

SPECIAL BOARD MEETING

AGENDA

1. CALL MEETING TO ORDER

1.1 LAND ACKNOWLEDGEMENT

With deep gratitude and respect, we are honoured to be learning and unlearning on the ancestral and unceded lands of the xʷməθkʷəy̓əm (Musqueam), Sḵwxwú7mesh Úxwumixw (Squamish Nation) and səliłwətał (Tsleil-Waututh Nation).

1.2 OPENING REMARKS

The meeting is currently being broadcasted live, and both the audio and video recordings will be accessible to the public for viewing even after the meeting ends. Footage from this meeting may be viewed from Canada or anywhere else in the world.

2. NEW BUSINESS

2.1 School District No. 39 (Vancouver) Queen Elizabeth Annex School Site Ground Lease Bylaw, 2026

(1) That School District No. 39 (Vancouver) Queen Elizabeth Annex School Site Ground Lease Bylaw, 2026 be given three (3) readings and approved at the March 16, 2026 Public Board meeting.

(VOTE MUST BE UNANIMOUS)

(2) That School District No. 39 (Vancouver) Queen Elizabeth Annex School Site Ground Lease Bylaw, 2026 be:

Read a first time the 16th day of March, 2026;

Read a second time the 16th day of March, 2026;

Read a third and final time, passed and adopted this 16th day of March, 2026.

3. ADJOURNMENT

March 16, 2026

ITEM 2.1

TO: Board of Education

FROM: Senior Team

RE: School District No. 39 (Vancouver) Queen Elizabeth Annex School Site Ground Lease Bylaw, 2026

Reference to the Education Plan

GOAL 2: The Vancouver School Board will increase equity by...

OBJECTIVE: Improving stewardship of the District’s resources by focusing on effectiveness, efficiency, and sustainability.

INTRODUCTION

This report is provided to the Board for decision.

At the Special Private Board meeting of March 11, 2026 the Board reviewed in detail the terms of the Queen Elizabeth Annex School Site Ground Lease.

BACKGROUND

On June 6, 2022, the Board approved the closure of Queen Elizabeth Annex (QEA) effective June 30, 2023.

On April 11, 2023, the Board, as per Policy 20 section 3.1, declared the QEA site and buildings (the Real Property) surplus to the needs of the School District and instructed staff to proceed with the Real Property disposal process.

On December 4, 2023, the Board authorized the Secretary Treasurer to offer, on its behalf, a lease of Queen Elizabeth Annex of not more than 99 years to the Conseil Scolaire Francophone de la Colombie-Britannique.

On May 23, 2025, the British Columbia Supreme Court (the “Court”) released its reasons in Conseil scolaire francophone de la Colombie-Britannique v. British Columbia, 2025 BCSC 962 (the “Decision”) which included the following with respect to Queen Elizabeth Annex:

“[724] To recapitulate, for these reasons, I make the following declarations and orders:

- a) The Conseil is entitled to have transferred to it freehold tenure or a prepaid leasehold tenure of the QEA site;*
- b) In the case of a leasehold tenure, the lease must have a 99-year term affording the Conseil complete security of tenure, full management and control (without restriction as to the use it makes of the property), reasonable notice in advance of the landlord's intentions vis-a-vis renewal at the end of the term, and compensation for the fair value of improvements on the property at the end of the term;*
- c) The VBE is entitled to be paid the fair market value of the tenure transferred to the Conseil;*
- d) The Province must fund the Conseil's purchase of the QEA site by providing funds equal to the fair market value of the tenure being transferred together with reasonable transaction costs; and*
- e) The transfer must be concluded within 90 days, or such further period as may be agreed in writing between the Conseil, the VBE, and the Ministry.”*

Following the Court’s decision, Conseil Scolaire Francophone de la Colombie-Britannique (the “CSF”), the Ministry of Education and Child Care, the Ministry of Infrastructure, and the Vancouver Board of Education (VBE) have been engaged in negotiations to complete the transfer of tenure as contemplated by the Court (the “Transaction”). The Court determined that it was reasonable for the Transaction to be concluded within 90 days of the decision, setting an initial deadline of August 21, 2025, subject to further extensions agreed to in writing by the parties.

By mutual agreement, the parties have extended the Transaction deadline on three occasions: first to October 31, 2025, then to February 27, 2026, and most recently to April 9, 2026. The agreement is entered into without prejudice to any arguments the parties may advance on appeal from the Court’s decision, and the parties may advise the courts of the existence of the extension while negotiations continue.

LEASE TERMS

In accordance with the Court’s decision, the VBE and the CSF staff, assisted by legal counsel, have negotiated a 99-year ground lease for the QEA site (the “Lease”), subject to approval by the VBE’s board of trustees, the CSF’s board of trustees and the Ministry of Infrastructure (the “Ministry”). The Lease is intended to implement and comply with the Court’s orders respecting the QEA site.

