. No additional public consultation is currently planned by the Region.

CONCLUSION

There have been many recent changes to the education system across the Province. The amalgamation of school boards and the new pupil accommodation plans have created major changes and placed increased pressures on programs and services both within the education system and in the community. The community of Ottawa-Carleton has succeeded in providing exceptional programs and services by developing innovative alliances between levels of

government and community groups. By working together now to find creative solutions to these new challenges we can attempt to preserve what we have worked hard to build together.

A letter will be drafted from Regional Council to the Minister of Education and Training regarding the need for a substantial reduction in the utilization rate to facilitate community access to school facilities. Regional staff will raise with their provincial counter parts the issues of warehoused schools, the transferring of space exemptions by child care centres and provincial cost-sharing of one time capital costs incurred by child care centres that are required to move as a result of school closures. Regional staff will endeavour to work with other municipal and school board staff and community volunteers and representatives to develop creative solutions to preserve community programming.

*Approved by
Dick Stewart*

*Approved by
Nick Tunnacliffe*



Ottawa-Carleton Catholic School Board

October 26, 1998

Mr. Alex Munter
Councillor, R4 Kanata
REGIONAL MUNICIPALITY OF OTTAWA-CARLETON
111 Lisgar St., 2nd Floor
Ottawa ON K2P 2L7

Dear Mr. Munter:

Please find enclosed for your information and use, a copy of an Ottawa-Carleton Catholic School Board report entitled "*Effective Use of Non-Operating School Facilities Through Community Partnerships*". The report was presented by staff to the Board at the October 7, 1998 meeting. It illustrates the productive uses of school board facilities no longer used for regular day school purposes, as well as some of the implications on the Board and its tenants of the application of the Pupil Accommodation Grant portion of the Ministry of Education and Training's funding model.

Among the motions passed by the Board that evening are the following:

WHEREAS the Board has a mandate to deliver a quality Catholic elementary and secondary education to its students and consequently cannot direct funds intended for elementary/secondary purposes in favour of Adult Education and other uses of non-operating school facilities; and

WHEREAS the Board is committed to the principle of lifelong learning and Adult Education Programs; and

WHEREAS the Board recognizes the valuable contributions to the Ottawa-Carleton community of the tenants operating within its non-operating school facilities; and

WHEREAS funding for a portion of maintenance and operating costs, as well as all renewal costs of non-operating school facilities used for Adult ESL Programs and other valuable community partners has not been addressed by the Province,

BE IT RESOLVED THAT the Board petition the Minister of Education and Training to recognize the inherent value of the community partners within the Board's non-operating school facilities to the larger community and social fabric of Ottawa-Carleton by adequately providing for their accommodation requirements; and

THAT the Board petition the Minister of Education and Training to provide the means to address the full accommodation operating and renewal costs of delivering the Adult Programs; and

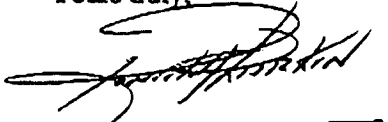
C.B. MacDonald Catholic Education Centre
1695 Merivale Road, Nepean, Ontario, Canada K2G 3R4
Tel: (613) 224-2222 Fax: (613) 224-5063
Website: www.occsb.on.ca

THAT the Board petition the Minister of Education and Training to remove the space designated for Adult Education Programs, for example Adult ESL, from the Board's accommodation inventory.

We ask you to join us in petitioning the Minister of Education and Training, and the Premier of Ontario in support of the aforementioned recommendations.

Please contact the Director's Office at (613) 723-4334 should you require additional copies or further information regarding this important issue.

Yours truly,



Ronald P. Larkin
Chairperson

PB:kh
Encl.

Our File/N/Réf.
Your File/V/Réf.

DATE 20 November 1998

TO/DEST. Chair and Members of Council

FROM/EXP. Manager, Planning and Environment Law

SUBJECT/OBJET **PLANNING**
ZONING AUTHORITY - REGION

The Legal Department has been requested to outline the authority of the Region with respect to zoning by-laws. This question has arisen within the context of the possibility of school closings.

There are five approaches open to the Region with respect to the question of zoning:

1. Commenting to the area municipality.
2. Appeal of zoning by-laws enacted by an area municipality.
3. Application to an area municipality for a zoning by-law amendment.
4. *Regional Municipalities Act*, subsection 39(1).
5. *Planning Act*, section 27(2).

Commenting To An Area Municipality

As part of the regular duties of the Development Approvals Division, the Region provides comments on proposed zoning by-law amendments being considered by area municipalities. Where a zoning by-law is felt by regional staff not to be in conformity with the Regional Official Plan, such is noted in the comments provided along with either recommendations for changes to address the conformity problem or a recommendation that the by-law not be enacted.

Where a former school site is to be rezoned, in accordance with regular practice, comments will be provided by Regional staff on the proposed rezoning

Appeal Of Zoning By-Laws Enacted By An Area Municipality

Where the Region has made comments on a zoning by-law, and the comments have not been incorporated into the by-law enacted by the area municipal council, the Region has the ability to appeal the by-law to the Ontario Municipal Board. A by-law can be appealed to the Board on the basis of any planning ground, but traditionally the Region has restricted itself to appealing zoning

by-laws to situations where the proposed zoning is not in conformity with the Regional Official Plan.

Thus if a zoning by-law is enacted for a former school site, and the Region has provided comments on the proposed rezoning, the Region has the ability to appeal the by-law to the Ontario Municipal Board.

