

Being a By-law for the imposition of  
Education Development Charges , for the City of Windsor

WHEREAS section 257.54 (1) of the Education Act provides that a district school board may pass by-laws for the imposition of education development charges against land in its area of jurisdiction undergoing residential development if there is residential development in the area of jurisdiction of the district school board that would increase education land costs and the residential development requires one or more of the actions identified in section 257.54(2) of the Education Act;

AND WHEREAS the Greater Essex County District School Board has referred to the Minister of Education the following estimates for approval:

- (i) the total number of new school pupils; and
- (ii) the number of school sites used to determine the net education land costs;

contained within the education development charges background study, which estimates the Minister of Education approved on April , 2019 in accordance with paragraph 1 of section 10 of Ontario Regulation 20/98 of the Education Act;

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

AND WHEREAS the Greater Essex County District School Board has provided notice of public meetings on March 13, 2019, in accordance with section 257.60(2) and 257.63 of the Education Act;

AND WHEREAS the Greater Essex County District School Board has conducted a review of its education development charge policies and held a public meeting on April 2, 2019, in accordance with section 257.60(2) of the Education Act;

AND WHEREAS the Greater Essex County District School Board has made available to the public the education development charge background study and the proposed by-law, in accordance with section 257.63(1)(c) of the Education Act;

AND WHEREAS the Greater Essex County District School Board has given a copy

DRAFT EDUCATION DEVELOPMENT CHARGES BY -



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2. In this by-law,
- (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 section 3(2), 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;

#### Approvals for Development

4. (1) In accordance with section 257.54(2) of the Act, Education development

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- (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 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. 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

- 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 \$ " 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"

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- (ii) “other residential building” means a residential building not in another class of residential building described in this section;

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Code Act, 1992, S.O. 1992, Chapter 23, as amended, for the dwelling unit already in the building;

- (ii) if no occupancy permit is issued in accordance with Ontario Regulation 332/12: Building Code, as amended, under the Building Code Act, 1992, S.O. 1992, Chapter 23, as amended, by the Municipality, the occupancy of the dwelling unit already in the building, as established by proper evidence of such occupancy; or,
- (iii)



