



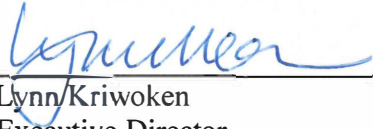
**Ministry of Forests, Lands and Natural Resource Operations  
Ministry of Environment and Climate Change Strategy**

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<b>NAME OF POLICY:</b>	Refunds for Applications
<b>APPLICATION:</b>	This policy applies to applications for a water licence, use approval, change approval, permit over Crown land, drilling authorization and any applications 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.
<b>ISSUANCE:</b>	Executive Director, Water Protection and Sustainability Branch, Ministry of Environment and Climate Change Strategy, and Director, Water Management Branch, Ministry of Forests, Lands, Natural Resource Operations and Rural Development.
<b>IMPLEMENTATION:</b>	FLNRORD.
<b>LEGISLATIVE REFERENCES:</b>	<i>Water Sustainability Act</i> (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) <i>Financial Administration Act</i> (Ch. 138, R.S.B.C. 1996) Ministry of Finance Core Policy and Procedures Manual (section 7.2.11)
<b>RELATED POLICIES:</b>	Refusal of Applications on Oversubscribed Sources
<b>POLICY AMENDMENT:</b>	To amend this policy a request must be made in writing to the Executive Director, Water Protection and Sustainability Branch, ENV.

Refunds for Applications

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Ministry of Forests, Lands, Natural  
Resource Operations and Rural  
Development

April 30, 2018

Date

APR 18 2018

Date:

<b>APPROVED AMENDMENTS:</b>		
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 <sup>th</sup> , 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> .
April 16, 2018	IN April 9. 2018	Policy amended to include refunds for fees accepted erroneously, overpayments and applications that are withdrawn or refused at the initial screening stage (i.e. prior to acceptance into elicensing for technical assessment).  Amendments to provide greater clarity regarding refunds of water rentals paid on application.

February 19, 2019      Proposed Revision  
~Approval Pending      Update further to OIC 058 February 19, 2019 regarding groundwater licencing transition period.

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## 1. POLICY STATEMENT

Refunds of application fees and any water rentals paid on application for a:

- water licence,
- use approval,
- change approval,
- permit over Crown land,
- drilling authorization, and
- any fees associated with changes to the above under sections 26 [*amendment or substation of authorization, change approval, or permit*], 27 [*transfer of appurtenancy*] and 28 [*apportionment of rights under licences*] of the *Water Sustainability Act*,

will be calculated in accordance with Section 5: Procedures.

This policy does not apply to refunds of water rentals or rentals for permits over Crown land that accrue after a licence has been granted.

Miscellaneous fees (Schedule 3 of the Water Sustainability Fees, Rentals and Charges Tariff Regulation) paid on application will not be refunded.

The Water Revenue Branch reserves the right to apply refunds in payment of other debts owed by the applicant under the *Water Sustainability Act* (e.g. unpaid fees, water rentals and charges).

## 2. DEFINITIONS

**Applicant** means a person applying for a: conditional water licence; final water licence; use approval; change approval; permit over Crown land; drilling authorization; and changes to the above under sections 26 [*amendment or substation of authorization, change approval, or permit*], 27 [*transfer of appurtenancy*] and 28 [*apportionment of rights under licences*] of the *Water Sustainability Act*.

**Application Fee** is a fee prescribed in Schedule 1 of the Water Sustainability Fees, Rentals and Charges Tariff Regulation.

**Authorization** means a licence or use approval, except in references to drilling authorizations.

**elicensing** refers to the electronic licensing application system used by the province of BC to process water authorization applications.

**Existing groundwater user:** Until **March 1, 2022<sup>1</sup>**, a transition period is in place to license groundwater use that was occurring prior to March 1, 2016. This process requires applicants to estimate and pay water rentals accruing from March 1, 2016 to the year when their application for an authorization is submitted to virtual FrontCounter BC.

