

Policy 16 – Disposal of Land or Improvements

The Board of Education of School District No. 36 (Surrey) (the “Board”) is required to develop and implement policies and procedures with respect to the disposal of land or improvements under the *School Act*, consistent with Ministerial Order M193/08 (Disposal of Land or Improvements Order).

1. Board Responsibility

- a. The Board has the responsibility to ensure that the disposal of any of its lands and improvements (each a “Facility”) is conducted in accordance with the *School Act* and any applicable orders of the Minister of Education and Child Care (the “Minister”).

2. Policy Not Applicable

- a. This policy is not applicable to grants of Crown land to the Board in trust for educational purposes.

3. Disposal of Land or Improvements

- a. The Board will not dispose (as defined in the *Interpretation Act*) of a Facility by sale and transfer in fee simple or by way of a lease of 10 years or more (including, for greater certainty, the cumulative total of all options and rights to extend or renew the lease) unless such disposal is:
 - i. To another board as defined in the *School Act* (which includes, for greater certainty, a francophone education authority) or to an independent school (as defined in the *Independent School Act*, and in either case, for educational purposes; or
 - ii. Approved by the Minister (with any terms and conditions required by the Minister).
- b. The Board may dispose of a Facility by way of lease, other than a lease of 10 years or more (including, for greater certainty, the cumulative total of all options and rights to extend or renew the lease), if such disposition is to an agency or organization for an alternative community use, or is approved by the Minister.
- c. The Board will not transfer, lease or otherwise dispose of its interest in any Facility for which the Minister has filed an order under Section 101.2(1) of the *School Act* (the “Designation Order”), unless the Designation Order has been rescinded or written consent of the Minister is filed in the Land Title Office.

4. Procedures Regarding Dispositions in Fee Simple or by Lease Longer than 10 years

- a. When selling or transferring a Facility in fee simple or by way of lease of 10 years or more, the following procedures will be used:
 - i. Determination of Ownership
 1. Confirm the ownership of the Facility and that it was not acquired by Crown grant in trust for educational purposes.
 - ii. Considerations
 1. The Board will consider the disposition of each Facility on its own merit.
 2. The Board will not dispose of a Facility unless it has confirmed that the Facility will not be required for future educational purposes.
 3. Prior to disposing of a Facility the Board will consider whether the Facility may be disposed of for an alternate community use.
 4. In considering the disposal of a Facility, where the Facility is a school property, the Board may consider the consultations previously conducted by the Board and the conclusions previously reached by it in relation to a decision to permanently close that Facility.
 - iii. Consultation
 1. The Board will undertake broad public consultation in connection with the potential disposal of the Facility and seek input from the education community, general public, local government, community organizations, the Conseil Scolaire Francophone de la Colombie-Britannique, local independent school authorities and local First Nations.
 2. Prior to disposal of the Facility, the Board will consider:
 - a. Future enrolment growth in the District, including Kindergarten to Grade 12, adult programs, and early learning;
 - b. Alternative community use of surplus space in the Facility; and
 - c. Other community input.
 - iv. Disposal Process
 1. If the Board has decided to dispose of a Facility, the Board will offer the Facility for sale and/or lease (subject to Minister approval if not already received by the Board and subject to bylaw approval by the Board) through a competitive process.
 2. The Board shall seek to dispose of the Facility at not less than fair market value, unless the nature of the purchaser or the use to which the Facility will be put by the purchaser warrants other considerations.
 3. Acceptance or rejection of any offer for the acquisition of the Facility is subject to Board approval.
 - v. Request Minister Approval
 1. The Board will request approval from the Minister for the disposition of the Facility and will submit all required materials and information required by the Minister in relation to the Board's request for approval.

5. Procedures Regarding Dispositions by Lease Less than 10 years
 - a. The Board authorizes the Secretary Treasurer or designate, to enter into leases of Board property for periods less than 10 years, to an agency or organization for an alternate community use, or with approval of the Minister, subject to approval of the Board by bylaw.

6. Bylaws and Notification
 - a. Disposal Bylaw
 - i. The Board will only dispose of a Facility by bylaw which bylaw will include:
 1. Confirmation that the Board will not require the Facility for future educational purposes;
 2. The name and the facility number, if any; and
 3. The address and legal description.
 - ii. The Board will deliver a bylaw enacted to authorize the disposal of a Facility to the Minister without delay.
 - b. Notification
 - i. When the Board disposes of a Facility, the Board will, without delay, provide the Minister with written notification of:
 1. The disposition of the Facility; and
 2. The allocation of the proceeds between the Board and the Minister according to the Board's contribution and the Minister's contribution to the capital expenditure in accordance with Section 100(2) of the *School Act*.

References

Interpretation Act, R.S.B.C., 1996, c. 238.

School Act, R.S.B.C., 1996.

Approved: June 10, 2026