

**YORK REGION DISTRICT SCHOOL BOARD
YORK CATHOLIC DISTRICT SCHOOL BOARD**

**EDUCATION DEVELOPMENT CHARGES BY-LAWS
SPECIAL PUBLIC BOARD MEETING**

**Tuesday May 21, 2024 at 6:30 p.m.
York Region District School Board, 60 Wellington Street West, Aurora**

Agenda

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Joining YRDSB Teams Live Event

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[Joining YRDSB Teams Live Event](#)

- 1. Call to Order/Introduction Roll Call**
 - Introduction/Roll Call by Ron Lynn, Chair of Board - YRDSB
 - Introduction/Roll Call by Elizabeth Crowe, Chair of Board - YCDSB
- 2. Land Acknowledgement - YRDSB
Prayer - YCDSB**
- 3. Approval of the Agenda/Waive Delegation Requirements**
- 4. Declaration of Conflict of Interest by each Board**
- 5. Declaration of Duly Constituted Special Meetings**
- 6. Opening Remarks by Chairs of both Boards**
 - YRDSB Chair Ron Lynn
 - YCDSB Chair Elizabeth Crowe
- 7. Invitation by Chair of the YRDSB to Jim Easto of Keel Cottrelle LLP
to comment on the proposed changes to the Draft By-Laws**

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- 8. Invitation by Chair of the YCDSB to hear any delegations/public submissions**
- 9. Motion by YRDSB Trustees to receive the reports of the consultants, submissions and delegations for information**
- 10. Motion by YCDSB Trustees to receive the reports of the consultants, submissions and delegations for information**
- 11. Passage of Education Development Charges By-Laws**
 - YRDSB
 - YCDSB
- 12. Adjournment**
 - YRDSB
 - YCDSB

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OPTION A) If you do not have an MS Teams Account, follow Option A

OPTION B) If you already have an MS Teams Account follow Option B

OPTION A: Join *without* an MS Teams Account

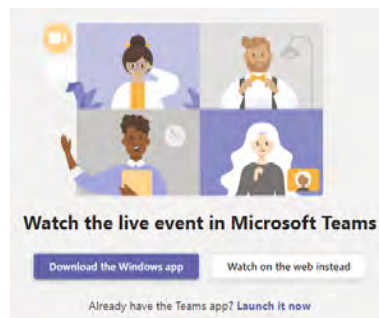
If you don't have a Microsoft Teams account, follow these steps to join as a guest.

1. Select the event meeting link found below to join:

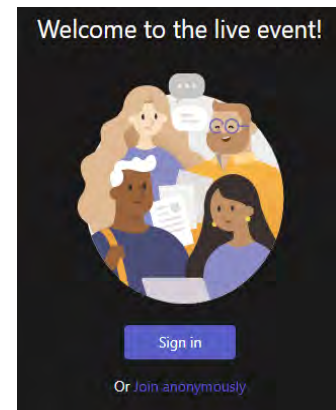
Tuesday May 21, 6:30 pm
EDC Meeting

https://teams.microsoft.com//meetup-join/19%3ameeting_NjM4ZWYyZTU0TUwYy00MWMYjLWJiNWQyYTk4N2MzZGMzN2Nj%40thread.v2/0?context=%7B%22Tid%22%3A%22bd79c313-cdf7-458e-aaf9-06e1d7fd1889%22%2C%22Oid%22%3A%2258464e09-f93e-4a98-8403-662b073e6367%22%2C%22IsBroadcastMeeting%22%3Atrue%2C%22role%22%3A%22a%22%7D&btype=a&role=a

2. Select **Watch on the web instead**. If you join via the web, you can use either Microsoft Edge or Google Chrome web browser. Your browser may ask if it is okay for Teams to use your mic and camera. This is not required to watch this event.



3. Select **Join anonymously**, to be taken into the event.



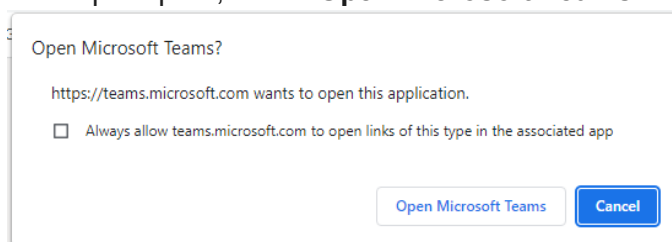
OPTION B: Join *with* an MS Teams Account

If you have a Microsoft Teams account, follow these steps to join.

Tuesday May 21, 6:30 pm
EDC Meeting

https://teams.microsoft.com//meetup-join/19%3ameeting_NjM4ZWEyZTUtOTUwYy00MWMYLWJiNWQtYTk4N2MzZGMzN2Nj%40thread.v2/0?context=%7B%22Tid%22%3A%22bd79c313-cdf7-458e-aaf9-06e1d7fd1889%22%2C%22Oid%22%3A%2258464e09-f93e-4a98-8403-662b073e6367%22%2C%22IsBroadcastMeeting%22%3Atrue%2C%22role%22%3A%22a%22%7D&btype=a&role=a

1. When prompted, select **Open Microsoft Teams** to be taken into the event.



EDUCATION DEVELOPMENT CHARGES 2024

Report To: York Region District School Board and
York Catholic District School Board

Report From: York Region District School Board Staff and
York Catholic District School Board Staff

Date: May 21, 2024

Re: **Education Development Charges**
By-Law Renewal

Executive Summary

The York Region District School Board and the York Catholic District School Board are proposing to enact successor Education Development Charges (EDC) By-Laws at a joint public meeting on May 21, 2024.

Public meetings were held on April 9, 2024 under the *Education Act* to review the Boards' EDC policies and to consider their EDC Background Studies and draft EDC by-laws. The Boards are considering new EDC by-laws that will apply to all of York Region.

This report has been prepared to summarize the communications and comments that have been received from the public and the EDC stakeholder community prior to, at, and following the April 9, 2024 public meetings. It also provides responses to that input and sets out recommendations to be considered by the respective Boards in their adoption of new EDC by-laws.

Background

Education Development Charges have been a part of the landscape in York Region since the late 1980s providing funding to support the purchase of school sites, in response to expansive residential growth. The Education Development Charge Background Study provides the context in which the charges are developed. A Background Study has been completed by the Boards and has been provided for public review as well as submitted to the Ministry of Education.

The Education Development Charge Background Study and corresponding by-laws have been jointly developed for both the York Catholic District School Board and York Region District School Board.

On May 21, 2019, Boards enacted EDC by-laws at the following rates:

YCDSB

| | |
|--------|--|
| Year 1 | \$1291/dwelling unit; \$0.18 per square foot |
| Year 2 | \$1463/dwelling unit; \$0.19 per square foot |
| Year 3 | \$1463/dwelling unit; \$0.20 per square foot |
| Year 4 | \$1463/dwelling unit; \$0.21 per square foot |
| Year 5 | \$1463/dwelling unit; \$0.22 per square foot |

YRDSB

| | |
|--------|--|
| Year 1 | \$5716/dwelling unit; \$0.95 per square foot |
| Year 2 | \$6016/dwelling unit; \$0.99 per square foot |
| Year 3 | \$6317/dwelling unit; \$1.04 per square foot |
| Year 4 | \$6633/dwelling unit; \$1.09 per square foot |
| Year 5 | \$6964/dwelling unit; \$1.15 per square foot |

The existing EDC by-laws will expire on June 30, 2024. To ensure the continuation of education development charges as a source of funding, the Boards must adopt successor by-laws no later than June 26, 2024.

The Boards will hold a joint meeting on May 21, 2024 for the consideration of the passing of new by-laws with a proposed implementation date of July 1, 2024. Municipal development charges change annually on July 1st. Therefore to minimize complexity, staff recommends that both Boards set a July 1, 2024 date as the implementation date and the annual renewal date, as applicable.

Stakeholder Consultation

Municipalities:

Board Staff met with municipal representatives on October 30, 2023 to discuss emerging issues, ensure consistency and outline the timelines and corresponding process. A follow up meeting was conducted on March 21, 2024, to review the contents of the Background Study including proposed charge calculations and to EDC policies, timelines, implementation and the calculated charge.

Overall comments received reflect a desire to align the Education Development Charges with Municipal Development Charges where possible. Some of the key themes resulting from this consultation include:

- Suggestion to exempt non residential development under 100 square metres of GFA. Unlike municipalities, school boards do not have the ability to raise revenue for land purchases from other sources, so this would result in a revenue loss and is therefore not recommended.
- Suggestion to revise the timeline for a demolition credit from 60 months (current EDC By-law) to 48 months. There is no consistency across the Region of York municipalities on this timeline. Staff therefore recommend no revision to the current 60 month period.

Development Industry:

Throughout the development of the Background study, representatives of the Boards and their consultants have met with representatives of the Building Industry and Land Development (BILD) and their consultants on multiple occasions. Meetings were held on October 30, 2023, March 21, 2024 and April 17, 2024.

Formal correspondence and emails have been received/responded to as set out below and have been included in the Appendix to this report:

| | |
|---|----------------------|
| 1. Bottero & Associates letter (March 20, 2024) | Pg. 12-15 of package |
| 2. KPEC/BILD Memo #1 (March 20, 2024) | Pg. 16-17 of package |
| 3. Watson Response to KPEC/BILD Memo #1 (April 10, 2024) | Pg. 18-22 of package |
| 4. KPEC/BILD Memo #2 (April 5, 2024) | Pg. 23-25 of package |
| 5. Watson Response to KPEC/BILD Memo #2 (April 15, 2024) | Pg. 26-32 of package |
| 6. Email from Liberty Development Corp (May 6, 2024) | Pg. 33-34 of package |
| 7. Board letter to Liberty Development Corp (April 5, 2024) | Pg. 35 of package |
| 8. Email from Liberty Development Corp (April 9, 2024) | Pg. 36-62 of package |
| 9. Board email to Liberty Development Corp (April 15, 2024) | Pg. 63-66 of package |
| 10. Letter from WeirFolds (April 9, 2024) | Pg. 67-68 of package |

On April 17, 2024, representatives of the Boards met with representatives of BILD and discussed the concerns and questions raised by BILD and both of BILD's consultants. The Boards understand that BILD is generally satisfied with the responses provided by the Boards and their consultants.

The Boards have attempted to arrange a meeting with the representative of Liberty Development Corp but have not yet received a response to their request for a meeting.

Community Consultation

Public meetings for the proposed EDC by-law have been scheduled (or held) as follows:

- April 9, 2024 – Policy Review Public Meeting (Location: York Catholic District School Board)
- April 9, 2024 – Successor By-law Meeting (Location: York Catholic District School Board)
- May 21, 2024 – Additional Public Meeting and By-law Passage (Location: York Region District School Board)

Joint public meetings, held on April 9, 2024, provided an opportunity for Trustees, developers and members of the general public to ask questions and provide input on the background information regarding the Education Development Charge review being undertaken by both Boards. One (1) written submission was received at this meeting, and is included as Appendix 10.

Policy Statements

In order to pass new by-laws, a number of policy decisions need to be considered. This section of the report summarizes the policy decisions to be made by each Board as part of passing an EDC by-law.

1. Establish the Percentage of Growth-Related Net Education Land Costs to be borne through EDCs

Recommendation: Continuation of the policy to calculate the charges based on 100% recovery of the Boards' net education land costs through EDCs as there is no other revenue source available to fund growth related land needs. It should be noted that because the Provincially mandated cap is in place, YRDSB will not be able to recover all its estimated net education land costs.

2. Should the EDC By-law include any Non-Statutory RESIDENTIAL Exemptions?

Recommendation: No, the EDC By-law should only provide for the mandatory residential exemptions as required under the Education Act and the EDC Regulation. Granting further exemptions would result in a revenue loss for the Boards.

3. Should the EDC By-law include any Non-Statutory NON-RESIDENTIAL Exemptions?

Recommendation: No, Non-statutory exemptions are a revenue loss to the Boards that cannot be made up elsewhere. In order to minimize loss in anticipated revenue, Board staff recommends that **no new non-statutory non-residential exemptions be granted** and that consistent with previous and existing by-laws, the following non-statutory non-residential exemptions be included in this by-law:

- (i) a public hospital receiving aid under the *Public Hospitals Act*;
- (ii) 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*
- (iii) Non-residential farm buildings used for bona fide farming purposes;
- (iv) Non-residential uses permitted pursuant to s. 39 of the *Planning Act*

Pursuant to the EDC Regulation, the following statutory exemptions are included in the proposed by-laws: municipalities, other school boards, Metrolinx, private schools, long-term care homes, retirement homes, hospices, child care centres, Royal Canadian Legion properties, community colleges, universities and Indigenous Institutes.

4. Demolition and Conversion Credits

Recommendation: Consistent with the current by-laws, the demolition credit grace period continue to be set at 5 years for both residential and non-residential uses.

and

That the Boards continue to include a provision for permitting conversion credits.

5. Percentage of Net Education Land Costs to be Borne by Residential and

Non-Residential Development

Recommendation: Consistent with current by-laws, the current recovery rate of 90% for residential and 10% non-residential be retained.

6. By-Law Term

Recommendation: Consistent with current by-laws, the Boards continue with a 5 year by-law term. A 5 year term provides the maximum flexibility since a Board has the discretion to amend the by-law or pass a new by-law at any time, if necessary.

7. By-Law Structure (Jurisdiction wide versus Area Specific)

Recommendation: The adoption of a single by-law structure affords the flexibility to deal with changing patterns of growth and is consistent with the delivery of education in York Region. Staff of both Boards therefore recommend that the Boards continue with a jurisdiction-wide by-law.

8. By-Law Structure (Uniform or Differentiated Residential Rate)

Recommendation: The adoption of a uniform residential rate will minimize the revenue loss due to the restricted rate increases introduced by the Province. Staff of both Boards therefore recommend that the Boards continue with a uniform residential rate.

Ministerial Approval

In order to pass new EDC By-laws, the Boards must receive approval from the Minister of Education to the Boards' enrolment projections and estimates of the number of school sites used in the calculation of the charges before the successor by-laws are passed. By letters dated May 14, 2024 and May 16, 2024, the Minister approved the projections and estimates of the York Catholic District School Board and the York Region District School Board respectively.

The Amount of the Charge

York Region District School Board Staff recommends: A residential charge per dwelling unit and non-residential charge per square foot of gross floor area as follows:

| | |
|--------|--|
| Year 1 | \$7312/dwelling unit; \$1.25 per square foot |
| Year 2 | \$7678/dwelling unit; \$1.35 per square foot |
| Year 3 | \$8062/dwelling unit; \$1.45 per square foot |
| Year 4 | \$8465/dwelling unit; \$1.55 per square foot |
| Year 5 | \$8888/dwelling unit; \$1.65 per square foot |

If the maximum yearly cap on rate increases were not in place, the rates would be \$12,823 per dwelling unit and \$3.91 per square foot of non-residential development.

York Catholic District School Board Staff recommends: A residential charge per dwelling unit and non-residential charge per square foot of gross floor area, as follows:

| | |
|--------|---|
| Year 1 | \$872/dwelling unit; \$0.27 per square foot |
| Year 2 | \$872/dwelling unit; \$0.27 per square foot |
| Year 3 | \$872/dwelling unit; \$0.27 per square foot |
| Year 4 | \$872/dwelling unit; \$0.27 per square foot |
| Year 5 | \$872/dwelling unit; \$0.27 per square foot |

The cap does not affect the YCDSB rates.

Passage of By-law

Recommendation: That the Boards pass EDC By-laws in the forms attached as Appendices 11 and 12 (which reflect the policy recommendations set out above).

The changes to the forms of By-laws made since the meeting on April 9, 2024 consist of inserting the date of Ministerial approval and rounding the YRDSB/YCDSB residential rates to the nearest dollar. In view of the nature of these changes, staff therefore recommends that the Boards determine that no further public meeting under section 257.63 of the Education Act is necessary.

The forms of Motions to be made are set out below:

YRDSB Motions

BE IT RESOLVED:

1. THAT the York Region District School Board determine that no further public meeting under section 257.63 of the Education Act is necessary with regard to the passage of the proposed Education Development Charges By-law;
2. THAT the York Region District School Board determine, in accordance with paragraph 8 of section 7 of O. Regulation 20/98, that the percentage of growth-related net education land cost that is to be funded by education development charges on residential development be 90% and on non-residential development be 10%; and,
3. THAT the York Region District School Board pass Education Development Charges By-law 2024-01, in the form set out at Appendix 11 to this Report.

YCDSB Motions

BE IT RESOLVED

1. THAT the York Catholic District School Board determine that no further public meeting under section 257.63 of the Education Act is necessary with regard to the passage of the proposed Education Development Charges By-law;
2. THAT the York Catholic District School Board determine, in accordance with paragraph 8 of section 7 of O. Reg 20/98, that the percentage of growth-related net education land cost that is to be funded by education development charges on residential development be 90% and on non-residential development be 10%; and,
3. THAT the York Catholic District School Board pass Education Development Charges By-law 209 in the form set out at Appendix 12 to this Report.

