
TO: CITY MANAGER **DATE:** 2009 January 06

FROM: DIRECTOR PLANNING & BUILDING **FILE:** 2165-11
Reference: Burnaby School District

SUBJECT: BURNABY SCHOOL LANDS

PURPOSE: To advise Council of the historical ownership, acquisition and inventory of School lands in Burnaby and outline the potential implications of the Ministry of Education "*Disposal of Lands or Improvement Order*".

RECOMMENDATIONS:

1. **THAT** Council, through the Office of the Mayor, write to the Provincial Government through the Minister of Education to request amendment of the Ministerial Order titled "*Disposal of Lands or Improvement Order*", as outlined in this report, to:
 - a) require consultation with and agreement of local government for school lands and facilities to be listed as surplus to school and community needs;
 - b) make all surplus lands and facilities available for purchase by the local government prior to making the properties available for Provincial uses;
 - c) seek local government agreement to proposed future uses of surplus school lands prior to the sale, disposal or transfer of the school lands to the Province or other interested private parties;
 - d) require consultation with the local government to determine and document local government and community contributions made towards the creation of school land and facility assets considered for disposal;
 - e) ensure that the proceeds from disposals attributable to local taxpayers are either vested directly in new local school lands and facilities, as originally intended, or returned to the local government;
 - f) recognize lands contributed to School Districts 'in trust' for school purposes, and maintain those lands for school purposes or return the lands to the local government as appropriate; and
 - g) remove the discretion for the Minister to arbitrarily allocate funds generated from the sale of school assets to the Provincial Government.

2. **THAT** Council authorize staff to pursue implementation of the actions outlined in Section 4.0 of this report to protect the City's financial, legal and Community Plan interests in Burnaby School lands.
3. **THAT** Council authorize staff to draft a UBCM resolution regarding the protection of local Municipal interests in school lands and assets for consideration at the 2009 UBCM convention.
4. **THAT** a copy of this report be sent to:
 - the Burnaby Board of Education, School District #41
 - the LANDS Group (Attn: Jessica Van der Veen, 2465 Hamiota Street, Victoria, BC V8R 2N1)
 - Burnaby MLA's
 - The Minister responsible for Labour and Citizens Services (ARES)
 - The Minister of Education
 - All Members of the Union of B.C. Municipalities

REPORT

1.0 INTRODUCTION

At its regular meeting of 2008 April 25, Council received correspondence from the LANDS Group. This group is a community-based organization of citizens opposed to the Provincial Ministry of Education's "*Disposal of Land or Improvements Order*" given its potential implications for public school lands in British Columbia. Arising from discussion of the correspondence, and in relation to the cited Order, Council requested staff to report on the City's current and historical interests in all Burnaby school lands and buildings.

In 2007, the Provincial Government, in its Speech from the Throne, pledged to establish a new process to "*ensure that schools or school lands are used for their highest and best use for maximum public benefit.*" In response to this policy announcement, the B.C. Ministry of Education issued a Ministerial policy titled "*Disposal of Land or Improvements Order*". The Order contains regulations and procedures for the disposal of surplus school lands and improvements and is applicable to all the land and building assets administered by all School Districts in the Province. The Order establishes requirements and procedures for the sale or long-term lease of school lands and improvements that are identified as not being required for educational purposes.

In response to Council's request, this report outlines the content and implications of the Order in relation to the City's current and historical role and involvement in providing for school sites as

an integral part of the planning and development of the City. Additionally, this report provides the outcome of a detailed inventory of the City's school sites and the history of school site acquisition and ownership. Through this research, it has been concluded that Burnaby school lands have been acquired and secured through significant financial and land contributions made by Burnaby residents through various City and School District initiatives to support the educational, park and open space and neighbourhood planning interests of the community.

In light of the significant role of local residents and the City in contributing to the acquisition of its school lands, this report raises a number of significant concerns with the Ministerial Order that calls for the disposal of surplus school lands and facilities without adequate consultation with or recognition of the interests of local governments. In response, this report calls for amendments to the Ministerial Order to recognize local government investment and interests in school lands, proposes initiatives to protect Burnaby's interests, and recommends preparation of a UBCM Resolution on the matter.

