



## ***EDUCATION DEVELOPMENT CHARGES (EDC) PAMPHLET***

***FOR THE***

### **CONSEIL DES ÉCOLES PUBLIQUES DE L'EST DE L'ONTARIO Education Development Charges BYLAW N° 01-2021-RAS-FRONTENAC**

2445 Boulevard, Saint-Laurent, Ottawa, ON K1G 6C3

(613) 742-8960      www.cepeo.on.ca

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This pamphlet summarizes the Education Development Charges (« EDC ») imposed by the Conseil des écoles publiques de l'Est de l'Ontario (the « Board »), commencing July 1, 2021. The information contained herein is intended only as a guide. Interested parties should review the approved by-law and consult with the board and the local municipalities to determine the applicable charges that may apply to specific development proposals.

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#### **LEGISLATIVE AUTHORITY**

Division E of Part IX of the *Education Act* enables a district school board to pass by-laws for the imposition of education development charges against residential and/or non-residential development, if residential development in the area of jurisdiction of the board increases education land costs. In accordance with the Act and the Board's by-law, the Board imposes an education development charge against land undergoing Residential Development or redevelopment in the County of Frontenac (except the Townships of North and Central Frontenac), and the City of Kingston, if the Residential Development or redevelopment requires any one of those actions set out below and described in section 257.54 of the *Education Act*:

- the passing of a zoning by-law or an amendment to a zoning by-law
- the approval of a minor variance
- a conveyance of land to which a by-law passed under the *Planning Act* applies
- the approval of a plan of subdivision
- a consent under section 53 of the *Planning Act*
- the approval of a description under the *Condominium Act, 1998*
- the issuing of a building permit under the *Building Code Act, 1992*, in relation to a building or structure

An Education Development Charge will be collected once in respect of a particular development, but does not prevent the application of the board's by-law to future development of the same property.

#### **PURPOSE OF EDUCATION DEVELOPMENT CHARGES & PROCESS**

Education Development Charges are used to fund the acquisition of school sites and related costs to accommodate growth-related pupil needs arising from new development – education land costs. The Board held information sessions, public meetings and provided Notice of Public Meetings in accordance with the legislation.

#### **CURRENT LEGISLATIVE RATE 'CAP'**

On November 8, 2019, the Province of Ontario passed amendments to O. Reg. 371/19 enabling EDC boards to increase residential rates by greater than \$300 per annum provided that these 'capped' rates do not exceed

the ‘calculated EDC Rates’. The EDC By-Law and rates adopted by the Board on June 22, 2021 reflect the requirements of this Regulation, and are as follows:

Conseil des écoles publiques de l’Est de l’Ontario	EDC Calculated Rate (per Dwelling Unit)	Year 1 Rates June 28, 2021 to June 27, 2022	Year 2 Rates June 28, 2022 to June 27, 2023	Year 3 Rates June 28, 2023 to June 27, 2024	Year 4 Rates June 28, 2024 to June 27, 2025	Year 5 Rates June 28, 2025 to June 27, 2026
Residential EDC Rate per Dwelling Unit	\$365	\$300	\$365	\$365	\$365	\$365

The effective implementation date for the EDC By-Law is July 1, 2021. The By-laws shall expire 5 years after they come into force, unless they are repealed earlier.

**REDEVELOPMENT CREDITS:**

New development replacing previously existing development may be entitled to a credit. Consistent with the legislation, an education development charge will not be imposed with respect to the replacement, on the same site, of a dwelling unit or a non-residential building that was destroyed or damaged by fire, demolition or otherwise, or that was so damaged as to render it uninhabitable. The exemption will not apply, however, if the building permit is issued more than 2 years after.

**STATUTORY EXEMPTIONS**

Subject to any exemption contained with the EDC By-Law, the EDC charges apply to all lands located within the County of Frontenac (except the Townships of North and Central Frontenac), and the City of Kingston and applies to all categories of Residential Development and all related uses of land, buildings or structures thereof.

The EDC By-Law do not apply to lands that are owned by and are used for the purpose of:

- a municipality;
- a district school board;
- a publicly-funded university, community college or a college of applied arts and technology established under the *Ministry of Colleges and Universities Act*, or a predecessor statute;
- residential development on lands designated as a farm retirement lots being a lot adjacent to a farming lot on which a dwelling unit is to be built for the residence of a person who had conducted farming on the adjacent farming;
- a place of 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, R.S.O. 1990, Chapter A.31, c.3. as amended*;
- farm buildings as defined in the EDC By-Law.

**TIMING OF PAYMENT OF EDUCATION DEVELOPMENT CHARGES:**

Education development charges are payable in full to the municipality in which the development takes place on the date a building permit is issued in relation to a building or structure on land to which this education development charges By-law applies.

**BY-LAW AMENDMENT REQUIREMENTS**

The Minister of Education has approved the 15-year student enrolment projections and the number of school sites outlined in the Board’s EDC Submission. The EDC Submission sets out the EDC rates necessary to fund the net education land costs (i.e. the calculated costs) rather than the legislative ‘cap’ rates, which produce a funding shortfall. Should the Board have the legislative authority to amend the EDC By-Law once the Province has completed their policy review of the legislation, notice of a proposed

by-law amending a By-law or the passage of such an amending by-law is not required to be given by a Board to any person or organization, other than to certain clerks of municipalities or secretaries of school boards, unless the person or organization gives the secretary of the Board a written request for notice of any amendments to the By-law and has provided a return address.

**BY-LAW INSPECTION:**

The Education Development Charges By-law adopted by the Board is available for inspection during regular business hours, in the Board’s office, or on the Board’s website as indicated on the cover page.

**AFFECTED REGION FPE02**

A by-law for the imposition of education development charges in the County of Frontenac (except the Townships of North and Central Frontenac), and the City of Kingston.

