



*The Niagara Catholic District School Board through  
the charisms of faith, social justice, support and leadership,  
nurtures an enriching Catholic learning community for all  
to reach their full potential and become living witnesses of Christ.*

*AGENDA AND MATERIAL*

## **SPECIAL BOARD MEETING**

**TUESDAY, JUNE 16, 2015  
6:00 P.M.**



*FATHER KENNETH BURNS, C.S.C. BOARD ROOM  
CATHOLIC EDUCATION CENTRE, WELLAND, ONTARIO*

### **A. ROUTINE MATTERS**

1. Opening Prayers – Vice-Chair Sicoli -
2. Roll Call -
3. Approval of the Agenda -
4. Declaration of Conflict of Interest -
5. Approval of Minutes of the Special Board Meeting of May 26, 2015 A5

### **B. COMMITTEE AND STAFF REPORTS**

1. Proposed Education Development Charge (EDC) By-Laws Public Meeting – Opening Remarks  
Chair MacNeil -
2. Proposed EDC By-Laws – Jack Ammendolia – Consultant -
3. Proposed EDC By-Laws – Brad Teichman – Legal Counsel -

### **C. DELEGATIONS/PRESENTATIONS**

### **D. PLAN FOR FUTURE ACTION**

1. Receipt of Information on Proposed EDC By-Laws – Public Meeting D1
2. Preparation of Proposed EDC By-Laws – Public Meeting D2
3. Need for Further Public Meetings Regarding Proposed EDC by-Laws – Public Meeting D3
4. Proposed EDC By-Laws for Former County of Lincoln and Former County of Welland D4

### **E. ADJOURNMENT**

***BOARD BY-LAWS EXCERPT******Special Meetings of the Board***

Special meetings of the Board shall be held by order of the Board, on the written request of three (3) trustees, to the Chairperson or the Director, on the call of the Chairperson, or at the request of the Director of Education. The trustees shall be given a twenty four (24) hour notice for special meetings except in emergency situations. Such meetings shall be called for specific reasons. Such subjects shall be stated in the notice calling the meeting. Notwithstanding any other provisions to the Board's By-Laws, no other business shall be considered at a special meeting other than the subjects stated in the notice.

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
SPECIAL BOARD MEETING  
JUNE 16, 2015**

***PUBLIC SESSION***

**TITLE: MINUTES OF THE SPECIAL BOARD MEETING OF  
MAY 26, 2015**

---

**RECOMMENDATION**

**THAT** the Niagara Catholic District School Board approve the Minutes of the Special Board Meeting of May 26, 2015, as presented.



# MINUTES OF THE SPECIAL BOARD MEETING

**MAY 26, 2015**

Minutes of the Special Meeting of the Niagara Catholic District School Board, held on May 26, 2015 at 6:00 p.m. in the Father Kenneth Burns csc Board Room, at the Catholic Education Centre, 427 Rice Road, Welland.

The meeting was called to order at 6:15 p.m. by Chairperson MacNeil.

## A. ROUTINE MATTERS

### 1. Opening Prayer

Opening Prayers were led by Trustee Charbonneau

### 2. Roll Call

Chair MacNeil noted that Trustee O'Leary was excused from attending the Special Board Meeting of May 26, 2015.

Trustee	Present	Present Electronically	Absent	Excused
Kathy Burtnik	✓			
Maurice Charbonneau	✓			
Frank Fera	✓			
Fr. Paul MacNeil	✓			
Ed Nieuwesteeg	✓			
Ted O'Leary				✓
Dino Sicoli	✓			
Pat Vernal	✓			

The following staff were in attendance:

**John Crocco**, Director of Education; **Yolanda Baldasaro**, **Ted Farrell**, **Lee Ann Forsyth-Sells**, **Frank Iannantuono**, Superintendents of Education; **Scott Whitwell**, Controller of Facilities Services; **Giancarlo Vetrone**, Superintendent of Business & Financial Services; **Anna Pisano**, Recording Secretary/Administrative Assistant, Corporate Services & Communications

3. **Approval of the Agenda**

Moved by Trustee Charbonneau

Seconded by Trustee Vernal

**THAT** the Niagara Catholic District School Board approve the Agenda of the Special Board Meeting of May 26, 2015, as presented.

**CARRIED**

4. **Declaration of Conflict of Interest**

No Declaration of Conflict of Interest were declared with any items on the agenda.

5. **Proposed Education Development Charge (EDC) By-Laws Public Meeting Introduction**

Chair MacNeil introduced the Proposed Education Development Charge (EDC) By-Laws Public Meeting.

**B. COMMITTEE AND STAFF REPORTS**

1. **Proposed EDC By-Laws – Jack Ammendolia – Consultant**

Chair MacNeil introduced Mr. Jack Ammendolia, Director, Watson & Associates Economists Limited.

Mr. Ammendolia presented his report on the Proposed EDC By-Laws

2. **Proposed EDC By-Laws – Brad Teichman – Legal Counsel**

Chair MacNeil introduced Brad Teichman, Board Legal Counsel, Overland LLP.

Mr. Teichman presented his report on the Proposed EDC By-Laws.

Mr. Ammendolia and Mr. Teichman answered questions of Trustees

**C. DELEGATIONS/PRESENTATIONS**

Mr. Dave Hayworth, Manager of Land Use Policy, made a presentation on behalf of the Town of Fort Erie.

Chair MacNeil thanked Mr. Hayworth and the Town of Fort Erie for their input and provided concluding comments on the Education Development Charge process and that the next meeting on the Education Development Charge will take place on June 16, 2015 commencing at 6:00 p.m.

#### **D. PLAN FOR FUTURE ACTION**

Moved by Trustee Vernal  
Seconded by Trustee Sicoli

**THAT** the Niagara Catholic District School Board receive the information on the proposed Education Development Charge By-Laws and information provided by delegations/presentations.

**CARRIED**

#### **E. ADJOURNMENT**

Moved by Trustee Sicoli  
Seconded by Trustee Charbonneau

**THAT** the May 26, 2015 Special Meeting of the Niagara Catholic District School Board be adjourned.

**CARRIED**

This meeting was adjourned at 7:11 p.m.

---

---

Minutes of the Special Meeting of the Niagara Catholic District School Board held on **May 26, 2015**.

Approved on **June 16, 2015**.

---

Fr. Paul MacNeil  
Chairperson of the Board

---

John Crocco  
Director of Education/Secretary -Treasurer



NIAGARA CATHOLIC  
DISTRICT SCHOOL BOARD

D1

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
SPECIAL BOARD MEETING  
JUNE 16, 2015**

***PUBLIC SESSION***

**TITLE: RECEIPT OF INFORMATION ON PROPOSED EDUCATION  
DEVELOPMENT CHARGES BY - LAWS – PUBLIC  
MEETING**

---

---

**RECOMMENDATION**

**THAT** the Niagara Catholic District School Board receive the information on the proposed Education Development Charges By-Laws and information provided by delegations/presentations.

---

---

Prepared by: Ted Farrell, Superintendent of Education/Accommodation  
Scott Whitwell, Controller of Facilities Services  
Kathy Levinski, Manager of Facilities Services

Presented by: Ted Farrell, Superintendent of Education/Accommodation  
Scott Whitwell, Controller of Facilities Services

Recommended by: John Crocco, Director of Education/Secretary-Treasurer

Date: June 16, 2015



**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
SPECIAL BOARD MEETING  
JUNE 16, 2015**

***PUBLIC SESSION***

**TITLE: PREPARATION OF PROPOSED EDUCATION  
DEVELOPMENT CHARGES (EDC) BY - LAWS – PUBLIC  
MEETING**

---

The Preparation of Proposed Education Development Charges (EDC) By-Laws – Public Meeting report is presented for information.

---

Prepared by: Ted Farrell, Superintendent of Education/Accommodation  
Scott Whitwell, Controller of Facilities Services  
Kathy Levinski, Manager of Facilities Services

Presented by: Ted Farrell, Superintendent of Education/Accommodation  
Scott Whitwell, Controller of Facilities Services

Approved by: John Crocco, Director of Education/Secretary-Treasurer

Date: June 16, 2015





## **REPORT TO THE SPECIAL BOARD MEETING JUNE 16, 2015**

### **PREPARATION OF PROPOSED EDUCATION DEVELOPMENT CHARGES (EDC) BY-LAWS – PUBLIC MEETING**

---

---

#### **BACKGROUND INFORMATION**

The Board held a public meeting on the evening of May 26, 2015 to explain the purpose of the proposed EDC by-laws and to hear views of the public. There is a similar second public meeting planned for June 16, 2015. Both meetings require a properly constituted Board meeting with quorum.

#### **Policy Recommendations**

Staff have assessed policy issues and provide their recommendations below. Input was received from municipal, regional and development community stakeholders. Legal counsel also assessed the requirements and provided staff with legal advice with respect to the content of such policies.

#### **(a) By-law Structure: Area Specific Charge vs. Jurisdiction-Wide Charge**

##### **Legislative Provisions**

Section 257.54(4) of the Education Act permits the Board to pass an Education Development Charge (EDC) By-law that applies to the entire area under its jurisdiction or a part of its jurisdiction. The latter would permit more than one EDC By-law and different charges in its respective area.

##### **Considerations**

##### **Jurisdiction-wide EDC Versus Area Specific EDC**

The use of a jurisdiction-wide EDC is consistent with the approach used to fund education costs under the Provincial funding model, the foundation grant per pupil funding throughout the Province and uniform Region-wide tax rates to sustain and develop the Region as one jurisdiction. The jurisdiction-wide EDC is consistent with the approach taken by the Board in making decisions with respect to capital and operational expenditures.

Jurisdiction-wide by-law structures are more consistent with the implementation of a Board's capital program and with the Board's practice of equal access to all school facilities for pupils. The Board cross-subsidizes the schools located in the more sparsely populated areas of the jurisdiction with respect to operations and staffing. Attendance boundaries have and will continue to shift over time as the Board deals with a dynamic accommodation environment. The jurisdiction-wide approach provides greater flexibility and reduced risk and greater assurances that new sites can be acquired throughout the Region as settlement patterns change. A jurisdiction-wide bylaw is easier to administer for both the Board and the municipalities and negates the need to determine and justify boundaries of the bylaws.

In general, a jurisdiction-wide bylaw allows the flexibility the Board needs to adapt to changing accommodation patterns and allows funds to be used across the jurisdiction.

An area specific charge is an EDC charge that is applied to specific areas of the Board's jurisdiction. The Board must establish separate EDC reserve fund accounts for each bylaw and may only use the funds to pay for growth related land costs in the area to which the bylaw applies. There are limitations placed on the portability of the EDC reserve funds by the Minister of Education through Ontario Regulation 20/98 (as amended) from one bylaw area to another. This means that EDC's collected in one bylaw area could not be used to purchase a site in another area.

The area specific approach is based on the premise that the EDC is based on the needs of each defined area and that area's EDC is directly tied to those needs. In the jurisdiction-wide approach, the needs and thus the EDC are spread out across the jurisdiction's future development, whereas in the area specific approach it is limited to the pre-defined boundaries.

It should also be noted that the Board's jurisdiction, according to the legislation governing EDC's, is divided into two distinct regions. These two regions are required to have separate EDC bylaws and separate EDC reserve fund accounts. The boundary for one region is based on the former Lincoln County boundaries and includes the municipalities of Grimsby, West Lincoln, Lincoln, St. Catharines and Niagara-On-The-Lake. The boundary for the second region is based on the former Welland County boundaries and includes the municipalities of Niagara Falls, Fort Erie, Port Colborne, Welland, Thorold, Pelham, and Wainfleet.

### **Public Feedback**

Comments were received by the Town of Fort Erie and the Town of Pelham which have requested that the EDC bylaw be applied on an area specific (municipal) basis.

Comments were also received by the law firm of Sullivan Mahoney on behalf of G.P Empire Communities Ltd. and they were in support of a jurisdiction wide bylaw.

### **Staff Recommendation**

Staff recommends that the Board enact a jurisdiction-wide EDC bylaw.

### **(b) Percentage of Land Costs To Be Borne By Non-Residential Development**

#### **Legislative Provisions**

Section 7, paragraph 8 of Ontario Regulation 20/98, as amended, gives the Board the discretion to collect a portion of the growth related net education land costs from non-residential development. The percentage that may be funded by a charge on non-residential development shall not exceed 40 per cent of the growth related net education land costs. The Board's proposed EDC By-law is calculated to recover 100 percent from residential development only.

#### **Considerations**

The legislation allows the Board to decide to allocate anywhere from 0% to 40% to non-residential development. School Boards are encouraged to listen to feedback from area stakeholders on this policy matter.

#### **Public Feedback**

Feedback received from area stakeholders largely supports a 100% residential EDC. Many area municipalities and the Region have incentive programs in place that either exempt or rebate all or portions of the non-residential municipal and Regional DC's. The Board also heard from a non-residential industrial developer that expressed concerns over a non-residential EDC charge.

In addition, a 100% residential EDC charge would be easier to apply and administer by the municipalities who are responsible for collecting the charge and would remove the necessity of considering development conversion credits.

### **Staff Recommendation**

Staff recommends that the Board enact a 100% residential allocation in the proposed EDC bylaw.

### **(c) Recovery of Net Education Land Costs**

#### **Legislative Provisions**

Section 257.54(1) of the Education Act provides that a board may pass an EDC by-law "against land in its area of jurisdiction undergoing residential or non-residential development," if residential development would increase education land costs.

#### **Considerations**

The Education Act permits the Board to recover up to and including one hundred per cent of its net education land costs through EDC's. The Board's proposed EDC By-law is based upon 100 per cent recovery with certain limited exemptions.

The Board should consider that when granting non-statutory exemptions, it will result in a non-recoverable loss of EDC revenues. The EDC's are essentially a school board's only source of revenue for school site acquisitions. Municipalities, in contrast, can grant additional exemptions from their development charges because they can make up any shortfall in collections from the property tax base.

#### **Public Feedback**

Through correspondence and meetings with representatives from the Region of Niagara as well as the area municipalities, there were requests made for certain exemptions. In particular, it was asked that the Board consider exemptions to affordable housing, agricultural uses and community improvement plan areas. The City of Port Colborne also asked that the Board consider delaying implementation of the EDC until September 8, 2016 which is the expiry date of the City's development charge exemption for residential development.

### **Staff Recommendation**

Considering the potential loss of revenue and that the EDC is the primary source of funding site acquisitions for new schools, staff and legal counsel recommend continuing with 100% recovery while recognizing that granting some non-statutory exemptions based on other policy decisions will reduce this level. Staff further recommends that the Board not grant specific exemptions to community improvement plan areas or affordable housing and not consider delaying implementation of the EDC. Staff's recommendation of no non-residential EDC effectively addresses exemptions for agricultural uses and also addresses community improvement plan areas by at least exempting any non-residential development in these areas.

### **(d) Differentiated Charge**

#### **Legislative Provisions**

Section 7, paragraph 9.1 of Ontario Regulation 20/98 (as amended) provides that a board may pass an EDC by-law that imposes different charges on different types of development:

- 9.1 Despite paragraph 9, if the board intends to impose different charges on different types of residential development, the board shall determine,
  - i. the percentage of the growth-related net education land cost to be funded by charges on residential development that is to be funded by each type of residential development,

- ii. the charges on each type of residential development, subject to the rules in subparagraphs 9 i, ii and iii.

## **Considerations**

Changes to the EDC regulations in 2002 gave boards the ability to enact EDCs with different charges based on the type of residential development (i.e. single family vs. apartments). Prior to this change boards could only have one charge per dwelling unit regardless of type. There are currently no in-force by-laws with differentiated rates. The determination of a uniform or differentiated charge does not necessarily impact the revenue collected by the Board.

Input was sought from stakeholders during the public consultation process to determine the ideal by-law structure for the Board and jurisdiction.

## **Public Feedback**

There was no feedback related to a differentiated charge.

## **Staff Recommendation**

Staff and legal counsel recommend that the Board impose a uniform charge for all types of development consistent with other EDC bylaws in the Province.

## **(e) The Public Process**

Board staff, as well as the Board's consultants, legal counsel and appraiser have undertaken extensive communication with the public, municipalities, Region, and building/construction industry. General notification of meetings and documents were posted on the board's website, advertised in local newspapers throughout the Region, and emailed. The Board's website provides a concise listing of documents.

A minimum of two public meetings is required for the Board to consider an EDC by-law. The Board held two public meetings and all timelines for notification of public meetings and availability of the background studies were exceeded. In addition, an EDC Information Session was conducted at the Board's offices on April 29<sup>th</sup> for the benefit of interested stakeholders. Board staff and their consultant also met with representatives from the Region and area municipalities' finance and planning divisions on May 22. All relevant correspondence has been included as an appendix to this report.

## **CONCLUSION**

This report has examined the various issues relating to the policy decisions contained in the Board's Education Development Charge Background Study. Public input has been considered as staff formulated recommendations with respect to these policies. The recommended policy matters have been incorporated in the recommended new EDC By-laws that will be considered by the Board at the meeting on June 16, 2015.

Appendix "A" is a copy of Jack Ammendolia's Power Point presentation to be given on June 16, 2015.

Appendix "B" is a copy of Jack Ammendolia's Power Point presentation of May 26, 2015.

Appendix "C" contains copies of all relevant correspondence related to the proposed Education Development Charge (EDC) By-Laws.

The Preparation of Proposed Education Development Charges (EDC) By-Laws – Public Meeting  
report is presented for information.

