



XXXX: DISPOSAL OF DISTRICT PROPERTY OR FACILITIES (A/P)

If a Board of Education no longer requires property for educational purposes, the Board must seek the approval of the Minister prior to disposing of the property by sale and transfer or by a lease of 10 years or more, unless the Board is selling or leasing land or buildings to another Board (including the Conseil Scolaire Francophone) or independent school for educational purposes.

In accordance with applicable Board Policies, the *School Act*, and applicable Ministerial Orders the following Administrative Procedure defines the framework for the disposal of land or improvements deemed surplus to the future needs of the school district.

1.0 DETERMINATION OF OWNERSHIP

1.1 Prior to initiating the disposal of any Real Property, the Board will conduct a title search to confirm that the property is registered in the name of the Board of Education of School District No. 70 (Pacific Rim) with fee simple ownership.

1.2 The title search should include a determination as to whether the Real Property is the subject of a Crown Land grant, or subject to any registered charges. (Note: Any parcels comprising the property that are the subject of a Crown land grant must be individually identified. However, these parcels will not be considered as part of the request for Ministerial approval to pursue disposal of the property, as grants of Crown land granted under the School Act or any of its predecessors are exempted under section 2 of the Disposal of Land or Improvements Order).

2.0 DECLARE THE PROPERTY OR FACILITY AS SURPLUS TO THE DISTRICT'S FUTURE NEEDS

2.1 School buildings are valuable assets where communities may find new uses, now and in the future. As such, Boards of Education must consider potential needs for alternative community use. With respect to surplus or underutilized school space, the Board must consult with local and Indigenous governments, community organizations and the public on alternative community uses. This consultation process must include:

- a) Consideration of future enrolment growth in the district, including Kindergarten to Grade 12, adult programs, and early learning;
- b) Consideration of alternative community use of surplus space in school buildings and other facilities; and
- c) A fair consideration of the community's input and adequate opportunity for the community to respond to the Board's plans for the school.

2.2 A reasonable broad consultation process should involve the following:

- a) In-person meeting with each of the Nations on whose territory we operate and request written support/feedback;
- b) Written communication with local government and request written support/feedback;
- c) Advise members of the public of a 30-day consultation period, including providing means for feedback;
- d) Advise all school families of a 30-day consultation period, including providing means for feedback; and
- e) Host an Info Session on a weekday evening that people can attend with any questions they may have (optional).



2.3 Once the consultation process has been conducted, the Board must declare via Board motion that the property is surplus to the current needs of the school district and will not be required by the Board of Education for a future purpose.

3.0 APPROVAL PROCESS - MINISTER OF EDUCATION AND CHILD CARE

3.1 The formal request to the Minister of Education must address the following, as described in more detail in the [Real Property Disposal – Required Information Checklist](#):

- a) Property Background;
- b) Property Description;
- c) Land Title Information;
- d) Property Disposal Information; and
- e) Property Evaluation Information.

3.2 The Board must pass a motion declaring the property is surplus to the current needs of the school district, and will not be required for future educational purposes, including K-12 programming, new educational initiatives or early learning programs.

4.0 LAND AND MAJOR FACILITIES DISPOSAL

4.1 If Ministerial approval is received, there are three optional ways to proceed with disposal of the property:

List with a licensed Realtor

- a) After appraisal, the land and/or facility may be listed with a licensed realtor to be advertised for sale.
- b) If the Board chooses to sell the property through a realtor, as part of the listing contract, a large “For Sale” sign must be clearly placed on the property.
- c) The listing contract shall also specify that the property must be well advertised in local news media for at least three (3) consecutive weeks.

Advertise using a Request for Proposal (RFP)

When the requests for proposals (RFP) method is chosen to dispose of the property, the Board shall:

- a) Ensure a large “For Sale” sign is clearly posted on the property;
- b) Ensure that the RFP is published in local newspapers for no less than three (3) consecutive weeks;
- c) The Board may deal and negotiate with parties who have expressed interest in the land and/or buildings without further public notice.
- d) If the Board does not conclude a sale or lease within one year of the final RFP notice, the Board will either list the property with a licensed Realtor or reinitiate the sale through RFP process.



Sell directly to a pre-determined Interested Party

In the case that the Minister provides conditional approval to dispose of a property to a specific party, the Board may proceed to enter sale negotiations directly with that party, without any further public notice.

- a) In this case, it is likely that the 90-day Enhancement Referral Process (ERP) has been waived. Should the sale not occur, the school district must notify Ministry staff, and the property will undergo the ERP through Citizen's Services, before proceeding further.
- b) Following conclusion of the 90-day ERP, and provided the Minister gives unconditional approval to dispose of the property, the Board may proceed with the options of advertising the property for sale as set out in sections 4.1.1 and 4.1.2.

4.2 Acceptance or rejection of any offers or proposals will be subject to Board consideration.

5.0 BOARD BYLAW

5.1 Once the Board has determined a successful purchaser/proposer, a Real Property Disposal Bylaw authorizing the disposal will be made pursuant to Section 65 (5) of the *School Act*. The Bylaw must include:

- a) confirmation that the Board will not require the land or improvements for future educational purposes;
- b) the name and the facility number, if any;
- c) the address and legal description of the property; and
- d) provision of authority to the Secretary Treasurer to execute on behalf of the Board all related documentation required to complete the terms of the agreements.

5.2 Following adoption of the Real Property Disposal Bylaw, all related documentation required to complete the terms of the agreement should be executed.

6.0 NOTIFICATION TO MINISTER OF EDUCATION AND CHILD CARE

6.1 Upon disposal of the property, the Board will provide the following documentation to the Minister of Education and Child Care, pursuant to the [Disposal of Land or Improvements Order](#):

- a) a copy of the Real Property Disposal Bylaw;
- b) written confirmation of the disposition; and
- c) the allocation of the proceeds as required under section 100 (2) of the *School Act*.

7.0 ALLOCATION OF SALE PROCEEDS

7.1 Regarding section 6.1(c) the Board must determine how the sale proceeds should be allocated, according to the original contributions to the acquisition of the property made by the Province and the Board of Education. This determination must be specified in the Notification provided to the Minister.

- a) If the Board was the sole financial contributor in the original purchase of the property, it should be noted that 100% of the proceeds be apportioned as local capital funds.
- b) In situations where the Board is unable to determine the proportion of the original expenditure, the Minister has the authority to allocate the proceeds. By this authority,



the Minister will allocate the proceeds as 25 percent local capital funds, and 75 percent as minister-restricted capital funds.

- 7.2** Note that a Board's local capital funds may be used by the Board for capital projects at its own discretion, whereas a Board's minister-restricted capital funds may only be used by the Board for capital projects with the approval of the Minister.

8.0 NOTICE OF DISPOSITION

- 8.1** Following completion of the disposition of property, the transaction should be reported at the next Public Board Meeting.

Resources:

School Act s. 22, 23, 65, 85, 96, 100, 106.2, 106.3, 106.4, 110, 111, 112, 112.1, 113, 114, 115, 117, 118
Ministerial Order M193/08 Disposal of Lands or Improvements Order (Sept 2008)
Ministerial Order M194/08 School Opening and Closure Order (Sept 2008)
Real Property Disposal Information Checklist, Ministry of Education and Child Care (July 2023)
Policy 330 Disposal of District Property or Facilities
Policy 310 School Closure Reconfiguration
Vancouver School Board Policy 20 Disposal of Land or Improvements