

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

**EDUCATION DEVELOPMENT
CHARGE POLICY REVIEW
REPORT**

APRIL 17, 2014



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 **Planning for growth**

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1. THE POLICY REVIEW PROCESS

1. THE POLICY REVIEW PROCESS

1.1 Legislative Requirements

The process and methodology to impose or renew Education Development Charges (EDC) is guided by Provincial legislation. Division E of the *Education Act* as well as Ontario Regulation 20/98, as amended, are the specific pieces of legislation that set out the EDC requirements. One of the requirements that must be met before an EDC by-law can be imposed deals with certain policies that must be reviewed by boards.

Each EDC by-law has a set of underlying policies which help to determine the structure and type of by-law that will be enacted. While the EDC analysis is guided by legislative requirements and is technical and formulaic in nature, each school board (in conjunction with public participation) is responsible for determining its own policies. For school boards that have existing EDC by-laws in force, before passing a subsequent EDC, they must conduct a review of their existing EDC policies.

Section 257.60 (1) of the *Education Act* states, “Before passing an education development charge by-law, the board shall conduct a review of the education development charge policies of the board.” As part of the policy review the board must also hold a public meeting. Subsection (2) of the same legislation goes on to state, “In conducting a review under subsection (1), the board shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in at least one newspaper having general circulation in the area of the jurisdiction of the board.”

Both the York Region District School Board (YRDSB) and the York Catholic District School Board (YCDSB) have existing EDC by-laws in force and as such are required to conduct a review of their existing EDC policies. This report will outline the existing policies of the Board’s current EDC by-laws.

1.2 Existing By-laws

The effective implementation date for the existing EDC by-laws for both Boards is July 1st, 2009. The by-laws have a term of 5 years. Both School Boards have by-laws that are jurisdiction wide and cover the Region of York.

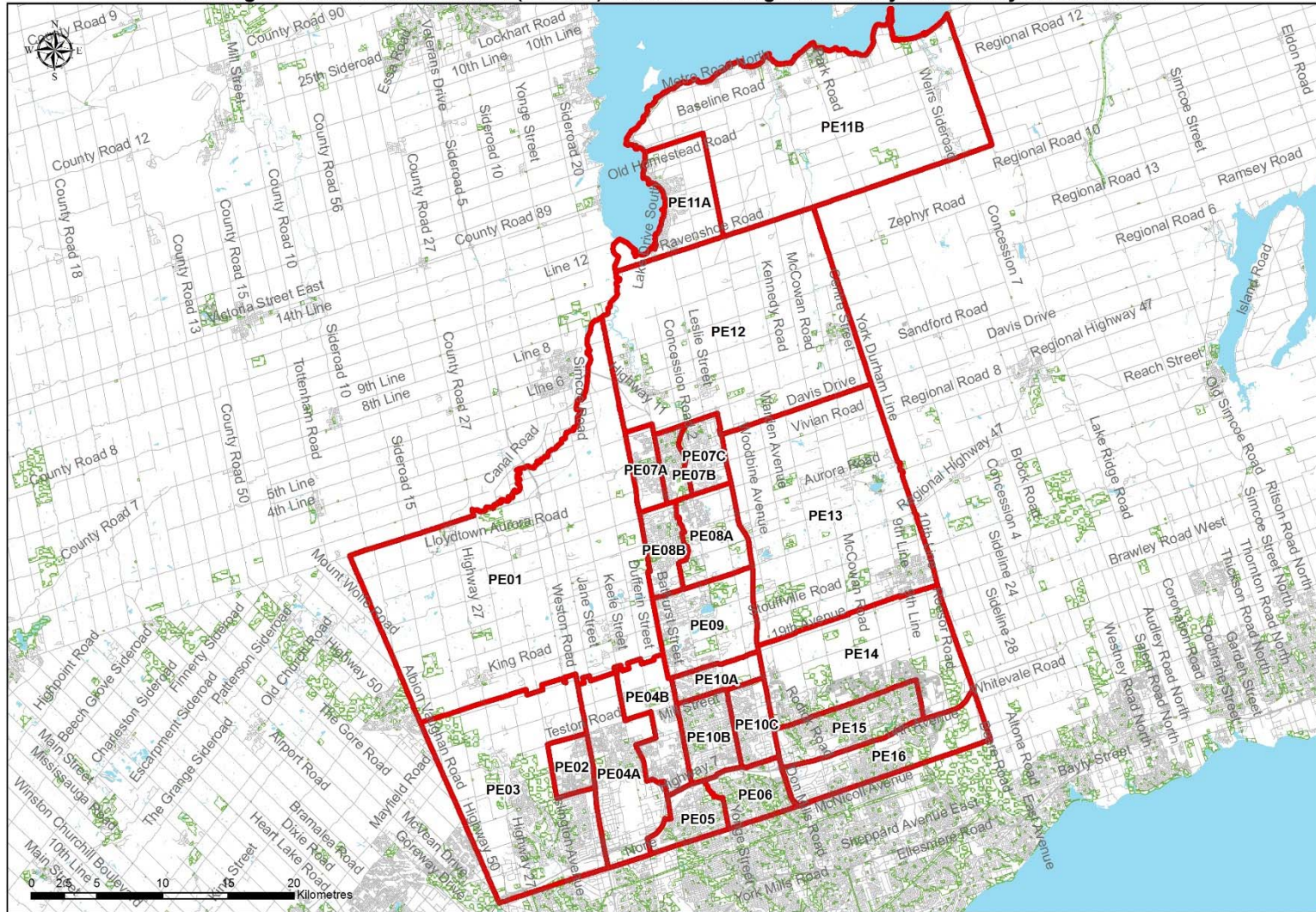
The Board’s existing by-laws are both uniform by-laws. This means that the by-laws have one uniform charge for all types of developments (single family, townhouses apartments etc.). In addition, the EDC rate is the same throughout the area to which the by-law applies (one rate for all of the Region of York). The existing EDC rate is also based on a 90% residential allocation


and 10% non-residential allocation meaning that 90% of the education land costs are collected through residential development and 10% through non-residential development.

A table outlining the Board's existing EDC rates can be found below. In addition maps for each Board's areas to which the existing EDC by-laws apply as well as elementary and secondary review areas can be found on the following pages.

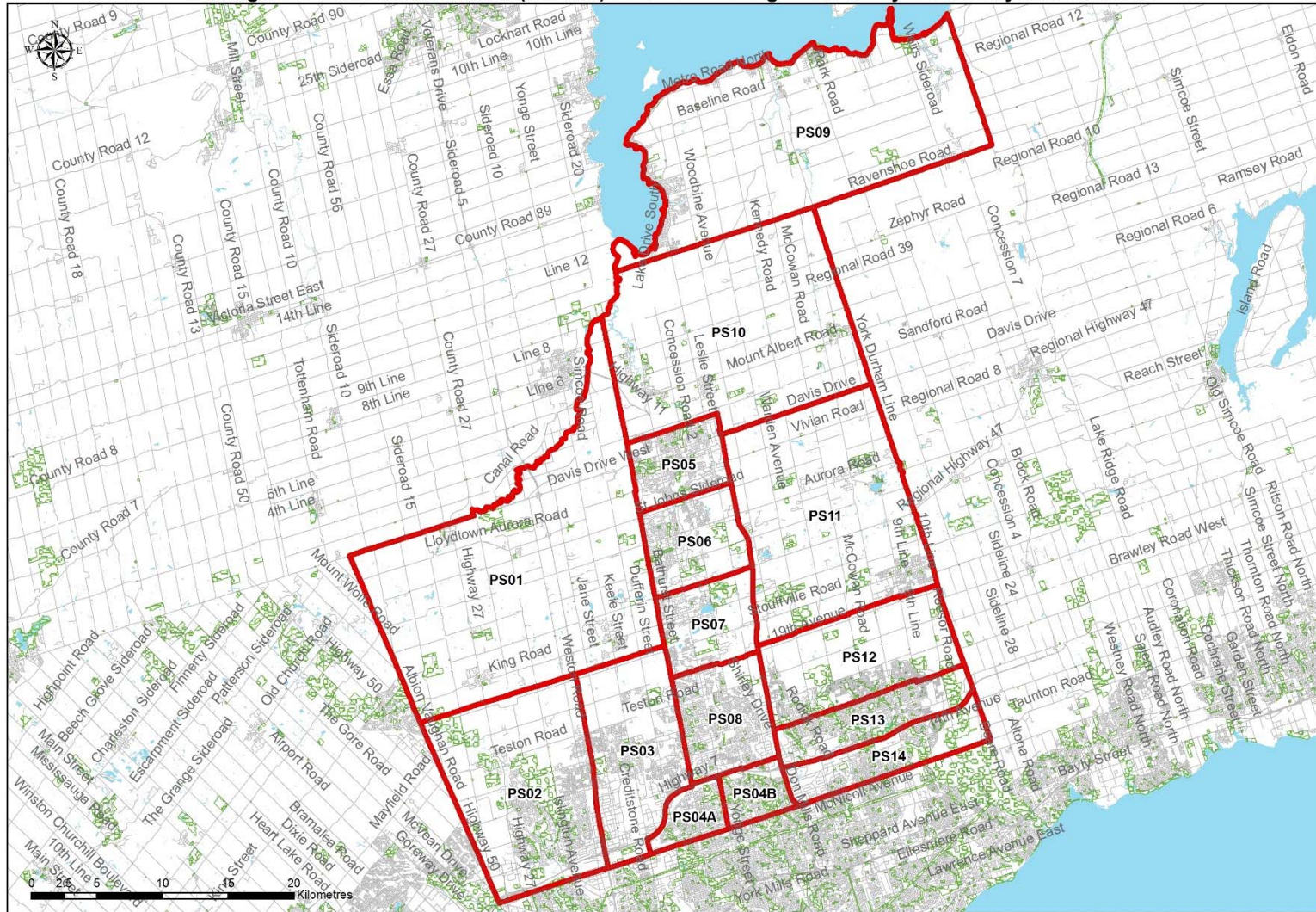
School Board	Residential/Non-Residential	EDC
YRDSB	90% Residential/10% Non-Residential	\$1,370/\$0.35 sq.ft.
YCDSB	90% Residential/10% Non-Residential	\$650/0.17 sq.ft


