



Ontario Catholic School  
Trustees' Association

Box 2064, Suite 1804  
20 Eglinton Avenue West  
Toronto, Ontario M4R 1K8  
T. 416.932.9460 F. 416.932.9459  
[ocsta@ocsta.on.ca](mailto:ocsta@ocsta.on.ca) [www.ocsta.on.ca](http://www.ocsta.on.ca)

Beverley Eckensweiler, *President*  
Michelle Griepsma, *Vice President*  
Nick Milanetti, *Executive Director*

August 27, 2019

**MEMORANDUM**

**TO:** Chairpersons and Directors of Education  
- All Catholic District School Boards

**FROM:** Stephen Andrews, Director of Legislative and Political Affairs

**SUBJECT: Education Development Charges: Regulations Regarding Land Acquisition**

---

On Friday August 23, 2019, the government announced new draft regulations under the Education Act that relate to the calculation of education development charges ("EDCs"). As you know, the government's *More Homes, More Choice Act, 2019* ("Bill 108") amended the Education Act in several areas in respect of education development charges. The first draft regulation proposes to amend Ontario Regulation 20/98 (Education Development Charges - General) relating to the calculation of education development charges (EDCs) as well as matters relating to "Alternative Projects".

A second new regulation is also being proposed to be made under the Education Act to specify the time period in which school boards would be required to provide notice to the Minister of Education regarding any proposed acquisition or expropriation of land. Additionally, the ministry is currently developing EDC Guidelines which will provide additional information in respect of operational details regarding changes introduced through Bill 108.

The attached consultation document outlines seven proposed amendments to the existing EDC By-Law framework:

1. Rate Increase Restrictions;
2. Notice of Public Meetings;
3. Existing School Space to be included in the calculation of EDCs;
4. Changes to an Alternative Project;
5. Education Development Charge-Exempt Institutions;
6. Holding Students;
7. Notice to Acquire or Expropriate Site.

## **Impact on School Boards and Developers**

According to the regulatory posting, these proposals would impact developers by lowering the education development charges rates that are paid, or in the case of a Localized Education Development Agreement, may entirely eliminate the requirement for a land owner to pay education development charges. The financial impact of these changes will vary widely according to each school board, the size and type of development and local economic factors.

These proposals would impact school boards, by requiring additional administrative steps, specifically with respect to providing advanced notification to the Minister of Education of a proposed acquisition of land. School boards could also be impacted where they choose to pursue alternative projects or localized education development agreements, as significant due diligence, planning and comprehensive project development could be required. The financial impact of these changes will vary widely, ranging from a single administrative request to a multi-year planning and construction project.

## **Next Steps**

If you have any thoughts regarding the attached material please forward them to us. We would also encourage affected boards to share any information on these proposed changes with OCSTA and consider developing their own submissions. The deadline for submissions is October 7, 2019 to the Capital Programs Branch of the Ministry of Education.

We trust that this summary is of assistance. Any questions may be directed to Dan Duszcyszyn at 519-835-0212 or email: [dduszcyszyn@ocsta.on.ca](mailto:dduszcyszyn@ocsta.on.ca) or Steve Andrews at [sandrews@ocsta.on.ca](mailto:sandrews@ocsta.on.ca).

## Education Act

### ONTARIO REGULATION 20/98 EDUCATION DEVELOPMENT CHARGES — GENERAL

**Consolidation Period:** From March 29, 2019 to the [e-Laws currency date](#).

Last amendment: 55/19.

Legislative History: 151/98, 473/98, 136/00, 95/02, 66/03, 366/10, 162/11, 350/17, 438/18, 55/19.

*This is the English version of a bilingual regulation.*

#### CONTENTS

		Sections
<a href="#"><u>PART I</u></a>	<b>INTERPRETATION</b>	
	<a href="#"><u>DEFINITIONS</u></a>	1
	<a href="#"><u>EXCLUSION FROM EDUCATION LAND COSTS — EXCESS LAND</u></a>	2
<a href="#"><u>PART II</u></a>	<b>EXEMPTIONS</b>	
	<a href="#"><u>ADDITIONAL DWELLING UNIT EXEMPTION</u></a>	3
	<a href="#"><u>REPLACEMENT OF DWELLING UNIT EXEMPTION</u></a>	4
	<a href="#"><u>REPLACEMENT OF NON-RESIDENTIAL BUILDING EXEMPTION</u></a>	5
	<a href="#"><u>TORONTO RAILWAY LANDS EXEMPTION</u></a>	6
<a href="#"><u>PART III</u></a>	<b>DETERMINATION OF CHARGES AND PASSAGE OF BY-LAW</b>	
	<a href="#"><u>DETERMINATION OF EDUCATION DEVELOPMENT CHARGES</u></a>	7
	<a href="#"><u>APPLICATION OF CHARGE IF BASED ON DECLARED VALUE OF DEVELOPMENT</u></a>	8
	<a href="#"><u>BACKGROUND STUDY CONTENTS</u></a>	9
	<a href="#"><u>CONDITIONS OF PASSAGE OF BY-LAW</u></a>	10
	<a href="#"><u>NOTICE OF PUBLIC MEETING</u></a>	11
	<a href="#"><u>NOTICE OF BY-LAW</u></a>	12
<a href="#"><u>PART IV</u></a>	<b>AMENDMENT TO BY-LAW</b>	
	<a href="#"><u>RE-DETERMINATION OF EDUCATION DEVELOPMENT CHARGES</u></a>	13
	<a href="#"><u>NOTICE OF PROPOSED AMENDMENT TO BY-LAW</u></a>	14
	<a href="#"><u>NOTICE OF THE PASSAGE OF AMENDING BY-LAW</u></a>	15
<a href="#"><u>PART V</u></a>	<b>MISCELLANEOUS</b>	
	<a href="#"><u>EDUCATION DEVELOPMENT CHARGE ACCOUNT</u></a>	16-16.1
	<a href="#"><u>EXPIRY OF BY-LAWS — SPECIAL RULE</u></a>	17
	<a href="#"><u>INTEREST</u></a>	18
	<a href="#"><u>REGIONS</u></a>	19
	<a href="#"><u>MONTHLY REPORTS</u></a>	20
	<a href="#"><u>PAMPHLETS EXPLAINING BY-LAW</u></a>	21
<a href="#"><u>PART VI</u></a>	<b>TRANSITION FROM OLD DEVELOPMENT CHARGES ACT</b>	
	<a href="#"><u>SUCCESSOR BOARDS</u></a>	22
	<a href="#"><u>JOINT EDUCATION DEVELOPMENT CHARGE ACCOUNTS</u></a>	23
	<a href="#"><u>MONTHLY REPORTS FOR CONTINUED BY-LAWS</u></a>	24-25
<a href="#"><u>Schedule</u></a>	Regions	

#### PART I INTERPRETATION

##### DEFINITIONS

1. (1) For the purposes of Division E of Part IX of the Act and in this Regulation, “existing industrial building” means a building used for or in connection with,
- (a) manufacturing, producing, processing, storing or distributing something,
  - (b) research or development in connection with manufacturing, producing or processing something,
  - (c) 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,
  - (d) office or administrative purposes, if they are,

- (i) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
- (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution; (“immeuble industriel existant”)

“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; (“surface de plancher hors oeuvre brute”)

“growth-related net education capital cost” means the net education capital cost reasonably attributable to the need for such net education capital cost that is attributed to or will result from development in all or part of the area of jurisdiction of a board and, for the purpose of this definition, “net education capital cost” has the same meaning as in Part III of the *Development Charges Act* as that Act read on January 31, 1998. (“dépense en capital nette à fin scolaire liée à la croissance”) O. Reg. 20/98, s. 1; O. Reg. 136/00, s. 1; O. Reg. 95/02, s. 1 (1).

