

Real Property Governance Act

Operational guide for offer to transfer

Operations

- All Ministries and consolidated entities are to follow normal processes.
 - Current laws and regulations regarding any other legally required Government approvals continue in force.
- Entities should familiarize themselves with the exceptions in Section 7(6) of the Bill.
- Two key steps in current processes have become legislated:
 - An offer to purchase must be made to the Minister of Infrastructure pursuant to Section 7(1) of the proposed legislation.
 - Materials and information (due diligence) must be provided to Infrastructure to enable the required assessment under Section 7(2) of the proposed legislation.

Offer to Transfer

- The offer to transfer should be made in writing via a letter or memo to the Minister of Infrastructure at infra.rpg@gov.ab.ca.
- Any number of wordings may be sufficient to express the offer to transfer; recommended wording is provided below.
 - “(name of organization/ministry) has determined the following real property to be surplus and is hereby offering it to the Minister of Infrastructure at the net book value of (\$_xx_) pursuant to Section 7(1) of the Real Property Governance Act.”
- The offer should include the net book value of the property.
- The offer does not have to be provided to Infrastructure in the form of a formal transfer of land for the purposes of Section 7(1).
 - Formal transfer paperwork becomes necessary if the offer to transfer is accepted pursuant to Section 7(3).

Due Diligence

- A checklist has been provided outlining basic requirements for enabling the assessment (see attachment). Suitable maps must also be provided.
- Additional due diligence may be required to adequately assess the property.
 - Entities should anticipate that a professional Environmental Site Assessment will be requested, including an indication of whether liabilities exist.
 - For properties with structures, a hazardous materials report may be requested to assess abatement costs to adhere to all safety codes.
- The time to conduct due diligence and render a decision will be based on multiple factors: site complexity, interest, volume, and quality of due diligence, among other variables.
- Circulations of surplus properties will be sent to Government Ministries only. Interest in a surplus property of another entity should be expressed through a parent Ministry.
- Staff at Infrastructure will be available to help entities navigate the process as requests develop.
- Questions and submissions can be directed to infra.rpg@gov.ab.ca