

1980

c 270 Ministry of Agriculture and Food Act

Ontario

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Bibliographic Citation

Ministry of Agriculture and Food Act, RSO 1980, c 270

Repository Citation

Ontario (1980) "c 270 Ministry of Agriculture and Food Act," *Ontario: Revised Statutes*: Vol. 1980: Iss. 4, Article 45.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1980/iss4/45>

CHAPTER 270

Ministry of Agriculture and Food Act

1. In this Act,

Interpre-
tation

- (a) "Minister" means the Minister of Agriculture and Food;
- (b) "Ministry" means the Ministry of Agriculture and Food. R.S.O. 1970, c. 109, s. 1; 1972, c. 1, s. 1, *amended*.

2.—(1) The ministry of the public service known as the Ministry of Agriculture and Food is continued. 1972, c. 1, s. 5 (2); 1972, c. 1, ss. 1, 2, *amended*.

Ministry
continued

(2) The Minister shall preside over and have charge of the Ministry. R.S.O. 1970, c. 109, s. 2 (2); 1972, c. 1, s. 1.

Minister
to have
charge

3. Subject to the *Public Service Act* there may be appointed a Deputy Minister of Agriculture and Food and such other officers, clerks and servants as the Minister considers necessary for the proper conduct of the business of the Ministry. R.S.O. 1970, c. 109, s. 3; 1972, c. 1, s. 1.

Deputy
Minister
and staff
R.S.O. 1980,
c. 418

4. Subject to the *Executive Council Act*, the Minister has the direction and control of,

Powers of
Minister
R.S.O. 1980,
c. 147

- (a) the administration of the law relating to agriculture and food 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 by the Lieutenant Governor in Council. R.S.O. 1970, c. 109, s. 4; 1972, c. 1, s. 1.

5.—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may establish programs for the encouragement of any branch of agriculture or food. R.S.O. 1970, c. 109, s. 5 (1).

Establish-
ment of
programs

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. R.S.O. 1970, c. 109, s. 5 (2); 1972, c. 1, s. 1;

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. 1970, c. 109, s. 5 (3).

Guarantee
of loans

6.—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he considers proper, agree to guarantee and may guarantee the payment of any loan or loans or any part thereof, together with interest thereon, made to farmers for the encouragement of any branch of agriculture or food and any such guarantee may, without limiting the generality of the foregoing,

- (a) limit the amount of any individual loan to which the guarantee shall apply;
- (b) define the class or classes of farmers to whom any such loan may be made; and
- (c) define the purposes for which application may be made by farmers for any such loan.

Form of
guarantee

(2) The form and manner of any such guarantee shall be such as the Lieutenant Governor in Council approves and the guarantee shall be signed by the Treasurer of Ontario and Minister of Economics who may sign as Treasurer of Ontario, 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.

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.

Payment of
guarantee,
interest

(4) The Lieutenant Governor in Council may make arrangements for supplying the moneys 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.

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 may prescribe, authorize the payment by the Province of Ontario out of the moneys 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 moneys payable under a loan that is made pursuant to a guarantee and that is in default.

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

Payment
of loss
limited

- (a) fees, disbursements, allowances or charges owing by the person to whom the guarantee is given to his solicitor respecting matters for which costs may be taxed under the Rules of Practice of the Supreme Court of Ontario; 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 moneys payable under a loan that is made pursuant to the guarantee and that is in default. 1972, c. 135, s. 1.

7. Where a program has been established under section 5 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. 1970, c. 109, s. 6.

Grants to
veterinary
fund

8. Where any work of the Ministry is carried on elsewhere than at the seat of Government, the Minister may appoint such officers, clerks, servants and labourers as he considers necessary and may fix their salaries or other remuneration, and may designate the appropriation against which the same shall be charged, and the same are payable out of such appropriation accordingly. R.S.O. 1970, c. 109, s. 7; 1972, c. 1, s. 1.

Appointment
and re-
muneration
of outside
employees

9. 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. 1970, c. 109, s. 8; 1972, c. 1, s. 1.

Annual
report

10.—(1) The Agricultural Licensing and Registration Review Board is continued and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council.

Board
continued

Chairman
and vice-
chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and one or more of the remaining members as vice-chairman.

Alternate
chairman

(3) Where there is more than one vice-chairman, the Lieutenant Governor in Council shall designate one of the vice-chairmen as alternate chairman.

