

## **SURPLUS LANDS AND BUILDINGS**

The Board believes that when land and buildings become surplus to the needs of the Division, it is incumbent upon the Board to arrange for the effective disposal or repurposing of these items.

The authority of the Board in these matters is derived from the *Education Act* and the *Disposition of Property Regulation*, which permit the Board to:

1. Determine whether the Board has use for a school building which has been closed pursuant to the *Education Act* and Board Policy 15: School Closure/Transfer of Students; and
2. For the purposes of section 672 of the *Municipal Government Act*, declare that the Board is of the opinion that an interest in a school reserve, municipal and school reserve, municipal reserve, or any property owned by the Board, is surplus to the needs of the Division.

### **General**

3. The Board should 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.
4. Disposing of surplus land and buildings requires the approval of the Board of Trustees.
5. In assessing the criteria, the Board is not required to hold public consultation.
6. The Board is required to review whether a closed school or reserve land is surplus to its needs at least every three years.

### **Determination Whether the Board has Use for a Closed School Building**

7. If a school building has been closed pursuant to the *Education Act*, the Superintendent of Schools will provide a recommendation to the Board of Trustees concerning whether there is no use for the school building, and, if so, whether the school building is temporarily surplus to the Board's needs or permanently surplus to the Board's needs.
8. In determining whether a school is temporarily or permanently surplus to the Board, the Board shall consider all of the following criteria:

- 8.1 Demographic factors, including but not limited to:
    - 8.1.1 Population and demographic data for the surrounding area;
    - 8.1.2 The location and proximity of other schools, and their potential enrolment in the foreseeable future.
  - 8.2 The length of time that the school building has been closed;
  - 8.3 Other ~~potential~~ public educational uses for the building; and
  - 8.4 Any other criteria ~~as~~ the Board considers necessary.
9. If the Board determines that there is no present use for the school building, but that there may be a need for the school building in the foreseeable future, the Superintendent may investigate the lease ~~of~~ the school building in accordance with the *Disposition of Property Regulation*.
- 9.1 As per Section 193 of the *Education Act*, the Board may, without approval of the minister:
- 9.1.1 Lease any real property that is neither a school building or a portion of a school building;
  - 9.1.2 Lease a school building or a portion of it for less than 12 months; and,
  - 9.1.3 Lease a school building or portion of it for 12 months or more if the lease contains a termination provision allowing the Board to terminate the lease on 12 months' notice.
10. If the Board cannot identify a use for a school building in the foreseeable future, the Board may attempt to sell the school building in accordance with Section 192, *Disposition of Property Regulation*, of the *Education Act*, as well as Section 7 of the *Real Property Governance Act* and any other relevant regulations or guidelines. The Board may also consider options for the disposal of such a building on property owned by the Board and provide the Minister of Education with a declaration to that effect.

### **Determination Whether Lands are Surplus**

11. The Board may determine that, in its opinion, an interest in a school reserve, municipal and school reserve, municipal reserve, or any property owned by the Board, is surplus to the Board's needs, and shall consider the following criteria:
- 11.1 Enrolment trends within the area intended to be served by the school reserve, municipal and school reserve, municipal reserve, or any property owned by the Board;
  - 11.2 Student accommodation and transportation issues;
  - 11.3 Whether a school on the school reserve, municipal and school reserve, municipal reserve, or any property owned by the Board, is included in the Board's capital plans (three-year and ten-year);

- 11.4 The length of time that the school reserve, municipal and school reserve, or municipal reserve has not been needed by the Board;
- 11.5 Consultation with other boards with respect to their needs for the school reserve, municipal and school reserve or municipal reserve; and
- 11.6 Any other criteria as the Board may considers necessary.
12. In the event of the Superintendent recommending a determination that an interest in reserve lands, or any lands owned by the Board, is surplus to the Board's needs, or upon the Board considering whether an interest in reserve or Board-owned lands is surplus to the Board's needs, the Board shall direct the Superintendent with regard to a course of action (i.e., obtaining necessary appraisals on Board-owned property for a potential sale, consulting with the Ministry of Education regarding the lands to explore whether the Ministry has need for any school reserve, municipal and school reserve, or municipal reserve lands or Board-owned property, or consulting with other school boards operating in the area whether those school boards have a need for any school reserve, municipal and school reserve, or municipal reserve lands).
13. If upon considering the factors above, the Board is of the opinion that any school reserve, municipal and school reserve or municipal reserve is surplus to the Board's needs, the Board shall provide the Minister of Education with a declaration to that effect.
14. If upon considering the factors above, the Board is of the opinion that any property owned by the Board is surplus to the Board's needs; the Board may engage with the Ministry regarding options for the property or, should the Board determine that it wishes to sell the property, provide the Minister of Education with a declaration to that effect.

Legal Reference: *Education Act*  
*Disposition of Property Regulation*  
*Municipal Government Act*  
*Public Lands Act*