

Grand River Conservation Authority

Report number: GM-04-24-37

Date: April 26, 2024

To: Members of the Grand River Conservation Authority

Subject: Fee Policy and Fee Schedule Amendments

Recommendation:

THAT amendments to the Grand River Conservation Authority Fee Policy as outlined in this report be approved and implemented effective April 26, 2024;

AND THAT amendment to Fee Schedule 2 – Conservation Area Programs and Services be approved and implemented effective April 26, 2024;

AND THAT amendments to Fee Schedule 3 – Planning and Regulations Fees be approved and implemented effective April 26, 2024.

Summary:

On February 16, 2024, the Province released decision notices to move ahead with legislative and regulatory changes under the Conservation Authorities Act (CA Act) to support Ontario's Housing Supply Action. On April 1st, 2024, previously unproclaimed sections of the CA Act came into effect and GRCA's development regulation (Regulation 150/06) was replaced with Ontario Regulation 41/24. Report GM-03-24-27 provides an overview of the changes and necessary updates to existing Conservation Authority documents, policies, and procedures about GRCA's planning and compliance program. Amongst other implementation actions, a review of the GRCA's Fee policy and the fee schedule for this program area has been completed and amendments proposed.

The fee schedule for Conservation Area Programs and Services has also been amended to include a new product for sale.

Report:

Planning and Regulations

On February 16, 2024, the Province released decision notices to move ahead with the changes under the Conservation Authorities Act (CA Act) to support Ontario's Housing Supply Action Plan. Previously unproclaimed sections of the CA Act will come into force and effect and GRCA's development regulation (Regulation 150/06) will be revoked and replaced with Ontario Regulation 41/24. These changes took effect on April 1, 2024, and necessitated updates to existing Conservation Authority documents, policies, and procedures, including the GRCA's Fee Policy.

Report GM-03-24-27 provides an overview of the changes, status of implementation, and the next steps. Staff have now completed a review of the current Fee Policy that was approved by the General Membership on December 15, 2023. Key amendments required to implement legislative and regulatory changes were identified as follows:

1) Fee Policy

Section 21.2 of the CA Act includes additional subsections related to reconsideration of fees for permit applications. An applicant may appeal directly to the Ontario Land Tribunal (OLT) if the GRCA does not make a decision within 30 days of receiving a request for fee reconsideration, or if the applicant disagrees with the decision made by the Chief Administrative Officer (or delegate) and pays under protest.

While a hearing before the GRCA Board of Directors is not required through legislation, as outlined in Report GM-03-24-27, the opportunity to appeal/request a hearing is offered as an option rather than appealing directly to the OLT.

These changes necessitate an update of the refund/fee reconsideration section of the Fee Policy.

2) Fee Schedule 3 – Planning and Regulation Services

A Minister’s Direction was issued on December 28, 2023 which extended the freeze on plan review and permitting fees and prohibits any changes in how these fees are determined until December 31, 2024. Accordingly, no changes to the fees themselves are proposed at this time, however amendments to the fee schedule are required.

Currently, an applicant may request renewal/extension of an expired permit if there are no changes to the plan and the request is received within 1 year of the expiry date. Section 11 (2) of Ontario Regulation 41/24 now requires the holder of a permit to submit an application for an extension of a permit 60 days prior to the expiry date, necessitating a change in process.

With respect to review of aggregate applications, currently the plan review fee is based on whether or not there is a natural heritage or hazard feature within 120 metres of the licensed area. This reflected GRCA’s interest around wetlands, and agreements with municipalities to undertake natural heritage review, for example, for applications within adjacent lands (120 metres) to Provincially Significant Wetlands. Given legislative changes resulting in a reduction of area of interest around wetlands to 30 metres, and previously introduced legislation prohibiting the GRCA from entering into agreements with municipalities to provide non-mandatory, natural heritage plan review services, the fee schedule requires revision.

The current Fee Policy has been updated to reflect these changes and is included as Appendix A. The revised Fee Schedule for Planning and Regulations is included as Appendix C. A summary of the changes is as follows:

Section	Explanation of Change
<p>Fee Policy Section 3 – Planning and Regulations, Refunds/Fee Reconsideration</p>	<p>Deleted reasons an applicant/third party can request an administrative review of a fee as the legislation does not place any conditions on the ability to request a fee reconsideration.</p> <p>Added wording to offer the opportunity to appeal/request a hearing before the Board of Directors (General Membership).</p> <p>Added wording to reflect new ability to appeal to the Ontario Land Tribunal.</p>
<p>Fee Schedule Schedule 3 – Planning and Regulations Programs and Services</p>	<p>Revised when aggregate plan review fee is applicable, from within 120 metres to a feature of interest to 30 metres.</p> <p>Added preamble in notes section about new Regulation.</p> <p>Remove references to natural heritage.</p> <p>Deleted expired permit process. Replaced with permit extension process to reflect new legislative timeline to request a permit extension 60 days prior to expiry date.</p> <p>Replaced reference to Ontario Regulation 150/06 to 41/24.</p>

Conservation Areas

The fee schedule for Conservation Area Programs and Services has also been amended to include a new product for sale. The product is small waterproof bags that will primarily be sold at tubing and boat rental locations. The updated fee schedule has been included in Appendix B.

Financial Implications:

There are no additional costs incurred because of these changes.

Other Department Considerations:

As per [O.Reg.400/22 Information Requirements](#), once approved, the updated Fee Policy and updated fee schedules will be posted on the GRCA's website on the [Governance page](#).

Prepared by:

Beth Brown
Manager of Planning and Regulations Services

Pam Walther-Mabee
Manager of Conservation Area Operations

Approved by:

Samantha Lawson
Chief Administrative Officer