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**REVISED REGULATIONS
OF ONTARIO, 1990**

**RÈGLEMENTS REFONDUS
DE L'ONTARIO DE 1990**

VOLUME 3

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TORONTO
1992

The Revised Regulations of Ontario, 1990 were prepared by the Commissioners appointed under the *Regulations Revision Act, 1989*.

Les Règlements refondus de l'Ontario de 1990 ont été préparés par les commissaires nommés en vertu de la *Loi de 1989 sur la refonte des règlements*.



USER'S GUIDE TO THE REVISED REGULATIONS OF ONTARIO, 1990

Contents of the Revised Regulations of Ontario, 1990

The Revised Regulations of Ontario, 1990 contain the Regulations of Ontario filed before January 1, 1991, as arranged, consolidated and revised in accordance with the *Regulations Revision Act, 1989*. Regulations that are not of general application but that are still in force are listed in the Schedule contained in the final volume of these Revised Regulations. Obsolete regulations have been omitted from both the Revision and the Schedule. They have no further effect.

Regulations which have been amended or remade

Amendments made to the Regulations of Ontario on or after January 1, 1991, are not contained in the Revised Regulations of Ontario, 1990. Regulations which were in force on December 31, 1990 but which were revoked or remade between that date and September 1, 1991 are not contained in the Revised Regulations of Ontario, 1990. Amendments and remade regulations will be published as a supplementary revision in *The Ontario Gazette*.

To determine if a regulation contained in the Revised Regulations of Ontario, 1990 has been amended, refer to the Table of Regulations published in the most recent annual statute volume and in *The Ontario Gazette*. The table lists all of the regulations contained in the Revised Regulations of Ontario, 1990, and all regulations filed on or after January 1, 1991, and shows whether or not a regulation has been amended, remade or revoked.

To determine if a regulation has been amended, remade, or revoked since the publication of the latest Table of Regulations, reference should be made to the weekly publications of *The Ontario Gazette*.

Arrangement of the Revised Regulations of Ontario, 1990

The Table of Regulations in each volume lists the statutes alphabetically in English and shows for each statute the regulations made under it.

A reader who knows the English title of an Act may find the regulations made under that Act by consulting the Table of Regulations. A reader who knows the French language subject-matter of an Act under which

GUIDE D'UTILISATION DES RÈGLEMENTS REFONDUS DE L'ONTARIO DE 1990

Contenu des Règlements refondus de l'Ontario de 1990

Les Règlements refondus de l'Ontario de 1990 rassemblent les règlements de l'Ontario déposés avant le 1^{er} janvier 1991, tels qu'ils ont été arrangés, codifiés et refondus conformément à la *Loi de 1989 sur la refonte des règlements*. Les règlements qui ne sont pas de portée générale, mais qui demeurent en vigueur, sont énumérés dans l'annexe qui se trouve dans le dernier volume du présent recueil. Les règlements caducs ont été omis du recueil et de l'annexe; ils n'ont plus d'effet juridique.

Règlements modifiés ou pris de nouveau

Les modifications apportées aux règlements de l'Ontario depuis le 1^{er} janvier 1991 ne figurent pas dans les Règlements refondus de l'Ontario de 1990. Les règlements qui étaient en vigueur le 31 décembre 1990 mais qui ont été abrogés ou pris de nouveau entre cette date et le 1^{er} septembre 1991 ne figurent pas non plus dans le recueil. Les modifications et les règlements pris de nouveau seront publiés à part à titre de refonte supplémentaire dans la *Gazette de l'Ontario*.

Pour déterminer si un règlement figurant dans les Règlements refondus de l'Ontario de 1990 a été modifié, il suffit de se reporter à la Table des règlements contenue dans le plus récent volume annuel des lois ainsi que dans la *Gazette de l'Ontario*. Cette table énumère tous les règlements contenus dans les Règlements refondus de l'Ontario de 1990 ainsi que tous les règlements déposés depuis le 1^{er} janvier 1991; elle indique également si un règlement a été modifié, pris de nouveau ou abrogé.

Pour déterminer si un règlement a été modifié, pris de nouveau ou abrogé depuis la publication de la plus récente Table des règlements, il faut se reporter aux publications hebdomadaires dans la *Gazette de l'Ontario*.

Agencement des Règlements refondus de l'Ontario de 1990

La *Table of Regulations* qui se trouve dans chaque volume énumère les Lois refondues de l'Ontario de 1990 par ordre alphabétique anglais et indique, à la suite de chaque loi, les règlements pris en application de celle-ci.

L'utilisateur qui connaît le titre anglais d'une loi peut trouver les règlements pris en application de celle-ci en consultant cette table. L'utilisateur qui connaît le titre français d'une loi en application de laquelle un règlement peut

a regulation may have been made may find the English title of the Act by consulting the *Table alphabétique des matières* in volume 9 and then cross-referencing to the Table of Statutes of the Revised Statutes of Ontario, 1990 which is also set out in volume 9.

Title Changes

The Revised Statutes of Ontario, 1990 changed the titles of several statutes. These include the *Agricultural Development Finance Act* (now *Province of Ontario Savings Office Act*), the *Apprenticeship and Tradesmen's Qualification Act* (now *Trades Qualification Act*) and the *Dog Licensing and Live Stock and Poultry Protection Act* (now *Livestock, Poultry and Honey Bee Protection Act*).

Minor changes have been made to the titles of other Acts. Regulations made under the former Act appear under the new title where the Commissioners are of the opinion the regulations still have effect.

Rules of Civil Procedure

The Rules of Civil Procedure made under the *Courts of Justice Act* are published in Volume 9.

Volume 9 of the Revised Regulations of Ontario, 1990

In addition to the Rules of Civil Procedure, Volume 9 of the Revised Regulations of Ontario, 1990 contains the following items that may be of interest:

1. A copy of the report of the Regulation Revision Commissioners on the Revised Regulations of Ontario, 1990.
2. The *Regulations Revision Act, 1989*, S.O. 1989, c. 82 under which the Revised Regulations of Ontario, 1990 were prepared is included for purposes of convenient reference.
3. A Schedule to the Revised Regulations of Ontario, 1990, which shows those regulations which remain in force until revocation or expiry but which are not set forth in full because they are not of general application.
4. A copy of the Table of Statutes from the Revised Statutes of Ontario, 1990 and a copy of the *Table alphabétique des matières*.

English and French Versions of Regulations

Regulations that were made in English and French appear in bilingual form in the Revised Regulations of Ontario, 1990. Regulations which were made in English only and

avoir été pris, peut trouver le titre anglais de la loi en consultant la Table alphabétique des matières qui se trouve dans le volume 9, puis en se reportant à la *Table of Statutes* contenue dans les Lois refondues de l'Ontario de 1990 qui est également reproduite dans le volume 9.

Changement de titres

Les Lois refondues de l'Ontario de 1990 ont modifié le titre anglais de plusieurs lois; par exemple : la loi intitulée *Agricultural Development Finance Act* (maintenant intitulée *Province of Ontario Savings Office Act*), *Apprenticeship and Tradesmen's Qualification Act* (maintenant *Trades Qualification Act*) et *Dog Licensing and Live Stock and Poultry Protection Act* (maintenant *Livestock, Poultry and Honey Bee Protection Act*).

Des modifications mineures ont aussi été apportées au titre d'autres lois. Les règlements pris en application des anciennes lois figurent sous le nouveau titre lorsque les commissaires sont d'avis que les règlements ont encore un effet juridique.

Règles de procédure civile

Les Règles de procédure civile prises en application de la *Loi sur les tribunaux judiciaires* sont publiées dans le volume 9.

Le volume 9 des Règlements refondus de l'Ontario de 1990

Outre les Règles de procédure civile, le volume 9 des Règlements refondus de l'Ontario de 1990 présente certains documents d'intérêt connexe :

1. Le rapport des commissaires chargés de préparer les Règlements refondus de l'Ontario de 1990.
2. Le texte de la *Loi de 1989 sur la refonte des règlements*, L.O. 1989, chap. 82, en vertu de laquelle les Règlements refondus de l'Ontario de 1990 ont été préparés, qui est reproduit à titre indicatif.
3. Une annexe aux Règlements refondus de l'Ontario de 1990 indiquant les règlements qui demeurent en vigueur jusqu'à leur abrogation ou leur expiration et qui ne sont pas reproduits en entier parce qu'ils ne sont pas de portée générale.
4. Le texte de la *Table of Statutes* figurant dans les Lois refondues de l'Ontario de 1990 ainsi que le texte de la *Table alphabétique des matières*.

Versions anglaise et française des règlements

Les règlements qui ont été pris en français et en anglais paraissent sous forme bilingue dans les Règlements refondus de l'Ontario de 1990. Les règlements qui n'ont été pris qu'en

for which there was no official French version on December 31, 1990, appear in English only. French versions of regulations are being prepared on a regular basis. To see if a French version has been made, the reader should follow the procedures described above under the heading "Regulations which have been amended or remade".

Citation of Regulations

A regulation in the Revised Regulations of Ontario, 1990, may be cited as "Revised Regulations of Ontario, 1990, Regulation (*number*)", as "Règlements refondus de l'Ontario de 1990, Règlement (*number*)", as "R.R.O. 1990, Reg. (*number*)" or as "R.R.O. 1990, Règl. (*number*)".

Organization of a Regulation

Every regulation is composed of numbered sections, cited as section 1, 2, 3, etc. Many sections are further divided into two or more subsections, cited as subsection (1), (2), (3), etc. Some sections and subsections also contain clauses (cited as clause (a), (b), (c), etc.), subclauses (cited as subclause (i), (ii), (iii), etc.), paragraphs (cited as paragraph 1, 2, 3, etc.) and subparagraphs (cited as subparagraph i, ii, iii, etc.). Further levels of division are possible, although they are rare.

Some regulations are divided into numbered Parts, cited as Part I, II, III, etc.

Some regulations contain a definition section that lists, in alphabetical order, definitions of terms used in the regulation. The definition section is usually at the beginning of the regulation, although definitions sometimes appear elsewhere. In a regulation that is divided into Parts, the first section of a Part often contains definitions of terms used in that Part.

Forms and Schedules to regulations usually appear at the end unless they are quite short.

Some regulations may contain a Table of Contents at the beginning of the regulation and in addition may have an index to Forms or Schedules if there are a large number of these items.

Headings

Headings in the body of a regulation do not form part of the regulation and should not be relied on as a means of interpreting the regu-

anglais et pour lesquels il n'existait aucune version française officielle le 31 décembre 1990, ne paraissent qu'en anglais. Une version française des règlements est en voie de préparation. Pour déterminer si une version française a été prise, l'utilisateur peut se reporter à la marche à suivre décrite ci-dessus sous la rubrique «Règlements modifiés ou pris de nouveau».

Citation des règlements

La citation d'un règlement des Règlements refondus de l'Ontario de 1990 peut se faire selon l'une des formules suivantes : «Règlements refondus de l'Ontario de 1990, Règlement (*numéro*)», «Revised Regulations of Ontario, 1990, Regulation (*numéro*)», «R.R.O. 1990, Règl. (*numéro*)», «R.R.O. 1990, Reg. (*numéro*)».

Division d'un règlement

Chaque règlement se compose d'articles numérotés que l'on cite ainsi : article 1, 2, 3, etc. Ces articles se divisent souvent en paragraphes cités ainsi : paragraphe (1), (2), (3), etc. Certains articles et certains paragraphes contiennent également des alinéas (cités ainsi : alinéa a), b), c), etc.), des sous-alinéas (cités ainsi : sous-alinéa (i), (ii), (iii), etc.), des dispositions (citées ainsi : disposition 1, 2, 3, etc.) et des sous-dispositions (citées ainsi : sous-disposition i, ii, iii, etc.). Des divisions plus poussées sont rares dans les textes législatifs.

Certains règlements sont également divisés en parties numérotées, citées ainsi : partie I, II, III, etc.

Certains règlements comportent une disposition qui énonce, par ordre alphabétique, la définition de certains termes utilisés dans les textes. Cette disposition se présente habituellement sous la forme d'un article placé au début du règlement, bien que certaines définitions puissent être placées ailleurs dans le texte. Dans un règlement qui est divisé en parties, le premier article d'une partie contient souvent la définition de termes utilisés dans celle-ci.

Les formules et les annexes qui font partie d'un règlement se trouvent généralement à la fin de celui-ci, à moins qu'elles ne soient très courtes.

Un sommaire figure parfois au début du règlement, ainsi qu'un index des formules ou des annexes s'il y en a un grand nombre.

Intertitres

Les intertitres d'un règlement ne font pas partie de celui-ci et ne doivent pas servir à l'interpréter. Ils ne servent qu'à faciliter l'utilisation du texte.

lation. They are included only for convenience of reference.

Historical references

Every section of every regulation in the Revised Regulations of Ontario, 1990, contains information to assist in tracing the history of the section. This historical information appears in the form of a citation, found at the end of every section and at the end of some subsections. A citation indicates the origin of the provisions between that citation and the previous citation.

For example, the historical reference "R.R.O. 1980, Reg. 1, s. 1" appears at the end of section 1 of Regulation 1, General, made under the *Abandoned Orchards Act*. This means that the provision has been carried forward without amendment from section 1 of Regulation 1 of the Revised Regulations of Ontario, 1980.

The historical reference "R.R.O. 1980, Reg. 1, s. 2, Sched. 1" appears at the end of section 2 of Regulation 1. This means that section 1 and Schedule 1 of Regulation 1 of the Revised Regulations of Ontario, 1980 have been combined.

The historical reference "O. Reg. 172/90, s. 1(1); O. Reg. 294/90, s. 1" appears at the end of subsection 1(1) of Regulation 5, Fees and Expenses — Justices of the Peace, made under the *Administration of Justice Act*. This means that subsection 1(1) of Regulation 5 as it was made by subsection 1(1) of Ontario Regulation 172/90 appears as it was amended by subsection 1(1) of Ontario Regulation 294/90.

Some historical references contain the word "revised". This means that the language of the former provision was significantly changed by the Commissioners who prepared the Revised Regulations of Ontario, 1990.

The historical references do not form part of the regulation and are included only for convenience of reference.

Interpretation Act

Readers of the Revised Regulations of Ontario, 1990, should be aware of the *Interpretation Act*, R.S.O. 1990, c. I.11. The Act contains a number of provisions that apply to the interpretation of regulations. For example, the Act contains definitions that apply to particular words and phrases used in all regulations, unless the context otherwise requires. It also contains provisions that may apply when a regulation is revoked and replaced by another regulation.

Notes historiques

Les articles de chaque règlement des Règlements refondus de l'Ontario de 1990 contiennent des renseignements qui permettent d'en retracer l'historique. Ces renseignements se trouvent, sous forme de citation, à la fin de chaque article et à la fin de certains paragraphes. La note historique indique l'origine des dispositions placées entre elle et la note précédente.

Par exemple, la note historique «R.R.O. 1980, Reg. 1, s. 1» paraît à la fin de l'article 1 du Règlement 1, «General», pris en application de la *Loi sur les vergers abandonnés*. Ceci signifie que cette disposition a été tirée sans modification de l'article 1 du Règlement 1 des Règlements refondus de l'Ontario de 1980.

La note historique «R.R.O. 1980, Reg. 1, s. 2, Sched. 1» paraît à la fin de l'article 2 du Règlement 1. Ceci signifie que l'article 1 et l'annexe 1 du Règlement 1 des Règlements refondus de l'Ontario de 1980 ont été combinés.

La note historique «Règl. de l'Ont. 172/90, par. 1 (1); Règl. de l'Ont. 294/90, art. 1» paraît à la fin du paragraphe 1 (1) du Règlement 5, «Fees and Expenses — Justices of the Peace», pris en application de la *Loi sur l'administration de la justice*. Ceci signifie que le paragraphe 1 (1) du Règlement 5 tel qu'il a été pris par le paragraphe 1 (1) du Règlement de l'Ontario 172/90 paraît tel qu'il a été modifié par le paragraphe 1 (1) du Règlement de l'Ontario 294/90.

Certaines notes historiques comportent le mot «révisé». Ceci signifie que la formulation de l'ancienne disposition a été remaniée sensiblement par les commissaires qui ont préparé les Règlements refondus de l'Ontario de 1990.

Les notes historiques ne font pas partie du texte des règlements et ne sont incluses que pour faciliter la consultation de ceux-ci.

Loi d'interprétation

Les usagers des Règlements refondus de l'Ontario de 1990 sont priés de tenir compte de la *Loi d'interprétation*, L.R.O. 1990, chap. I.11. Cette loi contient certaines dispositions qui s'appliquent à l'interprétation des règlements. Elle comporte, par exemple, des définitions qui s'appliquent aux termes et expressions utilisés dans tous les règlements, sauf lorsque le contexte exige un sens différent. Elle contient également des dispositions qui peuvent s'appliquer lorsqu'un règlement est abrogé et remplacé par un autre.

Other Laws

Readers are reminded that, in addition to Ontario regulations, particular legal issues may be affected by other kinds of laws, including the Constitution of Canada, statutes of the Parliament of Canada and the Legislature of Ontario, municipal by-laws and the common law.

Ministerial Responsibility for Regulations

Regulations are laws of Ontario. A validly made regulation has as much force in law as a statute. Regulations are all made under statutes that authorize their making. With the exception of a few statutes that are administered directly by the Legislative Assembly, every Act of the Legislature is administered through a ministry of the Ontario Government. The Ministry of Government Services publishes a brochure detailing which statutes are administered by each ministry. The brochure is entitled "Ministerial Responsibility for Acts".

Publications Ontario

Copies of the Revised Regulations of Ontario, 1990, individual regulations and other Government of Ontario publications may be obtained from Publications Ontario. Personal shopping is available at 880 Bay Street, Toronto. Customers may write to Publications Ontario, 5th Floor, 880 Bay Street, Toronto M7A 1N8. Orders may be placed by telephone at (416) 326-5300 or, toll-free in Ontario, 1-800-668-9938. Telephone Service for the hearing impaired is available at (416) 325-3408 or, toll-free in Ontario, 1-800-268-7095. Mastercard and Visa are accepted. Cheques and money orders should be made payable to the Treasurer of Ontario. Prepayment is required.

Autres lois

Certaines questions d'ordre juridique peuvent nécessiter, outre la consultation des Règlements de l'Ontario, celle d'autres textes, y compris la Constitution du Canada, les lois du Parlement du Canada et de la Législature de l'Ontario, les règlements municipaux, ainsi que le recours à la common law.

Responsabilité ministérielle pour les règlements

Les règlements sont des textes législatifs de l'Ontario. Un règlement valide a tout autant d'effet juridique qu'un texte de loi. Les règlements sont tous pris en application d'une loi qui autorise leur prise. À l'exception de quelques lois dont l'application relève directement de l'Assemblée législative, l'application des lois de la Législature se fait par l'entremise d'un ministère du gouvernement de l'Ontario. Le ministère des Services gouvernementaux publie une brochure intitulée «La responsabilité ministérielle pour les lois», qui fournit tous les renseignements utiles à cet égard.

Publications Ontario

On peut se procurer des exemplaires des Règlements refondus de l'Ontario de 1990, de règlements particuliers ainsi que d'autres publications du gouvernement de l'Ontario à Publications Ontario, 880, rue Bay, Toronto. On peut également écrire à Publications Ontario, 880, rue Bay, 5^e étage, Toronto (Ontario) M7A 1N8. Pour les commandes téléphoniques, composer le (416) 326-5300 ou, sans frais en Ontario, le 1-800-668-9938. Les malentendants peuvent composer le (416) 325-3408 ou, sans frais en Ontario, le 1-800-268-7095. Les cartes de crédit Mastercard et Visa sont acceptées. Faire le chèque ou le mandat à l'ordre du trésorier de l'Ontario. Le paiement est exigé d'avance.

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Credit Unions and Caisses Populaires Act
Loi sur les caisses populaires et les credit unions

REGULATION 207**ANNUAL PREMIUM**

1. In this Regulation,

“Corporation” means the Ontario Share and Deposit Insurance Corporation;

“deposit” includes any deposit whether or not insured or required to be insured by the Corporation;

“share capital” includes any share capital whether or not insured or required to be insured by the Corporation. O. Reg. 150/87, s. 1.

2. The following are prescribed as the terms under which the Corporation shall establish an annual premium for a credit union:

1. The annual premium shall be calculated at the rate of \$2.10 per \$1,000 of combined share capital and deposits of the credit union.

2. The Corporation, not later than ninety days after the start of a calendar year, shall determine the amount of combined share capital and deposits of the credit union based on,

i. the audited financial statements of the credit union if its fiscal year ended between the 30th day of June and the 1st day of October in the preceding calendar year and if by the 30th day of November in that year it filed, with the Corporation, the statements together with a written request to base the determination on the statements,

ii. the quarterly statistical return of the credit union for any quarter ending between the 30th day of June and the 1st day of October in the preceding calendar year if,

A. the credit union filed the return with the Corporation by the 31st day of October in the preceding calendar year or by such later date as the Corporation may permit,

B. the Corporation is satisfied that the information in the return is sufficiently accurate for its purposes, and

C. the criteria in subparagraph i have not been met,

iii. an audited statement of the share capital and deposits of the credit union for any quarter ending

between the 30th day of June and the 1st day of October in the preceding calendar year if,

A. the Corporation has directed the credit union to file the statement,

B. the credit union filed the statement with the Corporation by the 15th day of December of the preceding calendar year or by such later date as the Corporation may permit, and

C. the criteria in subparagraphs i and ii have not been met,

iv. an estimate by the Corporation, if the criteria in subparagraphs i, ii and iii have not been met.

3. Where the annual premium for a credit union is established on the basis of an estimate and the Corporation has underestimated the premium, upon receipt of an audited financial statement, quarterly statistical return or a statement of share capital and deposits for a period described in subparagraph i, ii or iii of paragraph 2, as may be appropriate, that, except for the date of filing, otherwise satisfies the requirements of the relevant subparagraph, the Corporation shall adjust the premium to reflect the amount that would have been payable had the relevant document been available at the time the estimate was made.

4. If the annual premium for a credit union, when calculated in accordance with paragraphs 1, 2 and 3, would be less than \$100, the Corporation shall establish the premium for the credit union at \$100.

5. Where a credit union carries on business for less than the full year in respect of which an annual premium is established, its annual premium for that year shall be reduced by an amount proportionate to the period in which it did not carry on business.

6. The Corporation may use approximate figures in determining or calculating any amount, rate or premium under this Regulation. O. Reg. 150/87, s. 2; O. Reg. 45/88, s. 1; O. Reg. 159/89, s. 1.

3. A credit union shall pay the full amount of the annual premium assessed on it by the Corporation within thirty days of the date of the invoice for the premium. O. Reg. 150/87, s. 3.

4. A credit union shall file an audited statement of its share capital and deposits with the Corporation at such time as may be specified in a direction given to it by the Corporation and the statement shall relate to the period set out in the direction. O. Reg. 150/87, s. 4.

REGULATION 208
CREDIT UNION LEAGUES

1. The following provisions of the Act do not apply to leagues:

1. Section 29.
2. Section 40.
3. Section 41.
4. Paragraphs 7 and 8 of section 80.
5. Subsection 82 (1).
6. Section 91.

R.R.O. 1980, Reg. 194, s. 1; O. Reg. 59/81, s. 1.

RÈGLEMENT 208
FÉDÉRATIONS DE CAISSES

1 Les dispositions suivantes de la Loi ne s'appliquent pas aux fédérations :

1. L'article 29.
2. L'article 40.
3. L'article 41.
4. Les dispositions 7 et 8 de l'article 80.
5. Le paragraphe 82 (1).
6. L'article 91.

Règl. de l'Ont. 481/90, art. 1, *en partie*.

REGULATION 209

DESIGNATIONS UNDER SECTION 85 OF THE ACT

1. The *Small Business Loans Act* (Canada) is designated as an Act under which a credit union may make guaranteed loans provided that the loans are made in accordance with the provisions of that Act. O. Reg. 802/82, s. 1.

REGULATION 210

GENERAL

1. An application for incorporation by articles of incorporation shall be in Form 1. R.R.O. 1980, Reg. 195, s. 1.

2. A certificate of incorporation shall be in Form 2. R.R.O. 1980, Reg. 195, s. 2.

3. A certificate of amalgamation shall be in Form 3. R.R.O. 1980, Reg. 195, s. 3.

4. Articles of amendment shall be in Form 4. R.R.O. 1980, Reg. 195, s. 4.

5. A certificate of amendment shall be in Form 5. R.R.O. 1980, Reg. 195, s. 5.

6. Restated articles of incorporation shall be in Form 6. R.R.O. 1980, Reg. 195, s. 6.

7. A restated certificate of incorporation shall be in Form 7. R.R.O. 1980, Reg. 195, s. 7.

8. An application by a credit union incorporated under the laws of a province or territory of Canada for extra-provincial registration under section 142 of the Act shall be in Form 9. O. Reg. 744/83, s. 1.

9. The fees set out in the Schedule shall be paid to the Treasurer of Ontario. R.R.O. 1980, Reg. 195, s. 8.

RÈGLEMENT 210

DISPOSITIONS GÉNÉRALES

1 La demande de constitution au moyen de statuts constitutifs est rédigée selon la formule 1. Règl. de l'Ont. 96/89, art. 2, *en partie*.

2 Le certificat de constitution est rédigé selon la formule 2. Règl. de l'Ont. 96/89, art. 2, *en partie*.

3 Le certificat de fusion est rédigé selon la formule 3. Règl. de l'Ont. 96/89, art. 2, *en partie*.

4 Les statuts modificatifs sont rédigés selon la formule 4. Règl. de l'Ont. 96/89, art. 2, *en partie*.

5 Le certificat de modification est rédigé selon la formule 5. Règl. de l'Ont. 96/89, art. 2, *en partie*.

6 Les statuts mis à jour sont rédigés selon la formule 6. Règl. de l'Ont. 96/89, art. 2, *en partie*.

7 Le certificat de constitution mis à jour est rédigé selon la formule 7. Règl. de l'Ont. 96/89, art. 2, *en partie*.

8 La demande d'enregistrement extraprovincial que présente, en vertu de l'article 142 de la Loi, une caisse constituée sous l'autorité des lois d'une province ou d'un territoire du Canada est rédigée selon la formule 9. Règl. de l'Ont. 96/89, art. 2, *en partie*.

9 Les droits fixés à l'annexe sont payés au trésorier de l'Ontario. Règl. de l'Ont. 96/89, art. 2, *en partie*.

10. The first meeting shall be convened by a majority of the incorporators by written notice mailed to each of the incorporators at least seven days before the date of the meeting, stating the place, date, time and purpose of the meeting. R.R.O. 1980, Reg. 195, s. 9.

11. At the first meeting,

- (a) a majority of the incorporators of the credit union constitutes a quorum; and
- (b) by-laws shall be enacted and the organization of the credit union completed. R.R.O. 1980, Reg. 195, s. 10.

FINANCIAL STATEMENTS

12.—(1) The financial statements referred to in clause 71 (2) (a) of the Act shall consist of,

- (a) a balance sheet as at the end of the period;
- (b) a statement of operations for the period;
- (c) a statement of undivided earnings for the period; and
- (d) a statement of each reserve for the period.

(2) The statements listed in subsection (1) need not necessarily be so designated. R.R.O. 1980, Reg. 195, s. 11.

13. A balance sheet to be placed before the annual meeting shall be drawn up to present fairly the financial position of the credit union at the date to which it is made up and to distinguish severally, either on the face of the balance sheet or by note thereto, at least,

- (a) cash, including cash on hand, deposits maturing or callable within ninety days, and payroll deductions receivable which have been made and which are in the course of being remitted;
- (b) accrued interest receivable and other current receivables;
- (c) securities, showing severally at least,
 - (i) bonds, debentures and other obligations of, or guaranteed by the Government of Canada or by the government of any province of Canada,
 - (ii) bonds, debentures and like securities other than securities referred to in subclause (i) not in default,
 - (iii) shares of corporations, other than a league,
 - (iv) shares of a league,
 stating, in each category, the basis of valuation and the aggregate market value;
- (d) loans receivable from members secured by a first mortgage on real property;
- (e) loans receivable from corporations and partnerships;
- (f) loans receivable from members other than loans referred to in clauses (d) and (e);
- (g) allowance for doubtful loans;

10 La première assemblée est convoquée par la majorité des fondateurs au moyen d'un avis écrit envoyé par la poste à chaque fondateur au moins sept jours avant l'assemblée. L'avis indique la date, l'heure, le lieu et le but de l'assemblée. Règl. de l'Ont. 96/89, art. 2, *en partie*.

11 Lors de la première assemblée :

- a) la majorité des fondateurs de la caisse constitue le quorum;
- b) les règlements administratifs sont adoptés et l'organisation de la caisse est achevée. Règl. de l'Ont. 96/89, art. 2, *en partie*.

ÉTATS FINANCIERS

12 (1) Les états financiers visés à l'alinéa 71 (2) a) de la Loi comprennent les pièces suivantes :

- a) le bilan à la clôture de la période;
- b) un état des résultats d'exploitation pour la période;
- c) un état des bénéfices non répartis pour la période;
- d) un état de chacune des réserves pour la période.

(2) Il n'est pas nécessaire que les états visés au paragraphe (1) portent ces désignations. Règl. de l'Ont. 96/89, art. 2, *en partie, révisé*.

13 Le bilan présenté à l'assemblée annuelle est dressé de façon à refléter fidèlement la situation financière de la caisse à la date à laquelle il est établi et à distinguer, soit dans le bilan lui-même, soit dans des notes y afférentes, au moins :

- a) l'encaisse, y compris l'argent comptant, les dépôts venant à échéance ou remboursables dans les quatre-vingt-dix jours, et les retenues à recevoir sur les feuilles de paie qui ont été faites et qui sont en cours de versement;
- b) les créances exigibles, notamment les intérêts courus à recevoir;
- c) les valeurs mobilières, en indiquant séparément au moins :
 - (i) les obligations, débetures et autres titres émis ou garantis par le gouvernement du Canada ou d'une province,
 - (ii) les obligations, débetures et les valeurs mobilières semblables qui ne sont pas visées au sous-alinéa (i) et qui ne sont pas en défaut,
 - (iii) les actions de personnes morales, autres qu'une fédération,
 - (iv) les parts sociales d'une fédération,
 en précisant, pour chaque catégorie, la base d'évaluation et la valeur marchande globale;
- d) les montants exigibles en remboursement des prêts consentis aux sociétaires et garantis par une première hypothèque sur un bien immeuble;
- e) les montants exigibles en remboursement de prêts consentis à des personnes morales et à des sociétés en nom collectif;
- f) les montants exigibles en remboursement de prêts aux sociétaires qui ne sont pas visés aux alinéas d) et e);
- g) les réserves pour prêts douteux;

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| <p>(h) lands, buildings, equipment and leasehold improvements stating for each the basis of valuation, whether cost or otherwise, and, if valued on the basis of an appraisal, the date of the appraisal, the name of the appraiser, the basis of the appraisal value and, if such appraisal took place within five years preceding the date to which the balance sheet is made up, the disposition in the accounts of the credit union of any amounts added to or deducted from such assets on appraisal;</p> <p>(i) accumulated allowances for depreciation of buildings and equipment and accumulated amortization;</p> <p>(j) assessments on deposit with Ontario Share and Deposit Insurance Corporation, except assessments referred to in subsection 113 (4) of the Act stating the basis of valuation;</p> <p>(k) liability to members for deposit amounts withdrawable by negotiable order;</p> <p>(l) liability to members for deposits other than deposits referred to in clause (k);</p> <p>(m) accrued interest payable on members' deposits;</p> <p>(n) dividends and rebates of interest declared but unpaid;</p> <p>(o) loans and overdrafts from leagues;</p> <p>(p) loans and overdrafts from banks;</p> <p>(q) income taxes payable;</p> <p>(r) unpaid assessments by Ontario Share and Deposit Insurance Corporation made under subsection 113 (4) of the Act;</p> <p>(s) accounts payable and accrued liabilities, other than those referred to in clauses (k) to (r);</p> <p>(t) long-term debt obligations issued by the credit union, showing separately those secured by the credit union's real property and other long-term debt obligations and stating for each the interest rate, the repayment requirements and the maturity date;</p> <p>(u) deferred income taxes;</p> <p>(v) members' share capital;</p> <p>(w) undivided earnings;</p> <p>(x) any reserve, with disclosure of its purpose. R.R.O. 1980, Reg. 195, s. 12.</p> | <p>h) les terrains, les bâtiments, le matériel et les améliorations aux propriétés à bail en indiquant dans chaque cas la base de l'évaluation, selon le coût ou autrement; si l'évaluation est basée sur une expertise, la date de l'expertise, le nom de l'évaluateur, la base de son évaluation; si l'expertise a eu lieu dans les cinq années qui précèdent la date à laquelle le bilan a été établi, le traitement comptable dans les livres de la caisse des rentrées et des sorties à la suite de l'expertise;</p> <p>i) les réserves accumulées pour la dépréciation des bâtiments et du matériel et les amortissements accumulés;</p> <p>j) les cotisations déposées à la Société ontarienne d'assurance des actions et dépôts, en indiquant la base d'évaluation, à l'exception des cotisations visées au paragraphe 113 (4) de la Loi;</p> <p>k) la responsabilité envers les sociétaires à l'égard des dépôts susceptibles d'être retirés au moyen d'effets de caisse négociables;</p> <p>l) la responsabilité envers les sociétaires à l'égard des dépôts qui ne sont pas visés à l'alinéa k);</p> <p>m) les intérêts courus sur les dépôts des sociétaires et qui leur sont payables;</p> <p>n) les dividendes et les remises d'intérêt déclarés mais non versés;</p> <p>o) les prêts et les découverts des fédérations;</p> <p>p) les prêts et les découverts des banques;</p> <p>q) l'impôt sur le revenu à payer;</p> <p>r) les cotisations non versées à la Société ontarienne d'assurance des actions et dépôts aux termes du paragraphe 113 (4) de la Loi;</p> <p>s) les comptes à payer et les dettes courues qui ne sont pas visés aux alinéas k) à r);</p> <p>t) les titres de créance à long terme de la caisse, en distinguant ceux garantis par les biens immeubles de la caisse, et les autres, et en précisant, dans chaque cas, le taux d'intérêt, les conditions de remboursement et la date d'échéance;</p> <p>u) l'impôt sur le revenu différé;</p> <p>v) le capital social des sociétaires;</p> <p>w) les bénéfices non répartis;</p> <p>x) les réserves, avec leur affectation. Règl. de l'Ont. 96/89, art. 2, <i>en partie, révisé.</i></p> |
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14. A statement of operations to be placed before the annual meeting shall be drawn up to present fairly the results of the operations of the credit union for the period covered by the statement and to distinguish severally, either on the face of the statement or by note thereto, at least,

- (a) interest income from first mortgage loans;
- (b) interest income from loans other than loans referred to in clause (a);
- (c) income from deposits with Ontario Share and Deposit Insurance Corporation;

14 L'état des résultats d'exploitation qui doit être présenté à l'assemblée annuelle est dressé de façon à refléter fidèlement les résultats de l'exploitation de la caisse pendant la période visée par l'état et distingue, soit dans l'état lui-même, soit dans des notes y afférentes, au moins :

- a) le revenu provenant des intérêts sur les prêts en première hypothèque;
- b) le revenu provenant des intérêts sur les prêts qui ne sont pas visés à l'alinéa a);
- c) le revenu provenant des dépôts auprès de la Société ontarienne d'assurance des actions et dépôts;

- | | |
|--|---|
| (d) income from investments other than those referred to in clauses (a), (b) and (c); | d) le revenu provenant des placements qui ne sont pas visés aux alinéas a), b) et c); |
| (e) interest expense on members' deposits; | e) les intérêts débiteurs sur les dépôts de sociétaires; |
| (f) interest expense on loans and overdrafts from leagues and banks; | f) les intérêts débiteurs sur les prêts et les découverts des banques et des fédérations; |
| (g) interest expense on debt obligations issued for original terms of five years or less; | g) les intérêts débiteurs sur les titres de créance émis, à l'origine, pour une durée de cinq années ou moins; |
| (h) interest expense on debt obligations other than obligations referred to in clauses (f) and (g) including those secured by real property; | h) les intérêts débiteurs sur les titres de créance qui ne sont pas visés aux alinéas f) et g), y compris ceux que garantissent des biens immeubles; |
| (i) provision for doubtful loans; | i) les réserves pour prêts douteux; |
| (j) salaries and staff benefits; | j) les salaires et les avantages sociaux du personnel; |
| (k) remuneration to directors and other elected committee members; | k) la rémunération des administrateurs et des autres membres élus des comités; |
| (l) provision for depreciation of fixed assets and amortization of leasehold improvements; | l) les réserves pour la dépréciation de l'actif immobilisé et l'amortissement des améliorations aux propriétés à bail; |
| (m) office rental costs; | m) le coût de location des bureaux; |
| (n) net premiums for life insurance relating to members' share capital, deposits and loans; | n) les primes nettes de l'assurance-vie se rapportant au capital social des sociétaires, à leurs dépôts et à leurs emprunts; |
| (o) gains or losses on sale of investment securities; | o) les bénéfices ou les pertes qui résultent de la vente de valeurs mobilières conservées à titre de placement; |
| (p) operating expenses other than expenses referred to in clauses (e) to (o); | p) les frais d'exploitation qui ne sont pas visés aux alinéas e) à o); |
| (q) net income or loss for the period before income taxes and extraordinary items; | q) le revenu ou la perte nets pour la période visée avant déduction de l'impôt sur le revenu et des éléments figurant à la rubrique des postes extraordinaires; |
| (r) taxes on income imposed by any taxing authority; | r) les impôts sur le revenu fixés par toute administration fiscale; |
| (s) extraordinary items net of applicable income taxes, the amount of which shall be disclosed; and | s) les éléments figurant à la rubrique des postes extraordinaires nets de l'impôt sur le revenu applicable, dont le montant doit être divulgué; |
| (t) net income or loss for the period. R.R.O. 1980, Reg. 195, s. 13. | t) le revenu ou la perte nets pour la période visée. Règl. de l'Ont. 96/89, art. 2, <i>en partie, révisé</i> . |

15. A statement of undivided earnings to be placed before the annual meeting shall be drawn up to distinguish, either on the face of the statement or by note thereto, at least,

- (a) the balance of the undivided earnings at the end of the preceding financial period;
- (b) the additions to and deductions from the undivided earnings during the financial period including,
 - (i) the distribution of dividends, interest bonuses and interest rebates to members in respect of preceding financial periods,
 - (ii) the net income or loss for the current financial period,
 - (iii) the amount transferred to or from each reserve,
 - (iv) the distribution of dividends, interest bonuses and interest rebates, to members in respect of the current financial period; and

15 L'état des bénéfices non répartis qui doit être présenté à l'assemblée annuelle est dressé de façon à distinguer, soit dans l'état lui-même, soit dans des notes y afférentes, au moins :

- a) le solde des bénéfices non répartis à la fin de l'exercice précédent;
- b) les rentrées et les sorties du compte des bénéfices non répartis au cours de l'exercice précédent, y compris :
 - (i) la répartition de dividendes, de primes sur les intérêts et des remises d'intérêt aux sociétaires à l'égard des exercices précédents,
 - (ii) le revenu ou la perte nets pour l'exercice courant,
 - (iii) les montants virés à chaque réserve, ou de celle-ci,
 - (iv) la répartition de dividendes, de primes sur les intérêts et de remises d'intérêt aux sociétaires à l'égard de l'exercice courant;

- (c) the balance of the undivided earnings at the end of the current financial period. R.R.O. 1980, Reg. 195, s. 14.

16. A statement of each reserve to be placed before the annual meeting shall be drawn up to distinguish, either on the face of the statement or by note thereto, at least,

- (a) the balance of the reserve at the end of the preceding financial period;
- (b) the transfers from or to undivided earnings during the financial period; and
- (c) the balance of the reserve at the end of the current financial period. R.R.O. 1980, Reg. 195, s. 15.

17.—(1) The individual items listed in sections 13 to 16 need not necessarily be so designated in the financial statements.

(2) The term “reserve” shall be used in a financial statement to describe only,

- (a) amounts appropriated from undivided earnings at the discretion of management for some purpose other than to meet a liability or contingency known or admitted or a commitment made as at the statement date or a decline in value of an asset that has already occurred;
- (b) amounts appropriated from undivided earnings pursuant to subsection 95 (2) of the Act or pursuant to the by-laws of the credit union for some purpose other than to meet a liability or contingency known or admitted or a commitment made as at the statement date or a decline in value of an asset that has already occurred; and
- (c) amounts appropriated from undivided earnings in accordance with the terms of a contract and that can be restored to undivided earnings when the conditions of the contract are fulfilled. R.R.O. 1980, Reg. 195, s. 16.

18. The notes to the financial statements shall indicate particulars of any change in accounting principle or practice or method of applying any accounting principle or practice made during the period covered by the statement that affects the comparability of the statements with the preceding period and the effect of any such change upon the net income for the period. R.R.O. 1980, Reg. 195, s. 17.

19. The following matters shall be referred to in the financial statements or by way of note thereto,

- (a) a schedule showing the transactions in the allowance for doubtful loans account for the period, setting out the balance of the allowance at the end of the preceding period, the additions to and deductions from the allowance during the period, and the balance of the allowance at the end of the current period;
- (b) a statement as to policy with regard to interest rates and repayment terms on first mortgage loans on real estate to members;
- (c) the amounts of the commitment to make advances on personal and first mortgage loans on real estate;
- (d) contractual obligations that will require abnormal expenditures in relations to the credit union's normal business requirements or financial position;

- (c) le solde des bénéfices non répartis à la fin de l'exercice courant. Règl. de l'Ont. 96/89, art. 2, *en partie, révisé*.

16 L'état de chacune des réserves qui doit être présenté à l'assemblée annuelle est dressé de façon à distinguer, soit dans l'état lui-même, soit dans des notes y afférentes, au moins :

- a) le solde de la réserve à la fin de l'exercice précédent;
- b) les montants virés au compte des bénéfices non répartis, ou de celui-ci pendant l'exercice;
- c) le solde de la réserve à la fin de l'exercice courant. Règl. de l'Ont. 96/89, art. 2, *en partie, révisé*.

17 (1) Il n'est pas nécessaire que les éléments visés aux articles 13 à 16 portent ces désignations dans les états financiers.

(2) Dans un état financier, le terme «réserve» désigne seulement les montants suivants :

- a) les montants prélevés sur les bénéfices non répartis, à la discrétion de la direction, à diverses fins sauf pour satisfaire à une obligation ou faire face à une éventualité, connues ou reconnues, ou respecter un engagement conclu à la date de l'état financier, ou pour parer à une diminution déjà survenue de la valeur d'un élément de l'actif;
- b) les montants prélevés sur les bénéfices non répartis, conformément au paragraphe 95 (2) de la Loi ou aux règlements administratifs de la caisse, à diverses fins sauf pour satisfaire à une obligation ou faire face à une éventualité, connues ou reconnues, ou respecter un engagement conclu à la date de l'état financier, ou pour parer à une diminution déjà survenue de la valeur d'un élément de l'actif;
- c) les montants prélevés sur les bénéfices non répartis conformément aux termes d'un contrat et qui peuvent être restitués à ce compte lorsque les conditions du contrat sont remplies. Règl. de l'Ont. 96/89, art. 2, *en partie, révisé*.

18 Les notes afférentes aux états financiers précisent les changements aux principes ou aux méthodes comptables ou à la façon de les appliquer qui ont été apportés au cours de la période visée par les états et qui influent sur les moyens de comparer les états avec ceux de la période précédente, et les conséquences de ces changements sur le revenu net pour la période visée. Règl. de l'Ont. 96/89, art. 2, *en partie, révisé*.

19 Les éléments suivants figurent dans les états financiers ou dans des notes y afférentes :

- a) une liste des opérations effectuées dans le compte de réserve pour prêts douteux pour la période, qui indique le solde à la fin de la période précédente, les rentrées et les sorties pendant la période, et le solde à la fin de la période courante;
- b) un énoncé de principe relatif aux taux d'intérêt et aux conditions de remboursement des prêts consentis aux sociétaires sous forme de première hypothèque sur des biens immeubles;
- c) les montants des engagements à faire des avances sur les prêts personnels et sur les prêts garantis par une première hypothèque sur des biens immeubles;
- d) les obligations contractuelles qui nécessitent des dépenses inhabituelles par rapport aux besoins normaux de la caisse dans le cours de ses affaires ou par rapport à sa situation financière;

- | | |
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| <p>(e) contractual obligations in respect of long term leases;</p> <p>(f) contingent liabilities stating their nature and, where practicable, the approximate amounts involved;</p> <p>(g) any restriction on the payment of dividends;</p> <p>(h) any event or transaction, to the extent it is not reflected in the financial statements, other than one in the normal course of business operations, that occurs between the date to which the financial statements are made up and the date of the auditors' report or if there is no auditor, the date of the supervisory committee's report; and</p> <p>(i) the amount of any obligation for pension benefits arising from service before the date of the financial year end, whether or not such obligation has been provided for in the accounts of the credit union, the manner in which the credit union proposes to satisfy such obligation and the basis on which it has charged or proposes to charge the related costs against operations. R.R.O. 1980, Reg. 195, s. 18.</p> | <p>e) les obligations contractuelles découlant de baux à long terme;</p> <p>f) les éléments de passif éventuels, avec indication de leur nature et, si possible, des montants approximatifs qu'ils représentent;</p> <p>g) les restrictions apportées au paiement de dividendes;</p> <p>h) toute circonstance ou opération, autre que celles qui font partie du cours normal des affaires, qui n'apparaît pas aux états financiers, survenue entre la date à laquelle ceux-ci ont été établis et la date du rapport des vérificateurs ou la date du rapport du comité de surveillance, s'il n'y a pas de vérificateur;</p> <p>i) le montant de toute obligation pour des prestations de rente pour des services rendus avant la date de clôture de l'exercice, que cette obligation ait été prévue ou non dans les comptes de la caisse, la façon dont la caisse se propose de s'acquitter de cette obligation et la base sur laquelle elle s'appuie ou propose de s'appuyer pour imputer à ses opérations les frais qui s'y rapportent. Règl. de l'Ont. 96/89, art. 2, <i>en partie, révisé.</i></p> |
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20. Despite sections 13 to 19, it is not necessary to state in the financial statements any matter that in all the circumstances is of relative insignificance. R.R.O. 1980, Reg. 195, s. 19.

20 Malgré les articles 13 à 19, il n'est pas nécessaire d'exposer dans les états financiers les éléments qui, compte tenu de la situation globale, ont relativement peu d'importance. Règl. de l'Ont. 96/89, art. 2, *en partie.*

MISCELLANEOUS

DISPOSITIONS DIVERSES

21. The amount of the fee fixed by the by-laws of a credit union for a copy of the by-laws of the credit union under section 19 of the Act, shall not exceed \$5. R.R.O. 1980, Reg. 195, s. 20.

21 Les droits fixés par les règlements administratifs de la caisse, aux termes de l'article 19 de la Loi, pour obtenir une copie de ceux-ci, ne doivent pas dépasser 5 \$. Règl. de l'Ont. 96/89, art. 2, *en partie, révisé.*

22. The amount that a credit union may pay,

22 Le montant que la caisse peut payer :

- (a) under clause 37 (1) (a) of the Act is \$5,000; and
- (b) under clause 37 (1) (b) of the Act is \$5,000. R.R.O. 1980, Reg. 195, s. 21.

- a) en vertu de l'alinéa 37 (1) a) de la Loi, est de 5 000 \$;
- b) en vertu de l'alinéa 37 (1) b) de la Loi, est de 5 000 \$. Règl. de l'Ont. 96/89, art. 2, *en partie, révisé.*

23. Loans to corporations or partnerships who are members of a credit union shall be fully secured by a charge, mortgage, hypothec or pledge on real or personal property. R.R.O. 1980, Reg. 195, s. 22.

23 Les prêts consentis à des personnes morales ou à des sociétés en nom collectif qui sont sociétaires de la caisse sont pleinement garantis par une hypothèque, une charge ou un nantissement sur un bien meuble ou immeuble. Règl. de l'Ont. 96/89, art. 2, *en partie.*

24. A certificate of deposit insurance issued to a credit union under the provisions of subsection 111 (3) of the Act shall be in Form 8. R.R.O. 1980, Reg. 195, s. 23.

24 Le certificat d'assurance-dépôt délivré à la caisse aux termes du paragraphe 111 (3) de la Loi est rédigé selon la formule 8. Règl. de l'Ont. 96/89, art. 2, *en partie.*

25. The longer period of time that is prescribed for the purposes of clause 84 (c) of the Act is thirty years. R.R.O. 1980, Reg. 195, s. 24.

25 Pour l'application de l'alinéa 84 c) de la Loi, le délai maximal de remboursement est de trente ans. Règl. de l'Ont. 96/89, art. 2, *en partie.*

Schedule

FEEES

1. For delivery of articles of incorporation, for filing and issue of a certificate	\$100
2. For delivery of an amalgamation agreement, for filing and issue of a certificate	250
3. For delivery of restated articles of incorporation, for filing and issue of a certificate	125
4. For delivery of articles of amendment, for filing and issue of a certificate,	
(a) changing the name of a credit union	100
(b) for any purpose other than that set out in clause (a)	125
5. For an application for an order under subsection 121 (17) of the Act	100
6. Upon filing an application for extra-provincial registration under section 142 of the Act	350
7. Upon filing a by-law amendment to establish or redefine eligibility for credit union membership through common bonds of association or otherwise	500
8. For copies of documents on file under the Act in the Ministry,	
(a) for copies of papers, articles, by-laws and orders, 50 cents a page with minimum fee of \$2 in respect of each credit union; and	
(b) for certification of copies of papers, articles, by-laws and orders, \$10 in respect of each credit union.	

O. Reg. 145/86, s. 1.

Form 1

Credit Unions and Caisses Populaires Act

ARTICLES OF INCORPORATION

1. The name of the credit union or caisse populaire is

2. The head office is at the
 (status of municipality)
 of in the
 (name of municipality) (county or district)
 of
 (name of county or district)

3. The address of the head office is

 (street and no. or R.R. no. and if multi-office building give room no.)

 (name of municipality or post office)

4. The number of directors is

5. The first directors are:

Name in full, including all given names	Residence address, giving street and number or R.R. no. and municipality or post office
.....
.....

Annexe**DROITS**

1. Dépôt de statuts constitutifs et délivrance du certificat	100 \$
2. Dépôt d'une entente de fusion et délivrance du certificat	250
3. Dépôt de statuts mis à jour et délivrance du certificat	125
4. Dépôt de statuts modificatifs et délivrance du certificat :	
a) afin de modifier la dénomination de la caisse	100
b) pour toute autre raison que celle indiquée à l'alinéa a)	125
5. Demande d'un arrêté de dissolution en vertu du paragraphe 121 (17) de la Loi	100
6. Dépôt d'une demande d'enregistrement extraprovincial en vertu de l'article 142 de la Loi	350
7. Dépôt d'une modification à un règlement administratif en vue d'établir ou de redéfinir l'admissibilité en ce qui concerne l'adhésion à la caisse par le moyen notamment de liens communs d'association	500
8. Copies de documents dont le ministère a la garde aux termes de la Loi :	
a) copies de documents, statuts, règlements administratifs et ordonnances : 0,50 \$ la page avec un droit minimal de 2 \$ en ce qui concerne chaque caisse;	
b) attestation de copies de documents, statuts constitutifs, règlements administratifs et ordonnances : 10 \$ en ce qui concerne chaque caisse.	

Règl. de l'Ont. 96/89, art. 2, *en partie, révisé.***Formule 1***Loi sur les caisses populaires et les credit unions***STATUTS CONSTITUTIFS**

- Dénomination de la caisse populaire ou *credit union* :
.....
 - Emplacement du siège social :
(statut de la municipalité)
de dans le
(nom de la municipalité) (comté ou district)
de
(nom du comté ou district)
 - Adresse du siège social :
.....
(n° et rue ou route rurale et n° du bureau dans le cas d'un immeuble à bureaux)
.....
(nom de la municipalité ou du bureau de poste)
 - Nombre d'administrateurs :
 - Nom des premiers administrateurs :
.....
.....
.....
- Adresse personnelle (indiquer le n° et la rue ou
la route rurale et la municipalité ou
le bureau de poste)
- Nom et prénoms
-
-

6. The objects for which
(name of credit union or caisse populaire)

is incorporated are the promotion of co-operative enterprise, the facilitating of the accumulation of savings and the creation of a source of credit for its members at conscionable rates of interest and the provision of full financial services for its members.

(Specify here any powers set out in subsection 11 (2) of the Act which are to be withheld or limited and give details of any limitations.)

7. The names and residence addresses of the incorporators are:

Full names, including all given names	Full residence address giving street and no. or R.R. no., municipality or post office
.....
.....

These articles are executed in duplicate for delivery to the Minister.

SIGNATURES OF INCORPORATORS

AFFIDAVIT OF VERIFICATION

PROVINCE OF ONTARIO

IN THE MATTER OF THE *CREDIT UNIONS AND CAISSES POPULAIRES ACT* AND THE ARTICLES OF INCORPORATION OF

..... OF

To WIT:
(name of credit union or caisse populaire)

I, of the
(full name of deponent) (status of municipality)
of in the
(name of municipality) (county or district)
of in the province of
(name of county or district) (name of province)

make oath and say that:

- I am
of
and have personal knowledge of the matters herein deposed to.
- Each of the incorporators signing the accompanying articles of incorporation in duplicate and each of the first directors named therein is of eighteen or more years of age.
- The signatures of the incorporators affixed to the articles are their true signatures.

SWORN BEFORE ME at the)
..... of in the)
..... of this)
..... day of, 19....)
(signature of deponent)

(signature of Commissioner, Notary Public, etc.)

6. Les objets pour lesquels
 (dénomination de la caisse populaire ou *credit union*)

est constituée sont les suivants : favoriser le mouvement coopératif, faciliter l'épargne, créer une source de crédit à l'intention des sociétaires à des taux d'intérêt raisonnables et leur offrir une gamme complète de services financiers.

(Préciser les pouvoirs énumérés au paragraphe 11 (2) de la Loi qui ne s'appliquent pas ou qui s'appliquent d'une façon limitée et donner les détails de toute limitation.)

7. Nom et adresse personnelle des fondateurs :

Nom et prénoms	Adresse personnelle (indiquer le n° et la rue ou la route rurale et la municipalité ou le bureau de poste)
.....
.....

Les présents statuts sont faits en double exemplaire pour être remis au ministre.

SIGNATURE DES FONDATEURS

AFFIDAVIT

PROVINCE DE L'ONTARIO

EN CE QUI CONCERNE LA LOI SUR LES CAISSES
 POPULAIRES ET LES CREDIT UNIONS
 ET LES STATUTS CONSTITUTIFS DE

..... DE

À SAVOIR :
 (dénomination de la caisse populaire ou *credit union*)

Je soussigné(e), du/de la
 (nom et prénoms du/de la déclarant(e)) (statut de la municipalité)

de situé(e) dans le
 (nom de la municipalité) (comté ou district)

de dans la province de
 (nom du comté ou district) (nom de la province)

déclare sous serment que :

1. Je suis
 de
 et, à ce titre, j'ai une connaissance directe de ce qui suit.

2. Les fondateurs dont la signature apparaît en double exemplaire sur les statuts constitutifs ci-joints et les premiers administrateurs qui y sont désignés sont âgés d'au moins dix-huit ans.

3. Les signatures des fondateurs apposées aux statuts constitutifs sont authentiques.

DÉCLARÉ SOUS SERMENT à/au)
 de dans le/la)
 de)
 le 19....) (signature du/de la déclarant(e))

(signature du commissaire, notaire, etc.)

Règl. de l'Ont. 96/89, art. 2, en partie.

Form 2

Credit Unions and Caisses Populaires Act

CERTIFICATE OF INCORPORATION

WHEREAS an application for incorporation under the provisions of the *Credit Unions and Caisses Populaires Act* has been made to the Minister of Consumer and Commercial Relations by Articles of Incorporation in the prescribed form signed by the persons hereinafter named:

AND WHEREAS those persons have complied with the conditions precedent to the issuing of the desired certificate of incorporation;

Now therefore, under the authority of the Act, I issue this certificate of incorporation constituting the following persons

a corporation under the name of

.....

GIVEN under my hand at the City of Toronto, this day of, 19.....

Minister of Consumer and Commercial Relations

R.R.O. 1980, Reg. 195, Form 2.

Form 3

Credit Unions and Caisses Populaires Act

CERTIFICATE OF AMALGAMATION

WHEREAS an application for a certificate of amalgamation under the provisions of the *Credit Unions and Caisses Populaires Act* has been made to the Minister of Consumer and Commercial Relations by the parties to an amalgamation agreement date the day of, 19.....

between

(name of credit union or caisse populaire)

and

(name of credit union or caisse populaire)

AND WHEREAS the parties to the amalgamation agreement have complied with the conditions precedent to the issuing of the desired certificate of amalgamation;

AND WHEREAS the amalgamation agreement provides that the parties will amalgamate and continue under the name of

(name of amalgamated

..... and that the first directors of the amalgamated credit union or caisse populaire will be:
credit union or caisse populaire)

Name in full, including all given names

Residence address, giving street and number
or R.R. no. and municipality or post office

.....

.....

Now therefore, under the authority of the Act, I issue this certificate of amalgamation.

GIVEN under my hand at the City of Toronto, this day of, 19.....

Minister of Consumer and Commercial Relations

R.R.O. 1980, Reg. 195, Form 3.

Formule 2

Loi sur les caisses populaires et les credit unions

CERTIFICAT DE CONSTITUTION

ATTENDU qu'une demande de constitution en vertu de la *Loi sur les caisses populaires et les credit unions* a été présentée, au moyen de statuts constitutifs, au ministre de la Consommation et du Commerce selon la formule prescrite et a été signée par les personnes nommées ci-dessous :

ET ATTENDU que ces personnes ont rempli les conditions préalables à la délivrance du certificat demandé;

Par ces motifs, dans l'exercice des pouvoirs que me confère la Loi, je délivre le présent certificat de constitution.

Les personnes suivantes :

sont constituées en personne morale sous la dénomination de

.....

SIGNÉ à Toronto le 19.....

Le ministre de la Consommation et du Commerce

Règl. de l'Ont. 96/89, art. 2, en partie.

Formule 3

Loi sur les caisses populaires et les credit unions

CERTIFICAT DE FUSION

ATTENDU qu'une demande de certificat de fusion en vertu de la *Loi sur les caisses populaires et les credit unions* a été présentée au ministre de la Consommation et du Commerce par les parties à une entente de fusion conclue le 19.....

entre

(dénomination de la caisse populaire ou *credit union*)

et

(dénomination de la caisse populaire ou *credit union*)

ATTENDU que les parties à l'entente de fusion ont rempli les conditions préalables à la délivrance du certificat demandé;

ET ATTENDU que l'entente de fusion prévoit que les parties fusionneront et poursuivront leurs activités sous la dénomination de (dénomination de

..... et que les premiers administrateurs de cette nouvelle caisse ou *credit union* seront : la caisse populaire ou *credit union* résultant de la fusion)

Nom et prénoms

Adresse personnelle (indiquer le n° et la rue ou la route rurale et la municipalité ou le bureau de poste)

.....
.....

Par ces motifs, dans l'exercice des pouvoirs que me confère la Loi, je délivre le présent certificat de fusion.

SIGNÉ à Toronto le 19.....

Le ministre de la Consommation et du Commerce

Règl. de l'Ont. 96/89, art. 2, en partie.

Form 4

Credit Unions and Caisses Populaires Act

ARTICLES OF AMENDMENT

OF

(name of credit union or caisse populaire)

incorporated on (date of incorporation)

- 1. Attached hereto is a certified copy of the special resolution amending the articles of the incorporation of (name of credit union or caisse populaire)
2. The special resolution was duly confirmed by at least two-thirds of the votes cast at a general meeting of the members of the credit union duly called for the purpose and held on the day of , 19....
3. All further authorizations required by the by-laws have been given.
4. These articles are executed in duplicate for delivery to the Minister.

CERTIFIED (name of credit union or caisse populaire)

BY: (signature) (description of office)

(signature) (description of office)

(corporate seal)

AFFIDAVIT OF VERIFICATION

PROVINCE OF ONTARIO

IN THE MATTER OF THE CREDIT UNIONS AND CAISSES POPULAIRES ACT AND THE ARTICLES OF AMENDMENT OF

OF

To Wit: (name of credit union or caisse populaire)

I, (full name of deponent) of the (status of municipality)

of (name of municipality) in the (county or district)

of in the province of (name of province)

make oath and say that:

1. I am (description of office)

of (name of credit union or caisse populaire)

and as such have personal knowledge of the matters herein deposed to.

2. The statements contained in the accompanying articles of amendment are true.

3. (name of credit union or caisse populaire)

has complied with the requirements of the Credit Unions and Caisses Populaires Act and the conditions contained in its articles and by-laws.

Formule 4

Loi sur les caisses populaires et les credit unions

STATUTS MODIFICATIFS

DE

.....
(dénomination de la caisse populaire ou *credit union*)constituée le
(date de la constitution)

1. Ci-inclus une copie certifiée conforme de la résolution spéciale qui modifie les statuts constitutifs de
(dénomination de la caisse populaire ou *credit union*)
2. La résolution spéciale a été dûment confirmée par au moins deux tiers des voix exprimées lors d'une assemblée générale des sociétaires de la caisse dûment convoquée à cette fin et tenue le 19.....
3. Toutes les autres autorisations exigées par les règlements administratifs ont été obtenues.
4. Les présents statuts sont faits en double exemplaire pour être remis au ministre.

CERTIFIÉ
(dénomination de la caisse populaire ou *credit union*)PAR :
(signature) (fonction).....
(signature) (fonction)

(sceau)

AFFIDAVIT

PROVINCE DE L'ONTARIO

EN CE QUI CONCERNE LA LOI SUR LES CAISSES
POPULAIRES ET LES CREDIT UNIONS
ET LES STATUTS MODIFICATIFS DE

..... DE

À SAVOIR :
(dénomination de la caisse populaire ou *credit union*)Je soussigné(e), du/de la
(nom et prénoms du/de la déclarant(e)) (statut de la municipalité)de situé(e) dans le
(nom de la municipalité) (comté ou district)de dans la province de
(nom de la province)

déclare sous serment que :

1. Je suis
(fonction)
de
(dénomination de la caisse populaire ou *credit union*)
et, à ce titre, j'ai une connaissance directe de ce qui suit.
2. Les déclarations contenues dans les statuts modificatifs ci-joints sont exactes.
3.
(dénomination de la caisse populaire ou *credit union*)

s'est conformée aux exigences de la *Loi sur les caisses populaires et les credit unions* et a rempli les conditions prévues aux statuts constitutifs et aux règlements administratifs.

SWORN BEFORE ME at the)
 of in the)
 of this)
 day of, 19....) (signature of deponent)

(signature of Commissioner, Notary Public, etc.)

R.R.O. 1980, Reg. 195, Form 4.

Form 5

Credit Unions and Caisses Populaires Act

CERTIFICATE OF AMENDMENT

WHEREAS an application for articles of amendment under the provisions of the *Credit Unions and Caisses Populaires Act* has been made to the Minister of Consumer and Commercial Relations in the prescribed form by
 (name of credit union or caisse populaire)

AND WHEREAS all conditions precedent to the issuing of the desired articles of amendment have been complied with;

Now therefore, under the authority of the Act, I issue this certificate of amendment.

GIVEN under my hand at the City of Toronto, this day of, 19.....

Minister of Consumer and Commercial Relations

R.R.O. 1980, Reg. 195, Form 5.

Form 6

Credit Unions and Caisses Populaires Act

RESTATED ARTICLES OF INCORPORATION

OF

.....
 (name of credit union or caisse populaire)

incorporated on
 (date of incorporation)

1. These restated articles correctly set out without change the corresponding provisions of the original articles of incorporation as heretofore amended.
2. The head office is at the
 (status of municipality)
 of in the
 (name of municipality) (county or district)
 of
 (name of county or district)
3. The address of the head office is
 (street and no. or R.R. no. and if multi-office building
 give room no.)

 (name of municipality or post office)
4. The number of directors is

DÉCLARÉ SOUS SERMENT à/au)
 de dans le/la)
 de)
 le 19....) (signature du/de la déclarant(e))
 (signature du commissaire, notaire, etc.)

Règl. de l'Ont. 96/89, art. 2, *en partie*.**Formule 5***Loi sur les caisses populaires et les credit unions***CERTIFICAT DE MODIFICATION**

ATTENDU qu'une demande de statuts modificatifs en vertu de la *Loi sur les caisses populaires et les credit unions* a été présentée au ministre de la Consommation et du Commerce, selon la formule prescrite, par
 (dénomination de la caisse populaire ou *credit union*)

ET ATTENDU que toutes les conditions préalables à la délivrance des statuts modificatifs demandés ont été remplies;

Par ces motifs, dans l'exercice des pouvoirs que me confère la Loi, je délivre le présent certificat de modification.

SIGNÉ à Toronto le 19.....

*Le ministre de la Consommation et du Commerce*Règl. de l'Ont. 96/89, art. 2, *en partie*.**Formule 6***Loi sur les caisses populaires et les credit unions***STATUTS MIS À JOUR****DE**

.....
 (dénomination de la caisse populaire ou *credit union*)

constituée le
 (date de la constitution)

1. Les présents statuts mis à jour reproduisent correctement et sans changement les dispositions correspondantes des statuts constitutifs initiaux tels qu'ils sont modifiés jusqu'à présent.
2. Emplacement du siège social :
 (statut de la municipalité)
 de dans le
 (nom de la municipalité) (comté ou district)
 de
 (nom du comté ou district)
3. Adresse du siège social :
 (n° et rue ou route rurale et n° du bureau dans le cas d'un immeuble à bureaux)

 (nom de la municipalité ou du bureau de poste)
4. Nombre d'administrateurs :

5. The objects for which
(name of credit union or caisse populaire)

is incorporated are the promotion of co-operative enterprise, the facilitating of the accumulation of savings and the creation of a source of credit for its members at conscionable rates of interest and the provision of full financial services for its members.

(Specify here any powers set out in subsection 11 (2) of the Act which are to be withheld or limited and give details of any such limitations.)

These articles are executed in duplicate for delivery to the Minister.

.....
(name of credit union or caisse populaire)

CERTIFIED

BY:
(signature) (description of office)

.....
(signature) (description of office)

(corporate seal)

AFFIDAVIT OF VERIFICATION

PROVINCE OF ONTARIO

IN THE MATTER OF THE CREDIT UNIONS AND CAISSES POPULAIRES ACT AND THE RESTATED ARTICLES OF INCORPORATION OF

..... OF

To WIT:
(name of credit union or caisse populaire)

I, of the
(full name of deponent) (status of municipality)

of in the
(name of municipality) (county or district)

of in the province of
(name of county or district) (name of province)

make oath and say that:

1. I am
(description of office)

of
(name of credit union or caisse populaire)

and as such have personal knowledge of the matters herein deposed to.

2. The statements contained in the accompanying restated articles of incorporation are true.

3.
(name of credit union or caisse populaire)

has complied with the requirements of the Credit Unions and Caisses Populaires Act and the conditions in its articles and by-laws.

SWORN BEFORE ME at the)
..... of in the)
..... of this)
..... day of , 19....)

.....
(signature of deponent)

(signature of Commissioner, Notary Public, etc.)

5. Les objets pour lesquels
(dénomination de la caisse populaire ou *credit union*)

est constituée sont les suivants : favoriser le mouvement coopératif, faciliter l'épargne, créer une source de crédit à l'intention des sociétaires à des taux d'intérêt raisonnables et leur offrir une gamme complète de services financiers.

(Préciser les pouvoirs énumérés au paragraphe II (2) de la Loi qui ne s'appliquent pas ou qui s'appliquent d'une façon limitée et donner les détails de toute limitation.)

Les présents statuts sont faits en double exemplaire pour être remis au ministre.

.....
(dénomination de la caisse populaire ou *credit union*)

CERTIFIÉ

PAR :
(signature) (fonction)

(sceau)
(signature) (fonction)

AFFIDAVIT

PROVINCE DE L'ONTARIO

EN CE QUI CONCERNE LA LOI SUR LES CAISSES
POPULAIRES ET LES CREDIT UNIONS
ET LES STATUTS MIS À JOUR DE

..... DE

À SAVOIR :
(dénomination de la caisse populaire ou *credit union*)

Je soussigné(e), du/de la
(nom et prénoms du/de la déclarant(e)) (statut de la municipalité)

de situé(e) dans le
(nom de la municipalité) (comté ou district)

de dans la province de
(nom du comté ou district) (nom de la province)

déclare sous serment que :

1. Je suis
(fonction)

de
(dénomination de la caisse populaire ou *credit union*)

et, à ce titre, j'ai une connaissance directe de ce qui suit.

2. Les déclarations contenues dans les statuts mis à jour ci-joints sont exactes.

3.
(dénomination de la caisse populaire ou *credit union*)

s'est conformée aux exigences de la *Loi sur les caisses populaires et les credit unions* et a rempli les conditions prévues aux statuts constitutifs et aux règlements administratifs.

DÉCLARÉ SOUS SERMENT à/au)
..... de dans le/la)
..... de)
le 19....)
(signature du commissaire, notaire, etc.) (signature du/de la déclarant(e))

Form 7

Credit Unions and Caisses Populaires Act

RESTATED CERTIFICATE OF INCORPORATION

WHEREAS an application for a restatement of articles of incorporation under the provisions of the *Credit Unions and Caisses Populaires Act*, has been made to the Minister of Consumer and Commercial Relations in the prescribed form by; (name of credit union or caisse populaire)

AND WHEREAS all conditions precedent to the issuing of the desired restated certificate of incorporation have been complied with;

Now therefore, under the authority of the Act, I issue this restated certificate of incorporation.

GIVEN under my hand at the City of Toronto, the day of, 19.....

Minister of Consumer and Commercial Relations

R.R.O. 1980, Reg. 195, Form 7.

Form 8

Credit Unions and Caisses Populaires Act

ONTARIO SHARE AND DEPOSIT INSURANCE CORPORATION

CERTIFICATE OF DEPOSIT INSURANCE

No.

The Ontario Share and Deposit Insurance Corporation hereby certifies that the deposits of

..... (name of credit union)

..... (address of head office)

are insured under the *Credit Unions and Caisses Populaires Act* to the extent required and provided for in that Act.

Dated this day of, 19.....

..... Chairman of the Board

..... General Manager

R.R.O. 1980, Reg. 195, Form 8; O. Reg. 96/89, s. 1.

Form 9

Credit Unions and Caisses Populaires Act

APPLICATION FOR EXTRA-PROVINCIAL REGISTRATION

Name of Credit Union

Head Office Address

Telephone Number: Area Code ()

Date of Incorporation Province of Incorporation

List Board of Directors and identify Officers:

<i>Name</i>	<i>Residence Address</i>	<i>Position Title</i>
.....
.....

Formule 7

Loi sur les caisses populaires et les credit unions

CERTIFICAT DE MISE À JOUR

ATTENDU qu'une demande de mise à jour des statuts constitutifs, en vertu de la *Loi sur les caisses populaires et les credit unions*, a été présentée au ministre de la Consommation et du Commerce, selon la formule prescrite, par
(dénomination de la caisse populaire ou *credit union*)

ET ATTENDU que toutes les conditions préalables à la délivrance du certificat demandé ont été remplies;

Par ces motifs, dans l'exercice des pouvoirs que me confère la Loi, je délivre le présent certificat de mise à jour.

SIGNÉ à Toronto le 19.....

Le ministre de la Consommation et du Commerce

Règl. de l'Ont. 96/89, art. 2, *en partie.*

Formule 8

Loi sur les caisses populaires et les credit unions

LA SOCIÉTÉ ONTARIENNE D'ASSURANCE DES ACTIONS ET DÉPÔTS

CERTIFICAT D'ASSURANCE-DÉPÔTS

N°

La Société ontarienne d'assurance des actions et dépôts atteste par les présentes que les dépôts de

.....
(nom de la caisse populaire)

.....
(adresse du siège social)

sont assurés en vertu de la *Loi sur les caisses populaires et les credit unions* dans la mesure nécessaire et prévue par cette loi.

Fait le 19.....

Le président du conseil,

.....

Le directeur général,

.....

Règl. de l'Ont. 631/90, art. 2, *en partie.*

Formule 9

Loi sur les caisses populaires et les credit unions

DEMANDE D'ENREGISTREMENT EXTRAPROVINCIAL

Dénomination de la caisse

Adresse du siège social

Numéro de téléphone : Indicatif régional ()

Date de la constitution Province de constitution

Dresser la liste des membres du conseil d'administration et indiquer les dirigeants :

<i>Nom</i>	<i>Adresse personnelle</i>	<i>Titre du poste</i>
.....
.....

Resident Agent in Ontario:

Name

Business Address

Telephone Number

Has the credit union received an extra-provincial licence in any other jurisdiction or jurisdictions? (indicate where and when)

.....

If so, is such a licence still in force and when does it expire?

.....

Has the credit union ever been refused an extra-provincial licence in any jurisdiction? (If so, give details including reasons (if any) for such refusal)

.....

It is understood that,

- 1. No credit union that is an extra-provincial corporation within the meaning of the *Corporations Act* (being a corporation incorporated otherwise than by or under the authority of an Act of the Legislature of Ontario), shall be licensed under that Act as an extra-provincial corporation unless it has first been registered under the *Credit Unions and Caisses Populaires Act* by the Director.
- 2. If this application is granted, the credit union will be authorized to operate as a credit union in Ontario, but only for the limited purposes of,
 - (a) registering mortgages, charges or other security in Ontario in respect of loans made by the credit union in the course of carrying on its business in ; and
(name of province)
 - (b) instituting civil actions in Ontario in respect of such loans, mortgages and other security.

Signed:

.....

President

.....

Secretary

(Corporate Seal)

O. Reg. 744/83, s. 3.

Mandataire résident de l'Ontario :

Nom

Adresse d'affaires

N° de téléphone

La caisse détient-elle un permis extraprovincial délivré par une autorité d'une autre compétence territoriale? (Préciser le lieu et la date)

.....

Si oui, ce permis est-il encore en vigueur et quand expire-t-il?

.....

Est-ce qu'une autorité d'une autre compétence territoriale a refusé de délivrer un permis extraprovincial à la caisse? (Si oui, préciser et donner les motifs du refus, le cas échéant)

.....

Il est entendu :

- 1. Qu'aucune caisse qui est une personne morale extraprovinciale au sens de la *Loi sur les personnes morales* (c'est-à-dire une personne morale qui n'est pas constituée en vertu d'une loi de la Législature de l'Ontario) ne peut obtenir de permis en vertu de cette loi à titre de personne morale extraprovinciale à moins qu'elle ne soit d'abord enregistrée en vertu de la *Loi sur les caisses populaires et les crédit unions* par le directeur.
- 2. Que si la présente demande est agréée, la caisse sera autorisée à exercer les activités d'une caisse en Ontario, ses objets étant toutefois limités aux fins suivantes :
 - a) enregistrement des hypothèques, charges ou autres sûretés en Ontario à l'égard de prêts consentis par la caisse dans le cours de ses activités en/au ;
(nom de la province)
 - b) introduction de poursuites au civil en Ontario à l'égard de ces prêts, hypothèques et autres sûretés.

Signé par :

Le président,

.....

Le secrétaire,

.....

(sceau)

Règl. de l'Ont. 631/90, art. 2, en partie.

REGULATION 211

MATCHING ASSETS

PRESCRIBED ASSETS

1. For the purposes of subsection 92 (1) of the Act, the following classes of assets are prescribed:

1. Cash, including deposits with a bank listed in Schedule I or II to the *Bank Act* (Canada), in Canada, a trust corporation registered under the *Loan and Trust Corporations Act*, the Province of Ontario Savings Office or a league provided that the deposits are callable within ninety days of the date of their issue at their issue price.
2. Treasury bills or other obligations issued by Canada or a Province of Canada with a ninety day maturity or less.
3. In the case of a credit union that is in regular receipt of deductions made from the payroll of any of its members, an amount equal to any such deductions that have been made and are in the course of being remitted.
4. Unencumbered bonds, debentures or other obligations of or guaranteed by the Government of Canada or by the government of a Province or Territory of Canada that are valued at market and that are held as assets on the 31st day of January, 1985, until maturity or until sold.
5. In the case of a credit union or league that has a written investment policy that is duly authorized by its board of directors and which investment policy includes the maintaining of assets in the form of bankers' acceptances, discounted notes issued by banks and deposits and where the credit union or league prior to any merger has not entered into a rehabilitation agreement with a league or the Ontario Share and Deposit Insurance Corporation, bankers' acceptances, discounted notes issued by a Canadian bank listed in Schedule I or II to the *Bank Act* (Canada) and deposits by a league in the Canadian Co-operative Credit Society Limited or the Caisse Centrale Desjardins Quebec, provided that the bankers' acceptances or discounted notes are issued by an institution that is incorporated in Canada and that holds not less than an R1 Middle rating as classified by the Dominion Bond Rating Service. O. Reg. 62/85, s. 1, *revised*.

MATCHING OF TERMS OF INVESTMENTS AND LOANS WITH
TERMS OF DEPOSITS

2. The board of directors of each credit union shall at least once in each calendar year and not later than three months after the end of the fiscal year of the credit union approve a procedure for matching the terms of investments and loans with the terms of deposits of the credit union. O. Reg. 62/85, s. 2.

3. The procedure referred to in section 2 shall include a method for matching,

- (a) assets with variable interest rates with comparable variable interest rate liabilities;
- (b) assets with a term to maturity of one year or less and their associated interest rates with terms to maturity of liabilities of one year or less and their associated interest rates; and

RÈGLEMENT 211

ÉLÉMENTS D'ACTIF CORRESPONDANTS

ÉLÉMENTS D'ACTIF PRESCRITS

1 Pour l'application du paragraphe 92 (1) de la Loi, les catégories suivantes d'éléments d'actif sont prescrites :

1. L'argent comptant, y compris les dépôts auprès d'une banque mentionnée à l'annexe I ou II de la *Loi sur les banques* (Canada), d'une société de fiducie inscrite en vertu de la *Loi sur les sociétés de prêt et de fiducie*, de la Caisse d'épargne de l'Ontario ou d'une fédération, pourvu que ces dépôts soient remboursables dans les quatre-vingt-dix jours de la date de leur émission, au prix d'émission.
2. Les bons du trésor ou autres obligations du gouvernement du Canada ou d'une province, si leur échéance est de quatre-vingt-dix jours ou moins.
3. Un montant égal aux sommes retenues et qui sont en cours de versement, dans le cas d'une caisse qui reçoit régulièrement des sommes retenues sur la feuille de paie de sociétés.
4. Les obligations, débetures ou autres créances libres de toute charge émises par le gouvernement du Canada ou d'une province ou d'un territoire du Canada, ou garanties par eux, évaluées à leur valeur marchande et qui constituent des éléments d'actif au 31 janvier 1985, jusqu'à leur échéance ou jusqu'à ce qu'elles soient vendues.
5. Dans le cas d'une caisse ou d'une fédération qui possède des lignes de conduite écrites en matière de placements qui sont dûment autorisées par son conseil d'administration et qui comprennent le maintien d'éléments d'actif, sous forme d'acceptations de banque, de billets actualisés émis par des banques et de dépôts; et si la caisse ou la fédération, avant la fusion, s'il en est, a conclu une entente de réorganisation financière avec une fédération ou la Société ontarienne d'assurance des actions et dépôts, les acceptations de banque, les billets actualisés émis par une banque mentionnée à l'annexe I ou II de la *Loi sur les banques* (Canada) et les dépôts d'une fédération auprès de la Société canadienne de crédit coopératif Ltée ou de la Caisse centrale Desjardins du Québec, pourvu que les acceptations de banque ou les billets actualisés soient émis par un établissement constitué en personne morale au Canada qui possède au moins une cote «R1 Middle», selon la classification du «Dominion Bond Rating Service». Règl. de l'Ont. 484/90, art. 1, *en partie, révisé*.

CORRESPONDANCE ENTRE LA DURÉE DES PLACEMENTS ET DES PRÊTS
ET CELLE DES DÉPÔTS

2 Au moins une fois par année civile, le conseil d'administration de chaque caisse approuve, au plus tard trois mois après la fin de l'exercice, un processus pour faire correspondre la durée des placements et des prêts et celle des dépôts de la caisse. Règl. de l'Ont. 484/90, art. 1, *en partie*.

3 Le processus visé à l'article 2 comprend une méthode pour faire correspondre :

- a) les éléments d'actif à taux d'intérêt variables et les éléments de passif comparables à taux d'intérêt variables comparables;
- b) les éléments d'actif avec une échéance d'un an ou moins et les taux d'intérêt associés et les éléments de passif avec une échéance d'un an ou moins et les taux d'intérêt associés;

- (c) the maturity and interest rates of term assets, other than those referred to in clauses (a) and (b), with comparable term on liabilities and associated interest rates,

- c) l'échéance et les taux d'intérêt des éléments d'actif à terme, à l'exception de ceux visés aux alinéas a) et b), et l'échéance comparable des éléments de passif et des taux d'intérêt associés.

and shall be so established as to enable the credit union and the Director to constantly monitor the maturity dates of deposits and assets and their associated interest rates. O. Reg. 62/85, s. 3.

Le processus est élaboré de façon à permettre à la caisse et au directeur de surveiller constamment les dates d'échéance des dépôts et des éléments d'actif et leurs taux d'intérêt associés. Règl. de l'Ont. 484/90, art. 1, *en partie*.

4.—(1) The items referred to in clauses 3 (b) and (c) shall be matched where possible so that fixed rate assets are matched by deposits and other liabilities of a comparable term to an average annual level of 70 per cent.

4 (1) Les points visés aux alinéas 3 b) et c) doivent correspondre dans la mesure du possible de sorte que le niveau annuel moyen de correspondance entre les éléments d'actif à taux fixe et les dépôts et les autres éléments de passif d'une durée comparable soit de 70 pour cent.

(2) Where it is not possible for a credit union to match assets and liabilities as set out in subsection (1), the credit union shall forthwith assess the effect that the lack of matching and changes in interest rates will make on the net income and reserves of the credit union.

(2) Si la caisse ne peut faire correspondre les éléments d'actif et de passif comme le prévoit le paragraphe (1), la caisse évalue sans délai les conséquences que le défaut de correspondance et les changements en ce qui concerne les taux d'intérêt auront sur le bénéfice net et les réserves de la caisse.

(3) Where the board of directors is of the opinion that the lack of matching will adversely affect the net income and reserves of the credit union it shall forthwith develop a procedure that will enable the credit union to comply with subsection (1) and shall advise the Director in writing of the procedures within thirty days of the establishing of the procedure. O. Reg. 62/85, s. 4.

(3) Si le conseil d'administration est d'avis que le défaut de correspondance aura des conséquences défavorables sur le bénéfice net et les réserves de la caisse, il élabore sans délai un processus qui permettra à la caisse de satisfaire au paragraphe (1). Il avise le directeur, par écrit, du processus élaboré dans les trente jours qui en suivent l'élaboration. Règl. de l'Ont. 484/90, art. 1, *en partie*.

REGULATION 212

MEMBERSHIP IN CREDIT UNION LEAGUES

1. A league may accept into membership,
 - (a) co-operative corporations incorporated, organized or registered under provincial co-operative legislation or governed by such legislation;
 - (b) corporations organized for charitable purposes;
 - (c) corporations, no part of the income of which is payable to, or otherwise benefits personally, any shareholder or member thereof; and
 - (d) corporations however incorporated (whether under the laws of Ontario or not) which in the opinion of the directors are operating as co-operative corporations. O. Reg. 58/81, s. 1.
2. A loan to any member of a league referred to in clause 1 (a), (b), (c) or (d) may be made only on such terms and conditions as are provided for in the by-laws of the league. O. Reg. 58/81, s. 2.

RÈGLEMENT 212

ADHÉSION AUX FÉDÉRATIONS DE CAISSES

- 1 Une fédération peut accepter l'adhésion des organismes suivants :
 - a) les coopératives constituées, organisées ou enregistrées en vertu d'une loi provinciale sur les coopératives ou régies par une telle loi;
 - b) les personnes morales organisées à des fins charitables;
 - c) les personnes morales dont aucun revenu n'est payable aux actionnaires ou aux sociétaires ou ne leur profite personnellement d'une autre façon;
 - d) les personnes morales, constituées de quelque façon que ce soit (en vertu des lois de l'Ontario ou non) qui, de l'avis des administrateurs, fonctionnent comme des coopératives. Règl. de l'Ont. 483/90, art. 1, *en partie*.
- 2 Un prêt à un membre d'une fédération visé à l'alinéa 1 a), b), c) ou d) n'est consenti qu'aux conditions prévues aux règlements administratifs de la fédération. Règl. de l'Ont. 483/90, art. 1, *en partie*.

REGULATION 213

MEMBERSHIP IN CREDIT UNIONS

1. In this Regulation, "community credit union" means a credit union whose membership is open to all persons residing or working within a defined geographical area. R.R.O. 1980, Reg. 196, s. 1.
2. Subject to the by-laws of the credit union,

RÈGLEMENT 213

ADHÉSION AUX CAISSES

- 1 Pour l'application du présent règlement, le terme «caisse communautaire» s'entend d'une caisse à laquelle peuvent adhérer les personnes qui résident ou travaillent dans une zone géographique définie. Règl. de l'Ont. 482/90, art. 1, *en partie*.
- 2 Sous réserve des règlements administratifs de la caisse :

- | | |
|---|--|
| <p>(a) a municipal corporation may become a member of,</p> <p>(i) a community credit union provided that the credit union has a place of business within the municipality, or</p> <p>(ii) a credit union provided that the credit union's definition of membership includes employees of that municipal corporation;</p> <p>(b) a corporation may become a member of,</p> <p>(i) a community credit union provided that the corporation has a place of business within the geographical confines of the credit union,</p> <p>(ii) a credit union provided that the credit union's definition of membership includes employees of that corporation, or</p> <p>(iii) a credit union provided that in case of,</p> <p>(A) a corporation with share capital, a majority of the voting shares are held by members of the credit union, or</p> <p>(B) a corporation without share capital, a majority of the members are members of the credit union;</p> <p>(c) a corporation having charitable, benevolent or cultural objects may become a member of a credit union provided that the credit union's definition of membership includes that corporation;</p> <p>(d) an unincorporated association or a partnership registered under the <i>Business Names Act</i> may become a member of,</p> <p>(i) a community credit union provided that the unincorporated association or partnership is located within the geographical confines of the credit union, or</p> <p>(ii) a credit union provided that the majority of the members of the unincorporated association or the majority of the partners of the partnership are members of the credit union; and</p> <p>(e) a corporation or unincorporated association that is a trade union as defined in the <i>Labour Relations Act</i> may become a member of a credit union provided that the credit union's definition of membership is the same as the trade union or requires membership in the trade union. R.R.O. 1980, Reg. 196, s. 2.</p> | <p>a) une municipalité peut devenir sociétaire :</p> <p>(i) soit d'une caisse communautaire qui a un bureau dans la municipalité,</p> <p>(ii) soit d'une caisse qui, dans ses règles concernant l'adhésion, permet aux employés de la municipalité d'en être sociétaires;</p> <p>b) une personne morale peut devenir sociétaire :</p> <p>(i) d'une caisse communautaire qui a un bureau dans la zone géographique de la caisse,</p> <p>(ii) d'une caisse qui, dans ses règles concernant l'adhésion, permet aux employés de cette personne morale d'en être sociétaires,</p> <p>(iii) d'une caisse si, dans le cas :</p> <p>(A) d'une personne morale avec capital-actions, la majorité des actions avec droit de vote sont détenues par des sociétaires de la caisse,</p> <p>(B) d'une personne morale sans capital-actions, la majorité des membres sont sociétaires de la caisse;</p> <p>c) une personne morale qui poursuit des fins charitables, culturelles ou de bienfaisance peut devenir sociétaire d'une caisse qui le permet dans ses règles concernant l'adhésion;</p> <p>d) une association sans personnalité morale ou une société en nom collectif enregistrée conformément à la <i>Loi sur les noms commerciaux</i> peut devenir sociétaire :</p> <p>(i) d'une caisse communautaire si l'association ou la société est située dans la zone géographique de la caisse,</p> <p>(ii) d'une caisse, si la majorité de ses membres ou de ses associés sont sociétaires de la caisse;</p> <p>e) une personne morale ou une association sans personnalité morale qui est un syndicat au sens de la <i>Loi sur les relations de travail</i> peut devenir sociétaire d'une caisse dont les règles concernant l'adhésion sont identiques à celles du syndicat ou exigent l'appartenance au syndicat. Règl. de l'Ont. 482/90, art. 1, <i>en partie</i>.</p> |
|---|--|

3. Where a corporation or an unincorporated association or a partnership registered under the *Business Names Act* is a member of a credit union, a loan to such member may be made only on such terms and conditions as are provided for in the by-laws of the credit union. R.R.O. 1980, Reg. 196, s. 3.

3 La personne morale, l'association sans personnalité morale ou la société en nom collectif enregistrée en vertu de la *Loi sur les noms commerciaux* qui est sociétaire d'une caisse ne peut obtenir un prêt que conformément aux conditions prévues aux règlements administratifs de la caisse. Règl. de l'Ont. 482/90, art. 1, *en partie*.

REGULATION 214

STABILIZATION FUNDS

1. In this Regulation,

"deficit position" means a financial position where the liabilities including the capital subscribed as a condition of membership exceed the total tangible assets;

"former OSDIC assessments" means those funds constituting the balance of assessments referred to in subsection 113 (1) of the Act including the accumulated net earnings thereon that were paid out by the Ontario Share and Deposit Insurance Corporation and placed in a stabilization fund. O. Reg. 151/87, s. 1.

2. No person shall disburse or cause or permit to be disbursed from a stabilization fund established by a league under the Act, former OSDIC assessments or the accumulated net earnings thereon, as

they existed on the 1st day of March, 1987, except as set out in this Regulation. O. Reg. 151/87, s. 2.

3.—(1) A league may disburse or cause the disbursement of former OSDIC assessments or the accumulated net earnings thereon from a stabilization fund operated by it to a credit union,

- (a) up to an amount equal to the deficit of the credit union, where the credit union was on the 31st day of March, 1987 a member of that league and was in a deficit position; or
- (b) in order to assist the credit union in meeting the standards of business and financial practices referred to in clause 112 (1) (a) of the Act.

(2) No disbursement shall be made to a credit union under clause (1) (a) unless,

- (a) the deposit insurance of the credit union is in good standing; or
- (b) the deposit insurance of the credit union is not in good standing but will be restored to good standing if the disbursement is made by the league,

and the credit union files with the league a certificate from the Ontario Share and Deposit Insurance Corporation that attests to the fact referred to in clause (a) or (b).

(3) No disbursement shall be made to a credit union under clause (1) (b) unless the credit union files with the league a certificate from the Ontario Share and Deposit Insurance Corporation that states that the disbursement will assist the credit union in meeting the standards of business and financial practices referred to in clause 110 (1) (a) of the Act. O. Reg. 151/87, s. 3.

4. A league may disburse or cause the disbursement of the accumulated net earnings from former OSDIC assessments to meet the operating and administrative expenses incurred in the operation of the stabilization fund operated by it. O. Reg. 151/87, s. 4.

5. Where the credit unions referred to in section 3 are in a sound financial condition, there are no further disbursements required to finance the deficits of the credit unions and there are no outstanding orders respecting the credit unions under section 117 of the Act, the league to which the credit unions belong may use any remaining former OSDIC assessments or the accumulated net earnings thereon for such purposes as are approved by a special resolution of the league. O. Reg. 151/87, s. 5.

Crop Insurance Act (Ontario)
Loi sur l'assurance-récolte (Ontario)

REGULATION 215

ARBITRATION PROCEEDINGS

1.—(1) The Crop Insurance Arbitration Board is continued.

(2) It shall consist of one or more members appointed by the Lieutenant Governor in Council. R.R.O. 1980, Reg. 197, s. 1, *revised*.

2. The Lieutenant Governor in Council may designate one of the members of the Board as chair. R.R.O. 1980, Reg. 197, s. 2.

3. The Board has exclusive jurisdiction to hear and determine all disputes between the Commission and an insured person, arising out of the adjustment of a loss under a contract of insurance. R.R.O. 1980, Reg. 197, s. 3, *revised*.

4. If the Commission and an insured person have failed to resolve any dispute arising out of the adjustment of a loss under a contract of insurance, and all requirements respecting the filing of proof of loss forms have been complied with, the Commission or the insured person may serve, by prepaid first class mail, notice of arbitration upon the other of them, and upon the Board, stating that the matter in dispute is to be determined by arbitration. R.R.O. 1980, Reg. 197, s. 4, *revised*.

5. A notice of arbitration referred to in section 4 shall be served within one year of the day of filing of the proof of loss form. O. Reg. 81/84, s. 1.

6. Where a notice of arbitration has been served in accordance with sections 4 and 5, the Board shall fix a day and a time when and a place where it will consider the matter in dispute and hear the parties, and shall notify the parties accordingly. O. Reg. 81/84, s. 2.

7. On the day, and at the time and place so fixed, or on any subsequent day and at any time and place of which the parties have had due notice, the Board shall hear the evidence given on behalf of the parties respecting the matter in dispute referred to it, and shall make an award thereon. R.R.O. 1980, Reg. 197, s. 6.

8. The decision of a majority of its members is the decision of the Board, and if there is no majority, the decision of the chair governs. R.R.O. 1980, Reg. 197, s. 7, *revised*.

9. The Board may sit at any place in Ontario. R.R.O. 1980, Reg. 197, s. 8.

10. All orders, notices and other documents of the Board shall be signed by the chair or in the event of his or her absence or inability to act, or if there is no chair at the time, by any other member of the Board and when so signed shall have like effect as if signed by the chair. R.R.O. 1980, Reg. 197, s. 9.

11. In the event of the absence or inability to act of any member, or in the case of a vacancy in the Board, the remaining member or members may exercise the powers of the Board. R.R.O. 1980, Reg. 197, s. 10.

REGULATION 216

CROP INSURANCE PLAN FOR APPLES

1. The plan in the Schedule is established for the insurance within Ontario of apples. R.R.O. 1980, Reg. 198, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Apples".

2. The purpose of this plan is to provide for insurance against a loss in the production of apples resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"apples" means all varieties of apples produced in Ontario but does not include crabapples;

"average yield" means the average total orchard production of the insured person over the preceding six years allowing for,

- (a) age of trees,
- (b) biennial bearing,
- (c) tree removal, and
- (d) change in acreage.

DESIGNATION OF PERILS

4. The following are designated as perils for the purpose of this plan:

- 1. Drought.
- 2. Excessive moisture.
- 3. Freeze injury.
- 4. Frost.
- 5. Hail.
- 6. Unavoidable pollination failure.
- 7. Hurricane or tornado damage.

CROP YEAR

5. The crop year for apples is the period from the 1st day of December in any year to the 30th day of November next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for apples shall be deemed to be comprised of,

- (a) the contract of insurance in Form 1;

- (b) the application for insurance;
- (c) the production guarantee report;
- (d) where applicable, the extended coverage endorsement in Form 3;
- (e) where applicable, the extended coverage endorsement in Form 2; and
- (f) an amendment to any document referred to in clause (a), (b), (c), (d) or (e) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be accompanied by a premium deposit of,
 - (i) \$100, or
 - (ii) one-quarter of the premium payment made by the insured person for the previous crop year,
 whichever is the greater, or
 - (iii) an amount to be determined by the Commission; and
- (c) be filed with the Commission not later than the 1st day of December in the crop year in respect of which it is made.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before the 1st day of December in the crop year during which the cancellation is to be effective or on or before such other date as may be determined from time to time by the Commission.

COVERAGE

9.—(1) Subject to subsections (2) and (3), the coverage provided under a contract of insurance is 73 per cent of the average yield as determined by the Commission multiplied by the established price.

(2) The coverage provided under subsection (1) shall be increased following each consecutive no claim year as follows:

1. Following the first no claim year, to 76 per cent.
2. Following the second no claim year, to 78 per cent.
3. Following the third no claim year, to a maximum of 80 per cent.

(3) The coverage provided under subsections (1) and (2) shall be decreased for claim years from the insured level in reverse progression to that prescribed by subsection (2), except that where a claim occurs in a year when the coverage is 73 per cent, the coverage shall be reduced to a minimum of 70 per cent.

(4) Where the insured crop is damaged by hail or frost and the actual harvested yield exceeds the average yield, the coverage provided shall be the sum of percentage of the average yield determined under this section and the same percentage of the excess yield harvested, but in no case shall the maximum indemnity exceed that for which the Commission is otherwise liable.

10.—(1) The established price for apples is,

- (i) 7 cents,

(ii) 9 cents, or

(iii) 11 cents,

per pound.

(2) Subject to subsection (3), the established price per pound shall,

- (a) be selected by an applicant at the time a contract of insurance is made or upon renewal of such contract; and
- (b) apply in each succeeding crop year during which the contract is in force.

(3) Where,

- (a) the insured person applies therefor in writing prior to the 1st day of December in the crop year; and
- (b) the Commission consents in writing,

any established price designated in subsection (1) may be substituted for the established price selected by the insured person at the time a contract of insurance is made or for any substitution made under this subsection.

11. The maximum indemnity for which the Commission is liable under a contract of insurance shall be the amount obtained by multiplying the total guaranteed production determined under section 9 by the established price per pound determined under section 10.

PREMIUMS

12.—(1) The total premium payable in the crop year is,

- (a) where the level of coverage is 70 per cent, 17.3 per cent;
- (b) where the level of coverage is 73 per cent, 16.8 per cent;
- (c) where the level of coverage is 76 per cent, 16.2 per cent;
- (d) where the level of coverage is 78 per cent, 15.7 per cent; and
- (e) where the level of coverage is 80 per cent, 14.5 per cent,

of the guaranteed production in pounds multiplied by the established price.

(2) Despite subsection (1), where the guaranteed production exceeds 600,000 pounds, the premium payable shall be reduced as follows:

GUARANTEED PRODUCTION	PREMIUM DISCOUNT
Up to 600,000 pounds	0%
600,001 to 1,200,000 pounds	10%
1,200,001 to 1,800,000 pounds	20%
1,800,001 to 2,400,000 pounds	30%
2,400,001 to 2,500,000 pounds	33%
2,500,001 to 2,600,000 pounds	36%
2,600,001 to 2,700,000 pounds	39%
2,700,001 to 2,800,000 pounds	42%
2,800,001 to 2,900,000 pounds	45%
2,900,001 to 3,000,000 pounds	48%
over 3,000,000 pounds	50%

(3) Despite subsections (1) and (2), the minimum premium payable by an insured person in each crop year is \$100.

(4) The premium prescribed in subsection (1) includes payments in respect of premiums made by the Government of Canada under the *Crop Insurance Act* (Canada).

13.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit, to the Commission at the time the production guarantee report prescribed by section 14 is returned to the Commission.

PRODUCTION GUARANTEE REPORT

14. The Commission shall prepare and deliver a production guarantee report in the form prescribed by the Commission to each insured person in each crop year and the insured person shall sign a copy thereof and return it to the Commission. R.R.O. 1980, Reg. 198, Sched.; O. Reg. 768/81, ss. 1-4; O. Reg. 37/83, s. 1; O. Reg. 754/83, ss. 1, 2; O. Reg. 796/83, ss. 1, 2; O. Reg. 647/85, ss. 1-7; O. Reg. 675/86, ss. 1, 2; O. Reg. 222/88, s. 1; O. Reg. 730/88, s. 1.

Form 1

Crop Insurance Act (Ontario)

CONTRACT OF INSURANCE

Between:

THE CROP INSURANCE COMMISSION OF ONTARIO, hereinafter referred to as "THE COMMISSION",

OF THE FIRST PART

--and--

.....
of the of

in the County (or as the case may be) of
hereinafter referred to as "THE INSURED PERSON",

OF THE SECOND PART

WHEREAS the insured person has applied for crop insurance on apples under The Ontario Crop Insurance Plan for Apples, hereinafter referred to as "the plan";

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, where in a crop year the insured person suffers a loss in the production of apples resulting from one or more of the perils designated in the plan, the Commission, subject to the terms and conditions hereinafter set forth, agrees to indemnify the insured person in respect of such loss.

TERMS AND CONDITIONS

INSURED CROP

1. In this contract, "insured crop" means all varieties of apples produced in Ontario but does not include crabapples.

CAUSES OF LOSS NOT INSURED AGAINST

2. This contract does not insure against, and no indemnity shall be paid in respect of a loss resulting from,

- (a) the negligence, misconduct or poor farming practices of the insured person or the insured person's agents or employees;
- (b) a shortage of labour or machinery;
- (c) insect infestation or plant disease; or
- (d) a peril other than the perils designated in the plan.

EXTENT OF INSURANCE

3.—(1) The insured person shall offer for insurance all acreage planted to the insured crop on the farm or farms operated by the

insured person in Ontario, and, subject to subparagraph (2), this contract applies to all such acreage.

(2) This contract does not apply to, and no indemnity is payable in respect of, acreage planted to the insured crop,

- (a) that was not adequately prepared for cropping purposes; or
- (b) that, in the opinion of the Commission, is not insurable.

CROP YEAR

4.—(1) All insured acreage shall be harvested unless the Commission, upon application therefor in writing, consents in writing to the abandonment or destruction of the insured crop or any part thereof and, in such case, the Commission shall determine,

- (a) the potential production of the unharvested acreage; and
- (b) whether the harvesting was prevented by one or more of the perils insured against.

(2) Where an insured person fails to obtain the consent of the Commission in accordance with subparagraph (1), no indemnity shall be paid in respect of the unharvested acreage.

EVALUATION OF LOSS

5.—(1) The amount of loss that shall be taken into account in the final adjustment of loss in respect of the total insured acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per pound.

(2) For the purpose of subparagraph (1), actual production shall include,

- (a) the total orchard run of all insured acreage; and
- (b) the potential production of wholly or partially unharvested acreage where the failure to harvest resulted from a cause of loss not insured against.

(3) If the insured crop or any part of it has suffered hail, freeze, frost, hurricane or tornado damage to such an extent that the grade has been reduced from Canada Fancy to Juice Grade, for the purpose of subparagraph (1), the actual production is the total of the actual undamaged production and a fraction of the actual damaged production calculated under subparagraph (4).

(4) The fraction of the actual damaged production shall be calculated as follows:

$$\frac{\text{Juice Grade price per pound less } 2\epsilon}{(3 \times \text{Juice Grade price per pound})}$$

(5) Where the actual production of the insured crop or any part thereof has been adjusted as a result of hail or frost damage and such crop or part thereof is subsequently sold as a grade superior to that upon which the adjustment was based, the actual production shall be readjusted accordingly.

NOTICE OF LOSS OR DAMAGE

6.—(1) Where,

- (a) loss or damage to the insured crop occurs; or
- (b) the insured crop or any part thereof is or is intended to be sold on a pick-your-own basis,

the insured person shall notify the Commission in writing prior to harvest in order that a pre-harvest inspection may be made.

(2) Despite subparagraph (1), where loss or damage to the insured crop occurs, the insured person shall notify the Commission in writing within the following time limits:

1. For hail or hurricane or tornado damage, within three days of the time of loss.
2. For frost damage or freeze injury affecting the quality of the fruit, within three days of the time of loss.
- (3) Where the insured person fails to notify the Commission under subparagraphs (1) and (2), a claim by the insured person is invalid and the insured person's right to indemnity is forfeited.

MISREPRESENTATION, VIOLATION OF CONDITIONS OR FRAUD

7. Where the insured person,
 - (a) in the application for insurance,
 - (i) gives false particulars of the insured crop to the prejudice of the Commission, or
 - (ii) knowingly misrepresents or fails to disclose any fact required to be stated therein;
 - (b) contravenes a term or condition of the contract of insurance;
 - (c) commits a fraud in respect of the insured crop; or
 - (d) wilfully makes a false statement in respect of a claim under the contract of insurance,

a claim by the insured person is invalid and the insured person's right to recover indemnity is forfeited.

WAIVER OR ALTERATION

8. No term or condition of this contract shall be deemed to be waived or altered in whole or in part by the Commission unless the waiver or alteration is clearly expressed in writing signed by the Commission or a representative authorized for that purpose by the Commission.

INTEREST OF OTHER PERSONS

9. Even if a person other than the insured person holds an interest of any kind in the insured crop, for the purposes of this contract,
 - (a) the interest of the insured person in the insured crop is deemed to be the full value of the crop; and
 - (b) except as provided in paragraph 10, no indemnity shall be paid to any person other than the insured person.

ASSIGNMENT OF RIGHT TO INDEMNITY

10. The insured person may assign all or part of a right to indemnity under this contract in respect of the insured crop but an assignment is not binding on the Commission and no payment of indemnity shall be made to an assignee unless,
 - (a) the assignment is made on a form provided by the Commission; and
 - (b) the Commission consents thereto in writing.

ADJUSTMENT OF LOSS

- 11.—(1) The indemnity payable for loss or damage to the insured crop shall be determined in the manner prescribed by this contract.
- (2) The Commission may cause the production of the insured crop to be appraised by any method that it deems proper.
- (3) No indemnity shall be paid for a loss in respect of the insured crop unless the insured person establishes,
 - (a) the actual production obtained from the insured crop for the crop year; and

- (b) that the loss in production or part thereof resulted directly from one or more of the perils insured against.
- (4) Where a loss in production resulted partly from a peril insured against and partly from a cause of loss not insured against, the Commission shall determine the amount of the loss that resulted from the cause of loss not insured against, and the indemnity payable by the Commission under this contract shall be reduced accordingly.

PROOF OF LOSS

- 12.—(1) A claim for indemnity in respect of the insured crop shall be made on a proof of loss form provided by the Commission and shall be filed with the Commission not later than sixty days after,
 - (a) the completion of harvesting of the insured crop; or
 - (b) the end of the crop year,
 whichever is the earlier.
- (2) Subject to subparagraph (3), a claim for indemnity shall be made by the insured person.
- (3) A claim for indemnity may be made,
 - (a) in the case of the absence or inability of the insured person, by an authorized representative; or
 - (b) in the case of the absence or inability of the insured person or on failure or refusal to do so, by an assignee under an assignment made in accordance with paragraph 10.
- (4) Where required by the Commission the information given in a proof of loss form shall be verified by statutory declaration.

ARBITRATION

13. Where the Commission and the insured person fail to resolve any dispute respecting the adjustment of a loss under this contract, the matter shall be determined by arbitration in accordance with the regulations.

TIME FOR PAYMENT OF INDEMNITY

- 14.—(1) No indemnity under this contract becomes due and payable until,
 - (a) the end of the crop year; and
 - (b) the premium has been paid in full.

- (2) Where the indemnity payable by the Commission under this contract is established by the filing of a proof of loss form or by an award of an arbitrator or board of arbitration, it shall be paid within sixty days of the receipt by the Commission of the proof of loss form or award, as the case may be.
- (3) Nothing in this paragraph prevents the Commission from paying indemnity under the contract at an earlier date.

SUBROGATION

15. Where the Commission has paid a claim under this contract, the Commission is subrogated to the extent thereof to all rights of recovery of the insured person against any person and may bring action in the name of the insured person to enforce those rights.

RIGHT OF ENTRY

16. The Commission has a right of entry to the premises of the insured person that may be exercised by agents of the Commission at any reasonable time or times for any purpose related to the contract of insurance.

NOTICE

17.—(1) Any written notice to the Commission shall be given by delivery thereof or by sending it by mail to the Commission.

(2) Written notice to the insured person shall be served by personal delivery or by mailing it to the insured person's last known address on file with the Commission.

(3) Where a written notice is mailed, it shall be deemed to be served three days after it is mailed.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this contract of insurance to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at,
this day of, 19.....

Duly Authorized
Representative

General Manager

R.R.O. 1980, Reg. 198, Form 1; O. Reg. 768/81, s. 5; O. Reg. 37/83, s. 2; O. Reg. 6/85, ss. 1, 2; O. Reg. 647/85, s. 8; O. Reg. 222/88, s. 2; O. Reg. 15/90, s. 1.

Form 2

Crop Insurance Act (Ontario)

EXTENDED COVERAGE ENDORSEMENT

DEFINITIONS

1. In this Form,

"gross production" means the total damaged and undamaged production of the insured crop at each separate orchard;

"insured crop" means all varieties of apples, except crabapples, produced in Ontario;

"separate farms" means farms, whether adjoining or not, that have different addresses or different legal descriptions;

"separate orchards" means orchards that are operated by the same insured person, that are located on separate farms and that have yields that can be maintained separately.

TERMS AND CONDITIONS

2.—(1) This endorsement provides for insurance against a loss in the grade of apples resulting from hail damage to separate orchards.

(2) Each separate orchard is insured under this endorsement on an individual basis.

(3) The only insurable peril under this endorsement is hail.

(4) In order to qualify for coverage under this endorsement, the insured person shall offer for insurance all separate orchards that are planted to the insured crop and that are operated by that person in Ontario.

(5) This endorsement is in force where the insured person applies for insurance in Form 1 of this plan, applies for the extended coverage offered under this endorsement and pays the premium prescribed by paragraph 9.

APPLICATION

3. An insured person may make application for extended coverage up until the time that the production guarantee report is completed and the premium is paid by the insured.

4. The extended coverage under this endorsement may be cancelled by the insured person by notice in writing to the Commission on or before the 10th day of June in the crop year during which the cancellation is to take effect.

COVERAGE

5.—(1) The coverage provided under this endorsement shall be the same as that set out in subsections 9 (1), (2) and (3) of the Schedule.

(2) Subsection 9 (4) of the Schedule does not apply to this endorsement.

6. The established price for apples shall be the same as that set out in section 10 of the Schedule.

7. The maximum indemnity for which the Commission is liable under a contract of insurance in Form 1 and insurance provided by this endorsement is the amount obtained by multiplying the total guaranteed production determined under section 9 of the Schedule by the established price per pound set out in section 10 of the Schedule.

8. For the purposes of this endorsement, an indemnity for a separate orchard shall be payable only where 10 per cent or more of the insured crop in the separate orchard is damaged by hail.

PREMIUMS

9.—(1) The total premium payable in the crop year for both the contract of insurance in Form 1 and this endorsement is,

- (a) where the level of coverage is 70 per cent, 20.65 per cent;
- (b) where the level of coverage is 73 per cent, 20.40 per cent;
- (c) where the level of coverage is 76 per cent, 20.10 per cent;
- (d) where the level of coverage is 78 per cent, 19.85 per cent;
- (e) where the level of coverage is 80 per cent, 19.25 per cent,

of the guaranteed production in pounds multiplied by the established price.

(2) The premium prescribed by subparagraph (1) includes payments in respect of premiums made by the Government of Canada under the *Crop Insurance Act* (Canada).

10. The total premium payable under this endorsement shall be paid by the insured person at the time the contract of insurance for this endorsement is finalized between the Commission and the insured person.

11. The volume discount set out in subsection 12 (2) of the Schedule does not apply to premiums payable for this endorsement.

EVALUATION OF LOSS

12.—(1) The amount of loss respecting the insured acreage for each separate orchard shall be calculated by multiplying the following together:

1. The established price per pound as set out in section 10 of the Schedule.
2. The percentage of loss that is calculated under subparagraph (3).
3. The lesser of the actual production or the guaranteed production, as determined by the Commission.

(2) For the purpose of subparagraph (1), actual production shall include,

- (a) the total orchard run from each separate orchard; and
- (b) the potential production of wholly or partially unharvested

acreage where the failure to harvest resulted from a cause of loss not insured against under this endorsement.

(3) Where the insured crop or any part of it has suffered hail damage to such an extent that the grade has been reduced from Canada Fancy to Juice Grade, the percentage of loss due to hail damage, for the purpose of subparagraph (1), is:

$$\left[\frac{\text{Actual Damaged Production} \times 1 - \left(\frac{\text{Juice Grade per pound less } 2\epsilon}{3 \times \text{Juice Grade price per pound}} \right)}{\text{Gross production}} \right] \times 100$$

(4) In order to determine the reduction in grade by hail, the Commission shall calculate the hail counts as close to harvest as possible.

NOTICE OF LOSS OR DAMAGE

13. Where loss or damage to the insured crop occurs, the insured person shall notify the Commission immediately in writing. O. Reg. 222/88, s. 4; O. Reg. 730/88, s. 2; O. Reg. 15/90, s. 2.

Form 3

Crop Insurance Act (Ontario)

EXTENDED COVERAGE ENDORSEMENT

TERMS AND CONDITIONS

1.—(1) In this endorsement the coverage for apples insured under the plan shall be deemed to be extended to producing and non-producing trees in accordance with paragraph 5.

(2) This endorsement is in force where the insured person applies therefor and pays the prescribed premium.

(3) The coverage in force and indemnity and premiums payable under this endorsement are in addition to any prescribed by the plan.

DESIGNATION OF PERILS

2. In addition to the perils designated under the plan, the following are designated as perils for the purposes of this endorsement:

1. Ice damage.
2. Virus disease for which there is no effective control program.
3. Any other adverse weather condition.

3. An application for extended coverage shall be made by the 1st day of December preceding the crop year in respect of which coverage under the plan is requested.

EXTENT OF INSURANCE

4.—(1) The insured person shall offer for insurance all trees being used to produce the insured crop or that are being grown to produce the insured crop and, subject to subparagraph (2), this endorsement applies to all such trees.

(2) This endorsement does not apply to and no indemnity is payable in respect of trees,

- (a) in the year of planting;
- (b) that are diseased, or that for any other reason in the opinion of the Commission, are not insurable; or
- (c) of a total insurable value of less than \$3,000 according to the Table.

COVERAGE

5.—(1) Subject to subparagraph (2), the coverage provided under this endorsement is the value per tree in accordance with the Table multiplied by the number of insured trees.

(2) Coverage of 50 per cent of that provided under subparagraph (1) may be selected by the insured person at the time of application.

PREMIUMS

6.—(1) Subject to subparagraph (2), the premium payable by the insured person in the crop year under this endorsement is 1 per cent of the coverage provided.

(2) The minimum premium payable by an insured person in the crop year under this endorsement is \$200.

(3) An insured person shall pay a premium deposit of \$200 at the time of application for extended coverage.

7. For the purposes of this endorsement, a loss shall be deemed to have occurred where,

- (a) 500 trees; or
- (b) 3 per cent of the total number of trees insured,

whichever is fewer, are damaged by one or more of the insured perils to the extent that the trees are of no further value.

NOTIFICATION OF LOSS

8. Any loss or damage must be reported to the Commission as soon as it becomes apparent and in no case will any indemnity be paid in respect of trees removed prior to inspection by the Commission.

TABLE

Categories	Coverage per Tree
Where the trees are 2 or 3 years of age	\$ 8
Where the trees are 4 years of age or older and there are 250 or more trees per acre	\$12
Where the trees are 4 years of age or older and there are 60 or more, but not more than 249, trees per acre	\$15
Where the trees are from 4 to 9 years of age inclusive and there are fewer than 60 trees per acre	\$18
Where the trees are 10 years of age or older and there are fewer than 60 trees per acre	\$40

O. Reg. 754/83, s. 5; O. Reg. 82/84, s. 2; O. Reg. 6/85, s. 3; O. Reg. 647/85, s. 11; O. Reg. 675/86, s. 3; O. Reg. 222/88, s. 3; O. Reg. 730/88, s. 3.

REGULATION 217

CROP INSURANCE PLAN FOR ASPARAGUS

1. The plan in the Schedule is established for the insurance within Ontario of asparagus. O. Reg. 353/84, s. 1.

Schedule*Crop Insurance Act (Ontario)***PLAN**

1. This plan may be cited as "The Ontario Crop Insurance Plan for Asparagus".

2. The purpose of this plan is to provide for insurance against a loss in the production of asparagus resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"asparagus" means asparagus produced in Ontario from plants that are four years of age or older;

"average farm yield" means the average of previous yields of the producing acreage computed on the basis of acreage production records of the insured person or on such other basis as the Commission approves.

DESIGNATION OF PERILS

4.—(1) Subject to subsection (2), the following are designated as perils for the purposes of this plan:

1. Drought.
2. Excessive heat.
3. Excessive rainfall.
4. Flood.
5. Frost.
6. Hail.
7. Insect infestation.
8. Plant disease.
9. Wind.
10. Cool weather.

(2) The contract of insurance does not insure against a loss in the production of asparagus in a crop year resulting from insect infestation or plant disease unless the insured person establishes that a recommended control program during the crop year was followed.

5. The crop year for asparagus is the period from the 1st day of April in any year to the 15th day of July next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for asparagus shall be deemed to be comprised of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) the application for insurance;
- (c) an endorsement for asparagus in Form 1;
- (d) the final acreage report for each crop year; and
- (e) any amendment to a document referred to in clause (a), (b), (c) or (d) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be accompanied by a premium deposit of at least \$100; and
- (c) be filed with the Commission not later than the 1st day of August of the preceding year.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before the 1st day of August prior to the crop year during which the cancellation is to be effective.

COVERAGE

9.—(1) The initial coverage provided under a contract of insurance shall be 70 per cent of the average farm yield in pounds of the total producing acres of asparagus grown by the insured person.

(2) If there is no claim in a year, the coverage provided under a contract of insurance for the next following year shall be as follows,

- (a) where the coverage for the year in which there was no claim was 65 per cent, 70 per cent of the average farm yield in pounds of the total producing acres of asparagus grown by the insured person;
- (b) where the coverage for the year in which there was no claim was 70 per cent, 75 per cent of the average farm yield in pounds of the total producing acres of asparagus grown by the insured person;
- (c) where the coverage for the year in which there was no claim was 75 per cent, 80 per cent of the average farm yield in pounds of the total producing acres of asparagus grown by the insured person;
- (d) where the coverage for the year in which there was no claim was 80 per cent, 80 per cent of the average farm yield in pounds of the total producing acres of asparagus grown by the insured person.

(3) If there is a claim in a year, the coverage provided under a contract of insurance for the next following year shall be as follows,

- (a) where the coverage for the year in which there was a claim was 80 per cent, 75 per cent of the average farm yield in pounds of the total producing acres of asparagus grown by the insured person;
- (b) where the coverage for the year in which there was a claim was 75 per cent, 70 per cent of the average farm yield in pounds of the total producing acres of asparagus grown by the insured person;
- (c) where the coverage for the year in which there was a claim was 70 per cent, 65 per cent of the average farm yield in pounds of the total producing acres of asparagus grown by the insured person;
- (d) where the coverage for the year in which there was a claim was 65 per cent, 65 per cent of the average farm yield in pounds of the total producing acres of asparagus grown by the insured person.

(4) Despite subsection (3), if the amount of a claim paid in a year

is less than one-half of that year's total premium, the coverage for the following year shall remain unchanged.

(5) The number of pounds calculated for the purposes of subsections (1), (2) and (3) constitutes the total guaranteed production under a contract of insurance.

(6) If the Commission is of the opinion that the insured person cannot provide adequate production records, it shall determine the average farm yield on the basis of such other acreage production records as it considers appropriate.

10. For the purposes of this plan, the established price per pound for asparagus in a crop year is an amount equal to one-half of the minimum price per pound for asparagus negotiated for that crop year by the Ontario Asparagus Growers' Marketing Board.

11. Subject to subparagraph 4 (2) of Form 1, the maximum amount for which the Commission is liable for a loss in production under a contract of insurance shall be the amount obtained by multiplying the total guaranteed production determined under section 9 by the established price per pound determined under section 10.

PREMIUMS

12.—(1) The total premium is \$26 per acre.

(2) Despite subsection (1), the minimum premium payable by an insured person in each crop year is \$100.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Government of Canada under the *Crop Insurance Act* (Canada).

13.—(1) Where a contract of insurance is in force, the premium shall be paid in respect of each crop year in which the insured person produces asparagus.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit prescribed by subsection (3), to the Commission at the time of filing the final acreage report prescribed by section 14.

(3) Where a renewal premium is payable in respect of a crop year, the insured person shall, not later than the 1st day of August in the preceding crop year, pay a premium deposit in accordance with clause 7 (b).

FINAL ACREAGE REPORT

14.—(1) Every insured person shall file with the Commission in each crop year a final acreage report in a form provided by the Commission.

(2) The form mentioned in subsection (1) shall,

- (a) record the total number of producing acres; and
- (b) be filed by the 15th day of April of the crop year to which it relates.

(3) A final acreage report filed with the Commission shall not be amended without the consent in writing of the Commission.

15.—(1) The Commission may revise the final acreage report in any or all respects and adjust the premium accordingly and, in such case, shall notify the insured person in writing forthwith respecting such revision and adjustment.

(2) The insured person shall be deemed to have agreed with the revision of the final acreage report and adjustment of premium made by the Commission under subsection (1) unless the insured person notifies the Commission in writing that the insured person rejects the revision and adjustment within ten days after the Commission notification is served on the insured person.

(3) For the purposes of subsection (2), the Commission notification may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(4) Where the Commission receives notice from an insured person under subsection (2), it shall notify the insured person in writing that the contract of insurance does not apply for the crop year in respect of which the final acreage report was filed.

(5) A final acreage report revised under this section shall, failing notice under subsection (2), constitute the final acreage report for the crop year.

16.—(1) Where an insured person in any crop year fails to file a final acreage report in the form and manner prescribed by this Regulation, the Commission may,

- (a) prepare the final acreage report;
- (b) declare the insured acreage to be nil; or
- (c) cancel the contract with no refund of premium deposit.

(2) Where the Commission prepares a final acreage report under subsection (1), the Commission shall serve a copy of the report on the insured person either by personal delivery or by mailing it to the insured person's last known address.

(3) Every insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commission within ten days after the insured person has been served with a copy of it.

(4) A mailed report is considered served three days after it is mailed. O. Reg. 353/84, Sched.; O. Reg. 659/87, s. 1; O. Reg. 460/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

ASPARAGUS ENDORSEMENT

WHEREAS the insured person has applied for crop insurance under The Ontario Crop Insurance Plan for Asparagus, hereinafter referred to as "the plan" and has paid the deposit premium prescribed thereunder;

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover asparagus produced in Ontario.

HARVESTING OF PRODUCING ACREAGE

1. All producing asparagus acreage shall be harvested in a crop year unless the Commission, upon application therefor in writing, consents in writing to the abandonment or destruction of the insured crop or any part thereof.

EVALUATION OF LOSS

2.—(1) Where loss or damage occurs prior to harvest, the Commission, upon application therefor in writing by the insured person, may consent in writing to the destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres and the potential thereof.

(2) Where the damaged acreage is abandoned or destroyed in accordance with subparagraph (1), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the insured acreage shall be calculated by multiplying the difference between the guaranteed production for the damaged acreage and the

potential production for the damaged acreage determined under subparagraph (1) by the established price per pound.

(3) Where the damaged acreage is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (2) shall not be taken into account in the final adjustment of loss.

(4) Where the actual production of the harvested acreage is less than the guaranteed production for such acreage, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total producing acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per pound.

NOTICE OF LOSS OR DAMAGE

3.—(1) Where loss or damage to the insured crop occurs and the insured person intends to abandon or destroy the insured crop, or to replant or use the planted acreage for another purpose, the insured person shall notify the Commission in writing of such intention and shall take no further action without the consent in writing of the Commission.

(2) Where loss or damage to the insured crop occurs and the damage was occasioned at a readily ascertainable time, the insured person shall notify the Commission forthwith by telephone and shall confirm in writing within twenty-four hours of such time.

(3) Where the loss or damage to the insured crop occurs after planting and it appears, or ought reasonably to appear, to the insured person before the completion of harvesting of the insured crop that the production of the insured crop may thereby be reduced, the insured person shall, as soon as the loss or damage is apparent, notify the Commission in writing forthwith.

FINAL ADJUSTMENT OF LOSS FOR TOTAL PRODUCING ACREAGE

4.—(1) The indemnity payable with respect to the total acreage in the final adjustment of loss shall be the sum of all loss calculations made under paragraphs 3, 4 and 5 applicable to such acreage, but where,

- (a) the actual production of any harvested acreage; or
(b) the potential production of any unharvested acreage,

exceeds the guaranteed production of such acreage, the indemnity otherwise payable in respect of loss calculations made under paragraph 5 shall be reduced by the amount obtained by multiplying such excess by the established price per pound.

(2) The maximum indemnity payable in respect of any claim shall not exceed the result obtained by subtracting the actual production, or 25 per cent of the average farm yield, whichever is greater, from the total guaranteed production.

INCORRECT ACREAGE IN FINAL ACREAGE REPORT

5.—(1) Where the actual producing acreage of asparagus in a crop year is less than the producing acreage declared on the final acreage report, the total guaranteed production and the amount of insurance shall be reduced proportionately and there shall be no refund of premium.

(2) Where the actual producing acreage of asparagus in a crop year exceeds the acreage declared on the final acreage report, the total guaranteed production shall remain unchanged.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this endorsement to be signed by its General Manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at
this day of, 19.....

Duly Authorized Representative General Manager

O. Reg. 353/84, Form I; O. Reg. 659/87, s. 2.

REGULATION 218

CROP INSURANCE PLAN FOR BLACK TOBACCO

1. The plan in the Schedule is established for the insurance within Ontario of black tobacco. R.R.O. 1980, Reg. 200, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Black Tobacco".

2. The purpose of this plan is to provide for insurance against a loss in the production of black tobacco resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,
"average farm yield" means the average yield of the planted acreage,

- (a) for the ten-year period immediately preceding the current year computed on the basis of the acreage production records of the insured person, or
(b) for the number of years of enrolment in the plan computed on the basis of the acreage production records of the insured person or on another basis that is reasonable in the circumstances, where the insured person has not been enrolled in the plan for ten years;

"black tobacco" means black tobacco grown in Ontario under contract to a processor.

DESIGNATION OF PERILS

4. The following are designated as perils for the purpose of this plan:

- 1. Drought.
2. Excessive moisture.
3. Excessive rainfall.
4. Flood.
5. Frost.
6. Hail.
7. Insect infestation.
8. Plant disease.
9. Wind.

DESIGNATION OF CROP YEAR

5. The crop year for black tobacco is the period from the 1st day of March in any year to the 1st day of May in the year next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for black tobacco shall be deemed to be comprised of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) an endorsement for black tobacco in Form 1;
- (c) the application for insurance;
- (d) the final acreage report for each crop year; and
- (e) any amendment to a document referred to in clause (a), (b), (c) or (d) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be accompanied by a premium deposit of at least \$100; and
- (c) be filed with the Commission not later than the 1st day of May in the crop year in respect of which it is made or not later than such other date as may be determined from time to time by the Commission.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made unless it is terminated in accordance with the regulations.

(2) Despite subsection (1), the contract does not insure against and no indemnity shall be paid in respect of any loss or damage which occurs prior to noon on the 24th day of May in the crop year.

COVERAGE

9. For the purpose of calculating the average farm yield, the Commission shall, on an annual basis, compare the actual yield in each year of the ten-year period used to calculate the average farm yield with the average farm yield itself and,

- (a) if the actual yield in a year exceeds the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \frac{\text{Actual Yield} - \frac{2}{3} \left[\text{Actual Yield} - \left(\frac{\text{Average Yield} \times 1.3}{\text{Yield}} \right) \right]}{\text{Yield}}$$

- (b) if the actual yield in a year falls short of the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \frac{\text{Actual Yield} + \frac{2}{3} \left[\left(\frac{\text{Average Yield} \times 0.7}{\text{Yield}} \right) - \frac{\text{Actual Yield}}{\text{Yield}} \right]}{\text{Yield}}$$

10.—(1) Subject to subsections (2) and (3), the coverage provided under a contract of insurance shall be 70 per cent of the average farm yield in pounds of the total acreage seeded to black tobacco by the insured person in accordance with the regulations.

(2) The coverage provided under subsection (1) shall be increased following each consecutive no claim year as follows:

1. Following the first no claim year, to 73 per cent of the average farm yield.

2. Following the second no claim year, to 76 per cent of the average farm yield.

3. Following the third no claim year, to 78 per cent of the average farm yield.

4. Following the fourth no claim year, to a maximum of 80 per cent of the average farm yield.

(3) The coverage provided under subsections (1) and (2) shall be decreased for claim years from the insured level in reverse progression to that prescribed by subsection (2) to a minimum of 70 per cent of the average farm yield.

(4) The number of pounds determined under subsections (1), (2) and (3) constitute the total guaranteed production under a contract of insurance.

(5) Where in the opinion of the Commission the insured person cannot provide adequate production records, the average farm yield shall be determined by the Commission on such other basis as it may approve.

11. The maximum amount for which the Commission is liable for a loss in production under a contract of insurance shall be the amount obtained by multiplying the total guaranteed production determined under section 10 by the established price per pound prescribed in section 12.

12. For the purposes of this plan, the established price per pound for black tobacco in a crop year is an amount equal to 70 per cent of the price per pound for black tobacco as established for that crop year by contract with the processor.

PREMIUMS

13.—(1) The total premium payable is \$130 per acre.

(2) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

FINAL ACREAGE REPORTS

14.—(1) Every insured person shall file with the Commission in each crop year a final acreage report in a form provided by the Commission within ten days after the planting of acreage is completed.

(2) A final acreage report filed with the Commission shall not be amended without the consent in writing of the Commission.

15.—(1) The Commission may revise the final acreage report in any or all respects and adjust the premium accordingly and in such case shall notify the insured person in writing forthwith respecting such revision and adjustment.

(2) The insured person shall be deemed to have agreed with the revision of the final acreage report made by the Commission under subsection (1) unless the insured person notifies the Commission in writing that the insured person rejects the revision within ten days after the Commission notification is served on the insured person.

(3) For the purposes of subsection (2), the Commission notification may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(4) Where the Commission receives notice from an insured person under subsection (2), it shall notify the insured person in writing that the contract of insurance does not apply for the crop year in respect of which the final acreage report was filed and shall refund any premium or premium deposit paid in respect of that crop year.

(5) A final acreage report revised under this section shall, failing

notice under subsection (2), constitute the final acreage report for the crop year.

16.—(1) Where an insured person in any crop year fails to file a final acreage report in the form and manner prescribed by this Regulation, the Commission may,

- (a) prepare the final acreage report; or
- (b) declare the insured acreage to be nil.

(2) Where the Commission prepares a final acreage report under subsection (1), the Commission shall serve a copy of the report on the insured person either by personal delivery or by mailing it to the insured person's last known address.

(3) Every insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commission within ten days after the insured person has been served with a copy of it.

(4) A report that is mailed shall be deemed to be served three days after it is mailed. R.R.O. 1980, Reg. 200, Sched.; O. Reg. 376/81, ss. 1, 2; O. Reg. 307/83, s. 1; O. Reg. 573/83, s. 1; O. Reg. 464/84, ss. 1, 2; O. Reg. 490/87, s. 1; O. Reg. 307/89, s. 1; O. Reg. 339/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

BLACK TOBACCO ENDORSEMENT

WHEREAS the insured person has applied for crop insurance for black tobacco under The Ontario Crop Insurance Plan for Black Tobacco, hereinafter referred to as "the plan";

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover black tobacco.

HARVESTING OF PLANTED ACREAGE

1. All acreage planted to black tobacco in a crop year shall be harvested unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part thereof.

EVALUATION OF LOSS

2.—(1) Where loss or damage to a half acre or more of the insured crop occurs prior to the 15th day of June in a crop year, the Commission, upon application therefor in writing by the insured person, may consent in writing to,

- (a) one replanting of the damaged acreage and, in such case, the replanting shall be completed not later than the 15th day of June in the crop year or not later than such other date as may be determined from time to time by the Commission; or
- (b) the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres and the potential production thereof.

(2) Where the damaged acreage is replanted in accordance with subparagraph (1), the Commission shall pay a supplementary benefit

to the insured person calculated at the rate of \$125 for each replanted acre.

(3) Where the damaged acreage is replanted to black tobacco, the contract of insurance shall continue to apply to such replanted acreage.

(4) The total number of acres in respect of which a replanting benefit is paid in a crop year shall not in any case exceed the total number of insured acres.

(5) Where the damaged acreage is used for any other purpose or the insured crop is abandoned or destroyed in accordance with clause (1) (b), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production and the potential production for the damaged acreage by the established price per pound.

(6) Where the damaged acreage is not used for any other purposes or the crop is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (5) shall not be taken into account in the final adjustment of loss.

(7) Where the actual production of the harvested acreage is less than the guaranteed production for such acreage, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per pound.

FINAL ADJUSTMENT OF LOSS FOR TOTAL PLANTED ACREAGE

3. The indemnity payable with respect to the total planted acreage in the final adjustment of loss shall be the sum of all loss calculations applicable to such acreage, but where,

- (a) the actual production of any harvested acreage; or
- (b) the potential production of any unharvested acreage,

exceeds the guaranteed production of such acreage, the indemnity otherwise payable shall be reduced by the amount obtained by multiplying such excess by the established price per pound.

INCORRECT ACREAGE IN FINAL ACREAGE REPORT

4.—(1) Where the actual seeded acreage of the insured crop in a crop year is less than the seeded acreage declared on the final acreage report, the guaranteed production and the amount of insurance shall be reduced proportionately.

(2) Where the actual seeded acreage of the insured crop in a crop year exceeds the seeded acreage declared on the final acreage report, the production from the total seeded acreage shall be counted and there shall be no increase in the total guaranteed production or the maximum amount of indemnity payable.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this endorsement to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated
this day of, 19.....

.....
Duly Authorized Representative **General Manager**

REGULATION 219**CROP INSURANCE PLAN FOR
BURLEY TOBACCO**

1. The plan in the Schedule is established for the insurance within Ontario of burley tobacco. R.R.O. 1980, Reg. 201, s. 1.

Schedule*Crop Insurance Act (Ontario)***PLAN**

1. This plan may be cited as "The Ontario Crop Insurance Plan for Burley Tobacco".

2. The purpose of this plan is to provide for insurance against a loss in the production of burley tobacco resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average farm yield" means the average of previous yields of the planted acreage computed by the Commission on the basis of acreage production records of the insured person or on such other basis as the Commission determines;

"burley tobacco" means tobacco grown in Ontario under authorization of The Ontario Burley Tobacco Growers' Marketing Board.

DESIGNATION OF PERILS

4. The following are designated as perils for the purpose of this plan:

1. Drought.
2. Excessive moisture.
3. Excessive rainfall.
4. Flood.
5. Frost.
6. Hail.
7. Insect infestation.
8. Plant disease.
9. Wind.

DESIGNATION OF CROP YEAR

5. The crop year for burley tobacco is the period from the 1st day of March in any year to the 1st day of May in the year next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for burley tobacco shall be deemed to be comprised of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) an endorsement for burley tobacco in Form 1;
- (c) the application for insurance; and
- (d) any amendment to a document referred to in clause (a), (b) or (c) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a Form provided by the Commission;
- (b) be accompanied by the total premium; and
- (c) be filed with the Commission not later than the 1st day of May in the crop year in respect of which it is made or not later than such other date as may be determined from time to time by the Commission.

8. Where required by the Commission, an insured person shall direct the Ontario Burley Tobacco Growers' Marketing Board to deduct the premium payable under this plan from the proceeds of the sale of the crop and to remit the amount deducted to the Commission.

DURATION OF CONTRACT

9.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made unless it is terminated in accordance with the regulations.

(2) Despite subsection (1), the contract does not insure against and no indemnity shall be paid in respect of any loss or damage which occurs prior to noon on the 24th day of May in the crop year.

COVERAGE

10.—(1) Subject to subsections (2) and (3), the coverage provided under a contract of insurance shall be 70 per cent of the average farm yield in pounds of the total acreage seeded to burley tobacco by the insured person in accordance with the regulations.

(2) The coverage provided under subsection (1) shall be increased following each consecutive no claim year as follows:

1. Following the first no claim year, to 73 per cent of the average farm yield.
2. Following the second no claim year, to 76 per cent of the average farm yield.
3. Following the third no claim year, to 78 per cent of the average farm yield.
4. Following the fourth no claim year, to a maximum of 80 per cent of the average farm yield.

(3) The coverage provided under subsections (1) and (2) shall be decreased for claim years from the insured level in reverse progression to that prescribed by subsection (2) to a minimum of 70 per cent of the average farm yield.

(4) The number of pounds determined under subsections (1), (2) and (3) constitute the total guaranteed production under a contract of insurance.

(5) Where in the opinion of the Commission the insured person cannot provide adequate production records, the average farm yield shall be determined by the Commission on such other basis as it may approve.

11. The maximum amount for which the Commission is liable for a loss in production under a contract of insurance shall be the amount obtained by multiplying the total guaranteed production determined under section 10 by the established price per pound prescribed in section 12.

12. For the purposes of this plan, the established price per pound for burley tobacco is 70 per cent of the negotiated price.

PREMIUMS

13.—(1) The total premium is \$150 per acre.

(2) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Government of Canada under the *Crop Insurance Act* (Canada).

(3) Despite subsections (1) and (2), the minimum premium payable by the insured person in a crop year is \$25. R.R.O. 1980, Reg. 201, Sched.; O. Reg. 375/81, ss. 1, 2; O. Reg. 308/83, s. 1; O. Reg. 572/83, s. 1; O. Reg. 463/84, ss. 1-3; O. Reg. 491/87, s. 1.

Form 1

Crop Insurance Act (Ontario)

BURLEY TOBACCO ENDORSEMENT

WHEREAS the insured person has applied for crop insurance for burley tobacco under The Ontario Crop Insurance Plan for Burley Tobacco, hereinafter referred to as "the plan", and has paid the deposit premium prescribed thereunder;

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover burley tobacco.

HARVESTING OF PLANTED ACREAGE

1. All acreage planted to burley tobacco in a crop year shall be harvested unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part thereof.

EVALUATION OF LOSS

2.—(1) Where loss or damage occurs prior to the 15th day of June in a crop year, the Commission, upon application therefor in writing by the insured person, may consent in writing to,

- (a) one replanting of the damaged acreage and, in such case, the replanting shall be completed not later than the 15th day of June in the crop year or not later than such other date as may be determined from time to time by the Commission; or
- (b) the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres and the potential production thereof;

(2) Where the damaged acreage is replanted in accordance with subparagraph (1), the Commission shall pay a supplementary benefit to the insured person calculated at the rate of \$200 for each replanted acre or part thereof.

(3) Where the damaged acreage is replanted to burley tobacco, the contract of insurance shall continue to apply to such replanted acreage.

(4) The total number of acres in respect of which a replanting benefit is paid in a crop year shall not in any case exceed the total number of insured acres.

(5) Where the damaged acreage is used for any other purpose or the insured crop is abandoned or destroyed in accordance with clause (1) (b), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production and the potential production for the damaged acreage by the established price per pound.

(6) Where the damaged acreage is not used for any other purposes or the crop is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (5) shall not be taken into account in the final adjustment of loss.

(7) Where the actual production of the harvested acreage is less than the guaranteed production for such acreage, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per pound.

FINAL ADJUSTMENT OF LOSS FOR TOTAL PLANTED ACREAGE

3. The indemnity payable with respect to the total planted acreage in the final adjustment of loss shall be the sum of all loss calculations applicable to such acreage, but where,

- (a) the actual production of any harvested acreage; or
- (b) the potential production of any unharvested acreage,

exceeds the guaranteed production of such acreage, the indemnity otherwise payable shall be reduced by the amount obtained by multiplying such excess by the established price per pound.

VARIATION IN PLANTED ACREAGE

4. Where the actual planted acreage of the insured crop is less than the acreage stated in the application, the insured person shall, not later than the 1st day of August, notify the Commission in writing and the total guaranteed production and the maximum amount of indemnity shall be reduced proportionately.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this endorsement to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at

this day of, 19.....

Duly Authorized Representative

General Manager

R.R.O. 1980, Reg. 201, Form 1; O. Reg. 463/84, s. 4; O. Reg. 491/87, s. 2.

REGULATION 220

CROP INSURANCE PLAN FOR CARROTS

1. The plan in the Schedule is established for the insurance within Ontario of carrots. O. Reg. 217/82, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Carrots".

2. The purpose of this plan is to provide for insurance against a loss in the production of carrots resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

“average farm yield” means the average yield of the planted acreage,

- (a) for the ten-year period immediately preceding the current year computed on the basis of the acreage production records of the insured person, or
- (b) for the number of years of enrolment in the plan computed on the basis of the acreage production records of the insured person or on another basis that is reasonable in the circumstances, where the insured person has not been enrolled in the plan for ten years;

“bushel” means 50 pounds; and

“carrots” means carrots grown in Ontario,

- (a) for processing under a contract between a grower and a processor, and
- (b) on acreage or for tonnage specified in such contract, or
- (c) for sale on the fresh market.

DESIGNATION OF PERILS

4.—(1) Subject to subsection (2), the following are designated as perils for the purposes of this plan:

1. Drought.
2. Excessive rainfall.
3. Flood.
4. Frost.
5. Hail.
6. Insect infestation.
7. Plant disease.
8. Wildlife.
9. Wind.

(2) This contract does not insure against a loss in the production of carrots in a crop year resulting from insect infestation or plant disease unless the insured person establishes that a recommended control program was followed during the crop year.

5. The crop year for carrots is the period from the 1st day of March in any year to the 31st day of October next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for carrots shall be deemed to be composed of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) the application for insurance;
- (c) an endorsement for carrots in Form 1;
- (d) the final acreage report for each crop year; and
- (e) any amendment to a document referred to in clause (a), (b), (c) or (d) agreed upon in writing.

7.—(1) An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be accompanied by a premium deposit of at least \$100; and
- (c) be filed with the Commission not later than the 1st day of May in the crop year in respect of which it is made.

(2) Premium deposits prescribed by clause (1) (b) shall not be refundable unless no acreage is planted to carrots.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before the 1st day of May in the crop year during which the cancellation is to be effective.

COVERAGE

9. For the purpose of calculating the average farm yield, the Commission shall, on an annual basis, compare the actual yield in each year of the ten-year period used to calculate the average farm yield with the average farm yield itself and,

- (a) if the actual yield in a year exceeds the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \text{Actual Yield} - \frac{2}{3} \left[\text{Actual Yield} - \left(\frac{\text{Average}}{\text{Yield}} \times 1.3 \right) \right]$$

- (b) if the actual yield in a year falls short of the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \text{Actual Yield} + \frac{2}{3} \left[\left(\frac{\text{Average}}{\text{Yield}} \times 0.7 \right) - \frac{\text{Actual}}{\text{Yield}} \right]$$

10.—(1) Subject to subsections (2), (3) and (4), the coverage provided under a contract of insurance shall be 70 per cent of the average farm yield in bushels of the total acreage seeded to carrots by the insured person in accordance with the regulations.

(2) The coverage provided under subsection (1) shall be increased following each consecutive no claim year as follows:

1. Following the first no claim year, to 73 per cent of the average farm yield.
2. Following the second no claim year, to 76 per cent of the average farm yield.
3. Following the third no claim year, to 78 per cent of the average farm yield.
4. Following the fourth no claim year, to a maximum of 80 per cent of the average farm yield.

(3) The coverage provided under subsections (1) and (2) shall be decreased for claim years from the insured level in reverse progression to that prescribed by subsection (2), except that where a claim occurs in a year where the coverage is 70 per cent, the coverage shall be reduced to a minimum of 65 per cent.

- (4) Where, in any year, a claim is paid in an amount less than

one-half the total premium for that year, the coverage for the following year shall remain unchanged.

(5) The number of bushels determined under subsections (1), (2) and (3) constitutes the total guaranteed production under a contract of insurance.

11. For the purpose of this plan, the established price for carrots is,

- (a) \$1.60 per bushel; or
- (b) \$2 per bushel.

12. The maximum amount for which the Commission is liable for a loss in production under a contract of insurance shall be the amount obtained by multiplying the total guaranteed production determined under section 10 by the established price per bushel prescribed in section 11.

PREMIUMS

13.—(1) Subject to subsection (2), the total premium is,

- (a) \$176 per acre where the established price is \$1.60 per bushel; or
- (b) \$220 per acre where the established price is \$2 per bushel.

(2) Despite subsection (1), the minimum premium payable by an insured person in each crop year is \$100.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

14.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year in which the insured person seeds acreage to carrots.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit prescribed by subsection (3), to the Commission at the time of filing the final acreage report prescribed by section 15.

(3) Where a renewal premium is payable in respect of a crop year, the insured person shall, not later than the 1st day of May in the crop year, pay a premium deposit in accordance with clause 7 (1) (b).

FINAL ACREAGE REPORT

15.—(1) Every insured person shall file with the Commission in each crop year a final acreage report in a form provided by the Commission within ten days after the seeding of acreage to carrots is complete.

(2) A final acreage report filed with the Commission shall not be amended without the consent in writing of the Commission.

16.—(1) The Commission may revise the final acreage report in any or all respects and adjust the premium accordingly and, in such case, shall notify the insured person in writing forthwith respecting such revision and adjustment.

(2) The insured person shall be deemed to have agreed with the revision of the final acreage report made by the Commission under subsection (1) unless the insured person notifies the Commission in writing that the insured person rejects the revision within ten days after the Commission notification is served on the insured person.

(3) For the purposes of subsection (2), the Commission notification may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(4) Where the Commission receives notice from an insured person under subsection (2), it shall notify the insured person in writing that the contract of insurance does not apply for the crop year in respect of which the final acreage report was filed.

(5) A final acreage report revised under this section shall, failing notice under subsection (2), constitute the final acreage report for the crop year.

17.—(1) Where an insured person in any crop year fails to file a final acreage report in the form and manner prescribed by this Regulation, the Commission may,

- (a) prepare the final acreage report; or
- (b) declare the insured acreage to be nil.

(2) The Commission shall serve a copy of the final acreage report, if one is prepared, on the insured person either by personal delivery or by mailing it to the insured person's last known address.

(3) Every insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commission within ten days after the insured person has been served with a copy of it.

(4) A report that is mailed shall be deemed to be served three days after it is mailed.

FINAL DATE FOR SEEDING

18. For the purposes of this plan, the final date for seeding in a crop year is the 30th day of June or such other date as may be determined from time to time by the Commission. O. Reg. 217/82, Sched; O. Reg. 271/83, ss. 1-3; O. Reg. 461/84, ss. 1-4; O. Reg. 293/85, ss. 1-5; O. Reg. 326/87, ss. 1, 2; O. Reg. 324/88, s. 1; O. Reg. 300/89, s. 1; O. Reg. 469/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

CARROT ENDORSEMENT

WHEREAS the insured person has applied for crop insurance under The Ontario Crop Insurance Plan for Carrots, hereinafter referred to as "the plan", and has paid the deposit premium prescribed thereunder;

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover carrots.

HARVESTING OF PLANTED ACREAGE

1. All acreage planted to carrots in a crop year shall be harvested unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part thereof.

EVALUATION OF LOSS

2.—(1) Where,

- (a) all the acres intended to be planted to spring grown crops are offered for insurance,
 - (i) where the spring grown crops intended to be planted

include onions, by the 1st day of April in the crop year in the case, or

- (ii) where the spring grown crops intended to be planted do not include onions, by the date required by the regulations in the case;

(b) the insured person so elects on the application for insurance and pays the premium deposit required by the regulations for each spring grown crop intended to be planted; and

(c) the planting,

- (i) in the case of systematically tile drained land, of three acres or more, or
- (ii) in the case of land that is not systematically tile drained, of six acres or more,

is prevented by one or more of the designated perils,

an indemnity shall be paid,

(d) in the case of systematically tile drained land, for each acre; or

(e) in the case of land that is not systematically tile drained, for each acre in excess of three,

that remains unplanted, the amount of which shall be equal to one-third of the guaranteed production per acre of the crop highest in priority on the list in the Table of those intended to be planted and insured by the insured person multiplied by the established price applicable to that crop.

(2) This paragraph does not apply to, and no indemnity is payable in respect of land,

- (a) that is orchard land, pasture, woodland, seeded to a perennial crop, fall sown or intended for summer fallow;
- (b) that is untilled and was not cropped in the previous year; or
- (c) that, in the opinion of the Commission, is not insurable.

(3) Where the planting is prevented by excessive rainfall, no indemnity is payable unless the insured person establishes that,

- (a) an abnormal amount of rain occurred;
- (b) the rainfall resulted in a reduced number of work days; and
- (c) a significant number of other insured persons were similarly affected,

during the planting season in the area where the insured acreage is situate.

3.—(1) Where loss or damage to one acre or more of carrots resulting from an insured peril occurs prior to the final date for planting in the crop year, the Commission, upon application therefor in writing by the insured person, may consent in writing to the replanting of the damaged acreage.

(2) Where the damaged acreage is replanted to a spring grown crop in accordance with subparagraph (1), the Commission shall pay an indemnity equal to the cost of materials used in replanting to a maximum of \$300 for each acre replanted and the contract of insurance shall continue to apply to such acreage.

(3) The total number of acres of carrots in respect of which a replanting benefit is paid in a crop year shall not in any case exceed the total number of insured acres planted to carrots.

4.—(1) Where loss or damage occurs prior to harvest, the Com-

mission, upon application therefor in writing by the insured person, may consent in writing to the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and in such case shall determine the number of damaged acres and the potential production thereof.

(2) Where damaged acreage is used for any other purpose or the insured crop thereon is abandoned or destroyed in accordance with subparagraph (1), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production for the damaged acreage and the potential production for the damaged acreage determined under subparagraph (1) by the established price per bushel.

(3) Where damaged acreage is not used for any other purpose or the crop thereon is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (2) shall not be taken into account in the final adjustment of loss.

(4) Where the actual production of the harvested acreage is less than the guaranteed production for such acreage, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per bushel.

(5) Acreage harvested before the crop thereon is mature shall be deemed to have yielded at least the guaranteed production unless the crop has been appraised by the Commission as provided in Form 1 of Regulation 256 of Revised Regulations of Ontario, 1990.

NOTICE OF LOSS OR DAMAGE

5. Where loss or damage to the insured crop occurs, the insured person shall notify the Commission forthwith by telephone and shall confirm in writing within twenty-four hours of such time.

FINAL ADJUSTMENT OF LOSS FOR TOTAL PLANTED ACREAGE

6.—(1) The indemnity payable with respect to the total planted acreage in the final adjustment of loss shall be the sum of the losses calculated under paragraphs 2, 3 and 4 applicable to such acreage but, subject to subparagraph (2), where,

- (a) the actual production of any harvested acreage; or
- (b) the potential production of any unharvested acreage,

exceeds the guaranteed production of such acreage, the indemnity otherwise payable shall be reduced by the amount obtained by multiplying such excess by the established price per bushel.

(2) Despite subparagraph (1), no indemnity paid under paragraphs 2 and 3 shall be subject to reduction under this paragraph.

(3) In no case shall indemnity be paid for acreage in excess of the total insured acreage.

DAMAGE AFTER HARVEST

7. No indemnity shall be paid in respect of any loss or damage suffered by the insured crop after combining and in no case shall any indemnity be paid with respect to carrots in storage.

INCORRECT ACREAGE IN FINAL ACREAGE REPORT

8.—(1) Where the actual seeded acreage of carrots in a crop year is less than the seeded acreage declared on the final acreage report, the guaranteed production shall be decreased proportionately in calculating whether there has been a loss and the actual production shall be used in calculating the average production for purposes of determining coverage for the following crop year and there shall be no refund of premium.

(2) Where the actual seeded acreage of carrots in a crop year exceeds the seeded acreage declared on the final acreage report, the actual production shall be used in calculating whether there has been a loss and,

- (a) where the calculation indicates a loss, such actual production shall be used; or
- (b) where the calculation does not indicate a loss, such actual production shall be reduced proportionately,

in calculating the average production for purposes of determining coverage for the following crop year.

TABLE

Crops in Order of Priority	
1.	Onions grown from seed
2.	Onions grown from sets
3.	Spanish onions
4.	Carrots

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this endorsement to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at

this day of, 19.....

Duly Authorized Representative

General Manager

O. Reg. 217/82, Form 2; O. Reg. 271/83, s. 4; O. Reg. 461/84, s. 5; O. Reg. 293/85, s. 7; O. Reg. 508/86, s. 1; O. Reg. 326/87, ss. 3, 4.

REGULATION 221

CROP INSURANCE PLAN FOR COLOURED BEANS

1. The plan in the Schedule is established for the insurance within Ontario of coloured beans. R.R.O. 1980, Reg. 204, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Coloured Beans".

2. The purpose of this plan is to provide for insurance against a loss in the production of coloured beans resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average farm yield" means the average yield of the planted acreage,

- (a) for the ten-year period immediately preceding the current year computed on the basis of the acreage production records of the insured person, or
- (b) for the number of years of enrolment in the plan computed on the basis of the acreage production records of the insured person or on another basis that is reasonable in the

circumstances, where the insured person has not been enrolled in the plan for ten years;

"coloured beans" means beans grown from seeds packed and marked pursuant to the Seeds Act (Canada) of the following varieties,

- (a) Azuki,
- (b) Black Turtle Soup,
- (c) Cranberry,
- (d) Kidney,
- (e) Pinto,
- (f) Yellow-eye,
- (g) Dutch Brown,
- (h) Great White Northern,

and such other varieties as may be declared insurable from time to time by the Commission;

"hundredweight" means 100 pounds of coloured beans, the moisture content of which is not more than 18 per cent and the damage or foreign material content of which is not more than 2 per cent.

DESIGNATION OF PERILS

4. The following are designated perils for the purposes of this plan:

- 1. Drought.
- 2. Excessive moisture.
- 3. Excessive rainfall.
- 4. Flood.
- 5. Frost.
- 6. Hail.
- 7. Insect infestation.
- 8. Plant disease.
- 9. Wildlife.
- 10. Wind.

DESIGNATION OF CROP YEAR

5. The crop year for coloured beans is the period from the 1st day of March in any year to the last day of February next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for coloured beans shall be deemed to be comprised of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) an endorsement for coloured beans in Form 1;
- (c) the application for insurance;
- (d) the final acreage report for each crop year; and
- (e) any amendment to a document referred to in clause (a), (b), (c) or (d) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be accompanied by a premium deposit of \$1 per acre; and
- (c) be filed with the Commission not later than the 1st day of May in the crop year.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before the 1st day of May in the crop year during which the cancellation is to be effective.

COVERAGE

9. For the purpose of calculating the average farm yield, the Commission shall, on an annual basis, compare the actual yield in each year of the ten-year period used to calculate the average farm yield with the average farm yield itself and,

- (a) if the actual yield in a year exceeds the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \frac{\text{Actual Yield} - \frac{2}{3} \left[\frac{\text{Actual Yield}}{\text{Yield}} - \left(\frac{\text{Average Yield}}{\text{Yield}} \times 1.3 \right) \right]}{\text{Yield}}$$

- (b) if the actual yield in a year falls short of the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \frac{\text{Actual Yield} + \frac{2}{3} \left[\left(\frac{\text{Average Yield}}{\text{Yield}} \times 0.7 \right) - \frac{\text{Actual Yield}}{\text{Yield}} \right]}{\text{Yield}}$$

10.—(1) Subject to subsections (4) and (5), the initial coverage provided under a contract of insurance shall be 75 per cent of the average farm yield in pounds of the total acreage planted to coloured beans by the insured person.

(2) Subject to subsections (4) and (5), the coverage provided under a contract of insurance following a year in which there was no claim shall be,

- (a) where the previous year's coverage was 70 per cent, 73 per cent;
- (b) where the previous year's coverage was 73 per cent, 75 per cent;
- (c) where the previous year's coverage was 75 per cent, 78 per cent;
- (d) where the previous year's coverage was 78 per cent, 80 per cent; and
- (e) where the previous year's coverage was 80 per cent, 80 per cent,

of the average farm yield in pounds of the total acreage planted to coloured beans by the insured person.

(3) Subject to subsections (4) and (5), the coverage provided under a contract of insurance following a year in which there was a claim shall be,

- (a) where the previous year's coverage was 80 per cent, 78 per cent;
- (b) where the previous year's coverage was 78 per cent, 75 per cent;
- (c) where the previous year's coverage was 75 per cent, 73 per cent;
- (d) where the previous year's coverage was 73 per cent, 70 per cent; and
- (e) where the previous year's coverage was 70 per cent, 70 per cent,

of the average farm yield in pounds of the total acreage planted to coloured beans by the insured person.

(4) Where, in any year, a claim is paid in an amount that is less than one-half of the total premium for that year, the coverage for the following year shall remain unchanged.

(5) Despite clause (3) (a), the coverage provided under a contract of insurance following a year in which there was a claim shall be 80 per cent where,

- (a) the insured person has had coverage and an actual farm yield for at least five years; and
- (b) the previous year's coverage was 80 per cent.

11. For the purposes of this plan, the established price per hundredweight for coloured beans is,

- (a) \$14;
- (b) \$17; or
- (c) \$20.

12.—(1) Where,

- (a) the insured person applies therefor in writing on or before the 1st day of May in a crop year; and
- (b) the Commission consents in writing,

any established price designated in section 11 may be substituted for the established price selected by the insured person at the time a contract of insurance is made, or any established price substituted in lieu thereof under this section.

(2) Where, upon any renewal, the insured person fails to select an established price under subsection (1), the Commission may designate the established price applicable to the contract for the crop year.

13. The maximum indemnity payable for a loss in production of coloured beans in a crop year is the amount obtained by multiplying the total guaranteed production determined under section 10 by the established price per hundredweight determined under section 11.

PREMIUM

14.—(1) The total premium is,

- (a) \$23 per acre where the established price is \$14 per hundredweight;
- (b) \$28 per acre where the established price is \$17 per hundredweight; or
- (c) \$32.80 per acre where the established price is \$20 per hundredweight.

(2) Despite subsection (1), the total premium is 80 per cent of the total premium set out in subsection (1) if,

- (a) the coverage is 80 per cent and the insured person has had coverage and an actual farm yield for at least five years; and
- (b) based on Commission records, total premiums paid by the insured person for coloured beans exceed any indemnity paid.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

15.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year in which the insured person plants acreage to coloured beans.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit, if any, to the Commission at the time of filing the final acreage report prescribed by section 16.

FINAL ACREAGE REPORT

16.—(1) Every insured person shall file with the Commission in each crop year a final acreage report in a form provided by the Commission within ten days after the planting of acreage to coloured beans is completed.

(2) A final acreage report filed with the Commission shall not be amended without the consent in writing of the Commission.

17.—(1) The Commission may revise the final acreage report in any or all respects and adjust the premium accordingly and, in such case, shall notify the insured person in writing forthwith respecting such revision and adjustment.

(2) The insured person shall be deemed to have agreed with the revision of the final acreage report made by the Commission under subsection (1) unless the insured person notifies the Commission in writing that the insured person rejects the revision within ten days after the Commission notification is served on the insured person.

(3) For the purposes of subsection (2), the Commission notification may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(4) Where the Commission receives notice from an insured person under subsection (2), it shall notify the insured person in writing that the contract of insurance does not apply for the crop year in respect of which the final acreage report was filed and shall refund any premium or premium deposit paid in respect of that crop year.

(5) A final acreage report revised under this section shall, failing notice under subsection (2), constitute the final acreage report for the crop year.

18.—(1) Where an insured person in any crop year fails to file a final acreage report in the form and manner prescribed by this Regulation, the Commission may,

- (a) prepare the final acreage report; or
- (b) declare the insured acreage to be nil.

(2) Where the Commission prepares a final acreage report under subsection (1), the Commission shall serve a copy of the report on the insured person either by personal delivery or by mailing it to the insured person's last known address.

(3) Every insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commis-

sion within ten days after the insured person has been served with a copy of it.

(4) A report that is mailed shall be deemed to be served three days after it is mailed.

FINAL PLANTING DATE

19. For the purposes of this plan, the final date for planting coloured beans in a crop year is the 1st day of July or such other date as may be determined from time to time by the Commission.

20. All acreage planted to coloured beans shall be insured under one contract. R.R.O. 1980, Reg. 204, Sched.; O. Reg. 304/81, s. 1; O. Reg. 92/82, ss. 1-4; O. Reg. 215/82, s. 1; O. Reg. 44/83, ss. 1, 2; O. Reg. 141/84, ss. 1-3; O. Reg. 288/85, ss. 1-5; O. Reg. 320/87, ss. 1-3; O. Reg. 223/88, s. 1; O. Reg. 303/89, s. 1; O. Reg. 475/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

COLOURED BEAN ENDORSEMENT

WHEREAS the insured person has applied for crop insurance for coloured beans under The Ontario Crop Insurance Plan for Coloured Beans, hereinafter referred to as "the plan", and has paid the deposit premium prescribed thereunder;

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover coloured beans.

HARVESTING OF PLANTED ACREAGE

1.—(1) All acreage planted to coloured beans in a crop year shall be harvested as coloured beans unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part thereof.

(2) Where in a crop year any planted acreage is harvested after the 31st day of October, the guaranteed production for the unharvested acreage shall be reduced by 2 percentage points per day until such acreage is harvested to a maximum of 50 per cent.

(3) Where the harvesting of any planted acreage is not completed and the failure to harvest was not caused by an insured peril, the contract of insurance shall cease to apply to such unharvested acreage and no indemnity shall be payable therefor.

EVALUATION OF LOSS

2.—(1) An indemnity shall be paid for the acreage set out in subparagraph (2) in the amount set out in subparagraph (3), where,

- (a) all of the acres planted to the crops listed in the Table are offered for insurance;
- (b) the insured person elects the indemnity on the application for insurance;
- (c) the insured person pays a premium deposit of \$1 for each acre intended to be planted to the crops listed in the Table;
- (d) one or more of the designated perils prevents the planting,
 - (i) of three acres or more, in the case of systematically tile drained land, or

- (ii) of six acres or more, in the case of land that is not systematically tile drained; and
 - (e) the insured person notifies the Commission of the person's inability to plant the acres to the crops listed in the Table by the 15th day of June in the crop year.
- (2) The indemnity shall be paid,
- (a) for each unplanted acre in the case of systematically tile drained land; or
 - (b) for each unplanted acre in excess of three unplanted acres, in the case of land that is not systematically tile drained.
- (3) The amount of the indemnity shall be one-third of the guaranteed production per acre of the crop with the highest priority, in the Table, of the crops intended to be planted and insured by the insured person multiplied by the established price for that crop.
- (4) No indemnity shall be payable under this paragraph for land for which the same indemnity was paid by the Commission in the immediately preceding year.
- (5) Where the insured person plants a crop in respect of which crop production insurance was applied for, the premium deposit for the acreage so planted shall be applied against the regular premium.
- (6) Where the insured person plants a crop which is not listed in the Table, the premium deposit in respect of such acreage shall be refunded.
- (7) Where the insured person is unable to plant acreage designated on the application as intended to be sown to a spring sown crop, the premium deposit in respect of such acreage shall be retained by the Commission as payment for the coverage provided.
- (8) This paragraph does not apply to, and no indemnity is payable in respect of any land,
- (a) that is orchard land, pasture, woodland, planted to a perennial crop, fall sown or intended for summer fallow; or
 - (b) that is untilled and was not cropped in the previous year; or
 - (c) that, in the opinion of the Commission, is not insurable.
- (9) Where the planting is prevented by excessive rainfall, no indemnity is payable unless the insured person establishes that,
- (a) an abnormal amount of rain occurred;
 - (b) the rainfall resulted in a reduced number of work days; and
 - (c) a significant number of other insured persons were similarly affected,

during the planting season in the area where the insured acreage is situate.

3.—(1) Where loss or damage to three acres or more of the insured crop resulting from an insured peril occurs prior to the 1st day of July in the crop year, the Commission, upon application therefor in writing by the insured person, may consent in writing to the replanting of the damaged acreage.

(2) Where the damaged acreage is replanted in accordance with subparagraph (1), the Commission shall pay a supplementary benefit to the insured person calculated at the rate of \$50 for each replanted acre.

(3) Where the damaged acreage is replanted to coloured beans, the contract of insurance shall continue to apply to such replanted acreage.

(4) The total number of acres in respect of which a replanting benefit is paid in a crop year shall not in any case exceed the total number of insured acres.

4.—(1) Where loss or damage occurs prior to harvest, the Commission, upon application therefor in writing by the insured person, may consent in writing to the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres and the potential production thereof.

(2) Where the damaged acreage is used for any other purpose or the insured crop thereon is abandoned or destroyed in accordance with subparagraph (1), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production for the damaged acreage and the potential production for the damaged acreage determined under subparagraph (1) by the established price per hundredweight.

(3) Where damaged acreage is not used for any other purpose or the crop thereon is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (2) shall not be taken into account in the final adjustment of loss.

(4) Where the actual production of the harvested acreage is less than the guaranteed production for such acreage, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per hundredweight.

(5) Where the crop contains damaged or foreign material, the actual production thereof shall be deemed to be reduced in an amount to be determined by the Commission.

FINAL ADJUSTMENT OF LOSS FOR TOTAL INSURED ACREAGE

5. The indemnity payable with respect to the total insured acreage in the final adjustment of loss shall be the sum of all loss calculations made under paragraphs 2, 3 and 4 applicable to such acreage, but where,

- (a) the actual production of any harvested acreage; or
- (b) the potential production of any unharvested acreage,

exceeds the guaranteed production of such acreage, the indemnity otherwise payable in respect of loss calculations made under paragraph 4 shall be reduced by the amount obtained by multiplying such excess by the established price per hundredweight.

INCORRECT ACREAGE IN FINAL ACREAGE REPORT

6.—(1) Where the actual planted acreage of coloured beans in a crop year is less than the planted acreage declared on the final acreage report, the guaranteed production shall be decreased proportionately in calculating whether there has been a loss and the actual production shall be used in calculating the average production for purposes of determining coverage for the following crop year, and there shall be no refund of premium.

(2) Where the actual planted acreage of coloured beans in a crop year exceeds the planted acreage declared on the final acreage report, the actual production shall be used in calculating whether there has been a loss and,

- (a) where the calculation indicates a loss, such actual production shall be used; or
- (b) where the calculation does not indicate a loss, such actual production shall be reduced proportionately,

in calculating the average production for purposes of determining coverage for the following crop year.

TABLE

Spring Sown Crops in Order of Priority	
1.	Corn
2.	Soybeans
3.	White Beans
4.	Coloured Beans
5.	Spring Grain
6.	Canola
7.	Sunflowers
8.	Red Spring Wheat

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this endorsement to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at

this day of, 19.....

.....
 Duly Authorized Representative General Manager

R.R.O. 1980, Reg. 204, Form 1; O. Reg. 304/81, ss. 2, 3; O. Reg. 92/82, s. 5; O. Reg. 288/85, ss. 6, 7; O. Reg. 320/87, ss. 4-6; O. Reg. 223/88, s. 2; O. Reg. 303/89, s. 2, 3.

REGULATION 222

CROP INSURANCE PLAN FOR CORN

1. The plan in the Schedule is established for the insurance within Ontario of corn. R.R.O. 1980, Reg. 205, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Corn".

2. The purpose of this plan is to provide for insurance against a loss in the production of corn resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average farm yield" means the average yield of the planted acreage,

(a) for the ten-year period immediately preceding the current year computed on the basis of the acreage production records of the insured person, or

(b) for the number of years of enrolment in the plan computed on the basis of the acreage production records of the insured person or on another basis that is reasonable in the circumstances, where the insured person has not been enrolled in the plan for ten years;

"bushel" means 56 pounds of shelled corn, the kernel moisture content of which does not exceed 15.5 per cent;

"corn" means corn for the purpose of harvesting as corn silage or grain corn, but does not include sweet corn or pop corn;

"corn silage" means silage produced from whole corn plants;

"grain corn" means shelled corn or ear corn.

DESIGNATION OF PERILS

4. The following are designated as perils for the purposes of this plan:

1. Drought.
2. Excessive moisture.
3. Excessive rainfall.
4. Flood.
5. Frost.
6. Hail.
7. Insect infestation.
8. Plant disease.
9. Wildlife.
10. Wind.

DESIGNATION OF CROP YEAR

5. The crop year for corn is the period from the 1st day of March in any year to the 30th day of June in the calendar year next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for corn shall be deemed to be comprised of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) an endorsement for corn in Form 2;
- (c) an extended coverage endorsement in Form 1, if the insured person applied for extended coverage;
- (d) the application for insurance;
- (e) the final acreage report for each crop year; and
- (f) an amendment to any document referred to in clause (a), (b), (c), (d) or (e) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be accompanied by a premium deposit of \$1 per acre; and
- (c) be filed with the Commission not later than the 1st day of May in the crop year in respect of which it is made.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured per-

son or the Commission by notice in writing to the other party on or before the 1st day of May in the crop year during which the cancellation is to be effective.

COVERAGE

9. For the purpose of calculating the average farm yield, the Commission shall, on an annual basis,

- (a) calculate for each year in the ten-year period a factored yield by applying to the actual yield the factor designated for that year in the Table to this Schedule; and
- (b) compare the factored yield in each year with the average of the factored yields and,
 - (i) if the factored yield in a year exceeds the insured person's ten year average by more than 30 per cent, shall adjust the factored yield according to the formula,

$$\text{Adjusted Yield} = \frac{\text{Factored Yield}}{\text{Yield}} - \frac{2}{3} \left[\frac{\text{Factored Yield}}{\text{Yield}} - \left(\frac{\text{Average}}{\text{Yield}} \times 1.3 \right) \right]$$

- (ii) if the factored yield in a year falls short of the insured person's ten year average by more than 30 per cent, shall adjust the factored yield according to the formula,

$$\text{Adjusted Yield} = \frac{\text{Factored Yield}}{\text{Yield}} + \frac{2}{3} \left[\left(\frac{\text{Average}}{\text{Yield}} \times 0.7 \right) - \frac{\text{Factored Yield}}{\text{Yield}} \right]$$

10.—(1) Subject to subsections (4) and (5), the initial coverage provided under a contract of insurance shall be 75 per cent of the average farm yield in bushels of the total acreage planted to corn by the insured person.

(2) Subject to subsections (4) and (5), the coverage provided under a contract of insurance following a year in which there was no claim shall be,

- (a) where the previous year's coverage was 70 per cent, 73 per cent;
- (b) where the previous year's coverage was 73 per cent, 75 per cent;
- (c) where the previous year's coverage was 75 per cent, 78 per cent;
- (d) where the previous year's coverage was 78 per cent, 80 per cent; and
- (e) where the previous year's coverage was 80 per cent, 80 per cent,

of the average farm yield in bushels of the total acreage planted to corn by the insured person.

(3) Subject to subsections (4) and (5), the coverage provided under a contract of insurance following a year in which there was a claim shall be,

- (a) where the previous year's coverage was 80 per cent, 78 per cent;
- (b) where the previous year's coverage was 78 per cent, 75 per cent;
- (c) where the previous year's coverage was 75 per cent, 73 per cent;
- (d) where the previous year's coverage was 73 per cent, 70 per cent; and

- (e) where the previous year's coverage was 70 per cent, 70 per cent,

of the average farm yield in bushels of the total acreage planted to corn by the insured person.

(4) Where, in any year, a claim is paid in an amount that is less than one-half of the total premium for that year, the coverage for the following year shall remain unchanged.

(5) Despite clause (3) (a), the coverage provided under a contract of insurance following a year in which there was a claim shall be 80 per cent where,

- (a) the insured person has had coverage and an actual farm yield for at least five years; and
- (b) the previous year's coverage was 80 per cent.

11. The maximum indemnity payable for a loss in production of corn is the amount obtained by multiplying the product of the guaranteed production per acre determined under section 10 and the number of acres intended for harvesting as grain corn or corn silage by the established price determined under section 12.

12.—(1) For the purposes of this plan, the established price for grain corn is,

- (a) \$2.20 per bushel;
- (b) \$2.65 per bushel; or
- (c) the floating price per bushel determined under subsection (2).

(2) The floating price per bushel is the greater of,

- (a) \$2.425 per bushel; and
- (b) the average calculated by the Commission of the daily prices per bushel of grain corn at Hensall, Ontario as determined by the *Farm Market News* for the period from the 21st day of October to the 11th day of November in a crop year, minus \$0.27 per bushel.

(3) Where,

- (a) the insured person applies therefor in writing on or before the 1st day of May in a crop year; and
- (b) the Commission consents in writing,

any established price designated herein may be substituted for the established price selected by the insured person at the time a contract of insurance is made, or any established price substituted in lieu thereof under this section.

(4) Where, upon any renewal, the insured person fails to select an established price pursuant to subsection (3), the Commission may designate the established price applicable to the contract for the crop year.

PREMIUMS

13.—(1) The total premium is,

- (a) \$9.60 per acre where the established price is \$2.20 per bushel;
- (b) \$11.60 per acre where the established price is \$2.65 per bushel; or
- (c) \$12.80 per acre where the established price is the floating price per bushel.

(2) Despite subsection (1), the total premium is 80 per cent of the total premium prescribed by subsection (1) if,

- (a) the coverage is 80 per cent and the insured person has had coverage and an actual farm yield for at least five years; and
- (b) based on Commission records, total premiums paid by the insured person for corn exceed indemnity paid.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

14.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year in which the insured person plants acreage to corn.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit, if any, to the Commission at the time of filing the final acreage report prescribed by section 15.

FINAL ACREAGE REPORTS

15.—(1) Every insured person shall file with the Commission in each crop year a final acreage report in a form provided by the Commission within ten days after planting is completed or within such other time as may be determined by the Commission.

(2) A final acreage report filed with the Commission shall not be amended without the consent in writing of the Commission.

16.—(1) The Commission may revise the final acreage report in any or all respects and adjust the premium accordingly and, in such case, shall notify the insured person in writing forthwith respecting such revision and adjustment.

(2) The insured person shall be deemed to have agreed with the revision of the final acreage report made by the Commission under subsection (1) unless the insured person notifies the Commission in writing that the person rejects the revision within ten days after the Commission notification is served on the insured person.

(3) For the purposes of subsection (2), the Commission notification may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(4) Where the Commission receives notice from an insured person under subsection (2), it shall notify the insured person in writing that the contract of insurance does not apply for the crop year in respect of which the final acreage report was filed and shall refund any premium or premium deposit paid in respect of that crop year.

(5) A final acreage report revised under this section shall, failing notice under subsection (2), constitute the final acreage report for the crop year.

17.—(1) Where an insured person in any crop year fails to file a final acreage report in the form and manner prescribed by this Regulation, the Commission may,

- (a) prepare the final acreage report; or
- (b) declare the insured acreage to be nil.

(2) The Commission shall serve a copy of the final acreage report, if one is prepared, on the insured person either by personal delivery or by mailing it to the insured person's last known address.

(3) Every insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commission within ten days after the insured person has been served with a copy of it.

(4) A report that is mailed shall be deemed to be served three days after it is mailed.

FINAL PLANTING DATE

18. For the purposes of this plan the final date for planting corn in a crop year is the 1st day of July or such other date as may be determined from time to time by the Commission. R.R.O. 1980, Reg. 205, Sched.; O. Reg. 310/81, ss. 1-3; O. Reg. 89/82, s. 1; O. Reg. 45/83, ss. 1-3; O. Reg. 147/84, ss. 1-3; O. Reg. 298/85, ss. 1, 2; O. Reg. 319/87, ss. 1-3; O. Reg. 276/88, s. 1; O. Reg. 297/89, s. 1; O. Reg. 474/90, s. 1, revised.

TABLE

Age of Yield	Factor
10	1.14630
9	1.12978
8	1.11368
7	1.09807
6	1.08292
5	1.00000
4	1.00000
3	1.00000
2	1.00000
1	1.00000

O. Reg. 474/90, s. 2, part.

Form 1

Crop Insurance Act (Ontario)

EXTENDED COVERAGE ENDORSEMENT

1.—(1) This endorsement is in force where the insured person applies for it and pays the prescribed premium.

(2) The coverage is in force and indemnity and premiums payable under this endorsement are in addition to any prescribed by the plan.

(3) The terms and conditions of the Schedule and Form 2 shall apply to this endorsement unless they are inconsistent with it or are specifically excluded under it.

2. An application for extended coverage shall be made by the 1st day of May in the crop year in respect of which it is made.

COVERAGE

3. The insured person may purchase an extra 5 or 10 per cent coverage in addition to the coverage determined under section 10 of the Schedule.

4. The maximum indemnity for which the Commission is liable under a contract of insurance under the Plan and insurance provided by this endorsement is the amount obtained by adding an additional 5 or 10 per cent to the coverage determined under section 10 of the Schedule and multiplying this sum by the established price determined under section 12 of the Schedule.

PREMIUMS

5.—(1) The additional premium payable in the crop year for 5 per cent extra coverage is,

- (a) \$2.80 per acre where the established price is \$2.20 per bushel;
- (b) \$3.20 per acre where the established price is \$2.65 per bushel;
- (c) \$3.60 per acre where the established price is the floating price per bushel.

(2) The additional premium payable in the crop year for 10 per cent extra coverage is,

- (a) \$7.20 per acre where the established price is \$2.20 per bushel;
- (b) \$8.60 per acre where the established price is \$2.65 per bushel;
- (c) \$9.40 per acre where the established price is the floating price per bushel.

(3) The premiums prescribed by subsections (1) and (2) include payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

(4) Subsection 13 (2) of the Schedule shall not apply to this endorsement.

(5) An insured person shall pay a premium deposit of \$1.00 per acre at the time of application for extended coverage.

(6) The minimum premium deposit payable by an insured person in the crop year under this endorsement is \$25.00. O. Reg. 474/90, s. 3.

Form 2

Crop Insurance Act (Ontario)

CORN ENDORSEMENT

WHEREAS the insured person has applied for crop insurance for corn under The Ontario Crop Insurance Plan for Corn, hereinafter referred to as "the plan", and has paid the deposit premium prescribed thereunder;

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover corn.

HARVESTING OF PLANTED ACREAGE

1.—(1) All acreage planted to corn shall be harvested as corn silage or grain corn unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose;
- (b) the abandonment or destruction of the insured crop or any part thereof; or
- (c) the harvest of any insured acreage prior to the 5th day of September in any crop year.

(2) Where the harvesting of any planted acreage is not completed and the failure to harvest was not caused by an insured peril, the contract of insurance shall cease to apply to such unharvested acreage and no indemnity shall be payable therefor.

EVALUATION OF LOSS

2.—(1) An indemnity shall be paid for the acreage set out in subparagraph (2) in the amount set out in subparagraph (3), where,

- (a) all of the acres planted to the crops listed in the Table to this paragraph are offered for insurance;
- (b) the insured person elects the indemnity on the application for insurance;

(c) the insured person pays a premium deposit of \$1 for each acre intended to be planted to the crops listed in the Table;

- (d) one or more of the designated perils prevents the planting,
 - (i) of three acres or more, in the case of systematically tile drained land, or
 - (ii) of six acres or more, in the case of land that is not systematically tile drained; and

(e) the insured person notifies the Commission of the person's inability to plant the acres to the crops listed in the Table by the 15th day of June in the crop year.

(2) The indemnity shall be paid,

- (a) for each unplanted acre in the case of systematically tile drained land; or
- (b) for each unplanted acre in excess of three unplanted acres, in the case of land that is not systematically tile drained.

(3) The amount of the indemnity shall be one-third of the guaranteed production per acre of the crop with the highest priority, in the Table, of the crops intended to be planted and insured by the insured person multiplied by the established price for that crop.

(4) Where the insured person has elected the floating price as the established price, the established price prescribed by clause 12 (1) (b) of the Schedule shall be used in lieu of the floating price for the purposes of the calculation in subparagraph (3).

(5) No indemnity shall be payable under this paragraph for land for which the same indemnity was paid by the Commission in the immediately preceding year.

(6) Where the insured person plants a crop in respect of which crop production insurance was applied for, the premium deposit for the acreage so planted shall be applied against the regular premium.

(7) Where the insured person plants a crop which is not listed in the Table, the premium deposit in respect of such acreage shall be refunded.

(8) Where the insured person is unable to plant acreage designated on the application as intended to be sown to a spring sown crop, the premium deposit in respect of such acreage shall be retained by the Commission as payment for the coverage provided.

(9) This paragraph does not apply to, and no indemnity is payable in respect of land,

- (a) that is orchard land, pasture, woodland, planted to a perennial crop, fall sown or intended for summer fallow;
- (b) that is untilled and was not cropped in the previous year; or
- (c) that, in the opinion of the Commission, is not insurable.

(10) Where the planting is prevented by excessive rainfall, no indemnity is payable unless the insured person establishes that,

- (a) an abnormal amount of rain occurred;
- (b) the rainfall resulted in a reduced number of work days; and
- (c) a significant number of other insured persons were similarly affected, during the planting season in the area where the insured acreage is situate.

TABLE

Spring Sown Crops in Order of Priority	
1.	Corn
2.	Soybeans
3.	White Beans
4.	Coloured Beans
5.	Spring Grain
6.	Canola
7.	Sunflowers
8.	Red spring wheat

3.—(1) Where loss or damage to three acres or more of the insured crop resulting from an insured peril occurs prior to the 1st day of July in the crop year, the Commission, upon application therefor in writing by the insured person, may consent in writing to the replanting of the damaged acreage.

(2) Where the damaged acreage is replanted in accordance with subparagraph (1), the Commission shall pay a supplementary benefit to the insured person calculated at the rate of \$30 for each replanted acre.

(3) Where the damaged acreage is replanted to corn, the contract of insurance shall continue to apply to such replanted acreage.

(4) The total number of acres in respect of which a replanting benefit is paid in a crop year shall not in any case exceed the total number of insured acres.

4.—(1) Where loss or damage occurs prior to harvest, the Commission, upon application therefor in writing by the insured person, may consent in writing to the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres and the potential production thereof.

(2) Where damaged acreage is used for any other purpose or the insured crop thereon is abandoned or destroyed in accordance with subparagraph (1), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production for the damaged acreage and the potential production for the damaged acreage determined under subparagraph (1) by the established price.

(3) Where damaged acreage is not used for any other purpose or the crop thereon is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (2) shall not be taken into account in the final adjustment of loss.

(4) Where the actual production of the harvested acreage is less than the guaranteed production for such acreage, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price.

FINAL ADJUSTMENT OF LOSS FOR TOTAL INSURED ACREAGE

5. The indemnity payable with respect to the total insured acreage in the final adjustment of loss shall be the sum of all loss calculations made under paragraphs 2, 3 and 4 applicable to such acreage, but where,

- (a) the actual production of any harvested acreage; or
- (b) the potential production of any unharvested acreage,

exceeds the guaranteed production of such acreage, the indemnity otherwise payable in respect of loss calculations made under paragraph 4 shall be reduced by the amount obtained by multiplying such excess by the established price.

INCORRECT ACREAGE IN FINAL ACREAGE REPORT

6.—(1) Where the actual planted acreage of corn in a crop year is less than the planted acreage declared on the final acreage report, the guaranteed production shall be decreased proportionately in calculating whether there has been a loss and the actual production shall be used in calculating the average production for purposes of determining coverage for the following crop year, and there shall be no refund of premium.

(2) Where the actual planted acreage of corn in a crop year exceeds the planted acreage declared on the final acreage report, the actual production shall be used in calculating whether there has been a loss and,

- (a) where the calculation indicates a loss, such actual production shall be used; or
- (b) where the calculation does not indicate a loss, such actual production shall be reduced proportionately,

in calculating the average production for purposes of determining coverage for the following crop year.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this endorsement to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at

this day of, 19.....

Duly Authorized Representative

General Manager

R.R.O. 1980, Reg. 205, Form 2; O. Reg. 310/81, ss. 4, 6; O. Reg. 89/82, s. 2; O. Reg. 45/83, s. 4; O. Reg. 298/85, ss. 3, 5; O. Reg. 319/87, ss. 4-6; O. Reg. 276/88, s. 2; O. Reg. 297/89, ss. 2, 3; O. Reg. 474/90, s. 2, part, revised.

REGULATION 223

CROP INSURANCE PLAN FOR CUCUMBERS

1. The plan in the Schedule is established for the insurance within Ontario of cucumbers. O. Reg. 462/84, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Cucumbers".

2. The purpose of this plan is to provide for insurance against a loss in the production of cucumbers resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan, "average farm yield" means the average yield of the planted acreage,

- (a) for the ten-year period immediately preceding the current year computed on the basis of the acreage production records of the insured person, or
- (b) for the number of years of enrolment in the plan computed on the basis of the acreage production records of the

insured person or on another basis that is reasonable in the circumstances, where the insured person has not been enrolled in the plan for ten years;

May in the crop year, or such other date as may be determined by the Commission.

“processor” means a person who is licensed as a processor of vegetables under the *Farm Products Marketing Act* and the regulations made thereunder;

“cucumbers” means cucumbers produced in Ontario,

- (a) for processing under a contract between a grower and a processor, and
- (b) on acreage specified in such contract;

“ton” means 2,000 pounds.

DESIGNATION OF PERILS

4.—(1) Subject to subsection (2), the following are designated as perils for the purposes of this plan:

1. Drought.
2. Excessive rainfall.
3. Flood.
4. Frost.
5. Hail.
6. Insect infestation.
7. Plant disease.
8. Wildlife.
9. Wind.

(2) The contract of insurance for cucumbers does not insure against a loss in the production of cucumbers in a crop year resulting from insect infestation or plant disease unless the insured person establishes that the insured person followed a recommended control program during the crop year.

DESIGNATION OF CROP YEAR

5. The crop year for cucumbers is the period from the 1st day of March in any year to the 15th day of October next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for cucumbers shall be deemed to be comprised of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) the application for insurance;
- (c) an endorsement for cucumbers in Form 1;
- (d) the final acreage report for each crop year; and
- (e) any amendment to a document referred to in clause (a), (b), (c) or (d) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be accompanied by a premium deposit of at least \$100; and
- (c) be filed with the Commission not later than the 1st day of

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before the 1st day of May in the crop year during which the cancellation is to be effective.

COVERAGE

9. For the purpose of calculating the average farm yield, the Commission shall, on an annual basis, compare the actual yield in each year of the ten-year period used to calculate the average farm yield with the average farm yield itself and,

- (a) if the actual yield in a year exceeds the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \text{Actual Yield} - \frac{2}{3} \left[\frac{\text{Actual Yield} - (\text{Average Yield} \times 1.3)}{\text{Yield}} \right]$$

- (b) if the actual yield in a year falls short of the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \text{Actual Yield} + \frac{2}{3} \left[\left(\frac{\text{Average Yield} \times 0.7}{\text{Yield}} \right) - \frac{\text{Actual Yield}}{\text{Yield}} \right]$$

10.—(1) Subject to subsections (4) and (5), the initial coverage provided under a contract of insurance shall be 70 per cent of the average farm yield in tons of the total producing acres of cucumbers grown by the insured person in accordance with the regulations.

(2) Subject to subsections (4) and (5), the coverage provided under a contract of insurance following a year in which there was no claim shall be,

- (a) where the previous year's coverage was 65 per cent, 70 per cent;
- (b) where the previous year's coverage was 70 per cent, 73 per cent;
- (c) where the previous year's coverage was 73 per cent, 76 per cent;
- (d) where the previous year's coverage was 76 per cent, 78 per cent;
- (e) where the previous year's coverage was 78 per cent, 80 per cent; and
- (f) where the previous year's coverage was 80 per cent, 80 per cent,

of the average farm yield in tons of the total producing acres of cucumbers grown by the insured person in accordance with the regulations.

(3) Subject to subsections (4) and (5), the coverage provided under a contract of insurance following a year in which there was a claim shall be,

- (a) where the previous year's coverage was 80 per cent, 78 per cent;

- (b) where the previous year's coverage was 78 per cent, 76 per cent;
- (c) where the previous year's coverage was 76 per cent, 73 per cent;
- (d) where the previous year's coverage was 73 per cent, 70 per cent;
- (e) where the previous year's coverage was 70 per cent, 65 per cent; and
- (f) where the previous year's coverage was 65 per cent, 65 per cent,

of the average farm yield in tons of the total producing acres of cucumbers grown by the insured person in accordance with the regulations.

(4) Where, in any year, a claim is paid in an amount that is equal to or less than the total premium for that year, the coverage for the following year shall remain unchanged.

(5) The total guaranteed production under a contract of insurance shall be the lesser of,

- (a) the number of tons determined under subsections (1), (2) and (3); or
- (b) the contracted tonnage.

(6) Where, in the opinion of the Commission, the insured person cannot provide adequate production records, the average yield shall be determined by the Commission on such other basis as it may approve.

11. The maximum amount for which the Commission is liable for a loss in production under a contract of insurance shall be the amount obtained by multiplying the total guaranteed production determined under section 10 by the established price per ton determined under section 12.

12. For the purposes of this plan the established price per ton for cucumbers in a crop year shall be 50 per cent of the minimum price per ton for grade three cucumbers negotiated in the grower-processor marketing agreement.

PREMIUMS

13.—(1) The total premium is \$52 per acre.

(2) Despite subsection (1), the minimum premium payable by an insured person in each crop year is \$100.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

14.—(1) Where a contract of insurance is in force, the premium shall be paid in respect of each crop year in which the insured person produces cucumbers.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit prescribed by subsection (3), to the Commission at the time the insured person files the final acreage report prescribed by section 15.

(3) Where a renewal premium is payable in respect of a crop year, the insured person shall, not later than the 1st day of May in the crop year, pay a premium deposit in accordance with clause 7 (b).

FINAL ACREAGE REPORT

15.—(1) Every insured person shall file with the Commission in

each crop year a final acreage report in a form provided by the Commission within ten days after the seeding of acreage to cucumbers is complete.

(2) A final acreage report filed with the Commission shall not be amended without the consent in writing of the Commission.

16.—(1) The Commission may revise the final acreage report in any or all respects and adjust the premium accordingly and, in such case, shall notify the insured person in writing forthwith respecting such revision and adjustment.

(2) The insured person shall be deemed to have agreed with the revision of the final acreage report made by the Commission under subsection (1) unless the insured person notifies the Commission in writing that the insured person rejects the revision within ten days after the Commission notification is served on the insured person.

(3) For the purposes of subsection (2), the Commission notification may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(4) Where the Commission receives notice from an insured person under subsection (2), it shall notify the insured person in writing that the contract of insurance does not apply for the crop year in respect of which the final acreage report was filed.

(5) A final acreage report revised under this section shall, failing notice under subsection (2), constitute the final acreage report for the crop year.

17.—(1) Where an insured person in any crop year fails to file a final acreage report in the form and manner prescribed by this Regulation, the Commission may,

- (a) prepare the final acreage report; or
- (b) declare the insured acreage to be nil.

(2) The Commission shall serve a copy of the final acreage report, if one is prepared, on the insured person either by personal delivery or by mailing it to the insured person's last known address.

(3) Every insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commission within ten days after the insured person has been served with a copy of it.

(4) A report that is mailed shall be deemed to be served three days after it is mailed.

FINAL DATE FOR PLANTING

18. For the purposes of this plan, the final date for planting cucumbers in a crop year is the 1st day of July or such other date as may be determined from time to time by the Commission.

FINAL DATE FOR HARVESTING

19. For the purposes of this plan, the final date for harvesting cucumbers in a crop year is the 30th day of September or such other date as may be determined from time to time by the Commission. O. Reg. 462/84, Sched.; O. Reg. 294/85, ss. 1, 2; O. Reg. 291/86, ss. 1, 2; O. Reg. 323/87, s. 1; O. Reg. 226/88, s. 1; O. Reg. 466/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

CUCUMBER ENDORSEMENT

WHEREAS the insured person has applied for crop insurance for cucumbers under The Ontario Crop Insurance Plan for Cucumbers,

hereinafter referred to as "the plan", and has paid the deposit premium prescribed thereunder;

NOW THEREFORE, subject to the *Crop Insurance Act* (Ontario) and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover cucumbers.

HARVESTING OF PLANTED ACREAGE

1. All acreage planted to cucumbers in a crop year shall be harvested unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part thereof.

EVALUATION OF LOSS

2.—(1) Where loss or damage occurs before the 1st day of July in a crop year, the Commission, upon application therefor in writing by the insured person, may consent in writing to,

- (a) replanting of the damaged acreage; or
- (b) the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres and the potential production thereof.

(2) Where the damaged acreage is replanted to the insured crop in accordance with clause (1) (a), a benefit of \$35 for each acre so replanted shall be paid and the contract of insurance shall continue to apply to such replanted acreage.

(3) Where the damaged acreage is used for any other purpose or the insured crop is abandoned or destroyed in accordance with clause (1) (b), a benefit of \$35 for each acre so abandoned or destroyed shall be paid and the contract of insurance shall cease to apply to such acreage.

(4) Where the damaged acreage is not used for any other purpose or the crop is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (3) shall not be taken into account in the final adjustment of loss.

(5) Where harvesting has been completed, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per ton.

FINAL ADJUSTMENT OF LOSS FOR TOTAL PLANTED ACREAGE

3.—(1) The Commission may cause the actual production of the insured crop to be appraised by any method that it considers proper.

(2) The indemnity payable with respect to the total insured acreage in the final adjustment of loss shall be the sum of all loss calculations made under paragraph 2 applicable to such acreage, but where,

- (a) the actual production of any harvested acreage; or
- (b) the potential production of any unharvested acreage,

exceeds the guaranteed production of such acreage, the indemnity otherwise payable in respect of loss calculations made under paragraph 2 shall be reduced by the amount obtained by multiplying such excess by the established price.

INCORRECT ACREAGE IN FINAL ACREAGE REPORT

4.—(1) Where the actual planted acreage of cucumbers in a crop year is less than the planted acreage declared on the final acreage report, the total guaranteed production and the amount of insurance shall be reduced proportionately.

(2) Where the actual planted acreage of cucumbers in a crop year exceeds the planted acreage declared on the final acreage report, production from the total planted acreage shall be counted and there shall be no increase in the total guaranteed production or the maximum amount of indemnity payable.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this endorsement to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at

this day of, 19.....

.....
Duly Authorized
Representative

.....
General Manager

O. Reg. 462/84, Form 1; O. Reg. 294/85, s. 3.

REGULATION 224

CROP INSURANCE PLAN FOR
FLUE-CURED TOBACCO

1. The plan in the Schedule is established for the insurance within Ontario of flue-cured tobacco. R.R.O. 1980, Reg. 206, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Flue-cured Tobacco".

2. The purpose of this plan is to provide for insurance against a loss resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"allotted poundage" means the total number of pounds of tobacco authorized by The Ontario Flue-cured Tobacco Growers' Marketing Board to be marketed for the crop year;

"average farm yield" means the average of previous yields of the planted acreage computed on the basis of acreage production records of the insured person or on such other basis as the Commission approves;

"contract price" means the minimum average price per pound agreed upon by the Ontario Flue-cured Tobacco Growers' Marketing Board and the processors or such other price as may be determined from time to time by the Commission;

"flue-cured tobacco" means tobacco grown in Ontario for marketing under authorization of The Ontario Flue-cured Tobacco Growers' Marketing Board;

"rental deadline" means the date in a crop year after which the Ontario Flue-cured Tobacco Growers' Marketing Board will not

grant an application to rent or transfer more than 20 per cent of a producer's flue-cured tobacco marketing quota;

"rental value" means the average price that allotted poundage is rented for as determined by the Commission;

"price guarantee" means the average price received for the total crop marketed by The Ontario Flue-cured Tobacco Growers' Marketing Board for the crop year less 5 per cent.

DESIGNATION OF PERILS

4. The following are designated as perils for the purposes of this plan:

1. Drought.
2. Excessive rainfall.
3. Flood.
4. Frost.
5. Hail.
6. Insect infestation.
7. Plant disease.
8. Wind.

DESIGNATION OF CROP YEAR

5. The crop year for flue-cured tobacco is the period from the 1st day of March in any year to the 31st day of May in the calendar year next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for flue-cured tobacco shall be deemed to be comprised of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) an endorsement for flue-cured tobacco in Form 1;
- (c) the application for insurance;
- (d) the final acreage report; and
- (e) an amendment to any document referred to in clause (a), (b), (c) or (d) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be accompanied by a premium deposit of at least \$100 unless the applicant authorizes payment of the premium by The Ontario Flue-cured Tobacco Growers' Marketing Board; and
- (c) be filed with the Commission not later than the 1st day of May first occurring in the crop year in respect of which it is made or not later than such other date as may be determined from time to time by the Commission.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made unless it is terminated in accordance with the regulations.

(2) Despite subsection (1), the contract does not insure against

and no indemnity shall be paid in respect of any loss or damage which occurs prior to noon on the 20th day of May first occurring in the crop year.

COVERAGE

9. The coverage provided in each crop year under section A or B of the endorsement shall be computed by the Commission and shall not exceed 80 per cent of the average farm yield multiplied by 50 per cent of the final market average price less 5 per cent.

LIABILITY

10. The maximum amount for which the Commission is liable for a loss under a contract of insurance shall be the amount obtained by multiplying 80 per cent of the average farm yield by the final market average price less 5 per cent.

PREMIUMS

11.—(1) Subject to subsections (2), (3), (4), (5) and (6), the premium payable by an insured person is,

- (a) where the crop is insured under Section A of the endorsement, \$2.08 per 100 pounds for the first 30,000 pounds of coverage, decreasing by 4 cents per 100 pounds for the next 10,000 pounds of coverage, by 4 cents per 100 pounds for the next 10,000 pounds of coverage, by 7 cents per 100 pounds for the next 10,000 pounds of coverage, by 8 cents per 100 pounds for the next 10,000 pounds of coverage, by 8 cents per 100 pounds for the next 10,000 pounds of coverage, by 7 cents per 100 pounds for the next 10,000 pounds of coverage, and by 8 cents per 100 pounds for each 10,000 pounds of increase in coverage until a minimum rate of 98 cents per 100 pounds, applicable to any further coverage, is attained; and
- (b) where the crop is insured under Section B of the endorsement, \$1.84 per 100 pounds for the first 30,000 pounds of coverage, decreasing by 3 cents per 100 pounds for the next 10,000 pounds of coverage, by 4 cents per 100 pounds for the next 10,000 pounds of coverage, by 5 cents per 100 pounds for the next 10,000 pounds of coverage, by 5 cents per 100 pounds for the next 10,000 pounds of coverage, by 5 cents per 100 pounds for the next 10,000 pounds of coverage, by 4 cents per 100 pounds for the next 10,000 pounds of coverage, by 5 cents per 100 pounds for the next 10,000 pounds of coverage, by 2 cents per 100 pounds for the next 10,000 pounds of coverage and by 1 cent per 100 pounds for each 10,000 pounds of increase in coverage until a minimum rate of \$1.50 per 100 pounds, applicable to any further coverage, is attained.

(2) The premiums prescribed by subsection (1) are based on a contract price of \$1 per pound and where in any year there is a variation in the contract price, the amount of the premium shall be adjusted accordingly.

(3) The premium prescribed by subsections (1) and (2) shall be reduced by 5 per cent following each year of participation in the plan in which no claim is made, but the cumulative reduction shall not exceed 15 per cent.

(4) Where the premium prescribed by subsections (1) and (2) has been reduced under subsection (3), the premium shall be increased by 5 per cent following each year in which the amount paid on a claim exceeds half of the premium paid in that year, but the premium shall not be increased beyond the amounts prescribed by subsections (1) and (2).

(5) Where, in any year, a claim is paid in an amount equal to or less than half of the total premium for that year, the discount for the following year shall remain unchanged.

(6) Where in any year a grower fails to insure the grower's crop under this plan, the grower's premium for the next year of participation shall not be subject to any discount.

(7) The premiums prescribed by subsections (1), (2), (3), (4), (5) and (6) are in addition to any payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada). R.R.O. 1980, Reg. 206, Sched.; O. Reg. 94/82, s. 1; O. Reg. 630/82, ss. 1-5; O. Reg. 388/83, s. 1; O. Reg. 359/84, ss. 1, 2; O. Reg. 511/84, s. 1; O. Reg. 524/85, ss. 1-6; O. Reg. 600/86, ss. 1-3; O. Reg. 471/89, s. 1; O. Reg. 401/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

FLUE-CURED TOBACCO ENDORSEMENT

WHEREAS the insured person has applied for crop insurance for flue-cured tobacco under The Ontario Crop Insurance Plan for Flue-cured Tobacco, hereinafter referred to as "the plan";

NOW THEREFORE, subject to the *Crop Insurance Act* (Ontario) and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover flue-cured tobacco.

GENERAL TERMS AND CONDITIONS

1.—(1) Where the insured person is an owner with a sharegrower, the insured person is eligible for insurance coverage only under Section A.

(2) Where the insured person is an owner who grows the insured person's own crop, the insured person is eligible for insurance coverage under Sections A and B.

(3) Where the insured person grows all or part of the insured person's crop, in order to obtain insurance under Section A, the insured person must insure all the insured person's acreage under a single contract.

(4) Where the insured person is a sharegrower, the insured person is eligible for insurance coverage only under Section B.

2. All acreage planted to flue-cured tobacco in a crop year shall be harvested unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part thereof.

INCORRECT ACREAGE IN FINAL ACREAGE REPORT

3.—(1) Where the actual planted acreage of flue-cured tobacco in a crop year is less than the planted acreage declared on the final acreage report, the guaranteed production and the amount of insurance shall be reduced proportionately and there shall be no refund of premium.

(2) Where the actual planted acreage of flue-cured tobacco in a crop year exceeds the planted acreage declared on the final acreage report, the total guaranteed production shall remain unchanged and the total production from all of the planted acres shall be included in the total production for the crop year.

EVALUATION OF LOSS

4. For the purpose of determining the loss in production of flue-cured tobacco in a crop year and the indemnity payable therefor, the

value of the crop shall progress through the stages prescribed in Sections A and B.

SECTION A

STAGE 1

5.—(1) Stage 1 comprises the period from the commencement of planting or noon of the 18th day of May first occurring in the crop year, whichever is the later, to noon of the 18th day of June in the crop year.

(2) Where loss or damage occurs in Stage 1, the Commission, upon application therefor in writing by the insured person may consent in writing to the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres.

(3) Where the damaged acreage is replanted to the insured crop pursuant to Section B, the contract of insurance shall continue to apply to such replanted acreage.

(4) Where the damaged acreage is used for any other purpose or the insured crop is abandoned or destroyed in accordance with subparagraph (2), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying 40 per cent of the average farm yield applicable to the damaged acreage by 45 per cent of the contract price per pound.

(5) The amount of loss calculated under subparagraph (4) shall be reduced by an amount equal to the rental value of any poundage allotment in respect of which a claim is paid to the insured person.

(6) Where the damaged acreage is not used for any other purpose or the crop is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (4) shall not be taken into account in the final adjustment of loss.

(7) Despite any application made in writing by the insured person under this paragraph, the Commission may, where loss or damage occurs in Stage 1, notify the insured person in writing that it intends to terminate the insurance coverage on such damaged acreage and to calculate the amount of loss in the manner prescribed in subparagraph (4) with respect to such damaged acreage and, where notice of such intention has been given, the Commission shall calculate accordingly the amount of loss to be taken into account in the final adjustment of loss and the value of the insured crop on such damaged acreage shall not progress beyond Stage 1.

STAGE 2

6.—(1) Stage 2 commences at noon on the 20th day of June in the crop year and ends with the completion of harvesting.

(2) Where loss or damage occurs in Stage 2, the Commission, upon application therefor in writing by the insured person, may consent in writing to the abandonment or destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres and the potential production thereof.

(3) Where the insured crop is abandoned or destroyed in accordance with subparagraph (2), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying 80 per cent of the average farm yield applicable to the damaged acreage less any potential production determined under subparagraph (2) by 45 per cent of the contract price per pound.

(4) Where the crop is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (3) shall not be taken into account in the final adjustment of loss.

(5) Subject to subparagraph (6), where, upon completion of harvesting,

- (a) one-half of the total gross income from the harvested acreage is less than the insurance coverage of the insured person, the amount of loss that shall be taken into account in the final adjustment of loss shall be calculated by subtracting one-half of the total gross income from one-half of the amount arrived at by multiplying the price guaranteed per pound by the actual production harvested; or
- (b) the actual production from the harvested acreage multiplied by 45 per cent of the contract price per pound is less than the insurance coverage of the insured person, the amount of loss that shall be taken into account in the final adjustment of loss shall be calculated by subtracting the amount obtained by multiplying the actual production from the harvested acreage by 45 per cent of the contract price per pound from the insurance coverage.

(6) The amount of loss calculated under clause (b) of subparagraph (5) shall be reduced by an amount equal to the rental value of any poundage allotment in respect of which a production claim is paid to the insured person.

SECTION B

STAGE 1

7.—(1) Stage 1 comprises the period from the commencement of planting or noon of the 20th day of May occurring first in the crop year, whichever is the later, to noon of the 20th day of June in the crop year.

(2) Where loss or damage occurs in Stage 1, the Commission, upon application therefor in writing by the insured person, may consent in writing to,

- (a) replanting of the damaged acreage to a maximum of the number of insured acres; or
- (b) the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres.

(3) Where the damaged acreage is in excess of three acres and is replanted to the insured crop in accordance with clause (a) of subparagraph (2), the contract of insurance shall continue to apply to such replanted acreage and the Commission shall pay to the insured person a supplementary benefit of \$75 per acre replanted.

(4) Where the damaged acreage is used for any other purpose or the insured crop is abandoned or destroyed in accordance with clause (b) of subparagraph (2), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying 40 per cent of the average farm yield applicable to the damaged acreage by 30 per cent of the contract price per pound.

(5) Where the damaged acreage is not used for any other purpose or the crop is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (4) shall not be taken into account in the final adjustment of loss.

(6) Despite any application made in writing by the insured person under this paragraph, the Commission may, where loss or damage occurs in Stage 1, notify the insured person in writing that it intends to terminate the insurance coverage on such damaged acreage and to calculate the amount of loss in the manner prescribed in subparagraph (4) with respect to such damaged acreage and, where notice of such intention has been given, the Commission shall calculate accordingly the amount of loss to be taken into account in the final adjustment of loss and the value of the insured crop on such damaged acreage shall not progress beyond Stage 1.

STAGE 2

8.—(1) Stage 2 commences at noon on the 20th day of June in the crop year and ends with the completion of harvesting.

(2) Where loss or damage occurs in Stage 2, the Commission, upon application therefor in writing by the insured person, may consent in writing to,

- (a) replanting of the damaged acreage to a maximum of the number of insured acres; or
- (b) the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on the damaged acreage and the Commission shall determine the number of damaged acres and the potential production thereof.

(3) Where the damaged acreage is in excess of three acres and is replanted to the insured crop in accordance with clause (a) of subparagraph (2), the contract of insurance shall continue to apply to such replanted acreage and the Commission shall pay to the insured person a supplementary benefit of \$75 per acre replanted.

(4) Where the insured crop is abandoned or destroyed in accordance with clause (b) of subparagraph (2), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying 80 per cent of the average farm yield applicable to the damaged acreage less any potential production determined under clause (b) of subparagraph (2) by 30 per cent of the contract price per pound.

(5) Where the crop is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (4) shall not be taken into account in the final adjustment of loss.

(6) Where, upon completion of harvesting,

- (a) one-half of the total gross income from the harvested acreage is less than the insurance coverage of the insured person, the amount of loss that shall be taken into account in the final adjustment of loss shall be calculated by subtracting one-half of the total gross income from one-half of the amount arrived at by multiplying the price guaranteed per pound by the actual production harvested; or

- (b) the actual production from the harvested acreage multiplied by 30 per cent of the contract price per pound is less than the insurance coverage of the insured person, the amount of loss that shall be taken into account in the final adjustment of loss shall be calculated by subtracting the amount obtained by multiplying the actual production from the harvested acreage by 30 per cent of the contract price per pound from the insurance coverage.

SALVAGE BENEFIT

9. Where three acres or more of the insured crop is damaged as a result of excessive rainfall, flood, hail, wind or such other cause of loss as may be designated by the Commission from time to time and the insured person incurs unusual expense in salvaging the crop, the Commission may under Section B pay a supplementary benefit equal to the salvage cost or \$60 for each damaged acre, whichever is the lesser, but the total of the benefits payable in any crop year under subparagraphs 7 (3), 8 (3) and this paragraph shall in no case exceed \$120 multiplied by the number of insured acres.

FINAL ADJUSTMENT OF LOSS FOR TOTAL PLANTED ACREAGE

10.—(1) The total indemnity payable in the final adjustment of loss shall be the sum of all loss calculations but where,

- (a) the actual production of any harvested acreage; or

(b) the potential production of any unharvested acreage,

exceeds the insurance coverage for such acreage, the indemnity otherwise payable for a loss in production shall be reduced by the amount obtained by multiplying such excess by 75 per cent of the contract price per pound.

(2) Despite subparagraph (1), where the insured crop or any part thereof is destroyed by frost at any time after noon on the 25th day of September in the crop year, the Commission shall determine the potential thereof and shall reduce the indemnity otherwise payable accordingly.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this endorsement to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at

this day of, 19.....

Duly Authorized Representative

General Manager

R.R.O. 1980, Reg. 206, Form 1; O. Reg. 311/81, s. 1; O. Reg. 630/82, s. 6; O. Reg. 388/83, s. 2; O. Reg. 359/84, s. 4; O. Reg. 524/85, s. 7; O. Reg. 600/86, s. 4; O. Reg. 471/89, s. 2; O. Reg. 401/90, s. 2.

REGULATION 225

CROP INSURANCE PLAN FOR FORAGE SEEDING ESTABLISHMENT

1. The plan in the Schedule is established for the insurance within Ontario of the seeding establishment of forage. R.R.O. 1980, Reg. 211, s. 1; O. Reg. 302/89, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Forage Seeding Establishment".

2. The purpose of this plan is to provide insurance against loss arising when the seeding establishment of a forage crop is adversely affected by one or more of the designated perils.

DEFINITIONS

3. In this plan,

"forage" means feed for livestock produced from grasses or legumes;

"grasses" means Timothy, Bromegrass, Orchardgrass, Reed Canary Grass, Creeping Red Fescue, Tall Fescue, Meadow Foxtail, Perennial Ryegrass, Annual Ryegrass and Bluegrass;

"harvesting" includes pasturing;

"legumes" means Alfalfa, Bird's-foot Trefoil, Red Clover, White Clover and Sweet Clover;

"seeded acreage" means acreage seeded to grasses or legumes during the current crop year for the purpose of producing forage or pasture or for the purpose of soil conservation.

DESIGNATION OF PERILS

4. The following are designated as perils for the purposes of this plan:

1. Drought.
2. Excessive moisture.
3. Excessive rainfall.
4. Flood.
5. Frost.
6. Hail.
7. Insect infestation.
8. Plant disease.
9. Wildlife.
10. Wind.
11. Winterkill.

DESIGNATION OF CROP YEAR

5. The crop year for forage seeding establishment is the period from the 1st day of January to the 31st day of May in the calendar year next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for forage seeding establishment shall be deemed to be comprised of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) an endorsement for forage seeding establishment in Form I;
- (c) the application for insurance; and
- (d) any amendment to a document referred to in clause (a), (b) or (c) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission; and
- (b) in the case of spring sown forage, be filed with the Commission not later than the 1st day of May or in the case of forage that is directly seeded after the 1st day of August, be filed with the Commission not later than the 15th day of September in the crop year.

DURATION OF CONTRACT

8. A contract of insurance shall be in force for the crop year in respect of which it is made.

COVERAGE

9.—(1) Subject to subsection (2), the maximum coverage, as determined by the Commission, is,

- (a) \$25 for each acre sown to forage that fails to establish a reasonable stand; or
- (b) \$50 for each acre that fails to establish a reasonable stand where a minimum of 50 per cent of the crop is sown to trefoil or alfalfa.

(2) A minimum of three acres must be lost before any indemnity is payable.

10. The maximum amount for which the Commission is liable under a contract of insurance is the amount obtained by multiplying the per acre coverage determined under section 9 by the number of insured acres.

PREMIUMS

11.—(1) The total premium is,

- (a) \$4 per acre where the coverage is \$25 per acre;
- (b) \$6 per acre where the coverage is \$25 per acre and the insured person's claims since the insured person's enrolment in the plan exceed the premiums paid; or
- (c) \$6 per acre where the coverage is \$50 per acre.

(2) Despite subsection (1), the minimum premium payable by an insured person is \$25.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Government of Canada under the *Crop Insurance Act* (Canada).

12.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year in which the insured person plants acreage to the insured crop.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit, if any, to the Commission at the time the final acreage report required by section 14 is filed.

NOTIFICATION OF LOSS

13. Any loss must be reported to the Commission as soon as it becomes apparent and in no case will any indemnity be paid in respect of losses not reported before the end of the crop year.

FINAL ACREAGE REPORTS

14.—(1) Within ten days after the planting of acreage to forage is completed in each crop year, every insured person shall file with the Commission a final acreage report in a form provided by the Commission.

(2) A final acreage report filed with the Commission shall not be amended without the consent in writing of the Commission.

15.—(1) The Commission may revise a final acreage report in any and all respects and adjust the premium accordingly and shall, after any revision and adjustment, notify the insured person in writing immediately of such revision and adjustment.

(2) The insured person shall be deemed to have agreed with the revision of the final acreage report made by the Commission under subsection (1) unless the insured person notifies the Commission in writing that the insured person rejects the revision within ten days after the Commission notification is served on the insured person.

(3) For the purposes of subsection (2), the Commission notification may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(4) Where the Commission receives notification from an insured person under subsection (2), the Commission shall,

- (a) notify the insured person in writing that the contract of insurance does not apply for the crop year in respect of which the final acreage report was filed; and

(b) refund any premium or premium deposit paid in respect of that crop year.

(5) A final acreage report revised under subsection (1) shall, if no notice is given under subsection (2) by the insured person, be deemed to be a final acreage report for the insured acreage for the crop year.

16.—(1) Where an insured person in any crop year fails to file a final acreage report in accordance with this Regulation, the Commission may,

- (a) prepare a final acreage report; or
- (b) declare the insured acreage to be nil.

(2) After preparing a final acreage report under subsection (1), the Commission shall serve a copy of the report on the insured person either by personal delivery or by mailing it to the insured person's last known address.

(3) An insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commission within ten days after the insured person has been served with copy of it.

(4) A report that is mailed shall be deemed to be served three days after it is mailed. R.R.O. 1980, Reg. 211, Sched.; O. Reg. 146/84, ss. 1, 2; O. Reg. 300/85, ss. 1, 2; O. Reg. 224/88, s. 1; O. Reg. 302/89, ss. 1, 2; O. Reg. 456/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

FORAGE SEEDING ESTABLISHMENT ENDORSEMENT

WHEREAS the insured person has applied for crop insurance for forage seeding establishment under The Crop Insurance Plan for Forage Seeding Establishment, hereinafter referred to as "the plan", and has paid the premium prescribed thereunder:

NOW THEREFORE, subject to the *Crop Insurance Act* (Ontario) and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover forage seeding establishment.

EVALUATION OF LOSS

1. For the purposes of this plan, a loss shall be deemed to have occurred where, as a result of an insured peril, three acres or more of the insured crop fails to establish a reasonable stand.

FINAL ADJUSTMENT OF LOSS

2.—(1) Subject to subparagraphs (2) and (3), the indemnity payable with respect to the total seeded acreage shall be the amount obtained by multiplying the per acreage coverage determined under section 9 of the plan by the number of insured acres.

(2) Indemnity is payable only in respect of acreage destroyed after inspection by the Commission.

(3) No indemnity is payable in respect of acreage that has been harvested or pastured. R.R.O. 1980, Reg. 211, Form 1; O. Reg. 300/85, s. 3; O. Reg. 302/89, s. 1.

REGULATION 226**CROP INSURANCE PLAN FOR GRAPES**

1. The plan in the Schedule is established for the insurance within Ontario of grapes. R.R.O. 1980, Reg. 208, s. 1.

Schedule*Crop Insurance Act (Ontario)***PLAN**

1. This plan may be cited as "The Ontario Crop Insurance Plan for Grapes".

2. The purpose of this plan is to provide for insurance against a loss in the production of grapes resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average yield" means the average total vineyard production of the insured person over the preceding six years allowing for age of vines, vine removal, and change in acreage;

"grapes" means all varieties of grapes produced in Ontario.

DESIGNATION OF PERILS

4. The following are designated as perils for the purpose of this plan:

1. Blossom set failure.
2. Drought.
3. Excessive moisture.
4. Freeze injury.
5. Frost.
6. Hail.
7. Hurricane or tornado.
8. Wildlife.
9. Excess heat.
10. Excessive rain.

DESIGNATION OF CROP YEAR

5. The crop year for grapes is the period from the 1st day of December in any year to the 30th day of November next following.

CONTRACT OF INSURANCE

6. For the purpose of this plan, the entire contract of insurance for grapes shall be deemed to be comprised of,

- (a) the contract of insurance in Form 1;
- (b) the application for insurance;
- (c) the production guarantee report; and
- (d) any amendment to a document referred to in clause (a), (b) or (c) agreed upon in writing.

7. An application for insurance shall,

- (a) be in the form provided by the Commission;
- (b) be accompanied by a premium deposit of,
 - (i) \$100, or one-quarter of the premium payment made by the insured person for the previous crop year, whichever is the greater, or
 - (ii) an amount to be determined by the Commission; and
- (c) be filed with the Commission not later than the 1st day of December in the crop year in respect of which it is made or not later than such other date as may be determined from time to time by the Commission.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before the 1st day of December in the crop year during which the cancellation is to be effective or on or before such other date as may be determined from time to time by the Commission.

COVERAGE

9.—(1) The initial coverage provided under a contract of insurance shall be 73 per cent of the average yield in pounds as determined by the Commission multiplied by the established price.

(2) The coverage provided under a contract of insurance following a year in which there was no claim shall be,

- (a) where the previous year's coverage was 70 per cent, 73 per cent;
- (b) where the previous year's coverage was 73 per cent, 76 per cent;
- (c) where the previous year's coverage was 76 per cent, 78 per cent;
- (d) where the previous year's coverage was 78 per cent, 80 per cent; and
- (e) where the previous year's coverage was 80 per cent, 80 per cent,

of the average yield in pounds as determined by the Commission multiplied by the established price.

(3) The coverage provided under a contract of insurance following a year in which there was a claim shall be,

- (a) where the previous year's coverage was 80 per cent, 80 per cent;
- (b) where the previous year's coverage was 78 per cent, 76 per cent;
- (c) where the previous year's coverage was 76 per cent, 73 per cent;
- (d) where the previous year's coverage was 73 per cent, 70 per cent; and
- (e) where the previous year's coverage was 70 per cent, 70 per cent,

of the average yield in pounds as determined by the Commission multiplied by the established price.

(4) Where in any year a claim is paid in an amount that is less than one-half of the total premium for that year, the coverage for the following year remains unchanged.

10.—(1) In this section, "class" means the classes of grape varieties set out in the Table.

(2) The established prices for each class are as follows:

TABLE

Class	Price per tonne
1	\$ 278
1A	198
2	227
3	265
3A	221
4	241
5	489
5A	352
5B	500
5C	299
6	552
6A	436
6B	450
6C	261
7	575
8	345
8A	593
9	823
9A	903
9B	1,666
9C	1,070
10	549

11. The maximum indemnity for which the Commission is liable under a contract of insurance shall be the amount obtained by multiplying the total guaranteed production determined under section 9 by the established price per ton determined under section 10.

PREMIUMS

12.—(1) The total premium payable in the crop year is,

- (a) where the coverage is 70 per cent, 8.5 per cent;
- (b) where the coverage is 73 per cent, 8 per cent;
- (c) where the coverage is 76 per cent, 7.5 per cent;
- (d) where the coverage is 78 per cent, 7 per cent; and
- (e) where the coverage is 80 per cent, 6.3 per cent,

of the guaranteed production in pounds multiplied by the established price.

(2) Despite subsection (1), the total premium is 80 per cent of the total premium prescribed by subsection (1) if,

- (a) the coverage is 80 per cent and the insured person has had coverage and an actual farm yield for at least five years; and

(b) based on Commission records, total premiums paid by the insured person for grapes since 1972 exceed the indemnities paid by the Commission to the insured person for grapes since 1972.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Government of Canada under the *Crop Insurance Act* (Canada).

(4) Despite subsections (1) and (2), the minimum premium payable by an insured person in each crop year is \$100.

13.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit, to the Commission at the time the production guarantee report prescribed by section 14 is returned to the Commission.

(3) Where a renewal premium is payable in respect of a crop year, the insured person shall, not later than the 1st day of December in the crop year, pay the premium deposit as set out in clause 7 (b).

PRODUCTION GUARANTEE REPORT

14. The Commission shall prepare and deliver a production guarantee report in the form prescribed by the Commission to each insured person in each crop year and the insured person shall sign a copy thereof and return it to the Commission. R.R.O. 1980, Reg. 208, Sched.; O. Reg. 769/81, ss. 1-3; O. Reg. 793/82, ss. 1, 2; O. Reg. 7/85, ss. 1, 2; O. Reg. 650/85, ss. 1-4; O. Reg. 68/88, s. 1; O. Reg. 120/89, s. 1; O. Reg. 465/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

CONTRACT OF INSURANCE

BETWEEN:

THE CROP INSURANCE COMMISSION OF ONTARIO, hereinafter referred to as "THE COMMISSION".

OF THE FIRST PART

—and—

of the of
in the County (or as the case may be) of

..... hereinafter referred to as
"THE INSURED PERSON",

OF THE SECOND PART

WHEREAS the insured person has applied for crop insurance on grapes under The Ontario Crop Insurance Plan for Grapes, hereinafter referred to as "the plan".

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)*, and the regulations made thereunder, where, in a crop year the insured person suffers a loss in the production of grapes resulting from one or more of the perils designated in the plan, the Commission, subject to the terms and conditions hereinafter set forth, agrees to indemnify the insured person in respect of such loss.

TERMS AND CONDITIONS INSURED CROP

1. In this contract, "insured crop" means all varieties of grapes produced in Ontario.

CAUSES OF LOSS NOT INSURED AGAINST

2. This contract does not insure against and no indemnity shall be paid in respect of a loss resulting from,

- (a) the negligence, misconduct or poor farming practices of the insured person or the insured person's agents or employees;
- (b) a shortage of labour or machinery;
- (c) insect infestation or plant disease; or
- (d) a peril other than the perils designated in the plan.

EXTENT OF INSURANCE

3.—(1) The insured person shall offer for insurance all acreage planted to the insured crop on the farm or farms operated by the insured person in Ontario, and, subject to subparagraph (2), this contract applies to all such acreage.

(2) This contract does not apply to, and no indemnity is payable in respect of, acreage planted to the insured crop,

- (a) that was not adequately prepared for cropping purposes; or
- (b) that, in the opinion of the Commission, is not insurable.

4.—(1) All insured acreage shall be harvested unless the Commission, upon application therefor in writing, consents in writing to the abandonment or destruction of the insured crop or any part thereof and, in such case, the Commission shall determine,

- (a) the potential production of the unharvested acreage; and
- (b) whether the harvesting was prevented by one or more of the perils insured against.

(2) Where an insured person fails to obtain the consent of the Commission in accordance with subparagraph (1), no indemnity shall be paid in respect of the unharvested acreage.

EVALUATION OF LOSS

5. The amount of loss that shall be taken into account in the final adjustment of loss is the amount by which the coverage exceeds the sum of,

- (a) the actual yield in pounds of the insured crop multiplied by the established price;
- (b) the value as determined by the Commission of the potential production of acreage unharvested for reasons other than the insured perils; and
- (c) any loss sustained by reason of a peril other than the perils designated in the plan.

6. Despite paragraph 5, where hail damaged grapes are sold by the insured person at less than the price negotiated for undamaged grapes by The Ontario Grape Grower's Marketing Board, for the purpose of determining yield, the actual production shall be counted in the ratio that the sale price of the damaged grapes bears to the market price for undamaged grapes negotiated by the Board.

NOTICE OF LOSS OR DAMAGE

7.—(1) Where,

- (a) loss or damage to the insured crop occurs; or
- (b) the insured crop or any part thereof is or is intended to be sold on a pick-your-own basis,

the insured person shall notify the Commission in writing as soon as

the damage occurs in order that a pre-harvest inspection may be made.

(2) Where the insured person fails to notify the Commission under subparagraph (1), a claim by the insured person is invalid and the insured person's right to indemnity is forfeited.

MISREPRESENTATION, VIOLATION OF CONDITIONS OR FRAUD

8. Where the insured person,

- (a) in an application for insurance,
 - (i) gives false particulars of the insured crop to the prejudice of the Commission, or
 - (ii) knowingly misrepresents or fails to disclose any fact required to be stated therein;
- (b) contravenes a term or condition of the contract of insurance;
- (c) commits a fraud in respect of the insured crop; or
- (d) wilfully makes a false statement in respect of a claim under the contract of insurance,

a claim by the insured person is invalid and the insured person's right to recover indemnity is forfeited.

WAIVER OR ALTERATION

9. No term or condition of this contract shall be deemed to be waived or altered in whole or in part by the Commission unless the waiver or alteration is clearly expressed in writing signed by the Commission or a representative authorized for that purpose by the Commission.

INTEREST OF OTHER PERSONS

10. Although a person other than the insured person holds an interest of any kind in the insured crop, for the purposes of this contract,

- (a) the interest of the insured person in the insured crop is deemed to be the full value of the crop; and
- (b) except as provided in paragraph II, no indemnity shall be paid to any person other than the insured person.

ASSIGNMENT OF RIGHT TO INDEMNITY

11. The insured person may assign all or part of the insured person's right to indemnity under this contract in respect of the insured crop but an assignment is not binding on the Commission and no payment of indemnity shall be made to an assignee unless,

- (a) the assignment is made on a form provided by the Commission; and
- (b) the Commission consents thereto in writing.

ADJUSTMENT OF LOSS

12.—(1) The indemnity payable for loss or damage to the insured crop shall be determined in the manner prescribed by this contract.

(2) The Commission may cause the production of the insured crop to be appraised by any method that it deems proper.

(3) No indemnity shall be paid for a loss in respect of the insured crop unless the insured person establishes,

- (a) the actual production obtained from the insured crop for the crop year; and

(b) that the loss in production or part thereof resulted directly from one or more of the perils insured against.

(4) Where a loss in production resulted partly from a peril insured against and partly from a cause of loss not insured against, the Commission shall determine the amount of the loss that resulted from the cause of loss not insured against, and the indemnity payable by the Commission under the contract shall be reduced accordingly.

PROOF OF LOSS

13.—(1) A claim for indemnity in respect of the insured crop shall be made on a proof of loss form provided by the Commission and shall be filed with the Commission not later than sixty days after,

- (a) the completion of harvesting of the insured crop; or
- (b) the end of the crop year,

whichever is the earlier.

(2) Subject to subparagraph (3), a claim for indemnity shall be made by the insured person.

(3) A claim for indemnity may be made,

- (a) in the case of the absence or inability of the insured person, by the person's authorized representative; or
- (b) in the case of the absence or inability of the insured person or on the insured person's failure or refusal to do so, by an assignee under an assignment made in accordance with paragraph 11.

(4) Where required by the Commission, the information given in a proof of loss form shall be verified by statutory declaration.

ARBITRATION

14. Where the Commission and the insured person fail to resolve any dispute respecting the adjustment of a loss under this contract, the matter shall be determined by arbitration in accordance with the regulations.

TIME FOR PAYMENT OF INDEMNITY

15.—(1) No indemnity under this contract becomes due and payable until,

- (a) the end of the crop year; and
- (b) the premium has been paid in full.

(2) Where the indemnity payable by the Commission under this contract is established by the filing of a proof of loss form or by an award of an arbitrator or board of arbitration, it shall be paid within sixty days of the receipt by the Commission of the proof of loss form or award, as the case may be.

(3) Nothing in this paragraph prevents the Commission from paying indemnity under this contract at an earlier date.

SUBROGATION

16. Where the Commission has paid a claim under this contract, the Commission is subrogated to the extent thereof to all rights of recovery of the insured person against any person and may bring action in the name of the insured person to enforce those rights.

RIGHT OF ENTRY

17. The Commission has a right of entry to the premises of the insured person that may be exercised by agents of the Commission at any reasonable time or times for any purpose related to the contract of insurance.

NOTICE

18.—(1) Any written notice to the Commission shall be given by delivery thereof or by sending it by mail to the Commission.

(2) Written notice to the insured person shall be served by personal delivery or by mailing it to the insured person's last known address on file with the Commission.

(3) A written notice that is mailed shall be deemed to be served three days after it is mailed.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this contract of insurance to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at

this day of, 19.....

.....
Duly Authorized
Representative

.....
General Manager

R.R.O. 1980, Reg. 208, Form 1; O. Reg. 7/85, s. 3; O. Reg. 650/85, s. 5; O. Reg. 120/89, s. 2; O. Reg. 465/90, s. 2.

REGULATION 227

CROP INSURANCE PLAN FOR GREEN AND WAX BEANS

1. The plan in the Schedule is established for the insurance within Ontario of green and wax beans. R.R.O. 1980, Reg. 209, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Green and Wax Beans".

2. The purpose of this Plan is to provide for insurance against a loss resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average farm yield" means the average of previous yields of the seeded acreage computed by the Commission on the basis of acreage production records of the insured person or such other basis as the Commission approves;

"green and wax beans" means green and wax beans or either of them produced in Ontario for processing;

"processor" means a person engaged in the business of processing green and wax beans;

"ton" means 2,000 pounds.

DESIGNATION OF PERILS

4. The following are designated as perils for the purpose of this plan:

- 1. Drought.
- 2. Excessive moisture.

3. Excessive rainfall.
4. Flood.
5. Frost.
6. Hail
7. Insect infestation.
8. Plant disease.
9. Wildlife.
10. Wind.
11. Any other adverse weather condition.

DESIGNATION OF CROP YEAR

5. The crop year for green and wax beans is the period from the 1st day of March in any year to the 15th day of September next following.

CONTRACT OF INSURANCE

6. For the purpose of this plan, the entire contract of insurance for green and wax beans shall be deemed to be comprised of,

- (a) the contract of insurance in Form 1;
- (b) the application for insurance; and
- (c) an amendment to any document referred to in clause (a) or (b) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission; and
- (b) be filed with the Commission not later than the 1st day of May in the crop year or such other date as may be determined by the Commission.

DURATION OF CONTRACT

8. A contract of insurance shall be in force for the crop year in respect of which it is made.

COVERAGE

9.—(1) The coverage per acre provided in the crop year under a contract of insurance shall be 80 per cent of the average farm yield in tons.

(2) The average yield for each acre of the insured crop shall be computed annually by the Commission on the basis of production records.

(3) The number of tons per acre determined under subsections (1) and (2) multiplied by the number of insured acres constitutes the total guaranteed production under the contract of insurance.

10. The maximum amount for which the Commission is liable for a loss in production under a contract of insurance shall be the amount obtained by multiplying the total guaranteed production determined under section 9 by the established price per ton determined under section 11.

11. The established price for green and wax beans in each crop year shall be the base price established in the grower-processor marketing agreement as negotiated by the Vegetable Growers' Association with the processors.

PREMIUMS

12.—(1) The total premium payable in respect of acreage under contract is \$79 per acre.

(2) Despite any authorization by an insured person in the insured person's application for insurance, the payment of the premium is the responsibility of the insured person and such premium shall be paid in any event not later than ten days after written demand therefor by the Commission.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

FINAL DATE FOR SEEDING

13. For the purpose of this plan, the final date for seeding green and wax beans in a crop year is the 15th day of July or such other date as may be determined from time to time by the Commission.

FINAL DATE FOR HARVESTING

14. For the purposes of this plan, the final date for harvesting green and wax beans in a crop year is the 15th day of September or such other date as may be determined from time to time by the Commission.

TABLE

Percentage By-pass of Total Acreage Contracted by Processing Plant	Maximum Insurance Liability (percentage of average farm yield)
4.9 per cent or less	80
5 – 8.9 per cent	70
9 – 12.9 per cent	60
13 per cent or more	50

R.R.O. 1980, Reg. 209, Sched.; O. Reg. 504/82, s. 1; O. Reg. 263/83, s. 1; O. Reg. 355/84, s. 1; O. Reg. 289/85, ss. 1-4; O. Reg. 205/86, ss. 1, 2; O. Reg. 318/87, s. 1; O. Reg. 324/89, s. 1; O. Reg. 454/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

CONTRACT OF INSURANCE

Between:

THE CROP INSURANCE COMMISSION OF ONTARIO, hereinafter referred to as "THE COMMISSION",

OF THE FIRST PART

—and—

.....
of the of
in the County (or as the case may be) of
....., hereinafter referred to as "THE INSURED PERSON",

OF THE SECOND PART

WHEREAS the insured person has applied for crop insurance on green and wax beans under The Ontario Crop Insurance Plan for Green and Wax Beans, hereinafter referred to as "the plan";

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, where in a crop year the insured person suffers a loss resulting from one or more of the perils designated in the plan, the Commission, subject to the terms and conditions hereinafter set forth, agrees to indemnify the insured person in respect of such loss.

TERMS AND CONDITIONS

CAUSES OF LOSS NOT INSURED AGAINST

1. This contract does not insure against, and no indemnity shall be paid in respect of a loss resulting from,

- (a) the negligence, misconduct or poor farming practices of the insured person or the insured person's agents or employees;
- (b) a shortage of labour or machinery;
- (c) insect infestation or plant disease unless recommended spray programs were followed; or
- (d) a peril other than the perils designated in the plan.

EXTENT OF INSURANCE

2.—(1) The insured person shall offer for insurance all acreage planted in the crop year to green and wax beans on the farm or farms operated by the insured person in Ontario, whether grown under contract or not and, subject to subparagraph (2), this contract applies to all such acreage.

(2) This contract does not apply to, and no indemnity is payable in respect of, acreage planted to the insured crop,

- (a) that was not adequately prepared for cropping purposes;
- (b) that was planted after the final date prescribed for planting in the plan; or
- (c) that, in the opinion of the Commission, is not insurable.

VARIATIONS IN PLANTED ACREAGE

3.—(1) Where the acreage planted by the insured person in the crop year is not the same as that stated in the application for insurance, the insured person shall, not later than the 15th day of July, notify the Commission in writing of the actual acreage planted.

(2) Where the actual planted acreage of the insured crop is less than that stated in the application for insurance, the maximum amount of indemnity shall be reduced proportionately.

(3) Where the actual planted acreage of the insured crop is more than that stated in the application for insurance, the maximum amount of indemnity and the premium payable shall not be increased but the income from the total planted acreage shall be included in establishing the production of the insured person unless the processor increases the contract acreage accordingly.

HARVESTING OF PLANTED ACREAGE

4.—(1) All acreage planted to the insured crop in the crop year shall be harvested as green and wax beans for processing unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or
 - (b) the abandonment or destruction of the insured crop or any part thereof.
- (2) The final date for the harvesting referred to in subparagraph

(1) is the 15th day of September or such other date as may be determined from time to time by the Commission.

(3) Where the harvesting of any planted acreage is not completed on the date prescribed by subparagraph (2), the insured person shall forthwith notify the Commission in writing.

(4) Where an insured person fails to notify the Commission in accordance with subparagraph (3), no indemnity shall be paid in respect of the unharvested acreage.

EVALUATION OF LOSS

5.—(1) Where loss or damage to three acres or more of the insured crop occurs at any time following the planting of the insured crop or any part thereof, the Commission upon application therefor in writing by the insured person, may consent in writing to,

- (a) one replanting of the damaged acreage, provided that the replanting is completed not later than the 15th day of July;
- (b) the use of the damaged acreage for an alternate crop; or
- (c) the abandonment or destruction of the insured crop on such damaged acreage.

(2) Where the damaged acreage is replanted to green and wax beans in accordance with clause (1) (a), the Commission shall pay to the insured person a supplementary benefit of \$125 for each acre replanted and the contract of insurance shall continue to apply to such replanted acreage.

(3) Where the damaged acreage is used for an alternate crop in accordance with clause (1) (b), the Commission shall pay to the insured person a supplementary benefit of \$125 for each acre replanted, the replanted acreage shall be released from the contract of insurance and the guaranteed production and indemnity payable shall be reduced accordingly.

(4) Where the planting of three acres or more of green and wax beans before the final planting date is prevented by one or more of the designated perils, an indemnity shall be paid in respect of each unplanted acre calculated on the basis of 25 per cent of the guaranteed production per acre multiplied by the established price per ton.

(5) Where an indemnity is paid under subparagraph (1) in respect of any acreage,

- (a) the acreage shall be released from the contract of insurance;
- (b) the guaranteed production and indemnity payable shall be reduced accordingly; and
- (c) the production from the acreage planted to green and wax beans after the final planting date shall not be taken into account in calculating the average farm yield.

6.—(1) Where harvesting has been completed, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per ton.

(2) For the purpose of subparagraph (1), actual production shall include,

- (a) production delivered to and accepted by a processor;
- (b) production delivered to and rejected by a processor unless the rejection resulted from a cause of loss designated in the plan;
- (c) production harvested but not delivered to a processor; and
- (d) potential production of wholly or partially unharvested

acreage unless the failure to harvest resulted from a cause of loss designated in the plan.

(3) For the purpose of calculating actual production (yield of harvested beans), whole bean yields shall be increased by a factor of 20 per cent, irrespective of whether loss occurs under subparagraph (1).

(4) Despite subparagraph (1), where all or any part of the insured acreage is by-passed due to an insured peril, the Commission, upon application therefor in writing by the insured person, may consent in writing to the release from the contract of insurance of the by-passed acreage and adjust the loss on such acreage without regard to the production of any remaining acreage.

(5) Despite subparagraph (1), the indemnity payable in respect of by-passed acreage shall be calculated on the basis of the by-passing record of the processing plant to whom the crop is contracted in accordance with the Table.

MISREPRESENTATION, VIOLATION OF CONDITIONS OR FRAUD

7. Where the insured person,

- (a) in an application for insurance,
 - (i) gives false particulars of the insured crop to the prejudice of the Commission, or
 - (ii) knowingly misrepresents or fails to disclose any fact required to be stated therein;
- (b) contravenes a term or condition of the contract of insurance;
- (c) commits a fraud in respect of the insured crop; or
- (d) wilfully makes a false statement in respect of a claim under the contract of insurance,

a claim by the insured person is invalid and the insured person's right to recover indemnity is forfeited.

WAIVER OR ALTERATIONS

8. No term or condition of this contract shall be deemed to be waived or altered in whole or in part by the Commission unless the waiver or alteration is clearly expressed in writing signed by the Commission or a representative authorized for that purpose by the Commission.

INTEREST OF OTHER PERSONS

9. Although a person other than the insured person holds an interest of any kind in the insured crop, for the purposes of this contract,

- (a) the interest of the insured person in the insured crop is deemed to be the full value of the crop;
- (b) except as provided in paragraph 10, no indemnity shall be paid to any person other than the insured person.

ASSIGNMENT OF RIGHT TO INDEMNITY

10. The insured person may assign all or part of the insured person's right to indemnity under this contract in respect of the insured crop but an assignment is not binding on the Commission and no payment of indemnity shall be made to an assignee unless,

- (a) the assignment is made on a form provided by the Commission; and
- (b) the Commission consents thereto in writing.

NOTICE OF LOSS OR DAMAGE

11.—(1) Where loss or damage to the insured crop occurs and the insured person intends to abandon or destroy the insured crop, or to replant or use the planted acreage for another purpose, the insured person shall notify the Commission in writing of such intention and shall take no further action without the consent in writing of the Commission.

(2) Where loss or damage to the insured crop occurs and the damage was occasioned at a readily ascertainable time, the insured person shall notify the Commission forthwith by telephone and shall confirm in writing within twenty-four hours of such time.

(3) Where loss or damage to the insured crop occurs and it appears, or ought reasonably to appear, to the insured person at any time after planting and before the completion of harvesting of the insured crop that the production of the insured crop may thereby be reduced, the insured person shall, as soon as the loss or damage is apparent, notify the Commission in writing forthwith.

(4) Despite any notice given by the insured person under this paragraph, where on completion of harvesting of the insured crop the actual production is less than the total guaranteed production, the insured person shall notify the Commission in writing forthwith.

NOTICE OF BY-PASSING

12. Where acreage is by-passed by the processor, the insured person shall notify the Commission forthwith by telephone and confirm in writing within twenty-four hours.

ABANDONMENT, DESTRUCTION OR ALTERNATE USE

13.—(1) Acreage planted to the insured crop shall not be put to another use and the insured crop shall not be abandoned or destroyed until the Commission has appraised the potential production of the acreage.

(2) An appraisal made under subparagraph (1) shall not be taken into account in the final adjustment of loss where the insured person harvests the appraised acreage as green and wax beans for processing.

ADJUSTMENT OF LOSS

14.—(1) The indemnity payable for loss or damage to the insured crop shall be determined in the manner prescribed by this contract.

(2) The Commission may cause the production of the insured crop to be appraised by any method that it deems proper.

(3) No indemnity shall be paid for a loss in respect of the insured crop unless the insured person establishes,

- (a) the actual production obtained from the insured crop for the crop year; and
- (b) that the loss in production or part thereof resulted directly from one or more of the perils insured against.

(4) Where a loss in production resulted partly from a peril insured against and partly from a cause of loss not insured against, the Commission shall determine the amount of the loss that resulted from the cause of loss not insured against, and the indemnity payable by the Commission under this contract shall be reduced accordingly.

(5) The indemnity payable with respect to the total planted acreage in the final adjustment of loss shall be the sum of all loss calculations applicable to such acreage, but where the actual production of any harvested acreage exceeds the guaranteed production of such acreage, the indemnity otherwise payable for a loss in production shall be reduced by the amount obtained by multiplying such excess by the established price per ton.

PROOF OF LOSS

15.—(1) A claim for indemnity in respect of the insured crop shall be made on a proof of loss form provided by the Commission and shall be filed with the Commission not later than sixty days after,

- (a) the completion of harvesting of the insured crop; or
- (b) the end of the crop year,

whichever is the earlier.

(2) Subject to subparagraph (3), a claim for indemnity shall be made by the insured person.

- (3) A claim for indemnity may be made,
 - (a) in the case of the absence or inability of the insured person, by the insured person's authorized representative; or
 - (b) in the case of the absence or inability of the insured person or on the insured person's failure or refusal to do so, by an assignee under an assignment made in accordance with paragraph 10.

(4) Where required by the Commission, the information given in a proof of loss shall be verified by statutory declaration.

ARBITRATION

16. Where the Commission and the insured person fail to resolve any dispute respecting the adjustment of a loss under this contract, the matter shall be determined by arbitration in accordance with the regulations.

TIME FOR PAYMENT OF INDEMNITY

17.—(1) No indemnity under this contract becomes due and payable until,

- (a) the end of the crop year; and
- (b) the premium has been paid in full.

(2) Where the indemnity payable by the Commission under this contract is established by the filing of a proof of loss form or by an award of an arbitrator or board of arbitration, it shall be paid within sixty days of the receipt by the Commission of the proof of loss form or award, as the case may be.

(3) Nothing in this paragraph prevents the Commission from paying indemnity under this contract at an earlier date.

SUBROGATION

18. Where the Commission has paid a claim under this contract, the Commission is subrogated to the extent thereof to all rights of recovery of the insured person against any person and may bring action in the name of the insured person to enforce those rights.

RIGHT OF ENTRY

19. The Commission has a right of entry to the premises of the insured person that may be exercised by agents of the Commission at any reasonable time or times for any purpose related to the contract of insurance.

NOTICE

20.—(1) Any written notice to the Commission shall be given by delivery thereof or by sending it by mail to the Commission.

(2) Written notice to the insured person shall be given by delivery thereof or by sending it by mail addressed to the insured person at the person's last post office address on file with the Commission.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this contract of insurance to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at , this
 day of , 19.....

.....
 Duly Authorized Representative General Manager

R.R.O. 1980, Reg. 209, Form 1; O. Reg. 263/83, s. 2; O. Reg. 355/84, s. 2; O. Reg. 205/86, s. 3; O. Reg. 318/87, s. 2; O. Reg. 319/88, s. 1; O. Reg. 454/90, s. 2.

REGULATION 228

CROP INSURANCE PLAN FOR GREENHOUSE VEGETABLES

1. The plan in the Schedule is established for the insurance within Ontario of greenhouse vegetables. O. Reg. 310/89, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Greenhouse Vegetables".

2. The purpose of this plan is to provide for insurance against a loss in the production of greenhouse vegetables resulting from one or more of the designated perils.

DEFINITIONS

3. In this plan,

"average farm yield" means the average of previous yields of planted greenhouse vegetables computed by the Commission on the basis of production records provided by the Ontario Greenhouse Vegetable Producers Marketing Board or such other basis as the Commission determines;

"greenhouse vegetables" means tomatoes and cucumbers produced in Ontario in a greenhouse or other enclosure under glass, plastic or other protective material used for the purpose of controlling temperature and providing protection for growing plants, but does not include seedlings planted in a starting greenhouse or other enclosure.

DESIGNATION OF PERILS

4. The following perils which result in the breakage in a greenhouse or other enclosure of glass, plastic or other protective material are designated as perils for the purpose of this plan:

- 1. Hail.
- 2. Hurricane.
- 3. Ice.
- 4. Snow load.
- 5. Tornado.
- 6. Wind.

7. Flood as a result of excessive rain.

DESIGNATION OF CROP YEAR

5. The crop year for greenhouse vegetables is the period from the 15th day of December in any year to the 14th day of December next following.

CONTRACT OF INSURANCE

6. For the purpose of this plan, a contract of insurance is comprised of,

- (a) the contract of insurance in Form 1;
- (b) the application for insurance;
- (c) the final planting report for each crop year; and
- (d) any amendment agreed upon in writing to a document referred to in clause (a), (b) or (c).

7. An application for insurance shall,

- (a) be accompanied by a premium deposit of at least \$100; and
- (b) be filed with the Commission not later than the first day of the crop year for which the application is made.

8. A contract of insurance is conditional on the greenhouse or other enclosure containing the crop to be insured being properly constructed and maintained.

DURATION OF CONTRACT

9.—(1) A contract of insurance shall be in force for the crop year for which it is made and shall continue in force for each crop year thereafter until it is cancelled under subsection (2) or terminated in accordance with the contract of insurance.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before the first day of the crop year for which the cancellation is to be effective.

(3) Despite subsection (1), where the production of an insured crop extends beyond the crop year for which the crop is insured, the crop year is extended, and the contract of insurance remains in force, for that particular crop until the crop is harvested and removed from the greenhouse or enclosure in which it is grown.

(4) Despite subsection (1), the contract of insurance ceases to apply to an insured crop when the crop is harvested and removed from the greenhouse or enclosure in which it is grown.

COVERAGE

10. The coverage provided under a contract of insurance for greenhouse vegetables grown by an insured person in accordance with the regulations is 80 per cent of the average farm yield expressed,

- (a) in pounds per square foot for tomatoes; and
- (b) in dozens per square foot for cucumbers.

11. The maximum amount for which the Commission is liable for a loss in production under a contract of insurance is the amount obtained by multiplying the established price for the insured crop by the coverage determined under section 10.

12.—(1) For the purposes of this plan, the established price for cucumbers is,

- (a) \$3.50 per dozen; or

- (b) \$5 per dozen.

(2) For the purposes of this plan, the established price for tomatoes is,

- (a) \$0.40 per pound; or
- (b) \$0.60 per pound.

PREMIUMS

13.—(1) The premium for cucumbers is,

- (a) \$3.60 per hundred square feet where the established price is \$3.50 per dozen; or
- (b) \$5.00 per hundred square feet where the established price is \$5.00 per dozen.

(2) The premium for tomatoes is,

- (a) \$3.70 per hundred square feet where the established price is \$0.40 per pound; or
- (b) \$5.60 per hundred square feet where the established price is \$0.60 per pound.

(3) Despite subsection (1), the minimum premium payable by an insured person in each crop year is \$100.

14.—(1) Where a contract of insurance is in force, the premium prescribed in subsections 13 (1) and (2) shall be paid in respect of each crop year in which the insured person produces greenhouse vegetables.

(2) Despite subsection (1), where an insured person harvests and removes the insured crop from the greenhouse before the end of the crop year and replants the area to the same crop, the replanted crop shall not be covered by the contract of insurance unless the insured person pays a premium in respect of the replanted crop within ten days after the planting of the crop is completed.

(3) Where a premium is payable, the insured person shall pay the premium, less the premium deposit, if applicable, paid under subsection (4), to the Commission at the time the insured person files a final planting report under section 15.

(4) Where coverage is renewed, the insured person shall pay a premium deposit of at least \$100 not later than ten days after the planting of the insured crop is completed.

FINAL PLANTING REPORT

15.—(1) Within ten days after the planting of an insured crop is completed in each crop year, every insured person shall file with the Commission, in a form provided by the Commission, a final planting report for each insured crop.

(2) A final planting report filed with the Commission shall not be amended without the consent in writing of the Commission.

16.—(1) The Commission may revise a final planting report in any or all respects and adjust the premium accordingly and shall, after any revision and adjustment, notify the insured person in writing immediately of such revision and adjustment.

(2) The insured person shall be deemed to have agreed with the revision of the final planting report made by the Commission under subsection (1) unless the insured person notifies the Commission in writing that the insured person rejects the revision within ten days after the Commission notification is served on the insured person.

(3) For the purposes of subsection (2), the Commission notification may be served by personal delivery or by mailing it to the

insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(4) Where the Commission receives notification from an insured person under subsection (2), the Commission shall notify the insured person in writing that the contract of insurance does not apply for the crop year in respect of which the final planting report was filed.

(5) A final planting report revised under subsection (1) shall, if no notice is given under subsection (2) by the insured person, be deemed to be a final planting report for the insured crop in the crop year.

17.—(1) Where an insured person does not file a final planting report in accordance with this Regulation, the Commission may,

- (a) prepare a final planting report in respect of the insured person; or
- (b) declare the insured crop to be nil.

(2) Where the Commission prepares a final planting report under subsection (1), the Commission shall serve a copy of the report on the insured person either by personal delivery or by mailing it to the insured person's last known address.

(3) Every insured person shall pay the premium for the crop year in respect of which a final planting report is prepared by the Commission within ten days after the insured person has been served with a copy of it.

(4) A report that is mailed shall be deemed to be served three days after it is mailed. O. Reg. 310/89, Sched.; O. Reg. 448/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

CONTRACT OF INSURANCE

BETWEEN:

THE CROP INSURANCE COMMISSION OF ONTARIO hereinafter referred to as the "THE COMMISSION",

OF THE FIRST PART

— and —

.....
of the of

in the County of (as the case may be) of, hereinafter referred to as "THE INSURED PERSON",

OF THE SECOND PART

WHEREAS the insured person has applied for crop insurance on greenhouse vegetables under The Ontario Crop Insurance Plan for Greenhouse Vegetables, hereinafter referred to as "the plan";

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)*, and the regulations made thereunder, where in a crop year the insured person suffers a loss in the production of greenhouse vegetables resulting from one or more of the perils designated in the plan, the Commission, subject to the terms and conditions hereinafter set forth, agrees to indemnify the insured person in respect of such loss.

TERMS AND CONDITIONS

INSURED CROP

1. In this contract, "insured crop" means greenhouse vegetables as defined in the plan.

CAUSES OF LOSS NOT INSURED AGAINST

2. This contract does not insure against, and no indemnity shall be paid in respect of a loss resulting from,

- (a) the negligence, misconduct or poor farming practices of the insured person or the insured person's agents or employees;
- (b) a shortage of labour or machinery;
- (c) insect infestation or plant disease; or
- (d) a peril other than the perils designated in the plan.

EXTENT OF INSURANCE

3.—(1) The insured person shall offer for insurance all areas planted to the insured crop in each crop year in the greenhouse or greenhouses operated by the insured person in Ontario and, subject to subparagraph (2), this contract applies to all such areas.

(2) This contract does not apply to an area where the insured crop has been harvested and removed from the greenhouse and the insured person has replanted the area to the insured crop without having paid a premium therefor.

HARVESTING OF INSURED CROP

4. All greenhouse vegetables planted in a crop year shall be harvested unless the Commission, upon application therefor in writing, consents in writing to the use of the greenhouse area or any part thereof for another purpose.

EVALUATION OF LOSS

5.—(1) Where loss or damage occurs before the 15th day of March in a crop year, the Commission, upon application therefor in writing by the insured person, may consent in writing to,

- (a) replanting of the damaged crop to the insured crop;
- (b) replanting of the damaged crop to an alternate crop; or
- (c) the use of the damaged area for any other purpose and, in such case, the Commission shall determine the number of damaged plants and the potential production thereof.

(2) Where the damaged crop is replanted to the insured crop in accordance with clause (1) (a), a benefit of \$0.75 for each cucumber plant and \$0.50 for each tomato plant so replanted shall be paid and the contract of insurance shall continue to apply to such replanted crop.

(3) Despite subparagraph (2), the replanting benefit shall only be payable to an insured person where a minimum of 200 plants is replanted to the insured crop after the Commission has inspected the area and approved the replanting in writing.

(4) Where the damaged acreage is replanted to an alternate crop in accordance with clause (1) (b), the guaranteed production shall be reduced by one-half for the replanted area and the loss calculated thereunder shall be taken into account in the final adjustment of loss.

(5) Where the damaged area is used for any other purpose in accordance with clause (1) (c), the loss calculated thereunder shall be taken into account in the final adjustment of loss.

(6) Where harvesting has been completed for the insured crop,

the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted area shall be calculated by multiplying the established price by the difference between the guaranteed production as amended by subparagraph (4) or (5) and the actual production.

INCORRECT CALCULATION IN FINAL PLANTING REPORT

6.—(1) Where the actual number of greenhouse vegetables planted in a crop year is less than the amount declared on the final planting report, the total guaranteed production and the amount of insurance shall be reduced proportionately and no premium shall be refunded.

(2) Where the actual number of greenhouse vegetables planted in a crop year exceeds the amount declared on the final planting report, production from the total greenhouse vegetables planted shall be counted and there shall be no increase in the total guaranteed production or the maximum indemnity payable.

MISREPRESENTATION, VIOLATION OF CONDITIONS OR FRAUD

7.—(1) Where, in respect of an insured crop, the insured person,

- (a) in an application for insurance or a final planting report,
 - (i) gives false particulars of the insured crop to the prejudice of the Commission, or
 - (ii) knowingly misrepresents or fails to disclose any fact required to be stated therein;
- (b) contravenes a term or condition of the contract of insurance;
- (c) commits a fraud; or
- (d) wilfully makes a false statement in respect of a claim under the contract of insurance,

a claim by the insured person is invalid and the insured person's right to recover indemnity is forfeited.

- (2) Where an insured person,
 - (a) has coverage in respect of two or more crops; and
 - (b) forfeits the right to recover indemnity for one or more of those crops under subparagraph (1),

the Commission may cancel the coverage obtained by the insured person in respect of any other crop.

(3) Where the Commission cancels the coverage of a crop under subparagraph (2), the right of the insured person to recover indemnity in respect of that crop is forfeited.

WAIVER OR ALTERATION

8. No term or condition of this contract shall be deemed to be waived or altered in whole or in part by the Commission unless the waiver or alteration is clearly expressed in writing signed by the Commission or a representative authorized for that purpose by the Commission.

INTEREST OF OTHER PERSONS

9. Even if a person other than the insured person holding an interest of any kind in an insured crop, for the purposes of this contract,

- (a) the interest of the insured person in the insured crop is deemed to be the full value of the total guaranteed production; and

- (b) except as provided in paragraph 10, no indemnity shall be paid to any person other than the insured person.

ASSIGNMENT OF RIGHT TO INDEMNITY

10. The insured person may assign all or part of the right to indemnity under this contract in a crop year in respect of an insured crop but an assignment is not binding on the Commission and no payment of indemnity shall be made to an assignee unless the Commission consents to the assignment in writing.

NOTICE OF LOSS OR DAMAGE

11.—(1) Where loss or damage to an insured crop occurs and the insured person intends to replant or use the planted area for another purpose, the insured person shall notify the Commission in writing of such intention and shall take no further action without the consent in writing of the Commission.

(2) Where loss or damage to the insured crop occurs and the damage was occasioned at a readily ascertainable time, the insured person shall notify the Commission in writing within twenty-four hours of such time.

(3) Where loss or damage to the insured crop occurs and it appears, or ought reasonably to appear, to the insured person at any time after planting and before the completion of harvesting of the insured crop that the production of the insured crop may thereby be reduced, the insured person shall, as soon as the loss or damage is apparent, notify the Commission in writing.

(4) Despite any notice given by the insured person under this paragraph, where, on completion of harvesting of an insured crop, actual production is less than the total guaranteed production, the insured person shall notify the Commission in writing forthwith.

12.—(1) When the insured person experiences a loss or damage to the insured crop, the Commission may cause the production of an insured crop to be appraised by any method that it considers proper.

(2) The loss in respect of an insured crop and the amount of indemnity payable therefor shall be determined separately for each insured crop.

(3) No indemnity shall be paid for a loss in respect of an insured crop unless the insured person,

- (a) establishes the actual production obtained from the insured crop for the crop year;
- (b) establishes that the loss in production in the crop year resulted directly from one or more of the perils insured against; and
- (c) provides the Commission with such books, records, documents or things as it may require to substantiate the loss in production.

PROOF OF LOSS

13.—(1) A claim for indemnity in respect of an insured crop shall be made on a proof of loss form provided by the Commission and shall be filed with the Commission not later than sixty days after the earlier of,

- (a) the completion of harvesting of the insured crop; or
- (b) the end of the crop year in which the loss occurred.

(2) Subject to subparagraph (3), a claim for indemnity shall be made by the insured person.

(3) A claim for indemnity may be made,

- (a) in the case of the absence or inability of the insured person, by the insured person's authorized representative; or
- (b) in the case of the absence or inability of the insured person or on the failure or refusal of the insured person to do so, by an assignee under an assignment made in accordance with paragraph 10.

.....
 Duly Authorized Representative

 General Manager
 O. Reg. 310/89, Form 1; O. Reg. 448/90, s. 2.

ARBITRATION

14. Where the Commission and the insured person fail to resolve any dispute respecting the adjustment of a loss under this contract, the matter shall be determined by arbitration in accordance with the regulations.

TIME FOR PAYMENT OF INDEMNITY

15.—(1) Except as otherwise provided in the endorsement for an insured crop, no indemnity under this contract becomes due and payable until the end of the crop year in which the loss or damage was sustained.

(2) When the indemnity payable by the Commission under this contract is established by the filing of a proof of loss form or by an award of an arbitrator or board of arbitration, it shall be paid within sixty days of the receipt by the Commission of the proof of loss form or award, as the case may be.

(3) Nothing in this paragraph prevents the Commission from paying indemnity under this contract at an earlier date.

SUBROGATION

16. Where the Commission has paid a claim under this contract, the Commission is subrogated to the extent thereof to all rights of recovery of the insured person against any person and may bring action in the name of the insured person to enforce those rights.

RIGHT OF ENTRY

17. The Commission has a right of entry to the premises of the insured person that may be exercised by agents of the Commission at any reasonable time or times for any purpose related to the contract of insurance.

DEATH OR ASSIGNMENT UNDER THE BANKRUPTCY ACT (CANADA)

18. This contract terminates in respect of each insured crop at the end of the crop year in which the death of the insured person occurs or an authorized assignment is made by the insured person under the *Bankruptcy Act* (Canada).

NOTICE

19.—(1) Any written notice to the Commission shall be given by delivery thereof or by sending it by mail to the Commission.

(2) Written notice to the insured person shall be served by personal delivery or by mailing it to the insured person's last known address on file with the Commission.

(3) A written notice that is mailed shall be deemed to be served three days after it is mailed.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this contract of insurance to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at
 this day of, 19...

REGULATION 229

CROP INSURANCE PLAN FOR HAY AND PASTURE

1. The plan in the Schedule is established for the insurance within Ontario of hay and pasture. R.R.O. 1980, Reg. 210, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Hay and Pasture".

2. The purpose of this plan is to provide for insurance against a loss in the production of hay or pasture resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"hay and pasture" means feed for livestock produced from grasses or legumes and,

- (a) fed as pasture, or
- (b) cut and stored as hay or hay silage;

"normal production" means the value of production which might reasonably be expected from the insured acreage computed by the Commission on such basis as it approves.

DESIGNATION OF PERILS

4. The following are designated as perils for the purposes of this plan:

- 1. Lack of heat.
- 2. Lack of rainfall.
- 3. Lack of sunshine.

DESIGNATION OF CROP YEAR

5. The crop year for hay and pasture is the period from the 1st day of March in any year to the 31st day of August next following.

CONTRACT OF INSURANCE

6. For the purpose of this plan, the entire contract of insurance for hay and pasture shall be deemed to be comprised of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) an endorsement for hay and pasture in Form 1;
- (c) an application for insurance; and
- (d) any amendment to a document referred to in clause (a), (b) or (c) agreed upon in writing.

7. An application for insurance shall,

- (a) be accompanied by the full premium which shall be a minimum of \$50; and
- (b) be filed with the Commission not later than the 1st day of May in the crop year in respect of which it is made or such other date as may be determined from time to time by the Commission.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before the 1st day of May in the crop year during which the cancellation is to be effective.

COVERAGE

9.—(1) The maximum coverage per acre shall be computed by the Commission on the basis of soil type, crop management and such other basis as the Commission may approve.

(2) The insured person may select coverage per acre in any amount up to the maximum coverage as determined under subsection (1).

10. The maximum amount for which the Commission is liable under a contract of insurance is the coverage per acre multiplied by the number of insured acres.

PREMIUMS

11.—(1) The Commission shall calculate the premium payable in the crop year by applying to the coverage selected for each acre of the insured crop a premium rate computed in accordance with the following formula:

$$4\% (100 + A)$$

in which "A" is the surcharge or discount computed in accordance with subsection (2).

(2) The Commission shall calculate the surcharge or discount using the following formula:

$$\left[\frac{B \left(\frac{C}{D} - 1 \right)}{15} \right] 100$$

in which,

"B" is the lesser of,

- (i) the number of years the insured person has been enrolled in the plan, and
- (ii) nine years,

"C" is the insured person's loss to coverage ratio, and

"D" is the plan's loss to coverage ratio.

(3) The insured person's loss to coverage ratio shall be calculated by dividing the total dollar value of the payments made by the Commission to the insured person for the number of years the insured person has been enrolled in the plan by the total dollar value of the insured person's coverage for the number of years the insured person has been enrolled in the plan, multiplied by 100.

(4) The plan's loss to coverage ratio shall be calculated by dividing the total dollar value of the payments made by the Commission in respect of all claims made by insured persons under the plan for the number of years the plan has been in effect, by the total dollar value of coverage extended by the plan for the number of years it has been in effect, multiplied by 100.

(5) The premium calculated in accordance with subsections (1), (2), (3) and (4) excludes payments in respect of premiums made by the Government of Canada under the *Crop Insurance Act* (Canada). R.R.O. 1980, Reg. 210, Sched.; O. Reg. 50/83, s. 1; O. Reg. 145/84, ss. 1, 2; O. Reg. 466/84, ss. 1-3; O. Reg. 461/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

HAY AND PASTURE ENDORSEMENT

WHEREAS the insured person has applied for crop insurance for hay and pasture under The Ontario Crop Insurance Plan for Hay and Pasture, hereinafter referred to as "the plan", and has paid the premium prescribed thereunder;

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover hay and pasture.

HARVESTING OF INSURED ACREAGE

1. All acreage seeded to hay in a crop year shall be harvested or pastured unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the insured acreage or any part thereof for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part thereof.

EVALUATION OF LOSS

2. The actual production of the insured acreage shall be computed by the Commission on the basis of daily temperature, hours of sunlight and rainfall for the area in which the insured acreage is situated, or on such other basis as the Commission approves.

3.—(1) Where the actual production determined under paragraph 2 is less than the normal production for that acreage as computed by the Commission, the amount of loss shall be calculated by the Commission as a percentage of the total coverage.

(2) The percentage of the total coverage mentioned in subsection (1) shall be calculated by subtracting the percentage yield for the crop year as computed by the Commission from 80 per cent of the normal production as computed by the Commission and multiplying the result thereof by two.

INCORRECT ACREAGE

4. Where the actual acreage of hay or pasture in a crop year is less than the acreage declared on the application, the amount of insurance may be reduced proportionately.

R.R.O. 1980, Reg. 210, Form 1; O. Reg. 466/84, s. 4.

REGULATION 230

CROP INSURANCE PLAN FOR HONEY

1. The plan in the Schedule is established for the insurance within Ontario of honey. O. Reg. 605/88, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Honey".

2. The purpose of this plan is to provide for insurance against a loss in the production of honey resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average farm yield" means the average of previous yields per insurable hive,

- (a) for the ten-year period immediately preceding the current year computed on the basis of the hive production records of the insured person, or
- (b) for the number of years of enrolment in the plan computed on the basis of the hive production records of the insured person or on another basis that is reasonable in the circumstances, where the insured person has not been enrolled in the plan for ten years;

"establishment" means a plant, factory or premises where honey is extracted, packed, processed or used in connection with any manufacturing process and includes a packing plant and a pasteurizing plant;

"honey" means pure honey produced in Ontario.

DESIGNATION OF PERILS

4. The following are designated as perils for the purposes of this plan:

1. Cool weather.
2. Disease in the bees.
3. Drought.
4. Excessive moisture.
5. Excessive rainfall.
6. Flood.
7. Frost.
8. Hail.
9. Pest infestation.
10. Wildlife.
11. Wind.

DESIGNATION OF CROP YEAR

5. The crop year for honey is the period from the 1st day of May in any year to the last day of April of the next year.

CONTRACT OF INSURANCE

6. For the purpose of this plan, the entire contract of insurance for honey is comprised of,

- (a) the contract of insurance in Form 1;
- (b) the application for insurance; and
- (c) the final hive report for each crop year.

7. An application for insurance or for renewal of insurance shall be,

- (a) in a form provided by the Commission;
- (b) accompanied by a minimum premium deposit of \$100; and
- (c) filed with the Commission not later than the 1st day of May in the crop year in respect of which it is made.

8. All hives in which the insured person has a substantial interest shall be insured under one contract.

DURATION OF CONTRACT

9.—(1) A contract of insurance is in force for the crop year in respect of which it is made and continues in force for each crop year thereafter until cancelled by the insured person or the Commission in the manner set out in subsection (2) or otherwise terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by written notice to the other party on or before the 1st day of May in the crop year during which the cancellation is to take effect.

COVERAGE

10. For the purpose of calculating the average farm yield, the Commission shall, on an annual basis, compare the actual yield in each year of the ten-year period used to calculate the average farm yield with the average yield itself and,

- (a) if the actual yield in a year exceeds the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \text{Actual Yield} - \frac{2}{3} \left[\text{Actual Yield} - \left(\text{Average Yield} \times 1.3 \right) \right]$$

- (b) if the actual yield in a year falls short of the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \text{Actual Yield} + \frac{2}{3} \left[\left(\text{Average Yield} \times 0.7 \right) - \text{Actual Yield} \right]$$

11.—(1) The initial coverage provided under a contract of insurance shall be 70 per cent of the average farm yield in pounds multiplied by the total number of insurable hives.

(2) The coverage provided under a contract of insurance following a year in which there was no claim shall be,

- (a) if the previous year's coverage was 70 per cent, 73 per cent;
- (b) if the previous year's coverage was 73 per cent, 75 per cent;
- (c) if the previous year's coverage was 75 per cent, 78 per cent;
- (d) if the previous year's coverage was 78 per cent, 80 per cent; and

(e) if the previous year's coverage was 80 per cent, 80 per cent, of the average farm yield in pounds multiplied by the total number of insurable hives.

(3) The coverage provided under a contract of insurance following a year in which there was a claim shall be,

- (a) if the previous year's coverage was 80 per cent, 78 per cent;
- (b) if the previous year's coverage was 78 per cent, 75 per cent;
- (c) if the previous year's coverage was 75 per cent, 73 per cent;
- (d) if the previous year's coverage was 73 per cent, 70 per cent; and
- (e) if the previous year's coverage was 70 per cent, 70 per cent,

of the average farm yield in pounds multiplied by the total number of insurable hives.

(4) Despite subsections (2) and (3), if in any year a claim is paid in an amount that is less than one-half of the total premium for that year, the coverage for the following year shall remain unchanged.

12. For the purpose of this plan, the established price for honey is,

- (a) \$0.50 per pound; or
- (b) \$0.60 per pound.

13. For the purposes of section 11, the maximum amount for which the Commission is liable under a contract of insurance for a loss in production is the amount obtained by multiplying the coverage determined under that section by the established price under section 12.

PREMIUM

14.—(1) The total premium for honey is,

- (a) \$4.60 per hive where the established price is \$0.50 per pound; or
- (b) \$5.60 per hive where the established price is \$0.60 per pound.

(2) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

15. The insured person shall pay the premium to the Commission,

- (a) at the time the final hive report is filed; or
- (b) at the time set out in subsection 18 (3).

FINAL HIVE REPORT

16.—(1) Every insured person shall file with the Commission not later than the 1st day of July in each crop year a final hive report setting out the total number of insurable hives in a form provided by the Commission.

(2) Weak hives shall not be included in the calculation of the total number of insurable hives made under subsection (1).

(3) A final hive report filed with the Commission shall not be amended without the written consent of the Commission.

17.—(1) When the final hive report is inaccurate, the Commission may correct it and adjust the premium accordingly and shall notify the insured person in writing forthwith of the correction and the reason for it.

(2) The insured person shall be deemed to have agreed with the correction of the hive report made under subsection (1) unless the insured person notifies the Commission in writing that the insured person rejects the correction within ten days after the Commission notification is served on the insured person.

(3) For the purposes of subsection (2), the Commission notification may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(4) Upon notice that a correction is not acceptable, the contract of insurance ceases to apply for the crop year in respect of which the final hive report was filed and the Commission shall refund any premium or premium deposit paid in respect of that crop year.

(5) If no notice is given under subsection (2), a final hive report corrected under this section constitutes the final hive report for the crop year.

18.—(1) If an insured person in any crop year fails to file a final hive report as required by this Regulation, the Commission may,

- (a) prepare the final hive report; or
- (b) declare the number of insured hives to be nil.

(2) The Commission shall serve a copy of a final hive report made under subsection (1) on the insured person either by personal delivery or by mailing it to the insured person's last known address.

(3) Every insured person shall pay the premium for the crop year in respect of which a final hive report is prepared by the Commission within ten days after the insured person has been served with a copy of it.

(4) A report that is mailed shall be deemed to be served three days after it is mailed.

INSURABILITY

19. In order to be insurable, a person must be registered under the *Bees Act* to keep bees.

20. For the purposes of this plan, the minimum number of insurable hives is fifty.

21.—(1) In order to be insurable, a hive must be properly stocked with bees known as *Apis mellifera*.

(2) Hives intended for the production of new queen bees are not insurable. O. Reg. 605/88, Sched.; O. Reg. 313/89, s. 1; O. Reg. 468/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

CONTRACT OF INSURANCE

BETWEEN:

THE CROP INSURANCE COMMISSION OF ONTARIO, hereinafter referred to as the "Commission"

OF THE FIRST PART

— and —

.....
 of the of
 in the County (or as the case may be) of
 hereinafter referred to as the "INSURED PERSON"

OF THE SECOND PART

WHEREAS the insured person has applied for crop insurance on honey under the Ontario Crop Insurance Plan — Honey, hereinafter referred to as the "plan".

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)*, and the regulations made thereunder, where in a crop year the insured person suffers a loss in the production of honey resulting from one or more of the perils designated in the plan, the Commission, subject to the terms and conditions hereinafter set forth, agrees to indemnify the insured person in respect of such loss.

TERMS AND CONDITIONS

CAUSES OF LOSS NOT INSURED AGAINST

1. This contract does not apply to and no indemnity shall be paid in respect of a loss in the production of the insured crop resulting from,

- (a) the negligence, misconduct or poor production practices of the insured person or of an agent or employee of the insured person;
- (b) a shortage of labour or equipment;
- (c) pest infestation or disease in the bees unless recommended control programs were followed; and
- (d) a peril other than the perils designated in the plan.

EXTENT OF INSURANCE

2. The insured person shall offer for insurance all insurable hives in Ontario in which the insured person has a substantial interest and this contract of insurance applies to all such hives.

INCORRECT NUMBER OF HIVES IN FINAL HIVE REPORT

3.—(1) If the actual number of insurable hives in a crop year is fewer than the number declared in the final hive report,

- (a) the coverage shall be decreased proportionately in calculating whether there has been a loss; and
- (b) the actual production shall be used in calculating the average farm yield in order to determine coverage for the following crop year.

(2) If the actual number of insurable hives in a crop year is fewer than the number declared in the final hive report, the Commission shall not refund any part of the premium.

(3) If the number of insurable hives in a crop year exceeds the number declared in the final hive report, the actual production shall be used in calculating whether there has been a loss and,

- (a) where the calculation indicates a loss, such actual production shall be used; or
- (b) where the calculation does not indicate a loss, such actual production shall be reduced in proportion to the number of hives declared in the final hive report,

in calculating the average farm yield in order to determine coverage for the following crop year.

HARVESTING OF HIVES

4.—(1) All hives insured in the crop year shall be harvested unless the Commission, upon written application, consents in writing to the abandonment or destruction of the insured crop or any part of it.

(2) If the harvesting of any hives is not completed and the failure to harvest was not caused by a designated peril, the contract of insurance ceases to apply to the unharvested hives and no indemnity shall be payable for it.

MISREPRESENTATION, VIOLATION OF CONDITIONS OR FRAUD

5. A claim by the insured person under this contract is invalid and the right of the insured person to recover indemnity is forfeited if that person,

- (a) in the application for insurance,
 - (i) gives false particulars of the insured crop to the prejudice of the Commission, or
 - (ii) knowingly misrepresents or fails to disclose any fact required to be stated in the application;
- (b) contravenes a term or condition of this contract;
- (c) commits a fraud in respect of the insured crop; or
- (d) knowingly makes a false statement in respect of a claim under this contract.

WAIVER OR ALTERATION

6. No term or condition of this contract is deemed to be waived or altered in whole or in part by the Commission unless the waiver or alteration is clearly expressed in writing and signed by the Commission or a representative authorized for that purpose by the Commission.

ASSIGNMENT OF RIGHTS TO INDEMNITY

7.—(1) The insured person may assign all or part of the right to indemnity under this contract in respect of the insured crop.

(2) An assignment is not binding on the Commission and the Commission shall not pay an indemnity to an assignee unless,

- (a) the assignment is made on a form provided by the Commission; and
- (b) the Commission gives written consent to the assignment.

INTEREST OF OTHER PERSONS

8. Despite the interest of any person other than the insured in the insured crop, for the purposes of this contract,

- (a) the interest of the insured person in the insured crop is deemed to be the full value of the coverage; and
- (b) except as provided in paragraph 7, no indemnity shall be paid to any person other than the insured person.

EVALUATION OF LOSS

9.—(1) The amount of loss that is taken into account in the final adjustment of loss in respect of the total number of insured hives shall be calculated by multiplying the established price by the difference between the coverage and the actual production.

(2) For the purpose of subparagraph (1), actual production includes,

- (a) production delivered to and accepted by an establishment;
- (b) production delivered to and rejected by an establishment unless the rejection resulted from a designated peril;
- (c) production harvested but not delivered to an establishment; and
- (d) potential production of wholly or partially unharvested hives unless unharvested due to normal production practices or unless the failure to harvest resulted from a designated peril.

(3) For the purpose of calculating actual production, comb honey yields shall be multiplied by a factor of 3, irrespective of whether loss occurs under subparagraph (1).

NOTICE OF LOSS OR DAMAGE

10.—(1) When loss or damage to the insured crop occurs and the insured person intends to abandon or destroy the insured crop, the insured person shall notify the Commission in writing of the intention and shall take no further action without the written consent of the Commission.

(2) When loss or damage to the insured crop occurs and the damage was occasioned at a readily ascertainable time, the insured person shall notify the Commission in writing within twenty-four hours of that time.

(3) When loss or damage to the insured crop occurs and it appears or ought reasonably to appear, to the insured person at any time before the completion of harvesting of the insured crop that the production of the insured crop may be reduced by the loss or damage, the insured person shall notify the Commission in writing as soon as the loss or damage is apparent.

(4) Despite any notice given by the insured person under this paragraph, when, on completion of harvesting of the insured crop, the actual production is less than the coverage, the insured person shall notify the Commission in writing forthwith.

ABANDONMENT OR DESTRUCTION

11.—(1) The insured crop shall not be abandoned or destroyed until the Commission has appraised the potential production of the hives using an appraisal method that is reasonable in the circumstances.

(2) An appraisal made under subparagraph (1) shall not be taken into account in the final adjustment of loss where the insured person harvests the appraised hives.

ADJUSTMENT OF LOSS

12.—(1) When the insured person experiences a loss or damage to the insured crop, the Commission may cause the production of the insured crop to be appraised by any method that is reasonable in the circumstances.

(2) No indemnity shall be paid for a loss in respect of the insured crop unless the insured person establishes,

- (a) what actual production was obtained from the insured crop for the crop year; and
- (b) that the loss in production or part thereof resulted directly from one or more of the designated perils.

(3) Where a loss in production resulted partly from a designated peril and partly from a cause of loss not insured against, the Commission shall determine the amount of the loss that resulted from the

cause of loss not insured against and shall reduce the indemnity payable under this contract accordingly.

(4) Subject to subparagraph (5), the indemnity payable with respect to the total number of insured hives, in the final adjustment of loss, shall be the sum of all loss calculations applicable to such hives.

(5) When the actual production of any harvested hives exceeds the coverage applicable to those hives, the indemnity otherwise payable for a loss in production shall be reduced by the amount obtained by multiplying the excess by the established price.

PROOF OF LOSS

13.—(1) An insured person, except as set out in subparagraph (2), shall claim an indemnity in respect of the insured crop on a Proof of Loss Form provided by the Commission and shall file the form with the Commission not later than sixty days after the earlier of,

- (a) the completion of harvesting of the insured crop; or
- (b) the end of the crop year.

(2) A claim for indemnity may be made,

- (a) in the case of the absence or inability of the insured person, by an authorized representative; or
- (b) in the case of the absence or inability of the insured person or on the insured person's failure or refusal to do so, by an assignee under an assignment made under paragraph 7.

(3) When it is reasonable in the circumstances, the information given in a Proof of Loss Form shall be verified by statutory declaration.

ARBITRATION

14. When the Commission and the insured person fail to resolve any dispute respecting the adjustment of a loss under this contract, the matter shall be determined by arbitration in accordance with Regulation 215 of Revised Regulations of Ontario, 1990.

TIME FOR PAYMENT OF INDEMNITY

15.—(1) No indemnity under this contract is due and payable until,

- (a) the end of the crop year; and
- (b) the payment in full of the premium.

(2) Where the indemnity payable by the Commission under this contract is established by the filing of a Proof of Loss Form or by an award of an arbitrator or board of arbitration, it shall be paid within sixty days of the receipt by the Commission of the Proof of Loss Form or award, as the case may be.

SUBROGATION

16. When the Commission has paid a claim for indemnity under this contract, the Commission is subrogated to the extent of the payment to all rights of recovery of the insured person against any person and may bring action in the name of the insured person to enforce those rights.

RIGHT OF ENTRY

17. The Commission has a right of entry to the premises of the insured person that may be exercised by agents of the Commission at any reasonable time for any purpose related to the contract of insurance.

NOTICE

18.—(1) Any written notice to the Commission shall be given by delivering it or mailing it to the Commission.

(2) Written notice to the insured person shall be given by delivering it or mailing it to the insured person at the insured person's last post office address on file with the Commission.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this contract of insurance to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at
this day of, 19.....

.....
Duly Authorized Representative General Manager

O. Reg. 605/88, Form 1; O. Reg. 468/90, s. 2.

REGULATION 231

CROP INSURANCE PLAN FOR LIMA BEANS

1. The plan in the Schedule is established for the insurance within Ontario of lima beans. R.R.O. 1980, Reg. 212, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Lima Beans".

2. The purpose of this plan is to provide for insurance against a loss in the production of lima beans resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average farm yield" means the average of previous yields of the planted acreage computed by the Commission on the basis of acreage production records of the insured person or such other basis as the Commission determines;

"processor" means a person engaged in the business of processing lima beans;

"lima beans" means lima beans produced in Ontario for processing;

"ton" means 2,000 pounds.

DESIGNATION OF PERILS

4. The following are designated as perils for the purpose of this plan:

- 1. Drought.
- 2. Excessive moisture.
- 3. Excessive rainfall.
- 4. Flood.

- 5. Frost.
- 6. Hail.
- 7. Insect infestation.
- 8. Plant disease.
- 9. Wildlife.
- 10. Wind.
- 11. Any adverse weather condition.

DESIGNATION OF CROP YEAR

5. The crop year for lima beans is the period from the 1st day of March in any year to the 15th day of October next following.

CONTRACT OF INSURANCE

6. For the purpose of this plan, the entire contract of insurance for lima beans shall be deemed to be comprised of,

- (a) the contract of insurance in Form 1;
- (b) the application for insurance; and
- (c) an amendment to any document referred to in clause (a) or (b) agreed upon in writing.

7. An application for insurance shall, be filed with the Commission not later than the 1st day of May or such other date as may be determined from time to time by the Commission.

DURATION OF CONTRACT

8. A contract of insurance shall be in force for the crop year in respect of which it is made unless it is terminated in accordance with the regulations.

COVERAGE

9. The total guaranteed production under a contract of insurance is 80 per cent of the average farm yield of the insured person as determined by the Commission multiplied by the number of insured acres.

10. The maximum amount for which the Commission is liable for a loss in production under a contract of insurance shall be the amount obtained by multiplying the total guaranteed production determined under section 9 by the established price per ton determined under section 11.

11. The established price for lima beans shall be determined by the Commission in each crop year on the basis of the grower-processor marketing agreement.

PREMIUMS

12.—(1) The total premium payable in respect of acreage under contract to a processor is \$76 per acre.

(2) Despite any authorization by an insured person in an application for insurance, the payment of the premium in respect of the contract of insurance is the responsibility of the insured person and such premium shall be paid in any event not later than the 15th day of October in the crop year.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the Crop Insurance Act (Canada).

FINAL DATE FOR SEEDING

13. For the purposes of this plan, the final date for planting lima

beans in a crop year is the 1st day of July or such other date as may be determined from time to time by the Commission.

FINAL DATE FOR HARVESTING

14. For the purposes of this plan, the final date for harvesting lima beans in a crop year is the 15th day of October or such other date as may be determined from time to time by the Commission. R.R.O. 1980, Reg. 212, Sched.; O. Reg. 350/81, s. 1; O. Reg. 503/82, s. 1; O. Reg. 358/84, s. 1; O. Reg. 206/86, s. 1; O. Reg. 317/87, ss. 1-3; O. Reg. 457/90, s. 1.

TABLE

Percentage By-passed of Total Acreage Contracted by Processing Plant	Maximum Insurance Liability (percentage of average farm yield)
4.9 per cent or less	80
5 - 8.9 per cent	70
9 - 12.9 per cent	60
13 per cent or more	50

R.R.O. 1980, Reg. 212, Table; O. Reg. 206/86, s. 2.

Form 1

Crop Insurance Act (Ontario)

CONTRACT OF INSURANCE

BETWEEN:

THE CROP INSURANCE COMMISSION OF ONTARIO, hereinafter referred to as "THE COMMISSION",

OF THE FIRST PART

—and—

.....
of the of
in the County (or as the case may be) of
hereinafter referred to as "THE INSURED PERSON",

OF THE SECOND PART

WHEREAS the insured person has applied for crop insurance on lima beans under The Ontario Crop Insurance Plan for Lima Beans hereinafter referred to as "the plan".

NOW THEREFORE, subject to the Crop Insurance Act (Ontario), and the regulations made thereunder, where in a crop year the insured person suffers a loss in the production of lima beans resulting from one or more of the perils designated in the plan, the Commission, subject to the terms and conditions hereinafter set forth, agrees to indemnify the insured person in respect of such loss.

TERMS AND CONDITIONS

CAUSES OF LOSS NOT INSURED AGAINST

1. This contract does not insure against, and no indemnity shall be paid in respect of a loss in the production of the insured crop resulting from,

- (a) the negligence, misconduct or poor farming practices of the insured person or the person's agents or employees;
- (b) a shortage of labour or machinery;

- (c) insect infestation or plant disease unless recommended spray programs were followed; or
- (d) a peril other than the perils designated in the plan.

EXTENT OF INSURANCE

2.—(1) The insured person shall offer for insurance all acreage planted in the crop year to lima beans on the farm or farms operated by the person in Ontario, whether grown under contract or not and, subject to subparagraph (2), this contract applies to all such acreage.

(2) This contract does not apply to, and no indemnity is payable in respect of, acreage planted to the insured crop,

- (a) that was not adequately prepared for cropping purposes;
- (b) that was planted after the final date prescribed for planting in the plan; or
- (c) that, in the opinion of the Commission, is not insurable.

VARIATION IN PLANTED ACREAGE

3.—(1) Where the acreage planted by the insured person in the crop year is not the same as that stated in the application for insurance, the insured person shall, not later than the 15th day of July or such other date as may be determined by the Commission, notify the Commission in writing of the actual acreage planted.

(2) Where the actual planted acreage of the insured crop is less than that stated in the application for insurance, the total guaranteed production and the maximum amount of the indemnity shall be reduced proportionately.

(3) Where the actual planted acreage of the insured crop is more than that stated in the application for insurance, unless the processor increases the contract acreage accordingly, the total guaranteed production, the maximum amount of indemnity and the premium payable shall not be increased but the production from the total planted acreage shall be included in establishing the production of the insured person.

HARVESTING OF PLANTED ACREAGE

4.—(1) All acreage planted to the insured crop in the crop year shall be harvested as lima beans for processing unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part thereof.

(2) The final date for the harvesting referred to in subparagraph (1) is the 15th day of October or such other date as may be determined from time to time by the Commission.

(3) Where the harvesting of any planted acreage is not completed on the date prescribed by subparagraph (2), the insured person shall forthwith notify the Commission in writing.

(4) Where an insured person fails to notify the Commission in accordance with subparagraph (3), no indemnity shall be paid in respect of the unharvested acreage.

MISREPRESENTATION, VIOLATION OF CONDITIONS OR FRAUD

5. Where the insured person,

- (a) in an application for insurance,
 - (i) gives false particulars of the insured crop to the prejudice of the Commission, or

- (ii) knowingly misrepresents or fails to disclose any fact required to be stated therein;
- (b) contravenes a term or condition of the contract of insurance;
- (c) commits a fraud in respect of the insured crop; or
- (d) wilfully makes a false statement in respect of a claim under the contract of insurance,

a claim by the insured person is invalid and the person's right to recover indemnity is forfeited.

