

SPECIAL MEETING OF THE BOARD
AGENDA

Date: Thursday, June 28, 2018
Time: 4:30 pm
Location: 3063 South Service Road
Burlington

Pages

1. Call to Order
 - 1.1 Opening Prayer (D. Rabenda)
2. Declarations of Conflict of Interest
3. Approval of the Agenda
4. Action Items
 - 4.1 2018 Education Development Charges (EDC) By-Law: Proposed EDC By-Law Passage (R. Negoj) 1 - 21
5. Motion to Move In-Camera
6. Rise and Report
 - 6.1 Adjournment
 - 6.2 Closing Prayer (D. Rabenda)

ACTION REPORT

ITEM 4.1

**2018 EDUCATION DEVELOPMENT CHARGES (EDC) BY-LAW:
PROPOSED EDC BY-LAW PASSAGE**

PURPOSE

The purpose of this report is to seek approval from the Board of Trustees to pass the proposed 2018 Education Development Charge (EDC) By-Law.

BACKGROUND INFORMATION:

- 1) Action Item 8.1, "2018 Education Development Charges (EDC) By-Law: Proposed EDC By-Law Renewal" from the June 19, 2018 Regular Board Meeting
- 2) Presentation Item 4.1, "2018 Education Development Charges (EDC) By-Law: By-Law Renewal Passage Consideration Meeting" from the June 19, 2018 Regular Board Meeting.
- 3) Presentation Item 4.2, "2018 Education Development Charges (EDC) By-Law: Proposed EDC By-Law Renewal Public Meeting" from the May 15, 2018 Regular Board Meeting.
- 4) Staff Report 9.1, "2018 Education Development Charges (EDC) By-Law: Proposed EDC By-Law Renewal Overview" from the April 17, 2018 Regular Board Meeting.
- 5) Presentation Item 4.1, "2018 Education Development Charges (EDC) By-Law: Policy Review Public Meeting" from the April 17, 2018 Regular Board Meeting.
- 6) Presentation Item 4.2, "2018 Education Development Charges (EDC) By-Law: Policy Review Public Meeting" from the April 17, 2018 Regular Board Meeting.
- 7) Action Report Item 8.11, "2018 Education Development Charges (EDC) By-Law: Application of Operating Surpluses and Alternative Accommodation Arrangements" from the April 17, 2018 Regular Board Meeting.
- 8) Staff Report Item 9.5, "2018 Education Development Charges (EDC) By-Law: Application of Operating Surpluses and Alternative Accommodation Arrangements" from the April 3, 2018 Regular Board Meeting.
- 9) Trustee Presentation, "A Review of Education Development Charges", held at the Board offices on November 8, 2017.
- 10) Information Report Item 10.4, "2017-2018 Planning Services Work Plan: 2018 Education Development Charges (EDC) By-Law and 2018 Long-Term Capital Plan (LTCP)" from the October 3, 2017 Regular Board Meeting.
- 11) Action Report Item 9.2, "2013-2018 Education Development Charges By-Law" from the June 18, 2013 Regular Board Meeting.

COMMENTARY:

On June 15, 2018, prior to the June 19, 2018 By-law Passage Meeting, the Ministry verbally advised staff that the Ministry is withholding the approval of Background Studies until such time the new Provincial government was sworn in and a new Minister was appointed and brought up to date on EDC by-laws.

As the Board did not receive approval from the Ministry, it was not able to pass a new by-law under the Education Act. As a result, the 2013 Education Development Charge By-law expired on June 24, 2018. The boards no longer had the ability to collect charges from development permits until such a time a new by-law is passed.

Given the urgency of the matter, both boards wrote to the Ministry (Appendix A), and approached local MPPs to assist with underlying the urgency of the issue of having a gap in the collection of charges. On June 26, 2018, the Premier Elect issued a statement to work towards a solution.

On June 27, 2018, both boards had a teleconference with Ministry of Education Staff, Legal Counsel, and the boards' consultant to reach a potential solution that aligned with the issued statement made by the Premier Elect.

As a result of the teleconference, the Ministry of Education informed the Boards it was prepared to approve both boards' 2018 Education Development Charges Background Study in the context of enrolment projections and the number of required sites, while keeping the rates at the current levels, for a maximum term of up to one-year.

