



Conseil des
écoles publiques
de l'Est de l'Ontario

**EDUCATION DEVELOPMENT CHARGES BY-LAW
CONSEIL DES ÉCOLES PUBLIQUES DE L'EST DE
L'ONTARIO
BY-LAW N° 01-2021-RAS-FRONTENAC**

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

BACKGROUND

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

AND WHEREAS the Conseil des écoles publiques de l'Est de l'Ontario (hereinafter the "Board") has determined that there is residential development in the southern portion of the County of Frontenac that will increase education land costs;

AND WHEREAS 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 used to determine the net education land costs to the Minister of Education for approval, and such estimates have been approved by the Minister of Education.

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

AND WHEREAS the Board has heard all persons who applied to be heard during the public meeting and who made representations relating to the proposed by-law;

AND WHEREAS the Board at its meeting of June 22, 2021, directed that education development charges be imposed on land undergoing residential development or redevelopment within the geographical limits of the by-law charging area, as hereinafter provided;

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

PART I

APPLICATION

Definitions

1. The Definitions and terms contained in this By-law shall have the same meanings as those contained in the Act and the Regulations made in accordance with the Act, as amended from time to time. In the event of ambiguity, the Definitions contained in this By-law shall prevail.

2. In this By-law,
 - a. "Act" means the *Education Act*, R.S.O. 1990, c. E.2, as amended, or a successor statute;
 - b. "Board" means the Conseil des écoles publiques de l'Est de l'Ontario;
 - c. "development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment ("*aménagement*");
 - 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 row dwelling (townhouse), back-to-back townhouses, row dwelling (townhouse), the residential portion of a mixed-use building or structure, and a cottage or seasonal dwelling unit that is capable of being occupied year-round. Notwithstanding the forgoing, (i) a unit or room in a temporary accommodation to the travelling or vacationing public and (ii) living accommodation in a nursing home as defined in and governed by the provisions of the *Long-Term Care Homes Act, 2007*, S.O. 2007, c.8, shall not constitute dwellings units for purposes of this By-law.
 - 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 development charges imposed pursuant to this By-law in accordance with the Act;
- g. "farm buildings" are defined as a building or structure located on a bona fide farm which is necessary and ancillary to a bona fide farm operation including barns, tool sheds and silos and other farm related structures for such purposes as sheltering of livestock or poultry, storage of farm produce and feed, and storage of farm related machinery, and equipment but shall not include a dwelling unit or other structure used for residential accommodation or any buildings or parts thereof used for other commercial, industrial or institutional purposes qualifying as non-residential development;
- h. "gross floor area" means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls and for the purpose of this definition, the non-residential portion of a mixed-use building or structure is deemed to include one-half of any area common to the residential and non-residential portions of such mixed-use building or structure;
- i. "mixed use development" means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- j. "non-residential development" means a development other than a residential development and includes commercial, industrial and institutional development; and
- k. "residential development" means a development comprised of land or buildings or structures of any kind whatsoever, used, designed or intended to be used as living accommodations for one or more individuals and includes land or a building or part thereof used, designed or intended for a use in connection therewith.

Application of By-law and Exemptions

3. Subject to the exemptions provided for by this:
 - (1) Subject to any exemption contained herein this By-law applies to the following lands located within **the County of Frontenac (excluding the Townships of North and Central Frontenac), and lands located in the City of Kingston.**
 - (2) This By-law shall apply to all categories of residential development and all related uses of land, buildings or structures thereof; and
 - (3) This By-law shall not apply to lands that are owned by and are used for the purpose of:
 - i. a municipality;
 - ii. a district school board;
 - iii. a publicly-funded university, community college or a college of applied arts and technology established under the *Ministry of Colleges and Universities Act*, R.S.O. 1990, c. M.19 or a predecessor statute;
 - iv. residential development on lands designated as a farm retirement lots being a lot adjacent to a farming lot on which a dwelling unit is to be built for the residence of a person who had conducted farming on the adjacent farming lot;
 - v. a place of worship and land used in connection therewith, and every churchyard, cemetery or burying ground, if they are exempt from taxation under section 3 of the *Assessment Act*, R.S.O. 1990, c. A.31 as amended;
 - vi. farm buildings as defined herein.

