

Property Disposition

Date Approved: 2021

Projected Review Date: 2025

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PURPOSE:

Hamilton-Wentworth District School Board (HWDSB) recognizes that under section 194(3) of the Education Act, a board that has adopted a resolution that real property is not required for the purposes of the board, may sell, lease or dispose of the surplus property as governed by Ontario Regulation 444/98.

GUIDING PRINCIPLES:

HWDSB recognizes the need to demonstrate:

- Trustee fiduciary responsibility
- Effective public-sector governance
- Transparent and timely communication

INTENDED OUTCOMES:

When HWDSB is disposing of entrusted property assets, the board will:

- Be in full compliance with all legislative and regulatory requirements;
- Clearly articulate directions and decisions in a timely fashion to the Preferred Agents as identified in Ontario Regulation 444/98 and the community at large;
- Adhere to the two phases of the property disposition process.

RESPONSIBILITY:

Director of Education
Members of Executive Council

TERMINOLOGY:

Disposition of Property: relates to an entire school and property; an administrative property; excess land on a piece of school property (on which a school will continue to operate); vacant land; and exchange of lands.

Preferred Agents as identified in Ontario Regulation 444/98: Prescribed Preferred Agents receiving proposals from HWDSB are listed in priority sequence.

- Any school board that holds or has held in the last fiscal year a leasehold interest in the property being sold/leased;



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- French Public District School Board;
- English Separate District School Board;
- French Separate District School Board;
- Facilities that have an agreement with HWDSB to provide a qualifying education program for which ministry grants under section 23 are available;
- City of Hamilton as service system manager for the City (Consolidated Municipal Service Manager "CMSM");
- Mohawk College of Applied Arts & Science;
- College Boreal d'arts appliques et de technologic;
- McMaster University;
- Lynwood Charlton Centre;
- Hamilton Niagara Haldimand Brant LIHN (Local Health Integration Networks);
- Hamilton Public Health;
- The Crown in right of Ontario;
- City of Hamilton;
- Indigenous Organizations
 - a. Metis Nation of Ontario Secretariat
 - b. Chiefs of Ontario
 - c. Ontario Federation of Indigenous Friendship Centres
 - d. Association of Iroquois and Allied Indians
 - e. Nishnawbe Aski Nation
 - f. Grand Council Treaty #3
 - g. Union of Ontario Indians
- Crown in right of Canada

ACTION REQUIRED:

When proceeding with the disposition of entrusted property assets the Board will adhere to the two phases of property disposition. The initiation of each phase requires separate Board approval:

Phase 1 – Circulation to Preferred Agencies – Ontario Regulation 444/98 (180-day period)

- Following the adoption of a Board resolution declaring property surplus to the Board's needs and subject to Board of Trustee approval, Ontario Regulation 444/98 can be engaged, where the Board shall issue a proposal to the Preferred Agencies to sell, lease or dispose of real property.
- HWDSB administration will provide a public information session to the local community within the first 60 days of the circulation period.



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Phase 2 – Sale of Property on the Open Market (three-year window from 180-day circulation expiry date)

- HWDSB may dispose of surplus property on the open market at “fair market value” after first providing evidence to the Minister of Education that due process has been followed, that is, if:
 - No expression of interest was received during the initial 90-day period; or
 - No offers were received during the second 90-day period; or
 - No offers could be agreed upon.

The processes in these phases are defined in the Property Disposition Procedure and Ontario Regulation 444/98.

PROGRESS INDICATORS:

Intended Outcome	Assessment
Be in full compliance with all legislative and regulatory requirements	Measured through the procedures as outlined within all legislative and regulatory requirements.
Clearly articulate directions and decisions in a timely fashion to the Preferred Agents as identified in Ontario Regulation 444/98 and the community at large.	Measured through method and date of notification.
Adhere to the two phases of the property disposition process.	Measured by the documentation required for each phase of the process.

REFERENCES:

Government Documents

Education Act

Ontario Regulation 444/98

HWDSB Policies

Pupil Accommodation Review

HWDSB Documents

Long-Term Facilities Master Plan