---

Prepared by: Ted Farrell, Superintendent of Education/Accommodation  
Scott Whitwell, Controller of Facilities Services  
Kathy Levinski, Manager of Facilities Services

Presented by: Ted Farrell, Superintendent of Education/Accommodation  
Scott Whitwell, Controller of Facilities Services

Approved by: John Crocco, Director of Education/Secretary-Treasurer

Date: June 16, 2015

# Niagara Catholic District School Board

---

**Education Development Charge  
Public Meeting**

**Consideration Of By-law Passage**

**June 16, 2015**

# A Review Of The Key Elements

---

- Education Development Charge (EDC) by-laws adopted under the *Education Act* enable recovery of growth-related net education land costs only.
- Boards must meet an eligibility trigger to qualify for EDCs.
- EDC by-laws may be uniform across the jurisdiction or area-specific.
- EDCs may be a single charge for all types of residential development or the Board may wish to impose different charges on different types of residential development.
- Boards can allocate net education land costs to both residential and non-residential developments.

# Public Process & Feedback

---

- EDC Information Session on April 29, 2015
- Met with Region of Niagara and Area treasurers and Area planners on May 22, 2015.
- Letter and email Correspondence and phone calls with Region of Niagara and municipal officials as well as the Niagara Homebuilders, other area developers and their consultants and legal representatives.
- Public Meeting on May 26, 2015.
- ***Revisions made to the original appraised land values based on feedback received from the Region and development community.***
- ***Staff recommendations on certain policy issues consider stakeholder feedback (i.e residential/non-residential)***



# The Proposed Charge – Former Lincoln County

*The original proposed charge was \$242 per dwelling unit in former Lincoln Co.*

## Calculation of Uniform Residential Charge

Residential Growth-Related Net Education Land Costs	\$	2,427,045
Net New Dwelling Units (Form C)		13,038
Uniform Residential EDC per Dwelling Unit	\$	186

# The Proposed Charge – Former Welland County

*The original proposed charge was \$245 per dwelling unit in former Welland Co.*

## Calculation of Uniform Residential Charge

Residential Growth-Related Net Education Land Costs	\$ 3,715,409
Net New Dwelling Units (Form C)	21,571
Uniform Residential EDC per Dwelling Unit	\$ 172

# Niagara Catholic District School Board

---

**Education Development Charge  
Public Meeting**

**Proposed EDC Bylaw Public Meeting**

**May 26, 2015**

# Education Development Charges

**An Education Development Charge is a development charge that is imposed under a bylaw respecting growth related net education land costs incurred or proposed to be incurred by a School Board.**

***Education development charges are the primary source of funding site acquisition needs for a school board experiencing growth in its jurisdiction.***

**The NCDSB is proposing to consider its first EDC bylaw.**

**The Board proposes to consider passage of a new by-law on June 16, 2015 at 6PM at a meeting at the Board's Education Centre.**

# Key Elements

---

- EDC by-laws adopted under the *Education Act* enable recovery of growth-related net education land costs only.
- Boards must meet an eligibility trigger to qualify for EDCs.
- EDC by-laws may be uniform across the jurisdiction or area-specific. *In addition, legislation requires that some Boards are divided into regions, which must each have a separate by-law.*
- EDCs may be a single charge for all types of residential development or the Board may wish to impose different charges on different types of residential development.
- Boards can allocate net education land costs to both residential and non-residential developments.

# Requirements

---

- The Board has prepared an EDC Background Study and included the necessary requirements.
- The EDC Background Study must be made available to the Ministry of Education and must be approved by the Minister prior to adoption.
- A total of two public meetings must be held prior to bylaw passage.
- The EDC Background Study must be made available to the public at least two weeks prior to the first public meeting.
- A notice of all public meetings must be given a clear 20 days prior to said meeting.

# Process and Methodology

The EDC process is largely technical and formulaic in nature. The methodology and requirements are set out in Division E of the *Education Act* and in Ontario Regulation 20/98 (as amended).

- **Board Eligibility**
  - Enrolment v. Capacity
  - Financial Obligations
- **Demographic Projections**
  - Enrolment Projections
  - Growth Forecasts
- **Reserve Fund Analysis**
  - EDC expenditures and revenues
  - Existing reserve fund balance

- **Site Needs**
  - Net growth-related pupil places
  - Legislation determines site sizes
- **Net Education Land Costs**
  - Estimated site acquisition costs (appraisals)
  - Site preparation costs/Study costs
- **Determination of EDC**

# The Calculation

---

1. Demographics and enrolment projections determine need.
2. Legislation and Board planning determines the number of school sites required.
3. Land appraisals determine site acquisition costs.
4. Historical expenditures determine site preparation costs.
5. The reserve fund analysis determines existing EDC surplus or deficit.
6. The total costs determined are referred to as the total growth related net education land costs – this is the amount for which EDC's are collected.
7. Board policies determine how the charge is implemented and collected (exemptions, non-residential allocation etc.)



# The Calculation - Demographics

Demographic projections, including both the enrolment and growth forecasts, form the backbone of the EDC calculation.

Population Data	2001 Census		2006 Census		2011 Census	
	Absolute Change	% Change	Absolute Change	% Change	Absolute Change	% Change
<b>Total Population</b>	<b>6,600</b>	<b>5.6%</b>	<b>118,492</b>	<b>125,092</b>	<b>129,649</b>	<b>3.6%</b>
Pre-School Population (0-3)	298	5.6%	5,349	5,647	5,877	4.1%
Elementary Population (4-13)	-532	-3.2%	16,659	16,127	15,325	-5.0%
Secondary Population (14-18)	-37	-0.4%	8,810	8,773	8,800	0.3%
Population Over 18 Years Old	6,871	7.8%	87,673	94,545	99,647	5.4%
	<b>2001-2006</b>		<b>2006-2011</b>			
	<b>Absolute Change</b>	<b>% Change</b>	<b>Absolute Change</b>	<b>% Change</b>	<b>Absolute Change</b>	<b>% Change</b>
<b>Total Population</b>	<b>6,600</b>	<b>5.6%</b>	<b>4,556</b>	<b>3.6%</b>	<b>4,556</b>	<b>3.6%</b>
Pre-School Population (0-3)	298	5.6%	230	4.1%	230	4.1%
Elementary Population (4-13)	-532	-3.2%	-802	-5.0%	-802	-5.0%
Secondary Population (14-18)	-37	-0.4%	26	0.3%	26	0.3%
Population Over 18 Years Old	6,871	7.8%	5,102	5.4%	5,102	5.4%

# The Calculation – Residential Unit Forecast

---

The growth forecast is used to both project future enrolment and as the quotient to determine the final quantum of the residential charge per unit.

15 Year Residential Unit Forecast - Total		
Low Density	21,605	61%
Medium Density	8,753	25%
High Density	4,815	14%
Total	35,172	

# The Calculation – Projected Enrolment

NCDSB ELEMENTARY PROJECTED ENROLMENT						
	Year 1	Year 5	Year 10	Year 15		
	2015/ 2016	2019/ 2020	2024/ 2025	2029/ 2030		% CHANGE
<b>EXIST</b>	14,647	14,044	13,403	13,230		
<b>NEW</b>	193	1,029	2,259	3,615		
<b>TOTAL</b>	<b>14,840</b>	<b>15,073</b>	<b>15,662</b>	<b>16,845</b>		<b>14%</b>

NCDSB SECONDARY PROJECTED ENROLMENT						
	Year 1	Year 5	Year 10	Year 15		
	2015/ 2016	2019/ 2020	2024/ 2025	2029/ 2030		% CHANGE
<b>EXIST</b>	7,374	6,986	6,720	6,273		
<b>NEW</b>	68	451	910	1,346		
<b>TOTAL</b>	<b>7,442</b>	<b>7,437</b>	<b>7,630</b>	<b>7,619</b>		<b>2%</b>

# The Calculation - Eligibility

## A.1.1: CAPACITY TRIGGER CALCULATION - ELEMENTARY PANEL

Elementary Panel	Projected Elementary Panel Enrolment (Assumes Full Day JK/SK)					Elementary Average Projected Enrolment less Capacity
	Year 1 2015/ 2016	Year 2 2016/ 2017	Year 3 2017/ 2018	Year 4 2018/ 2019	Year 5 2019/ 2020	
Board-Wide EDC Capacity	14,840	14,911	14,947	15,001	15,073	14,954
16,966.0						-2,012

## A.1.2: CAPACITY TRIGGER CALCULATION - SECONDARY PANEL

Secondary Panel	Projected Secondary Panel Enrolment					Secondary Average Projected Enrolment less Capacity
	Year 1 2015/ 2016	Year 2 2016/ 2017	Year 3 2017/ 2018	Year 4 2018/ 2019	Year 5 2019/ 2020	
Board-Wide EDC Capacity	7,442	7,349	7,336	7,396	7,437	7,392
7,143.0						249

# The Calculation - Net Growth Related Pupil Places

NET GROWTH RELATED PUPIL PLACES FOR FORMER LINCOLN COUNTY PORTION REGION	
Total Requirements Of New Development	1,054
LESS: Available Pupil Places:	494
<b>NET GROWTH RELATED PUPILS:</b>	<b>560</b>
Total Requirements Of New Development	461
LESS: Available Pupil Places:	279
<b>NET GROWTH RELATED PUPILS:</b>	<b>182</b>
NET GROWTH RELATED PUPIL PLACES FOR FORMER WELLAND COUNTY PORTION REGION	
Total Requirements Of New Development	2,561
LESS: Available Pupil Places:	1,763
<b>NET GROWTH RELATED PUPILS:</b>	<b>798</b>
Total Requirements Of New Development	885
LESS: Available Pupil Places:	611
<b>NET GROWTH RELATED PUPILS:</b>	<b>275</b>

# Legislated Site Sizes

Elementary schools	
Number of Pupils	Maximum Area (acres)
1 to 400	4
401 to 500	5
501 to 600	6
601 to 700	7
701 or more	8

Secondary schools	
Number of Pupils	Maximum Area (acres)
1 to 1000	12
1001 to 1100	13
1101 to 1200	14
1201 to 1300	15
1301 to 1400	16
1401 to 1500	17
1501 or more	18

# Site Needs and Land Costs

The analysis determined that the Board will require a total of 3 new elementary school sites. 2 in Niagara Falls and 1 in the Grimsby/Lincoln area.

APPRAISED VALUES	
LINCOLN/GRIMSBY	\$425,000
SOUTH NIAGARA FALLS	\$375,000

Site Prep Costs have been estimated at:  
\$47,705 Per Acre

# The Proposed Charge

## Former Lincoln County Portion Region

<b>Determination of Total Growth-Related Net Education Land Costs</b>	
Education Land Costs (Form G)	\$ 3,011,621
EDC Study Costs	\$ 150,000
Growth-Related Net Education Land Costs	\$ 3,161,621
<b>Apportionment of Total Growth-Related Net Education Land Costs</b>	
Total Growth-Related Net Education Land Costs to be Attributed to Non-Residential	\$ 0%
Total Growth-Related Net Education Land Costs to be Attributed to Residential	\$ 100%
<b>Calculation of Uniform Residential Charge</b>	
Residential Growth-Related Net Education Land Costs	\$ 3,161,621
Net New Dwelling Units (Form C)	13,038
Uniform Residential EDC per Dwelling Unit	\$ 242



# The Proposed Charge

## Former Welland County Portion Region

<b>Determination of Total Growth-Related Net Education Land Costs</b>	
Education Land Costs (Form G)	\$ 5,132,112
EDC Study Costs	\$ 150,000
Growth-Related Net Education Land Costs	\$ 5,282,112
<b>Apportionment of Total Growth-Related Net Education Land Costs</b>	
Total Growth-Related Net Education Land	
Costs to be Attributed to Non-Residential	0%
Total Growth-Related Net Education Land	
Costs to be Attributed to Residential	100%
<b>Calculation of Uniform Residential Charge</b>	
Residential Growth-Related Net Education Land Costs	\$ 5,282,112
Net New Dwelling Units (Form C)	21,571
Uniform Residential EDC per Dwelling Unit	\$ 245

# Residential/Non-Residential

Former Lincoln County Portion Region			
Range of Residential and Non-Residential Rates			
Non-res Share	Res Rate	Non-Res Rate	
0%	\$242	\$0.00	
5%	\$230	\$0.04	
10%	\$218	\$0.08	
15%	\$206	\$0.12	
20%	\$194	\$0.16	
25%	\$182	\$0.20	
40%	\$145	\$0.32	

Former Welland County Portion Region			
Range of Residential and Non-Residential Rates			
Non-res Share	Res Rate	Non-Res Rate	
0%	\$245	\$0.00	
5%	\$233	\$0.04	
10%	\$220	\$0.08	
15%	\$208	\$0.12	
20%	\$196	\$0.16	
25%	\$184	\$0.20	
40%	\$147	\$0.32	

# Differentiated Charge

FORMER LINCOLN COUNTY PORTION REGION			
Type of Development (Form B)	Apportionment of Residential Net Education Land Cost By Development Type	Net New Units (Carried over from above)	Differentiated Residential EDC per Unit by Development Type
Low Density	\$ 2,221,308	6,013	\$ 369
Medium Density	\$ 743,205	4,161	\$ 179
High Density	\$ 197,108	2,864	\$ 69

FORMER WELLAND COUNTY PORTION REGION			
Type of Development (Form B)	Apportionment of Residential Net Education Land Cost By Development Type	Net New Units (Carried over from above)	Differentiated Residential EDC per Unit by Development Type
Low Density	\$ 4,488,813	15,592	\$ 288
Medium Density	\$ 641,386	4,028	\$ 159
High Density	\$ 151,913	1,951	\$ 78

# Education Development Charge Policies

---

- Policy decisions made by the Board play a key role in shaping the EDC By-law
- Percentage of growth-related net education land costs to be borne through EDCs
  - Exemptions
- Jurisdiction Wide or Sub Area Charges
- Percentage of net education land costs to be borne by residential and non-residential development
- Uniform charges for all types of development vs. differentiated charges

# The Public Process

---

- To date, the Board has received feedback from various stakeholders including area municipalities, the Region of Niagara and members of the residential and non-residential development community.
- The Board and its consultants and legal counsel have been responding to and addressing questions and concerns that have been received.
- Representatives of the Board and its consultant met with the Region's area planners and area treasurers to discuss the EDC and address any potential concerns.
- Senior staff will prepare a report to Board that summarizes all the feedback received, including any received this evening, as well as any associated recommendations.

# Important Dates – EDC 2015

---

<b>April 20</b>	<b>Invitation out to stakeholders for EDC Information Session</b>
<b>April 29</b>	<b>EDC Stakeholders Information Session</b>
<b>April 17</b>	<b>Background Study Submitted to Ministry</b>
<b>May 6</b>	<b>Background Study Released to Public</b>
<b>May 26</b>	<b><i>NCDSB EDC Public Meeting</i></b>
<b>June 16</b>	<b>NCDSB By-law Passage Consideration</b>

# Comments and Submissions

---

**The Board encourages comments and questions from the public and all interested stakeholders to be expressed. The submission of written comments or concerns should be directed to:**

**Scott Whitwell  
Controller of Facility Services  
NCDSB  
427 Rice Road,  
Welland, ON  
L3C7C1  
905-735-0240 ext.252  
scott.whitwell@ncdsb.com**

Independent Real Estate Intelligence

May 15, 2015

Memorandum to: Jack Ammendolia  
Watson & Associates

From: Daryl Keleher, Director  
Nolan Drumm, Analyst  
Altus Group Economic Consulting

**Subject: Niagara Catholic EDC Review**  
**Our File: P-5152**

---

This memo reviews the 2015 Education Development Charges Background Study (2015 EDC Study) for the Niagara Catholic District School Board, and the proposed EDC by-law, which would be the first EDC by-law passed by the Board.

---

### **Area-Specific EDC Approach**

The proposed EDC rates are to be charged on an area-specific basis, with the NCDSB's area divided into two parts: the former boundary of Lincoln County and the former boundary of Welland County.

According to the EDC regulations and *Education Act*, the funds generated in one EDC area cannot be used in another area, which means that funds are essentially 'trapped' and cannot be used across the entire jurisdiction of the Board, even if there is an unforeseen need.

The provisions in the Education Act and regulations would not allow the NCDSB to use funds generated by development from one Region in another. If one Region grows at a much faster rate than projected and has a need for more schools provided for in the EDC Study, the Board would not be able to use funds from the other Region to fund that school site. If the EDC was calculated on Board-wide basis, the Board would have the flexibility to use the funds wherever they are needed.



Q1) Why has the area-specific approach been used?

**The Board did not decide on an area specific approach, rather, the legislation mandates that the Board have two separate bylaws based on the boundaries that were used in the EDC study. The legislation (Ontario Regulation 20/98) pertaining to this can be found below.**

**Regions**

19. (1) The area of the jurisdiction of a board is divided into regions for the purposes of section 257.57 of the Act in accordance with the following:

- 1. The part of the jurisdiction that is in the area described in an item of the Schedule to this Regulation is a region.
- 2. The part of the jurisdiction that is not in any area described in an item of the Schedule to this Regulation is a region. O. Reg. 20/98, s. 19 (1).

(2) A reference in the Schedule to an upper-tier municipality or to a local municipality shall be read as a reference to the geographic area that is under the jurisdiction of the municipality on January 1, 2002, unless otherwise stated in the Schedule.

62. The portion of the upper-tier municipality of Niagara that on December 31, 1997 was the school division of The Lincoln County Board of Education.

