



**COMMITTEE OF THE WHOLE**  
**Report No. 24-024**

**5 March 2024**

**Adoption of Education Development Charges By-law (2024-2029)**

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**PURPOSE:**

1. To obtain Board approval for the adoption of the Education Development Charges (EDC) By-law attached as Appendix A, for implementation within the jurisdiction of the Ottawa-Carleton District School Board, effective 1 April 2024.

**STRATEGIC LINKS:**

2. Responsible resource use is one of the Board's four key value statements within the 2023-2027 Strategic Plan. Education Development Charges play a role in student accommodation and the effective management of enrolment pressures. Managing these issues properly contributes to student success and staff well-being.

**CONTEXT:**

3. Under the Ministry's education funding formula, the collection of EDCs is the main source of funding for growth-related net education land costs. These are costs incurred by a District to acquire and prepare land as a result of the need to build new schools in areas of new development. The province's capital funding formula does not include a separate per-pupil grant to fund the purchase of new school sites required due to enrolment growth attributable to additional residential development.

On 26 March 2019, the OCDSB adopted EDC By-law No. 01-2019. This By-law served to implement the collection of EDCs across the jurisdiction on 1 April 2019. The By-law was subsequently amended on 24 June 2019. The Board's EDC By-law is currently in force, but scheduled to expire on 31 March 2024. The current EDC rates are \$787.00 per new residential unit and \$0.58 per new square foot of non-residential development.

Revenue generated for the District through the collection of EDCs is estimated to be in the order of \$42.5 million at the time of the By-law's expiry. This revenue has served to fund the purchase of seven elementary school sites and two secondary school sites, as well as site preparation costs for a number of projects.

The OCDSB continues to experience accommodation pressures in growth areas of the District. It is expected that these pressures will continue over the course of the next 15 years. As such, the continuation of the collection of EDCs is an important strategic consideration.

In order to continue to collect EDCs after 31 March 2024, the Board was required to initiate a study to consider the adoption and implementation of a new By-law. In June 2023 the OCDSB (and its three coterminous local school boards) retained Quadrant Advisory Group Limited to assist staff in completing the process.

As part of the EDC By-law renewal process, staff has reported to trustees on a number of previous occasions:

- i. On 19 May 2023: Memorandum No. 23-032 Education Development Charges By-law 2024 By-law Renewal Update, regarding the process and work plan involved in the consideration of a new EDC By-law and the need to hire a consultant to assist staff with the required work;
- ii. On 27 October 2023: Memorandum No. 23-072 Education Development Charges By-law, Background Study, regarding the steps to complete the Background Study and associated By-law renewal adoption timeline;
- iii. On 21 November 2023: Report No. 23-083 Education Development Charges Policy Statement – Efficiencies in Taking Land for School Sites, presented at Committee of the Whole, regarding recent legislative initiatives respecting efficiencies in taking land for school sites within a new 2024 EDC By-law;
- iv. On 11 January 2024: Memorandum No. 24-001 Education Development Charges Background Study 2024, regarding the completion of the Board's 2024 Background Study;
- v. On 16 January 2024: Report No. 24-001 Education Development Charges – Existing By-law Policy Review, presented at the Special Committee of the Whole meeting regarding a review of the policies of the existing EDC By-law; and
- vi. On 16 January 2024: Report No. 24-002 New Education Development Charges By-law (2024-2029), presented at the Special Committee of the Whole meeting regarding the completion of an EDC Background Study and implementation of a new By-law.

## **KEY CONSIDERATIONS:**

### **4. Education Development Charges Background Study 2024**

The legislatively required Education Development Charges Background Study has been completed. The study was submitted for approval to the Ministry of Education on 4 December 2023. As per the requirements of the legislation,

copies of the study were forwarded to the three coterminous school boards and made available to members of the public.

The Background Study includes the identification of 24 new elementary school sites and five secondary school sites during the fifteen-year review period.

These sites are generally located in areas of the District where accommodation pressures exist and where ground-oriented residential development is forecasted to continue to be strong over the next 15 years. Suburban growth areas where sites are required outside of the greenbelt include Kanata, Stittsville (Fernbank), South Nepean, Riverside South, Findlay Creek, Orleans and Tewin.

The study also includes the identification of sites in a number of rural locations (the Villages of Greely, Manotick and Richmond) and one urban location (Wateridge Village – Rockcliffe).

