

SCHOOL SITE ACQUISITION CHARGE REGULATION

Authority: *Local Government Act*, sections 937.2 to 937.91

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Lieutenant Governor in Council Regulation

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CONTENTS

1. **Definitions**
2. **Exemption from school site acquisition charges**
3. **Eligible development**
4. **Prescribed factors in section 937.5 (1)**
5. **Maximum school site acquisition charges**
6. **Local government administration fees**
7. **Payment of disbursements if land is transferred to a local government under section 937.9 of the *Local Government Act*.**

Definitions

1. The definitions in sections 1, 932, 937.2 and 937.4 of the *Local Government Act* apply to this regulation.

Exemption from school site acquisition charges

2. The following categories of eligible development are exempt from school site acquisition charges under section 937.3 (1) of the *Local Government Act*:

- (a) hospitals as defined in section 1 of the *Hospital Act*;
- (b) private hospitals or hospitals as defined in section 5 (1) of the *Hospital Act*;
- (c) a hospital under paragraphs (c) to (e) of the definition of "hospital" in section 1 of the *Hospital Insurance Act*;
- (d) bunkhouses or camp buildings;
- (e) hotels as defined in the *Residential Tenancy Act*;
- (f) community care facilities as defined in the *Community Care Facility Act*;
- (g) non-profit housing, including facilities owned or operated by
 - (i) a non-profit society incorporated under the *Society Act*,
 - (ii) a municipality or a regional district,
 - (iii) a college designated under the *College and Institute Act*,

SCHOOL SITE ACQUISITION CHARGE REGULATION

- (iv) a university or institute named in the *University Act*, *Royal Roads University Act*, *Institute of Technology Act*, *Technical University of British Columbia Act* or *University of Northern British Columbia Act*,
- (v) a school board or a francophone education authority under the *School Act*,
or
- (vi) an authority under the *Independent School Act*;
- (h) a property for which financial assistance has been provided under the *Human Resource Facility Act* for non-profit housing;
- (i) housing for elderly citizens for which a grant or other assistance has been given under section 8.1 of the *Ministry of Lands, Parks and Housing Act*;
- (j) not-for-profit rental housing in respect of which a development cost charge has been waived or reduced under section 933 (12) of the *Local Government Act*;
- (k) a non-profit housing cooperative under the *Cooperative Association Act*;
- (l) a private mental hospital as defined in section 1 of the *Mental Health Act*.

Eligible development

3. The categories of eligible development for the purposes of Division 10.1 of Part 26 of the *Local Government Act* are low density, medium low density, medium density, medium high density and high density which are defined as follows:

"low density" means up to 21 self-contained dwelling units on a gross hectare;

"medium low density" means 21 to 50 self-contained dwelling units on a gross hectare;

"medium density" means 51 to 125 self-contained dwelling units on a gross hectare;

"medium high density" means 126 to 200 self-contained dwelling units on a gross hectare;

"high density" means over 200 self-contained dwelling units on a gross hectare.

Prescribed factors in section 937.5 (1)

4. The factors for the purpose of the definition of "D" in section 937.5 (1) of the *Local Government Act* are set out in Column 1 in the following Table for the corresponding categories in Column 2 in that Table.

TABLE

Column 1 Factor to be applied for each Category of Eligible Development	Column 2 Category of Eligible Development
1.25	low density
1.125	medium low density
1.00	medium density
0.875	medium high density
0.75	high density

Maximum school site acquisition charges

5. For each category listed in Column 1 in the following Table, the maximum school site acquisition charge payable per unit is the corresponding entry in Column 2 in that Table.

SCHOOL SITE ACQUISITION CHARGE REGULATION

TABLE

Column 1 Category of Eligible Development	Column 2 Maximum Charge per unit
low density	\$1,000
medium low density	\$900
medium density	\$800
medium high density	\$700
high density	\$600

Local government administration fees

6. (1) A local government may retain from money collected under section 937.3 (1) of the *Local Government Act* as an administration fee \$2,000 per school year in addition to 0.1% of school site acquisition charges collected.

(2) Subsection (1) applies unless a school board and local government agree otherwise.

Payment of disbursements if land is transferred to a local government under section 937.9 of the *Local Government Act*

7. (1) In this section, "disbursements" means any expenses necessarily incurred by a local government relating to the transfer of land transferred to a school board under section 937.9 of the *Local Government Act*.

(2) If land has been transferred under section 937.9 of the *Local Government Act* to a school board, the school board must reimburse the local government for any disbursements.

(3) Subsection (2) applies unless a school board and local government agree otherwise.