

## Ministry of Agriculture, Food and Rural Affairs Act

### R.S.O. 1990, CHAPTER M.16

**Consolidation Period:** From March 22, 2023 to the [e-Laws currency date](#).

Last amendment: 2023, c. 2, Sched. 4, s. 1.

Legislative History: 1994, c. 27, s. 31; 1999, c. 12, Sched. A, s. 20; 2002, c. 16, s. 19; 2006, c. 19, Sched. A, s. 16; 2006, c. 35, Sched. C, s. 68; 2009, c. 33, Sched. 1, s. 21; 2010, c. 15, s. 234 (see also 2017, c. 20, Sched. 8, s. 58); 2010, c. 16, Sched. 1, s. 6; 2015, c. 6, s. 10; 2017, c. 2, Sched. 1; 2017, c. 20, Sched. 8, s. 98; 2019, c. 4, Sched. 1, s. 12, 13; 2019, c. 7, Sched. 17, s. 103; 2020, c. 36, Sched. 27; 2021, c. 35, Sched. 4; 2022, c. 11, Sched. 2; 2023, c. 2, Sched. 4, s. 1.

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### Definitions

**1** In this Act,

“Minister” means the Minister of Agriculture, Food and Rural Affairs; (“ministre”)

“Ministry” means the Ministry of Agriculture, Food and Rural Affairs; (“ministère”)

“person” includes an unincorporated association; (“personne”)

“Tribunal” means the Agriculture, Food and Rural Affairs Appeal Tribunal continued under subsection 14 (1). (“Tribunal”)  
R.S.O. 1990, c. M.16, s. 1; 1999, c. 12, Sched. A, s. 20 (2); 2006, c. 19, Sched. A, s. 16 (1).

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

1999, c. 12, Sched. A, s. 20 (2) - 22/12/1999

2006, c. 19, Sched. A, s. 16 (1) - 22/06/2006

## **Ministry continued**

**2** (1) The ministry of the public service formerly known as the Ministry of Agriculture and Food is continued under the name of the Ministry of Agriculture, Food and Rural Affairs in English and ministère de l'Agriculture, de l'Alimentation et des Affaires rurales in French. 1999, c. 12, Sched. A, s. 20 (3).

## **Minister to have charge**

(2) The Minister shall preside over and have charge of the Ministry. R.S.O. 1990, c. M.16, s. 2 (2).

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

1999, c. 12, Sched. A, s. 20 (3) - 22/12/1999

## **Deputy Minister**

**3** The Lieutenant Governor in Council may appoint a Deputy Minister of Agriculture, Food and Rural Affairs who shall be the deputy head of the Ministry. 2006, c. 35, Sched. C, s. 68 (1).

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

2006, c. 35, Sched. C, s. 68 (1) - 20/08/2007

## **Employees**

**3.1** Such employees as are considered necessary for the proper conduct of the business of the Ministry may be appointed under Part III of the *Public Service of Ontario Act, 2006*. 2006, c. 35, Sched. C, s. 68 (1).

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

2006, c. 35, Sched. C, s. 68 (1) - 20/08/2007

## **Powers of Minister**

**4** (1) Subject to the *Executive Council Act*, the Minister has the direction and control of,

- (a) the administration of the law relating to agriculture, food and rural affairs in all their branches; and
- (b) the administration of appropriations under the Ministry,

and has such other powers and shall perform such other functions and duties as are assigned to him or her by the Lieutenant Governor in Council. R.S.O. 1990, c. M.16, s. 4; 2017, c. 2, Sched. 1, s. 1.

## **Functions of Minister**

(2) The Minister may,

- (a) review matters related to agriculture, food and rural affairs; and
- (b) establish policies and provide recommendations, advice, coordination and assistance to the Government in matters related to agriculture, food and rural affairs, including but not limited to policies, recommendations, advice, coordination and assistance respecting a safe and stable food supply. 2021, c. 35, Sched. 4, s. 1; 2022, c. 11, Sched. 2, s. 1.

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

2017, c. 2, Sched. 1, s. 1 - 22/03/2017

2021, c. 35, Sched. 4, s. 1 - 02/12/2021

2022, c. 11, Sched. 2, s. 1 - 14/04/2022

## **Collection and use of information**

**4.1** (1) In this section,

“personal information” means personal information within the meaning of section 38 of the *Freedom of Information and Protection of Privacy Act*. 2021, c. 35, Sched. 4, s. 2.

## **Collection, use**

(2) Subject to the regulations, the Minister may collect information, including personal information, directly or indirectly, for the following purposes and may use it for those purposes:

- 1. To exercise the powers and carry out the functions set out in section 4.

2. To support Canadian, provincial or municipal responses to urgent public health or public safety concerns related to agriculture, food or rural affairs.
3. To plan for or respond to emergencies related to agriculture, food or rural affairs.
4. To further such purposes as may be prescribed for the purposes of this section relating to the following aspects of agriculture, food or rural affairs:
  - i. Food safety.
  - ii. Animal health or human health.
  - iii. Economic, environmental or social interests. 2021, c. 35, Sched. 4, s. 2.

#### **Limits, personal information**

(3) The Minister shall not collect, use or disclose personal information if other information will serve the purpose of the collection, use or disclosure. 2021, c. 35, Sched. 4, s. 2.

#### **Same**

(4) The Minister shall not collect, use or disclose more personal information than is reasonably necessary to serve the purpose of the collection, use or disclosure. 2021, c. 35, Sched. 4, s. 2.

#### **Notice required by s. 39 (2) of FIPPA**

(5) If the Minister collects personal information indirectly under subsection (2), the notice required by subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* is given by,

- (a) a public notice posted on the Government of Ontario's website; or
- (b) any other method that may be prescribed by regulation. 2021, c. 35, Sched. 4, s. 2.

