

Grand River Conservation Authority Fee Policy



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Legislative Framework and Background

This Fee Policy has been prepared to satisfy the requirement for conservation authorities to have a policy for the fees charged for Authority programs and services, as described in Section 21.2 of the Conservation Authorities Act.

Since 1996, the Conservation Authorities Act empowered conservation authorities to charge fees for services approved by the Minister of Natural Resources. Section 21 (m.1) of the Conservation Authorities Act allowed for this collection of fees for the following services, where the service was not supported through provincial grant funding.

On January 1, 2023, the Conservation Authorities Act was amended by repealing 21 (1) (m.1) and enacting section 21.2 (1)-(12) "Fees for Programs and Services". Subsection (1) enables the Minister to determine the classes of programs and services in respect of which an authority may charge a fee and (2) requires the Minister to publish a list in a policy document. This list has been published through the 'Policy: Minister's list of classes of programs and services in respect of which conservation authorities (CAs) may charge a fee' on April 11, 2022, and replaces the 1997 'Policies and Procedures for the Charging of Conservation Authority Fees' which was approved by the Minister of Natural Resources and Forestry. Conservation authorities may only charge a fee for a program or service that it provides if it is included in this list. The Minister's list identifies that CAs may charge a fee for mandatory, municipal, and other programs and services where the user-pay principle is appropriate.

Guiding Principles

When updating existing fee schedules or establishing new fees, the following guiding principles will be considered:

- Fees will be established as per legislative requirements, the ability to operate and sustain programs and services, and reflect a user-pay principle;
- Fee increases will consider inflationary factors;
- Direct, indirect, and capital costs associated with the program or service may be included in the calculation of the overall cost;
- Fee schedules will be reviewed on an annual basis to inform the budget for the following year.

Programs and Services - Implementation

1. Outdoor Environmental Education

GRCA outdoor environmental education programs are funded by various sources including agreements with school boards, fees charged directly to school classes or other groups participating, and donations to the GRCF. GRCA reserves or surplus funds from other GRCA programs and services may also be a source of funding as directed by the GRCA's Board of Directors. The GRCA currently offers programs on-site at nature centres or conservation areas, off-site at schools or other locations determined by school boards or groups with which the GRCA has an agreement, or virtually.

This program includes fees for:

- School Programs delivered through agreements with school boards, individual schools, or other private school operators.
- Non-School Programs – community, group, or other outdoor education programs.

Fees - See Schedule 1

Factors in Determining Fees

- Cost to deliver the program
- Demand for the program (number of classes being delivered)
- User's ability to pay

Refunds/Fee Reconsideration

- Refunds are considered on a case-by-case basis should the GRCA be unable to deliver the service.

Discounts/Subsidies/Donations/Exemptions

- Agreements with school boards include the ability to add additional classes at a negotiated rate. Fees may be subsidized with donations from the GRCF based on the availability of funding and then assessed on a case-by-case basis.

Review Process

- Fees are reviewed and negotiated annually with school boards. Contracts cover the school year (September – August) and are negotiated in time for the subsequent school year.

Public Notification and Consultation Process

- Not applicable given that fees are established by negotiated individual contracts.

2. Conservation Areas

Conservation Areas provide various active recreational programs and services that are offered to the general public. These programs and services are pay-for-use and include:

- General Admission Fees – day use, membership, boat launch
- Activity/Equipment Fees – tubing, boating, cross-country skiing
- Camping Fees - seasonal camping, overnight camping, and additional vehicle fees
- Hunting Fees
- Facility Rental Fees
- Event/Access Fees

Fees – See Schedule 2

Factors in Determining Fees

Criteria for setting fees are:

- Fee comparisons to similar operations, including trends analysis;
- Anticipated operational expenses that will be incurred that will impact the budget;
- Trends in demand for specific programs and services
- Projected capital expenses

Refunds/Fee Reconsideration

- Refunds are considered on a case-by-case basis.

Discounts/Subsidies/Donations/Exemptions

- Decisions related to offering discounts or donations for programs and services within Conservation Areas are aligned with the strategic priorities of the GRCA. This includes approving requests for discounts or donations from Community Partners and Community Groups, the GRCA, or community events that align with the strategic priorities
- Requests for donations or discounts must be accompanied by a Letter of Intent, outlining the scope of the event or initiative. Thirty days' notice is required to process requests. Requests that are approved will be awarded with a confirmation letter, outlining the terms of use for the discount or donation, and approval from the Manager of Conservation Area Operations
- Per the Accessibility Standards for Customer Service Regulation O.Reg.429/07 and the Ontario Human Rights Code, the Conservation Areas permit people with disabilities who use a support person to bring that person with them while accessing goods or services in premises open to the public or third parties, free of charge.

