

KAWARTHA PINE RIDGE DISTRICT SCHOOL BOARD

TO: Kawartha Pine Ridge District School Board

TOPIC: **Education Development Charges By-law BL-25-001**

INITIATOR: April Foster, Superintendent, Business and Corporate Services

**BACKGROUND**

1. Education Development Charges (EDC) are used to fund the acquisition of school sites, and site related costs to accommodate growth-related pupil places. The Ministry of Education (MOE) requires that EDC be calculated on the basis of net growth-related pupil places resulting from housing development over a period of up to fifteen years.
2. EDC are established through the development of EDC by-laws. Subsection 257.54 (1) of the Education Act provides that if there is residential development in the area of jurisdiction of a district school board of education that would increase education land costs, the district school board may pass by-laws for the imposition of education development charges against land in its area of jurisdiction undergoing residential or non-residential development provided that the development requires one or more of the actions identified in subsection 257.54(2) of the Education Act.
3. In order to be eligible to pass an EDC by-law, the Board must submit a background study to the MOE demonstrating one of two criteria;
  - Capacity Trigger - Board's average enrolment in elementary or secondary, over the five years of the proposed EDC term, will exceed its elementary or secondary capacity; or
  - Financial Obligation - The Board's financial obligations exceed the current balance in the EDC account (i.e., an EDC deficit at expiry of the by-law).
4. For the purposes of EDC, the board is divided into two regions:
  - i. The upper-tier municipality of Northumberland, the local municipality of Clarington and the portion of the geographic area of the local municipality of Quinte West that on December 31, 1997, was included in the geographic area of the upper-tier municipality of Northumberland.
  - ii. The upper-tier municipality of Peterborough and the local municipality of Peterborough.

The Kawartha Pine Ridge District School Board (KPR) established its first set of EDC by-laws for the years 2000-2005, with EDC being in place for the Municipality of Clarington, Northumberland County/Quinte West-Murray Ward and the County and City of Peterborough. An area-specific EDC by-law has been in effect in Clarington since 2000, with the most recent renewal of this by-law occurring in December 2020. This by-law will expire on December 31, 2025. An EDC by-law is also in effect within the County and City of Peterborough, which was enacted April 4, 2022, and will expire on April 3, 2027. Currently there

is not an EDC by-law in effect for the balance of the Northumberland County/Quinte West-Murray Ward, and the Northumberland/Quinte West portion of the KPR jurisdiction does not have a negative EDC reserve fund, nor does the Board's current projected enrolment over the next five years exceed the pupil place capacity (i.e., On-the-Ground).

5. KPR and Peterborough, Victoria, Northumberland and Clarington Catholic District School Board (PVNC) are seeking to renew their respective EDC by-laws in the Municipality of Clarington by December 31, 2025. Watson & Associates Economists Ltd. (Watson) was retained to act as the EDC Consultant for both Boards, with the assistance of Cushman & Wakefield for appraisal services and Keel Cottrelle LLP for legal support in the process.
6. To consider the passage on an EDC By-law, the Boards are required to:
  - i. Prepare an EDC background study which is made available to the public prior to the required statutory public meetings.
  - ii. Hold two statutory public meetings to review the Boards' existing EDC policies and to review the proposed new ECD by-law.
  - iii. Obtain approval from the Ministry of Education on the estimates of pupil enrolment and the number of school sites needed contained in the EDC background study.

