



FEE POLICY

November 2022

Conservation Halton Fee Policy

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Background

Amendments to the *Conservation Authorities Act* and regulation *O. Reg. 686/21 Mandatory Programs and Services* provided additional clarity regarding the programs and services that conservation authorities (CAs) deliver and are required to provide.

CAs may charge a fee for a program or services that it provides if it is set out in [Policy: Minister's list of classes of programs and services in respect of which conservation authorities may charge a fee](#) ("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.

Legislation

Section 21.2 of the *Conservation Authorities Act* requires Conservation Halton (CH) to administer the charging of fees in a transparent and accountable manner by adopting and publishing a written fee policy, including a fee schedule that lists the programs and services for which CH charges a fee and the amount to be charged.

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

- **Category 1** - Mandatory programs and services that CH is required to provide and described in *O. Reg. 686/21*. These services may be funded by municipal apportionment, provincial and other grants, and / or self-generated revenue (e.g., user fees) where the user-pay principle is appropriate.
- **Category 2** - Programs and services that CH agrees to provide on behalf of a municipality under a Memorandum of Understanding (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.
- **Category 3** - Programs and services that CH considers advisable to further the purposes of the CA Act. 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 municipal cost apportioning agreement and the Minister's List.

CH has developed a Programs & Service Inventory document that outlines the categories of programs and services provided by CH.

Policy Scope

This policy applies to all classes of programs and services for which CH charges a fee. This policy does not include those instances where CH is already authorized under another statute to charge a fee for a program or service (e.g., Freedom of Information request).

The amount of a fee charged by CH for a program or service it provides shall be:

- a) The amount prescribed by the regulations; or
- b) If no amount is prescribed, the amount determined by CH with the fee schedules based on the user-pay principle.

User-Pay Principle

Fees set by CH based on the user-pay principle are user fees paid by a person or organization for a service that they specifically benefit from. The user-pay principle results in fees and revenues generated that are designed to assist with recovering the costs associated with administering and delivering the services provided by a program.

CH has established cost recovery standards such that the costs associated with administering and delivering a program or service be fully recovered by the respective user fee.

Policy Principles

When developing fee schedules, CH applies the following policy principles:

- Fees are established by CH with regard to legislative requirements, ability to sustain programs and reflect a user-pay principle.
- CH fee recovery standards for programs and services are approved by the CH Board of Directors.
- Fees for permitting and planning services are set to recover but not exceed the costs associated with administering and delivering the services on a program basis.
- Direct and indirect costs associated with the program or service are included in the calculation of the overall cost.
- For fees associated with municipal and other programs and services, the MOU or cost apportioning agreement will include provisions to enable the charging of fees except where already authorized through the Minister's List.

Implementation Process

When developing and establishing fees, CH considers several factors including cost recovery for certain services, the fees of neighbouring CAs, the nature and level of fees charged by local municipalities and provincial agencies for related services and in some cases, the value of similar services provided by local agencies or the private sector.

Costs to be recovered include estimated staff time, travel, equipment, materials, capital infrastructure, inflation plus a reasonable charge to cover the administration of the program, including an allocation for shared corporate support.

The Fee Policy is approved by the CH Board of Directors and is administered and applied by CH staff.

CH has established fee schedules for the following program and services:

1. Permitting & Planning Fees (Section 28 Permit Fees, Planning Act and Technical Reviews)

CH Permitting & Planning fees aim to achieve full cost recovery for the plan review and permit function to safeguard the planning and regulations program and its services against economic volatility and subsequent budgetary uncertainty. These fees 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.

Plan review and Permit 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. Annual

review of the fee schedule for determining revisions may consider the following issues and data:

- Analysis of trends in workload changes as a result of shifts in the development market and the types and numbers of applications received;
- Consultation with developers and municipalities about streamlining of work effort and new planning and legislative requirements;
- Status of cost recovery;
- Level of service review expectation for processing timing;
- Areas of improvement of level of service and staffing demands;
- Identification of specialized municipal requirements;
- Trends in legal costs associated with appeals to the Ontario Lands Tribunal (formerly the Ontario Municipal Board, Local Planning Appeal Tribunal, Mining and Lands Tribunal), and other legal services.

CH staff also considers the client service objectives outlined in the *Policies and Procedures for Conservation Plan Review and Permitting Activities* as well as the *Conservation Ontario Client Service Standards for Conservation Authority Plan and Permit Review*.

2. Conservation Halton Park Fees

CH conservation areas or park fees are reviewed annually by CH management.

Criteria for setting fees are:

- Anticipated operational expenses and inflationary pressures that will be incurred;
- Investment in anticipated capital infrastructure expenses including technology, risk management and risk mitigation;
- Comments and feedback from park visitors;
- Comparison to similar operations, opportunities and trends in the industry;
- Objectives contained within the CH's Conservation Areas Strategy to be completed by December 31, 2024 (Section 9. (1) 1 O. Reg. 686/21)

As part of the fee setting process, staff also review operational policies that pertain to the various aspects of the CH parks programs and services such as e-commerce transaction fees. Refund policies are included in this review and adjusted as necessary. Information pertaining to these policies is shared on the CH website.

