

DISPOSAL OF LAND OR IMPROVEMENTS

Background

Ministerial Order M193/08 (the “Order”) provides that a Board must not dispose of land or improvements by way of sale or by way of lease of ten years or more unless such disposal is to another Board or an independent school or is approved by the Minister. Section 65(5) of the School Act requires that all dispositions of land (whether by way of sale or lease) be authorized by bylaw. (The Order does not apply to lands held “in trust for school purposes and as a school site;” such lands are governed by Section 99 of the School Act).

The Order also provides that a Board must develop policies and procedures with respect to the disposal of land or improvements and make these policies and procedures publicly available.

Procedures

1. The Board will only dispose of land and buildings in accordance with the School Act and Ministerial Order M193/08 – Disposal of Land and Improvements Order.
2. The Board may, without Ministry approval, dispose of land and buildings to another Board of Education, including the Francophone Education Authority, for educational purposes.
3. The Board may, without Ministry approval, dispose of land or improvements by way of lease for a period of under ten years if such disposition is to an agency or organization for an alternative community use.
4. When the Board determines that there may be an alternative community or otherwise use for surplus land and/or buildings, then the Board will consult with local government, community organizations and the public on possible alternative community or otherwise uses.
5. The disposal of land or improvements consultation process, whether by alternative community use or otherwise, will include:
 - 5.1. consideration of future enrolment growth in the District, including Kindergarten to Grade 12, adult programs, and early learning;
 - 5.2. consideration of alternative community use of surplus space in school buildings and other facilities; and
 - 5.3. a fair consideration of the community’s input and adequate opportunity for the community to respond to the Board’s plans for the school.
6. If the Board intends to dispose of land and buildings by sale and transfer or by a lease of ten years or more to anyone other than a Board of Education (including the Francophone Education Authority) the Board shall first seek the approval of the Minister.

7. The Board shall only dispose of land and buildings by bylaw in accordance with the process set out in the School Act and Ministerial Order 193/08 and shall include:
 - 7.1. confirmation that the Board will not require the land or improvements for future educational purposes;
 - 7.2. the name and the facility number, if any, and;
 - 7.3. the address and legal description.
8. 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.
9. Prior to disposing of any land and/or buildings, the District shall obtain an appraisal of the property and buildings by at least one independent professional appraiser to obtain an estimate of the fair market value of the land and/or building.
10. Should the District not dispose of surplus property or buildings to another Board of Education or in connection with an alternative community use then the District may advertise for sale, at its fair market value, or be advertised by the District through the Request for Proposal (RFP) process. Acceptance or rejection of any offers or proposals shall be subject to Board ratification.
11. If there is no disposition from the RFP process, the District will list the property for sale. Acceptance or rejection of any offers or proposals will be subject to Board ratification.
12. Generally, the District will attempt to obtain fair market value for dispositions but may, in its discretion:
 - 12.1. grant leases or licenses of land and improvements for less than fair market value to non-profit organizations, including to childcare/daycare societies; and
 - 12.2. dispose of land and improvements for less than fair market value to community agencies or organizations, educational authorities and government agencies where it deems it in the best interests of the Board.
13. The Board may delegate to the Secretary Treasurer the authority to act on behalf of the Board and to enter into agreements on behalf of the Board subject to an authorizing Board bylaw, and Ministerial approval (where required).

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

Approved: January 10, 2012

Revised: August 15, 2021