

This is Exhibit "4" referred to in the.....  
.....Affidavit of Christopher Paul Bloye.....  
Affirmed before me, this 27<sup>th</sup> day of July, 2018

  
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A Commissioner for Taking Affidavits  
**Padraic Ryan**  
LSO# 61687J

## Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998—02—14

### ONTARIO REGULATION 19/98 made under the HIGHWAY TRAFFIC ACT

Made: December 17, 1997  
Filed: January 26, 1998

Amending O. Reg. 340/94  
(Drivers' Licences)

Note: Since January 1, 1997, Ontario Regulation 340/94 has been amended by Ontario Regulations 149/97, 251/97, 416/97 et 509/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Section 26 of Ontario Regulation 340/94 is amended by adding the following subsections:

(1.1) A fee of \$100 is payable to the Ministry for the reinstatement of a driver's licence that was suspended for any of the following reasons:

1. A conviction under the Act or a regulation.
2. The default in payment of a fine for a conviction referred to in section 46 of the Act.
3. An unsatisfied judgment, as permitted under section 198 of the Act.
4. The accumulation of demerit points, as prescribed under Ontario Regulation 339/94.
5. A conviction under the *Criminal Code* (Canada).
6. A payment out of the Motor Vehicle Accident Claims Fund under subsection 4 (4) or 10 (1) of the *Motor Vehicle Accident Claims Act*, a default in repayment of an amount owing to the Fund under subsection 4 (8) or 11 (3) of that Act, including a failure to satisfy the proof of financial responsibility condition of the restoration of a licence under the regulations made under section 11 of that Act.
7. An unpaid support order that was made under the *Family Responsibility and Support Arrears Enforcement Act, 1996*.
8. A conviction under the *Compulsory Automobile Insurance Act*.

(1.2) Despite subsection (1.1), no fee is payable if a reinstatement is made following a suspension resulting from a conviction referred to in that subsection and an appeal of the conviction is filed; however, the fee is payable if the conviction is sustained on appeal.

(1.3) The fee is payable only once for a reinstatement of a licence that has more than one suspension recorded against it at the same time for any of the reasons set out in subsection (1.1).

### ONTARIO REGULATION 20/98 made under the EDUCATION ACT

Made: January 26, 1998  
Filed: January 27, 1998

#### EDUCATION DEVELOPMENT CHARGES —GENERAL

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**PART I  
INTERPRETATION**

**DEFINITIONS**

1. For the purposes of Division B of Part IX of the Act and in this Regulation,

"existing industrial building" means a building classified as land in the industrial property class according to the last returned assessment roll;

"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.

**EXCLUSION FROM EDUCATION LAND COSTS: EXCESS LAND**

2. (1) Costs that are attributable to excess land of a site are prescribed, for the purposes of paragraph 2 of subsection 257.53 (3) of the Act, as costs that are not education land costs.

(2) Subsection (1) does not apply to costs described in paragraph 5 of subsection 257.53 (2) of the Act.

(3) Land is not excess land if it is reasonably necessary,

(a) to meet a legal requirement relating to the site; or

(b) to allow the facilities for pupil accommodation that the board intends to provide on the site to be located there and to provide access to those facilities.

(4) This section does not apply to land,

(a) that has already been acquired by the board before February 1, 1998, or

(b) in respect of which there is an agreement, entered into before February 1, 1998, under which the board is required to, or has an option to, purchase the land.

(5) In this section,

"excess land" means the part of a school site that exceeds the maximum area determined, under the table to this section, based on the number of pupils that can be accommodated in the school to be built on the site.

ELEMENTARY SCHOOLS	
Number of pupils	Maximum area (acres)
1 to 400	4
401 to 500	5
501 to 600	6
601 to 700	7
701 or more	8
SECONDARY SCHOOLS	
Number of pupils	Maximum area (acres)
1 to 1000	12
1001 to 1100	13

1101 to 1200	14
1201 to 1300	15
1301 to 1400	16
1401 to 1500	17
1501 or more	18

**PART II  
EXEMPTIONS**

**ADDITIONAL DWELLING UNIT EXEMPTION**

3. For the purposes of clause 257.54 (3) (b) of the Act, the following table sets out the name and description of the classes of residential buildings that are prescribed, the maximum number of additional dwelling units that are prescribed for buildings in those classes and the restrictions for each class.

NAME OF CLASS OF RESIDENTIAL BUILDING	DESCRIPTION OF CLASS OF RESIDENTIAL BUILDINGS	MAXIMUM NUMBER OF ADDITIONAL DWELLING UNITS	RESTRICTIONS
Single detached dwellings	Residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings.	Two	The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building.
Semi-detached dwellings or row dwellings	Residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building.
Other residential buildings	A residential building not in another class of residential building described in this table	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building.

**REPLACEMENT OF DWELLING UNIT EXEMPTION**

4. (1) Subject to subsection (2), a board shall exempt an owner 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) A board is not required to exempt an owner if the building permit for the replacement dwelling unit is issued more than two 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.

#### REPLACEMENT OF NON-RESIDENTIAL BUILDING EXEMPTION

5. (1) Subject to subsections (2) and (3), a board shall exempt an owner with respect to the replacement, on the same site, of a non-residential building that was destroyed by fire, demolition or otherwise, or that was so damaged by fire, demolition or otherwise as to render it unusable.

