



**DURHAM CATHOLIC
DISTRICT SCHOOL BOARD**
Learning and Living in Faith

Memorandum

To: Board of Trustees

From: Tracy Barill, Director of Education

Date: April 22, 2024

Subject: **The Enactment of a Successor Education Development Charges By-Law No. 7 (2024) for the Durham Catholic District School Board**

Origin: Scott Grieve, Superintendent, Business, Finance and Facilities Services

Recommendation

Moved by _____, seconded by _____

“THAT in accordance with Section 257.63 of the Education Act, the Durham Catholic District School Board resolve that no further public meetings are required in regard to the proposed Education Development Charges By-law No. 7, (2024).”

Moved by _____, seconded by _____

“THAT the Durham Catholic District School Board resolve that the Education Development Charges By-law impose in year one of the five-year term;

- (i) a charge of \$2,586.00 per dwelling unit in year one against all new residential development of land in the Region of Durham; and
- (ii) a charge of \$0.10 per FT2 in year one against non-residential development of land in the Region of Durham,

such charges to be increased annually without amendment to the EDC By-law as permitted under the governing legislation. Neither charge will apply to the development of land in the Municipality of Clarington.”

Moved by _____, seconded by _____

“THAT the Durham Catholic District School Board enact an Education Development Charges By-law in the form attached to this report as Appendix A, to come into force on May 1, 2024.”

Background

The Durham Catholic District School Board and Durham District School Board held a joint meeting of the Boards of Trustees on February 28, 2024 to consider the current Education Development Charges Policies of the Board as well as the policies that will be in force for the upcoming Bylaw, and to review the contents of the Education Development Charges Background study in advance of the passage of the Education Development Charges Bylaw No. 7, (2024).

This report summarizes the activities that have taken place since the meeting of February 28, 2024 and recommends the passage and implementation of the Education Development Charges Bylaw No. 7, (2024).

Rationale

At the February 28, 2024 meeting the Board was advised that the Education Development Charges, as detailed in the Background Study, that are to be levied by the Durham Catholic District School Board in year one under the proposed by-law are: (i) \$2,586.00 per dwelling unit against all new residential development of land in the Region of Durham; and (ii) \$0.10 per FT2 against all non-residential development of land in the Region of Durham. Neither charge will apply to the development of land in the Municipality of Clarington.

These combined rates are less than the revenue that is required to fully fund the purchase of land over the 15-year planning horizon that underlies the proposed By-law; however, due to legislative restrictions, the Board cannot impose in year one the calculated charges of \$3,514.00 per dwelling or \$0.60 per FT2 of non-residential development, which is what is actually required to fund the Board's land acquisition requirements within the 15 year planning horizon under this proposed By-law.

Ministry Regulation Amendments October 12, 2018

The Province of Ontario temporarily capped the amount allowed to be charged by Boards for EDC's on October 12, 2018 through amendments to Ontario Regulation 20/98. The amendment to the regulation froze the EDC rates at the amount the Board was charging as of August 31, 2018. This capped the rate at \$786 per unit for the Durham Catholic District School Board and was the amount charged under EDC Bylaw No. 5 (2014).

Ministry Regulation Amendments March 28, 2019

On March 29, 2019 the Province amended Ontario Regulation 20/98 to partially lift the cap on EDC rates and replace it with restricted annual rate increases of:

- A maximum yearly increase of the greater of 5% or \$300 per residential unit; and
- A maximum yearly increase of 5% for non-residential rates.

The amendments did not restrict the ability of boards to pass bylaws for the full five-year term as set out in the Education Act. The amendments were effective as of March 29, 2019.

As a result, the Board could only impose a rate of \$1,086 per dwelling unit (\$786.00 plus \$300.00) effective May 1, 2019 and increase it annually by the maximum permitted under the regulation of \$300 per dwelling unit.

This amendment to the regulation in regard to residential development is still in force with no further amendments, and therefore the current EDC rate of \$2,286 per dwelling unit, that expires April 30, 2024, can only be increased by \$300 at the beginning of the term of the new EDC bylaw on May 1, 2024. A copy of the proposed Education Development Charges Bylaw No. 7, (2024), and the amended Ontario Regulation 20/98 have been attached to this report.