York Region District School Board (YRDSB) 2009 EDC Background Study Elementary Review Areas



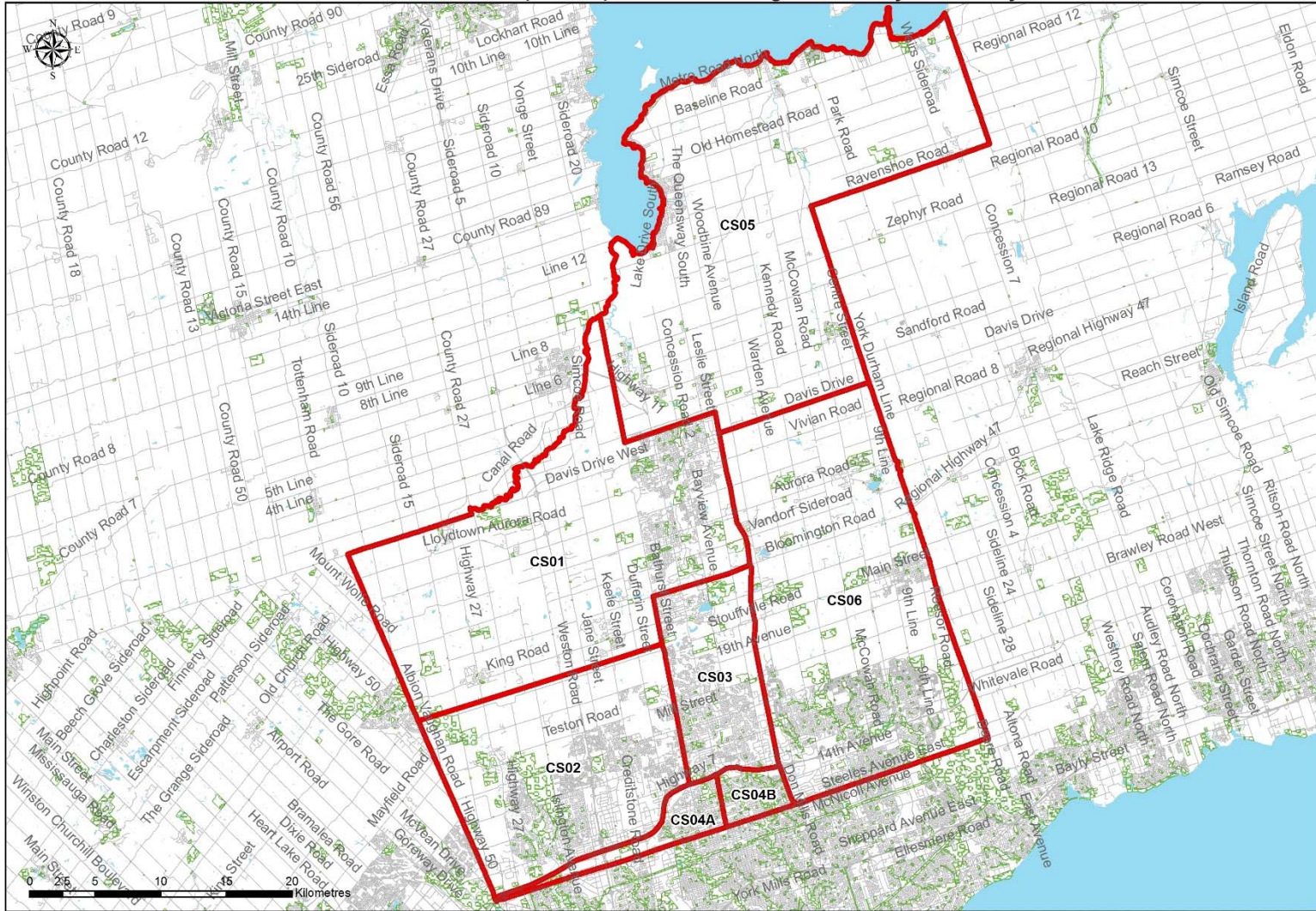
 YRDSB Elementary RA Boundaries


York Region District School Board (YRDSB) 2009 EDC Background Study Secondary Review Areas



 YRDSB Secondary RA Boundaries

York Catholic District School Board (YCDSB) 2009 EDC Background Study Secondary Review Areas



 YCDSB Secondary RA Boundaries

1.3 Public Meetings

Before a school board can pass an EDC by-law, the legislation requires that the board hold at least two public meetings. The purpose of the meetings is to advise interested stakeholders and the public at large of the board's intentions and to review the new proposed EDC by-law. The public meetings also give the community and stakeholders the opportunity to voice any issues or concerns they have with regard to the proposed by-law.

The board is required to provide at least 20 days notice of the meeting and must make the background study as well as the new proposed by-law available to the public at least two weeks in advance of said meeting. Ontario Regulation 20/98 states that notice of a public meeting can be given in two ways:

- To every owner of land in the area to which the proposed by-law would apply by personal service, fax or mail.
- By publication in a newspaper that is, in the secretary of the Board's opinion, of sufficiently general circulation in the area to which the proposed by-law would apply to give the public reasonable notice of the meeting.

If a school board already has an existing in-force EDC by-law in place, the Board must hold an additional meeting to review the existing policies of the current EDC by-law. This part of the process is necessary in order to fulfil the necessary requirements of the policy review process. It should be noted that this policy review meeting can be addressed by the Board during its EDC public meeting. Both Boards intend to hold their policy review meeting on the same night as the EDC public meeting.

The School Boards intend to hold joint public meetings for both the EDC policy review as well as to inform the public as to the new proposed EDC by-law. The Boards will hold such meetings on Thursday, May 15th, 2014 at the Catholic Board's office. These meetings will satisfy the legislative requirements of two required public meetings – the policy review public meeting and the proposed new by-law public meeting. A third public meeting will be held to consider passage of the new by-laws. Both the YRDSB and YCDSB plan to consider passage of the new EDC by-law on Monday, June 9th, 2014 at the Public Board's Office. The joint public notice for the Boards can be found on the following page.



**NOTICE OF PUBLIC MEETINGS
YORK CATHOLIC DISTRICT SCHOOL BOARD
YORK REGION DISTRICT SCHOOL BOARD
EDUCATION DEVELOPMENT CHARGES**



TAKE NOTICE that on Thursday, May 15, 2014 at 7:00 p.m., the York Catholic District School Board and the York Region District School Board (the “Boards”) will hold a joint public meeting pursuant to subsection 257.60(2) of the Education Act (the “Act”) at the following location:

Board Room
York Catholic District School Board
320 Bloomington Road West
Aurora, Ontario

The Boards have begun the process of preparing successor education development charge by-laws for the Region of York. The purpose of this first meeting on May 15, 2014 will be to review the current education development charge policies of the Boards and to solicit public input. All interested persons are invited to attend. Any person who attends the policy review meeting may make a representation to the Boards in respect of the policies. The Boards will also consider written submissions.

