

## SECTION 800 – Facilities and Transportation

### **POLICY 814: DISPOSAL OF REAL PROPERTY**

#### **BACKGROUND**

School Boards are required to have a policy in place to:

1. determine whether a closed school building is surplus to its needs, and
2. determine whether unused school reserve lands are surplus to its needs.

The authority of the Board 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 Closure of Schools Regulation and Board Policy 724 – School and Program Closure and Relocation; 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 or municipal reserve is surplus to the Board's needs.

#### **POLICY**

1. **Closed School Building** - Determination whether the Board has use for a closed school building:
  - 1.1. If a school building has been closed pursuant to the Closure of Schools Regulation, the Superintendent of Schools will provide a recommendation to the Board 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.
  - 1.2. In determining whether a school is temporarily or permanently surplus to the Board, the Board shall consider all of the following criteria:
    - 1.2.1. demographic factors, including but not limited to:
      - (i) population and demographic data for the surrounding area;
      - (ii) the former enrolment of the school, and enrolment trends;
      - (iii) the location and proximity of other schools, and their potential enrolment.
    - 1.2.2. the length of time that the school building has been closed;
    - 1.2.3. other potential public educational uses for the building;
    - 1.2.4. such other criteria as the Board may consider relevant.

- 1.3. 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.
- 1.4. If the Board cannot identify a use for a school building in the foreseeable future, the Board may, upon receipt of approval by the Minister, attempt to sell the school building in accordance with the Disposition of Property Regulation, and the following Process section of this policy (if applicable).
2. **Vacant Fee in Simple Land** – Determination whether land owned outright is surplus:
  - 2.1. If the Superintendent of Schools is of the opinion that vacant land is surplus to the Board's needs, then the Superintendent of Schools will provide a recommendation to the Board concerning the land, and, if so, whether the school building is temporarily surplus to the Board's needs or permanently surplus to the Board's needs.
  - 2.2. In determining whether a land is temporarily or permanently surplus to the Board, the Board shall consider all of the following criteria:
    - 2.2.1. demographic factors, including but not limited to:
      - (i) population and demographic data for the surrounding area;
      - (ii) the former enrolment of the school and enrolment trends;
      - (iii) the location and proximity of other schools, and their potential enrolment.
    - 2.2.2. the length of time that the land has been vacant;
    - 2.2.3. other potential public educational uses for the land;
    - 2.2.4. such other criteria as the Board may consider relevant.
  - 2.3. If the Board determines that there is no present use for the land, but that there may be a need for the land in the foreseeable future, the Superintendent may investigate the leasing of the land in accordance with section 193 of the Education Act.
  - 2.4. If the Board cannot identify a use for the land in the foreseeable future, the Board may, upon receipt of approval by the Minister, attempt to sell the land in accordance with the Disposition of Property Regulation, and the following Process section of this policy (as applicable).
3. **Reserve Lands** - Determination whether reserve lands are surplus:
  - 3.1. If the Superintendent of Schools is of the opinion that reserve land is surplus to the Board's needs, then the Superintendent of Schools will provide a recommendation to the Board concerning the land, and, if so, whether the reserve land is temporarily surplus to the Board's needs or permanently surplus to the Board's needs.
  - 3.2. The Board may determine that, in its opinion, an interest in a school reserve, municipal and school reserve or municipal reserve is surplus to the Board's needs, and shall consider the following criteria:



- 3.2.1. enrolment trends within the area intended to be served by the school reserve, municipal and school reserve or municipal reserve,
  - 3.2.2. student accommodation and transportation issues,
  - 3.2.3. whether a school on the school reserve, municipal and school reserve or municipal reserve is included in the Board's capital plan,
  - 3.2.4. the length of time that the school reserve, municipal and school reserve or municipal reserve has existed and has not been needed by the Board.
  - 3.2.5. consultation with other School Boards who may have a need for the school reserve, municipal and school reserve or municipal reserve, and
  - 3.2.6. any other criteria as the Board may consider relevant.
- 3.3. If upon considering all of the factors above, the Board is of the opinion that the reserve land is surplus to the Board's needs; the Board shall provide the Minister of Education with a declaration to that effect.
- 3.4. Upon receipt of approval from the Minister and as per the Planning Act Agreement with the City, the reserve land and buildings there on, shall be sold to the City for a price equal to the total of the following:
- 3.4.1. the purchase price of the lands paid by the Board to the City,
  - 3.4.2. the net cost of any municipal improvements which have been paid for by the Board, and
  - 3.4.3. the depreciated value of the Board's improvements to such lands.

#### PROCESS

1. In assessing the above criteria, the Board is not required to hold public consultations.
2. Where the school building in question was the subject of public consultation concerning the closure of that school, and where there has been no substantial change in the circumstances between the closure of the school and this consideration, the Board may consider the submissions made concerning the school closure process.
3. As noted above, approval by the Minister is required prior to any disposition of real property, as per section 192 of the Education Act.
4. Note that the land registry considers the registration of an easement to be a disposal instrument, as such, in order to register a utility or other easement on School Division property, approval must be obtained from the Minister.

#### REFERENCES

[Policy 724 – School and Program Closure and Relocation](#)

Education Act

Municipal Government Act

Planning Act Agreement with the City of Medicine Hat

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