Development Approvals

4. In accordance with the Act and this By-law, the Board imposes an education development charge against land undergoing residential development or redevelopment within the by-law charging area, if the residential development or redevelopment requires any one of those actions set out in sub-section 257.54 (2) of the Act (or any successor provision thereto) as follows:

- a. the passing of a zoning By-law or of an amendment thereto under section 34 of the *Planning Act*, R.S.O. 1990, c. P.13 (or any successor provision thereto);
- b. the approval of a minor variance under section 45 of the *Planning Act*, R.S.O. 1990, c. P.13 (or any successor provision thereto);
- c. a conveyance of land to which a By-law passed under subsection 50 (7) of the *Planning Act*, R.S.O. 1990, c. P.13 (or any successor provision thereto) applies;
- d. the approval of a plan of subdivision under section 51 of the *Planning Act*, R.S.O. 1990, c. P.13 (or any successor provision thereto);
- e. a consent under section 53 of the *Planning Act*, R.S.O. 1990, c. P.13 (or any successor provision thereto);
- f. the approval of a description pursuant to the provisions of the *Condominium Act, 1998*, S.O. 1998, c. 19 (or any successor provision thereto); or
- g. the issuing of a permit under the *Building Code Act, 1992*, S.O. 1992, c. 23 in relation to a building or structure.

PART II

EDUCATION DEVELOPMENT CHARGES

A. Residential Education Development Charges

- 5. Subject to the provisions of this By-law, an education development charge per dwelling unit shall be imposed upon all categories of residential development and all the designated residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use, and, in the case of a mixed-use building or structure, upon the dwelling units in the mixed-use building or structure. An Education Development Charge will be collected once in respect of a particular residential development, but the foregoing does not prevent the application of this By-law to future development of the same property. The schedule of residential rates is as follows:

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

Exemptions from Residential Education Development Charges

6. As required by subsection 257.54 (3) of the Act, an education development charge shall not be imposed with respect to,
- a. the enlargement of an existing dwelling unit that does not create an additional dwelling unit; or
 - b. the creation of one or two additional dwelling units as prescribed in section 3 of O. Reg. 20/98, *Education Development Charges – General* 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

7. Pursuant to section 4 of O. Reg. 20/98, *Education Development Charges – General*:

- (1) Education development charges under section 5 of this By-law shall not be imposed with respect to the replacement, on the same site, of a dwelling unit that was destroyed by fire, demolition or otherwise, or that was so damaged by fire, demolition or otherwise as to render it uninhabitable.
- (2) Notwithstanding section 7(1) of this By-law, education development charges shall be imposed in accordance with section 5 of this By-law if the building permit for the replacement dwelling unit is issued more than 2 years after,
 - (i) the date the former dwelling unit was destroyed or became uninhabitable; or
 - (ii) if the former dwelling unit was demolished pursuant to a demolition permit issued before the former dwelling unit was destroyed or became uninhabitable, the date the demolition permit was issued.
- (3) Notwithstanding section 7(1) of this By-law, education development charges shall be imposed in accordance with section 5 of this By-law against any dwelling unit or units on the same site which are built in addition to the dwelling unit or units being replaced. The onus is on the applicant to produce evidence to the satisfaction of the Board, acting reasonably, to establish the number of dwelling units being replaced.
- (4) An education development charge shall be imposed in accordance with section 5 of this By-law where a non-residential building or structure is replaced by or converted to in whole or in part, a dwelling unit or units.

B. Non-Residential Development

8. Subject to the provisions of this by-law, no education development charge shall be imposed upon all categories of non-residential development and all 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 uses building or structure.
9. Notwithstanding section 8 of this by-law, education development charges shall be imposed in accordance with section 5 of this by-law if a non-residential building or structure is demolished or destroyed, notably by fire, is replaced by or converted, in whole or in part, into a dwelling unit or units.

C. Mixed Use Development

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

PART III

ADMINISTRATION

Payment of Education Development Charges

11. Education development charges are payable in full to the municipality in which the development takes place on the date a building permit is issued in relation to a building or structure on land to which this education development charges By-law applies.
12. The Treasurer of the Board shall establish and maintain an education development charge reserve fund in accordance with the Act, the Regulation and this By-law.

Collection of Unpaid Education Development Charges

13. Part XI of the *Municipal Act 2001*, S.O. 2001, c. 25 applies with necessary modifications with respect to an education development charge or any part of it that remains unpaid after it is payable.

Date By-law In Force

14. This By-law shall come into force at 12:01 a.m. on Thursday, July 1, 2021

Severability

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

Interpretation

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

Short Title

19. This By-law may be cited as the Conseil des écoles publiques de l'Est de l'Ontario Education Development Charges By-law N° 01-2021-RAS-Frontenac.

ENACTED AND PASSED this 22nd day of June 2021.



Denis M. Chartrand
Chairperson



Sylvie C. R. Tremblay
Director of Education and Secretary-Treasurer