

## **DISPOSAL OF LAND OR IMPROVEMENTS**

### **Background**

The District owns a number of properties. The sale of property or the granting of rights-of-way or easements may limit future opportunities for the District.

In accordance with Section 96(3) of the School Act, the Board will consider the following procedures prior to approval of a property disposal bylaw.

### **Procedures**

1. Only in exceptional circumstances will the District consider permanently disposing of school property. Without the approval of the Minister of Education, a District may only sell land or buildings to another Board (including the Conseil scolaire francophone) or independent school for educational purposes. A District may lease property for under 10 years according to its own policies and procedures to an entity for an alternative community use.
  - 1.1. The Minister may approve a sale or lease of 10 years or more to an entity for use other than alternative community use. When such exceptional circumstances occur, a District must confirm that the District will not require the land or improvements for future educational or community purposes.
2. School property disposed of to an entity for use other than an educational or alternative community use must be sold through public tender or other competitive bidding process to ensure fair public access and market value is obtained.
3. Disposal of land includes the sale or the granting of a registered easement or right-of-way on the land. Prior to the disposal of land or improvement under Section 96(3) of the School Act, a bylaw describing the disposal will be prepared. The disposal must provide for:
  - 3.1. Consideration of the future educational needs of the District,
  - 3.2. Disposition of land or improvements through a public process, and
  - 3.3. Disposition of land or improvements at fair market value.
4. "Fair market value" for the purpose of this Administrative Procedure means the amount, price, consideration or rent that would be obtained by a District in an arm's length transaction on the open market between willing parties acting in good faith.
5. School property disposed of to another Board (including the Conseil scolaire francophone) or independent school for educational purposes or local government or community organization for alternative community use may be sold at less than fair market value.

6. For grants of leases, rights-of-way, easements, and other interests in property, the District will consider the impact of market value of the subject site.

Reference: Sections 22, 23, 65, 85, 96, 100, 106.2, 106.3, 106.4, 110, 111, 112, 112.1, 113, 114, 115, 117,  
118 School Act  
Ministerial Order M193/08

Adopted: November 2019  
Revised: