

**A Submission Regarding Ontario Regulation 444/98 -  
Distribution of Surplus Real Property**

**December 8, 2015**



**Ontario Catholic School  
Trustees' Association**



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Trustees' Association

## OUR MISSION

Inspired by the Gospel, we provide leadership, service and a provincial voice for Catholic School Boards in promoting and protecting Catholic education.

## OUR VISION

In keeping with our Mission, the Ontario Catholic School Trustees' Association:

### OPERATIONAL VALUES

- **Embodies** and promotes the values and traditions of our Catholic faith in all Association activities.
- **Respects** the principles of democratic and accountable governance.

### POLITICAL ADVOCACY

- **Protects** the constitutional right of the Catholic community to govern, control and manage Catholic schools.
- **Promotes** education in our province that reflects the Catholic principles of social justice.
- **Advocates** for government recognition of the distinctive nature of Catholic education.
- **Advocates** for provincial policy, legislation and funding support that enable Catholic boards to provide quality Catholic education.
- **Influences** the strategic and political direction of the Ontario government and opposition parties regarding issues that impact Catholic education.

### INFORMATION & SERVICES

- **Provides** faith formation and professional development resources and opportunities for its members.
- **Provides** to member boards information and services that recognize their diverse circumstances and needs.

### COMMUNICATIONS & PUBLIC RELATIONS

- **Develops** effective structures that enhance communication and working relationships among OCSTA and its member boards.
- **Communicates** with member Boards and Catholic partners regarding relevant educational issues and OCSTA activities.
- **Promotes** public understanding of and support for Catholic education.
- **Celebrates** and **highlights** Catholic education's significant and continuing contribution to Ontario society.

### PARTNERSHIPS

- **Stimulates** ongoing visioning of how Catholic education partners can collaborate to serve the interests of Catholic education.
- **Builds** significant partnerships within and beyond the Catholic community in support of Catholic education.

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The Ontario Catholic School Trustees' Association (OCSTA) appreciates the opportunity to submit our perspectives and recommendations regarding proposed changes to Ontario Regulation 444/98 – Distribution of Surplus Real Property.

OCSTA is the provincial voice for 237 elected Catholic trustees who collectively represent 29 English-language Catholic district school boards across Ontario. Together Catholic district school boards educate 545,000 students from junior kindergarten through to grade 12 and adults in continuing education programs province-wide.

### **Key Principles**

As guiding principles for the review of this regulation, we support and recommend that:

- School assets should be kept in the public realm and made available to any board requiring those assets.
- Decisions should be made in the best interests of students – “Responsible Stewardship”.
- Processes put in place should serve to instill public confidence in the management and disposal of public assets.
- Local accountability must be part of any process developed under this regulation.

### **Proposed Reform 1 – Property Circulation Period**

OCSTA agrees with the recommended proposal to extend the timeline to 180 days. We would, however, recommend removal of the two-step process.

### **Proposed Reform 2 - Listed Entities**

OCSTA agrees that the list of entities to which surplus school board properties are circulated should be extended to include the four agencies listed in the CPPG, which include:

- District Social Services Administration Boards/Consolidated Municipal Service Managers
- Public Health Boards
- Local Health Integration Networks
- Children’s Mental Health Centres

To address priority needs, we recommend that the Ministry of Education (or a neutral arbitrator) determine where there is the greatest need among the group of agencies/organizations on the circulation list.

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### **Proposed Reform 3 – School Board Priority Ranking**

OCSTA recommends that the current protocol of assigning priority ranking in the disposal of school board property to the coterminous board of a different language, but within the same system (French Public, French Catholic, English Public, or English Catholic) should be continued. We would, however, also recommend the added provision that school boards be given the option to make a decision not based on the priority ranking protocol, but based on the current circumstances affecting the property in question. A neutral arbitrator could be assigned to facilitate the process, as needed.

### **Proposed Reform 4 – Open Market Disposition**

OCSTA agrees with the proposed reform that would require boards to inform the Minister of Education before disposing of surplus property on the open market. This would help to ensure that boards make every effort to complete a deal with priority organizations.

### **Proposed Reform 5 – Child Care Leases**

Leasing must be regarded as a form of disposition under this regulation. We therefore agree with the proposed reform to narrow the language in subsection (b) of this regulation to ensure leasing options for surplus school board property are restricted to licensed child care providers and providers of publicly-funded early years' programs.

### **Proposed Reform 6 – School Site Severances**

To ensure that school sites remain viable after being severed by boards, OCSTA agrees with changes to Reg. 444/98 that would set a minimum site size for schools at both the primary and secondary panels.

We further recommend that a board be required to obtain approval from the Ministry of Education prior to a severance being made on existing board property. As part of the approval process, the Ministry should confirm that the full site was first offered to all coterminous boards before the severance was considered.

### **Proposed Reform 7 – Lease Rates**

OCSTA agrees with the proposed reform to require lessor school boards to lease surplus property to lessee boards at cost recovery lease rates. These rates would cover such costs as caretaking salaries/benefits, maintenance, and utilities costs.

We do not believe long term leases support the intent of these reforms and therefore would support reform that prohibits long-term leases instead of offering the building to coterminous boards.

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## **Conclusion**

The reforms proposed for O. Regulation 444/98 have the potential for ensuring that school boards and other priority agencies holding valuable public assets will have the ability to make effective decisions in the best interest of their constituents.

Education funding for capital renewal is an underlying issue that can in part be addressed by many of the changes being proposed in the consultation. Strategies and initiatives that have built in incentives can be helpful in encouraging entities to keep public assets within the public realm when disposing of property. We would also recommend the incorporation of more neutral decision making processes as part of the mechanism for determining renewal funding.

As significant holders of real property across Ontario, school boards in particular need the flexibility to make decisions based on the needs of students and supported by the specialized insight school boards have regarding current and future educational needs of a region.

We believe that whatever enhancements or restrictions are put in place through amendments must be the same for all public entities. School boards must not be disadvantaged through the process.

Taking advantage of the kind of experienced insight inherent in school boards makes good business sense and also helps to ensure that public assets not only remain in the public realm but are put to the most effective and efficient use for the benefit of the community.

We appreciate the opportunity to submit the priorities and perspectives of Ontario's Catholic school system and look forward to being involved in further discussions and initiatives with respect to finalizing changes to this regulation.

Ontario Catholic School Trustees' Association  
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