**D. BOTTERO
& ASSOCIATES
LIMITED**

PROPERTY VALUATION AND
REALTY CONSULTING SERVICES

4300 STEELES AVENUE WEST, UNIT 32
VAUGHAN, ONTARIO L4L 4C2
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Dino Bottero, AACI, MRICS, PLE
Oksana Vialykh, AACI, PLE
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Ejona Qylafi, AACI
Giorgio Beghetto, CRA
Frank Di Filippo, CRA

March 20, 2024

Gsi Real Estate & Planning Advisors Inc.
1 West Pearce Street, Suite 500
Richmond Hill, Ontario
L4B 3K3

Attention: Ian Tilley, BA, AACI, P. App
Professional Land Economist

Dear Sirs:

Re: Review and Response
Education Development Charge (EDC) Land Valuation Study
Prepared by gsi Real Estate & Planning Advisors Inc.
Dated December 22, 2023 and Having Effective Date of Valuation of December 1, 2023

In accordance with your request please be advised that the above captioned Land Valuation Study Report, prepared by gsi Real Estate & Planning Advisors Inc., dated December 22, 2023 was reviewed, and having an Effective Date of Valuation of December 1, 2023 was reviewed. The purpose of this Response is to address those issues, statements and opinions concluded therein, with which there is an element of potential disagreement. The intended use of this Response is to assist the Building Industry and Land Development Association in its ongoing consultations respecting the York Catholic and York Region District School Boards education development charges.

For ease of reference, the order of our comments are being maintained in the chronological appearance within the gsi Report:

HIGHEST AND BEST USE

- Density surveys relied upon are not necessarily representative of site specific densities which may be achieved on a particular property. The Commentary on VMC Land Value,

provided in the gsi subsequent Real Estate & Planning Advisors Inc. letter, dated March 13, 2024 addresses this. The EDC Land Valuation Study Report was based on a density of 8.0 FSI for the 7.065 acre VMC required school site. A rate of \$24,400,000 per acre was assigned for it which would equate to \$172,386,000. The site-specific appraisal, which was subsequently commissioned jointly by the two School Boards for this VMC school site identified a significantly lower FSI of 3.0 and a rate of \$9,150,000 per acre, given its more removed locale, etc. Adoption of this rate would result in a Market Value of \$64,644,750. This equates to a significant difference of \$107,741,250 between the two.

Would a change in density potentially identified by a planner/architect affect the values specifically concluded for all of the Subject School Sites within the high density residential areas?

If funds were raised on the basis of \$24,400,000 per acre and then \$9,150,000 per acre was identified, where would the difference in funds be directed?

LOW DENSITY - APPROACH TO VALUE

- The Development Approach was utilized as the main valuation methodology with the Direct Comparison Approach representing a “high-level” check on value.

Bulk sales of lots by developers to builders were not considered in the assignment of Market Value rates on per front foot basis for proposed serviced lots. Below are some of the sales that could have been considered given that this represents cogent market evidence:

| Transaction Date | Municipality | Price | Sale type | # Lots/units |
|------------------|------------------------|------------------|-----------|--------------|
| Jan 10, 2024 | Georgina | \$20,910,780.00 | Market | 35 |
| Oct 10, 2023 | Georgina | \$16,240,400.00 | Market | 27 |
| Oct 10, 2023 | Georgina | \$36,091,340.00 | Market | 40 |
| Oct 5, 2023 | Markham | \$14,736,930.00 | Market | 40 |
| Mar 31, 2023 | Richmond Hill | \$10,048,000.00 | Market | 12 |
| Mar 28, 2023 | East Gwillimbury | \$16,336,950.00 | Market | 34 |
| Mar 27, 2023 | East Gwillimbury | \$21,703,063.00 | Market | 41 |
| Nov 24, 2022 | Whitchurch-Stouffville | \$39,125,000.00 | Market | 36 |
| Nov 12, 2022 | Vaughan | \$183,074,000.00 | Open Arms | 160 |
| Jan 24, 2022 | Vaughan | \$28,018,000.00 | Market | 34 |
| Jan 24, 2022 | Vaughan | \$28,018,000.00 | Market | 34 |
| Oct 14, 2021 | East Gwillimbury | \$7,953,365.00 | Market | 15 |
| Oct 14, 2021 | East Gwillimbury | \$4,291,694.00 | Market | 8 |
| Oct 14, 2021 | East Gwillimbury | \$13,030,554.00 | Market | 22 |
| Sep 29, 2021 | East Gwillimbury | \$9,266,784.00 | Market | 18 |
| Sep 29, 2021 | East Gwillimbury | \$13,906,555.00 | Market | 30 |
| Sep 29, 2021 | East Gwillimbury | \$72,509,880.00 | Market | 118 |
| Sep 29, 2021 | East Gwillimbury | \$24,499,337.00 | Market | 41 |
| Sep 15, 2021 | Vaughan | \$23,080,000.00 | Market | 26 |
| May 3, 2021 | East Gwillimbury | \$8,563,875.00 | Market | 16 |
| May 3, 2021 | East Gwillimbury | \$14,034,417.00 | Market | 23 |
| May 3, 2021 | East Gwillimbury | \$19,213,056.88 | Market | 34 |
| Apr 20, 2021 | Georgina | \$6,661,250.00 | Market | 36 |

The estimates of Market Value and ranges provided are relatively broad. It is not clear whether specific premiums were introduced for sites that represent infill development or redevelopment opportunities?

The Subdivision Development Approach on a broad basis inherently required a plethora of assumptions and its application relied upon and incorporating industry averages. Yields and servicing costs are more general. A more detailed analysis would be expected on a case-by case basis.

Adoption of this valuation methodology at this point is considered reasonable.

- The Direct Comparison Approach was employed as a check only and it was indicated that “a full slate of adjustments was not applied”. Whilst some “bracketed” ranges were narrow, a number of the provided ranges by the DCA varied greatly.

Would the concluded Market Value ranges have been different if all adjustments were applied?

DIRECT COMPARISON APPROACH

- The per acre values as identified in the Land Valuation Study did not vary between 6 acre Elementary School Sites and 15 acre Secondary School Sites. In a response letter prepared by gsi Real Estate & Planning Advisors Inc., dated March 7, 2024, it was responded that “there were no sales as large as 15 acres and that a 15-acre urban node school site is not a realistic scenario in any event.” There are three 15 acre school sites identified within the Report.

The response does not take into account the usual inverse relationship between prices paid and amount of product under consideration.

ESTIMATED 15-YEAR ESCALATOR

- The Report identified two annual escalation factors, namely 9% per year for low rise sub-areas and 7.5% for high rise sub-areas over the ensuing 15 year period.

In a declining and uncertain market, as is currently the case, averages from the previous 15 years (in 5 year increments) of TRREB data (which only considers resale product) is not considered a reliable basis to project market conditions for the future 15 years and not to be relied upon as a reasonable barometer going forward. Economic data reported for York Region and individual municipalities shows negative growth over the latter part of 2022 and through 2023. It is unclear why such a positive outlook and an increase in values was proposed as early as 2024. The current market is highly uncertain with many sales offices closed due to issues of affordability and uncertainties for purchasers to qualify for mortgage financing. It is recommended that such forecasting be eschewed in

favour of annual or semi-annual updates based upon actual prevailing market conditions.

As the gsi letter of March 13, 2024, indicates, "site-specific valuation for a property should always supersede or trump a benchmark land valuation study such as the one that gsi prepared for the EDC calculation."

Respectfully submitted,



Oksana Vialykh, AACI, PLE
Director of Operations



Dino Bottero, AACI, MRICS
Professional Land Economist

CC: Denise Baker (WeirFOulds)
Paula Tenuta (BILD)



March 20, 2024

Memorandum to: Denise Baker
WeirFoulds

From: Daryl Keleher, MCIP, RPP, Principal
Keleher Planning & Economic Consulting Inc.

Re: York EDC Review
Our File: P1077

Keleher Planning & Economic Consulting Inc. was retained by BILD to review the Education Development Charges Background Study materials released by the York District School Board (YDSB) and the York Catholic District School Board (YCDSB). This memorandum summarizes the questions and comments stemming from my initial review. Please note that additional questions and comments may arise from review of the boards' full EDC background study once released.

Questions and Comments

- 1) There are Public Elementary Panel school sites listed in Form G where the number of net growth-related pupil place requirements are minimal and would usually be ignored in EDC rate calculations with a note that these pupils will be "Accommodated in Existing Facilities". The Public Secondary Panel includes several line items where upwards of 462 pupils are forecast to be accommodated in existing facilities. Examples in the 2024 EDC Study materials include:
 - a) PE10D – 11 net growth-related pupil place requirements in a 638-pupil place facility, adding \$1,059,898 in education land costs, equivalent to \$96,354 per pupil.
 - b) PE07A – 41 net growth-related pupil place requirements in a 638-pupil place facility, adding \$4,548,466 in education land costs, equivalent to \$110,938 per pupil.
- 2) The projects with "Alternative Costs" appear to be including alternative costs that are over and above the base education land costs, when the basis for alternative projects is for them to be used in instances where the costs of the alternative project result in a net reduction in education land costs. The costs per pupil in these facilities ranges from \$163,700 per pupil (PE04C – 2024 school) to upwards of \$299,299 per pupil (PE04C – 2031 school)
- 3) There are numerous instances of "Pupils Holding for New Schools" being added to the calculation of growth-related pupil place requirements – using PE06 as an example, are the 209 "pupils holding for new schools" embedded in the current/future enrolment for the 10 existing elementary schools?
- 4) For the Elementary Panel, the forecast enrolment from existing schools is forecast to decline by 10% for the YDSB and 26% for the YCDSB, causing the Public Board's enrolment share to increase from 73.9% in 2023/24 to 77.6% in 2038/39 - can the basis for this significant shift in enrolment and more significant decline in Catholic Elementary enrolment be explained?

- 5) For the Secondary Panel, the forecast enrolment from existing schools is forecast to decline by 13% for the YDSB and 41% for the YCDSB, causing the Public Board's enrolment share to increase from 69.8% in 2023/24 to 77.1% in 2038/39 - can the basis for this significant shift in enrolment and more significant decline in Catholic Secondary enrolment be explained?

April 10, 2024

Memorandum to: Jim Easto, Keel Cottrelle

From: Jack Ammendolia, Watson and Associates Economists Ltd.

Re: York EDC Review: Memo from Daryl Keleher

The original memo received from BILD is copied below with answers and comments from Watson and Associates Economists Ltd., provided in bold below each question.

Questions and Comments

1) There are Public Elementary Panel school sites listed in Form G where the number of net growth-related pupil place requirements are minimal and would usually be ignored in EDC rate calculations with a note that these pupils will be “Accommodated in Existing Facilities”. The Public Secondary Panel includes several line items where upwards of 462 pupils are forecast to be accommodated in existing facilities. Examples in the 2024 EDC Study materials include:

a) PE10D – 11 net growth-related pupil place requirements in a 638-pupil place facility, adding \$1,059,898 in education land costs, equivalent to \$96,354 per pupil.

b) PE07A – 41 net growth-related pupil place requirements in a 638-pupil place facility, adding \$4,548,466 in education land costs, equivalent to \$110,938 per pupil.

In all cases where new school sites have been identified and are accommodating small numbers of EDC eligible pupils, the consultant was informed by the Board that the Board has additional school sites identified and designated in those review areas. In addition, growth in those areas was forecast to be sustained and continue beyond the 15-year EDC forecast. The secondary panel typically has more flexibility to accommodate students as the sites are larger, the schools are bigger, and the boundaries cover a larger territory.



2) The projects with “Alternative Costs” appear to be including alternative costs that are over and above the base education land costs when the basis for alternative projects is for them to be used in instances where the costs of the alternative project result in a net reduction in education land costs.

The costs per pupil in these facilities ranges from \$163,700 per pupil (PE04C – 2024 school) to upwards of \$299,299 per pupil (PE04C – 2031 school)

The example below illustrates the methodology used to determine if alternative costs could be included as EDC eligible costs. The first table is for the VMC sites for the YCDSB and the table below that is for the YRDSB. A more detailed explanation is provided below, however, the primary principle of this analysis is simply, are the ‘alternative costs’ identified less than the cost of acquiring and preparing a larger school site (i.e. additional acres).

In the tables below, column A represents the acreage identified by the Board for the alt project and column B is what the Board is EDC eligible for under the Regulations. Column C identifies the size of site the Board would be eligible for under the EDC regulations. Column E and F show the land costs based on those two different sizes. The land costs do not include financing and do not include any alternative project costs.

If the difference in the costs, of what the Board is EDC eligible to acquire compared with the smaller site the Board is actually buying or proposing to buy (Column G Difference), is greater than the estimated alternative costs (Column H, these are the costs estimates that will be required for the school as a result of building it more compactly on a smaller site), then the Boards have identified those alternative costs as EDC eligible.

So for VMC 1 for the YCDSB, the EDC costs in column E are ~\$35.2M but if the Board would have gone with a full 5 acre site, the costs would have been ~\$49.8M for a difference of \$14.6M whereas the estimated alternative costs are \$9.27M which is less than the \$14.6M it would cost to purchase and prepare the additional acreage.

| Site Location/ Facility Type | Net Growth- Related Pupil Place Requirements | Proposed School Capacity | Percent of Capacity Attributed to Net Growth- Related Pupil Place Requirements | A | B | C | D | E | F | G | H | I |
|------------------------------------|---|--------------------------------|---|--|---|--|--|--|--|---------------|-----------------------------------|------------------------|
| | | | | Total Number of Acres Required (Footnote Oversized Sites) * | Acreage To Be Funded in EDC By-Law Period | TOTAL NUMBER OF ACRES EDC ELIGIBLE REQUIRED | TOTAL NUMBER OF EDC ELIGIBLE ACRES TO BE FUNDED | EDC LAND COSTS WITH NO FINANCING OR ALT COSTS | MAXIMUM EDC ELIGIBLE LAND COSTS | DIFFERENCE | ESTIMATED ALTERNATIVE COSTS | ALT PROJECT Y or N? |
| NEW SCHOOL: Maple Vaughan Centre 1 | 497 | 497 | 100.00% | 3.53 | 3.53 | 5.00 | 5.00 | \$ 35,184,800 | \$ 49,801,557 | \$ 14,616,757 | \$ 9,272,503 | ALT PROJECT |
| NEW SCHOOL: Maple Vaughan Centre 2 | 247 | 497 | 49.64% | 3.50 | 1.74 | 5.00 | 2.48 | \$ 24,832,878 | \$ 35,475,540 | \$ 10,642,662 | \$ 6,953,562 | ALT PROJECT |

| Site Location/ Facility Type | Net Growth- Related Pupil Place Requirements | Proposed School Capacity | Percent of Capacity Attributed to Net Growth- Related Pupil Place Requirements | A | B | C | D | E | F | G | H | I |
|---------------------------------|---|--------------------------------|---|--|---|--|--|--|--|---------------|-----------------------------------|------------------------|
| | | | | Total Number of Acres Required (Footnote Oversized Sites) * | Acreage To Be Funded in EDC By-Law Period | TOTAL NUMBER OF ACRES EDC ELIGIBLE REQUIRED | TOTAL NUMBER OF EDC ELIGIBLE ACRES TO BE FUNDED | EDC LAND COSTS WITH NO FINANCING OR ALT COSTS | MAXIMUM EDC ELIGIBLE LAND COSTS | DIFFERENCE | ESTIMATED ALTERNATIVE COSTS | ALT PROJECT Y or N? |
| NEW SCHOOL: VMC | 638 | 638 | 100.00% | 3.53 | 3.53 | 7.00 | 7.00 | \$ 35,184,800 | \$ 69,722,180 | \$ 34,537,380 | \$ 11,801,386 | ALT PROJECT |
| NEW SCHOOL: VMC | 418 | 500 | 83.60% | 3.50 | 2.93 | 5.00 | 4.18 | \$ 41,818,851 | \$ 59,741,216 | \$ 17,922,365 | \$ 14,903,505 | ALT PROJECT |



3) There are numerous instances of “Pupils Holding for New Schools” being added to the calculation of growth-related pupil place requirements – using PE06 as an example, are the 209 “pupils holding for new schools” embedded in the current/future enrolment for the 10 existing elementary schools?

The pupils holding for new schools that are identified in the growth-related pupil place requirements is referring to the legislative change that permits EDC eligible holding students. The methodology used is consistent with all the EDC Background Studies Watson has completed and is as follows; An EDC eligible holding student is identified as the delta between what enrolment was projected for an EDC review area/school in the last EDC Background Study and the actual enrolment at the time of the new EDC Background Study. So, in the example referred to above, the actual enrolment in that review area was 209 higher than the enrolment that was projected in the last EDC. The thought process behind this methodology is that those students (the 209) were a result of homes/permits that were built during the term of the bylaw and not projected for and should be counted as EDC eligible students.

4) For the Elementary Panel, the forecast enrolment from existing schools is forecast to decline by 10% for the YDSB and 26% for the YCDSB, causing the Public Board’s enrolment share to increase from 73.9% in 2023/24 to 77.6% in 2038/39 - can the basis for this significant shift in enrolment and more significant decline in Catholic Elementary enrolment be explained?

