

OUR MISSION

*The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.
We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.*

OUR VISION

*At Toronto Catholic we transform the world
through witness, faith, innovation and action.*



**AGENDA ADDENDUM
SPECIAL MEETING OF THE
TORONTO CATHOLIC DISTRICT SCHOOL BOARD
PUBLIC SESSION**

Barbara Poplawski, Chair

Maria Rizzo, Vice-Chair

Friday, June 29, 2018

2:00 P.M.

	Pages
16. Reports of Officials Requiring Action of the Board of Trustees	
16.a Adoption of the Amended Education Development Charges (EDC) By-Law 2018-2019	1 - 24



REPORT TO

SPECIAL BOARD

ADOPTION OF AMENDED EDUCATION DEVELOPMENT CHARGES BY-LAW 2018-2019

In their hearts humans plan their course, but the Lord establishes their steps...Proverbs 16:9

Created, Draft	First Tabling	Review
June 29, 2018	June 29, 2018	Click here to enter a date.

M. Loberto, Senior Coordinator, Development Services

RECOMMENDATION REPORT

Vision:

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:

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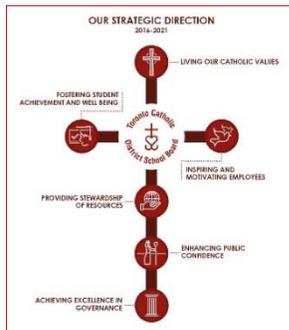
We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.

Rory McGuckin
Director of Education

D. Koenig
Associate Director
of Academic Affairs

T. Robins
Acting Associate Director
of Planning and Facilities

L. Noronha
Executive Superintendent
of Business Services and
Chief Financial Officer



A. EXECUTIVE SUMMARY

The Toronto Catholic District School Board existing Education Development Charges (EDC) by-law expires on June 30, 2018. On June 14, 2018, the TCDSB approved the EDC related policies to form the basis for a Successor By-law, however was unable to enact a by-law given that it did not received the required technical approval from the Ministry of Education.

On June 15, 2018, the TCDSB was verbally informed by the Ministry Education Capital Branch that “*until a new provincial government is sworn in, the Ministry will be placing any decisions regarding EDC’s on hold*”. On June 26, 2018, the Premier Designate’s transition team announced their intention to extend the EDC By-law for Halton District School Board, the Halton District School Board, and the TCDSB until a new one can be approved and brought into place.

Through discussions with the Ministry of Education, the TCDSB was advised that the Ministry has interpreted the statement issued by the Premier Designate’s transition team as solely permitting the adoption of a one-year EDC By-law at the rates in place of the existing By-law, which expires on June 30, 2018. The Ministry will only provide the required approvals to proceed with adopting an EDC By-law if the TCDSB agrees to this condition.

As such, in order for the Board to continue collecting necessary EDC funds, the TCDSB must proceed with adopting an interim one-year EDC by-law at the existing rate of \$1,493 per dwelling unit and \$1.07 per square foot of gross floor area for residential and non-residential developments, respectively. The Ministry provided the required approval of an EDC By-law which meets this condition on June 28, 2018.

This report recommends the following:

- ***That the Board suspend the adoption of the policy directions listed as 2(b), and 2(c) approved on June 14, 2018 for the period that the one-year By-law referenced below is actually in force;***
- ***That the Board suspend the adoption of policy direction listed as 2(e) approved on June 14, 2018, and continue with the policy direction set***

out in the 2013 By-law regarding the split of net education land costs between residential and non-residential for the period that the one-year by-law referenced below is actually in place;

- *That given the refusal of the Ministry of Education otherwise grant the technical approval required and to limit the period for which no By-law is in force, that Board enact as an interim measure a one-year EDC By-law at the rates prescribed in the 2013 EDC By-law as set out in the draft By-law contained in Appendix ‘C’; and*
- *That the Board reserves the opportunity to consider enacting a replacement By-law which would come into effect prior to the expiry of the one-year term to limit the shortfall in collection by continuing the existing rate.*

The cumulative staff time required to prepare this report was 12 hours.