WAIVER OR ALTERATION

6. No term or condition of this contract shall be deemed to be waived or altered in whole or in part by the Commission unless the waiver or alteration is clearly expressed in writing signed by the Commission or a representative authorized for that purpose by the Commission.

INTEREST OF OTHER PERSONS

7. Even if a person other than the insured person holds an interest of any kind in the insured crop, for the purposes of this contract,

- (a) the interest of the insured person in the insured crop is deemed to be the full value of the total guaranteed production; and
- (b) except as provided in paragraph 8, no indemnity shall be paid to any person other than the insured person.

ASSIGNMENT OF RIGHT TO INDEMNITY

8. The insured person may assign all or part of the person's right to indemnity under this contract in respect of the insured crop but an assignment is not binding on the Commission and no payment of indemnity shall be made to an assignee unless,

- (a) the assignment is made on a form provided by the Commission; and
- (b) the Commission consents thereto in writing.

EVALUATION OF LOSS

9.—(1) Where the planting of three acres or more of lima beans before the final planting date is prevented by one or more of the designated perils, an indemnity shall be paid in respect of each unplanted acre calculated on the basis of 20 per cent of the guaranteed production per acre multiplied by the established price per ton.

(2) Any acreage in respect of which an indemnity is paid under subparagraph (1) shall be released from the contract of insurance, the guaranteed production and indemnity payable shall be reduced accordingly and the production from any such acreage planted to lima beans after the final planting date shall not be taken into account in calculating the average farm yield.

10.—(1) Where loss or damage to three acres or more of the insured crop occurs at any time following the planting of the insured crop or any part thereof, the Commission, upon application therefor in writing by the insured person, may consent in writing to,

- (a) the replanting of the damaged acreage, if the replanting is completed not later than the 1st day of July;
- (b) the use of the damaged acreage for an alternate crop; or
- (c) the abandonment or destruction of the insured crop on such damaged acreage.

(2) Where the damaged acreage is replanted to lima beans in

accordance with clause (1) (a), the Commission shall pay to the insured person a supplementary benefit of \$25 for each acre replanted and the contract of insurance shall continue to apply to such replanted acreage.

(3) Where the damaged acreage is used for an alternate crop in accordance with clause (1) (b), the Commission shall pay to the insured person a supplementary benefit of \$25 for each acre replanted, the replanted acreage shall be released from the contract of insurance and the guaranteed production and indemnity payable shall be reduced accordingly.

11.—(1) Where harvesting has been completed, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per ton.

(2) For the purpose of subparagraph (1), actual production shall include,

- (a) production delivered to and accepted by a processor;
- (b) production delivered to and rejected by a processor unless the rejection resulted from a cause of loss designated in the plan;
- (c) production harvested but not delivered to a processor; and
- (d) potential production of wholly or partially unharvested acreage unless the failure to harvest resulted from a cause of loss designated in the plan.

(3) Despite subparagraph (1), where all or any part of the insured acreage is by-passed due to an insured peril, the Commission, upon application therefor in writing by the insured person, may consent in writing to the release from the contract of insurance of the by-passed acreage and adjust the loss on such acreage without regard to the production of any remaining acreage.

(4) Despite subparagraph (1), the indemnity payable in respect of by-passed acreage shall be calculated on the basis of the by-passing record of the processing plant to whom the crop is contracted in accordance with the Table.

NOTICE OF LOSS OR DAMAGE

12.—(1) Where loss or damage to the insured crop occurs and the insured person intends to abandon or destroy the insured crop, or to replant or use the planted acreage for another purpose, the insured person shall notify the Commission in writing of such intention and shall take no further action without the consent in writing of the Commission.

(2) Where loss or damage to the insured crop occurs and the damage was occasioned at a readily ascertainable time, the insured person shall notify the Commission in writing within twenty-four hours of such time.

(3) Where loss or damage to the insured crop occurs and it appears, or ought reasonably to appear, to the insured person at any time after planting and before the completion of harvesting of the insured crop that the production of the insured crop may thereby be reduced, the insured person shall, as soon as the loss or damage is apparent, notify the Commission in writing forthwith.

(4) Despite any notice given by the insured person under this paragraph, where on completion of harvesting of the insured crop the actual production is less than the total guaranteed production, the insured person shall notify the Commission in writing forthwith.

NOTICE OF BY-PASSING

13. Where acreage is by-passed by the processor, the insured per-

son shall notify the Commission forthwith by telephone and confirm in writing within twenty-four hours.

ABANDONMENT, DESTRUCTION OR ALTERNATE USE

14.—(1) Acreage planted to the insured crop shall not be put to another use and the insured crop shall not be abandoned or destroyed until the Commission has appraised the potential production of the acreage.

(2) An appraisal made under subparagraph (1) shall not be taken into account in the final adjustment of loss where the insured person harvests the appraised acreage.

ADJUSTMENT OF LOSS

15.—(1) The indemnity payable for loss or damage to the insured crop shall be determined in the manner prescribed by this contract.

(2) The Commission may cause the production of the insured crop to be appraised by any method that it considers proper.

(3) No indemnity shall be paid for a loss in respect of the insured crop unless the insured person establishes,

- (a) the actual production obtained from the insured crop for the crop year; and
- (b) that the loss in production or part thereof resulted directly from one or more of the perils insured against.

(4) Where a loss in production resulted partly from a peril insured against and partly from a cause of loss not insured against, the Commission shall determine the amount of the loss that resulted from the cause of loss not insured against, and the indemnity payable by the Commission under this contract shall be reduced accordingly.

(5) The indemnity payable with respect to the total planted acreage in the final adjustment of loss shall be the sum of all loss calculations applicable to such acreage, but where the actual production of any harvested acreage exceeds the guaranteed production of such acreage, the indemnity otherwise payable for a loss in production shall be reduced by the amount obtained by multiplying such excess by the established price per ton.

PROOF OF LOSS

16.—(1) A claim for indemnity in respect of the insured crop shall be made on a proof of loss form provided by the Commission and shall be filed with the Commission not later than sixty days after,

- (a) the completion of harvesting of the insured crop; or
- (b) the end of the crop year,

whichever is the earlier.

(2) Subject to subparagraph (3), a claim for indemnity shall be made by the insured person.

(3) A claim for indemnity may be made,

- (a) in the case of the absence or inability of the insured person, by the person's authorized representative; or
- (b) in the case of the absence or inability of the insured person or on the person's failure or refusal to do so, by an assignee under an assignment made in accordance with paragraph 8.

(4) Where required by the Commission, the information given in a proof of loss form shall be verified by statutory declaration.

ARBITRATION

17. Where the Commission and the insured person fail to resolve

any dispute respecting the adjustment of a loss under this contract, the matter shall be determined by arbitration in accordance with the regulations.

TIME FOR PAYMENT OF INDEMNITY

18.—(1) No indemnity under this contract becomes due and payable until,

- (a) the end of the crop year; and
- (b) the premium has been paid in full.

(2) Where the indemnity payable by the Commission under this contract is established by the filing of a proof of loss form or by an award of an arbitrator or board of arbitration, it shall be paid within sixty days of the receipt by the Commission of the proof of loss form or award, as the case may be.

(3) Nothing in this paragraph prevents the Commission from paying indemnity under this contract at an earlier date.

SUBROGATION

19. Where the Commission has paid a claim under this contract, the Commission is subrogated to the extent thereof to all rights of recovery of the insured person against any person and may bring action in the name of the insured person to enforce those rights.

RIGHT OF ENTRY

20. The Commission has a right of entry to the premises of the insured person that may be exercised by agents of the Commission at any reasonable time or times for any purpose related to the contract of insurance.

NOTICE

21.—(1) Any written notice to the Commission shall be given by delivery thereof or by sending it by mail to the Commission.

(2) Written notice to the insured person shall be given by delivery thereof or by sending it by mail addressed to the insured person at the person's last post office address on file with the Commission.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this contract of insurance to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at

this day of, 19.....

..... Duly Authorized Representative General Manager
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R.R.O. 1980, Reg. 212, Form 1; O. Reg. 503/82, s. 2; O. Reg. 358/84, s. 2; O. Reg. 206/86, s. 3; O. Reg. 317/87, s. 4.

REGULATION 232

CROP INSURANCE PLAN FOR OIL SEED

1. The plan in the Schedule is established for the insurance within Ontario of oil seed. O. Reg. 297/84, s. 1.

Schedule*Crop Insurance Act (Ontario)***PART I—PLAN**

1. This plan may be cited as "The Ontario Crop Insurance Plan for Oil Seed".

2. The purpose of this plan is to provide for insurance against a loss in the production of oil seed resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average farm yield" means the average yield of the planted acreage,

(a) for the ten-year period immediately preceding the current year computed on the basis of the acreage production records of the insured person, or

(b) for the number of years of enrolment in the plan computed on the basis of the acreage production records of the insured person or on another basis that is reasonable in the circumstances, where the insured person has not been enrolled in the plan for ten years;

"bushel", where used in respect of soybeans, means 60 pounds of soybeans whose moisture content does not exceed 14 per cent;

"canola" means canola whose moisture content does not exceed 10 per cent;

"oil seed" means canola or soybeans, or both, that are produced in Ontario.

DESIGNATION OF PERILS

4. The following are designated as perils for the purposes of this plan:

1. Drought.
2. Excessive moisture.
3. Excessive rainfall.
4. Flood.
5. Frost.
6. Hail.
7. Insect infestation.
8. Plant disease.
9. Wildlife.
10. Wind.

DESIGNATION OF CROP YEAR

5. The crop year for oil seed is the period from the 1st day of March in any year to the 30th day of June in the calendar year next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for oil seed shall be deemed to be comprised of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) an endorsement for oil seed in Form 1;
- (c) the application for insurance;
- (d) the final acreage report for each crop year; and
- (e) any amendment to a document referred to in clause (a), (b), (c) or (d) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be accompanied by a minimum premium deposit of \$1 per acre; and
- (c) be filed with the Commission not later than the 1st day of May in the crop year in respect of which it is made.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before the 1st day of May in the crop year during which the cancellation is to be effective.

9.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year in which the insured person plants acreage to oil seed.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit, if any, to the Commission at the time the person files the final acreage report prescribed by section 10.

FINAL ACREAGE REPORTS

10.—(1) Every insured person shall file with the Commission in each crop year a final acreage report in a form provided by the Commission within ten days after the planting of acreage to oil seed is completed.

(2) A final acreage report filed with the Commission shall not be amended without the consent in writing of the Commission.

11.—(1) The Commission may revise the final acreage report in any or all respects and adjust the premium accordingly and shall notify the insured person in writing forthwith respecting any revision and adjustment.

(2) The insured person shall be deemed to have agreed with the revision of the final acreage report made by the Commission under subsection (1) unless the insured person notifies the Commission in writing that the person rejects the revision within ten days after the Commission notification is served on the person.

(3) For the purpose of subsection (2), the Commission notification may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(4) Where the Commission receives notice from an insured person under subsection (2), it shall notify the insured person in writing that the contract of insurance does not apply for the crop year in respect of which the final acreage report was filed and shall refund any premium or premium deposit paid in respect of that crop year.

(5) A final acreage report revised under this section shall, failing notice under subsection (2), constitute the final acreage report for the crop year.

12.—(1) Where an insured person in any crop year fails to file a final acreage report as required by subsection 10 (1), the Commission may,

- (a) prepare the final acreage report; or
- (b) declare the insured acreage to be nil.

(2) The Commission shall serve a copy of a final acreage report made under subsection (1) on the insured person either by personal delivery or by mailing it to the insured person's last known address.

(3) Every insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commission within ten days after the insured person has been served with a copy of it.

(4) A report that is mailed shall be deemed to be served three days after it is mailed.

FINAL PLANTING DATE

13. For the purposes of this plan, the final date for planting oil seed in a crop year is the 1st day of July or such other date as may be determined from time to time by the Commission.

PART II—CANOLA

14. For the purpose of calculating the average farm yield for canola, the Commission shall, on an annual basis, compare the actual yield in each year of the ten-year period used to calculate the average farm yield with the average farm yield itself and,

- (a) if the actual yield in a year exceeds the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \frac{\text{Actual Yield} - \frac{2}{3} \left[\frac{\text{Actual Yield} - (\text{Average Yield} \times 1.3)}{\text{Yield}} \right]}{\text{Yield}}$$

- (b) if the actual yield in a year falls short of the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \frac{\text{Actual Yield} + \frac{2}{3} \left[\left(\frac{\text{Average Yield} \times 0.7}{\text{Yield}} \right) - \frac{\text{Actual}}{\text{Yield}} \right]}{\text{Yield}}$$

15.—(1) Subject to subsections (4) and (5), the initial coverage provided under a contract of insurance shall be 75 per cent of the average farm yield in pounds of the total acreage planted to canola by the insured person.

(2) Subject to subsections (4) and (5), the coverage provided under a contract of insurance following a year in which there was no claim shall be,

- (a) where the previous year's coverage was 70 per cent, 73 per cent;
- (b) where the previous year's coverage was 73 per cent, 75 per cent;
- (c) where the previous year's coverage was 75 per cent, 78 per cent;
- (d) where the previous year's coverage was 78 per cent, 80 per cent; and
- (e) where the previous year's coverage was 80 per cent, 80 per cent,

of the average farm yield in pounds of the total acreage planted to canola by the insured person.

(3) Subject to subsections (4) and (5), the coverage provided under a contract of insurance following a year in which there was a claim shall be,

- (a) where the previous year's coverage was 80 per cent, 78 per cent;
- (b) where the previous year's coverage was 78 per cent, 75 per cent;
- (c) where the previous year's coverage was 75 per cent, 73 per cent;
- (d) where the previous year's coverage was 73 per cent, 70 per cent; and
- (e) where the previous year's coverage was 70 per cent, 70 per cent,

of the average farm yield in pounds of the total acreage planted to canola by the insured person.

(4) Where, in any year, a claim is paid in an amount that is less than one-half of the total premium for that year, the coverage for the following year shall remain unchanged.

(5) Despite clause (3) (a), the coverage provided under a contract of insurance following a year in which there was a claim shall be 80 per cent where,

- (a) the insured person has had coverage and an actual farm yield for at least five years; and
- (b) the previous year's coverage was 80 per cent.

16. The maximum indemnity payable for a loss in production of canola in a crop year is the amount obtained by multiplying the total guaranteed production determined under section 15 by the established price per pound determined under section 17.

17.—(1) For the purpose of this plan, the established price for canola is,

- (a) \$0.09 per pound;
- (b) \$0.11 per pound; or
- (c) the floating price per pound determined under subsection (2).

(2) The floating price per pound is the greater of,

- (a) \$0.10 per pound; and
- (b) the average calculated by the Commission of the daily prices per pound of canola at Hamilton and Windsor, Ontario as determined by the Farm Market News for the period from the 15th day of August to the 7th day of September in a crop year, minus \$0.002 per pound.

18.—(1) The total premium for canola is,

- (a) \$11.80 per acre where the established price is \$0.09 per pound;
- (b) \$14.60 per acre where the established price is \$0.11 per pound;
- (c) \$17.80 per acre where the established price is the floating price per pound.

(2) The premium prescribed by subsection (1) includes payments

in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

(3) Despite subsection (1), the total premium is 80 per cent of the total premium prescribed by subsection (1) if,

- (a) the coverage is 80 per cent and the insured person has had coverage and an actual farm yield for at least five years; and
- (b) based on Commission records, total premiums paid by the insured person for canola exceed indemnity paid.

PART III—SOYBEANS

19. For the purpose of calculating the average farm yield for soybeans, the Commission shall, on an annual basis,

- (a) calculate for each year in the ten-year period a factored yield by applying to the actual yield the factor designated for the year in Table 2; and
- (b) compare the factored yield in each year with the average of the factored yields and,
 - (i) if the factored yield in a year exceeds the insured person's ten year average by more than 30 per cent, shall adjust the factored yield according to the formula,

$$\text{Adjusted Yield} = \text{Factored Yield} - \frac{2}{3} \left[\text{Factored Yield} - \left(\frac{\text{Average} \times 1.3}{\text{Yield}} \right) \right]$$

- (ii) if the factored yield in a year falls short of the insured person's ten year average by more than 30 per cent, shall adjust the factored yield according to the formula,

$$\text{Adjusted Yield} = \text{Factored Yield} + \frac{2}{3} \left[\left(\frac{\text{Average} \times 0.7}{\text{Yield}} \right) - \text{Factored Yield} \right]$$

20.—(1) Subject to subsections (4) and (5), the initial coverage provided under a contract of insurance shall be 75 per cent of the average farm yield in bushels of the total acreage planted to soybeans by the insured person.

(2) Subject to subsections (4) and (5), the coverage provided under a contract of insurance following a year in which there was no claim shall be,

- (a) where the previous year's coverage was 70 per cent, 73 per cent;
- (b) where the previous year's coverage was 73 per cent, 75 per cent;
- (c) where the previous year's coverage was 75 per cent, 78 per cent;
- (d) where the previous year's coverage was 78 per cent, 80 per cent; and
- (e) where the previous year's coverage was 80 per cent, 80 per cent,

of the average farm yield in pounds of the total acreage planted to soybeans by the insured person.

(3) Subject to subsections (4) and (5), the coverage provided under a contract of insurance following a year in which there was a claim shall be,

- (a) where the previous year's coverage was 80 per cent, 78 per cent;

(b) where the previous year's coverage was 78 per cent, 75 per cent;

(c) where the previous year's coverage was 75 per cent, 73 per cent;

(d) where the previous year's coverage was 73 per cent, 70 per cent; and

(e) where the previous year's coverage was 70 per cent, 70 per cent,

of the average farm yield in bushels of the total acreage planted to soybeans by the insured person.

(4) Where, in any year, a claim is paid in an amount that is less than one-half of the total premium for that year, the coverage for the following year shall remain unchanged.

(5) Despite clause (3) (a), the coverage provided under a contract of insurance following a year in which there was a claim shall be 80 per cent where,

- (a) the insured person has had coverage and an actual farm yield for at least five years; and
- (b) the previous year's coverage was 80 per cent.

21. The maximum indemnity payable for a loss in production of soybeans in a crop year is the amount obtained by multiplying the total guaranteed production determined under section 20 by the established price per bushel determined under section 22.

22.—(1) The established price for soybeans is,

- (a) \$5.80 per bushel;
- (b) \$7.00 per bushel; or
- (c) the floating price per bushel determined under subsection (2).

(2) The floating price per bushel is the greater of,

- (a) \$6.40 per bushel; and
- (b) the average calculated by the Commission of the daily prices per bushel of soybeans at Chatham, Ontario as determined by the Farm Market News for the period from the 1st day of October to the 21st day of October in a crop year, minus \$0.08 per bushel.

(3) Where,

- (a) the insured person applies therefor in writing on or before the 1st day of May in a crop year; and
- (b) the Commission consents in writing,

any established price designated in subsection (1) may be substituted for the established price selected by the insured person at the time a contract of insurance is made, or any established price substituted in lieu thereof under this section.

(4) Where, upon any renewal, the insured person fails to select an established price under subsection (3), the Commission may designate the established price applicable to the contract for the crop year.

23.—(1) The total premium for soybeans is,

- (a) \$9.00 per acre where the established price is \$5.80 per bushel;

- (b) \$10.80 per acre where the established price is \$7.00 per bushel; and
- (c) \$12.40 per acre where the established price is the floating price per bushel.

(2) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

(3) Despite subsection (1), the total premium is 80 per cent of the total premium prescribed by subsection (1) if,

- (a) the coverage is 80 per cent and the insured person has had coverage and an actual farm yield for at least five years; and
- (b) based on Commission records, total premiums paid by the insured person for soybeans exceed indemnity paid. O. Reg. 297/84, Sched.; O. Reg. 295/85, ss. 1, 2; O. Reg. 312/87, ss. 1-8; O. Reg. 279/88, s. 1; O. Reg. 299/89, s. 1; O. Reg. 453/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

OIL SEED ENDORSEMENT

WHEREAS the insured person has applied for crop insurance for oil seed under The Ontario Crop Insurance Plan for Oil Seed, hereinafter referred to as "the plan", and has paid the deposit premium prescribed thereunder.

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover oil seed.

HARVESTING OF PLANTED ACREAGE

1.—(1) All acreage planted to oil seed in a crop year shall be harvested unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part thereof.

(2) Where the harvesting of any planted acreage is not completed and the failure to harvest was not caused by an insured peril, the contract of insurance ceases to apply to the unharvested acreage and no indemnity is payable therefor.

EVALUATION OF LOSS

2.—(1) An indemnity shall be paid for the acreage set out in subparagraph (2) in the amount set out in subparagraph (3), where,

- (a) all of the acres planted to the crops listed in Table 1 to this Regulation are offered for insurance;
- (b) the insured person elects the indemnity on the application for insurance;
- (c) the insured person pays a premium deposit of \$1 for each acre intended to be planted to the crops listed in Table 1;
- (d) one or more of the designated perils prevents the planting,
 - (i) of three acres or more, in the case of systematically tile drained land, or

- (ii) of six acres or more, in the case of land that is not systematically tile drained; and

- (e) the insured person notifies the Commission of the person's inability to plant the acres to the crops listed in Table 1 by the 15th day of June in the crop year.

(2) The indemnity shall be paid,

- (a) for each unplanted acre, in the case of systematically tile drained land; or
- (b) for each unplanted acre in excess of three unplanted acres, in the case of land that is not systematically tile drained.

(3) The amount of the indemnity shall be one-third of the guaranteed production per acre of the crop with the highest priority, in Table 1, of the crops intended to be planted and insured by the insured person multiplied by the established price for that crop.

(4) Where the insured person has elected the floating price as the established price, the established price prescribed in the Schedule by clause 17 (1) (b) for canola and clause 22 (1) (b) for soybeans, shall be used in lieu of the floating price for the purposes of the calculation in subparagraph (2).

(5) No indemnity shall be payable under this paragraph for land for which the same indemnity was paid by the Commission in the immediately preceding year.

(6) Where the insured person plants a crop in respect of which crop production insurance was applied for, the premium deposit for the acreage so planted shall be applied against the regular premium.

(7) Where the insured person plants a crop that is not an insurable crop, the premium deposit in respect of the acreage seeded or planted shall be refunded.

(8) Where the insured person is unable to plant acreage designated on the application as intended to be sown to a spring grown crop, the premium deposit in respect of the acreage shall be retained by the Commission as payment for the coverage provided.

(9) This paragraph does not apply to, and no indemnity is payable in respect of land,

- (a) that is orchard land, pasture, woodland, planted to a perennial crop, fall sown or intended for summer fallow;
- (b) that is untilled and was not cropped in the previous year; or
- (c) that, in the opinion of the Commission, is not insurable.

(10) Where the planting is prevented by excessive rainfall, no indemnity is payable unless the insured person establishes that,

- (a) an abnormal amount of rain occurred;
- (b) the rainfall resulted in a reduced number of work days; and
- (c) a significant number of other insured persons were similarly affected,

during the planting season in the area where the insured acreage is situate.

3.—(1) Where loss or damage to three acres or more of the insured crop resulting from an insured peril occurs before the 1st day of July in the crop year, the Commission, upon application therefor in writing by the insured person, may consent in writing to the replanting of the damaged acreage.

(2) Where the damaged acreage is replanted in accordance with subparagraph (1), the Commission shall pay a supplementary benefit

to the insured person calculated at the rate of \$30 for each replanted acre.

(3) Where the damaged acreage is replanted to the crop that was originally planted in the crop year, the contract of insurance shall continue to apply to the replanted acreage.

(4) The total number of acres of a crop in respect of which a replanting benefit is paid in a crop year shall not in any case exceed the total number of insured acres planted to that crop.

4.—(1) Where loss or damage occurs before harvest, the Commission, upon application therefor in writing by the insured person, may consent in writing to the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and in such case shall determine the number of damaged acres and the potential production thereof.

(2) Where damaged acreage is used for any other purpose or the insured crop thereon is abandoned or destroyed in accordance with subparagraph (1), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production for the damaged acreage and the potential production for the damaged acreage determined under subparagraph (1) by the established price per bushel or pound, as the case may be.

(3) Where damaged acreage is not used for any other purpose or the crop thereon is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (2) shall not be taken into account in the final adjustment of loss.

(4) Where the actual production of the harvested acreage is less than the guaranteed production for such acreage, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per bushel or pound, as the case may be.

FINAL ADJUSTMENT OF LOSS FOR TOTAL INSURED ACREAGE

5. The indemnity payable with respect to the total insured acreage in the final adjustment of loss shall be the sum of all loss calculations made under paragraphs 2, 3 and 4 applicable to such acreage, but where,

- (a) the actual production of any harvested acreage; or
- (b) the potential production of any unharvested acreage,

exceeds the guaranteed production of such acreage, the indemnity otherwise payable in respect of loss calculations made under paragraph 4 shall be reduced by the amount obtained by multiplying the excess by the established price per bushel or pound, as the case may be.

INCORRECT ACREAGE IN FINAL ACREAGE REPORT

6.—(1) Where the actual planted acreage to an insured crop in a crop year is less than the planted acreage declared on the final acreage report, the guaranteed production shall be decreased proportionately in calculating whether there has been a loss and the actual production shall be used in calculating the average production for purposes of determining coverage for the following crop year, and there shall be no refund of premium.

(2) Where the actual planted acreage of the insured crop in a crop year exceeds the planted acreage declared on the final acreage report, the actual production shall be used in calculating whether there has been a loss and,

- (a) where the calculation indicates a loss, such actual production shall be used; or

- (b) where the calculation does not indicate a loss, such actual production shall be reduced proportionately,

in calculating the average production for purposes of determining coverage for the following crop year.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this endorsement to be signed by its general manager, but it shall not be binding upon the Commission until countersigned by a duly authorized representative of the Commission.

Countersigned and dated at,
this day of, 19.....

.....
Duly Authorized General Manager
Representative

O. Reg. 297/84, Form 1; O. Reg. 295/85, s. 3; O. Reg. 312/87, ss. 9, 10; O. Reg. 279/88, s. 2; O. Reg. 299/89, s. 2.

Form 2

Crop Insurance Act (Ontario)

EXTENDED COVERAGE ENDORSEMENT

- 1.—(1) This endorsement applies only to soybeans.
- (2) This endorsement is in force where the insured person applies for it and pays the prescribed premium.
- (3) The coverage in force and indemnity and premiums payable under this endorsement are in addition to any prescribed by the plan.
- (4) The conditions of the Schedule and Form 1 apply to this endorsement unless they are inconsistent with it or are specifically excluded under it.

2. An application for extended coverage shall be made by the 1st day of May in the crop year in respect of which it is made.

COVERAGE

3. The insured person may purchase an extra 4 or 7 per cent coverage in addition to coverage determined under section 20 of the Schedule.

4. The maximum indemnity for which the Commission is liable under a contract of insurance under the plan and insurance provided by this endorsement is the amount obtained by adding an additional 4 or 7 per cent to the coverage determined under section 20 of the Schedule and multiplying this sum by the established price determined under section 22 of the Schedule.

PREMIUMS

5.—(1) The additional premium payable in the crop year for 4 per cent extra coverage is,

- (a) \$2.00 per acre where the established price is \$5.80 per bushel;
- (b) \$2.60 per acre where the established price is \$7.00 per bushel;
- (c) \$3.00 per acre where the established price is the floating price per bushel.

(2) The additional premium payable in the crop year for 7 per cent extra coverage is,

- (a) \$5.00 per acre where the established price is \$5.80 per bushel;

(b) \$6.00 per acre where the established price is \$7.00 per bushel;

(c) \$6.80 per acre where the established price is the floating price per bushel.

(3) The premiums prescribed by subsections (1) and (2) include payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

(4) Subsection 23 (3) of the Schedule does not apply to this endorsement.

(5) An insured person shall pay a premium deposit of \$1 per acre at the time of application for extended coverage. O. Reg. 453/90, s. 2, *part*.

Form 3

Crop Insurance Act (Ontario)

EXTENDED COVERAGE ENDORSEMENT

1.—(1) This endorsement applies to soybeans only.

(2) This endorsement is in force where the insured person purchases a contract of insurance for all perils for soybeans in the Schedule, applies for this endorsement and pays the prescribed premium.

(3) The premiums payable under this endorsement are in addition to any prescribed by the plan.

(4) The conditions of the Schedule and Form 1 apply to this endorsement unless they are inconsistent with it or are specifically excluded under it.

2. In order to qualify for coverage under this endorsement, the insured person shall offer for insurance all land planted to the insured crop that is operated by that person in Ontario.

3.—(1) An insured person may apply under this endorsement for insurance against a loss of production of soybeans resulting from hail damage to a portion of the person's lands.

(2) For the purposes of this endorsement, an indemnity for hail damage is payable only where the portion of land damaged by hail is 5 acres or more in size.

APPLICATION

4. An insured person must make an application for extended coverage by the 1st day of May during the crop year in respect of which insurance under this endorsement is requested.

COVERAGE

5. The coverage provided under this endorsement shall be the same as that set out in sections 20 and 21 of the Schedule and includes any additional coverage purchased under the extended coverage endorsement in Form 2.

6. For the purposes of this endorsement, an indemnity for hail damage is payable only where 10 per cent or more hail damage has occurred to the insured crops on the portion of land in question.

7. Coverage under this endorsement commences no later than,

(a) the 1st day of July in a crop year; or

(b) at a time, as determined by the Commission, when it is too late to replant the insured crop in a crop year,

whichever is the earlier.

PREMIUMS

8.—(1) The total premium payable for this endorsement is 4 per cent of the total guaranteed production determined under section 20 of the Schedule multiplied by,

(a) where the insured person has chosen the floating price, the established price in clause 22 (1) (b) of the Schedule; or

(b) in all other cases, the established price per bushel determined under section 22 of the Schedule.

(2) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

9.—(1) An insured person shall pay a premium deposit of \$1 per acre by the 1st day of May during the crop year in respect of which insurance under this endorsement is requested.

(2) This endorsement may be cancelled by the insured person by notice in writing to the Commission on or before the final date for application in the crop year during which the cancellation is to be effective.

(3) Where the endorsement is cancelled by the insured person after the 1st day of May in a crop year, the Commission shall cancel the contract of insurance for all perils in the Schedule and the extended coverage endorsement in Form 2, if applicable, and shall not refund to the insured person any deposits paid pursuant to these contracts.

(4) The insured person shall pay the premium, less the premium deposit, to the Commission at the time the insured person files the final acreage report prescribed by section 10 of the Schedule.

EVALUATION OF LOSS

10. The amount of loss respecting the insured acreage for which a claim is made under this endorsement shall be determined as follows:

1. The Commission shall determine the number of damaged acres and their potential production.

2. The Commission shall determine the percentage of damage to the damaged acres caused by the hail.

3. The Commission shall calculate the loss,

i. by multiplying the percentage of damage by the lesser of,

A. the guaranteed production of the damaged acreage, and

B. the potential production of the damaged acreage, and

ii. by multiplying the product obtained under subparagraph i by,

A. where the insured person has chosen the floating price, the established price in clause 22 (1) (b) of the Schedule, or

B. the established price per bushel determined under section 22 of the Schedule in all other cases.

11. The Commission shall determine the amount of loss before the harvesting of the damaged acreage.

12. The indemnity payable with respect to the total insured acreage in the final adjustment of loss under the contract of insurance for all perils in the Schedule shall be determined by subtracting the

indemnity paid under this endorsement from the maximum indemnity payable for a loss in production determined under section 21 of the Schedule.

13. If the Commission has substituted the established price in clause 22 (1) (b) of the Schedule for the floating price under sections 8 and 10 of this endorsement and this substitution results in an overpayment or an underpayment, the Commission may, in making the final adjustment of loss under the contract of insurance for all perils in the Schedule, readjust the indemnity payable with respect to the total insured acreage.

NOTICE OF LOSS OR DAMAGE

14. The insured person shall notify the Commission in writing within two days of an occurrence of loss or damage to the insured crop and before the harvesting of the insured crop. O. Reg. 453/90, s. 2, *part*.

TABLE 1

Spring Sown Crops in Order of Priority
1. Corn
2. Soybeans
3. White Beans
4. Coloured Beans
5. Spring Grain
6. Canola
7. Sunflowers
8. Red spring wheat

O. Reg. 297/84, Table; O. Reg. 312/87, s. 11; O. Reg. 299/89, s. 3; O. Reg. 453/90, s. 3, *part*.

TABLE 2

Age of Yield	Factor
10	1.13410
9	1.11907
8	1.10448
7	1.09023
6	1.07638
5	1.00000
4	1.00000
3	1.00000
2	1.00000
1	1.00000

O. Reg. 453/90, s. 3, *part*.

REGULATION 233

CROP INSURANCE PLAN FOR ONIONS

1. The plan in the Schedule is established for the insurance within Ontario of onions. O. Reg. 541/86, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. The title of this plan is "The Ontario Crop Insurance Plan for Onions".

2. The purpose of this plan is to provide for insurance against a loss in the production of onions resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average farm yield" means the average yield of the planted acreage,

- (a) for the ten-year period immediately preceding the current year computed on the basis of the acreage production records of the insured person, or
- (b) for the number of years of enrolment in the plan computed on the basis of the acreage production records of the insured person or on another basis that is reasonable in the circumstances, where the insured person has not been enrolled in the plan for ten years;

"bag" means fifty pounds;

"onions" means onions grown from seed, onions grown from sets or spanish onions.

DESIGNATION OF PERILS

4.—(1) Subject to subsections (2) and (3), the following are designated as perils for the purposes of this plan:

- 1. Drought.
- 2. Excessive rainfall.
- 3. Flood.
- 4. Frost.
- 5. Hail.
- 6. Insect infestation.
- 7. Plant disease.
- 8. Wildlife.
- 9. Wind.

(2) This plan does not insure against a loss in the production of spanish onions in a crop year resulting from drought.

(3) This plan does not insure against a loss in the production of onions in a crop year resulting from insect infestation or plant disease unless the insured person establishes that a recommended control program was followed during the crop year.

5. The crop year for onions is the period from the 1st day of March in any year to the 31st day of October next following.

CONTRACT OF INSURANCE

6.—(1) For the purposes of this plan, the entire contract of insurance for onions is comprised of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) the application for insurance;
- (c) an endorsement for onions in Form 1;
- (d) the final acreage report for each crop year; and
- (e) any amendment to a document referred to in clause (b) or (d) agreed upon in writing.

(2) In the event of a conflict between the provisions referred to in clauses (1) (a) and (c), the provisions referred to in clause (1) (c) prevail.

7.—(1) An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be accompanied by a minimum premium deposit of \$100 for each crop in respect of which insurance is applied for; and
- (c) be filed with the Commission,
 - (i) not later than the 1st day of April, or
 - (ii) in the case of onions grown from seed to be planted east of King's Highway No. 6, not later than the 15th day of April,

in the crop year in respect of which it is made.

(2) Premium deposits prescribed by clause (1) (b) are not refundable unless no acreage is planted to the crop.

DURATION OF CONTRACT

8.—(1) A contract of insurance is in force for the crop year in respect of which it is made, and continues in force for each crop year thereafter until cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before the 1st day of April in the crop year during which the cancellation is to be effective.

COVERAGE

9. For the purpose of calculating the average farm yield, the Commission shall, on the annual basis, compare the actual yield in each year of the ten-year period used to calculate the average farm yield with the average farm yield itself and,

- (a) if the actual yield in a year exceeds the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \text{Actual Yield} - \frac{2}{3} \left[\text{Actual Yield} - \left(\frac{\text{Average Yield} \times 1.3}{\text{Yield}} \right) \right]$$

- (b) if the actual yield in a year falls short of the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \text{Actual Yield} + \frac{2}{3} \left[\left(\frac{\text{Average Yield} \times 0.7}{\text{Yield}} \right) - \text{Actual Yield} \right]$$

10.—(1) Subject to subsections (2), (3) and (4), the coverage provided under a contract of insurance is 70 per cent of the average farm yield in bags of the total acreage planted to the crop by the insured person in accordance with the regulations.

(2) The coverage provided under subsection (1) shall be increased following each consecutive no claim year as follows:

1. Following the first no claim year to 73 per cent of the average farm yield.
2. Following the second no claim year to 76 per cent of the average farm yield.
3. Following the third no claim year to 78 per cent of the average farm yield.
4. Following the fourth no claim year to a maximum of 80 per cent of the average farm yield.

(3) The coverage provided under subsections (1) and (2) shall be decreased for claim years from the insured level in reverse progression to that prescribed by subsection (2) except, where a claim occurs in a year where the coverage is 70 per cent, the coverage shall be reduced to 65 per cent.

(4) Where, in any year, a claim is paid in an amount less than one-half the total premium for that year, the coverage for the following year remains unchanged.

(5) The number of bags determined under subsections (1), (2) and (3) constitutes the total guaranteed production under a contract of insurance.

11.—(1) For the purposes of this plan, the established price for onions grown from seed is,

- (a) \$2.50 per bag, where a premium of \$134 per acre is paid; or
- (b) \$3.50 per bag, where a premium of \$186 per acre is paid.

(2) For the purposes of this plan, the established price for onions grown from sets is,

- (a) \$3.25 per bag, where a premium of \$120 per acre is paid; or
- (b) \$4.25 per bag, where a premium of \$160 per acre is paid.

(3) For the purposes of this plan, the established price for spanish onions is,

- (a) \$4 per bag, where a premium of \$268 per acre is paid; or
- (b) \$5 per bag, where a premium of \$335 per acre is paid.

PREMIUMS

12.—(1) The total premium is,

- (a) \$134 per acre or \$186 per acre, for onions grown from seed;
- (b) \$120 per acre or \$160 per acre, for onions grown from sets; or
- (c) \$268 per acre or \$335 per acre, for spanish onions.

(2) Despite subsection (1), the minimum premium payable by an insured person in each crop year is \$100 for each crop.

(3) The premium prescribed by subsection (1) includes payment in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

13.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year in which the insured person plants acreage to onions.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit prescribed by subsection (3), to the Commission at the time the final acreage report prescribed by section 14 is filed.

(3) Where a renewal premium is payable in respect of a crop year, the insured person shall, not later than the 1st day of April in the crop year, pay a premium deposit in accordance with clause 7 (1) (b).

FINAL ACREAGE REPORT

14.—(1) Every insured person shall file with the Commission in each crop year a final acreage report in a form provided by the Commission as soon as the planting of acreage to the crop is completed.

(2) A final acreage report filed with the Commission shall not be amended without the written consent of the Commission.

15.—(1) When the final acreage report is inaccurate, the Commission may correct it and adjust the premium accordingly and, in such case, shall notify the insured person in writing forthwith of the correction and the reason therefor.

(2) The insured person shall be deemed to have agreed with the revision of the final acreage report made by the Commission under subsection (1) unless the insured person notifies the Commission in writing that the person rejects the revision within ten days after the Commission notification is served on the person.

(3) For the purposes of subsection (2), the Commission notification may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(4) Upon notice that a correction is not acceptable being given, the contract of insurance ceases to apply for the crop year in respect of which the final acreage report was filed.

(5) A final acreage report revised under this section shall, failing notice under subsection (2), constitute the final acreage report for the crop year.

16.—(1) Where an insured person in any crop year fails to file a final acreage report in the form and manner prescribed by this Regulation, the Commission may,

- (a) prepare the final acreage report; or
- (b) declare the insured acreage to be nil.

(2) The Commission shall serve a copy of a final acreage report on the insured person either by personal delivery or by mailing it to the insured person's last known address.

(3) Every insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commission within ten days after the insured person has been served with a copy of it.

(4) A report that is mailed shall be deemed to be served three days after it is mailed.

FINAL DATE FOR PLANTING

17. For the purposes of this plan, in any particular crop year the final date for planting,

- (a) onions grown from seed is the 31st day of May;
- (b) onions grown from sets is the 15th day of May; and
- (c) spanish onions is the 20th day of May,

or such other dates as are reasonably warranted in the circumstances.

FINAL DATE FOR HARVESTING

18. For the purposes of this plan, in any particular crop year the final date for harvesting,

- (a) onions grown from seed or spanish onions is the 31st day of October; and
- (b) onions grown from sets is the 15th day of August,

or such other dates as are reasonably warranted in the circumstances. O. Reg. 541/86, Sched.; O. Reg. 322/87, ss. 1, 2; O. Reg. 326/88, s. 1; O. Reg. 314/89, s. 1; O. Reg. 477/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

ONION ENDORSEMENT

WHEREAS the insured person has applied for crop insurance under the Ontario Crop Insurance Plan for Onions, hereinafter referred to as the "plan", and has paid the deposit premium prescribed thereunder;

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover onions.

HARVESTING OF PLANTED ACREAGE

1. All acreage planted to onions in a crop year shall be harvested unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part thereof.

EVALUATION OF LOSS

2.—(1) Where,

- (a) all the acres intended to be planted to spring grown crops are offered for insurance;
- (b) the insured person so elects on the application for insurance and pays the premium deposit required by the regulations for each spring grown crop intended to be planted; and
- (c) the planting,
 - (i) in the case of systematically tile drained land, of three acres or more, or
 - (ii) in the case of land that is not systematically tile drained, of six acres or more,

is prevented by one or more of the designated perils,

an indemnity shall be paid,

- (d) in the case of systematically tile drained land, for each acre; or
- (e) in the case of land that is not systematically tile drained, for each acre in excess of three,

that remains unplanted, the amount of which shall be equal to one-third of the guaranteed production per acre of the crop highest in priority on the list in the Table to this Regulation of those intended to be planted and insured by the insured person multiplied by the established price applicable to that crop.

(2) This paragraph does not apply to and no indemnity is payable in respect of land,

- (a) that is orchard land, pasture, woodland, seeded to a perennial crop, fall sown or intended for summer fallow;
- (b) that is untilled and was not cropped in the previous year; or
- (c) that, in the opinion of the Commission, is not insurable.

(3) Where the planting is prevented by excessive rainfall, no indemnity is payable unless the insured person establishes that,

- (a) an abnormal amount of rain occurred;
- (b) the rainfall resulted in a reduced number of work days; and
- (c) a significant number of other insured persons were similarly affected,

during the planting season in the area where the insured acreage is situate.

3.—(1) Where loss or damage to one acre or more of the insured crop resulting from an insured peril occurs prior to the final date for planting in the crop year, the Commission, upon application therefor in writing by the insured person, may consent in writing to the replanting of the damaged acreage.

(2) Where the damaged acreage is replanted to the insured crop in accordance with subparagraph (1), the Commission shall pay an indemnity for each acre replanted,

- (a) in the case of onions grown from seed, up to a maximum amount of \$400;
- (b) in the case of onions grown from sets, up to a maximum amount of \$430; and
- (c) in the case of spanish onions, up to a maximum amount of \$500 where 44,000 or more plants are replanted per acre or that portion of \$500 that the number of plants replanted bears to 44,000 where fewer than 44,000 plants are replanted per acre,

and the contract of insurance continues to apply to such acreage.

(3) The total number of acres of a crop in respect of which a replanting benefit is paid in a crop year shall not in any case exceed the total number of insured acres planted to that crop.

4.—(1) Where loss or damage occurs prior to harvest, the Commission, upon application therefor in writing by the insured person, may consent in writing to the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and in such case shall determine the number of damaged acres and the potential production thereof.

(2) Where damaged acreage is used for any other purpose or the insured crop thereon is abandoned or destroyed in accordance with subparagraph (1), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production for the damaged acreage and the potential production for the damaged acreage determined under subparagraph (1) by the established price per bag for that crop.

(3) Where damaged acreage is not used for any other purpose or the crop thereon is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (2) shall not be taken into account in the final adjustment of loss.

(4) Where the actual production of the harvested acreage is less than the guaranteed production for such acreage, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total seeded acreage of a crop shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per bag for that crop.

NOTICE OF LOSS OR DAMAGE

5. Where loss or damage to an insured crop occurs and the damage was occasioned at a readily ascertainable time, the insured person shall notify the Commission forthwith by telephone and shall confirm in writing within twenty-four hours after that time.

FINAL ADJUSTMENT OF LOSS FOR TOTAL PLANTED ACREAGE

6.—(1) The indemnity payable with respect to the total planted acreage of a crop in the final adjustment of loss is the sum of the losses calculated under paragraphs 2, 3 and 4 applicable to the acreage but, subject to subparagraph (2), where,

- (a) the actual production of any harvested acreage; or
- (b) the potential production of any unharvested acreage,

exceeds the guaranteed production of the acreage, the indemnity otherwise payable shall be reduced by the amount obtained by multiplying such excess by the established price per bag.

(2) Despite subparagraph (1), no indemnity paid under paragraphs 2 and 3 is subject to reduction under this paragraph.

(3) In no case shall indemnity be paid for acreage in excess of the total insured acreage of a crop.

(4) Where, as the result of an insured peril, the quality of a crop is reduced, the actual production of any onions sold at a grade below Canada No. 1 shall be deemed to be reduced by 60 per cent.

DAMAGE AFTER HARVEST

7.—(1) No indemnity is payable in respect of any loss or damage suffered by the insured crop after harvest and, subject to subparagraph (2), no indemnity is payable with respect to onions in storage.

(2) Where an insured crop damaged by an insured peril prior to harvest is placed in storage, the Commission shall thereupon adjust the loss and pay an indemnity therefor if,

- (a) notice of damage was received and inspection was made by the Commission before harvest; and
- (b) the damaged onions are clearly identified in storage.

INCORRECT ACREAGE IN FINAL ACREAGE REPORT

8.—(1) Where the actual seeded acreage of the insured crop in a crop year is less than the seeded acreage declared on the final acreage report, the guaranteed production shall be decreased proportionately in calculating whether there has been a loss and the actual production shall be used in calculating the average production for purposes of determining coverage for the following crop year, and there shall be no refund of premium.

(2) Where the actual seeded acreage of the insured crop in a crop year exceeds the seeded acreage declared on the final acreage report, the actual production shall be used in calculating whether there has been a loss and,

- (a) where the calculation indicates a loss, such actual production shall be used; or
- (b) where the calculation does not indicate a loss, such actual production shall be reduced proportionately,

in calculating the average production for purposes of determining coverage for the following crop year.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this endorsement to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at,
 this day of, 19.....

.....
 Duly Authorized Representative General Manager

O. Reg. 541/86, Form 1; O. Reg. 322/87, s. 3; O. Reg. 326/88, s. 2;
 O. Reg. 314/89, s. 2.

TABLE

Crop in Order of Priority
1. Onions grown from seed
2. Onions grown from sets
3. Spanish onions

O. Reg. 541/86, Table.

REGULATION 234

CROP INSURANCE PLAN FOR PEACHES

1. The plan in the Schedule is established for the insurance within Ontario of peaches. R.R.O. 1980, Reg. 215, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Peaches".

2. The purpose of this plan is to provide for insurance against a loss in the production of peaches resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average yield" means the average total orchard production of the insured person over the preceding six years allowing for age of trees, tree removal, and change in acreage;

"peaches" means all varieties of peaches produced in Ontario.

DESIGNATION OF PERILS

4. The following are designated as perils for the purpose of this plan:

1. Drought.
2. Freeze injury.
3. Frost.
4. Hail.
5. Hurricane or tornado.
6. Unavoidable pollination failure.

DESIGNATION OF CROP YEAR

5. The crop year for peaches is the period from the 1st day of December in any year to the 30th day of November next following.

CONTRACT OF INSURANCE

6. For the purpose of this plan, the entire contract of insurance for peaches shall be deemed to be comprised of,

- (a) the contract of insurance in Form 1;
- (b) the application for insurance;
- (c) the production guarantee report; and
- (d) any amendment to a document referred to in clause (a), (b) or (c) agreed upon in writing.

7. An application for insurance shall,

- (a) be accompanied by a premium deposit of,
 - (i) \$100, or one-quarter of the premium payment made by the insured person for the previous crop year, whichever is the greater, or
 - (ii) an amount to be determined by the Commission; and
- (b) be filed with the Commission not later than the 1st day of December in the crop year in respect of which it is made or not later than such other date as may be determined from time to time by the Commission.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before the 1st day of December in the crop year during which the cancellation is to be effective or on or before such other date as may be determined from time to time by the Commission.

COVERAGE

9.—(1) Subject to subsections (2) and (3) and to section 10, the coverage provided under a contract of insurance is 70 per cent of the average yield as determined by the Commission multiplied by the established price.

(2) The coverage provided under subsection (1) shall be increased following each consecutive no claim year as follows:

1. Following the first no claim year, to 73 per cent.
2. Following the second no claim year, to 76 per cent.
3. Following the third no claim year, to 78 per cent.
4. Following the fourth no claim year, to a maximum of 80 per cent.

(3) The coverage provided under subsections (1) and (2) shall be decreased for claim years from the insured level in reverse progression to that prescribed by subsection (2), except where one or more claim years follow a year when the coverage is 70 per cent, the coverage shall be reduced in successive steps to levels of 67 per cent and a minimum of 65 per cent.

(4) The number of pounds determined under subsections (1), (2) and (3) constitutes the total guaranteed production under a contract of insurance.

10.—(1) Subject to subsections (2) and (3), the coverage provided

under a contract of insurance in respect of peaches that are grown within the area that is bounded by the Niagara Escarpment on the south and the southern shore of Lake Ontario on the north is 73 per cent of the average yield as determined by the Commission multiplied by the established price.

(2) The coverage provided under subsection (1) shall be increased following each consecutive no claim year as follows:

- 1. Following the first no claim year, to 76 per cent.
- 2. Following the second no claim year, to 78 per cent.
- 3. Following the third no claim year, to a maximum of 80 per cent.

(3) The coverage provided under subsections (1) and (2) shall be decreased for claim years from the insured level in reverse progression to that prescribed by subsection (2), except where one or more claim years follow a year when the coverage is 73 per cent, the coverage shall be reduced in successive steps to levels of 70, 67 and a minimum of 65 per cent.

(4) The number of pounds determined under subsections (1), (2) and (3) constitutes the total guaranteed production under a contract of insurance.

11.—(1) The established price for peaches is,

- (a) 14 cents per pound;
- (b) 18 cents per pound; or
- (c) 20 cents per pound.

(2) Subject to subsections (3) and (4), the established price per pound selected by an applicant at the time a contract of insurance is made applies in each succeeding crop year during which the contract is in force.

(3) Where,

- (a) the insured person applies therefor in writing prior to the 1st day of December in the crop year; and
- (b) the Commission consents in writing,

any established price designated in subsection (1) may be substituted for the established price selected by the insured person at the time a contract of insurance is made or for any established price substituted in lieu thereof under this subsection.

12. The maximum indemnity for which the Commission is liable under a contract of insurance shall be the amount obtained by multiplying the total guaranteed production determined under section 9 by the established price per pound determined under section 11.

PREMIUMS

13.—(1) The total premium payable in the crop year is,

- (a) where the level of coverage is 80 per cent, 13 per cent;
- (b) where the level of coverage is 78 per cent, 16 per cent;
- (c) where the level of coverage is 76 per cent, 18 per cent;
- (d) where the level of coverage is 73 per cent, 19 per cent;
- (e) where the level of coverage is 70 per cent, 21 per cent;
- (f) where the level of coverage is 67 per cent, 23 per cent; and
- (g) where the level of coverage is 65 per cent, 24 per cent,

of the guaranteed production in pounds multiplied by the established price.

(2) Despite subsection (1), the minimum premium payable by an insured person in each crop year is \$100.

(3) The premium prescribed by subsection (1) includes such payments in respect of premiums as may be made by the Government of Canada under the *Crop Insurance Act* (Canada).

14.—(1) Where a contract of insurance is in force a premium shall be paid in respect of each crop year.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium less the premium deposit to the Commission at the time the production guarantee report prescribed by section 15 is returned to the Commission.

(3) Where a renewal premium is payable in respect of a crop year, the insured person shall, not later than the 1st day of December in the crop year, pay the premium deposit as set out in clause 7 (a).

PRODUCTION GUARANTEE REPORT

15. The Commission shall prepare and deliver a production guarantee report to each insured person in each crop year and the insured person shall sign a copy thereof and return it to the Commission. R.R.O. 1980, Reg. 215, Sched.; O. Reg. 770/81, ss. 1-5; O. Reg. 794/82, ss. 1, 2; O. Reg. 38/83, s. 1; O. Reg. 794/83, ss. 1-4; O. Reg. 676/86, ss. 1-5; O. Reg. 34/89, s. 1.

Form 1

Crop Insurance Act (Ontario)

CONTRACT OF INSURANCE

BETWEEN:

THE CROP INSURANCE COMMISSION OF ONTARIO, hereinafter referred to as "THE COMMISSION",

OF THE FIRST PART

—and—

.....
of the of

in the County (or as the case may be) of, hereinafter referred to as "THE INSURED PERSON",

OF THE SECOND PART

WHEREAS the insured person has applied for crop insurance on peaches under The Ontario Crop Insurance Plan for Peaches, hereinafter referred to as "the plan";

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)*, and the regulations made thereunder, where, in a crop year the insured person suffers a loss in the production of peaches resulting from one or more of the perils designated in the plan, the Commission, subject to the terms and conditions hereinafter set forth, agrees to indemnify the insured person in respect of such loss.

TERMS AND CONDITIONS

INSURED CROP

1. In this contract, "insured crop" means all varieties of peaches produced in Ontario.

CAUSES OF LOSS NOT INSURED AGAINST

2. This contract does not insure against and no indemnity shall be paid in respect of a loss resulting from,

- (a) the negligence, misconduct or poor farming practices of the insured person or the insured person's agents or employees;
- (b) a shortage of labour or machinery;
- (c) insect infestation or plant disease; or
- (d) a peril other than the perils designated in the plan.

EXTENT OF INSURANCE

3.—(1) The insured person shall offer for insurance all acreage planted to the insured crop on the farm or farms operated by the insured person in Ontario, and, subject to subparagraph (2), this contract applies to all such acreage.

(2) This contract does not apply to, and no indemnity is payable in respect of, acreage planted to the insured crop,

- (a) that was not adequately prepared for cropping purposes; or
- (b) that, in the opinion of the Commission, is not insurable.

4.—(1) All insured acreage shall be harvested unless the Commission, upon application therefor in writing, consents in writing to the abandonment or destruction of the insured crop or any part thereof and, in such case, the Commission shall determine,

- (a) the potential production of the unharvested acreage; and
- (b) whether the harvesting was prevented by one or more of the perils insured against.

(2) Where an insured person fails to obtain the consent of the Commission in accordance with subparagraph (1), no indemnity shall be paid in respect of the unharvested acreage.

EVALUATION OF LOSS

5.—(1) The amount of loss that shall be taken into account in the final adjustment of loss in respect of the total insured acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per pound.

(2) For the purpose of subparagraph (1), actual production shall include,

- (a) the total orchard run of all insured acreage; and
- (b) the potential production of wholly or partially unharvested acreage where the failure to harvest resulted from a cause of loss not insured against.

(3) Where the insured crop or any part thereof has suffered damage from an insured peril to such an extent that it is unsuitable for sale, it shall not be counted as production.

(4) Despite subparagraph (3), where damaged peaches are sold for less than the prevailing price for unblemished fruit, the actual production shall be deemed to be reduced in the ratio that the salvage value received for the crop bears to the market price for processing peaches as set by The Ontario Tender Fruit Growers' Marketing Board.

NOTICE OF LOSS OR DAMAGE

6.—(1) Where,

- (a) loss of the insured crop occurs; or

- (b) the insured crop or any part thereof is, or is intended to be, sold on a pick-your-own basis,

the insured person shall notify the Commission in writing as soon as the damage occurs in order that a pre-harvest inspection may be made.

(2) Where the insured person fails to notify the Commission pursuant to subparagraph (1), a claim by the insured person is invalid and the insured person's right to indemnity is forfeited.

MISREPRESENTATION, VIOLATION OF CONDITIONS OR FRAUD

7. Where the insured person,

- (a) in an application for insurance,
 - (i) gives false particulars of the insured crop to the prejudice of the Commission, or
 - (ii) knowingly misrepresents or fails to disclose any fact required to be stated therein;
- (b) contravenes a term or condition of the contract of insurance;
- (c) commits a fraud in respect of the insured crop; or
- (d) wilfully makes a false statement in respect of a claim under the contract of insurance,

a claim by the insured person is invalid and the insured person's right to recover indemnity is forfeited.

WAIVER OR ALTERATION

8. No term or condition of this contract shall be deemed to be waived or altered in whole or in part by the Commission unless the waiver or alteration is clearly expressed in writing signed by the Commission or a representative authorized for that purpose by the Commission.

INTEREST OF OTHER PERSONS

9. Even if a person other than the insured person holds an interest of any kind in the insured crop, for the purposes of this contract,

- (a) the interest of the insured person in the insured crop is deemed to be the full value of the crop; and
- (b) except as provided in paragraph 10, no indemnity shall be paid to any person other than the insured person.

ASSIGNMENT OF RIGHT TO INDEMNITY

10. The insured person may assign all or part of the insured person's right to indemnity under this contract in respect of the insured crop but an assignment is not binding on the Commission and no payment of indemnity shall be made to an assignee unless,

- (a) the assignment is made on a form provided by the Commission; and
- (b) the Commission consents thereto in writing.

ADJUSTMENT OF LOSS

11.—(1) The indemnity payable for loss or damage to the insured crop shall be determined in the manner prescribed by this contract.

(2) The Commission may cause the production of the insured crop to be appraised by any method that it deems proper.

(3) No indemnity shall be paid for a loss in respect of the insured crop unless the insured person establishes,

- (a) the actual production obtained from the insured crop for the crop year; and
 - (b) that the loss in production or part thereof resulted directly from one or more of the perils insured against.
- (4) Where a loss in production resulted partly from a peril insured against and partly from a cause of loss not insured against, the Commission shall determine the amount of the loss that resulted from the cause of loss not insured against, and the indemnity payable by the Commission under the contract shall be reduced accordingly.

PROOF OF LOSS

12.—(1) A claim for indemnity in respect of the insured crop shall be made on a proof of loss form provided by the Commission and shall be filed with the Commission not later than sixty days after,

- (a) the completion of harvesting of the insured crop; or
- (b) the end of the crop year,

whichever is the earlier.

(2) Subject to subparagraph (3), a claim for indemnity shall be made by the insured person.

(3) A claim for indemnity may be made,

- (a) in the case of the absence or inability of the insured person, by the insured person's authorized representative; or
- (b) in the case of the absence or inability of the insured person or on the insured person's failure or refusal to do so, by an assignee under an assignment made in accordance with paragraph 10.

(4) Where required by the Commission, the information given in a proof of loss form shall be verified by statutory declaration.

ARBITRATION

13. Where the Commission and the insured person fail to resolve any dispute respecting the adjustment of a loss under this contract, the matter shall be determined by arbitration in accordance with the regulations.

TIME FOR PAYMENT OF INDEMNITY

14.—(1) No indemnity under this contract becomes due and payable until,

- (a) the end of the crop year; and
- (b) the premium has been paid in full.

(2) Where the indemnity payable by the Commission under this contract is established by the filing of a proof of loss form or by an award of an arbitrator or board of arbitration, it shall be paid within sixty days of the receipt by the Commission of the proof of loss form or award, as the case may be.

(3) Nothing in this paragraph prevents the Commission from paying indemnity under this contract at an earlier date.

SUBROGATION

15. Where the Commission has paid a claim under this contract, the Commission is subrogated to the extent thereof to all rights of recovery of the insured person against any person and may bring action in the name of the insured person to enforce those rights.

RIGHT OF ENTRY

16. The Commission has a right of entry to the premises of the

insured person that may be exercised by agents of the Commission at any reasonable time or times for any purpose related to the contract of insurance.

NOTICE

17.—(1) Any written notice to the Commission shall be given by delivery thereof or by sending it by mail to the Commission.

(2) Written notice to the insured person shall be given by delivery thereof or by sending it by mail addressed to the insured person at the insured person's last post office address on file with the Commission.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this contract of insurance to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at

this day of, 19.....

Duly Authorized Representative

General Manager

R.R.O. 1980, Reg. 215, Form 1; O. Reg. 38/83, s. 2; O. Reg. 676/86, s. 6; O. Reg. 34/89, s. 2.

REGULATION 235

CROP INSURANCE PLAN FOR PEANUTS

1. The plan in the Schedule is established for the insurance within Ontario of peanuts. O. Reg. 606/88, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Peanuts".

2. The purpose of this plan is to provide for insurance against a loss in the production of peanuts resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average farm yield" means the average of previous yields per acre of the planted acreage determined on the basis of acreage production records of the insured person or on such other basis as is reasonable in the circumstances;

"peanuts" means peanuts produced in Ontario.

DESIGNATION OF PERILS

4. The following are designated as perils for the purposes of this plan:

- 1. Cool weather.
- 2. Drought.
- 3. Excessive heat.
- 4. Excessive rainfall.

5. Flood.
6. Freeze.
7. Frost.
8. Hail.
9. Insect infestation.
10. Plant disease.
11. Wild life.
12. Wind.

DESIGNATION OF CROP YEAR

5. The crop year for peanuts is the period from the 1st day of March in any year to the last day of February of the next year.

CONTRACT OF INSURANCE

6.—(1) For the purposes of this plan, the entire contract of insurance for peanuts is comprised of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) the application for insurance;
- (c) the endorsement for peanuts in Form I; and
- (d) the final acreage report for each crop year.

(2) In the event of a conflict between provisions of the document referred to in clause (1) (a) and the document referred to in clause (1) (c), the provisions of the document referred to in clause (1) (c) prevail.

7.—(1) An application for insurance or for renewal of insurance shall,

- (a) be in a form provided by the Commission;
- (b) be accompanied by a minimum premium deposit of \$100; and
- (c) be filed with the Commission not later than the 1st day of May in the crop year in respect of which it is made.

(2) The premium deposit prescribed by clause (1) (b) is not refundable unless no acreage is planted to peanuts.

8. All acreage planted to peanuts in which the insured person has a substantial interest shall be insured under one contract.

DURATION OF CONTRACT

9.—(1) A contract of insurance is in force for the crop year in respect of which it is made and continues in force for each crop year thereafter until cancelled by the insured person or the Commission in the manner set out in subsection (2) or otherwise terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by written notice to the other party on or before the 1st day of May in the crop year during which the cancellation is to take effect.

COVERAGE

10.—(1) The initial coverage provided under a contract of insurance shall be 75 per cent of the average farm yield in pounds of the total acreage planted to peanuts by the insured person.

(2) The coverage provided under a contract of insurance following a year in which there was no claim shall be,

- (a) if the previous year's coverage was 70 per cent, 73 per cent;
- (b) if the previous year's coverage was 73 per cent, 75 per cent;
- (c) if the previous year's coverage was 75 per cent, 78 per cent;
- (d) if the previous year's coverage was 78 per cent, 80 per cent; and
- (e) if the previous year's coverage was 80 per cent, 80 per cent,

of the average farm yield in pounds of the total acreage planted to peanuts by the insured person.

(3) The coverage provided under a contract of insurance following a year in which there was a claim shall be,

- (a) if the previous year's coverage was 80 per cent, 78 per cent;
- (b) if the previous year's coverage was 78 per cent, 75 per cent;
- (c) if the previous year's coverage was 75 per cent, 73 per cent;
- (d) if the previous year's coverage was 73 per cent, 70 per cent; and
- (e) if the previous year's coverage was 70 per cent, 70 per cent,

of the average farm yield in pounds of the total acreage planted to peanuts by the insured person.

(4) Despite subsections (2) and (3), if in any year a claim is paid in an amount that is less than one-half of the total premium for that year, the coverage for the following year shall remain unchanged.

11.—(1) For the purposes of this plan, the established price for peanuts is,

- (a) 25 cents per pound; or
- (b) 30 cents per pound.

(2) If the insured person fails to select an established price when the person is renewing the contract of insurance, the Commission may select one of the prices set out in subsection (1) as the established price applicable to the contract in that crop year.

12. For the purposes of section 10, the maximum amount for which the Commission is liable under a contract of insurance for a loss in production is the amount obtained by multiplying the coverage determined under that section by the established price selected under section 11.

PREMIUMS

13.—(1) The total premium for peanuts is,

- (a) \$23.40 per acre where the established price is 25 cents per pound; or
- (b) \$28 per acre where the established price is 30 cents per pound.

(2) Despite subsection (1), the minimum premium payable by an insured person in each crop year is \$100.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

14. The insured person shall pay the premium, less the premium deposit, to the Commission,

- (a) at the time the final acreage report is filed; or
- (b) at the time set out in subsection 17 (3).

FINAL ACREAGE REPORT

15.—(1) Every insured person shall file with the Commission in each crop year a final acreage report setting out the total acreage planted to peanuts in a form provided by the Commission within ten days of the completion of planting of acreage to peanuts.

(2) A final acreage report filed with the Commission shall not be amended without the written consent of the Commission.

16.—(1) When the final acreage report is inaccurate, the Commission may correct it and adjust the premium accordingly and shall notify the insured person in writing forthwith of the correction and the reason for it.

(2) The insured person shall be deemed to have agreed with the correction of the final acreage report and adjustment of premium made under subsection (1) unless, within ten days after the mailing or delivery of the notice by the Commission, that person notifies the Commission in writing that the correction is not acceptable.

(3) Upon notice that a correction is not acceptable, the contract of insurance ceases to apply for the crop year in respect of which the final acreage report was filed and the Commission shall refund any premium or premium deposit paid in respect of that crop year.

(4) If no notice is given under subsection (2), a final acreage report corrected under this section constitutes the final acreage report for the crop year.

17.—(1) If an insured person in any crop year fails to file a final acreage report as required by this Regulation, the Commission may,

- (a) prepare the final acreage report; or
- (b) declare the insured acreage to be nil.

(2) When the Commission prepares a final acreage report under subsection (1), the Commission shall mail or deliver a copy of the report to the insured person.

(3) An insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commission within ten days after the mailing or delivery to that person of a copy of the report.

FINAL DATES FOR PLANTING AND HARVESTING

18. For the purposes of this plan, the final dates for planting and harvesting peanuts in a crop year are the 15th day of June and the 15th day of November respectively or such other dates as are reasonably warranted in the circumstances. O. Reg. 606/88, Sched.; O. Reg. 311/89, s. 1; O. Reg. 459/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

PEANUTS ENDORSEMENT

WHEREAS the insured person has applied for crop insurance under the Ontario Crop Insurance Plan for Peanuts, hereinafter referred to as the "plan", and has paid the premium deposit prescribed thereunder;

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover peanuts.

HARVESTING OF PLANTED ACREAGE

1.—(1) All acreage planted to peanuts in a crop year shall be harvested unless the Commission, upon written application, consents in writing to,

- (a) the use of the planted acreage or any part of it for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part of it.

(2) If the harvesting of any planted acreage is not completed and the failure to harvest was not caused by a designated peril, the contract of insurance ceases to apply to the unharvested acreage and no indemnity shall be payable for it.

EVALUATION OF LOSS

2.—(1) If loss or damage occurs prior to harvest, the Commission, upon written application by the insured person, may consent in writing to the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and in such case shall determine the number of damaged acres and the potential production of those acres.

(2) If damaged acreage is used for any other purpose or the insured crop on it is abandoned or destroyed in accordance with subparagraph (1), the amount of loss that is taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the established price by the difference between the coverage for the damaged acreage and the potential production for the damaged acreage determined under subparagraph (1).

(3) If damaged acreage is not used for any other purpose or the crop thereon is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (2) shall not be taken into account in the final adjustment of loss.

(4) If the actual production of the harvested acreage is less than the coverage for that acreage, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the established price by the difference between the coverage and the actual production.

(5) Where the crop contains damaged or foreign material, the actual production thereof shall be reduced by an amount reasonable in the circumstances.

QUALITY COVERAGE

3. Where the insured crop is reduced to below 55 per cent of sound mature kernels due to an insured peril, the actual production shall be deemed to be the yield harvested less 2 per cent thereof for every 1 per cent reduction in sound mature kernels below 55 per cent to a maximum reduction of 50 per cent of the yield harvested.

FINAL ADJUSTMENT OF LOSS FOR TOTAL PLANTED ACREAGE

4.—(1) The indemnity payable with respect to the total planted acreage in the final adjustment of loss is that payable under paragraph 2.

(2) The indemnity payable under paragraph 2 shall be reduced by the result obtained by multiplying the established price by the amount by which,

- (a) the actual production of any harvested acreage exceeds the coverage of that acreage; or
- (b) the potential production of any harvested acreage exceeds the coverage of that acreage.

INCORRECT ACREAGE IN FINAL ACREAGE REPORT

5.—(1) If the actual planted acreage of peanuts in a crop year is less than the planted acreage declared on the final acreage report,

- (a) the coverage shall be decreased proportionately in calculating whether there has been a loss; and
(b) the actual production shall be used in calculating the average farm yield in order to determine coverage for the following crop year.

(2) If the actual planted acreage of peanuts in a crop year is less than the planted acreage declared in the final acreage report, the Commission shall not refund any part of the premium.

(3) If the actual planted acreage of peanuts in a crop year exceeds the planted acreage declared on the final acreage report, the actual production shall be used in calculating whether there has been a loss and,

- (a) where the calculation indicates a loss, such actual production shall be used; or
(b) where the calculation does not indicate a loss, such actual production shall be reduced in proportion to the acreage declared in the final acreage report,

in calculating the average farm yield in order to determine coverage for the following crop year.

IN WITNESS WHEREOF, The Crop Insurance Commission of Ontario has caused this endorsement to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at
this day of, 19.....

Duly Authorized Representative

General Manager

O. Reg. 606/88, Form 1.

REGULATION 236

CROP INSURANCE PLAN FOR PEARS

1. The plan in the Schedule is established for the insurance within Ontario of pears. R.R.O. 1980, Reg. 216, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Pears".

2. The purpose of this plan is to provide for insurance against a loss in the production of pears resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average yield" means the average total orchard production of the insured person over the preceding six years allowing for,

- (a) age of trees,
(b) biennial bearing,
(c) tree removal, and
(d) change in acreage;

"pears" means all varieties of pears produced in Ontario.

4. The following are designated as perils for the purpose of this plan:

- 1. Drought.
2. Excessive moisture.
3. Fire blight.
4. Freeze injury.
5. Frost.
6. Hail.
7. Unavoidable pollination failure.
8. Wind damage.

DESIGNATION OF CROP YEAR

5. The crop year for pears is the period from the 1st day of December in any year to the 30th day of November next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for pears shall be deemed to be comprised of,

- (a) the contract of insurance in Form 1;
(b) the application for insurance;
(c) the production guarantee report; and
(d) an amendment to any document referred to in clause (a), (b) or (c) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission;
(b) be accompanied by a premium deposit of,
(i) \$100, or one-quarter of the premium payment made by the insured person for the previous crop year, whichever is the greater, or
(ii) an amount to be determined by the Commission; and
(c) be filed with the Commission not later than the 1st day of December in the crop year in respect of which it is made.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before the 1st day of December in the crop year during which the

cancellation is to be effective on or before such other date as may be determined from time to time by the Commission.

COVERAGE

9.—(1) Subject to subsection (4), the initial coverage provided under a contract of insurance shall be 73 per cent of the average yield in pounds as determined by the Commission multiplied by the established price.

(2) Subject to subsection (4), the coverage provided under a contract of insurance following a year in which there was no claim shall be,

- (a) where the previous year's coverage was 70 per cent, 73 per cent;
- (b) where the previous year's coverage was 73 per cent, 76 per cent;
- (c) where the previous year's coverage was 76 per cent, 78 per cent;
- (d) where the previous year's coverage was 78 per cent, 80 per cent; and
- (e) where the previous year's coverage was 80 per cent, 80 per cent,

of the average yield in pounds as determined by the Commission multiplied by the established price.

(3) Subject to subsection (4), the coverage provided under a contract of insurance following a year in which there was a claim shall be,

- (a) where the previous year's coverage was 80 per cent, 78 per cent;
- (b) where the previous year's coverage was 78 per cent, 76 per cent;
- (c) where the previous year's coverage was 76 per cent, 73 per cent;
- (d) where the previous year's coverage was 73 per cent, 70 per cent; and
- (e) where the previous year's coverage was 70 per cent, 70 per cent,

of the average yield in pounds as determined by the Commission multiplied by the established price.

(4) Where, in any year, a claim is paid in an amount that is less than one-half of the total premium for that year, the coverage for the following year shall remain unchanged.

(5) The number of pounds determined under subsections (1), (2) and (3) constitutes the total guaranteed production under a contract of insurance.

10.—(1) The established price for pears is,

- (a) 12 cents per pound; or
- (b) 16 cents per pound.

(2) Subject to subsections (3) and (4), the established price per pound selected by an applicant at the time a contract of insurance is made applies in each succeeding crop year during which the contract is in force.

(3) Where,

- (a) the insured person applies therefor in writing prior to the 1st day of December in the crop year; and
- (b) the Commission consents in writing,

any established price designated in subsection (1) may be substituted for the established price selected by the insured person at the time a contract of insurance is made or for any established price substituted in lieu thereof under this subsection.

11. The maximum indemnity for which the Commission is liable under a contract of insurance is the amount obtained by multiplying the total guaranteed production determined under section 9 by the established price per pound determined under section 10.

PREMIUMS

12.—(1) The total premium payable in the crop year is as follows:

- (a) where the coverage is 80 per cent, 13 per cent of the guaranteed production in pounds multiplied by the established price;
- (b) where the coverage is 78 per cent, 14 per cent of the guaranteed production in pounds multiplied by the established price;
- (c) where the coverage is 76 per cent, 15 per cent of the guaranteed production in pounds multiplied by the established price;
- (d) where the coverage is 73 per cent, 16 per cent of the guaranteed production in pounds multiplied by the established price; and
- (e) where the coverage is 70 per cent, 17 per cent of the guaranteed production in pounds multiplied by the established price.

(2) Despite subsection (1), the minimum premium payable by an insured person in each crop year is \$100.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Government of Canada under the *Crop Insurance Act* (Canada).

13.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit, to the Commission at the time the production guarantee report prescribed by section 14 is returned to the Commission.

(3) Where a renewal premium is payable in respect of a crop year, the insured person shall, not later than the 1st day of December in the crop year, pay the premium deposit as set out in clause 7 (b).

PRODUCTION GUARANTEE REPORT

14. The Commission shall prepare and deliver a production guarantee report in the form prescribed by the Commission to each insured person in each crop year and the insured person shall sign a copy thereof and return it to the Commission. R.R.O. 1980, Reg. 216, Sched.; O. Reg. 771/81, ss. 1-3; O. Reg. 753/82, s. 1; O. Reg. 39/83, s. 1; O. Reg. 795/83, ss. 1, 2; O. Reg. 8/85, ss. 1, 2; O. Reg. 648/85, ss. 1-5; O. Reg. 69/88, s. 1; O. Reg. 119/89, s. 1; O. Reg. 464/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

CONTRACT OF INSURANCE

BETWEEN:

THE CROP INSURANCE COMMISSION OF ONTARIO, hereinafter referred to as "THE COMMISSION",

OF THE FIRST PART

—and—

.....
of the of
in the County (or as the case may be) of
hereinafter referred to as "THE INSURED PERSON",

OF THE SECOND PART

WHEREAS the insured person has applied for crop insurance on pears under The Ontario Crop Insurance Plan for Pears, hereinafter referred to as "the plan".

NOW THEREFORE, subject to the Crop Insurance Act (Ontario), and the regulations made thereunder, where in a crop year the insured person suffers a loss in the production of pears resulting from one or more of the perils designated in the plan, the Commission, subject to the terms and conditions hereinafter set forth, agrees to indemnify the insured person in respect of such loss.

TERMS AND CONDITIONS

INSURED CROP

1. In this contract, "insured crop" means all varieties of pears produced in Ontario.

CAUSES OF LOSS NOT INSURED AGAINST

2. This contract does not insure against, and no indemnity shall be paid in respect of a loss resulting from,

- (a) the negligence, misconduct or poor farming practices of the insured person or the insured person's agents or employees;
(b) a shortage of labour or machinery;
(c) insect infestation or plant disease, other than fire blight; or
(d) a peril other than the perils designated in the plan.

EXTENT OF INSURANCE

3.—(1) The insured person shall offer for insurance all acreage planted to the insured crop on the farm or farms operated by the insured person in Ontario, and, subject to subparagraph (2), this contract applies to all such acreage.

(2) This contract does not apply to, and no indemnity is payable in respect of, acreage planted to the insured crop,

- (a) that was not adequately prepared for cropping purposes; or
(b) that, in the opinion of the Commission, is not insurable.

4.—(1) All insured acreage shall be harvested unless the Commission, upon application therefor in writing, consents in writing to the

abandonment or destruction of the insured crop or any part thereof and, in such case, the Commission shall determine,

- (a) the potential production of the unharvested acreage; and
(b) whether the harvesting was prevented by one or more of the perils insured against.

(2) Where an insured person fails to obtain the consent of the Commission in accordance with subparagraph (1), no indemnity shall be paid in respect of the unharvested acreage.

EVALUATION OF LOSS

5.—(1) The amount of loss that shall be taken into account in the final adjustment of loss in respect of the total insured acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per pound.

(2) For the purpose of subparagraph (1), actual production shall include,

- (a) the total orchard run of all insured acreage; and
(b) the potential production of wholly or partially unharvested acreage where the failure to harvest resulted from a cause of loss not insured against.

(3) Where the insured crop or any part thereof has suffered freeze, hail or wind damage to such an extent that it is unsuitable for sale, it shall not be counted as production.

(4) Despite subparagraph (3), where freeze, hail or wind damaged pears are sold to a winery or distillery at less than the prevailing price for unblemished fruit, the actual production shall be deemed to be reduced in the ratio that the salvage value received for the crop bears to the market price for processing pears as set by The Ontario Tender Fruit Growers' Marketing Board.

NOTICE OF LOSS OR DAMAGE

6.—(1) Where,

- (a) loss or damage to the insured crop occurs; or
(b) the insured crop or any part thereof is or is intended to be sold on a pick-your-own basis,

the insured person shall notify the Commission in writing as soon as the damage occurs in order that a pre-harvest inspection may be made.

(2) Where the insured person fails to notify the Commission pursuant to subparagraph (1), a claim by the insured person is invalid and the insured person's right to indemnity is forfeited.

MISREPRESENTATION, VIOLATION OF CONDITIONS OR FRAUD

7. Where the insured person,

- (a) in an application for insurance,
(i) gives false particulars of the insured crop to the prejudice of the Commission, or
(ii) knowingly misrepresents or fails to disclose any fact required to be stated therein;
(b) contravenes a term or condition of the contract of insurance;
(c) commits a fraud in respect of the insured crop; or

- (d) wilfully makes a false statement in respect of a claim under the contract of insurance,

a claim by the insured person is invalid and the insured person's right to recover indemnity is forfeited.

WAIVER OR ALTERATION

8. No term or condition of this contract shall be deemed to be waived or altered in whole or in part by the Commission unless the waiver or alteration is clearly expressed in writing signed by the Commission or a representative authorized for that purpose by the Commission.

INTEREST OF OTHER PERSONS

9. Even if a person other than the insured person holds an interest of any kind in the insured crop, for the purposes of this contract,

- (a) the interest of the insured person in the insured crop is deemed to be the full value of the crop; and
- (b) except as provided in paragraph 10, no indemnity shall be paid to any person other than the insured person.

ASSIGNMENT OF RIGHT TO INDEMNITY

10. The insured person may assign all or part of the insured person's right to indemnity under this contract in respect of the insured crop but an assignment is not binding on the Commission and no payment of indemnity shall be made to an assignee unless,

- (a) the assignment is made on a form provided by the Commission; and
- (b) the Commission consents thereto in writing.

ADJUSTMENT OF LOSS

11.—(1) The indemnity payable for loss or damage to the insured crop shall be determined in the manner prescribed by this contract.

(2) The Commission may cause the production of the insured crop to be appraised by any method that it deems proper.

(3) No indemnity shall be paid for a loss in respect of the insured crop unless the insured person establishes,

- (a) the actual production obtained from the insured crop for the crop year; and
- (b) that the loss in production or part thereof resulted directly from one or more of the perils insured against.

(4) Where a loss in production resulted partly from a peril insured against and partly from a cause of loss not insured against, the Commission shall determine the amount of the loss that resulted from the cause of loss not insured against, and the indemnity payable by the Commission under this contract shall be reduced accordingly.

PROOF OF LOSS

12.—(1) A claim for indemnity in respect of the insured crop shall be made on a proof of loss form provided by the Commission and shall be filed with the Commission not later than sixty days after,

- (a) the completion of harvesting of the insured crop; or
- (b) the end of the crop year,

whichever is the earlier.

(2) Subject to subparagraph (3), a claim for indemnity shall be made by the insured person.

(3) A claim for indemnity may be made,

- (a) in the case of the absence or inability of the insured person, by the insured person's authorized representative; or

- (b) in the case of the absence or inability of the insured person or on the insured person's failure or refusal to do so, by an assignee under an assignment made in accordance with paragraph 10.

(4) Where required by the Commission, the information given in a proof of loss form shall be verified by statutory declaration.

ARBITRATION

13. Where the Commission and the insured person fail to resolve any dispute respecting the adjustment of a loss under this contract, the matter shall be determined by arbitration in accordance with the regulations.

TIME FOR PAYMENT OF INDEMNITY

14.—(1) No indemnity under this contract becomes due and payable until,

- (a) the end of the crop year; and
- (b) the premium has been paid in full.

(2) Where the indemnity payable by the Commission under this contract is established by the filing of a proof of loss form or by an award of an arbitrator or board of arbitration, it shall be paid within sixty days of the receipt by the Commission of the proof of loss form or award, as the case may be.

(3) Nothing in this paragraph prevents the Commission from paying indemnity under this contract at an earlier date.

SUBROGATION

15. Where the Commission has paid a claim under this contract, the Commission is subrogated to the extent thereof to all rights of recovery of the insured person against any person and may bring action in the name of the insured person to enforce those rights.

RIGHT OF ENTRY

16. The Commission has a right of entry to the premises of the insured person that may be exercised by agents of the Commission at any reasonable time or times for any purpose related to the contract of insurance.

NOTICE

17.—(1) Any written notice to the Commission shall be given by delivery thereof or by sending it by mail to the Commission.

(2) Written notice to the insured person shall be served by personal delivery or by mailing it to the insured person's last known address on file with the Commission.

(3) A written notice that is mailed shall be deemed to be served three days after it is mailed.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this contract of insurance to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at
this day of, 19.....

Duly Authorized
Representative

General Manager

R.R.O. 1980, Reg. 216, Form 1; O. Reg. 39/83, s. 2; O. Reg. 8/85, s. 3; O. Reg. 119/89, s. 2; O. Reg. 464/90, s. 2.

REGULATION 237**CROP INSURANCE PLAN FOR PEAS**

1. The plan in the Schedule is established for the insurance within Ontario of peas. R.R.O. 1980, Reg. 217, s. 1.

Schedule*Crop Insurance Act (Ontario)***PLAN**

1. This plan may be cited as "The Ontario Crop Insurance Plan for Peas".

2. The purpose of this plan is to provide for insurance against a loss resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"peas" means green peas produced in Ontario for processing;

"processor" means a person engaged in the business of processing peas;

"ton" means 2,000 pounds.

DESIGNATION OF PERILS

4. The following are designated as perils for the purpose of this plan:

1. Drought.
2. Excessive moisture.
3. Excessive rainfall.
4. Flood.
5. Frost.
6. Hail.
7. Insect infestation.
8. Plant disease.
9. Excessive heat.
10. Any other adverse weather condition.

DESIGNATION OF CROP YEAR

5. The crop year for peas is the period from the 1st day of March in any year to the 15th day of September next following.

CONTRACT OF INSURANCE

6. For the purpose of this plan, the entire contract of insurance for peas shall be deemed to be comprised of,

- (a) the contract of insurance in Form 1;
- (b) the application for insurance; and
- (c) an amendment to any document referred to in clause (a) or (b) agreed upon in writing.

7. An application for insurance shall,

(a) be in a form provided by the Commission; and

(b) be filed with the Commission not later than,

(i) the 1st day of May in the crop year, or

(ii) such other date as may be determined by the Commission.

DURATION OF CONTRACT

8. A contract of insurance shall be in force for the crop year in respect of which it is made.

COVERAGE

9. The coverage per acre provided in the crop year under a contract of insurance shall be 80 per cent of the value of production of the insured person.

10. The value of production for each acre of the insured crop shall be computed annually by the Commission on the basis of production records and shall not include any harvesting costs.

LIABILITY

11. The maximum amount for which the Commission is liable for a loss in production under a contract of insurance is the amount obtained by multiplying the amount in dollars per acre under section 9 by the number of insured acres.

PREMIUMS

12.—(1) The total premium payable in respect of acreage under contract to a processor is \$65 per acre.

(2) Despite any authorization by an insured person in an application for insurance, the payment of the premium is the responsibility of the insured person and such premium shall be paid in any event not later than ten days after written demand therefor by the Commission.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

FINAL DATE FOR SEEDING

13. For the purposes of this plan, the final date for seeding peas in a crop year is,

- (a) in the County of Essex and in the Township of Romney and Tilbury East in the County of Kent, the 24th day of May;
- (b) in the counties of Elgin, Huron, Middlesex, Oxford and Perth, the 15th day of June; and
- (c) in every other part of Ontario, the 5th day of June.

FINAL DATE FOR HARVESTING

14. For the purposes of this plan, the final date for harvesting peas in a crop year is the 15th day of September or such other date as may be determined from time to time by the Commission. R.R.O. 1980, Reg. 217, Sched.; O. Reg. 289/81, s. 1; O. Reg. 307/82, s. 1; O. Reg. 273/83, s. 1; O. Reg. 357/84, ss. 1-3; O. Reg. 299/85, ss. 1-4; O. Reg. 208/86, ss. 1, 2; O. Reg. 321/87, ss. 1-3; O. Reg. 443/89, s. 1; O. Reg. 473/90, s. 1.

TABLE 1

Percentage By-passed of Total Acreage Contracted by Processing Plant	Maximum Insurance Liability (percentage of value of production)
4.9% or less	80
5-8.9%	70
9-12.9%	60
13% or more	50

R.R.O. 1980, Reg. 217, Table 1; O. Reg. 208/86, s. 3.

TABLE 2

Potential Green Pea Crop in Tons	Percentage of Indemnity Otherwise Payable
2 tons or more	75
1¾ tons	80
1½ tons	85
1¼ tons	90
1 ton	95
Less than 1 ton	100

R.R.O. 1980, Reg. 217, Table 2.

Form 1

Crop Insurance Act (Ontario)

CONTRACT OF INSURANCE

BETWEEN:

THE CROP INSURANCE COMMISSION OF ONTARIO, hereinafter referred to as "THE COMMISSION",

OF THE FIRST PART

—and—

.....
of the of
in the County (or as the case may be) of, hereinafter referred to as "THE INSURED PERSON",

OF THE SECOND PART

WHEREAS the insured person has applied for crop insurance on peas under The Ontario Crop Insurance Plan for Peas, hereinafter referred to as "the plan";

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, where in a crop year the insured person suffers a loss resulting from one or more of the perils designated in the plan, the Commission, subject to the terms and conditions hereinafter set forth, agrees to indemnify the insured person in respect of such loss.

CAUSES OF LOSS NOT INSURED AGAINST

1. This contract does not insure against, and no indemnity shall be paid in respect of, a loss resulting from,

- (a) the negligence, misconduct or poor farming practices of the insured person or the insured person's agents or employees;

- (b) a shortage of labour or machinery;
- (c) insect infestation or plant disease unless recommended spray programs were followed; or
- (d) a peril other than the perils designated in the plan.

EXTENT OF INSURANCE

2.—(1) The insured person shall offer for insurance all acreage planted in the crop year to peas on the farm or farms operated by the insured person in Ontario, whether grown under contract or not and this contract applies to all such acreage.

(2) This contract does not apply to, and no indemnity is payable in respect of, acreage planted to the insured crop,

- (a) that was not adequately prepared for cropping purposes;
- (b) that was planted after the final date prescribed for planting in the plan; or
- (c) that, in the opinion of the Commission, is not insurable.

VARIATION IN PLANTED ACREAGE

3.—(1) Where the acreage planted by the insured person in the crop year is not the same as that stated in the application for insurance, the insured person shall, not later than the 15th day of July, notify the Commission in writing of the actual acreage planted.

(2) Where the actual planted acreage of the insured crop is less than that stated in the application for insurance, the maximum amount of indemnity shall be reduced proportionately.

(3) Where the actual planted acreage of the insured crop is more than that stated in the application for insurance, the maximum amount of indemnity and the premium payable shall not be increased but the income from the total planted acreage shall be included in establishing the income of the insured person unless the processor increases the contract acreage accordingly.

HARVESTING OF PLANTED ACREAGE

4.—(1) All acreage planted to the insured crop in the crop year shall be harvested as peas for processing unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part thereof.

(2) The final date for the harvesting referred to in subparagraph (1) is the 15th day of September or such other date as may be determined from time to time by the Commission.

(3) Where the harvesting of any planted acreage is not completed on the date prescribed by subparagraph (2), the insured person shall forthwith notify the Commission in writing.

(4) Where an insured person fails to notify the Commission in accordance with subparagraph (3), no indemnity shall be paid in respect of the unharvested acreage.

EVALUATION OF LOSS

5.—(1) Where loss or damage to three acres or more of the insured crop occurs at any time following the planting of the insured crop or any part thereof, the Commission upon application therefor in writing by the insured person, may consent in writing to,

- (a) one replanting of the damaged acreage, if the replanting is completed by the final planting date for the area;
- (b) the use of the damaged acreage for an alternate crop; or
- (c) the abandonment or destruction of the insured crop on such damaged acreage.

(2) Where the damaged acreage is replanted to peas in accordance with clause (1) (a), the Commission shall pay to the insured person a supplementary benefit of \$135 for each acre replanted and the contract of insurance shall continue to apply to such replanted acreage.

(3) Where the damaged acreage is planted to an alternate crop by the 30th day of June in a crop year in accordance with clause (1) (b), the Commission shall pay to the insured person a supplementary benefit of \$135 for each acre replanted, the replanted acreage shall be released from the contract of insurance and the guaranteed production and indemnity payable shall be reduced accordingly.

STAGE 2

6.—(1) Subject to any revision in insured acreage made under subparagraph 5 (3), and subject to subparagraph (3), the amount of loss that shall be taken into account in the final adjustment of loss is the amount by which the sum of,

- (a) an amount obtained by multiplying the amount of dollars per acre coverage by the number of insured acres; and
 - (b) an allowance for the cost of harvesting as set out in the grower-processor contract,
- exceeds the sum of,
- (c) the total gross income of the insured person from the insured crop as evidenced by the processor's statement of production;
 - (d) the value as determined by the Commission of the potential production of acreage unharvested for reasons other than the insured perils; and
 - (e) any loss sustained by reason of a peril other than the perils designated in the plan.

(2) Despite subparagraph (1), where all or any part of the insured acreage is by-passed due to an insured peril, the Commission, upon application therefor in writing by the insured person, may consent in writing to the release from the contract of insurance of the by-passed acreage and adjust the loss on such acreage without regard to the income from any remaining acreage.

(3) Despite subparagraph (1), the indemnity payable in respect of by-passed acreage shall be calculated on the basis of the by-passing record of the processing plant to whom the crop is contracted in accordance with Table 1.

MISREPRESENTATION, VIOLATION OF CONDITIONS OR FRAUD

7. Where the insured person,

- (a) in an application for insurance,
 - (i) gives false particulars of the insured crop to the prejudice of the Commission, or
 - (ii) knowingly misrepresents or fails to disclose any fact required to be stated therein;
- (b) contravenes a term or condition of the contract of insurance;

- (c) commits a fraud in respect of the insured crop; or
- (d) wilfully makes a false statement in respect of a claim under the contract of insurance,

a claim by the insured person is invalid and the insured person's right to recover indemnity is forfeited.

WAIVER OR ALTERATION

8. No term or condition of this contract shall be deemed to be waived or altered in whole or in part by the Commission unless the waiver or alteration is clearly expressed in writing signed by the Commission or a representative authorized for that purpose by the Commission.

INTEREST OF OTHER PERSONS

9. Even if a person other than the insured person holds an interest of any kind in the insured crop, for the purposes of this contract,

- (a) the interest of the insured person in the insured crop is deemed to be the full value of the crop;
- (b) except as provided in paragraph 10, no indemnity shall be paid to any person other than the insured person.

ASSIGNMENT OF RIGHT TO INDEMNITY

10. The insured person may assign all or part of the insured person's right to indemnity under this contract in respect of the insured crop but an assignment is not binding on the Commission and no payment of indemnity shall be made to an assignee unless,

- (a) the assignment is made on a form provided by the Commission; and
- (b) the Commission consents thereto in writing.

NOTICE OF LOSS OR DAMAGE

11.—(1) Where loss or damage to the insured crop occurs and the insured person intends to abandon or destroy the insured crop, or to replant or use the planted acreage for another purpose, the insured person shall notify the Commission in writing of such intention and shall take no further action without the consent in writing of the Commission.

(2) Where loss or damage to the insured crop occurs and the damage was occasioned at a readily ascertainable time, the insured person shall notify the Commission forthwith by telephone and shall confirm in writing within twenty-four hours after such time.

(3) Where loss or damage to the insured crop occurs and it appears, or ought reasonably to appear, to the insured person at any time after planting and before the completion of harvesting of the insured crop that the production of the insured crop may thereby be reduced, the insured person shall, as soon as the loss or damage is apparent, notify the Commission in writing forthwith.

(4) Despite any notice given by the insured person under this paragraph, where on completion of harvesting of the insured crop its total gross value as evidenced by the processor's statement of production is less than the total insured coverage, the insured person shall notify the Commission in writing forthwith.

NOTICE OF BY-PASSING

12. Where acreage is by-passed by the processor, the insured person shall notify the Commission forthwith by telephone and confirm in writing within twenty-four hours.

ABANDONMENT, DESTRUCTION OR ALTERNATE USE

13.—(1) Acreage planted to the insured crop shall not be put to another use and the insured crop shall not be abandoned or destroyed until the Commission has appraised the potential production of the acreage.

(2) An appraisal made under subparagraph (1) shall not be taken into account in the final adjustment of loss where the insured person harvests the appraised acreage as green peas for processing.

(3) Where by-passed acreage is harvested for use as peas other than peas for processing, the indemnity otherwise payable shall be adjusted in accordance with Table 2.

ADJUSTMENT OF LOSS

14.—(1) The indemnity payable for loss or damage to the insured crop shall be determined in the manner prescribed by this contract.

(2) The Commission may cause the production of the insured crop to be appraised by any method that it deems proper.

(3) No indemnity shall be paid for a loss in respect of the insured crop unless the insured person establishes,

- (a) the total gross income obtained from the insured crop for the crop year; and
(b) that the loss in income or part thereof resulted directly from one or more of the perils insured against.

(4) Where a loss resulted partly from a peril insured against and partly from a cause of loss not insured against, the Commission shall determine the amount of the loss that resulted from the cause of loss not insured against, and the indemnity payable by the Commission under this contract shall be reduced accordingly.

PROOF OF LOSS

15.—(1) A claim for indemnity in respect of the insured crop shall be made on a proof of loss form provided by the Commission and shall be filed with the Commission not later than sixty days after,

- (a) the completion of harvesting of the insured crop; or
(b) the end of the crop year,

whichever is the earlier.

(2) Subject to subparagraph (3), a claim for indemnity shall be made by the insured person.

(3) A claim for indemnity may be made,

- (a) in the case of the absence or inability of the insured person, by the insured person's authorized representative; or
(b) in the case of the absence or inability of the insured person or on the insured person's failure or refusal to do so, by an assignee under an assignment made in accordance with paragraph 10.

(4) Where required by the Commission, the information given in a proof of loss shall be verified by statutory declaration.

ARBITRATION

16. Where the Commission and the insured person fail to resolve any dispute respecting the adjustment of a loss under this contract, the matter shall be determined by arbitration in accordance with the regulations.

TIME FOR PAYMENT OF INDEMNITY

17.—(1) No indemnity under this contract becomes due and payable until,

- (a) the end of the crop year; and
(b) the premium has been paid in full.

(2) Where the indemnity payable by the Commission under this contract is established by the filing of a proof of loss form or by an award of an arbitrator or board of arbitration, it shall be paid within sixty days of the receipt by the Commission of the proof of loss form or award, as the case may be.

(3) Nothing in this paragraph prevents the Commission from paying indemnity under this contract at an earlier date.

SUBROGATION

18. Where the Commission has paid a claim under this contract, the Commission is subrogated to the extent thereof to all rights of recovery of the insured person against any person and may bring action in the name of the insured person to enforce those rights.

RIGHT OF ENTRY

19. The Commission has a right of entry to the premises of the insured person that may be exercised by agents of the Commission at any reasonable time or times for any purpose related to the contract of insurance.

NOTICE

20.—(1) Any written notice to the Commission shall be given by delivery thereof or by sending it by mail to the Commission.

(2) Written notice to the insured person shall be given by delivery thereof or by sending it by mail addressed to the insured person at the insured person's last post office address on file with the Commission.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this contract of insurance to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at
this day of, 19.....

.....
Duly Authorized Representative General Manager

R.R.O. 1980, Reg. 217, Form 1; O. Reg. 307/82, s. 2; O. Reg. 273/83, s. 2; O. Reg. 357/84, ss. 4, 5; O. Reg. 299/85, s. 5; O. Reg. 208/86, s. 4; O. Reg. 320/88, s. 1.

REGULATION 238

CROP INSURANCE PLAN FOR PEPPERS

1. The plan in the Schedule is established for the insurance within Ontario of peppers. R.R.O. 1980, Reg. 218, s. 1.

Schedule*Crop Insurance Act (Ontario)***PLAN**

1. This plan may be cited as "The Ontario Crop Insurance Plan for Peppers".

2. The purpose of this plan is to provide for insurance against a loss in the production of peppers resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average farm yield" means the average yield of the planted acreage,

- (a) for the ten-year period immediately preceding the current year computed on the basis of the acreage production records of the insured person, or
- (b) for the number of years of enrolment in the plan computed on the basis of the acreage production records of the insured person or on another basis that is reasonable in the circumstances, where the insured person has not been enrolled in the plan for ten years;

"peppers" means the banana or bell type of peppers produced in Ontario;

"ton" means 2000 pounds.

DESIGNATION OF PERILS

4. The following are designated as perils for the purpose of this plan:

1. Drought.
2. Excessive rainfall.
3. Flood.
4. Freeze.
5. Frost.
6. Hail.
7. Insect infestation.
8. Plant disease.
9. Sunburn.
10. Wildlife.
11. Wind.
12. Any other adverse weather condition.

DESIGNATION OF CROP YEAR

5. The crop year for peppers is the period from the 1st day of March in any year to the 15th day of October next following.

CONTRACT OF INSURANCE

6. For the purpose of this plan, the entire contract of insurance for peppers shall be deemed to be comprised of,

- (a) the contract of insurance in Form 1;

- (b) the application for insurance;

- (c) the final acreage report; and

- (d) an amendment to any document referred to in clause (a), (b) or (c) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission;

- (b) be accompanied by a premium deposit of the greater of,

- (i) \$150, or

- (ii) \$25 per acre; and

- (c) be filed with the Commission not later than the 1st day of May in the crop year in respect of which the application is made.

DURATION OF CONTRACT

8. A contract of insurance shall be in force for the crop year in respect of which it is made unless it is terminated in accordance with the regulations.

COVERAGE

9. For the purpose of calculating the average farm yield, the Commission shall, on an annual basis, compare the actual yield in each year of the ten-year period used to calculate the average farm yield with the average farm yield itself and,

- (a) if the actual yield in a year exceeds the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \frac{\text{Actual Yield}}{3} \left[\frac{\text{Actual Yield}}{\text{Yield}} - \left(\frac{\text{Average Yield} \times 1.3}{\text{Yield}} \right) \right]$$

- (b) if the actual yield in a year falls short of the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \frac{\text{Actual Yield}}{3} \left[\left(\frac{\text{Average Yield} \times 0.7}{\text{Yield}} \right) - \frac{\text{Actual Yield}}{\text{Yield}} \right]$$

10.—(1) Subject to subsections (2) and (3), the coverage provided under a contract of insurance shall be 70 per cent of the average farm yield in tons of the total acreage planted to peppers by the insured person in accordance with the regulations.

(2) The coverage provided under subsection (1) shall be increased following each consecutive no claim year as follows:

1. Following the first no claim year, to 73 per cent of the average farm yield.
2. Following the second no claim year, to 76 per cent of the average farm yield.
3. Following the third no claim year, to 78 per cent of the average farm yield.
4. Following the fourth no claim year, to a maximum of 80 per cent of the average farm yield.

(3) The coverage provided under subsections (1) and (2) shall be decreased for claim years from the insured level in reverse progression to that prescribed by subsection (2), except that where a loss occurs in a year when the coverage is 70 per cent, the coverage shall be reduced to a minimum of 65 per cent.

(4) Where, in any year, a claim is paid in an amount less than one-half of the total premium for that year, the coverage for the following year shall remain unchanged.

(5) The number of tons determined under subsections (1), (2) and (3) constitutes the total guaranteed production under a contract of insurance.

11. The maximum amount for which the Commission is liable under a contract of insurance shall be the amount obtained by multiplying the total guaranteed production determined under section 10 by the established price per ton determined under section 12.

12.—(1) The established price for peppers is,

- (a) \$160 per ton; or
- (b) \$200 per ton.

(2) Where,

- (a) the insured person applies therefor in writing on or before the 1st day of May in a crop year; and
- (b) the Commission consents in writing,

any established price designated herein may be substituted for the established price selected by the insured person at the time of application, or for any established price substituted in lieu thereof under this section.

(3) Where, upon any renewal, the insured person fails to select an established price under subsection (2), the Commission may designate the established price applicable to the contract for the crop year.

PREMIUMS

13.—(1) The premium for peppers is,

- (a) \$136 per acre where the established price is \$160 per ton; and
- (b) \$170 per acre where the established price is \$200 per ton.

(2) Despite subsection (1), the minimum premium payable by an insured person in each crop year is \$150.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

14.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year in which the insured person seeds acreage to peppers.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit, if any, to the Commission at the time the insured person files the final acreage report prescribed by section 17.

FINAL DATE FOR PLANTING

15. For the purpose of this plan, the final date for planting peppers in a crop year is the 10th day of June.

FINAL DATE FOR HARVESTING

16. For the purpose of this plan, the final date for harvesting peppers in a crop year is the 15th day of October or such other date as may be determined from time to time by the Commission.

FINAL ACREAGE REPORTS

17.—(1) Every insured person shall file with the Commission in

each crop year a final acreage report in a form provided by the Commission within ten days after seeding is completed or within such other time as may be determined by the Commission.

(2) A final acreage report filed with the Commission shall not be amended without the consent in writing of the Commission.

18.—(1) The Commission may revise the final acreage report in any or all respects and adjust the premium accordingly and, in such case, shall notify the insured person in writing forthwith respecting such revision and adjustment.

(2) The insured person shall be deemed to have agreed with the revision of the final acreage report made by the Commission under subsection (1) unless the insured person notifies the Commission in writing that the person rejects the revision within ten days after the Commission notification is served on the person.

(3) For the purposes of subsection (2), the Commission notification may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(4) Where the Commission receives notice from an insured person under subsection (2), it shall notify the insured person in writing that the contract of insurance does not apply for the crop year in respect of which the final acreage report was filed and shall refund any premium or premium deposit paid in respect of that crop year.

(5) A final acreage report revised under this section shall, failing notice under subsection (2), constitute the final acreage report for the crop year.

19.—(1) Where an insured person in any crop year fails to file a final acreage report in the form and manner prescribed by this Regulation, the Commission may,

- (a) prepare the final acreage report; or
- (b) declare the insured acreage to be nil.

(2) Where the Commission prepares a final acreage report under subsection (1), the Commission shall serve a copy of the report on the insured person either by personal delivery or by mailing it to the insured person's last known address.

(3) Every insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commission within ten days after the insured person has been served with a copy of it.

(4) A report that is mailed shall be deemed to be served three days after it is mailed. R.R.O. 1980, Reg. 218, Sched.; O. Reg. 404/81, ss. 1-5; O. Reg. 95/82, ss. 1, 2; O. Reg. 270/83, s. 1; O. Reg. 459/84, ss. 1, 2; O. Reg. 303/85, ss. 1-5; O. Reg. 85/86, s. 1; O. Reg. 227/88, ss. 1, 2; O. Reg. 306/89, s. 1; O. Reg. 472/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

CONTRACT OF INSURANCE

BETWEEN:

THE CROP INSURANCE COMMISSION OF ONTARIO, hereinafter referred to as "THE COMMISSION",

OF THE FIRST PART

—and—

.....
of the of

in the County (or as the case may be) of

..... hereinafter referred to as "THE INSURED PERSON",

OF THE SECOND PART

WHEREAS the insured person has applied for crop insurance on peppers under The Ontario Crop Insurance Plan for Peppers, hereinafter referred to as "the plan";

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)*, and the regulations made thereunder, where in a crop year the insured person suffers a loss in the production of peppers resulting from one or more of the perils designated in the plan, the Commission, subject to the terms and conditions hereinafter set forth, agrees to indemnify the insured person in respect of such loss.

TERMS AND CONDITIONS

CAUSES OF LOSS NOT INSURED AGAINST

1. This contract does not insure against, and no indemnity shall be paid in respect of, a loss in the production of the insured crop resulting from,

- (a) the negligence, misconduct or poor farming practices of the insured person or the insured person's agents or employees;
- (b) a shortage of labour or machinery;
- (c) insect infestation or plant disease unless recommended spray programs were followed; or
- (d) a peril other than the perils designated in the plan.

EXTENT OF INSURANCE

2.—(1) The insured person shall offer for insurance all acreage planted in the crop year to peppers on the farm or farms operated by the insured person in Ontario and, subject to subparagraph (2), this contract applies to all such acreage.

(2) This contract does not apply to, and no indemnity is payable in respect of, acreage planted to the insured crop,

- (a) that was not adequately prepared for cropping purposes;
- (b) that was planted after the final date prescribed for planting in the plan;
- (c) that, in the opinion of the Commission, is not insurable; or
- (d) on which the insured crop is a volunteer crop.

VARIATION IN PLANTED ACREAGE

3.—(1) Where the acreage planted by the insured person in the crop year is not the same as that stated in the final acreage report, the insured person shall, not later than the 15th day of July or such other date as may be determined by the Commission, notify the Commission in writing of the actual acreage planted.

(2) Where the actual planted acreage of the insured crop is less than that stated in the final acreage report, the total guaranteed production and the maximum amount of the indemnity shall be reduced proportionately and there shall be no refund of premium.

(3) Where the actual planted acreage of the insured crop is more than that stated in the final acreage report, the total guaranteed production, the maximum amount of indemnity and the premium payable shall not be increased but the production from the total planted acreage shall be included in establishing the production of the insured person.

HARVESTING OF PLANTED ACREAGE

4.—(1) All acreage planted to the insured crop in the crop year shall be harvested unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part thereof.

(2) The final date for the harvesting referred to in subparagraph (1) is the 15th day of October or such other date as may be determined from time to time by the Commission.

(3) Where the harvesting of any planted acreage is not completed on the date prescribed by subparagraph (2), the insured person shall forthwith notify the Commission in writing.

(4) Where an insured person fails to notify the Commission in accordance with subparagraph (3), no indemnity shall be paid in respect of the unharvested acreage.

MISREPRESENTATION, VIOLATION OR CONDITIONS OF FRAUD

5. Where the insured person,

- (a) in an application for insurance,
 - (i) gives false particulars of the insured crop to the prejudice of the Commission, or
 - (ii) knowingly misrepresents or fails to disclose any fact required to be stated therein;
- (b) contravenes a term or condition of the contract of insurance;
- (c) commits a fraud in respect of the insured crop; or
- (d) wilfully makes a false statement in respect of a claim under the contract of insurance,

a claim by the insured person is invalid and the insured person's right to recover indemnity is forfeited.

WAIVER OR ALTERATIONS

6. No term or condition of the contract shall be deemed to be waived or altered in whole or in part by the Commission unless the waiver or alteration is clearly expressed in writing signed by the Commission or a representative authorized for that purpose by the Commission.

INTEREST OF OTHER PERSONS

7. Even if a person other than the insured person holds an interest of any kind in the insured crop, for the purposes of this contract,

- (a) the interest of the insured person in the insured crop is deemed to be the full value of the total guaranteed production; and
- (b) except as provided in paragraph 8, no indemnity shall be paid to any person other than the insured person.

ASSIGNMENT OF RIGHT TO INDEMNITY

8. The insured person may assign all or part of the insured person's right to indemnity under the contract in respect of the insured crop but an assignment is not binding on the Commission and no payment of indemnity shall be made to an assignee unless,

- (a) the assignment is made on a form provided by the Commission; and
- (b) the Commission consents thereto in writing.

EVALUATION OF LOSS

9.—(1) Where loss or damage occurs at any time after the completion of planting, the Commission, upon application therefor in writing by the insured person, may consent in writing to,

- (a) replanting of the damaged acreage and, in such case, the replanting shall be completed not later than the 10th day of June in the crop year or not later than such other date as may be determined from time to time by the Commission; or
- (b) the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres.

(2) Where the damaged acreage is replanted to the insured crop in accordance with clause (1) (a), the contract of insurance shall continue to apply to such replanted acreage and the Commission shall pay a benefit to the insured person in an amount equal to the actual cost of the plants that are used in the replanting but not exceeding the lesser of,

- (a) the cost of the original plants in respect of the replanted acreage; or
- (b) an amount calculated at the rate of \$500 for each replanted acre.

(3) Where the damaged acreage is used for any other purpose or the insured crop is abandoned or destroyed in accordance with clause (1) (b), a benefit of the cost of the original plants or \$500, whichever is the lesser, for each acre so abandoned or destroyed shall be paid and the contract of insurance shall cease to apply to such acreage.

(4) Where the damaged acreage is not used for any other purpose or the crop is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (3) shall not be taken into account in the final adjustment of loss.

(5) Where harvesting has been completed, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per ton.

(6) For the purpose of subparagraph (5), actual production shall include potential production of wholly or partially unharvested acreage unless the failure to harvest resulted from a cause of loss designated in the plan.

NOTICE OF LOSS OR DAMAGE

10.—(1) Where loss or damage to the insured crop occurs and the insured person intends to abandon or destroy the insured crop, or to replant or use the planted acreage for another purpose, the insured person shall notify the Commission in writing of such intention and shall take no further action without the consent in writing of the Commission.

(2) Where loss or damage to the insured crop occurs and the damage was occasioned at a readily ascertainable time, the insured person shall notify the Commission in writing within twenty-four hours of such time.

(3) Where loss or damage to the insured crop occurs and it appears, or ought reasonably to appear, to the insured person at any time after planting and before the completion of harvesting of the insured crop that the production of the insured crop may thereby be

reduced, the insured person shall, as soon as the loss or damage is apparent, notify the Commission in writing forthwith.

(4) Despite any notice given by the insured person under this paragraph, where on completion of harvesting of the insured crop the actual production is less than the total guaranteed production, the insured person shall notify the Commission in writing forthwith.

ABANDONMENT, DESTRUCTION OR ALTERNATE USE

11.—(1) Acreage planted to the insured crop shall not be put to another use and the insured crop shall not be abandoned or destroyed until the Commission has appraised the potential production of the acreage.

(2) An appraisal made under subparagraph (1) shall not be taken into account in the final adjustment of loss where the insured person harvests the appraised acreage.

ADJUSTMENT OF LOSS

12.—(1) The indemnity payable for loss or damage to the insured crop shall be determined in the manner prescribed by this contract.

(2) The Commission may cause the production of the insured crop to be appraised by any method that it considers proper.

(3) No indemnity shall be paid for a loss in respect of the insured crop unless the insured person establishes,

- (a) the actual production obtained from the insured crop for the crop year; and
- (b) that the loss in production or part thereof resulted directly from one or more of the perils insured against.

(4) Where a loss in production resulted partly from a peril insured against and partly from a cause of loss not insured against, the Commission shall determine the amount of the loss that resulted from the cause of loss not insured against, and the indemnity payable by the Commission under this contract shall be reduced accordingly.

(5) The indemnity payable with respect to the total planted acreage in the final adjustment of loss shall be the sum of all loss calculations applicable to such acreage, but, where the actual production of any harvested acreage exceeds the guaranteed production of such acreage, the indemnity otherwise payable for a loss in production shall be reduced by the amount obtained by multiplying such excess by the established price per ton.

PROOF OF LOSS

13.—(1) A claim for indemnity in respect of the insured crop shall be made on a proof of loss form provided by the Commission and shall be filed with the Commission not later than sixty days after,

- (a) the completion of harvesting of the insured crop; or
- (b) the end of the crop year,

whichever is the earlier.

(2) Subject to subparagraph (3), a claim for indemnity shall be made by the insured person.

(3) A claim for indemnity may be made,

- (a) in the case of the absence or inability of the insured person, by the insured person's authorized representative; or
- (b) in the case of the absence or inability of the insured person or on the insured person's failure or refusal to do so, by an assignee under an assignment made in accordance with paragraph 8.

(4) Where required by the Commission, the information given in a proof of loss form shall be verified by statutory declaration.

ARBITRATION

14. Where the Commission and the insured person fail to resolve any dispute respecting the adjustment of a loss under the contract, the matter shall be determined by arbitration in accordance with the regulations.

TIME FOR PAYMENT OF INDEMNITY

15.—(1) No indemnity under the contract becomes due and payable until,

- (a) the end of the crop year; and
(b) the premium has been paid in full.

(2) Where the indemnity payable by the Commission under this contract is established by the filing of a proof of loss form or by an award of an arbitrator or board of arbitration, it shall be paid within sixty days of the receipt by the Commission of the proof of loss form or award, as the case may be.

(3) Nothing in this paragraph prevents the Commission from paying indemnity under this contract at an earlier date.

SUBROGATION

16. Where the Commission has paid a claim under this contract, the Commission is subrogated to the extent thereof to all rights of recovery of the insured person against any person and may bring action in the name of the insured person to enforce those rights.

RIGHT OF ENTRY

17. The Commission has a right of entry to the premises of the insured person that may be exercised by agents of the Commission at any reasonable time or times for any purpose related to the contract of insurance.

NOTICE

18.—(1) Any written notice to the Commission shall be given by delivery thereof or by sending it by mail to the Commission.

(2) Written notice to the insured person shall be given by delivery thereof or by sending it by mail addressed to the insured person at the insured person's last post office address on file with the Commission.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this contract of insurance to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at
this day of, 19.....

Duly Authorized Representative

General Manager

R.R.O. 1980, Reg. 218, Form 1; O. Reg. 404/81, s. 6; O. Reg. 95/82, s. 3; O. Reg. 270/83, s. 2; O. Reg. 459/84, s. 3; O. Reg. 303/85, s. 6; O. Reg. 227/88, s. 3; O. Reg. 306/89, s. 2.

REGULATION 239

CROP INSURANCE PLAN FOR PLUMS

1. The plan in the Schedule is established for the insurance within Ontario of plums. R.R.O. 1980, Reg. 219, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Plums".

2. The purpose of this plan is to provide for insurance against a loss in the production of plums resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average yield" means the average total orchard production of the insured person over the preceding six years allowing for,

- (a) age of trees,
(b) tree removal, and
(c) change in acreage;

"plums" means all varieties of plums produced in Ontario.

DESIGNATION OF PERILS

4. The following are designated as perils for the purpose of this plan:

- 1. Drought.
2. Excessive moisture.
3. Freeze injury.
4. Frost.
5. Hail.
6. Hurricane or tornado damage.
7. Unavoidable pollination failure.

DESIGNATION OF CROP YEAR

5. The crop year for plums is the period from the 1st day of December in any year to the 30th day of November next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for plums shall be deemed to be comprised of,

- (a) the contract of insurance in Form 1;
(b) the application for insurance;
(c) the production guarantee report; and
(d) an amendment to any document referred to in clause (a), (b) or (c) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be accompanied by a premium deposit of,
 - (i) \$100, or one-quarter of the premium payment made by the insured person for the previous crop year, whichever is the greater, or
 - (ii) an amount to be determined by the Commission; and
- (c) be filed with the Commission not later than the 1st day of December in the crop year in respect of which it is made.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the party on or before the 1st day of December in the crop year during which the cancellation is to be effective or on or before such other date as may be determined from time to time by the Commission.

COVERAGE

9.—(1) Subject to subsections (2) and (3), the coverage provided under a contract of insurance is 63 per cent of the average yield as determined by the Commission multiplied by the established price.

(2) The coverage provided under subsection (1) shall be increased following each consecutive no claim year as follows:

1. Following the first no claim year, to 66 per cent.
2. Following the second no claim year, to 68 per cent.
3. Following the third no claim year, to a maximum of 70 per cent.

(3) The coverage provided under subsections (1) and (2) shall be decreased for claim years from the insured level in reverse progression to that prescribed by subsection (2), except that where a claim occurs in a year when the coverage is 63 per cent, the coverage shall be reduced to a minimum of 60 per cent.

(4) The number of pounds determined under subsections (1), (2) and (3) constitutes the total guaranteed production under a contract of insurance.

10.—(1) The established price for plums is,

- (a) 15 cents; or
- (b) 20 cents,

per pound.

(2) Subject to subsections (3) and (4), the established price per pound selected by an applicant at the time a contract of insurance is made applies in each succeeding crop year during which the contract is in force and that such price is prescribed by the regulations.

(3) Where,

- (a) the insured person applies therefor in writing prior to the 1st day of December in the crop year; and
- (b) the Commission consents in writing,

any established price designated in subsection (1) may be substituted

for the established price selected by the insured person at the time a contract of insurance is made or for any established price substituted in lieu thereof under this subsection.

(4) Despite anything in this section, the price selected by the insured person shall not exceed the average price received by that person for all plums marketed over the preceding year.

11. The maximum indemnity for which the Commission is liable under a contract of insurance shall be the amount obtained by multiplying the total guaranteed production determined under section 9 by the established price per pound determined under section 10.

PREMIUMS

12.—(1) The total premium payable in the crop year is,

- (a) where the level of coverage is 70 per cent, 21 per cent;
- (b) where the level of coverage is 68 per cent, 22 per cent;
- (c) where the level of coverage is 66 per cent, 23 per cent;
- (d) where the level of coverage is 63 per cent, 24 per cent; and
- (e) where the level of coverage is 60 per cent, 25 per cent,

of the guaranteed production in pounds multiplied by the established price.

(2) Despite subsection (1), the minimum premium payable by an insured person in each crop year is \$100.

(3) The premium prescribed in subsection (1) includes payments in respect of premiums made by the Government of Canada under the *Crop Insurance Act* (Canada).

13.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit, to the Commission at the time the production guarantee report prescribed by section 14 is returned to the Commission.

(3) Where a renewal premium is payable in respect of a crop year, the insured person shall, not later than the 1st day of December in the crop year, pay the premium deposit as set out in clause 7 (b).

PRODUCTION GUARANTEE REPORT

14. The Commission shall prepare and deliver a production guarantee report in the form prescribed by the Commission to each insured person in each crop year and the insured person shall sign a copy thereof and return it to the Commission. R.R.O. 1980, Reg. 219, Sched.; O. Reg. 772/81, ss. 1-3; O. Reg. 754/82, s. 1; O. Reg. 40/83, s. 1; O. Reg. 797/83, ss. 1, 2; O. Reg. 9/85, s. 1; O. Reg. 649/85, ss. 1-5; O. Reg. 36/89, s. 1.

Form 1

Crop Insurance Act (Ontario)

CONTRACT OF INSURANCE

BETWEEN:

THE CROP INSURANCE COMMISSION OF ONTARIO, hereinafter referred to as "THE COMMISSION",

OF THE FIRST PART

—and—

.....
of the of
in the County (or as the case may be) of
hereinafter referred to as "THE INSURED PERSON",

OF THE SECOND PART

WHEREAS the insured person has applied for crop insurance on plums under The Ontario Crop Insurance Plan for Plums, herein-after referred to as "the plan".

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)*, and the regulations made thereunder, where in a crop year the insured person suffers a loss in the production of plums resulting from one or more of the perils designated in the plan, the Commission, subject to the terms and conditions hereinafter set forth, agrees to indemnify the insured person in respect of such loss.

TERMS AND CONDITIONS

INSURED CROP

1. In this contract, "insured crop" means all varieties of plums produced in Ontario.

CAUSES OF LOSS NOT INSURED AGAINST

2. This contract does not insure against, and no indemnity shall be paid in respect of a loss resulting from,

- (a) the negligence, misconduct or poor farming practices of the insured person or the person's agents or employees;
- (b) a shortage of labour or machinery;
- (c) insect infestation or plant disease; or
- (d) a peril other than the perils designated in the plan.

EXTENT OF INSURANCE

3.—(1) The insured person shall offer for insurance all acreage planted to the insured crop on the farm or farms operated by the person in Ontario, and, subject to subparagraph (2), this contract applies to all such acreage.

(2) This contract does not apply to, and no indemnity is payable in respect of, acreage planted to the insured crop,

- (a) that was not adequately prepared for cropping purposes; or
- (b) that, in the opinion of the Commission, is not insurable.

4.—(1) All insured acreage shall be harvested unless the Commission, upon application therefor in writing, consents in writing to the abandonment or destruction of the insured crop or any part thereof and, in such case, the Commission shall determine,

- (a) the potential production of the unharvested acreage; and
- (b) whether the harvesting was prevented by one or more of the perils insured against.

(2) Where an insured person fails to obtain the consent of the Commission in accordance with subparagraph (1), no indemnity shall be paid in respect of the unharvested acreage.

EVALUATION OF LOSS

5.—(1) The amount of loss that shall be taken into account in the final adjustment of loss in respect of the total insured acreage shall

be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per pound.

(2) For the purpose of subparagraph (1), actual production shall include,

- (a) the total orchard run of all insured acreage; and
- (b) the potential production of wholly or partially unharvested acreage where the failure to harvest resulted from a cause of loss not insured against.

(3) Where the insured crop or any part thereof has suffered freeze, hail, hurricane or tornado damage to such an extent that it is unsuitable for sale, it shall not be counted as production.

(4) Despite subparagraph (3), where freeze, hail, hurricane or tornado damaged plums are sold to a winery or distillery at less than the prevailing price for unblemished fruit, the actual production shall be deemed to be reduced in the ratio that the salvage value received for the crop bears to the market price for processing plums as set by The Ontario Tender Fruit Growers' Marketing Board.

NOTICE OF LOSS OR DAMAGE

6.—(1) Where,

- (a) loss or damage to the insured crop occurs; or
- (b) the insured crop or any part thereof is or is intended to be sold on a pick-your-own basis,

the insured person shall notify the Commission in writing prior to harvest in order that a pre-harvest inspection may be made.

(2) Despite subparagraph (1), where loss or damage to the insured crop occurs and the damage was occasioned at a readily ascertainable time, the insured person shall notify the Commission in writing within the following time limits:

- 1. For hail, hurricane or tornado damage, within three days of the time of loss.
- 2. For frost damage or freeze injury affecting the quality of the fruit, within three days of the time of loss.

(3) Where the insured person fails to notify the Commission under subparagraphs (1) and (2), a claim by the insured person is invalid and the right to indemnity is forfeited.

MISREPRESENTATION, VIOLATION OF CONDITIONS OR FRAUD

7. Where the insured person,

- (a) in an application for insurance,
 - (i) gives false particulars of the insured crop to the prejudice of the Commission, or
 - (ii) knowingly misrepresents or fails to disclose any fact required to be stated therein;
- (b) contravenes a term or condition of the contract of insurance;
- (c) commits a fraud in respect of the insured crop; or
- (d) wilfully makes a false statement in respect of a claim under the contract of insurance,

a claim by the insured person is invalid and the right to recover indemnity is forfeited.

WAIVER OR ALTERATION

8. No term or condition of this contract shall be deemed to be waived or altered in whole or in part by the Commission unless the waiver or alteration is clearly expressed in writing signed by the Commission or a representative authorized for that purpose by the Commission.

INTEREST OF OTHER PERSONS

9. Even if a person other than the insured person holds an interest of any kind in the insured crop, for the purposes of this contract,

- (a) the interest of the insured person in the insured crop is deemed to be the full value of the crop; and
(b) except as provided in paragraph 10, no indemnity shall be paid to any person other than the insured person.

ASSIGNMENT OF RIGHT TO INDEMNITY

10. The insured person may assign all or part of the right to indemnity under this contract in respect of the insured crop but an assignment is not binding on the Commission and no payment of indemnity shall be made to an assignee unless,

- (a) the assignment is made on a form provided by the Commission; and
(b) the Commission consents thereto in writing.

ADJUSTMENT OF LOSS

11.—(1) The indemnity payable for loss or damage to the insured crop shall be determined in the manner prescribed by this contract.

(2) The Commission may cause the production of the insured crop to be appraised by any method that it deems proper.

(3) No indemnity shall be paid for a loss in respect of the insured crop unless the insured person establishes,

- (a) the actual production obtained from the insured crop for the crop year; and
(b) that the loss in production or part thereof resulted directly from one or more of the perils insured against.

(4) Where a loss in production resulted partly from a peril insured against and partly from a cause of loss not insured against, the Commission shall determine the amount of the loss that resulted from the cause of loss not insured against, and the indemnity payable by the Commission under this contract shall be reduced accordingly.

PROOF OF LOSS

12.—(1) A claim for indemnity in respect of the insured crop shall be made on a proof of loss form provided by the Commission and shall be filed with the Commission not later than sixty days after,

- (a) the completion of harvesting of the insured crop; or
(b) the end of the crop year,

whichever is the earlier.

(2) Subject to subparagraph (3), a claim for indemnity shall be made by the insured person.

- (3) A claim for indemnity may be made,
(a) in the case of the absence or inability of the insured person, by the person's authorized representative; or
(b) in the case of the absence or inability of the insured person

or on the person's failure or refusal to do so, by an assignee under an assignment made in accordance with paragraph 10.

(4) Where required by the Commission, the information given in a proof of loss form shall be verified by statutory declaration.

ARBITRATION

13. Where the Commission and the insured person fail to resolve any dispute respecting the adjustment of a loss under this contract, the matter shall be determined by arbitration in accordance with the regulations.

TIME FOR PAYMENT OF INDEMNITY

14.—(1) No indemnity under this contract becomes due and payable until,

- (a) the end of the crop year; and
(b) the premium has been paid in full.

(2) Where the indemnity payable by the Commission under this contract is established by the filing of a proof of loss form or by an award of an arbitrator or board of arbitration, it shall be paid within sixty days of the receipt by the Commission of the proof of loss form or award, as the case may be.

(3) Nothing in this paragraph prevents the Commission from paying indemnity under this contract at an earlier date.

SUBROGATION

15. Where the Commission has paid a claim under this contract, the Commission is subrogated to the extent thereof to all rights of recovery of the insured person against any person and may bring action in the name of the insured person to enforce those rights.

RIGHT OF ENTRY

16. The Commission has a right of entry to the premises of the insured person that may be exercised by agents of the Commission at any reasonable time or times for any purpose related to the contract of insurance.

17.—(1) Any written notice to the Commission shall be given by delivery thereof or by sending it by mail to the Commission.

(2) Written notice to the insured person shall be given by delivery thereof or by sending it by mail addressed to the insured person at the person's last post office address on file with the Commission.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this contract of insurance to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at

this day of, 19.....

..... Duly Authorized Representative General Manager

REGULATION 240

CROP INSURANCE PLAN FOR POPPING CORN

1. The plan in the Schedule is established for the insurance within Ontario of popping corn. O. Reg. 312/81, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Popping Corn".

2. The purpose of this plan is to provide for insurance against a loss in the production of popping corn resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average farm yield" means the average yield of the planted acreage,

- (a) for the ten-year period immediately preceding the current year computed on the basis of the acreage production records of the insured person, or
- (b) for the number of years of enrolment in the plan computed on the basis of the acreage production records of the insured person or on another basis that is reasonable in the circumstances, where the insured person has not been enrolled in the plan for ten years;

"popping corn" means shelled grain corn grown for popping that,

- (a) when shelled, has a moisture content of not more than 13 per cent, and
- (b) is of a merchantable quality suitable for human consumption.

DESIGNATION OF PERILS

4. The following are designated as perils for the purpose of this plan:

1. Drought.
2. Excessive moisture.
3. Excessive rainfall.
4. Flood.
5. Frost.
6. Hail.
7. Insect infestation.
8. Plant disease.
9. Wildlife.
10. Wind.

DESIGNATION OF CROP YEAR

5. The crop year for popping corn is the period from the 1st day of March in any year to the 1st day of December next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for popping corn shall be deemed to be comprised of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) an endorsement for popping corn in Form 1;
- (c) the application for insurance; and
- (d) an amendment to any document referred to in clause (a), (b) or (c) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be filed with the Commission not later than the 1st day of May in the crop year in respect of which the application is made; and
- (c) be accompanied by a minimum premium deposit of \$100.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before the 1st day of May in the crop year during which the cancellation is to be effective.

COVERAGE

9. For the purpose of calculating the average farm yield, the Commission shall, on an annual basis, compare the actual yield in each year of the ten-year period used to calculate the average farm yield with the average farm yield itself and,

- (a) if the actual yield in a year exceeds the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \text{Actual Yield} - \frac{2}{3} \left[\text{Actual Yield} - \left(\text{Average Yield} \times 1.3 \right) \right]$$

- (b) if the actual yield in a year falls short of the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \text{Actual Yield} + \frac{2}{3} \left[\left(\text{Average Yield} \times 0.7 \right) - \text{Actual Yield} \right]$$

10.—(1) Subject to subsections (2), (3) and (4), the coverage provided under a contract of insurance shall be 70 per cent of the average farm yield in pounds of the total acreage seeded to popping corn by the insured person in accordance with the regulations or as may be otherwise determined by the Commission.

(2) The coverage provided under subsection (1) shall be increased following each consecutive no claim year as follows:

1. Following the first no claim year to 73 per cent of the average farm yield.
2. Following the second no claim year to 76 per cent of the average farm yield.

3. Following the third no claim year to 78 per cent of the average farm yield.
4. Following the fourth no claim year to a maximum of 80 per cent of the average farm yield.

(3) The coverage provided under subsections (1) and (2) shall be decreased for claim years from the insured level in reverse progression to that prescribed by subsection (2), except that where a claim occurs in a year when the coverage is 70 per cent, the coverage shall be reduced to a minimum of 65 per cent.

(4) Where, in any year, a claim is paid in an amount less than half the total premium for that year, the coverage for the following year shall remain unchanged.

(5) The number of pounds determined under subsections (1), (2) and (3) constitutes the total guaranteed production under a contract of insurance.

11. The maximum amount for which the Commission is liable for a loss in production under a contract of insurance is the amount obtained by multiplying the total guaranteed production determined under section 10 of the established price per pound prescribed by section 12.

12. For the purpose of this plan, the established price for popping corn is \$0.15 per pound.

PREMIUMS

13.—(1) The total premium is \$45.50 per acre.

(2) Despite subsection (1), the minimum premium payable by an insured person in each crop year is \$100.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

(4) The insured person shall pay the premium not later than ten days after the Commission has made a written demand for its payment.

(5) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Government of Canada under the *Crop Insurance Act* (Canada). O. Reg. 312/81, Sched.; O. Reg. 96/82, ss. 1, 2; O. Reg. 218/82, ss. 1, 2; O. Reg. 269/83, s. 1; O. Reg. 291/85, ss. 1, 2; O. Reg. 225/88, ss. 1, 2; O. Reg. 304/89, s. 1; O. Reg. 450/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

POPPING CORN ENDORSEMENT

WHEREAS the insured person has applied for crop insurance for popping corn under The Ontario Crop Insurance Plan for Popping Corn, hereinafter referred to as "the plan";

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover popping corn.

HARVESTING OF SEEDED ACREAGE

1. All acreage seeded to popping corn in a crop year shall be harvested unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the seeded acreage or any part thereof for another purpose; or

- (b) the abandonment or destruction of the insured crop or any part thereof.

EVALUATION OF LOSS

2. For the purposes of determining the loss in production of popping corn in a crop year and the indemnity payable therefor, the value of the crop shall progress through the stages prescribed in paragraphs 3 and 4.

STAGE 1

3.—(1) Stage 1 comprises the period from the date on which the seeding of acreage to popping corn is completed to and including the 15th day of June in the crop year.

(2) Where loss or damage occurs in Stage 1, the Commission, upon application therefor in writing by the insured person, may consent in writing to,

- (a) the seeding of the damaged acreage to another crop; or
- (b) the abandonment or destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres and the potential production thereof.

(3) Where the damaged acreage is in excess of three acres and is reseeded in accordance with clause (2) (a), the contract of insurance shall cease to apply to such reseeded acreage and the total guaranteed production shall be reduced accordingly.

(4) Where the damaged acreage is abandoned or destroyed in accordance with clause (2) (b), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total seeded acreage shall be calculated by multiplying,

- (a) 50 per cent of the guaranteed production for the damaged acreage; or
- (b) the difference between the guaranteed production and the potential production determined under subparagraph (2), for the damaged acreage,

whichever is the lesser, by the established price per pound.

(5) Subject to subparagraph (6), where the crop on damaged acreage is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (4) shall not be taken into account in the final adjustment of loss, and the value of the crop shall progress into Stage 2.

(6) Despite any application made in writing by the insured person under this paragraph, the Commission may, where loss or damage occurs in Stage 1, notify the insured person in writing that it intends to terminate the insurance coverage on such damaged acreage and to calculate the amount of loss in the manner prescribed in subparagraph (4) with respect to such damaged acreage and where notice of such intention has been given, the Commission shall calculate accordingly the amount of loss to be taken into account in the final adjustment of loss and the value of the insured crop on such damaged acreage shall not progress beyond Stage 1.

STAGE 2

4.—(1) Stage 2 commences on the 16th day of June in the crop year and, with respect to any part of the seeded acreage, ends with the completion of harvesting of such part.

(2) Where loss or damage occurs in Stage 2, the Commission, upon application therefor in writing by the insured person, may consent in writing to the abandonment or destruction of the insured crop on such damaged acreage and in such case, the Commission shall determine the number of damaged acres and the potential production thereof.

(3) Where the insured crop is abandoned or destroyed in accordance with subparagraph (2), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total seeded acreage shall be calculated by multiplying the difference between,

- (a) the guaranteed production for the damaged acreage; and
- (b) the potential production determined under subparagraph (2) for the damaged acreage,

by the established price per pound.

(4) Where the crop is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (3) shall not be taken into account in the final adjustment of loss.

(5) Where the actual production of the harvested acreage is less than the guaranteed production for such acreage, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total seeded acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per pound.

SALVAGE

5. Where, as the result of an insured peril, the insured crop or any part thereof is suitable only for feed, the amount of loss that shall be taken into account in the final adjustment of loss shall be the amount by which the liability under this plan for the damaged acreage exceeds the actual production for the damaged acreage multiplied by the highest established price for grain corn under The Ontario Crop Insurance Plan for Corn.

6. The indemnity payable with respect to the total seeded acreage in the final adjustment of loss shall be the sum of all Stage 1 and Stage 2 loss calculations applicable to such acreage, but where,

- (a) the actual production of any harvested acreage; or
- (b) the potential production of any unharvested acreage,

exceeds the guaranteed production of such acreage, the indemnity otherwise payable for a loss in production shall be reduced by the amount obtained by multiplying such excess by the established price per pound.

VARIATION IN SEEDED ACREAGE

7.—(1) Where the actual seeded acreage of popping corn in a crop year is less than the seeded acreage declared by the insured person, the guaranteed production and the amount of insurance shall be reduced proportionately.

(2) Where the actual seeded acreage of popping corn in a crop year exceeds the seeded acreage declared by the insured person, the total guaranteed production shall remain unchanged.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this endorsement to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at
this day of, 19.....

.....
Duly Authorized Representative General Manager

REGULATION 241

CROP INSURANCE PLAN FOR POTATOES

1. The plan in the Schedule is established for the insurance within Ontario of potatoes. O. Reg. 314/81, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Potatoes".

2. The purpose of this plan is to provide for insurance against a loss in production of potatoes resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average farm yield" means the average yield of the planted acreage,

- (a) for the ten-year period immediately preceding the current year computed on the basis of the acreage production records of the insured person, or
- (b) for the number of years of enrolment in the plan computed on the basis of the acreage production records of the insured person or on another basis that is reasonable in the circumstances, where the insured person has not been enrolled in the plan for ten years;

"hundredweight" means 100 pounds;

"potatoes" means field run potatoes produced in Ontario.

DESIGNATION OF PERILS

4. The following are designated as perils for the purpose of this plan:

- 1. Drought.
- 2. Excessive moisture.
- 3. Excessive rainfall.
- 4. Flood.
- 5. Frost.
- 6. Hail.
- 7. Insect infestation.
- 8. Plant disease.
- 9. Wind.
- 10. Wildlife.

CROP YEAR

5. The crop year for potatoes is the period from the 1st day of March in any year to the 15th day of November next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for potatoes shall be deemed to be comprised of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) the application for insurance;
- (c) an endorsement for potatoes in Form 1;
- (d) the final acreage report for each crop year; and
- (e) any amendment to a document referred to in clause (a), (b), (c) or (d) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be accompanied by a premium deposit of,
 - (i) \$1 per acre, or
 - (ii) \$100,
 whichever is greater; and
- (c) be filed with the Commission,
 - (i) in respect of acreage in the counties of Essex, Kent, Elgin and Norfolk, not later than the 1st day of April, and
 - (ii) in respect of all other acreage, not later than the 1st day of April,

in the crop year in respect of which it is made.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party made not later than the final date for application for the area and the crop year in which the cancellation is to be effective.

COVERAGE

9. For the purpose of calculating the average farm yield, the Commission shall, on an annual basis, compare the actual yield in each year of the ten-year period used to calculate the average farm yield with the average farm yield itself and,

- (a) if the actual yield in a year exceeds the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \frac{\text{Actual Yield} - 2}{3} \left[\frac{\text{Actual Yield} - (\text{Average Yield} \times 1.3)}{\text{Yield}} \right]$$

- (b) if the actual yield in a year falls short of the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \frac{\text{Actual Yield} + 2}{3} \left[\frac{(\text{Average Yield} \times 0.7) - \text{Actual Yield}}{\text{Yield}} \right]$$

10.—(1) Subject to subsection (4), the initial coverage provided under a contract of insurance shall be 75 per cent of the average farm yield in hundredweights of the total acreage seeded to potatoes by the insured person.

(2) Subject to subsection (4), the coverage provided under a contract of insurance following a year in which there was no claim shall be,

- (a) where the previous year's coverage was 70 per cent, 73 per cent;
- (b) where the previous year's coverage was 73 per cent, 75 per cent;
- (c) where the previous year's coverage was 75 per cent, 78 per cent;
- (d) where the previous year's coverage was 78 per cent, 80 per cent; and
- (e) where the previous year's coverage was 80 per cent, 80 per cent,

of the average farm yield in hundredweights of the total acreage seeded to potatoes by the insured person.

(3) Subject to subsection (4), the coverage provided under a contract of insurance following a year in which there was a claim shall be,

- (a) where the previous year's coverage was 80 per cent, 78 per cent;
- (b) where the previous year's coverage was 78 per cent, 75 per cent;
- (c) where the previous year's coverage was 75 per cent, 73 per cent;
- (d) where the previous year's coverage was 73 per cent, 70 per cent; and
- (e) where the previous year's coverage was 70 per cent, 70 per cent,

of the average farm yield in hundredweights of the total acreage seeded to potatoes by the insured person.

(4) Where, in any year, a claim is paid in an amount that is less than one-half of the total premium for that year, the coverage for the following year shall remain unchanged.

11. The established price for potatoes is,

- (a) \$4 per hundredweight; or
- (b) \$5 per hundredweight.

12. The maximum amount for which the Commission is liable for a loss in production under a contract of insurance shall be the amount obtained by multiplying the total guaranteed production determined under section 10 by the established price per hundredweight prescribed in section 11.

PREMIUMS

13.—(1) The total premium for potatoes is,

- (a) \$72 per acre where the established price is \$4 per hundredweight; or
- (b) \$90 per acre where the established price is \$5 per hundredweight.

(2) Despite subsection (1), the minimum premium payable by an insured person in each crop year is \$100.

(3) The premium prescribed by subsection (1) includes payments

in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

14.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year in which the insured person plants acreage to potatoes.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit, if any, to the Commission at the time the final acreage report prescribed by section 15 is filed.

FINAL ACREAGE REPORTS

15.—(1) Every insured person shall file with the Commission in each crop year a final acreage report in a form provided by the Commission within ten days after the planting of acreage to potatoes is completed.

(2) A final acreage report filed with the Commission shall not be amended without the consent in writing of the Commission.

16.—(1) The Commission may revise the final acreage report in any or all respects and adjust the premium accordingly and in such case, shall notify the insured person in writing forthwith respecting such revision and adjustment.

(2) The insured person shall be deemed to have agreed with the revision of the final acreage report made by the Commission under subsection (1) unless the Commission is notified in writing that the insured person rejects the revision within ten days after the Commission notification is served on the insured person.

(3) For the purposes of subsection (2), the Commission notification may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(4) Where the Commission receives notice from an insured person under subsection (2), it shall notify the insured person in writing that the contract of insurance does not apply for the crop year in respect of which the final acreage report was filed and shall refund any premium or premium deposit paid in respect of that crop year.

(5) A final acreage report revised under this section shall, failing notice under subsection (2), constitute the final acreage report for the crop year.

17.—(1) Where an insured person in any crop year fails to file a final acreage report in the form and manner prescribed by this Regulation, the Commission may,

- (a) prepare the final acreage report; or
- (b) declare the insured acreage to be nil.

(2) The Commission shall serve a copy of the final acreage report, if one is prepared, on the insured person either by personal delivery or by mailing it to the insured person's last known address.

(3) Every insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commission within ten days after the insured person has been served with a copy of it.

(4) A report that is mailed shall be deemed to be served three days after it is mailed.

FINAL DATE FOR PLANTING

18. For the purposes of this plan, the final date for planting potatoes in a crop year is the 15th day of June. O. Reg. 314/81, Sched.; O. Reg. 97/82, ss. 1-3; O. Reg. 49/83, s. 1; O. Reg. 142/84, ss. 1-3; O. Reg. 159/86, ss. 1-7; O. Reg. 328/87, ss. 1-3; O. Reg. 516/88, s. 1; O. Reg. 301/89, s. 1; O. Reg. 451/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

POTATO ENDORSEMENT

WHEREAS the insured person has applied for crop insurance for potatoes under The Ontario Crop Insurance Plan for Potatoes, hereinafter referred to as "the plan", and has paid the deposit premium prescribed thereunder;

NOW THEREFORE, subject to the *Crop Insurance Act* (Ontario) and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover potatoes.

HARVESTING OF PLANTED ACREAGE

1.—(1) All acreage planted to potatoes in a crop year shall be harvested unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part thereof.

(2) Where the harvesting of any planted acreage is not completed within the normal time for harvesting for the area in which the planted acreage is situate, the insured person shall forthwith notify the Commission in writing.

(3) Where the insured person fails to notify the Commission in accordance with subparagraph (2), no indemnity shall be paid in respect of the unharvested acreage.

STAGE 1

2.—(1) Stage 1 comprises the period from the date on which the planting of acreage to potatoes is completed to and including the 15th day of June.

(2) Where three acres or more of the insured crop is lost or damaged in Stage 1, the Commission, upon application therefor in writing by the insured person may consent in writing to,

- (a) the replanting of the damaged acreage provided that the replanting is completed not later than the 15th day of June; or
- (b) the abandonment or destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres and the potential production thereof.

(3) Where the damaged acreage is replanted to potatoes in accordance with clause (2) (a), the Commission shall pay an indemnity of \$200 for each acre replanted and the contract of insurance shall continue to apply to such replanted acreage.

(4) Where the damaged acreage is replanted to another crop, the Commission shall pay an indemnity of \$200 per acre and the contract of insurance shall terminate with respect to such acreage.

(5) Where the damaged acreage is destroyed or abandoned in accordance with clause (2) (b), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying,

- (a) 50 per cent of the guaranteed production for the damaged acreage; or
- (b) the difference between the guaranteed production and the

potential production determined under subparagraph (2) for the damaged acreage,

whichever is the lesser by the established price per hundredweight.

(6) Despite any application made in writing by the insured person under this paragraph, the Commission may, where loss or damage occurs in Stage 1, notify the insured person in writing that it intends to terminate the insurance coverage on such damaged acreage and, in such case, no further indemnity shall be payable in respect of the damaged acreage.

STAGE 2

3.—(1) Stage 2 commences on the 16th day of June and for any part of the planted acreage ends with the completion of harvesting of such part.

(2) Where loss or damage occurs in Stage 2, the Commission, upon application therefor in writing by the insured person, may consent in writing to the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres and the potential production thereof.

(3) Where,

- (a) damaged acreage is used for any other purpose or the insured crop thereon is abandoned or destroyed in accordance with subparagraph (2); or
- (b) the harvesting of any planted acreage is not completed within the normal time for harvesting for the area in which the planted acreage is situate,

the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the amount by which the guaranteed production for the damaged or unharvested acreage, as the case may be, exceeds the potential production determined therefor by the price per hundredweight.

(4) Where damaged acreage is not used for any other purpose or the crop thereon is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (3) shall not be taken into account in the final adjustment of loss.

(5) Where the actual production of the acreage harvested is less than the guaranteed production for such acreage, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per hundredweight.

(6) Acreage harvested before the crop planted on it is mature is deemed to have yielded at least the guaranteed production unless the Commission has appraised the crop using an appraisal method that is reasonable in the circumstances.

FINAL ADJUSTMENT OF LOSS FOR TOTAL PLANTED ACREAGE

4.—(1) The indemnity payable with respect to the total planted acreage in the final adjustment of loss shall be the sum of all Stage 1 and Stage 2 loss calculations applicable to such acreage, but, subject to subparagraph (2), where the actual production of any harvested acreage or the potential production of any unharvested acreage exceeds the guaranteed production of such acreage, the indemnity otherwise payable shall be reduced by the amount obtained by multiplying such excess by the established price per hundredweight.

(2) No more than one indemnity payment with respect to the same planted acreage shall be paid in any one of the Stages.

(3) Where a loss resulted partly from a peril insured against and partly from a cause of loss not insured against, the Commission shall determine the amount of the loss not insured against, and the indemnity payable by the Commission under the contract shall be reduced accordingly.

DAMAGE AFTER HARVEST

5.—(1) No indemnity shall be paid in respect of any loss or damage suffered by the insured crop after harvest and, subject to subparagraph (2), no indemnity shall be paid with respect to potatoes in storage.

(2) Where, as a result of frost damage prior to harvest, the insured crop or any part thereof breaks down in storage, the Commission shall pay an indemnity therefor provided,

- (a) notice of frost damage was received by the Commission prior to harvest; and
- (b) the damaged potatoes are clearly identified in storage to the satisfaction of the Commission.

MEASUREMENT OF YIELD

6. The Commission may measure the yield of the insured crop either before or after harvest by such means as it deems proper.

INCORRECT ACREAGE IN FINAL ACREAGE REPORT

7.—(1) Where the actual seeded acreage of potatoes in a crop year is less than the seeded acreage declared on the final acreage report, the guaranteed production shall be decreased proportionately in calculating whether there has been a loss and the actual production shall be used in calculating the average production for purposes of determining coverage for the following crop year, and there shall be no refund of premium.

(2) Where the actual seeded acreage of potatoes in a crop year exceeds the seeded acreage declared on the final acreage report, the actual production shall be used in calculating whether there has been a loss and,

- (a) where the calculation indicates a loss, such actual production shall be used; or
- (b) where the calculation does not indicate a loss, such actual production shall be reduced proportionately,

in calculating the average production for purposes of determining coverage for the following crop year.

NOTICE OF LOSS OR DAMAGE

8. Where loss or damage to the insured crop occurs and the damage was occasioned at a readily ascertainable time, the insured person shall notify the Commission forthwith by telephone and shall confirm in writing within twenty-four hours of such time.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this endorsement to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at

this day of, 19.....

Duly Authorized Representative

General Manager

O. Reg. 314/81, Form 2; O. Reg. 97/82, s. 4; O. Reg. 49/83, s. 2; O. Reg. 328/87, ss. 4-7; O. Reg. 516/88, s. 2.

REGULATION 242

CROP INSURANCE PLAN FOR
PUMPKINS AND SQUASH

1. The plan in the Schedule is established for the insurance within Ontario of pumpkins and squash. O. Reg. 287/85, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Pumpkins and Squash".

2. The purpose of this plan is to provide for insurance against a loss in the production of a crop resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average farm yield" means the average yield of the planted acreage,

- (a) for the ten-year period immediately preceding the current year computed on the basis of the acreage production records of the insured person, or
- (b) for the number of years of enrolment in the plan computed on the basis of the acreage production records of the insured person or on another basis that is reasonable in the circumstances, where the insured person has not been enrolled in the plan for ten years;

"crop" means pumpkins or squash, or both, grown in Ontario,

- (a) for processing under a contract between a grower and a processor of vegetables under the *Farm Products Marketing Act* and the regulations made thereunder, and
- (b) on acreage or for tonnage specified in such contract;

"ton" means 2,000 pounds.

DESIGNATION OF PERILS

4.—(1) Subject to subsection (2), the following are designated as perils for the purposes of this plan:

1. Drought.
2. Excessive heat.
3. Excessive rainfall.
4. Flood.
5. Frost.
6. Hail.
7. Insect infestation.
8. Plant disease.
9. Wildlife.
10. Wind.

(2) This contract does not insure against a loss in the production of the crop in a crop year resulting from insect infestation or plant disease unless the insured person establishes that a recommended control program was followed during the crop year.

5. The crop year for the crop is the period from the 1st day of March in any year to the 25th day of October next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for the crop shall be deemed to be composed of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) the application for insurance;
- (c) an endorsement for the crop in Form 1;
- (d) the final acreage report for each crop year; and
- (e) any amendment to a document referred to in clause (a), (b), (c) or (d) agreed upon in writing.

7.—(1) An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be accompanied by a premium deposit of at least \$100; and
- (c) be filed with the Commission not later than the 1st day of May in the crop year in respect of which it is made.

(2) Premium deposits prescribed by clause (1) (b) shall not be refundable unless no acreage is planted to the crop.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before the 1st day of May in the crop year during which the cancellation is to be effective.

COVERAGE

9. For the purpose of calculating the average farm yield, the Commission shall, on an annual basis, compare the actual yield in each year of the ten-year period used to calculate the average farm yield with the average farm yield itself and,

- (a) if the actual yield in a year exceeds the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \frac{\text{Actual Yield} - \frac{2}{3} \left[\frac{\text{Actual Yield}}{\text{Yield}} - \left(\frac{\text{Average Yield}}{\text{Yield}} \times 1.3 \right) \right]}{\text{Yield}}$$

- (b) if the actual yield in a year falls short of the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \frac{\text{Actual Yield} + \frac{2}{3} \left[\left(\frac{\text{Average Yield}}{\text{Yield}} \times 0.7 \right) - \frac{\text{Actual Yield}}{\text{Yield}} \right]}{\text{Yield}}$$

10.—(1) Subject to subsections (2), (3) and (4), the coverage provided under a contract of insurance shall be 70 per cent of the average farm yield in tons of the total acreage seeded to the crop by the insured person in accordance with the regulations.

(2) The coverage provided under subsection (1) shall be increased following each consecutive no claim year as follows:

1. Following the first no claim year, to 73 per cent of the average farm yield.

2. Following the second no claim year, to 76 per cent of the average farm yield.
3. Following the third no claim year, to 78 per cent of the average farm yield.
4. Following the fourth no claim year, to a maximum of 80 per cent of the average farm yield.

(3) The coverage provided under subsections (1) and (2) shall be decreased for claim years from the insured level in reverse progression to that prescribed by subsection (2), except that where a claim occurs in a year where the coverage is 70 per cent, the coverage shall be reduced to a minimum of 65 per cent.

(4) Where, in any year, a claim is paid in an amount that is equal to or less than the total premium for that year, the coverage for the following year shall remain unchanged.

(5) The number of tons determined under subsections (1), (2) and (3) constitutes the total guaranteed production under a contract of insurance.

11. For the purposes of this plan, the established price for the crop is \$30 per ton.

12. The maximum amount for which the Commission is liable for a loss in production under a contract of insurance shall be the amount obtained by multiplying the total guaranteed production determined under section 10 by the established price per ton prescribed in section 11.

PREMIUMS

13.—(1) Subject to subsection (2), the total premium is \$15 per acre.

(2) The minimum premium payable by an insured person in each crop year is \$100.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

14.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year in which the insured person seeds acreage to the crop.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit prescribed by subsection (3), to the Commission at the time the insured person files the final acreage report prescribed by section 15.

(3) Where a renewal premium is payable in respect of a crop year, the insured person shall, not later than the 1st day of May in the crop year, pay a premium deposit in accordance with clause 7 (1) (b).

FINAL ACREAGE REPORT

15.—(1) Every insured person shall file with the Commission in each crop year a final acreage report in a form provided by the Commission within ten days after the seeding of acreage to the crop is complete.

(2) A final acreage report filed with the Commission shall not be amended without the consent in writing of the Commission.

16.—(1) The Commission may revise the final acreage report in any or all respects and adjust the premium accordingly and, in such case, shall notify the insured person in writing forthwith respecting such revision and adjustment.

(2) The insured person shall be deemed to have agreed with the revision of the final acreage report made by the Commission under subsection (1) unless the Commission is notified in writing that the

insured person rejects the revision within ten days after the Commission notification is served on the insured person.

(3) For the purposes of subsection (2), the Commission notification may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(4) Where the Commission receives notice from the insured person under subsection (2), it shall notify the insured person in writing that the contract of insurance does not apply for the crop year in respect of which the final acreage report was filed.

(5) A final acreage report revised under this section shall, failing notice under subsection (2), constitute the final acreage report for the crop year.

17.—(1) Where an insured person in any crop year fails to file a final acreage report in the form and manner prescribed by this Regulation, the Commission may,

- (a) prepare the final acreage report; or
- (b) declare the insured acreage to be nil.

(2) Where the Commission prepares a final acreage report under subsection (1), the Commission shall serve a copy of the report on the insured person either by personal delivery or by mailing it to the insured person's last known address.

(3) Every insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commission within ten days after the insured person has been served with a copy of it.

(4) A report that is mailed shall be deemed to be served three days after it is mailed.

FINAL DATE FOR SEEDING

18. For the purposes of this plan, the final date for seeding in a crop year is the 1st day of July or such other date as may be determined by the Commission.

FINAL DATE FOR HARVESTING

19. For the purposes of this plan, the final date for harvesting in a crop year is the 25th day of October. O. Reg. 287/85, Sched.; O. Reg. 209/86, s. 1; O. Reg. 313/87, s. 1; O. Reg. 325/88, s. 1; O. Reg. 312/89, s. 1; O. Reg. 338/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

ENDORSEMENT

WHEREAS the insured person has applied for crop insurance under The Ontario Crop Insurance Plan for Pumpkins and Squash, hereinafter referred to as "the plan", and has paid the deposit premium prescribed thereunder;

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover pumpkins and squash.

HARVESTING OF PLANTED ACREAGE

1. All acreage planted to the crop in a crop year shall be harvested unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or

- (b) the abandonment or destruction of the insured crop or any part thereof.

EXTENT OF INSURANCE

2.—(1) The insured person shall offer for insurance all acreage planted to the crop in the crop year on the farm or farms operated by the insured person in Ontario and, subject to subparagraph (2), this contract applies to all such acreage.

(2) This contract does not apply to, and no indemnity is payable in respect of, acreage planted to the insured crop,

- (a) that was not adequately prepared for cropping purposes;
- (b) that was planted after the final date prescribed for planting in the plan; or
- (c) that, in the opinion of the Commission, is not insurable.

EVALUATION OF LOSS

3. For the purposes of determining the loss in production of the crop in a crop year and the indemnity payable therefor, the value of the crop shall progress through the stages prescribed in paragraphs 4 and 5.

STAGE 1

4.—(1) Stage 1 comprises the period from the date on which the planting of acreage to the crop is completed to and including the 1st day of July in the crop year.

(2) Where loss or damage to three acres or more of the insured crop occurs in Stage 1, the Commission, upon application therefor in writing by the insured person, may consent in writing to,

- (a) the replanting of the damaged acreage, provided that the replanting is completed not later than the 1st day of July; or
- (b) the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage.

(3) Where damaged acreage is replanted to the crop in accordance with clause (2) (a), the Commission shall pay an indemnity equal to the cost of materials used in replanting to a maximum of \$35 for each acre replanted and the contract of insurance shall continue to apply to such acreage.

(4) Where the damaged acreage is used for any other purpose or the insured crop is abandoned or destroyed in accordance with clause (2) (b), the Commission shall pay an indemnity of \$35 per acre and the contract of insurance shall terminate with respect to such acreage.

(5) Despite any application made in writing by the insured person under this paragraph, the Commission may, where loss or damage occurs in Stage 1, notify the insured person in writing that it intends to terminate the insurance coverage on such damaged acreage and, in such case, no further indemnity shall be payable in respect of the damaged acreage.

STAGE 2

5.—(1) Stage 2 commences on the 2nd day of July in the crop year and, with respect to any part of the planted acreage, ends on completion of harvesting.

(2) Where loss or damage occurs in Stage 2, the Commission, upon application therefor in writing by the insured person, may consent in writing to the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres and the potential production thereof, and the amount of loss that shall be taken into account in

the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the amount by which the guaranteed production of the damaged acreage exceeds the potential production determined therefor by the established price per ton.

NOTICE OF LOSS OR DAMAGE

6. Where loss or damage to the insured crop occurs, the insured person shall notify the Commission forthwith by telephone and shall confirm in writing within twenty-four hours of such time.

FINAL ADJUSTMENT OF LOSS FOR TOTAL PLANTED ACREAGE

7.—(1) The indemnity payable with respect to the total planted acreage in the final adjustment of loss shall be the sum of all Stage 1 and Stage 2 loss calculations applicable to such acreage but, subject to subparagraph (2), where,

- (a) the actual production of any harvested acreage; or
- (b) the potential production of any unharvested acreage,

exceeds the guaranteed production of such acreage, the indemnity otherwise payable shall be reduced by the amount obtained by multiplying such excess by the established price per ton.

(2) Despite subparagraph (1), no indemnities paid in Stage 1 shall be subject to reduction under this paragraph.

(3) In no case shall indemnity be paid for acreage in excess of the total insured acreage.

INCORRECT ACREAGE IN FINAL ACREAGE REPORT

8.—(1) Where the actual planted acreage of the crop in a crop year is less than the planted acreage declared on the final acreage report, the total guaranteed production and the amount of insurance shall be reduced proportionately and there shall be no refund of premium.

(2) Where the actual planted acreage of the crop in a crop year exceeds the planted acreage declared on the final acreage report, production from the total planted acreage shall be counted and there shall be no increase in the total guaranteed production or the maximum amount of indemnity payable.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this endorsement to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at
this day of, 19.....

Duly Authorized Representative

General Manager

O. Reg. 287/85, Form 1.

REGULATION 243

CROP INSURANCE PLAN FOR RED BEETS

1. The plan in the Schedule is established for the insurance within Ontario of red beets. O. Reg. 434/88, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Red Beets".

2. The purpose of this plan is to provide for insurance against a loss in the production of red beets resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average farm yield" means the average yield of the planted acreage,

- (a) for the ten-year period immediately preceding the current year computed on the basis of the acreage production records of the insured person, or
- (b) for the number of years of enrolment in the plan computed on the basis of the acreage production records of the insured person or on another basis that is reasonable in the circumstances, where the insured person has not been enrolled in the plan for ten years;

"processor" means a person engaged in the business of processing red beets;

"red beets" means red beets produced in Ontario for processing.

DESIGNATION OF PERILS

4. The following are designated as perils for the purpose of this plan:

1. Drought.
2. Excessive moisture.
3. Excessive rainfall.
4. Flood.
5. Frost.
6. Hail.
7. Insect infestation.
8. Plant disease.
9. Wildlife.
10. Wind.

DESIGNATION OF CROP YEAR

5. The crop year for red beets is the period from the 1st day of March in any year to the 15th day of October in the same year.

CONTRACT OF INSURANCE

6. For the purpose of this plan, the entire contract of insurance for red beets is comprised of,

- (a) the contract of insurance in Form 1;
- (b) the application for insurance; and
- (c) the final acreage report for each crop year.

7. An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be accompanied by a premium deposit of \$100; and
- (c) be filed with the Commission not later than the date on which planting commences or the 15th day of April in the crop year in respect of which it is made, whichever is earlier.

8. A contract of insurance is in force for the crop year in respect of which it is made unless it is terminated in accordance with the regulations.

COVERAGE

9. For the purpose of calculating the average farm yield, the Commission shall, on an annual basis, compare the actual yield in each year of the ten-year period used to calculate the average farm yield with the average farm yield itself and,

- (a) if the actual yield in a year exceeds the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \frac{\text{Actual Yield} - \frac{2}{3} \left[\text{Actual Yield} - \left(\frac{\text{Average Yield} \times 1.3}{\text{Yield}} \right) \right]}{\text{Yield}}$$

- (b) if the actual yield in a year falls short of the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \frac{\text{Actual Yield} + \frac{2}{3} \left[\left(\frac{\text{Average Yield} \times 0.7}{\text{Yield}} \right) - \frac{\text{Actual Yield}}{\text{Yield}} \right]}{\text{Yield}}$$

10. The coverage provided under a contract of insurance in each crop year is the lesser of,

- (a) the level of coverage determined under section 10; or
- (b) the contract tonnage set out in the agreement between the processor and the grower of red beets.

11.—(1) The initial coverage provided under a contract of insurance shall be 75 per cent of the average farm yield in tons of the total acreage planted to red beets by the insured person.

(2) The coverage provided under a contract of insurance following a year in which there was no claim shall be,

- (a) if the previous year's coverage was 70 per cent, 73 per cent;
- (b) if the previous year's coverage was 73 per cent, 75 per cent;
- (c) if the previous year's coverage was 75 per cent, 78 per cent;
- (d) if the previous year's coverage was 78 per cent, 80 per cent; and
- (e) if the previous year's coverage was 80 per cent, 80 per cent,

of the average farm yield in tons of the total acreage planted to red beets by the insured person.

(3) The coverage provided under a contract of insurance following a year in which there was a claim shall be,

- (a) if the previous year's coverage was 80 per cent, 78 per cent;
- (b) if the previous year's coverage was 78 per cent, 75 per cent;
- (c) if the previous year's coverage was 75 per cent, 73 per cent;

(d) if the previous year's coverage was 73 per cent, 70 per cent; and

(e) if the previous year's coverage was 70 per cent, 70 per cent,

of the average farm yield in tons of the total acreage planted to red beets by the insured person.

(4) Despite subsections (2) and (3), if in any year a claim is paid in an amount that is less than one-half of the total premium for that year, the coverage for the following year shall remain unchanged.

12. The Commission shall determine the established price for red beets in each crop year on the basis of the price negotiated or arbitrated in the marketing agreement between the growers and processors in the same crop year.

13. For the purposes of sections 10 and 11, the maximum amount for which the Commission is liable under a contract of insurance for a loss in production is the amount obtained by multiplying the coverage determined under those sections by the established price per ton determined under section 12.

PREMIUMS

14.—(1) The total premium payable in respect of acreage planted under contract to a processor is \$20.40 per acre.

(2) Despite subsection (1), the minimum premium payable by an insured person in each crop year is \$100.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

15. The insured person shall pay the premium, less the premium deposit, if any, to the Commission,

(a) at the time the final acreage report is filed; or

(b) at the time set out in subsection 18 (3).

FINAL ACREAGE REPORT

16.—(1) Every insured person shall file with the Commission in each crop year a final acreage report setting out the total acreage planted to red beets in a form provided by the Commission within ten days of the completion of planting of acreage to red beets.

(2) A final acreage report filed with the Commission shall not be amended without the written consent of the Commission.

17.—(1) When the final acreage report is inaccurate, the Commission may correct it and adjust the premium accordingly and shall notify the insured person in writing forthwith of the correction and the reason for it.

(2) The insured person shall be deemed to have agreed with the revision of the final acreage report made by the Commission under subsection (1) unless the Commission is notified in writing that the insured person rejects the revision within ten days after the Commission notification is served on the insured person.

(3) For the purposes of subsection (2), the Commission notification may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(4) Upon notice that a correction is not acceptable, the contract of insurance ceases to apply for the crop year in respect of which the final acreage report was filed and the Commission shall refund any premium or premium deposit paid in respect of that crop year.

(5) If no notice is given under subsection (2), a final acreage

report corrected under this section constitutes the final acreage report for the crop year.

18.—(1) If an insured person in any crop year fails to file a final acreage report as required by this Regulation, the Commission may,

(a) prepare the final acreage report; or

(b) declare the insured acreage to be nil.

(2) Where the Commission prepares a final acreage report under subsection (1), the Commission shall serve a copy of the report on the insured person either by personal delivery or by mailing it to the insured person's last known address.

(3) Every insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commission within ten days after the insured person has been served with a copy of it.

(4) A report that is mailed shall be deemed to be served three days after it is mailed. O. Reg. 434/88, Sched.; O. Reg. 298/89, s. 1; O. Reg. 470/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

CONTRACT OF INSURANCE

BETWEEN:

THE CROP INSURANCE COMMISSION OF ONTARIO, hereinafter referred to as the "COMMISSION",

OF THE FIRST PART

—and—

.....
of the of

in the County (or as the case may be) of hereinafter referred to as the "INSURED PERSON",

OF THE SECOND PART

WHEREAS the insured person has applied for crop insurance on red beets under the Ontario Crop Insurance Plan for Red Beets, hereinafter referred to as "the plan";

NOW THEREFORE, subject to the *Crop Insurance Act* (Ontario), and the regulations made thereunder, where in a crop year the insured person suffers a loss in the production of red beets resulting from one or more of the perils designated in the plan, the Commission, subject to the terms and conditions hereinafter set forth, agrees to indemnify the insured person in respect of such loss.

TERMS AND CONDITIONS

CAUSES OF LOSS NOT INSURED AGAINST

1. This contract does not apply to, and no indemnity shall be paid in respect of, a loss in the production of the insured crop resulting from,

(a) the negligence, misconduct or poor farming practices of the insured person or of an agent or employee of the insured person;

(b) a shortage of labour or machinery;

(c) insect infestation or plant disease unless recommended spray programs were followed; or

- (d) a peril other than the perils designated in the plan.

EXTENT OF INSURANCE

2. The insured person shall offer for insurance all acreage planted in the crop year to red beets on the farm or farms operated by the insured person in Ontario, whether grown under contract with a processor or not and this contract of insurance applies to all such acreage.

INCORRECT ACREAGE IN FINAL ACREAGE REPORT

3.—(1) If the actual planted acreage of red beets in a crop year is less than the planted acreage declared in the final acreage report,

- (a) the coverage shall be decreased proportionately in calculating whether there has been a loss; and
- (b) the actual production shall be used in calculating the average farm yield in order to determine coverage for the following crop year.

(2) If the actual planted acreage of red beets in a crop year is less than the planted acreage declared in the final acreage report, the Commission shall not refund any part of the premium.

(3) If the actual planted acreage of red beets in a crop year exceeds the planted acreage declared in the final acreage report, the actual production shall be used in calculating whether there has been a loss and,

- (a) where the calculation indicates a loss, such actual production shall be used; or
- (b) where the calculation does not indicate a loss, such actual production shall be reduced in proportion to the acreage declared in the final acreage report,

in calculating the average farm yield in order to determine coverage for the following crop year.

HARVESTING OF PLANTED ACREAGE

4.—(1) All acreage planted to the insured crop in the crop year shall be harvested as red beets for processing unless the Commission, upon written application, consents in writing to,

- (a) the use of the planted acreage or any part of it for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part of it.

(2) If the harvesting of any planted acreage is not completed and the failure to harvest was not caused by a designated peril, the contract of insurance ceases to apply to the unharvested acreage and no indemnity shall be payable for it.

MISREPRESENTATION, VIOLATION OF CONDITIONS OR FRAUD

5. A claim by the insured person under this contract is invalid and the right of the insured person to recover indemnity is forfeited if that person,

- (a) in the application for insurance,
 - (i) gives false particulars of the insured crop to the prejudice of the Commission, or
 - (ii) knowingly misrepresents or fails to disclose any fact required to be stated in the application;
- (b) contravenes a term or condition of this contract;
- (c) commits a fraud in respect of the insured crop; or

- (d) knowingly makes a false statement in respect of a claim under this contract.

WAIVER OR ALTERATION

6. No term or condition of this contract is deemed to be waived or altered in whole or in part by the Commission unless the waiver or alteration is clearly expressed in writing and signed by the Commission or a representative authorized for that purpose by the Commission.

ASSIGNMENT OF RIGHT TO INDEMNITY

7.—(1) The insured person may assign all or part of the right to indemnity under this contract in respect of the insured crop.

(2) An assignment is not binding on the Commission and the Commission shall not pay an indemnity to an assignee unless,

- (a) the assignment is made on a form provided by the Commission; and
- (b) the Commission gives written consent to the assignment.

INTEREST OF OTHER PERSONS

8. Despite the interest of any person other than the insured in the insured crop, for the purposes of this contract,

- (a) the interest of the insured person in the insured crop is deemed to be the full value of the coverage; and
- (b) except as provided in paragraph 7, no indemnity shall be paid to any person other than the insured person.

EVALUATION OF LOSS

9.—(1) Where loss or damage to three acres or more of the insured crop occurs at any time following the planting of the insured crop or any part thereof, the Commission, upon written application by the insured person, may consent in writing to,

- (a) the replanting of the damaged acreage, provided that the replanting is completed not later than the 1st day of July in the same crop year;
- (b) the use of the damaged acreage for an alternate crop; or
- (c) the abandonment or destruction of the insured crop on such damaged acreage.

(2) If the damaged acreage is replanted to red beets in accordance with clause (1) (a), the Commission shall pay to the insured person a supplementary benefit of \$100 for each acre replanted and the contract of insurance shall continue to apply to the replanted acreage.

(3) If the damaged acreage is used for an alternate crop in accordance with clause (1) (b),

- (a) the Commission shall pay to the insured person a supplementary benefit of \$100 for each acre replanted;
- (b) the replanted acreage shall be released from the contract of insurance; and
- (c) the coverage and indemnity payable shall be reduced accordingly.

10.—(1) When harvesting has been completed, the amount of loss that is taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the established price per ton by the difference between the coverage and the actual production.

(2) For the purpose of subparagraph (1), actual production includes,

- (a) production delivered to and accepted by a processor;
- (b) production delivered to and rejected by a processor unless the rejection resulted from a designated peril;
- (c) production harvested but not delivered to a processor; and
- (d) potential production of wholly or partially unharvested acreage unless the failure to harvest resulted from a designated peril.

NOTICE OF LOSS OR DAMAGE

11.—(1) When loss or damage to the insured crop occurs and the insured person intends to abandon or destroy the insured crop, or to replant or use the planted acreage for another purpose, the insured person shall notify the Commission in writing of the intention and shall take no further action without the written consent of the Commission.

(2) When loss or damage to the insured crop occurs and the damage was occasioned at a readily ascertainable time, the insured person shall notify the Commission in writing within twenty-four hours of that time.

(3) When loss or damage to the insured crop occurs and it appears, or ought reasonably to appear, to the insured person at any time after planting and before the completion of harvesting of the insured crop that the production of the insured crop may be reduced by the loss or damage, the insured person shall notify the Commission in writing as soon as the loss or damage is apparent.

(4) Despite any notice given by the insured person under this paragraph, when, on completion of harvesting of the insured crop, the actual production is less than the coverage, the insured person shall notify the Commission in writing forthwith.

ABANDONMENT, DESTRUCTION OR ALTERNATE USE

12.—(1) Acreage planted to the insured crop shall not be put to another use and the insured crop shall not be abandoned or destroyed until the Commission has appraised the potential production of the acreage using an appraisal method that is reasonable in the circumstances.

(2) An appraisal made under subparagraph (1) shall not be taken into account in the final adjustment of loss where the insured person harvests the appraised acreage.

ADJUSTMENT OF LOSS

13.—(1) When the insured person experiences a loss or damage to the insured crop, the Commission may cause the production of the insured crop to be appraised by any method that is reasonable in the circumstances.

(2) No indemnity shall be paid for a loss in respect of the insured crop unless the insured person establishes,

- (a) what actual production was obtained from the insured crop for the crop year; and
- (b) that the loss in production or part thereof resulted directly from one or more of the designated perils.

(3) Where a loss in production resulted partly from a designated peril and partly from a cause of loss not insured against, the Commission shall determine the amount of the loss that resulted from the cause of loss not insured against and shall reduce the indemnity payable under this contract accordingly.

(4) Subject to subparagraph (5), the indemnity payable with

respect to the total planted acreage in the final adjustment of loss shall be the sum of all loss calculations applicable to such acreage.

(5) When the actual production of any harvested acreage exceeds the coverage applicable to that acreage, the indemnity otherwise payable for a loss in production shall be reduced by the amount obtained by multiplying the excess by the established price per ton.

PROOF OF LOSS

14.—(1) An insured person, except as set out in subparagraph (2), shall claim an indemnity in respect of the insured crop on a Proof of Loss Form provided by the Commission and shall file the form with the Commission not later than sixty days after the earlier of,

- (a) the completion of harvesting of the insured crop; or
- (b) the end of the crop year.

(2) A claim for indemnity may be made,

- (a) in the case of the absence or inability of the insured person, by an authorized representative; or
- (b) in the case of the absence or inability of the insured person or on the insured person's failure or refusal to do so, by an assignee under an assignment made under paragraph 7.

(3) When it is reasonable in the circumstances, the information given in a proof of loss form shall be verified by statutory declaration.

ARBITRATION

15. When the Commission and the insured person fail to resolve any dispute respecting the adjustment of a loss under this contract, the matter shall be determined by arbitration in accordance with Regulation 215 of Revised Regulations of Ontario, 1990.

TIME FOR PAYMENT OF INDEMNITY

16.—(1) No indemnity under this contract is due and payable until,

- (a) the end of the crop year; and
- (b) the payment in full of the premium.

(2) Where the indemnity payable by the Commission under this contract is established by the filing of a Proof of Loss Form or by an award of an arbitrator or board of arbitration, it shall be paid within sixty days of the receipt by the Commission of the Proof of Loss Form or award, as the case may be.

SUBROGATION

17. When the Commission has paid a claim for indemnity under this contract, the Commission is subrogated to the extent of the payment to all rights of recovery of the insured person against any person and may bring action in the name of the insured person to enforce those rights.

RIGHT OF ENTRY

18. The Commission has a right of entry to the premises of the insured person that may be exercised by agents of the Commission at any reasonable time for any purpose related to the contract of insurance.

NOTICE

19.—(1) Any written notice to the Commission shall be given by delivering it or mailing it to the Commission.

(2) Written notice to the insured person shall be given by deliver-

ing it or mailing it to the insured person at the insured person's last post office address on file with the Commission.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this contract of insurance to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at,
this day of, 19...

.....
Duly Authorized General Manager
Representative

O. Reg. 434/88, Form 1.

REGULATION 244

CROP INSURANCE PLAN FOR RED SPRING WHEAT

1. The plan in the Schedule is established for the insurance within Ontario of red spring wheat. O. Reg. 607/88, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Red Spring Wheat".

2. The purpose of this plan is to provide for insurance against a loss in the production of red spring wheat resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,
"average farm yield" means the average yield of the planted acreage,

- for the ten-year period immediately preceding the current year computed on the basis of the acreage production records of the insured person, or
- for the number of years of enrolment in the plan computed on the basis of the acreage production records of the insured person or on another basis that is reasonable in the circumstances, where the insured person has not been enrolled in the plan for ten years;

"red spring wheat" means Canada Eastern red spring wheat produced in Ontario for milling and eligible for a grade under the *Canada Grains Act* (Canada).

DESIGNATION OF PERILS

4. The following are designated as perils for the purposes of this plan:

- Drought.
- Excessive moisture.
- Excessive rainfall.
- Flood.
- Frost.

- Hail.
- Insect infestation.
- Plant disease.
- Wildlife.
- Wind.

DESIGNATION OF CROP YEAR

5. The crop year for red spring wheat is the period from the 1st day of March in any year to the last day of February of the next year.

CONTRACT OF INSURANCE

6.—(1) For the purposes of this plan, the entire contract of insurance for red spring wheat is comprised of,

- the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- the application for insurance;
- the endorsement for red spring wheat in Form 1; and
- the final acreage report for each crop year.

(2) In the event of a conflict between the document referred to in clause (1) (a) and the document referred to in clause (1) (c), the document referred to in clause (1) (c) prevails.

7.—(1) An application for insurance or for renewal of insurance shall,

- be in a form provided by the Commission;
- be accompanied by a minimum premium deposit of \$1 per acre; and
- be filed with the Commission not later than the 1st day of May in the crop year in respect of which it is made.

(2) Premium deposits prescribed by clause (1) (b) are not refundable unless no acreage is planted to red spring wheat.

DURATION OF CONTRACT

8.—(1) A contract of insurance is in force for the crop year in respect of which it is made and continues in force for each crop year thereafter until cancelled by the insured person or the Commission in the manner set out in subsection (2) or otherwise terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by written notice to the other party on or before the 1st day of May in the crop year during which the cancellation is to take effect.

COVERAGE

9. For the purpose of calculating the average farm yield, the Commission shall, on an annual basis, compare the actual yield in each year of the ten-year period used to calculate the average farm yield with the average farm yield itself and,

- if the actual yield in a year exceeds the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \text{Actual Yield} - \frac{2}{3} \left[\text{Actual Yield} - \left(\text{Average Yield} \times 1.3 \right) \right]$$

- if the actual yield in a year falls short of the insured person's

ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \frac{\text{Actual Yield} + \frac{2}{3} \left[\left(\frac{\text{Average Yield} \times 0.7}{\text{Actual Yield}} \right) - \frac{\text{Actual Yield}}{\text{Actual Yield}} \right]}{1}$$

10. For the purpose of calculating coverage under section 11, the number of pounds determined as the average farm yield shall be converted to bushels on the basis that a bushel of red spring wheat weighs 60 pounds.

11.—(1) The initial coverage provided under a contract of insurance shall be 75 per cent of the average farm yield in bushels of the total acreage planted to red spring wheat by the insured person.

(2) The coverage provided under a contract of insurance following a year in which there was no claim shall be,

- (a) if the previous year's coverage was 70 per cent, 73 per cent;
- (b) if the previous year's coverage was 73 per cent, 75 per cent;
- (c) if the previous year's coverage was 75 per cent, 78 per cent;
- (d) if the previous year's coverage was 78 per cent, 80 per cent; and
- (e) if the previous year's coverage was 80 per cent, 80 per cent,

of the average farm yield in bushels of the total acreage planted to red spring wheat by the insured person.

(3) The coverage provided under a contract of insurance following a year in which there was a claim shall be,

- (a) if the previous year's coverage was 80 per cent, 78 per cent;
- (b) if the previous year's coverage was 78 per cent, 75 per cent;
- (c) if the previous year's coverage was 75 per cent, 73 per cent;
- (d) if the previous year's coverage was 73 per cent, 70 per cent; and
- (e) if the previous year's coverage was 70 per cent, 70 per cent,

of the average farm yield in bushels of the total acreage planted to red spring wheat by the insured person.

(4) Despite subsections (2) and (3), if in any year a claim is paid in an amount that is less than one-half of the total premium for that year, the coverage for the following year shall remain unchanged.

(5) Despite clause (3) (a), the coverage provided under a contract of insurance following a year in which there was a claim shall be 80 per cent where,

- (a) the insured person has had coverage and an actual farm yield for at least five years; and
- (b) the previous year's coverage was 80 per cent.

12.—(1) For the purposes of this plan, the established price for red spring wheat is,

- (a) \$2.80 per bushel; or
- (b) \$4.20 per bushel.

(2) If the insured person fails to select an established price when the person is renewing the contract of insurance, the Commission may select one of the prices set out in subsection (1) as the established price applicable to the contract in that crop year.

13. For the purposes of section 11, the maximum amount for which

the Commission is liable under a contract of insurance for a loss in production is the amount obtained by multiplying the coverage determined under that section by the established price per bushel selected under section 12.

PREMIUMS

14.—(1) The total premium for red spring wheat is,

- (a) \$9.60 per acre where the established price is \$2.80 per bushel; or
- (b) \$14.20 per acre where the established price is \$4.20 per bushel.

(2) The total premium for red spring wheat is 80 per cent of the total premium prescribed in subsection (1) where,

- (a) the coverage is 80 per cent and the insured person has had coverage and an actual farm yield for at least five years; and
- (b) based on Commission records, total premiums paid by the insured person for red spring wheat exceed the indemnity paid.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

15. Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit, to the Commission,

- (a) at the time the final acreage report is filed; or
- (b) at the time set out in subsection 18 (3).

FINAL ACREAGE REPORT

16.—(1) Every insured person shall file with the Commission in each crop year a final acreage report setting out the total acreage planted to red spring wheat in a form provided by the Commission within ten days of the completion of planting of acreage to red spring wheat.

(2) A final acreage report filed with the Commission shall not be amended without the written consent of the Commission.

17.—(1) When the final acreage report is inaccurate, the Commission may correct it and adjust the premium accordingly and shall notify the insured person in writing forthwith of the correction and the reason for it.

(2) The insured person shall be deemed to have agreed with the revision of the final acreage report made by the Commission under subsection (1) unless the Commission is notified in writing that the insured person rejects the revision within ten days after the Commission notification is served on the insured person.

(3) For the purposes of subsection (2), the Commission notification may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(4) Upon notice that a correction is not acceptable, the contract of insurance ceases to apply for the crop year in respect of which the final acreage report was filed and the Commission shall refund any premium or premium deposit paid in respect of that crop year.

(5) If no notice is given under subsection (2), a final acreage report corrected under this section constitutes the final acreage report for the crop year.

18.—(1) If an insured person in any crop year fails to file a final acreage report as required by this Regulation, the Commission may,

- (a) prepare the final acreage report; or
- (b) declare the insured acreage to be nil.

(2) Where the Commission prepares a final acreage report under subsection (1), the Commission shall serve a copy of the report on the insured person either by personal delivery or by mailing it to the insured person's last known address.

(3) Every insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commission within ten days after the insured person has been served with a copy of it.

(4) A report that is mailed shall be deemed to be served three days after it is mailed.

FINAL DATE FOR PLANTING

19. For the purposes of this plan, the final date for planting red spring wheat in a crop year is the 1st day of July or such other date as is reasonably warranted in the circumstances.

20. All acreage planted to red spring wheat in which the insured person has a substantial interest shall be insured under one contract. O. Reg. 607/88, Sched.; O. Reg. 308/89, s. 1; O. Reg. 467/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

RED SPRING WHEAT ENDORSEMENT

WHEREAS the insured person has applied for crop insurance under the Ontario Crop Insurance Plan for Red Spring Wheat, hereinafter referred to as "the plan", and has paid the premium deposit prescribed thereunder;

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover red spring wheat.

HARVESTING OF PLANTED ACREAGE

1.—(1) All acreage planted to red spring wheat in a crop year shall be harvested unless the Commission, upon written application, consents in writing to,

- (a) the use of the planted acreage or any part of it for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part of it.

(2) If the harvesting of any planted acreage is not completed and the failure to harvest was not caused by a designated peril, the contract of insurance ceases to apply to the unharvested acreage and no indemnity shall be payable for it.

EVALUATION OF LOSS

2.—(1) An indemnity shall be paid for the acreage set out in subparagraph (2) in the amount set out in subparagraph (3), where,

- (a) all of the acres planted to the crops listed in the Table to this regulation are offered for insurance;
- (b) the insured person elects the indemnity on the application for insurance;
- (c) the insured person pays a premium deposit of \$1 for each acre intended to be planted to the crops listed in the Table;
- (d) one or more of the designated perils prevents the planting,

- (i) of three acres or more, in the case of systematically tile drained land, or
- (ii) of six acres or more, in the case of land that is not systematically tile drained; and

(e) the insured person notifies the Commission of an inability to plant the acres to the crops listed in the Table by the 15th day of June in the crop year.

(2) The indemnity shall be paid,

- (a) for each unplanted acre in the case of systematically tile drained land; or
- (b) for each unplanted acre in excess of three unplanted acres, in the case of land that is not systematically tile drained.

(3) The amount of the indemnity shall be one-third of the guaranteed production per acre of the crop having the highest priority according to the Table of the crops intended to be planted and insured by the insured person multiplied by the established price for that crop.

(4) No indemnity shall be payable under this paragraph for land for which the same indemnity was paid by the Commission in the immediately preceding year.

(5) When the insured person plants a crop in respect of which crop production insurance was applied for, the premium deposit payable under sub-subparagraph (1) (c) for the acreage so planted shall be applied against the regular premium.

(6) When the insured person plants a crop which is not listed in the Table, the premium deposit in respect of that acreage shall be refunded.

(7) If the insured person is unable to plant acreage designated on the application as intended to be planted to a crop listed in the Table, the premium deposit in respect of that acreage shall be retained by the Commission as payment for the coverage provided.

(8) This paragraph does not apply to and no indemnity is payable in respect of land,

- (a) that is orchard land, pasture, woodland, planted to a perennial crop, fall sown or intended for summer fallow;
- (b) that is untilled and was not cropped in the previous year; or
- (c) that, in the opinion of the Commission, is not insurable.

(9) If the planting is prevented by excessive rainfall, no indemnity is payable unless the insured person establishes that, during the planting season in the area where the insured acreage is situated,

- (a) an abnormal amount of rain occurred;
- (b) the rainfall resulted in a reduced number of work days; and
- (c) a significant number of other insured persons were similarly affected.

3.—(1) Where loss or damage to three acres or more of the insured crop resulting from a designated peril occurs before the 1st day of July in the crop year, the Commission, upon written application by the insured person, may consent in writing to the replanting of the damaged acreage.

(2) Where the damaged acreage is replanted to the insured crop, the Commission shall pay an indemnity of \$30 for each acre replanted and the contract of insurance continues to apply to such acreage.

(3) The total number of acres in respect of which a replanting

benefit is paid in a crop year shall not in any case exceed the total number of insured acres.

4.—(1) If loss or damage occurs prior to harvest, the Commission, upon written application by the insured person, may consent in writing to the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and in such case shall determine the number of damaged acres and the potential production of those acres.

(2) If damaged acreage is used for any other purpose or the insured crop on it is abandoned or destroyed in accordance with subparagraph (1), the amount of loss that is taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the established price per bushel by the difference between the coverage for the damaged acreage and the potential production for the damaged acreage determined under subparagraph (1).

(3) If damaged acreage is not used for any other purpose or the crop thereon is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (2) shall not be taken into account in the final adjustment of loss.

(4) If the actual production of the harvested acreage is less than the coverage for that acreage, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the established price per bushel by the difference between the coverage and the actual production.

(5) Where the crop contains damaged or foreign material, the actual production thereof shall be reduced by an amount reasonable in the circumstances.

5. Where the insured crop is reduced below Grade 2 due to an insured peril, the actual production is deemed to be,

- (a) for Grade 3, 95 per cent of the yield harvested; and
- (b) for Feed, 90 per cent of the yield harvested.

FINAL ADJUSTMENT OF LOSS FOR TOTAL PLANTED ACREAGE

6.—(1) The indemnity payable with respect to the total planted acreage in the final adjustment of loss is that payable under paragraphs 2, 3 and 4.

(2) The indemnity payable under paragraph 4 shall be reduced by the result obtained by multiplying the established price per bushel by the amount by which,

- (a) the actual production of any harvested acreage exceeds the coverage of that acreage; or
- (b) the potential production of any unharvested acreage exceeds the coverage of that acreage.

INCORRECT ACREAGE IN FINAL ACREAGE REPORT

7.—(1) If the actual planted acreage of red spring wheat in a crop year is less than the planted acreage declared on the final acreage report,

- (a) the coverage shall be decreased proportionately in calculating whether there has been a loss; and
- (b) the actual production shall be used in calculating the average farm yield in order to determine coverage for the following crop year.

(2) If the actual planted acreage of red spring wheat in a crop year is less than the planted acreage declared in the final acreage report, the Commission shall not refund any part of the premium.

(3) If the actual planted acreage of red spring wheat in a crop year exceeds the planted acreage declared on the final acreage report, the actual production shall be used in calculating whether there has been a loss and,

- (a) where the calculation indicates a loss, such actual production shall be used; or
- (b) where the calculation does not indicate a loss, such actual production shall be reduced in proportion to the acreage declared in the final acreage report,

in calculating the average farm yield in order to determine coverage for the following crop year.

IN WITNESS WHEREOF, The Crop Insurance Commission of Ontario has caused this endorsement to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at, this day of, 19...

.....
Duly Authorized Representative	General Manager
O. Reg. 607/88, Form 1; O. Reg. 308/89, s. 2.	

TABLE

CROP IN ORDER OF PRIORITY
1. Corn.
2. Soybeans.
3. White beans.
4. Coloured beans.
5. Spring grain.
6. Canola.
7. Sunflowers.
8. Red spring wheat.

O. Reg. 607/88, Table.

REGULATION 245

CROP INSURANCE PLAN FOR RUTABAGAS

1. The plan in the Schedule is established for the insurance within Ontario of rutabagas. O. Reg. 315/81, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Rutabagas".

2. The purpose of this plan is to provide for insurance against a loss in production of rutabagas resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

“average farm yield” means the average yield of the planted acreage,

- (a) for the ten-year period immediately preceding the current year computed on the basis of the acreage production records of the insured person, or
- (b) for the number of years of enrolment in the plan computed on the basis of the acreage production records of the insured person or on another basis that is reasonable in the circumstances, where the insured person has not been enrolled in the plan for ten years;

“rutabagas” means field run rutabagas produced in Ontario;

“ton” means 2000 pounds.

DESIGNATION OF PERILS

4. The following are designated as perils for the purpose of this plan:

1. Drought.
2. Excessive moisture.
3. Excessive rainfall.
4. Flood.
5. Frost.
6. Hail.
7. Insect infestation.
8. Plant disease.
9. Wildlife.
10. Wind.

CROP YEAR

5. The crop year for rutabagas is the period from the 1st day of March in any year to the 15th day of November next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for rutabagas shall be deemed to be comprised of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) the application for insurance;
- (c) an endorsement for rutabagas in Form 1;
- (d) the final acreage report for each crop year; and
- (e) any amendment to a document referred to in clause (a), (b), (c) or (d) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be accompanied by a premium deposit of at least \$100; and
- (c) be filed with the Commission not later than the 1st day of May in the crop year in respect of which it is made.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year

in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party made not later than the 1st day of May in the crop year during which the cancellation is to be effective.

COVERAGE

9. For the purpose of calculating the average farm yield, the Commission shall, on an annual basis, compare the actual yield in each year of the ten-year period used to calculate the average farm yield with the average farm yield itself and,

- (a) if the actual yield in a year exceeds the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \text{Actual Yield} - \frac{2}{3} \left[\text{Actual Yield} - \left(\frac{\text{Average Yield}}{\text{Yield}} \times 1.3 \right) \right]$$

- (b) if the actual yield in a year falls short of the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \text{Actual Yield} + \frac{2}{3} \left[\left(\frac{\text{Average Yield}}{\text{Yield}} \times 0.7 \right) - \frac{\text{Actual Yield}}{\text{Yield}} \right]$$

10.—(1) Subject to subsection (4), the initial coverage provided under a contract of insurance shall be 70 per cent of the average farm yield in tons of the total acreage seeded to rutabagas by the insured person.

(2) Subject to subsection (4), the coverage provided under a contract of insurance following a year in which there was no claim shall be,

- (a) where the previous year's coverage was 70 per cent, 73 per cent;
- (b) where the previous year's coverage was 73 per cent, 76 per cent;
- (c) where the previous year's coverage was 76 per cent, 78 per cent;
- (d) where the previous year's coverage was 78 per cent, 80 per cent; and
- (e) where the previous year's coverage was 80 per cent, 80 per cent,

of the average farm yield in tons of the total acreage seeded to rutabagas by the insured person.

(3) Subject to subsections (4) and (5), the coverage provided under a contract of insurance following a year in which there was a claim shall be,

- (a) where the previous year's coverage was 80 per cent, 78 per cent;
- (b) where the previous year's coverage was 78 per cent, 76 per cent;
- (c) where the previous year's coverage was 76 per cent, 73 per cent;
- (d) where the previous year's coverage was 73 per cent, 70 per cent; and

- (e) where the previous year's coverage was 70 per cent, 70 per cent,

of the average farm yield in tons of the total acreage seeded to rutabagas by the insured person.

(4) Where, in any year, a claim is paid in an amount less than one-half the total premium for that year, the coverage for the following year shall remain unchanged.

(5) The number of tons determined under subsections (1), (2) and (3) constitutes the total guaranteed production under a contract of insurance.

11. The established price for rutabagas is,

- (a) \$40 per ton where the premium paid is \$80 per acre; or
(b) \$55 per ton where the premium paid is \$110 per acre.

12. The maximum amount for which the Commission is liable for a loss in production under a contract of insurance shall be the amount obtained by multiplying the total guaranteed production determined under section 10 by the established price per ton prescribed in section 11.

PREMIUMS

13.—(1) The total premium is,

- (a) \$80 per acre; or
(b) \$110 per acre.

(2) Despite subsection (1), the minimum premium payable by an insured person in each crop year is \$100.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

14.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year in which the insured person plants acreage to rutabagas.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit, if any, to the Commission at the time the final acreage report prescribed by section 15 is filed.

FINAL ACREAGE REPORT

15.—(1) Every insured person shall file with the Commission in each crop year a final acreage report in a form provided by the Commission within ten days after the planting of acreage to rutabagas is completed.

(2) A final acreage report filed with the Commission shall not be amended without the consent in writing of the Commission.

16.—(1) The Commission may revise the final acreage report in any or all respects and adjust the premium accordingly and, in such case, shall notify the insured person in writing forthwith respecting such revision and adjustment.

(2) The insured person shall be deemed to have agreed with the revision of the final acreage report made by the Commission under subsection (1) unless the Commission is notified in writing that the insured person rejects the revision within ten days after the Commission notification is served on the insured person.

(3) For the purposes of subsection (2), the Commission notification may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(4) Where the Commission receives notice from an insured person under subsection (2), it shall notify the insured person in writing that the contract of insurance does not apply for the crop year in respect of which the final acreage report was filed and shall refund any premium or premium deposit paid in respect of that crop year.

(5) A final acreage report revised under this section shall, failing notice under subsection (2), constitute the final acreage report for the crop year.

17.—(1) Where an insured person in any crop year fails to file a final acreage report in the form and manner prescribed by this Regulation, the Commission may,

- (a) prepare the final acreage report; or
(b) declare the insured acreage to be nil.

(2) The Commission shall serve a copy of the final acreage report, if there is one, on the insured person either by personal delivery or by mailing it to the insured person's last known address.

(3) Every insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commission within ten days after the insured person has been served with a copy of it.

(4) A report that is mailed shall be deemed to be served three days after it is mailed.

FINAL SEEDING DATE

18. For the purposes of this plan, the final date for seeding rutabagas in a crop year is the 1st day of July or such other date as may be determined from time to time by the Commission.

MINIMUM ACREAGE

19. For the purposes of this plan, the minimum insurable acreage is three acres. O. Reg. 315/81, Sched.; O. Reg. 98/82, ss. 1, 2; O. Reg. 223/82, s. 1; O. Reg. 268/83, ss. 1-3; O. Reg. 510/84, ss. 1-3; O. Reg. 296/85, ss. 1-5; O. Reg. 327/87, ss. 1-3; O. Reg. 305/89, s. 1; O. Reg. 452/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

RUTABAGA ENDORSEMENT

WHEREAS the insured person has applied for crop insurance for rutabagas under The Ontario Crop Insurance Plan for Rutabagas, hereinafter referred to as "the plan", and has paid the deposit premium prescribed thereunder;

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover rutabagas.

HARVESTING OF PLANTED ACREAGE

1. All acreage planted to rutabagas in a crop year shall be harvested unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or
(b) the abandonment or destruction of the insured crop or any part thereof.

EVALUATION OF LOSS

2.—(1) Where loss or damage to three acres or more of the insured

crop occurs before the 1st day of July in a crop year, the Commission, upon application therefor in writing by the insured person, may consent in writing to,

- (a) replanting of the damaged acreage; or
- (b) the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres and the potential production thereof.

(2) Where the damaged acreage is replanted to the insured crop in accordance with clause (1) (a), a benefit of \$50 for each acre so replanted shall be paid and the contract of insurance shall continue to apply to such replanted acreage.

(3) Where the damaged acreage is used for any other purpose or the insured crop is abandoned or destroyed in accordance with clause (1) (b), a benefit of \$50 for each acre so abandoned or destroyed shall be paid and the contract of insurance shall cease to apply to such acreage.

(4) Where the damaged acreage is not used for any other purpose or the crop is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (3) shall not be taken into account in the final adjustment of loss.

(5) Where harvesting has been completed, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per ton.

FINAL ADJUSTMENT OF LOSS FOR TOTAL PLANTED ACREAGE

3.—(1) The indemnity payable with respect to the total planted acreage in the final adjustment of loss shall be the sum of all loss calculations applicable to such acreage, but where the actual production of any harvested acreage or the potential production of any unharvested acreage exceeds the guaranteed production of such acreage, the indemnity otherwise payable shall be reduced by the amount obtained by multiplying such excess by the established price per ton.

(2) Where a loss resulted partly from a peril insured against and partly from a cause of loss not insured against, the Commission shall determine the amount of the loss not insured against, and the indemnity payable by the Commission under the contract shall be reduced accordingly.

DAMAGE AFTER HARVEST

4.—(1) No indemnity shall be paid in respect of any loss or damage suffered by the insured crop after harvest and, subject to subparagraph (2), no indemnity shall be paid with respect to rutabagas in storage.

(2) Where, as a result of damage from an insured peril prior to harvest, the insured crop or any part thereof breaks down in storage, the Commission shall pay an indemnity thereof provided,

- (a) notice of damage was received and inspection was made by the Commission prior to harvest; and
- (b) the damaged rutabagas are clearly identified in storage to the satisfaction of the Commission.

INCORRECT ACREAGE IN FINAL ACREAGE REPORT

5.—(1) Where the actual seeded acreage of rutabagas in a crop year is less than the seeded acreage declared on the final acreage report, the guaranteed production shall be decreased proportionately in calculating whether there has been a loss and the actual production shall be used in calculating the average production for purposes of determining coverage for the following crop year, and there shall be no refund of premium.

poses of determining coverage for the following crop year, and there shall be no refund of premium.

(2) Where the actual seeded acreage of rutabagas in a crop year exceeds the seeded acreage declared on the final acreage report, the actual production shall be used in calculating whether there has been a loss and,

- (a) where the calculation indicates a loss, such actual production shall be used; or
- (b) where the calculation does not indicate a loss, such actual production shall be reduced proportionately,

in calculating the average production for purposes of determining coverage for the following crop year.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this endorsement to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at

this day of, 19.....

Duly Authorized Representative

General Manager

O. Reg. 315/81, Form 2; O. Reg. 98/82, s. 3; O. Reg. 268/83, s. 4; O. Reg. 296/85, s. 7; O. Reg. 327/87, s. 4; O. Reg. 323/88, s. 1.

REGULATION 246

CROP INSURANCE PLAN FOR SEED CORN

1. The plan in the Schedule is established for the insurance within Ontario of seed corn. R.R.O. 1980, Reg. 220, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Seed Corn".

2. The purpose of this plan is to provide for insurance against a loss in the production of seed corn resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"bushel" means 56 pounds of shelled seed corn, the kernel moisture content of which does not exceed 15.5 per cent;

"seed corn" means corn grown under contract with a dealer which is intended for sale on a commercial basis for seed purposes;

"variety average yield" means the average of previous yields of the variety grown on the basis of production records or on such other basis as the Commission approves.

DESIGNATION OF PERILS

4. The following are designated as perils for the purposes of this plan:

- 1. Drought.

2. Excessive moisture.
3. Excessive rainfall.
4. Flood.
5. Frost.
6. Hail.
7. Insect infestation.
8. Plant disease.
9. Wildlife.
10. Wind.

insured crop is grown under contract as set out in the Table; and

(c) a basic premium of \$13.40 per acre.

(2) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

(3) Despite any direction by an insured person in the application for insurance, the payment of the premium due in respect of the contract of insurance remains the liability of the insured person and the premium shall be paid in any event not later than ten days after written demand for payment thereof by the Commission.

DESIGNATION OF CROP YEAR

5. The crop year for seed corn is the period from the 1st day of March in any year to the 1st day of December next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for seed corn shall be deemed to be comprised of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) an endorsement for seed corn in Form 1;
- (c) the application for insurance; and
- (d) an amendment to any document referred to in clause (a), (b) or (c) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission; and
- (b) be filed with the Commission not later than the 1st day of May in the crop year or not later than such other date as may be determined from time to time by the Commission.

DURATION OF CONTRACT

8. A contract of insurance shall be in force for the crop year in respect of which it is made.

COVERAGE

9. The coverage per acre provided in the crop year under a contract of insurance shall be 80 per cent of the variety average yield in bushels.

LIABILITY

10. The maximum amount for which the Commission is liable for a loss in production under a contract of insurance shall be the amount obtained by multiplying the guaranteed production per acre determined under section 9 by the number of acres planted to the female corn plant by the established price per bushel determined by the Commission for the variety grown.

PREMIUMS

11.—(1) The premium payable in respect of each acre under contract to a dealer shall be determined by the Commission for each crop year on the basis of,

- (a) the variety of seed corn grown;
- (b) the cumulative loss ratio of the dealer with whom the

ESTABLISHED PRICE

12. The established price for each variety of seed corn grown by the insured person shall be determined from time to time by the Commission. R.R.O. 1980, Reg. 220, Sched.; O. Reg. 509/86, s. 1; O. Reg. 316/87, s. 1; O. Reg. 321/88, s. 1; O. Reg. 473/89, s. 1; O. Reg. 455/90, s. 1.

TABLE

Cumulative Loss Ratio of Dealer	Premium Discount	Premium Surcharge
35 per cent or less	20 per cent	
35.1 - 50 per cent	15 per cent	
50.1 - 65 per cent	10 per cent	
65.1 - 80 per cent	5 per cent	
80.1 - 124.9 per cent	nil	nil
125 - 134.9 per cent		5 per cent
135 - 144.9 per cent		10 per cent
145 - 154.9 per cent		15 per cent
155 per cent or more		20 per cent

R.R.O. 1980, Reg. 220, Table.

Form 1

Crop Insurance Act (Ontario)

SEED CORN ENDORSEMENT

WHEREAS the insured person has applied for crop insurance for seed corn under The Ontario Crop Insurance Plan for Seed Corn, hereinafter referred to as "the plan", and has paid the premium prescribed thereunder;

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover seed corn.

HARVESTING OF SEEDED ACREAGE

1.—(1) All acreage seeded to seed corn shall be harvested as seed corn unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the seeded acreage or any part thereof for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part thereof.

(2) Where,

- (a) under subparagraph (1), any seeded acreage is used for a purpose other than harvesting as seed corn; or
- (b) the harvesting of any seeded acreage was prevented by reason of a cause of loss not insured against,

the Commission shall determine the potential production and such potential production shall be taken into account in the final adjustment of loss.

EVALUATION OF LOSS

2.—(1) Where loss or damage occurs on or before the 15th day of June in the crop year, the Commission, upon written application therefor by the insured person, may consent in writing to,

- (a) the reseeded of the damaged acreage; or
- (b) the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on the damaged acreage and, in such case, the Commission shall determine the number of damaged acres and the potential production thereof.

(2) Where the damaged female acreage is replanted to seed corn in accordance with clause (1) (a), the Commission shall pay to the insured person a supplementary benefit of \$75 for each acre replanted and the contract of insurance shall continue to apply to the replanted acreage.

(3) Where the damaged female acreage is used for an alternative crop, the Commission shall pay to the insured person a supplementary benefit of \$75 for each acre replanted, the replanted acreage shall be released from the contract of insurance and the guaranteed production and indemnity payable shall be reduced accordingly.

(4) Where the damaged female acreage is abandoned or destroyed in accordance with clause (1) (b), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total seeded acreage shall be calculated by multiplying the difference between the guaranteed production and the potential production determined under clause (1) (b) for the damaged acreage by the established price.

(5) Where the damaged female acreage is not used for any other purpose or the crop thereon is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (4) shall not be taken into account in the final adjustment of loss.

3.—(1) Where loss or damage occurs after the 15th day of June in the crop year, the Commission, upon written application therefor by the insured person, may consent in writing to the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres and the potential production thereof.

- (2) Where,
 - (a) damaged acreage is used for any other purpose or the insured crop thereon is abandoned or destroyed in accordance with subparagraph (1); or
 - (b) the harvesting of any seeded acreage is not completed and the harvesting was prevented by reason of a cause of loss not insured against,

the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total seeded acreage shall be calculated by multiplying,

- (c) the guaranteed production for the damaged or unharvested acreage, as the case may be; or

- (d) the amount by which the guaranteed production exceeds the potential production for the damaged or unharvested acreage,

whichever is the lesser, by the established price.

(3) Where damaged acreage is not used for any other purpose or the crop thereon is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (2) shall not be taken into account in the final adjustment of loss.

(4) Where the actual production of the acreage harvested is less than the guaranteed production for the acreage, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the seeded acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price.

(5) For the purposes of this plan, the final date for planting or replanting seed corn in a crop year is the 15th day of June or such other date as may be determined from time to time by the Commission.

SALVAGE

4. Where, as the result of an insured peril, the insured crop or any part thereof is suitable only for feed, the amount of loss that shall be taken into account in the final adjustment of loss shall be the amount by which the liability under this plan for the damaged acreage exceeds the actual production for the damaged acreage multiplied by the highest established price for grain corn under The Ontario Crop Insurance Plan for Corn.

FINAL ADJUSTMENT OF LOSS FOR TOTAL SEEDED ACREAGE

5. The indemnity payable with respect to the total seeded acreage in the final adjustment of loss shall be the sum of all loss calculations applicable to such acreage, but where,

- (a) the actual production of any harvested acreage; or
- (b) the potential production of any unharvested acreage,

exceeds the guaranteed production of such acreage, the indemnity otherwise payable in respect of any loss calculations shall be reduced by the amount obtained by multiplying such excess by the established price per bushel.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this endorsement to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at
this day of, 19.....

.....
Duly Authorized Representative General Manager

R.R.O. 1980, Reg. 220, Form 2; O. Reg. 509/86, s. 4; O. Reg. 316/87, ss. 2, 3.

REGULATION 247

CROP INSURANCE PLAN FOR SOUR CHERRIES

1. The plan in the Schedule is established for the insurance within Ontario of sour cherries. R.R.O. 1980, Reg. 221, s. 1

Schedule*Crop Insurance Act (Ontario)***PLAN**

1. This plan may be cited as "The Ontario Crop Insurance Plan for Sour Cherries".

2. The purpose of this plan is to provide for insurance against a loss in the production of sour cherries resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average yield" means the average total orchard production of the insured person over the preceding six years allowing for,

- (a) age of trees,
- (b) tree removal, and
- (c) change in acreage;

"sour cherries" means all varieties of sour cherries produced in Ontario.

DESIGNATION OF PERILS

4. The following are designated as perils for the purpose of this plan:

- 1. Drought.
- 2. Excessive moisture.
- 3. Freeze injury.
- 4. Frost.
- 5. Hail.
- 6. Rain split.
- 7. Unavoidable pollination failure.
- 8. Wildlife.
- 9. Wind damage.

DESIGNATION OF CROP YEAR

5. The crop year for sour cherries is the period from the 1st day of December in any year to the 30th day of November next following.

CONTRACT OF INSURANCE

6. For the purpose of this plan, the entire contract of insurance for sour cherries shall be deemed to be comprised of,

- (a) the contract of insurance in Form 1;
- (b) the application for insurance;
- (c) the production guarantee report, and
- (d) an amendment to any document referred to in clause (a), (b) or (c) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission;

(b) be accompanied by a premium deposit of,

- (i) \$100, or
- (ii) one-quarter of the premium payment made by the insured person for the previous crop year,

whichever is the greater, or

- (iii) an amount to be determined by the Commission; and

(c) be filed with the Commission not later than the 1st day of December in the crop year in respect of which it is made.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before the 1st day of December in the crop year during which the cancellation is to be effective or on or before such other date as may be determined from time to time by the Commission.

COVERAGE

9.—(1) The initial coverage provided under a contract of insurance shall be 66 per cent of the average yield in pounds as determined by the Commission multiplied by the established price.

(2) If there is no claim in a year, the coverage provided under a contract of insurance for the next following year shall be as follows:

- (a) where the coverage for the year in which there was no claim was 63 per cent, 66 per cent of the average yield in pounds as determined by the Commission multiplied by the established price;
- (b) where the coverage for the year in which there was no claim was 66 per cent, 68 per cent of the average yield in pounds as determined by the Commission multiplied by the established price;
- (c) where the coverage for the year in which there was no claim was 68 per cent, 70 per cent of the average yield in pounds as determined by the Commission multiplied by the established price;
- (d) where the coverage for the year in which there was no claim was 70 per cent, 73 per cent of the average yield in pounds as determined by the Commission multiplied by the established price; and
- (e) where the coverage for the year in which there was no claim was 73 per cent, 73 per cent of the average yield in pounds as determined by the Commission multiplied by the established price.

(3) If there is a claim in a year, the coverage provided under a contract of insurance for the next following year shall be as follows:

- (a) where the coverage for the year in which there was a claim was 73 per cent, 70 per cent of the average yield in pounds as determined by the Commission multiplied by the established price;
- (b) where the coverage for the year in which there was a claim was 70 per cent, 68 per cent of the average yield in pounds as determined by the Commission multiplied by the established price;

- (c) where the coverage for the year in which there was a claim was 68 per cent, 66 per cent of the average yield in pounds as determined by the Commission multiplied by the established price;
- (d) where the coverage for the year in which there was a claim was 66 per cent, 63 per cent of the average yield in pounds as determined by the Commission multiplied by the established price; and
- (e) where the coverage for the year in which there was a claim was 63 per cent, 63 per cent of the average yield in pounds as determined by the Commission multiplied by the established price.

(4) The number of pounds calculated for the purposes of subsections (1), (2) and (3) constitutes the total guaranteed production under a contract of insurance.

10.—(1) The established price per pound for sour cherries is,

- (a) 16 cents;
- (b) 20 cents; or
- (c) 22 cents.

(2) Subject to subsection (3), the established price per pound selected by an applicant at the time a contract of insurance is made applied in each succeeding crop year during which the contract is in force.

(3) Where,

- (a) the insured person applies therefor in writing prior to the 1st day of December in the crop year; and
- (b) the Commission consents in writing,

any established price designated in subsection (1) may be substituted for the established price selected by the insured person at the time a contract of insurance is made or for any established price substituted in lieu thereof under this subsection.

11. The maximum indemnity for which the Commission is liable under a contract of insurance shall be the amount obtained by multiplying the total guaranteed production determined under section 9 by the established price per pound determined under section 10.

PREMIUMS

12.—(1) The total premium payable in the crop year is,

- (a) where the level of coverage is 73 per cent, 20 per cent of the guaranteed production in pounds multiplied by the established price;
- (b) where the level of coverage is 70 per cent, 21 per cent of the guaranteed production in pounds multiplied by the established price;
- (c) where the level of coverage is 68 per cent, 22 per cent of the guaranteed production in pounds multiplied by the established price;
- (d) where the level of coverage is 66 per cent, 23 per cent of the guaranteed production in pounds multiplied by the established price; and
- (e) where the level of coverage is 63 per cent, 24 per cent of the guaranteed production in pounds multiplied by the established price.

(2) Despite subsection (1), the minimum premium payable by an insured person in each crop year is \$100.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Government of Canada under the *Crop Insurance Act* (Canada).

13.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit, to the Commission at the time the production guarantee report prescribed by section 14 is returned to the Commission.

(3) Where a renewal premium is payable in respect of a crop year, the insured person shall, not later than the 1st day of December in the crop year, pay the premium deposit as set out in clause 7 (b).

PRODUCTION GUARANTEE REPORT

14. The Commission shall prepare and deliver a production guarantee report in the form prescribed by the Commission to each insured person in each crop year and the insured person shall sign a copy thereof and return it to the Commission. R.R.O. 1980, Reg. 221, Sched.; O. Reg. 773/81, ss. 1-3; O. Reg. 755/82, s. 1; O. Reg. 42/83, s. 1; O. Reg. 798/83, ss. 1, 2; O. Reg. 646/85, ss. 1-4; O. Reg. 31/88, s. 1; O. Reg. 118/89, s. 1; O. Reg. 463/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

CONTRACT OF INSURANCE

BETWEEN:

THE CROP INSURANCE COMMISSION OF ONTARIO, hereinafter referred to as "THE COMMISSION",

OF THE FIRST PART

—and—

.....
of the of
in the County (or as the case may be) of
....., hereinafter referred to as
"THE INSURED PERSON",

OF THE SECOND PART

WHEREAS the insured person has applied for crop insurance on sour cherries under The Ontario Crop Insurance Plan for Sour Cherries, hereinafter referred to as "the plan";

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)*, and the regulations made thereunder, where, in a crop year the insured person suffers a loss in the production of sour cherries resulting from one or more of the perils designated in the plan, the Commission, subject to the terms and conditions hereinafter set forth, agrees to indemnify the insured person in respect of such loss.

TERMS AND CONDITIONS

INSURED CROP

1. In this contract, "insured crop" means all varieties of sour cherries produced in Ontario.

CAUSES OF LOSS NOT INSURED AGAINST

2. This contract does not insure against and no indemnity shall be paid in respect of a loss resulting from,

- (a) the negligence, misconduct or poor farming practices of the insured person or the insured person's agents or employees;
- (b) a shortage of labour or machinery;
- (c) insect infestation or plant disease; or
- (d) a peril other than the perils designated in the plan.

EXTENT OF INSURANCE

3.—(1) The insured person shall offer for insurance all acreage planted to the insured crop on the farm or farms operated in Ontario, and, subject to subparagraph (2), this contract applies to all such acreage.

(2) This contract does not apply to, and no indemnity is payable in respect of, acreage planted to the insured crop,

- (a) that was not adequately prepared for cropping purposes; or
- (b) that, in the opinion of the Commission, is not insurable.

4.—(1) All insured acreage shall be harvested unless the Commission, upon application therefor in writing, consents in writing to the abandonment or destruction of the insured crop or any part thereof and, in such case, the Commission shall determine,

- (a) the potential production of the unharvested acreage; and
- (b) whether the harvesting was prevented by one or more of the perils insured against.

(2) Where an insured person fails to obtain the consent of the Commission in accordance with subparagraph (1), no indemnity shall be paid in respect of the unharvested acreage.

EVALUATION OF LOSS

5.—(1) Subject to subparagraphs (3) and (4), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total insured acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per pound.

(2) For the purpose of subparagraph (1), actual production shall include,

- (a) the total orchard run of all insured acreage; and
- (b) the potential production of wholly or partially unharvested acreage where the failure to harvest resulted from a cause of loss not insured against.

(3) Where the insured crop or any part thereof has suffered damage from an insured peril to such an extent that it is unsuitable for sale, it shall not be counted as production.

(4) Despite subparagraph (3), where damaged sour cherries are sold to a winery at less than the prevailing price for unblemished fruit, the actual production shall be deemed to be reduced in the ratio that the salvage value received for the crop bears to the market price for processing sour cherries as set by The Ontario Tender Fruit Producers' Marketing Board.

NOTICE OF LOSS OR DAMAGE

6.—(1) Where,

- (a) loss of the insured crop occurs; or
- (b) the insured crop or any part thereof is or is intended to be sold on a pick-your-own basis,

the insured person shall notify the Commission in writing as soon as

the damage occurs in order that a pre-harvest inspection may be made.

(2) Where the insured person fails to notify the Commission pursuant to subparagraph (1), a claim by the insured person is invalid and the insured person's right to indemnity is forfeited.

MISREPRESENTATION, VIOLATION OF CONDITIONS OR FRAUD

7. Where the insured person,

- (a) in the application for insurance,
 - (i) gives false particulars of the insured crop to the prejudice of the Commission, or
 - (ii) knowingly misrepresents or fails to disclose any fact required to be stated therein;
- (b) contravenes a term or condition of the contract of insurance;
- (c) commits a fraud in respect of the insured crop; or
- (d) wilfully makes a false statement in respect of a claim under the contract of insurance,

a claim by the insured person is invalid and the insured person's right to recover indemnity is forfeited.

WAIVER OR ALTERATION

8. No term or condition of this contract shall be deemed to be waived or altered in whole or in part by the Commission unless the waiver or alteration is clearly expressed in writing signed by the Commission or a representative authorized for that purpose by the Commission.

INTEREST OF OTHER PERSONS

9. Although that a person other than the insured person holds an interest of any kind in the insured crop, for the purposes of this contract,

- (a) the interest of the insured person in the insured crop is deemed to be the full value of the crop; and
- (b) except as provided in paragraph 10, no indemnity shall be paid to any person other than the insured person.

ASSIGNMENT OF RIGHT TO INDEMNITY

10. The insured person may assign all or part of the right to indemnity under this contract in respect of the insured crop but an assignment is not binding on the Commission and no payment of indemnity shall be made to an assignee unless,

- (a) the assignment is made on a form provided by the Commission; and
- (b) the Commission consents thereto in writing.

ADJUSTMENT OF LOSS

11.—(1) The indemnity payable for loss or damage to the insured crop shall be determined in the manner prescribed by this contract.

(2) The Commission may cause the production of the insured crop to be appraised by any method that it deems proper.

(3) No indemnity shall be paid for a loss in respect of the insured crop unless the insured person establishes,

- (a) the actual production obtained from the insured crop for the crop year; and

(b) that the loss in production or part thereof resulted directly from one or more of the perils insured against.

(4) Where a loss in production resulted partly from a peril insured against and partly from a cause of loss not insured against, the Commission shall determine the amount of the loss that resulted from the cause of loss not insured against, and the contract shall be reduced accordingly.

PROOF OF LOSS

12.—(1) A claim for indemnity in respect of the insured crop shall be made on a proof of loss form provided by the Commission and shall be filed with the Commission not later than sixty days after the earlier of,

- (a) the completion of harvesting of the insured crop; or
(b) the end of the crop year.

(2) Subject to subparagraph (3), a claim for indemnity shall be made by the insured person.

- (3) A claim for indemnity may be made,
(a) in the case of the absence or inability of the insured person, by the insured person's authorized representative; or
(b) in the case of the absence or inability of the insured person or on the insured person's failure or refusal to do so, by an assignee under an assignment made in accordance with paragraph 10.

(4) Where required by the Commission, the information given in a proof of loss form shall be verified by statutory declaration.

ARBITRATION

13. Where the Commission and the insured person fail to resolve any dispute respecting the adjustment of a loss under this contract, the matter shall be determined by arbitration in accordance with the regulations.

TIME FOR PAYMENT OF INDEMNITY

14.—(1) No indemnity under this contract becomes due and payable until,

- (a) the end of the crop year; and
(b) the premium has been paid in full.

(2) Where the indemnity payable by the Commission under this contract is established by the filing of a proof of loss form or by an award of an arbitrator or board of arbitration, it shall be paid within sixty days of the receipt by the Commission of the proof of loss form or award, as the case may be.

(3) Nothing in this paragraph prevents the Commission from paying indemnity under this contract at an earlier date.

SUBROGATION

15. Where the Commission has paid a claim under this contract, the Commission is subrogated to the extent thereof to all rights of recovery of the insured person against any person and may bring action in the name of the insured person to enforce those rights.

RIGHT OF ENTRY

16. The Commission has a right of entry to the premises of the insured person that may be exercised by agents of the Commission at any reasonable time or times for any purpose related to the contract of insurance.

NOTICE

17.—(1) Any written notice to the Commission shall be given by delivery thereof or by sending it by mail to the Commission.

(2) Written notice to the insured person shall be served by personal delivery or by mailing it to the insured person's last known address on file with the Commission.

(3) A written notice that is mailed shall be deemed to be served three days after it is mailed.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this contract of insurance to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at
this day of, 19.....

.....
Duly Authorized General Manager
Representative

R.R.O. 1980, Reg. 221, Form 1; O. Reg. 42/83, s. 2; O. Reg. 646/85, s. 5; O. Reg. 118/89, s. 2; O. Reg. 463/90, s. 2.

REGULATION 248

CROP INSURANCE PLAN FOR SPECIALTY CROPS

1. The plan in the Schedule is established for the insurance within Ontario of specialty crops. O. Reg. 465/84, s. 2.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Specialty Crops".

2. The purpose of this plan is to provide for insurance against a loss resulting from one or more of the perils designated in section 4.

INTERPRETATION

- 3. In this plan, "specialty crops" means,
(a) sweet corn and tomatoes produced in Ontario and grown for the fresh market; and
(b) broccoli, cabbage, cauliflower, celery, lettuce, parsnips, and strawberries produced in Ontario,
(i) for processing under a contract between a grower and a processor, and on acreage or for tonnage specified in such contract, or
(ii) for sale on the fresh market.

DESIGNATION OF PERILS

4.—(1) The following are designated as perils for the purposes of this plan:

- 1. Drought.
2. Excessive heat.
3. Excessive rainfall.
4. Flood.

5. Freeze.
6. Frost.
7. Hail.
8. Insect infestation.
9. Plant disease.
10. Wildlife.
11. Wind.

(2) Despite subsection (1), broccoli, cauliflower and strawberries are not insured against any loss resulting from drought and lettuce and sweet corn are not insured against any loss resulting from excessive heat.

CROP YEAR

5. The crop year for specialty crops is the period from the 1st day of March in any year to the 1st day of November next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for specialty crops shall be deemed to be comprised of,

- (a) the contract of insurance in Form 1;
- (b) the application for insurance;
- (c) the final acreage report for each crop year; and
- (d) an amendment to any document referred to in clause (a), (b) or (c) agreed upon in writing.

7.—(1) An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be filed with the Commission,
 - (i) for strawberries, not later than the 15th day of April in the crop year,
 - (ii) for all other crops, not later than the 1st day of May in the crop year, or
 - (iii) such other date as may be determined by the Commission,
- (c) be accompanied by a premium deposit of \$100 for each crop applied for;
- (d) include all acreage intended to be planted to the crops applied for; and
- (e) include the insurance value selected by the insured person for each crop.

(2) Where, for any reason, the applicant fails to enter into a contract of insurance with the Commission, the Commission may retain the premium deposit paid.

DURATION OF CONTRACT

8. A contract of insurance shall be in force for the crop year in respect of which it is made unless it is terminated in whole or in part in accordance with regulations.

COVERAGE

9.—(1) Subject to subsections (2) and (3), the total coverage provided under a contract of insurance is 70 per cent of the insurance value selected by the insured person for each of the insured crops multiplied by the number of acres grown.

(2) The coverage provided under subsection (1) shall be increased following each consecutive no claim year as follows:

1. Following the first no claim year to 75 per cent.
2. Following the second no claim year to 80 per cent.

(3) The coverage provided under subsections (1) and (2) shall be decreased for claim years in steps of 5 per cent from the insured level in reverse progression to that prescribed by subsection (2) to a minimum of 65 per cent.

(4) Where, in any year, a claim is paid in an amount less than one-half of the total premium for that year, the coverage for the following year shall remain unchanged.

10.—(1) The maximum insurable value that may be selected by the insured person for each acre of the insured crop is as follows:

- | | |
|-----------------|------------|
| 1. Broccoli | — \$1,100. |
| 2. Cabbage | — \$1,000. |
| 3. Cauliflower | — \$1,600. |
| 4. Celery | — \$2,400. |
| 5. Lettuce | — \$1,200. |
| 6. Parsnips | — \$1,200. |
| 7. Strawberries | — \$3,000. |
| 8. Sweet Corn | — \$ 650. |
| 9. Tomatoes | — \$2,500. |

(2) The minimum insurable value that may be selected by the insured person for each acre of the insured crop shall be an amount equal to one-half of the maximum insurable value that may be selected for the crop as provided by subsection (1).

PREMIUMS

11.—(1) Where the level of coverage in a crop year is 70 per cent, the total premium payable in respect of the insured crop shall be determined according to the following formula:

$$\text{Total coverage in dollars prescribed by section 9} \times \frac{\text{Factor listed opposite insured crop in the Table}}{100}$$

(2) The total premium payable as determined in accordance with subsection (1) may be increased following each consecutive claim year in steps of 2 per cent to a maximum of 4 per cent.

(3) The total premium payable as determined in accordance with subsection (1) may be decreased following each consecutive no claim year in steps of 2 per cent to a maximum of 4 per cent.

(4) Despite subsections (1), (2) and (3), the minimum premium payable by an insured person in each crop year is \$100 for each crop insured.

(5) The premiums prescribed by this section include payments in respect of premiums made by the Government of Canada under the *Crop Insurance Act* (Canada).

TABLE

Crop	Factor
1. Broccoli	26
2. Cabbage	10
3. Cauliflower	26
4. Celery	16
5. Lettuce	20

Crop	Factor
6. Parsnips	24
7. Strawberries	22
8. Sweet Corn	18
9. Tomatoes	20

12.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year in which the insured person plants acreage to an insured crop.

(2) Where a premium is payable by an insured person in respect of a crop year, the insured person shall pay the premium, less the premium deposit, if any, to the Commission at the time the final acreage report prescribed by section 13 is filed.

FINAL ACREAGE REPORTS

13.—(1) Every insured person shall file with the Commission in each crop year a final acreage report in a form provided by the Commission within ten days after the planting of acreage is completed.

(2) A final acreage report filed with the Commission shall not be amended without the consent in writing of the Commission.

14.—(1) The Commission may revise the final acreage report in any or all respects and adjust the premium accordingly and in such case, shall notify the insured person in writing forthwith respecting such revision and adjustment.

(2) The insured person shall be deemed to have agreed with the revision of the final acreage report and adjustment of premium made by the Commission under subsection (1) unless, within ten days from the mailing or delivery of the notification by the Commission, the insured person notifies the Commission in writing the revision and adjustment are not acceptable.

(3) Where the Commission receives notice from an insured person under subsection (2), it shall notify the insured person in writing that the contract of insurance does not apply for the crop year in respect of which the final acreage report was filed and shall refund any premium or premium deposit paid in respect of that crop year.

(4) A final acreage report revised under this section shall, failing notice under subsection (2), constitute the final acreage report for the crop year.

15.—(1) Where an insured person in any crop year fails to file a final acreage report in the form and manner prescribed by this Regulation, the Commission may,

- (a) prepare the final acreage report; or
- (b) declare the insured acreage to be nil.

(2) Where the Commission prepares a final acreage report under subsection (1), the Commission shall mail or deliver a copy of the report to the insured person.

(3) Every insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commission within ten days from the mailing or delivery to the insured person of a copy of the report.

FINAL DATE FOR SEEDING

16.—(1) For the purposes of this plan, in a crop year, the final date for seeding or planting of specialty crops in rows and at regular intervals is,

- (a) the 1st day of August for broccoli and lettuce;
- (b) the 15th day of July for cauliflower;

- (c) the 15th day of June for tomatoes; or
- (d) the 1st day of July for all other specialty crops.

(2) Where it is reasonable in the circumstances, the final dates set out in subsection (1) may be changed for any specialty crop. O. Reg. 313/81, Sched.; O. Reg. 219/82, ss. 1-4; O. Reg. 266/83, ss. 1-5; O. Reg. 465/84, ss. 3-10; O. Reg. 286/85, ss. 1-7; O. Reg. 204/86, ss. 1, 2; O. Reg. 329/87, ss. 1, 2; O. Reg. 278/88, s. 1; O. Reg. 294/89, s. 1, revised.

Form 1

Crop Insurance Act (Ontario)

CONTRACT OF INSURANCE

BETWEEN:

THE CROP INSURANCE COMMISSION OF ONTARIO, hereinafter referred to as "THE COMMISSION",

OF THE FIRST PART

—and—

.....
of the of
in the County (or as the case may be) of
....., hereinafter referred to as "THE INSURED PERSON",

OF THE SECOND PART

WHEREAS the insured person has applied for crop insurance on one or more crops under The Crop Insurance Plan for Specialty Crops, hereinafter referred to as "the plan";

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, where in a crop year the insured person suffers a loss resulting from one or more of the perils designated in the plan, the Commission, subject to the terms and conditions hereinafter set forth, agrees to indemnify the insured person in respect of such loss.

CAUSES OF LOSS NOT INSURED AGAINST

1. This contract does not insure against and no indemnity shall be paid in respect of a loss resulting from,

- (a) the negligence, misconduct or poor farming practices of the insured person or the insured person's agents or employees;
- (b) a shortage of labour or machinery;
- (c) plant disease and insect infestation unless recommended spray programs and cultural practices were followed; or
- (d) a peril other than the perils designated in the plan.

EXTENT OF INSURANCE

2.—(1) The insured person shall offer for insurance all acreage planted in the crop year to the insured crop or crops on the farm or farms operated by the insured person in Ontario, and, subject to subparagraph (2), this contract applies to all such acreage.

(2) This contract does not apply to, and no indemnity is payable in respect of, acreage planted to an insured crop,

- (a) that was not adequately prepared for cropping purposes;
- (b) that, in the opinion of the Commission, is not insurable; or
- (c) on which the insured crop is a volunteer crop.

3.—(1) Where the acreage planted by the insured person in the crop year is not the same as that stated in the application for insurance, the insured person shall, not later than the 15th day of July, notify the Commission in writing of the actual acreage planted.

(2) Where the actual planted acreage of an insured crop is less than that stated in the final acreage report, the maximum amount of indemnity shall be reduced proportionately and there shall be no refund of premium in respect thereof.

(3) Where the actual planted acreage of an insured crop is more than that stated in the final acreage report, the maximum amount of indemnity and the premium payable shall not be increased but the potential of the total planted acreage shall be included in the calculation of a loss.

HARVESTING OF PLANTED ACREAGE

4. All acreage planted to an insured crop in the crop year shall be harvested unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part thereof.

5.—(1) If before harvest any part of the insured crop is lost or damaged, the Commission, upon application therefor in writing by the insured person, may consent in writing to,

- (a) the replanting of the damaged acreage to the insured crop and, in such case, the replanting shall be completed in accordance with and not later than the dates prescribed by section 16 of the Schedule;
- (b) the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres and the potential thereof.

(2) Where the damaged acreage is replanted to the insured crop in accordance with clause (1) (a), the contract of insurance continues to apply to such replanted acreage and,

- (a) a benefit for each acre of celery, lettuce, parsnips, strawberries and sweet corn shall be paid in accordance with the benefit per acre set out in the Table; and
- (b) a benefit for broccoli, cabbage, cauliflower and tomatoes shall be paid equal to the actual cost of the plants or seeds that are used in the replanting but not exceeding the amount noted in the Table.

(3) Where the damaged acreage is used for any other purpose or the insured crop is abandoned or destroyed in accordance with clause (1) (b), the contract of insurance ceases to apply to the acreage and,

- (a) a benefit for each acre of celery, lettuce, parsnips, strawberries and sweet corn abandoned or destroyed shall be paid in accordance with the Table; and
- (b) a benefit for broccoli, cabbage, cauliflower and tomatoes shall be paid in an amount equal to the actual cost of the plants or seeds used in the original planting but not exceeding the amount noted in the Table.

(4) If the damaged acreage is not used for any other purpose or the crop is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (3) shall not be taken into account in the final adjustment of loss.

(5) Acreage planted to an insured crop shall not be put to

another use and the insured crop shall not be abandoned or destroyed until the Commission has appraised the potential of the acreage.

EVALUATION OF LOSS

6.—(1) The amount of loss that shall be taken into account in the final adjustment of loss in respect of any damage to a crop caused by an insured peril shall be the amount by which the percentage coverage for that crop exceeds the potential as determined by the Commission for that crop multiplied by the insurance value selected by the insured person for the damaged acreage.

(2) The loss calculated under subparagraph (1) shall be reduced by the amount of any loss that, in the opinion of the Commission, was sustained by reason of a peril other than the perils designated in the plan.

MISREPRESENTATION, VIOLATION OF CONDITIONS OR FRAUD

7. A claim by the insured person is invalid and the insured person's right to recover indemnity is forfeited where the insured person,

- (a) in the application for insurance,
 - (i) gives false particulars of an insured crop to the Commission, or
 - (ii) knowingly misrepresents or fails to disclose any fact required to be stated therein;
- (b) contravenes a term or condition of the contract of insurance;
- (c) commits a fraud in respect of an insured crop; or
- (d) wilfully makes a false statement in respect of a claim under the contract of insurance.

WAIVER OR ALTERATION

8. No term or condition of this contract shall be deemed to be waived or altered in whole or in part by the Commission unless the waiver or alteration is clearly expressed in writing signed by the Commission or a representative authorized for that purpose by the Commission.

9. Although that a person other than the insured person holds an interest of any kind in the insured crop, for the purposes of this contract,

- (a) the interest of the insured person in an insured crop is deemed to be the full value of the crop; and
- (b) except as provided in paragraph 10, no indemnity shall be paid to any person other than the insured person.

ASSIGNMENT OF RIGHT TO INDEMNITY

10. The insured person may assign all or part of the right to indemnity under this contract in respect of an insured crop but an assignment is not binding on the Commission and no payment of indemnity shall be made to an assignee unless,

- (a) the assignment is made on a form approved by the Commission; and
- (b) the Commission consents thereto in writing.

NOTICE OF LOSS

11.—(1) Where loss or damage to an insured crop occurs, the insured person shall notify the Commission forthwith by telephone and shall confirm in writing within three days of such time in order

that a full inspection can be carried out prior to harvest of the affected acreage.

(2) Where the insured person fails to notify the Commission pursuant to subparagraph (1), a claim by the insured person is invalid as the insured person's right to recover indemnity is forfeited.

ADJUSTMENT OF LOSS

12.—(1) The indemnity payable for loss or damage to an insured crop shall be determined in the manner prescribed by this contract.

(2) The Commission may cause the potential of an insured crop to be appraised by any method that it deems proper.

(3) No indemnity shall be paid for a loss in respect of an insured crop unless the insured person establishes that the loss or part thereof resulted directly from one or more of the perils insured against.

(4) Where a loss resulted partly from a peril insured against and partly from a cause of loss not insured against, the Commission shall determine the amount of the loss that resulted from the cause of loss not insured against, and the indemnity payable by the Commission under this contract shall be reduced accordingly.

PROOF OF LOSS

13.—(1) A claim for indemnity in respect of the insured crop shall be made on a proof of loss form provided by the Commission and shall be filed with the Commission not later than sixty days after the earlier of,

- (a) the completion of harvesting of the last of the insured crops; or
- (b) the end of the crop year.

(2) Subject to subparagraph (3), a claim for indemnity shall be made by the insured person.

(3) A claim for indemnity may be made,

- (a) in the case of the absence or inability of the insured person, by the insured person's authorized representative; or
- (b) in the case of the absence or inability of the insured person or on the insured person's failure or refusal to do so, by an assignee under an assignment made in accordance with paragraph 10.

(4) Where required by the Commission, the information given in a proof of loss shall be verified by statutory declaration.

ARBITRATION

14. Where the Commission and the insured person fail to resolve any dispute respecting the adjustment of a loss under this contract, the matter shall be determined by arbitration in accordance with the regulations.

TIME FOR PAYMENT OF INDEMNITY

15.—(1) No indemnity under this contract becomes due and payable until,

- (a) the end of the crop year; and
- (b) the premium has been paid in full.

(2) Where the indemnity payable by the Commission under this contract is established by the filing of a proof of loss form or by an award of an arbitrator or board of arbitration, it shall be paid within sixty days of the receipt by the Commission of the proof of loss form or award, as the case may be.

(3) Nothing in this paragraph prevents the Commission from paying indemnity under this contract at an earlier date.

SUBROGATION

16. Where the Commission has paid a claim under this contract, the Commission is subrogated to the extent thereof to all rights of recovery of the insured person against any person and may bring action in the name of the insured person to enforce those rights.

RIGHT OF ENTRY

17. The Commission has a right of entry to the premises of the insured person that may be exercised by agents of the Commission at any reasonable time or times for any purpose related to the contract of insurance.

18.—(1) Any written notice to the Commission shall be given by delivery thereof or by sending it by mail to the Commission.

(2) Written notice to the insured person shall be given by delivery thereof or by sending it by mail addressed to the insured person's last post office address on file with the Commission.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this contract of insurance to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at
this day of, 19.....

.....
Duly Authorized
Representative

.....
General Manager

TABLE

Crop	Number of PLants per acre	Benefits per acre
Broccoli	10,000 or less	\$150
	10,001 to 14,000 incl.	\$300
Cabbage	14,001 or more	\$400
	10,000 or less	\$250
	10,001 to 14,000 incl.	\$400
Cauliflower	14,001 or more	\$500
	10,000 or less	\$150
	10,001 to 14,000 incl.	\$300
Celery	14,001 or more	\$400
		\$110
Lettuce		Nil
Parsnips		\$ 35
Strawberries		Nil
Sweet Corn		\$ 45
Tomatoes	6,500 or less	\$750
	6,501 to 7,500 incl.	\$800
	7,501 or more	\$850

O. Reg. 313/81, Form 1; O. Reg. 219/82, s. 5; O. Reg. 266/83, s. 6; O. Reg. 465/84, s. 11; O. Reg. 286/85, s. 8; O. Reg. 204/86, s. 3; O. Reg. 329/87, ss. 3, 4; O. Reg. 278/88, s. 2; O. Reg. 294/89, s. 2.

REGULATION 249

CROP INSURANCE PLAN FOR SPRING GRAIN

1. The plan in the Schedule is established for the insurance within Ontario of spring grain. R.R.O. 1980, Reg. 223, s. 1.

Schedule*Crop Insurance Act (Ontario)***PLAN**

1. This plan may be cited as "The Ontario Crop Insurance Plan for Spring Grain".

2. The purpose of this plan is to provide for insurance against a loss in the production of spring grain resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average farm yield" means the average yield of the planted acreage,

- (a) for the ten-year period immediately preceding the current year computed on the basis of the acreage production records of the insured person, or
- (b) for the number of years of enrolment in the plan computed on the basis of the acreage production records of the insured person or on another basis that is reasonable in the circumstances, where the insured person has not been enrolled in the plan for ten years;

"mixed grain" means any seed mixture that includes both oats and barley, the combined weight of which equals at least 75 per cent of the total, but the individual weights of either of which do not exceed 75 per cent of the total;

"spring grain" means,

- (a) oats,
- (b) barley, including winter barley,
- (c) spring wheat, and
- (d) mixed grain,

the moisture content of which is not greater than 14 per cent.

DESIGNATION OF PERILS

4. The following are designated as perils for the purposes of this plan:

1. Drought.
2. Excessive moisture.
3. Excessive rainfall.
4. Flood.
5. Frost.
6. Hail.
7. Insect infestation.
8. Plant disease.
9. Wildlife.
10. Wind
11. Winter kill.

DESIGNATION OF CROP YEAR

5.—(1) Subject to subsection (2), the crop year for spring grain is the period from the 1st day of March in any year to the last day of February next following.

(2) The crop year for winter barley is the period from the 1st day of September in any year to the 31st day of August next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for spring grain shall be deemed to be comprised of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) an endorsement for spring grain in Form 2;
- (c) the application for insurance;
- (d) the final acreage report for each crop year; and
- (e) an amendment to any document referred to in clause (a), (b), (c) or (d) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be accompanied by a premium deposit of \$1 per acre; and
- (c) be filed with the Commission not later than,
 - (i) the 1st day of May, or
 - (ii) the 31st day of October in the case of winter barley,
 in the crop year in respect of which it is made.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before the final date for application in the crop year during which the cancellation is to be effective.

COVERAGE

9. For the purpose of calculating the average farm yield for spring grain, the Commission shall, on an annual basis, compare the actual yield in each year of the ten-year period used to calculate the average farm yield with the average farm yield itself and,

- (a) if the actual yield in a year exceeds the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \frac{\text{Actual Yield}}{3} \left[\frac{\text{Actual Yield}}{\text{Yield}} - \left(\frac{\text{Average Yield}}{\text{Yield}} \times 1.3 \right) \right]$$

- (b) if the actual yield in a year falls short of the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \frac{\text{Actual Yield}}{3} \left[\left(\frac{\text{Average Yield}}{\text{Yield}} \times 0.7 \right) - \frac{\text{Actual Yield}}{\text{Yield}} \right]$$

10.—(1) For the purpose of computing total guaranteed production, the number of bushels determined as the average farm yield shall be converted to pounds.

(2) The conversion into pounds mentioned in subsection (1) shall be made on the basis that,

- (a) a bushel of oats weighs 34 pounds;
- (b) a bushel of barley weighs 48 pounds;
- (c) a bushel of spring wheat weighs 60 pounds; and
- (d) a bushel of mixed grain weighs 40 pounds.

11.—(1) Subject to subsections (4) and (5), the initial coverage provided under a contract of insurance shall be 75 per cent of the average farm yield in pounds of the total acreage planted to spring grain by the insured person.

(2) Subject to subsections (4) and (5), the coverage provided under a contract of insurance following a year in which there was no claim shall be,

- (a) where the previous year's coverage was 70 per cent, 73 per cent;
- (b) where the previous year's coverage was 73 per cent, 75 per cent;
- (c) where the previous year's coverage was 75 per cent, 78 per cent;
- (d) where the previous year's coverage was 78 per cent, 80 per cent; and
- (e) where the previous year's coverage was 80 per cent, 80 per cent,

of the average farm yield in pounds of the total acreage planted to spring grain by the insured person.

(3) Subject to subsections (4) and (5), the coverage provided under a contract of insurance following a year in which there was a claim shall be,

- (a) where the previous year's coverage was 80 per cent, 78 per cent;
- (b) where the previous year's coverage was 78 per cent, 75 per cent;
- (c) where the previous year's coverage was 75 per cent, 73 per cent;
- (d) where the previous year's coverage was 73 per cent, 70 per cent; and
- (e) where the previous year's coverage was 70 per cent, 70 per cent,

of the average farm yield in pounds of the total acreage planted to spring grain by the insured person.

(4) Where, in any year, a claim is paid in an amount that is less than one-half of the total premium for that year, the coverage for the following year shall remain unchanged.

(5) Despite clause (3) (a), the coverage provided under a contract of insurance following a year in which there was a claim shall be 80 per cent where,

- (a) the insured person has had coverage and an actual farm yield for at least five years; and

- (b) the previous year's coverage was 80 per cent.

12. The maximum indemnity payable for a loss in production of spring grain in a crop year is the amount obtained by multiplying the total guaranteed production determined under section 11 by the established price per pound determined under section 13.

13.—(1) For the purposes of this plan, the established price for spring grain is,

- (a) \$0.02 per pound;
- (b) \$0.045 per pound; or
- (c) the greater of \$0.033 per pound and the floating price per pound for spring grain, as determined under subsection (2).

(2) To obtain the floating price per pound for spring grain, the Commission shall,

- (a) calculate the floating price of barley, oats and mixed grain by averaging the daily prices of barley, oats and mixed grain at the Ontario locations of Hensall/Mitchell, Peterborough/Trenton and Embrun/St. Isidore as set out in the Farm Market News, during the period of August 10th to August 31st in each crop year; and
- (b) reduce the amount calculated under clause (a) by trucking costs in the amount of \$0.002 per pound of spring grain.

(3) Any established price designated herein may be substituted for the established price selected by the insured person at the time a contract of insurance is made, or any established price substituted in lieu thereof under this section where,

- (a) the insured person applies therefor in writing on or before the 1st day of May in a crop year; and
- (b) the Commission consents in writing.

(4) Where, upon any renewal, the insured person fails to select an established price pursuant to subsection (3), the Commission may designate the established price applicable to the contract for the crop year.

(5) For the purposes of this plan, the established price and premium for winter barley will be equal to the highest price option for spring grain for the crop year.

PREMIUMS

14.—(1) The total premium is,

- (a) \$4.40 per acre where the established price is \$0.02 per pound;
- (b) \$9.60 per acre where the established price is \$0.045 per pound; or
- (c) \$11.40 per acre where the established price is the floating price per pound.

(2) Despite subsection (1), the total premium is 80 per cent of the total premium prescribed by subsection (1) if,

- (a) the coverage is 80 per cent and the insured person has had coverage and an actual farm yield for at least five years; and
- (b) based on Commission records, total premiums paid by the insured person for spring grain exceed any indemnity paid.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

15.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year in which the insured person plants acreage to spring grain.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit, if any, to the Commission at the time the final acreage report prescribed by section 16 is filed.

(3) Where application is made for insurance coverage on winter barley, the insured person shall insure all spring sown acreage of spring grain under the same contract of insurance and shall file a final acreage report and pay the additional premium in respect thereof within ten days after the planting is completed.

FINAL ACREAGE REPORTS

16.—(1) Every insured person shall file with the Commission in each crop year a final acreage report in a form provided by the Commission within ten days after the planting of acreage to spring grain is completed.

(2) A final acreage report filed with the Commission shall not be amended without the consent in writing of the Commission.

17.—(1) The Commission may revise the final acreage report in any or all respects and adjust the premium accordingly and, in such case, shall notify the insured person in writing forthwith respecting such revision and adjustment.

(2) The insured person shall be deemed to have agreed with the revision of the final acreage report made by the Commission under subsection (1) unless the insured person notifies the Commission in writing that the revision is not acceptable within ten days after the Commission notification is served on the insured person.

(3) For the purposes of subsection (2), the Commission notification may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(4) Where the Commission receives notice from an insured person under subsection (2), it shall notify the insured person in writing that the contract of insurance does not apply for the crop year in respect of which the final acreage report was filed and shall refund any premium or premium deposit paid in respect of that crop year.

(5) A final acreage report revised under this section shall, failing notice under subsection (2), constitute the final acreage report for the crop year.

18.—(1) Where an insured person in any crop year fails to file a final acreage report in the form and manner prescribed by this Regulation, the Commission may,

(a) prepare the final acreage report; or

(b) declare the insured acreage to be nil.

(2) The Commission shall serve a copy of a final acreage report made under subsection (1) on the insured person either by personal delivery or by mailing it to the insured person's last known address.

(3) Every insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commission within ten days after the insured person has been served with a copy of it.

(4) A report that is mailed shall be deemed to be served three days after it is mailed.

FINAL PLANTING DATE

19. For the purposes of this plan, the final date for planting in a crop year is,

(a) for spring sown crops, the 1st day of July; and

(b) for winter barley, the 20th day of October,

or such other date as may be determined from time to time by the Commission. R.R.O. 1980, Reg. 223, Sched.; O. Reg. 306/81, ss. 1-3; O. Reg. 91/82, s. 1; O. Reg. 47/83, ss. 1, 2; O. Reg. 140/84, ss. 1-3; O. Reg. 302/85, ss. 1-3; O. Reg. 325/87, ss. 1-5; O. Reg. 277/88, s. 1; O. Reg. 296/89, s. 1; O. Reg. 449/90, s. 1.

TABLE

Spring Sown Crops in Order of Priority	
1.	Corn
2.	Soybeans
3.	White Beans
4.	Coloured Beans
5.	Spring Grain
6.	Canola
7.	Sunflowers
8.	Red Spring Wheat

O. Reg. 306/81, s. 4; O. Reg. 302/85, s. 4; O. Reg. 325/87, s. 6; O. Reg. 296/89, s. 2.

Form 1

Crop Insurance Act (Ontario)

EXTENDED COVERAGE ENDORSEMENT

1.—(1) This endorsement is in force where the insured person applies for it and pays the prescribed premium.

(2) The coverage in force and indemnity and premiums payable under this endorsement are in addition to any prescribed by the plan.

(3) The conditions of the Schedule and Form 2 apply to this endorsement unless they are inconsistent with it or are specifically excluded under it.

2. An application for extended coverage shall be made by,

(a) the 1st day of May; or

(b) the 31st day of October in the case of winter barley,

in the crop year in respect of which it is made.

COVERAGE

3. The insured person may purchase an extra 3 per cent coverage in addition to the coverage determined under section 11 of the Schedule.

4. The maximum indemnity for which the Commission is liable under a contract of insurance under the plan and insurance provided by this endorsement is the amount obtained by adding an additional 3 per cent to the total guaranteed production determined under section 11 of the Schedule and multiplying this sum by the established price per pound determined under section 13 of the Schedule.

PREMIUMS

5.—(1) The additional premium payable in the crop year for this endorsement is,

(a) \$0.60 per acre where the established price is \$0.02 per pound;

(b) \$1.60 per acre where the established price is \$0.045 per pound; or

(c) \$1.80 per acre where the established price is the floating price per pound.

(2) The premiums prescribed by subsection (1) include payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

(3) Subsection 14 (2) of the Schedule does not apply to this endorsement.

(4) An insured person shall pay a premium deposit of \$1 per acre at the time of application for extended coverage. O. Reg. 449/90, s. 3, *part*.

Form 2

Crop Insurance Act (Ontario)

SPRING GRAIN ENDORSEMENT

WHEREAS the insured person has applied for crop insurance for spring grain under The Ontario Crop Insurance Plan for Spring Grain, hereinafter referred to as "the plan", and has paid the deposit premium prescribed thereunder;

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover spring grain.

HARVESTING OF PLANTED ACREAGE

1.—(1) All acreage planted to spring grain in a crop year shall be harvested unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part thereof.

(2) Where the harvesting of any planted acreage is not completed and the failure to harvest was not caused by an insured peril, the contract of insurance shall cease to apply to such unharvested acreage and no indemnity shall be payable therefor.

EVALUATION OF LOSS

2.—(1) For the purposes of determining the loss in production of spring grain in a crop year and the indemnity payable therefor, the actual production of all harvested acreage of oats, barley, spring wheat and mixed grain shall be combined, and in no case shall the production of oats, barley, spring wheat or mixed grain be taken into account separately.

(2) For the purpose of calculating actual production, hullless oat yields shall be multiplied by a factor of 1.28 per cent to convert the yields to hulled oat yields, irrespective of whether loss occurs under subparagraph (1).

3.—(1) An indemnity shall be paid for the acreage set out in subparagraph (2) in the amount set out in subparagraph (3), if,

- (a) all of the acres planted to the crops listed in the Table to this Regulation are offered for insurance;
- (b) the insured person elects the indemnity on the application;
- (c) the insured person pays a premium deposit of \$1 for each acre intended to be planted to the crops listed in the Table;
- (d) one or more of the designated perils prevents the planting,
 - (i) of three acres or more, in the case of systematically tile drained land, or

(ii) of six acres or more, in the case of land that is not systematically tile drained; and

(e) the insured person notifies the Commission of the inability to plant the acres to the crops listed in the Table by the 15th day of June in the crop year.

(2) The indemnity shall be paid,

- (a) for each unplanted acre, in the case of systematically tile drained land; or
- (b) for each unplanted acre in excess of three unplanted acres, in the case of land that is not systematically tile drained.

(3) The amount of the indemnity shall be one-third of the guaranteed production per acre of the crop with the highest priority in the Table of the crops intended to be planted and insured by the insured person multiplied by the established price for that crop.

(4) If the insured person has elected the floating price as the established price, the established price prescribed by clause 13 (1) (b) of the Schedule shall be used in lieu of the floating price for the purposes of the calculation in subparagraph (3).

(5) No indemnity shall be payable under this paragraph for land for which the same indemnity was paid by the Commission in the immediately preceding year.

(6) Where the insured person plants a crop in respect of which crop production insurance was applied for, the premium deposit for the acreage so planted shall be applied against the regular premium.

(7) Where the insured person plants a crop which is not listed in the Table, the premium deposit in respect of such acreage shall be refunded.

(8) Where the insured person is unable to plant acreage designated on the application as intended to be sown to a spring sown crop, the premium deposit in respect of such acreage shall be retained by the Commission as payment for the coverage provided.

(9) This paragraph does not apply to, and no indemnity is payable in respect of land,

- (a) that is orchard land, pasture, woodland, planted to a perennial crop, fall sown or intended for summer fallow;
- (b) that is untilled and was not cropped in the previous year; or
- (c) that, in the opinion of the Commission, is not insurable.

(10) Where the planting is prevented by excessive rainfall, no indemnity is payable unless the insured person establishes that,

- (a) an abnormal amount of rain occurred;
- (b) the rainfall resulted in a reduced number of work days; and
- (c) a significant number of other insured persons were similarly affected,

during the planting season in the area where the insured acreage is situate.

4.—(1) Where loss or damage to three acres or more of the insured crop resulting from an insured peril occurs in the crop year prior to the 1st day of July, the Commission, upon application therefor in writing by the insured person, may consent in writing to the replanting of the damaged acreage.

(2) Where the damaged acreage is replanted in accordance with subparagraph (1), the Commission shall pay a supplementary benefit to the insured person calculated at the rate of \$30 for each replanted acre.

(3) Where the damaged acreage is replanted to spring grain, the contract of insurance shall continue to apply to such replanted acreage.

(4) The total number of acres in respect of which a replanting benefit is paid in a crop year shall not in any case exceed the total number of insured acres.

5.—(1) Where loss or damage occurs prior to harvest, the Commission, upon application therefor in writing by the insured person, may consent in writing to the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres and the potential production thereof.

(2) Where damaged acreage is used for any other purpose or the insured crop thereon is abandoned or destroyed in accordance with subparagraph (1), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production for the damaged acreage and the potential production for the damaged acreage determined under subparagraph (1) by the established price per pound.

(3) Where damaged acreage is not used for any other purpose or the crop thereon is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (2) shall not be taken into account in the final adjustment of loss.

(4) Where the actual production of the harvested acreage is less than the guaranteed production for such acreage, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per pound.

FINAL ADJUSTMENT OF LOSS FOR TOTAL INSURED ACREAGE

6. The indemnity payable with respect to the total insured acreage in the final adjustment of loss shall be the sum of all loss calculations made under paragraphs 3, 4 and 5 applicable to such acreage, but where,

- (a) the actual production of any harvested acreage; or
(b) the potential production of any unharvested acreage,

exceeds the guaranteed production of such acreage, the indemnity otherwise payable in respect of loss calculations made under paragraph 5 shall be reduced by the amount obtained by multiplying such excess by the established price per pound.

INCORRECT ACREAGE IN FINAL ACREAGE REPORT

7.—(1) Where the actual planted acreage of spring grain in a crop year is less than the planted acreage declared on the final acreage report, the guaranteed production shall be decreased proportionately in calculating whether there has been a loss and the actual production shall be used in calculating the average production for purposes of determining coverage for the following crop year and there shall be no refund of premium.

(2) Where the actual planted acreage of spring grain in a crop year exceeds the planted acreage declared on the final acreage report, the actual production shall be used in calculating whether there has been a loss and,

- (a) where the calculation indicates a loss, such actual production shall be used; or
(b) where the calculation does not indicate a loss, such actual production shall be reduced proportionately,

in calculating the average production for purposes of determining coverage for the following crop year.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this endorsement to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at
this day of, 19.....

Duly Authorized Representative General Manager

R.R.O. 1980, Reg. 223, Form 2; O. Reg. 306/81, s. 6; O. Reg. 91/82, s. 2; O. Reg. 47/83, s. 3; O. Reg. 302/85, s. 6; O. Reg. 325/87, ss. 7-9; O. Reg. 277/88, s. 2; O. Reg. 296/89, s. 3; O. Reg. 449/90, s. 2.

Form 3

Crop Insurance Act (Ontario)

EXTENDED COVERAGE ENDORSEMENT

1.—(1) This endorsement is in force where the insured person purchases a contract of insurance for all perils for spring grain in the Schedule, applies for this endorsement and pays the prescribed premium.

(2) The premiums payable under this endorsement are in addition to any prescribed by the plan.

(3) The conditions of the Schedule and Form 2 apply to this endorsement unless they are inconsistent with it or are specifically excluded under it.

2. In order to qualify for coverage under this endorsement, the insured person shall offer for insurance all land planted to the insured crop that is operated by that person in Ontario.

3.—(1) An insured person may apply under this endorsement for insurance against a loss in production of spring grain resulting from hail damage to a portion of the person's lands.

(2) For the purposes of this endorsement, an indemnity for hail damage is payable only where the portion of land damaged by hail is 5 acres or more in size.

APPLICATION

4. An insured person must make an application for extended coverage by the 1st day of May during the crop year in respect of which insurance under this endorsement is requested.

COVERAGE

5. The coverage provided under this endorsement shall be the same as that set out in sections 11 and 12 of the Schedule and includes any additional coverage purchased under the extended coverage endorsement in Form 1.

6. For the purposes of this endorsement, an indemnity for hail damage is payable only where 10 per cent or more hail damage has occurred to the insured crop on the portion of land in question.

7. Coverage under this endorsement commences no later than,

- (a) the 1st day of July in a crop year; or
(b) at a time, as determined by the Commission, when it is too late to replant the insured crop in a crop year,

whichever is the earlier.

PREMIUMS

8.—(1) The total premium payable for this endorsement is 9 per cent of the total guaranteed production determined under section 11 of the Schedule multiplied by,

- (a) where the insured person has chosen the floating price, the established price in clause 13 (1) (b) of the Schedule; or
- (b) in all other cases, the established price per bushel determined under section 13 of the Schedule.

(2) The premiums prescribed by subsection (1) include payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

9.—(1) An insured person shall pay a premium deposit of \$1 per acre by the 1st day of May during the crop year in respect of which insurance under this endorsement is requested.

(2) This endorsement may be cancelled by the insured person by notice in writing to the Commission on or before the final date for application in the crop year during which the cancellation is to be effective.

(3) Where the endorsement is cancelled by the insured person after the 1st day of May in a crop year, the Commission shall cancel the contract of insurance for all perils in the Schedule and the extended coverage endorsement in Form 1 if applicable, and shall not refund to the insured person any deposits paid pursuant to these contracts.

(4) The insured person shall pay the premium, less the premium deposit, to the Commission at the time the final acreage report prescribed by section 16 of the Schedule is filed.

EVALUATION OF LOSS

10. The amount of loss respecting the insured acreage for which a claim is made under this endorsement shall be determined as follows:

1. The Commission shall determine the number of damaged acres and their potential production.
2. The Commission shall determine the percentage of damage to the damaged acres caused by the hail.
3. The Commission shall calculate the loss,
 - i. by multiplying the percentage of damage by the lesser of,
 - A. the guaranteed production of the damaged acreage, and
 - B. the potential production of the damaged acreage, and
 - ii. by multiplying the product obtained under subparagraph i by,
 - A. where the insured person has chosen the floating price, the established price in clause 13 (1) (b) of the Schedule, or
 - B. in all other cases, the established price per pound determined under section 13 of the Schedule.

11. The Commission shall determine the amount of loss before the harvesting of the damaged acreage.

12. The indemnity payable with respect to the total insured acre-

age in the final adjustment of loss under the contract of insurance for all perils in the Schedule shall be determined by subtracting the indemnity paid under this endorsement from the maximum indemnity payable for a loss in production determined under section 12 of the Schedule.

13. If the Commission has substituted the established price in clause 13 (1) (b) of the Schedule for the floating price under sections 8 and 10 of this endorsement and this substitution results in an overpayment or an underpayment, the Commission may, in making the final adjustment of loss under the contract of insurance for all perils in the Schedule, readjust the indemnity payable with respect to the total insured acreage.

NOTICE OF LOSS OR DAMAGE

14. The insured person shall notify the Commission in writing within two days of an occurrence of loss or damage to the insured crop and before the harvesting of the insured crop. O. Reg. 449/90, s. 3, part.

REGULATION 250

CROP INSURANCE PLAN FOR SUNFLOWERS

1. The plan in the Schedule is established for the insurance within Ontario of sunflowers. O. Reg. 478/87, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. The title of this plan is "The Ontario Crop Insurance Plan for Sunflowers".

2. The purpose of this plan is to provide for insurance against a loss in the production of sunflowers resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average farm yield" means the average of previous yields of the planted acreage computed on the basis of acreage production records of the insured person or on such other basis as is reasonable in the circumstances;

"sunflowers" means sunflowers of the stripe or oilseed type.

DESIGNATION OF PERILS

4. The following are designated as perils for the purposes of this plan:

1. Drought.
2. Excessive moisture.
3. Excessive rainfall.
4. Flood.
5. Frost.
6. Hail.
7. Insect infestation.
8. Plant disease, except *Sclerotinia* stem wilt.

9. Wildlife.

10. Wind.

DESIGNATION OF CROP YEAR

5. The crop year for sunflowers is the period from the 1st day of March in any year to the last day of February next following.

CONTRACT OF INSURANCE

6.—(1) For the purposes of this plan, the entire contract of insurance for sunflowers is comprised of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) the application for insurance;
- (c) an endorsement for sunflowers in Form 1;
- (d) the final acreage report for each crop year; and
- (e) any amendment to a document referred to in clause (b) or (d) agreed upon in writing.

(2) In the event of a conflict between clauses (1) (a) and (c), clause (1) (c) prevails.

7.—(1) An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be accompanied by a minimum premium deposit of \$1 per acre; and
- (c) be filed with the Commission not later than the 1st day of May in the crop year in respect of which it is made.

(2) Premium deposits prescribed by clause (1) (b) are not refundable unless no acreage is planted to the crop.

DURATION OF CONTRACT

8.—(1) A contract of insurance is in force for the crop year in respect of which it is made and continues in force for each crop year thereafter until cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before the 1st day of May in the crop year during which the cancellation is to be effective.

COVERAGE

9.—(1) Subject to subsections (4) and (5), the initial coverage provided under a contract of insurance shall be 75 per cent of the average farm yield in pounds of the total acreage seeded to sunflowers by the insured person.

(2) Subject to subsections (4) and (5), the coverage provided under a contract of insurance following a year in which there was no claim shall be,

- (a) where the previous year's coverage was 70 per cent, 73 per cent;
- (b) where the previous year's coverage was 73 per cent, 75 per cent;
- (c) where the previous year's coverage was 75 per cent, 78 per cent;

(d) where the previous year's coverage was 78 per cent, 80 per cent; and

(e) where the previous year's coverage was 80 per cent, 80 per cent,

of the average farm yield in pounds of the total acreage seeded to sunflowers by the insured person.

(3) Subject to subsections (4) and (5), the coverage provided under a contract of insurance following a year in which there was a claim shall be,

- (a) where the previous year's coverage was 80 per cent, 78 per cent;
- (b) where the previous year's coverage was 78 per cent, 75 per cent;
- (c) where the previous year's coverage was 75 per cent, 73 per cent;
- (d) where the previous year's coverage was 73 per cent, 70 per cent; and
- (e) where the previous year's coverage was 70 per cent, 70 per cent,

of the average farm yield in pounds of the total acreage seeded to sunflowers by the insured person.

(4) Where, in any year, a claim is paid in an amount that is less than one-half of the total premium for that year, the coverage for the following year shall remain unchanged.

(5) Despite clause (3) (a), the coverage provided under a contract of insurance following a year in which there was a claim shall be 80 per cent where,

- (a) the insured person has had coverage and an actual farm yield for at least five years; and
- (b) the previous year's coverage was 80 per cent.

(6) The number of pounds determined under this section constitutes the total guaranteed production under a contract of insurance.

10. For the purposes of this plan, the established price for sunflowers is 16 cents per pound.

11. The maximum indemnity payable for a loss in production of sunflowers in a crop year is the amount obtained by multiplying the total guaranteed production determined under section 9 by the established price.

PREMIUM

12.—(1) The total premium for sunflowers is \$22 per acre.

(2) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

13.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year in which the insured person plants acreage to sunflowers.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit prescribed by subsection (3), to the Commission at the time the final acreage report prescribed by section 14 is filed.

(3) Where a renewal premium is payable in respect of a crop year, the insured person shall, not later than the 1st day of May in

the crop year, pay a premium deposit in accordance with clause 7 (1) (b).

FINAL ACREAGE REPORT

14.—(1) Every insured person shall file with the Commission in each crop year a final acreage report in a form provided by the Commission within ten days after the planting of acreage to sunflowers is completed.

(2) A final acreage report filed with the Commission shall not be amended without the written consent of the Commission.

15.—(1) When the final acreage report is inaccurate, the Commission may correct it and adjust the premium accordingly and, in such case, shall notify the insured person in writing forthwith of the correction and the reason therefor.

(2) The insured person shall be deemed to have agreed with the correction of the final acreage report and adjustment of premium made under subsection (1) unless, within ten days after the mailing or delivery of the notification by the Commission, that person notifies the Commission in writing that the correction is not acceptable.

(3) Upon notice that a correction is not acceptable being given, the contract of insurance ceases to apply for the crop year in respect of which the final acreage report was filed.

(4) A final acreage report revised under this section shall, failing notice under subsection (2), constitute the final acreage report for the crop year.

16.—(1) Where an insured person in any crop year fails to file a final acreage report in the form and manner prescribed by this Regulation, the Commission may,

- (a) prepare the final acreage report; or
- (b) declare the insured acreage to be nil.

(2) Where the Commission prepares a final acreage report under subsection (1), the Commission shall mail or deliver a copy of the report to the insured person.

(3) Every insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commission within ten days after the mailing or delivery to that person of a copy of the report.

FINAL DATE FOR PLANTING

17. For the purposes of this plan, in any particular crop year, the final date for planting sunflowers is the 1st day of July or such other date as is reasonably warranted in the circumstances.

18. All acreage planted to sunflowers shall be insured under one contract. O. Reg. 478/87, Sched.; O. Reg. 309/89, s. 1; O. Reg. 471/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

SUNFLOWER ENDORSEMENT

WHEREAS the insured person has applied for crop insurance under the Ontario Crop Insurance Plan for Sunflowers, hereinafter referred to as "the plan" and has paid the premium deposit prescribed thereunder;

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover sunflowers.

HARVESTING OF PLANTED ACREAGE

1.—(1) All acreage planted to sunflowers in a crop year shall be harvested unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part thereof.

(2) Where the harvesting of any planted acreage is not completed and the failure to harvest was not caused by an insured peril, the contract of insurance shall cease to apply to such unharvested acreage and no indemnity shall be payable therefor.

EVALUATION OF LOSS

2.—(1) An indemnity shall be paid for the acreage set out in subparagraph (2) in the amount set out in subparagraph (3), where,

- (a) all of the acres planted to the crops listed in the Table to this Regulation are offered for insurance;
- (b) the insured person elects the indemnity on the application for insurance;
- (c) the insured person pays a premium deposit of \$1 for each acre intended to be planted to the crops listed in the Table;
- (d) one or more of the designated perils prevents the planting,
 - (i) of three acres or more, in the case of systematically tile drained land, or
 - (ii) of six acres or more, in the case of land that is not systematically tile drained; and
- (e) the insured person notifies the Commission of the inability to plant the acres to the crops listed in the Table by the 15th day of June in the crop year.

(2) The indemnity shall be paid,

- (a) for each unplanted acre in the case of systematically tile drained land; or
- (b) for each unplanted acre in excess of three unplanted acres, in the case of land that is not systematically tile drained.

(3) The amount of the indemnity shall be one-third of the guaranteed production per acre of the crop with the highest priority according to the Table of the crops intended to be planted and insured by the insured person multiplied by the established price for that crop.

(4) No indemnity shall be payable under this paragraph for land for which the same indemnity was paid by the Commission in the immediately preceding year.

(5) Where the insured person plants a crop in respect of which crop production insurance was applied for, the premium deposit for the acreage so planted shall be applied against the regular premium.

(6) Where the insured person plants a crop which is not listed in the Table, the premium deposit in respect of such acreage shall be refunded.

(7) Where the insured person is unable to plant acreage designated on the application as intended to be planted to a crop listed in the Table, the premium deposit in respect of such acreage shall be retained by the Commission as payment for the coverage provided.

(8) This paragraph does not apply to and no indemnity is payable in respect of land,

- (a) that is orchard land, pasture, woodland, seeded to a perennial crop, fall sown or intended for summer fallow;
- (b) that is untilled and was not cropped in the previous year; or
- (c) that, in the opinion of the Commission, is not insurable.

(9) Where the planting is prevented by excessive rainfall, no indemnity is payable unless the insured person establishes that,

- (a) an abnormal amount of rain occurred;
- (b) the rainfall resulted in a reduced number of work days; and
- (c) a significant number of other insured persons were similarly affected,

during the planting season in the area where the insured acreage is situate.

3.—(1) Where loss or damage to three acres or more of the insured crop resulting from an insured peril occurs before the 1st day of July in the crop year, the Commission, upon application therefor in writing by the insured person, may consent in writing to the replanting of the damaged acreage.

(2) Where the damaged acreage is replanted to the insured crop in accordance with subparagraph (1), the Commission shall pay an indemnity of \$35 for each acre replanted and the contract of insurance continues to apply to such acreage.

(3) The total number of acres in respect of which a replanting benefit is paid in a crop year shall not in any case exceed the total number of insured acres.

4.—(1) Where loss or damage occurs prior to harvest, the Commission, upon application therefor in writing by the insured person, may consent in writing to the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and in such case shall determine the number of damaged acres and the potential production thereof.

(2) Where damaged acreage is used for any other purpose or the insured crop thereon is abandoned or destroyed in accordance with subparagraph (1), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production for the damaged acreage and the potential production for the damaged acreage determined under subparagraph (1) by the established price per pound.

(3) Where damaged acreage is not used for any other purpose or the crop thereon is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (2) shall not be taken into account in the final adjustment of loss.

(4) Where the actual production of the harvested acreage is less than the guaranteed production for such acreage, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total seeded acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per pound.

(5) Where the crop contains damaged or foreign material, the actual production thereof shall be deemed to be reduced by an amount reasonable in the circumstances.

FINAL ADJUSTMENT OF LOSS FOR TOTAL PLANTED ACREAGE

5. The indemnity payable with respect to the total planted acreage in the final adjustment of loss is the sum of the losses calculated under paragraphs 2, 3 and 4 applicable to the acreage but where,

- (a) the actual production of any harvested acreage; or

- (b) the potential production of any unharvested acreage,

exceeds the guaranteed production of the acreage, the indemnity otherwise payable in respect of loss calculations made under paragraph 4 shall be reduced by the amount obtained by multiplying such excess by the established price per pound.

INCORRECT ACREAGE IN FINAL ACREAGE REPORT

6.—(1) Where the actual planted acreage of sunflowers in a crop year is less than the planted acreage declared on the final acreage report, the guaranteed production shall be decreased proportionately in calculating whether there has been a loss and the actual production shall be used in calculating the average production for purposes of determining coverage for the following crop year and there shall be no refund of premium.

(2) Where the actual planted acreage of sunflowers in a crop year exceeds the planted acreage declared on the final acreage report, the actual production shall be used in calculating whether there has been a loss and,

- (a) where the calculation indicates a loss, such actual production shall be used; or
- (b) where the calculation does not indicate a loss, such actual production shall be reduced proportionately,

in calculating the average production for purposes of determining coverage for the following crop year.

IN WITNESS WHEREOF, The Crop Insurance Commission of Ontario has caused this endorsement to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at

this day of, 19.....

.....
Duly Authorized Representative General Manager

O. Reg. 478/87, Form 1; O. Reg. 327/88, s. 1; O. Reg. 309/89, s. 2.

TABLE

CROP IN ORDER OF PRIORITY
1. Corn.
2. Soybeans.
3. White beans.
4. Coloured beans.
5. Spring grain.
6. Canola.
7. Sunflowers.
8. Red spring wheat.

O. Reg. 478/87, Table; O. Reg. 309/89, s. 3.

REGULATION 251**CROP INSURANCE PLAN FOR SWEET CHERRIES**

1. The plan in the Schedule is established for the insurance within Ontario of sweet cherries. R.R.O. 1980, Reg. 224, s. 1.

Schedule*Crop Insurance Act (Ontario)***PLAN**

1. This plan may be cited as "The Ontario Crop Insurance Plan for Sweet Cherries".

2. The purpose of this plan is to provide for insurance against a loss in the production of sweet cherries resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average yield" means the average total orchard production of the insured person allowing for age of trees, tree removal, and change in acreage;

"sweet cherries" means all varieties of sweet cherries produced in Ontario.

DESIGNATION OF PERILS

4. The following are designated as perils for the purpose of this plan:

1. Drought.
2. Excessive moisture.
3. Freeze injury.
4. Frost.
5. Hail.
6. Rain split.
7. Unavoidable pollination failure.
8. Wildlife.
9. Wind damage.

DESIGNATION OF CROP YEAR

5. The crop year for sweet cherries is the period from the 1st day of December in any year to the 30th day of November next following.

CONTRACT OF INSURANCE

6. For the purpose of this plan, the entire contract of insurance for sweet cherries shall be deemed to be comprised of,

- (a) the contract of insurance in Form 1;
- (b) the application for insurance in Form 2;
- (c) the production guarantee report in Form 3; and
- (d) an amendment to any document referred to in clause (a), (b) or (c) agreed upon in writing.

7. An application for insurance shall,

- (a) be in Form 2;
- (b) be accompanied by a premium deposit of,
 - (i) \$100 or one-quarter of the premium payment made by the insured person for the previous crop year, whichever is the greater, or
 - (ii) an amount to be determined by the Commission; and
- (c) be filed with the Commission not later than the 1st day of December in the crop year in respect of which it is made.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before the 1st day of December in the crop year during which the cancellation is to be effective on or before such other date as may be determined from time to time by the Commission.

COVERAGE

9.—(1) Subject to subsections (2) and (3), the coverage provided under a contract of insurance is 63 per cent of the average yield as determined by the Commission multiplied by the established price.

(2) The coverage provided under subsection (1) shall be increased following each consecutive no claim year as follows:

1. Following the first no claim year, to 66 per cent.
2. Following the second no claim year, to 68 per cent.
3. Following the third no claim year, to a maximum of 70 per cent.

(3) The coverage provided under subsections (1) and (2) shall be decreased for claim years from the insured level in reverse progression to that prescribed by subsection (2), except that where a claim occurs in a year when the coverage is 63 per cent, the coverage shall be reduced to a minimum of 60 per cent.

(4) The number of pounds determined under subsections (1), (2) and (3) constitutes the total guaranteed production under a contract of insurance.

10.—(1) The established price per pound for sweet cherries is,

- (a) 15¢; or
- (b) 20¢.

(2) Subject to subsection (3), the established price per pound selected by an applicant at the time a contract of insurance is made applies in each succeeding crop year during which the contract is in force.

(3) Any established price designated in subsection (1) may be substituted for the established price selected by the insured person at the time a contract of insurance is made or for any established price substituted in lieu thereof under this subsection where,

- (a) the insured person applies therefor in writing prior to the 1st day of December in the crop year; and
- (b) the Commission consents in writing.

11. The maximum indemnity for which the Commission is liable under a contract of insurance shall be the amount obtained by multiplying the total guaranteed production determined under section 9 by the established price per pound determined under section 10.

PREMIUMS

- 12.—(1) The total premium payable in the crop year is,
 - (a) where the level of coverage is 70 per cent, 24 per cent;
 - (b) where the level of coverage is 68 per cent, 29 per cent;
 - (c) where the level of coverage is 66 per cent, 33 per cent;
 - (d) where the level of coverage is 63 per cent, 38 per cent; and
 - (e) where the level of coverage is 60 per cent, 42 per cent,

of the guaranteed production in pounds multiplied by the established price.

(2) Despite subsection (1), the minimum premium payable by an insured person in each crop year is \$100.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Government of Canada under the *Crop Insurance Act* (Canada).

13.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit, to the Commission at the time the production guarantee report prescribed by section 14 is returned to the Commission.

(3) Where a renewal premium is payable in respect of a crop year, the insured person shall, not later than the 1st day of December in the crop year, pay the premium deposit as set out in clause 7 (b).

PRODUCTION GUARANTEE REPORT

14. The Commission shall prepare and deliver a production guarantee report in Form 3 to each insured person in each crop year and the insured person shall sign a copy thereof and return it to the Commission. R.R.O. 1980, Reg. 224, Sched; O. Reg. 774/81, ss. 1-3; O. Reg. 795/82, s. 1; O. Reg. 41/83, s. 1; O. Reg. 799/83, ss. 1, 2; O. Reg. 10/85, s. 1; O. Reg. 35/89, s. 1.

Form 1

Crop Insurance Act (Ontario)

CONTRACT OF INSURANCE

BETWEEN:

THE CROP INSURANCE COMMISSION OF ONTARIO, hereinafter referred to as "THE COMMISSION",

OF THE FIRST PART

—and—

.....
of the of

in the County (or as the case may be) of
hereinafter referred to as "THE INSURED PERSON",

OF THE SECOND PART

WHEREAS the insured person has applied for crop insurance on

sweet cherries under The Ontario Crop Insurance Plan for Sweet Cherries, hereinafter referred to as "the plan";

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)*, and the regulations made thereunder, where, in a crop year the insured person suffers a loss in the production of sweet cherries resulting from one or more of the perils designated in the plan, the Commission, subject to the terms and conditions hereinafter set forth, agrees to indemnify the insured person in respect of such loss.

TERMS AND CONDITIONS

INSURED CROP

1. In this contract, "insured crop" means all varieties of sweet cherries produced in Ontario.

CAUSES OF LOSS NOT INSURED AGAINST

2. This contract does not insure against and no indemnity shall be paid in respect of a loss resulting from,

- (a) the negligence, misconduct or poor farming practices of the insured person or the insured person's agents or employees;
- (b) a shortage of labour or machinery;
- (c) insect infestation or plant disease; or
- (d) a peril other than the perils designated in the plan.

EXTENT OF INSURANCE

3.—(1) The insured person shall offer for insurance all acreage planted to the insured crop on the farm or farms operated by the insured person in Ontario, and, subject to subparagraph (2), this contract applies to all such acreage.

(2) This contract does not apply to, and no indemnity is payable in respect of, acreage planted to the insured crop,

- (a) that was not adequately prepared for cropping purposes; or
- (b) that, in the opinion of the Commission, is not insurable.

4.—(1) All insured acreage shall be harvested unless the Commission, upon application therefor in writing, consents in writing to the abandonment or destruction of the insured crop or any part thereof and, in such case, the Commission shall determine,

- (a) the potential production of the unharvested acreage; and
- (b) whether the harvesting was prevented by one or more of the perils insured against.

(2) Where an insured person fails to obtain the consent of the Commission in accordance with subparagraph (1), no indemnity shall be paid in respect of the unharvested acreage.

EVALUATION OF LOSS

5.—(1) The amount of loss that shall be taken into account in the final adjustment of loss in respect of the total insured acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per pound.

(2) For the purpose of subparagraph (1), actual production shall include,

- (a) the total orchard run of all insured acreage; and
- (b) the potential production of wholly or partially unharvested acreage where the failure to harvest resulted from a cause of loss not insured against.

(3) Where the insured crop or any part thereof has suffered damage from an insured peril to such an extent that it is unsuitable for sale, it shall not be counted as production.

(4) Despite subparagraph (3), where damaged sweet cherries are sold to a winery or distillery at less than the prevailing price for unblemished fruit, the actual production shall be deemed to be reduced by 50 per cent.

NOTICE OF LOSS OR DAMAGE

6.—(1) The insured person shall notify the Commission in writing as soon as the damage occurs in order that a pre-harvest inspection may be made where,

- (a) loss of the insured crop occurs; or
- (b) the insured crop or any part thereof is, or is intended to be, sold on a pick-your-own basis.

(2) Where the insured person fails to notify the Commission pursuant to subparagraph (1), a claim by the insured person is invalid and the insured person's right to indemnity is forfeited.

MISREPRESENTATION, VIOLATION OF CONDITIONS OR FRAUD

7. Where the insured person,

- (a) in the application for insurance,
 - (i) gives false particulars of the insured crop to the prejudice of the Commission, or
 - (ii) knowingly misrepresents or fails to disclose any fact required to be stated therein;
- (b) contravenes a term or condition of the contract of insurance;
- (c) commits a fraud in respect of the insured crop; or
- (d) wilfully makes a false statement in respect of a claim under the contract of insurance,

a claim by the insured person is invalid and the insured person's right to recover indemnity is forfeited.

WAIVER OR ALTERATION

8. No term or condition of this contract shall be deemed to be waived or altered in whole or in part by the Commission unless the waiver or alteration is clearly expressed in writing signed by the Commission or a representative authorized for that purpose by the Commission.

INTEREST OF OTHER PERSONS

9. Although a person other than the insured person holds an interest of any kind in the insured crop, for the purposes of this contract,

- (a) the interest of the insured person in the insured crop is deemed to be the full value of the crop; and
- (b) except as provided in paragraph 10, no indemnity shall be paid to any person other than the insured person.

ASSIGNMENT OF RIGHT TO INDEMNITY

10. The insured person may assign all or part of the right to indemnity under this contract in respect of the insured crop but an assignment is not binding on the Commission and no payment of indemnity shall be made to an assignee unless,

- (a) the assignment is made on a form provided by the Commission; and

- (b) the Commission consents thereto in writing.

ADJUSTMENT OF LOSS

11.—(1) The indemnity payable for loss or damage to the insured crop shall be determined in the manner prescribed by this contract.

(2) The Commission may cause the production of the insured crop to be appraised by any method that it deems proper.

(3) No indemnity shall be paid for a loss in respect of the insured crop unless the insured person establishes,

- (a) the actual production obtained from the insured crop for the crop year; and
- (b) that the loss in production or part thereof resulted directly from one or more of the perils insured against.

(4) Where a loss in production resulted partly from a peril insured against and partly from a cause of loss not insured against, the Commission shall determine the amount of the loss that resulted from the cause of loss not insured against, and the indemnity payable by the Commission under the contract shall be reduced accordingly.

PROOF OF LOSS

12.—(1) A claim for indemnity in respect of the insured crop shall be made on a proof of loss form provided by the Commission and shall be filed with the Commission not later than sixty days after the earlier of,

- (a) the completion of harvesting of the insured crop; or
- (b) the end of the crop year.

(2) Subject to subparagraph (3), a claim for indemnity shall be made by the insured person.

(3) A claim for indemnity may be made,

- (a) in the case of the absence or inability of the insured person, by the insured person's authorized representative; or
- (b) in the case of the absence or inability of the insured person or on the insured person's failure or refusal to do so, by an assignee under an assignment made in accordance with paragraph 10.

(4) Where required by the Commission, the information given in a proof of loss form shall be verified by statutory declaration.

ARBITRATION

13. Where the Commission and the insured person fail to resolve any dispute respecting the adjustment of a loss under this contract, the matter shall be determined by arbitration in accordance with the regulations.

TIME FOR PAYMENT OF INDEMNITY

14.—(1) No indemnity under this contract becomes due and payable until,

- (a) the end of the crop year; and
- (b) the premium has been paid in full.

(2) Where the indemnity payable by the Commission under this contract is established by the filing of a proof of loss form or by an award of an arbitrator or board of arbitration, it shall be paid within sixty days after the receipt by the Commission of the proof of loss form or award, as the case may be.

(3) Nothing in this paragraph prevents the Commission from paying indemnity under this contract at an earlier date.

SUBROGATION

15. Where the Commission has paid a claim under this contract, the Commission is subrogated to the extent thereof to all rights of recovery of the insured person against any person and may bring action in the name of the insured person to enforce those rights.

RIGHT OF ENTRY

16. The Commission has a right of entry to the premises of the insured person that may be exercised by agents of the Commission at any reasonable time or times for any purpose related to the contract of insurance.

NOTICE

17.—(1) Any written notice to the Commission shall be given by delivery thereof or by sending it by mail to the Commission.

(2) Written notice to the insured person shall be given by delivery thereof or by sending it by mail addressed to the insured person's last post office address on file with the Commission.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this contract of insurance to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at
this day of, 19.....
Duly Authorized Representative General Manager

R.R.O. 1980, Reg. 224, Form 1; O. Reg. 41/83, s. 2; O. Reg. 10/85, s. 2; O. Reg. 35/89, s. 2.

Form 2

Crop Insurance Act (Ontario)

APPLICATION FOR CROP INSURANCE FOR

To: The Crop Insurance Commission of Ontario:

(name of person, corporation or partnership and if partnership, names of all partners)

(address) (telephone no.)

applies for crop insurance under the Crop Insurance Act (Ontario) and the regulations, and in support of this application the following facts are stated:

- 1. Crop Insurance Contract number, if any, under the Crop Insurance Act (Ontario):
2. This application is made for the insurance coverage on
3. This application is made for the crop year ending in 19.....
4. Description of the farm or farms operated by applicant:

Table with 7 columns: Farm Number, Lot, Concession, Township, County, Total Acres in Farm, Total number of Trees or Vines.

- 5. The price per unit applied for is:
6. Production records for the preceding six years are available: Yes [] No []
7. Sales records for the preceding year are available: Yes [] No []
8. A deposit of \$..... accompanies this application.

Dated at, this day of, 19.....

(signature of applicant(s))

(title of official signing for a corporation)

R.R.O. 1980, Reg. 224, Form 2; O. Reg. 799/83, s. 3.

Form 3

Crop Insurance Act (Ontario)

PRODUCTION GUARANTEE REPORT FOR

1. Insured person
 (name)

 (address) (county) (telephone no.)

2. Crop Insurance Contract No.

3. Crop year covered by this report: 19

4. Total production during the past six years has been affected by,

- (a) Tree or vine removal Yes No;
- (b) Change in Acreage Yes No;
- (c) Age of trees or vines Yes No;
- (d) Biennial bearing Yes No.

5. Declaration of Previous Yields:

Year	Acreage	Number of Bearing Trees or Vines	Actual Yield	Cause of Loss

6. Average yield for insurance purposes is

7. Established price per

8. Determination of Guaranteed Production:

Average Yield for Insurance Purposes	Percentage Coverage	Guaranteed Production (pounds)

9. Determination of Premium:

Guaranteed Production	Value at Established Price	Premium Rate	Grower's Premium	Premium Deposit	Balance

Dated at, this day of, 19.....

.....
 (signature of insured person)

.....
 (signature of authorized representative)

REGULATION 252**CROP INSURANCE PLAN FOR SWEET CORN**

1. The plan in the Schedule is established for the insurance within Ontario of sweet corn. R.R.O. 1980, Reg. 225, s. 1.

Schedule*Crop Insurance Act (Ontario)***PLAN**

1. This plan may be cited as "The Ontario Crop Insurance Plan for Sweet Corn".

2. The purpose of this plan is to provide for insurance against a loss in the production of sweet corn resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average farm yield" means the average of previous yields of the planted acreage computed by the Commission on the basis of acreage production records of the insured person or such other basis as the Commission determines;

"processor" means a person engaged in the business of processing sweet corn;

"sweet corn" means sweet corn produced in Ontario for processing;

"ton" means 2,000 pounds.

