



Administrative Procedure 519

DISPOSAL OF REAL PROPERTY

Background

This administrative procedure outlines how the District deals 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 District will engage in community consultation prior to the disposal of property.

The Secretary-Treasurer is authorized to act on behalf of the District and to enter into agreements on behalf of the District 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.

Procedures

1. It is the responsibility of the Board, by Bylaw, to determine whether property is not required for future educational purposes.
2. The District may, subject to the terms of this administrative procedure, 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:
 - 3.1. By sale, transfer in fee simple or lease of ten years or more to another Board or independent school for educational purposes.
 - 3.2. 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
 - 3.3. On such terms as the Minister may approve.
4. Nothing in this administrative procedure 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 District property.
5. If the Board has determined that a property is not required for future educational purposes then, subject to the terms of this administrative procedure, the Board may by Bylaw approve the disposal of the property.

6. The District shall engage in public consultation before making a final decision regarding the permanent disposition of a District property. Once the Board has approved in principle the disposition of a property, the District may offer the property for public sale on the terms the District proposes.
7. Except for disposals to the Conseil Scolaire Francophone or other Boards 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 District may authorize other specific exceptions to this requirement on terms that in the District's opinion reflect fair market value, including, without limitation, a disposal:
 - 7.1. To a non-profit organization, public authority, government organization or community agency, for educational or community use.
 - 7.2. As part of an exchange of land or improvements.
 - 7.3. That is a further long-term lease to an existing tenant; or,
 - 7.4. To an owner of adjoining land for the purpose of consolidating the adjoining land.
8. Regardless of whether Section 7 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:
 - 8.1. Confirmation that the District will not require the property for future educational purposes.
 - 8.2. The name and facility number of the property.
 - 8.3. The address and legal description of the property.
 - 8.4. The agreed terms and conditions; and,
 - 8.5. Authority to the Secretary-Treasurer to execute on behalf of the District all related documentation required to complete the terms of the agreement.
9. If a property is to be offered for sale, then:
 - 9.1. 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
 - 9.2. 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:
 - 10.1. A description of the property.
 - 10.2. The nature and, if applicable, the term of the proposed disposal; and,
 - 10.3. The process by which the property may be acquired.
11. Upon completion of the disposal of a property, the Board shall, in accordance with Ministerial Order 193/08, without delay provide the Minister with:

- 11.1. A copy of the Bylaw referred to in Section 8 of this administrative procedure; and,
- 11.2. Written notification of the disposition and allocation of the proceeds as required in section 100(2) of the School Act, if necessary.

Reference: Sections 22, 23, 65, 85, 96, 100, 106.2, 106.3, 106.4, 110, 111, 112, 112.1, 113, 114, 115, 117,
118 School Act
Ministerial Order M193/08

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