



Grey Sauble
CONSERVATION

(DRAFT) GSCA Fee Policy

As per Section 21.2(7) of the
Conservation Authorities Act

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PROTECT. RESPECT. CONNECT.
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Table of Contents

1.0	PREAMBLE	2
2.0	INTRODUCTION	3
3.0	PRINCIPLES	4
3.1	USER-PAY	4
3.2	ADEQUATE CONSULTATION AND NOTIFICATION.....	4
3.3	RIGHT TO APPEAL	4
4.0	DETERMINATION OF FEES	4
4.1	CONSERVATION AREAS AND RENTALS FEE SCHEDULE.....	4
4.2	DATA MANAGEMENT, MAPPING AND GIS FEE SCHEDULE.....	4
4.3	DEVELOPMENT, INTERFERENCE AND/OR ALTERATION PERMIT FEE SCHEDULE.....	4
4.4	EDUCATION SERVICES AND DAY CAMP FEE SCHEDULE.....	5
4.5	FORESTRY SERVICES FEE SCHEDULE	5
4.6	PLANNING SERVICE FEE SCHEDULE	5
4.7	STEWARDSHIP SERVICES FEE SCHEDULE	5
5.0	REQUEST FOR RECONSIDERATION OF FEES	5
5.1	OVERVIEW.....	5
5.2	PROCEDURE FOR REQUESTING A RECONSIDERATION	5
5.3	FRIVOLOUS OR VEXATIOUS REQUESTS.....	6
5.4	SUBSTANTIALLY SIMILAR REQUESTS	6
5.5	SPECIFIC PRODUCTS.....	7
	THE GSCA WILL NOT ENTERTAIN A REQUEST FOR RECONSIDERATION OF A FEE ON A SPECIFIC PRODUCT FOR WHICH THE BOARD OF DIRECTORS HAS APPROVED THE PRODUCT PRICING (EXAMPLE: ORTHOPHOTOGRAPHY) OR FOR WHICH GSCA HAS DEFINED PRICING UNDER ANOTHER AGREEMENT OR PARTNERSHIP (EX. LIDAR).	7
5.6	REFUNDS.....	7
6.0	FREQUENCY AND PROCESS FOR REVIEW	7
7.0	NOTICE AND PUBLIC AVAILABILITY	7
8.0	FEES UNDER ALTERNATIVE LEGISLATION	8
9.0	TRANSITION	8
10.0	LEGISLATIVE FRAMEWORK	8
10.1	FEE SCHEDULE	8
10.2	FEE POLICY TO BE MADE PUBLIC	9
10.3	NOTICE OF FEE CHANGES	9
10.4	RECONSIDERATION OF FEE CHARGED	9
10.5	POWERS OF AUTHORITY ON RECONSIDERATION.....	9
11.0	FEE SCHEDULES	10
	APPENDIX ‘A’: CONSERVATION AREAS AND RENTALS FEE SCHEDULE	
	APPENDIX ‘B’: CONSERVATION AREA PARKING RATES	
	APPENDIX ‘C’: DATA MANAGEMENT, MAPPING AND GIS FEE SCHEDULE	
	APPENDIX ‘D’: DEVELOPMENT, INTERFERENCE AND/OR ALTERATION PERMIT FEE SCHEDULE	
	APPENDIX ‘E’: EDUCATION SERVICES AND DAY CAMP FEE SCHEDULE	
	APPENDIX ‘F’: FORESTRY SERVICES FEE SCHEDULE	
	APPENDIX ‘G’: PLANNING SERVICE FEE SCHEDULE	
	APPENDIX ‘H’: STEWARDSHIP SERVICES FEE SCHEDULE	

1.0 Preamble

Amendments to the *Conservation Authorities Act* were undertaken in 2020 to clarify the programs and services that conservation authorities (CAs) deliver. In 2021, [Ontario Regulation 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.

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 Subsection (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. 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. 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. The program or service may be funded by the municipality or by other funding mechanisms as per the cost apportioning agreement and the Minister's List.

2.0 Introduction

Section 21.2 of the Conservation Authorities Act (CAA) empowers the Grey Sauble Conservation Authority (GSCA) to charge fees for programs and services. The intent of these fees is to offset the direct and indirect costs of offering programs and services or to generate revenue for the Authority.

Section 21.2 of the CAA requires GSCA to administer the charging of fees in a transparent and accountable manner by adopting and publishing a written fee policy, which includes fee schedules that list the programs and services for which GSCA charges a fee and the amount to be charged.

