

DISPOSAL OF LAND OR IMPROVEMENTS ORDER

Authority: *School Act*, sections 96(3) and 168(2)(t)

{ Ministerial Order M193/08 (M193/08)Effective September 3, 2008
{ Repeals 233/07

Interpretation

1. In this Order:

“a lease of 10 years or more” means a lease of 10 years or more, including the cumulative total of all options and rights to extend or renew the lease,

“alternative community use” means a use by a community agency or organization for land or improvements owned by a board, other than for the educational purposes of the board,

“board” means a board as defined in the *School Act* and includes a francophone education authority,

“dispose” means dispose as defined in the *Interpretation Act*,

“independent school” means an independent school as defined in the *Independent School Act*.

Application

2. This Order does not apply to grants of Crown land described in section 99 of the *School Act*.

Disposal of land or improvements

3. Boards must not dispose of land or improvements by sale and transfer in fee simple or by way of a lease of 10 years or more unless such disposal is to another board or an independent school for educational purposes or is approved by the Minister in accordance with section 5.

4. Boards may dispose of land or improvements by way of lease, other than a lease of 10 years or more, if such disposition is to an agency or organization for an alternative community use.

5. Despite section 3 and 4, the Minister may approve, with any terms and conditions, a disposition of land or improvements.

Policies and procedures

6. Boards must develop and implement policies and procedures with respect to the disposal of land or improvements under section 96(3) of the *School Act*, consistent with this Order, and make these policies and procedures publicly available.

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Bylaws

7. A board's bylaw made pursuant to section 65(5) of the *School Act* relating to a disposition in accordance with sections 3, 4 or 5, must include:
 - a. confirmation that the board will not require the land or improvements for future educational purposes,
 - b. the name and the facility number, if any, and
 - c. the address and legal description.

8. A copy of a bylaw referred to in section 7 must be provided to the Minister without delay.

Notification

9. When a board disposes of land or improvements, the board must, without delay, provide the Minister with written notification of the disposition and allocation of the proceeds as required under section 100(2) of the *School Act*.

10. This Order comes into effect on September 3, 2008.