

## **Alberta Greenhouse Rebate Program (AGRP) Terms and Conditions**

### 1. Purpose

The Alberta Greenhouse Rebate Program is a discretionary non-entitlement Program to facilitate the transition to greater efficiencies in the Alberta greenhouse industry. This program provides eligible greenhouse operators with a grant equal to 80% of the carbon levy paid on their purchase of eligible natural gas and propane for crop production related heating within their greenhouses.

### 2. Definitions:

- a. "Applicant" means the legal entity that submits an Application and meets the eligibility criteria in section 4.
- b. "Application" means the Program application form, survey, fuel invoices and any additional supporting documentation required to be submitted in accordance with section 7 (a).
- c. "Carbon Levy" means the carbon levy paid by the Applicant pursuant to the *Climate Leadership Act* (Alberta).
- d. "Eligible Crops" means vegetables, fruits, bedding plants, cut flowers, ornamental plants, tree seedlings and other plants grown in a commercial greenhouse in Alberta. All types of cannabis plants are excluded and are not Eligible Crops.
- e. "Eligible Fuel Use" means natural gas or propane used in the heating of the Eligible Production Area.
- f. "Eligible Greenhouse" means a heated commercial greenhouse space under an enclosed area used to grow Eligible Crops in Alberta.
- g. "Eligible Production Area" means the area of heated space inside an Eligible Greenhouse that is used by the Applicant for the commercial production of Eligible Crops.
- h. "Minister" means Her Majesty the Queen in right of Alberta, as represented by the Minister of Agriculture and Forestry.
- i. "Non-Eligible Fuel Use" means natural gas or propane used for purposes other than Eligible Fuel Use. Non-Eligible Fuel Use includes but is not limited to fuel used for heating or other purposes within areas of commercial greenhouse facility that are not within the Eligible Production Area such as:
  - heating retail space, private residence(s) or office(s); and
  - fuel used for operating equipment such as forklifts and vehicles.
- j. "'Program" means the Alberta Greenhouse Rebate Program (AGRP).
- k. "Term" means the Program terms as set out in section 3.

3. Term
  - a. The Program commences January 1, 2017 for a period of 2 years.
4. Eligible Applicant
  - a. To be eligible for funding under the Program, an Applicant must meet all of the following criteria:
    - i. have annual sales of Eligible Crops exceeding \$20,000 in the twelve (12) month period preceding the application date from the production of Eligible Crops (for new start-ups that have operated for less than twelve (12) months must have anticipated annual sales exceeding \$20,000 in the twelve months after the application date);
    - ii. be a legal entity operating a commercial greenhouse in Alberta. The legal entity must be registered, as required, to operate in Alberta; and
    - iii. as of the date of their application, has Eligible Fuel Use.
5. Ineligible Applicants
  - a. Ineligible applicants under this Program include:
    - i. Operators of greenhouses used for non-commercial purposes such as hobby or research purposes; and
    - ii. any other entity deemed ineligible in the sole discretion of the Minister.
6. Grant Payments
  - a. Grant payments are determined using the calculations set out in Schedule "A".
  - b. Grant payments calculations are based on the Carbon Levy paid by the Applicant for Eligible Fuel Use in the Eligible Production Area.
  - c. A Carbon Levy paid by the Applicant qualifies only once under the Program.
7. Application
  - a. An application for a grant must be made by an Eligible Applicant in the form and manner approved by the Minister. To be considered for a grant, all Applications must include:
    - i. A completed Application Form;
    - ii. A completed producer survey;
    - iii. copies of invoices from a fuel service provider that establish, to the satisfaction of the Minister, fuel usage and evidence the Applicant incurred and paid, out of pocket, the Eligible Fuel Usage expenses for the period covered by the Application (the name of the Applicant must match the name on the invoice); and
    - iv. Any supplementary documentation requested by the Minister.
  - b. Applications can be delivered to the Program by either of the following methods:

- i. Emailing all materials to the email address below (preferred method):

agrp@gov.ab.ca

- ii. Mailing all materials to the address below:

Agriculture Grant Programs Section  
Agriculture and Forestry  
J.G. O'Donoghue Building  
7000 – 113 Street  
Edmonton, Alberta T6H 5T6