GSCA will maintain its fee schedules and prior to any changes to the fee schedule(s), will notify the public of the proposed change in a manner GSCA considers appropriate, as per the regulations.

In this fee policy, GSCA will also set out the frequency with which it will conduct a review of its fee policy, including its fee schedule(s), the process for carrying out a review of the fee policy, including the rules for giving notice of the review and any changes as a result of a review, and the circumstances under which any person may make a request to GSCA to reconsider a fee that was charged to the person and the procedures applicable to the reconsideration. Decisions regarding the fee policy and fee schedule are made by the GSCA Board of Directors.

The fees that GSCA charges, in accordance with the Minister's Fee Classes Policy, are considered 'user fees.' 'User fees' are fees paid to GSCA by a person or organization for a service that they specifically benefit from. This includes use of a public resource (e.g., park access or facility rental) or the privilege to do something (e.g., receive an approval through a permit or other permission to undertake a regulated activity).

Under Section 21.2 of the CAA, a conservation authority may determine the amount of a fee to be charged for a program or service that it provides. If a fee is to be charged for a program or service, the amount to be charged or the manner for determining the amount must be listed in the conservation authority's fee schedule.

By charging fees for programs and services where the User-Pay principle is considered appropriate, GSCA increases revenue generation opportunities, reducing reliance on general municipal levy (now called apportionment) to finance the programs and services it provides.

3.0 Principles

The GSCA Fee Policy and associated Fee Schedules are based upon the following three principles:

3.1 User-Pay

As noted above, GSCA charges fees, in accordance with the Minister's Fee Classes Policy, the user-pay principle is considered appropriate. The charging these fees allows GSCA to generate revenue and reduce the Authority's reliance on the municipal levy (now called an "apportionment") to finance the programs and services it provides.

3.2 Adequate Consultation and Notification

As noted in Section 7.0 of this Policy, GSCA commits to providing notification to partners, stakeholders and the general public regarding this policy and the associated fee schedules. GSCA also commits to conducting consultation, as appropriate, for the various fees that GSCA changes for the programs and services that it provides.

3.3 Right to Appeal

This Policy includes the right to appeal fees or to request a reconsideration of a fee charged. Section 5.0 of this Policy provides the details and the framework for this process.

4.0 Determination of Fees

GSCA will use different methods of determining program and service fees depending on the nature of the program or service. Examples of such determinations are:

4.1 Conservation Areas and Rentals Fee Schedule

The Conservation Lands Fee Schedule consists of several different types of user fees. These fees are generally developed on a revenue generation basis while factoring in appropriate market value, market willingness, and operational needs. Fees will be reviewed annually and adjusted as necessary to ensure operational and financial sustainability.

4.2 Data Management, Mapping and GIS Fee Schedule

Data management and mapping fees are based on the costs of services rendered, and reasonable fair market value for products such as LiDAR. Fees will be reviewed periodically to ensure sustainability.

4.3 Development, Interference and/or Alteration Permit Fee Schedule

Fees for permits are based on a detailed activity-based costing which factors in the direct and indirect costs of providing this service. These fees are designed to cover, but not exceed, the cost of providing these services on an average per application basis. GSCA utilized Watson & Associated Economists in 2021/2022 to establish the fees and service rates within this Fee Schedule. Fees will be reviewed

annually for inflation. Further details are provided on the fee schedule.

Fees may be reviewed comprehensively on a five-year basis or as determined by the GSCA.

4.4 Education Services and Day Camp Fee Schedule

Educational Services and Day Camp fees are determined largely on a cost-recovery basis, including an amount for program growth. Fees will be reviewed annually to ensure sustainability.

4.5 Forestry Services Fee Schedule

Forestry Service fees are determined largely on a combination of cost-recovery, market value and comparable services rates. Fees are reviewed annually, in consultation with neighbouring conservation authorities, to ensure sustainability.

4.6 Planning Service Fee Schedule

Fees for planning services are based on a detailed activity-based costing which factors in the direct and indirect costs of providing this service. These fees are designed to cover, but not exceed, the cost of providing these services on an average per application basis. GSCA utilized Watson & Associated Economists in 2021/2022 to establish the fees and service rates within this Fee Schedule. Fees will be reviewed annually for inflation. Further details are provided in the fee schedule.

Fees may be reviewed comprehensively on a five-year basis or as determined by the GSCA.

4.7 Stewardship Services Fee Schedule

Stewardship Service fees are determined largely on a cost-recovery basis. Fees will be reviewed periodically to ensure sustainability.

