

# BOARD OF EDUCATION

## SCHOOL DISTRICT NO. 35 (LANGLEY)

**POLICY MANUAL**

**Policy No. 3601**

**SUBJECT: DISPOSAL OF REAL PROPERTY**

**Date**

**Revised: 07 02 13 15 05 26**

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This policy and accompanying regulations address how the Board will deal with the disposition of lands or improvements (“Property”) in accordance with Ministerial Order M193/08 Disposal of Land or Improvements Order and the Minister’s School Closure and Disposal Policy.

The Board, may, after considering the future needs of the District, decide that Property is no longer required for future educational purposes. Subject to this policy, its regulations and the policies and orders of the Minister, the Board may dispose of such property:

1. by sale, transfer in fee simple or lease of ten years or more to another board or independent school for educational purposes;
2. by lease, other than a lease of ten years or more, if such disposition is to an agency or organization for an alternative community use; or,
3. on such terms as the Minister may approve.

The Board will engage in community consultation prior to the disposal of property.

The Secretary-Treasurer is authorized to act on behalf of the Board and to enter into agreements on behalf of the Board with respect to the disposition of Property, except that any disposition as described above and any determination that the property is no longer required for future educational purposes must be made by the Board.

1. It is the responsibility of the Board, by Bylaw, to determine whether Property is not required for future educational purposes.
2. The Board may, subject to the terms of Board Policy and these Regulations, and the requirements of the School Act, Regulations, and Ministerial Orders, dispose of any Property that is not required for future educational purposes.
3. The Board may, by Bylaw, dispose of Property in a manner permitted by the School Act and Ministerial Orders, including:
  - a) by sale, transfer in fee simple or lease of ten years or more to another Board or independent school for educational purposes;
  - b) by lease, other than a lease of ten years or more, if such disposition is to an agency or organization for an alternative community use; or,
  - c) on such terms as the Minister may approve.
4. Nothing in Policy No. 3601 or these Regulations shall in any way be construed as limiting the authority of the Secretary-Treasurer, which is hereby granted, to enter into license agreements authorizing the use by third parties of Board Property.
5. If the Board has determined that a Property is not required for future educational purposes then, subject to the terms of this Procedure, the Board may by Bylaw approve the disposal of the Property.
6. The Board shall engage in public consultation before making a final decision regarding the permanent disposition of a Board Property. Once the Board has approved in principle the disposition of a Property, the Board may offer the Property for public sale on the terms the Board proposes.
7. Except for disposals to the Conseil Scolaire Francophone or other Boards of Education or to an independent school, fee simple sales and long-term leases will be conducted through a process that enables the community to know when the property is being offered for sale or long term lease and provides an opportunity for members of the public to acquire the property. The Board may authorize other specific exceptions to this requirement on terms that in the Board's opinion reflect fair market value, including, without limitation, a disposal:
  - a) to a non-profit organization, public authority, government organization or community agency, for educational or community use;
  - b) as part of an exchange of land or improvements;
  - c) that is a further long-term lease to an existing tenant; or,
  - d) to an owner of adjoining land for the purpose of consolidating the adjoining land.

8. Regardless of whether Section 7 of these Regulations applies, the Board may only proceed with final approval of a disposition after it has passed a Bylaw, in accordance with section 65(5) of the School Act, at a meeting of the Board. The Bylaw must include:
  - a) confirmation that the Board will not require the Property for future educational purposes;
  - b) the name and facility number of the Property;
  - c) the address and legal description of the Property;
  - d) the agreed terms and conditions; and,
  - e) authority to the Secretary-Treasurer to execute on behalf of the Board all related documentation required to complete the terms of the agreement.
  
9. If a Property is to be offered for sale, then:
  - a) the Secretary-Treasurer will determine whether a legal survey plan for the Property exists and if not, will determine whether it is necessary to commission one; and,
  - b) the Secretary-Treasurer, may, if appropriate, obtain the most recent property assessment for the Property and arrange for an independent appraisal of the Property to be obtained from a qualified real estate appraisal firm.
  
10. If a Property is to be offered to the public for permanent disposition, the Secretary-Treasurer may advertise the proposed disposal in local and provincial media, including the following:
  - a) a description of the Property;
  - b) the nature and, if applicable, the term of the proposed disposal; and,
  - c) the process by which the Property may be acquired.
  
11. Upon completion of the disposal of a Property, the Board shall, in accordance with section 96(3) of the School Act, without delay provide the Minister with:
  - a) a copy of the Bylaw referred to in Section 8 of these regulations; and,
  - b) written notification of the disposition and allocation of the proceeds as required in section 100(2) of the School Act, if necessary.