- (2) References in this Regulation to the “board-determined GFA” are references to,
  - (a) the gross floor area as determined under the applicable education development charge by-law, if the expression “gross floor area” is defined in the by-law; or
  - (b) the gross floor area as defined in subsection (1), if the applicable education development charge by-law does not contain a definition of “gross floor area”. O. Reg. 95/02, s. 1 (2).

**EXCLUSION FROM EDUCATION LAND COSTS — EXCESS LAND**

2. (1) Costs that are attributable to excess land of a site are prescribed, for the purposes of paragraph 2 of subsection 257.53 (3) of the Act, as costs that are not education land costs. O. Reg. 20/98, s. 2 (1).

(2) Subsection (1) does not apply to costs described in paragraph 5 of subsection 257.53 (2) of the Act. O. Reg. 20/98, s. 2 (2).

- (3) Land is not excess land if it is reasonably necessary,
  - (a) to meet a legal requirement relating to the site; or
  - (b) to allow the facilities for pupil accommodation that the board intends to provide on the site to be located there and to provide access to those facilities. O. Reg. 20/98, s. 2 (3).
- (4) This section does not apply to land,
  - (a) that has already been acquired by the board before February 1, 1998; or
  - (b) in respect of which there is an agreement, entered into before February 1, 1998, under which the board is required to, or has an option to, purchase the land. O. Reg. 20/98, s. 2 (4).
- (5) In this section,

“excess land” means the part of a school site that exceeds the maximum area determined, under Table 1 or Table 2 to this section, based on the number of pupils that can be accommodated in the school to be built on the site.

**TABLE 1  
ELEMENTARY SCHOOLS**

Item	Column 1 Number of pupils	Column 2 Maximum area (acres)
1.	1 to 400	4
2.	401 to 500	5
3.	501 to 600	6
4.	601 to 700	7
5.	701 or more	8

**TABLE 2  
SECONDARY SCHOOLS**

Item	Column 1 Number of pupils	Column 2 Maximum area (acres)
1.	1 to 1000	12
2.	1001 to 1100	13
3.	1101 to 1200	14
4.	1201 to 1300	15
5.	1301 to 1400	16
6.	1401 to 1500	17
7.	1501 or more	18

**PART II  
EXEMPTIONS**

**ADDITIONAL DWELLING UNIT EXEMPTION**

3. For the purposes of clause 257.54 (3) (b) of the Act, the following table sets out the name and description of the classes of residential buildings that are prescribed, the maximum number of additional dwelling units that are prescribed for buildings in those classes and the restrictions for each class.

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.

O. Reg. 20/98, s. 3; O. Reg. 95/02, s. 2.

**REPLACEMENT OF DWELLING UNIT EXEMPTION**

4. (1) Subject to subsection (2), a board shall exempt an owner 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. O. Reg. 20/98, s. 4 (1).

(2) A board is not required to exempt an owner if the building permit for the replacement dwelling unit is issued more than two 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. O. Reg. 20/98, s. 4 (2).

**REPLACEMENT OF NON-RESIDENTIAL BUILDING EXEMPTION**

5. (1) Subject to subsections (2) and (3), a board shall exempt an owner 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. O. Reg. 20/98, s. 5 (1).

(2) If the board-determined GFA of the non-residential part of the replacement building exceeds the board-determined GFA of the non-residential part of the building being replaced, the board is only required to exempt the owner with respect to the portion of the education development charge calculated in accordance with the following formula:

$$\text{Exempted portion} = [\text{GFA}(\text{old}) \div \text{GFA}(\text{new})] \times \text{EDC}$$

where,

“Exempted portion” means the portion of the education development charge that the board is required to exempt,

“GFA (old)” means the board-determined GFA of the non-residential part of the building being replaced,

“GFA (new)” means the board-determined GFA 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.

O. Reg. 95/02, s. 3.

(3) A board is not required to exempt an owner if the building permit for the replacement building is issued more than five years after,

- (a) the date the former building was destroyed or became unusable; or
- (b) 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. O. Reg. 20/98, s. 5 (3).

(4) This section does not apply with respect to education development charges on residential development. O. Reg. 20/98, s. 5 (4).

## TORONTO RAILWAY LANDS EXEMPTION

6. (1) In this section,

“agreement” means the agreement entitled “Development Levy Agreement — Railway Lands Central and West” made as of October 21, 1994 among The Corporation of the City of Toronto, Canadian National Railway Company, CN Transactions Inc., The Board of Education for the City of Toronto, Metropolitan Separate School Board and The Metropolitan Toronto School Board, and registered in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66) as Instrument No. C920254; (“entente”)

“lands” means the lands described in Schedules A and B to the agreement. (“terrains”) O. Reg. 20/98, s. 6 (1).

(2) A board shall exempt an owner from education development charges on the lands to the extent provided for in the agreement. O. Reg. 20/98, s. 6 (2).

### **PART III DETERMINATION OF CHARGES AND PASSAGE OF BY-LAW**

#### DETERMINATION OF EDUCATION DEVELOPMENT CHARGES

7. Before an education development charge by-law is passed, the board shall do the following for the purposes of determining the education development charges:

1. 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 years, for a period chosen by the board of up to 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.
2. The board shall identify different types of new dwelling units and estimate, for each type, the average number of new school pupils generated by each new dwelling unit who will attend schools of the board.
3. For each of the years referred to in paragraph 1, the board shall estimate the total number of new school pupils using the estimated number of new dwelling units and the estimated average number of new school pupils generated by each new dwelling unit and, subtracting from that number, the number of existing school pupil places that, in the opinion of the board, could reasonably be used to accommodate those new school pupils.
4. The board shall estimate the net education land cost for the school sites required to provide pupil places for the number of new school pupils estimated under paragraph 3.
5. The board shall estimate the balance of the education development charge account, if any, relating to the area in which the charges are to be imposed. The estimate shall be an estimate of the balance immediately before the day the board intends to have the by-law come into force.
6. The board shall adjust the net education land cost with respect to any balance estimated under paragraph 5. If the balance is positive, the balance shall be subtracted from the cost. If the balance is negative, the balance shall be converted to a positive number and added to the cost.
7. The net education land cost as adjusted, if necessary, under paragraph 6, is the growth-related net education land cost.
8. 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, that is 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 per cent.
9. The board shall determine the charges on residential development subject to the following:
  - i. The charges shall be expressed as a rate per new dwelling unit.
  - ii. The rate shall be the same throughout the area in which charges are to be imposed under the by-law.
  - iii. The rate shall be an amount that does not exceed the maximum rate, which is determined for each year of the proposed by-law by taking the lesser of,
    - A. the rate that, if applied over the period referred to in paragraph 1 to the estimated residential development in the area to which the by-law would apply and for which charges may be imposed, would not exceed the percentage of the forecasted growth-related net education land cost that is to be funded by charges on residential development, and
    - B. the rate determined under paragraph 9.1.