AND FURTHER TAKE NOTICE that, immediately following the policy review meeting referred to above, the Boards will jointly hold a second public meeting on Thursday, May 15, 2014 at the same location pursuant to section 257.63 of the *Education Act* to consider proposed education development charges which may be imposed pursuant to education development charge by-laws against land undergoing development in the Region of York.

The purpose of the second meeting on May 15, 2014 will be to inform the public generally about the education development charge proposals of the Boards for the Region of York and to permit any person who attends the meeting to make a representation to the Boards relating to the proposed charges. All interested persons are invited to attend. The Boards will also consider written submissions.

AND FURTHER TAKE NOTICE that the Boards will consider enacting successor by-laws imposing education development charges in the Region of York at a joint public meeting to be held on Monday, June 9, 2014 at 7:00 p.m. at the following location:

Board Room
York Region District School Board
60 Wellington Street West
Aurora, Ontario

All interested parties are invited to attend. Any person who attends the meeting may make representations to the Boards in respect of this matter. Written submissions will also be considered.

Should successor by-laws be passed on such date, collection of education development charges pursuant to such by-laws may commence on July 1, 2014.

All submissions received in writing and those opinions expressed at the public meetings will be considered prior to the Boards’ decisions.

A Policy Review Document setting out each Board’s education development charge policies and the Education Development Charge Background Study required Section 257.61 of the Act (including the proposed EDC by-laws) setting out each Board’s education development charge proposal will be available on or after April 21, 2014 at each Board’s administration office (at the addresses set out above), during regular office hours, and will also be posted on the Boards’ websites (www.ycdsb.ca and www.yrdsb.ca).

The Boards would appreciate receiving written submissions one week prior to the public meetings referred to above so that they may be distributed to trustees prior to the meetings. Submissions and requests to address the Boards as delegations or any comments or requests for further information regarding this matter should be submitted to:

Tom Pechkovsky, Manager of Planning Services
York Catholic District School Board
Telephone: 1.905.713.1211 Ext. 12374
Facsimile: 1.905.713.1269
E-mail: tom.pechkovsky@ycdsb.ca

Jane Ross, Senior Manager Planning and Property Development Services
York Region District School Board
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York Catholic District School Board
Elizabeth Crowe
Chair of the Board

Patricia Preston
Director of Education

York Region District School Board
Anna DeBartolo
Chair of the Board

Ken Thurston
Director of Education

1.4 Appeals and Complaints

Once an Education Development Charge is passed and put into effect there are avenues available to the public to either appeal the by-law itself or to argue payment or application of the charge.

APPEALS

The Education Development Charge by-law can be appealed by any individual or organization in accordance with the provisions in the *Education Act*. Sections 257.64 to 257.69 of the Act outline the legislation dealing with the appeal of the EDC by-law. The by-law is subject to appeal for a maximum of 40 days after the by-law has been passed. The school boards must provide a written notice that an EDC by-law has been passed (within 20 days of passage) and this notice must include information on how to file an appeal.

The requirements that must be included in a by-law notice are outlined in O.Reg 20/98 S.12 (5):

1. A statement that the board has passed an education development charge by-law.
2. A statement setting out when the by-law was passed and what its number is.
3. ***A statement that any person or organization may appeal the by-law to the Ontario Municipal Board under section 257.65 of the Act by filing with the secretary of the board a notice of appeal setting out the objection to the by-law and the reasons supporting the objection.***
4. ***A statement setting out what the last day for appealing the by-law is.***
5. An explanation of the education development charges imposed by the by-law on residential development and non-residential development.
6. A description of the land to which the by-law applies.
7. A key map showing the lands to which the by-law applies or an explanation of why a key map is not provided.
8. An explanation of where and when persons may examine the copy of the by-law.
9. A statement that notice of a proposed by-law amending the education development charge by-law or the passage of such an amending by-law is not required to be given 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 education development charge by-law and has provided a return address.

According to S.257.64 (4) of the Act, "A notice required under this section shall be deemed to have been given,

- (a) If the notice is by publication in a newspaper, on the day that the publication occurs;
- (b) If the notice is given by mail, on the day that the notice is mailed.

An appeal of the EDC by-law goes to the Ontario Municipal Board (OMB) to be decided. All appeals must be filed in writing with the secretary of the school board within the allotted time allowed. The reasons for the appeal must be included in the notice. It is the responsibility of the secretary of the board to forward a copy of the Notice of Appeal to the OMB within 30 days after the last day of the appeal period. In addition to the Notice, the secretary must provide:

- A copy of the by-law certified by the secretary.
- A copy of the background study.
- An affidavit or declaration certifying that notice of the passing of the by-law was provided in accordance with the *Education Act*.
- The original or true copy of all written submissions and material relevant to the by-law.

After hearing an appeal the OMB may decide to:

- Dismiss the appeal in whole or in part.
- Order the board to repeal or amend the by-law.
- Repeal or amend the by-law itself.

If the by-law is repealed then the EDCs that have already been paid must be refunded. If the by-law is amended and the amended charge is lower than the original charge, the difference must be refunded. All refunds are due within 30 days of the by-law being repealed or amended. While the OMB does have the power to repeal or amend the by-law, the OMB does not have jurisdiction to increase the quantum of the charge, remove or reduce the scope of discretionary exemptions or change the expiration date of the by-law.

An amended EDC by-law can also be appealed and is subject to the same requirements as discussed with regular appeals. One important difference, however, is that in an appeal to an amended by-law, the scope of the appeal is limited to only the provisions that have been amended.

In 2009, 1541677 Ontario Inc., 1612072 Ontario Inc. and 1691126 Ontario Inc. appealed the Boards' by-laws to the OMB on the basis that, among other things, the same education development charge was applied to all residential development, irrespective of unit type. In December, 2012, the appellants withdrew the appeals they had filed in respect to the Boards' EDC by-laws.

COMPLAINTS

Once the EDC by-law has been imposed and the appeal period has passed, the public still has the ability to argue the application of the by-law. The *Education Act*, specifically S.257.85 allows land owners to make formal complaints to the Municipality which collects the charge in the area of the EDC by-law.

s.257.85 (1):

An owner, the owner's agent or a board, may complain to the council of the municipality to which an education development charge is payable that,

- (a) The amount of the education development charge was incorrectly determined;
- (b) A credit is or is not available to be used against the education development charge, or that the amount of a credit was incorrectly determined; or
- (c) There was an error in the application of the education development charge by-law.

A complaint must be made in writing and must be made no later than 90 days after the education development charge (in whole or in part) is payable. The complaint must include;

- The name of the complainant.
- Address where notice can be given.
- The reason for the complaint.

Once a complaint is filed with Council, a hearing date is set and the complainant must be notified at least 14 days in advance of said hearing. Each party (the complainant and the school board) is provided with the opportunity to make representations. The municipal council is able to make certain decisions regarding the complaint – they can dismiss the complaint or can rectify any determinations or errors that were the subject of the complaint.

If Council's decision increases the EDC, the amount is immediately payable by the person who originally paid the EDC. If the EDC decreases, the overpayment must be immediately refunded by the school board (including interest) to the complainant.

Within 20 days of Council's decision the clerk of the municipality must give the parties written notice of the decision including the last day (40 days from the decision date) for appealing the decision.

Appeals regarding municipal decisions are filed by submitting a Notice of Appeal to the clerk of the municipality. Within 30 days of the Notice of Appeal being filed, the clerk must provide the OMB with:

-
- A copy of the EDC by-law certified by the clerk.
 - An original or true copy of the complaint and all materials submitted by the parties.
 - A certified copy of the decision of the municipal council.
 - An affidavit or declaration certifying that the notification of the council's decision was rendered in accordance with the *Education Act*.

In addition to appealing the decision of the municipal council regarding EDC complaints, an appeal may also be filed if the municipality does not deal with the complaint within 60 days of being made.

According to s.257.89 (3) of the Act, in appeals dealing with municipal decisions, the Ontario Municipal Board, "may do anything that could have been done by the council of the municipality under subsection 257.85 (7)."

The Boards received a complaint from a landowner in King Township with respect to the application of the EDC by-laws where he was replacing two dwellings on a property with a single residential home.

After reviewing the facts and obtaining information from the municipality, the Boards decided that the complaint was valid and refunded the EDC's that had been paid by the landowner.

2. EDUCATION DEVELOPMENT CHARGE POLICIES

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The purpose of the policy review is to examine the current policies of the Boards' existing EDC by-laws (which can be found in appendix A). The examination includes an analysis of the by-laws and any appeals or complaints related to the by-law and related policies. It also allows school boards an opportunity to discuss their policies, both internally and with the public, to determine if changes to their existing policies are necessary for future by-laws. This section of the report explains the key EDC policies which shape the existing by-laws of the School Boards.

