VIRDEN

POLICY

No. 2026-3
Department: Administration

REFUND

SCOPE:

This policy applies to refunds relating to municipal fees, charges and payments, including but not limited to:

1. Recreation programs and activities;
2. Facility rentals and bookings;
3. Arena, pool and facility registrations;
4. Instructional programs;
5. Program registration fees;
6. Facility deposits associated with recreation or event bookings.

PURPOSE:

The purpose of this policy is to establish consistent and transparent procedures for refunds associated with Town recreation, programs, activities, facility bookings, rentals, events, and related services.

This policy is intended to provide guidance to staff, program participants, renters, event organizers and members of the public regarding refunds may be issued and the circumstances under which cancellation charges or other fees may apply.

POLICY OBJECTIVES:

1. To provide a consistent and standardized framework for the administration of refunds.
2. To ensure that refund requests are assessed fairly, reasonably, consistently, while considering the circumstances of each request and the applicable refund terms.
3. Clearly communicate refund eligibility, cancellation requirements, deadlines, applicable fees, and other conditions to participants, renters, applicants, and event organizers.
4. Establish specific refund terms identified on an application, registration, booking, or event form shall govern the applicable transaction where those terms have been clearly disclosed and are consistent with applicable legislation, municipal by-laws, and executed agreements. Where no specific terms apply, this shall govern.
5. Ensure that refund decisions and administrative practices comply with applicable municipal by-laws and relevant agreements.
6. Promote responsible financial management by ensuring that refunds are administered in a manner that considers municipal costs, staffing commitments, facility scheduling, program preparation and other financial obligations.

GENERAL

The Town shall administer refunds in a manner that is:

1. Fair and consistent;
2. Transparent and reasonably foreseeable to the participant, renter or event organizer;
3. Consistent with the refund terms communicated at the time of registration or booking;
4. Consistent with applicable legislation, by-laws and agreements; and
5. Financially responsible to the Town.

A refund is not automatically available solely because a participant, renter or event organizer requests one. Refunds shall be provided where required by the applicable refund terms, an agreement, legislation, a by-law, or where the circumstances otherwise justify a refund under this policy.

All refunds, including medical, are subject to a $10.00 administration fee.

APPLICATIONS AND BOOKING FORMS

Where a recreation registration form, program application, facility rental agreement, booking form, event application, registration form or other Town approved document contains specific refund or cancellation terms, those terms shall govern the applicable transaction, provided that they do not conflict with applicable legislation, a municipal by-law or an executed agreement.

The Town shall make reasonable efforts to ensure that applicable refund and cancellation terms are clearly identified on registration and booking forms before payment is made.

Where no specific refund terms are provided, this policy shall apply.

ORDER OF PRECEDENCE

Where there is a conflict between applicable documents or requirements, the following order of precedence shall apply:

1. Applicable municipal by-law;
2. An executed agreement or contract;
3. Specific refund or cancellation terms contained in an approved facility booking, event or program agreement;
4. Specific refund or cancellation terms contained on the applicable application or registration form; and
5. This general policy.

MINIMUM NOTICE REQUIRED

Unless otherwise provided in an applicable registration form, booking agreement, event application, municipal by-law or other approved Town document, a refund request must be received by the Town at least fourteen (14) days before the scheduled start date of the applicable program, activity, booking or event.

Refund requests received less than fourteen (14) calendar days before the scheduled start date will generally not be approved.

For programs or activities consisting of multiple sessions, the fourteen (14) day period shall be calculated from the scheduled start date of the program or activity, unless the applicable registration terms provide otherwise.

For facility bookings, rentals and events, the fourteen (14) day period shall be calculated from the scheduled date of the booking or event.

The fourteen (14) day minimum notice requirement does not apply where:

1. The Town cancels the program, activity, booking or event;
2. A refund is required by applicable legislation, a municipal by-law, or an executed agreement;
3. The refund request results from an administrative error by the Town; or
4. The Chief Administrative Officer or designate approves an exception due to exceptional circumstances.

TOWN CANCELLATION

Where the Town cancels a recreation program, activity, facility booking or event and the cancellation is not attributable to the participant, renter or event organizer, the Town shall provide a full or prorated refund as appropriate.

The Town may, where appropriate and with the agreement of the affected person:

1. Reschedule the program, activity, booking or event;
2. Transfer the registration or booking to another date;
3. Provide a credit toward another Town program or booking; or
4. Provide a partial or full refund.

Where a program, activity, booking or event is cancelled due to circumstances beyond the Town's reasonable control, the Town may determine the appropriate refund or credit after considering costs already incurred and any applicable terms and conditions.

