

Executive Committee Meeting

Thursday, December 14, 2023
5:30 p.m.
3889 Rideau Valley Drive, Manotick ON
(RVCA Boardroom)

Members of the public are also welcome to join via Zoom.
Please contact Marissa Grondin at marissa.grondin@rvca.ca or 1-800-267-3504 ext.
1177 in advance of the meeting if you wish to receive instructions to join.

AGENDA

Meeting 3/23	Page
1) Roll Call and Introductions	
2) Agenda Review	
3) Adoption of Agenda	
4) Declarations of Interest	
5) Approval of Minutes from September 28, 2023	
6) Fee Reconsideration Request (Staff Report Attached).....	01
7) Adjournment	

**6.0 Fee Reconsideration Request
Staff Report #: 01-231214**

To: RVCA Executive Committee
From: Sommer Casgrain-Robertson, General Manager
Date: December 7, 2023

Subject Property

A request has been received for the Executive Committee to reconsider the fee that was charged for the following planning application:

File Number: 23-DNE-SEV-0040 (North Elmsley)
Applicant: Mr. Paul Hauraney
Subject: Application for Consent B23/086
Pt Lot 26, Concession 9, Rideau Ferry Rd, Geographic
Township of North Elmsley, Now the Township of
Drummond/North Elmsley
Roll Number: 0919 9080 2039 8030 0000

Fee Reconsideration Process

The *Conservation Authorities Act* requires all conservation authorities to adopt a Fee Policy and Fee Schedules and post them on their website. The Act specifies that the policy must include the circumstances in which a person may request that the authority reconsider a fee that was charged and the procedures applicable to the reconsideration.

The attached Fee Policy which was adopted by the RVCA's Board of Directors and took effect January 1, 2023, stipulates that:

Any person who considers that RVCA has charged a fee that is contrary to the fees set out in the fee schedules, or that the fee set out in the fee schedules is excessive in relation to the service or program for which it is charged, may apply to RVCA in accordance with the procedures set out in this policy and request that it reconsider the fee that was charged.

The Fee Policy describes the procedures for requesting a fee reconsideration as follows:

Requests for administrative review of a fee are made to the General Manager or their designate. A person requesting an administrative review of a fee shall specify in writing the fee being reconsidered and provide written reasons. Upon

reconsideration of a fee that was charged, the General Manager or their designate may:

- Order the person to pay the amount originally charged;
- Vary the amount of the fee originally charged, as the General Manager or their designate considers appropriate; or
- Order that no fee be charged for the program or service.

The General Manager or their designate shall provide a decision on the reconsideration of a fee that was charged within ten (10) business days of the date the written request for the administrative review of a fee was submitted.

For Fee Schedules A, B and C, a person who is dissatisfied with the decision from the General Manager or their designate, may request a fee reconsideration by the RVCA's Executive Committee. A person requesting a fee reconsideration by the Executive Committee shall specify in writing the fee being reconsidered and provide written reasons. Upon reconsideration of a fee that was charged, the Executive Committee may:

- Order the person to pay the amount originally charged;
- Vary the amount of the fee originally charged; or
- Order that no fee be charged for the program or service.

Once heard, the Executive Committee shall provide a decision on the reconsideration of a fee that was charged within ten (10) business days.

Nature of the Application

Mr. Hauraney applied to the County of Lanark for consent to sever. Since 1995, the Minister of Natural Resources and Forestry has delegated natural hazard responsibilities to conservation authorities. This means conservation authorities are responsible for commenting on planning applications with respect to the Natural Hazards sections of the Provincial Planning Statement on behalf of the province. Municipalities screen planning applications and circulate them to their local conservation authority for review and comment. When reviewing planning applications, conservation authorities also review and comment on applications regarding Section 28 and Drinking Water Source Protection.

A small portion of Mr. Hauraney's property has organic soils (which is a natural hazard) so it was circulated to the RVCA for review and comment. Sarah McLeod-Neilsen, RVCA Planner reviewed the file and provided the attached comment letter to the County of Lanark. The letter indicated no objection to the severance but provided best practices that should be considered given the highly vulnerable nature of the groundwater aquifer.

As per RVCA's Fee Schedule A: Planning Advisory Program (attached), the fee for a consent to sever application is \$500 which is the fee that was charged to the applicant.

Fee Reconsideration Request

The General Manager received a written request from Mr. Hauraney on October 27, 2023 (see attached email). It requested an administrative review of the fee that was

charged as per RVCA's Fee Policy which allows people to request a reconsideration if they feel that the fee set out in the fee schedules is excessive in relation to the service or program for which it is charged.