## **STATUS**

7. The [EDC Background Study \(September 3, 2025\)](#), prepared by Watson, was made available to the public via both Boards' websites. The requisite EDC Forms were provided to MOE to initiate their review on August 27, 2025. The full completed Background Study was submitted to MOE for review on September 2, 2025. An EDC By-law for the Municipality of Clarington is triggered in this round because the projected enrolment in the elementary panel for the Municipality of Clarington over the next five years exceeds the pupil place capacity (i.e., the On-the-Ground capacity).
8. Two virtual stakeholder meetings (July 9, 2025, and September 17, 2025) were held to review the existing EDC policies, the findings of the Background Study, and to review the proposed new rates and EDC by-laws. Representatives from the Municipality of Clarington and the Durham Region Home Builder's Association (who represent the larger development community) were in attendance. A copy of the presentation and of the video recording were provided to stakeholders for distribution to their colleagues/membership.
9. Two public meetings, as required by the Education Act, were held jointly with PVNC on September 18, 2025, to provide information on both Boards' existing EDC policies and the proposed EDC By-laws. The minutes for the Policy Review Public Meeting are attached as Appendix A, and for the Successor By-Law Public Meeting are attached as Appendix B.

The meetings were also an opportunity to receive comments from the public including the Municipality of Clarington, developers, builders, and any related

organizations who may have an interest in the EDC process and recommendations. As noted in the meeting minutes no members of the public attended or made any comments at the meetings, nor did the Boards receive any written delegations.

10. The existing KPRDSB EDC By-law for Clarington has the following rates:
  - i. \$2,143 per new, non-exempt residential unit, and
  - ii. \$0.74 per sq. ft. gross floor area for new, non-exempt non-residential land uses.
11. The Ministry of Education has confirmed approval of the estimates of pupil enrolment and number of school sites necessary contained in the Background Study on XX, XXX, 2025.
12. Rates Proposed:
  - a) The education development charge per dwelling unit shall be in the following amounts for the periods set out in the chart below as a result of a legislated and capped annual increase of the greater of 5% and \$300.00.
  - b) The education development charge on non-residential development shall be in the following amounts for the periods set out in the chart below as a result of a legislated and capped annual increase of the greater of 5% or \$0.10 per square foot.

Type of Development	Current EDC Rate	Year 1	Year 2	Year 3	Year 4	Year 5	Maximum Rate
Residential (per unit)	\$ 2,143	\$2,443	\$2,743	\$3,043	\$3,343	\$3,643	\$5,315
Non-Residential (per sq. foot)	\$ 0.74	\$ 0.84	\$ 0.94	\$ 1.04	\$ 1.14	\$ 1.24	\$ 1.33

13. The draft EDC By-law detailing the annual rate for EDC is provided in Appendix C.
14. The Education Act permits the Board to determine the date an EDC By-law comes into force, as long as such date is at least five days following the date of passage. The EDC By-law (BL-25-001) will come into force on January 1, 2026 – where in the existing by-law (BL 20-001) will be repealed.
15. As part of this report, Jack Ammendolia from Watson & Associates Economists Ltd. and Buck Sulley from Keel Cottrelle will provide the Board with a general overview of the proposed EDC by-law.

**BUDGET IMPLICATIONS**

16. There will be no budget implications for the 2025-2026 budget. Costs incurred to complete the EDCs background work will be applied against the EDC funds received.

**RECOMMENDATIONS**

1. That the minutes of the Joint Education Development Charges Policy Review Public Meeting of Kawartha Pine Ridge District School Board and Peterborough Victoria Northumberland and Clarington Catholic District School Board for September 18, 2025, be adopted as recorded.
2. That the minutes of the Joint Education Development Charges Successor By-Law Public Meeting of Kawartha Pine Ridge District School Board and Peterborough Victoria Northumberland and Clarington Catholic District School Board for September 18, 2025, be adopted as recorded.
3. That the Kawartha Pine Ridge District School Board resolve that:
  - a) the Board enact an Education Development Charge By-law for 2026-2030 to apply to land in the Municipality of Clarington,
  - b) the Education Development Charge By-law for 2026-2030 levy an education development charge on both residential and non-residential development, and that the residential levy be set at a uniform rate; and that the percentage of the growth-related net education land cost that is to be funded by non-residential development be set at 10%; and further that the rates be as set out in the report to the Board;
  - d) the Education Development Charge By-law for 2026-2030 come into force on January 1, 2026, and expire December 31, 2030, unless it is repealed at an earlier date;
  - e) the Education Development Charge By-law BL-25-001 be passed in the form provided as Appendix C with the date of Ministerial approval inserted therein; and
  - f) no further meeting under Section 257.63 of the Education Act is necessary since any amendments made to the proposed education development charge by-law for 2026-2030 previously posted on KPR's website are minor in nature.



