

**HAMILTON-WENTWORTH CATHOLIC DISTRICT SCHOOL BOARD
EDUCATION DEVELOPMENT CHARGE AMENDING BY-LAW (2022)**

**A by-law to amend Hamilton-Wentworth Catholic District School Board
Education Development Charges By-law No. 2019**

WHEREAS the Hamilton-Wentworth Catholic District School Board enacted Hamilton-Wentworth Catholic District School Board Education Development Charges By-law No. 2019 on May 7, 2019;

AND WHEREAS Section 257.70 of the Education Act, R.S.O. 1990, c. E.2 (the “Act”), provides for amendments to education development charges by-laws;

AND WHEREAS the Hamilton-Wentworth Catholic District School Board requires amendments to Hamilton-Wentworth Catholic District School Board Education Development Charges By-law No. 2019;

AND WHEREAS in accordance with the Act, the background study for Hamilton-Wentworth Catholic District School Board Education Development Charges By-law No. 2019 has been made available to the public;

AND WHEREAS the Hamilton-Wentworth Catholic District School Board has made available to the public sufficient information to allow the public to understand the proposed amendments to Hamilton-Wentworth Catholic District School Board Education Development Charges By-law No. 2019;

AND WHEREAS the Hamilton-Wentworth Catholic District School Board has given notice of the proposed amendments to Hamilton-Wentworth Catholic District School Board Education Development Charges By-law No. 2019 in accordance with the Act and Ontario Regulation 20/98;

AND WHEREAS an opportunity was given to interested parties to provide comments and submissions to the Hamilton-Wentworth Catholic District School Board in respect of this amending by-law;

NOW THEREFORE, THE HAMILTON-WENTWORTH CATHOLIC DISTRICT SCHOOL BOARD HEREBY ENACTS AS FOLLOWS:

1. Section 4 of Hamilton-Wentworth Catholic District School Board Education Development Charges By-law No. 2019 is hereby repealed and replaced with the following:
 - (1) Subject to subsections 4(2) to 4(6), inclusive, this by-law applies to all lands in the geographical limits of the City of Hamilton.
 - (2) This by-law shall not apply to lands that are owned by and are used for the purposes of:
 - (a) a municipality or a local board thereof;
 - (b) a board as defined in section 257.53(1) of the Act;

- (c) a public hospital receiving aid under the *Public Hospitals Act*, R.S.O. 1990, c. P.40;
 - (d) a place of worship owned by a religious organization that is exempt from taxation under the *Assessment Act* that is used primarily as a place of public worship;
 - (e) a cemetery or burying ground that is exempt from taxation under the *Assessment Act*; and
 - (f) 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 *Long-Term Care Homes Act, 2007*;
 - (c) a retirement home, as defined in the *Retirement Homes Act, 2010*;
 - (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*;
 - (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*;
 - (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*;

(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.

2. Section 9 of Hamilton-Wentworth Catholic District School Board Education Development Charges By-law No. 2019 is hereby repealed and replaced with the following:

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:

i) July 6, 2022 to July 5, 2023 - \$1,401;

ii) July 6, 2023 to July 5, 2024 - \$1,701

3. Section 12 of Hamilton-Wentworth Catholic District School Board Education Development Charges By-law No. 2019 is hereby repealed and replaced with the following:

Subject to the provisions of this by-law, an education development charge per square foot of gross floor area of non-residential development 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 of gross floor area shall be in the following amounts for the periods set out below:

i) July 6, 2022 to July 5, 2023 - \$0.45;

ii) July 6, 2023 to July 5, 2024 - \$0.55;

4. For greater certainty, Hamilton-Wentworth Catholic District School Board Education Development Charges By-law No. 2019, remains in full force and effect subject to the amendments thereto described in Sections 1, 2 and 3 of this amending by-law.

5. This amending by-law shall come into force on July 6, 2022.

ENACTED AND PASSED this 21st day of June, 2022


Chairperson


Director of Education and Secretary