(2) If the gross floor area of the non-residential part of the replacement building exceeds the gross floor area of the non-residential part of the building being replaced, the board is only required to exempt the owner with respect to the portion of the education development charge calculated in accordance with the following formula:

$$\text{Exempted portion} = \frac{\text{GFA (old)}}{\text{GFA (new)}} \times \text{EDC}$$

where,

"Exempted portion" means the portion of the education development charge that the board is required to exempt;

"GFA (old)" means the gross floor area of the non-residential part of the building being replaced;

"GFA (new)" means the gross floor area of the non-residential part of the replacement building;

"EDC" means the education development charge that would be payable in the absence of the exemption.

(3) A board is not required to exempt an owner if the building permit for the replacement building is issued more than five years after,

(a) the date the former building was destroyed or became unusable; or

(b) if the former building was demolished pursuant to a demolition permit issued before the former building was destroyed or became unusable, the date the demolition permit was issued.

(4) This section does not apply with respect to education development charges on residential development.

#### TORONTO RAILWAY LANDS EXEMPTION

6. (1) In this section,

"agreement" means the agreement entitled "Development Levy Agreement—Railway Lands Central and West" made as of October 21, 1994 among The Corporation of the City of Toronto, Canadian National Railway Company, CN Transactions Inc., The Board of Education for the City of Toronto, Metropolitan Separate School Board and The Metropolitan Toronto School Board, and registered in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66) as Instrument No. C920254;

"lands" means the lands described in Schedules A and B to the agreement.

(2) A board shall exempt an owner from education development charges on the lands to the extent provided for in the agreement.

#### PART III DETERMINATION OF CHARGES AND PASSAGE OF BY-LAW

##### DETERMINATION OF EDUCATION DEVELOPMENT CHARGES

7. Before an education development charge by-law is passed, the board shall do the following for the purposes of determining the education development charges:

1. The board shall estimate the number of new dwelling units in the area in which the charges are to be imposed for each of the 15 years immediately following the day the board intends to have the by-law come into force. The board's estimate shall include only new dwelling units in respect of which education development charges may be imposed.
2. The board shall identify different types of new dwelling units and estimate, for each type, the average number of new elementary school pupils and the average number of new secondary school pupils generated by each new dwelling unit who will attend schools of the board.
3. For each of the 15 years referred to in paragraph 1, the board shall estimate the total number of new elementary school pupils and new secondary school pupils using the estimated number of new dwelling units and the estimated average number of new pupils generated by each new dwelling unit subject to the following adjustments,
  - i. the board shall reduce the number of new elementary school pupils by the number of existing elementary school pupil places that, in the opinion of the board, could reasonably be used to accommodate those new pupils,
  - ii. the board shall reduce the number of new secondary school pupils by the number of existing secondary school pupil places that, in the opinion of the board, could reasonably be used to accommodate those new pupils.
4. The board shall estimate the net education land cost for the elementary school sites and secondary school sites required to provide pupil places for the new elementary school pupils and new secondary school pupils.
5. The board shall estimate the balance of the education development charge reserve fund, if any, relating to the area in which the charges are to be imposed. The estimate shall be an estimate of the balance immediately before the day the board intends to have the by-law come into force.
6. The board shall adjust the net education land cost with respect to any balance estimated under paragraph 5. If the balance is positive, the balance shall be subtracted from the cost. If the balance is negative, the balance shall be converted to a positive number and added to the cost.
7. The net education land cost as adjusted, if necessary, under paragraph 6, is the growth-related net education land cost.
8. The board shall choose the percentage of the growth-related net education land cost that is to be funded by charges on residential development and the percentage, if any, that is to be funded by charges on non-residential development. The percentage that is to be funded by charges on non-residential development shall not exceed 40 percent.
9. The board shall determine the charges on residential development subject to the following,
  - i. the charges shall be expressed as a rate per new dwelling unit,