Mr. Hauraney requested that the \$500 fee for the Consent to Sever application be reduced to \$250 and provided the following reasons:

- RVCA's Planner couldn't really tell me exactly how many hours may have been spent preparing the initial reply to my severance query.
- No site visit was required which if it had been the case would certainly have used more resources.
- As it was not an extensive reply, I have difficulty believing it could have cost RVCA \$500.00. I feel a charge of \$250.00 would be more appropriate and in line with actual time spent on my case.
- I am not a fan of arbitrary price setting and believe each user should be assessed and billed accordingly. I think you will agree this is how most non government businesses function.

Staff Position

The General Manager reviewed the request and provided the attached written response which denied the request for a reduced fee. The reasons for this decision were outlined in the letter as follows:

Conservation authority fees are governed by the following legislation and policy:

- Section 21.2 of the *Conservation Authorities Act*
- Policy: *Minister's list of classes of programs and services in respect of which conservation authorities may charge a fee.*

Under these legislative requirements, conservation authorities are required to have and publish a Fee Policy and Fee Schedules approved by their Board of Directors.

It is the normal practice of government (conservation authorities, municipalities, provincial ministries and federal departments) to set fees based on project or application type, not billable hours per file. All conservation authorities have approved fee schedules that follow this model for planning advisory and regulatory programs, and most include a statement that reserves the right to charge additional fees if a file requires a substantially greater level of effort than the norm.

Conservation authorities review their fee schedules annually to ensure appropriate amounts are being charged for each application type. The objective set out in our fee policy for planning and regulations, is that fees recover costs associated with administering and delivering the program to reduce municipal levy reliance without exceeding the cost of the program. The fee policy also states that the costs used to set fee schedules, include but are not limited to, salaries and related expenses, consultants, compliance costs, vehicle costs, equipment and software, materials, legal expenses, insurance and administrative costs. RVCA's Planning Advisory Program currently runs at approximately 75% cost recovery.

While some individual files may be more straightforward or complex than others, the fee schedule sets a minimum fee for each application type that supports the cost of running the program, with the ability to recover additional fees for highly complex files. While it is recognized that Mr. Hauraney's file was straightforward, RVCA's fees are required to recover program costs, not just time spent on an individual application.

Attachments:

- RVCA Fee Policy (January 1, 2023)
- RVCA 2023 Fee Schedule A: Planning Advisory Program
- RVCA Planning Comments to County of Lanark (September 1, 2023)
- Fee Reconsideration Request from Mr. Hauraney (October 27, 2023)
- Written Response from General Manager (November 3, 2023)



Fee Policy

**Section 21.2 of the Conservation Authorities Act,
R.S.O. 1990, c. C.27**

Effective Date: January 1, 2023

Adopted:

October 27, 2022

Purpose

The purpose of this policy is to outline the process for determining and implementing the fees the Rideau Valley Conservation Authority (RVCA) charges for the delivery of programs and services.

This policy has been prepared in conformity with Section 21.2 of the *Conservation Authorities Act* and the Minister's Fee Classes Policy.

Fees

Section 21.2 of the *Conservation Authorities Act* and the Minister's Fee Classes Policy enables RVCA to set rates, charge fees, and collect for the delivery of programs and services.

RVCA applies the user-pay principle to further the objective of recovering program and service costs and reducing municipal levy reliance.

The fee schedules are designed to recover costs associated with administering and delivering programs and services. Fee schedules for planning and permitting are designed to not exceed the costs associated with delivering those programs and services.

Costs used for the calculation of the fee schedules include, but are not limited to:

- Staff salaries and related expenses
- Consultants
- Compliance costs
- Office space
- Vehicle costs
- Equipment and software
- Materials
- Legal expenses
- Insurance
- Administrative costs

Fees collected are based on the approved fee schedule in effect on the date the application was accepted as complete or when the program or service commenced.

Non-Payment

RVCA may withhold services or programs until payment is received.

Non-payment may result in an application being deemed incomplete.

Refunds

RVCA does not issue refunds for services or products once the application or order is submitted, the work is substantially completed, and payment is processed unless otherwise specified in a fee schedule.

Reconsideration of Fees Charged

Any person who considers that RVCA has charged a fee that is contrary to the fees set out in the fee schedules, or that the fee set out in the fee schedules is excessive in relation to the service or program for which it is charged, may apply to RVCA in accordance with the procedures set out in this policy and request that it reconsider the fee that was charged.