## MINUTES

### EDUCATION DEVELOPMENT CHARGES POLICY REVIEW

and

### PASSAGE OF SUCCESSOR EDUCATION DEVELOPMENT CHARGES BY-LAWS

KAWARTHA PINE RIDGE DISTRICT SCHOOL BOARD  
PETERBOROUGH VICTORIA NORTHUMBERLAND AND CLARINGTON CATHOLIC  
DISTRICT SCHOOL BOARD

TO BE HELD THURSDAY, SEPTEMBER 18, 2025 - 7:00 PM  
AT HOLY TRINITY CSS, 2260 COURTICE ROAD, COURTICE ON, L1E 2M8  
By Google Meet. (\*)

#### PRESENT

Trustees: PVNCCDSB: Trustee Kevin MacKenzie (Board Chairperson), Trustee Jenny Leahy, Trustee Loretta Durst, Trustee Mary Ann Martin.  
KPRDSB: Trustee Paul Brown, Trustee Cathy Abraham, Trustee Terry Brown, Trustee Steve Russell, Trustee Angela Lloyd, Trustee Cyndi Dickson (\*), Trustee Diane Lloyd(\*).

Administration: PVNCCDSB: Director Stephen O'Sullivan, Superintendent Sean Heuchert, Manager of Purchasing, Plant & Facility Kevin Hickey.  
KPRDSB: Director Rita Russo, Superintendent April Foster, Manager of Planning Services Jeanette Thompson.

Guests: Jack Ammendolia, Watson & Associate Economists Ltd, Buck Sully Keel Cottrelle LLP.

Recorder: Mrs. Ashley Faulkner (\*)

PVNCCDSB Chair: Stephen O'Sullivan, Director of Education

KPRDSB Chair: N/A

## POLICY REVIEW MEETING

### A. Call to Order

1. Director O'Sullivan called the meeting to order at 6:58 p.m.
1. PVNCCDSB Prayer - Director O'Sullivan
2. Land Acknowledgement - Director O'Sullivan

### **3. Approval of the Agenda**

**Motion: Moved by Mary Anne Martin Seconded By Cathy Abraham,**  
that the agenda for the Educational Development Policy Review Meeting be  
approved.

Carried

### **4. Declarations of Conflicts of Interest**

There were none.

### **5. Delegations**

There were none.

## **B. NewBusiness**

### **1. Background Remarks (PVNCCDSB)**

### **2. Balance of Background Remarks (PVNCCDSB)**

### **3. Presentation: Jack Ammendolia, Watson & Associate Economists Ltd.**

Jack Ammendolia presented information on the EDC policy review.

### **4. Presentation: Buck Sully, Keel Cottrelle LLP**

Buck Sully presented the criteria that must be met in order to be compliant with all regulations and conditions to pass the by-law. Attendees were given the opportunity to ask questions.

### **5. Reports from Official Staff**

There were none.

### **6. Questions from Trustees**

There were no additional questions.

### **7. Delegations**

There were none.

### **8. Further Business**

There was none.

### **9. Termination of Policy Review Meeting**

**Motion: Moved by Paul Brown Seconded By Mary Ann Martin,**  
receive as information the EDC Policies the presentation from Watson &  
Associates Economists Ltd.

Carried.

**Motion: Moved by Angela Lloyd Seconded By Kevin MacKenzie,**  
receive as information the verbal/written presentations from legal counsel, and  
members of the public regarding the education development charges policy  
review (if any).

Carried.

**C. Conclusion**

**1. Conclude the policy review public meeting.**

**Motion: Moved by Loretta Durst Seconded By Jenny Leahy,**  
to conclude the policy review public meeting.

Carried.

