

Policy 20 – Disposal of Lands and Improvements

The Board of Education of School District No. 34 (Abbotsford) (the “**Board**”) is required to develop and implement policies and procedures with respect to the disposal of land or improvements under the *School Act*, R.S.B.C. 1996, c. 412 (the “*School Act*”), consistent with Ministerial Order M193/08 (Disposal of Land or Improvements Order).

A. Board Responsibility

The Board has the responsibility for the disposal (including by sale, leases or the granting of a charge) of its real property, which includes lands, buildings and other improvements, leases, right-of-way, easements and land dedications. In accordance with the *School Act*, the Board may, subject to the orders of the Minister of Education and Child Care (the “**Minister**”), dispose of land or improvements, or both (each a “**Facility**”).

B. Policy Not Applicable

This policy is not applicable to:

- (a) a disposal of a Facility acquired by the Board by way of a Crown grant that grants land to the Board in trust for educational purposes; and
- (b) a transfer of indefeasible title by the Minister to a francophone education authority pursuant to Section 101.5 of the *School Act*.

C. Disposal of Land or Improvements

The Board will not dispose (as defined in the *Interpretation Act*, R.S.B.C. 1996, c. 238) of a Facility by sale and transfer in fee simple or by way of a lease of 10 years or more (including, for greater certainty, the cumulative total of all options and rights to extend or renew the lease) unless such disposal is:

- (a) to another board as defined in the *School Act* (which includes, for greater certainty, a francophone education authority);
- (b) to an independent school (as defined in the *Independent School Act*, R.S.B.C. 1996, c. 216) for educational purposes; or
- (c) approved by the Minister (with any terms and conditions imposed by the Minister).

The Board may dispose of a Facility by way of lease, other than a lease of 10 years or more (including, for greater certainty, the cumulative total of all options and rights to extend or renew the lease), if such disposition is to an agency or organization for an alternative community use.

The Board will not transfer, lease or otherwise dispose of its interest in any Facility for which the Minister has filed an order under Section 101.2(1) of the *School Act* (the “**Designation Order**”), unless the Designation Order has been rescinded or written consent of the Minister is filed in the Land Title Office.

D. Procedures

When selling or transferring a Facility in fee simple or by way of lease of 10 years or more, the following procedures will be used:

1. Determination of Ownership

1.1 Prior to initiating the process for disposal of a Facility, the Board will:

- (a) conduct a title search of the lands to confirm that the name of the fee simple registered owner is “The Board of Education of School District No. 34 (Abbotsford)”. If the Board’s registered name on title refers to a previous name used by the Board, the Board will cause an update to its registered name on title; and
- (b) complete a historical title report to confirm whether the Facility was acquired pursuant to a Crown grant trust whereby the Facility is held by the Board in trust for educational purposes.

2. Considerations

2.1 The Board will consider each Facility on its own merit.

2.2 No part of a Facility will be made available for rent or lease during regular school hours if it is felt that to do so would interfere with the Board’s educational program being offered in the Facility.

2.3 No consideration will be given to the disposal of any Facility until Board staff has had an opportunity to review with the Board, the current and future educational needs of School District No. 34 (Abbotsford) (the “**School District**”) and possible alternate uses. Community use of a facility will also be considered, being mindful of Item 2.2 above.

2.4 No part of a Facility will be made available for rent or lease during regular school hours if it is felt that to do so would interfere with the Board’s educational program being offered in the Facility.

2.5 The Board’s Facilities Booking Department will be advised when the Board is proceeding with the lease or sale of any Facility in order that an external user of the facility may make suitable arrangements should alternate space be required for their program.

3. Consultation

- 3.1 The Board will undertake broad public consultation in connection with the potential disposal of the Facility and seek input from the education community, general public, local government, community organizations, the Conseil Scolaire Francophone de la Colombie-Britannique, local independent school authorities and local First Nations.

4. Request Minister Approval

- 4.1 If the Board decides to proceed with arrangements to dispose of a Facility, the Board will request ministerial approval for the disposition of the Facility from the Minister and submit all required materials and information required by the Minister for the Board’s request for approval.

5. Disposal Process

- 5.1 After consultation in accordance with Item 3, if the Board has decided that a Facility is no longer required to serve the needs of the School District, and will not be required for future educational purposes, the Board will:

- (a) offer the Facility for sale and/or lease (subject to Minister approval if not already received by the Board and subject to bylaw approval by the trustees of the Board);
- (b) announce its intentions to sell or lease the Facility at a regular public meeting of the Board;
- (c) post a “for sale” or “for lease” sign on the site, visible from a public street, and
- (d) place an advertisement in a local newspaper for at least two (2) consecutive weeks

- 5.2 Any prospective purchaser or lessee must satisfy the Board that it has the ability to meet the financial obligation to the Board, and the Board must be satisfied that the disposition of the Facility is at fair market value.

- 5.3 The consent of the Board may be provided to prospective purchasers for the purposes of text amendments or rezoning applications.

6. Disposal Bylaw

- 6.1 The Board will not dispose of a Facility without a bylaw enacted to authorize the disposal of a Facility. The Board’s bylaw will include, but is not limited to, the following:

- (a) confirmation that the Board will not require the Facility for future educational purposes;
- (b) the name and the facility number, if any; and

- (c) the address and legal description.
- 6.2 The Board will deliver a bylaw enacted to authorize the disposal of a Facility to the Minister without delay.
- 7. Notification**
- 7.1 When the Board disposes of a Facility, the Board will, without delay, provide the Minister with written notification of:
- (a) the disposition of the Facility; and
 - (b) the allocation of the proceeds between the Board and the Minister according to the Board's contribution and the Minister's contribution to the capital expenditure in accordance with Section 100(2) of the *School Act*.