



Special Meeting of the Board
(Board By-Laws S. 6.3.3)
Tuesday, September 18, 2018 ♦ 6:30 p.m.
Boardroom

Trustees:
Members: Rick Petrella (Chair), Dan Dignard (Vice-Chair), Cliff Casey, Bill Chopp, Carol Luciani, Bonnie McKinnon, Kaiya Daly (Student Trustee)

Senior Administration:
Chris N. Roehrig (Director of Education & Secretary), Thomas R. Grice (Superintendent of Business & Treasurer), Michelle Shypula and Leslie Telfer (Superintendents of Education)

1. Opening Business

1.1 Opening Prayer

1.2 Attendance

1.3 Approval of the Agenda

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1.4 Declaration of Interest

1.5 Delegations

2. Committee and Staff Reports

2.1 Education Development Charges
Presenter: Thomas R. Grice, Superintendent of Business & Treasurer

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2.2 Education Development Charges
Presenter: Thomas R. Grice, Superintendent of Business & Treasurer

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3. Business In-Camera

207. (2) Closing of certain committee meetings. A meeting of a committee of a board, including a committee of the whole board, may be closed to the public when the subject-matter under consideration involves,
- The security of the property of the board;
 - The disclosure of intimate, personal or financial information in respect of a member of the board or committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian;
 - The acquisition or disposal of a school site;
 - Decisions in respect of negotiations with employees of the board; or
 - Litigation affecting the board.

4. Report on the In-Camera Session

5. Adjournment



Education Development Charges Public Meeting

Brant Haldimand Norfolk Catholic
District School Board
September 18, 2018



Jack Ammendolia

Director, Education
Watson & Associates Economists Ltd.

POLICY REVIEW MEETING

September 18, 2018

EDC Policy Review



Each EDC bylaw has a set of underlying policies which help determine the structure and type of bylaw that will be enacted.

Ministry of Education legislation states that each School Board must conduct a review of its EDC policies prior to renewing their EDC by-law

Section 257.60 sub-section (1) of the Education Act states that:

“Before passing an education development charge by-law, the board shall conduct a review of the education development charge policies of the board.”

Existing EDC Policies



➤ Percentage of growth-related net education land costs to be borne through EDCs

❖ Exemptions

➤ Jurisdiction Wide versus Area Municipal (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 versus differentiated charges

➤ Operating budget surplus and alternative accommodation arrangements

EDUCATION DEVELOPMENT CHARGE
PUBLIC MEETING
PROPOSED NEW BYLAW

September 18, 2018

The Existing Charge



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.

The Brant Haldimand Norfolk Catholic District School Board (BHNCD SB) has an existing EDC by-law that covers the County of Brant and City of Brantford portion of its jurisdiction. The existing EDC is \$912 per residential unit.

There is no non-residential component.

The Board proposes to consider passage of a new by-law on September 25, 2018.

A Review Of The Key Elements



Enable
Recovery Of
Growth-
Related Land
Costs Only

School
Boards Must
Meet An
Eligibility
Trigger To
Qualify

Jurisdiction
Wide Or
Area
Specific

Differentiated
Or Uniform

School Boards Can Allocate Education Land Costs To Both Residential and Non-Residential Developments



Has The Board Met The Necessary Requirements?

- ✓ Prepared an EDC Background Study and included all necessary requirements.
- ✓ Made the Background Study available to the public at least two weeks prior to the first public meeting.
- ✓ Held legislatively-required public meetings and gave notice of said meetings at least 20 days prior.
- ✓ Background Study was submitted to the Ministry of Education at least 40 days prior to consideration of bylaw passage.
- Minister of Education Background Study approval.



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 – Residential Growth Forecast



COUNTY OF BRANT AND THE CITY OF BRANTFORD (2018/19 – 2032/33)		
	# Of Units	% By Density
Low (Single/Semi)	9,627	46%
Medium (Townhouses)	7,094	34%
High (Apartments)	4,207	20%
<i>Total</i>	<i>20,929</i>	<i>100%</i>

In order to account for the statutory intensification exemption, an adjustment was made to derive the “net” new units housing forecast. This adjustment is intended to estimate the number of units that will be created by intensification – i.e., transforming an existing single family home into duplex/apartment-type units. The overall forecast was reduced to **20,511** net new units.

