



Decision Note Advice to Minister

Date: May 19, 2015

Cliff #: 98975

Issue: Authority to approve property acquisitions and disposals by public post-secondary institutions.

Recommendation / Next Steps:

s.13,s.17

Next steps: The delegation can be effected by approving the recommended option in the signature box of this decision note.

Background / Facts:

- Under section 50(2) of the University Act, universities require approval of the Minister of Advanced Education to dispose of property. Universities do not require approval of the Minister of Advanced Education to acquire property.
- Under section 50(2) of the *College and Institute Act*, colleges and institutes require the approval of the Minister of Advanced Education and the Minister of Finance to acquire or dispose of property.
- The DM has authority to approve acquisitions and dispositions under the *Interpretation Act*; no formal delegation is required.
- Current Ministry practice is that all requests for approval to acquire or dispose of property by public post-secondary institutions (PSIs) are decided by the Minister.
- Ministry of Finance practice is that all requests for approval to acquire or dispose of property by colleges and institutes are decided by the Deputy Minister.
- In 2014, the Ministry received 28 requests for approval to acquire or dispose of property.

Analysis:

- Based on *Interpretation Act* definitions of “acquire” and “dispose”, the approval requirement for acquisition or disposal of property includes not only sales and leases, but also statutory rights of way,

easements and other dispositions where the PSI retains ownership and possession of the land.

- PSIs have raised concerns that the length of time the Ministry takes to process approvals is hindering their ability to conduct day-to-day business and realize maximum value from real estate transactions.
- Approximately 80 percent of acquisitions and disposals are valued at \$15 million or less. Examples include grants of statutory rights of way to utility companies; the purchase and sale of residential properties by Northern Lights College for the purpose of its home building program (students build a residential home on bare land as part of their educational program and the profit realized on the sale is re-invested in the program); and routine sales and leases of property that have limited, if any, public policy implications or financial impact on government.
- s.14
- s.12,s.13

Other Options:

s.13,s.17

Approved

Minister to specify if the recommendation has been approved or one of the other options or simply not approved.



Honourable Andrew Wilkinson

May 25, 2015

Date

Attachment(s): Section 50 (2) of the *University Act*, and *College and Institute Act*

Contact: Sandra Carroll, Deputy Minister, (250) 356-5173

Kevin Brewster, Assistant Deputy Minister, (250) 952-7410

University Act

Property

50 (2) Subject to the approval of the minister and to the terms of any grant, conveyance, gift or devise of land, a university may

(a) mortgage, sell, transfer, lease for not more than 99 years, or otherwise dispose of its land, and

(b) lease for any term any of its land to a college affiliated with the university.

College and Institute Act

Institution is an agent of the government

50(2) An institution may, in its own name, carry out its powers and duties under this Act and, with the consent of the minister and the Minister of Finance, acquire and dispose of land or buildings.

From: [Dale, Raman FIN:EX](#)
To: [Brewster, Kevin AVED:EX](#)
Subject: Re: For approval: DNs - Property Acquisitions / Disposals
Date: Tuesday, May 26, 2015 1:10:41 PM

Excellent!

Sent from Samsung Mobile

----- Original message -----

From: "Brewster, Kevin AVED:EX"
Date: 05-26-2015 12:59 PM (GMT-08:00)
To: "Dale, Raman FIN:EX"
Subject: RE: For approval: DNs - Property Acquisitions / Disposals

We have the lateness thing fixed now.

s.13

KB

From: Dale, Raman FIN:EX
Sent: Tuesday, May 26, 2015 12:57 PM
To: Brewster, Kevin AVED:EX
Subject: Re: For approval: DNs - Property Acquisitions / Disposals

OK. I recall the NLC house one from last year and it was also provided to me very late

Sent from Samsung Mobile

----- Original message -----

From: "Brewster, Kevin AVED:EX"
Date: 05-26-2015 12:54 PM (GMT-08:00)
To: "Dale, Raman FIN:EX"
Subject: RE: For approval: DNs - Property Acquisitions / Disposals

Its only 3 – I made a mistake about the 4

I can send you the Info Notes on the Emily Carr ones

- Approval to dispose – due to 18 different statutory rights of way, etc for Subdivision of the larger property to establish the Emily Carr site. For BCIT only
- Approval to dispose – sale of Lot 5 to the City of Vancouver – For BCIT only.

The third is for Northern Lights College carpentry program – each year they buy a property, the students build a house and the college sells it and buys another property.

