

Compliance Cost Recovery Policy

Policy #: 012
Created: June 2019
Amended:

1.0 Purpose and Scope:

To establish a policy for the Bereavement Authority of Ontario (BAO) to recover costs and expenses incurred as a result of a response to a licensee's non-compliance in the bereavement sector.

To be transparent and to educate the BAO's licensees regarding this policy.

2.0 Background and Principles:

- The BAO is a delegated, self-funded, non-profit regulatory authority that operates on a cost recovery basis to carry out its legislated mandate.
- Common to all provincial self-funded regulators, the BAO charges licensees (i.e. annual licensing fees) to support its operation which includes activities to ensure its licensees are complying with the provisions of the *Funeral, Burial and Cremation Services Act, 2002 (the Act)*.
- The BAO is committed to ensuring that annual licensing fees remain as low as possible by optimizing operational efficiency.
- From time to time, the BAO incurs extraordinary costs and expenses as a result of a response to a variety of non-compliance issues by some of its licensees.
- This policy is intended to be fair to all licensees by ensuring, as much as possible, that recovery of the BAO's extraordinary (non-routine) costs and expenses are borne by the non-compliant licensees so as to limit the extent to which such costs are passed on to other licensees in the form of an increase to annual licensing fees.

3.0 Assessment of the Cost Recovery Amount:

- The Registrar may require a licensee to reimburse the BAO's costs on a case-by-case basis.
- The amount assessed is based on the actual amount incurred by the BAO as a result of a licensee's non-compliant activity.

- The Registrar may rely on invoices, receipts and other indicators of expenses incurred by the BAO to assess the appropriate cost recovery amount.
- The Registrar has the sole discretion to determine the appropriate cost recovery amount levied on a licensee and this may be lower than the actual amount of cost incurred by the BAO. In all cases, the Registrar would take into consideration the nature of non-compliance and the licensee's conduct.

4.0 Mechanism:

The Registrar may impose a condition to a licence requiring the cost recovery amount to be submitted by a licensee pursuant to section 16 of the *Act*.

5.0 Review of the Registrar's Decision:

The Registrar's decision to impose a cost recovery amount is reviewable by an independent tribunal (Licence Appeal Tribunal) at the request of the Licensee pursuant to section 18 of the *Act*.