Administrative Procedure 519

ACQUISITION AND DISPOSITION OF REAL PROPERTY

Preamble

The Board has the responsibility for the acquisition and disposal of real property, and may, in accordance with the *School Act* and subject to the orders of the Minister of Education and Child Care, dispose of or acquire such real property.

This Administrative Procedure 519 outlines how the Board deals with the acquisition and disposition of real property and improvements thereon.

Definitions

For the purposes of this Administrative Procedure 519:

- "**Acquire**" or "**Acquired**" or "**Acquisition**" means the acquisition by the District of Land in fee simple or *via* lease with a term of ten (10) years or more;
- "**Dispose**" or "**Disposed**" or "**Disposal**" or "**Disposition**" means, subject to the terms hereof, a disposition by the District of Land as contemplated in the Ministerial Disposal Order;
- "**District**" means School District No. 37 (Delta);
- "**Land**" means real property and, as the context requires, any buildings and/or improvements situated thereon;
- "**Minister**" means the Minister of Education and Child Care, and any successor Minister thereto;
- "**Ministerial Order**" means an order issued by the Minister; and
- "**Ministerial Disposal Order**" means Ministerial Order M193/08 entitled "Disposal of Land or Improvements Order" effective September 3, 2008, as the same may be amended or replaced from time to time.

Procedures

1. <u>General Requirements Regarding Acquisition</u>

    1.1 The Superintendent, or their designate, is responsible for identifying the requirement to Acquire Land for the purposes of the proper functioning of the District.

    1.2 The District will, to the extent practicable, include planned Acquisition in the Five Year Capital Plan.

1.3 The Board may enter into agreements with the City of Delta regarding School Site Acquisition Charges (as contemplated in the *Local Government Act*) to minimize Land Acquisition costs, where such agreements are in the best interests of the District considering the totality of the circumstances.

1.4 All Acquisitions by the Board shall comply with the *School Act* and any applicable Ministerial Orders.

1.5 If deemed by the Board to be in the best interests of the District considering the totality of the circumstances, the Board may engage in a public consultation process and/or a competitive offer process in respect of the proposed Acquisition.

1.6 All Acquisitions shall be approved by an appropriate bylaw of the Board.

1.7 Except as otherwise set out herein, in undertaking any Acquisition, the Board shall ensure that:

1.7.1 the future educational and administrative needs of the District have been considered; and

1.7.2 the Acquisition is for value that reflects the best interests of the District, as determined by the Board considering the totality of the circumstances.

2. General Requirements Regarding Disposal

2.1 The Board may, after considering future administrative and educational needs and school and administrative space requirements of the District, deem Land as no longer required for the District's purposes and decide to Dispose of such Land.

2.2 All Dispositions by the Board shall comply with the *School Act* and any applicable Ministerial Orders, including, as applicable, the Ministerial Disposal Order.

2.3 Subject to the terms hereof, all Dispositions shall be approved by an appropriate bylaw of the Board.

2.4 If deemed by the Board to be in the best interests of the District considering the totality of the circumstances, the Board may engage in a public consultation process and/or a competitive offer process in respect of the proposed Disposition.

2.5 Except as otherwise set out herein, in undertaking any Disposal, the Board shall ensure that:

2.5.1 the future educational and administrative needs of the District have been considered;

2.5.2 the Disposition of Land is for value that reflects the best interests of the District considering the totality of the circumstances.

3. Specific Requirements

3.1 Leases

3.1.1 A lease of Land for a period of less than ten (10) years is not an Acquisition for the purposes of this Administrative Procedure 519.

3.1.2 A lease of Land for a period of less than ten (10) years is a Disposition but may not require compliance with the Ministerial Disposition Order.

3.1.3 The Secretary-Treasurer, or their designate, is the District's authorized signatory for leases of less than ten (10) years.

3.2 Land Exchanges

3.2.1 An exchange of Land between the Board and a third party is considered an Acquisition and Disposition. The Board shall have discretion, considering the totality of the circumstances, as to the method for calculating the value of the Land being exchanged.

3.3 Licences

3.3.1 A contractual license to use Land shall not be considered an Acquisition or Disposition for the purposes of this Administrative Procedure 519.

3.3.2 The Secretary-Treasurer, or their designate, is the District's authorized signatory for licences.

3.4 Statutory Right of Way, Easements and Covenants under the *Land Title Act*

3.4.1 A statutory right of way, easement or covenant under the *Land Title Act* shall not be considered an Acquisition or Disposition for the purposes of this Administrative Procedure 519.

3.4.2 The Secretary-Treasurer, or their designate, is the District's authorized signatory for statutory rights of way, easements or covenants under the *Land Title Act.*

Revised: December 2024