- ii. the rate shall be the same throughout the area in which charges are to be imposed under the by-law,
- iii. the rate shall be an amount determined by the board so that if applied, over the 15 year period referred to in paragraph 1, to the estimated residential development in the area to which the by-law would apply and for which charges may be imposed, the percentage of the growth-related net education land cost that is to be funded by charges on residential development would not be exceeded.
10. If charges are to be imposed on non-residential development, the board shall determine the charges subject to the following,
- i. the charges shall be expressed as one of the following types of rate, as selected by the board,
    - A. a rate to be applied to the gross floor area of the development, or
    - B. a rate to be applied to the declared value of the development,
  - ii. the board may choose to have one type of rate for some parts of the area in which charges are to be imposed and the other type of rate to apply to the other parts of the area in which charges are to be imposed,
  - iii. the board may not choose to have both types of rate apply within a city, town, village or township,
  - iv. if only one type of rate applies under the by-law, the rate shall be the same throughout the area in which charges are to be imposed under the by-law,
  - v. if both types of rate are to apply under the by-law, each of those rates shall be the same throughout the area in which each type of rate applies,
  - vi. the rate (or rates if both types of rate are to apply under the by-law) shall be determined by the board so that if applied, over the 15 year period referred to in paragraph 1, to the estimated non-residential development in the area to which the by-law would apply and for which charges may be imposed, the percentage of the growth-related net education land cost that is to be funded by charges on non-residential development would not be exceeded.
- ii. the board's estimates under paragraph 2 of section 7, for each type of dwelling unit identified by the board, of the average number of elementary school pupils and the average number of secondary school pupils generated by each new dwelling unit who will attend schools of the board; and
- iii. the board's estimates under paragraph 3 of section 7, for each of the years required under that paragraph, of the total number of new elementary school pupils and the total number of new secondary school pupils, without the adjustments set out in that paragraph being made and with the adjustments set out in that paragraph being made.
2. For each elementary school and secondary school in the area in which the board intends to impose education development charges,
- i. the number of existing pupil places, and
  - ii. the number of pupils who attend the school.
3. For every existing elementary school pupil place in the board's jurisdiction that the board does not intend to use in the adjustment under subparagraph i of paragraph 3 of section 7, an explanation as to why the board does not intend to do so.
4. For every existing secondary school pupil place in the board's jurisdiction that the board does not intend to use in the adjustment under subparagraph ii of paragraph 3 of section 7, an explanation as to why the board does not intend to do so.
5. For each elementary school site and secondary school site, the net education land cost of which the board intends to include in its estimation under paragraph 4 of section 7,
- i. the location of the site,
  - ii. the area of the site and if the area of the site exceeds the maximum area determined, under the table to section 2, based on the number of pupils that can be accommodated in the school to be built on the site, an explanation of whether the costs of the excess land are education land costs and if so, why,
  - iii. the estimated education land costs of the site including a separate statement of the board's estimation of,
    - A. the costs described in paragraph 1 of subsection 257.53 (2) of the Act,
    - B. the costs of providing services described in paragraph 2 of subsection 257.53 (2) of the Act,
    - C. the costs of preparing the site described in paragraph 2 of subsection 257.53 (2) of the Act, and
    - D. the interest described in paragraph 4 of subsection 257.53 (2) of the Act, and
  - iv. the number of pupil places the board estimates will be provided by the school to be built on the site and the number of those pupil places that the board estimates will be used to accommodate the number of new pupils estimated under paragraph 3 of section 7.
6. A statement of the board's policy concerning possible arrangements with municipalities, school boards or other persons or bodies in the public or private sector, including arrangements of a long-term or co-operative nature, which would provide accommodation for the new elementary school pupils and new secondary school pupils estimated under paragraph 3 of section 7, with

#### APPLICATION OF CHARGE IF BASED ON DECLARED VALUE OF DEVELOPMENT

8. An education development charge expressed as a rate to be applied to the declared value of a development shall be applied to the declared value used to calculate the building permit fee, if that fee is calculated using the declared value of the development.

#### BACKGROUND STUDY CONTENTS

9. (1) The following information is prescribed, for the purposes of clause 257.61 (2) (d) of the Act, as information that must be included in the education development charge background study relating to an education development charge by-law:

1. The following estimates that the board intends to use in determining the education development charges,
  - i. the board's estimates under paragraph 1 of section 7, for each of the years required under that paragraph, of the number of new dwelling units in the area in which the charges are to be imposed,

but imposing education development charges; or with a reduction in such charges.

7. If a previous education development charge background study completed by the board included a statement under paragraph 6, a statement of how the policy referred to in the statement was implemented and, if it was not implemented, an explanation of why it was not implemented.
8. A statement from the board stating that it has reviewed its operating budget for savings that could be applied to reduce growth-related net education land costs, and the amount of any savings which it proposes to apply, if any.

(2) The information prescribed under paragraph 5 of subsection (1) shall be as specific as can reasonably be provided by the board in the circumstances.

#### CONDITIONS OF PASSAGE OF BY-LAW

10. The following conditions are prescribed, for the purposes of subsection 257.54 (6) of the Act, as conditions that must be satisfied in order for a board to pass an education development charge by-law:

1. The Minister has approved,

i. the board's estimates under paragraph 3 of section 7, for each of the years required under that paragraph, of the total number of new elementary school pupils and the total number of new secondary school pupils, without the adjustments set out in that paragraph being made, and

ii. the board's estimates of the number of elementary school sites and the number of secondary school sites used by the board to determine the net education land cost under paragraph 4 of section 7.

2. Either,

i. the estimated average number of elementary school pupils of the board over the five years immediately following the day the board intends to have the by-law come into force exceeds the total capacity of the board to accommodate elementary school pupils throughout its jurisdiction on the day the by-law is passed, or

ii. the estimated average number of secondary school pupils of the board over the five years immediately following the day the board intends to have the by-law come into force exceeds the total capacity of the board to accommodate secondary school pupils throughout its jurisdiction on the day the by-law is passed.

3. The board has given a copy of the education development charge background study relating to the by-law to the Minister and each board having jurisdiction within the area to which the by-law would apply.

#### NOTICE OF PUBLIC MEETING

11. (1) The notice of the public meeting the board is required to give under clause 257.63 (1) (b) of the Act shall be given in one of the following ways:

1. To every owner of land in the area to which the proposed by-law would apply, by personal service, fax or mail.
2. By publication in a newspaper that is, in the secretary of the board's opinion, of sufficiently general circulation in the area to

which the proposed by-law would apply to give the public reasonable notice of the meeting.

