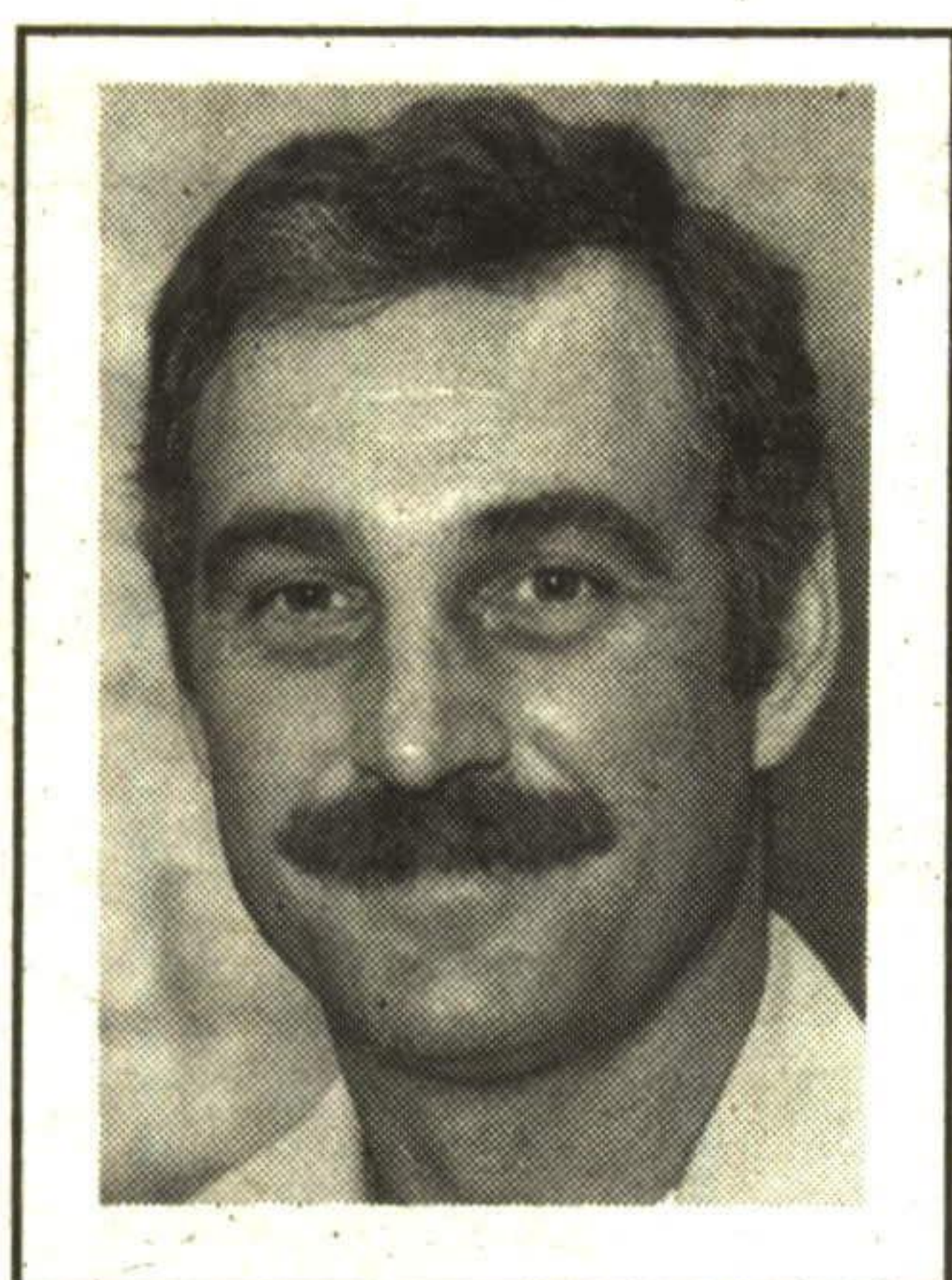


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*School board development levies*

**Halton waits for court decision**

By **ANGELA BLACKBURN**  
*Special to the Independent/Free Press*

The Halton Board of Education is delaying a move toward educational development charges until the matter gets settled in the courts.

On May 20, an Ontario divisional court struck down York Region school board educational development charges bylaws as unconstitutional. The bylaws would see residents in new developments paying additional charges to support infrastructure funding — specifically new schools.

The charges would be passed to residents and commercial properties through developers.

The Halton board drafted a bylaw and took it to the public last month. However, development industry representatives made it clear they'd challenge the board, in light of the York ruling.

George Vegh, the lawyer for the Greater Toronto Home Builders' Association (GTHBA) told the board that should the board proceed, the association would take immediate legal action.

Vegh said the association would ask the court for an order that the board pay its legal fees and damages.

The idea behind educational development charges is to replace the older system of lot levies so new growth would pay for new services it needs.

The Halton board's proposed bylaw calls for charges to include a flat fee of \$1,590 per home for education funding from residential builders, and a 61 cents per sq. ft.

average charge for commercial projects.

Developers pass the additional costs onto their customers, new home buyers and new commercial projects.

The proposed bylaw would provide for exemptions, including boards and municipalities, hospitals and places of worship as well as community colleges and municipal hydro-electric commissions.

The York board planned to appeal the decision to the Ontario Supreme Court and were granted a stay which means they can continue to collect the charges, for now.

However developers stressed to the Halton board that the stay doesn't apply to Halton while the court ruling which states such charges are unconstitutional, does.

Halton school board chair Dave Coons announced the delay "because of the fact that it's being challenged in York. Until such time as it's settled in the courts, it would not be prudent for us to proceed at this time."

Educational development charges date back to December 1988 when the provincial government issued a discussion paper entitled Financing Growth Related Needs.

Significant proposals in it included an immediate reduction in provincial grant levels on capital projects' approved costs from an average 75 per cent to 60 per cent.

Capital funding requirements in the province continue to escalate, with provincial funding for them remaining around the \$300 million mark annually.

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