

Ontario Regulation 444/98 under the Education Act

Disposition of Surplus Real Property Summary

Any property deemed surplus to a School Board is required to follow the Education Act, Ontario Regulation 444/98 – Disposition of Surplus Real Property (attached).

This process is not part of an accommodation review; rather it follows a framework in which a School Board must follow in order to dispose of property deemed surplus to the Board's needs. If a school is closed by a Board it can still be held by the Board for other Board purposes if required. If this is the case, Ontario Regulation 444/98 does not apply.

Part II, Section 3, of the Regulations outlines the process that a Public School Board must follow in order to sell, lease or otherwise dispose of a property.

A property deemed surplus to a School Board must first be offered, at the same time, to the following school boards:

1. French-language public district school board
2. English-language separate district school board
3. French-language separate district school board

In addition to this list of school boards, the Superior-Greenstone District School Board is to also offer the properties to the following bodies, as outlined in detail in Section 3 of the Regulations:

Local English and French language college and University

Local Municipality

Local Upper-tier municipality

Crown of Ontario (Province of Ontario)

Crown of Canada (Federal Government)

Offers from the above bodies must be received with 90 days and are to be of fair market value. There is a hierarchy if more than one offer is received within the 90 day term. The School Boards, as listed above, form the highest priority, followed, in order by the additional college, universities, municipalities etc.

If this process is complete and none of the bodies identified above have an interest in the property it can be sold on the open market, at fair market value.

A copy of O. Reg 444/98 follows with section [3. \(1\)](#) being most applicable to SGDSB:



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Education Act

ONTARIO REGULATION 444/98

DISPOSITION OF SURPLUS REAL PROPERTY

Consolidation Period: From September 15, 2010 to the [e-Laws currency date](#).

Last amendment: O. Reg. 363/10.

This is the English version of a bilingual regulation.

PART I

DISPOSITIONS FOR SPECIFIED SERVICES AND GRANTS OF EASEMENTS

1. (1) Subject to subsection (3), a board that has adopted a resolution under clause 194 (3) (a) of the Act that real property is not required for the purposes of the board may sell, lease or otherwise dispose of the property to a person referred to in subsection (2) if the purpose of that person in acquiring the property is to provide one or more of the services described in paragraphs 1 to 7 of subsection 5 (5) of the *Development Charges Act, 1997*. O. Reg. 444/98, s. 1 (1).

(2) The persons referred to in subsection (1) are:

1. The municipality in which the property is located.
2. Any local board of the municipality in which the property is located.
3. If the property is located in an upper-tier municipality, that upper-tier municipality.
4. If the property is located in an upper-tier municipality, any local board of that upper-tier municipality. O. Reg. 444/98, s. 1 (2); O. Reg. 303/03, s. 1.

(3) A sale, lease or other disposition under this section must be at fair market value. O. Reg. 444/98, s. 1 (3).

1.0.1 A board that has adopted a resolution under clause 194 (3) (a) of the Act that real property is not required for the purposes of the board may lease the property to a person if the purpose of that person in acquiring the property is,

- (a) to provide day nursery services under a licence issued under section 11 of the *Day Nurseries Act*; or
- (b) to coordinate and provide services and programs that,
 - (i) promote healthy emotional, social and physical development in children,
 - (ii) help children succeed in school, or
 - (iii) provide other assistance, advice, education or training relating to the care and development of children. O. Reg. 445/06, s. 2.

1.1 (1) A board may grant an easement over any of its real property if,

- (a) it has adopted a resolution under clause 194 (3) (a) of the Act that it does not require for its purposes the interest that the easement would create;
- (b) the grant of easement is for the consideration that the board considers reasonable; and
- (c) the grant of easement does not have the effect of rendering any school site or part of a school site no longer suitable for providing pupil accommodation. O. Reg. 535/00, s. 2.

(2) In subsection (1),

“easement” means an easement, right-of-way, right or licence in the nature of an easement, *profit à prendre* or other incorporeal hereditament, but does not include such an easement arising by operation of law. O. Reg. 535/00, s. 2.

