

POLICY

It is the policy of the Upper Grand District School Board to sell, lease or otherwise dispose of real property not required for Board purposes in a manner which respects such legislation and regulations as exist to direct such disposals. The Board shall attempt to maximize the recovery of funds for the taxpayers of the Board, and will consider options for maintaining the property in the public domain for community use.

Administrative Detail

1. It is the responsibility of the Director of Education in conjunction with the Chief of Operations to administer this policy.
2. This policy shall be implemented in accordance with Ontario Regulation # 444/98 Disposition of Surplus Real Property, and the Disposal of Board Property Procedures Manual 311-A.
3. This policy deals with the disposal of real property, including, but not limited to: a school building; a school site or part of a school site; and any other Board-owned property.

A. GENERAL

1. The Board will appoint a Property Disposal Committee at the beginning of each three-year term to monitor the process for disposal of Board-owned property that is no longer required for Board purposes.
2. A title search will be conducted and application will be made to the Superior Court of Justice (Ontario) as required to remove any restrictions to the deed/transfer.

B. PROPERTY DISPOSAL COMMITTEE

1. The Property Disposal Committee will report to the Board's Operations Committee.
2. Membership

The Committee will be composed of:

- a minimum of three Trustees with the power to add the local Trustee(s) in the area in which a property is located, as required,
- the Director of Education,
- the Chief of Operations,
- other Board staff and professional expertise as determined by the Committee, and
- one Trustee will be selected to Chair the Committee.

3. Role of the Committee

The role of the Committee is to:

- monitor the process for disposal of the property,
- review appraisals,
- assist in the creation of specifications and criteria for the disposal of the property and the evaluation of expressions of interest or offers,
- direct negotiations regarding the disposal, including establishing negotiation criteria and designating a Board spokesperson(s) for such negotiations,
- evaluate all submissions (expressions of interest, offers, etc), and

- make recommendations to the Board through the Operations Committee.

4. Conflict of Interest

The Chair of the Committee shall ascertain whether any committee member has a conflict of interest prior to any committee deliberations.

C. STEP 1 - LEGISLATIVE PROCESS (O. Reg. 444/98)

1. Following the adoption of the Board resolution that the subject property is no longer required for Board purposes and the appointment of the Property Disposal Committee, staff will be directed to follow the process prescribed under Ontario Regulation 444/98 for the disposition of the property, if the property is subject to O. Reg. 444/98.
2. The Property Disposal Committee will normally require two appraisals except where the property is offered at no cost.
3. If, at any time during the process under the Regulation, there is an expression of interest from any of the Statutory Bodies named in the Regulation, the Property Disposal Committee shall meet to review the expressions of interest, direct negotiations and make recommendations as required under the Regulation to the Operations Committee of the Board.
4. If, during the process under the Regulation, there are no expressions of interest from any of the statutory bodies noted in the Regulation, the Property Disposal Committee shall report to the Operations Committee, and make recommendations on further action to the Board.
5. See the attached flow chart (Appendix A).

D. STEP 2 – DISPOSAL BY COMPETITION

1. Following the process under the Regulation, if such process has not resulted in expressions of interest from any of the statutory bodies named in the Regulation or if the property is not subject to the Regulation; the Property Disposal Committee may recommend disposal by other means.

2. The Property Disposal Committee shall recommend to the Operations Committee and seek direction as to which competitive process will be used, as follows (see Appendix B);
 - a) Request for Offer, or
 - b) Request for Proposal, or
 - c) Real Estate Listing, or
 - d) some combination of the above.
3. No less than 30 (thirty) calendar days shall elapse between the initiation of (a) (b) or (c) of the above processes or any combination of them and the closing date for submissions. In any event, the Board shall retain the right to defer closing until all of its conditions are met.
4. Following the results of the competition the Property Disposal Committee shall make recommendation to the Operations Committee who will make the appropriate recommendation to the Board.
5. See the attached flowchart (Appendix C).