#### **Regulations**

(6) The Lieutenant Governor in Council may make regulations,

- (a) prescribing purposes for the purposes of subsection (2);
- (b) prescribing methods of giving the notice required by subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act*;
- (c) prescribing limitations or restrictions on the collection or use of information. 2021, c. 35, Sched. 4, s. 2.

#### **Restriction, prescribing purposes**

(7) The Lieutenant Governor in Council shall not make a regulation under clause (6) (a) unless the Minister has conducted public consultation respecting the contents of the proposed regulation. 2021, c. 35, Sched. 4, s. 2.

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

2021, c. 35, Sched. 4, s. 2 - 02/12/2021

#### **Duty to report on food supply**

**4.2** The Minister shall report on the safety and stability of Ontario's food supply. 2022, c. 11, Sched. 2, s. 2.

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

2022, c. 11, Sched. 2, s. 2 - 14/04/2022

#### **Delegation of powers and duties**

**5** (1) Where, under this or any other Act or otherwise at law, a power or duty is granted to or vested in the Minister, the Minister may in writing delegate that power or duty to the Deputy Minister or to any other employee of the Ministry, subject to such limitations, restrictions, conditions and requirements as may be set out in the delegation. R.S.O. 1990, c. M.16, s. 5 (1).

#### **Contracts and agreements**

(2) Despite the *Executive Council Act*, a contract or an agreement made by a person empowered to do so under a delegation made under subsection (1) has the same effect as if made and signed by the Minister. R.S.O. 1990, c. M.16, s. 5 (2).

#### **Protection from personal liability**

**6** (1) No action or other proceeding for damages shall be instituted against,

- (a) the Deputy Minister or any other employee of the Ministry or anyone acting under the Deputy Minister's authority; or
- (b) a field-person appointed under the *Milk Act* or a member or an employee of the Agriculture, Food and Rural Affairs Appeal Tribunal or the Ontario Farm Products Marketing Commission,

for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty. R.S.O. 1990, c. M.16, s. 6 (1); 1994, c. 27, s. 31 (1); 1999, c. 12, Sched. A, s. 20 (4).

### **Crown liability**

(2) Subsection (1) does not, by reason of subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort as if subsection (1) had not been enacted. R.S.O. 1990, c. M.16, s. 6 (2); 2019, c. 7, Sched. 17, s. 103.

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

1999, c. 12, Sched. A, s. 20 (4) - 22/12/1999

2019, c. 7, Sched. 17, s. 103 - 01/07/2019

### **Agreements**

**6.1** The Minister may enter into agreements in respect of any matter that is under his or her administration under this or any other Act. 2017, c. 2, Sched. 1, s. 2.

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

2017, c. 2, Sched. 1, s. 2 - 22/03/2017

### **Establishment of programs by Minister**

**6.2** (1) The Minister may, by order, establish programs for the encouragement of any branch of agriculture, food or rural affairs, including loan guarantee programs for the purposes of loan guarantees made by the Lieutenant Governor in Council under section 8. 2017, c. 2, Sched. 1, s. 2; 2019, c. 4, Sched. 1, s. 12 (1).

### **Contents of order**

- (2) An order establishing a program, other than a loan guarantee program, shall set out,
  - (a) the conditions under which services are to be provided under the program;
  - (b) the conditions under which any grants or other payments under the program may be made and the circumstances in which the grants and payments shall be repaid;
  - (c) any restrictions on whether a grant or the payment made under the program may be assigned, charged, attached or given as security, and the legal effect of any purported transaction that contravenes the restrictions; and
  - (d) the circumstances under which expenses incurred by participants in the program in connection with the program may be reimbursed by the Minister. 2017, c. 2, Sched. 1, s. 2; 2019, c. 4, Sched. 1, s. 12 (2).

### **Same, loan guarantee programs**

(2.1) An order establishing a loan guarantee program shall not include the terms of the guarantee that are included in the guarantee itself under subsection 8 (1.1) but shall set out,

- (a) the purposes of the loans, whether made to farmers or to entities that in turn provide loans directly to farmers, that are to be guaranteed under the program;
- (b) the classes of farmers or entities described in clause (a) who are eligible to receive a loan guarantee under the program and any conditions for eligibility to participate in the program;
- (c) the rules and procedures relating to applications to receive a loan guarantee under the program;
- (d) the amount of any individual loan that may be guaranteed under the program, including any maximum limit on the amount of such loans;
- (e) if any grants or payments may be made under the loan guarantee program to farmers or to entities described in clause (a), any matters referred to in clauses (2) (b) and (c); and
- (f) any other matter relating to the administration of the program. 2019, c. 4, Sched. 1, s. 12 (3).

## **Fees**

- (3) An order establishing a program may,
- require that persons participating in the program or classes of such persons pay fees;
  - fix the amount of the fees; and
  - specify any circumstances in which the fees may be waived or refunded. 2017, c. 2, Sched. 1, s. 2.

## **Delegation of program administration**

- (4) An order establishing a program may specify that any of the following persons are authorized to administer the program:
- A person employed under Part III of the *Public Service of Ontario Act, 2006* who works in or provides services to the Ministry.
  - A person or entity other than a person described in paragraph 1 with whom the Minister enters into an agreement in respect of administering the program. 2017, c. 2, Sched. 1, s. 2.

## **Municipal valuers**

- (5) If a program requires the appointment of valuers for the purposes of investigating or assessing damage to livestock or poultry caused by wild animals, the council of every municipality shall appoint one or more persons as valuers for that purpose. 2017, c. 2, Sched. 1, s. 2.

## **Management of fund**

- (5.1) In an order establishing or continuing the program known as the Risk Management Program, the Minister may designate a person to manage a fund in connection with the program, regardless of whether the person is a person described in subsection (4) or in subsection 5 (1). 2020, c. 36, Sched. 27, s. 1 (1).

## **Risk management program, non-application of *Insurance Act***

- (5.2) The *Insurance Act* does not apply with respect to the program known as the Risk Management Program. 2020, c. 36, Sched. 27, s. 1 (2).