The following is a high-level summary only of some of the material terms of the Lease:

- (1) **Term:** The term of the Lease (the “Term”) is ninety-nine (99) years. The Term is subject to renewal as more particularly set out below.
- (2) **Renewal Option:** The Lease includes a mechanism under which the VBE may grant the CSF a renewal of the Lease.
- (3) **End-of-Term Compensation:** If the Lease is renewed on the terms summarized in Section 2 above, then the CSF is to pay the then-current fair market value for the QEA lands (determined without reference to any buildings). If the Lease is not renewed, then, provided the tenant is the CSF, the VBE is to pay compensation to the CSF equal to the fair market value for the buildings then existing on the QEA site.
- (4) **Prepaid Rent:** The CSF is required to pay prepaid rent to the VBE of \$42,720,000.
- (5) **Use and Control:** The CSF is permitted to use the QEA site for any lawful purpose, which is consistent with the Court’s order that the CSF be granted “complete security of tenure” with “full management and control” of the site.

RECOMMENDATIONS

- (1) **That School District No. 39 (Vancouver) Queen Elizabeth Annex School Site Ground Lease Bylaw, 2026 be given three (3) readings and approved at the March 16, 2026 Public Board meeting.**

(VOTE MUST BE UNANIMOUS)

- (2) **That School District No. 39 (Vancouver) Queen Elizabeth Annex School Site Ground Lease Bylaw, 2026 be:**

Read a first time this 16th day of March, 2026;

Read a second time this 16th day of March, 2026;

Read a third and final time, passed and adopted this 16th day of March, 2026.

Attachment:

School District No. 39 (Vancouver) Queen Elizabeth Annex School Site Ground Lease Bylaw, 2026

**THE BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 39 (VANCOUVER)
QUEEN ELIZABETH ANNEX SCHOOL SITE GROUND LEASE BYLAW, 2026**

WHEREAS a board of education may dispose of land or improvements owned or administered by the board of education under the authority of Section 96(5) of the *School Act* (British Columbia), subject to the orders of the British Columbia Minister of Education and Child Care (the “**Minister**”);

AND WHEREAS the *Interpretation Act* (British Columbia) defines the word “dispose” to mean to transfer by any method and includes, among other things, a lease;

AND WHEREAS the Minister issued Order M193/98, effective March 3, 2008, requiring fee simple sales and leases of land or improvements for a term of ten (10) years or more to be specifically approved by the Minister, unless the transferee is an independent school or another school board;

AND WHEREAS Section 65(5) of the *School Act* (British Columbia) 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 of education only by bylaw;

AND WHEREAS pursuant to the decision of the British Columbia Supreme Court (“**BCSC**”) in *Conseil scolaire francophone de la Colombie-Britannique v. British Columbia*, 2025 BCSC 962 (the “**Court Decision**”), the BCSC ordered, among other things, that the Conseil scolaire francophone de la Colombie-Britannique (the “**CSF**”) is entitled to have transferred to it freehold tenure or a prepaid leasehold tenure of the Queen Elizabeth Annex Site, being the “Property” defined below;

AND WHEREAS:

- (i) the Board of Education of School District No. 39 (Vancouver) (the “**Board**”) is the registered owner of the property with a civic address of 4275 Crown Street, Vancouver, British Columbia and legally described as follows:

Parcel Identifier: 009-046-615,
Legal Description: Lot 14 Block 79 District Lot 2027 Group 1 New Westminster
District Plan 11558

(the “**Property**”); and

- (ii) the Property is facility number 03939110; and
- (iii) in accordance with the Court Decision, the Board proposes to lease the Property to the CSF for a term of ninety-nine (99) years on the terms and conditions settled between the Board and the CSF (the “**Ground Lease**”);

AND WHEREAS this Bylaw is adopted to implement the disposition of the Property in a manner that is consistent with, and gives effect to, the declarations and orders made by the BCSC in the Court Decision.

NOW THEREFORE be it resolved as a Bylaw of the Board that, having regard to and in a manner consistent with the Court Decision, the lease of the Property to the CSF pursuant to the Ground Lease shall be granted, and the Board shall enter into the Ground Lease with the CSF for the Property.

BE IT FURTHER resolved as a Bylaw of the Board that the Secretary-Treasurer be and is hereby authorized, on behalf of the Board, to grant the lease of the Property to the CSF and to execute and deliver the Ground Lease and such amendments thereto as the Secretary-Treasurer may, in her discretion, consider necessary or desirable to give effect to the Court Decision and the Ground Lease approved by this Bylaw, and the Secretary-Treasurer be and is hereby authorized, on behalf of the Board, to execute and deliver all related and ancillary documents required to implement the Ground Lease in accordance with the Court Decision, as witnessed by the signature of the Secretary-Treasurer. For greater certainty, the Board confirms that the disposition authorized by this Bylaw is to be completed in accordance with the Court Decision, and that nothing in this Bylaw is intended to be inconsistent with the declarations or orders made by the BCSC in the Court Decision.

This Bylaw may be cited as “School District No. 39 (Vancouver) Queen Elizabeth Annex School Site Ground Lease Bylaw, 2026”.