

3.6 Availability of Surplus Government Assets for Non-Profit Organizations

Background

The Province of Nova Scotia *Surplus Crown Property Disposal Act* and Regulations provide the authority and direction in the disposal of all surplus Crown property. The act is administered by a Surplus Crown Property Committee made up of representatives from the Department of Transportation and Infrastructure Renewal and other departments as required.

From time to time, requests are received from non-profit organizations asking for surplus assets (furniture or equipment) that may become available and that, in the interests of the government and the community group involved, may be provided at nominal or no cost to an eligible non-profit organization.

Purpose

The purpose of this policy is to provide information to government departments, agencies, boards, and commissions, registered non-profit organizations, and the general public, on the policy and procedures relating to the provision of surplus Crown property that may be available.

There are many reasons for the disposal of items of surplus. They include, but are not limited to the following:

- condition
- value in redistribution in government
- market value
- value to a non-profit group versus saleable value to government
- physical location and cost to move, disconnect, or otherwise dispose of
- any restrictions imposed by the department to reuse the item within government
- other specific directions or recommendations that may be provided by the department at the time the item is declared surplus

Procedure

The non-profit organization may submit a formal request for surplus assets using the form entitled *Availability of Surplus Government Assets for Non-Profit Organizations*. Applications will be received on a first-come, first-served basis and, if the goods are not available, will be retained for a period of three months, then returned to the organization. Non-profit organizations must be registered with the Registry of Joint Stocks or be a recognized not-for-profit organization. Non-registered groups must either register or seek the sponsorship from a registered not-for-profit organization. This information will be verified prior to any equipment transfer taking place. On receipt of the request from the non-profit organization, the Manager, Inventory Control will seek the recommendation of the Surplus Crown Property Committee for approval of the Minister to dispose of the assets requested. The financial limit for any one organization is \$5,000 in a government fiscal year, as set down in the regulations to the *Surplus Crown Property Disposal Act*.

Surplus Crown Property Disposal Act and Regulations

The disposal of surplus Crown property is subject to the *Surplus Crown Property Disposal Act* and Regulations. Responsibility for the act is assigned by the Executive Council, and the administration of the act is assigned to the Surplus Crown Property Committee. The Minister, with the general or particular authorization of the Governor in Council, may

- sell, lease, rent, exchange, transfer from one department to another, give, or otherwise dispose of surplus Crown property to such persons and on such terms and conditions as he or she considers advisable
- repair, renovate, restore, remodel, or otherwise treat surplus Crown property
- enter into and carry out such agreements and undertakings and execute and deliver such assignments, bills of sale, chattel mortgages, and other instruments and documents as are necessary in connection with the disposal of or dealing with surplus Crown property

Unless the Governor in Council otherwise orders with respect to any surplus Crown property, the Minister of Transportation and Infrastructure Renewal has a general authorization to

- transfer surplus Crown property from one department to another department
- repair, renovate, restore, remodel, or otherwise treat surplus Crown property

- lease or rent surplus Crown property to such persons and on such terms and such conditions as he or she deems advisable
- in accordance with the regulations under the *Surplus Crown Property Disposal Act*, sell surplus Crown property
- destroy, dispose of in any way he or she sees fit, or give to any person any property that, in the opinion of the committee, is not useable by any department or is not saleable
- enter into and carry out such agreements and undertakings, and execute and deliver such assignments, bills of sale, chattel mortgages, and other instruments and documents as are necessary in connection with the disposal of or dealing with surplus Crown property
- trade in or exchange surplus Crown property for other property and, to that end, empower the Director of Purchases to trade in or exchange the said surplus Crown property

The proceeds of any sale, rental, or other disposal of surplus Crown property, other than by transfer from one department to another department, shall be paid or credited to an account for the purpose of reducing the public debt of the province in accordance with the *Provincial Finance Act*.

Surplus Crown property becomes available whenever a department, agency, board, or commission declares the property surplus to its requirements, reports the circumstances to the Department of Transportation and Infrastructure Renewal, and awaits instructions from the latter department on disposal arrangements. After efforts to recycle the surplus within government have been exhausted, consideration may be given to requests from non-profit groups for government surplus assets. Surplus Crown property may generally be divided into two categories: surplus goods (or equipment) and land and buildings (property). Instructions on the disposition of surplus goods or property are provided in the following paragraphs.

Surplus Goods

Surplus goods consist of two categories: furniture and equipment or computer equipment declared surplus by departments, agencies, boards, or commissions. Because of the specialized nature of computer equipment and the existing arrangements with the Computers for Schools Program, most computer equipment will be recycled back into the public school system. Any residual equipment not transferred to the Computers for Schools Program will be disposed of in the same manner as any other surplus goods.

A record of surplus goods is maintained at the Real Property Services Section of the Department of Transportation and Infrastructure Renewal. Non-profit organizations that wish to acquire surplus property may do so by contacting

Manager, Inventory Control
Department of Transportation and Infrastructure Renewal
Real Property Services Section
Telephone: (902) 424-2806
Fax: (902) 424-0583

Disposal of Real Property

Disposal of surplus buildings is normally done by public tender or some other form of public solicitation of bids. Buildings will not normally be available to non-profit groups, except in unusual circumstances where there is a clear benefit to the local community, and the transfer of property can be carried out in accordance with the *Surplus Crown Property Disposal Act*. (Order in Council/Cabinet Approval).

Upon request, and once determined surplus by the appropriate agency, highway right of way may be disposed of by referring to Section 18 of Chapter 371 of the revised Statutes of Nova Scotia, 1989, the *Public Highways Act*, **or** to Section 80 of Chapter 156 of the Revised Statutes of Nova Scotia, the *Expropriation Act*. (Order-in-Council/ Cabinet Approval).

When planning for the disposal or redevelopment of existing property, departments should factor the costs of demolition and the possible remediation in their business plans. Such analysis should consider the full range of attributable costs, including operating costs of properties when surplus or under renovation.

Reporting

Reports are to be prepared annually to meet the reporting obligations of the *Surplus Crown Property Disposal Act*. Reports for the previous fiscal year are due within 20 sitting days after the convening of the General Assembly after the end of each fiscal year and will include

- requesting organization
- location
- description of equipment or property

The Department of Transportation and Infrastructure Renewal, Real Property Services Section, will retain copies of all documents relating to each real property donation to any non-profit organization. These records are retained to support any internal or Auditor General audits and will be retained in accordance with Nova Scotia Government records retention procedures.

References

Form: Availability of Surplus Government Assets for Non-Profit Organizations <<http://www.gov.ns.ca/tran/tour/policy/nonprofi.pdf>>

Enquiries

Manager, Inventory Control
(Member, Surplus Crown Property Disposal Committee)
Department of Transportation and Infrastructure Renewal
Government Services Division
PO Box 186
Halifax, NS B3J 2N2
Telephone: (902) 424-2806
Fax: (902) 424-0583

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