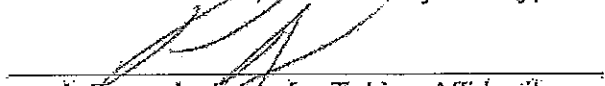


This is Exhibit "2" referred to in the.....
.....Affidavit of Christopher Paul Bloye.....
Affirmed before me, this 27th day of July, 2018



A Commissioner for Taking Affidavits
Padraic Ryan
LSO# 61687J



Ontario: Annual Statutes

1989

c 58 Development Charges Act, 1989

Ontario

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CHAPTER 58

An Act to provide for the
Payment of Development Charges*Assented to November 23rd, 1989*

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

"area municipality" means,

- (a) a town, other than a separated town, township or village in a county, and
- (b) a city, town, village or township in a regional, metropolitan or district municipality;

"benefiting area" means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;

"capital cost" means costs incurred or proposed to be incurred by a municipality or a local board thereof directly or under an agreement,

- (a) to acquire land or an interest in land,
- (b) to improve land,
- (c) to acquire, construct or improve buildings and structures,
- (d) to acquire, construct or improve facilities including,
 - (i) rolling stock, furniture and equipment, and
 - (ii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act, 1984*, and
- (e) to undertake studies in connection with any of the matters in clauses (a) to (d),

1984, c. 57

required for the provision of services designated in a development charge by-law within or outside the municipality, including interest on borrowing for those expenditures under clauses (a), (b), (c) and (d) that are growth-related;

"development" includes redevelopment;

"development charge" means a charge imposed with respect to growth-related net capital costs against land under a by-law passed under section 3;

"development charge by-law" means a by-law passed under section 3;

"front-end payment" means a payment made by an owner pursuant to a front-ending agreement, which may be in addition to a development charge that the owner is required to pay under a development charge by-law, to cover the net capital costs of the services designated in the agreement that are required to enable the land to be developed;

"front-ending agreement" means an agreement made under section 21;

"growth-related net capital cost" means the portion of the net capital cost of services that is reasonably attributable to the need for such net capital cost that results or will result from development in all or a defined part of the municipality;

"local board" means a local board as defined in the *Municipal Affairs Act*, other than a board defined in subsection 30 (6); R.S.O. 1980, c. 307

"municipality" means a city, town, village, township, improvement district or county or a regional, metropolitan or district municipality;

"Municipal Board" means the Ontario Municipal Board;

"net capital cost" means the capital cost less capital grants, subsidies and other contributions made to a municipality or that the council of the municipality anticipates will be made, including conveyances or payments under sections 41, 50 and 52 of the *Planning Act, 1983*, in respect of the capital cost; 1983, c. 1

"owner" means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;

"prescribed" means prescribed by regulations made under this Act;

"services" means services designated in a development charge by-law or in an agreement made under section 21, as applicable;

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“upper tier municipality” means a county or a regional, metropolitan or district municipality.

Adminis-
tration

2. The Minister of Municipal Affairs is responsible for the administration of Parts I, II and IV and the Minister of Education is responsible for the administration of Part III.

PART I

DEVELOPMENT CHARGES

By-laws
respecting
development
charges

3.—(1) The council of a municipality may pass by-laws for the imposition of development charges against land if the development of the land would increase the need for services and the development requires,

1983, c. 1

(a) the passing of a zoning by-law or of an amendment thereto under section 34 of the *Planning Act, 1983*;

(b) the approval of a minor variance under section 44 of the *Planning Act, 1983*;

(c) a conveyance of land to which a by-law passed under subsection 49 (7) of the *Planning Act, 1983* applies;

(d) the approval of a plan of subdivision under section 50 of the *Planning Act, 1983*;

(e) a consent under section 52 of the *Planning Act, 1983*;

R.S.O. 1980,
c. 84

(f) the approval of a description under section 50 of the *Condominium Act*; or

R.S.O. 1980,
c. 51

(g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

Exceptions

(2) Subsection (1) does not apply in respect of an action mentioned in clauses (1) (a) to (g) that would have the effect only,

(a) of permitting the enlargement of an existing dwelling unit; or

(b) of creating one or two additional dwelling units as prescribed, in prescribed categories of existing residential buildings.

Mandatory
provisions

(3) A by-law passed under subsection (1) shall,

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- (a) designate those uses of land, buildings or structures upon which a development charge shall be imposed;
 - (b) designate the areas within which a development charge shall be imposed;
 - (c) establish the development charge, or the schedule of development charges, to be imposed in respect of the designated uses of land, buildings or structures; and
 - (d) designate services for which a development charge may be imposed.
- (4) A by-law passed under subsection (1) may, Other provisions
- (a) provide for the indexing of development charges based on one of the prescribed indices; and
 - (b) provide that a development charge shall be payable in money or by the provision of services or by a combination of both as may be agreed upon under subsection 9 (9) by the municipality and the owner.
- (5) Despite subsection (3), a by-law passed under subsection (1) may, idem
- (a) designate categories of institutions for the purposes of clause (b);
 - (b) provide for a full or partial exemption of designated categories of institutions from the payment of development charges;
 - (c) designate categories of dwelling units as affordable housing; and
 - (d) provide for a full or partial exemption of designated categories of affordable housing from the payment of development charges.
- (6) No land, except land owned by and used for the purposes of a board as defined in subsection 30 (6) or a municipality, is exempt from a development charge under a by-law passed under subsection (1) by reason only that it is exempt from taxation under section 3 of the *Assessment Act*. Limited exemption
R.S.O. 1980,
c. 31.
- (7) No development charge may be imposed with respect to, Restriction on development charges.

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1983, c. 1

(a) local services installed at the expense of the owner within a plan of subdivision as a condition of approval under section 50 of the *Planning Act, 1983*;

(b) local services installed at the expense of the owner as a condition of approval under section 52 of the *Planning Act, 1983*; or

R.S.O., 1980,
c. 302

(c) local connections to water mains, sanitary sewers and storm drainage facilities installed at the expense of the owner including amounts imposed under a by-law passed under section 219 of the *Municipal Act*.

Public
meeting

4.—(1) Before passing a development charge by-law, except a by-law passed pursuant to an order of the Municipal Board made under clause (1) (b), the council,

(a) shall hold at least one public meeting;

(b) shall give notice of the meeting in the manner and to the persons and organizations prescribed; and

(c) shall ensure that sufficient information is made available at the meeting to enable the public to understand generally the development charges proposal.