## **Publication of order**

- (6) An order made under subsection (1) shall be published on the Government of Ontario's website. 2017, c. 2, Sched. 1, s. 2.

## **Part III of *Legislation Act, 2006***

- (7) Part III of the *Legislation Act, 2006* does not apply to an order made under this section. 2017, c. 2, Sched. 1, s. 2.

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

2017, c. 2, Sched. 1, s. 2 - 22/03/2017

2019, c. 4, Sched. 1, s. 12 (1-3) - 01/02/2023

2020, c. 36, Sched. 27, s. 1 (1) - 08/12/2020; 2020, c. 36, Sched. 27, s. 1 (2) - 01/01/2021

## **Establishment of programs**

- 7 (1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, by order, establish programs for the encouragement of any branch of agriculture, food or rural affairs. 2017, c. 2, Sched. 1, s. 3 (1).

## **Conditions to services or grants**

- (2) A program may determine the conditions under which services are provided by the Ministry and expenses allowed or grants payable and the conditions under which grants are repayable. R.S.O. 1990, c. M.16, s. 7 (2).

## **Fees**

- (3) A program may require that fees be paid by persons engaged in the branch of agriculture or food to which the program applies and may fix the amounts thereof. R.S.O. 1990, c. M.16, s. 7 (3).

## **Grants not to be given as security**

- (4) A program may provide that a grant or payment shall not be assigned, charged, attached or given as security and that any transaction purporting to do so is void. R.S.O. 1990, c. M.16, s. 7 (4).

### **Program may be retroactive**

(5) A program may provide that it is to come into force before the date on which it is established. R.S.O. 1990, c. M.16, s. 7 (5).

### **Municipal valuers**

(6) If a program requires the appointment of valuers for purposes of investigating or assessing damage to livestock or poultry caused by wild animals, the council of every municipality shall appoint one or more persons as valuers for that purpose. 2010, c. 16, Sched. 1, s. 6 (1).

### **Part III of *Legislation Act*, 2006**

(7) Part III of the *Legislation Act*, 2006 does not apply to an order made under this section. 2017, c. 2, Sched. 1, s. 3 (2).

### **Transition to Minister's orders**

(8) A program that was established by the Lieutenant Governor in Council under this section before the day section 2 of Schedule 1 of the *Burden Reduction Act*, 2017 comes into force and that is still in effect on that day is deemed, on and after that day, to be a program established by the Minister under section 6.2. 2017, c. 2, Sched. 1, s. 3 (2).

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

2010, c. 16, Sched. 1, s. 6 (1) - 1/07/2011

2017, c. 2, Sched. 1, s. 3 (1, 2) - 22/03/2017

### **Non-application of *Innkeepers Act*, Ontario Feeder Cattle Loan Guarantee Program**

**7.1** For greater certainty, section 3 of the *Innkeepers Act* does not apply with respect to cattle enrolled in the Ontario Feeder Cattle Loan Guarantee Program established under this Act. 2023, c. 2, Sched. 4, s. 1.

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

2023, c. 2, Sched. 4, s. 1 - 22/03/2023

### **Guarantee of loans**

**8** (1) The Lieutenant Governor in Council may, in accordance with subsection (2), guarantee the payment of one or more of the following loans, or any part of such loans, and guarantee the payment of any interest on the loans or the part of the loans, if the loans or the part of the loans are made for the encouragement of any branch of agriculture, food or rural affairs:

1. Loans made to farmers.
2. Loans made to entities that provide loans directly to farmers. 2019, c. 4, Sched. 1, s. 13 (1).

### **Terms of guarantee**

(1.1) A guarantee under subsection (1), whether given as part of a loan guarantee program established under section 6.2 or otherwise, shall set out the terms of the guarantee, including the amount of the guarantee, the duration of the guarantee and the circumstances under which the guarantee would become null and void. 2019, c. 4, Sched. 1, s. 13 (1).

### **Form of guarantee**

(2) The form and manner of any such guarantee shall be such as the Lieutenant Governor in Council approves by order and the guarantee shall be signed by the Minister of Finance or by such other officer or officers as are designated by the Lieutenant Governor in Council and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee. 2009, c. 33, Sched. 1, s. 21; 2019, c. 4, Sched. 1, s. 13 (2).

### **Payment of interest**

(3) Where a guarantee is given under subsection (1), the Lieutenant Governor in Council may, upon the recommendation of the Minister, authorize the payment by the Province of Ontario of the whole or any part of the interest on any such loan for the whole or any part of the term of the guarantee. R.S.O. 1990, c. M.16, s. 8 (3).

### **Payment of guarantee, interest**

(4) The Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the requirements of any guarantee or to provide for payment of interest under subsection (3), and to advance the amount necessary for that purpose out of the public funds of the Province of Ontario. R.S.O. 1990, c. M.16, s. 8 (4).

### **Payment of loss sustained**

(5) Where a guarantee is given under subsection (1), the Lieutenant Governor in Council may, subject to such terms and conditions as he or she may prescribe, authorize the payment by the Province of Ontario out of the money appropriated therefor by the Legislature, of the whole or any part of the loss sustained by a person to whom a guarantee is given in collecting or attempting to collect money payable under a loan that is made pursuant to a guarantee and that is in default. R.S.O. 1990, c. M.16, s. 8 (5).

### **Payment of loss limited**

(6) Payment of loss under subsection (5) is limited to,

- (a) fees, disbursements, allowances or charges owing by the person to whom the guarantee is given to the person's solicitor respecting matters for which costs may be taxed under the rules of court; and
- (b) expenses, other than those referred to in clause (a), that are reasonably and necessarily incurred in the course of collecting or attempting to collect money payable under a loan that is made pursuant to the guarantee and that is in default. R.S.O. 1990, c. M.16, s. 8 (6).