**Time Adjourned: 7:28 pm**



**MINUTES**  
**EDUCATION DEVELOPMENT CHARGES POLICY REVIEW**  
**and**  
**PASSAGE OF SUCCESSOR EDUCATION DEVELOPMENT CHARGES BY-LAWS**  
**KAWARTHA PINE RIDGE DISTRICT SCHOOL BOARD**  
**PETERBOROUGH VICTORIA NORTHUMBERLAND AND CLARINGTON CATHOLIC**  
**DISTRICT SCHOOL BOARD**

TO BE HELD THURSDAY, SEPTEMBER 18, 2025 - 7:15 PM  
 AT HOLY TRINITY CSS, 2260 COURTICE ROAD, COURTICE ON, L1E 2M8  
 By Google Meet. (\*)

**PRESENT**

Trustees: PVNCCDSB: Trustee Kevin MacKenzie (Board Chairperson), Trustee Jenny Leahy, Trustee Loretta Durst, Trustee Mary Ann Martin.  
 KPRDSB: Trustee Paul Brown, Trustee Cathy Abraham, Trustee Terry Brown, Trustee Steve Russell, Trustee Angela Lloyd, Trustee Cyndi Dickson (\*), Trustee Diane Lloyd(\*).

Administration: PVNCCDSB: Director Stephen O'Sullivan, Superintendent Sean Heuchert, Manager of Purchasing, Plant & Facility Kevin Hickey.  
 KPRDSB: Director Rita Russo, Superintendent April Foster, Manager of Planning Services Jeanette Thompson.

Guests: Jack Ammendolia, Watson & Associate Economists Ltd, Buck Sully Keel Cottrelle LLP.

Recorder: Mrs. Ashley Faulkner (\*)

PVNCCDSB Chair: Stephen O'Sullivan, Director of Education  
 KPRDSB Chair: N/A

## **SUCCESSOR BY-LAWS PUBLIC MEETING**

### **A. Call to Order**

**1. Director O'Sullivan called the meeting to order at 7:32 p.m.**

**2. PVNCCDSB Prayer**

This was already offered in the first meeting, the Chair chose to forego.



### **3. Land Acknowledgement**

This was already offered in the first meeting, the Chair chose to forego.

### **4. Approval of the Agenda**

**Motion: Moved by Cathy Abraham Seconded By Jenny Leahy,**  
that the agenda for the Educational Development Policy Review Meeting be approved.

Carried.

### **5. Declarations of Conflicts of Interest**

There were none.

### **6. Delegations**

There were none.

## **B. New Business**

#### **1. Presentation Jack Ammendolia, Watson & Associate Economists Ltd. (proposed Education development charges by-law)**

Jack Ammendolia presented on the proposed education development charges by-laws. Attendees were given the opportunity to ask questions.

#### **2. Buck Sully, Keel Cottrelle LLP (explain the text of the draft by-laws)**

Presented on the text of the draft by-laws. Mr. Sully reviewed the exemptions within the by-law and the timeline for implementation of the new by-law depending on the date in which it is approved. Attendees were given the opportunity to ask questions.

#### **3. Reports from Official Staff**

There were none.

#### **4. Questions from Trustees**

There were no additional questions.

#### **5. Delegations**

There were none.

#### **6. Further Business**

There were none.

#### **7. Termination of Successor By-Laws Meeting**

**Chair PVNCCDSB - Director O'Sullivan**

**Motion: Moved by Kevin MacKenzie, Seconded by Loretta Durst,**  
to receive the report from Watson & Associates Economists Ltd. as information  
on the Education Development Charges Background Study.

Carried.

**Motion: Moved by Mary Ann Martin, Seconded By Terry Brown,**  
to:

- (i) receive as information the Draft By-laws verbal report from Keel Cottrelle LLP; and,
- (ii) receive as information any verbal and written presentations from the public regarding the proposed education development charges by-law (if any).

Carried.