(2) For the purposes of paragraph 1 of subsection (1), the owners are the owners shown on the last revised assessment roll, subject to any written notice of a change of ownership of land the secretary of the board may have received. A notice given by mail to an owner shall be mailed to the address shown on the last revised assessment roll or, if applicable, to the address shown on the notice of a change of ownership of land received by the secretary of the board.

#### NOTICE OF BY-LAW

12. (1) This section applies to the notices relating to the passage of an education development charge by-law that the secretary of a board is required to give under section 257.64 of the Act.

(2) Notice shall be given in one of the following ways:

1. By personal service, fax or mail to every owner of land in the area to which the by-law applies.

2. By publication in a newspaper that is, in the secretary of the board's opinion, of sufficiently general circulation in the area to which the by-law applies to give the public reasonable notice of the by-law.

(3) Subsection 11 (2) applies, with necessary modifications, for the purposes of paragraph 1 of subsection (2).

(4) In addition to the notices under subsection (2), notice shall be given, by personal service, fax or mail, to the following:

1. Every person and organization that has given the secretary of the board a written request for notice of the passing of the by-law and has provided a return address.

2. The Minister.

3. Unless notice is given under paragraph 2 of subsection (2),

i. the clerk of every municipality having jurisdiction within the area to which the by-law applies, and

ii. the secretary of every board having jurisdiction within the area to which the by-law applies.

(5) Each notice shall set out the following:

1. A statement that the board has passed an education development charge by-law.

2. A statement setting out when the by-law was passed and what its number is.

3. A statement that any person or organization may appeal the by-law to the Ontario Municipal Board under section 257.65 of the Act by filing with the secretary of the board a notice of appeal setting out the objection to the by-law and the reasons supporting the objection.

4. A statement setting out what the last day for appealing the by-law is.

5. An explanation of the education development charges imposed by the by-law on residential development and non-residential development.

6. A description of the lands to which the by-law applies.

7. A key map showing the lands to which the by-law applies or an explanation of why a key map is not provided.
8. An explanation of where and when persons may examine a copy of the by-law.
9. A statement that notice of a proposed by-law amending the education development charge by-law or the passage of such an amending by-law is not required to be given to any person or organization, other than to certain clerks of municipalities or secretaries of school boards, unless the person or organization gives the secretary of the board a written request for notice of any amendments to the education development charge by-law and has provided a return address.

#### PART IV AMENDMENT TO BY-LAW

##### RE-DETERMINATION OF EDUCATION DEVELOPMENT CHARGES

13. (1) This section applies if an amendment to an education development charge by-law would change any of the rates for determining the amount of an education development charge.

(2) Section 7 applies with the following modifications and such other modifications as are necessary:

1. References to the 15 years referred to in paragraph 1 of section 7 shall be deemed to be references to the portion of the 15 years immediately following the day the board intends to have the amending by-law come into force.
2. The estimate under paragraph 3 of section 7 shall be an estimate of the balance immediately before the day the board intends to have the amending by-law come into force.

##### NOTICE OF PROPOSED AMENDMENT TO BY-LAW

14. (1) This section applies to the notices relating to a proposed by-law amending an education development charge by-law that a board is required to give under section 257.72 of the Act.

(2) Notice shall be given to the following:

1. Every person and organization that has given the secretary of the board a written request for notice of any amendments to the education development charge by-law and has provided a return address.
2. The clerk of every municipality having jurisdiction within the area to which the education development charge by-law applies.
3. The secretary of every board having jurisdiction within the area to which the education development charge by-law, as amended, applies.

(3) Notice to a person or organization described in paragraph 1 of subsection (2) shall be given by personal service, fax or mail.

(4) Notice to a person described in paragraph 2 or 3 of subsection (2) shall be given by personal service, fax or mail or by publication in a newspaper that is, in the secretary of the board's opinion, of sufficiently general circulation in the area to which the education development charge by-law applies to give the public reasonable notice.

(5) Each notice shall set out the following:

1. A statement that the board proposes to amend the education development charge by-law.

2. An explanation of the education development charges imposed by the education development charge by-law on residential development and non-residential development.
3. An explanation of the proposed amending by-law.
4. A description of the lands to which the education development charge by-law applies.
5. A key map showing the lands to which the education development charge by-law applies or an explanation of why a key map is not provided.
6. If the lands to which the education development charge by-law would apply will be different if the proposed amending by-law is passed, a description of the lands to which the education development charge by-law, as amended, would apply and a key map showing those lands or an explanation of why a key map is not provided.
7. An explanation of where and when persons may examine a copy of the proposed amending by-law.

##### NOTICE OF THE PASSAGE OF AMENDING BY-LAW

15. (1) This section applies to the notices relating to the passage of a by-law amending an education development charge by-law that the secretary of a board is required to give under section 257.73 of the Act.

(2) Notice shall be given to the following:

1. Every person and organization that has given the secretary of the board a written request for notice of any amendments to the education development charge by-law and has provided a return address.
2. The Minister.
3. The clerk of every municipality having jurisdiction within the area to which the education development charge by-law, as amended, applies.
4. The secretary of every board having jurisdiction within the area to which the education development charge by-law, as amended, applies.

(3) Notice to a person or organization described in paragraph 1 or 2 of subsection (2) shall be given by personal service, fax or mail.