B. BACKGROUND

1. Revenue generated by the imposition of Education Development Charges represents the only direct source of funding for site acquisition and site development costs as a result of new growth.
2. The Board’s current EDC By-law has a term of 5 years, and expires on June 30, 2018. The current by-law provides a uniform charge of \$1,493 per residential dwelling unit across the City of Toronto and \$1.07 per square foot of non-residential development.
3. Prior to the adoption of a successor by-law, the legislation requires that school boards must prepare an EDC Background Study in support of the new By-law, as well as undertake a prescribed public process of public meetings and consultation. Furthermore, the EDC Submission must be approved by the Ministry of Education prior to the Board’s adoption of a successor By-law.
4. The TCDSB retained the services of Quadrant Advisory Group to undertake the required EDC Background Study and all associated analyses in support of a successor By-law.

5. The EDC Submission was sent to the Ministry of Education for approval on April 9, 2018. The EDC Submission was circulated to other agencies and stakeholders as prescribed in the legislation, as well as being made available to the public upon request and posted on the Board's website.
6. The Board conducted meetings with stakeholders, responded to a review of the TCDSB EDC submission by the Building Industry and Land Development Association (BILD), and received a report from its consultants undertaking a further review of the EDC submission in response to the issues identified by BILD. As a result, the Board's consultants proposed minor modifications to the charge.
7. The TCDB conducted a policy review public meeting on May 2nd, and a public meeting to review the proposed charges on May 31st.
8. The TCDSB has met all statutory requirements to proceed with the approval of a new EDC By-law with the sole exception of Ministry approval of the EDC Submission. As the TCDSB did not receive this approval, on June 14, 2018, the Board of Trustees approved the following:

1) That the Education Development Charges Submission prepared by Quadrant Advisory Group Limited, submitted to the Ministry of Education for approval, and approved by the Minister be received;

2) That the following EDC related policy considerations for a successor By-law be adopted:

a) A recovery rate of 100% of the Board's net education land costs through EDC's;

b) EDC By-law with a term of 5 years;

c) EDC By-law, including the phased-in rate increases outlined in the body of this report, to be effective July 1, 2018;

d) A single, jurisdiction-wide EDC By-law

e) Calculation of the charge for the EDC By-law be based on 18% of the net education land costs funded by non-residential development and 82% by residential development;

f) Non-statutory residential exemptions not be approved at this time;

g) Non-residential exemptions in the current By-law be continued on the successor EDC By-law;

h) Successor EDC By-law continue to provide a conversion credit as well a two- year grace period for demolition for residential development and a five-year grace period for demolition for non-residential development;

i) EDC By-law with a uniform residential rate;

j) No further public meeting is required prior to the adoption of the By-law;

3) That the Board defer approval of an Education Development Charges By-law as contained in Appendix 'A' of this report, based on policy considerations in Recommendation #2 above to a special meeting of the Board of Trustees;

4) That places of worship be exempt in accordance with the draft By-law; and

5) That the Director of Education and the Chair of the Board work with the other EDC eligible Toronto boards to organize a meeting with the new Minister of Education to discuss the critical need to expand the use of EDC dollars for the construction of new schools and/or additions to existing schools.

C. EVIDENCE/RESEARCH/ANALYSIS

1. On June 15, 2018, TCDSB was verbally informed by Ministry Education Capital Branch that “*until a new provincial government is sworn in, the Ministry will be placing any decisions regarding EDC’s on hold*”.
2. On June 26, 2018, the Premier Designate’s transition team announced their intention to extend the EDC By-law for Halton District School Board, the Halton District School Board, and the TCDSB until a new one can be approved and brought into place. The full release is provided below:

“We have signaled to the Ministry of Education our intention to extend the Education Development Charge by-law that was in place for the Halton District School Board, the Halton Catholic District School Board and Toronto Catholic District School Board until a new one can be negotiated and approved. Unfortunately, the previous Liberal Government’s mismanagement of this file has led to a situation where this extension is necessary. We have every intention of working in concert with our school boards to ensure that they receive the funding required to provide important services to our communities. This will be a top priority for the incoming Minister of Education. This extension will remain in place until a new agreement is reached, however, we remain hopeful that new parameters for a by-law will be negotiated in the coming weeks so that these school boards can move forward with clarity and certainty in the years ahead.”