9.1 The rate referred to in sub-subparagraph 9 iii B shall be determined as follows:

- i. In respect of the first year of the by-law, take the greater of,

- A. the product of 1.05 and,
    - 1. if a by-law is currently in force, the residential rate set out in that by-law that would apply, on the day immediately before the day the proposed by-law would come into force, to the area to which the proposed by-law would apply, or
    - 2. if a by-law is not currently in force, the residential rate set out in the most recent by-law that would have applied, on the day that by-law expired, to the area to which the proposed by-law would apply, and
  - B. the sum of \$300 and,
    - 1. if a by-law is currently in force, the residential rate set out in that by-law that would apply, on the day immediately before the day the proposed by-law would come into force, to the area to which the proposed by-law would apply, or
    - 2. if a by-law is not currently in force, the residential rate set out in the most recent by-law that would have applied, on the day that by-law expired, to the area to which the proposed by-law would apply.
  - ii. In respect of the second year of the by-law and each subsequent year, if applicable, take the greater of,
    - A. the product of 1.05 and the residential rate determined under subparagraph 9 iii in respect of the previous year of the by-law, and
    - B. the sum of \$300 and the residential rate determined under subparagraph 9 iii in respect of the previous year of the by-law.
10. 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, and
  - ii. the charges on each type of residential development, subject to the rules in subparagraphs 9 i, ii and iii.
11. If charges are to be imposed on non-residential development, the board shall determine the charges, subject to the following:
- i. The charges shall be expressed as one of the following types of rate, as selected by the board:
    - A. A rate to be applied to the board-determined GFA of the development.
    - B. A rate to be applied to the declared value of the development.
  - ii. The board may choose to have one type of rate for some parts of the area in which charges are to be imposed and the other type of rate to apply to the other parts of the area in which charges are to be imposed.
  - iii. The board may not choose to have both types of rate apply within a municipality.
  - iv. If only one type of rate applies under the by-law, the rate shall be the same throughout the area in which charges are to be imposed under the by-law.
  - v. If both types of rate are to apply under the by-law, each of those rates shall be the same throughout the area in which each type of rate applies.
  - vi. The rate (or rates if both types of rate are to apply under the by-law) shall be a rate determined such that it does not exceed the maximum rate, which is determined for each year of the proposed by-law by taking the lesser of,
    - A. the rate (or rates if both types of rate are to apply under the by-law) that, if applied over the period referred to in paragraph 1 to the estimated non-residential development in the area to which the by-law would apply and for which charges may be imposed, would not exceed the percentage of the forecasted growth-related net education land cost that is to be funded by charges on non-residential development, and
    - B. the rate (or rates if both types of rate are to apply under the by-law) determined under paragraph 12.
12. A rate referred to in sub-subparagraph 11 vi B shall be determined as follows:
- i. In respect of the first year of the by-law, take the product of 1.05 and,
    - A. if a by-law is currently in force, the non-residential rate set out in that by-law that would apply, on the day immediately before the day the proposed by-law would come into force, to the area to which the proposed by-law would apply, or
    - B. if a by-law is not currently in force, the non-residential rate set out in the most recent by-law that would have applied, on the day that by-law expired, to the area to which the proposed by-law would apply.

- ii. In respect of the second year of the by-law and each subsequent year, if applicable, take the product of 1.05 and the non-residential rate determined under subparagraph 11 vi in respect of the previous year of the by-law. O. Reg. 438/18, s. 1; O. Reg. 55/19, s. 1.

#### APPLICATION OF CHARGE IF BASED ON DECLARED VALUE OF DEVELOPMENT

8. An education development charge expressed as a rate to be applied to the declared value of a development shall be applied to the declared value used to calculate the building permit fee, if that fee is calculated using the declared value of the development. O. Reg. 20/98, s. 8.

#### BACKGROUND STUDY CONTENTS

9. The following information is prescribed, for the purposes of clause 257.61 (2) (d) of the Act, as information that must be included in the education development charge background study relating to an education development charge by-law:

1. The following estimates that the board intends to use in determining the education development charges:
  - i. The board's estimates under paragraph 1 of section 7, for each of the years for which estimates are made, of the number of new dwelling units in the area in which the charges are to be imposed.
  - ii. The board's estimates under paragraph 2 of section 7, for each type of new dwelling unit identified by the board, of the average number of new school pupils generated by each new dwelling unit who will attend schools of the board.
  - iii. The board's estimates under paragraph 3 of section 7, for each of the years for which estimates are made, of the total number of new school pupils, without the adjustments set out in that paragraph being made and with the adjustments set out in that paragraph being made.
2. For each school site, the net education land cost of which the board intends to include in its estimation under paragraph 4 of section 7,
  - i. the location of the site,
  - ii. the area of the site,
  - iii. the estimated education land costs of the site, and
  - iv. the number of pupil places the board estimates will be provided by the school to be built on the site and the number of those pupil places that the board estimates will be used to accommodate the number of new school pupils estimated under paragraph 3 of section 7. O. Reg. 438/18, s. 2.

#### CONDITIONS OF PASSAGE OF BY-LAW

10. The following conditions are prescribed, for the purposes of subsection 257.54 (6) of the Act, as conditions that must be satisfied in order for a board to pass an education development charge by-law:

1. The Minister has approved,
  - i. the board's estimates under paragraph 3 of section 7, for each of the years required under that paragraph, of the total number of new school pupils, without the adjustments set out in that paragraph being made, and
  - ii. the board's estimates of the number of school sites used by the board to determine the net education land cost under paragraph 4 of section 7.
2. At least one of the following conditions:
  - i. The estimated average number of elementary school pupils of the board over the five years immediately following the day the board intends to have the by-law come into force exceeds the total capacity of the board to accommodate elementary school pupils throughout its jurisdiction on the day the by-law is passed.
  - ii. The estimated average number of secondary school pupils of the board over the five years immediately following the day the board intends to have the by-law come into force exceeds the total capacity of the board to accommodate secondary school pupils throughout its jurisdiction on the day the by-law is passed.
  - iii. At the time of expiry of the board's last education development charge by-law that applies to all or part of the area in which the charges would be imposed, the balance in the education development charge account is less than the amount required to pay outstanding commitments to meet growth-related net education land costs, as calculated for the purposes of determining the education development charges imposed under that by-law.
3. The board has given a copy of the education development charge background study relating to the by-law to the Minister and to each board having jurisdiction within the area to which the by-law would apply.
4. The area in which the board proposes to have charges imposed under its proposed by-law is the same area that was the subject of the education development charge by-law in force on August 31, 2018.

5. The board provides information related to the background study or the calculation of education development charges under section 7, if the Minister requests such information after reviewing the background study submitted under paragraph 3. O. Reg. 438/18, s. 2.

#### NOTICE OF PUBLIC MEETING

**11.** (1) The notice of the public meeting the board is required to give under clause 257.63 (1) (b) of the Act shall be given in one of the following ways:

1. To every owner of land in the area to which the proposed by-law would apply, by personal service, fax or mail.
2. 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. O. Reg. 20/98, s. 11 (1).

(2) For the purposes of paragraph 1 of subsection (1), the owners are the owners shown on the last revised assessment roll, subject to any written notice of a change of ownership of land the secretary of the board may have received. A notice given by mail to an owner shall be mailed to the address shown on the last revised assessment roll or, if applicable, to the address shown on the notice of a change of ownership of land received by the secretary of the board. O. Reg. 20/98, s. 11 (2).

#### NOTICE OF BY-LAW

**12.** (1) This section applies to the notices relating to the passage of an education development charge by-law that the secretary of a board is required to give under section 257.64 of the Act. O. Reg. 20/98, s. 12 (1).

(2) Notice shall be given in one of the following ways:

1. By personal service, fax or mail to every owner of land in the area to which the by-law applies.
2. 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 by-law applies to give the public reasonable notice of the by-law. O. Reg. 20/98, s. 12 (2).

(3) Subsection 11 (2) applies, with necessary modifications, for the purposes of paragraph 1 of subsection (2). O. Reg. 20/98, s. 12 (3).

(4) In addition to the notice under subsection (2), notice shall be given, by personal service, fax or mail, to the following:

1. Every person and organization that has given the secretary of the board a written request for notice of the passing of the by-law and has provided a return address.
2. The Minister.
3. Unless notice is given under paragraph 2 of subsection (2),
  - i. the clerk of every municipality having jurisdiction within the area to which the by-law applies, and
  - ii. the secretary of every board having jurisdiction within the area to which the by-law applies. O. Reg. 20/98, s. 12 (4).

(5) Each notice shall set out the following:

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 lands 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 a 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. O. Reg. 20/98, s. 12 (5).

**PART IV  
AMENDMENT TO BY-LAW**

**RE-DETERMINATION OF EDUCATION DEVELOPMENT CHARGES**

**13.** If a proposed amendment to an education development charge by-law would change a rate used to determine the amount of an education development charge, section 7 applies with necessary modifications before the by-law to make the amendment is passed. O. Reg. 95/02, s. 6.

