

## **Section 300 – How We Plan to Support Schools and Ensure Alignment**

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### **302.13AP – Disposal of Property**

#### **Purpose**

The Board may only dispose of Crown land acquired by grant from the Lieutenant-Governor in Council in trust for educational purposes with the consent of and on terms and conditions approved by the Lieutenant-Governor in Council. The Board may dispose of other land or improvements:

1. by sale, transfer in fee simple or lease of ten years or more to another board or independent school for educational purposes;
2. by lease, other than a lease of ten years or more, is such disposition is to an agency or organization for an alternative community use; or
3. with the approval of the Minister;

provided such lands or improvements are not required for future educational purposes. The disposition shall be through the process set out in the Board's Disposal of Property Procedure, and shall be subject to any applicable orders the Minister of Education may issue from time to time.

#### **Procedure**

##### **DEFINITIONS**

The following definitions apply in this administrative procedure and in *AP 507 - Fencing*:

Dispose – has the meaning set out in the *Interpretation Act*, and “disposal” or “disposition” have that meaning with such changes as may be required.

Improvements – has the meaning set out in the *B.C. Assessment Act*, as amended from time to time. Land – has the meaning set out in the *Assessment Act* and includes any interest in land, including any right, title or estate in it of any tenure.

Long Term Lease – means a lease with a term, including all options and rights to extend or renew, that is ten years or more.

Property – Property means Land or Improvements, or both.

1. It is the responsibility of the Board, by Bylaw, to determine whether Property is not required for future educational needs.

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2. The Board may, subject to the terms of Board Policy and this administrative procedure, and the requirements of the *School Act*, Regulations, and Ministerial Orders, dispose of any Property that is not required for future educational purposes.
3. The Board may, by Bylaw, dispose of Property in a manner permitted by the *School Act* and Ministerial Orders, including by way of lease, for a period not to exceed ten years, to an organization or agency for an alternative community use. Nothing in *AP 507 - Fencing* or these procedures shall in any way be construed as limiting the authority of the Secretary-Treasurer, which is hereby granted, to enter into license agreements authorizing the use by third parties of Board Property.
4. The Board shall not dispose of any Property acquired by Crown grant in trust for educational purposes, except with the consent and on terms approved by the Provincial cabinet.
5. The Board shall not dispose of any Property that was a school unless the school has been closed in accordance with any applicable Orders of the Minister of Education relating to school closures.
6. If the Board has determined that a Property is not required for future educational purposes then, subject to the terms of this Procedure, the Board may by Bylaw approve the disposal of the Property.
7. Where the Board is contemplating the permanent disposal of a significant Board Property, such as a closed school, an office building or other similar property (a "Significant Board Property"), the Board shall notify the Regional District of Nanaimo and the applicable municipality (Nanaimo or Ladysmith) in which the Significant Board Property is located, when the Board has approved in principle the disposal of the Significant Board Property.
8. The Board shall engage in public consultation before making a final decision regarding the permanent disposition of a Significant Board Property. Once the Board has approved in principle the disposition of a Property, the Board may offer the Significant Board Property for public sale on the terms the Board proposes.
9. The Board is not required to make a Significant Board Property available to the public if the Board proposes to permanently dispose of the Significant Board Property:
  - a. to a not-for-profit corporation;
  - b. to a public authority;

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- c. to a person who, as a part of the consideration for the disposition, will exchange land or improvements, or both, with the Board;
  - d. to a person under a partnering agreement that was the subject of a competitive proposal process; or
  - e. to an owner of adjoining land for the purpose of consolidating the lands.
- 10. Regardless of whether Section 9 of this Procedure applies, the Board may only proceed with final approval of a disposition after it has passed a Bylaw, in accordance with section 65(5) of the *School Act*, at a meeting of the Board. The Bylaw must include:
  - a. confirmation that the Board will not require the Property for future educational purposes;
  - b. the name and facility number of the Property; and
  - c. the address and legal description of the Property.
- 11. If a Significant Board Property is to be offered for sale, then:
  - a. the Secretary–Treasurer will determine whether a legal survey plan for the Property exists and if not, will determine whether it is necessary to commission one; and
  - b. the Secretary-Treasurer, may, if appropriate, obtain the most recent property assessment for the Property, and arrange for an independent appraisal of the Property to be obtained from a qualified real estate appraisal firm;
- 13. If the Significant Board Property is to be offered to the public for permanent disposition, the Secretary-Treasurer may advertise the proposed disposal in local and provincial media, including the following:
  - a. a description of the Land and Improvements;
  - b. the nature and, if applicable, the term of the proposed disposal; and
  - c. the process by which the Land and Improvements may be acquired.
- 14. Unless the Board determines otherwise, a period of thirty days must pass from the time the Significant Board Property is first offered for sale before the Board accepts any offer in respect to the permanent disposal of a Significant Board Property.
- 15. The Board may authorize the Secretary-Treasurer to, on its behalf, execute warranty deeds, quit claim deeds, bills of sale, transfer documents or any other documents reasonably necessary to complete a disposal transaction.
- 16. Upon completion of the disposal of a Property, the Board shall, in accordance with section 96(3) of the *School Act*, without delay provide the Minister with:
  - a. a copy of the bylaw referred to in Section 11 of this Procedure; and

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- b. written notification of the disposition and allocation of the proceeds as required in section 100(2) of the *School Act*, if necessary.

**Legal References:**

**Monitoring Method:** *Board of Education / Superintendent*

**Monitoring Frequency:**

**Previous Policy Number:** *AP504*

**Adopted:** *2004.09.29*

**Amended:** *2017.02.01; 2025.01.15*