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

2009, c. 33, Sched. 1, s. 21 - 15/12/2009

2019, c. 4, Sched. 1, s. 13 (1, 2) - 01/02/2023

### **Grants to veterinary fund**

**9** Where a program has been established under section 7 to provide for veterinary services in one or more than one territorial district and a veterinary agricultural committee has been established, any municipality may make grants to a veterinary fund, administered by the veterinary agricultural committee, from which payments are made to provide for the veterinary services in the territorial district. R.S.O. 1990, c. M.16, s. 9.

**10** REPEALED: 1999, c. 12, Sched. A, s. 20 (5).

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

1999, c. 12, Sched. A, s. 20 (5) - 22/12/1999

### **Annual report**

**11** The Minister shall in each year submit to the Lieutenant Governor in Council a report of the proceedings of the Ministry during the next preceding fiscal year, and such report shall be laid before the Assembly forthwith, but, if the Legislature is not at the time in session, then within thirty days after the commencement of the next session. R.S.O. 1990, c. M.16, s. 11.

### **Ontario Farm Products Marketing Commission**

**12** (1) The commission known as the Ontario Farm Products Marketing Commission is continued as a body corporate without share capital under the name Ontario Farm Products Marketing Commission in English and Commission de commercialisation des produits agricoles de l'Ontario in French and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council. R.S.O. 1990, c. M.16, s. 12 (1); 2017, c. 20, Sched. 8, s. 98 (1).

### **Chair**

(2) The Lieutenant Governor in Council shall appoint one of the members as chair and one or more of the members as vice-chair. R.S.O. 1990, c. M.16, s. 12 (2).

### **Quorum**

(3) Three members of the Commission, of whom one shall be the chair or a vice-chair, constitute a quorum and are sufficient for the exercise of all jurisdiction and powers of the Commission. R.S.O. 1990, c. M.16, s. 12 (3).

### **Division of the Commission**

(4) The chair, or in the case of the absence or inability of the chair to act, a vice-chair, may assign members of the Commission to divisions thereof and may change the assignment at any time. R.S.O. 1990, c. M.16, s. 12 (4).

### **Quorum necessary in division**

(5) The Commission may sit in two or more divisions simultaneously so long as a quorum of the Commission is present in each division. R.S.O. 1990, c. M.16, s. 12 (5).

### **Remuneration**

(6) Members of the Commission who are not public servants employed under Part III of the *Public Service of Ontario Act, 2006* shall receive such remuneration and expenses as the Lieutenant Governor in Council determines. R.S.O. 1990, c. M.16, s. 12 (6); 2006, c. 35, Sched. C, s. 68 (2).

### **Non-application of Acts**

(7) The *Not-for-Profit Corporations Act, 2010* and the *Corporations Information Act* do not apply to the Commission. 2017, c. 20, Sched. 8, s. 98 (2).

### **Employees**

(8) A secretary to the Commission and such other employees as may be required may be appointed under Part III of the *Public Service of Ontario Act, 2006*. R.S.O. 1990, c. M.16, s. 12 (8); 2006, c. 35, Sched. C, s. 68 (3).

### **Where secretary absent**

(9) Where the secretary is absent or the position is vacant, the Commission may appoint any person to act in that capacity. R.S.O. 1990, c. M.16, s. 12 (9).

### **Appointment of specialists, etc.**

(10) The Commission may appoint conciliators or arbitrators or persons having technical or special knowledge to assist the Commission in any capacity. R.S.O. 1990, c. M.16, s. 12 (10).

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

2006, c. 35, Sched. C, s. 68 (2, 3) - 20/08/2007

2010, c. 15, s. 234 - no effect - see 2017, c. 20, Sched. 8, s. 58 - 14/11/2017

2017, c. 20, Sched. 8, s. 98 (1, 2) - 19/10/2021

### **Directives to Commission**

**13** (1) The Minister may issue written directives to the Ontario Farm Products Marketing Commission establishing objectives to be achieved by the Commission in relation to administrative and policy matters that are the responsibility of the Commission under the *Farm Products Marketing Act* or the *Milk Act*, including matters relating to,

- (a) the regulation and control of the production and marketing of farm products, milk, cream or milk products;
- (b) the local boards and marketing boards under those two Acts, their powers and relations between the Commission and the boards; and
- (c) the conduct of the affairs of the Commission, its practices and procedures. 2010, c. 16, Sched. 1, s. 6 (2).

### **Same**

(2) A directive may apply only with respect to,

- (a) milk, cream or any specified farm product or milk product or class of such products;
- (b) any specified class of persons engaged in the producing, processing or marketing of milk, cream, milk products or farm products; or
- (c) a specified local board or marketing board or class of local board or marketing board. 2010, c. 16, Sched. 1, s. 6 (2).

### **General application**

(3) Despite subsection (2), a directive shall be general in application and shall not be limited in application to a specific person or group of persons or to a particular dispute or incident. 2010, c. 16, Sched. 1, s. 6 (2).

### **Interference with board operations**

(4) Despite clause (2) (c), a directive shall not purport to control or regulate the day to day operations of a specific local board or marketing board. 2010, c. 16, Sched. 1, s. 6 (2).

### **Consistency of purpose**

(5) A directive shall be consistent with the purposes of this Act, the *Farm Products Marketing Act* and the *Milk Act*. 2010, c. 16, Sched. 1, s. 6 (2).



### **Implementation of directives**

(6) The Commission shall implement a directive within the time frame specified in the directive or, if none is specified, as soon as practicable. 2010, c. 16, Sched. 1, s. 6 (2).

### **Same**

(7) In implementing a directive, the Commission shall determine the measures or steps that in its view are necessary or desirable to achieving the objectives set out in the directive. 2010, c. 16, Sched. 1, s. 6 (2).

### **Legislation Act, 2006, Part III**

(8) A directive issued under this section is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 2010, c. 16, Sched. 1, s. 6 (2).