63. The portion of the upper-tier municipality of Niagara that on December 31, 1997 was the school division of The Niagara South Board of Education

**Land Values**

Based on the Appraisal Report by Cushman & Wakefield, former Lincoln County has been allocated a cost per acre of \$425,000 and former Welland County has a cost of \$375,000 per acre.

The land values in the Appraisal Report are based equally on a direct comparison approach and a residual land value approach. The recent land sales used for determining the value in the direct comparison approach, were from 12 land sales across Niagara, including six general land sales, and six school site sales. The weighted average price of the six Niagara land sales are \$171,130 per acre, and the weighted average price of the six Niagara school site sales is \$158,741 per acre.

However, the value from the direct comparison approach in the land value estimates for the three school sites are shown as being \$375,000 or \$425,000 per acre, either of which is more than double the actual direct comparison land values summarized earlier in the report.

Q2) Were the direct comparables used as an input into the direct comparison element of the land value calculation in the Appraisal Report? If not, why not? If they were meant to be included and weren't, or the wrong values were used, there should be a significant adjustment made to the land value calculation to reflect the actual average value of these comparable properties.

**The answer to this question was provided by the Board's appraisers and can be found at the end of this document.**

### Site Preparation Costs

The study used an average value of costs from the Brant Haldimand Norfolk DSB and the Hamilton Catholic and Hamilton District School Board. The resulting site preparation cost is \$47,705 per acre.

Q3) Is there data available on actual site preparation expenditures from BHNSB and the Hamilton Boards that went into the site preparation assumption used in the Niagara Catholic EDC Study?

**There is no background data available for the site preparation cost estimate. The figure is an average of the site preparation cost estimates derived from the EDC Background Studies of the respective boards mentioned.**

### Combining/Separating Review Areas

In 2013, Watson prepared a *Long Term Accommodation Review* (LTAR) report for the NCDSB, where it analyzed the capacity and projected enrolment in 11 review areas. There have been some changes to the review area boundaries since that report that appear to be driving the need for new schools by:

- Combining review areas in Lincoln and Grimsby, and
- Separating the City of Niagara Falls into two review areas, which means that the capacity available in existing schools in the north-end of the City to accommodate new growth are ignored when accommodating new pupils generated by growth in the south-end.

#### *Lincoln/Grimsby*

In the 2013 LTAR report, the three existing elementary schools in Lincoln (Review Area 4) are in a separate review area than the two schools in Grimsby (Review Area 7). However in the 2015 EDC Study, the schools from Lincoln and Grimsby are combined in review area RA09, which is where one of the three new school sites proposed to be purchased is located.

The 2015 EDC Study also projects significantly higher amounts of pupils from the existing community at the end of the 15-year period (1,924) than it did in the 2013 LTAR report (1,726). The pupils generated from new development over each report's respective 15-year forecast period is higher in the 2015 EDC Study – 434 in the EDC Study compared to 324 in the 2013 LTAR report.

If the two review areas were to still be treated separately, and using the forecast of new pupils generated by development from the 2013 Report, there would likely not be enough need for a new school site in either respective area.

Q4) Why has there been an increase to the existing pupils projected from the combined Lincoln/Grimsby review areas since the 2013 LTAR report?

**The existing community projections increased since the LTAR due to actual increases the Board has been experiencing at its Lincoln and Grimsby schools in the 2 years since the LTAR projections were completed. The actual enrolments at the Grimsby and Lincoln schools have already exceeded the projected enrolment by approximately 100 students or 5%. This actual enrolment being inserted into the models had the effect of increasing the projections. In addition, a portion of this increase also occurred in the primary grades which resulted in new assumptions being made regarding future entry year level enrolments. Enrolment share in this area also continued to increase which resulted in the firm increasing its future enrolment share assumptions.**

Q5) Why has there been an increase to the pupils generated by new development in the combined Lincoln/Grimsby review areas since the 2013 LTAR report?

**The yield database that Watson uses to derive the pupil yields is a custom database provided to us by Statistics Canada. At the time of the 2013 LTAR projections we were still using pupil yields based on 2006 census data as our custom database was not yet ready. The 2014 EDC projections have incorporated our new yield database based on 2011 census data. The increase in Grimsby and Lincoln's yields is largely a result of the new data and a description of the increases in yields for the area can be found later in this document under the pupil yield questions. In addition, as mentioned previously, enrolment share has continued to increase and as a result, future enrolment share assumptions were revised in this area.**

Q6) Does the new approach to the respective Lincoln and Grimsby review areas reflect the Board's planning approach?

**Yes the approach conforms with the Board's accommodation planning in Grimsby and Lincoln. The primary issue in this area is existing sites and associated constraints. While the Board may be able to accommodate future projected enrolment through the use of additions at various schools, the issue in this area is that most of the sites where growth is occurring, do not have adequate space to construct additions.**

*Niagara Falls*

The 2013 LTAR report reviewed the City of Niagara Falls (Review Area 2) as one review area, while the 2015 EDC Study separates the City into two review areas (RA02A – Niagara Falls North, and RA02B – Niagara Falls South).

As separated in the EDC Study, North Niagara Falls will have 455 pupil places of capacity unused at the end of the 15-year period, while there are plans for two new school sites in South Niagara Falls to accommodate 798 pupils generated by development (not already accommodated by the 98 pupil places of capacity available elsewhere in South Niagara Falls).

If the two review areas were to remain combined for the purposes of the EDC Study, new pupils from developments in South Niagara Falls would be able to first utilize any available capacity from

North Niagara Falls before determining the need for any additional new school sites. Using the combined review area, only one new school in Niagara Falls would be required, instead of two.

Q7) Does the new approach to the new separate City of Niagara Falls review areas reflect the Board's planning approach?

***Yes the approach conforms with the Board's accommodation planning in Niagara Falls. It should be noted that the LTAR was based on municipal boundaries, not planning area boundaries or accommodation planning boundaries. The municipal approach was used for a variety of reasons; the plan was intended to help the Board identify issues and possible boundary reconfigurations and future accommodation planning areas. In addition, the Board had recently undergone boundary reviews as well as accommodation reviews that were completed on a municipal basis. Finally, as part of the LTAR, the Board was introducing a new French Immersion program and we wanted to look at implementation on a municipal basis as well.***

***The Board does not plan on bussing students from new developments in South Niagara Falls to fill up surplus space in the North. The Board has not provided accommodation in this way to existing students in South Niagara Falls. The Board is continually looking for ways to address their surplus spaces in north Niagara Falls (ie. French Immersion).***

#### **Closure of St. Thomas More in RA02B**

Recently, the St. Thomas More elementary school in South Niagara Falls (RA02B) was closed, and consolidated into the nearby Our Lady of Mount Carmel school. According to the 2013 LTAR report:

*St. Thomas More has been identified as a possible FI implementation site with an entry point of grade 1.*

If this French Immersion program is no longer on track, and the existing building is completely unutilized, then it may be the case that the capacity available at the St. Thomas More facility can be utilized, helping the Board avoid the need for a new school site.

Q8) Is the facility at the St. Thomas More still available to accommodate pupils from new development? If so, keeping it available instead of building a new school elsewhere in South Niagara Falls may be a more efficient, cost-effective option for the Board to accommodate pupils from new development.

***No, the closed facility is not planned to be used for instructional purposes.***

Q9) Has the School Board closed other schools elsewhere, for which the proceeds could be utilized towards accommodating any growth-related needs for new school sites it may have?

***Proceeds from disposed schools must be deposited into a proceeds of disposition fund which is regulated by Ministry Legislation and Ministry approval is required in terms of how those funds are used.***

### Changes to Secondary School Capacity Figures

Figure 3 shows the decreases to OTG capacity for a number of secondary schools in the EDC Study compared to the 2013 LTAR report.

#### Reductions to OTG Capacity Between 2013 Long Term Accommodation Review (LTAR) and 2015 EDC Study, NCDSB

Secondary School	Review Area	Estimate of OTG Capacity		Difference
		2013 LTAR	2015 EDC Study	
		<i>Pupil Places</i>		
Denis Morris	RS01	945	897	(48)
Holy Cross	RS01	1,098	1,011	(87)
St. Francis	RS01	459	441	(18)
Blessed Trinity	RS03	1,059	987	(72)
Notre Dame	RS02	1,071	1,020	(51)
Saint Paul	RS02	816	798	(18)

Source: Watson & Associates, NCDSB Long Term Accommodation Review Resource Document, (April 5, 2013) and Education Development Charges Background Study, (May 6, 2015)

Q10) We would like to understand the changes to the OTG capacity at the schools listed in Figure 3.

**The Board recently performed an audit of its secondary school classrooms and how the space is classified and used. As part of that audit, updates were made to the Board's secondary school capacities. These capacities were also updated in the Ministry of Education School Facilities Information Systems (SFIS). The new secondary capacities are consistent with the Ministry of Education SFIS OTG capacities. In addition, the secondary capacities were further adjusted, in compliance with EDC legislation to account for classrooms/space that can't be used to accommodate projected students arising from future residential growth.**

**The EDC guidelines state that;**

*For the purpose of EDCs, the capacity to be used for all calculations (trigger, net new pupil places, etc.) is the current capacity (as recorded in the Ministry's School Facilities Inventory System) of all operational schools of the board on the day the by-law comes into force (also known as the "On-The-Ground" Capacity). Adjustments reflecting Ministry policy are to be made in such circumstances as outlined below (in consultation with staff from the Business Services Branch of the Ministry of Education):*

- The "On-The-Ground" capacity of schools transferred between panels (e.g. an elementary school being converted into a secondary school) within 12 months of by-law passage may be attributed to the panel the school will be used for after the transfer is complete. In order to shift the "On-The-Ground" capacity between panels in these situations, the board must have passed a resolution transferring the school from one panel to the other.*
- The capacity of all schools/additions either under construction on the day the by-law comes into force or that will open within twelve months of by-law passage are to be included in the determination of capacity for EDC purposes. Boards are to ensure that capacity information for such schools has been entered in the Ministry's School Facilities Inventory*

System, and that the Business Services Branch of the Ministry has a complete set of electronic floor plans on file.

• All purpose-built special education, small adult education (e.g. storefront), or outdoor education facilities that cannot be used by the board to provide elementary or secondary accommodation may be excluded from capacity for EDC purposes in consultation with staff from the Business Services Branch of the Ministry of Education. These types of facilities may be excluded because they cannot be used for elementary or secondary accommodation without extensive renovations, they are too small to be used effectively, or they are located in remote areas without typical classroom configurations.

**In the case of the NCDSB EDC, adjustments were made to reflect purpose built special education classrooms that could not be used to accommodate students from new development without extensive renovations.**

### Pupil Yield Factors

Figure 2 shows the pupil yield for each housing type for each of the former Lincoln and Welland counties of the NCDSB EDC Study.

#### Pupil Yields by Unit Type and Panel, Niagara Catholic District School Board, 2015 EDC Study

	Niagara Catholic District School Board			
	Former Lincoln County		Former Welland County	
	Elementary	Secondary	Elementary	Secondary
Low Density	0.118	0.059	0.146	0.042
Medium Density	0.064	0.021	0.054	0.050
High Density	0.026	0.007	0.032	0.019

Source: Altus Group Economic Consulting based on Watson & Associates Niagara Catholic EDC 2015 Report (May 6, 2015)

Q11) Based on the data in Figure 3, we would like to understand why, in the former Welland County, the medium-density Secondary pupil yield factor is both higher than the low-density yield, and nearly as high as the elementary medium-density pupil yield factor.

**We have reviewed the medium density secondary yields for Welland County and while we agree that the yields seem high when compared to the secondary low density yield and elementary medium density yield, the results are consistent with the data we have reviewed and used.**

**It should also be noted that the yields being quoted in this memo are based on net new units taken from Form E of the EDC study. The net new units have been adjusted for intensification which has had the effect of reducing the number of medium density units that are found on Form E. In reality, the number of medium density units that the forecast is based on are higher than what is found in Form E, and thus reduces the actual yield to 0.0459.**

Q12) Compared the 2013 LTAR report, the pupil yields in the 2015 EDC Study specific to review area RA09 (Lincoln/Grimsby) have been increased by 35% (from a blended rate of 0.0796 in the LTAR report<sup>1</sup> to 0.1077 in the EDC Study). We would like to understand the reason for this significant change.

***The pupil yields used in the EDC study were updated incorporating a new custom database prepared for Watson & Associates incorporating the Pupil Generation Factors (PGF) from the 2011 census. The projections prepared for the LTAR were using PGF's from the firm's database at the time which was still using PGF's based on 2006 data as the 2011 database was not yet available. In addition, Watson has advanced its modelling methodologies by using GIS which allows for better accuracy and the ability to use data based on smaller geographies (i.e DA's).***

***The table below shows the 2006 total yields for Grimsby and Lincoln as well as the Board specific yields adjusted for enrolment share/participation rate. The same data is provided for the yields based on the newer 2011 data.***

	Lincoln	Grimsby
Total Pupil Yield - Watson 2006 Data	0.2468	0.2779
Board Specific Yield	0.0922	0.0684
Board Share of Total Yield	37.4%	24.6%

	Lincoln/Grimsby
Total Pupil Yield - Watson 2011 Data	0.3231
Board Specific Yield	0.1065
Board Share of Total Yield	33.0%

**In addition, assumptions with regard to enrolment share were also increased compared to the LTAR projections to account for recent enrolment increases and continued increases in the Board's participation rates in both areas.**

<sup>1</sup> Lincoln had a 15-year pupil yield factor of 0.092, and Grimsby had a 15-year pupil yield factor of 0.068. When the 2,083 units in Lincoln and the 2,225 units in Grimsby are applied, the weighted pupil yield factor across the combined review area comes out to 0.0796.



Cushman & Wakefield Ltd.  
33 Yonge St., Suite 1000  
Toronto, ON M5E 1S9  
(416) 862 0611 Tel  
(416) 359 2602 Fax  
[www.cushmanwakefield.com](http://www.cushmanwakefield.com)

May 19, 2015

Mr. Jack Ammendolia  
Watson & Associates  
2000 Argentia Road #101  
Mississauga, Ontario  
L5N 1V9

Re: Niagara Catholic EDC Review- Altus Memo dated May 15, 2015

Dear Mr. Ammendolia:

Regarding the above indicated memo, we offer the following response.

The premise of the valuation of a school site for the EDC calculation is that the developer offers the parcel to the school board assuming that the site is one day before draft plan of subdivision. The rationale is that if the developer was not going to sell to a school board that the individual lots could be sold or developed with single family residences.

The average of the six residential raw land transactions is \$261,409 compared to the Altus indicated weighted average of \$171,130. Index No. 6 is 56.4 acres and substantially larger than the proposed 5.0 acre school site. If we eliminate Index No.6, the average size of the transactions is 5.13 acres with an average price of \$289,013 per acre.

The six raw land sales across Niagara need to be adjusted upwards for a number of factors including time to reflect market conditions, the hard and soft costs along with profit associated with obtaining a draft plan of subdivision. Typically, it takes approximately a year to achieve all the approvals for a draft plan of subdivision.

The six school site transactions indicated an average of \$220,788 per acre. If we eliminate Index No.6 for size reasons, the average size is 5.95 acres and a selling price average of \$252,506 per acre. Index No.4 and No.5 were purchased for school use rather than redevelopment and reflected \$307,443 and \$377,734 per acre respectively. Developers typically don't prefer school sales transactions as they feel they are 'pressured to sell the parcel' in order for the draft plan to be approved.

Both the raw land sales and school sites were utilized to arrive at our market value conclusion.

The direct comparables were used in the input into the direct comparison element of the land value calculation in the Appraisal report.



Both subdivisions (Warren Woods and Thundering Waters) in South Niagara Falls are having strong residential sales which is putting upward pressure on land prices in the immediate area. The land residual approach was utilized as another approach in determining land value which supports the value indicated by the direct comparison approach.

Yours very truly,

**CUSHMAN & WAKEFIELD LTD.**



---

Chris Vardon, AACI  
Vice President  
Valuation & Advisory  
chris.vardon@ca.cushwake.com  
Phone Office Direct 416.359.2505  
Fax 416.369.2602



Build With Us

# NIAGARA HOME BUILDERS' ASSOCIATION

MEMBERS OF THE CANADIAN HOME BUILDERS' ASSOCIATION & THE ONTARIO HOME BUILDERS' ASSOCIATION

34 SCOTT STREET W., ST. CATHARINES, ONTARIO L2R 1C9 - WEB [www.niagarahomebuildersassociation.ca](http://www.niagarahomebuildersassociation.ca)  
PH. 905.646.6281 - FX. 905.646.6274 - EMAIL [info@niagarahomebuildersassociation.ca](mailto:info@niagarahomebuildersassociation.ca)

11

26 May 2015

Niagara Catholic District School Board  
427 Rice Road  
Welland, ON L3C 7C1

Attention: Ms. Jennifer Pellegrini, Communications Officer  
Mr. John Crocco, Secretary Treasurer

**RE: Proposed Educational Development Charge**

---

The Niagara Home Builders' Association (NHBA) is the voice of the land development, new housing and professional renovation industries in Niagara. NHBA represents over 100 member companies within the Region. Our membership is made up of all disciplines involved in land development and residential construction including: builders, professional renovators, trade contractors, manufacturers, consultants and suppliers.

NHBA is committed to improving new housing affordability and choice for Niagara's new home purchasers and renovation consumers by positively impacting legislation, regulation and policy that affect the industry. Our comprehensive examination of issues and recommendations are guided by the recognition that choice and affordability must be balanced with broader social, economic and environmental issues.