The property deal closes on May 31st

KB

From: Dale, Raman FIN:EX
Sent: Tuesday, May 26, 2015 12:47 PM
To: Brewster, Kevin AVED:EX
Subject: Re: For approval: DNs - Property Acquisitions / Disposals

It is but normally I have more lead time. Will need to get a note (s) done and pre brief George tomorrow afternoon.

Should be OK if all 4 are straightforward but can't promise anything.

Sent from Samsung Mobile

----- Original message -----

From: "Brewster, Kevin AVED:EX"
Date: 05-26-2015 12:42 PM (GMT-08:00)
To: "Dale, Raman FIN:EX"
Subject: RE: For approval: DNs - Property Acquisitions / Disposals

Hi – we discussed last week you had access to PM this Thursday? Is this still the case?

These 4 items are vital – the others can wait

KB

From: Dale, Raman FIN:EX
Sent: Tuesday, May 26, 2015 12:39 PM
To: Brewster, Kevin AVED:EX; Meadows, Jennifer L AVED:EX
Cc: Shang, Cindy AVED:EX
Subject: Re: For approval: DNs - Property Acquisitions / Disposals

Will do my best

Sent from Samsung Mobile

----- Original message -----

From: "Brewster, Kevin AVED:EX"
Date: 05-26-2015 12:27 PM (GMT-08:00)
To: "Dale, Raman FIN:EX" , "Meadows, Jennifer L AVED:EX"
Cc: "Shang, Cindy AVED:EX"

Subject: RE: For approval: DNs - Property Acquisitions / Disposals

I have 4 needing approval this week

2 for Emily Carr

1 for SFU

1 for NLC – in the batch

Will review w you tomorrow morning

From: Dale, Raman FIN:EX
Sent: Tuesday, May 26, 2015 12:26 PM
To: Meadows, Jennifer L AVED:EX
Cc: Brewster, Kevin AVED:EX; Shang, Cindy AVED:EX
Subject: Re: For approval: DNs - Property Acquisitions / Disposals

When are approvals needed by? Might not be possible for a couple of weeks

Sent from Samsung Mobile

----- Original message -----

From: "Meadows, Jennifer L AVED:EX"
Date: 05-26-2015 11:52 AM (GMT-08:00)
To: "Dale, Raman FIN:EX"
Cc: "Brewster, Kevin AVED:EX" , "Shang, Cindy AVED:EX"
Subject: For approval: DNs - Property Acquisitions / Disposals

Good morning Raman,

Attached are property acquisition / disposition decision notes and consent forms that require DM Peter Milburn's approval. All have been approved by DM Sandra Carroll.

1. NLC request to purchase a lot in Pouce Coupe, BC for its Carpentry Program. Please note this DN is time sensitive.
2. NLC request to approve the granting of a Statutory Right of Way to BC Hydro
3. NLC request for approval to lease from SD #59 Peace River South
4. Langara College request for disposition by Statutory Right of Way to City of Vancouver

s.13,s.17

Thank you.

JENNIFER MEADOWS

Director, Executive Operations

Deputy Minister's Office

Ministry of Advanced Education

3rd Floor, 835 Humboldt Street, Victoria BC V8W 9T6

p: 250-952-6842 | m: 250-507-0063

From: [McMahan, Alana AVED:EX](#)
To: [Springer, Kim C AVED:EX](#)
Cc: [Aitken, Cathy M AVED:EX](#); [Nickerson, Catherine M AVED:EX](#)
Subject: FW: urgent: 98975 DN delegation of authority (8)
Date: Thursday, May 21, 2015 9:42:30 AM
Attachments: [98975 DN delegation of authority \(8\).docx](#)
Importance: High

Hi Kim,

I have already formatted this DN and the latest version is in eApprovals so please don't make changes to the version Catherine attached. If you are making any edits to this document, please do it on the LAN and let me know so I can upload the revised version to the eApprovals.

[G:\Collaboration\Correspondence\Units\PS Capital\Briefing Notes\Acqs & Disp\2015\98975 DN delegation of authority.docx](#)

Thank you,

Alana

From: Nickerson, Catherine M AVED:EX
Sent: Thursday, May 21, 2015 6:07 AM
To: Springer, Kim C AVED:EX
Cc: Aitken, Cathy M AVED:EX; McMahan, Alana AVED:EX
Subject: RE: urgent: 98975 DN delegation of authority (8)
Importance: High

Hi again,

I know that this is confusing, so just to be clear... there are 2 questions that we need answered:
s.13,s.17

I'd like to resolve this asap so that I can get the DN to Kevin.

Please let me know if you have any questions.