DESIGNATION OF PERILS

4. The following are designated as perils for the purpose of this plan:

1. Drought.
2. Excessive moisture.
3. Excessive rainfall.
4. Flood.
5. Frost.
6. Hail.
7. Insect infestation.
8. Plant disease.
9. Wildlife.
10. Wind.
11. Excessive heat.
12. Any adverse weather condition.

DESIGNATION OF CROP YEAR

5. The crop year for sweet corn is the period from the 1st day of March in any year to the 15th day of October next following.

CONTRACT OF INSURANCE

6. For the purpose of this plan, the entire contract of insurance for sweet corn shall be deemed to be comprised of,

- (a) the contract of insurance in Form 1;
- (b) the application for insurance; and
- (c) an amendment to any document referred to in clause (a) or (b) agreed upon in writing.

7. An application for insurance shall be filed with the Commission not later than the 10th day of May in the crop year or such other date as may be determined by the Commission.

DURATION OF CONTRACT

8. A contract of insurance shall be in force for the crop year in respect of which it is made unless it is terminated in accordance with the regulations.

COVERAGE

9.—(1) The coverage per acre provided in the crop year under a contract of insurance shall be 80 per cent of the average farm yield in tons.

(2) The average yield for each acre of the insured crop shall be computed annually by the Commission on the basis of production records.

(3) The number of tons per acre determined under subsections (1) and (2) multiplied by the number of insured acres constitutes the total guaranteed production under the contract of insurance.

10. The maximum amount for which the Commission is liable for a loss in production under a contract of insurance shall be the amount obtained by multiplying the total guaranteed production determined under section 9 by the established price per ton determined under section 11.

11. The established price for sweet corn shall be determined by the Commission in each crop year on the basis of the grower-processor marketing agreement.

PREMIUMS

12.—(1) Subject to subsection (2), the total premium payable in respect of acreage under contract to a processor is \$30 per acre.

(2) Where, as a result of export sales by the processor, the insured person receives less than the contract price for corn sold on the domestic market, the total premium shall be reduced in an amount to be determined by the Commission based on the ratio of the net price received to the net domestic market price.

(3) Despite any authorization by an insured person in an application for insurance, the payment of the premium is the responsibility of the insured person and such premium shall be paid in any event not later than ten days after written demand therefor by the Commission.

(4) The premiums prescribed by subsections (1) and (2) include payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

FINAL DATE FOR PLANTING

13. For the purposes of this plan, the final date for planting sweet corn in a crop year is the 1st day of July or such other date as may be determined from time to time by the Commission.

FINAL DATE FOR HARVESTING

14. For the purposes of this plan, the final date for harvesting sweet corn in a crop year is the 15th day of October or such other date as may be determined from time to time by the Commission.

R.R.O. 1980, Reg. 225, Sched.; O. Reg. 290/81, s. 1; O. Reg. 308/82, s. 1; O. Reg. 207/86, s. 1; O. Reg. 444/89, s. 1.

TABLE

Percentage By-passed of Total Acreage Contracted by Processing Plant	Maximum Insurance Liability (percentage of average farm yield)
4.9% or less	80
5-8.9%	70
9-12.9%	60
13% or more	50

R.R.O. 1980, Reg. 225, Table; O. Reg. 362/84, ss. 1, 2; O. Reg. 207/86, s. 2; O. Reg. 315/87, ss. 1-4; O. Reg. 458/90, s. 1.

Form 1

Crop Insurance Act (Ontario)
CONTRACT OF INSURANCE

BETWEEN:

The Crop Insurance Commission of Ontario, hereinafter referred to as "THE COMMISSION",

OF THE FIRST PART

—and—

.....
of the of

in the County (or as the case may be) of, hereinafter referred to as "THE INSURED PERSON",

OF THE SECOND PART

WHEREAS the insured person has applied for crop insurance on sweet corn under The Ontario Crop Insurance Plan for Sweet Corn, hereinafter referred to as "the plan";

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)*, and the regulations made thereunder, where in a crop year the insured person suffers a loss in the production of sweet corn resulting from one or more of the perils designated in the plan, the Commission, subject to the terms and conditions hereinafter set forth, agrees to indemnify the insured person in respect of such loss.

TERMS AND CONDITIONS

CAUSES OF LOSS NOT INSURED AGAINST

1. This contract does not insure against, and no indemnity shall be paid in respect of a loss in the production of the insured crop resulting from,

- (a) the negligence, misconduct or poor farming practices of the insured person or the insured person's agents or employees;
- (b) a shortage of labour or machinery;
- (c) insect infestation, plant disease or bird damage unless recommended control programs were followed; or
- (d) a peril other than the perils designated in the plan.

EXTENT OF INSURANCE

2.—(1) The insured person shall offer for insurance all acreage planted in the crop year to sweet corn on the farm or farms operated by the insured person in Ontario, whether grown under contract or

not and, subject to subparagraph (2), this contract applies to all such acreage.

(2) This contract does not apply to, and no indemnity is payable in respect of, acreage planted to the insured crop,

- (a) that was not adequately prepared for cropping purposes;
- (b) that was planted after the final date prescribed for planting in the plan; or
- (c) that, in the opinion of the Commission, is not insurable.

VARIATION IN PLANTED ACREAGE

3.—(1) Where the acreage planted by the insured person in the crop year is not the same as that stated in the application for insurance, the insured person shall, not later than the 15th day of July or such other date as may be determined by the Commission, notify the Commission in writing of the actual acreage planted.

(2) Where the actual planted acreage of the insured crop is less than that stated in the application for insurance, the total guaranteed production and the maximum amount of indemnity shall be reduced proportionately.

(3) Where the actual planted acreage of the insured crop is more than that stated in the application for insurance, unless the processor increases the contract acreage accordingly, the total guaranteed production, the maximum amount of indemnity and the premium payable shall not be increased but the production from the total planted acreage shall be included in establishing the production of the insured person.

HARVESTING OF PLANTED ACREAGE

4.—(1) All acreage planted to the insured crop in the crop year shall be harvested as sweet corn for processing unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part thereof.

(2) The final date for the harvesting referred to in subparagraph (1) is the 15th day of October or such other date as may be determined from time to time by the Commission.

(3) Where the harvesting of any planted acreage is not completed on the date prescribed by subparagraph (2), the insured person shall forthwith notify the Commission in writing.

(4) Where an insured person fails to notify the Commission, in accordance with subparagraph (3), no indemnity shall be paid in respect of the unharvested acreage.

MISREPRESENTATION, VIOLATION OF CONDITIONS OR FRAUD

5. Where the insured person,

- (a) in an application for insurance,
 - (i) gives false particulars of the insured crop to the prejudice of the Commission, or
 - (ii) knowingly misrepresents or fails to disclose any fact required to be stated therein;
- (b) contravenes a term or condition of the contract of insurance;
- (c) commits a fraud in respect of the insured crop; or

- (d) wilfully makes a false statement in respect of a claim under the contract of insurance,

a claim by the insured person is invalid and the insured person's right to recover indemnity is forfeited.

WAIVER OR ALTERATION

6. No term or condition of this contract shall be deemed to be waived or altered in whole or in part by the Commission unless the waiver or alteration is clearly expressed in writing signed by the Commission or a representative authorized for that purpose by the Commission.

INTEREST OF OTHER PERSONS

7. Even if a person other than the insured person holds an interest of any kind in the insured crop, for the purposes of this contract,

- (a) the interest of the insured person in the insured crop is deemed to be the full value of the total guaranteed production; and
- (b) except as provided in paragraph 8, no indemnity shall be paid to any person other than the insured person.

ASSIGNMENT OF RIGHT TO INDEMNITY

8. The insured person may assign all or part of the insured person's right to indemnity under this contract in respect of the insured crop but an assignment is not binding on the Commission and no payment of indemnity shall be made to an assignee unless,

- (a) the assignment is made on a form provided by the Commission; and
- (b) the Commission consents thereto in writing.

EVALUATION OF LOSS

9.—(1) Where the planting of three acres or more of sweet corn before the final planting date is prevented by one or more of the designated perils, an indemnity shall be paid in respect of each unplanted acre calculated on the basis of 20 per cent of the guaranteed production per acre multiplied by the established price per ton.

(2) Any acreage in respect of which an indemnity is paid under subparagraph (1) shall be released from the contract of insurance, the guaranteed production and indemnity payable shall be reduced accordingly and the production from any such acreage planted to sweet corn after the final planting date shall not be taken into account in calculating the average farm yield.

10.—(1) Where loss or damage to three acres or more of the insured crop occurs at any time following the planting of the insured crop or any part thereof, the Commission upon application therefor in writing by the insured person, may consent in writing to,

- (a) the replanting of the damaged acreage, if the replanting is completed not later than the 1st day of July;
- (b) the use of the damaged acreage for an alternate crop; or
- (c) the abandonment or destruction of the insured crop on such damaged acreage.

(2) Where the damaged acreage is replanted to sweet corn in accordance with clause (1) (a), the Commission shall pay to the insured person a supplementary benefit of \$35 for each acre replanted and the contract of insurance shall continue to apply to such replanted acreage.

(3) Where the damaged acreage is used for an alternative crop in accordance with clause (1) (b), the Commission shall pay to the insured person a supplementary benefit of \$35 for each acre

replanted, the replanted acreage shall be released from the contract of insurance and the guaranteed production and indemnity payable shall be reduced accordingly.

11.—(1) Where harvesting has been completed, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per ton.

(2) For the purpose of subparagraph (1), actual production shall include,

- (a) production delivered to and accepted by a processor;
- (b) production delivered to and rejected by a processor unless the rejection resulted from an insured peril;
- (c) production harvested but not delivered to a processor; and
- (d) potential production of wholly or partially unharvested acreage unless the failure to harvest resulted from an insured peril.

(3) Despite subparagraph (1), the indemnity payable in respect of by-passed acreage shall be calculated on the basis of the by-passing record of the processing plant to whom the crop is contracted in accordance with the Table.

NOTICE OF LOSS OR DAMAGE

12.—(1) Where loss or damage to the insured crop occurs and the insured person intends to abandon or destroy the insured crop, or to replant or use the planted acreage for another purpose, the insured person shall notify the Commission in writing of such intention and shall take no further action without the consent in writing of the Commission.

(2) Where loss or damage to the insured crop occurs and the damage was occasioned at a readily ascertainable time, the insured person shall notify the Commission in writing within twenty-four hours of such time.

(3) Where loss or damage to the insured crop occurs and it appears, or ought reasonably to appear, to the insured person at any time after planting and before the completion of harvesting of the insured crop that the production of the insured crop may thereby be reduced, the insured person shall, as soon as the loss or damage is apparent, notify the Commission in writing forthwith.

(4) Despite any notice given by the insured person under this paragraph, where on completion of harvesting of the insured crop the actual production is less than the total guaranteed production, the insured person shall notify the Commission in writing forthwith.

NOTICE OF BY-PASSING

13. Where acreage is by-passed by the processor, the insured person shall notify the Commission in writing within twenty-four hours.

ABANDONMENT, DESTRUCTION OR ALTERNATE USE

14.—(1) Acreage planted to the insured crop shall not be put to another use and the insured crop shall not be abandoned or destroyed until the Commission has appraised the potential production of the acreage.

(2) An appraisal made under subparagraph (1) shall not be taken into account in the final adjustment of loss where the insured person harvests the appraised acreage.

ADJUSTMENT OF LOSS

15.—(1) The indemnity payable for loss or damage to the insured crop shall be determined in the manner prescribed by this contract.

(2) The Commission may cause the production of the insured crop to be appraised by any method that it considers proper.

(3) No indemnity shall be paid for a loss in respect of the insured crop unless the insured person establishes,

- (a) the actual production obtained from the insured crop for the crop year; and
- (b) that the loss in production or part thereof resulted directly from one or more of the perils insured against.

(4) Where a loss in production resulted partly from a peril insured against and partly from a cause of loss not insured against, the Commission shall determine the amount of the loss that resulted from the cause of loss not insured against, and the indemnity payable by the Commission under this contract shall be reduced accordingly.

(5) The indemnity payable with respect to the total planted acreage in the final adjustment of loss shall be the sum of all loss calculations applicable to such acreage, but where the actual production of any harvested acreage exceeds the guaranteed production of such acreage, the indemnity otherwise payable shall be reduced by the amount obtained by multiplying such excess by the established price per ton.

PROOF OF LOSS

16.—(1) A claim for indemnity in respect of the insured crop shall be made on a proof of loss form provided by the Commission and shall be filed with the Commission not later than sixty days after the earlier of,

- (a) the completion of harvesting of the insured crop; and
- (b) the end of the crop year.

(2) Subject to subparagraph (3), a claim for indemnity shall be made by the insured person.

(3) A claim for indemnity may be made,

- (a) in the case of the absence or inability of the insured person, by the insured person's authorized representative; or
- (b) in the case of the absence or inability of the insured person or on the insured person's failure or refusal to do so, by an assignee under an assignment made in accordance with paragraph 8.

(4) Where required by the Commission, the information given in a proof of loss form shall be verified by statutory declaration.

ARBITRATION

17. Where the Commission and the insured person fail to resolve any dispute respecting the adjustment of a loss under this contract, the matter shall be determined by arbitration in accordance with the regulations.

TIME FOR PAYMENT OF INDEMNITY

18.—(1) No indemnity under this contract becomes due and payable until,

- (a) the end of the crop year; and
- (b) the premium has been paid in full.

(2) Where the indemnity payable by the Commission under this contract is established by the filing of a proof of loss form or by an award of an arbitrator or board of arbitration, it shall be paid within sixty days of the receipt by the Commission of the proof of loss form or award, as the case may be.

(3) Nothing in this paragraph prevents the Commission from paying indemnity under this contract at an earlier date.

SUBROGATION

19. Where the Commission has paid a claim under this contract, the Commission is subrogated to the extent thereof to all rights of recovery of the insured person against any person and may bring action in the name of the insured person to enforce those rights.

RIGHT OF ENTRY

20. The Commission has a right of entry to the premises of the insured person that may be exercised by agents of the Commission at any reasonable time or times for any purpose related to the contract of insurance.

21.—(1) Any written notice to the Commission shall be given by delivery thereof or by sending it by mail to the Commission.

(2) Written notice to the insured person shall be given by delivery thereof or by sending it by mail addressed to the insured person at the person's last post office address on file with the Commission.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this contract of insurance to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at , this day of , 19.....

.....
Duly Authorized
Representative

.....
General Manager

R.R.O. 1980, Reg. 225, Form 1; O. Reg. 290/81, s. 2; O. Reg. 277/83, s. 1; O. Reg. 362/84, s. 3; O. Reg. 207/86, s. 3; O. Reg. 315/87, ss. 5, 6.

REGULATION 253

CROP INSURANCE PLAN FOR TOMATOES

1. The plan in the Schedule is established for the insurance within Ontario of tomatoes. R.R.O. 1980, Reg. 226, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Tomatoes".

2. The purpose of this plan is to provide for insurance against a loss in the production of tomatoes resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"area" means an area designated in column 1 of Table 1;

"average farm yield" means the average of previous yields of the planted acreage computed by the Commission on the basis of acreage production records of the insured person or on such other basis as the Commission determines;

"experience ratio" means the ratio determined by the Commission

calculated by dividing the average production of the three lowest yielding years of the preceding six years by the average yield;

“processor” means a person engaged in the business of processing tomatoes;

“tomatoes” means tomatoes produced in Ontario for processing;

“ton” means 2,000 pounds.

DESIGNATION OF PERILS

4. The following are designated as perils for the purpose of this plan:

1. Abnormally cool weather.
2. Drought.
3. Excessive rainfall.
4. Flood.
5. Frost.
6. Hail.
7. Insect infestation.
8. Plant disease.
9. Sunscald.
10. Wildlife.
11. Wind.

DESIGNATION OF CROP YEAR

5. The crop year for tomatoes is the period from the 1st day of March in any year to the 20th day of October next following.

CONTRACT OF INSURANCE

6. For the purpose of this plan, the entire contract of insurance for tomatoes shall be deemed to be comprised of,

- (a) the contract of insurance in Form 1;
- (b) the application for insurance; and
- (c) an amendment to any document referred to in clause (a) or (b) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission; and
- (b) be filed with the Commission not later than the 1st day of May in the crop year or not later than such other date as may be determined from time to time by the Commission.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made unless it is terminated in accordance with the regulations.

(2) Despite subsection (1), the contract does not insure against and no indemnity shall be paid in respect of any loss or damage which occurs prior to the insurance commencement date designated in column 2 of Table 1 in respect of the area in which the insured acreage is situated.

COVERAGE

9.—(1) The coverage provided in each crop year under a contract of insurance shall be,

- (a) 80 per cent of the average yield in tons for the planted acreage accepted by the Commission for coverage; or
- (b) the contract tonnage,

of the insured person, whichever is the lesser.

(2) The number of tons determined under subsection (1) constitutes the total guaranteed production under a contract of insurance.

(3) Where, in the opinion of the Commission, the insured person cannot provide adequate records for the preceding six years of production, the average yield and the experience ratio shall be determined by the Commission on such other basis as it may approve.

10. The established price for tomatoes per ton is,

- (a) \$70;
- (b) \$80; or
- (c) \$90.

PREMIUMS

11.—(1) The total premium payable in the crop year shall be calculated by the Commission according to Table 2 on the basis of,

- (a) the experience ratio of the insured person;
- (b) the average yield; and
- (c) the established price per ton determined under section 10.

(2) Despite any authorization by an insured person in an application for insurance, the payment of the premium due in respect of the contract of insurance is the liability of the insured person and such premium shall be paid in any event not later than ten days after written demand for payment thereof by the Commission.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

FINAL DATE FOR PLANTING

12. For the purposes of this plan, the final date for planting tomatoes in a crop year is the 20th day of June.

FINAL DATE FOR HARVESTING

13. For the purposes of this plan, the final date for harvesting tomatoes in a crop year is the 20th day of October or such other date as may be determined from time to time by the Commission. R.R.O. 1980, Reg. 226, Sched.; O. Reg. 291/81, ss. 1, 2; O. Reg. 309/82, ss. 1, 2; O. Reg. 309/83, ss. 1, 2; O. Reg. 356/84, ss. 1, 2; O. Reg. 292/85, ss. 1-4; O. Reg. 683/86, ss. 1, 2; O. Reg. 314/87, ss. 1, 2; O. Reg. 322/86, s. 1; O. Reg. 472/89, s. 1; O. Reg. 494/90, s. 1.

TABLE 1

COLUMN 1	COLUMN 2
Area	Insurance Commencement Date
Western Area consisting of the counties of Essex, Kent and Lambton	Noon Eastern Standard Time May 1st
Central Area consisting of the County of Prince Edward and that part of Ontario lying west of that part of the King's Highway known as No. 11, except the counties of Essex, Kent and Lambton	Noon Eastern Standard Time May 8th
Eastern Area consisting of that part of Ontario lying east of that part of the King's Highway known as No. 11, except the County of Prince Edward	Noon Eastern Standard Time May 15th

O. Reg. 309/83, s. 3.

TABLE 2

Experience Ratio	Premium Rate	4.00	5.26	6.50	8.00	9.26	10.50
		Percentage Coverage					
84		80					
82			80				
80				80			
78					80		
76						80	
74 or less							80

O. Reg. 472/89, s. 2.

Form 1

Crop Insurance Act (Ontario)

CONTRACT OF INSURANCE

BETWEEN:

The Crop Insurance Commission of Ontario, hereinafter referred to as "THE COMMISSION",

OF THE FIRST PART

—and—

.....
of the of

in the County (or as the case may be) of, hereinafter referred to as "THE INSURED PERSON",

OF THE SECOND PART

WHEREAS the insured person has applied for crop insurance on tomatoes under The Ontario Crop Insurance Plan for Tomatoes, hereinafter referred to as "the plan";

NOW THEREFORE, subject to the *Crop Insurance Act* (Ontario) and the regulations made thereunder, where in a crop year the insured person suffers a loss in the production of tomatoes resulting from one or more of the perils designated in the plan, the Commission, subject

to the terms and conditions hereinafter set forth, agrees to indemnify the insured person in respect of such loss.

TERMS AND CONDITIONS

CAUSES OF LOSS NOT INSURED AGAINST

1. This contract does not insure against, and no indemnity shall be paid in respect of, a loss in production of the insured crop resulting from,
 - (a) the negligence, misconduct or poor farming practices of the insured person or the insured person's agents or employees;
 - (b) a shortage of labour or machinery;
 - (c) insect infestation or plant disease unless recommended spray programs were used; or
 - (d) a peril other than the perils designated in the plan.

EXTENT OF INSURANCE

2.—(1) The insured person shall offer for insurance all acreage planted in the crop year to tomatoes on the farm or farms operated by the insured person in Ontario whether grown under contract or not and, subject to subparagraph (2), this contract applies to all such acreage.

(2) This contract does not apply to, and no indemnity is payable in respect of, acreage planted to the insured crop,

- (a) that was not adequately prepared for cropping purposes;
- (b) that was planted after the final date prescribed for planting in the plan; or
- (c) that, in the opinion of the Commission, is not insurable.

INDEMNITY

3. The maximum indemnity payable for a loss in production of the insured crop for the crop year is the amount obtained by multiplying the total guaranteed production by the price per ton established in the plan, but in no case shall the total guaranteed production exceed the tonnage contracted for.

VARIATION IN PLANTED ACREAGE

4.—(1) Where the acreage planted by the insured person in the crop year is not the same as the acreage stated in the application, the insured person shall, not later than the 10th day of August, notify the Commission in writing of the actual acreage planted.

(2) Where the actual planted acreage of the insured crop is less than the acreage stated in the final acreage report, the total guaranteed production and the maximum amount of indemnity shall be reduced proportionately.

(3) Where the actual planted acreage of the insured crop is more than the acreage stated in the final acreage report, the total guaranteed production, the maximum amount of indemnity and the premium payable shall not be increased but the production from the total planted acreage shall be included in establishing the production of the insured person.

HARVESTING OF PLANTED ACREAGE

5.—(1) All acreage planted to the insured crop in the crop year shall be harvested as tomatoes for processing unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or

(b) the abandonment or destruction of the insured crop or any part thereof.

(2) The final date for the harvesting referred to in subparagraph (1) is the 20th day of October or such other date as may be determined from time to time by the Commission.

(3) Where the harvesting of any planted acreage is not completed on the date prescribed by subparagraph (2), the insured person shall forthwith notify the Commission in writing.

(4) Where an insured person fails to notify the Commission in accordance with subparagraph (3), no indemnity shall be paid in respect of the unharvested acreage.

EVALUATION OF LOSS

6.—(1) Where the seeding or planting of one acre or more of tomatoes or an alternate crop before the final planting date is prevented by one or more of the designated perils, an indemnity may be paid in respect of each unseeded or unplanted acre calculated on the basis of 20 per cent of the guaranteed production per acre multiplied by the established price per ton.

(2) Where, after the final planting date, one or more acres is seeded to an alternate crop, an indemnity may be paid in respect of each acre so seeded calculated on the basis of 10 per cent of the guaranteed production per acre multiplied by the established price per ton.

(3) Any acreage in respect of which an indemnity is paid under subparagraph (1) or (2) shall be released from the contract of insurance and, in such case, the guaranteed production and indemnity payable shall be reduced accordingly.

7.—(1) Where loss or damage to one acre or more of the insured crop occurs at any time following the planting of the insured crop or any part thereof, the Commission, upon application in writing therefor by the insured person, may consent in writing to,

- (a) one replanting of the damaged acreage to the insured crop and, in such case, the replanting shall be completed not later than the 20th day of June in the crop year or such other date as may be determined by the Commission;
- (b) the use of the damaged acreage for the planting of another crop and, in such case, the replanting shall be completed not later than the 1st day of July in the crop year or such other date as may be determined by the Commission; or
- (c) the abandonment or destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres and the potential production thereof.

(2) Where damaged acreage is replanted to the insured crop in accordance with clause (1) (a), the contract of insurance shall continue to apply to such replanted acreage.

(3) Where the damaged acreage is replanted to an alternate crop under clause (1) (b), an indemnity shall be paid and the indemnity shall be the lesser of,

- (a) the original cost to the producer of the plants or seed mixture in respect of which loss or damage was suffered; or
- (b) the price per thousand of local transplants or hybrid plants negotiated under the *Farm Products Marketing Act* multiplied by fourteen.

8. Where the insured crop suffers damage from an insured peril and the insured person incurs unusual or increased hand harvesting costs as a result, the Commission may adjust the actual production of the insured crop accordingly.

9.—(1) Where the actual production of the insured acreage is less than the guaranteed production for such acreage, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per ton.

(2) For the purpose of subparagraph (1), actual production shall include,

- (a) production delivered to and accepted by a processor;
- (b) production delivered to and rejected by a processor unless the rejection resulted from a cause of loss designated in the plan;
- (c) production harvested but not delivered to a processor; and
- (d) potential production of wholly or partially unharvested acreage unless the failure to harvest resulted from an insured peril.

10. The indemnity payable with respect to the total planted acreage shall be the sum of all loss calculations applicable to such acreage, but where the actual production of any acreage, as determined under paragraph 9, exceeds the guaranteed production of such acreage, the indemnity otherwise payable for a loss in production shall be reduced by the amount obtained by multiplying such excess by the established price per ton.

MISREPRESENTATION, VIOLATION OF CONDITIONS OR FRAUD

11. Where the insured person,

- (a) in an application for insurance,
 - (i) gives false particulars of the insured crop to the prejudice of the Commission, or
 - (ii) knowingly misrepresents or fails to disclose any fact required to be stated therein;
- (b) contravenes a term or condition of the contract of insurance;
- (c) commits a fraud in respect of the insured crop; or
- (d) wilfully makes a false statement in respect of a claim under the contract of insurance,

a claim by the insured person is invalid and the insured person's right to recover indemnity is forfeited.

WAIVER OR ALTERATION

12. No term or condition of this contract shall be deemed to be waived or altered in whole or in part by the Commission unless the waiver or alteration is clearly expressed in writing signed by the Commission or a representative authorized for that purpose by the Commission.

INTEREST OF OTHER PERSONS

13. Even if a person other than the insured person holds an interest of any kind in the insured crop, for the purposes of this contract,

- (a) the interest of the insured person in the insured crop is deemed to be the full value of the total guaranteed production; and
- (b) except as provided in paragraph 14, no indemnity shall be paid to any person other than the insured person.

ASSIGNMENT OF RIGHT TO INDEMNITY

14. The insured person may assign all or part of the insured person's right to indemnity under this contract in respect of the insured crop but an assignment is not binding on the Commission and no payment of indemnity shall be made to an assignee unless,

- (a) the assignment is made on a form provided by the Commission; and
- (b) the Commission consents thereto in writing.

NOTICE OF LOSS OR DAMAGE

15.—(1) Where loss or damage to the insured crop occurs and the insured person intends to abandon or destroy the insured crop, or to replant or use the planted acreage for another purpose, the insured person shall notify the Commission in writing of such intention and shall take no further action without the consent in writing of the Commission.

(2) Where loss or damage to the insured crop occurs and the damage was occasioned at a readily ascertainable time, the insured person shall notify the Commission in writing within five days of such time.

(3) Where loss or damage to the insured crop occurs and it appears, or ought reasonably to appear, to the insured person at any time after planting and before the completion of harvesting of the insured crop that the production of the insured crop may thereby be reduced, the insured person shall, as soon as the loss or damage is apparent, notify the Commission in writing forthwith.

(4) Despite any notice given by the insured person under this paragraph, where on completion of harvesting of the insured crop the actual production is less than the total guaranteed production, the insured person shall notify the Commission in writing within five days of completion of harvesting.

ABANDONMENT, DESTRUCTION OR ALTERNATE USE

16.—(1) Acreage planted to the insured crop shall not be put to another use and the insured crop shall not be abandoned or destroyed until the Commission has appraised the potential production of the acreage.

(2) An appraisal made under subparagraph (1) shall not be taken into account in the final adjustment of loss where the insured person harvests the appraised acreage.

ADJUSTMENT OF LOSS

17.—(1) The indemnity payable for loss or damage to the insured crop shall be determined in the manner prescribed by this contract.

(2) The Commission may cause the production of the insured crop to be appraised by any method that it considers proper.

(3) No indemnity shall be paid for a loss in respect of the insured crop unless the insured person establishes,

- (a) the actual production obtained from the insured crop for the crop year; and
- (b) that the loss in production or part thereof resulted directly from one or more of the perils insured against.

(4) Where a loss in production resulted partly from a peril insured against and partly from a cause of loss not insured against, the Commission shall determine the amount of the loss that resulted from the cause of loss not insured against, and the indemnity payable by the Commission under this contract shall be reduced accordingly.

PROOF OF LOSS

18.—(1) A claim for indemnity in respect of the insured crop shall be made on a proof of loss form provided by the Commission and shall be filed with the Commission not later than sixty days after the earlier of,

- (a) the completion of harvesting of the insured crop; and
- (b) the end of the crop year.

(2) Subject to subparagraph (3), a claim for indemnity shall be made by the insured person.

(3) A claim for indemnity may be made,

- (a) in the case of the absence or inability of the insured person, by the insured person's authorized representative; or
- (b) in the case of the absence or inability of the insured person or on the insured person's failure or refusal to do so, by an assignee under an assignment made in accordance with paragraph 14.

(4) Where required by the Commission, the information given in a proof of loss form shall be verified by statutory declaration.

ARBITRATION

19. Where the Commission and the insured person fail to resolve any dispute respecting the adjustment of a loss under this contract, the matter shall be determined by arbitration in accordance with the regulations.

TIME FOR PAYMENT OF INDEMNITY

20.—(1) No indemnity under this contract becomes due and payable until,

- (a) the end of the crop year; and
- (b) the premium has been paid in full.

(2) Where the indemnity payable by the Commission under this contract is established by the filing of a proof of loss form or by an award of an arbitrator or board of arbitration, it shall be paid within sixty days of the receipt by the Commission of the proof of loss form or award, as the case may be.

(3) Nothing in this paragraph prevents the Commission from paying indemnity under this contract at an earlier date.

SUBROGATION

21. Where the Commission has paid a claim under this contract, the Commission is subrogated to the extent thereof to all rights of recovery of the insured person against any person and may bring action in the name of the insured person to enforce those rights.

RIGHT OF ENTRY

22. The Commission has a right of entry to the premises of the insured person that may be exercised by agents of the Commission at any reasonable time or times for any purpose related to the contract of insurance.

NOTICE

23.—(1) Any written notice to the Commission shall be given by delivery thereof or by sending it by mail to the Commission.

(2) Written notice to the insured person shall be given by delivery thereof or by sending it by mail addressed to the insured person at the insured person's last post office address on file with the Commission.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this contract of insurance to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at

this day of, 19.....

.....
Duly Authorized
Representative

.....
General Manager

R.R.O. 1980, Reg. 226, Form 1; O. Reg. 291/81, s. 4; O. Reg. 309/82, s. 3; O. Reg. 309/83, s. 5; O. Reg. 356/84, ss. 4, 5; O. Reg. 292/85, s. 6; O. Reg. 683/86, ss. 3-7; O. Reg. 314/87, ss. 3-5; O. Reg. 472/89, s. 3.

REGULATION 254

CROP INSURANCE PLAN FOR WHITE BEANS

1. The plan in the Schedule is established for the insurance within Ontario of white beans. R.R.O. 1980, Reg. 228, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for White Beans".

2. The purpose of this plan is to provide for insurance against a loss in the production of white beans resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

"average farm yield" means the average yield of the planted acreage,

(a) for the ten-year period immediately preceding the current year computed on the basis of the acreage production records of the insured person, or

(b) for the number of years of enrolment in the plan computed on the basis of the acreage production records of the insured person or on another basis that is reasonable in the circumstances, where the insured person has not been enrolled in the plan for ten years;

"hundredweight" means 100 pounds of beans, the moisture content of which is not more than 18 per cent;

"white beans" means white pea-beans produced in Ontario.

DESIGNATION OF PERILS

4. The following are designated as perils for the purposes of this plan:

1. Drought.
2. Excessive moisture.
3. Excessive rainfall.
4. Flood.
5. Frost.

6. Hail.
7. Insect infestation.
8. Plant disease.
9. Wildlife.
10. Wind.

DESIGNATION OF CROP YEAR

5. The crop year for white beans is the period from the 1st day of March in any year to the last day of February next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for white beans shall be deemed to be comprised of,

- (a) the contract of insurance in the form prescribed by Regulation 256 of Revised Regulations of Ontario, 1990;
- (b) an endorsement for white beans in Form 1;
- (c) the application for insurance;
- (d) the final acreage report for each crop year; and
- (e) an amendment to any document referred to in clause (a), (b), (c) or (d) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be accompanied by a premium deposit of \$1 per acre; and
- (c) be filed with the Commission not later than the 1st day of May in the crop year.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before the 1st day of May in the crop year during which the cancellation is to be effective.

COVERAGE

9. For the purpose of calculating the average farm yield, the Commission shall, on an annual basis, compare the actual yield in each year of the ten-year period used to calculate the average farm yield with the average farm yield itself and,

- (a) if the actual yield in a year exceeds the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \text{Actual Yield} - \frac{2}{3} \left[\frac{\text{Actual Yield} - (\text{Average Yield} \times 1.3)}{\text{Yield}} \right]$$

- (b) if the actual yield in a year falls short of the insured person's ten year average by more than 30 per cent, shall adjust the actual yield according to the formula,

$$\text{Adjusted Yield} = \text{Actual Yield} + \frac{2}{3} \left[\left(\frac{\text{Average Yield} \times 0.7}{\text{Yield}} \right) - \frac{\text{Actual Yield}}{\text{Yield}} \right]$$

10.—(1) Subject to subsections (4) and (5), the initial coverage provided under a contract of insurance shall be 75 per cent of the average farm yield in pounds of the total acreage planted to white beans by the insured person.

(2) Subject to subsections (4) and (5), the coverage provided under a contract of insurance following a year in which there was no claim shall be,

- (a) where the previous year's coverage was 70 per cent, 73 per cent;
- (b) where the previous year's coverage was 73 per cent, 75 per cent;
- (c) where the previous year's coverage was 75 per cent, 78 per cent;
- (d) where the previous year's coverage was 78 per cent, 80 per cent; and
- (e) where the previous year's coverage was 80 per cent, 80 per cent,

of the average farm yield in pounds of the total acreage planted to white beans by the insured person.

(3) Subject to subsections (4) and (5), the coverage provided under a contract of insurance following a year in which there was a claim shall be,

- (a) where the previous year's coverage was 80 per cent, 78 per cent;
- (b) where the previous year's coverage was 78 per cent, 75 per cent;
- (c) where the previous year's coverage was 75 per cent, 73 per cent;
- (d) where the previous year's coverage was 73 per cent, 70 per cent; and
- (e) where the previous year's coverage was 70 per cent, 70 per cent,

of the average farm yield in pounds of the total acreage planted to white beans by the insured person.

(4) Where, in any year, a claim is paid in an amount that is less than one-half of the total premium for that year, the coverage for the following year shall remain unchanged.

(5) Despite clause (3) (a), the coverage provided under a contract of insurance following a year in which there was a claim shall be 80 per cent where,

- (a) the insured person has had coverage and an actual farm yield for at least five years; and
- (b) the previous year's coverage was 80 per cent.

11. For the purposes of this plan, the established price per hundredweight for white beans is,

- (a) \$14; or
- (b) \$20.

12.—(1) Where,

- (a) the insured person applies therefor in writing on or before the 1st day of May in a crop year; and
- (b) the Commission consents in writing,

any established price designated in section 11 may be substituted for the established price selected by the insured person at the time a contract of insurance is made, or any established price substituted in lieu thereof under this section.

(2) Where, upon any renewal, the insured person fails to select an established price pursuant to subsection (1), the Commission may designate the established price applicable to the contract for the crop year.

13. The maximum indemnity payable for a loss in production of white beans in a crop year is the amount obtained by multiplying the total guaranteed production determined under section 10 by the established price per hundredweight determined under section 11.

PREMIUMS

14.—(1) The total premium is,

- (a) \$25.20 per acre where the established price is \$14 per hundredweight; and
- (b) \$36 per acre where the established price is \$20 per hundredweight.

(2) Despite subsection (1), the total premium is 80 per cent of the total premium prescribed by subsection (1) if,

- (a) the coverage is 80 per cent and the insured person has had coverage and an actual farm yield for at least five years; and
- (b) based on Commission records, total premiums paid by the insured person for white beans exceed indemnity paid.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Province of Ontario and the Government of Canada under the *Crop Insurance Act* (Canada).

15.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year in which the insured person plants acreage to white beans.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium, less the premium deposit, if any, to the Commission at the time the insured person files the final acreage report prescribed by section 16.

FINAL ACREAGE REPORTS

16.—(1) Every insured person shall file with the Commission in each crop year a final acreage report in a form provided by the Commission within ten days after the planting of acreage to white beans is completed.

(2) A final acreage report filed with the Commission shall not be amended without the consent in writing of the Commission.

17.—(1) The Commission may revise the final acreage report in any or all respects and adjust the premium accordingly and, in such case, shall notify the insured person in writing forthwith respecting such revision and adjustment.

(2) The insured person shall be deemed to have agreed with the revision of the final acreage report made by the Commission under subsection (1) unless the insured person notifies the Commission in writing that the insured person rejects the revision within ten days after the Commission notification is served on the insured person.

(3) For the purposes of subsection (2), the Commission notification may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(4) Where the Commission receives notice from an insured person under subsection (2), it shall notify the insured person in writing

that the contract of insurance does not apply for the crop year in respect of which the final acreage report was filed and shall refund any premium or premium deposit paid in respect of that crop year.

(5) A final acreage report revised under this section shall, failing notice under subsection (2), constitute the final acreage report for the crop year.

18.—(1) Where an insured person in any crop year fails to file a final acreage report in the form and manner prescribed by this Regulation, the Commission may,

- (a) prepare the final acreage report; or
- (b) declare the insured acreage to be nil.

(2) Where the Commission prepares a final acreage report under subsection (1), the Commission shall serve a copy of the report on the insured person either by personal delivery or by mailing it to the insured person's last known address.

(3) Every insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commission within ten days after the insured person has been served with a copy of it.

(4) A report that is mailed shall be deemed to be served three days after it is mailed.

FINAL PLANTING DATE

19. For the purposes of this plan, the final date for planting white beans in a crop year is the 1st day of July or such other date as may be determined from time to time by the Commission. R.R.O. 1980, Reg. 228, Sched.; O. Reg. 305/81, s. 1; O. Reg. 93/82, ss. 1-4; O. Reg. 216/82, s. 1; O. Reg. 48/83, ss. 1-3; O. Reg. 139/84, ss. 1-3; O. Reg. 301/85, ss. 1-3; O. Reg. 324/87, ss. 1-3; O. Reg. 189/88, s. 1; O. Reg. 295/89, s. 1; O. Reg. 476/90, s. 1.

TABLE

Spring Sown Crops in Order of Priority
1. Corn
2. Soybeans
3. White Beans
4. Coloured Beans
5. Spring Grain
6. Canola
7. Sunflowers
8. Red Spring Wheat

O. Reg. 305/81, s. 2; O. Reg. 301/85, s. 4; O. Reg. 324/87, s. 4; O. Reg. 295/89, s. 2.

Form 1

Crop Insurance Act (Ontario)

WHITE BEAN ENDORSEMENT

WHEREAS the insured person has applied for crop insurance for white beans under The Ontario Crop Insurance Plan for White Beans, hereinafter referred to as "the plan", and has paid the deposit premium prescribed thereunder;

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, the contract of insurance between The Crop Insurance Commission of Ontario and the insured person is hereby extended to cover white beans.

HARVESTING OF PLANTED ACREAGE

1.—(1) All acreage planted to white beans in a crop year shall be

harvested as white beans unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the planted acreage or any part thereof for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part thereof.

(2) Where the harvesting of any planted acreage is not completed and the failure to harvest was not caused by an insured peril, the contract of insurance shall cease to apply to such unharvested acreage and no indemnity shall be payable therefor.

EVALUATION OF LOSS

2.—(1) An indemnity shall be paid for the acreage set out in subparagraph (2) in the amount set out in subparagraph (3), where,

- (a) all of the acres planted to the crops listed in the Table to this Regulation are offered for insurance;
- (b) the insured person elects the indemnity on the application for insurance;
- (c) the insured person pays a premium deposit of \$1 of each acre intended to be planted to the crops listed in the Table;
- (d) one or more of the designated perils prevents the planting,

- (i) of three acres or more, in the case of systematically tile drained land, or

- (ii) of six acres or more, in the case of land that is not systematically tile drained; and

- (e) the insured person notifies the Commission of the insured person's inability to plant the acres to the crops listed in the Table by the 15th day of June in the crop year.

(2) The indemnity shall be paid,

- (a) for each unplanted acre, in the case of systematically tile drained land; or
- (b) for each unplanted acre in excess of three unplanted acres, in the case of land that is not systematically tile drained.

(3) The amount of the indemnity shall be one-third of the guaranteed production per acre of the crop with the highest priority as set out in the Table of the crops intended to be planted and insured by the insured person multiplied by the established price for that crop.

(4) No indemnity shall be payable under this paragraph for land for which the same indemnity was paid by the Commission in the immediately preceding year.

(5) Where the insured person plants a crop in respect of which crop production insurance was applied for, the premium deposit for the acreage so planted shall be applied against the regular premium.

(6) Where the insured person plants a crop which is not listed in the Table, the premium deposit in respect of such acreage shall be refunded.

(7) Where the insured person is unable to plant acreage designated on the application as intended to be sown to a spring sown crop, the premium deposit in respect of such acreage shall be retained by the Commission as payment for the coverage provided.

(8) This paragraph does not apply to, and no indemnity is payable in respect of, land,

- (a) that is orchard land, pasture, woodland, planted to a perennial crop, fall sown or intended for summer fallow;

- (b) that is untilled and was not cropped in the previous year; or
- (c) that, in the opinion of the Commission, is not insurable.

(9) Where the planting is prevented by excessive rainfall, no indemnity is payable unless the insured person establishes that,

- (a) an abnormal amount of rain occurred;
- (b) the rainfall resulted in a reduced number of work days; and
- (c) a significant number of other insured persons were similarly affected,

during the planting season in the area where the insured acreage is situate.

3.—(1) Where loss or damage to three acres or more of the insured crop resulting from an insured peril occurs prior to the 1st day of July in the crop year, the Commission, upon application therefor in writing by the insured person, may consent in writing to the replanting of the damaged acreage.

(2) Where the damaged acreage is replanted in accordance with subparagraph (1), the Commission shall pay a supplementary benefit to the insured person calculated at the rate of \$30 for each replanted acre.

(3) Where the damaged acreage is replanted to white beans, the contract of insurance shall continue to apply to such replanted acreage.

(4) The total number of acres in respect of which a replanting benefit is paid in a crop year shall not in any case exceed the total number of insured acres.

4.—(1) Where loss or damage occurs prior to harvest, the Commission, upon application therefor in writing by the insured person, may consent in writing to the use of the damaged acreage for any other purpose or to the abandonment or destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres and the potential production thereof.

(2) Where damaged acreage is used for any other purpose or the insured crop thereon is abandoned or destroyed in accordance with subparagraph (1), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between guaranteed production for the damaged acreage and the potential production for the damaged acreage determined under subparagraph (1) by the established price per hundredweight.

(3) Where damaged acreage is not used for any other purpose or the crop thereon is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (2) shall not be taken into account in the final adjustment of loss.

(4) Where the actual production of the harvested acreage is less than the guaranteed production for such acreage, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total planted acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per hundredweight.

(5) Where the crop contains damaged or foreign material, the actual production thereof shall be deemed to be reduced in an amount to be determined by the Commission.

(6) Where, as the result of an insured peril causing discoloration, the insured crop or any part thereof is sold at a reduced price, the actual production thereof shall be deemed to be reduced in the ratio that the price reduction bears to the highest established price under the plan.

FINAL ADJUSTMENT OF LOSS FOR TOTAL INSURED ACREAGE

5. The indemnity payable with respect to the total insured acreage in the final adjustment of loss shall be the sum of all loss calculations made under paragraphs 2, 3 and 4 applicable to such acreage, but where,

- (a) the actual production of any harvested acreage; or
- (b) the potential production of any unharvested acreage,

exceeds the guaranteed production of such acreage, the indemnity otherwise payable in respect of loss calculations made under paragraph 4 shall be reduced by the amount obtained by multiplying such excess by the established price per hundred-weight.

INCORRECT ACREAGE IN FINAL ACREAGE REPORT

6.—(1) Where the actual planted acreage of white beans in a crop year is less than the planted acreage declared on the final acreage report, the guaranteed production shall be decreased proportionately in calculating whether there has been a loss and the actual production shall be used in calculating the average production for purposes of determining coverage for the following crop year and there shall be no refund of premium.

(2) Where the actual planted acreage of white beans in a crop year exceeds the planted acreage declared on the final acreage report, the actual production shall be used in calculating whether there has been a loss and,

- (a) where the calculation indicates a loss, such actual production shall be used; or
- (b) where the calculation does not indicate a loss, such actual production shall be reduced proportionately,

in calculating the average production for purposes of determining coverage for the following crop year.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this endorsement to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at,
 this day of, 19.....

 Duly Authorized General Manager
 Representative

R.R.O. 1980, Reg. 228, Form 2; O. Reg. 305/81, s. 4; O. Reg. 93/82, s. 5; O. Reg. 48/83, ss. 4, 5; O. Reg. 301/85, s. 6; O. Reg. 324/87, ss. 5, 6; O. Reg. 189/88, s. 2; O. Reg. 295/89, s. 3.

REGULATION 255

CROP INSURANCE PLAN FOR WINTER WHEAT

1. The Plan in the Schedule is established for the insurance within Ontario of winter wheat. R.R.O. 1980, Reg. 229, s. 1.

Schedule

Crop Insurance Act (Ontario)

PLAN

1. This plan may be cited as "The Ontario Crop Insurance Plan for Winter Wheat".

2. The purpose of this plan is to provide for insurance against a loss in the production of winter wheat resulting from one or more of the perils designated in section 4.

DEFINITIONS

3. In this plan,

“average farm yield” means the average of previous yields of the seeded acreage computed on the basis of acreage production records of the insured person or on such other basis as the Commission approves;

“bushel” means 60 pounds of winter wheat, the moisture content of which does not exceed 14.5 per cent;

“winter wheat” means soft white winter wheat and hard red winter wheat produced in Ontario.

DESIGNATION OF PERILS

4. The following are designated as perils for the purposes of this plan:

1. Drought.
2. Excessive moisture.
3. Excessive rainfall.
4. Flood.
5. Frost.
6. Hail.
7. Insect infestation.
8. Plant disease.
9. Wildlife.
10. Wind.
11. Winter kill.

DESIGNATION OF CROP YEAR

5. The crop year for winter wheat is the period from the 1st day of September in any year to the 31st day of August in the year next following.

CONTRACT OF INSURANCE

6. For the purposes of this plan, the entire contract of insurance for winter wheat shall be deemed to be comprised of,

- (a) an endorsement for winter wheat in Form 1;
- (b) an application for insurance;
- (c) the final acreage report for each crop year;
- (d) an amendment to any document referred to in clause (a), (b) or (c) agreed upon in writing.

7. An application for insurance shall,

- (a) be in a form provided by the Commission;
- (b) be accompanied by the whole of the premium payable by the insured person; and
- (c) be filed with the Commission not later than the 31st day of October in the crop year in respect of which it is made.

DURATION OF CONTRACT

8.—(1) A contract of insurance shall be in force for the crop year in respect of which it is made, and shall continue in force for each crop year thereafter until it is cancelled by the insured person or the Commission in the manner prescribed by subsection (2) or is terminated in accordance with the regulations.

(2) A contract of insurance may be cancelled by the insured person or the Commission by notice in writing to the other party on or before the 31st day of October in the crop year during which the cancellation is to be effective.

COVERAGE

9.—(1) The initial coverage provided under a contract of insurance shall be 75 per cent of the average farm yield in bushels of the total acreage seeded to winter wheat by the insured person.

(2) Subject to subsection (4), the coverage provided under a contract of insurance following a year in which there was no claim shall be,

- (a) where the previous year's coverage was 70 per cent, 73 per cent;
- (b) where the previous year's coverage was 73 per cent, 75 per cent;
- (c) where the previous year's coverage was 75 per cent, 78 per cent;
- (d) where the previous year's coverage was 78 per cent, 80 per cent; and
- (e) where the previous year's coverage was 80 per cent, 80 per cent,

of the average farm yield in bushels of the total acreage seeded to winter wheat by the insured person.

(3) Subject to subsection (4), the coverage provided under a contract of insurance following a year in which there was a claim shall be,

- (a) where the previous year's coverage was 80 per cent, 78 per cent;
- (b) where the previous year's coverage was 78 per cent, 75 per cent;
- (c) where the previous year's coverage was 75 per cent, 73 per cent;
- (d) where the previous year's coverage was 73 per cent, 70 per cent; and
- (e) where the previous year's coverage was 70 per cent, 70 per cent,

of the average farm yield in bushels of the total acreage seeded to winter wheat by the insured person.

(4) Where, in any year, a claim is paid in an amount that is less than one-half of the total premium for that year, the coverage for the following year shall remain unchanged.

(5) Despite clause (3) (a), the coverage provided under a contract of insurance following a year in which there was a claim shall be 80 per cent where,

- (a) the insured person has had coverage and an actual farm yield for at least five years; and
- (b) the previous year's coverage was 80 per cent.

10. The maximum amount for which the Commission is liable for a

loss in production under a contract of insurance is the amount obtained by multiplying the total guaranteed production determined under section 9 by the established price per bushel prescribed by section 11.

11.—(1) For the purposes of this plan, the grower may select an established price per bushel for winter wheat of,

- (a) \$2.75;
- (b) \$3.25; or
- (c) \$3.75.

(2) Where,

- (a) the insured person applies therefor in writing on or before the 31st day of October in a crop year; and
- (b) the Commission consents in writing,

any established price designated in subsection (1) may be substituted for the established price selected by the insured person at the time a contract of insurance is made or for any established price substituted in lieu thereof under this subsection.

(3) Where, upon any renewal, the insured person fails to select an established price pursuant to subsection (2), the Commission may designate the established price applicable to the contract for the crop year.

PREMIUMS

12.—(1) The total premium is,

- (a) \$6.50 per acre where the established price is \$2.75 per bushel;
- (b) \$7.60 per acre where the established price is \$3.25 per bushel; or
- (c) \$8.80 per acre where the established price is \$3.75 per bushel.

(2) Despite subsection (1), the minimum premium payable by an insured person in each crop year is \$25.

(3) The premium prescribed by subsection (1) includes payments in respect of premiums made by the Government of Canada under the *Crop Insurance Act* (Canada).

(4) Despite subsections (1) and (2), the total premium is 80 per cent of the total premium prescribed by subsection (1) or subsection (2) if,

- (a) the coverage is 80 per cent and the insured person has had coverage for at least five years; and
- (b) based on Commission records, total premiums paid by the insured person since 1972 for winter wheat exceed indemnity paid to the insured person since 1972.

13.—(1) Where a contract of insurance is in force, a premium shall be paid in respect of each crop year in which the insured person seeds acreage to winter wheat.

(2) Where a premium is payable in respect of a crop year, the insured person shall pay the premium to the Commission at the time the insured person files the final acreage report prescribed by section 14.

FINAL ACREAGE REPORTS

14.—(1) Every insured person shall file with the Commission in each crop year a final acreage report in a form provided by the Com-

mission within ten days after the seeding of the acreage to winter wheat is completed.

(2) A final acreage report filed with the Commission shall not be amended without the consent in writing of the Commission.

15.—(1) The Commission may revise the final acreage report in any or all respects and, in such case, shall notify the insured person in writing forthwith respecting such revision.

(2) The insured person shall be deemed to have agreed with the revision of the final acreage report made by the Commission under subsection (1) unless the insured person notifies the Commission in writing that the insured person rejects the revision within ten days after the Commission notification is served on the insured person.

(3) For the purposes of subsection (2), the Commission notification may be served by personal delivery or by mailing it to the insured person's last known address, in which case the notification shall be deemed to be served three days after it is mailed.

(4) Where the Commission receives notice from an insured person under subsection (2), it shall notify the insured person in writing that the contract of insurance does not apply for the crop year in respect of which the final acreage report was filed and shall refund any premium paid in respect of that crop year.

(5) A final acreage report revised under this section shall, failing notice under subsection (2), constitute the final acreage report for the crop year.

16.—(1) Where an insured person in any crop year fails to file a final acreage report in the form and manner prescribed by this Regulation, the Commission may,

- (a) prepare a final acreage report; or
- (b) declare the insured acreage to be nil.

(2) Where the Commission prepares a final acreage report under subsection (1), the Commission shall serve a copy of the report on the insured person either by personal delivery or by mailing it to the insured person's last known address.

(3) Every insured person shall pay the premium for the crop year in respect of which a final acreage report is prepared by the Commission within ten days after the insured person has been served with a copy of it.

(4) A mailed report is considered served three days after it is mailed.

FINAL DATE FOR SEEDING

17. For the purposes of this plan, the final date for seeding winter wheat in a crop year is the 31st day of October or such other date as may be determined from time to time by the Commission.

FINAL DATE FOR HARVESTING

18. For the purposes of this plan, the final date for harvesting winter wheat in a crop year is the 31st day of August or such other date as may be determined from time to time by the Commission. R.R.O. 1980, Reg. 229, Sched.; O. Reg. 99/82, ss. 1-5; O. Reg. 571/83, ss. 1-3; O. Reg. 635/84, ss. 1-3; O. Reg. 619/85, ss. 1-3; O. Reg. 695/86, s. 1; O. Reg. 681/87, s. 1; O. Reg. 201/89, s. 1; O. Reg. 462/90, s. 1.

Form 1

Crop Insurance Act (Ontario)

BETWEEN:

THE CROP INSURANCE COMMISSION OF ONTARIO, hereinafter referred to as "THE COMMISSION",

OF THE FIRST PART

—and—

.....
 of the of
 in the County (or as the case may be) of,
 hereinafter referred to as "THE INSURED PERSON",

OF THE SECOND PART

WHEREAS the insured person has applied for crop insurance for winter wheat under The Ontario Crop Insurance Plan for Winter Wheat, hereinafter referred to as "the plan" and has paid the deposit premium prescribed thereunder;

NOW THEREFORE, subject to the *Crop Insurance Act (Ontario)* and the regulations made thereunder, where in a crop year the insured person suffers a loss resulting from one or more of the perils designated in the plan, the Commission, subject to the terms and conditions hereinafter set forth, agrees to indemnify the insured person in respect of such loss.

TERMS AND CONDITIONS

CAUSES OF LOSS NOT INSURED AGAINST

1. This contract does not insure against, and no indemnity shall be paid in respect of a loss resulting from,

- (a) the negligence, misconduct or poor farming practices of the insured person or the insured person's agents or employees;
- (b) a shortage of labour or machinery; or
- (c) a peril other than the perils designated in the plan.

EXTENT OF INSURANCE

2.—(1) The insured person shall offer for insurance all acreage planted to the insured crop on the farm or farms operated by the insured person in Ontario and, subject to subparagraph (2), this contract applies to all such acreage.

(2) This contract does not apply to, and no indemnity is payable in respect of, acreage planted to the insured crop,

- (a) that was not adequately prepared for cropping purposes; or
- (b) that, in the opinion of the Commission, is not insurable.

HARVESTING OF SEEDED ACREAGE

3.—(1) All acreage seeded to winter wheat in a crop year shall be harvested unless the Commission, upon application therefor in writing, consents in writing to,

- (a) the use of the seeded acreage or any part thereof for another purpose; or
- (b) the abandonment or destruction of the insured crop or any part thereof.

(2) The harvesting referred to in subparagraph (1) shall be completed not later than the 31st day of August or such other date as may be determined from time to time by the Commission.

EVALUATION OF LOSS

4. For the purposes of determining the loss in production of winter wheat in a crop year and the indemnity payable therefor, the value of

the crop shall progress through the stages prescribed in paragraphs 5 and 6.

STAGE 1

5.—(1) Stage 1 comprises the period from the date on which the seeding of acreage to winter wheat is completed to and including the 1st day of July in the crop year.

(2) Where loss or damage occurs in Stage 1, the Commission, upon application in writing by the insured person, may consent in writing to the seeding of the damaged acreage to another crop.

(3) Where the damaged acreage is three acres or more and the Commission consents to the seeding of the damaged acreage to another crop, the contract of insurance shall cease to apply to the reseeded acreage, the total guaranteed production shall be reduced accordingly and the Commission shall pay to the insured person for each acre reseeded a reseeded benefit of,

- (a) \$30 per acre where the established price is \$3 per bushel;
- (b) \$35 per acre where the established price is \$3.50 per bushel; or
- (c) \$40 per acre where the established price is \$4 per bushel.

(4) Where the insured person elects to harvest the insured crop on the damaged acreage and the damaged acreage is not reseeded,

- (a) the Commission shall determine the number of damaged acres and the potential production thereof;
- (b) the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total seeded acreage shall be calculated by multiplying the established price per bushel by the lesser of,
 - (i) 50 per cent of the guaranteed production for the damaged acreage, or
 - (ii) the difference between the guaranteed production and the potential production determined by the Commission; and

(c) the value of the crop shall proceed into Stage 2.

(5) Despite any application made in writing by the insured person, the Commission may, where loss or damage occurs in Stage 1, notify the insured person in writing that it intends to terminate the insurance coverage on the damaged acreage and to calculate the amount of loss in the manner prescribed in clause (4) (b) with respect to the damaged acreage and, where notice of such intention has been given, the Commission shall calculate accordingly the amount of loss to be taken into account in the final adjustment of loss and the value of the insured crop on such damaged acreage shall not progress beyond Stage 1.

STAGE 2

6.—(1) Stage 2 commences on the 2nd day of July in the crop year and, with respect to any part of the seeded acreage, ends with the completion of harvesting of such part.

(2) Where loss or damage occurs in Stage 2, the Commission, upon application therefor in writing by the insured person, may consent in writing to the abandonment or destruction of the insured crop on such damaged acreage and, in such case, the Commission shall determine the number of damaged acres and the potential production thereof.

(3) Where the insured crop is abandoned or destroyed in accordance with subparagraph (2), the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total seeded acreage shall be calculated by multiplying the difference between,

- (a) the guaranteed production for the damaged acreage; and
- (b) the potential production determined under subparagraph (2) for the damaged acreage,

by the established price per bushel.

(4) Where the crop is not abandoned or destroyed after the Commission has consented thereto, the amount of loss calculated under subparagraph (3) shall not be taken into account in the final adjustment of loss.

(5) Where the actual production of the harvested acreage is less than the guaranteed production for such acreage, the amount of loss that shall be taken into account in the final adjustment of loss in respect of the total seeded acreage shall be calculated by multiplying the difference between the guaranteed production and the actual production by the established price per bushel.

QUALITY COVERAGE

7. Where the insured crop is reduced below Grade 2 due to an insured peril, the actual production shall be deemed to be,

- (a) for Grade 3, 90 per cent of the yield harvested;
- (b) for Feed, 85 per cent of the yield harvested.

FINAL ADJUSTMENT OF LOSS FOR TOTAL SEEDED ACREAGE

8. The indemnity payable with respect to the total seeded acreage in the final adjustment of loss shall be the sum of all Stage 1 and Stage 2 loss calculations applicable to such acreage, but where,

- (a) the actual production of any harvested acreage; or
- (b) the potential production of any unharvested acreage,

exceeds the guaranteed production of such acreage, the indemnity otherwise payable for a loss in production shall be reduced by the amount obtained by multiplying such excess by the established price per bushel.

INCORRECT ACREAGE IN FINAL ACREAGE REPORT

9.—(1) Where the actual seeded acreage of winter wheat in a crop year is less than the seeded acreage declared on the final acreage report, the guaranteed production and the amount of insurance shall be reduced in the proportion that the actual acreage bears to the declared acreage.

(2) Where the actual seeded acreage of winter wheat in a crop year exceeds the seeded acreage declared on the final acreage report, the production from the total seeded acreage shall be counted and there shall be no increase in the total guaranteed production or the maximum amount of indemnity payable.

MISREPRESENTATION, VIOLATION OF CONDITIONS OR FRAUD

10. Where, in respect of an insured crop, the insured person,
- (a) in an application for insurance or a final acreage report,
 - (i) gives false particulars of the insured crop to the prejudice of the Commission, or
 - (ii) knowingly misrepresents or fails to disclose any fact required to be stated therein;
 - (b) contravenes a term or condition of the contract of insurance;
 - (c) commits a fraud; or
 - (d) wilfully makes a false statement in respect of a claim under the contract of insurance, a claim by the insured person is

invalid and the insured person's right to recover indemnity is forfeited.

WAIVER OR ALTERATION

11. No term or condition of this contract shall be deemed to be waived or altered in whole or in part by the Commission unless the waiver or alteration is clearly expressed in writing signed by the Commission or a representative authorized for that purpose by the Commission.

INTEREST OF OTHER PERSONS

12. Even if a person other than the insured person holds an interest of any kind in an insured crop, for the purposes of this contract,

- (a) the interest of the insured person in the insured crop is deemed to be the full value of the total guaranteed production; and
- (b) except as provided in paragraph 13, no indemnity shall be paid to any person other than the insured person.

ASSIGNMENT OF RIGHT TO INDEMNITY

13. The insured person may assign all or part of the insured person's right to indemnity under this contract in a crop year in respect of an insured crop but an assignment is not binding on the Commission and no payment of indemnity shall be made to an assignee unless,

- (a) the assignment is made on a form provided by the Commission; and
- (b) the Commission consents thereto in writing.

NOTICE OF LOSS OR DAMAGE

14.—(1) Where loss or damage to an insured crop occurs and the insured person intends to abandon or destroy the insured crop, or to reseed or use the seeded acreage for another purpose, the insured person shall notify the Commission in writing of such intention and shall take no further action without the consent in writing of the Commission.

(2) Where loss or damage to an insured crop occurs and the damage was occasioned at a readily ascertainable time, the insured person shall notify the Commission in writing within five days of such time.

(3) Where loss or damage to an insured crop occurs and it appears, or ought reasonably to appear, to the insured person at any time after seeding and before the completion of harvesting of the insured crop that the potential production of the insured crop will be less than the total guaranteed production, the insured person shall, as soon as the loss or damage is apparent, notify the Commission in writing forthwith.

(4) Despite any notice given by the insured person under this paragraph, where on completion of harvesting of an insured crop, the actual production is less than the total guaranteed production, the insured person shall notify the Commission in writing within five days of completion of harvesting.

ABANDONMENT, DESTRUCTION OR ALTERNATE USE

15.—(1) No acreage seeded to an insured crop shall be put to another use and no insured crop shall be abandoned or destroyed until the Commission has appraised the potential production of the acreage.

(2) An appraisal made under subparagraph (1) shall not be taken into account in the final adjustment of loss where the insured person harvests the appraised acreage.

ADJUSTMENT OF LOSS

16.—(1) The indemnity payable for loss or damage to an insured crop shall be determined in the manner prescribed herein.

(2) The Commission may cause the production of an insured crop to be appraised by any method that it deems proper.

(3) The loss in respect of an insured crop and the amount of indemnity payable therefor shall be determined separately for each insured crop.

(4) No indemnity shall be paid for a loss in respect of an insured crop unless the insured person establishes,

- (a) the actual production obtained from the insured crop for the crop year; and
- (b) that the loss in production in the crop year resulted directly from one or more of the perils insured against.

PROOF OF LOSS

17.—(1) A claim for indemnity in respect of an insured crop shall be made on a proof of loss form provided by the Commission and shall be filed with the Commission not later than sixty days after,

- (a) the completion of harvesting of the insured crop; or
- (b) the end of the crop year in which the loss occurred, whichever is the earlier.

(2) Subject to subparagraph (3), a claim for indemnity shall be made by the insured person.

(3) A claim for indemnity may be made,

- (a) in the case of the absence or inability of the insured person, by the insured person's authorized representative; or
- (b) in the case of the absence or inability of the insured person or on the insured person's failure or refusal to do so, by an assignee under an assignment made in accordance with paragraph 13.

ARBITRATION

18. Where the Commission and the insured person fail to resolve any dispute respecting the adjustment of a loss under this contract, the matter shall be determined by arbitration in accordance with the regulations.

TIME FOR PAYMENT OF INDEMNITY

19.—(1) Except as otherwise provided, no indemnity under this contract becomes due and payable until the end of the crop year in which the loss or damage was sustained.

(2) Where the indemnity payable by the Commission under this contract is established by the filing of a proof of loss form or by an award of an arbitrator or board of arbitration, it shall be paid within sixty days of the receipt by the Commission of the proof of loss form or award, as the case may be.

(3) Nothing in this paragraph prevents the Commission from paying indemnity under this contract at an earlier date.

SUBROGATION

20. Where the Commission has paid a claim under this contract, the Commission is subrogated to the extent thereof to all rights of recovery of the insured person against any person and may bring action in the name of the insured person to enforce those rights.

RIGHT OF ENTRY

21. The Commission has a right of entry to the premises of the insured person that may be exercised by agents of the Commission at any reasonable time or times for any purpose related to the contract of insurance.

DEATH OR ASSIGNMENT UNDER THE BANKRUPTCY ACT

22. This contract terminates at the end of the crop year in which the death of the insured person occurs or an authorized assignment is made by the insured person under the *Bankruptcy Act* (Canada).

NOTICE

23.—(1) Any written notice to the Commission shall be given by delivery thereof or by sending it by mail to the Commission.

(2) Written notice to the insured person shall be served by personal delivery or by mailing it to the insured person's last known address on file with the Commission.

(3) Where a written notice is mailed, it shall be deemed to be served three days after it is mailed.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this contract of insurance to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at,
this day of, 19.....

.....
Duly Authorized
Representative

.....
General Manager

R.R.O. 1980, Reg. 229, Form 1; O. Reg. 99/82, s. 6; O. Reg. 571/83, s. 4; O. Reg. 635/84, s. 4; O. Reg. 695/86, s. 2; O. Reg. 681/87, s. 2; O. Reg. 201/89, s. 2; O. Reg. 462/90, s. 2.

REGULATION 256

CROP INSURANCE PLANS—GENERAL

DEFINITIONS

1. In this Regulation,

“owner-operator” means a person who owns and operates a farm;

“tenant-operator” means a person who leases and operates a farm that the person does not own. R.R.O. 1980, Reg. 231, s. 1.

DESIGNATION OF INSURABLE PERSONS

2. Where a plan is established in respect of an insurable crop, any owner-operator or tenant-operator of a farm in Ontario who produces the insurable crop on such farm is designated as an insurable person for the purpose of the plan. R.R.O. 1980, Reg. 231, s. 2.

CONTRACTS OF INSURANCE

3.—(1) Unless otherwise provided in any plan, a contract of insurance shall be in Form 1.

(2) A contract of insurance in Form 1 shall be issued to an insured person when the person makes an initial contract of insurance with the Commission. R.R.O. 1980, Reg. 231, s. 3.

4. Unless otherwise provided in any plan, the minimum premium

and deposit payable by an insured person in each crop year is \$25. O. Reg. 330/87, s. 1.

5. The Commission shall not make a contract of insurance under a plan without an application therefor in the form and manner prescribed by the plan. R.R.O. 1980, Reg. 231, s. 4.

6.—(1) The Commission may refuse to make a contract of insurance with an applicant for crop insurance,

(a) where, in the opinion of the Commission, the applicant has a substantial interest in more than one crop of the same designation; or

(b) for any other reason that the Commission considers proper.

(2) Where the Commission refuses to make a contract of insurance, it shall refund to the applicant the premium deposit, if any, that accompanied the application. R.R.O. 1980, Reg. 231, s. 5.

7. Where crops of the same designation are insured under separate contracts or otherwise distinguished and the Commission is of the opinion that,

(a) one person or group of persons has a substantial interest in such crops; or

(b) the harvested yields of the crops have been intermingled,

the Commission may deny liability on any or all of the contracts, or it may combine the yields and treat the contracts as one. R.R.O. 1980, Reg. 231, s. 6.

8. Where an insurable person has applied for insurance coverage on one or more crops and fails to pay the full premium owing in respect of each application at the time prescribed in the plan, the Commission may cancel the coverage on any or all of the crop plans applied for and, in such case, no part of the premium deposits paid shall be refunded. O. Reg. 43/83, s. 1.

INSURABLE ACREAGE

9. Unless otherwise provided in any plan, no acreage from which a crop has been harvested during the current crop year shall be eligible for insurance coverage. R.R.O. 1980, Reg. 231, s. 8.

SHARECROPPING AGREEMENTS

10. The Commission will accept applications for insurance for otherwise insurable field crops being sharecropped under an agreement providing for division of profits or crop in the following proportions:

LAND OWNER	SHARECROPPER
50%	50%
40%	60%
33%	67%

O. Reg. 43/83, s. 2, part.

11.—(1) For the purpose of determining coverage, each party to the agreement shall retain his, her or its own average farm yield or percentage of coverage attained through insurance experience.

(2) In the case of a new applicant, the coverage shall be determined by the Commission. O. Reg. 43/83, s. 2, part.

12. Premiums shall be paid by each party to the agreement in the same proportion as the parties share under the agreement but each party, at the time of application or renewal, as the case may be, shall pay a deposit of \$1 per acre in respect of the total number of insured acres. O. Reg. 43/83, s. 2, part.

13. The established price for the crop insured shall be the same for the total acreage. O. Reg. 43/83, s. 2, part.

14.—(1) Where acreage designated on the application as intended to be sown to a spring sown crop remains unseeded or unplanted due to an insured peril, a benefit shall be paid to the insured person in accordance with the regulations and the Table contained in the relevant field crop plan and the premium deposit paid by the sharecropper shall be refunded. O. Reg. 228/88, s. 1 (1).

(2) The benefit prescribed by subsection (1) does not apply to acreage sown to winter wheat. O. Reg. 43/83, s. 2, part; O. Reg. 228/88, s. 1 (2).

15.—(1) Where the insured acreage is reseeded or replanted to the same or to a different insurable crop in accordance with the relevant crop plan, the reseeded or replanting benefit shall be paid to the sharecropper only and the entire premium shall be retained by the Commission.

(2) Where the insured acreage is reseeded or replanted to a different crop, not insurable by the Commission, the reseeded or replanting benefit shall be paid to the sharecropper only, the insurance shall terminate and the land owner's share of the premium shall be refunded. O. Reg. 43/83, s. 2, part; O. Reg. 228/88, s. 2.

Form 1

Crop Insurance Act (Ontario)

CONTRACT OF INSURANCE

BETWEEN:

THE CROP INSURANCE COMMISSION OF ONTARIO, hereinafter referred to as "THE COMMISSION",

OF THE FIRST PART

— and —

.....
of the of
in the County (or as the case may be) of
hereinafter referred to as "THE INSURED PERSON",

OF THE SECOND PART

WHEREAS the insured person has applied for a contract of insurance under the *Crop Insurance Act (Ontario)* and the regulations and has paid a deposit premium in respect thereof;

NOW THEREFORE, subject to,

- (a) the *Crop Insurance Act (Ontario)*;
- (b) the regulations made thereunder; and
- (c) the endorsement respecting an insured crop,

where in a crop year the insured person suffers a loss in the production of an insured crop from one or more of the perils designated in the plan for such crop the Commission, subject to the terms and conditions hereinafter set forth, agrees to indemnify the insured person in respect of such loss.

TERMS AND CONDITIONS

INSURED CROP

1. In this contract an insured crop means an insurable crop in respect of which,

- (a) a plan has been established; and
- (b) an endorsement under such plan is in force.

EXTENT OF INSURANCE

2.—(1) The insured person shall offer for insurance all acreage seeded or planted in each crop year to an insured crop on the farm or farms operated by the insured person in Ontario, and, subject to subparagraph (2), this contract applies to all such acreage.

- (2) This contract does not apply to acreage,
 - (a) seeded or planted to an insured crop that,
 - (i) was not adequately prepared for cropping purposes,
 - (ii) was seeded or planted after the final date prescribed for seeding or planting in the plan, or
 - (iii) in the opinion of the Commission, is not insurable; or
 - (b) on which an insured crop is a volunteer crop.

CAUSES OF LOSS NOT INSURED AGAINST

3. This contract does not insure against, and no indemnity shall be paid in respect of, a loss in production of an insured crop resulting from,

- (a) the negligence, misconduct or poor farming practices of the insured person or the insured person's agents or employees; or
- (b) a peril other than the perils designated in the plan for the insured crop.

MISREPRESENTATION, VIOLATION OF CONDITIONS OR FRAUD

- 4.—(1) Where, in respect of an insured crop, the insured person,
 - (a) in an application for insurance or a final acreage report,
 - (i) gives false particulars of the insured crop to the prejudice of the Commission, or
 - (ii) knowingly misrepresents or fails to disclose any fact required to be stated therein;
 - (b) contravenes a term or condition of the contract of insurance;
 - (c) commits a fraud; or
 - (d) wilfully makes a false statement in respect of a claim under the contract of insurance,

a claim by the insured person is invalid and the insured person's right to recover indemnity is forfeited.

- (2) Where an insured person,
 - (a) has coverage in respect of two or more crops; and
 - (b) forfeits the right to recover indemnity for one or more of those crops as provided in subparagraph (1),

the Commission may cancel coverage obtained by the insured person in respect of any other crop.

(3) Where the Commission cancels coverage of a crop under subparagraph (2), the right of the insured to recover indemnity in respect of that crop is forfeited.

WAIVER OR ALTERATION

5. No term or condition of this contract or of an endorsement shall be deemed to be waived or altered in whole or in part by the Commission unless the waiver or alteration is clearly expressed in writing signed by the Commission or a representative authorized for that purpose by the Commission.

INTEREST OF OTHER PERSONS

6. Even if a person other than the insured person holds an interest of any kind in an insured crop, for the purposes of this contract,

- (a) the interest of the insured person in the insured crop is deemed to be the full value of the total guaranteed production; and
- (b) except as provided in paragraph 7, no indemnity shall be paid to any person other than the insured person.

ASSIGNMENT OF RIGHT TO INDEMNITY

7. The insured person may assign all or part of the insured person's right to indemnity under this contract in a crop year in respect of an insured crop but an assignment is not binding on the Commission and no payment of indemnity shall be made to an assignee unless the Commission consents thereto in writing.

NOTICE OF LOSS OR DAMAGE

8.—(1) Where loss or damage to an insured crop occurs and the insured person intends to abandon or destroy the insured crop, or to reseed or replant or use the seeded or planted acreage for another purpose, the insured person shall notify the Commission in writing of such intention and shall take no further action without the consent in writing of the Commission.

(2) Where loss or damage to an insured crop occurs and the damage was occasioned at a readily ascertainable time, the insured person shall notify the Commission in writing within five days of such time.

(3) Where loss or damage to the insured crop occurs and it appears, or ought reasonably to appear, to the insured person at any time after planting and before the completion of harvesting of the insured crop that the production of the insured crop may thereby be reduced, the insured person shall, as soon as the loss or damage is apparent, notify the Commission in writing forthwith.

(4) Despite any notice given by the insured person under this paragraph, where on completion of harvesting of an insured crop the actual production is less than the total guaranteed production, the insured person shall notify the Commission in writing within five days of completion of harvesting.

ABANDONMENT, DESTRUCTION OR ALTERNATE USE

9.—(1) No acreage seeded or planted to an insured crop shall be put to another use and no insured crop shall be abandoned or destroyed until the Commission has appraised the potential production of the acreage.

(2) An appraisal made under subparagraph (1) shall not be taken into account in the final adjustment of loss where the insured person harvests the appraised acreage.

ADJUSTMENT OF LOSS

10.—(1) The indemnity payable for loss or damage to an insured crop shall be determined in the manner prescribed by the endorsement for the insured crop.

(2) The Commission may cause the production of an insured crop to be appraised by any method that it considers proper.

(3) The loss in respect of an insured crop and the amount of indemnity payable therefor shall be determined separately for each insured crop.

(4) No indemnity shall be paid for a loss in respect of an insured crop unless the insured person,

- (a) establishes the actual production obtained from the insured crop for the crop year;
- (b) establishes that the loss in production in the crop year resulted directly from one or more of the perils insured against; and
- (c) provides the Commission with such books, records, documents or things as it may require to substantiate the loss in production.

PROOF OF LOSS

11.—(1) A claim for indemnity in respect of an insured crop shall be made on a proof of loss form provided by the Commission and shall be filed with the Commission not later than sixty days after the earlier of,

- (a) the completion of harvesting of the insured crop; and
- (b) the end of the crop year in which the loss occurred.

(2) Subject to subparagraph (3), a claim for indemnity shall be made by the insured person.

(3) A claim for indemnity may be made,

- (a) in the case of the absence or inability of the insured person, by the insured person's authorized representative; or
- (b) in the case of the absence or inability of the insured person or on the insured person's failure or refusal to do so, by an assignee under an assignment made in accordance with paragraph 7.

ARBITRATION

12. Where the Commission and the insured person fail to resolve any dispute respecting the adjustment of a loss under this contract, the matter shall be determined by arbitration in accordance with the regulations.

TIME FOR PAYMENT OF INDEMNITY

13.—(1) Except as otherwise provided in the endorsement for an insured crop, no indemnity under this contract becomes due and payable until the end of the crop year in which the loss or damage was sustained.

(2) Where the indemnity payable by the Commission under this contract is established by the filing of a proof of loss form or by an award of an arbitrator or board of arbitration, it shall be paid within sixty days of the receipt by the Commission of the proof of loss form or award, as the case may be.

(3) Nothing in this paragraph prevents the Commission from paying indemnity under this contract at an earlier date.

SUBROGATION

14. Where the Commission has paid a claim under this contract, the Commission is subrogated to the extent thereof to all rights of recovery of the insured person against any person and may bring action in the name of the insured person to enforce those rights.

RIGHT OF ENTRY

15. The Commission has a right of entry to the premises of the

insured person that may be exercised by agents of the Commission at any reasonable time or times for any purpose related to the contract of insurance.

DEATH OR ASSIGNMENT UNDER THE BANKRUPTCY ACT

16. This contract terminates in respect of each insured crop at the end of the crop year in which the death of the insured person occurs or an authorized assignment is made by the insured person under the *Bankruptcy Act* (Canada).

NOTICE

17.—(1) Any written notice to the Commission shall be given by delivery thereof or by sending it by mail to the Commission.

(2) Written notice to the insured person shall be given by delivery thereof or by sending it by mail addressed to the insured person at the person's last post office address on file with the Commission.

IN WITNESS WHEREOF The Crop Insurance Commission of Ontario has caused this contract of insurance to be signed by its general manager but the same shall not be binding upon the Commission until countersigned by a duly authorized representative thereof.

Countersigned and dated at
this day of, 19.....

.....
Duly Authorized
Representative

.....
General Manager

R.R.O. 1980, Reg. 231, Form 1; O. Reg. 43/83, s. 3; O. Reg. 363/84, s. 1; O. Reg. 290/85, s. 2; O. Reg. 228/88, s. 3.

REGULATION 257

DESIGNATION OF INSURABLE CROPS

1. The following agricultural crops are designated as insurable crops:

- Apples.
- Asparagus.
- Barley.
- Broccoli.
- Cabbage.
- Canola.
- Carrots.
- Cauliflower.
- Celery.
- Coloured beans.
- Corn.
- Cucumbers.
- Forage.
- Grapes.
- Green and wax beans.

Greenhouse Vegetables.
Honey.
Lettuce.
Lima beans.
Oats.
Onions grown from seed.
Onions grown from sets.
Parsnips.
Peaches.
Peanuts.
Pears.
Peas.
Peppers.
Plums.
Popping corn.
Potatoes.
Pumpkins and squash.
Red beets.

Red Spring Wheat.
Rutabagas.
Seed corn.
Sour cherries.
Soybeans.
Spanish onions.
Spring grain.
Spring wheat.
Strawberries.
Sunflowers.
Sweet cherries.
Sweet corn.
Tobacco.
Tomatoes.
White beans.
Winter barley.

Winter wheat. O. Reg. 297/85, s. 1; O. Reg. 296/87, s. 1;
O. Reg. 433/88, s. 1; O. Reg. 16/90, s. 1.



Crown Employees Collective Bargaining Act
Loi sur la négociation collective des employés de la Couronne

REGULATION 258

GENERAL

1.—(1) For the purpose of subsection 1 (2) of the Act, the employer may be represented,

- (a) in the case of the Liquor Control Board of Ontario or the Liquor Licence Board of Ontario, by the Liquor Control Board of Ontario and the Liquor Licence Board of Ontario;
- (b) in the case of the Workers' Compensation Board, by the Workers' Compensation Board;
- (c) in the case of The Niagara Parks Commission, by The Niagara Parks Commission;
- (d) in the case of the Ontario Housing Corporation in respect of the employees employed in the work of the Ontario Housing Corporation within the classifications in the bargaining unit designated in section 10, by the Ontario Housing Corporation;
- (e) in the case of the Ontario Teachers' Pension Plan Board, the Ontario Teachers' Pension Plan Board; and
- (f) in the case of the Metropolitan Toronto Convention Centre Corporation, the Metropolitan Toronto Convention Centre Corporation. R.R.O. 1980, Reg. 232, s. 1; O. Reg. 41/87, s. 1; O. Reg. 351/89, s. 1.

(2) For the purpose of subsection 1 (2) of the Act, the employer may be represented in respect of their respective ambulance service employees by the following:

- 1. B. & D. Powell Management Ltd., carrying on business as Arnprior & Kanata Ambulance Services.
- 2. Alan R. Barker Ambulance Service.
- 3. Beaverton & District Ambulance Service Ltd.
- 4. Brant County Ambulance Service Limited.
- 5. City Ambulance Service of Quinte Limited.
- 6. Lakeshore Emergency Service Inc., carrying on business as Lakeshore Ambulance Service.
- 7. Danver Ambulance Service Inc., carrying on business as Flamborough District Ambulance.
- 8. The District of Halton & Mississauga Ambulance Service Ltd.
- 9. 501781 Ontario Limited, carrying on business as Fleetwood Ambulance.
- 10. 548652 Ontario Limited, carrying on business as Gananoque Provincial Ambulance Service.
- 11. Lambton, Middlesex Ambulance Service Limited.
- 12. Lee Ambulance Service Limited.
- 13. McKechnie Ambulance Service Inc.

- 14. Owen Sound Emergency Services Inc.
- 15. 677700 Ontario Inc., carrying on business as Port Colborne and District Ambulance Service.
- 16. 760472 Ontario Inc., carrying on business as Rockland/Orleans Ambulance Service.
- 17. Royal City Ambulance Service Ltd.
- 18. Superior Ambulance (1986) Limited.
- 19. Thames Valley Ambulance Limited.
- 20. 790711 Ontario Limited, carrying on business as Uxbridge Stouffville Ambulance Service.
- 21. Woodstock Ambulance Limited. O. Reg. 181/90, s. 1.

2. The particulars required by clauses 47 (1) (a) to (f) of the Act and the certification required by the said subsection (1) shall be in Form 1. R.R.O. 1980, Reg. 232, s. 2.

3. The statement of income and expenditure required by sub-clause 47 (1) (f) (ii) of the Act shall be in Form 2. R.R.O. 1980, Reg. 232, s. 3.

4. The affidavit required by subsection 47 (2) of the Act shall be in Form 3. R.R.O. 1980, Reg. 232, s. 4.

5.—(1) A statement of income and expenditure in Form 2 shall contain a statement of the net dues and assessments of the employee organization.

(2) A statement of the net dues and assessments of an employee organization,

- (a) shall include amounts of money received or receivable from members of the employee organization on account of initiation fees, per capita dues, assessments or fines; and
- (b) shall not include an amount received or receivable from a member of the employee organization for transmission as the contribution of the member to a pension or welfare plan that is not administered by the employee organization.

(3) In this section, "members of the employee organization" includes a person who pays dues to the employee organization or amounts of money in lieu of such dues whether or not such person is a member of the employee organization or of any local or branch thereof. R.R.O. 1980, Reg. 232, s. 5.

6.—(1) The persons who are employed in the work of the Liquor Control Board of Ontario or of the Liquor Licence Board of Ontario in the classifications in Schedule 1, other than those persons who are employed on a seasonal, casual or part-time basis, are designated as a unit of employees that is an appropriate bargaining unit for collective bargaining purposes under the Act.

(2) The Ontario Liquor Boards Employees' Union is designated as the employee organization that shall have representation rights in relation to the bargaining unit referred to in subsection (1). R.R.O. 1980, Reg. 232, s. 7.

7.—(1) All persons who are employed in the work of The Niagara Parks Commission other than,

- (a) foremen;
- (b) supervisors;
- (c) persons above the rank of foreman or supervisor;
- (d) persons performing duties involving the use or knowledge of confidential information relating to employee relations or budgets;
- (e) persons employed in the work of The Niagara Parks Commission Police Department;
- (f) persons whose working hours do not normally exceed twenty-four hours per week; and
- (g) persons who are employed on a seasonal basis,

are designated as a unit of employees that is an appropriate bargaining unit for collective bargaining purposes under the Act.

(2) The Ontario Public Service Employees' Union is designated as the employee organization that shall have representation rights in relation to the bargaining unit referred to in subsection (1). R.R.O. 1980, Reg. 232, s. 8.

8. All persons employed in the work of The Niagara Parks Commission in The Niagara Parks Commission Police Department, other than staff sergeants, sergeants and persons who are employed on a seasonal basis, are designated as a unit of employees that is an appropriate bargaining unit for collective bargaining purposes, and The Ontario Public Service Employees' Union is designated as the employee organization that shall have representation rights in relation to such bargaining unit. R.R.O. 1980, Reg. 232, s. 9.

9. All persons employed in the work of Ontario Housing Corporation within The Municipality of Metropolitan Toronto other than,

- (a) foremen;
- (b) office staff;
- (c) persons appointed under the *Public Service Act*; and
- (d) persons in the temporary service class who are not members of Local 767 of the Canadian Union of Public Employees by reason of their membership in another organization,

are designated as a unit of employees that is an appropriate bargaining unit for collective bargaining purposes, and Local 767 of the Canadian Union of Public Employees is designated as the employee organization that shall have representation rights in relation to such bargaining unit. R.R.O. 1980, Reg. 232, s. 10.

10. All public servants other than,

- (a) the persons who are not employees, the definition of which is set out within subsection 1 (1) of the Act; and
- (b) the persons in the classifications or positions set out in column 2 of Schedule 2,

are designated as a unit of employees that is an appropriate bargaining unit for collective bargaining purposes under the Act, and The

Ontario Public Service Employees' Union is designated as the employee organization that shall have representation rights in relation to such bargaining unit. R.R.O. 1980, Reg. 232, s. 11.

11. Forms 4 to 40 are prescribed for use as provided in the rules made by the Tribunal under subsection 43 (1) of the Act. R.R.O. 1980, Reg. 232, s. 12.

12. A copy of a decision of the Grievance Settlement Board for filing in the Ontario Court (General Division) under subsection 19 (6) of the Act shall be in Form 41. R.R.O. 1980, Reg. 232, s. 13, *revised*.

13. A statement of the suspension of the autonomy of an employee organization under section 46 of the Act shall be in Form 42. R.R.O. 1980, Reg. 232, s. 14.

14. An affidavit of service of a summons to a witness shall be in Form 43. R.R.O. 1980, Reg. 232, s. 15.

Schedule 1

Clerk Grade 1
 Clerk Grade 2
 Clerk Grade 3
 Clerk Grade 4
 Clerk Grade 5
 Comptometer Operator
 Drafter
 Electric Computer Operator 1
 Electric Computer Operator 2
 Junior Management Services Officer
 Key Punch Operator 1
 Key Punch Operator 2
 Key Punch Operator 3
 Laboratory Technician 1
 Laboratory Technician 2
 Laboratory Technician 3
 Licence Inspector 1
 Licence Inspector 2
 Liquor Store Clerk 2
 Liquor Store Clerk 3
 Liquor Store Clerk 4
 Liquor Store Manager 1
 Liquor Store Manager 2
 Liquor Store Manager 3
 Senior Wine Consultant
 Stationary Engineer
 Stenographer Grade 1
 Stenographer Grade 2
 Stenographer Grade 3
 Typist Grade 1
 Typist Grade 2
 Typist Grade 3
 Warehouse Foreman 1
 Warehouse Foreman 2
 Warehouse 2
 Warehouse 3
 Warehouse 4
 Wine Consultant
 Wine Consultant Trainee

R.R.O. 1980, Reg. 232, Sched. 1.

Schedule 2

COLUMN 1	COLUMN 2
SOCIAL SERVICES Training	Apprenticeship Counsellor 2 Apprenticeship Counsellor 3 Community Development Supervisor Development Officer 3, Industrial Training Director of Citizenship Director, Human Rights Commission Director of Industrial Training Director, Women's Bureau Director, Youth and Recreation Branch Human Rights Commission Supervisor 1 Human Rights Commission Supervisor 2 Standards Officer 3, Industrial Training Executive Director, Community Services Division
Library	Librarian 4 Librarian 5
Historical	Archivist 4 Archivist of Ontario Historical Research Officer 3
Social Work	Assistant Director of Probation Services Chair, Parole Board Chaplain 3 Child Care Worker 4 Child Care Worker 5 Child Care Worker 6 Child Welfare Supervisor 2 Counsellor 4 (Residential Life) Counsellor 5 (Residential Life) Director of Chaplain Services, Ministry of Correctional Services Director, Child Welfare Branch Director, Day Nurseries Branch Director, Field Services, Ministry of Community and Social Services Director of Probation Services Director of Rehabilitation Services Director, Ministry of Community and Social Services Director of Training and Staff Development, Ministry of Community and Social Services Field Worker 3, Homes for Special Care Hospital Activity Services Director 1 Hospital Activity Services Director 2 Hospital Activity Services Director 3 Instructor 4 (Occupational) Member, Parole Board Observation & Detention Home Supervisor 1 Observation & Detention Home Supervisor 2 Observation & Detention Home Supervisor 3 Probation Officer 4 Probation Staff Development Officer Regional Welfare Administrator 1 Regional Welfare Administrator 2 Regional Welfare Administrator 3 Regional Welfare Administrator 4 Rehabilitation Adviser, Ministry of Health Rehabilitation Officer 3, Ministry of Correctional Services Rehabilitation Officer 4, Ministry of Correctional Services Rehabilitation Officer 5 (a), Ministry of Correctional Services Rehabilitation Officer 5 (b), Ministry of Correctional Services Rehabilitation Officer 6, Ministry of Correctional Services Rehabilitation Officer 3, Ministry of Health Staff Training Officer, Ministry of Community and Social Services Social Work Supervisor 1 Social Work Supervisor 2 Social Work Supervisor 3 Social Work Supervisor 4 Unit Program Director Vice-Chair, Parole Board Welfare Field Supervisor Welfare Institutions Supervisor
Psychological	Adviser in Psychology

COLUMN 1	COLUMN 2
Nursing	Adviser, Speech Pathology Audiological Supervisor Director of Psychology, Ministry of Correctional Services Director of Research, Ministry of Correctional Services Psychologist 2 Psychologist 3
Occupational and Physical Therapy	Adviser in Nursing Nurse 4, General Nurse 5, General Nurse 6, General Nurse 7, General Nurse 3, Nursing Education Nurse 4, Nursing Education Nurse 5, Nursing Education Nurse 4, Public Health
Planning and Development	Adviser, Occupational and Physical Therapy Occupational Therapist 4 Occupational Therapist 5 Community Planner 5 Community Planner 6 Deputy Managing Director, Ontario Development Corporation Director, Indian Community Development Services Branch Industrial Development Officer 4 Industrial Development Officer 5 Industrial Development Officer 6 Technical Consultant Supervisor
OPERATIONAL SERVICES Heating and Power	Steam Plant Chief 1 Steam Plant Chief 2 Steam Plant Chief 3 Steam Plant Chief 4 Steam Plant Chief 5 Steam Plant Chief 6 General Superintendent of Mechanical Services Supervisor of Mechanical Services
Printing	Legislative Assistant Editor Legislative Editor Printing Contracts Supervisor
Aircraft Maintenance	Assistant Plant Superintendent, Air Service Plant Superintendent, Air Service
General Skilled Trades	Assistant Supervisor of Electrical Devices Chief Instrument Repairer Construction Superintendent 1 Construction Superintendent 2 Construction Superintendent 3 Construction Superintendent 4 Maintenance Superintendent 2 Maintenance Superintendent 3 Maintenance Superintendent 4 Maintenance Superintendent 5 Preparator 2 Preparator 3 Preparator 4 Services Supervisor 1 Services Supervisor 2 Services Supervisor 3 Sign Painter Supervisor Supervisor of Electrical Crews Supervisor of Electrical Devices Supervisor of Electrical Services Telephone Services Supervisor 1 Telephone Services Supervisor 2
Construction and Installation Inspection	Adviser, Air Pollution Inspection Boiler Inspector Supervisor 2 Chief Officer, Operating Engineers Branch Construction Inspector Elevator Inspector 2

COLUMN 1	COLUMN 2
	Elevator Inspector 3 Elevator Inspector 4 Industrial Safety Officer 1 Industrial Safety Officer 2 Inspector 3, Air Pollution Registration and Operations Officer Operating Engineers Branch Technician 4, Fuel Technician 5, Fuel Technician 6, Fuel
Vehicle Maintenance	Assistant Garage Superintendent, Parliament Buildings Garage Superintendent, Parliament Buildings Highway Equipment Instructor 3 Highway Equipment Instructor 4 Highway Equipment Supervisor 1 Highway Equipment Supervisor 2 Highway Equipment Supervisor 3 Highway Mechanic Foreman Inspector 3, Vehicle Inspection Inspector 4, Vehicle Inspection
Vehicle Operation	Driver Attendant, Minister Driver Attendant, Prime Minister Driver Supervisor Traffic Patrol Supervisor, Ministry of Transportation and Communications
Mine Rescue Training	Mine Rescue Training Officer 3
Highway and Canal Maintenance	Highway Equipment Instructor 1 Highway Equipment Instructor 2 Highway General Foreman 2 Highway Maintenance Supervisor Highway Patrolperson Highway Patrol Supervisor Highway Services Supervisor Inspector of Weighers and Checkers 1 Inspector of Weighers and Checkers 2 Maintenance Foreman Toll Bridge Vehicle and Construction Equipment Supervisor Water Level Control Supervisor Zone Painting Supervisor
Ferry Operations	Ferry Captain Senior Ferry Captain 1 Senior Ferry Captain 2
Forestry and Biology	Chief Arboriculturist Resource Technician, Senior 1 Resource Technician, Senior 2 Resource Technician, Senior 3 Resource Technician, Senior 4
Agricultural Services	Agricultural Worker 4 Agricultural Worker 5 Agricultural Worker 6 Dairy Herd Improvement Officer 2 Farm Products Inspector 3 Horticulturist Manager 2, Farms and Gardens Meat Inspector 2
Cleaning and Caretaking	Buildings Caretaker 3 Buildings Caretaker 4 Buildings Caretaker 5 Buildings Caretaker 6 Buildings Caretaker 7 Buildings Cleaner and Helper 3 Buildings Cleaner and Helper 4 Buildings Superintendent Hospital Housekeeper 1 Hospital Housekeeper 2
Correctional	Chief Provincial Bailiff Correctional Officer 4

COLUMN 1	COLUMN 2
	Correctional Officer 5 Correctional Officer 6 Correctional Officer 7 Industrial Officer 4 Industrial Officer 5 Industries Technician Staff Training Officer, Ministry of Correctional Services Supervisor of Juveniles 4 Supervisor of Juveniles 5 Supervisor of Juveniles 6
Institutional Care	Athletics Supervisor and Dean of Men Attendant 5, Oak Ridge Attendant 6, Oak Ridge Attendant 7, Oak Ridge Instructor 3 (a), Recreation and Crafts Instructor 3 (b), Recreation and Crafts Instructor 4, Recreation and Crafts Recreation Officer 3, Ministry of Correctional Services Recreation Officer 4, Ministry of Correctional Services Security Supervisor
Personal Services	Cook 3 Cook 4 Cook 5 Cook 6 Laundry Manager 1 Laundry Manager 2 Laundry Manager 3 Laundry Manager 4 Supervisor 1, Food Service Supervisor 2, Food Service Tailor Supervisor, Ontario Provincial Police
Supply	Area Supply Supervisor Central Stores Supervisor Clerk 7, Supply Clerk 8, Supply Materials Control Supervisor
Radio Operations	
General Operational	Artisan 4 Millman 3
ADMINISTRATIVE SERVICES Legal	Master, Supreme Court of Ontario Registrar, Office of the Mining Commissioner Senior Master, Supreme Court of Ontario Vice-Chair 1, Ontario Labour Relations Board Vice-Chair 2, Ontario Labour Relations Board
Financial	Accounting Supervisor 1 Accounting Supervisor 2 Accounting Supervisor 3 Accounting Supervisor 4 Actuary 1 Actuary 2 Actuary 3 Financial Officer 1 Financial Officer 2 Financial Officer 3 Financial Officer 4 Financial Officer 5 Financial Officer 6 Financial Officer 7 Financial Officer 8 Financial Officer 9 Financial Officer, Trainee
Municipal Services	Assessment Supervisor 1 Assessment Supervisor 2 Assessment Supervisor 3 Assessment Supervisor 4 Supervisor 3, Municipal Organization & Administration

COLUMN 1	COLUMN 2
Property	Accommodation Officer 3 Accommodation Officer 4 Property Administrator 2 Real Estate Officer 1 Real Estate Officer 2 Real Estate Officer 3 Real Estate Officer 4 Real Estate Officer 5 Real Estate Officer 6 Realty Appraiser 3
Purchasing	Chief Purchasing Officer Purchasing Officer 3 Senior Purchasing Officer Superintendent of Supply
Personnel	Employee Counsellor Personnel Administrator 1 Personnel Administrator 2 Personnel Administrator 3 Personnel Administrator 4 Personnel Administrator 5 Personnel Administrator 6 Personnel Trainee Staff Relations Officer
Public Relations	Director of Immigration Director, Information Branch Editor, Technical Publications Immigration Officer, Senior Press Relations Supervisor Public Health Educator Tourist Industry Officer 4
Management Services	Assistant Manager 1, Electronic Data Processing Manager 1, Electronic Data Processing Management Services Officer 3 Management Services Officer 4 Management Services Officer 5 Management Services Officer 6 Management Services Officer 7 Management Services Officer 8 Management Services Officer 9
Labour Relations	Conciliation Officer 1 Conciliation Officer 2 Conciliation Officer 3 Conciliation Officer 4 Examiner 1, Ontario Labour Relations Board Examiner 2, Ontario Labour Relations Board Field Officer, Ontario Labour Relations Board
Institutional	Assistant Administrator, Jails Branch Assistant Superintendent, Ministry of Correctional Services Deputy Superintendent 1, Ministry of Correctional Services Deputy Superintendent 2, Ministry of Correctional Services Deputy Superintendent, Jails Executive Trainee, Ministry of Correctional Services Inspector, Ministry of Correctional Services Jail Superintendent 1 Jail Superintendent 2 Jail Superintendent 3 Jail Superintendent 4 Jail Superintendent 5 Jail Superintendent 6 Reformatory Superintendent 1 Reformatory Superintendent 2 Reformatory Superintendent 3 Training School Superintendent 1 Training School Superintendent 2
General Administration	Administrative Officer Assistant Clerk of the Legislative Assembly

COLUMN 1	COLUMN 2
	Assistant Registrar, Ministry of Education Clerk of the Executive Council Clerk 6, General Clerk 7, General Deputy Director Registration (O.S.C.) Director 1, Administrative Services Director 2, Administrative Services Director 3, Administrative Services Director of Claims, M.S.I.D. Director of Municipal Pensions Editor 1 (Hansard) Editor 2 (Hansard) Executive Officer 1 Executive Officer 2 Executive Officer 3 Member, Ontario Highway Transport Board Northern Affairs Officer 1 Northern Affairs Officer 2 Northern Affairs Officer 3 Program Analysis Co-ordinator 1 Program Analysis Co-ordinator 2 Program Analysis Co-ordinator 3 Program Analyst 1 Program Analyst 2 Program Analyst 3 Records Officer 1 Records Officer 2 Records Officer 3 Regional Co-ordinator 1, O.H.I.C. Regional Co-ordinator 2, O.H.I.C. Regional Services Manager 1 Regional Services Manager 2 Registrar of Collection Agencies Registrar, Ontario Labour Relations Board Registrar of Private Investigators and Security Guards Superintendent, Public Housing Supervisor of Operations Treasury Board Officer 1 Treasury Board Officer 2 Treasury Board Officer 3 Treasury Board Officer 4 Treasury Board Officer 5
Institutional Administration	Assistant Hospital Business Administrator 1 Assistant Hospital Business Administrator 2 Assistant Hospital Business Administrator 3 Bursar 2 Bursar 3 Bursar 4 Bursar 5 Director, Hospital Management Services Hospital Administrator 1 Hospital Administrator 2 Hospital Business Administrator 1 Hospital Business Administrator 2 Hospital Business Administrator 3
Labour Standards	Employment Standards Officer 1 Employment Standards Officer 2 Employment Standards Officer 3
Land and Mining Registration	Chief Mining Recorder Mining Recorder
Buildings Management	Manager 1, Buildings Management Manager 2, Buildings Management Manager 3, Buildings Management Manager 4, Buildings Management Manager 5, Buildings Management Manager 6, Buildings Management
Education	Adviser, Elementary School Correspondence Courses Assistant Superintendent, O.S.B., O.S.D. Education Officer 4

COLUMN 1	COLUMN 2
	Education Officer 5 Education Officer 6 Education Officer 7 Principal 1, Ontario School for the Retarded Principal 2, Ontario School for the Retarded Principal 3, Ontario School for the Retarded Principal 1, Teachers' College Principal 2, Teachers' College Vice-Principal, Teachers' College Vocational Training Supervisor 2
Economics and Statistics	Economist 1 Economist 2 Economist 3 Economist 4 Economist 5 Economist 6 Economist 7 Statistician 4
Senior Administrators	Executive Officer 1, Office of the Premier Executive Officer 2, Office of the Premier Executive Officer 3, Office of the Premier Supervisor of Racing Vice-Chair, Ontario Energy Board Vice-Chair, Ontario Highway Transport Board
Program Executives	Program Executive 1 Program Executive 2 Program Executive 3 Program Executive 4 Program Executive 5
SCIENTIFIC AND TECHNICAL SERVICES Architecture and Interior Design Architecture	Architectural Job Captain 3 Architectural Officer 1 Architectural Officer 2 Chief of Contracts Specification Editor 3
Interior Design	Exhibition Designer 3 Exhibition Designer 4 Exhibition Designer 5 Interior Design Supervisor
Engineering	Access Roads Manager Access Roads Superintendent Chief Inspector (Drilling and Production) Claims Engineer Engineer of Mines 1 Engineer of Mines 2 Engineer of Mines 3 Engineering Officer 2 Engineering Officer 3 Engineering Officer 4 Engineering Officer 5 Estimator 3, Engineering Audit Executive Engineer Highway District Engineer 1 Highway District Engineer 2 Superintendent of Engineering Audits Superintendent of Equipment Technician 1, Construction Technician 2, Construction Technician 3, Construction Technician 4, Construction Technician 1, Engineering Audit Technician 2, Engineering Audit Technician 3, Engineering Audit Technician 4, Engineering Audit Technician 5, Engineering Audit Technician 2, Engineering Office Technician 3, Engineering Office Technician 4, Engineering Office Technician 1, Engineering Survey

COLUMN 1	COLUMN 2
Geological	Technician 2, Engineering Survey Technician 3, Engineering Survey Technician 4, Engineering Survey Technician 4, Road Design
Land Surveying	Assistant Director, Geological Branch Geologist 1 Geologist 2 Geologist Assistant 4 Senior Geologist
Drafting and Design	Chief Inspector of Surveys Director of Legal Surveys Inspector of Surveys 1 Inspector of Surveys 2 Inspector of Surveys 3 Legal Survey Examiner 4 Surveyor 1 Surveyor 2 Technician 1, Legal Survey Technician 2, Legal Survey Technician 3, Legal Survey
Photogrammetry and Stereoplotting	Bridge Materials Officer 3 Commercial Artist 3 Drafter 3 Senior Drafter
Agricultural	Cartographer 5 Cartographer 6 Cartographer 7 Photogrammetrist 4 Photogrammetrist 5
Conservation	Agricultural Officer 2 Agricultural Officer 3 Agricultural Officer 4 Agricultural Representative Agricultural Specialist 3, Dairy Lecturer 4 (a), Agricultural School Lecturer 4 (b), Agricultural School Supervising Farm Products Inspector
Aircraft Operation	Biologist 3 District Administrator 1, Ministry of Natural Resources District Administrator 2, Ministry of Natural Resources Forester 3 Forester 4 Forester 5 Instructor 3, Ontario Forest Ranger School Parks Planner 2 Parks Planner 3 Recreational Land Use Planner Resources Manager 3 Resources Manager 4 Section Supervisor 1, Ministry of Natural Resources Section Supervisor 2, Ministry of Natural Resources Senior Biologist
Dental	Check Pilot
Medical	Adviser 1, Public Health Dentistry Adviser 2, Public Health Dentistry
Pharmaceutical	Branch Director, Mental Health Chair, Medical Advisory Board Director of Coroners Medical Officer 1, Ministry of Correctional Services Medical Officer 2, Ministry of Correctional Services Medical Officer 3, Ministry of Correctional Services
Pharmaceutical	Cataloguer, Drugs and Biologicals Co-ordinator 1, Drug Pricing Co-ordinator 2, Drug Pricing

COLUMN 1	COLUMN 2
Veterinary	Veterinary Scientist 3 Veterinary Scientist 4 Veterinary Scientist 5 Veterinary Scientist 6
Health Inspection and Investigation	Chief Industrial Health Counsellor Pesticides Control Officer 3 Public Health Inspector 5
Home Economics and Nutrition	Dietitian 1 Dietitian 2 (a) Dietitian 2 (b) Dietitian 3 Food Services Administrator Home Economist Supervisor 1 Home Economist Supervisor 2 Nutritionist 2
Medical Equipment and Operation Research	Technician, X-Ray Supervisor Chief Research Scientist, Ministry of Agriculture and Food Research Officer 3, Ministry of Transportation Research Officer 4, Ministry of Transportation Research Officer 5, Ministry of Transportation Research Scientist 4, Ministry of Agriculture and Food Research Scientist 3, Ministry of Natural Resources Research Scientist 4, Ministry of Natural Resources Research Scientist 5, Ministry of Natural Resources Research Supervisor 1, Ministry of Natural Resources Research Supervisor 2, Ministry of Natural Resources
Testing and Analysis	Administrator 1, Laboratory Services Administrator 2, Laboratory Services Firearms Examiner 3 Laboratory Director, Class "A" Laboratory Laboratory Director, Class "B" Laboratory Laboratory Director, Class "C" Laboratory Manager, Timiskaming Testing Laboratory Meteorologist Scientist 5 Senior Radiation Protection Physicist Technician 5, Chemical Laboratory Technician 5, Physical Laboratory Technician 5, Medical Laboratory
Photographic	Manager, Photographic Reproduction Unit Photographer 3, Laboratory Publicity Photographer 3 Technician 7, Photographic
Communications	Communications Supervisor Communications Technician 3 Highways Communications Supervisor Electronics Supervisor 1, Ministry of Government Services Electronics Supervisor 2, Ministry of Government Services
Traffic Analysis	Traffic Analyst 4 Traffic Analyst 5 Traffic Analyst 6 Technician 4, Traffic Technician 5, Traffic
GENERAL SERVICES Transportation Inspection	Driver Examiner 3 Driver Examiner 4 Driver Examiner 5 Inspector 3, Ministry of Transportation Inspector of Signs and Buildings Permits 4 Highway Carrier, Supervising Inspector 2 Review Supervisor 1 Review Supervisor 2 Service Areas Manager
Entertainment Inspection	Assistant Director, Theatres Branch Director, Theatres Branch

COLUMN 1	COLUMN 2
Investigative	Chief Investigator, Ontario Securities Commission Fires Services Investigator 3 Investigator 2, Agricultural Products
Fire Services	Deputy Fire Marshal Director of Ontario Fire College Fire Chief Fire Marshal Fire Services Adviser 3
Court Reporting	Chief Supreme Court Reporter Court Reporter 3 Court Reporter 4 Supreme Court Reporter 2
General Administrative Services General	Administrative Assistant 1, Office of the Premier Administrative Assistant 2, Office of the Premier Administrative Assistant 3, Office of the Premier Clerk 5, Filing Coroner's Clerk 2 Deputy Senior 1, Administration of Justice Deputy Senior 2, Administration of Justice Deputy Senior 3, Administration of Justice Supervisor 1, Medical Records Supervisor 2, Medical Records Supervisor 3, Medical Records Supervisor 4, Medical Records Travel Counsellor 3 Travel Counsellor 4 Travel Counsellor 5
Savings Office	Director, Savings Office Branch Inspector 3, Savings Office Manager 1, Savings Office Manager 2, Savings Office Manager 3, Savings Office Manager 4, Savings Office Supervisor of Branch Operations, Savings Office
Postal Service	Manager, Central Mail Service Postmaster, House of Assembly Post Office
Attendant and Messenger	Supervisor, Mail Unit
Telephone Services	Operator 3, Central Switchboard
Typing, Stenographic and Secretarial	Senior Secretary 1 Senior Secretary 2 Senior Secretary 3 Senior Secretary 4 Senior Secretary 5 Transcriber 1 (Hansard) Transcriber 2 (Hansard) Transcriber Co-ordinator (Hansard)
Printing and Office Equipment	Manager, Central Duplicating Service Manager, Offset Printing Unit Operator 3, Bindery Equipment Operator 4, Microfilm Operator 5, Microfilm Operator 6, Microfilm Operator 4, Offset Equipment Operator 5, Offset Equipment Operator 4, Whiteprint Equipment
Data Processing	Computer Technician 3 Operator 3, Electronic Computer Operator 5, Key Punch Equipment Operator 6, Key Punch Equipment Operator 5, Tabulating Equipment Operator 6, Tabulating Equipment Operator 7, Tabulating Equipment Production Supervisor Supervisor, Data Processing, Civil Service Commission

COLUMN 1	COLUMN 2
	Supervisor, Data Processing, Registrar-General, Ministry of Consumer and Commercial Relations
Toll Collection Services	Toll Supervisor
Fingerprint Examiners	Fingerprint Examiner 4 Fingerprint Examiner 5
LAW ENFORCEMENT	Adviser, Ontario Police Commission Assistant Commissioner, Ontario Provincial Police Chief Instructor, Ontario Police College Commissioned Officer 1, Ontario Provincial Police Commissioned Officer 2, Ontario Provincial Police Commissioned Officer 3, Ontario Provincial Police Commissioned Officer 4, Ontario Provincial Police Commissioned Officer 5, Ontario Provincial Police Deputy Director, Ontario Police College Director, Ontario Police College Intelligence Officer, Ontario Police Commission Sergeant Major, Ontario Provincial Police
OTHER TYPING, STENOGRAPHIC AND SECRETARIAL	Secretaries to Assistant Deputy Ministers
MINISTRY OF COLLEGES AND UNIVERSITIES	Secretary to the Director, Applied Arts and Technology Branch Director General, Ontario Science Centre Secretary to Director General, Ontario Science Centre Executive Assistant to Director General, Ontario Science Centre Secretary to Executive Assistant to Director General, Ontario Science Centre
MINISTRY OF CORRECTIONAL SERVICES	Assistant Secretary to the Minister Secretary to Branch Administrator 1, Correctional Services Secretary to Branch Administrator 2, Correctional Services Secretary to Chief Accountant, Administrative and Financial Services Division Secretary to Chief Inspector Secretary to Director of After-Care Services Secretary to Director of Information Branch Secretary to Executive Assistant, Office of Deputy Minister Secretary to Executive Director, Administrative and Financial Services Division Secretary to Executive Director, Professional Services Division Secretaries to Superintendents, Institutions Secretaries to Superintendents, Training Schools Administrative Assistant to the Superintendent (Guelph) Secretarial Assistant (Treatment) (Guelph)
MINISTRY OF EDUCATION	Secretary to the Executive Assistant, Deputy Minister's Office Secretary to the Executive Assistant to the Minister Secretary to the Superintendent, Ontario School for the Blind Secretary to the Superintendent, Ontario School for the Deaf Secretary to the Director, School Business and Finance Branch Secretary to the Director, Provincial Schools Branch Secretary to the Director, Planning and Research Branch Secretary to the Director, Legislation Branch Secretary to the Director, Public Information Branch Assistant Secretary to the Deputy Minister Secretary to Chair, Council on French Language Schools Chief Educational Officer, (Correspondence Courses)
MINISTRY OF THE ENVIRONMENT	Assistant Secretary to the Minister Secretary to the Executive Assistant to the Minister Secretary to Director, Legal Services Branch Secretary to Director, Strategic Planning Branch Secretary to Director, Information Services Branch Secretary to Director, Financial Services Branch Secretary to Director, Administrative Services Branch Secretary to Director, Water Quantity Branch Secretary to Director, Water Quality Branch Secretary to Director, Sanitary Engineering Branch Secretary to Director, Industrial Waste Branch Secretary to Director, Private Sewage Disposal Branch Secretary to Director, Project Development Branch Secretary to Director, Project Construction Branch Secretary to Director, Plant Operations Branch Secretary to Director, Air Quality Branch Secretary to Director, Waste Management Branch

COLUMN 1	COLUMN 2
MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS	Secretary to Director, Laboratory Branch Secretary to Director, Research Branch Secretary to Chair of Ontario Securities Commission Secretary to Director, Administrative Services Branch Secretary to Director, Insurance Branch Secretary to Director, Ontario Securities Commission Secretary to Superintendent of Insurance
MINISTRY OF HEALTH	Secretary to the Medical Director and Associate Medical Director Secretary to Branch Director, Mental Health Division Secretary to Assistant Hospital Administrators Secretary to Chief Epidemiology Service Secretary to Chief Public Health Veterinary Service Secretary to Chief Employee Health Service Secretary to Chief Maternal and Child Health Service Secretary to Chief Medical Rehabilitation and Chronic Care Service Secretary to Chief Occupational Health Service Secretary to Chief Tuberculosis Prevention Service Secretary to Director Administrative Services Branch Secretary to Director Claims Service (O.H.I.C.) Secretary to Director Environmental Health Services Branch Secretary to Director Financial Services Branch Secretary to Director Hospital Management Services Branch Secretary to Director Communications Branch Secretary to Director Laboratories Services Branch Secretary to Director Legal Branch Secretary to Director Local Health Services Branch Secretary to Director Medical Services Branch Secretary to Director Professional Services Branch Secretary to Director Special Projects Branch Secretary to Director Special Health Services Branch Secretary to Executive Assistant Environmental Health Services Branch Secretary to Executive Assistant Local Health Services Branch Secretary to Executive Assistant Mental Health Division Secretary to Executive Assistant Mental Hospitals Branch Secretary to Executive Assistant Mental Retardation Branch Secretary to Executive Assistant Public Health Division Secretary to Executive Assistant Special Health Services Branch Secretary to Hospital Administrators Secretary to Hospital Superintendents
MINISTRY OF THE ATTORNEY GENERAL	Audit Secretary Secretary to the Director Probation Services Secretary to the Executive Director Secretary, Office of the Minister
MINISTRY OF LABOUR	Secretary to the Director, Safety and Technical Services Secretary to the Executive Assistant to the Deputy Minister Secretary to the Executive Assistant to the Minister
MINISTRY OF REVENUE	Secretary to Comptroller of Revenue General Clerk, Regional Assessment Office Secretary to the Regional Assessment Commissioner Secretary to the Deputy Managing Director, Development Branch, Ontario Housing Corporation Secretary to the Deputy Managing Director, Property Management Branch, Ontario Housing Corporation Secretary to the Vice-Chair and Managing Director, Ontario Housing Corporation
MINISTRY OF TREASURY, ECONOMICS AND INTERGOVERNMENTAL AFFAIRS	Secretary to Comptroller of Accounts Secretary to Comptroller of Finances Secretary to the Director, Taxation and Fiscal Policy Branch Secretary to the Executive Assistant, Finance and Economics Secretary to the Executive Director, Economics and Statistical Services Division Secretary to the Executive Director, Policy Planning Division
MINISTRY OF THE SOLICITOR GENERAL	Assistant Secretary, Deputy Minister's Office Assistant Secretary, Minister's Office Secretary to Executive Assistant to the Minister Secretary to Chair, Ontario Police Commission
ONTARIO PROVINCIAL POLICE (Civilian Staff)	Secretary to Assistant Commissioner Secretary to Commissioner

COLUMN 1	COLUMN 2
MINISTRY OF GOVERNMENT SERVICES	Secretary to Deputy Commissioner Assistant Secretary to the Minister Secretary to the Executive Director, Administrative and Finance Division Secretary to the Executive Director of Operations Secretary to the Executive Director, Supply Division
MINISTRY OF COMMUNITY AND SOCIAL SERVICES	Assistant Secretary, Minister's Office Administrative Secretary, Minister's Office Assistant Secretary to the Deputy Minister Secretary to the Assistant to the Deputy Minister Secretary to Senior Executive Officer
MINISTRY OF INDUSTRY AND TOURISM	Secretary to Chair, Ontario Economic Council Secretary to Executive Director, Business Development Division Secretary to Executive Director, Administrative Services Division Secretary to Executive Director, Communications Division Secretary to Executive Co-ordinator, Research Services Division Secretary to Executive Director, Special Projects Branch Secretary to Executive Co-ordinator, Field Services Division— Ontario Secretary to Executive Co-ordinator, Field Services Division— International Secretary to General Manager, Ontario Place Secretary to Director, Office of Standards, Designs and Innovations Secretary to the General Manager, St. Lawrence Parks Commission
ONTARIO DEVELOPMENT CORPORATION	Managing Director Secretary to the Managing Director Deputy Managing Director Secretary to the Deputy Managing Director
MINISTRY OF TRANSPORTATION	Secretary to Bridge Engineer Secretary to Claims Engineer Secretary to District Engineer Secretary to Estimating Engineer Secretary to Manager, Special Services Secretary to Superintendent Engineering Surveys Secretary to Superintendent of Surveys Secretary to Regional Director Secretary to Material Testing Engineer Secretary to Director, Legal Branch Secretary to Financial Comptroller Secretary to Executive Director, Research Division Secretary to Director Services Secretary to Director Municipal Branch Secretary to Director Driver Branch Secretary to Director Vehicle Branch Secretary to Deputy Registrar, Motor Vehicles Secretary to Director Construction Branch Secretary to Director Maintenance Branch Secretary to Director System Design Branch Secretary to Director Design Services Branch Secretary to Director Economics Branch Secretary to Director Communications Branch Secretary to Director Engineering Research Branch Secretary to Director Systems Research Branch Secretary to Director Systems Planning Branch Secretary to Director Environmental Planning Branch Secretary to Director of Right of Way and Superintendent of Properties Secretary to Director Transportation Operations Branch Secretary to Director Audit and Management Systems Branch Secretary to Registrar, Motor Vehicles
OFFICE OF THE PREMIER	Secretary, Appointments and Inquiry Clerk, Records and Filing
MANAGEMENT BOARD OF CABINET	Secretary to Executive Director, Management Services Division Secretary to Executive Director, Program and Estimates Division Secretary to Secretary of the Management Board

Form 1

Crown Employees Collective Bargaining Act

STATEMENT TO THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL UNDER SECTION 47 OF THE ACT

To: The Ontario Public Service Labour Relations Tribunal

The employee organization referred to below submits to the Tribunal the following statement pursuant to the requirements of section 47 of the Act.

1. The name of the employee organization is
2. The address of the headquarters of the employee organization in Ontario to which communications for the purposes of the Act may be directed is
 (street and number or rural route number and if
 multi-office building give room number)

 (name of municipality or post office)
3. A copy of the constitution and of the by-laws of the employee organization are included with and form part of this statement.
4. The name and address of each officer of the employee organization and the position held by each such officer is as set out in Schedule A attached to and forming part of this statement.
5. The name and address of each officer of the employee organization resident in Canada (other than a person performing primarily clerical or stenographic duties), the position held by the officer and the date and manner of his or her election or appointment are as set out in Schedule B attached to and forming part of this statement.
6. The name and address of each employee of the employee organization resident in Canada (other than a person performing primarily clerical or stenographic duties), the position held by the employee and the date and manner of his or her election or appointment are as set out in Schedule C attached to and forming part of this statement.
7. A financial statement as required by clause 47 (1) (f) of the Act, consisting of a balance sheet and a statement of income and expenditure in Form 2, is included with and forms part of this statement.
8. The financial statement referred to in paragraph 7 is:
 - (a) a financial statement for the latest complete fiscal year of the employee organization ending on month day; or
 year
 - (b) a financial statement for the period from month day year to month day year if the employee organization has not been in existence for a complete fiscal year.

CERTIFICATE

Dated at, this day of, 19.....

We, (name of president of employee organization) , president of the employee organization herein,

and (name of treasurer of employee organization) , treasurer of the employee organization herein,

severally certify that the information contained in this statement is true and accurate.

.....
(president of the employee organization)

.....
(treasurer of the employee organization)

Dated at, this day of, 19.....

Schedule A

1. Name of officer in full, including all given names.	2. Residence address, giving street and number or rural route number and municipality or post office and province.	3. Position held by officer with employee organization.

Schedule B

1. Name of officer in full, including all given names.	2. Residence address, giving street and number or rural route number and municipality or post office and province.	3. Position held by officer with employee organization.	4. Whether elected or appointed to position.	5. Date of election or appointment.	6. Name of officer or employee who made the appointment, or in the case of election, name of body that elected officer.

Schedule C

1. Name of employee in full, including all given names.	2. Residence address, giving street and number or rural route number and municipality or post office and province.	3. Position held by employee with employee organization.	4. Whether elected or appointed to position.	5. Date of election or appointment.	6. Name of officer or employee who made the appointment, or in the case of election, name of body that elected employee.

R.R.O. 1980, Reg. 232, Form 1.

Form 2

Crown Employees Collective Bargaining Act

STATEMENT OF INCOME AND EXPENDITURE OF EMPLOYEE ORGANIZATION

*Strike out inapplicable term For the *fiscal year commencing
 *period month day year
 ending
 month day year

INCOME OF THE EMPLOYEE ORGANIZATION

- 1. Net dues and assessments, \$
 - (a) from persons resident in Canada
 - (b) from all other persons
- 2. Interest
- 3. Dividends
- 4. Rents
- 5. Other income (indicate sources)
- 6. Total income (sum of items 1 to 5)

EXPENDITURE OF THE EMPLOYEE ORGANIZATION

- 7. Gross salaries, wages and other remuneration,
 - (a) of officers and employees resident in Canada
 - (b) of all other officers and employees
- 8. Office and administrative expenditure
- 9. Professional fees and expenses
- 10. Pension and welfare benefits paid by the employee organization,
 - (a) to beneficiaries resident in Canada
 - (b) to all other beneficiaries
- 11. Contributions by the employee organization to pension and welfare plans administered by entities separate from the employee organization
- 12. Depreciation on fixed assets
- 13. Other expenditures (state purposes)
- 14. Total expenditure (sum of items 7 to 13)
- 15. Net Income of the employee organization (item 6 minus item 14)

R.R.O. 1980, Reg. 232, Form 2.

Form 3

Crown Employees Collective Bargaining Act

AFFIDAVIT BY PRESIDENT AND TREASURER OF EMPLOYEE ORGANIZATION FILED PURSUANT TO SECTION 47 (2) OF THE ACT

We,, president
 of,
 and, treasurer
 of, severally
 make oath and say:

- 1. We are the president and treasurer respectively of the
 and as such have knowledge of the matters hereinafter deposed to. (name of employee organization)
- 2. During the entire period ending, reported upon in the financial statement of the employee

organization dated (date of financial statement)
to be filed with the Ontario Public Service Labour Relations Tribunal with this affidavit the said employee organization was at all times
qualified as an employee organization under the Crown Employees Collective Bargaining Act.

SEVERALLY SWORN BEFORE ME:

at
in the of
.....this
..... day of, 19.....
A Commissioner, etc. (signature of president of employee organization)
(signature of treasurer of employee organization)

R.R.O. 1980, Reg. 232, Form 3.

Form 4

Crown Employees Collective Bargaining Act

APPLICATION FOR REPRESENTATION RIGHTS BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

— and —

the Crown in right of Ontario,

Respondent.

The applicant applies to the Ontario Public Service Labour Relations Tribunal for representation rights as bargaining agent of the employees
of the respondent in a unit that it claims to be appropriate for collective bargaining.

The applicant states:

- I. (a) address of applicant:
(b) address of applicant for service:
2. Detailed description of the unit of employees of the respondent that the applicant claims to be appropriate for collective bargaining:
3. Approximate number of employees in the unit described in paragraph 2:
4. The name and address of any employee organization known to the applicant as claiming to be the bargaining agent of, or as claiming to
represent, any employees who may be affected by this application:
5. Other relevant statements (attach additional pages if necessary):

DATED at this day of, 19.....
(signature for the applicant)

R.R.O. 1980, Reg. 232, Form 4.

FILE NO.

Form 5

Crown Employees Collective Bargaining Act

NOTICE OF FIXING TERMINAL DATE BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

— and —

Respondent.

TO THE APPLICANT,

1. TAKE NOTICE that, in accordance with the Tribunal's direction, I have fixed the day of, 19....., as the terminal date for this application.

2. Your attention is directed to subsections 10 (1) and (2) of the rules of procedure which read as follows:

(1) Evidence of membership in an employee organization or of objection by employees to representation rights of an employee organization or of signification by employees that they no longer wish to be represented by an employee organization shall not be accepted by the Tribunal on an application for representation rights or for a declaration terminating rights unless the evidence is in writing, signed by the employee or each member of a group of employees, as the case may be, and,

(a) is accompanied by,

(i) the return mailing address of the person who files the evidence, objection or signification, and

(ii) the name of the body, if any, representing the employer; and

(b) is filed not later than the terminal date for the application.

(2) No oral evidence of membership in an employee organization or of objection by employees to representation rights of an employee organization or of signification by employees that they no longer wish to be represented by an employee organization shall be accepted by the Tribunal except to identify and substantiate the written evidence referred to in subsection (1).

3. The hearing of the application by the Tribunal will take place at

....., Ontario, on day, the day of, 19.....

DATED at this day of, 19.....

Registrar

R.R.O. 1980, Reg. 232, Form 5.

Form 6

Crown Employees Collective Bargaining Act

NOTICE OF APPLICATION FOR REPRESENTATION RIGHTS AND OF HEARING BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

—and—

the Crown in right of Ontario,

Respondent,

TO THE RESPONDENT,

1. TAKE NOTICE that the applicant, on, 19....., made an application to the Ontario Public Service Labour Relations Tribunal for representation rights as bargaining agent of your employees in a bargaining unit described in the attached copy of the application.

2. You are required to post the enclosed Notices to Employees of Application for Representation Rights and of Hearing (Form 7), immediately. These notices are to be posted in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application. You shall keep them posted upon your premises until the close of business on the terminal date set out in paragraph 4.

3. You shall complete and send to the Tribunal immediately the Return of Posting (Form 17), which is attached hereto.

4. The terminal date fixed for this application as directed by the Tribunal is the day of, 19.....

5. You shall send to the Tribunal your reply so that,

(a) it is received by the Tribunal not later than the terminal date shown in paragraph 4; or

(b) if it is mailed by registered mail addressed to the Tribunal at its office,

....., Ontario, it is mailed not later than the terminal date shown in paragraph 4.

6. If, in your reply, you propose a bargaining unit different from the one proposed by the applicant, you shall indicate on the list of employees in the Schedule to your reply the name and classification of any person you propose should be excluded from, as well as the name and classification of any person you propose should be added to, the bargaining unit proposed by the applicant and you shall forward to the Tribunal appropriate documents containing the signatures of any additional person.

7. AND FURTHER TAKE NOTICE of the hearing of the application by the Tribunal at
....., Ontario, on the day of, 19....., at o'clock in
the noon.

DATED this day of, 19.....

.....
Registrar

R.R.O. 1980, Reg. 232, Form 6.

FILE NO.

Form 7

Crown Employees Collective Bargaining Act

NOTICE TO EMPLOYEES OF APPLICATION FOR REPRESENTATION RIGHTS
AND OF HEARING
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

-and-

the Crown in right of Ontario,

Respondent.

NOTICE TO EMPLOYEES:

1. TAKE NOTICE that the applicant, on, 19....., made an application to the Ontario Public Service Labour Rela-
tions Tribunal for representation rights as bargaining agent of
in the following bargaining unit:

2. Your attention is directed to the following information contained in the application:

3. The hearing of the application by the Tribunal will take place at its
....., Ontario, on day, the day of, 19....., at
o'clock in the noon.

4. The terminal date fixed for this application as directed by the Tribunal is the day of, 19.....

5. Any employee or group of employees affected by the application and desiring to make representations to the Tribunal in opposition to
this application shall send to the Tribunal a statement in writing of such desire, which shall,

- (a) contain the return mailing address of the employee or representative of a group of employees;
(b) contain the name of the body, if any, representing the respondent employer; and
(c) be signed by the employee or each member of a group of employees.

6. The statement of desire must be,

- (a) received by the Tribunal not later than the terminal date shown in paragraph 4; or
(b) if it is mailed by registered mail addressed to the Tribunal at its office,
....., Ontario, mailed not later than the terminal date shown in paragraph 4.

7. A statement of desire that does not comply with paragraphs 5 and 6 will not be accepted by the Tribunal.

8. Any employee, or group of employees, who has informed the Tribunal in writing of his, her or their desire in accordance with paragraphs
5 and 6 may attend and be heard at the hearing in person or by a representative. Any employee or representative who appears at the hearing will

be required to testify, or produce a witness or witnesses who will be able to testify from personal knowledge and observation, as to (a) the circumstances concerning the origination of the material filed, and (b) the manner in which each of the signatures was obtained.

DATED this day of, 19.....

.....
Registrar

R.R.O. 1980, Reg. 232, Form 7.

FILE NO.

Form 8

Crown Employees Collective Bargaining Act

DECLARATION CONCERNING MEMBERSHIP DOCUMENTS BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

—and—

the Crown in right of Ontario,

Respondent,

—and—

Intervener.

*Strike out word not applicable

I,, the
(name) (office)

of the *applicant herein declare that, to the best of my knowledge, information and belief;
*intervener

1. The documents submitted in support of the application represent documentary evidence of membership on behalf of persons who were employees of the respondent in the bargaining unit that the *applicant herein
(number) *intervener claims to be appropriate for collective bargaining, on the date of the making of the application.
2. There were persons who were employees of the respondent in the bargaining unit that the
(number) *applicant herein claims to be appropriate for collective bargaining on the date of the making of the application.
*intervener
3. (Where the documentary evidence consists of receipts or other acknowledgements of the payment on account of dues or initiation fees.) On the basis of my personal knowledge and inquiries I have made, I state that the persons whose names appear on the receipts or other acknowledgements of the payment on account of dues or initiation fees are the persons who actually collected the money paid on account of dues or initiation fees and that each member, on whose behalf a receipt or acknowledgement of payment is submitted has personally paid in money the amount shown thereon on his or her own behalf to the person whose name appears on the receipt or acknowledgement of payment as collector, EXCEPT IN THE FOLLOWING INSTANCES:

DATED, this day of, 19.....

.....
(signature)

R.R.O. 1980, Reg. 232, Form 8.

FILE NO.

Form 9

Crown Employees Collective Bargaining Act

REPLY TO APPLICATION FOR REPRESENTATION RIGHTS BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

--and--

the Crown in right of Ontario,

Respondent.

The respondent replies to the application for representation rights as follows:

The respondent states:

- 1. (a) name of body, if any, representing the respondent:
(b) address of respondent or body representing respondent for service:
- 2. Total number of employees of the respondent on the payroll of the Ministries or agencies or both in respect of which the application for representation rights has been made:
- 3. Total number of employees in the unit described by the applicant as being appropriate for collective bargaining as of the date the application was made:
- 4. Detailed description of the unit claimed by the respondent to be appropriate for collective bargaining, including the municipality or other geographical area affected:
- 5. Number of employees in the unit claimed by the respondent to be appropriate for collective bargaining as of the date the application was made:
- 6. The name and address of any employee organization known to the respondent or the body representing the respondent as claiming to be the bargaining agent of or to represent any employees who may be affected by the application:
- 7. The date of the grant of any representation rights of a bargaining agent of any employees who may be affected by the application:
*Strike out if not applicable
- *8. The respondent is or was a party to or bound by a collective agreement, a copy of which is enclosed, with an employee organization that,
 - (a) was signed on the day of, 19.....
 - (b) became effective on the day of, 19.....
 - (c) contains the following provision relating to its termination or renewal:
- 9. A list is set out in the Schedule hereto of all employees in the bargaining unit described in the application as at the date when the applicant's application was made.
- 10. Documents, from among existing employment records, containing the signatures of the employees whose names appear on the list referred to in paragraph 9, arranged in alphabetical order, accompany this Reply.
- 11. Other relevant statements (use additional pages if necessary):

DATED, this day of, 19.....

.....
(signature for the respondent)

Schedule

- 1. List (alphabetically arranged) of all employees in the bargaining unit described in the application of the applicant as at the day of, 19..... (Do not include the names of employees that appear in paragraphs 2 or 3)

Name	Occupational Classification
1.	
2.	
3.	
4.	
5.	

2. List (alphabetically arranged) of all employees who were not actually at work on the day of, 19..... by reason of lay-off, in the bargaining unit described in the application of the applicant.

Name	Occupational Classification	Date of Lay-off	Expected Date of Recall
1.			
2.			
3.			
4.			
5.			

3. List (alphabetically arranged) of all employees not previously shown who were not at work on the day of, 19....., in the bargaining unit described in the application of the applicant.

Name	Occupational Classification	Last Day Worked	Reason for Absence	Expected Date of Return
1.				
2.				
3.				
4.				
5.				

This list has been prepared by me or under my direction and I confirm the accuracy thereof.

.....
(signature of officer of employer)

R.R.O. 1980, Reg. 232, Form 9.

FILE NO.

Form 10

Crown Employees Collective Bargaining Act

NOTICE OF APPLICATION BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

— and —

the Crown in right of Ontario,

Applicant,

Respondent.

To:

1. TAKE NOTICE that the applicant, on, 19....., made to the Ontario Public Service Labour Relations Tribunal an application for representation rights as bargaining agent of the employees of the respondent in a bargaining unit described in the attached copy of the application.

2. AND FURTHER TAKE NOTICE that if you claim to represent any of the employees affected by the application, you shall send to the Tribunal your intervention thereon so that,

(a) it is received by the Tribunal; or

(b) if mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed,

not later than the terminal date fixed for this application as directed by the Tribunal, which terminal date is the day of

....., 19....., and that if you fail to send an intervention not later than the day of, 19....., you may be deemed by the Tribunal to have abandoned your claim, if any, to represent any of the employees who may be affected by the application.

DATED this day of, 19.....

.....
Registrar

R.R.O. 1980, Reg. 232, Form 10.

FILE NO.

Form 11

Crown Employees Collective Bargaining Act

INTERVENTION BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

— and —

Applicant,

Respondent.

..... intervenes in this proceeding.
(name of intervener)

1. The intervener states:

- (a) address of intervener:
- (b) address of intervener for services:

*Strike out if not applicable.

*2. The intervener is an employee organization that,

- *(a) represents employees; or
- *(b) is the bargaining agent of employees who may be affected by the application.

OR

*3. The intervener is the employer of the employees affected by this application.

*4. The intervener submits with this intervention the following documentary evidence:

5. The intervener desires to make the following submissions:

DATED at, this day of, 19.....

.....
(signature for the intervener)

R.R.O. 1980, Reg. 232, Form 11.

FILE NO.

Form 12

Crown Employees Collective Bargaining Act

NOTICE OF INTERVENTION AND APPLICATION FOR REPRESENTATION RIGHTS BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

—and—

the Crown in right of Ontario,

Respondent,

—and—

Intervener.

The intervener applies to the Ontario Public Service Labour Relations Tribunal for representation rights as bargaining agent of the employees of the respondent in a unit that it claims to be appropriate for collective bargaining.

The intervener states:

- 1. (a) address of intervener:
- (b) address of intervener for service:
- 2. Detailed description of the unit of employees of the respondent that the intervener claims to be appropriate for collective bargaining, including the municipality or other geographic area affected:
- 3. Approximate number of employees in the unit described in paragraph 2:
- 4. Other relevant statements (attach additional pages if necessary):

DATED at, this day of, 19.....

.....
(signature for the intervener)

R.R.O. 1980, Reg. 232, Form 12.

Form 13

Crown Employees Collective Bargaining Act

**NOTICE OF TAKING OF VOTE BY
ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL
PURPOSE OF VOTE**

WHEREAS
has applied to the Tribunal for
certain employees of

AND WHEREAS the Tribunal has directed a representation vote in the matter:

THEREFORE TAKE NOTICE that, under the direction of the Tribunal, a representation vote of the employees described below will be taken under the supervision of officials of the Tribunal.

SECRET BALLOT

The vote shall be by secret ballot. The Returning Officer will issue a ballot to each eligible voter presenting himself or herself to vote at the proper polling place. The voter will mark the ballot in secret in a polling booth, fold it and deposit it in the ballot box provided at the polling place. The Returning Officer is the proper person to whom inquiries should be directed by employees who are in doubt as to their eligibility to vote or as to the voting procedure.

ELECTIONEERING

I direct all interested persons to refrain and desist from propoganda and electioneering from midnight of day, the day of, 19....., until the vote is taken.

SCRUTINEERS

One scrutineer approved by me and representing each interested party may be designated for each polling place. The scrutineers have the following duties and privileges:

- 1. To act as checkers of voters' lists at the polling place.
- 2. To assist in the identification of voters.
- 3. Otherwise to assist in the conduct of the vote as may be required by the Returning Officer.

ELIGIBLE VOTERS

Persons eligible to vote are:

TIME AND PLACE OF TAKING VOTE

Voters may cast ballots at their proper polling place at any time during the period in which voting is to take place.

The vote will be taken at the following time and place:

Date:

Hours:

Place:

FORM OF BALLOT

This is a sample of the ballot to be used for the vote:

Mark "X" opposite your choice IN YOUR EMPLOYMENT RELATIONS WITH DO YOU WISH TO BE REPRESENTED BY	
_____ OR _____	
_____ OR _____	
No employee organization	

DO NOT SIGN, NUMBER, OR OTHERWISE MARK YOUR BALLOT IN SUCH A WAY AS TO REVEAL YOUR IDENTITY.

VOTERS ARE ENTITLED TO VOTE WITHOUT INTERFERENCE, RESTRAINT OR COERCION. THIS IS AN OFFICIAL NOTICE OF THE TRIBUNAL AND SHALL NOT BE REMOVED OR DEFACED.

DATED at, this day of, 19.....

R.R.O. 1980, Reg. 232, Form 13.

FILE NO.

Form 14

Crown Employees Collective Bargaining Act

NOTICE OF REPORT OF RETURNING OFFICER BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

—and—

the Crown in right of Ontario,

Respondent,

—and—

Intervener.

To:

1. Attached hereto is a copy of my report upon the representation vote herein held on the day of, 19....., under the direction of the Tribunal dated the day of, 19.....

2.—(1) TAKE NOTICE that if you desire to make representations as to any matter relating to the representation vote, or as to the accuracy of the report, or as to the conclusions the Tribunal should reach in view of the report, you shall send to the Tribunal a statement of desire to make representations which shall,

- (a) be in writing signed by the person making the statement or a representative;
- (b) contain the names of the parties to the application;

- (c) contain a return mailing address; and
- (d) contain a statement as to whether you desire a hearing before the Tribunal in connection with the report.

(2) If you desire to make representations as to any matter relating to the representation vote, or as to the accuracy of the report, your statement of desire shall contain a concise statement of your allegations concerning the representation vote or as to errors in or omissions from the report.

(3) If you wish to make representations as to the conclusions the Tribunal should reach in view of the report, you shall include in your statement a summary of the representations you wish the Tribunal to consider in connection with the report.

3. A statement referred to in paragraph 2 shall be sent to the Tribunal so that,

- (a) it is received by the Tribunal not later than the day of, 19.....; or
- (b) if it is mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed not later than the day of, 19.....

DATED at, this day of, 19.....

.....
Returning Officer

R.R.O. 1980, Reg. 232, Form 14.

FILE NO.

Form 15

Crown Employees Collective Bargaining Act

**NOTICE OF REPORT OF RETURNING OFFICER
WHERE TRIBUNAL HAS DIRECTED THAT BALLOT BOX
BE SEALED
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL**

Between:

Applicant,

— and —

the Crown in right of Ontario,

Respondent,

— and —

Intervener.

To:

1. Attached hereto is a copy of my report upon the representation vote herein held on the day of, 19....., under the direction of the Tribunal dated the day of, 19.....

2. The Tribunal has directed that the ballot box containing the ballots cast in the representation vote be sealed and that the ballots shall not be counted at this time.

3.—(1) TAKE NOTICE that if you desire to make representations, as to any matter relating to the representation vote, you shall send to the Tribunal a statement of desire to make representations which shall,

- (a) be in writing signed by the person making the statement or a representative;
- (b) contain the names of the parties to the application;
- (c) contain a return mailing address; and
- (d) contain a statement as to whether you desire a hearing before the Tribunal.

(2) Your statement of desire shall contain a summary of the representations you wish the Tribunal to consider.

4. A statement referred to in paragraph 3 shall be sent to the Tribunal so that,

- (a) it is received by the Tribunal not later than the day of, 19.....; or

(b) if it is mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed not later than the day of, 19.....

DATED at, this day of, 19.....

.....
Returning Officer

R.R.O. 1980, Reg. 232, Form 15.

FILE NO.

Form 16

Crown Employees Collective Bargaining Act

**NOTICE OF REPORT OF RETURNING OFFICER
ON COUNTING OF BALLOTS
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL**

Between:

Applicant,

—and—

the Crown in right of Ontario,

Respondent,

—and—

Intervener.

To:

1. Attached hereto is a copy of my report upon the counting of the ballots in the representation vote herein held on the day of, 19....., under the direction of the Tribunal dated the day of, 19.....

2.—(1) TAKE NOTICE that if you desire to make representations as to the accuracy of the report, or as to the conclusions the Tribunal should reach in view of the report, you shall send to the Tribunal a statement of desire to make representations which shall,

- (a) be in writing signed by the person making the statement or a representative;
- (b) contain the names of the parties to the application;
- (c) contain a return mailing address; and
- (d) contain a statement as to whether you desire a hearing before the Tribunal in connection with the report.

(2) If you desire to make representations as to the accuracy of the report, your statement of desire shall contain a concise statement of your allegations concerning the errors in or omissions from the report.

(3) If you wish to make representations as to the conclusions the Tribunal should reach in view of the report, your statement shall contain a summary of the representations you wish the Tribunal to consider in connection with the report.

3. A statement referred to in paragraph 2 shall be sent to the Tribunal so that,

- (a) it is received by the Tribunal not later than the day of, 19.....; or
- (b) if it is mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed not later than the day of, 19.....

DATED at, this day of, 19.....

.....
Returning Officer

R.R.O. 1980, Reg. 232, Form 16.

FILE NO.

Form 17

Crown Employees Collective Bargaining Act

**RETURN OF POSTING
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL**

Between:

Applicant,

—and—

Respondent.

I, hereby declare that:
(name)

1. I am the of the employer.
(office or position)

2. I did, on the day of, 19....., post upon the premises of the employer
(number)
notices to employees in this matter, in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application.

DATED at, this day of, 19.....

.....
(signature)

Re:

I, have ascertained from employees affected
(name of representative)

by this application that the Notices to Employees (Form) were posted by the employer on

.....
(representative of applicant)

R.R.O. 1980, Reg. 232, Form 17.

FILE NO.

Form 18

Crown Employees Collective Bargaining Act

**NOTICE OF HEARING
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL**

Between:

Applicant,

—and—

Respondent,

—and—

Intervener.

To:

TAKE NOTICE of the hearing by the Tribunal of
at, Ontario, on day the, day of,
19....., at o'clock in the noon.

DATED this day of, 19.....

.....
Registrar

R.R.O. 1980, Reg. 232, Form 18.

Form 19

Crown Employees Collective Bargaining Act

NOTICE OF REPORT OF INQUIRY OFFICER BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

— and —

Respondent,

— and —

Intervener.

To:

1. Attached hereto is a copy of the report of upon the inquiry authorized under the Tribunal's direction, dated the day of, 19....., in this matter.

2.—(1) TAKE NOTICE that if you desire to make representations as to the accuracy of the report or as to the conclusions the Tribunal should reach in view of the report, you shall send to the Tribunal a statement of desire to make representations which shall,

- (a) be in writing signed by the person making the statement or by a representative;
(b) contain the names of the parties to the application;
(c) contain a return mailing address; and
(d) contain a statement as to whether you desire a hearing before the Tribunal in connection with the report.

(2) If you desire to make representations as to the accuracy of the report, your statement of desire shall contain a concise statement of your allegations as to errors in or omissions from the report.

(3) If you wish to make representations as to the conclusions the Tribunal should reach in view of the report, your statement shall contain a summary of the representations you wish the Tribunal to consider in connection with the report.

3. A statement referred to in paragraph 2 shall be sent to the Tribunal so that,

- (a) it is received by the Tribunal not later than the day of, 19....., or
(b) if it is mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed not later than the day of, 19.....

DATED at, this day of, 19.....

Registrar

R.R.O. 1980, Reg. 232, Form 19.

FILE NO.

Form 20

Crown Employees Collective Bargaining Act

APPLICATION FOR DECLARATION TERMINATING REPRESENTATION RIGHTS BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

— and —

Respondent.

The applicant applies to the Ontario Public Service Labour Relations Tribunal under section of the Act for a declaration that the respondent (24, 25) no longer represents the employees in the bargaining unit for which it is the bargaining agent.

The applicant states:

- 1. Address of applicant:
2. Address of applicant for service:
3. Address of respondent:
*4. Name of agency, if any, of employer of employees affected by the application:
5. Address of agency of employer:
6. Detailed description and geographic location of the unit of employees for which the respondent is the bargaining agent, including the municipality or other geographic area affected:
7. Approximate number of employees in the unit described in paragraph 6:
8. Other relevant statements (attach additional pages if necessary):
*9. (Where the application is made under section 24 of the Act). The applicant submits with the application the document or documents by which employees in the bargaining unit have voluntarily signified in writing that they no longer wish to be represented by the respondent.)

*To be completed if applicant is not employer.

*Strike out this paragraph if not applicable.

DATED at, this day of, 19.....

(signature for the applicant)

R.R.O. 1980, Reg. 232, Form 20.

FILE NO.

Form 21

Crown Employees Collective Bargaining Act

NOTICE OF APPLICATION FOR DECLARATION TERMINATING REPRESENTATION RIGHTS AND OF HEARING BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

—and—

Respondent.

TO THE RESPONDENT:

- 1. TAKE NOTICE that the applicant, on, 19....., made an application to the Ontario Public Service Labour Relations Tribunal for a declaration that the respondent no longer represents the employees of the Crown in right of Ontario in the bargaining unit described in the attached copy of the application.
2. The terminal date fixed for the application as directed by the Tribunal is the day of, 19.....
3. You shall send to the Tribunal your reply so that,
(a) it is received by the Tribunal not later than the terminal date shown in paragraph 2; or
(b) if it is mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed not later than the terminal date shown in paragraph 2.
4. AND FURTHER TAKE NOTICE of the hearing of the application by the Tribunal at, Ontario, on day, the day of, 19....., at o'clock in the noon.

DATED this day of, 19.....

Registrar

R.R.O. 1980, Reg. 232, Form 21.

FILE NO.

Form 22

Crown Employees Collective Bargaining Act

NOTICE TO EMPLOYEES OF APPLICATION FOR DECLARATION TERMINATING REPRESENTATION RIGHTS AND OF HEARING BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

—and—

Respondent.

NOTICE TO EMPLOYEES

1. TAKE NOTICE that the applicant, on, 19....., made to the Ontario Public Service Labour Relations Tribunal an application for a declaration that the respondent no longer represents the employees in the following bargaining unit:

2. Your attention is directed to the following information contained in the application:

3. The hearing of the application by the Tribunal will take place at, Ontario, on day of, 19....., at o'clock in the noon.

4. The terminal date fixed for this application as directed by the Tribunal is the day of, 19.....

5. Any employee or group of employees affected by the application and desiring to make representations to the Tribunal in opposition to this application shall send to the Tribunal a statement in writing of such desire, which shall,

- (a) contain the return mailing address of the employee or representative of a group of employees;
(b) contain the name of the agency, if any, of the employer concerned; and
(c) be signed by the employee or each member of a group of employees.

6. The statement of desire must,

- (a) be received by the Tribunal not later than the terminal date shown in paragraph 4; or
(b) if it is mailed by registered mail addressed to the Tribunal at its office,, Ontario, be mailed not later than the terminal date shown in paragraph 4.

7. A statement of desire that does not comply with paragraphs 5 and 6 will not be accepted by the Tribunal.

8. Any employee or group of employees informing the Tribunal in writing of his, her or their desire in accordance with paragraphs 5 and 6 may attend and be heard at the hearing in person or by a representative. Any employee or representative who appears at the hearing will be required to testify from personal knowledge and observation, as to (a) the circumstances concerning the origination of the material filed, and (b) the manner in which each of the signatures was obtained.

DATED this day of, 19.....

Registrar

R.R.O. 1980, Reg. 232, Form 22.

FILE NO.

Form 23

Crown Employees Collective Bargaining Act

REPLY TO APPLICATION FOR DECLARATION
TERMINATING REPRESENTATION RIGHTS
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

-and-

Respondent.

The respondent replies to the application for a declaration that the respondent no longer represents the employees in the bargaining unit for which it is the bargaining agent as follows:

The respondent states:

- 1. Correct name of respondent:
2. Address of respondent:
3. Address of respondent for service:
*4. Name of agency of employer of employees affected by the application:
5. Address of agency of employer:
6. Detailed description of the unit of employees for which the respondent is the bargaining agent, including the municipality or other geographical area affected:
7. Approximate number of employees in the unit as of the date the application was made:
8. The date representation rights were granted, if any, of the respondent as bargaining agent of the employees in the unit:
*9. The respondent is or was a party to or bound by a collective agreement, a copy of which is enclosed herewith, with
..... that,
(name of employer)
(a) was signed on the day of, 19.....;
(b) became effective on the day of, 19.....; and
(c) contains the following provision relating to its termination or renewal:
10. Other relevant statements (use additional pages if necessary):

*To be completed if applicant is not the employer.

*Strike out if not applicable

DATED at, this day of, 19.....

(signature for the respondent)

R.R.O. 1980, Reg. 232, Form 23.

FILE NO.

Form 24

Crown Employees Collective Bargaining Act

NOTICE OF APPLICATION FOR DECLARATION
TERMINATING REPRESENTATION RIGHTS AND OF HEARING
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

-and-

Respondent.

To:

1. TAKE NOTICE that the applicant, on, 19..... made an application to the Ontario Public Service Labour Relations Tribunal for a declaration that the respondent no longer represents the employees in the bargaining unit described in the attached copy of the application.

2. You are required to post the enclosed notices to employees of application and of hearing (Form 22) immediately. These notices are to be posted in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application. You shall keep them posted upon your premises until the terminal date for the application shown in paragraph 4.

3. You are required to complete and send to the Tribunal the Return of Posting (Form 17) which is attached hereto.

4. The terminal date fixed for this application as directed by the Tribunal is the day of, 19.....

5. You shall send to the Tribunal your intervention to this application as well as the material listed below so that,

- (a) it is received by the Tribunal not later than the terminal date shown in paragraph 4; or
(b) if it is mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed not later than the terminal date shown in paragraph 4:
i. A list arranged as in the schedule attached hereto of all employees in the bargaining unit described in the application as at, 19....., the date when the applicant's application was made;
ii. Documents from among existing employment records containing signatures of the employees whose names appear on the list referred to above, also arranged in alphabetical order.

6. You shall certify the list of employees by adding thereto the following statement:

"This list has been prepared by me or under my instruction and I hereby confirm the accuracy thereof."

.....
(signature of officer)

7. AND FURTHER TAKE NOTICE of the hearing of the application by the Tribunal at, Ontario, on day, the day of, 19....., at o'clock in the noon.

DATED this day of, 19.....

.....
Registrar

Schedule

1. List (alphabetically arranged) of all employees in the bargaining unit described in the application of the applicant as at the day of, 19..... (Do not include the names of employees that appear in paragraphs 2 or 3.)

Table with 2 columns: Name, Occupational Classification. Rows 1-5.

2. List (alphabetically arranged) of all employees who were not actually at work on the day of, 19..... by reason of lay-off, in the bargaining unit described in the application of the applicant.

Table with 4 columns: Name, Occupational Classification, Date of Lay-off, Expected Date of Recall. Rows 1-5.

3. List (alphabetically arranged) of all employees not previously shown who were not at work on the day of, 19....., in the bargaining unit described in the application of the applicant.

Name	Occupational Classification	Last Day Worked	Reason for Absence	Expected Date of Return
1. 2. 3. 4. 5.				

R.R.O. 1980, Reg. 232, Form 24.

Form 25

Crown Employees Collective Bargaining Act

APPLICATION FOR EXEMPTION ON THE GROUNDS OF RELIGIOUS CONVICTION OR BELIEF FROM PAYMENT OF DUES OR CONTRIBUTIONS TO AN EMPLOYEE ORGANIZATION AS PROVIDED IN A COLLECTIVE AGREEMENT BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

—and—

Respondent
Employee
Organization,

—and—

Respondent
Employer or
Agency of the
Employer

The applicant applies to the Ontario Public Service Labour Relations Tribunal for exemption on the grounds of religious conviction or belief from payment of dues or contributions to an employee Organization in a collective agreement entered into between the employee organization and the employer.

The applicant states:

1. Address of applicant for service:
2. Address of respondent employee organization:
3. The applicant has been and continues to be an employee of the respondent employer or agency of the employer since the day of, 19.....
- *4. —(1) A collective agreement, a copy of which is appended hereto, was entered into between the employee organization and the employer on the day of, 19....., and is operative from the day of, 19....., to the day of, 19.....
- (2) The dues payment or contributions to an employee organization provision from which the applicant is seeking exemption is as follows:
- *5. —(1) A collective agreement was entered into between the employee organization and employer but has not been made available to the applicant.
- (2) Under the terms of this collective agreement employees are required to pay dues or make contributions to the employee organization.
6. The grounds upon which the applicant seeks exemption (state as concisely as possible the religious conviction or belief for objecting to paying dues or making contributions to the employee organization):
7. Other relevant statements:

DATED at, this day of, 19.....

.....
(signature)

R.R.O. 1980, Reg. 232, Form 25.

FILE NO.

Form 26

Crown Employees Collective Bargaining Act

NOTICE OF APPLICATION FOR EXEMPTION FROM PAYMENT OF DUES OR CONTRIBUTIONS TO AN EMPLOYEE ORGANIZATION AS PROVIDED IN A COLLECTIVE AGREEMENT ON THE GROUNDS OF RELIGIOUS CONVICTION OR BELIEF AND OF HEARING BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

—and—

Respondent Employee Organization,

—and—

Respondent Employer or Representative of the Employer

TO THE RESPONDENT:

1. TAKE NOTICE that the applicant, on the day of, 19....., made an application to the Ontario Public Service Labour Relations Tribunal for exemption from the payment of dues or contributions to an employee organization provision in a collective agreement entered into between the employee organization and the employer. A copy of the application is attached.

2. You shall send your reply to this application accompanied by the collective agreement between the employee organization and the employer to the Tribunal so that,

- (a) it is received by the Tribunal; or
(b) if mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed, not later than the day of, 19.....

3. If you fail to send your reply to the Tribunal so that,

- (a) it is received by the Tribunal; or
(b) if mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed, on or before the day of, 19....., the Tribunal may dispose of the application on the evidence and representations placed before it by the applicant without further notice to you.

4. The hearing of the application by the Tribunal will take place at, Ontario, on day, the day of, 19....., at o'clock in the noon.

DATED this day of, 19.....

Registrar

R.R.O. 1980, Reg. 232, Form 26.

FILE NO.

Form 27

Crown Employees Collective Bargaining Act

REPLY TO AN APPLICATION FOR EXEMPTIONS FROM DUES PAYMENT OF CONTRIBUTIONS TO AN EMPLOYEE ORGANIZATION AS PROVIDED IN A COLLECTIVE AGREEMENT ON THE GROUNDS OF RELIGIOUS CONVICTION OR BELIEF BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

—and—

Respondent
Employee
Organization

—and—

Respondent
Employer or
Representative
of the
Employer

The respondent replies to the application for exemption from the payment of dues or contributions to an employee organization provision in a collective agreement between the employee organization and employer as follows:

- 1. Correct name of respondent:
- 2. Address of respondent:
- 3. Address of respondent for service:
- 4. A collective agreement, a copy of which is enclosed, was entered into between the employee organization and the employer on the day of, 19....., and is operative from the day of, 19....., to the day of, 19.....
- 5. The provision respecting the payment of dues or contributions to an employee organization in the collective agreement is as follows:
- 6. The respondent replies to the application as follows:

DATED at, this day of, 19.....

.....
(signature for the respondent)

R.R.O. 1980, Reg. 232, Form 27.

Form 28

Crown Employees Collective Bargaining Act

**COMPLAINT UNDER SECTION 30 OF THE ACT
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL**

Between:

Complainant,

—and—

Respondent.

The complainant complains that the grievor(s) named in paragraph 5 has (have) been dealt with by the respondent contrary to the provisions of section(s)
(specify relevant section(s))

..... of the *Crown Employees Collective Bargaining Act*, and requests that

.....
(state relief sought by grievor(s))

- 1. Name of complainant:
- 2. Address of complainant for service:
- 3. Name of respondent:
- 4. Address of respondent:
- 5. Name(s) of grievor(s):
- 6. Address(es) and telephone number(s) of grievor(s):
- *7. Name of any other person or organization that may be affected by the complaint:

*Strike out if not applicable.

- 8. Address of person, or organization that may be affected by the complaint:
- 9. The following is a concise statement of the nature of each act or omission complained of (use additional sheets if necessary).

On or about the grievor(s) was
 (date of alleged violation)

(were) dealt with by
 (the respondent where respondent is an individual)

.....
 (or name and position with respondent)

of the respondent contrary to the provisions of section(s)

.....
 of the *Crown Employees Collective Bargaining Act* in that he or she did on his or her own behalf or on behalf of the respondent:

- 10. The following steps have been taken on behalf of the grievor(s) for the adjustment of the matters giving rise to the complaint (if none has been taken state the reason why):
- 11. The person or organization set out above in paragraph 7 is affected by the complaint for the following reason(s):
- 12. Other relevant statements:

DATED at, this day of, 19.....

.....
 (signature of complainant)

R.R.O. 1980, Reg. 232, Form 28.

Form 29

Crown Employees Collective Bargaining Act

**COMPLAINT UNDER SECTION 32 OF THE ACT
 (FAILURE TO COMPLY WITH THE TERMS OF SETTLEMENT OF PRIOR COMPLAINT)
 BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL**

Between:

Complainant,

—and—

Respondent.

The complainant complains that the respondent has not complied with the terms of settlement of complaint made under section 32 of the *Crown Employees Collective Bargaining Act* contrary to subsection (5) of that section.

- 1. On a complaint under section 32
 (date)
 was filed with the Tribunal and on
 (date)
 the parties entered into a written settlement of that complaint (a signed copy of which is filed herewith).
- 2. The respondent has failed to comply with the terms of the settlement as follows:

 (state how respondent has not complied with terms of settlement, giving full particulars)

- 3. Name of complainant:
- 4. Address of complainant for service:
- 5. Name of respondent:
- 6. Address of respondent:

*Strike out if not applicable.

- *7. Name of intervener:
- *8. Address of intervener:
- 9. Name(s) of grievor(s):
- 10. Address(es) or grievor(s):

11. The following steps have been taken on behalf of the complainant to obtain compliance with the terms of the settlement:

.....
.....

12. Other relevant statements:

.....
.....

13. The complainant requests that the respondent be required to:

.....
(state specific relief sought by grievor(s))
.....

DATED at, this day of, 19.....

.....
(signature of complainant)

R.R.O. 1980, Reg. 232, Form 29.

FILE NO.

Form 30

Crown Employees Collective Bargaining Act

**NOTICE OF INQUIRY INTO COMPLAINT UNDER SECTION 32 OF THE ACT
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL**

Between:

Complainant,

—and—

Respondent.

To:

1. TAKE NOTICE that has been authorized by the Ontario Public Service Labour Relations Tribunal on the day of, 19..... to inquire into the complaint of the complainant that and to report to the Tribunal.

2. AND FURTHER TAKE NOTICE that the inquiry by on day, the day of, 19....., o'clock in the noon.

DATED this day of, 19.....

.....
Registrar

R.R.O. 1980, Reg. 232, Form 30.

FILE NO.

Form 31

Crown Employees Collective Bargaining Act

**REPLY TO COMPLAINT UNDER SECTION 32 OF THE ACT
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL**

Between:

Complainant,

—and—

Respondent.

The respondent states in reply to the complaint of the complainant as follows:

- 1. Correct name of respondent:
- 2. Address of respondent:
- 3. Address of respondent for service:
- 4. Name, if any, of any other person or organization that may be affected by the complaint:
- 5. Address of person or organization that may be affected by the complaint:
- 6. The person or organization set out above in paragraph 4 is affected by the complaint for the following reason(s):
- 7. The respondent replies to the complaint as follows:

DATED at, this day of, 19.....

.....
(signature for the respondent)

R.R.O. 1980, Reg. 232, Form 31.

FILE NO.

Form 32

Crown Employees Collective Bargaining Act

**INTERVENTION IN COMPLAINT UNDER SECTION 32 OF THE ACT
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL**

Between:

Complainant,

—and—

Respondent.

..... intervenes

(name of intervener)

in this proceeding.

- 1. The intervener states:
 - (a) address of intervener:
 - (b) address of intervener for service:
- 2. The intervener claims to be affected by the complaint for the following reason(s):
- 3. The intervener desires to make the following submissions:

DATED at, this day of, 19.....

.....
(signature for the intervener)

R.R.O. 1980, Reg. 232, Form 32.

FILE NO.

Form 33

Crown Employees Collective Bargaining Act

**NOTICE OF REPORT OF ADJUDICATOR OR INVESTIGATOR
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL**

Between:

Applicant,

— and —

Respondent,

— and —

Intervener.

To:

1. Attached hereto is a copy of the report of upon the inquiry authorized under the Tribunal's direction, dated the, 19..... in this matter.

2.—(1) TAKE NOTICE that if you desire to make representations as to the accuracy of the report or as to the conclusions the Tribunal should reach in view of the report, you shall send to the Tribunal a statement of desire to make representations which shall,

- (a) be in writing signed by the person making the statement or a representative;
- (b) contain the names of the parties to the application;
- (c) contain a return mailing address; and
- (d) contain a statement as to whether you desire a hearing before the Tribunal in connection with the report.

(2) If you desire to make representations as to the accuracy of the report, your statement of desire shall contain a concise statement of your allegations as to errors in or omissions from the report.

(3) If you wish to make representations as to the conclusions the Tribunal should reach in view of the report, your statement shall contain a summary of the representations you wish the Tribunal to consider in connection with the report.

3. A statement referred to in paragraph 2 shall be sent to the Tribunal so that,

- (a) It is received by the Tribunal not later than the day of, 19.....; or
- (b) if it is mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed not later than the day of, 19.....

DATED at, this day of, 19.....

Registrar

R.R.O. 1980, Reg. 232, Form 33.

Form 34

Crown Employees Collective Bargaining Act

**APPLICATION FOR DECLARATION THAT
EMPLOYEE ORGANIZATION HAS DECLARED OR AUTHORIZED A STRIKE
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL**

Between:

Applicant,

— and —

Respondent.

The applicant applies to the Ontario Public Service Labour Relations Tribunal for a declaration that the respondent has declared or authorized a strike contrary to section 31 of the Act.

The applicant states:

- 1. Address of applicant:
- 2. Address of applicant for service:
- 3. Address of respondent:
- 4. The material facts upon which the applicant intends to rely in support of the allegation are as follows:

DATED at, this day of, 19.....

.....
(signature for the applicant)

R.R.O. 1980, Reg. 232, Form 34.

Form 35

Crown Employees Collective Bargaining Act

**APPLICATION FOR DECLARATION THAT EMPLOYEES ARE ENGAGING IN A STRIKE
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL**

Between:

Applicant,

— and —

Respondents.

The applicant applies to the Ontario Public Service Labour Relations Tribunal for a declaration that employees of the applicant are engaging in a strike contrary to section 27 of the Act.

The applicant states:

- 1. Address of applicant:
- 2. Address of applicant for service:
- 3. Addresses of respondents:
- 4. The material facts upon which the applicant intends to rely in support of the allegation are as follows:

DATED at, this day of, 19.....

.....
(signature for the applicant)

R.R.O. 1980, Reg. 232, Form 35.

Form 36

Crown Employees Collective Bargaining Act

**APPLICATION FOR DECLARATION THAT EMPLOYER HAS CAUSED LOCK-OUT
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL**

Between:

Applicant,

— and —

Respondent.

The applicant applies to the Ontario Public Service Labour Relations Tribunal for a declaration that the respondent has caused a lock-out contrary to section 27 of the Act.

The applicant states:

- 1. Address of applicant:
- 2. Address of applicant for service:
- 3. Address of respondent:
- 4. The material facts upon which the applicant intends to rely in support of the allegation are as follows:

DATED at, this day of, 19.....

.....
(signature for the applicant)

R.R.O. 1980, Reg. 232, Form 36.

FILE NO.

Form 37

Crown Employees Collective Bargaining Act

**NOTICE OF APPLICATION FOR DECLARATION AS TO STRIKE OR LOCK-OUT
OR FOR CONSENT TO INSTITUTE PROSECUTION AND OF HEARING
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL**

Between:

Applicant,

—and—

Respondent.

TO THE RESPONDENT,

I. TAKE NOTICE that the applicant, on, 19....., made to the Ontario Public Service Labour Relations Tribunal an application, a copy of which is attached, for

2. You shall send to the Tribunal your reply, if any, to this application, so that,

(a) it is received by the Tribunal; or

(b) if mailed by registered mail addressed to the Tribunal at its office,, Ontario, it is mailed not later than the day of, 19.....

3. AND FURTHER TAKE NOTICE of the hearing of the application by the Tribunal at, Ontario, on day, the day of, 19....., at o'clock.

DATED this day of, 19.....

.....
Registrar

R.R.O. 1980, Reg. 232, Form 37.

FILE NO.

Form 38

Crown Employees Collective Bargaining Act

**REPLY TO APPLICATION FOR DECLARATION AS TO STRIKE OR LOCK-OUT
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL**

Between:

Applicant,

—and—

Respondent.

*Strike out if not applicable.

The respondent states in reply to the application for a declaration as to the ^{*strike} as follows:
^{*lockout}

- 1. Correct name of respondent:
- 2. Address of respondent:
- 3. Address of respondent for service:
- 4. The respondent replies to the application as follows:

DATED at, this day of, 19.....

.....
(signature for the respondent)

R.R.O. 1980, Reg. 232, Form 38.

Form 39

Crown Employees Collective Bargaining Act

**APPLICATION FOR CONSENT TO INSTITUTE PROSECUTION
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL**

Between:

Applicant,

— and —

Respondent.

The applicant applies to the Ontario Public Service Labour Relations Tribunal for consent to institute a prosecution of the respondent for an offence under the Act.

The applicant states:

1. Address of applicant:
2. Address of applicant for service:
3. Address of respondent:
4. The nature of the alleged offence:
5. The date of commencement of the alleged offence:
6. The material facts upon which the applicant intends to rely as establishing the offence are as follows:

DATED at, this day of, 19.....

.....
(signature for the applicant)

R.R.O. 1980, Reg. 232, Form 39.

FILE NO.

Form 40

Crown Employees Collective Bargaining Act

**REPLY TO APPLICATION FOR CONSENT TO INSTITUTE PROSECUTION
BEFORE THE ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL**

Between:

Applicant,

— and —

Respondent.

The respondent states in reply to the application for consent to prosecute for an offence under the Act as follows:

1. Correct name of respondent:
2. Address of respondent for service:
3. Address of respondent:
4. The respondent replies to the application as follows:

DATED at, this day of, 19.....

.....
(signature for the respondent)

R.R.O. 1980, Reg. 232, Form 40.

Form 41

Crown Employees Collective Bargaining Act

In the matter of a decision of the Grievance Settlement Board under section 19 of the *Crown Employees Collective Bargaining Act*.

Between:

Complainant,

—and—

Respondent.

To: The Ontario Court (General Division):

1. I, being a
(name)

.....
(Party, employer, employee organization or employee)
affected by the decision of the Grievance Settlement Board under section 19 of the *Crown Employees Collective Bargaining Act*, files the decision under that section.

2. The decision was made under the following circumstances:

- i. Members of the Grievance Settlement Board:
- ii. Appearances for Complainant:
- iii. Appearances for Respondent:
- iv. Date and Place of Hearing:
- v. Date of Decision:
- vi. Date of Release of Decision:
- vii. Date Provided in Decision for Compliance:

3. The decision, exclusive of the reasons therefor, reads as follows:

4. The respondent has failed to comply with the decision.

DATED at, this day of, 19.....

I certify that the copy of the decision is a true copy and the particulars set out herein are within my knowledge and accurate.

.....
(signature of person filing the decision or,
where person filing is an employee organization,
of an officer authorized in that behalf)

R.R.O. 1980, Reg. 232, Form 41, revised.

Form 42

Crown Employees Collective Bargaining Act

STATEMENT OF TRUSTEESHIP OVER EMPLOYEE ORGANIZATION TO THE
ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

.....
(name of parent body filing statement)

having assumed supervision or control over
(name of subordinate employee organization)

submits the following information to The Ontario Public Service Labour Relations Tribunal under section 46 of the *Crown Employees Collective Bargaining Act*:

- 1. Head office address of parent body that has assumed supervision or control:

- 2. Address for service of the parent body:
- 3. Address of the subordinate employee organization:
- 4. Date on which supervision or control was assumed:
- 5.—(1) Name(s) and address(es) of person(s) appointed to exercise supervision or control over subordinate employee organization:
 - (2) The appointment made,
 - (a) if by the executive or other body by (the name of the body and the names and official positions of the persons composing the body):
 - (b) if by an individual or individuals by (the name(s) and official position(s) of such person(s)):
- 6. Period of time during which supervision or control is to be exercised:
- 7.—(1) Detailed statement of the terms under which supervision or control is to be exercised (give the provisions of any document, including the constitution or by-laws, appointing a supervisor or controller and defining the terms under which supervision or control is to be exercised):
 - (2) The provisions, if any, that have been made in the terms under which supervision or control is to be exercised for,
 - (a) the holding of membership meetings of the subordinate employee organization:
 - (b) the representation of members of the subordinate employee organization at conferences and conventions of the employee organization that has assumed supervision or control over the subordinate employee organization:

DATED at, this day of, 19.....

.....
(signatures of principal officers)

R.R.O. 1980, Reg. 232, Form 42.

Form 43

Crown Employees Collective Bargaining Act

ONTARIO PUBLIC SERVICE LABOUR RELATIONS TRIBUNAL

Between:

Applicant,

— and —

Respondent,

— and —

Intervener.

I, of the
of in the
of
(occupation)

make oath and say as follows:

I did on day, the day of, 19.....,
personally serve with the attached summons by delivering a true copy of the summons to and leaving it with him or
her at together with \$..... as attendance money.

SWORN before me at the)
 of)
 this day of)
 19.....)

R.R.O. 1980, Reg. 232, Form 43, revised.

REGULATION 259

RULES OF PROCEDURE

INTERPRETATION

1.—(1) In these Rules,

“file” means, except where otherwise stated, file with the Tribunal;

“registrar” means the registrar of the Tribunal;

“respondent” means the person named in an application or complaint or added as a respondent by the Tribunal.

(2) Where a period of time is prescribed by these Rules and is expressed as a number of days, holidays and Saturdays shall not be counted in the computation of the period. R.R.O. 1980, Reg. 233, s. 1.

APPLICATIONS

2. Where an application is made to the Tribunal, the registrar shall fix a terminal date for the application which shall be not less than ten days and not more than thirty days, as directed by the Tribunal, after,

- (a) the day on which the registrar serves the employer with notice of application for posting, where it is personally served; or
- (b) the day immediately following the day on which the registrar mails the notice of application to the employer for posting, where it is served by mail. R.R.O. 1980, Reg. 233, s. 2.

REPRESENTATION RIGHTS

3. An application for representation rights as bargaining agent shall be made in quadruplicate in Form 4 of Regulation 258 of Revised Regulations of Ontario, 1990 and shall be accompanied by the statement of the employee organization in Form 1 of the said Regulation, the statement of income and expenditure in Form 2 of the said Regulation and the affidavit in Form 3 of the said Regulation. R.R.O. 1980, Reg. 233, s. 3.

4.—(1) The registrar shall serve the applicant with a notice of the fixing of the terminal date for the application in Form 5 of Regulation 258 of Revised Regulations of Ontario, 1990.

(2) The registrar shall serve the respondent with,

- (a) a copy of the application;
- (b) a notice of application and of hearing in Form 6 of Regulation 258 of Revised Regulations of Ontario, 1990; and
- (c) an appropriate number of notices of application in Form 7 of Regulation 258 of Revised Regulations of Ontario, 1990 for posting. R.R.O. 1980, Reg. 233, s. 4.

5. The applicant shall, not later than the second day after the terminal date for the application, file a declaration concerning member-

ship documents in Form 8 of Regulation 258 of Revised Regulations of Ontario, 1990. R.R.O. 1980, Reg. 233, s. 5.

6.—(1) The respondent shall file a reply in quadruplicate in Form 9 of Regulation 258 of Revised Regulations of Ontario, 1990 not later than the terminal date for the application and the reply shall be accompanied by a copy of any existing or recently expired collective bargaining agreement that is or was recently binding upon the respondent in the bargaining unit claimed by either the application or the respondent to be appropriate.

(2) The respondent shall file with its reply documents, from among existing employment records, containing the signatures of the employees whose names appear on the list of employees in the bargaining unit arranged as in the Schedule to Form 9 of Regulation 258 of Revised Regulations of Ontario, 1990.

(3) The accuracy of the list of employees in the Schedule to Form 9 of Regulation 258 of Revised Regulations of Ontario, 1990 shall be certified by an officer of the employer or by an officer of the agency of the employer, as the case requires, by his or her signature at the foot or end of the Schedule.

(4) Where the respondent proposes a bargaining unit different from the one proposed by the applicant, the respondent, or the body representing the respondent, shall indicate on the list of employees in the Schedule to Form 9 of Regulation 258 of Revised Regulations of Ontario, 1990 the name and classification of any person the respondent proposes should be excluded from, as well as the name and classification of any person the respondent proposes should be added to the bargaining unit proposed by the applicant and shall file with the Tribunal documents containing the signatures of any such additional person. R.R.O. 1980, Reg. 233, s. 6.

7. The registrar shall serve upon any employee organization named in the application or reply as claiming, or known to the registrar as claiming, to be the bargaining agent of or to represent any employees who may be affected by the application a copy of the application and a notice of application in Form 10 of Regulation 258 of Revised Regulations of Ontario, 1990. R.R.O. 1980, Reg. 233, s. 7.

8.—(1) An employee organization that is served with a notice of application or that claims to represent or to be the bargaining agent of any employees who may be affected by the application shall file its intervention, if any, in quadruplicate in Form 11 of Regulation 258 of Revised Regulations of Ontario, 1990 not later than the terminal date for the application.

(2) Where an employee organization referred to in subsection (1) claims to be the bargaining agent of any employees who may be affected by the application and is or was recently bound by a collective agreement with the respondent, it shall file a copy of the collective agreement. R.R.O. 1980, Reg. 233, s. 8.

9.—(1) An employee organization desiring representation rights as bargaining agent of employees who may be affected by the application shall file a notice of intervention and application for representation rights in quadruplicate in Form 12 of Regulation 258 of Revised Regulations of Ontario, 1990 not later than the terminal date for the application that shall be accompanied by a declaration concerning membership documents in Form 8 of the said Regulation.

(2) Section 2 does not apply to a notice and application under subsection (1).

(3) The registrar shall serve the employer with copies of the notice and application filed under subsection (1) for posting. R.R.O. 1980, Reg. 233, s. 9.

EVIDENCE AS TO REPRESENTATION

10.—(1) Evidence of membership in an employee organization or of objection by employees to representation rights of an employee organization or of signification by employees that they no longer wish to be represented by an employee organization shall not be accepted by the Tribunal on an application for representation rights or for a declaration terminating rights unless the evidence is in writing, signed by the employee or each member of a group of employees, as the case may be, and,

- (a) is accompanied by,
 - (i) the return mailing address of the person who files the evidence, objection or signification, and
 - (ii) the name of the body, if any, representing the employer; and
- (b) is filed not later than the terminal date for the application.

(2) No oral evidence of membership in an employee organization or of objection by employees to representation rights of an employee organization or of signification by employees that they no longer wish to be represented by an employee organization shall be accepted by the Tribunal except to identify and substantiate the written evidence referred to in subsection (1).

(3) Any employee or group of employees affected by an application for representation rights or by a declaration of termination of representation rights and desiring to make representations to the Tribunal in opposition to the application may file a statement in writing of such desire in the form prescribed by subsection (1) not later than the terminal date for the application.

(4) An employee or group of employees who has filed a statement of desire in the form and manner required by this section may appear and be heard at the hearing or at any hearing directed by the Tribunal, in person or by a representative. R.R.O. 1980, Reg. 233, s. 10.

REPRESENTATION VOTES

11. Where the Tribunal directs the taking of a representation vote and refers the matter to the registrar, the registrar may, subject to the provisions of the reference,

- (a) settle the list of employees to be used for the purposes of the vote;
- (b) settle the form of the ballot;
- (c) settle the date and hour for the taking of the vote;
- (d) set the number and location of the polling places;
- (e) prepare notices of the taking of the vote in Form 13 of Regulation 258 of Revised Regulations of Ontario, 1990 and direct posting thereof by the employer on the employer's premises;
- (f) act as the returning officer or appoint a returning officer;
- (g) appoint such deputy returning officers and poll clerks as the registrar deems necessary;
- (h) give any directions the registrar considers necessary for the disposition of improperly marked ballots and of ballots of

persons whose eligibility to vote has been challenged by a party or is in doubt and generally for the proper conduct of the vote;

- (i) take the vote by secret ballot on the premises of the employer during working hours if practicable or, if not practicable, in any other manner or place approved by the Tribunal; and
- (j) direct all interested persons to refrain and desist from propaganda and electioneering during the day or days the vote is taken. R.R.O. 1980, Reg. 233, s. 11.

12.—(1) Subject to subsection (2), the returning officer shall, upon the completion of the vote,

- (a) prepare a report of the vote;
- (b) serve a copy of the report together with a notice of the report in Form 14 or 15, as the case requires, of Regulation 258 of Revised Regulations of Ontario, 1990 upon each of the parties;
- (c) serve the employer with an appropriate number of copies of the report and the notice; and
- (d) file a copy of the report.

(2) Where the Tribunal or the registrar directs that the ballot box be sealed and that the ballots be not counted pending a further direction by the Tribunal and the Tribunal subsequently directs that the ballots be counted, the returning officer shall, upon completion of the counting of the ballots,

- (a) prepare a report of the vote;
- (b) serve a copy of the report together with a notice of the report in Form 16 of Regulation 258 of Revised Regulations of Ontario, 1990 upon each of the parties;
- (c) serve the employer with an appropriate number of copies of the report and the notice; and
- (d) file a copy of the report.

(3) The employer shall post the copies of the report and notice immediately upon their receipt and keep them posted upon the employer's premises in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application until the expiration of the twelfth day after the day on which the returning officer served the employer with copies of the report and the notice.

(4) Immediately after the employer has posted the copies of the report and notice under subsection (3), the employer or the body shall file a return of posting in Form 17 of Regulation 258 of Revised Regulations of Ontario, 1990. R.R.O. 1980, Reg. 233, s. 12.

13.—(1) Subject to subsection (3), where a representation vote is taken,

- (a) a party; or
- (b) any employee or representative of a group of employees,

who desires to make representations as to any matter relating to the representation vote, or as to the accuracy of the report of the returning officer, or as to the conclusions the Tribunal should reach in view of the report, shall file a statement of desire as mentioned in Form 14 or 15, as the case may be, of Regulation 258 of Revised Regulations of Ontario, 1990 on or before the last day for the posting of the copies of the report and notices under subsection 12 (3).

- (2) Where a representation vote is taken in connection with a

direction that the ballot box be sealed and the Tribunal subsequently directs that the ballots be counted,

- (a) a party; or
- (b) any employee or representative of a group of employees, who desires to make representations as to the accuracy of the report of the returning officer on the counting of the ballots or the conclusions the Tribunal should reach in view of the report, shall file a statement of desire as mentioned in Form 16 of Regulation 258 of Revised Regulations of Ontario, 1990, on or before the last day of the posting of the copies of the report and notices under subsection 12 (3).

(3) Upon receiving a statement of desire to make representation in the form and manner required by this section that contains a statement that a party or any employee or representative of a group of employees desires a hearing before the Tribunal, the registrar shall serve a notice of hearing in Form 18 of Regulation 258 of Revised Regulations of Ontario, 1990 upon each of the parties to the proceedings and upon each person who has filed a statement.

(4) Where no statement of desire to make representations has been filed in the form and manner required by this section, or no such statement that has been filed states that a party, employee or representative of a group of employees desires a hearing before the Tribunal, the Tribunal may dispose of the application upon the material then before it without further notice to any party or to the employees. R.R.O. 1980, Reg. 233, s. 13.

INQUIRY OFFICERS

14.—(1) In this section, “inquiry officer” means a person, other than a person making an inquiry under section 32 of the Act, authorized by the Tribunal to inquire into and report upon any matter arising out of a proceeding before the Tribunal.

(2) An inquiry officer shall file his or her report immediately upon its completion and where the Tribunal so directs, the registrar shall serve upon each of the parties to the proceeding and, in the case of an application for representation rights or for a declaration terminating bargaining rights, upon any employee or representative of a group of employees who appeared at the hearing of the application, a copy of the report and a notice of the report in Form 19 of Regulation 258 of Revised Regulations of Ontario, 1990.

(3) Any person who is served with a notice of the report and desires to make representations concerning the report shall file a statement of desire as mentioned in Form 19 of Regulation 258 of Revised Regulations of Ontario, 1990 not later than the twelfth day after,

- (a) the day on which the registrar served the notice of the report, where it was served personally; or
- (b) the day immediately following the day on which the registrar mailed the notice of the report, where it was served by mail.

(4) Where no statement of desire to make representations has been filed in the form and manner required by subsection (3), or any such statement that has been filed does not state that a party, employee or representative of a group of employees desires a hearing before the Tribunal, the Tribunal may dispose of the application upon the material before it without further notice to any party or to the employees.

(5) Where a statement of desire to make representations is filed in the form and manner required by this section and the person filing the statement states that the person desires a hearing, or where the Tribunal so directs, the registrar shall serve each of the parties to the proceedings with a notice of hearing in Form 18 of Regulation 258 of Revised Regulations of Ontario, 1990. R.R.O. 1980, Reg. 233, s. 14.

TERMINATION OF REPRESENTATION RIGHTS

15. An application for a declaration of termination of representation rights shall be made in quadruplicate in Form 20 of Regulation 258 of Revised Regulations of Ontario, 1990. R.R.O. 1980, Reg. 233, s. 15.

16.—(1) The registrar shall serve the applicant with a notice of the fixing of the terminal date for the application in Form 5 of Regulation 258 of Revised Regulations of Ontario, 1990.

(2) The registrar shall serve the respondent with,

- (a) a copy of the application; and
- (b) a notice of application and of hearing in Form 21 of Regulation 258 of Revised Regulations of Ontario, 1990.

(3) The registrar shall serve the employer with an appropriate number of notices of application in Form 22 of Regulation 258 of Revised Regulations of Ontario, 1990 for posting. R.R.O. 1980, Reg. 233, s. 16.

17. A respondent shall file a reply in quadruplicate in Form 23 of Regulation 258 of Revised Regulations of Ontario, 1990 not later than the terminal date for the application. R.R.O. 1980, Reg. 233, s. 17.

18.—(1) Where the application is made by a person other than the employer, the registrar shall serve the employer with a copy of the application and a notice of application and of hearing in Form 24 of Regulation 258 of Revised Regulations of Ontario, 1990.

(2) The employer, when a copy of an application and a notice of application and of hearing are served as set out in subsection (1) shall file an intervention, if any, in quadruplicate in Form 11 of Regulation 258 of Revised Regulations of Ontario, 1990 not later than the terminal date for the application.

(3) Where the employer files an intervention, the employer shall file,

- (a) a list arranged as in the Schedule to Form 24 of Regulation 258 of Revised Regulations of Ontario, 1990 of all employees in the bargaining unit described in the application as at the date when the application was made; and
- (b) documents arranged in alphabetical order from among existing employment records containing signatures of the employees whose names appear on the list referred to in clause (a),

and the accuracy of the list of employees shall be certified by an officer of the employer or by an officer of the agency of the employer, as the case requires, by his or her signature at the foot or end of the list. R.R.O. 1980, Reg. 233, s. 18.

EXEMPTION FROM PAYMENT OF DUES OR CONTRIBUTIONS TO AN EMPLOYEE ORGANIZATION PROVISIONS OF A COLLECTIVE AGREEMENT

19.—(1) An application for exemption from a payment of dues or contributions to an employee organization provision in a collective agreement on the grounds of religious conviction or belief shall be made in quadruplicate in Form 25 of Regulation 258 of Revised Regulations of Ontario, 1990.

(2) Section 2 does not apply to an application under subsection (1). R.R.O. 1980, Reg. 233, s. 19.

20. The registrar shall serve the employee organization and the employer or the body that represents the employer, as the case requires, with a copy of the application and a notice of application and of hearing in Form 26 of Regulation 258 of Revised Regulations of Ontario, 1990 and shall serve the applicant with a notice of hear-

ing in Form 18 of Regulation 258 of Revised Regulations of Ontario, 1990. R.R.O. 1980, Reg. 233, s. 20.

21.—(1) The employee organization and the employer or the body that represents the employer, as the case requires, shall file their replies in quadruplicate in Form 27 of Regulation 258 of Revised Regulations of Ontario, 1990 not later than the twelfth day after,

- (a) the day on which the registrar served the notice of application and of hearing, where it was served personally; or
- (b) the day immediately following the day on which the registrar mailed the notice of application and of hearing, where it was served by mail.

(2) Each reply shall be accompanied by a copy of the collective agreement in operation between the employee organization and employer at the date of the application. R.R.O. 1980, Reg. 233, s. 21.

COMPLAINT UNDER SECTION 32 OF THE ACT

22. A complaint under section 32 of the Act shall be made in quadruplicate in Form 28 or 29, as the case requires, of Regulation 258 of Revised Regulations of Ontario, 1990. R.R.O. 1980, Reg. 233, s. 22.

23. Where the Tribunal authorizes an investigator to inquire into a complaint, the investigator shall deliver a copy of the complaint to,

- (a) the person against whom the complaint is made;
- (b) each interested person named in the complaint; and
- (c) such other persons as the Tribunal may direct. R.R.O. 1980, Reg. 233, s. 23.

24.—(1) Where the Tribunal inquires into the complaint by means of a hearing by the Tribunal, the registrar shall serve,

- (a) the complaint;
- (b) the person against whom the complaint is made;
- (c) each interested person named in the complaint; and
- (d) such other persons as the Tribunal may direct,

with a notice of hearing in Form 18 of Regulation 258 of Revised Regulations of Ontario, 1990 and where a copy of the complaint has not been previously served upon such persons other than the complainant the registrar shall also serve a copy of the complaint upon them.

(2) Where the Tribunal, pursuant to clause 41 (1) (d) of the Act, authorizes an adjudicator to inquire into the complaint and report to the Tribunal, the registrar shall serve,

- (a) the complainant;
- (b) the person against whom the complaint is made;
- (c) each interested person named in the complaint; and
- (d) such other person as the Tribunal may direct,

with a notice of inquiry in Form 30 of Regulation 258 of Revised Regulations of Ontario, 1990.

(3) The person against whom the complaint is made shall file a reply, if any, in quadruplicate in Form 31 of Regulation 258 of Revised Regulations of Ontario, 1990 not later than the twelfth day after,

- (a) the day on which the registrar served the notice of hearing or inquiry, where it was served personally; or
- (b) the day immediately following the day on which the registrar mailed the notice or inquiry, where it was served by mail.

(4) A person, other than the person against whom the complaint is made, who has been served with a copy of the complaint and notice of hearing, shall file an intervention, if any, in quadruplicate in Form 32 of Regulation 258 of Revised Regulations of Ontario, 1990 not later than the twelfth day after,

- (a) the day on which the registrar served the notice of hearing or inquiry, where it was served personally; or
- (b) the day immediately following the day on which the registrar mailed the notice of hearing or inquiry, where it was served by mail. R.R.O. 1980, Reg. 233, s. 24.

25.—(1) The registrar shall serve a copy of the report of an adjudicator or investigator authorized to inquire into the complaint, together with a notice of the report in Form 33 of Regulation 258 of Revised Regulations of Ontario, 1990, upon each of the persons served with the notice of inquiry.

(2) Any person served with the notice of inquiry who desires to make representation concerning the report shall file a statement of desire as mentioned in Form 33 of Regulation 258 of Revised Regulations of Ontario, 1990 not later than the twelfth day after,

- (a) the day on which the registrar served the person with the notice of report, where it was served personally; or
- (b) the day immediately following the day on which the registrar mailed the notice of report to the person, where it was served by mail.

(3) Where the registrar receives a statement of desire to make representations in the form and manner required by this section, or where the Tribunal so directs, the registrar shall serve each of the persons served with a notice of inquiry with a notice of hearing by the Tribunal in Form 18 of Regulation 258 of Revised Regulations of Ontario, 1990. R.R.O. 1980, Reg. 233, s. 25.

DECLARATION AS TO STRIKE OR LOCK-OUT

26.—(1) An application for a declaration that an employee organization has declared or authorized a strike or that employees are engaging in a strike shall be made in quadruplicate in Form 34 or 35, as the case requires, of Regulation 258 of Revised Regulations of Ontario, 1990.

(2) An application for a declaration that the employer has declared or authorized a lock-out or is engaging in a lock-out shall be made in quadruplicate in Form 36 of Regulation 258 of Revised Regulations of Ontario, 1990.

(3) Section 2 does not apply to an application under subsection (1) or (2). R.R.O. 1980, Reg. 233, s. 26.

27. The registrar shall serve each respondent with,

- (a) a copy of the application; and
- (b) a notice of application and of hearing in Form 37 of Regulation 258 of Revised Regulations of Ontario, 1990. R.R.O. 1980, Reg. 233, s. 27.

28. A respondent may reply by filing a reply in quadruplicate in Form 38 of Regulation 258 of Revised Regulations of Ontario, 1990 not later than the sixth day after,

- (a) the day on which the registrar served the respondent with the notice of application, where it was served personally; or

- (b) the day immediately following the day on which the registrar mailed the notice of application to the respondent, where it was served by mail. R.R.O. 1980, Reg. 233, s. 28.

CONSENT TO INSTITUTE PROSECUTION

29.—(1) An application for consent to institute a prosecution shall be made in quadruplicate in Form 39 of Regulation 258 of Revised Regulations of Ontario, 1990.

- (2) Section 2 does not apply to an application under subsection (1).
- (3) The registrar shall serve each respondent with,
- (a) a copy of the application; and
 - (b) a notice of application and of hearing in Form 37 of Regulation 258 of Revised Regulations of Ontario, 1990. R.R.O. 1980, Reg. 233, s. 29.

30. A respondent may reply by filing a reply in quadruplicate in Form 40 of Regulation 258 of Revised Regulations of Ontario, 1990 not later than the sixth day after,

- (a) the day on which the registrar served the respondent with the notice of application, where it was served personally; or
- (b) the day immediately following the day on which the registrar mailed the notice of application to the respondent, where it was served by mail. R.R.O. 1980, Reg. 233, s. 30.

PARTICULARS

31.—(1) Where a person intends to allege, at the hearing of an application or complaint, improper or irregular conduct by any person, the person shall,

- (a) include in the application or complaint; or
- (b) file a notice of intention that shall contain,

a concise statement of the material facts, actions and omissions upon which the person intends to rely as constituting such improper or irregular conduct, including the time when and the place where the actions or omissions complained of occurred and the names of the persons who engaged in or committed them, but not the evidence by which the material facts, actions or omissions are to be proved, and, where the person alleges that the improper or irregular conduct constitutes a violation of any provision of the Act, the person shall include a reference to the section or sections of the Act containing such provision.

(2) Where, in the opinion of the Tribunal a person has not filed notice of intention promptly upon discovering the alleged improper or irregular conduct, the person shall not adduce evidence at the hearing of the application of such facts, except with the consent of the Tribunal and, if the Tribunal considers it advisable to give such consent, it may do so upon such terms and conditions as it considers advisable.

(3) Where a statement in an application or complaint or in any document in respect of the application or complaint is so indefinite or incomplete as to hamper any person in the preparation of the person's case, the Tribunal may, upon the request of the person made promptly upon receipt of the application, complaint or document, direct that the information stated be made specific or complete and, if the person so directed fails to comply with the direction, the Tribunal may strike the statement from the application, complaint or document.

(4) No person shall adduce evidence at the hearing of an application or complaint of any material fact that has not been included in

the application or complaint or in any document in respect of the application or complaint, except with the consent of the Tribunal and, if the Tribunal considers it advisable to give such consent, it may do so upon such terms and conditions as it considers advisable. R.R.O. 1980, Reg. 233, s. 31.

SERVICE

32. Where a notice of hearing in Form 18 of Regulation 258 of Revised Regulations of Ontario, 1990 is required to be served, it shall be served not less than four days before the day fixed for the hearing. R.R.O. 1980, Reg. 233, s. 32.

33.—(1) Where a document is required to be filed by these Rules, filing shall be deemed to be made,

- (a) at the time it is received by the Board; or
- (b) where it is mailed by registered mail addressed to the Tribunal at its office, at the time it is mailed.

(2) Where a document is required to be served by these Rules, the service may be made,

- (a) in person;
- (b) by mail addressed to the recipient at the recipient's address for service or last-known or usual address or at the recipient's principal office or place of business referred to in an application, complaint, intervention or reply in the proceeding;
- (c) upon the direction of the Tribunal where the Tribunal considers it necessary in the interests of justice, by,

- (i) telegram addressed to the recipient at the recipient's address for service or last-known or usual address or at the recipient's principal office or place of business referred to in an application, complaint, intervention or reply in the proceeding, or

- (ii) publication in a newspaper or public broadcast by radio or television having general circulation or reception in the area of the recipient's address for service or last-known or usual address or the recipient's principal office or place of business referred to in an application, complaint, intervention or reply in the proceeding,

and a written, typewritten or printed copy of the document shall be given to the recipient if the recipient makes personal application therefor. R.R.O. 1980, Reg. 233, s. 33.

34.—(1) The registrar shall serve each of the parties to a proceeding with a copy of each reply, intervention, intervener's application for representation rights, statement of desire to make representations or notice of intention to make allegations of improper or irregular conduct, filed in the proceeding.

(2) Upon receipt of a statement of desire by an employee or a group of employees to make representations in opposition to an application under these Rules, the registrar shall inform in writing the applicant, the respondent and the intervener, if any, of the nature thereof. R.R.O. 1980, Reg. 233, s. 34.

35.—(1) Where the registrar serves the employer with notices of application for posting, the employer shall post the notices immediately upon their receipt and keep them posted upon the employer's premises in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application until the expiration of the terminal date for the application.

(2) Immediately after the employer has posted the notices under subsection (1) the employer shall file a return of posting in Form 17

of Regulation 258 of Revised Regulations of Ontario, 1990. R.R.O. 1980, Reg. 233, s. 35.

36. Where an employee organization that makes an application for representation rights or that files an intervention has not been found by the Tribunal to be an employee organization within the meaning of the definition of "employee organization" as set out in subsection 1 (1) of the Act in a previous proceeding under the Act, the registrar shall serve upon the parties to the application and upon any employee organization upon whom the registrar is required to effect service under section 7 of these Rules a notice to that effect and shall also attach such a notice to any notice to employees of the making of an application that an employer is required to post under section 4 or 9 of these Rules. R.R.O. 1980, Reg. 233, s. 36.

GENERAL

37. The Tribunal may direct that any person be added as a party to a proceeding or be served with any document, as the Tribunal considers advisable. R.R.O. 1980, Reg. 233, s. 37.

38. The Tribunal may dispose of any application or complaint without further notice to anyone who has not filed a document in the proceeding in the form and manner prescribed by these Rules. R.R.O. 1980, Reg. 233, s. 38.

39. Where the Tribunal considers it necessary, it may at any time direct that a proceeding before the Tribunal be consolidated with any other proceeding before the Tribunal and it may issue such directions in respect of the conduct of the consolidated proceeding as it considers advisable. R.R.O. 1980, Reg. 233, s. 39.

40.—(1) The Tribunal may, if it considers it advisable in the inter-

ests of justice, adjourn any hearing for such time and to such place and upon such terms as it considers fit.

(2) The Tribunal may, upon such terms as it considers advisable, enlarge the time prescribed by these Rules for doing any act, serving any notice, filing any report, document or paper or taking any proceeding and may do so although application therefor is not made until after the expiration of the time prescribed.

(3) Where it is satisfied that it is necessary or convenient in the public interest, the Tribunal may abridge the time prescribed by these Rules for doing any act, serving any notice, filing any report, document or paper or taking any proceeding. R.R.O. 1980, Reg. 233, s. 40.

41. An application, reply, intervention, complaint, statement or desire to make representations or notice may be amended before or at the hearing by leave of the Tribunal upon such terms and conditions as the Tribunal considers advisable. R.R.O. 1980, Reg. 233, s. 41.

42. No proceeding under these Rules is invalid by reason of any defect in form or of any technical irregularity. R.R.O. 1980, Reg. 233, s. 42.

43. The decisions, declarations, determinations, directions, orders and rulings of the Tribunal shall be signed on behalf of the Tribunal by the chair or an adjudicator. R.R.O. 1980, Reg. 233, s. 43.

44. Procedure not prescribed is governed by analogy to these Rules. R.R.O. 1980, Reg. 233, s. 44.



Crown Timber Act *Loi sur le bois de la Couronne*

REGULATION 260

GENERAL

INTERPRETATION

1. In this Regulation,

“hardwood” means non-coniferous;

“lodged”, when used in respect of a tree, means that by reason of other than natural causes the tree does not fall to the ground after being,

- (a) partly or wholly separated from its stump, or
- (b) displaced from its natural position;

“M.B.M.” means thousand feet board-measure;

“merchantable timber” means,

- (a) a conifer, poplar or white birch log of which more than one-half of the total content is sound wood when the content is measured in cubic metres, or
- (b) a hardwood log other than poplar or white birch of which more than one-third of the total content is sound wood when the content is measured in cubic metres;

“merchantable tree” means,

- (a) a standing conifer, poplar or white birch tree of which more than one-half of the total content of wood is sound, and
- (b) a standing hardwood tree, other than poplar or white birch, of which more than one-third of the total content of wood is sound;

“operating year” means the twelve-month period commencing on the 1st day of April in any year and ending on the 31st day of March in the following year;

“stump height” means the vertical distance between the horizontal plane through the top of the stump and the horizontal plane through the highest point of the ground at its base. R.R.O. 1980, Reg. 234, s. 1; O. Reg. 854/82, s. 1; O. Reg. 476/84, s. 1; O. Reg. 203/85, ss. 1, 2; O. Reg. 373/86, s. 1.

CROWN CHARGES

2.—(1) In this section and in sections 3 and 4,

“corporation” means any body corporate however and wherever incorporated;

“integrated licensee” means a licensee who owns or operates any pulp mill in Manitoba, Ontario or Quebec or is related to any person who owns or operates any such pulp mill;

“non-integrated licensee” means a licensee who is not an integrated licensee;

“quarter” means a period of three consecutive months commencing with the 1st day of January, April, July or October in any year;

“related persons” has the meaning given to that expression by subsection 251 (2) of the *Income Tax Act* (Canada) and, for the pur-

poses of interpreting that subsection, the expressions “related group” and “unrelated group” used therein shall have the meaning given to them by the said section 251.

(2) For the purposes of this section and sections 3 and 4,

- (a) a licensee is related to any person who owns or operates any pulp mill in Manitoba, Ontario or Quebec, if they are related persons;
- (b) where two corporations are related to the same corporation within the meaning of the definition of “related persons” in subsection (1), they shall be deemed to be related to each other;
- (c) a corporation shall be deemed to be controlled by another person or by two or more corporations if shares of the first-mentioned corporation carrying voting rights sufficient to elect a majority of the directors of the corporation are held, other than by way of security only, by or on behalf of such other persons or corporations; and
- (d) subsections 251 (5) and (6) of the *Income Tax Act* (Canada) apply with necessary modifications. R.R.O. 1980, Reg. 234, s. 2.

3.—(1) The Crown dues to be paid in respect of any kind of timber listed in Column 1 of Schedule 1, other than killed or damaged timber, cut under a licence granted or renewed under section 2 of the Act, except a licence granted under subsection 2 (7) of the Act, are those fixed in Column 2 of Schedule 1 opposite the timber. R.R.O. 1980, Reg. 234, s. 3 (1).

(2) The Crown dues to be paid in respect of any kind of timber listed in Column 1 of Schedule 1, other than killed or damaged timber, that is cut under,

- (a) a licence that is granted or renewed under section 3 of the Act and held by an integrated licensee; or
- (b) an agreement that is entered into under subsection 6 (1) of the Act with an integrated licensee,

are those determined by the application of the following formula:

$$\text{Crown dues} = a \times \frac{b}{c} \times \frac{b}{d}$$

where

- a = the rate listed in Column 3 of Schedule 1 immediately opposite the kind of timber in respect of which Crown dues are being determined
- b = the arithmetic mean of the five index numbers, from the price index designated in Column 4 of Schedule 1 immediately opposite the kind of timber in respect of which Crown dues are being determined, for the first five of the six consecutive months immediately preceding the commencement of the quarter within which the timber is measured
- c = the number listed in Column 5 of Schedule 1 immediately opposite the kind of timber in respect of which Crown dues are being determined
- d = 1.640 c. O. Reg. 393/84, s. 1 (1); O. Reg. 373/86, s. 2; O. Reg. 131/87, s. 1 (1).

(3) The Crown dues to be paid in respect of any kind of timber listed in Column 1 of Schedule 1, other than killed or damaged timber, that is cut under,

- (a) a licence that is granted or renewed under section 3 of the Act and held by a non-integrated licensee other than the Algonquin Forestry Authority; or
- (b) an agreement that is entered into under subsection 6 (1) of the Act with a non-integrated licensee other than the Algonquin Forestry Authority,

are those determined by the application of the following formula:

$$\text{Crown dues} = a \times \frac{b}{c} \times \frac{b}{d}$$

where

- a = the rate listed in Column 6 of Schedule 1 immediately opposite the kind of timber in respect of which Crown dues are being determined
- b = the arithmetic mean of the five index numbers, from the price index designated in Column 7 of Schedule 1 immediately opposite the kind of timber in respect of which Crown dues are being determined, for the first five of the six consecutive months immediately preceding the commencement of the quarter within which the timber is measured
- c = the number listed in Column 8 of Schedule 1 immediately opposite the kind of timber in respect of which Crown dues are being determined
- d = 1.640 c. O. Reg. 393/84, s. 1 (2); O. Reg. 373/86, s. 3; O. Reg. 131/87, s. 1 (2).

(4) In Columns 4 and 7 of Schedule 1,

“Index 1” means the monthly industrial product price index, by commodity for lumber, softwood, spruce, East of the Rockies determined by Statistics Canada, wherein the year 1981 has a price index of 100;

“Index 2” means the monthly industrial product price index, by industry for pulp and paper industries determined by Statistics Canada, wherein the year 1981 has a price index of 100;

“Index 3” means the monthly industrial product price index, by commodity for lumber and ties, hardwood determined by Statistics Canada, wherein the year 1981 has a price index of 100;

“Index 4” means the monthly composite industrial product price index derived from the sum of 25 per cent of the industrial product price index from Index 1 and 75 per cent of the industrial product price index from Index 2 for the same month; and

“Index 5” means the monthly composite industrial product price index derived from the sum of 75 per cent of the industrial product price index from Index 1 and 25 per cent of the industrial product price index from Index 2 for the same month. O. Reg. 373/86, s. 4.

(5) The Crown dues to be paid by the Algonquin Forestry Authority in respect of any kind of timber listed in Column 1 of Schedule 4, other than killed or damaged timber, that is cut under a licence that is granted or renewed under section 3 of the Act or an agreement that is entered into under subsection 6 (1) of the Act are those amounts set out in Column 2 of Schedule 4 opposite each kind of timber listed. O. Reg. 166/84, s. 1 (2).

(6) The Crown dues to be paid in respect of any kind of Crown timber listed in Column 1 of Schedule 1, other than killed or damaged timber, that an integrated licensee processes or causes to be processed in a sawmill into lumber shall be determined in accordance with the formula set out in subsection (3) and not in accordance with the formula set out in subsection (2). O. Reg. 463/88, s. 1.

4.—(1) Every licensee who holds a licence granted or renewed under section 3 of the Act or enters into an agreement under subsection 6 (1) of the Act shall file with the Minister a certificate in such form as the Minister may authorize, signed by a responsible officer of the licensee certifying whether the licensee is an integrated licensee or a non-integrated licensee together with an affidavit of a responsible officer setting out,

- (a) the full name and address of the deponent;
- (b) the relationship and position of the deponent in respect of the licensee; and
- (c) the essential facts on which the certification contained in the certificate is based.

(2) For the purposes of subsection (1), a “responsible officer” is,

- (a) where the licensee is an individual or sole proprietor, the licensee;
- (b) where the licensee is a partnership, one of the partners; and
- (c) where the licensee is one or more corporations, any one of the president, vice-president, secretary, treasurer or controller of each corporation.

(3) A certificate and affidavit in accordance with subsection (1) shall be filed with the Minister within thirty days of the date, exclusive of such date,

- (a) when a person becomes an integrated licensee or a non-integrated licensee;
- (b) when an integrated licensee becomes a non-integrated licensee or a non-integrated licensee becomes an integrated licensee; or
- (c) that a written request of the Minister for the certificate and affidavit is mailed to or served upon a licensee.

(4) Where a licensee fails or neglects to file a certificate and affidavit in accordance with subsection (3), the licensee shall pay to the Treasurer of Ontario a penalty of \$100 for each day or part of a day that the failure or neglect continues.

(5) Where the Minister is of the opinion that any certificate or affidavit filed by a licensee does not comply with subsection (1), the Minister shall give written notice to the licensee advising of the non-compliance and requiring that the licensee file with the Minister a certificate or affidavit in accordance with subsection (1) within thirty days of the date of the written notice, and where the licensee fails or neglects to do so, the licensee shall pay to the Treasurer of Ontario a penalty of \$100 for each day or part of a day that the failure or neglect continues.

(6) Where a licensee does not file a certificate and affidavit in accordance with this section, the Minister may, for the purposes of section 3, categorize the licensee as either an integrated licensee or a non-integrated licensee until the end of the month in which the licensee files with the Minister the certificate and affidavit.

(7) Where a licensee who is categorized under subsection (6) files a certificate and affidavit in accordance with subsection (1) that indicates that the licensee ought to have been categorized otherwise, the Minister shall determine the amount of Crown dues that the licensee ought to have paid if the licensee had been categorized in accordance with the certificate and affidavit and,

- (a) where the amount of those Crown dues exceeds the amount of the Crown dues that the licensee became obligated to pay when categorized under subsection (6), the licensee shall pay the amount of the excess to the Treasurer of Ontario; and
- (b) where the amount of those Crown dues is less than the amount of the Crown dues that the licensee became obli-

gated to pay when categorized under subsection (6), the Minister may deduct the amount of the difference between the amounts from the account of the licensee or pay the difference to the licensee. R.R.O. 1980, Reg. 234, s. 4.

(8) Every licensee shall, when requested by the Minister, advise the Minister in such form as the Minister may authorize, whether or not the licensee is processing or causing to be processed any kind of timber listed in Column 1 of Schedule 1, other than killed or damaged timber, into lumber. O. Reg. 463/88, s. 2.

5.—(1) The area charge to be paid by a licensee, other than a licensee who holds a licence,

- (a) granted under subsection 2 (7) of the Act where the stumpage charges to be paid in respect of all kinds of timber licensed to be cut are \$100 or less;
- (b) granted under subsection 5 (1) or (3) of the Act; or
- (c) in respect of any part of a licensed area that is included within an existing licensed area of an earlier licence,

is, in respect of each square kilometre or fraction thereof of the productive lands, for the operating year set out in Column 1 of Schedule 3, the amount set out opposite thereto in Column 2.

(2) The area charge to be paid by a licensee who holds a licence,

- (a) granted under subsection 2 (7) of the Act where the stumpage charges to be paid in respect of all kinds of timber licensed to be cut are \$100 or less;
- (b) granted under subsection 5 (1) or (3) of the Act; or
- (c) in respect of any part of a licensed area that is included within an existing licensed area of an earlier licence,

is, in respect of each square kilometre or fraction thereof of the productive lands, for the operating year set out in Column 1 of Schedule 3, \$1.

(3) Other than where the productive lands in a licensed area are 9.0 square kilometres or less, or where the area charge payable in respect of each square kilometre or fraction thereof of the productive lands for the operating year set out in Column 1 of Schedule 3 is \$1, the area charge may be paid in equal portions quarterly in advance, in the first operating year the initial payment being payable before the licence is delivered to the licensee, and in subsequent operating years the initial payment being payable before the 1st day of April.

(4) Despite subsection (3), where a licensee does not make any quarterly payment in advance as required by subsection (3), the licensee, in addition to being liable for the payment not made, may, at the discretion of the Minister, be required to pay any subsequent payments in respect of the operating year immediately.

(5) Where the productive lands in a licensed area are 9.0 square kilometres or less, or where the area charge payable in respect of each square kilometre or fraction thereof of the productive lands for the operating year set out in Column 1 of Schedule 3 is \$1, the area charge is payable annually in advance, the first of which payments shall be made before the licence is delivered to the licensee, and subsequent yearly payments shall be made before the 1st day of April in each year of the period of the licence.

(6) Where an account for area charge remains unpaid after the time of payment required by this section, interest of 1 per cent of the amount of the account that is overdue on the first day of each month shall be charged and added to the account of the licensee as of each such day and shall be treated thereafter as a part of the amount of the account that is overdue. O. Reg. 64/85, s. 1.

6.—(1) Stumpage charges are payable,

- (a) on demand; or

(b) on or before the due date on an account therefor sent to the licensee.

(2) Where the stumpage charges remain unpaid after a demand therefor or after the due date on an account therefor sent to the licensee, interest of 1 per cent of the amount of the account that is overdue on the first day of each month shall be charged and added to the account of the licensee as of each such day and shall be treated thereafter as a part of the amount of the account that is overdue. R.R.O. 1980, Reg. 234, s. 6.

7.—(1) Crown charges, other than those under sections 5 and 6, are payable on or before the due date on an account therefor sent to the licensee.

(2) Where Crown charges payable under subsection (1) remain unpaid after the due date on an account therefor sent to the licensee, interest of 1 per cent of the amount of the account that is overdue on the first day of each month shall be charged and added to the account of the licensee as of each such day and shall be treated thereafter as a part of the amount of the account that is overdue. R.R.O. 1980, Reg. 234, s. 7.

8. The due date for payment of an account sent to a licensee under section 6 or 7 shall be the last day of the month next following the month within which the account was prepared. R.R.O. 1980, Reg. 234, s. 8.

TERMS AND CONDITIONS OF LICENCES

9. Every licence to cut Crown timber except a licence granted under subsection 2 (7) or section 5 of the Act, is subject to the terms and conditions set out in sections 10 to 14. O. Reg. 621/81, s. 1; O. Reg. 203/85, s. 3.

10.—(1) A licensee shall not erect, or permit or cause the erection of, any building on any part of a licensed area until the licensee has received written notification that, in the opinion of the Minister under section 10 of the Act, exclusive possession of so much of the licensed area as will be covered by the building is necessary for incidental operations.

(2) When the buildings, other than those forming a logging camp or depot camp, are no longer required in respect of operations, the licensee shall move them off the licensed area. R.R.O. 1980, Reg. 234, s. 10.

11. Where an account for Crown charges, other than a charge under section 5, remains unpaid on the last day of the operating year next following the operating year in which it became payable, the licence is forfeited and the licensee shall deliver up the licence to the Minister. R.R.O. 1980, Reg. 234, s. 11; O. Reg. 151/84, s. 1.

12. Where an account for area charge remains unpaid one year from the 31st day of March next following the date on which it became payable, the licence is forfeited and the licensee shall deliver up the licence to the Minister. O. Reg. 64/85, s. 2.

13. Notwithstanding forfeiture and delivery up under section 11 or 12, the licensee continues to be liable for all indebtedness in respect of,

- (a) Crown charges accrued at the date of forfeiture or delivery up of the licence, whichever is the later; and
- (b) Crown charges for which account is rendered after that date. R.R.O. 1980, Reg. 234, s. 13.

14. Any price established by a licence based on a tonne measurement shall be converted to a price based on a cubic metre measurement by multiplying the price established by the licence for each of the following kind or class of timber by the number opposite thereto:

white pine	0.893
red pine	0.915

jack pine	0.808
spruce	0.769
hemlock	1.080
balsam	0.920
fuelwood (conifer)	0.796
maple	1.123
yellow birch	1.090
white birch	1.127
oak	1.171
beech	1.160
ash	0.981
elm	1.118
basswood	0.914
hickory	1.117
black walnut	1.085
butternut	0.856
ironwood	1.142
black cherry	0.895
poplar	0.991
fuelwood (hardwood)	1.127

O. Reg. 373/86, s. 6.

TRANSFER FEES

15. The fee to be paid on the transfer of a licence is \$500.
O. Reg. 131/87, s. 2.

CLASSIFICATION AND LICENCES OF MILLS

16.—(1) In this section “capacity” means the quantity of product that a mill can produce in eight consecutive hours of operation under normal conditions.

(2) Mills are classified by the types designated by capital letters set out in Column 1 of Schedule 2 according to the product and capacity of the mill set out in columns 2 and 3.

(3) The fee for a licence for a mill of a type itemized in Column 1 of Schedule 2 is the fee prescribed opposite thereto in Column 4, and where a mill is classified by more than one type, the fee for the licence for such mill is the total of the fees prescribed for each type by which such mill is classified.

(4) The fee for a mill licence shall be paid before the mill licence is issued and thereafter on or before the 1st day of April in each year during the term of the licence.

(5) Where the holder of a mill licence fails to pay the fee therefor in the manner prescribed by subsection (4), the licence shall be deemed cancelled until the fee therefor is paid. R.R.O. 1980, Reg. 234, s. 21.

17.—(1) A person desiring a mill licence shall make application therefor in Form 1.

(2) A mill licence shall be in Form 2.

(3) A mill licence expires with the 31st day of March in the year noted on the licence. R.R.O. 1980, Reg. 234, s. 22.

18.—(1) A person desiring to transfer a mill licence shall apply to the Minister for his consent to the transfer.

(2) An application for consent to a transfer of a mill licence shall be in Form 3.

(3) A transfer of a mill licence shall be in Form 4. R.R.O. 1980, Reg. 234, s. 23.

19.—(1) The holder of a Type A, Type D or Type H mill licence shall make an annual return to the Minister in Form 5.

(2) The holder of a Type B, Type E, Type F or Type G mill licence shall make an annual return to the Minister in Form 6. O. Reg. 131/87, s. 4.

20.—(1) Periodic inspection of mills shall be made at least once in each year at such times and by such officers or agents as the Minister may direct.

(2) The licensee shall give to the inspecting officer or agent all information and assistance necessary for a proper inspection. R.R.O. 1980, Reg. 234, s. 25.

WASTEFUL PRACTICES

21.—(1) In this section “heavy-branching” means the lowest part of a tree where the growth of branches is so concentrated that the timber in that part is not marketable. R.R.O. 1980, Reg. 234, s. 26 (1).

(2) Wasteful practices in forest operations are defined as,

(a) felling a tree of any species so that its stump height is greater than thirty centimetres, except that a tree may be felled so that its stump height is not greater than its diameter measured outside the bark at the point of cutting, provided no tree shall be felled so that its stump height is greater than sixty centimetres;

(b) subject to subsection (3), not utilizing merchantable timber of any length,

(i) measuring twenty-two centimetres or more in diameter outside the bark at the smaller end, obtainable from a felled hardwood tree of any species except poplar and white birch, or

(ii) measuring twenty centimetres or more in diameter outside the bark at the smaller end, obtainable from a felled white pine, red pine, hemlock, poplar or white birch tree, or

(iii) measuring ten centimetres or more in diameter outside the bark at the smaller end, obtainable from a felled conifer tree other than a white pine, red pine or hemlock;

(c) leaving any merchantable trees that the licensee has the right to cut standing on any part of a licensed area at the time when the licensee,

(i) ceases operations in respect of that part,

(ii) abandons the licence, or

(iii) fails to renew the licence; or

(d) leaving trees lodged where cutting operations have been carried on in the licensed area. R.R.O. 1980, Reg. 234, s. 26 (2); O. Reg. 854/82, s. 3 (1); O. Reg. 476/84, s. 2 (1-4); O. Reg. 203/85, s. 10.

(3) Clause (2) (b) does not apply to a log referred to,

(a) in subclause (i) of that clause, where that log is separated by heavy-branching or by unmerchantable timber from a log that has been cut from the tree; or

- (b) in subclause (ii) or (iii) of that clause, where that log is separated by unmerchantable timber from a log that has been cut from the tree. O. Reg. 476/84, s. 2 (6).
22. The penalties that may be imposed for contraventions of subsection 21 (2) are,
- (a) for a contravention of clause (a), \$3 for each stump;
- (b) for a contravention of clause (b), \$2 for each piece of merchantable timber not utilized;
- (c) for a contravention of clause (c), \$5 for each tree left standing; and
- (d) for a contravention of clause (d), \$10 for each lodged tree. R.R.O. 1980, Reg. 234, s. 27; O. Reg. 476/84, s. 3.
- (2) An application for a renewal of a scaler's licence shall be in Form 8.
- (3) A special permit shall be in Form 9. R.R.O. 1980, Reg. 234, s. 28 (1-3).
- (4) The fee payable for a scaler's licence or a renewal of a scaler's licence is \$15.
- (5) The fee payable for a special permit is \$5. O. Reg. 131/87, s. 5.

SEIZURE

SCALERS' LICENCES

23.—(1) A scaler's licence and a renewal of a scaler's licence shall be in Form 7.

24. An officer or agent may effect a seizure of timber under section 22 of the Act by securing in a prominent place on the timber a notice of seizure in Form 10. R.R.O. 1980, Reg. 234, s. 29.

Schedule 1

CROWN DUES

COLUMN 1	COLUMN 2	INTEGRATED			NON-INTEGRATED		
		COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7	COLUMN 8
1. For the following timber:							
i. conifers, for each cubic metre	\$3.63	\$3.01	Index 4	69.3	\$2.16	Index 5	75.3
ii. poplar and white birch, for each cubic metre	0.91	0.61	Index 2	66.8	0.45	Index 2	66.8
2. For the following grades of hardwood timber:							
i. grade 1 hardwoods, other than poplar and white birch, for each cubic metre	3.82	5.11	Index 3	80.3	3.70	Index 3	80.3
ii. grade 2 hardwoods, other than poplar and white birch, for each cubic metre	0.48	0.65	Index 2	66.8	0.47	Index 3	80.3
3. For fuelwood of any species, for each cubic metre	0.91	0.61	Index 4	69.3	0.45	Index 2	66.8

O. Reg. 463/88, s. 3.

Schedule 2

CLASSIFICATION OF AND LICENCE FEES FOR MILLS

Item No.	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	Type	Product	Capacity	Fees
1	A	specialty products	any quantity	\$ 10
2	B	pulp	any quantity	\$100
3	C	lumber and/or chips	not more than 25 cubic metres	\$ 10
4	D	lumber and/or chips	more than 25 cubic metres but not more than 120 cubic metres	\$ 30
5	E	lumber and/or chips	more than 120 cubic metres	\$ 50
6	F	veneer	any quantity	\$ 50
7	G	particleboard	any quantity	\$ 50
8	H	fuelwood	more than 25 cubic metres	\$ 30

O. Reg. 131/87, s. 6.

Schedule 3
AREA CHARGES

COLUMN 1	COLUMN 2
April 1, 1988 to March 31, 1989	\$45.00
April 1, 1989 to March 31, 1990	47.00
April 1, 1990 to March 31, 1991	49.00
April 1, 1991 to March 31, 1992	51.00

O. Reg. 463/88, s. 4.

Schedule 4
CROWN DUES—ALGONQUIN FORESTRY AUTHORITY

COLUMN 1	COLUMN 2
1. For the following timber:	
i. conifers, for each cubic metre	\$0.30
ii. poplar and white birch, for each cubic metre	0.06
2. For the following grades of hardwood timber:	
i. grade 1 hardwoods, other than poplar and white birch, for each cubic metre	0.47
ii. grade 2 hardwoods, other than poplar and white birch, for each cubic metre	0.06
3. For fuelwood of any species, for each cubic metre	0.06

O. Reg. 117/86, s. 3.

Form 1
Crown Timber Act
APPLICATION FOR A MILL LICENCE

To: The District Manager,
Ministry of Natural Resources,
....., Ontario.

The undersigned applies for a mill licence under the *Crown Timber Act* and submits the following information:

1. Name of applicant
(print in block letters)
2. Post office address
3. Location of mill
(lot, concession, township, and county or district)
4. If the mill is on patented lands,
 - i. Name of landowner
(print in block letters)
 - ii. Post office address
5. If the mill is on public lands:
Authority for occupation
(state if lease, licence of occupation, sale or free-grant location, and give date and number)

6. If the applicant is a Crown timber licensee, give the licence number, area of productive lands and term of each Crown timber licence held:

.....
.....

7. Purpose(s) for which this application is made: (strike out all items not applicable)

- i. Constructing a mill
- ii. Operating a mill
- iii. Increasing the productive capacity of a mill
- iv. Converting an existing mill into the type(s) of mill indicated in item 7.

8. Type(s) of mill for which the mill licence is desired:

.....
.....
.....

9. Have you previously held a mill licence?
(answer "yes" or "no")

10. If the answer to item 9 is "yes", give the number and date of the last mill licence issued to you

.....
(number) (date)

11. Herewith remittance for \$ for the prescribed fee(s).

Date of application

Signature of applicant

R.R.O. 1980, Reg. 234, Form 1.

Form 2

Crown Timber Act

MILL LICENCE

LICENCE FEE \$.....

NO.

Under the *Crown Timber Act* and, subject to the limitations thereof, this licence is granted to

.....
of

to a Type mill located on

lands at

Issued at, this day of, 19.....

.....
Minister

This licence expires with the 31st day of March, 19.....

Form 3

Crown Timber Act

APPLICATION FOR CONSENT TO TRANSFER A MILL LICENCE

To: The Minister of Natural Resources,

Under the *Crown Timber Act*, the undersigned apply for your consent to the transfer, from the undersigned transferor to the undersigned transferee, of Mill Licence No.

issued to
(name of mill licensee)

the of, 19....., to a Type mill located on lands at

Dated the of, 19.....

.....
(name of transferor) (name of transferee)

By (signature) By (signature)

.....
(official capacity) (official capacity)

R.R.O. 1980, Reg. 234, Form 3.

Form 4

Crown Timber Act

TRANSFER OF A MILL LICENCE

FOR VALUE RECEIVED, and subject to the consent of the Minister under the *Crown Timber Act*, the undersigned transferor being the holder of Mill Licence No. issued the day of, 19....., to a Type mill located on

lands at

TRANSFERS that licence to
(name of transferee)

.....
(postal address of transferee)

Dated at the of, 19.....

.....
(name of transferor)

By (signature)

.....
(official capacity)

CONSENT OF MINISTER

Under the *Crown Timber Act* I consent to the transfer.

Given at Toronto the of, 19.....

.....
Minister of Natural Resources

R.R.O. 1980, Reg. 234, Form 4.

Form 5

Crown Timber Act

RETURN BY A MILL LICENSEE FOR THE YEAR 19.....

1. **LICENCE:** OMNR Mill No.
 Name of Licensee (please print)
 Mill Licence Serial Number Date of Licence
 Location of mill
 (lot, concession, township, and county or district)

2. **BEGINNING INVENTORY:** Beginning roundwood inventory as of the 1st of January in the year for which this return is made, all measurements in *cubic metres* (m³).
 Softwood m³ Hardwood m³

3. **ROUNDWOOD RECEIPTS:** From the 1st of January to the 31st of December in the year for which this return is made, the following quantities of roundwood were received at this mill, all measurements in *cubic metres* (m³).

SPECIES	FROM LANDS IN ONTARIO			FROM OTHER SOURCES	
	Crown Lands		Patent Lands	Province/ State/ Country	m ³
	From own Timber Licence(s) m ³	From other Timber Licence(s) m ³	m ³		
Red & White Pine
Jack Pine
Spruce
Hemlock
Balsam
Other Softwood
Maple
Birch
Oak
Beech
Basswood
Poplar
Other Hardwoods
Mixed Hardwoods
TOTALS

4. **ENDING INVENTORY:** Ending roundwood inventory as of the 31st of December in the year for which this return is made, all measurements in *cubic metres* (m³).
 Softwood m³ Hardwood m³

5. **PRODUCTION:** From the 1st of January to the 31st of December in the year for which this return is made, the following quantities of products were produced at this mill, all measurements in *metric units*.

LUMBER ¹		OTHER PRODUCTS		FINAL WOOD RESIDUES	
Species	m ³	Type	metric units (specify)	Type	m ³
Red & White Pine	Ties	.....	By-Product	.....
Jack Pine	Mining Timbers	.....	Chips ²	.....
Spruce	Posts/Poles	.....	Softwood	.....
Hemlock	Fuelwood	.....	Hardwood	.....
Balsam	Swd.	.....	Shavings	.....
Other Softwoods	Hwd.	.....	Sawdust	.....
Maple	Specify Others	.....	Bark	.....
Birch	Hogfuel ³	.....

LUMBER ¹		OTHER PRODUCTS		FINAL WOOD RESIDUES	
Species	m ³	Type	metric units (specify)	Type	m ³
Oak	Others	.....
Beech
Basswood
Poplar
Other Hardwoods
Mixed Hardwoods
TOTAL	TOTAL	.....	TOTAL	.....

6. OPERATIONS:

Number of days the mill operated during the year for which this return is made Total average number of employees during daily operations (do not double count) Woodlands Mill

..... Signature of mill licensee Date Telephone No. (including area code) ()

¹ 1,000 fbm of *sawn* material = 2.3596 cubic metres (m³) solid wood equivalent.

² By-Product Chips: wood chips produced in a sawmilling operation.

³ Hogfuel: A mixture in any proportion of chips, shavings, sawdust, bark, and/or slabs and edgings for burning. Do not double count volumes.

O. Reg. 131/87, s. 8.

Form 6

Crown Timber Act

RETURN BY A MILL LICENSEE FOR THE YEAR 19...

1. LICENCE: OMNR Mill No.
 Name of Licensee (please print)
 Mill Licence Serial Number Date of Licence
 Location of mill
 (lot, concession, township and county or district)

2. BEGINNING INVENTORY: Beginning wood inventory as of the 1st of January in the year for which this return is made, all measurements in cubic metres (m³).

Species	Pulp/Misc. Logs	Saw/Veneer Logs	Whole-Tree Chips ¹	By-Product Chips ²	Shavings	Sawdust	Bark	Hogfuel ³	Other Residue
Softwood
Hardwood
TOTAL

3. ROUNDWOOD RECEIPTS: From the 1st of January to the 31st of December in the year for which this return is made, the following quantities of roundwood were received at this mill, all measurements in cubic metres (m³).

SPECIES	FROM LANDS IN ONTARIO			FROM OTHER PROVINCES		FROM OTHER SOURCES	
	Crown Lands		Patent Lands	Province Name	m ³	USA State/ Country Name	m ³
	From Own Timber Licence(s) m ³	From Other Timber Licence(s) m ³	m ³				
Red & White Pine
Jack Pine
Spruce
Hemlock
Balsam
Other Softwoods
Maple
Birch
Oak
Beech
Basswood
Poplar
Other Hardwoods
Mixed Hardwoods
TOTAL

4. **WHOLE-TREE CHIP RECEIPTS:** From the 1st of January to the 31st of December in the year for which this return is made, the following quantities of whole-tree chips were received at this mill, all measurements in *cubic metres* (m³).

SPECIES	FROM LANDS IN ONTARIO			FROM OTHER PROVINCES		FROM OTHER SOURCES	
	Crown Lands		Patent Lands	Province Name	m ³	USA State/ Country Name	m ³
	From Own Timber Licence(s) m ³	From Other Timber Licence(s) m ³	m ³				
Softwood
Hardwood
TOTAL

5. **RESIDUE RECEIPTS:** From the 1st of January to the 31st of December in the year for which this return is made, the following quantities of wood residues were received at this mill, all measurements in *cubic metres* (m³).

RESIDUE TYPE		FROM ONTARIO	FROM OTHER PROVINCES		FROM OTHER SOURCES	
		m ³	Province Name	m ³	USA State/ Country Name	m ³
Captive By-Product Chips ⁴	Softwood	.....	.....	.....	.....	.....
	Hardwood	.....	.....	.....	.....	.....
Market By-Product Chips ⁵	Softwood	.....	.....	.....	.....	.....
	Hardwood	.....	.....	.....	.....	.....
Shavings		.....	.....	.....	.....	.....
Sawdust		.....	.....	.....	.....	.....
Bark		.....	.....	.....	.....	.....
Hogfuel ³		.....	.....	.....	.....	.....
Other		.....	.....	.....	.....	.....
TOTAL		.....	.....	.....	.....	.....

6. **ENDING INVENTORY:** Ending wood inventory as of the 31st of December in the year for which this return is made, all measurements in *cubic metres* (m³).

Species	Pulp/Misc. Logs	Saw/Veneer Logs	Whole-Tree Chips ¹	By-Product Chips ²	Shavings	Sawdust	Bark	Hogfuel ³	Other Residue
Softwood					
Hardwood					
TOTAL

7. **PRODUCTION:** From the 1st of January to the 31st of December in the year for which this return is made, the following quantities of products were produced at this mill, all measurements in *metric units*.

LUMBER ⁶		PULP		PAPER/PAPERBOARD	
SPECIES	m ³	TYPE	Metric Tonnes	TYPE	Metric Tonnes
Red & White Pine	Groundwood	.....	Groundwood Specialties	.....
Jack Pine	Refiner Groundwood	.....	Newsprint	.....
Spruce	Thermo-Mechanical	.....	Book/Writing	.....
Hemlock	Chemi-Thermo-Mechanical	.....	Tissue/Sanitary	.....
Balsam	Semi-Chemical	.....	Other Paper	.....
Other Softwoods	Sulphate	.....	.....	.....
Maple	Sulphite	.....	.....	.....
Birch	Specify Others	.....	.....	.....

LUMBER ⁶		PULP		PAPER/PAPERBOARD	
SPECIES	m ³	TYPE	Metric Tonnes	TYPE	Metric Tonnes
Oak	Containerboard	.....
Beech	Boxboard	.....
Basswood	Buildingboard	.....
Poplar
Other Hardwoods
Mixed Hardwoods
TOTAL	TOTAL	.....	TOTAL	.....

PANEL PRODUCTS ⁷		OTHER PRODUCTS		FINAL WOOD RESIDUES	
TYPE	m ³	TYPE	Metric Units (specify)	TYPE	m ³
Veneer	Ties	.....	By-Product Chips ² Softwood	.....
Plywood	Mining Timbers	.....	Hardwood	.....
Particleboard	Posts/Poles	.....	Shavings	.....
Waferboard	Fuelwood Softwood	.....	Sawdust	.....
Specify Others	Hardwood	.....	Bark	.....
.....	Specify Others	.....	Hogfuel ³	.....
.....	Other	.....
TOTAL	TOTAL	.....	TOTAL	.....

8. **BARK AND WOOD RESIDUES TRANSACTIONS/UTILIZATION:** From the 1st of January to the 31st of December in the year for which this return is made, the following quantities of bark and wood residues were produced, shipped or internally utilized in the following manner.

All measurements in cubic metres (m ³). TOTAL PRODUCTION DESTINATION - RESIDUE SHIPMENTS COMPANY AND LOCATION Agricultural Shipments	MNR USE ONLY MILL NO.	BY-PRODUCT CHIPS²		SHAVINGS	SAWDUST	BARK	HOGFUEL³	OTHER RESIDUE
		Softwood	Hardwood
.....
.....
.....
.....
.....
.....
.....

	BY-PRODUCT CHIPS ²		SHAVINGS	SAWDUST	BARK	HOGFUEL ³	OTHER RESIDUE
TOTAL SHIPMENTS (Sub-Total)
<u>INTERNAL UTILIZATION</u>							
Internal Manufacturing
Internal Energy
Waste (burned, dumped, etc.)
To Inventory
Other
TOTAL INTERNAL UTILIZATION
(Sub-Total)
TOTAL

9. OPERATIONS:

	SHIFTS PER DAY 8-hour Basis			TOTAL NUMBER OF DAYS OPERATED
	1	2	3	
Number of days the mill operated during the year for which this return is made	.....	.....	.....	.....
Total average number of employees during daily operations (do not double count)	<i>Woodlands</i>			<i>Mill</i>

10.

Signature of mill licensee _____ Date _____ Telephone No. (including area code) _____ () _____

Footnotes:

- 1 Whole-Tree Chips: wood chips produced by whole-tree chipping operations in the forest.
- 2 By-Product Chips: wood chips produced in sawmilling or veneering operations.
- 3 Hog Fuel: a mixture in any proportion of chips, shavings, sawdust, bark, and/or slabs and edgings for burning. Do not double count volumes.
- 4 Captive Chips: wood chips produced as a by-product and acquired from company's own sawmill or veneer mill.
- 5 Market Chips: wood chips produced as a by-product of sawmilling or veneering operations and purchased in the open market.
- 6 1,000 fbm of *sawn* material = 2.3596 cubic metres (m³) solid wood equivalent.
- 7 1,000 ft² (5/8" basis) = 1.475 m³
1,000 ft² (1/4" basis) = 0.590 m³

O. Reg. 131/87, s. 9.

Form 7

Crown Timber Act

SCALER'S LICENCE						
MINISTRY OF NATURAL RESOURCES						
Issued under authority of the <i>Crown Timber Act</i> , and subject to the limitations thereof,						
Licence Number	Date of Issue			Date of Expiry		
	Day	Month	Year	Day	Month	Year
Name of Scaler						
.....						
Address						
.....						
Licence to Measure						
.....						
.....						
Signature of Scaler			Minister of Natural Resources			

R.R.O. 1980, Reg. 234, Form 6.

Form 8

Crown Timber Act

APPLICATION FOR RENEWAL OF SCALER'S LICENCE	
I,	(Name of applicant, in block letters)
of	(post-office address)
apply to the Minister of Natural Resources for renewal of Scaler's Licence, No.	
Date of application, 19.....	
Signature of applicant	

R.R.O. 1980, Reg. 234, Form 7.

Form 9

Crown Timber Act

SPECIAL PERMIT

FEE \$..... No.

Under the *Crown Timber Act*, and subject to the limitations thereof, this special permit is issued to

of

to measure

until the of, 19.....

Issued at Toronto the of, 19.....

.....
 (signature of permit-holder) Minister of Natural Resources

R.R.O. 1980, Reg. 234, Form 8.

Form 10

Crown Timber Act

NOTICE OF SEIZURE OF TIMBER

TAKE NOTICE that, under section 22 of the *Crown Timber Act*, seizure has this day been made of the following timber:

.....
.....
.....

located at
(give details as to location as accurately as practicable)

in
(city, town, village, or township, county or district)

Dated the of 19.....
(day) (month)

at, Ontario.

.....
(an officer or agent under the Act)

R.R.O. 1980, Reg. 234, Form 9.

Dangerous Goods Transportation Act *Loi sur le transport de matières dangereuses*

REGULATION 261

GENERAL

1. In this Regulation, "Federal Regulations" means the English version, exclusive of Parts X, XI and XIII and of the provisions dealing with radioactive materials, of the Transportation of Dangerous Goods Regulations made under the *Transportation of Dangerous Goods Act* (Canada). O. Reg. 460/89, s. 1.

2. The safety requirements, safety standards and safety marks set out in the Federal Regulations are prescribed for the purpose of section 3 of the Act. O. Reg. 460/89, s. 2.

3. No person shall transport dangerous goods on a highway under circumstances where the transportation is prohibited in the Federal Regulations. O. Reg. 460/89, s. 3.

4. No person shall transport dangerous goods on a highway, the transportation of which is prohibited in the Federal Regulations. O. Reg. 460/89, s. 4.

5. No person shall transport dangerous goods in or on a vehicle on a highway where a direction has been given under section 28 of the *Transportation of Dangerous Goods Act* (Canada) in respect of that transportation except in accordance with the direction. O. Reg. 460/89, s. 5.

6.—(1) For purposes of this Regulation,

"inspector" when used in the Federal Regulations includes an inspector designated under subsection 9 (1) of the Act;

"means of transportation" when used in the Federal Regulations means a vehicle or combination of vehicles.

(2) The form prescribed for use as a manifest for waste by the regulations under the *Environmental Protection Act* is prescribed as the form referred to in sub-subparagraph 4.15 (c) (ii) (B) of the Federal Regulations. O. Reg. 460/89, s. 6.

7. Parts III to IX of the Federal Regulations do not apply to prohibit the transportation of dangerous goods in a vehicle operated by or on behalf of the province, a municipality or other authority having jurisdiction and control of a highway where the vehicle is engaged in,

- (a) collecting abandoned or spilled materials from the highway; or

- (b) transporting dangerous goods from a highway to a storage or disposal site after a dangerous occurrence as defined in paragraph 9.1 (a) of Part IX of the Federal Regulations. O. Reg. 460/89, s. 7.

8.—(1) Subject to subsection (2), every person who transports dangerous goods on a highway shall carry with an insurer licensed under the *Insurance Act* motor vehicle liability insurance in an amount of not less than \$2,000,000 for each motor vehicle or combination of vehicles used to transport dangerous goods,

- (a) of a type set out in Column I of Schedule XII to the Federal Regulations;
- (b) in a quantity for such type as set out in section 7.18 of Part VII of the Federal Regulations; and
- (c) in a manner referred to in section 7.16 of Part VII of the Federal Regulations.

(2) A person who transports dangerous goods on a highway and who is not a resident of Ontario may carry the insurance required by subsection (1) with an insurer who is authorized to transact the insurance in the state or province in which the owner or operator resides, if the insurer files with the Registrar of Motor Vehicles,

- (a) a power of attorney authorizing the Registrar to accept service of notice or process for the insurer and the insured in any action or proceeding arising out of a motor vehicle accident in Ontario;
 - (b) an undertaking to appear in any action or proceeding arising out of a motor vehicle accident in Ontario of which it has knowledge;
 - (c) an undertaking not to set up as a defence to any claim, action or proceeding under a motor vehicle liability policy issued by it a defence that could not be set up if the policy had been issued in Ontario in accordance with the law of Ontario relating to motor vehicle liability policies; and
 - (d) an undertaking to satisfy up to \$2,000,000 any judgment rendered and become final against the insurer or the insured by a court in Ontario in any such action or proceeding. O. Reg. 460/89, s. 8.
-



Day Nurseries Act *Loi sur les garderies*

REGULATION 262

GENERAL

1. In this Regulation,

“actual cost” means the cost of a building project and includes,

- (a) fees payable for the services of an architect, professional engineer or other consultant,
- (b) the cost of purchasing and installing furnishings and equipment,
- (c) the cost of land surveys, soil tests, permits, licences and legal fees,
- (d) the cost of paving, sodding and landscaping, and
- (e) the cost of acquiring the land necessary for the building project;

“approved cost” means that portion of the actual cost of a building project approved by the Minister;

“architect” means an architect who is a member in good standing of the Ontario Association of Architects;

“building project” means a project composed of one or more of the following elements:

1. The purchase or other acquisition of all or any part of an existing building or buildings including the land contiguous thereto.
2. Any renovations or alterations to an existing building or buildings.
3. Additions to an existing building or buildings.
4. The purchase or other acquisition of vacant land for the purpose of constructing a building or buildings thereon.
5. The erection of a new building or any part thereof.
6. The demolition of a building.
7. The installation of public utilities, sewers and items or services necessary for access to the land or building or buildings;

“charitable corporation” means a corporation without share capital having objects of a charitable nature,

- (a) to which Part III of the *Corporations Act* applies, or
- (b) that is incorporated under a general or special Act of the Parliament of Canada;

“common parentage” with respect to the more than five children referred to in the definition of “day nursery” in section 1 of the Act means that all of the children have as a parent the same individual;

“handicapped child” means a child who has a physical or mental impairment that is likely to continue for a prolonged period of time and who as a result thereof is limited in activities pertaining to

normal living as verified by objective psychological or medical findings and includes a child with a developmental handicap;

“integrated day nursery” means a day nursery that is licensed by the Minister to provide services for both handicapped children and children who are not handicapped;

“licensed capacity” means the maximum number of children, including the number in each age group, allowed to be in attendance in the day nursery at one time as set out in the licence of the day nursery;

“liquid assets” means cash, bonds, debentures, stocks, an interest in real property, the beneficial interest in assets held in trust and available to be used for maintenance and any other assets that can readily be converted into cash;

“net cost” means operating cost less revenue from fees;

“operating cost” means the gross expenditure reasonable and necessary for providing day nursery services or private-home day care, or both, less income other than revenue from fees;

“parent” includes a person having lawful custody of a child or a person who has demonstrated a settled intention to treat a child as a child of his or her family;

“person in need” means,

- (a) a person eligible for an allowance under the *Family Benefits Act*,
- (b) a person eligible for general assistance under the *General Welfare Assistance Act*, or
- (c) a person who by reason of financial hardship, inability to obtain regular employment, lack of the principal family provider, illness, disability or old age, has available daily income, as determined by a welfare administrator in accordance with Form 1 taking into account the liquid assets of the person, that is less than the daily cost of providing day nursery services or providing private-home day care, as the case may be, to the person’s child or children;

“professional engineer” means a professional engineer who is a member in good standing of the Association of Professional Engineers of the Province of Ontario;

“serious occurrence” means,

- (a) the death of a child while in attendance at a day nursery or in receipt of private-home care,
- (b) any serious injury to a child while in attendance at a day nursery or in receipt of private-home day care,
- (c) fire or other disaster occurring on the premises of a day nursery or on premises providing private-home day care,
- (d) a complaint concerning operational, physical or safety standards on the premises of a day nursery or where private-home day care is being provided,
- (e) abuse of a child within the meaning of the *Child and Family Services Act* by a staff member of a day nursery or person in charge of a location where private-home day care is being provided or by any other person while the child is attending

the day nursery or location where private-home day care is being provided;

“welfare administrator” means a municipal welfare administrator, a regional welfare administrator or a welfare administrator of a band, as the case may be, appointed under the *General Welfare Assistance Act*. O. Reg. 760/83, s. 1; O. Reg. 144/87, s. 1.

2.—(1) A charitable corporation that operates or proposes to operate a day nursery for handicapped children is a class of corporation that may be approved under section 6 of the Act.

(2) A corporation,

- (a) that is a charitable corporation; or
- (b) to which the *Co-operative Corporations Act* applies and whose articles provide that the corporation shall be carried on without the purpose of gain for its members and that any profits or other accretions to the corporation shall be used in promoting its objects,

that operates or proposes to operate a day nursery is a class of corporation that may be approved under section 6 of the Act. O. Reg. 760/83, s. 2.

ORGANIZATION AND MANAGEMENT

3.—(1) Subject to subsections (2) and (3), every operator shall be responsible for the operation and management of each day nursery or private-home day care agency operated by the operator, including the program, financial and personnel administration of each such day nursery or private-home day care agency.

(2) An operator may appoint a person who shall be responsible to the operator for the day-to-day operation and management of each day nursery or private-home day care agency in accordance with subsection (1).

(3) Where an operator or a person appointed under subsection (2) is absent, the powers and duties of the operator or the person appointed under subsection (2) shall be exercised and performed by such person as the operator designates.

(4) Every operator of a private-home day care agency shall employ at least one full-time private-home day care visitor, who shall be a person described in section 61, for each twenty-five locations where private-home day care is provided by the operator, unless otherwise approved by a Director, who shall provide support and supervision at each location where private-home day care is provided by the operator and who shall be responsible to the operator.

(5) Every operator of a day nursery shall employ a supervisor, who shall be a person described in section 58, who shall plan and direct the program of the day nursery, be in charge of the children, oversee the staff and who shall be responsible to the operator. O. Reg. 760/83, s. 3.

BUILDING AND ACCOMMODATION

4.—(1) Every person who applies for a licence to establish, operate or maintain a day nursery under section 11 of the Act shall at the time of application file with a Director evidence that the premises used or to be used as a day nursery comply with,

- (a) the laws affecting the health of inhabitants of the municipality or the reserve of a band, as the case may be;
- (b) any rule, regulation, direction or order of the local board of health and any direction or order of the local medical officer of health that may affect the operation;
- (c) any by-law of the municipality or any by-law of the council of the band on the reserve, as the case may be, and any other law for the protection of persons from fire hazards;

(d) any restricted area, standard of housing or building by-law passed by the municipality in which the premises are located pursuant to Part V of the *Planning Act* or any predecessor thereof and any by-law of the council of the band on the reserve to regulate the construction, repair or use of buildings;

(e) the requirements of the Building Code made under the *Building Code Act*, where applicable; and

(f) the requirements of the Fire Code made under the *Fire Marshals Act*, where applicable.

(2) Every person who applies for a licence to establish, operate or maintain a private-home day care agency under section 11 of the Act shall ensure that each location used or to be used by the person to provide private-home day care complies with clauses (1) (a), (b), (c) and (d). O. Reg. 760/83, s. 4.

5.—(1) Where a person proposes that a new building be erected or an existing building be used, altered or renovated for use as a day nursery or that alterations or renovations be made to premises used by a day nursery, the person shall not commence the erection, use, alteration or renovation until plans, including those of the playground area for the day nursery, are approved by a Director, except where the plans are approved by the Minister under section 69.

(2) The plans referred to in subsection (1) shall include space designated for each of the following:

1. Washing, dressing, toileting and isolation.
2. Storage for toys, indoor play materials and equipment.
3. Storage for food.
4. Storage of required records.
5. Storage for medical supplies, cleaning materials and equipment and other hazardous substances.
6. Heating and electrical equipment.

(3) Every operator of a day nursery shall ensure that the spaces in each day nursery operated by the operator that are referred to in paragraphs 5 and 6 of subsection (2) are inaccessible to children. O. Reg. 760/83, s. 5 (1-3).

(4) The operator of a day nursery that has a program that runs for six hours or more in a day shall ensure that in addition to the spaces referred to in subsection (2) the day nursery has space designated for each of the following:

1. Eating and resting.
2. The preparation of food if meals are prepared on the premises.
3. Storage for beds and linen.
4. A staff rest area.
5. Storage for outdoor play equipment.
6. Office area. O. Reg. 760/83, s. 5 (4); O. Reg. 467/87, s. 1.

6.—(1) Subject to subsection (2), every operator of a day nursery shall ensure that each day nursery operated by the operator has play activity space of at least 2.8 square metres of unobstructed floor space for each child based on the licensed capacity.

(2) In the case of a day nursery for handicapped children, the play activity space referred to in subsection (1) shall,

- (a) be at least five square metres of unobstructed floor space for each child based on the licensed capacity; and

- (b) where more than twelve children but fewer than twenty-four children are enrolled, be divided into two separate rooms with one additional room being provided for each twelve children or less where there are in excess of twenty-three children. O. Reg. 760/83, s. 6.

7. Every operator of an integrated day nursery that enrolls handicapped children funded under the Act or the *Developmental Services Act* shall ensure that each such day nursery operated by the operator has one room or area set aside as a resource area for individual and small group training of the handicapped children. O. Reg. 760/83, s. 7.

8. Every operator of a day nursery shall ensure that each day nursery operated by the operator has,

- (a) where the day nursery is licensed to enrol children under eighteen months of age,
- (i) a separate play activity room for each ten children or less based on the licensed capacity, and
 - (ii) a separate sleeping area that is separated from any play activity space for each ten children or less based on the licensed capacity;
- (b) where a day nursery is licensed to care for children eighteen months of age or over up to and including thirty months of age, a separate play activity room for each fifteen children or less based on the licensed capacity;
- (c) where the day nursery is licensed to care for children thirty-one months of age or over up to and including five years of age, a separate play activity room for each twenty-four children or less based on the licensed capacity; and
- (d) where the day nursery is licensed to care for children six years of age or over up to and including nine years of age, a separate play area for each thirty children or less based on the licensed capacity. O. Reg. 760/83, s. 8.

9. Every operator of a day nursery shall ensure that each room in each day nursery operated by the operator that is for the use of children under six years of age or for the use of handicapped children is on or below the second storey unless otherwise approved by a Director. O. Reg. 760/83, s. 9.

10. Every operator of a day nursery shall ensure that the window glass area in each play activity room of each day nursery operated by the operator that has a program that runs for six hours or more and that was licensed for the first time after the 31st day of December, 1983, contains an area that is at least equivalent to 10 per cent of the floor area of the play activity room. O. Reg. 760/83, s. 10, *revised*.

11. Every operator of a day nursery shall ensure that artificial illumination in each play activity room of each day nursery operated by the operator is at the level of at least 55 dekalux. O. Reg. 760/83, s. 11.

12. Every operator shall ensure that in each day nursery operated by the operator and in each location where private-home day care is provided by the operator, the temperature is maintained at a level of at least twenty degrees Celsius. O. Reg. 760/83, s. 12.

13.—(1) Every operator of a private-home day care agency shall ensure that before a premises is used as a location where private-home day care is to be provided by the operator, the premises, including the outdoor play space, is inspected by a private-home day care visitor employed by the operator to ensure compliance with the Act and this Regulation and, where the premises is so used, that further inspections are carried out every three months from the time of the initial inspection and at such other times as the operator or a Director considers necessary.

(2) The operator shall ensure that a record is kept of each inspection made under subsection (1) and that the record is maintained for

at least two years from the date of the inspection. O. Reg. 760/83, s. 13.

EQUIPMENT AND FURNISHINGS

14.—(1) Every operator of a day nursery shall ensure that the play equipment and furnishings in each day nursery operated by the operator are provided in numbers that are adequate to serve the licensed capacity of the day nursery and are of such a type and design so as to meet the needs of the children enrolled, having regard to the ages of the children, their developmental levels and the type of program offered in the day nursery.

(2) Every operator of a day nursery shall ensure that the play equipment in each day nursery operated by the operator is sufficient in quantity to allow for rotation and includes equipment for gross motor activity in the playground area. O. Reg. 760/83, s. 14.

15. Every operator of a day nursery shall ensure that the following equipment and furnishings are provided in each day nursery operated by the operator:

1. Where the day nursery is licensed to enrol children under eighteen months of age, a table or counter space for every ten children, based on the licensed capacity, that is adjacent to a sink and suitable for dressing or changing the diaper of one child at a time.
2. Where the day nursery is licensed to enrol children eighteen months of age or over up to and including thirty months of age, a table or counter space for every fifteen children, based on the licensed capacity, that is adjacent to a sink and suitable for dressing or changing the diaper of one child at a time.
3. Bedding for use during rest periods for each child enrolled for six hours or more.
4. For each child under eighteen months of age enrolled in the day nursery, a cradle or crib that complies with the standards for cradles and cribs in the regulations made under the *Hazardous Products Act* (Canada).
5. For each child eighteen months of age or over up to and including thirty months of age enrolled for six hours or more, a cot.
6. For each child thirty-one months of age or over up to and including five years of age enrolled for six hours or more, a cot, unless otherwise approved by a Director. O. Reg. 760/83, s. 15.

16. Every operator shall ensure that the equipment and furnishings in each day nursery operated by the operator or in each location where private-home day care is provided by the operator are maintained in a safe and clean condition and kept in a good state of repair. O. Reg. 760/83, s. 16.

17. Every operator of a private-home day care agency shall ensure that there are written policies, practices and procedures with respect to the provision of equipment in each location where private-home day care is provided by the operator, and the responsibilities of the operator and each person in charge of the children in each location where private-home day care is provided with respect to the equipment are contained in the written agreement referred to in subsection 51 (1). O. Reg. 760/83, s. 17.

18. Every operator of a private-home day care agency shall ensure that the equipment and furnishings in each location where private-home day care is provided by the operator include,

- (a) indoor and outdoor play material and equipment in sufficient numbers and of a type suitable to meet the needs of the children in receipt of private-home day care;
- (b) a cradle or crib or a playpen that complies with the stan-

dards for cradles, cribs and playpens in the regulations made under the *Hazardous Products Act* (Canada) for each child under eighteen months of age that is in receipt of private-home day care;

- (c) a cradle or crib that complies with the standards for cradles and cribs in the regulations made under the *Hazardous Products Act* (Canada) or a cot or bed for each child eighteen months of age or over that is in receipt of private-home day care; and
- (d) bedding for each child in receipt of private-home day care. O. Reg. 760/83, s. 18.

19. Every operator of a private-home day care agency shall ensure that in respect of each location where private-home day care is provided by the operator,

- (a) all poisonous and hazardous substances are inaccessible to children in attendance; and
- (b) all firearms are locked up and the key, if any, is inaccessible to children in attendance. O. Reg. 760/83, s. 19.

20. Every operator shall ensure that each day nursery operated by the operator and each location where private-home day care is provided by the operator is equipped with telephone service or an alternative means of obtaining emergency assistance that is approved by a Director. O. Reg. 760/83, s. 20.

PLAYGROUND

21.—(1) Every operator of a day nursery shall ensure that each day nursery operated by the operator that has a program that runs for six hours or more in a day has an outdoor play space that is at least equivalent to 5.6 square metres for each child based on the licensed capacity, unless otherwise approved by a Director.

(2) Where the licensed capacity of a day nursery is greater than sixty-four children, the play space referred to in subsection (1) may be divided into two or more areas by a fence to allow all the children to use the play space at one time, if each fenced-in area is not used for more than sixty-four children at one time. O. Reg. 760/83, s. 21.

22. Every operator of a day nursery shall ensure that each playground in each day nursery operated by the operator,

- (a) is at ground level and adjacent to the premises, unless otherwise approved by a Director;
- (b) used by children under six years of age, is fenced to a minimum height of 1.2 metres and the fence is furnished with one or more gates that are securely closed at all times; and
- (c) is so designed that the staff can maintain constant supervision of the children. O. Reg. 760/83, s. 22.

23. Every operator of a private-home day care agency shall ensure that in each location where private-home day care is provided by the operator, no child in attendance is permitted to play on a balcony unless an adult is present on the balcony. O. Reg. 760/83, s. 23.

24. Every operator of a private-home day care agency shall ensure that outdoor play in each location where private-home day care is provided by the operator is supervised in accordance with plans agreed upon by the person in charge of the children in that location and a parent of each child enrolled in that location and a private-home day care visitor. O. Reg. 760/83, s. 24.

INSPECTION

25.—(1) Every operator shall ensure that, where a report is made by the local medical officer of health or any person designated by the local medical officer of health or the local fire department with

respect to a day nursery operated by the operator or a location where private-home day care is provided by the operator, one copy of the report is kept on the premises of the day nursery or at the head office of the private-home day care agency for at least two years from the date of its making and another copy is sent forthwith to a program advisor.

(2) Every operator shall ensure that in respect of each day nursery operated by the operator and each location where private-home day care is provided by the operator, a record is kept of all inspections made by any person referred to in subsection (1) and any person designated as a program advisor under subsection 16 (1) of the Act and that in the case of a day nursery any recommendations are recorded in the daily written record referred to in section 30. O. Reg. 592/84, s. 1.

INSURANCE

26. Every operator shall ensure that a policy of insurance with respect to each day nursery or private-home day care agency operated by the operator is obtained and maintained in full force and effect that includes,

- (a) comprehensive general liability coverage and personal injury coverage, including, where applicable, coverage for the employees of each day nursery, volunteers in each day nursery, employees of each private-home day care agency and each person in charge of a location where private-home day care is provided by the operator; and
- (b) motor vehicle coverage for all vehicles owned by the operator. O. Reg. 760/83, s. 26.

FIRE SAFETY AND EMERGENCY INFORMATION

27.—(1) Every operator of a day nursery shall ensure that in respect of each day nursery operated by the operator,

- (a) a written procedure approved by the local fire chief is established with respect to the duties of each member of the staff of each day nursery in the event of a fire;
- (b) each staff member of each day nursery is instructed as to his or her responsibilities in the event of a fire before commencing work for the first time;
- (c) the written procedure referred to in clause (a) is posted in a conspicuous place in each room in each day nursery that is used for the care of children;
- (d) a fire drill is conducted at least once a month;
- (e) a written record is kept of all fire drills, all tests of the fire alarm system and all tests of fire protection equipment and that each record is retained for at least two years from the date of the drill and test; and
- (f) there is a designated place of shelter in the event the day nursery must be evacuated due to an emergency.

(2) Every operator of a private-home day care agency shall ensure that a written procedure is established with respect to evacuation in the event of fire for each location where private-home day care is provided by the operator. O. Reg. 760/83, s. 27.

28. Every operator shall ensure that there is an up-to-date list of telephone numbers in each day nursery operated by the operator or in each location where private-home day care is provided by the operator that is accessible in the event of an emergency and that includes the telephone numbers of,

- (a) the fire department;
- (b) the nearest hospital;
- (c) the nearest ambulance service;

- (d) the nearest poison control centre;
- (e) the police department;
- (f) a taxi service; and
- (g) the private-home day care agency, in the case of a location where private-home day care is provided. O. Reg. 760/83, s. 28.

29. Every operator shall ensure that the following information is readily accessible in the event of an emergency to each staff member of each day nursery and each private-home day care agency operated by the operator and each person in charge of each location where private-home day care is provided by the operator:

1. The name, address and telephone number of the family physician of each child enrolled in each day nursery or with each private-home day care agency operated by the operator and the Ontario Hospital Insurance Plan number under which the child is covered, including the surname and initial of the subscriber.
2. The home and work addresses and telephone numbers of a parent of each child enrolled in each day nursery or with each private-home day care agency operated by the operator and a telephone number of a person to be contacted if a parent cannot be reached.
3. Any special medical or additional information provided by a parent of each child enrolled in each day nursery or with each private-home day care agency operated by the operator that could be helpful in an emergency. O. Reg. 760/83, s. 29.

HEALTH AND MEDICAL SUPERVISION

30. Every operator of a day nursery shall ensure that a daily written record is maintained that includes a summary of any incident affecting the health, safety or well-being of the staff or any child enrolled in a day nursery operated by the operator and that the record is kept for at least two years from the date of its making. O. Reg. 760/83, s. 30.

31. Every operator of a day nursery shall ensure that any recommendation or instruction of a medical officer of health with respect to any matter that may affect the health or well-being of a child enrolled in a day nursery operated by the operator is carried out by the staff of the day nursery. O. Reg. 760/83, s. 31.

32. Every operator shall ensure that there are policies and procedures approved by a Director with respect to sanitary practices in each day nursery operated by the operator or each location where private-home day care is provided by the operator. O. Reg. 760/83, s. 32.

33.—(1) Every operator shall ensure that before a child is admitted to a day nursery operated by the operator or to a location where private-home day care is provided by the operator, and from time to time thereafter, the child is immunized as recommended by the local medical officer of health.

(2) Subsection (1) does not apply where a parent of the child objects in writing to the immunization on the ground that the immunization conflicts with the sincerely held convictions of the parent's religion or conscience or a legally qualified medical practitioner gives medical reasons in writing to the operator as to why the child should not be immunized. O. Reg. 119/86, s. 1.

34.—(1) Every operator shall ensure that a daily observation is made of each child in attendance in each day nursery operated by the operator or in each location where private-home day care is provided by the operator before the child begins to associate with other children in order to detect possible symptoms of ill health.

(2) Every operator shall ensure that where a child in attendance

in a day nursery operated by the operator or in a location where private-home day care is provided by the operator appears to be ill, the child is separated from other children and the symptoms of the illness noted in the child's records.

(3) Where a child is separated from other children because of a suspected illness, the operator shall ensure that,

- (a) a parent of the child takes the child home; or
- (b) where it is not possible for a parent of the child to take the child home or where it appears that the child requires immediate medical attention, the child is examined by a legally qualified medical practitioner or a nurse registered under the *Health Disciplines Act*. O. Reg. 760/83, s. 34.

35. Every operator shall ensure that,

- (a) there are written policies and procedures with respect to serious occurrences in each day nursery operated by the operator and each location where private-home day care is provided by the operator; and
- (b) a program adviser is notified of any serious occurrence in any day nursery operated by the operator or any location where private-home day care is provided by the operator within twenty-four hours of its happening. O. Reg. 760/83, s. 35.

36. Every operator shall ensure that there is a first-aid kit and first-aid manual that is readily available for first-aid treatment in a day nursery operated by the operator and in each location where private-home day care is provided by the operator. O. Reg. 760/83, s. 36.

37. Where an operator agrees to the administration of drugs or medications, the operator shall ensure that,

- (a) a written procedure is established by a legally qualified medical practitioner or a nurse registered under the *Health Disciplines Act* for,
 - (i) the administration of any drug or medication to a child in attendance in a day nursery operated by the operator or in a location where private-home day care is provided by the operator, and
 - (ii) the keeping of records with respect to the administration of drugs and medications, including those records required under the *Narcotic Control Act* (Canada);
- (b) all drugs and medications on the premises of a day nursery or a location where private-home day care is provided are,
 - (i) stored in accordance with the instructions for storage on the label,
 - (ii) administered in accordance with the instructions on the label and the authorization received under clause (d),
 - (iii) inaccessible at all times to children, and
 - (iv) in the case of a day nursery, kept in a locked container;
- (c) one person in each day nursery operated by the operator and each location where private-home day care is provided by the operator is in charge of all drugs and medications and that all drugs and medications are dealt with by that person or a person designated by that person in accordance with the procedures established under clause (a);
- (d) a drug or medication is administered to a child only where a parent of the child gives written authorization for the

administration of the drug or medication and that included with the authorization is a schedule that sets out the times the drug or medication is to be given and amounts to be administered; and

- (e) a drug or medication is administered to a child only from the original container as supplied by a pharmacist or the original package and that the container or package is clearly labelled with the child's name, the name of the drug or medication, the dosage of the drug or medication, the date of purchase and instructions for storage and administration. O. Reg. 760/83, s. 37; O. Reg. 119/86, s. 2.

38. Every operator shall ensure that every dog and cat that is kept on the premises of a day nursery operated by the operator or location where private-home day care is provided by the operator is inoculated against rabies. O. Reg. 760/83, s. 38.

NUTRITION

39. Every operator shall ensure that,

- (a) each infant under one year of age that is in attendance in a day nursery operated by the operator or in a location where private-home day care is provided by the operator is fed in accordance with written instructions from a parent of the child;
- (b) where food or drink or both is supplied by a parent of a child in attendance in a day nursery operated by the operator or location where private-home day care is provided by the operator, the container for the food or drink is labelled with the child's name; and
- (c) all food or drink is stored, prepared and served so as to retain maximum nutritive value and prevent contamination. O. Reg. 760/83, s. 39.

40.—(1) Every operator shall ensure that each child one year of age or over that is in attendance in a day nursery operated by the operator or in a location where private-home day care is provided by the operator is provided with,

- (a) subject to section 43, where the child is in attendance at meal time, a meal consisting of at least one serving from milk and milk products, one serving from meat and alternates, one serving from bread and cereals, and two servings from fruits and vegetables within the range set out in Column 2 or 3, as the case may be, of Schedule 1, for each food group set out opposite thereto in Column 1 of Schedule 1, except where otherwise approved by a Director in the case of a child five years of age or over; and
- (b) nutritious between-meal snacks consisting of foods that will promote good dental health at times that will not interfere with a child's appetite for meal time.

(2) Where a child referred to in subsection (1) is in attendance for six hours or more, the operator shall ensure that the total food offered to the child over the period of attendance for each food group set out in Column 1 of Schedule 2 is within the range set out opposite thereto in Column 2 of Schedule 2. O. Reg. 760/83, s. 40.

41.—(1) Every operator of a day nursery shall post planned menus for the current and following week in a conspicuous place in each day nursery operated by the operator with any substitutions noted on the posted menus.

(2) A menu referred to in subsection (1) shall be retained by the operator for thirty days after the last day for which it is applicable.

(3) Every operator of a private-home day care agency shall ensure that each person in charge of the children in each location where private-home day care is provided by the operator plans menus in consultation with the child's parents, and a private-home day care visitor. O. Reg. 760/83, s. 41.

42. Every operator of a day nursery shall ensure that a list is posted in each cooking and serving area of each day nursery operated by the operator that sets out the names of the children enrolled in the day nursery that have food allergies and their respective allergies. O. Reg. 760/83, s. 42.

43. Every operator shall ensure that where special dietary and feeding arrangements have been made with the operator with respect to a child enrolled in a day nursery operated by the operator or in a location where private-home day care is provided by the operator that the arrangements are carried out in accordance with the written instructions of a parent of the child. O. Reg. 760/83, s. 43.

BEHAVIOUR MANAGEMENT

44.—(1) Every operator shall ensure that there are written policies and procedures with respect to discipline, punishment and any isolation measures to be used by employees in each day nursery operated by the operator and by each person in charge of a location where private-home day care is provided by the operator and that the policies and procedures set out the permitted and prohibited practices.

(2) The policies and procedures referred to in subsection (1) shall be reviewed with all employees of each day nursery or private-home day care agency operated by the operator and each person in charge of a location where private-home day care is provided by the operator upon commencement of employment and before any child is placed in a location where private-home day care is provided by the operator, and at least annually thereafter. O. Reg. 760/83, s. 44.

45.—(1) No operator shall permit,

- (a) corporal punishment of a child by an employee of the operator, by a person in charge of a location where private-home day care is provided by the operator, or by another child or group of children;
- (b) deliberate harsh or degrading measures to be used on a child that would humiliate a child or undermine a child's self-respect; and
- (c) deprivation of a child of basic needs including food, shelter, clothing or bedding.

(2) No operator shall, unless otherwise approved by a Director,

- (a) lock or permit to be locked for the purpose of confining a child the exits of a day nursery operated by the operator or location where private-home day care is provided by the operator; or
- (b) use a locked or lockable room or structure to confine a child who has been withdrawn from other children. O. Reg. 760/83, s. 45.

46. Every operator shall ensure that policies and procedures with respect to the contravention of any matter set out in sections 44 and 45 are developed and maintained and that the policies and procedures are reviewed with each employee of each day nursery and private-home day care agency operated by the operator and each person in charge of a location where private-home day care is provided by the operator upon commencement of employment and before any child is placed in a location where private-home day care is provided by the operator, and at least annually thereafter. O. Reg. 760/83, s. 46.

47. Every operator of a private-home day care agency shall ensure that there is a written procedure for monitoring the behaviour management practices of each person in charge of a location where private-home day care is provided by the operator and a record of the monitoring shall be kept by the operator. O. Reg. 760/83, s. 47.

ENROLMENT AND RECORDS

48.—(1) Every operator shall ensure that up-to-date records that are available for inspection by a program adviser at all times are kept on the premises of a day nursery or private-home day care agency operated by the operator that include in respect of each child enrolled,

- (a) an application, in a form provided by the Minister, for enrolment signed by a parent of the child;
- (b) the name, date of birth and home address of the child;
- (c) the names, home addresses and telephone numbers of the parents of the child;
- (d) the address and telephone number at which a parent of the child or other person can be reached in case of an emergency during the hours when the child is receiving care;
- (e) the names of persons to whom the child may be released;
- (f) the name, address and telephone number of the child's family physician;
- (g) the Ontario Hospital Insurance Plan number under which the child is covered including the surname and initial of the subscriber;
- (h) the date of admission of the child;
- (i) the date of discharge of the child;
- (j) the child's previous history of communicable diseases, conditions requiring medical attention, and in the case of a child who is not in attendance at a school within the meaning of the *Education Act*, immunization or any statement from a parent or legally qualified medical practitioner as to why the child should not be immunized;
- (k) any symptoms indicative of ill health;
- (l) written instructions signed by a parent of the child for any medical treatment or drug or medication that is to be administered during the hours the child is receiving care; and
- (m) written instructions signed by a parent of the child concerning any special requirements in respect of diet, rest or exercise.

(2) Every operator shall ensure that a record is kept of the daily attendance of each child enrolled in each day nursery operated by the operator and in each location where private-home day care is provided by the operator.

(3) In the case of a day nursery, the daily attendance record referred to in subsection (2) shall show the arrival and departure of each child or if a child is absent.

(4) Every operator shall ensure that up-to-date records are kept in respect of each handicapped child who is enrolled in a day nursery operated by the operator or a location where private-home day care is provided by the operator and who is funded under the Act or under the *Developmental Services Act*, that include,

- (a) where applicable, consent forms signed by a parent of the child allowing participation of the child in any special programs or services;
- (b) a record of all referrals with respect to the child;
- (c) a record of all home visits to the child by staff of the day nursery or the private-home day care agency; and
- (d) a summary of any assessments carried out on the child together with the date of the assessment.

(5) Every operator shall ensure that the records required to be maintained under this section with respect to a child are retained for at least two years after the discharge of the child. O. Reg. 760/83, s. 48.

49. No operator shall require as a condition of enrolling a child in a day nursery or with a private-home day care agency operated by the operator a prior consent from a parent of the child to the release of information with respect to the child. O. Reg. 760/83, s. 49.

REGISTERS AND AGREEMENTS

50. Every operator of a private-home day care agency shall ensure that an up-to-date register that lists the addresses of each location where private-home day care is provided by the operator, the names and addresses of the children enrolled in each location and the name of the person in charge of the children in each location is maintained at the head office of the private-home day care agency. O. Reg. 760/83, s. 50.

51.—(1) Every operator of a private-home day care agency shall enter into an agreement with each person in charge of a location where private-home day care is provided by the operator and shall keep a copy of each such agreement at the head office of the private-home day care agency.

(2) Every operator who agrees to provide day nursery services or private-home day care on behalf of a municipality or band shall ensure that a copy of the agreement with the municipality or band is kept at the head office of the day nursery or private-home day care agency. O. Reg. 760/83, s. 51.

PROGRAM

52.—(1) Every operator shall ensure that there is a written statement that outlines the program philosophy and method of operation of each program provided by the operator and that,

- (a) contains the information required under subsection (2);
- (b) is reviewed annually by the operator;
- (c) is reviewed with a parent of a child prior to enrolling the child in a day nursery operated by the operator or in a location in which private-home day care is provided by the operator and whenever a revision of the statement occurs.

(2) A statement referred to in subsection (1) shall set out,

- (a) the services offered and the age range served;
- (b) the times when the services are offered and the holidays observed;
- (c) the fee for services and the admission and discharge policy; and
- (d) the particular approach of the program including,
 - (i) the philosophy of the program,
 - (ii) program development,
 - (iii) personal and health care, including nutrition,
 - (iv) parental involvement,
 - (v) behaviour management,
 - (vi) specialized services, including individual program plans for handicapped children, and
 - (vii) activities off the premises. O. Reg. 760/83, s. 52.

53.—(1) Every operator shall ensure that there is a program of activities to be used in each day nursery operated by the operator or

in each location where private-home day care is provided by the operator that is varied and flexible and that includes the following activities appropriate for the developmental levels of the children enrolled:

1. Group and individual activities.
 2. Activities designed to promote gross and fine motor skills, language and cognitive, social and emotional development.
 3. Active and quiet play.
- (2) Every operator shall ensure that the program of activities referred to in subsection (1) is,
- (a) in the case of a day nursery operated by the operator, set out in a daily program plan that is posted in the day nursery and that is available at all times to any parent whose child is enrolled in the day nursery; and
 - (b) in the case of a private-home day care agency operated by the operator, provided to each location where private-home day care is provided by the operator and made available at any time to any parent whose child is enrolled with the private-home day care agency.
- (3) Every operator of a day nursery shall ensure that any variation in a daily program plan of a day nursery operated by the operator is noted in a daily written record kept for the purpose by the day nursery.
- (4) Every operator of a day nursery shall ensure that the daily program in each day nursery operated by the operator is so arranged that,
- (a) infants not yet able to walk are separated from other children during active indoor and outdoor play periods;
 - (b) children under thirty months of age are separated from other children during active indoor and outdoor play periods, except in the case of handicapped children;
 - (c) children under six years of age are separated from older children during indoor and outdoor play periods, except in the case of handicapped children;
 - (d) each child over thirty months of age that is in attendance for six hours or more in a day plays outdoors for at least two hours each day, weather permitting, unless a physician or parent of the child advises otherwise in writing.
- (5) Every operator shall ensure that the daily program in each day nursery operated by the operator and in each location where private-home day care is provided by the operator is so arranged that,
- (a) each child over eighteen months of age up to and including five years of age that is in attendance for six hours or more in a day has a rest period not exceeding two hours in length following the mid-day meal;
 - (b) each child under thirty months of age that is in attendance for six hours or more in a day is outdoors for sleep or play or both for a period of up to two hours each day, weather permitting, unless a physician or parent of the child advises otherwise in writing; and
 - (c) a child who is unable to sleep during the rest period is not kept in bed for longer than one hour and is permitted to engage in quiet activities.
- (6) Every operator of a private-home day care agency shall ensure that the daily program in each location where private-home day care is provided by the operator includes outdoor play for each child who is over thirty months of age who is in attendance for six hours or more. O. Reg. 760/83, s. 53.

54.—(1) Every operator shall ensure that a written program plan and training or treatment plans are developed for each handicapped child who is enrolled in a day nursery operated by the operator or a location where private-home day care is provided by the operator and who is funded under the Act or the *Developmental Services Act*.

(2) Every operator of an integrated day nursery shall ensure that the daily program of the day nursery is so structured that,

- (a) it will accommodate the individual training or treatment plans of each handicapped child referred to in subsection (1), for each day that the child is in attendance; and
- (b) the activity programs are appropriate for the ages and developmental levels of the children enrolled in the day nursery.

(3) Where a handicapped child referred to in subsection (1) is enrolled with a private-home day care agency, the operator of the private-home day care agency shall ensure that the training or treatment given the child is in accordance with the training or treatment plans developed for the child. O. Reg. 760/83, s. 54.

STAFF NUMBERS AND GROUP SIZE

55.—(1) Every operator of a day nursery shall ensure that the children enrolled in each day nursery operated by the operator are placed in groups according to age as set out in Schedule 3 or 4, as the case may be, except where a Director approves otherwise in accordance with subsection (2).

(2) A Director may approve the placement of children in one age group with children in another age group if,

- (a) the children that are placed are from the next younger age group;
- (b) the number of children placed from the younger group does not exceed 20 per cent of the maximum group size allowed for the older group with which they are placed; and
- (c) younger children are placed in not more than one group for each age category as set out in Schedule 3 for each day nursery operated by the operator.

(3) The number of employees required for the care and guidance of the children enrolled in a day nursery when on the premises or during activities off the premises shall be determined by the operator of the day nursery in accordance with the ratios set out in Column 2 of Schedule 3 or 4, unless otherwise approved by a Director.

(4) Every operator of an integrated day nursery or private-home day care agency shall employ one resource teacher to plan and direct the individual and small group training for every four handicapped children who are enrolled in the day nursery operated by the operator or location where private-home day care is provided by the operator and who are funded under the Act or under the *Developmental Services Act*, unless otherwise approved by a Director.

(5) A resource teacher shall not be included when calculating the number of employees under subsection (3).

(6) Despite subsection (1), except where the children enrolled are under eighteen months of age, during the periods of arrival and departure of children and during the rest period the ratio of employees to children may be reduced to less than that set out in Schedule 3 or 4, as the case may be, if the observed ratio is not less than two-thirds of the required ratio.

(7) Where,

- (a) fewer than five full-time employees are required to meet the ratios as set out in Schedule 3 or 4, the supervisor may be counted as a full-time employee;
- (b) five or six full-time employees are required to meet the

ratios as set out in Schedule 3 or 4, a full-time supervisor may be counted as a full-time employee for up to half the time a full-time employee is required to be on staff; and

- (c) seven or more full-time employees are required to meet the ratios as set out in Schedule 3 or 4, the supervisor shall not be counted as an employee.
- (8) Every operator of a day nursery shall ensure that where there are in attendance at a day nursery operated by the operator,
- (a) fewer than six children eighteen months of age or over, there is at least one adult in attendance;
 - (b) six or more children eighteen months of age or over, there are at least two adults in attendance;
 - (c) fewer than four children under eighteen months of age, there is at least one adult in attendance; and
 - (d) four or more children under eighteen months of age, there are at least two adults in attendance. O. Reg. 760/83, s. 55.

56.—(1) Every operator of a private-home day care agency shall ensure that the number of children, including the children of the person in charge, who are under six years of age in attendance at each location where private-home day care is provided by the operator does not exceed five and that the following number of children in each of the following classifications is not exceeded at any one time:

1. Two handicapped children.
2. Two children, who are under two years of age.
3. Three children, who are under three years of age.
4. One handicapped child and one child who is under two years of age.
5. One handicapped child and two children who are over two years of age but under three years of age. O. Reg. 760/83, s. 56 (1); O. Reg. 592/84, s. 2.

(2) Every operator of a private-home day care agency shall establish a maximum capacity in accordance with subsection (1) for each location where private-home day care is provided by the operator and this capacity shall be set out in the agreement between the operator and the person in charge of the children in that location. O. Reg. 760/83, s. 56 (2).

57. Every operator shall ensure that every child who is in attendance in a day nursery operated by the operator or in a location where private-home day care is provided by the operator is supervised by an adult at all times. O. Reg. 760/83, s. 57.

STAFF QUALIFICATIONS

- 58.** A supervisor shall be a person who,
- (a) holds,
 - (i) a diploma in early childhood education from an Ontario College of Applied Arts and Technology, or
 - (ii) an academic qualification that a Director considers equivalent to a diploma referred to in subclause (i);
 - (b) has at least two years of experience working in a day nursery with children who are at the same age and developmental levels as the children in the day nursery where the supervisor is to be employed; and
 - (c) is approved by a Director,
- or is in the opinion of a Director capable of planning and directing

the program of a day nursery, being in charge of children and overseeing staff. O. Reg. 760/83, s. 58.

59.—(1) Every operator of a day nursery, except a day nursery for handicapped children, shall employ in each day nursery operated by the operator at least one person for each group of children set out in Column 3 of Schedule 3 who,

- (a) holds,
 - (i) a diploma in early childhood education from an Ontario College of Applied Arts and Technology, or
 - (ii) an academic qualification that a Director considers equivalent to a diploma referred to in subclause (i); or
- (b) is otherwise approved by a Director.

(2) Every operator of a day nursery for handicapped children shall employ in each such day nursery operated by the operator at least one person who holds the qualifications set out in subsection (1) for each group of children set out in Column 3 of Schedule 4. O. Reg. 760/83, s. 59.

60. A resource teacher shall be a person who,

- (a) holds,
 - (i) a diploma in early childhood education from an Ontario College of Applied Arts and Technology, or
 - (ii) an academic qualification that a Director considers equivalent to a diploma referred to in subclause (i);
- (b) has completed a post-secondary program of studies approved by a Director that is both theoretical and practical and that relates to the needs of handicapped children; and
- (c) if working with multi-handicapped children, has a current standard Red Cross or standard St. John's Ambulance certificate in first-aid,

or is in the opinion of a Director capable of planning and directing individual and small group training for handicapped children. O. Reg. 760/83, s. 60.

61. A private-home day care visitor shall be a person who,

- (a) has completed a post-secondary program of studies, approved by a Director, in child development and family studies;
- (b) has at least two years of experience working with children who are at the same age and developmental levels as the children enrolled with the private-home day care agency where the person is to be employed; and
- (c) is approved by a Director,

or is in the opinion of a Director capable of providing support and supervision in a location where private-home day care is being provided. O. Reg. 760/83, s. 61.

HEALTH ASSESSMENTS AND IMMUNIZATION

62.—(1) Every operator of a day nursery shall ensure that, before commencing employment, each person employed in each day nursery operated by the operator has a health assessment and immunization as recommended by the local medical officer of health.

(2) Subsection (1) does not apply where the person objects in writing to the immunization on the ground that the immunization conflicts with the sincerely held convictions of the person based on the person's religion or conscience or a legally qualified medical

practitioner gives medical reasons in writing to the operator as to why the person should not be immunized.

(3) Every operator of a private-home day care agency shall ensure that, before any child being provided with private-home day care, each person in charge of a location where private-home day care is provided by the operator and each person ordinarily resident on the location or regularly on the premises has a health assessment and immunization as recommended by the local medical officer of health.

(4) Subsection (3) does not apply where the person, or where the person is a child, a parent of the person, objects in writing to the immunization on the ground that the immunization conflicts with the sincerely held convictions of the person or parent based on the person's or parent's religion or conscience or a legally qualified medical practitioner gives medical reasons in writing to the operator as to why the person should not be immunized. O. Reg. 119/86, s. 3.

STAFF TRAINING AND DEVELOPMENT

63. Every operator of a day nursery for handicapped children or a private-home day care agency shall ensure that there are written policies and procedures with respect to staff training and development for employees in each day nursery operated by the operator, private-home day care visitors employed by the operator and each person in charge of a location where private-home day care is provided by the operator. O. Reg. 760/83, s. 63.

FINANCIAL RECORDS AND RETURNS

64.—(1) Every operator, except an approved corporation, shall keep financial records for each day nursery or private-home day care agency operated by the operator and shall retain such financial records for at least six years from the time of their making.

(2) The financial records referred to in subsection (1) shall show at least the,

- (a) assets;
- (b) liabilities;
- (c) income;
- (d) expenses; and
- (e) accumulated surplus and deficit,

of the day nursery or private-home day care agency, as the case may be. O. Reg. 760/83, s. 64.

65.—(1) Every approved corporation shall keep separate books of account for each day nursery maintained and operated by it and shall retain these books of account for at least six years from the date of the last entry in a book for a particular year.

- (2) The books of account referred to in subsection (1) shall,
 - (a) set forth the revenue and expenditures of the approved corporation;
 - (b) contain a record of money received by the approved corporation from sources other than under the Act and this Regulation; and
 - (c) be audited annually by a licensed public accountant who is not a member of the board of the approved corporation.
- (3) Every approved corporation shall furnish to a Director for each day nursery maintained and operated by it,
 - (a) not later than the last day of the fourth month following the end of each fiscal year, a financial statement of each day nursery for the immediately preceding fiscal year, including a calculation of operating subsidy based upon and recon-

ciled with operating surplus or deficit, as the case may be, and the operating subsidy shall be compared with the subsidy paid by Ontario during the year and a calculation made of the balance owing by or repayable to Ontario; and

- (b) not later than the last day of the fourth month following the end of each fiscal year, a report of a licensed public accountant stating whether, in the accountant's opinion,
 - (i) the accountant has received all the information and explanations that the accountant has required,
 - (ii) the financial statement is in accordance with the books and records of the day nursery,
 - (iii) the calculation of the payment of provincial aid is in accordance with this Regulation, and
 - (iv) the financial statement has been prepared in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding year; and
- (c) such other financial and statistical information as the Minister may require.
- (4) The fiscal year of an approved corporation is the period designated by the Minister as the fiscal year of the approved corporation. O. Reg. 760/83, s. 65.

66. Every operator shall, in respect of each day nursery or private-home day care agency operated by the operator, furnish to a Director such statistical information as the Director may require with respect to the operation of the day nursery or private-home day care agency. O. Reg. 760/83, s. 66.

COMPUTATION OF PROVINCIAL GRANT

67.—(1) Every municipality, band or approved corporation claiming payment under section 8 of the Act shall annually before a date fixed by a Director in each year prepare and submit to a Director, on a form provided by the Minister, an estimate of costs, revenue and subsidy payable for the next fiscal year.

(2) A municipality, band or approved corporation may at any time during the fiscal year after the estimate has been approved by a Director submit an amendment to the estimate for the fiscal year.

(3) The Director may approve the amount of any estimate or amendment thereto, as the case may be, as submitted under subsection (1) or (2) or the Director may vary the amount of the estimate or the amendment and approve the amount as so varied.

(4) Subject to subsection (5), an amount payable to a municipality, band or approved corporation shall be calculated in accordance with section 68 but the total amount payable shall not exceed the total amount of the estimate as finally approved by a Director.

(5) An amount paid under section 68 for a fiscal year may be adjusted upon receipt of the annual financial statement of an approved corporation referred to in section 65 or the financial information of a municipality or band referred to in section 64, as the case may be.

(6) The amount of an adjustment referred to in subsection (5) shall either be paid to the municipality, band or approved corporation by Ontario or refunded by the municipality, band or approved corporation to Ontario, as the case may be.

(7) The money paid under this section to a municipality, band or approved corporation shall be expended by it only in accordance with the estimate finally approved by the Director.

(8) Every municipality, band or approved corporation applying for a payment under section 8 of the Act shall apply to a Director on

a form provided by the Minister before the 20th day of the month following the month for which the payment is claimed.

(9) Any part approved by a Director of the estimated monthly amount payable under section 68 may be paid in advance of making an application under subsection (8), subject to adjustment upon receipt by a Director of an application under that subsection for that month. O. Reg. 760/83, s. 67.