We attended the Public Information Session on April 29<sup>th</sup>, and subsequently retained Altus Group to conduct a peer review of Watson's background study. A copy of the issues and correspondence between our consultant groups is appended to this letter for your review. Despite the responses to our questions, we continue to have concerns with the approach the Board is taking, and the accuracy of the information it's relying upon through this process.

Firstly, the Short Narrative Appraisal report, despite being "limited in nature" is being relied upon by the Board to arrive at land values used in calculating the EDC rates, however we do not believe that a simple average is a reasonable approach toward determining land values for future school sites within the Region. If the appraiser felt the large site comparables were not a reasonable representation of residential land values in Niagara, they should not have included them. Most residential subdivisions are large properties, and so including the large properties in the sample is reflective of the size of many residential land sales in the GGH. It should also be noted that the two large land sales are also the two most recent examples and may be most reflective of the current market for residential land in Niagara Region. Including them in the

Appraisal report, and then excluding them in the response provided to justify the land values used seems convenient.

The response from Cushman Wakefield also says that the land sales need to be adjusted upwardly for a number of factors, including time. The six raw land sales in the sample were completed between October 2013 and November 2014, and the six school sales in the sample were dated between June 2010 and February 2015. So even if we accept some indexing for time, it is unlikely to be a major factor.

Moreover, and specific to the Thundering Waters subdivision, it is stated in the attached memo from Cushman Wakefield that this site "is having strong residential sales which is putting upward pressure on the land prices in the immediate area". No residential sales have taken place in this subdivision as of yet since the first phase of the development is only now being serviced. This inaccurate statement further calls into question the accuracy of the data being relied upon in the recommendations of the Board's appraisal.

Secondly, we question the Board's planning vis-à-vis electing not to bus kids to existing school sites with capacity and/or renovate existing facilities to accommodate future pupil places. Just because the Board does not now bus kids from south Niagara Falls to north Niagara Falls, or renovate existing facilities does not necessarily mean that the Board could not or should not. It is our respectful submission that the Board should give due consideration to the fiscal implications of renovations and/or busing kids to make better use of existing facilities before imposing a New Neighbours Tax upon the home buying public to be able to afford new school sites. It seems wasteful and irresponsible not to renovate existing vacant schools such as St. Thomas More in favour of building a new one. Specific to Grimsby/Lincoln, where increasingly limited greenfield opportunities exist to acquire school sites, renovating existing facilities, despite stated constraints to doing so might be the only option for the Board; either that or expropriation of other properties in order to clear a space for a new school which is again a much more costly option for the Board. If school additions are not possible in Grimsby/Lincoln, other options, such as vertical additions should be evaluated before consideration is given to acquiring new school sites.

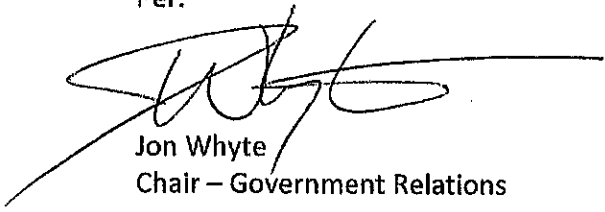
Lastly, while proceeds from disposed school sites must be deposited into a proceeds of disposition fund, and while the use of those funds is regulated by the Ministry, that does not mean that the Ministry can't be consulted to use those funds to acquire new school sites. It is our respectful submission that the Ministry *should* be consulted on this matter, and that before a new tax is imposed as a means to be able to afford new school sites, that this existing capital should be used first if a new school site is legitimately warranted.

Various government imposed fees and taxes are ultimately passed on to the new home buyer, and our Association is concerned with the unfair apportionment of infrastructure and services funding borne by the new tax payers. We understand that government services and infrastructure come with a cost, and these services and infrastructure are necessary for growth; however, we wish to highlight particularly for the benefit of the Board who has not imposed an

EDC before that these steadily increasing fees are eroding housing affordability. While \$245 may seem minimal, these costs all add up and are ultimately mortgaged by future rate payers. 8.4 Million dollars for land and site preparation for 3 elementary schools is a significant expenditure to be borne by a select few new home purchasers.

We request that the Board not rush to implement these EDC's by June 22<sup>nd</sup>, and instead further review the fiscal implications of its long term planning to find responsible management practices that would reduce the Educational Development Charge burden placed on new home purchasers.

Respectfully,  
**Niagara Home Builders' Association**  
Per.



Jon Whyte  
Chair – Government Relations

14

**From:** Jack Ammendolia  
**Sent:** Saturday, June 06, 2015 2:35 PM  
**To:** 'Jonathan Whyte'  
**Cc:** info@niagarahomebuildersassociation.ca; Ed Lucchetta; Daryl Keleher; Brad Teichman <bteichman@overlandllp.ca> (bteichman@overlandllp.ca); 'Whitwell, Scott'; Levinski, Kathy; Farrell, Ted  
**Subject:** NCDSB EDC Study

Good Afternoon Jon,

Thank you for your feedback and correspondence with regard to the Niagara Catholic District School Board's proposed Education Development Charge bylaw. While all feedback will be forwarded to trustees and be included as part of a staff report, we wanted to respond personally to some of the issues you raised in your letter of May 26, 2015.

One of the issues raised had to do with the appraised values used in the EDC study. The initial appraisal report was in draft format because as part of the public process the appraiser listens to feedback and issues raised and may revise the values based on this feedback. In this case, the appraiser revised the draft numbers and the new appraised values are \$245,000 per acre in Niagara Falls and \$300,000 per acre in Grimsby. This has reduced the charge to \$186 per unit in former Lincoln County and \$172 per unit in former Welland County.

With regard to your comments on Board accommodation planning, as with all community feedback, the Board will listen to your concerns and suggestions. I can say that in my experience, the Board evaluates all options when considering accommodation decisions and follows all Board and Ministry guidelines and procedures when making accommodation decisions. These are complex matters and must take into account a variety of factors that go well beyond whether or not there is surplus space in an area and can students be bussed to fill it.

---

The Board is holding its next public meeting at 6PM on June 16 at the Board offices. If you have any other questions or concerns we would be happy to address them.

Thanks,  
Jack Ammendolia  
Director  
Watson & Associates Economists Ltd.  
905.272.3600 x230

15

**SULLIVAN MAHONEY<sub>LLP</sub>**  
**LAWYERS**

4781 Portage Road  
Niagara Falls, Ontario, L2E 6B1

Telephone: (905) 357-0500  
Facsimile: (905) 357-0501

**FACSIMILE COVER LETTER**

DATE: May 20, 2015  
FILE: 103540

**PLEASE DELIVER THE FOLLOWING PAGES TO:**

NAME: JENNIFER PELLEGRINI, Communications Officer

FIRM: Niagara Catholic District School Board

CITY: Welland

FACSIMILE NO. 905-734-8828 TELEPHONE NO.

FROM: ROCCO VACCA

RE: G. P. Empire Communities (Niagara) Ltd.  
Re: Region of Niagara Education Development Charges

ORIGINAL TO FOLLOW: Yes

BY: Regular Mail

We are transmitting the following 4 pages (including this cover letter).

If you do not receive all pages, PLEASE CONTACT MICHELE at (905) 357-0500 ext. 302

The information contained in this facsimile is intended only for the addressee and may contain information that is legally privileged, confidential and/or exempt from disclosure under applicable law. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon the information contained herein by persons or entities other than the intended recipient is prohibited. If you have received this facsimile in error, please notify the sender immediately by telephone and destroy the copy of this facsimile.

16

**SULLIVAN MAHONEY**  
LAWYERS

May 20, 2015

Please Reply to St. Catharines Office  
rvacca@sullivan-mahoney.com

VIA FAX (905-734-8828) and REGULAR MAIL

**Ms. Jennifer Pellegrini, Communications Officer**  
Niagara Catholic District School Board  
427 Rice Road  
Welland, Ontario  
L3C 7C1

Dear Ms. Pellegrini:

**RE: Our Client: G. P. Empire Communities (Niagara) Ltd.**  
**Re: Region of Niagara Education Development Charges**

We act as solicitors for G. P. Empire Communities (Niagara) Ltd. in this matter.

By way of background, our client is the joint venture entity made up of Warren Woods Land Corporation and Empire Communities, which is in the process of developing the Warren Woods Subdivision also known as "Imagine".

We understand that the first Public Meeting to consider the imposition of Education Development Charges in the Niagara Region and the enactment of two (2) Education Development Charges By-laws has been scheduled for May 26, 2015 followed by a second Public Meeting on June 16, 2015.

We further understand that the Education Development Charges (EDC) Background Study, consisting of over 150 pages, was first made available to the public on May 6, 2015 and that the supporting draft appraisal report relied upon in the study was circulated on or about May 13, 2015.

In our considered opinion, insufficient opportunity has been given to the public to review and consider the very lengthy Background Study and supporting appraisal report in order to provide meaningful comments to the Board. We respectfully submit that it is extremely prejudicial and unfair to our client and to the public in general to proceed with the Public Meeting on May 26<sup>th</sup>.

40 Queen Street, P.O. Box 1860, St. Catharines, Ontario L2N 6Z2 Telephone: 905.688.8966, Facsimile: 905.688.8814  
4781 Portage Road, Niagara Falls, Ontario L2E 6B1 Telephone: 905.357.0500, Facsimile: 905.357.0601  
www.sullivanmahoney.com

V. P. Muratori, C.C.	F. B. Bedard	T. A. Richardson, C.S.	P. M. Sheahan	W. H. McKelg	J. DeFal, C.S.	D. A. Goslin
J. M. Gotti, C.S.	H. B. Culliton	J. R. Bueh	P. A. Mahoney	B. A. MacDonald	M. J. Bonorni	G. W. McCann
S. J. Premi	C. D'Angelo	R. Vacca	T. Wall	B. J. Troup	D. M. Continenza	D. M. Miller
L. K. Parsons	J. P. Maloney	M. D. Asherton	J. McNulty	M. W. Vancaeben	S. C. Fahy	L. T. Spamboluri

(17)

This is further manifested by the fact that it is our understanding there is no right of appeal should the EDC by-laws be enacted.

Accordingly, based on the rules of natural justice and the reasons set out below, we are respectfully requesting that the first Public Meeting be deferred to June 16, 2015 and that a second Public Meeting be scheduled later in the summer so that our client has a fair opportunity to review the Background Study and consider and present its position to the Board.

By way of preliminary comments, we can advise that our client has retained Ridley & Associates Inc. to review the supporting appraisal report prepared by Cushman and Wakefield Ltd. It is noted that the appraisal report being relied upon is a "Short Narrative Appraisal" which as stated in the cover letter to the appraisal report "is limited in nature in that it does not contain all the pertinent information used to reach the market value conclusions specifically in keeping with the limited scope of this exercise".

Furthermore, it is noted that the second page of the cover letter indicates that the report remains a "draft" report. In our opinion, it is premature to proceed to a Public Meeting based on a Short Narrative Appraisal Report which is limited in scope and which has yet to be finalized. We believe it is imperative that a full appraisal report be prepared in final form and be made available to the public for comment before any Public Meeting to discuss the proposed EDC by-laws.

Our appraiser's preliminary review of the matter supports the conclusion that the draft appraisal report does not include a number of relevant, comparative sales which, when taken as a whole, supports a per acre value in the range of \$220,000.00 rather than the \$372,600.00 per acre value contained in the draft appraisal report for the Niagara Falls school sites.

As well, our client, Warren Woods Land Corporation advises that it has experienced substantially lower sales revenues and service costs than those estimated in the draft appraisal report.

Once again, it is imperative that any Background Study and appraisal report which is relied upon by the Board in its consideration of the enactment of EDC by-laws be based on the most accurate data available. We do not believe this data is available at this time.

Notwithstanding the above, we can advise at this time that our client is fully in support of the EDC by-laws being applied across all municipalities in the Region of Niagara and furthermore, that full payment of any EDCs be made at the Building Permit stage only with no partial payments being charged or applied at any prior time. The draft by-laws contained in the Background Study, based on our reading, appear to include these provisions which we fully support.

As well, we would suggest that consideration be given to including provisions in the by-law allowing for EDC credits in the case of conversions in the same or like manner as has been



included in the Hamilton-Wentworth District School Board Education Developmental Charges By-law No. 14-1.

Finally, our client is concerned that the local municipalities have not been given sufficient time and opportunity to set up procedures and accounts to collect EDCs as early as June 16, 2015 as is currently being proposed by the Board. Any delays in the administration in the EDCs which results in delays in the issuance of Building Permits would cause our client great hardship as it has very tight timelines to meet for closings and is subject to delayed occupancy fees imposed by Taxion in the case where closings are not met.

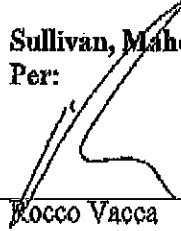
Once again, delaying the final Public Meeting later into the summer will afford municipalities a reasonable opportunity to set up its processes and accounts to administer the EDCs and reduce the likelihood of delays in the issuance of Building Permits.

We look forward to having the opportunity to receive and review a full and final appraisal report and provide our comments to the Board within a more fair and reasonable time frame than what is currently being proposed.

Yours very truly,

Sullivan, Mahoney LLP

Per:



Rocco Vacca

RV:mr

Cc: Robert O'Dell



19

Overland LLP  
Brad Teichman  
Tel: (416) 730-0337 x. 113  
Direct: (416) 730-0180  
Email: bteichman@overlandllp.ca

May 25, 2015

Mr. Rocco Vacca  
Sullivan Mahoney LLP  
40 Queen Street  
PO Box 1360  
St. Catharines, ON  
L2B 6Z2

Dear Mr. Vacca:

**Re: Niagara Catholic District School Board  
2015 Education Development Charges By-laws**

We are the lawyers for the Niagara Catholic District School Board. School Board staff have instructed us to respond to your letter of May 20, 2015, which they received by fax at 4:45 P.M. on the 20<sup>th</sup>.

The School Board has exceeded the requirements prescribed under the *Education Act* in regard to the notice given of the May 26, 2015 public meeting as well as the release of the EDC background study. As a result, the Board will not be deferring the public meeting scheduled for tomorrow evening.

---

~~We will respond to the balance of the issues you have raised prior to the June 16, 2015 Board meeting.~~

Yours truly,

Overland LLP

A handwritten signature in black ink that reads "Brad Teichman". The signature is written in a cursive style with a large, prominent initial "B".

Brad Teichman

ABT/ro

---

**REPORT TO:** Corporate Services Committee

**MEETING DATE:** Wednesday, May 13, 2015

**SUBJECT:** Niagara Catholic District School Board Proposed Education Development Charge

---

### RECOMMENDATIONS

1. That the recommended input on the Niagara Catholic District School Board's (NCDSB) proposed Education Development Charge (EDC), attached as Appendix 1 to this report, **BE APPROVED** and **FORWARDED** to the Board of Trustees for the NCDSB.
2. That a copy of this report be circulated to the Councils of the local area municipalities to seek support of the principles outline in Appendix 1.

### KEY FACTS

- The NCDSB EDC proposal was brought to staff's attention on April 29; due to ~~timing issues and limited details, staff has prepared this report to obtain Council's~~ direction.
- Once the EDC Background Study has been released and reviewed by staff a follow-up report will be forwarded to the Regional Development Charges Policy Task Force (RDCPTF) to provide policy related recommendations to Council.
- Region staff has been informed of the NCDSB's intention to pass an EDC by-law, which would come into effect as early as June 22, 2015.
- Region staff has been advised that the NCDSB is seeking input and feedback on policies that would be included in the EDC by-law.
- The NCDSB is holding a Public Meeting on May 26<sup>th</sup>, and intends to pass the EDC by-law on June 16<sup>th</sup>.
- Subject to meeting eligibility requirements, the Education Act provides the authority to the NCDSB to implement an EDC by-law at their sole discretion.
- At the time of preparing this report, the EDC Background Study which provides the methodology and justification for the charge has not yet been made available; so analysis of the information contained therein has not been included in this report.
- There is no indication at this time of an EDC being contemplated by the District School Board of Niagara, however the NCDSB's EDC would apply against new development regardless of which school board the property supports through property taxes.

**CONSIDERATIONS**

**Financial**

The implementation of EDC's by the NCDSB does not have any direct impact on the budget and finances of the Niagara Region. However, the additional charge could have a negative impact on Niagara Region's Strategic Priority – "Fostering an Environment for Economic Prosperity" – in particular the growth, employment and investment indicators.

**Corporate**

Collection of charges and any complaints will be the responsibility of the local area municipalities; should the NCDSB proceed with the implementation of EDC's it would have a limited impact on Niagara Region resources.

**Governmental Partners**

Local area municipalities are legislatively required to collect EDC's prior to building permit issuance, provide monthly reports on EDC's collected and exempted, as well as to hear EDC by-law complaints. It was recommended to the NCDSB that they consult with the Chief Building Officials on processes, and develop a process map to assist municipal staff.

The NCDSB will collect EDC's from local area municipalities and deposit into a reserve which will be used for the purchase and site preparation of new schools.

**Public and/or Service Users**

The EDC funds collected by the NCDSB will be used to purchase and prepare land for school construction to service families in new development areas.

**ANALYSIS**

While the EDC Background Study is not available at the time of preparing this report, staff has been provided with preliminary information, including high level enrolment projections, and potential EDC rates to be charged. Based on enrolment projections provided, the NCDSB is eligible to collect EDC's for future school sites, and they have identified three elementary schools (one in Lincoln/Grimsby and two in south Niagara Falls) that will be required in the next 15 years.

