

GREATER ESSEX COUNTY DISTRICT SCHOOL BOARD  
**MEMORANDUM**

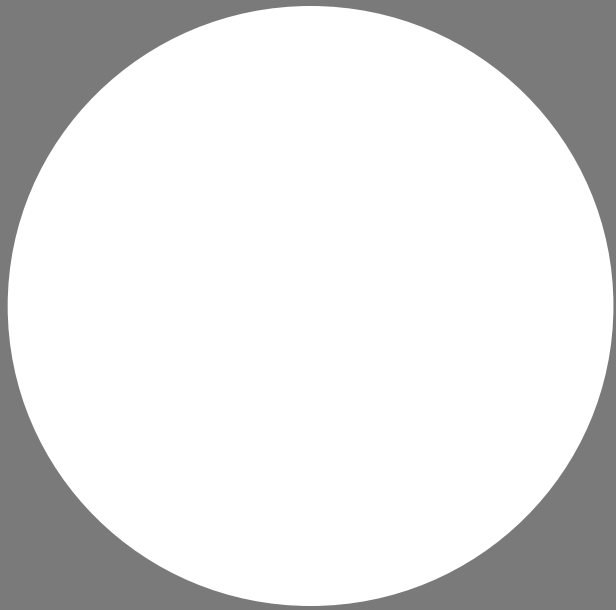
DATE: April 2, 2019

TO: The Chairperson and  
Trustees of the Greater Essex County District School Board

FROM: Erin Kelly, Director of Education  
Shelley Armstrong, Superintendent of Business  
Bryan Pearce, Board Planner

SUBJECT:





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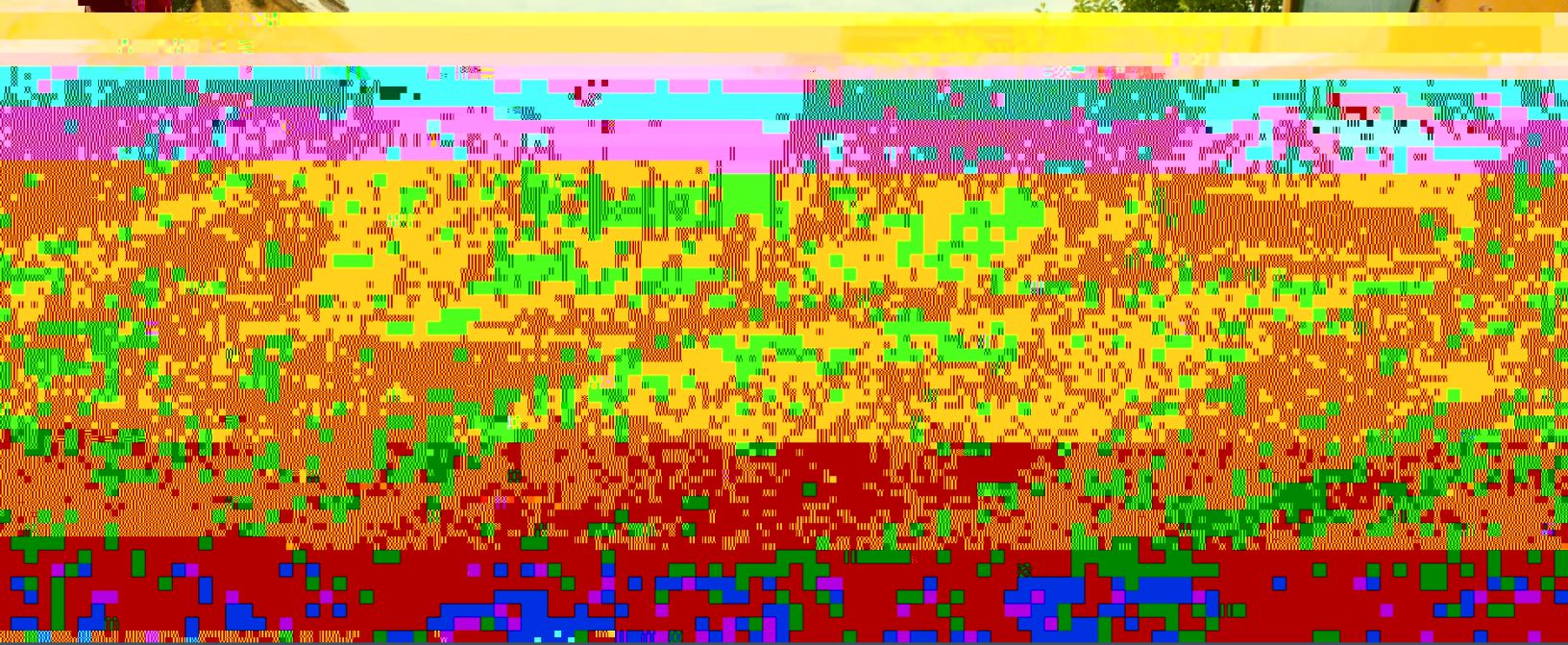