2.0 PROVINCIAL MINISTERIAL ORDER

The B.C. Ministry of Education issued a Ministerial Order in 2007 outlining new regulations for the disposal of surplus lands or improvements by local Boards of Education. The Order applies to all school lands (other than those acquired through Crown Grant) and improvements that are deemed as not being required for future educational purposes, and establishes procedures and policies for disposal of the assets either through sale or lease for more than five years. Key components of the Ministerial Order include:

- ***Inventory of Surplus School Properties:*** Each year, a Board of Education is required to provide the Ministry of Education with an inventory of any surplus property available for disposition. The inventory must state whether the Board has decided to retain or dispose of the surplus property listed.
- ***Assessment of Contribution:*** For each property or asset identified for disposal, the Board of Education must determine the share of the property sale proceeds to be allocated to the Board and the Province based on its historical records of the capital fund sharing arrangement between the Province and the Board for site acquisition and any improvements.
- ***Allocation of Proceeds:*** The proceeds from the disposition of a capital asset may be allocated in the proportion of 25 percent to the local Board of Education and 75 percent to the Minister where contributions to the original capital expenditure cannot be determined or where the original capital expenditure by the Board of Education is known to be equal to or less than 25 percent. Notwithstanding this default allocation, the Minister may determine the allocation of the generated funds from a sale in any circumstance where the Board cannot determine the original contributions or where the allocation is determined to be inappropriate.
- ***Use of Proceeds:*** The funds generated by any sale and allocated to the School District must be used for new school capital projects with the Minister's approval.

- **Provincial Government Acquisition of Surplus Property:** On receipt of the inventory of surplus sites or assets, the Ministries of Education and Labour and Citizens' Services have 60 days within which to notify the Board of Education of the government's interest in negotiating for the purchase of the asset for use by government, Crown corporations or other government agencies such as colleges or health authorities. The Order effectively gives the Provincial government the "right-of-first refusal" for purchase of surplus school lands in order to provide the government with the "opportunity to match" provincial institutional needs to the listed surplus asset.
- **Local Government Consultation:** Where the surplus property or asset is not acquired for a Provincial use, the local Board is then permitted to consult with its local government to determine their interest in the use and acquisition of the asset for community purposes.
- **Private Sale:** Where there is neither a Provincial nor local government purchase of the asset, the Board then may proceed through a public process to make the property available for acquisition by other interested purchasers.
- **Market Value:** All negotiations for the disposal or exchange of surplus lands and assets are to be based on fair market value for the property.

To date, the Burnaby School District #41 has complied with the Ministerial Order through its adoption of a standard policy statement for the disposal of surplus real property and improvements which is consistent with the government's direction. The School District has advised staff that there have been no Burnaby School District owned lands or assets listed as being surplus to the District's needs at this time. One exception, listed by the School District, is the former Riverside School building which is currently leased by the District for the privately-operated Kenneth Gordon School. However, the lands associated with this site are owned by the City of Burnaby.

3.0 BURNABY LOCAL GOVERNMENT IMPLICATIONS

The Ministerial Order raises significant concerns for the City of Burnaby, its residents and other local governments as the Order's procedures and requirements fail to appropriately account for:

- local Official Community Plan and land use objectives for school lands; and
- the financial contributions made to purchase school lands and build schools by the local governments and resident taxpayers.

The following provides a discussion of these primary areas of concern with the Order by highlighting the experience and history of Burnaby.

3.1 Community Plan and Land Use Objectives

As currently structured, the Order raises the potential for conflict or disagreement amongst a City and School Board and the Provincial Government, as the Order does not reference or provide direction for local school boards to consult or obtain input from the local government regarding

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the appropriate future land use or zoning designation of assets identified for disposal. For example, school lands could be sold directly to the Provincial Government or agency for a government determined use that may be contrary to the community plan prepared by the local government, or incompatible with land uses adjacent to the school site.

Within Burnaby, the City and the School District have a century-old partnership which has created a public legacy for an integrated framework for school; park and open space sites intended to meet the long-term educational, community facility, and park and open space needs of Burnaby residents. As requested by Council staff have pursued the completion of a report outlining the historical context of both provincial legislation and the legal and administrative relationship of the City of Burnaby and School District #41. This background report titled: *The Contextual History of the Planning and Acquisition of Burnaby School Lands*, has been provided to Council under separate cover to supplement the information which has been provided in this report.¹ The documented contextual history demonstrates that the City has maintained strong and continuing legal, financial and administrative interests in the planning and creation of school sites within the context of the City's community plans, and direct involvement in decisions for any re-designation or exchange of school lands for other purposes. The salient points in the contextual document have been incorporated into this report.

