1972

c 145 The Wolf Damage to Live Stock Compensation Act, 1972

Ontario
CHAPTER 145

An Act respecting the Payment of Damages Caused to Live Stock by Wolves

Assented to December 15th, 1972
Session Prorogued December 15th, 1972

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

1. In this Act,

(a) "district forester" means the official of the Ministry designated as the district forester for the administrative district of the Ministry in which the live stock in respect of which an application is made under this Act was killed or injured;

(b) "live stock" means cattle, goats, horses, sheep, swine or poultry that are maintained in accordance with the practice of good husbandry;

(c) "Minister" means the Minister of Natural Resources;

(d) "Ministry" means the Ministry of Natural Resources;

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

(f) "wolf" means any of the species Canis lupus L. or Canis latrans Say.

2.—(1) Where death of or injury to live stock is caused by a wolf, the owner of the live stock may make an application for compensation to the district forester in the manner prescribed by the regulations.

(2) Subject to subsections 3, 4 and 5, the district forester may, in respect of an application made under subsection 1, pay to the applicant such amount as the district forester considers reasonable, but not exceeding the market value of the live stock in respect of which payment is made.
Amount of payment limited

(3) No payment shall be made under subsection 2 of an amount in respect of,

(a) a head of cattle in excess of $500;
(b) a goat in excess of $100;
(c) a horse in excess of $500;
(d) a sheep in excess of $100;
(e) a head of swine in excess of $100; or
(f) poultry of one owner, killed or injured in any year, in excess of $500.

Reduction in payment by reason of insurance

R.S.O. 1970, c. 133

(4) Where an applicant is entitled to receive an amount under a contract of insurance against loss by reason of the death of or injury to live stock or under a by-law passed under subsection 3 of section 13 of The Dog Tax and Live Stock and Poultry Protection Act, in respect of the live stock for which he has made application under subsection 1, the district forester shall apply an amount equal to that amount in reduction of any payment under subsection 2.

No payment of compensation

(5) No payment shall be made under subsection 2 in respect of an animal that died or was injured as a result of infection attributed to the bite of a wolf.

Hearing

3.—(1) Before refusing to pay compensation to an applicant or before paying compensation in an amount less than the amount applied for, the district forester shall cause an officer in the Ministry to hold a hearing to which the applicant shall be a party.

Report

(2) The officer holding a hearing under subsection 1 shall make a report to the district forester of his findings of fact and law at the hearing.

Application of 1971, c. 47, ss. 6-16, 21-23

(3) Sections 6 to 16 and 21 to 23 of The Statutory Powers Procedure Act, 1971 apply with respect to a hearing under this section.

Decision after hearing

(4) After considering the report of the officer holding a hearing under this section, the district forester may refuse to pay compensation or may award such compensation as he considers proper and shall give his reasons for his decision to the applicant.
(5) An applicant who has been refused compensation or who is not satisfied with the amount of the compensation awarded by the district forester may, within thirty days of the mailing of the reasons for the decision of the district forester, appeal to the Minister from the decision and the Minister shall consider the report of the officer holding the hearing and of the district forester and may refuse to pay compensation or award such compensation as he considers proper.

4. The Lieutenant Governor in Council may appoint persons to act as valuers for the purpose of this Act and may declare persons appointed under section 2 of The Hunter Damage Compensation Act to be such valuers.

5. The moneys required for the purposes of this Act shall be payable until the 31st day of March, 1973, out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature.

6.—(1) No person shall apply for compensation under this Act in respect of an animal in respect of which an application for compensation under this Act has theretofore been made.

(2) No person shall make a false or misleading statement in an application under this Act.

(3) Every person who contravenes this section is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000.

7.—(1) The Lieutenant Governor in Council may make regulations,

(a) prescribing the manner of making an application for compensation;

(b) prescribing the conditions under which an application for compensation may be made;

(c) prescribing the conditions under which compensation may be paid;

(d) prescribing forms and providing for their use;

(e) prescribing the duties of valuers.

(2) Any regulation may be limited territorially or as to time or otherwise.
Commencement

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as The Wolf Damage to Live Stock Compensation Act, 1972.