The Calculation – Net Growth Related Pupil Places



Elementary Planning Area	Dwelling Unit Type	Net New Units	Elementary Pupil Yield	Elementary Growth-Related Pupils	Secondary Planning Area	Dwelling Unit Type	Net New Units	Secondary Pupil Yield	Secondary Growth-Related Pupils
Brant County	Low Density	3,157	0.10	316	Brant County / City of Brantford	Low Density	9,627	0.06	578
	Medium Density	751	0.03	19		Medium Density	6,676	0.02	145
	High Density	400	0.03	11		High Density	4,207	0.02	102
	Total	4,308	0.08	346		Total	20,511	0.04	826
Brantford	Low Density	6,470	0.22	1,420					
	Medium Density	5,925	0.04	221					
	High Density	3,807	0.03	129					
	Total	16,202	0.11	1,770					
SUBTOTAL:				2,116	SUBTOTAL:				826
LESS: Available Pupil Places:				483	LESS: Available Pupil Places:				-
NET GROWTH RELATED PUPILS:				1,633	NET GROWTH RELATED PUPILS:				826

Legislated EDC Eligible 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

Appraised Land Values



Land Values Per Acre, 2018	
City of Brantford & Brant County (St. George)	\$ 550,000 – 600,000

The land valuation was completed by the firm, gsi, Real Estate and Planning Advisors. A report titled, EDC Land Valuation Study was provided to the consultant to be used as the basis for the values contained in the EDC Background Study. The report is dated August 7, 2018 and the appraisals have an effective date of May 30, 2018.

Proposed EDC: BHNCDSB



Education Land Costs	\$	22,122,597
EDC Financial Obligations	\$	81,854
EDC Study Costs	\$	300,000
Growth-Related Net Education Land Costs	\$	22,504,451

Calculation of Uniform Residential Charge

Residential Growth-Related Net Education Land Costs	\$ 22,504,451
Net New Dwelling Units	20,511
Uniform Residential EDC per Dwelling Unit	\$ 1,097

Next Steps



- Staff recommendations and reports
- Ministry approvals
- Bylaw passage consideration meeting – October 2018

QUESTIONS?

REPORT TO THE BRANT HALDIMAND NORFOLK CATHOLIC DISTRICT SCHOOL BOARD

Prepared by: Thomas R. Grice, Superintendent of Business & Treasurer
Presented to: Board of Trustees
Submitted on: September 18, 2018
Submitted by: Chris N. Roehrig, Director of Education & Secretary

EDUCATION DEVELOPMENT CHARGES

Public Session

BACKGROUND INFORMATION:

The Board is in the process of replacing its current Education Development Charge By-law. Ontario Regulation 20/98, made under the Education Act, governs various aspects of Education Development Charges (EDCs). The Regulation requires that the Board consider the application of an operating surplus to capital needs and alternative accommodation arrangements with a view to reducing the EDC rates.

DEVELOPMENTS:

Statement on Operating Budget Surplus

Paragraph 8 of Section 9(1) of Ontario Regulation 20/98 requires that the Board include a statement in the EDC Background Study stating that it has reviewed its operating budget for savings that could be applied to reduce growth-related net education land costs and the amount of any savings that it proposes to apply, if any.

Under the Grants for Student Needs - Legislative Grants Regulation, only a surplus from the non-classroom section of the estimates is eligible to be used to acquire school sites, and thereby reduce the growth-related net education land costs and the EDC that may be levied by the Board.

Where there has been, or appears that there will be, a surplus in the non-classroom section of the estimates in a fiscal year, the Board must determine whether all, part or none of the surplus will be designated for the purpose of acquiring school sites by purchase, lease or otherwise.

A review of the 2017-18 operating budget discloses that there will not be a surplus of operating funds available to allocate to capital needs. Moreover, it is projected that there will not be a surplus of operating funds available in the next year's forecasted operating budget. Based on the foregoing, the Board is unable to designate surplus funds for the purpose of acquiring school sites.

The Board's reasons for stating that there will be no operating budget surplus available to reduce growth-related net education land costs and the resulting EDC are as follows:

- lack of operating surplus;
- shortfalls in other areas of the operating budget; and
- significant backlog of facility renewal.

Alternative Accommodation Arrangements

Paragraph 6 of Section 9(1) of Ontario Regulation 20/98 requires that the Board consider possible arrangements with municipalities, school boards or other persons or bodies in the public or private sector, including arrangements of a long-term or co-operative nature, which would provide accommodation for new elementary school pupils and new secondary school pupils, without imposing EDCs, or with a reduction in such a charge.

The alternative accommodation arrangements that the Board may wish to consider include purchases, lease / buy backs, site exchanges and joint-venture partnerships. These alternative arrangements, if properly structured, have the potential to reduce site size requirements, improve service delivery, reduce duplication of public facilities and maximize the use of available funds.

Paragraph 7 of Section 9(1) of Ontario Regulation 20/98 requires that in the EDC Background Study, the Board include a statement concerning how alternative accommodation arrangements were implemented, and if it was not implemented, an explanation of why it was not implemented.

To date, there have not been any proposals for alternative accommodation arrangements presented to the Board. It is important to note that Ontario Regulation 20/98 does not require the Board to independently pursue such opportunities.