Based on the information presented at the February 28, 2024 Successor Bylaw public meeting, and as outlined in the analysis of the required background study, the ratio of education land costs to be recovered from residential and non-residential development is proposed as 94% to 6%, respectively. Therefore, the Education Development Charge amount per residential dwelling unit shall be the following for the periods set out below:

- May 1, 2024 to April 30, 2025 = \$2,586.00;
- May 1, 2025 to April 30, 2026 = \$2,886.00;
- May 1, 2026 to April 30, 2027 = \$3,186.00;
- May 1, 2027 to April 30, 2028 = \$3,486.00;
- May 1, 2028 to April 30, 2029 = \$3,514.00¹.

1. the charge of \$3,514.00 is the calculated full rate under the legislation and thus the increase from the charge of \$3,486.00 imposed in the prior year is less than \$300.00.

And, the Education Development Charge per square foot of gross floor area of non-residential development shall be in the following amounts for the periods set out below:

- May 1, 2024 to April 30, 2025 = \$0.10
- May 1, 2025 to April 30, 2026 = \$0.20
- May 1, 2026 to April 30, 2027 = \$0.30
- May 1, 2027 to April 30, 2028 = \$0.40
- May 1, 2028 to April 30, 2029 = \$0.50

Notwithstanding the Board's ability to annually increase the amount of the EDC charge by \$300 per unit, the Board will still experience a significant funding shortfall for the purchase of lands within the planning horizon that underlines the EDC background study. This shortfall represents \$928 per unit of housing in the current year. By adopting a 94% to 6% residential to non-residential charge ratio, the Board will only incur a financial shortfall in the first 4 years of the Bylaw, which equates to approximately \$14.1M. A 100% residential EDC would exacerbate the problem and increase this shortfall by approximately \$2.25M. In the final year of this Bylaw there will be not be a shortfall in collections from residential development.

Meetings with BILD

Prior to the Joint Board Meeting of February 28, 2024, the Board's consultants Quadrant Advisory Group, Overland LLP, and the Board were contacted by the Building Industry and Land Development Association (BILD) and conducted a meeting to review the proposed by-law assumptions. At the time this report was written, neither BILD nor any other interested party has provided comments or raised concerns.

Ministry Approval

On April 11, 2024, the Ministry forwarded a letter to Director Barill advising that they have approved the various estimates and growth projections that are fundamental to the calculation of the proposed residential and non-residential EDC rates. As a result, the Board has now satisfied all the legal requirements that are conditions precedent to the Board's authority to pass the EDC by-law.

Next Steps

Once the Board has adopted the Education Development Charges Bylaw No. 7, (2024), it shall come into force on May 1, 2024 at the new rates. Staff will advise all seven municipalities affected by the Development Charges Bylaw of the change in the collection amount for the Durham Catholic District School Board; the additional statutory exemptions enacted by the Province in November of 2019; and the date when the By-law shall come into force.

The EDC rates will increase annually during the term of the by-law by \$300.00 per dwelling unit and \$0.10 per square foot of non-residential gross floor area without the requirement to amend the By-law – the applicable rates are set out in Sections 9 and 12 of the By-law.

TB/SG/tc

- Attachments: 1. DCDSB Notice of Passing 2024 EDC By-law
2. DCDSB 2024 EDC By-law V.3 March 11, 2024 (Rs & Non-Res)

DURHAM CATHOLIC DISTRICT SCHOOL BOARD
EDUCATION DEVELOPMENT CHARGES BY-LAW, 2024

A by-law for the imposition of education development charges

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 or non-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 or non-residential development require one or more of the actions identified in section 257.54(2) of the *Education Act*;

AND WHEREAS on April 11, 2024, the Minister of Education approved the Board's estimates which are prescribed under Section 10, paragraph 1 of Ontario Regulation 20/98;

AND WHEREAS the Durham Catholic District School Board has satisfied the conditions prescribed by section 10 of Ontario Regulation 20/98 in order for it to pass an education development charge by-law;

AND WHEREAS the Durham Catholic District School Board has conducted a review of its education development charge policies and held a public meeting on February 28, 2024, in accordance with section 257.60 of the *Education Act*;

AND WHEREAS the Durham Catholic District School Board has given a copy of the education development charge background study relating to this by-law to the Minister of Education and to each school board having jurisdiction within the area to which this by-law applies;