5.0 Request for Reconsideration of Fees

5.1 Overview

The Act requires that a conservation authority's fee policy must define the circumstances in which a person may request that the authority reconsider a fee that was charged and the procedures applicable to the reconsideration.

A person (applicant, client, customer, proponent, or developer) has the right to appeal a fee should they be dissatisfied with the prescribed fee. The person may request either a reduction or waiving of the fee. In order to appeal a fee, a person must submit, in writing, the reasons for the appeal.

5.2 Procedure for Requesting a Reconsideration

Any person requesting the GSCA to reconsider the fee it has charged that person must be doing so for one of the following reasons:

- It is contrary to the authority's fee schedule; or,
- It is excessive in relation to the program or service for which it was charged.

Requests for reconsideration of a fee will first be heard by the Chief Administrative Officer (CAO). To submit a request for reconsideration to the CAO, an individual will:

- Make their request in writing.
- Identify what the fee was for.
- Provide any relevant supporting documentation.
- State why they believe the fee should be reconsidered, as per the reasons above.
- State whether they are requesting the fee to be waived or to be reduced.

The CAO will consider this request and provide a response in writing to the individual making the request. The request and the CAO's response will be included in the consent agenda for the next available Board of Directors meeting package.

If not satisfied with the decision of the CAO, a person may request reconsideration of the fee by the GSCA's Board of Directors. The CAO will have the request included as an agenda item at the next available meeting of the Full Authority Board of Directors.

After receiving and considering the request, the GSCA may:

- Vary the amount of the fee to be charged to an amount the GSCA considers appropriate,
- Order that no fee be charged, or
- Confirm the original amount of the fee.

Requests for reconsideration heard by the Board of Directors will be dismissed or upheld through a resolution. The appellant will then be notified in writing of the Board's decision.

5.3 Frivolous or Vexatious Requests

The CAO, in their review, shall make judgement on whether the request is frivolous or vexatious. Requests that are considered frivolous or vexatious shall not be brought forward to the Full Authority Board of Directors.

In consideration by the CAO of whether a request is frivolous or vexatious, the CAO shall conclude that the request is frivolous or vexatious if:

- the CAO is of the opinion, on reasonable grounds, that the request is part of a pattern of conduct that amounts to an abuse of the right to request a reconsideration of a fee or to interfere with the operations of the Authority; or
- the CAO is of the opinion, on reasonable grounds, that the request is made in bad faith or for a purpose other than to reasonably request a reconsideration of a fee.

5.4 Substantially Similar Requests

The CAO, in their review, shall make judgement on whether the request is substantially similar to a request on which the Board of Directors has previously ruled. Requests that are substantially similar to a request on which the Board of Directors has previously ruled shall not be brought forward to the Full Authority Board of Directors.

In consideration by the CAO of whether a request is substantially similar or not, the CAO shall consider if:

- The Board of Directors has already passed a resolution on this specific item; or,
- The Board of Directors has already passed a resolution on a request made for the same type of fee with the same grounds for consideration (example: waiver of a parking fee based on duration of property visit).

5.5 Specific Products

The GSCA will not entertain a request for reconsideration of a fee on a specific product for which the Board of Directors has approved the product pricing (example: orthophotography) or for which GSCA has defined pricing under another agreement or partnership (ex. LiDAR).

5.6 Refunds

Refunds for various fees are identified in the individual fee schedules appended to this policy document.

No refunds will be provided for services after the GSCA has initiated the work, planning review, or permitting process, or for parking or facility rental after use of the service, except when request for reconsideration has been submitted and approved.

6.0 Frequency and Process for Review

This Policy shall be monitored from time to time to evaluate its effectiveness and fairness. The Policy, including its fee schedules, will be subject to comprehensive review at least every five years and an annual review for inflation adjustments. Typical review timelines for the various fee schedules are detailed in Section 4.0 to this policy.

Comprehensive review will include a wholistic consideration of this policy document in light of current legislation and the ongoing effectiveness of the policies. Any changes to the fee policy will be made available for comment on GSCA's public facing website and will be brought forward to the GSCA Board of Directors for review and endorsed by resolution.

Changes, if any, to fee schedules to account for inflation are embedded in each fee schedule and will be brought forward to the GSCA Board of Directors for review and endorsement.

7.0 Notice and Public Availability

Any comprehensive review of this policy or the fee schedules will be, at a minimum, posted on GSCA's website for public consideration. Comprehensive changes to the Planning and Permitting fee schedule will undergo public consultation, consisting of meetings with partners and stakeholders, in addition to an online commenting form.

