



POLICY SECTION: REAL PROPERTY

SUB-SECTION:

POLICY NAME:

POLICY NO: R. 01

Date Approved: December 2016	Date of Next Review: December 2026	Dates of Amendments:
Cross References: <i>Amending: 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</i>		
Appendix ‘B’ – Proposed Real Property Policies		

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 Departments.

Alignment with MYSP:

Strengthening Public Confidence

Providing Stewardship of Resources



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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.

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 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.



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

3. Alternative Arrangements for School Facilities R.09:

Background

- (1) 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.
- (2) Ontario Regulation 20/98 provides that the education development charge background study contain:
6. 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.
 7. If a previous education development charge background study completed by the board included a statement under paragraph 6, a statement of how the policy referred to in the statement was implemented and, if it was not implemented, an explanation of why it was not implemented.
- (3) Section 210.1 of the *Municipal Act* authorizes municipalities and school boards to enter into arrangements under which they can provide for exemptions from taxation for municipal and school purposes of land or a portion of it that is "entirely occupied and used or intended for use for a service or function that may be provided by a "school board" or municipality". It also authorizes an exemption to be given from municipal and education development charges in certain circumstances.



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(4)The TCDSB recognizes that alternative arrangements can provide an opportunity to improve service delivery and peak enrolment capacity, reduce duplication of public facilities, maximize the effective use of available dollars, and reduce site size requirements. These include a variety of acquisition strategies such as forward buying, options, purchases, lease buy-back, sites exchanges and joint venture partnerships.

(6)The TCDSB's record demonstrates this commitment:

	<u>AGENCIES INVOLVED</u>
· Humberwood Centre	<ul style="list-style-type: none"> - TCDSB(elementary school) - TDSB (elementary school) - City of Toronto (community centre) - Library Board (library branch)
· Mary Ward Catholic Secondary School	<ul style="list-style-type: none"> - TCDSB (secondary school) - City of Toronto (community centre)
· Lakeshore Grounds Campus (future school(s)/recreation centre/park campus)	<ul style="list-style-type: none"> - TCDSB (secondary & if necessary, elementary school) - Humber College (Lakeshore Campus) - City of Toronto (recreation centre and park)
· Railway Lands (future schools/park/ community centre campus)	<ul style="list-style-type: none"> - TCDSB (elementary school) - TDSB (elementary school) - City of Toronto (community centre and park)
· Port Union Village (future schools/park campus)	<ul style="list-style-type: none"> - TCDSB (elementary school) - TDSB (elementary school) - City of Toronto (park)

Policy

The TCDSB will consider possible arrangements with municipalities, school boards or other persons or bodies in the public or private sector, including



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arrangements of a long-term or cooperative nature, which would provide accommodation for the new elementary school pupils and new secondary school pupils who are resident pupils of the Board, subject to the Regulations set out below.

Regulations

- (1) The arrangement must be cost effective and advantageous for the TCDSB compared to other possible arrangements including an acquisition of a school site and the construction of a free standing building.
- (2) The arrangement shall comply with any guidelines issued by the Ministry of Education.
- (3) The TCDSB may enter into lease arrangements respecting school facilities intended to be used to accommodate peak enrolment, but shall not enter into such arrangements respecting school facilities that are necessary to accommodate long-term enrolment unless the arrangements could result in ownership at the Board's discretion.
- (4) The TCDSB shall retain sufficient governance authority over the facility to ensure that it is able to deliver the appropriate educational program to its pupils, and to ensure that its identity, ambience and integrity are preserved.
- (5) The facility shall have a separate entrance with the school name on the exterior of the school easily visible from the street.

4. School Sites- Operating Budget Surplus:

Background

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



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8. 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.

(2) 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.

(3) 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.

Policy

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.

Regulations

(1) 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;

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



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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.]

(2) 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:

(a) **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.

(b) **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.

(c) **Expropriation** is the forced purchase of land by a public authority from a private owner.



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(d) **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:
Compliance with Statutory Regulations with respect to Real Property.

APPENDIX B