

WESTERN QUEBEC SCHOOL BOARD
REVISED POLICY STATEMENT

Title: The Leasing of Premises and the Granting of Contracts

Approval Date: September 24, 2003 Res. No.: C-03/04-13

Revision Date: Res. No.:

Origin: Buildings Committee
Standing Committee

1. OBJECTIVE

- 1.1 To provide governing boards with guidelines when negotiating agreements for the leasing of premises and the signature of contracts.
- 1.2 To insure that by leasing their premises, the governing boards cover the capital and maintenance costs of such leases.

2. DEFINITIONS

Education Act: R.S.Q., 1-13.3 (The "Act")

Governing Board: As defined by Division II of the Education Act

Quebec Civil Code: This code contains the basic rules which govern the relation between every person, be they physical or legal, including those rules concerning the lease of goods, loans, civil liability and contracts. See Annex A.

Charter of Human Rights and Freedoms:	(R.S.Q., C-12 Herein after the "Charter") See Annex B.
WQSB:	Western Quebec School Board
Lessee:	Any third party to whom the Governing Board leases its premises

3. POLICY

- 3.1 In general the schools fall under the responsibility of the school principal and **THE GOVERNING BOARD** as created by their deed of establishment. As provided for by section 93 of the **EDUCATION ACT**, the following policy will apply to all schools created by the WQSB
- 3.2 The School board recognizes the rights and responsibilities, of **THE GOVERNING BOARD** as outlined in the Act, in those matters related to the use of the premises or immovables placed at the disposal of the school and subject to this policy.
- 3.3 The School board acknowledges its responsibility, as outlined in the Act, to ensure that the Act, applicable regulations, and this policy are respected by the governing board.
- 3.4 In recognition of the WQSB's authority under section 93 of the **Education Act** the board will abide by this policy and the following
- 3.4.1 The Quebec Civil Code will apply to all legal situations not specifically covered by other applicable laws or regulations such as the sections outlined in Annex A.
- 3.4.2 **Charter of Human Rights and Freedoms**
In conformity with Sections 10 and 12¹ of the Charter, a school board may not refuse to lease premises to a person for any of the reasons provided in Section 10. See Annex B
- 3.4.3 **Copyright Act (R.S.C., C-42)**
The school board shall require that, in the event of a musical or a theatrical performance, the lessee obtained all licenses under the terms of the Copyright Act.

¹ See Annex B - Section 10 and 12 of the Charter

- 3.4.4 Liquor Permits (R.S.Q., C. P-9-1)
If the lessee wishes to sell or serve alcoholic beverages, the lessee must obtain a liquor permit as required under the law.
- 3.4.5 Tobacco Act (R.S.A., C.T-0-01)
The lessee must undertake to ensure the prohibition of smoking in school premises.
- 3.4.6 The lessee must pay the fire insurance premiums required for the proposed rental, as set out by the WQSB's insurer.
- 3.4.7 The lessee must abide by procedures (lease) of facilities as set forth in Annex C
- 3.5 **THE GOVERNING BOARD** will accept in its yearly budget, as provided for by section 275 of the **Education Act**, a charge representing the capital and maintenance costs equal to an hourly rate of 3.00\$ for each rental hour of **THE GOVERNING BOARD'S** rental of their premises.
- 3.6 Annexes A, B C and D are an integral part of this Policy and **THE GOVERNING BOARD MUST** abide by them.
- 3.7 **THE GOVERNING BOARD** and/or the school principal will forward to the WQSB copies of annex D (rental application form) as soon as they are completed, for the purpose of section 3.5.
- 3.8 All leases exceeding a one year term must be approved by the WQSB.