



ADMINISTRATIVE PROCEDURE 546
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 divisional purposes.

Procedures

1. This Administrative Procedure excludes the Community Use of School Facilities, outlined in Administrative Procedure 545; and the Personal Use of Division Facilities or Equipment outlined in Administrative Procedure 547.
2. All new leases must be approved by the Board of Trustees as outlined in Policy 2: Role of the Board. Renewals and rental agreements are approved by the Assistant Superintendent - Business Services.
3. Lease, rental or loaning of division-owned vehicles is limited to situations involving an emergency such as another school division 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 Assistant Superintendent - Business Services by outlining the benefit to the Division or community.
5. Definitions:
 - 5.1 Lease – the exclusive use of division-owned property for a period of less than one year or non-exclusive use of a term equal to or greater than one (1) year.
 - 5.2 Rent (Loan) – the use of division-owned property to a third party, which is not exclusive, or is for duration of less than one year. The term “loan” will be used interchangeably with the term “rental”.
 - 5.3 On-going renewal of a rental agreement may be determined by the Division to be considered a lease.
 - 5.4 “Bus” is intended to include any division-owned bus, including activity buses or similar vehicles at the disposal of schools.

6. Lease or rental documents, must be approved by the Assistant Superintendent - Business Services, and other than those prescribed as Form 546-01: Broadcast Tower Usage Agreement; Form 546-02: Video Conference Equipment Lease/Rental Agreement; and Form 546-03: General Equipment Lease/Rental Agreement; other proposed agreements must consider the following:
 - 6.1 Identification of the Property;
 - 6.2 Insurance Coverage's (if any);
 - 6.3 Assumption of liability by the lessee;
 - 6.4 Proper Use and Operation;
 - 6.5 Compliance with Legislation or Regulation;
 - 6.6 Term of not more than 5 years;
 - 6.7 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;
 - 6.8 Other terms and conditions prudent given the property to be leased.
7. Lease or rental agreements can only be entered into (signed) by the signing authorities of the Board of Trustees.
8. Revenues from the lease or rental are revenues of the Board.
9. Prescribed form lease or rental documents are to be reviewed at least every five (5) years or earlier if required.
10. 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.
11. Any appeals to this administrative procedure are to be directed to the Superintendent of Schools in writing and must outline the errors or omissions in the application of this procedure.

Developed: November 5, 2008