



Date: **April 30, 2024**  
Prepared by: **Amy Janssens, Associate Director – Corporate Services & Treasurer**  
Subject: **Property Report – Declaration of Surplus Property and Property Disposal Process**

**BACKGROUND:**

St. Therese of Calcutta, currently under construction in Chatham, will be open to students September 2024.

Staff and students from Sacred Heart Sarnia will move to 1825 Hogan St., Sarnia September 2025.

As a result, the following schools are closed to students and school staff as of the following dates:

St. Ursula Catholic School, Chatham, June 28, 2024  
Georges P. Vanier Catholic School, Chatham, June 28, 2024  
Sacred Heart Catholic School, Sarnia, June 27, 2025

The Board will use the property disposal process as outlined in this report.

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 374/23.

The Board is disposing of entrusted property assets and therefore has a Trustee fiduciary responsibility that effective public sector governance is clearly demonstrated. The Board must be in full compliance with all Legislative and Regulatory requirements. Under this new regulation circulation to preferred agencies is no longer required.

The property disposition process is as follows:

- Following the adoption of a Board resolution declaring property surplus to the Board's needs, Ontario Regulation 374/23 can be engaged.
- The Board will provide notice to the Ministry of Education.
- Within 120 days of receiving notice from a board, the Minister shall respond to the board in one of the following ways: identify the person or body to whom the property must be offered or inform the board that it may offer the property to any person or body.
- The Minister will consider the following classes of persons or bodies, in the following order of



priority:

1. School boards.
  2. The Crown in right of Ontario.
  3. Persons or bodies who require the property in order to achieve such provincial priorities as have been identified for the purpose.
- The Minister may notify a board that additional time is required to respond.
  - If a person or body is identified by the Minister, an offer is to be made and an agreement is to be reached within 90 days from the day the Minister gives the response to enter into an agreement for the disposition of the property. There are provisions in the regulation if more time is required.
  - Additional reporting requirements to the Minister will be followed.
  - At any time during the time periods described in the regulation, the person or body may elect to have the fair market value to be used for the purpose of the disposition determined through binding arbitration.
  - Subject to the Board receiving Ministry approval to dispose of the property to any person or body, the Board will be in a position to dispose of the surplus property at "Fair Market Value" as guided by way of:
    - Public tendering bid process (opening of tenders closed to the public);
    - Receive Offers to Purchase;
    - Publicly advertise and negotiate a sale;
    - Engage a professional Real Estate firm to sell on behalf of the Board;
    - Transact with an individual purchaser (single source purchaser), when dealing with a unique set of land or development circumstances;
    - Administration will provide a monitoring report to the Board outlining the details of an acceptable Offer;
  - All property disposition transactions require:
    - Compliance with all provincial and municipal requirements
    - Professional market value assessment
    - Agreements and/or applications to be in a form satisfactory to the Board's solicitor
  - Details regarding the sale of Board property are confidential and cannot be released to the public until the sales transaction has closed and title of ownership has been transferred.

## **RECOMMENDATION:**

**That the St. Clair Catholic District School Board receive the report: *Property Report – Declaration of Surplus Property and Disposal Process*, for information.**

**That the St. Clair Catholic District School Board approve the following properties be declared surplus and that staff be directed to initiate the disposition process in accordance with Regulation 374/23 of the Education Act.**

- 1) St. Ursula Catholic School, Chatham, September 3, 2024**
- 2) Georges P. Vanier Catholic School, Chatham, September 3, 2024**
- 3) Sacred Heart Catholic School, Sarnia, September 2, 2025**