

Title: Trespass Process Procedure

Adopted: June 30, 2026

Effective: July 22, 2026

Amended/Reviewed: N/A

This procedure must be interpreted, applied, and implemented in ways that uphold Indigenous and human rights and responsibilities, promote accessibility, and prevent and address (and do not reinforce) discrimination/discriminatory barriers.

1.0 RATIONALE

This procedure sets out the process for the Durham District School Board (“DDSB” or “Board”) to exercise its rights under the *Trespass to Property Act*, in keeping with its obligations under the Education Act.

This procedure establishes a fair, consistent, and transparent process for managing situations where access to Board property may need to be restricted in order to maintain safe, respectful, and inclusive learning and working environments.

The DDSB determines the nature and scope of trespass notices and can apply to any or all DDSB properties.

2.0 DEFINITIONS

Appeal Meeting: a review of a decision with the goal of determining if the decision was fair and reasonable

Appellant: the party who initiates an appeal

Board Premises: refers to any DDSB land, premises, or location that makes up a parcel of property

Pre-Appeal Conference: an informal, procedural meeting held prior to a formal appeal meeting with the purpose of clarifying issues, narrowing down points of dispute, and attempting early resolution

School Premises: refers to any property grounds including classrooms, playgrounds, parking lots, fields, or portable structures

Trespass Notice: a formal written directive by a property’s occupier that prohibits a person from entering or remaining on a specific property

3.0 RESPONSIBILITY

The DDSB Chief Executive Officer is responsible for the development and implementation of new and revised Board policies and procedures.

Family of Schools Superintendents are consulted before a trespass notice is issued and participate in reviewing the appropriateness and terms of the notice.

Superintendent responsible for Positive School Climates receives and manages notices of appeal.

Associate Director of Education – Academic Services is responsible for convening the pre-appeal conference, managing the appeal process, and rendering the final appeal decision.

School Principals are responsible for assessing circumstances, initiating consultations, issuing notices (where appropriate), maintaining records, and participating in appeals.

Central Services staff may have responsibilities related to record retention, privacy, and police notification where the property is not a school site.

4.0 APPLICATION AND SCOPE

This Procedure applies to all students and employees of the Board. It also extends to parents/guardians, school council members, visitors, third-party service providers, volunteers, permit holders, customers, and members of external organizations when they are participating in activities on Board premises or engaged in Board-related functions.

All Board premises are covered under this Procedure. This includes schools, Board offices, and facilities, as well as school-related activities such as extracurricular programs and excursions. The scope further includes common areas (e.g., eating areas, lounges, and changing rooms), Board vehicles, and any location where Board work is conducted.

5.0 PROCEDURES

5.1 DELIVERY OF NOTICE

1. Section 3(1) of Regulation 474/00 under the Education Act provides that:

A person is not permitted to remain on school premises if their presence is detrimental to the safety or well-being of a person on the premises, in the judgment of the principal, a vice-principal or another person authorized by the board to make such a determination.

2. Section 305 of the Education Act provides that:

305(4) The principal of a school may direct a person to leave the school premises if the principal believes that the person is prohibited by regulation or under a board policy from being there.

3. If a principal of a school or supervisor of a Board premises determines that either or both of these provisions are, or ought to be engaged, the principal shall consult with their Family of Schools Superintendent to determine whether to deliver a notice under the Trespass to Property Act, R.S.O. 1990, chapter T.21 and the terms of any such notice. In making this determination and before issuing a trespass notice, decision makers will consider all relevant factors, including and not limited to:

- Severity of the conduct
- Actual or potential safety concerns
- Previous incidents or warnings
- Disruption to school and board operations
- The effectiveness of alternative interventions
- The likelihood of reoccurrence

Determinations and assessment of potential risks to safety or well-being must be objective, fair, and must not be because of or based on discriminatory biases, stereotypes or assumptions about the individual or their identity. Decision-makers shall consider any known Human Rights Code-related needs, accessibility needs, disability-related circumstances, communication barriers, or other relevant mitigating factors before issuing a trespass notice.

4. Decision-makers shall consider any known Human Rights Code-related needs, accommodations, or circumstances (including and limited to accessibility needs, ability/disability-related needs or behaviours, communication barriers, etc.) and/or other relevant mitigating factors before issuing a trespass notice.
5. Where appropriate and if required, the notice will be reviewed by the principal at least every three months, which review shall include a good-faith effort to contact the individual to whom the trespass notice has been issued with a view to determining whether there has been any material change in circumstances warranting withdrawal of the trespass notice. The trespass notice shall apply unless and until notification of withdrawal is provided to the individual in writing.
6. Durham Regional Police Services school liaison officer will be notified by the school principal. If the property is not a school, DDSB central staff will notify Durham Regional Police Services.