Requests for administrative review of a fee are made to the General Manager or their designate.

A person requesting an administrative review of a fee shall specify in writing the fee being reconsidered and provide written reasons.

Upon reconsideration of a fee that was charged, the General Manager or their designate may:

- Order the person to pay the amount originally charged;
- Vary the amount of the fee originally charged, as the General Manager or their designate considers appropriate; or
- Order that no fee be charged for the program or service.

The General Manager or their designate shall provide a decision on the reconsideration of a fee that was charged within ten (10) business days of the date the written request for the administrative review of a fee was submitted.

For Fee Schedules A, B and C, a person who is dissatisfied with the decision from the General Manager or their designate, may request a fee reconsideration by the RVCA's Executive Committee.

A person requesting a fee reconsideration by the Executive Committee shall specify in writing the fee being reconsidered and provide written reasons.

Upon reconsideration of a fee that was charged, the Executive Committee may:

- Order the person to pay the amount originally charged;
- Vary the amount of the fee originally charged; or
- Order that no fee be charged for the program or service.

Once heard, the Executive Committee shall provide a decision on the reconsideration of a fee that was charged within ten (10) business days.

Review

Fee schedules and this policy shall be reviewed annually by RVCA staff in conjunction with the annual budget process. Individual schedules may be reviewed on separate timelines to fulfill the needs of specific programs and services.

Changes to the fee schedules and this policy are subject to RVCA Board of Directors approval.

RVCA will consider the following when developing or reviewing its fee schedules:

- Legislative and regulatory requirements;
- The level of fees charged by neighbouring conservation authorities, local municipalities, provincial ministries, and other local agencies that charge for similar services; and
- The complexity of the program or service and the cost and level of effort required to administer the program or service.

RVCA will consult with the following stakeholders, when developing or reviewing its fee schedules for planning and permitting programs beyond routine annual cost of living adjustments:

- Participating municipalities;
- Neighbouring conservation authorities; and
- Primary user groups who represent interests of applicants, participants, customers, or other program or service stakeholders.

Notice of Fee Changes

RVCA shall provide notice to the public, participating municipalities and neighbouring conservation authorities of proposed changes to the fee schedules via publicly available RVCA Board of Directors meeting agendas.

The public and common users of the services shall be notified via postings on the RVCA website at least thirty (30) days before the changes to the fee schedules take effect.

For planning and permitting fees, notice to participating municipalities and neighbouring conservation authorities shall be delivered via email or standard mail at least thirty (30) days before changes to those fee schedules take effect.

Written comments will be accepted any time prior to the changes to the fee schedules taking effect.

Public Availability

The fee schedules and this policy shall be made available to the public on the RVCA website.

RVCA shall provide the fee schedules and this policy in alternative formats by request in accordance with accessibility for *Ontarians with Disabilities Act*.

Transition

The establishment of this policy supersedes and replaces all previous RVCA fee policies.

Schedule A: Planning Advisory Program

Application Type	Description		Fee
Official Plan	Minor		\$ 820
Amendment	Major		\$ 4,000
Zoning By-law	All		\$ 410
Minor Variance	All		\$ 410
Site Plan Control	Single residential		\$ 420
	Multiple residential, commercial or industrial	Minor	\$ 700
		Standard	\$ 1,120
		Major	\$ 2,790
Consent to Sever (per application)	All		\$ 500
	Clearance of Conditions (No site visit required)		\$ 235
Plan of Subdivision/ Part Lot Control/ Condominium	No previous SPC in circulation		\$ 4,120
	Clearance of Conditions (Subdivision registration/per		\$ 2,070
	Draft plan approval revisions (Alteration to site plan/layout)		\$ 2,070
	Draft plan extension (Original conditions about to lapse)		\$ 4,120
Lifting of 30 cm Reserve			\$ 235
City of Ottawa Screening Fee			\$ 125
Site visit			\$ 175
Reactivate dormant file (<i>Files inactive for two years or more</i>)			100% of fee
Application revision			50% of fee

Notes for Schedule A:

Reviews are undertaken in accordance with the Conservation Authority's mandates and are directly related to circulation requirements under the Planning Act and the 2001 Provincial Memorandum of Understanding on Procedures to Address Conservation Authority Delegated Responsibility. Some reviews are completed under Municipal Memorandums of Understanding and agreements with the Provincial and Federal governments to provide planning advice. Section 21.2 of the Conservation Authorities Act enables Conservation Authorities to charge fees for such services.

