

SCHOOL DISTRICT NO. 48 (HOWE SOUND)

REGULATION SERIES 900 - BUILDINGS & SITES

R905	BUILDINGS & SITES
R905.2	Disposal and Acquisition of Land or Improvements (In Whole or in Part)

This Regulation provides further direction for the disposal of property.

The District may dispose of land or improvements deemed surplus providing:

- a) future educational needs of the District have been considered and addressed,
- b) disposition of land or improvements is conducted through a public process, and
- c) disposition of land or improvements is at fair market value.

The procedure to dispose of real property is as follows:

Step 1) If the property disposal is due to:

- a) School Closure and/or Consolidation: The Board passes a bylaw and notifies the Minister in writing of its decision to close and/or consolidate a school. District staff proceeds with the disposal of property.
- b) Surplus Lands: The Board passes a bylaw declaring the property surplus to the needs of the District and instructing the District staff to proceed with the disposal of the property. The Minister is notified in writing of the Board's resolution and is forwarded a copy of the bylaw.

Step 2) District staff:

- a) Undertakes necessary steps to create the legal entity of the property to be disposed, if it is to be sub-divided from the "parent" property to remain in the ownership of the District.
- b) arranges for the preparation of a legal survey plan showing the boundaries of the property to be disposed.
- c) initiates the disposal process normally through public tender with sealed bids or proposals, and
- d) establishes where the proceeds from the sale of the disposed property shall be credited, either to the shareable capital reserve or the local non-shareable capital reserve in accordance with Section 100 of the School Act.

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- Step 3) The Board passes a capital bylaw authorizing the disposal of the property. 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;
 - c) The address and legal description of the property.
- Step 4) The Minister is provided with the following documentation:
- a) A copy of the Board's bylaw authorizing disposal of the property, and
 - b) Written notification of the disposition and allocation of the proceeds as required under Section 100 (2) of the School Act.
- Step 5) Upon Board authorization of the capital bylaw, the transfer of title is completed in accordance with the sale agreement.
- Step 6) The proceeds from the sale shall be credited to the appropriate capital reserve(s) based on the allocation determined in Step 2 d) above.