

Property Disposition

When a property is no longer required (closed school or vacant property) for school or administration use, it is deemed surplus by the Board of Trustees and can be sold at fair market value following the procedures outlined in Ontario Regulation 444/98. Board owned properties are deemed surplus after staff investigates the possibility of using the property as a school site through analyzing enrolment projections, demographic information and Ministry direction. When these factors indicate that a property will not be needed to address long-term accommodation, the property is deemed surplus. The Board has a Property Disposition Policy that ensures our partners and the community are made aware of the sale of any Board lands through the disposition process. This allows stakeholders time to work with their community partners to evaluate their interests in the land for their neighbourhood.

Use of Proceeds of Disposition

In June 2015, the Ministry of Education released the Proceeds of Disposition (POD) Policy which incorporates several changes to how Proceeds of Disposition can be spent. As per the policy PODs must be used for the repair or replacement of components within a school. Boards must spend a minimum 80% of their PODs on building substructure (e.g. foundations, walls), superstructure (e.g. roofs, window) and service (e.g. plumbing, HVAC, fire). The remaining 20% can be used to address the three above-mentioned categories as well as interiors, equipment, furnishings, special construction and building site work. Boards can request to use PODs for capital priorities (e.g. new schools, replacement school) through a Minister's exemption.

Ontario Regulation 444/98

Ontario Regulation 444/98: Disposition of Surplus Real Property is the legislated process the Board must follow when disposing of its surplus properties. The process is a two-phased approach that circulates the property for 180 days to a defined list of preferred bodies. During the first 60 days of the circulation to preferred bodies, HWDSB staff hold a public information session to inform the public of the process. If no offer or agreement is reached with a preferred body, the property enters phase 2 and can be sold on the open market.

For more information on the O. Reg 444/98 please see: <https://www.ontario.ca/laws/regulation/980444>

For more information on [HWDSB's Property Disposition Policy](#) and [Property Disposition Procedure](#), please follow the links to HWDSB's website.

For up to date information regarding current properties for sale, sold properties and properties in the process of disposition please visit HWDSB's [Property Webpage](#).

Property Acquisition through Educational Development Charges

Educational Development Charges (EDCs) are a primary source of funding site acquisition needs for a school board experiencing growth within its jurisdiction. The effective implementation date for the board's EDC by-law is July 6, 2019. The by-law has a term of five years and applies to building permit applications that have been submitted to the City of Hamilton after July 5, 2019 in relation to a building or structure for below ground or above ground construction. The By-law will expire on July 5, 2024.

Under the EDC legislation, HWDSB is required to determine its growth-related needs resulting from new residential development over a 15-year future planning period (2018-19 to 2032-2033). Based on this assessment, the following rates were imposed on July 6, 2020:

- \$1,573 per residential unit
- \$0.43 per square foot of gross floor area of non-residential development (subsequent increase each year of the By-law – see [By-law No. 19-1](#))

The following table depicts future school sites identified through the 2019 EDC by-law background study. School sites with the status of purchased have been acquired by HWDSB using EDC funding. Sites with designated status have been identified through City of Hamilton secondary plans and have not been purchased by HWDSB. Sites with the status APS have a signed agreement of purchase and sale with a set closing date. Finally, school sites with the status of TBD have not been identified in municipal planning documentation and the exact locations are still to be determined.

Elementary Sites

Name	LTFMP Planning Area	Location	Status	Estimated Acquisition
First Rd W & Green Mountain Rd W	14 – Upper Stoney Creek	Upper Stoney Creek	Purchased	2020
3169 Fletcher Rd	14 – East Glanbrook	Binbrook	Designated	2021
Mountain Brow Rd & Skinner Road	2 – Flamborough	Waterdown	APS	2021
Ancaster – Mount Hope Area	10 – Ancaster/6 – West Glanbrook	Ancaster/Mount Hope	TBD	2026
Elfrida Site	14 – East Glanbrook	Elfrida/Glanbrook	Designated	2026
Site near 257 Jones Rd	8 – Lower Stoney Creek	Fruitland/Winona	TBD	2029
Mount Hope	6 – West Glanbrook	Mount Hope	Designated	2030
Second Elfrida Site	14 – East Glanbrook	Elfrida/Glanbrook	TBD	2033

Secondary Sites

Name	LTFMP Planning Area	Location	Status	Estimated Acquisition
Elfrida Secondary Site	Secondary - South	Elfrida/Glanbrook	TBD	2033

For more information on Educational Development Charges please visit HWDSB’s [EDC Webpage](#).