Fees are exclusive of technical report review fees (refer to Schedule C). All fees must be paid prior to the release of written comments to an approval authority. For concurrent applications, unless otherwise stated, one fee (the highest) applies.

The CA reserves the right to charge additional fees in the event that the review requires a substantially greater level of effort than the norm, additional site visits, etc., OR where additional processing past the initial submission period is required. Current fees apply for the reactivation or revision of files.

Application Categories: Minor – no technical studies, Standard – one technical study, Major – more than one tech. study.

Screening fee applies inside the Urban Boundary only as defined on Schedule "B" to the City of Ottawa Official Plan approved at the time of application.



3889 Rideau Valley Drive
PO Box 599, Manotick ON K4M 1A5
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F 613-692-0831 | www.rvca.ca

September 1, 2023

23-DNE-SEV-0040 (North Elmsley)

County of Lanark
Land Division Committee
Box 37
Perth, Ontario
K7H 3E2

Attention: Koren Lam

Subject: **Miller, Michelle & Maynard, Suzanne**, Application for Consent B23/086–Lot 26, Concession 9, Rideau Ferry Rd Rd, Geographic Township of North Elmsley, Now the Township of Drummond/North Elmsley; Roll Number: 0919 9080 2039 8030 0000

Dear Ms. Lam,

The Rideau Valley Conservation Authority has reviewed this application within the context of:

- Section 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act;
- The Rideau Valley Conservation Authority (“Development, Interference with Wetlands and Alteration to Shorelines and Watercourses” regulation 174/06 under Section 28 of the Conservation Authorities Act);
- The Mississippi-Rideau Source Water Protection Plan;

The Proposal

The RVCA understands this application is for a lot addition, a 2.04 ha parcel is proposed to be severed and added to an existing property at 2543 Rideau Ferry Rd. The proposed retained land would have an area of approximately 0.81 ha with 78.4 m of frontage on Rideau Ferry Rd. It is understood that the proposed retained lands will be for residential use.

The Property

The proposed parcel to be severed is forested and largely vacant with the exception of an existing accessory structure. The proposed retained lands have partially cleared area with mature vegetation. A review of our records for the subject property did not indicate the presence

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Athens, Augusta, Beckwith, Central Frontenac, Clarence-Rockland,
Drummond/North Elmsley, Elizabethtown-Kitley, Merrickville-Wolford, Montague,
North Dundas, North Grenville, Ottawa, Perth, Rideau Lakes, Smiths Falls, South Frontenac, Tay Valley, Westport

of regulatory floodplain, steep slopes, wetlands, watercourses or marine clays. Organic soils are noted in the southern corner of the proposed lot to be severed.

Provincial Policy Statement

Regarding 3.1 of the PPS, unstable soils (organic soil) are noted on the proposed lot to be severed, however sufficient area exists on the parcel to locate future development outside the hazard.

Ontario Regulation 174/06

No regulated features were identified on the subject property.

Source Water Protection

The subject property is identified as overlying a highly vulnerable aquifer. These are aquifers that are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking groundwater supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater. Some best practices that could be considered include:

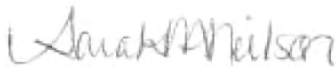
- increased well casing depths,
- increased distance of septic systems from drinking water wells,
- ensuring septic systems are located downgradient of wells,
- ensuring that wells and septic systems are properly maintained,
- avoiding use of pesticides, herbicides, and fertilizers.

Conclusion

In conclusion, our office has no objection to the requested application. Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at (613) 692-3571 x1109 should you have any questions.

Please advise us on the Committee's decision respecting this application or any changes in the status of the application.

Yours Truly,



Sarah MacLeod-Neilson
Planner, RVCA

cc –Michelle Miller and Suzanne Maynard, owners
cc –Paul Hauraney, applicant
cc –Brady McGlade, Township Planner-DNE
cc –Kristy Warwick, Michelle Mahon Lanark County

Re: RVCA comments B23/086 (Miller/Maynard)

Paul Hauraney [REDACTED]

Fri 2023-10-27 12:43 PM

To: Sommer Casgrain-Robertson <sommer.casgrain-robertson@rvca.ca>

Cc: Paul Hauraney [REDACTED]

Hi Sommer,

Thank you for your considerate explanation of fees charged for my severance application.