68.—(1) Subject to subsection (3), the amount payable under section 8 of the Act to a municipality or band is,

- (a) 80 per cent of the net cost of providing day nursery services to a child in attendance at a day nursery operated by the band;
- (b) 80 per cent of the net cost of providing day nursery services at a day nursery operated by the municipality to a child whose parent is a person in need;
- (c) 80 per cent of the net cost incurred under an agreement to provide day nursery services or private-home day care, or both, to a child whose parent is a person in need;
- (d) 80 per cent of the net administrative costs of providing day nursery service at a day nursery operated by the municipality to a child whose parent is a person in need;
- (e) 80 per cent of the net administrative costs incurred by the municipality under an agreement to provide day nursery service or private-home day care or both to a child whose parent is a person in need; and
- (f) 80 per cent of the costs incurred by the municipality in the completion of Form 1. O. Reg. 760/83, s. 68 (1); O. Reg. 500/84, s. 3; O. Reg. 533/84, s. 1.

(2) Subject to subsection (3), the amount payable under section 8 of the Act to an approved corporation is 80 per cent of the operating cost of providing day nursery services in a day nursery operated by the corporation to a child whose parent is a person in need if the amount payable under the Act is calculated in such a manner that the amount payable plus the fees payable by the parents who are persons in need does not exceed the operating cost. O. Reg. 760/83, s. 68 (2).

(3) The amount payable under section 8 of the Act in respect of handicapped children is,

- (a) to a municipality, band or approved corporation for providing day nursery services to a handicapped child in attendance at a day nursery operated by the municipality, band or approved corporation,
 - (i) 100 per cent of the net cost for each handicapped child five years of age or older, and
 - (ii) 87 per cent of the operating cost for each handicapped child under five years of age if the amount payable under the Act is calculated in such a manner that the amount payable plus the fees payable by the parents does not exceed the operating cost; and
- (b) to a municipality or band, under an agreement to provide day nursery services or private home day care or both,
 - (i) 100 per cent of the net cost for each handicapped child five years of age or older, and
 - (ii) 87 per cent of the operating cost for each handicapped child under five years of age if the amount payable under the Act is calculated in such a manner that the amount payable plus the fees payable by the parents does not exceed the operating cost. O. Reg. 760/83, s. 68 (3); O. Reg. 467/87, s. 2 (1).

(4) The available income of a person for the purpose of this Regulation shall be determined by a welfare administrator, a Director or such person as the Director approves, in accordance with Form 1. O. Reg. 467/87, s. 2 (2).

(5) In determining whether a person is a person in need there may be excluded in determining available income an exemption on net earnings not exceeding an amount equal to 25 per cent of the monthly net earnings of the person. O. Reg. 760/83, s. 68 (5), *revised*.

69.—(1) An application for payment under section 9 of the Act for a building project shall be made to the Minister on a form provided by the Minister.

(2) An applicant who applies under subsection (1) shall file with the Minister two copies of a site plan showing the location of the building or buildings, if any, on the site and, in the case of a building project with one or more of the elements referred to in paragraph 1, 2, 5 or 7 of the definition of "building project" in Section 1,

- (a) building plans and specifications prepared by an architect or professional engineer showing the structure, fixtures and arrangements of the building or buildings and describing the areas of the building or buildings to be used for the purposes of the Act; or
- (b) where the Minister approves, structural sketches and specifications prepared by a person other than an architect or professional engineer describing the building or buildings and the areas of the building or buildings or contiguous to the building or buildings to be used for the purposes of the Act,

and the site plan, the building plans and specifications or the structural sketches and specifications, as the case may be, shall be approved by the Minister.

(3) No plan, specification or structural sketch filed with the Minister shall be amended or altered without the approval of the Minister. O. Reg. 760/83, s. 70.

70.—(1) No payment under section 9 of the Act shall be made for a building project except where,

- (a) the building project has been approved by the Minister;
- (b) the approved cost has been determined; and
- (c) the approvals of the Minister under section 6 of the Act, subsections 69 (2) and (3) and section 71 of this Regulation have been obtained. O. Reg. 760/83, s. 71 (1); O. Reg. 24/88, s. 2.

(2) An approval of a building project by the Minister referred to in subsection (1) expires on the first anniversary of the date upon which the approval is given unless the building project has been commenced before such anniversary date.

(3) A payment under section 9 of the Act may be paid as a single payment or in two or more instalments and, except where the Minister directs otherwise, the aggregate of the amounts of the payments made at any point in time shall not exceed the greater of,

- (a) an amount that bears the same proportion to the estimated total payment as the amount of progress made at the time towards completion of the project bears to the total estimated amount of work required for completion; and
- (b) an amount that bears the same proportion to the estimated total payment as the amount of cost incurred at the time bears to the total estimated cost of the project.

(4) A single payment or, in the case of payment in two or more instalments the final payment of an amount payable for a building project shall not be made until,

- (a) an architect or professional engineer certifies, or the Minister is otherwise satisfied, that the building project has been completed in accordance with the plans filed under clause 69 (2) (a) or the sketches thereof approved by the Minister under clause 69 (2) (b) and the building or addition is ready for use and occupancy; and
- (b) the applicant for the payment submits a report stating,
 - (i) the actual cost of the building project,
 - (ii) that the total of the unpaid accounts applicable to the building project does not exceed the amount of the grant remaining to be paid,
 - (iii) that the amount of the grant remaining to be paid will be applied first to the payment of the unpaid accounts, and
 - (iv) that all refundable sales tax has been taken into account. O. Reg. 760/83, s. 71 (2-4).

71. No applicant for or recipient of a payment under section 9 of the Act for a building project shall, without the approval of the Minister,

- (a) acquire a building or land for the building project;
- (b) call tenders for the building project;
- (c) commence construction of the building project; or
- (d) erect any temporary or permanent sign, tablet or plaque on the single or building project. O. Reg. 760/83, s. 72.

72. Expenditures incurred by a municipality, band or approved corporation for furnishings or equipment that are not replacements or for repairs to or maintenance of a capital asset that,

- (a) are approved by the Minister as capital expenditures;
- (b) are, in the opinion of the Minister, necessary for the efficient operation of the day nursery and the cost of which is not excessive for the purpose; and
- (c) are in excess of \$1,000,

are capital expenditures for which a grant may be paid, upon application by the municipality, band or approved corporation, in an amount equal to 80 per cent of the approved expenditures incurred. O. Reg. 760/83, s. 73; O. Reg. 499/85, s. 1.

73. Every municipality, band or approved corporation that receives a payment under this Regulation shall keep and maintain a current inventory of all furnishings and equipment acquired by it and the inventory shall set forth each addition to or removal from inventory and the reasons therefor and shall be prepared in such manner as a Director may require. O. Reg. 760/83, s. 74.

74. It is a term and condition of a payment of a capital grant under the Act in respect of a building, buildings or land forming part of a building project that the applicant for payment shall enter into an agreement with the Minister in which the applicant shall,

- (a) agree not to change the site, structure, use of or sell, agree to sell, lease, mortgage, encumber, donate or otherwise dispose of all or any part of the building, buildings or land without the approval of the Minister;
- (b) agree not to demolish or make alterations or additions to all or any part of the building or buildings without the approval of the Minister; and
- (c) agree to reimburse the Ministry in the same ratio as the Ministry's contribution to the acquisition of the building, buildings or land, the construction of the building or build-

ings or the renovations upon termination of the agreement or where there is contravention of any term of the agreement or where a circumstance set out in clause (a) or (b) takes place. O. Reg. 499/85, s. 2.

LICENCES AND APPLICATIONS

75.—(1) A provisional licence to establish, operate or maintain a day nursery shall be in Form 2.

(2) A provisional licence to establish, operate or maintain a private-home day care agency shall be in Form 3.

(3) A licence to establish, operate or maintain a day nursery shall be in Form 4.

(4) A licence to establish, operate or maintain a private-home day care agency shall be in Form 5. O. Reg. 592/84, s. 3.

(5) An application for a licence or a renewal thereof shall be made to a Director in a form provided by the Minister and shall be accompanied by such other information as the Director considers necessary to enable the Director to determine whether the applicant, if licensed, would be in compliance with the Act and this Regulation.

(6) Subject to subsection (7), a licence or renewal thereof expires with the anniversary date on which the licence or renewal was issued.

(7) A Director may issue or renew any licence for such period as the Director considers proper, but in no case shall the period be for more than one year.

(8) The fee payable by an applicant for a licence other than a renewal is \$10.

(9) The fee payable for the renewal of a licence is,

(a) \$5, where the application for the renewal of the licence is made on or before the anniversary date in the year in which the licence or the renewal thereof expires; and

(b) \$25, where the application for the renewal of the licence is made after the anniversary date in the year in which the licence or the last renewal thereof expires.

(10) For the purpose of subsection (9), an application for the renewal of a licence shall be deemed to have been made on the day on which it is received by a Director.

(11) Every operator shall ensure that the operator's licence is posted in a conspicuous place in the day nursery or office of the private-home day care agency, as the case may be.

(12) An application to a private-home day care agency to provide private-home day care shall be in a form provided by the Minister. O. Reg. 760/83, s. 75 (3-10).

HEARINGS

76.—(1) A notice that a Director is required to give to an applicant or licensee under subsection 13 (1) of the Act shall be in Form 6.

(2) The Director shall serve the notice under subsection (1), accompanied by two copies of Form 7 in accordance with subsection 20 (1) of the Act.

(3) A notice that an applicant or licensee may give to the Director and to the Board under subsection 13 (2) of the Act or subsection 14 (1) of the Act shall be in Form 7.

(4) The Board shall serve notice on the parties to the hearing in Form 8 within fifteen days of receiving the notice of the request for the hearing in Form 7.

(5) The Board shall send the notice under subsection (1) to each

party to the hearing by registered mail addressed to the party at the party's address last known to the Board. O. Reg. 760/83, s. 76.

GENERAL

77. Where an approval is required by a Director or where something is to be done as required by a Director under this Regulation, the approval or requirement is prescribed to be a power of a Director. O. Reg. 760/83, s. 77.

78. A municipality that operates a recreational program that is funded by the Ministry of Tourism and Recreation is, until the expiry of the 31st day of July, 1991, exempt from the application of subsection 11 (1) of the Act. O. Reg. 467/87, s. 3; O. Reg. 439/89, s. 1; O. Reg. 383/90, s. 1.

79. The following day nurseries are, until the 31st day of July, 1991, exempt from the application of subsection 11 (1) of the Act:

1. Blue Hills Academy, Town of Richmond Hill.
2. Children's Assessment and Treatment Centre, Burlington.
3. Peel Children's Centre, City of Mississauga.
4. George Hull Centre, Metropolitan Toronto.
5. Adventure Place, Metropolitan Toronto.
6. Preschool Discoveries, Metropolitan Toronto.
7. Strothers Centre, Metropolitan Toronto.
8. West End Creche, Metropolitan Toronto.
9. Aisling Centre for Children and Families, Metropolitan Toronto.
10. Jessie's (Section II), Metropolitan Toronto.
11. Muki Baum (Section II), Metropolitan Toronto.
12. Scadding Court Community Centre, Metropolitan Toronto.
13. St. Bartholomew's Children's Centre Regent Park Inc., Metropolitan Toronto.

14. Madame Vanier Children's Centre, London.
15. Sarnia-Lambton Centre for Children and Youth, Sarnia.
16. The Child's Place, Windsor.
17. Kingston Preschool Centre, City of Kingston.
18. Durham House, City of Oshawa.
19. Royal Ottawa Hospital, Regional Municipality of Ottawa-Carleton.
20. Belleville Parent-Child Clinic, City of Belleville.
21. Lennox and Addington Family and Children's Services, Napanee. O. Reg. 383/90, s. 2.

80. A notice under clause 15 (2) (b) of the Act shall be in Form 9. O. Reg. 467/87, s. 5.

PUBLICATION

81.—(1) No municipality, band or approved corporation shall print for public distribution, broadcast or post up in a public place or cause to be so printed, broadcast or posted up or otherwise cause to be made public, the identity of any person referred to in a claim, return or report required to be made under the Act or this Regulation who is eligible for or receives assistance under the Act or this Regulation.

(2) Subsection (1) does not apply to the exchange of information between a municipality, band or approved corporation and the Ministry, the Government of Canada, the government of any other province or a territory of Canada or an agency of any of them in order to verify information for the purpose of determining or verifying the eligibility of any person for assistance.

(3) For purposes of subsection (2), "agency" includes the operator of a day nursery or a private home day care agency.

(4) It is a condition of the making of any payment to a municipality, band or approved corporation that it comply with this section.

(5) A payment owing under this Regulation to a municipality, band or approved corporation that fails to comply with subsection (1) may be suspended or withheld. O. Reg. 621/87, s. 1.

Schedule 1

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Food Group	Range of Serving Size Children under six years of age but more than one year old	Range of Serving Size Children six years of age and over
1.	Milk and milk products	125 to 175 millilitres	175 to 250 millilitres
2.	Meat and alternates	30 to 60 grams	60 to 90 grams
3.	Bread and cereals	½ to 1 slice or 50 to 125 millilitres	1 slice or 125 to 175 millilitres
4.	Fruits and vegetables	¼ to 1 whole fruit or 80 to 125 millilitres	1 whole fruit or 125 millilitres

O. Reg. 760/83, Sched. 1.

Schedule 2

ITEM	COLUMN 1	COLUMN 2
	Food Group	Amounts offered each Child in attendance for six hours or more
1.	Milk and milk products	250 to 375 millilitres
2.	Meat and alternates	60 to 90 grams
3.	Bread and cereals	1½ to 2½ slices or 175 to 450 millilitres
4.	Fruits and vegetables	2 to 2½ whole fruits or 250 to 300 millilitres

O. Reg. 760/83, Sched. 2.

Schedule 3

**NUMBER OF STAFF REQUIRED FOR A DAY NURSERY
OTHER THAN A DAY NURSERY FOR HANDICAPPED CHILDREN**

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Age of Children in Group	Ratio of Employees to Children	Maximum Number of Children in a Group
1.	Under 18 months of age	3 to 10	10
2.	18 months of age and over up to and including 30 months of age	1 to 5	15
3.	More than 30 months of age up to and including 5 years of age	1 to 8	16
4.	Over 5 years of age and less than 6 years of age	1 to 12	24
5.	6 years of age and over up to and including 12 years of age	1 to 15	30

O. Reg. 760/83, Sched. 3; O. Reg. 621/87, s. 2; O. Reg. 143/88, s. 2.

Schedule 4

NUMBER OF STAFF REQUIRED FOR A DAY NURSERY FOR HANDICAPPED CHILDREN

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Age of Children in Group	Ratio of Employees to Children	Maximum Number of Children in Group
1.	2 years of age and over but less than 6 years of age	1 to 4	4
2.	6 years of age and over up to and including 18 years of age	1 to 3	3

O. Reg. 760/83, Sched. 4.



Ministry of
Community and
Social Services

Ontario

Form 1

Day Nurseries Act

DETERMINATION OF AVAILABLE INCOME

Name of Parent	Telephone number Residence	Business
Address	Social Insurance number Mother	
	Father	

Family Composition—Adults and Children

Name	Age	School or Occupation

Liquid Assets

Type	Amount
Total	

Part II—Monthly Budgetary Needs (Family)

9. Basic needs—See Guidelines	
10. Special Diets	
11. Heat	
12. Telephone	
13. Sub-total	
14. Contingencies—20% of Item 13	
15. Add Items 13 and 14 Sub-total	
16. Rent	
17. Mortgage Payment (Principal and Interest)	
18. Property Taxes	
19. Debt Payments	
20. Travel and Transportation	
21. Drugs	
22. Dental Services	
23. Optical Services	
24. Health Services	
25. Other—as approved	
26. Add Items 15 to 25 Sub-total	
27. Available Monthly Income less Budgetary Items (Item 8 less Item 26)	
28. Exemption on Net Earnings Item 1: \$ × %	
29. Available Monthly Income (Item 27 less Item 28)	

Part I—Monthly Income (Adults)

1. Net Earnings	\$	
2. Boarder Revenue	\$	
3. Rental Revenue	\$ × 60%	
4. Pension		
5. Unemployment Insurance or Training Allowance		
6. Separation or Alimony Payment		
7. Other (specify)		
8. Monthly Income (Items 1 to 7)		

I certify that the above information provided by me is correct.

Date	Signature of Parent
Date	Signature of Administrator or Designate (Municipal staff)

Part III—Computation of Available Daily Income

30. Available daily income = total available monthly income (Item 29 above) divided by 21.75 × number of children in family enrolled in day care program

$$\$ \dots\dots\dots = \$ \frac{\dots\dots\dots}{21.75 \times \dots\dots\dots}$$

Part IV—Calculation of Monthly Cost to Municipality or Band

(For use of Municipality or Band only)

31. Total monthly cost of day nursery services or private home day care under agreement:

$$\$ \dots\dots\dots \text{ per day} \times \dots\dots\dots \text{ (aggregate number of days for all children in family enrolled in day care program)}$$

32. Parental contribution = Available daily income (Item 30) × aggregate days of service for all children in the family enrolled in the day care program

$$\text{Item 30} \dots\dots\dots \times \text{days of service}$$

33. Monthly cost to Municipality or Band

$$\text{Item 31} \dots\dots\dots \text{ less Item 32}$$

Completion of this form must be in accordance with the Ministry Guidelines for Determination of Available Income

Consent to Inspect Assets

I,, an applicant for services under the *Day Nurseries Act*, and I,, spouse of the above applicant
 (complete only where applicable)
 consent that:

- The Administrator or his or her authorized representative

 inspect and have access to any account or safety deposit box held by me alone or jointly, in any bank, trust corporation or other financial institution or to any assets held by me or on my behalf by any person, or any records relating to any of them.
- The Administrator or his or her authorized representative

 secure information in respect of any life or accident insurance policy on my late spouse.

.....
(Name of late spouse—complete only where applicable)

Dated at, this day of, 19.....

Witness: Signature of Applicant:

Address:

Dated at, this day of, 19.....

Witness: Signature of Spouse where applicable:

Address, if different:



Ministère des
Services sociaux
et communautaires

Ontario

Formule 1

Loi sur les garderies

ÉTABLISSEMENT DU REVENU DISPONIBLE

Nom du père ou de la mère	Numéro de téléphone Résidence	Travail
Adresse	Numéro d'assurance sociale Mère	
	Père	

Composition de la famille— Adultes et enfants

Nom	Âge	École ou profession

Biens liquides

Type	Montant
Total	

Partie I— Revenu mensuel (adultes)

1. Revenus nets	\$	
2. Revenu provenant d'un ou de pensionnaire(s)	\$	
3. Revenu locatif	\$	× 60%
4. Pension		
5. Assurance-chômage ou allocation de formation		
6. Pension alimentaire		
7. Autre revenu (préciser)		
8. Revenu mensuel (postes 1 à 7)		

Partie II— Budget mensuel (famille)

9. Besoins fondamentaux— Voir directives	
10. Régimes alimentaires spéciaux	
11. Chauffage	
12. Téléphone	
13. Total partiel	
14. Impondérables— 20% du poste 13	
15. Additionner les postes 13 et 14 Total partiel	
16. Loyer	
17. Versement hypothécaire (principal et intérêt)	
18. Impôts fonciers	
19. Remboursement de dettes	
20. Déplacements et transports	
21. Médicaments	
22. Soins dentaires	
23. Soins de la vue	
24. Soins médicaux	
25. Autres dépenses (approuvées)	
26. Additionner les postes 15 à 25 Total partiel	
27. Revenu mensuel disponible moins dépenses prévues (poste 8 moins poste 26)	
28. Exemption applicable aux revenus nets poste 1 : \$ × %	
29. Revenu mensuel disponible (poste 27 moins poste 28)	

J'atteste que les renseignements que j'ai fournis ci-dessus sont exacts.

Date	Signature du père ou de la mère
Date	Signature de l'administrateur ou de la personne habilitée à cette fin (employé de la municipalité)

Partie III – Calcul du revenu quotidien disponible

30. Revenu quotidien disponible = total du revenu mensuel disponible (poste 29 ci-dessus) divisé par 21,75 × nombre d'enfants de la famille inscrits à un programme de garde

..... \$ = $\frac{\text{.....}}{21,75 \times \text{.....}}$ \$

Partie IV – Calcul des frais mensuels engagés par la municipalité ou la bande
(À l'usage de la municipalité ou de la bande seulement)

31. Total des frais mensuels engagés pour fournir des services de garderie ou de garde d'enfants en résidence privée en vertu d'une entente :

..... \$ par jour × (nombre total de jours pour tous les enfants de la famille inscrits à un programme de garde)

32. Contribution du père ou de la mère = revenu quotidien disponible (poste 30) × nombre total de jours de service pour tous les enfants de la famille inscrits au programme de garde

Poste 30 × nombre de jours de service

33. Frais mensuels engagés par la municipalité ou la bande

Poste 31 moins poste 32

Cette formule doit être remplie conformément aux directives du ministère pour l'établissement du revenu disponible

Consentement à l'inspection des biens

Je soussigné(e),, auteur de la demande de services aux termes de la *Loi sur les garderies*, et je soussigné(e),, conjoint (à remplir s'il y a lieu) de l'auteur de la demande précité consens/consentons à ce que :

1. L'administrateur ou son représentant autorisé

ait accès à tout compte ou coffret de sûreté que je détiens, seul(e) ou conjointement, dans une banque, une société de fiducie ou toute autre institution financière et à tout bien détenu par moi-même ou par quiconque pour mon compte, et à tous documents s'y rapportant, et puisse les inspecter.

2. L'administrateur ou son représentant autorisé

obtienne des renseignements relatifs à toute police d'assurance-vie ou d'assurance-accident touchant mon conjoint défunt.

.....
(Nom du conjoint défunt à remplir s'il y a lieu)

Fait à, le, 19.....

Témoïn :

Signature de l'auteur de la demande :

Adresse :

Fait à, le, 19.....

Témoïn :

Signature du conjoint s'il y a lieu :

Adresse, si elle est différente :

Form 2

Day Nurseries Act

PROVISIONAL LICENCE TO OPERATE A DAY NURSERY

No. Date of Issue

Under the Day Nurseries Act and the regulations, and subject to the limitation thereof, this licence is granted to: (name of applicant)

of the of (county, district)

to operate a day nursery under the name of

at (street and number or rural route)

in the of (city, town, regional municipality)

in the of (county, district)

1. This licence expires on the day of, 19.....

2. The applicant does not meet the following requirements for issuance/renewal of a licence:

.....
.....
.....

3. Licensed capacity of day nursery:

.....
.....

4. This licence is subject to the following terms and conditions:

.....
.....

..... (Signature of Director)

O. Reg. 119/86, s. 5 (1).

Form 3

Day Nurseries Act

PROVISIONAL LICENCE TO OPERATE A PRIVATE-HOME DAY CARE AGENCY

No. Date of Issue

Under the Day Nurseries Act and the regulations, and subject to the limitations thereunder, this licence is granted to: (name of applicant)

of the of (county, district)

to operate a private-home day care agency under the name of

at (street and number or rural route)

in the of (city, town, regional municipality)

in the of
(county, district)

1. This licence expires on the day of, 19.....

2. The applicant does not meet the following requirements for issuance/renewal of a licence:

.....
.....
.....

3. This licence is subject to the following terms and conditions:

.....
.....

.....
(Signature of Director)

O. Reg. 119/86, s. 5 (2).

Form 4

Day Nurseries Act

LICENCE/RENEWAL OF LICENCE TO OPERATE A DAY NURSERY

No.

Date of Issue

Under the *Day Nurseries Act* and the regulations, and subject to the limitation thereof, this licence is granted to:
(name of applicant)

of the of
(county, district)

to operate a day nursery under the name of

at
(street and number or rural route)

in the of
(city, town, regional municipality)

in the of
(county, district)

1. This licence expires on the day of, 19.....

2. Licensed capacity of day nursery:

.....
.....
.....

3. This licence is subject to the following terms and conditions:

.....
.....

.....
(Signature of Director)

O. Reg. 119/86, s. 5 (3).

Form 5

Day Nurseries Act

LICENCE/RENEWAL OF A LICENCE TO OPERATE A PRIVATE-HOME DAY CARE AGENCY

No. Date of Issue

Under the *Day Nurseries Act* and the regulations, and subject to the limitation thereof, this licence is granted to:

.....
(name of applicant)

of the of
(county, district)

to operate a private-home day care agency under the name of
at
(street and number or rural route)

in the of
(city, town, regional municipality)

in the of
(county, district)

1. This licence expires on the day of, 19.....

2. This licence is subject to the following terms and conditions:

.....
.....
.....

.....
(Signature of Director)

O. Reg. 592/84, s. 4, part.

Form 6

Day Nurseries Act

NOTICE OF INTENTION

To
(name of applicant or licensee)

TAKE NOTICE that pursuant to the authority vested in me under section 12 of the *Day Nurseries Act*, I hereby propose to:

- refuse to issue a licence to you
- refuse to renew your licence
- revoke your licence

to operate a day nursery at
(street address)

in the of

in the of

under the name of for the
following reasons:

AND FURTHER TAKE NOTICE that under subsection 13 (1) of the *Day Nurseries Act*, you have a right to have a hearing of this matter before

the Child and Family Services Review Board, but in order to obtain such a hearing you must within fifteen days of the receipt of this notice, request such a hearing by completing and sending to me and to the Child and Family Services Review Board a request for a hearing in Form 7.

.....
(date)

.....
(signature of Director)

O. Reg. 760/83, Form 4; O. Reg. 467/87, s. 6, revised.

Form 7

Day Nurseries Act

REQUEST FOR HEARING

To: A Director appointed for the purposes of
the *Day Nurseries Act*

and

To: The Chair of the Child and
Family Services Review Board

Name of applicant or licensee

Address of applicant or licensee

(number) (street or R.R.)

.....
(city) (town) (village or P.O.)

.....
(township) (county)

TAKE NOTICE that I hereby request a hearing by the Child and Family Services Review Board in respect of the decision of the Director appointed for the purposes of the *Day Nurseries Act* to:

- refuse to issue a licence to me
- refuse to renew my licence
- revoke my licence
- attach terms and conditions to my licence under subsection 11 (2), (4) or (5) of the Act

to operate a day nursery at
(street address)

in the of

in the of under

the name of

Date

Signature of Applicant or Licensee

O. Reg. 760/83, Form 5; O. Reg. 467/87, s. 7, revised.

Form 8

Day Nurseries Act

NOTICE OF HEARING

To:
(name of applicant or licensee)

.....
(address of applicant or licensee)

TAKE NOTICE that a hearing will be held by the Child and Family Services Review Board in respect of the decision of a Director appointed for the purposes of the *Day Nurseries Act* to:

- refuse to issue a licence to you
- refuse to renew your licence
- revoke your licence
- attach terms and conditions to your licence under subsection 11 (2), (4) or (5) of the Act

to operate a day nursery at
 (street address)

in the of
 in the of under
 the name of

AND TAKE NOTICE that the hearing will be held at o'clock in the noon
 on day the day of 19.....
 at

AND FURTHER TAKE NOTICE that the rules of procedure applicable to the hearing are contained in sections 13 and 14 of the *Day Nurseries Act* and that in accordance with those rules of procedure you are a party to the hearing and as such are entitled to be represented at the hearing by counsel or by your agent.

AND FURTHER TAKE NOTICE that if a party who has been duly notified does not attend at the hearing, the Child and Family Services Review Board may proceed in the party's absence and the party is not entitled to notice of any further proceedings.

.....
 (date)

.....
 (signature of Chair of The
 Child and Family Services Review Board)

O. Reg. 760/83, Form 6; O. Reg. 467/87, s. 8, revised.

Form 9

Day Nurseries Act

NOTICE OF DIRECTION

TAKE NOTICE that pursuant to the authority vested in me under section 15 of the *Day Nurseries Act*, I have given directions that the premises located at

.....

shall not be used to provide private home day care until such time as certain directions I have given have been complied with.

NO PERSON shall remove this notice unless authorized to do so by me or by a program advisor.

FOR FURTHER information regarding this notice contact the Ministry of Community and Social Services at (address and phone number)

.....

 (date) (signature of Director)

shall not be used as a day nursery

O. Reg. 467/87, s. 9.

Dead Animal Disposal Act *Loi sur les cadavres d'animaux*

REGULATION 263

GENERAL

LICENCES

1.—(1) An application for a licence to engage in the business of a collector shall be in Form 1.

(2) A licence to engage in the business of a collector shall be in Form 2. R.R.O. 1980, Reg. 236, s. 1.

2.—(1) No person shall transport dead animals except in a vehicle for which a marker in Form 3 has been issued by the Director.

(2) The Director shall issue a marker in Form 3 for each vehicle that complies with this Regulation and that is operated by the holder of a licence in Form 2.

(3) A marker in Form 3 expires with the 31st day of December in its year of issue.

(4) One marker shall be issued without charge to each licensed collector.

(5) Where a collector uses more than one vehicle, the fee for a marker in Form 3 for each additional vehicle is \$1. R.R.O. 1980, Reg. 236, s. 2.

3.—(1) An application for a licence to engage in the business of an operator of a receiving plant shall be in Form 4.

(2) A licence to engage in the business of an operator of a receiving plant shall be in Form 5. R.R.O. 1980, Reg. 236, s. 3.

4.—(1) An application for a licence to engage in the business of an operator of a rendering plant shall be in Form 6.

(2) A licence to engage in the business of an operator of a rendering plant shall be in Form 7. R.R.O. 1980, Reg. 236, s. 4.

5.—(1) An application for a licence to engage in the business of a broker shall be in Form 8.

(2) A licence to engage in the business of a broker shall be in Form 9. R.R.O. 1980, Reg. 236, s. 5.

6.—(1) The fee for a licence in Form 2 is \$10.

(2) The fee for a licence in Form 5 or 7,

(a) where the licence is for a period commencing on or after the 1st day of January but before the 1st day of July in any year, is \$50; and

(b) where the licence is for a period commencing on or after the 1st day of July in any year, is \$25.

(3) The fee for a licence in Form 9,

(a) where the licence is for a period commencing on or after the 1st day of January but before the 1st day of July in any year, is \$100; and

(b) where the licence is for a period commencing on or after the 1st day of July in any year, is \$50.

(4) The fee for a licence in Form 2, 5, 7 or 9 shall accompany the application for the licence.

(5) A licence in Form 2, 5, 7 or 9 expires with the 31st day of December of the year of issue and is not transferable. R.R.O. 1980, Reg. 236, s. 6.

HANDLING OF DEAD ANIMALS

7.—(1) No person shall transport dead animals in a vehicle other than a vehicle,

(a) equipped with a metal flange at least two inches high across the rear of the platform of the vehicle, so as to prevent leakage of liquids;

(b) in which the parts that come into contact with the animals are constructed of metal that is continuous or with welded seams, so as to prevent leakage of liquids;

(c) of which the sides and ends of the platform are at least two feet high; and

(d) in which the marker issued by the Director is affixed on the inside of the windshield or other location where it is protected against weathering and is clearly visible to persons outside the vehicle.

(2) The collector shall remove the marker from the vehicle within ten days after,

(a) ceasing to use the vehicle; or

(b) the 1st day of January of the year following the year of issue. R.R.O. 1980, Reg. 236, s. 7.

8.—(1) No person shall transport dead animals without covering them by tarpaulin or other means.

(2) No person shall transport dead animals in a vehicle in which food for human consumption is being transported.

(3) No collector shall transport dead animals in a vehicle in which a live animal is being transported.

(4) A collector shall deliver a dead animal as soon as practicable to a receiving plant or rendering plant but not more than twenty-four hours after the animal is collected. R.R.O. 1980, Reg. 236, s. 8.

9.—(1) No person shall construct or acquire premises for use as a receiving or rendering plant without,

(a) notifying the Director of the intention; and

(b) furnishing the Director with a copy of the plan or specifications of the premises proposed to be used or constructed.

(2) A receiving plant or rendering plant shall,

(a) be located in a place free from conditions that might injuriously affect the sanitary operation of the plant; and

(b) be constructed and finished in such a manner that the plant is capable of being maintained in a sanitary condition. R.R.O. 1980, Reg. 236, s. 9.

10. All liquid waste and drainage from the operation of a receiving plant or rendering plant shall be disposed of in a sanitary manner. R.R.O. 1980, Reg. 236, s. 10.

11. Every practicable precaution shall be taken to maintain receiving plants and rendering plants free of flies, rats, mice and other vermin. R.R.O. 1980, Reg. 236, s. 11.

12. The yards of a receiving plant or rendering plant shall be maintained in a clean condition. R.R.O. 1980, Reg. 236, s. 12.

13. No person shall permit,

- (a) a dog or cat to be in a receiving plant or a rendering plant; or
- (b) a dead animal to be kept on the yards of a receiving plant or a rendering plant. R.R.O. 1980, Reg. 236, s. 13.

14. On delivery of dead animals or parts thereof to a receiving or rendering plant, the vehicle or container used in the delivery shall be thoroughly cleaned and, where the cleaning is not followed by a steam process, shall be disinfected so that all disease-producing organisms are destroyed before the vehicle or container leaves the premises of the plant. R.R.O. 1980, Reg. 236, s. 14.

15. Every plant shall have available a supply of potable hot and cold water adequate for the efficient operation of the plant. R.R.O. 1980, Reg. 236, s. 15.

16. Every plant shall be equipped with accommodation for washing and dressing for employees. R.R.O. 1980, Reg. 236, s. 16.

17. Every receiving plant shall have one or more buildings and shall have adequate rooms for,

- (a) receiving and processing of dead animals;
- (b) refrigeration of meats in storage; and
- (c) holding of offal and any parts of the dead animals for disposal. R.R.O. 1980, Reg. 236, s. 17.

18.—(1) All entrails, bones, waste meat and refuse of dead animals, other than contents of the digestive tract, shall,

- (a) at a receiving plant, be disposed of by,
 - (i) delivery to a rendering plant, or
 - (ii) burying with a covering of at least two feet of earth; and
- (b) at a rendering plant,
 - (i) be sterilized by means of heat, or
 - (ii) be disposed of by burying with a covering of at least two feet of earth.

(2) The contents of the digestive tracts of dead animals at a receiving plant or rendering plant shall be disposed of in a sanitary manner.

(3) Except as provided in this Regulation, no person shall take delivery of, receive or process the entrails, bones, waste meat or refuse of dead animals unless such entrails, bones, waste meat or refuse have been sterilized by means of heat at a rendering plant. R.R.O. 1980, Reg. 236, s. 18.

19. No person shall advertise for dead animals or fallen animals unless the person is the holder of a licence as a collector. R.R.O. 1980, Reg. 236, s. 19.

20.—(1) At a receiving plant or rendering plant, all meat obtained

from a dead animal shall be cut into portions weighing less than ten pounds and for purposes of identification shall,

- (a) be denatured by applying powdered charcoal to all surfaces of the meat in a sufficient quantity so that the application of more charcoal will not further affect the colour of the surfaces; and
- (b) be packaged in containers that are legibly marked with the words "NOT FOR HUMAN CONSUMPTION" in letters at least three-quarters of an inch in height,
 - (i) on each side where the container has four sides, and
 - (ii) in at least four places where the container does not have four sides.

(2) Every container in which meat obtained from a dead animal is packaged shall have an exterior surface sufficiently absorbent so that the marking "NOT FOR HUMAN CONSUMPTION" will not become illegible during handling, storage or transportation of the container.

(3) Subsection (1) does not apply to the storing at a receiving plant or rendering plant of meat obtained from a dead animal,

- (a) where the operator thereof is the holder of a licence under the *Fur Farms Act* and uses the meat for no purpose other than,
 - (i) to manufacture the meat, with additives, into food for the operator's fur-bearing animals or for the fur-bearing animals of another person licensed under the *Fur Farms Act*; or
 - (ii) to feed the meat to the operator's fur-bearing animals; or
- (b) where, in the case of a rendering plant, the meat is sterilized by means of heat,

if the meat is manufactured, fed or sterilized by means of heat as soon as possible but not more than seventy-two hours after the dead animal is delivered to the plant. R.R.O. 1980, Reg. 236, s. 20.

21. No person shall, unless such meat has been treated for purposes of identification or processed in the manner prescribed in this Regulation,

- (a) freeze or store at a receiving plant or a rendering plant meat obtained from a dead animal;
- (b) sell, offer for sale, transport, deliver or supply to any person or otherwise dispose of meat obtained from a dead animal; or
- (c) take delivery of, receive or process meat obtained from a dead animal. R.R.O. 1980, Reg. 236, s. 21.

22. At a receiving plant or rendering plant, every carcass of a dead animal, other than a carcass the meat of which is to be sterilized by means of heat at a rendering plant, shall be boned out within seventy-two hours after it is delivered to the plant. R.R.O. 1980, Reg. 236, s. 22.

23. Where a broker, prior to reselling meat from a dead animal, alters the form thereof in any way that reduces or eliminates the colour of the surface resulting from the denaturing of the meat by the application of powdered charcoal in accordance with clause 20 (1) (a), the broker shall,

- (a) further denature the meat in the manner and to the extent prescribed by the said clause (a); and

(b) repackage the meat in accordance with clause 20 (1) (b). R.R.O. 1980, Reg. 236, s. 23.

24.—(1) The record required to be made and kept by a collector shall be completed legibly in Form 10 at the time the collector makes a collection of dead animals.

(2) Form 10 shall be kept in the vehicle in which any animal to which the record pertains is being transported. R.R.O. 1980, Reg. 236, s. 24.

25. The record required to be kept by the operator of a receiving plant or a rendering plant,

(a) in respect of dead animals the collector receives shall be completed legibly in Form 11; and

(b) in respect of the disposal of dead animals shall be completed legibly in Form 12. R.R.O. 1980, Reg. 236, s. 25.

26. The record required to be made and kept by a broker in respect of the receipt and disposal of meat from dead animals shall be completed legibly in Form 13. R.R.O. 1980, Reg. 236, s. 26.

27. Where an inspector inspects any vehicle used in the transportation of dead animals or any receiving or rendering plant, the inspector shall make a report to the Director showing the conditions found upon inspection. R.R.O. 1980, Reg. 236, s. 27.

28.—(1) An inspector who seizes a dead animal or meat therefrom under clause 15 (3) (c) of the Act, shall,

(a) attach thereto a red tag bearing a serial number and the words "Ont. Detained";

(b) forthwith thereafter notify the owner or the person who had possession thereof in writing of,

(i) the seizure, and

(ii) the grounds on which the inspector believes that there is a contravention of the Act or this Regulation in respect thereof; and

(c) direct that such dead animal or meat be detained in the place where it was found or be removed to another place designated by the inspector.

(2) An inspector who is satisfied,

(a) that the owner of the dead animal or meat that is under seizure complies with; or

(b) that such dead animal or meat has been made to comply with,

the Act or this Regulation in respect thereof shall remove the tag and release the dead animal or meat from the seizure.

(3) Where, after a hearing, the Director finds that there is a contravention of the Act or this Regulation by the owner or person who has possession of a dead animal or meat that is under seizure, the Director may direct that such dead animal or meat be destroyed or otherwise disposed of in such manner as the Director considers advisable.

(4) Where a person is convicted of an offence against the Act or this Regulation in respect of a dead animal or meat that is under seizure, the Director may direct that such dead animal or meat be destroyed or otherwise disposed of in such manner as the Director considers advisable.

(5) The proceeds, if any, realized from the disposal of a dead animal or meat under subsection (3) or (4) shall be paid to the Treasurer of Ontario.

(6) Where a dead animal or meat therefrom is under seizure, no person shall,

(a) remove the tag bearing the words "Ont. Detained"; or

(b) sell, offer to sell, move, allow or cause to be moved, receive or process such dead animal or meat. R.R.O. 1980, Reg. 236, s. 28.

Form 1

Dead Animal Disposal Act

APPLICATION FOR LICENCE AS COLLECTOR

To the Director under the *Dead Animal Disposal Act*, Ministry of Agriculture and Food

..... (name of applicant)

..... (address)

carrying on business as applies for a licence as a collector under the *Dead Animal Disposal Act* and the regulations, and in support of this application the following facts are stated:

- 1. Business address of applicant
2. Number of vehicles operated by or for applicant in the collection of dead animals
3. Names of counties, etc. or parts thereof in which dead animals are collected
4. Names of receiving plants and rendering plants to which dead animals are usually delivered

I undertake to furnish to the Director under the *Dead Animal Disposal Act* details of any changes from the facts given in this application within fifteen days of the date the changes are made.

Dated at, this day of, 19..... (signature of applicant)

..... (title of official signing)

R.R.O. 1980, Reg. 236, Form 1.

Form 2

Dead Animal Disposal Act

LICENCE AS COLLECTOR

Licence No.

Under the *Dead Animal Disposal Act* and the regulations, and subject to the limitations thereof, this licence is issued to

.....
(name)
.....
(address)

carrying on business as
to engage in the business of collecting dead animals.

This licence expires with the 31st day of December, 19.....

Issued at Toronto, this day of, 19....

.....
(Director under the *Dead Animal Disposal Act*)

R.R.O. 1980, Reg. 236, Form 2.

Form 3

Dead Animal Disposal Act

No. Year

This marker issued to

.....
(name)

Collector Licence Number

Ministry of Agriculture and Food.

R.R.O. 1980, Reg. 236, Form 3.

Form 4

Dead Animal Disposal Act

APPLICATION FOR LICENCE FOR THE OPERATION OF A RECEIVING PLANT

To the Director
under the *Dead Animal Disposal Act*,
Ministry of Agriculture and Food

.....
(name of applicant)

.....
(address)

carrying on business as
applies for a licence to engage in the business of an operator of a receiving plant under the *Dead Animal Disposal Act*, and in support of this application the following facts are stated:

1. Business address of applicant
 2. Location of receiving plant
 3. Owner of receiving plant
-
(if partnership, list names of all partners)

4. Does the applicant engage in the business of collecting dead animals?

I undertake to furnish to the Director under the *Dead Animal Disposal Act* details of any changes from the facts given in this application within fifteen days of the date the changes are made.

Dated at, this day of, 19.....

.....
(signature of applicant)

.....
(title of official signing)

R.R.O. 1980, Reg. 236, Form 4.

Form 5

Dead Animal Disposal Act

LICENCE FOR THE OPERATION OF RECEIVING PLANT

Licence No.

Under the *Dead Animal Disposal Act* and the regulations, and subject to the limitations thereof, this licence is issued to

.....
(name)

.....
(address)

carrying on business as

to engage in the business of operating a receiving plant at

.....
(location)

This licence expires with the 31st day of December, 19.....

Issued at Toronto, this day of, 19.....

.....
(Director under the *Dead Animal Disposal Act*)

R.R.O. 1980, Reg. 236, Form 5.

Form 6

Dead Animal Disposal Act

APPLICATION FOR LICENCE FOR THE OPERATION OF A RENDERING PLANT

To the Director
under the *Dead Animal Disposal Act*,
Ministry of Agriculture and Food

.....
(name of applicant)

.....
(address)

carrying on business as
applies for a licence to engage in the business of an operator of a rendering plant under the *Dead Animal Disposal Act*, and in support of this application the following facts are stated:

1. Business address of applicant
 2. Location of rendering plant
 3. Owner of rendering plant
-
(if partnership, list names of all partners)

4. Does the applicant engage in the business of collecting dead animals?

I undertake to furnish to the Director under the *Dead Animal Disposal Act* details of any changes from the facts given in this application within fifteen days of the date the changes are made.

Dated at _____, this _____ day of _____, 19.....

(signature of applicant)

(title of official signing)

R.R.O. 1980, Reg. 236, Form 6.

Form 7

Dead Animal Disposal Act

LICENCE FOR THE OPERATION OF RENDERING PLANT

Licence No.

Under the *Dead Animal Disposal Act* and the regulations, and subject to the limitations thereof, this licence is issued to

(name)

(address)

carrying on business as

to engage in the business of operating a rendering plant at

(location)

This licence expires with the 31st day of December, 19.....

Issued at Toronto, this _____ day of _____, 19.....

(Director under the *Dead Animal Disposal Act*)

R.R.O. 1980, Reg. 236, Form 7.

Form 8

Dead Animal Disposal Act

APPLICATION FOR LICENCE AS BROKER

To the Director under the *Dead Animal Disposal Act*, Ministry of Agriculture and Food

(name of applicant)

(address)

applies for a licence to engage in the business of a broker under the *Dead Animal Disposal Act* and the regulations and, in support of this application, the following facts are stated:

1. Name under which business is carried on
2. Business address
3. Location of facilities, if any, in which meat obtained from dead animals is stored
4. Owner of such storage facilities (name) (address)
5. Names of receiving plants and rendering plants from which meat is usually purchased

I undertake to furnish to the Director under the *Dead Animal Disposal Act* details of any changes from the facts given in this application within fifteen days of the date the changes are made.

Dated at _____, this _____ day of _____, 19.....

(signature of applicant)

(title of official signing)

R.R.O. 1980, Reg. 236, Form 8.

Form 9

Dead Animal Disposal Act

LICENCE AS BROKER

19..... LICENCE NO.

Under the *Dead Animal Disposal Act* and the regulations, and subject to the limitations thereof, this licence is issued to

(name)

(address)

carrying on business as to engage in the business of a broker.

This licence expires with the 31st day of December, 19.....

Issued at Toronto, this _____ day of _____, 19.....

(Director under the *Dead Animal Disposal Act*)

R.R.O. 1980, Reg. 236, Form 9.

Form 10

Dead Animal Disposal Act

COLLECTOR'S RECORD OF COLLECTION OF DEAD ANIMALS

Name of Collector

Address of Collector

Dead Animals Collected From		Date of Collection	Kind, No. and Approximate Weight of Dead Animals Collected			Plant to which Dead Animals are Delivered	
Name	Address		Kind	No.	Approx. Wgt.	Name	Address

R.R.O. 1980, Reg. 236, Form 10.

Form 11

Dead Animal Disposal Act

RECEIVING PLANT OR RENDERING PLANT OPERATOR'S RECORD OF DEAD ANIMALS RECEIVED

Name of Operator

Address of Operator

Dead Animals Delivered By		Date of Delivery	Kind, No. and Approx. Weight of Dead Animals Received		
Name of Collector	Licence No.		Kind	No.	Approx. Weight

R.R.O. 1980, Reg. 236, Form 11.

Form 12

Dead Animal Disposal Act

RECEIVING PLANT OR RENDERING PLANT OPERATOR'S RECORD OF DISPOSAL OF DEAD ANIMALS

Name of Operator

Address of Operator

MEAT AND OFFAL SOLD					MEAT AND OFFAL STORED IN PREMISES THAT ARE NOT A PART OF OPERATOR'S PLANT									
Date of Sale	Name of Purchaser	Address of Purchaser	MEAT Weight in Pounds	OFFAL Weight in Pounds	Date	Name of Owner of Premises	Address of Premises	MEAT			OFFAL			
								Placed in Storage (Pounds)	Removed from Storage (Pounds)	Total Quantity in Storage (Pounds)	Placed in Storage (Pounds)	Removed from Storage (Pounds)	Total in Storage (Pounds)	

R.R.O. 1980, Reg. 236, Form 12.

Form 13

Dead Animal Disposal Act

BROKER'S RECORD OF MEAT RECEIVED AND DISPOSAL OF MEAT

Name of Broker

Address

Date	Received from (Name)	Sold to (Name)	Address	MEAT (Weight in Pounds)	OFFAL (Weight in Pounds)	Meat Held (in Pounds)	Offal Held (in Pounds)

R.R.O. 1980, Reg. 236, Form 13.

Dental Technicians Act *Loi sur les techniciens dentaires*

REGULATION 264

GENERAL

1.—(1) A dental technician may be admitted to carry on business in Ontario if,

- (a) the applicant is of the full age of eighteen years;
- (b) the applicant has successfully completed Grade 12 in Ontario or its equivalent in another jurisdiction;
- (c) the applicant has,
 - (i) served in Ontario as a dental technician in the employment of a dentist or a dental technician for a period of at least four years, or
 - (ii) successfully completed an approved program in dental technology at a College of Applied Arts and Technology of Ontario and has served one year under the supervision of a dentist or a registered dental technician;
- (d) the applicant has passed the examinations of the Board; and
- (e) the applicant has paid the registration fees within one year of successful completion of the Board examinations.

(2) The service referred to in clause (1) (c) may have been performed outside Ontario while the applicant was a member of the Canadian Forces. R.R.O. 1980, Reg. 237, s. 1.

2.—(1) An applicant for registration shall give notice in Form 3 to the secretary-treasurer at least one month before the date of the next examination.

(2) A notice referred to in subsection (1) shall be accompanied by an examination fee of \$100. R.R.O. 1980, Reg. 237, s. 2.

3.—(1) The secretary-treasurer shall register every dental technician who is eligible for registration, applies in Form 3 and pays a registration fee of \$325. O. Reg. 597/90, s. 1.

(2) Upon registering a dental technician, the secretary-treasurer shall issue to the dental technician a certificate of registration in Form 1. R.R.O. 1980, Reg. 237, s. 3 (2).

4.—(1) A certificate of registration expires on the 1st day of February of a year unless a renewal fee of \$325 is paid in respect of that year on or before that date. O. Reg. 597/90, s. 2.

(2) When a certificate of registration expires, the secretary-treasurer shall strike the name of the former holder of the certificate from the register. R.R.O. 1980, Reg. 237, s. 4 (2).

5. Where a registration has not been renewed and not more than two consecutive years have passed since the expiration of the registration, the secretary-treasurer shall re-register the dental technician,

- (a) upon application for re-registration in Form 2; and
- (b) upon payment of a re-registration fee of \$350. R.R.O. 1980, Reg. 237, s. 5; O. Reg. 710/82, s. 3; O. Reg. 75/86, s. 3; O. Reg. 48/87, s. 3; O. Reg. 12/88, s. 3; O. Reg. 446/89, s. 3; O. Reg. 597/90, s. 3.

6.—(1) The Board shall appoint a committee of examiners com-

posed of not less than two dental technicians and one dentist who shall have charge of the annual examinations at Toronto of applicants for registration.

(2) The committee of examiners shall conduct annual examinations at a time or times that the Board shall direct and the examinations shall consist of a practical test in the work ordinarily performed by a dental technician and other written or oral examinations on dental technology. R.R.O. 1980, Reg. 237, s. 6.

7.—(1) Every member of the Board,

- (a) shall be paid a daily allowance of \$125 together with the reasonable travelling and living expenses incurred by the member while actually engaged on the business of the Board; and
- (b) appointed to investigate any complaint under clause 3 (1) (g) of the Act or to assist in the conducting of any prosecution shall be paid the reasonable travelling and living expenses incurred by the member and a daily fee of \$125.

(2) Every examiner appointed under section 6 shall be paid a fee of,

- (a) \$125 for each day of the examination; and
- (b) \$125 for each day or part of a day while attending a meeting of the committee of examiners,

but not to exceed \$650 for each annual examination. O. Reg. 12/88, s. 4.

DISCIPLINE AND ETHICS

8.—(1) No dental technician shall,

- (a) advertise himself or herself as a dental technician by written or any other advertisement otherwise than by,
 - (i) mail to the dental profession, or
 - (ii) publishing in a journal or other publication exclusively devoted to dental surgery or dental technique, or both, or in a printed publication circulated exclusively among dentists or physicians or dental technicians, an announcement or card giving his or her name, qualifications, address, specialties, if any, business hours and telephone number;
- (b) advertise or cause to be advertised the prices or terms of payment for his or her work or products as a dental technician, except to quote or state upon a good faith request therefor, the prices or terms to any legally qualified medical practitioner, any person licensed under Part II of the *Health Disciplines Act* or any registered dental technician;

(c) use in the manufacture or repair of oral prosthetic devices, materials other than those prescribed by the dentist or physician for whom the work is being performed;

(d) directly or indirectly advertise expressly or by implication that he or she,

- (i) gives consultations,
- (ii) gives free service,

- (iii) grants premiums,
- (iv) grants rebates, discounts or reductions, or
- (v) promises the return or refunding of money paid for services rendered by him or her as a dental technician;
- (e) in any advertising make any mention or claim with respect to the time of service or the speed with which any service is to be rendered; or
- (f) carry on the business of dental technician otherwise than in accordance with the provisions of the Act and of Part II of the *Health Disciplines Act*.

(2) A dental technician who contravenes any of the provisions of subsection (1) is guilty of misconduct. R.R.O. 1980, Reg. 237, s. 8.

9.—(1) The Board may cancel or may suspend for such time and upon such terms and conditions as it considers proper the registration of any person whom after a hearing it finds to be guilty of misconduct or to have been incompetent and, in addition to or as an alternative for such cancellation or suspension, the Board may assess against and recover from such person the expense or part of the expense incurred by the Board in the investigation and the hearing, up to a maximum of \$100.

(2) At least ten days before the date fixed for the hearing, the Board shall give to the registered dental technician by personal service,

- (a) a written notice of the time and place fixed for the hearing; and
- (b) a written statement of particulars of the misconduct or incompetence alleged by the Board and a copy of any complaint in writing.

(3) The person against whom the complaint has been made is entitled to attend and answer the complaint and to be represented by counsel at the hearing but, where the person does not attend, the Board may proceed in his or her absence.

(4) The Board may employ such legal and other assistance as it considers necessary for the purpose of the investigation or hearing. R.R.O. 1980, Reg. 237, s. 9.

Form 1

Dental Technicians Act

CERTIFICATE OF REGISTRATION

No. Date

THIS IS TO CERTIFY that
 of the
 in the is a Registered
 Dental Technician for the year 19.....

.....
 Secretary-Treasurer of the
 Governing Board of
 Dental Technicians

R.R.O. 1980, Reg. 237, Form 1.

Form 2

Dental Technicians Act

APPLICATION FOR RE-REGISTRATION

1. I,
 (print name in full)

of the
 (print full postal business address)

hereby apply to the Board for the restoration of my name to the register of dental technicians.

2. I enclose a re-registration fee of \$350.

Dated at this day of, 19.....

.....
 (signature of applicant)

R.R.O. 1980, Reg. 237, Form 2; O. Reg. 710/82, s. 4; O. Reg. 75/86, s. 4; O. Reg. 48/87, s. 4; O. Reg. 12/88, s. 5; O. Reg. 446/89, s. 4; O. Reg. 597/90, s. 4.

Form 3

Dental Technicians Act

APPLICATION FOR EXAMINATION AND REGISTRATION

1. I,
 (print name in full)

of
 (address in full)

Telephone Number

hereby make application to the Governing Board of Dental Technicians for the next examination to be conducted by the Board, and, if successful at such examination, for registration as a dental technician.

2. Attached to this application are the following:

- i. Proof that I am of the full age of eighteen years as appears by certificate (birth, baptism, etc.).
- ii. Proof of completion of Grade 12 in Ontario or the equivalent in another jurisdiction.
- iii. Proof of service within Ontario as a dental technician under the supervision of a dentist or a registered dental technician for a minimum period of four years; or proof of successful completion of an approved program at a College of Applied Arts and Technology of Ontario and one year of service under the supervision of a registered dental technician.
- iv. Cheque payable to the Governing Board of Dental Technicians in the sum of \$100.
- v. Two character references.
- vi. A recent photograph, passport size.

If I obtain pass standing at the examinations, I shall remit forthwith to the Board my registration fee of \$325 after receiving notification from the Board.

Dated at this day of, 19.....

.....
 (signature of applicant)

R.R.O. 1980, Reg. 237, Form 3; O. Reg. 710/82, s. 5; O. Reg. 75/86, s. 5; O. Reg. 48/87, s. 5; O. Reg. 12/88, s. 6; O. Reg. 446/89, s. 5; O. Reg. 597/90, s. 5.

Denture Therapists Act *Loi sur les denturologues*

REGULATION 265

GENERAL

1.—(1) The requirements for the issuing of a licence to an applicant are,

- (a) that the applicant submits to the Registrar a completed application for the licence in a form provided by the Registrar;
- (b) that the applicant is a Canadian citizen or has permanent resident status or an employment authorization under the *Immigration Act* (Canada);
- (c) that the applicant has oral and written proficiency in the English or French language;
- (d) that there has been no finding of, and that there is no current proceeding involving an allegation of, professional misconduct, incompetence or being incapacitated or any like finding or allegation against the applicant;
- (e) that the applicant has not been found guilty of, and that there is no charge pending involving an allegation of an offence relevant to the applicant's suitability to practise denture therapy;
- (f) that the applicant pays a licensing fee of \$25;
- (g) that the applicant pays the annual fee set out in section 2; and
- (h) if the applicant received his or her qualifications in denture therapy other than at George Brown College of Applied Arts and Technology, that the applicant presents his or her original diploma in denture therapy and documentation identifying the applicant in person to the Registrar.

(2) The qualifications for the issuing of a licence to an applicant are that the applicant,

- (a) is the holder of a diploma in denture therapy issued by George Brown College of Applied Arts and Technology, or is the holder of qualifications that are equivalent to a diploma in denture therapy issued by George Brown College of Applied Arts and Technology; and
- (b) has successfully completed the qualifying examinations in denture therapy at George Brown College of Applied Arts and Technology.

(3) Clause (2) (b) does not apply to an applicant who is the holder of a diploma in denture therapy issued by George Brown College of Applied Arts and Technology less than six months before the applicant submits his or her application. O. Reg. 672/90, s. 1, *part*.

2.—(1) The fee for a licence to practise denture therapy is \$500.

(2) The fee for entry in a register referred to in subsection 4 (5) of the Act is \$25.

(3) The annual fee payable by a licensee is \$500 and is due and payable on or before the anniversary date of the issue of the licence.

(4) The penalty for the late payment of an annual fee is \$25.

(5) Every licensee shall submit with the annual fee evidence indicating the approximate number of hours in the preceding year in which he or she engaged in the practice of denture therapy or the practice of supervised denture therapy.

(6) It is a condition of a licence that after the second anniversary date of its issue the licence terminates on the anniversary date unless the licensee,

- (a) has engaged in the practice of denture therapy or supervised denture therapy for at least 1,500 hours in the preceding three years; or
- (b) has successfully completed the most recent qualifying examinations in denture therapy at George Brown College of Applied Arts and Technology.

(7) A person whose licence is terminated as a result of the condition set out in subsection (6) is entitled to have his or her licence reinstated upon application within two years after the termination if the person has successfully completed the most recent qualifying examinations in denture therapy at George Brown College of Applied Arts and Technology. O. Reg. 672/90, s. 2.

3.—(1) A person whose licence is cancelled for the nonpayment of the annual fee is entitled to have his or her licence reinstated on application within two years after the cancellation if the person,

- (a) pays all fees that would be outstanding if the licence had not been cancelled together with a penalty of \$100; and
- (b) has lawfully engaged in the practice of denture therapy or supervised denture therapy for at least 1,500 hours in the three years preceding the date of the application or has successfully completed the most recent qualifying examinations in denture therapy at George Brown College of Applied Arts and Technology.

(2) A licensee whose licence is suspended and who wishes to resume the practice of denture therapy shall, before resuming the practice of denture therapy, provide the Registrar with evidence that the licensee has received no income or other benefit in respect of the practice of denture therapy from any person during the period of the licensee's suspension. O. Reg. 672/90, s. 3.

4. The fee for entry to licensing examinations set or approved by the Board is \$350. R.R.O. 1980, Reg. 238, s. 5.

5.—(1) It is a conflict of interest for a denture therapist to,

- (a) use without reasonable payment any premises or equipment provided by a person who stands to gain financially from the prescribing of denture therapy materials or equipment by the denture therapist;
- (b) share fees with any person who has referred a patient or receive fees from any person to whom the denture therapist has referred the patient or to engage in any form of fee sharing, rebates or other indirect remuneration;
- (c) engage in the practice of denture therapy as a partner, employer, employee, principal or agent of, or in any other business association, with any person or corporation other than,

- (i) with a denture therapist who is engaged in the practice of denture therapy,
- (ii) with a legally qualified dental surgeon who is engaged in the practice of dentistry, or
- (iii) as an employee or agent of a municipal or other government, agency of such government, university or hospital;
- (d) charge or receive in respect of a prosthetic appliance payment in excess of the commercial laboratory costs incurred by the denture therapist; or
- (e) own or have any proprietary interest in a commercial dental laboratory. R.R.O. 1980, Reg. 238, s. 6 (2); O. Reg. 672/90, s. 4 (2).

(2) For the purpose of this section, "commercial dental laboratory" means a laboratory operated by a registered dental technician or a corporation where prosthetic devices are fabricated on the prescription of a dentist but does not include premises where prosthetic devices are fabricated by a denture therapist for his or her own patients. R.R.O. 1980, Reg. 238, s. 6 (3).

6.—(1) For the purposes of the Act, "professional misconduct" means,

- 1. failure by a licensee to abide by the terms, conditions or limitations of his or her licence;
- 2. failure to maintain the records that are required to be kept respecting the licensee's patients;
- 3. failure to provide an account or receipt to a patient or failure to itemize an account at the request of a patient or a third party responsible for payment of the account;
- 4. exceeding the lawful scope of practice;
- 5. having a conflict of interest;
- 6. using terms, titles or designations other than those authorized or prescribed by this Regulation;
- 7. failure to refer to a dental surgeon or a physician a patient who has an intra oral condition that is not normal and that is detected or ought to have been detected;
- 8. assisting or counselling a person who is not licensed as a denture therapist to engage in the practice of denture therapy except as provided for under subsection 3 (2) of the Act;
- 9. the contravention of the Act or the regulations;
- 10. publishing, displaying, distributing or using or permitting, directly or indirectly, the publishing, display, distribution or use of any advertisement related to the practice of denture therapy other than,
 - i. professional cards that contain only the name of the licensee, a vocational designation, the licensee's address, academic degrees, except those that are related to the practice of dentistry, telephone number and office hours,
 - ii. an announcement in a newspaper or a weekly or monthly periodical that does not contain more than the information contained in an announcement card, and
 - A. does not exceed two standard newspaper columns in width and five centimetres in depth, including the margins,

- B. is not part of an advertisement containing references to dental equipment or to prosthetic appliances, and
- C. does not appear more than once in any issue of the newspaper or periodical,
- iii. appointment cards that do not contain more than the information contained in a professional card and the time and date of the appointment or appointments,
- iv. reminder notices to patients,
- v. announcement cards that do not state more than the information contained in a professional card and an announcement of the commencement of the practice of the denture therapist, a change of location or a new association in practice,
- vi. one exterior sign or, where there are no door plates or building directory listings, not more than two exterior signs stating his or her name, vocational designation and telephone number, which sign shall be on the premises where the denture therapist practises, provided that,
 - A. only one sign may be a suspended sign,
 - B. only one sign may be illuminated, and the sign shall not be an intermittent or neon type,
 - C. the maximum size of the letters used in the sign shall not exceed ten centimetres in height,
 - D. words designating office hours may be added to the sign in letters not more than five centimetres in height,
 - E. where an entrance is difficult to find, the words "Entrance on" may be added to the sign,
- vii. door plates and listings on building directories on the premises where the licensee is engaged in the practice of denture therapy that contain no more than the name of the licensee, a vocational designation and academic degrees other than those that are related to the practice of dentistry and such listings shall be no greater in number than that which is required to readily identify the location of the licensee's place of practice,
- viii. a telephone directory listing,
 - A. that is in the white pages of the telephone directory, in which case the listing shall,
 - 1. be only of light type,
 - 2. be used only under the alphabetical listing according to the denture therapist's surname, and
 - B. that is in the yellow pages of the telephone directory, in which case the listing shall,
 - 1. be only of light type,
 - 2. be used only in the telephone listings for the particular geographical area in which the denture therapist practises denture therapy, and
 - 3. be used only in the part designated

- “denture therapists” and where the practice of denture therapy is carried on as a partnership list only the partnership name;
11. using or having in the office premises dental equipment other than equipment required in the practice of denture therapy unless a dental surgeon practises dentistry in the same office premises;
 12. charging a fee in excess of the fee in the current fee guide of the Denturists Association of Ontario without prior notification to the patient as to the excess amount of the fee;
 13. charging fees that are excessive or unreasonable in relation to the services performed or charging fees for services that are not performed;
 14. displaying or permitting to be displayed dental appliances that can be seen from the exterior of the premises at which the denture therapist practises;
 15. signing or issuing a certificate, report or similar document that contains a statement the denture therapist knows or ought to know is false, misleading or otherwise improper;
 16. failure to provide within a reasonable time in the circumstances and without cause any report or certificate requested by a patient or his or her authorized agent in respect of a service provided by the licensee;
 17. knowingly submitting a false or misleading account or false or misleading charges for services rendered to a patient;
 18. failure to carry out the terms of any agreement with a patient;
 19. refusal to allow an inspector or a person appointed under section 22 of the Act to make an investigation to enter the denture therapist's laboratory or office at a reasonable time for the purpose of inspecting the denture therapist's records and equipment;
 20. using or having in the licensee's office drugs or anaesthetics of any kind;
 21. soliciting of patients by a supervised denture therapist;
 22. the submission of any accounts or charges to a patient or to any person legally responsible for the patient's debts for services rendered by a supervised denture therapist;
 23. accepting a credit card to obtain payment for denture therapy services prior to rendering the denture therapy services;
 24. selling a professional account to a third party other than by the accepting of a credit card defined in subsection (2) to obtain payment for denture therapy services;
 25. cutting or grinding natural teeth or any restoration in or covering a natural tooth;
 26. giving information concerning a patient's dental condition or any service performed for a patient to another person other than the patient without the consent of the patient, unless required to do so by law;
 27. engaging in the practice of denture therapy while the ability of the licensee is impaired by alcohol or a drug;
 28. failing to continue to perform essential services for a patient until the services are no longer required or the professional services are performed for the patient by another licensee or by a dentist;
 29. improper conduct or association with a patient;
 30. practising denture therapy for a fee or otherwise in any public place or in any vehicle or other movable contrivance without the approval of the Board;
 31. retain the services of, employ, be employed by, maintain a partnership or association with, directly or indirectly receive, make or confer remuneration or other benefit to or from or share or occupy an office or laboratory space in any manner or for any purpose related to the practice of denture therapy with a person whose licence as a denture therapist is suspended, revoked or cancelled;
 32. an act relevant to the practice of denture therapy that, having regard to all the circumstances, would reasonably be regarded as disgraceful, dishonourable or unprofessional conduct;
 33. engaging or holding oneself out as engaging in the practice of denture therapy using any name, term or designation other than the name of the licensee as entered in the register referred to in subsection 4 (5) of the Act; and
 34. failure to maintain the standard of practice of the profession. R.R.O. 1980, Reg. 238, s. 7; O. Reg. 46/84, s. 1; O. Reg. 291/84, s. 1; O. Reg. 584/88, s. 1 (1); O. Reg. 672/90, s. 5.
- (2) For the purposes of this section, “credit card” means a credit card that is accepted by a denture therapist pursuant to a standard form of agreement that requires the provider of the credit card to rely upon the provider's contract with the card holder or card sales slip to enforce payment of money owed and not upon a patient record of the denture therapist. O. Reg. 584/88, s. 1 (2).
7. Despite paragraph 10 of subsection 6 (1), a denture therapist who is an employee shall not publish, display or distribute or permit directly or indirectly the publishing, display, distribution or use of any advertisement related to his or her employment as a denture therapist other than by a professional card that gives his or her name, academic degrees and vocational designation. R.R.O. 1980, Reg. 238, s. 8.
- 8.—(1) Subject to subsections (2) and (3), where a licensee's name is entered in the register referred to in subsection 4 (5) of the Act, the name in the register shall be the same as the name of the licensee in the documentary evidence of his or her education and qualification in denture therapy.
- (2) Where a licensee does not have the education and has not earned the qualification referred to in subsection (1) and is exempt from the requirements and qualifications set out in clause 1 (2) (a), the name of the licensee that shall be entered in the register referred to in subsection 4 (5) of the Act shall be,
- (a) where the licensee is an immigrant, the name of the licensee as it appears in the documentary evidence of his or her immigration;
 - (b) where the licensee was an immigrant and is now a citizen of Canada, the name of the licensee as it appears in the documentary evidence of his or her citizenship; or
 - (c) such name, other than a name referred to in clause (a) or (b), as the Registrar considers proper.
- (3) An applicant for a licence or a licensee may request entry in the register in a name other than the name required by subsection (1) or (2) and the Registrar may cause such other name to be entered in the register if the applicant or licensee, as the case may be, presents to the Registrar,
- (a) a certified copy of an order of a court of competent jurisdiction;

tion in Ontario changing the applicant's or licensee's name; or

- (b) a certified copy of a valid certificate of marriage or a decree absolute of divorce, obtained in any province of Canada; or
- (c) such further or other documentary material that, in the opinion of the Registrar, sufficiently identifies the person named in the documentary material as the applicant or licensee, and that satisfies the Registrar that the use of the other name is not for any improper purpose. R.R.O. 1980, Reg. 238, s. 9.

9.—(1) A licensee may use as a vocational designation,

- (a) Denture Therapist;
- (b) D.T., following the licensee's name;
- (c) Denture Therapy Clinic; or
- (d) Denture Clinic.

(2) A licensee may not use more than one vocational designation, except the use of "D.T." with another vocational designation. O. Reg. 672/90, s. 6.

10.—(1) The reasons for a decision of the discipline committee shall be published in a report of the Board and the identity of the licensee,

- (a) shall be made known if the licensee's licence has been revoked, suspended or restricted or if the licensee has been reprimanded and the committee has directed the fact of such reprimand to be recorded on the register;
- (b) shall not be made known if the licensee has been reprimanded but the committee has not directed the fact of the reprimand to be recorded on the register or during the currency of any suspension or postponement of a penalty; and
- (c) shall not be made known if the licensee has been found not guilty of professional misconduct or not to be incompetent, unless the licensee requests in writing that he or she be identified.

(2) The Registrar may communicate the decision of the discipline committee to any complainant and any witness who testified at the hearing if the complainant or witness so requests.

(3) The Registrar may provide a copy of any written reasons of the committee and any other information that the Registrar considers necessary to explain the proceedings and the decision to the complainant or witness. O. Reg. 672/90, s. 7.

11.—(1) The Board shall determine the information required for the compilation of statistics with respect to the supply, distribution and professional activities of denture therapists and may direct the Registrar to obtain the required information.

(2) The information required for the compilation of statistics may include particulars of the age, sex, oral condition of patients, patient case load, referral of patients, population served and other practice activities of denture therapists.

(3) Upon the written request of the Registrar, denture therapists shall provide to the Registrar the information required for the compilation of statistics. R.R.O. 1980, Reg. 238, s. 12.

12.—(1) Every licensee, except when engaging in the practice of supervised denture therapy, shall make and keep clinical and financial records respecting his or her patients.

(2) The records of a licensee respecting a patient shall contain at least,

- (a) the patient's name, address and telephone number;
- (b) the patient's denture and related history;
- (c) the findings obtained from examination of the patient;
- (d) the procedures used on the patient;
- (e) the prosthetic appliances provided or adjusted for the patient;
- (f) the date of each contact with the patient and an indication of the nature of the contact and the services provided to the patient; and
- (g) the licensee's fees and charges.

(3) Despite subsection (2), if the only service a licensee provides is a repair of a denture that the licensee did not fabricate and the service does not require an impression to be taken by the licensee, the records for the repair need only contain,

- (a) the patient's name, address and telephone number;
- (b) the date and nature of the repair; and
- (c) the fees and charges for the repair. O. Reg. 672/90, s. 8.

13. A record required to be kept under section 12 shall be retained for a period of seven years from the date of the making of the record. O. Reg. 667/81, s. 1.

Deposits Regulation Act Loi sur les dépôts d'argent

REGULATION 266

GENERAL

1. Any proposed advertisement submitted for certification under subsection 4 (1) of the Act shall be submitted in duplicate and the applicant shall furnish such information as the Commission requires. R.R.O. 1980, Reg. 239, s. 1.

2. Upon being satisfied that the proposed advertisement complies with the provisions of the Act and the regulations, the Commission shall direct the Registrar of the Commission to issue a certificate. R.R.O. 1980, Reg. 239, s. 2.

3. Every person or corporation accepting or receiving deposits from members of the public shall maintain in Ontario a separate record for each depositor on a daily basis showing all the transactions completed and shall, in addition, maintain a control account on a daily basis reflecting such transactions and shall keep the supporting documents to such accounts, all in accordance with generally accepted accounting principles. R.R.O. 1980, Reg. 239, s. 3.

4. Every person or corporation accepting or receiving deposits from members of the public shall maintain a daily detailed record of the assets segregated as required by subsection 5 (1) of the Act showing the cash on hand or deposited in any bank to which the *Bank Act* (Canada) applies and showing the principal amount, the acquisition date, the maturity date and the description of every short term security held. R.R.O. 1980, Reg. 239, s. 4.

5.—(1) The return required to be furnished by subsection 5 (3) of the Act shall be in Form 1 and the person or corporation making the return shall furnish the Commission with such additional financial statements as the Commission requires.

(2) The return and additional financial statements shall speak as of the first day of the month preceding each month referred to in subsection 5 (3) of the Act and each shall be certified correct by an officer or auditor of the person or company making the return. R.R.O. 1980, Reg. 239, s. 5.

6. The fees that shall be paid to the Commission are as follows:

1. Upon the submission of an advertisement under subsection 4 (1) of the Act,
 - i. for the first proposed advertisement \$50
 - ii. for each additional proposed advertisement thereafter 10

2. Upon furnishing each return under subsection 5 (3) of the Act \$25
3. For an inspection by a duly authorized representative of the Commission under subsection 5 (4) of the Act, the rate per day per representative shall be \$25. R.R.O. 1980, Reg. 239, s. 6.

Form 1

Deposits Regulation Act

Particulars of the security for deposits accepted or received by a person or corporation.

Effective Date, 19.....

Aggregate amount of Deposits: \$.....

Cash held separately: \$.....

ADD: Cash Deposited and held separately:

BANK	BRANCH	\$.....	
		\$.....	
		\$.....	
		\$.....	
		\$.....	\$.....

Total Cash on Hand and on Deposit: \$.....

ADD: Principal amount of short term securities from Schedule A: \$.....

Aggregate of Cash and Securities: \$.....

Aggregate of Cash and Securities as a percentage of Deposits: %.....

Certified correct as complying with subsection 5 (3) of the *Deposits Regulation Act*.

Date Signed
Auditor

Schedule A

Acquisition Date	Full Description of Security	Maturity Date	Cost	Market Value	Principal Amount
			\$	\$	\$
TOTALS			\$	\$	\$

Development Charges Act

Loi sur les redevances d'exploitation

REGULATION 267

DEVELOPMENT CHARGES

1.—(1) The determination of capital cost shall not include costs levied in an agreement under section 51 or 53 of the *Planning Act* before the coming into force of a development charge by-law.

(2) Despite subsection (1), the determination of capital cost may include all costs related to buildings, structures or facilities that have been oversized so as to accommodate future growth. O. Reg. 725/89, s. 1.

2. Despite any provision of a development charge by-law, a municipality shall not include in its calculation of development charges the growth-related net capital cost of a service that is not being provided at the time the development charges are being calculated. O. Reg. 725/89, s. 2.

3.—(1) Subject to subsection (2), a municipality shall base the calculation of development charges on the provision of services at standards no higher than the standards to which such services are currently provided or have been provided at any time in the ten years preceding the calculation.

(2) In calculating development charges, a municipality shall apply only those standards which have been approved by council and form part of an adopted official plan, an approved capital forecast or other similar expression of the intention of council.

(3) A standard approved under subsection (2) may be based on the provision of a service,

- (a) throughout the municipality; or
- (b) within a portion of the municipality as designated in a development charge by-law.

(4) A municipality may change the manner in which the services are provided.

(5) Any changes adopted under subsection (4) shall be based on changes in the design, delivery or operation of the affected services, and shall not provide for the imposition of a higher standard of service than the standard used under subsection (1).

(6) Despite subsections (1) and (5), if the standards which are currently applied are lower than the standards required under another Act, the calculation of development charges may be based on the provision of such services applying the standards required under such Act. O. Reg. 725/89, s. 3.

4.—(1) The calculation of development charges shall be based on growth-related net capital costs for a period not exceeding ten years from the date a development charge by-law comes into force.

(2) Despite subsection (1), the calculation of development charges may be based on growth-related net capital costs for water supply services, sanitary sewer services, storm drainage services, transportation services and waste disposal services for a period exceeding ten years. O. Reg. 725/89, s. 4.

5.—(1) A municipality may, in a development charge by-law, define uses as,

- (a) residential, commercial or other general category; and

- (b) specific categories within the general categories described in clause (a).

(2) A municipality shall calculate the growth-related net capital costs attributable to each of the uses of land, buildings or structures designated in a development charge by-law.

(3) A municipality may impose, with respect to each use of land, buildings or structures designated in a development charge by-law, only those growth-related net capital costs attributed to that use.

(4) A municipality that has provided, in its development charge by-law, for two or more specific use categories within a general category, may treat those specific use categories as a general use for the purposes of subsections (2) and (3).

(5) A municipality may treat any or all of the uses specified in its development charge by-law, except residential uses, as a single use for the purposes of subsections (2) and (3). O. Reg. 725/89, s. 5.

6.—(1) In this section,

“grade” means the average level of finished ground adjoining a dwelling unit at all exterior walls;

“gross floor area” means the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from another dwelling unit or other portion of a building;

“semi-detached or row dwelling” means a residential building consisting of one dwelling unit having one or two vertical walls, but no other parts, attached to another structure;

“single detached dwelling” means a residential building consisting of one dwelling unit and not attached to another structure.

(2) Subject to subsection (3), a development charge by-law shall not impose a development charge with respect to the creation of,

- (a) one or two additional dwelling units in an existing single detached dwelling; or
- (b) one additional dwelling unit in any other existing residential building.

(3) A development charge may be imposed under clause (2) (a) if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.

(4) A development charge may be imposed under clause (2) (b) if the additional unit has a gross floor area greater than,

- (a) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and
- (b) in the case of any other residential building, the gross floor area of the smallest dwelling unit contained in the residential building. O. Reg. 725/89, s. 6.

7. A municipality may provide in a development charge by-law that development charges may be adjusted one or two times annually in accordance with,

- (a) the Composite Southam Construction Cost Index (Ontario Series);
- (b) the Engineering News Record Cost Indexes in 22 cities as published in the Engineering News Record; or
- (c) Statistics Canada quarterly, *Construction Price Statistics*, catalogue number 62-007. O. Reg. 725/89, s. 7.
8. Notice of a public meeting under clause 4 (1) (b) of the Act may be given,
- (a) by personal service or prepaid first class mail to every owner of land in the area to which the proposed by-law would apply, at the address shown on the last revised assessment roll or, if the clerk of the municipality has received written notice of a change of ownership of land, at that address; or
- (b) by publication in a newspaper that is, in the clerk's opinion, of sufficiently general circulation in the area to which the proposed by-law would apply to give the public reasonable notice of the meeting. O. Reg. 725/89, s. 8.
- 9.—(1) The notice under subsection 4 (3) of the Act of the passing of a by-law shall be in Form 1.
- (2) Notice under subsection 4 (3) of the Act shall be given in the same manner as described in section 8 and by personal service or prepaid first class mail,
- (a) to every person and agency that has given the clerk of the municipality a written request for notice of the passing of the by-law and has provided a return address;
- (b) in the case of a by-law passed by the council of an area municipality, to the clerk of the upper tier municipality in which the area municipality is located;
- (c) in the case of a by-law passed by the council of an upper tier municipality, to the clerks of the area municipalities; and
- (d) to the secretary of every school board having jurisdiction within the area to which the by-law applies. O. Reg. 725/89, s. 9.
- 10.—(1) A municipality that has a development charge by-law in force shall prepare a pamphlet setting out,
- (a) a description of the general purpose for which the development charge is being imposed;
- (b) the schedule of development charges established under the by-law; and
- (c) the services for which the development charge is being imposed.
- (2) A municipality shall prepare a revised pamphlet if the development charge by-law is amended or a new by-law comes into force.
- (3) A municipality shall prepare the pamphlet referred to in subsection (1) or (2),
- (a) if the by-law or the amendment to the by-law is not appealed under subsection 4 (4) of the Act, within sixty days of the day the by-law or amendment to the by-law comes into force;
- (b) if the by-law or the amendment to the by-law is appealed and the appeal is dismissed, within sixty days of the date of dismissal;
- (c) if the by-law or the amendment to the by-law is appealed and the council is ordered to amend the by-law, within sixty days of the date the municipality passes the amended by-law; or
- (d) if the by-law or amendment to the by-law is appealed and the Board amends the by-law, within sixty days of the date of the order of the Board.
- (4) The clerk shall provide one copy of the pamphlet to any person, without charge, upon request.
- (5) On or before the 1st day of March in each year, the clerk shall provide to the Minister of Municipal Affairs a copy of the pamphlet setting out the development charges in effect on the 31st day of December in the previous year.
- (6) The clerk may provide additional copies of the pamphlet to any person upon payment of a fee to cover the cost of printing the additional copies.
- (7) Any person may make copies of the pamphlet and distribute the copies to other persons. O. Reg. 725/89, s. 10.
- 11.—(1) A credit given under subsection 13 (1) of the Act shall not exceed the total development charge payable by an owner to the municipality.
- (2) The reasonable cost to the owner of providing the services under subsection 13 (2) of the Act is the cost of providing the services in accordance with the standards described in section 3. O. Reg. 725/89, s. 11.
12. The statement under section 17 of the Act shall contain the following information in respect of each service for which the development charge is being imposed:
1. The balance as of the 1st day of January.
 2. The distribution of the development charge proceeds received during the year.
 3. The amount transferred to the capital fund.
 4. The development charge amounts refunded or allocated to other services.
 5. The apportionment of accrued interest.
 6. The closing balance as of the 31st day of December.
 7. An addendum indicating for each project the intended application of the amount transferred to the capital fund. O. Reg. 725/89, s. 12.
- 13.—(1) A municipality shall pay interest on a refund under subsection 5 (3), (5) or 8 (14) of the Act at a rate not less than the Bank of Canada rate on the date the development charge by-law comes into force.
- (2) Despite subsection (1), the municipality may adjust the interest rate on the first business day of January, April, July and October in each year to a rate not less than the rate established by the Bank of Canada on that date.
- (3) A municipality that makes an adjustment under subsection (2) is required to continue making adjustments on the dates and at the rate set out in that subsection. O. Reg. 725/89, s. 13.

Form 1*Development Charges Act*

NOTICE OF THE PASSING OF A DEVELOPMENT CHARGES BY-LAW BY THE
CORPORATION OF THE

OF

TAKE NOTICE that the Council of the

(name of municipal corporation)

passed By-law on the day of

....., 19..... under section 4 of the *Development Charges Act*.

AND TAKE NOTICE that any person or agency may appeal to the
Ontario Municipal Board in respect of the by-law by filing with the

Clerk of the

(name of the municipal corporation)

not later than the day of

19..... a notice of appeal setting out the objection to the by-law and
the reasons in support of the objection.

An explanation of the development charges imposed under the by-
law, a description of the lands to which the by-law applies and a key
map showing the location of the lands to which the by-law applies
(or, alternatively, an explanation as to why a key map is not pro-
vided) are attached. The complete by-law is available for inspection
in my office during regular office hours.

Dated at the of

this day of, 19.....

Clerk of the of

O. Reg. 725/89, Form 1.

REGULATION 268**EDUCATION DEVELOPMENT CHARGES**

DEFINITIONS

1. In this Regulation,

“bank” means a bank listed in Schedule 1 to the *Bank Act* (Canada)
or a trust corporation registered under the *Loan and Trust Corpo-
rations Act*;

“construction cost” means the construction cost of providing pupil
accommodation, approved by the Minister of Education, for the
purposes of payment of a legislative grant under subsection 11 (3)
of the *Education Act*;

“cost of site purchase”, in respect of a site acquired or proposed to
be acquired by a board for the purpose of a project that provides
pupil accommodation, means the cost approved by the Minister of
Education, for the purposes of payment of a legislative grant
under subsection 11 (3) of the *Education Act*;

“declared value” means the cost on which the building permit fee is
calculated;

“elementary rate of grant” means the percentage of the construction
cost of an elementary school project or of the cost of site purchase
of an elementary school project that may be financed by a legisla-
tive grant under subsection 11 (3) of the *Education Act*;

“elementary yield factor” means a board’s per unit estimate of the
number of elementary school pupils generated from net new units;

“grade” means the average level of finished ground adjoining a
dwelling unit at all exterior walls;

“gross floor area” means the total area of all floors above grade of a
dwelling unit measured between the outside surfaces of exterior
walls or between the outside surfaces of exterior walls and the cen-
tre line of party walls that divide the dwelling unit from another
dwelling unit or other portion of a building;

“local share” means the portion of the cost of a project approved by
the Minister of Education for the purposes of payment of a legisla-
tive grant under subsection 11 (3) of the *Education Act* that may
be financed by money collected under an education development
charge;

“net new units” means the total number of dwelling units on land
subject to an education development charge for which building
permits will be issued during the term of the education develop-
ment charge by-law imposing the education development charge;

“project” means a plan for school facilities that represents an educa-
tion capital cost and that is approved by the Minister of Education;

“secondary rate of grant” means the percentage of the construction
cost of a secondary school project or of the cost of site purchase of
a secondary school project that may be financed by a legislative
grant under subsection 11 (3) of the *Education Act*;

“secondary yield factor” means a board’s per unit estimate of the
number of secondary school pupils generated from net new units;

“semi-detached or row dwelling” means a residential building that
consists of one dwelling unit that has one or two vertical walls but
no other parts attached to another structure;

“single detached dwelling” means a residential building consisting of
one dwelling unit and not attached to another structure;

“treasurer” means the treasurer of a board or, in the case of the pub-
lic sector or the Roman Catholic sector of The Ottawa-Carleton
French-language School Board, the treasurer of The Ottawa-
Carleton French-language School Board. O. Reg. 722/89, s. 1.

PRELIMINARY APPROVAL

2. A board shall refer its plans for school facilities that represent
an education capital cost to the Minister of Education for approval.
O. Reg. 722/89, s. 2.

EDUCATION DEVELOPMENT CHARGE ON RESIDENTIAL DEVELOPMENT

3. A board shall calculate the amount of an education develop-
ment charge on residential development according to the following
procedures, that shall be applied in order beginning with paragraph
1:

1. For each year that the education development charge by-
law imposing the education development charge is in force,
estimate the number of new dwelling units on land subject
to the education development charge.
2. Determine the elementary yield factor or secondary yield
factor, or both, as the case requires, or determine the ele-
mentary yield factor or secondary yield factor, or both, for

- each type of dwelling unit distinguished by the board and represented in the net new units.
3. Multiply the net new units for each year by the elementary yield factor or, if the board has distinguished between types of dwelling units in arriving at its elementary yield factor, multiply the net new units of each type of dwelling unit represented in the net new units for each year by the appropriate elementary yield factor.
 4. Multiply the net new units for each year by the secondary yield factor or, if the board has distinguished between types of dwelling units in arriving at its secondary yield factor, multiply the net new units of each type of dwelling unit represented in the net new units for each year by the appropriate secondary yield factor.
 5. Add the products obtained under paragraph 3 to obtain the total number of estimated growth-related new elementary school pupils.
 6. Add the products obtained under paragraph 4 to obtain the total number of estimated growth-related new secondary school pupils.
 7. Determine the number of elementary school projects required to serve the estimated growth-related new elementary school pupils determined under paragraph 5.
 8. Determine the number of secondary school projects required to serve the estimated growth-related new secondary school pupils determined under paragraph 6.
 9. Determine the cost of site purchase and the construction cost for each project determined under paragraphs 7 and 8.
 10. Add the cost of site purchases for the elementary school projects determined under paragraph 7 to the construction cost for the elementary school projects to obtain the growth-related capital cost elementary.
 11. Add the cost of site purchases for the secondary school projects determined under paragraph 8 to the construction cost for the secondary school projects to obtain the growth-related capital cost secondary.
 12. Multiply the growth-related education capital cost elementary by the elementary rate of grant.
 13. Multiply the growth-related education capital cost secondary by the secondary rate of grant.
 14. Add the products obtained under paragraphs 12 and 13.
 15. Add the growth-related education capital cost elementary to the growth-related education capital cost secondary.
 16. Subtract the sum obtained under paragraph 14 from the sum obtained under paragraph 15 to obtain the growth-related net education capital cost.
 17. If less than 100 per cent of the growth-related net education capital cost is to be financed by education development charges, determine the portion thereof that will be so financed.
 18. Subtract the commercial contribution determined under paragraph 2 of section 4 from the growth-related net education capital cost determined under paragraph 16, or the portion thereof determined under paragraph 17, as the case requires.
 19. Subtract the amount of any local share that forms part of the adjusted growth-related net education capital cost determined under a prior education development charge by-law and remaining in an education development charges account referred to in subsection 5 (2) at the expiration of the term of the prior by-law from the balance in the account at the expiration of the term of the prior by-law.
 20. Subtract the difference obtained under paragraph 19 from the difference obtained under paragraph 18 to obtain the adjusted growth-related net education capital cost.
 21. Divide the adjusted growth-related net education capital cost by the net new units to obtain the amount of the education development charge on residential development. O. Reg. 722/89, s. 3.

EDUCATION DEVELOPMENT CHARGE ON COMMERCIAL DEVELOPMENT

4. A board shall calculate the amount of an education development charge on commercial development, expressed as a percentage of the declared value, according to the following procedures, that shall be applied in order beginning with paragraph 1:

1. Establish a percentage that is greater than zero but does not exceed 40 per cent, that represents the portion of the growth-related net education capital cost determined under paragraph 16 of section 3, or the portion thereof determined under paragraph 17 of section 3, as the case requires, to be financed by the education development charge on commercial development.
2. Multiply the percentage determined under paragraph 1 by the growth-related net education capital cost determined under paragraph 16 of section 3, or the portion thereof determined under paragraph 17 of section 3, as the case requires, to determine the amount of commercial contribution.
3. Divide the amount of commercial contribution by the estimated declared value of all building permits to be issued during the term of the education development charge by-law imposing the charge in respect of commercial development on land subject to the education development charge imposed by the by-law.
4. Multiply the quotient obtained under paragraph 3 by 100 to obtain the amount of the education development charge on commercial development expressed as a percentage of the declared value. O. Reg. 722/89, s. 4.

EDUCATION DEVELOPMENT CHARGES ACCOUNTS

5.—(1) A board that passes an education development charge by-law shall establish two interest-bearing education development charges accounts.

(2) One interest-bearing education development charges account shall be for the deposit of money received under the education development charge imposed by the by-law on residential development.

(3) The other interest-bearing education development charges account shall be for the deposit of money received under the education development charge imposed by the by-law on commercial development.

(4) If land is within an area in which a second or subsequent education development charge is imposed, each board that passed an education development charge by-law imposing education development charges on the land shall establish with the other board or boards two interest-bearing joint education development charges accounts in accordance with subsections (2) and (3).

(5) Except as provided in the Act and this Regulation, and except for bank service charges, money shall not be withdrawn from an education development charges account.

(6) Money may be withdrawn from an education development

charges account established under subsection (4) only on the signatures of the treasurers of the boards on whose accounts the money is deposited.

(7) If a project is approved by the Minister of Education for the purposes of payment of a legislative grant under subsection 11 (3) of the *Education Act*, a board may withdraw from its education development charges accounts an amount up to or equal to the local share of the project for the purpose of applying the amount to the local share of the project. O. Reg. 722/89, s. 5.

6.—(1) Money may be withdrawn from an education development charges account for the purpose of permitting a board to invest in such investments as a board is authorized to make under subsection 171 (1) of the *Education Act*.

(2) Money held in a joint education development charges account may only be withdrawn under subsection (1) if the investments made are held jointly by the boards in whose names the account is held. O. Reg. 722/89, s. 6.

7. Each treasurer shall, on or before the 31st day of March in each year, provide to his or her board and to the Minister of Education a statement for each education development charges account referred to in section 5 that includes,

- (a) the balance in the account as of the 1st day of January of the preceding year;
- (b) a record that shows the date, amount and source of funds deposited in the account;
- (c) a record that shows the date, amount and purpose of funds withdrawn from the account;
- (d) bank charges with respect to the account;
- (e) interest accrued on the account; and
- (f) the balance in the account as of the 31st day of December of the preceding year. O. Reg. 722/89, s. 7.

8. The amount that may be withdrawn from its education development charges accounts for the deposit of money collected under an education development charge on commercial development shall not exceed the amount of commercial contribution determined under paragraph 2 of section 4. O. Reg. 722/89, s. 8.

HOUSING INTENSIFICATION EXEMPTION

9.—(1) Subject to subsections (2) and (3), an education development charge by-law shall not impose an education development charge with respect to the creation of,

- (a) one or two additional dwelling units in an existing single detached dwelling; or
- (b) one additional dwelling unit in any other existing residential building.

(2) An education development charge may be imposed under circumstances described in clause (1) (a) if the total gross floor area of the additional dwelling unit or two additional dwelling units exceeds the gross floor area of the existing single detached dwelling.

(3) An education development charge may be imposed under circumstances described in clause (1) (b) if the additional dwelling unit has a gross floor area greater than,

- (a) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; or
- (b) in the case of any other residential building, the gross floor area of the smallest dwelling unit contained in the residential building. O. Reg. 722/89, s. 9.

INFLATION INDEX

10. For purposes of subsection 30 (4) of the Act, the following indices are prescribed:

1. The Composite Southam Construction Cost Index (Ontario Series).
2. The Engineering News Record Cost Indices in 22 cities as published in the Engineering News Record.
3. Statistics Canada quarterly, *Construction Price Statistics*, catalogue number 62-007. O. Reg. 722/89, s. 10.

NOTICE

11. Notice of a public meeting under clause 31 (1) (b) of the Act shall be given by personal service on, or by prepaid first class mail to, the clerk of each municipality in the area of jurisdiction of the board, and,

- (a) by personal service or prepaid first class mail to every owner of land on which the proposed education development charge by-law would impose an education development assessment roll or, if the clerk of the municipality or of the board, as the case may be, has received written notice of a subsequent change of address, at such address; or
- (b) by publication in one or more newspapers that are of sufficient general circulation in the area of jurisdiction of the board to give the public reasonable notice of the meeting. O. Reg. 722/89, s. 11.

12.—(1) A notice under subsection 31 (3) of the Act shall be in Form 1.

(2) A notice under subsection 31 (3) of the Act shall be given to the same persons and in the same manner as described in section 11, and by personal service on, or by prepaid first class mail to, every person who has given the secretary of the board a written request for notice of the passing of an education development charge by-law.

(3) Despite subsection (2), notice need not be given to a person who has requested notice of the passing of an education development charge by-law if the person has not given his or her address to the secretary of the board at the time that the request was made. O. Reg. 722/89, s. 12.

INTEREST

13. For the purposes of section 42 of the Act, interest shall be paid from the date of payment of the money being refunded at the Bank of Canada rate on the date the education development charge by-law comes into force, as adjusted on the first business days of January, April, July and October in each year. O. Reg. 722/89, s. 13.

MONTHLY STATEMENT FROM MUNICIPALITIES

14. The following information is prescribed for the purpose of subsection 37 (5) of the Act:

1. The number of building permits issued in respect of residential development on land subject to an education development charge of the board, or the number of building permits issued in respect of residential development on land subject to an education development charge of the board for each type of dwelling unit distinguished by the board.
2. The location of lands to which the building permits described in paragraph 1 pertained.
3. The amount of money collected in payment of education development charges of the board on residential development.

- 4. The number of building permits issued to owners exempted from an education development charge of the board under section 9.
- 5. The number of building permits issued in respect of commercial development on land subject to an education development charge of the board.
- 6. The total declared value represented by the building permits described in paragraph 5.
- 7. The amount of money collected in payment of education development charges of the board on commercial development. O. Reg. 722/89, s. 14.

EXEMPT OWNERS

15. A board shall exempt an owner from an education development charge on residential development imposed in respect of the creation of a dwelling unit if the owner meets the following conditions:

- 1. Application in Form 2 is made for the exemption within sixty days after the education development charge by-law that imposes the education development charge comes into force.
- 2. The dwelling unit is the subject of a subsisting agreement of purchase and sale that the vendor and purchaser intend to complete and that was signed on or before the 12th day of December, 1988 by the vendor and the purchaser.
- 3. In entering into the agreement mentioned in paragraph 2, the vendor did not contravene subsection 52 (1) of the *Planning Act*.
- 4. A copy of the agreement mentioned in paragraph 2 is attached to the application for the exemption.
- 5. No person has been exempted under this section in respect of a dwelling unit that the purchaser under the agreement mentioned in paragraph 2 has purchased or agreed to purchase. O. Reg. 242/90, s. 1.

Form 1

Development Charges Act

NOTICE OF THE PASSING OF AN EDUCATION DEVELOPMENT CHARGE BY-LAW BY THE

..... (name of school board)

TAKE NOTICE that the

..... (name of school board)

passed by-law on the day of
....., 19..... under section 30 of the *Development Charges Act*.

AND TAKE NOTICE that any person or organization may appeal to the Ontario Municipal Board in respect of the by-law by filing with the Secretary of the (name of school board)

not later than the day of
19..... a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

An explanation of the development charges imposed under the by-law, a description of the lands to which the by-law applies and a key map showing the location of the lands to which the by-law applies (or, alternatively, an explanation as to why a key map is not provided) are attached. The complete by-law is available for inspection in my office during regular office hours.

Dated at the of
this day of, 19.....

.....
Secretary of the
.....
O. Reg. 722/89, Form 1.

Form 2

Education Development Charge Exemption Application

To (School Board)

IN THE MATTER OF of an education development charge against the land described as follows:

.....
.....
.....

I apply for exemption under section 15 of Regulation 268 of Revised Regulations of Ontario, 1990 (Education Development Charges) from an education development charge on residential development imposed on the lands described above. I meet the conditions set out in that section.

A copy of the agreement of purchase and sale supporting this application is attached.

..... (Applicant) (Date)
..... (School Board) (Date)

O. Reg. 242/90, s. 2.

Development Corporations Act *Loi sur les sociétés de développement*

REGULATION 269

INNOVATION ONTARIO CORPORATION

1.—(1) In this Regulation, "Corporation" means the Innovation Ontario Corporation continued under subsection (2).

(2) The Innovation Ontario Corporation is continued on behalf of Her Majesty in right of Ontario as a corporation without share capital with the following objects:

1. To encourage and assist in the acquisition, development and demonstration of technological products, processes and services in Ontario, including, without limiting the generality of the foregoing, the provision of financial assistance and incentives, subject to subsection (4), by way of loans, guarantees or the purchase of shares or other securities.
2. To provide financial, technical, managerial and marketing expertise.
3. To encourage commercial development of research activity based in Ontario.
4. To assist the development of enterprises so as to encourage investment in them by venture capitalists and institutional and other investors.
5. To provide technical and market information to facilitate innovation and technology transfers.
6. To assist Ontario-based enterprises to acquire, through license or joint venture agreements or otherwise, access to foreign technology for the purpose of commercially developing products, processes and services in Ontario.
7. To assist Ontario-based suppliers of technological products and services to meet long-term procurement requirements of governments and public sector agencies and institutions.

(3) For the purpose of carrying out its objects, and subject to the Act and this Regulation, the Corporation has the capacity and powers of a natural person. O. Reg. 550/86, s. 1 (1-3).

(4) The Corporation shall not provide financial assistance in an amount greater than \$350,000, including a guarantee for a loan greater than \$350,000, without the prior approval of the Lieutenant Governor in Council. O. Reg. 512/90, s. 1.

(5) A guarantee of the Corporation is not valid unless it is executed under corporate seal of the Corporation and signed by the Treasurer of Ontario. O. Reg. 550/86, s. 1 (5).

2.—(1) The Corporation shall have a board of directors consisting of not fewer than nine and not more than fifteen members to be appointed by the Lieutenant Governor in Council for a term of not more than three years, among whom one shall be a director of the Ontario Development Corporation, one shall be a director of the Northern Ontario Development Corporation, and one shall be a director of the Eastern Ontario Development Corporation.

(2) The Lieutenant Governor in Council shall designate one of the directors as chair and one of the directors as vice-chair.

(3) The Corporation may pay to those of its directors who are not

public servants of Ontario such remuneration and allowances as may be fixed by the Lieutenant Governor in Council.

(4) At the first meeting of the board of directors, and until otherwise provided for by by-law, a quorum shall be a majority of the directors appointed and, thereafter, a quorum shall be the number of directors that the board designates by by-law.

(5) The board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation.

(6) The chair shall preside at all meetings of the board and, in the chair's absence or if the office of chair is vacant, the vice-chair has all the powers and shall perform all the duties of the chair. O. Reg. 550/86, s. 2.

3. The chief executive officer of the Corporation shall be the person appointed by the Lieutenant Governor in Council as chief executive officer of the Development Corporations under section 9 of the Act. O. Reg. 550/86, s. 3.

4.—(1) The fiscal year of the Corporation shall commence on the 1st day of April in each year and end on the 31st day of March in the following year.

(2) Section 132 of the *Business Corporations Act* applies with necessary modifications to the Corporation.

(3) The *Corporations Act* does not apply to the Corporation. O. Reg. 550/86, s. 4.

5. The affairs of the Corporation shall be managed and supervised by its board, but the board shall comply with any directions respecting the policies of the Government of Ontario on technology and innovation given to it from time to time in writing by the Minister. O. Reg. 550/86, s. 5.

6. No member, officer or employee of the Corporation, or other person acting on behalf of the Corporation, is personally liable for anything done or omitted in good faith in the exercise or purported exercise of the powers conferred by this Regulation. O. Reg. 550/86, s. 6.

7.—(1) No act of the Corporation, including any transfer of property to or by the Corporation, is invalid by reason only that the act is not authorized by this Regulation.

(2) No person is deemed to have notice of the contents of a document concerning the Corporation by reason only that the document is available to the public.

(3) The Corporation or a guarantor of an obligation of the Corporation may not assert against a person dealing with the Corporation or with a person who has acquired rights from the Corporation that,

(a) this Regulation, an order in council, a direction of the Minister, the policies of the Government of Ontario or the by-laws of the Corporation have not been complied with;

(b) a person held out by the Corporation as a director, an officer or an agent of the Corporation has not been duly appointed or has no authority to exercise the powers and perform the duties that are the customary business of the Corporation or usual for such director, officer or agent; or

- (c) a document issued by a director, officer or agent of the Corporation with actual or apparent authority to issue the document is not valid or not genuine,

except where the person has or ought to have, by virtue of a position with or relationship to the Corporation, knowledge to that effect. O. Reg. 550/86, s. 7

8. The Lieutenant Governor in Council may authorize the Corporation to act as agent for the Province of Ontario in respect of programs, projects or matters undertaken or carried out by the Province for the advancement of technology in Ontario. O. Reg. 550/86, s. 8.

9.—(1) Such employees may be appointed under the *Public Service Act* as are considered necessary for the proper conduct of the business of the Corporation.

(2) The Corporation may engage persons other than those appointed under subsection (1) to provide professional, technical or other assistance to or on behalf of the Corporation, and may prescribe the duties and other terms of engagement and provide for payment of the remuneration and expenses of such persons. O. Reg. 550/86, s. 10.

10.—(1) The money required for the purpose of defraying the administrative expenses of the Corporation shall be paid out of the money appropriated by the Legislature for the purpose.

(2) The money required for the purposes of subsection 1 (2) shall be paid out of the money appropriated therefor by the Legislature.

(3) All money received by the Corporation shall be deposited in one or more accounts of the Corporation in the Province of Ontario Savings Office, one or more banks listed in Schedule I or II to the *Bank Act* (Canada), one or more trust corporations registered under the *Loan and Trust Corporations Act*, and the money shall be applied solely in carrying out the objects of the Corporation.

(4) All or part of the money deposited in an account referred to in subsection (3) shall, on the order of the Lieutenant Governor in Council, be paid into and form part of the Consolidated Revenue Fund. O. Reg. 550/86, s. 11.

11. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor and reports of the audit shall be made to the Corporation and to the Minister. O. Reg. 550/86, s. 12.

12.—(1) The Corporation shall make an annual report to the Minister of all financial assistance and incentives provided under subsection 1 (2) together with the names and addresses of the persons to whom the assistance or incentives are given, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next session.

(2) The Corporation shall, in addition to making an annual report under subsection (1), make such other reports of its affairs and operations to the Minister as the Minister may require. O. Reg. 550/86, s. 13.

13.—(1) The Corporation shall terminate on the 30th day of June, 1991 or on such other day thereafter as the Lieutenant Governor in Council may designate.

(2) On termination, the Corporation shall be wound up and its assets shall, at the direction of the Minister, be,

- (a) liquidated or sold as a going concern and the proceeds paid into the Consolidated Revenue Fund;
- (b) transferred to Her Majesty in right of Ontario or to an agency of the Crown. O. Reg. 550/86, s. 14.

REGULATION 270

THE ONTARIO FILM DEVELOPMENT CORPORATION

1.—(1) Under section 5 of the Act, The Ontario Film Development Corporation is constituted on behalf of Her Majesty in right of Ontario as a corporation without share capital is continued with the following objects, powers and duties:

1. To create and stimulate employment and investment in Ontario by developing and promoting resident Ontario companies and projects producing, distributing and marketing film, television, video works and related products created by Canadians, including, without limiting the generality of the foregoing,
 - i. the provision of services to co-ordinate, facilitate and stimulate the public and private sector with respect to the creation, development, production, distribution and sale of film, television, video works and related products,
 - ii. the entering into of joint venture agreements with, or acquiring an equity interest in, private sector corporations with respect to the creation, development, distribution and marketing of film, television, video works and related products,
 - iii. the acquisition, preservation, reproduction, exhibition and lending of film, television, video works and related products and the maintenance of a film, television and video library,
 - iv. the provision of financial assistance by way of loan, guarantee or grant to a person carrying on a film, television or video undertaking in Ontario, and
 - v. the taking of security by way of mortgage, charge, hypothecation or assignment of or on any real or personal property.
2. To assist in the cost of feasibility studies, proposals, bid presentations, market development costs and matters related thereto.
3. To enter into agreements to create, develop, distribute and market film, television, video works and related products with the Government of Canada or an agency thereof or the government of one or more provinces or any agency thereof.
4. To structure, promote, exhibit, distribute, market and finalize transactions of maximum benefit to the ministries, boards, agencies and commissions of the Government of Ontario as well as the private sector in fields such as film, television and video production.
5. To do all things that are incidental or conducive to the attainment of its objects, the exercise of its powers and the performance of its duties.

(2) No guarantee of The Ontario Film Development Corporation is valid unless signed by the Treasurer of Ontario and executed under the seal of the Corporation. O. Reg. 37/86, s. 1.

2. The Ontario Film Development Corporation shall consist of not fewer than seven and not more than fifteen members appointed by the Lieutenant Governor in Council. O. Reg. 37/86, s. 2.

3. The fiscal year of The Ontario Film Development Corporation shall commence on the 1st day of April in each year and end on the 31st day of March in the following year. O. Reg. 37/86, s. 3.

4.—(1) The members of The Ontario Film Development Corpo-

ration form and are its board of directors and the Lieutenant Governor in Council shall designate one of them as chair and one of them as vice-chair. O. Reg. 678/87, s. 1 (1).

(2) The chair shall be paid such salary as the Lieutenant Governor in Council determines. O. Reg. 37/86, s. 4 (2).

(3) In the absence of the chair for any prolonged period, the Lieutenant Governor in Council may designate a member of The Ontario Film Development Corporation as acting chair to be paid such remuneration as the Lieutenant Governor in Council determines. O. Reg. 678/87, s. 1 (2).

5. A member may be appointed for a term not exceeding three years and is eligible for reappointment. O. Reg. 82/89, s. 1.

6. The Ontario Film Development Corporation may pay those of its members who are not officers in the public service of Ontario such remuneration and expense allowances as are from time to time fixed by the Lieutenant Governor in Council. O. Reg. 37/86, s. 6.

7.—(1) The affairs of The Ontario Film Development Corporation are under the management and control of the board of directors and the chair shall preside at all meetings of the board of directors.

(2) A majority of the board of directors constitutes a quorum. O. Reg. 37/86, s. 7.

8. The board of directors shall meet at least four times in each year. O. Reg. 37/86, s. 8.

9. The board of directors may from its membership establish by by-law committees of the board and may delegate to the committees such powers and duties of the board as it may determine. O. Reg. 37/86, s. 9.

10. The board of directors may, subject to the approval of the Minister of Culture and Communications, make by-laws regulating its proceedings and generally for the conduct and management of the affairs of The Ontario Film Development Corporation. O. Reg. 37/86, s. 10.

11. Section 132 of the *Business Corporations Act* applies to The Ontario Film Development Corporation. O. Reg. 37/86, s. 11.

12. The *Corporations Act* does not apply to The Ontario Film Development Corporation. O. Reg. 37/86, s. 12.

13.—(1) The Lieutenant Governor in Council shall appoint the chief executive officer of The Ontario Film Development Corporation.

(2) In the absence of the chief executive officer for a prolonged period, the Lieutenant Governor in Council may appoint an acting chief executive officer.

(3) A chief executive officer or the acting chief executive officer who is not an employee in the public service of Ontario or a director of The Ontario Film Development Corporation shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council. O. Reg. 678/87, s. 2.

14. Such employees may be appointed under the *Public Service Act* as are considered necessary for the proper conduct of the business of The Ontario Film Development Corporation. O. Reg. 37/86, s. 13.

15. In accordance with government policy, The Ontario Film Development Corporation may engage persons other than those appointed under section 14 to provide professional, technical or other assistance to or on behalf of The Ontario Film Development Corporation, and may prescribe their duties and other terms of engagement and provide for payment of the remuneration and expenses of such persons. O. Reg. 37/86, s. 14.

16. No member, officer or employee of a corporation, or other person, acting on behalf of The Ontario Film Development Corporation, is personally liable for anything done or omitted in good faith in the exercise or purported exercise of the powers conferred by this Regulation. O. Reg. 37/86, s. 15.

17.—(1) The Ontario Film Development Corporation shall maintain in its own name one or more accounts in the Province of Ontario Savings Office or in one or more banks listed in Schedule I or II to the *Bank Act* (Canada) or in one or more trust corporations registered under the *Loan and Trust Corporations Act*.

(2) All money received by The Ontario Film Development Corporation shall be deposited to the credit of accounts established under subsection (1) and shall be applied solely in promoting and carrying out the objects of The Ontario Film Development Corporation.

(3) All or part of the money deposited in an account established under subsection (1) shall, on the order of the Lieutenant Governor in Council, be paid into and form part of the Consolidated Revenue Fund. O. Reg. 37/86, s. 16.

18. The accounts and financial transactions of The Ontario Film Development Corporation shall be audited annually by the Provincial Auditor and reports of the audit shall be made to The Ontario Film Development Corporation and to the Minister of Culture and Communications. O. Reg. 37/86, s. 17.

19. The Ontario Film Development Corporation shall make a report annually to the Minister of Culture and Communications on the affairs of The Ontario Film Development Corporation and the Minister of Culture and Communications shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next session. O. Reg. 37/86, s. 18.

20. The Ontario Film Development Corporation shall, in addition to making an annual report under section 18, make to the Minister of Culture and Communications such other reports of its affairs and operations as the Minister requires. O. Reg. 37/86, s. 19.

REGULATION 271

ONTARIO INTERNATIONAL CORPORATION

1. The Ontario International Corporation, constituted on behalf of Her Majesty in right of Ontario under section 5 of the Act, is continued as a corporation without share capital with the following objects, powers and duties:

1. To create and stimulate employment and investment in Ontario by developing and promoting the export of Ontario goods and services on a competitive basis in domestic and international markets, including, without limiting the generality of the foregoing,
 - i. the provision of services to co-ordinate the export of Ontario oriented products and services by the public and private sectors, and
 - ii. the provision of financial assistance, by way of loan or guarantee, to persons carrying on industrial undertakings in Ontario.
2. Subject to the approval of the Lieutenant Governor in Council, to lend money or guarantee a loan made by a lender approved by the Ontario International Corporation, and to assist in the cost of feasibility studies, proposals, bid presentations, market development costs, and matters related thereto and to forgive repayment of such loans in whole or in part.

3. To structure, promote, market and finalize export transactions of maximum benefit to the Ministries and boards, agencies and commissions of the Government of Ontario as well as the private sector in fields such as energy, environment, health, education, agricultural resources, transportation and manufacturing.
 4. To continue the business and undertaking of the Ontario Educational Services Corporation and in connection therewith to acquire all its assets and assume all its obligations.
 5. To study, promote and assist in the growth, efficiency and improvement of Ontario's educational and training resources for use in the international marketplace.
 6. To carry on in domestic and international markets the business of providing educational and training services to the private and public sectors.
 7. To enter into contracts and operate bank accounts as may be required to carry out its objects, exercise its powers and perform its duties.
 8. To do all things that are incidental or conducive to the attainment of its objects, the exercise of its powers and the performance of its duties. O. Reg. 113/84, s. 1, *part*.
2. The Ontario International Corporation shall consist of ten members,
- (a) six of whom shall be appointed by the Lieutenant Governor in Council on the recommendation of the Minister of Industry and Trade; and
 - (b) four of whom shall be appointed by the Lieutenant Governor in Council on the recommendation of the Minister of Education. O. Reg. 113/84, s. 1, *part*.
3. The members of the Ontario International Corporation shall form and be its board of directors and the Lieutenant Governor in Council shall designate one of the members appointed under clause 2 (a) as chair. O. Reg. 113/84, s. 1, *part*.
4. The Ontario International Corporation shall have a seal that shall be adopted by by-law and may be altered or changed by by-law. R.R.O. 1980, Reg. 241, s. 4.
5. The fiscal year of the Ontario International Corporation shall commence on the 1st day of April in each year and end on the 31st day of March in the following year. R.R.O. 1980, Reg. 241, s. 5.
6. The *Corporations Act* and the *Corporations Information Act* do not apply to the Ontario International Corporation. R.R.O. 1980, Reg. 241, s. 6.
7. The Ontario International Corporation may pay those of its members who are not officers in the public service of Ontario such remuneration and expense allowances as are from time to time fixed by the Lieutenant Governor in Council. R.R.O. 1980, Reg. 241, s. 7.
8. A majority of the members of the Ontario International Corporation constitutes a quorum at meetings of the board of directors. R.R.O. 1980, Reg. 241, s. 8.
9. The board of directors may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Ontario International Corporation. R.R.O. 1980, Reg. 241, s. 9.
10. The affairs of the Ontario International Corporation are under the management and control of the board of directors and the chair shall preside at all meetings of the board of directors. R.R.O. 1980, Reg. 241, s. 10.
11. In exercising its powers the Ontario International Corporation shall comply with any directions from time to time given to it in writing by the Lieutenant Governor in Council expressing the policy of the Government of Ontario. R.R.O. 1980, Reg. 241, s. 11.
12. Such employees may be appointed under the *Public Service Act* as are considered necessary from time to time for the proper conduct of the business of the Ontario International Corporation. R.R.O. 1980, Reg. 241, s. 12.
13. In accordance with government policy, the Ontario International Corporation may engage persons other than those appointed under section 12 to provide professional, technical or other assistance to or on behalf of the Ontario International Corporation, and may prescribe their duties and other terms of engagement and provide for payment of the remuneration and expenses of such persons. R.R.O. 1980, Reg. 241, s. 13.
14. No member, officer or employee of a corporation, or other person acting on behalf of the Ontario International Corporation, is personally liable for anything done or omitted in good faith in the exercise or purported exercise of the powers conferred by this Regulation. R.R.O. 1980, Reg. 241, s. 14.
15. The accounts and financial transactions of the Ontario International Corporation shall be audited annually by the Provincial Auditor and reports of the audit shall be made to the Ontario International Corporation and to the Minister. R.R.O. 1980, Reg. 241, s. 15.
16. The Ontario International Corporation shall make a report annually to the Minister on the affairs of the Ontario International Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next session. R.R.O. 1980, Reg. 241, s. 16.
17. The Ontario International Corporation shall, in addition to making an annual report under section 16, make to the Minister such other reports of its affairs and operations as the Minister may require. R.R.O. 1980, Reg. 241, s. 17.
18. The Ontario International Corporation terminates on the 31st day of December, 1991. O. Reg. 703/89, s. 1.

Developmental Services Act
Loi sur les services aux personnes atteintes d'un handicap de développement

REGULATION 272

GENERAL

PART I
DEFINITIONS

1.—(1) In this Regulation,

“approved children’s home” means a home approved by the Minister and designated as a class of facility in subsection 2 (3);

“architect” means a person who is a member of the Ontario Association of Architects or a person who is licensed to practise as an architect under the *Architects Act*;

“corporation” means a corporation without share capital having objects of a charitable nature,

- (a) to which Part III of the *Corporations Act* applies, or
- (b) that is incorporated under a general or special Act of the Parliament of Canada;

“health care” means medical, surgical, obstetrical, optical, dental and nursing services, and includes drugs, dressings, prosthetic appliances and any other items or health services necessary to or commonly associated with the provision of any such specified services, but does not include any part of such items and health services payable under the Ontario Health Insurance Plan under the *Health Insurance Act*;

“licensed public accountant” means a public accountant licensed under the *Public Accountancy Act*;

“professional engineer” means a person who is licensed to practise as a professional engineer under the *Professional Engineers Act*. R.R.O. 1980, Reg. 242, s. 1 (1).

(2) For the purposes of the Act and this Regulation,

“assistance” means,

- (a) aid in any form to a resident for the purpose of providing all or any of the following,
 - (i) care in a facility,
 - (ii) food, shelter, clothing, fuel, utilities, household supplies and personal essentials,
 - (iii) travel and transportation,
 - (iv) a funeral and burial,
 - (v) health care, and
 - (vi) services purchased on behalf of a resident,
- (b) aid in any form to a person with a developmental handicap other than a resident for the purpose of providing all or any of the following,
 - (i) residential care,
 - (ii) parent relief, and

(iii) travel and transportation;

“services” means services for a person with a developmental handicap and includes,

- (a) diagnosis and assessment,
- (b) homemaker services,
- (c) day care,
- (d) training and rehabilitation,
- (e) casework and counselling,
- (f) health care,
- (g) research and evaluation,
- (h) training programs to offer instruction in the nature of mental retardation and its prevention,
- (i) infant stimulation,
- (j) behaviour management training,
- (k) demonstration projects,
- (l) staff training for the benefit of persons with developmental handicaps,
- (m) information programs to increase awareness of existing services for developmentally handicapped persons, and
- (n) training in life skills for persons with a developmental handicap. R.R.O. 1980, Reg. 242, s. 1 (2); O. Reg. 165/89, s. 1.

PART II
CLASSES OF FACILITIES

2.—(1) The facilities in Schedules 1, 2 and 3 are designated as facilities to which the Act and this Regulation apply.

(2) Homes approved by the Minister for providing assistance and services to persons with a developmental handicap are designated as a class of facility to which the Act and this Regulation apply.

(3) Homes approved by the Minister for the providing of residential accommodation for or on behalf of children under eighteen years of age with a developmental handicap other than homes to which subsections (1) and (2) apply are designated as a class of facility to which the Act and this Regulation apply. R.R.O. 1980, Reg. 242, s. 2.

PART III
OPERATING SUBSIDY

3.—(1) Every person who operates a facility designated in Schedule 2 or 3 shall, annually, prepare and submit to the Minister an estimate of the operating costs and revenue of the facility for the budget year in respect of the assistance and service that it is proposed to offer and such estimate shall be subject to the approval of the Minister.

(2) A person who submits an estimate under subsection (1) may

at any time during the budget year after the estimate has been approved by the Minister submit to the Minister for his or her approval an amendment to the estimate or a supplementary estimate of the operating costs and revenue of the facility for the budget year.

(3) The Minister may approve the amount of any estimate or amendment thereto, as the case may be, as submitted under subsection (1) or (2) or the Minister may vary the amount of the estimate or the amendment and approve the amount as so varied.

(4) The amount of provincial aid for a budget year payable as a subsidy for the operating costs of a facility designated under Schedule 2 or 3 shall be equal to the total estimate of the operating costs of the facility as finally approved by the Minister under subsection (3) for the budget year subject to any final adjustment that might be made upon receipt from the person who operates the facility of the annual financial statement of the facility for the budget year audited by a licensed public accountant.

(5) The provincial aid payable under subsection (4) may be payable in monthly instalments, on the first day of the month for which it is payable and may be paid in advance, the first instalment being payable in the first month of the budget year for which the provincial aid is payable and the balance each month thereafter until the entire amount has been paid.

(6) Subject to subsection (8), the amount of each instalment payable before the estimate submitted under subsection (1) has been approved by the Minister under subsection (3), shall be one-twelfth of the amount of provincial aid paid for the preceding budget year.

(7) Subject to subsections (8) and (9), the amount of each instalment payable after the estimate submitted under subsection (1) has been approved by the Minister under subsection (3) shall be one-twelfth of the total amount payable by Ontario for the budget year in which the estimate has been approved.

(8) The Minister may vary the amount of any instalment payable under subsection (6) or (7).

(9) Any difference between the aggregate of the amounts of all the instalments as determined under subsections (6) and (7) due in the budget year for which the estimate has been approved and the total amount of the provincial aid payable under subsection (4) for that year before the final adjustment provided for in subsection (4) may be adjusted in the instalments due and payable after the Minister's approval of the estimate submitted under subsection (1).

(10) Where the submission of the estimate referred to in subsection (1) or the audited annual financial statement referred to in subsection (4) is not furnished to the Minister, the provincial aid payable under subsection (4) may be withheld until the operator of the facility provides information satisfactory to the Minister. R.R.O. 1980, Reg. 242, s. 3 (1-10).

(11) The amount payable on or after the 1st day of April, 1980 as provincial aid to a corporation operating an approved children's home shall not exceed the total estimate of operating costs submitted by the Corporation and approved by the Minister and determined having regard to,

- (a) the number of beds;
- (b) the number of staff; and
- (c) the services,

to be provided in the approved children's home by the Corporation, and

- (d) the revenue of the approved children's home. O. Reg. 608/81, s. 1 (1); O. Reg. 334/84, s. 1.

(12) The Minister may approve any amendment to the estimate of operating costs submitted by the Corporation or may at any time

vary the amount of the estimate or the amendment and approve the amount so varied. O. Reg. 608/81, s. 1 (2).

(13) Every corporation applying for payment of provincial aid for the operation of an approved children's home shall enter into an agreement with Ontario with respect to the payment. R.R.O. 1980, Reg. 242, s. 3 (12).

PART IV CAPITAL GRANTS

4.—(1) In this Part,

“actual cost” means the cost of a building project and includes,

- (a) fees payable for the services of an architect, professional engineer, or other consultant,
- (b) the cost of purchasing and installing furnishings and equipment,
- (c) the cost of land surveys, soil tests, permits, licences and legal fees,
- (d) the cost of paving, sodding and landscaping, and
- (e) the cost of acquiring the land necessary for the building project;

“approved cost” means that portion of the actual cost of a building project approved by the Minister;

“building project” means a project composed of one or more of the following elements,

- (a) the purchase or other acquisition of all or any part of an existing building or buildings including the land contiguous thereto,
- (b) any renovations, alterations or additions to an existing building or buildings,
- (c) the purchase or other acquisition of vacant land for the purpose of constructing a building or buildings thereon,
- (d) the erection of a new building, or any part thereof,
- (e) the demolition of a building,
- (f) the installation of public utilities, sewers and items or services necessary for access to the land or building or buildings.

(2) The amount of capital grant payable under the Act to a facility designated or to be designated in Schedule 2 or 3 for a building project is equal to two-thirds of the approved cost of the building project.

(3) The amount of capital grant payable on or after the 1st day of April, 1980 under the Act to a corporation establishing or operating an approved children's home for a building project is equal to the lesser of,

- (a) \$15,000.00 per bed; and
- (b) 80 per cent of the approved cost of the building project. R.R.O. 1980, Reg. 242, s. 4.

5.—(1) An application for a capital grant shall be made to the Minister on a form provided by the Minister.

(2) An applicant who applies under subsection (1) shall file with the Minister, for the Minister's approval, two copies of a site plan showing the location of the building or buildings, if any, on the site and, in the case of a building project with one or more of the ele-

ments referred to in clause (a), (b), (d) or (f) of the definition of "building project" in section 4,

- (a) building plans and specifications prepared by an architect or professional engineer showing the structure, fixtures and arrangements of the building or buildings and describing the areas of the building or buildings to be used for the purposes of the Act; or
- (b) where the Minister approves, structural sketches and specifications prepared by a person other than an architect or professional engineer describing the building or buildings and the areas of the building or buildings or contiguous to the building or buildings to be used for the purposes of the Act.

(3) No plan, specification or structural sketch filed with the Minister shall be amended or altered without the approval of the Minister. R.R.O. 1980, Reg. 242, s. 5.

6.—(1) No payment of a capital grant shall be made for a building project except where,

- (a) the building project has been approved by the Minister; and
- (b) the approved cost has been determined.

(2) An approval of a building project by the Minister referred to in subsection (1) expires on the first anniversary of the date upon which the approval is given unless the building project has been commenced before such anniversary date.

(3) A capital grant may be paid as a single payment or in two or more instalments and, except where the Minister directs otherwise, the aggregate of the amounts of the capital grant paid at any point in time shall not exceed the greater of,

- (a) an amount that bears the same proportion to the estimated total payment as the amount of progress made at the time towards completion of the project bears to the total estimated amount of work required for completion; and
- (b) an amount that bears the same proportion to the estimated total payment as the amount of cost incurred at the time bears to the total estimated cost of the project.

(4) A single payment, or in the case of payment in two or more instalments, the final payment of an amount payable for a building project shall not be made until,

- (a) an architect or professional engineer certifies, or the Minister is otherwise satisfied, that the building project has been completed in accordance with the plans filed under clause 5 (2) (a) or the sketches thereof approved by the Minister under clause 5 (2) (b) and the building or addition is ready for use and occupancy; and
- (b) the applicant for the payment submits a report containing,
 - (i) a statement of the actual cost of the building project,
 - (ii) a statement indicating that all refundable sales tax has been taken into account,
 - (iii) a statement indicating that the total amount of the unpaid accounts applicable to the building project does not exceed the amount of the grant remaining to be paid, and
 - (iv) an undertaking that the amount of the grant remaining to be paid will be applied first to the payment of the unpaid accounts. R.R.O. 1980, Reg. 242, s. 6.

7. No applicant for or recipient of a capital grant for a building project shall, without the approval of the Minister,

- (a) acquire a building or land for the building project;
- (b) call tenders for the building project;
- (c) commence construction of the building project; or
- (d) erect any temporary or permanent sign, tablet or plaque on the site or building project. R.R.O. 1980, Reg. 242, s. 7.

8. It is a term and condition of a payment of a capital grant under the Act in respect of a building, buildings or land forming part of a building project that the applicant for payment shall enter into an agreement with the Minister in which the applicant shall,

- (a) agree not to change the site, structure, use of or sell, agree to sell, lease, mortgage, encumber, donate or otherwise dispose of all or any part of the building, buildings or land without the approval of the Minister;
- (b) agree not to demolish or make alterations or additions to all or any part of the building or buildings without the approval of the Minister; and
- (c) agree to reimburse the Ministry in the same ratio as the Ministry's contribution to the building, buildings or land, the construction of the building or buildings or the renovations upon termination of the agreement or where there is contravention of any term of the agreement or where a circumstance set out in clause (a) or (b) takes place. O. Reg. 502/85, s. 1.

9.—(1) Expenditures incurred by a facility, other than a corporation establishing or operating an approved children's home, for furnishings or equipment, or for repairs to or maintenance of a capital asset that,

- (a) are approved by the Minister as capital expenditures;
- (b) are, in the opinion of the Minister, necessary for the efficient operation of the facility and the cost of which is not excessive for the purpose; and
- (c) are in excess of \$1,000,

are capital expenditures for which a grant may be paid, upon application by the facility, in an amount equal to two-thirds of the approved expenditures incurred. R.R.O. 1980, Reg. 242, s. 9 (1); O. Reg. 502/85, s. 2 (1).

(2) Expenditures incurred by a corporation operating an approved children's home for furnishings or equipment, or for repairs to or maintenance of a capital asset that,

- (a) are approved by the Minister as capital expenditures;
- (b) are, in the opinion of the Minister, necessary for the efficient operation of the facility and the cost of which is not excessive for the purpose; and
- (c) are in excess of \$1,000,

are capital expenditures for which a grant may be paid, upon application by the corporation operating an approved children's home, in an amount equal to 80 per cent of the approved expenditures incurred. R.R.O. 1980, Reg. 242, s. 9 (2); O. Reg. 502/85, s. 2 (2).

10. A facility, if requested by the Minister, shall file with the Minister evidence that all or any part of a building or buildings used or to be used by the facility comply with,

- (a) the laws affecting the health of inhabitants of the municipality in which the facility is located;
- (b) any rule, regulation, direction or order of the local board of

- health and any direction or order of the medical officer of health;
- (c) any by-law of the municipality in which the facility is located or other law for the protection of persons from fire hazards;
- (d) any restricted area, standard of housing or building by-law passed by the municipality in which the facility is located pursuant to Part III of the *Planning Act* or any predecessor thereof; and
- (e) the requirements of the building code made under the *Building Code Act*. R.R.O. 1980, Reg. 242, s. 10.

PART V RULES GOVERNING FACILITIES

11. In every facility, the board or where there is no board, the owner, shall ensure that,

- (a) all fire hazards in the facility are eliminated, the facility is inspected at least once a year by an officer authorized to inspect buildings under the *Fire Marshals Act* and the recommendations of the officer are carried out;
- (b) there is adequate protection from radiators or other heating equipment;
- (c) the water supplies are adequate for all normal needs, including those of fire protection;
- (d) the fire protection equipment, including the sprinkler system, fire extinguishers, hose and stand pipe equipment are visually inspected at least once a month and serviced at least once every year by qualified personnel;
- (e) the fire detection and alarm system is inspected at least once a year by qualified fire alarm maintenance personnel, and tested at least once every month;
- (f) at least once a year the heating equipment is serviced by qualified personnel and the chimneys are inspected and cleaned if necessary;
- (g) a written record is kept of inspections and tests of fire equipment, fire drills, the fire detection and alarm system, the heating system, chimneys and smoke detectors;
- (h) the staff and residents are instructed in the method of sounding the fire detection and alarm system;
- (i) the staff are trained in the proper use of the fire extinguishing equipment;
- (j) a directive setting out the procedures that must be followed and the steps that must be taken by the staff and residents when a fire alarm is given is drawn up and posted in conspicuous places in the facility;
- (k) the staff and residents are instructed in the procedures set out in the directive referred to in clause (j) and the procedures are practised by staff and residents at least once a month using the fire detection and alarm system to initiate the drill;
- (l) where matches are used, only safety matches are issued to the staff and residents;
- (m) an inspection of the building, including the equipment in the kitchen and laundry, is made each night to ensure that there is no danger of fire and that all doors to stairwells, all fire doors and all smoke barrier doors are kept closed;

- (n) adequate supervision is provided at all times for the security of the residents and the facility;
- (o) oxygen is not used or stored in the facility in a pressure vessel;
- (p) combustible rubbish is kept to a minimum;
- (q) all exits are clear and unobstructed at all times;
- (r) combustible draperies, mattresses, carpeting, curtains, decorations and similar materials are suitably treated to render them resistant to the spread of flame and are retreated when necessary;
- (s) receptacles into which electric irons or other small appliances are plugged are equipped with pilot lights which glow when the appliance is plugged in;
- (t) lint traps in the laundry are cleaned out after each use of the equipment;
- (u) flammable liquids and paint supplies are stored in suitable containers in non-combustible cabinets;
- (v) suitable non-combustible ashtrays are provided where smoking is permitted;
- (w) no portable electric heaters are used in the facility that are not in accordance with standards of approval set down by the Canadian Standards Association;
- (x) no vaporizing liquid fire extinguishers are kept or used in the facility; and
- (y) no sprinkler heads, fire or smoke detector heads are painted or otherwise covered with any material or substance that is likely to prevent them from functioning normally. R.R.O. 1980, Reg. 242, s. 11.

12. A facility located in a municipality that does not have public fire protection shall be provided with a complete automatic sprinkler system that complies with standards prescribed under the *Building Code Act*. R.R.O. 1980, Reg. 242, s. 12.

13. The board of each facility shall keep and maintain an inventory of all furnishings and equipment acquired by the facility and the inventory shall set forth each addition to or removal from inventory and the reasons therefor and shall be prepared in such manner and contain such additional information as the Director may require. R.R.O. 1980, Reg. 242, s. 13.

14. The charge for any resident shall be equal to the cost of providing assistance to him or her. O. Reg. 608/81, s. 2.

15.—(1) An application for admission to a facility and for assistance shall be made to an administrator who shall determine whether the applicant is eligible for admission to the facility and for assistance and whether the applicant is able to contribute to all or any part of the cost of the assistance. R.R.O. 1980, Reg. 242, s. 15.

(2) A personal needs allowance received by an applicant under the *Family Benefits Act* shall not be considered in determining whether the applicant is able to contribute to all or any part of the cost of assistance and the applicant shall be permitted to retain that allowance for personal use. O. Reg. 165/89, s. 2.

16.—(1) An application for services shall be made to the Director or to an administrator, and the Director or administrator, as the case may be, shall determine whether the applicant is eligible for the services and whether the applicant is able to contribute to all or any part of the cost thereof. R.R.O. 1980, Reg. 242, s. 16.

(2) A personal needs allowance received by an applicant under the *Family Benefits Act* shall not be considered in determining

whether the applicant is able to contribute to all or any part of the cost of the services and the applicant shall be permitted to retain that allowance for personal use. O. Reg. 165/89, s. 3.

17. A certificate under subsection 10 (3) of the Act shall be in Form 1. R.R.O. 1980, Reg. 242, s. 17.

18. A notice of cancellation under section 14 of the Act shall be in Form 2. R.R.O. 1980, Reg. 242, s. 18.

19. A notice of continuance under subsection 15 (2) of the Act shall be in Form 3. R.R.O. 1980, Reg. 242, s. 19.

**PART VI
ADMISSION OF CHILDREN**

20. In this Part,

"child" means a person with a developmental handicap under eighteen years of age; and

"parent" means the father or mother of a child, and includes a person who has demonstrated a settled intention to treat a child as a child of his or her family, but does not include a person in whose home a child was placed as a foster child for consideration by a person having lawful custody. R.R.O. 1980, Reg. 242, s. 20.

21.—(1) The Minister shall be deemed to be a child welfare authority for the purpose of entering into an agreement with a parent for the provision of services or assistance or both to a child.

(2) The agreement between the Minister and the parent shall be in a form provided by the Minister. R.R.O. 1980, Reg. 242, s. 21.

22. A child shall be provided services and assistance where the child is,

- (a) in the care or custody or under the control or supervision of a Children's Aid Society; or
- (b) under the supervision of the Minister pursuant to an agreement between the Minister and the parent whereby the Minister agrees to provide services or assistance or both to meet the special needs of the child. R.R.O. 1980, Reg. 242, s. 22.

Schedule 1

ITEM	LOCATION	NAME
1.	Cedar Springs	Southwestern Regional Centre
2.	Cobourg	D'Arcy Place
3.	Edgar	Adult Occupational Centre
4.	Gravenhurst	Muskoka Centre
5.	London	CPRI
6.	Orillia	Huron Regional Centre
7.	Palmerston	Midwestern Regional Centre
8.	Picton	Prince Edward Heights
9.	Smiths Falls	Rideau Regional Centre
10.	Thunder Bay	Northwestern Regional Centre
11.	Toronto	Surrey Place Centre
12.	Whitby	Durham Centre for the Developmentally Handicapped
13.	Woodstock	Oxford Regional Centre

R.R.O. 1980, Reg. 242, Sched. 1; O. Reg. 80/84, s. 1; O. Reg. 50/85, s. 1; O. Reg. 52/85, s. 1.

Schedule 2

ITEM	LOCATION	NAME
1.	Brantford	Brantwood
2.	Hamilton	Rygiel Home
3.	Kingston	Ongwanada Hospital—Hopkins Division Mental Retardation Unit, 117 Park Street, Kingston, Ontario and Ongwanada Hospital— Penrose Division Mental Retardation Unit, 752 King Street West Kingston, Ontario
4.	Kitchener	Sunbeam Home
5.	Oakville	Oaklands Regional Centre
6.	Plainfield	Plainfield Children's Home
7.	Thunder Bay	Mental Retardation Unit—Hogarth-Westmount Hospital
8.	Vineland	Bethesda Home
9.	Whitby	Christopher Robin Home for Children R.R.O. 1980, Reg. 242, Sched. 2.

Schedule 3

ITEM	LOCATION	NAME
1.	Sault Ste. Marie	Algoma District Mental Retardation Services R.R.O. 1980, s. 242, Sched. 3.

Form 1

Developmental Services Act

CERTIFICATE OF INCOMPETENCE

I, the undersigned physician, hereby certify that on the day of, 19..... I personally examined
(name of resident in full)
.....
(home address)

After making due inquiry into all the facts necessary for me to form a satisfactory opinion, I do hereby further certify that he/she is not competent to manage his/her estate.

- 1. Facts indicating incompetence observed by myself:
.....
- 2. Other facts, if any, indicating incompetence communicated to me by others:
.....

Date, 19.....
.....
(signature)
.....
(print or type name of signing physician)
.....
(name and address of facility)

Date of Admission, 19.....

R.R.O. 1980, Reg. 242, Form 1.

Form 2

Developmental Services Act

NOTICE OF CANCELLATION OF CERTIFICATE OF INCOMPETENCE

I, the undersigned physician, having examined
.....
(name of resident in full)

.....
(home address)

for such purpose, hereby cancel the certificate of incompetence which was issued with respect to him/her by on, 19.....

Date, 19.....

.....
(signature)

.....
(print or type name of signing physician)

.....
(name and address of facility)

R.R.O. 1980, Reg. 242, Form 2.

Form 3

Developmental Services Act

NOTICE OF CONTINUANCE OF CERTIFICATE OF INCOMPETENCE

I, the undersigned physician, having examined
.....
(name of resident in full)

.....
(home address)
who is about to be discharged, am of the opinion that he/she continues to be incompetent to manage his/her estate, and the certificate of incompetence which was issued with respect to him/her by

.....
on, 19..... is hereby continued.

State reason(s) why the above-named patient should not resume management of his/her estate:

Date, 19.....

.....
(signature)

.....
(print or type name of signing physician)

.....
(name and address of facility)

R.R.O. 1980, Reg. 242, Form 3.

District Welfare Administration Boards Act
Loi sur les conseils d'administration de district de l'aide sociale

REGULATION 273

**APPLICATION FOR GRANT UNDER SECTION 10
OF THE ACT**

1.—(1) In this Regulation “Director” means the Director of the Income Maintenance Branch of the Ministry of Community and Social Services.

(2) For the purposes of section 1 of the Act and this Regulation, “district” has the same meaning as in the *Territorial Division Act*. R.R.O. 1980, Reg. 243, s. 1.

2. In addition to the welfare services mentioned in section 1 of the Act, “welfare services”, for the purpose of the Act and this Regulation includes,

- (a) hospitalization of indigent persons;
- (b) services in respect of children’s aid societies;
- (c) social services that are furnished for the purpose of,
 - (i) rehabilitation, including vocational assessment and counselling, the facilitation of vocational training and placement in employment,
 - (ii) counselling in respect of family or marital relationships,
 - (iii) counselling in respect of child care and training, and parent-child relationships,
 - (iv) counselling in respect of debts, financial or household management and homemaking,
 - (v) counselling in respect of nutritional needs and requirements, and
 - (vi) counselling in respect of the maintenance of adequate standards of health and personal hygiene;
- (d) such other social services that may be required by a recipient and are approved by the Director;
- (e) administrative, secretarial and clerical services including staff training relating to the provision of any of the foregoing welfare services;
- (f) consulting, research and evaluation services with respect to the provision of any of the foregoing welfare services; and
- (g) such other services as are approved by the Director. R.R.O. 1980, Reg. 243, s. 2.

3. An application for a grant under section 10 of the Act shall be made in triplicate in Form 1. R.R.O. 1980, Reg. 243, s. 3.

GRANTS UNDER SECTION 10 OF THE ACT

4.—(1) In this section “estimated expenditures” means the total expenditures estimated by a board in accordance with Form 1 and approved by the Director to carry out the purposes of the Act during the first year of the board’s operation.

(2) For the purposes of section 10 of the Act, the amount of the

grant shall be 50 per cent of the estimated expenditures of the board determined in accordance with Form 1. R.R.O. 1980, Reg. 243, s. 4.

MEMBERSHIP OF BOARDS

5.—(1) For the purpose of determining the membership of a board, the districts for which the boards have been established are divided into the areas set out in the schedules.

(2) For each board named in the heading of a schedule, the number of members, the areas in a district that they represent and the manner of their appointment shall be that set out in the schedule.

(3) A member at large of a board shall hold office for a term not exceeding three years. R.R.O. 1980, Reg. 243, s. 5 (1-3).

(4) Subject to subsection (6), the term of office of each member of a board who is not a member at large shall commence on the 1st day of January next following the commencement of the term of office of the council that the member represents or the 1st day of January in any subsequent year and shall not exceed three years. O. Reg. 609/83, s. 1.

(5) A member of a board is eligible for re-appointment at the expiration of the member’s term of office.

(6) Where the office of a member of a board becomes vacant before the end of the term of office of the member a new member may be appointed for the remainder of the unexpired term. R.R.O. 1980, Reg. 243, s. 5 (5, 6).

6. Payment of a grant under section 10 of the Act may be made to a board at any time during the first year in which the board is established for a district, either in one payment for the full amount or by the payment of instalments in such amounts and at such times as the Minister may direct. R.R.O. 1980, Reg. 243, s. 6.

CHAIRS OF BOARDS

7.—(1) A board shall, at its first meeting after the 1st day of January in each year, appoint one of its members as chair of the board.

(2) The member of the board who is appointed under subsection (1) shall serve as chair until the 31st day of December following the appointment and, subject to subsection (3), may be re-appointed as chair for the next year.

(3) No member of the board shall serve for more than three consecutive terms as chair.

(4) Where the chair resigns or dies before his or her term as chair has expired, the board shall appoint another member of the board as the chair thereof to complete the unexpired portion of the term of the chair who has resigned or died. R.R.O. 1980, Reg. 243, s. 7.

Schedule 1

THE DISTRICT OF SUDBURY WELFARE ADMINISTRATION BOARD

The District of Sudbury Welfare Administration Board shall consist of nine members and the areas they represent and the manner of their appointment shall be as follows:

1. One member at large to be appointed by the Lieutenant Governor in Council.

2. Area 1, represented by six members to be appointed by the Regional Council of The Regional Municipality of Sudbury.
3. Area 2, represented by one member to be appointed jointly by the municipal councils of,
 - i. The Corporation of the Township of Chapleau,
 - ii. The Corporation of the Township of Hagar,
 - iii. The Corporation of the Township of Casimir, Jennings and Appleby,
 - iv. The Corporation of the Township of Ratter and Dunnet, and
 - v. The Corporation of the Township of Cosby, Mason and Martland.
4. Area 3, represented by one member to be appointed jointly by the municipal councils of,
 - i. The Corporation of the Town of Espanola,
 - ii. The Corporation of the Township of The Spanish River,
 - iii. The Corporation of the Town of Massey,
 - iv. The Corporation of the Town of Webbwood,
 - v. The Corporation of the Township of Nairn, and
 - vi. The Corporation of the Township of Baldwin. R.R.O. 1980, Reg. 243, Sched. 1.

Schedule 2

THE DISTRICT OF ALGOMA WELFARE ADMINISTRATION BOARD

The District of Algoma Welfare Administration Board shall consist of nine members and the areas they represent and the manner of their appointment shall be as follows:

1. Two members at large to be appointed by the Lieutenant Governor in Council.
2. Area 1, represented by one member to be appointed by the municipal council of The Corporation of the City of Elliot Lake.
3. Area 2, represented by one member to be appointed by the municipal council of The Corporation of the Town of Blind River.
4. Area 3, represented by one member to be appointed by the municipal council of The Corporation of the Township of Michipicoten.
5. Area 4, represented by four members to be appointed jointly by the municipal councils of,
 - i. The Corporation of the Township of Thompson,
 - ii. The Corporation of the Village of Iron Bridge,
 - iii. The Corporation of the Township of Day and Bright Additional,
 - iv. The Corporation of the Township of Thessalon,
 - v. The Corporation of the Town of Thessalon,
 - vi. The Corporation of the Township of Plummer Additional,
 - vii. The Corporation of the Town of Bruce Mines,

- viii. The Corporation of the Township of Johnson,
- ix. The Corporation of the Township of Tarbutt and Tarbutt Additional,
- x. The Corporation of the Township of Prince,
- xi. The Corporation of the Township of Macdonald, Meredith and Aberdeen Additional,
- xii. The Corporation of the Township of St. Joseph,
- xiii. The Corporation of the Township of Jocelyn,
- xiv. The Corporation of the Township of Hilton,
- xv. The Corporation of the Village of Hilton Beach,
- xvi. The Corporation of the Township of Laird,
- xvii. The Corporation of the Improvement District of White River,
- xviii. The Corporation of the Township of Wicksteed,
- xix. The Corporation of the Township of the North Shore,
- xx. The Corporation of the Township of Shedden, and
- xxi. The Corporation of the Township of Dubreuville. R.R.O. 1980, Reg. 243, Sched. 2.

Schedule 3

THE DISTRICT OF NIPISSING WELFARE ADMINISTRATION BOARD

The District of Nipissing Welfare Administration Board shall consist of seven members and the areas they represent and the manner of their appointment shall be as follows:

1. Two members at large to be appointed by the Lieutenant Governor in Council.
2. Area 1, represented by one member to be appointed by the municipal council of The Corporation of the Town of Sturgeon Falls.
3. Area 2, represented by one member to be appointed by the municipal council of The Corporation of the Township of Temagami.
4. Area 3, represented by one member to be appointed jointly by the municipal councils of,
 - i. The Corporation of the Township of Bonfield,
 - ii. The Corporation of the Township of East Ferris, and
 - iii. The Corporation of the Township of Chisholm.
5. Area 4, represented by one member to be appointed jointly by the municipal councils of,
 - i. The Corporation of the Town of Cache Bay,
 - ii. The Corporation of the Township of Caldwell,
 - iii. The Corporation of the Township of Springer, and
 - iv. The Corporation of the Township of Field.
6. Area 5, represented by one member to be appointed jointly by the municipal councils of,
 - i. The Corporation of the Town of Mattawa,

- ii. The Corporation of the Township of Airy,
- iii. The Corporation of the Township of Calvin,
- iv. The Corporation of the Township of Mattawan,
- v. The Corporation of the Township of Papineau, and
- vi. The Corporation of the Improvement District of Cameron. R.R.O. 1980, Reg. 243, Sched. 3.

Schedule 4

THE DISTRICT OF COCHRANE WELFARE ADMINISTRATION BOARD

The District of Cochrane Welfare Administration Board shall consist of ten members and the areas they represent and the manner of their appointment shall be as follows:

1. Two members at large to be appointed by the Lieutenant Governor in Council.
2. Area 1, represented by one member to be appointed by the municipal council of The Corporation of the Town of Hearst.
3. Area 2, represented by one member to be appointed by the municipal council of The Corporation of the Town of Kapuskasing.
4. Area 3, represented by one member to be appointed by the municipal council of,
 - i. The Corporation of the Townships of Fauquier-Strickland.
5. Area 4, represented by one member to be appointed by the municipal council of The Corporation of the Town of Smooth Rock Falls.
6. Area 5, represented by one member to be appointed jointly by the municipal councils of,
 - i. The Corporation of the Town of Cochrane, and
 - ii. The Corporation of the Township of Glackmeyer.
7. Area 6, represented by one member to be appointed by the municipal council of the Corporation of the Town of Iroquois Falls.
8. Area 7, represented by one member to be appointed by the municipal council of the Corporation of the Township of Black River-Matheson.
9. Area 8, represented by one member to be appointed jointly by the municipal councils of,
 - i. The Corporation of the Township of Mattice-Val Coté,
 - ii. The Corporation of the Township of Opasatika, and
 - iii. The Corporation of the Township of Val Rita-Harty. R.R.O. 1980, Reg. 243, Sched. 4.

Schedule 5

THE DISTRICT OF RAINY RIVER WELFARE ADMINISTRATION BOARD

The District of Rainy River Welfare Administration Board shall consist of eight members and the areas they represent and the manner of their appointment shall be as follows:

1. Two members at large to be appointed by the Lieutenant Governor in Council.
2. Area 1, represented by one member to be appointed jointly by the municipal councils of,

- i. The Corporation of the Township of Morson, and
- ii. The Corporation of the Township of McCrosson and Tovell.
3. Area 2, represented by one member to be appointed jointly by the municipal councils of,
 - i. The Corporation of the Township of Atwood,
 - ii. The Corporation of the Township of Blue,
 - iii. The Corporation of the Town of Rainy River, and
 - iv. The Corporation of the Township of Worthington.
4. Area 3, represented by one member to be appointed jointly by the municipal councils of,
 - i. The Corporation of the Township of Chapple,
 - ii. The Corporation of the Township of Dilke, and
 - iii. The Corporation of the Township of Morley.
5. Area 4, represented by one member to be appointed jointly by the municipal councils of,
 - i. The Corporation of the Township of Alberton,
 - ii. The Corporation of the Township of Emo, and
 - iii. The Corporation of the Township of La Vallée.
6. Area 5, represented by one member to be appointed by the municipal council of The Corporation of the Town of Fort Frances.
7. Area 6, represented by one member to be appointed by the municipal council of The Corporation of the Township of Atikokan. R.R.O. 1980, Reg. 243, Sched. 5.

Schedule 6

THE DISTRICT OF PARRY SOUND WELFARE ADMINISTRATION BOARD

The District of Parry Sound Welfare Administration Board shall consist of seven members and the areas they represent and the manner of their appointment shall be as follows:

1. Two members at large to be appointed by the Lieutenant Governor in Council.
2. Area 1, represented by one member to be appointed jointly by the municipal councils of,
 - i. The Corporation of the Town of Parry Sound,
 - ii. The Corporation of the Township of Christie,
 - iii. The Corporation of the Township of Foley,
 - iv. The Corporation of the Township of Humphrey, and
 - v. The Corporation of the Village of Rosseau.
3. Area 2, represented by one member to be appointed jointly by the municipal councils of,
 - i. The Corporation of the Township of Carling,
 - ii. The Corporation of the Township of Hagerman,
 - iii. The Corporation of the Township of McDougall,

- iv. The Corporation of the Township of McKellar, and
- v. The Corporation of the Township of The Archipelago.
- 4. Area 3, represented by one member to be appointed jointly by the municipal councils of,
 - i. The Corporation of the Town of Powassan,
 - ii. The Corporation of the Town of Trout Creek,
 - iii. The Corporation of the Township of Nipissing,
 - iv. The Corporation of the Township of North Himsforth, and
 - v. The Corporation of the Township of South Himsforth.
- 5. Area 4, represented by one member to be appointed jointly by the municipal councils of,
 - i. The Corporation of the Village of Magnetawan,
 - ii. The Corporation of the Village of South River,
 - iii. The Corporation of the Village of Sundridge,
- iv. The Corporation of the Township of Chapman,
- v. The Corporation of the Township of Joly, and
- vi. The Corporation of the Township of Machar.
- 6. Area 5, represented by one member to be appointed jointly by the municipal councils of,
 - i. The Corporation of the Township of Armour,
 - ii. The Corporation of the Village of Burk's Falls,
 - iii. The Corporation of the Town of Kearney,
 - iv. The Corporation of the Township of McMurrich,
 - v. The Corporation of the Township of Perry,
 - vi. The Corporation of the Township of Ryerson, and
 - vii. The Corporation of the Township of Strong.

R.R.O. 1980, Sched. 6; O. Reg. 688/89, s. 1.

Form 1

District Welfare Administration Boards Act

APPLICATION FOR GRANT UNDER SECTION 10 OF THE ACT

1. In accordance with section 10 of the Act, the District Welfare Administration Board for the District of, as established under section 3 of the Act, hereby applies for the grant computed in paragraph 3 of this Form to assist the Board to carry out the purposes of the Act during the first year of its establishment.

2. The estimated expenditures of the Board to carry out the purposes of the Act during the first year, as approved by the Director on, are as follows:
(date)

<u>Item</u>	<u>Estimated Expenditure for the Year</u>
1. Salaries:	
i. Welfare Administrator	\$
ii. Other Staff	\$
2. Contributions to Pension Fund	\$
3. Travelling Expenses	\$
4. Allowances to Board members and their travelling and living expenses while attending meetings or engaged in the work of the Board	\$
5. Payments as approved by the Director for counselling services purchased on a contract or fee-for-service basis from an agency approved by the Director	\$
6. Payments for research or consultation on a contract or fee-for-service basis	\$
7. Cost of transportation and incidental expenses of bringing persons to court under section 23 of Regulation 537 of Revised Regulations of Ontario, 1990	\$

8. Maintenance:

- i. Cost of providing office space \$
- ii. Heat \$
- iii. Utilities (telephone, electricity, gas, water) \$
- iv. Building maintenance—
 - Supplies \$
 - Extra care of premises \$
- v. Office supplies and expenses \$
- vi. Office equipment \$

9. Insurance

10. Other (list items and estimated expenditures for each):

..... \$

..... \$

TOTAL \$

3. COMPUTATION OF GRANT

50% of \$ =
 (total of paragraph 2)

4. CERTIFICATE:

I certify that the information given and the statements made in this Form are true and correct and in accordance with the requirements of the Act and regulations.

Dated at, this day of, 19.....

.....
(signature of chair of board)

R.R.O. 1980, Reg. 243, Form 1.

Drainage Act Loi sur le drainage

REGULATION 274

FORMS

1. The requisition for a drainage works referred to in subsection 3 (1) of the Act shall be in Form 1. R.R.O. 1980, Reg. 246, s. 1.

2. The notice of the engineer's on-site meeting to examine the area referred to in subsection 3 (7) of the Act shall be in Form 2. R.R.O. 1980, Reg. 246, s. 2.

3. The petition for a drainage works referred to in subsection 4 (2) of the Act,

(a) shall be in Form 3 where it is filed by a person or persons referred to in clause 4 (1) (a) or (b) of the Act;

(b) shall be in Form 4 where it is filed by the Director under clause 4 (1) (d) of the Act; or

(c) shall be in Form 5 where it is filed by a person referred to in clause 4 (1) (c) of the Act. R.R.O. 1980, Reg. 246, s. 3.

4.—(1) The by-law adopting the engineer's report referred to in subsection 45 (1) of the Act shall,

(a) in the case of municipalities not within district or regional municipalities, be in Form 6; and

(b) in the case of municipalities within district or regional municipalities, be in Form 7.

(2) The borrowing by-law for use by district or regional municipalities on behalf of an area municipality shall be in Form 8. R.R.O. 1980, Reg. 246, s. 4.

5. The statement of the amount of compensation paid referred to in section 68 of the Act shall be in Form 9. R.R.O. 1980, Reg. 246, s. 5.

Form 1

Drainage Act

REQUISITION FOR DRAINAGE WORKS

To

Clerk of the of

I am the owner of the following land:

(Describe the land)

and I require the construction (or improvement, *as the case may be*) of a drainage works, and the following lands and roads will be affected:

(Describe each parcel of land to be affected and state the name of the owner thereof)

and I request that an engineer be appointed by the council of the municipality and that the engineer appoint a time and place at which he or she will attend and examine the area in order to make a report.

Dated this day of, 19.....

.....
(Signature of party or parties)

R.R.O. 1980, Reg. 246, Form 1.

Form 2

Drainage Act

NOTICE OF APPOINTMENT FOR EXAMINATION BY ENGINEER

To: *(Name of owner)*

(address)

You are hereby notified that
(name of engineer)

appointed by the council of the

of under the *Drainage Act*

has fixed the hour of o'clock in the

..... noon of the day of

....., 19....., to attend at

.....

(name the place appointed)

and to examine the area and site of the proposed drainage works, being:

(Here describe the area and site)

and you, as an owner of land affected, are requested to attend at such time and place.

Dated this day of, 19.....

.....
(Signature of Clerk)

R.R.O. 1980, Reg. 246, Form 2.

Form 3

Drainage Act

PETITION FOR DRAINAGE WORKS

We, being owners, as shown by the last revised assessment roll, of

lands in the

of

(Insert name of municipality or names of municipalities)

requiring drainage, hereby petition that the area more particularly described as follows:

(Describe the area)

may be drained by means of a drainage works.

Form 6

Drainage Act

FORM OF BY-LAW

For Use by Municipalities Not Within District or Regional Municipalities

A by-law to provide for a drainage works in the of in the County of:

Whereas the requisite number of owners have petitioned the council of the of in the County of in accordance with the provisions of the *Drainage Act* requesting that the following lands and roads be drained by a drainage works:

(set out description of lands and roads or name of drain if repair or improvement to existing drain)

And whereas the council of the of in the County of has procured a report made by and the report is attached hereto and forms part of this by-law.

And whereas the estimated total cost of constructing the drainage works is \$.....

And whereas \$..... is the amount to be contributed by the municipality for construction of the drainage works.

And whereas \$..... is being assessed in the of in the County of

(set out assessments in any additional municipality)

And whereas the council is of the opinion that the drainage of the area is desirable.

Therefore the council of the of under the *Drainage Act*, enacts as follows:

1. The report dated and attached hereto is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized and shall be completed in accordance therewith.

2.—(1) The Corporation of the of may borrow on the credit of the Corporation the amount of \$....., being the amount necessary for construction of the drainage works.

(2) The Corporation may issue debentures for the amount borrowed less the total amount of,

(a) grants received under section 85 of the Act;

Signature of Petitioners Part Lot Con. or Plan Municipality

Petition filed this day of, 19.....
.....
(Clerk)

R.R.O. 1980, Reg. 246, Form 3.

Form 4

Drainage Act

PETITION FOR DRAINAGE WORKS BY DIRECTOR

I, the Director appointed under the *Drainage Act*, hereby petition that the area more particularly described as follows:

(Describe the area)

may be drained by means of a drainage works.

Dated at, this day of, 19.....
.....
(Director)

R.R.O. 1980, Reg. 246, Form 4.

Form 5

Drainage Act

PETITION FOR DRAINAGE WORKS BY ENGINEER OR ROAD SUPERINTENDENT OR PERSON HAVING JURISDICTION OVER ROAD

I, Engineer or Road Superintendent or Person Having Jurisdiction over Road (as the case may be) for the

of hereby petition that the area more particularly described as follows:

(Describe the area)

may be drained by means of a drainage works.

Dated at, this day of, 19.....
.....
(Engineer or Road Superintendent)

R.R.O. 1980, Reg. 246, Form 5.

- (b) commuted payments made in respect of lands and roads assessed within the municipality;
- (c) money paid under subsection 61 (3) of the Act; and
- (d) money assessed in and payable by another municipality,

.....
Clerk
O. Reg. 300/81, s. 1.

and such debentures shall be made payable within years from the date of the debenture and shall bear interest at a rate not higher than the rate charged by the Ontario Municipal Improvement Corporation on the date of sale of such debenture.

Form 7

Drainage Act

FORM OF BY-LAW

For Use by Municipalities Within District or Regional Municipalities

A by-law to provide for a drainage works in the
..... of
in the District or Regional Municipality of

Whereas the requisite number of owners have petitioned the council of the
of in the District or Regional Municipality of
in accordance with the provisions of the *Drainage Act* requesting that the following lands and roads be drained by a drainage works:

(set out description of lands and roads or name of drain if repair or improvement to existing drain)

And whereas the council of the
of in the District or Regional Municipality of

has procured a report made by
and the report is attached hereto and forms part of this By-law.

And whereas the estimated total cost of constructing the drainage works is \$.....

And whereas \$..... is the amount to be contributed by the municipality for construction of the drainage works.

And whereas \$..... is being assessed in the
..... of
in the District or Regional Municipality of

(set out assessments in any additional municipality)

And whereas the council is of the opinion that the drainage of the area is desirable.

Therefore the council of the
of under the *Drainage Act*, enacts as follows:

- 1. The report dated and attached hereto is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized and shall be completed in accordance therewith.

- 2.—(1) The Corporation of the
of may borrow on the credit of the Corporation the amount of

Schedule

CONCESSION	PARCEL OF LAND OR PART THEREOF	TOTAL AMOUNT ASSESSED
Roads and Lands of Municipality		
TOTAL		

- 4. For paying the amount of \$..... being the amount assessed upon the lands and roads belonging to or controlled by the municipality, a special rate sufficient to pay the amount assessed plus interest thereon shall be levied upon the whole rateable property in the
of in each year for
years after the passing of this by-law to be collected in the same manner and at the same time as other taxes are collected.

- 5. All assessments of \$..... or less are payable in the first year in which the assessment is imposed.

- 6. This by-law comes into force on the passing thereof and may be cited as “..... By-law”.

FIRST READING

SECOND READING

Provisionally adopted this day of
19.....

.....
Head of Council

.....
Clerk

THIRD READING

ENACTED this day of 19.....

.....
Head of Council

\$., being the amount necessary for construction of the drainage works.

(2) The Corporation may arrange for the issue of debentures on its behalf for the amount borrowed less the total amount of,

- (a) grants received under section 85 of the Act;
- (b) commuted payments made in respect of lands and roads assessed within the municipality;
- (c) money paid under subsection 61 (3) of the Act; and
- (d) money assessed in and payable by another municipality,

and such debentures shall be made payable within years from the date of the debenture and shall bear interest at a rate not higher than the rate charged by The Ontario Municipal Improvement Corporation on the date of sale of such debentures.

3. A special equal annual rate sufficient to redeem the principal and interest on the debentures shall be levied upon the lands and roads as set forth in the Schedule to be collected in the same manner and at the same time as other taxes are collected in each year for years after the passing of this by-law.

Schedule

CONCESSION	PARCEL OF LAND OR PART THEREOF	TOTAL AMOUNT ASSESSED
Roads and Lands of Municipality		
TOTAL		

4. For paying the amount of \$. being the amount assessed upon the lands and roads belonging to or controlled by the municipality, a special rate sufficient to pay the amount assessed plus interest thereon shall be levied upon the whole rateable property in the of in each year for years after the passing of this by-law to be collected in the same manner and at the same time as other taxes are collected.

5. All assessments of \$. or less are payable in the first year in which the assessment is imposed.

6. This by-law comes into force on the passing thereof and may be cited as “. By-law”.

FIRST READING

SECOND READING

Provisionally adopted this day of 19.

Head of Municipality

. Clerk

THIRD READING

ENACTED this day of, 19.

. Head of Council

. Clerk

O. Reg. 300/81, s. 2.

Form 8

Drainage Act

For Use by District or Regional Municipalities

Borrowing By-law of

The Corporation of

(hereinafter termed the regional municipality)

A by-law to raise money for a drainage works in the of (hereinafter termed the area municipality) in the District or Regional Municipality of (hereinafter termed the regional municipality).

Whereas the requisite number of owners have petitioned the council of the of in the District or Regional Municipality of in accordance with the provisions of the *Drainage Act*, requesting that certain lands and roads be drained by a drainage works.

And whereas the said council has procured a report made by and has adopted such report.

And whereas the estimated total cost of constructing the drainage works is \$.

And whereas \$. is the amount to be contributed by the area municipality for construction of the drainage works.

And whereas the council of the area municipality has applied to the regional municipality to issue a debenture on its behalf in an amount not greater than the area municipality's liability in respect of the said drainage works.

Therefore the council of the of enacts as follows:

1.—(1) The Corporation of the of may borrow on the credit of the Corporation the amount of \$., being the amount to be contributed by the area municipality for construction of the drainage works.

(2) The Corporation may issue debentures for the amount bor-

rowed and such debentures shall be made payable within years from the date of the debenture and shall bear interest at a rate not higher than the rate charged by The Ontario Municipal Improvement Corporation on the date of sale of such debentures.

2. This by-law comes into force on the passing thereof and may be cited as "..... By-law".

FIRST READING

SECOND READING

Provisionally adopted this day of, 19.....

..... Head of Municipality

..... Clerk

THIRD READING

ENACTED this day of, 19.....

..... Head of Council

..... Clerk

R.R.O. 1980, Reg. 246, Form 8.

Form 9

Drainage Act

NOTICE OF COMPENSATION PAID

Notice is hereby given that compensation for injury to or severance of lands affected by the "..... Drainage Works" has been paid to the owners thereof in respect of the lands described herein in the amounts set out opposite the description of such lands.

Table with 4 columns: Concession, Parcel of Land or part thereof, Hectares affected, Compensation paid

Dated at, this day of, 19.....

..... (Clerk)

R.R.O. 1980, Reg. 246, Form 9.

REGULATION 275

RULES OF PRACTICE AND PROCEDURE TO BE FOLLOWED IN ALL PROCEEDINGS BEFORE THE REFEREE

1. In these Rules,

"local registrar" means the local registrar of the Ontario Court (General Division) for the area in which the initiating municipality is situate;

"office of the local registrar" means the office of the Ontario Court (General Division) for the area in which the initiating municipality is situate. R.R.O. 1980, Reg. 247, s. 1, revised.

2. All proceedings before the referee may be instituted by,

(a) notice of appeal to the referee; or

(b) notice of motion. R.R.O. 1980, Reg. 247, s. 2, revised.

3.—(1) Every notice originating a proceeding before the referee shall be endorsed with a notice,

(a) requiring an appearance to be entered in the office of the local registrar in the area in which the notice instituting the proceeding is filed; and

(b) in the following form:

Take Notice that you are required within fifteen days after the service of this notice on you, inclusive of the day of service, to cause an appearance to be entered for you in the office of the local registrar of

the area of and in default of your so doing you shall not be entitled to notice of any further proceedings herein.

(2) In all proceedings before the referee the following title of the proceeding shall be used:

In the Court of the Drainage Referee

Between A.B. Appellant

and

C.D. Respondent

R.R.O. 1980, Reg. 247, s. 3, revised.

4. Every notice instituting a proceeding before the referee shall be filed in the office of the local registrar. R.R.O. 1980, Reg. 247, s. 4, revised.

5.—(1) Where an appellant institutes a proceeding in person, the notice instituting the proceeding shall be endorsed with the place of residence and occupation of the appellant.

(2) Where the appellant resides more than five miles from the office of the local registrar, the notice instituting the proceeding shall contain the name and address of a nominee of the appellant and the address of the nominee shall not be more than five miles from the office of the local registrar.

(3) All documents requiring to be personally served upon the appellant may be served upon the nominee of the appellant and service of the documents on the nominee shall be deemed to be effective service upon the appellant.

(4) Where an appellant who resides more than five miles from the office of the local registrar fails to name a nominee or give the correct address of the nominee, any document requiring to be personally served upon the appellant shall be deemed to be effectively served if it is posted up in the office of the local registrar. R.R.O. 1980, Reg. 247, s. 5, revised.

6. Where the Act or these Rules require that service of any document is to be made upon a municipal corporation, effective service of the document may be made by serving the document upon the head of the council of the municipality or upon the clerk of the municipal corporation. R.R.O. 1980, Reg. 247, s. 6.

7. A notice by which any proceeding under the Act is instituted shall be deemed to have been effectively served upon a party respondent if service of the notice is accepted, and an undertaking to appear is given, by a solicitor on behalf of the party respondent. R.R.O. 1980, Reg. 247, s. 7.

8. Where it is provided by the Act or these Rules that an affidavit of service of a copy of a document or of any notice shall be filed with the local registrar, an acceptance of service by a solicitor may be filed in lieu of the affidavit of service. R.R.O. 1980, Reg. 247, s. 8, *revised*.

9. Where a respondent is served with a notice of appeal or other notice originating a proceeding, other than a notice of motion on an application, the respondent shall enter an appearance within fifteen days after the service, including the day of service. R.R.O. 1980, Reg. 247, s. 9.

10. A respondent shall enter an appearance by filing, with the local registrar in whose office the notice of appeal or other notice instituting a proceeding has been filed, a memorandum in writing requesting the entry of the appearance and,

- (a) stating the name and place of business of the solicitor by whom the memorandum is filed; or
- (b) where the respondent appears in person, giving the respondent's address and the address for service, being not more than five miles from the office of the local registrar. R.R.O. 1980, Reg. 247, s. 10, *revised*.

11. Where a memorandum of appearance does not contain the address of the respondent or the address of the respondent's solicitor or of a person nominated under subsection 5 (2), the memorandum of appearance shall not be filed and, where an address for service is illusory or fictitious, the appearance shall be set aside by the referee and thereafter, unless the referee otherwise orders, the appellant may proceed as if the respondent had not entered an appearance. R.R.O. 1980, Reg. 247, s. 11.

12. As soon as a memorandum of appearance is filed, the local registrar shall enter the appearance in the procedure book. R.R.O. 1980, Reg. 247, s. 12, *revised*.

13.—(1) A respondent may enter an appearance at any time before judgment and, where a respondent enters an appearance after the time limited for entering appearances, the respondent shall forthwith give notice of the appearance.

(2) Where a respondent enters an appearance after the time limited for entering appearances and omits to give notice of the appearance, the appellant may proceed as if no appearance had been entered.

(3) Where a respondent enters an appearance after the time limited for entering appearances, the terms as to costs or otherwise under which the appearance may be entered are in the discretion of the referee. R.R.O. 1980, Reg. 247, s. 13.

14. Where there is default of appearance, the party in default is not entitled to notice of any further proceedings other than the posting up of documents in the office of the local registrar. R.R.O. 1980, Reg. 247, s. 14, *revised*.

15.—(1) The appellant may, within ten days after the respondent has entered an appearance or within ten days of the time limited for entering appearances, move before the referee, after giving seven clear days notice, for an order fixing the procedure to be followed.

(2) Where the appellant fails to move for an order fixing the procedure to be followed within the time limit prescribed in subsection (1), any party to the proceeding may apply to the referee, on seven clear days notice to the other parties to the proceeding, for an order fixing the procedure to be followed.

(3) Where an application for an order fixing the procedure to be followed has been made, the referee, unless he or she has reason for postponing the giving of directions as to any proceeding, shall make an order,

- (a) directing all the subsequent procedures to be taken by all parties; and
- (b) fixing the times for the procedures,

and the order shall be carried out by requisition orders issued by the local registrar in whose office the order is filed. R.R.O. 1980, Reg. 247, s. 15, *revised*.

16. Any party to the proceeding may, after the time for entering appearances has expired, apply to the referee for a date for the hearing. R.R.O. 1980, Reg. 247, s. 16.

17. A copy of the order under subsection 15 (3) and of any other orders or appointments made by the referee shall be forthwith served upon the other party, or parties, and filed with the local registrar in whose office the procedures are pending. R.R.O. 1980, Reg. 247, s. 17, *revised*.

18. Where an application is made under the Act upon affidavit, copies of the affidavit and of notice of the application shall be served, and any party may, upon being served, apply to the referee for an order fixing the procedure in the same manner and with the same results as provided for in section 15 and, where an application for an order of procedure is not made, affidavits in answer shall be filed and served within ten days after service of the notice and affidavits in reply shall be filed and served within ten days after the service of the affidavits in answer. R.R.O. 1980, Reg. 247, s. 18.

19. Where, in the opinion of the referee, it is desirable for the due dispatch of business and for the public convenience to appoint fixed dates for sittings, the referee shall appoint dates for sittings in such areas as the referee considers advisable and he or she shall notify the local registrar in each of the areas for which dates for sittings have been appointed and each registrar so notified shall cause notice of the dates for sittings to be posted up in his or her office. R.R.O. 1980, Reg. 247, s. 19, *revised*.

20.—(1) Except as provided in subsection (2), a party is not entitled, unless the referee so directs, to examine for discovery the engineer or surveyor who prepared a report in respect of the drainage works in question.

(2) Where the proceeding is to quash a by-law passed under the Act or is an appeal from the report of an engineer or surveyor, the referee may, upon the request of an appellant, permit the examination for discovery of the engineer or surveyor who prepared the report. R.R.O. 1980, Reg. 247, s. 20.

21. Where sittings have been appointed as provided in section 19, any party affected may bring on for trial or hearing at the sittings any action or proceedings under the Act by giving to the other party, or parties, affected fourteen days notice and by setting the proceeding down for trial by requisition to the local registrar not less than six clear days before the date appointed for the sittings. R.R.O. 1980, Reg. 247, s. 21, *revised*.

22. Despite sections 2 to 21, the referee may, upon an application being made to him or her, appoint a special date for the trial or hearing of any proceeding under the Act. R.R.O. 1980, Reg. 247, s. 22, *revised*.

23. Unless the referee otherwise directs, the party instituting the proceeding shall, at least six days before the trial, deposit with the local registrar for the use of the referee a certified copy of the notice initiating the proceeding together with all orders, all defences and objections to the appeal or reference and any other documents filed relating to the issues to be tried. R.R.O. 1980, Reg. 247, s. 23, *revised*.

24.—(1) Where a municipal corporation is a party in a trial of any proceeding under the Act, the municipal corporation shall, unless otherwise ordered by the referee, produce at the hearing all documents within its possession or control relating to the drainage works, including all reports, plans, specifications, assessments, by-laws, provisional by-laws, resolutions, correspondence and copies of notices sent to ratepayers entitled to notice.

(2) The referee may require the production of all documents, referred to in subsection (1), by any municipality whether or not the municipality is a party in any proceedings before the referee.

(3) Where the referee requires a copy, or copies, of the evidence taken by a stenographic reporter during a trial in a proceeding under the Act, the party initiating the proceeding shall supply the copy, or copies of the evidence and, unless the referee otherwise orders the costs of the copy, or copies of the evidence shall be assessed in the cause. R.R.O. 1980, Reg. 247, s. 24.

25. Non-compliance with these Rules shall not nullify any notice or any other proceeding unless the referee otherwise directs, but any notice or any other proceeding may be set aside by the referee either wholly or in part as irregular. R.R.O. 1980, Reg. 247, s. 25.

26. In any hearing before the referee where oral evidence is to be tendered and where the initiating municipality or any other municipality that has procured a report for repair or improvement of a drainage works is a party to the proceeding, the municipality shall ensure the attendance at the hearing of the engineer who made the latest report to the council of the municipality in respect of the drainage works. R.R.O. 1980, Reg. 247, s. 26.

27.—(1) Where,

- (a) a municipality is a party; and
- (b) an engineer who has reported to the municipality in respect of the drainage works is present,

the referee may, at the commencement of a hearing and before any evidence is tendered, call upon the engineer to give evidence in respect of such matters within the engineer's knowledge as the referee considers likely to be of assistance in delineating the issues in

dispute, and the engineer when called upon by the referee shall be regarded as an expert witness called by the court and shall not, while giving the evidence, be eligible to be examined or cross-examined by any of the parties.

(2) Where an engineer is called upon to give evidence under subsection (1) by the referee, the engineer is eligible to be called upon at a later stage of the hearing as a witness for any party to the proceeding. R.R.O. 1980, Reg. 247, s. 27.

28. An application to set aside any proceeding because of irregularity shall be made within thirty days and the referee may disallow such an application where the party making the application has taken a fresh step after knowledge of the irregularity. R.R.O. 1980, Reg. 247, s. 28.

29. Unless the referee otherwise orders, there shall be at least seven clear days between the service of a notice of a motion and the day for a hearing. R.R.O. 1980, Reg. 247, s. 29.

30. The referee may increase or decrease the time appointed by these Rules, or fixed by order, for doing any act or commencing any proceeding upon such terms as the referee considers just, and any increase or decrease of time may be ordered although the application for the increase or decrease is not made until after the expiration of the time appointed or allowed. R.R.O. 1980, Reg. 247, s. 30.

31. Every local registrar shall, at the request of any party and upon receiving a requisition for the purpose and payment of the necessary postage and express charges for the transmission and return of the same, transmit to the referee the proceeding on file in his or her office. R.R.O. 1980, Reg. 247, s. 31, *revised*.

32. Unless by consent of the parties or by leave of the referee, no trial shall take place or motion be heard during the long vacation or the Christmas vacation as prescribed in Rule 3.03(1) of Regulation 194 of Revised Regulations of Ontario, 1990, being the Rules of Civil Procedure. R.R.O. 1980, Reg. 247, s. 32.

33. The referee may fix the amount of fees and expenses to be allowed as between party and party for a professional or expert witness or witnesses. R.R.O. 1980, Reg. 247, s. 33.

Drugless Practitioners Act

Loi sur les praticiens ne prescrivant pas de médicaments

REGULATION 276

CHIROPRACTORS

DEFINITIONS

1. In this Regulation,

“Board” means The Board of Directors of Chiropractic;

“secretary-treasurer” means the secretary-treasurer of the Board.
R.R.O. 1980, Reg. 248, s. 1.

REGISTRATION

2. The secretary-treasurer shall maintain a register of persons admitted to practise as chiropractors. R.R.O. 1980, Reg. 248, s. 2.

3. The secretary-treasurer shall register as a chiropractor any person who,

- (a) is of good moral character;
- (b) is at least eighteen years of age;
- (c) has passed the examinations prescribed by section 18; and
- (d) has paid the registration fee prescribed by clause 9 (a).
R.R.O. 1980, Reg. 248, s. 3.

4. The secretary-treasurer may register any person who,

- (a) complies with the requirements of subsection 20 (1);
- (b) has passed the examinations prescribed by the Canadian Chiropractic Examining Board, or any predecessor thereof, for the subjects mentioned in section 18; and
- (c) pays the registration fee prescribed by clause 9 (a).
R.R.O. 1980, Reg. 248, s. 4.

5. The secretary-treasurer shall register any person who,

- (a) is registered as a chiropractor in a jurisdiction,
 - (i) outside Ontario under regulations similar to this Regulation, and
 - (ii) in which persons registered as chiropractors under the Act may register without examination; and
- (b) pays the registration fee prescribed by clause 9 (a).
R.R.O. 1980, Reg. 248, s. 5.

6. The secretary-treasurer may register any applicant,

- (a) who has obtained a chiropractic degree or diploma from a school referred to in section 26, or a school accredited by an accrediting agency in the jurisdiction in which the school is situate, if any, and providing that the accrediting agency is recognized by the Government in the jurisdiction in which the agency is operating;
- (b) who,
 - (i) has successfully completed an approved residency

program as established by a school referred to in section 26, or

(ii) has a fellowship or specialty certification in an approved specialty recognized by a school referred to in section 26, or

(iii) has a minimum of five years practice as a chiropractor;

(c) who has an appointment as a full-time educational instructor at a school referred to in clause 26 (1) (a); and

(d) who produces evidence that there has been no finding of, and that there is no current proceeding involving, an allegation of professional misconduct, incompetence or being physically or mentally incapacitated or any like finding or proceeding, in respect of the applicant's chiropractic registration in any jurisdiction where the applicant practised as a chiropractor. O. Reg. 521/82, s. 1.

7.—(1) The registration of a chiropractor expires with the first Monday in February in each year.

(2) The secretary-treasurer shall renew the registration for one year where the chiropractor pays the renewal fee prescribed by clause 9 (b). R.R.O. 1980, Reg. 248, s. 6.

8.—(1) Where a registered chiropractor fails to pay the renewal fee on or before the expiry date, the secretary-treasurer shall notify the chiropractor by registered mail addressed to his or her last known address appearing on the register that his or her registration has expired.

(2) Where a chiropractor whose registration has expired pays the fee prescribed by clause 9 (c), within two years of the expiry date the secretary-treasurer shall register the chiropractor. R.R.O. 1980, Reg. 248, s. 7.

9. The fees to be paid by a chiropractor are,

- (a) on registration, \$185;
- (b) on renewal of registration before a registration expires, \$375;
- (c) where the chiropractor's registration has expired and the chiropractor applies for renewal of registration within two years of the date of expiry of the registration, \$565; and
- (d) where the chiropractor's registration has expired and the chiropractor applies for renewal of registration two years or more after the date of expiry of registration, \$625.
O. Reg. 35/88, s. 1.

10. Where a registration has not been renewed and more than two consecutive years have passed since the date of expiry of the registration, the Board may re-register the chiropractor if he or she,

- (a) pays the fee prescribed by clause 9 (d);
- (b) passes such examinations as the Board may prescribe; and
- (c) submits proof in a form satisfactory to the Board of his or her competence as a chiropractor. R.R.O. 1980, Reg. 248, s. 9; O. Reg. 557/85, s. 2.

DISCIPLINE

11.—(1) The Board may, after a hearing, suspend or cancel the registration of any person found to be guilty of misconduct or to have been ignorant or incompetent.

(2) Before holding the hearing, the Board shall send by registered mail to the chiropractor at his or her last known address appearing on the register, a notice,

- (a) giving the details of the alleged misconduct, ignorance or incompetence and the nature of the evidence in support thereof; and
- (b) appointing the date, time and place for the hearing.

(3) The Board shall allow at least ten clear days between the date of sending the notice and the date for the hearing.

(4) If the chiropractor fails to attend the hearing on the date and at the time and place appointed, the hearing may proceed and a decision may be made in the chiropractor's absence.

(5) At the hearing, the chiropractor is entitled to hear the evidence against him or her, to cross-examine thereon, to call witnesses in his or her behalf and to present argument.

(6) The chiropractor may be represented at the hearing by counsel or by an agent.

(7) Where the Board decides to suspend a registration, the period of suspension shall not be longer than three months. R.R.O. 1980, Reg. 248, s. 10.

12.—(1) The Board may appoint an inspector for the investigation of complaints made against a chiropractor.

(2) The inspector shall investigate a written complaint that a chiropractor has been guilty of misconduct or displayed such ignorance or incompetence as to render it desirable in the public interest that his or her registration be cancelled or suspended.

(3) The inspector shall report to the Board on every investigation made by him or her. R.R.O. 1980, Reg. 248, s. 11.

13.—(1) No chiropractor shall publish, display, distribute or cause or permit directly or indirectly, the publishing, display, distribution or use of any notice, advertisement or material of any kind whatsoever related to the practice of chiropractic containing anything other than the chiropractor's name, address, telephone number, office hours, professional title, without first submitting the proposed notice, advertisement or material to the Board which may grant or refuse permission to publish, distribute or use such notice, advertisement or material.

(2) A chiropractor who contravenes subsection (1) shall be deemed to be guilty of misconduct within the meaning of this Regulation.

(3) A chiropractor who publishes, displays, distributes or causes or permits, directly or indirectly the publishing, display, distribution or use of any advertisement, notice or material of any kind whatsoever that contains falsehoods, misrepresentations, misleading or distorted statements as to bodily functions or malfunctions of any kind, or as to cures by any method of treatment used by the chiropractor or as to his or her training, qualifications or attainments shall be deemed guilty of misconduct within the meaning of this Regulation. R.R.O. 1980, Reg. 248, s. 12.

DESIGNATIONS

14. No person other than a chiropractor registered under the Act shall advertise or use any title or add any affix to his or her name signifying that he or she is qualified to practise as a chiropractor. R.R.O. 1980, Reg. 248, s. 13.

15. As an occupational designation, chiropractors may describe themselves as chiropractors only. R.R.O. 1980, Reg. 248, s. 14.

ALLOWANCE FOR BOARD

16. The daily allowance for,

- (a) members of the Board, not including the chair, is \$200; and
- (b) for the chair, is \$225,

together with their necessary travelling and other expenses while actually engaged on the business of the Board. R.R.O. 1980, Reg. 248, s. 15.

AUDIT

17. The Board's accounts shall be audited annually by a chartered accountant. R.R.O. 1980, Reg. 248, s. 16.

EXAMINATIONS

18.—(1) The Board shall prescribe examinations for the admission of chiropractors to practise in Ontario, upon the subjects prescribed by subsection (2). R.R.O. 1980, Reg. 248, s. 17 (1).

(2) The subjects for examination are,

- (a) anatomy;
- (b) neurology;
- (c) physiology;
- (d) microbiology and public health;
- (e) physiological chemistry;
- (f) diagnosis and symptomatology;
- (g) pathology; and
- (h) principles of practice, technique and treatment. R.R.O. 1980, Reg. 248, s. 17 (2); O. Reg. 256/85, s. 1.

(3) The examination on the subjects mentioned in,

- (a) clauses (2) (a) to (g) shall be written; and
- (b) clause (2) (h) shall be written and oral. R.R.O. 1980, Reg. 248, s. 17 (3).

(4) A candidate passes the examinations if the candidate obtains a mark of not less than 50 per cent in each subject set out in subsection (2) and has an average mark of 60 per cent or greater in all the subjects set out in subsection (2). O. Reg. 223/85, s. 1.

19.—(1) The Board shall conduct or cause to be conducted by the Canadian Chiropractic Examining Board examinations at least once a year. O. Reg. 515/84, s. 1.

(2) The Board shall conduct or cause to be conducted supplemental examinations within four months after the examinations referred to in subsection (1) are held. R.R.O. 1980, Reg. 248, s. 18 (2).

20.—(1) Any person who is of good moral character and has graduated from a school referred to in section 26 may apply to the secretary-treasurer as a candidate for the examinations. R.R.O. 1980, Reg. 248, s. 19 (1); O. Reg. 20/84, s. 1 (1, 2), *revised*.

(2) Application for examination shall be made in Form 1 to the secretary-treasurer at least thirty days before the examination is to be held. R.R.O. 1980, Reg. 248, s. 19 (2).

(3) The application shall be accompanied by,

- (a) two letters of character;
- (b) a certificate in Form 2 from the head of the teaching staff of a school referred to in section 26; and
- (c) the examination fee prescribed by section 23. R.R.O. 1980, Reg. 248, s. 19 (3); O. Reg. 20/84, s. 1 (3).

(4) The Board shall review the application and, if it complies with the provisions of this Regulation, the Board shall cause the secretary-treasurer to notify the candidate of the time and place fixed for the examination. R.R.O. 1980, Reg. 248, s. 19 (5).

21.—(1) A person who has been notified under subsection 20 (4) and who has paid the fees prescribed by section 23 may try the examinations. R.R.O. 1980, Reg. 248, s. 20 (1).

(2) A person who tries the examinations and who fails in three subjects or less or obtains a 50 per cent mark in each subject set out in subsection 18 (2) but fails to obtain an average mark of 60 per cent in all the subjects set out in that subsection may try supplemental examinations in the subjects set out in subsection 18 (2) if the fees set out in section 23 are paid. O. Reg. 223/85, s. 3, revised.

22. A candidate for examination or supplemental examination shall be allowed 1½ hours for each subject written and thirty minutes for the oral examination. R.R.O. 1980, Reg. 248, s. 21.

FEEs ON EXAMINATION

23. The fee to be paid on examination is,

- (a) \$75 for each subject at an examination; and
- (b) \$100 for each subject at a supplemental examination,

but in no case shall the total fee paid on examination exceed \$200. O. Reg. 104/87, s. 1.

EXAMINERS

24.—(1) At least three months before the date of an examination or supplemental examination, the Board shall appoint sufficient examiners, including a presiding examiner, to conduct the examination.

(2) No person shall be appointed as a presiding examiner unless he or she is a member of the Board. R.R.O. 1980, Reg. 248, s. 23.

25.—(1) The presiding examiner shall,

- (a) prepare with the assistance of the examiners the examination paper for each subject;
- (b) submit the examination paper prepared under clause (a) to the Board; and
- (c) conduct the examination at the time set by the Board.

(2) No paper shall be submitted to a candidate for examination unless the examination paper has been approved by the Board. R.R.O. 1980, Reg. 248, s. 25.

SCHOOLS FOR CHIROPRACTORS

26.—(1) An applicant for examination shall complete a course of instruction in a training school,

- (a) in Ontario that conducts a course in chiropractic as set out in subsection (2); or
- (b) in any jurisdiction outside of Canada that conducts a course in chiropractic as set out in subsection (2) and is accredited by the Accreditation Commission of the Council on Chiropractic Education.

(2) The course in chiropractic shall include not less than four academic years of nine months each with at least 4,200 hours of instruction in the following subjects:

1. Anatomy, including dissection.
2. Physiology.
3. Chemistry.
4. Medical jurisprudence.
5. Pathology.
6. Psychology.
7. Ophthalmology.
8. Otolaryngology.
9. Histology.
10. Dietetics.
11. Diagnosis and symptomatology.
12. Radiology.
13. First aid and minor surgery.
14. Psychiatry.
15. Bacteriology.
16. Hygiene and sanitation.
17. Obstetrics.
18. Clinical training.
19. Principles of practice, technique and treatment. R.R.O. 1980, Reg. 248, s. 26.

Form 1

Drugless Practitioners Act

APPLICATION FOR REGISTRATION AS A CHIROPRACTOR BY EXAMINATION

To: The Secretary-Treasurer,
Board of Directors of Chiropractic.

I,
(name)

.....
(address)

apply for registration as a chiropractor and in support submit the following information:

1. Date and place of birth:
2. Address:
(post office) (province)
3. My preliminary education comprised:
.....
.....

4. I graduated from the Chiropractic School or College at

5. I attended the following lectures at the School or College mentioned in paragraph 4 and I hold certificates in the following optional courses:

.....

.....

Date day of, 19.....

.....
(signature of applicant)

R.R.O. 1980, Reg. 248, Form 1.

Form 2

Drugless Practitioners Act

CERTIFICATE OF EDUCATION IN CHIROPRACTIC

I, , head of
(name)

the teaching staff of
(school or college)

hereby certify that has successfully
(name of graduate)

completed the course in chiropractic at
(school or college)

Date day of, 19.....

.....
(signature)

R.R.O. 1980, Reg. 248, Form 2.

REGULATION 277

CLASSIFICATIONS

CHIROPRACTORS

1.—(1) Persons who follow the system of treatment prescribed by subsection (2) are classified as chiropractors.

(2) The system of treatment that may be followed by chiropractors is the treatment of persons by the relief of interference with the normal functioning of the nervous system of the body by the adjustment or the manipulation or both of the articulations and the tissues thereof, more especially those of the spinal column and when necessary with the aid of,

- (a) exercise;
- (b) light;
- (c) thermotherapy;
- (d) hydrotherapy; or
- (e) electrotherapy. R.R.O. 1980, Reg. 249, s. 1.

MASSEURS

2.—(1) In this section “association” includes a club, corporation or unincorporated organization.

(2) Persons who follow the system of treatment prescribed by subsection (3) are classified as masseurs.

(3) The system of treatment that may be followed by masseurs is the treatment of persons by,

- (a) the kneading, rubbing and massaging of the body, but without adjusting or attempting to adjust any bony structure thereof;
- (b) the use of steam baths, electric baths, electric light baths, vapour baths or fume baths; and
- (c) the use of thermal or ultra-violet lamps.

(4) Subsection (2) does not apply to a trainer who is employed by an athletic association for services rendered by him or her to members of the athletic association during their training or playing season. R.R.O. 1980, Reg. 249, s. 2.

PHYSIOTHERAPISTS

3.—(1) In this section, “prescription” means a direction of a duly qualified medical practitioner directing a physiotherapist to treat a named person.

(2) Persons who follow the system of treatment prescribed by subsection (3) are classified as physiotherapists. R.R.O. 1980, Reg. 249, s. 3 (1, 2).

(3) The system of treatment that may be followed by physiotherapists is the treatment of persons upon a prescription by,

- (a) the massaging and manipulating of the body;
- (b) the use of,
 - (i) radiant and electrical energy, except radiant energy from radioactive materials or X-ray machines, and
 - (ii) mechanical energy; and
- (c) the exercising of the body in any suitable medium. R.R.O. 1980, Reg. 249, s. 3 (3); O. Reg. 738/83, s. 1, *part, revised*.

(4) The prescription referred to in subsection (3) is not necessary if a physiotherapist was registered under the Act on or before the 31st day of January, 1955. R.R.O. 1980, Reg. 249, s. 3 (3), *part, revised*.

REGULATION 278

GENERAL

DEFINITIONS

1. In this Regulation,

“Board” means The Board of Directors of Drugless Therapy;

“drugless therapist” means any person who practises or advertises or holds himself out in any way as practising the treatment by diagnosis, including all diagnostic methods, direction, advice, written or otherwise, of any ailment, disease, defect or disability of the human body by methods taught in colleges of drugless therapy or naturopathy and approved by the Board. R.R.O. 1980, Reg. 250, s. 1, *revised*.

REGISTRATION

2. Any person being eighteen years of age may apply to the Board for registration as a drugless therapist. R.R.O. 1980, Reg. 250, s. 2.

CLASSIFICATIONS

3. Drugless therapist is a classification. R.R.O. 1980, Reg. 250, s. 3.

SCHOOLS AND COLLEGES

4. No school or college teaching drugless therapy shall be approved by the Board, unless its course of instruction is at least four years of nine months in each year and it teaches a minimum course of at least 4,200 fifty-minute hours or its equivalent in the subjects of,

Anatomy (including all branches, gross Anatomy, Dissection, etc.)
 Physiology
 Chemistry
 Medical Jurisprudence
 Pathology
 Psychology
 Eye, Ear, Nose and Throat
 Histology
 Dietetics
 Diagnosis
 First Aid and Minor Surgery
 Psychiatry
 Gynecology
 Bacteriology
 Hygiene and Sanitation
 Symptomatology
 Obstetrics
 Principles of Practice, Technique and Treatment.

R.R.O. 1980, Reg. 250, s. 4, *revised*.

FEES

5.—(1) There shall be paid for the purposes of the Board,

- (a) with each application for registration as a drugless therapist a fee of \$200; and
- (b) with each application for renewal of registration as a drugless therapist a fee of \$275. O. Reg. 19/84, s. 1, *part*; O. Reg. 22/85, s. 1; O. Reg. 13/88, s. 1.

(2) An additional fee of \$100 shall be paid for each application for renewal received after the 28th day of February in any year. O. Reg. 19/84, s. 1, *part*.

(3) Despite subsections (1) and (2), where a drugless therapist is residing outside of Ontario and is not providing services in Ontario, the fee for registration in Ontario as a drugless therapist is \$50. O. Reg. 242/81, s. 1, *part*.

TRAINERS

6. This Regulation does not apply to or affect trainers for athletic or sporting clubs or associations so long as they confine their services to members of such clubs or associations during their training or playing season. R.R.O. 1980, Reg. 250, s. 6.

REGISTRATION

7.—(1) Every drugless practitioner shall register with the Board.

(2) Applications for registration shall be in writing on a form approved by the Board, verified by affidavit and accompanied by the prescribed fee and shall set forth,

- (a) classification under which registration is desired;
- (b) preliminary education of the applicant prior to admission to college or graduation;
- (c) name and post office address of the college of graduation;
- (d) actual time of attendance at lectures in the college of graduation, subjects taught and the number of lecture hours devoted to each subject;
- (e) references to character, professional status and efficiency in practice; and
- (f) any other information required by the Board.

(3) Every registration and renewal thereof shall remain in force until the end of the calendar year. R.R.O. 1980, Reg. 250, s. 7.

8. A drugless practitioner is entitled to renew his or her registration upon making application therefor and paying the prescribed fee. R.R.O. 1980, Reg. 250, s. 8.

9.—(1) A drugless therapist shall be entitled to renew his or her registration upon making application therefor and paying the prescribed fee as set out in clause 5 (1) (b) and subsection 5 (2), provided the application for renewal is made within two years from the date of expiry of the said registration.

(2) A drugless therapist who has failed to renew his or her registration for two years may renew the registration by,

- (a) submitting an application for registration on a form approved by the Board;
- (b) passing such examinations as the Board may prescribe; and
- (c) paying the fee prescribed in clause 5 (1) (b) for an application for registration. R.R.O. 1980, Reg. 250, s. 9.

10. A certificate of registration and of every renewal thereof shall be issued to the applicant. R.R.O. 1980, Reg. 250, s. 10.

11. Any person who commences a course of instruction for the purpose of qualifying to practise as a drugless practitioner shall, within thirty days from the commencement of such a course, register in the office of the secretary of the Board stating what course he or she is taking but the Board may extend the time for registration. R.R.O. 1980, Reg. 250, s. 11.

12. The Board may make reciprocal arrangements with other bodies, councils or boards governing drugless practitioners in jurisdictions outside Ontario, under which the qualifications to practise in such jurisdiction may be recognized as qualifications to practise in Ontario, and qualifications to practise in Ontario may be recognized as qualifications to practise in such jurisdiction. R.R.O. 1980, Reg. 250, s. 12.

13.—(1) The Board may, in its absolute discretion and in such circumstances and on such conditions as it considers advisable, remit all or part of the registration and renewal fees of any registrant who has lost his or her eyesight.

(2) The Board may, in its absolute discretion, remit all or part of the renewal fees of any registrant who, by reason of physical disability, illness or absence from Ontario, discontinues practise in Ontario for a period of not less than one year. R.R.O. 1980, Reg. 250, s. 13.

EXAMINATIONS

14. There shall be one regular examination, and when necessary one supplemental examination in each year, on dates to be fixed by the Board. R.R.O. 1980, Reg. 250, s. 14.

15.—(1) An applicant who fails on more than three subjects is not eligible for re-examination until the following year.

(2) An applicant for supplemental examinations shall be allowed to write on only three subjects on such supplemental examinations, except by permission of the Board. R.R.O. 1980, Reg. 250, s. 15.

16.—(1) No candidate is eligible to try any examination until his or her candidature has been approved by the Board.

(2) The approval may be given upon proof of the candidate having taken the proper course at any of the schools or colleges approved by the Board, or upon proof of such other course or courses of instruction, both in professional subjects and in academic or secondary subjects, as in each case is satisfactory to the Board. R.R.O. 1980, Reg. 250, s. 16.

17. There shall be paid with each application for examination and with each application for supplemental examination a fee of \$25 for each examination or supplemental examination paper but the total examination fee for any regular or supplemental examination shall not exceed \$100. R.R.O. 1980, Reg. 250, s. 17.

SUBJECTS

18. The subjects of examination shall be,

- (a) foundational subjects: anatomy, histology, physiology, bacteriology, chemistry, hygiene and sanitation, diagnosis, symptomatology, pathology, gynecology; and
- (b) subjects special to principles of practice, technique and treatment for drugless therapy. R.R.O. 1980, Reg. 250, s. 18.

19. The examinations shall consist of written, oral and clinical examinations in each subject. R.R.O. 1980, Reg. 250, s. 19.

20. There shall be two examination periods in each day from 9 a.m. to 11.30 a.m., and from 1.30 p.m. to 4 p.m., but the presiding examiner may extend any such period for a further half hour. R.R.O. 1980, Reg. 250, s. 20.

21.—(1) The Board shall arrange a period of three consecutive days in each year for the regular examinations, which three-day period may be extended at the discretion of the presiding examiner.

(2) The Board shall further arrange a similar period for supplemental examinations when necessary. R.R.O. 1980, Reg. 250, s. 21.

22.—(1) Applicants for supplemental examinations shall be those who have failed in not more than three subjects and such other applicants as are approved by the Board on the grounds of special necessity.

(2) Unless by special leave of the Board, no applicant shall take a supplemental examination in any subject that he or she has not tried at the regular examinations. R.R.O. 1980, Reg. 250, s. 22.

23.—(1) Oral and clinical examinations may be arranged by the presiding examiner during and following the time period of the written examinations.

(2) The session for each individual for the oral and clinical examination shall not exceed thirty minutes and, if taken during a written examination, the time shall be so extended that the candidate has at least 2 1/2 hours for each written examination. R.R.O. 1980, Reg. 250, s. 23.

EXAMINERS

24.—(1) The Board shall, at the regular March meeting, appoint one of its members as presiding examiner for all examinations, and sufficient examiners, depending on the number of candidates for

examination, to complete the examinations in a reasonable time, having due regard to expense, examination fees and the convenience of candidates and examiners, and may at any time for similar reasons vary the number of examiners.

(2) Each examiner shall be notified of his or her appointment and shall forthwith notify the secretary-treasurer of his or her acceptance, whereupon the appointment is confirmed and the examiner shall then receive a copy of the regulations affecting examinations, payment, rules for examinations and the time set for examinations and, in default of immediate acceptance, another examiner shall be appointed.

(3) There shall be at least one examiner in each subject or group of subjects and he or she shall conduct the examinations, set and read the written papers and allot marks thereon, and conduct the oral and clinical examinations with assistance therein if necessary and shall provide the clinical and other material necessary for the oral and clinical examinations. R.R.O. 1980, Reg. 250, s. 24.

25.—(1) The presiding examiner of candidates for registration as drugless practitioners shall be paid on the same basis as he or she is paid for attendance at regular meetings of the Board.

(2) Each examiner shall receive \$10 for each written examination paper set and 75 cents for each paper he or she reads and marks, and shall receive \$12.50 for each half-day of three hours or part thereof for conducting oral and clinical examinations and, in addition, shall be reimbursed for transportation and expenses. R.R.O. 1980, Reg. 250, s. 25.

26.—(1) At the close of the examinations, whether regular or supplemental, the examiners shall meet and discuss results, finally adjust marks granted and make due recommendations to the Board regarding the candidates at the examinations and changes recommended regarding examinations.

(2) The presiding examiner shall act as secretary of such meeting and submit the official report to the Board. R.R.O. 1980, Reg. 250, s. 26.

27. Each examination paper for each examination period shall comprise one subject and shall consist of one question which the candidate is required to answer and five other questions of which the candidate shall answer any four and the total marks for each examination paper is 100. R.R.O. 1980, Reg. 250, s. 27.

STANDARD TO BE OBTAINED

28.—(1) A standard of 100 marks for the written answers, and 100 marks for orals and clinicals, shall be adopted by each examiner.

(2) Written examination results and oral and clinical examination results in each subject or group of subjects may be grouped together by each examiner.

(3) At least 50 per cent on each individual subject or group of subjects and 60 per cent on the total of all examination returns is required for pass standing.

(4) 75 per cent on all subjects constitutes honour standing. R.R.O. 1980, Reg. 250, s. 28.

29. The secretary-treasurer of the Board shall arrange for a suitable examination hall, furniture and equipment, pencils, stationery, blotters, examination books or paper and all other material or equipment necessary for the due carrying out of the examinations, and the cost thereof and of any other material or thing necessary or incidental to the said examinations shall be paid from the office of the secretary-treasurer on presentation of vouchers, and the payments shall be confirmed at the next regular meeting of the Board. R.R.O. 1980, Reg. 250, s. 29.

DISCIPLINE

30.—(1) The certificate of registration of any drugless practitioner may, after due enquiry by the Board, be either suspended or cancelled for incompetence, misconduct or breach of this Regulation.

(2) Any drugless practitioner against whom an allegation of misconduct, incompetence, or breach of this Regulation is made, shall be notified by registered mail, addressed to the practitioner at the address under which the practitioner is registered, giving notice to the practitioner of the time and place at which the Board will convene for the purpose of determining whether or not he or she has been guilty of the alleged misconduct, incompetence or breach of this Regulation. R.R.O. 1980, Reg. 250, s. 30.

31. No drugless practitioner registered under the Act shall display any sign, bill, poster or placard holding himself or herself out or advertising as a drugless therapist, unless the certificate of registration issued by the Board specifies that such person is registered as a drugless therapist. R.R.O. 1980, Reg. 250, s. 31.

32. No registrant shall use the words "drugless practitioner" as an occupational designation but may describe himself or herself only in the terms of the classification in which he or she is registered. R.R.O. 1980, Reg. 250, s. 32.

33. No drugless practitioner shall publish or cause to be published in any newspaper, telephone directory, periodical, circular or in any other printed matter, any notice or advertisement containing anything other than his or her name, address, telephone number, office hours, professional titles and type of services rendered, without first submitting the proposed notice or advertisement to the Board, which may grant or refuse permission to publish such notice or advertisement. R.R.O. 1980, Reg. 250, s. 33.

34. A registrant using or causing to be used advertising matter that contains misstatements, falsehoods, misrepresentations, distorted or fabulous statements as to cures by any method of treatment used by the registrant or as to the registrant's training, qualifications or attainments, shall be deemed to be guilty of misconduct within the meaning of this Regulation. R.R.O. 1980, Reg. 250, s. 34.

INVESTIGATION OF COMPLAINTS

35.—(1) The Board may appoint an inspector for the purpose of investigating complaints registered against registrants under the Act or other persons not so registered.

(2) All complaints relating to registrants or unregistered persons shall be filed with the secretary-treasurer who shall make such further investigations as he or she deems necessary and report to the Board.

(3) The inspector shall be remunerated for his or her time and expenses as the Board may determine. R.R.O. 1980, Reg. 250, s. 35.

CHEQUES

36. All cheques of the Board shall be signed by the chair or vice-chair and secretary-treasurer. R.R.O. 1980, Reg. 250, s. 36.

SALARIES

37. Each member of the Board shall be paid a daily allowance of \$150 together with the member's necessary travelling and living expenses while actually engaged on the business of the Board. O. Reg. 696/85, s. 1.

AUDITORS

38. The accounts of the Board shall be audited by a chartered accountant annually. R.R.O. 1980, Reg. 250, s. 39.

REGULATION 279

MASSEURS

DEFINITIONS

1. In this Regulation,

"Board" means The Board of Directors of Masseurs;

"secretary-treasurer" means secretary-treasurer of the Board. R.R.O. 1980, Reg. 251, s. 1.

REGISTRATION

2. The secretary-treasurer shall maintain a register of persons admitted to practise as masseurs. R.R.O. 1980, Reg. 251, s. 2.

3. The secretary-treasurer shall register as a masseur any person who has,

- (a) passed the examinations prescribed by section 16 or 17; and
- (b) paid the registration fee prescribed by clause 7 (1) (a). R.R.O. 1980, Reg. 251, s. 3; O. Reg. 277/82, s. 1.

4. The secretary-treasurer shall register as a masseur any person who has,

- (a) received his or her education and training outside of Ontario;
- (b) education and training equivalent to that required by section 16;
- (c) been examined by the Board; and
- (d) paid the registration fee prescribed by clause 7 (1) (a). R.R.O. 1980, Reg. 251, s. 4.

5.—(1) The registration of a masseur expires with the first Monday in February in each year.

(2) The secretary-treasurer shall renew the registration of a person registered as a masseur for one year where the masseur pays the renewal fee prescribed by clause 7 (1) (b). R.R.O. 1980, Reg. 251, s. 5.

6.—(1) Where a registered masseur fails to pay the renewal fee on or before the expiry date, the secretary-treasurer shall notify the masseur by registered mail addressed to his or her last known address appearing on the register that his or her registration has expired.

(2) Where a person whose registration as a masseur has expired and has not been renewed, for a period of time not exceeding three consecutive years, pays the fee prescribed by clause 7 (1) (c) or (d), as the case may be, the secretary-treasurer shall register the person as a masseur. R.R.O. 1980, Reg. 251, s. 6.

7.—(1) The fees to be paid by a masseur are,

- (a) on registration, \$200;
- (b) on renewal of registration, \$200;
- (c) on renewal of registration if the registration has been expired for one year or less, \$230; or
- (d) on renewal of registration if the registration has been expired for more than one year, \$500. O. Reg. 648/90, s. 1.

(2) A person who has been admitted to practise as a masseur but who is not practising and applies to the secretary-treasurer may be

placed on an inactive register for a period not exceeding two years where the person pays a fee of \$40 for each year of registration. O. Reg. 580/85, s. 1 (4).

(3) Where a registration of a person as a masseur is not renewed and more than three consecutive years have passed since the date of expiry of the registration, the Board shall re-register the applicant where the applicant,

- (a) pays the fee prescribed by clause (1) (d);
- (b) passes such examinations as the Board may prescribe; and
- (c) submits proof in a form satisfactory to the Board as to the applicant's competence to practise as a masseur. R.R.O. 1980, Reg. 251, s. 7 (3).

DISCIPLINE

8.—(1) The Board may, after a hearing, suspend or cancel the registration of any person found guilty of misconduct or to be ignorant or incompetent.

(2) Before holding a hearing, the Board shall send by registered mail to the masseur at his or her last known address appearing on the register, a notice,

- (a) giving the details of the alleged misconduct, ignorance or incompetence and the nature of the evidence in support thereof; and
- (b) appointing the date, time and place for the hearing.

(3) The Board shall allow at least ten clear days between the date of sending the notice and the date for the hearing.

(4) If the masseur fails to attend the hearing on the date and at the time and place appointed, the hearing may proceed and a decision may be made in his or her absence.

(5) At the hearing, the masseur is entitled to hear the evidence against him or her, to cross-examine thereon, to call witnesses in his or her behalf and to present his or her argument.

(6) The masseur may be represented at the hearing by counsel or by an agent.

(7) Where the Board decides to suspend the registration, the period of suspension shall not be longer than ninety days. R.R.O. 1980, Reg. 251, s. 8.

9. For the purpose of section 8 "misconduct" means,

- (a) failure to maintain the standard of practice of the profession;
- (b) failure to maintain records in respect of a masseur's patients;
- (c) exceeding the lawful scope of practice;
- (d) using terms, titles or designations other than those authorized by this Regulation;
- (e) treating or attempting to treat a condition that the masseur recognizes or should have recognized as being beyond his or her competence;
- (f) failure of a masseur to refer a patient to a legally qualified medical practitioner when the masseur recognizes or should have recognized a condition that appears to require medical examination;
- (g) charging fees that are excessive in relation to the services performed;

- (h) falsifying a record in respect of observation or treatment of a patient;
- (i) failure to carry out the terms of an agreement with a patient;
- (j) conviction of an offence that affects the fitness of a masseur to engage in the practice of massage;
- (k) sexual impropriety with a patient;
- (l) abusing a patient verbally or physically;
- (m) announcing or holding out falsely by a masseur that he or she has special qualifications;
- (n) acting as a masseur while the ability to perform any act as a masseur is impaired by alcohol or drugs;
- (o) knowingly permitting his or her office or clinic to be used for unlawful purposes;
- (p) conduct or an act relevant to the practice of a masseur that, having regard to all the circumstances, would reasonably be regarded by masseurs as disgraceful, dishonourable or unprofessional;
- (q) publishing, displaying, distributing or causing or permitting directly or indirectly, the publishing, display or distribution or use of any material of any kind whatsoever that is false, or contains misleading statements or misrepresentations as to bodily functions or malfunctions of any kind or as to cures by any method of treatment used by a masseur, or as to his or her training, qualification or skills. R.R.O. 1980, Reg. 251, s. 9.

10.—(1) The Board may appoint an inspector who on the direction of the Board shall investigate a written complaint that a masseur has been guilty of misconduct or displayed such ignorance or incompetence as to render it desirable in the public interest that his or her registration be cancelled or suspended.

(2) The inspector shall make a written report to the Board of every investigation made by the inspector. R.R.O. 1980, Reg. 251, s. 10.

DESIGNATIONS

11. No person other than a masseur registered under the Act shall advertise or use any title or add any affix to the person's name signifying that the person is qualified to practise as a masseur. R.R.O. 1980, Reg. 251, s. 11.

12. A person registered as a masseur shall not use any occupational designation in respect of that registration other than Registered Masseur or Registered Masseuse, Registered Massage Therapist or the letters "Reg. M." or "Reg. M.T.". R.R.O. 1980, Reg. 251, s. 12.

ALLOWANCE FOR BOARD

13.—(1) Members of the Board shall be paid a daily allowance of \$125 together with their necessary travelling and living expenses while actually engaged on the business of the Board. O. Reg. 648/90, s. 2.

(2) In addition to the allowance paid under subsection (1), the secretary-treasurer shall be paid an annual allowance. R.R.O. 1980, Reg. 251, s. 13 (2).

EXAMINATIONS

14.—(1) The Board shall prescribe examinations for the admissions of masseurs to practise in Ontario, upon the subjects prescribed by subsection (2).

(2) The subjects for examination are,

- (a) anatomy and histology;
- (b) physiology;
- (c) pathology;
- (d) public health;
- (e) assessment;
- (f) ethics and business management;
- (g) treatment; and
- (h) clinical practice.

(3) The examination on the subjects mentioned in,

- (a) clauses (2) (a), (b), (c), (d), (e), (f) and (g) shall consist of one oral and two written examinations; and
- (b) clause (2) (h) shall be a practical examination. R.R.O. 1980, Reg. 251, s. 14.

15.—(1) The Board shall conduct or cause to be conducted examinations at least once a year.

(2) The Board shall conduct or cause to be conducted supplemental examinations within four months after the examinations conducted under subsection (1), except that when two examinations a year are held, the supplementals shall be considered to be part of the next regular examination. R.R.O. 1980, Reg. 251, s. 15 (1, 2).

(3) An applicant who fails a written examination may apply to the Board for a review of the examination upon payment of a fee of \$75 for each examination that is reviewed. O. Reg. 648/90, s. 3.

16.—(1) A person may apply to the secretary-treasurer for examination and registration if the person,

- (a) is the holder of a Secondary School Graduation Diploma or a certificate considered by the Minister as equivalent thereto; and
- (b) has registered in a course of instruction in massage at a private vocational school registered under the *Private Vocational Schools Act*.

(2) An application by a person for examination and registration as a masseur shall be made within twenty-one days of registration of the person at the school of massage, in a form supplied by the secretary-treasurer.

(3) At least thirty days before the examinations are to be held, an applicant who has complied with subsection (2) shall submit to the secretary-treasurer,

- (a) two letters of character reference;
- (b) a Secondary School Graduation Diploma or a certificate considered by the Minister of Health as equivalent thereto; and
- (c) the examination fee prescribed by section 22.

(4) At least ten days before the examinations are to be held there shall be submitted to the secretary-treasurer a statement from the head of the private vocational school that the applicant attended stating that the applicant has attended and successfully completed the course in massage at the school referred to in clause (1) (b).

(5) Where an applicant complies with subsection (3), the secre-

tary-treasurer shall notify the applicant that the applicant is entitled to take the examinations. R.R.O. 1980, Reg. 251, s. 16.

17.—(1) Despite section 16, a person may apply to the secretary-treasurer for examination and registration if the person,

- (a) is the holder of a Secondary School Graduation Diploma or a certificate considered by the Minister as equivalent thereto; and
- (b) has completed at least 1,040 hours of instruction in massage prior to the 15th day of September, 1982.

(2) At least ten days before the examinations are to be held, an applicant who has complied with subsection (1) shall submit to the secretary-treasurer,

- (a) two letters of character reference;
- (b) a Secondary School Graduation Diploma or a certificate considered by the Minister of Health as equivalent thereto;
- (c) the examination fee prescribed by section 22; and
- (d) documentation that 1,040 hours of instruction in massage have been received. O. Reg. 277/82, s. 2.

18.—(1) An applicant may try the examinations if the applicant,

- (a) has been notified under subsection 16 (5) and has paid the fee prescribed by section 22; or
- (b) is eligible under and has complied with section 17. O. Reg. 277/82, s. 3.

(2) An applicant who has,

- (a) tried the examinations and failed in one of the four examinations; and
- (b) paid the fee prescribed by section 22,

may try a supplemental examination in the subject that he or she fails. R.R.O. 1980, Reg. 251, s. 17 (2).

EXAMINERS

19.—(1) At least three months before the date of an examination or supplemental examination, the Board shall appoint sufficient examiners including a presiding examiner to conduct the examination.

(2) No person shall be appointed as a presiding examiner unless he or she is a member of the Board. R.R.O. 1980, Reg. 251, s. 18.

20. The Board shall pay an examiner other than the presiding examiner,

- (a) \$250 for the preparation of each written examination and \$250 for each oral and practical examination;
- (b) \$200 for each day or less during which the examiner conducts or supervises an examination;
- (c) the actual amount spent in travelling and living expenses while engaged as an examiner; and
- (d) \$30 for each written examination paper that the examiner reads and marks. R.R.O. 1980, Reg. 251, s. 19; O. Reg. 618/87, s. 2; O. Reg. 648/90, s. 4.

21.—(1) The presiding examiner shall,

- (a) review the examination papers after they have been prepared by the examiner; and

(b) conduct the examination at the time set by the Board.

(2) The presiding examiner shall be paid for his or her services an amount equal to the amount prescribed by subsection 13 (1). R.R.O. 1980, Reg. 251, s. 20.

FEES ON EXAMINATION

22.—(1) An applicant for examination, other than a supplemental examination, shall pay a fee of \$230.

(2) An applicant for a supplemental examination shall pay a fee of \$130. O. Reg. 648/90, s. 5.

REGULATION 280

OSTEOPATHS

DEFINITIONS

1. In this Regulation,

“Board” means Board of Directors of Osteopathy;

“secretary-treasurer” means secretary-treasurer of the Board. R.R.O. 1980, Reg. 252, s. 1.

REGISTRATION

2. The secretary-treasurer shall maintain a register of persons admitted to practice as osteopaths. R.R.O. 1980, Reg. 252, s. 2.

3. The secretary-treasurer shall register as an osteopath any person who,

- (a) is of good moral character;
- (b) is at least eighteen years of age;
- (c) has passed the examinations prescribed by section 12; and
- (d) has paid the registration fee prescribed by clause 7 (a). R.R.O. 1980, Reg. 252, s. 3.

4. The secretary-treasurer shall register any person who,

- (a) is registered as an osteopath in a jurisdiction outside Ontario under regulations similar to this Regulation; and
- (b) pays the registration fee prescribed by clause 7 (a). R.R.O. 1980, Reg. 252, s. 4.

5.—(1) The registration of an osteopath expires with the first Monday in February in each year.

(2) The secretary-treasurer shall renew the registration for one year where the osteopath pays the renewal fee prescribed by clause 7 (b). R.R.O. 1980, Reg. 252, s. 5.

6.—(1) Where a registered osteopath fails to pay the renewal fee on or before the expiry date, the secretary-treasurer shall notify the osteopath by registered mail addressed to his or her last known address appearing on the register that his or her registration has expired.

(2) Where an osteopath whose registration has expired pays the fee prescribed by clause 7 (c), the secretary-treasurer shall register the osteopath. R.R.O. 1980, Reg. 252, s. 6.

FEES

7. The fees to be paid by an osteopath are,

(a) on registration, \$75;

(b) on renewal of registration, \$50; and

(c) where his or her registration has expired, for each year or part of a year that has passed since the date of expiry of registration, \$25. R.R.O. 1980, Reg. 252, s. 7.

DISCIPLINE

8.—(1) The Board may, after a hearing, suspend or cancel the registration of any person found to be guilty of misconduct or to have been ignorant or incompetent.

(2) Before holding a hearing, the Board shall send by registered mail to the osteopath at his or her last known address appearing on the register a notice,

- (a) giving the details of the alleged misconduct, ignorance or incompetence and the nature of the evidence in support thereof; and
- (b) appointing the date, time and place for the hearing.

(3) The Board shall allow at least ten clear days between the date of sending the notice and the date for the hearing.

(4) If the osteopath fails to attend the hearing on the date and at the time and place appointed, the hearing may proceed and a decision may be made in his or her absence.

(5) At the hearing, the osteopath is entitled to hear the evidence against him or her, to cross-examine thereon, to call witnesses in his or her behalf and to present his or her argument.

(6) The osteopath may be represented at the hearing by counsel or by an agent.

(7) Where the Board decides to suspend the registration, the period of suspension shall not be longer than thirty days. R.R.O. 1980, Reg. 252, s. 8.

9.—(1) The Board may appoint an inspector for the investigation of complaints made against an osteopath.

(2) A member of the Board is not eligible for appointment as an inspector.

(3) The inspector shall investigate a complaint made in writing that an osteopath has been guilty of misconduct or displayed such ignorance or incompetence as to render it desirable in the public interest that his or her registration be cancelled or suspended.

(4) The inspector shall report to the Board on every investigation made by the inspector. R.R.O. 1980, Reg. 252, s. 9.

DESIGNATIONS

10. No person other than an osteopath registered under the Act shall advertise or use any title or add any affix to the person's name signifying that the person is qualified to practise as an osteopath. R.R.O. 1980, Reg. 252, s. 10.

ALLOWANCE FOR BOARD

11.—(1) Members of the Board shall be paid,

- (a) a daily allowance; and
- (b) an allowance for travelling and living expenses,

in the amounts prescribed by subsection (2) while engaged on the business of the Board. R.R.O. 1980, Reg. 252, s. 11 (1).

(2) The allowance is,

- (a) \$78 a day; and
- (b) the actual amount spent in travelling and living expenses. R.R.O. 1980, Reg. 252, s. 11 (2); O. Reg. 239/83, s. 1.
- (3) The amount of the allowance paid under clause (2) (a) to each member shall not exceed \$750 in any one year.
- (4) In addition to the allowance paid under subsection (3), the secretary-treasurer shall be paid an annual allowance of \$600. R.R.O. 1980, Reg. 252, s. 11 (3, 4).

EXAMINATIONS

12.—(1) The Board shall prescribe written, oral and practical examinations for the admission of osteopaths to practice in Ontario, upon the subjects prescribed by subsection (2).

- (2) The subjects for examination are,
 - (a) anatomy and applied anatomy, including histology and embryology;
 - (b) physiology, including physiological chemistry;
 - (c) pathology and bacteriology, including parasitology, immunology, public health and preventive medicine;
 - (d) surgery, including surgical specialties;
 - (e) obstetrics, gynaecology and paediatrics;
 - (f) neurology, psychology and psychiatry; and
 - (g) osteopathic medicine, including principles, therapeutics, pharmacology, materia medica and jurisprudence. R.R.O. 1980, Reg. 252, s. 12.

13.—(1) The Board shall conduct or cause to be conducted examinations at least once a year.

(2) When necessary, the Board shall conduct or cause to be conducted supplemental examinations within four months after the examinations under subsection (1). R.R.O. 1980, Reg. 252, s. 13.

14.—(1) A person may apply to the secretary-treasurer as a candidate for the examination if the person,

- (a) is of good moral character;
- (b) is the holder of an Ontario Secondary School Graduation Diploma or an equivalent certificate as determined by the Minister of Health;
- (c) has successfully completed at least two years of preliminary study at a college or university in a course that includes physics, organic and inorganic chemistry, biology and English; and
- (d) has graduated from a school or college of osteopathy referred to in section 18.
- (2) Application for examination shall be made in Form 1 to the secretary-treasurer.
- (3) The applicant shall submit with the application,
 - (a) evidence of preliminary education prior to admission to a college of osteopathy;
 - (b) references as to character, professional status and previous experience in the practice of osteopathy;
 - (c) a certificate in Form 2 from the head of the teaching staff of a school or college referred to in section 18; and

(d) the examination fee prescribed by section 17.

(4) The Board shall review the application and, if it complies with this Regulation, the Board shall cause the secretary-treasurer to notify the candidate of the time and place fixed for the examination. R.R.O. 1980, Reg. 252, s. 14.

15.—(1) A person may take the examinations if the person has,

- (a) been notified under subsection 14 (4); and
- (b) paid the fee prescribed by section 17.
- (2) A person who has,
 - (a) taken the examinations;
 - (b) failed in three subjects or fewer; and
 - (c) paid the fee prescribed by section 17,

may try at a supplemental examination the subjects in which he or she has failed. R.R.O. 1980, Reg. 252, s. 15.

16. A person who is taking an examination or supplemental examination shall be allowed,

- (a) 2½ hours for each subject written; and
- (b) thirty minutes for the oral examination in each subject. R.R.O. 1980, Reg. 252, s. 16.

FEES ON EXAMINATION

17. A candidate for examination or supplemental examination shall pay on examination a fee,

- (a) not exceeding \$50 in amount; and
- (b) calculated on the basis of,
 - (i) \$10 for each subject at an examination, and
 - (ii) \$20 for each subject at a supplemental examination. R.R.O. 1980, Reg. 252, s. 17.

OSTEOPATHIC COLLEGES

18.—(1) An applicant for examination shall have completed a course of instruction in a school or college that conducts a course in osteopathy of not less than four academic years with a minimum of 5,000 hours of instruction and that requires students to have completed at least two years of pre-medical study.

(2) The course of instruction shall include the following subjects:

1. Anatomy, comprising,
 - i. gross anatomy,
 - ii. dissection,
 - iii. embryology, and
 - iv. histology.
2. Physiology.
3. Biochemistry.
4. Pharmacology, comprising,
 - i. comparative therapeutics,
 - ii. materia medica and associated subjects, and

- iii. toxicology.
5. Pathology.
6. Public health and preventive medicine, comprising,
 - i. hygiene,
 - ii. sanitation,
 - iii. bacteriology,
 - iv. parasitology, and
 - v. immunology.
7. Surgery, comprising,
 - i. general surgery,
 - ii. orthopaedic surgery,
 - iii. urology,
 - iv. ophthalmology,
 - v. radiology,
 - vi. anaesthesiology, and
 - vii. otorhinolaryngology.
8. Obstetrics and gynaecology.
9. Principles, practice and technique of osteopathy.
10. Neurology.
11. Psychology.
12. Psychiatry.
13. Paediatrics.
14. Dermatology and syphilology.
15. Therapeutics.

16. Tropical medicine.

17. Medical jurisprudence. R.R.O. 1980, Reg. 252, s. 18.

MEETINGS OF THE BOARD

19.—(1) The chair or, in his or her absence, the vice-chair shall call and preside at all meetings of the Board and the presiding officer shall, in the case of a tie vote, have the deciding vote.

(2) Meetings of the Board shall be upon the written call of the chair or upon the written request of any two members of the Board stating the reason for calling the meeting. R.R.O. 1980, Reg. 252, s. 19.

SECRETARY-TREASURER

20. The secretary-treasurer shall,

- (a) conduct the correspondence of the Board;
- (b) keep a true and accurate record of the minutes of all meetings of the Board;
- (c) notify all members of the Board of all meetings at least seven days in advance of such meetings;
- (d) keep a record of all osteopaths taking the examinations and the results of such examinations;
- (e) receive all money and securities and keep a proper record of all business transactions of the Board, the receipt and expenditure of all money and securities, and forthwith deposit all such money or securities received in such bank listed in Schedule I or II to the *Bank Act* (Canada) as the Board selects; and
- (f) carry out such other duties as the Board from time to time directs. R.R.O. 1980, Reg. 252, s. 20.

21. All cheques of the Board shall be signed by the chair or vice-chair and the secretary-treasurer. R.R.O. 1980, Reg. 252, s. 21.

AUDITORS

22. The accounts of the Board shall be audited annually by a chartered accountant appointed by the Board. R.R.O. 1980, Reg. 252, s. 22.

Form 1

Drugless Practitioners Act

APPLICATION FOR REGISTRATION AS AN OSTEOPATH BY EXAMINATION

Name
(surname) (given name in full)

(If female)
(any alteration in or change of name since registration of birth)

Address
(municipality) (county) (province)

.....
(home address) (street address) (business address)

Date of birth Age

Are you a British Subject?
(yes or no) (by birth or naturalized)

Primary Education
(name of public or private schools attended)

Date of entrance to high school or collegiate

Names of high schools, collegiates, private schools, senior schools attended

Date of graduation (from high school or collegiate) (junior) (senior)

Department of Education certificate

Names of colleges or universities attended and standing attained

Dates of attendance

Osteopathic college attended

Length of course (number of months) (total hours of lectures or instruction)

Date of graduation

If more than one school or college (names) (locations)

..... (number of months) (total hours of lectures or instruction)

I interned at

for (months) from to

Post-graduate training from to

I have received special training in osteopathy and in respect thereof I hold certificates from

..... (names of boards)

Three references as to character (names and addresses)

I am registered to practise in (provinces or states)

..... (signature of applicant)

AFFIDAVIT

TO: THE BOARD OF DIRECTORS OF OSTEOPATHY, Drugless Practitioners Act, Province of Ontario.

I, of

in the County of

do solemnly declare that to the best of my knowledge and belief the completed form hereto affixed is correct and true. And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the of
 this day of, 19.....

 (a Commissioner, etc.)

R.R.O. 1980, Reg. 252, Form 1.

Form 2

Drugless Practitioners Act

CERTIFICATE OF EDUCATION IN OSTEOPATHIC MEDICINE

I,
 (name)
 head of the teaching staff of
 (school or college)
 hereby certify that has successfully
 (name of graduate)
 completed the course in osteopathic medicine at
 (school or college)
 Date day of, 19.....

 (signature)

R.R.O. 1980, Reg. 252, Form 2.

REGULATION 281

PHYSIOTHERAPISTS

DEFINITIONS

1. In this Regulation,

“Board” means the Board of Directors of Physiotherapy;

“Registrar” means the Registrar of the Board. R.R.O. 1980, Reg. 253, s. 1; O. Reg. 638/83, s. 1.

REGISTRATION

2.—(1) The Registrar shall maintain a register of persons admitted to practice as physiotherapists and shall maintain a separate section in the register that shall be designated the temporary register for persons who are admitted to practice as physiotherapists for a period of three months or less.

(2) The register shall be open to any person for inspection at the Board offices during normal business hours of the Board. O. Reg. 638/83, s. 2.

3. The Registrar shall register as a physiotherapist an applicant who,

- (a) completes an application for registration in a form provided by the Registrar;
- (b) is,
 - (i) the holder of a baccalaureate degree in physiotherapy or an academic qualification that the Board considers equivalent thereto from,

(A) a university in Ontario, or

(B) a university in Canada other than Ontario and has completed the clinical requirements for registration in the jurisdiction in which the University is located,

(ii) the holder of a diploma in physiotherapy from,

(A) Mohawk College of Applied Arts and Technology, Hamilton, Ontario, or

(B) the Chartered Society of Physiotherapy of the United Kingdom, or

(iii) eligible to be an active member of the Canadian Physiotherapy Association,

or was registered at any time under a predecessor to this section;

(c) is not subject to an outstanding penalty or condition respecting a finding of professional misconduct, incompetence or incapacity and is not the subject of any current inquiry or proceeding respecting his or her practice as a physiotherapist; and

(d) pays the fee prescribed in subsection 9 (1). O. Reg. 638/83, s. 3, *part*; O. Reg. 126/84, s. 1.

4.—(1) Where an applicant who is eligible for registration under clauses 3 (a), (b) and (c) makes application for registration as a physiotherapist for a period of three months or less and pays the fee prescribed in subsection 9 (2) or 9 (4), as the case may be, the Registrar shall register such applicant as a physiotherapist for the period for which application is made and shall specify in the register in the section designated for temporary registration the date of expiry of the registration, which date shall not be later than three months after the date of the registration in the register.

(2) A registration under subsection (1) expires on the date set out in the register. O. Reg. 638/83, s. 3, *part*.

5. Except in the case of a physiotherapist who is registered for a period of three months or less, the registration of a physiotherapist expires on the 31st day of December in each year. O. Reg. 638/83, s. 3, *part*.

6.—(1) The Registrar shall, on or before the 30th day of November in each year, mail to every physiotherapist, other than those on the temporary register, an annual renewal form and a notice stating the date on which the annual fee is due, the amount of the fee and the penalty for non-payment of the fee on or before the due date.

(2) Where a physiotherapist completes the annual renewal form and pays the annual fee prescribed in subsection 9 (3) on or before the 31st day of December, the Registrar shall renew the registration of the physiotherapist for the following year.

(3) Where a physiotherapist fails,

- (a) to complete the annual renewal form; or
- (b) to pay the fee prescribed by subsection 9 (3),

his or her registration thereby expires and the Registrar shall strike the physiotherapist's name from the register and shall notify the person by registered mail addressed to the person's last address as shown on the register that,

- (c) the person's registration has expired; and
- (d) the person's name has been struck from the register. O. Reg. 638/83, s. 3, *part*.

7. Where a physiotherapist requests in writing that his or her registration be cancelled because the person has ceased to practise, the Registrar shall strike the person's name from the register and the person's registration is thereby cancelled. O. Reg. 638/83, s. 3, *part*.

8. Where a person whose registration as a physiotherapist has expired under subsection 6 (3) or been cancelled under section 7 applies for re-registration and pays the fee prescribed in subsection 9 (5), the Registrar shall re-register the person as a physiotherapist. O. Reg. 638/83, s. 3, *part*.

9.—(1) The fee for initial registration as a physiotherapist is,

- (a) \$165 if application for registration is made on or before the 30th day of June;
- (b) \$115 if application for registration is made after the 30th day of June but on or before the 30th day of November; or
- (c) \$55 if application for registration is made after the 30th day of November.

(2) The fee for initial registration as a physiotherapist in the temporary register is,

- (a) \$55 for the first month; and
- (b) \$15 for each month or part of a month after the first month. O. Reg. 522/89, s. 1, *part*.

(3) The annual fee for renewal of registration as a physiotherapist is \$160. O. Reg. 598/90, s. 1, *part*.

(4) The fee for re-registration as a physiotherapist in the temporary register is,

- (a) \$35 for the first month; and
- (b) \$15 for each month or part of a month after the first month. O. Reg. 522/89, s. 1, *part*.

(5) The fee for re-registration as a physiotherapist is,

- (a) for a person whose registration has not expired under subsection 6 (3),
 - (i) \$170 if application for re-registration is made on or before the 30th day of June,
 - (ii) \$120 if application for re-registration is made after the 30th day of June but on or before the 30th day of November, or
 - (iii) \$35 if application for re-registration is made after the 30th day of November; or
- (b) for a person whose registration has expired under subsection 6 (3), the appropriate amount under clause (a) plus \$100. O. Reg. 598/90, s. 1, *part*.

(6) The fee for a certificate of registration for display purposes is \$20. O. Reg. 614/84, s. 1, *part*.

DISCIPLINE

10.—(1) The Board may appoint an inspector who, on the direction of the Board, shall investigate a complaint that a physiotherapist has been guilty of misconduct or displayed such ignorance or incompetence as to render it desirable in the public interest that his or her registration be cancelled or suspended.

(2) The inspector shall make a written report to the Board of every investigation made by him or her. R.R.O. 1980, Reg. 253, s. 10.

11. For the purposes of section 12, "misconduct" means,

- 1. contravention of any provision of the Act or the regulations or of the *Health Insurance Act*;
- 2. failure to maintain the standards of practice of the profession;
- 3. failure to communicate with other health professionals concerned with the care of a patient where the condition or suspected condition of the patient is such that the communication is necessary to ensure the proper care of the patient;
- 4. accepting or performing professional responsibilities that the physiotherapist knows or has reason to know that the physiotherapist is not competent to perform;
- 5. failure to advise a patient to consult a qualified health practitioner when the physiotherapist recognizes or ought to recognize that the patient's condition is beyond the experience or competence of the physiotherapist;
- 6. providing treatment to a patient that the physiotherapist knows or ought to know would be harmful to the patient or that does not meet the needs of the patient given the patient's physical condition;
- 7. permitting, counselling or assisting any person to engage in the practice of physiotherapy whom the physiotherapist knows or ought to know is not registered as a physiotherapist under the *Drugless Practitioners Act*;
- 8. permitting, counselling or assisting a physiotherapist to engage in the practice of physiotherapy whom the physiotherapist knows or ought to know is incompetent to practise physiotherapy;
- 9. making a misrepresentation respecting a remedy, treatment or device;
- 10. contravening while engaged in the practice of physiotherapy any federal, provincial or municipal law, regulation

- or rule or a by-law of a hospital designed to protect the health of the public;
11. engaging in the practice of physiotherapy while the ability to perform any professional service is hindered in any way by alcohol or a drug;
 12. sexual impropriety with a patient;
 13. abusing a patient verbally or physically;
 14. having been found guilty of an offence relevant to a physiotherapist's suitability to practise physiotherapy;
 15. failure to carry out the terms of an agreement made by a physiotherapist with a patient;
 16. making a record or signing or issuing a certificate, report, account or similar document that the physiotherapist knows or ought to know is false, misleading or otherwise improper;
 17. giving identifiable information concerning a patient's condition or any professional services performed for a patient to any person other than the patient or to another professional involved in the treatment of a patient,
 - i. without the prior consent of the patient, or
 - ii. unless required to do so by law;
 18. failure to provide within a reasonable time in the circumstances and without cause any report or certificate requested in writing by a patient or the patient's authorized agent in respect of an examination or treatment performed by the physiotherapist;
 19. charging a fee for services not performed or that is excessive in relation to the services performed;
 20. where the services of a physiotherapist are not insured services under the *Health Insurance Act*, failure to advise the patient accordingly and to notify the patient of the fees charged by the physiotherapist for the physiotherapist's professional services before rendering the services to the patient;
 21. failure to itemize an account at the request of a patient or an agency making payment for the physiotherapy services of the physiotherapist;
 22. selling a professional account to a third party;
 23. sharing fees with any person who has referred a patient or receiving fees from any person to whom a physiotherapist has referred a patient or requesting or accepting a rebate or commission for the referral of a patient;
 24. having a conflict of interest;
 25. permitting directly or indirectly the publishing, display, distribution or use of any advertisement relating to the practice of physiotherapy that,
 - i. is false, misleading or self-laudatory,
 - ii. makes any claim or guarantee as to the quality or efficacy of physiotherapy services provided, or
 - iii. promotes the excessive or unnecessary use of physiotherapy services;
 26. breaching an undertaking provided to the Board;
 27. refusing to allow an authorized representative of the Board

to enter at a reasonable time the premises in which the physiotherapist is engaged in the practice of physiotherapy for the purposes of inspecting the physiotherapist's practice, professional records and equipment;

28. failure to reply within thirty days to any written communication from the Board or its officers, employees or agents;
29. conduct or an act relevant to the practice of physiotherapy that, having regard to all the circumstances, would reasonably be regarded by physiotherapists as disgraceful, dishonourable or unprofessional. O. Reg. 636/86, s. 1.

12.—(1) After a hearing, the Board may suspend or cancel the registration of any person found guilty of misconduct or found to have been ignorant or incompetent. R.R.O. 1980, Reg. 253, s. 11 (1).

(2) Where the Board decides to suspend the registration, the period of suspension shall not be longer than one year.

(3) A majority of the members of the Board shall be present at a hearing and constitute a quorum.

(4) The decision of a majority of the members of the Board present is the decision of the Board. R.R.O. 1980, Reg. 253, s. 11 (8-10).

DESIGNATION

13. No person other than a person who is registered as a physiotherapist shall advertise or use any title or add an affix to the person's name signifying that the person is qualified to practise as a physiotherapist, a physical therapist, a registered physiotherapist or a registered physical therapist. O. Reg. 126/84, s. 2.

14.—(1) A physiotherapist may only use as an occupational designation the word physiotherapist, physical therapist, registered physiotherapist or registered physical therapist and may only use the letters "Reg. Pht." or "R.P.T.". O. Reg. 126/84, s. 3.

(2) Where a physiotherapist advertises or uses the words "clinic", "institute" or "health service", he or she shall include his or her name and the word "physiotherapy" or the word "physiotherapist".

(3) A physiotherapist may describe his or her qualifications or occupation in terms of the system of treatment that may be followed by physiotherapists as prescribed in the regulations.

(4) No physiotherapist shall describe or cause to be described his or her qualifications or occupation in a manner that suggests the qualities or effectiveness of his or her services or skill other than in the manner set out in subsections (1), (2) and (3). R.R.O. 1980, Reg. 253, s. 13 (2-4).

ALLOWANCE FOR THE BOARD

15.—(1) Members of the Board shall be paid,

- (a) a daily allowance; and
- (b) an allowance for travelling and living expenses,

while engaged on business of the Board, in the amounts prescribed by subsection (2). R.R.O. 1980, Reg. 253, s. 14 (1).

(2) The allowance referred to in subsection (1) is,

- (a) \$160 a day; and
- (b) the actual amount spent for travelling and living expenses. R.R.O. 1980, Reg. 253, s. 14 (2); O. Reg. 638/83, s. 4; O. Reg. 614/84, s. 2; O. Reg. 640/85, s. 2; O. Reg. 502/86, s. 2; O. Reg. 619/87, s. 1; O. Reg. 654/88, s. 2; O. Reg. 522/89, s. 2; O. Reg. 598/90, s. 2.

(3) The Board may by resolution provide for the investment of the surplus revenue of the Board. R.R.O. 1980, Reg. 253, s. 14 (4).

16. The accounts of the Board shall be audited annually by a chartered accountant. R.R.O. 1980, Reg. 253, s. 15.

Edible Oil Products Act

Loi sur les produits oléagineux comestibles

REGULATION 282

GENERAL

1. In this Regulation, "designated product" means an edible oil product designated under section 2. R.R.O. 1980, Reg. 254, s. 1.

DESIGNATED PRODUCTS

2. Products, other than oleomargarine, that are manufactured by any process by which fat or oil other than that of milk has been added to or mixed or blended with one or more other ingredients in such manner that the resultant product is an imitation of or resembles a dairy product are designated edible oil products to which the Act applies. O. Reg. 296/84, s. 1.

LICENCES

3.—(1) Every person who manufactures designated products is required to be the holder of a licence in Form 2 in respect of each location at which the person manufactures designated products.

(2) An application for a licence to manufacture designated products shall be in Form 1.

(3) A licence to manufacture designated products shall be in Form 2.

(4) The fee for a licence in Form 2 is \$500 in respect of each location at which designated products are manufactured and shall accompany the application for the licence. R.R.O. 1980, Reg. 254, s. 3.

4.—(1) A licence to sell by wholesale a designated product shall be issued only upon an application therefor in Form 3.

(2) A licence to sell by wholesale a designated product shall be in Form 4.

(3) The fee for a licence to sell by wholesale a designated product is \$5 and shall accompany the application. R.R.O. 1980, Reg. 254, s. 4.

5.—(1) A licence expires with the 31st day of December of the year for which it is issued.

(2) Licences are not transferable. R.R.O. 1980, Reg. 254, s. 5.

ADVERTISING AND LABELLING

6.—(1) No person shall make an untrue claim by word or design in respect of a designated product in an advertisement or on the label of a container.

(2) No advertisement respecting a designated product and no label on a container of a designated product shall,

- (a) state or imply that the designated product has a relation to any dairy product;
- (b) use a dairy term or expression; or
- (c) depict a dairy scene.

(3) The words "an edible oil product" shall appear in every advertisement respecting a designated product and on every label of every container for the product. R.R.O. 1980, Reg. 254, s. 6 (1-3).

(4) Where the name or trade name of a designated product appears in an advertisement respecting, or on the label of a container other than an individual serving package of, a designated product, the words "an edible oil product" shall,

- (a) immediately follow the name or trade name; and
- (b) be in legible letters at least 12 millimetres in height or half the height of the largest lettering on the container, whichever is the greater.

(5) Every container of a designated product other than an individual serving package shall have legibly displayed thereon,

- (a) a list of ingredients in descending order of the percentage that each ingredient is of the total; and
- (b) the name and address of the manufacturer or wholesaler thereof or, where the wholesaler is not the manufacturer, the name and address or such other identification of the manufacturer as may be approved by the chief inspector, in letters at least 3 millimetres in height. O. Reg. 296/84, s. 2 (1).

(6) No person shall display for sale at retail a designated product,

- (a) among dairy products;
- (b) in a compartment used mainly for display of dairy products; or
- (c) in a manner that implies the designated product has a relation to any dairy product. R.R.O. 1980, Reg. 254, s. 6 (6).

(7) Where an edible oil product is packaged as an individual serving, the package shall have legibly inscribed thereon,

- (a) the words "an edible oil product" in letters at least 3 millimetres in height; and
- (b) the name and address of the manufacturer or wholesaler thereof or, where the wholesaler is not the manufacturer, the name and address or such other identification of the manufacturer as may be approved by the chief inspector.

(8) No person shall mark or label or sell or offer for sale any designated product in a container that does not comply with the Act or this Regulation. O. Reg. 296/84, s. 2 (2).

RECORDS

7.—(1) Every manufacturer of a designated product shall keep records showing,

- (a) the ingredients and the amounts thereof used in the manufacture of the designated product;
- (b) the quantities of the designated product that the manufacturer has manufactured, sold and retained in storage; and
- (c) the names and addresses of all persons to whom the manufacturer has sold the designated product.

(2) Every wholesaler of a designated product shall keep records showing,

- (a) the quantities of the designated product in storage and sold; and
 - (b) the names and addresses of persons to whom the wholesaler has sold the designated product.
- (3) Every manufacturer or wholesaler shall maintain the records made under subsection (1) or (2), as the case may be, for a period of not less than twelve months. R.R.O. 1980, Reg. 254, s. 7.

POWERS AND DUTIES OF INSPECTORS AND ANALYSTS

8.—(1) For the purpose of making an inspection an inspector may, at all reasonable hours, enter,

- (a) premises where a designated product is manufactured, stored, held for transport or delivery or sold; and
- (b) conveyances being used for transport or delivery of,
 - (i) a designated product, and
 - (ii) edible oil products used in the manufacturing of a designated product. R.R.O. 1980, Reg. 254, s. 8 (1).

(2) In making an inspection, an inspector may examine,

- (a) premises, apparatus and equipment used in the manufacturing and packaging of a designated product;
- (b) materials or substances used in the manufacturing and packaging of a designated product; and
- (c) records kept under subsection 7 (1) or (2). R.R.O. 1980, Reg. 254, s. 8 (2); O. Reg. 296/84, s. 3.

9.—(1) An inspector may obtain samples of a designated product in quantities sufficient for having an analysis made.

(2) An inspector who obtains a sample of a designated product shall,

- (a) make a report in Form 5 to the chief inspector; and
- (b) deliver a copy of the report to the person in charge of the premises.

(3) An analyst who makes an analysis of the sample obtained by an inspector of a designated product shall make a report to the chief inspector in Form 6. R.R.O. 1980, Reg. 254, s. 9;

DETENTION OF EDIBLE OIL PRODUCTS

10.—(1) Where an inspector finds an edible oil product that he or she has reasonable grounds to suspect does not comply with the Act and this Regulation, the inspector may place the edible oil product under detention for such period of time as is necessary for analysis,

- (a) under the supervision of the inspector, by an analytical chemist who ordinarily makes examinations and analyses for the manufacturer of the edible oil product; or
- (b) by an analyst, including the time required for the issuance of the analyst's report.

(2) Where an inspector finds after analysis an edible oil product that does not comply with the Act and this Regulation, the inspector may place the edible oil product under detention. R.R.O. 1980, Reg. 254, s. 10.

11. Where an inspector has placed an edible oil product under detention, the inspector shall attach to the container or package of containers a numbered detention tag in Form 7 having in bold type the words "edible oil product under detention", and no person shall

sell, offer for sale, move or allow or cause to be moved the edible oil product, container or package of containers or remove the detention tag without the written authority of an inspector or of the chief inspector. R.R.O. 1980, Reg. 254, s. 11.

12. Where an inspector is satisfied that an edible oil product, container or package of containers that has been placed under detention complies with the Act and this Regulation, the inspector may release the edible oil product, container or package of containers from detention by removing the detention tag. R.R.O. 1980, Reg. 254, s. 12.

CONFISCATION OF EDIBLE OIL PRODUCTS

13.—(1) Where an edible oil product does not comply with the Act and this Regulation and,

- (a) the edible oil product was placed under detention;
- (b) the inspector delivered or sent by registered mail a copy of his or her report in Form 5 to the person in charge of the premises where the edible oil product is under detention and to the manufacturer whose name, if any, appears on the container or package of containers; and
- (c) a period of not less than thirty days has elapsed from the delivery or sending of the inspector's report in Form 5,

the edible oil product is confiscated and becomes the property of the Crown in right of Ontario.

(2) Where an edible oil product has been confiscated, it may be sold or otherwise disposed of as the chief inspector may direct, and the money, if any, derived therefrom is payable to Her Majesty in right of Ontario. R.R.O. 1980, Reg. 254, s. 13.

Form 1

Edible Oil Products Act

APPLICATION FOR LICENCE TO MANUFACTURE DESIGNATED PRODUCTS

.....
(name of applicant)

.....
(address)

applies for a licence to manufacture designated products under the *Edible Oil Products Act* and the regulations, and in support of this application the following facts are stated:

1. Name
(Give name of person, partnership or corporation, and if partnership, give names of all partners)
2. Telephone number
3. Business address
Postal code
4. Name of manufacturing plant
5. Telephone number
6. Address of plant
Postal code
7. Name of manager of plant
8. Name or trade name of each designated product and name

and address of each wholesaler supplied. (list on reverse side of this form)

9. The licence fee accompanies this application.

.....
(signature of applicant)

R.R.O. 1980, Reg. 254, Form 1; O. Reg. 296/84, s. 4.

Form 2

Edible Oil Products Act

Licence No.

Manufacturer No.

MANUFACTURER'S LICENCE

Under the *Edible Oil Products Act*, and the regulations, and subject to the limitations thereof, this licence is issued to:

.....
(name)

.....
(address)

to manufacture designated products at
(location)

This licence expires with the 31st day of December, 19.....

Issued at Toronto, the day of, 19.....

.....
Chief Inspector

R.R.O. 1980, Reg. 254, Form 2; O. Reg. 296/84, s. 5.

Form 3

Edible Oil Products Act

APPLICATION FOR LICENCE TO SELL BY WHOLESALE DESIGNATED PRODUCTS

.....
(name of applicant)

.....
(address)

applies for a licence to sell by wholesale designated products under the *Edible Oil Products Act*, and the regulations, and in support of this application, the following facts are stated:

1. Name

(Give name of person, partnership or corporation, and if partnership, give names of all partners)

2. Telephone number

3. Address of head office

Postal code

4. Name of manager

5. Telephone number

6. Business address

Postal code

7. Name of each designated product sold and name of each supplier or manufacturer. (list on reverse side of this form)

.....
(signature of applicant)

R.R.O. 1980, Reg. 254, Form 3; O. Reg. 296/84, s. 6.

Form 4

Edible Oil Products Act

Licence No.

WHOLESALE'S LICENCE

Under the *Edible Oil Products Act*, and the regulations, and subject to the limitations thereof, this licence is issued to:

.....
(name)

.....
(address)

to sell by wholesale designated products.

This licence expires with the 31st day of December, 19.....

Issued at Toronto, the day of, 19.....

.....
Chief Inspector

R.R.O. 1980, Reg. 254, Form 4; O. Reg. 296/84, s. 7.

Form 5

Edible Oil Products Act

REPORT OF INSPECTOR TO THE CHIEF INSPECTOR

1. Date of inspection

2. Premises

3. Location
(address)

4. Person in charge of premises

(name and position)

5. Description of designated product

6. Name or trade-name

7. Ingredients and percentages thereof listed on container of designated product

- 8. Quantity in sample
 - 9. Price paid for sample
 - 10. Identification mark on label of container of sample
 - 11. Manufacturer
 - 12. Was detention effected? If so, amount under detention
 - 13. Detention Tag No.
- Date
(signature of inspector)

R.R.O. 1980, Reg. 254, Form 5.

Form 6

Edible Oil Products Act

REPORT OF ANALYST

Laboratory No.

Sample description

Seal No.

Sample delivered by on

Sample received by

ANALYSES PERFORMED

- 1. Moisture content %
- 2. Fat content %

3. Colour degrees of yellow and red (Lovibond tintometer)

4. Other

5. Fatty acid analysis:

Fatty Acid	Percentage

INTERPRETATION: The fatty acid composition recorded indicates that the sample is mainly:

- vegetable oil
- marine oil
- animal fat

Date of analysis

Signed

Analyst appointed under the *Edible Oil Products Act*

O. Reg. 296/84, s. 8, part.

Form 7

Edible Oil Products Act

EDIBLE OIL PRODUCT UNDER DETENTION

TAG NO.....

NOTE: The regulations under the *Edible Oil Products Act* provide that where an inspector has placed an edible oil product under detention no person shall sell, offer for sale, move, allow or cause to be moved the edible oil product, container or package of containers or remove this detention tag without the written authority of an inspector or of the chief inspector.
O. Reg. 296/84, s. 8, part.

Education Act
Loi sur l'éducation

REGULATION 283

**CALCULATION OF AMOUNT OF RESERVE
OR REDUCTION IN REQUIREMENT
RESULTING FROM STRIKE OR LOCK-OUT**

1.—(1) The calculations under this Regulation shall be made for a board of education and for The Metropolitan Toronto School Board separately for public and for secondary school purposes.

(2) Where actual financial data required for a calculation under this Regulation are not available when the calculation is required to be made, estimated data shall be used.

(3) In this Regulation, "salaries and wages" means the salaries and wages, including fringe benefits, that are in effect on the date that the strike or lock-out commences. R.R.O. 1980, Reg. 255, s. 1.

2.—(1) The amount that a board shall place in a reserve under subsection 237 (2) of the Act shall be calculated by,

- (a) determining the excess of,
 - (i) the total of the salaries and wages that are included in the estimates of the board in such year and that are not paid to employees of the board in respect of the period of a strike by or lock-out of such employees, or any of them, that occurs in such year,
- over,
- (ii) the expenditures incurred in such year by the board that, in the opinion of the Minister, are attributable to the strike or lock-out; and
- (b) subtracting from such excess the product of the percentage rate of grant for the board in respect of recognized ordinary expenditure, determined under the Regulation governing the payment of legislative grants for such year, and the reduction in the recognized ordinary expenditure for such year, as defined in such Regulation, in respect of the board, that results from such strike or lock-out.

(2) The amount that, under clause 237 (3) (b) of the Act, shall be set out in a statement by the board, shall be calculated by,

- (a) determining the excess of,
 - (i) the amount of money,
 - (A) that would normally be paid as salaries and wages but is not paid to employees of the board in respect of the period of a strike by or lock-out of such employees, or any of them, that occurred in such year prior to the adoption of the estimates, and
 - (B) that is excluded from the estimates of the board,
- over,
- (ii) the expenditures incurred by the board in such year prior to the adoption of the estimates that, in the

opinion of the Minister, are attributable to such strike or lockout; and

- (b) subtracting from such excess the product of the percentage rate of grant for the board in respect of recognized ordinary expenditure, determined under the Regulation governing the payment of legislative grants for such year, and the reduction in the recognized ordinary expenditure for such year, as defined in such Regulation, in respect of the board, that results from such strike or lock-out. R.R.O. 1980, Reg. 255, s. 2.

3.—(1) In this section,

"area municipality" means an area municipality as defined in the *Municipality of Metropolitan Toronto Act*;

"board" means a board of education of an area municipality;

"School Board" means The Metropolitan Toronto School Board.

(2) The amount that the School Board shall place in a reserve for public or secondary school purposes, as the case may be, under subsection 238 (2) of the Act, shall be calculated by,

- (a) determining the excess of,
 - (i) the total of the salaries and wages of employees of the boards and of the School Board that are included in the estimates of the School Board in such year and that are not paid to such employees in respect of the period of a strike by or lock-out of such employees, or any of them, that occurs in such year,
- over,
- (ii) the total of the expenditures incurred by the boards and the School Board in such year that, in the opinion of the Minister, are attributable to the strike or lock-out; and

- (b) subtracting from such excess the product of the percentage rate of grant for the School Board in respect of recognized ordinary expenditure, determined under the Regulation governing the payment of legislative grants for such year, and the reduction in the recognized ordinary expenditure for such year, as defined in such Regulation, in respect of the School Board, that results from such strike or lock-out.

(3) The amount that, under clause 238 (5) (b) of the Act, shall be set out in a statement by the School Board for public or secondary school purposes, as the case may be, shall be calculated by,

- (a) determining the excess of,
 - (i) the amount of money,
 - (A) that would normally be paid as salaries and wages but is not paid to employees of the boards and of the School Board in respect of the period of a strike by or lock-out of such employees, or any of them, that occurred in such year prior to the adoption of the estimates, and

- (B) that is excluded from the estimates of the School Board,

over,

- (ii) the total of the expenditures incurred by the boards and the School Board in such year prior to the adoption of the estimates that, in the opinion of the Minister, are attributable to such strike or lock-out; and
- (b) subtracting from such excess the product of the percentage rate of grant for the School Board in respect of recognized ordinary expenditure, determined under the Regulation governing the payment of legislative grants for such year, and the reduction in the recognized ordinary expenditure for such year, as defined in such Regulation, in respect of the School Board, that results from such strike or lock-out. R.R.O. 1980, Reg. 255, s. 3.

REGULATION 284

CONDITIONS FOR EXTENDED FUNDING

1. In this Regulation,

“implementation plan” means the plan formulated and filed with the Planning and Implementation Commission under subsection 149 (1) of the Act for the school year referred to in the plan and in respect of which the board has been given notice;

“notice” means notice of the Minister that the Roman Catholic school board is eligible to share in the legislative grants for secondary school purposes,

- (a) for the school year set out in the notice, and
- (b) in respect of the method and location, if any, set out in the notice, for the provision of instruction in the grade or grades set out in the notice. O. Reg. 102/87, s. 1.

2. The following conditions are prescribed for the purposes of subsection 128 (2) of the Act:

1. The Roman Catholic school board shall undertake in accordance with its implementation plan to provide in its schools or pursuant to an agreement with another board the grade or grades set out in the implementation plan.
2. The Roman Catholic school board shall meet the criteria set out in subsection 151 (2) of the Act with respect to the provision of the grade or grades set out in its implementation plan. O. Reg. 102/87, s. 2.

REGULATION 285

CONTINUING EDUCATION

PART I

1.—(1) The following classes or courses provided by a board other than as part of the day school program on an instructional day as defined in Regulation 304 of Revised Regulations of Ontario, 1990 (School Year and School Holidays) are continuing education courses or classes for the purpose of paragraph 31 of subsection 171 (1) of the Act and the regulations:

1. A class or course that is designed to develop or to improve the basic literacy and numeracy skills of adults to a level that does not exceed the grade 8 level of competency.
2. A class or course in English or French for adults whose first

language learned and still understood is neither English nor French and that is not a class in which a pupil may earn a credit in English or French as a second language.

3. A class or course in citizenship and, where necessary, in language instruction in the English or the French language for persons admitted to Canada as permanent residents under the *Immigration Act* (Canada).
4. A class or course in driver education in which a pupil may not earn a credit.
5. A class or course in the primary or junior division or in the first two years of the intermediate division in which a language other than English or French is the subject of instruction.
6. A class or course in which a pupil may earn a credit.
7. A class for the purpose of extending the knowledge of adults, for the purpose of improving the skills of adults, for the specific interest of adults or for the enhancement of the knowledge or skills of elementary or secondary school pupils beyond that expected or required of the pupils as part of the regular program in an elementary or secondary school,

- i. for which the board charges registration fees to persons taking the class and the fees are not calculated in accordance with the regulations, or
- ii. in which the work required for its successful completion is not acceptable to the Minister as partial fulfilment of the requirements for a diploma granted by the Minister.

(2) The following classes or courses provided by a board between the hours of 8.00 a.m. and 5.00 p.m. that start after the completion of one school year and that end before the next following school year are continuing education classes or courses for the purposes of paragraph 31 of subsection 171 (1) of the Act and the regulations:

1. A class or course for remedial purposes for pupils who are enrolled in an elementary school operated by the board and that is,
 - i. a class or course that the board is required or authorized to provide during the school day to pupils enrolled in elementary schools and, in the school year immediately preceding commencement of the class or course, was a class or course that was provided to its elementary school pupils, and
 - ii. approved by the Minister.
2. A class or course that is for trainable retarded pupils who are enrolled in an elementary school or school or class for trainable retarded pupils operated by the board.
3. A class or course in which a pupil may earn a credit. O. Reg. 154/89, s. 1.

2.—(1) Subject to subsection (2) and Part II, a board that establishes continuing education courses or classes shall determine the courses to be given in each of its continuing education classes, the number of times that each continuing education course or class is held per week, the length of time per session of each continuing education course or class and the dates and the time of the day or evening upon which each continuing education course or class is given. O. Reg. 154/89, s. 2 (1); O. Reg. 415/89, s. 1 (1).

(2) An elementary school board may offer continuing education courses and classes only in courses of study that the board is authorized or required to provide in its day school program in the primary

and junior divisions and the intermediate division. O. Reg. 154/89, s. 2 (2).

(3) An elementary school board may, subject to Part II, offer as a subject a language other than English or French in the primary and junior divisions and in the first two years of the intermediate division in its continuing education courses and classes. O. Reg. 154/89, s. 2 (3); O. Reg. 415/89, s. 1 (2).

(4) The principal of a school shall be the principal of the continuing education courses and classes in the school unless the board appoints as principal thereof another person who holds the appropriate principal's qualifications set out in section 9 of Regulation 298 of Revised Regulations of Ontario, 1990 (Operation of Schools—General).

(5) A school site that was used for school purposes and a school site that is used as a school during the school year may be used for a continuing education course or class.

(6) Two or more boards may jointly establish continuing education courses and classes in a school or schools operated by one or more of the boards concerned and determine where such courses and classes shall be conducted. O. Reg. 154/89, s. 2 (4-6).

3.—(1) A valid certificate of qualification or a letter of standing is required to be held by a person,

- (a) who provides the classroom teaching in a continuing education course or class referred to in paragraph 6 of subsection 1 (1) or in subsection 1 (2); or
- (b) who is employed in respect of the development or co-ordination of the program of which a continuing education course or class referred to in clause (a) is a part.

(2) A board may employ a person who is not a teacher to provide instruction in a continuing education course or class, other than a continuing education course or class referred to in paragraph 6 of subsection 1 (1) or in subsection 1 (2), if the person holds qualifications acceptable to the board for such employment. O. Reg. 154/89, s. 3.

PART II

4. In this Part,

“board”, other than in section 6, means a board of education, public school board, Roman Catholic separate school board or Protestant separate school board, The Metropolitan Toronto French-Language School Council and the public sector and the Roman Catholic sector of The Ottawa-Carleton French-language School Board;

“commencement date” means the last school day of the month of January or September, as the case requires;

“parent” includes guardian;

“program” means a program of instruction in a continuing education course or class referred to in paragraph 5 of subsection 1 (1);

“qualified person”, in respect of a board, means a person who is enrolled or is eligible to be enrolled in an elementary school, a kindergarten or a junior kindergarten operated by the board, and who is not enrolled or is not eligible to be enrolled in a secondary school operated by the board, but if the board does not operate a secondary school, does not include a person who is enrolled or is eligible to be enrolled in the last two years of the intermediate division. O. Reg. 415/89, s. 2, *part*.

5.—(1) If a board is not providing a program and receives from parents written requests on behalf of twenty-five or more qualified persons of the board for the establishment of a program, the board shall establish the program requested.

(2) If a board is providing one or more programs and the board receives from parents written requests on behalf of twenty-five or more qualified persons of the board for the establishment of a program that the board is not providing, the board shall establish the program requested.

(3) Despite subsections (1) and (2), a board may enter into an agreement with another board for the other board to provide the program requested.

(4) A program established under this section shall start not later than the commencement date that first occurs ninety days or more after the date of the request.

(5) A board that establishes a program under this section shall provide a class or course in the program for all qualified persons of the board who wish to attend if at least ten qualified persons of the board attend the first scheduled class or course of the program.

(6) A program provided by a board shall be provided throughout the school year in which the program was established so long as a person attends the class or course in the program.

(7) If a board, other than a Roman Catholic separate school board or the Roman Catholic sector of The Ottawa-Carleton French-language School Board, establishes a program under this section, it shall admit to a class or course in the program a qualified person in respect of another board that is not a Roman Catholic separate school board or the Roman Catholic sector of The Ottawa-Carleton French-language School Board.

(8) If a Roman Catholic separate school board establishes a program under this section, it shall admit to a class or course in the program a qualified person in respect of another Roman Catholic separate school board or the Roman Catholic sector of The Ottawa-Carleton French-language School Board.

(9) If the Roman Catholic sector of The Ottawa-Carleton French-language School Board establishes a program under this section, it shall admit to a class or course in the program a qualified person in respect of a Roman Catholic separate school board.

(10) A board may admit to a class or course in a program a person who is enrolled or eligible to be enrolled in an elementary school, a kindergarten or a junior kindergarten operated by a board and the person is not enrolled or eligible to be enrolled in a secondary school operated by a board, despite the fact that the board is not required to admit the person under this section.

6.—(1) In this section,

“board” means the public sector and the Roman Catholic sector of The Ottawa-Carleton French-language School Board and The Metropolitan Toronto French-Language School Council;

“French-speaking person” means a child of a person who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario.

(2) Despite section 5, a board shall not admit to a program that it operates or provides for another board a person who is not a French-speaking person.

(3) Subsection (2) does not apply to a person who is enrolled in an elementary school, a kindergarten or a junior kindergarten operated by the board or another board. O. Reg. 415/89, s. 2, *part*.

7.—(1) Subject to subsections (2) and (3), a qualified person of a board may attend one or more programs provided in one or more languages by one or more boards.

(2) The maximum period in each week during the school year

that a qualified person of a board may attend a program in any one language is two and one-half hours.

(3) The maximum period during a day that falls after the completion of one school year and before the commencement of the next following school year that a qualified person of a board may attend a program in any one language is two and one-half hours. O. Reg. 415/89, s. 2, *part.*

8. A board that provides a program before the end of the instructional program of a school day may do so only in a school site that is used for school purposes by the board during the school day. O. Reg. 415/89, s. 2, *part.*

9.—(1) A board that provides a program following the end of the instructional program of a school day or on a day that is not a school day may provide a class or course in the program in a place that is not a school site.

(2) If a board conducts a class or course in a program in a place that is not used as a school site during the school day, the time that the class begins shall be not earlier than the time at which the instructional program of the board ends.

(3) A board that conducts a class or course in a program in a place that is not used as a school site during the school day shall allow an interval of time between the end of the instructional program and the beginning of the class sufficient to permit pupils enrolled in the instructional program to travel to the place in which the class is being conducted. O. Reg. 415/89, s. 2, *part.*

10.—(1) A board may discontinue a program at the end of the school year if the number of qualified persons of the board enrolled in courses or classes provided under the program is fewer than twenty-five at the conclusion of the school year in which the program is provided.

(2) A board that proposes to discontinue a program shall advise any person who participated in the program to the end of the school year that the program will be discontinued and that the program may be re-established in accordance with this Part. O. Reg. 415/89, s. 2, *part.*

REGULATION 286

COUNTY COMBINED SEPARATE SCHOOL ZONES

1. Each of the following areas is designated as an area that forms a county combined separate school zone:

1. The County of Brant, designated as "Brant".
2. The County of Elgin, designated as "Elgin".
3. The County of Essex including Pelee Island but excluding the City of Windsor, designated as "Essex".
4. The Regional Municipality of Halton, designated as "Halton".
5. The County of Kent, designated as "Kent".
6. The County of Lambton, designated as "Lambton".
7. That portion of The Regional Municipality of Niagara that was formerly the County of Lincoln, designated as "Lincoln".
8. The County of Middlesex, designated as "London and Middlesex".
9. The Regional Municipality of Durham except the Town of Newcastle, designated as "Durham Region".

10. The County of Oxford, designated as "Oxford".
11. The County of Renfrew, designated as "Renfrew".
12. The County of Simcoe, the towns of Bracebridge and Gravenhurst, the Township of Georgian Bay and the Township of Muskoka Lakes in The District Municipality of Muskoka, designated as "Simcoe".
13. The Regional Municipality of Waterloo, designated as "Waterloo".
14. That portion of The Regional Municipality of Niagara that was formerly the County of Welland, designated as "Welland".
15. The County of Wellington, designated as "Wellington".
16. The Regional Municipality of Hamilton-Wentworth, designated as "Hamilton-Wentworth".
17. The Regional Municipality of York, designated as "York Region".
18. The United Counties of Prescott and Russell, designated as "Prescott and Russell".
19. The United Counties of Stormont, Dundas and Glengarry, designated as "Stormont, Dundas and Glengarry".
20. The counties of Bruce and Grey, designated as "Bruce-Grey".
21. The County of Dufferin and The Regional Municipality of Peel, designated as "Dufferin-Peel".
22. The counties of Frontenac and Lennox and Addington, designated as "Frontenac-Lennox and Addington".
23. The Regional Municipality of Haldimand-Norfolk, designated as "Haldimand-Norfolk".
24. The counties of Hastings and Prince Edward and the Township of Airy and the geographic townships of Dickens, Lyell, Murchison and Sabine in the Territorial District of Nipissing, designated as "Hastings-Prince Edward".
25. The counties of Huron and Perth, designated as "Huron-Perth".
26. The County of Lanark and the United Counties of Leeds and Grenville, designated as "Lanark-Leeds and Grenville".
27. The counties of Northumberland, Peterborough and Victoria and the Town of Newcastle, designated as "Peterborough-Victoria-Northumberland and Newcastle".
28. The City of Windsor, designated as "Windsor".
29. The City of Ottawa, the City of Vanier and the Village of Rockcliffe Park, designated as "Ottawa".
30. The Regional Municipality of Ottawa-Carleton except the City of Ottawa, the City of Vanier and the Village of Rockcliffe Park, designated as "Carleton". R.R.O. 1980, Reg. 257, s. 1; O. Reg. 418/81, s. 1; O. Reg. 454/86, s. 1; O. Reg. 718/89, s. 1.

REGULATION 287**DESIGNATION OF SCHOOL DIVISIONS**

1.—(1) The area referred to in paragraph 1 of each Schedule is designated as a school division.

(2) The name set out in paragraph 2 of each Schedule is the name assigned to the divisional board that has jurisdiction in the school division referred to in paragraph 1 of that Schedule. O. Reg. 720/89, s. 1.

Schedule 1

1. In the Territorial District of Algoma, being,
 - i. the towns of Bruce Mines and Thessalon,
 - ii. the Village of Hilton Beach,
 - iii. the townships of Hilton, Jocelyn, Johnson, Laird, Plummer Additional, St. Joseph and Thessalon,
 - iv. the Township of MacDonald, Meredith and Aberdeen Additional,
 - v. the Township of Tarbutt and Tarbutt Additional, and
 - vi. the geographic townships of Aberdeen, Bridgland, Galbraith, Gould, Haughton, Kirkwood, McMahon, Morin, Rose and Wells.
2. The Central Algoma Board of Education. O. Reg. 720/89, Sched. 1.

Schedule 2

1. In the Territorial District of Algoma, being the Township of Hornepayne.
2. The Hornepayne Board of Education. O. Reg. 720/89, Sched. 2.

Schedule 3

1. In the Territorial District of Algoma, being,
 - i. the townships of Dubreuilville, Michipicoten and White River, and
 - ii. the geographic townships of Chenard, Dunphy, Esquega, Fiddler, Finon and Huotari.
2. The Michipicoten Board of Education. O. Reg. 720/89, Sched. 3.

Schedule 4

1. In the Territorial District of Algoma, being,
 - i. the town of Blind River and the City of Elliot Lake,
 - ii. the Village of Iron Bridge,
 - iii. the townships of Day and Bright Additional, The North Shore, Shedden and Thompson,
 - iv. the geographic townships of Bright, Cobden, Gladstone, Grasett, Jogues, Juillette, Kamichisitit, Mack, Montgomery, Nouvel, Parkinson, Patton, Scarfe, Timmermans and the portion of the geographic township of Striker not included in the Township of The North Shore, and

v. all the islands in the North Channel of Lake Huron lying south of the geographic townships of Bright, Cobden, and the portion of Striker that is not part of the Township of The North Shore.

2. The North Shore Board of Education. O. Reg. 720/89, Sched. 4.

Schedule 5

1. In the Territorial District of Agoma, being,
 - i. the City of Sault Ste. Marie,
 - ii. the Township of Prince,
 - iii. the geographic townships of Archibald, Aweres, Dennis, Deroche, Fenwick, Fisher, Gaudette, Haviland, Herrick, Hodgins, Home, Jarvis, Kars, Kincaid, Ley, Peever, Pennefather, Rix, Ryan, Shields, Slater, Tilley, Tupper and VanKoughnet, and
 - iv. the mining locations known as Montreal Mining Southern Location, Montreal Mining Northern Location, A. McDonnell Mining Location, Kincaid Mining Locations 5, 6, 7 and 8 and Rankin Mining Location.
2. The Sault Ste. Marie Board of Education. O. Reg. 720/89, Sched. 5.

Schedule 6

1. In the Territorial District of Cochrane, being,
 - i. the towns of Cochrane and Iroquois Falls,
 - ii. the townships of Black River-Matheson and Glackmeyer, and
 - iii. the geographic townships of Aurora, Blount, Brower, Calder, Clute, Colquhoun, Fournier, Fox, Guibord, Hanna, Kennedy, Lamarche, Leitch, Munro, Newmarket, Ottawa, Pyne, St. John, Stimson and Teefy.
2. Cochrane-Iroquois Falls, Black River-Matheson Board of Education. O. Reg. 720/89, Sched. 6; O. Reg. 314/90, s. 1.

Schedule 7

1. In the Territorial District of,
 - i. Cochrane, being,
 - A. the Town of Hearst,
 - B. the Township of Mattice-Val Côté, and
 - C. the geographic townships of Barker, Casgrain, Hanlan, Irish, Kendall, Landry, Lowther, Stoddard, Studholme and Way, and
 - ii. Algoma, being the geographic townships of Ebbs and Templeton.
2. The Hearst Board of Education. O. Reg. 720/89, Sched. 7.

Schedule 8

1. In the Territorial District of Cochrane, being,
 - i. the towns of Kapuskasing and Smooth Rock Falls,

- ii. the townships of Fauquier-Strickland, Moonbeam, Opasatika and Val Rita-Harty,
 - iii. the geographic townships of Haggart, McCowan, Nansen and O'Brien, and
 - iv. the portion of the geographic Township of Owens that is not in the Township of Val Rita-Harty.
2. The Kapuskasing Board of Education. O. Reg. 720/89, Sched. 8.

Schedule 9

1. In the Territorial District of Cochrane, being the City of Timmins.
2. The Timmins Board of Education. O. Reg. 720/89, Sched. 9.

Schedule 10

1. In the Territorial District of Kenora, being,
- i. the towns of Dryden and Sioux Lookout,
 - ii. the townships of Barclay, Ignace and Machin,
 - iii. the geographic townships of Britton, Buller, Colenso, Drayton, Eton, Hartman, Ilsley, Jordan, Ladysmith, Melgund, Mutrie, Redvers, Rowell, Rugby, Smellie, Southworth, Van Horne, Vermilion, Vermilion Additional, Wabigoon, Wainwright and Zealand,
 - iv. that portion of the geographic township of Aubrey that is not part of the Township of Machin, and
 - v. that portion of Block 10 lying south of the production easterly and westerly of the most northerly limit of the geographic township of Drayton.
2. The Dryden Board of Education. O. Reg. 720/89, Sched. 10.

Schedule 11

1. In the Territorial District of Kenora, being,
- i. the towns of Jaffray and Melick, Keewatin and Kenora,
 - ii. the Township of Sioux Narrows,
 - iii. the geographic townships of Boys, Kirkup, Pellatt and Redditt,
 - iv. all the lands in unsurveyed territory in the vicinity of the station house of the Canadian National Railways at Minaki described as follows:

Commencing at a point distant 4 kilometres measured east astronomically from the northeast corner of the said station house;

Thence north astronomically 4 kilometres;

Thence west astronomically 8 kilometres;

Thence south astronomically 8 kilometres;

Thence east astronomically 8 kilometres;

Thence north astronomically 4 kilometres to the point of commencement, and

- v. except for those parts of the mainland which are crossed by the said line, all lands lying north of a line extending from the southernmost extremity of the geographic Township of Boys to the southwest corner of the geographic Township of Kirkup and south of the southerly boundaries of the geographic townships of Boys and Pellatt, the towns of Jaffray and Melick, Keewatin and Kenora.

2. The Kenora Board of Education. O. Reg. 720/89, Sched. 11.

Schedule 12

1. In the Territorial District of Kenora, being,
- i. the townships of Ear Falls, Golden and Red Lake,
 - ii. the geographic townships of Baird, Dome and Heyson,
 - iii. all lands within an area of 6.4 kilometres in width and lying on both sides of the centre line of tertiary road Number 804 and within 3.2 kilometres of the said centre line measured at right angles thereto, and not in the Township of Ear Falls, and
 - iv. all lands within an area of 6.4 kilometres in width and lying on both sides of the centre line of that part of the King's Highway known as Number 105 and within 3.2 kilometres of and measured at right angles to that portion of the centre line of the said part of the highway extending in a generally northerly and northwesterly direction from its intersection with the centre line of Pickerel Creek to its intersection with the southerly limit of the Township of Red Lake, and not in the Township of Ear Falls or referred to in subparagraph iii.
2. The Red Lake Board of Education. O. Reg. 720/89, Sched. 12.

Schedule 13

1. In the Territorial District of Manitoulin, being all of the said territorial district except the Township of Rutherford and George Island and the geographic townships of Carlyle, Humboldt and Killarney.
2. The Manitoulin Board of Education. O. Reg. 720/89, Sched. 13.

Schedule 14

1. In The District Municipality of Muskoka, being all of The District Municipality of Muskoka except the Freeman Ward of the area municipality of the Township of Georgian Bay.
2. The Muskoka Board of Education. O. Reg. 720/89, Sched. 14.

Schedule 15

1. In the Territorial District of Nipissing, being,
- i. the City of North Bay,
 - ii. the towns of Cache Bay, Mattawa and Sturgeon Falls,
 - iii. the townships of Bonfield, Caldwell, Calvin, East Ferris, Field, Mattawan, Papineau and Springer,
 - iv. the Improvement District of Cameron, and
 - v. the geographic townships of Badgerow, Bastedo,

Beaucage, Blyth, Boyd, Clarkson, Commanda, Cre-rar, Deacon, Eddy, Falconer, French, Gibbons, Grant, Hugel, Jocko, Kirkpatrick, Lauder, Loudon, Lyman, Macpherson, Merrick, Notman, Pedley, Pentland, Phelps, Poitras and Wyse.

2. The Nipissing Board of Education. O. Reg. 720/89, Sched. 15.

Schedule 16

1. In the Territorial District of,

i. Parry Sound, being

- A. the Township School Area of Burk's Falls,
- B. the Township School Area of Gurd, Patterson and Pringle,
- C. the Township School Area of Hardy, McConkey, Wilson, Mills and Pringle,
- D. the Township School Area of Kearney, Bethune and Proudfoot,
- E. the Township School Area of Laurier,
- F. the Township School Area of Magnetawan,
- G. the Township School Area of McMurrich,
- H. the Township School Area of Nipissing,
- I. that part of the Township School Area of North Himsforth and East Ferris, lying within the Township of North Himsforth,
- J. the Township School Area of South Himsforth,
- K. the Township School Area of Perry,
- L. the Township School Area of South River,
- M. the Township School Area of Sundridge,
- N. School Section No. 3, in the geographic townships of Bethune and Proudfoot,
- O. School Section No. 2, in the geographic Township of Monteith,
- P. the School Section of the Town of Powassan,
- Q. all other lands not designated in Schedule 17, and

ii. Nipissing, being the Township School Area of Chisholm.

2. The East Parry Sound Board of Education. O. Reg. 720/89, Sched. 16.

Schedule 17

1. In,

i. the Territorial District of Parry Sound, being,

- A. the Town of Parry Sound,
- B. the Village of Rosseau,
- C. the townships of Carling, Christie, Foley,

Hagerman, Humphrey, McDougall, McKellar and The Archipelago,

- D. the geographic townships of Blair, Brown, Burton, East Burpee, Ferguson, Ferrie, Henvey, McKenzie, Mowatt and Wallbridge,

- E. those parts of the geographic townships of Croft and Spence which are not included in the Township School Area of Magnetawan,

- F. those parts of the geographic townships of Harrison and Shawanaga that are not in the Township of The Archipelago, and

ii. The District Municipality of Muskoka, being the Freeman Ward of the area municipality of the Township of Georgian Bay.

2. The West Parry Sound Board of Education. O. Reg. 720/89, Sched. 17.

Schedule 18

1. In the Territorial District of Rainy River, being,

- i. the Township of Atikokan,
- ii. the geographic townships of Asmussen, Baker, Bennett, Hutchinson, McCaul, Tanner and Trottier,

iii. all the lands in unsurveyed territory described as follows:

Commencing at the southwest corner of the geographic Township of Bennett;

Thence south astronomically 9.6 kilometres;

Thence east astronomically to a point distant 9.6 kilometres measured south astronomically from the southeast corner of the geographic Township of Baker;

Thence north astronomically 9.6 kilometres more or less to the southeast corner of the geographic Township of Baker;

Thence west astronomically to the point of commencement, and

iv. all the lands in unsurveyed territory described as follows:

Commencing at the southwest corner of the geographic Township of McCaul;

Thence south astronomically 9.6 kilometres;

Thence east astronomically to a point distant 9.6 kilometres measured south astronomically from the southeast corner of the geographic Township of Trottier;

Thence north astronomically 9.6 kilometres more or less to the southeast corner of the geographic Township of Trottier;

Thence west astronomically to the point of commencement.

2. The Atikokan Board of Education. O. Reg. 720/89, Sched. 18.

Schedule 19

1. In the Territorial District of,

i. Rainy River, being,

- A. the towns of Fort Frances and Rainy River,
- B. the townships of Alberton, Atwood, Blue, Chapple, Dilke, Emo, La Vallee, Morley, Morson and Worthington,
- C. the Township of McCrosson and Tovell,
- D. the Improvement District of Kingsford,
- E. the geographic townships of Claxton, Croome, Dance, Dewart, Farrington, Fleming, Griesinger, Halkirk, Mathieu, McLarty, Menary, Miscampbell, Nelles, Pratt, Rowe, Senn, Sifton, Spohn, Sutherland and Watten,
- F. the Wild Land Reserve,
- G. all lands in unsurveyed territory within an area the boundary sides of which are as follows:

1. On the north side, the northerly limit of the Territorial District of Rainy River commencing at the point of intersection of the 49th degree parallel of north latitude with the International Boundary; thence due east 24 kilometres more or less along the 49th degree parallel of north latitude to the east shore of the Lake of the Woods; thence north easterly and northerly along the east shore of the Lake of the Woods and the south and east shores of Sabaskong Bay of the Lake of the Woods to the point of intersection of the westerly production of the north boundaries of the geographic townships of Claxton and McLarty; thence due easterly along the said north boundaries of the said geographic townships and along their production due east being along O.L.S. Gillon's base line of 1919 to the 24th mile post on O.L.S. Alexander Niven's 6th meridian line; thence due south along the said meridian line 9.6 kilometres to the 18th mile post thereon in latitude 49° 0' 6" north; thence due east to the point of intersection of the production north of the east boundary of the geographic Township of Farrington.
2. On the east side, the line formed by the east boundary of the geographic Township of Farrington, the production of the said east boundary due north to the north boundary of the Territorial District of Rainy River and the production due south of the said east boundary to the International Boundary.
3. On the south side, the International Boundary from the mouth of the Rainy River easterly to the point of intersection on the International Boundary of the production due south of the east boundary of the geographic Township of Farrington.

4. On the west side, the International Boundary from the mouth of the Rainy River northerly to the point of intersection on the International Boundary of the 49th degree parallel of north latitude, and

ii. Kenora, being,

- A. the geographic townships of Godson, Phillips and Tweedsmuir,
- B. all lands in unsurveyed territory within an area the boundary sides of which are as follows:

1. On the west side, the International Boundary between the point of intersection thereon of the 49th degree parallel of north latitude and the point of intersection of the production westerly of the north boundary of the geographic Township of Tweedsmuir along the 4th base line.
2. On the south side, the line described as commencing at the point of intersection of the 49th degree parallel of north latitude with the International Boundary; thence due east 24 kilometres more or less along the 49th degree parallel of north latitude to the east shore of the Lake of the Woods; thence north easterly and northerly along the east shore of the Lake of the Woods and the south and east shores of Sabaskong Bay of the Lake of the Woods to the point of intersection of the westerly production of the south boundary of the geographic township of Godson; thence due east along the said north boundary of the said geographic Township and along their production due east being along O.L.S. Gillon's base line of 1919 to the 24th mile post on O.L.S. Alexander Niven's 6th meridian line.
3. On the east side, O.L.S. Alexander Niven's 6th meridian line between the 24th mile post thereon and the point of intersection on the said meridian line of the production due east along the 4th base line of the north boundary of the geographic Township of Tweedsmuir.
4. On the north side, the production along the 4th base line westerly to the International Boundary and easterly to O.L.S. Alexander Niven's 6th meridian line of the north boundary of the geographic Township of Tweedsmuir.

2. The Fort Frances-Rainy River Board of Education. O. Reg. 720/89, Sched. 19.

Schedule 20

1. In the Territorial District of Sudbury, being,

- i. the Township of Chapleau, and
- ii. the geographic townships of Caverley, Chapleau, de Gaulle, Eisenhower, Gallagher, Genier, Halsey, Kaplan and Panet.

2. The Chapleau Board of Education. O. Reg. 720/89, Sched. 20.

Schedule 21

1. In the Territorial District of Sudbury, being,
 - i. the towns of Espanola, Massey and Webbwood,
 - ii. the townships of Baldwin, Nairn and The Spanish River,
 - iii. the geographic townships of Curtin, Foster, Gough, McKinnon, Merritt, Mongowin, Roosevelt, Shakespeare and Truman, and
 - iv. the portion of the geographic Township of Hyman that is not part of the Town of Walden.
2. The Espanola Board of Education. O. Reg. 720/89, Sched. 21.

Schedule 22

1. In the Territorial District of,
 - i. Sudbury, being,
 - A. The Regional Municipality of Sudbury,
 - B. the Township of Casimir, Jennings and Appleby,
 - C. the Township of Cosby, Mason and Martland,
 - D. the Township of Hagar,
 - E. the Township of Ratter and Dunnet,
 - F. the geographic townships of Allen, Awrey, Bigwood, Burwash, Cartier, Cascaden, Cheriman, Cleland, Cox, Davis, Delamere, Foy, Haddo, Hart, Harty, Hawley, Hendrie, Henry, Hess, Hoskin, Janes, Laura, Loughrin, Moncrieff, Scadding, Scollard, Secord, Servos and Street,
 - G. the portions of the geographic townships of Dill, Eden and Tilton that are not part of The Regional Municipality of Sudbury,
 - H. the portion of the geographic Township of Dryden that is not part of The Regional Municipality of Sudbury, and,
 - I. the portion of the geographic Township of Trill that is not part of The Regional Municipality of Sudbury.
 - ii. Manitoulin, being the Township of Rutherford and George Island.
2. The Sudbury Board of Education. O. Reg. 720/89, Sched. 22.

Schedule 23

1. In the Territorial District of Thunder Bay, being,
 - i. the towns of Geraldton and Longlac,
 - ii. the Township of Beardmore, and
 - iii. the geographic townships of Ashmore, Daley, Errington, Houck, Leduc and Oakes.

2. The Geraldton Board of Education. O. Reg. 720/89, Sched. 23.

Schedule 24

1. In the Territorial District of Thunder Bay, being,
 - i. the City of Thunder Bay,
 - ii. the townships of Conmee, Gillies, Neebing, O'Connor, Oliver, Paipoonge and Shuniah,
 - iii. the geographic townships of Blackwell, Conacher, Devon, Forbes, Fraleigh, Goldie, Golding, Gorham, Hagey, Laurie, Lismore, Lybster, Marks, Michener, Pearson, Robson, Scoble, Sibley, Strange and Ware,
 - iv. the Dawson Road Lots, and
 - v. the area bounded by the easterly boundary of Lot 1, concessions 1 and 2 of the Dawson Road Lots; the southerly boundary of the geographic Township of Forbes; the westerly shore of the Kaministiquia River (sometimes known as the Dog River) and the northerly shore of the Shebandowan River (sometimes known as the Matawin River).
2. The Lakehead Board of Education. O. Reg. 720/89, Sched. 24.