**NOTICE OF PROPOSED AMENDMENT TO BY-LAW**

**14.** (1) This section applies to the notices relating to a proposed by-law amending an education development charge by-law that a board is required to give under section 257.72 of the Act. O. Reg. 20/98, s. 14 (1).

(2) Notice shall be given to the following:

1. Every person and organization that has given 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.
2. The clerk of every municipality having jurisdiction within the area to which the education development charge by-law applies.
3. The secretary of every board having jurisdiction within the area to which the education development charge by-law, as amended, applies.
4. The Minister. O. Reg. 20/98, s. 14 (2); O. Reg. 438/18, s. 3.

(3) Notice to a person or organization described in paragraph 1 of subsection (2) shall be given by personal service, fax or mail. O. Reg. 20/98, s. 14 (3).

(4) Notice to a person described in paragraph 2 or 3 of subsection (2) shall be given by personal service, fax or mail or 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 education development charge by-law applies to give the public reasonable notice. O. Reg. 20/98, s. 14 (4).

(5) Each notice shall set out the following:

1. A statement that the board proposes to amend the education development charge by-law.
2. An explanation of the education development charges imposed by the education development charge by-law on residential development and non-residential development.
3. An explanation of the proposed amending by-law.
4. A description of the lands to which the education development charge by-law applies.
5. A key map showing the lands to which the education development charge by-law applies or an explanation of why a key map is not provided.
6. If the lands to which the education development charge by-law would apply will be different if the proposed amending by-law is passed, a description of the lands to which the education development charge by-law, as amended, would apply and a key map showing those lands or an explanation of why a key map is not provided.
7. An explanation of where and when persons may examine a copy of the proposed amending by-law. O. Reg. 20/98, s. 14 (5).

**NOTICE OF THE PASSAGE OF AMENDING BY-LAW**

**15.** (1) This section applies to the notices relating to the passage of a by-law amending an education development charge by-law that the secretary of a board is required to give under section 257.73 of the Act. O. Reg. 20/98, s. 15 (1).

(2) Notice shall be given to the following:

1. Every person and organization that has given 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.
2. The Minister.
3. The clerk of every municipality having jurisdiction within the area to which the education development charge by-law, as amended, applies.
4. The secretary of every board having jurisdiction within the area to which the education development charge by-law, as amended, applies. O. Reg. 20/98, s. 15 (2).

(3) Notice to a person or organization described in paragraph 1 or 2 of subsection (2) shall be given by personal service, fax or mail. O. Reg. 20/98, s. 15 (3).

(4) Notice to a person described in paragraph 3 or 4 of subsection (2) shall be given by personal service, fax or mail or 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 education development charge by-law applies to give the public reasonable notice. O. Reg. 20/98, s. 15 (4).

(5) Each notice shall set out the following:

1. A statement that the board has passed a by-law amending the education development charge by-law.
2. A statement setting out when the amending by-law was passed and what its number is.
3. A statement that any person or organization may appeal the amending by-law to the Ontario Municipal Board under section 257.74 of the Act by filing with the secretary of the board a notice of appeal setting out the objection to the amending by-law and the reasons supporting the objection.
4. A statement setting out what the last day for appealing the amending by-law is.
5. A statement that an appeal may not raise an issue that could have been raised in an appeal of the education development charge by-law under section 257.65 of the Act. O. Reg. 20/98, s. 15 (5).

## **PART V MISCELLANEOUS**

### **EDUCATION DEVELOPMENT CHARGE ACCOUNT**

**16.** (1) A board shall, under section 257.82 of the Act, establish an education development charge account for the area to which an education development charge by-law applies. O. Reg. 20/98, s. 16 (1); O. Reg. 366/10, s. 4 (1).

(2) Money from an education development charge account 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;
- (b) as provided for under subsection 241 (1) or section 257.99 of the Act;
- (c) to pay the reasonable costs of preparing, revising and distributing the pamphlet for the by-law as required under section 21;
- (d) to pay the service charges of a financial institution relating to the account; or
- (e) if an education development charge has been paid but the building permit for the development is revoked, to refund the education development charge plus interest at a rate not exceeding the rate prescribed under section 18. O. Reg. 20/98, s. 16 (2); O. Reg. 473/98, s. 1; O. Reg. 95/02, s. 7; O. Reg. 366/10, s. 4 (2, 3); O. Reg. 162/11, s. 1.

**16.1** (1) If paragraph 4 of section 6.1 of Ontario Regulation 193/10 (Restricted Purpose Revenues) made under the Act applies to the proceeds of a sale, lease or other disposition of real property by a board, the board shall establish an education development charge account. O. Reg. 366/10, s. 5 (1).

(2) Money from an education development charge account established under subsection (1) may be used only to fund costs that meet all of the following criteria:

1. The costs are education land costs.
2. The costs are growth-related net education capital costs.
3. The costs are incurred for the purpose of acquiring land or an interest in land in the region prescribed under clause 257.101 (d) of the Act in which the real property referred to in subsection (1) is located. O. Reg. 473/98, s. 2; O. Reg. 136/00, s. 2; O. Reg. 366/10, s. 5 (2).

### **EXPIRY OF BY-LAWS — SPECIAL RULE**

**17.** (1) This section governs the expiry of an education development charge by-law of a board (the “new by-law”) if, when the new by-law is passed, an education development charge by-law of another board (an “existing overlapping by-law”) applies to any part of the area to which the new by-law applies. O. Reg. 20/98, s. 17 (1).

(2) The new by-law expires on the earliest of the expiry dates of the existing overlapping by-laws, as they read on the day the new by-law is passed. O. Reg. 20/98, s. 17 (2).

(3) For greater certainty, a by-law continued under section 257.103 of the Act is not an existing overlapping by-law. O. Reg. 20/98, s. 17 (3).

### **INTEREST**

**18.** (1) The interest rate that shall be paid under subsections 257.69 (3) and 257.90 (2) of the Act and the minimum interest rate that boards shall pay under section 257.99 of the Act is the lowest prime rate reported to the Bank of Canada by any of the banks listed in Schedule I to the *Bank Act* (Canada) at the beginning of the period for which interest is to be paid. O. Reg. 20/98, s. 18.

- (2) Despite subsection (1),
- (a) the prescribed interest rate for periods after this subsection comes into force for the purposes of subsections 257.69 (3) and 257.90 (2) of the Act, in respect of refunds in connection with an education development charge by-law, is the rate of interest determined under subsection (3); and
- (b) the minimum interest rate that a board shall pay for the purposes of section 257.99 of the Act in respect of an amount borrowed from an education development charge account established in connection with an education development charge by-law that is made after the day this subsection comes into force is the rate of interest determined under subsection (3). O. Reg. 95/02, s. 8; O. Reg. 366/10, s. 6.
- (3) For the purposes of subsection (2), the rate of interest in respect of amounts payable in connection with an education development charge by-law is,
- (a) the Bank of Canada rate on the day the by-law comes into force; or
- (b) the Bank of Canada rate on the day the by-law comes into force, as adjusted to the current Bank of Canada rate on the first day of every following January, April, July and October, if the by-law authorizes the adjustments. O. Reg. 95/02, s. 8.

#### REGIONS

**19.** (1) The area of the jurisdiction of a board is divided into regions for the purposes of section 257.57 of the Act in accordance with the following:

1. The part of the jurisdiction that is in the area described in an item of the Schedule to this Regulation is a region.
2. The part of the jurisdiction that is not in any area described in an item of the Schedule to this Regulation is a region. O. Reg. 20/98, s. 19 (1).

(2) A reference in the Schedule to an upper-tier municipality or to a local municipality shall be read as a reference to the geographic area that is under the jurisdiction of the municipality on January 1, 2002, unless otherwise stated in the Schedule. O. Reg. 95/02, s. 9.

