

POLICY



PLANNING & DEVELOPMENT

NBMCA FEES POLICY AND SCHEDULES

PD10-06

Approved: July 24, 2019

Revised: March 28, 2024

NBMCA Fees Policy and Schedules

Legislative Framework

In January 1996, a provincial Omnibus Bill was passed which amended the Conservation Authorities Act. One of the amendments to the Act empowered conservation authorities to charge fees for services approved by the Minister of Natural Resources. The document entitled Policies and Procedures for the Charging of Conservation Authority Fees (June 1997, updated March 1999) included in the MNR Procedural Manual sets guidelines for fee collection. The document states that CA fee structures should be designed to recover, but not exceed, the costs associated with administering and delivering the services on a program basis. It is recognized that the Board may vary the % of cost recovery, based on factors such as the size of a municipality. The manual also states that setting fees are dependent on the complexity of applications and the level of effort required to administer the application. Fees take into account estimated staff time, overhead, travel, and materials costs to provide the service. The following forms the foundation of a policy for the administration and preparation of fee schedules, for the planning and the permitting functions provided by NBMCA.

Principles

NBMCA's planning and permitting programs (Ontario Regulation 41/24 Prohibited Activities, Exemptions and Permits and Ontario Regulation 332/12 Sewage Systems) Fees Policy is based upon the following three principles:

- User-pay
- Adequate consultation and notification
- Right to appeal

Planning Services Fee Administration

In accordance with the current practice and the *Plan Review Agreements* with our municipalities and the East Nipissing Planning Board, all planning application fees are negotiated with the municipality/planning board and are to be collected by the municipality/planning board and

remitted to the CA. When a municipality/planning board requires a new application and fee for a resubmission, NBMCA's planning services fees will also be applicable.

Implementation, Update Process and Public Notification

The attached permitting Fee Schedules form part of this policy. At its February 2015 meeting, NBMCA Board of Directors approved the 2015 budget report in which staff recommended “an annual fee adjustment in line with the Ontario Consumer Price Index (CPI) starting in 2016.”

NBMCA staff shall apply the permitting fees as prescribed on the Fee Schedules when reviewing development and on-site sewage system related applications. Plan review fees are set as per the *Plan Review Agreement*. NBMCA does reserve the right to modify or adjust fees should the review require a substantially greater or lower level of review and/or assessment or for applications that have not been included in the Fee Schedules. Any such adjustments from fees outlined in the Fee Schedules due to increased or decreased work required, must be approved by the Chief Administrative Officer.

Fee Schedules are established by NBMCA Board of Directors. NBMCA staff will consult with municipalities and key stakeholders at a level appropriate for proposed changes to the Fee Schedule. The larger the impacts of changes to the fee schedules, the larger the scale of consultation will be.

No guarantees are provided for requested cost adjustments in the consultation process. Fees are necessary to finance NBMCA's plan review and permitting functions in the absence of other provincial or municipal funding.

This Policy including its fee schedules shall be monitored as necessary to evaluate its effectiveness and fairness. The Policy, including its fee schedules will be adjusted annually for cost adjustments and will be subject to a comprehensive staff review at least every five years. Any changes or amendments to the Policy shall proceed through the approval process utilized to establish the fee schedule.

Methodology for Calculating Fees and Increases

Reporting on the administration of fees and consultation will include analysis of the following issues and data, where relevant:

- Analysis of trends in shifts in markets and in cost of living, workload changes, and types of applications;
- Consultation with developers/municipalities about work effort, new planning/legislative requirements and streamlining;
- General overview of status of cost recovery, statistics of numbers of applications and annual changes, where required;
- Level of service/review turn-around timing and areas of improvement of level of service/staffing demands;
- Cost cutting measures as required; and
- Status of Local Planning Appeal Tribunal (LPAT) , Mining and Lands Tribunal (MLT) and Building Code Commission appeals – trends in legal costs (no detailed backup of staff time allocations, and file costs will be included).

Appeal

An applicant has the right to appeal a fee and request either a reduction or waiving of the fee. In order to appeal a fee, the applicant must submit in writing the reasons for the appeal. The consideration for waiving/reducing a fee will be based largely on: 1) the scope of work required to administer and review the application and supporting technical reports; and, 2) if the municipality has waived or reduced their application fee.

Appeals will first be heard by the Chief Administrative Officer. If still not satisfied, an appeal may be heard by the Executive Committee. Appeals heard by the Executive Committee will be dismissed or upheld through a resolution. The appellant will then be notified in writing of the Board's decision.

Date of Effect

The Fees Policy becomes effective as of the date of NBMCA Board of Directors approval. Fee schedules are updated annually as per the CPI and submitted for budget approval of the Board of Directors.