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## LEASE OR RENTAL OF DIVISION OWNED PROPERTY

### Background

Division owned property is to primarily support educational programming and services. The Division also supports the rental or lease of Division owned property, in order to off-set the costs of maintaining the property, if it is not fully utilized for Division purposes.

### Definitions

*Bus* - any Division owned bus, including activity buses or similar vehicles at the disposal of schools.

*Lease* – the exclusive use of Division owned property for a period of less than one (1) year or non-exclusive use of a term equal to or greater than one (1) year. On-going renewal of a rental agreement may be determined by the Division to be considered a lease.

*Rent (Loan)* – the use of Division owned property to a third party, which is not exclusive, or is for duration of less than one (1) year. The term loan will be used interchangeably with the term rental.

### Procedures

1. This Administrative Procedure excludes the provisions outlined in Administrative Procedure 550 – Community Use of School Facilities, and Administrative Procedure 549 – Personal Use of Division Facilities or Equipment.
2. All new leases must be approved by the Board as outlined in Policy 2 – Role of the Board. Renewals and rental agreements are approved by the Secretary Treasurer.
3. Lease, rental or loaning of Division owned vehicles is limited to situations involving an emergency such as another school authority needing a bus and to Division contractors or the invocation of emergency measures by a municipality, provincial government or the Government of Canada.
4. Lease, rental or loaning of Division owned property must be at a market rate, unless the lease is determined to be a contribution to the Division, community or a community service, where it may then be reduced as appropriate. The prospective renter or lessee may request a reduced rate to the Secretary Treasurer by outlining the benefit to the Division or community.
5. Lease or rental documents, must be approved by the Secretary-Treasurer, and other than those prescribed as other proposed agreements must consider the following:
  - 5.1 Identification of the property;
  - 5.2 Insurance coverage's (if any);
  - 5.3 Assumption of liability by the lessee;

- 5.4 Proper use and operation;
  - 5.5 Compliance with legislation or regulation;
  - 5.6 Term of not more than five (5) years;
  - 5.7 Lease payment stated in annual amounts, and payment terms (e.g., monthly annually, etc.), and penalties for late or non-payment of lease or rental fees;
  - 5.8 Other terms and conditions prudent given the property to be leased.
6. Lease or rental agreements can only be entered into (signed) by the signing authorities of the Board.
  7. Revenues from the lease or rental are revenues of the Board.
  8. Prescribed form lease or rental documents are to be reviewed at least every five (5) years or earlier if required.
  9. Applicants will be notified in writing of any decisions about the inclusion of special requests in writing, when responding to the request for the lease or rental.
  10. Any appeals to this Administrative Procedure are to be directed to the Office of the Superintendent in writing and must outline the errors or omissions in the application of this procedure.

Reference: Section 33,51,52,53,68,197,222 Education Act

Approved: November 2005

Amended: March 21, 2018; July 1, 2018; June 5, 2020