

**YORK CATHOLIC DISTRICT SCHOOL BOARD**  
**EDUCATION DEVELOPMENT CHARGES BY-LAW NO. 208**

A by-law for the imposition of education development charges in York Region.

**PREAMBLE**

1. Section 257.54(1) of the *Education Act* (the "**Act**") enables a district school board to pass by-laws for the imposition of education development charges against land if there is residential development in its area of jurisdiction that would increase education land costs.
2. York Catholic District School Board (the "**Board**") has determined that the residential development of land to which this by-law applies increases education land costs.
3. The Board has referred its estimates of the total number of new pupils and its estimates of the number of school sites to the Minister of Education for approval, with such approval being given on April 18, 2019, and the Board has satisfied all other conditions prescribed by section 10 of Ontario Regulation 20/98 (the "**Regulation**").
4. The Board has conducted a review of its education development charge policies and held a public meeting on March 27, 2019 in accordance with section 257.60 of the Act.
5. The Board has given notice and held public meetings on March 27, 2019 and April 23, 2019 in accordance with section 257.63 of the Act and permitted any person who attended the public meetings to make representations in respect of the proposed education development charges.
6. The Board has determined in accordance with subsection 257.63(3) of the Act that no additional public meeting is necessary in respect of this by-law.

**NOW THEREFORE THE BOARD HEREBY ENACTS AS FOLLOWS:**

**PART I**

**APPLICATION**

**Defined Terms**

1. In this by-law,
  - (a) "Act" means the *Education Act*,
  - (b) "Board" means the York Catholic District School Board;
  - (c) "development" includes redevelopment;
  - (d) "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

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livestock or poultry, storage of farm produce and feed, and storage of farm related machinery, and equipment used as part of a bona fide farming operation but shall not include a dwelling unit or other structure used for residential accommodation or any buildings or parts thereof used for other commercial, industrial or institutional purposes qualifying as non-residential development;

- (i) "gross floor area" means in the case of a non-residential building or structure or the non-residential portion of a mixed-use building or structure (except for the purposes of section 13 of this by-law), the aggregate of the areas of each floor, whether above or below grade, measured between the exterior faces of the exterior walls of the building or structure or from the centre line of a common wall separating a non-residential and a residential use, excluding, in the case of a building or structure containing an atrium, the sum of the areas of the atrium at the level of each floor surrounding the atrium above the floor level of the atrium, and excluding the sum of the areas of each floor used, or designed or intended for use for the parking of motor vehicles unless the building or structure, or any part thereof, is a retail motor vehicle establishment or a standalone motor vehicle storage facility or a commercial public parking structure, and, for the purposes of this definition, notwithstanding any other section of this bylaw, 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 gross floor area shall not include the surface area of swimming pools or the playing surfaces of indoor sport fields including hockey arenas, and basketball courts. In the case of a residential building or structure, "gross floor area" shall mean 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;
- (j) "local board" means a local board as defined in the *Municipal Affairs Act*, other than a district school 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 use" means lands, buildings or structures or portions thereof used, or designed or intended for all uses other than residential use, and includes, but is not limited to, an office, retail, industrial or institutional use;
- (m) "parking structure" means a building or structure principally used for the parking of motor vehicles and shall include a building or structure, or any part thereof, where motor vehicles are stored prior to being sold or rented to the general public and, notwithstanding the foregoing, parking structure shall include any underground parking area of a building or structure where such building or structure is used for the sale or renting of motor vehicles to the general public;
- (n) "residential development" means lands, buildings or structures developed or to be developed for residential use;

- (iv) a publicly funded university established by a special act of the Legislative Assembly of Ontario which exempts the property of such university from taxation for school purposes or a college of applied arts and technology established under the *Ontario Colleges of Applied Art and Technology Act, 2002*;
- (v) Metrolinx;
- (vi) every place of worship that is owned by a church or religious organization that is used primarily as a place of public worship and land used in connection therewith, and every churchyard, cemetery or burying ground, if they are exempt from taxation under section 3 of the Assessment Act;
- (vii) a non-residential farm building; or,
- (viii) non-residential uses permitted pursuant to s. 39 of the *Planning Act*.

## PART II

### EDUCATION DEVELOPMENT CHARGES

5. (1) In accordance with the Act and this by-law, and subject to sections 10 and 11, the Board hereby imposes an education development charge against land undergoing residential development or redevelopment in the area of the by-law if the residential development or redevelopment requires any one of those actions set out in subsection 257.54(2) of the Act, namely:

- (a) the passing of a zoning by-law or of an amendment to zoning by-law 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*; or
- (g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure,

where the first building permit issued in relation to a building or structure for below ground or above ground construction is issued on or after the date the by-law comes into force.