Right to be
heard

(2) The meeting referred to in subsection (1) shall be held no earlier than twenty days after the requirements for the giving of notice have been complied with and any person who attends the meeting may make representations in respect of the proposed development charges.

Notice of
by-law

(3) If the council passes a development charge by-law, except a by-law passed pursuant to an order of the Municipal Board under clause (1) (b), the clerk of the municipality shall, not later than fifteen days after the day the by-law is passed, give written notice of the passing of the by-law in the form and to the persons and organizations prescribed and the notice shall specify the last day for filing a notice of appeal under subsection (4).

Appeal

(4) Any person or organization may, not later than twenty days after written notice under subsection (3) is given, appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

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(5) For the purposes of subsection (4), the written notice shall be deemed to be given, Timing of notice

- (a) where notice is given by publication in a newspaper, on the day that the publication occurs;
- (b) where notice is given by personal service, on the day that service of all required notices is completed; or
- (c) where notice is given by mail, on the day that the mailing of all required notices is completed.

(6) A clerk of a municipality who receives a notice of appeal shall compile a record which shall include, Record

- (a) a copy of the by-law certified by the clerk;
- (b) an affidavit or declaration certifying that the requirements for the giving of notice under subsection (3) have been complied with; and
- (c) the original or a true copy of all written submissions and material received in respect of the by-law before it was passed.

(7) The clerk shall forward the notice of appeal and the record to the secretary of the Municipal Board within thirty days of the last day of appeal and shall provide such other information or material as the Board may require in respect of the appeal. Notice and record to O.M.B.

(8) An affidavit or declaration of the clerk of the municipality that notice was given as required by subsection (3) or that no notice of appeal was filed under subsection (4) within the time allowed for appeal is conclusive evidence of the facts stated therein. Affidavit, declaration, conclusive evidence

(9) The Municipal Board shall hold a hearing notice of which shall be given to such persons or organizations and in such manner as the Board may determine. Hearing

(10) The Municipal Board may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing but before dismissing the appeal shall notify the appellant and give the appellant an opportunity to make representations as to the merits of the appeal. Early dismissal of appeal

(11) The Municipal Board may,

Determination by O.M.B.

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- (a) dismiss the appeal;
- (b) order the council of the municipality to repeal the by-law in whole or in part or to amend the by-law in accordance with the Board's order; or
- (c) repeal the by-law in whole or in part or amend the by-law in such manner as the Board may determine.

Restrictions on amendments (12) Despite subsection (11), the Municipal Board may not amend or order the amendment of a by-law so as to,

- (a) increase a development charge imposed by the by-law; or
- (b) alter the term of the by-law.

Date by-law effective 5.—(1) A development charge by-law comes into force on the date it is passed or the date specified in the by-law, whichever is later.

Retroactive repeal (2) If the Municipal Board orders the council of a municipality to repeal a by-law in whole or in part, that part of the by-law that is repealed shall be deemed to have been repealed on the day the by-law came into force.

Refund (3) The municipality shall refund all development charges paid under the by-law or that part of the by-law that is repealed under subsection 4 (11),

- (a) if repealed by the Municipal Board, within thirty days of the date of the order of the Board; or
- (b) if repealed by the council of the municipality, within thirty days of the date of repeal.

Retroactive amendments (4) If the Municipal Board orders the council of a municipality to amend a by-law, the amendment shall be deemed to have come into force on the day the by-law came into force.

Refunds (5) The municipality shall refund the difference between the development charges paid under that part of the by-law that is amended under subsection 4 (11) and the development charges required to be paid under the amendment,

- (a) if the by-law is amended by the Municipal Board, within thirty days of the date of the order of the Board; or

- (b) if the by-law is amended by the council of the municipality, within thirty days of the date of the amendment.
- (6) A repeal or amendment made under subsection 4 (11) is not subject to appeal under subsection 4 (4). Restrictions on appeal
- (7) A municipality shall give notice of the particulars of a development charge by-law that is in force in the manner and to the persons prescribed. Notice of by-law
- 6.—(1) A development charge by-law expires five years after the date it comes into force. Expiration of by-law
- (2) Despite subsection (1), the council of a municipality may: Idem
- (a) provide in the by-law for a term of less than five years; or
- (b) repeal the by-law.
- (3) Amendments to a by-law by council under subsection 4 (11) or 7 (1) do not affect the term of the by-law. Term of by-law
- (4) Subject to subsections (5), (6) and (7), the council of a municipality in which a development charge by-law is in force may pass a new development charge by-law. New by-law
- (5) Before passing a new development charge by-law, the council shall conduct a review of the development charge policies of the municipality. Review of policies
- (6) In conducting a review under subsection (5), council shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in at least one newspaper having general circulation in the municipality. Public meeting
- (7) Sections 4 and 5 apply with necessary modifications to the passing of a by-law under subsection (4). Procedures
- 7.—(1) The council of a municipality that has passed a development charge by-law may amend the by-law. Amendments
- (2) Sections 4 and 5 apply with necessary modifications to an amendment of a development charge by-law under subsection (1). Procedures

Complaints

8.—(1) An owner may complain in writing to the council of a municipality in respect of the development charge imposed by the municipality on the owner's development that,

- (a) the amount of the development charge imposed was incorrect or was based on incorrect data;
- (b) the amount credited to the owner under section 13 is incorrect;
- (c) the amount of a previous development charge being credited under section 14 is incorrect; or
- (d) there was an error in the application of the development charge by-law.

When
complaint to
be made

(2) An owner may not submit a complaint under subsection (1) after ninety days following the latest of,

- (a) the date a building permit is issued;
- (b) the date a development charge is payable under subsection 9 (3); or
- (c) the date a development charge is payable under an agreement under subsection 9 (4) or (8).

Idem

(3) The complaint shall state the name and address where notices can be given to the complainant and shall state the reasons for the complaint.

Hearing

(4) The council shall give the complainant the opportunity to make representations and notice of the hearing shall be mailed to the complainant by the clerk not less than fourteen days before the date the complaint is to be considered.

Determi-
nation by
council

(5) After hearing the evidence and submissions of the complainant, the council may,

- (a) confirm the development charge; or
- (b) amend the development charge to the extent that, in the opinion of the council, a review of any or all of the matters in subsection (1) justifies such an amendment.

