

Disposal of Land and Improvements Regulation

3520-10 | Disposal of Land and Improvements Regulation

Date Approved: February 01 2009

Date Amended: August 22 2016

When disposing of land, buildings, leases, rights-of-way and easements the process outlined in this regulation will be followed as required by *School Act* Sections 73, 96 (3) and 168 (2) (p) and (t), and the Ministry's School Opening and Closure Order and Disposal of Land or Improvements Order.

Sale of Asset:

- Prior to the disposition the future educational needs of the school district are to be considered, including early learning, grades K to 12 and adult learning.
- Prior to the disposition the future needs of the school for alternative community use are considered in consultation with local government and community organizations.
- The disposition of the land or improvements will be at fair market value if sold to entities other than another Board of Education, independent school, local government or community organization and will be done through a public process.
- The disposition of the land and improvements does not have to be at fair market value if sold to another Board of Education, independent school, local government or community organization.
- Approval of the disposition from the Minister of Education is required.

School District Bylaw:

- To conclude disposition of land or improvements, the School District must first pass a Bylaw which will include:
 - Confirmation that the Board will not require the property for future educational purposes;
 - The name and facility number of the property; and
 - The address and legal description of the property.

Notification of Minister:

The Board will, without delay, notify the Minister of the disposition and provide a copy of the Bylaw, information regarding the disposition and the allocation of the proceeds as required under Section 100(2) of the *School Act*.

Application:

This regulation does not apply to grants of Crown Land described in Section 99 of the *School Act*.

References:

School Act

School Opening and Closure Order M194/08

Disposal of Land or Improvements Order M193/08

3510 School Closure Policy

3520 Disposal of Land and Improvements Policy