Consultants have provided initial estimates of the land values at \$425,000 per acre in Lincoln/Grimsby, and \$375,000 per acre in South Niagara Falls. Additionally, site preparation costs have been estimated at \$47,705 per acre. These costs, divided by the number of new units expected in each of the counties results in a preliminary estimated EDC of \$242-245 per residential unit, based on residential development paying 100% of the EDC cost.

For EDC's, the school board has the discretion of allocating between 0% and 40% of the EDC costs to non-residential development. The preliminary indication from the NCDSB is that they do not intend to allocate any of the charge to non-residential development. Economic Development has advised that they would be opposed to the allocation of any of the charge to non-residential development.

When determining EDC's, school boards also have the discretion to charge a flat per unit charge that applies to all residential units, or charge a differentiated rate (for example separate rates for low, mid and high density residential unit types). The NCDSB has indicated that they intend to charge an undifferentiated or flat charge to all residential units.

In terms of exemption policies, the NDCSB has indicated that other than the mandatory exemptions required under the Education Act and regulations, the only other exemption likely to be contemplated is for places of worship and possibly agricultural uses. The Education Act also requires that demolition credits be provided, however the minimum statutory requirement is just two years for residential demolitions (five years provided for non-residential). The NCDSB has indicated that they intend to provide the statutory minimum of two years to make use of residential demolition credits.

Consultants from the NCDSB advised they are seeking feedback on policy issues for consideration in the EDC by-law. Such policy issues include split of the charge between residential and non-residential development, exemption policies, and whether or not a differentiated residential charge should be considered. Appendix 1 outlines the policy issues in which staff recommend Regional Council provide input to the NCDSB Board of Trustees.

## **ALTERNATIVES REVIEWED**

The passing of an EDC by-law is at the sole discretion of a school board. The Region may make requests or recommendations to the NCDSB, in order to influence policy decisions, or the Region can choose to not provide any input. The Region has no decision making authority over the EDC by-law.

---

**ORIGIN OF REPORT**

This report has been brought forward by staff following the notification of the NCDSB's intention to pass an EDC by-law, and request for feedback on policy decisions.

**OTHER PERTINENT REPORTS**

Not Applicable.

---

**SUBMITTED & SIGNED BY:**

Name, Title  
Department

---

**APPROVED & SIGNED BY:**

Harry Schlange  
Chief Administrative Officer

*This report was prepared by Adam Smith, Financial Analyst – Tax and Revenue, in consultation with Phill Lambert, P.Eng., Associate Director – Infrastructure Planning and Development Engineering, and Adam Joon, Expeditor, and reviewed by Margaret Murphy, Associate Director – Budgets, Strategy and Planning.*

**APPENDICES**

---

### Appendix 1

In keeping with Regional Council's strategic priorities for fostering an environment of economic prosperity, Niagara Regional Council respectfully recommends to the NCDSB Board of Trustees that the following policies be considered for the proposed Education Development Charge By-law:

1. That the EDC charge be levied only against residential development.
  2. That, if a non-residential charge is implemented, an exemption be provided for industrial uses.
  3. That, if a non-residential charge is implemented, conversion credits be provided for changes in use that convert residential to non-residential, or vice-versa.
  4. That residential demolition credits be provided for a minimum of 5 years, consistent with most Niagara municipal Development Charge By-laws.
  5. That affordable housing development be exempted from Education Development Charges, or deferred until such a time as the development is no longer used for affordable housing purposes.
  6. That clarity be provided for the treatment of uses such as retirement homes, nursing homes, and student residences.
- 
7. That agricultural uses be exempted from Education Development Charges.

**From:** Smith, Adam [mailto:Adam.Smith@niagararegion.ca]  
**Sent:** May-19-15 9:52 AM  
**To:** Jack Ammendolia  
**Subject:** Questions from CSC on NCDSB EDC

Hello Jack,

We tried to send a report through our Corporate Services Committee last week to have them make policy recommendations to the School Board (on items such as res vs non res charge, affordable housing, agricultural uses, etc.), however they referred the report to a sub-committee and asked that we prepare a supplementary report providing analysis of the background study, and answering some of the questions they posed at the CSC meeting. Some are probably better directed at the School Board than you as the consultant, so I'd ask you share these with staff from the Board. Questions that they had, which our Deputy Treasurer would like to ask/have answered on Friday include:

1. What is done with proceeds from the sale/disposition of vacant/surplus land and decommissioned school used, and why can't they be used for land purchases?  
The monies from the sale of surplus schools is deposited into what is called a Proceeds of Disposition fund. This is regulated by legislation. Those monies also require Ministry of Education approval in how they can be used.

2. How has vacant/surplus land of the school board been factored into the Study?  
The Board does not own vacant land that can be used for new school sites in the areas where there are needs.

3. Are surplus/decommissioned schools that haven't yet been disposed of factored into the capacity calculations?  
If a school is to be constructed or disposed of in the 12 months after the bylaw comes into effect the capacity is taken into account in the calculation.

4. If the charge is calculated on former county boundaries, shouldn't the capacity triggers be calculated on the same basis?  
While the charge has to be calculated on the former boundaries, qualification is still based on Board-wide enrolments in accordance with the methodology set out in the legislation.

5. Does the fact that there is an existing capacity issue in secondary which is expected to actually improve (albeit slightly) have no impact on the eligibility to collect charges?  
The qualification trigger is the average 5 year board-wide projected enrolment on any panel must be greater than the Board capacity. So the short to mid-term (5 years) enrolments have been factored into the eligibility trigger.

6. What can municipalities do to assist with having vacant/surplus land and schools disposed of by the Board and converted into taxable uses?  
This is a more involved question that the Board would be happy to discuss further in the context of new Ministry initiatives and partnerships etc. However, it is outside the scope of the EDC discussion.

7. Is there not a fund that becomes available to the Board when old sites are disposed of, to assist/fund the building of new schools, and can't those funds be used for land purchase?  
There is not a specific fund available to Boards, however Boards may submit business cases to the Ministry to seek funding for new schools or additions or necessary modifications etc. that may be necessary when a Board disposes of a school. The Ministry decides on funding and not all Boards receive funding for their desired projects.



8. Is the sale of vacant surplus land (which has not been built upon) treated any different than former school sites that are disposed of (in terms of restrictions, etc)?

If vacant land was purchased using EDC funds and a school has not been built upon the land and that land was then sold, the purchase price of the land must be returned back to the EDC reserve fund and any net proceeds must be deposited into the Board's Proceeds Of Disposition fund. In this Board's case, this will be their first EDC and as such they have no land purchased using EDC so the land disposition would follow the same rules as the school site.

9. Can you share the appraisal report of the land values?

Appraisal report attached to this email. It is in draft format and not public so we ask that you treat this report as confidential.

As you likely know, members from our planning section have scheduled a phone call to discuss some of the growth projections as well.

Should you have any questions or require any clarification, please let me know. I'm only in the office for another hour or so today, and then will be back on Thursday.

Thanks,

Adam

**Adam Smith**

Financial Analyst - Tax and Revenue

Financial Management & Planning, Corporate Services

Niagara Region

Phone: 905-685-4225 ext. 3272 Toll-free: 1-800-263-7215

[www.niagararegion.ca](http://www.niagararegion.ca)

---

**REPORT TO:** Regional Development Charges Policy Task Force

**MEETING DATE:** Thursday, May 28, 2015

**SUBJECT:** Analysis of Niagara Catholic District School Board (NCDSB) Education Development Charge (EDC) Background Study

**RECOMMENDATIONS**

1. That the NCDSB **BE REQUESTED** to update their cost per acre estimates by revising the comparable properties and correcting the residual value calculations used in the appraised land values.
2. That the Commissioner of Corporate Services/Treasurer **BE AUTHORIZED** to file an appeal on behalf of the Niagara Region of the NCDSB's EDC By-law pending the outcome of recommendation 1.
3. That the NCDSB **BE REQUESTED** to rationalize their inventory of vacant and surplus lands and dispose of those not required for future NCDSB needs in order to make those lands taxable, and that the Ministry of Education **BE REQUESTED** to make this a requirement for all school boards.
4. That the Ministry of Education **BE REQUESTED** to revise the Education Act and Ontario Regulation 20/98 to require that funds collected through the EDC be used for the enrollment type (elementary or secondary) for which the Board became eligible to collect an EDC.
5. That the Ministry of Education **BE REQUESTED** to revise the Education Act and Ontario Regulation 20/98 to require that proceeds of disposition from vacant land be used only for the purchase of new land.
6. That this report **BE FORWARDED** to the NCDSB Board of Trustees and the Ministry of Education, and that it **BE FORWARDED** to local area municipal Councils, seeking their support.

**KEY FACTS**

- The NCDSB released its EDC Background Study (Study), which was prepared by Watson & Associates Economists Ltd. (Watson) to the public on May 6, 2015, detailing their future needs and eligibility to charge an EDC.

- 
- Report CSD 56-2015 went to Corporate Services Committee on May 13, 2015 providing policy recommendations for the EDC By-law; this report provides commentary on the EDC Background Study.
  - Staff have identified concerns with the land values included in the Study (\$375,000 per acre for South Niagara Falls and \$425,000 per acre for Lincoln/Grimsby).
  - The Education Act and Regulation 20/98 allow school boards that qualify for EDC's based on capacity constraints in secondary pupils, but charge a fee based only on constructing elementary schools.
  - The growth assumptions and forecasts used in the Study have been reviewed by planning staff, and found to be in line with the Region's Growth Management Study.
  - All school board properties owned by the school board remain exempt from property taxes if they've been declared surplus to the board's needs, unless they've been tenanted. Funding from the sales not able to be repurposed for land purchases due to Provincial legislation.

## **CONSIDERATIONS**

### **Financial**

There is a minimal cost associated with filing an appeal to the OMB.

---

### **Corporate**

Niagara Region staff from Corporate Services and Planning & Development Services, along with Legal Services staff would be required to support an appeal.

### **Governmental Partners**

Local area municipalities will be required to collect the EDC prior to building permit issuance, and remit charges to the NCDSB on a monthly basis. The Town of Fort Erie has already indicated that they intend to appeal the proposed EDC. General consensus from the Area Treasurers and Area Planners was that there was concern over the impact of the charge, and over municipal staff having to administer the charge without alignment to municipal By-laws and exemptions.

The recommendations request that the Ministry of Education make revisions to the requirements in the Education Act and/or Ontario Regulation 20/98.

---

**Public and/or Service Users**

If the land costs included in the study are reduced, the quantum of the charges would also decrease, impacting Council's strategic priorities of improving Niagara Regions global attractiveness by reducing the cost of development. Every home built in Niagara will be subject to the charge regardless of what school board the ultimate owner of the home may support through property taxes.

If the concerns raised by staff regarding the appraised land values are corrected for, the impact could be a reduction of up to 20% in the proposed EDC.

**ANALYSIS**

At the Corporate Services Committee meeting on May 13, 2015, a number of questions were asked of staff. A summary of those questions and answers have been provided as appendix 1. A memo providing supplemental information was provided at the May 13, 2015 meeting, providing excerpts of the Provincial legislation and EDC's in other municipalities; that memo has been included as appendix 2.

Analysis of the Study is as follows:

Growth Assumptions:

Planning staff have reviewed the growth assumptions included in the Study. There are small differences from the Region's approved Growth Management Strategy, which it was explained result from updated data, and the reallocation of shortfalls in growth over the past 5 years to the remaining period covered by the strategy (until 2031). Staff were satisfied with the explanation of the differences and the methodology used in the Study.

Eligibility:

Based on the information contained in the Study, and an understanding of the Education Act and Ontario Regulation 20/98, Corporate Services staff agree that the NCDSB are eligible to collect an EDC.

The Study notes that the NCDSB qualifies based on having enrollment exceed capacity in secondary schools, while for elementary schools, there is excess capacity. The funds to be collected are only for elementary schools. While this is allowed under the Education Act and Ontario Regulation 20/98, staff recommend the Ministry of Education be requested to revise the legislation to only allow a Board of Education to charge an EDC for the enrollment type where their needs exist as identified under Section 10, Subsection 2 of Ontario Regulation 20/98.

The NCDSB also owns a number of vacant land parcels which are considered in determining the future growth needs of the Board, but not in the Board's available

capacity. Any schools to be constructed or disposed of in the 12 months after the By-law comes into effect have their capacity taken into consideration. Staff are recommending that the NCDSB be requested to review its inventory of vacant properties and dispose of those that are not required to meet their future needs, thereby generating revenue for the NCDSB and allowing those properties to start generating property tax revenue for the municipalities.

Cost Assumptions:

The Study assumes a land value of \$425,000 per acre in Lincoln/Grimsby, and \$375,000 in South Niagara Falls. The appraisal report prepared by Cushman & Wakefield Ltd. for the NCDSB is in draft form and considered confidential, however it has been shared with Regional staff. Staff have identified concerns based on the noted appraisal methodologies used, including direct sales comparison and residual land value, and shared those concerns with the appraiser. The appraiser has acknowledged that a correction is required to the residual land value calculations, however at this point, the impact of the correction is not known. As a result, staff are recommending that the Board be requested to update the cost per acre included in the Study, and if the request is not addressed to the satisfaction of staff, that the Commissioner of Corporate Services be authorized to file an appeal of the EDC By-law on behalf of the Region.

**ALTERNATIVES REVIEWED**

The options that exist for the Region are:

1. Not provide any input;  
This approach is not recommended as it will not allow for Regional Council to influence the NCDSB's policy decisions. Further, the concerns noted by staff with Provincial legislation will not be addressed if they are not raised as issues with the Ministry of Education and/or the Province.
2. No appeal of EDC By-law if issues in recommendation 1 are not addressed.  
This is not recommended as appeals should be filed based on material disagreements with assumptions, and/or beliefs that the proper process has not been followed.

**ORIGIN OF REPORT**

This report is being brought forward by staff to supplement and provide additional information to report CSD 56-2015.

---

**OTHER PERTINENT REPORTS**

- CSD 56-2015 – Niagara Catholic District School Board Proposed Education Development Charge
- CSC-C 14-2015 – CSD 56-2015 Supplemental Report Information

---

**SUBMITTED & SIGNED BY:**  
Maurice (Mo) Lewis, Commissioner of  
Corporate Services/Treasurer  
Department

---

**APPROVED & SIGNED BY:**  
Harry Schlange  
Chief Administrative Officer

*This report was prepared by Adam Smith, Financial Analyst – Taxation & Revenue and reviewed by Helen Chamberlain, Director, Financial Management & Planning/Deputy Treasurer.*

**APPENDICES**

---

Appendix 1	Questions and Responses	6
Appendix 2	Memo CSC-C 14-2015	8

---

Appendix 1 – Questions from May 13 Corporate Services Committee and Responses

1. Is the District School Board of Niagara (DSBN) intending to implement a charge as well?

The DSBN's superintendent of business services has advised that the DSBN will not be pursuing an EDC at this time. It is unclear if the DSBN would be eligible for an EDC based on the capacity triggers outlined in Ontario Regulation 20/98.

2. What is done with the proceeds from the sale or disposition of vacant and surplus land and decommissioned school sites, and can't they be used for land purchases?

Watson advised that monies from the sale of surplus schools is deposited into what is called a Proceeds of Disposition fund. This is regulated by legislation and requires Ministry of Education approval in how they can be used.

3. Is there a fund that becomes available to the Board when old sites are disposed of to assist/fund the building of new schools, and can't those funds be used to purchase land?

Watson advised that there is not a specific fund available to Boards; however Boards may submit business cases to the Ministry to seek funding for new schools or additions or necessary modifications etc. that may be necessary when a Board disposes of a school. The Ministry decided on funding and not all Boards receive funding for their desired projects.

4. Is vacant and surplus land or surplus/decommissioned schools factored into the capacity calculations?

Watson advised that the board does not currently own any land that can be used for new schools in the areas where there are needs, otherwise it would be factored in. Also, if a school is to be constructed or disposed of in the 12 months after the By-law comes into effect the capacity is taken into account.

5. What can municipalities do to assist with having vacant/surplus land and schools disposed of by the Board so that they can be converted into taxable uses?

Staff were advised that this is a more involved question that the Board would be happy to further discuss in the context of new Ministry initiatives and partnerships etc., however it is outside of the EDC discussion.

6. Aren't properties owned by a school board but that aren't active school sites eligible to become taxable?

MPAC advised that properties owned by a School Board are exempt pursuant to section 3.(1)9 of the *Assessment Act* for:

*3.(1)9. Subject to section 27, land owned by a municipality, including an upper-tier municipality, a public commission or a local board as defined in the Municipal Affairs Act. The land is not exempt if occupied by a tenant who would be taxable if the tenant owned the land, except land owned by a harbour commission and used for parking vehicles for which a fee is charged.*

From the *Municipal Affairs Act*:

*“local board” means a school board, municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof; (“conseil local”)*

As a result, the fact that the property owned by the local school board is now vacant will not result in a change of the property’s tax liability. Should the property sell or become tenanted, a tax liability and/or classification review will be required.



**From:** Jack Ammendolia  
**Sent:** Wednesday, June 03, 2015 5:58 PM  
**To:** Smith, Adam  
**Cc:** bteichman@overlandllp.ca; Kathy Levinski (kathy.levinski@ncdsb.com); Scott.Whitwell@ncdsb.com; Farrell, Ted  
**Subject:** RE: Questions from CSC on NCDSB EDC  
**Importance:** High

Hi Adam,

Hope all is well.

