Watch the EDC Successor By-Law Meeting STREAM event on our YCDSB TV Channel: http://bit.ly/YCDSB-TV

YORK REGION DISTRICT SCHOOL BOARD

And

YORK CATHOLIC DISTRICT SCHOOL BOARD

EDUCATION DEVELOPMENT CHARGE SUCCESSOR BY-LAW PUBLIC MEETING

Tuesday April 9, 2024, 7:00 PM (immediately following the EDC Policy Review Meeting)
YCDSB Board Room, 320 Bloomington Road West, Aurora, Ontario

PAGE	Agenda
	1. Introduction/Roll Call by Elizabeth Crowe, Chair of the Board – YCDSB
	2. Introduction/Roll Call by Ron Lynn, Chair of the Board – YRDSB
2	3. Opening Prayer and Land Acknowledgement – On Reverse
	4. Call to Order and Approval of the Agenda • Approval of Agenda by YRDSB (including invitation for motion to waive delegation requirements by YRDSB) • Approval of Agenda by YCDSB (including invitation for motion to waive delegation requirements by YCDSB)
	5. Declaration of Conflicts of Interest by each Board
	6. Opening Remarks by Chairs of both Boards
3	7. Invitation by Chair of the YRDSB to Jack Ammendolia of Watson & Associates to make a presentation re existing EDC background study
22	8. Invitation by Chair of the YCDSB to James Easto of Keel Cottrelle LLP to explain the text of the draft By-Laws
	9. Invitation by Chair of the YCDSB to receive any submissions from the public
	10. Invitation by Chair of the YRDSB to hear any delegations
	11. Motion by YRDSB Trustees to receive the reports of the consultant, submissions and delegations
	12. Motion by YCDSB Trustees to receive the reports of the consultant, submissions and delegations
	13. Closing Remarks by both Chairs
	14. Motion to Adjourn by Trustees of both Boards

Lord,
Unite us so that our lives are submerged in Your will.
Remember all peoples, for it is Your will to gather them into your kingdom.
Amen.

LAND ACKNOWLEDGEMENT

We are gathered on the ancestral lands and waters of all Indigenous Peoples, who have left their footprints on Mother Earth before us.

We respectfully acknowledge, those who have walked on it, those who walk on it now, and future generations who have yet to walk upon it.

We pray to the Creator for strength and wisdom that all may continue to serve as stewards of the earth.

Watson & Associates ECONOMISTS LTD.

Education Development Charges Public Meetings

York Region District School Board
York Catholic District School Board
April 9, 2024

Public Meeting #2
The Proposed
New EDC By-law

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What Are The Existing Charges & How Are They Applied?

The York Region District School Board (YRDSB) and the York Catholic District School Board (YCDSB) have EDC by-laws that cover the Region of York.

YRDSB Phased In EDC Rates

Residential Rates:

- July 1, 2019 to June 30, 2020: $5,716.00;
- July 1, 2020 to June 30, 2021: $6,016.00;
- July 1, 2021 to June 30, 2022: $6,317.00;
- July 1, 2022 to June 30, 2023: $6,633.00; and
- **July 1, 2023 to June 30, 2024: $6,964.00;**

Non-Residential Rates (***N.B. only using 5% annual increase***):

- July 1, 2019 to June 30, 2020: $0.95/SqFt;
- July 1, 2020 to June 30, 2021: $1.00/SqFt;
- July 1, 2021 to June 30, 2022: $1.05/SqFt;
- July 1, 2022 to June 30, 2023: $1.10/SqFt;
- **July 1, 2023 to June 30, 2024: $1.15/SqFt;**

Maximum EDC Rate: $7,531 (res) & $2.21/SqFt (non-res)

YCDSB Phased In EDC Rates

Residential Rates:

