

# Fee Policy and Schedules

Effective: November 10, 2022



## Background

Since 1997, conservation authorities have been empowered to charge fees for services. 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 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.

## Legislation

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 that an authority may charge a fee for and (2) requires the Minister to publish a List in a policy document. Conservation Sudbury may only charge a fee for a program or service that is found within this list. For the purpose of this policy, this includes:

- Planning review services
- Permitting and review under section 28 and 29 of the *Conservation Authorities Act*

## Policy Principles and Statements

The attached Fee Schedules are based on the user-pay principle. The values of the fees are set to assist with recovering the costs associated with administering and delivering the services on a program basis. Fees are set in the annual budget process to account for all substantial costs (e.g., human resources, travel, legal, technology, communication, etc.) to provide the program, but do not exceed the cost of the program. The balance of the costs of operating the program will be recovered from the amount levied to the City of Greater Sudbury (CGS) and/or from a reserve established for the sole purpose. A financial reserve has been established to absorb any fees collected in excess of the cost-recovery target for the year. This reserve may be used in a future year to mitigate a fee increase, to address a shortfall in a year where the number of reviews declined, or to reduce the amount levied to the CGS.

A detailed review of fees charged by Conservation Sudbury for planning and permitting services was undertaken in 2017. This was done to verify that fees were in-line with provincial norms, while taking into consideration the local development context. The review also ensured that the fees being collected did not exceed the cost of delivering the planning and regulations program.

## Implementation

In the examination of fees to be charged, Conservation Sudbury considers the staff time, travel, and materials. It also considers other factors, such as fees of neighboring conservation authorities, and the nature and level of fees charged by the CGS for related services. It should also be noted that for some functions and services, setting a fee that would provide full cost recovery is not feasible. A fee that is unreasonably high, potentially resulting in an inability to pay, may result in reduced demand for the service, and more importantly lead to willful non-compliance.

### **Planning Services**

Conservation Sudbury has delegated authority to implement Section 3.1 of the Provincial Policy Statement through the review of *Planning Act* development applications. Fees are charged for such reviews and vary based on the type of application (See Appendix 1). Planning fees take into consideration City of Greater Sudbury planning fees for the same type of applications.

The City of Greater Sudbury is responsible for collecting the planning services fees on behalf of Conservation Sudbury, and these are built into the [City of Greater Sudbury's by-law for User Fees \(by-law 2022-91\)](#). Planning Services fees are adjusted annually by the City of Greater Sudbury in line with the rate of inflation. The Authority may also adjust its fees based on cost-recovery targets.

### **Permitting Services**

Conservation Sudbury is also responsible for providing permission for works within areas regulated under Ontario Regulation 156/06. The fee schedule for permitting services can be found in Appendix 2. The schedule includes permit application review fees as well as those for due-diligence inquiries from landowners, legal services, appraisers and for real estate transactions.

### **Appeal Process**

An applicant has the right to appeal a fee and request either a reduction or waiving of the fee. The appeal shall be first heard by the General Manager. If still not satisfied, an appeal made be made to the Members of the Authority at its next regular meeting in keeping with the delegation requirements set out in the Authority's Administrative By-Law NDCA 2018-01. In order to appeal a fee, an applicant must submit the reasons for the appeal in writing. The Members will consider waiving or reducing a fee based largely on: 1) the amount of work required to administer and review the application and its supporting technical reports; and, 2) if the City of Greater Sudbury has waived or reduced its fee(s) in the matter.

### **Review of Policy**

The Fees Policy and Schedules will be reviewed annually by the Authority in conjunction with the annual budgeting process and amended as deemed appropriate.

The fee schedule will be reviewed at a regular meeting that is open to the public and advance notice will be included in the meeting's agenda posted on the Conservation Sudbury website. If significant changes to the Fees Policy and/or Fees Schedules are proposed, then more in-depth consultation with the City of Greater Sudbury and affected groups will take place through direct consultation and an opportunity to provide formal feedback for consideration by the Members.

### **Date of Effect and Transition**

The Fee Policy and Schedules become effective on November 10, 2022. These schedules supersede all previous fee schedules.