



## EDUCATION DEVELOPMENT CHARGES BY-LAW

### CONSEIL DES ÉCOLES PUBLIQUES DE L'EST DE L'ONTARIO

#### BY-LAW No. 01-2024-RAS-P&R

A By-Law for the imposition of education development charges

**WHEREAS** the Education Act, R.S.O. 1990, c. E.2, as amended or a successor statute (hereinafter the “**Act**”) authorizes a district school board to pass By-Laws for the imposition of education development charges against land undergoing residential and non-residential development in the area of jurisdiction of the board where residential development in such area would increase education land costs;

**AND WHEREAS** on June 18, 2024, the Minister of Education approved the estimates of the Conseil des écoles publiques de l'Est de l'Ontario (hereinafter the “**Board**”) which are prescribed under Section 10, paragraph 1 of Ontario Regulation 20/98;

**AND WHEREAS** the Board has determined that residential development in its area of jurisdiction will result in increased education land costs;

**AND WHEREAS** the estimated average number of school pupils of the Board over the five (5) years immediately following the day this By-Law comes into force will exceed the total capacity of the Board to accommodate the school pupils throughout its jurisdiction on the day this By-Law is passed;

**AND WHEREAS** the Board has complied with the conditions prescribed by Section 10 of Ontario Regulation 20/98;

**AND WHEREAS** the Board has conducted a review of its education development charge policies, made sufficient information available to the public, and held a public meeting on May 28, 2024, in accordance with Section 257.60 of the *Education Act*;

**AND WHEREAS** the Board has given a copy of the education development charge background study relating to this By-Law to the Minister of Education and to each school board having jurisdiction within the area to which this By-Law applies;

**AND WHEREAS** the Board has given notice and held public meetings on May 28, 2024, in accordance with Section 257.63(1) of the *Education Act* and permitted any person who attended the public meetings to make representations in respect of the proposed education development charges;

**AND WHEREAS** the Board has determined in accordance with Section 257.63(3) of the *Education Act* that no additional public meeting is necessary in respect of this By-Law;

NOW THEREFORE THE CONSEIL DES ÉCOLES PUBLIQUES DE L'EST DE L'ONTARIO HEREBY ENACTS AS FOLLOWS:



## PART I APPLICATION

### Definitions

1. The definitions and terms contained in this By-Law shall have the same meanings as those contained in the Act and the Regulation (as hereinafter defined), as amended from time to time. In the event of ambiguity, the definitions contained in this By-Law shall prevail.
2. In this By-Law,
  - a. “Act” means the Education Act, R.S.O. 1990, c.E.2, as amended, or a successor statute;
  - b. “alternative project” means a project, lease or other prescribed measure, approved by the Minister of Education under Section 257.53.1 of the Act, that would address the needs of the Board for pupil accommodation and would reduce the education land costs;
  - c. “Board” means the Conseil des écoles publiques de l'Est de l'Ontario;
  - d. “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the gross floor area, number of dwelling units or usability thereof, and includes redevelopment;
  - e. “dwelling unit” means a room or suite of rooms used, or designed or intended for use by one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons, and shall include, but is not limited to, a dwelling unit or units in an apartment, group home, mobile home, duplex, triplex, semi-detached dwelling, single detached dwelling, stacked row dwelling (townhouse), back-to-back townhouses, rear lane townhouses, row dwelling (townhouse), the residential portion of a mixed-use building or structure, secondary dwelling unit, and a cottage or seasonal dwelling unit that is capable of being occupied year-round. Notwithstanding the foregoing, (i) a unit or room in a temporary accommodation to the travelling or vacationing public and (ii) living accommodation in a long-term care home as defined in and governed by the provisions of the *Fixing Long-Term Care Act, 2021*, S.O. 2021, c.39, Sched. 1, shall not constitute dwelling units for purposes of this By-Law;
  - f. “education development charge” means charges imposed pursuant to this By-Law in accordance with the Act;
  - g. “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);
  - v. to undertake studies in connection with an acquisition referred to in paragraph (i);  
and
  - vi. in connection with alternative projects approved by the Minister of Education pursuant to s. 257.53.1 of the Act;
- h. “farm buildings” are defined as a building or structure located on a bona fide farm which is necessary and ancillary to a bona fide 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 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 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 and for the purpose of this definition, the non-residential portion of a mixed-use building or structure is deemed to include one-half of any area common to the residential and non-residential portions of such mixed-use building or structure;
- j. “local board” means a local board as defined in the Municipal Affairs Act, other than a district school board;
- k. “localized education development agreement” means an agreement between a board and an owner described in subsection 257.53.2(1) of the Act;
- l. “mixed use development” means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- m. “non-residential development” means a development other than a residential development and includes commercial, industrial and institutional development;
- n. “Planning Act” means the Planning Act, R.S.O. 1990, c. P.13, as amended;
- o. “Region” means the upper-tier municipality of the United Counties of Prescott and Russell;
- p. “Regulation” means Ontario Regulation 20/98, *Education Development Charges – General* as amended, made under the Act;
- q. “residential development” means a development comprised of land or buildings or structures of any kind whatsoever, used, designed or intended to be used as living accommodations for one or more individuals and includes land or a building or part thereof used, designed or intended for a use in connection therewith;
- r. “secondary dwelling unit” means a dwelling unit contained within a single detached dwelling, semi-detached dwelling, or row dwelling which:



- i. comprises an area less than the gross floor area of the primary dwelling unit; and
- ii. is not capable of being legally conveyed as a separate parcel of land from the primary dwelling unit.

### **Application of By-Law and Exemptions**

3. (1) Subject to any exemption contained herein, this By-Law applies to all lands in the Region. For greater certainty, this By-Law applies to all lands in the United Counties of Prescott and Russell, including the township of Clarence-Rockland, Alfred-Plantagenet, Casselman, Champlain, Hawkesbury, Hawkesbury-East, The Nation and the township of Russell (which includes 4 communities: Embrun, Russell, Limoges and Marionville). This By-Law applies to all categories of residential development and all related uses of land, buildings or structures thereof.
- (2) This By-Law shall not apply to lands subject to a localized education development agreement approved by the Minister of Education pursuant to Section 257.53.2 of the Act.
- (3) This By-Law shall not apply to lands that are owned by and are used for the purpose of:
  - a. the Region or a local board thereof;
  - b. a municipality or a local board thereof;
  - c. a district school board;
  - d. 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 lot;
  - e. a place of worship and land used in connection therewith, and every churchyard, cemetery or burying ground, if such is exempt from taxation under Section 3 of the *Assessment Act*, R.S.O. 1990, c. A.31 as amended;
  - f. farm buildings as defined herein.
- (4) Subject to subsection (5), 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:
  - a. a private school;
  - b. a long-term care home, as defined in the *Fixing Long-Term Care Act, 2021*;
  - c. a retirement home, as defined in the *Retirement Homes Act, 2010*;
  - d. a hospice or other facility that provides palliative care services;
  - e. a child care centre, as defined in the *Child Care and Early Years Act, 2014*;
  - f. a memorial home, clubhouse or athletic grounds owned by the Royal Canadian Legion.



- (5) If only a portion of a building or structure, or an addition or alteration to a building or structure, referred to in subsection (4) 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.
- (6) An owner shall be exempt from education development charges if the owner is,
  - a. a college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*;
  - b. a university that receives regular and ongoing operating funds from the Government of Ontario for the purposes of post-secondary education;
  - c. an Indigenous Institute prescribed for the purposes of Section 6 of the *Indigenous Institutes Act, 2017*.

### **Development Approvals**

4. In accordance with the Act and this By-Law, education development charges shall be imposed against all lands, buildings or structures undergoing residential development within the By-Law charging area, if the development requires any one of those actions set out in subsection 257.54 (2) of the Act (or any successor provision thereto) as follows:
  - a. the passing of a zoning By-Law or of an amendment thereto under Section 34 of the *Planning Act* (or any successor provision thereto);
  - b. the approval of a minor variance under Section 45 of the *Planning Act* (or any successor provision thereto);
  - c. a conveyance of land to which a By-Law passed under subsection 50(7) of the *Planning Act* (or any successor provision thereto) applies;
  - d. the approval of a plan of subdivision under Section 51 of the *Planning Act* (or any successor provision thereto);
  - e. a consent under Section 53 of the *Planning Act* (or any successor provision thereto);
  - f. the approval of a description under Section 9 of the *Condominium Act, 1998*, S.O. 1998, c. 19 (or any successor provision thereto); or
  - g. the issuing of a permit under the *Building Code Act, 1992*, S.O. 1992, c. 23 (or any successor provision thereto) in relation to a building or structure .



