



**Maitland Valley Conservation Authority**

# **Fees Policy**

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DRAFT

## Table of Contents

Maitland Valley Conservation Authority Fees Policy.....	1
Basis.....	1
Legislative Framework.....	2
Policy Direction.....	2
Exemptions and In-Kind Services.....	3
Process and Public Notification .....	3
Implementation.....	3
1. Planning and Regulation Fees .....	4
2. Conservation Areas Fees.....	4
3. Stewardship Services Fees .....	5
4. Corporate Services Fees.....	5
5. Resource Data Fees.....	5
Refunds.....	5
Appeal .....	5
Date of Effect.....	6
Transition.....	6
Review.....	6

## Maitland Valley Conservation Authority Fees Policy

### Background

Amendments to the Conservation Authorities Act were undertaken in 2020 to clarify the programs and services that conservation authorities (CAs) deliver. In 2021, O. Reg. 686/21 Mandatory Programs and Services provided additional clarity regarding the programs and services that CAs are required to provide. In April 2022 the Minister of Environment, Conservation and Parks released Policy: Minister’s list of classes of programs and services in respect of which conservation authorities may charge a fee (“Minister’s List”). CAs may only charge a fee for a program or services that it provides if it is set out in the Minister’s 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.

The Minister’s List replaces the 1997 Policies and Procedures for the Charging of Conservation Authority Fees which was approved by the Minister of Natural Resources and Forestry. The new Minister’s List will come into effect on January 1, 2023. This policy document is intended to fulfill the requirement for each authority to adopt a written policy with respect to the fees that it charges for the programs and services it provides.

Legislation

## Maitland Valley Conservation Authority Fees Policy

On January 1, 2023, the Conservation Authorities Act is amended by 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. CAs may only charge a fee for a program or service that it provides if it is set out on this list.

Under the Conservation Authorities Act, programs and services delivered by conservation authorities include:

- **Mandatory programs and services.** Mandatory programs and services that the conservation authority is required to provide [see 21.1 for further details]. These services are further defined in O. Reg. 686/21: Mandatory Programs and Services and may be funded by provincial grants, other sources, municipal apportionment and/or conservation authority self-generated revenue (e.g., user fees) where the user-pay principle is appropriate.
- **Municipal programs and services.** Programs and services that an authority agrees to provide on behalf of a municipality under a MOU or agreement [see 21.1.1 for further details]. The program or service may be funded by the municipality or by other funding mechanisms (e.g., user fees where the user-pay principle is appropriate) as per the MOU or agreement.
- **Other programs and services.** Programs and services that an authority determines are advisable to further the purposes of the Act [see 21.1.2 for further details]. The program or service may be funded by the municipality or by other funding mechanisms (e.g., user fees where the user-pay principle is appropriate) as per the cost apportioning agreement and the Minister’s List.

### Policy Scope

This policy would apply to all classes of programs and services for which a conservation authority may charge a fee. This policy does not include those instances where the authority is already authorized under another statute to charge a fee for a program or service.

### Policy Direction

When updating existing fee schedules or establishing new fees the following policy direction will be considered:

- 1) fees need to be set regarding legislative requirements, ability to sustain programs, and be based on a user-pay philosophy.
- 2) fee increases should include inflation.
- 3) fees must not exceed the costs of delivering the services.
- 4) refunds of fees may carry an administrative cost/penalty.
- 5) fees will be reviewed at least annually and regular adjustments to fees are desirable.

- 6) fees schedule will be reviewed and updated on an annual basis to inform the budget for the following year.

## Exemptions and In-Kind Services

The Authority may waive fees for non-profit conservation groups contributing to the protection and restoration of the natural environment.

In addition, the Authority routinely provides in-kind technical services to assist non-profit conservation groups. Technical services may be required for non-profit groups that do not have qualified professionals nor the funding to acquire the expertise to undertake projects to further achieve the environmental targets of the Authority.