3. Through discussions with the Ministry of Education, the TCDSB was advised that the Ministry has interpreted the statement issued by the Premier Designate’s transition team as solely permitting the adoption of a one-year EDC By-law at the rates in place of the existing By-law, which expires on June 30, 2018. **The Ministry will only provide the required approvals to proceed with adopting an EDC By-law if the TCDSB agrees to this condition.**
4. The TCDSB holds the view that there is no legal entitlement on the part of the Ministry to require a one year By-law as a condition of the technical approvals sought in connection with the EDC Submission which has been provided. However, it appears that if the Board fails to make this commitment, the Ministry approval will not be issued in a timely manner, which will result in a prolonged interruption in the collection of EDC funds.
5. It is crucial for the Board to continue collecting EDC monies in order to complete committed property acquisitions and meet critical growth-related needs. As such, the TCDSB must proceed with approving an EDC By-law which meets the Ministry’s stipulated condition.
6. Given these circumstances, on June 28, 2018, as advised by the Ministry, the Board submitted a request for the approval of its estimates of new pupils and school site requirements, which are contained in the EDC Submission referred in accordance with o. Reg. 20/98 made under the *Education Act*, in order to enact a one-year by-law at existing rate of \$1,493 per dwelling unit and \$1.07

per square foot of gross floor area for residential and non-residential developments, respectively (*Appendix 'A'*). In this correspondence, the Board's right to proceed to enact a by-law at any time during the one year period is expressly reserved. Thus, the Board agrees to adjourn its Court process and not withdraw it.

7. On June 28, 2018, the Ministry of Education provided the approval in accordance with O. Reg 20/98 strictly for the purposes of one-year By-law at the existing rates of \$1,493 per dwelling unit and \$1.07 per square foot of gross floor area for residential and non-residential developments, respectively (*Appendix 'B'*).
8. The adoption of a one-year by-law is intended as an interim measure, as the longer the current lower rates remain in effect, the higher the rate will be for the balance of the five year period addressed in the EDC Background Study. As noted, the TCDSB reserves the right to consider enacting a replacement by-law which would come into effect prior to the expiration of the one-year term in order to limit the shortfall in collection by continuing the existing rate.
9. The financial risk to the Board with the approval of the amended EDC By-law, as outlined by the Ministry, is the expected financial shortfall for the four transactions that are currently underway. The risk for the TCDSB is also dependant on whether the approved Board line of credit (that was arranged to fund the cashflow deficit) will advance the funds to complete these acquisitions.

Following Board approval of the amended 2018 EDC charge, staff will approach the Ministry to discuss additional funding to cover the committed land acquisition projects as outlined in the EDC Background Study.

D. STAFF RECOMMENDATIONS

1. That the Board suspend the adoption of the policy directions listed as 2(b), and 2(c) approved on June 14, 2018 for the period that the one-year By-law referenced below is actually in force.

2. That the Board suspend the adoption of policy direction listed as 2(e) approved on June 14, 2018, and continue with the policy direction set out in the 2013 By-law regarding the split of net education land costs between residential and non-residential for the period that the one-year by-law referenced below is actually in place.
3. That given the refusal of the Ministry of Education otherwise grant the technical approval required and to limit the period for which no By-law is in force, that Board enact as an interim measure a one-year EDC By-law at the rates prescribed in the 2013 EDC By-law as set out in the draft By-law contained in Appendix 'C'.
4. That the Board reserves the opportunity to consider enacting a replacement By-law which would come into effect prior to the expiry of the one-year term to limit the shortfall in collection by continuing the existing rate.



Office of the Director of Education

June 28, 2018

Dear Deputy Minister Rodrigues,

I am writing on behalf of Toronto Catholic District School Board (TCDSB) with respect to the Education Development Charges (EDC) Background Study dated April 17, 2018 that was submitted to the Ministry of Education.

