Greater Essex County School Board

Policy: Disposal of Surplus Properties

Reference No: P-BA-20

The Greater Essex County District School Board will dispose property in accordance with Ontario Regulation 374/23 “Acquisition and Disposition of Real Property”.

Property dispositions may either be discretionary or mandatory as per the requirement of the Regulation.

Greater Essex County District School Board

Regulation: Disposal of Surplus Properties

Reference No: P-BA-20

1. Discretionary Disposition:

   The Board may sell or otherwise dispose of any property of the Board if:

   a. The Board adopts a resolution that the property is not required for purposes of the Board;
   b. The Board adopts a resolution that the disposition is a reasonable step in a plan to provide accommodation for pupils; or
   c. The Board receives the Minister's approval for the disposition.

   Disposition shall be at fair market value.

2. Mandatory Disposition:

   If the Board has identified through Ministry reporting under section 193.1 of the Education Act that the site is not currently being used and will not be needed to meet its current pupil accommodation needs or pupil accommodation needs over the next 10 years, the Minister shall, after consideration and consultation, notify the Board if it is required to dispose of the property.

   Disposition shall be at fair market value.

3. **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.

4. Ontario Regulation 374/23 Process – Discretionary Disposition of Real Property

   Within 120 days of receiving notice from the Board of a discretionary disposition, the Minister shall:

   a. Identify the person or body to whom the property must be offered, if the Board intends to offer it to any person or body; or
   b. Inform the Board that it may offer the property to any person or body.

5. Ontario Regulation 374/23 Process – Mandatory Disposition of Real Property
   Within 120 days of giving notice to the Board of a mandatory disposition, the Minister shall:
   a. Identify the person or body to whom the property must be offered; or
   b. Inform the Board that it must dispose of the property but may offer it to any person or body.

When identifying the person or body to whom the property must be offered, the Minister shall consider the following, in order of priority:

i) School boards.
ii) The Crown in right of Ontario.
iii) Persons or bodies requiring the property to achieve provincial priorities.

The Minister shall give notice to the Board and that person or body at the same time.

6. Offer to acquire
The Board and the person or body to whom the offer is made shall have 90 days from the date of the Minister's notice to enter into an agreement for the disposition of the property. An agreement to extend the timelines for a further 90 days is permitted.

The Board is required to notify the Minister within 14 days if:
   a. An agreement has been reached.
   b. The parties have agreed to extend the timelines for a further 90 days.
   c. An agreement was not reached within the specified time.

7. Transition
Prior to December 31, 2023, any disposition to sell property under Ontario Regulation 444/98 "Disposition of Surplus Real Property and Acquisition of Property", as that Regulation read immediately before it was revoked, shall continue in accordance with that Regulation until 3 years after the expiry of the 180 day period referenced in 10 (2) (b) (ii) of Ontario Regulation 444/98.