

Administrative Procedure 519

LEASE/LICENSE TO OCCUPY SELECTION CRITERIA

Background

When land or improvements owned by the District (collectively "the Real Property") become surplus to the needs of the District, the Real Property may only be made available for lease or license to occupy in accordance with the *School Act*, applicable Ministerial Orders and this Administrative Procedure, and all other applicable administrative procedures including, without limitation, Board Policy 20 - Disposal of Real Property.

The Board has the responsibility to manage Real Property and may, after considering future educational needs and school space requirements for the District, deem Real Property to no longer be required for further educational purposes or other District purposes and determine to make such property available for a lease or license to occupy agreement. In accordance with the *School Act* and the current Ministerial Order M193/08, the Board must not dispose of land or improvements by a fee simple sale or a lease of ten years or more, except to another school board or for an independent school or with the written approval of the Minister.

A lease constitutes a disposition of an interest in land under the *School Act* and Regulations and accordingly shall be approved through Board bylaw. A license to occupy that only grants contractual rights and not an interest in land may be approved by senior staff on behalf of the District.

Procedures

1. When considering a lease or a license to occupy Real Property, the District will apply the following Guiding Principles:
 - 1.1. Consider each building context to ensure lease placement is appropriate;
 - 1.2. Revenue is to be maximized to benefit other District facilities/programs;
 - 1.3. Priority is to be given to opportunities that benefit the District and the overall Vancouver community;
 - 1.4. The term of any lease or license is to be consistent with the District's Long Range Facilities Plan;
 - 1.5. The selection process shall not discriminate between prospective tenants or prospective licensees on any grounds contrary to the British Columbia Human Rights Code; and,
 - 1.6. Real Property shall not be leased or licensed for operation of an Independent School, as defined by the BC Independent School Act, except to independent schools that offer support for students with diverse learning needs.
2. Surplus space lease and license criteria will assist with the selection of proponents who could lease or license surplus building space, by incorporating the criteria into all selection processes. The purpose of the "Primary Criteria" is to ensure organizations meet the requirements of the District and that some form of a social contribution is made to the community. The "Secondary Criteria" provides direction to ensure the proponent is a solid entity from which the District would wish to enter into a lease or license arrangement.

SURPLUS SPACE LEASE AND LICENSE CRITERIA

PRIMARY CRITERIA

Maximize Revenue and Minimize Costs:

- Willingness to enter into a 'triple net' lease; the lessee or licensee agrees to pay all real estate taxes, building insurance and maintenance in addition to rent, utilities and custodial fees.
- Length of proposed term acceptable to the District. Must be less than ten years, including all options and rights of renewal, unless to another District or approved by the Minister of Education.
- Any lease will require specific Board bylaw approval prior to being granted.
- Lessee or licensee to take full responsibility for any renovation and restoration costs.

Supplemental to Public School K-12 Offerings:

- Aligns with the District's Strategic Priorities and land use procedures.
- May provide value-added benefits or services to the District.
- Not for operation of an Independent School as defined by the BC Independent School Act, except that this Administrative Procedure shall not apply to independent schools that provide highly specialized educational programs and a tailored learning environments for a unique group of students with a range of inclusive educational needs, who require services and supports above and beyond what is available in a regular classroom setting.

Minimize Impact on Community:

- Must comply with Administrative Procedure 313 - *Incompatible Land Uses Near Schools*.
- Must comply with Administrative Procedure 553 - *Community and Commercial Use of Facilities and Grounds* and its appendices.
- May provide value-added benefits or services to the community at large (*i.e. childcare, advanced education, housing, a public authority, partnership*).

SECONDARY CRITERIA:

Zoning Considerations:

- Consider whether intended use is allowed within existing zoning and community plan.
- Rezoning may be considered provided it is entirely at the user's expense and would not interfere with the District's ability to reuse the space for educational purposes in the future.

Financial Strength of Lessee or Licensee; insurance coverage, three years' financial statements:

- Willingness to provide financial records at time of application and as requested.
- Ability to maintain its operation and programming expenses in a way that is financially viable and sustainable.
- Agreeable that all capital and ongoing operational and maintenance costs are to be borne by the lessee or licensee.
- Proof of adequate liability insurance on terms required by the District.

Type of Organization:

- Must provide information on organization/company/society and include information on owner(s)/director(s)/board member(s).
- Information on proposed use to include:
 - 1) type of use/activity,
 - 2) participants and number of users,
 - 3) population served by the primary use,
 - 4) partnerships, and
 - 5) special events (exceptional to use and hours of operation – including schedules).
- Hours and days of operation / Parking and access to space.

Occupancy Date:

- Statement with proposed term of lease or license and occupancy date.
- Willingness to commit to key milestone dates, with the goal to have the earliest commencement and occupancy dates as possible.

Potential to Share Facility:

- Willingness to share space for use by the District and the community at large.
- Proposed use of playground and fields including number of users, seasonal use and daily use.

Reference: Sections 22, 23, 65, 85, 96, 100, 106.2, 106.3, 106.4, 110, 111, 112.1, 113, 114, 115, 117, 118
School Act
Ministerial Order M193/08

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