Thank you, Catherine

From: Nickerson, Catherine M AVED:EX
Sent: Wednesday, May 20, 2015 6:40 PM
To: Springer, Kim C AVED:EX
Cc: Aitken, Cathy M AVED:EX; McMahan, Alana AVED:EX
Subject: urgent: 98975 DN delegation of authority (8)
Importance: High

Hi Kim,

Please validate or revise the following statement from the delegation of authority DN:
s.13,s.17

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Withheld pursuant to/removed as

s.13;s.17

From: [Meadows, Jennifer L AVED:EX](#)
To: [Shaw, Mary A AVED:EX](#); [Scowcroft, Lesley AVED:EX](#)
Cc: [Avison, Claire AVED:EX](#)
Subject: FYI - Delegation of Authority DN approved
Date: Wednesday, May 27, 2015 3:30:21 PM
Attachments: [98975 - DN - Delegation of Authority \(Minister approved\).pdf](#)

Hello Mary and Lesley,

JFYI - Minister has approved the delegation of authority DN for land dispositions / acquisitions.

Thanks

JENNIFER MEADOWS

Director, Executive Operations

Deputy Minister's Office

Ministry of Advanced Education

3rd Floor, 835 Humboldt Street, Victoria BC V8W 9T6

p: 250-952-6842 | m: 250-507-0063

From: [McMahan, Alana AVED:EX](#)
To: [Nickerson, Catherine M AVED:EX](#)
Cc: [Shang, Cindy AVED:EX](#); [Shaw, Mary A AVED:EX](#)
Subject: RE: 98975 DN delegation of authority
Date: Wednesday, May 20, 2015 3:50:47 PM

Hi Catherine,

The updated DN is ready for your review in eApprovals and then it can be sent to Kevin.

Thank you,

Alana

From: Shaw, Mary A AVED:EX
Sent: Wednesday, May 20, 2015 3:44 PM
To: McMahan, Alana AVED:EX; Nickerson, Catherine M AVED:EX
Cc: Shang, Cindy AVED:EX
Subject: RE: 98975 DN delegation of authority
Ok will do

From: McMahan, Alana AVED:EX
Sent: Wednesday, May 20, 2015 3:26 PM
To: Shaw, Mary A AVED:EX; Nickerson, Catherine M AVED:EX
Cc: Shang, Cindy AVED:EX
Subject: RE: 98975 DN delegation of authority

Hi Mary,

I have formatted the DN (attached) so if you would like to send it back to Catherine in eApprovals to review, I'll upload the new version and then she can send it directly to Kevin when she's approved.

Thank you,

Alana

From: Shaw, Mary A AVED:EX
Sent: Wednesday, May 20, 2015 3:09 PM
To: Nickerson, Catherine M AVED:EX
Cc: McMahan, Alana AVED:EX; Shang, Cindy AVED:EX
Subject: 98975 DN delegation of authority
Importance: High

Ok, have revised -s.13

Do you want to take

a quick look at this before I send it on to Kevin? No worries if not – I don't think you will have any concerns.

Thanks,

Mary

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Withheld pursuant to/removed as

s.14;s.13;s.17

From: [Nickerson, Catherine M AVED:EX](#)
To: [Springer, Kim C AVED:EX](#); [Shaw, Mary A AVED:EX](#)
Cc: [Sleeve, Cathy AVED:EX](#); [Aitken, Cathy M AVED:EX](#); [McMahan, Alana AVED:EX](#); [Duckmanton, Judi AVED:EX](#)
Subject: RE: Delegation of Authority for Acquisitons and Dispositions
Date: Friday, May 22, 2015 8:31:37 AM

Update – Kevin has approved the Delegation DN and forwarded it to the DM.

Thanks to all for your hard work on this!

Catherine

From: Nickerson, Catherine M AVED:EX
Sent: Friday, May 22, 2015 7:21 AM
To: Springer, Kim C AVED:EX; Aitken, Cathy M AVED:EX; Shaw, Mary A AVED:EX
Subject: FW: Delegation of Authority for Acquisitons and Dispositions
Importance: High
FYI

From: Nickerson, Catherine M AVED:EX
Sent: Thursday, May 21, 2015 7:54 PM
To: Brewster, Kevin AVED:EX
Cc: McMahan, Alana AVED:EX; Shang, Cindy AVED:EX; Nickerson, Catherine M AVED:EX
Subject: Delegation of Authority for Acquisitons and Dispositions
Importance: High

Hi Kevin,

I have forwarded the revised DN to you in e-approvals.

s.13,s.14,s.17