

KAWARTHA PINE RIDGE DISTRICT SCHOOL BOARD
EDUCATION DEVELOPMENT CHARGES BY-LAW BL-20-001
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, 2015 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, December 11, 2020 in accordance with section 10 of Ontario Regulation 20/98, as amended;

WHEREAS at the time of expiry of the Kawartha Pine Ridge District School Board 2015 Education Development Charges By-law (Municipality of Clarington), the balance in the education development charge reserve fund with respect to the said by-law is less than the amount required to pay outstanding commitments to meet growth-related net education land costs, as calculated for the purposes of determining the education development charges to be imposed under

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 other retail, commercial, office, industrial or institutional purposes which constitute non-residential development;

- (c) “Board” means the Board of Directors of the corporation.

- (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 distrspa(m)-2 (a)4g[42 (s)8b094 (c)4d somethi4]TJ 18 0 8 ()Tj EM

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*;

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the non-residential building or structure described in subsection (1) is replaced by or converted to, in whole or in part, a dwelling unit or units

Payment by Services

18. 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.

Collection of Unpaid Education Development Charges

19. 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

20. This by-law shall come into force on January 1, 2021. On such date, the Kawartha Pine Ridge District School Board 2015 Education Development Charges By-Law BL 15-001 (Municipality of Clarington) shall be repealed.

Date By-Law Expires

21. This by-law shall expire on December 31, 2025, unless it is repealed at an earlier date.

Severability

22. 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

23. 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

24. This by-law may be cited as the Kawartha Pine Ridge District School Board 2020 Education Development Charges By-Law (Municipality of Clarington).

ENACTED AND PASSED this 15th day of December, 2020.

