1978

c 100 The Ministry of Agriculture and Food Statute Law Amendment and Repeal Act, 1978

Ontario
CHAPTER 100

An Act to amend and repeal certain Acts administered by the Ministry of Agriculture and Food

Assented to December 15th, 1978

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

1. The Ministry of Agriculture and Food Act, being chapter 109 R.S.O. 1970, c. 109, is amended by adding thereto the following sections:

9.—(1) A board to be known as the "Agricultural Licensing and Registration Review Board" is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council.

(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.

(3) Where there is more than one vice-chairman, the Lieutenant Governor in Council shall designate one of the vice-chairmen as 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 Board to divisions thereof and may change any such assignment at any time.

(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.

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

(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.

(9) The Board may, subject to The Statutory Powers Procedure Act, 1971, and to the provisions of the Act under which a hearing is held, determine its own practice and procedure.

(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.

10.—(1) A board to be known as the “Farm Products Appeal Tribunal” is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council.

(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.

(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.

(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.

(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.

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

(9) The Tribunal may, subject to this Act and The Statutory Powers Procedure Act, 1971, determine its own practice and procedure.

(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.

11. In sections 12, 13 and 14,

(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;

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

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

(f) "Tribunal" means the Farm Products Appeal Tribunal.

12.—(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.

(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.

(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.
(4) Notwithstanding anything in this section, the Tribunal, in respect of an appeal commenced after this section comes into force, 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.

(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 13 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 13 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.

(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.
(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.

(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, 1971, c. 47 applies.

(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, R.S.O. 1970, c. 162, 273 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.

(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.

(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.

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

(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.

(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.
13.—(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.

(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.

(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.

(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.

(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.

(6) The Statutory Powers Procedure Act, 1971 applies to a hearing under this section.

14.—(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 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 a or that has been substituted for the decision of the Tribunal under clause b of subsection 1 is final.

(4) The Minister shall give notice, together with written 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.

2.—(1) Clause a of section 1 of The Agricultural Tile Drainage Installation Act, 1972, being chapter 38, is repealed and the following substituted therefor:

(a) “Board” means the Agricultural Licensing and Registration Review Board established under The Ministry of Agriculture and Food Act.

(2) Section 8 of the said Act is repealed.

3.—(1) Clause j of section 1 of The Animals for Research Act, 1970, being chapter 22 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(j) “Review Board” means the Agricultural Licensing and Registration Review Board established under The Ministry of Agriculture and Food Act.

(2) Section 2 of the said Act is repealed.

4.—(1) Clause aa of section 1 of The Artificial Insemination of Live Stock Act, being chapter 30 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 119, section 2, is repealed and the following substituted therefor:

(aa) “Board” means the Agricultural Licensing and Registration Review Board established under The Ministry of Agriculture and Food Act.

(2) Section 9d of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 9 and amended by 1973, chapter 119, section 6, is repealed.

5.—(1) Clause e of subsection 1 of section 1 of The Commodity Board Members Act, 1976, being chapter 7, is repealed and the following substituted therefor:
(c) "Tribunal" means the Farm Products Appeal Tribunal established under The Ministry of Agriculture and Food Act.

(2) The said Act is amended,

(a) by striking out "having jurisdiction over that commodity board" in the third and fourth lines of section 3;

(b) by striking out "proper" in the fifth line of subsection 1 of section 4; and

(c) by striking out "a" where it occurs the first time in the first line of subsection 2 of section 5 and inserting in lieu thereof "the".

6.—(1) Clause a of section 1 of The Dead Animal Disposal Act, being chapter 105 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 26, is repealed and the following substituted therefor:

(a) "Board" means the Agricultural Licensing and Registration Review Board under The Ministry of Agriculture and Food Act.

(2) Section 5e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 26, is repealed.

7.—(1) Clause ab of section 1 of The Edible Oil Products Act, being chapter 138 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 34, is repealed.

(2) The said section 1, as amended by the Statutes of Ontario, 1971, chapter 50, section 34 and 1972, chapter 9, section 1, is further amended by adding thereto the following clause:

(g) "Tribunal" means the Farm Products Appeal Tribunal established under The Ministry of Agriculture and Food Act.

(3) Sections 4e, 4f and 4g of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 34, are amended by striking out "Commission" wherever it occurs and inserting in lieu thereof in each instance "Tribunal".
8.—(1) Clauses b and g of section 1 of *The Farm Products Grades and Sales Act*, being chapter 161 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 6, section 1, are repealed and the following substituted therefor:

(b) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*;

(g) "Director" means the Director appointed under this Act.

(2) Section 5 of the said Act is repealed and the following substituted therefor:

5. The Minister may appoint a Director to administer and enforce this Act and inspectors and graders whose duties are to carry out the provisions of this Act.