Currently, Burnaby's school lands comprise 53 school sites, an administration office site and works yard encompassing approximately 434 acres (see *Attachments 1 & 2*). These Burnaby school lands form an integral part of the City's Official Community Plan (OCP) which defines school sites to serve existing and future residential neighbourhoods, incorporates school sites into the City's park and open space framework, and recognizes the importance of these sites and associated facilities for the provision of educational and other community services. The importance of school lands to the City's community and land use plans is evident in that school lands not only form part of the City's commitment to meet the long-term educational needs, but also provide for our neighbourhood park and open space needs. In addition, school facilities, such as playfield space, gyms and other shared recreation and community facilities are a key resource in meeting cultural, recreational and other social needs of the community. As such, these school and park resources are integral to Burnaby's planning direction in order to achieve a defined and acceptable standard of liveability for our citizens in every neighbourhood.

Given the importance of Burnaby school lands in meeting current and long-term educational and park and open space needs in the community, and the direct linkage of these sites to our residential development frameworks, the City and the School District have a well-established relationship which provides for the review and analysis of the need and role of school lands from a broader community perspective. As outlined in *The Contextual History of the Planning and Acquisition of Burnaby School Lands* this relationship has allowed the City and the School District to:

¹ The Contextual History of the Planning and Acquisition of Burnaby School Lands (City of Burnaby Planning Department, 2008) is available from the Burnaby Planning Department and on the City's website: www.city.burnaby.bc.ca

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- plan, designate and acquire lands for school and community purposes;
- organize the growth of residential communities in relation to school and park sites;
- exchange lands between the City and School District to achieve school and community objectives; and
- accommodate the interim use of closed school sites pending any future need for school or other community purposes.

Throughout our history, the City and the School District have achieved a pro-active, community based and mutually beneficial approach to the management of school lands in line with both educational and community objectives. This cooperative and integrated approach generally includes the completion of land use decisions that are realized through discussions and agreement between the City and the School District. These land use decisions are pursued with the concurrence of Council and the School Board in conjunction with any required community consultation and input. This process has ensured that careful consideration is given to all aspects of community and school site planning in Burnaby.

While the City of Burnaby's close and mutually beneficial relationship with its School District has served to protect Burnaby's broader community interests, the Ministerial Order does present a significant concern in terms of its potential to adversely impact Burnaby, and other B.C. municipalities, as the order's implementation could:

- erode established mutually supportive relationships between local governments and School Districts;
- adversely affect established community plans;
- reduce the land base provision for park, open space, community facilities, and future school sites; and
- introduce incompatible lands uses within established neighbourhoods and community plans.

In large part, this is due to the Order's approach which provides for the disposal of school lands and gives the Provincial Government the "first right of refusal" for surplus properties without any provision for consultation with and agreement of the local government and its residents. As it is currently structured, the Order also does not acknowledge or account for the authority and role of local governments to plan and approve changes in land use and zoning, nor for consideration of the long-term needs of community plans for school lands.

In respect to these primary concerns, in order to protect the interests of Burnaby and other local governments, staff would recommend that the Provincial Government be requested to amend the order to:

- *require consultation with and agreement of the local government for school lands and facilities to be listed as surplus to school and community needs;*
- *make all surplus lands and facilities available for purchase by the local government prior to making the properties available for Provincial uses; and*

- seek local government agreement to proposed future uses of surplus school lands prior to the sale, disposal or transfer of the school lands to the Province or other private parties.

3.2 Financial Contributions by Local Government and Resident Taxpayers

As noted, the Ministerial Order also fails to acknowledge or appropriately account for the historical financial contribution made to school assets by local governments, the City and resident taxpayers. Specifically, the Order does not contain a mechanism for local governments or communities to document their financial interests in school lands and facilities prior to their disposition; to ensure that the proceeds attributable to local taxpayers are either vested directly in new local school lands and facilities, as originally intended; or to ensure that lands contributed to School Districts "in trust" for school purposes by local government are maintained for school purposes or returned to the local government, as appropriate.