The policy decisions of the YRDSB and YCDSB are largely consistent with each other which is common amongst coterminous school boards with consistent EDC jurisdictions.

2.1 Percentage of Growth-Related Net Education Land Costs to be Borne Through EDCs

This policy determines the percentage of a board's net education land costs that can be collected through the imposition of Education Development Charges. A board can decide to collect anywhere from 0%-100% of its costs through EDCs.

Typically most school boards calculate their EDCs to recover 100% of their net education land costs. However, the granting of non-statutory exemptions would limit boards from actually collecting 100%. Most school boards with existing EDC by-laws collect less than 100% of net education land costs because they have granted some form of non-statutory exemptions through negotiations with development community interests or in response to positions by local governments or other interested stakeholders. Non-statutory exemptions are more common on the non-residential component of EDCs.

It is important to note that EDCs are a major source of funding for new school sites for boards that qualify. School boards no longer have the ability to collect taxes as a funding source and thus have limited ability to make up shortfalls if full cost recovery of land costs is not borne by EDCs. Non-statutory exemptions granted by a school board result in a loss of revenue which must be absorbed by the board.

In late 2011 the Boards received correspondence from the Towns of Georgina and East Gwillimbury asking the Boards to consider changing their demolition exemptions from 5 years to 10 years to be consistent with changes those Municipalities made to their Development Charge by-laws. The Boards advised the Municipalities that they would consider the recommendation but that they must evaluate the recommendation as to how it applies to the Region as a whole and not to specific areas of settlement.

2.2 Non-Statutory Residential Exemptions

This policy directly relates to the percentage of net education land costs that are borne through EDCs. If less than 100% of land costs are collected it is primarily because of some form of non-statutory exemption. Non-statutory residential exemptions are decided by the Board and would exempt a type or form of residential housing from EDCs.

The legislation sets out certain **statutory** residential exemptions – these exemptions are factored into the calculation of the EDCs and do not result in a revenue loss to the Boards. The residential exemptions in the legislation deal with the intensification of units and the replacement of units.

If an existing dwelling unit is enlarged or the density is increased (single detached converted into a duplex) the development would be exempt from EDCs. The Act does not allow EDCs to be charged if the action:

- Permits the enlargement of an existing dwelling unit; or
- Permits the creation of one or two additional dwelling units as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential buildings.

O.Reg. 20/98 S.3 provides a table with the name and description of classes of residential buildings and the maximum number of units that can be added under the intensification exemption.

Class Of Building	Description	Maximum # Of Units	Restrictions
Single Detached	Single dwelling units not attached to another unit.	TWO	Gross floor area of new units must be less than or equal to gross floor area of existing dwelling.
Semi-Detached	Single dwelling units that have only one or two vertical walls attached to other buildings.	ONE	Gross floor area of new units must be less than or equal to gross floor area of existing dwelling.
Other	Dwelling units not described in other parts of this table.	ONE	Gross floor area of new units must be less than or equal to gross floor area of the smallest existing unit in the building.

The legislation ensures that estimates are made with regard to the number of units in the residential forecast that would be exempt under this requirement. Part 3, s.7.1 of O.Reg. 20/98 S.7, paragraph 1 states, “The board shall estimate the number of new dwelling units in the area in which the charges are to be imposed for each of the 15 years immediately following the day the board intends to have the by-law come into force. ***The board’s estimate shall include only new dwelling units in respect of which education development charges may be imposed.***”

Additionally, if an existing dwelling unit has been demolished or destroyed by fire it is also exempt from EDCs subject to certain provisions. O.Reg 20/98 s.4 describes when a replacement unit is exempt.

- The replacement dwelling must be on the same site as the original dwelling unit that was destroyed or rendered uninhabitable by fire, demolition or otherwise. For the exemption to apply the building permit for the replacement dwelling must be issued two years or less after the date on which the former dwelling unit was destroyed or became uninhabitable, or a demolition permit was issued.

Non-statutory residential exemptions can include certain types of developments like those catered to seniors or adult lifestyles. These units may generate lower numbers of school aged children than typical developments. It should be noted, however, that there is no ability under the *Building Code Act* to limit the number of occupants in a dwelling. This means that regardless of how a development may be marketed there are no guarantees of long term occupancy and thus no guarantees of the resultant number of school aged children. Other forms of residential non-statutory exemptions could relate to affordable housing developments, municipal building initiatives etc.

The YRDSB and YCDSB do not have any non-statutory residential exemptions in their existing EDC by-laws.

2.3 Non-Statutory Non-Residential Exemptions

School boards which have a non-residential component to their EDC by-laws can elect to impose non-statutory non-residential exemptions. A non-statutory non-residential exemption would exempt certain determined types of non-residential development that would ordinarily be subject to the EDC. A non-statutory exemption would result in a school board collecting less than 100% of their net education land costs through EDCs.

As with residential development, the legislation classifies certain types of non-residential developments which are statutorily exempt from paying EDCs. There are three primary types of statutory exemptions dealing with non-residential developments:

- Land owned by school boards or municipalities.
- Enlargement of industrial developments.
- Replacement developments (subject to certain provisions).

Section 257.54 (5) of the Act states, “No land, **except land owned by and used for the purposes of a board or a municipality**, is exempt from an education development charge under a by-law passed under subsection (1) by reason only that it is exempt from taxation under section 3 of the Assessment Act.”

With regard to industrial development additions/enlargements the Act goes on to say in Section 257.55 (1-3);

“If a development includes the enlargement of the 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 this section.”

Enlargement 50% or less:

“If the gross floor area is enlarged by 50% or less, the amount of the EDC in respect of the enlargement is zero.”

Enlargement more than 50%:

“If the gross floor area is enlarged by more than 50%, the amount of the EDC in respect of the enlargement is the amount of the EDC that would otherwise be payable multiplied by the fraction determined as follows:

1. Determine the amount by which the enlargement exceeds 50% of the gross floor area before the enlargement.
2. Divide the amount determined under paragraph 1 by the amount of the enlargement.

Non-residential exemptions related to the replacement of units are similar to the residential replacement exemption with two notable exceptions. In the residential exemption a unit deemed to be exempt because of replacement must have a permit issued within two years of the date the unit was destroyed. With non-residential buildings the permit must be issued within **5** years of the date the building was destroyed for the exemption to apply. The second difference with non-residential replacement exemptions applies when a replacement building is built larger than the original building. O.Reg 20/98, S.5 (2) states;

“If the board determined GFA of the non-residential part of the replacement building exceeds the board determined GFA of the non-residential building being replaced, the board is only required to exempt the owner with respect to the portion of the EDC calculated in accordance with the following formula:

Exempted Portion = [GFA (old) / GFA (new)] X EDC

All statutory non-residential exemptions are factored into the EDC calculation. Estimates of institutional space (school boards/municipalities) and industrial expansions are made and the non-residential forecast is adjusted accordingly to ensure this space is excluded from the projection.

Examples of a non-statutory non-residential exemptions can include, public hospitals, places of worship, farm buildings etc. There have been a variety of non-statutory non-residential exemptions granted in EDC by-laws around the Province.

Any non-statutory non-residential exemptions, can be found in the Boards' existing EDC by-laws.

2.4 Jurisdiction-Wide or Area-Specific EDCs

An EDC by-law can apply to the entire region of a school board's jurisdiction or can apply to specific areas of the jurisdiction. The policy allows school boards to determine whether they charge one rate for all units in their jurisdiction, one rate for a specific area in their jurisdiction or various rates for different areas in their jurisdiction.

Section 257.54 (4) of the Act states, "An education development charge by-law may apply to the entire area of jurisdiction of a board or only part of it." It is important to note that some board's jurisdictions are divided into regions and s.257.57 of the Act describes the necessary requirements if a board's jurisdiction is divided into regions:

"If the regulations divide the area of the jurisdiction of a board into prescribed regions for the purposes of this section the following apply:

1. Despite subsection 257.54 (4), an education development charge by-law of the board shall not apply with respect to land in more than one region.
2. The EDCs collected under an EDC by-law that applies to land in a region shall not, except with prior written approval of the Minister, be used in relation to land that is outside that region."

Each EDC by-law in a board's jurisdiction must establish its own separate EDC reserve fund. Section 257.82 (1) of the Act states, "A board that has passed an education development charge by-law shall establish reserve funds in accordance with the regulations." O.Reg 20/98, S.16 (1 and 2) goes on to say:

"A board shall, under section 257.82 of the Act, establish an EDC reserve fund for the area to which an EDC by-law applies."

