

## Commodity Board Members Act

R.S.O. 1990, CHAPTER C.18

**Consolidation Period:** From July 25, 2007 to the [e-Laws currency date](#).

Last amendment: 2006, c. 21, Sched. F, s. 136 (1).

Legislative History: 2006, c. 19, Sched. A, s. 4; 2006, c. 21, Sched. F, s. 136 (1).

### Definitions

**1** (1) In this Act,

“commodity board” means a local board under the *Farm Products Marketing Act* or a marketing board under the *Milk Act*; (“commission de produits agricoles”)

“plan” means a plan under the *Farm Products Marketing Act* or under the *Milk Act*; (“plan”)

“producer” means a person who is a producer under a plan; (“producteur”)

“senior officer” means the chair or any vice-chair of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office; (“cadre dirigeant”)

“Tribunal” means the Agriculture, Food and Rural Affairs Appeal Tribunal continued under the *Ministry of Agriculture, Food and Rural Affairs Act*. (“Tribunal”) R.S.O. 1990, c. C.18, s. 1 (1); 2006, c. 19, Sched. A, s. 4 (1).

### When member deemed to have controlling interest in corporation

(2) For the purposes of this Act, a member of a commodity board shall be deemed to have a controlling interest in a corporation if he or she beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding. R.S.O. 1990, c. C.18, s. 1 (2).

### Section Amendments with date in force (d/m/y)

2006, c. 19, Sched. A, s. 4 (1) - 22/06/2006

### Prohibition against being member of commodity board

**2** (1) No person shall become or continue to be a member of a commodity board while he or she, another person with whom he or she is in partnership, or a corporation of which he or she is a senior officer or in which he or she has a controlling interest, is in contravention of the *Farm Products Marketing Act* or the *Milk Act* or any regulation or order thereunder in respect of the plan administered by the commodity board. R.S.O. 1990, c. C.18, s. 2 (1).

### Idem

(2) Where a plan prescribes qualifications for a person to be elected or appointed a member of a commodity board, no person who does not conform with such qualifications shall assume office as a member of such commodity board, and, where a plan prescribes qualifications for a member of a commodity board to continue to be a member, no member of such commodity board shall continue to be a member where he or she has ceased to conform with such qualifications. R.S.O. 1990, c. C.18, s. 2 (2).

### Who may try alleged contravention of subs. 2 (1) or (2)

**3** The question of whether or not a member of a commodity board has contravened subsection 2 (1) or (2) may be tried and determined by the Tribunal. R.S.O. 1990, c. C.18, s. 3; 2006, c. 19, Sched. A, s. 4 (2).

### Section Amendments with date in force (d/m/y)

2006, c. 19, Sched. A, s. 4 (2) - 22/06/2006

### **Application to Tribunal**

**4** (1) Subject to subsections (3) and (4), a producer or a commodity board may, where it comes to the producer's or the commodity board's knowledge that a member of the commodity board may have contravened subsection 2 (1) or (2), apply to the Tribunal by notice in writing for a determination of the question of whether or not the member has contravened subsection 2 (1) or (2). R.S.O. 1990, c. C.18, s. 4 (1); 2006, c. 19, Sched. A, s. 4 (2).

### **Contents of notice**

(2) The applicant shall state in the notice the grounds for finding a contravention by the member of a commodity board of subsection 2 (1) or (2). R.S.O. 1990, c. C.18, s. 4 (2).

### **Time for bringing application limited**

(3) No application shall be brought under subsection (1) after the expiration of the term of office of the member of the commodity board during which the contravention is alleged to have occurred. R.S.O. 1990, c. C.18, s. 4 (3).

### **Who may bring application**

(4) No application by a producer shall be brought other than by a producer under the plan administered by the commodity board in respect of which the application is made. R.S.O. 1990, c. C.18, s. 4 (4).

### **Section Amendments with date in force (d/m/y)**

2006, c. 19, Sched. A, s. 4 (2) - 22/06/2006

### **Tribunal may declare seat vacant and disqualify member**

**5** (1) Where the Tribunal determines, after a hearing, that a member of a commodity board has contravened subsection 2 (1) or (2), it may, subject to subsections (2) and (3) of this section, declare the seat of the member vacant and may disqualify him or her from being a member of the commodity board during a period thereafter of not more than seven years. R.S.O. 1990, c. C.18, s. 5 (1); 2006, c. 19, Sched. A, s. 4 (2).

### **Exception**

(2) Where the Tribunal determines that a member of a commodity board has contravened subsection 2 (1) and finds that the contravention was committed through inadvertence, the member is, despite subsection 2 (1), not subject to having his or her seat declared vacant or to being disqualified as a member, as provided by subsection (1). R.S.O. 1990, c. C.18, s. 5 (2); 2006, c. 19, Sched. A, s. 4 (2).

### **Deposit as condition to holding of hearing**

(3) The Tribunal may require, as a condition to the holding of a hearing under subsection (1), that the applicant pay a deposit not exceeding \$300 and the Tribunal shall refund the deposit to the applicant where the Tribunal declares the seat of the member vacant and the deposit may otherwise be forfeited to the Treasurer of Ontario. R.S.O. 1990, c. C.18, s. 5 (3); 2006, c. 19, Sched. A, s. 4 (2).

### **Appointment of person to complete term of office**

(4) Where the provisions of a plan do not provide any means of electing or appointing a person to complete the term of office of a member whose seat is declared vacant under this section, the Tribunal may by order prescribe a method of electing or appointing a person to complete the term of office and Part III (Regulations) of the *Legislation Act, 2006* does not apply to such an order. R.S.O. 1990, c. C.18, s. 5 (4); 2006, c. 19, Sched. A, s. 4 (2); 2006, c. 21, Sched. F, s. 136 (1).

### **Procedure**

(5) The *Statutory Powers Procedure Act* applies to any hearing held under subsection (1). R.S.O. 1990, c. C.18, s. 5 (5).

### **Section Amendments with date in force (d/m/y)**

2006, c. 19, Sched. A, s. 4 (2) - 22/06/2006

2006, c. 21, Sched. F, s. 136 (1) - 25/07/2007

### **Quorum**

**6** Where the number of members of a commodity board who cease to be members by reason of the operation of this Act is such that, at any meeting, the remaining members are not of sufficient number to constitute a quorum, then, despite any general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two. R.S.O. 1990, c. C.18, s. 6.

**Conflict**

**7** In the event of any conflict between any provision of this Act and any provision of any general or special Act, the provision of this Act prevails. R.S.O. 1990, c. C.18, s. 7.

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