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# Education Development Charges

March 15, 2019

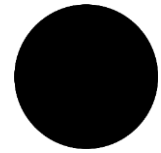
Watson & Associates Economists Ltd.  
905-272-3600  
[info@watsonecon.ca](mailto:info@watsonecon.ca)



# Report







## 1.2 Existing By -laws

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The existing EDC by-laws for the Board came into force on May 11, 2014 and are valid for a maximum period of 5 years.

The existing by-laws are applied on uniform basis across all types of residential development. This means that the by-law has one uniform charge for all types of developments (single family, townhouses, apartments etc.). In addition, the rate is the same throughout the areas to which the by-laws apply. The existing EDC rate is also based on 100% residential allocation, with no non-residential component. This means that 100% of the education land costs are collected through residential development.

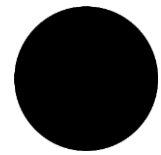
A table on Existing EDC Rates can be found below.

School Board	Residential/Non - Residential	EDC
GECD SB (City of Windsor)	100% Residential	\$305 per dwelling unit
GECD SB (County of Essex/Township of Pelee)	100% Residential	\$305 per dwelling unit

## 1.3 Public Meetings

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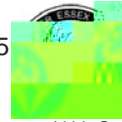
Before a school board can pass an EDC by-law, the legislation requires that the board hold at least one public meeting. The purpose of the meeting is to advise any interested proposed EDC by-law. The public meeting also gives the community and stakeholders the opportunity to voice any issues or concerns they have with regard to the proposed by-law.



The board is required to provide at least 20 days notice of the meeting and must make the background study as well as the new proposed by-law available to the public at least two weeks in advance of said meeting.

If a school board already has an existing in-force EDC by-law in place, the Board must hold an additional public meeting to review the existing policies of the current EDC by-law. This part of the process is necessary in order to fulfil the necessary requirements of the policy review process. It should be noted that this policy public review by the policy review process. It





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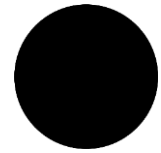
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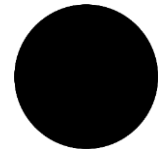
## 1.4 Appeals and Complaints

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

### APPEALS

The Education Development Charge by-law can be appealed by any individual or organization in accordance with the provisions of the Education Act. Sections 257.69(1) and 257.69(2) of the Act outline the legislation dealing with the appeal of the EDC by-law. The by-law is subject to appeal for a maximum of 40 days after the by-law has been D 1>> BDC q 0.0000



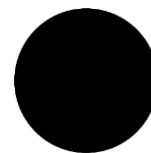
- 9. A statement that notice of a proposed by-law amending the education development charge by-law or the passage of such an amending by-law is not required to be given to any person or organization, other than to certain clerks of municipalities or secretaries of school boards, unless the person or 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.

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to have been given,

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

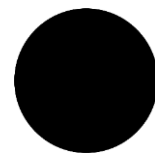
st Appeal of the EDC by-law goes to the Local Planning Appeal Tribunal (LPAT) formerly known as the Ontario Municipal Board (OMB), to be decided. All appeals must be filed in writing with the secretary of the school board within the allotted time allowed. The reasons for the appeal must be included in the Notice of Appeal. It is the responsibility of the secre431 g 0.430000912 0 612 792 re W\* n BT /F1 12 Tf 1 0 0 1 499.66 600.1 Tm 0.431 g 0.4



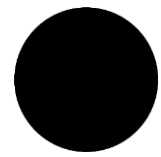
If the by-law is repealed then the EDCs that have already been paid must be refunded. If the by-law is amended and the amended charge is lower than the original charge, the difference must be refunded. All refunds are due within 30 days of the by-law being repealed or amended, including interest, to the person who paid the EDC. While the LPAT does have the power to repeal or amend the by-law, they are not able to increase the quantum of the charge, remove or reduce the scope of discretionary exemptions or change the expiration date of the by-law in accordance with S. 257.67(4) of the Act.