As per the appraised estimate of land values completed by Altus Group of Ottawa and assumptions regarding future site preparation costs, the above-noted new school site requirements result in a total growth-related net education land cost of \$274,162,769 (including associated study costs and forecasted financial obligations) which is to be funded over the 15-year projection period.

5. **Key Policy Recommendations in Proposed By-law**

The proposed EDC By-law reflects key policy recommendations outlined below, developed by staff, the consultant, and legal counsel. Topics include:

- By-law term;
- Non-statutory exemptions (residential and non-residential);
- Differentiated EDC rates;
- Residential/Non-residential shares;
- Demolition and conversion credits; and
- EDC rates

6. By-law Term

The proposed By-law covers a 5-year term, which is the maximum length of time permitted under the *Education Act*. This term also provides flexibility, as the Board can amend the By-law or pass a new By-law at an earlier time should it be required.

7. Non-Statutory Residential Exemptions

The proposed By-law does not include any residential exemptions other than those that are statutorily required, as there is no funding source to absorb the cost of providing non-statutory exemptions. Furthermore, non-statutory exemptions complicate By-law administration and collecting of the charge, and the ability to treat all development applications in a fair and equitable manner.

The proposed 2024 By-law does not exempt secondary dwelling units which are “ancillary to” the principal residence, as these are not exempt under the legislation. Exempting secondary ancillary units has the potential to increase the unfunded land cost.

8. Non-Statutory Non-Residential Exemptions

The proposed By-law carries forward the discretionary non-residential non-statutory exemptions that have historically been included in OCDSB EDC By-laws. These include places of worship and cemeteries (if exempt under Section 3 of the *Assessment Act*), farm buildings and farm retirement lots.

All four local school boards have chosen to limit the inclusion of additional non-statutory exemptions given the revenue impact and the challenge it would present in determining which organizations to exempt.

9. Differentiated EDC Rates

There were questions raised at the public meeting by a trustee regarding a differentiated rate for different residential units. Our advice, and that of our consultant, remains that a blended (uniform) residential rate is preferred.

To differentiate would be to step away from our past practice. All of the EDC By-laws implemented within the Ottawa-Carleton area since 1992 have utilized a uniform residential rate. Similarly, any district eligible for an EDC By-law in Ontario has implemented one standard residential rate.

Our concern with regard to differentiated rates is twofold:

First, a differentiated rate means that intake into the fund cannot be accurately predicted. If more apartments are constructed, we run the risk of going further into deficit than we would like to see for the EDC fund. If more singles are built, we will take in more to the account, but being in a surplus could jeopardize our ability to pass a subsequent by-law.

Second, staff and our consultant recommend a blended rate because the local Home Builders Association has always concurred with a blended approach, and a one-rate residential structure simplifies administration for the City of Ottawa which administers fee remittance.

Staff has considered the comments made at the last meeting and is still firmly recommending one blended rate for residential development.

10. Residential/Non-Residential Shares

As outlined in the proposed By-law, it is recommended to maintain recovery of 80% of the net education cost from residential development and 20% of the costs from non-residential development. This ratio, which was initially adopted as part of the 2014 By-law, enables the Board to mitigate any further revenue loss due to the legislative cap.

11. Demolition and Conversion Credits

The proposed By-law carries forward historical practices related to the demolition grace period and conversion credits. It contains a 2-year demolition grace period for residential uses, a 5-year demolition grace period for non-residential uses and does not contemplate granting conversion credits.

12. EDC Rates

The background study contains a calculated EDC of \$1,988 per new residential unit and \$1.76 per new square foot of non-residential development.

The EDC rates, as presented in the proposed By-law, are shown below. These rates reflect the legislative caps in place, which limit the annual increase to the greater of \$300 or 5% per residential unit and \$0.10 per square foot or 5% per square foot of non-residential gross floor area.

	Existing In-force By-law EDC Rates	Year 1 Proposed EDC Rates (April 1, 2024 to March 31, 2025)	Year 2 Proposed EDC Rates (April 1, 2025 to March 31, 2026)	Year 3 Proposed EDC Rates (April 1, 2026 to March 31, 2027)	Year 4 Proposed EDC Rates (April 1, 2027 to March 31, 2028)	Year 5 Proposed EDC Rates (April 1, 2028 to March 31, 2029)
Residential EDC rate per dwelling unit	\$787	\$1,087	\$1,387	\$1,687	\$1,987	\$1,988
Non-residential EDC rate per sq. ft. GFA	\$0.58	\$0.68	\$0.78	\$0.88	\$0.98	\$1.08

13. **Summary**

The District needs to approve a successor new EDC By-law in order to ensure that it will continue to collect EDCs in the future.