## Process and Public Notification

When developing and establishing fees, the Authority also considers the fees of Conservation Authorities offering the same level of service and technical advice, the fees set by neighbouring Conservation Authorities, fees charged by local municipalities and agencies, and fees charged by the private sector for similar services.

Fees account for estimated staff time, travel, equipment, and material costs plus a reasonable charge to cover administration of the program, which normally includes an allocation for shared corporate services.

This Fees Policy has been established by the MVCA Members and is administered and applied by staff of MVCA.

The public is notified of any proposed increases or revisions to the Fee Schedule, by way of posting a notice on the MVCA website that the Fee Schedule will be reviewed on an identified date, at an open meeting of the Authority's Members.

## Implementation

This section outlines how the fees are administered in each service area.

### 1. Planning and Regulations (Section 28 Permit Fees, Planning Act and Technical Reviews)

MVCA administers its fee program for Planning and Regulations to achieve a partial cost recovery to-date for the plan review function. MVCA's program aims to ensure that fees cover the actual cost of reviewing applications. It is also intended to reflect that significant effort and resources are used for pre-consultation related to activities, proposals, and inquiries prior to application submissions as well as compliance activities. The fee schedules are based on the complexity of the application and technical review required which influences the staff time and resources needed for the review. Administration may consider the following issues and data, where and when relevant to revise the fee schedule:

- analysis of trends in workload changes because of shifts in the development market and types of applications.

## Maitland Valley Conservation Authority Fees Policy

- consultation with developers/municipalities about work effort, new planning/legislative requirements and streamlining.
- general overview of status of cost recovery.
- statistics related to the number of applications and annual changes, where required.
- level of service/review expectation for processing timing.
- areas for improvement of level of service/staffing demands.
- cost-cutting measures as required.
- reserve fund requirements.
- identification of specific/specialized municipal requirements.
- trends in legal costs associated with appeals to the Local Planning Appeal Tribunal, Mining and Lands Tribunal, and other legal services.

It is the objective of the MVCA to provide an effective and efficient delivery of services consistent with the *Client Service Standards for Conservation Authority Plan and Permit Review*, endorsed by Conservation Ontario Council, June 24, 2019.

Exemptions to the application of these fees include:

- Non-profit conservation groups contribute to the protection and restoration of the natural environment.
- MVCA for permit applications, Planning Act applications, inquiries, and site assessments.

## 2. Conservation Area Fees

Conservation area fees are charged for the use of land owned by MVCA and may include entrance and camping fees, facility and rental fees, hunting, land-use permits, and leasing agreements.

Land use permits are required when indicated by R.R.O. 1990, REGULATION 117 section 4 and 7.1 of the Conservation Authorities Act or by Ontario Regulation 688/21 section 5 and 10 when it comes into force on the day subsection 27 (1) of Schedule 4 to the Building Better Communities and Conserving Watersheds Act, 2017 comes into force.

- Fees are reviewed and updated annually.
- Fees for hunting and land-use permits are based upon anticipated operational expenses, comments and feedback from applicants and permitted users, as well as comparisons to similar opportunities at other Conservation Authorities.
- Land use permit fees may be adjusted based on the requested use of the property and factor in additional operational expenses or fee sharing agreements.
- Fees for leasing agreements will be determined on an individual basis and by contract.

Exemptions to the land-use and leasing fees may include:

- Non-profit conservation groups contributing to the protection and restoration of the

## Maitland Valley Conservation Authority Fees Policy

natural environment.

- Scouts, guides, cadets, emergency services (Ontario Provincial Police, Huron & Area Search and Rescue, etc).
- Religious or Spiritual Service
- Member Municipalities

### Falls Reserve Conservation Area & Wawanosh Campground Fees

Conservation Areas fees are reviewed annually by Conservation Areas staff following the end of the camping season in October. Criteria for setting fees are:

- anticipated operational expenses that will be incurred that will impact the budget.
- comments and feedback from CA users.
- comparison to similar operations and opportunities in the industry, including trends.

