

1960

c 385 Stock Yards Act

Ontario

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CHAPTER 385

The 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;
- (e) "regulations" means the regulations made under this Act;
- (f) "securities" includes bonds, debentures and promissory notes. R.S.O. 1950, c. 376, s. 1.

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

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

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

(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. Chairman, vice-chairman

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

(6) The members of the Board shall receive such fees and expenses as the Lieutenant Governor in Council determines, 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 determines. R.S.O. 1950, c. 376, s. 2. Allowances and expenses

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 by 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. Officers

Employees

(2) Subject to the approval of the Board, the manager of a stock yard may appoint such employees as he deems necessary and fix their salaries or other remuneration. R.S.O. 1950, c. 376, s. 3.

Objects

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.

Power to borrow money and issue securities

(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 determines.

General powers
R.S.O. 1960,
c. 71

(3) The Board has the powers set out in sections 22 and 288 of *The Corporations Act*. R.S.O. 1950, c. 376, s. 4.

Acquiring land, etc.

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,
 - (iii) any other land or property that it deems 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 Public Works in relation to a public work by *The Public Works Act* and in the application of this section where the words "the Minister", "the Department" or "the Crown" appear in such Act, they, where the context permits, mean the Board.

R.S.O. 1960,
c. 338

Mode of perfecting title

(2) Upon the deposit in the proper registry or land titles office of a plan and description of the land acquired by the Board, signed by the chairman of the Board and by an Ontario

land surveyor, the land so described thereupon vests in the Board.

(3) Except as otherwise provided in this Act, the Board shall, in the exercise of its compulsory powers authorized by this section, proceed in the manner provided by *The Public Works Act* where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to the fixing, payment and application of compensation apply *mutatis mutandis*. Procedure R.S.O. 1960, c. 338

(4) No action or proceeding of the Board taken pursuant to this section shall be restrained by injunction or process or proceeding in any court. Exercise of powers not to be enjoined R.S.O. 1950, c. 376, s. 5.

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. Guarantee by Province

(2) The form of any such guarantee and the manner of its execution shall be determined by the Lieutenant Governor in Council. Form of guarantee R.S.O. 1950, c. 376, s. 6.

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

- (a) operating expenses;
- (b) payment of interest on indebtedness; and
- (c) repayment of principal moneys borrowed.

(2) Any surplus moneys shall be paid to the Treasurer of Ontario and deposited in the Consolidated Revenue Fund, and shall constitute a fund known as the Live-stock Improvement Fund appearing on the books of the Treasurer of Ontario as the Live-stock Improvement Fund. Surplus moneys

(3) The Live-stock Improvement Fund is available for the purposes of the improvement of live stock and for such purpose the Minister may, with the approval of the Lieutenant Governor in Council, direct payment out of the Fund of such amounts to such persons or organizations as he deems proper. Payments out of Fund R.S.O. 1950, c. 376, s. 7.

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. Annual report of Board R.S.O. 1950, c. 376, s. 8.

Audit

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. 1950, c. 376, s. 9.

Authority
to sue and
be sued

10. The Board may be sued and may institute or defend proceedings in any court. R.S.O. 1950, c. 376, s. 10.

Taxation

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. 1950, c. 376, s. 11; 1952, c. 66, s. 9 (1).

Operation
of stock
yards

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. 1950, c. 376, s. 12.

Regulations

13. Subject to the approval of the Lieutenant Governor in 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. 1950, c. 376, s. 13.
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