Board staff was amenable to this proposal as a temporary compromise position in order to permit the Boards to start collecting EDCs again, albeit at current rates rather than the proposed increased rates. The Director of Education canvassed the Board of Trustees on this compromise situation, and Trustee reached consensus in advancing this position. The present action item was added to the Special Board Meeting of June 28, 2018, and a formal letter was issued by the Director to the Ministry accepting this position and the agreed upon rates (Appendix B).

In the afternoon of June 28, 2018, the Ministry provided its approval of the Background Study (Appendix C) The Board is now in a position to pass its 2018 EDC by-law at the Special Board Meeting.

If passed, the charges will take effect on Wednesday July 4, 2018. The rates will be as follows:

Development Type	June 23, 2017 EDC By-Law	July 4, 2018 EDC By-Law	Change (+/-)
\$ per residential unit	\$2,269.00 per residential unit	\$2,269.00 per residential unit	-
\$ per sq. ft. of gross floor area or \$ per sq. m. of gross floor area.	\$0.58 ft ² or \$6.24 m ²	\$0.58 ft ² or \$6.24 m ²	-

Board staff will continue to work with the Ministry in order to update the by-law so that EDC rates reflect current market value of school sites the Board needs to acquire.

The **Halton Catholic District School Board Education Development Charges By-Law, 2018**, is attached as Appendix C to this report.

CONCLUSION:

The Ministry of Education approved the Board's 2018 Education Development Charges Background Study in the context of enrolment projections and the number of required sites, while keeping the rates at the current levels, for a maximum term of up to one-year

To approve an Education Development Charges by-law for up to a one year period, staff provides the following recommendation for consideration:

RECOMMENDATION:

RESOLUTION:

Moved by:
Seconded by:

WHEREAS, Section 257.63(3) of the Education Act directs that if a proposed by-law is changed after the required public meeting was held, the Board shall determine whether a further meeting is necessary.

BE IT RESOLVED THAT, a further public meeting is not necessary in regard to the proposed Education Development Charges By-law;

THAT, the Halton Catholic District School Board enact an Education Development Charge By-Law to apply to the Region of Halton;

THAT, the By-Law levy an education development charge on both residential and non-residential development and that the percentage of the growth-related net education land cost that is to be funded by charges on non-residential development be 15%;

THAT, the By-Law be in the form attached hereto with the following figures inserted into the By-Law:

- a) in Section 9, \$2,269.00 as the Education Development Charge on each dwelling unit in a residential development;
- b) in Section 12, \$0.58 as the Education Development Charge per square foot of gross floor area applied to non-residential development;

THAT, the By-law come into force on July 4, 2018 and have a term of one year; and

THAT, in Section 11(2), insert "5 years" as the time frame during which a dwelling unit that was destroyed by fire, demolition or otherwise can be replaced without paying a further EDC.

REPORT PREPARED BY:

F. THIBEAULT, SENIOR MANAGER OF PLANNING SERVICES

REPORT SUBMITTED BY:

R. NEGOI, SUPERINTENDENT OF BUSINESS SERVICES AND TREASURER OF THE BOARD

REPORT APPROVED BY:

P. DAWSON, DIRECTOR OF EDUCATION AND SECRETARY OF THE BOARD

June 19, 2018

Mr. Bruce Rodrigues
Deputy Minister
Ministry of Education
22nd Floor
Mowat Block
900 Bay Street
Toronto ON M7A 1L2

Dear Mr. Rodrigues:

RE: Required Ministry Approval - Education Development Charges By-laws (“EDCs”) Halton Catholic District School and Halton District School Board

We write to inform the Ministry of Education of our urgent concerns with respect to the decision to withhold approvals from the Halton District School Board and the Halton Catholic District School Board (referred to collectively as the “Boards”) of their respective student projections and projected school site needs under Section 10 of Ontario Regulation 20/98. Ministry approval of these projections is a condition precedent to passing replacement EDC by-laws. The Boards will require such by-laws very shortly as their current EDC by-laws expire on June 24, 2018.

If the current EDC by-laws expire and are not replaced, the Boards will be left in a financially tenuous situation because they will be unable to collect EDCs from new residential and non-residential development. If the current by-laws are not replaced by Monday June 25, 2018, the Boards will incur **a combined daily loss of approximately \$221,545.00 in EDC revenues, or \$4.87 million per month.**

The Ministry should note that Halton Region is one of the fastest growing urban areas in Ontario and in Canada as a whole, primarily as a result of residential development in North Oakville and Milton. As such, the demand to provide student accommodation in a timely fashion is significant and challenging. Since the Boards are experiencing rapid growth, they are entirely reliant on EDCs to raise the funds that are used to acquire school sites required to meet growth related demands.