**Licence** means a conditional licence or a final licence.

**Paid on application** means payments submitted in association with an application, either at the time the application is submitted or during the application process.

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<sup>1</sup> **Changed from March 1, 2019 by OIC 058. February 19, 2019**

**Permit** means a permit issued to flood, or to construct, maintain or operate works on Crown land.

**Water Rental** means the amount payable in accordance with Schedule 2 of the Water Sustainability Fees, Rentals and Charges Tariff Regulation, for the diversion or use of water under an authorization (licence or use approval).

**Use approval** means an approval issued under section 10 WSA [*use approvals*].

### **3. REASON FOR POLICY**

A water application will not be considered complete unless it is accompanied by the appropriate application fee(s) as prescribed in Schedule 1 of the *Water Sustainability Fees, Rentals and Charges Tariff Regulation*.

Applicants for use approvals must also pay water rentals on application, as prescribed in Schedule 2 of the *Water Sustainability Fees, Rentals and Charges Tariff Regulation*.

Existing groundwater use applications are exempt from paying application fees provided that the application is received before **March 1, 2022**<sup>1</sup>. However, for existing groundwater use applications, any water rentals that have accrued from March 1, 2016) must be paid on application.

A policy is required to identify the circumstances where a refund of application fees and any water rentals paid on application may be granted and the extent of the refund.

### **4. LEGISLATION**

Section 16 of the *Financial Administration Act* [Refunds] provides government with discretion to refund money that has been erroneously paid or collected or for any purpose that is not fulfilled.

Schedule 1 of the *Water Sustainability Fees, Rentals and Charges Tariff Regulation* prescribes the application fees which must be paid by an applicant.

Schedule 2 of the *Water Sustainability Fees, Rentals and Charges Tariff Regulation* prescribes the water rentals which must be paid in respect of an authorization, as well as by existing groundwater users required to pay rentals from March 1, 2016 when applying for an authorization.

Schedule 3 of the *Water Sustainability Fees, Rentals and Charges Tariff Regulation* prescribes the Miscellaneous Fees payable for particular services.

### **5. PROCEDURES**

#### **5.1 Refunds of application fees**

A full refund of application fees for applications made under the *Water Sustainability Act* may be provided:

<sup>1</sup> Changed from March 1, 2019 by OIC 058. February 19, 2019

- Where the applicant was directed in error by a staff member of the provincial government to submit an application or if the application was erroneously accepted;
- Where the application is withdrawn or rejected during the initial review stage carried out by FrontCounter BC. This stage occurs before the application is accepted into elicensing for technical assessment; or
- In the event of an overpayment of application fees.

In all other scenarios refer to Table 1 to calculate refunds of application fees:

**Table 1. Application Fee Refund Matrix**

<b>Column 1: Scenario</b>	<b>Column 2: Refund Amount</b>
Any type of application where the application fee submitted is \$250 or less.	No refund
Any type of application for change or amendment to an existing licence (conditional or final), use approval, change approval, apportionment, transfer of appurtenancy, permit over Crown land or drilling authorization.	No refund
Where the application is withdrawn before a decision on it is made and the application fee submitted is greater than \$250.	Refund 50 percent of application fee
Where an application is refused.	No refund
Where a water licence, use approval, change approval, permit over crown land or drilling authorisation is issued in response to an application.	No refund

*Note that, subject to section 2(2) and (3) of the Water Sustainability Fees, Rentals and Charges Tariff Regulation, the application fee referred to in Column 1 is calculated as the sum of all application fees associated with the application, including application fees for related permits over Crown land.*

## **5.2 Refunds of water rentals paid on application**

If water rentals are paid on application, these may be refunded:

- If the applicant was directed in error by a staff member of the provincial government to submit the associated application or the associated application was erroneously accepted;
- If the associated application is withdrawn, rejected or refused; or
- In the event of an overpayment, for example to address a change in volume or purpose under the application.