Notice of
decision

(6) The clerk of the municipality shall, not later than fifteen days after the day a decision is made by the council, give written notice of the decision by mail to the complainant, and the notice shall specify the last day for filing an appeal, which

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date shall be no earlier than twenty days after the date the letter is mailed.

(7) The complainant may appeal the decision of the council to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the reasons for the appeal. Appeal

(8) The clerk of the municipality who receives a notice of appeal under subsection (7) shall compile a record which shall include, Record

- (a) a copy of the development charge by-law certified by the clerk;
- (b) an affidavit or declaration certifying that the requirements for the giving of notice have been complied with; and
- (c) the original or a true copy of all written submissions and material in support of the complaint.

(9) The clerk shall forward the notice of appeal and the record to the secretary of the Municipal Board within thirty days of the last day of appeal and shall provide such other information and material that the Board may require in respect of the appeal. Notice and record to O.M.B.

(10) The parties to the appeal are the complainant and the municipality. Parties

(11) The Municipal Board shall hold a hearing notice of which shall be given to the parties to the appeal. Notice of hearing

(12) Despite subsection (11), the Municipal Board may, where it is of the opinion that the complaint set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing but before dismissing the appeal shall notify the appellant and give the appellant an opportunity to make representations as to the merits of the appeal. Early dismissal

(13) The Municipal Board may make any decision that could have been made by the council of the municipality. Decision by O.M.B.

(14) If the development charge is amended by the council or by the Municipal Board, the municipality shall immediately refund the difference between the development charge paid that was in dispute and the amount of the charge required by the council or the Municipal Board to be paid. Refund

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- When charge is due 9.—(1) A development charge is payable on the date a building permit is issued in relation to a building or structure on land to which a development charge applies.
- Effect of non-payment (2) Despite any other Act, a municipality is not required to issue a building permit in relation to a building or structure on land to which a development charge applies unless the development charge has been paid.
- Exception (3) Despite subsection (1), a municipality may, in a development charge by-law, provide that a development charge with respect to water supply services, sanitary sewer services, storm drainage services, transportation services and electrical power or energy services shall be payable, with respect to an approval of a plan of subdivision under section 50 of the *Planning Act, 1983*, immediately upon entering into the subdivision agreement.
- 1983, c. 4.
- Agreement respecting payments (4) A municipality may enter into an agreement with an owner providing for the payment of a development charge before the date otherwise required for payment under subsection (1) or (3).
- Idem (5) Despite any provision of a development charge by-law, an owner entering into an agreement under subsection (4) is required to pay only the development charge in effect on the date it is payable under the agreement.
- Payments non-transferable (6) The payments agreed to under subsection (4) are payable by the owner entering into the agreement and are not transferable to a subsequent owner.
- Credits non-transferable (7) Credits given under section 13 or 14 to an owner who has entered into an agreement under subsection (4) are not transferable to a subsequent owner.
- Exceptions in agreements (8) Despite subsections (1) and (3), a municipality may enter into an agreement with an owner providing for the payment of all or any portion of the development charge on dates later than the issuing of a building permit or the entering into of a subdivision agreement.
- Services in lieu of payment (9) Despite subsections (1) and (3), a municipality may by agreement permit an owner to provide services in lieu of the payment of all or any portion of a development charge.
- Interest (10) A municipality that has entered into an agreement under subsection (8) may charge interest, at a rate stipulated in the agreement, on that part of the development charge not paid in accordance with subsection (1).

- 10.—(1)** If a development charge is imposed by an upper tier municipality, the treasurer of the upper tier municipality shall certify to the treasurer of the area municipality in which the land is located that the charge has been imposed, the amount of the charge, the manner in which the charge is to be paid and when the charge is due. Upper tier municipalities
- (2) The treasurer of the area municipality shall collect the charge imposed by the upper tier municipality when due and shall, unless an extension of time is agreed to by the upper tier municipality, remit the amount of the charge to the treasurer of the upper tier municipality on or before the 25th day of the month following the month in which the charge is received by the area municipality. Collection of development charges.
- (3) Despite subsection (2), a development charge imposed by an upper tier municipality under subsection 9 (3), (4) or (8) may be collected by the upper tier municipality. Idem
- (4) The treasurer of an upper tier municipality that has collected a development charge under subsection (3) shall certify to the treasurer of the area municipality in which the land is located that the charge has been collected. Certification
- (5) If building permits are issued by an upper tier municipality, the chief building official of the upper tier municipality shall certify to the treasurer of the area municipality in which the land is located that all applicable law within the meaning of the *Building Code Act*, except the payment of development charges, has been complied with. Idem R.S.O. 1980, c. 51
- (6) The treasurer of the area municipality shall, upon receipt of the certificate under subsection (5) and upon payment of all development charges and education development charges under Part III imposed on the development, immediately certify to the chief building official of the upper tier municipality that all development charges and education development charges have been paid. Idem
- (7) If building permits are issued by an upper tier municipality, the upper tier municipality may, if agreed to by the area municipality, collect all development charges and education development charges. Delegation of collection powers
- 11.** A municipality that has passed a development charge by-law may register the by-law or a certified copy of it on the land to which it applies. Notice of by-law
- 12.—(1)** If the development charge or any part thereof imposed by a municipality, other than an upper tier municipi- Collection

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pality, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.

Idem (2) If the development charge or any part thereof imposed by an upper tier municipality remains unpaid after the due date, the treasurer of the upper tier municipality shall certify to the treasurer of the area municipality in which the land is located that the amount is unpaid and the amount unpaid shall be added to the tax roll of the area municipality and shall be collected as taxes.

Credit for services 13.—(1) A municipality that permits the provision of services in lieu of the payment of all or any portion of a development charge shall give a credit for an amount equal to the reasonable cost to the owner of providing the services.

Idem (2) If a municipality and owner enter an agreement that permits an owner to provide services additional to or of a greater size or capacity than is required under a development charge by-law, the municipality may agree to give a credit for an amount up to the reasonable cost to the owner of providing the services.

Idem (3) A credit given under subsection (2) shall not be charged to a reserve fund established under section 16.