(4) Notice to a person described in paragraph 3 or 4 of subsection (2) shall be given by personal service, fax or mail or by publication in a newspaper that is, in the secretary of the board's opinion, of sufficiently general circulation in the area to which the education development charge by-law applies to give the public reasonable notice.

(5) Each notice shall set out the following:

1. A statement that the board has passed a by-law amending the education development charge by-law.
2. A statement setting out when the amending by-law was passed and what its number is.
3. A statement that any person or organization may appeal the amending by-law to the Ontario Municipal Board under section 257.74 of the Act by filing with the secretary of the board a notice of appeal setting out the objection to the amending by-law and the reasons supporting the objection.
4. A statement setting out what the last day for appealing the amending by-law is.

5. A statement that an appeal may not raise an issue that could have been raised in an appeal of the education development charge by-law under section 257.65 of the Act.

**PART V  
MISCELLANEOUS**

**EDUCATION DEVELOPMENT CHARGE RESERVE FUND**

16. (1) A board shall, under section 257.82 of the Act, establish an education development charge reserve fund for the area to which an education development charge by-law applies.

(2) Money from an education development charge reserve fund may be used only,

- (a) for growth-related net education land costs;
- (b) as provided for under clause 241 (1) (n) or section 257.99 of the Act;
- (c) to pay the reasonable costs of preparing, revising and distributing the pamphlet for the by-law as required under section 21;
- (d) to pay the service charges of a financial institution relating to the reserve fund; or
- (e) if an education development charge has been paid but the building permit for the development is revoked, to refund the education development charge, plus interest at a rate not exceeding the rate prescribed under section 18.

**EXPIRY OF BY-LAWS—SPECIAL RULE**

17. (1) This section governs the expiry of an education development charge by-law of a board (the "new by-law") if, when the new by-law is passed, an education development charge by-law of another board (an "existing overlapping by-law") applies to any part of the area to which the new by-law applies.

(2) The new by-law expires on the earliest of the expiry dates of the existing overlapping by-laws, as they read on the day the new by-law is passed.

(3) For greater certainty, a by-law continued under section 257.103 of the Act is not an existing overlapping by-law.

**INTEREST**

18. The interest rate that shall be paid under subsections 257.69 (3) and 257.90 (2) of the Act and the minimum interest rate that boards shall pay under section 257.99 of the Act is the lowest prime rate reported to the Bank of Canada by any of the banks listed in Schedule I to the Bank Act (Canada) at the beginning of the period for which interest is to be paid.

**REGIONS**

19. (1) The area of the jurisdiction of a board is divided into regions for the purposes of section 257.57 of the Act in accordance with the following:

1. The part of the jurisdiction that is in the area described in an item of the Schedule to this Regulation is a region.
2. The part of the jurisdiction that is not in any area described in an item of the Schedule to this Regulation is a region.

- (2) The references in the Schedule to municipalities or areas are references to those municipalities or areas as they were on December 31, 1997, except where a contrary intention appears.

**MONTHLY REPORTS**

20. (1) The following information, as it relates to land in the municipality, is prescribed as information to be included in a monthly report under section 257.97 of the Act:

1. The total education development charges that are collected in respect of residential development.
2. The number of building permits, for each type of new dwelling unit the board identified under paragraph 2 of section 7, in respect of which education development charges were imposed.
3. The location of the lands to which the building permits described in paragraph 2 pertained.
4. The total education development charges collected in respect of non-residential development.
5. The number of building permits issued for non-residential development in respect of which an education development charge is imposed by the board.
6. The total gross floor area of the non-residential development in respect of which education development charges, determined using a rate applied to the gross floor area of the development, are imposed by the board. The total gross floor area shall not include the gross floor area of a development with respect to which subsection 257.55 (3) of the Act or subsection 5 (2) of this Regulation applies.
7. The total declared value of the non-residential development in respect of which education development charges, determined using a rate applied to the declared value of the development, are imposed by the board. The total declared value shall not include the declared value of a development with respect to which subsection 257.55 (3) of the Act or subsection 5 (2) of this Regulation applies.
8. For each development with respect to which subsection 257.55 (3) of the Act applies and in respect of which education development charges are imposed by the board,
  - i. the gross floor area of the existing building,
  - ii. the gross floor area of the enlargement, and
  - iii. if the education development charges are determined using a rate applied to the declared value of the development, the declared value upon which the charges for the development are determined.
9. For each development with respect to which subsection 5 (2) of this Regulation applies and in respect of which education development charges are imposed by the board,
  - i. the gross floor area of the non-residential part of the building being replaced,
  - ii. the gross floor area of the non-residential part of the replacement building, and
  - iii. if the education development charges are determined using a rate applied to the declared value of the development, the declared value upon which the charges for the development are determined.

10. The number of building permits issued for residential development in an area to which the education development charge by-law applies in respect of which no education development charge is imposed.
11. The number of building permits issued for non-residential development in an area to which the education development charge by-law applies in respect of which no education development charge is imposed.

(2) The report shall cover the period,

- (a) beginning at the end of the period covered by the previous report by the municipality or, if there was no previous report, beginning on the first day that an education development charge by-law of the Board applied to land in the municipality;
- (b) ending at the end of the 25th day of the month before the month in which the report is due.