### **Publication**

(9) The Commission shall post on the Commission's website every directive issued under this section or a summary of the directive and may publish it in any other format the Commission considers advisable. 2010, c. 16, Sched. 1, s. 6 (2).

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

1994, c. 27, s. 31 (2) - 9/12/1994

2010, c. 16, Sched. 1, s. 6 (2) - 25/10/2010

### **Tribunal continued**

**14** (1) The Farm Products Appeal Tribunal is continued under the name of the Agriculture, Food and Rural Affairs Appeal Tribunal in English and Tribunal d'appel de l'agriculture, de l'alimentation et des affaires rurales in French. 1999, c. 12, Sched. A, s. 20 (6).

### **Members**

(1.1) The Tribunal shall consist of not fewer than 10 persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister, of whom at least one shall be a barrister and solicitor entitled to practise in Ontario. 1999, c. 12, Sched. A, s. 20 (6).

### **Same**

(1.2) The appointment of at least two of the persons appointed under subsection (1.1) shall specifically state that the person is entitled to hear matters under the *Agricultural Employees Protection Act, 2002*. 2002, c. 16, s. 19 (1).

### **Same**

(1.3) The purpose of subsection (1.2) is to recognize that the Tribunal's jurisdiction under the *Agricultural Employees Protection Act, 2002* differs in nature from the rest of the Tribunal's jurisdiction, such that a special roster for the purposes of proceedings under that Act is appropriate. 2002, c. 16, s. 19 (1).

### **Same**

(1.4) A person whose appointment specifically states that he or she is entitled to hear matters under the *Agricultural Employees Protection Act, 2002* may also act as a member of the Tribunal in relation to other matters within the Tribunal's jurisdiction. 2002, c. 16, s. 19 (1).

### **Non-application of certain subsections**

(1.5) Subsections (3), (6), (6.1), (8) and (9) do not apply to proceedings under the *Agricultural Employees Protection Act, 2002*. 2002, c. 16, s. 19 (1).

### **Chair and vice-chair**

(2) The Lieutenant Governor in Council may appoint one of the members of the Tribunal as chair and one or more of the remaining members as vice-chair. R.S.O. 1990, c. M.16, s. 14 (2); 2006, c. 19, Sched. A, s. 16 (3).

### **Same**

(2.1) Any function, power or duty of the chair of the Tribunal under this or any other Act, including the *Statutory Powers Procedure Act*, may, if the chair is absent or unable to act, be exercised by a vice chair. 2002, c. 16, s. 19 (2).

### **Panels**

(3) The chair may,

- (a) subject to subsection (6.1), appoint panels composed of two or more members of the Tribunal to hear proceedings; and

- (b) designate one member of the Tribunal to hear a motion or to conduct a pre-hearing conference or an informal hearing in a proceeding in accordance with the procedural rules of the Tribunal. 1999, c. 12, Sched. A, s. 20 (7); 2002, c. 16, s. 19 (3).

#### **Panels, *Agricultural Employees Protection Act, 2002***

(3.1) The chair may, in accordance with subsections (3.2) and (3.3), appoint panels to hear proceedings under the *Agricultural Employees Protection Act, 2002*. 2002, c. 16, s. 19 (4).

#### **Same**

(3.2) A proceeding under the *Agricultural Employees Protection Act, 2002* shall be heard by a panel composed of one or more members of the Tribunal, all of whose appointments by the Lieutenant Governor in Council under subsection (1.1) specifically state that they are entitled to hear matters under the *Agricultural Employees Protection Act, 2002*. 2002, c. 16, s. 19 (4).

#### **Same**

(3.3) A panel appointed under subsection (3.1) shall not be composed of an even number of members. 2002, c. 16, s. 19 (4).

#### **Decision of panel**

(3.4) The decision of a majority of the members of a panel appointed under subsection (3.1) is the Tribunal's decision. 2002, c. 16, s. 19 (4).

#### **Presiding member**

(4) The chair or vice-chair who appoints a panel shall designate one of the members of the panel to preside over the proceeding that the panel is assigned to hear. 1999, c. 12, Sched. A, s. 20 (7).

#### **Member may complete duties, etc.**

(5) Where a member of the Tribunal resigns or his or her term of office has expired, he or she may carry out and complete any duties or responsibilities and exercise any powers that he or she would have had if he or she had not ceased to be a member, in connection with any matters in respect of which there was any proceeding in which he or she participated as a member of the Tribunal. R.S.O. 1990, c. M.16, s. 14 (5); 2006, c. 19, Sched. A, s. 16 (3).

#### **Quorum**

(6) Subject to subsection (6.1), two members of a panel appointed in accordance with clause (3) (a) constitute a quorum and are sufficient for the exercise of all jurisdiction and powers of the Tribunal. 1999, c. 12, Sched. A, s. 20 (8).

#### **Barrister and solicitor required**

(6.1) Where a panel of the Tribunal hears proceedings under the *Agricultural Products Insurance Act, 1996* or the *Drainage Act*, one of the members of the panel and one of the members constituting a quorum of the panel shall be a barrister and solicitor entitled to practise in Ontario. 1999, c. 12, Sched. A, s. 20 (8); 2015, c. 6, s. 10.

#### **Simultaneous panels**

(7) The Tribunal may sit in two or more panels simultaneously so long as a quorum is present in each panel. 1999, c. 12, Sched. A, s. 20 (8).

#### **Decisions**

(8) The decision of the majority of the members of the Tribunal present and constituting a quorum is the decision of the Tribunal, but, if there is no majority, the decision of the member presiding governs. 1999, c. 12, Sched. A, s. 20 (8).

#### **Practice and procedure**

(9) The Tribunal may, subject to this Act and the *Statutory Powers Procedure Act*, determine its own practice and procedure. R.S.O. 1990, c. M.16, s. 14 (9); 2006, c. 19, Sched. A, s. 16 (3).