In my case I feel I would fall into the second category that being fees charged are excessive for the service provided.

In speaking with Sarah she couldn't really tell me exactly how many hours may have been spent preparing the initial reply to my severance query.

We also agree there was no actual site visit required which if it had been the case would certainly have used more resources.

As it was not an extensive reply I have difficulty believing it could have cost RVCA \$500.00. I feel a charge of \$250.00 would be more appropriate and in line with actual time spent on my case.

I am not a fan of arbitrary price setting and believe each user should be assessed and billed accordingly. I think you will agree this is how most non government businesses function.

I think you might also agree we are spending more of your time and resources discussing my issue, with that in mind I thank you again and await a reasonable resolution.

Regards,

Paul Hauraney

Cell [REDACTED]

Sent from my iPhone



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November 3, 2023

Paul Hauraney

Sent via email: [REDACTED]

Re: Fee Reconsideration

Subject Property: Pt Lot 26, Concession 9, Rideau Ferry Rd, Geographic Township of North Elmsley, Now the Township of Drummond/North Elmsley; Roll Number: 0919 9080 2039 8030 0000

RVCA File Number: 23-DNE-SEV-0040

Dear Mr. Hauraney,

Your request for an administrative review of a fee charged by the RVCA was received verbally on October 23, 2023 and in writing on October 27, 2023. It requested that:

- The \$500 fee charged for a *Consent to Sever* application be reduced to \$250.

Under RVCA's Fee Policy (dated October 27, 2022):

"Any person who considers that RVCA has charged a fee that is contrary to the fees set out in the fee schedules, or that the fee set out in the fee schedules is excessive in relation to the service or program for which it is charged, may apply to RVCA in accordance with the procedures set out in this policy and request that it reconsider the fee that was charged".

On the first consideration, you have agreed that the fee you were charged is not contrary to the fee set out in RVCA's approved fee schedule. Specifically, *Fee Schedule A: Planning Advisory Program* which lists:

Application Type	Description	Fee
Consent to Sever (per application)	All	\$500

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North Dundas, North Grenville, Ottawa, Perth, Rideau Lakes, Smiths Falls, South Frontenac, Tay Valley, Westport

On the second consideration, you have indicated that you feel the fee that was charged is excessive in relation to the service for which it was charged.

Background

Conservation authority fees are governed by the following legislation and policy:

- Section 21.2 of the *Conservation Authorities Act*
- Policy: *Minister's list of classes of programs and services in respect of which conservation authorities may charge a fee.*

Under these legislative requirements, conservation authorities are required to have and publish a Fee Policy and Fee Schedules approved by their Board of Directors.

It is the normal practice of government (conservation authorities, municipalities, provincial ministries and federal departments) to set fees based on project or application type, not billable hours per file. All conservation authorities have approved fee schedules that follow this model for planning advisory and regulatory programs, and most include a statement that reserves the right to charge additional fees if a file requires a substantially greater level of effort than the norm.

Conservation authorities review their fee schedules annually to ensure appropriate amounts are being charged for each application type. The objective set out in our fee policy for planning and regulations, is that fees recover costs associated with administering and delivering the program to reduce municipal levy reliance without exceeding the cost of the program. The fee policy also states that the costs used to set fee schedules, include but are not limited to, salaries and related expenses, consultants, compliance costs, vehicle costs, equipment and software, materials, legal expenses, insurance and administrative costs. RVCA's Planning Advisory Program currently runs at approximately 75% cost recovery.

While some individual files may be more straightforward or complex than others, the fee schedule sets a minimum fee for each application type that supports the cost of running the program, with the ability to recover additional fees for highly complex files. While I recognize that your file was straightforward, I hope the information above provides an explanation of how our fees are set and the requirement to recover program costs, not just time spent on an individual application.

Finding

Therefore, upon completing a review of your fee reconsideration request, I did not find that the fee set out in the fee schedule is excessive in relation to the service for which it

was charged. You are therefore required to pay the original amount charged (which has already been received, thank you).

Appeal

In accordance with RVCA's Fee Policy, for Fee Schedules A, B and C, a person who is dissatisfied with the decision from the General Manager may request a fee reconsideration by the RVCA's Executive Committee. Should you wish to proceed with a fee reconsideration by our Executive Committee please let me know.

Sincerely

A handwritten signature in blue ink, appearing to read 'S. Casgrain-Robertson', with a stylized, cursive script.

Sommer Casgrain-Robertson
General Manager / Secretary-Treasurer