



POLICY SECTION: REAL PROPERTY
SUB-SECTION:
POLICY NAME: Real Property
POLICY NO: R. 01

Date Approved: June 8, 2017	Date of Next Review: June 2022	Dates of Amendments:
Cross References: <i>Amending and Consolidating: R. 07 Expropriation of Real Property, R. 08 Disposal of Surplus Real Property, R. 10 School Sites—Operating Budget Surplus</i>		

Purpose:

This policy is intended to provide guidance to the Board with respect to the expropriation, disposition and leasing of Real Property.

Scope and Responsibility:

This policy applies to all school sites and other TCDSB property as well as TCDSB’s ability to acquire additional property. The Director of Education is responsible for this policy with the support of the Planning and Development Services.

Alignment with MYSP:

Strengthening Public Confidence
Providing Stewardship of Resources

Policy:

The TCDSB is committed to ensuring planning for school sites and other TCDSB property is developed in accordance with relevant legislation and in conjunction with the plans of municipal councils, other school boards and other authorities to achieve maximum service to the community.



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Regulations:

1. Expropriation of Real Property:

- a. The Expropriations Act, R.S.O., 1990, C.E.26 defines the process requirements a school Board, as an expropriating authority, must adhere to.
- b. All expropriations are subject to Board approval.
- c. The procedure for hiring of consultants for expropriation such as appraisers, surveyors, and real estate brokers follow the Board's Material Management procurement *Purchasing Policy FP01*.

2. Disposal of Surplus Real Property:

- a. The TCDSB shall dispose of surplus real properties in accordance with the requirements of section 194(3) of the *Education Act*.
- b. The TCDSB shall approve the method of disposition, sale or lease, and issue a proposal in accordance with *Ontario Regulation 444/98; Disposition of Surplus Property*, made under the *Education Act*.
- c. Should no offers in compliance with the *Ontario Regulation 444/98; Disposition of Surplus Property* be received, and subject to Ministry of Education approval, the TCDSB may proceed with the disposition of the property, at fair market value, to any other body or persons.
- d. All Purchase and Sale Agreements and/or Lease Agreements are subject to Board approval.



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3. School Sites - Operating Budget Surplus:

- a. Section 9(1) paragraph 8 of O. Reg 20/98 (Education Development Charges - General) provides that an education development background charge study must contain:

A statement from the board stating that it has reviewed its operating budget for savings that could be applied to reduce growth-related net education land costs, and the amount of any savings which it proposes to apply, if any.

It is therefore necessary that the review referred to in section 9(1) paragraph 8 be conducted annually as part of the process of setting the estimates.

Under the Grants for Student Needs, only a surplus from the non-classroom part of the estimates is eligible to be used to acquire school sites, thereby reducing the "growth related net education land cost" and the education development charge that may be levied by the TCDSB.

- b. Where there has been or it appears that there will be surplus in the non-classroom part of the estimates of the TCDSB in a fiscal year, the Board shall determine whether all, part, or none of the surplus will be designated as available for the purpose of acquiring school sites by purchase, lease or otherwise.
- c. If there is, or it appears that there will be a surplus in the operating budget, the Board shall pass a motion substantially as follows:

Whereas it appears that there has been or that there will be a surplus in the non-classroom part of the budget;



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d. Moved that:

(i) The Board may designate an amount as available for the purpose of acquiring school sites by purchase, lease or otherwise;

(ii) The Board's reasons for so deciding are as follows:

[The Board may choose to direct some funds to the purchase of school sites or may decline to do so. Reasons for the decision should be included which indicate where the board will be directing the funds and its basic reasons for doing so. The purpose for this part of the motion is to ensure that a clear record of the board's decision and its reasons are available as part of the public record for inclusion in the education development charge background study. This is particularly necessary as evidence for the Ontario Municipal Board in the event of an appeal of the by-law.]

c. If there is no surplus, or it appears that there will not be a surplus in the operating budget, no further action is required with respect to this Policy."

Definitions:

Real Property shall mean block land, building lots, relocatable schools, administration buildings and all other forms of real estate, and shall include all rights which flow from its ownership.

A Sale shall mean any of the following:

i) Transfer of freehold title upon payment of the total purchase price on closing;

ii) Transfer of title with part payment in cash and the balance by mortgage;

iii) By agreement, with part payment in cash and the balance due at a later date prior to transfer of freehold title;



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iv) Conveyance of real property by long term lease with, or without, an option to obtain freehold title upon payment of a price previously established, or to be negotiated;

v) Exchange of real property.

Expropriation is the forced purchase of land by a public authority from a private owner.

Disposition is the act of disposing; transferring to the care or possession of another. The parting with, alienation of, or giving up of property.

Evaluation and Metrics:

The effectiveness of the policy will be determined by measuring the following:

Development Services will continue to monitor and review the policy to ensure compliance with current Statutory and Regulatory requirements with respect to Real Property.