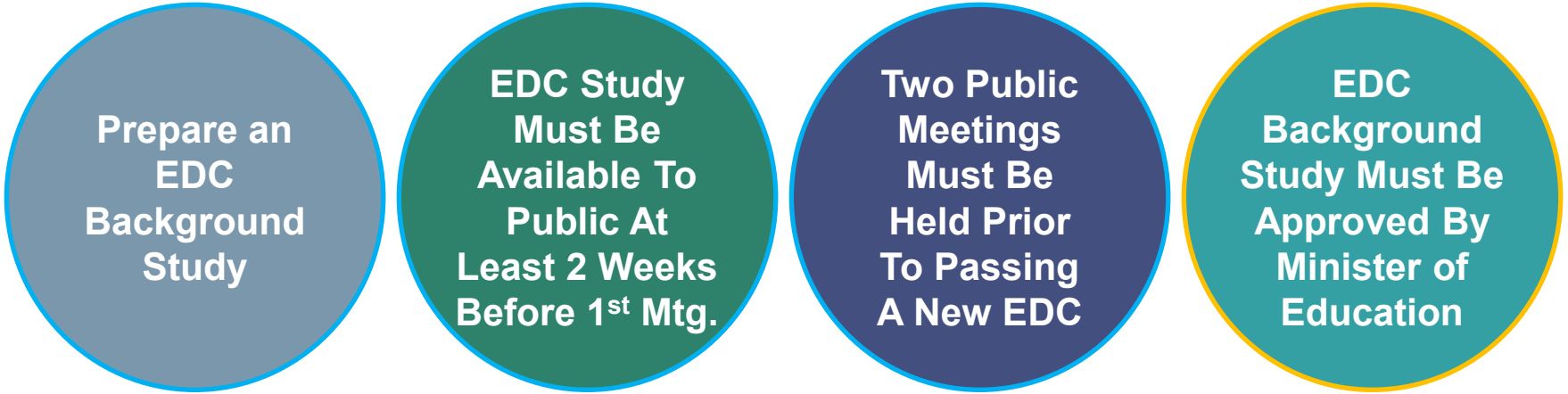
- July 1, 2019 to June 30, 2020: $1,291.00;
- **July 1, 2020 to June 30, 2024: $1,463.00;**

Non-Residential Rates (***N.B. only using 5% annual increase***):

- July 1, 2019 to June 30, 2020: $0.18/SqFt;
- July 1, 2020 to June 30, 2021: $0.19/SqFt;
- July 1, 2021 to June 30, 2022: $0.20/SqFt;
- July 1, 2022 to June 30, 2023: $0.21/SqFt;
- **July 1, 2023 to June 30, 2024: $0.22/SqFt**;

Maximum EDC Rate: $1,463 (res) & $0.43/SqFt (non-res)

What Does A School Board Have To Do?



Notice Of Public Meetings Must Be Provided At Least 20 Days Prior To Said Meetings

The Calculation

1. Demographics and enrolment projections determine need.
2. Legislation and Board planning determines the number of school sites required.
3. Land appraisals determine site acquisition costs.
4. Historical expenditures determine site preparation costs.
5. The reserve fund analysis determines existing EDC surplus or deficit.
6. The total costs determined are referred to as the total growth-related net education land costs – this is the amount for which EDC's are collected.
7. Board policies determine how the charge is implemented and collected (exemptions, non-residential allocation etc.)

Projected Enrolment - YRDSB

Elementary Panel Board-Wide EDC Capacity	Projected Elementary Panel Enrolment						Elementary Average Projected Enrolment less Capacity
	Year 1 2024/ 2025	Year 2 2025/ 2026	Year 3 2026/ 2027	Year 4 2027/ 2028	Year 5 2028/ 2029	Average Projected Enrolment Over Five Years	
99,439.0	87,056	87,643	87,413	88,194	88,727	87,806	-11,633

Secondary Panel Board-Wide EDC Capacity	Projected Secondary Panel Enrolment						Secondary Projected Enrolment less Capacity
	Year 1 2024/ 2025	Year 2 2025/ 2026	Year 3 2026/ 2027	Year 4 2027/ 2028	Year 5 2028/ 2029	Average Projected Enrolment Over Five Years	
39,092.0	44,958	44,991	45,959	45,902	46,477	45,657	6,565

Projected Enrolment - YCDSB

Elementary Panel Board-Wide EDC Capacity	Projected Elementary Panel Enrolment						Elementary Average Projected Enrolment less Capacity
	Year 1 2024/ 2025	Year 2 2025/ 2026	Year 3 2026/ 2027	Year 4 2027/ 2028	Year 5 2028/ 2029	Average Projected Enrolment Over Five Years	
41,704.0	29,736	28,885	28,106	27,619	27,396	28,348	-13,356

