

RECOMMENDATIONS RE: LEGISLATION 444/98 **(THE SALE OF SURPLUS SCHOOL PROPERTY)**

The following is respectfully submitted by the Save General Brock Parklands Committee, Burlington, Ontario, March 17, 2009 and are the result of extensive consultations with a number of citizen groups, advocacy committees and elected officials in Halton and beyond. The common ground shared has indicated that if local school boards and their respective municipalities are going to work effectively to realize successful solutions to the long-standing challenges associated with the school disposition process, it is imperative that current Ministry of Education legislation change.

1. Enact an immediate moratorium on the severing and sale process for all surplus school properties pending changes to the legislation.

Communities across the province have already experienced devastating losses of neighbourhood parkland and outdoor recreation space from school closures. A moratorium until new legislation is available would ensure the estimated 878 acres of school lands currently at risk in Ontario will have a reasonable opportunity to be protected. Additionally, improvements to current legislation will more accurately reflect this government's healthy student, inclusive community and environmental stewardship policies.

2. Establish a pre-consultation process to ensure school boards conduct meaningful community reviews with municipalities and their communities prior to the decision-making process to dispose of the sites and that the sites only be made available to developers if the municipality and other educational organizations declare a non-interest.

Currently, a school closure announcement typically generates interest from parents facing a loss to local school access. Other citizens and community groups learn about the issue when it is too late, resulting in missed opportunities to realize alternative land use solutions. The current legislation has allowed some cases where schoolboard discussions with municipalities and citizens have been ignored or avoided.

Establishing a full community review of the potential impact of the loss of the school site, its buildings and its outdoor recreational areas and green space is essential. All citizens living in the municipality in which the school is deemed surplus should be provided with awareness and opportunity to comment on the implications of the site sale in a reasonable time via a transparent process. In doing so, not only will the rights of all citizens be better respected but the opportunity to discover options to save the parklands and in some cases the buildings from demolition can be explored.

3. Extend the current 90 day proposal period to one year.

A broader timeline would provide a more reasonable opportunity for school sites to remain as educational lands with other educational institutions afforded the time necessary to review their own future accommodation plans or to allow municipalities to explore innovative options (re-zoning, public/private partnerships etc.) to reuse the school facilities and surrounding green space.

- 4. Ensure zoning designations for newly purchased and current school sites accurately reflect the intended and traditional use of all stakeholders, now and into the future. (i.e. school building & parking area designated as educational/institutional & surrounding green space as parkland)**

New school sites: collaboration with municipal planners from the onset to establish property acquisition interest, shared financing opportunities and appropriate zoning designations for new school sites will go a long way in addressing the continued struggles with school board vs community when it comes to salvaging sites from development when they are later deemed surplus.

Current school sites: honouring the traditional use of school green space with consideration to original expropriation rights, parkland maintenance, playfield use, reciprocal agreements and taxpayer support are all important land use facts that need to be respected in the process. If the school board is not able to “transfer” the building site to another educational or government agency to preserve its originally intended educational use, then the school board and municipality could explore re-zoning options of this portion of the site. For example, a higher density development on the school portion of the site could incur revenue comparable to the value of the full site developed at a lower density, while still supporting the province’s “Places to Grow” mandate.

These zoning amendments have the potential of realizing a “win-win” for the school board, the municipality and the environment.

- 5. Replace the current fair market value requirement with a more reasonable 10 – 20% land sale value and phased payment option for the parkland portion of a site. The school buildings portion of the site would be re-zoned to a higher density (as per 4. above) and sold at a higher value.**

In cases where the school board is selling a site that provides the only community outdoor recreation area within a reasonable walking distance for children or severing parkland from a site and the severed portion was:

- i. Acquired by the municipality and sold to the school board for a nominal fee;**
- ii. Used traditionally by the local neighbourhood and/or the municipality as outdoor recreation areas;**
- iii. Maintained by the municipality at no cost to the school board;**

the school board will be directed to make the severed portion or the site available to the municipality at the reduced market value price and phased payment option above.

Ultimately, a complete transfer of educational lands (not buildings), to municipalities once a school board no longer requires them would better serve the interests of the entire community and ensure the preservation of valued green space in perpetuity. However, understanding the significant province-wide implications of such for the Ministry of Education, the above recommendation has been provided.

The current fair market value requirement limits the ability of municipalities to protect the parklands from development. Typically, a municipality would not have planned for the use of these lands to change and become surplus to school board needs and accordingly would not have sufficient finances nor time available to secure the lands. This is certainly the case in Burlington, with 10 school closures resulting in a loss of 86% of the original lands to development with zero city dollars dedicated to hold onto the valued green space.

This provision also provides “fairness” to taxpayers who purchased the land, had it transferred to the schoolboard at a nominal value and are being asked to purchase it again.

Finally, in older, downtown areas of larger cities the local school is often the only outdoor recreational space available for neighbourhood children and its loss carries significant social and environmental costs.