

# Greater Essex County District School Board

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## Regulation: Disposal of Surplus Properties

Reference No: P-BA-20

### 1. Declaration as Surplus

Before the Board can dispose of any property, its Board of Trustees must either: (a) adopt a resolution that the property is not required for the purposes of the Board; or (b) adopt a resolution that the disposition of the property is a reasonable step in a plan to provide accommodation for pupils on such property, as required by section 194(3) of the *Education Act*.

### 2. Determination of Fair Market Value (“FMV”)

A qualified appraiser shall be engaged and instructed to complete an appraisal of the property in accordance with the *Canadian Uniform Standards of Professional Appraisal Practice* for the Appraisal Institute of Canada.

### 3. Ontario Regulation 444/98 Process – Disposition of Real Property

The property will be offered in accordance with O. Regulation 444/98.

- The Board will circulate the property to preferred entities for a period of 180 days. Refer to Appendix 1 for a listing of preferred entities.
- Preferred entities will have 90 days to submit an Expression of Interest and an additional 90 days to submit an Offer to Purchase, which must be in an appropriate legal format.
- No offers will be considered by the Board until the conclusion of the 180-day circulation period.
- Offers for the purchase of the property will be considered in accordance to the provisions of O. Regulation 444/98.
- If no offers are received after the 180-day circulation period, the Board may seek to obtain Ministry of Education approval to circulate the property for sale on the open market.

### 4. Exposure of the Property to the Market (three (3) year window from circulation expiry date as per O. Reg 444/98)

In the event that the process contemplated under O. Reg 444/98 does not culminate in a disposition transaction and the Board had otherwise received approval from the Minister of Education to effect a disposition of the subject property on the open market:

- In most circumstances, the Board will dispose of the surplus property at FMV as guided by way of the Public Tender Process, followed by an Open Offer Process. A “for Sale” sign will be posted on the property.
- If the Board is unsuccessful in obtaining offers by private sale, the services of a Real Estate broker may be used to assist with the sale.

- In a rare circumstance, the Board may transact with an individual purchaser or small group of purchasers when dealing with a unique set of land or development circumstances.
- As per O. Reg. 444/98, after three (3) years from the circulation expiry date, the Board will recirculate the property to preferred entities.

**5. Acceptance of an Offer**

Acceptance of any offer is subject to the approval of the Board, which may accept or reject any or all offers.

**Appendix 1 – Prescribed Preferred Entities (listed in priority sequence)**

1. Any school board that holds or has held in the last fiscal year a leasehold interest in the property being sold / leased;
2. French-language public district school board – Conseil scolaire Viamonde;
3. English-language separate district school board – Windsor Essex Catholic District School Board;
4. French-language separate district school board – Conseil scolaire catholiques Providence;
5. Facilities that have an agreement with the Board to provide a qualifying education program for which Ministry grants under section 23 are available;
6. City of Windsor service system manager (Consolidated Municipal Service Manager “CMSM”);
7. St. Clair College;
8. Collège Boréal d’arts appliqués et de technologie;
9. University of Windsor;
10. Lead agency for child and youth mental services (Hotel Dieu Grace Healthcare – Regional Children’s Centre);
11. Maryvale Adolescent and Family Services;
12. New Beginnings
13. Local Health Integration Network (Erie St. Clair LHIN);
14. Windsor-Essex County Health Unit;
15. The Crown in right of Ontario (Infrastructure Ontario);
16. Municipality in which the property is located;
17. Upper tier municipality if the property is located in it;
18. Indigenous Organizations:
  - 1) Metis Nation of Ontario;
  - 2) Chiefs of Ontario;
  - 3) Ontario Federation Indigenous Friendship Centres;
  - 4) Association of Iroquois and Allied Indians;
  - 5) Nishnawbe Aski Nation;
  - 6) Grand Council Treaty #3;
  - 7) Union of Ontario Indians;
19. The Crown in right of Canada (Public Services and Procurement Canada)