In summary, there were no opportunities or proposals for alternative accommodation arrangements advanced by the development industry, municipalities or the general public; nor did the Board identify any proposals which were considered appropriate with regard to its short-term and long-term needs.

RECOMMENDATION:

THAT the Brant Haldimand Norfolk Catholic District School Board approves the statement that there is not an operating surplus available in the non-classroom portion of the budget that can be applied to reduce growth-related net education land costs.

THAT the Brant Haldimand Norfolk Catholic District School Board approves the statement that there have been no opportunities to implement alternative accommodation arrangements.

**BRANT HALDIMAND NORFOLK
CATHOLIC DISTRICT SCHOOL BOARD
EDUCATION DEVELOPMENT CHARGES BY-LAW NO. 2018-A3**

A by-law for the imposition of education development charges in the City of Brantford and in the County of Brant.

PREAMBLE

1. Section 257.54(1) of the Education Act (the “Act”) enables a district school board to pass by-laws for the imposition of education development charges against land if there is residential development in its area of jurisdiction that would increase education land costs and the residential development requires one or more of the actions identified in section 257.54(2);
2. The Brant Haldimand Norfolk Catholic District School Board (the “Board”) has determined that the residential development of land to which this by-law applies increases education land costs;
3. Section 257.54(4) of the Act provides that an education development charge by-law may apply to the entire area of jurisdiction of a board or only part of it;
4. The Board has referred to the Minister of Education and Training 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;and such approval was given on September 11, 2018, in accordance with section 10 of Ontario Regulation 20/98;
5. The estimated average number of secondary school pupils of the Board over the five years immediately following the day this by-law comes into force will exceed the total capacity of the Board to accommodate secondary school pupils throughout its jurisdiction on the day this by-law is passed;
6. The Board has given a copy of the education development charges background study relating to this by-law to the Minister of Education and Training and to each school board having jurisdiction within the area to which this by-law applies in accordance with section 10 of Ontario Regulation 20/98;
7. The Board has given notice and held public meetings on September 18, 2018 and September 25, 2018 in accordance with sections 257.60(2) and 257.63(1) of the Act and permitted any person who attended the public meetings to make representations in respect of the Board’s education development charge policies and the proposed education development charges by-law; and
8. The Board has determined in accordance with section 257.63(3) of the Act that a further public meeting is not necessary in respect of this by-law.

NOW THEREFORE THE BRANT HALDIMAND NORFOLK CATHOLIC DISTRICT SCHOOL BOARD HEREBY ENACTS AS FOLLOWS:

PART 1 APPLICATION

Defined Terms

1. In this by-law:
 - (a) “Act” means the *Education Act*;
 - (b) “Board” means the Brant Haldimand Norfolk Catholic District School Board;
 - (c) “development” includes redevelopment and additional development on the same property;
 - (d) “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;
 - (e) “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 or pay for costs described in paragraphs (i) and (ii); and
 - (v) to undertake studies in connection with an acquisition referred to in paragraph (i).
 - (f) “education development charge” means charges imposed pursuant to this by-law in accordance with the Act;
 - (g) “gross floor area” means the total floor area, measured between the outside of the exterior walls or between the center line of party walls dividing the building from another building, of all floors above the average level or finished ground adjoining the building at its exterior walls;
 - (h) “local board” means a local board as defined in the *Municipal Affairs Act*, other than a district school 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 use;
 - (j) “municipality” means the City of Brantford or the County of Brant as the context requires;
 - (k) “non-residential use” means lands, buildings or structures or portions thereof used, or designed or intended for all uses other than residential use, and includes, but is not limited to, an office, retail, industrial or institutional use;
 - (l) “residential development” means lands, buildings or structures developed or to be developed for residential use;
 - (m) “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. Unless otherwise expressly provided in this by-law, the definitions contained in the Act, or the regulations under the Act, shall have the same meanings in this by-law.
 3. In this by-law where reference is made to a statute, a section of a statute or a regulation, such reference will be deemed to be a reference to any successor statute, section or regulation.

Lands Affected

4. (a) Subject to section 4(b), this by-law applies to all lands in the corporate limits of the City of Brantford except for the lands referred to as the “Development Charges Exemption Area” in Schedule “A” to By-law No. 38-2014 of The Corporation of the City of Brantford passed April 22, 2014, and applies to all lands in the corporate limits of the County of Brant except the First Nations reserve known as Six Nations Reserve Number 40 and the First Nations reserve known as the Mississauga of the New Credit Number 40A;
- (b) This by-law shall not apply to lands that are owned by and are used for the purpose of:
 - (i) a municipality or a local board thereof;
 - (ii) a district school board;
 - (iii) a publicly-funded university, community college or a college of applied arts and technology established under the *Ministry of Training, Colleges and Universities Act*, or a predecessor statute;
 - (iv) every place of worship and land used in connection therewith, and every churchyard, cemetery or burying ground, if they are exempt from taxation under section 3 of the *Assessment Act*;
 - (v) a farm building; and
 - (vi) an Indian reserve under the Indian Act, R.S.C. 1985, c.I-5.