Schedule 25

1. In the Territorial District of Thunder Bay, being,
 - i. the Town of Marathon,
 - ii. the townships of Manitouwadge, Schreiber and Terrace Bay,
 - iii. the geographic townships of Atikameg, Bomby, Brothers, Bryant, Byron, Cecil, Cecile, Coldwell, Cotte, Davies, Flood, Foote, Grain, Grenville, Herbert, Homer, Killraine, Knowles, Laberge, Lahontan, Lecours, McCron, McGill, Mikano, Nickle, O'Neill, Pic, Priske, Roberta, Shabotik, Spooner, Strey, Syine, Tuuri, Walsh, Wiggins and Yesno, and
 - iv. all lands in unsurveyed territory within an area described as follows:
 - A. on the north side, the extension of the north side of the geographic Township of Davies westerly to intersect with the boundary formed by extending the west side of the geographic Township of Wiggins northerly until it meets the said extension,
 - B. on the east side, the extension of the east side of the geographic Township of Spooner southerly until the Canada-United States border,
 - C. on the south side, the Canada-United States border, and
 - D. on the west side, the extension of the west side of the geographic Township of Wiggins southerly until the Canada-United States border,
2. The Lake Superior Board of Education. O. Reg. 720/89, Sched. 25.

excluding St. Ignace Island.

Schedule 26

1. In the Territorial District of Thunder Bay, being,
 - i. the townships of Dorion and Nipigon,
 - ii. the Township of Red Rock, and
 - iii. the geographic townships of Boothe, Corrigan, Lyon and Stirling.
2. The Nipigon-Red Rock Board of Education. O. Reg. 720/89, Sched. 26.

Schedule 27

1. In the Territorial District of
 - i. Timiskaming, being,
 - A. the towns of Charlton, Cobalt, Englehart, Haileybury, Latchford and New Liskeard,
 - B. the Village of Thornloe,
 - C. the townships of Armstrong, Brethour, Casey, Chamberlain, Coleman, Dack, Dymond, Evanturel, Harley, Harris, Hilliard, Hudson, James and Kerns,
 - D. the geographic townships of Auld, Barber, Barr, Bayly, Beauchamp, Brigstocke, Bryce, Cane, Chown, Coleman, Corkill, Davidson, Farr, Firstbrook, Gillies Limit, Haultain, Henwood, Ingram, Kittson, Lawson, Lorrain, Lundy, Marter, Mickle, Milner, Mulligan, Nicol, Pense, Roadhouse, Robillard, Savard, Sharpe, Smyth, South Lorrain, Truax, Tudhope, Willet and Willison,
 - E. concessions 1 and 2 in the geographic townships of Catharine, Marquis and Pacaud, and
 - ii. Nipissing, being,
 - A. the Township of Temagami, and
 - B. the geographic townships of Askin, Aston, Banting, Belfast, Best, Briggs, Canton, Casels, Chambers, Cynthia, Eldridge, Flett, Gladman, Godderham, Hammell, Hartle, Hobbs, Joan, Kenny, Law, Le Roche, McCallum, McLaren, Milne, Olive, Phyllis, Riddell, Sisk, Thistle, Torrington, Vogt and Yates.
2. The Timiskaming Board of Education. O. Reg. 720/89, Sched. 27.

Schedule 28

1. In the Territorial District of,
 - i. Timiskaming, being,
 - A. the Town Kirkland Lake,
 - B. the townships of Larder Lake and McGarry,
 - C. the improvement districts of Gauthier and Matachewan,
 - D. the geographic townships of Boston, Eby, Grenfell, Lebel, Maisonville, McElroy and Otto, and

- E. concessions 3, 4, 5 and 6 in the geographic townships of Catharine, Marquis and Pacaud, and
 - ii. Cochrane, being the portion of the geographic Township of Benoit that is not part of the Township of Black River-Matheson.
2. The Kirkland Lake Board of Education. O. Reg. 720/89, Sched. 28.

REGULATION 288**DESIGNATION OF SUPPORT STAFF**

1. In this Regulation,

“enrolment shift” means,

 - (a) in the case of the elementary school pupils of a public board, the reduction in enrolment determined under subsection 4 (6) of Regulation 289 of Revised Regulations of Ontario, 1990, and
 - (b) in the case of the secondary school pupils of a public board, the enrolment shift determined under subsection 4 (7) of Regulation 289 of Revised Regulations of Ontario, 1990;

“person” means a member of the support staff of the board;

“that is coterminous with the public board” means that has jurisdiction in an area that is also the area or part of the area of jurisdiction of the public board and “that is coterminous with the Roman Catholic school board” has a corresponding meaning. O. Reg. 509/89, s. 1.

2.—(1) This Regulation applies to a public board in each of the first ten years or for the remainder of the ten-year period that commenced with the year in which a separate school board that is coterminous with the public board elects, with the approval of the Minister, to perform the duties of a secondary school board.

(2) This Regulation does not apply to a public board that has entered or enters into an agreement within the meaning of subsection 135 (1) of the Act with respect to the designation of persons.

(3) This Regulation does not apply where a public board has part of the same area of jurisdiction as a Roman Catholic school board as a result of the fact that a separate school zone that comprises part of the county or district combined Roman Catholic school board for which the Roman Catholic school board was established has a centre that is situate within 4.8 kilometres of the boundary of the public board and is not situate within the area of jurisdiction of the public board.

(4) Nothing in this Regulation prevents a public board that has jurisdiction in an area that is also the area or part of the area of jurisdiction of two or more Roman Catholic school boards from having an agreement within the meaning of subsection 135 (1) of the Act with one or more of the Roman Catholic school boards with respect to the designation of persons under section 135 of the Act while at the same time dealing with one or more of the Roman Catholic school boards under this Regulation.

(5) Each public board that operates a school or class under Part XII of the Act shall make the determinations and designations required to be made under this Regulation separately for,

 - (a) the French-language schools and classes operated by it under Part XII of the Act; and
 - (b) all schools and classes other than those referred to in clause (a) that it operates. O. Reg. 509/89, s. 2.

3. If a school operated by a public board under Part XII of the Act is transferred to a Roman Catholic school board and the transfer is approved by the Minister, the public board shall designate all persons employed in the school under section 135 of the Act. O. Reg. 509/89, s. 3.

4.—(1) For the purpose of determining the persons that it shall designate under section 135 of the Act, every public board shall, on or before the 30th day of April in each year, identify,

- (a) the number of positions that it believes will not be required in the next following school year because of the anticipated enrolment shift; and
- (b) by seniority, the persons who in accordance with its agreements or board policy are surplus to the needs of the board because of the anticipated shift of enrolment.

(2) In identifying persons under clause (1) (b), each person who is employed on a part-time basis shall be counted towards the number of persons to be identified only to the proportion of a full-time employee that the person represents.

(3) The number of persons identified under clause (1) (b) shall be equal to or shall differ by less than one from the number of positions determined under clause (1) (a).

(4) The public board, on or before the 30th day of April in each year, shall provide to each of the parties with which it has agreements in respect of persons in its employ and to each Roman Catholic school board that is coterminous with the public board, a list of the names and positions of all persons identified under clause (1) (b). O. Reg. 509/89, s. 4.

5.—(1) Every Roman Catholic school board shall, on or before the 30th day of April in each year, provide to each public board that is coterminous with the Roman Catholic school board, a list of the positions for persons that are expected to be vacant in the Roman Catholic school board in the following school year.

(2) A public board that receives a list under subsection (1) shall forthwith make the list known to all persons in the employ of the public board.

(3) A person employed by a public board may volunteer to transfer in accordance with subsection 6 (1) to the Roman Catholic school board to fill a vacant position identified under subsection (1), whether or not the person is identified according to clause 4 (1) (b). O. Reg. 509/89, s. 5.

6.—(1) Every public board shall designate each year in accordance with section 135 of the Act the number of persons identified under clause 4 (1) (a) according to the following rules:

1. Designate persons identified under clause 4 (1) (b) who are willing to transfer voluntarily to the Roman Catholic school board to fill the vacant positions identified under subsection 5 (1).
2. If there are vacant positions remaining to be filled after designating the persons referred to in paragraph 1, in order of seniority, designate the persons who have volunteered under subsection 5 (3).
3. If there are positions remaining to be designated after designating the persons referred to in paragraphs 1 and 2, designate, in accordance with the public boards agreements, board policy or an understanding with its employees or their authorized representatives, from the persons identified under clause 4 (1) (b), a number of persons equal to the remaining number of positions identified under clause 4 (1) (a).

(2) A designation under paragraph 2 of subsection (1) shall only be made if the designation of the person leaves open a permanent

position with the public board that is filled by a person identified under clause 4 (1) (b) who has not volunteered to fill a vacancy in the Roman Catholic school board. O. Reg. 509/89, s. 6.

7. Each public board shall provide, within thirty days of receiving the list of vacant positions for persons in the Roman Catholic school board, to each Roman Catholic school board that is coterminous with the public board a list,

- (a) of all persons who have been identified under subsection 4 (1) who are willing to transfer voluntarily to the Roman Catholic school board to fill the vacant positions of persons in the Roman Catholic school board; and
- (b) showing each person, in addition to those persons referred to in clause (a), who is willing to transfer voluntarily to the Roman Catholic school board to fill a vacancy in the Roman Catholic school board. O. Reg. 509/89, s. 7.

8. Each public board that makes a designation under this Regulation and each Roman Catholic school board that is coterminous with the public board shall provide a list of persons so designated to each of the parties with which it has agreements in respect of persons in its employ. O. Reg. 509/89, s. 8.

9.—(1) If a position with a public board becomes vacant within the year in which a person is designated under section 5, up to and including the 31st day of May in the year next following, and no person employed or eligible to be employed under the recall provisions of a collective agreement with the public board in respect of persons is available to fill the position, the public board shall offer the right of first refusal with respect to the position to the designated person with the greatest seniority who is qualified to fill the position.

(2) If the person with the greatest seniority refuses or cannot fill the position referred to in subsection (1),

- (a) the position shall be offered to other designated persons with the qualifications to fill the position in descending order of seniority until the position is filled or there are no more designated persons; and
- (b) the public board shall not be obligated to continue offering positions to that person.

(3) If a person accepts an offer referred to in subsection (1), the Roman Catholic school board shall transfer the employment contract of the person to the public board and the public board shall treat the employment contract of the person as if the person had never left the employ of the public board.

(4) If a person accepts an offer referred to in subsection (1), the public board shall allow the Roman Catholic school board a reasonable length of time in the circumstances to fill the vacancy thus created before requiring the transfer of the person.

(5) If, as a result of a person accepting an offer referred to in subsection (1), a position becomes vacant in the Roman Catholic school board and there are still persons unemployed who were identified in accordance with clause 4 (1) (b), the public board may designate the next person identified under clause 4 (1) (b) to fill the position. O. Reg. 509/89, s. 9.

10. If a person files an objection under subsection 135 (13) of the Act and the public board is of the opinion that the objection is made in good faith, the public board may designate another person in place of the person making the objection, in accordance with its agreements in respect of such persons or board policy. O. Reg. 509/89, s. 10.

REGULATION 289

DESIGNATION OF TEACHERS

1. In this Regulation,

“agreement”, other than an agreement within the meaning of subsection 135 (1) of the Act, in relation to the employment of teachers, “branch affiliate” and “teacher” have the same meaning as in the *School Boards and Teachers Collective Negotiations Act*;

“non-resident pupil”, “resident-internal pupil” and “resident-external pupil” have the same meaning as in Ontario Regulation 128/85 (General Legislative Grants);

“proportion of qualifications of teachers” means the relative number of teachers who have qualifications in the areas of general studies and technological studies;

“that is coterminous with the public board” means that has jurisdiction in an area that is also the area or part of the area of jurisdiction of the public board and “that is coterminous with the Roman Catholic school board” has a corresponding meaning. O. Reg. 71/87, s. 1.

2.—(1) This Regulation applies to a public board in each of the first ten years commencing with the year in which a separate school board that is coterminous with the public board elects with the approval of the Minister to perform the duties of a secondary school board.

(2) This Regulation does not apply to a public board that has entered into an agreement within the meaning of subsection 135 (1) of the Act.

(3) Two or more public boards that act jointly with each other for the purpose of making or renewing an agreement shall,

- (a) although they are required to do certain things under this Regulation on or before the 30th day of April and on or before the 31st day of May, do those things on or before the 15th day of May and on or before the 30th day of June, as the case requires; and
- (b) make the determinations and designations required to be made under this Regulation for all such public boards

jointly as if they are one public board and the public boards shall not act individually. O. Reg. 71/87, s. 2.

3.—(1) For the purpose of determining the persons on its elementary and secondary teaching staffs that it shall designate under section 135 of the Act, every public board shall, on or before the 30th day of April in each year, determine in accordance with its agreements or board policy,

- (a) the number of teaching positions that it believes will not be required in the next following school year because of an anticipated reduction in the enrolment of pupils in that school year from the enrolment of pupils as of the 30th day of September in the previous year; and
- (b) the identity of the teachers,
 - (i) whose services may not be required at the end of the school year as a result of the calculation under clause (a), and
 - (ii) who in accordance with its agreements are surplus to the needs of the board but who are still in the employ of the board.

(2) The public board, on or before the 30th day of April in each year, shall provide to its branch affiliates and to each Roman Catholic school board that is coterminous with the public board, a list of the names and qualifications of all teachers identified under clause (1) (b). O. Reg. 71/87, s. 3.

4.—(1) Each Roman Catholic school board shall supply, on or before the 31st day of March in each year, for ten consecutive years commencing with the year in which it elects with the approval of the Minister to perform the duties of a secondary school board, to each public board that is coterminous with the Roman Catholic school board, the enrolment and other data necessary to enable the public board to carry out the calculations referred to in this section.

(2) Each board referred to in subsection (1) shall make copies of the data required under that subsection available to its branch affiliates.

(3) Each public board shall, on or before the 30th day of April in each year, make the following calculations in respect of each Roman Catholic school board that is coterminous with the public board for the purpose of determining the enrolment shift:

$$1. R_g = \frac{E_g^0}{E_{g-1}^0} \quad \text{for each of grades 9, 10, 11, 12 and 13 correct to four places of decimal where } g \text{ means grade}$$

$$2. P_g^1 = R_g \times E_{g-1}^0 \quad \text{for each of grades 9, 10, 11, 12 and 13 where } g \text{ means grade}$$

$$3. P_t^1 = R_9 \times E_8^{t-1} \quad \text{for each school year from 2 to 10 where } t \text{ means school year}$$

$$4. P_g^t = R_g \times P_{g-1}^{t-1} \quad \text{for each of grades 10, 11, 12 and 13 and for each school year from 2 to 10 where } g \text{ means grade and } t \text{ means school year}$$

$$5. ES^t = \sum [(E_g^t - P_g^t) - (E_g^{t-1} - P_g^{t-1})] \quad \text{for each school year from 1 to 10 where } t \text{ means school year}$$

where R_g is the retention rate of the Roman Catholic school board in respect of grade g , in the school year immediately preceding the school year in which the Roman Catholic school board has made an election under section 124 of the Act,

E_g^t is the number of pupils in grade g as of the 30th day of September of school year t who reside in the area of jurisdiction of the public board and who are enrolled in the Roman Catholic school board that is coterminous with the public board as,

- (a) resident-internal pupils,
- (b) resident-external pupils, other than resident-external pupils enrolled in the public board under subsection 144 (2) of the Act, or
- (c) non-resident pupils who are qualified to be resident pupils of the public board and who enrol in the Roman Catholic school board under subsection 144 (1) of the Act,

and includes pupils enrolled in a private school the enrolment of which is to become or has become part of the enrolment of the Roman Catholic school board in accordance with the Act,

P_g^t is the projected number of pupils in grade g in the school year t to represent an estimate of the enrolment of the pupils assuming the Roman Catholic school board did not make an election under section 124 of the Act, and

ES^t is the enrolment shift in school year t , where the summation is made for all grades in respect of which the Roman Catholic school board receives grants in school year t under sections 129 and 130 of the Act,

where $t = 1$ represents the school year in which the Roman Catholic school board makes an election under section 124 of the Act, $t = 0$ and $t = -1$ represent each of the two preceding school years respectively and $t = 2, 3, 4, 5, 6, 7, 8, 9$ or 10 represents each of the succeeding nine school years following the election.

(4) Each public board shall, on or before the 30th day of April in each year, determine in respect of each Roman Catholic school board that is coterminous with the public board, the difference between the number of its elementary pupils who are expected to transfer in the next school year to the elementary schools operated by the Roman Catholic school board and the number of elementary pupils of the Roman Catholic school board who are expected to transfer to the elementary schools operated by the public board.

(5) The difference determined under subsection (4), if greater than zero, shall be the net number of elementary pupils anticipated to transfer to the Roman Catholic school board.

(6) The reduction in enrolment with respect to the elementary school pupils of the public board for the year for which the calculations are made that is attributable to the election of the Roman Catholic school board under section 124 of the Act shall be the net number of elementary pupils anticipated to transfer in the school year as calculated under subsection (4).

(7) The reduction in enrolment with respect to the secondary school pupils of the public board for the year for which the calculations are made that is attributable to the election of the Roman Catholic school board under section 124 of the Act shall be the enrolment shift for the year as determined under subsection (3).

(8) Despite subsection (3), where R_g is calculated to be lower than the average R_g from the previous five years, the R_g shall be the average R_g from the previous five years. O. Reg. 71/87, s. 4.

5.—(1) Every public board shall, in the manner set out in clause 3 (1) (a), determine the number of positions on each of the elementary and secondary teaching staffs of the board that are related to the reduction in its enrolment determined under subsections 4 (6) and (7).

(2) The number of positions determined under subsection (1) shall be,

- (a) adjusted to take into account,

- (i) the actual enrolment data as of the 30th day of September of the previous calendar year, and
- (ii) in respect of the previous calendar year, the difference between the number of positions calculated to one place of decimal under this section and the number of teachers designated under section 8;

(b) increased by one in respect of each position for which there is no designation under subsection 12 (5); and

(c) increased to take into account the termination in the current calendar year of a secondment, sabbatical, leave of absence or any other scheme or plan acceptable under its agreements, board policy or an understanding with its branch affiliate or branch affiliates, where, pursuant to an agreement under subsection 135 (1) of the Act, the public board in a previous calendar year, reduced, because of the secondment, sabbatical, leave of absence or other scheme or plan, the number of positions in respect of which it was required to make designations.

(3) The number of positions in respect of which teachers are to be designated under section 135 of the Act shall be the lesser of,

(a) the number determined under subsection (1) as adjusted under subsection (2), calculated to one place of decimal; and

(b) the number of positions determined under clause 3 (1) (a).

(4) Where the number of teachers available for designation under clause 3 (1) (b) is reduced by the employment, death or retirement of a teacher referred to in clause 3 (1) (b) and is less than the number of teachers required to be designated under subsection (3), the determination under subsection (3) of the number of positions in respect of which teachers are to be designated under section 135 of the Act shall be reduced accordingly. O. Reg. 71/87, s. 5.

6.—(1) Every Roman Catholic school board shall, on or before the 30th day of April in each year, provide to each public board that

is coterminous with the Roman Catholic school board, a list of the positions on its elementary and secondary teaching staffs that are expected to be vacant in the Roman Catholic school board in the following school year.

(2) A public board that receives a list under subsection (1) shall forthwith make the list known to all teachers in the employ of the public board. O. Reg. 71/87, s. 6.

7. Each public board shall, within fifteen days of receiving the list of vacancies in the Roman Catholic school board, provide to each Roman Catholic school board that is coterminous with the public board a list,

- (a) of all teachers who have been identified under clause 3 (1) (b) who are willing to transfer voluntarily to the Roman Catholic school board to fill the vacancies in the Roman Catholic school board; and
- (b) showing each teacher, in addition to those teachers referred to in clause (a), who is willing to transfer voluntarily to the Roman Catholic school board to fill a vacancy in the Roman Catholic school board. O. Reg. 71/87, s. 7.

8.—(1) Every public board shall, on or before the 31st day of May in each year, designate teachers under section 135 of the Act to the number of positions set out in subsection (4) as follows:

1. In order of seniority, designate the teachers identified under clause 7 (a).
2. Where there are positions remaining to be designated after designating the teachers referred to in paragraph 1, in order of seniority, designate the teachers identified under clause 7 (b) if the vacancy created in the public board can be filled by a teacher identified under clause 3 (1) (b).
3. Where there are positions remaining to be designated after designating the teachers referred to in paragraphs 1 and 2, designate, in accordance with its agreements, board policy or an understanding with its branch affiliate or branch affiliates, an appropriate number of teachers from among the teachers identified in clause 3 (1) (b), ensuring where possible that the proportion of qualifications of teachers designated is representative of the proportion of qualifications of teachers employed by the public board.

(2) In the absence of any agreement, board policy or understanding that deals with how teachers shall be designated, the public board shall designate teachers referred to in paragraph 3 of subsection (1) in order of seniority.

(3) In designating the teachers under this section, each teacher who is employed on a part-time basis shall be counted towards the number of teachers designated only to the proportion of a full-time employee that the teacher represents.

(4) The number of teachers designated under this section shall be equal to or shall differ by less than one from the number of positions determined under section 5. O. Reg. 71/87, s. 8.

9. Each public board that makes a designation under this Regulation and each Roman Catholic school board that is coterminous with the public board shall provide a list of the teachers so designated to each of its branch affiliates. O. Reg. 71/87, s. 9.

10. Each board shall consult with its branch affiliates in respect of any matter required or implemented under this Regulation. O. Reg. 71/87, s. 10.

11. Nothing in this Regulation prevents a public board that has jurisdiction in an area that is also the area or part of the area of jurisdiction of two or more Roman Catholic school boards from having an agreement within the meaning of subsection 135 (1) of the Act with one or more of the Roman Catholic school boards with respect

to the designation of teachers under section 135 of the Act while at the same time dealing with one or more of the Roman Catholic school boards under this Regulation. O. Reg. 71/87, s. 11.

12.—(1) If a position with a public board becomes vacant in the year in which a teacher who is designated under section 8, up to and including the 31st day of May in the year next following, and no teacher employed or eligible to be employed under the recall provisions of the agreement of the public board is available to fill the position, the public board shall offer the right of first refusal with respect to the position to the designated teacher with the greatest seniority who holds the qualifications to fill the position.

(2) Where the teacher with the greatest seniority refuses or cannot fill the position referred to in subsection (1),

- (a) the position shall be offered to other designated teachers with the qualifications to fill the position in descending order of seniority until the position is filled or there are no more designated teachers; and
- (b) the public board shall not be obligated to continue offering positions to that teacher.

(3) Where a teacher accepts an offer referred to in subsection (1), the Roman Catholic school board shall transfer the teacher's contract of employment to the public board and the public board shall treat the teacher's contract of employment as if the teacher had never left the employ of the public board.

(4) Where a teacher accepts an offer referred to in subsection (1), the public board shall allow the Roman Catholic school board a reasonable length of time in the circumstances to fill the vacancy thus created before requiring the transfer of the teacher.

(5) If, as a result of a teacher accepting an offer referred to in subsection (1), a position becomes vacant in the Roman Catholic school board and there are still teachers unemployed who were identified in accordance with clause 3 (1) (b), the public board may designate another teacher to fill the position in accordance with section 8. O. Reg. 71/87, s. 12.

13.—(1) Where a teacher files an objection under subsection 135 (13) of the Act and the public board is of the opinion that the objection is made in good faith, the public board shall designate another teacher in place of the teacher making the objection in accordance with its agreements or understanding with its branch affiliate or branch affiliates or board policy.

(2) In the absence of a provision in its agreements, board policy or understanding with its branch affiliate or branch affiliates with respect to the designation of another teacher, the public board shall designate a teacher under subsection (1) by taking into account the seniority of the teachers from among whom it is selecting and ensuring where possible that the proportion of qualifications of teachers designated is representative of the proportion of qualifications of teachers employed by the public board. O. Reg. 71/87, s. 13.

14. Where a school operated by a public board under Part XII of the Act is transferred to a Roman Catholic school board and the transfer is approved by the Minister, the public board shall designate under section 135 of the Act all teachers employed in the school. O. Reg. 71/87, s. 14.

15. Each public board that operates a school or class under Part XII of the Act shall make the determinations and designations required to be made under this Regulation separately for,

- (a) the French-language schools and classes operated by it under Part XII of the Act; and
- (b) for all schools and classes other than those referred to in clause (a) that it operates. O. Reg. 71/87, s. 15.

16. All teachers who are designated by a public board on and

after the 24th day of June, 1986 up to and including the 12th day of February, 1987 shall be deemed to have been designated in accordance with this Regulation and the adjustments required under subsection 5 (2) shall be made in respect of such designations. O. Reg. 71/87, s. 16.

REGULATION 290

DISTRICT COMBINED SEPARATE SCHOOL ZONES

1. The municipalities, geographic townships and localities referred to in paragraph 1 of each Schedule are designated as an area that forms a district combined separate school zone. O. Reg. 719/89, s. 1.

2. The name set out in paragraph 2 of each Schedule is the name designated for the area designated in paragraph 1 of that Schedule. O. Reg. 719/89, s. 2.

Schedule 1

1. In the Territorial District of Kenora, being,
 - i. the towns of Jaffray and Melick, Keewatin and Kenora,
 - ii. the Township of Sioux Narrows,
 - iii. the geographic townships of Boys, Kirkup, Pellatt and Redditt,
 - iv. all the lands in unsurveyed territory in the vicinity of the station house of the Canadian National Railways at Minaki described as follows:

Commencing at a point distant 4 kilometres measured east astronomically from the northeast corner of the said station house;

Thence north astronomically 4 kilometres;

Thence west astronomically 8 kilometres;

Thence south astronomically 8 kilometres;

Thence east astronomically 8 kilometres;

Thence north astronomically 4 kilometres to the point of commencement, and
 - v. except for those parts of the mainland which are crossed by the said line, all lands lying north of a line extending from the southernmost extremity of the geographic Township of Boys to the southwest corner of the geographic Township of Kirkup and south of the southerly boundaries of the geographic townships of Boys and Pellatt, the towns of Jaffray and Melick, Keewatin and Kenora.

2. Kenora. O. Reg. 719/89, Sched. 1.

Schedule 2

1. In the Territorial District of Kenora, being,
 - i. the towns of Dryden and Sioux Lookout,
 - ii. the townships of Barclay and Machin,
 - iii. the geographic townships of Britton, Buller, Colenso, Drayton, Eton, Hartman, Ilsley, Jordan, Ladysmith, Melgund, Mutrie, Redvers, Rowell,

Rugby, Smellie, Southworth, Van Horne, Vermilion, Vermilion Additional, Wabigoon, Wainwright and Zealand,

- iv. that portion of the geographic Township of Aubrey that is not part of the Township of Machin, and
- v. that portion of Block 10 lying south of the production easterly and westerly of the most northerly limit of the geographic Township of Drayton.

2. Dryden. O. Reg. 719/89, Sched. 2.

Schedule 3

1. In the Territorial District of,
 - i. Rainy River, being,
 - A. the towns of Fort Frances and Rainy River,
 - B. the townships of Alberton, Atwood, Blue, Chapple, Dilke, Emo, La Vallee, Morley, Morson and Worthington,
 - C. the Township of McCrosson and Tovell,
 - D. the Improvement District of Kingsford,
 - E. the geographic townships of Claxton, Croome, Dance, Dewart, Farrington, Fleming, Griesinger, Halkirk, Mathieu, McLarty, Menary, Miscampbell, Nelles, Pratt, Rowe, Senn, Sifton, Spohn, Sutherland and Watten,
 - F. The Wild Land Reserve,
 - G. all lands in unsurveyed territory within an area the boundary sides of which are as follows:
 1. On the north side, the northerly limit of the Territorial District of Rainy River commencing at the point of intersection of the 49th degree parallel of north latitude with the International Boundary; thence due east 24 kilometres more or less along the 49th degree parallel of north latitude to the east shore of the Lake of the Woods; thence north easterly and northerly along the east shore of the Lake of the Woods and the south and east shores of Sabaskong Bay of the Lake of the Woods to the point of intersection of the westerly production of the north boundaries of the geographic townships of Claxton and McLarty; thence due easterly along the said north boundaries of the said geographic townships and along their production due east being along O.L.S. Gillon's base line of 1919 to the 24th mile post on O.L.S. Alexander Niven's 6th meridian line; thence due south along the said meridian line 9.6 kilometres to the 18th mile post thereon in latitude 49° 0' 6" north; thence due east to the point of intersection of the production north of the east boundary of the geographic township of Farrington.
 2. On the east side, the line formed by the east boundary of the geographic Township of Farrington, the production of the said east boundary due north to the

north boundary of the Territorial District of Rainy River and the production due south of the said east boundary to the International Boundary.

3. On the south side, the International Boundary from the mouth of the Rainy River easterly to the point of intersection on the International Boundary of the production due south of the east boundary of the geographic Township of Farrington.
 4. On the west side, the International Boundary from the mouth of the Rainy River northerly to the point of intersection on the International Boundary of the 49th degree parallel of north latitude, and
- ii. Kenora, being,
- A. the geographic townships of Godson, Phillips and Tweedsmuir,
 - B. all lands in unsurveyed territory within an area the boundary sides of which are as follows:

1. On the west side, the International Boundary between the point of intersection thereon of the 49th degree parallel of north latitude and the point of intersection of the production westerly of the north boundary of the geographic Township of Tweedsmuir along the 4th base line.
2. On the south side, the line described as commencing at the point of intersection of the 49th degree parallel of north latitude with the International Boundary; thence due east 24 kilometres more or less along the 49th degree parallel of north latitude to the east shore of the Lake of the Woods; thence north easterly and northerly along the east shore of the Lake of the Woods and the south and east shores of Sabaskong Bay of the Lake of the Woods to the point of intersection of the westerly production of the south boundary of the geographic Township of Godson; thence due east along the said north boundary of the said geographic Township and along its production due east being along O.L.S. Gillon's base line of 1919 to the 24th mile post on O.L.S. Alexander Niven's 6th meridian line.
3. On the east side, O.L.S. Alexander Niven's 6th meridian line between the 24th mile post thereon and the point of intersection on the said meridian line of the production due east along the 4th base line of the north boundary of the geographic Township of Tweedsmuir.

4. On the north side, the production along the 4th base line westerly to the International Boundary and easterly to O.L.S. Alexander Niven's 6th meridian line of the north boundary of the geographic Township of Tweedsmuir.

2. Fort Frances-Rainy River. O. Reg. 719/89, Sched. 3.

Schedule 4

1. In the Territorial District of Thunder Bay, being,
 - i. the City of Thunder Bay,
 - ii. the townships of Conmee, Gillies, Neebing, O'Connor, Oliver, Paipoonge and Shuniah,
 - iii. the geographic townships of Blackwell, Conacher, Devon, Forbes, Fraleigh, Goldie, Golding, Gorham, Hagey, Laurie, Lismore, Lybster, Marks, Michener, Pearson, Robson, Scoble, Sibley, Strange and Ware,
 - iv. the Dawson Road Lots, and
 - v. the area bounded by the easterly boundary of Lot 1, concessions 1 and 2 of the Dawson Road Lots; the southerly boundary of the geographic Township of Forbes; the westerly shore of the Kaministiquia River (sometimes known as the Dog River) and the northerly shore of the Shebandowan River (sometimes known as the Matawin River).

2. Lakehead. O. Reg. 719/89, Sched. 4.

Schedule 5

1. In the Territorial District of Thunder Bay, being,
 - i. the towns of Geraldton and Longlac,
 - ii. the Township of Beardmore, and
 - iii. the geographic townships of Ashmore, Daley, Errington, Houck, Leduc and Oakes.
2. Geraldton. O. Reg. 719/89, Sched. 5.

Schedule 6

1. In the Territorial District of Algoma, being,
 - i. the City of Sault Ste. Marie,
 - ii. the Township of Macdonald, Meredith and Aberdeen Additional,
 - iii. the Township of Tarbutt and Tarbutt Additional,
 - iv. the townships of Johnson, Laird and Prince,
 - v. the geographic townships of Archibald, Aweres, Dennis, Deroche, Fenwick, Fisher, Gaudette, Haviland, Herrick, Hodgins, Home, Jarvis, Kars, Kincaid, Ley, Peever, Pennefather, Rix, Ryan, Shields, Slater, Tilley, Tupper and VanKoughnet, and
 - vi. the mining locations known as Montreal Mining Southern Location, Montreal Mining Northern Location, A. McDonnell Mining Location, Kincaid Mining Locations, 5, 6, 7 and 8 and Rankin Mining Location.
2. Sault Ste. Marie. O. Reg. 719/89, Sched. 6.

Schedule 7

1. In the Territorial District of Algoma, being the townships of Michipicoten and White River and the geographic townships of Esquega and Fiddler.
2. Michipicoten. O. Reg. 719/89, Sched. 7.

Schedule 8

1. In the Territorial District of,
 - i. Algoma, being,
 - A. the towns of Blind River and Elliot Lake,
 - B. the Village of Iron Bridge,
 - C. the townships of Day and Bright Additional, The North Shore, Shedden and Thompson,
 - D. the geographic townships of Bright, Cobden, Gladstone, Grasett, Jogues, Juillete, Kamichisitit, Mack, Montgomery, Nouvel, Parkinson, Patton, Scarfe and Timmermans,
 - E. the portion of the geographic Township of Striker that is not part of the Township of The North Shore, and
 - F. all the islands of the North Channel of Lake Huron lying south of the geographic townships of Bright, Cobden and the portion of Striker that is not part of the Township of the North Shore.
 - ii. Sudbury, being,
 - A. the towns of Espanola, Massey and Webbwood,
 - B. the townships of Baldwin, Nairn and The Spanish River,
 - C. the geographic townships of Curtin, Foster, Gough, McKinnon, Merritt, Mongowin, Roosevelt, Shakespeare and Truman, and
 - D. the portion of the geographic Township of Hyman that is not part of the Town of Walden.
 - iii. Manitoulin, being the Town of Little Current.
2. North Shore. O. Reg. 719/89, Sched. 8.

Schedule 9

1. In the Territorial District of,
 - i. Sudbury, being,
 - A. The Regional Municipality of Sudbury,
 - B. the Township of Casimir, Jennings and Appleby,
 - C. the Township of Cosby, Mason and Martland,
 - D. the Township of Hagar,
 - E. the Township of Ratter and Dunnet,
 - F. the geographic townships of Allen, Awrey, Bigwood, Burwash, Cartier, Cascaden, Cheriman, Cleland, Cox, Davis, Delamere, Foy, Haddo, Hart, Harty, Hawley, Hendrie, Henry, Hess, Hoskin, Janes, Laura, Loughrin, Moncrieff, Scadding, Scollard, Secord, Servos and Street,
 - G. the portions of the geographic townships of

Dill, Eden and Tilton that are not part of The Regional Municipality of Sudbury,

- H. the portion of the geographic Township of Dryden that is not part of The Regional Municipality of Sudbury, and,
 1. the portion of the geographic Township of Trill that is not part of The Regional Municipality of Sudbury.
 - ii. Manitoulin, being the Township of Rutherford and George Island, and
 - iii. Parry Sound, being the geographic Township of Henvey and Wallbridge.
2. Sudbury. O. Reg. 719/89, Sched. 9.

Schedule 10

1. In the Territorial District of Sudbury, being,
 - i. the Township of Chapleau, and
 - ii. the geographic townships of Caverley, Chapleau, de Gaulle, Eisenhower, Gallagher, Genier, Halsey, Kaplan and Panet.
2. Chapleau. O. Reg. 719/89, Sched. 10.

Schedule 11

1. In the,
 - i. Territorial District of Nipissing, being,
 - A. the City of North Bay,
 - B. the towns of Cache Bay, Mattawa and Sturgeon Falls,
 - C. the townships of Bonfield, Caldwell, Calvin, Chisholm, East Ferris, Field, Mattawan, Papineau, Springer and Temagami,
 - D. the geographic townships of Badgerow, Bastedo, Beaucage, Best, Blyth, Boyd, Clarkson, Commanda, Crerar, Deacon, Eddy, Falconer, French, Gibbons, Gladman, Grant, Hammell, Hugel, Jocko, Kirkpatrick, Lauder, Law, Loudon, Lyman, Macpherson, McLaren, Merrick, Notman, Olive, Pedley, Pentland, Phelps, Poitras, Sisk, Thistle and Wyse, and
 - E. the Improvement District of Cameron, and
 - ii. Territorial District of Parry Sound, being,
 - A. the towns of Kearney and Powassan,
 - B. the villages of Burk's Falls, Rosseau and Trout Creek,
 - C. the townships of Armour, Chapman, Joly, Machar, McMurrich, Nipissing, North Himsforth, Perry, Ryerson, South Himsforth and Strong, and
 - D. the geographic townships of Humphrey and Laurier, and
 - iii. District Municipality of Muskoka, being,
 - A. the Town of Huntsville, and

B. the Township of Lake of Bays.

2. Nipissing. O. Reg. 719/89, Sched. 11.

Schedule 12

1. In the Territorial District of Timiskaming, being,
 - i. the towns of Cobalt, Haileybury, Latchford and New Liskeard,
 - ii. the Village of Thornloe,
 - iii. the townships of Armstrong, Brethour, Casey, Coleman, Dymond, Evanturel, Harley, Harris, Hilliard, Hudson, James and Kerns, and
 - iv. the geographic townships of Barber, Beauchamp, Cane, Firstbrook, Henwood, Ingram, Lorrain, Marter and Robillard.
2. Timiskaming. O. Reg. 719/89, Sched. 12; O. Reg. 313/90, s. 1.

Schedule 13

1. In the Territorial District of Timiskaming, being,
 - i. the towns of Charlton, Englehart and Kirkland Lake,
 - ii. the improvement districts of Gauthier and Matachewan,
 - iii. the townships of Chamberlain, Dack, Larder Lake and McGarry, and
 - iv. the geographic townships of Boston, Eby, Grenfell, Lebel, Maisonville and Otto.
2. Kirkland Lake. O. Reg. 719/89, Sched. 13; O. Reg. 313/90, s. 2.

Schedule 14

1. In the Territorial District of Cochrane, being,
 - i. the towns of Cochrane and Iroquois Falls,
 - ii. the townships of Black River-Matheson and Glackmeyer, and
 - iii. the geographic townships of Aurora, Blount, Brower, Calder, Clute, Colquhoun, Fournier, Fox, Guibord, Hanna, Kennedy, Lamarche, Leitch, Munro, Newmarket, Ottawa, Pyne, St. John, Stimson and Teefy.
2. Cochrane-Iroquois Falls, Black River-Matheson. O. Reg. 719/89, Sched. 14; O. Reg. 313/90, s. 3.

Schedule 15

1. In the Territorial District of Cochrane, being,
 - i. the towns of Kapuskasing and Smooth Rock Falls,
 - ii. the townships of Fauquier-Strikland, Moonbeam, Opatatika and Val Rita-Harty,
 - iii. the geographic townships of Haggart, McCowan, Nansen and O'Brien, and
 - iv. the portion of the Township of Owens that is not part of the Township of Val Rita-Harty.

2. Kapuskasing. O. Reg. 719/89, Sched. 15; O. Reg. 313/90, s. 4.

Schedule 16

1. In the Territorial District of,
 - i. Cochrane, being,
 - A. the Town of Hearst,
 - B. the Township of Mattice-Val Côté, and
 - C. the geographic townships of Barker, Casgrain, Hanlan, Irish, Kendall, Landry, Lowther, Stoddard, Studholme and Way, and
 - ii. Algoma, being the geographic townships of Ebbs and Templeton.
2. Hearst. O. Reg. 719/89, Sched. 16.

Schedule 17

1. In the Territorial District of Cochrane, being the City of Timmins.
2. Timmins. O. Reg. 719/89, Sched. 17.

Schedule 18

1. In the Territorial District of Thunder Bay, being,
 - i. the Town of Marathon,
 - ii. the townships of Dorion, Manitouwadge, Nakina, Nipigon, Red Rock, Schreiber and Terrace Bay,
 - iii. the geographic townships of Atikameg, Bomby, Boothe, Brothers, Bryant, Byron, Cecil, Cecile, Coldwell, Corrigan, Cotte, Davies, Flood, Foote, Grain, Grenville, Herbert, Homer, Killraine, Knowles, Laberge, Lahontan, Lecours, Lyon, McCron, McGill, Mikano, Nickle, O'Neill, Pic, Priske, Roberta, Shabotik, Spooner, Stirling, Strey, Syine, Tuuri, Walsh, Wiggins and Yesno,
 - iv. all lands, excluding St. Ignace Island, in unsurveyed territory within an area described as follows:
 - A. on the north side, the extension of the north side of the geographic Township of Davies westerly to intersect with the boundary formed by extending the west side of the geographic Township of Wiggins northerly until it meets the said extension,
 - B. on the east side, the extension of the east side of the geographic Township of Spooner southerly until the Canada-United States border,
 - C. on the south side, the Canada-United States border, and
 - D. on the west side, the extension of the west side of the geographic Township of Wiggins southerly until the Canada-United States border.
2. North of Superior. O. Reg. 719/89, Sched. 18.

REGULATION 291**DISTRICT SCHOOL AREAS****THE AIRY AND SABINE DISTRICT SCHOOL AREA**

1. The Airy District School Area and The Sabine District School Area are combined into one district school area to be known as The Airy and Sabine District School Area. R.R.O. 1980, Reg. 260, s. 1.

THE CARAMAT DISTRICT SCHOOL AREA

2. The lands described in the following Schedule are formed into a district school area to be known as The Caramat District School Area:

Schedule

All and singular that tract of land in the Compact Rural Community of Caramat and surrounding area in the Territorial District of Thunder Bay more particularly described as follows:

Beginning at a point distant 2 miles measured north astronomically from the intersection of the northeasterly limit of the Canadian National Railway with the northerly limit of Location JK 320;

Thence west astronomically 2 miles;

Thence south astronomically 4 miles;

Thence east astronomically 4 miles;

Thence north astronomically 4 miles;

Thence west astronomically 2 miles, more or less, to the place of beginning. O. Reg. 636/83, s. 1.

THE COLLINS DISTRICT SCHOOL AREA

3. The lands described in the following Schedule are formed into a district school area to be known as The Collins District School Area:

Schedule

All and singular that tract of land situate in the Territorial District of Thunder Bay, having an area of one square mile and bounded as follows:

On the north by a line drawn due east and west astronomically through a point distant one half-mile measured due north astronomically from mile board 21 on the main line of the Canadian National Railway at the hamlet of Collins; on the east by a line drawn due north and south astronomically through a point distant one half-mile due east astronomically from the said mile board; on the south by a line drawn due east and west astronomically through a point distant one half-mile due south astronomically from the said mile board; and on the west by a line drawn due north and south astronomically through a point distant one half-mile due west astronomically from the said mile board. R.R.O. 1980, Reg. 260, s. 2.

THE CONNELL AND PONSFORD DISTRICT SCHOOL AREA

4. The part of the Improvement District of Pickle Lake in the Patricia Portion of the Territorial District of Kenora that is not within The Connell and Ponsford District School Area is added to such district school area. R.R.O. 1980, Reg. 260, s. 3.

THE KILKENNY DISTRICT SCHOOL AREA

5. The lands in the geographic Township of Kilkenny in the Territorial District of Thunder Bay described in the following Schedule that comprise The Kilkenny District School Area are altered by excluding therefrom the lands comprising the Rocky Bay Indian

Reserve Number 1 and by adding thereto the portion of the geographic Township of Kilkenny not included in the Schedule:

Schedule

In the geographic Township of Kilkenny in the Territorial District of Thunder Bay, being that area originally comprising school section No. 1 MacDiarmid and being an area five miles square whose boundaries begin at a point one mile south from north latitude 49 degrees, 30 minutes and one mile west from 88 degrees west longitude and that extends five miles due west, then five miles due south, then five miles due east and then five miles due north to the point of beginning. O. Reg. 690/85, s. 1.

THE MCCULLAGH DISTRICT SCHOOL AREA

6. The portion of The Connell and Ponsford District School Area that is in the geographic Township of McCullagh in the Patricia Portion of the Territorial District of Kenora, being all that portion of such district school area that is not in the Improvement District of Pickle Lake, is detached from The Connell and Ponsford District School Area and formed into The McCullagh District School Area. R.R.O. 1980, Reg. 260, s. 5.

THE MOOSE FACTORY ISLAND DISTRICT SCHOOL AREA

7. The lands described in the following Schedule are formed into a district school area to be known as The Moose Factory Island District School Area:

Schedule

The area in the Territorial District of Cochrane consisting of the islands in the Moose River that are situate in their entirety north of the line formed by the projection easterly of the southerly boundary of the geographic Township of Horden to the westerly limit of Indian Reserve No. 68, except Indian Reserve No. 1 on Moose Factory Island. R.R.O. 1980, Reg. 260, s. 6.

THE MOOSONEE DISTRICT SCHOOL AREA

8. The following parts of the Territorial District of Cochrane are added to The Moosonee District School Area:

1. The geographic Township of Caron.
2. The parts of the geographic townships of Horden and Moose that are not in The Moosonee District School Area, except the parts of such geographic townships that are composed of islands and parts of islands in the Moose River. R.R.O. 1980, Reg. 260, s. 7.

THE NORTHERN DISTRICT SCHOOL AREA

9. The Allanwater District School Area, The Armstrong District School Area, The Auden District School Area, The Ferland District School Area and The Savant Lake District School Area are combined into one district school area to be known as The Northern District School Area. R.R.O. 1980, Reg. 260, s. 8.

THE SLATE FALLS DISTRICT SCHOOL AREA

10. The lands described in the following Schedule are formed into a district school area to be known as The Slate Falls District School Area:

Schedule

All and singular that tract of land situate in the Patricia Portion of the Territorial District of Kenora, more particularly described as follows:

Beginning at the place of intersection of the Ninth Base Line and the Fourth Meridian; thence easterly along the Ninth Base Line a distance of six miles to a point; thence northerly and parallel to the Fourth Meridian a distance of six miles to a point; thence westerly

and parallel to the Ninth Base Line to a point in the Fourth Meridian; thence southerly along the Fourth Meridian to the place of beginning. R.R.O. 1980, Reg. 260, s. 9.

THE STURGEON LAKE DISTRICT SCHOOL AREA

11. The lands described in the following Schedule are formed into a district school area to be known as The Sturgeon Lake District School Area:

Schedule

All and singular that tract of land situate in the Territorial District of Kenora being within an area four miles in width lying on both sides of the centre line of secondary highway No. 599 and within two miles of and measured at right angles to that portion of the said centre line extending from the easterly boundary of the Township of Ignace northeasterly a distance of forty-five miles. R.R.O. 1980, Reg. 260, s. 10.

THE SUMMER BEAVER DISTRICT SCHOOL AREA

12. The lands described in the following Schedule are formed into a district school area to be known as The Summer Beaver District School Area:

Schedule

All and singular that tract of land situate in the Patricia Portion of the Territorial District of Kenora being within a radius of two miles from a point having a latitude of 52° 45' North and a longitude of 88° 30' West. R.R.O. 1980, Reg. 260, s. 11.

REGULATION 292

FEEES FOR MINISTRY COURSES

1. In this Regulation, "course" means a course provided by the Ministry leading to,

- (a) the Program Development and Implementation qualification;
- (b) the Program Supervision and Assessment qualification; and
- (c) the Principal's Refresher Course qualification. R.R.O. 1980, Reg. 263, s. 1.

2. Subject to section 3, the total tuition fee to be paid for a course shall be \$390 which shall consist of,

- (a) a non-refundable amount of \$40 payable upon application for admission to the course; and
- (b) an amount of \$350 payable not later than thirty days prior to the commencement of the course. O. Reg. 689/85, s. 1.

3.—(1) Where a person who has applied to take a course does not commence the course, no amount referred to in clause 2 (b) is payable, and any amount referred to in clause 2 (b) received for the course by or on behalf of such person shall be refunded to the person who paid it. O. Reg. 573/84, s. 2, *part*.

(2) Where a person who has commenced a course withdraws from the course during the first week of the course, other than for medical reasons or compassionate grounds, and gives notice in writing to the Ministry of the withdrawal, the amount referred to in clause 2 (b) that is payable by or on behalf of such person shall be \$87.50 and any amount in excess of \$87.50 that was paid for the course by or on behalf of such person shall be refunded to the person who paid it.

(3) Where a person who has commenced a course withdraws from the course because of,

- (a) medical reasons evidenced by the certificate of a medical doctor; or
- (b) compassionate grounds acceptable to the Minister,

the amount referred to in clause 2 (b) that is payable by or on behalf of such person shall be nil if the withdrawal is during the first week of the course and shall be reduced by \$87.50 for each full week of the course that is subsequent to the withdrawal if the withdrawal is during the second or any subsequent week, and the appropriate amount shall be refunded to the person who paid the fee for the course. O. Reg. 689/85, s. 2.

(4) The fee to be paid under this Regulation by or on behalf of a teacher, principal or supervisory officer who was on active service in His or Her Majesty's forces in World War II or the Korean War and who produces proof of such services shall be nil. R.R.O. 1980, Reg. 263, s. 3 (4).

REGULATION 293

FEEES FOR TRANSCRIPTS AND STATEMENTS OF STANDING AND FOR DUPLICATES OF DIPLOMAS, CERTIFICATES AND LETTERS OF STANDING

1. The fee for a transcript of standing, or for a duplicate of a diploma or certificate, obtained in Ontario by a pupil is \$15. O. Reg. 436/89, s. 1.

2. The fee for a duplicate of an Ontario Teacher's Certificate is \$35. O. Reg. 436/89, s. 2.

3. The fee for a duplicate of a letter of standing, or of a certificate of qualification as a teacher other than an Ontario Teacher's Certificate, is \$18. O. Reg. 436/89, s. 3.

4. The fee for the preparation by the Ministry, on the request of a teacher, of a statement of standing obtained, and a description of courses completed, at a teacher's education institution in Ontario is \$18. O. Reg. 436/89, s. 4.

REGULATION 294

THE JAMES BAY LOWLANDS SECONDARY SCHOOL BOARD

1. In this Regulation,

"board" means The James Bay Lowlands Secondary School Board;

"elector", in respect of an area for which one or more members of the board are to be elected, means a person who is the owner or tenant of property in, or a resident of, such area and who is a Canadian citizen or other British subject and of the full age of eighteen years;

"equalized assessment" for a municipality or a locality means the assessment upon which taxes are levied in the municipality or locality, as the case may be, in the year for which the apportionment is made as adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister. R.R.O. 1980, Reg. 265, s. 1.

2. The James Bay Lowlands Secondary School Board is continued and has jurisdiction in The James Bay Lowlands Secondary

School District described in the Schedule. R.R.O. 1980, Reg. 265, s. 2.

3.—(1) Subject to subsection (2), the board shall be composed of four members of whom,

- (a) two shall be elected by and from among the electors in respect of the mainland portion of the geographic townships of Caron, Horden and Moose;
- (b) one shall be elected by and from among the electors in respect of the islands in the Moose River that form part of the secondary school district except the portion of Factory Island that is an Indian Reserve; and
- (c) one shall be elected by and from among the electors of the Moose Band in respect of Indian Reserves 1 and 68.

(2) Where the board has agreed to negotiate an agreement under subsection 188 (1) of the Act to provide tuition for Indian pupils,

- (a) from the Attawapiskat Band, the council of the Attawapiskat Band may appoint as a member of the board a member of the Band from Indian Reserve 91 or 91A if the council of the Attawapiskat Band passes a resolution requesting a member on the board and forwards a copy thereof to the secretary of the board;
- (b) from the Kashechewan community, the council of the Albany Band may appoint as a member of the board a member of the Band from the Kashechewan community of Indian Reserve 67 if the council of the Albany Band passes a resolution requesting a member on the board from the Kashechewan community and forwards a copy thereof to the secretary of the board; or
- (c) from the Fort Albany community, the council of the Albany Band may appoint as a member of the board a member of the Band from the Fort Albany community of Indian Reserve 67 if the council of the Albany Band passes a resolution requesting a member on the board from the Fort Albany community and forwards a copy thereof to the secretary of the board,

and a member appointed under this subsection is in addition to the number of members of the board provided for in subsection (1), and the term of office of such member terminates on the same date as the term of office of the elected members. R.R.O. 1980, Reg. 265, s. 3.

4.—(1) In addition to the disqualifications set out in the Act, a person is not qualified to be elected or to act as a member of the board who is a member of, or the secretary-treasurer of, The Moosonee Development Area Board.

(2) A member of the board who ceases to be an elector in respect of the area for which he or she was elected is thereupon disqualified to act as a member of the board. R.R.O. 1980, Reg. 265, s. 4.

5.—(1) Meetings shall be held in the year 1982 and in every third year thereafter on such date in the month of November and at such places and times as the board may determine for the purpose of electing the members of the board referred to in subsection 3 (1).

(2) The term of office of a member of the board shall be three years commencing on the 1st day of December next following his or her election to the board. O. Reg. 739/82, s. 1.

(3) Where a vacancy occurs from any cause in the office of an elected member of the board, the remaining members shall, subject to section 225 of the Act, forthwith hold a new election to fill the vacancy in the manner provided by this Regulation for holding an election of the board, except that the election shall be held only in respect of the area for which the vacancy occurs.

(4) At least six days before a meeting under this section, the secretary of the board shall post notice of the meeting in two or more of the most prominent places in the area from which one or more members are to be elected at the meeting and shall advertise the meeting in such other manner as the board considers expedient.

(5) A meeting under this section shall be conducted in the manner determined by the electors in respect of the area for which the meeting is held who are present at the meeting, by a presiding officer selected by such electors, but the election of the member or members of the board shall be by ballot, and the minutes of the meeting shall be recorded by a secretary who shall,

- (a) in the case of the meeting to elect the members provided for in clause 3 (1) (a), be the secretary of The Moosonee Development Area Board;
- (b) in the case of the meeting to elect the member provided for in clause 3 (1) (b), be the secretary of The Moose Factory Island Board of Education; and
- (c) in the case of the meeting to elect the member provided for in clause 3 (1) (c), be the chief of the Moose Band or a person designated by the chief.

(6) If objection is made to the right of a person to vote at a meeting under this section or section 8, the presiding officer shall require the person to make the following declaration:

- I declare and affirm that,
1. I am of the full age of eighteen years.
 2. I am a Canadian citizen or British subject.
 3. I have a right to vote at this election (or on the question submitted to this meeting).

and after making such declaration, the person making it may vote.

(7) Subsections 92 (9), (10), (12), (13), (17), (18), (19), (20) and (22) of the Act apply with necessary modifications to a meeting under this Regulation. R.R.O. 1980, Reg. 265, s. 5 (3-7).

6.—(1) The sum required by the board for secondary school purposes in each year shall be apportioned between the Moosonee Development Area and the remainder of the James Bay Lowlands Secondary School District in the ratio of the equalized assessment of the property rateable for secondary school purposes in the Moosonee Development Area to the equalized assessment of such property in the remainder of such secondary school district.

(2) For the purpose of subsection (1), the Moosonee Development Area is deemed to be a municipality and the portion of The James Bay Lowlands Secondary School District that is not in the Moosonee Development Area is deemed to be a locality. R.R.O. 1980, Reg. 265, s. 6.

7.—(1) Subject to subsection (2), subsections 235 (1) and (2) of the Act apply with necessary modifications to the board.

(2) The board may not apply to the Ontario Municipal Board in respect of the issue of debentures for a permanent improvement until such issue has been sanctioned at a special meeting of the electors of The James Bay Lowlands Secondary School District. R.R.O. 1980, Reg. 265, s. 7.

8.—(1) A special meeting of the electors of the secondary school district shall be called by the secretary of the board when directed by the board or upon the request in writing of five such electors, by posting, at least six days before the meeting, notice of the meeting in three or more of the most prominent places in the secondary school district and such notice shall include the date, time, place and objects of the meeting, and the meeting shall be advertised in such other manner as the board considers expedient.

(2) A special meeting under this section shall be conducted in the manner determined by the electors of the secondary school district who are present at the meeting, by a presiding officer selected by such electors and the minutes of the meeting shall be recorded by the secretary of the board. R.R.O. 1980, Reg. 265, s. 8.

Schedule

THE JAMES BAY LOWLANDS SECONDARY SCHOOL DISTRICT

That part of the Territorial District of Cochrane comprised of the geographic townships of Caron, Horden and Moose and the unsurveyed territory consisting of the islands in the Moose River that are situate in their entirety north of a line formed by the projection easterly of the southerly boundary of the geographic Township of Horden to the westerly limit of Indian Reserve No. 68. R.R.O. 1980, Reg. 265, Sched.

REGULATION 295

THE NORTHERN DISTRICT SCHOOL AREA BOARD

1. In this Regulation,

"Board" means The Northern District School Area Board;

"elector", in respect of an area for which one or more members of the Board are to be elected, means a person who is a public school elector of such area as defined in subsection 61 (1) of the Act. O. Reg. 738/82, s. 1.

2. The Board is continued with jurisdiction in The Northern District School Area set out in section 9 of Regulation 291 of Revised Regulations of Ontario, 1990. O. Reg. 738/82, s. 2.

3.—(1) The Board shall be composed of eight members,

- (a) one of whom shall be elected by and from the electors of the school section formerly known as The Allanwater District School Area;
- (b) three of whom shall be elected by and from the electors of the school section formerly known as The Armstrong District School Area;
- (c) one of whom shall be elected by and from the electors of the school section formerly known as The Auden District School Area;
- (d) one of whom shall be elected by and from the electors of the school section formerly known as The Ferland District School Area; and
- (e) two of whom shall be elected by and from the electors of the school section formerly known as The Savant Lake District School Area.

(2) Where a member of the Board ceases to be an elector in respect of the area for which he or she was elected he or she ceases to be qualified to act as a member of the Board. O. Reg. 738/82, s. 3.

4.—(1) Meetings of the Board shall be held in the year 1982 and in every third year thereafter on such date in the month of November and, subject to subsection (2), at such places and times as the Board may determine for the purpose of electing the members of the Board referred to in subsection 3 (1).

(2) The members of the Board shall be elected at a general meeting of the electors of each former district school area held separately within each former district school area.

(3) The term of office of a member of the Board shall be three

years commencing on the 1st day of December next following the member's election to the Board.

(4) Where a vacancy occurs from any cause in the office of a member of the Board, the remaining members shall, subject to section 225 of the Act, forthwith hold an election to fill the vacancy in the manner provided by this Regulation for holding an election of the Board, except that the election shall be held only in respect of the area for which the vacancy occurs.

(5) At least six days before holding a meeting under this section, the secretary of the Board shall post a notice of the meeting in two or more prominent places in the area from which a member or members is or are to be elected and shall, where instructed by the Board, advertise the meeting in such other manner as the Board considers expedient.

(6) A meeting under this section shall be conducted by a presiding officer selected by the electors in respect of the area for which the meeting is held and who are present at the meeting, in such manner as the electors determine, provided that the election of the member or members of the Board shall be by ballot and the minutes of the meeting shall be recorded by a secretary selected by such electors.

(7) An elector is entitled to vote for as many candidates for the Board in his or her area as there are Board members to be elected in such area, but only once for each candidate.

(8) If objection is made to the right of a person to vote at a meeting under this section, the presiding officer shall require the person to make the declaration set out in subsection 62 (7) of the Act and after making such declaration, the person making it is entitled to vote.

(9) Subsections 92 (9), (10), (12), (13), (17), (18), (19), (20) and (22) of the Act apply with necessary modifications to a meeting under this Regulation. O. Reg. 738/82, s. 4.

REGULATION 296

ONTARIO SCHOOLS FOR THE BLIND AND THE DEAF

INTERPRETATION

1. In this Regulation,

"applicant" means an applicant for admission to a School;

"bursar" means the business administrator of a School;

"Director" means the Executive Director of the Regional Services Division of the Ministry;

"Indian" means,

- (a) an Indian as defined in the *Indian Act* (Canada), or
- (b) an Eskimo,

who is not qualified to be a resident pupil of a board;

"parent" includes a guardian;

"residence counsellor" means a person employed as a residence counsellor in a School;

"School" means a school referred to in section 2;

"Superintendent" means the Superintendent of a School. R.R.O. 1980, Reg. 268, s. 1.

DESIGNATIONS

2.—(1) The Ontario School for the Blind, Brantford is designated as The W. Ross Macdonald School.

(2) The Ontario School for the Deaf, Belleville is designated as The Sir James Whitney School.

(3) The Ontario School for the Deaf, Milton is designated as The Ernest C. Drury School.

(4) The Ontario School for the Deaf, London is designated as The Robarts School. R.R.O. 1980, Reg. 268, s. 2.

ADMISSIONS

3.—(1) Where an applicant who is not an Indian, or the parent of such applicant, submits to the Superintendent evidence satisfactory to the Superintendent that,

- (a) the applicant will be under the age of twenty-one years on the first day of the school year for which he or she seeks admission;
- (b) because of a visual or an auditory handicap, or both, as certified by a legally qualified medical practitioner, the applicant is in need of a special educational program in the School;
- (c) if the applicant is under eighteen years of age, the applicant's parent is a resident of Ontario; and
- (d) if the applicant is eighteen years of age or over, the applicant is a resident of Ontario,

the Superintendent shall, subject to subsection (2) and subsection 8 (1), admit the applicant to the School.

(2) An applicant who is qualified to be a resident pupil of a board that operates a day class for the hearing impaired that would be appropriate to the applicant shall not be admitted to an Ontario School for the Deaf except where in the opinion of the Minister the admission is in the best interests of the applicant.

(3) Where an applicant who is not an Indian and who will be twenty-one years of age or over on the first day of the school year for which he or she seeks admission submits to the Superintendent evidence satisfactory to the Superintendent under clauses (1) (b) and (d), and the Minister approves the admission of the applicant, the Superintendent shall admit the applicant to the School. R.R.O. 1980, Reg. 268, s. 3.

4. Where the minister of education for a province of Canada other than Ontario,

- (a) requests admission for an applicant,
 - (i) whose parent resides in that province or who, being eighteen years of age or over, himself or herself resides in that province,
 - (ii) to whom clause 3 (1) (b) applies, and
 - (iii) who is not inadmissible under subsection 8 (1); and
- (b) agrees to pay such fees as are payable for the instruction and maintenance of the applicant, and the Minister approves the admission of the applicant, the Superintendent shall admit the applicant. R.R.O. 1980, Reg. 268, s. 4.

5. Where the Minister of Indian Affairs and Northern Development for Canada,

- (a) requests admission for an applicant who,

(i) is an Indian to whom clause 3 (1) (b) applies, and

(ii) is not inadmissible under subsection 8 (1); and

(b) agrees to pay such fees as are payable for the instruction and maintenance of the applicant,

and the Minister approves the admission of the applicant, the Superintendent shall admit the applicant. R.R.O. 1980, Reg. 268, s. 5.

6. Where an applicant who is not an Indian and who,

- (a) has not attained the age of eighteen years and whose parent is not a resident of any province of Canada; or
- (b) has attained the age of eighteen years and is not a resident of any province of Canada,

submits to the Superintendent evidence satisfactory to the Superintendent under clause 3 (1) (b), the Superintendent shall, where the Minister approves the admission of the applicant, admit the applicant to the School upon payment of a fee, determined by the Minister, that shall be not greater than the fee payable under section 10 or 11, as the case may be. R.R.O. 1980, Reg. 268, s. 6.

7. Where an applicant is eligible for admission under section 3, 4, 5 or 6, the Superintendent may admit him or her at any time during the school year provided that accommodation and a program are available. R.R.O. 1980, Reg. 268, s. 7.

8.—(1) An applicant shall not be admitted to a School if he or she is unable to profit from instruction in a program at the School.

(2) Where, in respect of an applicant, doubt exists as to whether,

- (a) evidence submitted under clause 3 (1) (b) establishes that the applicant is in need of a special educational program; or
- (b) the applicant is able to profit from instruction in a program,

at the School, the admission of the applicant may be for a trial period.

(3) Upon the request of the Superintendent, or of the parent of an applicant, or of an applicant who is eighteen years of age or over, the Minister may appoint a committee to hear and determine any question concerning the eligibility for admission of the applicant. R.R.O. 1980, Reg. 268, s. 8.

FEES

9. No fee is payable in respect of a pupil admitted to a School under section 3. R.R.O. 1980, Reg. 268, s. 9.

10.—(1) The fee payable in a fiscal year on behalf of a pupil who is admitted under section 4 or 5 to a School referred to in subsection 2 (2), (3) or (4) and is in residence at such School shall be equal to the average of the quotients obtained by dividing, for each School,

- (a) the estimated operating costs of the School for such fiscal year, excluding where applicable the estimated costs of extension and resource services, teacher education, daily transportation of pupils, food services for the staff and for pupils who are not in residence, the summer course for parents, the media centre, the program for emotionally disturbed pupils and special projects,

by,

- (b) 425 in the case of The Sir James Whitney School and The Ernest C. Drury School, and 250 in the case of The Robarts School.

(2) The fee payable in a fiscal year on behalf of a pupil who is admitted under section 4 or 5 to a School referred to in subsection

2 (2), (3) or (4) and is not in residence at such School shall be equal to the average of the quotients obtained by dividing, for each School,

- (a) the estimated operating costs of the School for such fiscal year, excluding where applicable the estimated costs of extension and resource services, teacher education, the laundry, residence counsellors and residence operating expenses, food services for the staff and for pupils who are in residence, the summer course for parents, the media centre, the program for emotionally disturbed pupils and special projects,

by,

- (b) 425 in the case of The Sir James Whitney School and The Ernest C. Drury School, and 250 in the case of The Robarts School. R.R.O. 1980, Reg. 268, s. 10.

11.—(1) Subject to subsection (2), the fee payable in a fiscal year on behalf of a pupil who is admitted under section 4 or 5 to The W. Ross Macdonald School shall be equal to the quotient obtained by dividing by 275 the estimated operating costs of the School for such fiscal year, excluding the estimated costs of the deaf-blind program, the large-print library and the total stimulation program.

(2) The fee payable in a fiscal year on behalf of a deaf-blind pupil who is admitted under section 4 or 5 to The W. Ross Macdonald School shall be equal to the quotient obtained by dividing,

- (a) the sum of the amounts allocated in the estimates of such School for such fiscal year to salaries of teachers, counsellors and aides in the deaf-blind program and to transportation and communication services and supplies for pupils in such program,

by,

- (b) the number of pupils enrolled in such program on the last school day in June of such fiscal year. R.R.O. 1980, Reg. 268, s. 11.

12. Where in any month a pupil for whom a fee is payable attends a School for only a part of the month, his or her fee for such month shall be reduced proportionately. R.R.O. 1980, Reg. 268, s. 12.

TRANSPORTATION

13.—(1) The Superintendent may provide daily transportation to and from a School for pupils of the school who are not in residence at the School.

(2) The Minister may pay all or part of the transportation costs for a pupil admitted to a School under section 3 where the board of which such pupil is qualified to be a resident pupil does not provide transportation to and from the School. R.R.O. 1980, Reg. 268, s. 13.

DUTIES OF PUPILS

14. A pupil at a School shall,

- (a) except with the permission of the Superintendent, be in attendance on the first day in the school year and attend classes punctually and regularly during the school year;
- (b) take such tests and examinations as may be required by the Superintendent;
- (c) exercise self-discipline and accept such discipline as would be exercised by a kind, firm and judicious parent;
- (d) be clean in his or her person and habits, diligent in his or her studies and courteous to other pupils and to the teaching and non-teaching staff of the School;

- (e) be responsible to the Superintendent for his or her conduct on the school premises, on out-of-school activities and programs sponsored by the School and while travelling on a bus under contract to or owned by the Ministry;
- (f) leave the school premises only under conditions specified by the Superintendent; and
- (g) if the pupil is in residence at the School, participate in the programs provided by the residence counsellor for his or her residence area. R.R.O. 1980, Reg. 268, s. 14.

DUTIES OF TEACHERS

15. A person employed to teach at a School shall, in addition to the duties of a teacher under the Act,

- (a) be responsible for effective instruction in the subjects assigned to him or her by the Superintendent, the management of his or her classes and the discipline in his or her classroom;
- (b) co-operate with officials of the Ministry and the Superintendent for the purposes of planning and evaluating the program of instruction;
- (c) make adequate provision in his or her daily program for the individual differences of the pupils in his or her classes so that each pupil may experience a reasonable amount of success;
- (d) prepare for use in his or her class or classes such teaching plans and outlines as are required by the Superintendent and submit the plans and outlines to the Superintendent on request;
- (e) assist in maintaining discipline in the School and in fostering school spirit and morale; and
- (f) carry out such supervisory duties as may be assigned by the Superintendent. R.R.O. 1980, Reg. 268, s. 15.

DUTIES OF RESIDENCE COUNSELLORS

16. A residence counsellor shall,

- (a) be responsible for the residence area assigned to him or her by the Superintendent and provide for the safety, health, comfort and well-being of pupils in such area;
- (b) plan and provide programs to encourage and promote the growth and development of each pupil in the residence area and evaluate such programs;
- (c) make adequate provision for individual differences of the pupils in the programs that he or she provides;
- (d) record the growth and development of each pupil in the residence area;
- (e) assist in maintaining school spirit, morale and discipline;
- (f) carry out such supervisory duties as may be assigned to him or her by the Superintendent; and
- (g) co-operate with the Superintendent in all matters affecting the School. R.R.O. 1980, Reg. 268, s. 16.

PARENTS

17.—(1) There shall be deposited with the bursar a sum of at least \$20.00 to defray the personal incidental expenses of a pupil enrolled in a School.

- (2) As a condition of admission of a pupil to a School, the parent

of the pupil or the pupil, where he or she is over eighteen years of age, shall agree,

- (a) to supply on request of the Superintendent personal items necessary to enable the pupil to participate in school programs;
 - (b) to provide transportation and escort for the pupil where necessary to ensure regular attendance if such transportation and escort is not otherwise provided;
 - (c) to authorize the Superintendent, upon recommendation of the school physician, to arrange in case of emergency for the admission of the pupil to a hospital for treatment or surgery;
 - (d) to permit such medical treatment of the pupil as may be recommended by the school physician, subject to any other consent that may be required;
 - (e) to guarantee payment for medical and dental services required by the pupil during the school year, except such services that are provided by the School; and
 - (f) to notify the Superintendent promptly of the reason for the absence of the pupil.
- (3) The parent of a pupil may visit with the pupil at the School in which the pupil is enrolled as authorized by the Superintendent. R.R.O. 1980, Reg. 268, s. 17.

DUTIES OF SUPERINTENDENT

18. There shall be for each School a Superintendent who shall,

- (a) admit pupils in accordance with this Regulation;
- (b) determine the pupils who shall be in residence at the School and the pupils who shall reside in homes approved by him or her;
- (c) determine the mode of transportation to and from School to be used by a pupil for whom such transportation is provided by the School;
- (d) assign pupils to classes and programs;
- (e) transfer and promote such pupils as he or she considers proper;
- (f) establish and maintain, and retain, transfer and dispose of, a pupil record in respect of each pupil enrolled in the School, in the manner prescribed by the regulations;
- (g) at least once in every calendar year provide for a review of the placement of each pupil to ensure that the program is appropriate for the capabilities and needs of the pupil;
- (h) recommend for a Secondary School Graduation Diploma or a Secondary School Honour Graduation Diploma a pupil of the School who has completed the requirements for such diploma;
- (i) be in charge of the organization, management and discipline of the School and ensure that proper supervision is maintained at all times;
- (j) furnish to the Director, on his or her request, information on any matter affecting the interests of the School;
- (k) arrange for regular inspection of the school premises and report promptly to the Ministry of Government Services any repairs required to be made by that Ministry;
- (l) determine the times at which pupils may leave the school

premises and the times at which they may be visited at the School;

- (m) notify the parent immediately if a pupil becomes seriously ill or requires hospital treatment off the school property;
- (n) notify the parent if a pupil damages or destroys school property and request suitable compensation;
- (o) hold emergency drills at the School and the residences at least six times during the school year and require that every pupil and staff member take part therein;
- (p) report promptly to the local medical officer of health and the Director any cases of infectious or contagious disease in the School; and
- (q) report at least once each term the progress of each pupil to his or her parent, or to the pupil where the pupil is eighteen years of age or over. R.R.O. 1980, Reg. 268, s. 18.

19.—(1) The Superintendent may dismiss a pupil from a School or from a program in the School for a period not exceeding thirty days because of misconduct, persistent opposition to authority, habitual neglect of duty, the wilful destruction of school property, the use of profane or wilfully insulting language, or conduct injurious to the moral tone of the School or to the physical or mental well-being of others in the School and, where a pupil has been so dismissed, the Superintendent shall notify forthwith in writing the pupil, his or her teachers, the parent of the pupil and the Director of the dismissal, the reasons therefor and the right of appeal under subsection 2.

(2) The parent of a pupil who has been dismissed under subsection (1), or the dismissed pupil where the pupil is eighteen years of age or over, may, within seven days of the commencement of the dismissal, appeal to the Director against the dismissal, and the Director, after hearing the appeal or where no appeal is made, may remove, confirm or modify the dismissal and, where he or she considers it appropriate, may order that any record of the dismissal be expunged.

(3) The Director may dismiss a pupil permanently from a School on the ground that the pupil's conduct is so refractory that his or her presence is injurious to other pupils where,

- (a) the Superintendent so recommends;
- (b) the pupil and his or her parent have been notified in writing of,
 - (i) the recommendation of the Superintendent, and
 - (ii) the right of the pupil where the pupil is eighteen years of age or over, and otherwise of his or her parent, to make representations at a hearing to be conducted by the Director; and
- (c) such hearing has been conducted.

(4) The parties to a hearing under this section shall be the parent of the pupil, or the pupil where he or she is eighteen years of age or over, and the Superintendent. R.R.O. 1980, Reg. 268, s. 19.

20.—(1) The Superintendent may discharge a pupil,

- (a) for failure to make progress satisfactory to the Superintendent; or
- (b) where the pupil is no longer in need of a special educational program in the School and another program placement would be more appropriate for the pupil.

(2) Where a pupil has been discharged under subsection (1), the Superintendent shall,

- (a) notify in writing the pupil and the parent of the pupil, of the discharge, the reason therefor and the right of appeal to the Director;
- (b) counsel the parent of the pupil, or the pupil where he or she is eighteen years of age or over, in respect of the opportunities available to the pupil; and
- (c) give supportive guidance to the parent and to the pupil where, in the opinion of the Superintendent, such guidance is necessary.

(3) The parent of a pupil who has been discharged under subsection (1), or the discharged pupil where he or she is eighteen years of age or over, may, within seven days of the discharge, appeal to the Director against the discharge, and the Director, after hearing the appeal or where no appeal is made, may confirm the discharge or order that the pupil be readmitted to the School.

(4) The parties to a hearing under this section shall be the parent of the pupil, or the pupil where he or she is eighteen years of age or over, and the Superintendent. R.R.O. 1980, Reg. 268, s. 20.

21. A Superintendent may cause a pupil to be sent home because of,

- (a) serious or continued ill-health of the pupil; or
- (b) the need of the pupil for medical treatment, certified by the school physician. R.R.O. 1980, Reg. 268, s. 21.

SUPERINTENDENT'S ADVISORY COUNCIL

22.—(1) A Superintendent may establish a Superintendent's Advisory Council for his or her School to make recommendations to the Superintendent in respect of the organization, administration and government of the School.

(2) A Superintendent's Advisory Council established under subsection (1) shall be composed of at least six persons appointed by the Superintendent, and such Council shall meet at the call of the Superintendent at least twice during each school year.

(3) A member of a Superintendent's Advisory Council is entitled to be reimbursed for his or her expenses necessarily incurred to attend a meeting of the Superintendent's Advisory Council. R.R.O. 1980, Reg. 268, s. 22.

QUALIFICATIONS OF TEACHERS

23.—(1) A teacher employed to teach the deaf at a School shall hold,

- (a) a certificate of qualification to teach in an elementary school or a secondary school in Ontario or a letter of standing; and
- (b) the Diploma in Deaf Education granted by the Minister or qualifications in education of the deaf that the Minister considers equivalent thereto.

(2) A deaf adult may be employed to teach the deaf at a School if he or she holds a Permanent Letter of Standing valid for the teaching of the deaf.

(3) A teacher employed to teach the blind at a School shall,

- (a) hold a certificate of qualification to teach in an elementary school or a secondary school in Ontario or a letter of standing; and
- (b) have completed, or be actively engaged in completing, the requirements for the specialist qualification for teaching the blind, or hold qualifications in education of the blind that the Minister considers equivalent thereto.

- (4) A teacher employed to teach the deaf-blind at a School shall,
 - (a) hold a certificate of qualification to teach in an elementary school or a secondary school in Ontario or a letter of standing; and
 - (b) have completed, or be actively engaged in completing, the requirements for the specialist qualification for teaching the deaf-blind, or hold qualifications in education of the deaf-blind that the Minister considers equivalent thereto. R.R.O. 1980, Reg. 268, s. 23.

REGULATION 297

ONTARIO TEACHER'S QUALIFICATIONS

DEFINITIONS

1. In this Regulation,

“acceptable university degree” means a degree that is,

- (a) granted by an Ontario university that is an ordinary member of the Association of Universities and Colleges of Canada,
- (b) granted by a Canadian university in a province other than Ontario that is an ordinary member of the Association of Universities and Colleges of Canada, and is a degree that is considered by the Minister to be equivalent to a degree referred to in clause (a),
- (c) granted by a university in the United States that is recognized by,
 - (i) Middle States Association of Colleges and Schools,
 - (ii) New England Association of Schools and Colleges,
 - (iii) North Central Association of Colleges and Schools,
 - (iv) Northwest Association of Schools and Colleges,
 - (v) Southern Association of Colleges and Schools, or
 - (vi) Western Association of Schools and Colleges,

and is considered by the Minister to be equivalent to a degree referred to in clause (a), and

- (d) granted by a university that is located in a country other than Canada and the United States and that is considered by the Minister to be equivalent to a degree referred to in clause (a);

“appropriate supervisory officer” means, in respect of a teacher, the supervisory officer assigned by a board in accordance with the Act and regulations or by the Minister to provide supervisory services in respect of the performance by the teacher of his or her duties under the Act and the regulations;

“approved program” means a program approved by the Minister;

“band” and “council of the band” have the same meaning as in the *Indian Act* (Canada);

“candidate” means a candidate for an Ontario Teacher's Certificate, a Letter of Standing or an additional qualification granted under this Regulation;

“Deputy Minister” means the Deputy Minister of Education;

"division" means the primary division, junior division, intermediate division or senior division;

"education authority" means a corporation that is incorporated by two or more bands or councils of bands for the purpose of providing for the educational needs of the members of such bands;

"general studies" means the courses developed from curriculum guidelines that are issued by the Minister for the intermediate division and senior division and listed under a heading other than "Technological Studies" in Appendix B to OSIS;

"holds a degree" means, in respect of a candidate, that he or she has completed all the requirements for and has been approved for, the granting of a degree, regardless of whether or not the degree has been conferred;

"OSIS" means the circular entitled "Ontario Schools Intermediate and Senior Divisions Program and Diploma Requirements" issued by the Minister including any document issued by the Minister in accordance with paragraphs 1, 2, 3, 4 and 25 of subsection 8 (1) of the Act;

"program of professional education" means a program approved by the Minister and conducted at a college, faculty or school of education in Ontario that includes,

- (a) a concentrated study of,
 - (i) the primary and junior divisions,
 - (ii) the junior division and one optional course from Schedule A that is in the intermediate division and a course related to grades 7 and 8 of the intermediate division,
 - (iii) the intermediate and senior divisions including two optional courses from Schedule A, or
 - (iv) technological studies, including a minimum of two optional courses from Schedule B at the basic level, or one optional course from Schedule B at the basic level and the other such course at the advanced level,
- (b) studies in education including learning and development throughout the primary, junior, intermediate and senior division,
- (c) teaching methods designed to meet the individual needs of pupils,
- (d) the acts and regulations respecting education,
- (e) a review of the curriculum guidelines issued by the Minister related to all of the divisions and a study of curriculum development, and
- (f) a minimum of forty days of practical experience in schools or in other situations approved by the Minister for observation and practice teaching;

"technological qualifications" means, in respect of a candidate for the Ontario Teacher's Certificate or a Provisional or Temporary Letter of Standing,

- (a) the holding of the secondary school graduation diploma or the successful completion of courses that are considered by the Minister to be the equivalent of such diploma,
- (b) proof of his or her competence in the area or areas of technological studies selected as options in the program of professional education, and
- (c) one of,

- (i) five years of wage-earning, business or industrial experience in the area or areas of technological studies selected as options in the program of professional education, or

- (ii) a combination of education related to the area or areas of technological studies selected as options in the program of professional education beyond that referred to in clause (a) and business or industrial experience in the area or areas of technological studies selected as options in the program of technological studies that totals five years, including at least two years of wage-earning experience, no less than sixteen months of which is continuous employment;

"technological studies" means the courses developed from curriculum guidelines that are issued by the Minister for the intermediate division and the senior division and listed under the heading "Technological Studies" in Appendix B to OSIS;

"university course" means a one-year university course beyond the Grade 13 level, or the equivalent of such one-year university course, where the course is part of a program leading to an acceptable university degree;

"university credit" means a unit of recognition in respect of the successful completion of a university course, such that sixty such university credits are required to complete a four-year university program leading to an acceptable university degree. R.R.O. 1980, Reg. 269, s. 1; O. Reg. 415/81, s. 1; O. Reg. 288/83, s. 1; O. Reg. 157/87, s. 1.

PART I BASIC QUALIFICATIONS

2. A candidate for the Ontario Teacher's Certificate shall submit to the dean of a college or faculty of education or the director of a school of education in Ontario,

- (a) a certificate of birth or baptism, or other acceptable proof of the date and place of birth;
- (b) in the case of a candidate who is a married woman who wishes to have her certificate issued in her married name, a certificate of marriage or other acceptable proof that she is the person referred to in the certificate or other document submitted under clause (a);
- (c) a certificate of change of name where applicable;
- (d) evidence satisfactory to such dean or director of his or her academic or technological qualifications;
- (e) in the case of a person who was not born in Canada, the basis upon which the candidate is present in Canada;
- (f) proof of freedom from active tuberculosis. R.R.O. 1980, Reg. 269, s. 2; O. Reg. 222/86, s. 1.

3. Where the dean of a college or faculty of education or the director of a school of education in Ontario reports to the Deputy Minister that a candidate,

- (a) has complied with section 2;
- (b) holds an acceptable university degree or qualifications the Minister considers equivalent thereto, or technological qualifications; and
- (c) has successfully completed a program of professional education,

the Minister may grant to the candidate an Ontario Teacher's Certificate in Form 1, and an Ontario Teacher's Qualifications Record

Card in Form 2 that indicates the areas of concentration successfully completed. R.R.O. 1980, Reg. 269, s. 3; O. Reg. 222/86, s. 2.

4.—(1) An entry on an Ontario Teacher's Qualifications Record Card in respect of a program successfully completed in Canada shall indicate by the language in which the entry is recorded whether the program was taken in English or in French.

(2) An entry on an Ontario Teacher's Qualifications Record Card in respect of a program successfully completed out of Canada shall indicate by the language in which the entry is recorded whether the qualification referred to is for teaching in schools and classes where English is the language of instruction or in French-language schools and classes established under Part XII of the Act.

(3) Despite section 13, qualifications valid in French-language schools and classes established under Part XII of the Act are valid in French-language classes where the teacher is otherwise qualified according to subsection 19 (14) of Regulation 298 of Revised Regulations of Ontario, 1990. R.R.O. 1980, Reg. 269, s. 4; O. Reg. 222/86, s. 3.

5. Where the dean of a college or faculty of education or the director of a school of education in Ontario reports to the Deputy Minister that a candidate,

- (a) has complied with section 2;
- (b) is of native ancestry;
- (c) holds the requirements for a Secondary School Graduation Diploma or standing the Minister considers equivalent thereto; and
- (d) has successfully completed a program of professional education with concentration in the primary division and the junior division,

the Minister may grant to the candidate an Ontario Teacher's Certificate, in Form 1, and an Ontario Teacher's Qualifications Record Card in Form 2 that indicates the areas of concentration successfully completed. R.R.O. 1980, Reg. 269, s. 6; O. Reg. 567/82, s. 2.

6.—(1) Where the dean of a college or faculty of education or the director of a school of education in Ontario at the time of making a report under section 3, 5, 7 or 10 is of the opinion from the information provided under section 2 by the candidate in respect of whom the report is to be made, that the candidate is not entitled under the laws of Canada to obtain employment as a teacher in Canada, the dean or director at the time of making the report shall so inform the Minister.

(2) Where the Minister is informed as set out in subsection (1), the Minister may refuse to grant the certificate and record card referred to in section 3 or 5 or in subsection 10 (2), as the case may be, or may withhold the Provisional Letter of Standing referred to in section 7 or its extension under subsection 10 (1), until the candidate provides proof to the Minister that the candidate is entitled under the laws of Canada to obtain employment as a teacher in Canada. O. Reg. 157/87, s. 3.

7. Where the dean of a college or faculty of education or the director of a school of education in Ontario reports to the Deputy Minister that a candidate,

- (a) has complied with section 2;
- (b) holds an acceptable university degree or qualifications the Minister considers equivalent thereto or technological qualifications; and
- (c) has successfully completed the first session of a program of professional education,

the Minister may grant to the candidate a Provisional Letter of

Standing, in Form 4 where the session was taken in English and in Form 4a where the session was taken in French. R.R.O. 1980, Reg. 269, s. 10.

8. Where a person who is the holder of a Provisional Letter of Standing granted under section 7 that has expired, or is about to expire, submits to the Deputy Minister evidence that he or she has an offer of a position as a teacher from,

- (a) a board;
- (b) a private school;
- (c) the Provincial Schools Authority established under section 2 of the *Provincial Schools Negotiations Act*;
- (d) the Department of Indian Affairs and Northern Development of the Government of Canada; or
- (e) a council of a band or an education authority where such council of the band or education authority is authorized by the Crown in right of Canada to provide education for Indians,

the Minister may renew the Provisional Letter of Standing for a period of one year. O. Reg. 194/85, s. 1, *part*.

9. For the purposes of section 10, a person who holds a Temporary Elementary School Certificate or a Temporary Secondary School Certificate is deemed to hold a Provisional Letter of Standing granted on the date of his or her Temporary Elementary School Certificate or his or her Temporary Secondary School Certificate. R.R.O. 1980, Reg. 269, s. 11.

10.—(1) Where the dean of a college or faculty of education or the director of a school of education in Ontario reports to the Deputy Minister that a person who holds a Provisional Letter of Standing,

- (a) has taught successfully for one school year in Ontario as certified by the appropriate supervisory officer; and
- (b) has successfully completed the second session of a program of professional education where such second session is not the final session of the program,

the Minister may extend the person's Provisional Letter of Standing for one year. R.R.O. 1980, Reg. 269, s. 12 (1).

(2) Where the dean of a college or faculty of education or the director of a school of education in Ontario reports to the Deputy Minister that a candidate who holds a Provisional Letter of Standing,

- (a) has taught successfully in Ontario, as certified by the appropriate supervisory officer, for one school year after the granting of a Provisional Letter of Standing and after its extension where it was extended; and
- (b) has successfully completed the final session of a program of professional education,

the Minister may grant to the candidate an Ontario Teacher's Certificate in Form 1, and an Ontario Teacher's Qualifications Record Card in Form 2 that indicates the areas of concentration successfully completed. R.R.O. 1980, Reg. 269, s. 12 (2); O. Reg. 222/86, s. 6.

11. An applicant for a Temporary Letter of Standing who completed a teacher education program outside Ontario shall submit to the Deputy Minister with the application,

- (a) the items required to be submitted under section 2;
- (b) evidence of his or her academic or technological qualifications;

- (c) his or her teaching certificate and a transcript of his or her teacher education program;
- (d) a statement from the issuing authority that his or her teaching certificate has not been suspended or cancelled;
- (e) where the candidate is not a Canadian citizen or a permanent resident of Canada, evidence that the candidate is entitled under the laws of Canada to obtain employment in Canada as a teacher; and
- (f) such evidence as the Deputy Minister may require of successful teaching experience in schools and programs similar to those for which the Temporary Letter of Standing applied for is valid. R.R.O. 1980, Reg. 269, s. 14; O. Reg. 231/84, s. 1; O. Reg. 222/86, s. 8.

12.—(1) Where an applicant for a Temporary Letter of Standing,

- (a) has complied with section 11;
- (b) has successfully completed in a Canadian province other than Ontario a teacher education program acceptable to the Minister; and
- (c) holds the academic or technological qualifications required for an Ontario Teacher's Certificate,

the Deputy Minister may issue to the applicant a Letter of Eligibility in Form 5 where the teacher education program was taken in English and in Form 5a where the program was taken in French. R.R.O. 1980, Reg. 269, s. 15 (1); O. Reg. 231/84, s. 2.

(2) Where an applicant who holds a Letter of Eligibility granted under this section submits to the Deputy Minister evidence that the applicant has an offer of a position as a teacher in Ontario from,

- (a) a board;
- (b) a private school;
- (c) the Provincial Schools Authority established under section 2 of the *Provincial Schools Negotiations Act*;
- (d) the Department of Indian Affairs and Northern Development of the Government of Canada; or
- (e) a council of a band or an incorporated education authority established by two or more bands where such council of the band or education authority is authorized by the Crown in right of Canada to provide education for Indians,

and that the offer is subject to the applicant obtaining a Temporary Letter of Standing, the Minister may grant to the applicant a Temporary Letter of Standing in Form 3 or Form 3a, as the case may be, valid for six years from the date of issue. R.R.O. 1980, Reg. 269, s. 15 (2); O. Reg. 157/87, s. 4.

13. Where an applicant for a Temporary Letter of Standing,

- (a) has complied with the requirements of section 11;
- (b) has successfully completed outside Canada a teacher education program acceptable to the Minister; and
- (c) holds the academic or technological qualifications required for an Ontario Teacher's Certificate,

the Deputy Minister may issue to the applicant a Letter of Eligibility in Form 5 or if the applicant wishes to become qualified to teach in French-language schools and classes established under Part XII of the Act, a Letter of Eligibility in Form 5a. R.R.O. 1980, Reg. 269, s. 16; O. Reg. 231/84, s. 3.

14. Where an applicant who holds a Letter of Eligibility issued

under section 13 in Form 5 or Form 5a submits to the Deputy Minister evidence that the applicant,

- (a) has an offer of a position as a teacher in Ontario from,
 - (i) a board,
 - (ii) a private school,
 - (iii) the Provincial Schools Authority established under section 2 of the *Provincial Schools Negotiations Act*,
 - (iv) the Department of Indian Affairs and Northern Development of the Government of Canada, or
 - (v) a council of a band or an incorporated education authority established by two or more bands where such council of the band or education authority is authorized by the Crown in right of Canada to provide education for Indians,

and such offer is subject to his or her obtaining a Temporary Letter of Standing; and

- (b) has successfully completed, subsequent to the date of such offer, an approved orientation program in English or French, as the case may be, for holders of Letters of Eligibility,

the Minister may grant to the applicant a Temporary Letter of Standing in Form 3 or Form 3a, as the case may be, valid for six years from the date of issue. R.R.O. 1980, Reg. 269, s. 17; O. Reg. 157/87, s. 5.

15. The Minister may grant a Temporary Letter of Standing, in Form 3 where the program of professional education was taken in English or in Form 3a where such program was taken in French, that is valid for a period of one year from the date of issue to a person who,

- (a) was the holder of a Letter of Standing that was issued under Parts I, II and IV of Ontario Regulation 295/73 and that had the force of an Interim Certificate referred to in subsection 26 (1); and
- (b) is not the holder of an Ontario Teacher's Certificate or a Temporary Letter of Standing and who is offered a position as a teacher by,
 - (i) a board,
 - (ii) a private school,
 - (iii) the Provincial Schools Authority established under section 2 of the *Provincial Schools Negotiations Act*,
 - (iv) the Department of Indian Affairs and Northern Development of the Government of Canada, or
 - (v) a council of a band or an education authority, where such council of the band or education authority is authorized by the Crown in right of Canada to provide education for Indians. O. Reg. 157/87, s. 6, *part*.

16. A Temporary Letter of Standing that was issued to a person on or after the 1st day of July, 1978 up to and including the 9th day of July, 1980 that was intended to be valid for six years ceases to be valid on the 10th day of July, 1987. O. Reg. 157/87, s. 6, *part*.

17.—(1) Where a person who holds a Temporary Letter of Standing granted under section 12, 14 or 15 or a Temporary Letter of Standing to which section 16 applies, that is still valid or that has expired, submits to the Deputy Minister evidence that the person had, while the person was the holder of the Temporary Letter of

Standing, at least ten months of successful teaching experience in Ontario as certified by the appropriate supervisory officer, the Minister may grant to the person an Ontario Teacher's Certificate in Form 1 and an Ontario Teacher's Qualifications Record Card in Form 2 that indicates the areas of concentration successfully completed.

(2) Where a Temporary Letter of Standing issued under section 12, 14 or 15 or a Temporary Letter of Standing to which section 16 applies expires, the person who is the holder of the Temporary Letter of Standing is not eligible for another Temporary Letter of Standing. O. Reg. 157/87, s. 7.

18.—(1) Where a person who holds a Temporary Letter of Standing granted under section 12, 14 or 15 or a Temporary Letter of Standing to which section 16 applies, that has expired or is about to expire, submits to the Deputy Minister,

- (a) evidence that the person had while the person was the holder of the Temporary Letter of Standing, fewer than ten months of successful teaching experience in Ontario, as certified by the appropriate supervisory officer; and
- (b) evidence that the person has an offer of a position as a teacher from,
 - (i) a board,
 - (ii) a private school,
 - (iii) the Provincial Schools Authority established under section 2 of the *Provincial Schools Negotiations Act*,
 - (iv) the Department of Indian Affairs and Northern Development of the Government of Canada, or
 - (v) a council of a band or an incorporated education authority established by two or more bands where such council of the band or education authority is authorized by the Crown in right of Canada to provide education for Indians,

the Minister may, despite subsection 17 (2), extend the period of validity of the Temporary Letter of Standing that has expired or is about to expire, as the case may be, for a period of one year.

(2) Where the Minister extends the period of validity of a Temporary Letter of Standing under subsection (1), the Temporary Letter of Standing issued to the person shall be altered to indicate the extended period of validity. O. Reg. 157/87, s. 9.

19. Where the principal of the Teacher Education Centre, Belleville, reports to the Deputy Minister that a candidate,

- (a) has complied with section 2;
- (b) is not a Canadian citizen or a permanent resident of Canada, but that the candidate is entitled under the laws of Canada to obtain employment in Canada as a teacher;
- (c) is unable to undertake a program leading to the Ontario Teacher's Certificate by reason of impaired hearing;
- (d) holds an acceptable university degree or qualifications the Minister considers equivalent thereto; and
- (e) has successfully completed an approved program of teacher education for teaching the deaf,

the Minister may grant to the candidate a Permanent Letter of Standing in Form 6 where such approved program was taken in English and in Form 6a where such approved program was taken in French that is valid in Ontario for teaching the deaf. R.R.O. 1980, Reg. 269, s. 20 (1); O. Reg. 222/86, s. 12.

20. Where the principal of a course leading to the additional qual-

ification of Part I Special Education, or the dean of a college or faculty of education or the director of a school of education in Ontario, reports to the Deputy Minister that a candidate,

- (a) holds one of,
 - (i) a Diploma in Pre-School Education obtained at Ryerson Polytechnical Institute,
 - (ii) a Diploma in Child Study obtained at the Institute of Child Study of the University of Toronto, or
 - (iii) a Diploma in Early Childhood Education obtained at an Ontario college of applied arts and technology;
- (b) has complied with section 2;
- (c) has successfully completed the program for Part I Special Education including Part I of the Teaching Trainable Retarded option; and
- (d) is not a Canadian citizen or a permanent resident of Canada, but that the candidate is entitled under the laws of Canada to obtain employment in Canada as a teacher,

the Minister may grant to the candidate a Provisional Letter of Standing, in Form 4 where such program was taken in English and in Form 4a where such program was taken in French, that is valid for one year for teaching in schools or classes for the trainable retarded. R.R.O. 1980, Reg. 269, s. 21; O. Reg. 222/86, s. 14.

21. Where a person who is the holder of a Provisional Letter of Standing granted under section 20 that has expired, or is about to expire, submits to the Deputy Minister evidence that he or she has an offer of a position as a teacher in schools or classes for the trainable retarded, the Minister may renew the Provisional Letter of Standing for a period of one year. O. Reg. 194/85, s. 1, *part*.

22. Where the principal of a course leading to the additional qualification of Part II Special Education, or the dean of a college or faculty of education or the director of a school of education in Ontario reports to the Deputy Minister that a candidate,

- (a) holds a Provisional Letter of Standing granted under section 20;
- (b) has taught successfully for one year in Ontario in a school or class for the trainable retarded as certified by the appropriate supervisory officer;
- (c) is not a Canadian citizen or a permanent resident of Canada, but that the candidate is entitled under the laws of Canada to obtain employment in Canada as a teacher; and
- (d) has successfully completed the program for Part II Special Education including Part II of the Teaching Trainable Retarded option,

the Minister may grant to the candidate a Permanent Letter of Standing, in Form 6 where such program was taken in English, or in Form 6a where such program was taken in French, that is valid for teaching in schools or classes for the trainable retarded. R.R.O. 1980, Reg. 269, s. 22 (1); O. Reg. 222/86, s. 15.

23. Where the dean of a college or faculty of education or the director of a school of education in Ontario reports to the Deputy Minister that a candidate,

- (a) has demonstrated an acceptable degree of fluency in the Algonquian or Iroquoian language;
- (b) has complied with section 2;
- (c) has successfully completed the first session of an approved

program for Teacher of a Native Language as a Second Language; and

- (d) if not a Canadian citizen or a permanent resident of Canada, that the candidate is entitled under the laws of Canada to obtain employment in Canada as a teacher,

the Minister may grant to the candidate a Provisional Letter of Standing that is valid for one year, in Form 4 where the program was taken in English and in Form 4a where the program was taken in French. O. Reg. 111/86, s. 1, *part*; O. Reg. 222/86, s. 17; O. Reg. 157/87, s. 10.

24. Where the dean of a college or faculty of education or the director of a school of education in Ontario reports to the Deputy Minister that a candidate,

- (a) holds a Provisional Letter of Standing granted under section 23;
- (b) has submitted evidence of at least one year of successful teaching experience in an approved program for a Native Language as a Second Language,
- (i) in Ontario, as certified by the appropriate supervisory officer,
- (ii) in Ontario in a school operated on an Indian Reserve, as certified by the appropriate supervisory official, or
- (iii) outside Ontario, as certified by the appropriate supervisory official; and
- (c) has successfully completed the second session of an approved program for Teacher of a Native Language as a Second Language after completing the experience referred to in clause (b),

the Minister may extend the Candidate's Provisional Letter of Standing for one year. O. Reg. 111/86, s. 1, *part*.

25. Where the dean of a college or faculty of education or the director of a school of education in Ontario reports to the Deputy Minister that a candidate,

- (a) holds a Provisional Letter of Standing extended under section 24;
- (b) has submitted evidence of at least one year of successful teaching experience in an approved program for a Native Language as a Second Language,
- (i) in Ontario, as certified by the appropriate supervisory officer,
- (ii) in Ontario in a school operated on an Indian Reserve, as certified by the appropriate supervisory official, or
- (iii) outside Ontario, as certified by the appropriate supervisory official,

where the teaching experience follows the completion of the experience referred to in section 24; and

- (c) has successfully completed the third session of an approved program for Teacher of a Native Language as a Second Language after completing the experience referred to in clause (b),

the Minister may grant to the Candidate a Permanent Letter of Standing in Form 9 where the program was taken in English, or in Form 9a where the program was taken in French. O. Reg. 111/86, s. 1, *part*; O. Reg. 222/86, s. 18 (1, 2); O. Reg. 157/87, s. 11.

26.—(1) A person who holds one of the following certificates and who is,

- (a) a Canadian citizen; or
- (b) a British subject who was granted the certificate prior to the 1st day of September, 1973,

is deemed to hold the Ontario Teacher's Certificate:

1. First Class Certificate valid in Secondary Schools.
2. High School Specialist's Certificate.
3. Interim Elementary School Teacher's Certificate.
4. Interim Elementary School Teacher's Certificate, Standard 1, 2, 3 or 4.
5. Interim Elementary School Teacher's Certificate, Standard 1, 2, 3 or 4 (French only).
6. Interim First Class Certificate.
7. Interim High School Assistant's Certificate.
8. Interim High School Assistant's Certificate, Type A.
9. Interim High School Assistant's Certificate, Type B.
10. Interim Occupational Certificate, Type A (Practical Subjects).
11. Interim Occupational Certificate, Type B (Practical Subjects).
12. Interim Primary School Specialist's Certificate.
13. Interim Second Class Certificate.
14. Interim Vocational Certificate, Type A.
15. Interim Vocational Certificate, Type B.
16. Occupational Specialist's Certificate (Practical Subjects).
17. Permanent Commercial-Vocational Certificate.
18. Permanent Elementary School Teacher's Certificate.
19. Permanent Elementary School Teacher's Certificate, Standard 1, 2, 3 or 4.
20. Permanent Elementary School Teacher's Certificate, Standard 1, 2, 3 or 4 (French only).
21. Permanent First Class Certificate.
22. Permanent High School Assistant's Certificate.
23. Permanent Occupational Certificate (Practical Subjects).
24. Permanent Primary School Specialist's Certificate.
25. Permanent Second Class Certificate.
26. Permanent Vocational Certificate.
27. Vocational Specialist's Certificate. R.R.O. 1980, Reg. 269, s. 24 (1); O. Reg. 157/87, s. 12.

(2) The Minister shall grant to a person referred to in subsection (1) an Ontario Teacher's Certificate in Form 1, and an Ontario Teacher's Qualifications Record Card in Form 2 that indicates the

qualifications held by the person. R.R.O. 1980, Reg. 269, s. 24 (2).

(3) A person who holds an interim certificate referred to in subsection (1) continues to be qualified to teach in accordance with the certificate until the date to which the certificate is valid as shown thereon and the person may upon application be granted by the Minister an Ontario Teacher's Certificate in Form 1 and an Ontario Teacher's Qualifications Record Card in Form 2 that indicates the qualifications that he or she holds. O. Reg. 222/86, s. 21 (1).

(4) Where a person who held a Letter of Standing granted before the 1st day of July, 1978 submits to the Deputy Minister evidence of at least ten months of successful teaching experience in Ontario on the Letter of Standing, as certified by the appropriate supervisory officer, in a division or subject for which the Letter of Standing is valid, the Minister may grant to the person an Ontario Teacher's Certificate in Form 1, and an Ontario Teacher's Qualifications Record Card in Form 2 that indicates the qualifications held by the person. R.R.O. 1980, Reg. 269, s. 24 (4); O. Reg. 222/86, s. 21 (2).

27. (1) A person who holds one of the following certificates or Letters of Standing that was valid on the 1st day of July, 1978 but who is not qualified for the Ontario Teacher's Certificate under this Regulation remains qualified to teach in the classes, schools and subjects in which he or she is qualified by the certificate or Letter of Standing.

1. Elementary Certificate in Teaching Trainable Retarded Children.
2. Elementary Instrumental Music Certificate, Type A.
3. Elementary Instrumental Music Certificate, Type B.
4. Elementary Vocal Music Certificate, Type A.
5. Elementary Vocal Music Certificate, Type B.
6. Interim Second Class Certificate (French only).
7. Interim Specialist Certificate in Instrumental Music.
8. Interim Specialist Certificate in Vocal Music.
9. Intermediate Certificate in Teaching Trainable Retarded Children.
10. Intermediate Industrial Arts Only Certificate.
11. Intermediate Instrumental Music Certificate, Type A.
12. Intermediate Instrumental Music Certificate, Type B.
13. Intermediate Vocal Music Certificate, Type A.
14. Intermediate Vocal Music Certificate, Type B.
15. Letter of Standing (Renewable).
16. Permanent Letter of Standing (Renewable).
17. Permanent Second Class Certificate (French only).
18. Permanent Specialist Certificate in Instrumental Music.
19. Permanent Specialist Certificate in Vocal Music.
20. Specialist Certificate as Teacher of the Blind.
21. Specialist Certificate as Teacher of the Deaf.
22. Supervisor's Certificate in Instrumental Music.

23. Supervisor's Certificate in Vocal Music.

24. Teacher of the Trainable Retarded.

25. Temporary Certificate as Teacher of French to English-speaking Pupils in Elementary Schools. R.R.O. 1980, Reg. 269, s. 25 (1); O. Reg. 157/87, s. 13.

(2) Where the dean of a college or faculty of education or the director of a school of education in Ontario reports to the Deputy Minister that a candidate,

- (a) has complied with section 2;
- (b) is not a Canadian citizen or a permanent resident of Canada, but that the candidate is entitled under the laws of Canada to obtain employment in Canada as a teacher;
- (c) holds a certificate or Letter of Standing listed in subsection (1);
- (d) holds an acceptable university degree or qualifications the Minister considers equivalent thereto, or technological qualifications or, in the case of a candidate for an Ontario Teacher's Certificate valid for teaching in French-language schools and classes established under Part XII of the Act, a Secondary School Honour Graduation Diploma; and
- (e) has successfully completed approved programs with concentration in two divisions.

the Minister may grant to the candidate an Ontario Teacher's Certificate in Form 1 and an Ontario Teacher's Qualifications Record Card in Form 2 that indicates the areas of concentration successfully completed. R.R.O. 1980, Reg. 269, s. 25 (2); O. Reg. 222/86, s. 22.

(3) A person who holds a Deterred Elementary School Teacher's Certificate or a Deferred First Class Certificate that was valid on the 1st day of July, 1978 remains qualified to teach in the schools and classes for which he or she is qualified by the certificate and, upon submission to the Ministry of evidence of completion of the academic requirements for an Interim Elementary School Teacher's Certificate or an Interim First Class Certificate, as the case may be, in force at the time the deferred certificate was issued, the Minister may grant to the person an Ontario Teacher's Certificate in Form 1, and an Ontario Teacher's Qualifications Record Card in Form 2 that indicates the qualifications held by the person.

(4) A person who holds an Interim Commercial-Vocational Certificate that was valid on the 30th day of June, 1978, subject to the conditions and requirements pertaining to such certificate, remains qualified to teach in the schools and classes for which he or she is qualified by the certificate, and upon submission to the Ministry, on or before the 30th day of June, 1981, of evidence that he or she has met the requirements for a Permanent Commercial-Vocational Certificate in force at the time the interim certificate was issued, the Minister may grant to the person an Ontario Teacher's Certificate in Form 1 and an Ontario Teacher's Qualifications Record Card in Form 2 that indicates the qualifications held by the person. R.R.O. 1980, Reg. 269, s. 25 (3, 4).

PART II ADDITIONAL QUALIFICATIONS FOR TEACHERS

28. A session of a course leading to an additional qualification shall consist of a minimum of 125 hours of work that is approved by the Minister. R.R.O. 1980, Reg. 269, s. 26.

29. Where the dean of a college or faculty of education or the director of a school of education in Ontario reports to the Deputy Minister that a candidate,

- (a) holds or is deemed to hold an Ontario Teacher's Certificate or a Temporary Letter of Standing;

- (b) holds an acceptable university degree or qualifications the Minister considers equivalent thereto; and
- (c) has successfully completed an approved program leading to qualifications in an additional area of concentration in the primary division, the junior division, the intermediate division in general studies or the senior division in general studies, where the candidate holds an Ontario Teacher's Certificate or a Temporary Letter of Standing or where the candidate has been recommended for such certificate or letter of standing by the dean of a college or faculty of education or the director of a school of education in Ontario,

the Minister may have entered on the candidate's Ontario Teacher's Qualifications Record Card or the record of qualification in respect of such teacher held by the Ministry such additional area of concentration. O. Reg. 194/85, s. 2.

30.—(1) Subject to subsection (2), where the dean of a college or faculty of education in Ontario reports to the Deputy Minister that a candidate,

- (a) holds or is deemed to hold an Ontario Teacher's Certificate or a Temporary Letter of Standing;
- (b) has successfully completed an approved program leading to additional qualifications in a subject listed in Schedule B, where the candidate holds an Ontario Teacher's Certificate or a Temporary Letter of Standing or has been recommended for such certificate or letter of standing by the dean of a college or faculty of education or the director of a school of education in Ontario;
- (c) in the case of a candidate for a qualification listed in Schedule B at the advanced level, has produced evidence of twelve months of business or industrial experience in the area of the qualification; and
- (d) has demonstrated competence in the area referred to in clause (c),

the Minister may have entered on the candidate's Ontario Teacher's Qualifications Record Card or the record of qualification in respect of such teacher held by the Ministry the additional qualification in such subject.

(2) An additional qualification may not be entered under subsection (1) on the Ontario Teacher's Qualifications Record Card or the record of qualification in respect of such teacher held by the Ministry, of a candidate whose areas of concentration in the program of professional education that qualified him or her for the Ontario Teacher's Certificate were not in technological studies unless the candidate meets the requirements of clause (c) of the definition of "technological qualifications" in section I. O. Reg. 194/85, s. 3, *revised*.

ONE SESSION COURSES

31. Where the principal of a single-session course leading to a qualification listed in Schedule C or the dean of a college or faculty of education or the director of a school of education in Ontario reports to the Deputy Minister that a candidate,

- (a) holds or is deemed to hold an Ontario Teacher's Certificate or a Temporary Letter of Standing; and
- (b) has successfully completed an approved program leading to additional qualifications in a subject listed in Schedule C, where the candidate holds an Ontario Teacher's Certificate or a Temporary Letter of Standing or where the candidate has been recommended for such certificate or letter of standing by the dean of a college or faculty of education or the director of a school of education in Ontario,

the Minister may have entered upon the candidate's Ontario Teach-

er's Qualifications Record Card or the record of qualification in respect of such teacher held by the Ministry the additional qualification in such subject. O. Reg. 194/85, s. 5.

THREE-SESSION SPECIALIST COURSES

32. Where the principal of the first session of a three-session course leading to a qualification listed in Schedule D or the dean of a college or faculty of education or the director of a school of education in Ontario reports to the Deputy Minister that a candidate,

- (a) holds or is deemed to hold an Ontario Teacher's Certificate or a Temporary Letter of Standing and in the case of,
 - (i) all qualifications listed in Schedule D except Computers in the Classroom, Co-operative Education, Guidance, Industrial Arts, Media, Multiculturalism in Education, Music-Instrumental, Music-Vocal (Primary, Junior), Music-Vocal (Intermediate, Senior), Special Education and Visual Arts, the candidate's Ontario Teacher's Qualifications Record Card or the record of qualification in respect of such teacher held by the Ministry has an entry showing qualifications in the primary division, the junior division, the intermediate division in general studies or the senior division in general studies, or
 - (ii) Primary Education, Junior Education and Intermediate Education, the candidate's Ontario Teacher's Qualifications Record Card or the record of qualification in respect of such teacher held by the Ministry has an entry for the area of concentration for the corresponding division; and
- (b) has successfully completed an approved program leading to additional qualifications in a subject listed in Schedule D, where the candidate holds an Ontario Teacher's Certificate or a Temporary Letter of Standing or where the candidate has been recommended for such certificate or letter of standing by the dean of a college or faculty of education in Ontario,

the Minister may have entered upon the candidate's Ontario Teacher's Qualifications Record Card or the record of qualification in respect of such teacher held by the Ministry the Part I qualification in such subject. O. Reg. 194/85, s. 6.

33. Where the principal of the second session of a three-session course or the dean of a college or faculty of education or the director of a school of education in Ontario reports to the Deputy Minister that a candidate,

- (a) holds or is deemed to hold an Ontario Teacher's Certificate or a Temporary Letter of Standing;
- (b) has successfully completed the first session, or the equivalent thereof, of a course leading to an additional qualification in a subject listed in Schedule D;
- (c) has submitted evidence of at least one year of successful teaching experience in Ontario certified by the appropriate supervisory officer or of at least one year of successful teaching experience outside Ontario certified by the appropriate supervisory officer; and
- (d) has successfully completed the approved program for the second session of the course after completing the experience referred to in clause (c),

the Minister may have entered upon the candidate's Ontario Teacher's Qualifications Record Card or the record of qualification in respect of such teacher held by the Ministry the Part II qualification in such subject. O. Reg. 194/85, s. 7.

34. Where the principal of the third session of a three-session

course or the dean of a college or faculty of education or the director of a school of education in Ontario reports to the Deputy Minister that a candidate,

- (a) holds or is deemed to hold an Ontario Teacher's Certificate or a Temporary Letter of Standing;
- (b) has successfully completed the second session, or the equivalent thereof, of a course leading to an additional qualification in a subject listed in Schedule D;
- (c) submits evidence of at least two years of successful teaching experience in Ontario, of which at least one year includes experience in the subject referred to in clause (b), as certified by the appropriate supervisory officer; and
- (d) has successfully completed subsequent to the experience referred to in clause (c) the approved program for the third session of such course,

the Minister may have entered upon the candidate's Ontario Teacher's Qualifications Record Card or the record of qualification in respect of such teacher held by the Ministry the specialist qualification in such subject. O. Reg. 194/85, s. 8.

35. Where the dean of a college or faculty of education or the director of a school of education in Ontario or the principal of a course reports that a candidate who does not hold an Ontario Teacher's Certificate,

- (a) holds a Permanent Letter of Standing valid in Ontario for teaching the deaf only; and
- (b) has otherwise met the requirements of section 31, 32, 33, 34, 38, 43 or 44,

the Minister may grant to the candidate a letter indicating that the candidate holds the appropriate additional qualification. R.R.O. 1980, Reg. 269, s. 34.

36.—(1) A teacher who holds or is deemed to hold an Ontario Teacher's Certificate and who, prior to the 1st day of October, 1978, began a Master of Education program approved by the Minister as leading to the Specialist Certificate in Guidance, may obtain the specialist qualification in Guidance by completing the requirements for such Certificate as they existed on the 30th day of June, 1978, and the Minister shall, upon submission to the Deputy Minister of evidence satisfactory to the Minister of the completion of such requirements, have entered on such teacher's Ontario Teacher's Qualifications Record Card the specialist qualification in Guidance.

(2) A teacher who holds or is deemed to hold an Ontario Teacher's Certificate and who, prior to the 1st day of October, 1978, began a Master of Library Science program approved by the Minister as leading to the Specialist Certificate in Librarianship, may obtain the specialist qualification in Librarianship by completing the requirements for such Certificate as they existed on the 30th day of June, 1978, and the Minister shall, upon submission to the Deputy Minister of evidence satisfactory to the Minister of the completion of such requirements, have entered on such teacher's Ontario Teacher's Qualifications Record Card the specialist qualification in Librarianship. R.R.O. 1980, Reg. 269, s. 35.

37. A teacher who holds a special certificate in a subject listed in Schedule C, D or E, or a special certificate no longer issued, continues to be qualified in accordance with such certificate, and the Minister shall have the additional qualification corresponding to such special certificate recorded on the teacher's Ontario Teacher's Qualifications Record Card where the teacher holds or is granted an Ontario Teacher's Certificate. R.R.O. 1980, Reg. 269, s. 36.

ONE-SESSION HONOUR SPECIALIST COURSE

38.—(1) Where the dean of a college or faculty of education in Ontario reports to the Deputy Minister that a candidate for an Hon-

our Specialist qualification in a subject or subjects listed in Schedule E,

- (a) holds or is deemed to hold an Ontario Teacher's Certificate or a Temporary Letter of Standing and the candidate's Ontario Teacher's Qualifications Record Card or the record of qualification in respect of such teacher held by the Ministry has an entry showing qualifications in the primary division, the junior division, the intermediate division in general studies or the senior division in general studies; and
- (b) holds,
 - (i) a degree of Bachelor of Arts or Bachelor of Science from an Ontario university in a program,
 - (A) that requires four years of university study, or the equivalent thereof, to a total of at least sixty university credits, and
 - (B) in which the candidate has obtained at least second class or equivalent standing in the subject or subjects in which the candidate seeks an Honour Specialist qualification, including, in the case of two subjects, at least forty-two university credits therein and not fewer than eighteen university credits in each subject or, in the case of one subject, at least twenty-seven university credits therein, or
 - (ii) qualifications the Minister considers equivalent to the qualifications referred to in subclause (i);
- (c) submits evidence of at least two years of successful teaching experience in Ontario, certified by the appropriate supervisory officer, at least one year of which is in the subject or one or both of the subjects in which the Honour Specialist qualification is sought; and
- (d) has successfully completed subsequent to the experience referred to in clause (c) the approved program for the Honour Specialist qualification in the subject or subjects referred to in sub-subclause (b) (i) (B),

the Minister may have entered upon the candidate's Ontario Teacher's Qualifications Record Card or the record of qualification in respect of the teacher held by the Ministry the Honour Specialist qualification in such subject or subjects referred to in sub-subclause (b) (i) (B). O. Reg. 194/85, s. 9 (1).

(2) A university credit that has been used to meet the requirements for an Honour Specialist qualification established by clause (1) (b) shall not be used to meet the requirements for another Honour Specialist qualification.

(3) For the purpose of clause (1) (b), a university credit in Anthropology, Psychology or Sociology shall be deemed to be a university credit in Man in Society. R.R.O. 1980, Reg. 269, s. 37 (2, 3).

(4) Where the dean of a college or faculty of education in Ontario reports to the Deputy Minister that a candidate for the Honour Technological Studies Specialist Qualification,

- (a) holds or is deemed to hold an Ontario Teacher's Certificate or a Temporary Letter of Standing;
- (b) has entries on his or her Ontario Teacher's Qualifications Record Card or the record of qualification in respect of such teacher held by the Ministry indicating qualifications in at least,
 - (i) three of the subjects listed in Schedule B including at least one at both the basic and the advanced level, or

- (ii) four of the subjects listed in Schedule B at the basic level and an entry indicating the Specialist qualification in one of the subjects in Schedule D listed as exceptions in subclause 32 (a) (i);
 - (c) submits evidence of at least two years of successful teaching experience in technological studies in Ontario, certified by the appropriate supervisory officer;
 - (d) holds a Secondary School Honour Graduation Diploma or has successfully completed the equivalent of one year's full-time study in a program in respect of which a Secondary School Graduation Diploma or its equivalent is required for admission; and
 - (e) has successfully completed subsequent to the experience referred to in clause (c) the approved program for the Honour Technological Studies Specialist qualification,
- (c) hold concentrations in three divisions including the intermediate division, as indicated on the applicant's Ontario Teacher's Qualifications Record Card;
 - (d) provide evidence of five years of successful teaching experience, two of which are in Ontario, certified by the appropriate supervisory officer; and
 - (e) hold or provide evidence of one of,
 - (i) a Specialist or Honour Specialist qualification as indicated on the applicant's Ontario Teacher's Qualifications Record Card, and
 - (A) successful completion of one-half the number of courses required to qualify for a Master's Degree in education, or
 - (B) an additional Specialist or Honour Specialist qualification as indicated on the applicant's Ontario Teacher's Qualifications Record Card,
 - (ii) a Master's Degree or Doctorate in education that is acceptable to the Minister,
 - (iii) successful completion of such number of graduate courses acceptable to the Minister as is equivalent to the number of graduate courses that are required to qualify for a Master's Degree in education, or
 - (iv) up to and including the 31st day of August, 1988, an area of concentration in a fourth division as indicated on the applicant's Ontario Teacher's Qualifications Record Card and an additional five years of successful teaching experience beyond that required by clause (d). O. Reg. 474/84, s. 1.

the Minister may have entered upon the candidate's Ontario Teacher's Qualifications Record Card or the record of qualification in respect of such teacher held by the Ministry the Honour Technological Studies Specialist qualification. O. Reg. 194/85, s. 9 (2).

(5) The entry on a candidate's Ontario Teacher's Qualifications Record Card or the record of qualification in respect of such teacher held by the Ministry indicating that he or she has completed successfully the first session of a three-session course leading to the Specialist qualification in Industrial Arts is deemed to be equivalent to one basic level entry for the purposes of clause (4) (b). O. Reg. 194/85, s. 9 (3).

39.—(1) Where a teacher who completed prior to the 1st day of September, 1979 the first session of a two-session course leading to an Interim Vocational Certificate, Type A or an Interim Occupational Certificate, Type A completes the requirements for such certificate as they existed on the 30th day of June, 1978, the Minister may have entered on the teacher's Ontario Teacher's Qualifications Record Card the appropriate qualification.

- (2) Where a teacher who,
 - (a) held an Interim High School Assistant's Certificate, Type A on the 1st day of July, 1978; or
 - (b) completed at a college or faculty of education in Ontario prior to the 1st day of July, 1979 the requirements for such certificate as they existed immediately before the 1st day of July, 1978,

completes the requirements for the High School Specialist Certificate as they existed immediately before the 1st day of July, 1978, the Minister may have entered on the teacher's Ontario Teacher's Qualifications Record Card the appropriate Honours Specialist qualification. R.R.O. 1980, Reg. 269, s. 38.

PRINCIPAL'S QUALIFICATIONS

40.—(1) The course leading to principal's qualifications shall consist of two one-session courses, one in Program Development and Implementation and one in Program Supervision and Assessment.

(2) A teacher whose Ontario Teacher's Qualifications Record Card has the entry for the Program Supervision and Assessment qualification holds principal's qualifications. R.R.O. 1980, Reg. 269, s. 39.

41. An applicant for admission to a course leading to the Program Development and Implementation qualification shall,

- (a) hold an acceptable university degree;
- (b) hold or be deemed to hold an Ontario Teacher's Certificate;

42. An applicant for admission to a course leading to the Program Supervision and Assessment qualification shall have an entry on his or her Ontario Teacher's Qualifications Record Card indicating that the applicant holds the Program Development and Implementation qualification. R.R.O. 1980, Reg. 269, s. 41.

43. Where the principal of a course leading to the Program Development and Implementation qualification reports to the Deputy Minister that a candidate holds the admission requirements set forth in section 41 and has successfully completed the course, the Minister may have entered on the candidate's Ontario Teacher's Qualifications Record Card the Program Development and Implementation qualification. R.R.O. 1980, Reg. 269, s. 42.

44. Where the principal of a course leading to the Program Supervision and Assessment qualification reports to the Deputy Minister that a candidate holds the admission requirements set forth in section 42 or 48 and has successfully completed the course, the Minister may have entered on the candidate's Ontario Teacher's Qualifications Record Card the Program Supervision and Assessment qualification. R.R.O. 1980, Reg. 269, s. 43.

45. Where the principal of a Principal's Refresher Course reports to the Deputy Minister that a candidate,

- (a) holds principal's qualifications;
- (b) has two years of successful experience as a principal or vice-principal as certified by the appropriate supervisory officer; and
- (c) has successfully completed the Course,

the Minister may have entered on the candidate's Ontario Teacher's Qualifications Record Card the Principal's Refresher Course qualification. R.R.O. 1980, Reg. 269, s. 44; O. Reg. 175/86, s. 1.

46. A teacher who holds a High School Principal's Certificate, an Elementary School Principal's Certificate, a Secondary School Principal's Certificate, Type B, a Secondary School Principal's Certificate, Type A, a Secondary School Principal's Certificate or a Vocational School Principal's Certificate, whether such certificate is an interim certificate or a permanent certificate, remains qualified within the limitations of the certificate except that the interim qualification will not lapse after the five-year period of validity and such qualification shall be shown on his or her Ontario Teacher's Qualifications Record Card. R.R.O. 1980, Reg. 269, s. 45.

47. A teacher who holds an Elementary School Inspector's Certificate shall be deemed to hold an Elementary School Principal's Certificate. R.R.O. 1980, Reg. 269, s. 46.

48. Despite section 42, a teacher who holds or who is deemed to hold an interim or permanent Elementary School Principal's Certificate, or who holds an interim or permanent Secondary School Principal's Certificate, Type B, an interim or permanent Vocational School Principal's Certificate, an interim Secondary School Principal's Certificate, or an interim Secondary School Principal's Certificate Type A, may be admitted to the course leading to the Program Supervision and Assessment qualification. R.R.O. 1980, Reg. 269, s. 47.

49.—(1) Where a teacher held an interim Elementary School Principal's Certificate, an interim Secondary School Principal's Certificate, Type B, or an interim Secondary School Principal's Certificate, Type A, on the 1st day of July, 1978 and completes the requirements for the permanent certificate that corresponds thereto as they existed immediately before the 1st day of July, 1978, the Minister shall have entered on the teacher's Ontario Teacher's Qualifications Record Card the appropriate qualification.

(2) A teacher who holds a permanent Secondary School Principal's Certificate, Type A or a permanent Secondary School Principal's Certificate is deemed to hold principal's qualifications. R.R.O. 1980, Reg. 269, s. 48.

PART III LETTERS OF PERMISSION

50. Where the director of education or secretary of a board submits to the appropriate Regional Director of Education of the Ministry in duplicate an application in Form 7 or 7a together with evidence that,

- (a) the board has advertised at least three times, stating the salary, in a daily newspaper having provincial circulation in Ontario a position for which a teacher is required under the regulations;
- (b) where employment is for a period commencing the first school day in September and continuing at least until the 31st day of December, at least one such advertisement appeared after the 1st day of August preceding such period;
- (c) where employment is for a period commencing the 1st school day in January and continuing until the end of the school year, at least one such advertisement appeared after the 31st day of October preceding such period; and
- (d) seven days have passed since the date of the final advertisement, and no teacher has applied for the position or no teacher who has applied for the position has accepted it,

the Minister may grant to the board a Letter of Permission valid for the period specified therein which period shall not exceed one school year. R.R.O. 1980, Reg. 269, s. 49.

PART IV TEMPORARY LETTERS OF APPROVAL

51. Where the director of education or secretary of a board submits to the appropriate Regional Director of Education of the Ministry in duplicate an application in Form 8 or 8a certifying that,

- (a) a board finds it necessary to assign or appoint a teacher to teach a subject or hold a position who does not hold the additional qualification required under the regulations for teaching the subject or holding the position; and
- (b) the teacher in respect of whom application is made for a Temporary Letter of Approval,
 - (i) holds or is deemed to hold an Ontario Teacher's Certificate or a Letter of Standing, and
 - (ii) is considered competent to carry out the assignment for which the additional qualification is required under the regulations,

the Minister may grant to the board the Temporary Letter of Approval for a period stated therein that does not exceed one school year or extend beyond the end of a school year. R.R.O. 1980, Reg. 269, s. 50.

SCHEDULE A

Intermediate and Senior Division Options taken in English or French
 Business Education—Accounting
 Business Education—Data Processing
 Business Education—Marketing & Merchandising
 Business Education—Secretarial
 Classical Studies—Greek
 Classical Studies—Latin
 Computer Science
 Dramatic Arts
 Economics
 English (First language)
 English (Second language)—anglais
 Environmental Science
 Family Studies
 French (Second language)
 French (First language)—français
 Geography
 German
 History
 Industrial Arts
 Italian
 Man in Society
 Mathematics
 Music—Instrumental
 Music—Vocal
 Native Studies
 Political Science
 Physical and Health Education
 Russian
 Science—General
 Science—Biology
 Science—Chemistry
 Science—Geology
 Science—Physics
 Spanish
 Visual Arts

R.R.O. 1980, Reg. 269, Sched. A; O. Reg. 27/84, s. 1; O. Reg. 703/87, s. 1.

SCHEDULE B

Technological Studies Options taken in English or French

BASIC LEVEL	ADVANCED LEVEL
Construction Building Maintenance Painting & Decorating Plumbing Refrigeration, Air Conditioning & Heating Trowel Trades Woodwork	Construction Building Maintenance Painting & Decorating Plumbing Refrigeration Air Conditioning Heating & Ventilation Plaster Concrete Masonry Carpentry Cabinet Making
Electrical Electricity Electronics	Electrical Electricity—Installation & Maintenance Electricity—Theory & Test Electronics—Computer Electronics—General
Food Services Food Services	Food Services Baking Food Services Commercial Food Services Domestic Food Services
Graphics Drafting Graphic Arts Vocational Art	Graphics Architectural Drafting Mechanical Drafting Systems Drafting Printing Photography Vocational Art
Horticulture Horticulture—General	Horticulture Horticulture—General
Manufacturing Foundry Practice Machine Shop Power Transmission & Control Sheet Metal Welding	Manufacturing Casting Patternmaking Machine Shop Industrial Physics Sheet Metal Welding
Materials, Processes & Design Project Design	Materials, Processes & Design Project Design
Music Music	Music Music—Instrumental Music—Vocal
Natural Resources Natural Resource Management	Natural Resources Natural Resource Management
Personal Services Cosmetology Home & Family Care Hospital Services	Personal Services Cosmetology Home & Family Care Hospital Services
Textiles Textile Maintenance Textiles & Clothing Upholstery	Textiles Textile Maintenance Textiles & Clothing Upholstery

Transportation
Aircraft
Auto Body
Automotive
Small Engines

Transportation
Aircraft
Auto Body
Automotive
Small Engines

R.R.O. 1980, Reg. 269, Sched. C; O. Reg. 415/81, s. 4; O. Reg. 157/87, s. 15.

SCHEDULE C

One-Session Qualifications taken in
English or French

Adult Education
Associate Teacher
Childhood Education
Childhood Education in Great Britain
Community School Development
Computer Studies — Computer Technology
Driver Education Instructor
Integrated Arts
Law
Preschool Deaf Education
Teaching Children with Language Difficulties — Aphasia
Teacher of Cree
Teacher of Mohawk
Teacher of Native Children
Teacher of Ojibway
Teaching Writing

R.R.O. 1980, Reg. 269, Sched. D; O. Reg. 451/84, s. 1; O. Reg. 157/87, s. 16.

SCHEDULE D

Three-Session Qualifications taken in
English or French

Business Education — Accounting
Business Education — Data Processing
Business Education — Marketing & Merchandising
Business Education — Secretarial
Computer Studies — Computer Science
Computers in the Classroom — Co-operative Education
Dramatic Arts
English as a Second Language
Environmental Science
Family Studies
French as a Second Language
Guidance
Industrial Arts
Intermediate Education
Junior Education
 Librarianship
Mathematics in Primary and Junior Education
Media
Multiculturalism in Education
Music — Instrumental
Music — Vocal (Primary, Junior)
Music — Vocal (Intermediate, Senior)

Native as a Second Language
Physical and Health Education (Primary, Junior)
Physical and Health Education (Intermediate, Senior)
Primary Education
Reading
Religious Education
Science in Primary and Junior Education
Special Education
The Blind
The Deaf
The Deaf/Blind
Visual Arts

R.R.O. 1980, Reg. 269, Sched. E; O. Reg. 567/82, s. 4; O. Reg. 157/87, s. 17; O. Reg. 703/87, s. 2; O. Reg. 415/88, s. 1.

SCHEDULE E

Honour Specialist Qualifications taken in
English or French

Biology
Business Education
Chemistry
Computer Science
Dramatic Arts
Economics
English (First language)
English (Second language) — anglais
Environmental Science
Family Studies
French (Second language)
French (First language) — français
Geography
Geology
German
Greek
History
Italian
Latin
Man in Society
Mathematics
Music
Physical and Health Education
Physics
Political Science
Russian
Science
Spanish
Visual Arts

R.R.O. 1980, Reg. 269, Sched. F; O. Reg. 703/87, s. 3.

FORM 1

FORMULE 1

*Education Act
Loi sur l'éducation*

ONTARIO TEACHER'S CERTIFICATE

BREVET D'ENSEIGNEMENT DE L'ONTARIO

THIS IS TO CERTIFY THAT

NOUS, SOUSSIGNÉS, CERTIFIONS QUE

.....
 Name in full Prénoms et nom
 having complied with the ayant satisfait aux exigences
 regulations made under the des règlements établis selon
Education Act is hereby la *Loi sur l'éducation* reçoit
 granted an par la présente un

ONTARIO TEACHER'S CERTIFICATE

BREVET D'ENSEIGNEMENT DE L'ONTARIO

valid in the schools of valide dans les écoles de
 Ontario in accordance with l'Ontario d'après les
 the regulations made under règlements établis selon la
 the *Education Act*. *Loi sur l'éducation*.
 Number
 Numéro

Dated at Toronto this day of , 19.....
 Fait à Toronto, ce jour du mois de

DEPUTY MINISTER
LE SOUS-MINISTRE

MINISTER OF EDUCATION
LE MINISTRE DE L'ÉDUCATION

R.R.O. 1980, Reg. 269, Form 1.

FORM 2

FORMULE 2

*Education Act
Loi sur l'éducation*

ONTARIO TEACHER'S QUALIFICATIONS RECORD CARD

CARTE DES QUALIFICATIONS DE L'ENSEIGNANT DE L'ONTARIO

Issued to: S.I.N.
 Délivrée à N.A.S.

Date Degree (s) Date of Birth
 Grade(s) Date de naissance

DEPUTY MINISTER
LE SOUS-MINISTRE

MINISTER OF EDUCATION
LE MINISTRE DE L'ÉDUCATION

**BASIC QUALIFICATIONS
QUALIFICATIONS DE BASE**

**ADDITIONAL QUALIFICATIONS
QUALIFICATIONS ADDITIONNELLES**

Institution Attended Établissement fréquenté	Year Année	Qualifications	Year Année
.....
Areas of Concentration Secteurs de concentration		.....	.....
Initial	Year Année	.....	.....
.....

.....
.....
Additional Additionnel	Year Année	.....	.....
.....
.....

R.R.O. 1980, Reg. 269, Form 2.

FORM 3

Education Act

TEMPORARY LETTER OF STANDING

for

.....
(Name in full)

In consideration of your academic or technological and professional training you are hereby granted a **TEMPORARY LETTER OF STANDING** valid until, for teaching in Ontario in schools and classes where English is the language of instruction.

Professional education has been received in

.....
.....
.....

NUMBER

DATE OF ISSUE

DEPUTY MINISTER

MINISTER OF EDUCATION

R.R.O. 1980, Reg. 269, Form 3; O. Reg. 222/86, s. 23.

FORMULE 3

Loi sur l'éducation

ATTESTATION TEMPORAIRE DE COMPÉTENCE

décernée à

.....
(Prénoms et nom)

Eu égard à votre formation scolaire ou technologique et professionnelle, vous recevez par la présente une **ATTESTATION TEMPORAIRE DE COMPÉTENCE** valide jusqu'au, vous autorisant à enseigner en Ontario dans les écoles et les classes de langue française instituées en vertu de la *Loi sur l'éducation*, partie XII.

La formation professionnelle a été reçue

.....
.....
.....

NUMÉRO

DATE

LE SOUS-MINISTRE

LE MINISTRE DE L'ÉDUCATION

R.R.O. 1980, Règl. 269, formule 3a; Règl. de l'Ont. 222/86, art. 24.

FORM 4

Education Act

PROVISIONAL LETTER OF STANDING

THIS IS TO CERTIFY THAT

.....
having complied with the regulations made under the *Education Act*, is hereby granted a **PROVISIONAL LETTER OF STANDING** valid until
..... for teaching in Ontario in schools and classes where English is the language of instruction.

Professional education has been received in

.....
.....
.....

Number

Dated at Toronto this day of, 19.....

.....
DEPUTY MINISTER

.....
MINISTER OF EDUCATION

RENEWAL

MINISTER OF EDUCATION

1.

R.R.O. 1980, Reg. 269, Form 4.

FORMULE 4

Loi sur l'éducation

ATTESTATION PROVISOIRE DE COMPÉTENCE

NOUS, SOUSSIGNÉS, CERTIFIONS QUE

.....
ayant satisfait aux exigences des règlements établis selon la *Loi sur l'éducation*, reçoit par la présente une **ATTESTATION PROVISOIRE DE**
COMPÉTENCE valide jusqu'au pour enseigner en Ontario dans les écoles et les classes de langue française insti-
tuées en vertu de la *Loi sur l'éducation*, partie XII.

La formation professionnelle a été reçue

.....
.....
.....

Numéro

Fait à Toronto le 19.....

.....
LE SOUS-MINISTRE

.....
LE MINISTRE DE L'ÉDUCATION

RENOUVELLEMENT

LE MINISTRE DE L'ÉDUCATION

1.

R.R.O. 1980, Règl. 269, formule 4a.

FORM 5

Education Act

LETTER OF ELIGIBILITY

TO

.....
(Name)

In consideration of your academic and professional education, you are hereby issued a LETTER OF ELIGIBILITY valid for one year under section of the Ontario Teacher's Qualifications Regulation. When you have conformed with the requirements of section , you will qualify for a Temporary Letter of Standing.

12 (1) or 13

12 (2) or 14

Dated at Toronto, this day of, 19.....

.....
Deputy Minister

Statement of Board Supervisory Officer

This is to certify that the holder of this Letter of Eligibility
(Name)

has been offered a position as a teacher with
(Name of Board)

for the school year subject to the granting of a Temporary Letter of Standing and further, that the applicant has adequate fluency in the use of the English language to carry out the duties and responsibilities of a teacher.

Dated at this day of, 19.....

.....
Supervisory Officer

.....
Position

O. Reg. 231/84, s. 4, *part.*

FORMULE 5

Loi sur l'éducation

ATTESTATION D'ADMISSIBILITÉ

DÉCERNÉE À

.....
(nom)

Eu égard à votre formation scolaire et professionnelle, nous vous décernons par la présente une ATTESTATION D'ADMISSIBILITÉ, valide pour un an, en vertu de l'article du Règlement sur la qualification

12 (1) ou 13

requis de l'enseignant en Ontario. Lorsque vous aurez satisfait aux exigences de l'article , vous pourrez recevoir une attestation temporaire de compétence.

12 (2) ou 14

Fait à Toronto le 19.....

.....
Le sous-ministre

Déclaration de l'agent de supervision du conseil scolaire

Je soussigné(e) certifie que , titulaire de la présente attestation d'admissibilité, (nom)

a reçu une offre d'emploi comme enseignant du conseil scolaire (nom du conseil scolaire)

pour l'année scolaire , sous réserve de l'obtention d'une attestation temporaire de compétence. Je certifie de plus que cette personne possède une maîtrise du français suffisante pour satisfaire aux tâches et aux exigences de sa profession d'enseignant.

Fait à le 19.....

..... L'agent de supervision

..... Poste

Règl. de l'Ont. 231/84, art. 4, en partie.

FORM 6

Education Act

PERMANENT LETTER OF STANDING

THIS IS TO CERTIFY THAT

..... (Name)

having complied with the regulations made under the Education Act, is hereby granted a PERMANENT LETTER OF STANDING valid for the teaching of the

..... in Ontario. Deaf or Trainable Retarded

Number

Dated at Toronto this day of , 19.....

DEPUTY MINISTER

MINISTER OF EDUCATION

R.R.O. 1980, Reg. 269, Form 6.

FORMULE 6

Loi sur l'éducation

ATTESTATION PERMANENTE DE COMPÉTENCE

NOUS, SOUSSIGNÉS, CERTIFIONS QUE

..... (nom)

ayant satisfait aux exigences des règlements établis selon la Loi sur l'éducation, reçoit par la présente une ATTESTATION PERMANENTE DE COMPÉTENCE pour enseigner aux élèves sourds ou élèves déficients moyens en Ontario.

Numéro

Fait à Toronto le 19.....

LE SOUS-MINISTRE

LE MINISTRE DE L'ÉDUCATION

R.R.O. 1980, Règl. 269, formule 6a.

FORM 7

Education Act

APPLICATION FOR LETTER OF PERMISSION

To the Regional Director of Education of the Ministry:

On behalf of
(name of board)

A LETTER OF PERMISSION is requested to employ
.....
(name in full)

Social Insurance Number
as a teacher of the divisions
at school.
from 19..... to 19.....

I certify and attach evidence that the Board has complied with section 52 of the Ontario Teacher's Qualifications Regulation, including a copy of the most recent advertisement of the position for which the Letter of Permission is required.

Date
Director of Education or Secretary of the Board

LETTER OF PERMISSION IS HEREBY GRANTED

Date
Regional Director of Education

R.R.O. 1980, Reg. 269, Form 7; O. Reg. 222/86, s. 25.

FORMULE 7

Loi sur l'éducation

DEMANDE DE PERMISSION INTÉRIMAIRE

Au directeur régional de l'éducation du ministère :

Au nom du
(nom du conseil scolaire)

UNE PERMISSION INTÉRIMAIRE est demandée pour l'emploi de
.....
(prénoms et nom)

Numéro d'assurance sociale
en qualité d'enseignant aux cycles
à l'école
du 19..... au 19.....

Je certifie et joins la preuve que le conseil scolaire a satisfait à l'article 52 du Règlement sur la qualification requise de l'enseignant en Ontario. Veuillez trouver ci-jointe une copie de l'annonce publicitaire la plus récente offrant le poste pour lequel on demande une permission intérimaire.

Date
Le directeur de l'éducation ou
le secrétaire du conseil scolaire

PERMISSION INTÉRIMAIRE ACCORDÉE PAR LA PRÉSENTE

Date

 Le directeur régional de l'éducation

R.R.O. 1980, Règl. 269, formule 7a; Règl. de l'Ont. 222/86, art. 25.

FORM 8

Education Act

APPLICATION FOR TEMPORARY LETTER OF APPROVAL

To the Regional Director of Education of the Ministry:

On behalf of

 (name of board)

TEMPORARY LETTER OF APPROVAL is requested to employ

.....

 (name in full)

Social Insurance Number

Basic Certification

as a

 (teacher, principal, etc.)

of

 (subject, division, school)

from , 19..... to , 19.....
 Date Date

I certify that the Board finds it necessary to appoint or assign the above-named teacher who does not hold the additional qualifications required by the regulations for the position, and that the teacher named herein is competent to carry out the duties of such position.

Date

 Director of Education or
 Secretary of the Board

TEMPORARY LETTER OF APPROVAL IS HEREBY GRANTED

Date

 Regional Director of Education

R.R.O. 1980, Reg. 269, Form 8.

FORMULE 8

Loi sur l'éducation

DEMANDE D'APPROBATION TEMPORAIRE

Au directeur régional de l'éducation du ministère :

Au nom du

 (nom du conseil scolaire)

Une APPROBATION TEMPORAIRE est demandée pour l'emploi de

.....

 (prénoms et nom)

Numéro d'assurance sociale

Brevet de base

en qualité de
(enseignant, directeur d'école, etc.)

de
(matière, cycle, école)

du 19..... au 19.....

Je certifie que le conseil scolaire estime nécessaire de nommer ou d'affecter à ce poste l'enseignant susnommé qui ne possède pas la qualification additionnelle exigée pour ce poste par les règlements et que cet enseignant possède la compétence voulue pour en exercer les fonctions.

Date
Le directeur de l'éducation ou
le secrétaire du conseil scolaire

LETTRÉ D'APPROBATION TEMPORAIRE ACCORDÉE PAR LA PRÉSENTE

Date
Le directeur régional de l'éducation

R.R.O. 1980, Règl. 269, formule 8a.

FORM 9

Education Act

PERMANENT LETTER OF STANDING
TEACHER OF A NATIVE LANGUAGE AS A SECOND LANGUAGE

THIS IS TO CERTIFY THAT

.....
(Name)

having complied with the regulations made under the *Education Act*, is hereby granted a PERMANENT LETTER OF STANDING — TEACHER OF A NATIVE LANGUAGE AS A SECOND LANGUAGE valid for the teaching of,
..... in Ontario
(Algonquian, Iroquoian)

Number

Dated at Toronto, this day

of, 19....

DEPUTY MINISTER

MINISTER OF EDUCATION

O. Reg. 111/86, s. 2, part.

FORMULE 9

Loi sur l'éducation

ATTESTATION PERMANENTE DE COMPÉTENCE POUR L'ENSEIGNEMENT D'UNE LANGUE AUTOCHTONE COMME LANGUE SECONDE

NOUS, SOUSSIGNÉS, CERTIFIONS QUE

.....
(nom)

ayant satisfait aux exigences des règlements pris en application de la *Loi sur l'éducation*, reçoit par la présente une ATTESTATION PERMANENTE DE COMPÉTENCE POUR L'ENSEIGNEMENT D'UNE LANGUE AUTOCHTONE COMME LANGUE SECONDE pour enseigner l'une des deux langues suivantes :

..... en Ontario
(algonquin, iroquois)

Numéro

Fait à Toronto le

..... 19.....

LE SOUS-MINISTRE

LE MINISTRE DE L'ÉDUCATION

Règl. de l'Ont. 111/86, art. 2, *en partie*.**REGULATION 298****OPERATION OF SCHOOLS—GENERAL****1. In this Regulation,**

“business studies” means the courses in general studies that are developed from curriculum guidelines listed under the heading “Business Studies” in Appendix B to OSIS;

“division” means the primary division, the junior division, the intermediate division or the senior division;

“French as a second language” includes programs for English speaking pupils in which French is the language of instruction;

“general studies” means the courses developed from curriculum guidelines that are issued by the Minister for the intermediate division and senior division and listed under a heading other than “Technological Studies” in Appendix B to OSIS;

“OSIS” means the circular entitled “Ontario Schools Intermediate and Senior Divisions Program and Diploma Requirements” issued by the Minister including any document issued by the Minister in accordance with paragraphs 1, 2, 3, 4 and 25 of subsection 8 (1) of the Act;

“parent” includes guardian;

“technological studies” means the courses developed from curriculum guidelines that are issued by the Minister for the intermediate division and senior division and listed under the heading “Technological Studies” in Appendix B to OSIS. R.R.O. 1980, Reg. 262, s. 1; O. Reg. 617/81, ss. 1, 2; O. Reg. 195/87, s. 1; O. Reg. 233/88, s. 2.

ACCOMMODATION

2.—(1) A board shall file with the Ministry plans for the erection of, addition to, or alteration of a school building together with details of the site thereof.

(2) It is a condition of the payment of a legislative grant in respect of capital cost that the plans and details referred to in subsection (1) be approved by the Minister. R.R.O. 1980, Reg. 262, s. 2.

DAILY SESSIONS

3.—(1) The length of the instructional program of each school day for pupils of compulsory school age shall be not less than five hours a day excluding recesses or scheduled intervals between classes. O. Reg. 233/88, s. 3, *part*.

(2) The instructional program on a school day shall begin not earlier than 8 a.m. and end not later than 5 p.m. except with the approval of the Minister. O. Reg. 233/88, s. 3, *part*; O. Reg. 677/90, s. 1.

(3) Despite subsection (1), a board may reduce the length of the instructional program on each school day to less than five hours a day for an exceptional pupil in a special education program.

(4) Every board may establish the length of the instructional program on each school day for pupils in junior kindergarten and kindergarten.

(5) A scheduled interval between classes for the lunch break for pupils and teachers shall be not less than forty consecutive minutes. O. Reg. 233/88, s. 3, *part*.

(6) In the intermediate division and the senior division, a principal may, subject to the approval of the board, provide for recesses or intervals for pupils between periods.

(7) Every board shall determine the period of time during each school day when its school buildings and playgrounds shall be open to its pupils, but in every case the buildings and the playgrounds shall be open to pupils during the period beginning fifteen minutes before classes begin for the day and ending fifteen minutes after classes end for the day. O. Reg. 617/81, s. 3, *part*.

(8) There shall be a morning recess and an afternoon recess, each of which shall be not less than ten minutes and not more than fifteen minutes in length, for pupils in the primary and junior divisions. O. Reg. 785/81, s. 1.

OPENING OR CLOSING EXERCISES

4.—(1) Every public elementary and secondary school shall hold opening or closing exercises.

(2) Opening or closing exercises shall include *O Canada* and may include *God Save The Queen*.

(3) Opening or closing exercises may include the following types of readings that impart social, moral or spiritual values and that are representative of Ontario's multicultural society:

1. Scriptural writings including prayers.

2. Secular writings.

(4) Opening or closing exercises may include a period of silence.

(5) No pupil enrolled in a public elementary or secondary school shall be required to take part in any opening or closing exercises where a parent or guardian of the pupil or the pupil, where the pupil is an adult, applies to the principal of the school that the pupil attends for exemption therefrom. O. Reg. 6/89, s. 1.

FLAG

5.—(1) Every school shall fly both the National Flag of Canada and the Provincial Flag of Ontario on such occasions as the board directs.

(2) Every school shall display in the school the National Flag of Canada and the Provincial Flag of Ontario. O. Reg. 617/81, s. 4.

EMERGENCY PROCEDURES

6.—(1) In addition to the drills established under the fire safety plan required under Regulation 454 of Revised Regulations of Ontario, 1990 (Fire Code), every board may provide for the holding

of drills in respect of emergencies other than those occasioned by fire.

(2) Every principal, including the principal of an evening class or classes or of a class or classes conducted outside the school year, shall hold at least one emergency drill in the period during which the instruction is given.

(3) When a fire or emergency drill is held in a school building, every person in the building shall take part in the fire or emergency drill. O. Reg. 233/88, s. 4.

TEXTBOOKS

7.—(1) The principal of a school, in consultation with the teachers concerned, shall select from the list of the textbooks approved by the Minister the textbooks for the use of pupils of the school, and the selection shall be subject to the approval of the board.

(2) Where no textbook for a course of study is included in the list of the textbooks approved by the Minister the principal of a school, in consultation with the teachers concerned, shall, where they consider a textbook to be required, select a suitable textbook and, subject to the approval of the board, such textbook may be introduced for use in the school. O. Reg. 617/81, s. 5.

(3) In the selection of textbooks under subsection (2), preference shall be given to books that have been written by Canadian authors and edited, printed and bound in Canada. R.R.O. 1980, Reg. 262, s. 7 (3).

(4) Every board shall provide without charge for the use of each pupil enrolled in a day school operated by the board such textbooks selected under subsections (1) and (2) as relate to the courses in which the pupil is enrolled. O. Reg. 233/88, s. 5.

ELEMENTARY SCHOOL BOARDS

8.—(1) Where the area of jurisdiction of a district school area board, a Roman Catholic separate school board, other than a Roman Catholic school board, or a Protestant separate school board is not within a secondary school district, the board shall provide instruction that would enable its resident pupils to obtain sixteen credits towards a secondary school graduation diploma or an Ontario secondary school diploma.

(2) A board referred to in subsection (1) that offers courses of instruction during July or August or both in any year may provide instruction that would enable its resident pupils to obtain two credits in addition to the sixteen credits referred to in subsection (1).

(3) Where a board referred to in subsection (1) provides,

- (a) daily transportation for its resident pupils; or
- (b) reimbursement for board and lodging and for transportation once a week to and from the places of residence of its resident pupils,

that it considers necessary to enable its resident pupils to attend a school operated by another board, the other board may provide such instruction as would enable such resident pupils to obtain the number of credits referred to in subsections (1) and (2).

(4) A Roman Catholic separate school board, other than a Roman Catholic school board, or a Protestant separate school board that has jurisdiction in a secondary school district may provide instruction for its resident pupils that would enable the pupils to obtain up to eighteen credits towards a secondary school graduation diploma or an Ontario secondary school diploma. O. Reg. 195/87, s. 2.

QUALIFICATIONS FOR PRINCIPALS AND VICE-PRINCIPALS

9.—(1) The principal and vice-principal of a school having an enrolment greater than 125 shall each be a teacher who,

- (a) holds or is deemed to hold, under Regulation 297 of Revised Regulations of Ontario, 1990, principal's qualifications; or
- (b) holds a principal's certificate that is a qualification to be principal or vice-principal, as the case may be, in the type of school identified on the certificate, or is deemed under section 47 of Regulation 297 of Revised Regulations of Ontario, 1990 to hold such a certificate,

and, in the case of a school,

- (c) in which English is the language of instruction; or
- (d) that is established under Part XII of the Act and in which French is the language of instruction,

shall each be a person who is eligible to teach in such school under subsection 19 (11), (12) or (13), as the case may be. R.R.O. 1980, Reg. 262, s. 10 (1); O. Reg. 617/81, s. 7 (1).

(2) Despite subsection (1), where a teacher who does not hold the degree of Bachelor of Arts or Bachelor of Science from an Ontario university or a degree that the Minister considers equivalent thereto was, prior to the 1st day of September, 1961, employed by a board as principal or vice-principal of an elementary school that had an enrolment of 300 or more pupils, the teacher shall be deemed to be qualified as principal or vice-principal, as the case may be, of any elementary school operated by that board or its successor board. O. Reg. 617/81, s. 7 (2), *part*.

(3) Despite subsection (1), where a teacher who does not hold the qualifications referred to in subsection (1),

- (a) was employed by a board prior to the 1st day of September, 1972 as principal of an elementary school that had an enrolment of 300 or more pupils and is employed by such board as principal of an elementary school on the 8th day of September, 1978;
- (b) was employed by a board on the 1st day of September, 1978 as vice-principal of an elementary school that had an enrolment on the last school day in April, 1978 of 300 or more pupils; or
- (c) was employed by a board on the 1st day of September, 1978 as principal or vice-principal of an elementary school that had an enrolment on the last school day in April, 1978 that was greater than 125 and less than 300,

such teacher shall be deemed to be qualified as principal or vice-principal, as the case may be, of any elementary school operated by that board or its successor board.

(4) A board may appoint a person who holds the qualifications required by subsection (1) as a supervising principal to supervise the administration of two or more elementary schools operated by the board and such person shall be subject to the authority of the appropriate supervisory officer. R.R.O. 1980, Reg. 262, s. 10 (3, 4).

(5) A supervising principal may be principal of only one school. O. Reg. 617/81, s. 7 (2), *part*.

(6) Despite subsection (1), a teacher who, before the 1st day of September, 1970, held the necessary qualifications as principal of a secondary school continues to be qualified as principal or vice-principal of a secondary school. R.R.O. 1980, Reg. 262, s. 10 (6).

10.—(1) The principal and vice-principal of a school for trainable retarded pupils having an enrolment greater than 100 or of a school

in which there are classes for trainable retarded pupils and the enrolment in such classes is greater than 100 shall each be a teacher who,

- (a) holds or is deemed to hold, under Regulation 297 of Revised Regulations of Ontario, 1990, principal's qualifications, or holds a certificate referred to in section 46 of such Regulation or is deemed to hold such certificate under section 47 thereof; and
- (b) holds an additional qualification in special education as recorded on the teacher's Ontario Teacher's Qualifications Record Card.

(2) The principal of an elementary or secondary school that includes one or more classes for trainable retarded pupils shall be the principal of such classes, and the vice-principal of such a school shall be the vice-principal of such classes except where a vice-principal is appointed to be in charge of such classes exclusively.

(3) Despite subsection (1), where a teacher who does not hold the qualifications referred to in subsection (1) was, on the 1st day of September, 1978 employed by a board as principal or vice-principal of a school for trainable retarded pupils that had an enrolment greater than 100 or of a school in which there were classes for trainable retarded pupils and the enrolment in such classes was greater than 100, the teacher shall be deemed to be qualified as principal or vice-principal, as the case may be, of a school for trainable retarded pupils or of a school in which there are classes for trainable retarded pupils the enrolment in which is greater than 100 that is operated by that board or its successor board. O. Reg. 617/81, s. 8.

DUTIES OF PRINCIPALS

11.—(1) The principal of a school, subject to the authority of the appropriate supervisory officer, is in charge of,

- (a) the instruction and the discipline of pupils in the school; and
- (b) the organization and management of the school.

(2) Where two or more schools operated by a board jointly occupy or use in common a school building or school grounds, the board shall designate which principal has authority over those parts of the building or grounds that the schools occupy or use in common. O. Reg. 617/81, s. 9, *part*.

(3) In addition to the duties under the Act and those assigned by the board, the principal of a school shall, except where the principal has arranged otherwise under subsection 26 (3),

- (a) supervise the instruction in the school and advise and assist any teacher in co-operation with the teacher in charge of an organizational unit or program;
- (b) assign duties to vice-principals and to teachers in charge of organizational units or programs;
- (c) retain on file up-to-date copies of outlines of all courses of study that are taught in the school;
- (d) upon request, make outlines of courses of study available for examination to a resident pupil of the board and to the parent of the pupil, where the pupil is a minor;
- (e) provide for the supervision of pupils during the period of time during each school day when the school buildings and playgrounds are open to pupils;
- (f) provide for the supervision of and the conducting of any school activity authorized by the board;
- (g) where performance appraisals of members of the teaching staff are required under a collective agreement or a policy of the board, despite anything to the contrary in such col-

lective agreement or board policy, conduct performance appraisals of members of the teaching staff;

- (h) subject to the provisions of the policy of the board or the provisions of a collective agreement, as the case may be, in respect of reporting requirements for performance appraisals, report thereon in writing to the board or to the supervisory officer on request and give to each teacher so appraised a copy of the performance appraisal of the teacher;
 - (i) where the performance appraisals of members of the teaching staff are not required by board policy or under a collective agreement, report to the board or to the supervisory officer in writing on request on the effectiveness of members of the teaching staff and give to a teacher referred to in any such report a copy of the portion of the report that refers to the teacher;
 - (j) make recommendations to the board with respect to,
 - (i) the appointment and promotion of teachers, and
 - (ii) the demotion or dismissal of teachers whose work or attitude is unsatisfactory;
 - (k) provide for instruction of pupils in the care of the school premises;
 - (l) inspect the school premises at least weekly and report forthwith to the board,
 - (i) any repairs to the school that are required, in the opinion of the principal,
 - (ii) any lack of attention on the part of the building maintenance staff of the school, and
 - (iii) where a parent of a pupil has been requested to compensate the board for damage to or destruction, loss or misappropriation of school property by the pupil and the parent has not done so, that the parent of the pupil has not compensated the board;
 - (m) where it is proposed to administer a test of intelligence or personality to a pupil, inform the pupil and the parent of the pupil of the test and obtain the prior written permission for the test from the pupil or from the parent of the pupil, where the pupil is a minor;
 - (n) report promptly any neglect of duty or infraction of the school rules by a pupil to the parent or guardian of the pupil;
 - (o) promote and maintain close co-operation with residents, industry, business and other groups and agencies of the community;
 - (p) provide to the Minister or to a person designated by the Minister any information that may be required concerning the instructional program, operation or administration of the school and inform the appropriate supervisory officer of the request;
 - (q) assign suitable quarters for pupils to eat lunch. O. Reg. 233/88, s. 7 (1).
- (4) A principal shall only make a recommendation to the board under subclause (3) (j) (ii) after warning the teacher in writing, giving the teacher assistance and allowing the teacher a reasonable time to improve.
- (5) A principal of a school,
- (a) in which there is a French-language instructional unit as

defined in section 309 of the Act, who does not hold qualifications to teach in the French language as required by subsection 19 (12) or is qualified to teach in such unit only under subsection 19 (13); or

- (b) in which there is an English-language instructional unit as mentioned in subsection 325 (1) of the Act, who does not hold qualifications to teach in the English language as required by subsection 19 (11) or is qualified to teach in each unit only under subsection 19 (13),

shall notify the appropriate supervisory officer in writing of the impracticability of the duty placed on the principal, having regard to the qualifications of the principal, to supervise the instruction, to conduct performance appraisals and to assist and advise the teachers referred to in the notice.

(6) Where arrangements are made under subsection 26 (3), the principal is relieved from compliance with clauses (3) (a), (g), (h) and (i) to the extent that such duties are performed by another qualified person or persons.

(7) The other qualified person or persons who perform the duties shall be responsible to the board for the performance of such duties.

(8) The outlines of the courses of study mentioned in clause (3) (c) shall be written and provided,

- (a) in the French language in the case of courses of study provided in a French-language instructional unit operated under Part XII of the Act; and
- (b) in both the English and French languages in the case of a course of study in a program established in the school under paragraph 25 of subsection 8 (1) of the Act. O. Reg. 233/88, s. 7 (2).

(9) Where, after reasonable notice by the principal, a pupil who is an adult, or the parent of a pupil who is a minor, fails to provide the supplies required by the pupil for a course of study, the principal shall promptly notify the board.

(10) A principal shall transmit reports and recommendations to the board through the appropriate supervisory officer.

(11) A principal, subject to the approval of the appropriate supervisory officer, may arrange for home instruction to be provided for a pupil where,

- (a) medical evidence that the pupil cannot attend school is provided to the principal; and
- (b) the principal is satisfied that home instruction is required. O. Reg. 617/81, s. 9, *part*.

VICE-PRINCIPALS

12.—(1) A board may appoint one or more vice-principals for a school. R.R.O. 1980, Reg. 262, s. 13 (1).

(2) A vice-principal shall perform such duties as are assigned to the vice-principal by the principal. O. Reg. 617/81, s. 10.

(3) In the absence of the principal of a school, a vice-principal, where a vice-principal has been appointed for the school, shall be in charge of the school and shall perform the duties of the principal. R.R.O. 1980, Reg. 262, s. 13 (3).

PRINCIPALS, VICE-PRINCIPALS AND TEACHERS IN CHARGE OF SCHOOLS AND CLASSES ESTABLISHED UNDER PART XII OF THE ACT

13.—(1) Where, under section 289 of the Act, more than two classes where French is the language of instruction are established in an elementary school that is not a French-language elementary school, the board that operates the school shall appoint one of the

teachers of such classes or a teacher who holds the qualifications required to teach such classes to be responsible to the principal for the program of education in such classes.

(2) Where the enrolment in classes established under section 291 of the Act in a secondary school that is not a French-language secondary school is more than seventy-five but not more than 200 pupils, the board that operates the school shall appoint one of the teachers of such classes or a teacher who holds the qualifications required to teach such classes to be responsible to the principal for the program of education in such classes. O. Reg. 617/81, s. 11, *part*.

(3) Where, in a secondary school, the enrolment in the classes referred to in subsection (2) is more than 200 pupils, the board shall appoint for such school a vice-principal who is qualified to teach in such classes and who shall be responsible to the principal for the program of education in such classes. R.R.O. 1980, Reg. 262, s. 14 (3).

(4) Despite subsections (1), (2) and (3), where a teacher who does not hold the qualifications referred to in such subsections was, on the 8th day of September, 1978, employed by the board as a teacher or vice-principal, as the case may be, to carry out the responsibility referred to in such subsections, the teacher shall be deemed to be qualified for such position in any elementary or secondary school, as the case may be, operated by that board or its successor board. O. Reg. 617/81, s. 11, *part*.

(5) Subsections (1) to (4) apply with necessary modifications to schools or classes for English-speaking pupils established under sections 289 and 301 of the Act. R.R.O. 1980, Reg. 262, s. 14 (5).

TEACHERS IN CHARGE OF ORGANIZATIONAL UNITS

14.—(1) The organization of a secondary school shall be by departments or other organizational units. O. Reg. 617/81, s. 12, *part*.

(2) A board shall appoint for each organizational unit of a secondary school a teacher to direct and supervise, subject to the authority of the principal, such organizational unit. R.R.O. 1980, Reg. 262, s. 15 (2).

(3) Where a program of technological studies or business studies is offered in a secondary school, the board that operates the school shall appoint a teacher to be in charge of each program, subject to the authority of the principal.

(4) A teacher appointed under subsection (2) or (3) shall not be appointed to be in charge of more than one organizational unit.

(5) A teacher appointed under subsection (2) or (3) shall hold specialist or honour specialist qualifications in one or more of the subjects taught in the organizational unit for which the teacher is appointed. O. Reg. 617/81, s. 12, *part*.

15.—(1) The organization of an elementary school may be by divisions or other organizational units. O. Reg. 617/81, s. 13, *part*.

(2) A board may appoint for each organizational unit of an elementary school a teacher to direct and supervise such organizational unit subject to the authority of the principal of the school. R.R.O. 1980, Reg. 262, s. 16 (2).

(3) A teacher appointed under subsection (2) shall hold specialist or honour specialist qualifications in respect of the organizational unit for which the teacher is appointed. O. Reg. 233/88, s. 8.

(4) Despite subsection (3), a teacher who, on the 30th day of June, 1981, had been appointed by the board to direct and supervise an organizational unit shall be deemed to be qualified in respect of such organizational unit operated by that board or its successor board. O. Reg. 617/81, s. 13, *part*.

DUTIES OF TEACHERS IN CHARGE OF ORGANIZATIONAL UNITS

16. In addition to duties as a teacher under the Act and this Regulation, a teacher appointed under section 14 or 15 shall,

- (a) assist the principal, in co-operation with the teachers in charge of other organizational units or programs, in the general organization and management of the school;
- (b) assist the principal,
 - (i) by recommending appointments to the teaching staff of the organizational unit,
 - (ii) by recommending assignments and timetable allotments for the teaching staff of the organizational unit,
 - (iii) in co-ordinating and supervising the teaching and in implementing the instructional program of the organizational unit,
 - (iv) in maintaining close co-operation with the community, and
 - (v) in assembling information that the principal may be required to provide in accordance with clause 11 (3) (l);
- (c) file with the principal up-to-date copies of outlines of courses of study for the organizational unit or program, with sufficient detail to permit the effective co-ordination of the courses of study;
- (d) assist teachers in the organizational unit or program in improving their methods of instruction, in maintaining proper standards for instruction, and in keeping records of the work and achievement of pupils;
- (e) ensure that there is reasonable supervision of pupils who are engaged in activity authorized by the board that is performed off school property and that is part of the organizational unit or program; and
- (f) ensure that equipment for use in courses and activities in the organizational unit or program is maintained in safe working order. O. Reg. 617/81, s. 14; O. Reg. 233/88, s. 9.

SUBJECT AND PROGRAM SUPERVISION AND CO-ORDINATION

17.—(1) A board may, in respect of one or more subjects or programs in the schools under its jurisdiction, appoint a teacher to supervise or co-ordinate the subjects or programs or to act as a consultant for the teachers of the subjects or programs.

(2) A teacher appointed under subsection (1) shall hold specialist or honour specialist qualifications, if such are available, in one or more of the subjects or programs in respect of which the teacher is appointed. O. Reg. 233/88, s. 10.

(3) Despite subsection (1), a teacher who, on the 8th day of September, 1978, was employed by a board to supervise or co-ordinate a subject or program in its schools or to act as a consultant shall be deemed to be qualified for such position in the schools operated by that board or its successor board. R.R.O. 1980, Reg. 262, s. 18 (2).

18.—(1) Subject to the authority of the appropriate supervisory officer, a teacher appointed in a subject or program under section 17 shall assist teachers in that subject or program in maintaining proper standards and improving methods of instruction.

(2) A teacher appointed under section 17 in performing duties in a school is subject to the authority of the principal of that school. O. Reg. 617/81, s. 15.

QUALIFICATIONS OF TEACHERS

19.—(1) A teacher in a school shall, subject to subsection (2), be a person who holds or is deemed under Regulation 297 of Revised Regulations of Ontario, 1990 to hold an Ontario Teacher's Certificate and shall, subject to subsections (4), (5), (11) and (12), be assigned or appointed to teach according to a qualification recorded on the teacher's Ontario Teacher's Qualifications Record Card or the record of qualification in respect of such teacher held by the Ministry.

(2) A teacher who does not hold and is not deemed under Regulation 297 of Revised Regulations of Ontario, 1990 to hold an Ontario Teacher's Certificate but who,

- (a) holds a Temporary Letter of Standing or a Provisional Letter of Standing or a Permanent Letter of Standing; or
- (b) holds a certificate or Letter of Standing referred to in subsection 26 (3) or 27 (1) of Regulation 297 of Revised Regulations of Ontario, 1990,

may teach in a school in a subject or program for which the Letter of Standing or certificate is valid or in which the teacher has received professional education as indicated on the Temporary Letter of Standing or Provisional Letter of Standing.

(3) A person who does not hold any of the qualifications referred to in subsection (2) but who holds a Letter of Eligibility issued under section 12 or 13 of Regulation 297 of Revised Regulations of Ontario, 1990 may be employed by a board as an occasional teacher only,

- (a) in classes where English is the language of instruction if the Letter of Eligibility is in Form 5 to Regulation 297 of Revised Regulations of Ontario, 1990; or
- (b) in classes where French is the language of instruction if the Letter of Eligibility is in Form 5a to Regulation 297 of Revised Regulations of Ontario, 1990. O. Reg. 617/81, s. 16 (1).

(4) Subject to subsections (6), (11), (12), (14) and (15), and with due regard for the safety and welfare of the pupils and the provision of the best possible program, a teacher whose Ontario Teacher's Qualifications Record Card, or the record of qualification in respect of such teacher held by the Ministry, indicates qualification in the primary division, the junior division, the intermediate division in general studies or the senior division in general studies may, by mutual agreement of the teacher and the principal of a school and with the approval of the appropriate supervisory officer, be assigned or appointed to teach in a division or a subject in general studies for which no qualification is recorded on the teacher's Ontario Teacher's Qualifications Record Card or the record of qualification in respect of such teacher held by the Ministry.

(5) Subject to subsections (11), (12) and (15), and with due regard for the safety and welfare of the pupils and the provision of the best possible program, a teacher whose Ontario Teacher's Qualification Record Card, or the record of qualification in respect of such teacher held by the Ministry, has entries indicating qualifications in technological studies may by mutual agreement of the teacher and the principal of a school, with the approval of the appropriate supervisory officer, be assigned or appointed to teach a subject in technological studies for which no qualification is recorded on the Ontario Teacher's Qualification Record Card or the record of qualification in respect of such teacher held by the Ministry. O. Reg. 617/81, s. 16 (2), *part*.

(6) Subject to subsections (7), (8), (9) and (10), a teacher who does not hold an acceptable university degree as defined in the definition of "acceptable university degree" in section 1 of Regulation 297 of Revised Regulations of Ontario, 1990 shall not be assigned or appointed to teach general studies in a secondary school, except that where the teacher is qualified to teach in the primary division, the

junior division and the intermediate division of an elementary school and,

- (a) on the 30th day of June, 1981 was teaching in a secondary school; or
- (b) on or before the 2nd day of October, 1981 was assigned or appointed to teach general studies in a secondary school, and on the 30th day of June, 1982 was teaching in a secondary school,

the teacher may be assigned or appointed to teach general studies to pupils enrolled in a modified or basic level course by that board or its successor board. O. Reg. 761/82, s. 1.

(7) Despite subsection (1), a teacher who holds,

- (a) a commercial-vocational qualification; or
- (b) technological studies qualifications in any one or more of clerical practice, merchandising or warehousing,

may be assigned or appointed to teach the courses in business studies equivalent to the courses in business studies shown on the teacher's Ontario Teacher's Qualifications Record Card or the record of qualification in respect of the teacher held by the Ministry. O. Reg. 195/87, s. 3 (1).

(8) A teacher who holds qualifications in technological studies in sewing and dressmaking, or textiles and clothing, or home economics may be assigned or appointed to teach in a secondary school the clothing portion of the family studies course.

(9) A teacher who holds qualifications in technological studies in food and nutrition or home economics may be assigned or appointed to teach in a secondary school the food and nutrition portion of the family studies course. O. Reg. 617/81, s. 16 (2), *part*.

(10) A teacher who holds qualifications in technological studies in vocational art, instrumental music or vocal music may be assigned or appointed to teach art, instrumental music or vocal music, as the case may be, in general studies in a secondary school. R.R.O. 1980, Reg. 262, s. 20 (8).

(11) A teacher who has not received basic teacher education in the English language or who is not otherwise qualified under the regulations for such assignment or appointment shall not be assigned or appointed to teach in classes where English is the language of instruction.

(12) A teacher who has not received basic teacher education in the French language or who is not otherwise qualified under the regulations for such assignment or appointment shall not be assigned or appointed to teach in schools or classes established under Part XII of the Act where French is the language of instruction. O. Reg. 617/81, s. 16 (3).

(13) Despite subsections (11) and (12), a teacher who holds qualifications to teach in the intermediate division and the senior division may be assigned or appointed to teach in either or both of such divisions in classes where English or French is the language of instruction. O. Reg. 416/81, s. 1.

(14) No teacher shall,

- (a) be assigned, or appointed to teach, in any of grades 9, 10, 11, 12 and 13 in any one school year for more than the time required for two courses that are recognized for credit in art, business studies, guidance including counselling, family studies, instrumental music, vocal music or physical education; or
- (b) be placed in charge of,
 - (i) a school library program,

(ii) a guidance program, or

(iii) special education; or

(c) be assigned or appointed to teach,

(i) French as a second language,

(ii) English as a second language,

(iii) industrial arts,

(iv) subject to subsections (5) and (15), technological studies,

(v) in a special education class,

(vi) in a class for deaf, hard of hearing, blind or limited vision pupils, or

(vii) as a resource or withdrawal teacher in special education programs,

unless,

(d) the teacher's Ontario Teacher's Qualifications Record Card or the record of qualification in respect of such teacher held by the Ministry indicates qualifications in the subject or program to which the teacher is to be assigned or appointed or placed in charge; or

(e) the teacher is qualified for such assignment, appointment or placement under subsection (2) or (16) or deemed to be qualified therefor under subsection (17).

(15) On or after the 1st day of September, 1982, no teacher shall be assigned or appointed to teach courses in the senior division in technological studies at the General or Advanced levels unless the teacher's Ontario Teacher's Qualifications Record Card or the record of qualification in respect of such teacher held by the Ministry indicates advanced level qualifications in the area of technological studies to which the teacher is to be assigned or appointed. O. Reg. 617/81, s. 16 (4).

(16) A teacher in a school or class for trainable retarded pupils shall,

(a) have an entry on the teacher's Ontario Teacher's Qualifications Record Card or on the record of qualification in respect of such teacher held by the Ministry, indicating qualifications in the area of teaching the trainable retarded; or

(b) hold one of the following:

1. Elementary Certificate in Teaching Trainable Retarded Children.

2. Intermediate Certificate in Teaching Trainable Retarded Children.

3. Certificate as Teacher of the Trainable Retarded.

4. Provisional or Permanent Letter of Standing valid for the teaching of the trainable retarded. O. Reg. 617/81, s. 16 (5).

(17) A teacher who, on the 8th day of September, 1978, was employed by a board to teach,

(a) French as a second language or English as a second language in an elementary school or a secondary school; or

(b) industrial arts in an elementary school,

and is not qualified for such position under subsection (14), shall be deemed to be qualified for such position in the elementary schools or the secondary schools, as the case may be, that are operated by that board or its successor board. R.R.O. 1980, Reg. 262, s. 20 (14).

(18) Where a teacher's Ontario Teacher's Qualifications Record Card or record of qualification has entries indicating qualifications both in technological studies and in guidance, the teacher may be assigned or appointed to teach guidance and counselling in general studies in a secondary school. O. Reg. 617/81, s. 16 (6).

(19) The provision of subsection (14) that no teacher shall be assigned or appointed to teach in a special education class or program unless the teacher holds qualifications in special education does not apply to the teaching of classes in general studies or technological studies in what was formerly designated a special vocational or occupational program until the 1st day of September, 1985. O. Reg. 785/81, s. 2.

(20) A teacher may be assigned or appointed to teach those courses that are equivalent to those courses that appear on the teacher's Ontario Teacher's Qualifications Record Card or the record of qualification in respect of the teacher held by the Ministry. O. Reg. 195/87, s. 3 (2).

DUTIES OF TEACHERS

20. In addition to the duties assigned to the teacher under the Act and by the board, a teacher shall,

- (a) be responsible for effective instruction, training and evaluation of the progress of pupils in the subjects assigned to the teacher and for the management of the class or classes, and report to the principal on the progress of pupils on request;
- (b) carry out the supervisory duties and instructional program assigned to the teacher by the principal and supply such information related thereto as the principal may require;
- (c) where the board has appointed teachers under section 14, 15 or 17, co-operate fully with such teachers and with the principal in all matters related to the instruction of pupils;
- (d) unless otherwise assigned by the principal, be present in the classroom or teaching area and ensure that the classroom or teaching area is ready for the reception of pupils at least fifteen minutes before the commencement of classes in the school in the morning and, where applicable, five minutes before the commencement of classes in the school in the afternoon;
- (e) assist the principal in maintaining close co-operation with the community;
- (f) prepare for use in the teacher's class or classes such teaching plans and outlines as are required by the principal and the appropriate supervisory officer and submit the plans and outlines to the principal or the appropriate supervisory officer, as the case may be, on request;
- (g) ensure that all reasonable safety procedures are carried out in courses and activities for which the teacher is responsible; and
- (h) co-operate with the principal and other teachers to establish and maintain consistent disciplinary practices in the school. O. Reg. 617/81, s. 17; O. Reg. 785/81, s. 3.

APPOINTMENT TO TEACH IN THE CASE OF AN EMERGENCY

21.—(1) Where no teacher is available, a board may appoint, subject to section 22, a person who is not a teacher or a temporary teacher.

(2) A person appointed under subsection (1) shall be eighteen

years of age or older and the holder of an Ontario secondary school diploma, a secondary school graduation diploma or a secondary school honour graduation diploma.

(3) An appointment under this section is valid for ten school days commencing with the day on which the person is appointed. O. Reg. 233/88, s. 11.

CANCELLED AND SUSPENDED CERTIFICATES

22.—(1) A board shall not appoint a person whose teaching certificate is cancelled or under suspension to teach under section 21 or in accordance with a Letter of Permission.

(2) A person whose teaching certificate is cancelled or under suspension ceases to hold teacher's qualifications during the period of cancellation or suspension and shall not be appointed as a teacher. O. Reg. 233/88, s. 12, *part*.

REQUIREMENTS FOR PUPILS

23.—(1) A pupil shall,

- (a) be diligent in attempting to master such studies as are part of the program in which the pupil is enrolled;
- (b) exercise self-discipline;
- (c) accept such discipline as would be exercised by a kind, firm and judicious parent;
- (d) attend classes punctually and regularly;
- (e) be courteous to fellow pupils and obedient and courteous to teachers;
- (f) be clean in person and habits;
- (g) take such tests and examinations as are required by or under the Act or as may be directed by the Minister; and
- (h) show respect for school property.

(2) When a pupil returns to school after an absence, a parent of the pupil, or the pupil where the pupil is an adult, shall give the reason for the absence orally or in writing as the principal requires.

(3) A pupil may be excused by the principal from attendance at school temporarily at any time at the written request of a parent of the pupil or the pupil where the pupil is an adult.

(4) Every pupil is responsible for his or her conduct to the principal of the school that the pupil attends,

- (a) on the school premises;
- (b) on out-of-school activities that are part of the school program; and
- (c) while travelling on a school bus that is owned by a board or on a bus or school bus that is under contract to a board. O. Reg. 617/81, s. 19, *part*.

ADVERTISEMENTS AND ANNOUNCEMENTS

24. No advertisement or announcement shall be placed in a school or on school property or distributed or announced to the pupils on school property without the consent of the board that operates the school except announcements of school activities. R.R.O. 1980, Reg. 262, s. 26.

CANVASSING AND FUND-RAISING

25.—(1) It is the duty of a pupil to ensure that any canvassing or

fund-raising activity on school property by the pupil is carried on only with the consent of the board that operates the school.

(2) No principal, vice-principal or teacher, without the prior approval of the board that operates the school at which they are employed, shall authorize any canvassing or fund-raising activity that involves the participation of one or more pupils attending the school. O. Reg. 233/88, s. 12, *part*.

SUPERVISION

26.—(1) The appropriate supervisory officer, in addition to the duties under the Act, may, during a visit to a school, assume any of the authority and responsibility of the principal of the school.

(2) Psychiatrists, psychologists, social workers and other professional support staff employed by a board shall perform, under the administrative supervision of the appropriate supervisory officer, such duties as are determined by the board and, where such persons are performing their duties in a school, they shall be subject to the administrative authority of the principal of that school. O. Reg. 617/81, s. 20.

(3) A supervisory officer who is notified under subsection 11 (5) shall forthwith notify the French-language education council or section, English-language education council or section or majority language section of the board, as the case requires, and arrange for,

- (a) the provision of supervision of instruction;
- (b) assistance and advice to the teachers in respect of whom the supervisory officer was given notice under subsection 11 (5); and
- (c) the conducting of performance appraisals, where appropriate, of the teachers in respect of whom the supervisory officer was given notice under subsection 11 (5),

in the language in which the instruction is provided. O. Reg. 233/88, s. 13.

RELIGION IN SCHOOLS

27. Sections 28 and 29 do not apply to a separate school board or to the Roman Catholic sector of The Ottawa-Carleton French-Language School Board. O. Reg. 677/90, s. 2, *part*.

28.—(1) A board may provide in grades one to eight and in its secondary schools an optional program of education about religion.

- (2) A program of education about religion shall,
 - (a) promote respect for the freedom of conscience and religion guaranteed by the *Canadian Charter of Rights and Freedoms*; and
 - (b) provide for the study of different religions and religious beliefs in Canada and the world, without giving primacy to, and without indoctrination in, any particular religion or religious belief.

(3) A program of education about religion shall not exceed sixty minutes of instruction per week in an elementary school. O. Reg. 677/90, s. 2, *part*.

29.—(1) Subject to subsections (2) and (3), a board shall not permit any person to conduct religious exercises or to provide instruction that includes indoctrination in a particular religion or religious belief in a school.

(2) A board may enter into an agreement with a separate school board or the Roman Catholic sector of The Ottawa-Carleton French-Language School Board that permits the separate school board or the Roman Catholic sector to use space and facilities to conduct reli-

gious exercises or provide religious instruction for the purposes of the separate school board or the Roman Catholic sector.

(3) A board may permit a person to conduct religious exercises or to provide instruction that includes indoctrination in a particular religion or religious belief in a school if,

- (a) the exercises are not conducted or the instruction is not provided by or under the auspices of the board;
- (b) the exercises are conducted or the instruction is provided on a school day at a time that is before or after the school's instructional program, or on a day that is not a school day;
- (c) no person is required by the board to attend the exercises or instruction; and
- (d) the board provides space for the exercises or instruction on the same basis as it provides space for other community activities.

(4) A board that permits religious exercises or instruction under subsection (3) shall consider on an equitable basis all requests to conduct religious exercises or to provide instruction under subsection (3). O. Reg. 677/90, s. 2, *part*.

SPECIAL EDUCATION PROGRAMS AND SERVICES

30. A hearing-handicapped child who has attained the age of two years may be admitted to a special education program for the hearing-handicapped. O. Reg. 555/81, s. 2.

31. The maximum enrolment in a special education class shall depend upon the extent of the exceptionalities of the pupils in the class and the special education services that are available to the teacher, but in no case shall the enrolment in a self-contained class exceed,

- (a) in a class for pupils who are emotionally disturbed or socially maladjusted, for pupils who have severe learning disabilities, or for pupils who are younger than compulsory school age and have impaired hearing, eight pupils;
- (b) in a class for pupils who are blind, for pupils who are deaf, for pupils who are trainable retarded, or for pupils with speech and language disorders, ten pupils;
- (c) in a class for pupils who are hard of hearing, for pupils with limited vision, or for pupils with orthopaedic or other physical handicaps, twelve pupils;
- (d) in a class for pupils who are educable retarded children, twelve pupils in the primary division and sixteen pupils in the junior and intermediate divisions;
- (e) in an elementary school class for pupils who are gifted, twenty-five pupils;
- (f) in a class for aphasic or autistic pupils, or for pupils with multiple handicaps for whom no one handicap is dominant, six pupils; and
- (g) on and after the 1st day of September, 1982, in a class for exceptional pupils consisting of pupils with different exceptionalities, sixteen pupils. O. Reg. 617/81, s. 24.

REGULATION 299**PAYMENT OF LEGISLATIVE GRANTS**

1. A board may be paid a sum on account of a legislative grant for educational purposes for a year prior to the filing of a regulation prescribing the conditions governing the payment of legislative grants for educational purposes for the year, if the sum does not exceed the sum of,

- (a) 30 per cent of the grant payable to the board for the preceding year in respect of a legislative grant other than an amount referred to in clause (b); and
- (b) the amount allocated to the board for the year in respect of which an allocation is made under the Capital Grant Plan established and maintained by the Minister. O. Reg. 112/90, s. 1.

REGULATION 300**PRACTICE AND PROCEDURE—BOARDS OF REFERENCE**

1. In this Regulation,

“applicant” means a person in respect of whose application the Minister has granted a Board;

“Board” means a Board of Reference that is granted by the Minister under section 270 of the Act;

“reference” means proceedings before a Board; and

“respondent” means a party to a reference other than the applicant. R.R.O. 1980, Reg. 270, s. 1.

2. The parties to a reference shall be,

- (a) where a board is the applicant, the board and the teacher who terminated his or her contract; and
- (b) where a teacher is the applicant, the teacher and the board that dismissed the teacher or terminated his or her contract. R.R.O. 1980, Reg. 270, s. 2.

3. Except as provided by section 7, the minimum rules for proceedings provided in Part I of the *Statutory Powers Procedure Act*, apply to a reference. R.R.O. 1980, Reg. 270, s. 3.

4. The chair of the Board shall cause three reference books to be prepared from the documents filed with him or her under section 5. R.R.O. 1980, Reg. 270, s. 4.

5.—(1) Where a teacher is the applicant, the teacher shall file with the chair of the Board three copies of each of,

- (a) the contract of the teacher with the board where the teacher holds a copy of the contract, or an affidavit that the teacher does not hold a copy of the contract;
- (b) the notice of dismissal or termination of contract;
- (c) the statement of the disagreement with the dismissal or termination of contract as sent to the Minister;
- (d) the notice from the Minister that he or she has directed a judge to act as chair of the Board; and
- (e) the notice of the nomination by the teacher of a representative to the Board.

(2) Where a teacher is the applicant, the board shall file with the chair of the Board three copies of each of,

- (a) the contract of the teacher with the board;
- (b) the resolution, if any, of the board dismissing the teacher or terminating his or her contract;
- (c) the copy of the application for a Board provided by the applicant;
- (d) the notice of the application for a Board provided by the Minister;
- (e) the notice from the Minister that he or she has directed a judge to act as chair of the Board; and
- (f) the notice of the nomination by the board of a representative to the Board.

(3) The Minister shall cause to be filed with the chair of the Board three copies of each of,

- (a) the application for a Board;
- (b) the notice of the application for a Board sent to the respondent; and
- (c) the Order-in-Council authorizing the judge to act as chair of the Board.

(4) Where a board is the applicant, the teacher shall file with the chair of the Board three copies of each of,

- (a) the contract of the teacher with the board where the teacher holds a copy of the contract, or an affidavit that the teacher does not hold a copy of the contract;
- (b) the copy of the application for a Board provided by the applicant;
- (c) the notice of the application for a Board provided by the Minister;
- (d) the notice from the Minister that he or she has directed a judge to act as chair of the Board; and
- (e) the notice of the nomination by the teacher of a representative to the Board.

(5) Where a board is the applicant, the board shall file with the chair of the Board three copies of each of,

- (a) the contract of the teacher with the board;
- (b) the notice of termination of contract;
- (c) the statement of the disagreement with the termination of the contract as sent to the Minister;
- (d) the notice from the Minister that he or she has directed a judge to act as chair of the Board; and
- (e) the notice of the nomination by the board of a representative to the Board.

(6) The documents to be filed with the chair under this section shall be filed with him or her not less than three days before the day upon which the hearing is to begin.

(7) A copy of the documents filed with the chair by an applicant shall be served by the applicant upon the respondent and a copy of the documents filed with the chair by a respondent shall be served by the respondent upon the applicant, and such service shall be made by personal service or by registered mail upon the party or upon the

solicitor of the party to be served and shall be made not less than three days before the day upon which the hearing is to begin.

(8) A reference shall not be defeated by any error or omission in the supply of the documents referred to in this section, but the chair may require any such error or omission to be corrected upon such terms as to adjournment, costs and otherwise as he or she may determine. R.R.O. 1980, Reg. 270, s. 5.

6.—(1) At a reference, the respondent shall begin and at the conclusion of the case for the respondent,

- (a) where the applicant states an intention not to adduce evidence and the applicant has not adduced evidence, the respondent has the right to sum up the evidence and the applicant has the right to reply; and
- (b) where the applicant wishes to adduce evidence, the applicant has the right to open the applicant's case and after the conclusion of such opening to adduce evidence and, when all the evidence is concluded, to sum up the evidence, and the respondent has the right to reply.

(2) Where a party to a reference is represented by counsel or an agent, a right conferred upon the party by subsection (1) may be exercised by the party's counsel or agent at the option of the party.

(3) Where, for any reason, a party to a reference omits or fails to adduce evidence that is material, the Board, at the request of such party made prior to the giving of the direction of the Board, may permit the party to adduce such evidence upon such conditions in respect of cross-examination, introduction of rebuttal evidence, reply, costs and any other matters as the chair may direct. R.R.O. 1980, Reg. 270, s. 6.

7. Despite section 15 of the *Statutory Powers Procedure Act*, the findings of fact of the Board shall be based exclusively on evidence admissible under the law of evidence and on matters of which notice may be taken under section 16 of that Act. R.R.O. 1980, Reg. 270, s. 7.

8.—(1) The evidence before a Board shall be recorded by a person approved and appointed by the chair of the Board and who, before acting, shall make an oath or affirmation that he or she will truly and faithfully record the evidence to the best of his or her abilities.

(2) It is not necessary to transcribe the evidence recorded at a reference unless,

- (a) the chair orders that it be done, in which case the costs thereof shall be included in the costs of the reference; or
- (b) a party to the reference requests that it be done and pays the costs of the preparation of the transcript.

(3) Where evidence at a reference is transcribed, the transcript shall be accompanied by an affidavit or affirmation of the person recording the evidence that it is a true report of the evidence. R.R.O. 1980, Reg. 270, s. 8.

9. A reference shall be conducted, and the report and direction of the Board shall be, in the English language, except where the Board and the parties to the reference agree that the reference be conducted in the French language, in which case the report and direction of the Board may, at the option of the Board, be in the French language. R.R.O. 1980, Reg. 270, s. 9.

10.—(1) The chair may, and if required by a party to the reference shall, appoint a person to act as an interpreter at the reference, and such person before acting shall make an oath or affirmation that he or she will truly and faithfully translate the evidence to the best of his or her abilities.

(2) The costs of an interpreter shall be included in the costs of the reference. R.R.O. 1980, Reg. 270, s. 10.

11.—(1) An application for judicial review of a decision of the Board operates as a stay in the reference.

(2) Where an application for judicial review of a decision of the Board is made where the reference was conducted in the French language, the decision of the Board and the reasons therefor, where reasons have been given, and the transcript, if any, of the oral evidence given at the hearing, shall be translated into the English language, and the costs thereof shall be included in the costs of the reference. R.R.O. 1980, Reg. 270, s. 11.

12. A member of a Board who participates in a decision of the Board shall have been present throughout the reference. R.R.O. 1980, Reg. 270, s. 12.

13.—(1) The remuneration of members of a Board other than the chair shall not be less than \$85 per day or greater than \$150 per day.

(2) In addition to the remuneration under subsection (1), a member of a Board is entitled to his or her actual travelling and living expenses incurred while engaged in his or her duties as a member of the Board.

(3) Counsel fees, interpreter fees, fees in respect of the recording and transcribing of the evidence, allowances to court attendants and other costs incurred in respect of a reference shall be at the rate for such fees, allowances and costs in matters before a county or district court. R.R.O. 1980, Reg. 270, s. 13.

14. A party to a reference who desires to call as a witness an opposite party may either request the Board to summons the party or give the party or the party's solicitor at least five days notice of the intention to examine the party as a witness, paying at the same time the amount proper for attendance money, and, if such opposite party does not attend on such summons or notice, the reference may be postponed at the direction of the chair of the Board. R.R.O. 1980, Reg. 270, s. 14.

15. The chair of the Board may, where it appears necessary for the purposes of the reference, make an order for the examination on oath or affirmation before any person and at any place of a person who has knowledge respecting the matters before the Board and who, because of illness or other reasonable cause, is unable to attend the reference and may permit such deposition to be placed in evidence. R.R.O. 1980, Reg. 270, s. 15.

16. The chair of the Board at a reference may,

- (a) order a witness who is not a party to the reference to be excluded from the reference until called to give evidence; and
- (b) exclude the testimony of any person who does not comply with an order made under clause (a). R.R.O. 1980, Reg. 270, s. 16.

17. A record of a reference, compiled by a Board shall be forwarded as soon as practicable by the chair of the Board to the Minister, and such record shall be retained by the Minister for a period of at least two years after which time it may be destroyed without the necessity of notice thereof being given to either party to the reference. R.R.O. 1980, Reg. 270, s. 17.

REGULATION 301**PUPIL RECORDS**

1.—(1) In this Regulation,

“common course code” means the designation issued by the Minister that is assigned to,

- (a) a secondary school course developed from a curriculum guideline issued by the Minister,
- (b) a non-guideline course;

“identified health condition” means a medical condition that is diagnosed by a legally qualified medical practitioner for which treatment or other activity is required and in respect of which,

- (a) full particulars of the condition and the treatment or activity have been communicated to the principal of the school in which the pupil is enrolled, and
- (b) the principal has developed a procedure for implementation of the treatment or activity;

“linkage program” means a program authorized by the Minister or the Minister of Colleges and Universities or the Minister of Skills Development that enables a pupil who has obtained the credits in specific technological or business courses and successfully completed competencies identified in approved training profiles to qualify for advanced placement when entering post-secondary training and educational programs planned and carried out by or on behalf of the Minister of Colleges and Universities or the Minister of Skills Development;

“non-guideline course” means a secondary school course that,

- (a) is not developed from a curriculum guideline issued by the Minister,
- (b) meets educational needs not met by a course set out in a curriculum guideline issued by the Minister, and
- (c) is approved by the Minister for credit purposes and that is offered at a school or private school that is approved by the Minister;

“Ontario student transcript” means that part of a pupil record that is used to record particulars of the secondary school courses that have been successfully completed by a pupil and the credits that have been granted in recognition thereof;

“pupil record” means a record in respect of a pupil that is established and maintained by the principal of a school in accordance with this Regulation;

“receiving school” means a school or private school to which a pupil transfers from a sending school;

“record folder” means an Ontario student record folder;

“record of French instruction” means a record of accumulated instruction in French as a second language;

“report card” means a legible copy of the written communication from a principal of a school to a parent or guardian of a pupil who is under the age of eighteen years or to a pupil where the pupil has attained the age of eighteen years that sets out the progress and achievement of the pupil at the completion by the pupil of a secondary school course or an elementary school grade or when the pupil transfers to a school or to a private school or retires from school and includes an achievement form prepared for a pupil prior to the 1st day of September, 1985;

“secondary school course” means a course at the secondary level that is eligible for credit;

“sending school” means,

- (a) a school, or
- (b) a private school to which a pupil record has been transferred,

from which a pupil transfers to another school or private school;

“supervised alternative learning program” means a program approved for a pupil under Regulation 308 of Revised Regulations of Ontario, 1990 (Supervised Alternative Learning for Excused Pupils).

(2) For the purposes of this Regulation, a pupil retires from school or a private school where the pupil withdraws from the school or private school, as the case may be.

(3) Subsection (2) does not apply where a pupil,

- (a) withdraws for a temporary period with the consent of the principal; or
- (b) transfers to another school or private school to which the pupil record, except the index card, is transferred. O. Reg. 380/86, s. 1.

(4) For the purposes of this Regulation, an educational institution that is operated outside Ontario to provide education for pupils whose parents or guardians are members of the Canadian Forces or employees of the Department of National Defence of the Government of Canada shall be deemed to be a private school in Ontario that is operated by the Government of Canada. R.R.O. 1980, Reg. 271, s. 1(3).

2.—(1) Every principal of a school shall establish a pupil record in respect of each pupil enrolled in the school at the time each such pupil enrolls in the school for the first time.

(2) A pupil record shall consist of,

- (a) an index card referred to in section 6;
- (b) a record folder completed in accordance with this Regulation;
- (c) where the pupil is enrolled in a secondary school course, an Ontario student transcript;
- (d) report cards in respect of the pupil;
- (e) where applicable, a documentation file referred to in section 25; and
- (f) in the case of a pupil who is, on or after the 30th day of September, 1977, enrolled in a program of instruction in French as a second language, a record of French instruction completed in accordance with this Regulation.

(3) Documents, photographs and information in writing that in the opinion of the principal of the school in which the pupil is enrolled are or are likely to be beneficial to teachers in the instruction of the pupil may be inserted in the pupil record of a pupil.

(4) A report card or other part of a pupil record that is produced by means of a computer or equipment used in connection with a computer may be included in a record folder.

(5) Clauses 2 (a), (b), (d), (e) and (f) do not apply to a record in respect of a pupil enrolled in a correspondence course that is distributed and supervised by the Minister.

(6) Clauses 2 (b), (d), (e) and (f) do not apply to a record in respect of a pupil enrolled only in a secondary school course at night school or in an adult education class. O. Reg. 380/86, s. 2, *part.*

3.—(1) The record folder that forms part of the pupil record of a pupil who enrolled for the first time in school prior to the commencement of the 1985-86 school year shall be in Form 1 or its equivalent in the French language.

(2) The record folder that forms part of the pupil record of a pupil who enrolls for the first time in school on or after the commencement of the 1985-86 school year shall be in Form 2 or its equivalent in the French language. O. Reg. 380/86, s. 2, *part.*

4.—(1) Every principal of a school shall establish, at the time the pupil re-enrolls, a pupil record in respect of each pupil who retired from school prior to the 1st day of September, 1972 and re-enrolls in the school for the first time.

(2) A pupil record established in respect of a pupil referred to in subsection (1) who re-enrolls in a school other than the school in which the pupil was enrolled immediately prior to retirement from school, upon the written request of the principal of the school at which the pupil has re-enrolled, shall,

- (a) be established by the principal of the school in which the pupil was enrolled immediately prior to retirement from school; and
- (b) be transferred by the principal establishing the record to the principal of the school at which the pupil has re-enrolled.

(3) The principal of the school at which the pupil has re-enrolled shall, where a record folder in Form 1 has been established and where it is practicable to do so, cause the record folder to be adjusted so that it conforms with Form 2.

(4) Subsection (3) does not apply with respect to a pupil enrolled in grade 11, 12 or 13 on the 30th day of June, 1985. O. Reg. 380/86, s. 2, *part.*

5. Where the progress through school of a pupil has been recorded in a manner other than in accordance with this Regulation and a pupil record is required to be established in respect of the pupil in Form 2, the pupil record shall be established by,

- (a) transcribing into or attaching to the record folder in Form 2 the items, particulars and summaries required for its completion in accordance with this Regulation;
- (b) completing and inserting in the record folder the report cards as may be necessary to record the educational achievement of the pupil; and
- (c) inserting in the record folder the documents, photographs and information in writing that in the opinion of the principal form part of the pupil record. O. Reg. 380/86, s. 2, *part.*

6.—(1) Every principal of a school shall establish and maintain an index card for each pupil enrolled in the school.

(2) An index card shall have recorded on it,

- (a) the full name of the pupil as recorded on the record folder;
- (b) the sex of the pupil;
- (c) the student number of the pupil assigned by the school or the school board where a student number has been assigned to the pupil;
- (d) the date of birth of the pupil and the source of verification thereof;

- (e) the name of the father and mother of the pupil or, where applicable, the name of the guardian of the pupil;
- (f) where applicable, the name of the parent or person who has custody of the pupil and the name of the parent or person who is entitled to have access to the pupil;
- (g) the address and home telephone number of the pupil;
- (h) an emergency telephone number in respect of the pupil where the parent or guardian of the pupil or the pupil provides such a number;
- (i) the date that the pupil enrolled in the school and where applicable, the date that the pupil transfers to a receiving school or retires from school;
- (j) where applicable, the name and address of the receiving school to which the pupil transfers and the date the pupil record in respect of the pupil is transferred to the receiving school;
- (k) where applicable, the address of the pupil at the date the pupil transfers from the school or at the date the pupil retires from school; and
- (l) the name and address of the school or such other information that will identify the source of the index card.

(3) In addition to the information referred to in subsection (2), the principal may cause to be recorded on the index card with respect to a pupil,

- (a) an up-to-date list of names, addresses and phone numbers of persons who have been retained to assist the pupil or to advise the pupil;
- (b) the pupil's means of transportation to and from school;
- (c) information that the principal considers may be relevant in locating the pupil or in obtaining assistance for the pupil in the case of an emergency;
- (d) information with respect to the pupil that sets out an identified health condition of the pupil and the procedures developed by the principal in respect thereof; and
- (e) information that in the opinion of the principal may be beneficial to teachers in the instruction of the pupil.

(4) The index card with respect to a pupil shall be kept at the school during the period that the pupil is enrolled at the school and shall be retained for a period of fifty-five years from the date upon which the pupil transfers to another school or to a private school or retires from school, as the case may be.

(5) Where a pupil transfers to another school or to a private school or retires from school, the index card with respect to the pupil shall be stored at the school from which the pupil transfers or retires or at a central records office provided by the board. O. Reg. 380/86, s. 2, *part.*

RECORD FOLDER

7.—(1) A record folder, a documentation file and Ontario student transcript shall be obtained from the Minister or from a supplier designated by the Minister. O. Reg. 380/86, s. 3.

(2) Where the Minister designates a supplier of record folders, the Minister shall ensure by agreement with the supplier that the folders shall be made from paper of similar weight, composition and size to those supplied by the Ministry. R.R.O. 1980, Reg. 271, s. 7 (2).

8.—(1) Subject to subsection (4), Part A of a record folder shall

be completed when the pupil record is established and shall indicate the method that was used to verify the name and date of birth of the pupil.

(2) A principal shall, where the principal receives a request in writing from the parent or guardian of a pupil that the pupil be identified by a surname other than the legal surname of the pupil and the principal is satisfied that,

- (a) the pupil is known by a surname other than the legal surname of the pupil;
- (b) the name is a name obtained by repute and that the use of the name is in the best interests of the pupil,

record the surname requested in Part A of the record folder in addition to the legal surname of the pupil and the requested surname shall be used instead of the legal surname of the pupil.

(3) The written request referred to in subsection (2) shall be filed in the documentation file referred to in section 25.

(4) Subject to subsection (6), where a principal receives a document that establishes to the satisfaction of the principal that the name of a pupil in respect of whom the principal maintains a pupil record has been changed,

- (a) by marriage; or
- (b) in accordance with the law of the province, state or country in which the document was made,

the principal shall file the document or a notarial copy thereof in the documentation file referred to in section 25 and shall change the name of the pupil on the record folder, the report cards and the index card.

(5) A reference in the record folder, report cards and index card of a pupil whose name has been changed as set out in subsection (4) shall be made as if the original record had been established in the name as changed.

(6) Where a principal receives notice in writing signed by a Director appointed under the *Child and Family Services Act* or by a local director of a children's aid society that a pupil in respect of whom the principal maintains a pupil record has been legally placed for adoption, the principal shall,

- (a) prepare a new index card and record folder for the pupil in the surname of either or both of the adoptive parents and in the given name or names of the pupil that are desired by the adoptive parents and inserting for the purposes of clause 6 (2) (e) and subsection 13 (1) the names of the person or persons with whom the pupil has been placed for adoption;
- (b) change the name of the pupil on the report cards previously prepared for the pupil as set out on the new index card and record folder referred to in clause (a);
- (c) ensure that no contents of the record folder disclose the previous name of the pupil or the placement of the pupil for adoption; and
- (d) destroy the index card and record folder that are replaced by the card and folder prepared in accordance with clause (a).

(7) Subsection (6) does not apply where both the adoptive parents and the society, or where the child has been placed by a licensee referred to in Part VII of the *Child and Family Services Act* the licensee, agree that it is in the best interests of the pupil to disclose the placement for adoption, in which case the provisions of subsection (4) in respect of the record folder, the report cards and the index card apply.

(8) Where a principal receives notice in writing signed by a Director appointed under the *Child and Family Services Act* or by a local director of a children's aid society that a placement for adoption of a pupil in respect of whom the principal maintains a pupil record has been terminated, the principal shall,

- (a) prepare a new index card and record folder for the pupil in the name of the pupil as required by the Director or local director, as the case may be;
- (b) restore on the report cards previously prepared for the pupil the name of the pupil that appeared thereon immediately prior to a change made under subsection (6);
- (c) ensure that the contents of the record folder do not disclose that the pupil was placed for adoption;
- (d) destroy the index card and record folder prepared under subsection (6) for the pupil; and
- (e) where applicable, advise in writing the principal who transferred the pupil record to the principal of the receiving school of the change that has been made in the pupil record of the pupil.

(9) Where a principal who maintains a pupil record is notified in writing by a Director appointed under the *Child and Family Services Act* or by a local director of a children's aid society of an adoption order made in respect of the pupil and as a consequence of such order one or more changes in the pupil record or a new pupil record are required, the principal shall, in such manner that the fact of the adoption is not disclosed in the pupil record,

- (a) make the necessary changes in the pupil record; or
- (b) establish a new pupil record and destroy the former pupil record,

and notify the Director or local director of the action taken.

(10) Subsection (9) does not apply where the Director or local director, as the case may be, and the adoptive parents agree that it is in the best interests of the pupil to disclose the adoption. O. Reg. 380/86, s. 4.

9. The current address and home telephone number of a pupil and an emergency telephone number in respect of the pupil may be entered on the record folder of the pupil in a place clearly visible and easily located. R.R.O. 1980, Reg. 271, s. 9.

10.—(1) An entry shall be made in Part B of a record folder,

- (a) where a report card in respect of the pupil is prepared; and
- (b) where a report card is not required to be prepared under subsection 22 (3). O. Reg. 380/86, s. 5, part.

(2) The name of the school or private school or the designation of the school where the school does not have a particular name, shall be recorded in the column in Part B of the record folder under the subheading "School" each time that an entry is made in another column in Part B.

(3) The name of the board that operates the school or the name of the person that operates the school or private school shall be recorded in the column in Part B of the record folder under the subheading "Board" each time that an entry is made in another column in Part B.

(4) The name of the teacher designated by the principal as having basic responsibility for the pupil shall be recorded in the column in Part B of the record folder under the subheading "Teacher contact" each time that an entry is made in another column in Part B. R.R.O. 1980, Reg. 271, s. 10 (2-4).

(5) Where an entry is made in Part B of a record folder, the year, the month and the day of the month in which the pupil commenced the studies or the work in respect of which the report card is prepared shall be entered in the columns under the subheading "Entered".

(6) Where an entry is made in Part B of a record folder and no report card is required to be prepared under subsection 22 (3), the entry in the columns under the subheading "Entered" shall be made as if a report card had been prepared.

(7) Where an entry is made in Part B of a record folder, the year, the month and the day of the month in which the pupil completed the studies or the work in respect of which the report card is prepared shall be entered in the columns under the subheading "Completed" in Form 1 or "Last Date of Attendance" in Form 2, as the case requires.

(8) Where an entry is made in Part B of a record folder and no report card is required to be prepared under subsection 22 (3), the entry in the columns under the subheading "Completed" or "Last Date of Attendance" shall be the date upon which the pupil transferred from the school to another school or to a private school or retired from the school, as the case may be.

(9) Where an entry is made in Part B of the record folder,

- (a) the grade in which the pupil is placed; or
- (b) a "U" where the pupil is placed in an ungraded program,

and the date of the entry shall be recorded opposite the entry in the column under the subheading "Achievement Form No" in Form 1 or "Grade" in Form 2, as the case requires.

(10) At least one entry in Part B of a record folder shall be made in each school year. O. Reg. 380/86, s. 5, *part*.

11.—(1) Subject to subsection (2), where a pupil successfully completes a secondary school course towards a Secondary School Graduation Diploma the fact of the completion shall be recorded in accordance with this section in Part C of the record folder in Form 1 established for the pupil, under the subheading,

- (a) Communications;
- (b) Social and environmental studies;
- (c) Pure and applied sciences; or
- (d) Arts,

in accordance with the classification of the course that was established by the principal for the school year in which the course is successfully completed by the pupil.

(2) Where a pupil who has not previously successfully completed a secondary school course, successfully completes a secondary school course towards an Ontario Secondary School Diploma, the secondary school course successfully completed by the pupil shall be recorded in accordance with section 12. O. Reg. 380/86, s. 6, *part*.

(3) Entries made in Part C in respect of secondary school courses that have been successfully completed and that lead to the Secondary School Graduation Diploma or in respect of which a Certificate of Training may be granted shall be recorded on the part of the record folder to the right of the side note "Secondary School Graduation Diploma", and entries made in Part C in respect of secondary school courses that have been successfully completed and that lead to the Secondary School Honour Graduation Diploma shall be recorded on the part of the record folder to the right of the side note "Honour Graduation Diploma".

(4) The title of the secondary school course successfully com-

pleted and its local designation shall be entered in the proper column under the sub-subheading "Courses" in Part C.

(5) Where an entry is made in a column under the sub-subheading "Courses", there shall be entered opposite thereto,

- (a) in the column adjacent thereto under the sub-subheading "Year", the number of the grade in which the secondary school course is customarily taken by pupils enrolled in the school or private school;
- (b) in the column under the sub-subheading "Grading" adjacent to the immediate right of the column referred to in clause (a), the number, the letter or letters of the alphabet or a symbol or any combination thereof, as the case may be, that is representative of the grade obtained by the pupil where a grade was given for the course and, where no grade was given for the course, a check mark, asterisk or other symbol shall be entered therein to indicate that no grade was given to pupils in that course in that school year;
- (c) in the column under the sub-subheading "Credits" adjacent to the immediate right of the column referred to in clause (b), the value assigned for diploma purposes to the credit awarded to the pupil in respect of the course, and where the credit has a value for diploma purposes that is not an integer, such value shall be expressed as a decimal; and
- (d) in the column under the sub-subheading "Date" adjacent to the immediate right of the column referred to in clause (c), the date on which the pupil successfully completed the course.

(6) Where a Secondary School Graduation Diploma or a Certificate of Training has been granted to the pupil,

- (a) the date upon which the diploma or certificate was granted shall be recorded opposite the subheading "Date Granted" where it first appears in Part C and if a Certificate of Training was granted it shall be so recorded; and
- (b) the total value assigned for diploma purposes to the credits awarded in respect of the courses under each area of study shall be entered opposite the sub-subheading "total" immediately above the entry referred to in clause (a),

and where a Secondary School Honour Graduation Diploma has been granted to the pupil, the date upon which it was granted shall be entered opposite the subheading "Date granted" where it appears for the second time in Part C. R.R.O. 1980, Reg. 271, s. 11 (2-5).

(7) Where a credit is obtained at a summer school or at an evening class by a pupil to whom subsection (1) applies, the title of the course in respect of which the credit is obtained, the grade, if any, the value of the credit obtained and the date shall be recorded in accordance with this section in the appropriate columns in Part C of the record folder. O. Reg. 380/86, s. 6, *part*.

(8) There may be entered to the right of Part C of the record folder in respect of a pupil the total number of credits toward the Secondary School Graduation Diploma that have been earned by the pupil as of a specific date, which date shall be entered beside such total number of credits. R.R.O. 1980, Reg. 271, s. 11 (7).

ONTARIO STUDENT TRANSCRIPT

12.—(1) An Ontario student transcript shall be in Form 5 and shall be completed in accordance with this section.

(2) Where a pupil enrolled in a school successfully completes a secondary school course, the fact of the completion shall be recorded on the Ontario student transcript established for the pupil.

(3) Where a pupil who is not enrolled in a school successfully

completes a secondary school course, the fact of the completion shall be recorded on an Ontario student transcript,

- (a) established for the pupil by the Ministry; or
- (b) where a school maintains a pupil record for the pupil, in the school that maintains the pupil record for the pupil.

(4) The title or abbreviation of the title of a secondary school course successfully completed shall be entered in the column under the heading "Course/Cours".

(5) Where an entry under subsection (4) is in respect of a secondary school course for which,

- (a) a common course code has been issued; and
- (b) the Minister has provided a title or an abbreviation of a title,

the title or abbreviation of the title of the secondary school course that is entered shall be that provided by the Minister.

(6) Where an entry is made in the column under the heading "Course/Cours", there shall be entered opposite thereto,

- (a) in the column adjacent to the left thereof under the heading "Grade/Année",

- (i) the number of the grade in which the secondary school course is customarily taken by pupils enrolled in the school or private school, or

- (ii) "OAC/C.P.O." where the course is an Ontario academic course;

- (b) in the column under the heading "Date" adjacent to the immediate left of the column referred to in clause (a), the year, the month and day of the month on which the pupil successfully completed the secondary school course;

- (c) in the column under the heading "Course code/Code du cours" adjacent to the right of the column under the heading "Course/Cours", the common course code, if any, of the secondary school course;

- (d) in the column under the heading "Achievement/Notes finales" adjacent to the immediate right of the column referred to in clause (c), the number that is representative of the grade obtained in the secondary school course by the pupil;

- (e) in the column under the heading "Credit/Crédit" adjacent to the immediate right of the column referred to in clause (d), the value assigned for diploma purposes to the credit awarded to the pupil in respect of the secondary school course, and where the credit has a value for diploma purposes that is not an integer, the value shall be expressed as a decimal;

- (f) in the column under the heading "Compulsory/Obligatoire" adjacent to the immediate right of the column referred to in clause (e),

- (i) where the secondary school course is compulsory for diploma purposes, an "X", and

- (ii) where the secondary school course is not compulsory for diploma purposes, no entry;

- (g) in the column under the heading "Level of Difficulty/Niveau de difficulté" adjacent to the immediate right of the column referred to in clause (f) under the subheading "B/F", "G" and "A", an "X" to indicate whether the sec-

ondary school course was undertaken at the basic, general or advanced level respectively; and

- (h) in the column under the heading "OAC/C.P.O." adjacent to the immediate right of the column referred to in clause (g), an "X" where the secondary school course is an Ontario academic course.

(7) An entry referred to in clause (6) (d) with respect to a pupil who successfully completes the same secondary school course more than once shall show only the highest grade obtained by the pupil in the course.

(8) Where a pupil,

- (a) successfully completes the requirements for an Ontario secondary school diploma; or

- (b) retires from school without successfully completing the requirements for an Ontario secondary school diploma but after successfully completing the requirements for a Certificate of Education and requests such a certificate,

the name of the diploma or certificate, as the case may be, and the date of issuance thereof shall be recorded on the Ontario student transcript established for the pupil in the school that maintains a pupil record for the pupil or by the Ministry, as the case requires. O. Reg. 380/86, s. 7.

13.—(1) In Part D of the record folder, only the first names of the parents of a pupil shall be recorded except that, where the surname of the parent differs from the surname of the pupil, the surname of the parent shall be recorded.

(2) Where applicable, the full name of the guardian of a pupil shall be recorded in the space provided therefor in Part D of the record folder.

(3) Where a parent or the guardian of a pupil dies, the date of death shall be recorded opposite the name of such person. R.R.O. 1980, Reg. 271, s. 13.

14.—(1) Subject to subsection (2), a summary of any recommendations regarding special health problems of a pupil that, in the opinion of the principal, are likely to interfere with the achievement of the pupil in school shall be recorded in Part E of the record folder.

(2) The parents of a pupil under the age of eighteen years shall be consulted before an entry is made in Part E of the record folder, and the pupil shall be consulted where the pupil is of the full age of eighteen years. R.R.O. 1980, Reg. 271, s. 14 (1, 2).

(3) Entries in Part E of the record folder shall be kept up-to-date and the year, the month and the day of the month on which the entry is made shall be recorded. O. Reg. 380/86, s. 8.

15. Where a photograph of the pupil in respect of whom a record folder is established is placed in Part F of the record folder, the date, as nearly as may be ascertained, on which the photograph was taken shall be recorded and the photograph may be replaced from time to time with a more recent photograph of the pupil. R.R.O. 1980, Reg. 271, s. 15.

16.—(1) Where a pupil participates in a co-instructional activity, a record of the participation of the pupil may be entered in Part G of the record folder. O. Reg. 380/86, s. 9.

(2) Where an entry is made under subsection (1), the date of the participation and the date of the entry shall be recorded in Part G of the record folder and additional information in respect of such entry may be inserted in the record folder. R.R.O. 1980, Reg. 271, s. 16 (2).

17.—(1) A linkage program or supervised alternative learning

program provided to a pupil or information in respect of the immunization of the pupil shall be recorded in Part H of a record folder.

(2) Immunization information that is received in respect of a pupil shall show the year, month and day of the month on which the information is received.

(3) An up-to-date linkage achievement record shall be inserted in the record folder of a pupil who enters upon or transfers or retires from a linkage program.

(4) A linkage achievement record referred to in subsection (3) shall be retained by the school for at least five years following the year in which the pupil retires from school, and thereafter forthwith destroyed.

(5) Information in respect of a pupil who is excused from attendance at school or from full-time attendance at school under a supervised alternative learning program shall be recorded in Part H of the record folder and shall include the year, month and day of the month on which the pupil began the program.

(6) Any information in addition to the information referred to in this section that in the opinion of the principal, may be beneficial to teachers in the instruction of the pupil may be recorded in Part H of the record folder or inserted in the record folder and the year, month and day of the month on which the entry is made shall be recorded. O. Reg. 380/86, s. 10, *part*.

18.—(1) Outstanding achievements of a pupil and any awards or scholarships received by a pupil including additional information related to the achievement, award or scholarship and the dates thereof may be recorded in Part I of the record folder in Form 1 or in Part J of the record folder in Form 2, in respect of the pupil, as the case requires.

(2) Where additional information is inserted in a record folder in accordance with subsection 17 (6) or subsection (1), the insertion may be destroyed after five years next following the year in which the pupil retires from school or from a private school that maintains a pupil record in respect of the pupil. O. Reg. 380/86, s. 10, *part*.

19.—(1) Where the pupil record of a pupil is in Form 1, the year, the month and the day of the month upon which a pupil retires from school or from a private school to which the pupil record, except the index card, has been transferred, shall be recorded under the subheading "Date of retirement" in Part J of the record folder in respect of the pupil.

(2) Where after a retirement referred to in subsection (1) the pupil re-enrols in school or in a private school that maintains the pupil record, the year, the month and the day of the month of the subsequent retirement of the pupil from school or from a private school shall be recorded in the pupil record.

(3) Where a date is entered under the subheading "Date of retirement" in Part J of a record folder, the address of the pupil at that date shall, where the address is known to the principal, be recorded under the subheading "Address at retirement" in Part J.

(4) Where the record folder of a pupil is in Form 2, the information referred to in subsections (1), (2) and (3) shall be entered in Part C of the record folder. O. Reg. 380/86, s. 10, *part*.

20.—(1) Where the record folder in respect of a pupil is in Form 1, information as to the destination of the pupil in respect of employment or further education upon the retirement of the pupil from school or other relevant follow-up information may be entered in Part K of the record folder.

(2) Where the record folder in respect of a pupil is in Form 2, the information referred to in subsection (1) may be entered in Part C of the record folder. O. Reg. 380/86, s. 10, *part*.

REPORT CARDS

21.—(1) Every board shall approve report cards in the English or the French language for use in its schools that,

- (a) provide for the information required under sections 23 and 24;
- (b) contain space for comment by the pupil or the parent or guardian of the pupil, as the case may be; and
- (c) contain the following statement or, in the case of a report card in the French language, an accurate translation of the following statement in the French language:

To Pupils and Parents:

This copy of the report card should be retained for future reference. The original or a true copy thereof has been placed in the record folder in respect of the pupil and will be retained for five years after the pupil retires from school. Every effort has been made to ensure that all entries made are a clear indication of the achievement of the pupil. If you wish to review the information contained in the record folder, please contact the principal. A pupil, and the parent or guardian of the pupil where the pupil has not attained the age of eighteen years, is entitled to access to the pupil record of the pupil.

(2) Subject to subsection (3), a report card required to be placed in the record folder shall be printed on paper that,

- (a) is white and is capable of retaining its whiteness for the period of time referred to in section 33;
- (b) is sufficiently opaque to permit ink to be applied to both sides of the paper and retain legibility to both sides thereof; and
- (c) is suitable for long-term storage.

(3) Where the information on a report card is recorded by means of a computer or equipment used in connection with a computer, the paper on which the information is printed shall be such that the paper has, where possible, the characteristics set out in subsection (2). O. Reg. 380/86, s. 10, *part*.

22.—(1) Every principal of a school shall ensure that a report card is prepared in respect of each pupil enrolled in the school when the pupil completes a secondary school course or elementary school grade and at the time the pupil transfers to another school or to a private school, or retires from school, as the case may be.

(2) A report card may when required by the board of the school be prepared more frequently than required under subsection (1).

(3) Where a pupil transfers to another school or to a private school or retires from school within six weeks of the date of the enrolment of the pupil in the school or within six weeks from the commencement of a new school year, as the case may be, no report card shall be prepared in respect of the six week period.

(4) Where a school is organized on a semester plan, a report card shall be prepared at the end of each semester. O. Reg. 380/86, s. 10, *part*.

23.—(1) Every report card in respect of a pupil shall have entered on it,

- (a) the full name of the pupil as recorded on the record folder;
- (b) where applicable, the grade in which the pupil is placed;
- (c) the record of attendance of the pupil at school;

- (d) where applicable, a reference to the grade to which the pupil is promoted;
- (e) a concise statement of the program of study undertaken by the pupil sufficient to enable a person to understand the objectives, content and degree of difficulty of the courses included in the program of study;
- (f) in respect of each program of study undertaken by the pupil,
 - (i) a detailed statement provided by an anecdotal description, a percentage mark, a letter grade or any other means that indicates the level of achievement of the pupil, or
 - (ii) a statement that there has been insufficient time to assess the achievement of the pupil;
- (g) in respect of a course for which credit may be awarded and where the pupil is entitled to such credit, the value assigned to the credit for diploma purposes and, where the credit has a value that is not an integer, such value shall be expressed as a decimal;
- (h) in respect of a course for which no credit may be awarded, the words "non-credit course"; and
- (i) the common course code of each subject for which a common course code has been issued.

(2) The record of attendance referred to clause 1 (c) may be in respect of the reporting period of the report card and may include references to the number of times the pupil was late for school. O. Reg. 380/86, s. 10, *part*.

24.—(1) Every report card in respect of a pupil shall have entered on it the address and other particulars of the school at which the pupil attained the achievement recorded on the report card sufficient to identify the school.

(2) When a report card is complete it shall be signed by the principal of the school or the teacher or other school official designated for such purpose by the principal, and a report card so signed is evidence of the achievement of the pupil recorded on the report card.

(3) Where a report card is signed by a teacher or other school official designated by the principal, the person signing the report card shall indicate thereon that the person is signing for and on behalf of the principal and shall give the name of the principal.

(4) Where a report card is completed and signed as provided in this section, the report card or a true copy thereof shall be placed in the record folder of the pupil and the report card or a true copy thereof shall be forwarded,

- (a) to the parent or guardian of the pupil where the pupil has not attained the age of eighteen years; or
- (b) to the pupil where the pupil has attained the age of eighteen years. O. Reg. 380/86, s. 10, *part*.

DOCUMENTATION FILE

25.—(1) A documentation file shall be in Form 6.

(2) Every principal of a school shall ensure that, where applicable, a documentation file is prepared in respect of each pupil enrolled in the school.

(3) A custody order, a change of name order, a request by a parent or guardian of a pupil under subsection 8 (2), or a request referred to in section 27 in respect of a pupil shall be inserted in the documentation file of the pupil.

(4) The principal may store in a documentation file referred to in subsection (2), material that in the opinion of the principal is beneficial to teachers in the instruction of the pupil including,

- (a) identification or placement determinations or both by a committee;
- (b) the results of a review of a placement; and
- (c) the decision of an appeal board, board or tribunal in respect of an identification or placement made by a committee, and the documentation related thereto.

(5) The contents of a documentation file shall be reviewed regularly by the principal and the principal may remove any material considered no longer to be beneficial to teachers in the instruction of the pupil.

(6) Where any material is removed from a documentation file, the material shall be given to the pupil or the parent or guardian of the pupil or destroyed. O. Reg. 380/86, s. 10, *part*.

STUDENT RECORD OF ACCUMULATED INSTRUCTION IN FRENCH AS A SECOND LANGUAGE

26.—(1) In this section, "program" means a program in French as a second language. R.R.O. 1980, Reg. 271, s. 28 (1).

(2) A record of French instruction shall be in Form 4. O. Reg. 380/86, s. 11, *part*.

(3) A record of French instruction shall be established for each pupil who is enrolled in a program in an elementary school or a secondary school.

(4) Subject to subsection (9), an entry shall be made on the record of French instruction in respect of a pupil who is enrolled in a program in an elementary school or a secondary school, during a school year or in a summer course,

- (a) at or before the end of such school year or summer course; and
- (b) when the pupil transfers to another school or to a private school, or retires from school.

(5) The full name of the pupil, as recorded on the record folder, shall be recorded on the record of French instruction, and such record shall be placed in the record folder maintained in respect of the pupil and retained therein, except that it may be removed from the record folder and retained elsewhere in the school for a temporary period while the pupil is enrolled in a program.

(6) Subject to subsection (9), there shall be entered on the record of French instruction established in respect of a pupil, in the column appropriate therefor, for each school year or summer course during which the pupil was enrolled in a program,

- (a) the school year or summer course;
- (b) the name of the educational authority outside Ontario or the board or private school that provided the program;
- (c) the grade in which the pupil was registered;
- (d) the number of hours of instruction received in the subject of French;
- (e) the other subjects in which the pupil received instruction in the French language and the number of hours of such instruction received in each such subject;
- (f) the total number of hours of instruction received by the pupil in a program during such school year or summer course; and

- (g) the total number of hours of instruction in a program that the pupil has accumulated at the end of such school year or summer course,

but no entry shall be made on the record of French instruction in respect of a program taken in a nursery school, or a program taken in evening classes for which no credit is given. R.R.O. 1980, Reg. 271, s. 28 (3-6).

(7) Where a pupil is enrolled in a program for a portion of a school year, the percentage of the school year that the pupil is in the program shall, subject to subsection (9), be entered on the record of French instruction established in respect of a pupil in the column headed "School Year" to the right of the dotted line. O. Reg. 380/86, s. 11, *part*.

(8) Where information that is required in respect of previous years for preparing a record of French instruction in respect of a pupil is not obtainable, a notation to this effect shall be made on the record of French instruction, and the estimated total number of hours of instruction in a program accumulated by the pupil shall be entered in the column of the record of French instruction headed "Total hours accumulated at the end of the School year". R.R.O. 1980, Reg. 271, s. 28 (8).

(9) Where the principal of a secondary school is satisfied that all the information referred to in clauses (6) (a) to (g) and in subsection (7) where applicable, in respect of a pupil, can be ascertained from the entries on the record folder and the report cards in respect of the pupil taken together, the entry of the information in respect of a program that is taken in the secondary school is not required to be made on the record of French instruction in respect of the pupil. O. Reg. 380/86, s. 11, *part*.

CORRECTION OF RECORD OR DELETION FROM RECORD

27.—(1) Where a principal receives a request referred to in subsection 266 (4) of the Act with respect to a record of a pupil and where all or part of the request is not complied with the principal shall place,

- (a) the request; and
- (b) a statement giving reasons for not complying with the request or part thereof, as the case may be,

in the documentation file in respect of the pupil.

(2) The principal shall place a statement of any decision under subsection 266 (5) of the Act (reference where disagreement) made by a supervisory officer or person designated by the Minister with respect to a record of a pupil in the documentation file of the pupil. O. Reg. 380/86, s. 12, *part*.

28.—(1) Every principal shall ensure that no pupil record discloses the contravention or alleged contravention by the pupil of any statute or regulation made thereunder to which the *Young Offenders Act* or Part VI of the *Provincial Offences Act* applies or discloses the disposition of any proceedings brought in respect thereof.

(2) Where an entry in a pupil record discloses the contravention or alleged contravention by the pupil of any statute or regulation made thereunder to which the *Young Offenders Act* or Part VI of the *Provincial Offences Act* applies or the disposition of any proceedings brought in respect thereof, the principal of the school in which the pupil is enrolled shall ensure that the entry is deleted from the pupil record.

(3) Where in the opinion of the principal information or material that has been inserted in the record folder in respect of a pupil is no longer beneficial to teachers in the instruction of the pupil, the principal may remove such information or material from the record folder and either give it to the pupil or the parent or guardian of the pupil or destroy it. O. Reg. 380/86, s. 12, *part*.

TRANSFER

29.—(1) Where a pupil transfers from a sending school to a receiving school that is not under the jurisdiction of the same board, the principal of the receiving school shall, where the receiving school is a school, and may, where the receiving school is a private school, send to the principal of the sending school a written request for transfer of the pupil record in respect of the pupil.

(2) Where a principal receives a request referred to in subsection (1), the principal of the sending school shall transfer by first class mail to the principal of the receiving school, the materials or, where the materials have been microrecorded or stored on computer files, a printed copy of the materials referred to in clauses 2 (2) (b), (c), (d), (e) and (f) and in subsection 2 (3) in respect of the pupil.

(3) Subsection (2) does not apply with respect to the sending of a printed copy where the principal of the receiving school indicates in the written request that the receiving school has the capability of receiving that part of the pupil record that has been microrecorded or stored on computer files in such a way as to enable the receiving school to reproduce or view the pupil record in the same manner as the sending school.

(4) Where the principal indicates that the receiving school is capable of receiving a pupil record that has been microrecorded or stored on computer files, the pupil record may be transmitted to the receiving school in such form.

(5) Where a pupil transfers by reason of promotion or in accordance with instructions of the board from one school to another that is under the jurisdiction of the same board, the principal of the sending school may, without a request therefor in writing, forward to the principal of the receiving school by first class mail or by delivery service provided by the board, the materials referred to in clauses 2 (2) (b), (c), (d), (e) and (f) and in subsection 2 (3) in respect of the pupil.

(6) Where the receiving school is a private school that is not operated by the Government of Canada and that is not inspected under subsection 16 (7) of the Act (Inspection on request), the principal of the sending school shall not transfer the pupil record under subsection (1) unless the principal has the consent of,

- (a) the pupil, where the pupil has attained the age of eighteen years; or
- (b) the parent or guardian of the pupil, where the pupil has not attained the age of eighteen years.

(7) An original pupil record shall not be transferred to an educational institution outside Ontario.

(8) A true copy of the information contained in the pupil record of a pupil may be sent by first class mail to the principal of an educational institution outside Ontario only where the principal in whose possession the pupil record is receives,

- (a) a request for the pupil record from the principal of the educational institution outside Ontario; and
- (b) a request in writing for the transfer of the pupil record is signed by,

(i) the pupil, where the pupil has attained the age of eighteen years, or

(ii) the parent or guardian of the pupil, where the pupil has not attained the age of eighteen years.

(9) Where the pupil or the parent or guardian of the pupil, as the case requires, satisfies the principal of the school in which the student is enrolled that the pupil requires a copy of a pupil record for the purposes of enrolling in an educational institution outside

Ontario, a true copy of the information contained in the pupil record of the pupil may be provided to,

- (a) the pupil, where the pupil has attained the age of eighteen years; or
- (b) the parent or guardian of the pupil, where the pupil has not attained the age of eighteen years. O. Reg. 380/86, s. 12, *part.*

30.—(1) Where the principal of a school or a private school is of the opinion that a pupil record or any part of a pupil record should be established and maintained in the French language, the principal may, with the approval of the board or the person operating the private school, as the case may be, establish and maintain the pupil record or the part thereof in the French language.

(2) Where the principal of a school or a private school maintains a pupil record in the French language and the pupil transfers from a sending school to a receiving school and the principal of the receiving school is of the opinion that the pupil record should be maintained in the English language, the part of the pupil record that is in the French language shall not be translated and the pupil record may be maintained thereafter in the English language.

(3) Where the principal of a school or a private school maintains a pupil record in the English language and the pupil transfers from a sending school to a receiving school and the principal of the receiving school is of the opinion that the pupil record should be maintained in the English language, the part of the pupil record that is in the French language shall not be translated and the pupil record may be maintained thereafter in the French language. O. Reg. 380/86, s. 12, *part.*

31.—(1) Where a pupil retired from school or from a private school that maintained a pupil record in respect of the pupil before the 31st day of August, 1985, and the pupil, where the pupil has attained the age of eighteen years or the parent or guardian of the pupil, where the pupil has not attained such age, so requests, the principal shall give to the pupil or to the parent or guardian of the pupil, as the case requires,

- (a) a true copy of Part C of the record folder in respect of the pupil; and
- (b) except for the report cards and the record of French instruction of the pupil, the information and materials that are stored in the record folder.

(2) Where the information and materials referred to in clause (1) (b) are not requested by the pupil or by the parent or guardian of the pupil, as the case requires, they shall be retained in the pupil record until the 31st day of July of the fifth year following the year in which the pupil retires from school, after which date they shall be destroyed forthwith. O. Reg. 380/86, s. 12, *part.*

32.—(1) Where a pupil retires from school or from a private school that maintains a pupil record in respect of the pupil on and after the 1st day of September, 1985, and the pupil, where the pupil has attained the age of eighteen years or the parent or guardian of the pupil, where the pupil has not attained such age, so requests, the principal shall give to the pupil or to the parent or guardian of the pupil, as the case requires,

- (a) a true copy of the Ontario student transcript in respect of the pupil;
- (b) except for the report cards and the record of French instruction of the pupil, the information and materials that are stored in the record folder; and

(c) where applicable, the contents of the documentation file of the pupil.

(2) Where the information and materials referred to in clauses (1) (b) and (c) are not requested by the pupil or by the parent or guardian of the pupil, as the case requires, they shall be retained in the pupil record until the 31st day of July of the fifth year following the year in which the pupil retires from school, after which date they shall be destroyed forthwith. O. Reg. 380/86, s. 12, *part.*

33. A record of French instruction, if any, and the report cards retained in a record folder in respect of a pupil may be destroyed after five years next following the year in which the pupil retires from school or from a private school that maintains a pupil record in respect of the pupil.

34.—(1) A record folder in respect of a pupil shall be retained by the board,

- (a) in the school attended by the pupil immediately before the retirement of the pupil from school; or
- (b) in a central records office maintained by the board that operated the school referred to in clause (a),

for a period of fifty-five years from the year in which the pupil retires from school, except where the record folder is microrecorded or stored on a computer file in a manner that permits a clear and legible reproduction to be printed.

(2) Where a pupil retires from a private school that maintains a pupil record in respect of the pupil, the private school, after a period of five years next following the year in which the pupil retires from the private school may, where the sending school in respect of that pupil is not a private school, return the record folder to the sending school, in which case subsection (1) applies as if such sending school were the school attended by the pupil immediately before the retirement of the pupil from school.

(3) Where the private school does not return the record folder to the sending school, subsections (1) and (3) apply with necessary modifications to the private school in respect of such record folder.

(4) A record folder in respect of a pupil that is microrecorded or stored on a computer file in a manner that permits a clear and legible reproduction to be printed, may be destroyed after five years following the year in which the pupil retires from school or from a private school that maintains a pupil record in respect of the pupil.

(5) The information on a microrecording or computer file with respect to a record folder of a pupil shall be retained for a period of fifty-five years after the retirement of the pupil.

(6) Where a private school ceases to operate, every pupil record that is retained by the private school and that has not been transferred to a school or a private school because of a transfer of a pupil to another school or a private school shall be sent forthwith to the Minister.

(7) Where a school section is declared inactive, a secondary school district or separate school board is discontinued or a board is dissolved and its assets not vested in another board, every pupil record that is retained by the board or a school operated by the board and that has not been transferred to a school or a private school because of a transfer of a pupil to another school or a private school shall be sent forthwith to the Minister.

(8) A person who destroys all or any part of a pupil record that is no longer required to be retained under this Regulation shall ensure that the destruction is effected under conditions that ensure complete, confidential disposal of the record or part thereof. O. Reg. 380/86, s. 12, *part.*

Form 1

Education Act

THE ONTARIO STUDENT RECORD FOLDER

A Surname, Given names School	B Schools attended and summary of progress Board	Sex	Social insurance number	Birthdate	Verification				Signature of teacher or school official	Initial
					Enrolled Month	Year	Completed Month	Year			Achievement Form No.	Passport	Other
Primary										
Junior										
Inter-mediate										
Senior										

Ministry of Education,
Ontario



1 This folder and contents are the property of the school. The student whose name appears on it and his parent(s) or legal guardian(s) are permitted access to it.

2 Teachers are requested to familiarize themselves with the manual that has been prepared to accompany the folder.

The Ontario student record folder

For photo-copying purposes please do not type outside of this line

<p>D</p> <p>Father _____ Mother _____ Guardian _____</p> <p>_____ it deceased enter date</p>	<p>G</p> <p>Extra-curricular school activities _____</p> <p>_____ date</p>
<p>E</p> <p>Special health information</p> <p>Heart <input type="checkbox"/> Hearing <input type="checkbox"/> Sight <input type="checkbox"/> Speech <input type="checkbox"/> Other <input type="checkbox"/></p> <p>Recommendation: _____</p>	<p>I</p> <p>additional information in folder <input type="checkbox"/></p> <p>Special achievements in school activities _____</p> <p>_____ date</p>
<p>H</p> <p>Entries in this section should be reviewed annually</p> <p>Additional information _____</p>	<p>K</p> <p>additional information in folder <input type="checkbox"/></p> <p>Follow-up information _____</p>
<p>J</p> <p>_____ additional information in folder <input type="checkbox"/></p> <p>_____ Date of retirement</p> <p>_____ Address at retirement</p> <p>_____ _____ _____ _____</p>	

Form 2

Education Act

RECORD FOLDER

A Surname, Given names _____ Sex _____ Student Number _____ Birthdate _____

Year | Month | Day

Verification

Birth Certificate

Baptismal Certificate

Passport

Other _____

Initial _____

D If deceased enter date

Father _____

Mother _____

Guardian _____

E Special Health Information

Heart Recommendation

Hearing

Sight

Speech

Other

F Place Photographs Here

1 _____ 2 _____

3 _____ 4 _____

Entries in this section shall be kept current.

B Schools Attended		School	Board	Teacher Contact	Entered			Last Date of Attendance							
					Year	Month	Day	Year	Month	Day	Grade				
Primary JK - 3															
Junior 4 - 6															
Inter-mediate 7 - 10															
Senior 11 - 12 (OAC)															
C		Date of Retirement	Address at Retirement	Destination and Follow-up Information											

Additional Information	Date Record Received		
	Year	Month	Day
Immunization Record			
Supervised Alternative Learning Program			
Linkage Program			
Other			

Co-instructional Activities	Dates

Special Achievements in School Activities	Dates

Additional information in folder

Form 3

Education Act

STUDENT ACHIEVEMENT FORM

STUDENT ACHIEVEMENT FORM

.....		
	Surname, Given names	Grade	
Description of Studies	Description of Achievement	(where applicable)	
		Grading	Diploma Credits

.....
School Name and Address	Signature of School Official	Date Sent

To students and parents: This copy of the achievement form should be retained for future reference. The original has been placed in the record folder in respect of the pupil and will be retained for only three years after the pupil retires from school. Every effort has been made to ensure that all entries made are a clear indication of the achievement of the pupil. If you wish to review the information contained in the record folder, please contact the principal.

 Comment by student and/or parents:

Form 4

Education Act

SIDE A

Junior Kindergarten
to Grade 8

STUDENT RECORD OF ACCUMULATED INSTRUCTION
IN FRENCH AS A SECOND LANGUAGE

School Year (Enter % of the school year after the dotted line if not 100%)	STUDENT'S SURNAME	School board	Grade	Hours per year of instruction in the subject of French	GIVEN NAMES		Hours per year of instruction in other subjects given in French (specify)	Hours	Total hours for the year	Total hours accumulated at the end of the school year
					Subject(s)	Hours				
										Carry Total Over

To convert minutes per day to hours per year, multiply by 3; e.g., 40 minutes per day = 120 hours per year

SIDE B

Grades 9-13

**STUDENT RECORD OF ACCUMULATED INSTRUCTION
IN FRENCH AS A SECOND LANGUAGE**

Total hours accumulated by the end of Grade 8

STUDENT'S SURNAME _____ GIVEN NAMES _____

School Year (Enter % of the school year after the dotted line if not 100%)	School board	Grade	Hours per year of instruction in the subject of French	Hours per year of instruction in other subjects given in French (specify)		Total hours accumulated at the end of the school year
				Subject(s)	Hours	

To convert minutes per day to hours per year, multiply by 3; e.g., 40 minutes per day = 120 hours per year

Form 5

Education Act

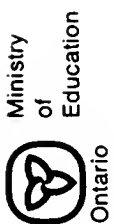
ONTARIO STUDENT TRANSCRIPT

Ministry of Education Ontario Ministère de l'Éducation Ontario		0615785 GIVEN NAMES / PRÉNOMS		STUDENT TRANSCRIPT / RELEVÉ DE NOTES		DATE OF ISSUE / DATE D'INSCRIPTION		PAGE	
SCHOOL BOARD / CONSEIL SCOLAIRE		SCHOOL / ÉCOLE		STUDENT NUMBER / NUMÉRO MATRICULE		BIRTH DATE / DATE DE NAISSANCE		DATE OF ENTRY / DATE DE L'ADMISSION	
DATE	GRADE / ANNÉE	COURSE / COURS	COURSE CODE / CODE DU COURS	ACHIEVEMENT / NOTES FINALES	CREDIT / CREDIT	COMPLETION / OBLIGATOIRE	LEVEL OF DIFFICULTY / NIVEAU DE DIFFICULTÉ		DAC / CPO
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<p>SUMMARY OF CREDITS / TOTAL DES CREDITS</p> <p>DIPLOMA OR CERTIFICATE / DIPLOME OU CERTIFICAT</p> <p>DIPLOMA OR CERTIFICATE / DIPLOME OU CERTIFICAT</p>									
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Form 6

Education Act

DOCUMENTATION FILE



OSR Documentation File

Surname, Given Names			
Sex	Student Number	Birthdate	
		Year	Month Day

REGULATION 302**PURCHASE OF MILK**

1. A board is authorized to purchase milk for free distribution to pupils in schools under its jurisdiction. R.R.O. 1980, Reg. 272, s. 1.

2. The authority of a board may be exercised on condition that,

- (a) the distribution is effected only on school days between 8.45 a.m. and 4.00 p.m. and under the supervision and direction of the principal; and
- (b) the milk is consumed on the school premises. R.R.O. 1980, Reg. 272, s. 2.

REGULATION 303**REGIONAL TRIBUNALS**

1. A regional tribunal shall consist of three members appointed by the Minister, one of whom shall be designated by the Minister as the chair of the regional tribunal. O. Reg. 71/84, s. 1.

2. A regional tribunal referred to in Column 1 of the Table may be established for the region described opposite thereto in Column 2 of the Table and has jurisdiction in that region.

TABLE

ITEM	COLUMN 1	COLUMN 2
	Regional Tribunal	Region
1.	North Western Region (English)	The territorial districts of Kenora, Rainy River and Thunder Bay
	North Western Region (French)	
2.	Midnorthern Region (English)	The territorial districts of Algoma, Manitoulin and Sudbury
	Midnorthern Region (French)	
3.	North Eastern Region (English)	The territorial districts of Cochrane, Muskoka, Nipissing, Parry Sound and Timiskaming
	North Eastern Region (French)	
4.	Western Region (English)	The counties of Bruce, Elgin, Essex, Grey, Huron, Kent, Lambton, Middlesex, Oxford and Perth
	Western Region (French)	

TABLE--Continued

ITEM	COLUMN 1	COLUMN 2
	Regional Tribunal	Region
5.	Central Region (English)	The Municipality of Metropolitan Toronto, the regional municipalities of Durham, Haldimand-Norfolk, Halton, Hamilton-Wentworth, Niagara, Peel, Waterloo and York and the counties of Brant, Dufferin, Haliburton, Hastings, Northumberland, Peterborough, Prince Edward, Simcoe, Victoria and Wellington
	Central Region (French)	
6.	Eastern Region (English)	The Regional Municipality of Ottawa-Carleton and the counties of Dundas, Frontenac, Glengarry, Grenville, Lanark, Leeds, Lennox and Addington, Prescott, Renfrew, Russell and Stormont
	Eastern Region (French)	

O. Reg. 71/84, s. 2.

3. No person is eligible to be a member of a regional tribunal unless he or she resides in the region in which the regional tribunal has jurisdiction. O. Reg. 71/84, s. 3.

4. No person who has had any prior involvement with the determination under appeal is eligible to be a member of a regional tribunal that hears the appeal. O. Reg. 71/84, s. 4.

5. Where an appeal is taken to a regional tribunal in respect of the identification or placement of an exceptional pupil enrolled in a school or class established under Part XII of the Act and the parent or guardian of the pupil requests that the appeal be heard in the French language or the English language, as the case may be,

- (a) the persons appointed by the Minister as members of the tribunal shall be French-speaking or English-speaking, as required; and
- (b) the appeal shall be heard in the French language or in the English language, as the case may be. O. Reg. 71/84, s. 5.

6. Upon receiving notification of the names of the members of a regional tribunal appointed by the Minister, the secretary of the tribunal shall,

- (a) fix a date for hearing the appeal and shall so advise the parties to the hearing;
- (b) require the Regional Director of Education for the administrative region of the Ministry within which the board that is a party to the hearing has jurisdiction to make, in cooperation with the parties to the hearing, arrangements for a suitable place and time at which the hearing shall be held; and
- (c) advise in writing the parties to the hearing of the arrangements that have been made. O. Reg. 71/84, s. 6.

REGULATION 304

SCHOOL YEAR AND SCHOOL HOLIDAYS

1.—(1) In this Regulation,

“instructional day” means a school day that is designated as an instructional day on a school calendar and upon which day an instructional program that may include examinations is provided for each pupil whose program is governed by such calendar;

“professional activity” includes evaluation of the progress of pupils, consultation with parents, the counselling of pupils, curriculum and program evaluation and development, professional development of teachers and attendance at educational conferences;

“professional activity day” means a school day that is designated as a day for professional activities on a school calendar;

“school day” means a day that is within a school year and is not a school holiday;

“school year” means the period prescribed as such by or approved as such under this Regulation.

(2) A board may designate half a school day an instructional program and the remainder of the day for professional activities, but such a day constitutes a half-day in determining the number of instructional days in the school year. O. Reg. 822/82, s. 1.

2.—(1) Subject to section 5, the school year shall commence on or after the 1st day of September and end on or before the 30th day of June.

(2) Subject to section 5, a school year shall include a minimum of 194 school days of which up to 9 days may be designated by the board as professional activity days and the remaining school days shall be instructional days.

(3) Despite subsection (2), where a board designates more than 9 professional activity days, the number of days in excess of 9 shall be added to the number of instructional days identified on the school calendar.

(4) Subject to section 5, the following are school holidays:

1. Every Saturday and Sunday.
2. When the school is open during July, Canada Day.
3. Labour Day.
4. A day appointed by the Governor General or the Lieutenant Governor as a public holiday or for Thanksgiving.
5. A Christmas vacation consisting of fourteen consecutive days commencing on the Monday next following the Friday preceding the 21st day of December, but when the 21st day of December is a Thursday or a Friday, commencing on the Monday next following.
6. Five consecutive days commencing on the Monday next following the Friday preceding the 14th day of March.
7. Good Friday.
8. Easter Monday.
9. Victoria Day. O. Reg. 822/82, s. 2.

3.—(1) A board may designate up to fifteen instructional days as examination days.

(2) Despite subsection (1), where a board designates more than fifteen instructional days as examination days, the number of days in

excess of fifteen shall be added to the number of instructional days identified on the school calendar.

(3) Where a school has a policy of granting exemptions to pupils from the writing of examinations, such exemptions may be granted only from the final examinations in a course and only where at least one other set of examinations has been held.

(4) The teaching staff shall be in school during regular school hours on examination days and accessible to pupils, unless the board directs otherwise. O. Reg. 822/82, s. 3.

4.—(1) In each year every board shall, except in respect of a school or class for which the board has submitted a proposed school calendar under section 5, prepare, adopt and submit to the Minister on or before the 1st day of May in respect of the school year next following, the school calendar or school calendars to be followed in the schools under its jurisdiction, and each such school calendar shall,

- (a) state the school or schools in which the calendar is to be followed;
- (b) conform to section 2; and
- (c) identify each day of the school year as an instructional day, a professional activity day or a school holiday.

(2) In preparing a school calendar under subsection (1), the board shall ensure that some of the professional activity days are designated for the purposes of curriculum development, implementation and review.

(3) A school calendar submitted under subsection (1) shall be accompanied by a general outline of the activities to be conducted on the professional activity days identified on the calendar. O. Reg. 822/82, s. 4.

5.—(1) For one or more schools under its jurisdiction a board may designate a school year and school holidays that are different from those prescribed in section 2 and, where a board does so, the board shall submit to the Minister on or before the first day of March a proposed school calendar for the school year next following in respect of such school or schools, identifying thereon each day of the school year as an instructional day, a professional activity day or a school holiday, and the board may, upon approval thereof by the Minister, implement such school calendar.

(2) Where the Minister informs a board that he or she does not approve the school calendar submitted under subsection (1), the board may amend its proposed school calendar and submit to the Minister a revised school calendar and, upon approval thereof by the Minister, the board may implement the revised school calendar.

(3) Where a board has submitted a proposed school calendar under subsection (1) and the Minister has not approved on or before the 15th day of April such calendar or a revision thereof submitted under subsection (2), the board shall, on or before the 1st day of May, prepare, adopt and submit to the Minister a school calendar in accordance with section 4. O. Reg. 822/82, s. 5.

6.—(1) Where in the opinion of the board it is desirable to alter the date of a professional activity day or an examination day on a school calendar that has been submitted under section 4 or subsection 5 (3) or approved and implemented under subsection 5 (1) or (2), the board may alter the school calendar.

(2) Where, the board alters a school calendar under subsection (1), the board shall notify the parents concerned and the Minister of the altered date as far in advance as possible.

(3) The prior approval of the Minister is required for changes other than to the date of a professional activity day or an examination day.

(4) Where,

- (a) a school or class is closed for a temporary period because of failure of transportation arrangements, inclement weather, fire, flood, a breakdown of the school heating plant or a similar emergency, or a school is closed under the *Health Protection and Promotion Act* or the *Education Act*; and
- (b) the school calendar is not altered under subsection (1),

the day on which the school or class is closed remains an instructional day or a professional activity day, as the case may be, as designated on the school calendar applicable to such school or class. O. Reg. 822/82, s. 6.

7.—(1) Every board shall publish annually its school calendar or school calendars and ensure that copies thereof are available at the beginning of the school year for the information of parents and pupils.

(2) A school calendar or school calendars published under subsection (1) shall, in addition to the information required to be listed under subsection 4 (1), indicate in a general manner the activities to be conducted on professional activity days. O. Reg. 822/82, s. 7.

8. In each year, every board shall undertake an annual evaluation of the activities of the professional activity days of the previous year and retain such evaluations on file. O. Reg. 822/82, s. 8, *revised*.

9.—(1) A Remembrance Day service shall be held in every school on the 11th day of November or, when the 11th day of November is a Saturday or a Sunday, on the Friday preceding the 11th day of November.

(2) Subsection (1) does not apply where the school participates in a service of remembrance at a cenotaph or other location in the community. O. Reg. 822/82, s. 9.

REGULATION 305

SPECIAL EDUCATION IDENTIFICATION PLACEMENT AND REVIEW COMMITTEES AND APPEALS

1. In this Regulation,

“Appeal Board” means a Special Education Appeal Board established by a board under section 4;

“committee” means a Special Education Identification, Placement and Review Committee established under this Regulation and includes a Special Education Program Placement and Review Committee heretofore established under the regulations that meets the requirements of this Regulation for a Special Education Identification, Placement and Review Committee;

“parent” includes a guardian of a pupil. O. Reg. 554/81, s. 1.

2.—(1) Where a board has established or establishes special education programs or provides special education services for its exceptional pupils it shall establish in accordance with section 3 one or more Special Education Identification, Placement and Review Committees and shall determine the jurisdiction that each such committee shall have.

- (2) A principal,
 - (a) may upon written notification to a parent of a pupil; or
 - (b) shall at the written request of a parent of a pupil,

refer the pupil to the committee or, having regard to the jurisdiction of the committees where more than one committee has been established, refer the pupil to the committee that the principal considers to be the most appropriate in respect of the pupil.

(3) Where a committee is engaged in identifying a pupil as an exceptional pupil or in determining the recommended placement of such a pupil, the committee shall obtain and consider an educational assessment of the pupil and,

- (a) where the committee determines that a health assessment or a psychological assessment or both of the pupil are required to enable the committee to make a correct identification or determination in respect of the pupil and with the written permission of the parent, obtain and consider a health assessment of the pupil by a legally qualified medical practitioner and obtain and consider a psychological assessment of the pupil;
- (b) where, in the opinion of the committee, it is practicable so to do, the committee shall, with the consent of a parent of the pupil, interview the pupil;
- (c) unless the parent waives or refuses to participate in an interview, the committee shall interview a parent of the pupil; and
- (d) the committee shall cause to be sent to a parent of the pupil and to the principal who has made the referral, as soon as possible after the making of its determination, a written statement of,
 - (i) the identification it has made of the needs of the pupil,
 - (ii) where, in the opinion of the committee the pupil is an exceptional pupil, the recommendation made in respect of the placement of the pupil, and
 - (iii) the date the committee proposes to notify the board of its determination.

(4) A parent of a pupil may, prior to the date set out in a statement under subclause (3) (d) (iii) in respect of the pupil, upon written notice to the principal, request in writing a meeting with the committee to discuss the statement and the committee shall arrange to meet with the parent and the principal for such purpose.

(5) Each committee shall notify the director of education of the board, or the secretary of the board where the board does not have a director of education,

- (a) on or after the date set by the committee as set out in the statement; or
- (b) after the discussion of the statement held under subsection (4),

of the determination made by the committee as set out in the statement and the change, if any, made in the determination as a consequence of such discussion and shall send a copy of such notice to the parent and the principal.

(6) A board may establish procedures in addition to the requirements set out in subsection (3) that shall be followed by a committee.

(7) Each board that has established one or more committees shall prepare a guide for the use and information of parents that,

- (a) describes the circumstances in which and the procedures under which a pupil may be referred to a committee;
- (b) outlines the procedures referred to in subsection (3) and any additional procedures required by the board under subsection (6) that are required to be followed by a committee in identifying a pupil as an exceptional pupil and determining the recommended placement of the pupil;
- (c) explains the function of and the right to appeal determinations of a committee to the Appeal Board; and

- (d) sets out the provisions of section 6 of this Regulation,

and shall ensure that copies thereof are available at each school within the jurisdiction of the board and at the head office of the board and shall provide copies for the appropriate Regional Director of Education of the Ministry.

(8) Where a board provides schools or classes under Part XII of the Act, the board shall ensure that the guide referred to in subsection (7) is available in the English or French language as the case may be. O. Reg. 554/81, s. 2.

3.—(1) A committee shall consist of such number of members, not fewer than three, as the board that establishes the committee may determine, all of whom, subject to subsection (2), shall be appointed by the board and one of whom shall be a supervisory officer or a principal employed by the board, except that where the board does not employ a supervisory officer and employs only one principal, one of such members shall be a person approved by the appropriate Regional Director of Education.

(2) A supervisory officer referred to in subsection (1) may designate a person to act in his or her place as a member of the committee without the approval of the board.

(3) A member or trustee of the board is not eligible to be appointed as a member of a committee. O. Reg. 554/81, s. 3 (I-3).

(4) Where an identification, placement or review of a placement under consideration by a committee is in respect of a secondary school pupil admitted to secondary school from a separate school, or in respect of a trainable retarded pupil of a divisional board whose parent is a separate school supporter, the board that operates the secondary school, or the divisional board, as the case may be, shall advise the separate school board of the identification, placement or review under consideration and when requested so to do by the separate school board shall appoint as an additional member of the committee for the purpose only of such consideration,

- (a) a supervisory officer or a principal of the separate school board from among the supervisory officers and principals designated for such purpose by the separate school board; or
- (b) a provincial supervisory officer or other person designated by the Regional Director of Education for the region in which the head office of the secondary school or divisional board, as the case may be, is situated where the separate school board has appointed only one principal and does not employ a supervisory officer. O. Reg. 554/81, s. 3 (4), *revised*.

(5) Where a board provides a school or class under Part XII of the Act and is required to establish one or more committees under section 2 of this Regulation, it shall establish one or more additional committees,

- (a) comprised of members who are French-speaking where French is the language of instruction in such school or class; or
- (b) comprised of members who are English-speaking where English is the language of instruction in such school or class,

and where a pupil who is enrolled in such school or class is referred to a committee and a parent of the pupil so requests, the committee whose members are French-speaking or English-speaking, as the case may be, shall consider the identification, the placement and any review of the placement of the pupil. O. Reg. 554/81, s. 3 (5).

4.—(1) A parent of a pupil who disagrees with,

- (a) the identification of the pupil as an exceptional pupil;

- (b) the decision that the pupil is not an exceptional pupil; or

- (c) the placement of the pupil as an exceptional pupil,

as determined by a committee, may give to the secretary of the board within fifteen days of the discussion referred to in subsection 2 (4), or in subsection 10 (3), as the case may be, a written notice of appeal of the determination of the committee and the board shall within thirty days of the receipt of the notice of appeal by the secretary establish and, subject to subsections 7 (1) to (5), appoint the members of an Appeal Board.

(2) Where the parent of a pupil gives notice of appeal under subsection (1), the notice shall indicate whether the disagreement with the decision of the committee is in respect of the matter referred to in clause (1) (a), (b) or (c) or in respect of both of the matters referred to in clauses (1) (a) and (c), as the case may be, and shall include a statement that sets out the parent's disagreement with the decision. O. Reg. 554/81, s. 4.

5. An Appeal Board shall not reject or refuse to deal with an appeal by reason of any actual or alleged deficiency in the statement referred to in subsection 4 (2) or in the failure of the parent, in the opinion of the Appeal Board, to accurately indicate in the notice of appeal the subject of the disagreement, and where, during the meeting referred to in subsection 7 (7), the true nature of the disagreement and the reasons therefor are ascertained, the notice of appeal shall be deemed to be amended accordingly and shall be so reported to the secretary of the board under subsection 7 (10). O. Reg. 554/81, s. 5.

6.—(1) An exceptional pupil shall not be placed in a special education program without the written consent of a parent of the pupil.

- (2) Where a parent of an exceptional pupil,

- (a) refuses or fails to consent to the placement recommended by a committee and to give notice of appeal under section 4; and
- (b) has not instituted proceedings in respect of the determinations of the committee within thirty days of the date of the written statement prepared by the committee,

the board may direct the appropriate principal to place the exceptional pupil as recommended by the committee and to notify a parent of the pupil of the action that has been taken. O. Reg. 554/81, s. 6.

7.—(1) A Special Education Appeal Board shall consist of three members none of whom shall have had any prior involvement with the matter under appeal.

(2) Where a pupil in respect of whom an appeal is brought under section 4 is enrolled in a school or class established under Part XII of the Act, a parent of the pupil may request that the appeal be conducted before an Appeal Board comprised of members who are French-speaking or English-speaking, as the case may be, and the board shall ensure that the request is complied with by appointing where necessary, a chair and members of the Appeal Board who are French-speaking or English-speaking as required, and this subsection applies even though the parent may not have requested that the identification, the placement or review of the placement of the pupil have been conducted by members of a committee who were French-speaking or English-speaking, as the case may be.

(3) The chair of the Appeal Board, who shall be designated as such by the board, shall not be, or have been,

- (a) a member or a trustee of the board; or
- (b) an employee or former employee of the board.

(4) One member of the Appeal Board shall hold qualifications as a supervisory officer.

(5) Where an appeal is brought in respect of a pupil, one member of the Appeal Board shall be,

- (a) a member of a local association as defined in subsection 206 (1) of the Act that is designated by a parent of the pupil;
- (b) a representative of the local association referred to in clause (a) who is resident in the area of jurisdiction of the board and nominated by the local association; or
- (c) where no local association referred to in clause (a) has been established in the area of jurisdiction of the board, a member of the local community nominated by a parent of the pupil.

(6) Each board shall provide each Appeal Board with secretarial and administrative services required by the Appeal Board.

(7) A chair of an Appeal Board shall forthwith arrange with a parent of the pupil where an appeal is brought in respect of a pupil, for a meeting with the Appeal Board at a convenient time and place for a discussion of the disagreement of the parent with the determination of the committee and the relevant issues under appeal.

(8) Any person who in the opinion of an Appeal Board may be able to contribute information with respect to the matters before the Appeal Board shall be invited to attend the discussion and the discussion shall be conducted in an informal manner.

(9) Where in the opinion of an Appeal Board all the opinions, views and information that bear upon the matters under appeal have been presented to the Appeal Board, the Appeal Board shall adjourn the discussion and within three days thereafter may,

- (a) agree with the committee and dismiss the appeal;
- (b) disagree with the committee and refer the matter back to the committee stating the reasons for the disagreement; or
- (c) where the Appeal Board is satisfied that a pupil in respect of whom an appeal is brought is not in need of a special education program or special education services, set aside the determination of the committee that the pupil is an exceptional pupil.

(10) An Appeal Board shall report its decision in writing to a parent of a pupil in respect of whom an appeal is brought, the committee and the secretary of the board, with reasons therefor where demanded.

(11) The board within thirty days after receiving the report referred to in subsection (10) shall accept or reject such decision and the secretary of the board shall notify in writing a parent of the pupil and the committee of the decision of the board and in such notice shall inform the parent of the provisions of section 37 of the Act.

(12) Each board shall, in accordance with its own policies, pay the travelling and living expenses and other costs of the members of the Appeal Board incurred while engaged on their duties as members of the Appeal Board. O. Reg. 554/81, s. 7.

8.—(1) Where an exceptional pupil is placed by a committee,

- (a) a committee shall review the placement of the pupil at least once every twelve months or pursuant to an application made under clause (b), whichever first occurs;
- (b) a parent of the pupil or the principal of the school at which the special education program is provided may, at any time after the placement has been in effect for three months, apply in writing to the chief executive officer of the board, or to the secretary of the board where the board has no chief executive officer, for a review by a committee of the placement of the pupil; and

(c) the placement of the pupil shall not be changed by a committee without,

- (i) prior notification in writing of the proposed change in placement to a parent of the pupil,
- (ii) a discussion of the proposed change in placement between the committee and a parent of the pupil, and
- (iii) the consent in writing of a parent of the pupil.

(2) Subsection 6 (2) applies with necessary modifications to the refusal or failure of a parent to consent to a recommended change in placement under clause (1) (c). O. Reg. 554/81, s. 8.

9. A board that provides an exceptional pupil with a special education program or services shall cause a parent or guardian of the pupil to be advised in writing of the reviews, notices and discussions referred to in section 8 that are to be provided in accordance with this Regulation and the provisions of subsection 8 (2). O. Reg. 554/81, s. 9.

10.—(1) Where a committee is engaged in the review of a placement of an exceptional pupil it shall,

- (a) obtain and consider an educational assessment of the exceptional pupil; and
- (b) consider on the basis of written reports, and other evidence including the evidence of a parent of the exceptional pupil whether the placement of the pupil appears to meet the needs of the pupil.

(2) Where the committee is satisfied with the suitability of the placement of an exceptional pupil it shall in writing confirm the placement and so report to a parent of the exceptional pupil and to the principal of the school where the exceptional pupil attends.

(3) If a parent of an exceptional pupil who is the subject of a review so requests in writing, the committee shall within fifteen days of the receipt of the request by the board meet with the parent to discuss the report. O. Reg. 554/81, s. 10.

11. A parent of an exceptional pupil who disagrees with a placement or the refusal to change a placement recommended by a committee as a result of a review referred to in clause 8 (1) (a) may appeal to an Appeal Board in accordance with section 4. O. Reg. 554/81, s. 11.

12.—(1) A notice of appeal under section 4 acts as a stay of proceedings of a committee in relation to the placement of a pupil.

(2) For the purposes of this Regulation, where a statement, report or notice is sent by mail it shall be sent by first class mail and it shall be deemed to have been received by the person to whom it was sent on the fifth day next following the date on which it was mailed.

(3) Where a parent of an exceptional pupil refuses in writing to discuss the statement or report of a committee with the committee and wishes to appeal to the Appeal Board, the discussion shall for the purposes of section 4 be deemed to have been held on the day such written refusal is received by the committee. O. Reg. 554/81, s. 12.

REGULATION 306

SPECIAL EDUCATION PROGRAMS AND SERVICES

1. A Special Education Program Placement and Review Committee heretofore established by a board under the regulations shall be deemed to be a committee referred to in subparagraph iii of para-

graph 5 of subsection 11 (1) of the *Education Act* for the purposes of identifying exceptional pupils and making and reviewing placements of exceptional pupils. O. Reg. 553/81, s. 1.

2.—(1) In this Regulation, “special education plan” means,

- (a) in respect of the school year 1985-86, a plan in effect during the school year prepared by a board that discloses the methods by which and the time within which the board will be in compliance with paragraph 7 of section 170 of the Act; and
- (b) in respect of a school year that commences in September in the year 1986 or any year thereafter, a plan in effect during the school year 1985-86 that is reviewed from year to year in accordance with subsection (3).

(2) Every board shall maintain the special education plan in respect of the board and ensure that the special education plan is amended from time to time to meet the current needs of the exceptional pupils of the board.

(3) Every board shall ensure that the special education plan of the board is reviewed annually by the board and that the review is completed prior to the 15th day of May in each year.

(4) In any year where the special education plan is amended by the board, the amendment shall be submitted to the Minister for review on or before the 15th day of May in that year.

(5) The Minister may at any time require a board to amend its special education plan in a manner that the Minister considers necessary so as to ensure that the board provides special education programs and special education services that meet the current needs of the exceptional pupils of the board. O. Reg. 77/86, s. 1.

3.—(1) Commencing with the school year 1986-87 and in every second school year thereafter, every board shall, in accordance with procedures provided by the Minister, prepare and approve a report on the provision by the board of special education programs and special education services.

(2) The report referred to in subsection (1) shall be submitted to the Minister for review not later than the 15th day of May in the year 1987 and in every second year thereafter. O. Reg. 77/86, s. 2.

4.—(1) Every board shall ensure that the special education plan of the board provides for the enrolment and placement of each trainable retarded child who is,

- (a) in attendance at a day nursery licensed under the *Day Nurseries Act* that has a program for developmentally handicapped children; and
- (b) qualified to be a resident pupil of the board.

(2) A copy of the provisions of the special education plan referred to in subsection (1) shall be submitted to the Minister where required by the Minister. O. Reg. 77/86, s. 3.

5.—(1) Every board shall ensure that the special education plan of the board provides for the enrolment and placement of each person under the age of twenty-one years who is qualified to be a resident pupil of the board and who resides or is lodged within the area of jurisdiction of the board in a centre, facility, home, hospital or institution, other than a private school, that is approved, designated, established, licensed or registered under any Act, and in which no education program is provided by the Ministry or the Ministry of Correctional Services.

(2) Where the centre, facility, home, hospital or institution referred to in subsection (1) is situated within the area of jurisdiction of the board, the board shall make provision in its special education plan for the enrolment and placement of each person under the age of twenty-one years who,

- (a) is a resident in such centre, facility, home, hospital or institution; and
- (b) would be qualified to be a resident pupil of the board if the person's parent or guardian was also resident within the area of jurisdiction of the board. O. Reg. 77/86, s. 4.

6. Every board shall ensure that the special education plan of the board is maintained and reviewed in accordance with this Regulation and implemented by the board in accordance with the terms of the plan as to the dates by which and the extent to which special education programs and special education services shall be established or provided for its exceptional pupils. O. Reg. 77/86, s. 5, *part*.

REGULATION 307

SPECIAL GRANT

1. Subject to the approval of the Lieutenant Governor in Council, the Minister may pay in any year, pursuant to a request from a board, in addition to the grant payable under the General Legislative Grants Regulation for such year, a special grant to such board where the General Legislative Grant otherwise payable to the board has placed or will place, in the opinion of the Minister, an undue burden upon all the ratepayers or supporters of the board or upon such of them as are assessed in a particular municipality or locality within the area of jurisdiction of the board. R.R.O. 1980, Reg. 275, s. 1.

2. A board to which a special grant is paid in a year under section 1 is not precluded from applying for receiving a special grant in a subsequent year. R.R.O. 1980, Reg. 275, s. 2.

3. The Minister, subject to the approval of the Lieutenant Governor in Council, shall prescribe the purpose to which a special grant paid under this Regulation is to be applied, and the amount of such special grant is recoverable in the year next following the year in which it is made if it is not applied as prescribed. R.R.O. 1980, Reg. 275, s. 3.

REGULATION 308

SUPERVISED ALTERNATIVE LEARNING FOR EXCUSED PUPILS

1. In this Regulation,

“achievement report” means a written communication on the progress of a pupil between a parent of the pupil and the principal of the school at which the pupil is enrolled or the principal of such other school designated by a committee;

“approved work station” means the place of work approved by a committee where the pupil is employed during school hours when the pupil is excused from attendance at school either full-time or part-time under subsection 3 (4);

“child” means a person of compulsory school age who has attained the age of fourteen years;

“committee” means a Supervised Alternative Learning for Excused Pupils Committee established under section 2;

“parent” includes a guardian;

“program” means a supervised alternative learning program in respect of a pupil that is approved by a committee and that may include one or more of,

- (a) full-time or part-time employment at an approved work station for such term or period of time as is fixed or determined under the program,

- (b) completion of a life-skills course, and
- (c) such continuing studies or other activity directed towards the pupil's needs and interests as may be acceptable to the committee,

pursuant to which a pupil is excused from attendance at school either full-time or part-time and by which regular contact with the pupil is maintained by a teacher or other staff member who is employed at or associated with the school where the pupil is enrolled, or such other school as may be designated by the committee, to ensure that the pupil continues to conform to the program;

"pupil" means a child for whom a program has been prescribed under subsection 3 (4). O. Reg. 532/83, s. 1.

2.—(1) A board shall establish a committee to be known as the Supervised Alternative Learning for Excused Pupils Committee for the purposes of this Regulation and designate the secretary of it.

(2) A committee shall be composed of such persons, not fewer than three, as may be appointed by a board in each year, and a quorum of a committee shall consist of,

- (a) a member of the board;
- (b) a supervisory officer who qualified as such as a teacher and is employed by the board, or, where the board does not employ a supervisory officer, the appropriate provincial supervisory officer for the area in which the board has jurisdiction; and
- (c) at least one person who is not an employee of the board in addition to those referred to in clauses (a) and (b).

(3) A committee shall designate a member as chair.

(4) Where a committee considers that it is in the best interests of a pupil, it may designate a school for the purposes of a program that is not the school where the pupil is enrolled. O. Reg. 532/83, s. 2.

3.—(1) A parent of a child may apply in writing to the principal of the school where the child is enrolled or has a right to attend to have the child participate in a program and the parent shall state in the application why he or she considers that the child should participate in a program.

(2) Where an application is made under subsection (1), the principal shall forthwith forward the application to the secretary of the committee and a copy thereof to the school attendance counsellor, and the committee shall consider the application and any oral or written submission made by any person in support thereof or in opposition thereto and may require the principal and any other employee of the board to report to the committee upon the child in respect of whom the application is made and to make recommendations in respect of the application.

(3) The parent of a child may examine the written reports and recommendations, if any, in respect of the child made under subsection (2).

(4) The committee shall, after interviewing the child, his or her parent and, where the committee considers it appropriate, any other person,

- (a) reject the application, in which case the child shall attend school as required by subsection 21 (1) of the Act; or
- (b) approve the application, in which case the committee shall prescribe a program directed towards the child's needs and interests,

and the secretary of the committee shall notify in writing the principal,

the school attendance counsellor, the child and the parent of the decision of the committee. O. Reg. 532/83, s. 3.

4.—(1) Where the parent of a child disagrees with the determination of the committee to reject the application under clause 3 (4) (a) and wishes to bring further relevant information to the attention of the committee, or disagrees with the program prescribed by the committee and notifies the secretary in writing of the disagreement setting out the reasons therefor, the committee may review the decision with which the parent disagrees and, as the case requires, with or without hearing the parent,

- (a) approve the application and prescribe a program;
- (b) confirm or alter the program; or
- (c) refuse to review its determination or the program that it has prescribed,

and the committee shall notify in writing the principal, the school attendance counsellor, the child and the parent of the decisions it has taken in respect of the notification given by the parent.

(2) A pupil shall conform to the program as prescribed for the pupil by the committee under subsection 3 (4) or subsection (1) of this section or as altered under subsection 6 (2), and the pupil is excused from attendance at school so long as the pupil conforms to the program.

(3) A pupil who is excused from attendance at school either full-time or part-time as determined by the committee under subsection 3 (4) or subsection (1) of this section or as altered under subsection 6 (2), shall be recorded as a full-time pupil on the register of the school in which the pupil is enrolled or of such other school as was designated by the committee, until the pupil is no longer of compulsory school age. O. Reg. 532/83, s. 4.

5.—(1) Where the parent of a child disagrees with the determination of the committee to,

- (a) reject the application under clause 3 (4) (a); or
- (b) refuse to review its determination under clause 4 (1) (c),

the parent may in writing notify the provincial school attendance counsellor of his or her disagreement and the reasons therefor, and the provincial school attendance counsellor may,

- (c) inquire into the validity of the parent's request to have a program prescribed for the child and recommend that the child attend school as required by subsection 21 (1) of the Act; or
- (d) recommend, where he or she is satisfied that the child should be excused from attendance at school under this Regulation, that a program be prescribed for the pupil and remit the application to the committee for reconsideration,

and a copy of the recommendation shall be delivered to the board, the principal, the school attendance counsellor, the child and the parent.

(2) Where the provincial school attendance counsellor remits an application to the committee under clause (1) (d), the committee shall reconsider the application. O. Reg. 532/83, s. 5.

6.—(1) Where a parent of a pupil or a pupil wishes to alter the program prescribed for the pupil under subsection 3 (4) or 4 (1), the parent may apply in writing to the secretary of the committee for approval of such alteration by the committee.

(2) Where a parent applies under subsection (1) or where a report is made under subsection 7 (2), the committee may, after discussion of the application or the report with the pupil and his or her parent, alter the program prescribed for the pupil and shall notify in

writing the principal, the school attendance counsellor, the pupil and the parent of the decision of the committee. O. Reg. 532/83, s. 6.

7.—(1) The school attendance counsellor shall have the same powers and shall perform the same duties in respect of a pupil as in the case of a child who is not excused from attendance at school.

(2) The teacher or other staff member responsible for maintaining regular contact with the pupil shall report to the committee when requested by the committee, and the principal of the school where the pupil is enrolled or of such other school as was designated by the committee shall report to the parent whenever achievement reports are issued by the principal.

(3) A school attendance counsellor of a board shall report as required by the board to the appropriate supervisory officer of the board who shall report to the provincial school attendance counsellor through the chief executive officer of the board on or before the 30th day of September in each year on the number of pupils who under this Regulation during the preceding school year,

- (a) were excused from attendance at school;
- (b) were required to attend school on a part-time basis only;
- (c) returned to full-time attendance at school; and
- (d) ceased to be excused from attendance under section 8.

(4) The parent of a pupil may examine a report in respect of the pupil under subsection (2). O. Reg. 532/83, s. 7.

8. Where a pupil and his or her parent move from the area of jurisdiction of the board under which the program is prescribed for the pupil to the area of jurisdiction of another board, the pupil shall be removed from the roll on which he or she was included under subsection 4 (3), and the board of which the pupil is then qualified to be a resident pupil shall refer to its committee the question of whether the pupil should be excused from attendance at a school operated by it, and the committee shall make the determination in accordance with subsections 3 (2) and (4) and may prescribe a program for the pupil in accordance with subsection 3 (4), and for such purpose the committee shall, where it has obtained the consent in writing of the parent, have access to all reports, recommendations and submissions made to the committee of the board that previously prescribed a program for the pupil. O. Reg. 532/83, s. 8.

9. Where a pupil resides within the area of jurisdiction of the board under which the program for the pupil is administered but ceases to be a resident pupil of such board by reason of the parent of the pupil ceasing to reside within the area of jurisdiction of the board, the pupil shall continue in the program in accordance with this Regulation without payment of a fee. O. Reg. 532/83, s. 9.

10. Where a pupil has ceased to reside within the area of jurisdiction of the board under which the program for the pupil was prescribed and the pupil is not qualified to be a resident pupil of the board in whose area of jurisdiction he or she has taken up residence, the pupil is not excused from attendance at school unless the pupil continues to conform to the program that was prescribed for him or her and, where the pupil continues to conform to the program the pupil shall do so without the payment of a fee and shall remain enrolled as a full-time pupil of the school where the pupil was enrolled immediately before his or her change of residence and the school attendance counsellor for the board that has jurisdiction in the area in which the pupil resides shall give such assistance and co-operation to the teacher or other staff member who makes the reports to the committee under subsection 7 (2) as the committee may require. O. Reg. 532/83, s. 10.

REGULATION 309

SUPERVISORY OFFICERS

PART I QUALIFICATIONS OF SUPERVISORY OFFICERS

1.—(1) In this Part,

“acceptable university degree” means a degree from an Ontario university or post-secondary institution that is an ordinary member of the Association of Universities and Colleges of Canada or a degree that is equivalent thereto from a university other than such Ontario university or post-secondary institution;

“architect” means a person who is an architect within the meaning of the *Architects Act*;

“certified general accountant” means a member of the Certified General Accountants Association of Ontario;

“certified management accountant” means a registered or certified member of The Society of Management Accountants of Ontario;

“chartered accountant” means a member of The Institute of Chartered Accountants of Ontario;

“Principal’s Certificate” means a permanent principal’s certificate;

“professional engineer” means a person who is a professional engineer within the meaning of the *Professional Engineers Act*;

“program in school board management” means two compulsory graduate courses approved by the Minister that are offered by a university, one of which is a course in school board finance and the other in school board administration, and four optional graduate courses approved by the Minister that are offered by a university in education, public administration or political science;

“university” means,

- (a) an Ontario university or post-secondary institution that is an ordinary member of the Association of Universities and Colleges of Canada,
- (b) a Canadian university in a province other than Ontario that is an ordinary member of the Association of Universities and Colleges of Canada,
- (c) a university in the United States that is recognized by,
 - (i) Middle States Association of Colleges and Schools,
 - (ii) New England Association of Schools and Colleges,
 - (iii) North Central Association of Colleges and Schools,
 - (iv) Northwest Association of Schools and Colleges,
 - (v) Southern Association of Colleges and Schools,
 - (vi) Western Association of Schools and Colleges, or
- (d) a university that is located in a country other than Canada or the United States and that is a member of the association of Commonwealth Universities or the International Association of Universities.

(2) A person who holds or who under this Regulation is deemed to hold a Supervisory Officer’s Certificate is, subject to subsection 6 (1), qualified as a supervisory officer for the purposes of the Act and this Regulation.

(3) A person referred to in subsection 3 (4) who is employed by a

board is qualified as a business supervisory officer for the purposes of the Act and this Regulation for the period during which the person is employed by the board in a position referred to in that subsection.

(4) For the purposes of this Regulation, a person who is the holder of a Master's degree that is an acceptable university degree and who successfully completes a graduate course, either as part of or in addition to the courses necessary to obtain the degree, in each of school board finance and school board administration at a university shall be deemed to have completed a program in school board management.

(5) For the purposes of this Regulation, a person who is the holder of an acceptable university degree and who is a certified general accountant, a certified management accountant or a chartered accountant shall be deemed to be a person who has completed the four optional graduate courses as part of a program in school board management. O. Reg. 668/86, s. 1.

2.—(1) A person who wishes to be a candidate for a Supervisory Officer's Certificate or a Business Supervisory Officer's Certificate shall apply to the Minister before the 1st day of November in a year, to take, in the year next following, the written and oral examinations approved by the Minister. O. Reg. 668/86, s. 2 (1), *revised*.

(2) A candidate for a Supervisory Officer's Certificate shall submit to the Minister with his or her application evidence that he or she has seven years of successful experience as a teacher, at least two years of which is in Ontario, and that he or she holds,

- (a) an acceptable university degree,
- (b) an Ontario Teacher's Certificate,
- (c) a master's degree in education from a university, and
- (d) one of,
 - (i) an Elementary School Principal's Certificate,
 - (ii) a Secondary School Principal's Certificate, Type A,
 - (iii) a Secondary School Principal's Certificate, Type B,
 - (iv) a Secondary School Principal's Certificate,
 - (v) a Program Supervision and Assessment qualification as indicated on the candidate's Ontario Teacher's Qualifications Record Card,
 - (vi) at least two years of successful experience as a teacher appointed by a board for subject and program supervision and coordination under section 17 of Regulation 298 of Revised Regulations of Ontario, 1990, as certified by the appropriate supervisory officer, or
 - (vii) at least two years of successful experience as an education officer employed by the Ministry as certified by the Regional Director of Education.

R.R.O. 1980, Reg. 276, s. 2 (2); O. Reg. 495/83, s. 1; O. Reg. 473/84, s. 1 (1); O. Reg. 668/86, s. 2 (2, 3), *revised*.

(3) A candidate for a Business Supervisory Officer's Certificate under subsection (1) shall submit with the application evidence that he or she,

- (a) has completed a program in school board management;
- (b) has seven years of experience in business administration; and
- (c) is,

- (i) the holder of an acceptable university degree, or
- (ii) an architect, certified general accountant, certified management accountant, chartered accountant or professional engineer. O. Reg. 668/86, s. 2 (4), *part*.

(4) The examinations referred to in subsection (1) shall be held at such times and places as the Minister determines and shall be based on,

- (a) Acts and regulations affecting the operation of schools and school boards;
- (b) the curriculum guidelines and other reference material pertaining to elementary and secondary education in Ontario; and
- (c) theories and practices of supervision, administration, and business organization that may be applicable to the effective operation of a school system. R.R.O. 1980, Reg. 276, s. 2 (3); O. Reg. 473/84, s. 1 (2).

(5) Where a candidate obtains standing of at least 60 per cent on each of the written and oral examinations referred to in subsection (1), the Minister shall grant the candidate a Supervisory Officer's Certificate or a Business Supervisory Officer's Certificate, as the case requires. O. Reg. 668/86, s. 2 (5).

3.—(1) A supervisory officer responsible for the development, implementation, operation and supervision of educational programs in schools shall,

- (a) hold the qualifications set out in subsection 2 (2) and a Supervisory Officer's Certificate; or
 - (b) be a person who is deemed to hold a Supervisory Officer's Certificate under section 4. R.R.O. 1980, Reg. 276, s. 3 (1).
- (2) A senior business official who,
- (a) reports to a director of education;
 - (b) reports to an assistant director of education or associate director of education; or
 - (c) is employed by a board that has an enrolment of more than 600 pupils and that does not employ a director of education,

shall, subject to subsections (4) and (5), be a person who holds, or who under this Regulation is deemed to hold, a Business Supervisory Officer's Certificate. R.R.O. 1980, Reg. 276, s. 3 (2); O. Reg. 668/86, s. 3 (1).

- (3) A business official who,
- (a) is assigned one or more of the duties of a supervisory officer;
 - (b) reports to a senior business official referred to in subsection (2); and
 - (c) has been appointed to a position designated by a board as superintendent, assistant superintendent, comptroller, assistant comptroller, business administrator or assistant business administrator or to a position that the board considers equivalent thereto and that has been approved by the Minister,

shall, subject to subsection (4), be a person who holds, or who under this Regulation is deemed to hold, a Business Supervisory Officer's Certificate. R.R.O. 1980, Reg. 276, s. 3 (3); O. Reg. 668/86, s. 3 (2).

(4) A board may appoint a person who does not hold or who under this Regulation is not deemed to hold a Business Supervisory Officer's Certificate as a senior business official referred to in subsection (2) or as a business official referred to in subsection (3) for a term of not more than two years where the person,

- (a) is an architect, certified general accountant, certified management accountant, chartered accountant or professional engineer or the person is the holder of an acceptable university degree; and
- (b) has entered into an agreement in writing with the board that sets out that the person will,
 - (i) within a period of time not to exceed two years, complete a program in school board management, and
 - (ii) make application at the first opportunity available under subsection 2 (1) to be a candidate for a Business Supervisory Officer's Certificate.

(5) Despite subsection (4), a board may employ a person for an additional period of two years if the person continues to make progress towards obtaining the qualifications referred to in subclause (4) (b) (i).

(6) A person who was appointed as a senior business official with the approval of the Minister before the 1st day of October, 1986 and whose agreement with the board is inconsistent with the requirements of subsection (4) may, by agreement with the board, amend the agreement to be consistent with subsection (4). O. Reg. 668/86, s. 3 (3).

4. A person who, prior to the 1st day of July 1974,

- (a) held an Elementary School Inspector's Certificate, a Public School Inspector's Certificate, a Secondary School Principal's Certificate, or a Secondary School Principal's Certificate, Type A; or
- (b) served as a provincial inspector of secondary schools or a municipal inspector of secondary schools,

is deemed to hold a Supervisory Officer's Certificate. R.R.O. 1980, Reg. 276, s. 4.

5.—(1) A person who was in the employ of a board on the 31st day of August, 1975, in a position referred to in subsection 3 (2) or (3), is deemed to hold a Supervisor Officer's Certificate.

(2) A person employed in the Ministry on the 31st day of August, 1975, in a position that the Minister considers similar to one of those referred to in subsection 3 (2) or (3) is deemed to hold a Supervisory Officer's Certificate. R.R.O. 1980, Reg. 276, s. 5.

6.—(1) A person who,

- (a) holds a Supervisory Officer's Certificate and who has submitted evidence of experience other than experience as a teacher to the Minister under subsection 2 (2);
- (b) is deemed to hold a Supervisory Officer's Certificate under section 5; or
- (c) holds a Business Supervisory Officer's Certificate,

is qualified as a supervisory officer under this Regulation for business administration purposes only.

(2) A supervisory officer other than a supervisory officer referred to in subsection (1) who, on the 30th day of September, 1986, was performing the duties,

- (a) of a senior business official referred to in clause 3 (2) (c)

and who reports as referred to in clauses 3 (2) (a) and (b); or

- (b) of a business official referred to in clause 3 (3) (c) who reports to a senior business official referred to in subsection 3 (2),

is deemed to hold a Business Supervisory Officer's Certificate. O. Reg. 668/86, s. 4.

PART II TRANSFER AND DISMISSAL

7.—(1) In this section, "redundant" in respect of the position of a supervisory officer means no longer required to be filled by reason of,

- (a) the implementation by a board of a long range organizational plan of operation in respect of schools or of supervisory services that eliminates the position or merges it with another position;
- (b) a reduction in the number of classes or in the business functions of the board for which supervision is required; or
- (c) a change in duties or requirements placed upon boards by or under any Act that renders a supervisory service unnecessary or reduces the need for such service.

(2) Where a board declares the position of a supervisory officer redundant, the board shall,

- (a) give the supervisory officer at least three months' notice in writing that the position has been declared redundant;
- (b) transfer the supervisory officer to a position for which he or she is qualified, with supervisory and administrative responsibilities as similar as possible to those of his or her previous position; and
- (c) pay the supervisory officer for at least one year following the date of the transfer with no reduction in his or her rate of salary. R.R.O. 1980, Reg. 276, s. 6.

