

## **REGULATION #6512.1**

### **MANAGEMENT OF UNUSED PROPERTIES**

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This regulation does not apply to the granting of a license to use surplus school property by the board.

#### **SHORT TERM DISPOSITION OF PROPERTY**

(Lease for less than 10 years including all options and rights to renew)

Disposition (“dispose”) is defined in the Interpretation Act as follows:

“dispose” means to transfer by any method and includes assign, give, sell, grant, charge, convey, bequeath, devise, lease, divest, release and agree to do any of those things;”.

Property that is being held for future use may be leased or otherwise disposed of providing:

1. Agencies or community organizations who might reasonably be expected to be interested in the property for alternative community use are afforded opportunity to submit proposals.
2. The use of property, whether leased or otherwise disposed of, is not inappropriate for property owned by the board.
3. The use to which the property is put does not appreciably alter the property.
4. The school district is indemnified by the user or lessee of the property and, where appropriate, a damage deposit is obtained.
5. The terms of the proposed disposition are acceptable to the board for any rental in excess of one (1) year.
6. Any lease or rental reflects reasonable market values.
7. The lease term is less than ten (10) years.

#### **LONG TERM DISPOSITION OF PROPERTY**

(Leases of 10 years or more)

1. Prior to property that is surplus to the district’s needs being leased or otherwise disposed of for a period of ten years or more, the board shall consult with the public, including all community agencies and organizations that might wish to use the property for alternative community uses with the exception that a public consultation process is not required for long term leases of surplus

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- property to another school district or to an independent school for educational purposes.
2. The district shall obtain approval of the Minister of Education for all such leases except those to another school district or to an independent school for educational purposes.
  3. If surplus school district property is leased to an independent school for 10 years or more, there will be a requirement in the lease that the property be used for educational purposes only.
  4. Prior to finalizing a long term lease of surplus district property, the district will confirm to the Minister of Education that it will not need the property either for future educational purposes or alternative community uses.
  5. The district shall, prior to finalizing any such lease, satisfy the Minister of Education that it has consulted with local government, community organizations and the public on possible alternative community uses of the surplus property.
  6. This public consultation shall include consideration of future enrolment growth in the district including preschool age, school age and adult populations and must include fair consideration of the community's input on the board's plans for the school including the consideration of alternative community use(s).
  7. Leases of surplus district property for alternative community use(s) or to another school district or to an independent school may be for less than fair market value.
  8. The ten-year time limit for the calculation of the length of a lease includes the cumulative total of all options and rights to extend or renew the lease.
  9. All long term leases of school property shall be authorized by bylaw.

### **SALE OF PROPERTY**

Property that is surplus to the district's needs may be sold or exchanged for property that is required, providing:

1. Prior to offering the property for sale, the board must consult with local governments, the public and community agencies and organizations with respect to possible alternative community use(s) of the property.
2. The public consultation process must include consideration of future enrolment growth in the district including preschool age, school age and adult populations

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- and must include fair consideration of the community's input into the board's plans for the property.
3. Prior to offering the property for sale, the board will confirm to the Ministry of Education that it will not require the property either for future educational purposes or for alternative community use(s).
  4. Prior to finalizing the sale of surplus district property, the district shall obtain the approval of the minister except in the case of a sale to another school district or to an independent school for educational purposes.
  5. Any sale of property to an independent school for educational purposes shall include a restrictive covenant that confines use of the property to educational purposes only.
  6. If the sale of the property is to a purchaser other than another school district or to an independent school for educational purposes, the district will ensure that a competitive bidding process has been undertaken to ensure that the district receives fair market value for the sale of its property.
  7. All sales of school properties shall be authorized by bylaw.

### **GENERAL**

1. The bylaw must include:
  - a) Confirmation that the board will not require the land of improvements for future educational purposes.
  - b) The name and the facility number, if any.
  - c) The address and legal description.

and the bylaw must be provided to the Minister without delay.

2. The board will without delay notify the minister in writing of a disposition and allocation of the proceeds pursuant to section 100(2) of the School Act.

### **RETENDERING**

When property that is surplus to the district's needs or is being held for future use has been offered for lease, sale or exchange, and is not let, sold or exchanged within one (1) year, advice to potentially interested parties will again be provided before any action is taken with respect to the property.

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### **PRIORITIES**

When proposals have been received for the lease or sale of property, and all considerations are relatively equal, priority will be given, in the following order:

1. Proposals which offer, in exchange, property that is required for school district purposes.
2. Proposals from other government or tax supported bodies.
3. Proposals from non-profit public agencies offering community services.
4. Proposals from other organizations offering services to the public (e.g. private schools, day care).
5. Commercial, business or industrial proposals.

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