

May 8, 2010

Official Notice of Fee Proposal For Services under the Canada Not-for-Profit Corporations Act

Purpose

This Official Notice of Fee Proposal is one of the steps required by the *User Fees Act* in order to set fees for services under the new *Canada Not-for-Profit Corporations Act*. Interested persons have 20 days following the publication of this notice in the *Canada Gazette*, Part I, to make an official complaint regarding the proposed fees and service standards.

Background

The *Canada Not-For-Profit Corporations Act* received Royal Assent on June 23, 2009. This Act will replace the *Canada Corporations Act* and provides a modern corporate governance regime for federal not-for-profit corporations. Before the NFP Act can come into force, the fees have to be first established in accordance with the process set out in the *User Fees Act* after which the regulations must then be approved by the Governor-in-Council.

Consultations on the proposed fees were held from January 4 to February 5, 2010. Two comments were received. The first one stated that the proposed fees, costing methodology and service standards were fair and reasonable. The second one also supported the fee proposal and service standards.

Proposed Fees and Service Standards

The fees below are proposed for the services under the new *Canada Not-for-Profit Corporations Act*.

Receipt, Acceptance, Examination, Issuance or Copying of any Document and Other Actions under the <i>Canada Not-for-Profit Corporations Act</i>	Fee	Service Standards
Application sent to the Director for the following documents:		
(a) a certificate of incorporation under section 9: i) if the application is made using Industry Canada's online incorporation feature (when available) ii) if the application is made using any other means	\$200 \$250	24 hours 5 business days
(b) a certificate of amendment under section 201 or subsection 215 (5)	\$200	5 business days
(c) a restated certificate of incorporation under subsection 203(3) (unless issued with a certificate of amendment)	\$50	5 business days

Receipt, Acceptance, Examination, Issuance or Copying of any Document and Other Actions under the <i>Canada Not-for-Profit Corporations Act</i>	Fee	Service Standards
(d) a certificate of amalgamation under subsection 208(4)	\$200	5 business days
(e) a certificate of continuance under subsection 211(5) (unless subsection 212(6) applies)	\$200	5 business days
(f) a document evidencing satisfaction of the Director, as required under subsection 213(1)	\$200	5 business days
(g) a certificate of arrangement under subsection 216(6)	\$200	5 business days
(h) a certificate of revival under subsection 219(3)	\$200	5 business days
(i) a certificate of revocation of intent to dissolve under subsection 221(11)	\$50	5 business days
(j) a corrected certificate under subsection 288	\$200	20 business days
Application sent to the Director for issuance of a certificate of compliance under subsection 290(1)	\$10	1 business day
Application sent to the Director for issuance of a certificate of existence under section 290	\$10	1 business day
Receipt of an annual return sent to the Director under section 278:		
(a) if the annual report is filed using Industry Canada's online incorporation feature (when available)	\$20	N/A
(b) if the annual return is filed using any other means	\$40	N/A
Application for exemption sent to the Director under subsection 2(6), 25(1), 25(2), 104(3) or 171(2), or section 173 or 271	\$250	30 days
Provision by the Director of copies of documents under subsection 279(2)	\$1 per page	1 business day or 6 business days for inactive corporations
Provision by the Director of certified copies of documents under subsection 279(2), per document	\$35	1 business day or 6 business days for inactive corporations

Notes:

1. No fee will be charged for an application for a certificate of amendment if the only purpose of the amendment is to add an English or French version to the corporation's name, or to replace a corporate name that the Director has directed to be changed under subsection 13(2).
2. No fee will be charged for a certificate of dissolution issued under subsection 220(5) or 221(15) nor for a certificate of intent to dissolve issued under subsection 221(5)
3. No fee will be charged for a corrected certificate issued under section 288 where the correction is required solely as the result of an error made by the Director.

Official Notification Period

The period within which complaints may be submitted begins on May 8, 2010 and ends on May 28, 2010.

Complaint Process

An official complaint may be made to Corporations Canada by email, fax or mail. Corporations Canada will attempt to resolve any complaints received and provide a proposed resolution in writing. If a complaint cannot be resolved to the complainant's satisfaction within 30 days of the expiry of Official Notification Period, the complainant may make a request in writing that Corporations Canada refer the complaint to an independent advisory panel.

The *User Fees Act* stipulates that the regulating authority and the complainant must each select one member to sit on the panel and those members must select a third member within 40 days of the expiry of the Official Notification Period. The panel must, within 30 days after all members have been selected, send a report in writing of its findings and recommendations for resolving the dispute to the regulating authority and the complainant.

The panel has the power to award costs of the proceedings, including the cost of the fees and expenses of panel members. If, in the opinion of the panel, a complaint is frivolous or vexatious, the complainant bears all the costs.

Contact Details

Corporations Canada
Jean Edmonds Towers South
365 Laurier Avenue West
Ottawa, ON K1A 0C8
E-mail: corporationscanada@ic.gc.ca
Fax : 613-941-5781

Supporting Documents

For more information on how the fees were determined, you may wish to refer to the consultation documents which are available on the Corporations Canada website at www.corporationscanada.ic.gc.ca.

It is also possible to obtain a paper copy by communicating with Corporations Canada at 1-866-333-5556.

Corporations Canada
Industry Canada