Staff is recommending the adoption of EDC By-law No. 01-2024 (attached as Appendix A). The proposed By-law was prepared by our solicitor, in consultation with Planning staff, our three coterminous school boards and our consultant, Quadrant Advisory Group Limited.

Should the new By-law be adopted by the Board, it would come into force on 1 April 2024. The By-law would implement the charges as noted in the table above.

The key policy decisions which shaped the charges contained in the existing EDC By-law remain unchanged in the recommended new By-law.

In accordance with Section 257.63 (3) of the *Education Act*, the Board may choose to hold additional public meetings to consider any changes to the proposed new EDC By-law arising from discussions at the 16 January 2024

public meetings. Given the opportunities for providing input within the consultative process and the fact that there are no material changes proposed to the recommended By-law, staff is recommending that the Board confirm that another public meeting is not required.

Ministry approval of the Board's estimates used to determine growth-related net education land costs was received on (still waiting for the Ministry).

## **RESOURCE IMPLICATIONS:**

14. The collection of EDCs is the main source of funding for costs incurred by the District to acquire land or prepare sites as a result of the need to build new pupil places due to growth.

Without the implementation of EDCs the above costs would have to be funded via operating reserves and/or proceeds of disposition.

## **COMMUNICATION/CONSULTATION ISSUES:**

15. In order to consider the adoption and implementation of a new EDC By-law the Board is required to follow a legislatively governed consultative process. This process includes the holding of a minimum of two public meetings and provision of formal notice of each.

In early November 2023 the Board's website was updated to include a page related to the proposed new EDC By-law process. Included on the webpage was a section providing members of the public with an opportunity to submit their questions and/or comments. No feedback was received.

16. Development Stakeholder Consultation  
On 15 August 2023, staff representing the four coterminous Ottawa area school boards held a consultation meeting with development community stakeholders to discuss the process involved in implementing a new EDC By-law.

Among the issues discussed were recent legislative changes to the EDC framework, the municipal development forecast, each Board's EDC process and timelines and the geographic scope of a possible new charge.

17. Legislatively Required Public Meetings  
As per the requirements of the legislation, the Board held two Special Committee of the Whole Public Meetings on the evening of 16 January 2024.

The first meeting was convened in order to review the policies contained within the Board's existing Education Development Charges By-law. A background document pertaining to this review was included in the EDC Background Study which was completed and made available to members of the public two weeks in advance of the scheduled meeting. Notice of the meeting was published in the Ottawa Citizen newspaper on 15 December 2023. There were no requests for delegations at the 16 January 2024 policy review meeting.

Immediately after the completion of the first public meeting and in accordance with Section 257.63 of the *Education Act*, the Board held a second Special Committee of the Whole Public Meeting that same evening. This meeting was held to inform and allow the public to make representation regarding the proposed new EDC By-law. Notice of the Public Meeting was published in the Ottawa Citizen newspaper on 15 December 2023.

The public meeting notice published in the Citizen included a variety of mediums for comment and correspondence regarding the Board's EDC proposal. In addition, the notice was posted on the Board's website. There were no requests for delegations at the 16 January 2024 successor By-law public meeting.

## **RECOMMENDATIONS:**

- A. THAT the Board confirm that an additional public meeting under 257.63 (3) of the *Education Act* is not required prior to the adoption of the Ottawa-Carleton District School Board's Education Development Charges By-law No. 01-2024;
- B. THAT the Board approve the Ottawa-Carleton District School Board's Education Development Charges Background Study, dated 15 February 2024, for the purpose of adopting the Board's Education Development Charges By-law No. 01-2024;
- C. THAT the Board set the residential and non-residential rates as shown in sections six and nine respectively of the proposed By-law;
- D. THAT the Board approve the Ottawa-Carleton District School Board's Education Development Charges By-law No. 01-2024 (attached as Appendix A to Report 24-024) and such By-law shall be effective 1 April 2024, and authorize staff to undertake steps regarding its implementation and administration.