8. Where a board considers that a supervisory officer has neglected his or her duty or is guilty of misconduct or inefficiency, the board shall cause notice to be given in writing to the supervisory officer stating the alleged neglect, misconduct or inefficiency and requiring that he or she appear before a committee of the board, on a specified date not less than six months from the date of the notice, to review his or her performance. R.R.O. 1980, Reg. 276, s. 7.

9.—(1) Where the committee referred to in section 8 reports to the board that the work of the supervisory officer is so unsatisfactory as to constitute grounds for dismissal under section 287 of the Act, the board shall meet in committee of the whole board to consider the matter and, where with the approval of at least two-thirds of the members of the board such committee determines to forward to the board a recommendation of dismissal, such recommendation shall include the reasons therefor, and the chair of the committee shall send a copy of the recommendation to the supervisory officer and shall advise the person in writing that he or she is entitled to a hearing, to which Part I of the *Statutory Powers Procedure Act*, except subsection 9 (1) thereof, shall apply, such hearing to be before the committee of the whole board, and that, if the person does not request a hearing within fifteen days after the date of the advice, he or she shall be considered to have waived the hearing.

(2) Where the supervisory officer requests a hearing, the board shall designate a person to be a party to the proceedings to represent the board at the hearing and shall forthwith communicate the name and address of the person so designated to the supervisory officer. R.R.O. 1980, Reg. 276, s. 8.

10.—(1) After the hearing or after the supervisory officer has

waived the hearing referred to in section 9, the committee of the whole board shall either withdraw its recommendation of dismissal or, where at least two-thirds of the members of the board approve the recommendation of dismissal, forward it to the board through the chair of the board.

(2) Upon receipt of the recommendation of dismissal, the board shall vote upon it and, where at least two-thirds of the members of the board approve the recommendation, the supervisory officer is dismissed. R.R.O. 1980, Reg. 276, s. 9.

11. Where a supervisory officer is dismissed in accordance with section 10, the board shall pay the person a severance allowance equal to the salary to which he or she would have been entitled for the remainder of the school year or for six months, whichever is the greater. R.R.O. 1980, Reg. 276, s. 10.

12. Where a supervisory officer is charged with an offence against the laws of Canada or Ontario in respect of conduct that the board believes constitutes grounds for suspension under section 287 of the Act, the board may suspend the supervisory officer from any or all of his duties and shall continue to pay the person his or her salary until a court has finally decided the case and the time for making an appeal has passed. R.R.O. 1980, Reg. 276, s. 11.

13. Where a supervisory officer is convicted of an offence against the laws of Canada or Ontario in respect of conduct that the board believes constitutes grounds for dismissal under section 287 of the Act, the board shall cause notice to be given in writing to the supervisory officer that it proposes to dismiss him or her and such notice shall include the reasons for the proposed dismissal and shall advise the supervisory officer that he or she is entitled to a hearing to which Part I of the Statutory Powers Procedure Act, except subsection 9 (1) thereof, shall apply, such hearing to be before the committee of the whole board, and that if the person does not request a hearing within fifteen days after the date of the notice, he or she shall be considered to have waived the hearing. R.R.O. 1980, Reg. 276, s. 12.

14.—(1) After the hearing or after the supervisory officer has waived the hearing referred to in section 13, the board shall meet in committee of the whole board and, where at least two-thirds of the members of the board approve, forward a recommendation for dismissal to the board through the chair of the board.

(2) Upon receipt of the recommendation of dismissal, the board shall vote upon it and, where at least two-thirds of the members of the board approve the recommendation, the supervisory officer is dismissed. R.R.O. 1980, Reg. 276, s. 13.

15. Where a supervisory officer is dismissed in accordance with section 14 and is paid a severance allowance, such allowance shall not exceed the severance allowance set out in section 11. R.R.O. 1980, Reg. 276, s. 14.

REGULATION 310

TEACHERS' CONTRACTS

FORM OF CONTRACTS

1.—(1) Every contract between a board and a permanent teacher shall be in Form 1.

(2) Every contract between a board and a probationary teacher shall be in Form 2. R.R.O. 1980, Reg. 277, s. 1.

(3) Except where otherwise provided under subsection 259 (5) or (6) of the Act, every contract between a board and a continuing education teacher shall be in Form 3. O. Reg. 153/89, s. 1.

PAYMENT OF SALARIES

2.—(1) Subject to subsection (4), a board shall pay the salary of a

teacher under contract in Form 1 or Form 2 in the number of payments set out in the contract.

(2) Subject to subsection (4), a board shall pay the salary of a teacher under contract in Form 3 in the number of payments or on the dates set out in the contract.

(3) In the case of a contract in Form 1 or Form 2, the contract shall provide for not fewer than ten salary payments. O. Reg. 153/89, s. 2.

(4) Where during the term of a contract between a board and a teacher the salary of the teacher is changed by mutual agreement in writing between the board and the teacher, the contract shall be deemed to be varied accordingly. R.R.O. 1980, Reg. 277, s. 2 (2).

Form 1

Education Act

PERMANENT TEACHER'S CONTRACT

This Agreement made in duplicate this day of, 19....., between hereinafter called the "Board" and of (the of in the County) ((or as the case may be) of) hereinafter called the "Teacher".

1. The Board agrees to employ the Teacher as a permanent teacher and the Teacher agrees to teach for the Board commencing the day of, 19..... at a yearly salary of Dollars, subject to any changes in salary mutually agreed upon by the Teacher and the Board, payable in (not fewer than ten) payments, less any lawful deduction, in the following manner:

- i. Where there are ten payments, one-tenth on or before the last teaching day of each teaching month.
- ii. Where there are more than ten payments, at least one-twelfth on or before the last teaching day of each teaching month, any unpaid balance being payable on or before the last teaching day of June, or at the time of leaving the employment of the Board, whichever is the earlier.

2. This Agreement is subject to the Teacher's continuing to hold qualifications in accordance with the Acts and the regulations administered by the Minister.

3. The Teacher agrees to be diligent and faithful in his or her duties during the period of employment, and to perform such duties and teach such subjects as the Board may assign under the Acts and the regulations administered by the Minister.

4. Where the Teacher attends an educational conference for which the school has been legally closed and his or her attendance at it is certified by the supervisory officer concerned or by the chair of the conference, the Board agrees to make no deductions from the Teacher's salary for his or her absence during that attendance.

5. Where an Act of Ontario or a regulation thereunder authorizes the Teacher to be absent from school without loss of pay, the Board agrees that no deduction from his or her pay will be made for the period of absence so authorized.

6. This Agreement may be terminated,

- (a) at any time by the mutual consent in writing of the Teacher and the Board;
- (b) on the 31st day of December in any year of the Teacher's employment by either party giving written notice to the other on or before the last preceding 30th day of November; or
- (c) on the 31st day of August in any year of the Teacher's employment by either party giving written notice to the other on or before the last preceding 31st day of May.

- ii. Where there are more than ten payments, at least one-twelfth on or before the last teaching day of each teaching month, any unpaid balance being payable on or before the last teaching day of June, or at the time of leaving the employ of the Board, whichever is the earlier.

2. This Agreement is subject to the Teacher's continuing to hold qualifications in accordance with the Acts and regulations administered by the Minister.

3. The Teacher agrees to be diligent and faithful in his or her duties during the period of employment, and to perform such duties and teach such subjects as the Board may assign under the Acts and regulations administered by the Minister.

4. Where the Teacher attends an educational conference for which the school has been legally closed and his or her attendance at it is certified by the supervisory officer concerned or by the chair of the conference, the Board agrees to make no deductions from the Teacher's salary for his or her absence during that attendance.

5. Where an Act of Ontario or a regulation thereunder authorizes the Teacher to be absent from school without loss of pay, the Board agrees that no deduction from his or her pay will be made for the period of absence so authorized.

6. Despite anything in this contract this Agreement may be terminated,

- (a) at any time by the mutual consent in writing of the Teacher and the Board;
- (b) on the 31st day of December in any year of the Teacher's employment by either party giving written notice to the other on or before the last preceding 30th day of November; or
- (c) on the 31st day of August in any year of the Teacher's employment by either party giving written notice to the other on or before the last preceding 31st day of May.

7. The Teacher agrees with the Board that if the Teacher enters into an agreement with another board he or she will within forty-eight hours notify the Board in writing of the termination of this Agreement unless the notice has already been given.

8. Where this Agreement is not terminated under paragraph 6 at the conclusion of the probationary period in paragraph 1, the Teacher is deemed to be employed as a permanent teacher by the Board.

In Witness whereof the Teacher has signed and the Board has affixed hereto its corporate seal attested by its proper officers in that behalf.

7. The Teacher agrees with the Board that if the Teacher enters into an agreement with another board he or she will within forty-eight hours notify the Board in writing of the termination of this Agreement unless the notice has already been given.

8. Where the Teacher is to be transferred by the Board from a school in one municipality to a school in another municipality, the Board agrees to notify the Teacher in writing on or before the 1st day of May immediately prior to the school year for which the transfer is effective, but nothing in this paragraph prevents the transfer of a teacher at any time by mutual consent of the Board and the Teacher.

9. This Agreement shall remain in force until terminated in accordance with any Act administered by the Minister or the regulations thereunder.

In witness whereof the Teacher has signed and the Board has affixed hereto its corporate seal attested by its proper officers in that behalf.

.....
 (signature of Chair of the Board)

 (signature of Secretary of the Board)

 (signature of Teacher)

R.R.O. 1980, Reg. 277, Form 1.

Form 2

Education Act

PROBATIONARY TEACHER'S CONTRACT

This Agreement made in duplicate this day of 19....., between hereinafter called the "Board" and of (the of in the County) ((or as the case may be) of) hereinafter called the "Teacher".

1. The Board agrees to employ the Teacher as a probationary teacher for a probationary period of years and the Teacher agrees to teach for the Board commencing the day of 19..... at a yearly salary of Dollars, subject to any changes in salary mutually agreed upon by the Teacher and the Board, payable in (not fewer than ten) payments, less any lawful deduction, in the following manner:

- i. Where there are ten payments, one-tenth on or before the last teaching day of each teaching month.

.....
 (signature of Chair of the Board)

 (signature of Secretary of the Board)

 (signature of Teacher)

R.R.O. 1980, Reg. 277, Form 2.

Form 3

Education Act

(signature of Teacher)

O. Reg. 153/89, s. 3.

CONTINUING EDUCATION TEACHER'S CONTRACT

THIS AGREEMENT made in duplicate this ... day of ... 19... between ... hereinafter called the "Board" and ... of (the ... of ... in the county) ((or as the case may be) of ... hereinafter called the "Teacher".

1. For the session commencing on the ... day of ... 19... and ending on the ... day of ... 19... the Board agrees to employ the Teacher as a continuing education teacher and the Teacher agrees to teach for the Board as a continuing education teacher at a salary of

\$... (specify amount per hour or per session)

2. The salary specified in paragraph 1, subject to any changes in salary mutually agreed upon by the Teacher and the Board, is reduced by any lawful deductions and is payable as follows:

(specify number of payments or dates of payment)

3. This Agreement is subject to the Teacher continuing to hold qualifications in accordance with the Acts and the regulations administered by the Minister.

4. During the session specified in paragraph 1, the Teacher agrees to perform such duties as the Board may assign under the Acts and the regulations administered by the Minister and to be diligent and faithful in the performance of the Teacher's duties.

5. Despite anything in this contract, this Agreement may be terminated prior to the end of the session mentioned in paragraph 1,

- (a) at any time by mutual consent in writing of the Teacher and the Board; (b) if the Teacher has entered upon the teaching duties referred to in paragraph 4, at any time by either party giving written notice to the other not less than forty-eight hours before the date of termination specified in the notice; or (c) by the Board at any time without advance notice to the Teacher where, before the commencement of the course or class or teaching in the subject, the Board has resolved not to offer the course, class or subject in the session mentioned in paragraph 1.

IN WITNESS WHEREOF the Teacher has signed and the Board has affixed hereto its corporate seal attested by its proper officers.

.....

REGULATION 311

TERRITORY WITHOUT MUNICIPAL ORGANIZATION ATTACHED TO A DISTRICT MUNICIPALITY

1.—(1) Those portions of the territory without municipal organization situate in the Territorial District of Thunder Bay being,

(a) the geographic townships of Atikameg, Bomby, Brothers, Bryant, Cecil, Cecile, Davies, Flood, Foote, Grenville, Herbert, Knowles, Laberge, McCron, McGill, Mikano, Nickle, Roberta, Shabotik and Spooner; and

(b) all lands in unsurveyed territory within an area the boundary sides of which are as follows:

1. On the east side, the easterly boundary of the Territorial District of Thunder Bay.

2. On the south side, the International Boundary.

3. On the west side, the line described as commencing at the point of intersection of the 86th Meridian and the International Boundary, extending northerly along the said Meridian until it meets the 48th Parallel, then easterly along the said Parallel until it meets the high water mark on the shoreline of the geographic Township of Homer, then southerly and southeasterly along the said high water mark to the intersection of the easterly boundary of the geographic Township of Homer, then northerly along the said easterly boundary of the geographic Township of Homer to the intersection of the boundary of Pukaskwa National Park, then northeasterly and along the boundary of the said National Park to the northerly boundary of the said National Park, thence westerly along the said northerly boundary to the point of intersection thereof with the 86th Meridian, then northerly along the said Meridian until it meets the southerly boundary of the geographic Township of Lecours to the southwest angle of the geographic Township of Bomby, then northerly along the said westerly boundary of the geographic Township of Bomby to the northwest angle of the said Township, then westerly along the northerly boundary of the geographic Township of Lecours to the point of intersection with the 86th Meridian, then northerly along the said Meridian until it meets the southerly boundary of the geographic Township of Grenville, then westerly along the southerly boundary of the geographic Township of Grenville to the southwest angle thereof, then northerly along the westerly boundary of the geographic townships of Grenville and Davies to the northwest angle of the geographic Township of Davies.

4. On the north side, the line formed by the northerly boundary of the Township of Manitouwadge and the extension westerly of the northerly boundary of the Township of Manitouwadge to the northwest angle of the geographic Township of Davies and the extension easterly of the northerly boundary of the Township of Manitouwadge along the northerly boundary of the geographic townships of Nickle, Herbert and Foote to the easterly boundary of the District of Thunder Bay,

are attached to the Township of Manitouwadge.

(2) Those portions of the territory without municipal organization situate in the Territorial District of Thunder Bay being,

- (a) the geographic Township of Pic not included in former school section No. 1. Pic; and
- (b) the geographic Township of Coldwell not included in former school section No. 1. Port Coldwell,

are attached to the Town of Marathon.

(3) Those portions of Territory without municipal organization situate in the Territorial District of Thunder Bay being,

- (a) the geographic townships of Byron, Cotte, Grain, Homer, Lecours and O'Neill; and
- (b) all lands in unsurveyed territory within an area the boundary sides of which are described as follows:
 1. On the east side, the line described in paragraph 3 of clause (1) (b).
 2. On the south side, the International Boundary.
 3. On the west side, the Meridian 86° 30'.
 4. On the north side, the line formed by the projection westerly of the northerly boundary of the geographic Township of Davies until it meets the Meridian 86° 30',

are attached to the Town of Marathon.

(4) The portion of the territory without municipal organization comprising the geographic Township of Syine not included in the former school section No. 1. Jackfish is attached to the Township of Terrace Bay.

(5) Those portions of the territory without municipal organization situate in the Territorial District of Thunder Bay being,

- (a) the geographic townships of Strey, Tuuri and Walsh;
- (b) all lands in unsurveyed territory within an area the boundary sides of which are described as follows:
 1. On the east side, the Meridian 86° 30'.
 2. On the south side, the International Boundary.
 3. On the west side, the line described as commencing at the intersection of the southeast angle of the Township of Terrace Bay and the International Boundary, then northerly along the easterly limit of the Township of Terrace Bay to the northeast angle thereof, then westerly along the northerly boundary of the Township of Terrace Bay to the point of intersection thereon of the easterly limit of the geographic Township of Strey, then continuing along the northerly limit of the Township of Terrace Bay and the southerly limit of the geographic Township of Strey to the southwest angle of the geographic Township of Strey, then northerly along the westerly limit of the geographic Township of Strey and its projection northerly parallel to the 87th Meridian to the point of intersection with a line that is the projection westerly of the northerly limit of the geographic Township of Davies.
 4. On the north side, a line that is the projection westerly of the northerly limit of the geographic Township of Davies,

are attached to the Township of Terrace Bay.

(6) The portion of territory without municipal organization comprising the geographic Township of Lahontan not included in former school section No. 1. Rosspport is attached to the Township of Schreiber.

(7) Those portions of the territory without municipal organization situate in the Territorial District of Thunder Bay being,

- (a) the geographic townships of Killraine, Priske, Wiggins and Yesno; and
- (b) all lands in unsurveyed territory, exclusive of St. Ignace Island, within an area the boundary sides of which are described as follows:
 1. On the east side, the line described in paragraph 3 of clause (5) (b).
 2. On the south side, the International Boundary.
 3. On the west side, a line that is the extension southerly to the International Boundary of the westerly limit of the geographic Township of Wiggins, the said westerly limit of the said geographic Township of Wiggins and the line that is the projection northerly of the said westerly limit of the geographic Township of Wiggins to the point of intersection of a line that is the projection westerly of the northerly limit of the geographic Township of Davies.
 4. On the north side, a line that is the projection westerly of the northerly limit of the geographic Township of Davies,

are attached to the Township of Schreiber. O. Reg. 691/85, s. 1.

REGULATION 312

TRAINING ASSISTANCE

1.—(1) For the purposes of subsection 135 (16) of the Act, during the period of twenty months commencing on the date upon which the transfer of employment of the designated person becomes effective under subsection 135 (11) of the Act, where the retraining of the designated person requires the attendance of the person at an educational institution in Ontario other than a school operated by the Roman Catholic school board to which the teaching contract, employment contract or employment relationship of the person is transferred, the following, subject to subsections (2), (3), (4) and (5), is prescribed as training assistance:

training assistance = $x + y$

where x = the cost of,

- (a) tuition at the institution;
- (b) educational material required or recommended for the designated person by the institution; and
- (c) incidental expenses incurred by the designated person that are payable to the institution as a result of enrolment and attendance at the institution.

y = where the campus of the institution that the designated person attends or the place at which the designated person is required to attend to obtain practical experience that is part of the program of the institution in which the designated person is enrolled is situate,

- (a) in a municipality other than the municipality in which the designated person resides or a municipality adjoining the municipality or locality in which the designated person resides; and
- (b) more than eight kilometres further by road or rail than the distance by road or rail from the residence of the designated person to the place at which the designated person was required to perform services

for the public board immediately prior to being designated under section 135 of the Act,

an amount,

- (c) where the designated person travels daily to the campus or the place, that does not exceed \$75 per day for each day that the designated person is in attendance at the campus or place, in respect of,
 - (i) the actual cost of daily transportation to and from the residence of the designated person or the cost of daily transportation calculated at a rate per kilometre determined by the Roman Catholic school board, and
 - (ii) the actual cost of meals or the cost of meals calculated at the rate that the Roman Catholic school board ordinarily pays for employees who are engaged in performing duties for the board; or
- (d) where daily transportation to and from the residence of the designated person is impracticable by reason of distance or the lack of suitable transportation, of \$450 per week for each week or part thereof that the designated person is in attendance at the campus or place, in respect of,
 - (i) the cost of board and lodging in the municipality in which the campus or place is situate, and
 - (ii) the actual cost of transportation once a week to and from the lodging and the residence of the designated person or the cost of transportation once a week calculated at a rate per kilometre determined by the Roman Catholic school board,

and reimbursement for all necessary living and household expenses of an extraordinary nature in respect of the maintenance and support of dependants of the designated person incurred during the period of the board and lodging as a direct result of the designated person finding it necessary to obtain the board and lodging.

(2) A Roman Catholic school board that enters into a collective agreement that covers the designated person and that provides for the payment of an amount in respect of retraining during the period referred to in subsection (1) that exceeds the maximum amount of \$75 per day or the \$450 per week set out in subsection (1) or the \$10,000 set out in subsection (4) shall pay the amount set out in the collective agreement and not the amount set out in subsection (1) or (4), as the case may be.

(3) The amount determined under subsection (1) shall be reduced by the net amount after taxes and employment related deductions of remuneration earned by the designated person as a result of obtaining practical experience as part of the retraining program or otherwise taking part in the retraining program.

(4) The maximum amount that is required to be paid under subsection (1) for training assistance for a designated person is \$10,000 in addition to the salary and benefits to which the designated person is entitled under section 135 of the Act.

(5) Where the amount calculated under subsection (1) exceeds \$10,000, the Roman Catholic school board may pay the total amount calculated in respect of x under subsection (1) and apply the balance, if any, to the amount calculated in respect of y under subsection (1) or the converse as is agreed upon by the board and the designated person. O. Reg. 705/87, s. 1.

REGULATION 313

TRUSTEE DISTRIBUTION

1. In this Regulation, "major part" means, with respect to a county or regional municipality, an area in the county or regional municipality that is larger than 50 per cent of the geographic area of the county or regional municipality. O. Reg. 384/88, s. 1.

2.—(1) Subject to subsections (2), (3) and (4), a determination and a distribution under Part VIII of the Act with respect to a board shall be made by the clerks of the three municipalities within the area of jurisdiction of the board having successively the greatest population.

(2) Where the area of jurisdiction of a board comprises fewer than three municipalities, the clerk of the municipality having the largest population, in consultation with the clerk of the other municipality, where applicable, shall make a determination and a distribution.

(3) Where the area of jurisdiction of a board is composed, wholly or partly, of all or the major part of two or more counties, a determination and a distribution shall be made by the clerk of the municipality in each county having the largest population, and where there are fewer than three counties in the area of jurisdiction of the board, by the clerk of the municipality, in the area of jurisdiction of the board, having successively the next largest population.

(4) Where the area of jurisdiction of a board comprises a county or the major part of a county and a regional municipality or the major part of a regional municipality, a determination and a distribution shall be made by the clerk of the municipality having the largest population in the county and the clerk of the municipality having the largest population in the regional municipality and the clerk of the municipality, in the area of jurisdiction of the board, having successively the next largest population.

(5) The director of education of a board shall take the necessary steps to convene a meeting of the persons required to make the determination and distribution for the board and shall be consulted during the process of making a determination of or a distribution for the members of the board.

(6) A determination and a distribution shall be made within ten days of receipt of the enumeration list from the assessment commissioner and, in any case, shall be made not later than the 10th day of August in the year of a regular election under the *Municipal Elections Act*.

(7) On or before the tenth day after the receipt of the enumeration list from the assessment commissioner and, in any case, not later than the 10th day of August in the year of a regular election under the *Municipal Elections Act*, the clerk of the municipality having the largest population shall send by registered mail a copy of the determination and the distributions for a board to the Minister, the secretary of the board and the clerks of all municipalities, including a regional municipality, and counties that are all or partly within the area of jurisdiction of the board.

(8) Where the members of a board who represent an electoral group direct that an alternative distribution be made, the distribution shall be made on or before the twenty-fifth day after the receipt of the enumeration list from the assessment commissioner and, in any case, not later than the 25th day of August.

(9) On or before the twenty-fifth day after the receipt of the enumeration list from the assessment commissioner and, in any case, not later than the 25th day of August in the year of a regular election under the *Municipal Elections Act*, the clerk of the municipality having the largest population shall send by registered mail a copy of the alternative distribution for an electoral group of a board to the Minister, the secretary of the board and the clerks of all municipalities, including a regional municipality, and counties that are all or partly within the area of jurisdiction of the board.

(10) Where a municipality is divided into electoral areas for the election of board members, other than electoral areas established under section 315 of the Act, and the clerk of the municipality is not a person prescribed to make a distribution, the clerk may make recommendations on the distribution to be made to electoral areas within the municipality.

(11) The clerk of a county may make recommendations on combining municipalities within the county for the election of members of a board. O. Reg. 384/88, s. 2 (1-11).

(12) In addition to the copies required to be sent under subsection (7), the clerk shall include a reference to the motion in the minutes of the board that authorizes an increase or decrease in the number of members by one or two, where applicable, and the data and calculations by which the determination and distributions were made.

(13) In addition to the copies required to be sent under subsection (9), the clerk shall include the reference to the motions in the minutes of the board that authorize the alternative distribution and the data and the calculations by which the alternative distribution was made. O. Reg. 384/88, s. 2 (16, 17).

3.—(1) Where two or more municipalities are combined for the election of one or more members, the nominations shall be submitted to the returning officer of the municipality, in the combination of municipalities that has the greatest population.

(2) Where all or part of two or more municipalities are included in an electoral area established under section 315 of the Act, the nominations shall be submitted to the returning officer of the municipality that has the greatest population.

(3) The returning officer who conducts the nominations shall send, by registered mail within forty-eight hours after the closing of nominations, to the clerk of each municipality that is included in the combination of municipalities or that is situated all or partly within the electoral area, as the case may be, the names of the candidates who have qualified.

(4) The clerk of a municipality shall be the returning officer for the vote to be recorded in the municipality.

(5) The clerk of a municipality shall report the vote recorded to the returning officer to whom nominations were submitted under subsection (1) or (2) and the returning officer shall prepare the final summary and announce the result of the vote.

(6) For the purposes of this section, the secretary of a board shall be the clerk of each part of territory without municipal organization that is deemed a district municipality in the area of jurisdiction of the board.

(7) In this section, "municipality" includes territory without municipal organization that is deemed to be a district municipality under subsection 53 (3) of the Act. O. Reg. 384/88, s. 3.

Elderly Persons Centres Act

Loi sur les centres pour personnes âgées

REGULATION 314

GENERAL

1. In this Regulation,

“architect” means an architect who is a member in good standing of the Ontario Association of Architects;

“fiscal year”, of a corporation, means the period designated by the Minister as the fiscal year of the corporation;

“professional engineer” means a professional engineer who is a member in good standing of the Association of Professional Engineers of the Province of Ontario. R.R.O. 1980, Reg. 278, s. 1.

2. A municipality or an approved corporation that applies for or receives a grant under section 4 or 5 of the Act shall, if requested by the Minister, file with the Minister evidence that all or any part of a building or buildings used or to be used as an approved centre complies with,

- (a) the laws affecting the health of inhabitants of the municipality in which the centre is located;
- (b) any rule, regulation, direction or order of the local board of health and any direction or order of the medical officer of health;
- (c) any by-law of the municipality in which the centre is located or other law for the protection of persons from fire hazards;
- (d) any land use by-law passed by the municipality in which the centre is located under Part V of the *Planning Act* or any predecessor thereof;
- (e) the requirements of the building code made under the *Building Code Act*; and
- (f) the requirements of the electrical safety code made under the *Power Corporation Act*. R.R.O. 1980, Reg. 278, s. 2, *revised*.

3.—(1) For the purposes of this section and sections 4, 5, 6 and 7,

“actual cost” means the cost of a building project and includes,

- (a) fees payable for the services of an architect, professional engineer, or other consultant,
- (b) the cost of purchasing and installing furnishings and equipment,
- (c) the cost of land surveys, soil tests, permits, licences and legal fees,
- (d) the cost of paving, sodding and landscaping, and
- (e) the cost of acquiring the land necessary for the building project;

“applicant for a capital grant” means a municipality or an approved corporation that is applying or has applied for a grant under subsection 4 (1) of the Act for the erection, alteration, extension, renovation, acquisition or the furnishing and equipping of a centre;

“approved cost” means that portion of the actual cost of a building project approved by the Minister;

“building project” means a project composed of one or more of the following elements:

- (a) for the purchase or other acquisition of all or any part of an existing building or buildings including the land contiguous thereto,
- (b) any renovations, alterations or additions to an existing building or buildings,
- (c) the purchase or other acquisition of vacant land for the purpose of constructing a building or buildings thereon,
- (d) the erection of a new building, or any part thereof,
- (e) the demolition of a building,
- (f) the installation of public utilities, sewers and items or services necessary for access to the land or building or buildings.

(2) The amount of capital grant payable under the Act for a building project of a municipality or an approved corporation shall be equal to 30 per cent of the approved cost of the building project. R.R.O. 1980, Reg. 278, s. 3.

4.—(1) An application for a capital grant shall be made to the Minister on a form provided by the Minister.

(2) An applicant who applies under subsection (1) shall file with the Minister two copies of a site plan showing the location of the building or buildings, if any, on the site and, in the case of a building project with one or more of the elements referred to in clause (a), (b), (d) or (f) of the definition of “building project” in subsection 3 (1),

- (a) building plans and specifications prepared by an architect or professional engineer showing the structure, fixtures and arrangements of the building or buildings and describing the areas of the building or buildings to be used for the purposes of the Act; or
- (b) where the Minister approves, structural sketches and specifications prepared by a person other than an architect or professional engineer describing the building or buildings and the areas of the building or buildings or contiguous to the building or buildings to be used for the purposes of the Act.

(3) No plan, specification or structural sketch filed with the Minister shall be amended or altered without the approval of the Minister. R.R.O. 1980, Reg. 278, s. 4.

5.—(1) No payment of a capital grant shall be made for a building project except where,

- (a) the building project has been approved by the Minister; and
- (b) the approved cost has been determined.

(2) An approval of a building project by the Minister referred to in subsection (1) expires on the first anniversary of the date upon

which the approval is given unless the building project has been commenced before such anniversary date.

(3) A capital grant may be paid as a single payment or in two or more instalments and, except where the Minister directs otherwise, the aggregate of the amounts of the capital grant paid at any point in time shall not exceed the greater of,

- (a) an amount that bears the same proportion to the estimated total payment as the amount of progress made at the time towards completion of the project bears to the total estimated amount of work required for completion; and
- (b) an amount that bears the same proportion to the estimated total payment as the amount of cost incurred at the time bears to the total estimated cost of the project.

(4) A single payment, or in the case of payment in two or more instalments, the final payment of an amount payable for a building project shall not be made until,

- (a) an architect or professional engineer certifies, or the Minister is otherwise satisfied, that the building project has been completed in accordance with the plans filed under clause 4 (2) (a) or the sketches thereof approved by the Minister under clause 4 (2) (b) and the building or addition is ready for use and occupancy; and
- (b) the applicant for the payment submits a report containing,
 - (i) a statement of the actual cost of the building project,
 - (ii) a statement indicating that all refundable sales tax has been taken into account,
 - (iii) a statement indicating that the total amount of the unpaid accounts applicable to the building project does not exceed the amount of the grant remaining to be paid, and
 - (iv) an undertaking that the amount of the grant remaining to be paid will be applied first to the payment of the unpaid accounts,

and, where the applicant is an approved corporation, an authorized officer of the board of directors of the approved corporation certifies that the council of the municipality in which the centre is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, has directed payment to the corporation of an amount equal to at least 20 per cent of the actual cost of the building project, or contributed to the corporation real or personal property, approved by the Minister, that is equivalent in value to at least 20 per cent of the actual cost of the building project. R.R.O. 1980, Reg. 278, s. 5.

6. No applicant for or recipient of a capital grant for a building project shall, without the written approval of the Minister,

- (a) acquire a building or land for the building project;
- (b) call tenders for the building project;
- (c) commence construction of the building project; or
- (d) erect any temporary or permanent sign, tablet or plaque on the site or building project. R.R.O. 1980, Reg. 278, s. 6.

7. It is a term and condition of a payment of a capital grant under the Act in respect of a building, buildings or land forming part of a building project that the applicant for payment shall enter into an agreement with the Minister in which the applicant shall,

- (a) agree not to change the site, structure, use of or sell, agree to sell, lease, mortgage, encumber, donate or otherwise dis-

pose of all or any part of the building, buildings or land without the approval of the Minister;

- (b) agree not to demolish or make alterations or additions to all or any part of the building or buildings without the approval of the Minister; and
- (c) agree to reimburse the Ministry in the same ratio as the Ministry's contribution to the acquisition of the building, buildings or land, the construction of the building or buildings or the renovations upon termination of the agreement or where there is a contravention of any term of the agreement or where a circumstance set out in clause (a) or (b) takes place. O. Reg. 500/85, s. 1, *part*.

8. Expenditures incurred by a municipality or an approved corporation for furnishings or equipment that are not replacements or for repairs to or maintenance of a capital asset that,

- (a) are approved by the Minister as capital expenditures;
- (b) are, in the opinion of the Minister, necessary for the efficient operation of an approved centre and the cost of which is not excessive for the purpose; and
- (c) are in excess of \$1,000,

are capital expenditures for which a grant may be paid under subsection 4 (1) of the Act upon application by the municipality or the approved corporation in an amount equal to 30 per cent of the approved expenditures incurred. O. Reg. 500/85, s. 1, *part*.

9. A municipality or an approved corporation shall in respect of every approved centre operated by it keep and maintain a current inventory of all furnishings and equipment acquired by the centre and the inventory shall set forth each addition to or removal from inventory and the reasons therefor and shall be prepared in such manner and contain such additional information as the Director may require. O. Reg. 819/81, s. 1.

10.—(1) An application by a municipality or an approved corporation for payment of the subsidy under subsection 4 (2) of the Act shall be made in a form provided by the Minister and may be submitted monthly, quarter-yearly, half-yearly or yearly and shall be submitted to the Director not later than the last day of the month immediately following the period for which the application is made.

(2) Subject to subsections (3) and (4), the monthly amount to be paid under subsection 4 (2) of the Act shall be up to 50 per cent of the net monthly cost to the municipality or approved corporation of maintaining and operating its approved centre or centres, determined in accordance with the form referred to in subsection (1). R.R.O. 1980, Reg. 278, s. 10 (1, 2).

(3) In respect of expenditures incurred on and after the 1st day of January, 1988, the monthly amount to be paid under subsection 4 (2) of the Act for any approved centre maintained and operated by a municipality or approved corporation shall not exceed \$2,500. O. Reg. 711/87, s. 1.

(4) In determining the maximum net monthly expenditure under subsection (2),

- (a) the Director may average the expenditure for any approved centre by the municipality or approved corporation, as the case may be, over the fiscal year of the approved centre or approved corporation;
- (b) the cost of rent or the monthly amount repaid for principal and interest under a mortgage in respect of an approved centre for which a capital grant has been paid under subsection 4 (1) of the Act shall not be included. R.R.O. 1980, Reg. 278, s. 10 (4).

11. The sum payable by a municipality or municipalities to an

approved corporation under subsection 4 (2) of the Act shall be equal to at least 20 per cent of the net monthly cost to the corporation of maintaining and operating its approved centre or centres determined in accordance with the form referred to in subsection 10 (1). R.R.O. 1980, Reg. 278, s. 11.

12. It is a term and condition of payment of a grant under subsection 4 (2) of the Act that the net monthly cost of maintaining and operating an approved centre for the purposes of the form referred to in subsection 10 (1) be approved by the Director. R.R.O. 1980, Reg. 278, s. 12.

13. A grant may be paid under section 5 of the Act to a municipality or to an approved corporation for costs of a program of services for elderly persons in an approved centre, but in no case shall the total grant under section 5 of the Act exceed \$15,000 for any approved centre for any fiscal year. O. Reg. 47/81, s. 1.

14. A municipality or an approved corporation shall in respect of every approved centre operated by it,

- (a) provide a program of services approved by the Minister;
- (b) provide, when requested by the Director, a letter from the local fire chief stating that the premises meet all the requirements of any statute, regulation or by-law for the protection from fire of persons using the premises;
- (c) establish requirements and policies for the admission of elderly persons to the facilities and services of a centre that are satisfactory to the Director;
- (d) keep separate books of account,
 - (i) setting forth the revenue and expenditures of the centre,
 - (ii) containing a separate record of the money received by the centre from sources other than under the Act, and

(iii) that are audited at least once a year by a licensed public accountant in the case of the approved corporation and an auditor licensed and appointed in accordance with the *Municipal Act* in the case of the municipality,

and each book of account shall be retained for at least six years from the date of the last entry in a book for a particular year;

- (e) furnish to the Director not later than the last day of the fourth month following the end of each fiscal year the financial statement of the centre for the immediately preceding fiscal year, together with a report of a licensed public accountant in the case of the approved corporation or of an auditor licensed in accordance with the *Municipal Affairs Act* and appointed in accordance with the *Municipal Act* in the case of the municipality, stating whether in the person's opinion,
 - (i) the person has received all the information and explanations the person has required,
 - (ii) the financial statement and the claims for provincial subsidy are in accordance with the books and records of the centre and approved corporation, as the case may be,
 - (iii) the calculation of the provincial subsidy is in accordance with the regulations, and
 - (iv) the financial statement has been prepared in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding year,

and such other financial and statistical information as the Director may require. R.R.O. 1980, Reg. 278, s. 14; O. Reg. 819/81, s. 2.



Election Act
Loi électorale

REGULATION 315

FEEES AND EXPENSES

1.—(1) In this Regulation,

“rural” means,

- (a) a municipality not described in the definition of “urban”,
- (b) territory without municipal organization,
- (c) a polling division designated as “rural” under subsection (2);

“urban” means,

- (a) a city, town, village or improvement district having a population of at least 5,000,
- (b) a township having a population of at least 10,000,
- (c) a municipality adjacent to a city having a population of at least 100,000.

(2) The Chief Election Officer may, on the written recommendation of a returning officer, designate a polling division as rural.

(3) A designation of a polling division as rural remains in effect for all purposes during an election. O. Reg. 216/90, Sched., *part.*

2. The fees and expenses allowed under the Act are set out in the Schedule. O. Reg. 216/90, s. 1.

3. The fees and allowable expenses prescribed in paragraphs 5 and 7 of the Schedule may be pro-rated downwards where the Chief Election Officer directs that the duties be done more than once between elections. O. Reg. 216/90, Sched., *part.*

4. An amount not exceeding 30 per cent of any amount set out in the Schedule is prescribed as an additional amount payable where, in the opinion of the Chief Election Officer, by reason of the size and character of an electoral district or other special circumstances, an amount set out in the Schedule does not provide adequate remuneration to election officers or other persons employed at or with respect to an election, including landlords of premises used for the purpose of an election. O. Reg. 216/90, Sched., *part.*

Schedule

BEFORE AND DURING AN ELECTION

1. Travel for Returning Officer

Paid once for each official review and changes	
Paid once during an election	
Rural—personal driving, each kilometre	\$.35
—other transportation and related travel expenses	Receipts
Urban—for each polling place and advance poll	4.30

2. Sundry Items

Reimbursement of cash outlays for office supplies, stationery, postage, pay telephone calls, base maps and required copies of final maps, etc. Receipts

3. Payment for any election expenses not specifically set out but necessary and reasonable for the proper conduct of an election Receipts

BEFORE AN ELECTION

RETURNING OFFICER AND ELECTION CLERK

4. Course on electoral procedure and other election duties as directed by the Chief Election Officer	
Attendance—including part payment for part days, each per day	\$ 170.00
Personal driving, each kilometre .....	.35
Other transportation and related travel expense	Receipts

RETURNING OFFICER

5. Polling Divisions	
Review, when ordered by the Chief Election Officer	450.00
Changes, when determined as necessary after review, with detailed descriptions of all boundaries, maximum	900.00
Maps, preparation of map or maps of electoral district with polling division boundaries and poll numbers shown by bold dark lines in such manner as to be suitable for reproduction of copies required for distribution, maximum	400.00
Typed descriptions, on 8½ by 14 inch white paper as per format supplied by the Chief Election Officer and including the production of carbon or machine copies required for distribution	490.00
6. Storage of election supplies at home or elsewhere (no insurance required), per month	36.00
7. Key—preparation of original or revised key to urban polling divisions, typed on 8½ by 14 inch white paper as per format supplied by the Chief Election Officer and including the production of carbon or machine copies sufficient for distribution, per original page	15.00
Plus—in an urban electoral district	550.00
—in a mixed urban and rural electoral district, minimum	120.00
maximum	550.00
8. Preliminary selection of polling places with an accessibility report to the Chief Election Officer	305.00

DURING AN ELECTION		REGULAR ENUMERATORS	
RETURNING OFFICER			
9. Personal fee		17. For the enumeration of a polling division and the preparation and posting of the typed list of electors as directed and approved by the returning officer and paid to each:	
All duties including revision	\$3,425.00	Basic fee, including personal driving and incidental	
Plus—Name fee—for each name on the polling list		Rural	\$105.00
If a poll is held (minimum \$5,000) .....	.18	Urban	75.00
If no poll is held (minimum \$2,500) ...	.08	Attendance at class of instruction including travel to and from	40.00
10. Notice of enumeration fee		For each name on typed list submitted to the returning officer .....	.52
All duties connected with addressing, sorting by postal code and mailing notice of enumeration for each name enumerated .....	.12	Personal driving in rural or mixed rural and urban electoral districts delivering lists to the returning officer after a total of sixteen kilometres of travel, each kilometre .....	.35
PAYMENT OF OFFICE OR OTHER PERSONNEL		Typing of lists by other than the enumerator, to be deducted from the total fee payable to the enumerator, per name .....	.08
11. Stenographers, typists, clerical assistants and other help in the returning office and for persons to post notices of poll—for each name on the polling list .....	.20	SPECIAL ENUMERATORS	
Cost of film projectionist where necessary	Vouchers	18. Special enumeration or other related duties as directed by the returning officer and paid to each, per day	70.00
RENTALS		Personal driving, rural and urban—paid for one vehicle per pair of enumerators, each kilometre .....	.35
12. Office rental as approved by the Chief Election Officer	Approved Contract	REVISING AGENT	
Facilities for instruction meetings, office furniture, business machines and film projector	Vouchers	19. Each pair appointed only under special circumstances and with the prior approval of the Chief Election Officer, per day	70.00
ELECTION CLERK		Personal driving, rural and urban—paid for one vehicle per pair of revising agents, each kilometre .....	.35
13. Personal fee, all duties including those of revision assistant	3/5 of item 12	REVISION ASSISTANT	
14. Rural travel (there is no urban allowance for election clerks)		20. When appointed by the returning officer with the approval of the Chief Election Officer to assist the returning officer in special circumstances	
Personal driving as directed by the returning officer, each kilometre .....	.35	All duties as directed and for those days and polling divisions allocated by the returning officer (a minimum seven hour day), per day ..	125.00
Related rural travel expenses as directed by the returning officer	Receipts	Plus—if located other than in returning office	
RECOUNT		Personal driving in rural areas, each kilometre .....	.35
15. Attendance by a returning officer and election clerk at a judicial recount or appeal from decision on recount and paid to each, per day	170.00	Other rural transportation and related travel expenses	Receipts
OTHER ELECTION OFFICER		Sundry items	Receipts
16. When appointed by the returning officer with the approval of the Chief Election Officer to assist the returning officer in special circumstances		21. Final selection of polling places and necessary rental agreement negotiations	305.00
All duties as directed for those days and polling divisions allocated by the returning officer, per day	125.00	POLLING PLACE RENTAL	
Plus—if located other than in the returning office		22. Furnished as per poll rental agreement per polling place, per day	\$ 90.00
Personal driving in rural areas, each kilometre .....	.35		
Other rural transportation and related travel expenses	Receipts		
Sundry supplies	Receipts		

DEPUTY RETURNING OFFICER

- 23. All duties in connection with attending and holding a poll and making a return, including advance polls or on stand-by in the returning office, per day 135.00
- Attendance at class of instruction including travel to and from 40.00
- Postage for returning ballot box contents in remote areas Receipts
- Personal driving in rural or mixed rural and urban electoral districts picking up or returning election material after a total of sixteen kilometres of travel in each case, each kilometre .. .35

POLL CLERK

- 24. All duties in connection with attending and holding a poll, including advance polls, per day 100.00
- Attendance at class of instruction including travel to and from 40.00

OTHER POLL OFFICIALS

- 25. Poll Co-ordinator
- Attendance at a polling location with three or more polling places, per day 135.00
- Attendance at a class of instruction including travel to and from 40.00
- 26. Traffic Director when required at a polling location, per day 50.00

SECURITY GUARD

- 27. When required by the returning officer and authorized by the Chief Election Officer Vouchers

PRINTING

LIST OF ELECTORS

- 28. For reproducing from pages supplied by the returning officer up to 100 copies of each page, gathered and stitched into poll sets by page number, the sets sorted into poll number sequence and delivered to the returning officer, including up to 25 complete sets, trimmed and bound with cardboard covers, up to \$23.00 per page
- Film and metal plate (if required), up to \$13.00 per page
- When collated into complete sets in poll number sequence, up to \$11.00 per poll

PROCLAMATION

- 29. As sample format—up to a maximum of 300 copies (English or French or both English and French), up to \$100.00 the lot
- Film and plates, if required, up to \$14.00 each

NOTICE OF ENUMERATION CARD

- 30. Printing two sides, black ink, on white bristol; as per specification set out by the Chief Election Officer
- First 100 cards per poll, up to \$19.00
- Each additional 100 cards per poll, up to \$3.25

NOTICE OF POLL

- 31. As sample format—up to a maximum of 400 copies (English or French or both English and French), up to \$105.00 the lot
- Film and plate, if required, up to \$14.00 each

BALLOTS

- 32. Printing two sides, numbering once on perforated stub and stitched or stapled (no gumming) into pads of twenty-five ballots each—set up cost, up to \$745.00 the lot
- Plus:
- 2 or 3 names per ballot, up to \$27.00 per 1000
- 4 names per ballot, up to \$38.00 per 1000
- 5 names per ballot, up to \$40.00 per 1000
- 6 names per ballot, up to \$45.00 per 1000
- 7 names per ballot, up to \$48.00 per 1000

SUNDRY PRINTING

- 33. As ordered by the returning officer Invoices
- 34. The following districts are designated as "Northern" and are subject to special allowance:

Algoma	Parry Sound
Algoma-Manitoulin	Port Arthur
Cochrane North	Rainy River
Cochrane South	Renfrew North
Fort William	Sault Ste. Marie
Kenora	Sudbury
Lake Nipigon	Sudbury East
Nickel Belt	Timiskaming
Nipissing	

SPECIAL FEES IN NORTHERN ELECTORAL DISTRICTS

Urban travel allowance—for each polling place and advance poll	\$ 4.80
Personal driving, each kilometre .....	.36
Name fee—minimum payable	
—if poll is held	8,000.00
—if no poll is held	4,500.00

O. Reg. 216/90, Sched., part.

Elevating Devices Act

Loi sur les ascenseurs et appareils de levage

REGULATION 316

GENERAL

PART I DEFINITIONS

1.—(1) In this Regulation,

- “bar lift” means a passenger ropeway that pulls passengers by means of devices propelled by an overhead circulating hauling rope where the passengers remain in contact with the ground or snow surface;
- “chair lift” means a passenger ropeway where passengers are carried on chairs,
- (a) attached to and suspended from a circulating wire rope; or
 - (b) attached to a circulating wire rope and supported by a standing wire rope or other overhead structure;
- “construction hoist” means a temporarily installed elevating device equipped with a car or platform that moves vertically in guides, and that is used for hoisting and lowering materials or workers or both, in connection with the construction, alteration, maintenance or demolition of a building or structure;
- “counter-balanced type manlift” means a manlift equipped with a passenger-carrying unit in the form of a car, the motion of which is obtained by means of the application of hand energy or gravity;
- “dumbwaiter” means an elevating device equipped with a car that moves vertically in guides and is used exclusively for lifting or lowering freight between two or more floors of a building or structure and that has a maximum capacity of 225 kilograms, a maximum floor area of 0.85 square metres and a maximum inside height of 1.25 metres;
- “elevating device for the handicapped” means an elevating device specifically designed to be used by a person with a physical handicap travelling between fixed points of a building or structure where the elevating device is restricted as to access, speed, travel and type of operating devices;
- “elevator” means an elevating device equipped with a car that moves vertically in guides and that serves two or more floors of a building or structure;
- “endless belt type manlift” means a manlift equipped with one or more passenger-carrying units in the form of steps and handholds attached to a power driven endless belt;
- “escalator” means an elevating device in the form of a power-driven, inclined continuous stairway used for raising or lowering persons;
- “existing” when used in reference to an elevating device or part thereof means any elevating device or part thereof for which a design submission was approved or installation of which was completed before the 1st day of May, 1981;
- “fibre rope tow” means a rope tow having a natural or synthetic fibre hauling rope;
- “freight elevator” means an elevator used primarily for carrying freight and on which only an attendant and freight handler are permitted to ride;
- “freight elevator—E” means a freight elevator upon which employees of the owner of the elevator are permitted to ride as passengers;
- “freight platform lift” means an elevating device that is restricted as to use, location, access, speed, travel and type of operating devices and that is equipped with a platform that moves vertically;
- “freight platform lift—Type A” means a freight platform lift restricted to the carriage of freight only;
- “freight platform lift—Type B” means a freight platform lift restricted to the carriage of freight and on which an attendant or freight handler may ride;
- “funicular railway” means an incline lift in the form of a railway where the ascending car and the descending car, connected by a driven rope, counter-balance each other;
- “gondola lift” means a passenger ropeway where passengers are carried in enclosed gondola cars,
- (a) attached to and suspended from a circulating wire rope; or
 - (b) attached to a circulating wire rope and supported by a standing wire rope or other overhead structure;
- “hand-power dumbwaiter” means a dumbwaiter utilizing manual energy or gravity to move the car;
- “hand-power freight elevator” means an elevator that utilizes manual energy or gravity to move the car and that is used for carrying freight only;
- “incline lift” means an elevating device equipped with a car or platform that moves at an angle other than vertical and serves two or more permanent levels but does not include a stair platform lift;
- “licence” means a licence issued under the Act;
- “maintenance” means regularly scheduled or other action taken to ensure that an elevating device is and will remain in safe operating condition and “maintain” has a corresponding meaning;
- “major alteration” means an alteration that results in a substantial change to the original design, inherent safety or operational characteristics of an elevating device and without limiting the generality of the foregoing includes,
- (a) an increase by more than 10 per cent in,
 - (i) the rated speed of the load-carrying unit,
 - (ii) the maximum capacity, or
 - (iii) the dead-weight of the machine, load-carrying unit or counter-weight;
 - (b) except for construction hoists, an increase or decrease in the distance of the travel of the load-carrying unit;
 - (c) a change in,

- (i) the method or type of operation,
- (ii) the method or type of control,
- (iii) the type or size of guide rails or other guiding means for the load-carrying unit or counter-weight,
- (iv) the type of safety device or other safety stopping device for the load-carrying unit or counter-weight,
- (v) the power supply to the machine,
- (vi) the type of the driving machine or brake,
- (vii) the location of the elevating device, machine, load-carrying unit or counter-weight, or
- (viii) the working pressure of a hydraulic system by more than 10 per cent;
- (d) changes that would result in a reclassification of the elevating device;
- (e) the addition of a car or hoistway entrance to the elevating device;

“manlift” means an elevating device commonly known as a “manlift” that moves vertically in guides and serves two or more floors of a building or structure and that is equipped with a passenger-carrying unit the use of which is restricted;

“material construction hoist” means a construction hoist restricted to the carriage of materials, where workers may enter the car or platform for the purpose of loading or unloading only;

“minor alteration” means an alteration that results in a minor change to the original design, inherent safety or operational characteristics of an elevating device and without limiting the generality of the foregoing includes,

- (a) a change in the size or number of hoisting, hauling, counter-weight, overspeed governor or compensating ropes;
- (b) the addition of,
 - (i) a safety device or any other safety stopping device for the load-carrying unit or counterweight,
 - (ii) special emergency service, emergency recall, in-car emergency service, firefighter’s elevator designations or any similar special service;
- (c) the replacement of any of the following components with components differing from the original in design or manufacture, but without any change in overall technical, operation or safety characteristics of the elevating device:
 1. A safety device or any other safety stopping device for the load-carrying unit or counterweight.
 2. A device which actuates the device referred to in paragraph 1.
 3. A supporting structure or foundation.
 4. A driving machine or brake.
 5. A hydraulic cylinder or plunger.
 6. The tower switches of a passenger ropeway;
- (d) the addition of,
 - (i) a hoistway door locking device,

- (ii) car door or gate electric contacts,
- (iii) hoistway inspection switches,
- (iv) a top of car operating device,
- (v) a hoistway door or car door or gate operating device,
- (vi) car levelling or truck zoning devices;
- (e) a major rebuilding or replacement of any of the following components with components differing from original design or manufacture, but without any change in the inherent safety or operational characteristics of the elevating device:
 1. Controller.
 2. Hoistway doors.
 3. Door or gate locking devices;
- (f) any replacement, other than a replacement that differs from the original in design or manufacture or rebuilding of,
 - (i) a safety device or other safety stopping device for the load-carrying unit or counterweight,
 - (ii) a device that actuates a device referred to in sub-clause (i),
 - (iii) a worm or gear of a driving machine,
 - (iv) a hydraulic cylinder or plunger;
- (g) any replacement or readjustment of a component previously sealed by an inspector in accordance with section 33;
- (h) any increase or decrease in the distance of travel of the load-carrying unit of a worker’s rail-guided or material construction hoist;

“minor alteration—Type A” means a minor alteration of a type referred to in clause (a), (b) or (c) of the definition of “minor alteration”;

“minor alteration—Type B” means a minor alteration of a type referred to in clause (d), (e), (f), (g) or (h) of the definition of “minor alteration”;

“moving walk” means an elevating device that moves passengers on an uninterrupted load-carrying surface that remains parallel to its direction of motion;

“new”, when referring to an elevating device or part thereof, means any elevating device or part thereof, for which a design submission is registered or the installation of which is completed on or after the 1st day of May, 1981;

“observation elevator” means a passenger elevator designed to permit exterior viewing by passengers while riding in the car;

“passenger elevator” means an elevator used primarily for carrying persons;

“passenger ropeway” means an elevating device used to transport persons;

“power type manlift” means a manlift equipped with a passenger-carrying unit in the form of a car, the motion of which is obtained by means of the application of energy other than by hand or gravity;

“reversible ropeway” means a passenger ropeway where passengers are carried in one or more cars fixed to a hauling rope that is inde-

pendent of a track rope, and where the cars reciprocate between terminals;

“ropetow” means a passenger ropeway where persons grasp a circulating hauling rope or a handle or similar device attached to the rope and are propelled by the tow while remaining in contact with the ground or snow surface;

“sidewalk elevator” means a freight elevator that operates between a sidewalk or other area exterior to a building and floor levels inside the building that are below the sidewalk or other area exterior to the building and that has no landing opening into the building at its upper limit of travel;

“stage lift” means an elevating device used for lifting or lowering persons or freight in or about a stage or orchestra pit;

“stairchair lift” means an elevating device for the handicapped that is equipped with a passenger-carrying unit in the form of one or two attached chairs that moves substantially in the direction of a flight of stairs or ramp at a mean angle of not more than 45 degrees;

“stair platform lift” means an elevating device for the handicapped that is equipped with a platform that moves substantially in the direction of a flight of stairs or ramp at a mean angle of not more than 45 degrees;

“stair platform lift—Type C” means a stair platform lift where the runway is guarded so as to physically prevent access to it;

“stair platform lift—Type D” means a stair platform lift where the runway is not guarded so as to physically prevent access to it;

“standard design submission” means a design submission for a type of elevating device that is intended to be installed in more than one location and that may incorporate the use of alternative interchangeable components but does not include information relating to the location of individual installations;

“temporary elevator” means a passenger or freight elevator in a building under construction that is used for carrying workers or materials or both prior to the completion of the building;

“vertical platform lift” means an elevating device for the handicapped equipped with a platform that moves vertically;

“vertical platform lift—Type C” means a vertical platform lift having a fully enclosed runway;

“vertical platform lift—Type D” means a vertical platform lift having a partially enclosed or unenclosed runway;

“wire rope tow” means a rope tow having a metallic hauling rope;

“workers’ rail-guided construction hoist” means a construction hoist used for carrying workers and materials where the load-carrying unit is guided by rails;

“workers’ rope-guided construction hoist” means a construction hoist used for carrying workers and materials where the load-carrying unit is guided by ropes. O. Reg. 229/81, s. 1 (1); O. Reg. 463/86, s. 1.

(2) For the purposes of subsection (1), elevator, dumbwaiter, escalator, moving walk, manlift, passenger ropeway, incline lift, construction hoist, stage lift, freight platform lift, stair platform lift, vertical platform lift and stair chair lift include the machine room, hoistway and hoistway enclosure, supporting structure, terminals and runway, as the case may be, that is provided in conjunction therewith. O. Reg. 229/81, s. 1 (2).

2. The following classes of elevating devices are designated:

1. Elevators, being,

- i. freight elevators,
 - ii. freight elevators—E,
 - iii. hand-power freight elevators,
 - iv. observation elevators,
 - v. passenger elevators,
 - vi. sidewalk elevator, and
 - vii. temporary elevators.
2. Dumbwaiters, being,
- i. dumbwaiters, other than hand-power dumbwaiters, and
 - ii. hand-power dumbwaiters.
3. Escalators.
4. Moving walks.
5. Freight platform lifts, being,
- i. freight platform lifts—Type A, and
 - ii. freight platform lifts—Type B.
6. Elevating devices for the handicapped, being,
- i. stairchair lifts,
 - ii. stair platform lifts—Type C,
 - iii. stair platform lifts—Type D,
 - iv. vertical platform lifts—Type C, and
 - v. vertical platform lifts—Type D.
7. Manlifts, being,
- i. counter-balanced type manlifts,
 - ii. endless belt type manlifts, and
 - iii. power type manlifts.
8. Passenger ropeways, being,
- i. bar lifts,
 - ii. chair lifts,
 - iii. fibre rope tows,
 - iv. gondola lifts,
 - v. reversible ropeways, and
 - vi. wire rope tows.
9. Construction hoists, being,
- i. material construction hoists,
 - ii. workers’ rail-guided construction hoists, and
 - iii. workers’ rope-guided construction hoists.

10. Incline lifts, being,

- i. inclined elevators,
- ii. inclined dumbwaiters,
- iii. inclined manlifts,
- iv. inclined construction hoists,
- v. inclined freight platform lifts, and
- vi. funicular railways.

11. Stage lifts. O. Reg. 229/81, s. 2; O. Reg. 463/86, s. 2.

3.—(1) Except where otherwise indicated, this Regulation applies to all existing and new elevating devices and parts thereof.

(2) Despite subsection (1), in the case of an existing elevating device the application of the codes adopted in this Regulation are restricted to those sections respecting the inspection, testing, maintenance and use of the elevating device. O. Reg. 229/81, s. 3.

(3) Where a code referred to in this Regulation is inconsistent with the Act or this Regulation the Act or this Regulation shall prevail. O. Reg. 463/86, s. 3.

4.—(1) Except where otherwise required by this Regulation, an existing elevating device and parts thereof shall, with respect to its design, construction, controls and other characteristics determining its technical and operating features either,

- (a) conform to the rules and codes applicable at the time of its installation or initial licensing; or
- (b) conform to the requirements of the codes adopted in this Regulation.

(2) Where an alteration is made to an existing elevating device the alteration shall conform to the requirements of this Regulation.

(3) Where a standard design submission was registered under a predecessor to this Regulation and it is proposed to install a new elevating device in accordance with that standard design submission, the standard design submission shall be updated to conform with the requirements of this Regulation. O. Reg. 229/81, s. 4.

5. Where a new elevating device or part thereof is not specifically covered by a code adopted in this Regulation, it shall be so constructed as to comply with,

- (a) such codes or other technical rules as are authorized by the Director under subsection 31 (6) of the Act; or
- (b) where there are no codes or rules authorized to cover the particular situation, general engineering practice normally applied to elevating devices on the basis of the adopted codes. O. Reg. 229/81, s. 5.

6. A freight platform lift—Type B having a rise of two metres or less and operating between a loading dock and the bed of a vehicle used to transport goods is exempt from the Act and regulations. O. Reg. 229/81, s. 6.

DESIGN SUBMISSION

7.—(1) A design submission for an elevating device shall be on a form supplied by the Ministry and shall include the specifications prescribed in subsection (3), the drawings prescribed in subsection (4) and any other calculation sheets and work test certificates necessary to indicate compliance with the Act and this Regulation.

(2) A design submission for an alteration of an elevating device may be limited to the scope of the alteration and shall relate the alteration to the previously registered design submission for the elevating device.

(3) A specification shall,

- (a) set out the address of the premises where the elevating device is to be installed;
- (b) set out the designation, maximum capacity and rated speed of the elevating device;
- (c) contain data necessary to demonstrate that the elevating device conforms to the requirements of the Act and this Regulation, and the data may be limited to the characteristics and features of an elevating device that are not specific to and that are not required by an applicable code for all installations of a particular class of elevating device;
- (d) clearly delineate any proposed variance from the applicable codes adopted by this Regulation and outline the reason for such variance, including an assessment of how the variance may affect the safety of the installation;
- (e) refer to all applicable codes; and
- (f) include a list of supporting drawings and other documentation forming part of the design submission.

(4) Drawings shall,

- (a) be identified by a number and date in addition to the information required to be given under clauses (3) (a) and (b);
- (b) include layouts, plans and elevation views of the elevating device or parts thereof, and set out all information necessary to demonstrate conformance with this Regulation and the applicable codes;
- (c) include electric and hydraulic schematic diagrams indicating safety related circuitry and components and identifying the sequence of operation of the safety related components;
- (d) include a legend or a reference to a relevant code for all symbols used in the drawings;
- (e) be prepared in accordance with good engineering and drafting practices; and
- (f) be accurate and complete.

(5) All individual documents composing a design submission shall bear the signature and seal of the professional engineer who prepared or approved the design submission.

(6) A design submission for an elevating device shall include a statement bearing the seal and signature of the professional engineer who prepared or approved the submission stating that the whole design of the elevating device, including the parts and features not specifically identified in the design submission, are in compliance with the Act and this Regulation, except for any variances set out in the submission and in making such statement the professional engineer may rely on the opinion of or information obtained from another professional engineer or an architect and may indicate in what respect he or she is so relying.

(7) Despite subsections (5) and (6), where a design submission for a material construction hoist, stair chair lift or vertical platform lift—Type D is not yet registered but is based on a previously registered standard design submission, all individual documents comprising the design submission may be signed by an officer or director of the company applying for registration where the officer or director is a mechanic.

(8) The Director may require such information in addition to that required under this Regulation with respect to a design submission as is necessary in his or her opinion to ensure that the design submission meets the requirements of the Act and the regulations. O. Reg. 229/81, s. 7.

8.—(1) An applicant for registration of a design submission shall make the application on a form supplied by the Ministry and shall include with it,

- (a) four copies of the design submission or, in the case of a standard design submission, two copies; and
- (b) the appropriate fee prescribed in subsection (2). O. Reg. 229/81, s. 8; O. Reg. 451/89, s. 1 (1).

(2) The following fees are prescribed for the purposes of this section:

- 1. Subject to paragraphs 2, 3, 4 and 5, in the case of a design submission for a new installation or major alteration, the fee set out in Column 4 of Table 1 opposite the class of elevating device applied for in Column 1.
- 2. In the case of a design submission that is based on a previously registered standard design submission, 50 per cent of the fee set out in Column 4 of Table 1 opposite the class of elevating device applied for in Column 1.
- 3. In the case of a design submission for a major alteration of an elevator, the fee set out in Column 4 of item 1 of Table 1.
- 4. In the case of a design submission for a major alteration of a construction hoist, the fee set out in Column 4 of item 3 of Table 1.
- 5. In the case of a design submission for a new installation or major alteration of an observation elevator or elevator serving an observation level referred to in subsection 34 (8) or (9), the fee set out in Column 4 of item 8 of Table 1.
- 6. In the case of a standard design submission, a revision to a design submission or a design submission for a minor alteration, the fee set out in Column 2 of Table 2 opposite the type of design submission applied for in Column 1. O. Reg. 451/89, s. 1 (2).

9. Upon registration of a design submission, the Director shall send to the applicant,

- (a) a notice that the design submission has been registered;
- (b) two sets of the registered design submission, or in the case of a standard design submission, one set; and
- (c) the installation number or registration number, as the case may be, that has been allocated to the elevating device or to the standard design submission. O. Reg. 229/81, s. 9.

10. Where a change is proposed to a registered design submission, no work shall be performed on the portion of the elevating device affected by the change until a design submission outlining the scope of the change with reference to the relevant parts of the registered design submission is prepared in accordance with sections 7 and 8 and registered. O. Reg. 229/81, s. 10.

11.—(1) A design submission for a minor alteration—Type A in accordance with subsection 7 (2) shall be forwarded to the Director not later than five working days after completion of the minor alteration.

(2) Where a minor alteration—Type B is made to an elevating device the contractor shall not later than five working days after completion of the alteration notify the Director in writing of the alteration, stating that the parts added, replaced, or altered comply with the applicable codes and the notice shall contain sufficient design details necessary to demonstrate compliance with such codes. O. Reg. 229/81, s. 11.

- (3) A contractor who is required to notify the Director of a minor

alteration—Type B shall include with the notice the fee set out in item 13 of Table 2.

(4) If a laboratory or organization designated by a code or standard adopted in this Regulation is required by the code or standard to carry out an engineering test or certification of an elevating device component, the person who files the test or certification document with the Director shall include the fee set out in item 14 of Table 2. O. Reg. 451/89, s. 2.

12.—(1) The fee for a preliminary review of an elevating device or any component of an elevating device or for an assessment of the acceptability of a requested variance from an adopted code is the amount set out in item 15 of Table 2.

(2) If a service referred to in subsection (1) is performed on premises other than at the Elevating Devices Branch of the Ministry, the fee shall include the living expenses and travelling expenses of the inspector defined in section 34. O. Reg. 451/89, s. 3.

CONTRACTORS

13.—(1) Application for registration as a contractor or a renewal thereof shall be on a form supplied by the Ministry and be accompanied by the fee set out in Column 2 of Table 3 in the case of an initial registration or Column 3 of Table 3 in the case of a renewal set out opposite the type of registration applied for in Column 1 of Table 3.

(2) It is a term and condition of registration as a contractor that,

- (a) the contractor shall be, or shall employ, a mechanic; and
- (b) the contractor, or a member of the contractor's supervisory staff, shall have full knowledge of the Act and this Regulation.

(3) An applicant for registration as a contractor shall supply such information to the Director as is necessary for the Director to determine whether the requirements of subsection (2) are met.

(4) Despite clause (2) (a), where the registration of a contractor is limited to the testing of elevating devices or parts thereof, the contractor is exempt from the requirement of clause (2) (a) where the contractor is a professional engineer or has a professional engineer in the contractor's continuous employ.

(5) A registration as a contractor expires on the 31st day of March next following the date on which it was issued. O. Reg. 229/81, s. 12.

14.—(1) Every contractor that maintains an elevating device shall submit annually to the Ministry a list that contains data on the installation numbers, class and location of each elevating device that is maintained by the contractor together with information that indicates the scope of each maintenance contract.

(2) The list referred to in subsection (1) shall be based on the actual status at the end of the fifteenth day of January for the year to which the list relates and shall be submitted not later than the 28th day of February next following. O. Reg. 463/86, s. 4.

15.—(1) No work shall be undertaken on an elevating device by a contractor unless it is performed by a mechanic or by a mechanic-in-training under the supervision of a mechanic.

(2) No person shall be involved in a task that is necessarily ancillary or incidental to the installation or maintenance of an elevating device unless he or she is supervised by a mechanic.

(3) No mechanic shall be assigned or undertake work beyond the scope of his or her experience or training. O. Reg. 229/81, s. 14.

INSTALLATION

16.—(1) A contractor who installs or alters an elevating device

shall, after the contractor has carried out a preliminary examination and is satisfied that all work is completed in accordance with the registered design submission and that the installation or alteration complies with the requirements of the Act and the regulations, notify the Director in a form provided by the Director that such is the case and arrange for an initial inspection of the elevating device. O. Reg. 463/86, s. 5.

(2) A contractor who installs a new elevating device or alters an existing elevating device shall, on completion of the work, supply to the owner of the elevating device a copy of the registered design submission. O. Reg. 229/81, s. 15 (2).

17.—(1) Each component identified in a design submission shall be readily identifiable on the actual installation.

(2) Each component of an elevating device the size, function and operating characteristics of which are not readily identifiable when installed on the elevating device shall bear a permanently affixed name plate indicating all the information needed to facilitate its replacement. O. Reg. 229/81, s. 16.

18. Where an alteration is made to an elevating device, the owner's copy of the registered design submission shall be amended by the contractor who made the alteration to reflect the changes made. O. Reg. 229/81, s. 17.

LICENCE FOR AN ELEVATING DEVICE

19.—(1) An applicant for an initial or temporary licence for an elevating device or a renewal thereof shall submit an application on the form supplied by the Ministry together with the fee set out in Column 2 of Table 2 set out opposite the type of licence applied for in Column 1 of Table 2. O. Reg. 229/81, s. 18 (1); O. Reg. 451/89, s. 4 (1).

(2) An initial licence for an elevating device shall be issued for a period not exceeding twelve months and expires on the date specified in the licence.

(3) A renewal of a licence for an elevating device shall be for a period of twelve months. O. Reg. 229/81, s. 18 (2, 3).

(4) A temporary licence for an elevating device that is issued by the Director shall be for a period that does not exceed six months. O. Reg. 451/89, s. 4 (2).

20.—(1) A licensee shall notify the Director within ten days of a change in any particular noted on the licence.

(2) An owner of an elevating device who is not the licensee shall notify the Director within ten days of a change in the owner's name or address.

(3) Where a change is proposed with respect to the ownership of an elevating device, the owner shall notify the Director, before the proposed change takes place, of the details and the effective date of the change.

(4) Subject to subsection (5), upon receipt of information described in subsection (3) and upon payment of the fee for the transfer of a licence set out in Table 2, the Director shall transfer or re-issue the licence to the new owner.

(5) The Director shall not transfer a licence under subsection (4),

- (a) where a seal is affixed to the elevating device under section 10 of the Act;
- (b) while the licence is under suspension; or
- (c) where there is any outstanding fee owing under this Regulation with respect to the elevating device. O. Reg. 229/81, s. 19.

21. A licence for an elevator shall be posted by the owner in a prominent position in the load-carrying unit of the elevator and a licence for an elevating device other than an elevator shall be posted by the owner on or adjacent to the elevating device for which it is issued. O. Reg. 229/81, s. 20.

NOTICES

22.—(1) Every elevating device shall have securely fastened to it, and conspicuously displayed, a notice indicating the maximum capacity and installation number of the elevating device,

- (a) in the load-carrying unit of the elevating device; or
- (b) where it is not practicable to fasten it on the load-carrying unit, as close as is practicable to the bottom loading area of the elevating device.

(2) The notice indicating the maximum capacity referred to in subsection (1) shall be supplied by the owner in the form of a plate, and shall set forth in letters and numerals not less than six millimetres in height,

- (a) the words "maximum capacity";
- (b) the number of persons allowed to use the elevating device or the total weight in kilograms allowed in the elevating device or both; and
- (c) the word "persons" or the symbol "kg" or both, as the case may be.

(3) Where the maximum capacity of an elevating device has been determined both in terms of persons and kilograms, the notice referred to in subsection (2) shall include the alternative maximum capacities, with the word "or" between the capacities.

(4) The notice indicating the installation number referred to in subsection (1) shall be supplied by the Ministry, in the form of a plate or label, and shall set forth the installation number assigned by the Ministry to that elevating device.

(5) The fee for a duplicate installation number referred to in subsection (4) is the fee set out in item 2 of Table 2.

(6) The notice indicating the maximum capacity and the notice indicating the installation number of the elevating device may be engraved on a single plate or on a control station board provided that the requirements of this section regarding content, size of letters and location of the notices are fulfilled. O. Reg. 229/81, s. 21.

OPERATION AND MAINTENANCE

23.—(1) Every owner of an elevating device shall ensure that the elevating device is not used or operated unless it is maintained by a registered contractor in accordance with the requirements of this section.

(2) The methods and intervals of maintenance of an elevating device shall be determined by the owner or by a contractor on behalf of the owner, on the basis of,

- (a) the inherent quality;
- (b) the manufacturer's or the manufacturer's agent's recommendations for maintenance; and
- (c) the frequency and method of usage,

of the elevating device.

(3) The maintenance of an elevating device shall include,

- (a) an inspection and examination at regular intervals of all parts and functions of the elevating device;

- (b) cleaning, lubricating and adjusting all parts of the elevating device at regular intervals, and the repairing or replacing worn or defective components, in order to prevent the elevating device from becoming unsafe for operation;
- (c) repairing or replacing damaged or broken parts;
- (d) in addition to those things required under clause (a), (b) or (c) such other examinations or work as is required by this Regulation, an applicable code or an inspector.

(4) The person carrying out the inspection referred to in clause (3) (a) shall be satisfied that the elevating device is in a safe operating condition and that the parts and functions will remain in a safe operating condition until the next scheduled inspection and examination.

(5) Where a part of an elevating device is replaced for any reason, the replacement part shall be at least equivalent to the original part as specified in the design submission or as supplied by the manufacturer of the original part.

(6) Despite subsections (1) and (3), jobs of a housekeeping nature in the load-carrying unit of or access areas to an elevating device may be performed by a person other than a registered contractor. O. Reg. 229/81, s. 22.

24.—(1) Where maintenance is carried out on an elevator, dumb-waiter, elevating device for the handicapped or freight platform lift that is equipped with a safety device, the maintenance referred to in subsection 23 (3) shall include an inspection and testing of the safety device and overspeed governor, where an overspeed governor is provided, in accordance with clauses B.1.4, B.1.5 and B.1.6 of the code referred to in section 38.

(2) Where the maintenance is carried out on an endless belt type manlift, the maintenance referred to in subsection 23 (3) shall include an inspection and testing of the safety brake to ensure compliance with clause 5.2.2.3 of the code referred to in section 49.

(3) Where the maintenance is carried out on a counter-balanced type or power type manlift, the maintenance referred to in subsection 23 (3) shall include an inspection and testing of the safety device and overspeed governor, where an overspeed governor is provided, to ensure compliance with clauses 6.11.3 or 7.6.8.2, as the case may be, of the code referred to in section 49.

(4) The inspection and tests required under subsections (1), (2) and (3) shall be carried out at intervals determined in accordance with subsection 23 (3), provided that such intervals are not longer than twelve months between the inspections or tests, as the case may be.

(5) A record of inspections and tests carried out under subsections (1), (2) and (3) shall be made in triplicate on forms supplied by the Ministry and one copy shall be posted in the machine room of the elevating device, one copy shall be kept on file by the contractor and one copy shall be kept on file by the owner and each such record shall be retained for a period of three years from the date of the inspection or test.

(6) Where the ownership of an elevating device changes, the records referred to in subsection (5) shall be transferred to the new owner. O. Reg. 803/82, s. 1.

25. Where a manufacturer or owner of an elevating device or a contractor discovers a defect in a part or component that is related to the safety of operation or usage of an elevating device and that part or component is replaced and as a result of the discovery the same part or component is replaced in other elevating devices because of a possible recurrence of the defect, then the manufacturer, owner or contractor, as the case may be, shall forthwith notify the Director, in writing, stating the nature of the defect and any actions taken to date with respect to the part or component. O. Reg. 229/81, s. 24.

26. Every owner of an elevating device shall ensure that,

- (a) there is clear access to the elevating device;
- (b) there is a safe and convenient access to the machine room of the elevating device regardless of weather conditions;
- (c) the machine room and any part of the elevating device that may be hazardous is closed, locked or otherwise made inaccessible to the public;
- (d) the keys required for access to the machine room and other locked parts of the elevating device are readily available at the location of the installation to an inspector or a member of the police or fire department or other person who may be involved in an emergency where the elevating device is located;
- (e) a list of persons to be called in case of an equipment or power failure, accident, or any other emergency involving the elevating device is readily available at the location of the installation;
- (f) a copy of the registered design submission for the elevating device is readily available to an inspector; and
- (g) on the transfer of ownership of an elevating device a copy of the registered design submission is delivered to the new owner. O. Reg. 229/81, s. 25.

27. Every owner of a passenger elevator that is located in an apartment or office building shall ensure that,

- (a) in addition to the list required under clause 26 (e) the name and telephone number of the contractor maintaining the elevator, together with the scope and expiry date of the contract covering the maintenance of the elevator; and
- (b) the location of the keys required to be available under clause 26 (d),

are posted inside the firehose cabinet located closest to the main front entrance of the apartment or building. O. Reg. 229/81, s. 26.

28.—(1) In addition to those requirements set out in sections 45, 63 and 69 with respect to attendants or operators, where in the opinion of the Director it is necessary for an elevating device to have one or more attendants or operators to ensure the safety of persons riding or having access to the elevating device, the owner shall ensure that such attendants or operators are stationed at appropriate locations in or about the elevating device.

(2) In addition to those requirements set out in subsection (1) and sections 45, 63 and 69, where an elevating device is powered by a driving unit or equipped with operating devices that are not automatically rendered inoperative should an unsafe condition for operation of the elevating device exist, the owner shall ensure that while the elevating device is in operation, it is supervised and operated by an operator who is stationed at the driving unit of the elevating device or at some other appropriate location. O. Reg. 803/82, s. 2.

29.—(1) Every attendant or operator shall have such knowledge of and experience in operating or attending the elevating device that,

- (a) he or she is able to attend or operate the elevating device safely without supervision; and
- (b) he or she is aware of the hazardous situations that are likely to occur with respect to persons using the elevating device or to materials being carried on it.

(2) Every person learning to be an attendant or operator shall obtain the experience referred to in subsection (1) and perform his or her duties only under the personal supervision of an experienced attendant or operator, as the case may be, a mechanic, or other per-

son having thorough knowledge and experience in the attending or operation of an elevating device and who is aware of the hazards connected therewith. O. Reg. 229/81, s. 28.

30. An attendant shall,

- (a) only be responsible for the safe operation and use of the elevating device that is within the scope of his or her employment;
- (b) be stationed (in close proximity to the elevating device) in a location designated by the owner of the elevating device;
- (c) ensure that persons and materials move with safety to or from the elevating device in the area that is under his or her supervision;
- (d) ensure that all doors or gates are closed or other safety measures are taken, as the case may be, before the elevating device is operated or a signal is given to an operator to operate it; and
- (e) not operate the elevating device, knowing or having reason to believe that the maximum capacity as shown on the licence is exceeded, except where he or she is assisting in the testing of the elevating device. O. Reg. 229/81, s. 29.

31. An operator shall,

- (a) be responsible for the safe operation of the driving unit of the elevating device that he or she is operating;
- (b) not operate the driving unit unless he or she has been given a signal by an attendant to operate it or is otherwise satisfied that all doors or gates are closed, the device is not overloaded and that all safety measures have been taken to ensure the safe operation of the elevating device;
- (c) be satisfied each day that the elevating device that he or she is operating is safe for normal operation before operating it on that day; and
- (d) not leave the driving unit unattended without taking measures to prevent the unauthorized use of the elevating device. O. Reg. 229/81, s. 30.

INSPECTIONS

32.—(1) In this section and sections 16 and 34,

“initial inspection” means an inspection by an inspector of a newly installed or altered elevating device made under section 15 of the Act;

“subsequent inspection” means an inspection by an inspector that is made subsequent to an initial inspection where the initial inspection reveals that the elevating device does not conform to the requirements of the Act and this Regulation;

“periodic inspection” means an inspection by an inspector of an elevating device that is made under section 27 of the Act;

“special inspection” means an inspection by an inspector,

- (a) following a complaint, accident, fire or similar occurrence,
- (b) under clause 6 (1) (a) or (g) of the Act,
- (c) following any minor alteration of an elevating device;

“follow-up inspection” means an inspection by an inspector that is made after a periodic inspection or special inspection where that inspection reveals that the elevating device does not conform to the requirements of the Act and this Regulation.

(2) The fee on an inspection shall be paid and the labour, test load, measuring and other devices required to carry out the inspection shall be provided by,

- (a) in the case of an initial inspection or subsequent inspection, the contractor who installed or altered the elevating device;
- (b) in the case of any other inspection, the owner of the elevating device. O. Reg. 229/81, s. 31.

33.—(1) An inspector may, following an inspection, require that a part of an elevating device be sealed to prevent readjustment thereof.

(2) No person shall remove a seal affixed under subsection (1) without the permission of an inspector. O. Reg. 229/81, s. 32.

34.—(1) In this section,

“living expenses” means reasonable charges for sleeping accommodation and meals while on duty away from home;

“travelling expenses” means reasonable charges incurred for transportation,

- (a) to the place where the inspection is to be made, and
- (b) from the place where the inspection is made to the place where the next inspection is to be made, or to the inspector's office, as the case may be. O. Reg. 229/81, s. 33 (1).

(2) Except where otherwise indicated in this section, the fees to be paid on an initial or subsequent inspection of an elevating device are those fees set out in Column 2 of Table 1 set out opposite the type of elevating device being inspected in Column 1. O. Reg. 451/89, s. 5 (1), *part*.

(3) Except where otherwise indicated in this section the fee to be paid on a periodic inspection of an elevating device is that fee set out in Column 3 of Table 1 set out opposite the type of elevating device in Column 1.

(4) The fee on a special inspection of an elevating device set out in Column 1 of Table 1 is the basic fee set out opposite thereto in Column 3.

(5) Where a special inspection takes place because of a complaint, accident, fire or similar occurrence, the fee prescribed in subsection (4) shall only be charged where the inspector has determined that the owner has failed to comply with the requirements of the Act and regulations.

(6) Subject to subsection (7), the fee on a follow-up inspection for an elevating device set out in Column 1 of Table 1 is 50 per cent of the basic fee set out opposite thereto in Column 3.

(7) Where a follow-up inspection reveals that an inspector's orders have not been completed within the time specified by the inspector or where new orders are given, the fee on a follow-up inspection for an elevating device set out in Column 1 of Table 1 is the basic fee set out opposite thereto in Column 3. O. Reg. 229/81, s. 33 (4-8).

(8) The applicable fee for an inspection of an observation elevator having a travel in excess of 30 metres and having fewer than eight entrances is that set out in item 9 of Table 1.

(9) The applicable fee for an inspection of an elevator designed to travel directly from ground level to an observation level and having travel in excess of 30 metres is that set out in item 9 of Table 1.

(10) If an inspection is unduly delayed or prolonged by reason of an owner failing to comply with a requirement of clause 6 (1) (c) or (d) of the Act, the owner shall pay,

- (a) the additional fee set out in item 12 of Table 2; and
- (b) all travelling expenses and living expenses, if any, necessarily incurred by the inspector in connection with the inspection by reason of the delay or prolongation. O. Reg. 451/89, s. 5 (2), *part*.

(11) Where an inspection is performed by reason of a previously issued order and is specially arranged to suit an owner's or contractor's schedule, the inspector's travelling expenses and living expenses shall be paid in addition to any fee owing under this section. O. Reg. 229/81, s. 33 (12).

(12) The fee for a copy of an inspection report or other document is the fee set out in item 16 of Table 2. O. Reg. 451/89, s. 5 (2), *part*.

PART II GENERAL TECHNICAL REQUIREMENTS

35.—(1) The welding of a steel structure on an elevating device shall meet the requirements of CSA Standard W59-1984, Welded Steel Construction (Metal Arc Welding).

(2) The welding of a steel structure on an elevating device shall be undertaken by a fabricator or contractor qualified to the requirements of CSA Standard W47.1-1983, Certification of Companies for Fusion Welding of Steel Structures.

(3) The field welding of piping and fittings on an elevating device shall meet the requirements of CSA Standard B51-M1981, Code for the Construction and Inspection of Boilers and Pressure Vessels. O. Reg. 463/86, s. 6.

36. The machine for an elevating device shall be,

- (a) capable of safely lifting the car loaded to its maximum capacity at designed rated speed;
- (b) securely fastened to its foundation to prevent it from being moved from its fixed position;
- (c) when powered by an internal-combustion engine, arranged so as to discharge the exhaust vertically to the outdoors and not to endanger the safety of any person; and
- (d) guarded where necessary to prevent injury to persons from gears, shafts and other hazardous equipment. O. Reg. 229/81, s. 35.

37. Where clips are permitted to fasten metal rope in an elevating device,

- (a) the minimum number of clips to be used on each rope end shall be,
 - (i) two clips for rope under nine millimetres in diameter,
 - (ii) three clips for rope nine millimetres in diameter and over but under sixteen millimetres in diameter,
 - (iii) four clips for rope sixteen millimetres in diameter and over but under nineteen millimetres in diameter;
- (b) the rope end shall be bent over a heart-shaped thimble that has a groove of a radius equal to that of the rope or shall be provided with equivalent protection satisfactory to the Director;
- (c) the clips shall be spaced at a distance apart equal to six times the rope diameter and not closer than four times the rope diameter from the short end of the rope;
- (d) U-type clips shall be placed so that the U bolts bear on the

short or dead end of the rope and the bases bear on the load part of the rope; and

- (e) the nuts on the clips shall not be fully tightened until after the rope has been under load and all nuts shall be fully tightened while the rope is still loaded. O. Reg. 229/81, s. 36.

PART III ELEVATORS, DUMBWAITERS, ESCALATORS, MOVING WALKS AND FREIGHT PLATFORM LIFTS

38.—(1) Every elevator, dumbwaiter, escalator, moving walk and freight platform lift shall meet the requirements of National Standard of Canada CAN3-B44-M85: Safety Code for elevators.

(2) For the purpose of this Regulation, in National Standard of Canada CAN3-B44-M85, "rated load" means "maximum capacity". O. Reg. 463/86, s. 7.

39. Despite subsection 3 (2), rope clip fastenings shall not be used when suspension ropes are changed on an existing elevator. O. Reg. 463/86, s. 8.

40. Every elevator shall have a safe and convenient access to its machine room and machinery space, and such access shall not lead through any part of the hoistway. O. Reg. 229/81, s. 39.

41.—(1) Despite subsection 3 (2), every passenger elevator and freight elevator shall meet the requirements of clauses 3.7, 3.8, 3.10.8 and 3.12.2.17 of the code referred to in subsection 38 (1).

(2) Freight elevators installed before the 1st day of May, 1981 that do not meet the requirements of clause 2.12.2 or 2.12.3 shall meet the requirements of clause 2.12.3. O. Reg. 463/86, s. 9.

42.—(1) Every existing passenger elevator in an apartment building or educational institution and every new passenger elevator shall be provided at the entrance side of its car platform with a smooth apron made of metal not less than 1.5 millimetres thick, or made of material of equivalent strength and stiffness, reinforced and braced to the car platform such that,

- (a) it does not extend less than the full width of the widest hoistway-door opening;
- (b) it has a straight vertical face, extending below the floor surface of the car-platform, of not less than 1,200 millimetres, except that for an existing elevator this may be reduced where the hoisting pit is not deep enough to accommodate a larger vertical face;
- (c) its lower portion is bent back at an angle not less than 60 degrees and not more than 75 degrees from the horizontal;
- (d) it is securely braced and fastened in place to withstand a constant force of 500 newtons applied at right angles to and,
 - (i) at 450 millimetres from the top without deflecting more than six millimetres, or
 - (ii) at 1,150 millimetres from the top without deflecting more than fifty millimetres,

and without permanent deformation. O. Reg. 229/81, s. 41 (1); O. Reg. 803/82, s. 4.

(2) Every passenger elevator referred to in subsection (1) shall have a pit deep enough to accommodate the apron required in subsection (1), and to provide a minimum twenty-five millimetres clearance between the bottom edge of the apron and the pit floor when the car is on fully compressed buffers. O. Reg. 229/81, s. 41 (2).

43. No elevator shall be operated where it is located adjacent to a hoistway of another elevating device in which installation or alter-

ation work is being performed and where the operation of the elevator may be hazardous to the persons performing the work, unless the hoistways are separated from the bottom to a level a minimum of 2,000 millimetres above the point where the work is being performed by unperforated material so supported and braced that when subjected to a force of 450 newtons applied horizontally at any point the deflection does not exceed twenty-five millimetres. O. Reg. 229/81, s. 42.

44.—(1) Every passenger elevator and freight elevator shall have its installation number engraved or painted on the car cross-head visible from the main entrance. O. Reg. 229/81, s. 43, *revised*.

45. Where an existing elevator is controlled from one location only, an attendant shall be stationed at the controls while the elevator is available for operation. O. Reg. 229/81, s. 44.

46.—(1) No person other than an attendant or a designated freight handler or both or more than one of each of them shall ride or be permitted to ride in a freight elevator.

(2) No person other than an attendant or a designated freight handler shall ride or be permitted to ride in a freight platform lift—Type B.

(3) No person shall ride or be permitted to ride on a freight platform lift—Type A. O. Reg. 229/81, s. 45.

47. Where the maximum bottom counterweight runby is restricted in an elevator design submission to less than 900 millimetres, the following sign, with letters at least twenty-five millimetres in height, shall be attached to or printed on the hoistway wall in the vicinity of the counterweight buffers of the elevator: “Warning maximum bottom counterweight runby is”. O. Reg. 463/86, s. 10, *part*.

48. Despite subsection 3 (2), every escalator shall be fitted with a caution sign that meets the requirements of clause 8.10 of the code referred to in subsection 38 (1). O. Reg. 463/86, s. 10, *part, revised*.

PART IV MANLIFTS

49. Every manlift shall meet the requirements of CSA Standard B311-M1979, Safety Code for Manlifts and Supplement No. 1-1984 to the said code. O. Reg. 463/86, s. 11.

50. Every power type manlift shall be provided with,

- (a) a top-of-car operating device; and
- (b) a protective guard railing on the top of the car. O. Reg. 229/81, s. 47.

51. No person shall use a manlift except those persons designated by the owner of the manlift as being properly trained in its operation and use. O. Reg. 229/81, s. 48.

PART V PASSENGER ROPEWAYS

52. Every passenger ropeway shall meet the requirements of National Standard of Canada CAN3-Z98-M78 Passenger Ropeways and Supplement No. 1-1984 to the said standard. O. Reg. 463/86, s. 12.

53. Every passenger ropeway shall be so constructed and installed that the failure of any single, magnetically operated switch, contactor containing metal-to-metal contacts or relay to release does not prevent the passenger ropeway from stopping in response to an emergency device nor permit the passenger ropeway to start or run if any emergency stopping device is activated. O. Reg. 803/82, s. 5.

54.—(1) Every owner of a passenger ropeway shall keep a log

book in the form supplied by the Ministry, that shall be readily available to an inspector and to other persons designated by the owner.

(2) The log book referred to in subsection (1) shall include at least,

- (a) a daily operation and maintenance record; and
- (b) non-destructive testing, inspection, and maintenance records of chair grips, chair hangers, and ropes.

(3) The log book shall be retained at the location of the passenger ropeway for a period of,

- (a) at least two years for records referred to in clause (2) (a); and
- (b) at least ten years for records referred to in clause (2) (b). O. Reg. 229/81, s. 51.

55. In addition to the signs required by the code referred to in section 52, the following signs shall be erected with a minimum of 100 millimetres in height and eleven millimetres in width for each letter:

1. “NO ADMITTANCE”, at the entrance to every machine area.
2. “TOW GRIPPERS PROHIBITED”, at the loading area of every rope tow.
3. “RAISE SAFETY BAR”, at the approach to the unloading area of every chair lift.
4. “EMERGENCY STOPPING DEVICE”, at every emergency stopping device, including safety gates. O. Reg. 229/81, s. 52.

56. Every person who is wearing skis and who is using a rope tow, bar lift or chair lift shall be equipped with,

- (a) safety straps between each boot and the ski fastened thereto; or
- (b) skis that have arresting devices installed on the skis to prevent the runaway of a ski should a ski binding release. O. Reg. 229/81, s. 53.

57.—(1) Every bar lift and rope tow shall,

- (a) be equipped with an anti-rollback device located on the drive or return bullwheel;
- (b) be so designed and maintained that a skier can be transported to the extreme limits of travel without losing contact with the ground or snow surface, including the distance between the safety gate and the point where an unloaded rope stops following activation of the safety gate;
- (c) be so constructed that when an emergency stop control is actuated, the hauling rope does not coast more than 75 per cent of the minimum spacing of passengers on the tow or lift;
- (d) be so constructed that, where a brake is used in order to obtain conformance with the requirement of clause (c) and the code referred to in section 52, the brake shall,
 - (i) be electrically released,
 - (ii) be applied automatically when the power source is removed, and
 - (iii) not be connected across the armature or field of a

direct current driving motor. O. Reg. 229/81, s. 54 (1); O. Reg. 803/82, s. 6.

(2) A return rope of a fibre rope tow may be carried on sheaves over the uphill ski track provided the rope is prevented from jumping out of the sheaves by guards and is kept out of the skier's reach. O. Reg. 229/81, s. 54 (2).

58.—(1) Every chair lift or gondola lift shall,

- (a) have a service brake that is located so that there is no clutch, V-belt or chain drive or similar device between the brake and the driving bullwheel;
- (b) be so equipped that the auxiliary internal combustion engine that drives the circulating rope is rendered inoperative should a tower or any other safety stop switch or gate be actuated; and
- (c) be equipped with a readily available service and inspection platform carrier and that is equipped with a two-way radio-telephone or an alternative equivalent system acceptable to the Director.

(2) The engine referred to in clause (1) (b) shall be tested each day prior to the operation of the chair lift or gondola lift, as the case may be. O. Reg. 229/81, s. 55 (1, 2).

(3) Where a platform carrier referred to in clause (1) (c) is affixed to a lift line by means of rope grips that use friction as a gripping method, clamping devices shall be installed in front and behind the grip of the platform carrier.

(4) A clamping device referred to in subsection (3) shall be so designed so as not to cause any damage to the hauling rope sheave, bull-wheel or the liners of the sheave or bull-wheel. O. Reg. 463/86, s. 13.

59. Each chair of a chair lift shall be equipped with a safety restraining bar that will not release without a positive action by a passenger when the safety restraining bar is closed. O. Reg. 229/81, s. 56.

PART VI CONSTRUCTION HOISTS

60.—(1) Subject to subsection 3 (2), every construction hoist shall comply with the following codes except that where a provision of a code is inconsistent with the Act and this Regulation the provisions of the Act and this Regulation shall prevail:

1. Workmen's rail-guided construction hoist, CSA Standard Z 185—1975, Safety Code for Personnel Hoists, including revisions No. 1 to 7—1977 and revisions No. 8 to 31—1979.
2. Workmen's rope-guided construction hoist, American National Standard ANSI A 10.22—1977, Safety Requirements for Rope-guided and Non-guided Workmen's Hoist.
3. Material construction hoist, CSA Standard Z 256—1972, Safety Code for Material Hoists, including revisions No. 1 to 19—1974, and revision No. 20—1977, and revisions No. 21 to 32—1979.

(2) For the purpose of this Regulation, "rated load" or "rated loading" in the codes referred to in subsection (1) means "maximum capacity". O. Reg. 229/81, s. 57.

61.—(1) Every construction hoist shall be so designed that the car movement in both the up and down directions is continuously controlled by power.

(2) A material construction hoist that is equipped with a broken-rope type safety shall not be licenced unless a type test indicates that

the safety is capable of stopping the car when it is free falling with its rated load.

(3) Subsection (1) does not apply to a hoist that is equipped with a load-carrying unit in the form of a bucket. O. Reg. 463/86, s. 14.

62.—(1) Where the load-carrying unit of a workers' rope-guided construction hoist passes through a restricted area at a platform or floor, a control device that positively and automatically lowers the speed of the load-carrying unit to that specified in the related design submission while the load-carrying unit passes through the restricted area shall be installed on the hoist except where the design submission indicates that no speed limitation is required.

(2) In lieu of the control device referred to in subsection (1), an operator utilizing a system of signals may be used to manually control the speed of the hoist. O. Reg. 229/81, s. 59.

63.—(1) Every workers' rail-guided construction hoist, shall while in operation, be attended by an attendant who shall be stationed in the load-carrying unit, and who shall operate the construction hoist and also supervise the loading, passage and unloading of persons and freight.

(2) Every material construction hoist shall while in operation be,

- (a) attended by one or more attendants stationed at each location where freight is being loaded or unloaded; and
- (b) operated by,
 - (i) an attendant stationed at the location of the operating devices, provided that the operating devices can be automatically rendered inoperative should any unsafe condition for operation of the construction hoist exist, or
 - (ii) an operator stationed at the driving unit, where the driving unit and its operating devices cannot automatically be rendered inoperative should an unsafe condition for operation of the construction hoist exist.

(3) Subsections (1) and (2) apply with necessary modifications to the providing of attendants and operators for workers' rope-guided construction hoists. O. Reg. 229/81, s. 60.

PART VII ELEVATING DEVICES FOR THE HANDICAPPED

64. Every elevating device for the handicapped shall comply with National Standard of Canada CAN3-B355-M81, Safety Code for Elevating Devices for the Handicapped. O. Reg. 463/86, s. 16, *part*.

65.—(1) Every owner of a vertical platform lift—Type D and every owner of a stair platform lift—Type D or stairchair lift shall ensure that the public does not have access to the area where the lift is installed while the lift is in operation.

(2) Subsection (1) does not apply in the case of a stair platform lift—Type D or stairchair lift where,

- (a) the owner of the lift is able to control and identify persons who will be using the lift or the area where the lift is installed and the owner familiarizes those persons in advance of using the area or lift with the safety rules and procedures concerning the use of the area and the lift; and
- (b) the lift meets the requirements of section 69. O. Reg. 463/86, s. 16, *part*.

66. The owner of an elevating device for the handicapped shall ensure that,

- (a) the device is used primarily for the transportation of handicapped persons;
- (b) the operation of the device is restricted to attendants designated by the owner or those persons who in the opinion of the owner are able to use the device without an attendant, and
- (c) the persons using the device receive instruction and training that emphasizes the hazards associated with improper use of the device. O. Reg. 463/86, s. 16, *part*.

67.—(1) The operation of the load carrying unit of an elevating device for the handicapped shall be by means of a key-control for the operating device as set out in subsection (2) or by a method acceptable to the Director that provides the same degree of safety.

(2) A key-control for an operating device may be by means of an on/off lockable switch located near and controlling one or more operating devices or each operating device may be directly key-controlled.

(3) The key for a key-control for an operating device shall be removable only when the switch is in an "off" position. O. Reg. 803/82, s. 7, *part*.

68. Every owner of an elevating device for the handicapped that serves a building or part thereof that may be frequented by persons not previously designated by the owner shall,

- (a) establish a procedure that will enable a handicapped person to gain access to and use the device; and
- (b) ensure that an attendant is available to operate the device when a handicapped person not designated by the owner under clause 66 (b) requires use of the device. O. Reg. 463/86, s. 16, *part*.

69. Where a stair platform lift—Type D or stairchair lift is being operated at the same time that other persons are using the area in which the lift is installed,

- (a) audio-visual signals shall be emitted that can be heard by persons using the lift and by persons in the area where the lift is installed until the lift is parked in a safe position at a terminal; and
- (b) every leading edge or surface of that portion of the lift and its carriage that carries the passengers in both directions of travel shall be equipped with sensitive devices that meet the requirements of clause 7.5.4 of the code referred to in section 64 and that are operational whenever the carriage is in motion. O. Reg. 463/86, s. 16, *part*.

70.—(1) A person shall only operate a vertical platform lift—Type D, a stair platform lift—Type D or a stairchair lift if the person is satisfied that only persons using the lift have access to the area where the lift is installed.

(2) Subsection (1) does not apply to a person operating a stair platform lift—Type D or a stairchair lift while other persons are using the area in which the lift is installed where,

- (a) the conditions set out in subsection 65 (2) exist;
- (b) the person operating the lift is an attendant and has, while operating the lift in the folded down position, a clear view of the lift runway in the direction of its movement by walking along with the carriage while it is in motion or has by being stationed at a point, a clear view of the runway;
- (c) the person using the lift has, while using the lift, a clear view of the lift runway in the direction of travel; and
- (d) the audio-visual signals required under clause 69 (a) are operational. O. Reg. 463/86, s. 16, *part*.

71.—(1) A notice that the use of an elevating device for the handicapped is restricted to handicapped persons shall be posted at each location of a device, at landing or runway entrances of the device and at the load carrying unit of the device. O. Reg. 803/82, s. 7, *part*.

(2) The procedure required under clause 68 (a) shall be posted in the form of a notice at the entrance to the building to which it applies or, where the elevating device is readily accessible, at the location of the elevating device.

(3) Where an attendant is required for an elevating device under clause 68 (b) and an attendant is not permanently stationed at the location of the elevating device, a notice shall be posted at the entrance to the elevating device that indicates the procedure to be followed to obtain assistance.

(4) Where subsection 70 (2) applies, a notice shall be posted at the entrance to the elevating device that cautions the user to observe the lift runway for possible obstructions.

(5) The notice referred to in subsection (4) shall where a full view of the entire lift runway is restricted indicate that the operation of a folded down carriage is not permitted. O. Reg. 463/86, s. 17.

72.—(1) In addition to those requirements set out in sections 7 and 8, the design submission for an elevating device for the handicapped shall include a detailed report completed on a form supplied by the Ministry from the person who intends to have the elevating device installed, in which the proposed methods of compliance with sections 65 to 69 shall be described.

(2) Where there is a change in the ownership of an elevating device for the handicapped or a substantive change in the type of occupancy of a building in which an elevating device for the handicapped is installed, the owner of the elevating device shall submit to the Director a detailed report on a form supplied by the Minister in which the proposed methods of compliance with sections 65 to 69 shall be described. O. Reg. 803/82, s. 7, *part*.

TABLE 1

Fees

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
		Initial and Subsequent Inspection	Other Inspection	Design Submission For New Installation and Major Alteration
1.	Elevator, other than an inclined elevator, serving ten floors or less (basic); plus item 2	\$200.00	\$100.00	\$200.00
2.	Elevator, other than an inclined elevator, for each additional floor served exceeding ten floors	15.00	10.00	15.00
3.	Construction Hoist—ten entrances or less and thirty metres of mast or tower (basic); plus items 4 and 5	200.00	100.00	200.00
4.	Construction Hoist—for each additional three metres or part thereof of mast or tower	2.00	2.00	2.00
5.	Construction Hoist—for each entrance over ten entrances	10.00	10.00	—
6.	Escalator, manlift, moving walk, stage-lift (per section)	200.00	100.00	200.00
7.	Elevating devices for the Handicapped	50.00	50.00	50.00
8.	Freight Platform Lift, Rope Tow, Dumbwaiter	150.00	75.00	200.00
9.	(a) Chair Lift—up to and including ten towers; plus item 11			
	(b) Gondola Lift—up to and including ten towers; plus item 11			
	(c) Reversible Ropeway—up to and including ten towers; plus item 11			
	(d) Funicular Railway—up to and including ten towers; plus item 11	500.00	250.00	500.00
10.	(a) Bar Lift—up to and including ten towers; plus item 11			
	(b) Inclined Elevator	300.00	150.00	300.00
11.	For each tower in excess of ten towers	30.00	15.00	30.00
12.	Special installation—per person, per hour (minimum two hours)	80.00	80.00	100.00

O. Reg. 451/89, s. 6, part.

TABLE 2

Fees

ITEM	COLUMN 1	COLUMN 2
1.	Licence—Initial	\$100.00
2.	Licence—Renewal or duplicate	50.00
3.	Licence—Transfer	50.00
4.	Licence—Temporary	400.00
5.	Installation plate—duplicate (see subsection 22 (5))	50.00

ITEM	COLUMN 1	COLUMN 2
6.	Registration of a design submission for a revision subsequent to initial registration for one elevating device	\$100.00
7.	Registration of a design submission for a standard design submission, new	400.00
8.	Registration of a design submission for a standard design submission, revised	200.00
9.	Registration of a design submission for a minor alteration for one elevating device	200.00
10.	Copy of an inspection report or other document	30.00
11.	Inspection status summary (covering up to six devices at one location)	60.00
12.	Excess time charge for delaying or prolonging inspection, (per person per hour, minimum one hour)	80.00
13.	Filing of notification of a minor alteration—Type B	50.00
14.	Filing of certification or an engineering test report of an elevating device component	300.00
15.	Preliminary review of the design of an elevating device or component, including an assessment of acceptability for a variance from adopted codes (per person per hour)	100.00

O. Reg. 451/89, s. 6, *part.*

TABLE 3

Fees—Contractor's Registration

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
		Initial	Annual
1.	Elevators	\$500.00	\$300.00
2.	Construction Hoists	500.00	300.00
3.	Any Class other than Elevators or Construction Hoists, each class	200.00	100.00
4.	Limited Scope (see Note 1), Limited maintenance or installation or both, each class	200.00	100.00
5.	Limited Scope (see Note 1), Limited to testing by consultants regardless of number of classes	400.00	400.00
6.	Plus — for each mechanic, mechanic in training and supervisor employed in the previous year (this does not include registrations under item 7)	—	20.00
7.	Maintenance by owner for each maintained elevating device, up to a maximum as in items 1, 2 and 3 (see Note 2)	15.00	15.00

NOTES:

1. A contractor's registration is limited in scope when it is limited to specific functions.
2. If registration is limited to the maintenance of elevating devices that are under contractor's ownership.

O. Reg. 451/89, s. 6, *part.*

Employee Share Ownership Plan Act
Loi sur le régime d'actionnariat des employés

REGULATION 317

FORMS

1. An annual return to be filed by an administrator under paragraph 7 of subsection 2 (2) of the Act shall be in Form 1. O. Reg. 362/88, s. 1.

2. An application for certification of an employee group under subsection 4 (3) of the Act shall be in Form 2. O. Reg. 362/88, s. 2.

3. An application for registration of an employee share ownership plan under subsection 5 (1) of the Act shall be in Form 3. O. Reg. 362/88, s. 3.

4. A certificate of eligibility under subsection 7 (1) of the Act shall be in Form 4. O. Reg. 362/88, s. 4.

5. An annual return to be filed by an eligible corporation under subsection 9 (1) of the Act shall be in Form 5. O. Reg. 362/88, s. 5.

6. An employee grant application under subsection 12 (1) of the Act shall be in Form 6. O. Reg. 362/88, s. 6.

7. An investment confirmation certificate under paragraph 7 of subsection 2 (1) and clause 12 (3) (a) of the Act shall be in Form 7. O. Reg. 362/88, s. 7.

8. A corporation grant application under subsection 13 (1) of the Act shall be in Form 8. O. Reg. 362/88, s. 8.

9. An employee group grant application under subsection 14 (1) of the Act shall be in Form 9. O. Reg. 362/88, s. 9.

10. A notice of objection under subsection 17 (3) of the Act shall be in Form 10. O. Reg. 362/88, s. 10.

11. A statement of disposition of shares under subsection 5 (3) of Regulation 318 of Revised Regulations of Ontario, 1990. O. Reg. 362/88, s. 11.



Ministry of Revenue
Employee Share Ownership Plan Program

Form 1*Employee Share Ownership Plan Act*

ANNUAL RETURN—ADMINISTRATOR

Administrator—Name	
Address (if changed)	Telephone No. (if changed)
Corporation Name	ESOP Registration No.

I certify that on , I was holding shares in escrow under the above mentioned corporation's Employee Share Ownership Plan.
(Date)

Date	Authorized Administrator—Signature	Print Name
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The information provided in this annual return will be used to verify the number of shares held in escrow under the Ontario ESOP Program.

Annual Return Information

This return must be filed with the Ministry of Revenue every year within 90 days of the anniversary date of the Registration of the ESOP as shown in the Certificate of Eligibility issued to the Corporation.



Ministère du Revenu
Programme d'actionnariat des employés

Formule 1*Loi sur le régime d'actionnariat des employés*

DÉCLARATION ANNUELLE—ADMINISTRATEUR

Nom de l'administrateur	
Adresse (en cas de changement)	N° de téléphone (en cas de changement)
Dénomination sociale de la personne morale	N° d'inscription du régime

J'atteste que le , je détenais actions en dépôt aux termes du régime d'actionnariat des employés de la personne morale mentionnée ci-dessus.
(Date)

Date	Administrateur autorisé—Signature	Nom (en lettres moulées)
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Les renseignements fournis dans la présente déclaration annuelle seront utilisés pour vérifier le nombre d'actions déposées en main tierce conformément au programme ontarien d'actionnariat des employés.

Renseignements sur la déclaration annuelle

La présente déclaration doit être déposée au ministère du Revenu chaque année, au plus tard 90 jours après l'anniversaire de la date de l'inscription du régime d'actionnariat des employés qui est indiquée sur le certificat d'admissibilité délivré à la personne morale.

O. Reg. 362/88, Form 1, revised.



Ontario

Ministry of Revenue
Employee Share Ownership Plan Program

Ministère du Revenu
Programme d'actionnariat des employés

Form 2
Formule 2

Employee Share Ownership Plan Act
Loi sur le régime d'actionnariat des employés

**APPLICATION FOR CERTIFICATION AS
AN EMPLOYEE GROUP
DEMANDE D'AGRÈMENT D'UN
GROUPE D'EMPLOYÉS**

Employer / Employeur

Name of Employer / Nom de l'employeur	Telephone Number / Numéro de téléphone
Address / Adresse	

Employee Group / Groupe d'employés

Name of Group / Nom du groupe
Mailing Address / Adresse postale

Group Representative(s) / Représentant(s) du groupe

Name / Nom	Telephone Number / Numéro de téléphone	Name / Nom	Telephone Number / Numéro de téléphone
Name / Nom	Telephone Number / Numéro de téléphone	Name / Nom	Telephone Number / Numéro de téléphone

Authorization of Representative(s) and Request for Group Certification /
Autorisation du ou des représentants et demande d'agrément du groupe

We, employees of _____, authorize the person(s) named above to represent us in the negotiation, evaluation and implementation of an Employee Share Ownership Plan. / Nous sous signé(e)s, employés de _____, autorisons la ou les personnes mentionnées ci-dessus à nous représenter lors de la négociation, de l'évaluation et de la mise en oeuvre d'un régime d'actionnariat des employés.

We hereby apply for certification as an employee group under the Employee Share Ownership Plan Act. / Nous demandons, par la présente, que notre groupe soit agréé en vertu de la Loi sur le régime d'actionnariat des employés.

Date	Employee Signature / Signature de l'employé	Print Name / Nom (en lettres moulées)

The information provided in this application will be used to determine the eligibility of an employee group for certification under the Ontario ESOP program. / Les renseignements fournis dans la présente demande serviront à déterminer si le groupe d'employés peut être agréé dans le cadre du programme ontarien d'actionnariat des employés.

Application Information

Group Representative(s): A group representative is someone chosen by the members of the employee group to act on their behalf on ESOP matters.

Authorization of Representative(s) and Request for Group Certification: All individuals signing in this area of the form must be employees of the corporation.

Renseignements sur la demande

Représentant(s) du groupe : Le ou les représentants du groupe doivent être choisis par les membres du groupe d'employés pour intervenir en leur nom sur les questions relatives au régime d'actionnariat des employés.

Autorisation du ou des représentant(s) et demande d'agrément du groupe : Les particuliers qui signent cette section doivent être des employés de la personne morale.

O. Reg. 362/88, Form 2, revised.



Ministry of Revenue
Employee Share Ownership Plan Program

Form 3

Employee Share Ownership Plan Act

APPLICATION FOR REGISTRATION

Identification

Name of Corporation (include full name)	
Operating Name (if different)	
Address of Registered Office	Mailing Address (if different)

Jurisdiction Incorporated	Corporations Tax Account Number	Telephone Number () -
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Business Activities of Corporation

Number of Employees Resident in Ontario

Financial Data

	Year	Month	Day	(\$ '000)
Last Taxation Year-end				
Total Salaries and Wages				
Salaries and Wages Allocated to Ontario				
Total Assets of Corporation (including Associated Corporations and Partnerships)				
Total Gross Revenues of Corporation (including Associated Corporations and Partnerships) For fiscal periods less the 365 days please annualize gross revenues				

The following documents must be submitted with this application:

- Employee Share Purchase Agreement
- Escrow Agreement
- Articles of Incorporation and Amendments
- Financial Statements of the Corporation for the Last Taxation Year
- If there are Associated Corporations and Partnerships, please submit consolidated financial statements. If unavailable complete the Consolidation Worksheet.

Certification

I am an authorized signing officer of the corporation and all statements made in this Application for Registration are true, correct and complete.

Date	Signature	Print Name
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The information provided in this application will be used to determine eligibility for share ownership plan registration under the Ontario ESOP program.

Application Information

Financial Data

All data provided in this section relates to the corporation's last taxation year ending before the date of application for registration of an employee share ownership plan.

Salaries and Wages Allocated to Ontario: This allocation is to be made in the same manner as the salaries and wages allocation under the *Corporations Tax Act*.

Documents to be Submitted

Employee Share Purchase Agreement and Escrow Agreement: Copies of the documents approved by the Ministry during the pre-application review process.

Articles of Incorporation and Amendments: Certified copies of the corporation's articles of incorporation and of any amendments to those articles.

Consolidation Worksheet
For Assets and Gross Revenues of Associated Corporations and Partnerships

Name of Associated Corporation/Partnership (A)
Name of Associated Corporation/Partnership (B)

ASSETS \$			
Corporation	Associated Corporation/ Partnership (A)	Associated Corporation/ Partnership (B)	Totals
Total Assets per Financial Statements			
Add: Assets Written Down Against Income and Undivided Profits			
Adjusted Total Assets			
Deduct: Intercompany Investments and Debts			
Total			

GROSS REVENUES \$			
Gross Revenues per Financial Statements			
Deduct: Intercompany Transactions			
Difference/Total			
Annualized Gross Revenues (Ratio of 365 to the number of days in the taxation year)			

Associated Corporation: The definition to be applied is that contained in section 256 of the *Income Tax Act* (Canada) and includes corporations that would be Associated Corporations under that section if the corporations had been incorporated in Canada.

Assets Written Down Against Income and Undivided Profits: The amount by which the value of any asset of the corporation (or associated corporations or partnerships as applicable) has been written down and deducted from its income or undivided profits where such amount is not deductible in the calculation of its taxable income for the current and all prior taxation years under Part I of the *Income Tax Act* (Canada).



Ministère
du
Revenu
Ontario

Programme
d'actionariat
des employés

Formule 3

Loi sur le régime d'actionariat des employés

DEMANDE D'INSCRIPTION

Identification

Dénomination sociale de la personne morale (au complet)	
Nom sous lequel elle mène ses activités (si différent)	
Adresse du siège social	Adresse postale (si différent)

Compétence législative où elle a été constituée	N° de compte au fisc	Numéro de téléphone () -
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Type d'activités
Nombre d'employés habitant en Ontario

Information financière

	Année	Mois	Jour	(en milliers de dollars)
Fin de la dernière année d'imposition				
Total des salaires versés				
Salaires versés en Ontario				
Total de l'actif de la personne morale (y compris des personnes morales et sociétés en nom collectif avec lesquelles elle a un lien)				
Total du produit brut de la personne morale (y compris des personnes morales et sociétés en nom collectif avec lesquelles elle a un lien) Remarque : Pour les périodes d'imposition de moins de 365 jours, donnez le chiffre sur une base annuelle				

Joignez à la présente demande les documents suivants :

- Contrat d'achat d'actions de l'employé
- Contrat d'entiercement
- Statuts de constitution et modifications
- États financiers de la personne morale pour la dernière année d'imposition
- Si la personne morale a un lien avec d'autres personnes morales ou sociétés en nom collectif, veuillez soumettre les états financiers consolidés ou remplir la grille de consolidation.

Attestation

Je suis autorisé(e) à signer pour la personne morale et j'atteste que toutes les déclarations faites dans la présente demande d'inscription sont véridiques, exactes et complètes.

Date	Signature	Nom (en lettres moulées)
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Les renseignements fournis dans la présente demande serviront à déterminer si le régime d'actionariat des employés faisant l'objet de la présente peut être inscrit au programme ontarien d'actionariat des employés.

Renseignements sur la demande

Information financière

Toute l'information fournie dans la présente section doit porter sur la dernière année d'imposition de la personne morale terminée avant la date de la demande d'enregistrement d'un régime d'actionariat des employés.

Salaires versés en Ontario : Il faut calculer cette affectation selon la méthode utilisée en vertu de la *Loi sur l'imposition des corporations*.

Documents à soumettre

Contrat d'achat d'actions de l'employé et contrat d'entiercement : Copies de ces documents approuvés par le ministère au cours de l'examen préliminaire de la demande.

Statuts de constitution et modifications : Copies certifiées conformes des statuts de constitution de la personne morale et de toute modification de ces statuts.

Consolidation des éléments
d'actif et du produit brut des personnes morales et des sociétés en nom collectif qui ont un lien avec la personne morale

Nom de la personne morale ou société liées (A)
Nom de la personne morale ou société liées (A)

ACTIF \$				
	Personne morale	Personne morale/ société liée (A)	Personne morale/ société liée (B)	Totaux
Actif total d'après les états financiers				
Plus : Éléments d'actif déduction faite du bénéfice net et des bénéfices non répartis				
Actif total redressé				
Moins : Placements et dettes entre compagnies				
Total				

PRODUIT BRUT \$				
Produit brut d'après les états financiers				
Moins : Opérations entre compagnies				
Écart/Total				
Produit brut sur une base annuelle (Proportionnellement à 365 jours selon le nombre de jours de l'année d'imposition)				

Personnes morales qui ont un lien : La définition de «personne morale qui a un lien» est la même que celle de «corporation associée» donnée à l'article 256 de la *Loi de l'impôt sur le revenu* (Canada) et comprend les personnes morales qui auraient été considérées comme telles en vertu de cet article si elles avaient été constituées au Canada.

Éléments d'actif déduction faite du bénéfice net et des bénéfices non répartis : Montant représentant la valeur de tout élément d'actif de la personne morale (ou des personnes morales ou sociétés qui ont un lien avec la personne morale) déduction faite du bénéfice net ou des bénéfices non répartis correspondants lorsque ce montant n'est pas déductible du revenu imposable pour l'année en cours et toutes les années d'imposition précédentes en vertu de la Partie I de la *Loi de l'impôt sur le revenu* (Canada).

O. Reg. 362/88, Form 3, revised.

Form 4
Formule 4

Employee Share Ownership Plan Act
Loi sur le régime d'actionnariat des employés

CERTIFICATE OF ELIGIBILITY
CERTIFICAT D'ADMISSIBILITÉ



This is to certify that / *La présente certifie que*

has registered with the Ministry of Revenue an
Employee Share Ownership Plan which meets
the eligibility requirements of the *Employee*
Share Ownership Plan Act.

a inscrit au ministère du Revenu un régime
d'actionnariat des employés qui est conforme aux
critères d'admissibilité prévus par la Loi sur le
régimes d'actionnariat des employés.

.....
Registration Number / *Numéro*
d'inscription

.....
Date of Registration / *Date*
d'inscription

.....
Authorized Official / *Fonctionnaire*
délégué

.....
Minister of Revenue / *Ministre du*
Revenu

O. Reg. 362/88, Form 4, revised.



Ministry of Revenue
Employee Share Ownership Plan Program

Form 5

Employee Share Ownership Plan Act

ANNUAL RETURN – CORPORATION

Identification

Name of Corporation (include full name)	ESOP Registration Number
Mailing Address (if changed)	
Number of Employees Resident in Ontario	

Financial Data

	Year	Month	Day	
Last Taxation Year-end				(\$ '000)
Total Salaries and Wages				
Salaries and Wages Allocated to Ontario				
Total Assets of Corporation (including Associated Corporations/Partnerships)				
Total Gross Revenues of Corporation (including Associated Corporations/Partnerships) For fiscal periods less the 365 days please annualize gross revenues				

The following documents must be submitted with this Annual Return:

- Amendments to Articles of Incorporation
- Financial Statements of the Corporation for the Last Taxation Year
- If there are Associated Corporations and Partnerships, please submit consolidated financial statements. If unavailable complete the Consolidation Worksheet.

Certification

I am an authorized signing officer of the corporation and all statements made in this Annual Return are true, correct and complete.

Date	Signature	Print Name
------	-----------	------------

The information provided in this application will be used to determine eligibility for share ownership plan registration under the Ontario ESOP program.

Annual Return Information

Following the registration of its employee share ownership plan, a corporation must file an Annual Return with the Ministry of Revenue within 180 days of the end of each taxation year of the corporation.

Financial Data

All data provided in this section relates to the corporation's last taxation year ending before the date that the Annual Return is required to be filed.

Salaries and Wages Allocated to Ontario: This allocation is to be made in the same manner as the salaries and wages allocation under the *Corporations Tax Act*.

Documents to be Submitted

Amendments to the Articles of Incorporation: Certified copies of any amendments to the corporation's articles of incorporation which have been made since the corporation applied for registration of its employees share ownership plan (or since the filing of its last Annual Return).

Consolidation Worksheet

For Assets and Gross Revenues of Associated Corporations and Partnerships

Name of Associated Corporation/Partnership (A)
Name of Associated Corporation/Partnership (B)

ASSETS \$				
	Corporation	Associated Corporation/ Partnership (A)	Associated Corporation/ Partnership (B)	Totals
Total Assets per Financial Statements				
Add: Assets Written Down Against Income and Undivided Profits				
Adjusted Total Assets				
Deduct: Intercompany Investments and Debts				
Total				

GROSS REVENUES \$				
	Corporation	Associated Corporation/ Partnership (A)	Associated Corporation/ Partnership (B)	Totals
Gross Revenues per Financial Statements				
Deduct: Intercompany Transactions				
Difference/Total				
Annualized Gross Revenues (Ratio of 365 to the number of days in the taxation year)				

Associated Corporation: The definition to be applied is that contained in section 256 of the *Income Tax Act* (Canada) and includes corporations that would be Associated Corporations under that section if the corporations had been incorporated in Canada.

Assets Written Down Against Income and Undivided Profits: The amount by which the value of any asset of the corporation (or associated corporations or partnerships, as applicable) has been written down and deducted from its income or undivided profits where such amount is not deductible in the calculation of its taxable income for the current and all prior taxation years under Part I of the *Income Tax Act* (Canada).



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Programme
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Formule 5

Loi sur le régime d'actionnariat des employés

DÉCLARATION ANNUELLE — PERSONNE MORALE

Identification

Dénomination sociale de la personne morale (au complet)	N° d'inscription du régime
Adresse postale (en cas de changement)	
Nombre d'employés habitant en Ontario	

Information financière

	Année	Mois	Jour	(en milliers de dollars)
Fin de la dernière année d'imposition				
Total des salaires versés				
Salaires versés en Ontario				
Total de l'actif de la personne morale (y compris des personnes morales et sociétés en nom collectif avec lesquelles elle a un lien)				
Total du produit brut de la personne morale (y compris des personnes morales et sociétés en nom collectif avec lesquelles elle a un lien) Remarque : Pour les périodes d'imposition de moins de 365 jours, donnez le chiffre sur une base annuelle				

Joignez à la présente demande les documents suivants :

- Modifications des statuts de constitution
- États financiers de la personne morale pour la dernière année d'imposition
- Si la personne morale a un lien avec d'autres personnes morales ou sociétés en nom collectif, veuillez soumettre les états financiers consolidés ou remplir la grille de consolidation.

Attestation

Je suis autorisé(e) à signer pour la personne morale et j'atteste que toutes les déclarations faites dans la présente déclaration annuelle sont véridiques, exactes et complètes.

Date	Signature	Nom (en lettres moulées)
------	-----------	--------------------------

Les renseignements fournis dans la présente déclaration serviront à déterminer si le régime d'actionnariat des employés faisant l'objet de la présente peut être inscrit au programme ontarien d'actionnariat des employés.

Renseignements sur la déclaration annuelle

Une fois son régime d'actionnariat des employés inscrit, la personne morale doit déposer une déclaration annuelle au ministère du Revenu dans les 180 jours suivant la fin de chacune de ses années d'imposition.

Information financière

Toute l'information fournie dans la présente section doit porter sur la dernière année d'imposition de la personne morale terminée avant la date à laquelle elle doit déposer la déclaration annuelle.

Salaires versés en Ontario : Il faut calculer cette affectation selon la méthode utilisée en vertu de la *Loi sur l'imposition des corporations*.

Documents à soumettre

Modifications des statuts de constitution : Copies certifiées conformes de toute modification des statuts de constitution de la personne morale depuis qu'elle a fait une demande d'inscription de son régime d'actionnariat des employés (ou depuis le dépôt de la dernière déclaration annuelle).

Consolidation des éléments

d'actif et du produit brut des personnes morales et des sociétés en nom collectif qui ont un lien avec la personne morale

Nom de la personne morale ou société liée (A)
Nom de la personne morale ou société liée (B)

ACTIF \$			
Personne morale	Personne morale/ société liée (A)	Personne morale/ société liée (B)	Totaux
Actif total d'après les états financiers			
Plus : Éléments d'actif déduction faite du bénéfice net et des bénéfices non répartis			
Actif total redressé			
Moins : Placements et dettes entre compagnies			
Total			

PRODUIT BRUT \$			
Produit brut d'après les états financiers			
Moins : Opérations entre compagnies			
Écart/Total			
Produit brut sur une base annuelle (Proportionnellement à 365 jours selon le nombre de jours de l'année)			

Personnes morales qui ont un lien : La définition de «personne morale qui a un lien» est la même que celle de «corporation associée» donnée à l'article 256 de la *Loi de l'impôt sur le revenu* (Canada) et comprend les personnes morales qui auraient été considérées comme telles en vertu de cet article si elles avaient été constituées au Canada.

Éléments d'actif déduction faite du bénéfice net et des bénéfices non répartis : Montant représentant la valeur de tout élément d'actif de la personne morale (ou des personnes morales ou sociétés qui ont un lien avec la personne morale) déduction faite du bénéfice net ou des bénéfices non répartis correspondants lorsque ce montant n'est pas déductible du revenu imposable pour l'année en cours et toutes les années d'imposition précédentes en vertu de la Partie I de la *Loi de l'impôt sur le revenu* (Canada).

O. Reg. 362/88, Form 5, revised.



Ministry of Revenue
Employee Share Ownership Plan Program

Form 6

Employee Share Ownership Plan Act

APPLICATION FOR EMPLOYEE GRANT

Identification

Name		
Current Residence Address		
		Postal Code
Residence Address on December 31st last Same as above <input type="checkbox"/> or:		
		Postal Code
Mailing Address (if different from Current Residence Address)		
		Postal Code
Home Telephone Number Area Code () - -	Business Telephone Number Area Code () - -	
Have you disposed of previously held common shares of the corporation within six months prior to the date of purchase of the shares to which this application relates?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, please indicate net proceeds of disposition \$ _____
Have you been an ESOP grant recipient before?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, please indicate your ESOP ID _____

Certification

My direct and indirect shareholdings, together with the direct and indirect shareholdings of persons related to me, do not equal or exceed 10% of the issued shares of any class of the capital stock of the corporation or of any related corporation.

The purchase of the employee shares identified in the attached Investment Confirmation Certificate does not entitle me to claim a credit against or deduction from income or income tax under the *Income Tax Act* (Canada) or a grant under the *Small Business Development Corporations Act*.

All statements made in this application are true and correct.

Date	Signature	Print Name
------	-----------	------------

The information provided in this application will be used to determine employee grant entitlement under the Ontario ESOP program.

Application Information

Previously-owned shares: If you have previously owned common shares of your employer corporation and have sold any of those shares within six months prior to your purchase of employee shares, your grant will be calculated on the purchase price of the employee shares less the proceeds you received from your sale of common shares.

A similar calculation applies if you ever have owned and disposed of employee shares of the corporation, unless those shares were sold within the two year escrow period and the grant you received was repaid at the time of the sale.

Certification: You are not eligible for a grant if you are a significant shareholder in the corporation or if your purchase of employee shares entitles you to incentives under other Ontario or federal programs.

Time limit: Your application must be received in the Ministry within three years of the issuance of the employee shares to which the application relates.



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Formule 6

Loi sur le régime d'actionariat des employés

DEMANDE DE SUBVENTION (EMPLOYÉ)

Identification

Nom		
Domicile actuel		
		Code postal
Domicile au 31 décembre dernier Même que ci-dessus <input type="checkbox"/> ou :		
		Code postal
Adresse postale (si différente du domicile actuel)		
		Code postal
Numéro de téléphone (domicile) Ind. rég. () -	Numéro de téléphone (travail) Ind. rég. () -	
Au cours des six mois précédant la date d'achat des actions faisant l'objet de la présente demande, avez-vous aliéné des actions ordinaires préalablement détenues de la personne morale?	<input type="checkbox"/> Oui <input type="checkbox"/> Non	Dans l'affirmative, inscrivez le produit net de l'aliénation _____ \$
Avez-vous déjà reçu une subvention dans le cadre du régime d'actionariat des employés?	<input type="checkbox"/> Oui <input type="checkbox"/> Non	Dans l'affirmative, inscrivez le numéro de votre régime _____

Attestation

L'ensemble des actions que je détiens directement et indirectement et des actions que détiennent directement et indirectement les personnes avec lesquelles j'ai un lien, n'est ni égal ni supérieur à 10% des actions, de toutes catégories, émises par la personne morale ou toute personne morale qui y est liée.

L'achat des actions d'employés indiqué dans le Certificat de confirmation de placement ci-joint ne me donne pas droit à l'obtention d'une déduction ou d'un crédit à l'égard du revenu ou de l'impôt sur le revenu en vertu de la *Loi de l'impôt sur le revenu* (Canada) ni d'une subvention en vertu de la *Loi sur les sociétés pour l'expansion des petites entreprises*.

Toutes les déclarations faites dans la présente demande sont véridiques et exactes.

Date	Signature	Nom (en lettres moulées)
------	-----------	--------------------------

Les renseignements fournis dans la présente demande serviront à déterminer si l'employé a droit à une subvention en vertu du programme ontarien d'actionariat des employés.

Renseignements sur la demande

Actions préalablement détenues : Si une personne a préalablement détenu des actions ordinaires de la personne morale de son employeur et qu'elle les a vendues au cours des six mois précédant l'achat des actions d'employés, sa subvention est calculée selon le prix d'achat de ces dernières moins le produit de la vente des actions ordinaires.

Un calcul similaire doit être fait si la personne a jamais détenu et aliéné des actions d'employés de la personne morale, à moins que ces actions aient été vendues au cours des deux années d'entiercement et que la subvention reçue ait été remboursée au moment de la vente.

Attestation : Les personnes qui sont des actionnaires importants de la personne morale ou qui ont droit, en achetant des actions d'employés, à des encouragements en vertu d'un autre programme ontarien ou fédéral ne peuvent recevoir de subvention en vertu de ce programme.

Délai : Le ministère doit recevoir la demande au cours des trois années suivant l'émission des actions d'employés faisant l'objet de la demande.

O. Reg. 362/88, Form 6, revised.



Ministry of Revenue
Employee Share Ownership Plan Program

Ministère du Revenu
Programme d'actionnariat des employés

Form 7
Formule 7

Employee Share Ownership Plan Act
Loi sur le régime d'actionnariat des employés

INVESTMENT CONFIRMATION CERTIFICATE
CERTIFICAT DE CONFIRMATION DE PLACEMENT

Section A: (To be completed by the employer.) / (Doit être remplie par l'employeur.)

Name of Corporation / Dénomination sociale de la personne morale		ESOP Registration Number / Numéro d'inscription du régime
Name of Employee / Nom de l'employé		
Date of Sale / Date de la vente	Share Certificate Number / Numéro du certificat d'actions	
Number of Shares Sold to Employee / Nombre d'actions vendues à l'employé	Price per Share / Prix de l'action \$	Total Amount Paid / Total payé \$

Certification

We are authorized signing officers of the corporation.

The purchaser of the shares described above has been an employee of the corporation during the six months prior to the share purchase date and works for at least 14 hours per week.

All information provided in Section A of this Certificate is true and correct.

Attestation

Nous soussigné(e)s, sommes autorisé(e)s à signer pour la personne morale.

L'acheteur des actions décrites ci-dessus a été employé par la personne morale pendant les six mois précédant la date de l'acquisition des actions et travaille pendant un minimum de 14 heures par semaine.

Tous les renseignements qui figurent à la section A du présent certificat sont véridiques et exacts.

Date	Signature (Secretary) / (secrétaire)	Print Name / Nom (en lettres moulées)
Date	Signature (Other authorized signing officer) / (autre personne autorisée)	Print Name / Nom (en lettres moulées)

Section B: (To be completed by the administrator.) / (Doit être remplie par l'administrateur.)

Name of Administrator (Firm or Individual) / Nom de l'administrateur ou raison sociale
--

Certification

I have received the above mentioned share certificate.

I am an authorized signing officer under the Escrow Agreement.

Attestation

J'ai reçu la certificat d'actions mentionné ci-dessus.

Je suis autorisé(e) à signer par le contrat d'entiercement.

Date	Signature	Print Name / Nom (en lettres moulées)
------	-----------	---------------------------------------

The information provided in this certificate will be used to verify employee grant entitlement under the Ontario ESOP program.

Les renseignements fournis dans le présent certificat serviront à déterminer si l'employé a droit à une subvention en vertu du programme ontarien d'actionnariat des employés.

O. Reg. 362/88, Form 7, revised.



Ministry of Revenue Ontario
Employee Share Ownership Plan Program

Form 8

Employee Share Ownership Plan Act

APPLICATION FOR CORPORATION GRANT

Corporation — Name	ESOP Registration No.
--------------------	-----------------------

<p>COSTS</p> <p>Total eligible costs incurred to establish the employee share ownership plan:</p> <p>\$ <input style="width:100%" type="text"/></p>	<p>GRANT</p> <p>1/3 of the total costs or \$10,000 whichever is less:</p> <p>\$ <input style="width:100%" type="text"/></p>
--	--

List of Outlays and Expenses
Original receipt(s) must be submitted with this application.

Services Rendered By	Description of Services	\$	Amount
TOTAL			\$

CERTIFICATION

I am an authorized signing officer of the corporation and all the information given in this application is true, correct and complete.
I further certify that the person(s) who rendered the above mentioned services is (are) at arm's length with the corporation, its employees and the employee group, where such a group has been formed.

Date	Signature	Print Name
------	-----------	------------

The information provided in this application will be used to determine the entitlement of a corporation to a grant with respect to its costs in establishing a share ownership plan registered under the Ontario ESOP program.

Application Information

List of Outlays and Expenses: Only those costs which relate directly to the establishment of an employee share ownership plan can be included in grant calculations. The person(s) to whom payments were made must be at arm's length with the corporation, its employees and the employee group, where such a group has been formed.

Services Rendered By: The name of the person(s) providing the services to the corporation and to whom payment was made.

Description of Services: A short description of the services that were provided to the corporation.

Certification: The individual signing this application must be an authorized signing officer of the corporation.

Time limit: An Application for Corporation Grant must be received in the Ministry within one year of the date of issuance to the corporation of a Certificate of Eligibility.



Ministère
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Formule 8

Loi sur le régime d'actionnariat des employés

DEMANDE DE SUBVENTION (PERSONNE MORALE)

Dénomination sociale de la personne morale	N° d'inscription du régime
--	----------------------------

<p>COÛT Coût total admissible de la mise sur pied du régime d'actionnariat des employés :</p> <div style="border: 1px solid black; width: 100%; height: 20px; margin-top: 5px;"></div>	<p>SUBVENTION 1/5 du coût total ou 10 000 \$ selon le moindre de ces deux montants :</p> <div style="border: 1px solid black; width: 100%; height: 20px; margin-top: 5px;"></div>
---	--

Dépenses et frais
Joignez les reçus originaux à la demande.

Services fournis par	Description des services	Montant	\$
TOTAL			\$

ATTESTATION

Je suis autorisé(e) à signer pour la personne morale et j'atteste que tous les renseignements donnés dans la présente demande sont véridiques, exacts et complets.
J'atteste également que les personnes ayant fourni les services susmentionnés n'ont aucun lien de dépendance avec la personne morale, ses employés et le groupe d'employés, le cas échéant.

Date	Signature	Nom (en lettres moulées)
------	-----------	--------------------------

Les renseignements fournis dans la présente demande serviront à déterminer si la personne morale a droit à une subvention en raison des coûts auxquels elle a dû faire face pour la mise sur pied d'un régime d'actionnariat inscrit en vertu du programme ontarien d'actionnariat des employés.

Renseignements sur la demande

- Dépenses et frais :** Seuls les coûts se rapportant directement à la mise sur pied d'un régime d'actionnariat des employés peuvent être inclus dans le calcul de la subvention. La ou les personnes ayant reçues des paiements ne doivent pas avoir de lien de dépendance avec la personne morale, ses employés et le groupe d'employés, le cas échéant.
- Services fournis par :** Nom des personnes ayant fourni des services à la personne morale et qui ont été payées pour ces services.
- Description des services :** Brève description des services fournis à la personne morale.
- Attestation :** Un signataire autorisé de la personne morale doit signer la présente demande.
- Délai :** Le ministère doit recevoir la demande de subvention (personne morale) au cours de l'année suivant la délivrance d'un certificat d'admissibilité à la personne morale.

O. Reg. 362/88, Form 8, revised.



Ministry of Revenue
Employee Share Ownership Plan Program

Form 9

Employee Share Ownership Plan Act

APPLICATION FOR EMPLOYEE GROUP GRANT

Corporation — Name	ESOP Registration No.
Employee Group — Name	

<p style="text-align: center;">COSTS</p> <p style="font-size: small;">Total eligible costs incurred in the negotiation, evaluation and implementation of the employee share ownership plan:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> \$ _____ </div>	<p style="text-align: center;">GRANT</p> <p style="font-size: small;">½ of the total costs or \$5,000 whichever is less:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> \$ _____ </div>
---	--

List of Outlays and Expenses
Original receipt(s) must be submitted with this application.

Services Rendered By	Description of Services	\$	Amount
TOTAL			\$ _____

CERTIFICATION

I certify that the information given in this application is true, correct and complete. I further certify that the person(s) who rendered the above mentioned services is (are) at arm's length with the corporation, its employees and the employee group.

Date	Signature — (Group Representative)	Print Name
------	------------------------------------	------------

The information provided in this application will be used to determine the entitlement of an employee group to a grant under the Ontario ESOP program.

Application Information

- List of Outlays and Expenses:** Only those costs which relate directly to the negotiation, evaluation and implementation of an employee share ownership plan can be included in grant calculations. Person(s) to whom payments were made must be at arm's length with the corporation, its employees and the employee group.
- Services Rendered By:** The name of the person(s) providing the services to the employee group and to whom payment was made.
- Description of Services:** A short description of the services that were provided to the employee group.
- Certification:** The individual signing this application must be one of the group representatives named in the Application for Certification as an Employee Group.
- Time Limit:** An Application for Employee Group Grant must be received in the Ministry within one year of the date of issuance to the corporation of a Certificate of Eligibility.



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Programme
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des employés

Formule 9

Loi sur le régime d'actionnariat des employés

DEMANDE DE SUBVENTION (GROUPE D'EMPLOYÉS)

Dénomination sociale de la personne morale	N° d'inscription du régime
Nom du groupe d'employés	

COÛT Coût total admissible de la négociation, de l'évaluation et de la mise en oeuvre du régime d'actionnariat des employés :	SUBVENTION $\frac{1}{2}$ du coût total ou 5 000 \$ selon le moindre de ces deux montants :
\$	\$

Dépenses et frais
Joignez les reçus originaux à la demande.

Services fournis par	Description des services	Montant	\$
TOTAL			\$

ATTESTATION

J'atteste que tous les renseignements donnés dans la présente demande sont véridiques, exacts et complets. J'atteste également que les personnes ayant fourni les services susmentionnés n'ont aucun lien de dépendance avec la personne morale, ses employés et le groupe d'employés.

Date	Signature du représentant du groupe	Nom (en lettres moulées)
------	-------------------------------------	--------------------------

Les renseignements fournis dans la présente demande serviront à déterminer si le groupe d'employés a droit à une subvention en vertu du programme ontarien d'actionnariat des employés.

Renseignements sur la demande

Dépenses et frais : Seuls les coûts se rapportant directement à la négociation, à l'évaluation et à la mise en oeuvre d'un régime d'actionnariat des employés peuvent être inclus dans le calcul de la subvention. La ou les personnes ayant reçues des paiements ne doivent pas avoir de lien de dépendance avec la personne morale, ses employés et le groupe d'employés.

Services fournis par : Nom des personnes ayant fourni des services au groupe d'employés et qui ont été payées pour ces services.

Description des services : Brève description des services fournis au groupe d'employés.

Attestation : Un des représentants du groupe dont le nom figure sur la Demande d'agrément d'un groupe d'employés doit signer la présente demande.

Délai : Le ministère doit recevoir la demande de subvention (groupe d'employés) au cours de l'année suivant la délivrance d'un certificat d'admissibilité à la personne morale.

O. Reg. 362/88, Form 9, revised.



Ministry of Revenue
Employee Share Ownership Plan Program

Form 10

Employee Share Ownership Plan Act

NOTICE OF OBJECTION

Name of Person Objecting (Employee, Employee Group, Corporation, Administrator)		Telephone No.	
Mailing Address, Street Number and Name			
City/Town			
Province		Postal Code	

Notice of Objection is hereby given to the Minister's notice of proposal or demand for repayment dated the day of, 19....., wherein the Minister proposed:

- to refuse to certify an employee group
 - to refuse to register an Employee Share Ownership Plan
 - to vary or reject an amendment to an employee share purchase agreement or an escrow agreement or any other prescribed material of an Employee Share Ownership Plan
 - to revoke registration of an Employee Share Ownership Plan
 - to refuse to make a grant to an employee, employee group or corporation
 - to require repayment of a grant
- or wherein the Minister demanded:
- the repayment of any grant or portion thereof.

The following are the reasons for objection and the relevant facts:

- Check here if additional sheets are attached.

This NOTICE OF OBJECTION must be signed by the person objecting or the authorized signing officer of the corporation to whom the Minister's notice of proposal or demand for repayment was sent.

Date	Name (print)	Signature	Position or Office
Appointment of Representative This will confirm that _____ has the authority to communicate on my/the corporation's behalf concerning this Notice of Objection.			
Date	Signature of the person objecting or the authorized signing officer of the corporation.	Address of Representative	



Ministère
du
Revenu

Programme
d'actionnariat
des employés

Formule 10

Loi sur le régime d'actionnariat des employés

AVIS D'OPPOSITION

Nom de la personne déposant l'opposition (employé, groupe d'employés, personne morale, administrateur)		N° de téléphone	
Adresse postale, numéro et rue			
Ville			
Province		Code postal	

Avis d'opposition à l'avis de la proposition du ministre ou à la demande de remboursement faite par le ministre portant la date du 19....., dans lequel ou laquelle le ministre se propose :

- de refuser d'agréer un groupe d'employés
 - de refuser d'inscrire un régime d'actionnariat des employés
 - de modifier ou de rejeter une modification du contrat d'achat d'actions de l'employé, du contrat d'entiercement ou de tout autre document prescrit d'un régime d'actionnariat des employés
 - de radier l'inscription d'un régime d'actionnariat des employés
 - de refuser de verser une subvention à un employé, à un groupe d'employés ou à une personne morale
 - d'exiger le remboursement d'une subvention
- ou dans lequel ou laquelle le ministre demande :
- le remboursement partiel ou intégral d'une subvention.

Voici les motifs de l'opposition et une présentation des faits pertinents :

- Cochez cette section si une annexe est jointe à la présente.

Le présent AVIS D'OPPOSITION doit être signé par la personne déposant l'opposition ou par un signataire autorisé de la personne morale à laquelle le ministre a envoyé l'avis de proposition ou la demande de remboursement.

Date	Nom (en lettres moulées)	Signature	Poste ou bureau
Nomination d'un fondé de pouvoir La présente confirme que _____ a le pouvoir de se prononcer en mon nom ou au nom de la personne morale sur le présent Avis d'opposition.			
Date	Signature de la personne déposant l'opposition ou du signataire autorisé de la personne morale.	Adresse du fondé de pouvoir	

O. Reg. 362/88, Form I0, revised.



Ministry of Revenue
Employee Share Ownership Program

Form 11

Employee Share Ownership Plan Act

STATEMENT OF SALE OF ESCROW SHARES

Corporation — Name	ESOP Registration No.
Employee — Name	Employee ESOP ID
Administrator Name	

Reason for Share Disposition

A) Involuntary

- The sale, transfer or redemption of employee shares complies with a provision of the Employee Share Purchase Agreement that requires shares to be sold, transferred or redeemed when
- The employee is deceased.
(Date of death)

B) Voluntary

- The sale of the employee shares is not an "Involuntary disposition" as defined under the *Employee Share Ownership Plan Act*.

Transaction Details:	Date of Disposition	Share Certificate Number
	To Treasurer of Ontario	\$
	To Owner/Executor	\$
Number of Shares Sold	Price Per Share	Total Proceeds \$

Partial Sale Only:

New Share Certificate Number

Certification

I am an authorized signing officer under the Escrow Agreement. All information contained in this statement is true and correct.

Date	Secretary — Signature	Print Name
------	-----------------------	------------

The information provided in this statement will be used to verify the distribution of proceeds of a sale of employee shares within the escrow period under the Ontario ESOP Program.

Statement Information

During the two-year escrow period, all proceeds receivable by an eligible employee on the sale, transfer or redemption of employee shares must be paid to the administrator.

Except in the case of an involuntary disposition, the administrator is required to withhold from the proceeds the amount of the employee grant, or an amount determined by a prescribed formula (see Transaction Details below) and remit such amount to the Treasurer of Ontario.

Reason for Share Disposition

- A) Involuntary: If the share disposition is deemed to be involuntary, indicate the reason. Where the sale, transfer or redemption of the shares is a result of the shareholder's death, provide the date of death.
- B) Voluntary: A sale, transfer or redemption of shares that does not qualify as an involuntary disposition under the Act.

Transaction Details

To Treasurer of Ontario: If the shares are sold at an amount equal to or greater than their acquisition cost, the whole amount of the employee grant relating to those shares, is withheld. If the shares are sold at a loss, the amount to be withheld is 15% of the selling price not exceeding the amount of the employee grant relating to these shares. A cheque in this amount, payable to the Treasurer of Ontario, must be forwarded to the Ministry of Revenue with this statement.

To Owner/Executor: The amount that has been transmitted to the employee selling the shares, or to the executor of the employee's estate. In the case of an involuntary disposition, this amount is equal to the Total Proceeds.

Partial Sale Only: If only a portion of the shares represented by the original share certificate has been sold, and the administrator is holding a new certificate issued by the corporation in the name of the employee and representing the balance of the shares, provide the number of the new share certificate.



Ministère
du
Revenu
Programme
d'actionariat
des employés

Formule 11

Loi sur le régime d'actionariat des employés

DÉCLARATION DE VENTE D' ACTIONS ENTIÈRES

Dénomination sociale de la personne morale	N° d'inscription du régime
Nom de l'employé	N° de régime de l'employé
Nom de l'administrateur	

Raison de l'aliénation des actions

A) Forcée

- La vente, le transfert ou le rachat des actions de l'employé est conforme à une disposition du contrat d'achat d'actions de l'employé qui prévoit : la vente, le transfert ou le rachat lorsque
- L'employé est décédé le
(Date du décès)

B) Volontaire

- La vente des actions de l'employé n'est pas une «aliénation forcée» au sens de la *Loi sur le régime d'actionariat des employés*.

Détails sur l'opération :

Date de l'aliénation	N° du certificat d'action(s)	
Au trésorier de l'Ontario	\$	
Au propriétaire/à l'exécuteur	\$	
Nombre d'actions vendues	Prix par action	Total du produit
		\$

Vente partielle seulement :

N° du nouveau certificat d'action(s)

Attestation

Je suis autorisé(e) à signer en vertu du contrat d'entiercement. Tous les renseignements contenus dans la présente déclaration sont véridiques et exacts.

Date	Secrétaire — Signature	Nom (en lettres moulées)
------	------------------------	--------------------------

Les renseignements fournis dans la présente déclaration seront utilisés pour vérifier la répartition du produit de la vente des actions d'employés pendant la période d'entiercement en vertu du programme ontarien d'actionariat des employés.

Renseignements sur la déclaration

Au cours de la période d'entiercement de deux années, tout le produit qu'un employé admissible peut recevoir sur la vente, le transfert ou le rachat d'actions de l'employé doit être versé à l'administrateur.

Sauf en cas d'aliénation forcée, l'administrateur doit retenir la partie du produit correspondant au montant de la subvention de l'employé ou un montant déterminé par une formule prescrite (voir Détails de l'opération ci-dessous) et le remettre au trésorier de l'Ontario.

Raison de l'aliénation des actions

- A) Forcée : Si l'aliénation des actions est réputée forcée, en donner la raison. Si la vente, le transfert ou le rachat des actions est attribuable au décès de l'actionnaire, inscrire la date de son décès.
- B) Volontaire : Une vente, un transfert ou un rachat d'actions qui n'est pas considéré comme forcée en vertu de la Loi.

Détails sur l'opération

Au trésorier de l'Ontario : Si les actions sont vendues pour un montant égal ou supérieur à leur coût d'acquisition, le montant intégral de la subvention de l'employé se rapportant à ces actions est retenu. Si les actions sont vendues à perte, un montant équivalent à 15% du prix de vente, jusqu'à concurrence du montant de la subvention de l'employé se rapportant à ces actions, est retenu. Un chèque de ce montant établi à l'ordre du trésorier de l'Ontario doit être envoyé au ministère du Revenu avec cette déclaration.

Au propriétaire/à l'exécuteur : Le montant qui a été transmis à l'employé qui vend les actions ou à son exécuteur testamentaire. En cas d'aliénation forcée, ce montant équivaut au total du produit.

Vente partielle seulement : Si une partie seulement des actions figurant sur le certificat d'actions initial sont vendues, et que l'administrateur a en sa possession un nouveau certificat émis par la personne morale au nom de l'employé pour les actions que l'employé garde, inscrire le numéro du nouveau certificat d'actions.

O. Reg. 362/88, Form 11, revised.

REGULATION 318**GENERAL**

1.—(1) For the purposes of subsection 2 (1) of the Act, the following terms shall be included in an employee share purchase agreement:

1. With respect to any provision dealing with termination of the agreement, it shall also provide for the issuance of a notice of termination to each employee shareholder and to the Minister of Revenue at least ninety days prior to the termination stating the reasons for termination, the effective date and the registration number of the eligible corporation.
2. No agreement shall be terminated within ninety days after the issuance of shares to be held in escrow by the administrator.

(2) For the purposes of subsection 2 (2) of the Act, the following term shall be included in the escrow agreement:

1. Despite the termination of the employee share purchase agreement, this agreement shall remain in full force and effect as long as any employee shares are held in escrow. O. Reg. 242/88, s. 1.

2. For the purposes of subsection 4 (1) of the Act, the prescribed manner is the forwarding of the proposed employee share purchase agreement, the proposed escrow agreement and any shareholders' agreement by registered mail or personal service. O. Reg. 242/88, s. 2.

3. An administrator shall file an annual return not later than ninety days following each anniversary date of the registration of the employee share ownership plan as shown in the certificate of eligibility issued under subsection 7 (1) of the Act. O. Reg. 242/88, s. 3.

4.—(1) For the purposes of clause 13 (1) (b) of the Act, outlays and expenses are those amounts that are properly and necessarily

incurred in the establishment of an employee share ownership plan and that are paid for goods and services acquired from persons who are dealing at arm's length with the eligible corporation, the employee group and the employees.

(2) For the purposes of clause 14 (1) (b) of the Act, outlays and expenses are those amounts that are properly and necessarily incurred in the negotiation, evaluation and implementation of an employee share ownership plan and that are paid for goods and services acquired from persons who are dealing at arm's length with the eligible corporation, the employee group and the employees. O. Reg. 242/88, s. 4.

5.—(1) A disposition of employee shares,

- (a) on the death of the eligible employee;
- (b) upon the sale, transfer or redemption of employee shares where required by an employee share purchase agreement approved by the Minister;
- (c) on the cancellation of the articles of incorporation of the eligible corporation; and
- (d) on the bankruptcy of the eligible corporation,

is prescribed as an involuntary disposition for the purposes of subsection 15 (1) of the Act.

(2) For the purposes of clause 15 (1) (b) of the Act, the amount to be repaid to the Minister is that proportion of the amount determined under clause 15 (1) (a) of the Act that the proceeds of disposition of the employee shares is of the original purchase price of those shares.

(3) For the purposes of subsection 15 (2) of the Act, the prescribed manner is the remitting of the amounts withheld by registered mail addressed to the Minister within thirty days of the date of disposition of the employee shares together with a completed statement of the disposition of shares in the form provided by the Minister. O. Reg. 242/88, s. 5.

Employer Health Tax Act

Loi sur l'impôt prélevé sur les employeurs relatif aux services de santé

REGULATION 319

GENERAL

1. In respect of 1991 and subsequent years, "small employer" means an employer who pays total Ontario remuneration that does not exceed \$400,000 for the year. O. Reg. 640/90, s. 1.

2.—(1) For purposes of subsection 3 (1) of the Act, every employer shall pay monthly instalments to the Treasurer on or before the 15th day of each month on the Ontario remuneration paid during the preceding month.

(2) For purposes of subsection 3 (2) of the Act, a small employer shall pay quarterly instalments to the Treasurer on or before the 15th day of April, July, October and January on the Ontario remuneration paid during the quarter ending on the 31st day of March, the 30th day of June, the 30th day of September and the 31st day of December, respectively. O. Reg. 640/90, s. 2.

3.—(1) For purposes of subsection 5 (1) of the Act, an employer shall deliver the return for a year on or before the 15th day of March of the next year.

(2) For purposes of subsection 5 (2) of the Act, an employer who ceases to have a permanent establishment in Ontario shall deliver the return for the year within forty days after the employer ceases to have the permanent establishment. O. Reg. 640/90, s. 3.

4.—(1) The Minister may give a rebate to an employer if the employer entered into a fixed price contract before the 18th day of May, 1989 or made an irrevocable offer to enter into a fixed price contract before that date and the offer was accepted.

(2) Subject to subsection (3), the rebate is equal to the amount of tax paid under the Act on the remuneration paid by the employer.

(3) If the employer paid premiums under the *Health Insurance Act*, the rebate shall be reduced by the amount of premiums payable by the employer under that Act, if it had continued in force from the 1st day of January, 1990 until the completion of the fixed price contract.

(4) No employer shall receive a rebate under this section unless the employer makes an application for a rebate using a form provided by the Ministry.

(5) The employer shall make the application for a rebate within four years after the end of the year in respect of which the rebate is claimed.

(6) The employer shall supply any information in support of the application for a rebate that the Minister considers necessary to establish the employer's eligibility for a rebate.

(7) No employer shall be paid a rebate under this section until the later of,

(a) the date on which the employer files the annual return for the year in which the tax is to be paid; and

(b) the 15th day of March, 1991.

(8) For purposes of this section, "fixed price contract" means a written construction contract or subcontract where the parties agreed to the provision of goods or services, or both, at a predetermined fixed price and whose terms do not allow the employer to recover the tax paid on Ontario remuneration from any other party to the contract.

(9) In calculating the rebate under this section, the employer shall only include the remuneration paid to those employees who performed the work under the fixed price contract. O. Reg. 640/90, s. 4.

5. An employer is not required to pay tax on the total Ontario remuneration paid to employees who work outside of Canada for the period when the employees do not report for work at a permanent establishment of the employer if,

(a) the employees work outside of Canada for a continuous period of at least 183 days; and

(b) the employer is a registered charity as defined under section 149.1 of the *Income Tax Act* (Canada). O. Reg. 640/90, s. 5.

6.—(1) For purposes of subsection 7 (1) of the Act, the prescribed interest rate is the interest rate calculated in the following manner:

1. The rate of interest shall be adjusted effective the 1st day of April and the 1st day of October in each year and shall remain in force until the next adjustment date.

2. If the interest adjustment date is the 1st day of April, the rate of interest shall be the mean rate rounded to the nearest whole percentage point of the prime rates of The Royal Bank of Canada, The Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and the Toronto-Dominion Bank on the preceding 15th day of January.

3. If the interest adjustment date is the 1st day of October, the rate of interest shall be the mean rate rounded to the nearest whole percentage point of the prime rates of The Royal Bank of Canada, The Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and the Toronto-Dominion Bank on the preceding 15th day of July.

(2) The prescribed rate of interest must be published in the first issue of *The Ontario Gazette* published after each interest adjustment date.

(3) In this section, "prime rate" means the annual rate of interest from time to time announced by each bank referred to in paragraph 2 of subsection (1) to be its prime or reference rate of interest then in effect for determining interest rates on Canadian dollar commercial loans by that bank in Canada. O. Reg. 640/90, s. 6.

Employment Agencies Act *Loi sur les agences de placement*

REGULATION 320

GENERAL

1. In this Regulation,

“homemaker” means a person who performs housekeeping services, including cleaning, other than as a sitter only;

“operator” means a person who carries on the business of an employment agency;

“sitter” means a person who is responsible for the safekeeping of a person in his or her charge and who performs no other services.
R.R.O. 1980, Reg. 280, s. 1.

2. Employment agencies are classified as,

- (a) Class A employment agencies, consisting of employment agencies that procure persons for employment;
- (b) Class B employment agencies, consisting of employment agencies that procure employment for persons other than sitters or homemakers;
- (c) Class C employment agencies, consisting of employment agencies that procure employment for sitters only; and
- (d) Class D employment agencies, consisting of employment agencies that procure employment for homemakers or homemakers and sitters. R.R.O. 1980, Reg. 280, s. 2.

3. No operator of an employment agency of a class shall have any financial interest, whether proprietary or otherwise, in an employment agency of another class. R.R.O. 1980, Reg. 280, s. 3.

4.—(1) An application for a licence other than by renewal shall be in Form 1.

(2) Subject to subsection (3), an application for a renewal of a licence shall be in Form 2 and shall be made not later than the 1st day of March next following the date of issue of the licence being renewed.

(3) Where a licence is issued during the period from the 1st day of March to the 31st day of March next following, in any year, the application for renewal of the licence shall be made upon receipt of the licence.

(4) A licence to carry on an employment agency shall be in Form 3. R.R.O. 1980, Reg. 280, s. 4 (1-4).

(5) The fee for a licence or renewal is,

- (a) \$500 for a Class A or Class B employment agency;
- (b) \$100 for a Class C employment agency; and
- (c) \$200 for a Class D employment agency. O. Reg. 203/90, s. 1.

(6) A licence is not transferable. R.R.O. 1980, Reg. 280, s. 4 (6).

5. Every licensee shall immediately notify the supervisor in writing,

- (a) of any proposed change,
 - (i) in the name of the licensee,
 - (ii) in the trade name of the employment agency, or
 - (iii) in the address of any place of business of the employment agency,
 that is shown on the licence;
- (b) in the case of a partnership, of any proposed change in the members of the partnership;
- (c) of any proposed sale of the employment agency or of any place of business of the employment agency; or
- (d) of the proposed termination of the employment agency or of any place of business of the employment agency.
R.R.O. 1980, Reg. 280, s. 5.

6.—(1) An applicant for a licence or a renewal shall be at least eighteen years of age.

(2) The business for which an applicant applies for a licence or a renewal shall have a permanent place of business in Ontario.
R.R.O. 1980, Reg. 280, s. 6.

7. A licence shall not be issued where an application for a licence shows a trade name that is the same as or similar to a trade name that appears on a licence that has been issued to another applicant for another employment agency so as to be likely to confuse or to deceive and,

- (a) the licence is in force; or
- (b) an application for renewal of the licence has been made.
R.R.O. 1980, Reg. 280, s. 7.

8.—(1) In this section “franchise agreement” means an agreement under the terms of which the owner of a trade name grants to a person or group of persons the right to use the trade name.

(2) Where an application for a licence shows a trade name that has been granted to the applicant under a franchise agreement, the applicant may be issued a licence to operate an employment agency.

(3) Despite section 7, where a franchise agreement has been entered into, a trade name may be used in common by more than one licensee so long as each licensee who publishes or displays, or causes to be published or displayed, or permits to be published or displayed any notice, sign, advertisement, or publication inserts or causes to be inserted in the notice, sign, advertisement or publication the licensee’s name and address. R.R.O. 1980, Reg. 280, s. 8.

9. Where a licensee intends to terminate the business of the employment agency licensed for the purpose of applying for a licence to carry on an employment agency of a class other than the class licensed, the licensee shall immediately notify the supervisor in writing of the intention,

- (a) to terminate the business of the employment agency licensed; and
- (b) to apply for a licence to carry on an employment agency of the proposed class. R.R.O. 1980, Reg. 280, s. 9.

10.—(1) The security furnished under clause 3 (c) of the Act shall be,

- (a) where the employment agency is a Class A or Class B employment agency, \$1,000 plus \$500 in respect of a second place of business and \$250 in respect of each additional place of business; or
- (b) where the employment agency is a Class C or Class D employment agency, \$100 in respect of each place of business.

(2) The security referred to in subsection (1) shall be secured by,

- (a) a personal bond in Form 4 accompanied by collateral security; or
- (b) a bond of a guarantee company approved under the *Guarantee Companies Securities Act* in Form 5. R.R.O. 1980, Reg. 280, s. 10 (1, 2).

(3) The collateral security accompanying a bond shall have a cash value of not less than the amount prescribed in clause (1) (a), where the employment agency is a Class A or Class B employment agency, and shall have a cash value of not less than the amount prescribed in clause (1) (b), where the employment agency is a Class C or Class D employment agency, and shall be a transferable and assignable bond issued or guaranteed by Canada or issued or guaranteed by Ontario. R.R.O. 1980, Reg. 280, s. 10 (3), *revised*.

(4) A bond may be cancelled by any person bound thereby by giving to the supervisor at least two months' notice in writing of intention to cancel and it shall be deemed to be cancelled on the date stated in the notice which date shall be not less than two months after receipt of the notice by the supervisor.

(5) For the purpose of every act or omission occurring during the period when the bond was in effect prior to cancellation, every bond shall continue in force, and the collateral security, if any, shall remain on deposit for a period of six months after the cancellation of the bond. R.R.O. 1980, Reg. 280, s. 10 (4, 5).

11. A Class A employment agency shall not charge a fee for any service rendered to any person whom it procures for employment. R.R.O. 1980, Reg. 280, s. 11.

12.—(1) A Class B employment agency shall not charge an applicant for employment a registration fee of more than \$2 in each twelve-month period.

(2) A Class B employment agency shall not charge a fee for procuring employment for a person,

- (a) where the employment is on an hourly basis, of more than one-eighth of the person's pay for the first day;
- (b) where the employment is on a daily basis, of more than the proportion of the first day's pay of the person that one hour bears to the total number of hours worked in the day;
- (c) where the employment is on a weekly basis, of more than one-seventh of the person's pay for the first week;
- (d) where the employment is on a monthly basis, of more than four-thirtieths of the person's pay for the first month; and
- (e) where the employment is on an annual basis, of more than 5 per cent of the person's pay for the first year payable in three months.

(3) Where an annual employment referred to in clause (2) (e) is terminated before the end of the first year, the employment agency shall refund the same proportion of the fee as the proportion that the remaining part of the year bears to the year.

(4) A Class B employment agency shall not charge any fee, reward or other remuneration in addition to those referred to in this section. R.R.O. 1980, Reg. 280, s. 12.

13.—(1) A Class C employment agency shall not charge a fee for procuring employment for a sitter of more than 15 per cent of the amount received by the sitter in respect of the employment procured by the agency, but the period for which the fee is charged shall not exceed thirty days.

(2) A Class C employment agency shall not charge any fee, reward or other remuneration in addition to the fee referred to in subsection (1). R.R.O. 1980, Reg. 280, s. 13.

14.—(1) A Class D employment agency shall not charge a fee for procuring employment for a homemaker or sitter of more than 10 per cent of the amount received by the homemaker or sitter in respect of the employment procured by the agency, but the period for which the fee is charged shall not exceed four months.

(2) A Class D employment agency shall not charge any fee, reward or other remuneration in addition to the fee referred to in subsection (1). R.R.O. 1980, Reg. 280, s. 14.

15. Where a Class A, B, C or D employment agency advertises that employment is available, the employment agency shall at the request of the supervisor furnish the supervisor with the name and address of the employer who has the employment available. R.R.O. 1980, Reg. 280, s. 15.

16. An employment agency shall issue a receipt for all money received for its services showing the service for which the money was paid and shall retain a duplicate copy of the receipt in its records. R.R.O. 1980, Reg. 280, s. 16.

17.—(1) No employment agency shall refer a person for employment unless,

- (a) the employment agency has received a request from an employer for a person for the employment; or
- (b) the person has requested the employment agency to find employment for him or her.

(2) Where a person is referred by an employment agency for employment, the employment agency shall provide the person with a statement showing,

- (a) the trade name and address of the employment agency;
- (b) the full name of the person referred for employment; and
- (c) in the case of a person referred for employment in a private residence, that the person has had a negative X-ray or a negative tuberculin test indicating that the person does not have active tuberculosis, and showing that the person has been examined by a legally qualified medical practitioner and is considered,
 - (i) fit for employment, or
 - (ii) subject to specified work limitations, fit for employment,

within the twelve-month period preceding the date the person was referred for employment,

and the person shall submit the statement to the prospective employer for the employer's information in determining whether or not to employ the person. R.R.O. 1980, Reg. 280, s. 17.

18. In addition to any other records required to be kept by an employment agency, every employment agency shall make and keep records showing,

- (a) the name, address and qualifications of each person whose application for employment is accepted by the employment agency;
 - (b) the name and address of each person from whom the employment agency has received a request for a person for employment; and
 - (c) in the case of,
 - (i) a Class A employment agency, the name and address of every person whom the agency procures for employment and the name and address of the employer for whom such person is procured and the amount of fee, reward or other remuneration paid by each such employer to the employment agency, and
 - (ii) a Class B, C or D employment agency, the name and address of every person for whom employment has been procured and the amount of fee, reward or other remuneration paid by each such person to the employment agency and the name and address of the employer of each person for whom employment has been procured. R.R.O. 1980, Reg. 280, s. 18.
19. Where an applicant for a licence or a licensee is a corporation, the applicant or licensee, as the case may be, shall affix the seal of the corporation to any form required to be completed by the applicant or licensee, as the case may be, under this Regulation. R.R.O. 1980, Reg. 280, s. 19.
20. The supervisor, or a person designated by the supervisor, may at any time carry out an inspection of any employment agency. R.R.O. 1980, Reg. 280, s. 20.

Form 1

Employment Agencies Act

APPLICATION FOR LICENCE

Date of Application , 19.....

Application is made by
 (name of applicant, including the name of each partner if applicant is a partnership)

.....
 carrying on business under the trade name of

.....
 at
 (address)

for a licence to engage in the business of a
 (Class A, Class B, Class C or Class D)

employment agency, and for the purpose of procuring a licence give the following information:

- 1. The applicant is responsible for the employment agency and the employment agency is registered in the name of the applicant, and
- The applicant is an individual and sets out below the full name, address and telephone number of the applicant:

Name in Full	Residence Address	City or Town	Residence Telephone Number	State Whether Active or Non-Active in Business of Employment Agency

or

- The applicant is a partnership and furnishes herewith a copy of its partnership agreement and sets out below the full name, address and telephone number of each partner in the partnership:

Name in Full	Residence Address	City or Town	Residence Telephone Number	State Whether Active or Non-Active in Business of Employment Agency

or

- The applicant is a corporation and furnishes herewith a copy of its letters patent or certificate of incorporation and states that its head office is at and sets out below the names, residence addresses and telephone numbers of its officers and directors:

Name in Full	Residence Address	City or Town	Residence Telephone Number	Officers	State Whether Active or Non-Active in Business of Employment Agency
				President	
				Vice-President	
				Secretary	
				Treasurer or	
				Secretary-Treasurer	
				Directors	

- * 2. The business reputation of the applicant is well known to the three following persons who are not related in any way to the applicant:

Name	City or Town	Street Address	Business or Occupation	Length of Time Known

* In the case of a partnership, three references must be given for each partner and in the case of a corporation, three references must be given for each officer and for each director.

3. The address of the employment agency, including the address of any other place of business (if any) where the employment agency is carried on, is as follows:

.....

4. Set out below the trade names and addresses (if any) under which the applicant carries on, or has carried on, the business of an employment agency:

Trade Name	Address	Licence No.	Commencement and Termination Dates, If Any

5. Has the applicant heretofore been licensed or applied for a licence to carry on an employment agency?

Yes No

If so, give particulars:

.....
.....

6. Has the applicant ever been refused a licence or registration to carry on business or engage in a trade or occupation or has such licence or registration been revoked or suspended in any country, or province or state thereof?

Yes No

If so, give particulars:

.....
.....

*7. Has the applicant been expelled from any professional association?

Yes No

If so, give particulars:

.....
.....

* Where the applicant is a partnership, this item applies to each partner and where the applicant is a corporation this item applies to each officer and to each director.

8. The following is a short business record during the past three years of the applicant:

.....
.....

9. Is the applicant, or will the applicant be, engaged, occupied or employed in any business, occupation or profession other than the business of an employment agency?

Yes No

If so, give particulars:

.....
.....

*10. Is the applicant an undischarged bankrupt?

Yes No

If so, give particulars:

.....
.....

* Where the applicant is a partnership, this item applies to each partner and where the applicant is a corporation, this item applies to each officer and to each director.

*11. Is there any unpaid judgment against the applicant?

Yes No

If so, give particulars:

.....
.....

* Where the applicant is a partnership, this item applies to each partner, and where the applicant is a corporation, this item applies to each officer and to each director.

*12. Has the applicant been charged, indicted or convicted of a criminal offence under any law of any country or state or province thereof, or are there any proceedings now pending?

Yes No

* Where the applicant is a partnership, this item applies to each partner and where the applicant is a corporation, this item applies to each officer and to each director.

If so, give particulars:

.....
.....

13. Is the applicant's business carried on under a franchise agreement?

Yes No

If so, enclose a copy of the franchise agreement with this application.

.....
(witness)

.....
(address of witness) (signatures of applicant)

R.R.O. 1980, Reg. 280, Form 1.

Form 2

Employment Agencies Act

APPLICATION FOR RENEWAL OF LICENCE

Date of Application, 19.....

Application is made for the renewal of Licence No., being a licence to engage in the business of a employment agency, for the year ending on the 31st day of (Class A, Class B, Class C or Class D)

March, 19.....

1. The applicant is (name of applicant, including the name of each partner if applicant is a partnership)

.....
being (indicate whether applicant is an individual or a corporation or the partners of a partnership)

.....
carrying on business under the trade name of
at (address)

2. The applicant, under the above-mentioned Licence No., has carried on the employment agency in conformance with the requirements of the Employment Agencies Act and the regulations thereunder.

3. State whether the applicant, has or has not, since the above-mentioned licence was issued,

(a) been refused a licence or registration or had suspended or revoked a licence or registration to carry on an employment agency in any country or state or province thereof (where the answer is yes, give particulars):

.....
.....
.....

(b) been engaged, occupied or employed in any way in any business, occupation or profession other than the business of an employment agency (where the answer is yes, give particulars):

.....
.....
.....
.....
.....

(signatures of applicant)

R.R.O. 1980, Reg. 280, Form 2.

Form 3

Employment Agencies Act

No.

LICENCE

Under the *Employment Agencies Act* and the regulations, and subject to the limitations thereof,

(name of licensee including each partner of a partnership)

carrying on business under the trade name of

at
(address)

is licensed to engage in the business of a employment agency.

This licence expires on the 31st day of March, 19.....

Dated this day of, 19.....

Supervisor

R.R.O. 1980, Reg. 280, Form 3.

Form 4

Employment Agencies Act

PERSONAL BOND

Bond No. Amount

KNOW ALL MEN BY THESE PRESENTS, that I,
(hereinafter called the Obligor), am held and firmly bound unto Her Majesty in right of Ontario (hereinafter called the Obligee) in the sum of Dollars (\$) of lawful money of Canada, to be paid unto the Obligee, her successors and assigns, for which payment well and truly to be made,

I,
(name of Obligor)

bind myself, my heirs, executors, administrators and assigns, and I,
(name of Obligor)

deposit with the Obligee
as collateral security to this Bond.

1. This Bond may be cancelled by the Obligor by giving to the supervisor at least two months' notice in writing of intention to cancel and it shall be deemed to be cancelled on the date stated in the notice which date shall be not less than two months after receipt of the notice by the supervisor.
2. In respect only of acts or omissions occurring during the period prior to cancellation under the preceding provision, this Bond shall continue in force and the collateral security shall remain on deposit for a period of six months after the cancellation of the Bond.

3. The total liability imposed upon the Obligor by this Bond and any and all renewals thereof is concurrent and not cumulative and shall in no event exceed the penal sum written above.

Sealed with my seal and dated this day of, 19.....

The Condition of the above obligation is such that if the licence of the Obligor is revoked under section 7 of the *Employment Agencies Act* then the obligation becomes and is forfeit to the Obligee.

SIGNED, SEALED AND DELIVERED
in the presence of

Obligor

R.R.O. 1980, Reg. 280, Form 4.

Form 5

Employment Agencies Act

**BOND OF A GUARANTEE COMPANY APPROVED UNDER
THE GUARANTEE COMPANIES SECURITIES ACT**

Bond No.

Amount

KNOW ALL MEN BY THESE PRESENTS, that we

(hereinafter called the Principal) as Principal and
(hereinafter called the Surety) as Surety are held and firmly bound unto Her Majesty in right of Ontario (hereinafter called the Obligee) in the sum of Dollars (\$.....) of lawful money of Canada, to be paid unto the Obligee, her successors and assigns, for which payment well and truly to be made,

I,
(name of Principal)

bind myself, my heirs, executors, administrators and assigns, and we,
(name of Surety)

bind ourselves, our successors and assigns jointly and firmly by these presents.

- 1. This Bond may be cancelled by the Surety by giving to the supervisor at least two months' notice in writing of intention to cancel and it shall be deemed to be cancelled on the date stated in the notice which date shall be not less than two months after receipt of the notice by the supervisor.
- 2. In respect only of acts or omissions occurring during the period prior to cancellation under the preceding provision, this Bond shall continue in force for a period of six months after the cancellation of the Bond.
- 3. The total liability imposed upon the Principal or Surety by this Bond and any and all renewals thereof is concurrent and not cumulative and shall in no event exceed the penal sum written above.

Sealed with our seals and dated this day of, 19.....

The Condition of the above obligation is such that if the licence of the Principal is revoked under section 7 of the *Employment Agencies Act* then the obligation becomes and is forfeit to the Obligee.

SIGNED, SEALED AND DELIVERED
in the presence of

Principal:

Surety:

R.R.O. 1980, Reg. 280, Form 5.

Employment Standards Act *Loi sur les normes d'emploi*

REGULATION 321

BENEFIT PLANS

1. For the purposes of Part X of the Act and this Regulation,

“actuarial basis” means the assumptions and methods generally accepted and used by a Fellow of the Canadian Institute of Actuaries to establish the costs of pension benefits, life insurance, disability insurance, health insurance or any other similar benefits including the actuarial equivalents of such benefits which costs depend upon the contingencies of human life, such as death, accident, sickness or disease;

“age” means any age of eighteen years or more and less than sixty-five years;

“benefits” includes an aggregate, annual, monthly or other periodic amount or accrual thereof to which an employee, or the employee’s beneficiaries, survivors or dependants is, are or will become entitled under a plan, fund or arrangement provided, furnished or offered by an employer to an employee upon superannuation, retirement, disability, accident or sickness, or any medical, hospital, nursing, drug or dental expenses or other similar amounts or expenses and includes any amounts under such plan, fund or arrangement to which an employee is entitled upon termination of employment or to which any person or persons is or are entitled upon the death of an employee;

“dependant” means a dependant as defined in the pension, life insurance, disability insurance or benefit, or health insurance or benefit plan, fund or arrangement provided, furnished or offered by an employer to an employee and “dependent child” and “dependent spouse” have a corresponding meaning;

“disability income insurance or benefit plan” includes a plan, fund or arrangement provided, furnished or offered by an employer to an employee that provides benefits to an employee for loss of income because of sickness, accident or disability and includes,

- (a) a short-term disability income insurance or benefit plan, fund or arrangement that is other than a long-term disability income plan, and
- (b) a long-term disability income insurance or benefit plan, fund or arrangement under which the payments or benefits to an employee are payable for a period of not less than fifty-two weeks or until recovery, retirement or death, whichever is the lesser;

“employer” includes a group or number of unaffiliated employers or an association of employers acting for an employer in relation to a pension, life insurance, disability insurance or benefit or a health insurance or benefit plan;

“health insurance or benefit plan” includes a plan, fund or arrangement provided, furnished or offered by an employer to an employee that provides benefits to an employee, a spouse or dependant of an employee or deceased employee for medical, hospital, nursing, drug or dental expenses or other similar expenses;

“life insurance plan” means a plan, fund or arrangement, provided, furnished or offered by an employer to an employee that provides upon the death of the employee a benefit either in a lump sum or by periodic payments to a beneficiary, survivor or dependant of

the employee, and includes accidental death and dismemberment insurance;

“marital status” includes the condition of being an unmarried person who is supporting in whole or in part a dependent child or children, and includes a common law status of husband and wife as defined in the pension, life insurance, disability insurance or benefit, or health insurance or benefit plan, fund or arrangement provided, furnished or offered by an employer to an employee;

“normal pensionable date” means the date specified in a pension plan at which an employee can retire from his or her employment and receive the regular pension benefit provided by the pension plan, whether such date is the day upon which the employee attains a given age or upon which the employee has completed a given period of employment;

“pension plan” means a superannuation, retirement or pension plan, fund or arrangement provided, furnished or offered by an employer to an employee for the purpose of providing benefits to an employee who participates therein upon retirement or termination of employment or benefits to a spouse or dependant of an employee out of contributions made by the employer and employee or the employer or employee and the investment income, gains, losses and expenses thereon or therefrom and includes,

- (a) a unit-benefit pension plan under which the benefits are determined with reference to a percentage of salary or wages of an employee and length of employment or a specified period of employment,
- (b) a defined benefit pension plan under which the benefits are determined as a fixed amount and with reference to length of employment or a specified period of employment,
- (c) a money purchase pension plan under which the benefits are determined with reference to the accumulated amount of the contributions paid by or for the credit of an employee, and the investment income, gains, losses and expenses thereon or therefrom,
- (d) a profit sharing pension plan under which payments or contributions by an employer are determined by reference to profits or out of profits from the employer’s business and the benefits are determined with reference to the accumulated amount of payments or contributions paid by or for the credit of an employee and the investment income, gains, losses and expenses thereon or therefrom, and
- (e) a composite pension plan that is any combination of a unit-benefit pension plan, a defined benefit pension plan, a money purchase pension plan or a profit sharing pension plan;

“sex” includes a distinction between employees in a plan, fund or arrangement provided, furnished or offered by an employer to employees that excludes an employee from a benefit thereunder or gives an employee a preference to a benefit thereunder because the employee is or is not a head of household, principal or primary wage earner or other similar condition, and further includes a distinction between employees in such a plan, fund or arrangement because of the pregnancy of a female employee;

“spouse” means a spouse as defined in the pension, life insurance, disability insurance or benefit or health insurance or benefit plan,

fund or arrangement provided, furnished or offered by an employer to an employee;

“voluntary additional contribution” means an additional contribution by an employee to or under a pension plan except a contribution the payment of which, under the terms of the plan, imposes upon an employer an obligation to make a concurrent additional contribution to or under the plan. R.R.O. 1980, Reg. 282, s. 1; O. Reg. 443/88, s. 1.

2.—(1) The prohibition in subsection 33 (2) of the Act does not apply in respect of a differentiation in the rates of contribution by an employer to a pension plan if the differentiation is made on an actuarial basis because of the sex of the employee and in order to provide equal benefits under the plan.

(2) The prohibition in subsection 33 (2) of the Act does not apply in respect of a differentiation made under a pension plan if,

- (a) the *Pension Benefits Act* applies to the pension plan; and
- (b) the differentiation is made,
 - (i) on the basis of the sex of an employee, and
 - (ii) in respect of employment prior to the 1st day of January, 1987, other than employment that is described in clause 52 (3) (b) or (c) of the *Pension Benefits Act*.

(3) The prohibition in subsection 33 (2) of the Act does not apply in respect of a differentiation made under a pension plan if,

- (a) the *Pension Benefits Act* does not apply to the pension plan; and
- (b) the differentiation is made,
 - (i) on the basis of the sex of an employee, and
 - (ii) in respect of employment before the 12th day of July, 1988.

(4) In subsections (2) and (3), “differentiation” means a type of differentiation to which the prohibition in subsection 33 (2) of the Act did not apply on the 31st day of December, 1987, because of the operation of this section as it read on that date. O. Reg. 443/88, s. 2.

3.—(1) The prohibition in subsection 33 (2) of the Act does not apply to,

- (a) an increase in benefits payable to an employee under a pension plan that provides for such increased benefits because the employee has a dependent spouse;
- (b) a differentiation between employees under a pension plan because of marital status if the differentiation is made for the purpose of providing benefits that are payable periodically during the joint lives of an employee who is entitled to the pension and the employee’s spouse, and thereafter during the life of the survivor of them, as provided in the pension plan; and
- (c) a differentiation in the rates of contribution of an employer to a defined benefit or a unit-benefit pension plan that provides an increase in benefits to an employee because of marital status where the rates of contribution of the employer differentiate between employees because of marital status. R.R.O. 1980, Reg. 282, s. 3; O. Reg. 443/88, s. 3 (1, 2).

(2) For the purposes of clause (1) (b), benefits are deemed to be payable periodically despite the fact that they are commuted, if the amount of the annual benefit payable to the employee at the normal

pensionable date is not more than 2 per cent of the Year’s Maximum Pensionable Earnings, as defined in the *Canada Pension Plan* in the year that the employee terminated the employment.

(3) Clause (1) (b) does not apply if the *Pension Benefits Act*, applies to the pension plan and the plan contravenes the provisions of that Act respecting joint and survivor pensions. O. Reg. 443/88, s. 3 (3).

4.—(1) The prohibition in subsection 33 (2) of the Act does not apply in respect of a differentiation made between employees because of age, if the differentiation is determined on an actuarial basis, and it is,

- (a) a differentiation in the rates of voluntary additional contributions by an employee to a pension plan;
- (b) a differentiation in the rates of contributions that an employee is required to make to a money purchase or profit sharing pension plan;
- (c) a differentiation in the rates of contributions by an employer to a unit-benefit or defined benefit pension plan, unless the *Pension Benefits Act* applies to the plan and the plan contravenes the provisions of that Act respecting age differentiation;
- (d) a differentiation in the rates of contributions by an employer to a money purchase or profit sharing pension plan,
 - (i) when the employer transfers the assets from a unit-benefit or defined benefit pension plan to the money purchase or profit sharing pension plan, and
 - (ii) if the differentiation is made in order to protect employees’ pension benefits from being adversely affected by the transfer; or
- (e) a differentiation in benefits payable to employees that, if the *Pension Benefits Act* applies to the pension plan, is permitted by that Act.

(2) Despite subsection (1), the requirement that a differentiation be determined on an actuarial basis does not apply to a differentiation described in clause (1) (a), (b) or (e) that is made in respect of the employment of a person before the 12th day of July, 1988.

(3) The prohibition in subsection 33 (2) of the Act does not apply with respect to a provision in a pension plan that differentiates between employees because of age in establishing,

- (a) a normal pensionable date for voluntary retirees; or
- (b) an early voluntary retirement date or age,

unless the *Pension Benefits Act* applies to the plan and the plan contravenes the provisions of that Act respecting normal pensionable dates and early retirement dates. O. Reg. 443/88, s. 4.

5. The prohibition in subsection 33 (2) of the Act does not apply to,

- (a) a differentiation in the contributions of an employee to a voluntary employee-pay-all life insurance plan where such differentiation is determined upon an actuarial basis because of sex; and
- (b) a differentiation in the contributions of an employer to a life insurance plan where such differentiation is made on an actuarial basis because of the sex of the employee and in order to provide equal benefits under the plan. R.R.O. 1980, Reg. 282, s. 5.

6. The prohibition in subsection 33 (2) of the Act does not apply to,

- (a) any benefits under a life insurance plan that are payable periodically to the surviving spouse of a deceased employee for the life of the surviving spouse or until the remarriage of the surviving spouse and, for the purpose of this clause, such benefits shall include benefits of less than \$25 a month that have been commuted to a lump sum payment;
- (b) any benefit under a life insurance plan that is payable to an employee upon the death of the spouse of the employee; and
- (c) a differentiation in the contributions of an employee or an employer to a life insurance plan where such differentiation between employees is because of marital status and provides benefits that are payable periodically to the surviving spouse of an employee. R.R.O. 1980, Reg. 282, s. 6.

7. The prohibition in subsection 33 (2) of the Act does not apply to,

- (a) a differentiation in the benefits under or the contributions to a voluntary employee-pay-all life insurance plan where such differentiation is determined upon an actuarial basis because of age; and
- (b) a differentiation in the contributions of an employer to a life insurance plan where such differentiation is determined upon an actuarial basis because of age and in order to provide equal benefits under the plan. R.R.O. 1980, Reg. 282, s. 7.

8. The prohibition in subsection 33 (2) of the Act does not apply to,

- (a) a differentiation in the rate of contributions of an employee to a voluntary employee-pay-all short or long term disability insurance plan where such differentiation is determined upon an actuarial basis because of the age or sex of the employee;
- (b) a differentiation in the rate of contributions of an employer to a short or long term disability insurance plan where such differentiation is made on an actuarial basis because of the age or sex of the employee and in order to provide equal benefits under the plan; and
- (c) the exclusion from benefits under a short or long term disability insurance plan of a female employee during the period of leave-of-absence to which she is entitled under Part XI of the Act, or any greater period of leave-of-absence that she has applied for under any term of a contract of employment, oral or written, express or implied, that prevails over Part XI of the Act. R.R.O. 1980, Reg. 282, s. 8.

9. The prohibition in subsection 33 (2) of the Act does not apply to,

- (a) a differentiation in the rate of contributions of an employee to a voluntary employee-pay-all health insurance plan where such differentiation is determined upon an actuarial basis because of sex;
- (b) a differentiation in the rate of contributions of an employer to a health insurance plan where such differentiation is made upon an actuarial basis because of the sex of the employee and in order to provide equal benefits under the plan;
- (c) a differentiation in the benefits under or the contributions of an employee to a health insurance plan because of the marital status of the employee where such differentiation is

made in order to provide benefits for a spouse or a dependent child of the employee; and

- (d) a differentiation in the rate of contributions of an employer to a health insurance plan, where there are specified premium rates and where such differentiation for employees having marital status and for employees without marital status is on the same proportional basis. R.R.O. 1980, Reg. 282, s. 9.

10. A plan, fund or arrangement to which Part X of the Act applies shall not disentitle an employee who is on leave-of-absence under Part XI of the Act, or any greater period of leave-of-absence that the employee has applied for under any term of a contract of employment, oral or written, express or implied, that prevails under section 4 of the Act from continuing to participate therein during such leave-of-absence where the plan, fund or arrangement entitles an employee who is on leave-of-absence other than a leave-of-absence under Part XI of the Act, or such greater period of leave-of-absence to continue to participate therein. R.R.O. 1980, Reg. 282, s. 10.

11. Where, prior to the application of Part X of the Act to a fund, plan or arrangement provided or furnished by an employer to employees, an employee was excluded from participating in the plan, fund or arrangement or a benefit thereunder, and upon the application of Part X of the Act to the plan, fund or arrangement, the employee is no longer excluded from participation in the plan, fund or arrangement, or a benefit thereunder, such employee is entitled to participate in the plan, fund or arrangement or a benefit thereunder from and after the application of Part X to the plan, fund or arrangement or benefit. R.R.O. 1980, Reg. 282, s. 11.

12. Upon the application of Part X of the Act and this Regulation to a health insurance or benefit plan, no employer shall reduce the employer's contributions to or the benefits under the health insurance or benefit plan in causing the plan to comply with Part X of the Act and this Regulation. R.R.O. 1980, Reg. 282, s. 12.

13. Despite the application of Part X of the Act to a pension plan in existence on the 1st day of November, 1975, where the normal pensionable date of a class of employees is increased in order to have the plan comply with Part X, an employee whose normal pensionable date is increased shall be entitled to pension benefits on the normal pensionable date as provided by the plan before it was increased. R.R.O. 1980, Reg. 282, s. 13.

REGULATION 322

DOMESTICS, NANNIES AND SITTERS

1. In this Regulation,

"domestic" means a domestic as described in clause 2 (a);

"nanny" means a nanny as described in clause 2 (b);

"sitter" means a sitter as described in clause 2 (c). O. Reg. 308/87, s. 1.

2. This Regulation applies to a person who is employed by a householder,

- (a) as a domestic to perform services in the household who works more than twenty-four hours a week;
- (b) as a nanny to rear a child who is a member of the household where the person is considered to be qualified to do so because of formal training or experience equivalent to formal training; or
- (c) as a live-in sitter who works more than twenty-four hours a

week primarily attending to the needs of the children of the household. O. Reg. 308/87, s. 2.

3. Every householder shall pay to a domestic, nanny or sitter a minimum hourly wage of not less than the amount prescribed in subsection 10 (1) of Regulation 325 of Revised Regulations of Ontario, 1990. O. Reg. 308/87, s. 3.

4.—(1) Where meals or room or both are taken into account by a householder in calculating the minimum wage of a domestic, nanny or sitter the maximum amount at which meals or room or both shall be valued for the purposes of determining if the minimum wage prescribed has been paid to the person shall be as set out in subsection 10 (2) of Regulation 325 of Revised Regulations of Ontario, 1990.

(2) Charges for meals or rooms shall not be deducted from the minimum wage of an employee unless the employee has received the meals or occupied the room supplied. O. Reg. 308/87, s. 4.

5.—(1) In this section, "free period" means a period free from the performance of any duties by a domestic, nanny or sitter for the householder who employs the domestic, nanny or sitter.

(2) In each week, a householder shall give to a domestic, nanny or sitter who resides in the residence of the householder one free period of thirty-six consecutive hours and one free period of twelve consecutive hours without any deduction from the normal pay of the domestic, nanny or sitter.

(3) The free periods required to be given by subsection (2) may be, but need not be, consecutive to each other.

(4) Subject to subsection (5), where upon the request of the householder and with the consent of the domestic, nanny or sitter, duties are performed by the domestic, nanny or sitter during a free period required to be given by subsection (2), the time spent in performing the duties shall be added, at the rate of 1.5 hours for each hour of time so spent, to one of the required free periods in one of the next four weeks subsequent to such performance without any deduction from the normal pay of the domestic, nanny or sitter.

(5) Where no compensating time is given as prescribed by subsection (4) and despite section 3, the householder shall pay to the domestic, nanny or sitter one and one-half of their regular hourly rate for each hour duties are performed by the domestic, nanny or sitter during a free period. O. Reg. 308/87, s. 5.

(6) Where a domestic, nanny or sitter performs duties during a free period and the time spent performing those duties is added to a subsequent free period in accordance with subsection (4) or the domestic, nanny or sitter is paid for the time spent performing those duties in accordance with subsection (5), the time spent performing those duties shall not be taken into account when calculating overtime under section 24 of the Act. O. Reg. 533/87, s. 1.

6. Work shall be deemed not to be performed,

- (a) during any agreed upon time free from the performance of any duties; or
- (b) while the domestic, nanny or sitter is free from the performance of any active duties and is sleeping or eating. O. Reg. 308/87, s. 6.

7.—(1) Where,

- (a) work is performed by the domestic, nanny or sitter in excess of forty-four hours in a week; and
- (b) the householder and the domestic, nanny or sitter agree,

the excess time may be granted as time off, at times agreed upon by the householder and the domestic, nanny or sitter, at the rate of 1.5 hours for each hour so spent in one of the next twelve weeks subsequent to such performance at the regular rate of pay.

(2) Section 24 of the Act does not apply if time off is given in accordance with subsection (1). O. Reg. 308/87, s. 7.

8. A householder shall provide the domestic, nanny or sitter with written particulars of employment respecting,

- (a) the regular hours of work including the starting and finishing hours; and
- (b) the hourly rate of pay. O. Reg. 308/87, s. 8.

9. Part IV of the Act does not apply to a domestic, nanny or sitter. O. Reg. 533/87, s. 2.

REGULATION 323

FORMS

1.—(1) An employer who is required to give notice of termination under subsection 57 (2) of the Act shall provide to the Minister the information indicated on Form 1.

(2) The information required under subsection (1) shall be provided to the Minister by delivering the information to the Office of the Director of the Employment Adjustment Branch between the hours of 9 a.m. and 4 p.m. from Monday to Friday.

(3) Part A of Form 1 shall be posted in the workplace in the manner set out in subsection 57 (4) of the Act. O. Reg. 444/87, s. 1.

2. A notice under subsection 6 (2) of the Act shall be in Form 2. O. Reg. 444/87, s. 2.

Form 1

Employment Standards Act

(Subsection 57 (3))

(Attach additional sheets where necessary)

PART A

Name of company:

Mailing address:

Location(s) where layoffs will occur:

Total workforce at each location:

- 1. hourly
- 2. salaried
- 3. other

Number of employees affected at each location with anticipated termination dates:

- 1. hourly
- 2. salaried
- 3. other

Economic circumstances surrounding intended terminations:

.....

Prior consultations that have been carried out:

.....

Consultations that are proposed to follow:

.....

Measures you propose to offer to facilitate the adjustment of the affected employees (e.g. extension of benefit plan payments, supplementary unemployment benefits, severance pay, counselling, adjustment committee, early retirement). Indicate which measures are to be provided through existing contractual obligations, existing company policy, statutory obligations, or proposed supplementary measures.

Number of employees expected to benefit from each of the adjustment measures listed above:

- 1. hourly
- 2. salaried
- 3. other

(Provide all available information. Where information is not immediately available, specify date when it will be provided to the Minister and posted in establishment.)

Name of Company Official, Title, Telephone Number:

.....

Signature

Date

PART A OF THIS FORM AND ANY INFORMATION REQUIRED BY PART A OF THIS FORM SHALL BE POSTED IN THE EMPLOYER'S ESTABLISHMENT IN A CONSPICUOUS PLACE.

PART B

List of affected employees (omitting names) showing age, sex, job classification and length of service. (Provide information separately for hourly, salaried and other employees). Provide all available information and where information is not immediately available, specify date when it will be provided to the Minister.

Name of Company Official, Title, Telephone Number:

.....

Signature

Date

Name of Company:

O. Reg. 444/87, Form 1.

Form 2

Employment Standards Act

(Subsection 6 (2))

NOTICE TO DIRECTOR OF EMPLOYMENT STANDARDS OF CIVIL PROCEEDINGS

Plaintiff's Name

Defendant's Name(s)

Address

.....

Court in Which Proceeding is Being Brought

Court File Number.....

Copies of all pleadings must be attached.

Signature

Full Name (Please print)

Address

O. Reg. 444/87, Form 2.

REGULATION 324

FRUIT, VEGETABLE AND TOBACCO HARVESTERS

1. For the purposes of this Regulation,

"housing accommodation" means a place of dwelling that is reasonably fit for human habitation consisting of at least a kitchen with cooking facilities, two bedrooms or a bedroom and a living room, and having its own private toilet and washing facilities;

"piece work rate" means a rate of pay calculated upon a unit of work performed;

"room" means a room that is reasonably furnished and reasonably fit for human habitation, is supplied with clean bed linen and towels and is reasonably accessible to proper toilet and washbasin facilities;

"serviced housing accommodation" means housing accommodation for which light, heat, fuel, water, gas or electricity are provided at the expense of the employer. R.R.O. 1980, Reg. 284, s. 1.

2. This Regulation applies to an employee who is employed on a farm to harvest fruit, vegetables or tobacco for marketing or storage. R.R.O. 1980, Reg. 284, s. 2.

3. Subject to section 4, every employer shall pay a minimum wage of not less than,

(a) \$4.55 an hour to an employee who is a student under eighteen years of age if the weekly hours of the student are not in excess of twenty-eight hours or if the student is employed during a school holiday; and

(b) \$5.40 an hour to an employee other than an employee mentioned in clause (a). O. Reg. 490/90, s. 1.

4. Where a piece work rate being paid to employees other than an employee mentioned in clause 3 (a) is customarily and generally recognized in the area as having been set so that an employee exercising reasonable effort would, if paid such a rate, earn at least the minimum wage prescribed in section 3, the employer shall be deemed to have paid an employee the minimum wages so prescribed. R.R.O. 1980, Reg. 284, s. 4.

5. If housing accommodation, room and meals, or any of them, are taken into account by an employer in calculating the minimum wage of an employee, the maximum amount at which such housing

accommodation, room and meals, or any of them, is valued shall be as follows:

1. Serviced housing accommodation \$78.30 a week.
2. Housing accommodation \$57.80 a week.
3. Room \$25.00 a week if the room is private and \$12.50 a week if the room is not private.
4. Meals \$2.00 a meal and not more than \$42.00 a week.
5. Both room and meals \$67.00 a week if the room is private and \$54.50 a week if the room is not private. O. Reg. 490/90, s. 2.

6. Despite any other regulation, every employer shall give to an employee who has been employed by the employer for thirteen weeks or more a vacation with pay or pay the employee vacation pay under Part VIII of the Act. R.R.O. 1980, Reg. 284, s. 6.

7.—(1) Despite any other regulation, an employee who has been employed by an employer for a period of thirteen weeks or more and who is not excluded under clause 25 (1) (b), (c), (d) or (e) of the Act is entitled to the employment standard provided in Part VII of the Act for a public holiday.

(2) For the purposes of this section, an employee to whom this Regulation applies shall be deemed to be employed in a continuous operation. R.R.O. 1980, Reg. 284, s. 7.

REGULATION 325

GENERAL

INTERPRETATION

1.—(1) In this Regulation,

“construction” includes all work in and about the construction, erection, demolition, repair, remodelling, decoration or alteration of the whole or any part of a building or structure, the laying of pipe and conduit above or below ground level, excavating, tunnelling, fencing, grading, paving, land clearing, bridging and street and highway building, but does not include work done by a person who is regularly employed by a manufacturing, industrial or service institution performing maintenance work on the premises of the person’s employer;

“domestic servant” means a person who is employed by a household,

- (a) as a sitter to attend primarily to the needs of a child who is a member of the household,
- (b) as a companion to attend to the needs of an aged, infirm or ill member of the household, or
- (c) as a domestic to perform services in the household who works twenty-four hours a week or less;

“hotel, motel, tourist resort, restaurant and tavern” means every establishment furnishing for payment accommodation, lodging, meals or beverages, and includes hotels, motels, motor hotels, tourist homes, tourist camps, tourist cabins and cottages, tourist inns, catering establishments and all other establishments of a similar nature;

“lodging” means the provision of a room and three meals per day for a seven-day week;

“road building” means the preparation, construction, reconstruction, repair, alteration, remodelling, renovation, demolition, finishing and maintenance of streets, highways or parking lots, including structures such as bridges, tunnels or retaining walls in connection with streets or highways, and all foundations, installation of equipment, appurtenances and work incidental thereto;

“room” means a room that is reasonably furnished and reasonably fit for human habitation, is supplied with clean bed linen and towels and is reasonably accessible to proper toilet and wash-basin facilities;

“seasonal employee” means an employee who works not more than sixteen weeks in a calendar year for an employer;

“taxi cab” means a vehicle, with seating accommodation for not more than nine persons exclusive of the driver, used for the carriage for hire of persons. R.R.O. 1980, Reg. 285, s. 1 (1).

(2) This Regulation, except for subsection 2 (2), clause 11 (1) (c), subsection 11 (2) and section 14, does not apply to a domestic, nanny or sitter to whom Regulation 322 of Revised Regulations of Ontario, 1990 applies. O. Reg. 534/87, s. 1.

APPLICATION OF ACT

2.—(1) The Act does not apply to,

- (a) a secondary school student who performs work under a work experience program authorized by the school board of the school in which the student is enrolled;
- (b) a person who performs work under a program approved by a community college or university;
- (c) an inmate of a correctional institution who participates inside or outside the institution in a work project or rehabilitation program authorized under the *Ministry of Correctional Services Act*; or
- (d) an offender who performs work or services under an order or sentence of a court.

(2) Where, under an agreement or arrangement between an employee and the employer approved by the Director, a period of two or more work weeks is the period in which the hours of work of an employee may be averaged for the purpose of determining the hours of work in each work week in the period,

- (a) section 17 of the Act does not apply; and
- (b) subsection 24 (1) of the Act does not apply to the hours of work in a work week where such averaged hours do not exceed forty-four. R.R.O. 1980, Reg. 285, s. 2.

EXEMPTIONS FROM PARTS IV TO VIII OF ACT

3.—(1) Parts IV, V, VI, VII and VIII of the Act do not apply to a person employed,

- (a) as a duly qualified practitioner of,
 - (i) architecture,
 - (ii) chiropody,
 - (iii) dentistry,
 - (iv) law,
 - (v) medicine,
 - (vi) optometry,
 - (vii) pharmacy,

- (viii) professional engineering,
- (ix) psychology,
- (x) public accounting,
- (xi) surveying, or
- (xii) veterinary science;
- (b) as a duly registered drugless practitioner;
- (c) as a teacher as defined in the *Teaching Profession Act*;
- (d) as a student in training for the professions or callings mentioned in clause (a), (b) or (c);
- (e) in commercial fishing;
- (f) as a domestic servant;
- (g) as a registered salesperson of a broker registered under the *Real Estate and Business Brokers Act*;
- (h) as a salesperson, other than a route salesperson, who is entitled to receive all or any part of his or her remuneration as commissions in respect of offers to purchase or sales of goods, wares, merchandise or services and which offers or sales are normally made at a place other than the place of business of the employer; or
- (i) on a farm whose employment is directly related to the primary production of eggs, milk, grain, seeds, fruit, vegetables, maple products, honey, tobacco, pigs, cattle, sheep and poultry. R.R.O. 1980, Reg. 285, s. 3.

(2) Despite subsection (1), Part V of the Act applies to a person described in clause (c) of the definition of "domestic servant" in subsection 1 (1) if that person does not reside in the residence of the householder. O. Reg. 309/87, s. 2.

EXEMPTIONS FROM PART IV OF ACT

HOURS OF WORK

4. Part IV, except section 22, of the Act does not apply to a person employed,

- (a) as a full-time firefighter as defined in the *Fire Departments Act*;
- (b) whose only work is supervisory or managerial in character;
- (c) as a fishing or hunting guide;
- (d) to work in construction;
- (e) in,
 - (i) landscape gardening,
 - (ii) mushroom growing,
 - (iii) the growing of flowers for the retail and wholesale trade,
 - (iv) the growing, transporting and laying of sod,
 - (v) the growing of trees and shrubs for the wholesale and retail trade,
 - (vi) the breeding and boarding of horses on a farm, or
 - (vii) the keeping of fur-bearing animals as defined in the

Fur Farms Act, for propagation or the production of pelts for commercial purposes;

- (f) to perform homework;
- (g) as a superintendent, janitor or caretaker of a residential building and who resides in the building; or
- (h) as an embalmer or funeral director. R.R.O. 1980, Reg. 285, s. 4.

EXEMPTIONS FROM PART V OF ACT

MINIMUM WAGES

5. Part V of the Act does not apply to a person employed,

- (a) as a student in a recreational program operated by a charitable organization registered as a charitable organization in Canada under Part I of the *Income Tax Act* (Canada), where the work or duties of the student are directly connected with the recreational program;
- (b) as a student to instruct or supervise children;
- (c) as a student at a camp for children;
- (d) as a superintendent, janitor or caretaker of a residential building who resides in the building;
- (e) as a trainee in a course leading to registration as a registered nursing assistant under the *Health Disciplines Act*;
- (f) as a trainee in a course of study for a laboratory technologist as required by the Canadian Society of Laboratory Technologists; or
- (g) as a trainee in a course of study for a radiological technician as required by the Canadian Association of Medical Radiation Technologists. R.R.O. 1980, Reg. 285, s. 5; O. Reg. 2/86, s. 1.

EXEMPTIONS FROM PART VI OF ACT

OVERTIME PAY

6. Part VI of the Act does not apply to a person employed,

- (a) as a full-time firefighter as defined in the *Fire Departments Act*;
- (b) whose only work is supervisory or managerial in character;
- (c) as a fishing or hunting guide;
- (d) in,
 - (i) landscape gardening,
 - (ii) mushroom growing,
 - (iii) the growing of flowers for the retail and wholesale trade,
 - (iv) the growing, transporting and laying of sod,
 - (v) the growing of trees and shrubs for the retail and wholesale trade,
 - (vi) the breeding and boarding of horses on a farm, or
 - (vii) the keeping of fur-bearing animals as defined in the *Fur Farms Act*, for propagation or the production of pelts for commercial purposes;

- (e) to perform homework;
- (f) as a student to instruct or supervise children;
- (g) as a student at a camp for children;
- (h) as a student in a recreational program operated by a charitable organization registered as a charitable organization in Canada under Part I of the *Income Tax Act* (Canada), where the work or duties of the student are directly connected with the recreational program;
- (i) as a superintendent, janitor or caretaker of a residential building and who resides in the building;
- (j) as a taxi cab driver; or
- (k) as an ambulance driver, ambulance driver's helper or first-aid attendant on an ambulance. R.R.O. 1980, Reg. 285, s. 6; O. Reg. 568/86, s. 4 (1).

EXEMPTIONS FROM PART VII OF ACT

PUBLIC HOLIDAYS

- 7.—(1) Part VII of the Act does not apply to a person employed,
- (a) as a full-time firefighter as defined in the *Fire Departments Act*;
 - (b) as a fishing or hunting guide;
 - (c) in,
 - (i) landscape gardening,
 - (ii) mushroom growing,
 - (iii) the growing of flowers for the retail and wholesale trade,
 - (iv) the growing, transporting and laying of sod,
 - (v) the growing of trees and shrubs for the retail and wholesale trade,
 - (vi) the breeding and boarding of horses on a farm, or
 - (vii) the keeping of fur-bearing animals as defined in the *Fur Farms Act*, for propagation or the production of pelts for commercial purposes;
 - (d) to perform homework;
 - (e) as a student to instruct or supervise children;
 - (f) as a student at a camp for children;
 - (g) as a student in a recreational program operated by a charitable organization registered as a charitable organization in Canada under Part I of the *Income Tax Act* (Canada), where the work or duties of the student are directly connected with the recreational program;
 - (h) as a superintendent, janitor or caretaker of a residential building and who resides in the building;
 - (i) as a taxi cab driver; or
 - (j) as a seasonal employee in a hotel, motel, tourist resort, restaurant or tavern who is provided with room and board.

(2) An employee who works in construction and receives 7 per cent or more of the employee's hourly rate or wages for vacation pay or holiday pay is exempt from Part VII of the Act.

SUBSTITUTED DAY

(3) Where an employer, with the agreement of an employee to whom section 25 of the Act does not apply, substitutes or designates a day for a public holiday, the day so substituted or designated shall be the public holiday for the purposes of section 26 of the Act. R.R.O. 1980, Reg. 285, s. 1.

EXEMPTIONS FROM PART VIII OF THE ACT

VACATION PAY

8. Part VIII of the Act does not apply to a person employed,
- (a) as a trainee in a course leading to registration as a registered nursing assistant under the *Health Disciplines Act*;
 - (b) as a trainee in a course of study for a laboratory technologist as required by the Canadian Society of Laboratory Technologists; or
 - (c) as a trainee in a course of study for a radiological technician as required by the Canadian Association of Medical Radiation Technologists. R.R.O. 1980, Reg. 285, s. 8; O. Reg. 2/86, s. 2.

EXEMPTIONS FROM PART XIII OF THE ACT

9. Part XIII of the Act, except sections 50 and 51, does not apply to an employee in a retail business establishment in which the primary retail business is one,
- (a) that sells prepared meals;
 - (b) that rents living accommodations;
 - (c) that is open to the public for educational, recreational or amusement purposes; or
 - (d) that sells goods or services incidental to a business described in clauses (a) to (c) and that is located in the same premises as the business. O. Reg. 288/89, s. 1.

MINIMUM WAGE ESTABLISHED

- 10.—(1) An employer shall pay not less than the following minimum wage:
1. To an employee who is a student under eighteen years of age if the weekly hours of the student are not in excess of twenty-eight hours or if the student is employed during a school holiday, \$4.55 an hour.
 2. To an employee who serves liquor directly to a customer, guest, member or patron in premises for which a licence or in a place for which a permit has been issued under the *Liquor Licence Act*, \$4.90 an hour.
 3. For the services of a hunting or fishing guide, \$27.00 for less than five consecutive hours in a day and \$54.00 for five or more hours in a day whether or not the hours are consecutive.
 4. To an employee other than one to whom paragraph 1, 2 or 3 applies, \$5.40 an hour.

(2) If meals or room or both are taken into account by an employer in calculating the minimum wage of an employee, the maximum amount at which meals or room or both shall be valued for the

purposes of determining if the minimum wage has been paid to the person is as follows:

1. Room \$25.00 a week if the room is private and \$12.50 a week if the room is not private.
2. Meals \$2.00 a meal and not more than \$42.00 a week.
3. Both room and meals \$67.00 a week if the room is private and \$54.50 a week if the room is not private. O. Reg. 489/90, s. 1, revised.

(3) Charges for meals or room shall not be deducted from the minimum wages of an employee unless the employee has received the meals or occupied the room supplied.

- (4) Where an employee who is not a student,
- (a) regularly works more than three hours a day;
 - (b) is required to present himself or herself for work; and
 - (c) works less than three hours,

the employee shall be deemed to have worked for three hours for the purpose of determining whether the employee has been paid the minimum wages prescribed under the Act.

(5) Subsection (4) does not apply where the employer is unable to provide work for the employee because of fire, lightning, power failure, storms or similar causes beyond the control of the employer resulting in the stopping of work. R.R.O. 1980, Reg. 285, s. 9 (3-5).

REGULAR RATE OR REGULAR WAGES

11.—(1) Subject to the definition of “regular rate” in section I and to section 5 of the Act, in determining the regular wages of an employee whose hours of work differ from day to day or who is paid on a basis other than time, the employee’s regular wages for a public holiday or a day that is substituted or designated for the public holiday for the purposes of Part VII of the Act shall be determined by,

- (a) the method set out in a schedule declared in force under the *Industrial Standards Act*, if the schedule applies to the employee;
- (b) the method agreed upon under or pursuant to a collective agreement that is binding upon the employer and the employee; and
- (c) in a case where clause (a) or (b) does not apply, calculating the average of the employee’s daily earnings, exclusive of overtime pay, over a period of thirteen work weeks preceding the public holiday or the day that is substituted or designated for the public holiday.

(2) Subject to the definition of “regular rate” in section I of the Act, in determining the regular rate or regular wages of an employee whose hours of work differ from day to day or who is paid on a basis other than time, for the purposes of Part XIV of the Act, the wages of the employee for a regular non-overtime work week shall be determined by calculating the average of the employee’s weekly earnings exclusive of overtime pay, for the weeks the employee has worked in the period of thirteen work weeks preceding the date the employee would have been entitled to receive notice of termination. R.R.O. 1980, Reg. 285, s. 12.

12.—(1) Subject to subsection (2), work shall be deemed to be performed by an employee for the employer,

- (a) where work is,
 - (i) permitted or suffered to be done by the employer, or
 - (ii) in fact performed by an employee although a term of

the contract of employment expressly forbids or limits hours of work or requires the employer to authorize hours of work in advance;

- (b) where the employee is not performing work and is required to remain at the place of employment,
 - (i) waiting or holding himself or herself ready for call to work, or
 - (ii) on a rest or break-time other than an eating period.

(2) Work shall not be deemed to be performed for an employer during the time the employee,

- (a) is entitled to,
 - (i) take time off work for an eating period,
 - (ii) take at least six hours or such longer period as is established by contract, custom or practice for sleeping and the employer furnishes sleeping facilities, or
 - (iii) take time off work in order to engage in the employee’s own private affairs or pursuits as is established by contract, custom or practice; or

(b) is not at the place of employment and is waiting or holding himself or herself ready for call to work. R.R.O. 1980, Reg. 285, s. 13.

HOMEMAKERS

13.—(1) In this section, “homemaker” means a person who is employed by a person other than a householder to perform home-making services for a householder or member of a household in the private residence of the householder.

(2) Despite section 12, the hour of work in respect of which a homemaker is to be paid at least the minimum wage shall be not more than twelve hours in a day.

(3) Subclause 11 (a) (iii) of the Act and Parts IV and VI of the Act do not apply to a homemaker who is paid in accordance with subsection (2). R.R.O. 1980, Reg. 285, s. 14.

DEDUCTIONS, ETCETERA, FROM WAGES

14.—(1) Despite section 8 of the Act, an employer may set off against, deduct from, claim or make a claim against or retain or accept the wages of an employee where,

- (a) a statute so provides;
- (b) an order or judgment of a court so requires; or
- (c) subject to subsection (2), a written authorization of the employee so permits or directs.

(2) No written authorization of an employee shall entitle an employer to set off against, deduct from, retain, claim or accept wages for faulty workmanship, or for cash shortages or loss of property of the employer where a person other than the employee has access to the cash or property.

(3) Where an employee has been given or paid a vacation with pay or payment for vacation in excess of the requirements of Part VIII of the Act, no employer shall set off or deduct such excess against or from any vacation with pay, pay for vacation, or payment under section 30 of the Act. R.R.O. 1980, Reg. 285, s. 15.

ROAD BUILDING

15.—(1) Despite Part VI of the Act, and subject to subsection (2),

- (a) an employee engaged at the site of road building in relation to streets, highways or parking lots shall be paid overtime pay by the employer for each hour worked in excess of fifty-five hours in a work week at an amount not less than one and one-half times the employee's regular rate; and
 - (b) an employee engaged at the site of road building in relation to structures such as bridges, tunnels or retaining walls in connection with streets or highways shall be paid overtime pay by the employer for each hour worked in excess of fifty hours in a work week at an amount not less than one and one-half times the employee's regular rate.
- (2) Where the hours of work in the case of,
- (a) an employee within clause (1) (a) are less than fifty-five hours in a work week; or
 - (b) an employee within clause (1) (b) are less than fifty hours in a work week,

the difference up to an amount not exceeding twenty-two hours between the hours of work in the work week and fifty-five hours or fifty hours, as the case may be, may be added to the maximum hours prescribed by clause (1) (a) or (b) for the purpose of determining the overtime pay of the employee in the immediately following calendar week. R.R.O. 1980, Reg. 285, s. 16.

SPECIAL OVERTIME PROVISIONS

HOTEL, MOTEL, ETCETERA

16.—(1) Despite Part VI of the Act, an employee who works for the owner or operator of a hotel, motel, tourist resort, restaurant or tavern for twenty-four weeks or less in a calendar year and who is provided with room and board shall be paid overtime pay by the employer for each hour worked in excess of fifty hours in a work week at an amount not less than one and one-half times the employee's regular rate. O. Reg. 189/84, s. 1.

FRESH FRUITS AND VEGETABLES PROCESSING

(2) Despite Part VI of the Act, a seasonal employee whose employment is directly related to the canning, processing and packing of fresh fruits or vegetables or the distribution thereof by the canner, processor or packer shall be paid overtime pay by the employer for each hour worked in excess of fifty hours in a work week at an amount not less than one and one-half times the employee's regular rate.

SEWER AND WATERMAIN CONSTRUCTION

(3) Despite Part VI of the Act, an employee who is employed in laying, altering, repairing or maintaining sewers and watermains and work incidental thereto or in guarding the site during the laying, altering, repairing or maintaining of sewers and watermains shall be paid overtime pay by the employer for each hour worked in excess of fifty hours in a work week at an amount not less than one and one-half times the employee's regular rate. R.R.O. 1980, Reg. 285, s. 17 (4, 5).

LOCAL CARTAGE

17.—(1) Despite Part VI of the Act, an employer shall pay to an employee who is a driver of a vehicle or who is a driver's helper overtime pay for each hour worked in excess of fifty hours in a work week at an amount not less than one and one-half times the employee's regular rate.

(2) Subsection (1) applies to employees who are drivers of vehicles used in the business of carrying goods for hire within a municipality or to any point not more than five kilometres beyond the municipality's limits and to employees who are drivers' helpers on such vehicles. O. Reg. 409/90, s. 2, *part*.

HIGHWAY TRANSPORT

18.—(1) Despite Part VI of the Act, an employer shall pay to an employee who is a driver of a public truck overtime pay for each hour worked in excess of sixty hours in a work week at an amount not less than one and one-half times the employee's regular rate.

(2) Subsection (1) applies to employees who are drivers of public trucks that are operated by holders of operating licences issued under the *Truck Transportation Act*.

(3) Subsection (1) does not apply to employees who are drivers of vehicles used in the business of carrying goods for hire within a municipality or to any point not more than five kilometres beyond the municipality's limits.

(4) For purposes of this section, in computing the number of hours worked by an employee in a week, only those hours during which the employee is directly responsible for the public truck shall be included. O. Reg. 409/90, s. 2, *part*.

REGULATION 326

RESIDENTIAL CARE WORKERS

1. In this Regulation,

"day" means the twenty-four hour period between 12 o'clock in the forenoon and 12 o'clock in the afternoon of the same day;

"minimum wage" means the general minimum wage prescribed under Regulation 325 of Revised Regulations of Ontario, 1990;

"residential care worker" means a person who is employed to supervise and care for children or developmentally handicapped persons in a family-type residential dwelling or cottage and who resides in the dwelling or cottage during work periods, but does not include a foster parent. O. Reg. 440/82, s. 1.

2. This Regulation applies to an employee who is employed as a residential care worker. O. Reg. 440/82, s. 2.

3.—(1) Subject to subsection (2), every employer of a residential care worker shall pay to such worker for each day of work wages in a minimum amount not less than an amount calculated by multiplying twelve hours by the worker's regular rate which rate shall not be less than the minimum wage.

(2) Where by arrangement with the employer, a residential care worker is free from the performance of normal and regular duties in a day and as a result works less than twelve hours, the worker shall be paid wages not less than an amount calculated by multiplying the number of hours worked by the worker's regular rate as mentioned in subsection (1). O. Reg. 440/82, s. 3.

4. In addition to the wage payable under section 3, a residential care worker shall be paid not less than his or her regular rate for not more than three additional hours worked in excess of twelve hours of work in a day, where the residential care worker makes and keeps an accurate daily record of the number of hours worked in the day and provides the record to the employer on or before the pay day next following the pay day for the pay period in which the work is performed. O. Reg. 440/82, s. 4.

5. Where meals or room or both are taken into account by an employer in calculating the wage payable under sections 3 and 4, the maximum amount at which meals or room or both shall be valued for the purpose of determining if the minimum wage has been paid to the residential care worker shall be determined in accordance with Regulation 325 of Revised Regulations of Ontario, 1990. O. Reg. 440/82, s. 5.

6.—(1) Every employer shall give to a residential care worker not

less than thirty-six hours, either consecutive or as may be arranged with the consent of the worker, in each work week free from the performance of any duties for the employer.

(2) Where at the request of the employer, and with the consent of the residential care worker, work is performed by the residential care worker during a free hour mentioned in subsection (1), such free hour shall be added to one of the next eight subsequent thirty-six hours of time free from the performance of any duties.

(3) Where no compensating time free from the performance of duties is given as prescribed by subsection (2), the employer shall pay the residential care worker at least one and one-half times his or her regular rate for the time spent in performing duties during a free hour. O. Reg. 440/82, s. 6.

7. Work shall be deemed not to be performed during any agreed upon time free from the performance of any duties spent by the residential care worker at the dwelling or cottage or while the residential care worker is attending to private affairs or pursuits or while he or she is resting, sleeping or eating. O. Reg. 440/82, s. 7.

8. Subclause 11 (1) (a) (iii) and Parts IV and VI of the Act do not apply to or in respect of a residential care worker. O. Reg. 440/82, s. 8.

REGULATION 327

TERMINATION OF EMPLOYMENT

1. For the purposes of section 57 of the Act,

"temporary lay-off" means,

- (a) a lay-off of not more than thirteen weeks in any period of twenty consecutive weeks,
- (b) a lay-off of more than thirteen weeks where,
 - (i) the person continues to receive payments from the employer,
 - (ii) the employer continues to make payments for the benefit of the person laid off under the provisions of a *bona fide* retirement or pension plan or under a *bona fide* group or employee insurance plan,
 - (iii) the person laid off receives supplementary unemployment benefits, or
 - (iv) the person laid off is entitled to be in receipt of supplementary unemployment benefits but does not receive the same because he or she is employed elsewhere during the lay-off, or
- (c) a lay-off of more than thirteen weeks where the employer recalls the person within the time or times fixed by the Director;

"termination of employment" includes a lay-off of a person for a period longer than a temporary lay-off;

"week of lay-off" means a week in which a person receives less than one-half of the amount the person would earn at his or her regular rate in a normal non-overtime work week, but shall not mean a week in which a person,

- (a) was not able to work or not available for work,
- (b) was subject to disciplinary suspension, or
- (c) was not provided with work by the employer by reason of any strike or lock-out occurring at his or her place of employment or elsewhere. R.R.O. 1980, Reg. 286, s. 1; O. Reg. 120/85, s. 1.

2. Section 57 of the Act does not apply to a person who,

- (a) is laid off after refusing an offer by the employer of reasonable alternate work;
- (b) is laid off after refusing alternate work made available through a seniority system;
- (c) is on lay-off and does not return to work within a reasonable time after being requested to do so by the employer;
- (d) is laid off or terminated during or as a result of a strike or lock-out at his or her place of employment;
- (e) is employed in the construction, alteration, decoration, repair or demolition of buildings, structures, roads, sewers, water or gas mains, pipelines, tunnels, bridges, canals or other works at the site thereof;
- (f) is employed under an arrangement whereby the person may elect to work or not for a temporary period when requested to do so; or
- (g) having reached the age of retirement according to the established practice of the employer, has his or her employment terminated. R.R.O. 1980, Reg. 286, s. 2; O. Reg. 120/85, s. 2.

3. An employer who is engaged in the building, alteration or repair of a ship or vessel with a gross tonnage of over ten tons designed for or used in commercial navigation is exempt from section 57 of the Act in respect of an employee to whom a *bona fide* supplementary unemployment benefit fund, plan or arrangement applies that has been agreed upon by the employer and the employee or the employee's agent if the employee or the agent consents or agrees in writing to such exemption. R.R.O. 1980, Reg. 286, s. 3; O. Reg. 120/85, s. 3.

4. Subject to section 5, the notice required to be given by an employer under subsection 57 (2) of the Act shall not be less than,

- (a) eight weeks' notice if the employment of fifty or more persons and fewer than 200 persons is to be terminated at an establishment;
- (b) twelve weeks' notice if the employment of 200 or more persons and fewer than 500 persons is to be terminated at an establishment; and
- (c) sixteen weeks' notice if the employment of 500 or more persons is to be terminated at an establishment. R.R.O. 1980, Reg. 286, s. 4.

5.—(1) Where not more than 10 per cent of the persons employed at an establishment, being fifty or more persons, have their employment terminated in any period of four weeks or less, subsection 57 (1) of the Act applies unless the termination is caused by the permanent discontinuance of all or part of the business of the employer at the establishment in which case subsection 57 (2) of the Act applies.

(2) In determining the number of persons employed at an establishment for the purposes of subsection (1), those persons who have been employed for less than three months shall not be taken into consideration. R.R.O. 1980, Reg. 286, s. 5.

6. A person who has been employed for less than three months shall not be entitled to notice under subsection 57 (2) of the Act. R.R.O. 1980, Reg. 286, s. 6.

7.—(1) Where the terms of employment permit a person whose employment is terminated to take another position in the establishment as a result of which some other person loses his or her employment, the employer may post a notice in a conspicuous part of the establishment listing the name, seniority and job classification of the person whose employment is to be terminated in the first instance and setting forth the date of termination.

(2) The posting of the notice mentioned in subsection (1) shall be notice of termination of employment as of the day of posting to the person losing his or her employment in the circumstances set out in subsection (1).

(3) Clause 57 (13) (a) of the Act does not apply to a person remaining in the employment of the employer in the circumstances set out in subsection (1). R.R.O. 1980, Reg. 286, s. 8.

8.—(1) Notice of termination of employment shall be in writing addressed to each person whose employment is to be terminated and shall be served personally or by registered mail.

(2) Notice of termination of employment may be made conditional upon the happening of a future event provided that the length of the notice complies with the Act and this Regulation.

(3) Notice of indefinite lay-off shall be deemed to be notice of termination of employment.

(4) Where a person who has been laid off is no longer temporarily laid off as defined in this Regulation, the employment of that person shall be deemed to have been terminated upon the first day of the lay-off and the employer shall pay to that person an amount calculated in accordance with subsection 57 (14) of the Act, as though the employment of the person had been terminated forthwith without notice. R.R.O. 1980, Reg. 286, s. 9.

9.—(1) Without affecting the date of termination of employment or period of employment, an employee who has been given notice of termination or whose employment has been terminated in accordance with the Act or this Regulation may be given temporary work,

- (a) during the thirteen week period following the date of termination; and
- (b) if the Director's approval is obtained, for a fixed period or periods after the thirteen week period following the date of termination,

and section 57 of the Act does not apply so as to require a further notice of termination in relation to the temporary work.

(2) The Director may approve temporary work under clause 10 (1) (b) where he or she is satisfied that,

- (a) the request for approval is made in good faith and is reasonable having regard to the nature of the work requirements;
- (b) the request is not intended to have and will not have the effect of defeating the intent and purpose of the Act and this Regulation; and
- (c) failure to approve the temporary work will result in a loss of employment opportunities,

and may impose such terms and conditions on the approval as he or she considers appropriate.

(3) For the purposes of subsection 14 (2) a period of employment includes a period of temporary work mentioned in subsection (1). O. Reg. 531/83, s. 1.

10. The length of notice of termination of employment shall not include any week of vacation unless the person after receiving the notice agrees to take vacation during the period of the notice. R.R.O. 1980, Reg. 286, s. 11.

11.—(1) Subject to subsection (2), the employer shall pay to the person given notice of termination of employment the wages to which the person is entitled for work performed during the period of notice, but in no case shall the employer pay to the person for each week during the period of notice an amount less than the amount the person would have received for a normal non-overtime work week at his or her regular rate, whether the person performed work or not. R.R.O. 1980, Reg. 286, s. 12 (1).

(2) Where during the period of notice of termination the person who has been given that notice is guilty of wilful misconduct or disobedience or wilful neglect of duty that has not been condoned by the employer, section 57 of the Act and this Regulation does not apply. R.R.O. 1980, Reg. 286, s. 12 (2); O. Reg. 120/85, s. 4.

12.—(1) For the purposes of subsections 57 (13) and (14) of the Act and of section 11 of this Regulation, the employer shall not make any deduction from the amounts to be paid thereunder except a deduction,

- (a) required to be made pursuant to a statute;
- (b) subject to subsection (2), expressly authorized in writing by the person or his or her agent; or
- (c) pursuant to an order or judgment of a court.

(2) An authorization in writing which permits a deduction for,

- (a) cash shortages where two or more persons have access to the cash;
- (b) losses due to faulty work; or
- (c) the value of property stolen from the person,

is void. R.R.O. 1980, Reg. 286, s. 13.

13. Where the employment of a person is terminated by notice of termination or otherwise under the provisions of this Regulation, any payments to which the person is entitled under,

- (a) retirement pension;
- (b) sickness or disability insurance; or
- (c) workmen's compensation,

shall not be payments for the purposes of subsections 57 (13) and (14) of the Act and section 11 of this Regulation. R.R.O. 1980, Reg. 286, s. 14.

14.—(1) Subject to subsection (2), period of employment constitutes the period between the time that the employment first began and the time that notice of termination is or should have been given and shall include employment before the coming into force of section 57 of the Act. R.R.O. 1980, Reg. 286, s. 15 (1); O. Reg. 120/85, s. 5 (1).

(2) Successive periods of employment of a person by an employer shall constitute one period of employment except where the successive periods of employment are more than thirteen weeks apart, in which case the period of last employment shall constitute the period of employment for the purposes of section 57 of the Act. R.R.O. 1980, Reg. 286, s. 15 (2); O. Reg. 120/85, s. 5 (2).

15.—(1) Where a person is employed for a term or a task and the term or task exceeds a period of twelve months, the employment shall be deemed not to be employment for a definite term or task.

(2) Where a person who is employed for a definite term or task continues to be employed for a period of three months or more after completion of the term or task, the employment of that person shall be deemed not to be employment for a definite term or task and his or her employment shall be deemed to have commenced at the beginning of the term or task. R.R.O. 1980, Reg. 286, s. 16.

16. Where the employment of a person is terminated by notice of termination under section 57 of the Act, any payments that the person receives during the period of notice under the *Unemployment Insurance Act* (Canada) pursuant to a worksharing program instituted by the employer and employees or their agent shall be taken into account and deducted from the wages the person is entitled to receive under subclause 57 (13) (b) (i) of the Act. O. Reg. 301/84, s. 1.

Endangered Species Act
Loi sur les espèces en voie de disparition

REGULATION 328

ENDANGERED SPECIES

1. The species of fauna listed in Schedule 1 are declared to be threatened with extinction. R.R.O. 1980, Reg. 287, s. 1.

2. The species of flora listed in Schedule 2 are declared to be threatened with extinction. R.R.O. 1980, Reg. 287, s. 2.

Schedule 1

1. *Coluber constrictor foxi* Baird and Girard commonly known as Blue Racer.
2. *Crotalus horridus horridus* Linnaeus commonly known as Timber Rattlesnake.
3. *Falco peregrinis* Tunstall commonly known as Peregrine Falcon.
4. *Haliaeetus leucocephalus alascanus* Townsend commonly known as Bald Eagle.
5. *Nerodia sipedon insularum* Conant and Clay commonly known as Lake Erie Water Snake.
6. *Charadrius melodus* Ord commonly known as Piping Plover.
7. *Numenius borealis* Forster commonly known as Eskimo Curlew.
8. *Aquila chrysaetos* Linnaeus commonly known as Golden Eagle.
9. *Pelecanus erythrorhynchos* Gmelin commonly known as White Pelican.
10. *Felis concolor cougar* Kerr commonly known as Mountain Lion or Eastern Cougar.
11. *Dendroica kirtlandii* Baird commonly known as Kirtland's Warbler.

12. *Lycaeides melissa samuelis* Nabokov, commonly known as Karner Blue Butterfly.
13. *Callophrys (I.) irus* (Godart) commonly known as Frosted Elfin. R.R.O. 1980, Reg. 287, Sched. 1; O. Reg. 322/84, s. 1; O. Reg. 195/88, s. 1; O. Reg. 299/90, s. 1.

Schedule 2

1. *Cypripedium candidum* Muhl commonly known as Small White Lady's-slipper orchid.
2. *Isotria medeoloides* (Pursh) Raf. commonly known as Small Whorled Pogonia.
3. *Isotria verticillata* (Muhl. ex Willd.) Raf. commonly known as Large Whorled Pogonia.
4. *Magnolia acuminata* Linnaeus commonly known as Cucumber Tree in the following locations:
 - i. Township of Pelham: Lot 9, Concession V, Lot 12, Concession VII, lots 14, 15 and 18, Concession VIII, Lot 18, Concession IX,
 - ii. Township of Delhi (formerly geographic Township of Charlotteville): lots 5 and 6, Concession V,
 - iii. Township of Norfolk (formerly geographic Township of North Walsingham): Lot 23, Concession XIV.
5. *Opuntia humifusa* (Rafinesque) Rafinesque commonly known as Prickly Pear Cactus in the following locations:
 - i. Fish Point Provincial Nature Reserve on Pelee Island in the Township of Pelee,
 - ii. Point Pelee National Park in the Township of Mersea.
6. *Plantago cordata* Lamarck commonly known as Heart-leaved Plantain. R.R.O. 1980, Reg. 287, Sched. 2; O. Reg. 153/81, s. 1; O. Reg. 252/87, s. 1; O. Reg. 195/88, s. 2.

Energy Act *Loi sur les hydrocarbures*

REGULATION 329

FUEL OIL CODE

1. In this Regulation,

“approved” means,

- (a) where applied to a standard, that the standard is listed in “Titles of Appliances, Equipment and Accessory Standards Authorized for Use in the Province of Ontario under the *Energy Act*”,
- (b) where applied to an appliance, that the appliance bears a label issued by the Director, or bears a label of a designated testing organization, certifying conformance with a standard acceptable to the Director or conforming with a Laboratory test report accepted by the Director, or
- (c) where applied to an installation, that it conforms with this Regulation;

“professional engineer” means a person who is a member or licensee of the Association of Professional Engineers of the Province of Ontario. R.R.O. 1980, Reg. 288, s. 1.

2.—(1) The Code issued by the Canadian Standards Association entitled “Installation Code for Oil Burning Equipment, CSA B139 - 1976” as it existed on the 1st day of September, 1977 and the Standards, Specifications and Codes set out therein as reference publications insofar as they apply to the said Code are adopted as part of this Regulation with the following change:

1. Part 3 is amended by adding the following clause:

3.13.4 This code also encompasses appliances utilizing catalytic fuels including CGSB 3-GP-27c Naphtha.

(2) Where there is a conflict between a standard, specification, code or publication adopted in subsection (1) and this Regulation, this Regulation prevails.

(3) A reference in the Code adopted in subsection (1) to the National Building Code shall be deemed to be a reference to the Ontario Building Code. R.R.O. 1980, Reg. 288, s. 2.

3.—(1) Where a leak is suspected in any tank or piping or where the Director so requests, the owner of the tank or piping shall,

- (a) arrange for a recorded pressure test with readings four hours and twelve hours from commencement of the test on tanks and piping at pressures of,
 - (i) not more than 5 psig for uncovered tanks,
 - (ii) not less than 5 psig or more than 15 psig for covered tanks, and
 - (iii) at least 50 psig or one and one-half times the operating pressure, whichever is the greater, but not more than 100 psig for piping;
- (b) prior to a pressure test being applied to any piping, ensure that the piping is disconnected from the tank, pump or other equipment that may be damaged by the applied pressure;

(c) ensure that no pressure test is performed with any product in the tank unless prior authorization has been obtained from the Director; and

(d) ensure that the pressure gauges used in the test required by this subsection are calibrated in increments not greater than,

- (i) one-tenth of one pound per square inch for the tank test, and
- (ii) one-half of one pound per square inch for the piping test.

(2) The owner or a person authorized by the owner shall certify on the record of the test that he or she has witnessed all tests and repairs required by subsection (1) and the records shall be retained by the owner for a period of two years from the date of the test. R.R.O. 1980, Reg. 288, s. 3.

4. The owner of a supply tank or its piping shall,

- (a) ensure that any leaks are repaired;
- (b) ensure that any defective equipment or component is repaired or replaced forthwith;
- (c) take all reasonable precautions to prevent the escape or spillage of fuel oil during all operations including testing and repairing; and
- (d) ensure that escaped fuel oil is recovered and contaminated soil is removed forthwith. R.R.O. 1980, Reg. 288, s. 4.

5. Where an underground tank will not be used, or where it has not been used for two years, whichever comes first, the owner of the tank shall,

- (a) remove any product from the tank and connected piping;
- (b) remove the tank from the ground, and
 - (i) remove the piping from the ground, or
 - (ii) purge the piping of combustible vapours and permanently seal the ends of the piping by capping or plugging;

(c) where the soil around the tank is contaminated with oil from the tank, remove such contaminated soil; and

(d) fill any cavities caused by removal of the tank to grade level with clean land fill. R.R.O. 1980, Reg. 288, s. 5.

6. No person shall make a weld in any steel pipe that forms or is intended to form a part of a steel pipeline or a component of a steel pipeline unless he or she is qualified to make the weld in accordance with the requirements of CSA Standard Z184-1975 Gas Pipeline Systems and is the holder of a subsisting identification card issued under the *Boilers and Pressure Vessels Act*. R.R.O. 1980, Reg. 288, s. 6.

7. Where piping from a supply tank for the supply of fuel oil to or from fuel oil burner equipment is heated by electrical heating cables or the piping is used as an electrical resistance heating element, the owner shall provide and maintain temperature limit controls to

ensure the temperature of the fuel oil is not raised above its flash point. R.R.O. 1980, Reg. 288, s. 7.

8.—(1) The lessor of a construction heater shall, at the time of delivery to the lessee, ensure that,

- (a) the construction heater and its accessories are approved and are in a safe operating condition; and
- (b) the lessee is instructed in the safe installation and use of the construction heater and its accessories as set out in Part 12 of the Code adopted in section 2.

(2) The lessee of a construction heater shall ensure that,

- (a) the construction heater and its accessories are installed and used in accordance with the manufacturer's safety instructions as approved by a testing organization designated under section 15, and Part 12 of the Code adopted in section 2;
- (b) the installation of a construction heater and any associated piping and the repair, servicing, or removal of the heater is performed only by a person holding a certificate as a category II oil burner mechanic;
- (c) the handling and operation of a construction heater and its accessories are performed by a person who has been instructed in the proper performance of such handling and operation;
- (d) a malfunctioning or damaged construction heater or its accessories is removed from service and such malfunction or damage is reported to the lessor.

(3) Where the owner of a construction heater and its accessories is also the user of the heater and accessories, he or she shall ensure that,

- (a) the construction heater and its accessories are approved and are maintained in a safe operating condition;
- (b) the construction heater and its accessories are installed and used in accordance with the manufacturer's safety instructions as approved by a testing organization designated under section 15, and Part 12 of the Code adopted in section 2;
- (c) the installation of a construction heater and any associated piping and the repair, servicing or removal of the heater is performed only by a person holding a certificate as a category II oil burner mechanic;
- (d) the handling and operation of a construction heater and its accessories is performed by a person who has been instructed in the proper performance of such handling and operation; and
- (e) a damaged or malfunctioning construction heater and its accessories are removed from service. R.R.O. 1980, Reg. 288, s. 8.

9.—(1) Subject to subsections (2) and (3), no person shall offer for sale, sell, lease, rent, buy or install an appliance for which there is an approved standard unless it is a certified package unit as defined in the Code adopted in section 2.

(2) Where a burner in an existing package unit or other oil-fired appliance is to be replaced, the replacement burner shall,

- (a) be certified for field installation and be suitable for the application for which it is intended;
- (b) be chosen and installed by a person holding a certificate as a category II oil burner mechanic; and

(c) be installed in accordance with Part 9 of the Code adopted in section 2 and the manufacturer's instructions as approved by a testing organization designated under section 15.

(3) An appliance and its equipment that conforms with the applicable requirements of the Code adopted in section 2 is exempt from section 10 of the Act where,

- (a) the input to the appliance and its equipment is greater than 70 U.S. gallons per hour; or
- (b) the appliance and its equipment is being used for the function for which it was designed and has previously been used in another location. R.R.O. 1980, Reg. 288, s. 9.

10. Every contractor who installs an appliance shall record his or her name, address and registration number on the appliance in a readily visible location. R.R.O. 1980, Reg. 288, s. 10.

11.—(1) The owner of an appliance shall ensure that the appliance and its accessories are maintained in a safe operating condition and that damaged or defective appliances or accessories are repaired or replaced forthwith.

(2) Where a distributor, contractor or oil burner mechanic finds that,

- (a) an appliance or its installation does not comply with this Regulation;
- (b) the combustion products of an appliance are not safely vented;
- (c) an appliance has been tagged as unsafe;
- (d) an appliance is used for a purpose other than that for which it is designed;
- (e) any device, attachment, alteration or deterioration might in any way,
 - (i) impair the combustion within an appliance, or
 - (ii) impair the safe venting of an appliance; or
- (f) there is non-compliance with this Regulation with respect to the supply of air for combustion,

the distributor, contractor or oil burner mechanic, as the case may be, shall forthwith notify in writing the owner, or where the owner is not known or is unable to be located, the operator of the appliance and the Director of the condition. R.R.O. 1980, Reg. 288, s. 11.

12.—(1) No person shall deliver fuel oil to an appliance where the fill and vent pipes connected to the supply tank feeding the appliance do not terminate outside the building.

(2) Where a distributor finds that the fill or vent pipes connected to the supply tank feeding an appliance do not terminate outside the building and refuses to deliver fuel oil to the appliance in accordance with subsection (1), he or she shall notify the owner or where the owner is not known or is unable to be located, the operator of the appliance and the Director of the reason for non-delivery. R.R.O. 1980, Reg. 288, s. 12.

13. Where a distributor supplies fuel oil through underground piping from a central supply tank or tanks, the distributor shall ensure that,

- (a) accurate inventory records are maintained and reconciled against daily degree day accumulations of the system for indication of possible leakage from tanks or piping;
- (b) any defective equipment or component is repaired or replaced forthwith;

- (c) any leak is reported to an inspector within twelve hours of its discovery;
- (d) the underground part of a repaired or replaced piping is not backfilled until it has been inspected by a person who holds a certificate as a fuel oil pipeline inspector; and
- (e) any escaped fuel oil is recovered and contaminated soil is removed forthwith. R.R.O. 1980, Reg. 288, s. 13.

14. Where a fuel oil appliance is served by a pipeline, the distributor shall arrange for inspection of the appliance at intervals approved by the Director. R.R.O. 1980, Reg. 288, s. 14.

15.—(1) The Canadian Standards Association, the Underwriters' Laboratories of Canada and the Canadian Gas Association are designated as organizations to test fuel oil appliances, including those designed to burn both gas and fuel oil, together or separately, and catalytic heaters to approved standards and, where the appliances conform to the standards, to place their label thereon.

(2) The Canadian Gas Association, the Canadian Standards Association and the Underwriters' Laboratories of Canada are designated as organizations to test equipment, components or accessories to approved standards and, where the equipment, components or accessories conform to the standards, to place their label thereon.

(3) Where an organization designated in subsection (1) is testing an appliance having components or accessories previously certified by an organization not designated in subsection (1), such components or accessories shall be investigated to confirm whether they comply with the applicable approved standards. R.R.O. 1980, Reg. 288, s. 15.

16. An appliance, component, accessory or equipment for which there is no approved standard may be tested by a testing organization designated by section 15 and the organization shall report its findings to the Director, and where the report is accepted by the Director, the label of the designated testing organization may be placed on the appliance, component, accessory or equipment certifying conformance with the report and the label shall constitute approval. R.R.O. 1980, Reg. 288, s. 16.

17.—(1) Any person may apply to the Director for a label in respect of the fuel features of an appliance that does not bear the label of the Canadian Gas Association, the Canadian Standards Association or the Underwriters' Laboratories of Canada.

- (2) Where an application is made under subsection (1), and,
 - (a) the Director is of the opinion that it is not feasible for an organization designated under section 15 to test and label the appliance; and
 - (b) an inspector inspects the appliance and finds that the fuel features conform to approved standards,

the Director shall, subject to subsection (4), issue a label for the fuel features of the appliance that the inspector shall affix to the appliance.

(3) Where the inspector so requires, an applicant for a label shall conduct, in the presence of the inspector, such tests as are considered necessary by the inspector to determine that the fuel features of the appliance conform to approved standards.

(4) The Director may refuse to issue a label to an applicant under subsection (1), where two or more appliances of substantially the same design manufactured by two or more persons have been tested and labelled by an organization designated under section 15. R.R.O. 1980, Reg. 288, s. 17 (1-4).

(5) The fee payable for an inspection of the fuel features of an appliance, for reviewing drawings or for observing a test to determine that the fuel features of the appliance conform to approved

standards is \$100 for every hour or fraction thereof of the time spent by an inspector and may include travel time and the reasonable travel and living expenses of the inspector. O. Reg. 453/89, s. 1.

(6) The Director may authorize an organization designated under section 15,

- (a) to perform the inspection described in clause (2) (b); and
- (b) to require the applicant for a label under subsection (1) to conduct such tests as are considered necessary by the testing organization to determine that the appliance conforms to approved standards.

(7) The organization authorized under subsection (6) shall, where the inspection or testing of the appliances under subsection (6) indicates that the fuel features conform to approved standards, place its label thereon. R.R.O. 1980, Reg. 288, s. 17 (6, 7).

18.—(1) An application for a licence to distribute fuel oil by pipeline or a renewal thereof under section 12 of the Act shall be made to the Director.

(2) A licence to distribute fuel oil by pipeline or a renewal thereof shall be issued to the applicant where the distribution system complies with this Regulation. R.R.O. 1980, Reg. 288, s. 18 (1, 2).

(3) The fee payable on an application for a licence to distribute fuel oil by pipeline or a renewal thereof for one year is \$75 for each distribution system.

(4) The fee payable for an inspection by an inspector upon an application for a licence is \$100 per hour or part thereof. O. Reg. 453/89, s. 2.

19.—(1) An application for a registration as a contractor under section 13 of the Act or a renewal thereof shall be made to the Director. R.R.O. 1980, Reg. 288, s. 19 (1).

(2) The fee payable on an application for a registration as a contractor or a renewal thereof is \$100 for one year. O. Reg. 453/89, s. 3, *part*.

(3) Evidence of registration as a contractor, or a renewal thereof, shall be issued to an applicant by the Director when the applicant is registered as a contractor or the registration is renewed.

(4) A contractor shall display evidence of registration in a conspicuous place in the contractor's business premises and shall notify the Director forthwith of any change of business address.

(5) Every registration or renewal thereof, expires on the date indicated thereon.

(6) Registrations and renewals thereof are not transferable. R.R.O. 1980, Reg. 288, s. 19 (3-6).

(7) If a person's evidence of registration is lost or destroyed, the Director shall, upon request and payment of a \$10 fee, issue a duplicate registration.

(8) If the name of a registered contractor is changed, the Director shall, upon receipt of evidence of the name change and payment of a \$10 fee, issue a registration in the new name. O. Reg. 453/89, s. 3, *part*.

20.—(1) A certificate as required by subsection 14 (1) or subsection 17 (2) of the Act or a renewal thereof when issued to an applicant shall be designated as a category II oil burner mechanic, category III oil burner mechanic, or a pipeline inspector certificate, as the case may be.

(2) An application for a certificate as a category II oil burner mechanic or category III oil burner mechanic under subsection 14 (1) of the Act or a renewal thereof shall be made to the Director.

(3) An application for a certificate as a fuel oil pipeline inspector as required by subsection 17 (2) of the Act or renewal thereof shall be made to the Director. R.R.O. 1980, Reg. 288, s. 20 (1-3).

(4) The fee payable on an initial application for a certificate as a category II oil burner mechanic, category III oil burner mechanic or as a pipeline inspector, or a renewal thereof, is \$40 and if a certificate is issued, the application fee shall be applied to the issue of the initial certificate. O. Reg. 453/89, s. 4, *part*.

(5) An applicant for a certificate as a category II oil burner mechanic, category III oil burner mechanic or as a pipeline inspector, or a renewal thereof, shall satisfy the Director as to his or her knowledge and competence with respect to the subject-matter of the type of certificate applied for. R.R.O. 1980, Reg. 288, s. 20 (5).

(6) If an applicant for a certificate is not successful in satisfying the Director as to his or her knowledge and competence with respect to the subject-matter of the type of certificate applied for, the applicant may not make another application for a certificate until a period of at least thirty days has elapsed after the date of examination.

(7) The fee payable on a subsequent application is \$40. O. Reg. 453/89, s. 4, *part*.

(8) A certificate issued under this section expires on the second birthday of the holder next following the issuance of the certificate and any subsequent renewal shall be for a period of two years expiring on the birthday of the holder.

(9) The holder of a certificate shall notify the Director forthwith of any change of his or her address. R.R.O. 1980, Reg. 288, s. 20 (7, 8).

(10) If a person's certificate is lost or destroyed, the Director shall, upon request and payment of a \$10 fee, issue a duplicate certificate.

(11) If the name of the holder of a certificate is changed, the Director shall, upon receipt of evidence of the name change and payment of a \$10 fee, issue a certificate in the new name. O. Reg. 453/89, s. 4, *part*.

21.—(1) Where a person holds more than one valid certificate under section 14 of the Act, he or she shall make one application for renewal of all such certificates. R.R.O. 1980, Reg. 288, s. 21 (1).

(2) The fee for the renewal of a certificate issued under subsection 14 (1) of the Act is \$40. O. Reg. 453/89, s. 5.

22. Section 14 of the Act does not apply to,

- (a) a person who installs an appliance or works on an installed appliance in his or her own single-family detached dwelling; or
- (b) a person who works on any appliance having an input of more than 25 U.S. gallons per hour or using fuel oil heavier than type 2. R.R.O. 1980, Reg. 288, s. 22.

23.—(1) The holder of a certificate as a category II oil burner mechanic may install, alter, purge, activate, repair, service or remove any appliance having an input of 25 U.S. gallons per hour or less and using fuel oil not heavier than type 2, and in connection therewith may perform the following procedures,

- (a) clean, oil or replace any electrical component or accessory forming part of such appliance;
- (b) perform such tasks as are necessary to replace controls and components forming part of such appliance other than the replacement of a low water cut-off;

- (c) install, service, remove or replace any flue pipe for such appliance, together with the associated draft control devices including any electrical wiring within three feet of the device;

- (d) install, service, remove or replace any piping or tankage for such appliance including piping, components, valves and heating equipment;

- (e) disconnect and reconnect not more than five feet in horizontal measurement of water piping in order to replace water heaters with approved water heaters and carry out the replacement necessary to complete the reconnection of controls and components that form part of an approved water heater; and

- (f) the procedures permitted of the holder of a certificate as a category III oil burner mechanic.

(2) The holder of a certificate as a category III oil burner mechanic may perform the following procedures,

- (a) clean, lubricate or reactivate an appliance; and

- (b) clean, remove and replace any flue pipe or the barometric damper. R.R.O. 1980, Reg. 288, s. 23.

24. Where an appliance is to be installed in a building, the Director may require,

- (a) that installation drawings be submitted to him or her prior to the commencement of the installation; and

- (b) that such drawings be certified by a professional engineer as complying with this Regulation. R.R.O. 1980, Reg. 288, s. 24.

REGULATION 330

GAS PIPELINE SYSTEMS

1. In this Regulation,

“operating company” means an individual, partnership, corporation, public agency or other entity operating a gas pipeline system;

“professional engineer” means a person who is a member or licensee of the Association of Professional Engineers of the Province of Ontario. O. Reg. 450/84, s. 1.

2.—(1) The Standard issued by the Canadian Standards Association entitled Gas Pipeline Systems CAN/CSA Z184-M86 and the standards, specifications, codes and publications set out therein as reference publications in so far as they apply to the said Standard are, except as provided in subsection (3), adopted as part of this Regulation with the following changes:

1. Clause 1.3 is amended by adding the following clause:

(M) Digester gas or gas from landfill sites.

2. The definition of “gas” in Clause 3 is revoked and the following substituted:

“gas” means any gas or mixture of gases suitable for domestic or industrial fuel that is conveyed to the user through a pipeline.

3. Table 8.1 is revoked and the following substituted:

TABLE 8.1

Pressure Test Requirements for Steel Pipelines Systems Intended to Operate at Hoop Stresses of 30 Per Cent or More of the Specified Minimum Yield Strength*				
1	2	3		5
Class Location	Permissible Test Medium	Prescribed Test Pressure		Maximum Allowable Operating Pressure (Lesser of)
		Minimum	Maximum	
1	(a) Approved Liquid	1.25 × m.o.p.	Clause 8.8.3	t.p./1.25 or d.p.
	(b) Air or Gas	1.25 × m.o.p.	1.25 × d.p.	t.p./1.25 or d.p.
2	(a) Approved Liquid	1.25 × m.o.p.	Clause 8.8.3	t.p./1.25 or d.p.
	(b) Air or Gas	1.25 × m.o.p.	1.25 × d.p.	t.p./1.25 or d.p.
3	(a) Approved Liquid	1.40 × m.o.p.	Clause 8.8.3	t.p./1.40 or d.p.
	(b) Air or Gas**			
4	(a) Approved Liquid	1.40 × m.o.p.	Clause 8.8.3	t.p./1.40 or d.p.
	(b) Air or Gas**			

*This Table brings out the relationship between test pressures and maximum allowable operating pressure subsequent to the test. If an operating Company decides that the maximum operating pressure will be less than the design pressure, a corresponding reduction in prescribed test pressure may be made as indicated in Column 3. However, if the reduced test pressure is used, the maximum operating pressure cannot later be raised to the design pressure without retesting the pipeline to the test pressure prescribed in Column 4. (See Clauses 3.1 and 5.9.1.)

**See Clause 8.7.1.5.

NOTES:

- (1) m.o.p. = maximum operating pressure (not necessarily the maximum allowable operating pressure).
- (2) d.p. = design pressure.
- (3) t.p. = test pressure.

O. Reg. 627/87, s. 1.

(2) Where there is a conflict between a standard, specification, code or publication adopted in subsection (1) and this Regulation, this Regulation prevails.

(3) The requirements of the Standard adopted in subsection (1) respecting gathering lines and offshore pipelines are not adopted as part of this Regulation. O. Reg. 450/84, s. 2 (2, 3).

3. No person shall design, construct, erect, alter, install, test or remove a pipeline, plant, machinery or equipment for the transmission or distribution of gas except in accordance with the Standard adopted under section 2 and this Regulation. O. Reg. 450/84, s. 3.

4.—(1) Before commencing an installation, extension, replacement or reclassification of a gas pipeline with a diameter in excess of 219.1 millimetres or intended for an operating pressure in excess of 860 kPa, every operating company shall obtain certification by a professional engineer that the installation, extension, replacement or reclassification, as the case may be, conforms to the requirements of the Act and this Regulation.

(2) Subsection (1) does not apply to a service line with a diameter of less than 88.9 millimetres.

(3) Before upgrading a pipeline, every operating company shall obtain certification by a professional engineer that the upgrading of the pipeline conforms to the requirements of the Act and this Regulation. O. Reg. 450/84, s. 4.

(4) Where the upgrading results in an operating stress level in the pipeline that is greater than 30 per cent of the specified minimum yield strength, the certification by a professional engineer referred to in subsection (3) shall be filed with the Director. O. Reg. 627/87, s. 2.

5. Every operating company shall, where the Director has reason to believe an unsafe condition exists in a pipeline, uncover any part of the pipeline at the written request of the Director. O. Reg. 450/84, s. 5.

6.—(1) Every operating company shall formulate in writing and

file with the Director a manual setting out its standard practices that shall comply with this Regulation.

(2) Every operating company shall review the manual referred to in subsection (1) at least once annually, make the revisions necessary to reflect new technology and changes in the company's standard practices and inform the Director in writing of any revision.

(3) The standard practices required under subsection (1) and the revisions required under subsection (2) shall be certified by a professional engineer as conforming to this Regulation. O. Reg. 450/84, s. 6.

(4) Every operating company shall operate in accordance with its manual of standard practices. O. Reg. 627/87, s. 3.

7.—(1) Every operating company shall, on or before the sixtieth day of its fiscal year, file with the Director in writing a general description of the pipelines it proposes to install during the fiscal year, including, where known, the diameter, length, operating pressure and location of each pipeline.

(2) The general description required under subsection (1), and any major upgrading of pipelines shall be updated quarterly and filed with the Director.

(3) The information required in subsections (1) and (2) shall be in a form acceptable to the Director. O. Reg. 450/84, s. 7.

8. When a radiographic examination is required by the Standard adopted under section 2, a summary of the results of the examination shall be kept for the life of the pipeline. O. Reg. 450/84, s. 8.

9. Plastic pipe and plastic fittings that are used in a pipeline shall be certified by the Canadian Gas Association, the Canadian Standards Association or the Underwriters' Laboratories of Canada as conforming to the Can 3-B137.4-M86 Polyethylene Piping Systems for Gas Services. O. Reg. 627/87, s. 4.

10. No person shall make a weld in any steel pipe that forms or is intended to form a part of a steel pipeline or a component of a steel

pipeline unless he or she is qualified to make the weld in accordance with the requirements of the Standard adopted under section 2 and is the holder of a subsisting identification card issued under the *Boilers and Pressure Vessels Act*. O. Reg. 450/84, s. 10.

11. Where a pipeline to be used by an operating company is installed, tested or replaced, the operating company shall ensure that a person who holds a certificate as a gas pipeline inspector certifies that the installation, testing or replacement of the pipeline has been made in accordance with this Regulation. O. Reg. 450/84, s. 11.

12.—(1) An application for a licence to transmit gas or a renewal thereof pursuant to section 12 of the Act shall be made to the Director. O. Reg. 450/84, s. 12 (1).

(2) The fee payable on an application for a licence to transmit gas or a renewal thereof is, where the amount of gas transmitted in the twelve-month period preceding the year for which application is made,

- (a) does not exceed 14,000,000 cubic metres, \$200; or
- (b) exceeds 14,000,000 cubic metres, \$500. O. Reg. 450/84, s. 12 (2); O. Reg. 627/87, s. 5.

13.—(1) An application for a licence to distribute gas or a renewal thereof pursuant to section 12 of the Act shall be made to the Director. O. Reg. 450/84, s. 13 (1).

(2) The fee payable for a licence to distribute gas, or a renewal thereof, is, where the amount of gas distributed in the twelve-month period preceding the year for which application is made,

- (a) does not exceed 14,000 cubic metres, nil;
- (b) exceeds 14,000 cubic metres but does not exceed 280,000 cubic metres, \$30;
- (c) exceeds 280,000 cubic metres but does not exceed 2,800,000 cubic metres, \$75;
- (d) exceeds 2,800,000 cubic metres but does not exceed 14,000,000 cubic metres, \$250; or
- (e) exceeds 14,000,000 cubic metres, \$500. O. Reg. 450/84, s. 13 (2); O. Reg. 627/87, s. 6.

14. The fee payable for an inspection by an inspector upon an application under section 12 or 13 is \$100 per hour or part thereof. O. Reg. 454/89, s. 1.

15.—(1) An application for a certificate as a gas pipeline inspector under subsection 14 (1) of the Act shall be made to the Director. O. Reg. 450/84, s. 14 (1); O. Reg. 627/87, s. 7, *part*.

(2) The fee payable on an application for an initial certificate issued under this section or for a renewal thereof is \$40 and is non-refundable. O. Reg. 454/89, s. 2, *part*.

(3) A certificate issued under this section expires on the second birthday of the holder next following issuance of the certificate and any subsequent renewal shall be for a period of two years expiring on the birthday of the holder.

(4) A person seeking renewal of his or her certificate after its expiry date may, in the Director's discretion, be required to make a new application under subsection (1).

(5) An applicant for a certificate or renewal under this section shall satisfy the Director as to the applicant's knowledge and competence as a gas pipeline inspector and the Director may, in his or her discretion, require the applicant to take an examination for the purpose. O. Reg. 450/84, s. 14 (3-5).

(6) If an applicant does not pass an examination required by the

Director under subsection (5), the applicant may not make another application until thirty days have elapsed after the date of the examination.

(7) The fee payable on a subsequent application is \$40 and is non-refundable. O. Reg. 454/89, s. 2, *part*.

(8) The holder of a certificate shall notify the Director of any change of the holder's address within six days after the change.

(9) Where a person's certificate is lost or destroyed, the Director shall, upon request and payment of a \$10 fee, issue a duplicate certificate.

(10) Where the name of the holder of a certificate is changed, the Director shall, upon receipt of proof of the name change and payment of a \$10 fee, issue a certificate in the new name. O. Reg. 627/87, s. 7, *part*.

(11) No certificate is transferable. O. Reg. 450/84, s. 14 (10).

16. Subsection 14 (1) and section 17 of the Act do not apply to a person who is a professional engineer. O. Reg. 450/84, s. 15.

17. Every licence or renewal thereof expires on the date shown thereon. O. Reg. 450/84, s. 16.

REGULATION 331

GAS UTILIZATION CODE

1. In this Regulation,

"approved" means,

- (a) acceptable to the authority having jurisdiction,
- (b) where applied to either a standard or a laboratory test report, that the standard or laboratory test report is identified in the titles adopted in section 19,
- (c) where applied to an appliance, that the appliance bears either the label or symbol of a designated testing organization certifying compliance with a standard or a laboratory test report identified in the titles adopted in section 19 or a label issued by the Director,
- (d) where applied to equipment, a component or an accessory, that the equipment, component or accessory bears either the label or symbol of a designated testing organization certifying compliance with a standard or a laboratory test report identified in the titles adopted in section 19, and
- (e) where applied to an installation, that the installation complies with this Regulation;

"fuel features" mean the piping, venting, manual valves, automatic valves or other related devices required for the safe operation of an appliance using a hydrocarbon fuel;

"professional engineer" means a person who is a member or licensee of the Association of Professional Engineers of the Province of Ontario. O. Reg. 244/89, s. 1.

USE OF APPLIANCES

2.—(1) No person shall supply gas to or use a gas appliance if,

- (a) the installation of an appliance has been inspected by the gas distributor under subsection 15 (2) of the Act and has been found not to comply with the Act and this Regulation; or

(b) the appliance has been tagged as unsafe.

(2) Despite subsection (1), a gas distributor who inspects the installation of an appliance under subsection 15 (2) of the Act and is satisfied that no immediate hazard exists may, subject to subsection 3 (2), supply gas to the appliance. O. Reg. 244/89, s. 2.

3.—(1) A distributor who finds that,

- (a) an appliance is being used for a purpose other than that for which it is approved;
- (b) any device, attachment, alteration or deterioration might impair the safe operation of an appliance; or
- (c) the condition of the piping, tubing or hose, the venting of products of combustion, the supply of air for combustion or the clearance from adjacent combustible material in respect of an appliance does not meet the requirements of this Regulation,

and who is satisfied that an immediate hazard exists, shall turn off the supply of the gas to the appliance and notify the user of the appliance in writing that the appliance is not to be used until the hazardous condition is corrected and the appliance is re-inspected by the distributor.

(2) A distributor who makes a finding under clause (1) (a), (b) or (c) and who is satisfied that no immediate hazard exists shall notify the user of the appliance in writing of the existence of the finding and shall advise the user that unless the condition is corrected within ninety days or such lesser period as is necessary to ensure the safe usage of the appliance, the supply of gas to the appliance will be turned off.

(3) Where a person who holds a valid certificate under section 13 or a contractor finds a condition described in clause (1) (a), (b) or (c) and the person or contractor is satisfied that an immediate hazard exists, the person or contractor shall,

- (a) turn off the supply of gas to the appliance;
- (b) report the findings immediately to the distributor;
- (c) notify the user of the appliance in writing that the appliance is not to be used until the hazardous condition is corrected and the appliance is inspected by the distributor; and
- (d) confirm the findings in writing to the distributor within fourteen days after making the finding.

(4) Where a person who holds a valid certificate under section 13 or a contractor finds a condition described in clause (1) (a), (b) or (c) and the person or contractor is satisfied that no immediate hazard exists, the person or contractor shall,

- (a) report the findings immediately to the distributor;
- (b) notify the user of the appliance in writing of the existence of any condition set out in subsection (1) and that the distributor has been notified; and
- (c) confirm the findings in writing to the distributor within fourteen days after making the finding.

(5) A distributor who is notified under subsection (3) or (4) shall investigate the condition reported and take the appropriate action required under subsection (1) or (2). O. Reg. 244/89, s. 3.

4. Where a condition referred to in subsection 3 (1) is not corrected within the period set out in subsection 3 (2), the distributor shall not supply gas to the appliance and no person shall use the appliance until the condition is corrected. O. Reg. 244/89, s. 4.

5. Every owner of an appliance and every person responsible for

the operation of the appliance shall ensure that the appliance and any accessories that are associated with the appliance are maintained in a safe operating condition. O. Reg. 244/89, s. 5.

INSPECTION OF APPLIANCES

6.—(1) Every distributor shall file with the Director a written manual that sets out the standard practices of the distributor.

(2) The manual of each distributor shall include the required frequency of inspections for appliances and their installations in residential and commercial buildings.

(3) Each distributor shall operate in conformity with the distributor's manual.

(4) Every owner of,

- (a) an industrial or institutional building where a natural gas appliance is installed; or
- (b) a building other than an industrial, institutional, residential or commercial building where a natural gas appliance is installed for which there is a maintenance and inspection program that is acceptable to the gas distributor and that is approved,

shall ensure that,

- (c) the appliance and its fuel features are maintained in accordance with the manufacturer's recommended maintenance procedures;
- (d) an evaluation of the maintenance procedures referred to in clause (b) is carried out at least once every ten years and where necessary new or upgraded procedures are established; and
- (e) an inspection of the appliance and its fuel features is carried out at least once every ten years to ensure that the appliance and its fuel features are in a safe operating condition and that the installation is in compliance with the Act and this Regulation.

(5) An inspection under clause (4) (e) shall be carried out by a person who is the holder of a valid certificate as a gas fitter I or a maintenance gas fitter.

(6) Every distributor shall maintain a record of each inspection made under this section until the next inspection and report is completed.

(7) Every owner referred to in clauses (4) (a) and (b) shall ensure that a record is maintained in the industrial or institutional building or other building where the appliance is located for each inspection made under this section until the next inspection and report is completed.

(8) In this section, "commercial building", "industrial building" and "institutional building" have the same meaning as in the Code adopted in section 19. O. Reg. 244/89, s. 6.

APPROVAL OF APPLIANCES, COMPONENTS, ACCESSORIES AND EQUIPMENT

7.—(1) The Canadian Gas Association and the Canadian Standards Association are designated as organizations to test the following appliances to approve standards and, if the appliances conform to the approved standards, to place their label or symbol thereon:

1. Gas appliances.
2. Appliances that use gas or electricity interchangeably to perform the same functions.

(2) The Underwriters' Laboratories of Canada is designated as an organization to test the following appliances to approved standards and, if the appliances conform to the approved standards, to place their label or symbol thereon:

1. Gas appliances that are designed primarily for residential use that have an input rating in excess of 400,000 British thermal units per hour (120 Kilowatts).
2. Gas appliances that are designed primarily for commercial or industrial use within the meaning of the Code adopted in section 19 that have any input rating, except commercial cooking appliances that have an input rating of less than 400,000 British thermal units (120 Kilowatts).
3. Gas appliances that are designed primarily for use in mobile housing within the meaning of the Code adopted in section 19.
4. Appliances that use gas or electricity interchangeably to perform the same functions. O. Reg. 92/90, s. 1.

(3) The Canadian Gas Association, the Canadian Standards Association Testing Laboratories and the Underwriters' Laboratories of Canada are designated as organizations to test,

- (a) equipment, components or accessories;
- (b) conversion burners;
- (c) appliances with a combination burner that are designed to burn both gas and fuel oil either together or separately;
- (d) combination appliances that are designed to burn both gas and solid fuel; and
- (e) appliances that are designed to burn either gas or fuel oil and that are equipped with,
 - (i) a gas burner or fuel oil burner that is designed by the manufacturer of the appliance, or
 - (ii) a gas burner or fuel oil burner that is authorized by the appliance manufacturer for use with the appliance,

to approved standards and, where the equipment, components, accessories or appliances conform to the approved standards, to place their label or symbol thereon.

(4) Where an organization that is designated in subsection (3) tests an appliance that has components or accessories previously certified by another organization that is not designated under subsection (3), the components or accessories shall be investigated by the designated organization to ascertain whether the components or accessories comply with the applicable approved standards.

(5) A component, an accessory or equipment that bears the label or symbol of, and is listed by, the Underwriters' Laboratories Incorporated or the Factory Mutual System shall be deemed to meet the requirements of this Regulation if the component, accessory or equipment,

- (a) is an integral part of an appliance that is imported into Ontario; or
- (b) is specified and required for a particular application and there is no equivalent component accessory or equipment that bears the label or symbol of an organization designated under subsection (3). O. Reg. 244/89, s. 7 (3-5).

8.—(1) Where an appliance or a component, accessory or equipment for which there is no approved standard is tested by a testing organization designated under subsection 7 (3), the organization shall report its findings to the Director.

(2) If the Director is satisfied that the appliance, component, accessory or equipment will not impair public safety, the label or symbol of the designated testing organization shall be placed on the appliance, component, accessory or equipment. O. Reg. 244/89, s. 8.

9.—(1) An application may be made to the Director for a label with respect to the fuel features of an appliance that has an input that does not exceed 50,000,000 British thermal units per hour (15,000 Kilowatts) and that does not bear the label of the Canadian Gas Association, the Canadian Standards Association or the Underwriters' Laboratories of Canada.

(2) The Director may refuse to issue a label where the design of the appliance is substantially the same as another appliance that has been tested and labelled by an organization designated under subsection 7 (3).

(3) An application under subsection (1) shall be accompanied by,

- (a) three copies of a schematic valve train drawing;
- (b) three copies of a bill of material for valves, components and controls;
- (c) three copies of a sequence of operation for the safety interlock system;
- (d) three copies of a ladder type schematic wiring diagram; and
- (e) any other documentation that is necessary to process the application. O. Reg. 244/89, s. 9 (1-3).

(4) The fee payable for an inspection of the fuel features of an appliance, for reviewing drawings or for observing a test to determine that the fuel features of the appliance conform to approved standards is \$100 for every hour or fraction thereof of the time spent by an inspector and may include travel time and the reasonable travel and living expenses of the inspector. O. Reg. 452/89, s. 1.

(5) If an application is made under subsection (1) and it is not feasible for an organization designated under subsection 7 (3) to test and label the appliance, the Director shall direct an inspector to inspect the appliance to determine whether the appliance complies with the approved standards and this Regulation.

(6) If the inspector finds that the fuel features of the appliance comply with approved standards and with this Regulation, the inspector shall affix a label issued by the Director to the appliance. O. Reg. 244/89, s. 9 (5, 6).

10.—(1) If an application is made under subsection 9 (1) in respect of the fuel features of an appliance for which there is no approved standard or to which an approved standard is only partially applicable, an inspector may test the appliance for the purpose of approving the appliance and to ensure that,

- (a) where an approved standard is only partially applicable, the fuel features of the appliance comply with the applicable parts of the approved standard and this Regulation; or
- (b) where there is no approved standard, the fuel features of the appliance are such to ensure the safe operation of the appliance.

(2) An inspector may affix a label issued by the Director to an appliance referred to in subsection (1) that is approved. O. Reg. 244/89, s. 10.

EXEMPTIONS

11.—(1) The following appliances are exempt from section 10 of the Act:

1. Appliances that have an input in excess of 50,000,000 Brit-

ish thermal units per hour (15,000 Kilowatts) and that are certified by a professional engineer to be in compliance with the fuel feature requirements of Part 6 of the Code referred to in section 19 and "Technical Data Bulletin No. 4" referred to in the titles adopted in section 19.

2. Manually operated industrial appliances that have an input that do not exceed 20,000 British thermal units per hour (6 Kilowatts).
3. Bunsen burners.
4. Stationary or portable gas engines.
5. Portable asphalt melting pots.
6. Portable equipment used for highway construction and repair.

(2) Every owner of an appliance referred to in paragraph 1 of subsection (1) shall submit to the gas distributor before the appliance is activated,

- (a) evidence that a professional engineer is satisfied that the appliance and its installation comply with the requirements of Part 6 of the Code referred to in section 19 and "Technical Data Bulletin No. 4" referred to in the titles adopted in section 19 and with this Regulation; and
- (b) the name, address and telephone number of the person who will activate the appliance. O. Reg. 244/89, s. 11.

12.—(1) An application for registration as a contractor under section 13 of the Act shall be made to the Director.

(2) The term of an initial registration as a contractor under section 13 of the Act or a renewal thereof is one year. O. Reg. 244/89, s. 12 (1, 2).

(3) The non-refundable fee, payable on application for a registration as a contractor or a renewal thereof, is \$100. O. Reg. 452/89, s. 2, *part*.

(4) The Director shall issue evidence of the registration or renewal to an applicant who is registered as a contractor or renews a registration as a contractor.

(5) The evidence of the registration or renewal issued by the Director shall set out the expiry date thereof.

(6) An application to renew a registration after the expiry date of the registration shall be treated as a new application for registration.

(7) Every contractor shall display the contractor's evidence of registration in a conspicuous place at the business premises of the contractor and shall notify the Director forthwith of any change in the business address. O. Reg. 244/89, s. 12 (4-7).

(8) The Director shall, upon request and payment of a \$10 fee, issue a duplicate evidence of a valid registration where the original is lost or destroyed. O. Reg. 452/89, s. 2, *part*.

(9) A registration is not transferable. O. Reg. 244/89, s. 12 (9).

CERTIFICATION

13.—(1) An application for a certificate under subsection 14 (1) of the Act or a renewal thereof shall be made to the Director. O. Reg. 244/89, s. 13 (1).

(2) The non-refundable fee payable on application for a certificate issued under subsection 14 (1) of the Act or for a renewal thereof is, subject to section 14, \$40. O. Reg. 452/89, s. 3.

(3) An applicant for a certificate under subsection 14 (1) of the

Act shall take an examination conducted or approved by the Director with respect to the subject-matter of the type of certificate applied for.

(4) Despite subsection (3), an applicant for a certificate under subsection 14 (1) of the Act is not required to take an examination where the applicant can satisfy the Director as to the applicant's knowledge and competence with respect to the subject-matter of the type of certificate applied for.

(5) The Director shall issue a certificate or a renewal thereof, as the case requires, to an applicant who becomes certified or renews a certification under subsection 14 (1) of the Act.

(6) A certificate or a renewal thereof issued by the Director under subsection 14 (1) of the Act shall set out the expiry date of the certificate or the renewal.

(7) A certificate or a renewal thereof issued under this section shall be designated as a,

- (a) 704A, with respect to a person who is a gas fitter 1;
- (b) 704B, with respect to a person who is a gas fitter 2;
- (c) 705A, with respect to a person who is a gas appliance installer 1;
- (d) 705B, with respect to a person who is a gas appliance installer 2;
- (e) 706A, with respect to a person who is a maintenance fitter 1;
- (f) 706B, with respect to a person who is a service gas fitter;
- (g) 704X, with respect to a person who is a gas fitter 1 temporary; or
- (h) 704T, with respect to a person who is a gas fitter 2 temporary,

as the case requires.

(8) A 704A, 704B, 705A, 705B, 706A or 706B certificate issued under this section expires on the second birthday of the holder next following the issuance of the certificate, unless it is renewed.

(9) Where a certificate referred to in subsection (8) is renewed, the renewed period shall be for two years expiring on the birthday of the holder of the certificate.

(10) A 704X certificate issued under this section expires two years after the date of issue and is not renewable.

(11) A 704T certificate issued under this section expires three years from the date of issue and is not renewable.

(12) An applicant who does not pass the examination with respect to the subject-matter of the type of certificate applied for may not try another examination until at least thirty days after the date of the taking of the examination that is failed and only after a new application is made under subsection (1).

(13) The Director may issue a new certificate of the same type to a person who applies for a renewal of a certificate that has been expired for a period of not more than twelve months after the expiry date shown on the certificate, upon payment of the fee referred to in subsection (2).

(14) An application for a renewal of a certificate that is made more than twelve months after the expiry date shown on the certificate shall be treated as an application for a certificate under subsection (1).

(15) The holder of a certificate or a renewal thereof shall notify the Director within six days of any change in the address of the holder. O. Reg. 244/89, s. 13 (3-15).

14. If a person applies for a renewal of more than one valid certificate issued under section 13, a single application shall be made for all the renewals and, upon payment of a fee of \$40, the Director shall issue to the applicant a single certificate appropriately endorsed. O. Reg. 452/89, s. 4.

15.—(1) A person who installs an appliance or works on an installed appliance in his or her own single-family detached dwelling within the meaning of the Code adopted in section 19 is exempt from section 14 of the Act.

(2) It is the responsibility of the person referred to in subsection (1) to forthwith notify the gas distributor following completion of the installation or work performed.

(3) The gas distributor shall, upon being notified under subsection (2), inspect the installation or work for compliance with the Act and regulations.

(4) A person who is not the holder of a certificate 704A or 704B and who is employed by a distributor who supplies natural gas is exempt from section 14 of the Act where the person is, after receiving a training course given by the employer for the purpose, employed only to,

- (a) shut off all types of appliances of any input;
- (b) turn off gas service;
- (c) reactivate gas service to a single-family dwelling; and
- (d) relight appliances installed in a single-family dwelling. O. Reg. 244/89, s. 15.

16.—(1) The holder of a valid 704A certificate may install, alter, purge, activate, repair, service or remove an appliance of any British thermal unit per hour input and its equipment and in connection therewith may,

- (a) install or remove any piping to an appliance downstream of the meter;
- (b) install, service, remove or replace any vent or vent connector together with its associated draft control devices;
- (c) disconnect and reconnect not more than five feet in horizontal measurement of water piping in order to replace water heaters with approved water heaters and carry out the replacement necessary to complete the reconnection of controls and components that form part of an approved water heater;
- (d) clean, oil, service or replace any electrical component or accessory forming part of an appliance;
- (e) perform such tasks as are necessary to replace controls and components forming part of an appliance other than the replacement of a low water cut-off; and
- (f) install, service, remove or replace components and accessories forming part of a refrigerating or air-conditioning unit,

and may perform the functions of the holder of a 704B, 705A, 705B, 706A or 706B certificate.

(2) The holder of a valid 704X certificate may,

- (a) under the direct supervision of the holder of a valid 704A certificate, perform the same functions as the holder of a 704A certificate including the procedures described in subsection (1);

(b) under the direct supervision of the holder of either a valid 704A or 704B certificate, perform the same functions as the holder of a 704B certificate including the procedures described in subsection (3); and

(c) without direct supervision, perform the functions of the holder of a 705A, 705B, 706A or 706B certificate.

(3) The holder of a valid 704B certificate may install, alter, purge, activate, repair, service or remove an appliance having an input of 400,000 British thermal units per hour (120 Kilowatts) or less and its equipment and in connection therewith may perform the procedures described in subsection (1) and may perform the functions of the holder of a 705B or 706B certificate.

(4) The holder of a valid 704T certificate may,

(a) under the direct supervision of the holder of either a valid 704A or 704B certificate, perform the same functions as the holder of a 704B certificate including the procedures described in subsection (3); and

(b) without direct supervision, perform the functions of the holder of a 705B certificate.

(5) The holder of a valid 705A certificate may install, purge, activate or remove an appliance of any British thermal unit per hour input and in connection therewith may,

(a) install or remove any piping to an appliance downstream of the meter;

(b) install or remove any vent or vent connector together with its associated draft control devices; and

(c) disconnect and reconnect not more than five feet in horizontal measurement of water piping in order to replace water heaters with approved water heaters and carry out the replacement necessary to complete the reconnection of controls and components that form part of an approved water heater,

and may perform the functions of the holder of a 705B certificate.

(6) The holder of a valid 705B certificate may only install, purge, activate or remove an appliance having an input of 400,000 British thermal units per hour (120 Kilowatts) or less and its equipment and in connection therewith may perform the procedures described in subsection (5).

(7) The holder of a valid 706A certificate may only install, purge, activate, repair, service or remove an appliance fuelled by gas or propane in the vapour state having any British thermal unit per hour input and its equipment that is located or is being located on the industrial premises of his or her employer.

(8) The holder of a valid 706B certificate may only purge, activate, repair, service or remove an appliance having an input of 400,000 British thermal units per hour (120 Kilowatts) or less where the appliance has been manufactured by his or her employer or is being serviced by the employer where the employer is an authorized agent of the manufacturer and in connection therewith may,

(a) service, remove or replace any vent or vent connector together with its associated draft devices;

(b) clean, oil, service or replace any electrical component or accessory forming part of such appliance; and

(c) perform such tasks as are required to replace controls and components forming part of such appliance other than the replacement of a low water cut-off. O. Reg. 244/89, s. 16.

17.—(1) If a person's evidence of a valid certificate is lost or

destroyed, the Director shall, upon request and payment of a \$10 fee, issue a duplicate certificate.

(2) If the name of the holder of a certificate is changed, the Director shall, upon receipt of evidence of the name change and payment of a \$10 fee, issue a certificate in the new name. O. Reg. 452/89, s. 5.

(3) A certificate is not transferable. O. Reg. 244/89, s. 17 (3).

18. Every distributor of gas who distributes an amount of gas in a twelve-month period that exceeds 14,000 cubic metres (500,000 cubic feet) shall pay an annual fee for inspections of the distributor's pipelines and appliances and the appliances of the distributor's consumers during the year in an amount calculated at the rate of \$100 for every hour or part thereof spent in inspections. O. Reg. 452/89, s. 6.

19. The code entitled the "Ontario Gas Utilization Code, 1989" issued by the Fuels Safety Branch of the Ministry of Consumer and Commercial Relations and the standards, specifications and codes set out therein as reference publications to the extent that they apply to the said Code and the "Titles of Standards and Laboratory Test Reports Authorized in the Province of Ontario under the *Energy Act* for use with the Ontario Gas Utilization Code, 1989" dated the 1st day of April, 1989 are adopted as part of this Regulation. O. Reg. 244/89, s. 19.

REGULATION 332

OIL PIPELINE SYSTEMS

1. In this Regulation,

"oil" means crude oil, liquid petroleum products, natural gasoline, natural gas liquids, liquefied petroleum gas and any condensate resulting from the production, processing or refining of hydrocarbons;

"pressurized wetted part" means any component of a pipeline system that is in direct contact with hydrocarbons contained by the pipeline;

"professional engineer" means a person who is a member or licensee of the Association of Professional Engineers of the Province of Ontario. O. Reg. 626/87, s. 1.

2.—(1) The Standard issued by the Canadian Standards Association entitled Oil Pipeline Systems CAN3-Z183-M86 and the standards, specifications, codes and publications set out therein as reference publications in so far as they apply to the said Standard are adopted as part of this Regulation with the following changes:

1. Clause 1.1.3 is amended by adding the following items:

- (i) Gathering lines;
- (j) Multiphase fluids; and
- (k) Oil field water injection.

2. The definitions of "High Vapour Pressure (HVP) Pipeline" and "Low Vapour Pressure (LVP) Pipeline" in clause 3.1 are revoked and the following substituted therefor:

"High Vapour Pressure (HVP) Pipeline" means a pipeline that transports hydrocarbons or hydrocarbon mixtures in the liquid or quasi-liquid state with a vapour pressure in excess of 180 KPa (abs.) at 38C;

"Low Vapour Pressure (LVP) Pipeline" means a pipeline that transports hydrocarbons or hydrocarbon mixtures in the liquid state with a vapour pressure of 180 KPa (abs.) or less at 38C.

3. Clause 5.2.2.1.2 is revoked and the following substituted:

5.2.2.1.2 The nominal wall thickness of the pipe shall be not less than that permitted by CSA Standard CAN 3-Z245.1.

5.2.2.1.3 No pipe having a D/t ratio greater than 100 shall be used in the construction of a pipeline unless the pipe is approved by the Director.

5.2.2.1.4 A design factor of 0.576 or less shall be used in the design formula in clause 5.2.2.1.1 for steel pipe that transports HVP liquids in Zone 1 that,

- (a) is supported by a vehicular, pedestrian, railway or pipeline bridge;
- (b) is used in any fabricated assembly including main line valve assemblies, cross-connections and river crossing headers or within five pipe diameters in any direction from the last fitting of a fabricated assembly, except in the case of a transition piece or an elbow used in place of a pipe bend that is not part of a fabricated assembly; or
- (c) crosses or is contained within the right of way of a hard surfaced road, a highway or a street, without protective measures as outlined in clause 5.1.2.1.

4. Part 6 is amended by adding the following clause:

6.2.8.2.4 All welds in HVP pipelines shall be radiographically inspected for 100% of the circumference of the pipeline.

5. Clauses 8.5.1.1 and 8.5.1.2 are revoked and the following substituted:

8.5.1.1 The maximum operating pressure at any point shall not exceed the lesser of design pressure and 80% of the strength test pressure.

8.5.1.2 The maximum pressure at any point shall not exceed the lesser of 110% of the design pressure and 88% of the strength test pressure.

6. Clauses 8.5.2.1 and 8.5.2.2 are revoked and the following substituted:

8.5.2.1 The maximum operating pressure at any point shall not exceed the lesser of design pressure and 64% of the strength test pressure.

8.5.2.2 The maximum pressure at any point shall not exceed the lesser of 110% of the design pressure and 70.4% of the strength test pressure.

7. Table 8.1 is revoked and the following substituted:

TABLE 8.1

TEST REQUIREMENTS FOR STEEL PIPELINES INTENDED TO BE OPERATED AT PRESSURES GREATER THAN 700 kPa

Class of Pipeline	Pressure Tests Strength Test			Leak Test			Operating Pressures (Sections 6 and 7)	
	Minimum pressure	Liquid medium	Gaseous medium	Minimum pressure	Liquid medium	Gaseous medium	Maximum Operating Pressure	Maximum Pressure
LVP and HVP Zone 1	125% of intended maximum operating pressure	Lesser of 0.2% deviation on a P-V plot and 108% of SMYS	Lesser of 90% of SMYS at high point and 95% of SMYS at low point	110% of intended maximum operating pressure	Not greater than strength test pressure	Not greater than strength test pressure	Lesser of d.p. and 80% of strength test pressure	Lesser of 110% of d.p. and 88% of strength test pressure
HVP Zone 2	156% of intended maximum operating pressure	Lesser of 0.2% deviation on a P-V plot and 108% SMYS	Lesser of 90% of SMYS at high point and 95% of SMYS at low point	110% of intended maximum operating pressure	Not greater than strength test pressure	Not greater than strength test pressure	Lesser of d.p. and 64% of strength test pressure	Lesser of 110% of d.p. and 70.4% of strength test pressure

DEFINITIONS

“Strength test” means a pressure test to confirm the pressure retaining capability of a pipeline and to establish the maximum operating pressure.

“Leak test” means a pressure test to confirm that the pipeline is free of leaks.

“Maximum operating pressure” means the maximum pressure at which a pipeline may be operated under steady state conditions.

“Maximum pressure” means the maximum operating pressure plus all transient pressure conditions.

NOTE: d.p. = design pressure.

8. Part 10 is amended by adding the following clauses:

10.12.7 An operating company shall inform the appropriate local authorities including the police and fire departments with respect to the hazards associated with the high vapour pressure pipeline.

10.12.7.1 An operating company shall jointly prepare with the appropriate local authorities contingency plans for evacuating people from the vicinity of a pipeline under emergency conditions.

10.13.5 Main line block valves that might be used under emergency conditions shall be inspected and partially operated at least once each calendar year such that the interval between inspections does not exceed fifteen months.

10.18.4 Where a zone location changes under clause 10.18, the operating company shall inform the Director in writing within thirty days of the annual inspection carried out under clause 10.18. 2.

10.18.5 When an operating company proposes to change any of its oil pipeline transportation system facilities from LVP to HVP service, it shall forthwith forward in writing to the Director details of its proposal, including the results of a

survey for population density and a list of the work necessary to upgrade the system for HVP service.

9. Clause 10.17.1 is amended by adding the following items:

- (e) maintain warning signs and markers along the pipeline right of way;
- (f) maintain fences around above ground pipeline facilities; and
- (g) empty tanks and purge them of hazardous vapours.

(2) Where there is a conflict between a standard, specification, code or publication adopted in subsection (1) and this Regulation, this Regulation prevails. O. Reg. 626/87, s. 2.