PROGRAM REGISTRATION REFUNDS

Where no specific refund terms have been provided, the Town may consider a refund based on:

1. Whether the request was received at least fourteen (14) calendar days before the scheduled start date;
2. The date the cancellation request is received;
3. Whether the program has commenced;
4. Whether the participant has attended any portion of the program;
5. Whether program materials, supplies or other costs have already been incurred;
6. Whether the participant's registration can be reasonably filled by another participant; and
7. Any other relevant circumstances.

EVENT CANCELLATIONS

Where an event organizer cancels an event or event-related booking, the refund shall be determined in accordance with the applicable event application booking agreement or cancellation terms.

Where no specific cancellation terms have been provided, a refund request must generally be received at least fourteen (14) calendar days before the scheduled event date.

Where an event is cancelled by the Town, the Town shall determine the applicable refund or credit based on the circumstances of the cancellation and the applicable agreement or booking terms.

Where an event is cancelled because of weather, emergency, public safety concerns, facility conditions or circumstances beyond the reasonable control of the Town or event organizer, the Town may provide a full or partial refund, credit or alternative booking where appropriate.

MULTI-DAY PROGRAMS

For programs consisting of multiple days, refunds may be calculated on a full-program or prorated basis, depending on the applicable registration terms.

Where a participant withdraws after a program has commenced, the Town may consider:

1. Whether the refund request was received at least fourteen (14) days before the scheduled start date;
2. The number of sessions remaining;
3. Cost already incurred;
4. Whether the registration can be filled by another participant;
5. Whether program materials have been distributed or consumed; and
6. The specific refund terms if provided at registration.

Where a specific refund schedule been provided on the registration form, that schedule shall govern.

MEDICAL OR EXEMPTION CIRCUMSTANCES

The Town may consider a refund request received less than fourteen (14) calendar days before the scheduled start date where the request arises from exceptional circumstances, including:

1. Serious illness or injury;
2. Death in the immediate family;
3. Significant unforeseen circumstances beyond the participants reasonable control; or
4. Other circumstances determined to warrant special consideration.

The Town may request reasonable documentation where necessary. Approval of a refund due to exceptional circumstances shall not create an entitlement or precedent for future request.

TRANSFERS AND CREDITS

Where a refund is not appropriate, the Town may, at its discretion and where administratively feasible:

1. Transfer a participant to another program or session;
2. Transfer a facility booking to another available date;
3. Issue a credit toward a future recreation program or booking; or
4. Permit another eligible participant or organization to assume a booking, subject to Town approval.

DEPOSITS

Where a refundable deposit is required for a facility booking, rental or event, the deposit shall be returned following the booking provided that all applicable conditions have been satisfied.

The Town may retain all or part of a deposit where permitted by the applicable agreement or booking terms to recover costs associated with:

1. Damage to municipal property;
2. Damage to equipment or facilities;
3. Extraordinary cleaning;
4. Failure to comply with facility rules or booking conditions;
5. Unpaid charges associated with the booking; or
6. Other costs properly chargeable under the applicable agreement or booking terms.

Where a deposit is partially or fully retained, the Town should provide the renter or event organizer with an explanation of the reason for deduction.

AUTHORITY TO APPROVE REFUNDS

Refunds that are clearly authorized under an applicable registration form, booking agreement, event application or this policy may be processed by authorized municipal staff in accordance with the Town's financial signing authorities.

Refund requests that fall outside established refund terms, including requests received less than fourteen (14) days before the applicable start date, may be referred to the Chief Administrative Officer or designate for consideration.

No employee shall approve a refund to themselves or where a conflict of interest exists.

NO REFUND FOR PROGRAM OR FACILITY MISUSE

The Town may decline a refund where a participant, renter or event organizer has:

1. Violated applicable facility rules;
2. Breached a rental or booking agreement;
3. Provided false or misleading information;
4. Caused damage to municipal property; or
5. Otherwise failed to comply with applicable terms and conditions, subject to any rights remedies available under applicable legislation or the applicable agreement.

This section does not prevent the Town from issuing a refund where required by law or where otherwise authorized under this policy.

DISPUTES AND REVIEW

Where a participant, renter or event organizer disagrees with a refund decision, they may submit a written request for review to the Chief Administrative Officer or designate.

The request should identify the decision being disputed and provide any additional information the person wishes the Town to consider.

Where the matter cannot be resolved administratively and falls within Council's authority, it may be referred to Council for consideration.

Nothing in this section limits any right of appeal or other remedy available under applicable legislation or municipal by-law.

POLICY REVIEW

This policy shall be reviewed periodically, or sooner if required by legislative amendments, or operational changes.

CHIEF ADMINISTRATIVE OFFICER

20th October 2016
Date