“Money from an EDC charge reserve fund established under subsection (1) may be used only,

- (a) For growth-related net education land costs attributed to or resulting from development in the area to which the education development charge by-law applies.”

The majority of existing EDC by-laws across the Province are applied on a jurisdiction wide basis. The area specific by-laws that are in-force occur in jurisdictions where there is a clear and specific area of growth with little development opportunities elsewhere in the board’s jurisdiction. Boards typically elect to impose jurisdiction wide by-laws because:

- A jurisdiction-wide approach is more consistent with the way in which education services are provided by boards;
- A jurisdiction-wide charge affords more flexibility for boards to meet their long-term accommodation needs;
- Uniform application of education development charges is more congruent with the education funding model as a whole.

The YRDSB and YCDSB’s existing EDC by-laws are applied on a jurisdiction wide basis to the geographic area of the Region of York.

2.5 Percentage of Net Education Land Costs to be Borne by Residential and Non-Residential Development

The total net education land costs that a board is eligible to collect through EDCs can be allocated between residential and non-residential development. A school board can decide to allocate anywhere from 0%-40% of their land costs to be borne by non-residential development.

O.Reg 20/98 s.7, paragraph 8 says, “The board shall choose the percentage of the growth-related net education land cost that is to be funded by charges on residential development and the percentage, if any, to be funded by charges on non-residential development. The percentage that is to be funded by charges on non-residential development shall not exceed 40%.”

Existing EDC by-laws in the Province vary between 0% to about 25% non-residential components - the average is approximately 10-15%.

The YRDSB and YCDSB have existing EDC By-laws which are allocated 90% to residential development and 10% to non-residential development. This means that 90% of the net education land costs are currently collected through residential building permits and 10% from non-residential building permits.

2.6 Uniform EDC Rate or Differentiated EDC Rate

This policy deals with the application of the EDC rate either uniformly for all types of developments or differentiated by prescribed types of development. The school board can decide to apply one EDC rate regardless of the type or density of dwelling unit. The board can also choose to apply different EDC rates to different types or densities of developments – for example, single family units could have one rate, townhomes could have one rate etc.

Initially the legislation permitted school boards to only charge a uniform rate across all types of developments. Changes to the EDC regulations in 2002 gave boards the ability to impose EDCs with different charges based on the type of residential development (i.e. single family vs. apartments). O. Reg 20/98, S.7, paragraph 9.1 (as amended) states, “Despite paragraph 9, if the board intends to impose different charges on different types of residential development, the board shall determine,

- i. The percentage of the growth-related net education land cost to be funded by charges on residential development that is to be funded by each type of residential development,
- ii. The charges on each type of residential development, subject to the rules in subparagraphs 9 i, ii, iii.

The differentiated rate is premised on the basis that different units produce school aged pupils at different rates and the land costs are apportioned relative to the distribution of pupils by unit type. The Ministry’s EDC Guidelines suggest that boards may define dwelling types based on the nature of developments and criteria that are relevant to the board (e.g. low, medium, high or singles, townhomes, apartments, etc.). The Guidelines encourage the boards to be as consistent as possible with municipalities impacted by the EDCs when determining categories of development if considering a differentiated rate.

The determination of a uniform or differentiated charge does not necessarily impact the revenue collected by the Board. Typically input is sought from the development community and local governments during the public consultation process to determine the ideal by-law structure for the board and its jurisdiction. There are currently no existing by-laws in the Province that have a differentiated EDC rate.

The YRDSB and YCDSB’s existing EDC by-laws have a uniform rate that is applied across all types of residential development.

2.7 Conversion Credits

There are provisions in the legislation dealing with the payment of EDCs and the replacement of residential and non-residential space. However, there is no specific legislation dealing with the conversion of space from residential to non-residential or vice versa.

The Ministry's EDC Guidelines state that:

“Board by-laws may include provisions for credits for land use conversion. Typically, this situation would arise if an EDC is paid for one type of development (i.e. residential) and shortly thereafter (the period defined in the board's by-law), the land is rezoned and a new building permit is issued for redevelopment (i.e. non-residential). EDC by-laws may include provisions for providing credits to take into account the EDC amount paid on the original development (generally offsetting the EDC amount payable on the redevelopment).”

The existing by-laws of the YRDSB and YCDSB do have provisions for conversion credits which can be found in the existing by-laws.

2.8 Alternative Accommodation Arrangements and Operating Budget Surpluses

The majority of policies discussed in this report deal with policies that require certain decisions and determinations to be made by the school board. The final two policies that will be outlined are policies that the legislation specifically requires the boards to include before it can pass an EDC by-law. The first policy requires boards to examine possible alternative accommodation arrangements and the second policy requires boards to allocate any operating budget they deem to be surplus to the needs of the Board to offset EDCs.

The first policy that a statement must be provided for is the alternative accommodation arrangement policy. The statement must include information on the board's policy with regard to how it deals with alternative accommodation arrangements to provide pupil accommodation and how it could reduce or eliminate the need for EDCs. If the board has had a previous by-law then information respecting how alternative accommodation arrangements were implemented (or not implemented) must also be provided.

The second policy statement deals with the policy on operating budget surpluses. The statement included in the background study must state that the board has reviewed its current operating budget for potential savings that could be applied to the EDC. The statement must also include the amount of potential savings that would be applied to the EDC, if any.

O.Reg. 20/98, S.9 (1), paragraph 6-8 state that the EDC Background Study must include,

- A statement of the board's policy concerning possible arrangements with municipalities, school boards or other persons or bodies in the public or private sector, including arrangements of a long-term or co-operative nature, which would provide accommodation for the new elementary school pupils and new secondary school pupils estimated under paragraph 3 of section 7, without imposing education development charges, or with a reduction in such charges.
- If a previous education development charge background study completed by the board included a statement under paragraph 6, a statement of how the policy referred to in the statement was implemented and, if it was not implemented, an explanation of why it was not implemented.
- A statement from the board stating that it has reviewed its operating budget for savings that could be applied to reduce growth-related net education land costs, and the amount of any savings which it proposes to apply, if any.

The Boards did not undertake any alternative accommodation arrangements that had the effect of reducing or eliminating the land costs of the existing EDC. In addition, both Board's did not have any surplus funds in the examination of their operating budgets that could be applied to EDC's. A copy of the Board's existing policy statements as well as the original policies can be found in appendix B of this report.

APPENDIX A
EDUCATION DEVELOPMENT CHARGE EXISTING BY-LAWS

YRDSB

YORK REGION DISTRICT SCHOOL BOARD

EDUCATION DEVELOPMENT CHARGES BY-LAW NO. #2009-02

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. The York Catholic District School Board has determined that the residential development of land to which this by-law applies increases education land costs.
3. The Board has referred its estimates of the total number of new elementary and secondary pupils and its estimates of the number of elementary and secondary school sites to the Ministry of Education for approval, with such approval being given on June 1, 2009, and the Board has complied with all other conditions prescribed by section 10 of Ontario Regulation 20/98.
4. The Board has conducted a review of its education development charge policies and held a public meeting on May 13, 2009 in accordance with section 257.60 of the Act.
5. The Board has given notice and held a public meeting on June 2, 2009 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 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 YORK REGION DISTRICT SCHOOL BOARD HEREBY ENACTS AS FOLLOWS:

PART 1

APPLICATION

Defined Terms

1. In this by-law,
 - (a) "Act" means the *Education Act*,
 - (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 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 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 defined in section 257.53(1) of the Act;
- (k) "mixed use" means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- (l) "non-residential use" means lands, buildings or structures or portions thereof used, or designed or intended for all uses other than residential use, and includes, but is not limited to, an office, retail, industrial or institutional use;
- (m) "residential development" means lands, buildings or structures developed or to be developed for residential use;
- (n) "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.

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.

Lands Affected

4.

- (a) Subject to section 4(b), 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*;
- (iv) 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;
- (v) The Toronto Area Transit Operating Authority ("GO Transit");
- (vi) every place of worship that is used primarily as a place of public worship and land used in connection therewith, and every churchyard, cemetery or burying ground, if they are exempt from taxation under section 3 of the *Assessment Act*;
- (vii) non-residential farm building;
- (viii) non-residential uses permitted pursuant to s. 39 of the *Planning Act*.

PART II - EDUCATION DEVELOPMENT CHARGES

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

- (a) the passing of a zoning by-law or of an amendment to zoning by-law under section 34 of the *Planning Act*;
- (b) the approval of a minor variance under section 45 of the *Planning Act*;
- (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
- (d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
- (e) a consent under section 53 of the *Planning Act*;
- (f) the approval of a description under section 50 of the *Condominium Act*; 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 50 of the *Condominium Act*; 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.