Secondary Panel Board-Wide EDC Capacity	Projected Secondary Panel Enrolment						Secondary Projected Enrolment less Capacity
	Year 1 2024/ 2025	Year 2 2025/ 2026	Year 3 2026/ 2027	Year 4 2027/ 2028	Year 5 2028/ 2029	Average Projected Enrolment Over Five Years	
18,570.0	19,149	19,225	19,247	18,783	18,366	18,954	384

The Residential Growth Forecast: 15 Years

Projected Unit Growth	
Municiplaity	**2023-2037**
Aurora	4,149
East Gwillimbury	12,106
Georgina	4,193
King	6,846
Markham	37,567
Newmarket	5,315
Richmond Hill	19,992
Vaughan*	41,197
Whitchurch-Stouffville	6,095
York Region	**137,460**

Source: 2022 York Regional Official Plan (Traffic Zone level data) with revisions made to the Vaughan Metropolitan Centre that outline population, housing, and employment growth to 2051.

Net Growth-Related New Pupil Places

YRDSB			
Elementary		**Secondary**	
New Pupils:	28,421	New Pupils:	10,598
Less Available Pupil Places:	11,188	Less Available Pupil Places:	1,988
Total EDC Pupils:	**17,233**	**Total EDC Pupils:**	**8,610**

YCDSB			
Elementary		**Secondary**	
New Pupils:	10,878	New Pupils:	5,598
Less Available Pupil Places:	8,584	Less Available Pupil Places:	5,198
Total EDC Pupils:	**2,293**	**Total EDC Pupils:**	**400**

Legislated EDC Eligible Site Sizes

Elementary schools	
Number of Pupils	Maximum Area (acres)
1 to 400	4
401 to 500	5
501 to 600	6
601 to 700	7
701 or more	8

Secondary schools	
Number of Pupils	Maximum Area (acres)
1 to 1000	12
1001 to 1100	13
1101 to 1200	14
1201 to 1300	15
1301 to 1400	16
1401 to 1500	17
1501 or more	18

Appraised Land Values

Land values are based on appraisals by gsi Real Estate & Planning Advisors Inc. Land values were provided for low/medium density and high-density school sites. There was significant variation in site values due to geography and density.

- **Low/medium density sites ranged from ~$2M to over $6M per acre**
- **Higher density sites ranged from ~$7.5M to over ~$20M per acre.**

Alternative Projects: Are deemed to be a "project, lease or other prescribed measure…that would address the needs of the board for pupil accommodation and would reduce the cost of acquiring land."

There have been 12 projects identified as alternative projects for which alternative land costs have been included (10 for YRDSB + 2 for YCDSB)

Proposed Charges: YRDSB

Total:	**Growth-Related Net Education Land Costs**	**$ 1,932,982,321**

Apportionment of Total Growth-Related Net Education Land Costs

Total Growth-Related Net Education Land Costs to be Attributed to Non-Residential Development (Maximum 40%)	**10%**	**$ 193,298,232**
Total Growth-Related Net Education Land Costs to be Attributed to Residential Development	**90%**	**$1,739,684,089**

Calculation of Uniform Residential Charge

Residential Growth-Related Net Education Land Costs	**$1,739,684,089**
Net New Dwelling Units (Form C)	**135,673**
Uniform Residential EDC per Dwelling Unit	**$ 12,823**

Calculation of Non-Residential Charge - Board Determined GFA

Non-Residential Growth-Related Net Education Land Costs	**$ 193,298,232**

GFA Method:	**Non-Exempt Board-Determined GFA (Form D)**	**49,465,558**
	Non-Residential EDC per Square Foot of GFA	**$ 3.91**

Proposed Charges: YCDSB

Total:	**Growth-Related Net Education Land Costs**	**$ 131,520,048**

Apportionment of Total Growth-Related Net Education Land Costs

Total Growth-Related Net Education Land Costs to be Attributed to Non-Residential Development (Maximum 40%)	**10%**	**$ 13,152,005**
Total Growth-Related Net Education Land Costs to be Attributed to Residential Development	**90%**	**$ 118,368,043**