AND WHEREAS the Durham Catholic District School Board has given notice and held public meetings on February 28, 2024, and April 22, 2024, in accordance with section 257.63(1) of the *Education Act* and permitted any person who attended the public meetings to make representations in respect of the proposed education development charges;

AND WHEREAS the Durham Catholic District School Board has determined in accordance with section 257.63(3) of the *Education Act* that no additional public meeting is necessary in respect of this by-law;

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

PART I

APPLICATION

Defined Terms

1. In this by-law,
 - (a) “Act” means the *Education Act*, R.S.O. 1990, c.E.2, as amended, or a successor statute;
 - (b) “agricultural use” means lands, buildings or structures used, or designed or intended for use for the purpose of a *bona fide* farming operation including, but not limited to, animal husbandry, dairying, fallow, field crops, removal of sod, forestry, fruit farming, horticulture, market gardening, pasturage, poultry keeping and any other activities customarily carried on in the field of agriculture;
 - (c) “Board” means the Durham Catholic District School Board;
 - (d) “development” includes redevelopment;
 - (e) “dwelling unit” means a room or suite of rooms used, or designed or intended for use by one person or persons living together in which culinary and sanitary facilities are provided for the exclusive use of such person or persons, and shall include, but is not limited to, a dwelling unit or units in an apartment, group home, mobile home, duplex, triplex, semi-detached dwelling, single detached dwelling, stacked townhouse and townhouse;
 - (f) “education land costs” means costs incurred or proposed to be incurred by the Board,
 - (i) to acquire land or an interest in land, including a leasehold interest, to be used by the Board to provide pupil accommodation;
 - (ii) to provide services to the land or otherwise prepare the site so that a building or buildings may be built on the land to provide pupil accommodation;
 - (iii) to prepare and distribute education development charge background studies as required under the Act;
 - (iv) as interest on money borrowed to pay for costs described in paragraphs (i) and (ii); and
 - (v) to undertake studies in connection with an acquisition referred to in paragraph (i).

- (g) “education development charge” means charges imposed pursuant to this by-law in accordance with the Act;
- (h) “existing industrial building” means a building used for or in connection with,
 - (i) manufacturing, producing, processing, storing or distributing something,
 - (ii) research or development in connection with manufacturing, producing or processing something,
 - (iii) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place,
 - (iv) office or administrative purposes, if they are,
 - A. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - B. in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;
- (i) “gross floor area of non-residential development” means in the case of a non-residential building or structure or the non-residential portion of a mixed-use building or structure, 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 at or above the average level of finished ground adjoining the building at its exterior walls, and, for the purpose of this definition, the non-residential portion of a mixed-use building is deemed to include one-half of any area common to the residential and non-residential portions of such mixed-use building or structure; and for greater certainty, “gross floor area of non-residential development” includes any part of a building or structure used for the parking or loading of motor vehicles;
- (j) “local board” means a local board as defined in the *Municipal Affairs Act*, other than a board defined in section 257.53(1) of the Act;
- (k) “mixed use” means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- (l) “non-residential building or structure” means a building or structure or portions thereof used, or designed or intended for use for other than residential use, and includes, but is not limited to, an office, retail, industrial or institutional building or structure;

- (m) “non-residential development” means a development other than a residential development, and includes, but is not limited to, an office, retail, industrial or institutional development;
 - (n) “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, an office, retail, industrial or institutional use;
 - (o) “*Planning Act*” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended;
 - (p) “Region” means the Regional Municipality of Durham;
 - (q) “Regulation” means Ontario Regulation 20/98, as amended, made under the Act;
 - (r) “residential development” means lands, buildings or structures developed or to be developed for residential use;
 - (s) “residential use” means lands, buildings or structures used, or designed or intended for use as a dwelling unit or units, and shall include a residential use accessory to a non-residential use and the residential component of a mixed use or of an agricultural use.
2. In this by-law where reference is made to a statute or a section of a statute such reference is deemed to be a reference to any successor statute or section.