The current EDC by-laws of the Boards came in effect on June 24, 2013. Section 257.58 of the *Education Act* limits the term of an EDC by-law to five years. The Boards’ current by-laws will therefore expire on June 24 2018.

In September of 2017 staff of the Boards commenced the process to pass replacement EDC by-laws. Staff tentatively targeted mid-May of 2018 as an approximate date when the Boards would pass their replacement by-laws.

Section 10 of Ontario Regulation 20/98 requires that a school board secure Ministry approval of its estimated number of growth-related students and estimated number of school sites that are required to accommodate those students, as a condition precedent to passing an EDC by-law.

Accordingly, on March 15, 2018, the Boards' economic consultant forwarded to Ministry staff for their review the requisite estimates together with the EDC Background Study, the schedule of statutory public meetings as well as the proposed dates for the passage of the replacement EDC by-laws. This timing afforded Ministry staff forty-two business days for the review and approval of the EDC estimates.

The Boards' economic consultant contacted Ministry staff on April 19, 2018 requesting a status update on their review of the EDC estimates, and again on May 7, 2018. On May 8, 2018, the Business Services Branch of the Ministry of Education advised the Boards' consultant that they would not grant the approvals required under Section 10 of Ontario Regulation 20/98 prior to the Provincial election scheduled for June 7, 2018, despite the fact that Ministry staff had completed their review of the EDC estimates and the Background Study and were in a position to release the approvals.

In response to concerns expressed by the Boards that their current by-laws would lapse resulting in a gap in collections, the Ministry advised the Boards that they would receive their approvals immediately following the Provincial election, and acknowledged the urgency of passing these by-laws prior to the June 24, 2018 expiry date. It is significant that the Ministry assured the Boards that the Provincial election would not otherwise impact the EDC approval process.

On June 15, 2018, as both Boards were approaching their respective meetings at which they planned to pass their replacement by-laws, the Ministry verbally advised staff that the Minister or Ministry intended to withhold the approvals until such time as the new Provincial government was sworn in and a new Minister was appointed and brought up to date on EDC by-laws.

This news is both disappointing and alarming for the Boards because their respective by-laws are set to expire well before a Minister will be sworn in. The Boards will be placed in a situation where they will be deprived of the opportunity to collect EDCs during the busiest time of the year for construction.

It is also frustrating that staff of both Boards (including both Directors) and their economic consultant made a concerted effort to keep the Ministry apprised of key dates and the process associated with the timing of the approval of the replacement by-laws, including the advanced distribution of materials to the Ministry in order to avoid the current by-laws lapsing and a resulting gap in collections.

This most recent, precipitous advice from the Ministry places the Boards in a financially tenuous situation – they will be prevented from passing replacement by-laws prior to the expiry of their current by-laws and will thus sustain material losses which cannot be recovered.

The Boards' economic consultant has estimated there will be significant cash flow implications if the by-laws expire and are not replaced. The Halton District School Board is estimated to forgo EDC revenues of \$2.79 million per month, equating to a daily revenue loss of almost \$127,000. It is estimated that the Halton Catholic District School Board will forgo EDC collections of \$2.08 million per month, equating to a daily revenue loss of \$94,545. **Combined, the monthly revenue losses would total \$4.87 million or approximately \$221,545 per day.**

The loss of revenue will also impact pending school site acquisitions and the payment of existing deficits. The Ministry should note that serviced land values in Halton Region range between \$1.6 to \$2.4 million per acre (plus land preparation costs) in its area municipalities, as indicated in the Background Study.

As of June 1, 2018, the Halton District School Board had a current deficit of approximately \$18.5 million in its EDC account with committed land purchases closing for an additional \$25.3 million in the next several weeks. Without any EDC revenues being collected after June 24, 2018, this deficit will increase to approximately \$42.6 million by the end of July, 2018.

In addition, as of June 1, 2018, the Halton Catholic District School Board had a \$30.1 million deficit in its EDC account, and absent any revenues being collected, this deficit is projected to increase to approximately \$66.0 million by the end of August, 2018 due to the scheduled acquisition and preparation of a secondary school site.

The impact on the Boards' respective cash flows is a major concern, as it does not take account for the Boards' ability in the short term to retire existing debt that has accrued over the last few years in purchasing school sites that were needed to accommodate growth in Halton Region.

