

**DISTRICT OPERATIONS – BUSINESS SERVICES**  
**Reporting to Public Session, Tuesday, November 23, 2021**

**1. Duthie Union School Land Disposition**

# Board Report

Date : November 23, 2021  
To: Board of Education – Regular Meeting  
From: Russell Horswill, Secretary-Treasurer  
Subject : Duthie Union School Land Disposition

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## Background:

The Burnaby Board of Education's 2019 - 2024 Strategic Plan contains the key priority "A Modern, Safe, and Sustainable Learning Environment", Goal 2 - Develop a Long -Range Facility Plan consistent with Ministry Guidelines.

The current Long -Range Facility Plan contains the following recommendations:  
Recommend surplus to the district's needs. Additionally, board direction was provided to engage in negotiations with the Conseil Scolaire Francophone School District (CSF) for their acquisition of the site to support their public education mandate.

The Purchase and Sale Agreement executed with the CSF provides for a closing date of December 31, 2021 and a possession date of July 31, 2022 or earlier if the building is vacated. During the 2021/22 school year the school district will continue to operate the site and will provide the facility to Puddle Splashers Childcare Society under the existing terms and conditions of the Licence to Occupy. Puddle Splashers Childcare Society will move operations to the new childcare centre located in the new Burnaby North Secondary School.

## Regulatory Framework:

The disposition of land or improvements by a Board of Education is regulated by the School Act (sections 96(3), 65(5), and 168(2)t), Ministerial Order (M193/08) – Disposal of Land or Improvements Order, and Board Policy 7.55.00 – Disposal of Real Property and Improvements. Section 3 of the Ministerial Order states:

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.

The CSF is a “board” as defined in the Ministerial Order and will be using the property for educational purposes and therefore the sale of Duthie Union School property to the CSF does not require Minister approval.

Board Policy 7.55.00 – Disposal of Real Property and Improvements addresses the requirement in the Ministerial Order for boards to develop and implement policies and

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3. That a Media Release be issued confirming the intent to host an information session on November 9, 2021 at 6:30 pm by Zoom for residents to learn more about the land disposition to the CSF; and,
4. That the board consider 3<sup>rd</sup> and final reading of the Land Disposition Bylaw at the Regular Meeting to be held on November 23, 2021.

Board Approved Procedural Motion

The Board approved the following procedural motion at the October 26, 2021 Regular Meeting:

THAT the Board of Education provide 1<sup>st</sup> and 2<sup>nd</sup> reading of the Duthie Union School Land Disposition Bylaw No. 2021 -1 to the Conseil Scolaire Francophone School District at the October 26, 2021 Regular Board Meeting.

AND THAT the Board of Educair28(i)-8.9 (on)JTJ 0 Tc605 Tw [(r)42fon

Recommendation :

Board Consideration at November 23, 2021 Land Disposition Bylaw Motions :

Following broad community engagement as determined by the Board, the following two motions are required to finalize the Duthie Union School Land Disposition Bylaw No. 2021 -1

Motion 1 THAT Duthie Union School Land Disposition Bylaw No. 2021 -1 be approved a third time.

Motion 2 THAT Duthie Union School Land Disposition Bylaw No. 2021 -1 having been read a first, second and third time, be finally passed and adopted the 23<sup>rd</sup> day of November, 2021; that the Chair of the Board and the Secretary Treasurer be authorized to sign the bylaw; and that the bylaw be sealed with the corporate seal of the Board.

BOARD OF EDUCATION OF  
SCHOOL DISTRICT NO. 41 (BURNABY)

DUTHIE UNION SCHOOL LAND DISPOSITION BYLAW NO. 2021-1

THAT the Board approves:

- (1) the disposal of 5.75 acres of School District property municipally known as 7231 Frances Street, Burnaby, BC and legally described as:  
PID: 008-541-086  
Lot 203 District Lot 207 Group 1 New Westminster District Plan 38823 (the "Property ");
- (2) the entering into and completion of the obligations contained in an agreement of purchase and sale (the "Purchase and Sale Agreement ") in respect of the Property with Conseil Scolaire Francophone de la Colombie-Britannique (the "Purchaser") in the amount of \$24,000,000.00;
- (3) the Property is facility number 41-103780;
- (4) the taking of all such action and the execution and delivery of all such documentation ancillary to, or related to, the foregoing; and
- (5) the authorization of the Secretary Treasurer to execute and deliver, on behalf of the Board, the Purchase and Sale Agreement and all such amendments thereto and all related and ancillary documents as the Secretary Treasurer may, in their discretion, consider advisable.

The Board