**C. Conclusion**

**1. Adjourn the Successor By-Laws Meeting**

**Moved by Jenny Leahy, Seconded by Angela Lloyd,**  
that the Successor By-laws public meeting be adjourned.

Carried.

**Time Adjourned: 8:18 pm**

**KAWARTHA PINE RIDGE DISTRICT SCHOOL BOARD**  
**EDUCATION DEVELOPMENT CHARGES BY-LAW BL-25-001**  
**FOR THE MUNICIPALITY OF CLARINGTON**

**A by-law for the imposition of education development charges**

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

**WHEREAS** the Kawartha Pine Ridge District School Board (the “**Board**”) has referred to the Minister of Education the following estimates with respect to the Municipality of Clarington for approval:

- (i) the total number of new school pupils and the number of existing school pupil places that could reasonably be used to accommodate those new school pupils, for each of the 15 years immediately following the day the Board intends to have this by-law come into force;
- (ii) the total number of new school pupils who were or who are, for each of the years referred to in paragraph (i), expected to be generated by new dwelling units that were since July 1, 2020 built in the area in which the charges are to be imposed under this by-law;
- (iii) the number of existing and planned school pupil places that could reasonably be used to accommodate the estimated total number of new school pupils referred to in paragraph (ii); and,
- (iv) the number of school sites used by the Board to determine the net education land cost to be recovered in the 15-year period immediately following the day the Board intends to have this by-law come into force;

which estimates the Minister of Education approved on ● in accordance with section 10 of Ontario Regulation 20/98, as amended;

**WHEREAS** the estimated average number of elementary 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 elementary school pupils throughout its jurisdiction on the day this by-law is passed;

**WHEREAS** the Board has given a copy of the education development charge background study relating to this by-law to the Minister of Education and to each school board having jurisdiction within the area to which this by-law applies;

**WHEREAS** the Board has provided any information related to the education development charge background study or the calculation of education development charges as set out therein requested by the Minister of Education;

**WHEREAS** the Board has conducted a review of its education development charge policies and given notice of and held public meetings on September 18, 2025, and November 25<sup>th</sup>, 2025, in accordance with subsections 257.60(2) and 257.63(1) of the *Education Act*;

**WHEREAS** the Board has permitted any person who attended the public meetings on September 18, 2025 and November 25, 2025, to make representations in respect of the proposed education development charges and by-law;

**WHEREAS** the Board has therefore satisfied the conditions prescribed by section 10 of Ontario Regulation 20/98, as amended, made under the Act in order for the Board to pass an education development charge by-law;

**WHEREAS** the Board has determined in accordance with subsection 257.63(3) of the *Education Act* that no additional public meeting is necessary in respect of this by-law;

**NOW THEREFORE** THE KAWARTHA PINE RIDGE 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 building or structure” means a building or structure 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, and residential buildings which are used exclusively to provide living accommodation for employees of the operator of the farming operation and which are occupied for fewer than six (6) consecutive months during each calendar year, but shall not include a dwelling unit or any other building or structure or parts thereof used for residential accommodation or other retail, commercial, office, industrial or institutional purposes which constitute non-residential development;

- (c) “Board” means the Kawartha Pine Ridge 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).
- but not:
- (vi) costs of any building to be used to provide pupil accommodation; or
  - (vii) costs that are prescribed in the Regulation as costs that are not education land costs.
- (g) “education development charge” means charges imposed pursuant to this by-law in accordance with the Act;
  - (h) “existing industrial building” means a building used for or in connection with,

