

DISPOSAL OF LAND OR IMPROVEMENTS

Background

The District recognizes the merits of retaining or disposing of land or improvements (property), in the best interests of the District.

Where the Board determines that real property and improvements owned by the District are to be disposed of, the Secretary-Treasurer shall table with the Board procedures to be followed that are consistent with good business practices and the provisions of the School Act and Ministerial Order M193/08.

Any real property and improvements approved for disposal must be surplus to the current and future educational needs of the District and, subject to specific exceptions as specified in the Ministerial Order, shall generally be disposed of through a public process and at fair market value.

Definitions

Disposal means ownership transfer, entering into a lease with a term ten years or longer including all renewals or options to renew.

Property means land, other than land subject to a Crown grant trust, and any improvements that may be on that land but excludes portable classrooms.

Procedures

1. The Board may grant a charge on land such as an easement, a right-of-way or a covenant only after first advertising its intent to do so in local newspapers and giving the public thirty days to make comments to the Board about the proposed charge on land.
2. When the Board determines that a specific piece of property is not required for educational purposes but will likely be required for educational purposes within ten years, the Board will only consider short term rentals and leases with a term of less than ten years for that property.
 - 2.1 Public consultation is not required before making such a determination or before entering into short term rentals or leases of the property.
3. When the Board, in a Board meeting open to the public, determines that a specific piece of property is not required for educational purposes and will not be required for educational purposes for ten years or more, the Board will consult with the public about:
 - 3.1 The advisability of keeping that property in reserve for future educational purposes,
 - 3.2 Alternate public uses of that property by a local government or a community organization,
 - 3.3 Use of the property for educational purposes by an independent school,

- 3.4 Use of the property by Conseil scolaire francophone,
 - 3.5 The advisability of entering into a long-term lease of the property to a private interest, and
 - 3.6 The advisability of selling of the property for fair market value to any other person.
4. The Board must not make a decision on any matter described in section 3 until it has consulted with the public in a public process.
 5. The public consultation process shall be determined by the Board in a Board meeting open to the public and shall, as a minimum:
 - 5.1 Include consulting with local governments and community organizations within the District boundaries;
 - 5.2 Include one public meeting to which the public has been invited to attend and make presentations to the Board; and
 - 5.3 The Board will determine the length of public consultation prior to beginning the consultation process.
 6. After making the determination described in section 3, the Board will, for the duration of the public consultation process, maintain the property to an extent that minimizes deterioration.
 7. After making the determination described in section 3 and after consulting with the public as described in sections 4 and 5, the Board may, without further public consultation, demolish buildings and other improvements on the property, or may dispose of the property in any way it sees fit, giving first consideration to alternate community use of those lands or improvements.
 8. The Board does not have the authority to dispose of land that is subject to a Crown grant trust.
 - 8.1 Once the Board has determined that any such lands are not required for educational purposes and will not be required for educational purposes in the future, the Board will relinquish all rights to use that land.

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

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