(2) In respect of a particular development or redevelopment an education development charge will be collected once, but this does not prevent the application of this by-law to future development or redevelopment on the same property. For greater certainty,

discrepancy with a reasonable degree of assurance, the Board shall consider a motion to study amending this by-law to reduce the charge.

- (b) Where it appears to the Board that the land values underlying the education development charge calculation are predicting lower costs than the Board is generally experiencing over a period of time sufficient to show the discrepancy with a reasonable degree of assurance, the Board shall consider a motion to study amending this by-law to increase the charge.

### **Residential Education Development Charges**

9. Subject to the provisions of this by-law, an education development charge 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. The education development charge per dwelling unit shall be in the following amounts for the periods set out below:

- (a) July 1, 2019 to June 30, 2020 - \$1,291.00; and,
- (b) July 1, 2020 to June 30, 2024 - \$1,463.00.

### **Exemptions from Residential Education Development Charges**

10. As required by subsection 257.54(3) of the Act, an education development charge shall not be imposed with respect to:

- (a) the enlargement of an existing dwelling unit or;
- (b) the creation of one or two additional dwelling units as prescribed in section 3 of the Regulation as follows:

(2) Notwithstanding subsection (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 subsection (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) Subject to section 16, an education development charge shall be imposed under section 9 where a non-residential building or structure is replaced by or converted to, in whole or in part, a residential building or structure.

#### **Non-Residential Education Development Charges**

12. Subject to the provisions of this by-law, an education development charge 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. The education development charge per square foot (square metre) of such non-residential development and uses of land, buildings or structures shall be in the following amounts for the periods set out below:

- (a) July 1, 2019 to June 30, 2020- \$0.18 per square foot (\$1.94 per square metre);
- (b) July1, 2020 to June 30, 2021 - \$0.19 per square foot (\$2.05 per square metre);
- (c) July 1, 2021 to June 30, 2022- \$0.20 per square foot (\$2.15 per square metre);
- (d) July1, 2022 to June 30, 2023 - \$0.21 per square foot (\$2.26 per square metre); and,
- (e) July 1, 2023 to June 30, 2024- \$0.22 per square foot (\$2.37 per square metre).

#### **Exemptions from Non-Residential Education Development Charges**

13. (1) As required by section 257.55 of the Act, if a development includes the enlargement of a gross floor area of an existing industrial building, the amount of the education development charge that is payable in respect of the enlargement is 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;

of the education development charge calculated in accordance with the following formula:

$$\text{Exempted portion} = \frac{\text{GFA (old)}}{\text{GFA (new)}} \times \text{EDC}$$

where,

"Exempted portion" means the portion of the education development charge that the board is required to exempt;

"GFA (old)" means the gross floor area of the non-residential part of the building being replaced;

"GFA (new)" means the gross floor area of the non-residential part of the replacement building;

"EDC" means the education development charge that would be payable in the absence of the exemption;

- (c) The exemption in paragraph (a) does not apply if the building permit for the replacement building is issued more than five years after,
  - (i) the date the former building was destroyed or became unusable; or
  - (ii) if the former building was demolished pursuant to a demolition permit issued before the former building was destroyed or became unusable, the date the demolition permit was issued.
- (d) An education development charge shall be imposed in accordance with section 11 where the residential building or structure is replaced by or converted to, in whole or in part, a non-residential building or structure;

15. The education development charge to be imposed in respect of mixed use development shall be the aggregate of the amount applicable to the residential development component and the amount applicable to the non-residential development component.

### **Credits**

16. This section applies where an education development charge has previously been paid in respect of development on land and the land is being redeveloped, except where sections 10 and 11, and/or sections 13 and 14 apply:

- (a) The education development charge payable in respect of the redevelopment will be calculated under this by-law;

**Collection of Unpaid Education Development Charges**

22. In accordance with section 257.96 of the Act, 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**

23. This by-law shall come into force on July 1, 2019.

**Date By-law Expires**

24. This by-law shall expire on July 1, 2024 unless it is repealed at an earlier date.

**Repeal**

25. York Catholic District School Board Education Development Charges By-Law No. 205 is hereby repealed effective as of the day this by-law comes into force.

**Severability**

26. Each of the provisions of this by-law are severable and if any provision hereof should for any reason be declared invalid by a court or tribunal, the remaining provisions shall remain in full force and effect.

**Interpretation**

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

**Short Title**

28. This by-law may be cited as the York Catholic District School Board Education Development Charges By-law No. 208.

ENACTED AND PASSED this 23<sup>rd</sup> day of April, 2019.

  
Chair

  
Director of Education and Secretary