(3) In this section and the Schedule,

“local municipality” means a single-tier municipality or a lower-tier municipality; (“municipalité locale”).

“upper-tier municipality” means a municipality of which two or more lower-tier municipalities form part for municipal purposes. (“municipalité de palier supérieur”) O. Reg. 95/02, s. 9.

(4) In subsection (3),

“lower-tier municipality” means a municipality that forms part of an upper-tier municipality for municipal purposes; (“municipalité de palier inférieur”)

“municipality” means a geographic area whose inhabitants are incorporated; (“municipalité”)

“single-tier municipality” means a municipality, other than an upper-tier municipality, that does not form part of an upper-tier municipality for municipal purposes. (“municipalité à palier unique”) O. Reg. 95/02, s. 9.

#### MONTHLY REPORTS

**20.** (1) The following information, as it relates to land in the municipality, is prescribed as information to be included in a monthly report under section 257.97 of the Act:

1. The total education development charges that are collected in respect of residential development.
2. The number of building permits, for each type of new dwelling unit the board identified under paragraph 2 of section 7, in respect of which education development charges were imposed.
3. The location of the lands to which the building permits described in paragraph 2 pertained.
4. The total education development charges collected in respect of non-residential development.
5. The number of building permits issued for non-residential development in respect of which an education development charge is imposed by the board.
6. The total board-determined GFA of the non-residential development in respect of which education development charges, determined using a rate applied to the board-determined GFA of the development, are imposed by the board. The total board-determined GFA shall not include the gross floor area of a development with respect to which subsection 257.55 (3) of the Act applies or the board-determined GFA to which subsection 5 (2) of this Regulation applies.
7. The total declared value of the non-residential development in respect of which education development charges, determined using a rate applied to the declared value of the development, are imposed by the board. The total declared

value shall not include the declared value of a development with respect to which subsection 257.55 (3) of the Act or subsection 5 (2) of this Regulation applies.

8. For each development with respect to which subsection 257.55 (3) of the Act applies and in respect of which education development charges are imposed by the board,
    - i. the gross floor area of the existing building,
    - ii. the gross floor area of the enlargement, and
    - iii. if the education development charges are determined using a rate applied to the declared value of the development, the declared value upon which the charges for the development are determined.
  9. For each development with respect to which subsection 5 (2) of this Regulation applies and in respect of which education development charges are imposed by the board,
    - i. the board-determined GFA of the non-residential part of the building being replaced,
    - ii. the board-determined GFA of the non-residential part of the replacement building, and
    - iii. if the education development charges are determined using a rate applied to the declared value of the development, the declared value upon which the charges for the development are determined.
  10. The number of building permits issued for residential development in an area to which the education development charge by-law applies in respect of which no education development charge is imposed.
  11. The number of building permits issued for non-residential development in an area to which the education development charge by-law applies in respect of which no education development charge is imposed. O. Reg. 20/98, s. 20 (1); O. Reg. 95/02, s. 10.
- (2) The report shall cover the period,
    - (a) beginning at the end of the period covered by the previous report by the municipality or, if there was no previous report, beginning on the first day that an education development charge by-law of the board applied to land in the municipality;
    - (b) ending at the end of the 25th day of the month before the month in which the report is due. O. Reg. 20/98, s. 20 (2).

#### PAMPHLETS EXPLAINING BY-LAW

21. (1) A board shall prepare a pamphlet for each education development charge by-law in force setting out,
  - (a) a description of the general purpose for which the education development charges under the by-law are being imposed; and
  - (b) the rules for determining if an education development charge is payable in a particular case and for determining the amount of the charge. O. Reg. 20/98, s. 21 (1).
- (2) The board shall prepare the pamphlet,
  - (a) if the by-law is not appealed to the Ontario Municipal Board, within 60 days after the by-law comes into force;
  - (b) if the by-law is appealed to the Ontario Municipal Board, within 60 days after the Ontario Municipal Board's decision or, if the Ontario Municipal Board orders the board to amend the by-law, within 60 days after the board does so. O. Reg. 20/98, s. 21 (2).
- (3) If an education development charge by-law is amended, the board shall revise the pamphlet for the by-law as necessary. O. Reg. 20/98, s. 21 (3).
- (4) If the board is required to revise the pamphlet, it shall do so,
  - (a) if the amending by-law is not appealed to the Ontario Municipal Board, within 60 days after the amending by-law comes into force;
  - (b) if the amending by-law is appealed to the Ontario Municipal Board, within 60 days after the Ontario Municipal Board's decision or, if the Ontario Municipal Board orders the board to amend the amending by-law, within 60 days after the board does so. O. Reg. 20/98, s. 21 (4).
- (5) Upon preparing or revising a pamphlet, the board shall give a copy of the pamphlet to the Minister. O. Reg. 20/98, s. 21 (5).
- (6) The board shall give a copy of the most recent pamphlet, without charge, to any person who requests one. O. Reg. 20/98, s. 21 (6).
- (7) The board may charge a fee for additional copies of a pamphlet given to a person but the fee must be no more than is needed to pay for the cost of the additional copies. O. Reg. 20/98, s. 21 (7).
- (8) A person may reproduce and distribute the pamphlet in any form. O. Reg. 20/98, s. 21 (8).

**PART VI  
TRANSITION FROM OLD DEVELOPMENT CHARGES ACT**

**SUCCESSOR BOARDS**

22. (1) Each board set out in Column 2 of the following table is prescribed as a successor board of the corresponding old board set out in Column 1 for the purposes of Division E of Part IX of the Act.

Item	Column 1 Old Boards	Column 2 Successor Boards
1.	The York Region Board of Education	English-language Public District School Board No. 16 Conseil de district des écoles publiques de langue française n° 58
2.	The York Region Roman Catholic Separate School Board/Conseil des écoles séparées catholiques de la région de York	English-language Separate District School Board No. 42 Conseil de district des écoles séparées de langue française n° 64
3.	The Carleton Board of Education	English-language Public District School Board No. 25
4.	The Carleton Roman Catholic Separate School Board	English-language Separate District School Board No. 53
5.	The Durham Board of Education	English-language Public District School Board No. 13 Conseil de district des écoles publiques de langue française n° 58
6.	The Durham Region Roman Catholic Separate School Board/Conseil des écoles séparées catholiques de la région de Durham	English-language Separate District School Board No. 45 Conseil de district des écoles séparées de langue française n° 64
7.	The Halton Board of Education	English-language Public District School Board No. 20 Conseil de district des écoles publiques de langue française n° 58
8.	The Halton Roman Catholic Separate School Board/Conseil des écoles catholiques de Halton	English-language Separate District School Board No. 46 Conseil de district des écoles séparées de langue française n° 64
9.	The Peel Board of Education	English-language Public District School Board No. 19 Conseil de district des écoles publiques de langue française n° 58
10.	The Dufferin County Board of Education	English-language Public District School Board No. 18 Conseil de district des écoles publiques de langue française n° 58
11.	The Dufferin-Peel Roman Catholic Separate School Board/Conseil des écoles séparées catholiques de Dufferin & Peel	English-language Separate District School Board No. 43 Conseil de district des écoles séparées de langue française n° 64
12.	The Wentworth County Board of Education	English-language Public District School Board No. 21 Conseil de district des écoles publiques de langue française n° 58
13.	The Hamilton-Wentworth Roman Catholic Separate School Board/Le conseil des écoles séparées catholiques romaines de Hamilton-Wentworth	English-language Separate District School Board No. 47 Conseil de district des écoles séparées de langue française n° 64
14.	Le Conseil des écoles publiques d'Ottawa-Carleton	Conseil de district des écoles publiques de langue française n° 59
15.	Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton	Conseil de district des écoles séparées de langue française n° 66

O. Reg. 20/98, s. 22.

(2) For the purposes of this Part, the predecessor of a board set out in Column 2 of the table referred to in subsection (1) is the corresponding old board set out in Column 1. O. Reg. 473/98, s. 3.