Credits 1983, c. 1 14.—(1) If an owner or a former owner has, before the coming into force of a development charge by-law, paid all or any portion of a charge related to development pursuant to an agreement under section 50 or 52 of the *Planning Act, 1983* or a predecessor thereof with respect to land within the area to which the by-law applies, the municipality shall give a credit for the amount of the charge paid.

Idem (2) If an owner or a former owner has, before the coming into force of a development charge by-law, provided services in lieu of the payment of all or any portion of a charge related to development pursuant to an agreement under section 50 or 52 of the *Planning Act, 1983* or a predecessor thereof with respect to land within the area to which the by-law applies, the municipality shall give a credit for an amount equal to the reasonable cost to the owner or to the former owner of providing the services.

Idem R.S.O. 1980, c. 302; 1960-61, c. 120; 1961-62, c. 171 (3) If an owner is required to pay a charge to a municipality under a by-law passed under section 215 of the *Municipal Act*, section 4 of *The City of Ottawa Act, 1960-61* or section 1 of *The City of Toronto Act, 1961-62*, the municipality shall reduce the development charge payable under the develop-

ment charge by-law by an amount equal to the charge imposed by that by-law.

(4) If a conflict exists between the provisions of a development charge by-law and an agreement referred to in subsection (1) or (2), the provisions of the agreement prevail to the extent of the conflict. Conflicts

(5) If a conflict exists between the provisions of a development charge by-law and any other agreement between a municipality and an owner or a former owner with respect to land within the area to which the by-law applies, the provisions of the agreement prevail to the extent that there is a conflict. Idem

15.—(1) A municipality shall not levy more than one development charge on land to which a development charge applies even though two or more of the actions described in clauses 3 (1) (a) to (g) are required before that land can be developed. Multiple requirements

(2) Despite subsection (1), if two or more of the actions described in clauses 3 (1) (a) to (g) occur at different times, a municipality may require the payment of an additional development charge if the subsequent action has the effect of increasing the need for services. Idem

16.—(1) Payments received by a municipality under this Part shall be maintained in a separate reserve fund or funds and shall be used only to meet growth-related net capital costs for which the development charge was imposed. Reserve fund

(2) Subsections 165 (2) and (3) of the *Municipal Act* apply with necessary modifications to payments received by a municipality under this Part. B.S.O., 1980,
c. 302,
s. 165
applies

17. The treasurer of the municipality shall, in each year, on or before such date as council may direct, furnish to the council a statement in respect of each reserve fund established under section 16 containing the information prescribed. Statement of treasurer

18.—(1) A municipality shall pay interest to persons to whom overpayments are refunded under subsection 5 (3), 5 (5) or 8 (14) calculated in the manner prescribed. Interest

(2) Interest shall be calculated from the time that the overpayment was collected to the time that the refund is paid. Idem

(3) The refund shall include the interest owed. Idem

Regulations **19.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing, for the purposes of section 3, the manner in which development charges shall be calculated;
- (b) prescribing the number of additional dwelling units and the categories of existing residential buildings for the purposes of clause 3 (2) (b);
- (c) prescribing, for the purposes of section 3, those services for which development charges shall not be imposed;
- (d) prescribing, for the purposes of clause 3 (4) (a), an index or indices that may be used;
- (e) prescribing, for the purposes of subsection 4 (1), the persons that are to be given notice and the manner in which notice is to be given;
- (f) prescribing, for the purposes of subsection 4 (3), the persons and agencies that are to be given notice and the manner and form in which notice is to be given;
- (g) prescribing, for the purposes of subsection 5 (7), the information to be provided in the notice and the persons to whom notice is to be given;
- (h) prescribing, for the purposes of section 13, the manner in which credits shall be calculated;
- (i) prescribing the information to be provided in a statement of the treasurer under section 17;
- (j) prescribing methods of calculating and establishing interest rates under section 18;
- (k) prescribing anything that in Parts I, II and IV of this Act may be prescribed by regulation.

PART II

FRONT-END PAYMENTS

Definition. **20.** In this Part, "benefiting owner" means an owner of land within a benefiting area other than an owner who is party to a front-ending agreement.

21.—(1) A municipality that has passed a development charge by-law may enter into a front-ending agreement or agreements with any or all owners within a benefiting area providing for the payment by those owners of a front-end payment or for the installation of services by the owners, or any combination thereof.

Front-ending
agreement

(2) A front-ending agreement shall contain,

Contents of
agreement

- (a) a list of the services for which front-end payments shall be made or services installed by the owner;
- (b) the estimated cost of installing the services;
- (c) the proportion of the front-end payment or the cost of the installation of services to be paid by each owner who is a party to the agreement;
- (d) the agreement of the owners to immediately pay to the municipality the actual costs incurred by the municipality in the installation of the services in accordance with the proportions determined under clause (c);
- (e) the agreement of the municipality to immediately reimburse the owners if the actual cost incurred by the municipality in the installation of the services is lower than the estimated cost in accordance with the proportions determined under clause (c);
- (f) a description of the benefiting area for each of the services;
- (g) a list of the services in the agreement for which a development charge is payable;
- (h) a list of the services in the agreement which are services described in subsection 3 (7);
- (i) a description of the manner in which the portion of the payment to be made by each benefiting owner with respect to the services listed in clause (g) is to be calculated;
- (j) if the agreement provides for the installation of services by the owners who are parties to the agreement, the agreement of the municipality to use the reasonable cost to the owners of installing the services in making the calculations under clause (i);

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- (k) the agreement of the municipality to require each benefiting owner to pay, with respect to the services listed in clause (g), that benefiting owner's portion of the front-end payment; and
- (l) the period of time during which the agreement is in force.

Idem

(3) A front-ending agreement may provide that the reasonable costs to the municipality of administering the agreement, including the cost of consultants and studies required in preparation of the agreement, are to be included in calculating the front-end payment.

Idem

(4) A front-ending agreement may provide for the indexing of the payments required to be made by the benefiting owner under clause (2) (k).

Front-ending agreement

22.—(1) The municipality shall give notice of the front-ending agreement,

- (a) by mailing it to all owners within the benefiting area; or
- (b) by publishing it in a newspaper having general circulation in the municipality.

Contents of notice

(2) The notice referred to in subsection (1) shall explain the nature and purpose of the agreement and shall indicate that the agreement can be viewed in the office of the clerk during normal office hours.

