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c 27 Live Stock and Live Stock Products Amendment Act, 1984

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CHAPTER 27

**An Act to amend the
Live Stock and Live Stock Products Act**

Assented to June 13th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 3 (1) (b) of the *Live Stock and Live Stock Products Act*, being chapter 245 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (b) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations or the terms and conditions under which the licence is issued; or

(2) Section 3 of the said Act is amended by adding thereto the following subsection:

(3) The Commissioner may impose such terms and conditions upon a licence as he considers proper.

Terms and conditions

2. The said Act is amended by adding thereto the following section:

3a. Where a licensee is not satisfied with a term or condition imposed upon his licence by the Commissioner, he may apply to the Commissioner to have the term or condition varied or removed and, where the Commissioner proposes to refuse to vary or remove the term or condition, he shall hold a hearing.

Variation or removal of term or condition

3.—(1) Clause 4 (1) (b) of the said Act is amended by inserting after “the” where it occurs the first time in the ninth line “terms and”.

(2) Subsections 4 (2) and (3) of the said Act are repealed and the following substituted therefor:

Provisional suspension or refusal to renew

(2) Notwithstanding subsection (1), the Commissioner may, without a hearing, provisionally suspend or refuse to renew a licence where in his opinion it is necessary to do so for the immediate protection of,

- (a) the safety or health of any person or the public;
- (b) the interests of persons selling live stock or live stock products to the licensee; or
- (c) a fund for producers of live stock or live stock products established under the *Farm Products Payments Act*.

R.S.O. 1980, c. 159

Notice of suspension or refusal to renew

(3) Notice of suspension or refusal to renew under subsection (2), together with the reasons therefor, shall be given forthwith to the licensee and, as soon as is practicable thereafter, the Commissioner shall hold a hearing to determine whether the licence should be further suspended or cancelled or whether renewal of the licence should be refused.

Continuation of licence pending renewal

(4) Subject to subsections (2) and (3), where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has,

- (a) applied for a renewal of his licence;
- (b) paid the prescribed fee;
- (c) where proof of financial responsibility or security is required, furnished or deposited such proof or security; and
- (d) observed or carried out the other provisions of this Act and the regulations and the terms and conditions under which the licence was issued,

his existing licence shall be deemed to continue until he has received the decision of the Commissioner on his application for renewal.

4. Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

Opportunity to show or achieve compliance

(1) An applicant or licensee shall be afforded an opportunity to show or to achieve compliance before a hearing with all lawful requirements for the issue or retention of a licence.

5.—(1) Subsection 7 (1) of the said Act is repealed and the following substituted therefor:

(1) Where the Commissioner refuses to issue or renew or suspends or cancels a licence or, after a hearing, imposes terms or conditions upon a licence or refuses to vary a term or condition of a licence, the applicant or licensee may by written notice delivered to the Commissioner and filed with the Board within fifteen days after receipt of the decision of the Commissioner appeal to the Board. Appeal
to Board

(2) Subsection 7 (3) of the said Act is amended by striking out “to determine whether the licence should be issued, renewed, suspended or cancelled” in the third and fourth lines.

6. Section 16 of the said Act is repealed and the following substituted therefor:

16.—(1) Subject to subsection (2), every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 for a first offence and not more than \$5,000 for any subsequent offence. Offence

(2) Every person who engages in business as a live stock dealer without a licence therefor from the Commissioner is guilty of an offence and on conviction is liable to a fine of not less than \$2,000 for a first offence and not less than \$5,000 for any subsequent offence. Idem

7. This Act comes into force on the day it receives Royal Assent. Commence-
ment

8. The short title of this Act is the *Live Stock and Live Stock Products Amendment Act, 1984.* Short title