Timing of changes to existing fees for park programs and services may consider factors such as advertising, seasonality of program offerings, digital and e-commerce platform requirements and optimal timing for posting the revised rates on the CH and Glen Eden websites for maximum transparency.

3. Education Program Fees

CH education and community outreach program fees are reviewed annually. CH education programs and services are funded through a number of sources. These include fees charged directly to the school or classes participating in the program, as well as through grants, funds raised by the Conservation Halton Foundation (CHF), corporate sponsorships or other funding for specific programs.

CH offers programs on site at the conservation areas or parks, off site, online (virtual) and school. There is a minimum fee per program.

To determine the fees charged directly for education programs a number of factors are considered including:

- Cost of delivering the program;
- Availability of subsidies, grant or other funding to reduce fees for schools and students;
- Prices charged by organizations offering similar services; and
- Demand for the program.

4. Nature & Environment Services Fees

Nature & Environment services fees are generally provided on an application or request for quotation basis. Fees for services such as forestry, tree planting, environmental restoration and stewardship are reviewed and updated annually and calculated on a project specific basis. An attempt is made to balance program costs with user fees and potential cost-sharing opportunities such as provincial and federal grants or through contributions made by CHF.

Fees for providing these services are based on full cost recovery including an administrative allocation and further considers:

- Materials and services will be acquired in accordance with the CH Purchasing Policy;
- Material plant costs include costs associated with delivery and storage requirements;
- Staffing and equipment costs of providing the service including machine or hand planting;
- Restoration services provided to other agencies to comply with by-law or permit requirements.

Exemptions and In-Kind Services

Requests for exemptions and waivers in lieu of in-kind services can be submitted to the Chief Executive Officer of CH in writing. Such requests will be considered on an exceptional case-by-case basis.

To be consistent with Accessibility Standards for Customer Service Regulation (*O. Reg. 429/07*) and the Human Rights Code, CH permits people with disabilities who use a support person to bring that person with them while accessing goods or services on premises open to the public or third parties, free of charge.

Refunds

CH does not issue refunds for its programs or services once the application or order is submitted and the payment has been processed unless otherwise noted.

CH does issue refunds for fees if an incorrect fee is paid and if the service is not provided.

CH's conservation areas or parks may have policies regarding refunds specific to the different programs and services offered by the parks. Policies regarding refunds are posted on the CH website. These policies are revised as and when needed and posted on the website as well as communicated through dedicated campaigns and product information materials where appropriate.

Refunds are not offered for inclement weather or when a permit holder is being evicted from the premises.

Refunds may result in an associated administrative charge to the user.

Reconsideration of Fees / Appeal Process

CH senior staff will make every effort to resolve fee disputes on a case-by-case basis. Nevertheless, any person who considers that the fee charged is contrary to 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, has the right to request reconsideration of the fee. Section 21.1(11) of the *Conservation Authorities Act* allows for this administrative review.

Section 21.2(11) of the *Conservation Authorities Act* provides that a person may apply to request to reconsider the fee that was charged.

Request for an administrative review of the fee charged by CH must be in writing to the Chief Executive Officer or designated alternate and specify the reason(s) for the request for review. Upon reconsideration of a fee that was charged, CH may:

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

CH will make its decision within 30 days after receiving the request. If not satisfied with the outcome of the review by the Chief Executive Officer or designated alternate, an appeal will be referred to the CH Board of Directors. Appeals will be dismissed or upheld through a resolution by the Board of Directors. The appellant will then be notified in writing of the Board's decision.

If a refund is approved, an associated administration charge may result.

For the process of reconsideration of fees related to an application for a permit, please refer to the *Conservation Authorities Act* Section 21.2 (13-21). Note, this section is still to be proclaimed.

Policy Review and Public Notification

This fee policy and schedules will be reviewed annually by the CH Senior Leadership Team, in conjunction with the annual budgeting process. The Senior Leadership Team will seek information regarding fees, from various sources as identified in this policy and prepare proposed revised fee schedules for approval by the Chief Executive Officer. For Permitting and Planning fees prepare a report and recommendation to be submitted to the Board of Directors.

The public will be notified of any revision to the Fee Policy or Schedule by way of public posting on the CH website. This may be done through a specific report to the Board of Directors or through the posting of revised CH Fee Policy and Fee Schedules on the CH website.

Date of Effect

The Fee Policy becomes effective as of the date of CH Board of Directors approval unless stated otherwise.

[FEE SCHEDULES](#)

Schedule 1: Permitting & Planning Fees

Permitting – Permit Fees <https://www.conservationhalton.ca/permitting/>

Planning and Advisory – Plan Review Fees <https://www.conservationhalton.ca/planning-and-advisory/>

Schedule 2: Conservation Halton Park Fees

Membership Rates and Gate Fees <https://www.conservationhalton.ca/park-fees-membership-rates/>

Programs and Events <https://www.conservationhalton.ca/events/>

Glen Eden <https://gleneden.on.ca/plan-your-visit/>

Schedule 3: Education Program Fees

Education Program Fees <https://www.conservationhalton.ca/education/>

Schedule 4: Nature & Environment Fees

Forestry Tree Planting <https://www.conservationhalton.ca/forestry/>

Restoration and Conservation Services <https://www.conservationhalton.ca/restoration/>