The City of Burnaby and local taxpayers have played a substantial role in providing for direct financial contributions toward the acquisition and development of School District land and facility assets. However, as it is currently structured, the Ministerial Order establishes a 'default' allocation for revenues received from the sale of surplus lands of 25% for the local School District, and 75% to the Province. This allocation of revenues may vary where the School District is able to document greater School District investment in the property being disposed, or at the discretion of the Minister. This default allocation appears to have been established without any regard to, or due consideration of, the historic contributions of local governments and resident taxpayers to school lands and facilities.

As structured, the Order may result in the loss of local government and resident taxpayer contributions to the school asset being made available for disposal. Specifically, the order does not require a School District to consult with local government to determine and report on a local community's historic 'financial contributions' towards the creation of the asset being made available for disposal. Particularly for Burnaby, local municipal financial and land contributions have substantially contributed to the land base and assets currently held by Burnaby School District #41.

Key examples of local government financial contributions, identified in the *The Contextual History of the Planning and Acquisition of Burnaby School Lands*, which were made to local school assets in Burnaby include:

- *Burnaby School Loan Bylaws:* Between 1906 and 1950, funds for the purchase of school sites and the construction of schools, in the order of \$2.09 million at that time, was raised through local taxation.
- *Burnaby Tax Sale Monies Bylaws:* Between 1948 and 1953, City revenues from Tax Sales of property were used to purchase land and construct schools and substantially supplement taxpayer funded School Loan Bylaws. Funds expended utilizing this B.C. Statute provision were in the order of \$590,000.

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- *School Loan Bylaw Referendums:* In 1952, after a survey of educational needs, the Burnaby School Board worked in concert with the municipality and approved a long-range construction plan for Burnaby Schools. This work was completed in response to the need for extraordinary capital funding to support the acquisition of many new sites and the construction and expansion of schools in the post-war period. Initially, Burnaby sent a \$4.4 million dollar 'Money bylaw' to referendum under the existing statutes for Municipal School Loan Bylaws, which was authorized by the electorate. Five additional "School Loan Bylaw Referendums" allowed the School District to borrow funds for school land acquisitions and construction. These debentures were repaid overtime through funds raised through local taxation and by 50% Provincial grant amounts. The total Burnaby taxpayer contribution was in the order of \$28 million dollars.
- *Municipal School Land Reserves:* From the 1940s until the 1970s, the City and the School District jointly established a planning basis for reserving of municipal lands for future school purposes. This cooperative approach resulted in mixed ownership and investment in Burnaby School Lands.
- *Burnaby Land Consolidation / Exchanges:* Over its history, in the acquisition of school sites, a variety of cost-sharing and land transfers were approved between the City and School District. Every property acquisition was unique in its percentage of contribution between the Provincial Government grant, the City and School Board. Many of the sites incorporated municipal tax-sale and park properties, and road and lane allowances that had been reserved for school purposes.
- *Combined School/Park sites:* Burnaby Council adopted influential planning reports in 1961 that created comprehensive community planning standards and locations for both park and school sites. It was deemed desirable from a community planning perspective to plan to combine, where feasible and practical, both neighbourhood and district park and school sites. As a result lands were acquired jointly by both the City and School District to serve the community's needs. These sites are integral to the City's neighbourhood and district park plans and in many cases it would not be possible to separate the dual community uses either legally or spatially. In a number of circumstances school buildings and facilities are located on City-owned lands and city-operated park facilities are located on School District lands.
- *Burnaby Lands Transferred in Trust:* As part of this history, Burnaby regularly transferred to the School District municipal lands acquired by Tax Sale for school purposes. The governing B.C. Statutes at the time outlined that such lands could be conveyed to the Board of School Trustees "**in trust** for school purposes." In 1958, provincial legislation was amended to require that development by a School Board of a new building shall only commence on sites held by and vested in the ownership of the Board of Trustees. As a result, any municipally-owned school site, held in title by the Corporation of the District of Burnaby, which was required for new school construction, was transferred by bylaw and/or sold to the School District, often in consideration of \$1.00. Under Provincial Statutes, at the time, municipalities had the authority by bylaw: "For conveying, with the consent of the Lieutenant Governor in Council, to the Board of School Trustees..., **in trust** for school purposes and as school sites, any land held or acquired by the municipality for school

purposes.” Therefore, at the time of these various land transfers, Burnaby Council and its citizens were reasonably assured that that all municipal lands that were required to be transferred to the School District were vested in the ownership of the community for school purposes. Should the use of the lands transferred in trust cease to be required for school purposes by the School District, the City would expect that these lands would be managed to protect and provide for future local educational and community needs.

