



BACKGROUND:

When real property (lands, buildings, and other improvements) becomes surplus to district needs, the surplus property may be sold under the authority of the *School Act*.

PROCEDURE:

1. The Board of Education will obtain the approval from the Ministry of Education prior to any sale of land or improvements by way of a fee simple transfer (a change in legal ownership) or by a lease of 10 years or more and must abide by those procedures for disposal.
2. The Board of Education must pass a capital bylaw declaring that the property is surplus to the needs of the district. The bylaw must include:
 - 2.1 confirmation that the Board will not require the property for future educational purposes;
 - 2.2 the name and facility number of the property; and
 - 2.3 the address and legal description of the property.
3. The Secretary Treasurer will review the requirements outlined in the “Disposal of Land or Improvements Order (M193/08) - Mandatory Documentation for Ministerial Approval” (attached) including:
 - 3.1 arranging for preparation of a legal survey plan,
 - 3.2 obtaining evidence of the fair market value of the property,
 - 3.3 initiating the disposal process and
 - 3.4 establishing where the proceeds from the sale shall be credited in accordance with the *School Act*.

REFERENCES

Disposal of Land or Improvements Order Sept.3.08
School Act, Sections 1, 96(3) and 168(2)(t) Interpretation Act, S29
SD27 Policy 3270.2 - Disposal of Board Owned Land or Improvements

[Disposal Of Land Or Improvements Order \(M193/08\)](#)