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







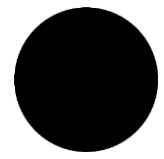


## 2. Education Development Charge Policies

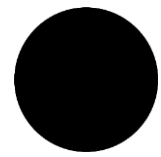
The purpose of the policy review is to examine the current policies of the Boards & existing EDC by-laws (which can be found in appendix A). The examination includes an analysis of the by-laws and any appeals or complaints related to the by-law and related policies. It also allows school boards an opportunity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

### 2.1





## 2.2 Non-Statutory Residential Exemptions



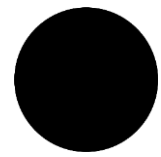
Class Of Residential Building	Description	Maximum # Of Units	Restrictions
Single Detached	Single dwelling units not attached to another unit.	TWO	Gross floor area of new units must be less than or equal to gross floor area of existing dwelling.
Semi-Detached/Row	Single dwelling units that have only one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

The legislation ensures that estimates are made with regard to the number of units in the residential forecast that would be exempt under this requirement. Part 3, s.7.1 of O.Reg.

6 SDUDJUDSK VWDWHV 37KH ERDUG VKDOO HVWLP units in the area in which the charges are to be imposed for each of the 15 years immediately following the day the board intends to have the by-law come into force. The ERDUG HVWLPDWH VKDOO LQFOXGH RQO QHZ GZHOOLQ GHYHORSPHQW FKDUJHV PD EH LPSRVHG

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

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



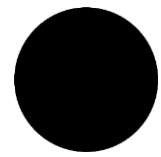
Non-statutory residential exemptions can include certain types of developments like those catered to seniors or adult lifestyles. These units may generate lower numbers of school aged children than typical developments. It should be noted, however, that there is no ability under the Building Code Act, 1992 to limit the number of occupants in a dwelling. This means that regardless of how a development may be marketed there are no guarantees of long -occupancy and thus no guarantees of the resultant number of school-aged children. Other forms of residential non-statutory exemptions could relate to affordable housing developments, municipal building initiatives etc. As of the writing of this report, no school board has granted any non-statutory residential exemptions.

The GECDSB does not have any non -statutory residential exemptions in their existing EDC by -laws.

## 2.3 Non-







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

Each EDC by-law shall establish reserve funds in accordance with the development charge by-law shall establish reserve funds in accordance with the UHJXODWLRQV ; S. 26 (1 and 2) goes on to say:

3 § ERDUG V Section 257.54 of the Act, establish an EDC reserve fund for the area to which an EDC by-law applies.

3 0RQH\ IURP DQ (' & FKDUJH UHVHUYH IXQG HWWDEOLVKH 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.

Most of the existing EDC by-laws across the Province are applied on a jurisdiction wide basis.

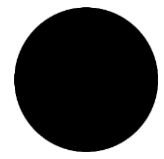
The GECSB jurisdiction has been divided into regions as per the above referenced legislation. The City of Windsor is one region and has one EDC by-law and the County of Essex and the Township of Pelee is another region and also has one EDC by-law.