The declines in the existing community are a direct function of the Region’s demographic trends. See the table below outlining population trends in York Region over the last 20 years. Population growth is slowing rapidly but more importantly, many family/school aged communities have increased rapidly, peaked and now appear to be in rapid decline. As shown in the table below, the pre-school (0-3 years) population has been declining significantly in York Region over the last decade and in the most recent census period, there was a decline of almost 5,000 0-3 year olds (-11.1%). The elementary population, after experiencing double digit increases in the first decade of the 2000’s, declined by over 1,000 between 2016 and 2021. In addition, many of these demographic changes are occurring in areas where the Boards have higher numbers and concentrations of existing students which has is having a significant impact on the Boards’ existing community enrolments.

| Population Data | 2001 | 2006 | 2011 | 2016 | 2021 | 2001-2006 | | 2006-2011 | | 2011-2016 | | 2016-2021 | |
|-------------------------------------|---------|---------|-----------|-----------|-----------|-----------------|----------|-----------------|----------|-----------------|----------|-----------------|----------|
| | Census | Census | Census | Census | Census | Absolute Change | % Change | Absolute Change | % Change | Absolute Change | % Change | Absolute Change | % Change |
| Total Population | 728,656 | 892,432 | 1,032,456 | 1,109,845 | 1,173,389 | 163,776 | 22.5% | 140,024 | 15.7% | 77,389 | 7.5% | 63,544 | 5.7% |
| Pre-School Population (0-3) | 36,215 | 42,115 | 46,756 | 44,741 | 39,786 | 5,900 | 16.3% | 4,641 | 11.0% | -2,015 | -4.3% | -4,955 | -11.1% |
| Elementary School Population (4-13) | 108,365 | 122,131 | 131,742 | 136,061 | 134,997 | 13,766 | 12.7% | 9,611 | 7.9% | 4,319 | 3.3% | -1,064 | -0.8% |
| Secondary School Population (14-18) | 55,636 | 68,126 | 75,263 | 74,594 | 75,748 | 12,490 | 22.4% | 7,137 | 10.5% | -669 | -0.9% | 1,154 | 1.5% |

These trends are having a direct impact on Board enrolment, especially in the entry level and primary grades. For example, not unlike the above referenced pre-



school declines, the combined JK enrolment of both school boards declined by almost 1700 pupils between 2016 and 2022 or more than 16%. Furthermore, over that same period the grade structure ratio of both school boards enrolment increased from 1.18 to 1.36. The grade structure ratio examines the number of students in the senior elementary grades (6-8) versus the number of students in the primary grades (JK-1). Where primary and senior enrolment is relatively equal the grade structure ratio would be 1 or close to it and indicate that future existing enrolment should be relatively stable. A number under 1 could indicate existing enrolment growth and over 1, existing enrolment decline. As of 2022/23 the Boards' grade structure ratio indicates that there are 36% more students in the senior grades who are going to be existing the system over the next few years compared with the primary grades or students entering the elementary system.

| YRDSB & YCDSB HISTORICAL ENROLMENT BY GRADE | | | | | | | |
|---|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|----------------------------|
| | Historical 2016/ 2017 | Historical 2017/ 2018 | Historical 2018/ 2019 | Historical 2019/ 2020 | Historical 2020/ 2021 | Historical 2021/ 2022 | Historical 2022 2023 |
| JK | 10,271 | 9,227 | 9,365 | 9,331 | 8,565 | 8,577 | 8,579 |
| SK | 10,443 | 10,858 | 10,078 | 10,229 | 9,872 | 9,686 | 9,678 |
| 1 | 11,620 | 11,397 | 12,191 | 11,383 | 11,208 | 10,881 | 10,935 |
| 2 | 12,157 | 11,835 | 11,793 | 12,654 | 11,518 | 11,374 | 11,322 |
| 3 | 12,398 | 12,381 | 12,158 | 12,148 | 12,754 | 11,705 | 11,812 |
| 4 | 12,997 | 12,604 | 12,693 | 12,540 | 12,241 | 12,861 | 12,111 |
| 5 | 12,593 | 13,206 | 12,885 | 13,046 | 12,659 | 12,398 | 13,281 |
| 6 | 12,646 | 12,791 | 13,546 | 13,309 | 13,174 | 12,802 | 12,865 |
| 7 | 12,963 | 12,786 | 13,079 | 13,863 | 13,385 | 13,264 | 13,141 |
| 8 | 12,702 | 13,070 | 13,060 | 13,384 | 13,972 | 13,553 | 13,674 |
| TOTAL | 120,790 | 120,155 | 120,848 | 121,887 | 119,348 | 117,101 | 117,398 |
| Grade Structure Ratio | 1.18 | 1.23 | 1.25 | 1.31 | 1.37 | 1.36 | 1.36 |

In terms of the question about share between the two Boards. Using the JK enrolment example above, while combined JK enrolment between the Boards has been in decline, the YRDSB has increased its share of the JK enrolment. The YRDSB's share of JK enrolment has been increasing steadily in almost every year over the last 20 years. In 2011, the YRDSB share of JK enrolment was ~67%, by 2016 it was over 70% and by 2022 74%. The YRDSB's overall elementary enrolment share has also been increasing over that same period – just below 70% in 2016 and over 73% in 2022.

| YRDSB ENROLMENT SHARE | | | | | | | |
|-----------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|----------------------------|
| GRADES | Historical 2016/ 2017 | Historical 2017/ 2018 | Historical 2018/ 2019 | Historical 2019/ 2020 | Historical 2020/ 2021 | Historical 2021/ 2022 | Historical 2022 2023 |
| JK | 70.5% | 70.3% | 72.9% | 73.2% | 72.8% | 73.8% | 73.9% |
| TOTAL | 69.8% | 70.3% | 71.1% | 71.7% | 72.0% | 72.5% | 73.3% |



5) For the Secondary Panel, the forecast enrolment from existing schools is forecast to decline by 13% for the YDSB and 41% for the YCDSB, causing the Public Board's enrolment share to increase from 69.8% in 2023/24 to 77.1% in 2038/39 - can the basis for this significant shift in enrolment and more significant decline in Catholic Secondary enrolment be explained?

Please see question 4 above. The trends outlined in question 4 (both demographic and enrolment), will begin to impact the secondary populations and enrolments next and those same issues facing the YCDSB on the elementary panel will start to age out and have similar impacts to their secondary enrolments and shares.



April 5, 2024

Memorandum to: Denise Baker
WeirFoulds

From: Daryl Keleher, MCIP, RPP, Principal
Keleher Planning & Economic Consulting Inc.

Re: York EDC Review
Our File: P1077

Keleher Planning & Economic Consulting Inc. was retained by BILD to review the Education Development Charges Background Study materials released by the York District School Board (YDSB) and the York Catholic District School Board (YCDSB). This memorandum summarizes the questions and comments stemming from my initial review. Please note that additional questions and comments may arise from review of the boards' full EDC background study once released.

Initial Questions and Comments

- 1) There are Public Elementary Panel school sites listed in Form G where the number of net growth-related pupil place requirements are minimal and would usually be ignored in EDC rate calculations with a note that these pupils will be "Accommodated in Existing Facilities". The Public Secondary Panel includes several line items where upwards of 462 pupils are forecast to be accommodated in existing facilities. Examples in the 2024 EDC Study materials include:
 - a) PE10D – 11 net growth-related pupil place requirements in a 638-pupil place facility, adding \$1,059,898 in education land costs, equivalent to \$96,354 per pupil.
 - b) PE07A – 41 net growth-related pupil place requirements in a 638-pupil place facility, adding \$4,548,466 in education land costs, equivalent to \$110,938 per pupil.
- 2) The projects with "Alternative Costs" appear to be including alternative costs that are over and above the base education land costs, when the basis for alternative projects is for them to be used in instances where the costs of the alternative project result in a net reduction in education land costs. The costs per pupil in these facilities ranges from \$163,700 per pupil (PE04C – 2024 school) to upwards of \$299,299 per pupil (PE04C – 2031 school)
- 3) There are numerous instances of "Pupils Holding for New Schools" being added to the calculation of growth-related pupil place requirements which are adding to the amount of EDC eligible costs. Using PE06 as an example,
 - a) Are the 209 "pupils holding for new schools" already accommodated in existing schools, but in a separate review area?
 - b) How are these holding students different than those added to or subtracted from EDC calculations, but netting to zero (such as the resident PE08 East Gwillimbury pupils attending Newmarket schools in PE07B)?

Figure 1

Review Areas with "Holding" Pupils Adding to Net Growth-Related Pupil Place Requirements, York Region District School Board

| | Requirements of New Development | Pupils Holding for New Schools | Total | Available Pupil Places in Existing Facilities | Net Growth-Related Pupil Place Requirements | |
|---------------------|---------------------------------|--------------------------------|-------|---|---|----------------------------|
| | | | | | Including Holding Students | Excluding Holding Students |
| PE02 | 384 | 236 | 620 | 571 | 49 | - |
| PE03B | 331 | 92 | 423 | 157 | 266 | 174 |
| PE06 | 1,016 | 209 | 1,225 | 311 | 914 | 705 |
| PE10B | 692 | 76 | 768 | 619 | 149 | 73 |
| PE10E | 754 | 190 | 944 | - | 944 | 754 |
| PE15A | 856 | 250 | 1,106 | 93 | 1,013 | 763 |
| Subtotal Elementary | 4,033 | 1,053 | 5,086 | 1,751 | 3,335 | 2,469 |
| PS08 | 1,381 | 246 | 1,627 | 1,263 | 364 | 118 |
| PS09 | 418 | 11 | 690 | - | 690 | 418 |
| PS13 | 1,274 | 1,312 | 2,586 | - | 2,586 | 1,274 |
| Subtotal Secondary | 3,073 | 1,569 | 4,903 | 1,263 | 3,640 | 1,810 |

Source: Watson & Associates, 2024 York EDC Study

- 4) For the Elementary Panel, the forecast enrolment from existing schools is forecast to decline by 10% for the YDSB and 26% for the YCDSB, causing the Public Board's enrolment share to increase from 73.9% in 2023/24 to 77.6% in 2038/39 - can the basis for this significant shift in enrolment and more significant decline in Catholic Elementary enrolment be explained?
- 5) For the Secondary Panel, the forecast enrolment from existing schools is forecast to decline by 13% for the YDSB and 41% for the YCDSB, causing the Public Board's enrolment share to increase from 69.8% in 2023/24 to 77.1% in 2038/39 - can the basis for this significant shift in enrolment and more significant decline in Catholic Secondary enrolment be explained?

Additional Questions

- 6) The 2024 EDC Study estimates site preparation costs at \$147,616 per acre, escalated at 8.6% per annum, however no details are provided regarding how the assumption was determined.
 - a) Can the sample of actual site preparation costs that were used to justify the site prep cost assumptions be provided?
 - b) What construction cost indices were the basis for the 8.6% escalation factor and are those construction cost indices expected to continue increasing at recent historic rates?
- 7) The EDC cash flow assumes an interest earnings rate of 1.5% per annum for positive EDC reserve fund balances. Despite interest rates (positive and negative) being lower in 2019, the 2019 EDC Study used a rate of 2.25% despite prevailing interest rates being lower at the time. Can the basis for the 1.5% interest earnings rate in the 2024 EDC Study be provided?
- 8) For alternative projects where the site size is not known, the 2024 EDC Study assumes a site size reduction of only 1 acre compared to the legislated EDC eligible requirements. For sites where the site size is known, what is the site size reduction? If the difference in instances where the site size is

known is greater than 1 acre, this would appear to be the basis for a more practical and realistic assumption than the one currently used.

April 15, 2024

Memorandum to: Jim Easto, Keel Cottrelle

From: Jack Ammendolia, Watson and Associates Economists Ltd.

Re: York EDC Review: Memo from Daryl Keleher – Update Incorporating Additional Questions

The original memo received from BILD is copied below with answers and comments from Watson and Associates Economists Ltd., provided in bold below each question. This memo includes responses to additional questions received in a second memo. The answers to the second memo begin at question 6.

Questions and Comments

1) There are Public Elementary Panel school sites listed in Form G where the number of net growth-related pupil place requirements are minimal and would usually be ignored in EDC rate calculations with a note that these pupils will be “Accommodated in Existing Facilities”. The Public Secondary Panel includes several line items where upwards of 462 pupils are forecast to be accommodated in existing facilities. Examples in the 2024 EDC Study materials include:

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The example below illustrates the methodology used to determine if alternative costs could be included as EDC eligible costs. The first table is for the VMC sites for the YCDSB and the table below that is for the YRDSB. A more detailed explanation is provided below, however, the primary principle of this analysis is simply, are the ‘alternative costs’ identified less than the cost of acquiring and preparing a larger school site (i.e. additional acres).

In the tables on the following page, column A represents the acreage identified by the Board for the alt project and column B is what the Board is EDC eligible for under the Regulations. Column C identifies the size of site the Board would be eligible for under the EDC regulations. Column E and F show the land costs based on those two different sizes. The land costs do not include financing and do not include any alternative project costs.

If the difference in the costs, of what the Board is EDC eligible to acquire compared with the smaller site the Board is actually buying or proposing to buy (Column G Difference), is greater than the estimated alternative costs (Column H, these are the costs estimates that will be required for the school as a result of building it more compactly on a smaller site), then the Boards have identified those alternative costs as EDC eligible.

So for VMC 1 for the YCDSB, the EDC costs in column E are ~\$35.2M but if the Board would have gone with a full 5 acre site, the costs would have been ~49.8M for a difference of \$14.6M whereas the estimated alternative costs are \$9.27M which is less than the \$14.6M it would cost to purchase and prepare the additional acreage.



| | | | | A | B | C | D | E | F | G | H | I |
|------------------------------------|---|--------------------------------|---|--|---|--|--|--|--|---------------|-----------------------------------|------------------------|
| Site Location/ Facility Type | Net Growth- Related Pupil Place Requirements | Proposed School Capacity | Percent of Capacity Attributed to Net Growth- Related Pupil Place Requirements | Total Number of Acres Required (Footnote Oversized Sites) * | Acres To Be Funded in EDC By-Law Period | TOTAL NUMBER OF ACRES EDC ELIGIBLE REQUIRED | TOTAL NUMBER OF EDC ELIGIBLE ACRES TO BE FUNDED | EDC LAND COSTS WITH NO FINANCING OR ALT COSTS | MAXIMUM EDC ELIGIBLE LAND COSTS | DIFFERENCE | ESTIMATED ALTERNATIVE COSTS | ALT PROJECT Y or N? |
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| NEW SCHOOL: VMC | 418 | 500 | 83.60% | 3.50 | 2.93 | 5.00 | 4.18 | \$ 41,818,851 | \$ 59,741,216 | \$ 17,922,365 | \$ 14,903,505 | ALT PROJECT |

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| Population Data | 2001 | 2006 | 2011 | 2016 | 2021 | 2001-2006 | | 2006-2011 | | 2011-2016 | | 2016-2021 | |
|-------------------------------------|---------|---------|-----------|-----------|-----------|-----------------|----------|-----------------|----------|-----------------|----------|-----------------|----------|
| | Census | Census | Census | Census | Census | Absolute Change | % Change | Absolute Change | % Change | Absolute Change | % Change | Absolute Change | % Change |
| Total Population | 728,656 | 892,432 | 1,032,456 | 1,109,845 | 1,173,389 | 163,776 | 22.5% | 140,024 | 15.7% | 77,389 | 7.5% | 63,544 | 5.7% |
| Pre-School Population (0-3) | 36,215 | 42,115 | 46,756 | 44,741 | 39,786 | 5,900 | 16.3% | 4,641 | 11.0% | -2,015 | -4.3% | -4,955 | -11.1% |
| Elementary School Population (4-13) | 108,365 | 122,131 | 131,742 | 136,061 | 134,997 | 13,766 | 12.7% | 9,611 | 7.9% | 4,319 | 3.3% | -1,064 | -0.8% |
| Secondary School Population (14-18) | 55,636 | 68,126 | 75,263 | 74,594 | 75,748 | 12,490 | 22.4% | 7,137 | 10.5% | -669 | -0.9% | 1,154 | 1.5% |

These trends are having a direct impact on Board enrolment, especially in the entry level and primary grades. For example, not unlike the above referenced pre-school declines, the combined JK enrolment of both school boards declined by almost 1700 pupils between 2016 and 2022 or more than 16%. Furthermore, over that same period the grade structure ratio of both school boards enrolment increased from 1.18 to 1.36. The grade structure ratio examines the number of students in the senior elementary grades (6-8) versus the number of students in the primary grades (JK-1). Where primary and senior enrolment is relatively equal the grade structure ratio would be 1 or close to it and indicate that future existing enrolment should be relatively stable. A number under 1 could indicate existing enrolment growth and over 1, existing enrolment decline. As of 2022/23 the Boards' grade structure ratio indicates that there are 36% more students in the senior grades who are going to be existing the system over the next few years compared with the primary grades or students entering the elementary system.

| YRDSB & YCDSB HISTORICAL ENROLMENT BY GRADE | | | | | | | |
|---|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|----------------------------|
| | Historical 2016/ 2017 | Historical 2017/ 2018 | Historical 2018/ 2019 | Historical 2019/ 2020 | Historical 2020/ 2021 | Historical 2021/ 2022 | Historical 2022 2023 |
| JK | 10,271 | 9,227 | 9,365 | 9,331 | 8,565 | 8,577 | 8,579 |
| SK | 10,443 | 10,858 | 10,078 | 10,229 | 9,872 | 9,686 | 9,678 |
| 1 | 11,620 | 11,397 | 12,191 | 11,383 | 11,208 | 10,881 | 10,935 |
| 2 | 12,157 | 11,835 | 11,793 | 12,654 | 11,518 | 11,374 | 11,322 |
| 3 | 12,398 | 12,381 | 12,158 | 12,148 | 12,754 | 11,705 | 11,812 |
| 4 | 12,997 | 12,604 | 12,693 | 12,540 | 12,241 | 12,861 | 12,111 |
| 5 | 12,593 | 13,206 | 12,885 | 13,046 | 12,659 | 12,398 | 13,281 |
| 6 | 12,646 | 12,791 | 13,546 | 13,309 | 13,174 | 12,802 | 12,865 |
| 7 | 12,963 | 12,786 | 13,079 | 13,863 | 13,385 | 13,264 | 13,141 |
| 8 | 12,702 | 13,070 | 13,060 | 13,384 | 13,972 | 13,553 | 13,674 |
| TOTAL | 120,790 | 120,155 | 120,848 | 121,887 | 119,348 | 117,101 | 117,398 |
| Grade Structure Ratio | 1.18 | 1.23 | 1.25 | 1.31 | 1.37 | 1.36 | 1.36 |

In terms of the question about share between the two Boards. Using the JK enrolment example above, while combined JK enrolment between the Boards has been in decline, the YRDSB has increased its share of the JK enrolment. The YRDSB's share of JK enrolment has been increasing steadily in almost every year over the last 20 years. In 2011, the YRDSB share of JK enrolment was ~67%, by 2016 it was over 70% and by 2022 74%. The YRDSB's overall elementary enrolment share has also been increasing over that same period – just below 70% in 2016 and over 73% in 2022.



| YRDSB ENROLMENT SHARE | | | | | | | |
|-----------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|----------------------------|
| GRADES | Historical 2016/ 2017 | Historical 2017/ 2018 | Historical 2018/ 2019 | Historical 2019/ 2020 | Historical 2020/ 2021 | Historical 2021/ 2022 | Historical 2022 2023 |
| JK | 70.5% | 70.3% | 72.9% | 73.2% | 72.8% | 73.8% | 73.9% |
| TOTAL | 69.8% | 70.3% | 71.1% | 71.7% | 72.0% | 72.5% | 73.3% |

5) For the Secondary Panel, the forecast enrolment from existing schools is forecast to decline by 13% for the YDSB and 41% for the YCDSB, causing the Public Board's enrolment share to increase from 69.8% in 2023/24 to 77.1% in 2038/39 - can the basis for this significant shift in enrolment and more significant decline in Catholic Secondary enrolment be explained?