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Randy Gerrior  
Associate Director, Business Operations  
(ext. 8881)

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Pino Buffone  
Director of Education and  
Secretary of the Board

Appendix A Education Development Charges By-law No. 01-2024

**EDUCATION DEVELOPMENT CHARGES BY-LAW**  
**OTTAWA-CARLETON DISTRICT SCHOOL BOARD**  
**BY-LAW No. 01-2024**

A By-Law for the imposition of education development charges

**WHEREAS** the Education Act, R.S.O. 1990, c. E.2, as amended or a successor statute (hereinafter the “**Act**”) authorizes a district school board to pass By-Laws for the imposition of education development charges against land undergoing residential and non-residential development in the area of jurisdiction of the board where residential development in such area would increase education land costs;

**AND WHEREAS** on [●], 2024, the Minister of Education approved the estimates of the Ottawa-Carleton District School Board (hereinafter the “**Board**”) which are prescribed under Section 10, paragraph 1 of Ontario Regulation 20/98;

**AND WHEREAS** the Board has determined that residential and non-residential development in its area of jurisdiction will result in increased education land costs;

**AND WHEREAS** the Board has unmet financial obligations on the day prior to the day this By-law is passed;

**AND WHEREAS** the Board has complied with the conditions prescribed by Section 10 of Ontario Regulation 20/98;

**AND WHEREAS** the Board has conducted a review of its education development charge policies, made sufficient information available to the public, and held a public meeting on January 16, 2024, in accordance with Section 257.60 of the *Education Act*;

**AND WHEREAS** the 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 Board has given notice and held a public meeting on January 16, 2024, in accordance with Section 257.63(1) of the *Education Act* and permitted any person who attended the public meeting to make representations in respect of the proposed education development charges;

**AND WHEREAS** the 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 OTTAWA-CARLETON DISTRICT SCHOOL BOARD HEREBY ENACTS AS FOLLOWS:

**PART I**  
**APPLICATION**

**Definitions**

1. The definitions and terms contained in this By-Law shall have the same meanings as those contained in the Act and the Regulation (as hereinafter defined), as amended from time to time. In the event of ambiguity, the definitions contained in this By-Law shall prevail.



2. In this By-Law,
- a. “Act” means the Education Act, R.S.O. 1990, c.E.2, as amended, or a successor statute;
  - b. “alternative project” means a project, lease or other prescribed measure, approved by the Minister of Education under Section 257.53.1 of the Act, that would address the needs of the Board for pupil accommodation and would reduce the education land costs;
  - c. “Board” means the Ottawa-Carleton District School Board;
  - d. “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the gross floor area, number of dwelling units or usability thereof, and 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 row dwelling (townhouse), back-to-back townhouses, rear lane townhouses, row dwelling (townhouse), the residential portion of a mixed-use building or structure, secondary dwelling unit, and a cottage or seasonal dwelling unit that is capable of being occupied year-round. Notwithstanding the foregoing, (i) a unit or room in a temporary accommodation to the travelling or vacationing public and (ii) living accommodation in a long-term care home as defined in and governed by the provisions of the *Fixing Long-Term Care Act, 2021*, S.O. 2021, c.39, Sched. 1, shall not constitute dwelling units for purposes of this By-Law;
  - f. “education development charge” means charges imposed pursuant to this By-Law in accordance with the Act;
  - g. “education land costs” means costs incurred or proposed to be incurred by the Board,
    - i. to acquire land or an interest in land, including a leasehold interest, to be used by the Board to provide pupil accommodation;
    - ii. to provide services to the land or otherwise prepare the site so that a building or buildings may be built on the land to provide pupil accommodation;
    - iii. to prepare and distribute education development charge background studies as required under the Act;
    - iv. as interest on money borrowed to pay for costs described in paragraphs (i) and (ii);
    - v. to undertake studies in connection with an acquisition referred to in paragraph (i); and
    - vi. in connection with alternative projects approved by the Minister of Education pursuant to s. 257.53.1 of 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. “farm buildings” are defined as a building or structure located on a bona fide farm which is necessary and ancillary to a bona fide farm operation including barns, tool sheds and silos and other farm related structures for such purposes as sheltering of livestock or poultry, storage of farm produce and feed, and storage of farm related machinery, and equipment but shall not include a dwelling unit or other structure used for residential accommodation or any buildings or parts thereof used for other commercial, industrial or institutional purposes qualifying as non-residential development;
- j. “gross floor area” means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls and for the purpose of this definition, the non-residential portion of a mixed-use building or structure is deemed to include one-half of any area common to the residential and non-residential portions of such mixed-use building or structure;
- k. “local board” means a local board as defined in the Municipal Affairs Act, other than a district school board;
- l. “localized education development agreement” means an agreement between a board and an owner described in subsection 257.53.2(1) of the Act;
- m. “mixed use development” means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- n. “non-residential development” means a development other than a residential development and includes commercial, industrial and institutional development;
- o. “Planning Act” means the Planning Act, R.S.O. 1990, c. P.13, as amended;
- p. “Region” means the Local Municipality of Ottawa;
- q. “Regulation” means Ontario Regulation 20/98, *Education Development Charges – General* as amended, made under the Act;