- (i) manufacturing, producing, processing, storing or distributing something,
- (ii) research or development in connection with manufacturing, producing or processing something,
- (iii) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place,
- (iv) office or administrative purposes, if they are,
  - (1) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
  - (2) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;
- (i) “gross floor area of non-residential development” means in the case of a non-residential building or structure or the non-residential portion of a mixed-use building or structure, 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 or structure from another building or structure, of all floors at, above or below the average level of finished ground adjoining the building or structure at its exterior walls, and, for the purpose of this definition, the non-residential portion of a mixed-use building or structure is deemed to include one-half of any area common to the residential and non-residential portions of such mixed-use building or structure;
- (j) “local board” means a local board as defined in the *Municipal Affairs Act*, R.S.O. 1990, c. M.46, as amended, other than a board defined in subsection 257.53(1) of the Act;
- (k) “mixed use” means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- (l) “Municipality” means the Municipality of Clarington in the Regional Municipality of Durham;
- (m) “non-residential building or structure” means a building or structure 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, building or structure;
- (n) “non-residential development” means a development other than a residential development and includes, but is not limited to, office, retail, industrial or institutional development;

- (o) “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;
  - (p) “*Planning Act*” means the Planning Act, R.S.O. 1990, c. P.13, as amended;
  - (q) “Region” means the Regional Municipality of Durham;
  - (r) “Regulation” means Ontario Regulation 20/98, as amended, made under the Act;
  - (s) “residential development” means lands, buildings or structures developed or to be developed for residential use.
  - (t) “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 agricultural use.
2. Unless otherwise expressly provided in this by-law, the definitions contained in the Act or the Regulation shall have the same meanings in this by-law. In this by-law where reference is made to a statute or regulation or a section of a statute or regulation such reference is deemed to be a reference to any successor statute or regulation or section of such statute or regulation, and any reference to a statute or regulation will be deemed to be a reference to the statute or regulation as amended, re-enacted or remade or as changed under Part V of the *Legislation Act*.

### **Lands Affected**

3. (1) Subject to subsections 3(2) to (6), this by-law applies to all lands in the Municipality.
- (2) This by-law shall not apply to lands that are owned by and are used for the purposes of:
- (a) the Municipality or a local board thereof;
  - (b) a board as defined in subsection 257.53(1) of the Act;
  - (c) the Region or a local board thereof;
  - (d) a public hospital receiving aid under the *Public Hospitals Act*, R.S.O. 1990, c.26, as amended; or,
  - (e) Metrolinx.
- (3) Subject to subsection (4), an owner shall be exempt from education development charges if a development on its lands would construct, erect, or place a building or structure, or make an addition or alteration to a building or structure for one of the following purposes:

- (a) a private school;
  - (b) a long-term care home, as defined in the *Fixing Long-Term Care Act, 2021*, S.O. 2021, c. 39, Sched. 1, as amended;
  - (c) a retirement home, as defined in the *Retirement Homes Act, 2010*, S.O. 2010, c. 11, as amended;
  - (d) a hospice or other facility that provides palliative care services;
  - (e) a child care centre, as defined in the *Child Care and Early Years Act, 2014*, S.O. 2014, c. 11, Sched. 1, as amended; or
  - (f) a memorial home, clubhouse or athletic grounds owned by the Royal Canadian Legion.
- (4) If only a portion of a building or structure, or an addition or alteration to a building or structure, referred to in subsection (3) will be used for a purpose identified in that subsection, only that portion of the building, structure, addition or alteration is exempt from an education development charge.
- (5) An owner shall be exempt from education development charges if the owner is,
- (a) a college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*, S.O. 2002, c. 8, Sched. F, as amended;
  - (b) a university that receives regular and ongoing operating funds from the Government of Ontario for the purposes of post-secondary education;
  - (c) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*, S.O. 2017, c. 34, Sched. 20, as amended;
- (6) This by-law shall not apply to non-residential agricultural buildings or structures that are owned by and are used for the purposes of a *bona fide* farming operation.