PART II OTHER DISPOSITIONS

APPLICATION

2. (1) This Part applies if,

- (a) a board proposes to sell, lease or otherwise dispose of real property;
- (b) the board has adopted a resolution under clause 194 (3) (a) of the Act that the property is not required for the purposes of the board; and
- (c) the sale, lease or other disposition is not permitted under Part I. O. Reg. 444/98, s. 2 (1); O. Reg. 535/00, s. 3.

(2) If this Part applies, a board shall not sell, lease or otherwise dispose of property except after issuing a proposal in accordance with section 3 or 4, as the case may be, and except in accordance with this Part. O. Reg. 444/98, s. 2 (2).

(3) For the purposes of this Part, a building is considered to be last used for providing pupil accommodation even if, since it was last so used, it was used by the board primarily for storage or maintenance purposes. O. Reg. 444/98, s. 2 (3).

BODIES TO RECEIVE PROPOSALS FROM DISTRICT SCHOOL BOARDS

2.1 Revoked: O. Reg. 290/08, s. 1.

3. (1) An English-language public district school board shall issue a proposal to sell, lease or otherwise dispose of the real property to each of the following bodies on the same day:

1. The French-language public district school board the area of jurisdiction of which includes the property.
2. The English-language separate district school board or Roman Catholic school authority the area of jurisdiction of which includes the property.
3. The French-language separate district school board the area of jurisdiction of which includes the property.
4. The board of a Protestant separate school the area of jurisdiction of which includes the property.
5. The English language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990 as that regulation read immediately before it was revoked by Ontario Regulation 36/03, for the area in which the property is located.
6. The college known as Collège d'arts appliqués et de technologie La Cité collégiale, if the property is located in the geographic area of,
 - i. the Frontenac Management Board, as set out in paragraph 3.3 (b) of an Order made under section 25.2 of the *Municipal Act* on January 7, 1997 and published in *The Ontario Gazette* dated February 15, 1997,
 - ii. the upper-tier municipalities of Renfrew; Lanark; Prescott and Russell; Leeds and Grenville; or Stormont, Dundas and Glengarry, or
 - iii. the local municipality of Ottawa.
- 6.1 The college known as Collège Boréal d'arts appliqués et de technologie, if the property is located anywhere other than in the geographic areas listed in subparagraphs 6 i, ii and iii.
7. The university named in the Schedule the head office of which is nearest to the property.
8. The Crown in right of Ontario.
9. The municipality in which the property is located.
10. If the property is located in an upper-tier municipality, that upper-tier municipality.
11. If the property is located in the geographical area within which a local services board may exercise its jurisdiction, the local services board.

12. The Crown in right of Canada. O. Reg. 444/98, s. 3 (1); O. Reg. 303/03, s. 2 (1); O. Reg. 146/04, s. 2 (1, 2); O. Reg. 415/05, s. 1 (1); O. Reg. 290/08, s. 2 (1).

(2) A French-language public district school board shall issue a proposal to sell, lease or otherwise dispose of the real property to each of the following bodies on the same day:

1. The English-language public district school board the area of jurisdiction of which includes the property.
2. The French-language separate district school board or Roman Catholic school authority the area of jurisdiction of which includes the property.
3. The English-language separate district school board the area of jurisdiction of which includes the property.
4. The board of a Protestant separate school the area of jurisdiction of which includes the property.
5. The college known as Collège d'arts appliqués et de technologie La Cité collégiale, if the property is located in the geographic area of,
 - i. the Frontenac Management Board, as set out in paragraph 3.3 (b) of an Order made under section 25.2 of the *Municipal Act* on January 7, 1997 and published in *The Ontario Gazette* dated February 15, 1997,
 - ii. the upper-tier municipalities of Renfrew; Lanark; Prescott and Russell; Leeds and Grenville; or Stormont, Dundas and Glengarry, or
 - iii. the local municipality of Ottawa.
- 5.1 The college known as Collège Boréal d'arts appliqués et de technologie, if the property is located anywhere other than in the geographic areas listed in subparagraphs 5 i, ii and iii.
6. The English language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990 as that regulation read immediately before it was revoked by Ontario Regulation 36/03, for the area in which the property is located.
7. The university named in the Schedule the head office of which is nearest to the property.
8. The Crown in right of Ontario.
9. The municipality in which the property is located.
10. If the property is located in an upper-tier municipality, that upper-tier municipality.
11. If the property is located in the geographical area within which a local services board may exercise its jurisdiction, the local services board.