Please see question 4 above. The trends outlined in question 4 (both demographic and enrolment), will begin to impact the secondary populations and enrolments next and those same issues facing the YCDSB on the elementary panel will start to age out and have similar impacts to their secondary enrolments and shares.

6) The 2024 EDC Study estimates site preparation costs at \$147,616 per acre, escalated at 8.6% per annum, however no details are provided regarding how the assumption was determined.

a) Can the sample of actual site preparation costs that were used to justify the site prep cost assumptions be provided?

Site preparation costs are based on the values determined in the 2019 EDC Background Study escalated to current dollar value. The per acre site preparation cost used in the 2019 study was \$94,300. Watson used the Non-Residential Earthworks price index from Statistics Canada for the last 5 years which averaged 9.5% per year. Watson removed the minimum and maximum values and derived an average of 8.6% used to escalate the site preparation costs. As a result, the new site preparation costs were estimated at \$147,616 per acre for the 2024 EDC Background Study.

b) What construction cost indices were the basis for the 8.6% escalation factor and are those construction cost indices expected to continue increasing at recent historic rates?

As described above, the consultant used the Non-Residential Earth Works price index from Statistics Canada to derive the escalation factor for site preparation costs. The consultant recognizes that the escalation factor used is significantly greater than historical factors used. However, current escalation factors must also recognize that the recent and current market has experienced a significant increase in costs. To try and balance this uncertainty, the consultant



implemented some mitigation measures in this EDC Background Study. For example, in the last two years of the index used, rates averaged almost 17%. As mentioned above in part a, the consultant used a 5-year average which incorporated some of the lower pre-2021/22 rates. The consultant also eliminated the minimum and maximum values in the analysis to provide a more balanced escalation rate of 8.6%. More importantly, again recognizing the volatility of current markets, the consultant applied the site preparation costs escalation factor only to the maximum term of the bylaw (or site acquisition). Historic practice for site preparation costs was to escalate to the time of site purchase anywhere in the 15-year forecast. In this EDC analysis, the application of site preparation escalation factors is now consistent with how escalation factors are applied for site acquisition.

7) The EDC cash flow assumes an interest earnings rate of 1.5% per annum for positive EDC reserve fund balances. Despite interest rates (positive and negative) being lower in 2019, the 2019 EDC Study used a rate of 2.25% despite prevailing interest rates being lower at the time. Can the basis for the 1.5% interest earnings rate in the 2024 EDC Study be provided?

The 1.5% interest rate was based on a combination of conversations and discussions with Board finance staff where Watson has completed recent EDC Background Reports as well as independent research on account interest rates in Ontario.

Upon receipt of the additional questions from this most recent memo, a recent sample of Canadian bank account interest rates was reviewed and based on the sample (table below), it would appear that the 1.5% is still a reasonable interest rate to use. There is quite a bit of variance in the rates, but the sample below returns an average of 1.44%.

Regarding the rates used in the 2019 EDC study, Watson did not prepare the 2019 Background Study and can't comment on the rates used.

| Bank/Credit Union | Regular APY |
|---|-------------|
| CIBC TFSA Tax Advantage Savings Account | 0.75% |
| CIBC US\$ Personal Account | 0.25% |
| B2B Bank HIIA: High Interest Investment Account | 4% |
| CIBC RRSP Daily Interest Savings Account | 0.35% |
| National Bank HISA: High Interest Savings Account | 1.70% |
| TD ePremium Savings Account | 1.60% |
| CIBC eAdvantage Savings Account | 1.40% |
| RBC High Interest eSavings | 1.50% |



8) For alternative projects where the site size is not known, the 2024 EDC Study assumes a site size reduction of only 1 acre compared to the legislated EDC eligible requirements. For sites where the site size is known, what is the site size reduction? If the difference in instances where the site size is known is greater than 1 acre, this would appear to be the basis for a more practical and realistic assumption than the one currently used.

For the YCDSB, the two alternative projects identified are both in VMC and both on approximately 3.5-acre sites for schools with proposed capacities of 497. Those school capacities would be eligible for 5-acre sites – so the reduction in site size is approximately 1.5 acres.

The YRDSB has identified 10 alternative projects. Those projects vary by geography and capacity and have more variance in the site size reduction. Of the YRDSB's two identified VMC projects, one school has a proposed capacity of 638 (eligible for 7 acres) and the other elementary school has a proposed capacity of 500 (eligible for 5 acres). As such, the site size reduction for the first school is almost 3.5 acres, whereas the reduction for the second school is more in line with the YCDSB example, at 1.5 acres.

There are 3 alternative projects identified in urban/high density areas of Markham for the YRDSB, with capacity ranges like the VMC example, two proposed elementary schools with capacities of 638 and one with 500. The reduction in site sizes for these three identified projects is between 2 and 3.7 acres.

For many of the projects identified above there is higher degree of certainty regarding the reduction in site size because in most cases, sites have been, or are in the process of being purchased or have been identified and designated in the planning process.

For the Board's remaining projects that were identified as alternative projects, they have distinct geography from the other projects – Richmond Hill and Markham-Thornhill. In addition, these sites have less certainty regarding ultimate site size and are not as far along in the planning/development process as most of the sites mentioned above.

The general methodology used for the alternative projects was to reduce identified sites by at minimum 1 acre unless there was information from Board staff to reduce by a greater amount.



Adam McDonald <adam.mcdonald@ycdsb.ca>

FW: quick chat

Jack Ammendolia <ammendolia@watsoncon.ca>
To: Adam McDonald <adam.mcdonald@ycdsb.ca>
Cc: "James A. Easto" <JEasto@keelcottrelle.ca>

Mon, May 6, 2024 at 3:03 PM

FYI

From: Marco Filice (Liberty Development Corp.) <mfilice@libertydevelopment.ca>
Sent: Tuesday, April 2, 2024 6:27 PM
To: Jack Ammendolia <ammendolia@watsoncon.ca>
Subject: RE: quick chat

Hi Jack,

a. thanks for the call.

b. as discussed, I don't see a fair and transparent process having unfolded, with issues not raised by diplomats, and matters unaddressed since 2017 and earlier;

c. your clients have all my letters and deputations, It would be insulting to ask me to cower again to repeat the same points; anyone can find my letters or dig into the school files to get (Tom is still there, he has all my letters, so why resend the same message being ignored).

d. please let me know who is giving you instructions you need to make sure you are acting for the relevant stakeholders with the schools or the process is unfair and not transparent.

Thanks,
Marco

Ministry of Education

Capital Policy and Programs Branch
900 Bay Street
19th Floor, Mowat Block
Toronto ON M7A 1L2

Ministère de l'Éducation

Direction des politiques et des
programmes d'immobilisations
900, rue Bay
19^e étage, Édifice Mowat
Toronto ON M7A 1L2



Mr. Marco Filice
Liberty Development Corporation
1 Steelcase Road West, Unit 8
Markham, Ontario L3R 0T3
mfilice@libertydevelopment.ca

Dear Mr. Filice,

Thank you for your recent correspondence about the York Region District School Board (the board) and education development charges (EDC) and for your active participation in the board's process to amend its EDC by-law. I am pleased to respond on behalf of the Ministry of Education.

As I am sure you are aware, EDCs are a revenue source for qualifying school boards experiencing growth-related accommodation need to purchase and develop land for new schools. The ministry approved the board's enrolment projections and estimated site requirements underpinning its current EDC by-law, which came into effect on July 1, 2014, for a five year period. In December 2016, the board increased its residential and non-residential EDCs via an EDC amending by-law. Although the amending by-law came into force on December 18, 2016, the board has decided that the new EDCs will not come into effect until March 1, 2017.

Residential charges may be applied uniformly across all types of development or differentially according on the type of unit. School boards decide which approach to use and which residential categories to use if a differentiated approach is chosen. I understand that although the board chose not to adopt a differentiated approach to calculate its revised residential charge within its recent EDC amending by-law, board trustees did move to consider a differentiated approach in the future. As well, I understand that board staff will commence discussions on uniform and differentiated residential charges with the Building Industry and Land Development Association (BILD) to consider this issue further.

Thank you again for taking the time to write. I trust that this information is helpful.

Sincerely,

Paul Bloye
Director (A)
Capital Policy and Programs Branch

-----Original Appointment-----

From: Jack Ammendolia <ammendolia@watsoncon.ca>

Sent: Monday, April 01, 2024 6:54 PM

To: Marco Filice (Liberty Development Corp.)

Subject: Accepted: quick chat

When: Tuesday, April 02, 2024 4:30 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Microsoft Teams Meeting

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April 5, 2024

Via Email

Marco Filice
Liberty Development Corporation
1 Steelcase Rd. W. Unit 8 Markham ON L3R 0T3

Re: York EDC By-Law Renewal

Dear Mr. Filice:

As you are aware the York Catholic District School Board and the York Region District School Board is consulting with stakeholders regarding the development of the renewal of the EDC by-laws for each board.

We acknowledge your request for the Boards to implement a differentiated rate for EDCs. We would like to meet with you to further discuss the implications of differentiated rates.

We invite you to meet with both school boards and our EDC consultant at 9:00 am April 10, 2024 at the YCDSB board offices at 320 Bloomington Road West, Aurora. If you would prefer a virtual meeting, or wish to propose an alternate time, please contact Adam McDonald at 905.713.1211 ext. 12379.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam McDonald".

Adam McDonald
Manager of Accommodation Planning and
Property
York Catholic District School Board

A handwritten signature in blue ink, appearing to read "Gilbert Luk".

Gilbert Luk
Manager of Property and System Operations
York Region District School Board

CC: Jack Ammendolia, Watson and Associates Economists Ltd.



Adam McDonald <adam.mcdonald@ycdsb.ca>

RE: Meeting invitation - York EDC

Marco Filice (Liberty Development Corp.) <mfilice@libertydevelopment.ca>

Tue, Apr 9, 2024 at 6:33 PM

To: Adam McDonald <adam.mcdonald@ycdsb.ca>

Cc: Gilbert Luk <gilbert.luk@yrdsb.ca>, Jack Ammendolia <ammendolia@watsonecon.ca>

Hi Adam,

I may have spoken with you in the past decade but I'm not sure we have met.

I'm just back to my desk as I've been in meetings in and out at jobsites.

So, I'm just seeing your meeting request for 'AFTER' the public meeting.

Please See enclosed memo from the Ministry from 2017; I've been waiting to hear from you since then;

There's also the challenge from office/non-res that needs to be addressed.

If not, I'm sure you have all our letters and bild may have provided some issues of concern as well.

As I've advised Jack I don't believe the process is fair and transparent given the failure to communicate despite the Ministry guidance, etc.

My deputations and letters in the past have gone on to be without response or implementation and one product continues to appear to be overcharged, on a 'pupil contribution basis', to the detriment of new customers who cannot speak for themselves at this time. Your bylaw should be deferred or if passed should not be considered to have validated the proper consultation and transparency test and any affidavit suggesting same could be in challenge based on this. While pupil contribution was a topic in 2017, today the topic may be more financial management, planning, borrowing capacity, front ending, etc.; all the options should be on the table to 'lower' the charge not 'increase' the charges to new home owners; disagree?p

If there is sincere interest, a proper facilitated discussion is warranted with jurisdictions having authority.

Otherwise this appears to be a typical bylaw push through attempt with the same 1 or 2 consultants leading the charge with no differentiation in advice or guidance on that front. You continue to appear to have challenges but not include the customers or actual payors of the dc's to seek help with the jurisdictions which you claim are restrictive, the result is that new home owners will pay 'more' for new homes without a concerted effort to 'lower' costs of new homes or help you manage your challenges on your own. Perhaps the legislation should be changed to permit new homeowners at the table, this is especially true since your 'fee' is a two times flow through, once through the Region, once through the Municipality issuing the permit, and once through the selling builder – you are 4 steps removed from the actual customer who has no idea what this is all about and how much they are being over charged or not... this is a serious transparency issue since you have chosen a 'flow through procedure' to collect your 'fees'. If you like you can issue an 'invoice' to new home owners when they move in instead?

On short notice, I cannot rearrange my schedule for your suggested post public meeting, meeting for tomorrow morning. However, if you like we can arrange to send some dates in coming weeks. Regardless of the outcome, I found my conversation with Jack helpful, but he doesn't sign cheques, it should be had with trustees and the people that write cheques imo, including the Consultant.

Kindly send your 'agenda' and list of items to discuss; you have my letters since 2008, and we can prepare some in person meeting dates with a proper agenda to discuss if there is a sincere interest to address what's been on the table since 2008, my first deputation to your Boards which was, and continues to be, rejected as not presented by staff as a leading approach.

Thanks,

Marco Filice

From: Adam McDonald <adam.mcdonald@ycdsb.ca>
Sent: Friday, April 05, 2024 3:09 PM
To: Marco Filice (Liberty Development Corp.) <mfilice@libertydevelopment.ca>
Cc: Gilbert Luk <gilbert.luk@yrdsb.ca>; Jack Ammendolia <ammendolia@watsonecon.ca>
Subject: Meeting invitation - York EDC

You don't often get email from adam.mcdonald@ycdsb.ca. [Learn why this is important](#)

Good afternoon Marco,

Hope you are well.

The York School Boards would like to invite you to a meeting to discuss the EDC By-Law renewal process.

Please see attached letter.

Adam

Regards,

Adam McDonald

Manager, Accommodation Planning and Property

York Catholic District School Board

T. 905.713.1211 ext. 12379

adam.mcdonald@ycdsb.ca

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4 attachments



050809_EDC_Deputation Letter_4242_001.pdf
122K



111516_L_EDC_Sprayson_Nov22_.pdf
1375K



EDC-Charges-By-Law-Deputation-PPT-12-01-2016.pdf
2210K



MinOfEducation_Response to M. Filice.pdf
45K

May 8, 2009

York Catholic District School Board
320 Bloomington Rd. W.
Aurora, ON

Attn: Tom Pechkovsky, Manager of Planning Services

Tel: 1-905-713-1211, ext. 2374

Fax: 1-905-713-1269

York Region District School Board
60 Wellington St. W.
Aurora, ON

Attn: Jane Ross, Manager of Accommodation Planning and Property Development

Tel: 1-905-727-0022, ext. 2421

Fax: 1-905-727-0775

Dear Sir/Mesdame:

**RE: REGION OF YORK – EDUCATION DEVELOPMENT CHARGES
2009 PROPOSAL FOR “VARIABLE” RATES BY PRODUCT TYPE**

Please accept this letter as an official submission on your invitation for public input in respect of your review of the York Region Education Development Charges.

Principle A. Non-Residential Non-Retail Cannot Afford to be Further Burdened

The current economy and the consideration of factors among office users dictates that no further burdens can be placed on prospective office users. Developments that are trying to bring life to a true mixed-use York Region, especially along “centres and corridors”, cannot afford further costs increases. Additional costs will only serve to drive away potential developers and users of commercial/office use. We respectfully submit that any proposed increase, whether it is a 100% increase, or a 1% increase, is generally unsubstantiated, especially where such users and uses (i.e. non-residential non-retail) are a boon to the Region and do not directly contribute to the pupil population.

Principle B. Apartments Cannot Afford to be Further Burdened

Again, the current economy, and the maintenance of the principle of affordability of quality housing in the Region dictates that apartments cannot be further burdened with additional costs. Apartments, at the York Region DC level already pay about three times as much as non-apartment product for development charges, and already disproportionately contribute to certain infrastructure when related to actual use and need.

Accordingly, it is our submission that the proposed methodology be changed to charge apartment units based on a pupil contribution count or 'ppu' is a much more equitable distribution of the costs to the housing product. This will result in maintenance of affordability, especially among first time buyers whom the Region should be attracting, and a more appropriate correlation of 'growth paying for growth'. The very fact that the Region is considering a 'new' methodology to reduce apartment EDC rates is in effect a confirmation that the apartments have been 'over-paying' their fair share for some time.