- r. “residential development” means a development comprised of land or buildings or structures of any kind whatsoever, used, designed or intended to be used as living accommodations for one or more individuals and includes land or a building or part thereof used, designed or intended for a use in connection therewith;
- s. “secondary dwelling unit” means a dwelling unit contained within a single detached dwelling, semi-detached dwelling, or row dwelling which:
  - i. comprises an area less than the gross floor area of the primary dwelling unit; and
  - ii. is not capable of being legally conveyed as a separate parcel of land from the primary dwelling unit.

### **Application of By-Law and Exemptions**

- 3. (1) Subject to any exemption contained herein, this By-Law applies to all lands in the Region.
- (2) This By-Law shall not apply to lands subject to a localized education development agreement approved by the Minister of Education pursuant to Section 257.53.2 of the Act.
- (3) This By-Law shall not apply to lands that are owned by and are used for the purpose of:
  - a. the Region or a local board thereof;
  - b. a municipality or a local board thereof;
  - c. a district school board;
  - d. residential development on lands designated as a farm retirement lots being a lot adjacent to a farming lot on which a dwelling unit is to be built for the residence of a person who had conducted farming on the adjacent farming lot;
  - e. a place of worship and land used in connection therewith, and every churchyard, cemetery or burying ground, if such is exempt from taxation under Section 3 of the *Assessment Act*, R.S.O. 1990, c. A.31 as amended;
  - f. farm buildings as defined herein.
- (4) Subject to subsection (5), 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*;
  - d. 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.
- (5) If only a portion of a building or structure, or an addition or alteration to a building or structure, referred to in subsection (4) 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.
- (6) 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*.

#### **Development Approvals**

4. In accordance with the Act and this By-Law, education development charges shall be imposed against all lands, buildings or structures undergoing residential development within the By-Law charging area, if the development requires any one of those actions set out in subsection 257.54(2) of the Act (or any successor provision thereto) as follows:
- a. the passing of a zoning By-Law or of an amendment thereto under Section 34 of the *Planning Act* (or any successor provision thereto);
  - b. the approval of a minor variance under Section 45 of the *Planning Act* (or any successor provision thereto);
  - c. a conveyance of land to which a By-Law passed under subsection 50(7) of the *Planning Act* (or any successor provision thereto) applies;
  - d. the approval of a plan of subdivision under Section 51 of the *Planning Act* (or any successor provision thereto);
  - e. a consent under Section 53 of the *Planning Act* (or any successor provision thereto);
  - f. the approval of a description under Section 9 of the *Condominium Act, 1998*, S.O. 1998, c. 19 (or any successor provision thereto); 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.
5. In accordance with the Act and this By-Law, education development charges shall be imposed against all lands, buildings or structures undergoing non-residential development within the By-Law charging area, 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 any

one of those actions set out in subsection 257.54(2) of the Act (or any successor provision thereto) as follows:

- a. the passing of a zoning By-Law or of an amendment thereto under Section 34 of the *Planning Act* (or any successor provision thereto);
- b. the approval of a minor variance under Section 45 of the *Planning Act* (or any successor provision thereto);
- c. a conveyance of land to which a By-Law passed under subsection 50(7) of the *Planning Act* (or any successor provision thereto) applies;
- d. the approval of a plan of subdivision under Section 51 of the *Planning Act* (or any successor provision thereto);
- e. a consent under Section 53 of the *Planning Act* (or any successor provision thereto);
- f. the approval of a description under Section 9 of the *Condominium Act, 1998*, S.O. 1998, c. 19 (or any successor provision thereto); 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.

