

## **Education Development Charges Complaint – 150 Eighth Street**

**Date:** April 29, 2025  
**To:** Executive Committee  
**From:** Chief Financial Officer and Treasurer  
**Wards:** Ward 3 – Etobicoke-Lakeshore

### **SUMMARY**

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This report responds to a complaint filed pursuant to Section 257.85 of the *Education Act, 1990*, relating to a development project located at 150 Eighth Street in Etobicoke-Lakeshore.

The development project is an affordable housing project for 56 units under the City's Open Door Affordable Housing Program. The complainant, the Canadian Helen Keller Centre (the "CHKC"), are of the opinion that they should be exempt from education development charges. The complainant asserts that education development charges in the amount of \$184,408.00 should be refunded as this redevelopment was part of Toronto's Rapid Housing Initiative and the following fees and charges have been waived or exempted:

- planning application fees;
- building permit fees;
- municipal development charges; and
- parkland dedication fees.

City staff have reviewed the complaint and are of the opinion that the Education Development Charges By-law (the "EDC By-law") was applied properly, and no error was made in the determination of the applicable education development charges. The complainant was eligible to have their municipal development charges waived/exempted, but there is no corresponding exemption provided by the Toronto Catholic District School Board.

This report was prepared in consultation with the (Acting) Chief Building Official and Executive Director, Toronto Building, and the City Solicitor.

## RECOMMENDATIONS

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The Chief Financial Officer and Treasurer recommends that:

1. City Council receive the Education Development Charges Complaint – 150 Eighth Street Report for information.

## FINANCIAL IMPACT

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There are no financial implications arising from the adoption of the recommendation in this report.

The City is responsible for the collection of the education development charges on behalf of the Toronto Catholic District School Board, as required by the *Education Act, 1990* and as a result, a total of \$184,408.00 in education development charges was already collected by the City from the complainant and remitted directly to the Toronto Catholic District School Board. Should Council authorize a refund in the amount of \$184,408.00 or should the complainant appeals Council's decision of rejecting the refund to the Ontario Land Tribunal (OLT) and a decision by OLT is in favour of the complaint, the Toronto Catholic District School Board would be responsible for refunding the education development charges to the complainant.

## COMMENTS

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### Background

On October 21, 2024, a formal education development charges complaint was received by the City from the property owner, the CHKC, requesting a review of their education development charges (see Attachment 1). The development project is an affordable housing project, which consists of 56 units.

The complainant's position is that the education development charges payment of \$184,408.00 should be refunded as the redevelopment was part of Toronto's Rapid Housing Initiative (see Attachment 2), and the following fees and charges have been waived or exempted:

- planning application fees;
- building permit fees;
- municipal development charges; and
- parkland dedication fees.

The exemption of fees and charges for affordable rental homes to be created through the Rapid Housing Initiative – Phase Two was approved by City Council at its meeting

of October 1, 2021, under Item PH26.4 - Implementing the Federal Rapid Housing Initiative – Phase Two.

Under Section 257.85 (1) of the *Education Act*, an owner, the owner's agent or a board, may complain to the council of the municipality to which an education development charge is payable that:

- a. the amount of the education development charge was incorrectly determined;
- b. a credit is or is not available to be used against the education development charge, or that the amount of a credit was incorrectly determined; or
- c. there was an error in the application of the education development charge by-law.

Under Section 257.85(5) of the *Education Act*, Council shall hold a hearing into the complaint and give the complainant an opportunity to make representations at that hearing. Executive Committee may recommend that Council "*dismiss the complaint or rectify any incorrect determination or error that was the subject of the complaint.*"

The decision of Council may be appealed to the Ontario Land Tribunal (OLT) by the complainant. If the complainant appeals Council's decision to the OLT, the City's defence would be provided by the Legal Services Division.

Section 257.85 education development charges complaints deal with application of the EDC By-law to specific development proposals and a hearing for Section 257.85 complaints is not a forum for challenging the validity of the EDC By-law.

The City is responsible for the collection of the education development charges on behalf of the Toronto Catholic District School Board, as required by the *Education Act, 1990* and as a result, a total of \$184,408.00 in education development charges was collected by the City from the complainant.

The complainant was eligible to have the municipal portion of the development charges waived/exempted and the exemption was applied. Given that there is no corresponding exemption provided by the Toronto Catholic District School Board, City Council has the option to waive/exempt the education portion of the development charges and authorize a refund for the Toronto Catholic District School Board's education development charges to the complainant for the affordable housing project at 150 Eighth Street. Any decision or lack of decision by Council may be appealed to the Ontario Land Tribunal by the property owner and the School Board.

Should Council authorize a refund in the amount of \$184,408.00, the school board would be responsible for refunding the education development charges as the City remits payment of education development charges directly to the Toronto Catholic District School Board.

## **CONTACT**

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John Longarini, Interim Director, Revenue Services Division, Telephone: 416-395-0125, Email: [john.longarini@toronto.ca](mailto:john.longarini@toronto.ca)

David McIsaac, Executive Director, Finance Shared Services, Telephone: 416-397-5467, Email: [david.mcisaac@toronto.ca](mailto:david.mcisaac@toronto.ca)

Gabe Szobel, Solicitor 1, Legal Services Office, Telephone: 416-338-1889, Email: [gabe.szobel@toronto.ca](mailto:gabe.szobel@toronto.ca)

## **SIGNATURE**

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Stephen Conforti  
Chief Financial Officer and Treasurer

## **ATTACHMENTS**

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Attachment 1: Education development charges complaint letter from the Canadian Helen Keller Centre

Attachment 2: Letter of confirmation of eligibility for fee exemptions for affordable housing project at – 150 Eighth Street - 56 units