PART II
EDUCATION DEVELOPMENT CHARGES

5. In accordance with the Act and this by-law, and subject to sections 10 and 11 herein, the Board hereby imposes an education development charge against land undergoing residential development in the area of the by-law if the residential development requires any one of those actions set out in subsection 257.54(2) of the Act, namely:
- (a) the passing of a zoning by-law or of an amendment to a zoning by-law 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 50 of the *Condominium Act, 1998*; or
 - (g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure,
- where the first building permit issued in relation to a building or structure for below ground or above ground construction is issued on or after the date that this by-law comes into force.
6. (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 actions referred to in section 5.
- (2) In respect of a particular development or redevelopment, an education development charge will be collected once, but this does not prevent the application of this by-law to additional development or redevelopment on the same property.
7. Subject to the provisions of this by-law, education development charges shall be imposed upon all categories of residential development.
8. Subject to the provisions of this by-law, education development charges shall be imposed upon all residential uses of land, buildings or structures.
9. Subject to the provisions of this by-law, an education development charge of ● Dollars (\$●.00) per dwelling unit shall be imposed upon the designated residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use, and in the case of a mixed-use building or structure, upon the dwelling units in the mixed-use building or structure.

Exemptions

10. (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 center 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 building;
 - (d) “single detached dwelling” means a residential building consisting of one dwelling unit that is not attached to another building.
 - (2) Subject to subsections (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 subsection (2)(b), education development charges shall be imposed in accordance with section 9 if the total gross floor area of the additional unit or two additional dwelling units exceeds the gross floor area of the existing single detached dwelling.
 - (4) Notwithstanding subsection (2)(c), education development charges shall be imposed in accordance with section 9 if the additional dwelling unit has a gross floor area greater than,
 - (a) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; or
 - (b) in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.
11. (1) Education development charges under section 9 shall not be imposed with respect to the replacement, on the same site, of a dwelling unit that was destroyed by fire, demolition or otherwise, or that was so damaged by fire, demolition or otherwise as to render it uninhabitable.

- (2) Notwithstanding subsection (1), education development charges shall be imposed in accordance with section 9 if the building permit for the replacement dwelling unit is issued more than 5 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 subsection (1), education development charges shall be imposed in accordance with section 9 against any dwelling unit or units on the same site in addition to the dwelling unit or units being replaced. The onus shall be on the applicant to produce evidence to the satisfaction of the Board, acting reasonably, to establish the number of dwelling units being replaced.
12. This section applies where an education development charge has previously been paid in respect of development on land and the land is being redeveloped, except where sections 10 and 11 apply:
- (a) The education development charge payable in respect of the redevelopment shall be calculated under this by-law;
 - (b) The education development charge determined under paragraph (a) shall be reduced by a credit equivalent to the education development charge previously paid in respect of the land, provided that the credit shall not exceed the education development charge determined under paragraph (a); and
 - (c) Where the redevelopment applies to part of the land the amount of the credit shall be calculated on a proportionate basis having regard to the development permissions being displaced by the new development.

PART III ADMINISTRATION

Payment of Education Development Charges

13. The education development charge in respect of a development is payable to the municipality in which the property is located on the date that the first building permit is issued in relation to a building or structure on land to which the education development charge applies.
14. The treasurer of the Board shall establish and maintain an education development charge account in accordance with the Act, the regulation and this by-law.

Payment by Services

15. Subject to the requirements of the Act, the Board may by agreement permit an owner to provide land in lieu of the payment of all or any portion of an education development charge. In such event, the Board's treasurer shall advise the treasurer of the municipality in which the land is situate of the amount of the credit to be applied to the education development charge.

Collection of Unpaid Education Development Charges

16. In accordance with section 257.96 of the *Act*, section 349 of the *Municipal Act*, 2001, S.O. 2001, c.25, applies with necessary modifications with respect to an education development charge or any part of it that remains unpaid after it is payable.

Date By-law In Force

17. This by-law shall come into force on September 30, 2018, and Board By-law No. 2013-A3, shall be repealed effective as of that same date.

Date By-law Expires

18. This by-law shall expire at the close of business on September 29, 2023, unless it is repealed at an earlier date.

Severability

19. Each of the provisions of this by-law are severable and if any provision hereof should for any reason be declared invalid by a court or tribunal, the remaining provisions shall remain in full force and effect.

Interpretation

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

Short Title

21. This by-law may be cited as the Brant Haldimand-Norfolk Catholic District School Board Education Development Charges By-law No. 2018-A3.

ENACTED AND PASSED this 25th day of September 2018.

Chair of the Board

Director of Education & Secretary