**PART II**  
**EDUCATION DEVELOPMENT CHARGES**

**A. Residential Education Development Charges**

5. Subject to the provisions of this By-Law, an education development charge per dwelling unit shall be imposed upon all categories of residential development and all the designated residential uses of lands, 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. An education development charge will be collected once in respect of a particular residential development, but the foregoing does not prevent the application of this By-law to future development of the same property. The schedule of residential rates is as follows:

Conseil des écoles publiques de l'Est de l'Ontario	2024 EDC Calculated Rates	In-force By-Law Rates to June 30, 2024	Year 1 Rates July 1, 2024 to June 30, 2025	Year 2 Rates July 1, 2025 to June 30, 2026	Year 3 Rates July 1, 2026 to June 30, 2027	Year 4 Rates July 1, 2027 to June 30, 2028	Year 5 Rates July 1, 2028 to June 30, 2029
Residential EDC Rate per Dwelling Unit	\$898	\$941	\$898	\$898	\$898	\$898	\$898

**Exemptions from Residential Education Development Charges**

6. 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 that does not create an additional dwelling unit; or
  - b. the creation of one or two additional dwelling units as prescribed in Section 3 of the Regulation as follows:



<b>Name of class of residential building</b>	<b>Description of class of residential buildings</b>	<b>Maximum number of additional dwelling units</b>	<b>Restrictions</b>
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.

7. Pursuant to Section 4 of the Regulation:

- (1) Education development charges under Section 5 of this By-Law shall not be imposed with respect to the replacement, on the same site, of a dwelling unit that was destroyed by fire, demolition or otherwise, or that was so damaged by fire, demolition or otherwise as to render it uninhabitable.
- (2) Notwithstanding Section 7(1) of this By-Law, education development charges shall be imposed in accordance with Section 5 of this By-Law if the building permit for the replacement dwelling unit is issued more than two (2) years after,
  - a. the date the former dwelling unit was destroyed or became uninhabitable; or
  - b. if the former dwelling unit was demolished pursuant to a demolition permit issued before the former dwelling unit was destroyed or became uninhabitable, the date the demolition permit was issued.
- (3) Notwithstanding Section 7(1) of this By-Law, education development charges shall be imposed in accordance with Section 5 of this By-Law against any dwelling unit or units on the same site which are built 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) An education development charge shall be imposed in accordance with Section 5 of this By-Law where a non-residential building or structure is replaced by or converted to, in whole or in part, a dwelling unit or units.

#### **B. Non-Residential Development**

8. Subject to the provisions of this By-Law, education development charges shall not be imposed upon any classes of non-residential developments and any non-residential uses of non-residential lands, buildings, and structures.
9. Notwithstanding Section 8 of this By-Law, an education development charge shall be imposed in accordance with Section 5 of this By-Law where a non-residential building or structure is demolished or destroyed, including without limitation destroyed by fire, and is replaced by or converted to, in whole or in part, a dwelling unit or units.

#### **C. Mixed Use Development**

10. The education development charge to be imposed in respect of a mixed use development or a redevelopment shall be the aggregate of the amount applicable only to the residential development component and not the amount applicable to the non-residential development component.

### **PART III ADMINISTRATION**

#### **Payment of Education Development Charges**

11. 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.
12. The Treasurer of the Board shall establish and maintain an education development charge reserve fund in accordance with the Act, the Regulation and this By-Law.

#### **Payment by Services**

13. Notwithstanding the payments required under Section 15, and subject to Section 257.84 of the Act, the Board may, by agreement, permit an owner to provide land for pupil accommodation in lieu of the payment of all or a part of the education development charges.

#### **Collection of Unpaid Education Development Charges**

14. Part XI of the *Municipal Act*, 2001, S.O. 2001, c. 25 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**

15. This By-Law shall come into force at 12:01 a.m. on July 1, 2024.





### **Severability**

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

### **Interpretation**

17. Nothing in this By-Law shall be construed so as to commit or require the Board to authorize or proceed with any specific school site purchase or capital project at any time.
18. In this By-Law where reference is made to a statute or a Section of a statute such reference is deemed to be a reference to any successor statute or Section. The same is true for any reference made to a regulation or a Section of a regulation in this By-Law.
19. The French language version of this By-Law is the official version hereof.

### **Short Title**

20. This By-Law may be cited as the Conseil des écoles publiques de l'Est de l'Ontario Education Development Charges By-Law No. 01-2024-RAS-P&R.

ENACTED AND PASSED THIS 18<sup>th</sup> DAY OF JUNE 2024.

Pierre Tessier, Vice-president  
for

Samia Ouled Ali  
President

Christian-Charle Bouchard  
Director of Education and Secretary-Treasurer