Assignment
to divisions
of Board

(4) The chairman, or in the case of his absence or inability to act, the alternate chairman, shall from time to time assign the members of the Board to divisions thereof and may change any such assignment at any time.

Member may
complete
duties, etc.

(5) Where a member of the Board resigns or his term of office has expired, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not ceased to be a member, in connection with any matters in respect of which there was any proceeding in which he participated as a member of the Board.

Quorum

(6) The chairman or a vice-chairman and two members constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board.

Board may
sit in
divisions

(7) The Board may sit in two or more divisions simultaneously so long as a quorum of the Board is present in each division.

Decisions

(8) The decision of the majority of the members of the Board present and constituting a quorum is the decision of the Board, but, if there is no majority, the decision of the chairman or vice-chairman presiding governs.

Practice and
procedure
R.S.O. 1980,
c. 484

(9) The Board may, subject to the *Statutory Powers Procedure Act*, and to the provisions of the Act under which a hearing is held, determine its own practice and procedure.

Remuneration

(10) Members of the Board who are not officers in the public service of Ontario shall receive such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. 1978, c. 100, s. 1, *part*.

Tribunal
continued

11.—(1) The Farm Products Appeal Tribunal is continued and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council.

Chairman
and vice-
chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Tribunal as chairman and one or more of the remaining members as vice-chairman.

(3) Where there is more than one vice-chairman, the Lieutenant Governor in Council shall designate one of the vice-chairmen as alternate chairman.

Alternate chairman

(4) The chairman, or in the case of his absence or inability to act, the alternate chairman, shall from time to time assign the members of the Tribunal to divisions thereof and may change any such assignment at any time.

Assignment to divisions of Tribunal

(5) Where a member of the Tribunal resigns or his term of office has expired, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not ceased to be a member, in connection with any matters in respect of which there was any proceeding in which he participated as a member of the Tribunal.

Member may complete duties, etc.

(6) The chairman or vice-chairman and two members constitute a quorum and are sufficient for the exercise of all of the jurisdiction and powers of the Tribunal.

Quorum

(7) The Tribunal may sit in two or more divisions simultaneously so long as a quorum of the Tribunal is present in each division.

Tribunal may sit in divisions

(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 chairman or vice-chairman presiding governs.

Decisions

(9) The Tribunal may, subject to this Act and the *Statutory Powers Procedure Act*, determine its own practice and procedure.

Practice and procedure
R.S.O. 1980, c. 484

(10) Members of the Tribunal who are not officers in the public service of Ontario shall receive such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. 1978, c. 100, s. 1, *part*.

Remuneration

12. In sections 13, 14 and 15,

Interpretation

(a) "Board" means The Farm Products Marketing Board;

(b) "Commission" means The Milk Commission of Ontario;

(c) "Director" means the Director appointed under the *Milk Act*;

R.S.O. 1980, c. 266

(d) "local board" means a local board constituted under the *Farm Products Marketing Act*;

R.S.O. 1980, c. 158

(e) "marketing board" means a marketing board constituted under the *Milk Act*;

(f) "Tribunal" means the Farm Products Appeal Tribunal. 1978, c. 100, s. 1, *part*.

Appeal to
Tribunal

13.—(1) Subject to subsection (4), where a person considers himself aggrieved by any order, direction or decision of the Board, the Commission or the Director, made under the *Farm Products Marketing Act* or the *Milk Act*, as the case may be, he may appeal to the Tribunal by serving upon the Tribunal written notice of the appeal.

R.S.O. 1980,
cc. 158, 266

Idem

(2) Subject to subsections (4) and (5), where any person considers himself aggrieved by any order, direction, decision or regulation made under the *Farm Products Marketing Act* by a local board or under the *Milk Act* by a marketing board, he may appeal to the Tribunal by serving upon the Tribunal written notice of the appeal.

Contents
of notice

(3) Every notice under subsection (1) or (2) shall contain a statement of the matter being appealed and the name and address of the person making the appeal.

Tribunal
may refuse
to hear
appeal

(4) Notwithstanding anything in this section, the Tribunal, in respect of an appeal commenced after the 1st day of February, 1979, 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, decision or regulation of which the appellant has had knowledge for more than two years before the notice is served under subsection (1) or (2) 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 personal interest in the subject-matter of the appeal.