(3) Section 9h of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 6, section 3, is repealed.


10.—(1) Clause a of section 1 of *The Grain Elevator Storage Act*, being chapter 195 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1973, chapter 88, section 1, is repealed and the following substituted therefor:

(a) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

(2) Section 8c of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 88, section 2, is repealed.

11.—(1) Clause a of section 1 of *The Live Stock and Live Stock Products Act*, being chapter 251 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 52, is repealed and the following substituted therefor:

(a) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*. 
(2) Section 2c of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 52, is repealed.

12.—(1) Clause a of section 1 of The Live Stock Community Sales Act, being chapter 253 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 53, is repealed and the following substituted therefor:

(a) "Board" means the Agricultural Licensing and Registration Review Board established under The Ministry of Agriculture and Food Act.

(2) Section 3e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 53, is repealed.

13.—(1) Clause a of section 1 of The Live Stock Medicines Act, 1973, being chapter 80, is repealed and the following substituted therefor:

(a) "Board" means the Agricultural Licensing and Registration Review Board established under The Ministry of Agriculture and Food Act.

(2) Section 9 of the said Act is repealed.

14.—(1) Clause aa of section 1 of The Meat Inspection Act (Ontario), being chapter 266 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 56, is repealed and the following substituted therefor:

(aa) "Board" means the Agricultural Licensing and Registration Review Board established under The Ministry of Agriculture and Food Act.

(2) Section 3e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 56, is repealed.

15.—(1) Paragraph 8a of section 1 of The Milk Act, being chapter 273 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 162, section 1, is repealed and the following substituted therefor:

8a. "Director" means the Director appointed under this Act.

(2) Section 12a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 162, section 4, is amended by renumbering subsections 1, 2, 3 and 4 as subsections 2, 3,
4 and 5, respectively, and by adding thereto the following subsection:

(1) The Minister may appoint a Director for the purposes of this Act.

(3) Section 26, as amended by the Statutes of Ontario, 1972, s. 26, 26a, chapter 162, section 10, and sections 26a and 26b, as repealed by the Statutes of Ontario, 1972, chapter 162, section 11, of the said Act, are repealed.

16.—(1) Clause ab of section 1 of The Oleomargarine Act, being chapter 304 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 60, is repealed.

(2) The said section 1, as amended by the Statutes of Ontario, 1971, chapter 50, section 60, is further amended by adding thereto the following clause:

(f) "Tribunal" means the Farm Products Appeal Tribunal established under The Ministry of Agriculture and Food Act.

(3) Sections 6e, 6f and 6g of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 60, are amended by striking out "Commission" wherever it occurs and inserting in lieu thereof in each instance "Tribunal".


18.—(1) Clause a of section 1 of The Plant Diseases Act, being chapter 350 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 67, is repealed and the following substituted therefor:

(a) "Board" means the Agricultural Licensing and Registration Review Board established under The Ministry of Agriculture and Food Act.

(2) Section 4e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 67, is repealed.

20.—(1) Clause 1 of section 1 of The Provincial Auctioneers Act, being chapter 368 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 69, is repealed and the following substituted therefor:

(a) "Board" means the Agricultural Licensing and Registration Review Board established under The Ministry of Agriculture and Food Act.

(2) Section 1e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 69, is repealed.

21.—(1) Clause 1 of section 1 of The Riding Horse Establishments Act, 1972, being chapter 59, is repealed and the following substituted therefor:

(a) "Board" means the Agricultural Licensing and Registration Review Board established under The Ministry of Agriculture and Food Act.

(2) Section 2 of the said Act is repealed.

22.—(1) Clause 1 of section 1 of The Seed Potatoes Act, being chapter 429 of the Revised Statutes of Ontario, 1970, is repealed.

(2) Section 3 of the said Act is repealed and the following substituted therefor:

3. The clerk shall send a certified copy of a by-law passed under section 2 to the Ministry of Agriculture and Food within seven days after it is passed.

23. Where, on the day this Act comes into force, any matter of a kind that may be appealed to the Agricultural Licensing and Registration Review Board or the Farm Products Appeal Tribunal is pending before The Farm Products Marketing Board, The Milk Commission of Ontario or any board established under a provision that is repealed by this Act and,

(a) no hearing has been commenced, the Agricultural Licensing and Registration Review Board or the Farm Products Appeal Tribunal, as the case may be, is seized of the matter and may deal with it as if the matter had been originally directed to it; or

(b) a hearing has been commenced, the body before which the hearing has been commenced may complete its hearing and may decide the matter as fully and effec-
tively for all purposes as if this Act had not been
enacted or may, in its discretion, direct that the matter
be referred to and commenced anew before the Agri-
cultural Licensing and Registration Review Board or the
Farm Products Appeal Tribunal, as the case may be.

24. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