The Board has followed the process required under the Education Act and regulations as summarized in the Staff report posted on June 5, 2018 in advance of the June 14, 2018 Board meeting. However, it has been unable to proceed to put a new Education Development Charges By-law in place because it has yet to receive the required Ministry approval of the estimates of new pupils and school site requirements.

You have advised that the Ministry will not provide that approval unless the Board agrees to enact a By-law for a one year period at the rates in place under the EDC By-law, which expires on June 30, 2018. Respectfully, the TCDSB holds the view that there is no legal entitlement on the part of the ministry to require a one-year By-law as a condition of the technical approvals sought in connection with the Background study which has been submitted. However, it appears that if the Board fails to make this commitment, the Ministry approval will not be issued in a timely manner, which will result in a prolonged time period in which no development charges can be collected.

In these circumstances, the Board is requesting approval of its estimates of new pupils and school site requirements, which are contained in the background study referred to above, in accordance with O. Reg. 20/98 (Education Development Charges – General) made under the *Education Act*, so it can enact a one year By-law at existing rate of \$1,493 per dwelling unit and \$1.07 per square foot of gross floor area for residential and non-residential developments, respectively. We understand that as consequence of making this commitment, we will receive, in 24 hours, a letter delivering the required approvals that we can take to the Trustees when they consider the one year by-law in the following 24 hours.

We look forward to working with the Ministry to facilitate the passing of a new By-law as soon as possible so that the TCDSB can move forward with clarity and certainty in the future. We note

that the longer we proceed at the lower rate, the higher the rate will be for the balance of the five year period addressed in the Background Study. It is understood that the Board reserves the right to bring forward a new EDC By-law in accordance with the existing or alternative background study at any time within the next year and again seek the technical approvals required under regulation 20/98. In the meantime, it will adjourn its Application for Judicial Review returnable on Friday, June 29, 2018.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. McGuckin".

Rory McGuckin
Director of Education, TCDSB

cc: Barbara Poplawski, Chair of the Board

Ministry of Education

Office of the ADM
Capital and Business Support
Division
900 Bay Street
20th Floor, Mowat Block
Toronto ON M7A 1L2

Ministère de l'Éducation

Bureau du sous-ministre adjoint
Division du soutien aux immobilisations et
aux affaires
900, rue Bay
20^e étage, Édifice Mowat
Toronto ON M7A 1L2



June 28, 2018

Rory McGuckin
Director of Education
Toronto Catholic District School Board
80 Sheppard Avenue
Toronto, ON M2N 6E8

Dear Mr. McGuckin,

I am writing to acknowledge your letter dated June 28, 2018 wherein the Toronto Catholic District School Board expressed its intention to pass an education development charge by-law for the City of Toronto. As noted in your letter, this proposed by-law would have a duration of one year and set education development charges of \$1,493 per dwelling unit and \$1.07 per square foot of gross floor area for residential and non-residential developments, respectively.

As you have requested, strictly for the purposes of the one-year proposed by-law described above, please consider this letter as an acknowledgment of receipt of the Toronto Catholic District School Board's education development charges background study and education development charge forms dated April 17, 2018. Further, please accept this letter as approval of the board's enrolment projections and site requirement estimates in accordance with paragraph 1 of section 10 of Ontario Regulation 20/98 (Education Development Charges – General) made under the *Education Act*.

Consistent with the statement issued by the Premier-Designate's transition team, while the proposed by-law would be for a one-year period, the ministry looks forward to having the necessary conversations with your board to facilitate the passing of a new by-law as soon as possible and the approval provided under this letter is without prejudice to those conversations. This would help ensure that your board can move forward with clarity and certainty in the years ahead.

If you proceed with the passage of your board's by-law, please provide me with a copy of the by-law.