3. No person shall design, construct, erect, alter, install, test or remove a pipeline system for the transportation of oil except in accordance with the Standard adopted under section 2. O. Reg. 626/87, s. 3.

4. Every operating company shall, where the Director has reason to believe an unsafe condition exists in a pipeline, uncover any part of the pipeline at the written request of the Director. O. Reg. 626/87, s. 4.

5.—(1) Every operating company shall file with the Director a manual that sets out its standard practices and procedures.

(2) Every operating company shall review the manual referred to

in subsection (1) at least once annually, make the revisions necessary to reflect new technology and changes in the company's standard practices and procedures and inform the Director in writing of any revisions.

(3) The standard practices and procedures required under subsection (1) and the revisions required under subsection (2) shall be certified by a professional engineer as conforming to this Regulation.

(4) The practices and procedures referred to in subsection (1) and the revisions referred to in subsection (2) shall be in compliance with this Regulation.

(5) Every operating company shall operate in accordance with its manual of standard practices and procedures. O. Reg. 626/87, s. 5.

6. Every operating company shall on or before the sixtieth day of its fiscal year file with the Director in writing a general description of the pipelines it proposes to install during the fiscal year including, where known, the diameter, length, operating pressure and location of each pipeline. O. Reg. 626/87, s. 6.

7. When radiographic examination is required by the Standard adopted under section 2, the results of the examination shall be kept for at least six years after the pipeline is initially activated. O. Reg. 626/87, s. 7.

8.—(1) Every operating company shall investigate every explosion, fire, oil spill or leak that occurs at the facilities operated by the company that results in,

- (a) the death of any person;
- (b) an injury to a person that results in the hospitalization of the person; or
- (c) property damage that exceeds \$10,000.

(2) In addition to the situations referred to in subsection (1), the operating company shall investigate any accident affecting a pressurized wetted part at their facilities that is not attributable to normal wear and tear of the equipment.

(3) An operating company that is required to investigate an accident under subsection (1) or (2) shall notify an inspector forthwith of the accident and shall provide a preliminary report of the accident to the Director within twenty-four hours or the next business day of the accident.

(4) The preliminary report referred to in subsection (3) shall contain details with respect to the nature, location, date and time of the accident.

(5) After an investigation by the operating company is carried out, the operating company shall submit a written report to the Director that sets out,

- (a) the nature of the accident;
- (b) the cause of the accident;
- (c) a description of the damage caused by the accident;
- (d) the substance being handled at the time of the accident;
- (e) where a component is involved in an accident, the pressure inside the component at the time of the accident;
- (f) a description of the events leading up to and following the accident;
- (g) the names of any witnesses;
- (h) any comments that in the opinion of the operating company

are relevant to a complete understanding of the accident; and

- (i) the steps taken to prevent a recurrence of the accident. O. Reg. 626/87, s. 8.

9. Where a pipeline to be used by an operating company is designed, installed, tested or replaced, a professional engineer employed or retained by the operating company shall certify that the design, installation, testing or replacement of the pipeline has been made in accordance with this Regulation. O. Reg. 626/87, s. 9.

10.—(1) An application for a licence to transmit oil by a pipeline system or a renewal thereof shall be made to the Director.

(2) The fee payable on an application for a licence to transmit oil by pipeline or a renewal thereof is \$500.

(3) Every licence or renewal thereof expires on the date shown thereon.

(4) An operating company whose transmission pipeline system is less than 20 kilometres in length is exempt from the requirements of section 12 of the Act and this section. O. Reg. 626/87, s. 10.

11. Section 17 of the Act does not apply to a person who is a professional engineer. O. Reg. 626/87, s. 11.

REGULATION 333

PROPANE STORAGE, HANDLING AND UTILIZATION CODE

1. In this Regulation,

“approved” means,

- (a) where applied to a standard, that the standard is listed in “Titles of Appliances, Equipment and Accessory Standards Authorized for Use in the Province of Ontario under the *Energy Act*”,
- (b) where applied to an appliance, that the appliance bears the label,
 - (i) of a designated testing organization, certifying compliance with a standard acceptable to the Director or with a laboratory test report accepted by the Director, or
 - (ii) issued by the Director,
- (c) where applied to equipment, a component or an accessory, that the equipment, component or accessory bears the label of a designated testing organization, certifying compliance with a standard acceptable to the Director or with a laboratory test report accepted by the Director, and
- (d) where applied to an installation or a container, that it complies with this Regulation;

“professional engineer” means a person who is a member or licensee of the Association of Professional Engineers of the Province of Ontario. O. Reg. 825/82, s. 1.

2.—(1) The code issued by the Canadian Gas Association entitled “Installation Code for Propane Burning Appliances and Equipment”, CAN 1-B149.2-M80 and the Standards, Specifications and Codes set out therein as reference publications to the extent that they apply to that Code are adopted as part of this Regulation, with the following amendments:

1. Subsection 2.1 is amended by revoking the definition of "Appliance".
2. Subsection 2.1 is amended by adding the following definitions:

"Heat reclaimer" means a device intended to transfer heat from flue gases through metal to air or liquid.

"Space heater" means an appliance for heating the room or space within which it is located, without the use of ducts.
3. Clause 3.2.1 is revoked and the following substituted:

3.2.1 The requirements set out in the Branch Standards listed in "Titles of Appliances, Equipment and Accessory Standards Authorized for Use in the Province of Ontario under the *Energy Act*" and in this Regulation shall apply to the field assembly and upgrading of appliances and to the installation of equipment and containers.
4. Clause 3.4.2 is revoked and the following substituted:

3.4.2 An appliance shall not be installed within a dry cleaning or other establishment that has an atmosphere where vapours corrosive to the appliance may be present.
5. Clause 3.5.2 is revoked and the following substituted:

3.5.2 A light, other than a flashlight, used in connection with a search for propane leakage shall be of the Class 1 Group D type.
6. Clause 4.3.5 is revoked and the following substituted:

4.3.5 The piping or tubing to an appliance shall be supported and connected to the appliance in such a manner that there shall be no strain at the appliance connection.
7. Clause 4.3.6 is revoked and the following substituted:

4.3.6 Commercial counter equipment and deep fat fryers may be connected to the building piping by means of an approved quick disconnect device, and where a quick disconnect device is used, it shall be installed downstream of, and as close as practicable to, the shut-off valve at the piping outlet.
8. Subclause 4.5.6 (a) is revoked and the following substituted:

(a) fixed access to the appliance or a safe alternative acceptable to the propane distributor shall be provided.
9. Subsection 4.6 is revoked and the following substituted:
- 4.6 Responsibilities of the Contractor or Fitter.

4.6.1 Before leaving any premises, the contractor or the fitter shall,

 - (a) ensure that any appliance he, she or it has installed, converted or serviced is in safe working order;
 - (b) instruct the user in the safe and correct operation of any appliance or equipment he, she or it installs or converts;
 - (c) leave with the user any appliance instructions supplied by the manufacturer;

(d) ensure that any replacement part he, she or it has installed provides at least equivalent operational characteristics to those of the original part; and

(e) attach to any appliance he, she or it has installed or converted a tag bearing in clear legible characters his, her or its name, certificate number and the date.
- 4.6.2 When the installation or conversion of an appliance constitutes a conversion from oil, gas or electricity to propane, it shall be the responsibility of the person performing the installation or conversion,
 - (a) in the case of a fuel oil supply tank,
 - (i) to remove the fill pipe and cap or plug the exposed fill pipe opening to an inside tank,
 - (ii) to shut off the tank outlet valve, remove the filter, and plug or cap the valve outlet, and
 - (iii) where the tank is located outdoors, to disconnect all exposed piping and tubing and cap or plug the piping and tubing as close as practicable to the tank;
 - (b) in the case of a fuel oil central distribution system,
 - (i) to shut off the fuel oil supply line valve located within the building, and
 - (ii) to disconnect the fuel oil supply line immediately downstream of the meter and cap or plug the outlet of the meter;
 - (c) in the case of a gas system,
 - (i) to shut off the gas supply valve located immediately upstream of the meter, and
 - (ii) to cap or plug any piping downstream of the meter that will not be used for the propane system;
 - (d) in the case of an electrical appliance,
 - (i) to shut off the power supply to the electrical appliance at the switch, and
 - (ii) to ensure that the overcurrent protection, fuse or circuit breaker has been removed or put in the off position.
- 4.6.3 It shall be the responsibility of the person performing the installation or conversion to advise the user of the appliance in writing that,
 - (a) the requirements of clause 4.6.2 have been performed; and
 - (b) it is the user's responsibility to notify immediately the fuel oil supplier or the gas distributor, or, where the conversion is from electricity, to have the wiring disconnected at the service panel.
- 4.6.4 Under clause 6.11.8, where a contractor has inspected an existing clay-tile or transite chimney lining and determined that it is acceptable for use, the

contractor shall notify the homeowner in writing that,

- (a) because of such factors as the low flue gas temperature of propane-fuelled appliances, condensation may occur necessitating the installation of an approved metal liner; and
- (b) the homeowner should arrange for an inspection after each heating season to reassess the condition of the chimney and its lining,

and the contractor shall retain in the contractor's files a copy of the notification until a day two years after the date of the notification.

10. Clause 4.8.2 is revoked and the following substituted:

4.8.2 A valve used to shut off the propane supply shall be,

- (a) an approved mechanical non-electric fast closing valve of the manual reset type; or
- (b) an automatic electrically-operated fast closing valve,
 - (i) of the manual reset type, or
 - (ii) provided with a remote manual reset function to open,

located outside the protected area, identified as to function, and having permanent legible re-lighting instructions posted adjacent to the valve.

11. Clause 4.11.2 is revoked and the following substituted:

4.11.2 An electrical circuit employed for operating an automatic main control valve, automatic pilot, room-temperature thermostat, safety limit control or other electrical device used with an appliance shall be arranged so that the automatic safety shut-off valve or valves are de-energized when the circuit is interrupted.

12. Subsection 4.11 is amended by adding the following clause:

4.11.3 The electrical circuit employed for operating a commercial or industrial type appliance shall be provided with a readily accessible manual switch located near the appliance.

13. Clause 4.12.2 is revoked and the following substituted:

4.12.2 An appliance installed in a residential or storage garage shall be located not less than 18 inches (450 mm) above grade level and not less than 18 inches (450 mm) above the floor of the garage.

14. Clause 4.12.3 is revoked and the following substituted:

4.12.3 Where a forced air furnace is installed in a residential garage, no opening shall be located in the furnace return air system within the garage and means shall be provided on the return air ductwork to prevent the infiltration of air from inside the garage.

15. Subsection 4.13 is amended by adding the following clause:

4.13.3 A space heating appliance installed outdoors at grade level shall be placed on a base consisting of poured-in-place concrete or of a reinforced concrete slab of the preformed type, extending at least,

(a) 6 inches (150 mm) beyond all sides of the appliance, and

(b) 2 inches (50 mm) above grade level,

and the ground shall first be prepared and provided with gravel for drainage.

16. Section 4 is amended by adding the following subsections:

4.15 Bleed Vents for Valves, Combination Controls, Pressure Regulators, Relief Valves and other Control Devices located on the Valve Train of an Appliance.

4.15.1 Where a single automatic valve, diaphragm valve, combination control, pressure regulator without internal relief or other control device (excluding an overpressure relief valve) that requires venting is installed, each shall be vented separately to a safe location outdoors by a vent line of tubing or pipe.

4.15.2 Where two or more automatic valves, diaphragm valves, combination controls, pressure regulators without internal relief, or other control devices (excluding overpressure relief valves) that require venting are installed, such devices may be connected into a single vent line if the sizing requirements of clause 11.7.4 are complied with.

4.16 Solid Fuel Igniters.

4.16.1 The installation of a propane-fuelled appliance or other device for the purpose of igniting solid fuels is prohibited in a one or two-family dwelling or a room where sleeping accommodation is provided.

17. Subsection 5.1 is amended by adding the following clauses:

5.1.4 A boiler shall be equipped with approved automatic devices the sole function of which shall be to shut off the fuel supply in the event of,

- (a) undue pressure or low water in a steam boiler;
- (b) overheating in a water boiler;
- (c) low water in a water boiler with an input in excess of 250,000 Btuh (75 kW); or
- (d) low water in a water boiler located above the hot water circulating system.

5.1.5 Where two or more water boilers of the coil or fin-tube type, each not exceeding a rated input of 400,000 Btuh (120 kW), are installed in one system, a low-water fuel cut-off device shall be installed on each boiler unless,

- (a) a flow switch that will shut off the fuel supply to the burner is installed on the outlet piping of each boiler; and
- (b) a low-water fuel cut-off device is installed on the main water outlet header.

18. Subsection 5.2 is amended by adding the following clauses:

5.2.3 A pressure booster capable of creating an unsafe pressure downstream shall be provided with a mechanical by-pass around the booster and a high pressure switch set not in excess of 20 per cent above the booster outlet pressure shall be installed downstream of the booster.

- 5.2.4 It is not necessary to meet the requirements of clause 5.2.1 where a hermetically sealed pressure booster is installed.
19. Clause 5.4.3 is amended by adding the following sub-clauses:
- 5.4.3.3 A conversion burner with a maximum rated input exceeding 400,000 Btuh (120 kW) and not exceeding 10,000,000 Btuh (3000 kW) shall be provided with,
- (a) two automatic safety shut-off valves, one of which shall be certified to CGA Standard 3.9 "Automatic Fail-Safe Safety Shut-Off Valves"; or
 - (b) one automatic safety shut-off valve certified to CGA Standard 3.9 "Automatic Fail-Safe Safety Shut-Off Valves" equipped with a valve proof of closure that is interlocked with the start circuit.
- 5.4.3.4 A conversion burner with a maximum rated input exceeding 10,000,000 Btuh (3000 kW) shall be provided with automatic safety shut-off valves in accordance with the requirements of Safety Requirement No. 1.
20. Subclause 5.4.4.1 is revoked and the following substituted:
- 5.4.4.1 A revertible-flue furnace may only be converted by,
- (a) a natural draft burner, if,
 - (i) the centre-line of the flue collar is at least 12 inches (300 mm) above the burner port or ports,
 - (ii) the flue outlet is extended to permit installation of the diverter so that the relief opening is at least 12 inches (300 mm) above the highest flue pass, and
 - (iii) a by-pass at least one inch (25 mm) in diameter is connected to the top of the highest flue pass and extends through the outer casing terminating in the vent connector; or
 - (b) a fan-assisted burner, if,
 - (i) there is compliance with the requirements of subclause (a), or
 - (ii) there is compliance with paragraphs (a) (i) and (ii) and the burner incorporates direct spark ignition, a proven pre-purge and an automatic valve with an integral dual safety shut off feature.
21. Clause 5.4.4 is amended by adding the following sub-clauses:
- 5.4.4.5 When an oil-fired furnace in a mobile home is converted to propane, either the furnace manufacturer's certified burner conversion package or a certified conversion burner shall be used.
- 5.4.4.6 An automatically controlled gravity or forced air furnace shall be equipped with an approved high temperature limit control and the maximum setting of the control shall be,
- (a) 350°F (175°C) for a gravity furnace; and
 - (b) 250°F (120°C) for a forced air furnace.
22. Subclause 5.6.2.3 is revoked and the following substituted:
- 5.6.2.3 A dryer shall be connected to a metal moisture exhaust duct which shall terminate outdoors not less than 6 feet (2 m) in any direction from a service regulator, and not less than 10 feet (3 m) in any direction from a fresh air intake.
23. Clause 5.8.3 is revoked.
24. Subsection 5.13 is amended by adding the following clause:
- 5.13.4 A furnace may be used to heat a residence under construction if the furnace is,
- (a) installed on a finished concrete floor or installed on a poured concrete slab that is at least,
 - (i) four inches (100 mm) thick,
 - (ii) one inch (25 mm) in height above the height of the basement floor when complete, and
 - (iii) six inches (150 mm) longer and wider than the base of the furnace;
 - (b) piped in accordance with section 10;
 - (c) vented in accordance with section 6; and
 - (d) fitted with a warm air plenum and a return air plenum, both of which are protected against an influx of waste or discarded material.
25. Clause 5.15.2 is revoked and the following substituted:
- 5.15.2 Except as permitted in clauses 5.15.3 and 5.15.4, a make-up air heater shall only be installed in, or ducted to,
- (a) a building or part of a building in which an industrial process takes place, a technical training shop, an industrial spray booth, a commercial kitchen or a non-residential farm building; or
 - (b) if the installation complies with Standard ISR 108 "Interim Safety Requirements for Installation of Direct Gas/Propane Fired Non-Recirculating Make-up Heaters in Storage Garages", a storage garage.
26. Clause 5.16.5 is revoked and the following substituted:
- 5.16.5 A room heater installed in a room used primarily for sleeping shall be of the direct vent type only.
27. Clause 5.16.9 is revoked and the following substituted:
- 5.16.9 A gas log or decorative appliance shall not be installed in a bathroom, bedroom or other room where sleeping accommodation is provided.
28. Subsection 5.16 is amended by adding the following clause:
- 5.16.11 A gas log shall be certified, and shall only be installed in a fireplace complying with the building code under the *Building Code Act*.
29. Clause 5.20.4 is revoked and the following substituted:

- 5.20.4 A vent connector shall be directly connected to a chimney through a separate sleeve.
30. Section 5.24 shall be read with the addition of the following clauses:
- 5.24.2 A refrigerator shall not be installed inside a building used or intended for sheltering persons or animals.
- 5.24.3 Clause 5.24.2 does not apply to a refrigerator that is a direct vent appliance.
- 5.24.4 A refrigerator shall comply with the requirements of the Fuels Safety Branch of the Ministry Publication Standard G.P. No. 6 "Refrigerators using Gas or Propane Fuels" dated July, 1988.
31. Subsection 5.26 is amended by adding the following clause:
- 5.26.6 A swimming pool heater of the finned tube type shall be installed outdoors or in an outdoor shelter.
32. Clause 5.27.1 is revoked and the following substituted:
- 5.27.1 An infra-red heater shall be installed in accordance with the manufacturer's certified installation instructions and shall be protected against physical damage, and where the infra-red heater is of the unvented type,
- (a) shall not be installed in a dwelling for single or multiple family occupancy, a hotel, a motel or a building for institutional occupancy;
 - (b) shall not be installed in a place where flammable dusts, liquids or vapours are anticipated;
 - (c) shall be provided with mechanical ventilation so located that the products of combustion from each heater are effectively removed to outdoors, having a ventilation volume of at least 300 CFM for each 100,000 Btuh (30kW) input or fraction thereof, and sufficient to maintain the level of carbon dioxide (CO₂) at less than 5,000 PPM measured 6 feet (2 m) above the work area;
 - (d) shall have the ventilation system so interlocked that any reduction of the volume of air flow required by subclause (c) for a heater or group of heaters will cause the shutdown of that heater or group of heaters;
 - (e) shall be provided with combustion and ventilation air compatible with (c) above;
 - (f) shall not be installed in an exit passageway or stairway or within 8 feet (2.5 m) measured horizontally from an exit door; and
 - (g) shall be provided with at least 6 feet (2 m) clearance between the radiant face and combustibles unless otherwise certified.
33. Clause 5.27.2 is revoked.
34. Clause 5.27.3 is revoked.
35. Subsection 6.1 is amended by adding the following clauses:
- 6.1.7 No opening shall be located in a furnace return air system within the same room or space as a furnace unless combustion and ventilation air is provided to the room or space, and in no case shall such an opening be installed in or within 6 feet (2 m) of the return air plenum.
- 6.1.8 Air heated by either a space heater or fireplace which burns solid fuel shall not be introduced into any part of the warm air or return air duct system of a propane-fired furnace.
36. Subclause 6.3.2 (b) is revoked and the following substituted:
- (b) the upper opening shall be located as near the ceiling as is practicable, but not lower than any relief opening of a draft hood or draft regulator, and shall have a free area of at least,
 - (i) 10 per cent of the area of the opening required under subclause (a), or
 - (ii) seven square inches (4500 sq. mm),
 whichever is greater.
37. The title to subsection 6.4 is revoked and the following substituted:
- 6.4 Air Supply Dampers, Louvres and Grills.
38. Clause 6.4.4 is revoked and the following substituted:
- 6.4.4 An automatic combustion air damper,
- (a) shall not be installed in the air supply within a one or two-family dwelling; and
 - (b) when installed in the air supply to a commercial, institutional or industrial building, shall be interlocked with the burner control system so that,
 - (i) the damper is proven to be in the fully open position before ignition of the main burner, and
 - (ii) the fuel supply to the appliance will be shut off in the event of damper failure.
39. The title to subsection 6.7 is revoked and the following substituted:
- 6.7 Mechanical Air Supply.
40. Clause 6.10.2 is revoked.
41. Clause 6.11.3 is revoked and the following substituted:
- 6.11.3 A residential type appliance shall not be connected to a chimney flue serving,
- (a) a solid-fuelled fireplace, unless the opening from the fireplace to the chimney is permanently closed; or
 - (b) a solid-fuelled appliance.
42. Clause 6.11.4 is revoked and the following substituted:
- 6.11.4 When a flue serving an appliance which burns a liquid fuel also serves a propane fuelled appliance, the propane appliance vent connector shall be,
- (a) through a separate flue opening above the flue pipe connection from the liquid-fuelled appliance; or

- (b) connected into a shop fabricated branch fitting that is located,
 - (i) in a residential installation, not more than 30 inches (750 mm) from the flue entrance, and
 - (ii) in a commercial or industrial installation, as close as practicable to the flue entrance.

43. Clause 6.11.6 is revoked.

44. Clause 6.11.8 is revoked and the following substituted:

6.11.8 The flue of a masonry chimney that will vent a propane-fuelled space heating appliance with an input not exceeding 400,000 Btuh (120 kW) shall be lined in accordance with clauses 6.11.10 and 6.11.11, except where,

- (a) the flue has an existing clay-tile or transite lining;
- (b) the existing lining is inspected and accepted by a contractor under clause 6.11.2; and
- (c) the contractor has complied with clause 4.6.4.

45. Clause 6.11.9 is revoked and the following substituted:

6.11.9 Where inspection reveals that an existing chimney is not safe for the intended application, it shall be,

- (a) repaired, rebuilt or replaced to comply with the requirements for a new chimney which appear in the building code under the *Building Code Act*; or
 - (b) replaced by an approved vent or chimney,
- and the requirements of subsection 6.12 shall apply.

46. Clause 6.11.10 is revoked and the following substituted:

6.11.10 A chimney liner shall provide a continuous lining from inside the space where the appliance is located

to the top of the chimney, and where a single wall liner is used, it shall be installed in accordance with Standard G/P No. 5 "Installation Standard For Aluminum or Stainless Steel Chimney Liners".

47. Subsection 6.11 is amended by adding the following clause:

6.11.11 Where a chimney is lined, the liner shall be Type B Vent, Type L Vent or a material which is acceptable to the Director.

48. Clause 6.13.2 is revoked and the following substituted:

6.13.2 A Type B, BW or L Vent, a Factory Built Type A Chimney, or a Medium Heat Appliance Factory Built Chimney shall,

- (a) terminate above a flat roof of a building in accordance with Table 6.13.2 (a), and at least 6 inches (150 mm) higher than any portion of the building within 10 feet (3 m) measured horizontally from the top of the vent or chimney; and
- (b) terminate above a sloping roof in accordance with the vent or chimney manufacturer's certified installation instructions but in no case nearer the roof than the distances shown in Figure 6.13.2 (b).

Table 6.13.2 (a)

Termination Height for Vents and Factory Built Chimneys Above Flat Roof

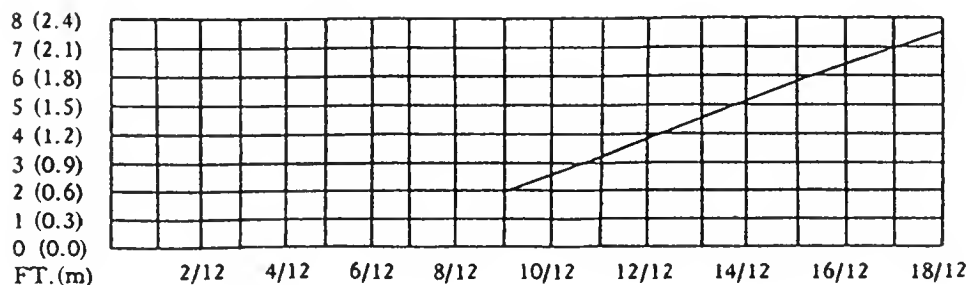
Nominal Inside Diameter, In.	(mm)	Minimum Termination Height, In.	(mm)
4 or less	(100)	24	(600)
5	(125)	30	(750)
6	(150)	36	(900)
7	(175)	48	(1200)
8 and larger	(200)	60	(1500)

NOTE: See Information Section for drawing.

Figure 6.13.2 (b)

Termination Height for Vents and Factory Built Chimneys Above Pitch Roof

Minimum Vertical Distance Ft.(m) From Roof Up To Lowest Opening In Top



ROOF PITCH

NOTE: See technical Information Section for drawing on method of calculating roof pitch.

49. Clause 6.13.3 is revoked.
50. Clause 6.13.4 and Figure 6.13.4 are revoked.
51. Clause 6.16.2 is revoked and the following substituted:
- 6.16.2 Where it is impracticable to install a vent inside a building, the vent may be installed completely outdoors if it is approved for outdoor use.
52. Clause 6.21.2 is revoked and the following substituted:
- 6.21.2 A draft hood shall not be used on an appliance with a positive over-fire draft or on an appliance with an induced draft.
53. Clause 6.22.5 is revoked and the following substituted:
- 6.22.5 Subject to the approval of the Director, an appliance may be operated by discharging the products of combustion directly into the space of an industrial building, if,
- (a) the appliance is located in a large and adequately ventilated space; and
 - (b) the maximum input of the appliance does not exceed 20 Btuh for each cubic foot of space in which the appliance is located, unless it is an approved appliance designed to produce a controlled atmosphere.
54. Clause 6.22.7 is revoked.
55. Clause 6.22.8 is revoked.
56. Clause 6.22.9 is revoked.
57. The title to subsection 6.24 is revoked and the following substituted:
- 6.24 Automatic Vent Damper or Automatic Flue Damper.
58. Clause 6.24.1 is revoked and the following substituted:
- 6.24.1 An electrically-operated automatic vent damper device is permitted in a residential building only where,
- (a) the device is provided as an integral component of an approved appliance; and
 - (b) the input of the approved appliance does not exceed 400,000 Btuh (120 kW).
59. Subsection 6.24 is amended by adding the following clauses:
- 6.24.3 An appliance certified with an automatic vent damper shall be installed in accordance with the requirements of clause 6.24.2 and of Standard G/P No. 6, "Installation Requirements For Gas or Propane Fired Appliances Certified with an Automatic Vent Damper".
- 6.24.4 An automatic flue damper,
- (a) shall not be installed on an appliance within a one or two-family dwelling;
- (b) shall not be installed on an appliance equipped with a draft hood or a draft regulator;
 - (c) when installed on an appliance equipped with a constant pilot, shall be designed or constructed to provide a fixed minimum opening of 20 per cent, and shall be interlocked with the burner control system so that,
 - (i) the damper is proven to be in the fully open position before ignition of the main burner, and
 - (ii) the fuel supply to the appliance will be shut off in the event of damper failure; and
 - (d) when installed on an appliance equipped with an intermittent pilot, an interrupted pilot or direct spark ignition of the main burner, shall be interlocked with the burner control system so that,
 - (i) the damper is proven to be in the fully open position before ignition of the fuel, and
 - (ii) the fuel supply to the appliance will be shut off in the event of damper failure.
60. The title to subsection 6.25 is revoked and the following substituted:
- 6.25 Manually Operated Flue Dampers.
61. Clause 6.25.1 is revoked and the following substituted:
- 6.25.1 A manually operated flue damper shall not be,
- (a) used with a residential appliance; or
 - (b) used with a commercial or industrial type appliance unless provided with a fixed minimum opening of 20 per cent.
62. Clause 6.25.2 is revoked and the following substituted:
- 6.25.2 When a baffle or neutral pressure point adjuster is used, it shall,
- (a) be located upstream of the draft regulator; and
 - (b) have a fixed safe minimum opening.
63. Section 6 is amended by adding the following subsections:
- 6.28 Commercial or Institutional Kitchen Canopies and Appliances.
- 6.28.1 Where a canopy or appliance is installed within a commercial or industrial kitchen,
- (a) the canopy shall comply with NFPA96-1980 and NFPA211-1980 clause 6.6.2.1;
 - (b) the exhaust air volume of the canopy shall be of sufficient capacity to provide for capture and removal of grease-laden cooking vapours and products of combustion;
 - (c) the appliance installed under the canopy shall have an input not exceeding 400,000 Btuh (120 kW) and its flue outlet shall be directly under the canopy; and

- (d) the appliance need not be interlocked with the exhaust if it is approved to one of the following appropriate standards:
1. CAN1-1.8-76
Hotel and Restaurant Gas Ranges and Unit Broilers.
 2. CAN1-1.9-76
Hotel and Restaurant Gas Deep Fat Fryers.
 3. CGA-1.10-74
Commercial Gas Baking and Roasting Ovens.
 4. CAN1-1.11-76
Gas Counter Appliances.
 5. CGA-1.12-64
Gas Fired Commercial Dishwashers.
 6. CAN1-1.15-76
Gas Fired Kettles, Steam Cookers and Steam Generators.
- 6.28.2 An approved appliance not identified in clause 6.28.1 may be installed under a canopy, if,
- (a) the appliance is interlocked so that operation is permitted only when exhaust air flow is proven;
 - (b) the appliance is interlocked through a four (4) minute time delay manual reset device; and
 - (c) the manual reset device is readily accessible and identified as to function.
- 6.28.3 Where more than one appliance is installed under the same canopy under clause 6.28.2, a single system installed in accordance with clause 6.28.2 may be used to interlock the appliances.
- 6.28.4 Clause 6.28.2 does not apply to a booster water heater of 50,000 Btuh (15 kW) or less supplying water to an automatic dishwasher.
- 6.29 Heat Reclaimers.
- 6.29.1 A heat reclaimer shall not be used with a propane-fired appliance installed in a one or two-family dwelling.
- 6.29.2 A heat reclaimer shall be installed in accordance with approved Standards.
- 6.30 High Efficiency Type Appliances.
- 6.30.1 A high efficiency type appliance shall,
- (a) be installed in accordance with the manufacturer's certified installation instructions; and
 - (b) have an exhaust conduit that terminates outdoors so that the termination point is not less than,
 - (i) 3 feet (1 m) above grade level,
 - (ii) 3 feet (1 m) from any building opening,
 - (iii) 6 feet (2 m) from a combustion air opening of any appliance,
 - (iv) 6 feet (2 m) from a fresh air intake, and
 - (v) 6 feet (2 m) from any regulator vent.
64. Section 7 is revoked.
65. Section 8 is revoked.
66. The title to Section 9 is revoked and the following substituted:
- Specific Installation Requirements For Appliances Having An Input In Excess of 400,000 Btuh (120 kW).
67. Clause 9.2.1 is revoked.
68. Clause 9.2.2 is revoked and the following substituted:
- 9.2.2. An accessible, identified emergency manual shut-off valve shall be provided in the propane supply to a boiler room or confined area where the total appliance input is in excess of 2,000,000 Btuh (600 kW) and the valve shall,
- (a) be located outside the boiler room or confined area;
 - (b) comply with clause 10.18.1;
 - (c) have a handle or appropriate wrench that is readily accessible and identified; and
 - (d) have its location indicated by means of a permanent legible sign adjacent to each entrance to the boiler room or confined area.
69. Subsection 9.3 is revoked.
70. Subsection 9.4 is revoked.
71. Subsection 10.1 is amended by adding the following subsection:
- 10.1.4 Plastic piping and tubing is permitted for underground use only and shall meet the requirements of subsection 10.25.
72. Clause 10.2.6 is amended by striking out the words "3/8 inch nominal size" in the third line and substituting "3/8 inch OD size".
73. Clause 10.2.7 is revoked and the following substituted:
- 10.2.7 Copper tubing for underground service shall be Type K or 3/8" Type GP.
74. Subsection 10.2 is amended by adding the following clause:
- 10.2.10 Plastic piping, tubing and fittings shall comply with CSA Standard B137.4 "Polyethylene Piping Systems for Gas Service", and shall be limited to types 2306, 3306 or 3406.
75. Clause 10.10.3 is revoked and the following substituted:
- 10.10.3 Welding shall be performed by persons certified under the *Boilers and Pressure Vessels Act* using methods set forth in Regulation 330 of Revised Regulations of Ontario, 1990 (Gas Pipeline Systems).

76. Clause 10.11.2 is revoked and the following substituted:
- 10.11.2 A branch line piping outlet shall be taken from the top or side of horizontal piping unless the branch piping is a drop and is provided with a dirt pocket.
77. Clause 10.12.1 is revoked and the following substituted:
- 10.12.1 Whenever an outlet in a piping system is not connected for use it shall be,
- (a) in a one or two-family dwelling, fitted with a nipple and cap; and
 - (b) in any other type of building, fitted with a manual shut-off valve and a nipple and cap.
78. Subsection 10.14 is amended by adding the following clauses:
- 10.14.8 A street elbow or a street tee shall not be used in any piping system.
- 10.14.9 A propane line in any primary or secondary school shall not be activated, opened or purged during regular school hours.
79. Clause 10.15.2 is revoked.
80. Clause 10.15.3 is revoked and the following substituted:
- 10.15.3 Underground,
- (a) piping shall be at least Schedule 80 and shall be welded or threaded, and where threaded the fittings shall be of the heavy duty type; and
 - (b) copper tubing shall be connected by brazing or by the use of flare connectors using heavy forged flare nuts.
81. Clause 10.15.4 is revoked and the following substituted:
- 10.15.4 Piping or tubing,
- (a) conducting propane in the vapour phase shall be located not less than fifteen inches underground or twenty-four inches under a vehicle driveway or parking lot, except where it rises above ground at the point of supply or to connect to a building or to an outdoor appliance; and
 - (b) conducting propane in the liquid phase shall be located not less than eighteen inches underground or thirty-six inches under a vehicle driveway, parking lot or traffic area.
82. Clause 10.16.1 is revoked and the following substituted:
- 10.16.1 Where piping or tubing is exposed to a corrosive atmosphere, or installed outdoors above ground, it shall be protected against exterior corrosion by painting or coating.
83. Subsection 10.16 is amended by adding the following clause:
- 10.16.7 Where piping passes through an interior wall of masonry or concrete, the portion of piping that runs through the wall shall be protected against corrosion.
84. Clause 10.18.1 is revoked and the following substituted:
- 10.18.1 A manual shut-off valve shall be of the plug, lubricated plug, ball or eccentric type rated by the manufacturer for the pressure and temperature conditions anticipated for its use, and
- (a) a non-lubricated plug or eccentric type valve shall not be used outdoors;
 - (b) a valve of the non-lubricated type shall not be used for piping of NPS 1 inch and larger sizes or where the pressure exceeds 0.5 psig (3.5 kPa).
85. Clause 10.18.4 is revoked and the following substituted:
- 10.18.4 A spring-loaded valve shall be approved and shall be installed in such a manner as to prevent its plug from being accidentally lifted off the seat.
86. Subsection 10.20 is amended by adding the following clause:
- 10.20.2 Where a facility is no longer used for the purpose described in clause 10.20.1, the emergency shut-off valve in the piping system to the facility shall be closed off and fitted with a nipple and cap.
87. Subclause 10.22.2 (a) is revoked and the following substituted:
- (a) before an appliance is connected, the piping or tubing shall be tested with a pressure of at least 10 psig (70 kPa) or 1.5 times the working pressure, whichever is the greater. The piping or tubing shall retain the test pressure for a period of time not less than ten minutes; or
88. Clause 10.23.6 is revoked and the following substituted:
- 10.23.6 When propane contained in a piping system or container is to be flared off, a purge burner suitable for the application shall be used.
89. Section 10 is amended by adding the following subsection:
- 10.25 Plastic Piping and Tubing Systems.
- 10.25.1 The procedure for installation of plastic piping and tubing shall be acceptable to the Director.
- 10.25.2 An approved transition fitting shall be used for connecting piping or tubing of steel or copper to plastic.
- 10.25.3 Underground plastic piping or tubing shall not contain any fittings or joints except at points for branch supply piping or tubing or where the length of the plastic supply piping or tubing requires the use of plastic to plastic couplings.
- 10.25.4 The propane supply to underground plastic piping or tubing shall be controlled by a shutoff valve situated aboveground.
- 10.25.5 Underground plastic piping and tubing shall be installed,
- (a) under driveways and parking lots that are not used exclusively for residential purposes, at least twenty-four inches (600 mm) underground; and
 - (b) in all other locations, at least fifteen inches (375 mm) underground.
- 10.25.6 The installation of plastic piping or tubing located

between buildings shall comply with the requirements of clauses 10.1.4, 10.2.10, 10.15.5, 10.15.6, 10.15.7, 10.15.8, 10.15.9, 10.15.10 and 10.16.6.

90. Subsection 11.4 is amended by adding the following clause:

11.4.3 A second stage regulator installed within a one or two-family dwelling or row housing shall not be located more than three feet from the point at which the propane supply enters the dwelling.

91. Subclause 12.1.2 (b) is revoked and the following substituted:

(b) the relief valve of every cylinder, except a cylinder having a water capacity exceeding 240 lbs. (109 Kg) and provided with a permanently attached protective dome cover assembly or an internal type relief valve, shall be removed and replaced by,

- (i) a new relief valve, or
- (ii) a relief valve that has been tested and found acceptable for use.

92. Clause 12.6.3 is amended by striking out the words "privately owned" from the second line.

93. Clause 12.7.2 is amended by adding the following at the end:

"but subclauses (b) and (c) do not apply to appliances having a cylinder retention means that is incorporated and certified as part of an appliance".

94. Clause 13.1.7 is revoked and the following substituted:

13.1.7 The following are the support requirements for a tank having a capacity of 5000 USWG or less:

1. Before the tank and tank supports are installed, the ground shall be properly prepared, levelled, firmly tamped and provided with a gravel base for drainage.
2. The tank shall be installed on not more than two separate concrete, masonry or steel supports, each having a length at least equal to the diameter of the tank.
3. The use of individual tank supports at each of

the four permanently attached legs of the tank is prohibited.

4. The tank supports shall be of reinforced concrete or steel of sufficient strength to support the weight of the tank when filled to capacity with propane.

5. The tank supports shall consist of:

- i. reinforced concrete piers poured in conjunction with reinforced concrete foundations located below the frost line,
- ii. reinforced concrete supports to support and elevate the tank to a designed height,
- iii. metal legs to elevate the tank to a designed height, together with a poured reinforced concrete slab at least six inches (150 mm) thick and having a length and width at least equal to the length and width of the tank and cabinet, if any, or
- iv. six inch (150 mm) "I" beam size steel rails or four inch (100 mm) steel box member material accommodating the length and width of the tank and cabinet, if any, and installed on a six inch (150 mm) thick reinforced concrete slab, an industrial grade asphalt or gravel base extending not less than eighteen inches (460 mm) on all sides.

6. The top of any concrete support or poured reinforced concrete slab shall be at least three inches above grade.

95. Clause 13.1.9 is revoked.

96. Subsection 13.3 is amended by adding the following clause:

13.3.10 Tank systems and filling plants that are in existence on the 1st day of January, 1983 shall be made to comply with subsection 13.3 from the 1st day of January, 1985.

97. Subsection 13.10 is amended by revoking Table 13.10.2 and substituting the following:

Table 13.10.2

Consumer Applications

Minimum distance in Feet Between			
USWG per Tank	Tanks, Property Lines, Adjacent Masonry Building Walls, Drainage Basin, Ditch and Open Flames		Adjacent Tanks
	Aboveground	Underground	
Less than 125	0	10	0
125 to 2000	10	10	3
2001 to 5000	15	15	3
5001 to 10,000	25	25	5
Over 10,000	100	100	10

98. Clause 13.11.8 is revoked and the following substituted:

13.11.8 The distance between the bottom of a tank and the grade or slab shall be at least six inches, and shall not exceed thirty inches, unless the tank is supported in accordance with subparagraphs 13.1.7.5 (i) and (ii) and in no case shall metal legs be used to support the tank where such distance exceeds 30 inches.

99. Clause 13.11.10 is amended by striking out the words "2000 USWG" from the first line and substituting "5000 USWG".

100. Clause 13.12.1 is revoked and the following substituted:

13.12.1 At every filling plant having a storage capacity in excess of 5000 USWG, all electrical wiring, equip-

ment and fixtures located within twenty-five feet measured horizontally and vertically from any storage tank valve, filling building or area, pump, compressor, point of transfer or similar location, shall comply with the provisions of the Electrical Safety Code made under the *Power Corporation Act*, that apply to Class 1, Division II, Group "D", hazardous locations.

101. Subsection 13.15 is amended by revoking clause 13.15.1 and Table 13.15.1 and substituting the following:

13.15.1 Except as provided in clauses 13.15.2, 13.15.4, 13.15.5 and 13.18.1.12, a tank used at a filling plant and any equipment or materials attached thereto shall be located in accordance with Table 13.15.1.

Table 13.15.1

**Filling Plant Applications
Locations of Tanks**

Total Water Capacity of Tanks in US Gallons	Minimum distance in feet between aboveground or underground tanks and		
	Property lines, adjacent masonry building walls, drainage basin or ditch and open flames	Adjacent Propane Tanks	Underground Gasoline or other fuel tanks
Up to 2000	10'	3'	15'
2001 to 5000	15'	3'	15'
5001 to 10,000	25'	3'	15'
Over 10,000	100'	5'	15'

102. Subsection 13.15 is amended by adding the following clauses:

13.15.2 The distance shown in Table 13.15.1 are subject to the approval of the Director who may amend the spacing requirements, and where tanks of a multiple tank installation are installed on a common base or pier, the clearance between tanks may be reduced.

13.15.3 A building referred to in Table 13.15.1 does not include a container filling or storage building, a pump room, or a building housing an indirect vaporizer.

103. Subsection 13.15 is further amended by adding the following clauses:

13.15.4 Where a tank having a capacity of 5000 USWG or less is located adjacent to a combustible building wall, the minimum clearance between the tank and the wall shall be at least twenty-five feet, unless fire protection that is acceptable to the Director is provided.

13.15.5 Despite clause 13.15.1, tanks up to and including 5000 USWG and equipment shall be located not less than twenty-five feet (7.6 m) from any door and also from any openable window below the level of the relief valve.

104. The title to subsection 13.18 is amended by striking out the words "Utilizing Tanks Not Greater than 2000 USWG (7500 L)".

105. Clause 13.18.1.3 is revoked and the following substituted:

13.18.1.3 Where more than one tank is to be installed, the aggregate capacity of the tanks shall not exceed 5000 USWG (19,000 L).

106. Subsection 13.18 is amended by adding the following sub-clauses:

13.18.1.6 Where a tank is not equipped with a ventilated cabinet, it shall be fenced in accordance with subclause 12.5.4.1 (a).

13.18.1.7 Where a tank is equipped with a ventilated cabinet and is not fenced, it shall be provided with posts or a guardrail of material described in clause 13.18.1.9.

13.18.1.8 A tank, its equipment and the piping attached to it shall be protected from damage by the use of posts or a guardrail, located to provide a minimum of ten feet of clear space between a cylinder filling scale or a meter or pump outlet to which the dispensing hose is connected at or near the tank and any source of ignition, including vehicles.

13.18.1.9 A tank shall be protected by at least one of the following:

1. 4" capped steel pipe.
2. 4" steel tubing filled with concrete.
3. 8" preservative-treated square or round wooden posts.
4. Reinforced concrete posts having a dimension of at least six inches.
5. A guardrail of the steel deep beam type (12" x 13' 6"), the top of the horizontal beam being no more than twenty-four inches above grade line, with supporting pressure-treated wooden posts having a dimension of at least six inches, located not more than 6 feet 3 inches apart.

6. A guardrail of the reinforced concrete barrier type commonly referred to as the New Jersey Turnpike barrier, at least thirty inches high.
- 13.18.1.10 Posts used to protect a tank shall,
- (a) subject to subclause 13.18.1.9 (e) and clause 13.18.1.13, be spaced not more than 4 feet 6 inches apart;
 - (b) be buried not less than thirty-six inches below grade; and
 - (c) extend at least thirty inches above grade.
- 13.18.1.11 At a container refill centre having a storage capacity of 5000 USWG or less, all required electrical wiring, equipment and fixtures located within ten feet, measured horizontally and vertically, from the tank, pump, cylinder filling area or point of transfer shall comply with the provisions of the Electrical Safety Code made under the *Power Corporation Act*, that apply to Class I, Division II, Group "D", hazardous locations.
- 13.18.1.12 Where a remote dispensing device is used, it shall be located at least,
- (a) twenty-five feet from any gasoline or diesel dispensing devices; and
 - (b) ten feet from any building or property line.
- 13.18.1.13 A remote dispensing device shall be protected by posts as described in subclauses 13.18.1.9 (a), (b), (c) or (d), installed in accordance with clause 13.18.1.10. A clear space of at least one foot shall be maintained between the posts and the remote dispensing device.
- 13.18.1.14 Where underground piping or tubing is installed, the owner of the piping or tubing shall provide for installation and maintenance of a readily legible sign or marker to identify the presence of propane piping or tubing and the piping or tubing owner's name.
- 13.18.1.15 A ventilated cabinet, enclosure or fencing used in conjunction with a tank shall be locked when unattended.
- 13.18.1.16 Propane liquid piping or tubing shall be pressure tested with a pressure of not less than 300 psig for not less than one hour for every fifty feet of piping or tubing but in no case less than one hour.
107. Subclauses 13.18.2.3 (b) and (c) are revoked and the following substituted:
- (b) one foot (300 mm) above grade and the base shall extend not less than one foot (300 mm) horizontally from all sides of the tank and cabinet; and
 - (c) protection for the tank and cabinet shall be provided using posts or a guardrail in accordance with clauses 13.18.1.9 and 13.18.1.10.
108. Clause 13.18.3.1 is revoked and the following substituted:
- 13.18.3.1 When a conventional horizontal tank is to be used in conjunction with a ventilated cabinet, only the tank relief valves, gauging devices, filler valve and pump bypass line of Schedule 80 pipe may be located outside the ventilated cabinet.
109. Subclause 13.18.3.3 (d) is amended by striking out the words "the piping from".
110. Subsection 13.18 is amended by revoking clauses 13.18.3.4 and 13.18.3.5.
111. Subsection 13.18 is further amended by adding the following clause:
- 13.18.3.6 The liquid withdrawal opening of a horizontal tank shall be equipped with an internal safety control valve that is provided with means to ensure its closure when the cabinet is closed.
112. Subclause 14.15.3 (a) is revoked and the following substituted:
- 14.15.3 (a) except in an emergency as provided in subclause (b), a vehicle shall not be left unattended on any street, highway, avenue, alley or public parking facility but this shall not prevent a driver from being absent from the vehicle in connection with the driver's normal duties or washroom or meal stops.
113. Subsection 14.15 is amended by adding the following clause:
- 14.15.6 Portable cylinders and motor vehicle fuel tanks shall not be filled on any street, highway, avenue, alley or public parking facility from a bulktruck, tank trailer or cargo liner without permission of the Director.
114. Subsections 16.1 to 16.9, inclusive, are revoked and the following substituted:
- 16.1 General.
- 16.1.1 Section 16 applies to propane carburetion equipment on,
- (i) motor vehicles,
 - (ii) industrial vehicles, and
 - (iii) standby generators and pumps.
- 16.1.2 The installation requirements of this Code do not apply to a propane carburetion system installed by a motor vehicle manufacturer in accordance with Canada Motor Vehicle Safety Standard (CMVSS) 301.1.
- 16.2 Fuel Tanks.
- 16.2.1 An engine fuel tank shall conform to the requirements of the *Boilers and Pressure Vessels Act*.
- 16.2.2 A tank shall be designed and constructed for a working pressure of at least,
- (a) 250 psig (1750 kPa) where the tank is located outside an enclosed space on a vehicle; and
 - (b) 312.5 psig (2150 kPa) where the tank is located inside an enclosed space on a vehicle.
- 16.2.3 The set pressure of the relief valve of a tank shall be equal to the working pressure of the tank.
- 16.2.4 A CTC cylinder shall not be installed as an engine fuel container on a highway vehicle other than an industrial tractor or a lift truck, except that a cylinder may be used instead of a tank for the purpose of shipping a vehicle or for such test purposes as tuning the vehicle engine.

- 16.2.5 When two or more tanks are interconnected by their manufacturer by means of rigid integral, non-removable liquid and vapour conduits and are secured and braced to form a single rigid unit, they shall be considered to be a single tank.
- 16.2.6.1 Before a new tank or a tank from which propane has been completely displaced is to be filled with propane it shall be purged of air in the following manner:
1. If a pressure gauge is not a part of the tank equipment, one shall be installed at a convenient location on the tank or in a tee at the inlet to the tank.
 2. A source of propane vapour pressure shall be connected to the tank in a manner that will ensure that the source of vapour pressure can be manually controlled at the tank.
 3. A method for exhausting pressure safely from the tank being purged of air shall be provided.
 4. Fifteen (15) psig (100 kPa) propane vapour pressure shall be introduced into the tank by opening the valve controlling the vapour source and the valve on the tank; once this is completed, the valve on the vapour source shall be shut off.
 5. The fifteen (15) psig (100 kPa) vapour pressure shall then be exhausted from the tank safely to the outdoors, or recovered or flared off in a safe manner.
 6. Steps 4 and 5 shall then be repeated four additional times.
 7. When purging is complete the tank shall contain at least 96 per cent by volume of propane in vapour phase.
 8. Liquid propane shall not be used to purge a tank of air and purging shall be undertaken in a safe, ignition-free location only.
- 16.2.6.2 Alternative methods of purging air from a tank which meet the safety requirements of clause 16.2.6.1 and result in the propane content described in paragraph 7 of clause 16.2.6.1 are acceptable.
- 16.2.7 All inlets and outlets of an engine fuel tank, other than those for the relief valve and gauge, shall be labelled to indicate whether the inlet or outlet communicates with the vapour or the liquid space in the tank.
- 16.2.8 Field welding of a tank shall be carried out only on saddle plates or brackets.
- 16.2.9 A tank exposed to corrosion or erosion shall be protected by the application of coal tar, epoxy or some equivalent coating or material.
- 16.3 Fuel Tank Equipment.
- 16.3.1 Relief Valves.
- 16.3.1.1 Each tank shall be provided with one or more relief valves of the spring loaded internal type.
- 16.3.1.2 Shut-off valves or other equipment shall not be installed between the relief valves and the tank.
- 16.3.1.3 The relief valve on a fuel tank shall have direct communication with the vapour space of the tank when the vehicle is parked on level ground.
- 16.3.2 Liquid Level Gauges.
- 16.3.2.1 A tank, including a tank equipped with a stop-fill valve, shall be equipped with a fixed liquid level gauge which is designed so that the bleed valve opening is not larger than a No. 54 drill size (1.4 mm).
- 16.3.2.2 Where the fixed liquid level gauge is installed in a location away from the tank, a No. 54 drill size (1.4 mm) orifice shall be installed at the tank and at the remote location.
- 16.3.2.3 A durable label made of a material that is not adversely affected by water shall be attached beside the liquid level gauge, by means of a non-water-soluble adhesive where necessary, showing the following words in letters at least 0.24 inch (6.4 mm) high:
- Stop Filling When
Liquid Appears.
- 16.3.3 Excess Flow and Back Check Valves.
- 16.3.3.1 A propane withdrawal connection on a tank having an opening larger than a No. 54 drill size (1.4 mm) shall be equipped with an internal excess flow valve.
- 16.3.3.2 The filler valve on a tank shall be equipped with,
- (a) one double or two single back check valves of the internal type, one seat of which shall be of a type other than the metal to metal type; and
 - (b) a protective cap for the filling connection, secured to the filler valve or vehicle,
- and where a remote fill connection is provided for the tank, the connection shall be equipped with one double or two single back check valves, one of which shall be of a type other than the metal to metal seat type.
- 16.4 Tank Installation.
- 16.4.1 When individual tanks are interconnected by piping, tubing or hose, each liquid withdrawal line shall be equipped with a back check valve and each tank shall have a separate fill connection.
- 16.4.2 A tank on a vehicle shall be securely installed with anchorage sufficient to prevent it from jarring loose, slipping or rotating.
- 16.4.3 A tank on a vehicle shall be considered to be sufficiently anchored when the force necessary to detach the tank from the vehicle,
- (a) in a forward direction, is at least twenty times the weight of the full tank; and
 - (b) in a rearward, sideways or vertical direction is at least eight times the weight of the full tank.
- 16.4.4 If a physical test or a calculation of strength to determine compliance with clause 16.4.2 is not practicable, the tank shall be considered to be sufficiently anchored if at least the following components are used:
1. Where the attachment is by means of straps and bolts,

- (i) two steel straps 1.25 inches (32 mm) x 0.12 inch (3 mm) with 3/8 inch (10 mm) minimum Grade 5 bolts shall be used for a tank with a capacity not exceeding 26 USWG (100 L), and
 - (ii) two steel straps 2 inches (50 mm) x 0.25 inch (6 mm) with 0.5 inch (13 mm) minimum Grade 5 bolts shall be used for a tank with a capacity exceeding 26 USWG (100 L).
2. Where the attachment to the vehicle is by means of bolts only, at least four bolts of minimum Grade 5 shall be used, having a diameter of,
- (i) 3/8 inch (10 mm) for a container with a capacity not exceeding 26 USWG (100 L), and
 - (ii) 0.5 inch (13 mm) for a container with a capacity exceeding 26 USWG (100 L).
3. Where a bolt passes through sheet-metal parts of a vehicle, a steel reinforcing back-up plate having an area of at least 6 square inches and 0.1 inch (2.5 mm) thick shall be provided for each bolt.
4. Sheet metal screws shall not be used as attaching components.
5. All bolts, straps and brackets used for tank support or suspension shall be coated or treated with an anti-corrosion material.
- 16.5 Tank and Equipment Protection.
- 16.5.1 A tank mounted on a vehicle shall be located so as to minimize the possibility of damage.
- 16.5.2 A tank that is located at the rear of a truck or bus and is protected by a substantial bumper shall be deemed to conform with clause 16.5.1.
- 16.5.3 A tank that is mounted within eight inches (200 mm) of the engine or the exhaust system shall be shielded against heat radiation by means of a metal shield located at least one inch (25 mm) from the tank. The metal heat shield shall not be attached to the exhaust system.
- 16.5.4 A tank or any portion of a tank located outside a vehicle shall be installed with as much road clearance as practicable but at least the minimum road clearance of the vehicle when loaded to its gross vehicle weight rating. This minimum clearance shall be measured from the bottom of the tank or from the lowest fitting on the tank or housing, whichever is lower and, unless otherwise acceptable to the Director, shall be at least,
- (a) when the tank is installed between the vehicle axles,
 - (i) 7 inches (175 mm) on vehicles having a wheel base of 127 inches (3225 mm) or less, and
 - (ii) 9 inches (225 mm) on vehicles having a wheel base in excess of 127 inches (3225 mm);
 - (b) when a tank is installed behind the rear axle,
 - (i) two steel straps 1.25 inches (32 mm) x 0.12 inch (3 mm) with 3/8 inch (10 mm) minimum Grade 5 bolts shall be used for a tank with a capacity not exceeding 26 USWG (100 L), and
 - (ii) two steel straps 2 inches (50 mm) x 0.25 inch (6 mm) with 0.5 inch (13 mm) minimum Grade 5 bolts shall be used for a tank with a capacity exceeding 26 USWG (100 L).
- eight inches (200 mm) and the tank shall be installed above a plane that contacts the bottom of the rear tires and the lowest most rearward part of the vehicle.
- 16.5.5 A tank located on the outside of a vehicle shall not project beyond the sides of the vehicle, and no portion of the tank shall project above the highest point of the vehicle or ahead of the front axle.
- 16.5.6 The main shut-off valve on a tank installed on a vehicle shall be accessible.
- 16.5.7 All valves and connections on a tank installed on a vehicle shall be protected to prevent damage due to accidental contact with stationary objects or with loose objects thrown up from the road.
- 16.6 A Tank Located Within or on a Vehicle.
- 16.6.2 The relief valve of a tank located within a vehicle shall terminate outside the vehicle and shall comply with section 16.7.
- 16.6.3 A tank located within a vehicle or a tank located beneath a vehicle in a location that would require a person to lie on the ground in order to connect the fill connection shall be equipped with filling and gauging fittings located away from the tank that are permanently mounted, protected from physical damage in accordance with clause 16.6.4 and the filling and gauging fittings enclosure shall be vented to the outside of the vehicle.
- 16.6.4 Filling and gauging fittings located away from the tank shall be protected from physical damage by,
- (a) being located in a metal enclosure that is permanently mounted to the vehicle; or
 - (b) being located so that the rear bumper or some other part of the vehicle will provide protection.
- 16.6.5 A filling and gauging fittings enclosure shall be permanently sealed to prevent entry of propane through or around the remote fill enclosure or through or around the gauging and filling connections to the interior vehicle space during fuelling and gauging operations.
- 16.6.6 The sealant or gasket used for the purposes of clause 16.6.5 shall be,
- (a) non-shrinking;
 - (b) non-swelling, unless clamped between metal parts;
 - (c) resistant to propane, road salt and vehicle vibration; and
 - (d) suitable for use from -40° Celsius to 35° Celsius.
- 16.6.7 A tank manufactured after the 31st day of December, 1984 when located within a vehicle, shall,
- (a) be provided with a substantial metal, gas-tight box that will completely enclose and seal off the tank and all equipment connections to it from the interior of the vehicle; or
 - (b) be provided with a gas-tight assembly that encloses all equipment inlets and outlets

- installed on a tank from the interior of the vehicle.
- 16.6.8 Where a tank is manufactured after the 31st day of December, 1984 and is located within a vehicle, the filling, gauging and supply lines of pipe, tube or hose that are located in the passenger trunk or cargo space of the vehicle shall,
- be enclosed in one or more conduits; and
 - be installed in a manner to ensure that any leakage of propane will be vented outside the vehicle.
- 16.6.9 The gas-tight box referred to in clause 16.6.7 (a) and the gas-tight assembly referred to in clause 16.6.7 (b) shall be vented to the outside of the vehicle with a vent line taken from the lowest point practicable of the box or assembly and,
- the vent line shall be of a material resistant to propane;
 - the vent opening shall be not less than one inch (25 mm) in diameter; and
 - both ends of the vent line shall be reliably secured.
- 16.7 Discharge Lines From Tank Relief Valves and Hydrostatic Relief Valves.
- 16.7.1 The discharge conduit outlet or the outlet from a relief valve shall,
- be directed to the outside of any completely enclosed space;
 - be directed as far as practicable from possible sources of ignition;
 - be located so as to prevent impingement of propane upon any tank including the tank bracket or any portion of the vehicle;
 - be directed downward at an angle not less than fifteen degrees from the horizontal; and
 - have a rain cap or other protection.
- 16.7.2 Where a discharge conduit is required from a relief valve, it shall be connected by means of a pipeaway adapter and required fittings, sized and located so as not to interfere with the required flow of propane from the relief valve.
- 16.7.3 The discharge conduit from a relief valve shall be,
- of some metal other than aluminum or of flexible metal reinforced hose;
 - secured at or near its termination to prevent its displacement; and
 - sized to accommodate the relief valve discharge at full rate of flow and the resistance to flow of the discharge conduit.
- 16.8 Piping and Tubing Systems, Hose and Fittings.
- 16.8.1 Piping.
- 16.8.1.1 Piping shall be black or galvanized steel complying with CSA Standard B63, "Welded and Seamless Steel Pipe", or brass complying with ANSI Standard H2-7.1, "Seamless Red Brass Pipe" (ASTM B43-80).
- 16.8.1.2 Fittings used with steel pipe shall be of steel.
- 16.8.1.3 Propane vapour phase piping with operating pressures not exceeding 125 psig (860 kPa) shall be at least Schedule 40. Vapour phase piping with operating pressures over 125 psig (860 kPa) and all liquid piping shall be at least Schedule 80.
- 16.8.2 Tubing
- 16.8.2.1 Tubing shall be seamless steel, complying with ASTM Specification A539-79 "Electric-Resistance Welded Coiled Steel Tubing for Gas and Oil Lines", having a minimum wall thickness of 0.049 inches (1.25 mm) or shall have an equivalent strength and conform to SAE J527 "Brazed Double Wall Low Carbon Steel Tubing".
- 16.8.2.2 Tubing fittings shall be steel or brass and rated for a working pressure of at least 125 psig (860 kPa) for operating pressures of 125 psig (860 kPa) or less. For higher operating pressures, tubing and fittings shall be rated for a minimum of 250 psig (1725 kPa).
- 16.8.3 Hose.
- 16.8.3.1 Where a hose is used as the supply line from the tank to the vapourizer, the remote fill line, or the remote gauging line, the hose shall,
- have a working pressure of not less than 350 psig;
 - be of the stainless steel wire reinforced type; and
 - meet the requirements of Standard CAN1-8.1 "Elastomeric Hose & Hose Couplings for Conducting Propane and Natural Gas" for Type III hose or Type II hose that complies with permeation requirements of Type III hose.
- 16.8.3.2 Where a hose is used as set out in clause 16.8.3.1,
- only compatible hose and hose couplings shall be used and the hose assembly shall be pressure tested at 350 psig;
 - the hose shall not be in contact with electrical wires;
 - a permanent tag shall be attached to the hose showing the year and month of test date; and
 - on or after the 1st day of September, 1984 only certified hose assemblies shall be installed.
- 16.8.3.3 Where hose is used as a supply line it shall be located not less than three inches (75 mm) from the exhaust system including the exhaust manifold or shall be shielded against heat radiation by means of a metal shield located at least one inch (25 mm) from the hose.
- 16.8.3.4 A hose of the thermoplastic type that is tested by a designated testing organization as complying with,
- Standard CAN1-8.3 "Thermoplastic Hose

- and Hose Couplings for Conducting Propane and Natural Gas"; and
- (b) the requirements contained in Standard CAN1-8.1 "Elastomeric Hose and Hose Couplings for Conducting Propane and Natural Gas" for Type III hose or Type II hose that complies with permeation requirements of Type III hose,
- may be used as set out in clause 16.8.3.1.
- 16.8.3.5 Hose used for vapour service of five psig (35 kPa) or less shall be constructed of a material such as neoprene that is resistant to the action of propane.
- 16.8.4 Size
- 16.8.4.1 Liquid propane piping, tubing or hose shall have a greater flow capacity than the rating of the excess flow valve in the tank.
- 16.8.5 Piping, Tubing and Hose Practices
- 16.8.5.1 Piping and fittings shall be clear and free from cutting or threading burrs, scale and defects.
- 16.8.5.2 The ends of all piping shall be reamed.
- 16.8.5.3 All propane piping, tubing and hose shall be supported by galvanized or similarly protected metal straps, hangers or nylon ties at intervals of not more than two feet (600 mm) except where support is provided by the vehicle structure.
- 16.8.5.4 Except where a back check valve is built into a shut-off valve to permit excess pressure to bleed back into the tank, a hydrostatic relief valve shall be installed between each pair of shut-off valves on a propane liquid line. The start-to-discharge pressure setting of such a hydrostatic relief valve shall be not less than 375 psig (2600 kPa), nor more than 500 psig (3500 kPa). The hydrostatic relief valve shall be located outside the engine compartment unless vented to the outside of the engine compartment directly or by means of a conduit.
- 16.8.5.5 Where nylon ties are used to support piping, tubing or hose, these ties shall be of the heavy duty, metal reinforced type.
- 16.8.6 Joints and Connections.
- 16.8.6.1 Piping joints shall be threaded.
- 16.8.6.2 A piping or fitting thread shall be tapered and shall comply with ANSI Standard B2.1 "Pipe Threads (except Dryseal)"
- 16.8.6.3 Jointing material shall be of an approved type and shall be applied to the male pipe threads only.
- 16.8.6.4 A joint in seamless tubing shall be made by means of a flare joint or other approved fitting, or shall be brazed with a material having a melting point exceeding 1000°F (540°C).
- 16.8.6.5 A joint or connection shall not be located within a box section, drive shaft tunnel or other inaccessible location.
- 16.8.6.6 A bulkhead fitting passing through a partition, fire-wall, frame or other such vehicle part shall,
- (a) be made of steel or brass;
- (b) include a wrench flat on the body of the fitting;
- (c) be attached by means of a fitting that includes one clamping nut and lockwasher; and
- (d) not be connected to a propane line fitting by running threads.
- 16.8.7 Prohibited Practices.
- 16.8.7.1 Copper tubing shall not be used as a propane supply line on any vehicle.
- 16.8.7.2 No bushing of any material other than steel or brass shall be used. Nesting of bushings is prohibited.
- 16.8.7.3 A pipe fitting containing both left and right hand threads shall not be used.
- 16.8.7.4 A bend in piping or tubing is prohibited where such a bend either substantially reduces the cross-sectional area or weakens the piping or tubing.
- 16.8.7.5 A close nipple shall not be used.
- 16.8.7.6 A quick-disconnect coupling shall not be substituted for a manual shut-off valve.
- 16.8.7.7 The propane supply line for the engine of a tank truck may be taken from the bulk tank of the vehicle but such a supply line shall not be taken from a tank mounted on a trailer or a cargo liner.
- 16.8.7.8 Where a vehicle is operated on propane only, the gasoline fill connection shall be removed or permanently plugged.
- 16.8.8 Protection of Piping, Tubing and Hose.
- 16.8.8.1 Piping or tubing exposed to corrosion or erosion shall be protected by the application of coal tar, epoxy or some equivalent coating or material.
- 16.8.8.2 Piping, tubing and hose shall be mounted, braced and supported to accommodate vibration, and shall be further protected against damage or breakage due to strain or wear where necessary.
- 16.8.8.3 Tubing and hose within a luggage compartment shall be,
- (a) located so as to be protected from damage; or
- (b) protected from damage by some other means.
- 16.8.9 Testing of Tanks, Piping, Tubing, Hose and Fittings.
- 16.8.9.1 The tank and the liquid supply line shall be pressure tested using air or an inert gas (carbon dioxide, nitrogen, or a mixture of these) and the tank, piping, tubing or hose shall retain a test pressure, measured with a pressure gauge, of not less than 140 psig (1000 kPa) for not less than ten minutes on the piping, tubing or hose and not less than thirty minutes on the tank without showing any drop in pressure.
- 16.8.9.2 The source of the test pressure shall be isolated before readings are commenced. If a leak is indicated by the test, the source of the leak shall be located by the use of a liquid leak detector solution or device.
- 16.8.9.3 Every fitting shall be checked with a liquid leak

- detector solution or device after the equipment is connected and activated.
- 16.8.9.4 After repair or replacement, all piping, tubing and hose conducting propane in the liquid phase shall be tested as set out in clauses 16.8.9.1, 16.8.9.2 and 16.8.9.3 using air or an inert gas (carbon dioxide, nitrogen, or a mixture of these).
- 16.9 Vaporizers and Valves.
- 16.9.1 Every vaporizer, solenoid and filter-lock shall be of sufficient size to provide the required flow of propane at the extremes of inlet pressures to which it may be exposed.
- 16.9.2 A vaporizer shall be securely fastened to the engine, chassis, fender apron or firewall of the vehicle.
- 16.9.3 Exhaust gas shall not pass through any vaporizer unless the vaporizer has been approved for exhaust gas utilization.
- 16.9.4 A vaporizer shall not be equipped with a fusible plug.
- 16.9.5 Fuel lock-off valves (filter-lock) and vaporizers shall be approved.
- 16.9.6 An atmospheric type regulator (zero governor) shall be used only in an outdoor application such as a stationary engine operation.
- 16.9.7 A propane supply line to a vaporizer shall be equipped with a lock-off valve that will prevent the flow of propane to the carburetor when the ignition switch is turned off or when the engine is not running. This valve shall be located upstream of a primary regulator or a vaporizer provided as part of the propane conversion equipment, and shall be controlled electrically or mechanically by,
- (a) vacuum from the engine;
 - (b) oil pressure from the engine; or
 - (c) centrifugal action.
- 16.9.8 Where a vehicle engine may be operated on propane or gasoline,
- (a) the gasoline supply line shall be equipped with a lock-off valve that is connected in such a manner so as to prevent the flow of gasoline to the carburetor when the engine is being operated on propane; and
 - (b) the propane supply line shall be equipped with a lock-off valve that is connected in such a manner so as to prevent the flow of propane to the carburetor when the engine is being operated on gasoline.
- 16.10 Carburetors and Carburetor Mixers.
- 16.10.1 Carburetors, carburetor mixers and adapters do not require approval.
- 16.11 Combustion Air.
- 16.11.1 The source of combustion air for a propane-fuelled engine shall be completely isolated from the ventilating air or air conditioning system of the vehicle.
- 16.12 Drain Valves and Plugs.
- 16.12.1 Any part of the propane carburetion equipment using a drain valve or plug shall have the drain valve or plug located in the lowest position.
- 16.13 Requirements for a Vehicle Label.
- 16.13.1 Where a vehicle is converted to run on propane fuel, the contractors shall affix a permanent label of a design acceptable to the Director, bearing the date of conversion, the Contractor's Registration Number, the tank manufacturer, tank serial number and tank month and year of manufacture to an easily observable location on a door latch post of the vehicle.
- 16.14 Filling.
- 16.14.1 A propane supplier shall ensure that the propane the supplier transfers to any tank whose contents may be used as motor fuel meets the requirements of CGSB Specification Can 2-3.14M78 for Grade 1 Propane intended for use as a motor fuel.
- 16.14.2 A tank shall be filled in accordance with clause 13.7.2.
- 16.14.3 A tank on a vehicle shall not be filled while the engine or any appliance or other equipment that may provide a source of ignition is operating in the vicinity.
- 16.14.4 A container permanently mounted on an industrial tractor or lift truck or any other vehicle shall be filled outdoors, remote from a source of ignition, and the engine shall be turned off during filling.
- 16.14.5 All removable containers shall be exchanged outdoors or in areas well ventilated to the outdoors and remote from any source of ignition.
- 16.15 Industrial Vehicles.
- 16.15.1 When an industrial tractor or lift truck is used indoors the area shall be ventilated in accordance with the requirements of the *Occupational Health and Safety Act*.
- 16.15.2 It shall be the responsibility of the supplier of an industrial tractor or lift truck to,
- (a) inform the user of the ventilation requirement of clause 16.15.1; and
 - (b) ensure that the tractor or lift truck is in safe operating condition at the time of delivery to the user.
- 16.15.3 The user shall remove from service any propane-fuelled industrial tractor or lift truck having equipment or a container that is damaged or malfunctioning.
- 16.16 Garaging Propane-Fuelled Vehicles Other Than Propane Delivery Trucks.
- 16.16.1 A propane fuelled vehicle shall only be parked inside a garage if there are no leaks in the propane system and the tank is not filled beyond its maximum filling density.
- 16.16.2 A propane-fuelled vehicle under repair or service in a garage shall have the tank shut-off valve closed except when propane is required for engine operation.

- 16.16.3 A propane-fuelled vehicle shall not be parked near a source of heat, an open flame, a source of ignition or an open pit or drain.
- 16.16.4 A propane fuelled vehicle may be parked over a pit provided the pit is ventilated with a mechanical ventilation system that complies with Class 1, Division 11, Group D for hazardous locations under the Electrical Safety Code made under the *Power Corporation Act*.
115. Section 16 is amended by adding the following subsection:
- 16.17 Repairs, Replacement, Servicing.
- 16.17.1 Before repairing or replacing any propane component on a propane-fuelled motor vehicle, the tank service valve shall be closed and the vehicle engine operated until it stops, indicating that there is no fuel in the supply line.
116. Subsection 16.10 is renumbered 16.18.
117. Clause 17.4.4 is revoked and the following substituted:
- 17.4.4 The propane supply line shall be firmly fastened under the vehicle and outside and below any insulation or false bottom, and the fastening shall prevent abrasion or damage to the propane supply line resulting from vibration and, where, the propane line passes through structural members or the floor, a rubber grommet or equivalent shall be installed to prevent wear.
118. Clause 17.4.15 is revoked and the following substituted:
- 17.4.15 Except for the final connection of piping, tubing or hose to an appliance, there shall be no connections in the piping and tubing within a vehicle and the propane supply line shall be installed so as to enter the vehicle through the floor directly below or adjacent to the appliance that it serves. Where a branch line is required, the tee connection shall be in the main propane supply line, located under the floor and outside the vehicle.
119. Clause 17.5.1 shall be read as follows:
- 17.5.1 Every heating appliance, water heater or refrigerator installed in a recreational vehicle or mobile housing, other than a canvas top tent trailer, shall be of the direct vent appliance type or equivalent and shall be installed to provide complete separation of the combustion system from the atmosphere of the space provided for living.
120. Appendix B is amended by revoking the title to Tables B-1 and B-1 (M) and substituting the following:
- Capacity of Type B Vents.
121. Appendix B is further amended by revoking the title to Tables B-2 and B-2 (M) and substituting the following:
- Capacity of Single-Wall Vent Connectors
122. Appendix B is further amended by revoking Tables B-3, B-3 (M), B-4, B-4 (M), B-5 and B-5 (M). O. Reg. 825/82, s. 2 (1); O. Reg. 295/83, s. 1; O. Reg. 522/84, s. 1; O. Reg. 99/89, s. 1.
- (2) Where there is a conflict between a provision of any standard, specification, code or publication adopted by subsection (1) and any provision of this Regulation, the provision of this Regulation prevails.
- (3) Any reference to the National Building Code in the Code adopted in subsection (1) shall be deemed to be a reference to the building code under the *Building Code Act*. O. Reg. 825/82, s. 2 (2, 3).
- 3.—(1) Before construction of, alteration to or addition to a filling plant or cylinder handling facility is begun, plans, drawn to scale, shall be submitted to the Director in triplicate together with the completed application for a licence and the required fee, showing,
- (a) the location of each storage tank, cylinder storage facility, underground piping or tubing or other propane handling facility within the filling plant or cylinder handling facility;
 - (b) the distance from each storage tank or cylinder storage facility to,
 - (i) the property lines of the plant or facility,
 - (ii) each building located within the property lines of the plant or facility,
 - (iii) each building located on adjacent property that is within 400 feet (120 m) of the property lines of the plant or facility;
 - (c) the location of any other flammable or combustible product storage facility;
 - (d) the USWG capacity of each storage tank in the filling plant; and
 - (e) evidence that the proposed plant or facility does not contravene municipal by-laws. O. Reg. 522/84, s. 2.
- (2) No person shall construct, alter or add to the storage or handling facilities of a filling plant or cylinder handling facility until the plans submitted under subsection (1) have been accepted by the Director. O. Reg. 825/82, s. 3 (2).
- 4.—(1) No person shall knowingly supply propane to or use an appliance, container or equipment where,
- (a) the installation of the appliance, container or equipment does not comply with this Regulation;
 - (b) the appliance has been tagged as unsafe;
 - (c) the appliance is used for a purpose other than that for which it is designated;
 - (d) any device or attachment attached to the appliance or alteration or deterioration of the appliance might in any way impair the combustion within or impair the safe venting of the appliance;
 - (e) the venting of the appliance or the supply of air for combustion does not comply with this Regulation;
 - (f) the operation of the appliance raises the surface temperature of adjacent combustible material in excess of 194° F (90°C); or
 - (g) the condition of the piping, tubing, container or hose does not comply with this Regulation.
- (2) The person responsible for the operation of an appliance or work,
- (a) shall ensure that the appliance or work is maintained in safe operating condition; and
 - (b) shall not knowingly continue to use an appliance or work where the appliance or work is damaged or defective until

the appliance or work is repaired or replaced. O. Reg. 825/82, s. 4.

5.—(1) No person shall fill a tank installed for use as a permanently-installed engine fuel tank on a vehicle with propane unless,

- (a) the tank is equipped with a fixed liquid level gauge; and
- (b) the fixed liquid level gauge remains open during the filling operation.

(2) A person filling a tank described in subsection (1) with propane shall stop filling when liquid propane appears at the fixed liquid level gauge outlet and shall ensure that the outlet is closed when the filling operation is complete. O. Reg. 295/83, s. 2.

6.—(1) No person shall supply propane to the tank of a motor vehicle bearing number plates issued under the *Highway Traffic Act* unless a valid inspection sticker issued under section 11 of Regulation 611 of Revised Regulations of Ontario, 1990 is affixed to the vehicle. O. Reg. 838/84, s. 1.

(2) Except in an emergency, no person shall transfer propane to the tank of a motor vehicle on a highway. O. Reg. 522/84, s. 3, *part*.

7. No person shall operate a propane fuelled motor vehicle unless the tank service valve is fully open when the engine is operating on propane fuel. O. Reg. 522/84, s. 3, *part*.

8. The owner of a propane fuelled motor vehicle shall have the hose referred to in clause 16.8.3.1 or 16.8.3.4 of the Code adopted in subsection 2 (1) replaced at intervals not exceeding five years. O. Reg. 522/84, s. 3, *part*.

9. Prior to the 1st day of January, 1986, the owner of a propane fuelled motor vehicle equipped with a Type II hose that does not have a nylon inner liner shall have the hose replaced with a Type III hose or a Type II hose that complies with the permeation requirements of the Standard referred to in clause 16.8.3.1 of the code adopted in subsection 2 (1) for a Type III hose. O. Reg. 522/84, s. 3, *part*.

10.—(1) The Canadian Gas Association, the Canadian Standards Association and the Underwriters' Laboratories of Canada are designated as organizations to test appliances, equipment, components and accessories to approved standards and, where the appliances, equipment, components or accessories conform to the standards, to place their label thereon.

(2) The Underwriters' Laboratories Incorporated and Factory Mutual System are designated as organizations to test equipment, components and accessories to approved standards and, where the equipment, components and accessories conform to the standards, to place their label thereon.

(3) An appliance, component, accessory or equipment for which there is no approved standard may be tested by a testing organization designated under subsection (1), and the organization shall report its findings to the Director and, where the report is accepted by the Director, the label of the designated testing organization may be placed on the appliance, component, accessory or equipment certifying conformity with the report and shall constitute approval.

(4) Where an organization designated in subsection (1) tests an appliance having components and accessories previously certified by an organization not designated in subsection (1), the components and accessories shall be investigated to ascertain whether they comply with the applicable approved standards. O. Reg. 825/82, s. 5.

11.—(1) Subject to subsection (2), any person may apply to the Director for a label in respect of the fuel features of an appliance having an input not in excess of 50,000,000 Btuh (15,000 kW) that does not bear the label of the Canadian Gas Association, the Cana-

dian Standards Association or the Underwriters' Laboratories of Canada.

(2) Where an application is made under subsection (1), and,

- (a) the Director is of the opinion that it is not feasible for an organization designated under subsection 10 (1) to test and label the appliance; and
- (b) an inspector inspects the appliance and finds that the fuel features comply with approved standards,

the Director shall, subject to subsections (3) and (4), issue a label for the fuel features of the appliance that the inspector shall affix to the appliance.

(3) Where the inspector so requires, an applicant for a label shall conduct, in the presence of the inspector, such tests as the inspector considers necessary to determine that the fuel features of the appliance comply with approved standards.

(4) The Director may authorize an organization designated under subsection 10 (1),

- (a) to perform the inspection described in clause (2) (b);
- (b) to require the applicant for a label under subsection (1) to conduct such tests as are considered necessary by the testing organization to determine that the fuel features of the appliance comply with approved standards; and
- (c) where the fuel features of the appliance are found to comply with approved standards, to place the label of the testing organization on the appliance.

(5) The Director may refuse to issue a label to an applicant under subsection (1) where an appliance of substantially the same design has been tested and labelled by an organization designated under subsection 10 (1).

(6) An application under subsection (1) shall be on a form supplied by the Director. O. Reg. 825/82, s. 6 (1-6).

(7) The fee payable for an inspection of the fuel features of an appliance, for reviewing drawings or for observing a test to determine that the fuel features of the appliance conform to approved standards is \$100 for every hour or fraction thereof of the time spent by an inspector and may include travel time and the reasonable travel and living expenses of the inspector. O. Reg. 455/89, s. 1.

12. Where application is made under subsection 11 (1) in respect of the fuel features of an appliance for which there is no approved standard or to which an approved standard is only partially applicable, an inspector may determine whether the fuel features of the appliance comply with the applicable requirements of any appropriate approved standard and this Regulation. O. Reg. 825/82, s. 7.

13.—(1) An appliance having an input in excess of 50,000,000 Btuh (15,000 kW) that complies with the fuel feature requirements of Fuels Safety Branch publications "Safety Requirement No. 1" and "Technical Bulletin No. 4" is exempt from section 10 of the Act.

(2) The owner of an appliance referred to in subsection (1) shall submit to the propane distributor, before the appliance is activated,

- (a) certification by a professional engineer that the appliance and its installation comply with the requirements of the publications identified in subsection (1) and with this Regulation; and
- (b) the name, address and telephone number of the person who will activate the appliance.

(3) Manually operated industrial appliances with an input not exceeding 20,000 Btuh (6 kW), Bunsen burners, appliances directly

connected to containers having a propane capacity not greater than 200 grams by weight, propane hand torches that are directly connected to cylinders having a propane capacity not greater than five pounds by weight, stationary or portable propane-fuelled engines, mobile asphalt or tar pots, and portable equipment used for highway construction and repair are exempt from section 10 of the Act. O. Reg. 825/82, s. 8 (1-3).

14. (1) The owner of a tank truck, cargo-liner, filling plant or cylinder handling facility for which a licence is issued under this Regulation or the owner's authorized representative shall inspect the vehicle, filling plant or cylinder handling facility, as the case may be, at least once each year and shall,

- (a) prepare and sign a report of each inspection on a form provided by the Director; and
- (b) forward two copies of the completed inspection report to the area inspector and retain one copy at the vehicle, plant or facility inspected. O. Reg. 825/82, s. 9.

(2) The owner of an underground piping or tubing system at a filling plant shall keep records of the location of the piping or tubing.

(3) Where there is a change in the ownership of an underground piping or tubing system at a filling plant, the previous owner shall provide the new owner with the record of the location of the piping or tubing. O. Reg. 522/84, s. 4.

15. (1) An application for registration as a contractor under section 13 of the Act shall be made to the Director. O. Reg. 825/82, s. 10 (1).

(2) The term of an initial registration and of a renewal thereof is one year and the non-refundable fee, payable on application for registration or renewal, is \$100. O. Reg. 455/89, s. 2.

(3) When an applicant is registered as a contractor or an applicant's registration is renewed, the Director shall issue to the applicant evidence of registration or renewal showing the expiry date.

(4) A person seeking renewal of a registration after its expiry date shall make a new application under subsection (1).

(5) A contractor shall display evidence of the contractor's registration in a conspicuous place in the contractor's business premises and shall notify the Director forthwith of any change of the contractor's business address. O. Reg. 825/82, s. 10 (3-5).

(6) Where an application is made for registration as a contractor for the purpose of converting motor vehicles to be filled by propane, an application shall be made for each separate premises used as a propane motor vehicle conversion centre.

(7) Registration as a propane motor vehicle conversion contractor is limited to the location specified in the evidence of registration. O. Reg. 522/84, s. 5.

16.—(1) An application for a certificate required under subsection 14 (1) of the Act shall be made to the Director. O. Reg. 825/82, s. 11 (1).

(2) A certificate issued under this section shall be designated as a,

- (a) S1, S2, S3, S4, S5, S5K, S6, S6A or S6B fitter certificate;
- (b) T1 transport certificate; or
- (c) P1, P2, P3 or P4 plant operator certificate,

as the case may be. O. Reg. 825/82, s. 11 (2); O. Reg. 522/84, s. 6 (1).

(3) The non-refundable fee, payable on application for an initial

certificate issued under this section or for a renewal thereof, is \$40. O. Reg. 455/89, s. 3, *part*.

(4) A certificate issued under this section expires on the second birthday of the holder next following the issuance of the certificate and any subsequent renewal shall be for a period of two years expiring on the birthday of the holder.

(5) An applicant for a certificate or renewal under this section shall satisfy the Director as to his or her knowledge and competence with respect to the subject matter of the type of certificate applied for, and the Director may, in his or her discretion, require an applicant to take an examination for the purpose. O. Reg. 825/82, s. 11 (4, 5).

(6) In addition to the requirements of subsection (5), an applicant for an S6A certificate shall satisfy the Director that he or she is the holder of a valid certificate of qualification as a motor vehicle mechanic, heavy duty equipment mechanic, fuel and electrical systems mechanic or a farm equipment mechanic issued under the *Trades Qualification Act*.

(7) In addition to the requirements of subsection (5), an applicant for an S6B certificate shall satisfy the Director that he or she is the holder of an S6A certificate and a valid certificate of qualification as a motor vehicle mechanic or a heavy duty equipment mechanic issued under the *Trades Qualification Act* and the application shall include evidence of the successful completion at a college of applied arts and technology of a course acceptable to the Director in propane fuelled vehicle inspection. O. Reg. 522/84, s. 6 (2).

(8) If an applicant does not pass an examination required by the Director under subsection (5), he or she may not make another application until a period of at least thirty days has elapsed from the date of the examination. O. Reg. 455/89, s. 3, *part*.

(9) A person seeking renewal of a certificate after the expiry date may, in the Director's discretion, be required to make a new application under subsection (1).

(10) The holder of a certificate shall notify the Director forthwith of any change of the holder's address. O. Reg. 825/82, s. 11 (7, 8).

17. If a person holds more than one valid certificate issued under section 11, the person shall make a single application for renewal of all the certificates and pay an application fee of \$40 and, upon renewal, the Director shall issue a single certificate, appropriately endorsed. O. Reg. 455/89, s. 4.

18.—(1) A person who,

- (a) installs an appliance or works on an installed appliance in his or her own single-family detached dwelling;
- (b) installs or services a portable appliance for his or her own use; or
- (c) transfers propane from one container to another at the place of business of the person or his or her employer for the use of the person or his or her employer,

is exempt from section 14 of the Act. O. Reg. 825/82, s. 13.

(2) A person whose business includes the installation of replacement parts on or the removal or repair of a vehicle propane fuel system but whose business does not include the conversion of vehicles to be fuelled by propane and who is licensed as a propane motor vehicle inspection station under section 91 of the *Highway Traffic Act* is exempt from section 13 of the Act. O. Reg. 522/84, s. 7.

19. The holder of,

- (a) an S1 certificate may install, alter, purge, activate, repair, service or remove an appliance of any BTU/H input, containers, equipment, piping, tubing or hose and may perform

the functions of the holder of an S2, S3, S4, S5, S6, T1 or P1 certificate;

- (b) an S2 certificate may install, alter, purge, activate, repair, service or remove an appliance having an input not in excess of 400,000 BTUH, containers, equipment, piping, tubing or hose therefor and may connect the propane supply piping, tubing or hose to an appliance having any input and may perform the functions of the holder of an S3, S4, S5K, T1 or P2 certificate;
- (c) an S3 certificate may install, alter, purge, activate, repair, service or remove an appliance having an input not in excess of 150,000 BTUH, containers, equipment, piping, tubing or hose therefor and may perform the functions of the holder of an S4, T1 or P3 certificate;
- (d) an S4 certificate may install, alter, purge, activate, repair, service or remove an appliance to be used in mobile housing or recreational vehicles and the containers, equipment, piping, tubing and hose therefor;
- (e) an S5 certificate may install, alter, purge, activate, repair, service or remove propane or natural gas construction heating appliances and may deliver, install, service or remove containers, equipment, piping and tubing and hose therefor, and may perform the functions of the holder of an S5K certificate;
- (f) an S5K certificate may install, alter, purge, activate, repair, service or remove construction heating appliances having a BTUH input not in excess of 400,000 and may deliver, install or remove cylinders, equipment, piping, tubing and hose therefor;
- (g) an S6 certificate may install, alter, purge, activate, repair, service or remove carburetion equipment for internal combustion engines on industrial tractors and lift trucks and may install, service or remove containers, equipment, piping, tubing and hose therefor;
- (h) an S6A certificate may install, alter, purge, activate, repair, service or remove carburetion equipment on highway vehicles for internal combustion engines and may install, service or remove containers, equipment, piping, tubing and hose therefor, and may perform the functions of an S6 fitter; and
- (i) an S6B certificate may perform the functions of the holder of an S6A certificate and inspect propane carburetion equipment for internal combustion engines on highway vehicles in accordance with Regulation 611 of Revised Regulations of Ontario, 1990. O. Reg. 825/82, s. 14; O. Reg. 522/84, s. 8.

20. The holder of a Tank Truck Operator T1 certificate may operate the propane handling equipment on a tank truck or cargo-liner to transfer propane to or from a tank truck, cargo-liner or filling plant and fill containers installed on the premises of consumers. O. Reg. 825/82, s. 15.

21. The holder of,

- (a) a Plant Operator P1 certificate may unload or load tank cars, cargo-liners and tank trucks into or from a filling plant, fill containers and maintain and operate the transfer equipment in a filling plant;
- (b) a Plant Operator P2 certificate may load or unload tank trucks into or from a filling plant, fill containers and maintain and operate the transfer equipment in a filling plant;
- (c) a Plant Operator P3 certificate may fill containers and maintain and operate the transfer equipment in a filling plant; and

- (d) a Plant Operator P4 certificate may examine cylinders employing the procedures described in the Compressed Gas Association pamphlet C6 entitled "Standards for Visual Inspection of Compressed-Gas Cylinders" as set out in the CTC Regulation 73.34 (e) (10). O. Reg. 825/82, s. 16.

22.—(1) An application for a cylinder handling licence under section 12 of the Act shall be made to the Director for each location of the applicant,

- (a) where the applicant,
 - (i) does not have a filling plant, or
 - (ii) only transfers propane from a container having a water capacity not greater than 1,000 pounds to consumers' cylinders; and
- (b) where the applicant supplies consumers with propane in cylinders. O. Reg. 825/82, s. 17 (1).

(2) The term of a licence or a renewal thereof issued under this section is one year.

(3) The non-refundable fee, payable on application for a licence or a renewal thereof, is \$45. O. Reg. 455/89, s. 5.

(4) A cylinder handling licence or a renewal thereof, showing the expiry date, shall be issued to an applicant where the location from which the applicant supplies consumers with propane in cylinders complies with this Regulation.

(5) A person seeking renewal of a licence after its expiry date shall make a new application under subsection (1).

(6) A cylinder handling licence, or a renewal thereof, shall be prominently displayed at the location for which it is issued. O. Reg. 825/82, s. 17 (3-5).

23.—(1) An application for a licence to operate a filling plant under section 12 of the Act shall be made to the Director for each filling plant operated by the applicant. O. Reg. 825/82, s. 18 (1).

(2) The term of a licence or a renewal thereof issued under this section is one year.

(3) The non-refundable fee, payable on application for a licence or renewal, is the greater of,

- (a) 3 cents per U.S. gallon of the total water capacity of the propane storage tanks at each filling plant location; and
- (b) \$45. O. Reg. 455/89, s. 6.

(4) A licence to operate a filling plant or a renewal thereof, showing the expiry date, shall be issued to an applicant where the filling plant from which the applicant supplies consumers complies with this Regulation.

(5) A person seeking renewal of a licence after its expiry date shall make a new application under subsection (1).

(6) A person who transfers propane only from containers having a water capacity not greater than 1,000 pounds to consumers' cylinders is not required to be the holder of a licence under this section.

(7) A person who operates a filling plant for the transfer of propane from one container to another solely for the person's own use is exempt from section 12 of the Act.

(8) A filling plant licence or renewal thereof shall be prominently displayed at the location for which it is issued. O. Reg. 825/82, s. 18 (3-7).

24.—(1) An application for a licence to transport propane under

section 12 of the Act shall be made to the Director for each tank truck or cargo-liner of the applicant. O. Reg. 825/82, s. 19 (1).

(2) The term of a licence or a renewal thereof issued under this section is one year.

(3) The non-refundable fee, payable on application for a licence or renewal, is \$50 for each tank truck or cargo-liner. O. Reg. 455/89, s. 7.

(4) A licence to transport propane by tank truck or cargo-liner or a renewal thereof, showing the expiry date, shall be issued to an applicant where the tank truck or cargo-liner complies with this Regulation.

(5) A person seeking renewal of a licence after its expiry date shall make a new application under subsection (1).

(6) A licence to transport propane, or a renewal thereof, shall be carried in or on the vehicle for which it is issued.

(7) This section does not apply to a person who transports propane by a two-wheel or four-wheel tank trailer having a capacity of 2,000 U.S. water gallons or less. O. Reg. 825/82, s. 19 (3-6).

25. The fee payable for an inspection by an inspector upon application for a licence under section 22, 23 or 24 is \$100 per hour or part thereof. O. Reg. 455/89, s. 8.

26.—(1) If a person's evidence of registration or renewal, certificate or licence is lost or destroyed, the Director shall, upon request and payment of a fee of \$10, issue a duplicate.

(2) If the name of the holder of a certificate is changed, the Director shall, upon receipt of evidence of the name change and payment of a \$10 fee, issue a certificate in the new name. O. Reg. 455/89, s. 9.

(3) No registration, certificate or licence is transferable. O. Reg. 825/82, s. 20 (3).

Environmental Assessment Act *Loi sur les évaluations environnementales*

REGULATION 334

GENERAL

1. In this Regulation,

“change in use”, when used with respect to dam reconstruction, means the addition of new uses or changing the highest level at which water may be stored;

“dam reconstruction” means the reconstruction or rebuilding of a dam that involves a change in use of the dam or reservoir from,

- (a) the use being made immediately prior to the construction taking place, or
- (b) a use being made within the ten years immediately prior to the reconstruction taking place where the construction involves the repair of a dam which has been wholly or partly inoperable due to damage;

“development corporation” means a corporation under the *Development Corporations Act*;

“estimated cost” means the most current estimate prepared by an engineer, architect, official, planner or construction contractor of the cost of an undertaking which estimate has been submitted to the council or other governing body of a municipality or a committee thereof and has been accepted by it as the basis upon which the undertaking is to be proceeded with, but does not include any costs for,

- (a) the acquisition of land,
- (b) feasibility studies and design carried out for the undertaking,
- (c) the operation of the undertaking, or
- (d) a building, the construction of which is regulated by the *Building Code Act* and the furnishings, equipment and ancillary facilities and machinery provided in or for the building,

and where an undertaking is being constructed in phases includes the cost of all phases;

“exclusive right-of-way”, when used in connection with a bus service, means a roadway, including entrances and exits, constructed for use by buses and upon which the public is not permitted to drive motor vehicles but not including accesses to stations and stops or turning, storage and service facilities not otherwise associated with such a right-of-way, nor a reserved bus lane on an existing road;

“fish and wildlife habitat management” means the creation, improvement and maintenance of habitat in order to increase or maintain the supply of food, cover and opportunities for reproduction for fish and wildlife populations, but does not include structural measures for which assessment is required under the provisions of the class environmental assessment for water management structures;

“hardship” means a situation where a person,

- (a) needs to sell property quickly for health or financial reasons

or to settle an estate but is unable to do so at a fair market value, or

- (b) has been refused a building permit because an undertaking, planned or proposed, has not received approval under the Act;

“operating” includes maintaining and repairing and any activities for operating, maintaining and repairing, and “operation” has a corresponding meaning;

“start of construction” means,

- (a) where contracts are to be awarded for carrying out part or all of the construction involved in the undertaking, the date on which the first such contract is awarded, and
- (b) where no such contract is to be awarded, the date on which construction starts. O. Reg. 205/87, s. 1.

2.—(1) An environmental assessment submitted to the Minister shall contain, in addition to the information required under subsection 5 (3) of the Act,

- (a) a brief summary of the environmental assessment organized in accordance with the matters set out in subsection 5 (3) of the Act;
- (b) a list of studies and reports which are under the control of the proponent and which were done in connection with the undertaking or matters related to the undertaking;
- (c) a list of studies and reports done in connection with the undertaking or matters related to the undertaking of which the proponent is aware and that are not under the control of the proponent;
- (d) where the environmental assessment is for an undertaking with a fixed location, at least two unbound well marked and legible maps about 210 millimetres in size by 297 millimetres in size showing the location of the undertaking and the area to be affected by it.

(2) Of the maps referred to in clause (1) (d), one shall be a simplified base map suitable for reproduction in any notices that may be published and the other may include more detail such as a 1:10,000 scale Ontario Base Map.

(3) The maps referred to in clause (1) (d) may show alternative proposals. O. Reg. 205/87, s. 2.

3. The following bodies are defined as public bodies:

- 1. Algonquin Forestry Authority.
- 2. Authorities within the meaning of the *Conservation Authorities Act*.
- 3. Colleges, universities and other bodies, except The Royal Ontario Museum and municipalities, to which the *Ontario Universities Capital Aid Corporation Act* would have applied if it had not been repealed.
- 4. Development corporations.
- 5. Ontario Energy Commission.

6. Ontario Hydro.
7. Ontario Northland Transportation Commission.
8. Ontario Telephone Development Corporation.
9. Ontario Transportation Development Corporation.
10. Toronto Area Transit Operating Authority. O. Reg. 205/87, s. 3.

4.—(1) An undertaking, whether constructed or started before or after the coming into force of the relevant provisions of the Act, for the construction or start of which the approval of the Minister to proceed was not required is exempt with respect to its operation and retirement from the provisions of subsection 5 (1) of the Act requiring the proponent not to proceed with the undertaking and from subsection 6 (1) of the Act.

(2) A proponent of an undertaking of a type referred to in subsection (1) is exempt from section 38 of the Act with respect to the requirement of submitting an environmental assessment to the Minister with respect to the operation or retirement of the undertaking. O. Reg. 205/87, s. 4.

5.—(1) This section does not apply to an undertaking of a body listed in section 3 that may be found to be a local board as defined in the *Municipal Affairs Act* or to be a board, commission or other local authority exercising power in respect of municipal affairs.

(2) An undertaking by a municipality is exempt from subsection 5 (1) of the Act where,

- (a) subject to subsection (3), it has an estimated cost of not more than \$3,500,000;
- (b) it is an undertaking by a board within the meaning of the *Education Act*;
- (c) it is a drainage works regulated under the *Drainage Act*;
- (d) it is a waste disposal site that,
 - (i) is a transfer station for domestic waste that uses portable containers,
 - (ii) is an organic soil conditioning site certified under the *Environmental Protection Act*,
 - (iii) is a transfer station for processed organic waste located at the sewage treatment works where it is generated or at the organic soil conditioning site where it is disposed of, or
 - (iv) is a site certified under section 31 of the *Environmental Protection Act* for the disposal of waste other than hauled liquid industrial waste or hazardous waste as designated in regulations made under subsection 176 (4) of the *Environmental Protection Act*;
- (e) it is an undertaking of a type that, save that the proponent is not Ontario Hydro, is described in Orders of the Minister dated the 14th day of October, 1976 and published as numbers OHB-2, OHC-3 and OHD-4 in the issue of *The Ontario Gazette* dated the 13th day of November, 1976;
- (f) it is an undertaking that consists of the provision of municipal non-profit housing facilities that may include ancillary commercial and other uses within the housing project;
- (g) it is an undertaking of a type that, save that the proponent is not Ontario Hydro, is described in the Order of the Minister dated the 14th day of October, 1976 and published as number OHF-6 in the issue of *The Ontario Gazette* dated

the 13th day of November, 1976 and it is proposed that its construction and maintenance be carried out in accordance with the standards that apply to such undertakings when carried out by Ontario Hydro;

- (h) subject to subsection (3), it is a work provided for in a subdivision agreement between a municipality and a subdivider;
 - (i) it is a work other than a work of a type described in clause (4) (a) that is provided for in a subdivision agreement between a municipality and a subdivider for the management of storm water that originates only from the subdivision or other adjacent land of the subdivider; or
 - (j) it is a transfer of land initiated by the owner of the land,
 - (i) in a hardship situation, or
 - (ii) as part of an arrangement whereby the municipality is to provide a fence in return for a transfer of land. O. Reg. 205/87, s. 5 (1, 2).

(3) The exemptions provided by clauses (2) (a) and (h) do not apply in respect of,

- (a) an undertaking of a type referred to in clause (4) (a);
- (b) a new bus service on an exclusive right-of-way or a new rail transit system;
- (c) a new station, terminal or marshalling yard for a rail transit system;
- (d) a waste disposal site with respect to which a hearing would be required under section 30 of the *Environmental Protection Act*;
- (e) an undertaking of a type that, save that the proponent is not Ontario Hydro, is,
 - (i) described in Orders of the Minister dated the 14th day of October, 1976 and published as numbers OHE-5, OHG-7 and OHL-12 in the issue of *The Ontario Gazette* dated the 13th day of November, 1976, and
 - (ii) except in the case of communication towers, designed to operate at a voltage of 115 kilovolts or more; or
- (f) an undertaking of a type described in subsection (5). O. Reg. 205/87, s. 5 (3); O. Reg. 72/88, s. 1 (1).

(4) An undertaking by any municipality, if it is an undertaking of a type,

- (a) approved under section 14 of the Act with respect to,
 - (i) the class environmental assessment for municipal road projects with approval dated the 9th day of April, 1987,
 - (ii) the class environmental assessment for sewage and water projects with approval dated the 9th day of April, 1987,
 - (iii) the class environmental assessment for water management structures with approval dated the 12th day of December, 1985, or
 - (iv) the class environmental assessment for minor transmission facilities for Ontario Hydro, with approval dated the 6th day of March, 1986,

copies of which may be found in the public records maintained under section 30 of the Act; and

- (b) that is being carried out in accordance with the procedure set out in the relevant class environmental assessment and approval and for which the procedure does not require a further approval, and for which no other environmental assessment has been submitted,

is exempt from subsection 5 (1) of the Act. O. Reg. 205/87, s. 5 (4); O. Reg. 72/88, s. 1 (2); O. Reg. 521/90, s. 1.

(5) An undertaking by a municipality, for which an environmental assessment has not been submitted is exempt from the Act where it is an undertaking of a type for which the Minister issued a Notice of Approval dated the 2nd day of April, 1981 to the Toronto Area Transit Operating Authority pursuant to Order-in-Council 930/81, and construction of the undertaking is started on or before the day on which a decision with respect to the environmental assessment for Municipal Transit submitted to the Minister for approval on the 18th day of January, 1984, is made or deemed to be made under subsection 14 (1) of the Act.

(6) Except as provided for in subsection (4), the obtaining of an option to acquire land or an interest in land by a municipality or the entering into an agreement to purchase land or an interest in land by a municipality, where the acquisition or purchase is conditional on compliance with the Act, is an undertaking that is exempt from subsection 5 (1) of the Act. O. Reg. 205/87, s. 5 (6, 7).

6.—(1) All undertakings and classes of undertakings by or on behalf of Her Majesty in right of Ontario and carried out by,

- (a) the Minister of Revenue;
- (b) the Minister of Labour;
- (c) the Minister of Correctional Services;
- (d) the Attorney General;
- (e) the Minister of Colleges and Universities;
- (f) the Solicitor General;
- (g) the Minister of Community and Social Services;
- (h) the Minister of Consumer and Commercial Relations;
- (i) the Minister of Education;
- (j) the Minister of Health;
- (k) the Minister of Agriculture and Food;
- (l) the Minister of Municipal Affairs; and
- (m) the Minister of Housing,

are exempt from subsection 5 (1) of the Act.

(2) All undertakings and classes of undertakings by or on behalf of Her Majesty in right of Ontario and carried out by an agent of Her Majesty in right of Ontario who is not,

- (a) a Minister of the Crown;
- (b) acting on behalf of a Minister of the Crown; or
- (c) defined as a public body,

are exempt from subsection 5 (1) of the Act. O. Reg. 205/87, s. 6.

7. Despite section 6, an undertaking carried out by the Minister of Government Services on behalf of or at the request of,

- (a) a Minister of the Crown named in section 6;
- (b) an agent of the Crown exempted by section 6,

that would be subject to the Act but for section 6 is not exempt from the Act. O. Reg. 205/87, s. 7.

8.—(1) In this section,

“authority” means an authority within the meaning of the *Conservation Authorities Act*;

“conservation services” means works carried out under an agreement with a private landowner for the purpose of,

- (a) creation of shelter belts and wind breaks,
- (b) erosion control,
- (c) soil conservation,
- (d) water conservation, or
- (e) water quality improvement,

where the estimated cost of the works including all related projects does not exceed \$20,000;

“cost” means the estimated total cost of the implementation of an undertaking at the time of its approval under section 24 of the *Conservation Authorities Act* by the Minister of Natural Resources exclusive of any costs for the acquisition of land or for any feasibility studies and design carried out for the undertaking or the operation of the undertaking;

“floodproofing” means taking measures to protect a structure or its contents from flood damage where the measures are carried out, in, on or immediately adjacent to, the structure being protected, but does not include constructing dykes, channels, retaining walls and water reservoirs or impoundments or other structures, only part of which forms part of, or is immediately adjacent to, the structure being protected.

(2) An undertaking by an authority is exempt from subsection 5 (1) of the Act if the undertaking is solely for the purpose of,

- (a) reforestation and woodlot management;
- (b) restocking of indigenous wildlife;
- (c) provision of conservation area workshops, administration buildings, outdoor education and interpretive centres;
- (d) conservation services;
- (e) municipal tree replacement;
- (f) agricultural land management of authority-owned lands;
- (g) flood-proofing;
- (h) fish and wildlife habitat management;
- (i) development of conservation areas and campgrounds having a cost of not over \$1,000,000; or
- (j) relocation or improvement of historical buildings,

or for the combination of any purposes set out in clauses (a) to (j).

(3) The acquisition of land or interests in land by an authority is exempt from subsection 5 (1) of the Act. O. Reg. 205/87, s. 8.

9. The undertaking of making a loan, giving a grant, giving a guarantee of debts or issuing or granting a licence, permit, approval,

permission or consent is exempt from subsection 5 (1) of the Act. O. Reg. 205/87, s. 9.

10. Despite any provisions of this Regulation exempting any undertaking from the provisions of the Act, where an environmental assessment of an undertaking is submitted, all provisions of the Act apply in respect of that undertaking. O. Reg. 205/87, s. 10.

11.—(1) In this section,

“research” includes measuring, monitoring and testing;

“research undertaking” means an undertaking that is carried out for the purpose of or that consists of research.

(2) Research undertakings are exempt from subsection 5 (1) of the Act. O. Reg. 205/87, s. 11.

12.—(1) In this section, “PCB” means any monochlorinated or polychlorinated biphenyl or any mixture of them or mixture that contains one or more of them.

(2) The locating of a mobile PCB destruction facility on lands of the Crown, a municipality or public body and the using of a mobile PCB destruction facility to destroy PCB wastes of the Crown, a municipality or public body are exempt from subsection 5 (1) of the Act whether or not the establishment of the facility required an approval under the Act. O. Reg. 205/87, s. 12.

13. Despite the repeal of Regulation 293 of Revised Regulations of Ontario, 1980, any part of an undertaking for which an Environmental Assessment has not been submitted and that was exempt under clause 5 (5) (a) or 9 (2) (a) of that regulation on the 12th day of April, 1987, remains exempt. O. Reg. 205/87, s. 13, *revised*.

REGULATION 335

RULES OF PRACTICE—ENVIRONMENTAL ASSESSMENT BOARD

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Purpose

The intent of these Rules is to provide a fair, open and understandable process to enhance public participation and to assist the Board in fulfilling its statutory mandate.

Definitions

1. In these Rules:

“Applicant” means a person who makes an application for a certificate of approval under the *Environmental Protection Act*, a municipality or person who makes an application for approval under the *Ontario Water Resources Act*, and a proponent under the *Environmental Assessment Act*;

“Board” includes a panel or individual member of the Environmental Assessment Board;

“document”, in addition to written documentation, includes films, tapes and other materials;

“hearing” is the proceeding before the Board for which a notice of hearing or notice of preliminary hearing has been given;

“interrogatory” means a question posed in writing by one party to another seeking clarification or explanation of material provided by the party to whom the interrogatory is addressed;

“party” means the applicant, any person who has required a hearing under the *Environmental Assessment Act* and any person or unincorporated group of persons specified by the Board as having an interest in the proceedings;

“person” includes a natural person as defined in the definition of “person” in section 1 of the *Environmental Assessment Act*, subsection 1 (1) of the *Environmental Protection Act* and subsection 29 (1) of the *Interpretation Act*;

“record” includes the application and supporting documents, orders, transcripts, exhibits, correspondence and the Board’s report or decision;

“witness statement” means a summary statement prepared by a witness explaining the contents of the evidence to be presented to the Board. O. Reg. 4/88, r. 1.

PART I—GENERAL

Application

2. These Rules apply to all proceedings of the Environmental Assessment Board. O. Reg. 4/88, r. 2.

Conflicts

3. Where any Rule is in conflict with any Act of the Legislature or any regulation issued pursuant to any Act of the Legislature, the provisions of the relevant statute and regulations govern. O. Reg. 4/88, r. 3.

Flexibility

4. Where any matter arises during the course of any proceeding that is not contemplated by these Rules, the Board may do whatever is necessary and permitted by law to enable it to effectively and completely adjudicate on the matter before it. O. Reg. 4/88, r. 4.

5. If all statutory requirements are met, the Board may, in accordance with the spirit of these Rules and the principles of justice, dispense with compliance with all or part of any Rule at any time, and may issue directions which shall govern the conduct of the proceedings and prevail over any provision of these Rules that is inconsistent with those directions. O. Reg. 4/88, r. 5.

Enlarging or Abridging Time

6.—(1) Where any time or time limitation is mentioned in these Rules, the Board may, upon its own motion or upon application by a party to the proceedings, extend or abridge the time prescribed on such terms, if any, which the Board deems necessary.

(2) The Board's discretion under subrule (1) may be exercised before or after the expiration of the time prescribed. O. Reg. 4/88, r. 6.

Computation of Time

7.—(1) In the computation of time under these Rules or a Board Order, except where a contrary intention appears,

- (a) where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens, even if they are described as clear days or the words "at least" are used;
- (b) where a period of seven days or less is prescribed, holidays shall not be counted;
- (c) where the time for doing anything under these Rules expires on a holiday, the act may be done on the next day that is not a holiday; and
- (d) service of a document, other than an application, made after 4 p.m. or at any time on a holiday shall be deemed to have been made on the next day that is not a holiday.

(2) Under these Rules, "holiday" means,

- (a) any Saturday or Sunday;
- (b) New Year's Day;
- (c) Good Friday;
- (d) Easter Monday;
- (e) Victoria Day;
- (f) Canada Day;

(g) Civic Holiday;

(h) Labour Day;

(i) Thanksgiving Day;

(j) Remembrance Day;

(k) Christmas Day;

(l) Boxing Day; and

(m) any special holiday proclaimed by the Governor General or the Lieutenant Governor,

and where New Year's Day, Canada Day or Remembrance Day falls on a Saturday or Sunday, the following Monday is a holiday; and where Christmas Day falls on a Saturday or Sunday, the following Monday and Tuesday are holidays; and where Christmas day falls on a Friday, the following Monday is a holiday. O. Reg. 4/88, r. 7.

Multiple Hearing Locations

8.—(1) The Board may hold any hearing in a number of locations, depending upon the nature of the undertaking.

(2) Where multiple locations are utilized for one hearing, the Board may, in order to prevent undue repetition of evidence, advise parties that official transcripts of evidence previously presented at a different location will be considered part of the evidence at a subsequent location. O. Reg. 4/88, r. 8.

Notice

9.—(1) Those persons who are to receive notice of a hearing or preliminary hearing shall include,

- (a) those set out in the relevant statute;
- (b) those determined by the Minister under the *Environmental Assessment Act*; [see *Environmental Assessment Act*, s. 12 (3)]
- (c) those determined by the Director under the *Environmental Protection Act* and the *Ontario Water Resources Act*; and [see *Environmental Protection Act*, ss. 30 (2) and 32 (2); *Ontario Water Resources Act*, ss. 54 (1) and 55 (1)]
- (d) such additional persons as determined by the Board.

(2) For the following types of matters, those owners and tenants shown on the last revised property assessment roll shall receive notice of a preliminary hearing or hearing,

- (a) for waste disposal sites, including incinerators, all owners and tenants within 300 metres of the property boundary;
- (b) for sewage lagoons, all owners and tenants within 230 metres of the property boundary;
- (c) for sewage treatment plants, all owners and tenants within 120 metres of the property boundary;
- (d) for sewer mains, all abutting owners and tenants;
- (e) for utility and transportation route proposals, all owners and tenants located within a distance of 120 metres from the edge of a right-of-way; and
- (f) such additional persons as the Board may direct. O. Reg. 4/88, r. 9.

10.—(1) Notice of all hearings held under the *Environmental Assessment Act* shall be given at least thirty days before the hearing is

to commence, unless otherwise directed by the Board. [see *Environmental Assessment Act*, s. 12 (3)]

(2) Notice of all hearings held under the *Environmental Protection Act* shall be given at least thirty days before the hearing is to commence, unless otherwise directed by the Board. [see *Environmental Protection Act*, ss. 30 (2) and 32 (2)]

(3) Notice of all hearings held under the *Ontario Water Resources Act* shall be given at least twenty-one days before the hearing is to commence, unless otherwise directed by the Board. [see *Ontario Water Resources Act*, ss. 54 (1) and 55 (1)] O. Reg. 4/88, r. 10.

11. Any notice required to be served by these Rules shall be served in the following manner subject to such additional notice as may be required by the Board:

1. By personal delivery or by registered mail to the person or to the office of the solicitor acting for that person.
2. By publication, for an application under the *Ontario Water Resources Act* on at least one (1) occasion in a newspaper having general circulation in the locality of the proposal or, for an application under the *Environmental Protection Act*, once a week for three consecutive weeks in a newspaper having general circulation in the locality of the proposal. [see *Environmental Protection Act*, s. 30 (2)]
3. For any published notice given more than once, the notice period shall be calculated from the first publication date. O. Reg. 4/88, r. 11.

12. Any notice required to be given in respect of any matter before the Board that is sent by registered mail addressed to the last known address of the person to be served shall be considered as being served on the seventh day after mailing unless evidence to the contrary is submitted. O. Reg. 4/88, r. 12.

13.—(1) Where the Board is of the opinion that it is impracticable to give notice to all or any of the persons individually, the Board may, instead of doing so, cause or permit reasonable notice of a preliminary hearing, hearing or motion to be given to such parties by public advertisement or otherwise as the Board may direct.

(2) Subrule (1) does not apply to hearings under the *Environmental Protection Act* and the *Ontario Water Resources Act*. O. Reg. 4/88, r. 13.

Evidence of Service

14. Service of every notice given in respect of a matter before the Board shall be evidenced by an affidavit, filed with the Board, setting out when and how service was effected. O. Reg. 4/88, r. 14.

Cost of Notice

15. The cost of providing notice shall be borne by the applicant unless the Board determines otherwise. O. Reg. 4/88, r. 15.

Form and Content of Notice

16. The Board shall,
- (a) provide to the applicant directions for giving notice and approve the form of notice prepared by the applicant; or
 - (b) prepare the notice itself following consultation with the applicant. O. Reg. 4/88, r. 16.

17. A notice of a preliminary hearing or hearing shall be given in both English and French and shall include:

1. A reference to the statutory authority under which the hearing will be held.

2. A statement of the time, place and purpose of the preliminary hearing or hearing.
3. A short explanation of the proposal and its location including, where practicable, a map or sketch.
4. A statement that if the person notified does not attend and identify himself, herself or itself to the Board, the Board may proceed in the absence of such person and such person will not be entitled to any further notice of the preliminary hearing or hearing. O. Reg. 4/88, r. 17.

Board May Proceed

18. Where notice of a preliminary hearing or hearing has been given in accordance with these Rules and statutory requirements and a person does not attend at the preliminary hearing or hearing, the Board may proceed in that person's absence and that person is not entitled to any further notice. O. Reg. 4/88, r. 18.

Preliminary Meeting

19.—(1) Notice for preliminary meetings shall be determined by the Board in each case, however, in no event shall such notice be given less than three days before the meeting.

(2) Preliminary meetings may be held by the Board to discuss procedural matters. O. Reg. 4/88, r. 19.

Preliminary Hearing

20.—(1) A preliminary hearing, which constitutes part of the hearing but at which evidence is not usually given, may be held for the following purposes:

1. To identify parties.
2. To define the issues in dispute.
3. To arrange for the exchange among parties of all documents relevant to the issues.
4. To consider the advantages of filing witness statements and interrogatories and to establish a procedure for filing.
5. To identify witnesses and the nature of their evidence.
6. To estimate the length of the hearing.
7. To set a date and place for the commencement of the hearing of evidence.
8. For any other purpose that the Board considers appropriate.

(2) Issues raised at preliminary hearings may be determined by a Board order. O. Reg. 4/88, r. 20.

Filing of Documents

21.—(1) Where a document is to be filed with the Board, the document may be delivered personally or mailed to the Board's offices.

(2) The date of filing of any document with the Board is the date on which the document arrives at the Board's offices or is provided to the Board in the course of the hearing. O. Reg. 4/88, r. 21.

Obligations of Parties

22. The Board may, in its discretion, limit the procedural obligations such as full-time attendance and filing of witness statements and interrogatories of some of the parties, depending upon the interests and resources of such parties. O. Reg. 4/88, r. 22.

Motions

23.—(1) Motions may be made by the applicant or any other person prior to the commencement of the hearing and thereafter by any party.

(2) A notice of motion shall be in writing except during the course of a hearing when it would, unless the Board orders otherwise, be made orally without written notice.

(3) Prior to notice of motion being served, an appointment shall first be obtained from the Board for hearing the motion and directions obtained from the Board as to service.

(4) Unless otherwise directed by the Board, there shall be at least two days between the service and filing with the Board of a notice of motion and the date fixed for a hearing of the motion.

(5) A notice of motion shall be made returnable at a location established by the Board.

(6) The notice of motion shall set out clearly the relief requested and shall include all supporting materials together with an indication of any oral evidence sought to be presented.

(7) The Board, in hearing a motion, may permit oral evidence in addition to any affidavit or other supporting material accompanying the notice of motion.

(8) Any affidavit material filed in response to a notice of motion shall be served at least two days prior to the hearing of the motion. O. Reg. 4/88, r. 23.

Hearings in French

24.—(1) The Board may conduct a preliminary hearing or a hearing in the French language when a request is made,

(a) by a person seeking party status who speaks the French language, at the time of the making of an application or the initiating of a motion; or

(b) by a party after the commencement of the hearing, if the Board considers it necessary for the fair disposition of the matter.

(2) Nothing herein shall preclude the presentation of submissions or evidence in either the French or English languages.

(3) Where a hearing is to be conducted in the French language, the notice of such hearing shall specify, in English and French, that the hearing is to be so conducted and shall further specify that English may also be used.

(4) Where a written submission or written evidence is provided in either French or English, the Board may, upon request, order any person or body presenting such written submission or written evidence to provide it in the other language if the Board considers it necessary for the fair disposition of the matter. O. Reg. 4/88, r. 24.

Other Languages

25.—(1) Where it is brought to the Board's attention that a party would prefer to give evidence in another language and to have the evidence of others interpreted into that other language, the Board may provide such interpretation services at its own expense.

(2) Prior to a notice of hearing being given, the Board may determine that notice should be given in a language other than French or English and may provide such notice at its own or the applicant's expense. O. Reg. 4/88, r. 25.

Postponements and Adjournments

26.—(1) Where a notice of hearing has been issued, any request

for a postponement or adjournment prior to the commencement of the hearing shall be made by motion.

(2) The Board may grant an adjournment during the course of the hearing upon motion made orally and may add such terms and conditions as the Board may deem appropriate. O. Reg. 4/88, r. 26.

Media Coverage

27.—(1) Radio and television recording of Board proceedings may be permitted at the discretion of the Board, subject to any terms and conditions the Board may impose.

(2) Where permission is sought under subrule (1), a request should be made to the presiding chair prior to the commencement of the part of the hearing sought to be recorded.

(3) The presiding chair may disallow the videotaping or recording of all or portions of the hearing if, in the opinion of the chair, such coverage would inhibit specific witnesses or disrupt the process in any way.

(4) In cases where videotaping or recording is allowed, the following guidelines shall be applied, unless the presiding chair orders otherwise:

1. Only photographic and audio equipment which does not produce distracting sound or light should be used.
2. When possible, audio pick-up should be from existing audio systems present in the hearing facility.
3. Media personnel should not move about while the hearing is in progress.
4. Photographic and audio equipment should be positioned unobtrusively before the proceedings begin and should not be moved while the hearing is in progress. O. Reg. 4/88, r. 27.

Record

28.—(1) The Board shall maintain a record for each of its hearings.

(2) One copy of the record shall be maintained and shall be available to any person during normal business hours at the Board's office or at the hearing when it is in progress.

(3) A person may examine any document filed with the Board and forming part of the public record and, upon payment of the Board's fee, take copies of such document unless a statute, an order of the court or an order of the Board provides otherwise.

(4) The Board may order that any document or part of any document filed with an application or at a hearing be treated as confidential, be sealed and not be subject to public disclosure.

(5) Any order under subrule (4) shall be made only after all interested persons or parties have had an opportunity to make submissions to the Board in respect of the confidentiality claim.

(6) Any order under subrule (4) shall be made only if required by statute or if the Board is satisfied that the person making the claim will be substantially harmed if the document is not treated as confidential, and the reasons for such an order shall be provided.

(7) At any time after the hearing has been completed and any appeal periods have expired, a party may request the return of exhibits filed by it and the Board may return the exhibits after they have been microfilmed in accordance with Board procedures. O. Reg. 4/88, r. 28.

Court Reporters and Record of Hearing

29.—(1) The Board may require that a court reporter attend hearings, preliminary meetings and motions of the Board.

(2) The court reporter shall record all testimony and argument given during motions, preliminary meetings and hearings.

(3) The Board shall ensure that one copy of the electronic record or transcript is inserted as part of the hearing record, and any party to the proceedings may order additional copies of the electronic record or transcript.

(4) All copies of transcripts and all electronic records ordered by parties to the proceedings shall be paid for by those parties unless otherwise ordered by the Board. O. Reg. 4/88, r. 29.

PART II—WITNESSES*Expert Witnesses*

30. On motion by a party or on its own initiative, the Board may retain any person having technical or special knowledge to assist the Board and to give evidence in respect of any matter before it. In such cases, the following procedures shall govern:

1. Any such request shall be made by motion to the Board as soon as practicable after the appointment of the hearing panel or at a preliminary hearing if one is held, and otherwise as soon as practicable after the need for such a witness is recognized by the party.
2. The Board must be satisfied that the proposed witness will be of assistance to the Board in understanding the issues before it.
3. The Board shall decide who shall be appointed.
4. The Board shall retain the right to settle all terms of any such appointment, including remuneration and the scope of any inquiry, and may direct that such witness,
 - i. provide a written report of findings and conclusions,
 - ii. attend the hearing during presentation of evidence by others expert in the same field, and
 - iii. explain and evaluate such evidence as required by the Board.
5. Any witness retained by the Board shall testify orally and be subject to cross-examination. O. Reg. 4/88, r. 30.

31.—(1) A witness having technical or special knowledge retained by a party or the Board to give evidence shall provide a written curriculum vitae of the witness' qualifications and experience.

(2) Any party may challenge the qualifications of a witness having technical or special knowledge.

(3) The Board, in its discretion, will determine the weight to be given each witness' testimony and the witness' qualifications and experience will be a factor in determining the weight to be given such testimony. O. Reg. 4/88, r. 31.

Exclusion of Witness

32. The Board may, upon motion, order a witness to be excluded from the hearing until called to give evidence. O. Reg. 4/88, r. 32.

Witness Statements

33.—(1) The Board may, on its own motion or at the request of any party, order that witness statements be exchanged among the parties and filed with the Board.

(2) When witness statements are ordered, the dates and parties upon which each party is to serve such witness statements and file them with the Board shall be determined by the Board. O. Reg. 4/88, r. 33.

34.—(1) Witness statements shall contain the following:

1. Name, business address and telephone number of the witness (and qualifications or curriculum vitae, if appropriate).
2. Whether or not the witness has an interest in the application and, if so, the nature of the general or special interest.
3. Whether the evidence will be factual evidence or, if the witness is qualified, opinion evidence.
4. Whether the witness has some special skill which the witness possesses by reason of experience or study which qualifies the witness to give such evidence.
5. A full but concise statement of the evidence.
6. Reference to and identification of exhibits which are part of the witness' evidence, including: supporting documents, plans, reports, technical memoranda, etc. (a separate sheet shall be attached to the statement listing the exhibits).
7. An acknowledgement that the witness intends to appear before the Board and be subject to examination and cross-examination.
8. The date of the statement.

(2) A formal report prepared by the witness for the purpose of the hearing may be utilized as a witness statement, provided that the required information is contained therein or supplied by way of addendum. O. Reg. 4/88, r. 34.

Oath or Affirmation

35. Witnesses at a Board hearing shall be examined orally under oath or after affirming that their evidence will be true. O. Reg. 4/88, r. 35.

Witness Panels

36.—(1) The Board shall permit evidence to be given by a number of witnesses sitting as a panel, provided that the Board is satisfied that in the particular case the tendering of evidence in this manner will result in a full and fair hearing in the public interest.

(2) Questions addressed to a witness panel may be directed at specific members or the panel in general.

(3) Where a question is directed to a specific member of a panel and he or she asserts an inability to answer due to lack of knowledge or qualifications, the Board may permit another member of the panel to provide the answer. O. Reg. 4/88, r. 36.

Summons

37.—(1) The Board may require any person, including a party, by summons,

- (a) to give evidence on oath or affirmation at a hearing; and
- (b) to produce in evidence at a hearing such documents or other things as specified in the summons,

relevant to the subject matter of the hearing and not inadmissible in evidence by reason of privilege or statutory prohibition.

(2) Upon the request of a party, the Board may issue a summons. O. Reg. 4/88, r. 37 (1, 2).

(3) Any summons issued shall be served personally on the person summoned and that person shall be paid at the time of service the same fees and allowances as are provided for the attendance of a witness summoned to attend before the Ontario Court (General Division). O. Reg. 4/88, r. 37, *revised*.

PART III—EVIDENCE

Studies and Reports

38.—(1) Studies, reports and documents relating to the application and in the possession, control or power of the applicant shall be filed with the Board, at such time as the applicant has received notification of the date set for the hearing of the application, and placed in a local public library or other public repository as directed by the Board and, if requested, copies of the material shall be given by the applicant to persons or groups of persons who have indicated to the applicant or the Board that they intend to be parties at the hearing.

(2) Unless otherwise directed by the Board, parties shall provide any study, report or document to be relied upon by a witness and put in evidence, to other parties and the Board as soon as it is available and, in any event, at least five hearing days in advance of oral evidence relating to the report. O. Reg. 4/88, r. 38.

Site Visits

39.—(1) The Board may make one or more site visits or property inspections.

(2) Where a site visit is made, the Board shall indicate on the record the fact that it made the visit, the date and time and those present. O. Reg. 4/88, r. 39.

Interrogatories

40.—(1) The Board may order that interrogatories be exchanged among the parties and filed with the Board.

(2) When interrogatories and answers to interrogatories are ordered, the dates and parties upon which each party is to serve such interrogatories and answers and file them with the Board shall be determined by the Board. O. Reg. 4/88, r. 40.

41.—(1) Interrogatories shall contain a written request for information directed from one party to another party, addressed to the party, numbered consecutively for each item of information requested, dated and served within the time limit directed by the Board.

(2) Answers to interrogatories shall respond to the form and content of interrogatories and shall be served within the time limit and upon the parties as ordered by the Board.

(3) A party who is unable or unwilling to provide a full and adequate answer to an interrogatory shall,

- (a) where the party contends that the interrogatory is not relevant, provide a response that sets out reasons in support of that contention;
- (b) where the party contends that the information necessary to provide an answer is not available or cannot with reasonable effort be provided, provide a response that sets out the reasons for the unavailability of such information and provide any alternative available information that the party considers would be of assistance to the person directing the interrogatory;
- (c) where the party contends that the information sought is of a confidential nature, provide a response that sets out the reasons why it is considered confidential; or
- (d) otherwise explain why such an answer cannot be given.

(4) Where answers to interrogatories are not submitted within the time ordered or do not answer the questions of the party submitting the interrogatories, a motion may be brought before the Board in accordance with Rule 23. O. Reg. 4/88, r. 41.

Production

42.—(1) Any person prior to a hearing or, after the hearing has begun, any party may give notice in writing to any person or party in whose application, witness statement, answer to an interrogatory, or report, reference has been made to a document, to produce that document for inspection by the person giving the notice and to permit the person giving the notice to make copies thereof. O. Reg. 4/88, r. 42 (1).

(2) Any person or party who fails to comply with a notice given pursuant to subrule (1) within ten days from its receipt is not entitled to put the document referred to in the notice in evidence on that party's behalf unless that party satisfies the Board that there is sufficient cause for not complying with the notice. O. Reg. 4/88, r. 42 (2).

Further Information

43. The Board may order any party to provide such further information, particulars or documents as the Board considers necessary for a full understanding of the issues. O. Reg. 4/88, r. 43.

Copies of Documents

44.—(1) Where the Board is satisfied with the authenticity of a copy of a document or other material, it may be admitted as evidence at a public hearing.

(2) Where a document has been filed in evidence at a hearing, the Board may, or the person producing it or entitled to it may with leave of the Board, cause the document to be photocopied and the Board may authorize the photocopy to be filed in evidence in place of the document filed and release the document filed. O. Reg. 4/88, r. 44.

Certified Copies

45. Copies of official or public documents or documents purporting to be certified under the hand of the proper officer, or the person in whose custody such is placed, shall be documents receivable in evidence by the Board as proof, in the absence of evidence to the contrary of the original without proof of the signature or official position of the person appearing to have signed it. O. Reg. 4/88, r. 45.

Letters of Comment and Written Submissions

46.—(1) The Board prefers evidence to be given orally at the hearing in order that the evidence given may be tested by cross-examination but, where notice of a hearing has been given, any person who does not wish to intervene in respect of the application but who wishes to make the person's views regarding the application known to the Board may file with the Board a letter or written submission commenting on the application, which describes the nature of the person's interest in the application and states clearly the person's views regarding the application, together with any relevant information that may be useful in explaining or supporting those views. O. Reg. 4/88, r. 46 (1).

(2) A person who files a letter or written submission pursuant to subrule (1) does not by that act alone become a party to the hearing.

(3) Before a letter, written submission or petition shall be admitted, the Board shall make it available to all other parties to the hearing and provide an opportunity for parties to comment on its admissibility.

(4) For the purpose of allowing persons who are unable to attend the hearing during the day to give their views on an application, the

Board may hold one or more evening sessions during the course of the hearing. O. Reg. 4/88, r. 46 (2-4).

Order of Presentation

47. Evidence at a hearing shall be presented by parties as the Board may direct and, in the absence of any such direction, in the following order:

1. The applicant.
2. Those parties represented by counsel in support of the proposal, beginning with federal and provincial government agencies, then municipal corporations, intervenor groups and individual parties.
3. Those parties not represented by counsel in support of the proposal.
4. Those parties represented by counsel opposing the proposal, beginning with federal and provincial government agencies, then municipal corporations, intervenor groups and individual parties.
5. Those parties not represented by counsel opposing the proposal.
6. Those parties, such as regulatory bodies, that do not take a position in support of or in opposition to the proposal.
7. The Board's witnesses, if any.
8. The applicant, in reply. O. Reg. 4/88, r. 47.

48. Parties shall examine, cross-examine and re-examine witnesses as the Board may direct and, in the absence of any such direction, in the following order, but with the order rotating in accordance with which party is presenting evidence:

1. The applicant.
2. Those parties represented by counsel in support of the proposal.
3. Those parties not represented by counsel in support of the proposal.
4. Those parties represented by counsel opposing the proposal.
5. Those parties not represented by counsel opposing the proposal.
6. Those parties, such as regulatory bodies, that do not take a position in support of or in opposition to the proposal.
7. The Board's counsel, if any.
8. The applicant, in re-examination. O. Reg. 4/88, r. 48.

PART IV—ADDITIONAL PROVISIONS

Board Counsel

49. The Board may appoint and direct its own counsel to,
- (a) advise the Board on matters of law and procedure and on such other matters as the Board requests;

- (b) conduct the examination-in-chief of Board-appointed witnesses if the Board has retained such witnesses;
- (c) cross-examine witnesses; and
- (d) provide liaison with counsel acting on behalf of parties, and parties that are unrepresented by counsel. O. Reg. 4/88, r. 49.

Argument and Submissions

50.—(1) The Board may order written argument to be submitted by the parties in addition to or in lieu of oral argument.

(2) All parties shall be given an adequate opportunity to respond to any written arguments or written submissions.

(3) In both written and oral argument, facts or quotations from the oral evidence on which the argument is based are to be referenced with the transcript volume and page number, if transcripts are available and, if the fact or quotation is from documentation filed as an exhibit, the exhibit number and page.

(4) Parties should, at the time of delivering argument, make known to the Board any terms and conditions they would like the Board to attach to any approval. Copies of draft terms and conditions should be distributed to other parties before argument is delivered. O. Reg. 4/88, r. 50.

Effect of Order

51. Any Board Order is effective from the date upon which it is pronounced orally or upon which it is signed, whichever is earlier. O. Reg. 4/88, r. 51.

Reports and Decisions

52.—(1) After every hearing of the Board, a report or decision shall be provided by the Board.

(2) The Board's report or decision shall include reasons for its recommendations or decision.

(3) Where any Board member dissents in writing with a report of the Board made under the *Environmental Protection Act* or the *Ontario Water Resources Act* and, where any Board member who sat on a hearing under the *Environmental Assessment Act* dissents, a copy of the dissenting reasons shall be attached to the report or decision.

(4) The Board may issue its reasons for decision separate from its decision.

(5) The release date will be indicated in every decision and report.

(6) The Board's reports and decisions shall be sent to the Minister of the Environment and all parties to the hearing; all persons to whom the Minister or the Director under the *Environmental Protection Act* and the *Ontario Water Resources Act* has requested notification, and who have indicated that they wish to receive the report or decision; all members of the public requesting such report or decision; such other persons as have made written submissions pursuant to subsection 7 (2) of the *Environmental Assessment Act*; the clerk of each municipality in which the undertaking is being or will be carried out; all members of the public making a written submission to the Board; and such other persons as may be determined by the Board. O. Reg. 4/88, r. 52.

Environmental Protection Act
Loi sur la protection de l'environnement

REGULATION 336

**AIR CONTAMINANTS FROM FERROUS
FOUNDRIES**

1. In this Regulation,

“effluent gas stream” means the combination of gases and solids being emitted from a process or operation;

“ferrous foundry” means the part of a building, or premises, or the workshop, structure, room or place in which iron or any of its alloys is cast in moulds or where core-making, shake-out or cleaning of any casting or other dust-causing or odour-causing operation ancillary to the casting process is carried on;

“particulate” means solid particles;

“particulate collection efficiency” means the amount of the solid particles that is removed from the effluent gas stream, expressed as a percentage of the total particulate in the uncontrolled effluent gas stream on a weight basis;

“plus 25 micron fraction” means that part of the total particulate in the effluent gas stream of which the nominal diameter is greater than 25 microns. R.R.O. 1980, Reg. 295, s. 1.

2. This Regulation does not apply to,

- (a) die casting; or
- (b) any premises or part thereof where steel ingots are cast. R.R.O. 1980, Reg. 295, s. 2.

3. All ferrous foundry operations shall be designed and operated so as to have a minimum particulate collection efficiency of 97 per cent of the plus 25 micron fraction. R.R.O. 1980, Reg. 295, s. 3.

4.—(1) Where a ferrous foundry has a cupola with a melting capacity of not more than ten tons of iron an hour, the cupola shall be designed and operated so as to have,

- (a) a maximum emission of seventy-five pounds an hour of particulate and the remaining air contaminants shall be emitted in such a manner as to comply with the requirements of sections 5 and 6 of Regulation 346 of Revised Regulations of Ontario, 1990;
- (b) afterburners working at all times during the operation of the cupola;

(c) no water fallout beyond the limits of the land or premises on or in which the ferrous foundry is located; and

(d) no impingement of a water plume beyond the limits of the land or premises on or in which the ferrous foundry is located.

(2) Where a ferrous foundry has a cupola with a melting capacity greater than ten tons of iron an hour, the cupola shall be designed and operated so as to have,

(a) a maximum emission of twenty-five pounds an hour of particulate and the remaining air contaminants shall be emitted in such a manner as to comply with the requirements of sections 5 and 6 of Regulation 346 of Revised Regulations of Ontario, 1990;

(b) afterburners working at all times during the operation of the cupola;

(c) no water fallout beyond the limits of the land or premises on or in which the ferrous foundry is located; and

(d) no impingement of a water plume beyond the limits of the land or premises on or in which the ferrous foundry is located.

(3) Where a ferrous foundry has an electric arc furnace, the electric arc furnace shall be designed and operated so as to have,

(a) a maximum emission of twenty-five pounds an hour of particulate and the remaining air contaminants shall be emitted in such a manner as to comply with the requirements of sections 5 and 6 of Regulation 346 of Revised Regulations of Ontario, 1990;

(b) no water fallout beyond the limits of the land or premises on or in which the ferrous foundry is located; and

(c) no impingement of a water plume beyond the limits of the land or premises on or in which the ferrous foundry is located. R.R.O. 1980, Reg. 295, s. 4.

5. The owner or operator of each ferrous foundry shall submit a written proposal to the Minister, showing in detail the method and devices by which the owner or operator intends to meet the requirements of this Regulation. R.R.O. 1980, Reg. 295, s. 5.

REGULATION 337

AMBIENT AIR QUALITY CRITERIA

1. The desirable ambient air quality criteria for each contaminant set out in Column 1 of the Schedule is that amount of concentration or total amount of contaminant set out opposite thereto in Column 3 of the Schedule in the unit of measurement set out opposite thereto in Column 2 of the Schedule for the time set out opposite thereto in Column 4 of the Schedule. R.R.O. 1980, Reg. 296, s. 1.

Schedule

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
	Name of Contaminant	Unit of Measurement	Average Amount of Concentration or Total Amount of Contaminant	Period of Time	Approximate Equivalent at 10°C and 760 mm Hg pressure
1.	Arsenic	Micrograms of Arsenic per cubic metre of air	25	24 hours	
2.	Cadmium	Micrograms of cadmium per cubic metre of air	2.0	24 hours	
3.	Carbon Monoxide	Parts of carbon monoxide per one million parts of air by volume	30 13	1 hour 8 hours	36,200 ug/m ³ 15,700 ug/m ³
4.	Dustfall	Tons of dustfall per square mile per month	20 Total 13	30 days 1 year	
5.	Fluorides (Gaseous) April 15 to October 15	Parts of fluorides per billion parts of air by volume (Expressed as HF)	1.0 0.4	24 hours 30 days	0.86 ug/m ³ 0.34 ug/m ³
6.	Total Fluorides (Gaseous and Particulate) April 15 to October 15	Parts of fluorides per one billion parts of air by volume (Expressed as HF)	2.0 0.8	24 hours 30 days	1.72 ug/m ³ 0.69 ug/m ³
7.	Total Fluorides (Gaseous and Particulate) October 16 to April 14	Parts of fluorides per one billion parts of air by volume (Expressed as HF)	4.0 1.6	24 hours 30 days	3.44 ug/m ³ 1.38 ug/m ³
8.	Fluorides in Forage for Consumption by Livestock	Parts of total fluorides per one million parts forage (dry weight)	35	Individual Sample	
9.	Fluoridation (total) April 15 to October 15	Micrograms of total fluorides collected by 100 sq. centimetres of limed filter paper	40	30 days	
10.	Fluoridation (total) October 16 to April 14	Micrograms of total fluorides collected by 100 sq. centimetres of limed filter paper	80	30 days	
11.	Hydrogen Sulphide	Parts of hydrogen sulphide per one million parts of air by volume	0.02	1 hour	30 ug/m ³
12.	Lead	Micrograms of lead per cubic metre of air	5.0 2.0 geometric mean	24 hours 30 days	
13.	Mercaptans	Parts of mercaptans per one million parts of air by volume (Expressed as methyl mercaptan)	0.01	1 hour	20 ug/m ³
14.	Mercury	Micrograms of mercury per cubic metre of air	2.0	24 hours	
15.	Nickel	Micrograms of Nickel per cubic metre of air	2.0	24 hours	
16.	Nitrogen Dioxide	Parts of nitrogen dioxide per one million parts of air by volume	0.20 0.10	1 hour 24 hours	400 ug/m ³ 200 ug/m ³
17.	Oxidants (total)	Parts of total oxidants per one million parts of air by volume	0.10	1 hour	
18.	Ozone	Parts of ozone per one million parts of air by volume	0.08	1 hour	165 ug/m ³

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
	Name of Contaminant	Unit of Measurement	Average Amount of Concentration or Total Amount of Contaminant	Period of Time	Approximate Equivalent at 10°C and 760 mm Hg pressure
19.	Soiling	Coefficient of Haze per 1,000 feet of air	1.0 0.5	24 hours 1 year	
20.	Sulphation	Milligrams of sulphur trioxide per 100 sq. cm of exposed lead peroxide per day	0.7	30 days	
21.	Sulphur Dioxide	Parts of sulphur dioxide per one million parts of air by volume	0.25 0.10 0.02	1 hour 24 hours 1 year	690 µg/m ³ 275 µg/m ³ 55 µg/m ³
22.	Suspended Particulate Matter	Micrograms of suspended particulate matter per cubic metre of air	120 60 geometric mean	24 hours 1 year	
23.	Vanadium	Micrograms of vanadium per cubic metre of air	2.0	24 hours	

R.R.O. 1980, Reg. 296, Sched.

REGULATION 338**BOILERS**

1. In this Regulation,

"ASTM method" means the American Society for Testing Materials standard method of test;

"boiler" means equipment used for the purpose of producing hot water or steam;

"gas" means natural gas, manufactured gas, propane-air gas or any mixture of any of them;

"standard methods of sampling and testing" means,

- (a) in the case of fuel oil, ASTM method designated as D-129-60, and
- (b) in the case of coal, ASTM method designated as D3177-75;

"sulphur content" means the average concentration of sulphur in a fuel in any ninety day period as determined by standard methods of sampling and testing. O. Reg. 16/86, s. 1.

2.—(1) This Regulation applies to every boiler that uses fuel oil or coal as fuel and,

- (a) is first put into operation after this Regulation comes into force;
- (b) undergoes physical modification so that the ability of the boiler to use fuel is changed;
- (c) is put into use after a period of more than twelve months of disuse;
- (d) an increase occurs in the sulphur content of the fuel used therein; or
- (e) that also uses purchased gas as a fuel where the gas purchase arrangements are modified after this Regulation comes into force so that increased permissible interruptions in the gas supply or any other modifications increase the potential maximum utilization of fuel oil or coal as fuel for the boiler.

(2) This Regulation does not apply,

- (a) to boilers at an electric generating station of Ontario Hydro;
- (b) to boilers used solely for the purpose of comfort heating in dwellings housing not more than three families; or
- (c) to boilers used solely for the purpose of comfort heating in buildings using natural gas or No. 2 oil at a rate less than 1.58 million kilojoules per hour. O. Reg. 16/86, s. 2.

3.—(1) No person shall use, in a boiler to which this Regulation applies, fuel oil or coal with a sulphur content in excess of 1 per cent.

(2) Subsection (1) does not apply to a person who has obtained and complies with a certificate of approval under section 9 of the Act for methods or devices that result in emissions to the natural environment of sulphur dioxide no greater than if the fuel has a sulphur content of 1 per cent.

(3) No person shall use, in a boiler to which this Regulation applies, fuel oil or coal with a sulphur content that exceeds the sulphur content that will provide a maximum rate of wet sulphate deposition from the boiler of 0.1 kilograms per hectare per year, in an area set out in the Schedule, as predicted using the Ministry of the Environment Statistical Long Range Transport Model for Air Contaminants. O. Reg. 16/86, s. 3.

Schedule

That portion of Ontario, excluding the Counties of Grey and Bruce, bounded on the south by latitude 44° 45' North, on the east by longitude 76° 30' West and on the North by the latitude 50° 00' North. O. Reg. 16/86, Sched.

REGULATION 339**CLASSES OF CONTAMINANTS—EXEMPTIONS**

1. In this Regulation,

"highway" has the same meaning as in the *Highway Traffic Act*;

"road authority" means any person or persons having jurisdiction and control over a highway. R.R.O. 1980, Reg. 298, s. 1.

2. Where any substance used on a highway by the Crown as represented by the Minister of Transportation or any road authority or any agent or employee of any of them for the purpose of keeping the highway safe for traffic under conditions of snow or ice or both is a contaminant, it is classified and is exempt from the Act and the regulations. R.R.O. 1980, Reg. 298, s. 2.

REGULATION 340

CONTAINERS

1. In this Regulation,

“administrative region” means an administrative region of the Ministry as shown on a map produced by the Ministry, as revised November, 1974, designated as Map 2001-4 and filed in the office of the Assistant Deputy Minister of the Ministry, Regional Operations Division;

“auditor” means the person appointed by the Minister as the auditor for purposes of this Regulation;

“brand of carbonated soft drink” means a carbonated soft drink or carbonated soft drinks designated as a brand of carbonated soft drink in a notice filed under subsection 3 (1) or by the Minister under subsection 3 (8);

“brand owner” means a person who has filed a notice with the Ministry under subsection 3 (1);

“brand user” means a person designated as such or who first acquires ownership in Ontario of a carbonated soft drink that is not put in its retail container in Ontario;

“capacity”, when used with respect to a container for carbonated soft drink, means the volume of carbonated soft drink the container is represented to hold when carbonated soft drink is sold at retail in the container;

“carbonated soft drink” includes unflavoured soda or seltzer water and any carbonated beverage containing alcohol other than liquor with respect to which a licence or permit is required under section 5 of the *Liquor Licence Act*;

“import sale” means the sale of a carbonated soft drink placed in the container in which it is retailed in a country other than Canada or the United States of America and of which less than 250,000 litres are sold at retail in Ontario in every twelve month period ending on the last day of each month;

“multi-material” means three or more materials, of which one is used newspapers, that can be recycled;

“non alcoholic beer and wine” means a beverage that would be a malt liquor within the meaning of the *Food and Drug Regulations* made under the *Food and Drugs Act* (Canada) or wine within the meaning of the said Regulations except that the beverage contains less than the proportion of alcohol required under the said Regulations;

“recycling advisory committee” means the advisory committee of that name established by the Minister under the Act for the purposes of this Regulation;

“recycling rate” means the rate at which non-refillable containers or non-refillable containers of a particular type are being recycled;

“refillable container” means a container classified as a refillable container under Regulation 357 of Revised Regulations of Ontario, 1990;

“sales area” means an area of the province designated under subsection 3 (7) or (8) as the area in which a particular brand user,

(a) distributes or intends to distribute the carbonated soft drink,

(b) maintains separate warehousing or manufacturing facilities from which the carbonated soft drink is or will be distributed in that area, and

(c) normally maintains separate sales records,

or, where no such designation has been made, means an administrative region of the Ministry;

“spring water” means mineral or spring water within the meaning of the *Food and Drug Regulations* made under the *Food and Drugs Act* (Canada);

“steel can” means a metal can of which the sides and one end are made of steel. O. Reg. 623/85, s. 1; O. Reg. 150/86, s. 1; O. Reg. 236/87, s. 1.

2.—(1) Cylindrical metal cans are classified as metal can containers.

(2) Containers for carbonated soft drink that are not refillable containers are classified as non-refillable containers.

(3) Non-refillable containers that as a type of container are recycled and that as used containers are collected in widespread multi-material recycling projects and for which there is a market in Ontario are classified as recyclable containers. O. Reg. 623/85, s. 2.

3.—(1) Every brand owner of a carbonated soft drink who files a notice with the Director designating a specified carbonated soft drink as a brand of carbonated soft drink of which he, she or it is the brand owner and meets the requirements set out in section 7 is classified.

(2) The notice referred to in subsection (1) may include reference to carbonated soft drinks of more than one flavour or that are sold under more than one name.

(3) In every notice filed under subsection (1), a person shall be designated as a brand user with respect to each sales area. O. Reg. 623/85, s. 3 (1-3).

(4) Every brand user is classified,

(a) who is not designated as a brand user and who files the notice referred to in subsection (1) and meets the requirements set out in section 7; or

(b) who is designated under subsection (3) by a brand owner who meets the requirements set out in section 7. O. Reg. 150/86, s. 2.

(5) Every person classified under subsection (1) or (4) who does not stock, display, offer for sale or sell carbonated soft drinks in a non-refillable container other than a recyclable container is exempt from subsection 3 (1) of Regulation 357 of Revised Regulations of Ontario, 1990.

(6) Section 3 of Regulation 357 of Revised Regulations of Ontario, 1990 does not apply to prohibit the stocking, displaying, offering for sale or selling of carbonated soft drinks in recyclable containers that were originally sold by a person classified under subsection (1) or (4).

(7) Any brand owner or, where there is no brand owner, brand user for a brand of carbonated soft drink may designate sales areas.

(8) Any sales area designated may be redesignated by the Minister.

(9) Any brand of carbonated soft drink designated may be redesignated by the Minister. O. Reg. 623/85, s. 3 (5-9).

4.—(1) In this section, “small manufacturer” means a manufacturer of carbonated soft drink who manufactures less than 250,000 litres of carbonated soft drinks a year and has filed a notice under subsection 3 (1).

(2) For the purpose of subsection (1), in determining the volume of drink, all drinks of the same brand as manufactured by that manufacturer, whether actually manufactured by the manufacturer or not, shall be included in the calculation.

(3) Subsection (2) does not apply to drinks exported out of Ontario before their sale by retail or manufactured outside of Ontario and not imported into Ontario.

(4) Containers for carbonated soft drink manufactured by a small manufacturer are exempt from the application of section 3 of Regulation 357 of Revised Regulations of Ontario, 1990 and sections 6 to 8 of this Regulation.

(5) Every small manufacturer filing a notice under subsection 3 (1) shall, in the notice, set out the quantity of carbonated soft drink sold by the manufacturer.

(6) Every small manufacturer shall file, within twenty days after each calendar quarter, a return with the Director showing the quantity of carbonated soft drink manufactured by that manufacturer, applying subsections (2) and (3), in the twelve months ending on the last day of that quarter. O. Reg. 623/85, s. 4.

(7) Small manufacturers whose carbonated soft drinks are sold in Ontario only by way of an import sale are exempt from subsections (5) and (6) and the containers of carbonated soft drink of those manufacturers are exempt from section 9. O. Reg. 236/87, s. 2.

5.—(1) Containers of non-alcoholic beer and wine and unflavoured spring water are exempt from the application of section 3 of Regulation 357 of Revised Regulations of Ontario, 1990 and from sections 6 to 9 of this Regulation. O. Reg. 623/85, s. 5 (1); O. Reg. 236/87, s. 3.

(2) The following containers for carbonated soft drinks are exempt from the application of section 3 of Regulation 357 of Revised Regulations of Ontario, 1990 and from sections 6 to 9 of this Regulation:

1. Containers designed to contain other containers in which carbonated soft drinks may be sold separately.
2. Containers not intended to contain carbonated soft drink under pressure.
3. Containers,
 - i. designed to contain a product in bulk,
 - ii. intended to be used in connection with carbonated soft drink dispensing machines,
 - iii. accepted for reuse as containers for carbonated soft drinks by distributors, processors or manufacturers of carbonated soft drinks, and
 - iv. not of a type customarily transferred to purchasers by retail of the carbonated soft drinks contained therein.
4. Containers intended for use in the sale by retail of carbonated soft drinks outside Ontario.
5. Refillable containers manufactured before the 1st day of April, 1978.
6. Refillable containers with a capacity between 500 and 851 millilitres that are used for a brand of carbonated soft drink that was not sold in non-refillable containers before the

29th day of November, 1985 and has not been sold in containers with a different capacity over 500 millilitres, other than a single capacity, during 1984. O. Reg. 623/85, s. 5 (2).

6.—(1) No person shall advertise or display a brand of carbonated soft drink in a non-refillable container in an off-premises advertisement unless it is also advertised or displayed in a refillable container in the same off-premises advertisement.

(2) To meet the requirement of subsection (1), an advertisement for a carbonated soft drink in a refillable container that is,

- (a) a printed advertisement, shall occupy an area not less than the area used to advertise the drink in a non-refillable container; or
- (b) not a printed advertisement, shall receive at least equal time to the time allotted to advertising the drink in a non-refillable container. O. Reg. 623/85, s. 7 (1, 2).

(3) Clause (2) (b) does not apply to a television advertisement prepared for broadcast outside of Ontario but used in Ontario if the advertisement is immediately followed by an announcement that the drink is available in refillable containers. O. Reg. 236/87, s. 4.

(4) Subsection (1) does not apply to an advertisement or display in conjunction with mobile industrial canteen sales or vending machine sales.

(5) No person shall indicate in an off-premises advertisement the price of a carbonated soft drink in a non-refillable container without indicating in the same advertisement the price of the carbonated soft drink in a refillable container.

(6) Every person indicating the price of a carbonated soft drink in an off-premises advertisement shall indicate the price for 100 millilitres of the drink.

(7) The price referred to in subsection (6) shall not include any amount on account of a deposit for a refillable container.

(8) Subsection (6) does not apply to prevent indicating the price in a manner other than as set out in subsection (6) in the same advertisement or indicating the amount of a deposit.

(9) Subsection (6) does not apply where the advertisement is for carbonated soft drinks to be sold by way of on-premises sales, vending machine sales or mobile industrial canteen sales.

(10) In this section,

“mobile industrial canteen sales” means sales of carbonated soft drinks in non-refillable containers other than glass bottles made,

- (a) from,
 - (i) a commercial motor vehicle having no more than two axles, other than a bus, or
 - (ii) a push-cart in a building,
- (b) at the same time as other ready-to-eat food is offered for sale from the vehicle or push-cart referred to in clause (a),
- (c) at an industrial, commercial, construction or other similar site,
- (d) to persons who are employed at a site referred to in clause (c), and
- (e) intended for consumption at the site;

“on-premises sale” means the sale, offering for sale or display of a

beverage intended for consumption on the premises on which it is sold;

"vending machine sales" means the sale of individual containers of carbonated soft drink from a coin or token operated vending machine. O. Reg. 623/85, s. 7 (3-9).

7.—(1) Every brand owner and every brand user filing a notice under section 3 shall file with the auditor monthly returns indicating all carbonated soft drinks for each brand that the owner or user is the brand owner or brand user of and in what types and sizes of containers they are sold and indicating the per cent, on an annual basis, by volume, of each brand of the carbonated soft drinks of which the owner or user is the brand owner or brand user that is sold in each sales area that he, she or it has in refillable containers.

(2) The per cent referred to in subsection (1) shall be at least forty.

(3) The per cent is calculated on the basis of the twelve months immediately preceding the return.

(4) No monthly return shall show a monthly sales volume in refillable containers that is less than 30 per cent of the volume sold. O. Reg. 623/85, s. 8 (1-4).

(5) The returns referred to in subsection (1) are due within thirty days after each monthly period being reported. O. Reg. 623/85, s. 8 (5); O. Reg. 236/87, s. 5.

(6) No brand user or brand owner shall sell carbonated soft drink in recyclable containers to a person who resells carbonated soft drinks or who transfers carbonated soft drinks between sales areas other than as brand users of that carbonated soft drink without obtaining verifiable distribution information from that person for purposes of reporting retail distribution by sales area.

(7) No person who is not a brand owner or brand user shall stock, display, offer for sale or sell carbonated soft drinks in recyclable containers unless that person provides the distribution information referred to in subsection (6) to the last brand owner or brand user who owned the carbonated soft drink within twenty days after that person received the drinks. O. Reg. 623/85, s. 8 (6, 7).

8.—(1) The requirement in section 7 that 40 per cent of the volume of carbonated soft drinks be sold in refillable containers shall vary in accordance with the Table so that when the recycling rate, as determined by the recycling advisory committee, is at a recycling target set out in Column 1 of the Table for each administrative region, the percentage of the carbonated soft drinks required to be sold in refillable containers shall be that set out in Column 2 of the Table opposite the determined recycling target and the 30 per cent requirement in section 7 shall be adjusted proportionately.

TABLE

COLUMN 1	COLUMN 2
Recycling Target	Minimum Refillable Sales
Less than 50 per cent, 9 out of the previous 12 months	40 per cent
50 per cent, 9 out of the previous 12 months	35 per cent
60 per cent, 9 out of the previous 12 months	30 per cent

(2) No person shall sell carbonated soft drinks in a non-refillable container that contains a material that is recycled at a recycling rate that is less than 50 per cent for each administrative region after, where the material is first used for a non-refillable container under

this Regulation, the day falling eighteen months after the container is first used.

(3) Despite subsection (2), carbonated soft drinks in recyclable containers may be sold if the containers are subject to a deposit charge.

(4) Where a deposit is charged in the sale of a carbonated soft drink in a recyclable container, sections 4, 5, 6 and 7 of Regulation 357 of Revised Regulations of Ontario, 1990 apply as though the recyclable container was a refillable container. O. Reg. 623/85, s. 9.

9.—(1) Recyclable containers having clearly marked thereon "RECYCLABLE" are classified.

(2) Recyclable containers not classified under subsection (1) are classified.

(3) No person shall sell or offer for sale carbonated soft drink in a container classified under subsection (2) where the container is manufactured later than the 29th day of May, 1986. O. Reg. 623/85, s. 10.

10. No person shall sell or offer for sale beer as defined in the *Liquor Licence Act* or a carbonated soft drink in a cylindrical metal can that has an opening device that is detachable in ordinary use. O. Reg. 623/85, s. 11.

REGULATION 341

DEEP WELL DISPOSAL

INTERPRETATION

1. In this Regulation,

"barrel" means 35 standard Canadian gallons as defined by the *Weights and Measures Act* (Canada);

"deep well disposal" means the discharge of liquid waste into a geological formation by means of a well;

"Detroit River Group" means the geological formations generally known as the Detroit River Group of formations of Devonian age;

"liquid industrial waste" means liquid waste that results from industrial processes or manufacturing or commercial operations;

"lost circulation zone" means a zone within a geological formation generally known by this name and into which wastes can be discharged without positive injection pressure at the surface;

"oil field brine" means brine produced in association with oil and gas drilling and production operations that are controlled under the *Petroleum Resources Act*;

"surface facilities" means storage or treatment facilities provided at the disposal site for liquid waste before discharge into the subsurface and includes piping, pumps, valves, tankage, instrumentation and other equipment. R.R.O. 1980, Reg. 303, s. 1.

DESIGNATION AND EXEMPTION OF WASTES

2. The following is designated a waste:

Oil field brine. R.R.O. 1980, Reg. 303, s. 2.

3. The following waste is exempt from the Act and this Regulation:

Oil field brine. R.R.O. 1980, Reg. 303, s. 3.

CLASSIFICATION OF WASTE DISPOSAL SITE

4. The following is classified as a waste disposal site:

Deep well disposal site. R.R.O. 1980, Reg. 303, s. 4.

STANDARDS FOR DEEP WELL DISPOSAL SITES

5. The following are prescribed as standards for the location, maintenance and operation of a deep well disposal site:

1. Access roads and on-site roads shall be provided so that vehicles hauling liquid industrial wastes to and on the site, or vehicles necessary for the proper operation and maintenance of surface facilities provided at the site, may travel readily on any day under all normal weather conditions.
2. Such surface facilities shall be provided at the site as in the opinion of the Director are necessary for its proper operation.
3. Where liquid industrial waste is hauled by tank truck or other container to the site, access to the site shall be limited to such time as an attendant is on duty.
4. The site shall be enclosed to prevent entry by unauthorized persons and access to the property shall be by roadway closed by a gate capable of being locked.
5. Procedures shall be established, signs posted and safeguards maintained for the prevention of accidents or spills at the site.
6. All wells to be used for deep well disposal shall conform to the requirements of the *Petroleum Resources Act* and Regulation 915 of Revised Regulations of Ontario, 1990.
7. Provision shall be made to contain spills resulting from the operations within the site and effectively prevent the egress of contaminants from the site.
8. A monitoring program shall be required at the site for the protection of well water supplies.
9. Where conditions or findings obtained from the monitoring program referred to in paragraph 8 indicate that further investigation is necessary, observation wells shall be drilled into the receiving formation or into overlying fresh water horizons, and a further monitoring program established on the basis of information available from these new wells.
10. Records for each month of operation shall be maintained by the operator of the site showing,
 - i. the source, volume in barrels and chemical composition of all wastes received at the site,
 - ii. the treatment provided,
 - iii. the volume in barrels of wastes discharged into the well,
 - iv. the minimum and maximum injection pressure and annulus pressure and the average and maximum rate of discharge, and
 - v. the results of monitoring programs.
11. On or before the 15th day of each month, the operator of the site shall report to the Director the information contained in the records referred to in paragraph 10 in respect of the preceding month's operations.
12. On or before the 15th day of February in each year, the operator of the site shall report to the Director a summary

of all the information contained in the records referred to in paragraph 10 in respect of the preceding year's operations. R.R.O. 1980, Reg. 303, s. 5.

FEES

6. The following are prescribed as the rates of the fees for the disposal of wastes in a well that is a waste disposal site that shall be paid into The Waste Well Disposal Security Fund:

1. For the cumulative total of brine disposed of in the well,

up to and including 25 million barrels	¼¢ per barrel
more than 25 million barrels and up to and including 50 million barrels.....	½¢ per barrel
more than 50 million barrels and up to and including 100 million barrels	1/20¢ per barrel
more than 100 million barrels and up to and including 200 million barrels...	1/50¢ per barrel
more than 200 million barrels	1/100¢ per barrel
2. For the cumulative total of all waste other than brine disposed of in the well,

up to and including 100 thousand barrels.....	20¢ per barrel
more than 100 thousand barrels and up to and including 500 thousand barrels.....	10¢ per barrel
more than 500 thousand barrels	5¢ per barrel

R.R.O. 1980, Reg. 303, s. 6.

LOCATION OF SITES

7.—(1) Subject to subsection (2), no deep well disposal site shall be located so as to allow any liquid industrial waste to be discharged into the Detroit River Group.

(2) A deep well disposal site may be located so as to allow brine to be discharged into a lost circulation zone in the Detroit River Group, except into the lost circulation zone in the Detroit River Group within five miles of the St. Clair River. R.R.O. 1980, Reg. 303, s. 7.

8. No person shall use, operate or establish a deep well disposal site except,

- (a) in accordance with the standards prescribed in section 5; and
- (b) at a location that is not prohibited under section 7. O. Reg. 596/88, s. 1.

REGULATION 342

DESIGNATION OF WASTE

1. In this Regulation, "site" means the site known as the Toronto Harbour Commissioners Constructed Dredged Storage Enclosure located on the south side of the Leslie Street spit in the City of Toronto. R.R.O. 1980, Reg. 304, s. 1.

2. The contaminated sediments located in the Keating Channel and in the lower Don River in the City of Toronto are designated as

a waste for the purposes of the definition of "waste" in section 25 of the Act. R.R.O. 1980, Reg. 304, s. 2.

3. The waste designated by section 2 is exempt from section 30 of the Act so long as it is located at the locations referred to in section 2 or is being removed and transported to or stored at the site. R.R.O. 1980, Reg. 304, s. 3.

4. The exemption provided by section 3 is subject to the condition that the waste is not removed, transported to or stored at the site except pursuant to a certificate of approval or provisional certificate of approval issued under Part V of the Act for the use, operation, establishment, alteration or enlargement of the site that prohibits the disposal of waste at the site, except in accordance with an approval issued under the *Environmental Assessment Act*. R.R.O. 1980, Reg. 304, s. 4; O. Reg. 652/81, s. 1.

REGULATION 343

DISCHARGE OF SEWAGE FROM PLEASURE BOATS

1. In this Regulation,

"pleasure boat" means a boat used primarily for the carriage of a person or persons for pleasure, whether on charter or not, and whether for compensation or not, and includes a boat used on water for living purposes;

"sewage" means organic and inorganic waste, and includes fuel, lubricants, litter, paper, plastics, glass, metal, containers, bottles, crockery, rags, junk or similar refuse or garbage, and human excrement, but does not include,

- (a) liquid wastes, free of solids, from water used in a pleasure boat for household purposes, or
- (b) exhaust wastes, cooling water and bilge water from a pleasure boat;

"storage equipment" means equipment of a design and construction suitable for the storage or the incineration and storage of human excrement in a pleasure boat including such equipment that is an integral part of a toilet;

"toilet", in relation to a pleasure boat, means equipment designed or used for defecation or urination by humans. R.R.O. 1980, Reg. 305, s. 1.

2. No person shall discharge or deposit, or cause or permit to be discharged or deposited, into any water, sewage from a pleasure boat. R.R.O. 1980, Reg. 305, s. 2.

3. The owner and the operator of every pleasure boat in which a toilet is installed shall ensure that, while the boat is on water,

- (a) the boat is equipped with storage equipment; and
- (b) such toilet and storage equipment are installed so as to be non-portable. R.R.O. 1980, Reg. 305, s. 3.

4. The owner of a pleasure boat in which a toilet or toilets and storage equipment are installed shall ensure that each toilet and the storage equipment are installed so that,

- (a) the toilet and equipment are connected in such a manner that the equipment receives all toilet waste from the toilet;
- (b) equipment designed for the storage of human excrement is provided with a deck fitting and such connecting piping as is necessary for the removal of toilet waste by shore-based pumping equipment;

(c) no means of removal of toilet waste is provided other than the means mentioned in clause (b);

(d) equipment designed for the incineration and storage of human excrement is supplied with such electrical current or other source of heat as is necessary to reduce to ash all excrement deposited therein; and

(e) all parts of the system for removal of toilet waste are congruent with one another and the boat. R.R.O. 1980, Reg. 305, s. 4.

REGULATION 344

DISPOSABLE CONTAINERS FOR MILK

1.—(1) In this Regulation, "disposable container" means a container,

- (a) that is used to contain a product or products sold or intended for sale and that will not be accepted for reuse as a container and refilled with the same product or products by a manufacturer, processor, distributor or retail vendor of the product or products; or
- (b) for which no deposit is or will be charged at the time of sale of the product or products at retail and for which, as a used container, no money or money's worth will be paid or given by a manufacturer, processor, distributor or retail vendor of the product or products sold or intended for sale in the container. R.R.O. 1980, Reg. 306, s. 1.

(2) In this Regulation, "laminated container" means a container,

- (a) that is customarily sold singly at retail;
- (b) that, when sold at retail, contains a quantity of milk not exceeding one litre and is labelled to indicate that the milk has a shelf life exceeding four months from the date the container was filled with milk; and
- (c) that is made up of several layers of material fastened together throughout its area. O. Reg. 532/85, s. 1.

2. Disposable containers, other than,

- (a) plastic film pouches;
- (b) laminated containers;
- (c) coated paper containers; and
- (d) any disposable container having a capacity of less than one pint,

in which fluid milk products are or are intended to be sold are classified as disposable containers for milk. R.R.O. 1980, Reg. 306, s. 2; O. Reg. 532/85, s. 2.

3. No person shall use a disposable container for milk as a container for a fluid milk product that is or is intended to be sold for consumption off the premises of the retail vendor of the fluid milk product. R.R.O. 1980, Reg. 306, s. 3.

4.—(1) In this section,

- (a) "recyclable container" means a disposable container for which a deposit is charged in accordance with an agreement between the Minister and the person who fills and distributes the container providing for the recycling of the empty used containers; and
- (b) "user of a recyclable container" means a person who fills,

distributes or sells at retail, a recyclable container in compliance with the provisions of an agreement referred to in clause (a).

(2) Users of recyclable containers are classified and are a class of persons that is exempt from section 3. O. Reg. 172/83, s. 1.

REGULATION 345

DISPOSABLE PAPER CONTAINERS FOR MILK

1. In this Regulation, "disposable container" means a container,

- (a) that is used to contain a product or products sold or intended for sale and will not be accepted for reuse as a container and refilled with the same product or products by a manufacturer, processor, distributor or retail vendor of the product or products; or
- (b) for which no deposit is or will be charged at the time of sale of the product or products at retail and for which, as a used container, no money or money's worth will be paid or given by a manufacturer, processor, distributor or retail vendor of the product or products sold or intended for sale in the container. R.R.O. 1980, Reg. 307, s. 1.

2. Despite section 2 of Regulation 344 of Revised Regulations of Ontario, 1990, disposable containers,

- (a) that are plastic coated paper containers of more than two quarts capacity; and
- (b) in which fluid milk products are or are intended to be sold,

are classified as disposable paper containers for milk. R.R.O. 1980, Reg. 307, s. 2.

3. No person shall use a disposable paper container for milk. R.R.O. 1980, Reg. 307, s. 3.

REGULATION 346

GENERAL—AIR POLLUTION

DEFINITIONS

1. In this Regulation,

"air pollution episode" means an occasion when air contamination is at such a level and for such a period of time that the air contamination may become the cause of increased human sickness and mortality;

"air pollution index" means a series of numbers expressing the relative levels of air pollution and taking into consideration one or more air contaminants;

"equipment" includes apparatus, device, mechanism or structure;

"fuel burning equipment" includes equipment designed to burn fuel but does not include an internal combustion engine;

"highway" means highway as defined in subsection 1 (1) of the *Highway Traffic Act*;

"incinerator" includes equipment used for the burning of waste;

"opacity" means,

- (a) the color of a visible emission in shades of grey to black, or

- (b) the degree to which a visible emission obstructs the passage of light;

"point of emission" means the point at which a contaminant enters the natural environment;

"visible emission" means any contaminant which can be detected by the naked eye. R.R.O. 1980, Reg. 308, s. 1.

APPLICATION

2. The Act and this Regulation apply to all areas within Ontario. R.R.O. 1980, Reg. 308, s. 2.

EXEMPTIONS

3. The following sources of contaminant are classes for which the approval of the Director as to the plans and specifications is not required under section 9 of the Act:

1. Fuel burning equipment used for the purpose of comfort heating in a building using natural gas or No. 2 oil at a rate of less than 1.5 million British Thermal Units per hour.
2. Equipment for the preparation of food in a domestic residence.
3. Fuel burning equipment used solely for the purpose of comfort heating in a dwelling used for the housing of not more than three families.
4. Equipment for construction or maintenance of a highway while the equipment is being used on the highway.
5. A source of visible light radiation intended for the purpose of advertising or illumination. R.R.O. 1980, Reg. 308, s. 3; O. Reg. 107/85, s. 1.

AIR POLLUTION INDEX

4.—(1) The Ministry may prepare an index to be known as the "Air Pollution Index" for any area in Ontario, from time to time.

(2) Where the air pollution index for an area indicates increasing air pollution that may lead to an air pollution episode, the Minister, in consultation with the Minister of Health, may order curtailment of the operation of sources of air pollution in the manner described in subsections (3) and (4).

(3) Where the air pollution index reaches the number 32, designated as Air Advisory Level, and meteorological forecasts indicate a six hour prolongation of atmospheric conditions conducive to sustained or increased air pollution levels, the Minister may require owners or operators of sources of air pollution to make preparation for the curtailment of such operations as are specified by the Minister.

(4) Where the air pollution index reaches the number 50, designated as First Air Pollution Alert, and meteorological forecasts indicate a six hour prolongation of atmospheric conditions conducive to sustained or increased air pollution levels, the Minister may require owners or operators of sources of air pollution to curtail such operations as are specified by the Minister. R.R.O. 1980, Reg. 308, s. 4.

CONTROL OF AIR CONTAMINANTS

5.—(1) The maximum concentration of a contaminant set out in Column 1 of Schedule 1 at a point of impingement from a source of contaminant, other than a motor vehicle, shall not be greater than the concentration set out opposite thereto in Column 3 of Schedule 1, expressed in the unit of concentration set out opposite thereto in Column 2 of Schedule 1.

(2) The concentration of a contaminant at a point of impingement may be calculated in accordance with the Appendix.

(3) No person shall cause or permit the concentration of a contaminant at a point of impingement to exceed the standard prescribed in Schedule 1. R.R.O. 1980, Reg. 308, s. 5.

6. No person shall cause or permit to be caused the emission of any air contaminant to such extent or degree as may,

- (a) cause discomfort to persons;
- (b) cause loss of enjoyment of normal use of property;
- (c) interfere with normal conduct of business; or
- (d) cause damage to property. R.R.O. 1980, Reg. 308, s. 6.

7.—(1) The Ministry shall prepare a chart to be known as the "Visible Emission Chart of the Province of Ontario".

(2) The Visible Emission Chart of the Province of Ontario shall consist of two one-inch squares on a white background such that,

- (a) the area within the square designated as number 1 shall have black dots or lines evenly spaced such that approximately twenty per cent of the area is black;
- (b) the area within the square designated as number 2 shall have black dots or lines evenly spaced such that approximately forty per cent of the area is black.

(3) For the purpose of enforcing the Act and this Regulation no person other than a provincial officer who has been trained by the Ministry in the identification of opacity shall determine the opacity of a visible emission. R.R.O. 1980, Reg. 308, s. 7.

8.—(1) Subject to subsection (2), no person shall cause or permit to be caused a visible emission,

- (a) having shades of grey darker than number 1 on the Visible Emission Chart of the Province of Ontario at the point of emission; or
- (b) that obstructs the passage of light to a degree greater than twenty per cent at the point of emission.

(2) A visible emission from a source of combustion employing solid fuel for a period of not more than four minutes in the aggregate in any thirty-minute period, may,

- (a) be in shades of grey darker than number 1, but not darker than number 2 on the Visible Emission Chart of the Province of Ontario at the point of emission; or
- (b) obstruct the passage of light to a degree greater than 20 per cent but no greater than 40 per cent at the point of emission. R.R.O. 1980, Reg. 308, s. 8.

9. Where at any stationary source of air pollution a failure to operate in the normal manner or a change in operating conditions occurs, or a shut-down of the source or part thereof is made for some purpose, resulting in the emission of air contaminants that may result in quantities or concentrations in excess of those allowed in sections 5, 6 and 8,

- (a) the owner or operator of the source of air pollution shall,
 - (i) immediately notify a provincial officer and furnish him or her with particulars of such failure, change or shutdown, and
 - (ii) furnish the provincial officer with the particulars in writing, as soon as is practicable, of such failure, change or shut-down; and

(b) if the provincial officer considers it advisable, the officer may authorize, in writing, the continuance of such operation for such period of time as he or she considers reasonable in the circumstances and may impose upon the owner or operator such terms and conditions for such continued operation as the officer considers necessary in the circumstances. R.R.O. 1980, Reg. 308, s. 9.

10.—(1) No person shall burn or permit to be burned in any fuel burning equipment or incinerator any fuel or waste except the fuel waste for the burning of which the equipment or incinerator was designed.

(2) No person shall burn or permit to be burned in any fuel burning equipment or incinerator any fuel or waste at a greater rate than that rate for which the equipment or incinerator was designed. R.R.O. 1980, Reg. 308, s. 10.

11. Except for heat, sound, vibration or radiation, no person shall,

- (a) construct, alter, demolish, drill, blast, crush or screen anything or cause or permit the construction, alteration, demolition, drilling, blasting, crushing or screening of anything so that a contaminant is carried beyond the limits of the property on which the construction, alteration, demolition, drilling, blasting, crushing or screening is being carried out; or
- (b) sandblast or permit the sandblasting of anything so that a contaminant is emitted into the air,

to an extent or degree greater than that which would result if every step necessary to control the emission of the contaminant were implemented. R.R.O. 1980, Reg. 308, s. 11.

12.—(1) In this section, "apartment incinerator" means an incinerator that is located in or on the site of a building containing more than one dwelling unit and used to burn domestic waste from more than one dwelling unit.

(2) No person shall operate or permit the operation of,

- (a) an apartment incinerator, domestic incinerator, multiple chamber incinerator or starved air incinerator burning domestic waste;
- (b) a multiple chamber incinerator or starved air incinerator burning solid industrial waste;
- (c) an incinerator burning liquid industrial waste, industrial slurries or sludges, sewage sludges or slurries, gaseous waste, organic vapour or fume; or
- (d) a municipal incinerator burning solid waste or sludges,

that causes or is likely to cause a concentration in the combustion gases emitted into the natural environment, of organic matter having a carbon content, expressed as equivalent methane, being an average of ten measurements taken at approximately one minute intervals, greater than 100 parts per million by volume, measured on an undiluted basis.

(3) Subsection (2) does not apply to prohibit the operation of a catalytic incinerator.

(4) No person shall operate or permit the operation of an apartment incinerator without a certificate of approval issued under section 9 of the Act. O. Reg. 389/88, s. 1.

13. No person shall store, handle or transport any solid liquid or gaseous material or substance in such manner that an air contaminant is released to the atmosphere. R.R.O. 1980, Reg. 308, s. 13.

Appendix

1. In this Appendix, wherever the height of a building or structure is referred to, there shall not be included in calculating such height the height of any flagpole, aerial or stack designed for venting emissions.
2. The concentration of a contaminant at a point of impingement shall be calculated as follows:
 - (a) where the point of impingement is located on the building or structure or is within five metres horizontally of the building or structure on which the point of emission is located, and,
 - (i) the height above grade at the point of emission is less than twice the height of the highest part of the building or structure on which the point of emission is located where the highest part of the building or structure is at a height of not more than twenty metres above grade, (see figures 1 and 2)
 - (ii) the height of the highest part of the building or structure on which the point of emission is located is greater than twenty metres above grade and the point of emission is less than twenty metres above the highest part of the building or structure on which it is located, or (see figure 3)
 - (iii) there is a building or structure upwind from the point of emission such that,
 - a. the height above grade of the building or structure is greater than the height above grade at the point of emission, and
 - b. the building or structure is a horizontal distance of 100 metres or less from the point of emission, (see figures 4 and 5)

the following formula shall be applied:
(see notes 1 and 2)

$$K = \frac{0.6 \times 10^6 \times Q}{L^2}$$

Where: K is the half hour average concentration at the point of impingement in micrograms per cubic metre,

Q is the rate of emission in grams per second of the contaminant,

L is,

- (i) where the point of impingement is at the same height or higher above grade than the point of emission, the straight line distance in metres between the point of emission and the point of impingement, or
- (ii) where the point of impingement is lower in height above grade than the point of emission, the product of 1.57 and the straight line distance in metres between the point of emission and the point of impingement.

NOTES: 1. Where a building or structure adjacent to the building or structure on which the point of emission is located is within five metres of that building or structure, it shall be treated as being part of the building or structure on which the point of emission is located.

2. Where K yields a value greater than the concentration of the contaminant at the point of emission, the concentration of the contaminant at the point of emission shall be deemed to be the value of K.

- (b) where the point of impingement is a horizontal distance of five metres or more from the building or structure on which the point of emission is located and,
 - (i) the height above grade at the point of emission is less than twice the height of the highest part of the building or structure on which the point of emission is located where the highest part of the building or structure is at a height of not more than twenty metres above grade, (see figures 6 and 7)
 - (ii) the height of the highest part of the building or structure on which the point of emission is located is greater than twenty metres above grade and the point of emission is less than twenty metres above the highest part of the building or structure on which it is located, or (see figure 8)
 - (iii) there is a building or structure upwind from the point of emission such that,
 1. the height above grade of the building or structure is greater than the height above grade at the point of emission, and

2. the building or structure is a horizontal distance of 100 metres or less from the point of emission,
(see figures 9 and 10)

the following formula shall be applied:
(see notes 1 and 3)

$$K = \frac{10^6 \times Q \times F}{31.4 \times 6_y \times 6_z} \times \exp \left[-\frac{1}{2} \left(\frac{Y}{6_y} \right)^2 \right] \times \left\{ \exp \left[-\frac{1}{2} \left(\frac{Z-H}{6_z} \right)^2 \right] + \exp \left[-\frac{1}{2} \left(\frac{Z+H}{6_z} \right)^2 \right] \right\}$$

Where: K is the half hour average concentration of the contaminant at the point of impingement in micrograms per cubic metre

Q is the rate of emission in grams per second of the contaminant
(see note 2)

exp is the exponential function where $e = 2.7183$

Y is the perpendicular distance in metres between the point of impingement and a vertical plane parallel to the chosen direction of the wind through the wind-oriented centre of the building or structure on which the point of emission is located
(see figures 11 and 12)
(see notes 4 and 5)

Z is the difference in height, in metres, between the point of impingement and the ground level at or beneath the point of impingement

H is a function of the height, in metres, above grade of the building or structure on which the point of emission is located

F is a factor related to the atmospheric stability of the air

6_y is a function which defines the amount of dispersion of the contaminant in a horizontal direction at the point of impingement

6_z is a function which defines the amount of dispersion of the contaminant in a vertical direction at the point of impingement

Determination of K 1. Two values for K shall be determined using the formula in clause (b).

2. The maximum value obtained for K shall be applied in this Regulation.

Value number 1 for K is determined as follows:

H is 0.67 times the height, in metres, above grade of the building or structure on which the point of emission is located

F is 0.6

6_y is determined as follows:

$6'_y = \frac{A}{4.3}$ where A is the greatest width, in metres, presented to the wind by the building or structure in which the point of emission is located, measured horizontally and perpendicularly to the direction of the wind
(see figure 13)

where $6'_y$ is equal to or less than 243.45

calculate $X'_y = 6.554 6'^{1.08172}_y$

where $6'_y$ is greater than 243.45

calculate $X'_y = 4.524 6'^{1.14616}_y$

and calculate

$X_y = G + X'_y$ where G is the horizontal distance, in metres, between the wind-oriented centre of the building or structure on which the point of emission is located and the line where vertical planes, one through the wind-oriented centre of the building or structure on which the point of emission is located and parallel to the chosen direction of the wind, and the other through the point of impingement, meet at right angles.

(see figure 14)
(see note 6)

where the value of X_y is equal to or less than 2500

calculate $6_y = 0.176 X_y^{0.92445}$

where the value of X_y is greater than 2500

calculate $6_y = 0.268 X_y^{0.87248}$

6_z is determined as follows:

$6'_z = \frac{B}{2.15}$ where B is the height above ground in metres of the highest part of the building or structure on which the point of emission is located.

where $6'_z$ is equal to or less than 141.41

calculate $X'_z = 12.027 6'_z^{1.08783}$

where $6'_z$ is greater than 141.41

calculate $X'_z = 10.418 6'_z^{1.10419}$

and calculate $X_z = G + X'_z$ where G has the same value for G as used in the equation

$$X_y = G + X'_y$$

Where the value of X_z is equal to or less than 2500

calculate $6_z = 0.106 X_z^{0.91926}$

where X_z is greater than 2500

calculate $6_z = 0.120 X_z^{0.90564}$

Value number 2 for K is determined as follows:

Where: H is 0.67 times the height in metres above grade of the building or structure on which the point of emission is located

F is 0.8

$6'_y$ is determined as follows:

$6'_y = \frac{A}{4.3}$ where $6'_y$ has the same value as $6'_y$ determined for value number 1 for K

where $6'_y$ is equal to or less than 49.01

calculate $X'_y = 10.686 6'_y^{1.07455}$

where $6'_y$ is greater than 49.01 and less than 409.32

calculate $X'_y = 10.020 6'_y^{1.08889}$

where $6'_y$ is equal to or greater than 409.32

calculate $X'_y = 6.760 6'_y^{1.15556}$

and calculate

$X_y = G + X'_y$ where G has the same value for G determined for value number 1 for K

where the value of X_y is equal to or less than 700

calculate $6_y = 0.110 X_y^{0.93062}$

where X_y is greater than 700 and less than 7000

calculate $6_y = 0.120 X_y^{0.91837}$

where X_y is equal to or greater than 7000

calculate $6_y = 0.191 X_y^{0.86538}$

6_z is determined as follows:

$6'_z = \frac{B}{2.15}$ where B is the vertical height above grade of the highest part of the building or structure on which the point of emission is located.

where $6'_z$ is equal to or less than 24.64

calculate $X'_z = 16.524 6'_z^{1.16918}$

where $6'_z$ is greater than 24.64 and less than 110.75

calculate $X'_z = 4.984 6_z^{1.53965}$

where $6'_z$ is equal to or greater than 110.75

calculate $X'_z = 1.090 6_z^{1.85677}$

and calculate

$X_z = G + X'_z$ where G has the same value for G determined for value number 1 for K

where X_z is equal to or less than 700

calculate $6_z = 0.091 X_z^{0.8553}$

where X_z is greater than 700 and less than 7000

calculate $6_z = 0.352 X_z^{0.6495}$

where X_z is equal to or greater than 7000

calculate $6_z = 0.955 X_z^{0.53857}$

- NOTES: 1. Where a building or structure adjacent to the building or structure on which the point of emission is located is within five metres of that building or structure, it shall be treated as being part of the building or structure on which the point of emission is located.
2. Where a situation exists as described in subclauses i, ii and iii of clause (b) all points of emission of a contaminant shall be considered as if the total emission comes from the building such that the building itself is a point of emission.
3. Where K yields a value greater than the concentration of the contaminant at the point of emission, the concentration of the contaminant at the point of emission shall be deemed to be the value of K.
4. The wind-oriented centre of a building or structure is obtained by circumscribing the plan view of the building or structure with the smallest possible rectangle, two sides of which are parallel to the chosen wind direction, and the intersection of the diagonals of this rectangle is the wind-oriented centre.
(see figure 11)
5. Where an emission or emissions is from only one building or structure, the wind direction shall be that direction that is parallel to a line joining the wind-oriented centre of the building or structure and the point of impingement and the value of the exponential expression involving Y is one.
(In such a situation the value of Y becomes zero)
6. Where emissions from only one building or structure are being evaluated the wind direction shall be so chosen that the value of G is the horizontal distance in metres between the point of impingement and a vertical line through the wind-oriented centre of the building or structure on which the point of emission is located.
(see figure 15)
- (c) where the point of emission is not affected by any of the conditions described in subclauses i, ii or iii of clause (a) or subclauses i, ii or iii of clause (b), the following formula shall be applied:
(see figures 16, 17, 18 and 19)

$$K = \frac{10^6 \times Q \times F}{6.28 \times 6_y \times 6_z \times U} \times \exp \left[-\frac{1}{2} \left(\frac{Y}{6_y} \right)^2 \right] \times \left\{ \exp \left[-\frac{1}{2} \left(\frac{Z-H}{6_z} \right)^2 \right] + \exp \left[-\frac{1}{2} \left(\frac{Z+H}{6_z} \right)^2 \right] \right\}$$

Where: K is the half hour average concentration of the contaminant at the point of impingement in micrograms per cubic metre

Q is the rate of emission in grams per second of the contaminant

U is the wind speed in metres per second

exp is the exponential function where e = 2.7183

Y is the straight line distance in metres between the point of impingement and a vertical plane through the point of emission in the chosen direction of the wind
(see figure 20)
(see note 3)

Z is the difference in height, in metres, between the point of impingement and the ground level at or beneath the point of impingement

H is the effective height of the emission of a contaminant

F is a factor related to the atmospheric stability of the air

σ_y is a function which defines the amount of dispersion of the contaminant in a horizontal direction at the point of impingement

σ_z is a function which defines the amount of dispersion of the contaminant in a vertical direction at the point of impingement

Determination of K 1. Two values for K shall be determined using the formula in clause (c).

2. The maximum value obtained for K shall be applied in this Regulation.
(see note 1)

Value number 1 for K is determined as follows:

Where: U is the speed of the wind in metres per second
(see note 2)

H is determined as follows:

$$H = h + \frac{v_s d}{u} \times \left[1.5 + 2.68 \frac{(T_s - 283)d}{T_s} \right]$$

Where: h is the height above grade, in metres, of the point of emission

v_s is the speed in metres per second in an upward vertical direction of the contaminant gas stream at the point of emission to the atmosphere
(see note 4)

d is the diameter in metres of a circle of equivalent area to that area through which the contaminant gas stream enters the air

u is the speed of the wind in metres per second
(see note 5)

T_s is the temperature in degrees Kelvin ($273^\circ +$ temperature in Degrees Celsius) of the contaminant gas stream at the point of emission

F is 0.6

σ_y is determined as follows:

Calculate X where X is the horizontal distance in metres between the point of emission and the line where vertical planes, one through the point of emission and parallel to the chosen direction of the wind and the other through the point of impingement, meet at right angles.

(see figure 21)
(see notes 6 and 7)

Where the value of X is equal to or less than 2500

$$\sigma_y = 0.176X^{0.92445}$$

When the value of X is greater than 2500

$$\sigma_y = 0.268 X^{0.87248}$$

σ_z is determined as follows:

When the value of X is determined in the calculation of σ_y is equal to or less than 2500

$$\sigma_z = 0.106X^{0.91926}$$

When the value of X is greater than 2500

$$\sigma_z = 0.120X^{0.90564}$$

(see note 8)

Value number 2 for K is determined as follows:

H has the same value for H as determined for value number 1 for K

F is 0.8

σ_y is determined as follows:

Where X has the same value for X as determined for value number 1 for K

Where the value of X is equal to or less than 700

$$6_y = 0.110 X^{0.93062}$$

Where the value of X is greater than 700 but less than 7000

$$6_y = 0.120 X^{0.91837}$$

Where the value of X is equal to or greater than 7000

$$6_y = 0.191 X^{0.86538}$$

6_z is determined as follows:

Where X has the same value as determined in the calculation of 6_y

Where X is equal to or less than 700

$$6_z = 0.091 X^{0.8553}$$

Where X is greater than 700 but less than 7000

$$6_z = 0.352 X^{0.6495}$$

Where X is equal to or greater than 7000

$$6_z = 0.955 X^{0.53857}$$

(see note 8)

- NOTES:
1. Where K yields a value greater than the concentration of the contaminant at the point of emission, the concentration of the contaminant at the point of emission shall be deemed to be the value of K.
 2. The wind speed shall have a minimum value of 2.235 metres per second and a maximum value of 18.235 metres per second. A value of K shall be determined for wind speed increments of 0.5 metres per second until a maximum value of K is found.
 3. Where only a single point of emission is being evaluated the wind direction shall be so chosen that the value of Y becomes zero (therefore the value of exp expression containing Y becomes equal to one).
 4. Where the value of v_s is less than 7 metres per second the value of v_s shall be zero.
 5. The value for u shall be consistent with the values substituted directly for u in the equation used for evaluating K.
 6. Where a single source of emission is being evaluated, the wind direction shall be so chosen that the value of X shall be the horizontal distance in metres between the point of impingement and a vertical line through the point of emission. (see figure 22)
 7. In the calculation of K at ground level, the value of X shall be so chosen that the maximum value of K is found.
 8. For each point of impingement, for each wind direction chosen, and for each value of X, U shall be varied until the maximum value of K is found.
- (d) where the emissions of a contaminant are from more than one source, the contaminant concentrations at the point of impingement, resulting from each individual source, for the conditions set out in clauses (a), (b) and (c) shall be added together to give an aggregate value for K.

The aggregate value of K shall be determined for all wind directions and all permissible wind speeds for value of K, where applicable. The largest aggregate K obtained shall be the value of K to apply in this Regulation.

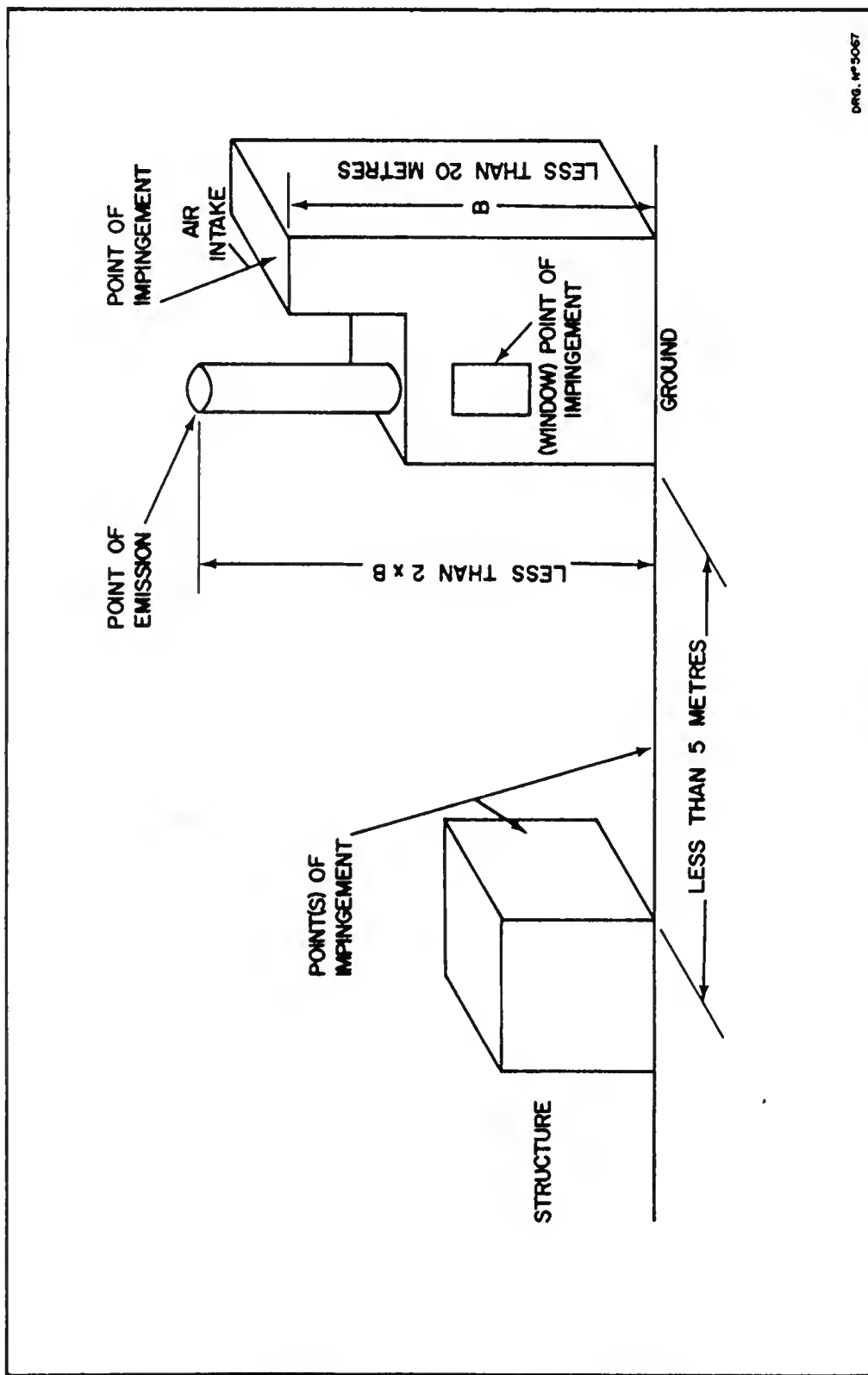


FIGURE I.

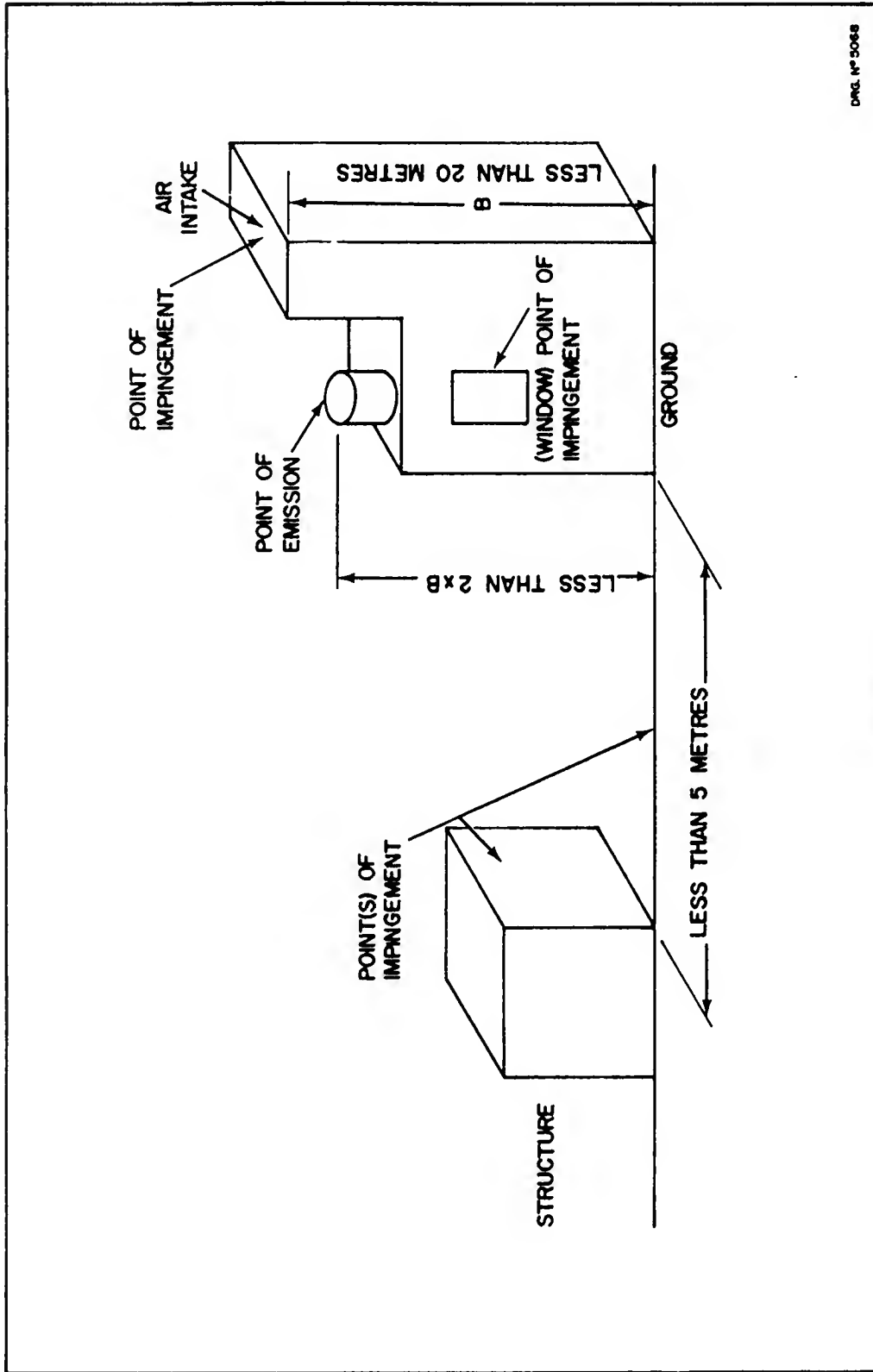


FIGURE 2.

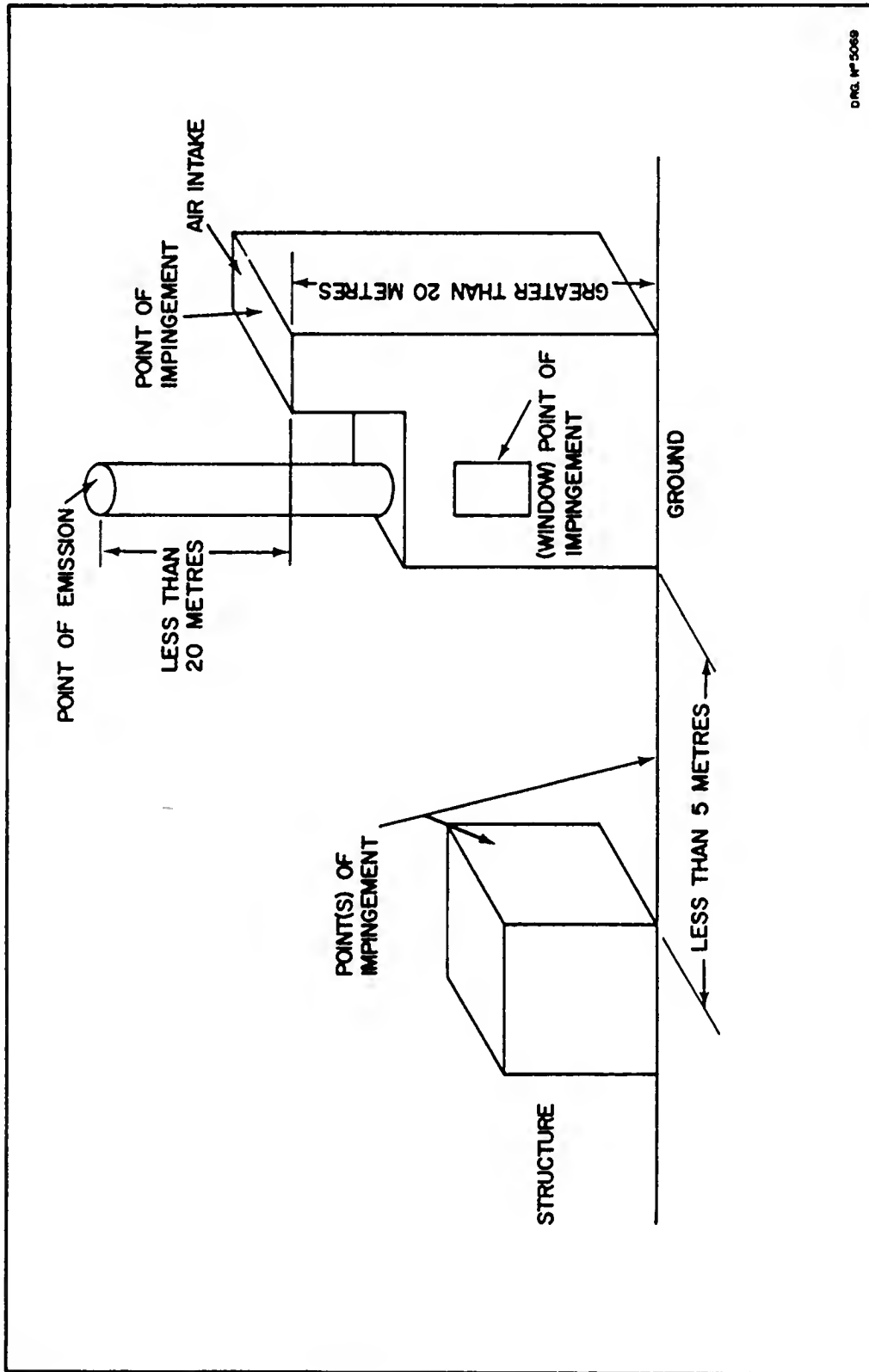


FIGURE 3.

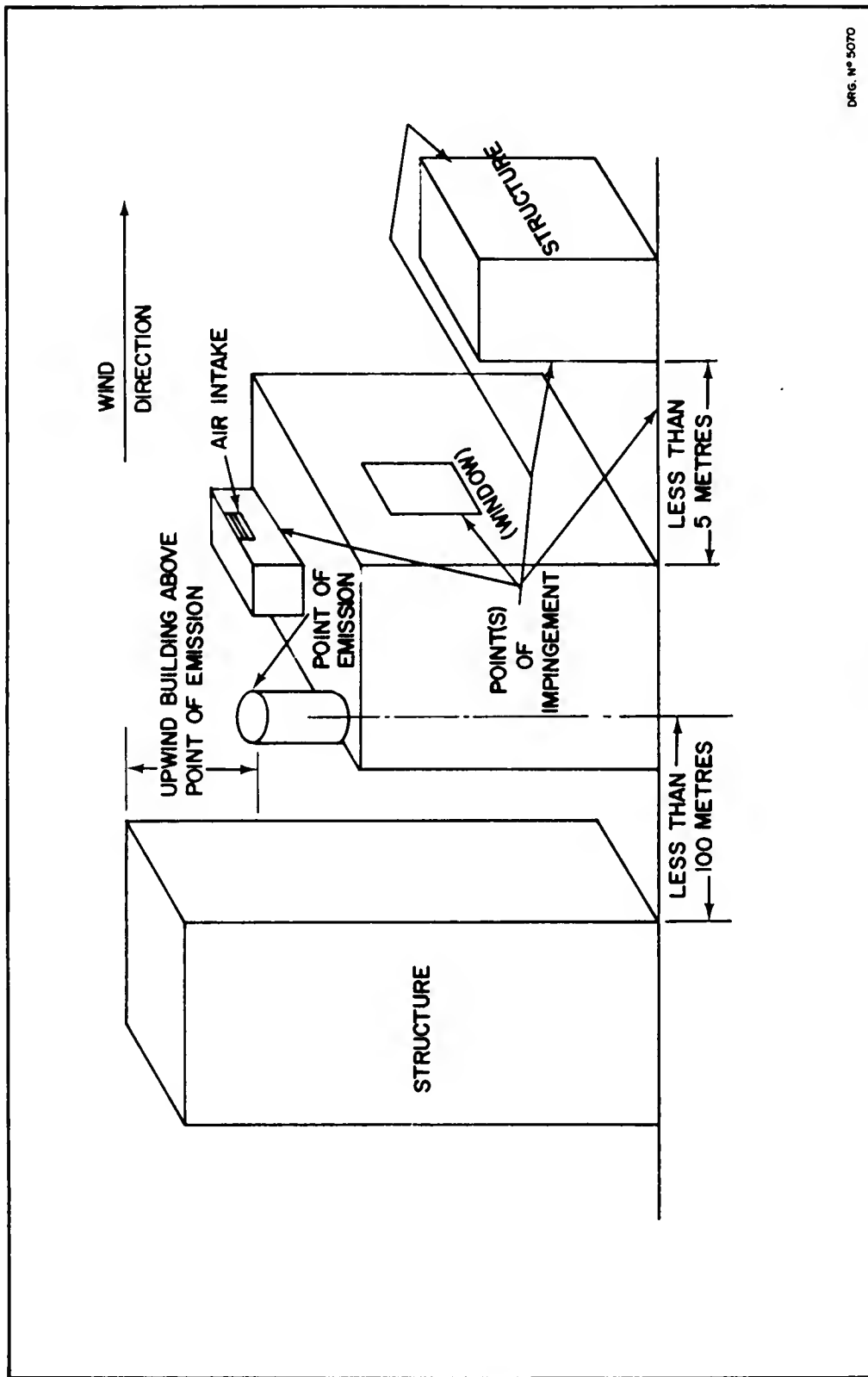


FIGURE 4.

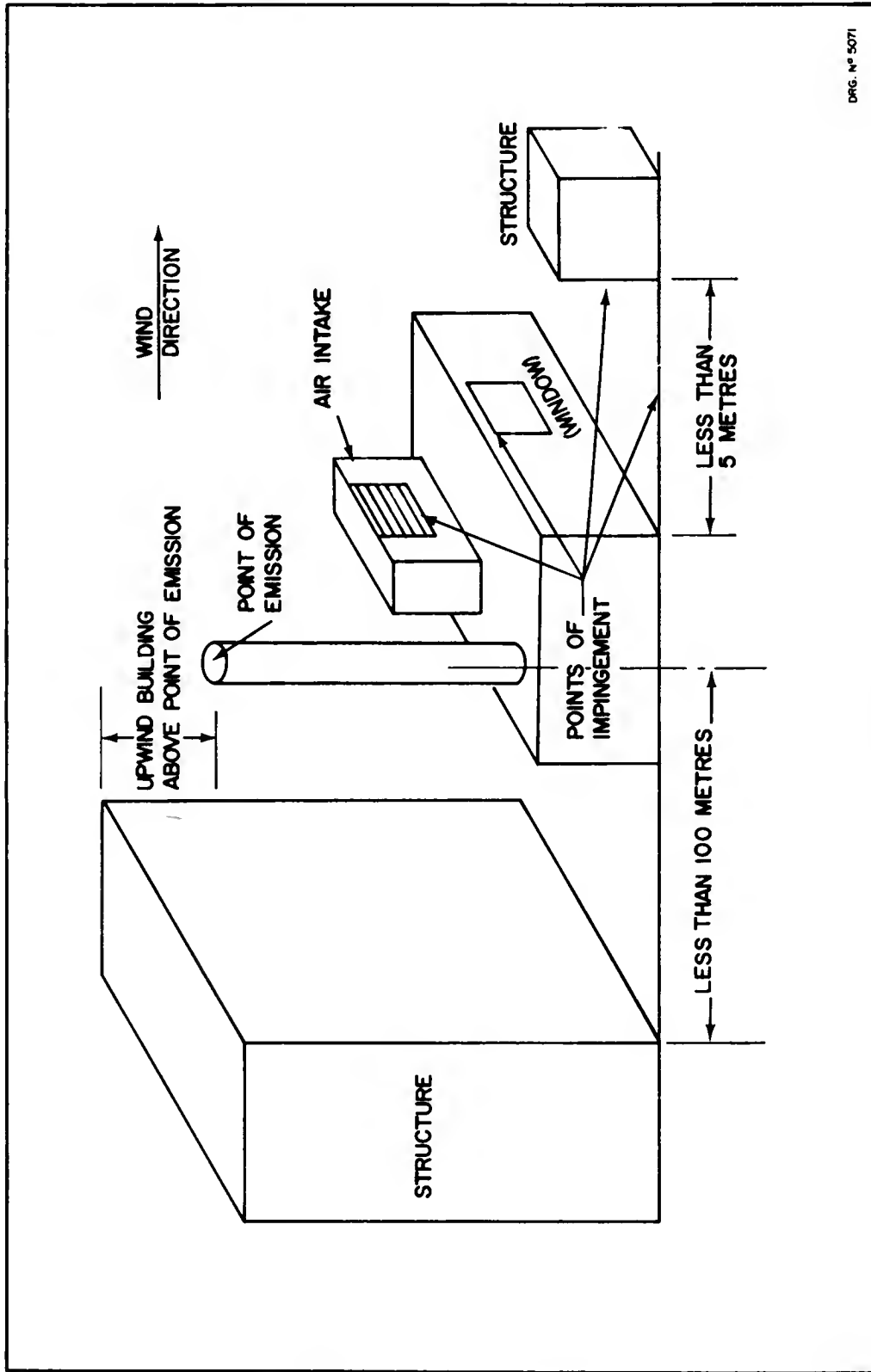


FIGURE 5.

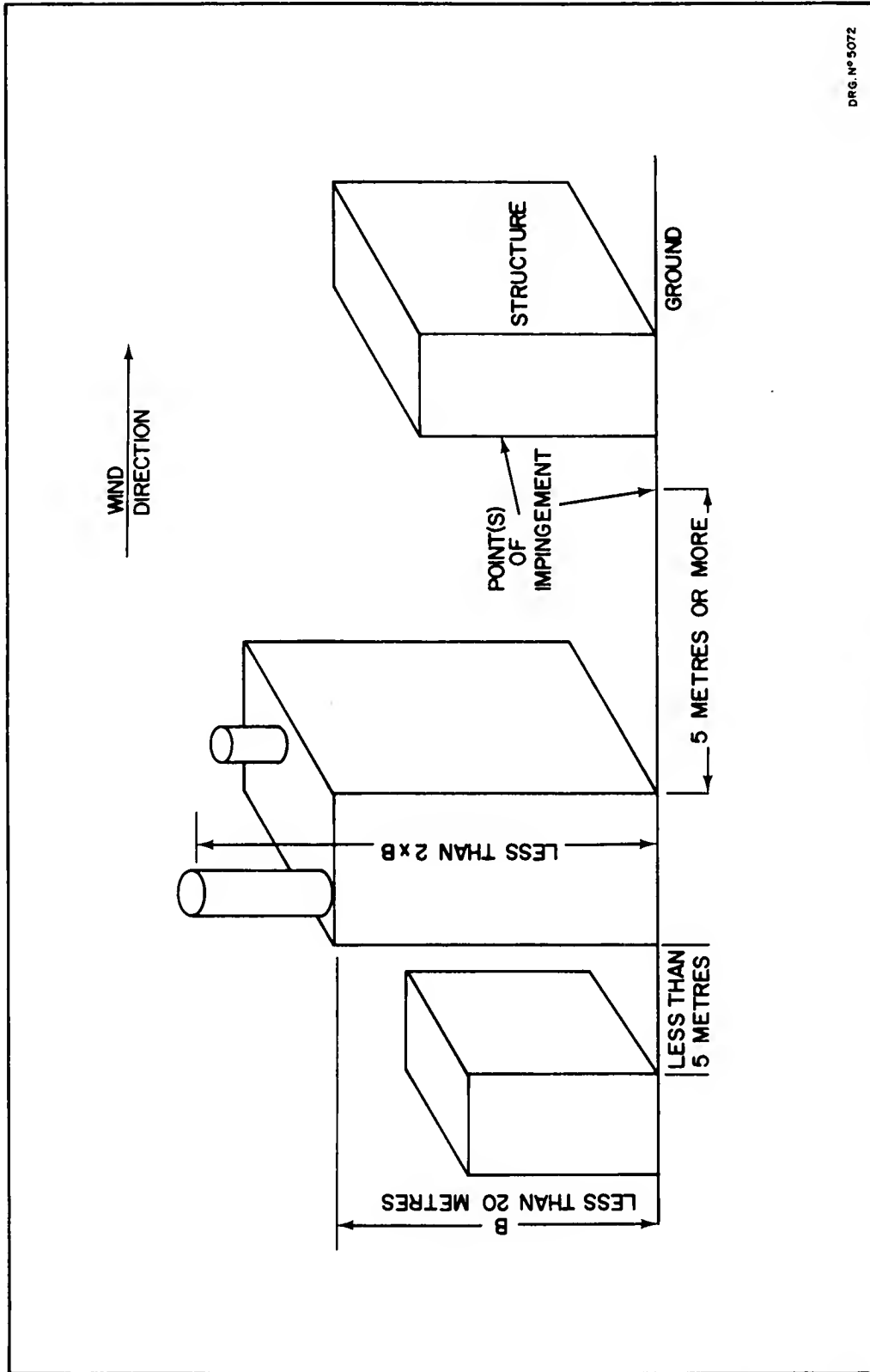


FIGURE 6.

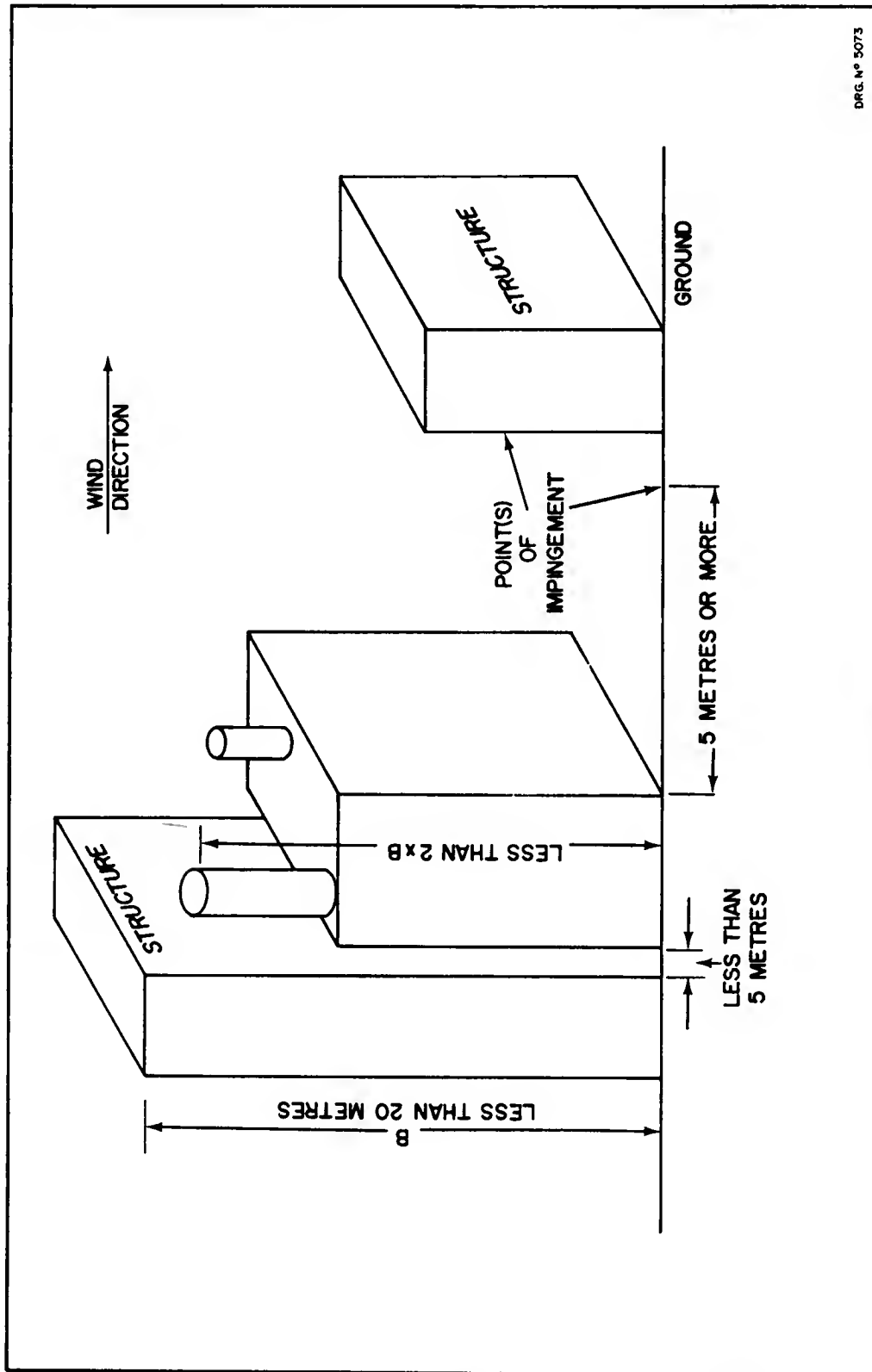


FIGURE 7.

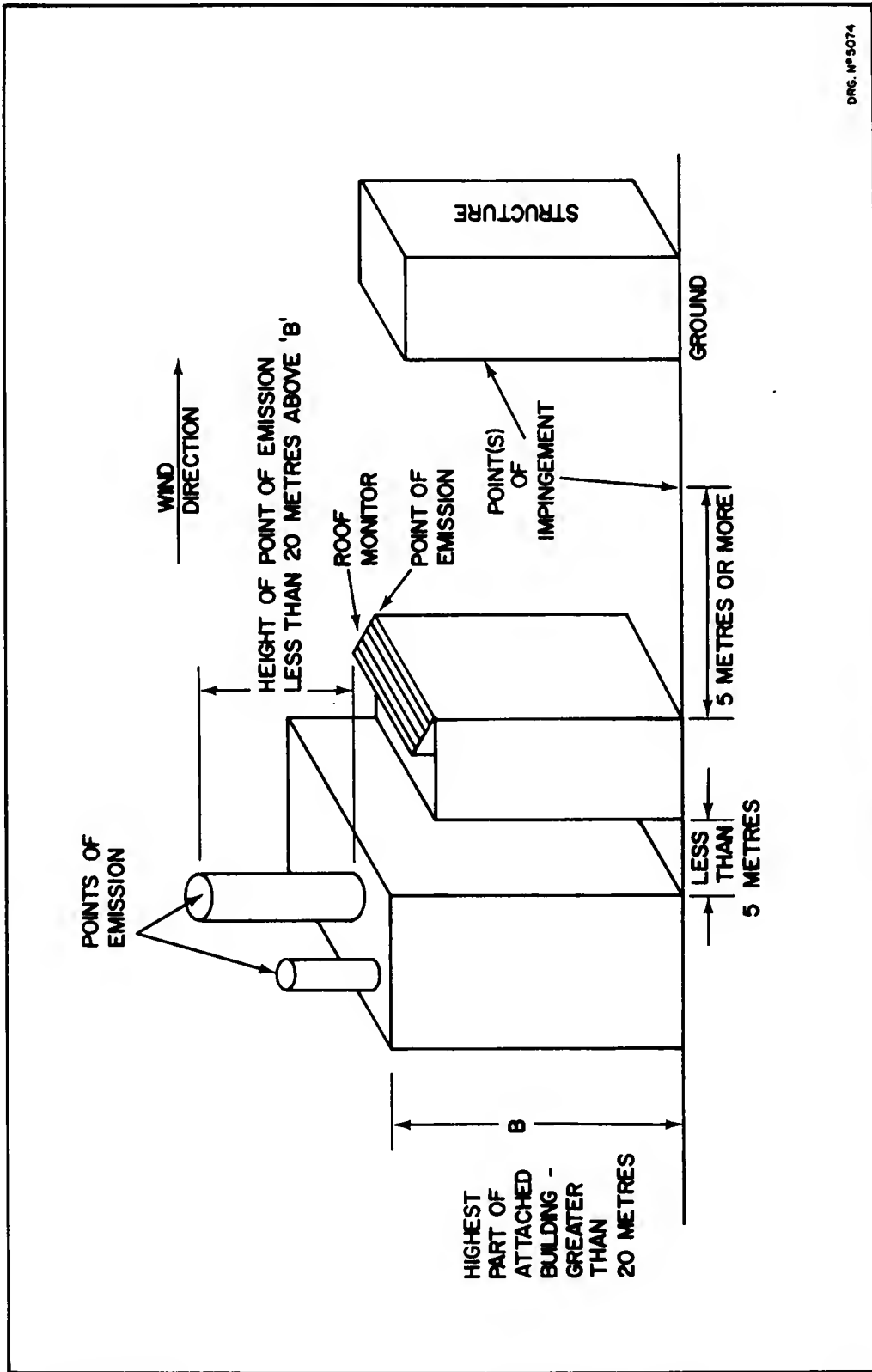


FIGURE 8.

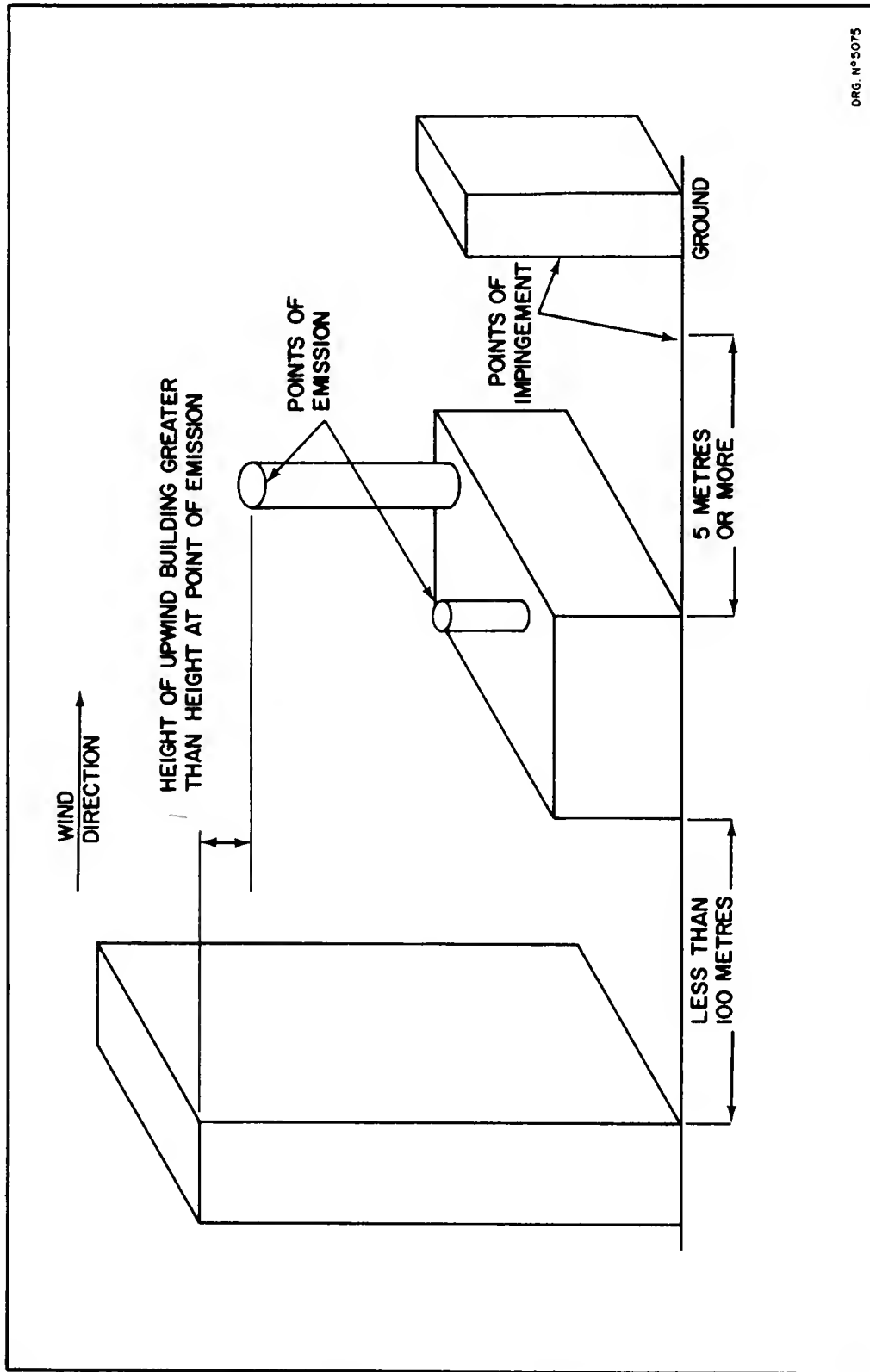


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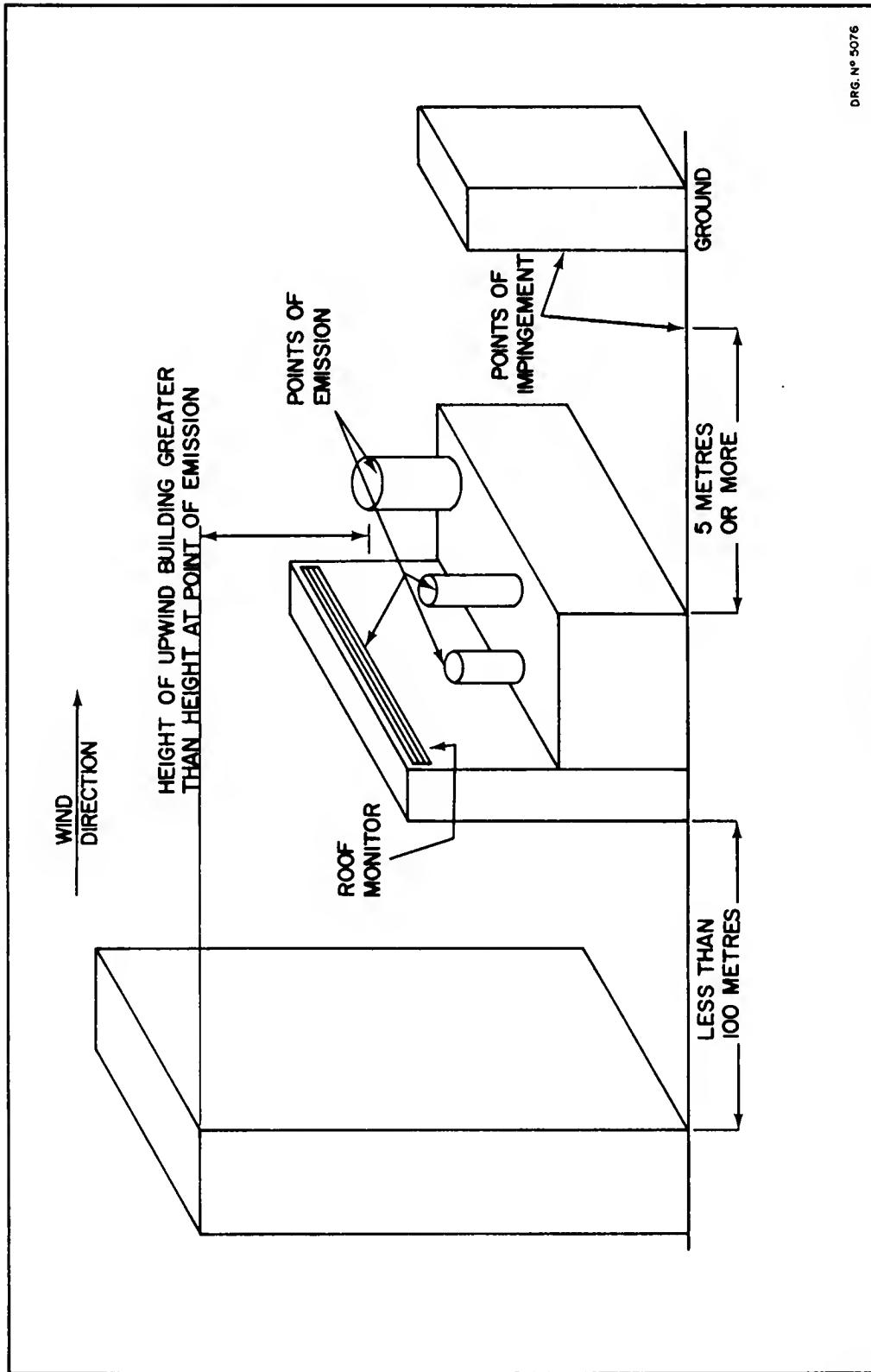


FIGURE 10.

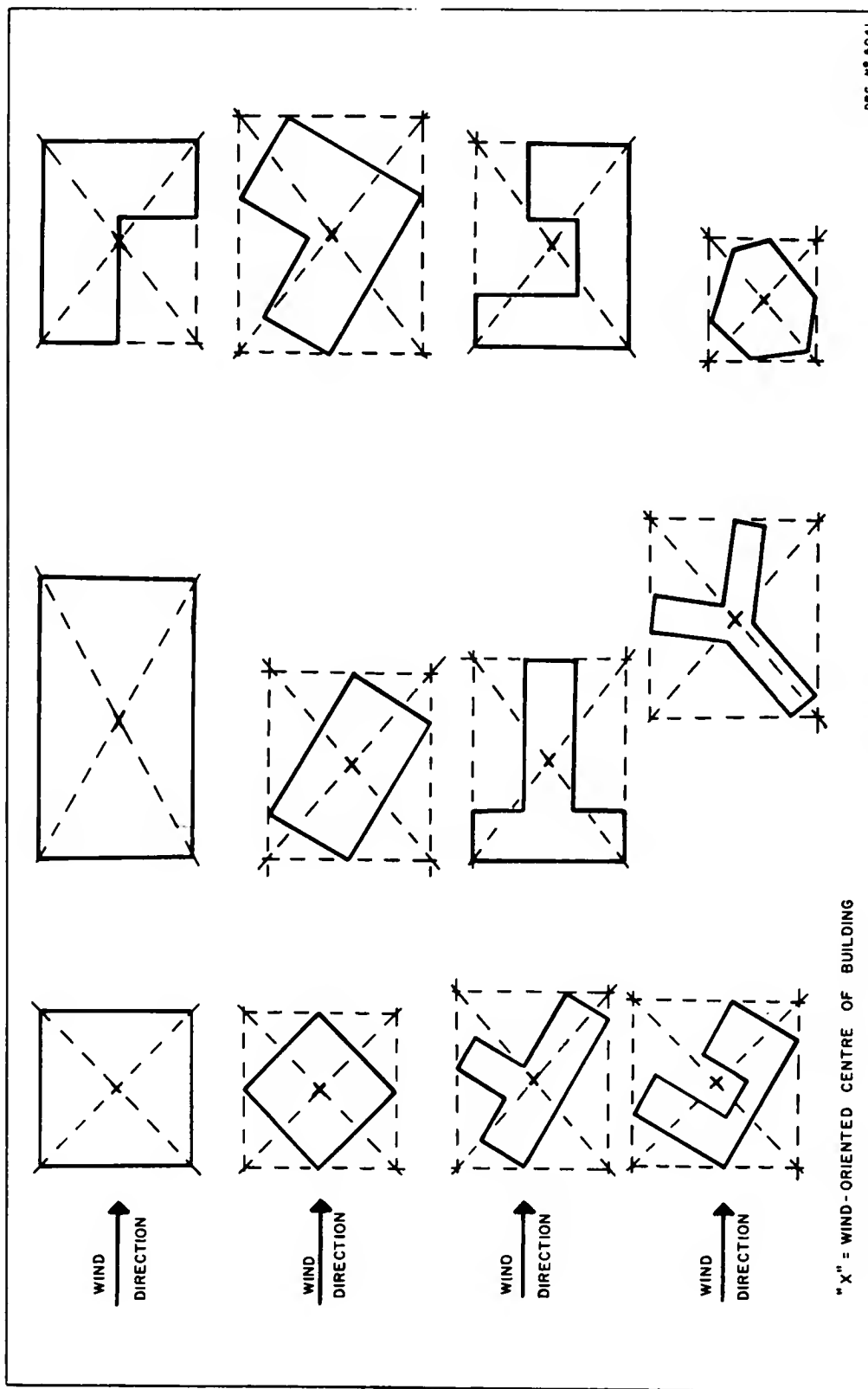


FIGURE II.

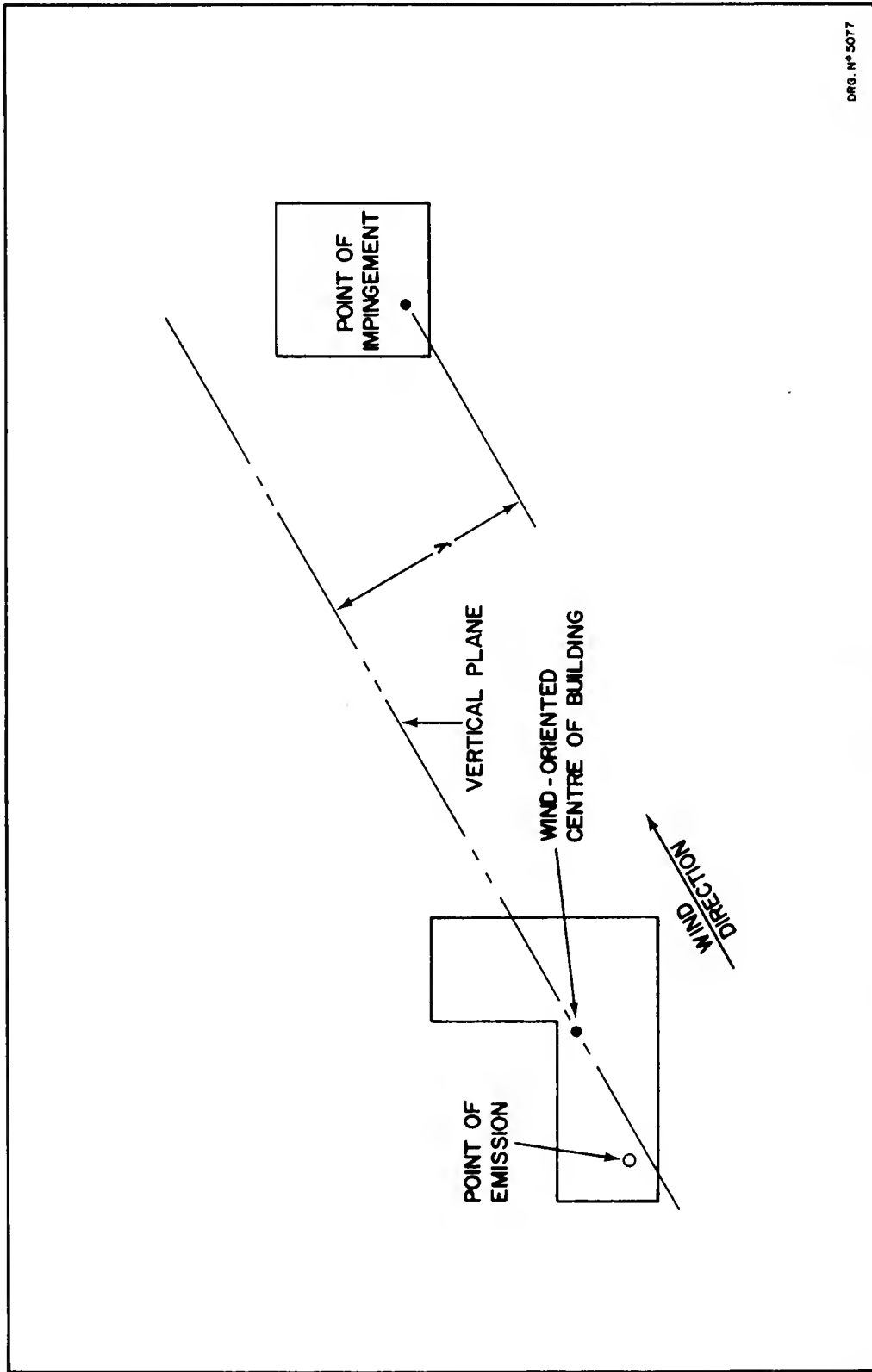


FIGURE 12.

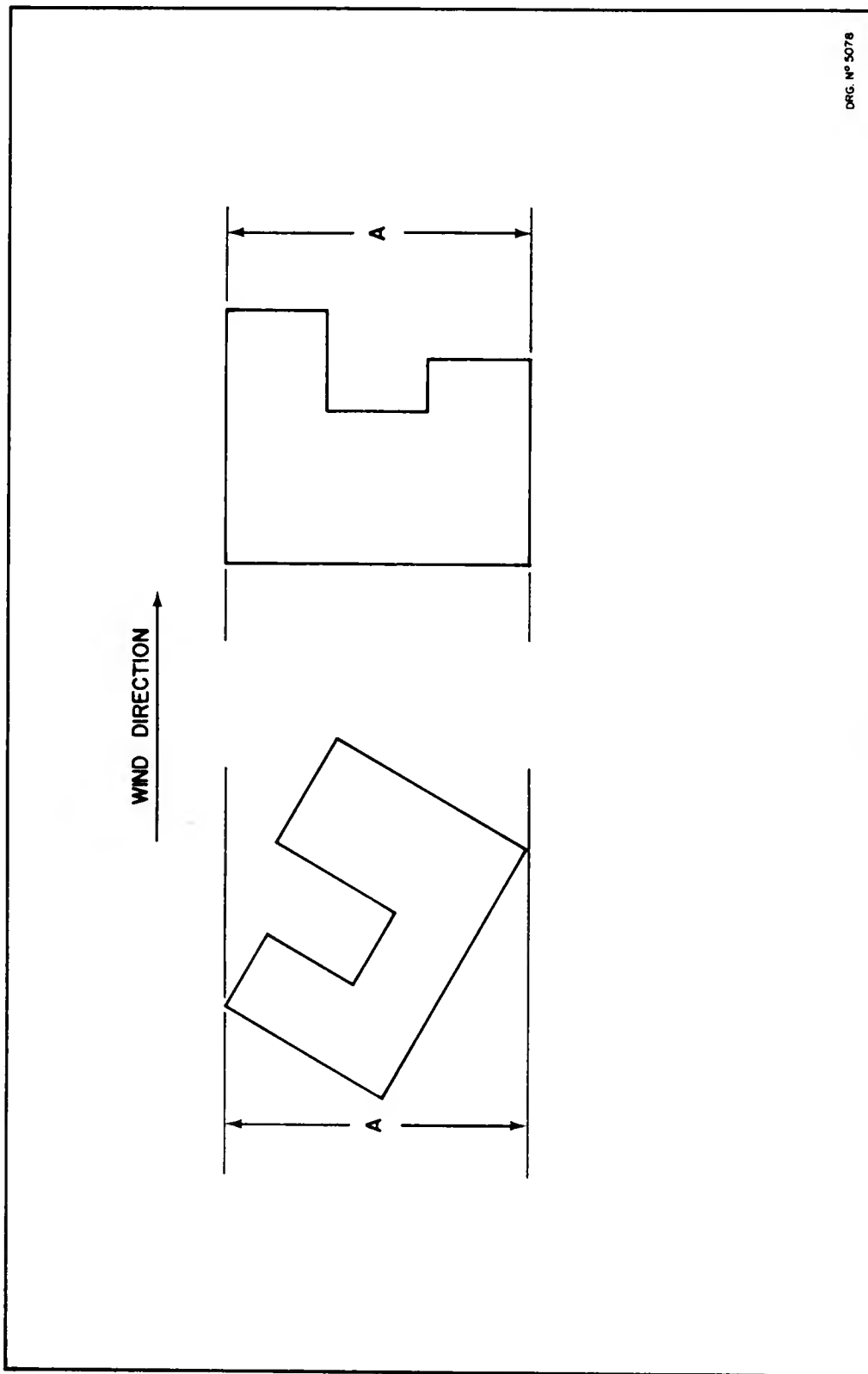


FIGURE 13.

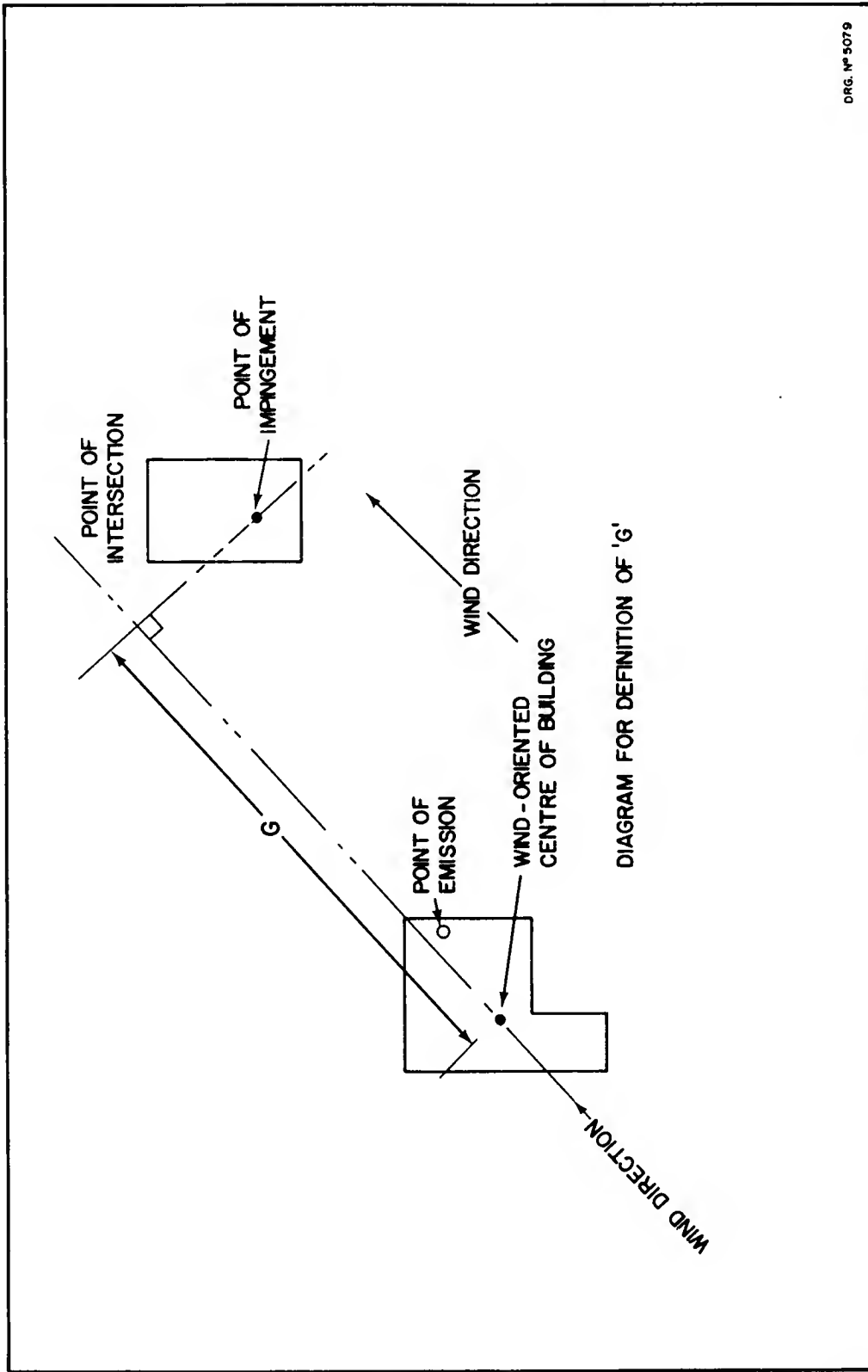


FIGURE 14.

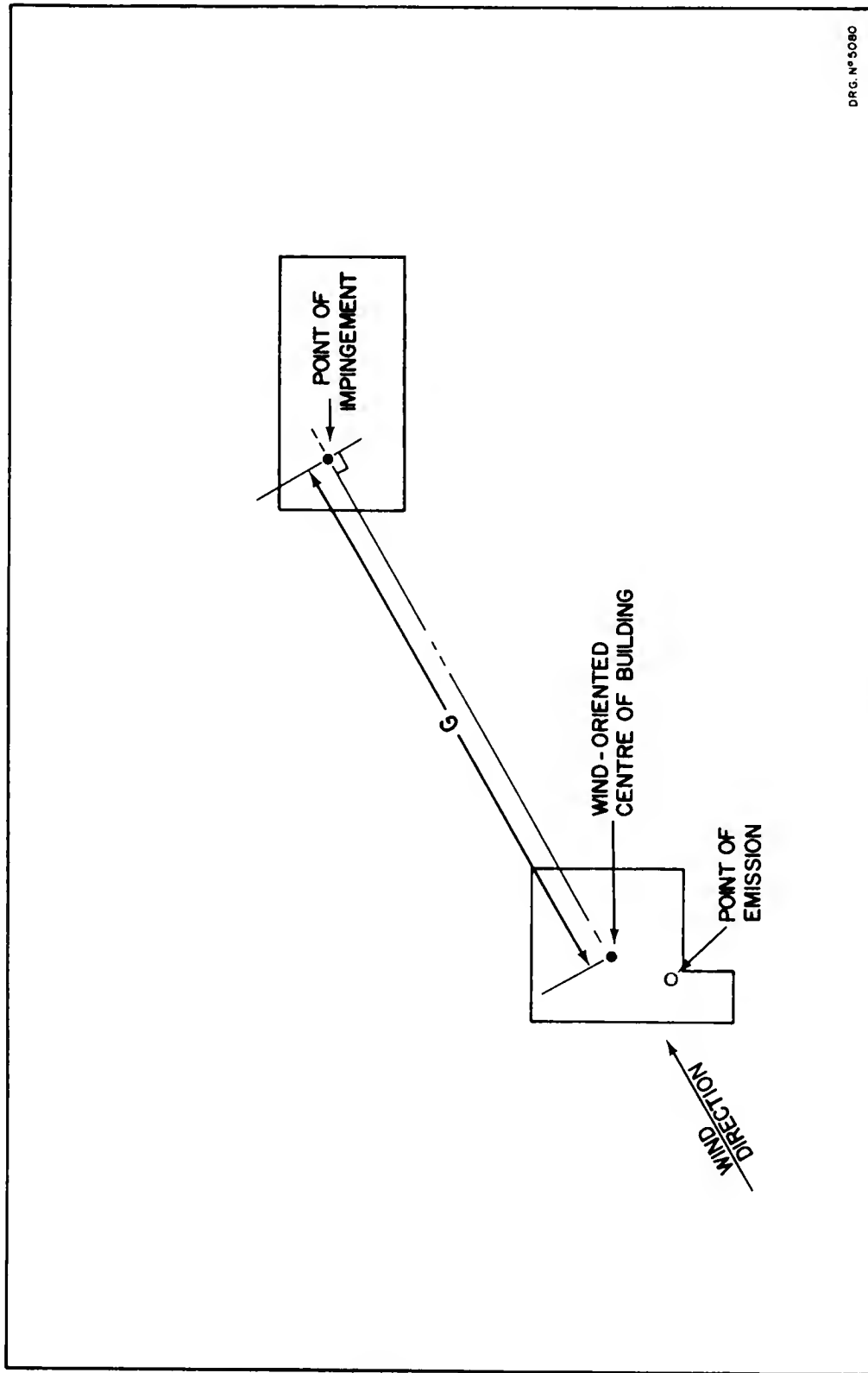


FIGURE 15.

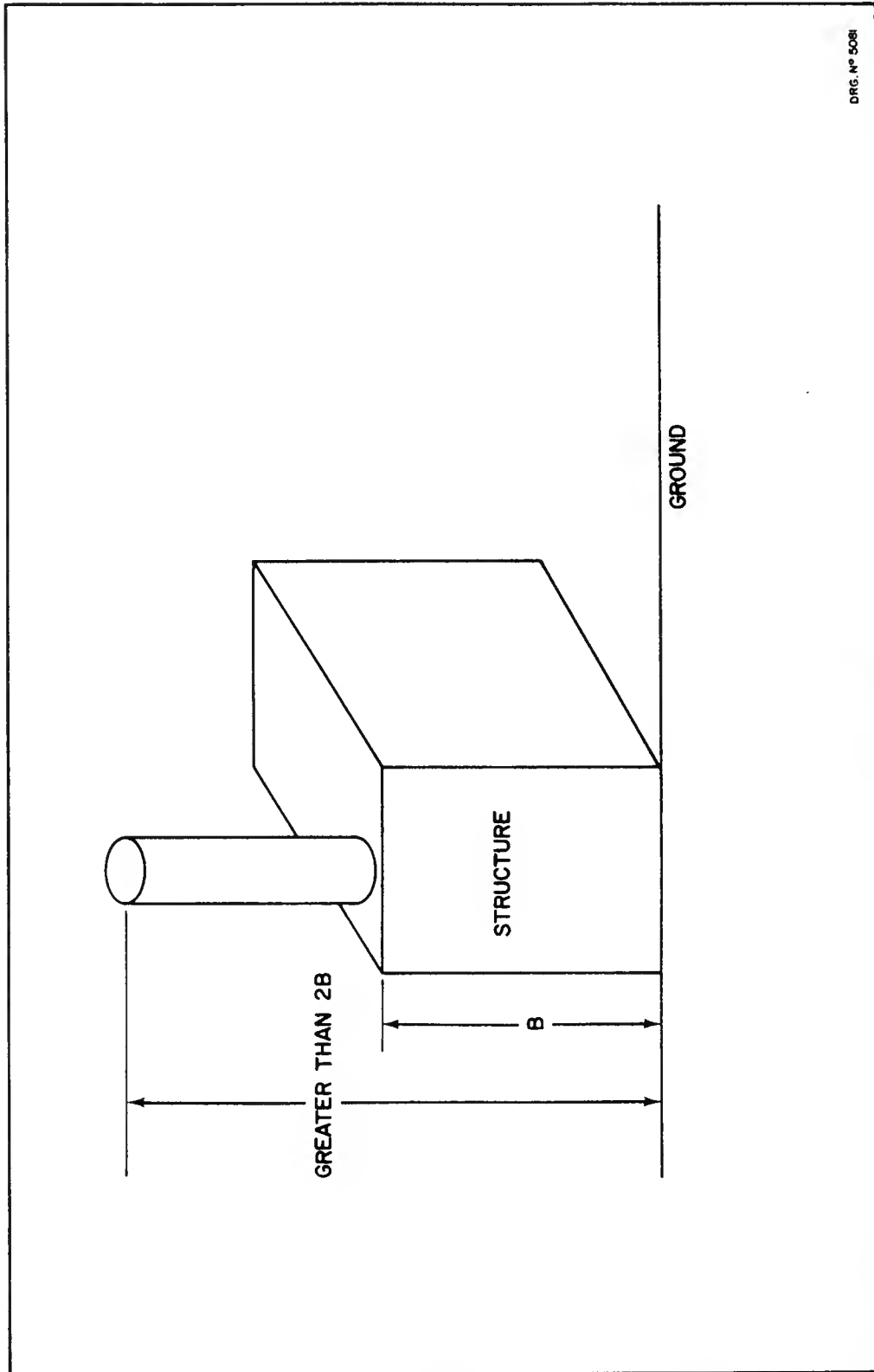
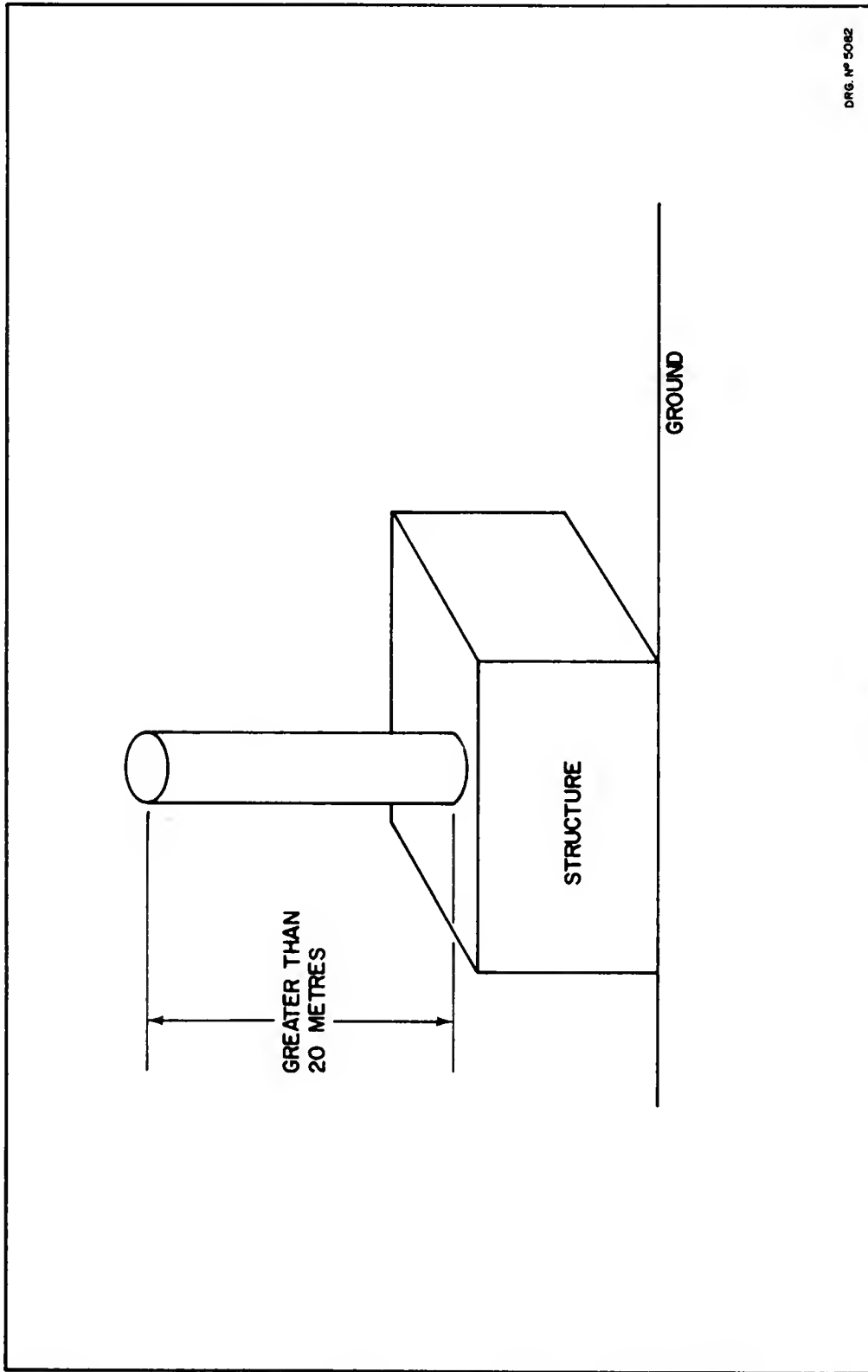
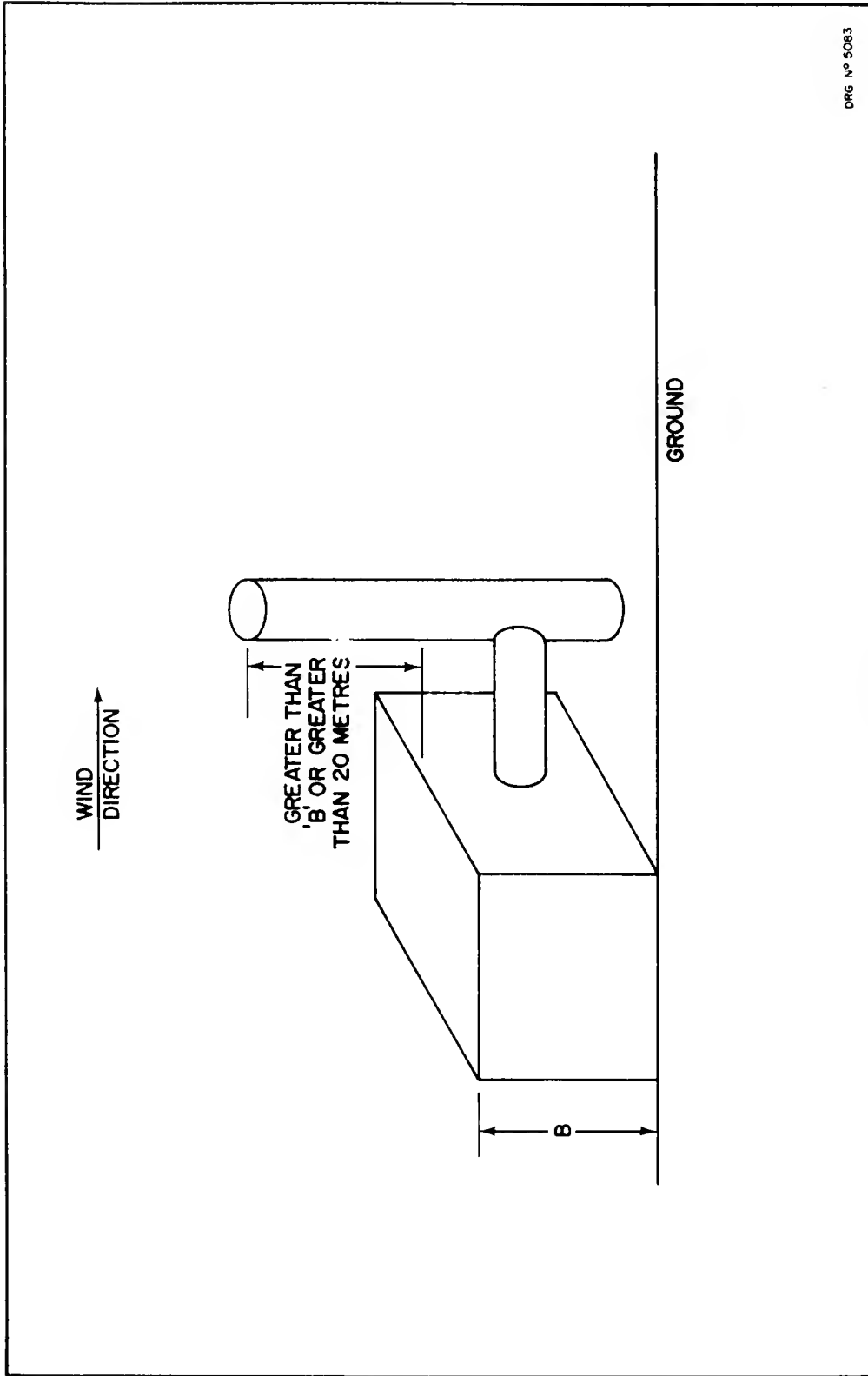


FIGURE 16.



DRG. N° 5082

FIGURE 17.



DRG N° 5083

FIGURE 18.

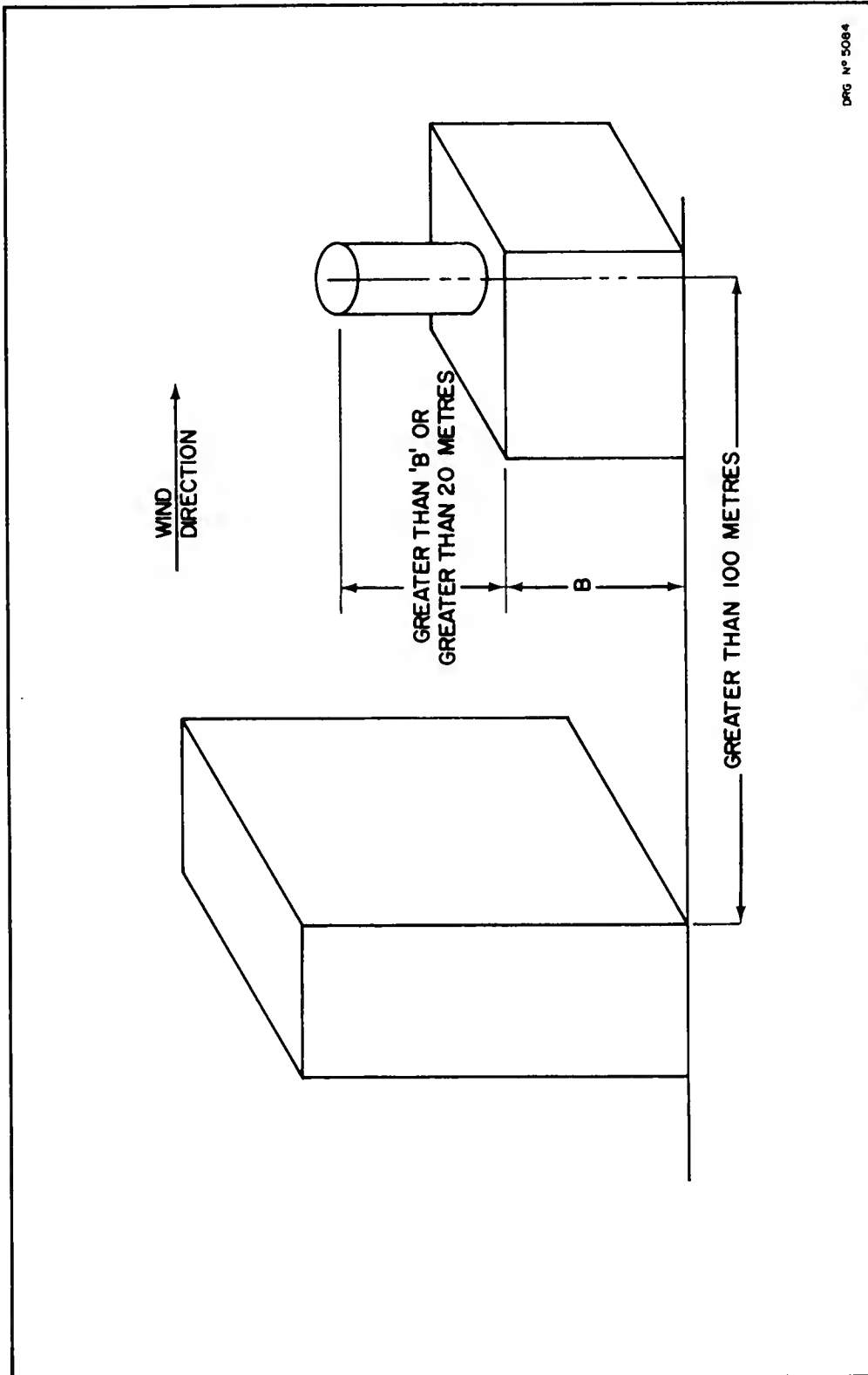


FIGURE 19.

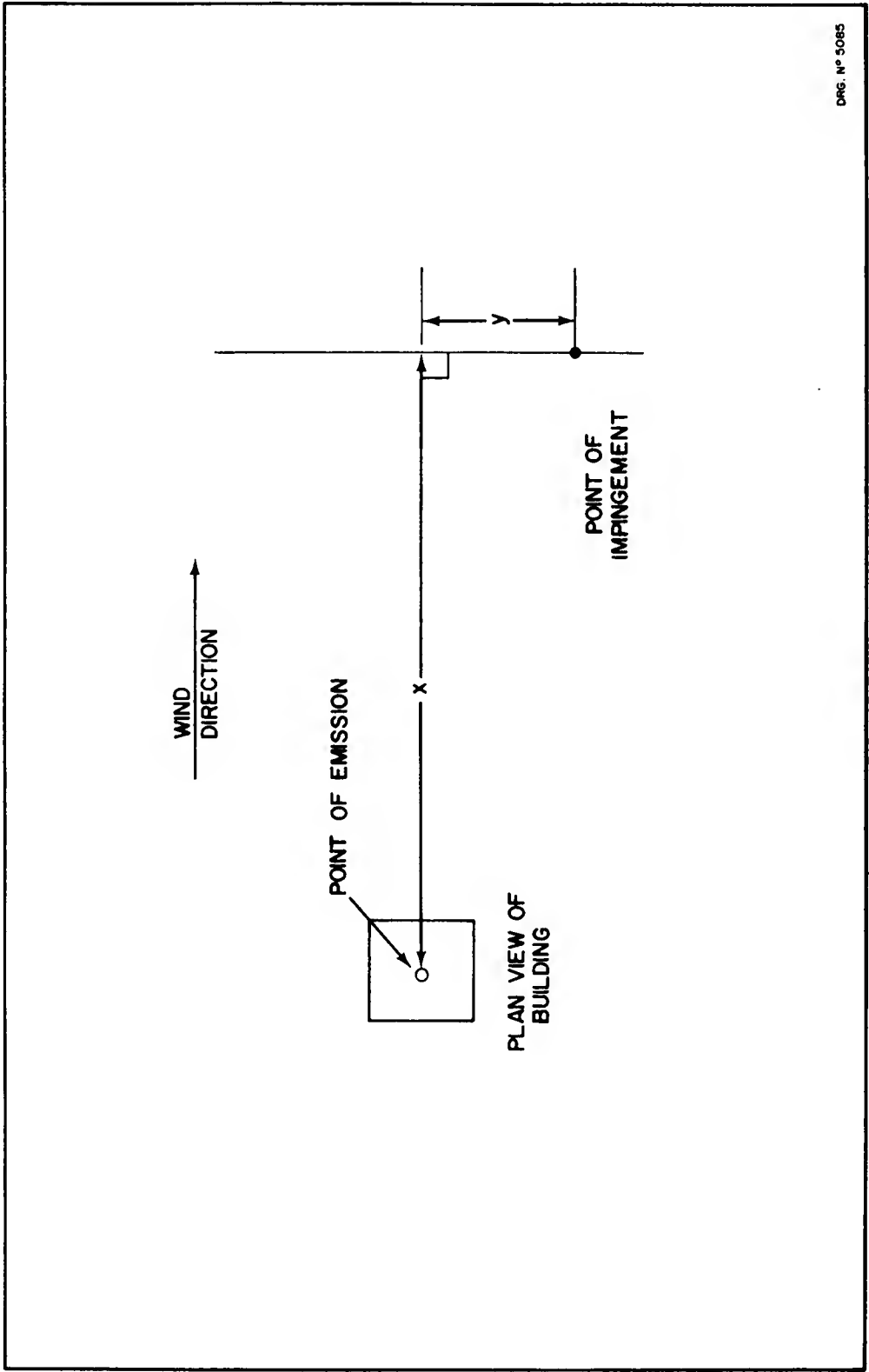


FIGURE 20.

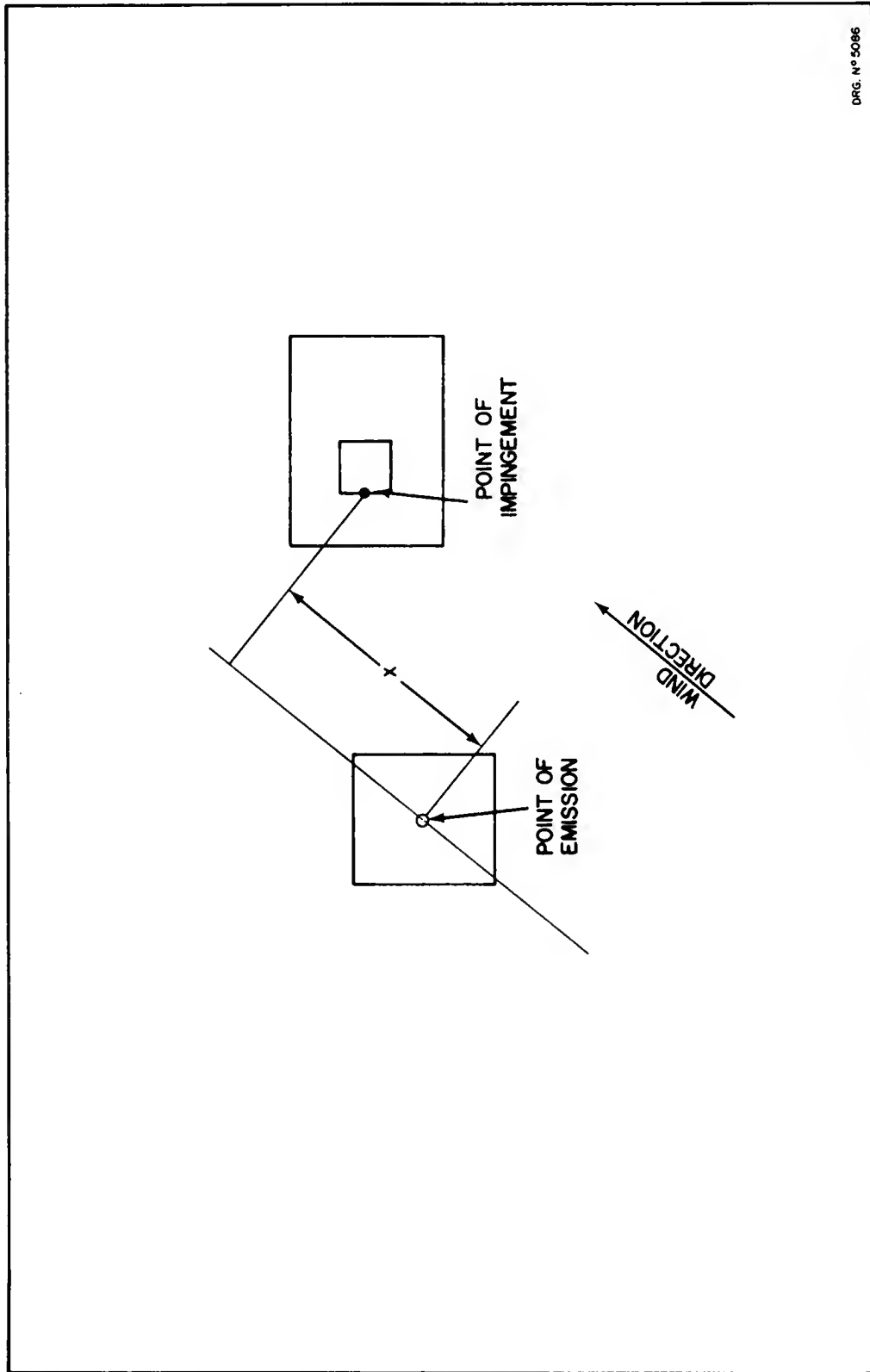
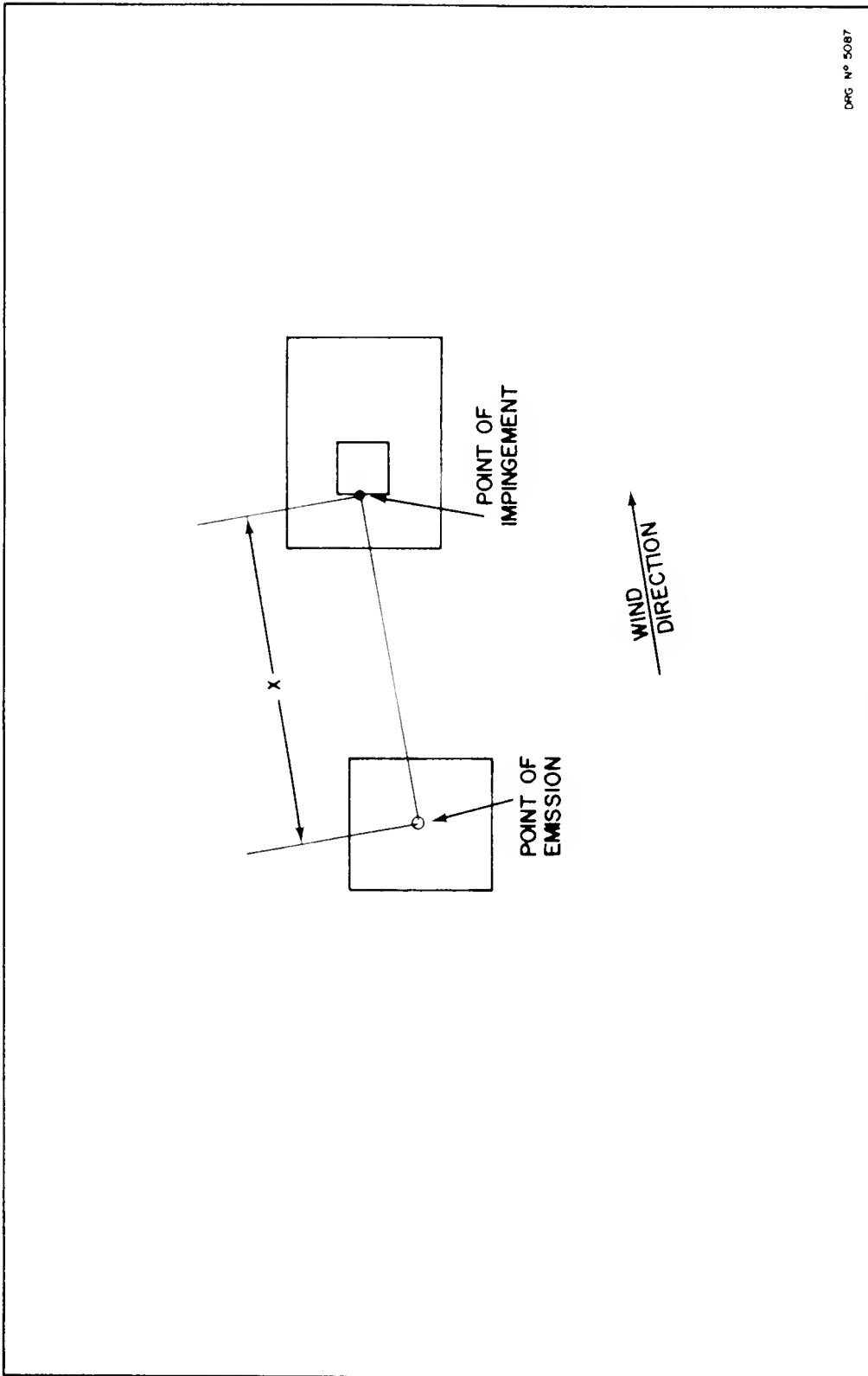


FIGURE 21.



DRG N° 5087

FIGURE 22.

Schedule

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Name of Contaminant	Unit of Concentration	Concentration at Point of Impingement—Half Hour Average
1.	Acetic Acid	Micrograms of acetic acid per cubic metre of air	2,500
2.	Acetylene	Micrograms of acetylene per cubic metre of air	56,000
3.	Acetone	Micrograms of acetone per cubic metre of air	48,000
4.	Acrylamide	Micrograms of acrylamide per cubic metre of air	45
5.	Ammonia	Micrograms of ammonia per cubic metre of air	3,600
6.	Antimony	Total micrograms of antimony in free and combined form per cubic metre of air	75
7.	Arsine	Micrograms of arsine per cubic metre of air	10
8.	Beryllium	Total micrograms of beryllium in free and combined form per cubic metre of air	0.03
9.	Boron Tribromide	Micrograms of boron tribromide per cubic metre of air	100
10.	Boron Trichloride	Micrograms of boron trichloride per cubic metre of air	100
11.	Boron Trifluoride	Micrograms of boron trifluoride per cubic metre of air	5.0
12.	Boron	Total micrograms of boron in free and combined form per cubic metre of air	100
13.	Bromine	Micrograms of bromine per cubic metre of air	70
14.	Cadmium	Total micrograms of cadmium in free and combined form per cubic metre of air	5.0
15.	Calcium hydroxide	Micrograms of calcium hydroxide per cubic metre of air	27
16.	Calcium Oxide	Micrograms of calcium oxide per cubic metre of air	20
17.	Carbon Black	Micrograms of carbon black per cubic metre of air	25
18.	Carbon Disulphide	Micrograms of carbon disulphide per cubic metre of air	330
19.	Carbon Monoxide	Micrograms of carbon monoxide per cubic metre of air	6,000
20.	Chlorine	Micrograms of chlorine per cubic metre of air	300
21.	Chlorine Dioxide	Micrograms of chlorine dioxide per cubic metre of air	85
22.	Copper	Total micrograms of copper in free and combined form per cubic metre of air	100
23.	Cresols	Micrograms of cresols per cubic metre of air	230
24.	Decaborane	Micrograms of decaborane per cubic metre of air	50
25.	Diborane	Micrograms of diborane per cubic metre of air	20
26.	Dicapryl Phthalate	Micrograms of dicapryl phthalate per cubic metre of air	100
27.	Dimethyl Disulphide	Micrograms of dimethyl disulphide per cubic metre of air	40

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Name of Contaminant	Unit of Concentration	Concentration at Point of Impingement—Half Hour Average
28.	Dimethyl Sulphide	Micrograms of dimethyl sulphide per cubic metre of air	30
29.	Diocetyl Phthalate	Micrograms of dioctyl phthalate per cubic metre of air	100
30.	Dustfall	Micrograms per square metre	8,000
31.	Ethyl Acetate	Micrograms of ethyl acetate per cubic metre of air	19,000
32.	Ethyl Acrylate	Micrograms of ethyl acrylate per cubic metre of air	4.5
33.	Ethyl Benzene	Micrograms of ethyl benzene per cubic metre of air	4,000
34.	Ferric Oxide	Micrograms of ferric oxide per cubic metre of air	75
35.	Fluorides, (Gaseous) (April 15 to October 15)	Micrograms of gaseous, inorganic fluoride per cubic metre of air expressed as hydrogen fluoride	4.3
36.	Fluorides, (Total) (April 15 to October 15)	Total micrograms of inorganic fluoride per cubic metre of air expressed as hydrogen fluoride	8.6
37.	Fluorides, (Total) (October 16 to April 14)	Total micrograms of inorganic fluoride per cubic metre of air expressed as hydrogen fluoride	17.2
38.	Formaldehyde	Micrograms of formaldehyde per cubic metre of air	65
39.	Formic Acid	Micrograms of formic acid per cubic metre of air	1,500
40.	Furfural	Micrograms of furfural per cubic metre of air	1,000
41.	Furfuryl Alcohol	Micrograms of furfuryl alcohol per cubic metre of air	3,000
42.	Hydrogen Chloride	Micrograms of hydrogen chloride per cubic metre of air	100
43.	Hydrogen Cyanide	Micrograms of hydrogen cyanide per cubic metre of air	1,150
44.	Hydrogen Sulphide	Micrograms of hydrogen sulphide per cubic metre of air	30
45.	Iron (metallic)	Micrograms of metallic iron per cubic metre of air	10
46.	Lead	Total micrograms of lead in free and combined form per cubic metre of air	10
47.	Lithium Hydrides	Total micrograms of lithium hydrides per cubic metre of air	7.5
48.	Lithium	Total micrograms of lithium in other than hydride compounds per cubic metre of air	60
49.	Magnesium Oxide	Total micrograms of magnesium oxide per cubic metre of air	100
50.	Mercaptans	Total micrograms of mercaptans per cubic metre of air expressed as methyl mercaptans	20
51.	Mercury (alkyl)	Total micrograms of alkyl mercury compounds per cubic metre of air	1.5
52.	Mercury	Total micrograms of mercury in free and combined form per cubic metre of air	5.0

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Name of Contaminant	Unit of Concentration	Concentration at Point of Impingement—Half Hour Average
53.	Methyl Acrylate	Micrograms of methyl acrylate per cubic metre of air	4.0
54.	Methyl Alcohol	Micrograms of methyl alcohol per cubic metre of air	84,000
55.	Methyl Chloroform (1-1-1 Trichloroethane)	Micrograms of methyl chloroform per cubic metre of air	350,000
56.	Methyl Ethyl Ketone (2-Butanone)	Micrograms of methyl ethyl ketone per cubic metre of air	31,000
57.	Methyl Methacrylate	Micrograms of methyl methacrylate per cubic metre of air	860
58.	Milk Powder	Micrograms of milk powder per cubic metre of air	20
59.	Monomethyl Amine	Micrograms of monomethyl amine per cubic metre of air	25
60.	Nickel	Total micrograms of nickel in free and combined form per cubic metre of air	5
61.	Nickel Carbonyl	Micrograms of nickel carbonyl per cubic metre of air	1.5
62.	Nitric Acid	Micrograms of nitric acid per cubic metre of air	100
63.	Nitriiotriacetic Acid	Micrograms of nitriiotriacetic acid per cubic metre of air	100
64.	Nitrogen Oxides	Micrograms of nitrogen oxides per cubic metre of air expressed as NO ₂	500
65.	Ozone	Micrograms of ozone per cubic metre of air	200
66.	Pentaborane	Micrograms of pentaborane per cubic metre of air	3.0
67.	Phenol	Micrograms of phenol per cubic metre of air	100
68.	Phosgene	Micrograms of phosgene per cubic metre of air	130
69.	Phosphoric Acids	Micrograms of phosphoric acids per cubic metre of air expressed as P ₂ O ₅	100
70.	Phthalic Anhydride	Micrograms of phthalic anhydride per cubic metre of air	100
71.	Propylene Dichloride	Micrograms of propylene dichloride per cubic metre of air	2,400
72.	Silver	Total micrograms of silver in free and combined form per cubic metre of air	3
73.	Styrene	Micrograms of styrene per cubic metre of air	400
74.	Sulphur Dioxide	Micrograms of sulphur dioxide per cubic metre of air	830
75.	Sulphuric Acid	Micrograms of sulphuric acid per cubic metre of air	100
76.	Suspended Particulate Matter (particulate less than 44 microns in size)	Total micrograms of suspended particulate matter per cubic metre of air	100
77.	Tellurium (except hydrogen telluride)	Micrograms of tellurium in free and combined form per cubic metre of air	30
78.	Tetrahydrofuran	Micrograms of tetrahydrofuran per cubic metre of air	93,000

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Name of Contaminant	Unit of Concentration	Concentration at Point of Impingement—Half Hour Average
79.	Tin	Total micrograms of tin in free and combined form per cubic metre of air	30
80.	Titanium	Total micrograms of titanium in free and combined form per cubic metre of air	100
81.	Toluene	Micrograms of toluene per cubic metre of air	2,000
82.	Toluene Di-isocyanate	Micrograms of toluene di-isocyanate per cubic metre of air	1.0
83.	Trichloroethylene	Micrograms of trichloroethylene per cubic metre of air	85,000
84.	Trifluorotrchloro Ethane	Micrograms of trifluoro trichloroethane per cubic metre of air	2.4 million
85.	Vanadium	Total micrograms of vanadium in free and combined form per cubic metre of air	5.0
86.	Xylenes	Micrograms of xylenes per cubic metre of air	2,300
87.	Zinc	Total micrograms of zinc in free and combined form per cubic metre of air	100

R.R.O. 1980, Reg. 308, Sched. 1; O. Reg. 90/90, s. 1.