- *Burnaby School Site Acquisition Charge:* This new funding initiative was implemented in 2002 to assist with the capital cost of securing new school site and facilities. The acquisition charge represents a tax on local development, which to date, has raised over \$6,000,000 for school land purchases.
- *Ongoing Acquisitions:* The City also continues to pursue property acquisitions and other land exchanges to assist in the protection and development of potential future school sites. A number of future school sites remain in the City’s ownership, with the City continuing to pursue additional acquisitions in line with adopted community plans.

In summary, the complex history of Burnaby’s school lands and their creation through investment, taxation, property transfers and acquisition, by the City and School Board, has resulted in a legacy of overlapping financial, legal and civic interests in the existing 55 sites administered by the Board of Education in the City. It should be noted that the historical contributions may appear small, in contrast with modern monetary values, but these expenditures account for a significant number of the modern-day assets acquired through bylaw funds to finance Burnaby’s school lands and buildings.

In response to Council’s original request a comprehensive property inventory, with corresponding preliminary land title document and municipal bylaw research, of all Burnaby school lands was completed by Planning Department staff. *Attachment 1* provides a summary of the outcome of this site specific research that identifies some of the legal and financial interests held by the City in these school land assets.

This land inventory and preliminary documentary research clearly demonstrates the significant local contributions made by Burnaby and resident taxpayers to the creation of its school lands. It should be noted, that following the completion of the recommended detailed archival and document research for each land parcel, the findings of the legal status of each school site may be subject to change. The Ministerial Order, however, as structured, does not account for or appropriately protect local government and resident taxpayer investments in school lands. The overall approach generally excludes consideration of local government financial interests and contributions by:

- not defining an approach to account for local government equity in lands being considered for disposal;
- not establishing a process for involvement or notification of local government in determining historic financial contributions or legal interests in these lands; and

- by providing the Minister with the discretion to arbitrarily allocate the generated funds from a sale in any circumstance where the Board cannot determine the original contributions or where the allocation is determined to be inappropriate.

To address these primary concerns regarding the legal and financial interests of local governments in school lands and assets, staff would recommend that the Provincial Government be requested to amend the Ministry of Education's Order to:

- *require consultation with the local government to determine and document local government and community contributions made towards the creation of school land and facility assets considered for disposal;*
- *ensure that proceeds from land disposals attributable to local taxpayers are either vested directly in new local school lands and facilities, as originally intended, or returned to the local government;*
- *recognize lands contributed to School Districts in trust for school purposes by local government, and maintain those lands for school purposes or return the lands to the local government; and*
- *remove the discretion for the Minister to allocate funds generated from the sale of school assets to the Provincial Government.*

4.0 ACTIONS TO PROTECT BURNABY'S INTEREST IN SCHOOL LANDS

Given the potential implications of the Ministerial Order, as outlined in Section 3.0, staff recommend that a number of actions be implemented, in cooperation with the Burnaby School District, to protect the community's interests in all of Burnaby's school lands, as outlined below:

- ***Appropriate Zoning for School Lands***

The inventory has identified several school properties that retain, in part, the prevailing residential zoning of the property in place at the time of its acquisition or designation for school purposes. To properly reflect the community's designated use of these sites, it is proposed that all school lands, with inconsistent zoning, be rezoned to the P3 Park and Public Use District, consistent with the property's current OCP designation and school use.

With Council adoption of the recommendations of this report, the Planning Department, in cooperation with the School District, would proposed to initiate the City rezoning of defined School District and City-owned lands currently used for school purposes to the appropriate Park and Public Use District (P3) designation. Further reports would be prepared for Council consideration on individual site rezonings as part of the City's regular rezoning process.

