



**BOARD OF EDUCATION
SD NO. 40 (NEW WESTMINSTER)
SPECIAL OPEN MEETING OF THE BOARD
AGENDA**

Monday, September 27, 2021, 5:00 pm

[Via Webex](#)

The New Westminster School District recognizes and acknowledges the Qayqayt First Nation, as well as all Coast Salish peoples on whose traditional and unceded territories we live, we learn, we play and we do our work.

			Pages
1.	<u>Approval of Agenda</u>	5:00 PM	
Recommendation: THAT the Board of Education of School District No. 40 (New Westminster) approve the agenda for the Special Open board meeting.			
2.	<u>Massey Theatre</u>	5:05 PM	<u>2</u>
Recommendation: THAT the Board of Education of School District No. 40 (New Westminster) record first reading of the Disposal of Real Property bylaw No. 21-01. Recommendation: THAT the Board of Education of School District No. 40 (New Westminster) record second reading of the Disposal of Real Property bylaw No. 21-01.			
3.	<u>Adjournment</u>	5:30 PM	

Supplement to: **REGULAR OPEN BOARD MEETING**

Date: September 27, 2021

Submitted by: Bettina Ketcham, Secretary-Treasurer

Item: **Requiring Action** **Yes** ☒ **No** ☐ **For Information** ☐

Subject: Massey Theatre Transfer

Background:

Included in the Capital Plan Funding Agreement (CPFA) for New Westminister Secondary School, the scope of work included the replacement of the existing secondary school plus constructing a new Neighborhood Learning Centre (NLC). This work has been completed with occupancy having been achieved in January 2021. As part of the next phase of work supported under the CPFA, the existing school will be deconstructed and the Massey Theatre will be isolated as a standalone structure, which will become the responsibility of the City of New Westminister.

The School Act provides that the Board of Education may exercise its power with respect to the disposal of property owned or administered by the Board only by bylaw (see attached). The School Act also requires that the Board of Education obtain ministerial approval prior to pursuing the disposal of board-owned real estate. The Ministry of Education has granted this approval, in line with the CPFA signed in 2016.

The City of New Westminister, alongside the District have been working to execute the transfer as agreed upon previously. A property transfer agreement has been drafted with both parties having reviewed the terms.

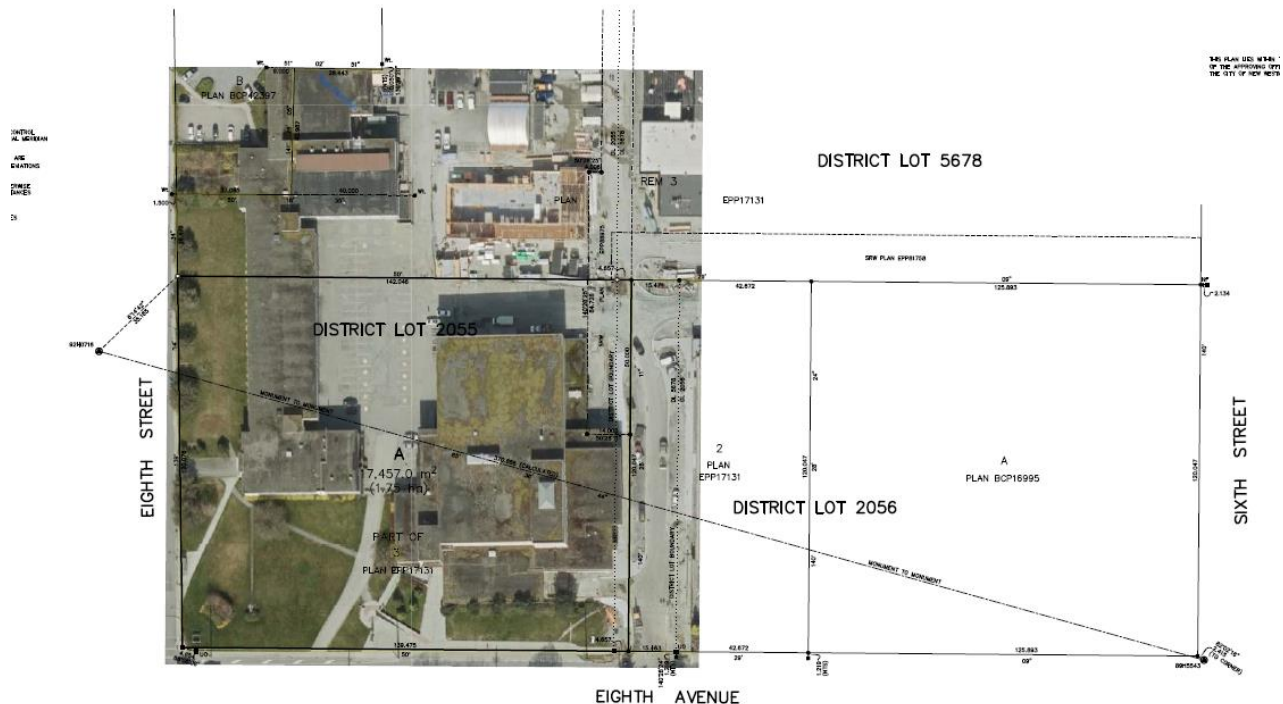
To address concerns over the sensitive nature of the lands the existing school site sits on, the District has ensured incorporation in the terms of the property transfer agreement, protections of these designated areas to ensure the guidelines and principles that the Memorialization Advisory Committee (MAC) and school district value, are respected. For clarity:

- Memorialization recommendations will consider and recognize the diverse cultural heritage of the site and respect all groups who have historical connections to the site.
- Memorialization areas will be a “passive green space”. Both areas, the area designated as cemetery and the area designed as heritage, will be treated in the same way. The



committee will recommend permissible activities within the Consumer Protection Branch and Heritage Conservation Act guidelines, and will ensure that activities respect the cultural heritage of groups with historical connections to the site.

The disposal of the Massey Theatre lands located at 735 Eighth Avenue, New Westminister, BC, comprising the lands to be legally described as PID: N/A, Lot A, District Lots 2055 and 5678, Group 1, New Westminister District, Plan EPP109420 (as shown below), which lands will be subdivided from the parcel legally described as Parcel Identifier: 028-745-680, Lot 3, District Lots 2055 and 5678, Group 1, New Westminister District, Plan EPP17131.



Next Steps:

The passing of the bylaw will come in two stages, with the first two (2) readings being completed on September 27, 2021 and third and final reading of the bylaw on September 28, 2021.

Beyond the passing of the bylaw to dispose of the property, the completion and legal transfer can only take place after the following:



- 1) Execute the Subdivision agreement in order to create the legal parcel of land to transfer;
- 2) Execute the land Purchase and Sales Agreement between the District and the City; and
- 3) Filing and processing of the documentation required by the Land Titles Office.

Recommendation:

***THAT* the Board of Education of School District No. 40 (New Westminster) record first reading of the Disposal of Real Property bylaw No. 21-01.**

***THAT* the Board of Education of School District No. 40 (New Westminster) record second reading of the Disposal of Real Property bylaw No. 21-01.**

**SCHOOL DISTRICT NO. 40 (NEW WESTMINSTER)
DISPOSAL OF REAL PROPERTY BYLAW NO. 21-01**

A BYLAW by the Board of Education of School District No. 40 (New Westminster) (hereinafter called the “**Board**”) to dispose of property pursuant to Section 65(5) of the *School Act*, R.S.B.C. 1996, c.412 as amended from time to time (called the “**Act**”).

WHEREAS section 65 (5) of the *School Act* provides that a board of education may exercise a power with respect to the acquisition or disposal of property owned or administered by the board only by bylaw;

AND WHEREAS section 96 (3) of the *School Act* provides that a board of education may dispose of land or improvements, or both, subject to the orders of the minister;

AND WHEREAS section 3 of the Disposal of Land or Improvements Order provides that boards must not dispose of land or improvements by sale and transfer in fee simple or by way of 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 of the Disposal of Land or Improvements Order;

AND WHEREAS section 5 of the Disposal of Land or Improvements Order provides that the Minister may approve, with any terms and conditions, a disposition of land or improvements;

NOW THEREFORE be it resolved that the Board of Education of School District No. 40 (New Westminster) hereby authorizes the disposal of the Massey Theatre located at 735 Eighth Avenue, New Westminister, BC, comprising the lands to be legally described as PID: N/A, Lot A, District Lots 2055 and 5678, Group 1, New Westminister District, Plan EPP109420 (as shown on the copy of Plan EPP 109420 attached hereto as Schedule A), which lands will be subdivided from the parcel legally described as Parcel Identifier: 028-745-680, Lot 3, District Lots 2055 and 5678, Group 1, New Westminister District, Plan EPP17131.

The Board of Education confirms that this disposal has received the necessary ministerial approvals pursuant to the Disposal of Land or Improvements Order and will have no adverse effect on the educational programs of School District No. 40 (New Westminister) and will not require the land or improvements for future educational purposes.

This bylaw may be cited as School District No. 40 (New Westminister) Disposal of Real Property Bylaw No. 21-01.

Read a first time this 27th day of September, 2021.

Read a second time this 27th day of September, 2021.

Read a third and final time, passed and adopted this 28th day of September, 2021.

Board Chair

APPLY CORPORATE SEAL

Secretary-Treasurer

I HEREBY CERTIFY this to be a true and original School District No. 40 (New Westminster) Disposal of Real Property Bylaw No. 21-01 adopted by the Board of Education this 28th day of September, 2021.

Secretary-Treasurer

