



REPORT TO

GOVERNANCE AND POLICY COMMITTEE

UPDATE TO REAL PROPERTY POLICIES (R.01; R.04; R.05; R.07; R.08; R.09; R.10)

Let the wise hear and increase in learning, and the one who understands obtain guidance Proverbs 1:5

Created, Draft	First Tabling	Review
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<h3>RECOMMENDATION REPORT</h3>		

Vision:

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:

The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.

We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.



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A. EXECUTIVE SUMMARY

This report recommends that the existing *Sharing R.01, Site Acquisition R.04, and School Sites Expansion R.05* policies be rescinded and that the *Expropriation of Real Property R.07, Disposal of Surplus Real Property R.08, Alternative Arrangements for School Facilities R.09, and School Sites – Operating Budget Surplus R.10* policies be amended to reflect updated legislation and operational procedures.

B. PURPOSE

This Recommendation Report is on the Order Paper of the Governance and Policy Committee as it recommends a policy revision.

C. BACKGROUND

1. The Toronto Catholic District School Board (TCDSB) approved the following seven Real Property policies:

Policy #	Policy Title	Board Approval and/or Last Revision Date
R.01	Sharing	June 1986
R.04	Site Acquisition	January 1987
R.05	School Sites Expansion	September 1968
R.07	Expropriation of Real Property	August 1968
R.08	Disposal of Surplus Real Property	January 1980
R.09	Alternative Arrangements for School Facilities	January 2000
R.10	School Sites – Operating Budget Surplus	January 2000

For more detail on the policies listed above, refer to Appendix ‘A’.

2. Due primarily to education legislative and funding changes since the time of policy approvals, particularly to *Ontario Regulation. 444/98: Disposition of Surplus Real* and the Board approved TCDSB EDC By-Law, as well as, the reality that most of these policies have not been amended in approximately 30 years, Development Services is of the opinion that the *Sharing R.01, Site Acquisition R.04, School Sites Expansion R.05* policies are obsolete and that

the *Expropriation of Real Property R.07*, *Disposal of Surplus Real Property R.08*, *Alternative Arrangements for School Facilities R.09*, and *School Sites – Operating Budget Surplus R.10* will require an amendment to reflect current legislation and operational procedures.

D. EVIDENCE/RESEARCH/ANALYSIS

Sharing R.01:

1. The *Sharing* policy approved in January 1986, permits the Board to lease, from another school board, a distinct viable unit of a school, separate wing or floor, of an existing operating school to provide pupil accommodation in a shared arrangement.

Staff recommends that this policy be rescinded based on the following reasons:

- All Board lease agreements, shared or otherwise, are dealt with on a case-by-case basis and subject to Board approval.
- The policy defines the lease term (minimum 5 years) of a shared lease arrangement as well as the renewal option. These terms are typically subject to negotiations based on the needs and approvals of both school boards involved in a shared lease arrangement and should not be limited by its definition in a policy.
- The leasing of school space between district school boards is governed by *Ontario Regulation 444/98; Disposition of Surplus Real Property*; Made under the *Education Act*.

Site Acquisition R.04:

2. The *Site Acquisition* policy approved in January 1987, defines the process through which the Board will acquire school sites and specifies the minimum elementary and secondary school site sizes.

Staff recommends that this policy be rescinded based on the following reasons:

- The Board’s Educational Development Charges By-Law and Background Study, identifies the needs with respect to site acquisition and eligibility based on geographic area.
- The Board identifies site acquisition needs through the Board approved Long Term Accommodation Plan and Site Acquisition Strategy.
- All Board site acquisitions are dealt with on a case-by-case basis and are subject to Board approval.

School Sites Expansion R.05:

3. The *School Sites Expansion* policy approved in 1968, defines the minimum site size and playable area per pupil for “urban” and “suburban” schools. The policy directs the position of Deputy Director, Business Services to acquire, on the open market, properties offered to TCDSB in order to expand the school site in order to increase “playable” area per pupil to the specific measure.

Staff recommends that this policy be rescinded based on the following reasons:

- The terms “urban” and “suburban” TCDSB schools, as well as the term “playable” area per pupil are not defined or measurable.
- The Board approved Educational Development Charges By-Law and Background Study, identifies the Board’s needs with respect to site expansion.
- The Board approved Long Term Accommodation Plan and Site Acquisition Strategy outlines the requirements for schools site expansions in the future.
- Board approval is required prior to site expansions.