As part of the fee setting process, staff also review operational policies that pertain to the various aspects of the Conservation Area services and programs. Refund policies are included in this review and adjusted as necessary. Information pertaining to these policies is shared on our websites as well as available in print. Seasonal campers receive an electronic copy of both the fee schedule and policies annually.

Fees changes are approved at the November Members meeting and come into effect January 1 of the new year. Once approved, new fees become public.

To be consistent with Accessibility Standards for Customer Service Regulation (O.Reg. 429/07) and the 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.

### 3. Stewardship Services Fees

Fees for trees and services are reviewed and updated annually.

The cost of providing these services is based on the following principles:

- tree costs are based on wholesale tree costs dependent on individual stock items. A mark-up is applied to cover costs associated with staffing for administration and handling, as well as tree delivery and storage requirements.
- planting coordination fees are based on staffing, mileage, and material costs to plan and coordinate plantings.
- planting fees for both machine and hand planting are based on staffing and equipment costs.

### 4. Corporate Services Fees

- Fees are reviewed and updated annually.
- Fees for equipment and office rental are based upon current market rates.

## 5. Resource Data Fees

- Fees are reviewed and updated annually. Fees may also need to be updated more frequently if the cost of materials changes prior to the annual review. MVCA will update fees to reflect any changes in the cost of the materials used for plotting.
- Fees are based upon the staff time and materials needed to prepare and plot the requested information.

## Refunds

The MVCA does not issue refunds for services or products once the application or order is submitted and the payment has been processed.

Policies regarding refunds related to camping or day use at the Falls Reserve Conservation Area are posted on MVCA's website as well as copies are distributed to seasonal campers. Links to the websites are updated by January 1 for the upcoming operating season. Refunds are not offered for inclement weather nor are they offered when a permit holder is being evicted from the premises.

## Appeal

The fee appeal process will only apply to plan review and Section 28 regulations fees. The appeal process will be based on the principles of fairness, opportunity, and notification. Application for an administrative review may be received for, 1) an appeal if a fee is contrary to the fees set out in the fee schedule, or 2) that the fee set out in the fee schedule is excessive in relation to the service or program received.

Requests for an administrative review must be in writing to the General Manager (or delegate) and specify the reason(s) for the request for review. Upon reconsideration of a fee that was charged by the authority, the authority may:

- a) Order the person pay the fee in the amount originally charged.
- b) Vary the amount of the fee originally charged, as the authority considers appropriate; or
- c) Order that no fee be charged for the program or service.

If not satisfied with the outcome, then an appeal will be directed to the MVCA's Members for a decision. Once heard, the appeal will be dismissed or upheld through a resolution passed by the Members. The appellant will be notified accordingly of the Members decision.

## Date of Effect

The Fee Policy becomes effective as of the date of MVCA Members approval unless stated otherwise.

## Transition

The establishment of this Fee Policy supersedes and replaces all previous fee policies and/or

schedules.

## Review

This Fee Policy and Schedules will be reviewed annually by the MVCA, in conjunction with the annual budgeting process. MVCA will seek information regarding fees, from various sources, as identified in the process and public notification section above; prepare a proposed revised Fee Schedule with a report to members regarding recommendations. The proposed changes to the fee schedule will be posted on MVCA's website in ~~October~~ **November** for public review and comment. Comments received will be reviewed by the Members at their next meeting. The Members shall receive and make recommendations as to the proposed Fee Schedule. Once approved, the revised Fee Schedule to this policy will be published on MVCA's website.

Note: Some fees may need to be adjusted between formal reviews to reflect changes in the cost of providing the service, for example, cost of trees for spring and fall planting; increases in paper costs for printing maps and other printed materials. These fees will be adjusted to reflect any increased or decreased costs without the fee schedule having to be formally amended by the Members.