

Statutory Compliance 3 – 6

Disposition of Real Property

Policy

School District No. 71 (Comox Valley) may dispose of property owned or administered by the Board of Education including land and improvements, leases (short-term and long-term), rights of way and easements under the authority of the *School Act* and related Ministerial Orders. The authorization for disposal of land or improvements must include consideration of the future educational needs of the district, disposition through a public process, and Ministry approval where necessary. Disposition will typically be made for fair market value unless the board's goals, principles or criteria suggest disposition at a lower value is appropriate.

In order to protect the long-term interests of the school district and make the best possible use of surplus facilities (including land, improvements and surplus classrooms), the Board of Education will consider each case and will choose from among all options available one that best suits the particular site and the needs of the school district.

Definitions

Disposition means sale or lease of land or facilities

Fair market value means the amount, price, consideration or rent that would be obtained by a school board in an arm's length transaction in the open market between willing parties acting in good faith.

Lease means every agreement whereby the school board, as landlord, confers upon another person, as tenant, the exclusive right to occupy land, a building, a portion of land or a building:

- a) for a term of at least 12 months, or
- b) in the discretion of the school board, for a term of less than 12 months.

Licence means an agreement whereby the school board, as landlord, confers upon another person the non-exclusive right to occupy a site or property, but does not convey a legal interest in land.

Rental agreement means an ad hoc agreement to use land, a building, or a portion of land or a building, between the school board and a third party where use is non-exclusive (i.e., the board may permit others to also use the land or building and/or the Board may move the group to other space to accommodate school programming needs).

Administrative Procedures

1. Where the school district has determined that surplus classrooms, an entire facility or other property is no longer required to serve the educational needs of the school district, the district may, through an open process, offer the classrooms for lease, the facility or land for lease or sale. An open process may include a Request for Expression of Interest (EOI), Notice of Intent, or Request for Proposal (RFP).
2. For surplus classrooms or whole school sites to be considered for leasing, it is not necessary that they never be required for future educational purposes, only that they are not required for a period of time that makes leasing financially viable for the school district.
3. Surplus classrooms with licence or lease potential will be reviewed with the respective school principal prior to being offered for other purposes. The school principal should consult with their PAC and school staff, as necessary.
4. Approval of the Ministry of Education must be obtained for dispositions when Ministry policy or legislation requires such approval.
5. The school district may engage the services of a qualified agent or broker to assist with the public process.
6. Any purchaser or lessee must satisfy the Board of Education that it has the ability to meet the financial obligations to the Board.
7. The Board of Education may place any operational restrictions on appropriate property usage on all leases. These restrictions will be specified in the lease agreement.
8. The Board of Education may offer the surplus land or facilities for sale or long term lease to the municipality for fair market value.

9. The Board of Education shall not be bound to accept any proposal for the facilities, regardless of the amount of any bid.
10. The Board of Education may apply to the municipality for rezoning of surplus land prior to the sale or long term leasing of land.
11. The Board of Education will inform and may, when deemed appropriate, consult with local residents and community groups regarding land or facilities disposition plans and opportunities or where there is a significant change of use of the land or facilities.