## PART II EDUCATION DEVELOPMENT CHARGES

### A. Residential Education Development Charges

6. Subject to the provisions of this By-Law, an education development charge per dwelling unit shall be imposed upon all categories of residential development and all the designated residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use, and, in the case of a mixed-use building or structure, upon the dwelling units in the mixed-use building or structure. An education development charge will be collected once in respect of a particular residential development, but the foregoing does not prevent the application of this By-law to future development of the same property. The schedule of residential rate is as follows:

<b>Ottawa-Carleton District School Board</b>	2024 EDC Calculated Rates	In-force By-Law Rates to March 31, 2024	Year 1 Rates April 1, 2024 to March 31, 2025	Year 2 Rates April 1, 2025 to March 31, 2026	Year 3 Rates April 1, 2026 to March 31, 2027	Year 4 Rates April 1, 2027 to March 31, 2028	Year 5 Rates April 1, 2028 to March 31, 2029
Residential EDC Rate per Dwelling Unit	\$1,988	\$787	\$1,087	\$1,387	\$1,687	\$1,987	\$1,988

**Exemptions from Residential Education Development Charges**

7. As required by Subsection 257.54(3) of the Act, an education development charge shall not be imposed with respect to
- a. the enlargement of an existing dwelling unit that does not create an additional dwelling unit; or
  - b. the creation of one or two additional dwelling units as prescribed in Section 3 of the Regulation as follows:

<b>Name of class of residential building</b>	<b>Description of class of residential buildings</b>	<b>Maximum number of additional dwelling units</b>	<b>Restrictions</b>
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.

8. Pursuant to Section 4 of the Regulation:
- (1) Education development charges under Section 6 of this By-Law 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 8(1) of this By-Law, education development charges shall be imposed in accordance with Section 6 of this By-Law if the building permit for the replacement dwelling unit is issued more than two (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 8(1) of this By-Law, education development charges shall be imposed in accordance with Section 6 of this By-Law against any dwelling unit or units on the same site which are built 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) An education development charge shall be imposed in accordance with Section 9 of this By-Law where the dwelling unit described in section 8(1) is replaced or converted to, in whole or in part, non-residential development.

**B. Non-Residential Development**

9. 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:

<b>Ottawa-Carleton District School Board</b>	2024 EDC Calculated Rates	In-force By-Law Rates to March 31, 2024	Year 1 Rates April 1, 2024 to March 31, 2025	Year 2 Rates April 1, 2025 to March 31, 2026	Year 3 Rates April 1, 2026 to March 31, 2027	Year 4 Rates April 1, 2027 to March 31, 2028	Year 5 Rates April 1, 2028 to March 31, 2029
Non-Residential EDC Rate per square foot	\$1.76	\$0.58	\$0.68	\$0.78	\$0.88	\$0.98	\$1.08

**Exemptions from Non-Residential Education Development Charges**

10. Notwithstanding Section 9 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.
11. Pursuant to Section 5 of the Regulation:
- (1) Education development charges under Section 9 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 11(1), education development charges shall be imposed in accordance with Section 9 if the building permit for the replacement non-residential building or structure is issued more than five (5) years after,
    - a. the date the former building or structure was destroyed or became uninhabitable; 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 11(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 9 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 6 if the non-residential building or structure described in Section 11(1) is replaced by or converted to, in whole or in part, a dwelling unit or units.
12. Pursuant to Section 257.55 of the Act:
- (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.

C. **Mixed Use Development**

13. The education development charge to be imposed in respect of the mixed use development shall be the aggregate of the amount applicable to the residential development component and the amount applicable to the non-residential development component.
14. For the purpose of calculating the education development charge that must be imposed on a mixed use development, the gross floor area of the non-residential portion of the building must include a proportional portion of the building's common areas of the building.



### **PART III ADMINISTRATION**

#### **Payment of Education Development Charges**

15. Education development charges are payable in full to the 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 charges By-Law applies.
16. The Treasurer of the Board shall establish and maintain an education development charge reserve fund in accordance with the Act, the Regulation and this By-Law.

#### **Payment by Services**

17. Notwithstanding the payments required under Section 15, 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**

18. Part XI of the *Municipal Act*, 2001, S.O. 2001, c. 25 applies with necessary modifications with respect to an education development charge or any part of it that remains unpaid after it is payable.

#### **Date By-Law In Force**

19. This By-Law shall come into force at 12:01 a.m. on April 1, 2024.

#### **Severability**

20. 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**

21. Nothing in this By-Law shall be construed so as to commit or require the Board to authorize or proceed with any specific school site purchase or capital project at any time.
22. 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. The same is true for any reference made to a regulation or a Section of a regulation in this By-Law.

#### **Short Title**

23. This By-Law may be cited as the Ottawa-Carleton District School Board Education Development Charges By-Law No 01-2024.

ENACTED AND PASSED THIS 5<sup>th</sup> DAY OF MARCH 2024.

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Lynn Scott  
Chair of the Board

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Pino Buffone  
Director of Education and Secretary of the  
Board