Review Process

- Conservation Area fees are reviewed annually by Conservation Area staff each fall, in preparation for the following year.

Public Notification and Consultation Process

- Following Board approval of fees, the new fees are updated on the GRCA's website. Seasonal campers receive an electronic copy of the fee schedule and policies annually.

Other - Indigenous patrons at GRCA Conservation Areas

- Indigenous patrons who enter the Conservation Areas for the purpose of ceremony, the collection of vegetation for medicinal use, or to harvest animals within their treaty rights are not required to pay a fee to enter the conservation area or miscellaneous hunting area. Upon entry, Indigenous patrons entering for these reasons are asked to advise staff about the purpose of their visit. For entry related to hunting, access is limited to GRCA-authorized miscellaneous hunting properties, and a permit is required which can be obtained by contacting the GRCA Administration Centre.

3. Planning and Regulations

This program includes fees for:

- Permit Fees
- Inquiry Fees

Plan Review Fees

Fees – See Schedule 3

Factors in Determining Fees

The GRCA administers its fee program for Planning and Regulations to achieve a partial cost recovery for permit and planning.

When reviewing the fee schedule, the following factors and data are considered:

- Analysis of trends in workload changes as a result of shifts in the development market and types of applications;
- Consultation with developers/municipalities about work effort, new planning/legislative requirements and streamlining;
- Complexity of applications and technical review required by staff;
- Review of fees for similar applications within watershed municipalities and adjacent Conservation Authorities;
- General overview of status of cost recovery; Statistics related to number of applications and annual changes, where required;
- Level of service/review expectation for processing timing;
- Areas of improvement of level of service/staffing demands;
- Efficiency measures as required;
- Reserve fund requirements;
- Identification of specific/specialized municipal requirements;
- Trends in legal costs associated with compliance and appeals to the Ontario Lands Tribunal and other legal services.

Refunds/Fee Reconsideration

Application for an administrative review of a fee may be requested by a third party, either an individual, an organization, or an appointed representative. Requests for an administrative review must be in writing to the Chief Administrative Officer (or delegate) and specify the reason(s) for the request for review.

Upon reconsideration of a fee that was charged by the GRCA, the GRCA may:

- Order the person to pay the fee in the amount originally charged;
- Vary the amount of the fee originally charged, as the GRCA considers appropriate; or
- Order that no fee be charged for the program or service.

If the third party is ordered to pay a fee and is not satisfied with this outcome, the third party may:

- Option 1 - Within 30 days of receipt of the reconsideration decision, an appeal may be requested to be directed to the GRCA Board of Directors. Once heard, the appeal will be dismissed or upheld through a resolution passed by the Board of Directors. The appellant will be notified of the Board's decision. If the party is not satisfied with the outcome, the party has the right to proceed with Option 2.
- Option 2- Pay the fee, indicating to the GRCA in writing that the fee is being paid under protest and within 30 days after payment of the fee, appeal the amount charged by the GRCA upon reconsideration to the Ontario Land Tribunal.

If the GRCA fails to make a decision on the fee reconsideration request within 30 days of receipt, the third party may:

- Option 1 – A hearing may be requested to be directed to the GRCA Board of Directors for a decision. The Board of Directors may:

- Order the person to pay the fee in the amount originally charged;
- Vary the amount of the fee originally charged, as the GRCA considers appropriate; or
- Order that no fee be charged for the program or service.

The appellant will be notified accordingly of the Board's decision. If the party is not satisfied with the outcome, the party has the right to proceed with Option 2.

- Option 2 - Appeal the amount of the fee directly to the Ontario Lands Tribunal.

Discounts/Subsidies/Donations/Exemptions

Exemptions for permit applications, Planning Act applications, inquiries, and site assessment fees will be considered for:

Non-profit conservation groups contributing to the protection and restoration of the natural environment, examples include but are not limited to: Ducks Unlimited, Nature Conservancy of Canada, Ontario Federation of Anglers and Hunters.

Review Process

- Permit and Planning fees are reviewed annually each fall, in preparation for the following year.

Public Notification and Consultation Process

- Proposed fees are reviewed with the GRCA-Homebuilder Liaison Committee in advance of approval by the Board. Following Board approval of fees, the new fees are updated on the GRCA's website.

4. Tree Nursery

The GRCA's nursery and tree planting programs are funded by fees charged for planting material (trees) and planting services, surplus funds from other GRCA programs and services, and periodically, donations are also received through the Grand River Conservation Foundation (GRCF).