Principle C. If the School Boards DO NOT shift towards the Variable Rate as proposed across the Region, then they should at least approve a Variable Rate for Apartments in ROPA 43 Centres & Corridors where there are true mixed-use projects.

It is our further submission that if you do not accept the proposal to have a variable rate for apartments across the Region, that you consider applying the variable rate for only those developments with apartments that are located along centres and corridors and are true mixed-use projects – i.e. those that have multi-storey residential and non-residential commercial uses. The Region has recently received reports from your same consultant that municipalities achieve operational savings in transit-oriented developments in centres/corridors and these mixed-use developments should be encouraged by applying a variable and appropriate apartment rate that reflects the pupil contribution or 'ppu' type contribution and not a 'flat' rate.

These are our preliminary comments for and on behalf of certain land owners whose lands we are managing. However we reserve the right to modify or make further comments as this matter develops and as circumstances require in respect of the lands and developments we manage on behalf of various landowners in York Region that are subject to your development charges.

Sincerely,

M. Filice
Sr. V.P. & Counsel



cc.

Elizabeth Crowe, Chair of YCDSB Board
Susan LaRosa, Director of Education YCDSB

cc.

Diane Giangrande, Chair of the Board YRDSB
Bill Hogarth, Director of Education YRDSB

cc.

Bill Fisch, Chair of York Region
Lloyd Russell, Commissioner of Finance for York Region



November 15, 2016

York Region District School Board
60 Wellington St. W.
Aurora, ON L4G 3H2
Attn: Manager, Accommodation Planning, Trina Sprayson
Tel: 905-727-2002 x 2429
Fax: 905-727-1931
e: Trina.Sprayson@yrdsb

Dear York Region District School Board:

**Re: Proposed Amendment to Education Development Charges By-Law
And Meeting to be Held on November 22, 2016 at 6 pm
Requests to Address Board; Submissions by Liberty Development Corp.**

I am writing in my capacity as Senior Vice-President of Liberty Development Corp. We are development managers for various residential, non-residential and mixed-use projects in York Region. I am writing to provide preliminary submissions in respect of the proposed changes to the EDC By-law 2014-02 on short notice.

We would like to:

- a. Address the Board at the Public Hearing on November 22; and
- b. Repeat and rely on prior submissions to the Board, including those attached hereto. Attached is a letter dated October 28, 2016 (Exhibit "A"), and May 8, 2009 (Exhibit "B"), and our comments below.

Our submissions are simple:

1. It is not reasonable for a 650 square foot apartment to pay the same EDC levy as a 5,000 square foot home.

A 650 square foot apartment does not yield the same pupil contribution requirements for land that 5,000 square foot does, but it is taxed as it were a 5,000 square foot home with a larger pupil contribution. This methodology application and Board decision in applying a 'Flat' levy rate when a variable rate option is available to it, is inconsistent with a 'growth pays for growth' principle and is unreasonable. The result of the "Flat EDC" levy across all product types is a regressive tax and punitive to the intensification and mixed use product we are delivering for our clients according to the Province's Places to Grow mandate, the York Region Centres and Corridors targets, and the local municipalities' development requirements in urban boundaries.

2. The Variable Rate option is, and has been, available to the Trustees and the Board to make the land collection fund a fair tax collection system.

The Trustees and Board have been repeatedly presented (2009 and 2014, and in meetings in between) with 'variable' or 'differentiated' rates as an option in assigning a EDC levy, and in each time the Trustees and the Board have chosen to not implement the variable rates available before them, resulting in more expensive intensification products and office than necessary. My industry colleagues have been advocating, with an undisputed consensus basis, that a variable rate is the fair method of applying the EDC levy so as not to impinge affordability or create a disincentive to office development. The material voice of the industry has for years been advocating for a variable or differentiated rate, and such voices account for the inclusion of thousands of our new home owners and office users, not just a small few land owners. The option to apply the differentiated rate, fairly, is in the hands of the Trustees and the Board.

3. Apartments are asked to pay 5X the amount of a ground related home; this is unreasonable.

The enclosed Chart at Exhibit "C" demonstrates that the intensification product and office product in mixed used developments is actually paying nearly FIVE TIMES the rate of a larger ground related home, while this same product is producing an inverse proportion of pupil contribution. It may be that the absence of the application of a variable rate has cost the Board millions of dollars in foregone revenue due to the loss of EDC levies on other product types that provide higher pupil contributions than do apartments. In the face of this chart, it is unreasonable to continue to levy the EDC on a 'flat' basis.

YORK DISTRICT EDUCATION DEVELOPMENT CHARGES PERCENTAGE OF SELLING PRICE BY PRODUCT USING HISTORICAL FLAT RATE METHODOLOGY

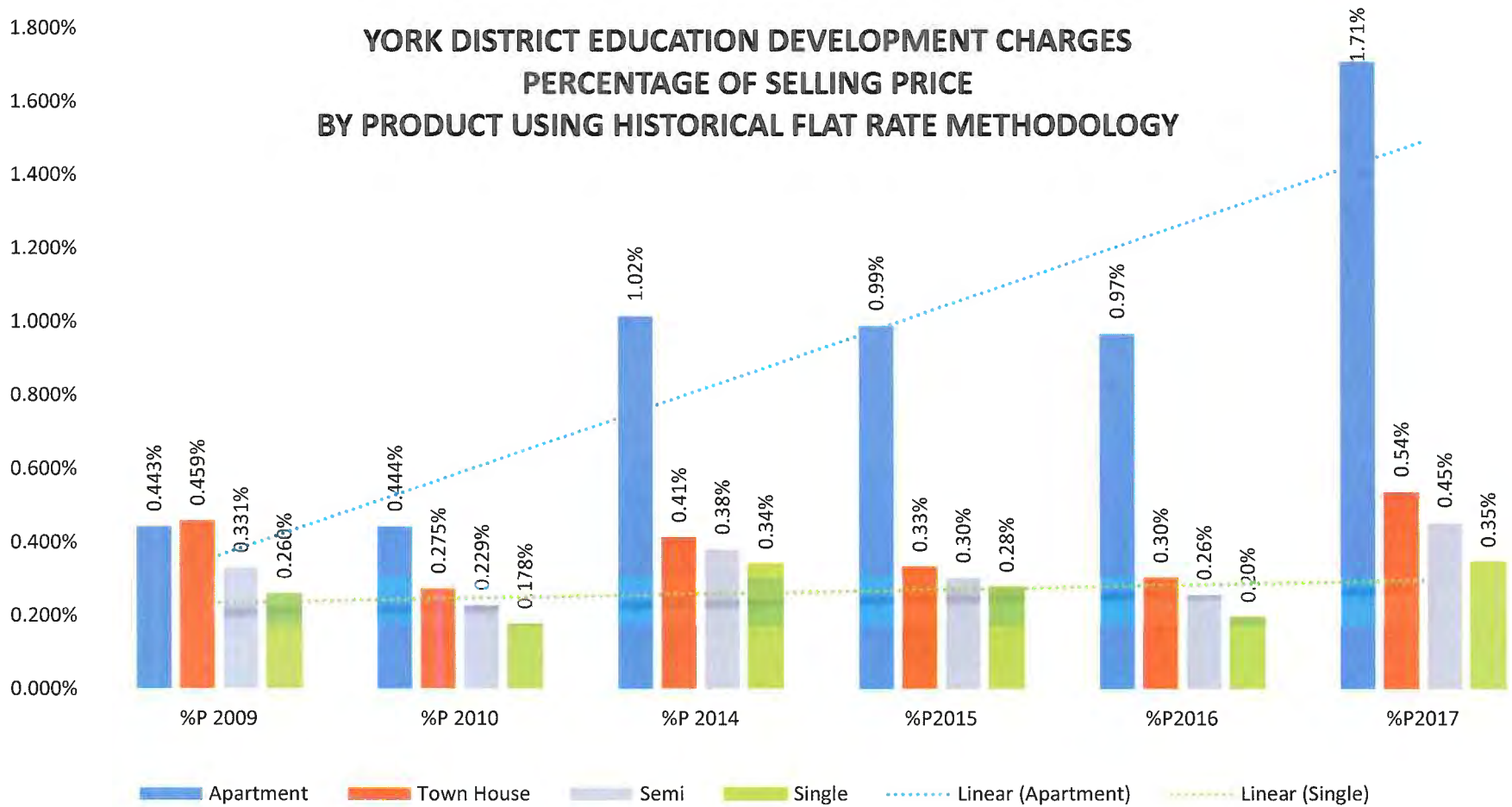
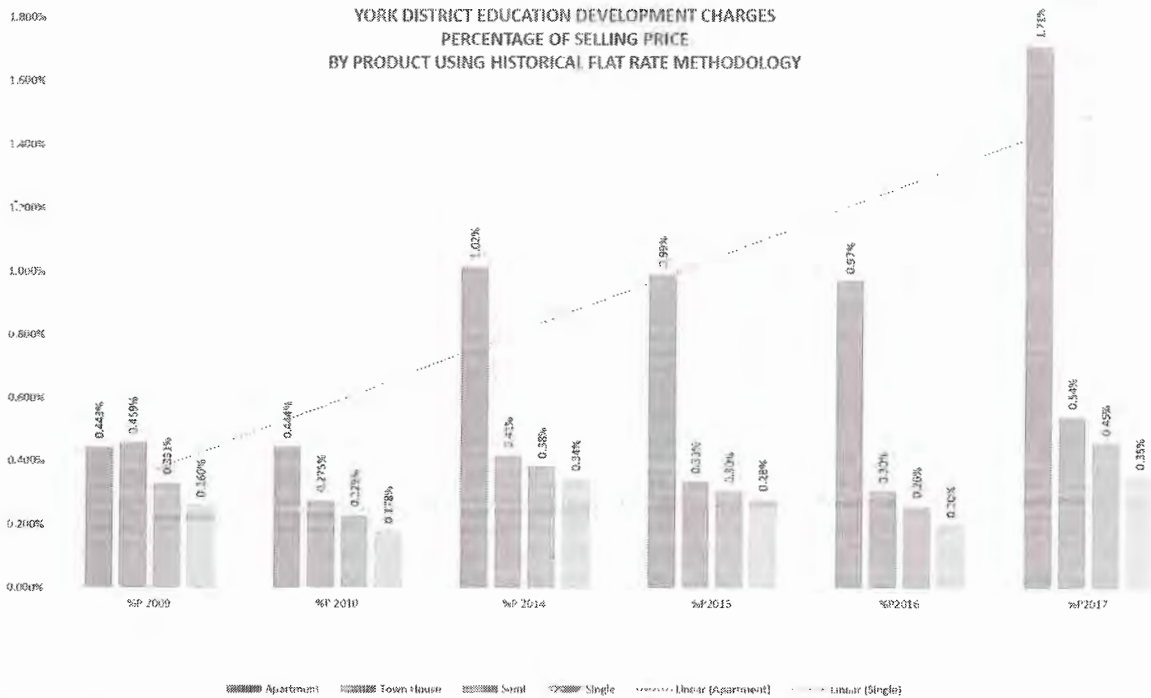


Exhibit C



3.B. The nearly doubling of the EDC is a hidden shadow tax to current intensification product purchasers and office users which cannot be absorbed.

Currently, many buyers have already received mortgage approvals and arranged their financing such that they will not be able to afford this proposed flow through interim tax of nearly \$3,000. It is not reasonable to tax new homeowners and office users who have transacted a purchase or a lease before the proposed bylaw levy and expect them to fund this increase with effectively no notice, at their future time of closing. Disclosure of the proposed increase retroactively to a home purchase or office lease is unfair to new home buyers and office users. It is not reasonable, in the face of addressing a small handful of school sites, to attempt to 'flow through' these new indirect taxes to homeowners that are 'in between' their purchase and closing. Pop-up shadow taxes are highly unfair and unreasonable to our buyers and office users and cannot be applied in reverse after a purchase.

4. Flat rate EDC is contrary to Provincial Policy Statement and Places to Grow

The flat rate EDC is contrary to the Provincial Policy Statement and makes intensification products less affordable and results in first time buyers and apartment buyers and office users paying 'double tax', or a 'tax on tax'. These buyers and users will be paying 'tax' on the higher flat EDC instead of a fairer variable or differentiated rate. In addition, these buyers and users will be paying higher mortgage costs on flat rate EDCs than if the EDCs were variable and reasonably apportioned on a pupil contribution basis.

5. EDC Flat Rate is not in alignment with York Region's Affordability Policy and ROPA 43

The Region of York has an 'Affordability' policy which is detrimentally implicated by this Flat EDC. The York Region DC is applied on a 'ppu' basis, whereas the EDC is applied on a 'flat' basis with disregard to pupil contribution by product type. It is not unreasonable to be in alignment with charging EDC levies on a ppu or pupil contribution basis by product, the way Region DC's are levied (on a ppu basis region wide), which will otherwise inhibit the Region's ability in ensuring affordable product, and detrimentally affects office delivery and achievements of Regional Official Plan Amendment 43 (Centres & Corridors policies).

6. Office Uses Cannot Absorb Increased Levies and Double Taxation

Office uses are required to be developed according to the Places to Grow and Schedule 3 people and jobs uptakes therein. The Region of York is required to develop office products so that there can be places for jobs near the houses being built, and houses near the job offices. The EDC tax on office products at \$0.98 per square foot is not reasonable and bears no connection to pupil contribution. The Ministry of Education already receives the lion's share of the property taxes on office products, so the flat and higher EDC will only reduce the office development and reduce the Ministry of Education receipts from property taxes. It is not reasonable to increase the EDC rate on office products, which results in a double taxation of the office product in York Region.

7. Revenue from School Sales Should Stay in the EDC Pot

Revenues received from the 'sale' of school lands should go back to the jurisdiction in which they were generated. We would like to work with you to recover any funds that are directed to the Province from a school land sale so that the EDC 'pot' can be reimbursed and keep EDCs lower for all product types. It is not reasonable that the sale of school lands receipts do not stay with the school board.

8. Traditional Template Land Sizes Have Room for Modernization and Efficiencies

Land sizes and templates based on older models can be reviewed to cooperatively share adjacent municipal lands such as parks and lay-bys to keep school land costs down. As both properties are for 'public' uses, there is no reason why such cooperation cannot be invigorated to shave 20 acres of the required land budget. It is not reasonable to maintain the status quo on this issue and it is unreasonable not to investigate it for EDC savings.

9. IBI Submission

We also rely on the submissions in the Exhibit "D" memo prepared by the IBI Group, attached.

Sincerely,



Marco Filice, B.E.S., Hons., LL.B., M.B.A.
for Liberty Development Corporation
For itself and on behalf of development projects
under management in York Region

.cc:

Anna DeBartolo, Chair of the Board
J. Philip Parappally, Director of Education



IBI GROUP
 7th Floor—55 St. Clair Avenue West
 Toronto ON M4V 2Y7 Canada
 tel 416 596 1930 fax 416 596 0644
 ibigroup.com

November 16, 2016

Ms. Trina Sprayson
 Manager, Accommodation Planning
 York Region District School Board
 60 Wellington Street West
 Aurora, ON
 L4G 3H2

Dear Ms. Sprayson:

COMMENTS ON PROPOSED AMENDMENT TO YORK REGION DISTRICT SCHOOL BOARD EDUCATION DEVELOPMENT CHARGES BY-LAW

IBI Group, on behalf of our clients, Times Group Corp., Liberty Development Corp. and Remington Group Inc., has undertaken a preliminary review of the York Region District School Board (YRDSB)'s proposed amending by-law to the current Education Development Charges (EDC) by-law 2014-02.

Our suggestion is that the York Region District School Board give further consideration to a differentiated education development charge.

The proposed amending by-law continues to be based on a uniform rate, as opposed to a differentiated rate by type of residential unit. The calculated rate for YRDSB amounts to \$5,909 per dwelling unit. For comparison, the calculated rate represents a 76.4% increase from the current EDC, \$3,349 per dwelling unit. *York Region District School Board and York Catholic District School Board Education Development Charges Background Study (EDCBS)*, May 30, 2014, calculated a differentiated rate, and the calculated charge for high density residential development was \$1,236 per dwelling unit.

1. The uniform rate does not acknowledge the fact that different types of residential development generate varying pupil needs. High density units generally have lower Persons per Unit (PPU) and create lower pupil yields compared to low density units. For example, Form E of the *EDCBS* shows that in Markham, elementary pupil generation rates range from 0.0609 to 0.2122 for high density units, whereas the pupil generation rates range from 0.2924 to 0.3915 for low density units.
2. The uniform rate creates a greater financial burden on high density residential units that are generally more affordable than low density units. York Region, *Housing Solutions: A place for everyone: 2015 Progress Report*, indicated that the maximum affordable ownership price in 2015 was \$459,170 in York Region. According to Appendix B of the report, 77% of high density units were priced below the affordable price, whereas only 11% of ground related units (singles, semis and rows) were priced below the affordable price.
3. The uniform rate puts an additional project feasibility constraint on high density residential development. The negative impact on project feasibility would be particularly harmful for York Region in meeting its intensification strategies. According to section 4.2 of York Region's Official Plan, 2010, "Regional Centres and Corridors are planned to become the economic hubs of the Region and have the highest concentration of major

Ms. Trina Sprayson – November 16, 2016

office, mixed-use commercial and high-density residential development." The Official Plan also sets out the minimum densities per development block of 2.5 to 3.5 Floor Space Index (FSI) for the Regional Centres and Corridors.

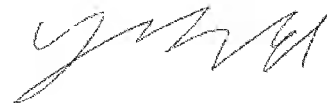
It is our suggestion that the York Region District School Board give further consideration to a differentiated education development charge that would acknowledge pupil generation trends and reduce the by-law's impact on housing affordability and other Regional planning / intensification goals.