Sincerely,

Original Signed by:

Joshua Paul
Assistant Deputy Minister
Capital and Business Support Division

cc: Paul Bloye, Director, Capital Program Branch
Colleen Hogan, Director, Capital Policy Branch

TORONTO CATHOLIC DISTRICT SCHOOL BOARD

EDUCATION DEVELOPMENT CHARGES BY-LAW 2018 NO. ____

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 and the residential development requires one or more of the actions identified in section 257.54(2) of the Act.
2. The Toronto Catholic District School Board (the “Board”) has determined that the residential development of land to which this by-law applies increases education land costs.
3. The Board will experience enrolment growth in the areas of the City of Toronto where it has no sites for new schools or where its existing sites cannot accommodate more students without an addition for which it will require funds for the acquisition of new school sites, expansion of existing school sites, preparation of background studies, servicing and site preparation of school sites, interest, and other education land costs. The only available funding source for education land costs is education development charges.

The Board notes that without amendments to the Act and its regulations, the Board is legally constrained in its ability to acquire strata fee interests for the purpose of developing new school sites.

4. Section 257.54(4) of the Act provides that an education development charge by-law may apply to the entire area of jurisdiction of a board or only part of it.
5. 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, and such approval was given on **June 28th**, 2018 under section 10 of Regulation 20/98.
6. The Board has conducted a review of its education development charge policies and held a public meeting on May 2, 2018, in accordance with section 257.60 of the Act.
7. The estimated average number of secondary school pupils of the Board over the five years immediately following the day this by-law comes into force will exceed the total capacity of the Board to accommodate secondary school pupils throughout its jurisdiction on the day this by-law is passed.
8. The Board has given a copy of the education development charges background study relating to this by-law to the Minister of Education and to each school board having jurisdiction within the area to which this by-law applies in accordance with section 10 of Ont. Reg. 20/98.

9. The Board has therefore complied with conditions prescribed by section 10 of Regulation 20/98.
10. The Board has given notice and held public meetings on May 31, 2018 and June 14, 2018, in accordance with section 257.63(1) of the *Education Act* and permitted any person who attended the public meeting to make representations in respect of the proposed education development charges.
11. The Board has determined in accordance with section 257.63(3) of the Act that no additional public meeting is necessary in respect of this by-law.

NOW THEREFORE THE TORONTO CATHOLIC DISTRICT SCHOOL BOARD
HEREBY ENACTS AS FOLLOWS:

PART 1 - APPLICATION

Defined Terms

1. In this by-law,
 - (a) “Act” means the *Education Act*,
 - (b) “area of the by-law” means the City of Toronto resulting from the amalgamation effected on January 1, 1998 under the *City of Toronto Act, 1997 S.O. 1997, c.2*;
 - (c) “Board” means the Toronto Catholic District School Board;
 - (d) “development” means any activity or proposed activity in respect of land that requires one or more of the actions referred to in Sections 5 and 6 of this by-law, and includes redevelopment, expansion, extension or alteration, or any two or more of them, of a use, building or structure, except interior alternations to an existing building or structure which do not intensify the use of the building;
 - (e) “dwelling unit” means a room or suite of rooms used, or designed or intended for use by one person or persons living together in which culinary and sanitary facilities are provided for the exclusive use of such person or persons, and shall include, but is not limited to, a dwelling unit or units in an apartment, a secondary dwelling unit, a purpose-built rental unit, group home, mobile home, duplex, triplex, semi-detached dwelling, single detached dwelling, stacked townhouse and townhouse;
 - (f) “education development charge” means charges imposed pursuant to this by-law in accordance with the Act;
 - (g) “education land costs” means costs incurred or proposed to be incurred by the Board,
 - (i) to acquire land or an interest in land, including a leasehold interest, to be used by the Board to provide pupil accommodation;

- (ii) to provide services to the land or otherwise prepare the site so that a building or buildings may be built on the land to provide pupil accommodation;
 - (iii) to prepare and distribute education development charge background studies as required under the Act;
 - (iv) as interest on money borrowed to pay for costs described in paragraphs (i) and (ii); and
 - (v) to undertake studies in connection with an acquisition referred to in paragraph (i).
- (h) “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, 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, and
 - (B) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;
- (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;
- (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 inclusive of

lands dedicated to mechanical space, loading facilities, and parking accessory to the principal use;