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 the 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 the By-law to increase the charge.

Residential Education Development Charges

9. Subject to the provisions of this by-law, the Board hereby imposes an education development charge of \$1,370 per dwelling unit upon the designated categories of residential development and 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.

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 Regulation 20/98 as follows:

NAME OF CLASS OF RESIDENTIAL BUILDING	DESCRIPTION OF CLASS 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

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, the Board hereby imposes an education development charge of \$0.35 per square foot of gross floor area of non-residential development 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.

Exemptions from Non-Residential Education Development Charges

13. 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.

14.

- (a) As required by section 5 of Regulation 20/98, subject to paragraphs (b) and (c), an education development charge under s. 11 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 11 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:

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

where,

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

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

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

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

- (c) The exemption in paragraph (a) does not apply if the building permit for the replacement building is issued more than five years after,
 - (i) the date the former building was destroyed or became unusable; or

- (ii) if the former building was demolished pursuant to a demolition permit issued before the former building was destroyed or became unusable, the date the demolition permit was issued.
 - (d) An education development charge shall be imposed in accordance with section 11 where the residential building or structure is replaced by or converted to, in whole or in part, a non-residential building or structure;
15. The education development charge to be imposed in respect of mixed use development shall be the aggregate of the amount applicable to the residential development component and the amount applicable to the non-residential development component.
- (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 the 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 the By-law to increase the charge.

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);
 - (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 in 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. All education development charges payable shall be paid by cash, by certified cheque or by bank draft.

19. 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.

20. Withdrawals from an EDC Account shall be made in accordance with the Act, the Regulations and this By-Law.

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, 2009.

Date By-law Expires

24. This by-law shall expire on June 30, 2014 unless it is repealed at an earlier date.

Repeal

25. York Region District School Board Education Development Charges By-Law 2004-02 is hereby repealed effective as of July 1, 2009.

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.

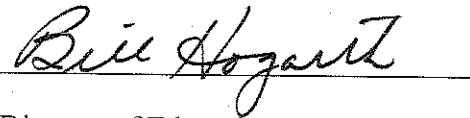
Short Title

28. This by-law may be cited as the York Region District School Board Education Development Charges By-law No. 2009-02

ENACTED AND PASSED this 2nd day of June, 2009.



Chairperson



Director of Education and Secretary

YCDSB

YORK CATHOLIC DISTRICT SCHOOL BOARD

EDUCATION DEVELOPMENT CHARGES BY-LAW NO. 194

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. The York Catholic District School Board has determined that the residential development of land to which this by-law applies increases education land costs.
3. The Board has referred its estimates of the total number of new elementary and secondary pupils and its estimates of the number of elementary and secondary school sites to the Ministry of Education for approval, with such approval being given on June 1, 2009, and the Board has complied with all other conditions prescribed by section 10 of Ontario Regulation 20/98.
4. The Board has conducted a review of its education development charge policies and held a public meeting on May 13, 2009 in accordance with section 257.60 of the Act.
5. The Board has given notice and held a public meeting on June 2, 2009 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 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 YORK CATHOLIC DISTRICT SCHOOL BOARD HEREBY ENACTS AS FOLLOWS:

PART I

APPLICATION

Defined Terms

1. In this by-law,
 - (a) "Act" means the *Education Act*,
 - (b) "Board" means the York Catholic District School Board;
 - (c) "development" includes redevelopment;
 - (d) "dwelling unit" means a room or suite of rooms used, or designed or intended for use by one person or persons living together in which culinary and 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 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 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 defined in section 257.53(1) of the Act;
 - (k) "mixed use" means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
 - (l) "non-residential use" means lands, buildings or structures or portions thereof used, or designed or intended for all uses other than residential use, and includes, but is not limited to, an office, retail, industrial or institutional use;
 - (m) "residential development" means lands, buildings or structures developed or to be developed for residential use;
 - (n) "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.
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.

Lands Affected

- 4.
- (a) Subject to section 4(b), 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*;
- (iv) 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;
- (v) The Toronto Area Transit Operating Authority ("GO Transit");
- (vi) every place of worship that is used primarily as a place of public worship and land used in connection therewith, and every churchyard, cemetery or burying ground, if they are exempt from taxation under section 3 of the *Assessment Act*;
- (vii) non-residential farm building;
- (viii) non-residential uses permitted pursuant to s. 39 of the *Planning Act*.

PART II - EDUCATION DEVELOPMENT CHARGES

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

- (a) the passing of a zoning by-law or of an amendment to zoning by-law under section 34 of the *Planning Act*;
- (b) the approval of a minor variance under section 45 of the *Planning Act*;
- (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
- (d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
- (e) a consent under section 53 of the *Planning Act*;
- (f) the approval of a description under section 50 of the *Condominium Act*; 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 50 of the *Condominium Act*; 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.

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 the By-law to reduce the charge.

- (b) Where it appears to the Board that the land values underlying the education development charge calculation for 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 the By-law to increase the charge.

Residential Education Development Charges

9. Subject to the provisions of this by-law, the Board hereby imposes an education development charge of \$650 per dwelling unit upon the designated categories of residential development and 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.

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 Regulation 20/98 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

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, the Board hereby imposes an education development charge of \$0.17 per square foot of gross floor area of non-residential development 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.

Exemptions from Non-Residential Education Development Charges

13. 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.

14.

- (a) As required by section 5 of Regulation 20/98, subject to paragraphs (b) and (c), an education development charge under s. 11 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 11 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:

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

where,

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

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

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

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

- (c) The exemption in paragraph (a) does not apply if the building permit for the replacement building is issued more than five years after,
 - (i) the date the former building was destroyed or became unusable; or

- (ii) if the former building was demolished pursuant to a demolition permit issued before the former building was destroyed or became unusable, the date the demolition permit was issued.
 - (d) An education development charge shall be imposed in accordance with section 11 where the residential building or structure is replaced by or converted to, in whole or in part, a non-residential building or structure;
15. The education development charge to be imposed in respect of mixed use development shall be the aggregate of the amount applicable to the residential development component and the amount applicable to the non-residential development component.
- (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 the By-law to reduce the charge.
 - (b) Where it appears to the Board that the land values underlying the education development charge calculation for 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 the By-law to increase the charge.

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);
 - (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 in 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. All education development charges payable shall be paid by cash, by certified cheque or by bank draft.

19. 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.

20. Withdrawals from an EDC Account shall be made in accordance with the Act, the Regulations and this By-Law.

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, 2009.

Date By-law Expires

24. This by-law shall expire on June 30, 2014 unless it is repealed at an earlier date.

Repeal

25. York Catholic District School Board Education Development Charges By-Law 187 is hereby repealed effective as of July 1, 2009.

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.

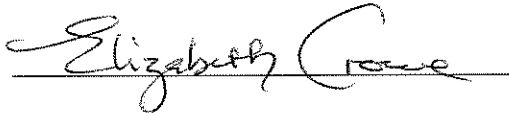
Interpretation

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.

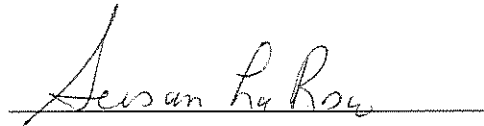
Short Title

28. This by-law may be cited as the York Catholic District School Board Education Development Charges By-law No. 194.

ENACTED AND PASSED this 2nd day of June, 2009.