Yours truly,

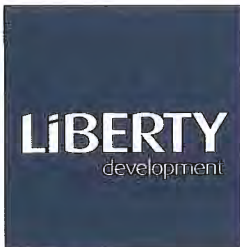
IBI GROUP



Audrey Jacob MCIP RPP PLE
Deputy Regional Director, Canada East



Dukhee Nam
Land Planner/Economist



LIBERTY *for all*

Exhibit "A"

44

October 28, 2016

York Region District School Board
60 Wellington St. W.
Aurora, ON

Attn: Jane Ross, Senior Manager of Planning & Property Development Services

Tel: 1-905-727-0022, ext. 2421

Fax: 1-905-727-1931

Dear Sir/Mesdame:

**RE: REGION OF YORK – EDUCATION DEVELOPMENT CHARGES
PROPOSAL FOR “VARIABLE” RATES BY PRODUCT TYPE**

I am writing on behalf of 1834371 Ontario Inc., the owner of a development project located in York Region and one of our clients that we provide development management services to.

Our client's company, along with its development manager, affiliates and partners, is involved in various projects located within York Region's Regional Centres and Corridors that prioritize developing high density, mixed use and transit oriented developments.

As you know, the undersigned, our client's development manager employee and representative, wrote to you and the York Catholic District School Board on May 8, 2009, via letter, a copy of which is attached hereto. The undersigned, also made a public deputation on the record in which he expressed his concerns over the traditional 'flat' rate charge being punitive to his client's customer's affordability in Centres and Corridors. To date, the School Board still applies a 'flat' rate or 'one size fits all' charge to all residential units, regardless of pupil contribution. This older methodology may have affected the current situation which we understand informally is culminating in your interest to open a by-law 'early' to modify fees.

At this time, we understand, informally, that you are again reviewing the Education Development Charge by-law and we have not received not received any direct scope or consultation notice from you of same. My client is interested in managing the affordability of its product's as a result of your 'Flat' EDC charge, which disregards his product type's lesser, compared to other products, pupil contribution in your methodology, and any other EDC by law matters or changes.

mes

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We note that earlier consultants have recognized the need to 'level the playing field' in reporting to you the option to traverse to a 'pupil contribution rate' methodology that refrains from adding costs on Centres and Corridors and intensification product, but that recommendation to establish a variable rate has not been implemented by your Board, yet.

Please accept this letter as an official submission on your invitation for public input in respect of your review of the York Region Education Development Charges by-law process, and a repeat request to implement a variable rate based on pupil contribution.

Principle A. Non-Residential Non-Retail Cannot Afford to be Further Burdened

The current economy and the consideration of factors among office users dictates that no further burdens can be placed on prospective office users. Developments that are trying to bring life to a true mixed-use York Region, especially along "Centres and Corridors", cannot afford further costs increases. Additional costs will only serve to drive away potential developers and users of commercial/office use. We respectfully submit that any proposed increase, whether it is a 100% increase, or a 1% increase, is generally unsubstantiated, especially where such users and uses (i.e. non-residential non-retail) are a boon to the Region and do not directly contribute to the pupil population. A flat rate charge is a penalty to mixed-use developments that contain critical mass office components.

Principle B. Apartments Cannot Afford to be Further Burdened

Again, the current economy, and the maintenance of the principle of affordability of quality housing in the Region dictates that apartments cannot be further burdened with additional costs. Apartments, at the York Region DC level already pay about three times as much as non-apartment product for development charges on a square footage basis, and already disproportionately contribute to certain infrastructure when related to actual use and need. Accordingly, it is our submission that the proposed methodology be changed to charge apartment units based on a pupil contribution count or 'ppu' is a much more equitable distribution of the costs to the housing product.

Studies have shown that pupil contribution is as little as 1 pupil for 10 apartments; this means that apartments being charged your 'flat' tax rate, will be subsidizing disproportionately the capital projects you are undertaking. This will result in maintenance of affordability, especially among first time buyers whom the Region should be attracting, and a more appropriate correlation of 'growth paying for growth'. The very fact that you

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have considered in the past a 'new' 'methodology to reduce apartment EDC rates is in effect a confirmation that the apartments have been 'over-paying' their fair share for some time.

Principle C. If the School Boards DO NOT shift towards the Variable Rate as proposed across the Region, then they should at least approve a Variable Rate for Apartments in ROPA 43 Centres & Corridors where there are true mixed-use projects.

It is our further submission that if you do not accept the proposal to have a variable rate for apartments across the Region, that you consider applying the variable rate for only those developments with apartments that are located along centres and corridors and are part of true mixed-use projects – i.e. those that have multi-storey residential and non-residential commercial uses (i.e. such as those with a minimum of 76,000 s.f. of contiguous office building critical mass). York Region has received reports from your same consultant that municipalities achieve operational savings in transit-oriented developments in centres/corridors and accordingly, in the same vein, these mixed-use developments should be encouraged, in this case such as by applying a variable and appropriate apartment rate that reflects the pupil contribution or 'ppu' type contribution and not a 'flat' rate.

Principle D. Consultation.

It is our further submission that it appears my client did not receive direct and official notice from you about your apparent and impending change to the bylaw that may detrimentally affect my client's current and future projects, and continue to inequitably tax new homeowners and office tenants in York Region who are not major pupil contributors, without notice and adequate opportunity for participation.

Principle E. The School Board Long Term Horizon Planning Could Improve

Our client would like disclosure and time to review the capital plans, historic, and proposed, and against the York Region approved and pending development horizons, and other information it may seek to participate adequately. My client believes that the methodology applied historically for collection can be the cause for increased rates, which can be managed more effectively. A 'modern' methodology, such as a variable rate, or including the co-locating of local parks with planning partners, such as York Region and 'Lower Tier' Municipalities, could result in the savings of over 20 acres of land in this capital period alone. My client would like to have a meeting with the relevant parties to discuss opportunities for cost management to avoid unnecessary cost increases based on what may be older methods of viewing the provision of these services.

my
u

My client would also like to have disclosure on property transactions effected by your Board historically to better understand your proposals, so it can be in a better position to facilitate and assist, genuinely, all stakeholders to help ensure that services can be delivered while at the same time minimizing the effects against its customers and products that currently and obviously exist.

These are our preliminary comments for and on behalf of certain land owners whose lands we are managing. However we reserve the right to modify or make further comments as this matter develops and as circumstances require in respect of the lands and developments we manage on behalf of various landowners in York Region that are subject to your development charges.

Sincerely,



M. Filice
Senior Vice-President
Liberty Development Corp.
For and on behalf of 1834371 Ontario Inc., et al.

- cc. Anna DeBartolo, Chair of the Board YRDSB – c/o fax: 905-727-1931
- cc. J. Philip Parappally, Director of Education YRDSB – c/o fax: 905-727-1931
- cc. Wayne Emmerson, Chair of York Region – c/o fax: 905-895-0847
- cc. Bill Hughes, Commissioner of Finance for York Region – c/o fax: 905-836-0299



Exhibit "B"

54

May 8, 2009

York Catholic District School Board
320 Bloomington Rd. W.
Aurora, ON
Attn: Tom Pechkovsky, Manager of Planning Services
Tel: 1-905-713-1211, ext. 2374
Fax: 1-905-713-1269

York Region District School Board
60 Wellington St. W.
Aurora, ON
Attn: Jane Ross, Manager of Accommodation Planning and Property Development
Tel: 1-905-727-0022, ext. 2421
Fax: 1-905-727-0775

COPY

Dear Sir/Mesdame:

**RE: REGION OF YORK – EDUCATION DEVELOPMENT CHARGES
2009 PROPOSAL FOR “VARIABLE” RATES BY PRODUCT TYPE**

Please accept this letter as an official submission on your invitation for public input in respect of your review of the York Region Education Development Charges.

Principle A. Non-Residential Non-Retail Cannot Afford to be Further Burdened

The current economy and the consideration of factors among office users dictates that no further burdens can be placed on prospective office users. Developments that are trying to bring life to a true mixed-use York Region, especially along “centres and corridors”, cannot afford further costs increases. Additional costs will only serve to drive away potential developers and users of commercial/office use. We respectfully submit that any proposed increase, whether it is a 100% increase, or a 1% increase, is generally unsubstantiated, especially where such users and uses (i.e. non-residential non-retail) are a boon to the Region and do not directly contribute to the pupil population.

Principle B. Apartments Cannot Afford to be Further Burdened

Again, the current economy, and the maintenance of the principle of affordability of quality housing in the Region dictates that apartments cannot be further burdened with additional costs. Apartments, at the York Region DC level already pay about three times as much as non-apartment product for development charges, and already disproportionately contribute to certain infrastructure when related to actual use and need.

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Accordingly, it is our submission that the proposed methodology be changed to charge apartment units based on a pupil contribution count or 'ppu' is a much more equitable distribution of the costs to the housing product. This will result in maintenance of affordability, especially among first time buyers whom the Region should be attracting, and a more appropriate correlation of 'growth paying for growth'. The very fact that the Region is considering a 'new' methodology to reduce apartment EDC rates is in effect a confirmation that the apartments have been 'over-paying' their fair share for some time.

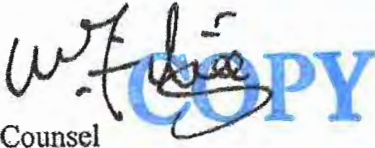
Principle C. If the School Boards DO NOT shift towards the Variable Rate as proposed across the Region, then they should at least approve a Variable Rate for Apartments in ROPA 43 Centres & Corridors where there are true mixed-use projects.

It is our further submission that if you do not accept the proposal to have a variable rate for apartments across the Region, that you consider applying the variable rate for only those developments with apartments that are located along centres and corridors and are true mixed-use projects – i.e. those that have multi-storey residential and non-residential commercial uses. The Region has recently received reports from your same consultant that municipalities achieve operational savings in transit-oriented developments in centres/corridors and these mixed-use developments should be encouraged by applying a variable and appropriate apartment rate that reflects the pupil contribution or 'ppu' type contribution and not a 'flat' rate.

These are our preliminary comments for and on behalf of certain land owners whose lands we are managing. However we reserve the right to modify or make further comments as this matter develops and as circumstances require in respect of the lands and developments we manage on behalf of various landowners in York Region that are subject to your development charges.

Sincerely,

M. Filice
Sr. V.P. & Counsel



cc.

Elizabeth Crowe, Chair of YCDSB Board
Susan LaRosa, Director of Education YCDSB

cc.

Diane Giangrande, Chair of the Board YRDSB
Bill Hogarth, Director of Education YRDSB

cc.

Bill Fisch, Chair of York Region
Lloyd Russell, Commissioner of Finance for York Region

Special Board Meeting - Public Session

Education Development Charges By-Law

Tuesday, November 22, 2016
Board Room - 6:00 PM

Deputation by M. Filice, Liberty Development Corp.,
For and on behalf of certain properties under
management in York Region

YRDSB Presented Variable Rates in 2009

(a) PROPOSED FLAT RATE

The Background Study presents a proposed cumulative rate of \$2,026 per residential dwelling unit and a non-residential rate of \$0.52/sq.ft., which represents an increase of 21% (residential) and 100% (non-residential).

RESIDENTIAL

| | Current | Proposed | % increase |
|---------------|---------|----------|------------|
| York District | \$1,193 | \$1,376 | 15% |

NON-RESIDENTIAL / sq.ft

| | Current | Proposed | % increase |
|---------------|---------|----------|------------|
| York District | \$0.19 | \$0.35 | 84% |

The rates have been calculated by the Boards.

b) PROPOSED VARIABLE RATE - OPTION 1 (more closely mirrors the municipal York Region units split vs. option (c))

| | York Catholic | York District | TOTAL |
|----------------|---------------|---------------|---------|
| SINGLES/SEMI S | \$1,057 | \$2,244 | \$3,301 |
| ROW HOUSING | \$508 | \$994 | \$1,502 |
| APARTMENTS | \$205 | \$475 | \$680 |

c) PROPOSED VARIABLE RATE - OPTION 2

| | York Catholic | York District | TOTAL |
|-------------|---------------|---------------|---------|
| SINGLES | \$1,099 | \$2,360 | \$3,459 |
| SEMI S | \$838 | \$1,638 | \$2,476 |
| ROW HOUSING | \$508 | \$994 | \$1,502 |
| APARTMENTS | \$205 | \$475 | \$680 |

YRDSB Presented Variable Rates in 2014

Sent: March 10-14

| <i>Residential Charge (per unit)</i> | | | |
|--------------------------------------|---------|----------|----------|
| School Board | Current | Proposed | % Change |
| YRDSB | \$1,376 | \$2,616 | 90% |

| <i>Non-Residential Charge (per square foot of GFA)</i> | | | |
|--|---------|----------|----------|
| School Board | Current | Proposed | % Change |
| YRDSB | \$0.35 | \$0.45 | 29% |

| <i>Differentiated Residential Charge (per unit)</i> | | | |
|---|-------------|----------------|--------------|
| | Low Density | Medium Density | High Density |
| YRDSB | \$4,265 | \$3,113 | \$965 |

YRDSB Presented New Rates November 22, 2016

Staff have also scheduled a public meeting to pass the amending by-law by the School Board for November 22, 2016.

| York Region District School Board | | | |
|-----------------------------------|-------------------------------|-------------------------------|----------------|
| | Current | Proposed | Percent Change |
| Residential Development | \$3,349.00 per dwelling unit | \$5,909.00 per dwelling unit | 76.44% |
| Non-Residential Development | \$0.58 per square foot of GFA | \$0.98 per square foot of GFA | 68.96% |



May 29, 2009

Ms. Jane Ross
Manager of Accommodation Planning & Property Dev.
York Region District School Board
60 Wellington St. West
Aurora, Ontario
L4G 3H2

Mr. Tom Pechkovsky
Manager of Planning Services
York Catholic District School Board
320 Bloomington Rd. West
Aurora, Ontario
L4G 3G8

Re: *Education Development Charges
York District School Board & York Catholic District School Board
Consideration of By-law Adoption Meeting – June 2, 2009*

The Building Industry and Land Development Association has appreciated the dialogue and stakeholder consultation to date regarding the proposed York District and York Catholic District School Boards' Education Development Charge by-laws. We have presented comments as part of the May 13th Policy Review and Successor By-law Public Meeting, and in a series of meetings with York Board's staff and consulting team.

At a second stakeholder consultation meeting on May 13th, BILD had an opportunity to continue dialogue on the technical issues and concerns regarding the Board's proposals. At that time, we also had an opportunity to discuss the dialogue that the BILD York Chapter members have had regarding a variable versus a flat education development charges rate. As indicated on May 13th, BILD would like to reiterate at this time that it will NOT be putting forth a position as it relates to the variable and non-variable rate policy discussion.

We would like to take this opportunity to recommend that a WORKING GROUP be established to commence discussions on possible ways to arrive at a formula that recognizes the current inequities in arriving at a variable education development charge rate. The Working Group can consist of York Region School Board representatives, the consultant/legal team for both BILD and the School Boards, as well as interested and affected BILD members. We hope to work in cooperation with the York Region School Boards and eventually elevate the discussion to the Provincial government level in order to implement the appropriate changes required.

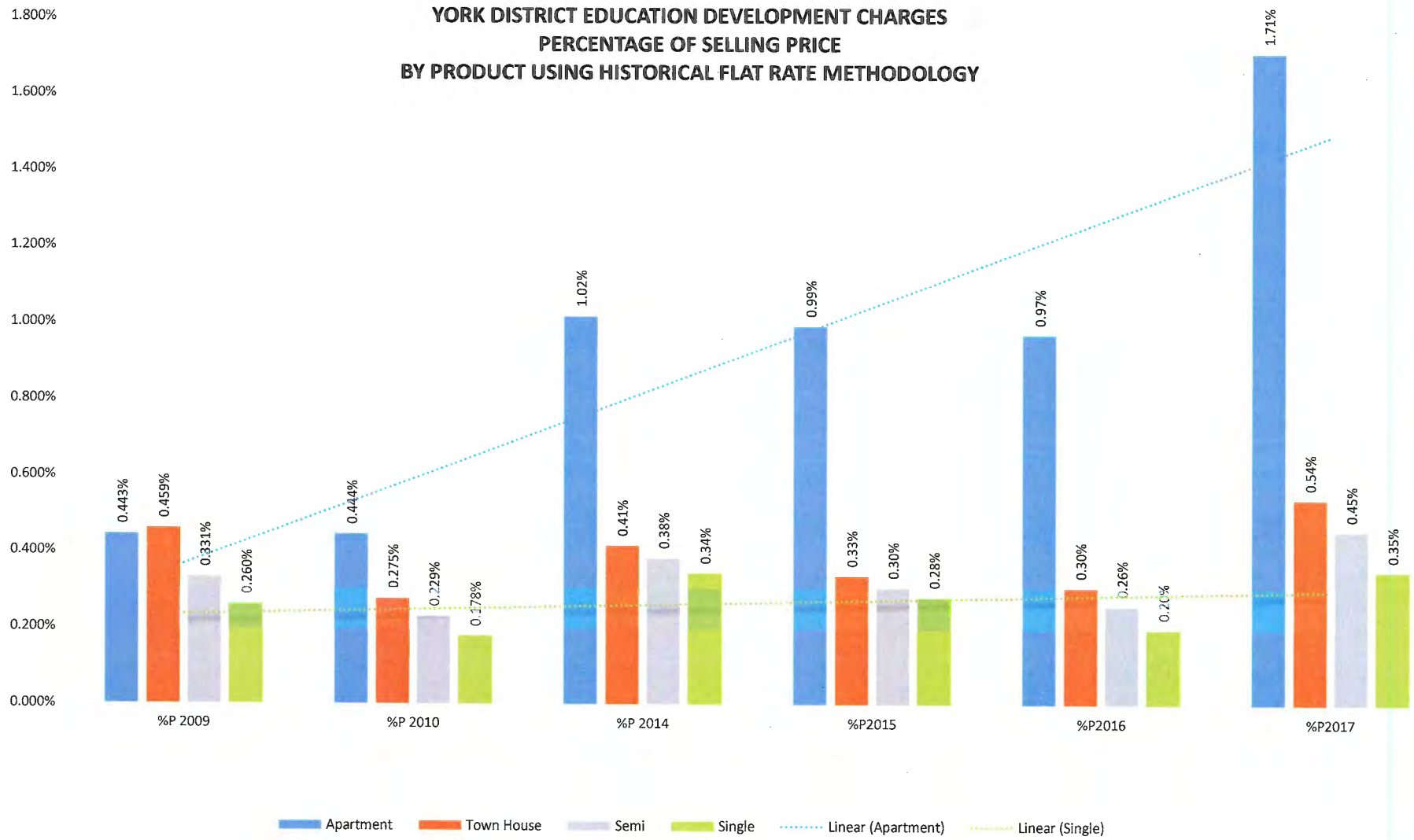
We look forward to the opportunity to continue discussions on this matter and would welcome a meeting to discuss a go-forward strategy.

