

FACILITIES

Policy 704.1-R (previously Policy 904-R)

Disposal of School Board Land or Improvements

When land or improvements owned by the Board (collectively “the Real Property”) becomes surplus to the needs of the School District, the surplus property may be disposed of in accordance with the School Act, applicable Ministerial Orders and this Policy and related Regulations.

The Board has the responsibility for the disposal of its Real Property and may, after considering future educational needs and school space requirements for the School District, deem a property no longer required for further educational purposes or other Board purposes and determine to proceed to dispose of such property. In accordance with the School Act and applicable Ministerial Orders, the Board must not dispose of land or improvements by sale or transfer in fee simple or by way of lease of ten years or more unless such disposal is provided for in the Disposal of Land or Improvements Ministerial Order M193/08 or is approved by the Minister. The Board can dispose of land or improvements by way of lease, other than a lease of ten years or more if such disposition is to an agency or organization for an alternative community use.

The procedure to dispose of Real Property by sale or transfer in fee simple or by way of lease of 10 years or more is as follows:

1.0 Determination of Ownership

1.1 Prior to initiating the disposal of any Real Property, the Board will engage in its own due diligence to conduct a title search to confirm that the property is registered in the name of the Board of Education of School District No. 38 (Richmond) with fee simple ownership. The title search should include a determination as to whether or not the Real Property is held in trust by grant from the Crown, or subject to any registered charges.

2.0 Consultation

2.1 Once ownership has been determined in accordance with 1 above, prior to disposing of Real Property, the Board shall undertake, with stakeholders, local governments, community organizations and/or the public, such consultations as the Board may consider appropriate with respect to the Real Property involved. This consultation process shall include:

2.1.1 Consideration of future enrolment growth in the School District, including K-12, adult programs and early learning;

2.1.2 Consideration of alternative community use of surplus space in school buildings and other facilities;

2.1.3 A fair consideration of the community's input and adequate opportunity for the community to respond the Board's plan for the Real Property.

3.0 Disposal Process

3.1 Following consultation, if the Board passes a resolution declaring the Real Property surplus to the needs of the School District and instructing School District staff to proceed with the Real Property disposal process, the School District staff shall:

3.1.1 Where necessary, arrange for the preparation of a legal survey plan showing the boundaries of the property to be disposed of;

3.1.2 Initiate the disposal process in accordance with a public request for proposals or tender process, provided that if the disposition is:

i) to a not-for-profit organization;

ii) to a public authority;

iii) to a person who, as part of the consideration for the disposition, will exchange land or an improvement with the Board;

iv) to a person who is a party to a subsisting lease, option, right of first refusal, joint venture, coownership or collaborative land acquisition or development agreement that has been the subject of a process involving the solicitation of competitive proposals, regardless of whether the agreement has been amended or assigned subsequent to the completion of that process;

v) a disposition of land to an owner of adjoining land for the purpose of consolidating the lands;

then the requirement for a public request for proposals or tender process shall only apply if the Board in its discretion so elects by resolution.

3.1.3 When required pursuant to the School Act and applicable Ministerial Order, apply to the Minister for approval of the disposal. The application will include:

i) Verification that the school closure was completed in accordance with the provisions under the current or former School Opening or Closure Order, if applicable;

ii) Description of circumstances giving rise to the Board request for Ministerial approval for the disposal of the property;

iii) Confirmation that the property will not be required for future educational purposes;

iv) Description of Board consultation as undertaken with respect to the proposed disposal;

v) Description of how the property was first acquired for educational purposes by the Board if known;

vi) Confirmation that the property is owned by the Board and not the subject of Crown land grant as evidenced by one of the following documents obtained from the Land Title office:

(1) State of Title Certificate (certified copy of title); or

(2) Title search print including parcel identifier No.

vii) Address and legal description of the property;

viii) Site plan showing the subject property clearly outlined in bold or in colour;

ix) Property Appraisals by two licensed property appraisers. In situations where it is not practical to obtain two comprehensive appraisals, the latest property assessment notice will be provided as one of these appraisals; and

x) Statement of expected purchase price or rent.

3.1.4 Undertake necessary steps to subdivide the Real Property to be disposed of, if it is to be subdivided from a "parent" property to remain in the ownership of the Board.

4.0 Bylaw Requirement

4.1 Upon completion of the process outlined in #3 above, (and upon notification of Ministerial approval where applicable), the Board shall adopt a By-law (the "Real Property Disposal By-law") authorizing the disposal of the Real Property. The Real Property Disposal By-law will include:

i) Confirmation that the Board will not require the land or improvements for future educational purposes;

ii) The name and the facility number, if any; and

iii) The address and legal description of the Real Property.

5.0 Notification to Minister of Education

5.1 Upon adoption of the Real Property Disposal By-law by the Board, the Board will provide without delay the following documentation to the Minister:

i) A copy of the Board's Real Property Disposal By-law authorizing disposal of the property; and

ii) Written notification of the disposition and allocation of the proceeds as required under section 100(2) of the School Act.

6.0 Transfer of Title

6.1 Where disposal is by sale or transfer, the transfer of title shall be completed in accordance with the terms of the agreement entered into with the purchaser.