Application To An Area Municipality For A Zoning By-Law Amendment

As is true of any person, the Region has the right to apply to an area municipality for an amendment to that municipality's zoning by-law. Normally this is only done where the Region owns the property for which the rezoning is sought, but the *Planning Act* permits a rezoning application to be made whether or not the applicant owns the property in question.

The difference between this process and the two set forth below is that the consideration of and public meetings for the zoning by-law would be done by the area municipality in accordance with that area municipality's standard process for dealing with zoning by-law amendments. Should the area municipality refuse to enact the zoning by-law amendment for which the Region had applied, the Region would have the right to appeal the decision of the area municipality to the Ontario Municipal Board.

It is again to be expected that the basis of an application to an area municipality for a rezoning would be the policies of the Regional Official Plan. However, provided that the request by the Region for the amendment was consistent with the principles of good planning, the Region would have a basis for bringing forward the application for the rezoning.

Regional Municipalities Act, Subsection

The *Regional Municipalities Act*, subsection 39(1) states:

39(1) The Regional Council has, in respect of all land lying within a distance of forty-five metres from any limit of a regional road, all the powers conferred on the council of a local municipality by section 34 of the *Planning Act*

This provision permits the Region to itself enact a zoning by-law within respect to land within 45 metres of a Regional road.

This power has never been exercised by the Region so there is no case law to determine when its use is appropriate. Nonetheless, given the presence of the statutory provision within the part of the *Regional Municipalities Act* concerning Regional roads, it is the opinion of the Legal Department that the Legislature intended the use of this authority to zone property where there was a concern over the impact of development on a Regional road. It is further the opinion of the Legal Department that the use this authority would likely have to be based upon policies in the Regional Official Plan related to Regional roads.

It is worth noting that this zoning authority does not include the power to enact a holding zone by-law or an interim control by-law. Thus while one might be able to make a case that an interim control by-law or holding zone is appropriate for a school site while the future possible uses for that site are being examined, the Region does not have the power to enact such a by-law.

Planning Act, subsection 27(2)

The *Planning Act*, subsection 27(2) states, in part:

27(2) If the official plan of a ...regional...municipality comes into effect...and any...zoning by-law is not amended as required by that subsection [1] within one year from the day the plan comes into effect as the official plan, the council of the...regional...municipality may amend the...zoning by-law...subject to the same requirements and procedures as the council that failed to make the amendment within the one-year period as required.

This section provides that if a zoning by-law is not brought into conformity with the Regional Official Plan within one year of the Regional Official Plan coming into force, the Region may itself amend the zoning by-law to bring it into conformity.

This provision is unlikely to be of use with respect to addressing any Regional concern with respect to school sites. It is not the present use or zoning of the sites for school purposes that is of concern but rather the future possible uses of the site. Assuming the use and zoning of the site for a school is in conformity with the Regional Official Plan, subsection 27(2) would not provide the Region with any power to change this zoning. Only if the Regional Official Plan were first amended to require school sites to be zoned exclusively for school uses is it possible that subsection 27(2) would provide the Region with authority to amend zoning by-laws to restrict the use of school sites for other purposes. Such an amendment to the Regional Official Plan would be a level of detail which would be unprecedented and which would likely result in appeals to the Ontario Municipal Board.

Tim Marc
Solicitor

TCM

Our File/N/Réf. 41-98-0067
Your File/V/Réf.

DATE 25 November 1998

TO/DEST. Co-ordinator
 Community Services Committee

FROM/EXP. Commissioner, Social Services Dept
 Commissioner, Planning & Development Approvals Dept

SUBJECT/OBJET **UPDATE TO 13 NOV 1998 REPORT ON IMPACTS OF
SCHOOL CLOSURES ON REGIONAL PROGRAMS AND
SERVICES**

This is an update for Committee to report on the current process that School Boards are pursuing in light of the Province's recent announcements on the school closure issue. This memo will supplement the 13 Nov 1998 report to Committee that was written prior to these announcements. Staff's recommendations contained in the November 13 report remain unchanged.

Province's Announcement

While some increased funding was announced for operating and maintenance budgets, School Boards still have to achieve 100% utilization of their pupil places before the Province will provide any capital funding for new schools. Therefore, school closings are still likely to happen. But the previous deadline of December 31, 1998 to decide on eliminating surplus capacity has been extended. School Boards will now be able to decide on an annual basis what they intend to do about their surplus capacity.

Ottawa-Carleton Catholic School Board

Staff at this Board have completed their review and submitted their recommendations to deal with the surplus capacity in their school system. Their recommendations propose to close ten schools, mostly elementary schools, all of which are located in older neighbourhoods inside the Greenbelt.

With respect to process, staff are recommending that decisions regarding school closings be delayed until 31 March 1999. This will provide additional opportunities for public review of available options to deal with the over-capacity situation. It will also delay any funding for capital projects by an additional year.

Ottawa-Carleton District School Board

This Board is reconsidering its process for rationalizing its surplus capacity situation. OCDSB staff have recommended that 10 schools (8 elementary and 2 high schools) close for the 1999 school year, nine of which are inside the Greenbelt. School Trustees are to decide by 21 December on this first round of school closings. Staff have also recommended that a second review be completed by the end of February, 1999. This review is to decide which additional school closings for the 2000 school year are necessary in order to eliminate all surplus capacity.

In summary, School Boards are not compelled to close any schools immediately. However, to qualify for capital funding for new schools, excess capacity has to be eliminated eventually and school closings is the likely approach.

*Approved by
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