#### **Approvals for Development**

4. (1) In accordance with the Act and this by-law, and subject to sections 10 and 11, education, 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. C.19, as amended; or
  - (g) the issuing of a permit under the *Building Code Act, 1992*, S.O. 1992, c.23, as amended, in relation to a building or structure.
- (2) In respect of a particular development an education development charge will be collected once, but this does not prevent the application of this by-law to future development on the same property. For greater certainty, an education development charge will be imposed on any additional dwelling unit to be built on the property that is not exempted under sections 10 and 11 of this by-law, and for which an action referred to in subsection 4(1) is required.
5. (1) In accordance with the Act and this by-law, and subject to sections 13 and 14, education development charges shall be imposed against all lands, buildings or structures undergoing non-residential development which has the effect of creating gross floor area of non-residential development or of increasing existing gross floor area of non-residential development if the development requires 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. C.19, as amended; or
  - (g) the issuing of a permit under the *Building Code Act, 1992*, S.O. 1992, c.23, as amended, in relation to a building or structure.

- (2) In respect of a particular development an education development charge will be collected once, but this does not prevent the application of this by-law to future development on the same property. For greater certainty, an education development charge will be imposed on any non-residential development that is not exempted under sections 13 and 14 of this by-law, and for which an action referred to in subsection 5(1) is required.
6. 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**

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

## **PART II**

### **EDUCATION DEVELOPMENT CHARGES**

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

9. Subject to the provisions of this by-law, an education development charge 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. The education development charge per dwelling unit shall be in the following amounts for the periods set out below:
  - (a) January 1, 2026 to December 31, 2026 - \$2,443.00;
  - (b) January 1, 2027 to December 31, 2027 - \$2,743.00;
  - (c) January 1, 2028 to December 31, 2028 - \$3,043.00;
  - (d) January 1, 2029 to December 31, 2029 - \$3,343.00; and,
  - (e) January 1, 2030 to December 31, 2030 - \$3,643.00.

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

10. (1) In this section,

- (a) “additional dwelling unit” is a dwelling unit for which the application for the building permit for such additional dwelling unit is submitted no sooner than twelve (12) months after the earliest of the dates on which any of the following events occurs:
    - (i) the issuance of a certificate of occupancy for the dwelling unit already in the building;
    - (ii) if no certificate of occupancy is issued by the area municipality, the occupancy of the dwelling unit already in the building, as established by proper evidence of such occupancy; or,
    - (iii) the delivery of the certificate of completion, pursuant to subsection 13(3) of the Ontario *New Home Warranties Plan Act*, R.S.O. 1990, c. O.31, for the dwelling unit already in the building;
  - (b) “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;
  - (c) “other residential building” means a residential building not in another class of residential building described in this section;
  - (d) “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;
  - (e) “single detached dwelling” means a residential building consisting of one dwelling unit that is not attached to another building.
- (2) In accordance with the Act, and subject to subsections 10(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 an existing semi-detached dwelling, an existing row dwelling, or any other existing residential building.
- (3) Notwithstanding subsection 10(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 11(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 two (2) years after,
  - (a) the date the former dwelling unit was destroyed or became uninhabitable; or
  - (b) if the former dwelling unit was demolished pursuant to a demolition permit issued before the former dwelling unit was destroyed or became uninhabitable, the date the demolition permit was issued.
- (3) Notwithstanding subsection 11(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 is on the applicant to produce evidence to the satisfaction of the Board, acting reasonably, to establish the number of dwelling units being replaced.
- (4) Education development charges shall be imposed in accordance with section 12 where the dwelling unit described in subsection 11(1) is replaced by or converted to, in whole or in part, non-residential development.

### **Non-Residential Education Development Charges**

- 12. Subject to the provisions of this by-law, an education development charge shall be imposed upon the designated categories of non-residential development and the designated non-residential uses of land, buildings or structures and, in the case of a mixed use building or structure, upon the non-residential uses in the mixed-use building or structure. The education development charge per square foot (square metre) of such non-residential development and uses of land, buildings or structures shall be in the following amounts for the periods set out below:
  - (a) January 1, 2026 to December 31, 2026 - \$0.84 per square foot (\$9.04 per square metre);