The Boards' EDC deficits are currently financed through their respective operating lines of credit with monthly revenues received going to pay down the balance outstanding and any interest costs. Without EDC by-laws in place or an alternate source of Ministry funding, the Boards will be unable to meet their ongoing interest obligations and retire the deficit. Further, the Boards may not be able to proceed with the closing of existing purchase and sale agreements or negotiate future site acquisitions without replacement by-laws.

Needless to say these conditions will severely impair the ability of the Boards to purchase and prepare sites for the construction of schools at a pace that matches the rate of growth in Halton Region.

The Director of the Capital Program Branch suggested that the Boards could apply for funding of land purchases under the Capital Priorities program; however, as far as we are aware the Capital Priorities program for this year has not been released by the Ministry nor is it expected to be in the immediate future. It would seem counter intuitive to request limited public funds to purchase land when those funds could be accessed immediately through EDC's, if the Ministry would provide its approval forthwith.

As an example, the Halton District School Board has an existing commitment to purchase approximately 15 acres at approximately \$1.4 million per acre. In this case, the funding that the Board would request from public funds would be approximately \$21 million. Essentially, these are funds that could otherwise be used by other school boards across Ontario that are not eligible for EDCs. This does not constitute an equitable approach nor does it represent responsible stewardship of provincial funds. Growth should pay for growth similar to municipal and regional development charges.

We are disappointed and concerned with the Ministry's decision not to approve the Boards' respective EDC estimates. It is worth repeating; this inaction by the Ministry will prevent the Boards from passing replacement by-laws and will trigger serious financial losses. In addition both Boards are rapidly growing and there is every likelihood we will not be able to provide the facilities in a timely fashion that our students deserve.

Based on the foregoing, we respectfully request that the Ministry of Education accept this submission, reverse its decision to withhold the approvals, and immediately grant the Boards the approvals they require to pass replacement by-laws before the current by-laws expire.

Should the Ministry reject our request; the Boards will seek to be compensated for the loss of EDC revenue until such time as they are able to pass new by-laws.

The Boards are more than happy to make themselves and their consultants available on short notice to further explain these matters to the current decision makers with a view to expediting the approval process and avoiding an extended period of lost revenues.

Sincerely,



Paula Dawson
Director of Education
Halton Catholic District School Board



Stuart Miller
Director of Education
Halton District School Board

cc: HDSB Board of Trustees
HCDSB Board of Trustees
Joshua Paul, Assistant Deputy Minister
Paul Bloye, Director



802 Drury Lane
Burlington, ON
L7R 2Y2

(905) 632-6300

www.hcdsb.org

June 28, 2018

Dear Deputy Minister,

I am writing on behalf of Halton Catholic District School Board with respect to the background study dated March 12, 2018 that was submitted to the Ministry of Education. In particular, I would like to inform the Ministry of the Board's intention that any new Education Development Charge By-law based on this background study would be for a maximum term of up to one year and include education development charges of \$2,269.00 per dwelling unit and \$0.58 per square foot of gross floor area for residential and non-residential developments, respectively.

Further, any Education Development Charge By-law would come into force on the fifth day after the by-law is passed or the day specified in the by-law, whichever is later.

The Board is requesting approval of its estimates of new pupils and school site requirements, which are contained in the background study referred to above, in accordance with O. Reg. 20/98 (Education Development Charges – General) made under the *Education Act*. The Board is requesting this approval strictly for the purposes of the one-year by-law described above.

Consistent with the Premier-Designate's direction, while this by-law would be for a one-year period, we look forward to working with the Ministry to facilitate the passing of a new by-law as soon as possible so that our school board can move forward with clarity and certainty in the years ahead.

Sincerely,

A handwritten signature in black ink that reads "Dawson".

Paula Dawson
Director of Education

Ministry of Education**Office of the ADM**

Capital and Business Support
Division
900 Bay Street
20th Floor, Mowat Block
Toronto ON M7A 1L2

Ministère de l'Éducation**Bureau du sous-ministre adjoint**

Division du soutien aux immobilisations et
aux affaires
900, rue Bay
20^e étage, Édifice Mowat
Toronto ON M7A 1L2



June 28, 2018

Paula Dawson
Director of Education
Halton Catholic District School Board
802 Drury Lane
P.O. Box 5308
Burlington, ON L7R 4L2

Dear Ms. Dawson,

I am writing to acknowledge your letter dated June 28, 2018 wherein the Halton Catholic District School Board expressed its intention to pass an education development charge by-law for the Region of Halton. As noted in your letter, this proposed by-law would have a duration of one year and set education development charges of \$2,269 per dwelling unit and \$0.58 per square foot of gross floor area for residential and non-residential developments, respectively.