- c. The Minister will reject any Applicant that is ineligible, or may reject any Application that is inaccurate or incomplete.
- d. Applications must be signed by the Applicant or on behalf of the Applicant by a properly authorized representative. The Minister may require evidence of authorization. Personal designates are not permitted to sign Applications unless they have Power of Attorney (copy submitted with the Application). Either executors or administrators can sign on behalf of estates.
- e. An Application is not considered complete unless the Statement of Certification on the Application form is signed.
- f. Submission of an Application does not entitle the Applicant to a grant under the Program.
- g. Submission of Applications will be accepted during the following Application submission dates:
  - 1. July 1, 2017 – August 15, 2017
  - 2. January 1, 2018 – February 15, 2018
  - 3. July 1, 2018 – August 15, 2018
  - 4. January 1, 2019 – February 15, 2019

#### 8. Verification

- a. During the Term and for three years following the end of the Term, the Minister is entitled, at reasonable times and upon reasonable notice to the Applicant, to attend the business operation of the Applicant for the purpose of examining any assets or records pertinent to the Application or any grant under the Program in order to assess whether the information in the Application is accurate or to assess whether the Applicant is in compliance with the Program Terms and Conditions.
- b. The Applicant consents to the Minister releasing any information contained in their Application, or related to it and obtained by the Minister, to any other government department, for the purposes of verifying their Application contents, determining the Applicant's eligibility for this Program, or both.
- c. The Applicant expressly authorizes the Minister to obtain information from any government department to verify the contents of their Application, to determine their eligibility for this Program, to assess their ongoing participation in the Program, and to determine grant payments under the Program.

- d. For six years following the date of the Application, the Applicant agrees to maintain records relevant to the grant, and to give access to these records to the Minister and representatives of the Minister for the purpose of the Minister determining compliance with the Program Terms and Conditions.

#### 9. Non-compliance

- a. The Minister may reject an Application or refuse to pay a grant, or the Minister may reduce or demand the repayment of a grant, in whole or in part, if the Applicant:
  - i. has knowingly provided false information or misleading information in its current or any previous Application or in any current or previous communications with the Minister;
  - ii. fails to comply with the Program Terms and Conditions, including without limitation failing to comply with the eligibility requirements under section 4, all determined in the sole discretion of the Minister; or
  - iii. ceases to operate or makes an assignment, proposal, compromise, or arrangement for the benefit of creditors, or is petitioned into bankruptcy, or files for the appointment of a receiver.
- b. The Applicant shall immediately refund to the Minister any payment received under the Program that was received under any circumstances not in accordance with the Program Terms and Conditions.
- c. Any demand for repayment under section 9(a) or any failure to make repayment as required under section 9(b) creates a debt owing to the Minister that can be set off against any money the Government of Alberta owes to the Applicant.

#### 10. General

- a. The Minister may request, from time to time, documentation that clearly verifies any component of the Application or the Applicant's compliance with the Program.
- b. An Applicant who provides false or misleading information under this Program forgoes any opportunity to current or future benefit from this Program.
- c. In the event that funding is changed to the extent that the funding available to the Minister to make the grant is reduced or eliminated, the Minister may, in his sole discretion, cancel, or reduce the amount of, the grant or terminate the Program.
- d. Approval of an application under this Program creates no obligation on the part of the Provincial Crown to provide licenses or approvals under any legislation.
- e. The Minister has the right to deduct from an approved Applicant's grant any amount due and owing to the Provincial Crown.
- f. By submitting an Application, the Applicant represents and warrants that:
  - i. The Applicant has made full, true, and plain disclosure to the Minister of all facts relating to its participation in this Program.

- ii. The person signing the Application is duly authorized to make the Application, bind the Applicant to the Program Terms and Conditions and Statement of Certification and in the case of a partnership, bind the partners to the Program Terms and Conditions on the basis of joint and several liability.
  - g. Payments under this Program are grants subject to Agriculture and Rural Development Grant Regulation. The Applicant acknowledges that, in addition to complying with these Program Terms and Conditions, the Applicant must comply with the *Agriculture and Rural Development Grant Regulation*.
  - h. The Applicant may not assign their interest in the grant.
  - i. Information provided to the Minister under this Program is subject to the *Freedom of Information and Protection of Privacy Act*.
  - j. The Applicant acknowledges that Agriculture and Forestry publicly discloses the following information for all grant recipients: the grant recipient name, the amount of the grant, the program the grant is paid under, and the payment date.
11. Program Review
- a. The Program will be reviewed on an ongoing basis, and the Minister may change the terms and conditions of, or may terminate, the Program at any time without notice.
12. Ministerial Discretion
- a. The Minister has absolute discretion to determine the eligibility of any Applicant under the Program and whether a grant will be provided under the Program. The decision of the Minister is final.