



ONTARIO PUBLIC  
SCHOOL BOARDS'  
ASSOCIATION

**Leading Education's Advocates**

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May 31, 2019

To: Parm Gill, MPP (Milton) and Chair of the Standing Committee on Justice Policy  
Jocelyn McCauley, Clerk of the Standing Committee on Justice Policy

Email: [comm-justicepolicy@ola.org](mailto:comm-justicepolicy@ola.org)

Re: OPSBA's Submission re: Bill 108, More Homes, More Choice Act, 2019

The Ontario Public School Boards Association (OPSBA) thanks the Standing Committee on Justice Policy for its consideration of our feedback concerning Bill 108, More Homes, More Choice Act, 2019. This legislation contains proposed amendments to 13 different schedules and our comments focus on those in Schedule 4 *Education Act*. The legislation's preamble outlines the bill's many objectives including the statement, "Allowing school boards and development partners to find innovative ways to finance new schools." We understand the financial conditions that have created this goal and are hopeful for continued engagement with our sector and stakeholders by the Ministry of Education. We are also aware that our education partner, the Ontario Association of School Business Officials (OASBO), will be providing a submission and we support their technical expertise on these issues.

The proposed amendments concentrate on two financial matters within the *Education Act* - land expropriation and Education Development Charges (EDCs). Our comments, questions and feedback for both are outlined below.

#### Land Expropriation Amendments

*The Schedule amends section 195 of the Education Act to require a school board to give notice to the Minister if it plans to acquire or expropriate land and to allow the Minister to reject the board's plans.*

OPSBA has connected with its member board business officials to gauge the impact of this added layer of oversight and its potential to make the expropriation process longer and more complicated. There is the impression that this is a further reduction of local decision making. It is necessary to point out that school boards engage with many partners in their long term strategic planning proposals. This is a process that takes years of advanced coordination to adequately plan and support school and community needs. The timelines for school boards to notify the Minister regarding expropriation plans and for the Minister to make a decision about a plan are to be determined by regulation. OPSBA recommends the ministry ensure key stakeholders are part of any regulation consultation in order to ensure the best outcomes for our students. We

suggest transition language be included to ensure that any current work regarding land expropriation is not terminated, which would require boards to cancel agreements.

Outstanding questions remain and these include:

- Will boards need to prepare a business case for their expropriation plans to share with the Minister?
- Would this now require boards to develop multiple expropriation plans in order to ensure sufficient and appropriate school sites are secured?
- What criteria would the Minister use to approve or reject a board plan? Would the Minister's decision include recommendations in order for a board's plan to be approved?
- Are property owners and the public to be engaged in this revised process?
- How will the ministry engage with the sector regarding the timelines regulation?

### Education Development Charges (EDCs) Amendments

*The Schedule also makes various amendments with respect to education development charges. Section 257.53.1 is added to the Act to provide for alternative projects that, if requested by a board and approved by the Minister, would allow the allocation of revenue from education development charge by-laws for projects that would address the needs of the board for pupil accommodation and would reduce the cost of acquiring land.*

*Section 257.53.2 is added to the Act to provide for localized education development agreements that, if entered into between a board and an owner of land, would allow the owner to provide a lease, real property or other prescribed benefit to be used by the board to provide pupil accommodation in exchange for the board agreeing not to impose education development charges against the land.*

For many years, OPSBA has been advocating for changes to the EDC regulation that would allow more local flexibility for capital and renewal costs. Last fall, the Ministry of Education imposed a temporary cap on EDC rates and announced the creation of a working group to review the EDC framework. Although last spring a modest increase was approved, boards need an appropriate and significant increase to cover land costs. The freeze last year had a significant financial impact on several of our member boards leaving them with insufficient funds, as they cannot match EDC rates to the cost of land prices, which continue to escalate significantly.

With regard to lower cost "alternative projects," we are unclear as to what this will actually mean. Will school boards be allowed to use EDCs to build school additions or rent school space? We believe this may be intended for those boards with high density areas, thereby allowing schools to be built above existing spaces such as parking garages. As for the allowance of owners to not pay EDC charges and provide other benefits, we again see this as something more likely directed at dense, urban environments. If school boards were not to receive EDC monies, we would want to ensure that there are other sources of funding for land acquisition and capital renewal. These are good discussion items to have between school boards, local developers and the ministry.

Feedback from our business official staff and trustees included the following additional statements and concerns:

- These proposed changes do nothing (no change to the regulation) to allow those boards currently restricted to collect EDCs and meet economic and growth realities.
- The proposed changes do not lift the current rate increase restrictions. Provincial land deficits will continue to increase, as land appreciation exceeds the ability to increase EDC levies.
- This is creating increased pressures and challenges down the road. The province may need to consider covering the deficits through other means. It will also pose cash flow pressures on individual school boards, as deficits increase and the ability to borrow diminishes.
- The regulation needs to allow for more flexibility to support member boards with areas of growth, i.e. funding to go toward more than the purchase of new school sites (i.e. renovating and retrofitting).
- There is no accountability on the developers that these rate restrictions and lower cost alternatives will translate into lower housing prices.
- Boards are also experiencing a reduction in their potential school site sizes. There is not enough room for all the things that are included in a new school – parking, recreation fields, etc. There is a need to look at creative partnerships with municipal partners to share space.

The Ministry of Education has indicated that there will be engagement with the sector. OPSBA is a willing partner that wants the voice of school boards and trustees to be heard. We would also support the resumption of the EDC working group to delve into the issues stemming from the legislation and any potential regulation. We look forward to learning about next steps.

Sincerely,

A handwritten signature in black ink that reads "Cathy Abraham". The signature is written in a cursive, flowing style.

Cathy Abraham  
President  
Ontario Public School Boards' Association

*The Ontario Public School Boards' Association represents public district school boards and public school authorities across Ontario, which together serve more than 1.3 million public elementary and secondary students. The Association advocates on behalf of the best interests and needs of the public school system in Ontario. OPSBA is seen as the credible voice of public education in Ontario and is routinely called on by the provincial government for input and advice on legislation and the impact of government policy directions.*