Sincerely,

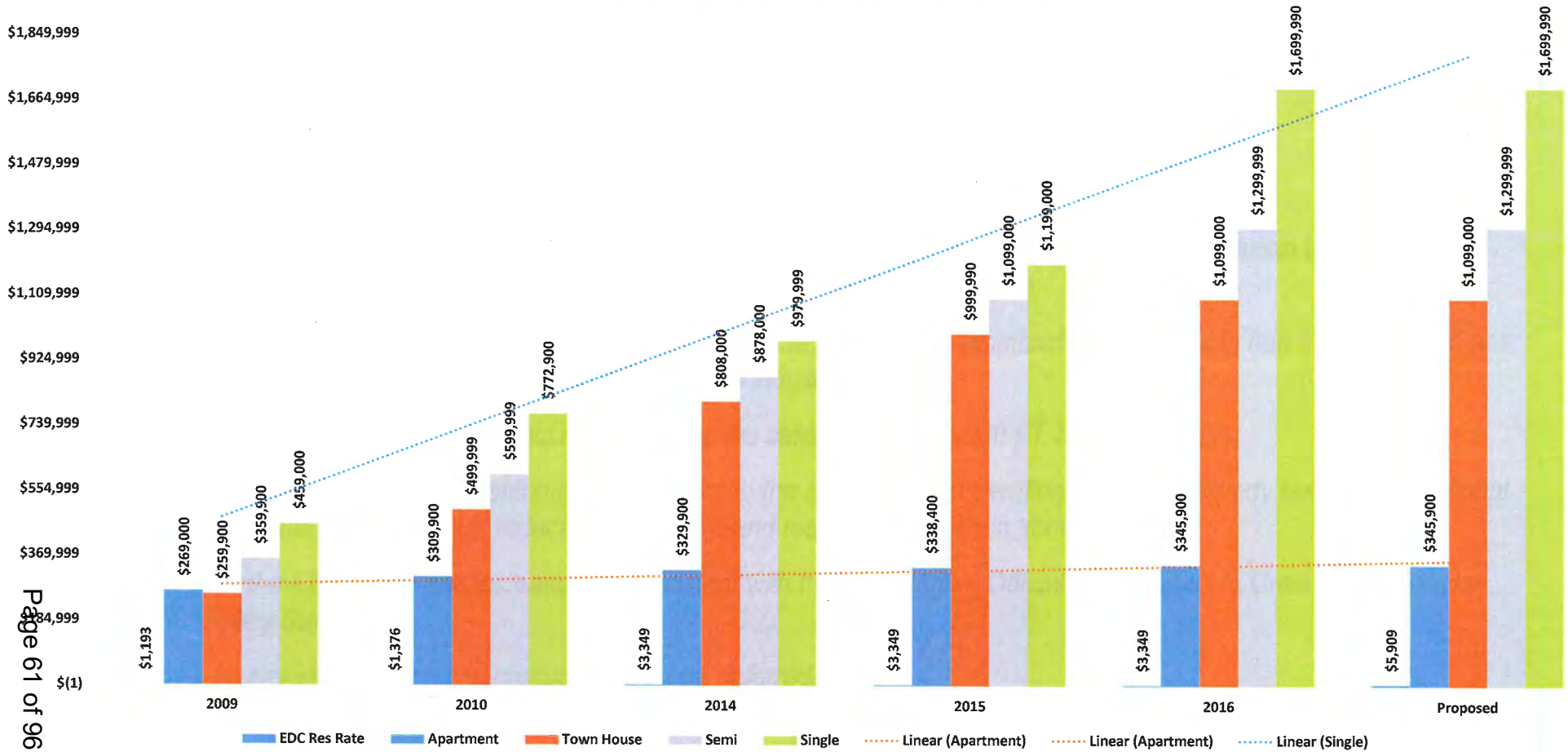
Paula Tenuta, MCIP, RPP
Director, Municipal Government Relations

cc. Fraser Nelson, Chair, BILD York Chapter
Cynthia Clarke, Watson & Associates
Jeannette Gilleseau, Ainus Group Economic Consulting
Lyn Townsend, Townsend Rogers LLP
Steven J. O'Melia, Miller Thomson LLP
Joe Vaccaro, BILD Vice-President, Policy & Government Relations

20 Upper Mall, Suite 100
North York, ON M2B 2V9
Tel: 416/919-1145
Fax: 416/912-1116
www.bildyrti.ca



YORK DISTRICT EDUCATION DEVELOPMENT CHARGES HOUSING PRICES BY PRODUCT AND EDC LEVY COMPARED TO SELLING PRICES



Lessons Learned

- There are risks and costs to a program of action. But they are far less than the long-range risks and costs of comfortable inaction.

John F. Kennedy

- Stand up for what you believe in even if it is not popular.

Wing's Fortune Cookie



Adam McDonald <adam.mcdonald@ycdsb.ca>

Re: Meeting invitation - York EDC

Adam McDonald <adam.mcdonald@ycdsb.ca>

Mon, Apr 15, 2024 at 2:45 PM

To: "Marco Filice (Liberty Development Corp.)" <mfilice@libertydevelopment.ca>

Cc: Gilbert Luk <gilbert.luk@yrdsb.ca>, Trina Sprayson <trina.sprayson@yrdsb.ca>, "Adams, Dawn" <dawn.adams@yrdsb.ca>, Jack Ammendolia <ammendolia@watsoncon.ca>, Thomas Pechkovsky <tom.pechkovsky@ycdsb.ca>

Bcc: Jim Easto <JEasto@keelcottrelle.ca>

Good afternoon Marco,

Thank you for your email, and for providing your past correspondence.

Staff from both school boards and our EDC consultant are available to meet with you at the following dates/times:

Wednesday April 24, 9:30-11:00 - either in person or virtual; OR
Thursday April 25, 11:30 - 1:00 - virtual

Should either of these times work for you, please let me know. If these dates/times do not work, kindly advise of your availability.

Suggested agenda topics are:

- EDC legislation;
- York 2024 By-Law renewal process
- Uniform Charge vs Differentiated Rate;
- Residential / Non residential charge;

Thanks
Adam

Regards,

Adam McDonald
Manager, Accommodation Planning and Property
York Catholic District School Board
T. 905.713.1211 ext. 12379
adam.mcdonald@ycdsb.ca

On Tue, Apr 9, 2024 at 6:33 PM Marco Filice (Liberty Development Corp.) <mfilice@libertydevelopment.ca> wrote:

Hi Adam,

I may have spoken with you in the past decade but I'm not sure we have met.

I'm just back to my desk as I've been in meetings in and out at jobsites.

So, I'm just seeing your meeting request for 'AFTER' the public meeting.

Please See enclosed memo from the Ministry from 2017; I've been waiting to hear from you since then;
There's also the challenge from office/non-res that needs to be addressed.

If not, I'm sure you have all our letters and bild may have provided some issues of concern as well.

As I've advised Jack I don't believe the process is fair and transparent given the failure to communicate despite the Ministry guidance, etc.

My deputations and letters in the past have gone on to be without response or implementation and one product continues to appear to be overcharged, on a 'pupil contribution basis', to the detriment of new customers who cannot speak for themselves at this time. Your bylaw should be deferred or if passed should not be considered to have validated the proper consultation and transparency test and any affidavit suggesting same could be in challenge based on this. While pupil contribution was a topic in 2017, today the topic may be more financial management, planning, borrowing capacity, front ending, etc.; all the options should be on the table to 'lower' the charge not 'increase' the charges to new home owners; disagree?p

If there is sincere interest, a proper facilitated discussion is warranted with jurisdictions having authority.

Otherwise this appears to be a typical bylaw push through attempt with the same 1 or 2 consultants leading the charge with no differentiation in advice or guidance on that front. You continue to appear to have challenges but not include the customers or actual payors of the dc's to seek help with the jurisdictions which you claim are restrictive, the result is that new home owners will pay 'more' for new homes without a concerted effort to 'lower' costs of new homes or help you manage your challenges on your own. Perhaps the legislation should be changed to permit new homeowners at the table, this is especially true since your 'fee' is a two times flow through, once through the Region, once through the Municipality issuing the permit, and once through the selling builder – you are 4 steps removed from the actual customer who has no idea what this is all about and how much they are being over charged or not... this is a serious transparency issue since you have chosen a 'flow through procedure' to collect your 'fees'. If you like you can issue an 'invoice' to new home owners when they move in instead?

On short notice, I cannot rearrange my schedule for your suggested post public meeting, meeting for tomorrow morning. However, if you like we can arrange to send some dates in coming weeks. Regardless of the outcome, I found my conversation with Jack helpful, but he doesn't sign cheques, it should be had with trustees and the people that write cheques imo, including the Consultant.

Kindly send your 'agenda' and list of items to discuss; you have my letters since 2008, and we can prepare some in person meeting dates with a proper agenda to discuss if there is a sincere interest to address what's been on the table since 2008, my first deputation to your Boards which was, and continues to be, rejected as not presented by staff as a leading approach.

Thanks,

Marco Filice

From: Adam McDonald <adam.mcdonald@ycdsb.ca>
Sent: Friday, April 05, 2024 3:09 PM
To: Marco Filice (Liberty Development Corp.) <mfilice@libertydevelopment.ca>
Cc: Gilbert Luk <gilbert.luk@yrdsb.ca>; Jack Ammendolia <ammendolia@watsoncon.ca>
Subject: Meeting invitation - York EDC

You don't often get email from adam.mcdonald@ycdsb.ca. [Learn why this is important](#)

Good afternoon Marco,

Hope you are well.

The York School Boards would like to invite you to a meeting to discuss the EDC By-Law renewal process.

Please see attached letter.

Adam

Regards,

Adam McDonald

Manager, Accommodation Planning and Property

York Catholic District School Board

T. 905.713.1211 ext. 12379

adam.mcdonald@ycdsb.ca

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April 9, 2024

Denise Baker
Managing Partner
t. 416-947-5090
dbaker@weirfoulds.com

Via E-mail: adam.mcdonald@ycdsb.ca; gilbert.luk@yrdsb.ca

File No. 16067.00032

York Catholic District School Board
320 Bloomington Road West
Aurora, ON

Attention: Elizabeth Crowe, Chair of the Board

AND

York Region District School Board
60 Wellington Street West
Aurora, ON

Attention: Ron Lynn, Chair of the Board

Dear Ms. Crowe and Mr. Lynn:

RE: York Region 2024 Education Development Charge By-laws

We are solicitors for the Building Industry and Land Development Association ("BILD") regarding the York Catholic District School Board and the York Region District School Board (collectively the "Boards") Education Development Charge ("EDC") By-laws.

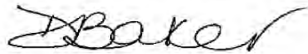
On March 25, 2024 we received copies of the EDC Background Study, (the "EDC Study") which we are still continuing to review. However, to date we note the following concerns with respect to the proposed EDC:

- Per pupil education land costs in areas where the net Growth related pupil place requirements are minimal;
- Alternative Project Costs;
- The instances of pupils holding for new schools being added to the calculation of growth related pupil place requirements;
- Land values used in the appraisal report; and
- The proposed annual escalation rate.

While we continue to review the EDC Study, we anticipate that additional concerns will be identified and we will be looking for the opportunity to to discuss these further with Boards's staff and their external consultants, in the hopes of arriving at a mutually satisfactory resolution.

Yours truly,

WeirFoulds LLP



Per: Denise Baker
Managing Partner

DB/mw
Cc: Client

20379830.1

YORK REGION DISTRICT SCHOOL BOARD
EDUCATION DEVELOPMENT CHARGES BY-LAW NO. 2024-01

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 Region District School Board (the "**Board**") has determined that the residential development of land to which this by-law applies increases education land costs.
3. Pursuant to section 257.57 of the Act, this by-law applies to all lands in the corporate limits of the Regional Municipality of York;
4. The Board has conducted a review of its education development charge policies and held a public meeting on April 9, 2024, in accordance with section 257.60 of the Act;
5. The Board has given notice and held public meetings on April 9, 2024 and May 21, 2024, in accordance with section 257.63(1) of the Act, and permitted any person who attended the public meeting to make representations in respect of the proposed education development charges;
6. The estimated average number of secondary school pupils of the Board over the five years immediately following the day this by-law comes into force will exceed the total capacity of the Board to accommodate secondary school pupils throughout its jurisdiction on the day this by-law is passed;
7. The balance in the Board's education development charge reserve fund at the time of expiry of Board By-Law No. 2019-01 will be less than the amount required to pay outstanding commitments to meet growth-related net education land costs, as calculated for the purposes of determining the education development charges imposed under that by-law;
8. On May 16, 2024, the Minister of Education approved the Board's estimates which are prescribed under section 10, paragraph 1 of O. Reg. 20/98: *Education Development Charges* (the "**Regulation**").
9. The Board has given a copy of the education development charges 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 in accordance with section 10 of the Regulation;

10. The Board has therefore satisfied the conditions prescribed by section 10 of the Regulation in order for it to pass this by-law;
11. The Board has determined in accordance with section 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*, R.S.O 1990, c. E.2;
 - (b) "Board" means the York Region 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 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;
 - (e) "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).

- (f) "education development charge" means charges imposed pursuant to this by-law in accordance with the Act;
- (g) "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, or
 - (B) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;
- (h) "farm building" means a building or structure located on a farm which is necessary and ancillary to a farm operation including barns, tool sheds and silos and other farm related structures for such purposes as sheltering of 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) “Regulation” means Ontario Regulation 20/98: *Education Development Charges*, made under the Act;
- (o) "residential development" means lands, buildings or structures developed or to be developed for residential use;
- (p) "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;
- (q) "retail motor vehicle establishment" means a building or structure used or designed or intended to be used for the sale, rental or servicing of motor vehicles, or any other function associated with the sale, rental or servicing of motor vehicles including but not limited to detailing, leasing and brokerage of motor vehicles, and short or long-term storage of customer motor vehicles. For a retail motor vehicle establishment, gross floor area includes the sum of the areas of each floor used, or designed or intended for use for the parking or storage of motor vehicles, including customer and employee motor vehicles. An exemption may be granted to exclude the sum of the areas for customer and employee motor vehicles on terms and conditions to the satisfaction of the Board;
- (r) "standalone motor vehicle storage facility" means a building or structure used or designed or intended for use for the storage or warehousing of motor vehicles that is separate from a retail motor vehicle establishment. For a standalone motor vehicle storage facility, gross floor area includes the sum of the areas of each floor

used, or designed or intended for use for the parking or storage of motor vehicles, including customer and employee motor vehicles. An exemption may be granted to exclude the sum of the areas for customer and employee motor vehicles on terms and conditions to the satisfaction of the Board.

2. Unless otherwise expressly provided in this by-law, the definitions contained in the Act or the regulations under the Act shall have the same meanings in this by-law.

3. In this by-law where reference is made to a statute, a section of a statute, or a regulation, such reference will be deemed to be a reference to any successor statute, section or regulation and any reference to a statute or regulation will be deemed to be a reference to the statute or regulation as amended, re-enacted or remade or as changed under Part V of the *Legislation Act*.

Lands Affected

4.

- (a) Subject to subsections 4(b) to 4(g), this by-law applies to all lands in the corporate limits of The Regional Municipality of York.
- (b) This by-law shall not apply to lands that are owned by and are used for the purpose of:
 - (i) a municipality or a local board thereof;
 - (ii) a district school board;
 - (iii) a public hospital receiving aid under the *Public Hospitals Act*; and,
 - (iv) Metrolinx
- (c) This by-law shall not apply to:
 - (i) 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*; or
 - (ii) non-residential uses permitted pursuant to section 39 of the *Planning Act*.
- (d) Subject to subsection (e), an owner shall be exempt from education development charges if a development on its lands would construct, erect, or place a building or structure, or make an addition or alteration to a building or structure for one of the following purposes:
 - (i) a private school;
 - (ii) a long-term care home, as defined in the *Fixing Long-Term Care Act, 2021*;
 - (iii) a retirement home, as defined in the *Retirement Homes Act, 2010*;

- (iv) a hospice or other facility that provides palliative care services;
 - (v) a child care centre, as defined in the *Child Care and Early Years Act, 2014*; or
 - (vi) a memorial home, clubhouse or athletic grounds owned by the Royal Canadian Legion.
- (e) If only a portion of a building or structure, or an addition or alteration to a building or structure, referred to in subsection (d) will be used for a purpose identified in that subsection, only that portion of the building, structure, addition or alteration is exempt from an education development charge.
- (f) An owner shall be exempt from education development charges if the owner is,
- (i) a college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*;
 - (ii) a university that receives regular and ongoing operating funds from the Government of Ontario for the purposes of post-secondary education; and
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*.
- (g) This by-law shall not apply to non-residential farm buildings or structures that are owned by and are used for the purposes of a bona fide farming operation.