Objections

(3) Any owner to whom notice of the agreement is given, except a party to the agreement, may object to the agreement by filing a written objection with the clerk of the municipality within twenty-one days of the date of the giving of the notice of the agreement.

Notice

(4) For the purposes of subsection (3), notice shall be deemed to be given,

- (a) where notice is given by mail, on the day the mailing of all required notices is completed; or
- (b) where notice is given by publication in a newspaper, on the day that the publication occurs.

Effective date of agreement

(5) If no objection is filed within twenty-one days, the agreement shall be deemed to have come into effect on the date it was fully executed.

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(6) If an objection is filed, the clerk shall immediately forward it to the Municipal Board.

Objections to
O.M.B.

(7) The Municipal Board shall hold a hearing and shall confirm the agreement, refuse to confirm the agreement or direct a municipality to make changes to the agreement.

Hearing to
O.M.B.

(8) If an objection is filed under subsection (3), the agreement comes into effect when approved by the Municipal Board or, if changes are directed by the Board, when the municipality and the other parties to the agreement have executed the agreement as directed to be changed by the Board.

Effective
date where
objection

(9) The parties to the Municipal Board hearing are the municipality, the other parties to the agreement and the owners who filed written objections within the period referred to in subsection (3).

Parties

(10) The Municipal Board may, where it is of the opinion that the objection to the agreement is insufficient, dismiss the objection without holding a full hearing, but before dismissing the objection it shall notify the objector and give the objector an opportunity to make representations as to the merits of the objection.

Early
dismissal of
objection

23. Section 64 of the *Ontario Municipal Board Act* does not apply to a front-ending agreement or to special accounts established under sections 27 and 28.

O.M.B.
approval not
required
R.S.O. 1980,
c. 347.

24. An agreement entered into under section 21 may be registered against the land in the benefiting area, and subject to the *Registry Act* and the *Land Titles Act*, the municipality,

Registration

R.S.O. 1980,
cc. 445, 230

(a) may enforce the provisions of the agreement against any and all subsequent owners of the lands owned by the parties thereto; and

(b) may enforce the provisions of the agreement made under clauses 21 (2) (d) and (k), subsection 21 (4) and section 26 against any and all owners and subsequent owners of lands in the benefiting area.

25. If a front-ending agreement is in effect, no person shall undertake any development that requires an approval mentioned in subsection 3 (1) within a benefiting area until section 26 has been complied with.

Compliance
necessary

26. A municipality that has entered into a front-ending agreement shall require a benefiting owner to pay the benefiting owner's portion of the front-end payment as a condition of

Payments to
parties to
agreement

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an approval granted during the term of the agreement of any development on that portion of the benefiting owner's land located within the benefiting area.

Special
accounts

27.—(1) The municipality shall place all money received from the parties to the front-ending agreement in a special account and shall use the funds in such account only for,

- (a) paying the actual net cost of the installation of the services specified in the agreement; and
- (b) reimbursing to the parties to the agreement any funds remaining in the account after the installation of the services referred to in clause (a).

Idem

(2) During the term of the agreement the municipality shall provide annually to the parties to the front-ending agreement a statement setting out the particulars of payments made out of the account, the balance remaining in the account and additional payments, if any, that are or will be required from the parties pursuant to the agreement.

Distribution
of section 26
funds

28.—(1) The municipality shall place money received under section 26 in a special account and shall, immediately upon receipt of the money, by registered mail,

- (a) notify the parties to the front-ending agreement that the money is available to be paid out; and
- (b) request the parties to give directions to the municipality as to whom the money is to be paid.

Payment to
party

(2) Upon receipt of a direction from a party to a front-ending agreement, the municipality shall pay to the party named in the direction the proportion of the money received by the municipality to which the party is entitled.

Payment into
court

(3) If within ninety days of mailing the notice under subsection (1) the municipality has not received a direction from a party, the municipality may pay the money owing to that party into the Supreme Court.

Notification
of payment

(4) A municipality that has paid money into court under subsection (3) shall immediately notify the party to whom the money is owing, by registered mail sent to the party's last known address, that,

- (a) the money has been paid into court; and

(b) the party must apply to the court for the release of the money.

(5) If the party to whom notice was sent, or an heir, successor or assign thereof, has not applied to the court under clause (4) (b) within twelve months of the mailing of the notice, the municipality may apply to the court for the release of the money to the municipality. Application for release of funds

(6) If the court has not received a request for the release of the money before the application of the municipality is received, it shall release the money to the municipality. Release of funds

(7) The municipality may place money released by the court in its general account. Funds to general account

(8) The municipality is required to reimburse the parties to the agreement only when the money referred to in subsection (1) is paid and only in accordance with subsections (1) to (4). Limited responsibility

(9) Payments made under subsection (1) with respect to services referred to in clause 21 (2) (g) shall be deducted from the amount otherwise payable by an owner pursuant to a development charge by-law. Deductions

PART III

EDUCATION DEVELOPMENT CHARGES

29.—(1) In this Part,

Definitions

“board” means a board described in paragraph 3 of subsection 1 (1) of the *Education Act*, other than,

R.S.O. 1980,
c. 129

- (a) a board established under section 70 of the *Education Act*,
- (b) a board of education for an area municipality in The Municipality of Metropolitan Toronto,
- (c) The Metropolitan Toronto French-Language School Council, and
- (d) The Ottawa-Carleton French-language School Board,

but includes the public sector and the Roman Catholic sector of The Ottawa-Carleton French-language School Board and The Metropolitan Toronto School Board;

"commercial development" means a development other than a residential development;

"education capital cost" means costs incurred or proposed to be incurred by a board,

- (a) to acquire school facilities to provide pupil accommodation,
- (b) to construct, expand, alter or improve school facilities to provide pupil accommodation,
- (c) to furnish or equip the school facilities described in clauses (a) and (b), and
- (d) to undertake studies in connection with any of the matters in clauses (a), (b) and (c);

"education development charge" means a development charge imposed under a by-law passed under section 30 respecting growth-related net education capital costs incurred or proposed to be incurred by a board;

"education development charge by-law" means a by-law passed under subsection 30 (1);

"education development charges account" means an account established in accordance with the regulations for money collected under an education development charge by-law;

"growth-related net education capital cost" means the prescribed portion of the net education capital cost reasonably attributable to the need for such net education capital cost that is attributed to or will result from development in all or part of the area of jurisdiction of a board;

"net education capital cost" means the education capital cost reduced by any capital grants and subsidies paid or that may be paid to the board in respect of such education capital cost;

"owner" means the owner of the land or a person who has made application for an approval for the development of the land upon which an education development charge is imposed;

"pupil accommodation" means a building to accommodate pupils or an addition or alteration to a building that enables the building to accommodate an increased number of pupils;

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"school facilities" means a school site described in paragraph 53 of subsection 1 (1) of the *Education Act*.