Expropriation of Real Property R.07:

4. The *Expropriation of Real Property* policy is not so much a policy statement with respect to site acquisition by expropriation, but a detailed step-by-step process including the appointment of an appraiser, reports required, authority provided to certain Board staff positions/Ad-Hoc Committees, amounts of compensation to be paid, as well as specified amounts to be paid for appraisal, broker and agent fees.

Staff recommends that this policy be amended based on the following reason:

- Subsequent legislation, The *Expropriations Act, R.S.O., 1990, C.E.26* defines the process requirements a school board, as an expropriating authority, must adhere to.
- The procedure for hiring of consultants (appraisers, surveyors, and real estate agents/brokers) follow the Board's Material Management procurement *Purchasing Policy FP01*, to ensure transparency and accountability.
- All expropriations are subject to Board approval.

Disposal of Surplus Real Property R.08:

5. The *Disposal of Surplus Real Property* policy revised in January 1980, states that the TCDSB shall dispose of surplus real properties after having been previously declared surplus by public offering and in such a manner as to obtain the maximum benefit to the Board in terms of financial benefit, or other equally significant consideration.

Staff recommends that this policy be amended based on the following reason:

- 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*.

- 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.
- All Purchase and Sale Agreements and/or Lease Agreements are subject to Board approval.

Alternative Arrangements for School Facilities R.09:

6. The *Alternative Arrangements for School Facilities* policy approved in January 2000, stipulates that a number of legislative provisions encourage school Boards to consider alternate arrangements for the accommodation of elementary and secondary school pupils to the usual arrangement under which a school site is acquired and a stand-alone school is built on it.
7. *Ontario Regulation 20/98*, as amended regarding Education Development Charges requires that the Board have a statement of the Board's policy concerning possible arrangements with municipalities, school boards, or other persons or bodies in the public or private sector, including arrangements of a long-term or co-operative nature, which would provide accommodation for the new elementary school pupils and new secondary school pupils estimated under paragraph 3 of section 7, without imposing education development charges, or with a reduction in such charges.
8. The *Alternative Arrangements for School Facilities* policy remains a statutory requirement. However, staff recommends that this policy be amended to remove paragraph (3) in Background, referencing *Regulation 446/98 (Reserve Funds)*, which was revoked on September 15, 2010 and replace Regulations (2) reference to Ministry of Education and Training to Ministry of Education.

School Sites – Operating Budget Surplus R.10:

9. *School Sites – Operating Budget Surplus* policy approved in January 2000, states 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.

10. *Ontario Regulation 20/98*, as amended regarding Education Development Charges requires that the Board have a policy in place to address the potential use of surplus operating funds as a means of offsetting/reducing the total Growth Related Net Education Land Cost which is a component of the calculation of an Education Development Charge.
11. The *School Sites – Operating Budget Surplus* policy remains a statutory requirement under the EDC Regulation. However, staff recommend that Paragraph (3) of the policy be amended to replace the referenced General Legislative Grants Regulation to what it is officially known as “Grants for Student Needs”.

E. METRICS AND ACCOUNTABILITY

1. The impact of the rescinded policies (*Sharing R.01, Site Acquisition R.04, School Sites Expansion R.05*) and the proposed amended policies (*Expropriation of Real Property R.07, Disposal of Surplus Real Property R.08, Alternative Arrangements for School Facilities R.09, School Sites – Operating Budget Surplus R.10*) will be monitored jointly by Policy Development and Development Services staff.
2. Matters related to Real Property concerns will continue to be brought to Board for approval.

F. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN

The rescinded policies (*Sharing R.01, Site Acquisition R.04, School Sites Expansion R.05*) and the proposed amended policies (*Expropriation of Real Property R.07, Disposal of Surplus Real Property R.08, Alternative Arrangements for School Facilities R.09, School Sites – Operating Budget Surplus R.10*) will be communicated to all affected staff and departments.

G. STAFF RECOMMENDATION

1. That the Board rescind the following Real Property policies:
Sharing R.01
Site Acquisition R.04
School Sites Expansion R.05

2. That the Board approve as amended and in Appendix 'B' the following Real Property policies:
Expropriation of Real Property R.07
Disposal of Surplus Real Property R.08
Alternative Arrangements for School Facilities R.09
School Sites – Operating Budget Surplus R.10