#### PAMPHLETS EXPLAINING BY-LAW

21. (1) A board shall prepare a pamphlet for each education development charge by-law in force setting out,

- (a) a description of the general purpose for which the education development charges under the by-law are being imposed; and
- (b) the rules for determining if an education development charge is payable in a particular case and for determining the amount of the charge.

(2) The board shall prepare the pamphlet,

- (a) if the by-law is not appealed to the Ontario Municipal Board, within 60 days after the by-law comes into force;
- (b) if the by-law is appealed to the Ontario Municipal Board, within 60 days after the Ontario Municipal Board's decision or, if the Ontario Municipal Board orders the board to amend the by-law, within 60 days after the board does so.
- (3) If an education development charge by-law is amended, the board shall revise the pamphlet for the by-law as necessary.

(4) If the board is required to revise the pamphlet, it shall do so,

- (a) if the amending by-law is not appealed to the Ontario Municipal Board, within 60 days after the amending by-law comes into force;
- (b) if the amending by-law is appealed to the Ontario Municipal Board, within 60 days after the Ontario Municipal Board's decision or, if the Ontario Municipal Board orders the board to amend the amending by-law, within 60 days after the board does so.

(5) Upon preparing or revising a pamphlet, the board shall give a copy of the pamphlet to the Minister.

(6) The board shall give a copy of the most recent pamphlet, without charge, to any person who requests one.

(7) The board may charge a fee for additional copies of a pamphlet given to a person but the fee must be no more than is needed to pay for the cost of the additional copies.

(8) A person may reproduce and distribute the pamphlet in any form.

### PART VI TRANSITION FROM OLD DEVELOPMENT CHARGES ACT

#### SUCCESSOR BOARDS

22. Each board set out in column 2 of the following table is prescribed as a successor board of the corresponding old board set out in column 1 for the purposes of Division E of Part IX of the Act.

ITEM	COLUMN 1 OLD BOARDS	COLUMN 2 SUCCESSOR BOARDS
1.	The York Region Board of Education	English-language Public District School Board No. 16  Conseil de district des écoles publiques de langue française n° 58
2.	The York Region Roman Catholic Separate School Board/Conseil des écoles séparées catholiques de la région de York	English-language Separate District School Board No. 42  Conseil de district des écoles séparées de langue française n° 64
3.	The Carleton Board of Education	English-language Public District School Board No. 25
4.	The Carleton Roman Catholic Separate School Board	English-language Separate District School Board No. 53
5.	The Durham Board of Education	English-language Public District School Board No. 13  Conseil de district des écoles publiques de langue française n° 58
6.	The Durham Region Roman Catholic Separate School Board/Conseil des écoles séparées catholiques de la région de Durham	English-language Separate District School Board No. 45  Conseil de district des écoles séparées de langue française n° 64
7.	The Halton Board of Education	English-language Public District School Board No. 20  Conseil de district des écoles publiques de langue française n° 58
8.	The Halton Roman Catholic Separate School Board/Conseil des écoles catholiques de Halton	English-language Separate District School Board No. 46  Conseil de district des écoles séparées de langue française n° 64
9.	The Peel Board of Education	English-language Public District School Board No. 19  Conseil de district des écoles publiques de langue française n° 58
10.	The Dufferin County Board of Education	English-language Public District School Board No. 18  Conseil de district des écoles publiques de langue française n° 58

11.	The Dufferin-Peel Roman Catholic Separate School Board/Conseil des écoles séparées catholiques de Dufferin & Peel	English-language Separate District School Board No. 43 Conseil de district des écoles séparées de langue française n° 64
12.	The Wentworth County Board of Education	English-language Public District School Board No. 21 Conseil de district des écoles publiques de langue française n° 58
13.	The Hamilton-Wentworth Roman Catholic Separate School Board/Le conseil des écoles séparées catholiques romaines de Hamilton-Wentworth	English-language Separate District School Board No. 47 Conseil de district des écoles séparées de langue française n° 64
14.	Le Conseil des écoles publiques d'Ottawa-Carleton	Conseil de district des écoles publiques de langue française n° 59
15.	Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton	Conseil de district des écoles séparées de langue française n° 66

## JOINT EDUCATION DEVELOPMENT CHARGE ACCOUNTS

23. (1) For each joint education development charge account held by old boards set out in column 1 of the table to section 22 on December 31, 1997, the successor boards to the old boards shall establish an education development charge account to be held jointly by the successor boards.

(2) If, under the old Act, the amounts collected under an education development charge by-law would have been deposited into a joint education development charge account, the amounts paid under the by-law, as continued under section 257.103 of the Act, shall be deposited into the corresponding education development charge account established under subsection (1).

(3) The old Act and Regulation 268 of the Revised Regulations of Ontario, 1990 as it read on January 31, 1998 continue to apply to a joint education development charge account established under subsection (1) with the following modification and such other modifications as are necessary:

1. For the purposes of the application of subsection 5 (7) of Regulation 268 of the Revised Regulations of Ontario, 1990 as it read on January 31, 1998, the reference to subsection 11 (3) of the Education Act shall be deemed to be a reference to section 234 of the Education Act.