- (b) January 1, 2027 to December 31, 2027 - \$0.94 per square foot (\$10.12 per square metre);
- (c) January 1, 2028 to December 31, 2028 - \$1.04 per square foot (\$11.19 per square metre);
- (d) January 1, 2029 to December 31, 2029 - \$1.14 per square foot (\$12.27 per square metre); and,
- (e) January 1, 2030 to December 31, 2030 - \$1.24 per square foot (\$13.35 per square metre);

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

- 13. Notwithstanding section 12 of this by-law, education development charges shall not be imposed upon a non-residential development if the development does not have the effect of creating gross floor area of non-residential development or of increasing existing gross floor area of non-residential development.
- 14. (1) Education development charges under section 12 shall not be imposed with respect to the replacement, on the same site, of a non-residential building or structure that was destroyed by fire, demolition or otherwise, or that was so damaged by fire, demolition or otherwise as to render it unusable.
- (2) Notwithstanding subsection 14(1), education development charges shall be imposed in accordance with section 12 if the building permit for the replacement non-residential building or structure is issued more than 5 years after,
  - (a) the date the former building or structure was destroyed or became unusable; or
  - (b) if the former building or structure was demolished pursuant to a demolition permit issued before the former building or structure was destroyed or became unusable, the date the demolition permit was issued.
- (3) Notwithstanding subsection 14(1), if the gross floor area of the non-residential part of the replacement building or structure exceeds the gross floor area of the non-residential part of the building or structure being replaced, education development charges shall be imposed in accordance with section 12 against the additional gross floor area. The onus is on the applicant to produce evidence to the satisfaction of the Board, acting reasonably, to establish the gross floor area of the non-residential building or structure being replaced.
- (4) Education development charges shall be imposed in accordance with section 9 if the non-residential building or structure described in subsection 14(1) is replaced by or converted to, in whole or in part, a dwelling unit or units.

15. (1) If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the education development charge that is payable in respect of the enlargement shall be determined in accordance with the following rules:
- (a) if the gross floor area is enlarged by 50 per cent or less, the amount of the education development charge in respect of the enlargement is zero;
  - (b) if the gross floor area is enlarged by more than 50 per cent the amount of the education development charge in respect of the enlargement is the amount of the education development charge that would otherwise be payable multiplied by the fraction determined as follows:
    - (i) determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement.
    - (ii) divide the amount determined under paragraph (i) by the amount of the enlargement.
- (2) For the purposes of subsection 15(1), the following provisions apply:
- (a) the gross floor area of an existing industrial building shall be calculated as it existed prior to the first enlargement of such building for which an exemption under subsection 15(1) of this by-law or a similar provision of any prior education development charge by-law of the Board was sought;
  - (b) the enlargement of the gross floor area of the existing industrial building must be attached to such building; and,
  - (c) the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, shared below grade connection, foundation, footing or parking facility, but must share a common wall with such building.

### **PART III**

## **ADMINISTRATION**

### **Payment and Reporting of Education Development Charges**

16. 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.
17. The Municipality shall provide to the Board a monthly report in accordance with its obligations under Section 257.97 of the Act and Section 20 of the Regulation.

18. The treasurer of the Board shall establish and maintain an educational development charge reserve fund in accordance with the Act, the Regulation and this by-law.

#### **Payment by Services**

19. Notwithstanding the payments required under section 16, 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. In such event, the Treasurer of the Board 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**

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

#### **Date By-Law in Force**

21. This by-law shall come into force on January 1, 2026. On such date, the Kawartha Pine Ridge District School Board 2020 Education Development Charges By-Law BL 20-001 (Municipality of Clarington) shall be repealed.

#### **Date By-Law Expires**

22. This by-law shall expire on December 31, 2030, unless it is repealed at an earlier date.

#### **Severability**

23. 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**

24. 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**

25. This by-law may be cited as the Kawartha Pine Ridge District School Board 2025 Education Development Charges By-Law (Municipality of Clarington).

ENACTED AND PASSED this 25<sup>th</sup> day of November, 2025.

.....  
Chairperson of the Board

.....  
Director of Education and Secretary of the Board