1980

c 487 Stock Yards Act

Ontario
CHAPTER 487

Stock Yards Act

1. In this Act,

Interpretation

(a) "Board" means the Ontario Stock Yards Board;

(b) "land" includes any estate, term, easement, right or interest in, to, over or affecting land;

(c) "manager" means the manager appointed under this Act;

(d) "Minister" means the Minister of Agriculture and Food;

(e) "regulations" means the regulations made under this Act;

(f) "securities" includes bonds, debentures and promissory notes. R.S.O. 1970, c. 448, s. 1.

2.—(1) The Ontario Stock Yards Board heretofore constituted is continued as a body corporate.

(2) The Board shall have a corporate seal in the form prescribed in the regulations.

(3) The Board shall consist of not more than nine persons appointed by the Lieutenant Governor in Council.

(4) The Lieutenant Governor in Council may appoint one of the members of the Board to be chairman and one of the members to be vice-chairman.

(5) A majority of the members of the Board constitutes a quorum.

(6) The members of the Board shall receive such fees and allowances and expenses as the Lieutenant Governor in Council may determine, and any member of the Board who is charged with the performance of any special services may be paid such additional remuneration therefor as the Lieutenant Governor in Council may determine. R.S.O. 1970, c. 448, s. 2.
3.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board may appoint a manager of any stock yard that it operates and such officers as are prescribed in the regulations and fix their remuneration, and the appointment of any person as a manager or other officer does not disqualify him from acting as chairman, vice-chairman or a member of the Board.

(2) Subject to the approval of the Board, the manager of a stock yard may appoint such employees as he considers necessary and fix their salaries or other remuneration. R.S.O. 1970, c. 448, s. 3.

4.—(1) The objects of the Board are,

(a) to acquire, construct, equip and operate live-stock markets, and to acquire and operate such facilities for the transportation of live stock as may be necessary for the purposes of such markets; and

(b) to do such other acts as may be necessary or expedient for the carrying out of its operations and undertakings.

(2) The Board has power to borrow money and to issue securities for the purpose of carrying out any of its objects and to make such securities payable as to principal and interest at such time or times and in such manner and at such place or places as the Board may determine.

(3) The Board has the powers set out in sections 23 and 275 of the Corporations Act. R.S.O. 1970, c. 448, s. 4.

5.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board,

(a) has power to acquire by purchase, lease or in any other manner or without the consent of the owner thereof to enter upon, take possession of, expropriate and use,

(i) the land, property, assets and undertakings of Union Stock Yards of Toronto, Limited,

(ii) the land, property, assets and undertakings of any other stock yards, and

(iii) any other land or property that it considers necessary for its undertakings; and
(b) has and may exercise and enjoy in addition to the powers conferred by this Act, all the powers conferred upon the Minister of Government Services in relation to a public work by the *Ministry of Government Services Act* and in the application of this section were the words “the Minister”, “the Ministry” or “the Crown” appear in such Act, they, where the context permits, mean the Board. R.S.O. 1970, c. 448, s. 5 (1); 1972, c. 1, s. 1; 1973, c. 2, s. 2.

(2) The Board shall, in the exercise of its compulsory powers authorized by this section, proceed in the manner provided by the *Expropriations Act* and all the provisions of that Act apply.

(3) No action or proceeding of the Board taken pursuant to this section shall be restrained by injunction or process or proceeding in any court. R.S.O. 1970, c. 448, s. 5 (2, 3).

6.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario for and on behalf of Ontario to guarantee the payment of any securities issued by the Board, and repayment of any advances made by banks to the Board and the payment of any other indebtedness incurred by the Board.

(2) The form of any such guarantee and the manner of its execution shall be determined by the Lieutenant Governor in Council. R.S.O. 1970, c. 448, s. 6.

7.—(1) All moneys received by the Board from the operation of its undertakings or otherwise shall be applied to,

(a) operating expenses;

(b) payment of interest on indebtedness;

(c) repayment of principal moneys borrowed; and

(d) improvement of its premises and facilities, including the purchase of fixed assets.

(2) Subject to subsection (4), any surplus moneys remaining in any year after the payments mentioned in subsection (1) are made in that year shall, where such moneys are not immediately required for the purposes of subsection (1), be used to establish and maintain a reserve fund,

(a) the amount of which shall not exceed $500,000;

(b) the interest from which shall be used by the Board for the operation of its undertakings; and
(c) the principal of which may from time to time be used by the Board for any purpose approved by the Lieutenant Governor in Council upon the recommendation of the Board and the Minister.

(3) Moneys used to establish and maintain the reserve fund shall be paid to the Treasurer of Ontario and deposited in the Consolidated Revenue Fund and shall constitute a fund to be known as the Ontario Stock Yards Board Reserve Fund and section 7 of the Financial Administration Act applies thereto.

(4) In any year in which the amount of the reserve fund is $500,000, the surplus moneys referred to in subsection (2) shall be used to reduce the fees charged by the Board for services provided at any stock yard that it operates. 1975, c. 57, s. 1.

8. The Board shall, not later than the 31st day of January in every year, make an annual report to the Minister upon its operations during the preceding year and such report shall be laid before the Assembly as soon as may be. R.S.O. 1970, c. 448, s. 8.

9. The books and accounts of the Board shall be audited and checked from time to time by the Provincial Auditor or such other auditor as the Lieutenant Governor in Council designates and the auditor shall make an annual report to the Treasurer of Ontario. R.S.O. 1970, c. 448, s. 9.

10. The Board may be sued and may institute or defend proceedings in any court. R.S.O. 1970, c. 448, s. 10.

11. The real and personal property, business and income of the Board are exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of the Legislature. R.S.O. 1970, c. 448, s. 11.

12. No person, other than the Board, shall construct, maintain or operate any stock yard or any premises where live stock is assembled for the purpose of sale either directly or indirectly to an abattoir, packing house or slaughter house except with the approval of the Board, but this section does not apply to any such stock yard or premises that was so operated on the 12th day of May, 1944, so long as such stock yard or premises is not extended or enlarged. R.S.O. 1970, c. 448, s. 12.

13. Where the Board refuses an approval requested under section 12, the applicant for approval may appeal the decision of the Board to the Minister who, after affording the applicant
an opportunity to make representations, may confirm, rescind or alter the decision of the Board as the Minister considers proper, and the decision of the Minister is final. 1971, c. 50, s. 80.

14. Subject to the approval of the Lieutenant Governor in Regulations Council, the Minister may make regulations,

(a) prescribing the officers of the Board and prescribing the powers and duties of such officers and of any manager;

(b) prescribing the form of the seal of the Board;

(c) limiting or regulating the objects and powers of the Board or the exercise thereof;

(d) prescribing the records, books and accounts to be kept by the Board;

(e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

R.S.O. 1970, c. 448, s. 13.