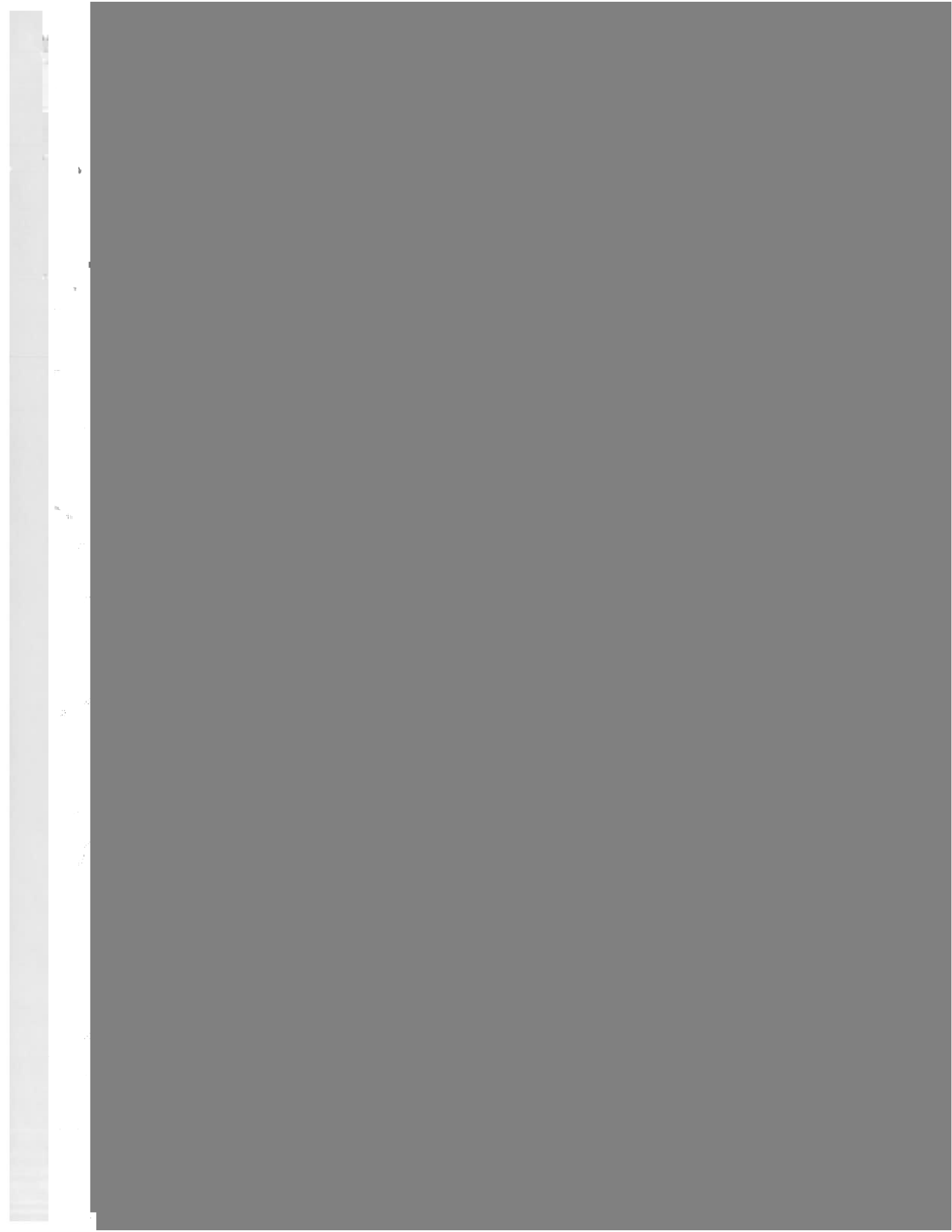


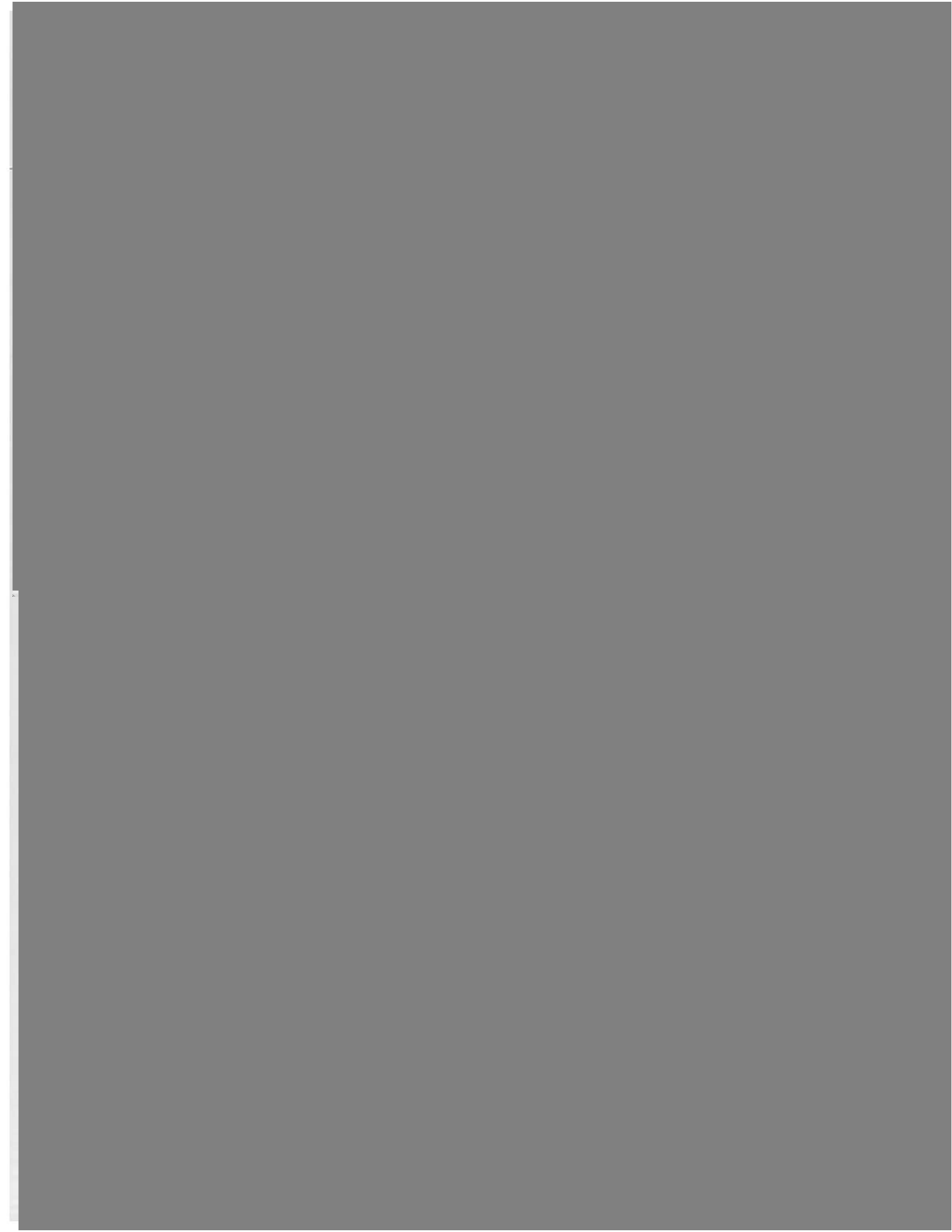