Fees - See Schedule 4

Factors in Determining Fees

When reviewing the fee schedule, the following factors and data are considered:

- Analysis of operating costs (including seed processing, fertilization, soil care, irrigation, weed control, the length of time it takes to grow various tree species to saleable size, lifting trees, packaging trees, transporting trees from our Nursery in Burford, sourcing trees from external commercial nurseries, transporting trees, storing trees in our cooler until they are distributed, and the distribution of all of these trees to tree planting contractors)
- Completing market comparators, including charges from other Conservations Authorities and retail nurseries
- Inflation
- Respond to infrequent/isolated requests related to tree sales (deliveries, plan reviews for external agencies, storage fees, and tree maintenance).
- From year to year, not all tree species are available. Tree planting costs are determined through an annual contractor Request For Proposal (RFP) process that occurs over the winter in preparation for the spring tree planting season.

Refunds/Fee Reconsideration:

- A non-refundable deposit of \$50.00 must accompany each order, which goes towards the final invoice.
- All requests are received through the Supervisor of Forestry Operations who will review the request and follow up as required.

- If the nursery cannot fulfill the order, or a customer requests a cancellation for their order one month before order fulfillment, a refund will be issued.

Discounts/Subsidies/Donations/Exemptions (including in-kind services)

- From time to time, tree stock has been overestimated which can result in excess stock. In this event, trees will be offered to watershed municipalities for their planting requirements.
- On the second Friday in May every year, the GRCA holds an end-of-season tree sale. All watershed residents are welcome to purchase trees at this tree sale on a first-come first-served basis. Trees sold at the sale are left over from the planting season, due to cancelled orders or stock overruns and are typically sold at a discount.
- The GRCA may donate trees as authorized by the Chief Administrative Officer.

Review Process

- Fees are reviewed annually in the late summer or early fall by Forestry Operations staff.

Public Notification and Consultation Process

- Following approval of fees, the new fees are updated on the GRCA's website and the online purchasing system.

5. Conservation Lands

This program includes fees for the following:

- Lease Agreements including commercial, agricultural, and residential leases
- Licence Agreements: to permit a third party to undertake an activity or program on GRCA property
- Encroachment Agreements: to permit an existing encroachment on GRCA property
- Easement agreements

Fees – not applicable; as negotiated

Factors in Determining Fees

- Applicable legislation and existing legal agreements.
- Negotiation with the third party(ies).
- Market evaluation
- Legal considerations.

Refunds/Fee Reconsideration

- Refunds are considered on a case-by-case basis and will be issued as outlined in the negotiated agreement with the party(ies).

Discounts/Subsidies/Donations/Exemptions

- Not applicable

Review Process

- Fees associated with a lease, licence, encroachment, and easement agreements are reviewed at the end of the term and re-negotiated by Property staff.

Public Notification and Consultation Process

- Not applicable given that fees are established by negotiated individual contracts.

Policy Review Process and Frequency

This Fee Policy and Schedules will be reviewed at least once per year by the GRCA Management Team. The Management Team will seek information regarding fees, from various sources, as identified in the implementation section above; and prepare a proposed revised Fee Schedule with a report to the

Board of Directors regarding recommended changes, if applicable. The Fee Policy and Schedules are subject to the approval of the Board of Directors.

Once approved, the revised Fee Schedules to this policy will be published on the GRCA's website, and in other materials used by the public.

Public Notification

The public will be notified of any proposed changes to the Fee Policy or Fee Schedules, by way of posting a notice on the GRCA website's 'Governance' page that the Fee Schedule will be reviewed on an identified date, at an open meeting of the Authority's Board of Directors. Fees will be reviewed at least once per year and will be brought to the Board of Directors for review and approval if changes are proposed.

Date of Effect and Transition

This updated Fee Policy becomes effective as of April 26, 2024.

The update to this Fee Policy supersedes and replaces all previous fee policies and/or schedules.

References

This policy was developed using the following references:

- Conservation Authorities Act
- Policies and Procedures for the Charging of Conservation Authority Fees, established by the Ministry of Natural Resources (June 1997, updated March 1999)
- Conservation Ontario - Guideline for CA Fee Administration Policies for Plan Review and Permitting - June 24, 2019
- Conservation Ontario – Guidance on CA Fee Policies and Fee Schedules – September 13, 2022
- Policy: Minister's list of classes of programs and services in respect of which conservation authorities may charge a fee – April 11, 2022
- Fee Schedules