(4) The following rules apply if an education development charge by-law is repealed or expires and amounts paid under the by-law were required, before it was repealed or expired, to be deposited into an education development charge account established under subsection (1):

1. The successor board whose by-law was repealed or expired shall establish an education development charge reserve fund for the area to which the by-law applied.
2. If, after the repeal or expiry, no amounts under an education development charge by-law of any other board will be required to be deposited into the education development charge account, the surplus or deficit in the account shall be dealt with in accordance with subsection (3).

(5) The surplus or deficit of an education development charge account referred to in paragraph 2 of subsection (4) shall be transferred to the education development charge reserve funds, established under paragraph 1 of subsection (4), of the successor boards that established the education development charge account. The amounts transferred to each board's reserve fund shall be in proportion to the number of students attending schools of the board, on August 31, 1998, in the area to which the board's education development charge by-law applied on February 1, 1998.

(6) For the purposes of paragraph 3 of section 7, if there is a joint education development charge account for the area in which education development charges are to be imposed under a new education development charge by-law, the board's estimate shall be an estimate of the amount of any surplus or deficit that will be transferred to the board under subsection (5).

(7) For the purposes of the application of the provisions referred to in subsection 257.103 (3) of the Act, references in those provisions to an education development charge reserve fund shall be deemed to be references to an education development charge reserve account.

## MONTHLY REPORTS FOR CONTINUED BY-LAWS

24. The following apply with respect to a report required under section 257.97 of the Act as that section applies under subsection 257.103 (3) of the Act:

1. The period that the report must cover is the period referred to in subsection 37 (5) of the old Act.
2. The information that the report shall contain is the information that was prescribed under section 14 of Regulation 268 of the Revised Regulations of Ontario, 1990, as it read on January 31, 1998.

PART VII  
COMMENCEMENT

25. This Regulation comes into force on February 1, 1998.

## SCHEDULE (REGIONS)

## Northern Ontario

1. The area of jurisdiction of the former Atikokan Board of Education as it existed on December 31, 1997.
2. The area of jurisdiction of the former Beardmore, Geraldton, Longlac and Area Board of Education as it existed on December 31, 1997.
3. The area of jurisdiction of the former Central Algoma Board of Education as it existed on December 31, 1997.
4. The area of jurisdiction of the former Chapleau Board of Education as it existed on December 31, 1997.
5. The area of jurisdiction of the former Cochrane-Iroquois Falls, Black River-Matheson Board of Education as it existed on December 31, 1997.
6. The area of jurisdiction of the former Dryden Board of Education as it existed on December 31, 1997.
7. The area of jurisdiction of the former East Parry Sound Board of Education as it existed on December 31, 1997.
8. The area of jurisdiction of the former Espanola Board of Education as it existed on December 31, 1997.

9. The area of jurisdiction of the former Fort Frances-Rainy River Board of Education as it existed on December 31, 1997.
  10. The area of jurisdiction of the former Hearst Board of Education as it existed on December 31, 1997.
  11. The area of jurisdiction of the former Hornepayne Board of Education as it existed on December 31, 1997.
  12. The area of jurisdiction of the former Kapuskasing-Smooth Rock Falls and District Board of Education as it existed on December 31, 1997.
  13. The area of jurisdiction of the former Kenora Board of Education as it existed on December 31, 1997.
  14. The area of jurisdiction of the former Kirkland Lake Board of Education as it existed on December 31, 1997.
  15. The area of jurisdiction of the former Lake Superior Board of Education as it existed on December 31, 1997.
  16. The area of jurisdiction of the former Lakehead Board of Education as it existed on December 31, 1997.
  17. The area of jurisdiction of the former Manitowlin Board of Education as it existed on December 31, 1997.
  18. The area of jurisdiction of the former Michipicoten Board of Education as it existed on December 31, 1997.
  19. The area of jurisdiction of the former Muskoka Board of Education as it existed on December 31, 1997.
  20. The area of jurisdiction of the former Nipigon-Red Rock Board of Education as it existed on December 31, 1997.
  21. The area of jurisdiction of the former Nipissing Board of Education as it existed on December 31, 1997.
  22. The area of jurisdiction of the former North Shore Board of Education as it existed on December 31, 1997.
  23. The area of jurisdiction of the former Red Lake Board of Education as it existed on December 31, 1997.
  24. The area of jurisdiction of the former Sault Ste. Marie Board of Education as it existed on December 31, 1997.
  25. The area of jurisdiction of the former Sudbury Board of Education as it existed on December 31, 1997.
  26. The area of jurisdiction of the former Timiskaming Board of Education as it existed on December 31, 1997.
  27. The area of jurisdiction of the former Timmins Board of Education as it existed on December 31, 1997.
  28. The area of jurisdiction of the former West Party Sound Board of Education as it existed on December 31, 1997.
  29. In the Territorial District of Nipissing, the Township of Airy and the geographic townships of Sabine, Murchison, Lyell and Dickens.
  30. The County of Brant.
  31. The County of Bruce.
  32. The County of Dufferin.
  33. The County of Elgin.
  34. The County of Essex, excluding the City of Windsor and including the Township of Pelee.
  35. The County of Frontenac.
  36. The County of Grey.
  37. The County of Haliburton.
  38. The County of Hastings.
  39. The County of Huron.
  40. The County of Kent.
  41. The County of Lambton.
  42. The County of Lanark.
  43. The United Counties of Leeds and Grenville.
  44. The County of Lennox and Addington.
  45. The County of Middlesex, excluding the City of London.
  46. Northumberland County and the Municipality of Clarington in the Regional Municipality of Durham.
  47. The County of Oxford.
  48. The County of Perth.
  49. The County of Peterborough.
  50. The United Counties of Prescott and Russell.
  51. The County of Prince Edward.
  52. The County of Renfrew.
  53. The County of Simcoe.
  54. The United Counties of Stormont, Dundas and Glengary.
  55. The County of Victoria.
  56. The County of Wellington.
- Regional municipalities
57. The Regional Municipality of Durham, except for the Municipality of Clarington.
  58. The portion of the Regional Municipality of Haldimand-Norfolk that on December 31, 1997 was the school division of The Haldimand County Board of Education.
  59. The portion of the Regional Municipality of Haldimand-Norfolk that on December 31, 1997 was the school division of The Norfolk County Board of Education.
  60. The Regional Municipality of Halton.
  61. The Regional Municipality of Hamilton-Wentworth, excluding the City of Hamilton.
- Counties