Chairperson



Director of Education and Secretary

APPENDIX B
EDUCATION DEVELOPMENT CHARGE POLICY
STATEMENTS ON ALTERNATIVE ACCOMMODATION
ARRANGEMENTS AND OPERATING BUDGET SURPLUS

YRDSB



Board Policy #470.0 Education Development Charges: Alternative Arrangements for School Facilities

Document Integration Project Format

1. Background

- (1) A number of legislative provisions encourage school boards to consider alternative arrangements for the accommodation of elementary and secondary school pupils to the usual arrangement under which a school site is acquired and a stand-alone school is built on it.
- (2) Ontario Regulation 20/98 provides that the education development charge background study contain:
 - a. A statement of the Board's policy concerning possible arrangements with municipalities, school boards or other persons or bodies in the public or private sector, including arrangements of a long-term or co-operative nature, which would provide accommodation for the new elementary school pupils and new secondary school pupils estimated under paragraph three of section seven, without imposing education development charges, or with a reduction in such charges.
 - b. If a previous education development charge background study completed by the Board included a statement under paragraph six, a statement of how the policy referred to in the statement was implemented and, if it was not implemented, an explanation of why it was not implemented.
- (3) Regulation 446/98 (Reserve Funds) permits a school board to utilize proceeds in the Pupil Accommodation Allocation Reserve Fund for the acquisition of "school sites that are acquired as part of transactions under which the board also acquires school buildings on the school sites".
- (4) Section 110.1 of the Municipal Act authorizes municipalities and school boards to enter into arrangements under which they can provide for exemptions from taxation for municipal and school purposes of land or a portion of it that is "entirely occupied and used or intended for use for a service or function that may be provided by a "school board" or municipality". It also authorizes an exemption to be given from municipal and education development charges in certain circumstances.
- (5) The Board recognizes that alternative arrangements can provide an opportunity to improve service delivery and peak enrolment capacity, reduce duplication of public facilities, maximize the effective use of available dollars, and reduce site size requirements. These include a variety of acquisition strategies such as forward buying, options, purchases, lease buy-back, site exchanges and joint venture partnerships.
- (6) The Board's record demonstrates this commitment through projects such as:
 - Newmarket High School and Theatre (1996);
 - Westmount Collegiate Institute, Multi-Use Project (1996);
 - Black River Public School, Multi-Use Project (1996);
 - Red Maple Public School, Multi-Use Project (2003);
 - Richmond Green Secondary School and Municipal Library (2005).

2. Direction

The Board will consider possible arrangements with municipalities, school boards or other persons or bodies in the public or private sector, including arrangements of a long-term or cooperative nature, which would provide accommodation for the new elementary school pupils and new secondary school pupils who are resident pupils of the Board, subject to the requirements set out below.

3. Requirements

- (1) The arrangement must be cost effective and advantageous for the Board compared to other possible arrangements including an acquisition of a school site and the construction of a free-standing building.
- (2) The arrangement shall comply with any guidelines issued by the Ministry of Education.
- (3) The Board may enter into lease arrangements respecting school facilities intended to be used to accommodate peak enrolment, but shall not enter into such arrangements respecting school facilities that are necessary to accommodate long-term enrolment unless the arrangements could result in ownership at the Board's discretion.
- (4) The Board shall retain sufficient governance authority over the facility to ensure that it is able to deliver the appropriate educational program to its pupils, and to ensure that its identity, ambience and integrity are preserved.
- (5) The facility shall have a separate entrance with the school name on the exterior of the school easily visible from the street.

POLICY HISTORY

Approved 1999

Revised 2004

Revised 2010

It is the expectation of the York Region District School Board that all employees, students and persons invited to or visiting Board property; or partaking/volunteering in Board or school-sponsored events and activities will respect the policies and procedures of the Board. The term "parents" refers to both biological/adoptive parents and guardians in all Board policies and procedures.



Board Policy #475.0

Education Development Charges: School Sites – Operating Budget Surplus

Document Integration Project Format

1. Background

- (1) Section 9 (1) paragraph 8 of O. Reg. 20/98 (Education Development Charges – General) provides that an education development background charge study must contain:
 8. *A statement from the board stating that it has reviewed its operating budget for savings that could be applied to reduce growth-related net education land costs, and the amount of any savings which it proposes to apply, if any.*
- (2) It is therefore necessary that the review referred to in Section 9(1) paragraph 8 be conducted annually as part of the process of setting the estimates.
- (3) Under the General Legislative Grant Regulation, only a surplus from the non-classroom part of the estimates is eligible to be used to acquire school sites, thereby reducing the “growth-related net education land cost” and the education development charge that may be levied by the Board.

2. Direction

Where there has been or it appears that there will be a surplus in the non-classroom part of the estimates of the school board in a fiscal year, the Board shall determine on an annual basis whether all, part, or none of the surplus will be designated as available for the purpose of acquiring school sites by purchase, lease or otherwise.

3. Regulations

- (1) A Board shall annually pass a motion substantially in the form attached as the appendix to this policy.

POLICY HISTORY

Approved 1999
Revised 2004
Revised 2010

It is the expectation of the York Region District School Board that all employees, students and persons invited to or visiting Board property; or partaking/volunteering in Board or school-sponsored events and activities will respect the policies and procedures of the Board. The term “parents” refers to both biological/adoptive parents and guardians in all Board policies and procedures.

APPENDIX

BOARD MOTION PURSUANT TO THE POLICY ENTITLED “SCHOOL SITES – OPERATING BUDGET SURPLUS” CONCERNING THE USE OF OPERATING BUDGET SURPLUSES FOR THE ACQUISITION OF SCHOOL SITES

Whereas it appears that there has been or that there will be a surplus in the non-classroom part of the budget.

Moved that:

- (1) The Board will designate \$Y as available for the purpose of acquiring school sites by purchase, lease or otherwise;
- (2) The Board’s reasons for so deciding are as follows:

(Reasons for the decision should be included which indicate where the Board will be directing the funds and its basic reasons for doing so. The purpose for this part of the motion is to ensure that a clear record of the Board’s decision and its reasons are available as part of the public record for inclusion in the education development charge background study.)

POLICY HISTORY

Approved 1999
Revised 2004
Revised 2010

It is the expectation of the York Region District School Board that all employees, students and persons invited to or visiting Board property; or partaking/volunteering in Board or school-sponsored events and activities will respect the policies and procedures of the Board. The term “parents” refers to both biological/adoptive parents and guardians in all Board policies and procedures.

York Region DSB

Statement of Implementation of Education Development Charges: Alternative Arrangements for School Facilities Policy

On March 4, 2014, the York Region District School Board approved the following statement of implementation of the Board's Education Development Charges: Alternative Arrangements for School Facilities Policy 470.0, as recommended on February 18, 2014 by the Property Management Committee:

That the York Region District has adopted a policy concerning alternative accommodation arrangements and has implemented the policy by entering into a joint-venture partnership with the Town of East Gwillimbury at Phoebe Gilman Public School.

Operating Budget Review

On March 4, 2014, the York Region District School Board approved the following statement pursuant to the Board's Education Development Charges: School Sites-Operating Budget Surplus Policy 470.0, as recommended on February 18, 2014 by the Property Management Committee:

That the York Region District School Board has reviewed its operating budget for the year ending August 31, 2014 for savings that could be applied to reduce growth-related net education land costs. Such review disclosed that there is no surplus of operating funds available for such capital needs. The Board has therefore determined that the amount of the savings which it proposes to apply to reduce growth-related net education land costs is nil.

YCDSB

YORK CATHOLIC DISTRICT SCHOOL BOARD



BOARD POLICY	
<i>Policy Section</i> Property	<i>Policy Number</i> 706
<i>Former Policy #</i> 503	<i>Page</i> 1 of 3
<i>Original Approved Date</i> November 1999	<i>Subsequent Approval Dates</i> February 25, 2014

POLICY TITLE: ALTERNATIVE ACCOMMODATION ARRANGEMENTS

SECTION A

1. PURPOSE

Legislative provisions encourage school boards to consider alternative accommodation arrangements for all elementary and secondary students when acquiring a school site or building a stand alone school. The purpose of this policy is to guide Senior Administration in the identification of partnerships that support Board priorities, within the specified requirements outlined in this policy.

2. POLICY STATEMENT

The York Catholic District School Board will consider possible alternative accommodation arrangements with municipalities, school boards or other persons or bodies in the public or private sector, including arrangements of a long-term or cooperative nature for the benefit of all new elementary and new secondary students.

3. PARAMETERS

- 3.1 *Ontario Regulation 20/98* provides that an education development charge background study shall contain:
 - 3.1.1. A statement of the board's policy concerning possible arrangements with municipalities, school boards or other persons or bodies in the public or private sector, including arrangements of a long-term or co-operative nature, which would provide accommodation for the new elementary school pupils and new secondary school pupils, without imposing education development charges, or with a reduction in such charges; and,
 - 3.1.2 If a previous education development charge background study completed by the board included a statement of how the policy referred to in the statement was implemented and, if it was not implemented, an explanation of why it was not implemented.

- 3.2 The *Municipal Act, 2001* authorizes municipalities and school boards to enter into arrangements under which they can provide for exemptions from taxation for municipal and school purposes of land or a portion of it that is "entirely occupied and used or intended for use for a service or function that may be provided by a "school board" or

municipality. It also authorizes an exemption to be given from municipal and education development charges in certain circumstances.