# Attachment 1: Education development charges complaint letter from the Canadian Helen Keller Centre



101-422 Willowdale Ave. info@chkc.org  
Toronto, ON M2N 5B1 chkc.org  
P 416 730 9501  
TF 1 877 748 6964

October 16, 2024

Executive Committee, City Clerk's Office  
Attention: Jennifer Forkes  
10<sup>th</sup> floor, West Tower, City Hall  
100 Queen Street West  
Toronto, On M5H 2N2

exc@toronto.ca & [Jennifer.Forkes@toronto.ca](mailto:Jennifer.Forkes@toronto.ca)

Attn: City Clerks Office

Dear Sir/Madam,

**Re: Educational Development Charges Complaint  
City File: 23 118725 BLD 00 NB  
150 Eighth Street, Toronto**

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The Canadian Helen Keller Centre ("CKHC") is the owner of lands known municipally as 150 Eighth Street in the City of Toronto which is legally described as PT BLK J, PL 1043, Part 1, 64R6264 (the "Site"). This letter serves as CKHC's formal education development charges complaint pursuant to Section 257.85(1) of the *Education Act*.

## **BACKGROUND**

In or around October 2021, Toronto City Council approved zoning by-law amendment application 18272227WET03OZ to permit a six-storey apartment building on the Site. The implementing zoning bylaw amendments were enacted via By-laws 772-2021 end 773-2021.

CKHC subsequently sought further relief via a minor variance application to the Committee of Adjustment to obtain relief for a variety of development standards, including the proportion of 2- and 3-bedroom units, provision of interior amenity space, building setbacks, first floor and overall building height, parking rates, permitted encroachments, and soft landscaping buffer dimensions. On or about September 21, 2023 the Committee of Adjustment approved the subsequent relief requests in the minor variance application A0228/23EYK.

On or about October 10, 2024 CKHC received a letter (a copy of which is attached) from the City of Toronto Building Division outlining the required payment of \$184,408. This amount was for an educational development charges payment to the Toronto Catholic District School Board ("TCDSB") pursuant to By-law 2023-195. On October 11, 2024, CKHC made payment of the educational development charges due to the TCDSB under protest.

The City Planning Department has also issued a Notice of Approval Conditions on March 1, 2024 with respect to Site Plan Control Application No. 22 216985 WET 03 SA.

#### **REASONS FOR COMPLAINT**

CKHC is a longstanding organization that seeks to empower the deaf and blind community through both services and opportunities. The Site has long been identified as underutilized and the CKHC seized the opportunity in partnership with the City of Toronto to build a large deeply affordable rental housing project to support the deaf and blind community within the Greater Toronto Area.

The redevelopment was part of Toronto's Rapid Housing Initiative notably building supportive rental housing for those who need it most. The redevelopment therefore, as part of the Rapid Housing Initiative is exempt from the City's development charges under the Development Charges Act. The success of the redevelopment is hinged on minimizing external costs and charges including any educational development charges made payable under By-law 2023-195.

It is our view that by entering into the Rapid Housing Initiative the redevelopment of the Site should be exempt from Educational Development Charges. It is the opinion of CKHC that By-law 2023-195 has been applied in error in determining the educational development charges payable to the TCDSB. In the process of building deeply affordable housing under the Rapid Housing initiative it is illogical to pay charges under the *Education Act*, when this project is exempt from similar fees under the *Development Charges Act*. Additionally, given the anticipated tenancy of the building, it is reasonable to conclude that there would be little to no impact on TCDSB infrastructure or facilities within the area as a result of the increased population.

For the reasons outlined above and pursuant to Section 287.85(1) of the Education Act, it is our position that the development charge for the Site has been improperly calculated and the CKHC is entitled to a refund in the amount of \$184,408.00 for the Education Development Charges.

We respectfully request that the City schedule this matter to be heard by the City Council at the first opportunity respecting this Educational Development Charges Complaint.

Should you require further information or have any questions respecting the foregoing, please do not hesitate to contact the undersigned.

Sincerely,



Mr. Philip Corke, Board Chair

cc. Mr. Jason Park, KSDWP LLP  
Mr. Adam Layton

## Attachment 2: Letter of confirmation of eligibility for fee exemptions for affordable housing project at – 150 Eighth Street - 56 units



Paul Johnson  
Deputy City Manager, Community and Social Services

Metro Hall  
55 John Street, 7<sup>th</sup> Floor  
Toronto, Ontario M5V 3C6

Abigail Bond  
Executive Director  
Housing Secretariat

Tel: 416-338-1143  
Fax: 416-397-9155  
Abigail.Bond@toronto.ca

April 20, 2022

To: City Divisions

**Re: Confirmation of Eligibility for Fee Exemptions for Affordable Housing Project at – 150 Eighth Street - 56 Units**

This will confirm that fee exemptions for the proposed affordable housing project at 150 Eighth Street, Toronto, ON, M8V 3C6 have been approved for up to a maximum of 56 units under the City's Open Door Affordable Housing Program.

The exemption of fees and charges for affordable rental homes to be created through the Rapid Housing Initiative – Phase Two was approved by City Council at its meeting of October 1, 2021 under item [PH26.4 - Implementing the Federal Rapid Housing Initiative – Phase Two](#).

For clarity, the following fees and charges have been waived or exempted:

- planning application fees;
- building permit fees;
- municipal development charges; and
- parkland dedication fees.

The exemption applies to the affordable rental residential component only, including ancillary residential spaces such as support spaces for tenants of supportive housing buildings, and meeting rooms and office space for on-site supportive services staff. Any non-residential component of the development, if applicable, would not qualify for an exemption.

Furthermore, through the City's Open Door Program, planning approvals for this development have been designated to be expedited.

Thank you for your assistance in this matter.

Yours truly,

Abigail Bond  
Executive Director, Housing Secretariat