Just wanted to send you a quick email to let you know that as part of the public process and feedback that has been received, the appraiser has reviewed the assumptions and has revised his original values.

The new per acre values for South Niagara Falls are \$245,000 per acre and for the Grimsby/Lincoln area are \$300,000 per acre. As a result the new proposed charges are \$186 per unit in former Lincoln county boundary and \$172 in former Welland county boundary.

If you can pass this on to other Regional officials you have been dealing with as well as the area treasurers it would be much appreciated.

I trust that this addresses the primary issue that the Region had with the report in their review and recommendations but please let me know if there is anything else we can do or if you had any other questions or concerns.

We realize that there were other considerations in the Region's recommendations regarding the EDC however most other matters were policy matters that the trustees will address when considering the EDC at the second public meeting on June 16<sup>th</sup>. They will be provided with all correspondence that has been received so that they can make informed decisions on other issues addressed. I can tell you that based on feedback received so far, there is a definite desire to see a residential only EDC, which if the trustees decide to go this way, would address many of the other concerns raised by the Region's memo.

Thanks,  
Jack Ammendolia



## Community & Development Services

May 22, 2015  
File No. 350204

Mr. Scott Whitwell  
Controller of Facilities Services  
Niagara Catholic District School Board  
427 Rice Road,  
Welland, Ontario  
L3C 7C1

Dear Mr. Whitwell:

**Re: Town of Fort Erie Comments On Niagara Catholic District School Board  
Proposed Development Charges**

The purpose of this letter is to follow up on our recent telephone conversation and formally provide you with a copy of Administrative Report CDS-44- 2015 so that it can be disseminate it to your Board for review and discussion.

At its meeting of May 19, 2015 Council-in-Committee approved the recommendations of Report CDS-44-2015.

If you have any questions, please do not hesitate to contact me (ext. 2500).

Yours very truly

Richard E. Brady MA, MCIP, RPP  
Director of Community and Development Services

RB/dh

c.c. Rino Mostacci, Commissioner of Planning and Development, Region of Niagara  
Tom Kuchyt, Chief Administrative Officer  
Jim Thibert, General Manager, Fort Erie Economic Development and Tourism Corporation  
Jack Ammendolia, Watson & Associates Economists Ltd.

The Corporation of the Town of Fort Erie  
Municipal Centre, 1 Municipal Centre Drive, Fort Erie, Ontario, Canada L2A 2S6

Office Hours: 8:30 a.m. to 5:00 p.m.

Tel: (905) 871-1600

Fax: (905) 871-6411

Web-Site: [www.forterie.on.ca](http://www.forterie.on.ca)



# Community and Development Services

<b>Prepared for</b>	Council-in-Committee	<b>Administrative Report No.</b>	CDS-44-2015
<b>Agenda Date</b>	May 19, 2015	<b>File No.</b>	350204 120805

**Subject**

**COMMENTS ON NIAGARA CATHOLIC DISTRICT SCHOOL BOARD PROPOSED DEVELOPMENT CHARGES**

**Recommendations**

**THAT** Council recommend that development charges be calculated and applied on an area specific basis for the municipalities where the new elementary schools will be located and the By-law be revised accordingly; and

**THAT** Council direct staff to initiate an appeal of the Development Charges as proposed should the Niagara Catholic District Separate School Board (NCDSB) approve the By-law as proposed; and

**THAT** A copy of this report be sent to the Niagara Catholic District School Board, Region of Niagara and Fort Erie Economic Development and Tourism Corporation.

**Relation to Council's 2011-2014 Corporate Strategic Plan**

Priority: Working Together As a Community and Council (Governance)  
 Priority: Economic Development  
 Goal: Promote Fort Erie as the place to invest and do business

**List of Stakeholders**

Town of Fort Erie,  
 Fort Erie Economic and Tourism Corporation  
 Region of Niagara  
 Development and Investment Community, Public

<b>Prepared by:</b>	<b>Submitted by:</b>	<b>Approved by:</b>
Original Signed	Original Signed	Original Signed
Dave Heyworth, MCIP, RPP, Manager Land Use Policy	Richard F. Brady, MCIP, RPP Director of Community and Development Services	Tom Kuchyt, CET Interim Chief Administrative Officer

**Purpose of Report**

The purpose of this Report is to provide Council with recommended comments on the Niagara Catholic Separate School Board's proposed Development Charges By-law.

**Background**

The Niagara Catholic District School Board (NCDSB) is proposing a Development Charges By-law. The NCDSB held an Educational Development Charge (EDC) Information Open House on April 29, 2015. The Development Charge Background Study was released on May 6, 2015. The Executive Summary to the Development Charge Background Study is attached as **Appendix "1"**. A Public Meeting is scheduled for Tuesday, May 26, 2015. The NCDS Board will consider passage of the By-law on Tuesday, June 16, 2015.

The EDC is a charge applied on new development (residential or non-residential) that is paid by the developer when the municipality issues the building permit. The revenue collected by a school board is used to purchase land for new schools to be built upon. The EDC By-laws are adopted under the Education Act and enable recovery of growth related net education land costs only. The by-laws can be applied uniformly across a jurisdiction or be area specific. The development charge can be applied to both residential and non-residential development. A maximum of up to 40% of the charge can be applied to the non-residential rate.

A School Board can only pass an EDC By-law if their elementary or secondary enrollment on a jurisdictional wide basis is greater than the elementary or secondary OTG-approval capacity; or the EDC reserve fund is in a deficit position. The NCDSB has an average projected enrollment exceeding the approved OTG-capacity for Secondary enrollment. The proposed EDC by-law will however be applied to purchase lands for elementary schools for a 15 year projection period. The consultants that prepared the study have indicated this is not uncommon and legislation permits the application of the EDC By-law in this regard.

The calculation of the DC rate is based on the costs of land and site preparation for new schools to accommodate student needs. The residential dwelling unit projections used for the DC analysis were based on the most recent Region of Niagara forecasts. The Background Study projects 560 elementary and 182 secondary net growth related pupils in the Lincoln region and 798 elementary and 275 secondary net growth related pupils in the Welland region. The Background Study projects the NCDSB will require 3 new elementary schools, two in south Niagara Falls and one in the Grimsby/Lincoln area.

After considering projected land costs, site preparation costs and study costs, the DC analysis results in a proposed EDC rate of \$242 per residential unit in the Lincoln region and \$245 per residential unit in the Welland region. The charges are based on a 100% residential allocation and apply uniformly across all types of residential development.

There are standard Development Charge exemptions that apply to municipal, provincial, federal and school board development, as well as hospitals, places of worship, universities/colleges and agricultural buildings. Additions to industrial buildings that are less than 50% of the existing building are also exempt.

### Analysis

By-law for the Fort Erie Educational Development Charge By-law is attached as **Appendix "2"**. Planning staff have the following concerns regarding the proposed EDC By-law:

- There has been little time to review and comment on the proposed Development Charge;
- While a \$245 charge does not sound significant it does add to existing development charges to developers and multiplies quickly for medium density development.
- There are two rates proposed across the region while new elementary schools are only projected for two municipalities.
- Once established, the by-laws can be amended and Development Charges can rise with growth. Educational Development Charges increased significantly in Hamilton.
- The municipalities are required to collect the Development Charges. A form is to be filled out by the municipality and sent to the NCDSB who advise of the charge amount to collect. Staff foresee extra staff workload and administration issues in collecting this charge.
- The Board will be receiving comments from other municipalities and comments may be received on a variety of issues such as requested exemptions, reducing the residential component by applying a percentage of the rate to non-residential development or applying a different rate across different forms of residential development. **Appendix "3"** outlines how the rates can change under these circumstances. Planning staff are of the opinion the charge should apply to residential development only, in Fort Erie's case, should the by-law be approved. Various municipalities across the region, including Fort Erie, exempt industrial development from development charges and have tried to offer financial incentives for employment related development (Gateway Economic Zone CIP). Applying the EDC to non-residential development would be counterproductive to this approach. Further, applying the EDC to residential development in community improvement areas would be counterproductive to municipalities encouraging residential development in core mixed use areas.
- If the EDC By-law proceeds there should be a minimum building area requirement to lessen the administrative work on Building Division staff for minor additions.

In considering the above points and the location of the three new elementary schools needed over the projected 15 year time horizon, Planning staff recommend the proposed Development Charge apply within those municipalities only. The current proposal has builders or future home owners, who may or may not use NCDSB schools, paying for school land costs in other municipalities.

### **Financial/Staffing Implications**

The proposed EDC will add to the costs of residential development in Fort Erie. The requirement for the municipality to collect the EDC fee will increase the administrative work load on the Town's Building Division and may slow down the building permit process in certain situations.

### **Policies Affecting Proposal**

The Educational Development Charge By-law is permitted under the Education Act. It can be appealed by an individual or organization. The by-law is subject to appeal for a maximum of 40 days after the by-law has been passed. The School Board must give written notice of passage of the by-law within 20 days of passage. An appeal of the by-law goes to the Ontario Municipal Board to be decided. If the by-law is repealed the EDCs that have already been collected must be refunded. In deciding on the matter the OMB cannot increase the charge, reduce the scope of exemplary exemptions or change the expiration date of the by-law.

### **Comments from Relevant Departments/Community and Corporate Partners**

The NCDSB consultants will be making a presentation to Area Planners on May 15, 2015. The Town's Economic Development and Tourism Corporation (EDTC) were informed of the EDC initiative and a copy of this report will be forwarded to the EDTC.

### **Alternatives**

There are several alternative actions Council can take on this issue other than the recommended action of requesting the EDC be applied only within the municipalities where the new school sites will be located. These alternatives, not recommended by staff, include:

- Accepting the proposed EDC charge;
- Requesting the EDC charge apply in some proportion to non-residential development;
- Request a different rate across different forms of residential development;
- Request that if the NCDSB applies a non-residential development charge portion that it align exemptions with municipal and regional community improvement plan incentives.
- Council direct staff to not appeal a decision of NCDSB on the EDC charge.

### **Attachments**

- Appendix "1"**- Executive Summary to Development Charges Background Study
- Appendix "2"**-Educational Development Charges By-law (Former County of Welland)
- Appendix "3"**- Rates For Non-residential development and differentiated residential rates



# PORT COLBORNE

## CITY OF PORT COLBORNE

Municipal Offices  
66 Charlotte Street  
Port Colborne, Ontario  
L3K 3C8  
www.portcolborne.ca

### PLANNING AND DEVELOPMENT DEPARTMENT Planning Division

Jennifer Pellegrini  
Communications Officer  
Niagara Catholic District School Board  
427 Rice Road  
Welland Ontario, L3C 7C1

May 26, 2015

Re: City of Port Colborne Response to the Niagara Catholic District School Boards Proposed Education Development Charge

Dear Ms. Pellegrini,

Please be advised that City Council, at its May 25, 2015 meeting, through Planning and Development Services Report PDS 2015-96 is providing the following comments:

1. The City objects to the proposed Education Development Charge being put into effect prior to September 8, 2016, being the expiry date of the City of Port Colborne's Development exemption for residential development.
2. The City requires that the costs to administer their collection and payment be addressed prior to implementation.
3. That the City's Community Improvement Plan Project Areas be exempt from payment of Education Development Charges.

If you have any questions or concerns about the above noted comments, please do not hesitate to contact me at your earliest convenience.

Sincerely,

Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

LR:lr

**From:** Jack Ammendolia  
**Sent:** Monday, May 25, 2015 3:35 PM  
**To:** 'kgennings@town.forterrie.on.ca'; 'jschonewille@grimsby.ca'; 'agreenaway@lincoln.ca'; 'jmenard@niagarafalls.ca'; 'rwiens@notl.org'; 'mzimmer@pelham.ca'; 'lmerritt@portcolborne.ca'; 'sburrows@st.catharines.ca'; 'mwild@thorold.com'; 'jboerema@wainfleet.ca'; 'mike.mantesso@welland.ca'; 'phil.lambert@niagararegion.ca'; 'tneufeld@westlincoln.ca'  
**Cc:** Brad Teichman; Whitwell, Scott; 'Levinski, Kathy'; Farrell, Ted  
**Subject:** Niagara Catholic District School Board - Proposed Education Development Charge  
**Importance:** High

**Good Afternoon,**

**As you may be aware the Niagara Catholic District School Board is proposing to enact an Education Development Charge bylaw that covers the Region of Niagara. As per the Education Act and associated legislation governing EDC's, the Board, in this case, must have two separate bylaws that cover the Region of Niagara. One bylaw covers the old Lincoln County boundaries and one covers the old Welland County boundaries. The Board held an information session on April 29th for all stakeholders and has made the EDC Background Study available on May 6th, 2015. A link to the Background Study can be found below:**

---

**<https://docushare.ncdsb.com/dsweb/Get/Document-1694280/EDC%20Background%20Study.pdf>**

**The proposed charge as presented in the EDC Background Study is based on 100% residential with no non-residential component. The proposed EDC in former Lincoln County (West Lincoln, Lincoln, Grimsby, St. Catharines, NOTL) is \$242 per unit and the proposed charge in the former Welland County (Niagara Falls, Fort Erie, Port Colborne, Welland, Thorold, Pelham, Wainfleet) is \$245.**

**The Board is holding a public meeting on May 26th at 6PM at the Board offices and then will consider passage of the new bylaw at a Board meeting on June 16th at 6PM at the Board offices. The Board is**



**working with interested stakeholders to ensure that the EDC bylaw is as consistent as possible with Municipal and Regional DC's for ease of application and collection.**

**MUNICIPAL RESPONSIBILITIES**

- **Each Municipality in the Region is responsible to collect the charge on behalf of the School Board and then deposit the charge into the School Board's EDC account. The monies must be transferred to the school board no later than the 25<sup>th</sup> day of the month after the charge has been collected as per the legislation which is included below.**

**COLLECTION OF EDUCATION DEVELOPMENT CHARGES**

**When charge payable**

257.80 An education development charge is payable upon a building permit being issued. 1997, c. 31, s. 113 (5).

**Who charge payable to**

257.81 An education development charge is payable to the municipality issuing the building permit. 1997, c. 31, s. 113 (5).

**Education development charge accounts**

257.82 (1) A board that has passed an education development charge by-law shall establish education development charge accounts in accordance with the regulations. 1997, c. 31, s. 113 (5); 2009, c. 34, Sched. I, s. 18.

**Deposit of charges into accounts**

(2) A municipality that receives an education development charge shall deposit the charge in the appropriate education development charge account not later than the 25th day of the month after the month in which the charge was received. 1997, c. 31, s. 113 (5); 2009, c. 34, Sched. I, s. 21.

**Withholding of building permit until charge paid**

257.83 Despite any other Act, a municipality shall not issue a building permit for development to which an education development charge applies unless the charge has been paid. 1997, c. 31, s. 113 (5).

**Land given for credit**

257.84 (1) A board that has passed a by-law imposing education development charges on land of an owner may, with the consent of the Minister, accept land for pupil accommodation in

place of the payment of all or a part of the education development charges. 1997, c. 31, s. 113 (5).

**Same**

(2) A board that accepts land under subsection (1) shall, in accordance with the regulations made under section 257.101, give the owner credits toward the education development charges imposed on the owner by the board. 1997, c. 31, s. 113 (5).

- **Each Municipality is also responsible for providing the Board with a report outlining certain prescribed requirements that are laid out in the legislation below:**

**Reports by municipalities to boards**

257.97 (1) Each month a municipality shall make a report to a board if, in the period that the report would cover, any education development charges payable under an education development charge by-law of the board would be payable to the municipality. 1997, c. 31, s. 113 (5).

**When due**

(2) The monthly reports shall be made on or before the 5th day of each month. 1997, c. 31, s. 113 (5).

**Contents**

(3) The monthly reports shall contain the prescribed information. 1997, c. 31, s. 113 (5).

MONTHLY REPORTS

20. (1) The following information, as it relates to land in the municipality, is prescribed as information to be included in a monthly report under section 257.97 of the Act:

1. The total education development charges that are collected in respect of residential development.
2. The number of building permits, for each type of new dwelling unit the board identified under paragraph 2 of section 7, in respect of which education development charges were imposed.
3. The location of the lands to which the building permits described in paragraph 2 pertained.
4. The total education development charges collected in respect of non-residential development.

5. The number of building permits issued for non-residential development in respect of which an education development charge is imposed by the board.
6. The total board-determined GFA of the non-residential development in respect of which education development charges, determined using a rate applied to the board-determined GFA of the development, are imposed by the board. The total board-determined GFA shall not include the gross floor area of a development with respect to which subsection 257.55 (3) of the Act applies or the board-determined GFA to which subsection 5 (2) of this Regulation applies.
7. The total declared value of the non-residential development in respect of which education development charges, determined using a rate applied to the declared value of the development, are imposed by the board. The total declared value shall not include the declared value of a development with respect to which subsection 257.55 (3) of the Act or subsection 5 (2) of this Regulation applies.
8. For each development with respect to which subsection 257.55 (3) of the Act applies and in respect of which education development charges are imposed by the board,
  - i. the gross floor area of the existing building,
  - ii. the gross floor area of the enlargement, and
  - iii. if the education development charges are determined using a rate applied ~~to the declared value of the development, the declared value upon which~~ the charges for the development are determined.
9. For each development with respect to which subsection 5 (2) of this Regulation applies and in respect of which education development charges are imposed by the board,
  - i. the board-determined GFA of the non-residential part of the building being replaced,
  - ii. the board-determined GFA of the non-residential part of the replacement building, and
  - iii. if the education development charges are determined using a rate applied to the declared value of the development, the declared value upon which the charges for the development are determined.
10. The number of building permits issued for residential development in an area to which the education development charge by-law applies in respect of which no education development charge is imposed.
11. The number of building permits issued for non-residential development in an area to which the education development charge by-law applies in respect of

which no education development charge is imposed. O. Reg. 20/98, s. 20 (1); O. Reg. 95/02, s. 10.

