

DISPOSAL OF REAL PROPERTY

Background

When real property becomes surplus to District needs, the surplus property may be used for other purposes or sold.

The Board has the responsibility for the disposal of its real property, defined as lands, buildings, improvements to lands and buildings, leases, rights-of-way, easements and land dedications. If, after considering the future educational needs of the District, the Board deems property as no longer required for District purposes it, shall dispose of such property through a public tender or other public bidding process which will ensure that a fair market value is obtained. In accordance with the *School Act*, the Board must inform the Ministry of Education of the disposal of land and/or improvements to land.

Procedures

1. The District may dispose of land or improvements deemed surplus providing:
 - 1.1 Future educational needs of the District have been considered,
 - 1.2 Disposition of land or improvements is conducted through a public process, and
 - 1.3 Disposition of land or improvements is at fair market value.
2. When disposition is through sale or lease the Board will :
 - 2.1 Pass a capital bylaw declaring the property to be surplus to the needs of the District.
 - 2.1.1 The bylaw must include confirmation that the Board will not require the property for future educational purposes; the name, address, and facility number of the property and the legal description of the property.
 - 2.2 Instruct District staff to proceed with the disposal of the property.
 - 2.3 The Secretary-Treasurer or designate(s) will:
 - 2.3.1 Undertake the necessary steps to create a legal entity of the property to be disposed should it be necessary to subdivide it from a “parent” property that is to remain in the ownership of the District;
 - 2.3.2 Arrange for preparation of a legal survey plan showing the boundaries of the property to be disposed, where appropriate;
 - 2.3.3 Obtain an appraisal prepared by an independent professional appraiser;
 - 2.3.4 Initiate the disposal process;

- 2.3.5 Determine if the proceeds from the sale of the disposed property will be credited to either the shareable capital reserve or the non-sharable local capital reserve in accordance with Section 100 of the *School Act*.
- 2.4 The Ministry of Education will be provided with the following documentation:
 - 2.4.1 A copy of the Board's bylaw authorizing disposal of the property; and
 - 2.4.2 Written notification of the disposition and allocation of the proceeds as required under Section 100(2) of the *School Act* and as described above.
- 3. The Board shall not be bound to accept any proposal for the facilities, regardless of the amount of any bid.
- 4. The Board will pass a capital bylaw authorizing any road and utility dedication(s) and will provide a copy of the bylaw to the Ministry of Education. The bylaw must include:
 - 4.1 The name of the requester (i.e., usually a municipality) and the reason(s) for dedication(s);
 - 4.2 Confirmation that the dedication(s) will have no adverse effects on the delivery of educational programs in the District now and in the foreseeable future,
 - 4.3 The name and facility number of the school property; and
 - 4.4 A legal survey plan showing the boundaries of the dedication(s).

Reference: Section 65, 85, 100, School Act

Last reviewed: June 2021