**JOINT EDUCATION DEVELOPMENT CHARGE ACCOUNTS**

23. (1) For each joint education development charge account held by old boards set out in column 1 of the table to section 22 on December 31, 1997, the successor boards to the old boards shall establish an education development charge account to be held jointly by the successor boards. O. Reg. 20/98, s. 23 (1).

(2) If, under the old Act, the amounts collected under an education development charge by-law would have been deposited into a joint education development charge account, the amounts paid under the by-law, as continued under section 257.103 of the Act, shall be deposited into the corresponding education development charge account established under subsection (1). O. Reg. 20/98, s. 23 (2).

(3) The *Development Charges Act* and Regulation 268 of the Revised Regulations of Ontario, 1990, as they read on January 31, 1998, continue to apply, with necessary modifications, to money collected by the treasurer of a municipality under an education development charges by-law continued under section 257.103 of the Act and to a joint education development charge account established under subsection (1), subject to the following rules:

1. In addition to the money that a successor board may withdraw under subsection 5 (7) of Regulation 268 of the Revised Regulations of Ontario, 1990 as it read on January 31, 1998 from the account established under subsection (1), the successor board may withdraw from the account an amount that will be applied to costs that meet all of the following criteria:
  - i. The costs are education land costs.
  - ii. The costs are growth-related net education capital costs.

- iii. The costs are incurred for the purpose of acquiring land or an interest in land in the area to which applied the successor board's predecessor by-law for the account established under subsection (1).
- 2. Subsection 5 (6) of Regulation 268 of the Revised Regulations of Ontario, 1990 as it read on January 31, 1998 does not apply to withdrawals under paragraph 1.
- 3. The total amount that may be withdrawn under paragraph 1 by a successor board shall not exceed the amount determined in accordance with the following formula:

$$A \times B \times (D + E + F + G + H + I - J - K - L - M - N - P - Q) / (B + C)$$

where,

A = the factor set out in Column 3 of the Table to this section opposite the name of the successor board set out in Column 1 and the name of the successor board's predecessor set out in Column 2,

B = the revenue raised by charges imposed by the successor board's predecessor by-law for the account established under subsection (1),

C = the revenue raised by charges imposed by the other education development charge by-law under which amounts were deposited into the predecessor account of the account established under subsection (1),

D = the income earned by the predecessor account of the account established under subsection (1),

E = the income that has been earned by the account established under subsection (1),

F = the future income that will be earned by the account established under subsection (1),

G = the sum of all the amounts that were deposited into the predecessor account of the account established under subsection (1),

H = the sum of all the amounts that have been deposited by the treasurer of a municipality into the account established under subsection (1),

I = the sum of all future amounts that will be deposited by the treasurer of a municipality into the account established under subsection (1),

J = the sum of all the amounts that were withdrawn from the predecessor account of the account established under subsection (1) under subsection 5 (7) of Regulation 268 of the Revised Regulations of Ontario, 1990 as it read on January 31, 1998,

K = the sum of all the amounts that have been withdrawn from the account established under subsection (1) under subsection 5 (7) of Regulation 268 of the Revised Regulations of Ontario, 1990 as it read on January 31, 1998,

L = the sum of all future amounts that will be withdrawn from the account established under subsection (1) under subsection 5 (7) of Regulation 268 of the Revised Regulations of Ontario, 1990 as it read on January 31, 1998,

M = the sum of all future amounts that will be withdrawn under clause (6) (a) from accounts established under paragraph 1 of subsection (4) to which money will be distributed under subsection (5) from the account established under subsection (1),

N = the sum of all the amounts that were refunded from the predecessor account of the account established under subsection (1), including interest,

P = the sum of all the amounts that have been refunded from the account established under subsection (1), including interest,

Q = the sum of all future amounts that will be refunded from the account established under subsection (1), including interest.

O. Reg. 473/98, s. 4 (1); O. Reg. 136/00, s. 3 (1); O. Reg. 366/10, s. 7 (1).

(4) The following rules apply if an education development charge by-law is repealed or expires and amounts paid under the by-law were required, before it was repealed or expired, to be deposited into an education development charge account established under subsection (1):

- 1. The successor board whose by-law was repealed or expired shall establish an education development charge account that is in addition to any other education development charge account that the board may have established.
- 2. If, after the repeal or expiry, no amounts under an education development charge by-law of any other board will be required to be deposited into the education development charge account, a surplus in the account shall be distributed in accordance with subsection (5) to the education development charge accounts that have been established in respect of the account under paragraph 1. O. Reg. 20/98, s. 23 (4); O. Reg. 473/98, s. 4 (2); O. Reg. 366/10, s. 7 (2, 3).

(5) If paragraph 2 of subsection (4) requires a surplus in an education development charge account established under subsection (1) to be distributed in accordance with this subsection, the surplus shall be distributed so that the education

development charge account established by each successor board under paragraph 1 of subsection (4) in respect of the account receives from the account the amount determined in accordance with the following formula:

$$[A \times B \times (D + E + F + G - H - I - J - K - L) / (B + C)] - M$$

where,

- A = the factor set out in Column 3 of the Table to this section opposite the name of the successor board set out in Column 1 and the name of the successor board's predecessor set out in Column 2,
- B = the revenue raised by charges imposed by the successor board's predecessor by-law for the account established under subsection (1),
- C = the revenue raised by charges imposed by the other education development charge by-law under which amounts were deposited into the predecessor account of the account established under subsection (1),
- D = the income earned by the predecessor account of the account established under subsection (1),
- E = the income that has been earned by the account established under subsection (1),
- F = the sum of all the amounts that were deposited into the predecessor account of the account established under subsection (1),
- G = the sum of all the amounts that have been deposited by the treasurer of a municipality into the account established under subsection (1),
- H = the sum of all the amounts that were withdrawn from the predecessor account of the account established under subsection (1) under subsection 5 (7) of Regulation 268 of the Revised Regulations of Ontario, 1990 as it read on January 31, 1998,
- I = the sum of all the amounts that have been withdrawn from the account established under subsection (1) under subsection 5 (7) of Regulation 268 of the Revised Regulations of Ontario, 1990 as it read on January 31, 1998,
- J = the sum of all future amounts that will be withdrawn under clause (6) (a) from accounts established under paragraph 1 of subsection (4) to which money will be distributed under this subsection from the account established under subsection (1),
- K = the sum of all the amounts that were refunded from the predecessor account of the account established under subsection (1), including interest,
- L = the sum of all the amounts that have been refunded from the account established under subsection (1), including interest,
- M = the total of all the amounts that have been withdrawn from the account established under subsection (1) by the successor board under paragraph 1 of subsection (3).

O. Reg. 473/98, s. 4 (3); O. Reg. 366/10, s. 7 (4, 5).

(6) Money from an education development charge account established under paragraph 1 of subsection (4) may be used only to,

- (a) pay amounts that are required to be paid under agreements entered into on or before the date referred to in subsection 257.103 (4) of the Act and that could have been withdrawn under subsection 5 (7) of Regulation 268 as it read on January 31, 1998 from the account established under subsection (1) or from the predecessor account of the account established under subsection (1); or
- (b) fund costs that meet all of the following criteria:
  - 1. The costs are education land costs.
  - 2. The costs are growth-related net education capital costs.
  - 3. The costs are incurred for the purpose of acquiring land or an interest in land in the area to which applied the successor board's predecessor by-law for the account established under subsection (1). O. Reg. 473/98, s. 4 (3); O. Reg. 136/00, s. 3 (2); O. Reg. 366/10, s. 7 (6).

(6.0.1) Despite subsection (6), a board that has not passed a new education development charge by-law may use money from an education development charge account established under paragraph 1 of subsection (4) for a purpose set out in section 1 of Ontario Regulation 446/98 if,

- (a) the money is used to fund costs related to school properties located in the area to which applied the successor board's predecessor by-law for the account established under subsection (1); and
- (b) the money is used to fund costs that are growth-related net education capital costs. O. Reg. 136/00, s. 3 (3); O. Reg. 366/10, s. 7 (7).