62. The portion of the Regional Municipality of Niagara that on December 31, 1997 was the school division of The Lincoln County Board of Education.
63. The portion of the Regional Municipality of Niagara that on December 31, 1997 was the school division of The Niagara South Board of Education.
64. The Regional Municipality of Ottawa-Carleton, excluding the City of Ottawa, the City of Vanier and the Village of Rockcliffe Park.
65. The Regional Municipality of Peel.
66. The Regional Municipality of Waterloo.
67. The Regional Municipality of York.
- Cities
68. The City of Hamilton.
69. The City of London.
70. The City of Ottawa, the City of Vanier and the Village of Rockcliffe Park.
71. The City of Toronto as it existed on January 1, 1998.
72. The City of Windsor.

7/98

**ONTARIO REGULATION 21/98**  
made under the  
**DÉVELOPPEMENT CHARGES ACT**

Made: January 26, 1998  
Filed: January 27, 1998

Revoking Reg. 268 of R.R.O. 1990  
(Education Development Charges)

1. Regulation 268 of the Revised Regulations of Ontario, 1990 and Ontario Regulations 229/92, 813/94, 15/96 and 475/97 are revoked.

2. This Regulation comes into force on February 1, 1998.

7/98

**ONTARIO REGULATION 22/98**  
made under the  
**BUILDING CODE ACT**

Made: January 26, 1998  
Filed: January 27, 1998

Amending O. Reg. 403/97  
(General)

Note: Ontario Regulation 403/97 has not previously been amended.

1. (1) The definitions of "Alternative measure", "Private sewage disposal system" and "Sewage system" set out in Article 1.1.3.2. of Ontario Regulation 403/97 are revoked and the following substituted:

*Alternative measure* means a substitute for a requirement of Part 3, 4, 5, 6, 7, 8 or 9 of the Code or for a *compliance alternative*.

*Private sewage disposal system* means a sewage system or a sewage works which is not owned and operated by the Crown, a municipality or an organisation acceptable to the Director responsible for issuing a Certificate of Approval under the *Ontario Water Resources Act*.

*Sewage system* means:

- (a) a chemical toilet, an incinerating toilet, a recirculating toilet, a self-contained portable toilet and all forms of privy including a *portable privy*, an *earth pit privy*, a *poil privy*, a *privy vault* and a composting toilet system;
- (b) a *greywater system*;
- (c) a cesspool;
- (d) a *leaching bed system*, or
- (e) a system which requires or uses a *holding tank* for the retention of *hauled sewage* at the site where it is produced prior to its collection by a *hauled sewage system*;

where these

- (f) have a design capacity of 10 000 Litres per day or less;
- (g) have, in total, a design capacity of 10 000 Litres per day or less where more than one of these is located on a lot or parcel of land, and
- (h) are located wholly within the boundaries of the lot or parcel of land on which is located the *building* which they serve.

(2) Article 1.1.3.2. of the Regulation is amended by adding the following definitions:

*Absorption trench* means an excavation in *soil* (as defined in Part 8) or *leaching bed fill*, being part of a *leaching bed*, in which a *distribution pipe* is laid and which allows infiltration of the *effluent* into the *soil* (as defined in Part 8) or *leaching bed fill*.

*Chamber* means a structure that is constructed with an open bottom and contains a *pressurized distribution pipe*.

*Distribution box* means a device for ensuring that *effluent* from a *treatment unit* is distributed in equal amounts to each line of *distribution pipe* in a *leaching bed*.

*Distribution pipe* means a line or lines of perforated or open jointed pipe or tile installed in a *leaching bed* for the purpose of distributing *effluent* from a *treatment unit* to the *soil* (as defined in Part 8) or *leaching bed fill* in the *leaching bed*.

*Earth pit privy* means a latrine consisting of an excavation in the ground surmounted by a superstructure.

*Effluent* means *sanitary sewage* that has passed through a *treatment unit*.

*Greywater* means *sanitary sewage* of domestic origin which is derived from *fixtures* other than *sanitary units*.

*Ground water* means water below the surface of the ground occupying a zone of the earth's mantle that is saturated with water.

*Ground water table* means the elevation of the upper surface of the *ground water* existing in the area of the *sewage system*.