- (m) “place of worship” means that part of a building or structure that is used primarily for worship and is exempt from taxation as a place of worship under the *Assessment Act*.
 - (n) “purpose-built rental unit” means a dwelling unit that is providing rental accomodation and that has been approved by the City of Toronto’s Affordable Housing Office as having qualified for a rebate under the City of Toronto’s Purpose-Built Rental Development Charges Rebate Program;
 - (o) “residential development” means lands, buildings or structures developed or to be developed for residential use;
 - (p) “residential use” means lands, buildings or structures used, or designed or intended for use as a dwelling unit or units, and shall include a residential use accessory to a non-residential use and the residential component of a mixed use or of an agricultural use.
 - (q) “secondary dwelling unit” means a dwelling unit, whether contained within a single detached dwelling or a semi-detached dwelling, or ancillary to a single detached dwelling or a semi-detached dwelling, or ancillary to a single detached dwelling or a semi-detached dwelling including but not limited to a coach house, laneway suite or structure constructed above an existing garage or other structure separate from the primary dwelling unit, which:
 - (i) comprises an area less than or equal to the gross floor area of the primary dwelling unit; and
 - (ii) is not capable of being legally conveyed as a separate parcel of land from the primary dwelling unit.
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 area of the by-law;
 - (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) Metrolinx;
- (vi) a cemetery or burying ground that is exempt from taxation under section 3 of the *Assessment Act*;
- (vii) non-residential uses permitted under s. 39 of the *Planning Act*;
- (viii) lands as described in Schedules A and B to the Development Levy Agreement – Railway Lands Central and West made as for October 21, 1994 to the extent as provided in that agreement and pursuant to Section 6 of O. Reg. 20/98 Education Development Charges;
- (ix) a place of worship.

PART II - EDUCATION DEVELOPMENT CHARGES

5.

(1) In accordance with the Act and this by-law, and subject to sections 9 and 10, 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 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.

6.

(1) In accordance with the Act and this by-law, and subject to sections 12 and 13 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*;
- (c) a consent under section 53 of the *Planning Act*;
- (0) 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 above ground construction is issued on or after the date the by-law comes into force and if not collected on the first such permit on the next building permit issued for that development.

(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.

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.

Residential Education Development Charges

8. Subject to the provisions of this by-law, the Board hereby imposes an education development charge per dwelling unit in the amount of 1,493.00. The education development charge shall apply to each dwelling unit, including secondary dwelling units and purpose-built rental units, 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

9. 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	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

	other buildings		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

10.

(1) An education development charge under section 8 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 under section 8 if the building permit for the replacement dwelling unit is issued more than 2 years after,

- (a) the date the former dwelling unit was destroyed or became uninhabitable; or
- (b) if the former dwelling unit was demolished pursuant to a demolition permit issued before the former dwelling unit was destroyed or became uninhabitable, the date the demolition permit was issued.

(3) Notwithstanding subsection (1), education development charges shall be imposed under section 8 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 13, an education development charge shall be imposed under section 8 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

11. Subject to the provisions of this by-law, the Board hereby imposes an education development charge of \$1.07 per square foot of gross floor area of non-residential development. The education development charge shall apply to 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

12. 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.

13.

- (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 under 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 5 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) Subject to section 16, an education development charge shall be imposed under section 11 where a residential building or structure is replaced by or converted to, in whole or in part, a non-residential building or structure.
14. 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.
- 15.
- (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 9 and 10, and/or section 12 and 13 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 8 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 City of Toronto on the date that the first building permit for above ground construction is issued in relation to a building or structure on land to which the education development charge applies.
- 18. Education development charges 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 Regulations and this By-law.

Payment by Land

- 20. 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 City of Toronto of the amount of the credit to be applied to the education development charge.

Collection of Unpaid Education Development Charges

- 21. In accordance with section 257.96 of the Act, section 349 of the *Municipal Act*, 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

- 22. This by-law shall come into force on July 4, 2018.

Date By-law Expires

- 23. This by-law shall expire on July 3, 2019, unless it is repealed at an earlier date.

Severability

- 24. 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

- 25. 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

- 26. This by-law may be cited as the Toronto Catholic District School Board Education Development Charges, 2018 By-law No. _____.

ENACTED AND PASSED this ____29th__ day of _____June _____, 2018.

Chair

Director of Education and Secretary