#### **Remuneration**

(10) Members of the Tribunal who are not public servants employed under Part III of the *Public Service of Ontario Act, 2006* shall receive such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. R.S.O. 1990, c. M.16, s. 14 (10); 2006, c. 19, Sched. A, s. 16 (3); 2006, c. 35, Sched. C, s. 68 (4).

#### **Documents**

(11) Except as otherwise provided under subsection (12), documents of the Tribunal may be signed by the chair or any person designated in writing by the chair. R.S.O. 1990, c. M.16, s. 14 (11); 2002, c. 16, s. 19 (5); 2006, c. 19, Sched. A, s. 16 (3).

**Same, *Agricultural Employees Protection Act, 2002***

(12) For purposes related to proceedings under the *Agricultural Employees Protection Act, 2002*, a majority of the members of the Tribunal whose appointments by the Lieutenant Governor in Council under subsection (1.1) specifically state that they are entitled to hear matters under the *Agricultural Employees Protection Act, 2002* may make rules providing for the signing of documents mentioned in subsection (11) in a manner different from that provided for in subsection (11). 2002, c. 16, s. 19 (6).

***Statutory Powers Procedure Act*, ss. 4.2, 4.3, 4.8**

(13) Sections 4.2, 4.3 and 4.8 of the *Statutory Powers Procedure Act* do not apply in relation to proceedings of the Tribunal. 2002, c. 16, s. 19 (6).

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

1999, c. 12, Sched. A, s. 20 (6-8) - 22/12/1999

2002, c. 16, s. 19 (1-6) - 17/06/2003

2006, c. 19, Sched. A, s. 16 (3) - 22/06/2006; 2006, c. 35, Sched. C, s. 68 (4) - 20/08/2007

2015, c. 6, s. 10 - 1/09/2015

***Agricultural Employees Protection Act, 2002 and Statutory Powers Procedure Act***

**14.1** (1) REPEALED: 2006, c. 19, Sched. A, s. 16 (2).

***Statutory Powers Procedure Act*, subs. 5.3 (2)**

(2) In designating a person to preside at a pre-hearing conference under subsection 5.3 (2) of the *Statutory Powers Procedure Act* in connection with a proceeding under the *Agricultural Employees Protection Act, 2002*, the chair of the Tribunal may only designate a person who is a member of the Tribunal and whose appointment under subsection 14 (1.1) of this Act specifically states that he or she is entitled to hear matters under the *Agricultural Employees Protection Act, 2002*. 2002, c. 16, s. 19 (7).

***Statutory Powers Procedure Act*, subs. 12 (2)**

(3) For the purposes of the application of subsection 12 (2) of the *Statutory Powers Procedure Act* to a proceeding under the *Agricultural Employees Protection Act, 2002*, the summons shall be signed by a member of the Tribunal whose appointment under subsection 14 (1.1) of this Act specifically states that he or she is entitled to hear matters under the *Agricultural Employees Protection Act, 2002* or by a person authorized to do so under subsection 14 (12). 2002, c. 16, s. 19 (7).

***Statutory Powers Procedure Act*, subs. 12 (6)**

(4) For the purposes of the application of subsection 12 (6) of the *Statutory Powers Procedure Act* to a proceeding under the *Agricultural Employees Protection Act, 2002*, the certification shall be made by a member of the panel, and not by the chair of the Tribunal. 2002, c. 16, s. 19 (7).

***Statutory Powers Procedure Act*, rules and guidelines**

(5) Rules and guidelines made or established by the Tribunal under section 16.2 or 25.1 of the *Statutory Powers Procedure Act* do not, unless they are made in accordance with subsection (6), apply with respect to proceedings under the *Agricultural Employees Protection Act, 2002*. 2002, c. 16, s. 19 (7).

**Same**

(6) The majority of the members of the Tribunal whose appointments by the Lieutenant Governor in Council under subsection 14 (1.1) of this Act specifically state that they are entitled to hear matters under the *Agricultural Employees Protection Act, 2002* may exercise the powers of the Tribunal to make rules and establish guidelines under sections 16.2 and 25.1 of the *Statutory Powers Procedure Act* with respect to proceedings under the *Agricultural Employees Protection Act, 2002*. 2002, c. 16, s. 19 (7).

**Same**

(7) With respect to proceedings under the *Agricultural Employees Protection Act, 2002*, a reference to rules or guidelines under any provision of the *Statutory Powers Procedure Act* means the rules or guidelines made under subsection (6). 2002, c. 16, s. 19 (7).

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

2002, c. 16, s. 19 (7) - 17/06/2003

2006, c. 19, Sched. A, s. 16 (2) - 22/06/2006

### ***Agricultural Employees Protection Act, 2002, general***

**14.2** A panel appointed under subsection 14 (3.1) for the purposes of a proceeding under the *Agricultural Employees Protection Act, 2002* has the powers, duties and functions of the Tribunal under the *Agricultural Employees Protection Act, 2002* and under the *Statutory Powers Procedure Act* with respect to the proceeding for which the panel was appointed. 2002, c. 16, s. 19 (7).

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

2002, c. 16, s. 19 (7) - 17/06/2003

#### **Definitions**

**15** In sections 16, 17 and 18,

“Commission” means the Ontario Farm Products Marketing Commission; (“Commission”)

“Director” means the Director appointed under the *Milk Act* or the *Farm Products Marketing Act*; (“directeur”)

“local board” means a local board constituted under the *Farm Products Marketing Act*; (“commission locale”)

“marketing board” means a marketing board constituted under the *Milk Act*. (“commission de commercialisation”) R.S.O. 1990, c. M.16, s. 15; 2006, c. 19, Sched. A, s. 16 (4).

