

SCHOOL DISTRICT NO. 48 (SEA TO SKY)

REGULATION SERIES 900 - BUILDINGS & SITES

R905 BUILDINGS & SITES R905.2 Disposal and Acquisition of Land or Improvements (In Whole or in Part)

This Regulation provides further direction for the disposal of land and improvements by sale, transfer in fee simple or lease.

Definitions

- “a lease of 10 years or more” means a lease of 10 years or more, including the cumulative total of all options and rights to extend or renew the lease,
- “alternative community use” means a use by a community agency or organization for land or improvements owned by the Board, other than for the educational purposes of the Board,
- “board ” means a board defined in the *School Act* and includes a francophone education authority,
- “dispose” means dispose as defined in the *Interpretation Act*,
- “independent school” means an independent school as defined in the *Independent School Act*,
- the “Board” means the Board of Education of School District No. 48 (Sea to Sky),
- “District” means School District No. 48 (Sea to Sky),

1. General

1.01 The Board will only dispose of land and improvements in accordance with the *School Act* and *Ministerial Order M193/08*.

2. Disposal of Land or Improvements to Another Board or Independent School for Educational Purposes

2.01 The Board may, without Ministry approval, dispose of land or improvements to another board, including the francophone education authority or an independent school for educational purposes.

3. Disposal of Land or Improvements for Alternative Community Use: Lease of Under 10 years

3.01 The Board may, without Ministry approval, dispose of land or improvements by way of lease for a period of under 10 years if such a disposition is to an agency or organization for an alternative community use.

4. Other Disposals of Land or Improvements

4.01 Should the Board determine that there may be an alternative community use for surplus or underutilized land or improvements, then the Board will consult with local government, community organizations and the public on the possible alternate community uses.

4.02 The alternative community use consultation process will include:

- a) Consideration of future enrolment growth in the district, including Kindergarten to Grade 12, adult programs, and early learning;
- b) Consideration of alternative community use of surplus space in school buildings and other facilities; and
- c) A fair consideration of the community's input and adequate opportunity for the community to respond to the Board's plans for the school.

4.03 Following the consultation process, the Board shall give consideration to public input prior to making its final decision with respect to the disposal of land or improvements.

4.04 If the Board intends to dispose of land or improvements by sale and transfer in fee simple or by a lease of 10 years or more to anyone other than a board of education (including a francophone education authority) or an independent school for educational purposes, the Board shall first seek the approval of the Minister in accordance with *Ministerial Order M193/08* and applicable Ministerial policy.

5. Bylaw

5.01 The Board shall only dispose of land and buildings by by-law in accordance with the process set out in the *School Act* and *Ministerial Order 193/08* and shall include:

- a) confirmation that the Board will not require the land or improvements for future educational purposes;

- b) the name and facility number, if any, and
- c) the address and legal description.

5.02 When the Board disposes of land or buildings the Board must, without delay, provide the Minister with a copy of the Bylaw, and written notification of the disposition and allocation of the proceeds.

6. Disposal Process

6.01 When the Minister is notified of the disposition and Ministerial approval is obtained (if necessary), the Board may proceed with the following process:

Step 1) Direct District staff to do the following:

- a) undertake necessary steps to create the legal entity of the property to be disposed, if it is to be sub-divided from the “parent” property to remain in the ownership of the District.
- b) arrange for the preparation of a legal survey plan showing the boundaries of the property to be disposed.
- c) initiate the disposal process. Land or improvements disposed of to an entity for use other than an educational or alternative community use will be sold through public tender or other competitive bidding process to ensure fair public access and market value is obtained.
- d) establish where the proceeds from the sale of the disposed property shall be credited, either to the shareable capital reserve or the local non shareable capital reserve in accordance with Section 100 of the *School Act*.

Step 2) Commence the process of entering into an agreement to dispose of the land or improvements.

Step 3) Credit the proceeds from the disposition to the appropriate capital reserve(s) based on the allocation determined in Step 1(d) above.