



DISPOSITION OF REAL PROPERTY (SCHOOL SITES/LAND)

Responsibility:	<i>Superintendent, Business Services & Treasurer of the Board</i>
Legal References:	<u><i>Education Act, R.S.O. 1990, section 193.1</i></u> <u><i>Ontario Regulation 374/23: Acquisition and Disposition of Real Property</i></u> <u><i>Development Charges Act, 1997, subsection 2 (4)</i></u>
Related References:	<u><i>G200 - Governance Policy – Foundations</i></u> <u><i>G500 - Director of Education Executive Duties & Responsibilities</i></u> <u><i>Board Policy 4000 - Public Accommodation Review (Consolidation or Closure)</i></u> <u><i>Board Policy 4005 - Procurement</i></u> <u><i>Administrative Procedure 4360 - Principles of Business Conduct For Board Employees</i></u>
Revisions:	<i>March 2017, March 2019, March 2023, March 2024</i>
Reviewed:	<i>June 2016, May 2022</i>

1. Preamble

- 1.1. The Waterloo Region District School Board (WRDSB) has power to sell, lease or otherwise dispose of any of its school sites or parts of a school site. Disposition may be discretionary or mandatory, in accordance with the *Ontario Regulation 374/23, sections 1 and 2.*

2. Definitions

- 2.1. **Discretionary Disposition:** The WRDSB may sell, lease or otherwise dispose of a school site, part of a school site or other property of the WRDSB if the WRDSB adopts a resolution that the property is not required for the purposes of the WRDSB or that the disposition is a reasonable step in a plan to provide accommodation for pupils.
- 2.2. **Easement:** A right-of-way, right or licence to cross or otherwise use WRDSB-owned land for a specified purpose.
- 2.3. **Fair Market Value:** The highest price available in an open and unrestricted market between informed, prudent parties, acting at arms' length and under no compulsion to act, expressed in terms of money or money's worth. The advice of an Accredited Member of the Appraisal Institute of Canada (AACI) must be relied upon in determining the fair market value of properties that may be disposed of under the provision of *O. Reg. 374/23.*
- 2.4. **Mandatory Disposition:** If the WRDSB has identified, through the reports and information required under section 193.1 of the *Education Act*, that a school site or other property of a board is not currently being used and the site or property is not needed to meet current pupil accommodation needs or pupil accommodation needs for the next 10 years, the Minister of Education may direct the WRDSB to dispose of the property.

3. General

- 3.1. The Discretionary and Mandatory Disposition processes, including the granting of easements, as outlined in O. Reg. 374/23 will be followed.
- 3.2. A sale, lease or other disposition must be at Fair Market Value with the exception as provided in section 7 of O. Reg. 374/23.
- 3.3. Advertising may include, but not be limited to, posting on the WRDSB's official e-bidding platform wrdsb.bidsandtenders.ca, local newspapers and signage on the property.
- 3.4. The following conditions of sale or lease are required:
 - 3.4.1. Fair Market Value as determined by a 3rd party appraisal will not be publicized and will be used "in-camera" as the WRDSB's reserve bid price to evaluate all other bids.
 - 3.4.2. Properties are sold "as is, where is." The WRDSB is not responsible for changes or property improvements whatsoever, nor shall it be required to permit such terms prior to disposition.
 - 3.4.3. All Offers of Purchase and Sale must be received during a published timeline to be considered using only a sealed bid format. No other offers will be accepted.
 - 3.4.4. All offers must note that the sale is conditional upon the Board of Trustees' approval (minimum 45-day conditional period).
- 3.5. Property details and bid packages will be available on the WRDSB's official e-bidding platform wrdsb.bidsandtenders.ca. The bidding period shall extend for sixty (60) days following the end of posting period.
- 3.6. All bids will be received via electronic submission and on the specified opening date, reviewed with designated staff of the WRDSB to evaluate and determine whether they are fair, formal and meet/exceed the reserve bid.

Note: In the event that the reserve bid is not attained, at the discretion of the WRDSB, formalities under the public sale process including the reserved bid requirement may be waived and the WRDSB may accept a bid which substantially complies with the requirements of the Tender.
- 3.7. Bids will not be opened in public.
- 3.8. A recommendation will be made to the Board of Trustees for approval to sell, which, if warranted, may include the continued negotiation of price or conditions and/or the review of a purchaser's financial means/capacity to complete the sale.
- 3.9. In the event that the public bidding process does not result in a sale, staff may list the property for sale through a contract Realtor for other disposition opportunities.

4. Exceptions to the disposition process

- 4.1. License agreements giving permission to organizations to use WRDSB facilities for a specific non-exclusive purpose over a defined period (e.g., child care centre, EarlyON centre, community centre, library, etc.). Licensing does not create any estate or interest in the property.
- 4.2. Leasing to specific organizations listed in O. Reg. 374/23 subsection 4 (1) (b).

- 4.3. Disposition to a person or body listed in 5.3.1 to 5.3.4 whose purpose in acquiring the property is to provide the following services: water supply, waste water, storm water drainage and control, (related to a) highway, electrical power, transit, policing or fire protection. More clearly described paragraphs 1 to 5, 7, 9 and 10 of subsection 2 (4) of the *Development Charges Act, 1997*.
- 4.3.1. the municipality in which the property is located (i.e., The Cities of Cambridge, Kitchener or Waterloo or the Townships of North Dumfries, Wellesley, Wilmot and Woolwich);
 - 4.3.2. a local board of the municipality in which the property is located (e.g. library board);
 - 4.3.3. the Regional Municipality of Waterloo; and
 - 4.3.4. any local board of the Regional Municipality of Waterloo (e.g., Waterloo Regional Police Service).