(6.1) For the purposes of paragraph 5 of section 7, if a board proposes to pass a new education development charge by-law for all or part of an area to which, when the new by-law comes into force, an education development charge by-law of the board that was continued under subsection 257.103 (2) of the Act will still apply, the board's estimate shall be an estimate of the amounts that will be distributed under subsection (5) to education development charge accounts established by the board on the expiry or repeal of the continued by-law, less any amount that the board has entered into an agreement to pay and that the board is authorized to withdraw but has not yet withdrawn from the education development charge accounts established under subsection (1) in respect of the continued by-law. O. Reg. 473/98, s. 4 (3); O. Reg. 366/10, s. 7 (8).

(6.2) For the purposes of paragraph 5 of section 7, if a board proposes to pass a new education development charge by-law for all or part of an area in respect of which, when the new by-law comes into force, money from education development charge accounts established under paragraph 1 of subsection (4) may be used, the board's estimate shall be an estimate of the amount that will be in the accounts immediately before the new by-law comes into force, less any amount that the board has entered into an agreement to pay and that the board is authorized to withdraw but has not yet withdrawn from the accounts. O. Reg. 473/98, s. 4 (3); O. Reg. 366/10, s. 7 (9).

(7) REVOKED: O. Reg. 366/10, s. 7 (10).

(8) In this section,

“predecessor account” means, with respect to an account established under subsection (1), the joint account established under the *Development Charges Act*, as it read on January 31, 1998, into which amounts were deposited that, under subsection (2), are required to be deposited into the account established under subsection (1); (“compte remplacé”)

“predecessor by-law” means, with respect to a successor board and an account established under subsection (1), the education development charge by-law of the successor board's predecessor under which amounts were deposited into the predecessor account of the account established under subsection (1). (“règlement remplacé”) O. Reg. 473/98, s. 4 (4).

TABLE

Item	Column 1 Successor Board	Column 2 Predecessor	Column 3 Factor
1.	Conseil de district des écoles publiques de langue française no 59	Le Conseil des écoles publiques d'Ottawa-Carleton	1.00000
2.	Conseil scolaire de district catholique Centre-Sud	The Dufferin-Peel Roman Catholic Separate School Board	0.01685
3.	Conseil scolaire de district catholique Centre-Sud	The Durham Region Roman Catholic Separate School Board	0.03843
4.	Conseil scolaire de district catholique Centre-Sud	The Halton Roman Catholic Separate School Board	0.03633
5.	Conseil scolaire de district catholique Centre-Sud	The Hamilton-Wentworth Roman Catholic Separate School Board	0.02826
6.	Conseil scolaire de district catholique Centre-Sud	The York Region Roman Catholic Separate School Board	0.02061
7.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton	1.00000
8.	Conseil scolaire de district du Centre Sud-Ouest	The Dufferin County Board of Education	0.00410
9.	Conseil scolaire de district du Centre Sud-Ouest	The Durham Board of Education	0.00910
10.	Conseil scolaire de district du Centre Sud-Ouest	The Halton Board of Education	0.00860
11.	Conseil scolaire de district du Centre Sud-Ouest	The Peel Board of Education	0.01050
12.	Conseil scolaire de district du Centre Sud-Ouest	The Wentworth County Board of Education	0.00680
13.	Conseil scolaire de district du Centre Sud-Ouest	The York Region Board of Education	0.00840
14.	Dufferin-Peel Catholic District School Board	The Dufferin-Peel Roman Catholic Separate School Board	0.98315
15.	Durham Catholic District School Board	The Durham Region Roman Catholic Separate School Board	0.96157
16.	Durham District School Board	The Durham Board of Education	0.99090
17.	Halton Catholic District School Board	The Halton Roman Catholic Separate School Board	0.96367
18.	Halton District School Board	The Halton Board of Education	0.99140
19.	Hamilton-Wentworth Catholic District School Board	The Hamilton-Wentworth Roman Catholic Separate School Board	0.97174
20.	Hamilton-Wentworth District School Board	The Wentworth County Board of Education	0.99320
21.	Ottawa-Carleton Catholic District School Board	The Carleton Roman Catholic Separate School Board	1.00000
22.	Ottawa-Carleton District School Board	The Carleton Board of Education	1.00000
23.	Peel District School Board	The Peel Board of Education	0.98950
24.	Upper Grand District School Board	The Dufferin County Board of Education	0.99590
25.	York Catholic District School Board	The York Region Roman Catholic Separate	0.97939

		School Board	
26.	York Region District School Board	The York Region Board of Education	0.99160

O. Reg. 473/98, s. 4 (5).

#### MONTHLY REPORTS FOR CONTINUED BY-LAWS

**24.** The following apply with respect to a report required under section 257.97 of the Act as that section applies under subsection 257.103 (3) of the Act:

1. The period that the report must cover is the period referred to in subsection 37 (5) of the old Act.
2. The information that the report shall contain is the information that was prescribed under section 14 of Regulation 268 of the Revised Regulations of Ontario, 1990, as it read on January 31, 1998. O. Reg. 20/98, s. 24.

**25.** OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THE ENGLISH VERSION OF THIS REGULATION). O. Reg. 20/98, s. 25.

#### SCHEDULE REGIONS

1. The area of jurisdiction of the former Atikokan Board of Education as it existed on December 31, 1997.
2. The area of jurisdiction of the former Beardmore, Geraldton, Longlac and Area Board of Education, as it existed on December 31, 1997, and the former Kilkenny District School Area.
3. The area of jurisdiction of the former Central Algoma Board of Education as it existed on December 31, 1997.
4. The area of jurisdiction of the former Chapleau Board of Education as it existed on December 31, 1997.
5. The area of jurisdiction of the former Cochrane-Iroquois Falls, Black River-Matheson Board of Education as it existed on December 31, 1997.
6. The area of jurisdiction of the former Dryden Board of Education, as it existed on December 31, 1997, and the former Sturgeon Lake District School Area.
7. The area of jurisdiction of the former East Parry Sound Board of Education as it existed on December 31, 1997.
8. The area of jurisdiction of the former Espanola Board of Education as it existed on December 31, 1997.
9. The area of jurisdiction of the former Fort Frances-Rainy River Board of Education as it existed on December 31, 1997.
10. The area of jurisdiction of the former Hearst Board of Education as it existed on December 31, 1997.
11. The area of jurisdiction of the former Hornepayne Board of Education as it existed on December 31, 1997.
12. The area of jurisdiction of the former Kapuskasing-Smooth Rock Falls and District Board of Education as it existed on December 31, 1997.
13. The area of jurisdiction of the former Kenora Board of Education as it existed on December 31, 1997.
14. The area of jurisdiction of the former Kirkland Lake Board of Education as it existed on December 31, 1997.
15. The area of jurisdiction of the former Lake Superior Board of Education as it existed on December 31, 1997.
16. The area of jurisdiction of the former Lakehead Board of Education, as it existed on December 31, 1997 and the former Kashabowie District School Area.
17. The area of jurisdiction of the former Manitoulin Board of Education as it existed on December 31, 1997.
18. The area of jurisdiction of the former Michipicoten Board of Education as it existed on December 31, 1997.
19. The area of jurisdiction of the former Muskoka Board of Education as it existed on December 31, 1997.
20. The area of jurisdiction of the former Nipigon-Red Rock Board of Education as it existed on December 31, 1997.
21. The area of jurisdiction of the former Nipissing Board of Education as it existed on December 31, 1997.
22. The area of jurisdiction of the former North Shore Board of Education as it existed on December 31, 1997.
23. The area of jurisdiction of the former Red Lake Board of Education as it existed on December 31, 1997.
24. The area of jurisdiction of the former Sault Ste. Marie Board of Education as it existed on December 31, 1997.
25. The area of jurisdiction of the former Sudbury Board of Education as it existed on December 31, 1997.
26. The area of jurisdiction of the former Timiskaming Board of Education as it existed on December 31, 1997.
27. The area of jurisdiction of the former Timmins Board of Education as it existed on December 31, 1997.

