

Administrative Procedure 519

SURPLUS LAND AND BUILDINGS

Background

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

Definitions:

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

Procedures

1. The Division will 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 will 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 The length of time that the school reserve, municipal and school reserve or municipal reserve has existed and has not been needed by the Division,
 - 2.5 Consultation with other Divisions with respect to their needs for the school reserve, municipal and school reserve or municipal reserve, or
 - 2.6 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 one hundred thousand dollars (\$100,000), the Board must conduct the sale in accordance with Section 9 of the Disposition of Property Regulation.
 - 3.2 If the Board sells real property, the Board must repay all outstanding debt relating to that real property, and any proceeds remaining must be distributed as prescribed in Section 10 of the Disposition of Property Regulation.
 - 3.3 If the Board is of the opinion that 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 will provide the Minister with a declaration to that effect for the Minister's approval.

4. Where interest in a school reserve, municipal and school reserve or municipal reserve is determined to be surplus, the Board will 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 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 twelve (12) months, and
 - 5.3 Lease a school building or portion of it for twelve (12) months or more if the lease contains a termination provision allowing the Division to terminate the lease on twelve (12) months' notice.

Reference: Section 33, 52, 53, 68, 143, 192, 194, 222 Education Act
Section 672(1) Municipal Government Act January 1, 2020
Disposition of Property Regulation 86/2019