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.

(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, an education development charge will be imposed on any additional dwelling unit to be built on the property that is not exempted under sections 10 and 11 of this by-law, and for which an action referred to in subsection (1) is required.

6. (1) In accordance with the Act and this by-law, and subject to sections 13 and 14, the Board hereby imposes an education development charge against land undergoing non-residential development or redevelopment in the area of the by-law which has the effect of increasing existing gross floor area of such development if the non-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 a 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, an education development charge will be imposed on any additional gross floor area to be built on the property that is not exempted under sections 13 and 14 of this by-law, and for which an action referred to in subsection (1) is required.

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

Interim Review

8.

- (a) Where it appears to the Board that the land values underlying the education development charge calculation are predicting higher 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 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, 2024 to June 30, 2025 - \$7,312.00;
- (b) July 1, 2025 to June 30, 2026 - \$7,678.00;
- (c) July 1, 2026 to June 30, 2027 - \$8,062.00
- (d) July 1, 2027 to June 30, 2028 - \$8,465.00; and,
- (e) July 1, 2028 to June 30, 2029 - \$8,888.00.

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:

| NAME OF CLASS OF RESIDENTIAL BUILDING | DESCRIPTION OF CLASS OF RESIDENTIAL BUILDINGS | MAXIMUM NUMBER OF ADDITIONAL DWELLING UNITS | RESTRICTIONS |
|--|--|--|---|
| Single detached dwellings | Residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings | Two | The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building |
| Semi-detached dwellings or row dwellings | Residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings | One | The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building |
| Other residential buildings | A residential building not in another class of residential building described in this table | One | The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building |

(c) For the purposes of this paragraph 10, an “additional dwelling unit” is a dwelling unit for which the application for the building permit for such additional dwelling unit is submitted no sooner than twelve (12) months after the earliest of the dates on which any of the following events occurs:

- (i) the issuance of a certificate of occupancy for the dwelling unit already in the building;
- (ii) if no certificate of occupancy is issued by the area municipality, the occupancy of the dwelling unit already in the building, as established by proper evidence of such occupancy; or,
- (iii) the delivery of the certificate of completion, pursuant to subsection 13(3) of the *Ontario New Home Warranties Plan Act*, R.S.O. 1990, c. O.31, for the dwelling unit already in the building.

11. (1) An education development charge 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 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, 2024 to June 30, 2025 - \$1.25 per square foot (\$13.46 per square metre);
- (b) July 1, 2025 to June 30, 2026- \$1.35 per square foot (\$14.53 per square metre);
- (c) July 1, 2026 to June 30, 2027 - \$1.45 per square foot (\$15.61 per square metre);
- (d) July 1, 2027 to June 30, 2028- \$1.55 per square foot (\$16.68 per square metre); and,
- (e) July 1, 2028 to June 30, 2029- \$1.65 per square foot (\$17.76 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;

- (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 1 by the amount of the enlargement.
- (2) For the purposes of section 13(1) the following provisions apply:
 - (i) 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 13(1) of this by-law or a similar provision of any prior education development charge by-law of the Board was sought;
 - (ii) the enlargement of the gross floor area of the existing industrial building must be attached to such building;
 - (iii) 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; and
 - (iv) “gross floor area” shall mean for the purposes of this section 13, 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.

14.

- (a) As required by section 5 of the Regulation, subject to paragraphs (b) and (c), an education development charge under section 12 shall not be imposed with respect to the replacement, on the same site, of a non-residential building that was destroyed by fire, demolition or otherwise, or that was so damaged by fire, demolition or otherwise as to render it unusable.
- (b) Notwithstanding paragraph (a), an education development charge shall be imposed in accordance with section 12 against any additional gross floor area of any non-residential development on the same site in excess of the gross floor area of the non-residential building or structure being replaced, subject to the following calculation:

If the gross floor area of the non-residential part of the replacement building exceeds the gross floor area of the non-residential part of the building being replaced, the exemption applies with respect to the portion

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 12 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;

- (b) The education development charge determined under paragraph (a) will be reduced by a credit equivalent to the education development charge previously paid in respect of the land, provided that the credit shall not exceed the education development charge determined under paragraph (a). The onus is on the applicant for a credit to produce evidence to the satisfaction of the Board which establishes the amount of the education development charge previously paid in respect of the land, failing which, the amount shall be deemed to be zero;
- (c) Where the redevelopment applies to part of the land the amount of the credit shall be calculated on a proportionate basis having regard to the development permissions being displaced by the new development. For example, if 10% of non-residential gross floor area of a non-residential building is being displaced by residential development through conversion, the residential education development charge on the applicable number of units will be calculated under section 9 of the by-law, and the credit will be the education development charge originally paid on the gross floor area being converted subject to the limit determined pursuant to paragraph (b).

PART III

ADMINISTRATION

Payment of Education Development Charges

17. The education development charge in respect of a development is payable to the municipality in which the land is situate on the date that the first building permit is issued in relation to a building or structure on land to which the education development charge applies.

18. The treasurer of the Board shall establish and maintain an education development charge account in accordance with the Act, the Regulation and this by-law.

19. Withdrawals from an education development charge account shall be made in accordance with the Act, the Regulation and this by-law.

20. No refund of an education development charge permitted under clause 16(2)(e) of the Regulation will be made by the Board more than five (5) years after the date of issue of the building permit in respect of which the education development charge was paid. The onus is on the applicant for a refund to produce evidence to the satisfaction of the Board which establishes that the building permit has been revoked and that the applicant is otherwise entitled pursuant to clause 16(2)(e) of the Regulation to a refund of the education development charge paid.

Payment by Services

21. Subject to the requirements of the Act, the Board may by agreement permit an owner to provide land in lieu of the payment of all or any portion of an education development charge. In such event, the Treasurer of the Board shall advise the treasurer of the municipality in which the land is situate of the amount of the credit to be applied to the education development charge.

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, 2024.

Date By-law Expires

24. This by-law shall expire on June 30, 2029 unless it is repealed at an earlier date.

Repeal

25. York Region District School Board Education Development Charges By-Law No. 2019-01, 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 Region District School Board Education Development Charges By-law No. 2024-01.

ENACTED AND PASSED this 21st day of May, 2024.

Chair

Director of Education and Secretary

YORK CATHOLIC DISTRICT SCHOOL BOARD
EDUCATION DEVELOPMENT CHARGES BY-LAW NO. 209

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. Pursuant to section 257.57 of the Act, this by-law applies to all lands in the corporate limits of the Regional Municipality of York;
4. The Board has conducted a review of its education development charge policies and held a public meeting on April 9, 2024 in accordance with section 257.60 of the Act;
5. The Board has given notice and held public meetings on April 9, 2024 and May 21, 2024, in accordance with section 257.63(1) of the Act, and permitted any person who attended the public meeting to make representations in respect of the proposed education development charges;
6. The estimated average number of secondary school pupils of the Board over the five years immediately following the day this by-law comes into force will exceed the total capacity of the Board to accommodate secondary school pupils throughout its jurisdiction on the day this by-law is passed;
7. The balance in the Board's education development charge reserve fund at the time of expiry of Board By-Law No. 208 will be less than the amount required to pay outstanding commitments to meet growth-related net education land costs, as calculated for the purposes of determining the education development charges imposed under that by-law;
8. On May 14, 2024, the Minister of Education approved the Board's estimates which are prescribed under section 10, paragraph 1 of O. Reg. 20/98: *Education Development Charges* (the "**Regulation**").
9. The Board has given a copy of the education development charges 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 in accordance with section 10 of the Regulation;

EDC By-law 209

10. The Board has therefore satisfied the conditions prescribed by section 10 of the Regulation in order for it to pass this by-law;
11. The Board has determined in accordance with section 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*, R.S.O. 1990, c. E.2;
 - (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 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;
 - (e) "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).

- (f) "education development charge" means charges imposed pursuant to this by-law in accordance with the Act;
- (g) "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, or
 - (B) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;
- (h) "farm building" means a building or structure located on a farm which is necessary and ancillary to a farm operation including barns, tool sheds and silos and other farm related structures for such purposes as sheltering of 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) "Regulation" means Ontario Regulation 20/98: *Education Development Charges*, made under the Act;
- (o) "residential development" means lands, buildings or structures developed or to be developed for residential use;
- (p) "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;
- (q) "retail motor vehicle establishment" means a building or structure used or designed or intended to be used for the sale, rental or servicing of motor vehicles, or any other function associated with the sale, rental or servicing of motor vehicles including but not limited to detailing, leasing and brokerage of motor vehicles, and short or long-term storage of customer motor vehicles. For a retail motor vehicle establishment, gross floor area includes the sum of the areas of each floor used, or designed or intended for use for the parking or storage of motor vehicles, including customer and employee motor vehicles. An exemption may be granted to exclude the sum of the areas for customer and employee motor vehicles on terms and conditions to the satisfaction of the Board;
- (r) "standalone motor vehicle storage facility" means a building or structure used or designed or intended for use for the storage or warehousing of motor vehicles that is separate from a retail motor vehicle establishment. For a standalone motor vehicle storage facility, gross floor area includes the sum of the areas of each floor

used, or designed or intended for use for the parking or storage of motor vehicles, including customer and employee motor vehicles. An exemption may be granted to exclude the sum of the areas for customer and employee motor vehicles on terms and conditions to the satisfaction of the Board.

2. Unless otherwise expressly provided in this by-law, the definitions contained in the Act or the regulations under the Act shall have the same meanings in this by-law.

3. In this by-law where reference is made to a statute, a section of a statute, or a regulation, such reference will be deemed to be a reference to any successor statute, section or regulation and any reference to a statute or regulation will be deemed to be a reference to the statute or regulation as amended, re-enacted or remade or as changed under Part V of the *Legislation Act*.

Lands Affected

4.

- (a) Subject to subsections 4(b) to 4(g), this by-law applies to all lands in the corporate limits of The Regional Municipality of York.
- (b) This by-law shall not apply to lands that are owned by and are used for the purpose of:
 - (i) a municipality or a local board thereof;
 - (ii) a district school board;
 - (iii) a public hospital receiving aid under the *Public Hospitals Act*; and,
 - (iv) Metrolinx.
- (c) This by-law shall not apply to:
 - (i) 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*; or
 - (ii) non-residential uses permitted pursuant to section 39 of the *Planning Act*.
- (d) Subject to subsection (e), an owner shall be exempt from education development charges if a development on its lands would construct, erect, or place a building or structure, or make an addition or alteration to a building or structure for one of the following purposes:
 - (i) a private school;
 - (ii) a long-term care home, as defined in the *Fixing Long-Term Care Act, 2021*;
 - (iii) a retirement home, as defined in the *Retirement Homes Act, 2010*;

- (iv) a hospice or other facility that provides palliative care services;
 - (v) a child care centre, as defined in the *Child Care and Early Years Act, 2014*; or
 - (vi) a memorial home, clubhouse or athletic grounds owned by the Royal Canadian Legion.
- (e) If only a portion of a building or structure, or an addition or alteration to a building or structure, referred to in subsection (d) will be used for a purpose identified in that subsection, only that portion of the building, structure, addition or alteration is exempt from an education development charge.
- (f) An owner shall be exempt from education development charges if the owner is,
- (i) a college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*;
 - (ii) a university that receives regular and ongoing operating funds from the Government of Ontario for the purposes of post-secondary education; and
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*.
- (g) This by-law shall not apply to non-residential farm buildings or structures that are owned by and are used for the purposes of a bona fide farming operation.

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, an education development charge will be imposed on any additional dwelling unit to be built on the property that is not exempted under sections 10 and 11 of this by-law, and for which an action referred to in subsection (1) is required.

6. (1) In accordance with the Act and this by-law, and subject to sections 13 and 14, the Board hereby imposes an education development charge against land undergoing non-residential development or redevelopment in the area of the by-law which has the effect of increasing existing gross floor area of such development if the non-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 a 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.

(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, an education development charge will be imposed on any additional gross floor area to be built on the property that is not exempted under sections 13 and 14 of this by-law, and for which an action referred to in subsection (1) is required.

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

Interim Review

8.

- (a) Where it appears to the Board that the land values underlying the education development charge calculation are predicting higher 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 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 period set out below:

- (a) July 1, 2024 to June 30, 2029 - \$872.00.

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:

| NAME OF CLASS OF RESIDENTIAL BUILDING | DESCRIPTION OF CLASS OF RESIDENTIAL BUILDINGS | MAXIMUM NUMBER OF ADDITIONAL DWELLING UNITS | RESTRICTIONS |
|--|--|--|---|
| Single detached dwellings | Residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings | Two | The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building |
| Semi-detached dwellings or row dwellings | Residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings | One | The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building |
| Other residential buildings | A residential building not in another class of residential building described in this table | One | The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building |

(c) For the purposes of this paragraph 10, an “additional dwelling unit” is a dwelling unit for which the application for the building permit for such additional dwelling unit is submitted no sooner than twelve (12) months after the earliest of the dates on which any of the following events occurs:

- (i) the issuance of a certificate of occupancy for the dwelling unit already in the building;
- (ii) if no certificate of occupancy is issued by the area municipality, the occupancy of the dwelling unit already in the building, as established by proper evidence of such occupancy; or,
- (iii) the delivery of the certificate of completion, pursuant to subsection 13(3) of the *Ontario New Home Warranties Plan Act*, R.S.O. 1990, c. O.31, for the dwelling unit already in the building.

11. (1) An education development charge 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 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 period set out below:

- (a) July 1, 2024 to June 30, 2029 - \$0.27 per square foot (\$2.91 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;
- (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 1 by the amount of the enlargement.
- (2) For the purposes of section 13(1) the following provisions apply:
 - (i) 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 13(1) of this by-law or a similar provision of any prior education development charge by-law of the Board was sought;
 - (ii) the enlargement of the gross floor area of the existing industrial building must be attached to such building;
 - (iii) 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; and,
 - (iv) “gross floor area” shall mean for the purposes of this section 13, 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.

14.

- (a) As required by section 5 of the Regulation, subject to paragraphs (b) and (c), an education development charge under section 12 shall not be imposed with respect to the replacement, on the same site, of a non-residential building that was destroyed by fire, demolition or otherwise, or that was so damaged by fire, demolition or otherwise as to render it unusable.
- (b) Notwithstanding paragraph (a), an education development charge shall be imposed in accordance with section 12 against any additional gross floor area of any non-residential development on the same site in excess of the gross floor area of the non-residential building or structure being replaced, subject to the following calculation:

If the gross floor area of the non-residential part of the replacement building exceeds the gross floor area of the non-residential part of the building being replaced, the exemption applies with respect to the portion 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 12 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;
- (b) The education development charge determined under paragraph (a) will be reduced by a credit equivalent to the education development charge previously paid in respect of the land, provided that the credit shall not exceed the education development charge determined under paragraph (a). The onus is on the applicant for a credit to produce evidence to the satisfaction of the Board which establishes the amount of the education development charge previously paid in respect of the land, failing which, the amount shall be deemed to be zero;

- (c) Where the redevelopment applies to part of the land the amount of the credit shall be calculated on a proportionate basis having regard to the development permissions being displaced by the new development. For example, if 10% of non-residential gross floor area of a non-residential building is being displaced by residential development through conversion, the residential education development charge on the applicable number of units will be calculated under section 9 of the by-law, and the credit will be the education development charge originally paid on the gross floor area being converted subject to the limit determined pursuant to paragraph (b).

PART III

ADMINISTRATION

Payment of Education Development Charges

17. The education development charge in respect of a development is payable to the municipality in which the land is situate on the date that the first building permit is issued in relation to a building or structure on land to which the education development charge applies.
18. The treasurer of the Board shall establish and maintain an education development charge account in accordance with the Act, the Regulation and this by-law.
19. Withdrawals from an education development charge account shall be made in accordance with the Act, the Regulation and this by-law.
20. No refund of an education development charge permitted under clause 16(2)(e) of the Regulation will be made by the Board more than five (5) years after the date of issue of the building permit in respect of which the education development charge was paid. The onus is on the applicant for a refund to produce evidence to the satisfaction of the Board which establishes that the building permit has been revoked and that the applicant is otherwise entitled pursuant to clause 16(2)(e) of the Regulation to a refund of the education development charge paid.

Payment by Services

21. Subject to the requirements of the Act, the Board may by agreement permit an owner to provide land in lieu of the payment of all or any portion of an education development charge. In such event, the Treasurer of the Board shall advise the treasurer of the municipality in which the land is situate of the amount of the credit to be applied to the education development charge.

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, 2024.

Date By-law Expires

24. This by-law shall expire on June 30, 2029 unless it is repealed at an earlier date.

Repeal

25. York Catholic District School Board Education Development Charges By-Law No. 208 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. 209.

ENACTED AND PASSED this 21st day of May, 2024.

Chair

Interim Director of Education and Secretary