12. The Crown in right of Canada. O. Reg. 444/98, s. 3 (2); O. Reg. 303/03, s. 2 (2); O. Reg. 146/04, s. 2 (3, 4); O. Reg. 415/05, s. 1 (2); O. Reg. 290/08, s. 2 (2).

(3) An English-language separate district school board shall issue a proposal to sell, lease or otherwise dispose of the real property to each of the following bodies on the same day:

1. The French-language separate district school board the area of jurisdiction of which includes the property.
2. The English-language public district school board or the board of district school area the area of jurisdiction of which includes the property.
3. The French-language public district school board the area of jurisdiction of which includes the property.
4. The board of a Protestant separate school the area of jurisdiction of which includes the property.
5. The English language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990 as that regulation read immediately before it was revoked by Ontario Regulation 36/03, for the area in which the property is located.
6. The college known as Collège d'arts appliqués et de technologie La Cité collégiale, if the property is located in the geographic area of,
 - i. the Frontenac Management Board, as set out in paragraph 3.3 (b) of an Order made under section 25.2 of the *Municipal Act* on January 7, 1997 and published in *The Ontario Gazette* dated February 15, 1997,
 - ii. the upper-tier municipalities of Renfrew; Lanark; Prescott and Russell; Leeds and Grenville; or Stormont, Dundas and Glengarry, or
 - iii. the local municipality of Ottawa.
- 6.1 The college known as Collège Boréal d'arts appliqués et de technologie, if the property is located anywhere other than in the geographic areas listed in subparagraphs 6 i, ii and iii.
7. The university named in the Schedule the head office of which is nearest to the property.
8. The Crown in right of Ontario.
9. The municipality in which the property is located.
10. If the property is located in an upper-tier municipality, that upper-tier municipality.
11. If the property is located in the geographical area within which a local services board may exercise its jurisdiction, the local services board.

12. The Crown in right of Canada. O. Reg. 444/98, s. 3 (3); O. Reg. 303/03, s. 2 (3); O. Reg. 146/04, s. 2 (5, 6); O. Reg. 415/05, s. 1 (3); O. Reg. 290/08, s. 2 (3).

(4) A French-language separate district school board shall issue a proposal to sell, lease or otherwise dispose of the real property to each of the following bodies on the same day:

1. The English-language separate district school board the area of jurisdiction of which includes the property.
2. The French-language public district school board or the board of a district school area the area of jurisdiction of which includes the property.
3. The English-language public district school board the area of jurisdiction of which includes the property.
4. The board of a Protestant separate school the area of jurisdiction of which includes the property.
5. The college known as Collège d'arts appliqués et de technologie La Cité collégiale, if the property is located in the geographic area of,
 - i. the Frontenac Management Board, as set out in paragraph 3.3 (b) of an Order made under section 25.2 of the *Municipal Act* on January 7, 1997 and published in *The Ontario Gazette* dated February 15, 1997,
 - ii. the upper-tier municipalities of Renfrew; Lanark; Prescott and Russell; Leeds and Grenville; or Stormont, Dundas and Glengarry, or
 - iii. the local municipality of Ottawa.
- 5.1 The college known as Collège Boréal d'arts appliqués et de technologie, if the property is located anywhere other than in the geographic areas listed in subparagraphs 5 i, ii and iii.
6. The English language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990 as that regulation read immediately before it was revoked by Ontario Regulation 36/03, for the area in which the property is located.
7. The university named in the Schedule the head office of which is nearest to the property.
8. The Crown in right of Ontario.
9. The municipality in which the property is located.
10. If the property is located in an upper-tier municipality, that upper-tier municipality.
11. If the property is located in the geographical area within which a local services board may exercise its jurisdiction, the local services board.