R.S.O. 1980,
c. 129.

(2) In this Part, reference to the area of jurisdiction of a board, in the case of a county combined separate school board or a district combined separate school board, is the area designated by the regulations made under the *Education Act*.

Interpretation

30.—(1) If there is residential development in the area of jurisdiction of a board that would increase education capital costs, the board may pass by-laws for the imposition of education development charges against land undergoing residential and commercial development in that area if the residential and commercial development require,

Education
development
charge by-law

- (a) the passing of a zoning by-law or of an amendment thereto under section 34 of the *Planning Act, 1983*;
- (b) the approval of a minor variance under section 44 of the *Planning Act, 1983*;
- (c) a conveyance of land to which a by-law passed under subsection 49 (7) of the *Planning Act, 1983* applies;
- (d) the approval of a plan of subdivision under section 50 of the *Planning Act, 1983*;
- (e) a consent under section 52 of the *Planning Act, 1983*;
- (f) the approval of a description under section 50 of the *Condominium Act*; or
- (g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

1983, c. 1

R.S.O. 1980,
c. 84R.S.O. 1980,
c. 51

(2) Subsection (1) does not apply in respect of an action mentioned in clauses (1) (a) to (g) that would have the effect only,

Exceptions

- (a) of permitting the enlargement of an existing dwelling unit; or
- (b) of creating one or two additional dwelling units as prescribed, in prescribed categories of existing residential buildings.

(3) A by-law passed under subsection (1) shall,

Contents of
by-law

- (a) designate the categories of residential development and commercial development upon which an education development charge shall be imposed;
- (b) designate those uses of land, buildings or structures upon which an education development charge shall be imposed;
- (c) designate the areas in which an education development charge shall be imposed; and
- (d) subject to the regulations, establish the education development charges to be imposed in respect of the designated categories of development and the designated uses of land, buildings or structures.

Indexing (4) A by-law passed under subsection (1) may provide for the indexing of education development charges based on one of the prescribed indices.

Limited exemption (5) No land, except land owned by and used for the purposes of a board or a municipality, is exempt from an education development charge under a by-law passed under subsection (1) by reason only that it is exempt from taxation under section 3 of the *Assessment Act*.

R.S.O. 1980,
c. 31

Interpretation (6) In subsection (5), "board" has the same meaning as in section 29 except that it includes the boards described in clauses (a) to (d) of that definition.

Conditions (7) The imposition of an education development charge by a board is subject to the prescribed conditions.

Public meeting **31.—(1)** Before passing an education development charge by-law, except a by-law passed pursuant to an order of the Municipal Board made under clause (11) (b), the board,

- (a) shall hold at least one public meeting;
- (b) shall give notice of the meeting in the manner and to the persons and organizations prescribed; and
- (c) shall ensure that sufficient information is made available to enable the public to understand generally the education development charge proposal.

Right to be heard (2) The meeting referred to in subsection (1) shall be held no earlier than twenty days after the requirements for the giving of notice have been complied with and any person who

attends the meeting may make representations in respect of the proposed education development charges.

(3) If the board passes an education development charge by-law, other than a by-law passed pursuant to an order of the Municipal Board under clause (11) (b), the secretary of the board shall, not later than fifteen days after the day the by-law is passed, give written notice of the passing of the by-law in the manner and in the form and to the persons and organizations prescribed and the notice shall specify the last day for filing a notice of appeal under subsection (4). ^{Notice of by-law.}

(4) Any person or organization may, not later than twenty days after written notice under subsection (3) is given, appeal to the Municipal Board by filing with the secretary of the board a notice of appeal setting out the objection to the by-law and the reasons in support of the objection. ^{Appeal}

(5) For the purposes of subsection (4), written notice shall be deemed to be given, ^{Timing of notice}

- (a) where notice is given by publication in a newspaper, on the day that the publication occurs;
- (b) where notice is given by mail, on the day that the mailing of all required notices is completed; or
- (c) where notice is given by publication and by mail, on the later of the days that publication occurs or mailing is completed.

(6) The secretary of the board who receives a notice of appeal shall compile a record which shall include, ^{Record}

- (a) a copy of the by-law certified by the secretary;
- (b) an affidavit or declaration certifying that the requirements for the giving of notice under subsection (3) have been complied with; and
- (c) the original or a true copy of all written submissions and material received in respect of the by-law before it was passed.

(7) The secretary of the board shall forward the notice of appeal and the record to the secretary of the Municipal Board within thirty days of the last day of appeal and shall provide such other information or material as the Municipal Board may require in respect of the appeal. ^{Notice and record to O.M.B.}

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Affidavit,
declaration
conclusive
evidence

(8) An affidavit or declaration of the secretary of the board that notice was given as required by subsection (3) or that no notice of appeal was filed under subsection (4) within the time allowed for appeal is conclusive evidence of the facts stated therein.

Hearing

(9) The Municipal Board shall hold a hearing notice of which shall be given to such persons or organizations and in such manner as the Municipal Board may determine.

Early
dismissal of
appeal

(10) The Municipal Board may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing but before dismissing the appeal shall notify the appellant and give the appellant the opportunity to make representations as to the merits of the appeal.

Determi-
nation by
O.M.B.

(11) The Municipal Board may,

- (a) dismiss the appeal;
- (b) order the board to repeal the by-law in whole or in part or to amend the by-law in accordance with the Municipal Board's order; or
- (c) repeal the by-law in whole or in part or amend the by-law in such manner as the Municipal Board may determine.

Restriction
on
amendments

(12) Despite subsection (11), the Municipal Board may not amend or order the amendment of a by-law so as to,

- (a) increase an education development charge imposed by the by-law; or
- (b) alter the term of the by-law.

When by-law
effective

32.—(1) An education development charge by-law comes into force on the fifth day following the day it is passed or the day specified in the by-law, whichever is later.

