

SURPLUS LAND AND BUILDINGS

Background:

When land and buildings become surplus, the Division shall arrange for the effective disposal of these items.

Definitions:

Real Property:

is property that includes land and buildings, and anything affixed to the land.

Procedures:

1. The Division shall dispose of land and buildings in the best interest of the students of the Division and the community, pursuant to existing government legislation and regulation.
2. The following criteria shall be used to determine whether interest in a school reserve, municipal and school reserve, or municipal reserve is surplus to the Division's need:
 - 2.1. enrolment trends within the area intended to be served by the school reserve, municipal and school reserve, or municipal reserve;
 - 2.2. student accommodation and transportation issues;
 - 2.3. whether a school on the school reserve, municipal and school reserve, or municipal reserve is included in the Division's Capital Plan;
 - 2.4. consultation with other school jurisdictions with respect to their needs for the school reserve, municipal and school reserve, or municipal reserve; and/or
 - 2.5. any other criteria deemed necessary.
3. Disposing of surplus land and buildings requires the approval of the Board.
 - 3.1. If the Board intends to sell real property that has a value of more than \$50,000, the Board shall conduct the sale in accordance with Section 9 of the Disposition of Property Regulation.
 - 3.2. If the Board sells real property, the Board shall repay all outstanding debt relating to that real property, and any proceeds remaining shall be distributed as prescribed in Section 10 of the Disposition of Property Regulation.
 - 3.3. If the Board is of the opinion a school reserve, municipal and school reserve, or municipal reserve in which the Board has an interest is surplus to the Division's needs, the Board shall provide the Minister with a declaration to that effect.
4. Where interest in a school reserve, municipal and school reserve, or municipal reserve is determined to be surplus, the Board shall transfer its interest in the land to the municipality where the reserve land is located, for consideration mutually agreed upon between the Board and the municipality, as prescribed in Section 672 of the *Municipal Government Act*.
5. Notwithstanding section 192(1) of the *Education Act*, the Division may, without the approval of the Minister:
 - 5.1. lease any real property that is neither a school building nor a portion of a school building;

- 5.2. lease a school building or portion of it for less than 12 months; or
- 5.3. lease a school building or portion of it for 12 months or more if the lease contains a termination provision allowing the Division to terminate the lease on 12 months' notice.

Reference:

Section 52, 53, 68, 192, 194, 222 *Education Act*
Municipal Government Act
Disposition of Property Regulation 86/2019