Lands Affected

3. (1) Subject to subsections 3(2) to 3(5), inclusive, this by-law applies to all lands in the Region excluding lands in the Municipality of Clarington.
- (2) This by-law shall not apply to lands that are owned by and are used for the purposes of:
- (a) the Region or a local board thereof;
 - (b) a municipality or a local board thereof;
 - (c) a board as defined in section 257.53(1) of the Act;
 - (d) a public hospital receiving aid under the *Public Hospitals Act*, R.S.O. 1990, c. P.40;
 - (e) a religious organization, but only when used and occupied as the principal residence of the clergy associated with the religious organization;

- (f) a seminary of learning maintained for philanthropic, religious or educational purposes that is exempt from taxation under the *Assessment Act*, the whole profits from which are devoted or applied to such purposes.
- (3) Subject to subsection (4), an owner shall be exempt from education development charges if a development on its lands would construct, erect, or place a building or structure, or make an addition or alteration to a building or structure for one of the following purposes:
- (a) a private school;
 - (b) a long-term care home, as defined in the *Fixing Long-Term Care Act, 2021*;
 - (c) a retirement home, as defined in the *Retirement Homes Act, 2010*;
 - (c) a hospice or other facility that provides palliative care services;
 - (e) a child care centre, as defined in the *Child Care and Early Years Act, 2014*;
 - (f) a memorial home, clubhouse or athletic grounds owned by the Royal Canadian Legion.
- (4) If only a portion of a building or structure, or an addition or alteration to a building or structure, referred to in subsection (3) will be used for a purpose identified in that subsection, only that portion of the building, structure, addition or alteration is exempt from an education development charge.
- (5) An owner shall be exempt from education development charges if the owner is,
- (a) a college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*;
 - (b) a university that receives regular and ongoing operating funds from the Government of Ontario for the purposes of post-secondary education;
 - (c) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*.

Approvals for Development

4. (1) Education development charges shall be imposed against all lands, buildings or structures undergoing residential development if the development requires one or more of the following:
- a) the passing of a zoning by-law or of an amendment thereto under section 34 of the *Planning Act*;
 - b) the approval of a minor variance under section 45 of the *Planning Act*;

- c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
 - d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - e) a consent under section 53 of the *Planning Act*;
 - f) the approval of a description under section 9 of the *Condominium Act, 1998*, S.O. 1998, c. 19; or
 - g) the issuing of a permit under the *Building Code Act, 1992*, S.O. 1992, c. 23 in relation to a building or structure.
- (2) In respect of a particular development an education development charge will be collected once, but this does not prevent the application of this by-law to future development on the same property.
5. (1) Education development charges shall be imposed against all lands, buildings or structures undergoing non-residential development which has the effect of creating gross floor area of non-residential development or of increasing existing gross floor area of non-residential development if the development requires one or more of the following:
- a) the passing of a zoning by-law or of an amendment thereto under section 34 of the *Planning Act*;
 - b) the approval of a minor variance under section 45 of the *Planning Act*;
 - c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
 - d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - e) a consent under section 53 of the *Planning Act*;
 - f) the approval of a description under section 9 of the *Condominium Act, 1998*, S.O. 1998, c. 19; or
 - g) the issuing of a permit under the *Building Code Act, 1992*, S.O. 1992, c. 23 in relation to a building or structure.
- (2) In respect of a particular development an education development charge will be collected once, but this does not prevent the application of this by-law to future development on the same property.

6. The Board has determined that the residential development of land to which this by-law applies increases education land costs.

Categories of Development and Uses of Land Subject to Education Development Charges

7. Subject to the provisions of this by-law, education development charges shall be imposed upon all categories of residential development and non-residential development.
8. Subject to the provisions of this by-law, education development charges shall be imposed upon all uses of land, buildings or structures.

PART II

EDUCATION DEVELOPMENT CHARGES

Residential Education Development Charges

9. Subject to the provisions of this by-law, an education development charge per dwelling unit shall be imposed upon the designated categories of residential development and the designated residential uses of land, buildings or structures, including a dwelling unit accessory to a non-residential use, and, in the case of a mixed-use building or structure, upon the dwelling units in the mixed-use building or structure. The education development charge per dwelling unit shall be in the following amounts for the periods set out below:
 - i) May 1, 2024 to April 30, 2025 - \$2,586.00 ;
 - ii) May 1, 2025 to April 30, 2026 - \$2,886.00;
 - iii) May 1, 2026 to April 30, 2027 - \$3,186.00;
 - iv) May 1, 2027 to April 30, 2028 - \$3,486.00;
 - v) May 1, 2028 to April 30, 2029 - \$3,514.00.