Calculation of Uniform Residential Charge

Residential Growth-Related Net Education Land Costs	**$ 118,368,043**
Net New Dwelling Units (Form C)	**135,673**
Uniform Residential EDC per Dwelling Unit	**$ 872**

Calculation of Non-Residential Charge - Board Determined GFA

Non-Residential Growth-Related Net Education Land Costs	**$ 13,152,005**

GFA Method:	**Non-Exempt Board-Determined GFA (Form D)**	**49,465,558**
	Non-Residential EDC per Square Foot of GFA	**$ 0.27**

Differentiated Rates

YRDSB

Type of Development (Form B)	Apportionment of Residential Net Education Land Cost By Development Type	Net New Units	Differentiated Residential EDC per Unit by Development Type
Low Density	$ 851,956,813	40,078	**$ 21,258**
Medium Density	$ 584,210,304	35,191	**$ 16,601**
High Density	$ 303,516,972	60,405	**$ 5,025**

YCDSB

Type of Development (Form B)	Apportionment of Residential Net Education Land Cost By Development Type	Net New Units	Differentiated Residential EDC per Unit by Development Type
Low Density	$ 64,247,163	40,078	**$ 1,603**
Medium Density	$ 34,472,659	35,191	**$ 980**
High Density	$ 19,648,220	60,405	**$ 325**

Reminder: Phased In EDC Rates

- In year 1, the existing EDC rate could be increased by $300 or 5% of the existing residential EDC rate, whichever is greater. In the second year of the by-law and in each subsequent year, the rate could be increased by another $300 or 5% of the previous year's residential EDC rate, whichever is greater. For non-residential rates, the EDC rate could be increased by a maximum of $0.10 or 5%.
- The EDC rates are subject to maximum rates, which are the proposed EDC rates in the EDC Background Study.

Phase-In Of EDC Rates

YRDSB

Type of Development	Current 2023 EDC Rate	Year 1	Year 2	Year 3	Year 4	Year 5	MAXIMUM RATE
Residential	$ 6,964	$ 7,312	$ 7,678	$ 8,062	$ 8,465	$ 8,888	$ 12,823
Non-Residential	$ 1.15	$ 1.25	$ 1.35	$ 1.45	$ 1.55	$ 1.65	$ 3.91

YCDSB

Type of Development	Current 2023 EDC Rate	Year 1	Year 2	Year 3	Year 4	Year 5	MAXIMUM RATE
Residential	$ 1,463	$ 872	$ 872	$ 872	$ 872	$ 872	$ 872
Non-Residential	$ 0.22	$ 0.27	$ 0.27	$ 0.27	$ 0.27	$ 0.27	$ 0.27

The Public Process

- 2 Legislated Public Meetings (Notice Provided)
- EDC Background Study Released To The Public & Submitted To Ministry Of Education For Review/Approval
- The Board corresponded with area stakeholders and had multiple stakeholder meetings (4 total).
- The Board encourages additional and continued feedback from area stakeholders.

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Next Steps & Important Dates

- Awaiting approval of the EDC Background Study from the Ministry of Education.
- Staff recommendations and reports provided to trustees prior to the passage consideration meeting.
- Bylaw Passage Consideration Public Meeting: May 21, 2024

QUESTIONS?

YORK CATHOLIC DISTRICT SCHOOL BOARD

EDUCATION DEVELOPMENT CHARGES BY-LAW NO. ●

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 ●, 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 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;

(1) "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 periods set out below:

(a) July 1, 2024 to June 30, 2029 - $872.45.

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, 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. ●.

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

Chair

Interim Director of Education and Secretary

YORK REGION DISTRICT SCHOOL BOARD

EDUCATION DEVELOPMENT CHARGES BY-LAW NO. ●

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 ●, 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;

(1) "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 - $7,312.20;

(b) July 1, 2025 to June 30, 2026 - $7,677.81;

(c) July 1, 2026 to June 30, 2027 - $8,061.70;

(d) July 1, 2027 to June 30, 2028 - $8,464.79; and,

(e) July 1, 2028 to June 30, 2029 - $8,888.02.

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) July1, 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. ●.

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

Chair	Interim Director of Education and Secretary