As you have requested, strictly for the purposes of the one-year proposed by-law described above, please consider this letter as an acknowledgment of receipt of the Halton Catholic District School Board's education development charges background study and education development charge forms dated March 12, 2018. Further, please accept this letter as approval of the board's enrolment projections and site requirement estimates in accordance with paragraph 1 of section 10 of Ontario Regulation 20/98 (Education Development Charges – General) made under the *Education Act*.

Consistent with the statement issued by the Premier-Designate's transition team, while the proposed by-law would be for a one-year period, the ministry looks forward to having the necessary conversations with your board to facilitate the passing of a new by-law as soon as possible. This would help ensure that your board can move forward with clarity and certainty in the years ahead.

If you proceed with the passage of your board's by-law, please provide me with a copy of the by-law.

Sincerely,

Original Signed by:

Joshua Paul
Assistant Deputy Minister
Capital and Business Support Division

cc: Paul Bloye, Director, Capital Program Branch
Colleen Hogan, Director, Capital Policy Branch

HALTON CATHOLIC DISTRICT SCHOOL BOARD

EDUCATION DEVELOPMENT CHARGES BY-LAW, 2018

A by-law for the imposition of education development charges

WHEREAS section 257.54 (1) of the *Education Act* provides that a district school board may pass by-laws for the imposition of education development charges against land in its area of jurisdiction undergoing residential or non-residential development if there is residential development in the area of jurisdiction of the district school board that would increase education land costs and the residential or non-residential development require one or more of the actions identified in section 257.54(2) of the *Education Act*;

AND WHEREAS the Halton Catholic District School Board has referred to the Minister of Education the following estimates for approval:

- (i) the total number of new elementary school pupils and new secondary school pupils; and
- (ii) the number of elementary school sites and secondary school sites used to determine the net education land costs;

which estimates the Minister of Education approved on June 28, 2018 in accordance with section 10 of Ontario Regulation 20/98;

AND WHEREAS the estimated average number of elementary school pupils and secondary school pupils of the Halton Catholic District School Board over the five years immediately following the day this by-law comes into force will exceed the total capacity of the Halton Catholic District School Board to accommodate the elementary school pupils and the secondary school pupils throughout its jurisdiction on the day this by-law is passed;

AND WHEREAS the Halton Catholic District School Board has conducted a review of its education development charge policies and held a public meeting on April 17, 2018, in accordance with section 257.60 of the *Education Act*;

AND WHEREAS the Halton Catholic District School Board has given a copy of the education development charge background study relating to this by-law to the Minister of Education and to each school board having jurisdiction within the area to which this by-law applies;

AND WHEREAS the Halton Catholic District School Board has given notice and held public meetings on April 17, 2018 and May 15, 2018, in accordance with section 257.63(1) of the *Education Act* and permitted any person who attended the public meetings to make representations in respect of the proposed education development charges;

AND WHEREAS the Halton Catholic District School Board has determined in accordance with section 257.63(3) of the *Education Act* that no additional public meeting is necessary in respect of this by-law;

NOW THEREFORE THE HALTON CATHOLIC DISTRICT SCHOOL BOARD HEREBY ENACTS AS FOLLOWS:

PART I

APPLICATION

Defined Terms

1. In this by-law,
 - (a) “Act” means the *Education Act*, R.S.O. 1990, c.E.2, as amended, or a successor statute;
 - (b) “agricultural building or structure” means a building or structure used, or designed or intended for use for the purpose of a bona fide farming operation including, but not limited to, animal husbandry, dairying, fallow, field crops, removal of sod, forestry, fruit farming, horticulture, market gardening, pasturage, poultry keeping and any other activities customarily carried on in the field of agriculture, but shall not include a dwelling unit or other structure used for residential accommodation or any building or structure or parts thereof used for other commercial, industrial or institutional purposes qualifying as non-residential development;
 - (c) “Board” means the Halton Catholic District School Board;
 - (d) “development” includes redevelopment;
 - (e) “dwelling unit” means a room or suite of rooms used, or designed or intended for use by one person or persons living together in which culinary and sanitary facilities are provided for the exclusive use of such person or persons, and shall include, but is not limited to, a dwelling unit or units in an apartment, group home, mobile home, duplex, triplex, semi-detached dwelling, single detached dwelling, stacked townhouse and townhouse;
 - (f) “education land costs” means costs incurred or proposed to be incurred by the Board,
 - (i) to acquire land or an interest in land, including a leasehold interest, to be used by the Board to provide pupil accommodation;
 - (ii) to provide services to the land or otherwise prepare the site so that a building or buildings may be built on the land to provide pupil accommodation;

