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**GREATER ESSEX COUNTY DISTRICT SCHOOL BOARD  
BY-LAW NO. 41 (April 2024)**

**Being a By-law for the imposition of**



Greater Essex County District School Board By-Law No. 41 (April 2024)  
Education Development Charges By-Law,  
for the County of Essex and

- (a) 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;
- (b) Where required by the context of this by-law, words in the singular include the plural and vice-versa.

**Lands Affected**

- 3. (1) Subject to subsections 3(2) to 3(5), this by-law applies to all lands in the geographic area of the Municipality.
- (2) This by-law shall not apply to lands that are owned by and are used for the purposes of:
  - (i) a municipality or a local board thereof;
  - (ii) a board as defined in section 257.53(1) of the Act;
  - (iii) a public hospital receiving aid under the *Public Hospitals Act*, R.S.O. 1990, c. P.40;
- (3) Subject to subsection 3(4), an owner shall be exempt from education

- (5) An owner shall be exempt from education development charges if the owner is,
  - (i) a college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*;
  - (ii) a university that receives regular and ongoing operating funds from the Government of Ontario for the purposes of post-secondary education;
  - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*.

**Approvals for Development**

- 4. (1) In accordance with section 257.54(2) of the Act, 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, Chapter 19; or
  - (g) the issuing of a permit under the *Building Code Act, 1992*, S.O. 1992, Chapter 23, as amended, in relation to a building or structure.
- (2) In respect of a par

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

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

## **PART II**

### **EDUCATION DEVELOPMENT CHARGES**

#### **Residential Education Development Charges**

8. Subject to the provisions of this by-law, an education development charge of \$1,230.00 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.

#### **Exemptions from Residential Education Development Charges**

9. (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 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 an existing semi-detached dwelling, an existing 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:
- (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

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.

### **PART III**

#### **ADMINISTRATION**

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

11. Education development charges are payable in full to the Municipality in which development takes place on the date a building permit is issued by the Municipality in relation to a building or structure on land to which this education development charge by-law applies.
12. 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**

13. Notwithstanding the payments required under section 11, 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**

14. Section 349 of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended, 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**

15. This by-law shall come into force on April 7, 2024.

**Date By-law Expires**

16. This by-law shall expire five years after the date it comes into force under section 15, unless it is repealed at an earlier date.

**Repeal**

17. The Greater Essex County District School Board Education Development Charges By-law No. 35 is repealed on the day this by-law comes into force.

**Severability**

18. 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 (ov)4 0 (by)T 0 Tc 0 sevTT(ov)4 0 (by)T 0 Tc 0 Do 23194 0 Td7

I hereby certify that the foregoing is a true copy of By-law No. XXX (April 2024 – E), as enacted by the Board of Trustees of the Greater Essex County District School Board on this 2nd day of April, 2024.

Dated at the City of Windsor, this 2nd day of April, 2024.



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Vicki Houston  
Director of Education/ Secretary of the Board