- (2) The report shall cover the period,
  - (a) beginning at the end of the period covered by the previous report by the municipality or, if there was no previous report, beginning on the first day that an education development charge by-law of the board applied to land in the municipality;
  - (b) ending at the end of the 25th day of the month before the month in which the report is due. O. Reg. 20/98, s. 20 (2).

**The Board will prepare an EDC pamphlet and distribute to all building departments prior to the bylaw being in-force. The pamphlet will outline all relevant information required by the building departments and will also provide an explanation of the charge etc. to anyone at the building permit counter asking about the EDC.**

**As mentioned previously, the Board will consider adoption of the bylaw at a meeting on June 16<sup>th</sup>. Should the Board pass the EDC bylaw that night, the earliest it could come into effect would be 5 days following bylaw passage, which is June 21<sup>st</sup> (Sunday) so the earliest it would be in effect would be June 22<sup>nd</sup>. The Board will make that determination at bylaw passage and we would notify building departments immediately of the in-force date that collection should begin.**

**Please let me know if you have any questions or require any additional information and I would be happy to discuss this further.**

**Sincerely,  
Jack Ammendolia  
Director**

46

**Watson & Associates Economists Ltd.**  
**905.272.3600 x230**

---

---

Tuesday, June 9, 2015

Board of Trustees  
Niagara Catholic District School Board  
427 Rice Road  
Welland, Road  
L3C 7C1

**RE: Education Development Charge**

Dear Board of Trustees:

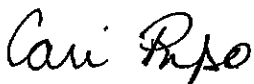
I am writing to you on behalf of Town Council with regards to the possible implementation of the Niagara Region Wide Education Development Charge.

The Town of Pelham Council only supports an area specific charge if the proposed education development charge is approved. The Town of Pelham has been provided information from the Niagara Catholic District School Board that there will not be any new schools built within the Town and therefore, recommend that the charge, if approved by the NCDSB, be area specific so as not to impact the Town's development charges.

---

If you have questions, feel free to contact me.

Regards,



Cari Pupo, MBA, CGA  
Treasurer/Director of Corporate Services

**Whitwell, Scott**

---

**From:** Whitwell, Scott  
**Sent:** Wednesday, June 10, 2015 3:23 PM  
**To:** Jack Ammendolia  
**Cc:** Levinski, Kathy; Farrell, Ted; Brad Teichman <bteichman@overlandllp.ca>  
(bteichman@overlandllp.ca)  
**Subject:** FW: NCDSB EDC.docx

Jack - for your review.

Scott

-----Original Message-----

**From:** Davies, Elizabeth  
**Sent:** Wednesday, June 10, 2015 3:21 PM  
**To:** Whitwell, Scott  
**Subject:** FW: NCDSB EDC.docx

FYI

Elizabeth Davies  
Administrative Assistant  
to Controller of Facilities Services &  
Green Niagara Catholic Representative  
905-735-0240 ext. 276

-----Original Message-----

**From:** Info  
**Sent:** Wednesday, June 10, 2015 3:17 PM  
**To:** Davies, Elizabeth  
**Subject:** FW: NCDSB EDC.docx  
**Importance:** High

---

**From:** Cari Pupo [CPupo@pelham.ca]  
**Sent:** Wednesday, June 10, 2015 3:14 PM  
**To:** Jack Dekorte; info@ncdb.com  
**Cc:** Info  
**Subject:** RE: NCDSB EDC.docx

Please see email below from Pelham developer regarding proposed EDC.

Please ensure his email is presented to the Board of Trustees.

Thank you.

49

TOWN OF PELHAM CONFIDENTIALITY NOTICE

The information contained in this communication, including any attachments, may be confidential and is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

-----Original Message-----

From: Jack Dekorte [mailto:jack.riek@sympatico.ca]  
Sent: Wednesday, June 10, 2015 2:46 PM  
To: info@ncdb.com  
Cc: Cari Pupo  
Subject: Re: NCDSB EDC.docx

Hi Sir/Madam,

We received information that you want to increase a new Educational Development Charge (EDC) across the Whole Niagara Region.

We, in the Town of Pelham have no need of the new DC, while there are no New Schools planned in the Town. While we have different projects on the go in Pelham, it will harm us again. The DC.'s are too high, the way they are and we do not need any more factors to bring the costs of developing and building up any higher. So, we are against this proposal and we advise you strongly to vote against it.

Respect fully for your consideration,

Jack DeKorte,  
Gen Manager,  
"Hert Inc"  
Fenwick ,On. Our New E-Mail Address is NOW: Jack  
DeKorte<[jack@hertinc.com](mailto:jack@hertinc.com)>

At 08:52 AM 10/06/2015, you wrote:

>Good morning,

>

>As you may or may not be aware the Niagara Catholic District School  
>Board (NCDSB) is proposing a new Education Development Charge (EDC)  
>across the Niagara Region.

>

>The new EDC is being voted on this Tuesday June 16, 2015 and would be  
>implemented immediately following the approval by the Board of Trustees.

>

>We have confirmed with the NCDSB that the Town of Pelham does not have



>any growth related issues that would require the construction of a new  
>school. However, they are still recommending a Niagara Region Wide  
>development charge of approximately \$242.

>  
>The Town does not endorse this EDC charge on developers and/or builders  
>and has sent a letter from Town Council to the Board indicating that  
>the charge should be area specific and not Region wide.

>  
>I wanted to bring this information forward to you and I encourage each  
>of you to also supply feedback to the NCDSB with respect to this charge.

>  
>If you require any further information please don't hesitate to contact  
>me directly.

>  
>  
>  
>  
>  
>  
>  
>  
>

>TOWN OF PELHAM CONFIDENTIALITY NOTICE

>The information contained in this communication, including any  
>attachments, may be confidential and is intended only for the use of  
>the recipient(s) named above, and may be legally privileged. If the  
>reader of this message is not the intended recipient, you are hereby  
>notified that any dissemination, distribution, disclosure, or copying  
>of this communication, or any of its contents, is strictly prohibited.  
>If you have received this communication in error, please re-send this  
>communication to the sender and permanently delete the original and any  
>copy of it from your computer system. Thank you.

>  
>  
>  
>

---

Please consider the environment before printing this email.

---

This email, including any attachments, is the property of the Niagara Catholic District School Board. This information is intended only for the use of the individual to whom, or entity to which, it is addressed and may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of Information and Protection of Privacy Act. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this transmission in error, please notify the sender immediately and then permanently delete this message.

**Whitwell, Scott**

---

**From:** Brad Teichman <bteichman@overlandllp.ca>  
**Sent:** Thursday, June 11, 2015 2:36 PM  
**To:** Jack Ammendolia (ammendolia@watson-econ.ca); Whitwell, Scott  
**Subject:** FW: Niagara Catholic DSB - Education Development Charges

fyi



Brad Teichman  
[bteichman@overlandllp.ca](mailto:bteichman@overlandllp.ca)  
Main: (416) 730-0337 x. 113  
Direct: (416) 730-0180  
Fax: (416) 730-9097  
Cell: (416) 432-5171

[www.overlandllp.ca](http://www.overlandllp.ca)

**From:** Keith Vogl [mailto:kvogl@grimsby.ca]  
**Sent:** Thursday, June 11, 2015 1:34 PM  
**To:** Brad Teichman  
**Subject:** RE: Niagara Catholic DSB - Education Development Charges

---

Thank you Brad for providing the additional information.

**Keith Vogl**  
**Town Manager**  
160 Livingston Ave. Grimsby ON, L3M 4G3  
Tel. (905) 945.9634 : Direct (905) 309.2017  
Email [kvogl@grimsby.ca](mailto:kvogl@grimsby.ca) : [www.grimsby.ca](http://www.grimsby.ca)

**From:** Brad Teichman [mailto:bteichman@overlandllp.ca]  
**Sent:** June-11-15 11:36 AM  
**To:** Keith Vogl  
**Cc:** Jack Ammendolia (ammendolia@watson-econ.ca); Whitwell, Scott; Farrell, Ted (ted.farrell@ncdsb.com); Levinski, Kathy <Kathy.Levinski@ncdsb.com> (Kathy.Levinski@ncdsb.com)  
**Subject:** Niagara Catholic DSB - Education Development Charges

Dear Mr. Vogl,

**Re: Niagara Catholic DSB - Education Development Charges**

I am the lawyer for the Niagara Catholic District School Board in connection with the proposed

education development charges by-laws.

Mr. Jack Ammendolia, the Board's economic consultant, has asked me to respond to your email below wherein you raise the notion that the Town of Grimsby could charge a fee for collecting EDCs, remitting the funds to the School Board, and reporting on the collections. The municipality would charge the fee to the School Board for these services.

I set out below the authority for the School Board's position that such fees would contravene the governing legislation.

You mentioned in your email that the municipality's authority for charging a fee is Section 390(4) of the *Municipal Act, 2001* [I note that the correct section reference is 391(4)]. Section 391 falls under **Part XII** of the Act, which is entitled "Fees and Charges".

Section 58 of the *Education Act* is a complete answer to this issue. Section 58, which reads as follows, prohibits a municipality from charging such fees to a school board:

58. (1) Despite sections 9, 10 and 11 and **Part XII** of the *Municipal Act, 2001* and sections 7 and 8 and Part IX of the *City of Toronto Act, 2006* but subject to subsection (3), a by-law imposing fees and charges passed under those provisions does not apply to a board.

(2) Despite sections 9, 10 and 11 and Part XII of the *Municipal Act, 2001* and sections 7 and 8 and Part IX of the *City of Toronto Act, 2006*, a by-law passed under those provisions does not apply in respect of anything provided or done by or on behalf of the municipality or upper-tier municipality in connection with taxes levied under Division B of Part IX of this Act.

(3) The Lieutenant Governor in Council may make regulations providing for exceptions to subsection (1).

~~Section 58(1) of the *Education Act* specifically directs that a municipal by-law imposing fees and charges passed under Part XII of the *Municipal Act, 2001* does not apply to a school board. That ends the matter.~~

While Subsection (3) of Section 58 authorizes the Lieutenant Governor in Council to make regulations providing for exceptions to Subsection 58(1), to date, no exceptions have been prescribed by regulation.

It is clear that Section 58 of the *Education Act* precludes the municipality from charging fees to the school board for collecting EDCs or any other service.

I trust the foregoing addresses your inquiry.

Thank you for your interest in the School Board's EDC proposal.

Brad Teichman  
**Overland LLP**  
Direct: (416) 730-0180

**From:** Jack Ammendolia [<mailto:ammendolia@watson-econ.ca>]  
**Sent:** Wednesday, June 10, 2015 2:17 PM  
**To:** Keith Vogl  
**Cc:** Steven Gruninger; Jamie Cook; Brad Teichman  
**Subject:** RE: Development Charges Reports

Hi Keith,

I have asked legal counsel for greater clarification.

I can tell you from experience that of all the bylaws currently in-force in Ontario, that there is not one case where the municipality charges back the school board for collection.

On the matter of the quarterly transfer – here the legislation is quite clear in terms of what the municipal responsibilities are and when the transfer of funds has to take place. While the Board wants to make collection/application as easy as possible, in some cases such as this, the Board is limited by the legislation. To be clear, this is not a Board decision.

I'll get back to you as soon as I can with regard to the compensation matter.

Thanks,  
Jack

**From:** Keith Vogl [mailto:kvogl@grimsby.ca]  
**Sent:** June-10-15 1:55 PM  
**To:** Jack Ammendolia  
**Cc:** Steven Gruninger; Jamie Cook; 'bteichman@overlandllp.ca'  
**Subject:** RE: Development Charges Reports

Thank you for the information Jack.

If I understand the information you provided correctly, the Education Act outlines the responsibility of the Municipality to collect and report on development charges collected. That's pretty clear.

You further indicate that Ministry of Education Guidelines state that municipalities cannot charge for the collection and reporting. As a guideline, and a self serving one at that, I would question whether these would carry any weight if challenged. I have certainly seen tribunals, specifically the OMB give little weight to guidelines where not included in legislation or adopted by bylaw.

The Municipal Act provides municipalities with the authority to establish fees for services or activities provided. Specifically section 390 (4) of the Municipal Act states:

*(4) A fee or charge may be imposed whether or not it is mandatory for the municipality or local board imposing the fee or charge to provide or do the service or activity, pay the costs or allow the use of its property. 2006, c. 32, Sched. A, s. 163 (3).*

This is approved provincial legislation, and while I am not a lawyer, it seems to pretty clearly give a municipality the authority to charge a fee for service, even if the municipality is mandated to provide the service. Perhaps you could run this by your legal advisors who could shed some light.

The explanatory notes below which you provide state *"The Board is working with interested stakeholders to ensure that the EDC bylaw is as consistent as possible with Municipal and Regional DC's for ease of application and collection"*. It would be our hope that the Board would find it's way to collect the fees on a quarterly basis as does the Niagara Region.

Thanks again for your consideration

**Keith Vogl**  
**Town Manager**  
160 Livingston Ave. Grimsby ON, L3M 4G3  
Tel. (905) 945.9634 : Direct (905) 309.2017  
Email [kvogl@grimsby.ca](mailto:kvogl@grimsby.ca) : [www.grimsby.ca](http://www.grimsby.ca)

**From:** Jack Ammendolia [mailto:ammendolia@watson-econ.ca]  
**Sent:** June-05-15 6:36 PM  
**To:** Jamie Cook; Keith Vogl  
**Cc:** Brad Teichman <bteichman@overlandllp.ca> (bteichman@overlandllp.ca)  
**Subject:** RE: Development Charges Reports

Hi Keith,

With regard to your questions regarding the proposed EDC,

- The school board is bound by provincial legislation with regard to the matters you asked about. While the Board would likely be amenable to receiving payments and reports on a quarterly basis rather than monthly, the legislation does not permit it and states that monies must be transferred to the school board no later than the 25<sup>th</sup> day on the month after the charges are collected.
- With regard to compensation – the municipality is not allowed to charge the school board an administrative charge to account for the collection of the charge but is allowed to keep the interest that incurs on the monies collected as a form of remuneration. I have included the relevant section of the Ministry of Education EDC Guidelines below:

The role of the municipality is outlined in the EDC Regulation. It is the responsibility of municipalities to: collect EDCs on behalf of the school board, transfer EDC revenue to the board, and to provide monthly reports to the school board regarding amounts collected and refunded.

Municipalities are not entitled to charge a school board for collection of an EDC. Remuneration to the municipality is considered to be provided in the form of interest the municipality earns on the monthly balance of the collected EDCs.

I have also included below the body of the email that went out to all the area building departments that outline the role of the municipality and the relevant legislation that defines that role etc.

If you have any other questions, please call me anytime.

Sincerely,  
Jack Ammendolia  
905.272.3600 x230

**As you may be aware the Niagara Catholic District School Board is proposing to enact an Education Development Charge bylaw that covers the Region of Niagara. As per the Education Act and associated legislation governing EDC's, the Board, in this case, must have two separate bylaws that cover the Region of Niagara. One bylaw covers the old Lincoln County boundaries and one covers the old Welland County boundaries. The Board held an information session on April 29th for all stakeholders and has made the EDC Background Study available on May 6th, 2015. A link to the Background Study can be found below:**

The proposed charge as presented in the EDC Background Study is based on 100% residential with no non-residential component. The proposed EDC in former Lincoln County (West Lincoln, Lincoln, Grimsby, St. Catharines, NOTL) is \$242 per unit and the proposed charge in the former Welland County (Niagara Falls, Fort Erie, Port Colborne, Welland, Thorold, Pelham, Wainfleet) is \$245.

The Board is holding a public meeting on May 26th at 6PM at the Board offices and then will consider passage of the new bylaw at a Board meeting on June 16th at 6PM at the Board offices. The Board is working with interested stakeholders to ensure that the EDC bylaw is as consistent as possible with Municipal and Regional DC's for ease of application and collection.

### MUNICIPAL RESPONSIBILITIES

- Each Municipality in the Region is responsible to collect the charge on behalf of the School Board and then deposit the charge into the School Board's EDC account. The monies must be transferred to the school board no later than the 25<sup>th</sup> day of the month after the charge has been collected as per the legislation which is included below.

#### COLLECTION OF EDUCATION DEVELOPMENT CHARGES

##### **When charge payable**

257.80 An education development charge is payable upon a building permit being issued. 1997, c. 31, s. 113 (5).

##### **Who charge payable to**

257.81 An education development charge is payable to the municipality issuing the building permit. 1997, c. 31, s. 113 (5).

##### **Education development charge accounts**

257.82 (1) A board that has passed an education development charge by-law shall establish education development charge accounts in accordance with the regulations. 1997, c. 31, s. 113 (5); 2009, c. 34, Sched. I, s. 18.

**Deposit of charges into accounts**

(2) A municipality that receives an education development charge shall deposit the charge in the appropriate education development charge account not later than the 25th day of the month after the month in which the charge was received. 1997, c. 31, s. 113 (5); 2009, c. 34, Sched. I, s. 21.

**Withholding of building permit until charge paid**

257.83 Despite any other Act, a municipality shall not issue a building permit for development to which an education development charge applies unless the charge has been paid. 1997, c. 31, s. 113 (5).