- 3.3 The Board recognizes that Alternative Accommodation Arrangements can provide an opportunity to improve service delivery and address peak enrolment capacity, reduce duplication of public facilities, maximize the effective use of available dollars, and reduce site size requirements. These include a variety of acquisition strategies such as forward buying, options, purchases, lease buy-back, sites exchanges and joint venture partnerships.
- 3.4 The Board's Alternative Accommodation Arrangement shall demonstrate and record this commitment, as per legislative requirements, e.g., St. Nicholas (1994), Sutton Multi-use Facility (St. Bernadette, 1996), St. John Chrysostom (2003), Langstaff Discovery Centre (Blessed Pope John Paul II, 2003), St. Jean de Brebeuf C.H.S. (2005).
- 3.5 The arrangement shall be cost effective and advantageous for the Board compared to other possible arrangements including an acquisition of a school site and the construction of a free standing building.
- 3.6 The arrangement shall comply with any guidelines issued by the Ministry of Education.
- 3.7 The Board may enter into lease arrangements respecting school facilities intended to be used to accommodate peak enrolment, but shall not enter into such arrangements respecting school facilities that are necessary to accommodate long-term enrolment unless the arrangements could result in ownership at the Board's discretion.
- 3.8 The Board shall retain sufficient governance authority over the facility to ensure that it is able to deliver the appropriate educational program to its pupils, and to ensure that its Catholic identity, ambience and integrity are preserved.
- 3.9 Any Joint Use facility shall have a separate entrance and separate Administrative area with the school name on the exterior of the school that is easily visible from the street.

4. RESPONSIBILITIES

4.1 Board of Trustees

- 4.1.1 To support the Alternative Accommodation Arrangements policy.

4.2 Director of Education

- 4.2.1 To oversee compliance of the Alternative Accommodation Arrangements policy.

4.3 Associate Director of Corporate Services

- 4.3.1 To ensure compliance with the Alternative Accommodation Arrangements policy.

4.4 Senior Manager of Administrative Services

- 4.4.1 To implement the Alternative Accommodation Arrangements policy.

6. CROSS REFERENCES

YCDSB Policy 707 Acquisition and Development of School Sites

Approval by Board	November 1999 Date
Effective Date	November 1999 Date
Revision Date(s)	February 25, 2014 Date
Review Date	February 2019 Date

YORK CATHOLIC DISTRICT SCHOOL BOARD



BOARD POLICY	
<i>Policy Section</i> Finance	<i>Policy Number</i> 810
<i>Former Policy #</i> 610	<i>Page</i> 1 of 3
<i>Original Approved Date</i> April 30, 1990	<i>Subsequent Approval Dates</i> February 25, 2014

POLICY TITLE: SCHOOL SITES – OPERATING BUDGET SURPLUS

SECTION A

1. PURPOSE.

Ontario Regulation 20/98, Sec. 9(1) Para. 8, (Education Development Charge) states that an education development background charge study must contain:

“A statement from the board stating that it has reviewed its operating budget for savings that could be applied to reduce growth-related net education land costs, and the amount of any savings which it proposes to apply, if any”.

This policy ensures that this process is documented annually during budget deliberations of the Board.

2. POLICY STATEMENT

Where there has been, or it appears that there will be, a surplus in the non-classroom part of the estimates of the school board in a fiscal year, the board shall determine whether all, part, or none of the surplus will be designated as available for the purpose of acquiring school sites by purchase, lease or otherwise.

3. PARAMETERS

3.1 The Board shall annually address the use of Operating Budget Surpluses for the Acquisition of school sites to ensure that a clear record of the Board’s decision and its reasons are available as part of the public record for inclusion in the Education Development Charge background study (Appendix A).

4. RESPONSIBILITIES

4.1 Board of Trustees

4.1.1 To support the School Sites - Operating Budget Surplus Policy.

4.2 Director of Education

4.2.1 To oversee compliance with the School Sites - Operating Budget Surplus Policy.

4.3. Associate Director: Corporate Services and Treasurer of the Board

4.3.1 To implement the School Sites - Operating Budget Surplus Policy.

5. DEFINITIONS

5.1 Education Development Charge

The Board's Education Development Charge By-Law is a by-law used to fund the acquisition of school sites and related costs, to accommodate growth-related pupil needs, if residential development in the area of jurisdiction of the Board increases education land costs.

6. CROSS REFERENCES

Relevant Acts, Legislation & Regulations

Approval by Board	June 8, 1999 _____
	Date
Effective Date	June 9, 1999 _____
	Date
Revision Date(s)	February 25, 2014 _____
	Date
Review Date	February 2019 _____
	Date

**BOARD MOTION PURSUANT TO THE POLICY 810, ENTITLED
“SCHOOL SITES – OPERATING BUDGET SURPLUS”
CONCERNING THE USE OF OPERATING BUDGET SURPLUSES
FOR THE ACQUISITION OF SCHOOL SITES**

Whereas it appears that there has been or that there will be a surplus in the non-Classroom part of the budget in the amount of (insert dollar amount).

Moved that:

1. The Board will designate (insert dollar amount) as available for the purpose of acquiring school sites by Purchase, lease or otherwise:

The Board’s reasons for deciding are as follows:
(Reasons for the decision should be included which indicate where the Board will be directing the funds and its basic reasons for doing so.)

YORK CATHOLIC DISTRICT SCHOOL BOARD

REPORT TO: Board of Trustees
FROM: Administration
DATE: April 29, 2013
RE: Alternative Accommodation Policy Implementation

Executive Summary:

The purpose of this report is to provide Trustees with information regarding the statement of implementation included within the EDC Background study.

Background:

In the preparation of the Education Development Charge By-law there are a number of regulatory requirements the Board must comply with. One such requirement is a statement of implementation regarding the Alternative Accommodation Requirements.

Subsection 257.61 (1) of the Education Act requires that the Board, as part of the process of enacting an education development charge by-law, is the completion of an education development charge background study. Ontario Regulation 20/98 requires that such study contain:

6. A statement of the board's policy concerning possible arrangements with municipalities, school boards or other person or bodies in the public or private sector, including arrangements of a long-term or co-operative nature, which would provide accommodation for the new elementary school pupils and new secondary school pupils estimated under paragraph 3 or section 7, without imposing education development charges, or with a reduction in such charges.
7. If a previous education development charge background study completed by the board included a statement under paragraph 6, a statement of how the policy referred to in the statement was implemented and, if it was not implemented, an explanation of why it was not implemented.

On February 25, 2014 the Board approved the amended policy **706: Alternative Accommodation Arrangements** originally passed in 1999. As a component of that policy paragraph 3.4 identifies all the projects which represent alternative accommodation arrangements.

3.4 The Board's Alternative Accommodation Arrangement shall demonstrate and record this commitment, as per legislative requirements, e.g., St. Nicholas (1994), Sutton Multi-use Facility (St. Bernadette, 1996), St. John Chrysostom (2003), Langstaff Discovery Centre (Blessed Pope John Paul II, 2003), St. Jean de Brebeuf C.H.S. (2005).

In support of this policy and the requirements for the Education Development Charge the following statement has been included within the Education Development Charge Background Study, to reiterate the Board's support for the implementation of Alternative Accommodation Arrangements.

*The York Catholic District School Board has implemented policy **706- Alternative Accommodation Arrangements** in support of reducing the need to acquire land for school sites. Since the implementation of this policy the Board has entered into a number alternative accommodation arrangements as identified within the policy. Since the previous by-law of 2009 the policy has remained in effect and the Board continues to seek out appropriate alternative accommodation arrangements. However, none have been implemented since 2009 because no suitable opportunities have been presented to the Board.*

Summary:

The above statement highlights the Board's commitment to the implementation of Alternative Accommodation Arrangements as outlined in policy 706, and illustrated by the projects to date identified in paragraph 3.4.

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USE OF OPERATING BUDGET SURPLUS FOR EDC PURPOSES

Ontario Regulation 20/98 (Education Development Charges) requires *“A statement from the board stating that it has reviewed its operating budget for savings that could be applied to reduce growth-related net education land costs, and the amount of any savings which it proposes to apply, if any.”*

The Board approved the following motion in April, 2004, related to the passage of the EDC By-Law. The same policy statement was continued as part of the passage of the 2009 EDC By-Law on June 2, 2009:

“THAT the Board continues to endorse Policy 610 – School Sites – Operating Budget Surplus and will annually review its budget in accordance with same.

THE Board has reviewed its Operating Budget for savings that could be applied to reduce growth-related net education land costs, and currently no surpluses exist which it proposes to apply to the EDC reserve.”

The Board’s Policy #610 (approved June 8, 1999) in response to Regulation 20/98 also requires a motion annually, at budget approval time, stating that the Board has reviewed the use of operating budget surpluses for the acquisition of school sites. Based on the proposed final draft of the 2013-2014 Operating Budget, the following motion was passed on June 28, 2013:

THAT the Board not designate 2013-2014 Operating Budget funds for the purpose of acquisition of school sites.