- (iii) to prepare and distribute education development charge background studies as required under the Act;
 - (iv) as interest on money borrowed to pay for costs described in paragraphs (i) and (ii); and
 - (v) to undertake studies in connection with an acquisition referred to in paragraph (i).
- (g) “education development charge” means charges imposed pursuant to this by-law in accordance with the Act;
- (h) “existing industrial building” means a building used for or in connection with,
- (i) manufacturing, producing, processing, storing or distributing something,
 - (ii) research or development in connection with manufacturing, producing or processing something,
 - (iii) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place,
 - (iv) office or administrative purposes, if they are,
 - A. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - B. in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;
- (i) “gross floor area of non-residential development” means in the case of a non-residential building or structure or the non-residential portion of a mixed-use building or structure, the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors at or above the average level of finished ground adjoining the building at its exterior walls, and, for the purpose of this definition, the non-residential portion of a mixed-use building is deemed to include one-half of any area common to the residential and non-residential portions of such mixed-use building or structure; and for greater certainty, “gross floor area of non-residential development” includes any part of a building or structure used for the parking or loading of motor vehicles;
- (j) “local board” means a local board as defined in the *Municipal Affairs Act*, other than a board defined in section 257.53(1) of the Act;

- (k) “mixed use” means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
 - (l) “non-residential building or structure” means a building or structure or portions thereof used, or designed or intended for use for other than residential use, and includes, but is not limited to, an office, retail, industrial or institutional building or structure;
 - (m) “non-residential development” means a development other than a residential development, and includes, but is not limited to, an office, retail, industrial or institutional development;
 - (n) “non-residential use” means lands, buildings or structures or portions thereof used, or designed or intended for use for other than residential use, and includes, but is not limited to, an office, retail, industrial or institutional use;
 - (o) “*Planning Act*” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended;
 - (p) “Region” means the Regional Municipality of Halton;
 - (q) “Regulation” means Ontario Regulation 20/98, as amended, made under the Act;
 - (r) “residential development” means lands, buildings or structures developed or to be developed for residential use;
 - (s) “residential use” means lands, buildings or structures used, or designed or intended for use as a dwelling unit or units, and shall include a residential use accessory to a non-residential use and the residential component of a mixed use or of an agricultural use.
2. In this by-law where reference is made to a statute or a section of a statute such reference is deemed to be a reference to any successor statute or section.

Lands Affected

3. (1) Subject to sections 3(2) and 3(3), this by-law applies to all lands in the Region.
- (2) This by-law shall not apply to lands that are owned by and are used for the purposes of:
- (a) the Region or a local board thereof;
 - (b) a municipality or a local board thereof;
 - (c) a board as defined in section 257.53(1) of the Act;

- (d) a public hospital receiving aid under the *Public Hospitals Act*, R.S.O. 1990, c. P.40;
 - (e) a publicly-funded university, community college or a college of applied arts and technology established under the *Ontario Colleges of Applied Art and Technology Act, 2002*, S.O. 2002, c. 8, Schedule F, as amended;
 - (f) a seminary of learning maintained for educational purposes that offers courses accredited by the Ministry of Education, which is exempt from taxation under the *Assessment Act*, the whole profits from which are devoted or applied to such purposes;
 - (g) a place of worship owned by a religious organization that is exempt from taxation under the *Assessment Act* that is used primarily as a place of public worship;
 - (h) a cemetery or burying ground that is exempt from taxation under the *Assessment Act*; and
 - (i) Metrolinx.
- (3) This by-law shall not apply to non-residential agricultural buildings or structures that are owned by and are used for the purposes of a bona fide farming operation.

