

**DRAFT EDUCATION DEVELOPMENT CHARGES BY-LAW –
FOR PUBLIC CONSULTATION**

DATED: MARCH 15, 2019

**GREATER ESSEX COUNTY DISTRICT SCHOOL BOARD
BY-LAW NO.**

**Being a By-law for the imposition of
Education Development Charges, for the County of Essex and Township of Pelee**

WHEREAS section 257.54 (1) of the Education Act provides that a district school board may pass by-laws for the imposition of education development charges against land in its area of jurisdiction undergoing residential development if there is residential development in the area of jurisdiction of the district school board 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 Education Act;

AND WHEREAS the Greater Essex County District School Board has referred to

DATED: MARCH 15, 2019

apartment, group home, mobile home, duplex, triplex, semi-detached dwelling, single detached dwelling, stacked townhouse and townhouse;

- (g) "education development charge" means education development charge as defined within section 257.53(1) of the Act;
- (h) "education development charge account" means education development charge account as defined within section 257.53(1) of the Act;
- (i) "education land costs" means education land cost as defined within section 257.53(1) of the Act;
- (j) "local board" means a local board as defined in the Municipal Affairs Act, R.S.O. 1990, Chapter M.46, as amended, other than a board defined in section 257.53(1) of the Act;
- (k) "mixed-use" means land, buildings or structures designed, occupied or intended to be occupied, containing residential use and at least one other non-residential use;
- (l) "Municipality" means:
 - (i) The Corporation of the Municipality of Leamington;
 - (ii) The Corporation of the Town of Amherstburg;
 - (iii) The Corporation of the Town of Essex;
 - (iv) The Corporation of the Town of Kingsville;
 - (v) The Corporation of the Town of Lakeshore;
 - (vi) The Corporation of the Town of LaSalle;
 - (vii) The Corporation of the Town of Tecumseh; and
 - (viii) The Corporation of the Township of Pelee.
- (m) "non-residential use" means lands, buildings or structures or portions thereof used, or designed or intended for use for other than residential use, and includes, but is not limited to, agricultural, commercial, industrial or institutional use;
- (n) "owner" means owner as defined within section 257.53(1) of the Act;
- (o) "pupil accommodation" means pupil accommodation as defined within section 257.53(1) of the Act;
- (p) "Planning Act" means the Planning Act, R.S.O. 1990, Chapter P.13, as amended;
- (q) "Regulation" means Ontario Regulation 20/98: Education Development Charges – General, as amended, under the Act;

DATED: MARCH 15, 2019

- (r) “residential development” means lands, buildings or structures designed, occupied or intended to be occupied for residential use.
- (s) “residential use” means lands, buildings or structures designed, occupied or intended to be occupied for residential use.

DATED: MARCH 15, 2019

- 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;
- (ii) “other residential building” means a residential building not in another class of residential building described in this section;
 - (iii) “semi-detached or row dwelling” means a residential building consisting of one dwelling unit having one or two vertical walls, but no other parts, attached to another structure;
 - (iv) “single detached dwelling” means a residential building consisting of one dwelling unit that is not attached to another building.
- (2) Subject to sections 9(3) and (4), education development charges shall not be imposed with respect to,
- (i) the enlargement of an existing dwelling unit that does not create an additional dwelling unit;
 - (ii) the creation of one or two additional dwelling units in an existing single detached dwelling; or
 - (iii) the creation of one additional dwelling unit in a semi-detached dwelling, a row dwelling, or any other residential building.
- (3) Notwithstanding section 9(2)(ii), education development charges shall be imposed in accordance with section 8 if the total gross floor area of the additional unit or two additional dwelling units exceeds the gross floor area of the existing single detached dwelling.
- (4) Notwithstanding section 9(2)(iii), education development charges shall be imposed in accordance with section 8 if the additional dwelling unit has a gross floor area greater than,
- (i) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; or
 - (ii) in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.
- (5) For the purposes of this section 9, an “additional dwelling unit” means a dwelling unit for which the application for the building permit, for such additional dwelling unit is submitted no sooner than twelve months after the earliest of the dates on which any of the following events occurs:

DATED: MARCH 15, 2019

- (i) the issuance of a occupancy permit in accordance with Ontario Regulation 332/12: Building Code, as amended, under the Building Code Act, 1992, S.O. 1992, Chapter 23, as amended, for the dwelling unit already in the building;
 - (ii) if no occupancy permit is issued in accordance with Ontario Regulation 332/12: Building Code, as amended, under the Building Code Act, 1992, S.O. 1992, Chapter 23, as amended, by the Municipality, the occupancy of the dwelling unit already in the building, as established by proper evidence of such occupancy; or,
 - (iii) the delivery of the certificate of completion, pursuant to subsection 13(3) of the Ontario New Home Warranties Plan Act, R.S.O. 1990, Chapter O.31, for the dwelling unit already in the building.
- 10. (1) Education development charges 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 section 10(1), education development charges shall be imposed in accordance with section 8 if the building permit, for the replacement dwelling unit is issued by the Municipality more than 2 years after,
 - (i) the date the former dwelling unit was destroyed or became uninhabitable; or
 - (ii) if the former dwelling unit was demolished pursuant to a building permit issued before the former dwelling unit was destroyed or became uninhabitable, the date the building permit was issued by the Municipality.
- (3) Notwithstanding section 10(1), education development charges shall be imposed in accordance with 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.

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