- ***Establishment of Lease Agreements for City Lands Used for School Purposes***

The inventory identified several City-owned properties that are used for School purposes. In a number of cases, these City-owned lands accommodate constructed school buildings and facilities. In order to refine the current unclear legal situation concerning these properties, the establishment of defined lease agreements for the City land involved is recommended.

Staff would propose to review these lands with the School District in order to establish appropriate lease agreements to reflect and protect the City's interest in lands used for school purposes.

Staff would proposed to complete the review and discussions with the School District as to ongoing needs for use of these City lands for school purposes, and would prepare a subsequent report to Council on the appropriate and recommended lease arrangements.

- ***Recognition of City Financial Contributions to School Lands and Facilities***

As outlined above, and in the referenced *The Contextual History of the Planning and Acquisition of Burnaby School Lands*, over its history, the City has made a considerable investment in school lands and facilities through a number of mechanisms including property transfers in trust, transfer of tax-sale lands, and expenditure of City taxpayer funds.

To protect and provide for legal recognition of the City's interests, staff would propose to undertake the further research to document City contributions within the school lands inventory. This inventory would include full historic land title and bylaw research in order to determine the historic transfer of City properties to the School District. This research will also determine whether or not any of the City's legal interests in the lands could be further protected through legal covenants or other means. On completion of this further research, staff would prepare the required report to seek Council's concurrence for any arising actions.

- ***Registration of Existing Park Dedication and Reservation Bylaws***

The inventory identified five school sites, in whole or part, which were protected by Park Dedication and Reservation Bylaws prior to being conveyed to the ownership of the School District for school purposes by the City. Generally, these bylaws establish legal restrictions on the subject properties that would require local government approval and/or public referendum to allow for their disposition from public ownership or for its conversion to any other purpose.

To ensure that information on Park Dedication Bylaws is appropriately referenced, staff would propose to add this information from the inventory to the City property databases, and to explore the feasibility of registering the City's bylaw references on title through the Land Titles Office.

With Council adoption of the recommendations of this report, staff would pursue these and other measures, as appropriate, to further protect the City's financial and community plan interests in the City's school lands. Further reports on specific actions would be prepared for Council consideration as appropriate. In addition, staff would consult with and involve the Burnaby School District as further research, initiatives and specific actions are pursued.

5.0 UBCM RESOLUTION

In 2007, the Union of B.C. Municipalities (UBCM) at its annual convention endorsed a resolution regarding the Ministerial Order. This resolution specifically advocated that the UBCM request the Province of BC to reconsider its position with respect to the disposal of school land or improvements at fair market value as it relates to such acquisition by a local government body. The intention was to allow communities to assume responsibility for surplus school properties at minimal or no cost for use as seniors' facilities, low cost housing or other community purposes.

The government response to the resolution was to repeat the intentions of the Ministry of Education directive. Additionally, the Provincial Government responded that:

“the Ministry of Labour and Citizens’ Services, Accommodations and Real Estate Services (ARES) will act as the central agent for the disposal of land and improvements. Boards of Education own significant capital assets and, as a result of declining enrolment and changing demographics a number of these assets have become surplus. The government is interested in putting these surplus properties to highest and best use for maximum public benefit. Under the new process, properties identified as surplus by the school district will be matched against capital requirements from the provincial government, including Crown corporations or other agencies such as colleges or health authorities. Should there be no required use for the property at the provincial level, then the school district will consult with the local government where the property resides, to see if there is a community use for the property. The proceeds from the sale of surplus properties are used by school districts to fund capital investments in educational facilities. Sale of surplus assets will continue to be at fair market value, and the distribution of the proceeds from the sale will not change from current practice.”

At the time of the adoption of the UBCM resolution, there had not been a critical review of the implication of the Ministerial Order for all local governments of B.C. As outlined in this report, the Ministerial Order has ignored the historic local government financial interests; community planning and land-use considerations; the need for a consultation process with local governments; and the potential for broad and significant impacts to communities across British Columbia arising from the disposal of school lands.

As such, it is recommended that Council authorize staff to draft a resolution for consideration at the 2009 UBCM convention that would reflect the findings and outcomes presented in this report. Staff would submit the resolution to Council for consideration in advance of the UBCM resolution submission deadline of June 30, 2009.