Approvals for Development

4. (1) Education development charges shall be imposed against all lands, buildings or structures undergoing residential development if the development requires one or more of the following:
- a) the passing of a zoning by-law or of an amendment thereto under section 34 of the *Planning Act*;
 - b) the approval of a minor variance under section 45 of the *Planning Act*;
 - c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
 - d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - e) a consent under section 53 of the *Planning Act*;
 - f) the approval of a description under section 9 of the *Condominium Act, 1998*, S.O. 1998, c. 19; or
 - g) the issuing of a permit under the *Building Code Act, 1992*, S.O. 1992, c. 23 in relation to a building or structure.

- (2) In respect of a particular development an education development charge will be collected once, but this does not prevent the application of this by-law to future development on the same property.
5.
 - (1) Education development charges shall be imposed against all lands, buildings or structures undergoing non-residential development which has the effect of creating gross floor area of non-residential development or of increasing existing gross floor area of non-residential development if the development requires one or more of the following:
 - a) the passing of a zoning by-law or of an amendment thereto under section 34 of the *Planning Act*;
 - b) the approval of a minor variance under section 45 of the *Planning Act*;
 - c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
 - d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - e) a consent under section 53 of the *Planning Act*;
 - f) the approval of a description under section 9 of the Condominium Act, 1998, S.O. 1998, c. 19; or
 - g) the issuing of a permit under the *Building Code Act, 1992, S.O. 1992, c. 23* in relation to a building or structure.
 - (2) In respect of a particular development an education development charge will be collected once, but this does not prevent the application of this by-law to future development on the same property.
6. The Board has determined that the residential development of land to which this by-law applies increases education land costs.

Categories of Development and Uses of Land Subject to Education Development Charges

7. Subject to the provisions of this by-law, education development charges shall be imposed upon all categories of residential development and non-residential development.
8. Subject to the provisions of this by-law, education development charges shall be imposed upon all uses of land, buildings or structures.

PART II

EDUCATION DEVELOPMENT CHARGES

Residential Education Development Charges

9. Subject to the provisions of this by-law, an education development charge of \$2,269.00 per dwelling unit shall be imposed upon the designated categories of residential development and the designated residential uses of land, buildings or structures, including a dwelling unit accessory to a non-residential use, and, in the case of a mixed-use building or structure, upon the dwelling units in the mixed-use building or structure.

Exemptions from Residential Education Development Charges

10. (1) In this section,
- (a) “gross floor area” means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls;
 - (b) “other residential building” means a residential building not in another class of residential building described in this section;
 - (c) “semi-detached or row dwelling” means a residential building consisting of one dwelling unit having one or two vertical walls, but no other parts, attached to another structure;
 - (d) “single detached dwelling” means a residential building consisting of one dwelling unit that is not attached to another building.
- (2) Subject to sections 10(3) and (4), education development charges shall not be imposed with respect to,
- (a) the enlargement of an existing dwelling unit that does not create an additional dwelling unit;
 - (b) the creation of one or two additional dwelling units in an existing single detached dwelling; or
 - (c) the creation of one additional dwelling unit in a semi-detached dwelling, a row dwelling, or any other residential building.

- (3) Notwithstanding section 10(2)(b), education development charges shall be imposed in accordance with section 9 if the total gross floor area of the additional unit or two additional dwelling units exceeds the gross floor area of the existing single detached dwelling.
 - (4) Notwithstanding section 10(2)(c), education development charges shall be imposed in accordance with section 9 if the additional dwelling unit has a gross floor area greater than,
 - (a) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; or
 - (b) in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.
11. (1) Education development charges under section 9 shall not be imposed with respect to the replacement, on the same site, of a dwelling unit that was destroyed by fire, demolition or otherwise, or that was so damaged by fire, demolition or otherwise as to render it uninhabitable.
- (2) Notwithstanding section 11(1), education development charges shall be imposed in accordance with section 9 if the building permit for the replacement dwelling unit is issued more than 5 years after,
- (a) the date the former dwelling unit was destroyed or became uninhabitable; or
 - (b) if the former dwelling unit was demolished pursuant to a demolition permit issued before the former dwelling unit was destroyed or became uninhabitable, the date the demolition permit was issued.
- (3) Notwithstanding section 11(1), education development charges shall be imposed in accordance with section 9 against any dwelling unit or units on the same site in addition to the dwelling unit or units being replaced. The onus is on the applicant to produce evidence to the satisfaction of the Board, acting reasonably, to establish the number of dwelling units being replaced.
- (4) Education development charges shall be imposed in accordance with section 12 where the dwelling unit described in section 11(1) is replaced by or converted to, in whole or in part, non-residential development.