# Appendices

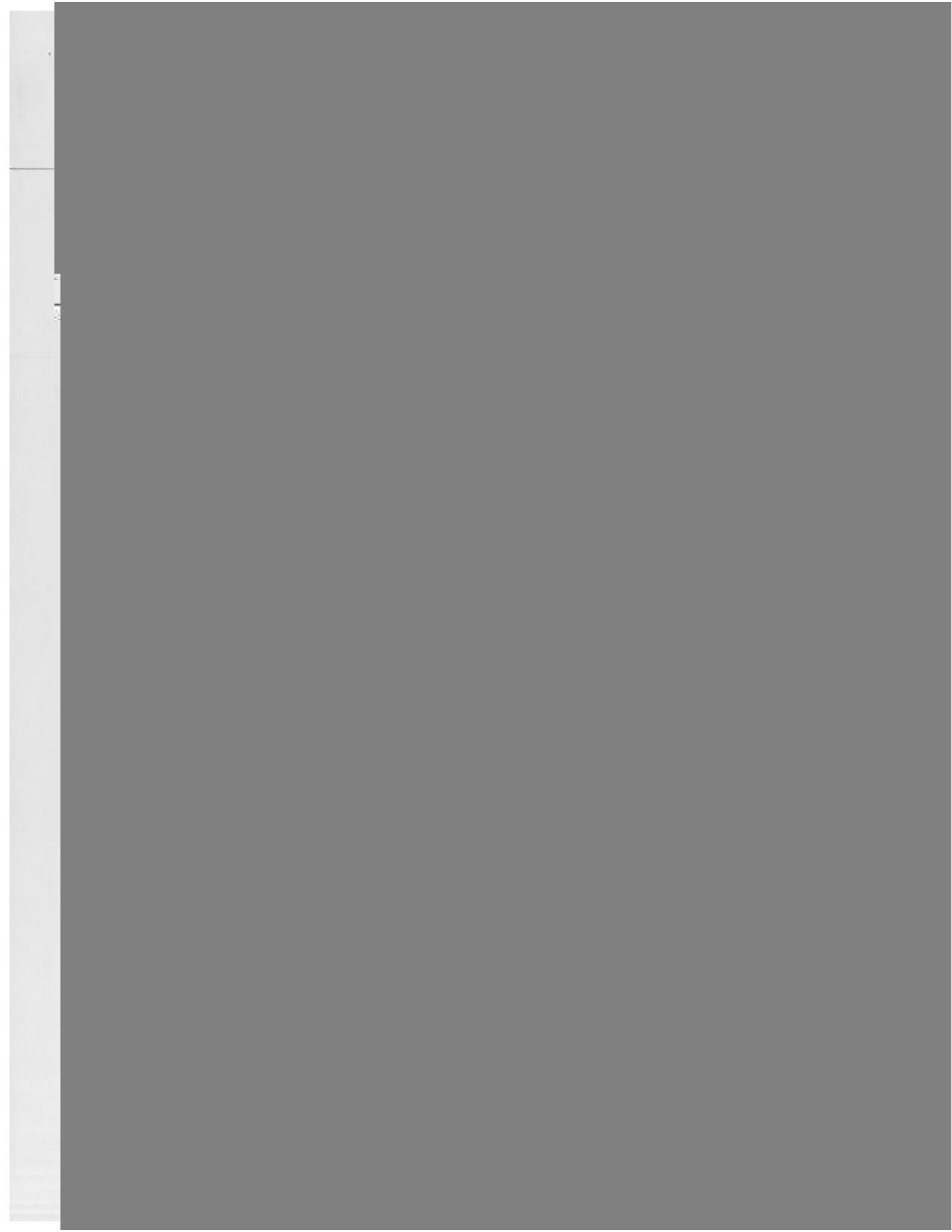


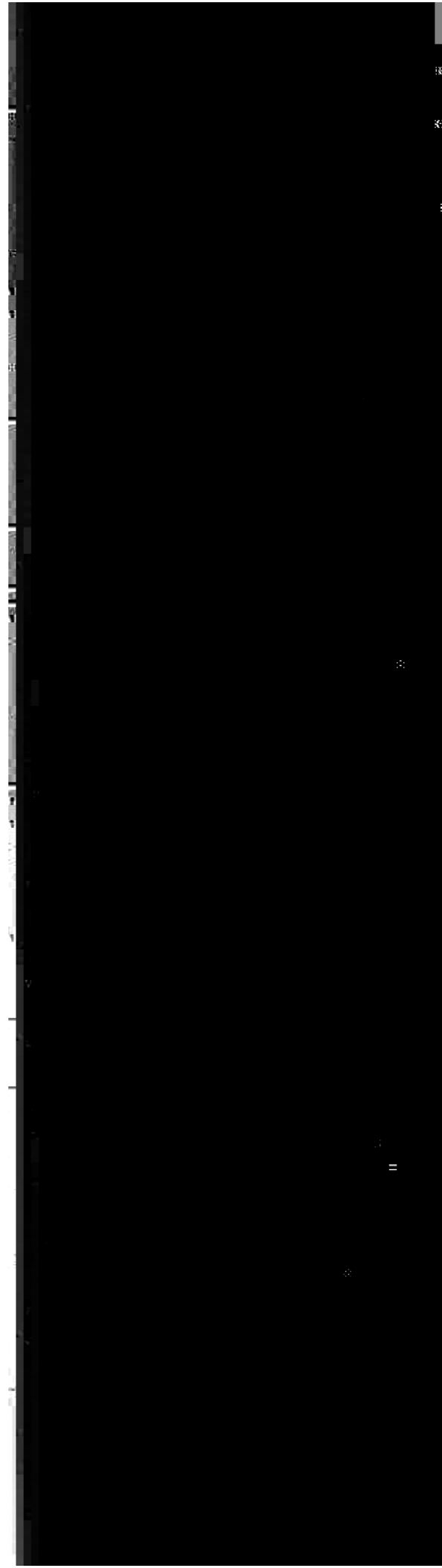
# Appendix A

## Existing By-laws









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