12. The Crown in right of Canada. O. Reg. 444/98, s. 3 (4); O. Reg. 303/03, s. 2 (4); O. Reg. 146/04, s. 2 (7, 8); O. Reg. 415/05, s. 1 (4); O. Reg. 290/08, s. 2 (4).

(5) Revoked: O. Reg. 415/05, s. 1 (5).

(6) A body mentioned in paragraph 9 or 10 of subsection (1), (2), (3) or (4) to which a proposal is issued may refer the proposal to any of its local boards, not including a school board. O. Reg. 444/98, s. 3 (6); O. Reg. 415/05, s. 1 (6).

(7) The Crown in right of Ontario may refer the proposal to any agency, board or commission of the Crown in right of Ontario. O. Reg. 444/98, s. 3 (7).

(8) The Crown in right of Canada may refer the proposal to any agency, board or commission of the Crown in right of Canada. O. Reg. 444/98, s. 3 (8).

BODIES TO RECEIVE PROPOSALS FROM SCHOOL AUTHORITIES

4. (1) A board of a district school area shall issue a proposal to sell, lease or otherwise dispose of the real property to each of the following bodies on the same day:

1. A board of a secondary school district established under section 67 of the Act the area of jurisdiction of which includes the property.
2. The English-language separate district school board or Roman Catholic school authority the area of jurisdiction of which includes the property.
3. The French-language separate district school board the area of jurisdiction of which includes the property.
4. The English language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990 as that regulation read immediately before it was revoked by Ontario Regulation 36/03, for the area in which the property is located.
5. The college known as Collège d'arts appliqués et de technologie La Cité collégiale, if the property is located in the geographic area of,
 - i. the Frontenac Management Board, as set out in paragraph 3.3 (b) of an Order made under section 25.2 of the *Municipal Act* on January 7, 1997 and published in *The Ontario Gazette* dated February 15, 1997,
 - ii. the upper-tier municipalities of Renfrew; Lanark; Prescott and Russell; Leeds and Grenville; or Stormont, Dundas and Glengarry, or
 - iii. the local municipality of Ottawa.
- 5.1 The college known as Collège Boréal d'arts appliqués et de technologie, if the property is located anywhere other than in the geographic areas listed in subparagraphs 5 i, ii and iii.
6. The university named in the Schedule the head office of which is nearest to the property.
7. The Crown in right of Ontario.

8. The municipality in which the property is located.
9. If the property is located in an upper-tier municipality, that upper-tier municipality.
10. If the property is located in the geographical area within which a local services board may exercise its jurisdiction, the local services board.
11. The Crown in right of Canada. O. Reg. 444/98, s. 4 (1); O. Reg. 535/00, s. 4 (1); O. Reg. 303/03, s. 3 (1); O. Reg. 146/04, s. 3 (1, 2); O. Reg. 415/05, s. 2 (1); O. Reg. 290/08, s. 3 (1).

(2) A board of a secondary school district established under section 67 of the Act shall issue a proposal to sell, lease or otherwise dispose of the real property to each of the following bodies on the same day:

1. A board of a district school area the area of jurisdiction of which includes the property.
2. The Roman Catholic school authority the area of jurisdiction of which includes the property.
3. The English language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990 as that regulation read immediately before it was revoked by Ontario Regulation 36/03, for the area in which the property is located.
4. The college known as Collège d'arts appliqués et de technologie La Cité collégiale, if the property is located in the geographic area of,
 - i. the Frontenac Management Board, as set out in paragraph 3.3 (b) of an Order made under section 25.2 of the *Municipal Act* on January 7, 1997 and published in *The Ontario Gazette* dated February 15, 1997,
 - ii. the upper-tier municipalities of Renfrew; Lanark; Prescott and Russell; Leeds and Grenville; or Stormont, Dundas and Glengarry, or
 - iii. the local municipality of Ottawa.