6.0 CONCLUSION

The City of Burnaby, in partnership with School District #41, has effectively managed the school lands and community assets, in trust for Burnaby’s children and citizens, as an integral part of its community plans and services. The shared responsibility of both the City and School District to

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protect and use the building and land assets for the benefit of the community has long been acknowledged. Burnaby schools and sites form a critical part of Burnaby's social infrastructure that provide a substantial contribution to the well-being of every neighbourhood and citizen. The planning and stewardship of the historic legacy of our school sites to meet the needs of future generations has remained as a constant principle for the City and School District to guide the management of these public land assets.

There are several specific requirements of the new Provincial Government's Ministerial Order that raise concerns for the City of Burnaby with respect to the City's legal title interests, historic financial contributions, and the protection of school lands for community purposes. As such it is recommended that Council, through the Office of the Mayor, write to the Province through the Minister of Education to request amendment of the Ministerial Order regarding the disposition of school lands and assets, as outlined in this report. In light of the implications of the Order, with Council adoption of the recommendations of this report, staff will also proceed to ensure that all steps are taken to protect the financial and legal interests of the City in existing school lands with the appropriate School District consultation and approval of Council, as necessary. Further, staff would prepare a resolution to the UBCM for Council's consideration to seek support from other affected local governments for its concerns regarding the Ministerial Order's potential impacts.

It is further recommended that copies of this report be sent to the Burnaby Board of Education, School District #41; the LANDS Group (Attn: Jessica Van der Veen, 2465 Hamiota Street, Victoria, BC V8R 2N1); Burnaby MLA's; The Minister responsible for Labour and Citizens Services (ARES); The Minister of Education; and All Members of the Union of B.C. Municipalities.



B. Luksun, Director
PLANNING AND BUILDING

JW/LP/sa/tn
Attachments (2)

cc: Deputy City Manager
Director Finance
City Solicitor
Director Parks, Recreation and Cultural Services
Director Engineering
City Clerk
Superintendent of Schools – School District #41

Burnaby School Lands: Preliminary Inventory of City Financial and Legal Interests

Property Name	Site owned in whole or part by City.	Site conveyed by City for nominal fee.	Site acquired by City Tax Sale Bylaw.	Site protected by Park Dedication or Reservation Bylaw.	Site includes City road and/or lane rights-of-way	Summary Sites with City Interests
ELEMENTARY SCHOOLS						
Armstrong Elementary						
Aubrey Elementary						
Brantford Elementary						
Brentwood Park Elementary						
Buckingham Elementary						
Cameron Elementary						
Capitol Hill Elementary						
Cascade Heights Elementary						
Chaffey-Burke Elementary						
Clinton Elementary						
Confederation Park Elementary						
Douglas Road Elementary						
Edmonds Community School						
Forest Grove Elementary						
Gilmore Avenue Community School						
Gilpin Elementary						
Glenwood Elementary						
Inman Elementary						
Kitchener Elementary						
Lakeview Elementary						
Lochdale Community School						
Lyndhurst Elementary						
Marlborough Elementary						
Maywood Community School						
Montecito Elementary						
Morley Street Elementary						
Nelson Elementary						
Parkcrest Elementary						
Rosser Elementary						
Seaforth Elementary						
Second Street Community School						
South Slope Elementary						
Sperling Avenue Elementary						
Stoney Creek Community School						
Stride Community School						
Suncrest Elementary						
Taylor Park Elementary						
Twelfth Avenue Elementary						
Westridge Elementary						
Windsor Elementary						
SECONDARY SCHOOLS						
Alpha Secondary						
Burnaby Central Secondary						
Burnaby Mountain Secondary						
Burnaby North Secondary						
Burnaby South Secondary						
Byrne Creek Secondary						
Cariboo Hill Secondary						
Moscrop Secondary						
OTHER SCHOOL PROPERTIES						
Schou Education Centre						
Canada Way Education Centre						
St. Michaels Private School						
Kenneth Gordon Private School						
Duthie-Union Elementary						
Riverway West Elementary						
ADMINISTRATIVE PROPERTIES						
School Board Administration Office						
School Board Maintenance Building						

Note: This inventory reflects preliminary research and findings and may be subject to change.

BURRARD INLET

