

# 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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### 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** (1) 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*,
  - (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*,

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- (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- (j) *REPEALED BC Reg. 38/10*
- (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*.

(2) Subsection (1) does not apply to an eligible development to which section 937.3 (3.3) applies.

### 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.

| <b>Column 1</b>   | <b>Column 2</b>                         |
|---|---|
| <b>Factor to be applied for each Category of Eligible Development</b> | <b>Category of Eligible Development</b> |
| 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.

### TABLE

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| <b>Column 1</b><br><b>Category of Eligible Development</b> | <b>Column 2</b><br><b>Maximum Charge per unit</b> |
|--|---|
| 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.