28. The area of jurisdiction of the former West Parry Sound Board of Education as it existed on December 31, 1997.
29. The local municipality of South Algonquin.
30. The local municipalities of Brantford and County of Brant.
31. The upper-tier municipality of Bruce.
32. The upper-tier municipality of Dufferin.
33. The upper-tier municipality of Elgin and the local municipality of St. Thomas.
34. The upper-tier municipality of Essex and the local municipality of Pelee.
35. The geographic area of the Frontenac Management Board, as set out in paragraph 3.3 (b) of an Order made under section 25.2 of the *Municipal Act* on January 7, 1997 and published in *The Ontario Gazette* dated February 15, 1997, and the local municipality of Kingston.
36. The upper-tier municipality of Grey.
37. The upper-tier municipality of Haliburton.
38. The upper-tier municipality of Hastings, the local municipality of Belleville and the portions of the geographic area of the local municipality of Quinte West that on December 31, 1997 were included in the geographic area of the upper-tier municipality of Hastings or of the former City of Trenton.
39. The upper-tier municipality of Huron.
40. The local municipality of Chatham-Kent.
41. The upper-tier municipality of Lambton.
42. The upper-tier municipality of Lanark and the local municipality of Smiths Falls.
43. The upper-tier municipality of Leeds and Grenville and the local municipalities of Brockville, Gananoque and Prescott.
44. The upper-tier municipality of Lennox and Addington.
45. The upper-tier municipality of Middlesex.
46. The upper-tier municipality of Northumberland, the local municipality of Clarington and the portion of the geographic area of the local municipality of Quinte West that on December 31, 1997 was included in the geographic area of the upper-tier municipality of Northumberland.
47. The upper-tier municipality of Oxford.
48. The upper-tier municipality of Perth and the local municipalities of St. Marys and Stratford.
49. The upper-tier municipality of Peterborough and the local municipality of Peterborough.
50. The upper-tier municipality of Prescott and Russell.
51. The local municipality of County of Prince Edward.
52. The upper-tier municipality of Renfrew and the local municipality of Pembroke.
53. The upper-tier municipality of Simcoe and the local municipalities of Barrie and Orillia.
54. The upper-tier municipality of Stormont, Dundas and Glengarry and the local municipality of Cornwall.
55. The local municipality of Kawartha Lakes.
56. The upper-tier municipality of Wellington and the local municipality of Guelph.
57. The upper-tier municipality of Durham, except for the local municipality of Clarington.
58. The local municipality of Haldimand County.
59. The local municipality of Norfolk County.
60. The upper-tier municipality of Halton.
61. The local municipality of Hamilton.
62. The portion of the upper-tier municipality of Niagara that on December 31, 1997 was the school division of The Lincoln County Board of Education.
63. The portion of the upper-tier municipality of Niagara that on December 31, 1997 was the school division of The Niagara South Board of Education.
64. The local municipality of Ottawa.

65. The upper-tier municipality of Peel.
66. The upper-tier municipality of Waterloo.
67. The upper-tier municipality of York.
68. The local municipality of London.
69. The local municipality of Toronto.
70. The local municipality of Windsor.
71. REVOKED: O. Reg. 95/02, s. 11 (5).
72. REVOKED: O. Reg. 95/02, s. 11 (5).

O. Reg. 20/98, Sched.; O. Reg. 95/02, s. 11.

Français

[Back to top](#)

## Proposal Details

The *More Homes, More Choice Act, 2019* received Royal Assent on June 6, 2019. Schedule 4 of that Act amends the *Education Act* to require school boards to provide notice to the Minister of Education if the board plans to acquire or expropriate land. The Minister would be authorized to reject the board's proposal.

The amendments to the *Education Act* will also allow school boards, subject to the approval of the Minister, to enter into Localized Education Development Agreements to allow a land owner to provide a lease, real property or other prescribed benefit to be used by the school board in place of paying EDCs. The amendments will also allow boards, subject to the approval of the Minister, to allocate EDCs towards alternative projects, which are projects, leases or other prescribed measures that would address the board's needs for pupil accommodation.

Changes to Ontario Regulation 20/98 (Education Development Charges – General) made under the *Education Act* are being proposed to support the amendments to the *Education Act* made through the *More Homes, More Choice Act, 2019*. Other changes are also being proposed to the regulation that relate to the process of passing an EDC by-law and determining EDC rates.

### 1. Rate Increase Restrictions

Currently, annual increases to education development charges are restricted to:

- Residential: increases of 5% or \$300 per unit (whichever is greater)
- Non-residential: increases of 5%

*Proposed Content:*

- Non-residential: annual increases of 5% or \$0.10 per square foot (whichever is greater)

### 2. Notice of Public Meetings

Under the *Education Act*, school boards must hold at least one public meeting prior to passing an EDC by-law. Boards are required to provide notice at least 20 days prior to the meeting.

*Proposed Content:*

The proposed regulation would specify details of the notice of the public meeting, which would include:

- Location of the meeting,
- Time and date of the meeting,

- A statement to the public indicating that the school board is accepting Alternative Projects and Localized Education Development Agreements proposals for consideration.
- The final date by which the board will no longer accept Alternative Project and Localized Education Development Agreement proposals.

Notice of public meetings would be required to be posted on the board's website.

### **3. Existing School Space to be included in the calculation of EDCs**

Currently, school boards must include all existing school space that, in the opinion of the board, could reasonably be used to accommodate new pupils that are the result of new residential development.

*Proposed Content:*

The proposed regulation would specify that the school board's determination of existing school spaces that could reasonably be used to accommodate new pupils that are the result of new residential development would be subject to the Minister's approval.

### **4. Changes to an Alternative Project**

Under the amendments to the *Education Act*, school boards will be required to notify the Minister of Education if it is proposing changes to an Alternative Project after the project has been approved by the Minister.

*Proposed Content:*

It is proposed that school boards provide notice to the Minister at least 60 days prior to making a change to an approved alternative project. The Minister would then have 60 days after the issuance of the notice by the board to deny the proposed change.

### **5. Education Development Charge-Exempt Institutions**

It is proposed that a variety of institutions that provide social benefits to the community would be exempt from paying education development charges.

*Proposed Content:*

The following types of organizations would be exempt from paying EDCs:

- Long-term care homes;

- Retirement homes;
- Private schools;
- Universities and colleges;
- Memorial homes, clubhouses or athletic grounds of the Royal Canadian Legion;
- Hospices;
- Child care facilities.

## 6. Holding Students

Currently, students of the board that are not permanently accommodated (e.g. students that are in temporary school accommodations) are not included in the counting of students for the purpose of calculating EDC rates.

### *Proposed Content:*

The regulation would clarify that existing students from new developments who are not permanently accommodated would be added to the counting of new pupils that are the result of new residential development.

## 7. Notice to Acquire or Expropriate Site

Under the amendments to the *Education Act*, school boards will be required to notify the Minister of Education should they plan to acquire land by purchase, expropriation, lease or by any other means within a time period that would be set out in regulation. If the Minister responds, within a time period that would be set out in regulation, that the board shall not proceed with the acquisition, the board would not be authorized to proceed with the acquisition.

### *Proposed Content:*

The proposed regulation would require boards to notify the Minister of Education at least 60 days prior to:

- the close of the purchase of a site;
- the date the board plans to apply for approval from its trustees to expropriate;
- entering into a lease (of any term); or
- acquisition by any other means.

The Minister would then have 60 days from the day the board provides its notice to notify the board that it shall not proceed with the proposed acquisition.