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

2006, c. 19, Sched. A, s. 16 (4) - 22/06/2006

#### **Appeal to Tribunal**

**16** (1) Subject to subsections (4) and (5), a person who is aggrieved by any of the following orders, directions, decisions, policies or regulation made under the *Farm Products Marketing Act* and the *Milk Act* may appeal the matter to the Tribunal:

1. Any order, direction, decision or policy made by a Director.
2. Any order, direction, decision, policy or regulation made by a local board or marketing board.
3. An order, direction or decision made by the Commission that applies specifically to the aggrieved person, to a group of persons of which the aggrieved person is a member or with respect to a particular dispute or incident involving the aggrieved person. 2010, c. 16, Sched. 1, s. 6 (3).

#### **Commission matters not subject to appeal**

(2) For greater certainty, a regulation or policy made by the Commission under the *Farm Products Marketing Act* or the *Milk Act* or an order, direction or decision of the Commission under either of those two Acts that is of general application shall not be the subject of an appeal before the Tribunal but may be subject to reconsideration by the Commission under section 17. 2010, c. 16, Sched. 1, s. 6 (3).

#### **Notice**

(2.1) A person shall commence an appeal to the Tribunal by filing a written notice of appeal with the Tribunal and sending a copy of the notice to the Director, the Commission, the local board or marketing board, as the case may be. 2010, c. 16, Sched. 1, s. 6 (3).

#### **Contents of notice**

(3) Every notice under subsection (2.1) shall contain a statement of the matter being appealed and the name and address of the person making the appeal. R.S.O. 1990, c. M.16, s. 16 (3); 2010, c. 16, Sched. 1, s. 6 (4).

#### **Tribunal may refuse to hear appeal**

(4) The Tribunal may refuse to hear the appeal or, after a hearing has commenced, refuse to continue the hearing or make a decision if it relates to any order, direction, policy, decision or regulation of which the appellant has had knowledge for more than one year before the notice is filed under subsection (2.1) or, if in its opinion,

- (a) the subject-matter of the appeal is trivial;
- (b) the appeal is frivolous or vexatious or is not made in good faith; or
- (c) the appellant has not a sufficient interest in the subject-matter of the appeal. R.S.O. 1990, c. M.16, s. 16 (4); 2006, c. 19, Sched. A, s. 16 (3); 2010, c. 16, Sched. 1, s. 6 (5).

### **Conditions for appeal**

(5) No appeal may be taken from an order, direction, policy, decision or regulation of a local board or a marketing board unless,

- (a) the appellant has first applied to the local board or marketing board for a hearing and the local board or marketing board has refused to grant, in whole or in part, the relief requested by the appellant or has not decided the matter within sixty days of the application for a hearing; or
- (b) the appellant and the local board or marketing board have waived their respective rights under clause (a) in writing. R.S.O. 1990, c. M.16, s. 16 (5).

### **Effect of appeal**

(6) Where, by virtue of subsection 25 (1) of the *Statutory Powers Procedure Act*, an appeal under subsection (1) operates as a stay in the matter, the Tribunal may limit or define the scope of the stay. R.S.O. 1990, c. M.16, s. 16 (6); 2006, c. 19, Sched. A, s. 16 (3); 2010, c. 16, Sched. 1, s. 6 (6).

### **Persons entitled to notice**

(7) Upon receipt of a notice under subsection (2.1), the Tribunal shall forthwith notify the Commission, the local board, the marketing board or the Director where any such body or the Director has an interest in the subject-matter of the appeal and such body or the Director, as the case may be, shall thereupon forthwith provide the Tribunal with all relevant by-laws, documents or other materials, of any kind whatsoever, in its or his or her possession. R.S.O. 1990, c. M.16, s. 16 (7); 2006, c. 19, Sched. A, s. 16 (3); 2010, c. 16, Sched. 1, s. 6 (7).

### **Notice of hearing**

(8) In an appeal under subsection (1), the Tribunal shall, within 10 days after the notice referred to in subsection (2.1) is received, send notice to the person making the appeal and to any body entitled to receive notice under subsection (7) or the Director, as the case may be, of the date, time and place at which the appeal will be heard. 2010, c. 16, Sched. 1, s. 6 (8).

### **Hearing of appeal**

(9) The Tribunal shall complete the hearing within forty-five days after the date set for the hearing, but the Tribunal may, at the request of any party to the proceedings, adjourn the hearing for such periods of time as the Tribunal considers just. R.S.O. 1990, c. M.16, s. 16 (9); 2006, c. 19, Sched. A, s. 16 (3).

### **Parties**

(10) At any hearing under this section, any person entitled to receive notice under subsection (8) and any person having a sufficient interest in the subject-matter of the appeal may be a party to the appeal and the *Statutory Powers Procedure Act* applies. R.S.O. 1990, c. M.16, s. 16 (10).

### **Powers of Tribunal on appeal**

(11) Upon an appeal to the Tribunal under subsection (1), the Tribunal may by order direct the Commission, the local board, the marketing board or the Director, as the case may be, to take such action as it or he or she is authorized to take under the *Farm Products Marketing Act* or the *Milk Act* and as the Tribunal considers proper, and for this purpose the Tribunal may substitute its opinion for that of the Commission, the local board, the marketing board or the Director. R.S.O. 1990, c. M.16, s. 16 (11); 2006, c. 19, Sched. A, s. 16 (3); 2010, c. 16, Sched. 1, s. 6 (9).

### **Notice of decision**

(12) The Tribunal shall, within twenty days after the hearing is completed, send notice of its decision and reasons, if any, to all parties to the appeal and to the Minister. R.S.O. 1990, c. M.16, s. 16 (12); 2006, c. 19, Sched. A, s. 16 (3).

### **Objection to proceeding**

(13) A proceeding that is in substantial compliance with this section is not open to objection on the ground that it is not in strict compliance therewith. R.S.O. 1990, c. M.16, s. 16 (13).

### **Notice by mail**

(14) Notice under this section may be given by mail to the usual business address of the person or, in the case of the person making an appeal, to the address shown in the notice of appeal. R.S.O. 1990, c. M.16, s. 16 (14).