4.1 The college known as Collège Boréal d'arts appliqués et de technologie, if the property is located anywhere other than in the geographic areas listed in subparagraphs 4 i, ii and iii.

5. The university named in the Schedule the head office of which is nearest to the property.
6. The Crown in right of Ontario.
7. The municipality in which the property is located.
8. If the property is located in the geographical area within which a local services board may exercise its jurisdiction, the local services board.
9. The Crown in right of Canada. O. Reg. 444/98, s. 4 (2); O. Reg. 535/00, s. 4 (2); O. Reg. 146/04, s. 3 (3, 4); O. Reg. 415/05, s. 2 (2); O. Reg. 290/08, s. 3 (2).

(3) A Roman Catholic school authority shall issue a proposal to sell, lease or otherwise dispose of the real property to each of the following bodies on the same day:

1. A board of a secondary school district established under section 67 of the Act the area of jurisdiction of which includes the property.
2. The English-language public district school board or the board of a district school area the area of jurisdiction of which includes the property.
3. The French-language public district school board the area of jurisdiction of which includes the property.
4. The English language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990 as that regulation read immediately before it was revoked by Ontario Regulation 36/03, for the area in which the property is located.
5. The college known as Collège d'arts appliqués et de technologie La Cité collégiale, if the property is located in the geographic area of,
 - i. the Frontenac Management Board, as set out in paragraph 3.3 (b) of an Order made under section 25.2 of the *Municipal Act* on January 7, 1997 and published in *The Ontario Gazette* dated February 15, 1997,
 - ii. the upper-tier municipalities of Renfrew; Lanark; Prescott and Russell; Leeds and Grenville; or Stormont, Dundas and Glengarry, or
 - iii. the local municipality of Ottawa.
- 5.1 The college known as Collège Boréal d'arts appliqués et de technologie, if the property is located anywhere other than in the geographic areas listed in subparagraphs 5 i, ii and iii.
6. The university named in the Schedule the head office of which is nearest to the property.
7. The Crown in right of Ontario.
8. The municipality in which the property is located.
9. If the property is located in an upper-tier municipality, that upper-tier municipality.
10. If the property is located in the geographical area within which a local services board may exercise its jurisdiction, the local services board.
11. The Crown in right of Canada. O. Reg. 444/98, s. 4 (3); O. Reg. 535/00, s. 4 (3); O. Reg. 303/03, s. 3 (2); O. Reg. 146/04, s. 3 (5, 6); O. Reg. 415/05, s. 2 (3); O. Reg. 290/08, s. 3 (3).

(4) A board of a Protestant separate school shall issue a proposal to sell, lease or otherwise dispose of the real property to each of the following bodies on the same day:

1. The English-language public district school board the area of jurisdiction of which includes the property.

2. The French-language public district school board the area of jurisdiction of which includes the property.
3. The English-language separate district school board the area of jurisdiction of which includes the property.
4. The French-language separate district school board the area of jurisdiction of which includes the property.
5. The English language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990 as that regulation read immediately before it was revoked by Ontario Regulation 36/03, for the area in which the property is located.
6. The college known as Collège d'arts appliqués et de technologie La Cité collégiale, if the property is located in the geographic area of,
 - i. the Frontenac Management Board, as set out in paragraph 3.3 (b) of an Order made under section 25.2 of the *Municipal Act* on January 7, 1997 and published in *The Ontario Gazette* dated February 15, 1997,
 - ii. the upper-tier municipalities of Renfrew; Lanark; Prescott and Russell; Leeds and Grenville; or Stormont, Dundas and Glengarry, or
 - iii. the local municipality of Ottawa.
- 6.1 The college known as Collège Boréal d'arts appliqués et de technologie, if the property is located anywhere other than in the geographic areas listed in subparagraphs 6 i, ii and iii.
7. The university named in the Schedule the head office of which is nearest to the property.
8. The Crown in right of Ontario.
- 8.1 Revoked: O. Reg. 415/05, s. 2 (4).
9. The municipality in which the property is located.
10. If the property is located in an upper-tier municipality, that upper-tier municipality.
11. The Crown in right of Canada. O. Reg. 444/98, s. 4 (4); O. Reg. 303/03, s. 3 (3); O. Reg. 146/04, s. 3 (7, 8); O. Reg. 415/05, s. 2 (4); O. Reg. 290/08, s. 3 (4).

