



Ministry of Forests, Lands and Natural Resource Operations
Ministry of Environment

NAME OF POLICY: Fee Refunds for Applications

APPLICATION: This policy applies to applications received for new water licences, to amend a water licence, permits over Crown land and use and change approvals.

ISSUANCE: Director, Water Management Branch, MFLNRO and Executive Director, Water Protection and Sustainability Branch, MOE

IMPLEMENTATION: MFLNRO, MOE

LEGISLATIVE REFERENCES: *Water Sustainability Act* (Ch. 15, S.B.C. 2014)
Water Sustainability Regulation (B.C. Reg. 36/2016)
Water Sustainability Fees, Rentals and Charges Tariff Regulation (B.C. Reg 37/2016, 43/2016)
Financial Administration Act (Ch. 138, R.S.B.C. 1996)
Ministry of Finance Core Policy and Procedures Manual (section 7.2.11)

RELATED POLICIES: Refusal of applications on oversubscribed sources

RELATIONSHIP TO PREVIOUS POLICIES: Replaces Land and Water British Columbia Inc. policy on Fee Refunds effective date August 16th, 2004.

POLICY AMENDMENT: To amend this policy a request must be made in writing to the Executive Director, Water Protection and Sustainability Branch, MOE

Glen Davidson
Director
Water Management Branch
Ministry of Forests Lands and
Natural Resource Operations

16/06/23

Date

Lynn Kriwoken
Executive Director
Water Protection and Sustainability Branch
Ministry of Environment

16.06.28

Date:

| APPROVED AMENDMENTS: | | |
|-----------------------------|---|--|
| Effective date | Briefing Note /Approval | Summary of Changes: |
| June 1, 2009 | BN 105976 May 19, 2009 BN 109249 July 20, 2009 | Originating policy LWBC Inc. August 16 th , 2004. Changes made are as a result of updating water policies. Policy removes reference to Land and Water BC Inc. and tenures issued under the <i>Land Act</i> . The former policy has been updated to include direction concerning refunds for <i>Water Act</i> Approvals, Crown land permits and applications to amend water licences. |
| December 1, 2013 | BN 198568 October 2, 2013 | Policy amended in order to provide the current water management agencies of Ministry of Forests, Lands and Natural Resource Operations and the Ministry of Environment. |
| April 12, 2016 | BN April 5, 2016 | Administrative changes to align the policy with the <i>Water Sustainability Act</i> . |

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1. POLICY STATEMENT

The policy applies to all refunds of application fees for water use, including for applications for new water licences and final water licences, use approvals, change approvals, permits over Crown land and drilling authorizations. This policy also applies to any changes applied for under 26 [*amendment or substitution of authorization, change approval, or permit*], 27 [*transfer of appurtenancy*] and 28 [*apportionment of rights under licences*] of the *Water Sustainability Act*.

A full refund of the entire fee shall be provided where a client was directed in error by a staff member of the provincial government to submit an application. Other refunds will be provided according to Table 1 below.

2. DEFINITIONS

None.

3. REASON FOR POLICY

A water application will not be considered complete unless it is accompanied by the appropriate fee as contained in Appendix 1 of the *Water Sustainability Fees, Rentals and Charges Tariff Regulation*. A policy is required to identify the circumstances where a refund of an application fee will be granted and the extent of the refund.

4. PROCEDURES

An application fee may be received for the following types of applications:

- New water licence,
- Final water licence,
- Use approval,
- Change approval,
- Permit over Crown land,
- Drilling authorization, and
- Any changes to the above under sections 26 [*amendment or substitution of authorization, change approval, or permit*], 27 [*transfer of appurtenancy*] and 28 [*apportionment of rights under licences*] of the *Water Sustainability Act*.

Refunds will be provided according to Table 1 for all application types.

Table 1. Application Fee Refund Matrix

| Fee Level and Phase | Refund Amount |
|--|--|
| Application fee for any type of application that is \$250 or less. | No refund |
| Application fee for any type of change or amendment to an existing water licence (conditional or final), use approval, change approval, permit over Crown land or drilling authorization. | No refund |
| The application is abandoned by the applicant prior to the issuance of a water licence, where the fee submitted was higher than \$250. | Refund 50 percent of the application fee |
| The application is abandoned by the applicant prior to the issuance of a use approval for short-term water use, where the fee submitted was higher than \$250. The total fee is comprised of the application fee plus one or two years of annual water rentals (depending on the duration of the use approval). | Refund 50 percent of the application fee |
| Where the water licence application has been refused. | No refund |
| Where the application for a use approval for short-term water use has been refused. The total fee is comprised of the application fee plus one or two years of annual water rentals (depending on the duration of the use approval). | No refund |
| Where a water licence is issued. | No refund |
| Where a use approval for short-term water use is issued (e.g., if the holder decides they don't need or want the water). The total fee is comprised of the application fee plus one or two years of annual water rentals (depending on the duration of the use approval). | No refund |

Where an application fee has been submitted for a permit over Crown land, its fee will be added to the corresponding application fee. Table 1 will be used to determine whether a refund will apply.