

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.

Procedures

1. In determining whether the Division has use for a school building that has been closed, consideration will be given to:
 - 1.1 Demographic factors.
 - 1.2 Other public educational uses for the school building.
 - 1.3 Any other criteria the Board considers necessary.
2. 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.
3. 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:
 - 3.1 Enrolment trends within the area intended to be served by the school reserve, municipal and school reserve or municipal reserve.
 - 3.2 Student accommodation and transportation issues.
 - 3.3 Whether a school on the school reserve, municipal and school reserve or municipal reserve is included in the Division's Capital Plan.
 - 3.4 Consultation with other Divisions with respect to their needs for the school reserve, municipal and school reserve or municipal reserve.
 - 3.5 Any other criteria deemed necessary.
4. Disposing of surplus land and buildings requires the approval of the Board.
 - 4.1 If the Board intends to sell real property that has a value of more than \$50,000, the Board must conduct the sale in accordance with Section 9 of the Disposition of Property Regulation.
 - 4.2 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.
 - 4.3 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.

5. 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.
6. Notwithstanding section 192(1) of the Education Act, the Division may, without approval of the Minister:
 - 6.1 Lease any real property that is neither a school building nor a portion of a school building.
 - 6.2 Lease a school building or portion of it for less than twelve (12) months.
 - 6.3 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.
7. If, with the approval of the Minister, the Board agrees to transfer to another board ownership of real property on which a school building is located:
 - 7.1 The amount payable to the Board must bear the same ratio to the current independent appraisal of the market value of the land, together with the depreciated value of the school building as set out in the Board's most recent audited financial statements, as the contribution by the Board bears to the total amount of the project for which the Board's contribution was made. This amount payable is to be paid by the Government, but if the board that is receiving the real property has any school building capital reserves, those reserves must be used to pay the amount payable and the shortfall, if any, is to be paid by the Government.
 - 7.2 It is not necessary for the Board to repay any outstanding debt on the school building.

Reference: Section 33, 52, 53, 55, 68, 143, 192, 194, 222 Education Act
Municipal Government Act
Disposition of Property Regulation 181/2010