[\(5\)](#) Revoked: O. Reg. 415/05, s. 2 (5).

[\(6\)](#) A body mentioned in paragraph 8 or 9 of subsection (1), paragraph 7 of subsection (2), paragraph 8 or 9 of subsection (3) or paragraph 9 or 10 of subsection (4) to which a proposal is issued may refer the proposal to any of its local boards, not including a school board. O. Reg. 415/05, s. 2 (6).

[\(7\)](#) The Crown in right of Ontario may refer the proposal to any agency, board or commission of the Crown in right of Ontario. O. Reg. 444/98, s. 4 (7).

(8) The Crown in right of Canada may refer the proposal to any agency, board or commission of the Crown in right of Canada. O. Reg. 444/98, s. 4 (8).

PROPOSALS FOR LEASE

5. A proposal for lease issued under section 3 or 4 must specify the term of the lease of the property. O. Reg. 444/98, s. 5.

OFFERS

6. A body to which a board issued a proposal under section 3 or 4 or to which a proposal was referred under section 3 or 4 may make an offer to the board in response to the proposal. O. Reg. 444/98, s. 6.

7. Except as otherwise provided in section 8, an offer under section 6 must be for sale, lease or other disposition of the property at fair market value. O. Reg. 444/98, s. 7; O. Reg. 415/05, s. 3.

8. (1) This section applies to an offer under section 6 for the sale or lease of property on which there is a building that is used or was last used for providing pupil accommodation, if,

- (a) the body making the offer is a board; or
- (b) the purpose of the body making the offer is to acquire the property in order to use the building to accommodate pupils in,
 - (i) an elementary school program or program leading to a secondary school diploma in a school established or continued under section 13 of the Act, or
 - (ii) an education program that, under the legislative grant regulations made under subsection 234 (1) of the Act, would be considered in determining a board's facilities amount. O. Reg. 444/98, s. 8 (1); O. Reg. 146/04, s. 4 (1).

(2) An offer to which this section applies must be for sale or lease at the lesser of fair market value and,

- (a) in the case of property on which there is a building that is used or was last used for providing accommodation for elementary school pupils, an amount calculated in accordance with subsection (3); or
- (b) in the case of property on which there is a building that is used or was last used for providing accommodation for secondary school pupils, an amount calculated in accordance with subsection (4). O. Reg. 444/98, s. 8 (2); O. Reg. 415/05, s. 4 (1).

(3) The amount referred to in clause (2) (a) shall be calculated as follows:

1. Determine the elementary capacity of the property by applying the most recent loadings determined by the Minister for the purpose of pupil accommodation allocations under the legislative grant regulations made under subsection 234

- (1) of the Act to those spaces in the property that are used or were last used for providing accommodation for elementary school pupils.
2. Multiply the capacity determined under paragraph 1 by 9.7 square metres.
3. Revoked: O. Reg. 363/10, s. 1 (2).
4. Until August 31, 2010, multiply the product obtained under paragraph 2 by,
 - i. \$1,660.25 per square metre, in the case of a proposal for sale, or
 - ii. \$120.77 per square metre, in the case of a proposal for lease.
5. On and after September 1, 2010, multiply the product obtained under paragraph 2 by,
 - i. \$1,776.47 per square metre, in the case of a proposal for sale, or
 - ii. \$120.77 per square metre, in the case of a proposal for lease. O. Reg. 444/98, s. 8 (3); O. Reg. 146/04, s. 4 (2, 3); O. Reg. 415/05, s. 4 (2); O. Reg. 363/10, s. 1 (1-4).

(4) The amount referred to in clause (2) (b) shall be calculated as follows:

1. Determine the secondary capacity of the property, by applying the most recent loadings determined by the Minister for the purpose of the pupil accommodation allocations under the legislative grant regulations made under subsection 234 (1) of the Act to those spaces in the property that are used or were last used for providing accommodation for secondary school pupils.
2. Multiply the capacity determined under paragraph 1 by 12.07 square metres.
3. Revoked: O. Reg. 363/10, s. 1 (5).
4. Until August 31, 2010, multiply the product obtained under paragraph 2 by,
 - i. \$1,811.20 per square metre, in the case of a proposal for sale, or
 - ii. \$131.75 per square metre, in the case of a proposal for lease.
5. On and after September 1, 2010, multiply the product obtained under paragraph 2 by,
 - i. \$1,937.98 per square metre, in the case of a proposal for sale, or
 - ii. \$131.75 per square metre, in the case of a proposal for lease. O. Reg. 444/98, s. 8 (4); O. Reg. 146/04, s. 4 (4, 5); O. Reg. 415/05, s. 4 (3); O. Reg. 363/10, s. 1 (5-7).

9. Revoked: O. Reg. 415/05, s. 5.

ACCEPTANCE OF OFFERS

10. (1) A board shall not accept any offer to purchase, lease or otherwise acquire property in respect of which a proposal must be issued under section 3 or 4 before the expiration of 90 days after the day on which the board issued the proposal. O. Reg. 444/98, s. 10 (1).

(2) At the expiration of the 90-day period referred to in subsection (1), the only offer that the board may accept, subject to subsections (3) and (4), is an offer that,

- (a) complies with section 7 or 8, as the case may be; and
- (b) is made by the body that, in accordance with subsection (5), has the highest priority among the bodies that made offers. O. Reg. 444/98, s. 10 (2); O. Reg. 415/05, s. 6 (1).

(3) If the body that, in accordance with subsection (5), has the highest priority among the bodies that made offers and the board disagree on the fair market value of the property,

- (a) they shall attempt, within 30 days of the 90-day period referred to in subsection (1), to negotiate the fair market value and the body shall amend its offer to reflect the agreed value;
- (b) if they cannot agree under clause (a) on the fair market value, the body making the offer may, at or before the termination of the 30-day period referred to in clause (a),
 - (i) withdraw its offer, or
 - (ii) elect to have the fair market value determined through binding arbitration and shall amend its offer according to the fair market value determined by the arbitrator; and
- (c) if no price is agreed to under clause (a) at the termination of the 30-day period referred to in clause (a) or the body withdraws its offer or does not elect binding arbitration under clause (b), the board may consider instead the offer made by the body that, in accordance with subsection (5), has the next highest priority and whose offer complies with clause (2) (a). O. Reg. 444/98, s. 10 (3).

(4) Subsection (3) applies to each subsequent offer that the board considers under clause (3) (c) except that the reference to the 90-day period shall be read as the day on which the board acts under clause (3) (c). O. Reg. 444/98, s. 10 (4).

(5) For the purposes of this section, priorities shall be determined in accordance with the following rules:

1. A body mentioned in a paragraph of subsection 3 (1), (2), (3) or (4) or 4 (1), (2), (3) or (4) has a higher priority than a body mentioned in a subsequent paragraph.
2. Revoked: O. Reg. 415/05, s. 6 (2).
3. A body that receives a referral from another body under subsection 3 (6), (7) or (8) or 4 (6), (7) or (8) shall be deemed to have the same priority as the body that made the referral.
4. If offers are made by two or more bodies that, under paragraph 3, have the same priority, priorities among those bodies shall be determined by the body that referred the proposal to them. O. Reg. 444/98, s. 10 (5); O. Reg. 415/05, s. 6 (2).