Retroactive
repeal

(2) If the Municipal Board orders a board to repeal a by-law in whole or in part, that part of the by-law that is repealed shall be deemed to have been repealed on the day the by-law came into force.

Refund

(3) The treasurer of the education development charges account shall refund all education development charges paid under the by-law or that part of the by-law that is repealed under subsection 31 (1),

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- (a) if repealed by the Municipal Board, within thirty days of the date of the order of the Municipal Board; or
- (b) if repealed by the board, within thirty days of the date of repeal.
- (4) If the Municipal Board orders a board to amend a by-law in whole or in part, that part of the by-law that is amended ceases to be in force and the amendment shall be deemed to have come into force on the date the by-law came into force. Retroactive amendments
- (5) The treasurer of the education development charges account shall refund the difference between the education development charges paid under that part of the by-law that is amended under subsection 31 (11) and the education development charges required to be paid under the amendment, Refunds
- (a) if the by-law is amended by the Municipal Board, within thirty days of the date of the order of the Municipal Board; or
- (b) if the by-law is amended by the board, within thirty days of the date of the amendment.
- (6) A repeal or amendment made under subsection 31 (11) is not subject to appeal under subsection 31 (4). Restrictions on appeal
- (7) A refund under this section shall be paid to the owner and the treasurer of the education development charges account shall inform the municipal treasurer of the amount of the refund. Direct refund
- 33.—(1)** An education development charge by-law expires five years after the date it comes into force. Expiration of by-law
- (2) Despite subsection (1), a board may, Idem.
- (a) provide in the by-law for a term of less than five years; or
- (b) repeal the by-law.
- (3) Despite subsection (1), if an education development charge by-law is in force in respect of an area, the term of an education development charge by-law passed by another board with respect to the same area shall expire on the date of expiration of the first-mentioned by-law. Concurrent terms

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Change of term (4) Where a board repeals its education development charge by-law and another board that has jurisdiction in all or part of the same area has passed a by-law that under subsection (3) would expire on the date of expiration of the first-mentioned by-law, that other board may determine that the by-law shall be in effect for up to five years after the date it comes into force and, where it does so, the board shall give notice of its determination to the same persons and in the same manner as provided under subsection 37 (1).

New education development charge by-law (5) Subject to subsections (6), (7) and (8), a board that has passed an education development charge by-law that is in force may pass a new education development charge by-law.

Review of policies (6) Before passing a new education development charge by-law, the board shall conduct a review of the education development charge policies of the board.

Public meeting (7) In conducting a review under subsection (6), the board shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in at least one newspaper having general circulation in the area of jurisdiction of the board.

Idem (8) Sections 31 and 37 apply with necessary modifications to a by-law under subsection (5).

Amendment 34.—(1) A board may amend an education development charge by-law and the amendment shall come into force on the fifth day following the date the amendment is passed and the part of the by-law that is amended ceases to be in force on that day.

Idem (2) Sections 31 and 37 apply with necessary modifications to an amendment made under this section.

Payment of charge 35.—(1) An education development charge is payable,

- (a) 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 an education development charge applies; or
- (b) if the development takes place in territory without municipal organization, to the board that imposed the education development charge thirty days after the board mails a notice to the owner setting out the amount of the charge.

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(2) An education development charge imposed by a board in respect of commercial development is the amount determined in the manner prescribed or calculated using the formula prescribed.

Commercial
development

(3) Despite any other Act, a municipality is not required to issue a building permit in relation to a building or structure on land to which an education development charge by-law applies unless the education development charge has been paid.

Charge to be
paid before
building
permit issued

(4) Despite subsection (1), and subject to subsection (5) and the consent of the Minister of Education, a board may by agreement permit an owner to provide school facilities in lieu of the payment of all or any portion of an education development charge and the board,

Facilities in
lieu of
payment

(a) shall advise the treasurer of the municipality in which the land is situate of the amount of the credit that shall be applied against the education development charge; or

(b) if the land is located in territory without municipal organization, shall provide a credit to the owner against the educational development charge.

(5) If more than one board has jurisdiction in an area and one or more boards are to receive school facilities under subsection (4), all of the boards that have imposed an education development charge in that area are required to be parties to the agreement.

Necessary
parties

36.—(1) An owner or board may complain in writing to the council of the municipality in which the land is situate or, where the land is situate in territory without municipal organization, an owner may complain to the board that, in respect of the education development charge of that owner,

Complaints

(a) the amount of the education development charge imposed was incorrect or based on incorrect data;

(b) there was an error in the application of the education development charge by-law; or

(c) the amount credited to an owner under subsection 35 (4) is incorrect.

(2) An owner or board may not submit a complaint under subsection (1) after ninety days following the later of,

When
complaint to
be made.

- (a) the date a building permit is issued, or if development takes place in territory without municipal organization, the date that the education development charge is payable under clause 35 (1) (b); or
- (b) the date an agreement is entered into under subsection 35 (4).

Procedures adopted (3) Subsections 8 (3) to (14) apply with necessary modifications to a complaint under subsection (1).

Refunds (4) If a final determination of a complaint has been made and a refund is due to the owner, the treasurer of the education development charges account shall pay the amount of the refund to the treasurer of the municipality who shall reimburse the owner.

Idem (5) If a final determination of a complaint has been made and a refund is due to the board, the treasurer of the municipality shall pay the amount of the refund to the treasurer of the education development charges account.

Underpayments (6) If a final determination of a complaint has been made and the owner is required to pay an additional amount, the treasurer of the municipality or, in respect of territory without municipal organization, the treasurer of the board, shall collect the additional amount due from the owner and shall remit the amount to the treasurer of the education development charges account.

Distribution of by-law 37.—(1) A board that passes a by-law under subsection 30 (1) shall submit to the treasurer of each municipality all or part of which is made subject to an education development charge a copy of the by-law and provide a copy to the secretary of any other board that has jurisdiction in the same or part of the same area of the board that passed the by-law and forward a copy to the Minister of Education.

Special accounts (2) Educational development charges accounts shall be established in accordance with the regulations and deposited with a chartered bank listed in Schedule I to the *Bank Act* (Canada) or a trust corporation registered under the *Loan and Trust Corporations Act, 1987*.