**Land given for credit**

257.84 (1) A board that has passed a by-law imposing education development charges on land of an owner may, with the consent of the Minister, accept land for pupil accommodation in place of the payment of all or a part of the education development charges. 1997, c. 31, s. 113 (5).

**Same**

(2) A board that accepts land under subsection (1) shall, in accordance with the regulations made under section 257.101, give the owner credits toward the education development charges imposed on the owner by the board. 1997, c. 31, s. 113 (5).

- **Each Municipality is also responsible for providing the Board with a report outlining certain prescribed requirements that are laid out in the legislation below:**

**Reports by municipalities to boards**

257.97 (1) Each month a municipality shall make a report to a board if, in the period that the report would cover, any education development charges payable under an education development charge by-law of the board would be payable to the municipality. 1997, c. 31, s. 113 (5).

**When due**

(2) The monthly reports shall be made on or before the 5th day of each month. 1997, c. 31, s. 113 (5).

**Contents**

(3) The monthly reports shall contain the prescribed information. 1997, c. 31, s. 113 (5).

MONTHLY REPORTS

20. (1) The following information, as it relates to land in the municipality, is prescribed as information to be included in a monthly report under section 257.97 of the Act:

1. The total education development charges that are collected in respect of residential development.
2. The number of building permits, for each type of new dwelling unit the board identified under paragraph 2 of section 7, in respect of which education development charges were imposed.
3. The location of the lands to which the building permits described in paragraph 2 pertained.
4. The total education development charges collected in respect of non-residential development.
5. The number of building permits issued for non-residential development in respect of which an education development charge is imposed by the board.

- 6. The total board-determined GFA of the non-residential development in respect of which education development charges, determined using a rate applied to the board-determined GFA of the development, are imposed by the board. The total board-determined GFA shall not include the gross floor area of a development with respect to which subsection 257.55 (3) of the Act applies or the board-determined GFA to which subsection 5 (2) of this Regulation applies.
- 7. The total declared value of the non-residential development in respect of which education development charges, determined using a rate applied to the declared value of the development, are imposed by the board. The total declared value shall not include the declared value of a development with respect to which subsection 257.55 (3) of the Act or subsection 5 (2) of this Regulation applies.
- 8. For each development with respect to which subsection 257.55 (3) of the Act applies and in respect of which education development charges are imposed by the board,
  - i. the gross floor area of the existing building,
  - ii. the gross floor area of the enlargement, and
  - iii. if the education development charges are determined using a rate applied to the declared value of the development, the declared value upon which the charges for the development are determined.
- 9. For each development with respect to which subsection 5 (2) of this Regulation applies and in respect of which education development charges are imposed by the board,
  - i. the board-determined GFA of the non-residential part of the building being replaced,
  - ii. the board-determined GFA of the non-residential part of the replacement building, and
  - ~~iii. if the education development charges are determined using a rate applied to the~~ declared value of the development, the declared value upon which the charges for the development are determined.
- 10. The number of building permits issued for residential development in an area to which the education development charge by-law applies in respect of which no education development charge is imposed.
- 11. The number of building permits issued for non-residential development in an area to which the education development charge by-law applies in respect of which no education development charge is imposed. O. Reg. 20/98, s. 20 (1); O. Reg. 95/02, s. 10.

- (2) The report shall cover the period,
  - (a) beginning at the end of the period covered by the previous report by the municipality or, if there was no previous report, beginning on the first day that an education development charge by-law of the board applied to land in the municipality;
  - (b) ending at the end of the 25th day of the month before the month in which the report is due. O. Reg. 20/98, s. 20 (2).



The Board will prepare an EDC pamphlet and distribute to all building departments prior to the bylaw being in-force. The pamphlet will outline all relevant information required by the building departments and will also provide an explanation of the charge etc. to anyone at the building permit counter asking about the EDC.

As mentioned previously, the Board will consider adoption of the bylaw at a meeting on June 16<sup>th</sup>. Should the Board pass the EDC bylaw that night, the earliest it could come into effect would be 5 days following bylaw passage, which is June 21<sup>st</sup> (Sunday) so the earliest it would be in effect would be June 22<sup>nd</sup>. The Board will make that determination at bylaw passage and we would notify building departments immediately of the in-force date that collection should begin.

**From:** Jamie Cook  
**Sent:** Friday, June 05, 2015 9:35 AM  
**To:** Keith Vogl  
**Cc:** Jack Ammendolia  
**Subject:** RE: Development Charges Reports

Hi Keith,

I have copied my colleague, Jack Ammendolia who is the author of the Niagara CDSSB EDC. Jack are you able to advise Keith on this?

Jamie

Jamie Cook, MCIP, RPP, PLE  
Director  
**Watson & Associates Economists Ltd.**  
PLAZA THREE  
101-2000 ARGENTIA RD.  
MISSISSAUGA, ON L5N 1V9  
Phone (905) 272-3600 ext. 237  
Cell (905) 301-7199  
Fax (905) 272-3602  
[www.watson-econ.ca](http://www.watson-econ.ca)



**From:** Keith Vogl [<mailto:kvogl@grimsby.ca>]  
**Sent:** Tuesday, June 02, 2015 11:39 AM

To: Jamie Cook  
Subject: Development Charges Reports

We recently received notice of the Niagara Catholic District School Board's intention to pass a Development Charge for Niagara, including Grimsby.

We have no issue with the charges proposed. However, with the bylaw comes responsibilities to the local municipality for collecting and reporting. (see the following for reference).

We already collect Development Charges for Niagara Region, but we only report and forward funds quarterly. I understand that the NCDSB has the legislated right to collect monthly, but is a fair bit of work for us.

My question is whether you are aware of anything in legislation that would prevent a municipality for charging back the cost of preparing these detailed monthly reports to the school board.

The Municipal Act would appear to allow a municipality to charge a fee for services rendered.

And are you aware of any municipality that is doing so?

Just pondering.

Keith

**Keith Vogl**

**Town Manager**

160 Livingston Ave. Grimsby ON, L3M 4G3

Tel. (905) 945.9634 : Direct (905) 309.2017

Email [kvogl@grimsby.ca](mailto:kvogl@grimsby.ca) : [www.grimsby.ca](http://www.grimsby.ca)

**Reports by municipalities to boards**

257.97 (1) Each month a municipality shall make a report to a board if, in the period that the report would cover, any education development charges payable under an education development charge by-law of the board would be payable to the municipality. 1997, c. 31, s. 113 (5).

**When due**

(2) The monthly reports shall be made on or before the 5th day of each month. 1997, c. 31, s. 113 (5).

**Contents**

(3) The monthly reports shall contain the prescribed information. 1997, c. 31, s. 113 (5).

MONTHLY REPORTS

**20.** (1) The following information, as it relates to land in the municipality, is prescribed as information to be included in a monthly report under section 257.97 of the Act:

1. The total education development charges that are collected in respect of residential development.
2. The number of building permits, for each type of new dwelling unit the board identified under paragraph 2 of section 7, in respect of which education development charges were imposed.
3. The location of the lands to which the building permits described in paragraph 2 pertained.
4. The total education development charges collected in respect of non-residential development.
5. The number of building permits issued for non-residential development in respect of which an education development charge is imposed by the board.

- 60
6. The total board-determined GFA of the non-residential development in respect of which education development charges, determined using a rate applied to the board-determined GFA of the development, are imposed by the board. The total board-determined GFA shall not include the gross floor area of a development with respect to which subsection 257.55 (3) of the Act applies or the board-determined GFA to which subsection 5 (2) of this Regulation applies.
  7. The total declared value of the non-residential development in respect of which education development charges, determined using a rate applied to the declared value of the development, are imposed by the board. The total declared value shall not include the declared value of a development with respect to which subsection 257.55 (3) of the Act or subsection 5 (2) of this Regulation applies.
  8. For each development with respect to which subsection 257.55 (3) of the Act applies and in respect of which education development charges are imposed by the board,
    - i. the gross floor area of the existing building,
    - ii. the gross floor area of the enlargement, and
    - iii. if the education development charges are determined using a rate applied to the declared value of the development, the declared value upon which the charges for the development are determined.
  9. For each development with respect to which subsection 5 (2) of this Regulation applies and in respect of which education development charges are imposed by the board,
    - i. the board-determined GFA of the non-residential part of the building being replaced,
    - ii. the board-determined GFA of the non-residential part of the replacement building, and
    - ~~iii. if the education development charges are determined using a rate applied to the~~ declared value of the development, the declared value upon which the charges for the development are determined.
  10. The number of building permits issued for residential development in an area to which the education development charge by-law applies in respect of which no education development charge is imposed.
  11. The number of building permits issued for non-residential development in an area to which the education development charge by-law applies in respect of which no education development charge is imposed. O. Reg. 20/98, s. 20 (1); O. Reg. 95/02, s. 10.
- (2) The report shall cover the period,
- (a) beginning at the end of the period covered by the previous report by the municipality or, if there was no previous report, beginning on the first day that an education development charge by-law of the board applied to land in the municipality;
  - (b) ending at the end of the 25th day of the month before the month in which the report is due. O. Reg. 20/98, s. 20 (2).

61 / 61

**Ministry of Education**

Office of the ADM  
Financial Policy and Business Division  
20<sup>th</sup> Floor, Mowat Block  
900 Bay Street  
Toronto ON M7A 1L2

**Ministère de l'Éducation**

Bureau du sous-ministre adjoint  
Division des politiques financières et des opérations  
20<sup>e</sup> étage, Édifice Mowat  
900, rue Bay  
Toronto ON M7A 1L2



June 9, 2015

Mr. John Crocco  
Director of Education  
Niagara Catholic District School Board  
427 Rice Road  
Welland, ON L3C 7C1

**Re: Education Development Charges**

Dear Mr. Crocco,

For purposes of the proposed by-law, please consider this letter as an acknowledgment of receipt on May 8<sup>th</sup>, 2015 of Niagara Catholic District School Board's education development charges background study for both the Former Lincoln County and the Former Welland County, as well as an approval of the enrolment projections and site requirement estimates as required under Ontario Regulation 20/98, s.10, paragraph 1. The by-law charge will be determined by your board.

If you proceed with the passage of your board's by-law, please provide the Ministry of Education's Capital Policy and Programs Branch with a copy of the by-law.

Sincerely,

*Original signed by:*

Gabriel F. Sékaly  
Assistant Deputy Minister  
Financial Policy and Business Division

cc: Grant Osborn, Director, Capital Policy and Programs Branch



**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
SPECIAL BOARD MEETING  
JUNE 16, 2015**

***PUBLIC SESSION***

**TITLE: NEED FOR FURTHER PUBLIC MEETINGS REGARDING  
PROPOSED EDUCATION DEVELOPMENT CHARGES  
BY - LAWS – PUBLIC MEETING**

---

The *Education Act* requires that the Board determine whether a further public meeting is required for either by-law because changes have been made to the draft by-laws since the time they were initially released to the public. The Board's legal counsel has advised that further public meetings are not needed in this case because the principal changes made to the by-laws resulted in a reduction to the EDC rates and thus benefits the general public and the development industry.

**RECOMMENDATION**

**THAT** the Niagara Catholic District School Board resolve that no further public meetings are required in regard to the two proposed education development charges by-laws.

---

Prepared by: Ted Farrell, Superintendent of Education/Accommodation  
Scott Whitwell, Controller of Facilities Services  
Kathy Levinski, Manager of Facilities Services

Presented by: Ted Farrell, Superintendent of Education/Accommodation  
Scott Whitwell, Controller of Facilities Services

Recommended by: John Crocco, Director of Education/Secretary-Treasurer

Date: June 16, 2015



**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
SPECIAL BOARD MEETING  
JUNE 16, 2015**

***PUBLIC SESSION***

**TITLE: PROPOSED EDUCATION DEVELOPMENT CHARGES (EDC)  
BY-LAWS FOR FORMER COUNTY OF LINCOLN AND  
FORMER COUNTY OF WELLAND**

---

Please note that the two by-laws incorporate the staff recommendations included in the report titled, "Preparation of Proposed Education Development Charges (EDC) By-Laws – Public Meeting" (See Agenda Item D2).

**RECOMMENDATION**

**THAT** the Niagara Catholic District School Board pass the Education Development Charges By-Law (Former County of Lincoln) and the Education Development Charges By-Law (Former County of Welland) as presented in Appendix "A" of this report.

---

Prepared by: Ted Farrell, Superintendent of Education/Accommodation  
Scott Whitwell, Controller of Facilities Services  
Kathy Levinski, Manager of Facilities Services

Presented by: Ted Farrell, Superintendent of Education/Accommodation  
Scott Whitwell, Controller of Facilities Services

Recommended by: John Crocco, Director of Education/Secretary-Treasurer

Date: June 16, 2015

**NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
EDUCATION DEVELOPMENT CHARGES BY-LAW**

**(Former County of Lincoln)**

**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 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 Niagara Catholic District School Board has referred to the Minister of Education the following estimates for approval:

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

which estimates the Minister of Education approved on June 9, 2015 in accordance with section 10 of Ontario Regulation 20/98;

---

**AND WHEREAS** the Niagara 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 Niagara 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 Niagara Catholic District School Board has given notice and held public meetings on May 26, 2015 and June 16, 2015, 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 Niagara 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 NIAGARA 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 Niagara 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) “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;
- (i) “mixed use” means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- (j) “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;
- (k) “*Planning Act*” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended;
- (l) “Region” means the Regional Municipality of Niagara;
- (m) “Regulation” means Ontario Regulation 20/98, as amended, made under the Act;
- (n) “residential development” means lands, buildings or structures developed or to be developed for residential use;
- (o) “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 sections 3(2) and 3(3), this by-law applies to all lands in the City of St. Catharines, Town of Grimsby, Town of Lincoln, Town of Niagara-on-the-Lake, and Township of West Lincoln.
- (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 publicly-funded university, community college or a college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*, S.O. 2002, c. 8, Schedule F, as amended;
- (f) a seminary of learning maintained for educational purposes that offers courses accredited by the Ministry of Education, which is exempt from taxation under the *Assessment Act*, the whole profits from which are devoted or applied to such purposes.

#### **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. 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 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 \$186.00 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,
  - (a) “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;
  - (b) “other residential building” means a residential building not in another class of residential building described in this section;
  - (c) “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;
  - (d) “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,
  - (a) the enlargement of an existing dwelling unit that does not create an additional dwelling unit;

- (b) the creation of one or two additional dwelling units in an existing single detached dwelling; or
  - (c) the creation of one additional dwelling unit in a semi-detached dwelling, a row dwelling, or any other residential building.
- (3) Notwithstanding section 9(2)(b), 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)(c), education development charges shall be imposed in accordance with section 8 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.
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 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 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 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.
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* 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 June 22, 2015.
- 

**Date By-law Expires**

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

**Severability**

17. 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**

18. 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**

19. This by-law may be cited as the Niagara Catholic District School Board Education Development Charges By-Law, 2015 (Former Lincoln County).

ENACTED AND PASSED this 16th day of June, 2015.

---

Chairperson

---

Director of Education  
and Secretary

**NIAGARA CATHOLIC DISTRICT SCHOOL BOARD**  
**EDUCATION DEVELOPMENT CHARGES BY-LAW**

**(Former County of Welland)**

**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 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 Niagara Catholic District School Board has referred to the Minister of Education the following estimates for approval:

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

which estimates the Minister of Education approved on June 9, 2015 in accordance with section 10 of Ontario Regulation 20/98;

---

**AND WHEREAS** the Niagara 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 Niagara 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 Niagara Catholic District School Board has given notice and held public meetings on May 26, 2015 and June 16, 2015, 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 Niagara 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 NIAGARA 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 Niagara 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) “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;
  - (i) “mixed use” means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
  - (j) “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;
  - (k) “*Planning Act*” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended;
  - (l) “Region” means the Regional Municipality of Niagara;
  - (m) “Regulation” means Ontario Regulation 20/98, as amended, made under the Act;
  - (n) “residential development” means lands, buildings or structures developed or to be developed for residential use;
  - (o) “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 sections 3(2) and 3(3), this by-law applies to all lands in the City of Niagara Falls, City of Welland, City of Port Colborne, City of Thorold, Town of Fort Erie, Town of Pelham, and Township of Wainfleet.
- (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 publicly-funded university, community college or a college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*, S.O. 2002, c. 8, Schedule F, as amended;
- (f) a seminary of learning maintained for educational purposes that offers courses accredited by the Ministry of Education, which is exempt from taxation under the *Assessment Act*, the whole profits from which are devoted or applied to such purposes.

#### **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. 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 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 \$172.00 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,
  - (a) “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;
  - (b) “other residential building” means a residential building not in another class of residential building described in this section;
  - (c) “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;
  - (d) “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,
  - (a) the enlargement of an existing dwelling unit that does not create an additional dwelling unit;

- (b) the creation of one or two additional dwelling units in an existing single detached dwelling; or
  - (c) the creation of one additional dwelling unit in a semi-detached dwelling, a row dwelling, or any other residential building.
- (3) Notwithstanding section 9(2)(b), 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)(c), education development charges shall be imposed in accordance with section 8 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.
- 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 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 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 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.
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* 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 June 22, 2015.
- 

**Date By-law Expires**

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

**Severability**

17. 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**

18. 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**

19. This by-law may be cited as the Niagara Catholic District School Board Education Development Charges By-Law, 2015 (Former Welland County).

ENACTED AND PASSED this 16th day of June, 2015.

---

Chairperson

---

Director of Education  
and Secretary