5.2 COMMENCING AN APPEAL

A “Trespass Notice” may be appealed by the person to whom it has been delivered (the “Appellant”).

An appeal does not stay the Trespass Notice. The Appellant shall deliver written Notice of Intent to Appeal the Trespass Notice to the Superintendent with the portfolio over Positive School Climates (the “Positive School Climates Superintendent”).

The parties to the appeal are the Appellant and the School Principal (the “Parties”).

5.3 PRE-APPEAL CONFERENCE

Upon receipt of the Notice of Intent to Appeal, the Positive School Climates Superintendent shall provide a copy to the Associate Director of Education - Academic Services who shall schedule a pre-appeal conference to attempt to resolve the appeal, narrow the issues on appeal and set timelines for the appeal (the “Pre-Appeal Conference”). The Pre-Appeal Conference is to be held by phone, virtual meeting platform or other accessible option. The Associate Director of Education - Academic Services shall invite the Appellant and the School Principal and/or the Family of Schools Superintendent to the Pre-Appeal Meeting, subject to the following:

- a. The Pre-Appeal Meeting shall be convened within 10 school days of receipt of the Notice of Intent to Appeal and a written decision shall be provided within 5 school days following the Appeal meeting;
- b. The Parties shall be invited to bring documentation to share with the other Parties at the Pre-Appeal Meeting; and
- c. The Pre-Appeal Meeting shall be held in private.

5.4 NOTICE AND SCHEDULING REQUIREMENTS

If the Appellant does not attend the Pre-Appeal Conference, the appeal shall be deemed abandoned, subject to pre-communication or any Human Rights Code-related needs or circumstances.

If the appeal is not resolved at the Pre-Appeal Conference, the Associate Director of Education shall provide the Parties with written notice of an appeal meeting (the “Appeal Meeting”).

The written notice shall include the date, location and time of the Appeal Meeting together with a copy of this procedure.

The Parties shall exchange relevant documents on which they intend to rely at least 5 school days before the Appeal Meeting.

5.5 THE APPEAL MEETING

The Appeal Meeting shall be conducted in private.

- Subject to any Human Rights Code-related needs or circumstances, the Appeal Meeting shall be scheduled for a maximum of 30 minutes. If the Appellant does not attend the Appeal Meeting, the appeal shall be deemed abandoned.

The Parties may make oral or written submissions to the Associate Director of Education.

The Associate Director of Education may consider any relevant documents or other information, including hearsay evidence, whether or not admissible in a court of law, and attribute weight to the evidence that the Associate Director of Education deems appropriate.

The Associate Director of Education may ask the Parties questions.

At the conclusion of the Appeal Meeting, on behalf of the DDSB, the Associate Director of Education will do one of the following:

- a. uphold the Trespass Notice;
- b. withdraw the Trespass Notice; or,
- c. vary the terms of the Trespass Notice, including as to duration.

The Associate Director of Education shall provide the parties with a written decision, including reasons, within 5 school days. The decision of the Associate Director of Education is final.

The Associate Director of Education shall have discretion to address and make any orders in respect of procedural matters that arise during the Appeal Meeting.

The *Statutory Powers Procedure Act* is not applicable to the Pre-Appeal Conference or the Appeal Meeting.

6.0 PRIVACY AND RECORDS MANAGEMENT

Personal information collected, used, disclosed, and retained under this procedure shall be managed in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and applicable Board policies and procedures.

Records relating to trespass notices, pre-appeal conferences, appeals, decisions, and related correspondence are records of the Board and shall be classified, retained, and disposed of in accordance with the Records and Information Management Policy (P GOV 10), the Records and Information Management Procedure (PR GOV 10-01), and the Board's Records Retention and Classification Schedule (RRCS). Records shall not be destroyed, deleted, or altered except as

authorized by the RRCS, or where subject to a legal hold, audit, investigation, or an active access request.

Access to records created under this procedure shall be limited to individuals who require the information to perform their assigned duties, consistent with the principle of least privilege.

7.0 REFERENCE DOCUMENTS

- Trespass to Property Act
- Education Act, R.S.O. 1990
- Ontario Human Rights Code
- Accessibility for Ontarians with Disabilities Act (AODA)
- DDSB Indigenous Education Policy
- DDSB Human Rights, Anti-Discrimination and Anti-Racism Policy
- DDSB Safe and Respectful Workplace and Harassment Prevention Policy