Exemptions from Residential Education Development Charges

10. (1) In this section,
 - (i) “gross floor area” means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls;
 - (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 10(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 an existing semi-detached dwelling, an existing row dwelling, or any other existing residential building.
- (3) Notwithstanding section 10(2)(ii), education development charges shall be imposed in accordance with section 9 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 10(2)(iii), education development charges shall be imposed in accordance with section 9 if the additional dwelling unit has a gross floor area greater than,
- (a) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; or
 - (b) 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 10, an “additional dwelling unit” is 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:
- (i) the issuance of a certificate of occupancy for the dwelling unit already in the building;
 - (ii) if no certificate of occupancy is issued by the area 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, c. O.31, for the dwelling unit already in the building.
11. (1) Education development charges under section 9 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 11(1), education development charges shall be imposed in accordance with section 9 if the building permit for the replacement dwelling unit is issued more than 2 years after,
- (a) the date the former dwelling unit was destroyed or became uninhabitable; or
 - (b) if the former dwelling unit was demolished pursuant to a demolition permit issued before the former dwelling unit was destroyed or became uninhabitable, the date the demolition permit was issued.
- (3) Notwithstanding section 11(1), education development charges shall be imposed in accordance with section 9 against any dwelling unit or units on the same site in addition to the dwelling unit or units being replaced. The onus is on the applicant to produce evidence to the satisfaction of the Board, acting reasonably, to establish the number of dwelling units being replaced.
- (4) Education development charges shall be imposed in accordance with section 12 where the dwelling unit described in section 11(1) is replaced by or converted to, in whole or in part, non-residential development.

Non-Residential Education Development Charges

12. Subject to the provisions of this by-law, an education development charge per square foot of gross floor area of non-residential development shall be imposed upon the designated categories of non-residential development and the designated non-residential uses of land, buildings or structures and, in the case of a mixed use building or structure, upon the non-residential uses in the mixed-use building or structure. The education development charge per square foot of gross floor area shall be in the following amounts for the periods set out below:
- i) May 1, 2024 to April 30, 2025 - \$0.10;
 - ii) May 1, 2025 to April 30, 2026 - \$0.20;
 - iii) May 1, 2026 to April 30, 2027 - \$0.30;
 - iv) May 1, 2027 to April 30, 2028 - \$0.40;
 - v) May 1, 2028 to April 30, 2029 - \$0.50.

Exemptions from Non-Residential Education Development Charges

13. Notwithstanding section 12 of this by-law, education development charges shall not be imposed upon a non-residential development if the development does not have the effect of creating gross floor area of non-residential development or of increasing existing gross floor area of non-residential development.
14.
 - (1) Education development charges under section 12 shall not be imposed with respect to the replacement, on the same site, of a non-residential building or structure that was destroyed by fire, demolition or otherwise, or that was so damaged by fire, demolition or otherwise as to render it unusable.
 - (2) Notwithstanding section 14(1), education development charges shall be imposed in accordance with section 12 if the building permit for the replacement non-residential building or structure is issued more than 5 years after,
 - (a) the date the former building or structure was destroyed or became unusable;
or
 - (b) if the former building or structure was demolished pursuant to a demolition permit issued before the former building or structure was destroyed or became unusable, the date the demolition permit was issued.
 - (3) Notwithstanding section 14(1), if the gross floor area of the non-residential part of the replacement building or structure exceeds the gross floor area of the non-residential part of the building or structure being replaced, education development charges shall be imposed in accordance with section 12 against the additional gross floor area. The onus is on the applicant to produce evidence to the satisfaction of the Board, acting reasonably, to establish the gross floor area of the non-residential building or structure being replaced.
 - (4) Education development charges shall be imposed in accordance with section 9 if the non-residential building or structure described in section 14(1) is replaced by or converted to, in whole or in part, a dwelling unit or units.
15.
 - (1) If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the education development charge that is payable in respect of the enlargement shall be determined in accordance with the following rules:
 - (a) if the gross floor area is enlarged by 50 per cent or less, the amount of the education development charge in respect of the enlargement is zero;
 - (b) if the gross floor area is enlarged by more than 50 per cent, the amount of the education development charge in respect of the enlargement is the amount of

the education development charge that would otherwise be payable multiplied by the fraction determined as follows:

- (i) determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement;
 - (ii) divide the amount determined under paragraph (i) by the amount of the enlargement.
- (2) For the purposes of section 15(1) the following provisions apply:
- (a) the gross floor area of an existing industrial building shall be calculated as it existed prior to the first enlargement of such building for which an exemption under section 15(1) was sought;
 - (b) the enlargement of the gross floor area of the existing industrial building must be attached to such building;
 - (c) the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, shared below grade connection, foundation, footing or parking facility, but must share a common wall with such building.

PART III

ADMINISTRATION

Payment of Education Development Charges

16. Education development charges are payable in full to the area municipality in which the development takes place on the date a building permit is issued in relation to a building or structure on land to which this education development charge by-law applies.
17. The treasurer of the Board shall establish and maintain an educational development charge account in accordance with the Act, the Regulation and this by-law.

Payment by Services

18. Notwithstanding the payments required under section 16, and subject to section 257.84 of the Act, the Board may, by agreement, permit an owner to provide land for pupil accommodation in lieu of the payment of all or a part of the education development charges.

Collection of Unpaid Education Development Charges

19. Section 349 of the *Municipal Act, 2001* applies with necessary modifications with respect to an education development charge or any part of it that remains unpaid after it is payable.

Date By-law In Force

20. This by-law shall come into force on May 1, 2024.

Date By-law Expires

21. This by-law shall expire five years after the date it comes into force, unless it is repealed at an earlier date.

2019 By-law Repealed

22. The Durham Catholic District School Board Education Development Charges By-law No. 6 (2019) is repealed at the close of business on April 30, 2024.

Severability

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

Interpretation

24. Nothing in this by-law shall be construed so as to commit or require the Board to authorize or proceed with any capital project at any time.

Short Title

25. This by-law may be cited as the Durham Catholic District School Board Education Development Charges By-Law No. 7 (2024).

ENACTED AND PASSED this 22nd day of April, 2024.

Chairperson

Director of Education
and Secretary

**NOTICE OF THE PASSING OF AN EDUCATION DEVELOPMENT CHARGES
BY-LAW BY THE DURHAM CATHOLIC DISTRICT SCHOOL BOARD**

TAKE NOTICE that the Durham Catholic District School Board passed an Education Development Charges By-law on the 22nd day of April, 2024, under Section 257.54 of the *Education Act*. The By-law is Education Development Charges By-law No. 7 (2024).

AND TAKE NOTICE that any person or organization may appeal the By-law to the Ontario Land Tribunal under Section 257.65 of the Act by filing with the Secretary of the Durham Catholic District School Board on or before the 3rd day of June, 2024, a notice of appeal setting out the objection to the By-law and the reasons supporting the objection together with the prescribed appeal filing fee.

The By-law comes into force on May 1, 2024 and has a term of five years. The By-law imposes education development charges in the following amounts for the periods set out below:

Type of Development	May 1, 2024 to April 30, 2025	May 1, 2025 to April 30, 2026	May 1, 2026 to April 30, 2027	May 1, 2027 to April 30, 2028	May 1, 2028 to April 30, 2029
Residential Per Dwelling Unit	\$2,586	\$2,886	\$3,186	\$3,486	\$3,514
Non-Residential Per Square Foot. of Gross Floor Area	\$0.10	\$0.20	\$0.30	\$0.40	\$0.50

The education development charges are imposed on all residential and non-residential development of lands in the Region of Durham excluding the Municipality of Clarington. Accordingly, a key map showing the location of the lands subject to the By-law is not provided as part of this notice.

A copy of the complete By-law is available for examination in the offices of the Board located at 650 Rossland Road West, Oshawa, Ontario, L1J 7C4, during regular office hours or on the Board's website at www.dcdsb.ca.

Notice of a proposed by-law amending the education development charges 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 charges by-law and has provided a return address.

Dated at the City of Oshawa this • day of April, 2024

Tracy Barill
Director of Education / Secretary to the Board