



POLICY SECTION: REAL PROPERTY

SUB-SECTION:

POLICY NAME: Real Property

POLICY NO: R.01

|                                       |                             |                             |
|---------------------------------------|-----------------------------|-----------------------------|
| <b>Date Approved:</b><br>June 8, 2017 | <b>Date of Next Review:</b> | <b>Dates of Amendments:</b> |
|---------------------------------------|-----------------------------|-----------------------------|

**Cross References:**

*Amending and Consolidating: R. 07 Expropriation of Real Property, R. 08 Disposal of Surplus Real Property, R. 10 School Sites – Operating Budget Surplus Alternative Arrangements for School Facilities: R.09, O. Reg. 444/98, O.Reg.20/98: Educational Development Charges – General*

**Appendix****Purpose:**

This policy is intended to provide guidance to the Board with respect to the expropriation, disposition, **acquisition**, 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:****Learning – Growing in Knowledge**

Continue to develop a Christ-centered learning organization in pursuit of knowledge, innovation, and responsiveness.



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### **Equity – Growing in Knowledge with Justice**

Apply Catholic social justice to nurture a community focused on equity, diversity, inclusion, anti-racism, and anti-oppression.

### **Well-Being – Growing in Knowledge With Justice and Hope**

Strengthen an environment rooted in Gospel values that nurtures hope and well-being.

#### **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. Forecasted accommodation needs provide strategic direction for site size and location. **Sites shall be sized and located to optimize available space for curricular and co-curricular programing. School boards are encouraged to collaborate with other school boards as well as municipal councils for the joint acquisition, construction and operation of land and facilities, whether used for cultural, recreational, educational and other community purposes. Such joint initiatives shall be considered in conjunction with Policy NO. R.09 – Alternative Arrangements for School Facilities. This does not preclude the board from acquisition/disposition of property through external private agencies in accordance with legislative requirements.**



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## **Regulations:**

### **1. Acquisition and Development of Property**

- a. As defined by the O.Reg. 20/98, school boards are to consider the acquisition of land as the board's primary means to address pupil accommodation needs. Acquisitions are funded through either; 1) Land Priorities Grant or 2) Education Development Charges (EDCs). Both require Ministry of Education Capital Branch approvals to proceed with acquisition.**
- b. Potential site locations are identified for acquisition through the Long Term Accommodation Plan (LTAP) and EDC Background Study processes.**
- c. As prescribed by Ontario Regulation 20/98, the Board shall assess its requirements for pupil places to be constructed in each area, and identify potential site locations based on the following table of usable site sizes:**

| <b>Elementary Schools</b> |                             |
|---------------------------|-----------------------------|
| <b>Number of Pupils</b>   | <b>Maximum Area (Acres)</b> |
| 1 to 400                  | 4                           |
| 401 to 500                | 5                           |
| 501 to 600                | 6                           |
| 601 to 700                | 7                           |
| 701 or more               | 8                           |



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| Secondary Schools |                      |
|-------------------|----------------------|
| Number of Pupils  | Maximum Area (Acres) |
| 1 to 1000         | 12                   |
| 1001 to 1100      | 13                   |
| 1101 to 1200      | 14                   |
| 1201 to 1300      | 15                   |
| 1301 to 1400      | 16                   |
| 1401 to 1500      | 17                   |
| 1501 or more      | 18                   |

- d. Standard site sizes may be reduced where the Board deems appropriate and/or where agreements are in place to allow for alternative arrangements to accommodate the required components of a typical school site (i.e. access to adjacent municipal park during school hours; shared facilities such as Library, Gym, etc.)

#### **School Site Considerations:**

- Acquired school sites to be free from unsafe conditions, significant legal and historic restrictions, and shall conform to the conditions required by the Ministry of Education.
- School sites to have adequate land to safely accommodate institutional and operational needs as well as satisfy community and athletic activities.
- School sites to be selected, where possible, in close proximity to a



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**Catholic parish.**

- **School sites to be centrally located within the proposed attendance area with convenient and proper arterial access for public and private transportation.**
- **School sites to also be free from excessive noise, environmental contaminants, highway approaches, flight paths, transmission corridors, including hydro and natural gas and commercial or industrial development.**
- **Legislation and Ministry directives encourage cooperation with co-terminous boards, municipalities and other public entities to provide for joint land use and cooperation of facilities where service to the students are directly supported by such facilities. These types of initiatives to be considered in accordance with Policy No. R.09 Alternative Arrangements for School Facilities.**
- **School sites to be located, wherever possible, adjacent to neighbourhood/community parks which may be used for school purposes.**
- **Podium schools, joint partnerships and co-build opportunities to be considered where appropriate.**

## **2. 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.



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- b. All expropriations are subject to Board approval.
- c. The procedure for hiring of consultants for expropriation such appraisers, surveyors, and real estate brokers follow the Board's Material Management procurement *Purchasing Policy FP01*.

### **3. Surplus Declaration:**

- a. The board's Asset Inventory will be reviewed through the Long- Term Accommodation Plan process to determine properties not required for accommodation needs.
- b. A property will also be reviewed for need following completion of a Pupil Accommodation Review that will result in the closure of one or more facilities.
- c. Properties will be evaluated for need based on local accommodation needs, enrolment projections, demographic trending, accommodation strategies for construction management, alternative program need, and administrative requirements.

### **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.~~



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~~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;~~

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~~



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~~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.]~~

- ~~e. 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."~~

#### **4. 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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### **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;
- 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



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ensure compliance with current Statutory and Regulatory requirements with respect to Real Property.