GSCA will consult with participating municipalities on any fees associated with a Category 2 program or service for which we have an agreement with those municipalities, as identified in the Conservation

Authorities Act.

GSCA will consult with participating municipalities on any Category 3 programs and services for which we have an agreement with those municipalities, as identified in the Conservation Authorities Act.

This policy and the associated schedules will be made available to the public on GSCA's public facing website.

8.0 Fees under Alternative Legislation

The Minister's Fee Classes Policy does not include those instances where the authority is already authorized under another statute to charge a fee for a program or service.

Under Part IV of the Clean Water Act, 2006, a municipality has enforcement responsibility to regulate significant drinking water threats in wellhead protection areas and intake protection zones and may delegate that responsibility to a conservation authority. When this delegation occurs, the conservation authority is also given the power to charge fees as the enforcement body under that Act.

9.0 Transition

This Policy is effective upon endorsement by the GSCA Board of Directors.

The establishment of this Policy supersedes and replaces all previous Fee Policies and Schedules. This Policy and its associated schedules also apply to proposals not previously invoiced, such as draft approved plans of subdivision that pre-dated any Fee Schedules or additional technical reports associated with active applications not previously invoiced.

10.0 Legislative Framework

Section 21.2 of the Conservation Authorities Act (C.A.A.) sets out the requirements for fee schedules and the documentation of fee policies. Specifically, section 21.2 identifies:

10.1 Fee schedule

- (6) Every authority shall prepare and maintain a fee schedule that sets out,
- (a) the list of programs and services that it provides and in respect of which it charges a fee; and
 - (b) the amount of the fee charged for each program or service or the manner in which the fee is determined. 2017, c. 23, Sched. 4, s. 21. Fee policy
- (7) Every authority shall adopt a written policy with respect to the fees that it charges for the programs and services it provides, and the policy shall set out,
- (a) the fee schedule described in subsection (6);
 - (b) the frequency within which the fee policy shall be reviewed by the authority under subsection (9);
 - (c) the process for carrying out a review of the fee policy, including the rules for giving notice of the review and of any changes resulting from the review; and

(d) the circumstances in which a person may request that the authority reconsider a fee that was charged to the person and the procedures applicable to the reconsideration. 2017, c. 23, Sched. 4, s. 21.

10.2 Fee policy to be made public

(8) Every authority shall make the fee policy available to the public in a manner it considers appropriate. 2017, c. 23, Sched. 4, s. 21. Periodic review of fee policy

(9) At such regular intervals as may be determined by an authority, the authority shall undertake a review of its fee policy, including a review of the fees set out in the fee schedule. 2017, c. 23, Sched. 4, s. 21.

10.3 Notice of fee changes

(10) If, after a review of a fee policy or at any other time, an authority wishes to make a change to the list of fees set out in the fee schedule or to the amount of any fee or the manner in which a fee is determined, the authority shall give notice of the proposed change to the public in a manner it considers appropriate. 2017, c. 23, Sched. 4, s. 21.

10.4 Reconsideration of fee charged

(11) Any person who considers that the authority has charged a fee that is contrary to the fees set out in the fee schedule, or that the fee set out in the fee schedule is excessive in relation to the service or program for which it is charged, may apply to the authority in accordance with the procedures set out in the fee policy and request that it reconsider the fee that was charged. 2017, c. 23, Sched. 4, s. 21.

10.5 Powers of authority on reconsideration

(12) Upon reconsideration of a fee that was charged for a program or service provided by an authority, the authority may,

- (a) order the person to pay the fee in the amount originally charged;
- (b) vary the amount of the fee originally charged, as the authority considers appropriate;
- (c) order that no fee be charged for the program or service. 2017, c. 23, Sched. 4, s. 21.

11.0 Fee Schedules

This Fee Policy does **not** include the individual fee schedules at this time, as no changes are proposed to the previously approved individual schedules, with the exception of the Planning and Permitting schedule which has already undergone a separate consultation process.

Appendix 'A': Conservation Areas and Rentals Fee Schedule

Appendix 'B': Conservation Area Parking Rates

Appendix 'C': Data Management, Mapping and GIS Fee Schedule

Appendix 'D': Development, Interference and/or Alteration Permit Fee Schedule

Appendix 'E': Education Services and Day Camp Fee Schedule

Appendix 'F': Forestry Services Fee Schedule

Appendix 'G': Planning Service Fee Schedule

Appendix 'H': Stewardship Services Fee Schedule