Non-Residential Education Development Charges

12. Subject to the provisions of this by-law, an education development charge of \$0.58 per square foot of gross floor area of non-residential development shall be imposed upon the designated categories of non-residential development and the designated non-residential uses

of land, buildings or structures and, in the case of a mixed use building or structure, upon the non-residential uses in the mixed-use building or structure.

Exemptions from Non-Residential Education Development Charges

13. Notwithstanding section 12 of this by-law, education development charges shall not be imposed upon a non-residential development if the development does not have the effect of creating gross floor area of non-residential development or of increasing existing gross floor area of non-residential development.
14.
 - (1) Education development charges under section 12 shall not be imposed with respect to the replacement, on the same site, of a non-residential building or structure that was destroyed by fire, demolition or otherwise, or that was so damaged by fire, demolition or otherwise as to render it unusable.
 - (2) Notwithstanding section 14(1), education development charges shall be imposed in accordance with section 12 if the building permit for the replacement non-residential building or structure is issued more than 5 years after,
 - (a) the date the former building or structure was destroyed or became unusable; or
 - (b) if the former building or structure was demolished pursuant to a demolition permit issued before the former building or structure was destroyed or became unusable, the date the demolition permit was issued.
 - (3) Notwithstanding section 14(1), if the gross floor area of the non-residential part of the replacement building or structure exceeds the gross floor area of the non-residential part of the building or structure being replaced, education development charges shall be imposed in accordance with section 12 against the additional gross floor area. The onus is on the applicant to produce evidence to the satisfaction of the Board, acting reasonably, to establish the gross floor area of the non-residential building or structure being replaced.
 - (4) Education development charges shall be imposed in accordance with section 9 if the non-residential building or structure described in section 14(1) is replaced by or converted to, in whole or in part, a dwelling unit or units.
 - (5) Education development charges under section 12 shall not be imposed in regard to a non-residential development with a gross floor area of 100 square feet or less.
15.
 - (1) If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the education development charge that is payable in respect of the enlargement shall be determined in accordance with the following rules:

- (a) if the gross floor area is enlarged by 50 per cent or less, the amount of the education development charge in respect of the enlargement is zero;
 - (b) if the gross floor area is enlarged by more than 50 per cent the amount of the education development charge in respect of the enlargement is the amount of the education development charge that would otherwise be payable multiplied by the fraction determined as follows:
 - (i) determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement;
 - (ii) divide the amount determined under paragraph (i) by the amount of the enlargement.
- (2) For the purposes of section 15(1) the following provisions apply:
- (a) the gross floor area of an existing industrial building shall be calculated as it existed prior to the first enlargement of such building for which an exemption under section 15(1) was sought;
 - (b) the enlargement of the gross floor area of the existing industrial building must be attached to such building;
 - (c) the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, shared below grade connection, foundation, footing or parking facility, but must share a common wall with such building.

PART III

ADMINISTRATION

Payment of Education Development Charges

- 16. Education development charges are payable in full to the municipality in which the development takes place on the date a building permit is issued in relation to a building or structure on land to which this education development charge by-law applies.
- 17. The treasurer of the Board shall establish and maintain an educational development charge reserve fund in accordance with the Act, the Regulation and this by-law.

Payment by Services

18. Notwithstanding the payments required under section 16, and subject to section 257.84 of the Act, the Board may, by agreement, permit an owner to provide land for pupil accommodation in lieu of the payment of all or a part of the education development charges.

Collection of Unpaid Education Development Charges

19. Section 349 of the *Municipal Act, 2001* applies with necessary modifications with respect to an education development charge or any part of it that remains unpaid after it is payable.

Date By-law In Force

20. This by-law shall come into force on July 4, 2018.

Date By-law Expires

21. This by-law shall expire one year after the date it comes into force, unless it is repealed at an earlier date.

2013 By-law Expired

22. The Halton Catholic District School Board Education Development Charges By-law, 2013, expired June 24, 2018.

Severability

23. In the event any provision, or part thereof, of this by-law is found by a court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this by-law shall remain in full force and effect.

Interpretation

24. Nothing in this by-law shall be construed so as to commit or require the Board to authorize or proceed with any capital project at any time.

Short Title

25. This by-law may be cited as the Halton Catholic District School Board Education Development Charges By-Law, 2018.

ENACTED AND PASSED this 28th day of June, 2018.

Chairperson

Director of Education
and Secretary