### **Tribunal may reopen hearing**

(15) After the Tribunal has decided an appeal under this section, the Tribunal may, on its own motion or upon the request of any person who is aggrieved by the decision, reopen the hearing and make a new decision, and the procedure for an appeal under this section applies to the hearing. R.S.O. 1990, c. M.16, s. 16 (15); 2006, c. 19, Sched. A, s. 16 (3).

## **Transition**

(16) If an appeal is filed with the Tribunal on or before the day subsection 6 (3) of Schedule 1 to the *Open for Business Act, 2010* comes into force and the appeal relates to a matter that the Tribunal has no jurisdiction to deal with on or after that day, the Tribunal may continue to deal with the appeal as though the section was not in force. 2010, c. 16, Sched. 1, s. 6 (10).

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

2006, c. 19, Sched. A, s. 16 (3) - 22/06/2006

2010, c. 16, Sched. 1, s. 6 (3-10) - 25/10/2010

## **Request for reconsideration**

**17** (1) Where a person is aggrieved by an order, direction, policy or decision of the Commission, a local board, a marketing board or the Director, that person may, by written application therefor, request a reconsideration of the order, direction, policy or decision. R.S.O. 1990, c. M.16, s. 17 (1).

## **Decision not to be varied without hearing**

(2) On any application under subsection (1), the body considering the application or the Director, as the case may be, shall not vary or rescind its or his or her decision adversely to the interests of any person without holding a hearing to which such person is a party and may make such decision after such hearing as it or he or she considers proper under any law applicable thereto. R.S.O. 1990, c. M.16, s. 17 (2).

## **Request for reconsideration of regulation**

(3) Where any person is affected by any regulation made by a local board or a marketing board, he or she may request the local board or marketing board, as the case may be, to reconsider the regulation by serving upon the local board or the marketing board written notice of the request. R.S.O. 1990, c. M.16, s. 17 (3).

## **Idem**

(4) Where a person is affected by any regulation made by the Commission, that person may request the Commission to reconsider the regulation by serving upon the Commission written notice of the request. R.S.O. 1990, c. M.16, s. 17 (4).

## **Hearing**

(5) On receipt of a notice under subsection (3) or (4), the body considering the request shall hold, or shall afford to the person making the request an opportunity for, a hearing. R.S.O. 1990, c. M.16, s. 17 (5).

## **Procedure**

(6) The *Statutory Powers Procedure Act* applies to a hearing under this section. R.S.O. 1990, c. M.16, s. 17 (6).

## **Notice of reconsiderations by Commission**

(7) If the Commission is requested to reconsider a regulation under subsection (4) or a policy or an order, direction or decision of general application, the Commission shall send notice of its decision, and of any reasons that may be given for the decision, to the Minister and to,

- (a) all the parties to the hearing, if a hearing is held; or
- (b) the person who requested the reconsideration, if no hearing is held. 2010, c. 16, Sched. 1, s. 6 (11).

## **Same**

(8) For the purposes of subsection (7), an order, direction or decision of general application includes any order, direction or decision other than one that,

- (a) applies only with respect to a person or group of persons or with respect to a particular dispute or incident; or
- (b) governs the day to day operations of a particular local board or marketing board under the *Farm Products Marketing Act* or the *Milk Act*. 2010, c. 16, Sched. 1, s. 6 (11).

## **Timing of notice of decision**

(9) A notice of decision shall be sent under subsection (7) within a reasonable time after the hearing is complete and, if no hearing is held, within a reasonable time after receipt of the request for reconsideration. 2010, c. 16, Sched. 1, s. 6 (11).

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

2010, c. 16, Sched. 1, s. 6 (11) - 25/10/2010

### **Review of decisions of Tribunal, Commission**

**18** (1) The Minister may review a decision of the Tribunal made under this Act and a decision of the Commission to which subsection 17 (7) applies within 30 days after receipt by the Minister of the decision of the Tribunal or of the Commission and the reasons therefor, if any, or within such longer period as may be determined by the Minister within such 30-day period. 2010, c. 16, Sched. 1, s. 6 (12).

### **Powers of Minister**

- (2) Upon review of a decision under subsection (1), the Minister may,
- (a) confirm, vary or rescind the whole or any part of the decision;
  - (b) substitute for the decision of the Tribunal or of the Commission, as the case may be, such decision as the Minister considers appropriate; or
  - (c) by notice to the Tribunal or Commission, as the case may be, require it to hold a new hearing of the whole or any part of the matter appealed to the Tribunal or reconsidered by the Commission and further reconsider its decision. 2010, c. 16, Sched. 1, s. 6 (12).

### **Decision is final**

(3) Subject to subsection (4), a decision of the Tribunal or of the Commission, as the case may be, is final after the expiration of the period mentioned in subsection (1) unless the decision is varied or rescinded or a decision is substituted for the decision of the Tribunal or Commission or a new hearing is required. 2010, c. 16, Sched. 1, s. 6 (12).

### **Same**

(4) A decision of the Tribunal or of the Commission that has been confirmed, varied or rescinded under clause (2) (a) or a decision of the Minister that has been substituted for the decision of the Tribunal or of the Commission under clause (2) (b) is final. 2010, c. 16, Sched. 1, s. 6 (12).

### **Notice by Minister**

- (5) The Minister shall give notice of his or her decision under subsection (2), together with written reasons therefor,
- (a) to the Tribunal and to all parties to the appeal, in the case of a review of a decision of the Tribunal; and
  - (b) to the Commission and to all the parties to the reconsideration by the Commission, in the case of a review of a decision of the Commission. 2010, c. 16, Sched. 1, s. 6 (12).

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

2006, c. 19, Sched. A, s. 16 (3) - 22/06/2006

2010, c. 16, Sched. 1, s. 6 (12) - 25/10/2010

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