11. (1) An agreement for the sale or lease of real property to which section 8 applies shall include a condition that if the body making the offer does not use the property to provide accommodation for pupils eligible to be included in the calculation of legislative grants for new pupil places for any period of 12 consecutive months within the 25 years after the sale or the commencement of the lease,

- (a) in the case of a sale, the body shall offer the property for sale to the board from which it purchased the site or part at the price the board from which it was purchased sold it to the body, within the time specified in the agreement; and
- (b) in the case of a lease, the lease is terminated on the day specified in the agreement. O. Reg. 444/98, s. 11 (1).

(2) An offer for the sale of property under clause (1) (a) or the resulting sale, or the termination of a lease under clause (1) (b), is not a closing of the school. O. Reg. 444/98, s. 11 (2).

(3) This section applies only where the calculated amount referred to in subsection 8 (2) is less than the fair market value of the property at the time of the issuance of the proposal. O. Reg. 444/98, s. 11 (3).

DISPOSITION TO OTHERS AFTER PROPOSAL PROCESS

12. (1) If a board does not receive an offer from a body to which a proposal is issued or referred under section 3 or 4 before the expiration of the 90-day period referred to in subsection 10 (1) that complies with section 7 or 8, as the case may be, the board may, subject to subsections (2) and (3), sell, lease or otherwise dispose of the property at fair market value to any other body or to any person. O. Reg. 444/98, s. 12 (1); O. Reg. 415/05, s. 7 (1).

(2) If the proposal referred to in subsection (1) is only for the lease of property, the board that issued the proposal may, under subsection (1), lease but not sell or otherwise dispose of the property, and the lease shall be for the term specified in the proposal. O. Reg. 444/98, s. 12 (2).

(3) A board shall not sell, lease or otherwise dispose of property under subsection (1) unless it provides written evidence satisfactory to the Minister that,

- (a) it first issued a proposal of the sale or lease of the property to each body to which a proposal must be issued under section 3 or 4, as the case may be; and
- (b) no offer was received by the board from a body to which the proposal was issued or referred under section 3 or 4 before the expiration of the 90-day period referred to in subsection 10 (1) that complies with section 7 or 8 as the case may be. O. Reg. 444/98, s. 12 (3); O. Reg. 415/05, s. 7 (2).

(4) For the purposes of subsections (1) and (3), the reference to compliance with section 7 or 8 means as determined under subsections 10 (3) and (4) if those provisions were applied in the case of the offer. O. Reg. 444/98, s. 12 (4); O. Reg. 415/05, s. 7 (3).

MISCELLANEOUS

13. (1) If a board issues a proposal under section 3 or 4 but does not sell, lease or otherwise dispose of the real property in accordance with the terms set out in the proposal within three years of the expiry of the 90-day period referred to in subsection 10 (1), the board shall not sell, lease or otherwise dispose of the property unless the board issues another proposal under section 3 or 4, as the case may be. O. Reg. 290/08, s. 4.

(2) A board shall not sell, lease or otherwise dispose of real property that was previously sold, leased or otherwise disposed of in accordance with the terms of a proposal under section 3 or 4 and that has reverted back to the board, unless the board issues another proposal under section 3 or 4, as the case may be. O. Reg. 290/08, s. 4.

SCHEDULE

Brock University

Carleton University

Lakehead University

Laurentian University of Sudbury/Université Laurentienne de Sudbury

McMaster University

Nipissing University

Ontario College of Art and Design

Queen's University at Kingston

Ryerson Polytechnic University

The University of Western Ontario

Trent University

University of Guelph

University of Ontario Institute of Technology

University of Ottawa/Université d'Ottawa

University of Toronto

University of Waterloo

University of Windsor

Wilfrid Laurier University

York University

O. Reg. 444/98, Sched.; O. Reg. 415/05, s. 8.

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