Application
for recon-
sideration
of order, etc.

(5) No appeal may be taken from any order, direction, 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 reconsideration thereof under section 14 and the local board or marketing board has refused to grant, in whole or in part, the relief requested by the appellant; or
- (b) the appellant and the local board or marketing board have waived their respective rights under section 14 in writing.

(6) Upon receipt of a notice under subsection (1) or (2), the Tribunal shall forthwith notify the Board, 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 possession.

Persons entitled to notice

(7) In any appeal under subsection (1) or (2), the Tribunal shall, within seven days after the notice referred to in subsection (1) or (2) is received, serve notice upon the person making the appeal and upon any body entitled to receive notice under subsection (6) or the Director, as the case may be, of the date, time and place at which the appeal will be heard.

Notice of date, etc., of hearing

(8) The Tribunal shall hear and decide any appeal under subsection (1) or (2) within thirty days after the date set for the hearing, but the Tribunal may, at the request of any party to the proceedings, adjourn the hearing from time to time for such period or periods of time as the Tribunal considers just.

Hearing of appeal

(9) At any hearing under this section, the person making the appeal and any person entitled to receive notice under subsection (6) are parties to the appeal and the *Statutory Powers Procedure Act* applies.

Parties

R.S.O. 1980, c. 484

(10) Upon an appeal to the Tribunal under subsection (1) or (2), the Tribunal may by order direct the Board, the Commission, the local board, the marketing board or the Director, as the case may be, to take such action as it or he 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 Board, the Commission, the local Board, the marketing board or the Director.

Powers of Tribunal on appeal

R.S.O. 1980, cc. 158, 266

(11) The Tribunal shall, within ten days after the hearing is completed, serve notice of its decision upon all parties to the appeal and upon the Minister.

Notice of decision

(12) 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.

Objection to proceeding

(13) Where a notice is served under this section, it may be served personally or,

Service of notice

(a) where the notice is served on the Board, the Commission, the local board, the marketing board, the Tribunal or the Director, by mailing the notice

to it or him at its or his usual business address;
or

- (b) where the notice is served on a person making an appeal, by mailing the notice to the address shown in his notice of appeal.

Tribunal
may reopen
hearing

(14) After the Tribunal has decided an appeal under this section, the Tribunal may reopen the hearing on its own motion and make a new decision, and the procedure for an appeal under this section applies to the rehearing. 1978, c. 100, s. 1, *part*.

Request for
reconsider-
ation of order,
etc.

14.—(1) Where any person considers himself aggrieved by an order, direction or decision of the Board, the Commission, a local board, a marketing board, the Tribunal or the Director, he may by written application therefor request it or him to reconsider such order, direction or decision.

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 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 considers proper under any law applicable thereto.

Request for
reconsider-
ation of
regulation

(3) Where any person is affected by any regulation made by a local board or a marketing board, he 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.

Idem

(4) Where any person is affected by any regulation made by the Board or the Commission, he may request the Board or the Commission to reconsider the regulation by serving upon the Board or the Commission written notice of the request.

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. 1980,
c. 484
applies

(6) The *Statutory Powers Procedure Act* applies to a hearing under this section. 1978, c. 100, s. 1, *part*.

Powers of
Minister

15.—(1) Within thirty days after receipt by the Minister of a decision of the Tribunal under this Act or within such longer period as may be determined by the Minister within such thirty day period, the Minister may,

- (a) vary the whole or any part of the decision;
- (b) substitute for the decision of the Tribunal such decision as he considers appropriate; or
- (c) ~~by~~ notice to the Tribunal require the Tribunal to hold a new hearing of the whole or any part of the matter appealed to the Tribunal and reconsider its decision.

(2) Subject to subsection (3), a decision of the Tribunal is final ^{Decision is final} after the expiration of the period or periods mentioned in subsection (1) unless, under subsection (1), the decision is varied or a decision is substituted for the decision of the Tribunal or a new hearing is required.

(3) A decision of the Tribunal that has been varied under clause ^{Idem} (a) or that has been substituted for the decision of the Tribunal under clause (1) (b) is final.

(4) The Minister shall give notice, together with written ^{Notice to be given by Minister} reasons therefor, of any variation, substitution or requirement of a new hearing under subsection (1) to all parties to the appeal and to the Tribunal. 1978, c. 100, s. 1, *part*.