R.S.C. 1985,
c. B-1
1987, c. 33

Territory without municipal organization (3) Where the area of jurisdiction of a board includes territory without municipal organization, all or part of which is made subject to an education development charge, the board shall exercise the powers and duties of a municipal council for such territory in respect of collecting the charge and the office

ers of the board have the same powers and duties as similar officers in a municipality.

(4) Where an education development charge is imposed by a board, the treasurer of the municipality or board, as the case requires, shall collect the charge imposed when due and, on or before the 25th day of the month next following the month in which the charge is collected, shall deposit the amount of the charge in the education development charges account established in respect of the by-law under which the charge is imposed. Collection of charge

(5) On or before the fifth day of the month following a month in which a deposit is made under subsection (4), the treasurer of the municipality shall forward to the treasurer of the board or the treasurer of the board shall prepare a statement setting out the prescribed information in respect of the period that began on the 26th day of the month before the preceding month and that ended on the 25th day of the preceding month. Statement

(6) If two or more boards have imposed an education development charge by-law upon an area, the statement mentioned in subsection (5) shall be prepared in respect of the money collected and forwarded to the treasurer of each board that passed a by-law under which the money was collected. Idem

38. A board that has passed an education development charge by-law may register the by-law or a certified copy of it on the land to which it applies. Registration of notice

39. If an education development charge or any part thereof remains unpaid after the due date, the amount unpaid shall be added to the tax roll of the municipality or board, as the case requires and shall be collected as taxes and remitted to the treasurer of the education development charges account established in respect of the by-law under which the education development charge is imposed. Collection

40. On or before the 25th day of the month next following the month in which an education development charge is collected under section 39, the municipality shall pay to the treasurer of the education development charges account all money received in payment of education development charges. Transfer of money

41. If an upper tier municipality issues building permits, subsections 32 (7), 35 (1) and (4) and sections 36, 37 and 40 apply to the upper tier municipality and not to the area municipality. Upper tier municipalities

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Interest

42.—(1) The treasurer of the education development charges account shall pay interest out of the account to persons to whom overpayments are refunded under subsections 32 (3) and (5) and 36 (4) calculated in the manner prescribed.

Period during
which
interest is
payable

(2) Interest shall be calculated from the time that the overpayment was collected to the time that the refund is paid.

Payment of
interest

(3) The refund shall include the interest owed.

Regulations

43. The Lieutenant Governor in Council may make regulations that may have general or particular application in respect of a board,

- (a) respecting any matter that is referred to as prescribed by the regulations;
- (b) prescribing forms and providing for their use;
- (c) governing the establishment and administration of the education development charges account;
- (d) providing for the application, placement in a reserve, withdrawal and use of the money deposited in or accredited to an education development charges account and requiring the approval of the Minister in respect of the manner in which or the rate at which the money is withdrawn;
- (e) prescribing the powers of the treasurer of the education development charges account in relation to the withdrawal of funds;
- (f) requiring the approval of the Minister of Education to any factor, criterion, rate, amount, portion, estimate or project used in determining an education development charge;
- (g) prescribing the manner of calculating or determining education development charges and prescribing classes of persons that may make determinations necessary for the calculation of education development charges;
- (h) providing for the sharing of proceeds where more than one board establishes a charge in respect of the same area;
- (i) prescribing, for the purposes of subsection 30 (4), an index or indices that may be used;

- (j) prescribing information which boards must provide to other boards and to the Minister for the purposes of developing education development charges under this Part;
- (k) prescribing methods of calculating and establishing interest rates under section 42;
- (l) prescribing the manner in which notice shall be given wherever notice is required under this Part, the persons and agencies to whom notice shall be given, and the form of the notice;
- (m) prescribing the terms of agreements for credit in lieu of payment of education development charges, determining the amount of the credit and governing the allocation of the credit between or among boards;
- (n) requiring a board to exempt an owner from an educational development charge if the owner meets the prescribed conditions.

PART IV

GENERAL

44.—(1) A by-law or resolution providing for the payment of charges related to development that is in effect on the date of the coming into force of this Act shall remain in effect until the earliest of,

Existing development charges by-law

- (a) the repeal of the by-law or resolution;
- (b) the coming into force of a by-law under section 3; or
- (c) two years after the date of the coming into force of this Act.

(2) A by-law or resolution referred to in subsection (1) shall not be amended during the period it remains in effect.

No amendments permitted

(3) Subsection (1) does not apply with respect to a by-law referred to in subsection 14. (3) or to a by-law passed under section 41 of the *Planning Act, 1983*.

Exceptions

45.—(1) A municipality shall not enter into an agreement under section 50 or 52 of the *Planning Act, 1983* that imposes

Certain agreements under 1983, c. 1

a charge related to a development, except a charge referred to in subsection 3 (7), after the earlier of,

- (a) the coming into force of a by-law under section 3; or
- (b) two years after the date of the coming into force of this Act.

Idem (2) An agreement with respect to charges related to development made under section 50 or 52 of the *Planning Act, 1983* that is in effect on the earlier of the dates referred to in clauses (1) (a) and (b) remains in effect.

Referrals to continue **46.**—(1) A request made before the coming into force of this Act for a referral under subsection 50 (17) of the *Planning Act, 1983* with respect to a condition relating to a charge related to development shall be continued and disposed of under the *Planning Act, 1983*.

Appeals under 1983, c. 1 continued (2) An appeal made before the coming into force of this Act under subsection 52 (7) of the *Planning Act, 1983* with respect to a condition relating to a charge related to development shall continue and be disposed of under the *Planning Act, 1983*.

Conflicts (3) If a decision of the Municipal Board respecting a matter mentioned under subsection (1) or (2) conflicts with a development charge by-law, the decision of the Board prevails to the extent of the conflict.

Agreements not affected, 1983, c. 1. **47.** Except as stated herein, this Act does not affect an agreement made under section 50 or 52 of the *Planning Act, 1983*.

No right of petition R.S.O. 1980, c. 347 **48.** Despite section 94 of the *Ontario Municipal Board Act*, there is no right to file a petition under that section in respect of any order or decision of the Municipal Board made in respect of any matter appealed to the Board under this Act.

Conflicts **49.** In the event of conflict between the provisions of this Act and any other general or special Act, the provisions of this Act prevail.

Commencement **50.** This Act comes into force on the day it receives Royal Assent.

Short title **51.** The short title of this Act is the *Development Charges Act, 1989*.