REGULATION 347**GENERAL—WASTE MANAGEMENT**

DEFINITIONS

1. In this Regulation,

“access road” means a road that leads from a public road to a waste disposal site;

“acute hazardous waste chemical” means a commercial waste chemical having a generic name listed in Part A of Schedule 2;

“agricultural waste” means waste, other than sewage, resulting from farm operations, including animal husbandry and where a farm operation is carried on in respect of food packing, food preserving, animal slaughtering or meat packing, includes the waste from such operations;

“asbestos waste” means solid or liquid waste that results from the removal of asbestos-containing construction or insulation materials or the manufacture of asbestos-containing products and contains asbestos in more than a trivial amount or proportion;

“carrier” means the operator of a waste transportation system;

“cell”, in respect of a landfilling site, means a deposit of waste that has been sealed by cover material so that no waste deposited in the cell is exposed to the atmosphere;

“commercial waste” includes asbestos waste;

“commercial waste chemical” means a waste that is or contains a commercial chemical product or manufacturing chemical intermediate of a specified generic name and includes,

- (a) an off-specification commercial chemical product or manu-

facturing chemical intermediate which, if it met specifications, would have the specified generic name,

- (b) residues or contaminated material from the clean-up of a spill of a commercial chemical product or manufacturing chemical intermediate of the specified generic name or of an off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the specified generic name, or

- (c) an empty container or the liner from an empty container that contained a commercial chemical product or manufacturing chemical intermediate of the specified generic name, or an off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the specified generic name, or residues or contaminated materials from the clean-up of a spill of any of them, unless the empty container or the liner from the empty container has been triple rinsed,

but, except as specified in subparagraph i, ii or iii, does not include a waste stream or waste material contaminated with material of the specified generic name;

“composting” means the treatment of waste by aerobic decomposition of organic matter by bacterial action for the production of stabilized humus;

“corrosive waste” means a waste that,

- (a) is aqueous and has a pH less than or equal to two or greater than or equal to 12.5 as determined by a pH meter, or
- (b) is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 millimetres per year at a test temperature of 55° Celsius using test NACE TM-01-69 or an equivalent test approved by the Director;

“cover material” means soil or other material approved for use in sealing cells in landfilling;

"dead animal" means an animal that dies naturally or from disease or by reason of accident and includes parts thereof;

"derelict motor vehicle" means a motor vehicle that,

- (a) is inoperable, and
- (b) has no market value as a means of transportation, or, has a market value as a means of transportation that is less than the cost of repairs required to put it into operable condition;

"Director" means the Director of the Waste Management Branch of the Ministry and includes an alternate named by him or her;

"domestic waste" includes asbestos waste;

"dump" means a waste disposal site where waste is deposited without cover material being applied at regular intervals;

"dust suppressant" means a waste used for dust suppression in accordance with a certificate of approval or provisional certificate of approval for a dust suppression waste management system;

"dust suppression site" means a waste disposal site where dust suppressant is deposited;

"empty container" means a container from which all wastes and other materials have been removed using the removal practices such as pumping or pouring commonly used for the specific materials and that contains less than 2.5 centimetres of material on the bottom of the container;

"existing hospital incinerator" means an incinerator put into operation before the 31st day of December, 1985 owned by a hospital within the meaning of the *Public Hospitals Act* at which pathological waste but no hauled liquid industrial waste or other hazardous waste is incinerated;

"fly-ash" means particulate matter removed from combustion flue gases;

"generator" means the operator of a waste generation facility;

"grinding" means the treatment of waste by uniformly reducing the waste to particles of controlled maximum size;

"hauled liquid and hazardous waste collection system" means a waste management system or any part thereof for the collection, handling, transportation, storage or processing of hauled liquid industrial waste or hazardous waste but does not include the disposal thereof;

"hauled liquid industrial waste" means liquid industrial waste transported in a tank or other container for treatment or disposal;

"hauled sewage" means waste removed from,

- (a) a cesspool,
- (b) a septic tank system,
- (c) a privy vault or privy pit,
- (d) a chemical toilet,
- (e) a portable toilet, or
- (f) a sewage holding tank;

"hazardous industrial waste" means a generic or specific waste listed in Schedule 1;

"hazardous waste" means a waste that is a,

- (a) hazardous industrial waste,
- (b) acute hazardous waste chemical,
- (c) hazardous waste chemical,
- (d) severely toxic waste,
- (e) ignitable waste,
- (f) corrosive waste,
- (g) reactive waste,
- (h) radioactive waste, except radioisotope wastes disposed of in a landfilling site in accordance with the written instructions of the Atomic Energy Control Board,
- (i) pathological waste,
- (j) leachate toxic waste, or
- (k) PCB waste as defined in Regulation 362 of Revised Regulations of Ontario, 1990,

and includes a mixture of acute hazardous waste chemical, hazardous waste chemical, hazardous industrial waste, pathological waste, radioactive waste or severely toxic waste and any other waste or material, but does not include,

- (l) hauled sewage,
- (m) waste from the operation of a sewage works subject to the *Ontario Water Resources Act* where the works,
 - (i) is owned by a municipality,
 - (ii) is owned by the Crown subject to an agreement with a municipality under the *Ontario Water Resources Act*, or
 - (iii) receives only waste similar in character to the domestic sewage from a household,
- (n) domestic waste,
- (o) incinerator ash resulting from the incineration of waste that is neither hazardous waste nor liquid industrial waste,
- (p) waste that is a hazardous industrial waste, hazardous waste chemical, ignitable waste, corrosive waste, leachate toxic waste or reactive waste and that is produced in any month in an amount less than five kilograms or otherwise accumulated in an amount less than five kilograms,
- (q) waste that is an acute hazardous waste chemical and that is produced in any month in an amount less than one kilogram or otherwise accumulated in an amount less than one kilogram,
- (r) an empty container or the liner from an empty container that contained hazardous industrial waste, hazardous waste chemical, ignitable waste, corrosive waste, leachate toxic waste or reactive waste,
- (s) an empty container of less than twenty litres capacity or one or more liners weighing, in total, less than ten kilograms from empty containers, that contained acute hazardous waste chemical,
- (t) the residues or contaminated materials from the clean-up of a spill of less than five kilograms of waste that is a hazardous industrial waste, hazardous waste chemical, ignitable waste, corrosive waste, leachate toxic waste or reactive waste, or

- (u) the residues or contaminated materials from the clean-up of a spill of less than one kilogram of waste that is an acute hazardous waste chemical;

“hazardous waste chemical” means a commercial waste chemical having a generic name listed in Part B of Schedule 2;

“ignitable waste” means a waste that,

- (a) is a liquid, other than an aqueous solution containing less than 24 per cent alcohol by volume and has a flash point less than 61° Celsius, as determined by the Tag Closed Cup Tester (ASTM D-56-79), the Setaflash Closed Cup Tester (ASTM D-3243-77 or ASTM D-3278-78), the Pensky-Martens Closed Cup Tester (ASTM D-93-79), or as determined by an equivalent test method approved by the Director,
- (b) is a solid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a danger,
- (c) is an ignitable compressed gas (Class 2, Division D as defined in the regulations under the *Transportation of Dangerous Goods Act* (Canada), or
- (d) is an oxidizing substance (Class 5, Divisions 1 and 2) as defined in the regulations under the *Transportation of Dangerous Goods Act* (Canada);

“incinerator ash” means the ash residue, other than fly-ash, resulting from incineration where the waste is reduced to ashes containing by weight less than 10 per cent of combustible materials;

“incinerator waste” means the residue from incineration, other than incinerator ash and fly-ash;

“individual collection system” means the collection of a household-er’s own domestic wastes by a householder and the transportation of such wastes to a waste disposal site by the householder;

“industrial waste” means waste from,

- (a) an enterprise or activity involving warehousing, storage or industrial, manufacturing or commercial processes or operations,
- (b) research or an experimental enterprise or activity,
- (c) an enterprise or activity to which clause (a) would apply if the enterprise or activity were carried on for profit,
- (d) clinics that provide medical diagnosis or treatment, or
- (e) schools, laboratories or hospitals;

“inert fill” means earth or rock fill or waste of a similar nature that contains no putrescible materials or soluble or decomposable chemical substances;

“intact manifest” means a manifest as provided by the Ministry, with all six parts intact;

“landfilling” means the disposal of waste by deposit, under controlled conditions, on land or on land covered by water, and includes compaction of the waste into a cell and covering the waste with cover materials at regular intervals;

“leachate toxic waste” means a waste producing leachate containing any of the contaminants listed in Schedule 4 at a concentration in excess of one hundred times that specified in the Schedule using the Leachate Extraction Procedure or an equivalent test method approved by the Director;

“liquid industrial waste” means waste that is both liquid waste and industrial waste but does not include,

- (a) hauled sewage,
- (b) waste from the operation of a sewage works described in clause (m) of the definition of “hazardous waste”,
- (c) waste from the operation of a water works subject to the *Ontario Water Resources Act*,
- (d) waste that is produced in any month in an amount less than twenty-five litres or otherwise accumulated in an amount less than twenty-five litres,
- (e) waste directly discharged by a generator from a waste generation facility into a sewage works subject to the *Ontario Water Resources Act* or established before the 3rd day of April, 1957 or into a sewage system, as defined in Part VIII of the Act,
- (f) waste that results directly from food processing and preparation operations, including food packing, food preserving, wine making, cheese making and restaurants,
- (g) drilling fluids and produced waters associated with the exploration, development or production of crude oil or natural gas,
- (h) processed organic waste, or
- (i) asbestos waste;

“manifest” means a numbered document in Form 1 that was obtained from the Ministry;

“marine craft waste disposal system” means a waste disposal system operated by a person or a municipality for the receiving of waste from marine craft for deposit in holding tanks;

“metal finishing” includes common and precious metal electroplating, anodizing, electroless plating, chemical etching and milling, chemical conversion coating (including colouring, chromating, phosphating and immersion plating) and printed circuit board manufacturing;

“mobile refrigerant waste” means refrigerant removed from,

- (a) the air-conditioning unit of an automobile, bus, truck or other vehicle, or
- (b) the refrigeration or freezer unit of a truck or rail car used to carry refrigerated or frozen things;

“mobile refrigerant waste collector” means a mobile refrigerant waste management system that collects mobile refrigerant waste it has removed from equipment in which refrigerant is used;

“mobile refrigerant waste recycler” means a mobile refrigerant waste management system that receives mobile refrigerant waste from other mobile refrigerant waste management systems and recycles it;

“municipal waste management system” means a waste management system, or any part thereof, of which a municipality is the owner;

“non-hazardous solid industrial waste” means industrial waste that is not liquid industrial waste and is not hazardous waste and includes asbestos waste;

“on-site garbage grinder” means a grinder,

- (a) used for the treatment of waste that is subsequently discharged as sewage, and

- (b) located in a building or structure used principally for functions other than waste management;

“on-site incinerator” means an incinerator located at a site used principally for functions other than waste management in which only waste generated on that site is incinerated;

“on-site road” means a road for the movement of vehicles and equipment within a waste disposal site;

“organic soil conditioning” means the incorporation of processed organic waste in the soil to improve its characteristics for crop or ground cover growth;

“packing and baling” means the treatment of waste by its compression into blocks or bales and binding or sheathing the blocks with wire, metal, plastic or other material;

“pathological waste” means,

- (a) any part of the human body, including tissues and bodily fluids, but excluding fluids, extracted teeth, hair, nail clippings and the like, that are not infectious,
- (b) any part of the carcass of an animal infected with a communicable disease or suspected by a licensed veterinary practitioner to be infected with a communicable disease, or
- (c) non-anatomical waste infected with communicable disease;

“private waste management system” means a waste management system, or any part thereof, of which a person other than a municipality is the owner;

“processed organic waste” means waste that is predominantly organic in composition and has been treated by aerobic or anaerobic digestion, or other means of stabilization, and includes sewage residue from sewage works that are subject to the provisions of the *Ontario Water Resources Act*;

“reactive waste” means a waste that,

- (a) is normally unstable and readily undergoes violent change without detonating,
- (b) reacts violently with water,
- (c) forms potentially explosive mixtures with water,
- (d) when mixed with water, generates toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment,
- (e) is a cyanide or sulphide bearing waste which, when exposed to pH conditions between two and 12.5, can generate toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment,
- (f) is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement,
- (g) is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure,
- (h) is an explosive (Class 1) as defined in the regulations under the *Transportation of Dangerous Goods Act* (Canada);

“receiver” means the operator of any facility to which waste is transferred by a carrier;

“recyclable material” means waste transferred by a generator and destined for a site,

- (a) where it will be wholly utilized, in an ongoing agricultural,

commercial, manufacturing or industrial process or operation used principally for functions other than waste management and that does not involve combustion or land application of the waste,

- (b) where it will be promptly packaged for retail sale, or

- (c) where it will be offered for retail sale to meet a realistic market demand,

but does not include,

- (d) hazardous waste or liquid industrial waste unless the transportation from generator to site is direct, and

- (e) used or shredded or chipped tires.

“scavenging” means the uncontrolled removal of reusable material from waste at a waste disposal site;

“severely toxic waste” means a waste that contains a contaminant listed in Schedule 3 at a concentration greater than one part per million;

“site” means one property and includes nearby properties owned or leased by the same person where passage from one property to another involves crossing, but not travelling along, a public highway;

“stationary refrigerant waste” means refrigerant removed from an air-conditioning unit, refrigerator or freezer used in or constructed as part of a building;

“stationary refrigerant waste collector” means a stationary refrigerant waste management system that collects stationary refrigerant waste it has removed from equipment in which refrigerant is used;

“stationary refrigerant waste recycler” means a stationary refrigerant waste management system that receives stationary refrigerant waste from other stationary refrigerant waste management systems and recycles it;

“subject waste” means,

- (a) liquid industrial waste, and
- (b) hazardous waste,

but does not include waste from the servicing of motor vehicles at a retail motor vehicle service station or service facility that has a written agreement for the collection and management of such waste with a waste management system approved under Part V of the Act for the purposes and does not include waste from,

- (c) a nursing home under the *Nursing Homes Act*,
- (d) a home under the *Homes for the Aged and Rest Homes Act*,
- (e) a home for special care under the *Homes for Special Care Act*,
- (f) the professional office of a member of the Royal College of Dental Surgeons of Ontario, or
- (g) the professional office of a member of the College of Physicians and Surgeons of Ontario;

“transfer” means physical transfer of possession;

“transfer station” means a waste disposal site used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site;

“waste generation facility” means those facilities, equipment and

operations that are involved in the production, collection, handling or storage of subject waste at a site;

“waste transportation system” means those facilities, equipment and operations that are involved in transporting subject waste beyond the boundaries of a site or from site to site;

“waste-derived fuel” means waste having a quality as fuel not worse than commercially available low grade fuel and that is located at or destined for a waste-derived fuel site where it will be wholly utilized as a fuel or fuel supplement in a combustion unit;

“waste-derived fuel site” means a waste disposal site where waste-derived fuel is wholly utilized as a fuel or fuel supplement in a combustion unit used principally for functions other than waste management and, for hazardous waste or liquid industrial waste, the site may include blending or bulking facilities but may not include facilities for treatment or processing of waste-derived fuel generated off the site. O. Reg. 322/85, s. 1; O. Reg. 464/85, s. 1; O. Reg. 460/88, s. 1; O. Reg. 138/90, s. 1; O. Reg. 162/90, s. 1; O. Reg. 520/90, s. 1.

DESIGNATION AND EXEMPTION OF WASTES

2. The following are designated wastes:

1. Dust suppressant.
2. Inert fill.
3. Processed organic waste.
4. Recyclable material.
5. Rock fill or mill tailings from a mine.
6. Waste-derived fuel.
7. Hazardous waste.
8. Hauled liquid industrial waste.
9. Used tires that have not been refurbished for road use.
10. Stationary refrigerant waste.
11. Mobile refrigerant waste. O. Reg. 322/85, s. 2; O. Reg. 162/90, s. 2; O. Reg. 520/90, s. 2.

3. The following wastes are exempted from Part V of the Act and this Regulation:

1. Agricultural wastes.
2. Condemned animals or parts thereof at a plant licensed under the *Meat Inspection Act* (Ontario) or an establishment operating under the *Meat Inspection Act* (Canada).
3. Dead animals to which the *Dead Animal Disposal Act* applies.
4. Hauled sewage.
5. Inert fill.
6. Rock fill or mill tailings from a mine.
7. Recyclable material. R.R.O. 1980, Reg. 309, s. 3; O. Reg. 322/85, s. 3.

CLASSIFICATION AND EXEMPTION OF WASTE DISPOSAL SITES

4. Waste disposal sites are classified as follows:

1. Composting sites.

2. Derelict motor vehicle sites.
3. Dumps.
4. Grinding sites.
5. Incineration sites.
6. Landfilling sites.
7. On-site incinerators.
8. On-site garbage grinders.
9. Organic soil conditioning sites.
10. Packing and baling sites.
11. Transfer stations.
12. Existing hospital incinerators.
13. Waste-derived fuel sites.
14. Dust suppression sites.
15. On-site incinerators at the site of a veterinary hospital.
16. Incinerators at the site of a crematorium within the meaning of the *Cemeteries Act*.
17. Used tire sites.
18. Stationary refrigerant waste disposal sites.
19. Mobile refrigerant waste disposal sites. R.R.O. 1980, Reg. 309, s. 4; O. Reg. 464/85, s. 2; O. Reg. 162/90, s. 3; O. Reg. 520/90, s. 3.

5.—(1) The following waste disposal sites are exempt from Part V of the Act and this Regulation:

1. On-site incinerators at the site of a veterinary hospital.
2. On-site garbage grinders.
3. Derelict motor vehicle sites.
4. Incinerators at the site of a crematorium within the meaning of the *Cemeteries Act*. R.R.O. 1980, Reg. 309, s. 5; O. Reg. 322/85, s. 4 (1); O. Reg. 464/85, s. 3 (1).

(2) Dust suppression sites designated in a certificate of approval or provisional certificate of approval for a dust suppression waste management system and established and operated in accordance therewith are exempt from the requirement to have a waste disposal site certificate of approval or provisional certificate of approval. O. Reg. 322/85, s. 4 (2).

(3) Waste-derived fuel sites are exempt from the operation of section 27 of the Act. O. Reg. 464/85, s. 3 (2).

(4) No person shall use waste oil as a dust suppressant. O. Reg. 750/88, s. 1.

6.—(1) For the purposes of subsection (3),

- (a) each tire weighing less than twelve kilograms is one tire unit;
- (b) each tire weighing twelve kilograms or more is the number of tire units that results from dividing twelve into the number of kilograms that the tire weighs; and

- (c) each twelve kilograms of chipped or shredded tires is a tire unit.
- (2) Steel that has been separated from other components of tires in the process of chipping or shredding tires shall not be counted for the purposes of clause (1) (c).
- (3) Section 27 of the Act does not apply in respect of a used tire site if,
- there are fewer than 5,000 tire units at the site; and
 - used or chipped or shredded tires are not incinerated or buried at the site.
- (4) Section 27 of the Act does not apply in respect of a used tire site before the 1st day of October, 1990 if,
- the site was established before the 6th day of April, 1990;
 - a certificate of approval for the site has not been issued, refused, suspended or revoked under the Act;
 - there is no written request by a provincial officer to a person responsible for the site to apply for a certificate of approval for the site by a date specified in the request that has not been complied with;
 - a person responsible for the site has applied, by the 29th day of June, 1990, for a certificate of approval for the site; and
 - a person responsible for the site has, within the time prescribed by subsection (5), submitted,
 - a fire prevention and control program for the site,
 - a security program for the site, and
 - a timetable for implementing the programs referred to in subclauses (i) and (ii).
- (5) The material described in clause (4) (e) shall be submitted,
- if a request has been made under clause (4) (c), by the date specified in the request; and
 - if a request has not been made under clause (4) (c), by the 29th day of June, 1990. O. Reg. 162/90, s. 4.

CLASSIFICATION AND EXEMPTION OF WASTE MANAGEMENT SYSTEMS

7. Waste management systems are classified as follows:

- Municipal waste management systems.
- Private waste management systems.
- Individual collection systems.
- Hauled liquid and hazardous waste collection systems.
- Marine craft waste disposal systems.
- Organic waste management systems.
- Waste generation facilities.
- Waste transportation systems.
- Trucks for hauling used tires.
- Stationary refrigerant waste management systems.
- Mobile refrigerant waste management systems. R.R.O.

1980, Reg. 309, s. 6; O. Reg. 322/85, s. 5; O. Reg. 162/90, s. 5; O. Reg. 520/90, s. 4.

8.—(1) The following waste management systems are exempt from Part V of the Act and this Regulation:

- Individual collection systems.
- Marine craft waste disposal systems. R.R.O. 1980, Reg. 309, s. 7.

(2) Waste generation facilities are exempt from the requirement to have a waste management system certificate of approval in respect of the production, collection, handling and temporary storage of subject waste. O. Reg. 322/85, s. 6.

(3) Section 27 of the Act does not apply in respect of trucks for hauling used tires. O. Reg. 162/90, s. 6.

9. The standards, procedures and requirements set out in this Regulation do not apply to the extent that terms and conditions set out in a certificate of approval or a provisional certificate of approval issued under section 39 of the Act impose different standards, procedures or requirements. O. Reg. 322/85, s. 7.

10. No person shall use, operate or establish a waste management system or waste disposal site or any part of either of them except in accordance with the applicable prescribed standards. O. Reg. 597/88, s. 1.

STANDARDS FOR WASTE DISPOSAL SITES

11. The following are prescribed as standards for the location, maintenance and operation of a landfilling site:

- Access roads and on-site roads shall be provided so that vehicles hauling waste to and on the site may travel readily on any day under all normal weather conditions.
- Access to the site shall be limited to such times as an attendant is on duty and the site shall be restricted to use by persons authorized to deposit waste in the fill area.
- Drainage passing over or through the site shall not adversely affect adjoining property and natural drainage shall not be obstructed.
- Drainage that may cause pollution shall not, without adequate treatment, be discharged into watercourses.
- Waste shall be placed sufficiently above or isolated from the maximum water table at the site in such manner that impairment of groundwater in aquifers is prevented and sufficiently distant from sources of potable water supplies so as to prevent contamination of the water, unless adequate provision is made for the collection and treatment of leachate.
- Where necessary to isolate a landfilling site and effectively prevent the egress of contaminants, adequate measures to prevent water pollution shall be taken by the construction of berms and dykes of low permeability.
- Where there is a possibility of water pollution resulting from the operation of a landfilling site, samples shall be taken and tests made by the owner of the site to measure the extent of egress of contaminants and, if necessary, measures shall be taken for the collection and treatment of contaminants and for the prevention of water pollution.
- The site shall be located a reasonable distance from any cemetery.
- Adequate and proper equipment shall be provided for the

- compaction of waste into cells and the covering of the cells with cover material.
10. Where climatic conditions may prevent the use of the site at all times, provisions shall be made for another waste disposal site which can be used during such periods.
11. Where required for accurate determination of input of all wastes by weight, scales shall be provided at the site or shall be readily available for use.
12. All waste disposal operations at the site shall be adequately and continually supervised.
13. Waste shall be deposited in an orderly manner in the fill area, compacted adequately and covered by cover material by a proper landfilling operation.
14. Procedures shall be established for the control of rodents or other animals and insects at the site.
15. Procedures shall be established, signs posted, and safeguards maintained for the prevention of accidents at the site.
16. The waste disposal area shall be enclosed to prevent entry by unauthorized persons and access to the property shall be by roadway closed by a gate capable of being locked.
17. A green belt or neutral zone shall be provided around the site and the site shall be adequately screened from public view.
18. Whenever any part of a fill area has reached its limit of fill, a final cover of cover material shall be placed on the completed fill and such cover shall be inspected at regular intervals over the next ensuing period of two years and where necessary action shall be taken to maintain the integrity and continuity of the cover materials.
19. Scavenging shall not be permitted. R.R.O. 1980, Reg. 309, s. 8.
12. The following are prescribed as standards for the location, maintenance and operation of an incineration site:
1. The location of the incineration site shall be selected so as to reduce the effects of nuisances, such as dust, noise, and traffic.
 2. Fly-ash that is hazardous waste and that results from the incineration of waste that is neither hazardous waste nor liquid industrial waste shall be kept separate from incinerator ash and disposed of or otherwise dealt with separately from incinerator ash.
 3. Fly-ash that is hazardous waste and that results from the incineration of waste that is neither hazardous waste nor liquid industrial waste shall only be disposed of at,
 - i. the TRICIL Limited landfilling site located on Lot 9, Concession 10, Township of Moore, County of Lambton, or
 - ii. a landfilling site authorized to accept fly-ash that is hazardous waste and that results from the incineration of waste that is neither hazardous waste nor liquid industrial waste by the terms of,
 - A. a certificate of approval or provisional certificate of approval issued after the 1st day of January, 1990, or
 - B. an amendment to a certificate of approval or
- provisional certificate of approval made after the 1st day of January, 1990.
4. The incinerator shall be located,
 - i. so that it is accessible for the transportation of wastes thereto without nuisance,
 - ii. taking into account meteorological considerations to minimize environmental effects, and
 - iii. so that the services and utilities required for the operation of the incinerator are available, including facilities for the disposal of residue and of quenching and scrubbing water.
 5. The design and capacity of the incinerator shall be in accordance with accepted engineering practices and of a type and size adequate to efficiently process the quantities of waste that may be expected, so that a minimum volume of residue is obtained, the putrescible materials remaining as residue are reduced to a minimum and a minimum of air pollution results.
 6. The following equipment shall be provided as necessary for particular applications:
 - i. Scales for the accurate determination of the input of all wastes by weight.
 - ii. A storage pit or other storage facilities.
 - iii. A crane or other means of removing waste from the pit or other storage facilities.
 - iv. Means of controlling dusts and odours.
 - v. Such instruments as may be necessary for the efficient operation of an incinerator.
 7. The incineration site shall include an unloading area properly enclosed and of sufficient size for the intended operation.
 8. Access roads shall be provided for vehicles hauling waste to the incineration site.
 9. On-site fire protection shall be provided and, where possible, arrangements shall be made with a fire department or municipality for adequate fire fighting services in case of an emergency.
 10. Scavenging shall not be permitted. R.R.O. 1980, Reg. 309, s. 9; O. Reg. 138/90, s. 2.
 13. The following are prescribed as standards for the location, maintenance and operation of a dump:
 1. The fill area shall not be subject to flooding and shall be so located that no direct drainage leads to a watercourse.
 2. The site shall be at least one-quarter of a mile from the nearest dwelling.
 3. The site shall be at least two hundred yards from the nearest public road.
 4. The site shall be at least 100 feet from any watercourse, lake or pond.
 5. The site shall not be on land covered by water.
 6. Signs shall be posted stating requirements for the operation of the dump, including measures for the control of vermin and insect infestation.

7. The site shall be so located and operated as to reduce to a minimum the hazards resulting from fire.
 8. The operator of a dump shall apply such cover material at such intervals as is necessary to prevent harm or material discomfort to any person.
 9. Scavenging shall not be permitted. R.R.O. 1980, Reg. 309, s. 10.
- 14.—(1) Subject to subsection (2), no dump shall be established or operated in a city, borough, town, separated town, township, village or police village in any county, regional municipality or the County of Haliburton.
- (2) A dump may be established in the following parts of Ontario:
1. The townships of Albemarle, Eastnor, Lindsay and St. Edmunds, in the County of Bruce.
 2. The townships of Barrie, Bedford, Clarendon and Miller, Howe Island, Kennebec, Olden and Palmerston and North and South Canoto, in the County of Frontenac.
 3. The townships of Bangor, Wicklow and McClure, Carlow, Dungannon, Elzevir and Grimsthorpe, Herschel, Limerick, Madoc, Marmora and Lake, Mayo, Monteagle, Tudor and Cashel, and Wollaston, in the County of Hastings.
 4. The townships of Dalhousie and North Sherbrooke, Darling, Lavant, North Burgess, and South Sherbrooke, in the County of Lanark.
 5. The townships of Asphodel, Belmont and Methuen, Chandos, Ennismore, Galway and Cavendish, and Harvey, in the County of Peterborough.
 6. The townships of Bagot and Blithfield, Brougham, Brudenell and Lyndoch, Griffith and Matawathan, Head, Clara, and Maria, North Algona, Radcliffe, Raglan, Sebastopol, and South Algona, in the County of Renfrew.
 7. The townships of Carden, Dalton, and Laxton, Digby and Longford, in the County of Victoria.
 8. The Improvement District of Bicroft, the townships of Anson, Hindon and Minden, Cardiff, Dysart, Bruton, Clyde, Dudley, Eyre, Guilford, Harburn, Harcourt and Havelock, Glamorgan, Lutterworth, Monmouth, Sherborne, McClintock and Livingstone, and Snowdon and Stanhope, in the County of Haliburton.
- (3) No dump shall be established or operated in the following parts of the territorial districts of Ontario:
1. The City of Sault Ste. Marie, the towns of Blind River, Bruce Mines, Thessalon and Elliot Lake, and the villages of Hilton Beach and Iron Bridge, in the Territorial District of Algoma.
 2. The City of Timmins, the towns of Cochrane, Hearst, Iroquois Falls, Kapuskasing and Smooth Rock Falls, and the townships of Glackmeyer, Tisdale and Whitney, in the Territorial District of Cochrane.
 3. The towns of Dryden, Keewatin, Kenora, and Sioux Lookout, and the townships of Jaffray and Melick, in the Territorial District of Kenora.
 4. The towns of Gore Bay and Little Current, in the Territorial District of Manitoulin.
 5. That part of the District Municipality of Muskoka that, on the 31st day of December, 1970, was the towns of Bala, Bracebridge, Gravenhurst and Huntsville, and the villages of Port Carling, Port Sydney and Windermere.
 6. The City of North Bay, the towns of Cache Bay, Mattawa and Sturgeon Falls, and the townships of Bonfield, East Ferris, Field and Springer, in the Territorial District of Nipissing.
 7. The towns of Kearney, Parry Sound, Powassan and Trout Creek, the villages of Burk's Falls, Magnetawan, Rosseau, South River and Sundridge, and the townships of Foley, McDougall, North Himsworth, and South Himsworth, in the Territorial District of Parry Sound.
 8. The towns of Fort Frances and Rainy River, and the Township of Atikokan, in the Territorial District of Rainy River.
 9. That part of The Regional Municipality of Sudbury and the Territorial District of Sudbury that, on the 31st day of December, 1972, was the City of Sudbury, the towns of Capreol, Coniston, Copper Cliff, Espanola, Levack, Lively, Massey and Webbwood, and the townships of Balfour, Falconbridge, and Neelon and Garson, in the Territorial District of Sudbury.
 10. The City of Thunder Bay, the Town of Geraldton and the townships of Beardmore, Manitowadge, Neebing, Nipigon, Oliver, Paipoonge, Schreiber, Shuniah, and Terrace Bay, and the improvement districts of Nakina and Red Rock, in the Territorial District of Thunder Bay.
 11. The towns of Charlton, Cobalt, Englehart, Haileybury, Kirkland Lake, Latchford, and New Liskeard, the Village of Thornloe, and the townships of Armstrong, Bucke, Larder Lake and McGarry, in the Territorial District of Timiskaming. R.R.O. 1980, Reg. 309, s. 11.
15. The following are prescribed as standards for the location, maintenance and operation of an organic soil conditioning site:
1. The site shall be so located that it is an adequate distance from any watercourse, as determined by the land slope, to prevent direct surface drainage to the watercourse.
 2. The site shall be at least 300 feet from the nearest individual dwelling.
 3. The site shall be at least 1,500 feet from any area of residential development.
 4. The site shall be so located that the maximum level of the ground water table at the site is at a sufficient distance below the surface to prevent the impairment of ground water in aquifers as determined by the permeability of the soil.
 5. The site shall be at least 300 feet from any water wells.
 6. No processed organic waste shall be applied to the site during any period in which conditions are such that surface runoff is likely to occur taking into account land slope, soil permeability and the climatic conditions of the area.
 7. The site shall be established only on land that is, or is intended to be, used for pasture, fallow or the growing of forage crops,
 - i. during the current growing season, or
 - ii. where application of the processed organic waste is made sometime after the current growing season, to the end of the subsequent growing season.
 8. Berms and dykes of low permeability shall be constructed on the site where necessary to isolate the site and effectively

prevent the egress of contaminants. R.R.O. 1980, Reg. 309, s. 12.

STANDARDS FOR WASTE MANAGEMENT SYSTEMS

16. The following are prescribed as standards for the operation of a waste management system:

1. All waste collection vehicles and waste carriers shall be so constructed as to enable waste to be transferred safely and without nuisance from storage containers to the vehicle.
2. Bodies of waste collection vehicles and waste carriers shall be so constructed as to withstand abrasion and corrosion from the waste.
3. Bodies of waste collection vehicles and waste carriers shall be leakproof and covered where necessary to prevent the emission of offensive odours, the falling or blowing of waste material from the vehicles or the release of dust or other air-borne materials that may cause air pollution.
4. Valves that are part of a waste transportation vehicle used for transporting liquid industrial waste or hazardous waste shall have a locking mechanism and shall be locked when the vehicle contains the waste and the driver of the vehicle is not in attendance.
5. Whenever liquid industrial waste or hazardous waste is being transferred to or from a waste transportation vehicle, the driver of the vehicle must be present unless the generator or receiver is present.
6. A waste transportation vehicle used for transporting liquid industrial waste or hazardous waste shall be clearly marked with the name and number appearing on the certificate of approval or provisional certificate of approval that authorizes the transportation.
7. Where a waste transportation vehicle is used for transporting liquid industrial waste or hazardous waste, a copy of the certificate of approval or provisional certificate of approval that authorizes that transportation shall be kept in the vehicle.
8. A waste transportation vehicle used for transporting liquid industrial waste or hazardous waste shall be constructed, maintained, operated and marked or placarded in accordance with the applicable requirements of the *Transportation of Dangerous Goods Act* (Canada).
9. The driver of a waste transportation vehicle used for the transportation of liquid industrial waste or hazardous waste shall be trained in,
 - i. the operation of the vehicle and waste management equipment,
 - ii. relevant waste management legislation, regulations and guidelines,
 - iii. major environmental concerns pertaining to the waste to be handled,
 - iv. occupational health and safety concerns pertaining to the waste to be handled, and
 - v. emergency management procedures for the wastes to be handled. R.R.O. 1980, Reg. 309, s. 13; O. Reg. 322/85, s. 8.

MANAGEMENT OF ASBESTOS WASTE

17. No person shall manage asbestos waste except in accordance with the following:

1. No person shall cause or permit asbestos waste to leave the location at which it is generated except for the purpose of transporting it, in accordance with paragraph 2, to a waste disposal site, the operator of which has agreed to accept it and has been advised as to its anticipated time of arrival.
2. Asbestos waste transported to a waste disposal site shall,
 - i. be in a rigid, impermeable, sealed container of sufficient strength to accommodate the weight and nature of the waste, or
 - ii. where the asbestos waste is being transported in bulk, be transported by means of a waste management system operating under a certificate of approval or provisional certificate of approval that specifically authorizes the transportation of asbestos waste in bulk.
3. Where a container referred to in subparagraph i of paragraph 2 is a cardboard box, the waste must be sealed in a six-mil polyethylene bag placed within the box.
4. Every container referred to in subparagraph i of paragraph 2 must be free from punctures, tears or leaks.
5. The external surfaces of every container referred to in subparagraph i of paragraph 2 and of every vehicle or vessel used for the transport of asbestos waste must be free from asbestos waste.
6. Both sides of every vehicle used for the transportation of asbestos waste and every container referred to in subparagraph i of paragraph 2 must display thereon in large, easily legible letters that contrast in colour with the background the word "CAUTION" in letters not less than ten centimetres in height and the words:

CONTAINS ASBESTOS FIBRES

Avoid Creating Dust and Spillage

Asbestos May be Harmful To Your Health

Wear Approved Protective Equipment.
7. Asbestos waste being transported from the location at which it is generated,
 - i. shall be transported,
 - A. by a driver trained in the management of asbestos waste,
 - B. as directly as may be practicable, to the waste disposal site at which disposal of the asbestos waste is intended to take place,
 - ii. shall not be transferred to a transfer station or other waste disposal site where disposal of the asbestos waste will not take place, but it may be transported to a waste disposal site operating under a certificate of approval or provisional certificate of approval that specifically authorizes acceptance and processing of asbestos waste,
 - iii. shall not be transported with any other cargo in the same vehicle,
 - iv. shall not be transported in a compaction type waste haulage vehicle,
 - v. where it is being transported in cardboard boxes, shall be in an enclosed vehicle,

- vi. shall be properly secured and covered with a suitable tarpaulin or net if it is transported in a vehicle that is not enclosed, and
 - vii. shall be transported only in vehicles equipped with emergency spill cleanup equipment including a shovel, a broom, wetting agent, protective clothing, a supply of six-mil polyethylene bags, bag closures and personal respiratory equipment.
8. During the transportation or unloading thereof, any asbestos waste that is loose or in a container that is punctured, broken or leaking shall be packaged, immediately on discovery, in a six-mil polyethylene bag.
 9. Where containers of asbestos waste are being unloaded, the unloading shall be carried out so that no loose asbestos or punctured, broken or leaking containers of asbestos waste are landfilled.
 10. Asbestos waste may be deposited only at locations in a landfilling site that have been adapted for the purpose of receiving asbestos waste or are otherwise suitable for that purpose.
 11. Asbestos waste may be deposited at a landfilling site only while the depositing is being supervised by the operator of the site or a person designated by the operator for the purpose and the person supervising is not also operating machinery or the truck involved.
 12. Where asbestos waste is deposited, as set out in paragraph 10, at least 125 centimetres of garbage or cover material must be placed forthwith over the deposited asbestos waste in such a manner that direct contact with compaction equipment or other equipment operating on the site is avoided.
 13. Every person handling asbestos waste or containers of asbestos waste, supervising the unloading of asbestos waste in bulk or cleaning asbestos waste residues from containers, vehicles or equipment shall wear protective clothing and personal respiratory equipment while so doing.
 14. Protective clothing that has been or is suspected of having been in contact with asbestos waste shall be changed at the site of the exposure and either properly disposed of as asbestos waste or washed at the end of the working day.
 15. Disposable protective clothing shall not be reused.
 16. Every person directly or indirectly involved in the transportation, handling or management of asbestos waste shall take all precautions necessary to prevent asbestos waste from becoming airborne. O. Reg. 175/83, s. 3; O. Reg. 597/88, s. 2.

GENERATOR REGISTRATION

18.—(1) Every generator shall submit an initial Generator Registration Report in Form 2 to the Director in respect of the waste generation facility and each subject waste the generator produces, collects, handles or stores or is likely to produce, collect, handle or store.

(2) Every report referred to in subsection (1) or (4) shall contain such data, analysis and information as will enable the Director to satisfy himself or herself as to the quality and nature of the waste.

(3) Upon receipt of an initial Generator Registration Report, the Director shall issue to the generator a generator registration document with a generator registration number and the applicable waste numbers accepted by the Director.

(4) Where there is a change from the information submitted in the initial Generator Registration Report or any previous supple-

mentary Generator Registration Reports in respect of name, address, or telephone number, addition of subject wastes or significant change in the description or physical or chemical characteristics of the subject wastes, the generator who submitted the applicable report shall send a supplementary Generator Registration Report to the Director within fifteen days after the change.

(5) No generator shall transfer a particular subject waste to a waste transportation system until the generator has obtained a generator registration document with a waste number for that waste.

(6) If a change that is required to be reported by subsection (4) involves the variation of a subject waste or the production, collection, handling or storage of a new subject waste, the generator shall not transfer the subject waste to a waste transportation system until the reissue of the generator registration document specifically addressing the change has been obtained.

(7) Every generator shall use the generator registration number and applicable waste numbers in all transfers of subject waste under this Regulation.

(8) Every generator shall keep a record of the subject waste disposed of at the waste generation facility including the name, waste number, quantity and disposition of the waste.

(9) A record referred to in subsection (8) may be disposed of after two years.

(10) When any subject waste is retained at a waste generation facility for a period longer than three months, the generator, unless there is a waste disposal site certificate of approval or provisional certificate of approval in respect of the facility, shall submit a report to the Regional Director of the Ministry within five business days after the three month period which report shall include the name and waste number of the waste, the quantity involved, the manner in which it is stored, the reasons for the retention and the anticipated time and manner of disposal of the waste.

(11) Every generator who transfers subject waste to a waste transportation system shall orally report to the Director any transferred subject waste that the generator is not able, within four weeks, to confirm was delivered to the intended receiving facility or to another receiving facility approved to accept the waste.

(12) In unusual circumstances, such as a spill, a process aberration or upset, or the circumstances described in subsection 22 (2), where a generator discovers that a generator registration number or a waste number is needed to comply with this Regulation in the disposal of subject waste, the Regional Director of the Ministry or an alternate named by him or her may assign a generator registration number or accept a waste number identified by the generator.

(13) Where a generator registration number is assigned under subsection (12), subsection (5) does not apply and subsections (1) and (2) shall be complied with within ninety days.

(14) Where a waste number is accepted under subsection (12), subsections (5) and (6) do not apply. O. Reg. 322/85, s. 9, *part*.

(15) For purposes of this section,

(a) "liquid waste" means waste that has a slump of more than 150 millimetres using the Test Method for the Determination of Liquid Waste (slump test); and

(b) "subject waste" includes waste producing leachate containing any of the contaminants listed in Schedule 4 at a concentration between ten and one hundred times that specified in the Schedule when tested using the Leachate Extraction Procedure or an equivalent test method approved by the Director but does not include such waste if it is produced in any month in an amount less than twenty-five kilograms or accumulated in an amount less than twenty-five kilograms. O. Reg. 322/85, s. 9, *part*; O. Reg. 464/85, s. 5.

MANIFESTS—GENERATOR REQUIREMENTS

19.—(1) No generator shall permit subject waste to pass from the generator's control or to leave the waste generation facility except,

- (a) by transfer of the subject waste to a waste transportation system operating under a certificate of approval or provisional certificate of approval and where the generator has completed a manifest in respect of the waste in accordance with this Regulation; or
- (b) by direct discharge to a sewage works subject to the *Ontario Water Resources Act* or established before the 3rd day of August, 1957 or to a sewage system as defined in Part VIII of the *Environmental Protection Act*. O. Reg. 464/85, s. 6.

(2) No generator shall transfer subject waste to a waste transportation system unless the subject waste is so packaged or marked that it meets the transport requirements of the *Transportation of Dangerous Goods Act* (Canada). O. Reg. 322/85, s. 9, *part*.

MANIFESTS—CARRIER REQUIREMENTS

20. Every carrier shall report to the Director the number of every intact manifest supplied to the carrier that is lost, spoiled or used other than in accordance with this Regulation. O. Reg. 322/85, s. 9, *part*.

21.—(1) No carrier shall have possession of subject waste unless the carrier has, accompanying the waste, a manifest in respect of the waste, completed by the generator in accordance with this Regulation, except during a transfer while the manifest is being completed by a generator or receiver.

(2) For purposes of subsection (1), a manifest is not completed by a generator in accordance with this Regulation if it contains an obvious error. O. Reg. 322/85, s. 9, *part*.

22.—(1) No carrier shall permit subject waste to pass from the carrier's control except in accordance with this Regulation. O. Reg. 322/85, s. 9, *part*.

(2) A carrier, with the specific approval of a Regional Director of the Ministry or an alternate named by him or her, may transfer subject waste in Ontario to another vehicle in the same waste transportation system or to a waste transportation system operating under a certificate of approval or provisional certificate of approval or to a receiving facility to alleviate a dangerous situation. O. Reg. 322/85, s. 9, *part*; O. Reg. 464/85, s. 7.

(3) Where a truckload or less of subject waste has been transferred by a generator to a waste transportation system, the carrier shall promptly transport the waste to the receiving facility named in the manifest related to that load unless the carrier is permitted to do otherwise by subsection (2) or section 27. O. Reg. 322/85, s. 9, *part*.

MANIFESTS—TRANSPORT WITHIN ONTARIO

23.—(1) This section applies where a generator transfers subject waste in Ontario to a waste transportation system for transport to a receiving facility in Ontario and, for the purpose of this section, "generator" includes a carrier to whom subsection 22 (2) applies.

(2) Where subject waste is transferred to a waste transportation system by a generator,

- (a) for each truckload or part thereof transferred, the carrier shall complete section B (Carrier) of an intact manifest and give the manifest, at the time of the transfer, to the generator; and
- (b) for each truckload or part thereof transferred, the generator shall obtain from the carrier the intact manifest, with section B completed, and shall,

- (i) at the time of the transfer, complete section A (Generator),
- (ii) remove Copy 1 (White) and return it to the Director within three working days after the transfer,
- (iii) remove Copy 2 (Green) and retain it for a period of two years, and
- (iv) return the remaining four copies of the manifest to the carrier at the time of the transfer.

(3) A carrier may transfer subject waste,

- (a) with the specific approval of a Regional Director of the Ministry or an alternate named by him or her, to another vehicle of the same waste transportation system, to a waste transportation system operating under a certificate of approval or provisional certificate of approval or to a specified receiving facility as mentioned in clause (b), (c) or (d) to alleviate a dangerous situation;
- (b) to a waste disposal site operating under a certificate of approval or provisional certificate of approval authorizing acceptance of the waste;
- (c) with the consent of the owner of the sewage works, to a sewage works for which an approval under the *Ontario Water Resources Act* has been issued and that is not in contravention of the approval; or
- (d) to a waste-derived fuel site having a combustion unit operating under a certificate of approval issued under section 9 of the Act authorizing acceptance and combustion of the waste.

(4) Every carrier transferring waste under subsection (3) shall, at the time of the transfer, give the receiver the remaining four parts of the applicable manifest completed for that load of waste.

(5) Where a transfer of subject waste takes place under subsection (3), the receiver shall obtain from the carrier the remaining four parts of the manifest completed for that load and shall,

- (a) at the time of the transfer, complete section C (Receiver) of the remaining four parts of the manifest;
- (b) remove Copy 3 (Yellow) of the manifest and return it to the Director within three working days after the transfer;
- (c) remove Copy 4 (Pink) of the manifest and return it to the carrier at the time of the transfer;
- (d) retain Copy 5 (Blue) of the manifest for two years; and
- (e) remove Copy 6 (Brown) of the manifest and return it to the generator shown on the manifest within three working days after the transfer.

(6) Every carrier transferring waste under subsection (3) shall, prior to leaving the site of the transfer, obtain from the receiver of the waste Copy 4 (Pink) of the manifest referred to under clause (5) (e) and shall retain it for a period of two years.

(7) Every carrier who is the operator of a waste transportation system for which a certificate of approval or provisional certificate of approval as a dust suppression waste management system is issued may deposit for the purpose of dust suppression, in accordance with the approval, dust suppressant at a dust suppression site designated in the approval and, where that is done, shall,

- (a) at the time of completion of the deposit, complete section C (Receiver) of the remaining four parts of the applicable manifest received under subclause (2) (b) (iv);

- (b) remove Copy 3 (Yellow) of the manifest and return it to the Director within three working days after the deposit;
- (c) retain Copy 4 (Pink) of the manifest for two years; and
- (d) remove Copy 6 (Brown) of the manifest and return it to the generator shown on the manifest within three working days after the deposit. O. Reg. 322/85, s. 9, *part*.

MANIFESTS—TRANSPORT OUT OF ONTARIO

24.—(1) This section applies where a generator transfers subject waste in Ontario to a waste transportation system for transport to a receiving facility outside Ontario.

(2) Where subject waste is transferred for transport to a receiving facility in a Canadian jurisdiction, a manifest issued under the *Transportation of Dangerous Goods Act* (Canada) or an equivalent manifest issued by a Canadian jurisdiction may be used for purposes of compliance with this Regulation.

(3) Where subject waste is transferred for transport to a receiving facility in a Canadian jurisdiction and the laws of that jurisdiction require submission to authorities in that jurisdiction of the equivalent of Copy 1 or 3 of a manifest, submission to the Director of a photocopy of the copy submitted or of a copy retained may be substituted for the requirement to submit Copy 1 or 3 of a manifest.

(4) Where subject waste is transferred to a waste transportation system by a generator,

- (a) for each truckload or portion thereof transferred, the carrier shall complete section B (Carrier) of an intact manifest and give the manifest, at the time of the transfer, to the generator; and
- (b) for each truckload or portion thereof transferred, the generator shall obtain from the carrier the intact manifest, with section B completed, and shall,
 - (i) at the time of the transfer, complete section A (Generator),
 - (ii) remove Copy 1 (White) and return it to the Director within three working days after the transfer,
 - (iii) remove Copy 2 (Green) and retain it for two years, and
 - (iv) return the remaining four copies of the manifest to the carrier at the time of the transfer.

(5) No carrier shall transport subject waste out of Ontario destined for a receiving facility outside Ontario unless the carrier has reason to believe the intended receiver is willing to complete section C (Receiver) of the applicable manifest completed for that load of waste.

(6) Every carrier transferring subject waste to a receiving facility outside Ontario shall, at the time of the transfer, give the receiver the remaining four parts of the applicable manifest for completion of section C (Receiver).

- (7) Every carrier who transfers waste under subsection (6) shall,
- (a) return Copy 3 (Yellow) of the manifest to the Director within three working days after the transfer;
 - (b) retain Copy 4 (Pink) of the manifest for two years; and
 - (c) remove Copy 6 (Brown) of the manifest and return it to the generator indicated on the manifest within three working days after the transfer.

(8) Every manifest referred to in subsection (7) shall have section C (Receiver) completed by the receiver. O. Reg. 322/85, s. 9, *part*.

MANIFESTS—TRANSPORT INTO ONTARIO

25.—(1) This section applies where subject waste is transferred outside Ontario to a waste transportation system for transport to a receiving facility in Ontario.

(2) Where subject waste is transferred in Canada for transport to a receiving facility in Ontario, a manifest under the *Transportation of Dangerous Goods Act* (Canada) or any equivalent manifest issued by a Canadian jurisdiction may be used for purposes of compliance with this Regulation.

(3) No carrier shall bring subject waste into Ontario for purposes of transport to a receiving facility in Ontario unless,

- (a) the waste was accepted from a generator who has a generator registration document specifying a generator registration number and the applicable waste numbers under section 18 unless section 18 does not apply to that generator;
- (b) for each truckload or portion thereof to be transferred, the carrier completed section B (Carrier) of an intact manifest and gave it, at the time of the transfer, to the generator for completion of section A (Generator) and return to the carrier; and
- (c) the applicable manifest with section B (Carrier) completed by the carrier and section A (Generator) completed by the generator accompanies the waste.

(4) Every carrier who brings subject waste into Ontario for transfer to a receiving facility in Ontario shall forward to the Director, within three working days after the out of province transfer, Copy 1 (White) of the applicable manifest showing the generator registration number and the applicable waste number.

(5) A carrier may transfer subject waste,

- (a) to a waste disposal site operating under a certificate of approval or provisional certificate of approval authorizing acceptance of the waste;
- (b) with the consent of the owner of the sewage works, to a sewage works for which an approval under the *Ontario Water Resources Act* has been issued, and that is not in contravention of the approval; or
- (c) to a waste-derived fuel site having a combustion unit operating under a certificate of approval issued under section 9 of the Act authorizing acceptance and combustion of the waste.

(6) Every carrier transferring waste under subsection (5) shall, at the time of the transfer, give the receiver the remaining four parts of the applicable manifest completed in respect of the waste.

(7) Where a transfer of subject waste takes place under subsection (5), the receiver shall obtain from the carrier the remaining four parts of the manifest completed in respect of that load of waste and shall,

- (a) at the time of the transfer, complete section C (Receiver) of the remaining four parts of the manifest;
- (b) remove Copy 3 (Yellow) of the manifest and return it to the Director within three working days after the transfer;
- (c) remove Copy 4 (Pink) of the manifest and return it to the carrier at the time of the transfer;
- (d) retain Copy 5 (Blue) of the manifest for two years; and

(e) remove Copy 6 (Brown) of the manifest and return it to the generator shown on the manifest within three working days after the transfer.

(8) Every carrier who has transferred waste under subsection (5) shall, prior to leaving the site of the transfer, obtain from the receiver Copy 4 (Pink) of the applicable manifest and shall retain it for two years.

(9) Every carrier who is the operator of a waste transportation system for which a certificate of approval or provisional certificate of approval as a dust suppression waste management system is issued may deposit for the purpose of dust suppression, in accordance with the approval, dust suppressant at a dust suppression site designated in the approval and, where that is done, shall,

- (a) at the time of completion of the deposit, complete section C (Receiver) of the remaining four parts of the manifest accompanying the waste;
- (b) remove Copy 3 (Yellow) of the manifest and return it to the Director within three working days after the deposit;
- (c) retain Copy 4 (Pink) of the manifest for two years; and
- (d) remove Copy 6 (Brown) of the manifest and return it to the generator shown on the manifest within three working days after the deposit. O. Reg. 322/85, s. 9, *part*.

MANIFESTS—TRANSPORT THROUGH ONTARIO

26.—(1) No carrier shall transport through Ontario subject waste from outside Ontario for transfer to a receiving facility outside Ontario unless the generator has with the waste, for each truckload or portion thereof, a manifest completed in accordance with the requirements of the jurisdiction issuing the manifest.

(2) Where this section applies, a manifest issued under the *Transportation of Dangerous Goods Act* (Canada) or an equivalent manifest issued by a Canadian jurisdiction or a Uniform Hazardous Waste Manifest as prescribed by the United States Environmental Protection Agency may be used for purposes of compliance with this Regulation. O. Reg. 322/85 s. 9, *part*.

REFUSALS

27.—(1) A receiver who refuses to accept a transfer of subject waste shall prepare a refusal report indicating the manifest number, the generator registration number, the carrier number and the reason for refusal and return it to the Director within three working days after the refusal.

(2) Where a carrier intends to transfer subject waste to a receiving facility and the waste is refused by the intended receiver, the carrier, before attempting to make a different transfer, shall consult and obtain the instructions of the generator, unless written instructions have been provided by the generator in advance and may transfer the waste to a receiving facility indicated in the instructions.

(3) If waste is refused by the intended receiver at the receiving facility and if the carrier cannot conveniently make a different transfer in accordance with this Regulation, the carrier may transfer the unadulterated waste to the waste generation facility set out in section A (Generator) of the applicable manifest and the carrier shall, at the time of the transfer, give the generator four parts of the applicable manifest completed by the generator in accordance with this Regulation.

(4) Every generator shall accept a transfer of unadulterated subject waste in the circumstances described in subsection (3).

(5) Where a transfer of subject waste occurs under subsection (3), the generator shall obtain from the carrier the remaining four parts of the applicable manifest completed by the generator in accordance with this Regulation and shall,

(a) at the time of the transfer, complete section C (Receiver) of the remaining four parts of the manifest;

(b) return Copy 3 (Yellow) to the Director within three working days after the transfer;

(c) return Copy 4 (Pink) to the carrier at the time of the transfer; and

(d) retain Copy 6 (Brown) for two years.

(6) Every carrier who has transferred waste under subsection (3) shall, prior to leaving the site of the transfer, obtain from the receiver Copy 4 (Pink) of the applicable manifest and shall retain it for two years.

(7) A waste generation facility is exempt from the requirement of a waste disposal site certificate of approval under section 27 of the Act in respect of an acceptance of waste under this section. O. Reg. 322/85, s. 9, *part*.

ON-SITE INCINERATORS

28.—(1) On-site incinerators are exempt from the operation of section 27 of the Act on condition that no hazardous waste or liquid industrial waste is incinerated therein.

(2) On-site incinerators are exempt from the requirement of being the subject-matter of a hearing under subsection 30 (1) of the Act. O. Reg. 464/85, s. 8, *part*.

EXISTING HOSPITAL INCINERATORS

29.—(1) Existing hospital incinerators are exempt from the operation of section 27 of the Act in respect of their establishment, use and operation.

(2) The exemption granted in subsection (1) in respect of any incinerator within the class is conditional on a submission being made, in respect of the incinerator, to the Director, before the end of March in each year, of a report on the preceding year ending with the 31st day of December setting out a summary of the source, nature and quantity of waste incinerated therein and a professional assessment of the extent of compliance with Regulation 346 of Revised Regulations of Ontario, 1990 in the operation of the incinerator. O. Reg. 464/85, s. 8, *part*.

STATIONARY REFRIGERANT WASTE

30.—(1) A stationary refrigerant waste collector that collects stationary refrigerant waste shall,

(a) recycle it for use in air-conditioning units, refrigerators or freezers; or

(b) transport it to,

(i) a wholesale dealer in refrigerants,

(ii) a stationary refrigerant waste recycler, or

(iii) a stationary refrigerant waste disposal site with a certificate of approval or provisional certificate of approval to handle stationary refrigerant waste.

(2) A wholesale dealer in refrigerants that receives stationary refrigerant waste shall transport it to,

(a) a stationary refrigerant waste recycler; or

(b) a stationary refrigerant waste disposal site with a certificate of approval or provisional certificate of approval to handle stationary refrigerant waste.

(3) A stationary refrigerant waste recycler that receives station-

ary refrigerant waste shall recycle it for use in air-conditioning units, refrigerators or freezers. O. Reg. 520/90, s. 5, *part*.

31.—(1) A stationary refrigerant waste collector shall keep a written record each time that stationary refrigerant waste is,

- (a) removed and collected, at the stationary refrigerant waste collector's ordinary place of business, from equipment in which refrigerant is used;
- (b) received at the stationary refrigerant waste collector's ordinary place of business, after being removed and collected at another location from equipment in which refrigerant is used; or
- (c) transported from or recycled at the stationary refrigerant waste collector's ordinary place of business.

(2) A wholesale dealer in refrigerants shall keep a written record each time that it receives or transports stationary refrigerant waste.

(3) A stationary refrigerant waste recycler shall keep a written record each time that it receives or recycles stationary refrigerant waste.

(4) A record made under this section shall show,

- (a) the date the stationary refrigerant waste was collected, received, transported or recycled;
- (b) the source of the stationary refrigerant waste;
- (c) the quantity collected, received, transported or recycled;
- (d) the type of stationary refrigerant waste; and
- (e) what was done with the stationary refrigerant waste.

(5) A record made under this section may be disposed of after two years.

(6) Every stationary refrigerant waste collector that recycles stationary refrigerant waste at its ordinary place of business and every stationary refrigerant waste recycler shall,

- (a) before the 30th day of September in each year, provide to the Director a summary in the form provided by the Ministry of all records made under subsection (1) or (3) during the six-month period ending on the 30th day of June of that year; and
- (b) before the 31st day of March of each year, provide to the Director a summary in the form provided by the Ministry of all records made under subsection (1) or (3) during the six-month period ending on the 31st day of December of the preceding year. O. Reg. 520/90, s. 5, *part*.

32.—(1) A stationary refrigerant waste disposal site that is the ordinary place of business of a stationary refrigerant waste collector or that is operated by a wholesale dealer in refrigerants is exempt from section 27 of the Act if,

- (a) access to stationary refrigerant waste is controlled by gates, fencing, attendants or other security measures;
- (b) containers in which stationary refrigerant waste is stored are clearly marked as to contents;
- (c) stationary refrigerant waste is stored in a location and manner that prevents damage or deterioration;
- (d) stored stationary refrigerant waste is readily accessible for inspection by a provincial officer;
- (e) there is available, at or near the site, firefighting equipment

and spill clean-up and containment equipment appropriate to the quantities and types of stationary refrigerant waste on or likely to be on the site; and

- (f) written notice is given to the Director within ninety days after the establishment of the site, specifying the location of the site and the quantities and types of stationary refrigerant waste on or likely to be on the site.

(2) A stationary refrigerant waste disposal site is exempt from section 27 of the Act if,

- (a) stationary refrigerant waste is removed and collected on the site from equipment in which refrigerant is used; and
- (b) the site is not the ordinary place of business of the stationary refrigerant waste collector. O. Reg. 520/90, s. 5, *part*.

33. A stationary refrigerant waste management system is exempt from section 27 of the Act if all stationary refrigerant waste disposal sites used in the system are,

- (a) exempt from section 27 of the Act; or
- (b) established and operated in accordance with a certificate of approval or provisional certificate of approval under Part V of the Act. O. Reg. 520/90, s. 5, *part*.

34. Section 18 does not apply in respect of subject waste that is stationary refrigerant waste unless,

- (a) a stationary refrigerant waste collector transports stationary refrigerant waste directly from the waste generation facility to,
 - (i) a stationary refrigerant waste recycler, or
 - (ii) a stationary refrigerant waste disposal site with a certificate of approval or provisional certificate of approval to handle stationary refrigerant waste; or
- (b) the waste generation facility is operated by a wholesale dealer in refrigerants. O. Reg. 520/90, s. 5, *part*.

35. Section 19 and sections 21 to 27 do not apply in respect of subject waste that is stationary refrigerant waste being managed in accordance with section 27. O. Reg. 520/90, s. 5, *part*.

MOBILE REFRIGERANT WASTE

36.—(1) On and after the 1st day of July, 1991, no person shall discharge or permit the discharge of mobile refrigerant waste into the natural environment.

(2) On and after the 1st day of July, 1991, a person who removes mobile refrigerant waste from equipment in which refrigerant is used shall collect the mobile refrigerant waste. O. Reg. 520/90, s. 5, *part*.

37.—(1) A mobile refrigerant waste collector that collects mobile refrigerant waste shall,

- (a) recycle it for use in air-conditioning units, refrigerators or freezers; or
- (b) transport it to,
 - (i) a mobile refrigerant waste recycler, or
 - (ii) a mobile refrigerant waste disposal site with a certificate of approval or provisional certificate of approval to handle mobile refrigerant waste.

(2) A mobile refrigerant waste recycler that receives mobile

refrigerant waste shall recycle it for use in air-conditioning units, refrigerators or freezers. O. Reg. 520/90, s. 5, *part*.

38.—(1) A mobile refrigerant waste collector shall keep a written record each time that mobile refrigerant waste is,

- (a) removed and collected, at the mobile refrigerant waste collector's ordinary place of business, from equipment in which refrigerant is used;
- (b) received at the mobile refrigerant waste collector's ordinary place of business, after being removed and collected at another location from equipment in which refrigerant is used; or
- (c) transported from or recycled at the mobile refrigerant waste collector's ordinary place of business.

(2) A mobile refrigerant waste recycler shall keep a written record each time that it receives or recycles mobile refrigerant waste.

(3) A record made under this section shall show,

- (a) the date the mobile refrigerant waste was collected, transported, received or recycled;
- (b) the source of the mobile refrigerant waste;
- (c) the quantity collected, transported, received or recycled;
- (d) the type of mobile refrigerant waste; and
- (e) what was done with the mobile refrigerant waste.

(4) A record made under this section may be disposed of after two years.

(5) Every mobile refrigerant waste collector that recycles mobile refrigerant waste at its ordinary place of business and every mobile refrigerant waste recycler shall, before the 31st day of March in each year, provide to the Director a summary in the form provided by the Ministry of all records made under subsection (1) or (2) during the twelve-month period ending on the 31st day of December of the preceding year. O. Reg. 520/90, s. 5, *part*.

39.—(1) A mobile refrigerant waste disposal site that is the ordinary place of business of a mobile refrigerant waste collector is exempt from section 27 of the Act if equipment is kept at the site for

collecting mobile refrigerant waste removed from equipment in which refrigerant is used.

(2) A mobile refrigerant waste disposal site is exempt from section 27 of the Act if,

- (a) mobile refrigerant waste is removed and collected on the site from equipment in which refrigerant is used; and
- (b) the site is not the ordinary place of business of the mobile refrigerant waste collector. O. Reg. 520/90, s. 5, *part*.

40. A mobile refrigerant waste management system is exempt from section 27 of the Act if all mobile refrigerant waste disposal sites used in the system are,

- (a) exempt from section 27 of the Act; or
- (b) established and operated in accordance with a certificate of approval or provisional certificate of approval under Part V of the Act. O. Reg. 520/90, s. 5, *part*.

41. Section 18 does not apply in respect of subject waste that is mobile refrigerant waste. O. Reg. 520/90, s. 5, *part*.

42. Section 19 and sections 21 to 27 do not apply in respect of subject waste that is mobile refrigerant waste being managed in accordance with section 34. O. Reg. 520/90, s. 5, *part*.

43.—(1) Where an exemption from the requirement of having a certificate of approval or provisional certificate of approval was in effect before the 17th day of September, 1985 that, as a result of the operation of Ontario Regulation 322/85 or the amendments made to this Regulation by Ontario Regulation 464/85, would cease, the exemption shall apply,

- (a) until the 17th day of September, 1986; or
- (b) where an application for a certificate of approval is made before the 17th day of September, 1986, until a final decision to issue or refuse to issue the certificate is made.

(2) For the purpose of this Regulation, every waste management system or waste disposal site operating under the exemption granted under subsection (1) that transfers, transports, treats, processes or receives subject waste, shall be considered to be operating under a certificate of approval or provisional certificate of approval. O. Reg. 464/85, s. 10, *revised*.

**Form 1
Formule 1**

*Environmental Protection Act
Loi sur la protection de l'environnement*

MANIFEST-MANIFESTE

THIS MANIFEST CONFORMS TO ALL FEDERAL AND PROVINCIAL TRANSPORT AND ENVIRONMENTAL LEGISLATIONS FÉDÉRALE ET PROVINCIALE SUR L'ENVIRONNEMENT
CE MANIFESTE EST CONFORME AUX LÉGISLATIONS FÉDÉRALE ET PROVINCIALE SUR L'ENVIRONNEMENT
LEGISLATION REQUIRING MANIFESTING ET LE TRANSPORT. REQUÉRANT UN MANIFESTE.

<p>A CONSIGNOR (GENERATOR) EXPÉDITEUR (PRODUCTEUR) Company Name - Nom de la compagnie</p> <p>Mailing Address - Adresse postale City - Ville Prov Postal Code - Code postal</p> <p>Shipping Site Address - Origine de l'expédition</p> <p>City - Ville Prov Postal Code - Code postal</p> <p>Intended Consignee - Destinataire prévu Prov Postal Code - Code postal</p> <p>Address - Adresse City - Ville Prov Postal Code - Code postal</p> <p>Receiving Site Address - Destination de l'expédition</p> <p>City - Ville Prov Postal Code - Code postal</p>		<p>B CARRIER TRANSPORTEUR Company Name - Nom de la compagnie</p> <p>Address - Adresse</p> <p>City - Ville Prov Postal Code - Code postal</p> <p>Vehicle - Véhicule</p> <p>Trailer/Rat Car No 1 - 1^{re} remorque wagon</p> <p>Trailer/Rat Car No 2 - 2^e remorque wagon</p> <p>Point of Exit - Point de sortie</p> <p>Point of Entry - Point d'entrée</p> <p>Carrier Certification - I declare that I have received waste as offered by the consignor in Part A for delivery to the destination specified in Part B in complete and correct condition and that the waste is not contaminated with any of the hazardous materials listed in Part C. I am not aware of any other hazardous materials which are being transported with the waste. A full list of the hazardous materials which are being transported with the waste is attached to this manifest. A full list of the hazardous materials which are being transported with the waste is attached to this manifest.</p> <p>Yr. An Mon. Mois Day - Jour</p> <p>Signature</p> <p>Tel. No. (Area Code) - N^o de tél. (ind. rég.)</p>		<p>C CONSIGNEE (RECEIVER) DESTINATAIRE (RÉCEPTIONNAIRE) Company Name - Nom de la compagnie</p> <p>Address - Adresse</p> <p>City - Ville Prov Postal Code - Code postal</p> <p>Receiving Site Address - Destination de l'expédition</p> <p>City - Ville Prov Postal Code - Code postal</p> <p>Date Received - Date de réception Yr. An Mon. Mois Day - Jour Time - Heure</p> <p>Quantity Received - Quantité reçue</p> <p>Units - Unités</p> <p>Verify Any Shipment Discrepancy Problems - Vérifier tout problème de différence relative à l'expédition</p> <p>Handing Code - Code de manutention</p> <p>Decommissioning - Décommissionnement</p> <p>Provincial ID No. - N^o d'id. provinciale</p>	
<p>Physical Site - État physique</p> <p>Shipping Name of Waste - Appellation réglementaire du déchet</p> <p>Waste Identification - Identification du déchet</p> <p>NO. Provincial No. (Quebec - Ontario only) - N^o provincial (Québec - Ontario seulement)</p> <p>Classification</p> <p>Units Shipped - Quantité expédiée</p> <p>Quantity Shipped - Quantité expédiée</p> <p>Units - Unités</p> <p>Cruciform No. - N^o de circulation - Québec only</p> <p>Attached - C-joiner</p> <p>Below - C-dessous</p> <p>Scheduled Arrival Date - Date d'arrivée prévue</p> <p>Yr. An Mon. Mois Day - Jour</p> <p>Time - Heure</p> <p>Yr. An Mon. Mois Day - Jour</p> <p>Signature</p> <p>Tel. No. (Area Code) - N^o de tél. (ind. rég.)</p>		<p>Quantity Received - Quantité reçue</p> <p>Units - Unités</p> <p>Verify Any Shipment Discrepancy Problems - Vérifier tout problème de différence relative à l'expédition</p> <p>Handing Code - Code de manutention</p> <p>Decommissioning - Décommissionnement</p> <p>Provincial ID No. - N^o d'id. provinciale</p> <p>Address - Adresse</p> <p>City - Ville Prov</p> <p>Signature</p> <p>Tel. No. (Area Code) - N^o de tél. (ind. rég.)</p>			

Schedule 1

HAZARDOUS INDUSTRIAL WASTES

Hazardous Industrial Waste from Non-Specific Sources

Industry and No.	Waste
NA9301	The following spent halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; and sludges from the recovery of these solvents in degreasing operations.
NA9302	The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, and trichloro fluoro-methane; and the still bottoms from the recovery of these solvents.
NA9303	The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl iso-butyl ketone, n-butyl alcohol, cyclohexanone, and methanol; and the still bottoms from the recovery of these solvents.
NA9304	The following spent non-halogenated solvents: cresols and cresylic acid, and nitrobenzene; and the still bottoms from the recovery of these solvents.
NA9305	The following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulphide, isobutanol, and pyri-dine; and the still bottoms from the recovery of these solvents.
NA9306	Wastewater treatment sludges from metal finishing operations except from the following processes: (1) sulphuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) alumi-num or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.
NA9307	Wastewater treatment sludges from the chemical conversion coating (including colouring, chromating, phosphating and immersion plating) of aluminum.
NA9308	Spent cyanide solutions from metal finishing operations (except for precious metals electroplating spent cyanide plat-ing bath solutions).
NA9309	Metal finishing bath bottom sludges where cyanides are used in the process (except for precious metals electroplating bath sludges).
NA9310	Spent stripping and cleaning bath solutions from metal finishing operations where cyanides are used in the process (ex-cept for precious metals electroplating spent stripping and cleaning bath solutions).
NA9311	Quenching bath sludge from oil baths from metal heat treating operations where cyanides are used in the process (ex-cept for precious metals heat treating quenching bath sludges).
NA9312	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations (except for precious metals heat treating spent cyanide solutions from salt bath pot cleaning).
NA9313	Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process (except for precious metals heat treating quenching wastewater treatment sludges).
NA9314	Cyanidation wastewater treatment tailing pond sediment from mineral metals recovery operations.
NA9315	Spent cyanide bath solutions from mineral metals recovery operations.

Hazardous Industrial Waste from Specific Sources

Industry and No.	Waste
Wood Preservation: NA9316	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.
Inorganic Pigments: NA9317	Wastewater treatment sludge from the production of chrome yellow and orange pigments.
NA9318	Wastewater treatment sludge from the production of molybdate orange pigments.
NA9319	Wastewater treatment sludge from the production of zinc yellow pigments.
NA9320	Wastewater treatment sludge from the production of chrome green pigments.
NA9321	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).
NA9322	Wastewater treatment sludge from the production of iron blue pigments.
NA9323	Oven residue from the production of chrome oxide green pigments.
Organic Chemicals: NA9324	Distillation bottoms from the production of acetaldehyde from ethylene.
NA9325	Distillation side cuts from the production of acetaldehyde from ethylene.
NA9326	Bottom stream from the wastewater stripper in the production of acrylonitrile.

Industry and No.	Waste
NA9327	Bottom stream from the acetonitrile column in the production of acrylonitrile.
NA9328	Bottoms from the acetonitrile purification column in the production of acrylonitrile.
NA9329	Still bottoms from the distillation of benzyl chloride.
NA9330	Heavy ends or distillation residues from the production of carbon tetrachloride.
NA9331	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.
NA9332	Heavy ends from the fractionation column in ethyl chloride production.
NA9333	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.
NA9334	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.
NA9335	Aqueous spent antimony catalyst waste from fluoromethanes production.
NA9336	Distillation bottom tars from the production of phenol/acetone from cumene.
NA9337	Distillation light ends from the production of phthalic anhydride from naphthalene.
NA9338	Distillation bottoms from the production of phthalic anhydride from naphthalene.
NA9339	Distillation light ends from the production of phthalic anhydride from ortho-xylene.
NA9340	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.
NA9341	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.
NA9342	Stripping still tails from the production of methyl ethyl pyridines.
NA9343	Centrifuge and distillation residues from toluene diisocyanate production.
NA9344	Spent catalyst from the hydrochlorinator reactor in the productions of 1,1,1-trichloroethane.
NA9345	Waste from the product stream stripper in the production of 1,1,1-trichloroethane.
NA9346	Distillation bottoms from the production of 1,1,1-trichloroethane.
NA9347	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.
NA9348	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.
NA9349	Distillation bottoms from aniline production.
NA9350	Process residues from aniline extraction from the production of aniline.
NA9351	Combined wastewater streams generated from nitrobenzene/aniline production.
NA9352	Distillation or fractionation column bottoms from the production of chlorobenzenes.
NA9353	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.
Inorganic Chemicals:	
NA9390	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.
NA9391	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.
NA9392	Wastewater treatment sludge from the mercury cell process in chlorine production.
Pesticides:	
NA9354	By-product salts generated in the production of MSMA and cacodylic acid.
NA9355	Wastewater treatment sludge from the production of chlordane.
NA9356	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.
NA9357	Filter solids from the filtration of hexa-chlorocyclopentadiene in the production of chlordane.
NA9358	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.
NA9359	Wastewater treatment sludges generated in the production of creosote.
NA9360	Still bottoms from toluene reclamation distillation in the production of disulphoton.
NA9361	Wastewater treatment sludges from the production of disulphoton.
NA9362	Wastewater from the washing and stripping of phorate production.
NA9363	Filter cake from the filtration of diethyl phosphorodithioic acid in the production of phorate.
NA9364	Wastewater treatment sludge from the production of phorate.
NA9365	Wastewater treatment sludge from the production of toxaphene.
NA9366	Untreated process wastewater from the production of toxaphene.
NA9367	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.

Industry and No.	Waste
NA9368 NA9369	2, 6-Dichlorophenol waste from the production of 2,4-D. Untreated wastewater from the production of 2, 4-D.
Explosives: NA9370 NA9371 NA9372 NA9373	Wastewater treatment sludges from the manufacturing and processing of explosives. Spent carbon from the treatment of wastewater containing explosives. Wastewater treatment sludges from the manufacturing formulation and loading of lead-based initiating compounds. Pink/red water from TNT operations.
Petroleum Refining: NA9374 NA9375 NA9376 NA9377 NA9378	Dissolved air flotation (DAF) float from the petroleum refining industry. Slop oil emulsion solids from the petroleum refining industry. Heat exchanger bundle cleaning sludge from the petroleum refining industry. API separator sludge from the petroleum refining industry. Tank bottoms (leaded) from the petroleum refining industry.
Iron & Steel: NA9380 NA9381	Emission control dust/sludge from the primary production of steel in electric furnaces. Spent pickle liquor from steel finishing operations.
Primary Copper: NA9383	Acid plant blowdown slurry/sludge resulting from the thickening of blowdown slurry from primary copper production.
Primary Lead: NA9384	Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities.
Primary Zinc: NA9385 NA9386 NA9387	Sludge from treatment of process wastewater and/or acid plant blowdown from primary zinc production. Electrolytic anode slimes/sludges from primary zinc production. Cadmium plant leachate residue (iron oxide) from primary zinc production.
Secondary Lead: NA9388 NA9389	Emission control dust/sludge from secondary lead smelting. Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.
Veterinary Pharmaceuticals: NA9394 NA9395 NA9396	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. Residue from the use of activated carbon for decolourization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
Ink Formulation: NA9393	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.
Coking: NA9379 NA9397	Ammonia still lime sludge from coking operations. Decanter tank tar sludge from coking operations.

O. Reg. 322/85, s. 11, part; O. Reg. 460/88, s. 2.

Schedule 2**PART A
ACUTE HAZARDOUS WASTE CHEMICALS**

REFERENCE NUMBER	NAME OF CHEMICAL
ON1001	Acetaldehyde, chloro- / Chloroacetaldehyde
ON1002	Acetamide, N-(aminothioxomethyl)-/1-Acetyl-2-thiourea

REFERENCE NUMBER	NAME OF CHEMICAL
ON1003	Acetamide, 2-fluoro- / Fluoroacetamide
ON1067	Acetic acid, fluoro-, sodium salt / Sodium fluoroacetate
ON1004	Acetimidic acid, N-((methylcarbamoyl)oxy) thio-, methyl ester / Methomyl
ON1005	Acetone cyanohydrin / 2-Methylactonitrile
ON1006	3-(alpha-Acetylbenzyl)-4-hydroxycoumarin and salts, when present at concentrations greater than 0.3 per cent / Warfarin, when present at concentrations greater than 0.3 per cent
ON1002	1-Acetyl-2-thiourea / Acetamide, N-(aminothioxomethyl)
ON1007	Acrolein / 2-Propenal
ON1008	Agarin / 5-(Aminomethyl)-3-isoxazolol
ON1009	Aldicarb / Propanal, 2-methyl-2-(methylthio)-, O-((methylamino)carbonyl) oxime
ON1010	Aldrin / 1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8- endo, exo-dimethanonaphthalene
ON1011	Allyl alcohol / 2-Propen-1-ol
ON1012	Aluminum phosphide
ON1008	5-(Aminomethyl)-3-isoxazolol / Agarin
ON1013	4-Aminopyridine / p-Aminopyridine
ON1014	Ammonium metavanadate / Ammonium vanadate
ON1015	Ammonium picrate / Phenol, 2,4,6-trinitro-, ammonium salt
ON1014	Ammonium vanadate / Ammonium metavanadate
ON1016	Arsenic acid
ON1017	Arsenic (III) oxide / Arsenic trioxide
ON1018	Arsenic (V) oxide / Arsenic pentoxide
ON1018	Arsenic pentoxide / Arsenic (V) oxide
ON1017	Arsenic trioxide / Arsenic (III) oxide
ON1019	Arsine, diethyl- / Diethylarsine
ON1020	Aziridine / Ethyleneimine
ON1021	Barium cyanide
ON1022	Benzenamine, 4-chloro- / p-Chloroaniline
ON1023	Benzenamine, 4-nitro- / p-Nitroaniline
ON1024	Benzene, (chloromethyl)- / Chlorotoluene
ON1025	1, 2-Benzenediol, 4-(1-hydroxy-2-(methylamino)-ethyl)- / Epinephrine
ON1026	Benzenethiol / Phenyl mercaptan
ON1024	Benzyl chloride / (Chloromethyl)benzene
ON1027	Beryllium dust / Beryllium, metal powder
ON1028	Bis (chloromethyl) ether / Dichlorodimethyl ether
ON1029	Bromoacetone / 2-Propanone, 1-bromo-
ON1030	Brucine / 2,3-Dimethoxystrychnidin- 10-one
ON1031	Calcium cyanide
ON1032	Camphene, octachloro- /Toxaphene
ON1033	Carbamimidoseleonic acid / Selenourea
ON1034	Carbon bisulphide / Carbon disulphide
ON1034	Carbon disulphide / Carbon bisulphide
ON1035	Carbonyl chloride / Phosgene
ON1036	Chlorine cyanide / Cyanogen chloride
ON1001	Chloroacetaldehyde / Acetaldehyde, chloro-
ON1022	p-Chloroaniline / 4-Chlorobenzenamine
ON1037	1-(o-Chlorophenyl) thiourea / 2-Chlorophenyl thiourea
ON1038	3-Chloropropionitrile / 3-Chloropropanenitrile

REFERENCE NUMBER	NAME OF CHEMICAL
ON1024	Chlorotoluene / (Chloromethyl) benzene
ON1039	Copper cyanides
ON1040	Cyanides (soluble cyanide salts) not elsewhere specified
ON1041	Cyanogen / Ethanedinitrile
ON1036	Cyanogen chloride / Chlorocyanogen
ON1028	Dichlorodimethyl ether / Bis(chloromethyl) ether
ON1042	Dichlorophenylarsine / Phenylchloroarsine
ON1043	Dieldrin / 1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro, endo, exo-
ON1019	Diethylarsine / Arsine, diethyl-
ON1044	O,O-Diethyl S-(2-(ethylthio)ethyl) phosphorodithioate / Disulfoton
ON1045	Diethyl-p-nitrophenyl phosphate / Phosphoric acid, diethyl p-nitrophenyl ester
ON1046	O,O-Diethyl 0,2-pyrazinyl phosphorothioate / Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
ON1047	Diisopropylfluorophosphate / Phosphorofluoric acid, bis(1-methylethyl) ester
ON1048	Dimethoate / Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) ester
ON1049	3,3-Dimethyl-1-(methylthio)-2-butanone, O-((methylamino)carbonyl) oxime / Thiofanox
ON1050	O,O-Dimethyl O-(p-nitrophenyl) phosphorothioate / Methyl parathion
ON1051	Dimethylnitrosamine / N-Nitrosodimethylamine
ON1052	alpha,alpha-Dimethylphenethylamine / Phentermine
ON1053	4,6-Dinitro-o-cresol and salts / Phenol, 2,4-dinitro-6-methyl-, and salts
ON1054	4,6-Dinitro-o-cyclohexylphenol / Phenol, 2-cyclohexyl-4,6-dinitro-
ON1055	2,4-Dinitrophenol / Phenol, 2,4-dinitro-
ON1056	Dinoseb / Phenol, 2,4-dinitro-6-(1-methylpropyl)-
ON1057	Diphosphoramidate, octamethyl- / Octamethylpyro-phosphoramidate
ON1044	Disulfoton / O,O-Diethyl S-(2-(ethylthio)ethyl) phosphorodithioate
ON1058	2,4-Dithiobiuret / 2-Thio-1-(thiocarbonyl)
ON1059	Dithiopyrophosphoric acid, tetraethyl ester / Tetraethyl dithiopyrophosphate
ON1060	Endosulfan / 5-Norbornene-2,3-dimethanol, 1,4,5,6,7,7-hexachloro-, cyclic sulphite
ON1061	Endothall / 7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid
ON1062	Endrin / 1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo, endo-1,4:5,8-dimethanonaphthalene
ON1025	Epinephrine / 1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl)-
ON1052	Ethanamine, 1,1-dimethyl-2-phenyl- / alpha,alpha-Dimethylphenethylamine
ON1063	Ethenamine, N-methyl-N-nitroso- / N-Nitrosomethylvinylamine
ON1064	Ethyl cyanide / Propionitrile
ON1020	Ethylenimine / Aziridine
ON1065	Famphur / Phosphorothioic acid, O,O-dimethyl O-(p-((dimethylamino)sulfonyl)phenyl) ester
ON1066	Fluorine
ON1003	Fluoroacetamide / Acetamide, 2-fluoro-
ON1067	Fluoroacetic acid, sodium salt / Sodium fluoroacetate
ON1068	Fulminic acid, mercury (II) salt / Fulminate of mercury
ON1069	Heptachlor / 1,4,5,6,7,8,8-Heptachloro-3a,4,7,7a-tetrahydro-4,7-methanoindene
ON1062	1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo, endo-1,4:5,8-dimethanonaphthalene / Endrin
ON1043	1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo, exo-1,4:5,8-dimethanonaphthalene / Dieldrin
ON1070	1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo, endo-dimethanonaphthalene / Isodrin
ON1010	1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo, exo-dimethanonaphthalene / Aldrin
ON1071	Hexachlorohexahydro-exo, exo-dimethanonaphthalene
ON1072	Hexaethyl tetraphosphate / Tetraphosphoric acid, hexaethyl ester

REFERENCE NUMBER	NAME OF CHEMICAL
ON1073	Hydrazinecarbothioamide / Thiosemicarbazide
ON1074	Hydrazine, methyl- / Methylhydrazine
ON1075	Hydrocyanic acid
ON1076	Hydrogen cyanide
ON1077	Hydrogen phosphide / Phosphine
ON1078	Isocyanic acid, methyl ester / Methyl isocyanate
ON1070	Isodrin / 1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo, endo-dimethanonaphthalene
ON1008	3(2H)-Isoxazolone, 5-(aminomethyl)- / Agarin
ON1079	Mercury, (acetato)phenyl- / Phenylmercuric acetate
ON1068	Mercury fulminate / Fulminate of mercury
ON1028	Methane, oxybis(chloro- / Dichlorodimethyl ether
ON1080	Methane, tetranitro- / Tetranitromethane
ON1081	Methanethiol, trichloro- / Trichloromethanethiol
ON1069	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro- / Heptachlor
ON1004	Methomyl / Acetimidic acid, N-((methylcarbamoyl)-oxy)thio-, methyl ester
ON1082	2-Methylaziridine / Propyleneimine
ON1074	Methyl hydrazine / Hydrazine, methyl-
ON1078	Methyl isocyanate / Isocyanic acid, methyl ester
ON1005	2-Methylactonitrile / Acetone cyanohydrin
ON1050	Methyl parathion / O,O-Dimethyl O-(p-nitrophenyl) phosphorothioate
ON1083	alpha-Naphthylthiourea / Thiourea, 1-naphthalenyl-
ON1084	Nickel carbonyl / Nickel tetracarbonyl
ON1085	Nickel cyanide / Nickel (II) cyanide
ON1085	Nickel (II) cyanide / Nickel cyanide
ON1084	Nickel tetracarbonyl / Nickel carbonyl
ON1086	Nicotine and salts / Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)- and salts
ON1087	Nitric oxide / Nitrogen (II) oxide
ON1023	p-Nitroaniline / 4-Nitrobenzenamine
ON1088	Nitrogen dioxide / Nitrogen (IV) oxide
ON1087	Nitrogen (II) oxide / Nitric oxide
ON1088	Nitrogen (IV) oxide / Nitrogen dioxide
ON1089	Nitroglycerin / 1,2,3-Propanetriol, trinitrate-
ON1051	N-Nitrosodimethylamine / Dimethylnitrosamine
ON1063	N-Nitrosomethylvinylamine / N-Methyl-N-nitrosoethenylamine
ON1060	5-Norbornene-2,3-dimethanol, 1,4,5,6,7,7-hexachloro, cyclic sulphite / Endosulfan
ON1057	Octamethylpyrophosphoramidate / Diphosphoramidate, octamethyl-
ON1090	Osmium oxide / osmium tetroxide
ON1090	Osmium tetroxide / Osmium oxide
ON1061	7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid / Endothall
ON1091	Parathion / Phosphorothioic acid, O,O,-diethyl O-(p-nitrophenyl) ester
ON1054	Phenol, 2-cyclohexyl-4,6-dinitro- / 4,6-Dinitro-o-cyclo hexylphenol
ON1055	Phenol, 2,4-dinitro- / 2,4-Dinitrophenol
ON1053	Phenol, 2,4-dinitro-6-methyl-, and salts / Dinitro-o cresol and salts
ON1056	Phenol, 2,4-dinitro-6-(1-methylpropyl)- / Dinoseb
ON1015	Phenol, 2,4,6-trinitro-, ammonium salt / Ammonium picrate
ON1042	Phenyl dichloroarsine / Dichlorophenylarsine

REFERENCE NUMBER	NAME OF CHEMICAL
ON1026	Phenyl mercaptan / Benzenethiol
ON1079	Phenylmercuric acetate / Mercury, (acetato)phenyl-
ON1092	N-Phenylthiourea / Phenylthiocarbamide
ON1093	Phorate / Phosphorothioic acid, O,O-diethyl S-(ethylthio)methyl ester
ON1035	Phosgene / Carbonyl chloride
ON1077	Phosphine / Hydrogen phosphide
ON1045	Phosphoric acid, diethyl p-nitrophenyl ester / Diethyl-p-nitrophenyl phosphate
ON1048	Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) ester / Dimethoate
ON1047	Phosphorofluoric acid, bis(1-methylethyl) ester / Diisopropylfluorophosphate
ON1093	Phosphorothioic acid, O,O-diethyl S-(ethylthio)methyl ester / Phorate
ON1091	Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester / Parathion
ON1046	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester / O,O-Diethyl 0,2-pyrazinyl phosphorothioate
ON1065	Phosphorothioic acid, O,O-dimethyl O-(p-((dimethylamino)sulfonyl)phenyl) ester / Famphur
ON1094	Plumbane, tetraethyl- / Tetraethyl lead
ON1095	Potassium cyanide
ON1096	Potassium dicyanoargentate / Potassium silver cyanide
ON1096	Potassium silver cyanide / Potassium dicyanoargentate
ON1009	Propanal, 2-methyl-2-(methylthio)-, O-(methylamino)carbonyl oxime / Aldicarb
ON1064	Propanenitrile / Propionitrile
ON1038	Propanenitrile, 3-chloro- / 3-Chloropropionitrile
ON1005	Propanenitrile, 2-hydroxy-2-methyl- / Acetone cyanohydrin
ON1089	1,2,3-Propanetriol, trinitrate- / Nitroglycerin
ON1029	2-Propanone, 1-bromo- / Bromoacetone
ON1097	Propargyl alcohol / 2-Propyn-1-ol
ON1007	2-Propenal / Acrolein
ON1011	2-Propen-1-ol / Allyl alcohol
ON1064	Propionitrile / Ethyl cyanide
ON1082	1,2-Propylenimine / 2-Methylaziridine
ON1097	2-Propyn-1-ol / Propargyl alcohol
ON1013	4-Pyridinamine / 4-Aminopyridine
ON1086	Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)- and salts / Nicotine and salts
ON1098	Pyrophosphoric acid, tetraethyl ester / Tetraethyl pyrophosphate
ON1033	Selenourea / Carbamimidoseleonic acid
ON1099	Silver cyanide
ON1100	Sodium azide
ON1101	Sodium cyanide
ON1067	Sodium fluoroacetate / Fluoroacetic acid, sodium salt
ON1102	Strontium sulphide
ON1103	Strychnidin-10-one and salts
ON1030	Strychnidin-10-one, 2,3-dimethoxy- / Brucine
ON1104	Strychnine and salts
ON1105	Sulphuric acid, thallium (I) salt / Thallium sulphate, solid
ON1059	Tetraethyldithiopyrophosphate / Dithiopyrophosphoric acid tetraethyl ester
ON1094	Tetraethyl lead / Plumbane, tetraethyl-
ON1098	Tetraethyl pyrophosphate / Pyrophosphoric acid, tetraethyl ester
ON1080	Tetranitromethane / Methane, tetranitro-

REFERENCE NUMBER	NAME OF CHEMICAL
ON1072	Tetraphosphoric acid, hexaethyl ester / Hexaethyl tetraphosphate
ON1106	Thallic oxide / Thallium (III) oxide
ON1106	Thallium (III) oxide / Thallic oxide
ON1107	Thallium (I) selenite
ON1105	Thallium (I) sulphate / Sulphuric acid, thallium (I) salt
ON1049	Thiofanox / 3,3-Dimethyl-1-(methylthio)-2-butanone, O-((methylamino)carbonyl) oxime
ON1058	Thioimidodicarbonic diamide / 2,4-Dithiobiuret
ON1026	Thiophenol / Phenyl mercaptan
ON1073	Thiosemicarbazide / Hydrazinecarbothioamide
ON1037	Thiourea, (2-chlorophenyl)- / 1-(o-Chlorophenyl)-2-thiourea
ON1083	Thiourea, 1-naphthalenyl- / alpha-Naphthylthiourea
ON1092	Thiourea, phenyl- / N-Phenylthiourea
ON1032	Toxaphene / Camphene, octachloro-
ON1081	Trichloromethanethiol / Methanethiol, trichloro-
ON1014	Vanadic acid, ammonium salt / Ammonium metavanadate
ON1107	Vanadium pentoxide / Vanadium (V) oxide
ON1107	Vanadium (V) oxide / Vanadium pentoxide
ON1006	Warfarin, when present at concentrations greater than 0.3 per cent / 3-(alpha-Acetylbenzyl)-4-hydroxycoumarin and salts, when present at concentrations greater than 0.3 per cent
ON1108	Zinc cyanide
ON1109	Zinc phosphide, when present at concentrations greater than 10 per cent

PART B
HAZARDOUS WASTE CHEMICALS

REFERENCE NUMBER	NAME OF CHEMICAL
ON2001	Acetaldehyde / Ethyl aldehyde
ON2002	Acetaldehyde, trichloro- / Chloral
ON2003	Acetamide, N-(4-ethoxyphenyl)- / Phenacetin
ON2004	Acetamide, N-9H-fluoren-2-yl- / 2-Acetylaminofluorene
ON2005	Acetic acid, ethyl ester / Ethyl acetate
ON2006	Acetic acid, lead salt / Lead acetate
ON2007	Acetic acid, thallium (I) salt / Thallium (I) acetate
ON2226	Acetone / 2-Propanone
ON2008	Acetonitrile / Methyl cyanide
ON2009	3-(alpha-Acetylbenzyl)-4-hydroxycoumarin and salts, when present at concentrations of 0.3 per cent or less / Warfarin, when present at concentrations of 0.3 per cent or less
ON2010	Acetophenone / Ethanone, 1-phenyl-
ON2004	2-Acetylaminofluorene / Acetamide, N-9H-fluoren-2-yl-
ON2011	Acetyl chloride / Acetic chloride
ON2012	Acrylamide / Propenamide
ON2013	Acrylic acid / 2-Propenoic acid
ON2014	Acrylonitrile / 2-Propenenitrile
ON2015	Alanine, 3-(p-bis(2-chloroethyl)amino)phenyl-, L- / Melphalan
ON2016	Amitrole / 1H-1,2,4-Triazol-3-amine
ON2017	Aniline / Benzenamine
ON2018	Auramine / Benzenamine, 4,4'-carbonimidoylbis-(N,N-dimethyl-
ON2019	Azaserine / L-Serine, diazoacetate (ester)

REFERENCE NUMBER	NAME OF CHEMICAL
ON2020	Azirino(2',3':3,4)pyrrolo(1,2a)indole-4,7-dione, 6-amino-8-(((aminocarbonyl)oxy)methyl) 1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl- / Mitomycin C
ON2021	Benz(j)aceanthrylene, 1,2-dihydro-3-methyl- / 3-Methylcholanthrene
ON2022	Benz(c)acridine / 3,4-Benzacridine
ON2022	3,4-Benzacridine / Benz(c)acridine
ON2023	Benzal chloride / Benzylidene chloride
ON2024	Benz(a)anthracene / 1,2-Benzanthracene
ON2024	1,2-Benzanthracene / Benz(a)anthracene
ON2025	1,2-Benzanthracene, 7,12-dimethyl- / 9,10-Dimethyl-benz(a)anthracene
ON2017	Benzenamine / Aniline
ON2018	Benzenamine, 4,4'-carbonimidoylbis(N,N-dimethyl- / Auramine
ON2026	Benzenamine, 4-chloro-2-methyl- / 4-Chloro-o-toluidine hydrochloride
ON2027	Benzenamine, N,N'-dimethyl-4-phenylazo- / Dimethylaminoazobenzene
ON2028	Benzenamine, 4,4'-methylenebis(2-chloro- / 4,4'-Methylenebis(2-chloroaniline)
ON2029	Benzenamine, 2-methyl-, hydrochloride / o-Toluidine hydrochloride
ON2030	Benzenamine, 2-methyl-5-nitro- / 5-Nitro-o-toluidine
ON2031	Benzene
ON2032	Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl) -alpha-hydroxy, ethyl ester / Ethyl 4,4'-dichlorobenzilate
ON2033	Benzene, 1-bromo-4-phenoxy- / 4-Bromophenyl phenyl ether
ON2034	Benzene, chloro- / Chlorobenzene
ON2035	1,2-Benzenedicarboxylic acid anhydride / Phthalic anhydride
ON2036	1,2-Benzenedicarboxylic acid, (bis(2-ethylhexyl)) ester / Bis(2-ethylhexyl)phthalate
ON2037	1,2-Benzenedicarboxylic acid, dibutyl ester / Dibutyl phthalate
ON2038	1,2-Benzenedicarboxylic acid, diethyl ester / Diethyl phthalate
ON2039	1,2-Benzenedicarboxylic acid, dimethyl ester / Dimethyl phthalate
ON2040	1,2-Benzenedicarboxylic acid, di-n-octyl ester / Di-n octyl phthalate
ON2041	Benzene, 1,2-dichloro- / o-Dichlorobenzene
ON2042	Benzene, 1,3-dichloro- / m-Dichlorobenzene
ON2043	Benzene, 1,4-dichloro- / p-Dichlorobenzene
ON2023	Benzene, (dichloromethyl)- / Benzal chloride
ON2044	Benzene, 1,3-diisocyanatomethyl- / Toluene diisocyanate
ON2045	Benzene, dimethyl- / Xylene
ON2046	1,3-Benzenediol / Resorcinol
ON2047	Benzene, hexachloro- / Hexachlorobenzene
ON2048	Benzene, hexahydro- / Cyclohexane
ON2049	Benzene, hydroxy- / Phenol
ON2050	Benzene, methyl- / Toluene
ON2051	Benzene, 1-methyl-2,4-dinitro- / 2,4-Dinitrotoluene
ON2052	Benzene, 1-methyl-2,6-dinitro- / 2,6-Dinitrotoluene
ON2053	Benzene, 1,2-methylenedioxy-4-allyl- / Safrole
ON2054	Benzene, 1,2-methylenedioxy-4-propenyl- / Isosafrole
ON2055	Benzene, 1,2-methylenedioxy-4-propyl- / Dihydrosafrole
ON2056	Benzene, (1-methylethyl)- / Isopropylbenzene
ON2057	Benzene, nitro- / Nitrobenzene
ON2058	Benzene, pentachloro- / Pentachlorobenzene
ON2059	Benzene, pentachloronitro- / Pentachloronitrobenzene
ON2060	Benzenesulphonic acid chloride / Benzenesulphonyl chloride

REFERENCE NUMBER	NAME OF CHEMICAL
ON2060	Benzenesulphonyl chloride / Benzenesulphonic acid chloride
ON2061	Benzene, 1,2,4,5-tetrachloro- / 1,2,4,5-Tetrachloro benzene
ON2062	Benzene, trichloromethyl- / Benzotrichloride
ON2063	Benzene, 1,3,5-trinitro- / 1,3,5-Trinitrobenzene
ON2064	Benzidine / 4,4'-Diaminobiphenyl
ON2065	1,2-Benzisothiazolin-3-one, 1,1-dioxide and salts / Saccharin and salts
ON2066	Benzo(j,k)fluorene / Fluoranthene
ON2067	Benzo(a)pyrene / 3,4-Benzopyrene
ON2067	3,4-Benzopyrene / Benzo(a)pyrene
ON2068	p-Benzoquinone / Cyclohexadienedione
ON2062	Benzotrichloride / Benzene, trichloromethyl
ON2069	1,2-Benzphenanthrene / Chrysene
ON2070	2,2'-Bioxirane / D-Threitol, 1,2:3,4-dianhydro
ON2064	(1,1'-Biphenyl)-4,4'-diamine / Benzidine
ON2071	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro- / 3,3'-Dichlorobenzidine
ON2072	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy- / 3,3'-Dimethoxybenzidine
ON2073	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl- / 3,3'-Dimethylbenzidine
ON2074	Bis(2-chloroethoxy)methane / Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-
ON2075	Bis(2-chloroisopropyl) ether / Ether, bis(2-chloro-1 methylethyl)
ON2076	Bis(dimethylthiocarbamoyl) disulphide / Thiram
ON2036	Bis(2-ethylhexyl) phthalate / 1,2-Benzenedicarboxylic acid, (bis(2-ethylhexyl)) ester
ON2077	Bromine cyanide / Cyanogen bromide
ON2078	Bromoform / Tribromomethane
ON2033	4-Bromophenyl phenyl ether / Benzene, 1-bromo-4-phenoxy-
ON2079	1,3-Butadiene, 1,1,2,3,4,4-hexachloro- / Hexachloro-butadiene
ON2080	1-Butanamine, N-butyl-N-nitroso- / N-Nitrosodi-n butylamine
ON2081	Butanoic acid, 4-(bis(2-chloroethyl)amino)benzene- / Chlorambucil
ON2082	1-Butanol / n-Butyl alcohol
ON2083	2-Butanone / Methyl ethyl ketone
ON2084	2-Butanone peroxide / Methyl ethyl ketone peroxide
ON2085	2-Butenal / Crotonaldehyde
ON2086	2-Butene, 1,4-dichloro- / 1,4-Dichloro-2-butene
ON2082	n-Butyl alcohol / 1-Butanol
ON2087	Cacodylic acid / Arsine oxide, dimethylhydroxy-
ON2088	Calcium chromate / Chromic acid, calcium salt
ON2089	Carbamic acid, ethyl ester / Ethyl carbamate (urethane)
ON2090	Carbamic acid, methylnitroso-, ethyl ester / N-Nitroso-N-methylurethane
ON2091	Carbamide, N-ethyl-N-nitroso- / 1-Nitroso-1-ethylurea
ON2092	Carbamide, N-methyl-N-nitroso- / 1-Nitroso-1-methylurea
ON2093	Carbamide, thio- / Thiourea
ON2094	Carbamoyl chloride, dimethyl- / Dimethylcarbamoyl chloride
ON2095	Carbonic acid, dithallium (I) salt / Thallium carbonate
ON2096	Carbonochloridic acid, methyl ester / Methyl chloroformate
ON2097	Carbon oxyfluoride / Carbonyl fluoride
ON2098	Carbon tetrachloride / Tetrachloromethane
ON2097	Carbonyl fluoride / fluorophosgene

REFERENCE NUMBER	NAME OF CHEMICAL
ON2002	Chloral / Trichloroacetaldehyde
ON2081	Chlorambucil / Butanoic acid, 4-(bis(2-chloroethyl)amino)benzene-
ON2099	Chlordane / 4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro-
ON2100	Chlornaphazine / 2-Naphthylamine, N,N'-bis-(2-chloroethyl)-
ON2034	Chlorobenzene / Benzene, chloro-
ON2101	4-Chloro-m-cresol / 4-Chloro-3-methylphenol
ON2102	1-Chloro-2,3-epoxypropane / Epichlorohydrin
ON2103	2-Chloroethyl vinyl ether / Ethene, 2-chloroethoxy
ON2104	Chloroform / Trichloromethane
ON2105	Chloromethyl methyl ether / Methylchloromethyl ether
ON2106	beta-Chloronaphthalene / Naphthalene, 2-chloro-
ON2107	o-Chlorophenol / 2-Chlorophenol
ON2026	4-Chloro-o-toluidine hydrochloride / 2-Amino-5-chlorotoluene hydrochloride
ON2088	Chromic acid, calcium salt / Calcium chromate
ON2069	Chrysene / 1,2-Benzphenanthrene
ON2108	Creosote
ON2109	Cresols
ON2110	Cresylic acid
ON2085	Crotonaldehyde / 2-Butenal
ON2056	Cumene / Isopropylbenzene
ON2077	Cyanogen bromide / Bromocyanide
ON2068	1,4-Cyclohexadienedione / Benzoquinone
ON2048	Cyclohexane / Benzene, hexahydro-
ON2111	Cyclohexanone / Anone
ON2112	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro- / Hexachlorocyclopentadiene
ON2113	Cyclophosphamide / 2H-1,3,2-Oxazaphosphorine, 2-(bis(2-chloroethyl)amino)tetrahydro-, oxide 2-
ON2114	2,4-D, salts and esters / 2,4-Dichlorophenoxyacetic acid, salts and esters
ON2115	Daunomycin / 5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-((3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl)oxyl)-7,8,9,10-tetrahydro-6,8,11-trihydroxyl-methoxy-
ON2116	DDD / Dichlorodiphenyldichloroethane
ON2117	DDT / Dichlorodiphenyltrichloroethane
ON2118	Decachlorooctahydro-1,3,4-metheno-2H-cyclobuta(c,d)-pentalen-2-one / Kepone or Chlordecone
ON2119	Diallate / S-(2,3-Dichloroallyl) diisopropylthio-carbamate
ON2120	Diamine / Hydrazine
ON2121	Diaminotoluene / Toluenediamine
ON2122	Dibenz(a,h)anthracene / 1,2,5,6-Dibenzanthracene
ON2122	1,2,5,6-Dibenzanthracene / Dibenz(a,h)anthracene
ON2123	1,2,7,8-Dibenzopyrene / Dibenz(a,i)pyrene
ON2123	Dibenz(a,i)pyrene / 1,2,7,8-Dibenzopyrene
ON2124	1,2-Dibromo-3-chloropropane / Propane, 1,2-dibromo-3-chloro-
ON2125	Dibromomethane / Methylene bromide
ON2037	Dibutyl phthalate / 1,2-Benzenedicarboxylic acid, dibutyl ester
ON2119	S-(2,3-Dichloroallyl) diisopropylthiocarbamate / Diallate
ON2041	o-Dichlorobenzene / 1,2-Dichlorobenzene
ON2042	m-Dichlorobenzene / 1,3-Dichlorobenzene
ON2043	p-Dichlorobenzene / 1,4-Dichlorobenzene
ON2071	3,3'-Dichlorobenzidine / (1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-

REFERENCE NUMBER	NAME OF CHEMICAL
ON2086	1,4-Dichloro-2 butene / 1,4-Dichlorobutene-2
ON2126	Dichlorodifluoromethane / Methane, dichlorodifluoro-
ON2127	3,5-Dichloro-N-(1,1-dimethyl-2-propynyl) benzamide / Pronamide
ON2116	Dichlorodiphenyldichloroethane / DDD
ON2117	Dichlorodiphenyltrichloroethane/ DDT
ON2128	1,1-Dichloroethylene / Ethene, 1,1-dichloro-
ON2129	1,2-Dichloroethylene / Ethene, trans-1,2-dichloro-
ON2130	Dichloroethyl ether / Ether, bis(2-chloroethyl)
ON2131	Dichloromethane / Methylene chloride
ON2132	2,4-Dichlorophenol / Phenol, 2,4-dichloro-
ON2133	2,6-Dichlorophenol / Phenol, 2,6-dichloro-
ON2114	2,4-Dichlorophenoxyacetic acid, salts and esters / 2,4-D, salts and esters
ON2134	1,2-Dichloropropane / Propylene dichloride
ON2135	1,3-Dichloropropene / Propene, 1,3-dichloro-
ON2070	1,2:3,4-Diepoxybutane / 2,2'-Bioxirane
ON2136	1,4-Diethylene dioxide / 1,4-Dioxane
ON2137	Diethyl ether / Ethyl ether
ON2138	N,N-Diethylhydrazine / Hydrazine, 1,2-diethyl-
ON2139	O, O-Diethyl-S-methyl-dithiophosphate / Phosphorodithioic acid, O,O-diethyl-, S-methyl ester
ON2038	Diethyl phthalate / 1,2-Benzenedicarboxylic acid, diethyl ester
ON2140	Diethylstilbestrol / 4,4'-Stilbenediol, alpha,alpha'-diethyl-
ON2141	1,2-Dihydro-3,6-pyridazinedione / Maleic hydrazide
ON2055	Dihydrosafrole / Benzene, 1,2-methylenedioxy-4-propyl-
ON2072	3,3'-Dimethoxybenzidine / (1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-
ON2142	Dimethylamine / Methanamine, N-methyl-
ON2027	Dimethylaminoazobenzene / Benzenamine, N,N'-dimethyl-4-phenylazo-
ON2025	7,12-Dimethylbenz(a)anthracene / 1,2-Benzanthracene, 9,10-dimethyl-
ON2073	3,3'-Dimethylbenzidine / (1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-
ON2143	alpha, alpha-Dimethylbenzylhydroperoxide / Cumene hydroperoxide
ON2094	Dimethylcarbamoyl chloride / Carbamoyl chloride, dimethyl-
ON2144	1,1-Dimethylhydrazine / Hydrazine, 1,1-dimethyl-
ON2145	1,2-Dimethylhydrazine / Hydrazine, 1,2-dimethyl-
ON2146	2,4-Dimethylphenol / Xylenol
ON2039	Dimethyl phthalate / 1,2-Benzenedicarboxylic acid, dimethyl ester
ON2147	Dimethyl sulphate / Sulphuric acid, dimethyl ester
ON2051	2,4-Dinitrotoluene / Benzene, 1-methyl-2,4-dinitro-
ON2052	2,6-Dinitrotoluene / Benzene, 1-methyl-2,6-dinitro-
ON2040	Di-n-octyl phthalate / 1,2-Benzenedicarboxylic acid, di-n-octyl ester
ON2136	1,4-Dioxane / 1,4-Diethylene dioxide
ON2148	1,2-Diphenylhydrazine / Hydrazine, 1,2-diphenyl-
ON2149	Dipropylamine / l-Propanamine, N-propyl-
ON2150	Di-N-propylnitrosamine / N-Nitroso-N-aipropylamine
ON2102	Epichlorohydrin / ECH
ON2001	Ethanal / Acetaldehyde
ON2151	Ethanamine, N-ethyl-N-nitroso- / N-Nitrosodiethylamine
ON2152	Ethane, 1,2-dibromo- / Ethylene dibromide

REFERENCE NUMBER	NAME OF CHEMICAL
ON2153	Ethane, 1,1-dichloro- / 1,1-Dichloroethane
ON2154	Ethane, 1,2-dichloro- / Ethylene dichloride
ON2155	1,2-Ethanediylobiscarbamodithioic acid / Ethylenebis-(dithiocarbamic acid)
ON2156	Ethane, 1,1,1,2,2,2-hexachloro- / Hexachloroethane
ON2074	Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro- / Bis (2-chloroethoxy)methane
ON2008	Ethanenitrile / Acetonitrile
ON2137	Ethane, 1,1'-oxybis- / Diethyl ether
ON2130	Ethane, 1,1'-oxybis(2-chloro- / Dichloroethyl ether
ON2157	Ethane, pentachloro- / Pentachloroethane
ON2158	Ethane, 1,1,1,2-tetrachloro- / 1,1,1,2-Tetrachloroethane
ON2159	Ethane, 1,1,2,2-tetrachloro- / 1,1,2,2-Tetrachloroethane
ON2160	Ethanethioamide / Thioacetamide
ON2161	Ethane, 1,1,1-trichloro- / 1,1,1-Trichloroethane
ON2162	Ethane, 1,1,2-trichloro- / 1,1,2-Trichloroethane
ON2163	Ethane, 1,1,1-trichloro-2,2-bis(p-methoxyphenyl- / Methoxychlor
ON2164	Ethanol, 2,2'(nitrosoimino)bis- / N-Nitrosodi ethanolamine
ON2010	Ethanone, 1-phenyl- / Acetophenone
ON2011	Ethanoyl chloride / Acetyl chloride
ON2165	Ethene, chloro- / Vinyl chloride
ON2103	Ethene, 2-chloroethoxy- / 2-Chloroethyl vinyl ether
ON2128	Ethene, 1,1-dichloro- / 1,1-Dichloroethylene
ON2129	Ethene, trans-1,2-dichloro- / 1,2-Dichloroethylene
ON2166	Ethene, 1,1,2,2-tetrachloro- / Tetrachloroethylene or Perchloroethylene
ON2005	Ethyl acetate / Acetic acid, ethyl ester
ON2167	Ethyl acrylate / 2-Propenoic acid, ethyl ester
ON2089	Ethyl carbamate (urethane) / Carbamic acid, ethyl ester
ON2032	Ethyl 4,4'-dichlorobenzilate / Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy, ethyl ester
ON2155	Ethylenebis(dithiocarbamic acid) / 1,2-Ethanediylobis-carbamodithioic acid
ON2152	Ethylene dibromide / Ethane, 1,2-dibromo-
ON2154	Ethylene dichloride / Ethane, 1,2-dichloro-
ON2168	Ethylene oxide / Oxirane
ON2169	Ethylene thiourea / 2-Imidazolidinethione
ON2137	Ethyl ether / Diethyl ether
ON2153	Ethylidene dichloride / 1,1-Dichloroethane
ON2170	Ethyl methacrylate / Methacrylic acid, ethyl ester
ON2171	Ethyl methanesulphonate / Methanesulphonic acid, ethyl ester
ON2083	Ethyl methyl ketone / Methyl ethyl ketone
ON2172	Ferric dextran / Iron dextran
ON2066	Fluoranthene / Benzo(j,k)fluorene
ON2173	Formaldehyde / Methylene oxide
ON2174	Formic acid / Methanoic acid
ON2175	Furan / Furfuran
ON2176	2-Furancarboxaldehyde / Furfural
ON2177	2,5-Furandione / Maleic anhydride
ON2178	Furan, tetrahydro- / Tetrahydrofuran
ON2176	Furfural / Furfuraldehyde

REFERENCE NUMBER	NAME OF CHEMICAL
ON2175	Furfuran / Furan
ON2179	D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)- / Streptozotocin
ON2180	Glycidylaldehyde / Glycidaldehyde
ON2181	Guanidine, N-nitroso-N-methyl-N'-nitro- / N-Methyl-N'-nitro-N-nitrosoguanidine
ON2047	Hexachlorobenzene / Benzene, hexachloro-
ON2079	Hexachlorobutadiene / 1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
ON2182	Hexachlorocyclohexane (gamma isomer) / Lindane
ON2112	Hexachlorocyclopentadiene / 1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
ON2156	Hexachloroethane / Ethane, hexachloro-
ON2183	Hexachlorophene / 2,2'-Methylenebis-(3,4,6-trichlorophenol)
ON2184	Hexachloropropene / Hexachloropropylene
ON2120	Hydrazine / Diamine
ON2138	Hydrazine, 1,2-diethyl- / N,N-Diethylhydrazine
ON2144	Hydrazine, 1,1-dimethyl- / 1,1-Dimethylhydrazine
ON2145	Hydrazine, 1,2-dimethyl- / 1,2-Dimethylhydrazine
ON2148	Hydrazine, 1,2-diphenyl- / 1,2-Diphenylhydrazine
ON2185	Hydrofluoric acid
ON2186	Hydrogen fluoride
ON2187	Hydrogen sulphide / Sulphur hydride
ON2143	Hydroperoxide, 1-methyl-1-phenylethyl- / alpha,alpha- Dimethylbenzylhydroperoxide
ON2087	Hydroxydimethylarsine oxide / Cacodylic acid
ON2169	2-Imidazolidinethione / Ethylene thiourea
ON2188	Indeno(1,2,3-cd)pyrene / 2,3-Phenylene-pyrene
ON2172	Iron dextran / Imferon
ON2189	Isobutyl alcohol / Isobutanol
ON2056	Isopropylbenzene / Benzene, (1-methylethyl)-
ON2054	Isosafrole / Benzene, 1,2-methylenedioxy-4-propenyl
ON2118	Kepone / Chlordecone
ON2190	Lasiocarpine / 2-Methyl-2-butenic acid 7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester
ON2006	Lead acetate / Acetic acid, lead salt
ON2191	Lead phosphate / Phosphoric acid, lead salt
ON2192	Lead subacetate / Monobasic lead acetate
ON2182	Lindane / gamma-Benzene hexachloride
ON2177	Maleic anhydride / 2,5-Furandione
ON2141	Maleic hydrazide / 1,2-Dihydro-3,6-pyridazinedione
ON2193	Malononitrile / Malonic dinitrile
ON2015	Melphalan / Alanine, 3-(p-bis(2-chloroethyl)amino)-phenyl-, L-
ON2194	Mercury
ON2195	Methacrylonitrile / 2-Propenenitrile, 2-methyl-
ON2142	Methanamine, N-methyl- / Dimethylamine
ON2196	Methane, bromo- / Methyl bromide
ON2197	Methane, chloro- / Methyl chloride
ON2105	Methane, chloromethoxy- / Methylchloromethyl ether
ON2125	Methane, dibromo- / Dibromomethane
ON2131	Methane, dichloro- / Dichloromethane
ON2126	Methane, dichlorodifluoro- / Dichlorodifluoromethane

REFERENCE NUMBER	NAME OF CHEMICAL
ON2198	Methane, iodo- / Methyl iodide
ON2171	Methanesulphonic acid, ethyl ester / Ethyl methanesulphonate
ON2098	Methane, tetrachloro- / Carbon tetrachloride
ON2199	Methanethiol / Methyl mercaptan
ON2078	Methane, tribromo- / Bromoform
ON2104	Methane, trichloro- / Chloroform
ON2200	Methane, trichlorofluoro- / Trichlorofluoromethane
ON2174	Methanoic acid / Formic acid
ON2099	4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro- / Chlordane
ON2201	Methanol / Methyl alcohol
ON2202	Methapyrilene / Pyridine, 2-((2-(dimethylamino)ethyl)-2-thenylamino)-
ON2163	Methoxychlor / Ethane, 1,1,1-trichloro-2,2-bis(p-methoxyphenyl)-
ON2201	Methyl alcohol / Methanol
ON2196	Methyl bromide / Methane, bromo-
ON2203	1-Methylbutadiene / 1,3-Pentadiene
ON2197	Methyl chloride / Methane, chloro-
ON2096	Methyl chlorocarbonate / Methyl chloroformate
ON2161	Methylchloroform / 1,1,1-Trichloroethane
ON2096	Methyl chloroformate / Methyl chlorocarbonate
ON2105	Methyl chloromethyl ether / Chloromethyl methyl ether
ON2021	3-Methylcholanthrene / Benz(j)aceanthrylene, 1,2-dihydro-3-methyl-
ON2008	Methyl cyanide / Acetonitrile
ON2028	4,4'-Methylenebis(2-chloroaniline) / Benzenamine, 4,4'-methylenebis(2-chloro-
ON2183	2,2'-Methylenebis(3,4,6-trichlorophenol) / Hexa-chlorophene
ON2125	Methylene bromide / Dibromomethane
ON2131	Methylene chloride / Dichloromethane
ON2173	Methylene oxide / Formaldehyde
ON2083	Methyl ethyl ketone / Ethyl methyl ketone
ON2084	Methyl ethyl ketone peroxide / Ethyl methyl ketone peroxide
ON2198	Methyl iodide / Methane, iodo-
ON2204	Methyl isobutyl ketone / MIBK
ON2199	Methyl mercaptan / Methanethiol
ON2205	Methyl methacrylate / 2-Propenoic acid, 2-methyl-, methyl ester
ON2181	N-Methyl-N'-nitro-N-nitrosoguanidine / Guanidine, N-nitroso-N-methyl-N'nitro-
ON2204	4-Methyl-2-pentanone / Methyl isobutyl ketone
ON2206	Methylthiouracil / 4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-
ON2020	Mitomycin C / Azirino(2',3':3,4)pyrrolo(1,2a)-indole-4,7-dione, 6-amino-8-(((aminocarbonyl)oxy) methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl
ON2115	5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-((3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl)oxyl)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy- / Daunomycin
ON2207	Naphthalene
ON2106	Naphthalene, 2-chloro- / beta-Chloronaphthalene
ON2208	1,4-Naphthalenedione / 1,4-Naphthoquinone
ON2209	2,7-Naphthalenedisulphonic acid, 3,3'-((3,3'-dimethyl-4,4'-biphenylene)bis(azo))bis(5-amino-4-hydroxy-, tetrasodium salt / Trypan Blue
ON2208	1,4-Naphthoquinone / 1,4-Naphthalenedione
ON2210	1-Naphthylamine / alpha-Naphthylamine

REFERENCE NUMBER	NAME OF CHEMICAL
ON2211	2-Naphthylamine / beta-Naphthylamine
ON2210	alpha-Naphthylamine / 1-Naphthylamine
ON2211	beta-Naphthylamine / 2-Naphthylamine
ON2100	2-Naphthylamine, N,N'-bis(2-chloroethyl)- / Chlornaphazine
ON2057	Nitrobenzene / Benzene, nitro-
ON2212	p-Nitrophenol / 4-Nitrophenol
ON2213	2-Nitropropane / Propane, 2-nitro-
ON2080	N-Nitrosodi-n-butylamine / 1-Butanamine, N-butyl-N-nitroso-
ON2164	N-Nitrosodiethanolamine / Ethanol, N-nitrosoiminodi-
ON2151	N-Nitrosodiethylamine / Ethanamine, N-ethyl- N-nitroso-
ON2150	N-Nitroso-N-propylamine / Di-N-propylnitrosamine
ON2091	N-Nitroso-N-ethylurea / N-Ethyl-N-nitrosocarbamide
ON2092	N-Nitroso-N-methylurea / N-Methyl-N-nitrosocarbamide
ON2090	N-Nitroso-N-methylurethane / Carbamic acid, methylnitroso-, ethyl ester
ON2214	N-Nitrosopiperidine / Pyridine, hexahydro-N-nitroso-
ON2215	N-Nitrosopyrrolidine / Pyrrole, tetrahydro-N-nitroso-
ON2030	5-Nitro-o-toluidine / Benzenamine, 2-methyl-5-nitro-
ON2216	1,2-Oxathiolane 2,2-dioxide / 1,3-Propane sultone
ON2113	2H-1,3,2-Oxazaphosphorine, 2-(bis(2-chloroethyl)amino) tetrahydro-, oxide 2- / Cyclophosphamide
ON2168	Oxirane / Ethylene oxide
ON2102	Oxirane, 2-(chloromethyl)- / Epichlorohydrin
ON2217	Paraldehyde / s-Trioxane, 2,4,6-trimethyl-
ON2058	Pentachlorobenzene / Benzene, pentachloro-
ON2157	Pentachloroethane / Ethane, pentachloro-
ON2059	Pentachloronitrobenzene / Benzene, pentachloronitro-
ON2218	Pentachlorophenol / Phenol, pentachloro-
ON2203	1,3-Pentadiene / Piperylene
ON2003	Phenacetin / N-(4-Ethoxyphenyl)acetamide
ON2049	Phenol / Hydroxybenzene
ON2107	Phenol, 2-chloro- / o-Chlorophenol
ON2101	Phenol, 4-chloro-3-methyl- / 4-Chloro-m-cresol
ON2132	Phenol, 2,4-dichloro- / 2,4-Dichlorophenol
ON2133	Phenol, 2,6-dichloro- / 2,6-Dichlorophenol
ON2146	Phenol, 2,4-dimethyl- / Xylenol
ON2212	Phenol, 4-nitro- / p-Nitrophenol
ON2218	Phenol, pentachloro- / Pentachlorophenol
ON2219	Phenol, 2,3,4,6-tetrachloro- / 2,3,4,6-Tetrachlorophenol
ON2220	Phenol, 2,4,5-trichloro- / 2,4,5-Trichlorophenol
ON2221	Phenol, 2,4,6-trichloro- / 2,4,6-Trichlorophenol
ON2188	2,3-Phenylene-pyrene / Indeno(1,2,3-cd)pyrene
ON2191	Phosphoric acid, lead salt / Lead phosphate
ON2139	Phosphorodithioic acid, O,O-diethyl-, S-methyl ester / O,O-Diethyl-S-methyl-dithiophosphate
ON2222	Phosphorus sulphide / Phosphorus pentasulphide
ON2035	Phthalic anhydride / 1,2-Benzenedicarboxylic acid anhydride
ON2223	2-Picoline / 2-Methylpyridine
ON2127	Pronamide / 3,5-Dichloro-N-(1,1-dimethyl-2-propynyl) benzamide

REFERENCE NUMBER	NAME OF CHEMICAL
ON2224	1-Propanamine / n-Propylamine
ON2149	1-Propanamine, N-propyl- / Dipropylamine
ON2124	Propane, 1,2-dibromo-3-chloro- / 1,2-Dibromo-3-chloropropane
ON2193	Propanedinitrile / Malononitrile
ON2213	Propane, 2-nitro- / 2-Nitropropane
ON2075	Propane, 2,2'-oxybis(2-chloro- / Bis(2-chloroisopropyl) ether
ON2216	1,3-Propane sultone / 1,2-Oxathiolane, 2,2-dioxide
ON2225	1-Propanol, 2,3-dibromo-, phosphate (3:1) / Tris-(2,3-dibromopropyl) phosphate
ON2180	1-Propanol, 2,3-epoxy- / Glycidaldehyde
ON2189	1-Propanol, 2-methyl- / Isobutanol
ON2226	2-Propanone / Acetone
ON2012	2-Propenamide / Acrylamide
ON2135	Propene, 1,3-dichloro- / 1,3-Dichloropropene
ON2184	1-Propene, 1,1,2,3,3,3-hexachloro- / Hexachloropropene
ON2014	2-Propenenitrile / Acrylonitrile
ON2195	2-Propenenitrile, 2-methyl- / Methacrylonitrile
ON2013	2-Propenoic acid / Acrylic acid
ON2167	2-Propenoic acid, ethyl ester / Ethyl acrylate
ON2170	2-Propenoic acid, 2-methyl-, ethyl ester / Ethyl methacrylate
ON2205	2-Propenoic acid, 2-methyl-, methyl ester / Methyl methacrylate
ON2227	Propionic acid, 2-(2,4,5-trichlorophenoxy)- / Silvex
ON2224	n-Propylamine / 1-Propanamine
ON2134	Propylene dichloride / 1,2-Dichloropropane
ON2228	Pyridine / Azabenzene
ON2202	Pyridine, 2-((2-(dimethylamino)ethyl)-2-thenylamino)- / Methapyriline
ON2214	Pyridine, hexahydro-N-nitroso- / N-Nitrosopiperidine
ON2223	Pyridine, 2-methyl- / 2-Picoline
ON2206	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo- / Methylthiouracil
ON2215	Pyrrole, tetrahydro-N-nitroso- / N-Nitrosopyrrolidine
ON2229	Reserpine / 3,4,5-Trimethoxybenzoyl methyl reserpate
ON2046	Resorcinol / 1,3-Benzenediol
ON2065	Saccharin and salts / 1,2-Benzisothiazolin-3-one, 1,1-dioxide and salts
ON2055	Safrole / Benzene, 1,2-methylenedioxy-4-allyl
ON2230	Selenious acid / Monohydrated selenium dioxide
ON2231	Selenium dioxide / Selenium oxide
ON2232	Selenium disulphide / Sulphur selenide
ON2019	L-Serine, diazoacetate (ester) / Azaserine
ON2227	Silvex / Propionic acid, 2-(2,4,5-trichlorophenoxy)-
ON2140	4,4'-Stilbenediol, alpha,alpha'-diethyl- / Diethylstilbestrol
ON2179	Streptozotocin / D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-
ON2187	Sulphur hydride / Hydrogen sulphide
ON2147	Sulphuric acid, dimethyl ester / Dimethyl sulphate
ON2222	Sulphur phosphide / Phosphorus pentasulphide
ON2232	Sulphur selenide / Selenium disulphide
ON2233	2,4,5-T / 2,4,5-Trichlorophenoxyacetic acid
ON2061	1,2,4,5-Tetrachlorobenzene / Benzene, 1,2,4,5-tetrachloro-

REFERENCE NUMBER	NAME OF CHEMICAL
ON2158	1,1,1,2-Tetrachloroethane / Ethane, 1,1,1,2-tetrachloro-
ON2159	1,1,2,2-Tetrachloroethane / Ethane, 1,1,2,2-tetrachloro-
ON2166	Tetrachloroethylene / Perchloroethylene
ON2219	2,3,4,6-Tetrachlorophenol / Phenol, 2,3,4,6-tetrachloro-
ON2178	Tetrahydrofuran / Oxolane
ON2007	Thallium (I) acetate / Acetic acid, thallium (I) salt
ON2095	Thallium (I) carbonate / Carbonic acid, dithallium (I) salt
ON2234	Thallium (I) chloride / Thallous chloride
ON2235	Thallium (I) nitrate / Thallous nitrate
ON2160	Thioacetamide / Ethanethioamide
ON2199	Thiomethanol / Methyl mercaptan
ON2093	Thiourea / Thiocarbamide
ON2076	Thiram / Bis(dimethylthiocarbamoyl) disulphide
ON2050	Toluene / Methylbenzene
ON2121	Toluenediamine / Diaminotoluene
ON2044	Toluene diisocyanate / Benzene, 2,4-diisocyanato-1-methyl-
ON2029	O-Toluidine hydrochloride / Benzenamine, 2-methyl-, hydrochloride
ON2016	1H-1,2,4-Triazol-3-amine / Amitrole
ON2161	1,1,1-Trichloroethane / Ethane, 1,1,1-trichloro-
ON2162	1,1,2-Trichloroethane / Ethane, 1,1,2-trichloro-
ON2236	Trichloroethene / Trichloroethylene
ON2236	Trichloroethylene / Trichloroethene
ON2200	Trichloromonofluoromethane / Trichlorofluoromethane
ON2220	2,4,5-Trichlorophenol / Phenol, 2,4,5-trichloro-
ON2221	2,4,6-Trichlorophenol / Phenol, 2,4,6-trichloro-
ON2233	2,4,5-Trichlorophenoxyacetic acid / 2,4,5-T
ON2063	sym-Trinitrobenzene / 1,3,5-Trinitrobenzene
ON2217	1,3,5-Trioxane, 2,4,6-trimethyl- / Paraldehyde
ON2225	Tris(2,3-dibromopropyl) phosphate / 1-Propanol, 2,3-dibromo-, phosphate
ON2209	Trypan blue / 2,7-Naphthalenedisulphonic acid, 3,3'-((3,3'-dimethyl-4,4'-biphenylene)bis(azo))-bis(5-amino-4-hydroxy-, tetrasodium salt
ON2237	Uracil, 5-(bis(2-chloroethyl)amino)- / Uracil mustard
ON2237	Uracil mustard / Uracil, 5-(bis(2-chloroethyl)amino)-
ON2165	Vinyl chloride / Ethene, chloro-
ON2009	Warfarin, when present at concentrations of 0.3 per cent or less / 3-(alpha-Acetylbenzyl)-4-hydroxy-coumarin and salts, when present at concentrations of 0.3 per cent or less
ON2045	Xylene / Dimethylbenzene
ON2146	Xylenol / 2,4-Dimethylphenol
ON2229	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxyl)-, methyl ester / Reserpine
ON2238	Zinc phosphide, when present at concentrations of 10 per cent or less

O. Reg. 322/85, s. 11, part; O. Reg. 464/85, s. 9 (1, 2).

Schedule 3

SEVERELY TOXIC CONTAMINANTS

REFERENCE NUMBER	CONTAMINANT
ON3001	Aflatoxin
ON3002	2,3,7,8-Tetrachlorodibenzo-p-dioxin
ON3003	1,2,3,7,8-Pentachlorodibenzo-p-dioxin
ON3004	1,2,3,4,7,8-Hexachlorodibenzo-p-dioxin
ON3005	1,2,3,6,7,8-Hexachlorodibenzo-p-dioxin
ON3006	1,2,3,7,8,9-Hexachlorodibenzo-p-dioxin
ON3007	2,3,7,8-Tetrachlorodibenzo furan

O. Reg. 322/85, s. 11, *part*; O. Reg. 464/85, s. 9 (1), *part*.

Schedule 4

LEACHATE QUALITY CRITERIA

REFERENCE NUMBER	CONTAMINANT	CONCENTRATION (milligrams per litre)
ON4001	2,4,5-TP / Silvex / 2-(2,4,5-Trichlorophenoxy)propionic acid	0.01
ON4002	2,4-D	0.1
ON4003	Aldrin + Dieldrin	0.0007
ON4004	Arsenic	0.05
ON4005	Barium	1.0
ON4006	Boron	5.0
ON4007	Cadmium	0.005
ON4008	Carbaryl / 1-Naphthyl-N-methyl carbamate / Sevin	0.07
ON4009	Chlordane	0.007
ON4010	Chromium	0.05
ON4011	Cyanide (free)	0.2
ON4012	DDT	0.03
ON4013	Diazinon / Phosphordithioic acid, O,O-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) ester	0.0002
ON4014	Endrin	0.0002
ON4015	Fluoride	2.4
ON4016	Heptachlor + Heptachlor epoxide	0.003
ON4017	Lead	0.05
ON4018	Lindane	0.004
ON4019	Mercury	0.001
ON4020	Methoxychlor / 1,1,1-Trichloro-2, 2-bis(p-methoxyphenyl)ethane	0.1
ON4021	Methyl Parathion	0.007
ON4022	Nitrate + Nitrite	10.0
ON4023	Nitrioltriacetic acid	0.05
ON4024	Nitrite	1.0
ON4025	PCBs	0.003
ON4026	Parathion	0.035
ON4027	Selenium	0.01
ON4028	Silver	0.05
ON4029	Toxaphene	0.005
ON4030	Trihalomethanes	0.35

REFERENCE NUMBER	CONTAMINANT	CONCENTRATION (milligrams per litre)
ON4031	Uranium	0.02

LEACHATE EXTRACTION PROCEDURE

(1) Sampling

Collect a sufficient amount of sample to provide approximately 100 g of solid material, using techniques which ensure that the sample is representative of the waste.

(2) Equipment

- 2.1 Sieve, 9.5 mm mesh opening, stainless steel or plastic material.
- 2.2 Stainless steel filtration unit, 142 mm diameter, minimum 1L capacity, capable of sustaining a pressure of 5 kg/cm², applied to the solution to be filtered.
- 2.3 Membrane filter, 142 mm diameter, 0.45 µm diameter pore size, made of synthetic organic material such as cellulose acetate, cellulose nitrate, nylon or polycarbonate and which is compatible with the leachate to be filtered. Teflon is recommended for organic constituents.
- 2.4 Glass fibre prefilter, 124 mm diameter, 3 µm to 12 µm pore size range.
- 2.5 Vacuum filtration unit, 90 mm diameter.
- 2.6 Membrane filter 90 mm diameter as per Step 2.3.
- 2.7 Glass fibre filter 70 mm diameter as per Step 2.4.
- 2.8 Solid waste rotary extractor—a device that rotates the bottles end over end about a central axis through 360°, with a speed of 10 rpm. The dimensions of the box will depend on the needs of each laboratory. (Figure 1).
- 2.9 Structural Integrity Tester with a 3.18 cm diameter hammer weighing 0.33 kilogram and having a free fall of 15.24 cm. (Figure 2).
- 2.10 pH meter, with a readability of 0.01 pH unit and accuracy of ±0.1 pH units.
- 2.11 Cylindrical bottles, wide mouth, 1250 mL capacity, polyethylene or glass with Teflon lined cap for inorganic constituents; glass with Teflon-lined cap or Teflon bottles for organic constituents.

2.12 Cleaning Procedure

All glassware and equipment that comes into contact with the sample should be cleaned in the following way before each use:

- 2.12.1 Wash with a non-phosphate detergent solution.
- 2.12.2 Rinse twice with tap water.
- 2.12.3 Rinse twice with reagent water.
- 2.12.4 Wash with 10% nitric acid.
- 2.12.5 Rinse several times with reagent water.
- 2.12.6 Store bottles filled with 10% nitric acid, until ready to use.
- 2.12.7 Rinse several times with reagent water before use.
- 2.12.8 Rinse clean oven dried bottles with methylene chloride, followed by methanol, for organic constituents.

(3) Reagents

- 3.1 Acetic acid, 0.5 N. Dilute 29.4 mL of concentrated acetic acid (ACS grade) to 1000 mL with reagent water.
- 3.2 Reagent water, Type IV (ASTM Specification D 1193). For organic parameters, the reagent water should be free of any organic substances to be analyzed (ASTM Type 1).
- 3.3 Nitric acid, 10% (v/v). Add 100 mL of concentrated nitric acid (ACS grade) to 900 mL of reagent water.
- 3.4 Nitrogen gas, pre-purified, scrubbed through a molecular sieve.

(4) Separation Procedure

If the sample contains a distinct liquid and a solid phase, separate it into its component phases using the following procedure:

- 4.1 Determine the dry weight of the solids in the sample at 60°C, using a well homogenised sample. Use this weight to determine the amount of material to be filtered.
- 4.2 Assemble the filtration unit with a filter bed consisting of a 0.45 µm pore size membrane filter and a coarse glass fibre pre-filter upstream of the membrane filter (per manufacturer's instructions).
- 4.3 Select one or more blank filters from each batch of filters. Filter 50 mL portions of reagent water through each test filter and analyze the filtrate for the analytical parameters of interest. Note the volume required to reduce the blank values to acceptable levels.
- 4.4 Wash each filter used in the leach procedure with at least this predetermined volume of water. Filter under pressure until no water flows through the filtrate outlet.
- 4.5 Remove the moist filter bed from the filtration unit and determine its weight to the nearest ± 0.01 g.
- 4.6 Re-assemble the filtration unit, replacing the filter bed, as before.
- 4.7 Comminute the sample, with a mortar and pestle, to a size that will pass through the opening of the filtration unit (less than 9.5 mm).
- 4.8 Agitate the sample by hand and pour a representative aliquot of the solid and liquid phases into the opening of the filtration unit. Filter a sufficient amount of the sample to provide at least 60 g of dry solid material.
- 4.9 Pressurize the reservoir very slowly with nitrogen gas by means of the regulating valve on the nitrogen gas cylinder, until liquid begins to flow freely from the filtrate outlet.
- 4.10 Increase the pressure step-wise in increments of 0.5 kg/sq. cm to a maximum of 5 kg/sq. cm, as the flow diminishes. Continue filtration until the liquid flow ceases or the pressurizing gas begins to exit from the filtrate outlet of the filter unit.
- 4.11 De-pressurize the filtration unit slowly using the release valve on the filtration unit. Remove and weigh the solid material together with the filter bed to ± 0.01 g. Record the weight of the solid material.
- 4.12 Measure and record the volume and pH of the liquid phase. Store the liquid at 4°C under nitrogen until required in Step 5.13.
- 4.13 Discard the solid portion, if the weight is less than 0.5% (w/v) of the aliquot taken. If not, proceed to Step 5.1.

Note: For mixtures containing coarse grained solids, where separation can be performed without imposing a 5 kg/sq. cm differential pressure, a vacuum filtration unit with a filter bed as per Step 4.2 may be used. Vacuum filtration must not be used, if volatile organic compounds are to be analysed.

(5) Extraction Procedure

- 5.1 Prepare a solid sample for extraction by crushing, cutting or grinding, to pass through a 9.5 mm mesh sieve. If the original sample contains both liquid and solid phases, use the solid material from Step 4.13. The structural integrity procedure, Step 6, should be used for monolithic wastes which are expected to maintain their structural integrity in a landfill, (e.g. some slags and treated solidified wastes).

Note: Do not allow the solid waste material to dry prior to the extraction step.

- 5.2 Determine the moisture content of the de-watered sample, by drying a suitable aliquot to constant weight at 60°C in an oven. Discard the dried solid material.
- 5.3 Place the equivalent of 50 g dry weight of the de-watered undried material into a 1250 mL wide mouth cylindrical bottle. Use additional bottles, if a larger volume of leachate is required for the analysis.
- 5.4 Add 800 mL (less the moisture content of the sample in mL) of reagent water to the bottle.
- 5.5 Cap the bottle and agitate it in the rotary extractor for 15 minutes before pH measurement.
- 5.6 Measure and record the pH of the solution in the bottle using a pH meter, calibrated with buffers at pH 7.00 and pH 4.00. The solution should be stirred during the pH measurement.
- 5.7 Proceed to Step 5.10.1, if the pH is less than 5.2.
- 5.8 Add a sufficient volume of 0.5N acetic acid if the pH is greater than 5.2 to bring the pH to 5.0 ± 0.2 .

Note: Maximum Amount of Acid: No more than 4 mL of 0.5N acetic acid per gram of dry weight of sample may be added during the entire procedure. If the pH is not lowered to 5.0 ± 0.2 with this amount, proceed with the extraction.

- 5.9 Cap the bottle and place it in the tumbling apparatus. Rotate the bottle and its contents at 10 rpm for 24 hours at room temperature (20°C to 25°C).
- 5.10 Monitor, and manually adjust the pH during the course of the extraction, if it is greater than 5.0 ± 0.2 . The following procedure should be carefully followed:

- 5.10.1 Measure the pH of the solution after 1 hour, 3 hours and 6 hours from the starting time. If the pH is above 5.2, reduce it to pH 5.0 ± 0.2 by addition of 0.5N acetic acid. If the pH is below 5.0 ± 0.2 , do not make any adjustments.
- 5.10.2 Adjust the volume of the solution to 1000 mL with reagent water, if the pH is below 5.0 ± 0.2 after 6 hours.
- 5.10.3 Measure and reduce the pH to 5.0 ± 0.2 , if required, after 22 hours and continue the extraction for an additional 2 hours.
- 5.11 Add enough reagent water at the end of the extraction period so that the total volume of liquid is 1000 mL. Record the amount of acid added and the final pH of the solution.
- 5.12 Separate the material into its component liquid and solid phases as described under the Separation Procedure, Step 4. Discard the solid portion.
- Note: It may be necessary to centrifuge the suspension at high speed before filtration, for leachates containing very fine grained particles.*
- 5.13 Calculate the amount of free liquid from Step 4.12 corresponding to 50 g of the dry solid material. Add this amount to the leachate from Step 5.12.
- Note: If the analysis is not performed immediately, store separate aliquots of the leachate at 4 °C, after adding appropriate preservatives for the analytical parameters of interest (See "A Guide to the Collection and Submission of Samples for Laboratory Analysis", Ontario Ministry of the Environment, July 1979).*
- 5.14 Analyze the combined solutions from Step 5.13 for contaminants listed in Schedule 4, that are likely to be present.
- 5.15 Report concentrations of contaminants in the combined leachate and the free liquid solution as mg/L.
- 5.16 Carry a blank sample through the entire procedure, using dilute acetic acid at pH 5.0 ± 0.2 .

(6) Structural Integrity Procedure

This procedure may be required prior to extraction for some samples as indicated in Step 5.1. It may be omitted for wastes with known high structural integrity.

Procedure

- 6.1 Fill the sample holder with the material to be tested. If the sample of the waste is a large monolithic block, cut a portion from the block measuring 3.3 cm in diameter by 7.1 cm in length. For a treated waste (e.g. solidified waste) samples may be cast in a form with the above dimensions for the purposes of conducting this test. In such cases, the waste should be allowed to cure for 30 days prior to further testing.
- 6.2 Place the sample holder in the structural integrity tester, then raise the hammer to its maximum height and allow it to fall. Repeat this procedure 14 times.
- 6.3 Remove the material from the sample holder, and proceed to Step 5.2. If the sample has not disintegrated, it may be sectioned; alternatively use the entire sample (after weighing) and a sufficiently large bottle as the extraction vessel. The volume of reagent water to be initially added is 16 mL/g of dry sample weight. The maximum amount of 0.5N acetic acid to be added is 4 mL/g of dry sample weight. The final volume of the leachate should be 20 mL/g of dry sample weight.

LEACHATE 6

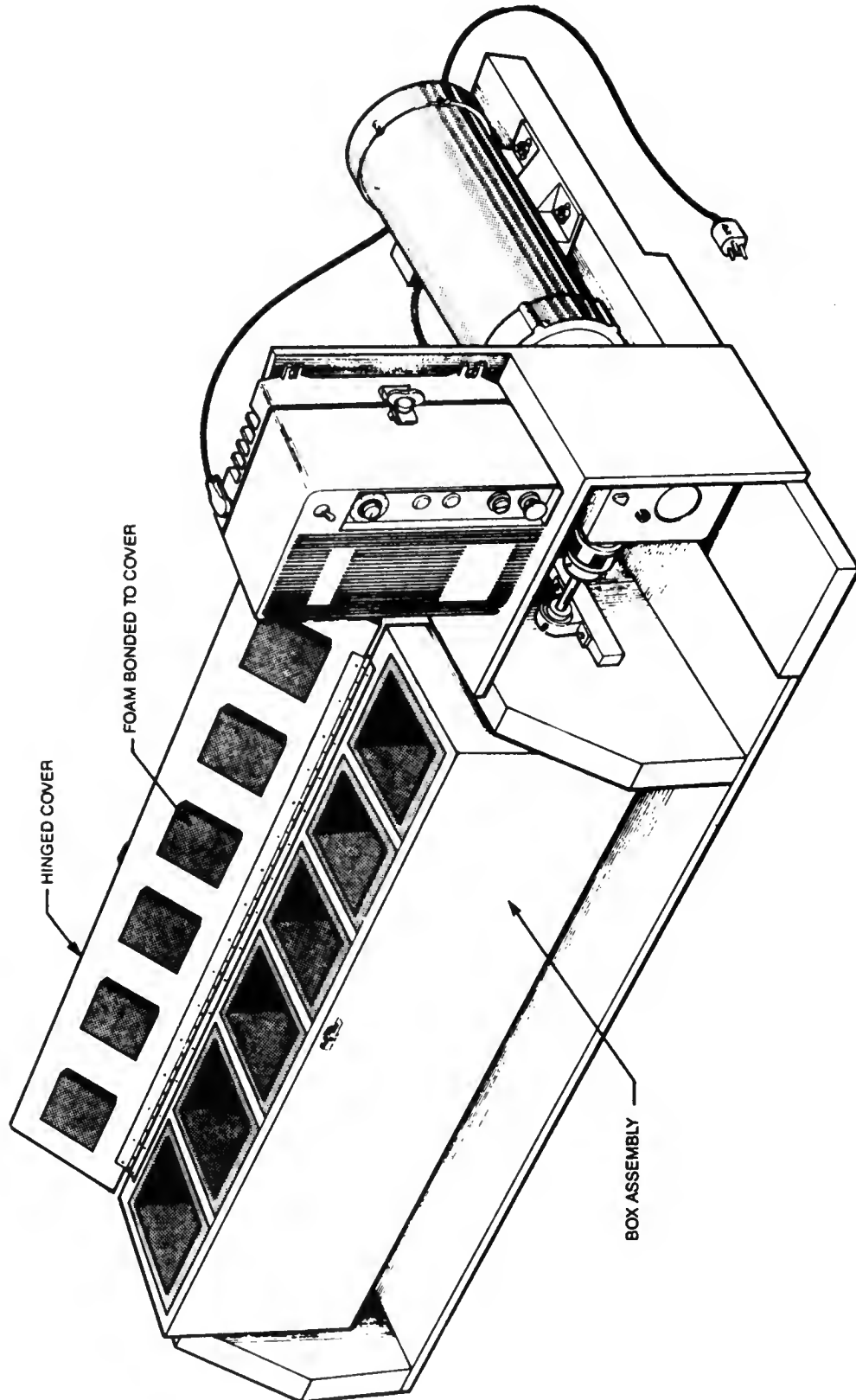
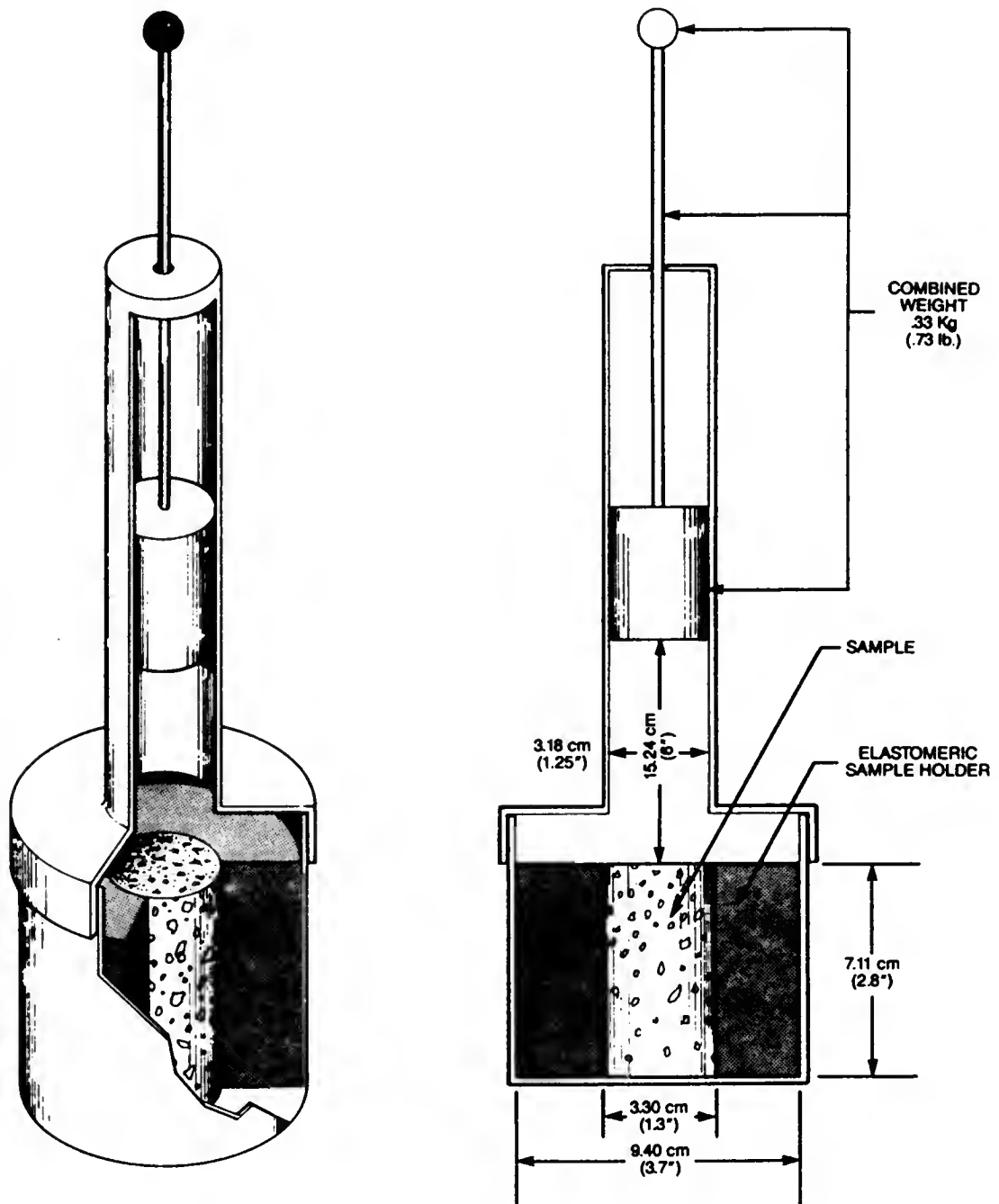


FIGURE 1
SOLID WASTE ROTARY EXTRACTOR

LEACHATE 7



**FIGURE 2
STRUCTURAL INTEGRITY TESTER**

TEST METHOD FOR THE DETERMINATION OF "LIQUID WASTE" (SLUMP TEST*)

1) Sampling

Obtain a representative sample of the waste to be tested.

2) Equipment

- 2.1 Mould—the representative waste sample shall be formed in a mould, in the form of the frustum of a cone with the base 200 mm in diameter, the top 100 mm in diameter, and the height 300 mm. The base and the top shall be open and parallel to each other and at right angles to the axis of the cone. The mould shall be made of a metal that is chemically resistant to the wastes to be tested and that has a thickness that is at least 1.5 mm. It shall be provided with foot pieces and handles as shown in Figure 3.
- 2.2 Tamping Rod—the rod shall be round, straight, and steel with a diameter of 16 mm and a length of 600 mm. One end shall be rounded to a hemispherical tip with a diameter of 16 mm.

3) Procedure

- 3.1 Dampen the mould and place it on a flat, moist, non-absorbent (rigid) surface. Hold the mould firmly in place during filling by standing on the two foot pieces. From the sample of the material obtained, immediately fill the mould in three layers, each approximately one-third the volume of the mould.

Notes: 1) The test must be carried out at a temperature of not less than 10°C.

2) One-third of the volume of the slump mould fills it to a depth of 70 mm. Two-thirds of the volume fills it to a depth of 160 mm.

- 3.2 Rod each layer with 25 strokes of the tamping rod. Uniformly distribute the strokes over the cross-section of each layer. For the bottom layer this will necessitate inclining the rod slightly and making approximately half of the strokes near the perimeter, and then progressing with vertical strokes spirally toward the center. Rod layers throughout their depth. For the second layer and the top layer, the strokes must just penetrate into the underlying layers.

*The method is based on the Canadian Standards Association test method for determining the slump of concrete (A23.2-5C).

- 3.3 When filling and rodding the top layer, heap the material above the mould before rodding is started. If the rodding operation results in subsidence of the material below the top edge of the mould, add additional material to maintain an excess of material above the top of the mould. After the top layer has been rodded, the excess material shall be screeded off to the level of the top of the mould. Remove the spilled material from the base of the mould.
- 3.4 Withdraw the mould immediately from the material by raising it carefully in a vertical direction. The operation of raising the mould shall be performed in approximately 5 seconds by a steady upward lift with no lateral or torsional motion. The entire operation from the start of the filling through removal of the mould shall be carried out without interruption and shall be completed within 2 minutes.
- 3.5 Determine the slump immediately after by measuring the difference between the height of the mould and the average height of the top surface of the material after subsidence.

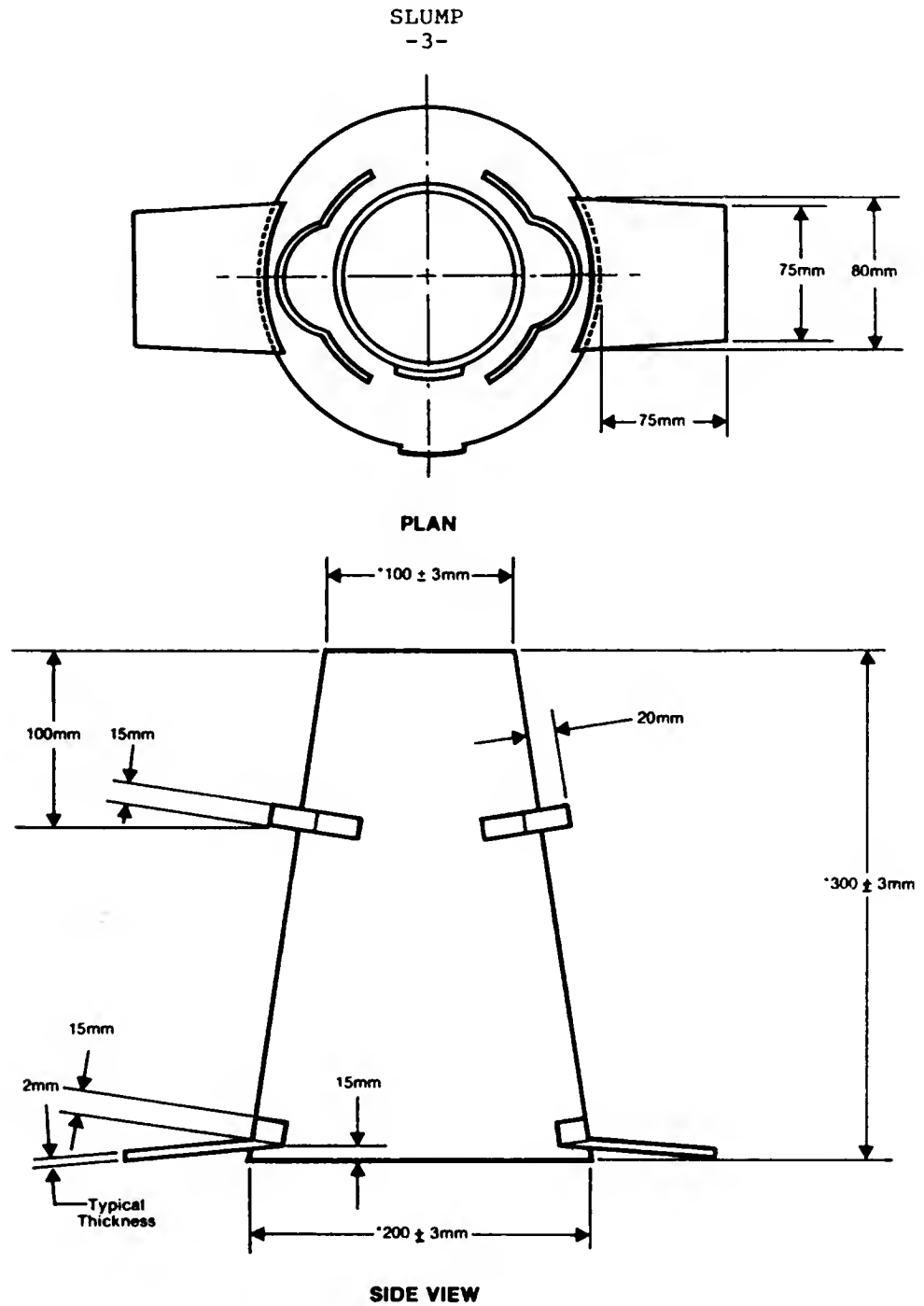
Notes: 1) Waste samples that break or slump laterally give incorrect results. When this condition occurs the test shall be repeated with a new sample.

2) If two consecutive tests on a sample of material show a falling away or shearing off of a portion of the material from the mass of the specimen, the material probably lacks necessary plasticity and cohesiveness for the slump test to be applicable.

3) Duplicate tests on two different portions of the sample should not vary more than 10 mm.

4) Report

- 4.1 Record the slump in millimeters to the nearest 10 mm of subsidence of the sample during the test.



**FIGURE 3
MOULD FOR SLUMP TEST**

Except where indicated by an asterisk, all measurements are approximate.

O. Reg. 322/85, s. 11, part; O. Reg. 464/85, s. 9 (1), part.

REGULATION 348**HAULED LIQUID INDUSTRIAL WASTE DISPOSAL SITES**

1.—(1) In this Regulation “reference period” means the five year period ending on the 1st day of December, 1981.

(2) Sites in respect of which certificates of approval or provisional certificates of approval relating to the disposal of hauled liquid industrial waste by landfilling or the termination of the disposal of hauled liquid industrial waste by landfilling are issued under Part V of the Act after the 1st day of December, 1981 are classified and are exempt from this Regulation. O. Reg. 808/81, s. 1.

2.—(1) The sites set out in Schedule 1 are classified as Schedule 1 sites.

(2) Schedule 1 sites are exempt from sections 27, 28, 40, 41 and 43 of the Act. O. Reg. 808/81, s. 2.

3.—(1) The following are prescribed as standards for the operation and maintenance of Schedule 1 sites:

1. Utilization of the site shall be in accordance with the terms and conditions in the most recently issued certificate of approval or provisional certificate of approval in respect of the site whether or not the certificate is valid.
2. Utilization of the site shall be in accordance with all plans and specifications, as amended, concerning the site, submitted to and accepted by the Director or as altered by terms and conditions in the most recently issued certificate of approval or provisional certificate of approval in respect of the site, whether or not the certificate is valid.
3. There shall not be accepted at the site, for disposal, waste of a type or category that was not accepted there during the reference period.
4. In any period of twelve months, there shall not be accepted at the site, for disposal by landfilling, more than 110 per cent of the waste accepted for disposal by landfilling during any twelve month period in the reference period.
5. In any period of twelve months, the proportion of hauled liquid industrial waste accepted for disposal to total waste accepted for disposal, shall not exceed the proportion accepted during the reference period.
6. Access to the site shall be limited to those times when operational staff are on duty and only those persons authorized to use the site shall be allowed access to it.
7. When operational staff of the site are not on duty, the roadway to the site shall be closed by a locked gate.
8. The quantity of all wastes received at the site shall be accurately determined.
9. Ground water and surface water quality in and around the site shall be regularly monitored in accordance with a suitably designed program for the purpose. O. Reg. 808/81, s. 3.

(2) No person shall operate a Schedule 1 site except in accordance with the standards prescribed in subsection (1). O. Reg. 599/88, s. 1.

4. The following are prescribed as records to be kept by every operator of a Schedule 1 site:

1. A daily record of quantities and classes of waste accepted at the site.

2. A record of site utilization made as areas or cells are newly opened or finally closed.
3. A record of the results of any ongoing monitoring programs for ground water, surface water, leachate and gas. O. Reg. 808/81, s. 4.
5. The following are prescribed as reports to be submitted by the operator of a Schedule 1 site to the Director every calendar year:
 1. A report summarizing the records kept under paragraph 1 of section 4.
 2. A report summarizing the records kept under paragraph 2 of section 4.
 3. A report summarizing and providing a detailed analysis of the records kept under paragraph 3 of section 4.
 4. A report in the form of a site map indicating all the newly and previously landfilled areas including elevation contours at five feet intervals, pollution control facilities, on-site roads, access roads, buildings, screening and monitoring locations.
 5. A report on the operation of the leachate collection system, if any.
 6. A report on the life expectancy of the site including details as to the anticipated growth in volumes of waste and anticipated new classes of wastes.

Schedule 1

1. The Corporation of the City of Barrie landfilling site located on Lot 22, Concession 7, City of Barrie, County of Simcoe.
2. The Corporation of the Township of Hamilton landfilling site located on lots 7 and 8, Concession 2, Township of Hamilton, County of Northumberland.
3. The Corporation of the Town of Arnprior landfilling site located on Lot 10, Concession 13, Township of McNab, County of Renfrew.
4. The Corporation of the City of Brantford landfilling site located on part of Lovejoy Grant and Lot 20 in the Eagle's Nest Tract, City of Brantford, County of Brant.
5. The Corporation of the Town of Paris landfilling site located on township Lot 31, Town of Paris (formerly Township of South Dumfries), County of Brant.
6. The Corporation of the City of Guelph landfilling site located on lots 4 and 5, Concession 5, Division 'C', City of Guelph (formerly Township of Guelph) and on lots 4 and 5, Concession 5, Division 'C', Township of Guelph, all in the County of Wellington.
7. The Tricil Limited landfilling site located on Lot 9, Concession 10, Township of Moore, County of Lambton.
8. The Corporation of the City of Welland landfilling site located on Registered Plan 14 South of Maccomb St. (formerly St. John St.), City of Welland (formerly Township of Crowland), Regional Municipality of Niagara. O. Reg. 808/81, Sched. 1.

REGULATION 349**HOT MIX ASPHALT FACILITIES**

1. In this Regulation, “aggregate” means any material, including gravel, slag, limestone,

crushed rock, sand, hydrated lime, cement, furnace ash, glass or sulphur, used to produce asphalt paving when mixed with bituminous asphalt;

“HMA facility” means a hot mix asphalt facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material;

“portable HMA facility” means an HMA facility that remains at one location for less than one year;

“reference pressure” means a pressure of 101,325 pascals;

“reference temperature” means a temperature of 25 degrees Celsius;

“suspended particulate matter” means any solid or condensable material carried in the exhaust gases from an HMA facility collected and measured by standard sampling and analytical methods described in the “Source Testing Code” published by the Ministry of the Environment. O. Reg. 469/87, s. 1.

2.—(1) Except for the period of fifteen minutes immediately following start-up, no person responsible for an HMA facility shall operate or permit the operation of the facility in such a manner as to emit suspended particulate matter into the air at a concentration in excess of 0.230 grams per cubic metre measured dry and undiluted in the exhaust gases and reported at reference temperature and reference pressure.

(2) This section does not apply to an HMA facility operating under a certificate of approval issued before the 31st day of December, 1985. O. Reg. 469/87, s. 2.

3. Except for a period of fifteen minutes immediately following start-up, no person responsible for an HMA facility shall operate or permit the operation of the facility so that visible material including a water plume and fallout of water droplets emitted into the air from the facility impinges on any point beyond the limits of the property on which the facility is located. O. Reg. 469/87, s. 3.

4. No person responsible for an HMA facility shall permit visible solid material emitted from any source other than the facility to pass beyond the limits of the property on which the facility is located. O. Reg. 469/87, s. 4.

5. In the event that malfunctioning of an HMA facility or any other operating condition occurs that results in the limits prescribed in section 2, 3 or 4 being exceeded, the person responsible for the facility shall,

- (a) immediately take all possible steps to minimize the extent and duration of the event including, when necessary, reducing the rate at which reclaimed asphalt paving is fed to the facility;
- (b) immediately notify the Director and furnish him or her with particulars of the event; and
- (c) at the earliest opportunity, but not later than seven days after the event, furnish the Director with the particulars of the event in writing. O. Reg. 469/87, s. 5.

6. Every person responsible for a portable HMA facility shall,

- (a) keep a copy of the certificate of approval issued for the facility available for inspection at the facility site; and
- (b) give notice of any intended relocation of the facility by completing Form 1 and submitting it to the Director at least fifteen days before the intended relocation. O. Reg. 469/87, s. 6.

Form 1

Environmental Protection Act

PORTABLE HOT MIX ASPHALT FACILITY

NOTICE OF INTENDED RELOCATION

1. Name of company owning and/or operating portable HMA facility, contact person and telephone number.

.....
.....

2. Certificate of Approval number (please attach copy of certificate)

.....

3. Proposed location of portable HMA facility (municipality, lot and concession number). Please attach a sketch to show location of nearest residences and other land uses within a 500 metre radius, i.e. schools, hospitals, shopping centres, senior citizens homes.

.....
.....

4. Operating Schedule

(a) Date of commencement and completion of contract

.....

(b) Days of Operation

(c) Hours of Operation

5.

(a) Type of portable HMA facility

.....

(b) Rate of Production

.....

(c) Emission control equipment (fabric filter, wet scrubber)

.....

(d) Fuel used

.....

6. Proposed maximum amount of reclaimed asphalt paving (RAP) to be used (i.e. maximum percentage in mix 30%, 50%, etc.)

.....

7. Previous location of HMA facility (last contract site, municipality, lot and concession number)

.....

REGULATION 350**LAMBTON INDUSTRY METEOROLOGICAL ALERT**

1.—(1) In this Regulation,

“Alert” means an alert declared by the Director under section 2;

“Lambton Industry Meteorological Alert System” means an air monitoring system utilizing meteorological facilities and data from four air monitoring stations located in Port Huron, Corunna and Sarnia; and

“source of contaminant” means a source of contaminant capable of emitting 500 kilograms of sulphur dioxide into the air in a twenty-four hour period.

(2) The application of this Regulation is limited to that part of the County of Lambton bounded by Lake Huron, the St. Clair River, that part of the King’s Highway known as No. 80, the roadway known as Moore Township Road 31 and its continuation through that part of the King’s Highway known as No. 40 and the roadway known as Lambton County Road 27. O. Reg. 151/81, s. 1.

2.—(1) The Director may declare an Alert when the twenty-four hour running average sulphur dioxide concentration at any monitoring station in the Lambton Industry Meteorological Alert System reaches 0.07 parts per million parts of air and meteorological forecasts indicate a continuation for six hours of weather conditions conducive to elevated sulphur dioxide concentrations.

(2) The Director shall declare the termination of an Alert, when weather conditions conducive to the elevated sulphur dioxide concentrations referred to in subsection (1) end, and are forecast not to return within the next six hours. O. Reg. 151/81, s. 2.

3.—(1) During an Alert, no person shall cause or permit the emission of sulphur dioxide from a source of contaminant so that its concentration at a point of impingement exceeds 415 micrograms of sulphur dioxide per cubic metre of air, half hour average.

(2) The concentration of sulphur dioxide at a point of impingement shall be calculated in accordance with the Appendix to Regulation 346 of Revised Regulations of Ontario, 1990. O. Reg. 151/81, s. 3.

REGULATION 351**MARINAS**

1. In this Regulation,

“commercial marina” means a place located on or adjacent to a body of water or a watercourse where overnight moorings, moorings for a fee, storage, repairs, or marine fuel are ordinarily provided for or supplied to pleasure boats in which toilets are installed and includes a place operated by a boat or yacht club;

“litter” means organic and inorganic waste, except sewage, and includes fuel, lubricants, paper, rags, bottles, glass, plastics, crockery, cans, scrap metal, junk, or similar refuse or garbage;

“marina” means a place located on or adjacent to a body of water or a watercourse where moorings or any services are provided for pleasure boats or the occupants thereof, and includes a commercial marina but does not include a place used primarily by the owner thereof for the owner’s purposes;

“operator” includes the owner or lessee of a marina;

“pleasure boat” means a boat used primarily for the carriage of a

person or persons for pleasure, whether on charter or not, and whether for compensation or not, and includes a boat used on water for living purposes;

“pump-out facility” means a device or equipment for removing sewage from a pleasure boat in which a toilet is installed by the use of hose or pipe connected to a pump or equipment designed to create suction and located other than on the boat from which the sewage is to be removed;

“sewage” means all human excrement;

“toilet”, in relation to a pleasure boat, means equipment designed or used for defecation or urination by humans. R.R.O. 1980, Reg. 310, s. 1.

2. The operator of a marina shall,

- (a) provide at the marina containers for litter in sufficient number and so located that they can be conveniently used by occupants of pleasure boats;
- (b) ensure that the containers are maintained in a sound and sanitary condition; and
- (c) dispose of litter in the containers in accordance with all applicable laws. R.R.O. 1980, Reg. 310, s. 2.

3. The operator of a commercial marina shall,

- (a) provide at the marina or arrange for at another place a pump-out facility that is easily accessible to and can be conveniently used by occupants of pleasure boats in which toilets are installed that are using the marina;
- (b) ensure that at all times during the period of operation of the marina any pump-out facility at the marina or arranged for at another place is in good operating condition;
- (c) remove or cause to be removed sewage from a pleasure boat in which a toilet is installed by means of a pump-out facility at the request of the person in charge of such boat upon payment of fee; and
- (d) transfer and dispose of sewage from any pump-out facility at the marina, or ensure the transfer and disposal of sewage from any pump-out facility arranged for at another place, in accordance with all applicable laws. R.R.O. 1980, Reg. 310, s. 3.

REGULATION 352**MOBILE PCB DESTRUCTION FACILITIES**

1. In this Regulation,

“local municipality” means a city, town, village, township or improvement district;

“mobile PCB destruction facility” means movable, transportable machinery or equipment that is intended to destroy the chemical structure of PCBs;

“PCB” means any monochlorinated or polychlorinated biphenyl or any mixture of them or mixture that contains one or more of them;

“PCB equipment” means equipment designed or manufactured to operate with PCB liquid or to which PCB liquid was added or drums and other containers used for the storage of PCB liquid;

“PCB liquid” means liquid containing PCBs at a concentration of more than fifty milligrams per kilogram;

"PCB material" means material containing PCBs at a concentration of more than fifty milligrams per kilogram whether the material is liquid or not;

"PCB waste" means,

- (a) PCB equipment,
- (b) PCB liquid, or
- (c) PCB material,

but does not include,

- (d) PCB material or PCB equipment after it has been decontaminated pursuant to guidelines or codes of practice published by the Ministry of the Environment,
- (e) PCB equipment that is,
 - (i) an electrical capacitor that has never contained over one kilogram of PCBs,
 - (ii) electrical, heat transfer or hydraulic equipment or a vapour diffusion pump that is being put to the use for which it was originally designed or is being stored for such use by a person who uses the equipment for the purpose for which it was originally designed, or
 - (iii) machinery or equipment referred to in subclause (f) (i), or
- (f) PCB liquid that is,
 - (i) at the site of fixed machinery or equipment, the operation of which is intended to destroy the chemical structure of PCBs by using the PCBs as a source of fuel or chlorine for a purpose other than the destruction of PCBs or other wastes and with respect to which a certificate of approval has been issued under section 9 of the Act specifying the manner in which PCB liquid be processed in the machinery or equipment, or
 - (ii) in PCB equipment referred to in subclause (e) (ii). O. Reg. 148/86, s. 1.

2.—(1) Mobile PCB destruction facilities that process PCB waste so that the PCB and associated organic matrix are disposed of by incineration or other thermo-chemical processes are classified as Class 1 mobile PCB destruction facility waste management systems.

(2) Mobile PCB destruction facilities that process PCB waste so that the PCB is disposed of by chemical means and the associated organic matrix is recovered for re-use or disposal are classified as Class 2 mobile PCB destruction facility waste management systems.

(3) Every site upon which a Class 1 mobile PCB destruction facility waste management system is situated to operate solely to destroy PCB waste is classified as a Class 1 mobile PCB destruction facility waste disposal site.

(4) Every site, except a Class 3 mobile PCB destruction facility waste disposal site, upon which a Class 2 mobile PCB destruction facility waste management system is situated to operate solely to destroy PCB waste is classified as a Class 2 mobile PCB destruction facility waste disposal site.

(5) Every site upon which is situated a Class 2 mobile PCB destruction facility waste management system that is connected to an electrical transformer for which the transformer fluid is treated and returned to that transformer is classified as a Class 3 mobile PCB destruction facility waste disposal site. O. Reg. 148/86, s. 2.

3.—(1) Class 2 mobile PCB destruction facility waste manage-

ment systems and Classes 2 and 3 mobile PCB destruction facility waste disposal sites are exempt from section 32 of the Act whereby a public hearing may be required.

(2) Classes 2 and 3 mobile PCB destruction facility waste disposal sites are exempt from section 30 of the Act requiring a public hearing.

(3) All classes of mobile PCB destruction facility waste disposal sites are exempt from section 46 of the Act. O. Reg. 148/86, s. 3.

4.—(1) Every operator of a mobile PCB destruction facility waste disposal site shall keep the following records in respect of the site:

1. A description of the source, nature and quantities of the PCB wastes dealt with.
2. The name of the owner of the site and the name of the operator of the site.
3. A description of the location of the site where the PCB wastes are being destroyed including, if that site is one authorized under Regulation 362 of Revised Regulations of Ontario, 1990, the name of the operator of that PCB waste disposal site.
4. The dates of receipt and destruction of the PCB wastes received.
5. The method of destruction used for disposal of the PCB waste and the time of commencement and cessation of each of the operations of the equipment used for each day or part day of operations.
6. Where monitoring or sampling equipment is employed, the resulting monitoring or sampling and analytical information and, where instructed by the Director in writing, a summary of the resulting monitoring or sampling and analytical information.
7. A description of the nature and quantities of any solid or liquid material remaining after destruction of PCB waste.
8. The methods, times and locations at which any material referred to in paragraph 7 is disposed of or stored.
9. A description of every accident, process upset, breakdown or spill that occurs at the site including the reasons for the occurrence, any damage or injury suffered and the measures taken to repair, mitigate or prevent damage or injury.

(2) Every operator of a mobile PCB destruction facility waste disposal site shall submit to the Director a written report containing the information required to be recorded under subsection (1) and paragraph 17 of section 6 within sixty days after the cessation of operations at the site.

(3) An operator may dispose of records kept under subsection (1) and paragraph 17 of section 6 five years after the submission of the report referred to in subsection (2). O. Reg. 148/86, s. 4.

5.—(1) No owner shall allow a Class 2 mobile PCB destruction facility waste management system to remain on a Class 2 or 3 mobile PCB destruction facility waste disposal site for more than ninety days after the start of its installation or assembly at the site.

(2) No owner shall operate or allow the operation of Class 2 mobile PCB destruction facility waste management systems except,

- (a) at Class 2 mobile PCB destruction facility waste disposal sites during the first year that they are located in a particular local municipality, if the operations would result in an aggregate, for the year, of more than a total of up to 1,800 hours; or

- (b) other than as permitted in clause (a), for more than a total of up to 1,440 hours without a break of at least one year before the next operation totalling up to 1,440 hours.

(3) No owner shall operate a mobile PCB destruction facility at any one Class 3 mobile PCB destruction facility waste disposal site for more than a total of up to 168 hours without a break of at least one year before the next operation totalling up to 168 hours may begin. O. Reg. 600/88, s. 1.

(4) Subsections (1), (2) and (3) do not apply where prior approval for a longer established site period or a longer operating period is granted by the Director, the municipal government responsible for waste disposal and the local municipality in which the site is located. O. Reg. 148/86, s. 5 (4).

6.—(1) No person shall use, operate or establish a mobile PCB destruction facility waste disposal site except in accordance with the following standards:

1. The maximum one-half hour average concentration of PCB in air at a point of impingement from a mobile PCB destruction facility waste disposal site shall not be greater than 450 nanograms per cubic metre of air.
2. The maximum one-half hour average concentrations of chlorinated dibenzodioxins and chlorinated dibenzofurans in air at a point of impingement from a mobile PCB destruction facility waste disposal site shall be such that the following calculation results in a value of A less than or equal to one:

$$\frac{X}{450 \text{ pg/m}^3} + \frac{Y}{450 \times 50 \text{ pg/m}^3} = A$$

where x = one half hour concentration, in pg/m^3 , of chlorinated dibenzodioxin determined at a point of impingement,

y = one half hour concentration, in pg/m^3 , of chlorinated dibenzofuran determined at a point of impingement, and

pg/m^3 = picograms per cubic metre.

3. The one-half hour average concentrations of PCB, chlorinated dibenzodioxins and di-benzofurans in air at a point of impingement shall be determined by measurement of the air or by calculation in accordance with the Appendix to Regulation 346 of Revised Regulations of Ontario, 1990 except, where the calculation is used, the maximum height above grade of the point of emission, for purposes of the calculation, shall be 12.2 metres.
4. For Class 1 systems, the mass air emissions from the system shall be no greater than 0.001 grams PCB per kilogram of the PCB introduced into the system.
5. Solid waste that originates from the operation of a mobile PCB destruction facility waste disposal site shall be dealt with as follows:
 - i. Where the waste contains a concentration of fifty milligrams per kilogram or less of PCB, the waste shall be disposed of in a properly certified waste disposal site.
 - ii. Waste that contains a concentration exceeding fifty milligrams per kilogram of PCB shall not be diluted.
 - iii. Where the waste contains a concentration exceeding fifty milligrams per kilogram of PCB, Regulation 362 of Revised Regulations of Ontario, 1990 applies to its storage, transportation and disposal.

6. PCB equipment shall not be decontaminated at a mobile PCB destruction facility waste disposal site unless the certificate of approval for the site expressly allows the activity.

7. Cooling water, surface drainage water, including contaminated precipitation, and other wastewater that originates from the operation of a mobile PCB destruction facility waste disposal site shall be dealt with as follows:

- i. Where the wastewater contains a concentration of up to five micrograms per litre of PCB, it may be discharged,

A. to a municipal sewage treatment plant,

1. if the certificate of approval of the site expressly allows the activity and specifies the municipal sewage treatment plants that may receive the discharge, or

2. in accordance with written instructions of the Director,

B. except as prohibited in subsection (2), by spraying it on soil,

1. if the certificate of approval of the site expressly allows the activity, or

2. in accordance with written instructions of the Director,

C. directly or indirectly into water,

1. if the certificate of approval of the site expressly allows the activity, or

2. in accordance with written instructions of the Director.

- ii. Where the wastewater contains a concentration of five micrograms per litre or greater of PCB, it shall be treated, through removal or destruction of the PCB, to reduce the PCB concentration to less than five micrograms per litre and discharged as provided in subparagraph i.

- iii. Wastewater containing tetrachlorinated to octachlorinated dibenzodioxins or tetrachlorinated to octachlorinated dibenzofurans shall not be discharged, directly or indirectly, into water unless the concentration of these materials in the wastewater ultimately discharged to the natural environment is equal to or less than 0.25 nanograms per litre for each congener group of these chemicals based on a one litre sample size.

8. Every person storing PCB waste at a mobile PCB destruction facility waste disposal site shall ensure that the PCB waste is in a safe and secure location so as to prevent PCB waste coming into contact with any person and so that all liquid containing PCBs that may escape can be readily recovered and will not discharge, directly or indirectly, into a watercourse or groundwater.

9. All PCB liquid that is spilled shall be safely and effectively contained forthwith and the liquid and all associated contaminated materials shall be placed in closed containment.

10. Except as provided in subsection (3), each mobile PCB destruction facility waste disposal site shall have an assigned storage area where all PCB wastes awaiting treatment, decontamination or destruction are contained.

11. The storage area referred to in paragraph 10 shall be contained by a spill collection tray system or an impoundment on an impermeable pad or floor of sufficient capacity to contain 100 per cent of the volume of the stored liquid or such lesser amount, consistent with maintaining the protection of human health and the natural environment, as the Director stipulates as a condition attaching to the site certificate of approval.
12. Precipitation shall be either excluded from spill containment areas or collected and sampled and that which is contaminated with PCBs dealt with in accordance with paragraph 7.
13. For Class 1 and 2 sites, the volume of PCB wastes contained in the storage area referred to in paragraph 10 shall not exceed the volume required for 120 hours of operation or such greater amount as the Director, after considering the capacity of the system, the type of storage, the site location and the contingency plans and spill containment features for the site, permits as a condition attaching to the site certificate of approval.
14. Drums and storage tanks used to store PCB waste shall be of good quality, free from corrosion and visible defects, sealed and clearly identified as containing PCB waste.
15. When a transfer of PCB liquid from one container to another is necessary, the PCB liquid shall be pumped whenever practical.
16. Mobile PCB destruction machinery including pumps, hoses, connections and other equipment used to handle PCB waste shall be thoroughly inspected for leaks and signs of wear during each start-up and shut-down of operation of the equipment and at least once during every continuous eight hour period of operation of the equipment.
17. The operator of the facility shall keep records of the inspections carried out in accordance with paragraph 16 and shall include the following:
 - i. The time and date of the inspection.
 - ii. The name and job title of the person carrying out the inspection.
 - iii. A description of the equipment inspected.
 - iv. The reason for the inspection.
 - v. The observations made.
 - vi. Any tests carried out and the results of the tests.
 - vii. A description of all equipment replaced and repairs and maintenance carried out as a result of every inspection.
 - viii. The signature of the person making the inspection verifying that the information is correct.
18. Pumps, hoses, connectors and other equipment used to handle PCB waste shall not be used for any other purpose unless they have been decontaminated, prior to any other use being made of them.
19. Class 1 and 2 sites shall be enclosed to prevent entry by unauthorized persons and access to the property shall be controlled by a gate capable of being locked.
20. All operations at the site shall be adequately and continuously supervised.
21. Access to the site shall be limited to the times an attendant is on duty.
22. Except as provided in subsection (4), where a location is to be used as a Class 1 site the facility and associated equipment, including PCB waste storage containers shall be at least 250 metres from occupied residences, public buildings, schools, hospitals, nursing homes, commercial or industrial food processing or preparation establishments, farm buildings containing livestock, feedlots and livestock feed processing or handling establishments.
23. Except as provided in subsection (4), where a location is to be used as a Class 2 site the facility and associated equipment, including PCB waste storage containers, shall be at least twenty metres from occupied residences, public buildings, schools, hospitals, nursing homes, commercial or industrial food processing or preparation establishments, farm buildings containing livestock, feedlots and livestock feed processing or handling establishments.
24. No systems and associated equipment, including PCB waste storage containers, shall be located,
 - i. closer than 100 metres from any watercourse, except that equipment at a Class 3 site may be closer if the equipment can be adequately isolated from the watercourse using impermeable impoundments or barriers, and
 - ii. closer than 100 metres from any drainage system, including openings to sanitary and storm sewer systems, except that equipment may be closer if the equipment can be adequately isolated from the drainage system using impermeable impoundments or barriers.
25. The terrain of a site on which the mobile PCB destruction facility is to be established shall be reasonably level and well graded.
26. Soil or ground cover characteristics shall be such as to facilitate prompt containment and clean-up of all spills of liquid containing PCBs.
27. Where parameters have been identified and operational ranges established as conditions attaching to a certificate of approval for control of a mobile PCB destruction facility waste management system, the input of PCB waste to the destruction unit of the system shall cease forthwith upon the operational range for any of the identified parameters being exceeded. O. Reg. 148/86, s. 6 (1); O. Reg. 600/88, s. 2.
 - (2) Sub-subparagraph B of subparagraph i of paragraph 7 of subsection (1) does not apply to permit spraying in residential, school or public parkland areas or where the total spray volume at the soil spray site would result in a concentration of PCB of greater than 5 milligrams per kilogram in the soil layer located from the surface of the ground to a depth of 15 centimetres below ground surface.
 - (3) Paragraph 10 of subsection (1) does not apply to any mobile PCB destruction facility located at an existing PCB waste disposal site established under Regulation 362 of Revised Regulations of Ontario, 1990 or a certificate of approval specifying the manner in which PCB waste may be stored.
 - (4) For the purposes of paragraphs 22 and 23 of subsection (1), commercial or industrial food processing or preparation establishments do not include food processing or preparation facilities associated with lunchrooms, cafeterias or similar establishments controlled by the owner or operator of the site mainly for the use by employees of the owner or operator. O. Reg. 148/86, s. 6 (2-4).

7.—(1) An application for a certificate of approval for a mobile

PCB destruction facility waste management system or waste disposal site shall be in Form 1 and shall include,

- (a) a contingency plan that sets out the measures that will be taken by the operator to deal immediately with on-site emergencies such as spills, fires and vandalism and,
 - (i) the notification procedures to be used to contact the Ministry and municipal authorities forthwith, of the emergency being encountered as well as the measures being taken to deal with it, and
 - (ii) a list of the equipment, material and personnel that will be available at the site or will be called to the site to deal with an emergency and a description of methods and procedures to be employed in dealing with an emergency; and
- (b) a data quality assurance program showing,
 - (i) protocols for testing and operating the facility,
 - (ii) the capabilities of the laboratory facilities to be used,
 - (iii) a statement of the credentials, training and experience of the operating staff including supervisory and laboratory staff, and
 - (iv) a description of the monitoring and analytical programs, in the workplace and elsewhere, to be carried out.

(2) Every operator of a site shall ensure that the equipment and material, as set out in a contingency plan, for an approved site is kept on hand, adequately maintained and kept in good repair for immediate use and that site personnel are trained in its use and the methods and procedures to be employed in the event of an emergency. O. Reg. 148/86, s. 7.

8.—(1) Every applicant, other than a municipality, for a certificate of approval for a Class 1 mobile PCB destruction facility waste disposal site shall,

- (a) deposit a sum of money;
- (b) furnish a surety bond; or
- (c) furnish personal sureties,

in the amount of \$50,000.

(2) Every applicant, other than a municipality, for a certificate of approval for a Class 2 mobile PCB destruction facility waste management system shall,

- (a) deposit a sum of money;
- (b) furnish a surety bond; or
- (c) furnish personal sureties,

in the amount of \$50,000 for each mobile PCB destruction facility operating in Ontario.

(3) Where the applicant, during operation of the site or within sixty days after giving the Director notice that the equipment is disassembled and the site is terminated, fails to comply with the Director's requirements to remove such waste or to carry out such actions as the Director considers necessary to ensure satisfactory maintenance of the equipment or the site, the money, bond or sureties deposited or their proceeds may be used by the Director in carrying out the necessary actions. O. Reg. 148/86, s. 8.

9.—(1) Where notice is required to be given under subsection 30 (2) of the Act in respect of a proposed Class 1 site, notice shall

also be given to the clerk of the municipality responsible for waste disposal, the medical officer of health, the directors of the local Boards of Education and, where the proposed site is part of an existing industrial establishment, mine or mining plant, a copy of the notice shall be posted in a conspicuous place at the workplace where it is likely to come to the attention of the workers.

(2) For the purposes of subsection (1), "industrial establishment", "mine", "mining plant" and "workplace" have the same meaning as in the *Occupational Health and Safety Act*.

(3) The notice required under subsection (1) shall include,

- (a) the date on which assembly of the Class 1 system and PCB wastes may commence;
- (b) location of the site;
- (c) estimated amount and PCB concentration of the waste to be treated;
- (d) estimated duration of operations at the site;
- (e) estimated schedule of operations at the site;
- (f) a brief description of the technology; and
- (g) the location of a public repository holding all documents associated with the application for Class 1 site approval.

(4) For Class 2 sites, thirty days' notice of an application for the issuance of a certificate of approval shall be given to the clerks of the local municipality and the municipality responsible for waste disposal if it is not the local municipality and the medical officer of health.

(5) The notice required under subsection (4) shall include,

- (a) the date on which assembly of the Class 2 system and PCB wastes may commence;
- (b) location of the site;
- (c) estimated amount and PCB concentration of the waste to be treated;
- (d) estimated duration of operations at the site;
- (e) estimated schedule of operations at the site;
- (f) a brief description of the technology; and
- (g) the location of a public repository holding all documents associated with the application for site approval. O. Reg. 148/86, s. 9.

10.—(1) When fluid from an electrical transformer is treated at a Class 3 site, the operator of the mobile PCB destruction facility shall sample and analyze the fluid for PCBs after the completion of the treatment but not sooner than ninety days after. O. Reg. 600/88, s. 3.

(2) For the purposes of this Regulation, the PCB equipment referred to in subsection (1) shall not be considered to be decontaminated until the sample results required under subsection (1) confirm that the PCB concentration of the fluid is less than 50 milligrams per litre. O. Reg. 148/86, s. 10 (2).

11. No person shall operate a mobile PCB destruction facility waste management system unless the PCB waste to be destroyed is sampled and analyzed for PCBs and is confirmed to contain an amount and concentration of PCBs which is in compliance with the approved capacity of the system. O. Reg. 600/88, s. 4, *part*.

12. No person shall dispose of solid and liquid wastes from the operation of a Class 2 or Class 3 mobile PCB destruction facility

waste disposal site that may contain PCBs without first sampling and analyzing the wastes for PCBs. O. Reg. 600/88, s. 4, part.

13. The operator of a Class 1 system shall sample the mass air emissions from the system for PCBs, chlorinated dibenzodioxins and chlorinated dibenzofurans as set out in each of the following paragraphs, with analysis of the samples to be completed as soon as practicable following sampling completion:

- 1. During the first twenty-four hours of operation at each of the first three sites of operation.
- 2. At least once, in addition to the requirement under paragraph 1, for each of the first three sites of operation and, thereafter, at least once in every year in which the system is in operation in Ontario.

- 3. After any major repairs or alterations to the system that are likely to affect the mass air emissions of these chemicals. O. Reg. 600/88, s. 4, part.

14. Where any class of mobile PCB destruction facility waste disposal site is to be located on land that is the subject of a certificate of approval issued pursuant to Part V of the Act for other than a mobile PCB destruction facility waste disposal site, the existing waste management system or waste disposal site is exempt from sections 27, 30 and 32 of the Act with respect to the use, operation, establishment, alteration, enlargement or extension of the mobile PCB destruction facility waste disposal site where a separate certificate of approval is issued for the mobile PCB destruction facility waste disposal site. O. Reg. 148/86, s. 14.

Form 1

Environmental Protection Act

APPLICATION FOR A CERTIFICATE OF APPROVAL FOR DESTRUCTION OF PCBs USING MOBILE TECHNOLOGY

1. Approval is being sought for: (Check)

- (a) Mobile PCB Destruction Facility Waste Management System (Technology)
- (b) Mobile PCB Destruction Facility Waste Disposal Site (Site)

2. Applicant:

(a) Name:

Address:

.....

City/Town	Province/State	Postal/Zip Code
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(b) Contact Person for this Application:

Name:

Position With Applicant:

Telephone:

(c) Every applicant other than an individual operating under his or her own name must attach a copy of:

- (i) the most current "Initial Notice or Notice of Change", (Form 1 or 2 of Reg. 182, R.R.O. 1990) filed under the *Corporations Information Act*, or
- (ii) the most recent declaration filed under the *Business Names Act*.

(d) If more than one applicant, supply the above information for each applicant.

3. (a) Does Applicant own the destruction technology equipment?

Yes/No

(b) If not, supply the following information:

(i) Equipment Owner's Name:

Address:

.....

City/Town	Province/State	Postal/Zip Code
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(ii) By attachment, the details of the relationship between the equipment owner and Applicant with respect to liability for any occurrences arising out of the transportation, assembly, use and disassembly of the equipment.

TECHNOLOGY

4. The following information is required for the technology associated with this application:

- (a) If the technology is currently approved by the Ontario Ministry of the Environment, provide the date and Certificate of Approval Number for the approval.

Date:

Approval No.:

The relevant documentation from this approval will form part of the local information repository for all site applications using this approved technology. Any matters considered confidential must be specifically identified by the applicant with reasons given as to why the information must be kept confidential.

(b) Where approval of the technology is required:

- (i) Class of System: Class 1
Class 2

(ii) Type of Operation:

- Continuous
- Batch
- Other

(If other, specify)

(iii) Type of PCB Wastes to be disposed of:

- Liquid Solid

Describe the wastes: (use attachment if necessary)

.....

(iv) Range of PCB concentrations to be dealt with for each waste type: (include units) (use attachment if necessary)

	<u>Type</u>	<u>From</u>	<u>To Maximum</u>
1.
2.
3.

(v) Maximum volume/weight and related maximum PCB concentration of each waste type to be treated in an appropriate time period: (include units) (use attachment if necessary)

	<u>Type</u>	<u>Vol./Wt.</u>	<u>Concentration</u>	<u>Time Period</u>
1.
2.
3.

(vi) Supplementary fuel requirements:

Type of fuel:

Storage capacity on mobile unit:

Type and capacity of storage required at site, not on the unit:

Flow Rate:

If more than one fuel supplement, include further information as attachment.

(vii) Storage capacity for PCB wastes as part of the mobile unit:

liquids: litres solids: cu.m.

NOTE: Documentation on how accidental discharges of any materials from the mobile unit will be contained and cleaned up must be included in design, operations and/or contingency plans or manuals submitted as part of this application.

(viii) Attach a list of solid and liquid waste types, composition, volumes per unit time and sources generally generated by operation of the mobile unit. A detailed description of this information shall be included in the process description and mass balance documentation to be attached. This information shall be supplemented on a site application to deal specifically with the wastes being disposed of at the site.

(ix) Attach a list of air contaminants generally expected to be emitted from the mobile unit including the concentrations for each con-

taminant and air flow data for each source. This information shall be supplemented on a site application to deal specifically with the wastes being disposed of at the site.

(x) Attach a list of process parameters which are able to be monitored and the operational range for each parameter for acceptable operation. A detailed description of these parameters and the methods of monitoring along with reasons for choosing the appropriate operational range for each shall be included in the design and/or operations documentation.

(xi) Briefly describe conditions which would result in automatic shutdown of the destruction process.

.....
.....
.....

Refer to location(s) in supporting documentation where shutdown features are dealt with in detail.

.....

(xii) For Class 2 systems, indicate the type of financial security to be provided:

Cash

Surety Bond

Personal sureties

Attach details of how this security is arranged.

(xiii) Supporting documents attached:

Process Description (Physical/chemical/biological)

Mass Balance Calculations

Design Plans

Design Manual

Operations Manual

Contingency Plan

Data Quality Assurance Program

Other (attach title list)

SITE

5. The following information is required for each site associated with this application:

(a) Class of Site:

Class 1 Class 2 Class 3

NOTE: A hearing is required to be held on applications for Class I sites.

(b) Site Location:

Description:
Street Address or Lot and Concession

Municipality:
City, Town, Village, Township or Improvement District

.....
Metropolitan Area, Region, County or District

NOTE: Site plans attached under paragraph 5 (n) shall precisely depict the site location and its relationship to features noted in the regulation.

(c) Site Owner(s):

Name(s):

- (ii) number of weeks of operation for which approval is sought: weeks.
- (iii) total hours of operation to be covered by the approval if given:

(h) Indicate:

- (i) estimated date for commencement of assembly of the technology:
- (ii) time required for assembly of technology:
- (iii) time required for disassembly of technology and quitting site:
- (iv) estimated expiry date for this approval if given:

- (i) Do you wish to decontaminate PCB equipment at this site under this application? Yes/No

If yes, attach documentation detailing what equipment is to be decontaminated, the methods to be used, and the additional PCB wastes to be generated. Include this volume in paragraph 5 (d) above.

- (j) Attach a list of solid and liquid waste types, composition, volumes and sources expected to be generated by the operation of this site. A detailed description of this information shall be included in the operations manual documentation to be attached.
- (k) Describe where and how the wastes identified in paragraph 5 (j) are to be disposed of: (include attachment if necessary)

.....

.....

.....

NOTE: Wastes must be classified in accordance with Regulation 347, R.R.O. 1990 and disposed of at waste disposal sites or sewage treatment plants certified to accept waste of that type or under this certificate of approval.

- (l) Attach a list of air contaminants expected to be emitted by the operation of this site including the concentrations for each contaminant and each source. Include the necessary calculations to show air emission compliance with this Regulation and Regulation 346, R.R.O. 1990.

NOTE: An application for a certificate of approval pursuant to section 9 of the *Environmental Protection Act* must be made and approved where air emissions are expected. The section 9 application can be made jointly with this application on the appropriate form obtained from the Director.

- (m) For Class 1 sites, indicate the type of financial security to be provided:

- Cash
- Surety Bond
- Personal sureties

Attach details of how this security is arranged.

- (n) Supporting documents attached for this site:

- Site Plans
- Operations Manual
- Contingency Plan
- Data Quality Assurance Program
- Other (attach title list)

- (o) Attach copies of letters of transmittal confirming that the contingency plan has been filed with the clerks of the local municipality and the municipality responsible for waste disposal if it is not the local municipality, police and fire officials and the medical officer of health.

- (p) Provide the details, by attachment, of the relationship between:

- (i) the applicant and the site owner,
- (ii) the applicant and the occupier or person having the charge, management or control of the site, and
- (iii) the owner and the occupier or person having the charge, management or control of the site, with respect to liability for any occurrences arising out of the use of the site as a waste disposal site.

- (q) Provide the details, by attachment, of general liability and environmental impact liability insurance coverage carried relevant to this application.

6. Where the Applicant is not the owner of the land to be used as a site:

I (We), as owner(s), or acting as agent for the owner(s) of the lands described as the site in paragraphs 5 (b) and (n) of this application, have knowledge of and agree to the proposed use of these lands as a mobile PCB destruction facility waste disposal site as set out in this application.

Name(s) of person signing:
Print or Type

Where owner(s) is a corporation, position held by person signing on behalf of corporation:

.....
Print or Type

Where person signing is agent, include documentation showing agency relationship.

Signature:

Date Signed:

7. The undersigned consents to the disclosure of any information contained in this application, including attachments, and any supplemental correspondence and information directly relating to this application except for that information which is specifically held to be confidential as set out by attachment to this application. In the case of supplemental correspondence and information, the applicant shall indicate what, if any, information is considered confidential at the time it is submitted.

8. Signed and dated on behalf of the Applicant:

Name:
Print or Type

Relationship to Applicant:
Print or Type

Signature:

Date Signed:

NOTE: It is an offence to knowingly give false information in an application made to the Minister, a provincial officer or any employee of the Ministry in respect of any matter under this Act or the regulations. (s. 184, *Environmental Protection Act*).

O. Reg. 148/86, Form 1.

REGULATION 353

MOTOR VEHICLES

1. In this Regulation,

“catalytic converter” means a device through which exhaust from a motor is passed in order to prevent or lessen the emission of a contaminant and which device would be impaired in its functioning by the use of leaded gasoline as a fuel for operation of the motor;

“gross vehicle weight” means the manufacturer’s gross weight rating;

“leaded gasoline” means gasoline that is not unleaded gasoline;

“light duty motor vehicle” means a motor vehicle having a gross vehicle weight of 2,720 kilograms or less, but does not include a motorcycle;

“model year”, when used with respect to a motor vehicle, means the model year designated by the manufacturer but, where the manufacturer does not make such a designation, means the calendar year in which the manufacture of a motor vehicle is completed;

“motorcycle” means a motor vehicle having seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground and includes a bicycle with a motor attached and a motor scooter;

“unleaded gasoline” means gasoline that contains not more than 0.013 grams of lead per litre and not more than 0.0013 grams of phosphorus per litre. R.R.O. 1980, Reg. 311, s. 1.

2. Motor vehicles for which a permit under the *Highway Traffic Act* has not been issued are exempt from this Regulation except section 4. R.R.O. 1980, Reg. 311, s. 2.

3.—(1) No person shall use leaded gasoline as a fuel to operate a motor vehicle manufactured with a catalytic converter.

(2) No person shall operate or cause or permit the operation of a motor vehicle with a catalytic converter after leaded gasoline has been used as a fuel in the motor vehicle until the catalytic converter has been repaired or replaced.

(3) A motor vehicle manufactured with a catalytic converter incorporated as part of a system to prevent or lessen the emission of any contaminant shall include, as part of the system, a gasoline tank filler inlet that,

- (a) allows the insertion of a nozzle spout terminal end that has an outside diameter not greater than 2.134 centimetres;
- (b) has a restriction preventing the insertion of a nozzle spout terminal end that has an outside diameter greater than 2.362 centimetres; and
- (c) is designed to pass not more than 700 millilitres of gasoline into the tank when introduction of gasoline is attempted from a nozzle referred to in clause (b). R.R.O. 1980, Reg. 311, s. 3.

4. No person shall operate a light duty motor vehicle from which there is a visible emission of a contaminant or contaminants for more than fifteen seconds in any five-minute period. R.R.O. 1980, Reg. 311, s. 4.

5. In respect of a motor or motor vehicle manufactured with a system or device to prevent or lessen the emission of any contaminant, the system or device, or any replacement therefor,

- (a) shall be maintained and kept in such a state of repair that it is capable of performing the function for which it was intended; and
- (b) shall be kept installed on, attached to or incorporated in the motor or motor vehicle in such a manner that, when the motor or motor vehicle is operating, the system or device functions in the manner in which it was intended to function. R.R.O. 1980, Reg. 311, s. 5.

6.—(1) For a light duty motor vehicle of a model year and displacement listed in Column 1 of the Table, the figures appearing opposite in the remaining columns are prescribed as maximum emission standards for the vehicle with respect to the contaminant named at the head of each column when tested under the test conditions specified.

(2) Where a light duty motor vehicle is tested for compliance with the maximum emission standards prescribed by subsection (1),

- (a) the motor shall be at its normal operating temperature;
- (b) the transmission of the motor vehicle shall be in the neutral position;
- (c) for the test conditions indicated in Column 2, 4 or 6 of the Table, the accelerator pedal shall not be depressed;
- (d) for the test conditions indicated in Column 3, 5 or 7 of the Table, the accelerator pedal shall be depressed so as to produce a rotational speed of the motor of between 2,450 and 2,550 revolutions per minute; and
- (e) the test, except a test of visible emissions, shall be carried out using an infra-red analyzer or other analytical device or procedure of equivalent accuracy.

(3) Every motor vehicle for which emission standards are prescribed in subsection (1) shall comply with such standards.

TABLE
MAXIMUM EMISSION STANDARDS

		Exhaust Emissions				Visible Emissions of a Contaminant or Contaminants (seconds in any one-minute period)	
		Hydrocarbons (parts per million by volume)		Carbon Monoxide (per cent by volume)			
1		Test Conditions					
		idle	fast idle	idle	fast idle	idle	fast idle
		2	3	4	5	6	7
Model Year	Displacement						
Before 1969	2.29 litres or less	800	800	6	5	5	5
Before 1969	more than 2.29 litres	600	600	5	3	5	5
1969	2.29 litres or less	600	600	5	3	5	5
1969	more than 2.29 litres	500	500	4	2	5	5
1970 or 1971	2.29 litres or less	500	500	4	2.5	5	5
1970 or 1971	more than 2.29 litres	400	400	3	1.5	5	5
1972, 1973, 1974	2.29 litres or less	500	500	3.5	2	5	5
1972, 1973, 1974	more than 2.29 litres	400	400	2.5	1	5	5
1975 or after	2.29 litres or less	400	400	2.5	1.5	5	5
1975 or after	more than 2.29 litres	300	300	2	1	5	5

R.R.O. 1980, Reg. 311, s. 6.

7.—(1) A provincial officer, designated for the purpose of carrying out Part III of the Act, or a police officer may, by written notice in Form 1, require the driver or owner of a motor vehicle to submit such motor vehicle for testing and inspection.

(2) Every driver or owner of a motor vehicle shall comply with a written notice given under subsection (1). R.R.O. 1980, Reg. 311, s. 7.

Form 1

Environmental Protection Act

NOTICE TO SUBMIT MOTOR VEHICLE

TAKE NOTICE that under the *Environmental Protection Act* and the regulations thereunder,

Name:

Address:

Driver Licence Number:

is required to submit the motor vehicle bearing Ontario Registration Plate Number (year)

to the inspection site at

on between the hours of
(month) (day) (year)

..... and for testing and inspection.

Dated at this day of, 19.....

.....
Provincial Officer or Police Officer

R.R.O. 1980, Reg. 311, Form 1.

REGULATION 354**MUNICIPAL SEWAGE AND WATER AND ROADS
CLASS ENVIRONMENTAL ASSESSMENT
PROJECT**

1. A use, operation, establishment, alteration, enlargement or extension of a waste disposal site approved under Order-in-Council No. O.C. 836/87 or O.C. 837/87 made under the *Environmental Assessment Act*, being chapter 140 of the Revised Statutes of Ontario, 1980 copies of which may be found in the public records maintained under section 31 of that Act, or proceeding under subsection 5 (4) of Regulation 334 of Revised Regulations of Ontario, 1990 is exempt from the provision in subsection 30 (1) or 32 (1) of the Act requiring or permitting the Director to hold a hearing. O. Reg. 206/87, s. 1.

REGULATION 355**ONTARIO HYDRO**

1. Emissions of sulphur dioxide and of nitric oxide from the fossil-fuelled electric generating stations of Ontario Hydro shall not exceed, in the aggregate, 280 kilotonnes in 1990, 1991, 1992 or 1993. O. Reg. 281/87, s. 2.

2. Emissions of sulphur dioxide and of nitric oxide from the fossil-fuelled electric generating stations of Ontario Hydro shall not exceed, in the aggregate, 215 kilotonnes in any year after 1993. O. Reg. 281/87, s. 3.

3. Emissions of sulphur dioxide from the fossil-fuelled electric generating stations of Ontario Hydro shall not exceed, in the aggregate, 240 kilotonnes in 1990, 1991, 1992 or 1993. O. Reg. 281/87, s. 5.

4. Emissions of sulphur dioxide from the fossil-fuelled electric generating stations of Ontario Hydro shall not exceed, in the aggregate, 175 kilotonnes in any year after 1993. O. Reg. 281/87, s. 6.

5. Ontario Hydro shall perform such studies and research as are necessary to determine the options available by which it can meet the limits prescribed in sections 1 to 4. O. Reg. 281/87, s. 7.

6.—(1) Ontario Hydro shall file written reports with the Ministers of Energy and the Environment by the 1st day of March, June, September and December in each year setting out the total of the emissions of sulphur dioxide and nitric oxide from the fossil-fuelled elec-

tric generating stations for the three-month period ending on the last day of March, June, September and December immediately before the filing of the report.

(2) Ontario Hydro shall file written reports with the Ministers of Energy and the Environment by the 31st day of January and July in each year setting out the progress being made for purposes of the limits specified in sections 1 to 4. O. Reg. 281/87, s. 8, *revised*.

REGULATION 356**OZONE DEPLETING SUBSTANCES—GENERAL****EXEMPTIONS**

1.—(1) Section 58 of the Act and sections 4 and 5 of this Regulation do not apply in respect of the classes of things listed in Schedule 1.

(2) This Regulation applies only in respect of the ozone depleting substances referred to in section 57 of the Act. O. Reg. 518/90, s. 1.

2.—(1) The use, transport, storage and disposal of things containing an ozone depleting substance that acts as a propellant are exempt from section 58 of the Act.

(2) The display for purposes other than sale or promotion of things containing an ozone depleting substance that acts as a propellant is exempt from section 58 of the Act. O. Reg. 394/89, s. 2, *revised*.

3.—(1) The use, display, transport, storage and disposal of packaging, wrapping and containers that are made in a manner that uses an ozone depleting substance are exempt from section 59 of the Act.

(2) The transfer of packaging, wrapping and containers that are made in a manner that uses an ozone depleting substance and that are in existence in Ontario on the 30th day of September, 1989 is exempt from section 59 of the Act. O. Reg. 394/89, s. 3, *revised*.

PRESSURIZED CONTAINERS

4. No person shall make a pressurized container that contains an ozone depleting substance unless it contains more than 10 kilograms of the substance. O. Reg. 518/90, s. 2, *part*.

5.—(1) No person shall transfer a pressurized container that con-

tains an ozone depleting substance unless it contains more than 10 kilograms of the substance.

- (2) Subsection (1) does not prohibit,
- (a) a transfer not made for profit; or
 - (b) a transfer made before the 31st day of December, 1990 of a container that was in Ontario on the 29th day of August, 1990. O. Reg. 518/90, s. 2, *part.*

FLEXIBLE FOAMS

6.—(1) No person shall make flexible plastic foam, other than flexible polyurethane foam, in a manner that uses an ozone depleting substance.

(2) Subsection (1) does not prohibit the making of flexible plastic foam for the purposes of research and development. O. Reg. 518/90, s. 2, *part.*

7.—(1) No person shall transfer flexible plastic foam, other than flexible polyurethane foam, that is made in a manner that uses an ozone depleting substance.

(2) Subsection (1) does not prohibit the transfer of flexible plastic foam if,

- (a) the foam was in Ontario before the 29th day of August, 1990;
- (b) the foam is at the time of the transfer incorporated into a manufactured product; or
- (c) the transfer is for the purposes of research and development. O. Reg. 518/90, s. 2, *part.*

8. No person shall use an ozone depleting substance in making flexible polyurethane foam after the 31st day of December, 1993. O. Reg. 518/90, s. 2, *part.*

9. No person shall use an ozone depleting substance in making flexible polyurethane foam unless the person used an ozone depleting substance in making flexible polyurethane foam during the period beginning the 1st day of January, 1986 and ending the 29th day of August, 1990. O. Reg. 518/90, s. 2, *part.*

10. For the purposes of sections 11 to 14,

- (a) a person's reference quantity for flexible polyurethane foam is the total of the weights of each ozone depleting substance used by the person in making flexible polyurethane foam in the person's reference year for flexible polyurethane foam;
- (b) a person's reference year for flexible polyurethane foam is the twelve-month period beginning on the earlier of,
 - (i) the 29th day of August, 1989, and
 - (ii) the first day after the 31st day of December, 1985 on which the person made flexible polyurethane foam in a manner that uses an ozone depleting substance. O. Reg. 518/90, s. 2, *part.*

11. No person shall use a greater total amount by weight of ozone depleting substances in making flexible polyurethane foam during the period beginning the 29th day of August, 1990 and ending the 31st day of December, 1990 than 25 per cent of the person's reference quantity for flexible polyurethane foam. O. Reg. 518/90, s. 2, *part.*

12. No person shall use a greater total amount by weight of ozone depleting substances in making flexible polyurethane foam in a year than the amount that results from applying the percentage specified

for the year to the person's reference quantity for flexible polyurethane foam:

1991	65%
1992	50%
1993	25%

O. Reg. 518/90, s. 2, *part.*

13. For the purposes of calculating a reference quantity under clause 10 (a) and for the purposes of calculating a total amount by weight of ozone depleting substances under sections 11 and 12, the weight of each ozone depleting substance shall be adjusted by multiplying it by the ozone depletion factor specified for the substance in Schedule 2 before a total of ozone depleting substances is taken. O. Reg. 518/90, s. 2, *part.*

14. No person shall use an ozone depleting substance in making flexible polyurethane foam after the 30th day of November, 1990 unless the person has submitted to the Director a report, in a form provided for the purpose by the Ministry, stating,

- (a) the person's reference year for flexible polyurethane foam;
- (b) the amount by weight of each ozone depleting substance used by the person in the reference year in making flexible polyurethane foam; and
- (c) the person's reference quantity for flexible polyurethane foam. O. Reg. 518/90, s. 2, *part.*

15. A person who uses an ozone depleting substance in making flexible polyurethane foam in any year from 1990 to 1993 shall, by the 31st day of March of the following year, submit to the Director a report, in a form provided for the purpose by the Ministry, stating the amount by weight of each ozone depleting substance used by the person in the year in making the foam. O. Reg. 518/90, s. 2, *part.*

16. A person who, during the first ten months of 1990, imports flexible polyurethane foam into Ontario shall submit to the Director a list of the names and addresses of the makers of the foam, by the 30th day of November, 1990. O. Reg. 518/90, s. 2, *part.*

17. A person who imports into Ontario, in any year after 1989, flexible polyurethane foam shall, by the 31st day of March of the following year, submit to the Director a report, in a form provided for the purpose by the Ministry, stating the name and address of each source of the foam and the quantity imported from each source. O. Reg. 518/90, s. 2, *part.*

18.—(1) The Director may give a notice of non-compliance with respect to a person who uses an ozone depleting substance in making flexible polyurethane foam outside Ontario, to any person who imports the foam into Ontario if,

- (a) the maker of the foam has not, by the 30th day of November, 1990, submitted to the Director a report in accordance with section 14; or
- (b) the Director reasonably believes that the maker has failed to comply with sections 8 to 15.

(2) The Director may rescind a notice of non-compliance given under subsection (1) if,

- (a) the maker of the foam submits to the Director, after the 30th day of November, 1990, a report in accordance with section 14; or
- (b) the Director is satisfied that he or she erred in believing that the maker failed to comply with sections 8 to 15.

(3) Where a person has received a notice under subsection (1) with respect to a maker of foam and the notice has not been rescinded, the person shall not transfer any flexible polyurethane foam

made by the maker that is acquired by the person after receipt of the notice. O. Reg. 518/90, s. 2, *part*.

19. A person who did not import into Ontario, before the 29th day of August, 1990, flexible polyurethane foam made in a manner that uses an ozone depleting substance shall not transfer flexible polyurethane foam made in a manner that uses an ozone depleting substance that the person imports into Ontario. O. Reg. 518/90, s. 2, *part*.

20. Sections 16 to 19 do not apply in respect of flexible polyurethane foam that is incorporated into a manufactured product. O. Reg. 518/90, s. 2, *part*.

RIGID INSULATION FOAMS

21. For the purposes of sections 22 to 33, "rigid insulation foam" includes a formulation of chemicals designed to become rigid insulation foam when poured or sprayed in place. O. Reg. 518/90, s. 2, *part*.

22.—(1) No person shall make rigid insulation foam in a manner that uses an ozone depleting substance unless the foam is of a type mentioned in subsection 25 (3).

(2) Subsection (1) does not prohibit the making of rigid insulation foam for the purposes of research and development. O. Reg. 518/90, s. 2, *part*.

23.—(1) No person shall transfer rigid insulation foam that is made in a manner that uses an ozone depleting substance unless the foam is of a type mentioned in subsection 25 (3).

(2) Subsection (1) does not prohibit the transfer of rigid insulation foam if,

- (a) the foam was in Ontario on or before the 31st day of December, 1990, so long as the transfer occurs before the 1st day of July, 1991;
- (b) the foam is at the time of the transfer incorporated into a manufactured product; or
- (c) the transfer is for the purposes of research and development. O. Reg. 518/90, s. 2, *part*.

24.—(1) No person shall use an ozone depleting substance in making rigid insulation foam of a type mentioned in subsection 25 (3) after the 31st day of December, 1993.

(2) No person shall use an ozone depleting substance in making rigid insulation foam of a type mentioned in subsection 25 (3) unless the person used an ozone depleting substance in making the type of foam during the period beginning the 1st day of January, 1989 and ending the 29th day of August, 1990. O. Reg. 518/90, s. 2, *part*.

25.—(1) A person's reference quantity for rigid insulation foam of a type mentioned in subsection (3) is the total of the weights of each ozone depleting substance used by the person in making the type of foam in the person's reference year for the type of foam.

(2) A person's reference year for rigid insulation foam of a type mentioned in subsection (3) is the twelve-month period beginning on the earlier of,

- (a) the 29th day of August, 1989; and
- (b) the first day in 1989 on which the person made the type of foam in a manner that uses an ozone depleting substance.

(3) No person shall use a greater total amount by weight of ozone depleting substances in making a type of rigid insulation foam in a year than the amount that results from applying the percentage specified in Table 1 for the year and type of foam, to the person's refer-

ence quantity for the type of foam. O. Reg. 518/90, s. 2, *part, revised*.

(4) For the purposes of calculating a reference quantity under subsection (1) and for the purposes of calculating a total amount by weight of ozone depleting substances under subsection (3), the weight of each ozone depleting substance shall be adjusted by multiplying it by the ozone depletion factor specified for the substance in Schedule 2 before a total of ozone depleting substances is taken. O. Reg. 518/90, s. 2, *part*.

26.—(1) No maker of rigid insulation foam of the type mentioned in Item 5 of Table 1 that was made in a manner that uses an ozone depleting substance shall transfer the foam without giving notice in writing to the transferee that the foam is to be used only for the insulation of electrical appliances, hot water heaters, refrigerated vehicles or refrigerated mobile equipment.

(2) No person shall transfer rigid insulation foam in respect of which the person received a notice under this section without giving notice in writing to the subsequent transferee that the foam is to be used only for the insulation of electrical appliances, hot water heaters, refrigerated vehicles or refrigerated mobile equipment.

(3) No person shall use or permit the use of rigid insulation foam in a manner inconsistent with a notice given to the person under this section in respect of the foam. O. Reg. 518/90, s. 2, *part*.

27. No person shall use an ozone depleting substance in making rigid insulation foam of a type mentioned in subsection 25 (3) after the 31st day of December, 1990 unless the person has, by the 30th day of November, 1990, submitted to the Director a report, in a form provided for the purpose by the Ministry, stating,

- (a) the person's reference year for the type of foam;
- (b) the amount by weight of each ozone depleting substance used by the person in the reference year in making the type of foam; and
- (c) the person's reference quantity for the type of foam. O. Reg. 518/90, s. 2, *part*.

28. A person who uses an ozone depleting substance in making rigid insulation foam of a type mentioned in subsection 25 (3) in any year from 1990 to 1993 shall, by the 31st day of March of the following year, submit to the Director a report, on a form provided for the purpose by the Ministry, stating the amount by weight of each ozone depleting substance used by the person in the year in making the type of foam. O. Reg. 518/90, s. 2, *part*.

29. A person who, during the first ten months of 1990, imports into Ontario rigid insulation foam of a type mentioned in subsection 25 (3) shall submit to the Director a list of the names and addresses of the makers of the type of foam, by the 30th day of November, 1990. O. Reg. 518/90, s. 2, *part*.

30. A person who imports into Ontario, in any year after 1989, rigid insulation foam of a type mentioned in subsection 25 (3) shall, by the 31st day of March of the following year, submit to the Director a report on a form provided for the purpose by the Ministry, stating the name and address of each source and the quantity imported from each source. O. Reg. 518/90, s. 2, *part*.

31.—(1) The Director may, after the 31st day of December, 1990, give a notice of non-compliance with respect to a person who makes a type of rigid insulation foam mentioned in subsection 25 (3) outside Ontario, to any person who imports the foam into Ontario if,

- (a) the maker of the foam has not, by the 30th day of November, 1990 submitted to the Director a report in accordance with section 27 with respect to the type of foam; or
- (b) the Director reasonably believes that the maker has failed

to comply with sections 24 to 28 with respect to the type of foam.

(2) The Director may rescind a notice of non-compliance given under subsection (1) if,

- (a) the maker of the foam submits to the Director, after the 30th day of November, 1990, a report in accordance with section 27 with respect to the type of foam; or
- (b) the Director is satisfied that he or she erred in believing that the maker failed to comply with sections 24 to 28 with respect to the type of foam.

(3) Where a person has received a notice under subsection (1) with respect to a maker of a type of rigid insulation foam mentioned in subsection 25 (3) and the notice has not been rescinded, the person shall not transfer any foam of that type made by the maker that is acquired by the person after receipt of the notice. O. Reg. 518/90, s. 2, *part*.

32. A person who did not import into Ontario, before the 29th day of August, 1990, rigid insulation foam of a type mentioned in subsection 25 (3) made in a manner that uses an ozone depleting substance shall not thereafter transfer that type of foam made in a manner that uses an ozone depleting substance that the person imports into Ontario. O. Reg. 518/90, s. 2, *part*.

33. Sections 26 and 29 to 32 do not apply in respect of rigid insulation foam that is incorporated into a manufactured product. O. Reg. 518/90, s. 2, *part*.

TABLE 1

Item	Type of Rigid Insulation Foam	1991	1992	1993
1.	Polyurethane Boardstock	75%	50%	25%
2.	Polyisocyanurate Boardstock	100%	75%	25%
3.	Extruded polystyrene Boardstock	50%	50%	0%
4.	Phenolic Foam Boardstock	75%	50%	25%
5.	Polyurethane to be poured or sprayed in place—for the insulation of electrical appliances, hot water heaters, refrigerated vehicles or refrigerated mobile equipment	100%	100%	100%
6.	Polyurethane to be poured or sprayed in place—other than the type mentioned in Item 5	85%	70%	50%

O. Reg. 518/90, s. 2, *part*.

Schedule 1

1. Bronchial dilators, topical anaesthetics, cytospray and veterinary powder wound sprays.
2. Spermicidal contraceptive foams.
3. Release agents for moulds used in the production of plastics and elastomer materials.
4. Cleaners and solvents for commercial use on electrical or electronic equipment.
5. Protective sprays for application on high quality photographs used in research.
6. Lubricants used in mining.
7. Products used during flight in the maintenance and operation of aircraft.

8. Fire extinguishers.

O. Reg. 518/90, s. 3, *part*; O. Reg. 519/90, s. 1.

Schedule 2

Ozone Depleting Substance	Ozone Depletion Factor
CFC — 11	1.0
CFC — 12	1.0
CFC — 113	0.8
CFC — 114	1.0
CFC — 115	0.6
Halon — 1211	3.0
Halon — 1301	10.0
Halon — 2402	6.0

O. Reg. 518/90, s. 3, *part*.

REGULATION 357

REFILLABLE CONTAINERS FOR CARBONATED SOFT DRINK

1. In this Regulation,

“capacity”, when used with respect to a container for carbonated soft drink, means the volume of carbonated soft drink the container is represented to hold when carbonated soft drink is sold at retail in the container;

“carbonated soft drink” includes unflavoured soda or seltzer water and any carbonated beverage containing alcohol other than liquor with respect to which a licence or permit is required under section 5 of the *Liquor Licence Act*;

“on-premises sale” means the sale, offering for sale or display of a beverage intended for consumption on the premises on which it is sold. O. Reg. 622/85, s. 1; O. Reg. 237/87, s. 1.

2. Containers,

- (a) that contain or are intended to contain carbonated soft drink intended for sale;
- (b) that will be accepted for reuse as containers for carbonated soft drink by a retail vendor, distributor, processor or manufacturer of carbonated soft drinks;
- (c) for which a deposit is or will be charged at the time of the sale of the carbonated soft drink at retail other than by way of an on-premises sale; and
- (d) for which, as used containers, money will be paid by a retail vendor, distributor, processor or manufacturer of carbonated soft drinks,

are classified as refillable containers. O. Reg. 622/85, s. 2 (1).

3. No person shall stock, display, offer for sale or sell a carbonated soft drink in a container other than a refillable container. O. Reg. 622/85, s. 3 (1).

4. No person shall sell or offer for sale a carbonated soft drink in a refillable container unless the container has clearly marked thereon “MONEY-BACK BOTTLE—BOUTEILLE CONSIGNÉE” or “MONEY-BACK CONTAINER—CONTENANT CONSIGNÉ”. O. Reg. 622/85, s. 4.

5.—(1) Subject to subsection (2), every retail vendor presented with an empty refillable container shall accept the container and shall pay to the person presenting the container, in cash,

- (a) 15 cents for each refillable container that, when sold at retail, has a capacity of no more than 350 millilitres;
- (b) 30 cents for each refillable container that, when sold at retail, has a capacity of more than 350 millilitres and less than one litre; and
- (c) 40 cents per litre of capacity for each refillable container having a capacity of one litre or more,

or, where a deposit of a greater amount is being charged for a similar container, such greater amount.

- (2) No retail vendor is required to accept,
 - (a) a refillable container that is not intact or is not in a reasonably clean condition;
 - (b) more than forty-eight refillable containers from one person in a twenty-four hour period; or
 - (c) a refillable container that, when sold at retail, contained a flavour or brand of a carbonated soft drink not sold by that retailer in a refillable container having the same capacity for consumption off the retailer's premises during the six months immediately preceding the presentation of the container.
- (3) No person shall advertise or display the price of a carbonated soft drink that is offered for sale unless the price for the drink is shown clearly distinct from the amount of any deposit for the container thereof. O. Reg. 622/85, s. 5.

6.—(1) Every distributor, processor and manufacturer shall collect from every retail vendor, on the request of the vendor, all empty refillable containers for carbonated soft drinks manufactured, processed, sold or distributed by the distributor, processor or manufacturer held by the retail vendor and reimburse the retail vendor, in full, for the payment made by the retail vendor under section 5 for every container collected.

(2) When a distributor returns to a processor or manufacturer containers collected under subsection (1), the processor or manufacturer shall reimburse the distributor, in full, for the payment made by the distributor under subsection (1) for every container returned by the distributor. O. Reg. 622/85, s. 6.

7.—(1) Every retail vendor of carbonated soft drinks in refillable containers for consumption off the retailer's premises shall clearly display on the retail premises a notice stating:

Regulations of the Province of Ontario under the *Environmental Protection Act* provide that a cash refund of the full deposit will be paid for up to forty-eight intact and reasonably clean refillable containers in any twenty-four hour period of a brand and flavour of carbonated soft drink sold here in containers of the same size within the preceding six months.

(2) A retail vendor who is required to display the notice referred to in subsection (1) may, in addition to the notice required under subsection (1), display the notice set out in subsection 8 (2) of Regulation 299 of Revised Regulations of Ontario, 1980 or the following notice:

Les règlements de la province de l'Ontario pris en application de la *Loi sur la protection de l'environnement* prévoient le remboursement intégral en espèces du montant déposé, pour un maximum de quarante-huit contenants réutilisables de boisson gazeuse, rapportés au cours d'une période de vingt-quatre heures, intacts et raisonnablement propres, d'une marque et d'un arôme vendus ici dans des contenants du même format au cours des six derniers mois.

O. Reg. 622/85, s. 7.

REGULATION 358

SEWAGE SYSTEMS

DEFINITIONS

1. In this Regulation,

“absorption trench” means an excavation in the soil being part of a leaching bed in which a distribution pipe will be or is laid and which allows leaching;

“distribution box” means a device for ensuring that effluent from a septic tank or sewage treatment plant is distributed in equal amounts to each line of distribution pipe in a leaching bed;

“distribution pipe” means a line or lines of perforated or open jointed pipe or tile installed in a leaching bed for the purpose of distributing effluent from a septic tank or proprietary aerobic sewage treatment plant to the soil in the leaching bed;

“earth pit privy” means a latrine consisting of an excavation in the ground surmounted by a superstructure;

“ground water” means water below the surface of the ground occupying a zone of the earth's mantle that is saturated with water;

“ground water table” means the elevation of the upper surface of the ground water existing in the area of the sewage system;

“hailed sewage” means sewage that,

- (a) is not finally disposed of at the site where it is produced and is not carried away by a sewer approved under the *Ontario Water Resources Act*, and
- (b) is stored or retained at the site where it is produced for periodic collection, handling, treatment, transportation, storage or processing prior to final disposal at a place other than where it was produced,

and includes sewage that is removed from a sewage system for purposes of cleaning or maintaining the system but does not include the sewage in a sewer collection system that transfers the sewage from the site where it is produced to a Class 4, 5 or 6 sewage system located on a separate property;

“hailed sewage system” means works, installations, equipment, operations and land used in connection with the collection, handling, treatment, transportation, storage, processing and disposal of hailed sewage but does not include,

- (a) equipment used for the storage or retention of sewage at the site where it is produced, or
- (b) a sewage works approved under section 53 of the *Ontario Water Resources Act* or a predecessor thereof or a waste disposal site for which a certificate of approval has been issued under Part V of the Act;

“header line” means a line of pipe with watertight joints installed in a sewage system for the purpose of distributing effluent from a septic tank or proprietary aerobic sewage treatment plant to the distribution pipe in a leaching bed;

“high ground water table” means the highest elevation at which there is physical evidence that the soil has been saturated with water;

“irrigation” means the disposal of hailed sewage by depositing it in a shallow trench, furrow or other shallow excavation in the ground and subsequently covering it with earth;

“leaching” means dispersal of liquid by downward or lateral drainage or both into permeable soil;

"leaching bed" means the soil absorption system constructed as absorption trenches or as a filter bed, located wholly in ground or raised or partly raised above ground as required by local conditions, to which effluent from a septic tank or proprietary aerobic sewage treatment plant is applied for treatment and disposal and that is composed of,

- (a) the soil that is contained between the surface to which the sewage is applied and the bottom of the leaching bed,
- (b) the distribution pipe and the stone or gravel layer in which such pipe is located, and
- (c) the backfill above the distribution pipe, including the topsoil and sodding or other anti-erosion measure, and the side slopes of any portion elevated above the natural ground elevation;

"pail privy" means a latrine in which the receptacle for human waste consists of a removable container surmounted by a superstructure;

"percolation time" means the average time in minutes that is required for water to drop one centimetre during a soil percolation test as determined by the test or by other means;

"portable privy" means a portable latrine in which the receptacle for human body waste and the superstructure are combined structurally into one unit;

"proprietary aerobic sewage treatment plant" means a unit that is available commercially and that consists of one or more watertight vaults or compartments in which sewage is collected for the purpose of removing scum, grease and solids from the liquid and in which sewage is brought into contact with air to cause oxidation of the sewage and that discharges effluent for further treatment or for disposal into the soil;

"septic tank" means a watertight vault in which sewage is collected for the purpose of removing scum, grease and solids from the liquid without the addition of air and anaerobic digestion of the sewage takes place and that discharges effluent for further treatment or for disposal into the soil;

"sewage" means,

- (a) waste of domestic origin which is human body waste, toilet or other bathroom waste, waste from other showers and tubs, liquid or water borne culinary and sink waste or laundry waste, and
- (b) such other waste,
 - (i) as is suitable for treatment in a sewage system regulated under Part VIII of the Act, or
 - (ii) with respect to which a certificate of approval has been issued under section 77 of the Act;

"Standard CAN3-B66" means the standards for prefabricated septic tanks and sewage holding tanks published in August, 1979 as CAN3-B66-M79 by the Canadian Standards Association;

"surface water" means water on the surface of the ground;

"trade size" means any size designation traditionally used by the trade but restricted to products or classes of products manufactured to a standard or specification so that the designated trade size may be referred to an industry accepted table or chart which then provides the true dimensions of the product in question;

"vehicle" includes a plane, train, ship and boat or other vessel; and

"working capacity" means the volume of liquid that a septic tank or holding tank is capable of holding without overflowing while it is in its working position but does not include the volume of liquid con-

tained in a compartment in which a pump or siphon is installed. O. Reg. 374/81, s. 1.

CLASSIFICATION OF SEWAGE SYSTEMS

2.—(1) The following are classified as sewage systems for purposes of Part VIII of the Act:

1. Class 1—a chemical toilet, an incinerating toilet, a recirculating toilet, a self-contained portable toilet and all forms of privy including a portable privy, an earth pit privy, a pail privy, a privy vault and a composting toilet system.
2. Class 2—a leaching pit.
3. Class 3—a cesspool.
4. Class 4—a septic tank system.
5. Class 5—a sewage system which requires or uses a holding tank for the storage or retention of hauled sewage at the site where it is produced prior to its collection by a Class 7 sewage system.
6. Class 6—a sewage system in which sewage is treated in a proprietary aerobic sewage treatment plant.
7. Class 7—a hauled sewage system.
8. Class 8—a sewage system in or on any vehicle except when it is used as part of a hauled sewage system.
9. Class 9—a sewage works located in whole or in part in or on land on the title of which has been registered in the proper land registry office an instrument referred to in section 27 of the *Ontario Water Resources Act* granting, creating or containing a right or interest in, over, above, upon, across, along, through, under or affecting any land or any covenant or condition relating thereto affecting the construction, installation, establishment, enlargement, extension, alteration, operation, maintenance, cleaning, emptying or disinfection of the sewage system.

(2) A Class 4, 5 or 6 sewage system that is designed to be capable of handling sewage flows in excess of 4,500 litres per day is also classified as a Class A sewage system. O. Reg. 374/81, s. 2.

EXEMPTIONS

3.—(1) A Class 1 sewage system for which an application for a certificate of approval is not submitted is exempt from sections 76 and 78 of the Act.

(2) A person who has received a certificate of approval in respect of a Class 1, 2 or 3 sewage system and who constructs, installs or establishes the sewage system in accordance with the person's application, except as it may be modified by the certificate of approval, and in accordance with the terms and conditions on the certificate of approval and otherwise complies with the Act and this Regulation is exempt from section 78 of the Act.

(3) A Class 8 sewage system is exempt from this Regulation except for subsection 4 (2) and from Part VIII of the Act except for section 83.

(4) A Class 9 sewage system is exempt from section 75 of the Act but only to the extent necessary for section 27 of the *Ontario Water Resources Act* to continue to operate with respect to the instruments referred to in paragraph 9 of subsection 2 (1). O. Reg. 374/81, s. 3.

STANDARDS COMMON TO SEWAGE SYSTEMS

4.—(1) No person shall construct, operate or maintain a sewage

system to which Part VIII of the Act and this Regulation apply except in accordance with the standards prescribed in this Regulation or as otherwise provided in a certificate of approval issued under section 77 of the Act, a term or condition made under subsection 77 (4) of the Act, a permit issued under section 78 of the Act or an order issued under section 79 of the Act. O. Reg. 374/81, s. 4 (1); O. Reg. 71/85, s. 1.

(2) The following are prescribed as standards for the construction, operation and maintenance of all sewage systems:

1. Except for a Class 7 sewage system, the sewage system or any part thereof shall not emit, discharge or deposit sewage or effluent onto the surface of the ground.
2. Sewage or effluent shall not emit, discharge, seep, leak or otherwise escape from the sewage system or any part thereof into a piped water supply, well water supply, a watercourse, ground water or surface water.
3. Sewage or effluent shall not emit, discharge, seep, leak or otherwise escape from the sewage system or any part thereof other than from a place or part of the sewage system where the system is designed or intended to discharge sewage or effluent.
4. Insects and animal life shall be prevented from gaining access to sewage contained in the sewage system.
5. No sewage system or any part thereof shall emit, discharge, deposit or allow the emission, discharge or deposit of micro organisms of intestinal origin into the natural environment in such a manner as may be a hazard to health.
6. No gas shall emit, discharge or otherwise escape from the sewage system into any building or structure except in the manner in which the sewage system was designed or intended to emit or discharge gas.
7. No connections to the sewage system from non-sewage waste water sources shall be made.
8. The operator of the sewage system shall keep it maintained at all times so that its construction remains in accordance with the certificate of approval and any order made under the Act.

(3) Paragraph 2 of subsection (2) does not apply to prevent the operation of a sewage system designed and operated so that properly treated effluent is discharged into the soil.

(4) A sewage system that does not function in the manner in which it was designed to function and that is not being corrected under arrangements made by the owner is classified as a malfunctioning system. O. Reg. 374/81, s. 4 (2-4).

(5) No person shall operate a malfunctioning system unless a full report of the problem has been made to the Director. O. Reg. 598/88, s. 1.

5.—(1) No person shall construct a sewage system unless it is wholly contained within the parcel of land on which the structures, in connection with which the sewage system is to be used, are located. O. Reg. 598/88, s. 2, *part*.

(2) Subsection (1) does not apply to,

- (a) a Class 7 sewage system;
- (b) a sewage system owned and operated by the Crown, a municipality, or an organization acceptable to the Director, created for the purpose of operating a sewage system;
- (c) a sewage system or that part of a sewage system located on a parcel of land that is subject to a registered easement or

other registered interest in land permitting its maintenance, repair and replacement in favour of the parcel of land on which the structure being served by the sewage system is located; or

- (d) a sewage system or that part of a sewage system located on land that is owned by Her Majesty the Queen in right of the Province of Ontario or is a public road allowance with the written approval of the authority having jurisdiction over such land or road allowance. O. Reg. 374/81, s. 5 (2).

(3) No person shall construct a sewage system of a type set out in Column 1 of Table 1 so that any part thereof is closer to an item described in the heading of Column 2, 3, 4 or 5 of Table 1 than the horizontal distance set out in that column opposite the name of the sewage system. O. Reg. 598/88, s. 2, *part*.

CONSTRUCTION AND OPERATION STANDARDS

TANKS

6.—(1) The following are prescribed as standards for any tank used in a sewage system for collecting, treating, holding or storing sewage:

1. The tank shall conform to the requirements of Standard CAN3-B66, except as otherwise provided in this Regulation.
2. The tank, unless it is a septic tank in a Class 4 sewage system or a sewage holding tank in a Class 5 sewage system, need not conform to the requirements of Standard CAN3-B66 except those respecting material standards, access, workmanship and construction methods and practices.
3. Access openings shall be located to facilitate the pumping of all compartments and the servicing of the inlet and outlet of each compartment not accessible by the removal of the tank top or part thereof.
4. A prefabricated septic tank in a Class 4 sewage system or a prefabricated sewage holding tank in a Class 5 sewage system installed in Ontario shall bear the manufacturer's mark indicating that the tank complies with the requirements of this Regulation and shall bear the standards mark of,
 - i. the Canadian Standards Association,
 - ii. the Underwriters' Laboratories of Canada, or
 - iii. an organization accredited by the Standards Council of Canada for certifying products of a type that include such tanks,

indicating that it complies with this Regulation. O. Reg. 374/81, s. 6 (1); O. Reg. 598/88, s. 3 (1).

(2) Subsection (1) does not apply to a tank that is used as part of a Class 7 sewage system and mounted on a vehicle or that is an integral part of a prefabricated Class 1 sewage system. O. Reg. 374/81, s. 6 (2).

(3) No person shall cover a tank regulated by subsection (1) by earth or other fill material having a depth greater than the maximum depth of burial that the tank is designed to withstand.

(4) Where a report in respect of a prefabricated septic or sewage holding tank prepared in accordance with subsection (7), based on inspections performed not more than twelve months before the tank was constructed, is filed with and accepted by an employee of the Ministry designated by the Minister for the purpose, the tank shall be deemed to comply with the standard in paragraph 4 of subsection (1). O. Reg. 598/88, s. 3 (2), *part*.

(5) The records of the concrete cylinder tests prescribed in Stan-

standard CAN3-B66 for the manufacture of prefabricated concrete tanks shall be preserved for inspection by the certifying agency or by the engineer preparing the report referred to in subsection (4).

(6) In this section "engineer" means a person who is a member of the Association of Professional Engineers of the Province of Ontario who is qualified to make the tests and give the opinion required by subsection (7), and if the tanks with respect to which the report is prepared are not manufactured in Ontario, includes a professional engineer who meets similar qualifications in the province or state in which the tanks are manufactured.

(7) The report referred to in subsection (4) shall be prepared, filed and accepted in accordance with the following rules:

1. The report shall,
 - i. be prepared by an engineer,
 - ii. state the qualifications of the engineer who prepared the report,
 - iii. if the engineer who prepared the report is not a member of the Association of Professional Engineers of the Province of Ontario, include a copy of a certificate or letter of the governing body of the professional engineers in the jurisdiction in which the tanks with respect to which the report is prepared are manufactured indicating that the person meets qualifications equivalent to those required for membership in the Association of Professional Engineers of the Province of Ontario,
 - iv. state that the engineer who prepared the report has no direct or indirect financial connection as an owner, employee or otherwise with the manufacturer of the tanks with respect to which the report is prepared other than for the preparation of the reports and except for such other services as an engineer provides that are mentioned in the report,
 - v. state that the engineer who prepared the report has inspected the plant in which the tanks being reported on are manufactured and the concrete cylinder strength test records mentioned in subsection (5) and has selected at random, inspected and tested a representative tank of each model to which the report relates,
 - vi. state the tests that have been performed on each tank, which tests shall include the strength and leakage tests prescribed by Canadian Standards Association Standard CAN3-B66,
 - vii. state that the engineer who prepared the report has performed such tests as are necessary to form an opinion and that he or she is of the opinion that each tank tested met the standards prescribed by this Regulation, that the plant, equipment and system of production are capable of producing such tanks and that he or she has no reason to believe that any tanks of the models and sizes the report relates to that are being made in the plant do not meet the standards prescribed by this Regulation, with such exceptions as are specified in the report,
 - viii. specify the tanks, models and sizes of each model to which the report relates,
 - ix. include scaled or dimensioned drawings showing the plan and elevations of each model of tank to which the report relates, and
 - x. include a general description of the plant, its location and the equipment used for making the tanks.

2. The engineer preparing a report shall make the inspections and tests necessary for the report as often as he or she considers necessary.
3. Subject to subparagraph vii of paragraph 1, the engineer preparing a report need not carry out strength and leakage tests on each size of a model of tank to which the report relates.
4. Where a report is not the first report submitted under this section by the engineer who prepared it with respect to the models and sizes of tanks of the manufacturer that the report relates to, it may, instead of the requirements of paragraph 1, state when the tests and inspections on which it is based were performed, those tests not conducted and judged not necessary in order to report continued compliance with this Regulation and such other matters referred to in paragraph 1 as have changed from the previous report. O. Reg. 374/81, s. 6 (6-8).

CLASS 1 SEWAGE SYSTEMS

7.—(1) The following are prescribed as standards for the operation of a Class 1 sewage system:

1. Subject to paragraph 2, the sewage system shall receive or be used only for the disposal of human body waste.
2. If the sewage system has been specifically designed for the biological decomposition of non-waterborne biodegradable kitchen wastes or requires the addition of small quantities of plant matter to improve the decomposition of human body waste, it may receive such wastes in addition to human body waste. O. Reg. 374/81, s. 7 (1).

(2) A standard prescribed for a privy is that it be enclosed with a superstructure that,

- (a) shall be constructed of strong durable weatherproof materials;
- (b) has a solid floor supported by a sill constructed of treated timber, masonry or other material of at least equal strength and durability;
- (c) unless it is equipped solely as a urinal, is equipped with one or more seats each having a cover and being supported by an enclosed bench or riser which is lined with an impervious material on all interior vertical surfaces;
- (d) is equipped with a self-closing door;
- (e) has one or more openings for purposes of ventilation, all of which are screened;
- (f) has a ventilation duct that is screened at the top end and that extends from the under side of the bench or riser to a point above the roof of the superstructure; and
- (g) shall not have any openings for the reception of human body waste, other than urinals and those constructed in accordance with clause (c). O. Reg. 374/81, s. 7 (2); O. Reg. 598/88, s. 4.

(3) The following are prescribed as standards for the construction of an earth pit privy:

1. The bottom of the pit shall be at least 0.5 metres above the high ground water table.
2. The sides of the pit shall be reinforced so as to prevent the collapse thereof.
3. The pit shall be surrounded on all sides and on its bottom by not less than 0.6 metres of earth.

4. The surface of the ground in the area surrounding the pit shall be so graded that surface drainage in the area of the pit will be diverted away from the pit.
5. The earth around the base of the sides of the superstructure of the earth pit privy shall be raised or mounded to a height of at least 0.15 metres above ground level.

(4) The following are prescribed as standards for the construction of a privy-vault or a pail privy:

1. The container or structure which is to be used for the holding or storage of sewage shall be watertight and made of a material which can be easily cleaned.
2. The earth around the base of the sides of the superstructure shall be raised or mounded to a height of at least 0.15 metres above ground level.
3. The surface of the ground in the area of the privy-vault or pail privy shall be so graded that surface drainage will be diverted away from the privy.

(5) The following are prescribed as standards for the construction of a portable privy:

1. It shall have a watertight receptacle which shall be suitable for the holding and storage of any sewage deposited therein.
2. The receptacle for the holding and storage of sewage shall be designed and constructed in such a manner as to allow it to be easily cleaned and emptied.
3. It shall be constructed of such material and in such a manner that it can withstand the stresses to which it will be subjected during its transportation to and from sites where it is to be used and during loading and unloading from vehicles used for the transportation of the portable privy to and from sites where it is to be used. O. Reg. 374/81, s. 7 (3-5).

CLASS 2 SEWAGE SYSTEMS—LEACHING PITS

8.—(1) A prescribed standard for the operation of a Class 2 sewage system is that it shall be used only for the disposal of sewage other than human body waste.

(2) The following are prescribed as standards for the construction of a Class 2 sewage system:

1. The bottom of the pit shall be at least 0.5 metres above the high ground water table.
2. The pit shall be constructed in such a manner as to prevent the collapse of its sidewalls.
3. Any material used to support or form the sidewalls of the pit shall be an open jointed material of a type that will permit leaching from the pit.
4. The pit shall be provided with a tight, strong cover that shall remain over the pit except when it is necessary to remove it for purposes of adding sewage to or removing sewage from the pit or for purposes of maintenance of the pit.
5. The earth around the perimeter of the pit shall be raised or mounded to a height of at least 0.15 metres above ground level.
6. The surface of the ground in the area of the pit shall be so graded that surface drainage in the area will be diverted away from the pit.

7. The pit shall be surrounded on all sides and on its bottom by at least 0.6 metres of earth. O. Reg. 374/81, s. 8.

CLASS 3 SEWAGE SYSTEMS—CESSPOOLS

9.—(1) A prescribed standard for the operation of a Class 3 sewage system is that it shall be used only for the disposal of the contents of a Class 1 sewage system or effluent that has passed through a leaching bed that was in use before the 16th day of April, 1974.

(2) The following are prescribed as standards for the construction of a Class 3 sewage system:

1. The bottom of the cesspool shall be at least 0.5 metres above the high ground water table.
2. The cesspool shall be constructed in such a manner as to prevent the collapse of its sidewalls.
3. Any material used to support or form the sidewalls of the cesspool shall be an open jointed material of a type that will permit leaching from the cesspool.
4. The cesspool shall be provided with a tight, strong cover that shall remain over the cesspool except when it is necessary to remove it for purposes of adding sewage to or removing sewage from the cesspool or for purposes of maintenance of the cesspool.
5. The earth around the perimeter of the cesspool shall be raised or mounded to a height of at least 0.15 metres above ground level.
6. The surface of the ground in the area of the cesspool shall be so graded that surface drainage in the area will be diverted away from the cesspool.
7. The cesspool shall be surrounded on all sides and on the bottom by at least 0.6 metres of earth. O. Reg. 374/81, s. 9.

CLASS 4 SEWAGE SYSTEMS—SEPTIC TANK SYSTEMS

10.—(1) The following are prescribed as standards for the construction and installation of a Class 4 sewage system:

1. The septic tank shall conform to the requirements of section 6.
2. The working capacity of the septic tank shall in no case, be less than 2,700 litres and,
 - i. where the septic tank system is to be used in connection with a private dwelling having the number of bedrooms itemized in column 1 of Table 2, shall be not less than the number of litres set out opposite thereto in column 2, or
 - ii. where the septic tank system is to be used in connection with structures other than a private dwelling having five bedrooms or less, shall be not less than twice the daily sewage flow for daily sewage flows of 3,600 litres or less and not less than three-quarters of the daily sewage flow plus 4,500 litres for daily sewage flows in excess of 3,600 litres.
3. The septic tank shall be of such construction and design as will permit the collection and holding of sewage therein to a depth of not less than 120 centimetres except that a depth of not less than ninety centimetres is permissible where excavation in rock is necessary or to avoid rupture or displacement of the tank due to ground water pressure.
4. The septic tank shall be constructed in such a manner that

any sewage flowing through the tank shall pass through at least two compartments for settling sewage.

5. The working capacity of the second compartment of a septic tank shall be approximately 50 per cent of the working capacity of the first compartment.
6. Partitions separating the septic tank into compartments shall extend at least fifteen centimetres above the liquid level at the outlet and there shall be one or more openings through or above the partition which openings shall have a total area of at least three times the area of the inlet pipe and be located between the ceiling and a level fifteen centimetres above the liquid level at the outlet to provide for the free flow of air between compartments.
7. Sewage may pass from one compartment to another of the septic tank system by means of either,
 - i. a fixture similar to that described in Standard CAN3-B66 for outlet devices, or
 - ii. through two or more openings through the partition located in a horizontal line and evenly spaced across the width of the partition, centred at approximately 40 per cent of the liquid depth below the surface of the liquid, and having a total area of between three and five times that of the cross-sectional area of the inlet pipe.
8. Where the total length of distribution pipe required by subsection (3) is 150 metres or more, the sewage system shall have a pump or siphon, contained in a separate compartment that may be part of the tank structure, so designed and constructed that it will be capable of discharging from the compartment, within a time period not exceeding fifteen minutes, a volume of tank effluent not less than three-quarters of the total interior volume of the distribution pipe.
9. No person shall locate or permit the location of a septic tank closer to an item set out in column 1 of Table 3 than the horizontal distance set out opposite thereto in column 2. O. Reg. 374/81, s. 10 (1).

(2) The following are prescribed as standards for the construction of a leaching bed used in connection with a Class 4 sewage system:

1. No person shall locate or permit the location of the leaching bed,
 - i. in an area that has an average slope that exceeds one unit vertically to four units horizontally,
 - ii. in soil that has a percolation time greater than fifty minutes or less than one minute,
 - iii. so that a distribution pipe installed therein or any part thereof is closer to an item set out in column 1 of Table 4 than the horizontal distance set out opposite thereto in column 2,
 - iv. where the effluent from the leaching bed would cause impairment of the ground water, or
 - v. in or on an area subject to flooding that may be expected to cause damage to the leaching bed or a public health nuisance by impairing the operation of the leaching bed.
2. The surface of the leaching bed shall be shaped to shed water and, together with the side slopes of any raised portion, shall be protected against erosion in such a manner as to not inhibit the evaporation and transpiration of waters

from the soil and to not cause plugging of the distribution pipe.

3. The leaching bed shall not be covered with any impervious material.
4. The leaching bed shall be protected from compaction or any stress or pressure that may result in the impairment or destruction of any pipe or tile in the leaching bed. O. Reg. 374/81, s. 10 (2); O. Reg. 290/83, s. 2 (1).

(3) The following are prescribed as standards for the construction of a leaching bed, constructed by means of absorption trenches, that is used in connection with a Class 4 sewage system:

1. The leaching bed serving a private dwelling having the number of bedrooms set out in column 1 of Table 5 shall have a distribution pipe having a total length not less than that set out opposite such number in the column headed by the design percolation time for the soil in the leaching bed.
2. The leaching bed serving a building or structure other than a private dwelling shall have a total length of distribution pipe not less than the value determined by the formula,

$$L = QT/200$$

where L is the total length of distribution pipe expressed in metres, Q is the total daily sewage flow in litres and T is the design percolation time in minutes, but in no case shall the total length of distribution pipe be less than forty metres.

3. The absorption trenches shall be,
 - i. not more than thirty metres in length,
 - ii. approximately the same length,
 - iii. at least 0.5 metres in width,
 - iv. between 0.6 and 0.9 metres in depth,
 - v. centred at least 1.6 metres apart,
 - vi. set at an elevation such that the bottom of the trench shall be at all points at least 0.5 metres above high ground water table and at least 0.9 metres above the maximum elevation of rock or soil with a percolation time of greater than fifty minutes, and
 - vii. backfilled, after installation of distribution pipe in accordance with paragraph 4, with porous soil so as to ensure that after the soil settles the surface of the leaching bed will not form any depressions.
4. Distribution pipe used in the construction of a leaching bed shall be,
 - i. of not less than three inch diameter trade size for gravity flow systems or one and one-quarter inch diameter trade size for pressurized systems,
 - ii. placed or installed on a layer or covering at least 0.15 metres in depth and 0.5 metres in width comprised of stone that is either nineteen millimetre clear aggregate, washed to be free of fine material, or clean gravel screened to be between nineteen and fifty-three millimetres in size,
 - iii. placed or installed with a uniform downward slope from the inlet with a drop of not less than thirty millimetres and not more than fifty millimetres for each ten metres of its length,
 - iv. where it is open-jointed distribution pipe, installed

in such a manner that there is an open space of not less than six and not more than twelve millimetres between each pipe or tile and that the upper half of every open space is covered with tar paper so as to prevent soil, gravel or other foreign matter from entering the distribution pipe through the open space, and

- v. covered with stone of the type used below the distribution pipe to a height of at least fifty millimetres above the top of the distribution pipe, which stone is then completely covered with untreated building paper, pea gravel, straw or other like material in such a manner as to prevent soil from entering the stone.
5. A leaching bed comprising absorption trenches may be constructed in imported soil provided that,
- i. there is unsaturated soil having a percolation time not less than one minute and not more than fifty minutes, to a depth of at least 0.25 metres over the area covered by the leaching bed and extending for at least fifteen metres beyond the outer distribution pipes in any direction in which the sewage entering the soil will move laterally,
 - ii. where soil is added to meet the requirements of subparagraph i it shall be stabilized against erosion,
 - iii. where the soil meeting the requirements of subparagraph i has percolation time greater than fifteen minutes, any soil added to it, except porous soil added as backfill above the stone layer in which the distribution pipe is located, has a percolation time not less than 75 per cent of the percolation time of the soil meeting the requirements of subparagraph i,
 - iv. the site to which the soil is added is generally clear of vegetation,
 - v. the soil that is added is compacted in layers so as to avoid uneven settlement of the distribution pipes,
 - vi. the surface of the soil that is added to form the leaching bed and is above the level of the surrounding ground is extended horizontally at least one metre beyond the centre line of any pipe or the end of any absorption trench or part thereof before sloping to ground level,
 - vii. the sides of the added soil are sloped to ensure stability but are not steeper than one unit vertically to two units horizontally,
 - viii. any distribution boxes, header lines, absorption trenches and distribution pipe are constructed or installed only after the soil that has been added to the site has been compacted in accordance with subparagraph v, and
 - ix. the distances set out in column 2 of Table 4 are increased by two metres for each metre that the surface of the leaching bed is raised above ground level.
6. Soil added to meet the requirements of subparagraph i of paragraph 5 or to form the leaching bed, shall be regarded as part of the sewage system for the purposes of section 5. O. Reg. 374/81, s. 10 (3).
- (4) A leaching bed used in connection with a Class 4 sewage system may be constructed as one or more filter beds if,
- (a) the requirements of subsection (2), paragraphs 4 and 6 of subsection (3) and subparagraphs i to v, viii and ix of paragraph 5 of subsection (3) are met;
 - (b) the daily sewage load to the leaching bed does not exceed 5,000 litres;
 - (c) the effective area of the surface of the filter medium in each filter bed is at least ten square metres and not more than fifty square metres;
 - (d) where the leaching bed is serving a private dwelling with the number of bedrooms set out in Column I of Table 6, the area of the filter medium in the leaching bed is not less than that set out opposite the appropriate number of bedrooms in the column for Class 4 sewage systems;
 - (e) where the daily sewage flow to the leaching bed does not exceed 3,000 litres, the area is such that the loading on the surface of the filter medium does not exceed 75 litres per square metre per day;
 - (f) where the daily sewage flow to the leaching bed exceeds 3,000 litres, the area is such that the loading on the surface of the filter medium does not exceed 50 litres per square metre per day and the leaching bed is comprised of more than one filter bed, each of similar size and adjacent to each other;
 - (g) where there is more than one filter bed in a leaching bed, the filter beds are separated so that there are at least five metres between the distribution pipes of each filter bed and those of all other filter beds;
 - (h) the surface of the filter medium to which the sewage is applied is at least 0.5 metres above the high ground water table and at least 0.9 metres above the maximum elevation of rock or soil with a percolation time greater than fifty minutes;
 - (i) the stone layer in which the distribution pipe is set is continuous over the surface of the filter medium to which the sewage is applied;
 - (j) the lines of distribution pipe are evenly spaced over the surface of the filter medium to which the sewage is applied at a spacing not exceeding 1.2 metres;
 - (k) the distance between,
 - (i) the edge of the stone layer in which the distribution pipe is set, and
 - (ii) the end of any distribution pipe and the center line of the outermost distribution pipe,
 shall, where there is more than one line of distribution pipe, be approximately one-half of the distribution pipe spacing but, in any event, shall not be less than 0.2 metres or more than 0.6 metres;
 - (l) the filter medium has a minimum depth of 0.75 metres below the stone layer and is clean sand comprised of particles ranging in size between the limits of,
 - (i) an effective size of 0.25 millimetres with a uniformity coefficient not less than 3.5, and
 - (ii) an effective size of 2.5 millimetres with a uniformity coefficient not greater than 1.5,
 and having a uniformity coefficient not greater than 4.5;
 - (m) the base of the filter medium extends at a thickness of at least 0.25 metres over an area meeting the requirements of the formula:

$$A = QT/850$$

where A is the area of contact in square metres between the base of the filter medium and the underlying soil, Q is the daily sewage flow in litres and T is the percolation time of the underlying soil;

- (n) the filter bed is overfilled with porous soil so as to ensure that after the soil settles the surface of the bed will be shaped to shed rain-water. O. Reg. 374/81, s. 10 (4); O. Reg. 290/83, s. 2 (2); O. Reg. 71/85, s. 2.

(5) The following are prescribed as standards for the operation of a Class 4 sewage system:

1. The owner of the sewage system shall arrange for the servicing and maintenance of all components of the sewage system as required to ensure its continued proper operation.
2. If the sewage system is a Class A sewage system, the owner shall at least once in every twelve months in which the system is used have it inspected by a person licensed to carry out servicing and repairs. O. Reg. 374/81, s. 10 (5).

CLASS 5 SEWAGE SYSTEMS—HOLDING TANKS

11.—(1) The following are prescribed as the standards for the construction and operation of a Class 5 sewage system:

1. The sewage system shall be operated in connection with a Class 7 sewage system for which a certificate of approval has been issued under Part VIII of the Act.
2. When the sewage system is filled with sewage the sewage system shall not be operated until such time as the sewage is removed from the sewage system in accordance with the Act and this Regulation.
3. The sewage system shall have an apparatus or device installed and kept operating to provide a warning that is visible or audible or both to indicate when the tank is nearing capacity and should be emptied, which apparatus or device shall be capable of adjustment to give warning at the sewage level in the tank that, in relation to the daily sewage flow, will provide a suitable advance warning to the building occupants considering the location of the system and the response time of the contracted Class 7 sewage system.

(2) The following are prescribed as standards for the construction of a holding tank that is to be used as part of a Class 5 sewage system:

1. The holding tank shall conform to the requirements of section 6.
2. The holding tank shall be capable of being fitted with that part of the warning device referred to in paragraph 3 of subsection (1) that is to be mounted on or in the tank.
3. The holding tank shall be of a design or construction that will allow it to be sealed in such a manner as to be capable of withstanding internal pressure as specified in Underwriters' Laboratories of Canada Standards ULC-S601-1973 and ULC-S603-1973.
4. The holding tank shall be of such design and construction as will allow the complete removal of solid matter that can be expected to settle in the holding tank.
5. The holding tank shall have an apparatus or device suitable for allowing the contents of the holding tank to drain from or be otherwise removed from the holding tank in accordance with the Act and this Regulation.

6. The working capacity of a holding tank shall not be less than 9,000 litres. O. Reg. 374/81, s. 11 (1, 2).

(3) To meet the requirements of paragraph 6 of subsection (2), two or more tanks may be used and, if they are connected in such a manner as will allow the sewage contained therein to flow between the tanks, they shall be deemed to be one holding tank, but the combined working capacity shall not include any portion of any tank that cannot be completely drained due to the manner in which the connections are made. O. Reg. 374/81, s. 11 (4).

CLASS 6 SEWAGE SYSTEMS—PROPRIETARY AEROBIC SYSTEMS

12.—(1) The following are prescribed as standards for installation of a Class 6 sewage system:

1. No person shall locate or cause or permit the location of the proprietary aerobic sewage treatment plant closer to an item set out in column 1 of Table 3 than the horizontal distance set out opposite thereto in column 2.
2. A leaching bed constructed as part of the sewage system shall be located in accordance with paragraph 1 of subsection 10 (2).
3. The sewage system shall comply with paragraph 8 of subsection 10 (1).
4. The sewage system shall include an audible failure warning alarm located to warn occupants of the building served of a malfunction in the operation of the proprietary aerobic sewage treatment plant. O. Reg. 374/81, s. 12 (1).

(2) The following are prescribed as standards for the construction of a leaching bed that is used in connection with a Class 6 sewage system:

1. The leaching bed, if constructed by means of absorption trenches, shall have, in any case, at least thirty metres of distribution pipe but,
 - i. if serving a private dwelling, it shall have distribution pipe of a total length not less than two-thirds of the length set out in the appropriate column of Table 5 showing the design percolation time for the soil in the leaching bed opposite the number of bedrooms set out in column 1 of Table 5, or
 - ii. if serving a structure other than a private dwelling, it shall have distribution pipe of a total length not less than the value determined by the formula:

$$L = QT/300$$

where L is the total length of distribution pipe expressed in metres, Q is the total daily sewage flow in litres and T is the design percolation time in minutes.

2. Where the leaching bed is constructed by means of absorption trenches, it shall conform to subsection 10 (2) and paragraphs 3, 4, 5 and 6 of subsection 10 (3).
3. The leaching bed may be constructed as a filter bed where,
 - i. except as provided in subparagraphs ii to v, it conforms to subsection 10 (4),
 - ii. the daily sewage load to the leaching bed does not exceed 10,000 litres,
 - iii. if the leaching bed is serving a private dwelling with the number of bedrooms set out in Column 1 of Table 6, the area of the filter medium in the leaching bed is not less than that set out opposite the appro-

ropriate number of bedrooms in the column for Class 6 sewage systems,

- iv. if the daily sewage flow does not exceed 6,000 litres, the area is such that the loading on the surface of the filter medium does not exceed 150 litres per square metre per day, and
- v. if the daily sewage flow exceeds 6,000 litres, the area is such that the loading on the surface of the filter medium does not exceed 100 litres per square metre per day and the leaching bed is comprised of more than one filter bed. O. Reg. 374/81, s. 12 (2); O. Reg. 290/83, s. 4 (1); O. Reg. 71/85, s. 3.

(3) The manufacturer or distributor of a proprietary aerobic sewage treatment plant shall have, for each type and model of plant sold, printed literature that describes the plant in detail and provides complete instructions regarding the operation, servicing, and maintenance requirements of the plant and its related components necessary to ensure its continued proper operation in accordance with its design and specifications.

(4) The following are prescribed as standards for the construction, operation and maintenance of a Class 6 sewage system:

1. The proprietary aerobic sewage treatment plant and its related components shall be operated, serviced and maintained in accordance with the instructions referred to in subsection (3).
2. Servicing and maintenance shall be undertaken regularly and with a frequency necessary to ensure the proper operation of the plant and its components in accordance with its designs and specifications. O. Reg. 374/81, s. 12 (3, 4)

(5) The person who constructs a Class 6 sewage system shall ensure that a copy of the literature described in subsection (3) is made available to the owner of the property on which the system is to be installed for retention by that person. O. Reg. 598/88, s. 5 (1)

(6) No person shall operate a Class 6 sewage system that is not a Class A sewage system unless the servicing and maintenance of the proprietary aerobic sewage treatment plant and its related components are carried out by a person who,

- (a) possesses the instructions referred to in subsection (3); and
- (b) if in the business of servicing and repairing sewage systems, is authorized by licence to service and maintain that type of proprietary aerobic sewage treatment plant or possesses other evidence, acceptable to the Director, demonstrating the person's qualifications for such work.

(7) No person shall operate a Class 6 sewage system that is a Class A sewage system unless there is a written agreement for the servicing and maintenance of the proprietary aerobic sewage treatment plant and its related components between the owner or operator and a person described in clause (6) (b) or an employee of the owner who,

- (a) is approved by the manufacturer for the servicing and maintenance of the proprietary aerobic sewage treatment plant and its related components; and
- (b) is approved for that purpose in writing by the Director and carries out the servicing and maintenance as part of his or her duties. O. Reg. 598/88, s. 5 (2).

CLASS 7 SEWAGE SYSTEMS—HAULED SEWAGE SYSTEMS

13.—(1) The following are prescribed as standards for the operation of a Class 7 sewage system:

1. Every tank that is part of a Class 7 sewage system and that

is used for the transportation of sewage shall have inscribed thereon in plain view the words "SEWAGE WASTE" in letters which are not less than 150 millimetres in height, unless the tank bears a company designation in letters of similar size that clearly indicates the nature of the contents.

2. A Class 7 sewage system or any part thereof that comes into contact with sewage shall not be used for the collection, handling, treatment, transportation, storage or processing of any material other than sewage or a material approved in writing by the Director.
3. Sewage shall not be emitted, discharged or deposited on the surface of the ground from a Class 7 sewage system except in accordance with,
 - i. terms and conditions providing for such emission, discharge or deposit, contained in a certificate of approval issued under section 77 of the Act and pursuant to a permit issued under section 78 of the Act, or
 - ii. an order issued under section 79 of the Act. O. Reg. 374/81, s. 13 (1); O. Reg. 515/82, s. 1 (1).

(2) Paragraph 2 of subsection (1) does not apply to prohibit a tank truck or trailer that has been used to haul sewage from being used to transport other liquids where,

- (a) the tank is not used for transporting liquids for human or animal consumption or any substance categorized as hazardous waste or hauled liquid industrial waste as defined in Regulation 347 of Revised Regulations of Ontario, 1990;
- (b) the owner or operator of the tank truck or trailer obtains every approval required for its alternate use;
- (c) the tank and any parts that have contacted sewage are cleaned prior to the alternate use to the satisfaction of the receiver of the hauled liquid; and
- (d) prior to any reuse for hauling sewage, the tank and every part contaminated during the alternate use shall be cleaned to the satisfaction of the Director issuing the certificate of approval for the Class 7 sewage system. O. Reg. 290/83, s. 5.

(3) A person who holds a licence under section 80 of the Act for the operation of a Class 7 sewage system shall,

- (a) keep daily records of the premises from which sewage is collected and the amounts of sewage collected therefrom;
- (b) keep daily records of the disposal site or disposal sites at which the sewage is discharged or disposed of and the amounts of sewage discharged or disposed of at those sites;
- (c) on or before the 1st day of February of each year submit to the Director a written report, summarizing the information so recorded for each disposal site for the previous calendar year, and such other information as the Director may require; and
- (d) keep the daily records required by clauses (a) and (b) available for review by the Director as the Director may require for a period of one year after submission of the written report required by clause (c) or for such longer period as the Director notifies the licensee in writing. O. Reg. 374/81, s. 13 (3); O. Reg. 515/82, s. 1 (2).

LICENSING

14.—(1) A person engaged in the type of business set out in column 1 of Table 7 shall have the class of licence set out opposite thereto in column 2.

(2) The holder of one class of licence may, if also holding the appropriate certificates of approval and permits, engage in the activity of the holder of the other class of licence which is incidental to the business carried on under the class of licence held.

(3) An application for a licence referred to in subsection (1) or for a renewal thereof shall be made to the Director.

(4) An application for renewal of a licence shall be made at least thirty days prior to the expiry of the licence being renewed.

(5) An applicant for a licence shall, if required by the Director, pass an examination administered by a person designated by the Director.

(6) Where the Director requires an applicant to pass an examination the Director shall ensure that the applicant is notified by registered mail of,

- (a) the date, time and place fixed for the examination; and
- (b) any information or evidence in respect of the qualifications of the applicant to engage in the business that the Director may require the applicant to produce.

(7) A notice referred to in subsection (6) shall be given at least seven days before the day fixed for the examination.

(8) Where a partnership or corporation is the applicant the application shall include the following information,

- (a) the names and addresses of all its partners, members, officers or directors, as the case may be;
- (b) the names of all its partners, directors of corporations or full-time employees of corporations, as the case may be, who are the persons who will be in charge of supervising the work to be carried out by the partnership or corporation; and
- (c) from among the names specified under clause (b) the name or names of its official representative or representatives whose duty it is to ensure that the Act and the Regulations are complied with,

and the applicant shall, whenever there is a change in the particulars given in its application, give notice of the change to the Director within thirty days after the effective date of the change.

(9) In the case of an application for a licence by a partnership or corporation the examination referred to in subsection (5) shall be taken by the official representative specified under clause (8) (c).
O. Reg. 374/81, s. 14.

FEEs

15.—(1) Except where a higher fee is prescribed by a municipality under subsection 81 (4) of the Act, the fees payable for the following matters are:

- 1. For an application for a certificate of approval for the construction, installation, establishment, enlargement, extension or alteration of a Class 4, 5, 6 or 7 sewage system other than a Class A sewage system \$36.05
- 2. For an application for a certificate of approval for the construction, installation, establishment, enlargement, extension or alteration of a Class A sewage system 87.55
- 3. For the issuance of each licence under section 80 of the Act Nil
- 4. For the renewal of a licence issued under section 80 of the Act Nil
- 5. For a matter referred to in subsection 82 (2) of the Act Nil

O. Reg. 374/81, s. 15 (1); O. Reg. 130/84, s. 1 (1); O. Reg. 546/85, s. 1 (1, 2).

(2) Every parcel of land with respect to which there is an application referred to in clause 82 (2) (a) or (c) of the Act and no application referred to in clause 82 (2) (b) or (d) of the Act, and the subject matter of the application,

- (a) by the determination of the person to whom the application is made will not affect any sewage system or potential sewage system or require a new sewage system; and
- (b) is not forwarded to a Director under Part VIII of the Act for review,

is exempt from the payment of the fee for the purposes of section 82.
O. Reg. 71/85, s. 4.

Table 1

CLEARANCES FOR CLASS 1, 2 AND 3 SEWAGE SYSTEMS

(Subsection 5 (3))

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
	Minimum distance in metres from well with watertight casing to a depth of 6 metres	Minimum distance in metres from spring used as a source of potable water or well other than a well with watertight casing to a depth of 6 metres	Minimum distance in metres from lake, river, pond, stream, reservoir or a spring not used as a source of potable water	Minimum distance in metres from a Property Line
Pit Privy	15	30	15	3
Privy Vault				
Pail Privy	10	15	10	3
Cesspool	30	60	15	3
Leaching pit	10	15	15	3

O. Reg. 374/81, Table 1.

Table 2**SEPTIC TANK MINIMUM SIZE REQUIREMENTS FOR RESIDENCES**

(Subparagraph i of Paragraph 2 of Subsection 10 (1))

COLUMN 1	COLUMN 2
Number of Bedrooms	Working Capacity In Litres
Two bedrooms or less	2,700
Three bedrooms	3,600
Four or five bedrooms	4,500

O. Reg. 374/81, Table 2.

Table 3**CLEARANCES FOR SEPTIC TANKS
AND PROPRIETARY AEROBIC TREATMENT PLANTS**

(Paragraph 9 of Subsection 10 (1) and Paragraph 1 of Subsection 12 (1))

COLUMN 1	COLUMN 2
	Distance in Metres
Building or structure	1.5
Lake	15
Pond	15
Property Line	3
Reservoir	15
River	15
Spring	15
Stream	15
Well	15

O. Reg. 374/81, Table 3.

Table 4**LEACHING BED DISTRIBUTION PIPE CLEARANCES**

(Subparagraph iii of Paragraph 1 of Subsection 10 (2) and Subparagraph ix of Paragraph 5 of Subsection 10 (3))

	COLUMN 1	COLUMN 2
		Distance in Metres
1.	Well, other than a well referred to in item 2, or a spring used as a source of potable water	30
2.	Well with watertight casing to a depth of 6 metres	15
3.	Building or structure	5
4.	Property line	3
5.	A spring not used as a source of potable water or a lake, river, pond, stream or reservoir	15

O. Reg. 290/83, s. 6.

Table 5

LENGTH OF DISTRIBUTION PIPE IN METRES FOR VARIOUS DESIGN SOIL PERCOLATION TIMES(T) FOR PRIVATE DWELLINGS

(Paragraph 1 of Subsection 10 (3) and Subparagraph i of Paragraph 1 of Subsection 12 (2))

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7
Number of Bedrooms	T from 1 to 5 min inclusive	T greater than 5 min but not greater than 10 min	T greater than 10 min but not greater than 15 min	T greater than 15 min but not greater than 20 min	T greater than 20 min but not greater than 25 min	T greater than 25 min
2 or less	40	40	70	100	130	5.5T
3	40	60	100	140	180	8T
4	40	80	130	180	230	10T
for each bedroom over 4, add	5	12	20	27	35	1.5T

O. Reg. 374/81, Table 5.

Table 6

MINIMUM AREA OF THE SURFACE OF THE FILTER MEDIUM IN FILTER TYPE LEACHING BEDS FOR PRIVATE DWELLINGS

(Clause 10 (4) (d) and Subparagraph iii of Paragraph 3 of Subsection 12 (2))

COLUMN I	MINIMUM SURFACE AREA OF THE FILTER MEDIUM—SQUARE METRES	
	Class 4 Sewage Systems	Class 6 sewage Systems
2 or less	15	10
3	22	11
4	28	14
For each bedroom over 4 add	4	2

O. Reg. 290/83, s. 7.

Table 7

CLASSES OF LICENCE

(Section 14 (1))

COLUMN 1	COLUMN 2
Type of Business	Class of Licence
Construction on site, installing, repairing, servicing, cleaning or emptying sewage systems	1
Storing, hauling or disposing of sewage from a sewage system	2

O. Reg. 374/81, Table 6.

REGULATION 359

SEWAGE SYSTEMS—EXEMPTIONS

1. Sewage works designed to distribute sewage on the surface of the ground for the purpose of disposing of the sewage and from which sewage is not to be drained or discharged directly or indirectly into a ditch, drain or storm sewer or well, lake, river, pond, spring, stream, reservoir or other water or watercourse are classified as surface sewage works. O. Reg. 21/83, s. 1.

2. Surface sewage works that would require an approval under section 53 of the *Ontario Water Resources Act* but for Part VIII of the *Environmental Protection Act* are exempt from Part VIII of the *Environmental Protection Act*. O. Reg. 21/83, s. 2.

REGULATION 360

SPILLS

PART I

CONDITIONS IN RESPECT OF COMPENSATION FROM THE CROWN UNDER SECTION 101 OF THE ACT

1. In this Part, “applicant” means a person applying for compensation under section 101 of the Act, and includes the legal representative of a person under a legal disability. O. Reg. 618/85, s. 1.

2. The following conditions are prescribed for the purposes of section 101 of the Act:

1. An applicant must,
 - i. apply in the form provided by Her Majesty in right of Ontario,
 - ii. submit with the application a copy of the order or direction in respect of which the cost and expense were incurred, and
 - iii. provide or authorize the provision of such information and evidence as may reasonably be required, by the person appointed by the Minister to consider claims under section 101 of the Act, in determining the entitlement to, or amount of, compensation.
2. An applicant must apply not later than,
 - i. eighteen months, or
 - ii. where Her Majesty in right of Ontario agrees in writing, either before or after the expiration of the eighteen month period, that the subrogated position of Her Majesty in respect of the compensation is not prejudiced by the delay, two years,

after the time that the cost and expense were incurred.

3. An applicant must have followed every lawful order or direction that relates to the applicant made under Part X of the Act and, except to the extent that an order or direction under Part X provides to the contrary, under the *Environmental Protection Act*, *Ontario Water Resources Act* or *Pesticides Act*.
4. An applicant,
 - i. must not have settled any part of the claim against any person for the cost and expense without the prior written consent of Her Majesty in right of Ontario,
 - ii. must have included, in any action brought by the

applicant for the cost and expense, all persons, including Her Majesty in right of Ontario, whom the applicant should reasonably believe to be liable at law for any part of the cost and expense, and

- iii. must assign to Her Majesty in right of Ontario any judgment for any part of the cost and expenses obtained by the applicant from a court.
5. An applicant must not include in the application a claim for the difference between the total amount of the cost and expense and,
 - i. the total amount, exclusive of costs, for which the applicant has obtained judgment in actions for the cost and expense, and
 - ii. the total amount, exclusive of costs, for which the applicant has settled the claims for cost and expense.
6. An applicant that is a municipality, a regional municipality or other public authority must not include in its application a claim in respect of any cost or expense that it otherwise would have incurred in carrying out its statutory duty or authority if the order or direction under Part X of the Act had not been issued. O. Reg. 618/85, s. 2.

PART II

PAYMENT AUTHORIZED BY THE ENVIRONMENTAL COMPENSATION CORPORATION

3.—(1) In this Part,

“amount”, when used with respect to insurance, includes the amount of any deductible under the relevant insurance coverage that is not insured by another policy of insurance, the amount of which has been included in the calculation;

“applicant” means an applicant under section 103 of the Act and includes the legal representative of a person under a legal disability;

“Corporation” means the Environmental Compensation Corporation;

“financial statement” means a financial statement supported by a certificate by an auditor licensed under the *Public Accountancy Act* stating that the financial statement was prepared in accordance with generally accepted accounting principles or such other verification as is satisfactory to the Corporation;

“person liable”, when used with reference to a spill, means a person against whom an applicant might reasonably be considered to have a cause of action for loss, damage, cost or expense in respect of the spill;

“specified deductible” means \$1,000,000 plus, in the case of a corporation other than one included in the definition of “municipality” in section 1 of the Act, 10 per cent of the value of the assets of the corporation;

“spill creditor” means a member of a class prescribed by section 4 other than a member of a class of owners of the pollutant or of persons having control of the pollutant;

“value”, in relation to assets, means,

- (a) the total book value of the assets less any liabilities as disclosed in a financial statement prepared as of the day immediately preceding the day of the spill, or
- (b) the total book value of the assets less any liabilities as disclosed in a financial statement prepared as of the fiscal year end of the person or organization to which the statement relates, if the statement is supported by a certificate by an

auditor licensed under the *Public Accountancy Act* or such other verification as is satisfactory to the Corporation stating,

- (i) that no material change has occurred in the total book value of the assets or liabilities during the period of time between the day of the fiscal year end and the day on which the spill occurred, or
- (ii) that a material change has occurred in the total book value of the assets or liabilities during the period of time between the day of the fiscal year end and the day on which the spill occurred, specifying the nature and amount of the material change and the adjustments to the financial statement consequent upon the material change.

(2) For the purposes of the definition of "value",

- (a) where a spill first occurs before the 29th day of November, 1985 and continues after that date, the day referred to shall be deemed to be the 29th day of November, 1985; or
- (b) where the day on which a spill first occurs cannot be established, the day referred to shall be deemed to be the day on which the applicant first knew or ought to have known of the spill or the 29th day of November, 1985, whichever is the later. O. Reg. 618/85, s. 3.

4.—(1) The following classes are prescribed for the purposes of section 103 of the Act:

- 1. Persons who have incurred loss or damage as a direct result of the spill of the pollutant that causes or is likely to cause adverse effects.
- 2. Persons who have incurred loss or damage as a direct result of,
 - i. prevention, elimination and amelioration of adverse effects and restoration by a municipality, a regional municipality or a person or a member of a class of persons designated for the purposes of subsection 100 (1) of the Act,
 - ii. an owner of the pollutant or a person having control of the pollutant carrying out or attempting to carry out their duty to do everything practicable to prevent, eliminate and ameliorate adverse effects and restore the natural environment,
 - iii. a person carrying out or attempting to carry out an order of the Minister with respect to,
 - A. the prevention, elimination and amelioration of adverse effects and the restoration of the natural environment, or
 - B. the use or disposal of the pollutant, or any matter, thing, plant or animal or any part of the natural environment affected or that reasonably may be expected to be affected by the pollutant,
 - iv. a person carrying out or attempting to carry out a direction by the Director with respect to the use or disposal of the pollutant or any matter, thing, plant or animal or any part of the natural environment affected or that reasonably may be expected to be affected by the pollutant, or
 - v. an employee or agent of the Ministry carrying out or attempting to carry out a direction by the Minister with respect to the prevention, elimination and ame-

lioration of adverse effects and restoration of the natural environment.

3. Persons who have incurred loss or damage as a direct result of the neglect or default of,

- i. a person having control of the pollutant or a person who spills or causes or permits the spill, in carrying out their duty to give notice under section 92 of the Act,
- ii. an owner of the pollutant or a person having control of the pollutant, in carrying out their duty to do everything practicable to prevent, eliminate and ameliorate adverse effects and to restore the natural environment,
- iii. a person carrying out an order of the Minister with respect to,
 - A. the prevention, elimination and amelioration of adverse effects and the restoration of the natural environment, or
 - B. the use or disposal of the pollutant or any matter, thing, plant or animal or any part of the natural environment affected or that reasonably may be expected to be affected by the pollutant,
- iv. a person carrying out a direction by the Director with respect to the use or disposal of the pollutant or any matter, thing, plant or animal or any part of the natural environment affected or that reasonably may be expected to be affected by the pollutant, or

v. an employee or agent of the Ministry carrying out a direction by the Minister with respect to the prevention, elimination and amelioration of adverse effects and restoration of the natural environment.

4. Owners of the pollutant who, at any time after the spill, are liable to pay compensation under Part X of the Act.

5. Persons having control of the pollutant who, at any time after the spill, are liable to pay compensation under Part X of the Act.

(2) The classes prescribed by subsection (1) do not include,

- (a) Her Majesty in right of Canada or of any province or any other government;
- (b) an agency, board or commission of Her Majesty in right of Canada or of any province or of any other government;
- (c) a corporation owned or controlled directly or indirectly by Her Majesty in right of Canada or of any province or by any other government;
- (d) a person entitled to a benefit under the *Workers' Compensation Act* to the extent that the benefit is in respect of personal injury suffered as a direct result of a circumstance mentioned in clause 103 (1) (a) of the *Environmental Protection Act*;
- (e) a person who does not ordinarily reside in Ontario, unless the person ordinarily resides in a jurisdiction where the law in effect on the day that the spill occurs provides to persons who reside in Ontario recourse of a substantially similar character to that provided by Part X of the Act and the regulations relating to Part X; or
- (f) an insurer within the meaning of the *Insurance Act* whose

claim is in respect of a contract of insurance within the meaning of that Act. O. Reg. 618/85, s. 4.

5. The following conditions are prescribed for the purposes of section 103 of the Act:

1. An applicant must,
 - i. apply in the form provided by the Corporation, and
 - ii. provide or authorize the provision of such information and evidence as may reasonably be required by the Corporation in determining the entitlement to, or amount of, compensation.
2. An applicant must not have settled any part of the claim for compensation against any person in respect of any matter included in the application without the prior written consent of the Corporation. O. Reg. 618/85, s. 5.

6. The following principle must be adhered to in calculating the amount of the payment authorized under section 103 of the Act to each applicant:

1. In the case of an applicant who does not ordinarily reside in Ontario, the Corporation shall not authorize payment of an amount in excess of the amount that would be paid as compensation to the applicant in the other jurisdiction,
 - i. if the applicant were ordinarily resident in Ontario,
 - ii. if the applicable law were the legislation, in effect on the day the spill occurred, in the other jurisdiction, and
 - iii. if the spill had occurred in the other jurisdiction. O. Reg. 618/85, s. 6.

7.—(1) The following conditions must be complied with before the Corporation authorizes payment under section 103 of the Act to an applicant who is the owner of a pollutant or the person having control of the pollutant:

1. Each application for compensation in respect of the spill of the pollutant by a person other than the applicant and each claim that might be contained in the application must have been settled with the Corporation, the applicant or the insurer of the applicant, or the claim must have been prosecuted to final judgment or dismissal or otherwise finally determined.
2. The application for compensation must be submitted to the Corporation within one year after the day on which all of the liability of the applicant for the spill is finally determined by settlement, judgment or otherwise.
3. The applicant must be liable, at any time after the spill, to pay compensation under Part X of the Act.
4. Unless the Corporation has waived the requirement, the applicant must have brought action against all persons against whom the applicant can reasonably be considered to have a cause of action in respect of the spill, and,
 - i. have settled the claim against any person liable at law for the spill or have prosecuted the action against the person to final judgment or dismissal, and
 - ii. where the applicant has obtained final judgment against another person in respect of the spill, the applicant must have exercised all available legal remedies to obtain payment under the judgment.
5. The value of the assets of the applicant, together with the amount of the payment the Corporation proposes to autho-

size, must be sufficient, in the opinion of the Corporation, to satisfy the total liabilities of the applicant.

6. The applicant must not have been liable at common law for any claims, cost or expense arising out of the spill.

(2) For the purpose of paragraph 6 of subsection (1),

- (a) an applicant who assumes liability under a provision for that purpose in a contract shall not for that reason alone be considered liable at common law; and
- (b) an applicant who would be liable at common law except for a provision in a contract to the contrary shall be considered liable at common law. O. Reg. 618/85, s. 7.

8.—(1) The amount of the payment that may be authorized under section 103 of the Act to an applicant who is the owner of the pollutant or the person having control of the pollutant shall be calculated so as to be equal to the lesser of,

- (a) the difference between,
 - (i) the total liability of the applicant to other persons under Part X of the Act plus the amount of the cost and expense incurred by the applicant in respect of the other persons that is reasonable, in the opinion of the Corporation, in preventing, eliminating and ameliorating the adverse effects caused by the spill and in restoring the natural environment, and
 - (ii) the total of the amounts recoverable in the opinion of the Corporation and the receipts by the applicant with respect to the spill, not including payments to or on behalf of the applicant by an insurer of the applicant,
- (b) the total liability of the applicant to other persons under Part X of the Act to a limit equal to the aggregate of the limits prescribed by subsection 10 (2) in respect of all spill creditors with respect to the spill plus the amount of the cost and expense incurred by the applicant in respect of the other persons that is reasonable, in the opinion of the Corporation, in preventing, eliminating and ameliorating the adverse effects caused by the spill and in restoring the natural environment.

less the greater of,

- (iii) the applicable specified deductible, or
 - (iv) the amount of insurance coverage the applicant has that is applicable to liability arising from the spill; and
- (2) Where the amount determined under clause (1) (b) would be higher but for the application of a limit prescribed by clause 10 (2) (b), the amount determined under clause (1) (b) may be increased by substituting for the said limit the amount paid by or on behalf of the applicant to the spill creditor under a policy of insurance.
- (3) The amount that would otherwise be authorized for payment under section 103 of the Act to an applicant who is the owner of the pollutant or the person having control of the pollutant shall be reduced by an amount equal to,
- (a) the amount of any loss, damage, cost or expense in respect of the spill that could have been prevented by the applicant if the applicant had carried out the duty under subsection 93 (1) of the Act to do everything practicable to prevent, eliminate and ameliorate the adverse effects of the spill and to restore the natural environment; and
 - (b) the amount of any loss, damage, cost or expense in respect

of the spill that could have been presented if the applicant had complied with the lawful orders and the reasonable recommendations of all public officers with respect to prevention, elimination and amelioration of adverse effects and restoration of the natural environment.

(4) Where an applicant under subsection (1) is insured by a policy of insurance in a form, filed with the Corporation and accepted for the purpose, providing coverage for at least the amount of the specified deductible and that defence costs are subject to the limits of the insurance, the defence costs paid under the policy of insurance for the claims that are the proper subject of the application shall be part of the total liability referred to in subclause (1) (a) (i). O. Reg. 618/85, s. 8.

9. The following conditions must be complied with before the Corporation authorizes payment under section 103 of the Act to an applicant who is a spill creditor:

1. The applicant must have made all reasonable efforts to ascertain the identity of every person liable to the applicant in respect of the spill.
2.
 - i. The applicant must make every reasonable effort to serve every person whom the applicant, after making reasonable inquiries, has reason to believe is liable to the applicant in respect of the spill with a notice in writing of the application and a claim in writing for payment of the full amount of the loss, damage, cost and expense set out in the application, but this condition does not require the applicant to serve a person whose identity is not known to the applicant if the applicant has made all reasonable efforts to ascertain the identity of the person.
 - ii. Subparagraph i does not apply where an applicant complies with condition 3 of these conditions before applying to the Corporation for payment.
3.
 - i. Unless the Corporation has waived the requirement, the applicant must commence an action or actions against all persons liable to the applicant in respect of the spill whose identity is known to or can be ascertained with reasonable effort by the applicant.
 - ii. The action or actions must be for not less than the full amount of the loss, damage, cost and expense for which application is made to the Corporation.
 - iii. The applicant must prosecute the action or actions to final judgment or dismissal, but a dismissal that is not based on the merit of the applicant's claim does not meet this condition.
 - iv. Where the final judgment is obtained by the applicant, the applicant must,
 - A. make all reasonable efforts to obtain payment of the amount of the final judgment from the judgment debtor or judgment debtors,
 - B. deliver to the Corporation the bills of costs of the applicant for the action assessed on a party and party basis, and
 - C. assign the final judgment to the Corporation, if the applicant is unsuccessful in obtaining payment of the full amount of the final judgment from the judgment debtor or judgment debtors.
4. Condition 3 of these conditions does not apply where an applicant applies to the Corporation for payment of not more than the aggregate of \$10,000 plus an interim payment of not more than an amount not exceeding 10 per cent of

the balance of the applicant's claim up to the lesser of the limit under clause 10 (2) (b) or the amount for which the Corporation determines it is prepared to give a consent to settlement of an action or actions by the spill creditor for payment in respect of the loss or damage and,

- i. the applicant delivers to the Corporation a release executed under seal by the applicant of all claims against Her Majesty in right of Ontario in respect of the spill if the claim does not exceed \$10,000, and
 - ii. no person liable to the applicant in respect of the spill pays or undertakes to pay the claim of the applicant within thirty days from the day that the applicant serves the last of the applicant's claims for payment upon the persons liable to the applicant in respect of the spill.
5. Any amount the applicant receives from a person liable to the applicant in respect of the spill shall be deducted from the amount otherwise determined under condition 4 of these conditions for the purpose of determining the amount that the Corporation may authorize for payment under condition 4.
6.
 - i. An applicant who commences an action mentioned in condition 3 of these conditions must give notice in writing as soon as possible to the Corporation if,
 - A. a defendant does not file a statement of defence,
 - B. a defendant does not appear in person or by counsel at the trial,
 - C. a defendant does not appear in person at an examination for discovery, or
 - D. it is proposed to sign judgment upon the consent or with the agreement of a defendant.
 - ii. In any of the circumstances mentioned in subparagraph i of this condition, the applicant must,
 - A. deliver to the Corporation such information, documents and evidence as may reasonably be required by the Corporation in order to determine what, if any, steps to require the applicant to take in the action, and
 - B. take such steps in the action as may be required in writing by the Corporation.
7. Upon request, the applicant must transfer to Her Majesty in right of Ontario any property in respect of which the Corporation proposes to authorize payment in an amount equal to the fair market value of the property.
8. Where the amount of the application is not more than \$10,000, the applicant must execute a release under seal of all claims for compensation by the Treasurer of Ontario that may be authorized by the Corporation.
9. The applicant must give interim notice in writing of the applicant's loss or damage to the Corporation within thirty days after the day the applicant knows or ought to know of the loss or damage, but the Corporation shall waive this condition where it is of the opinion that the ability of the Corporation to assess the loss or damage has not been prejudiced.
10. The applicant must make application in writing to the Corporation not later than,

- i. two years after the day the applicant knows or ought to know of the loss or damage, or
- ii. one year after the day on which the applicant obtains a final judgment or settles an action for the loss or damage,

whichever is the later.

11. The applicant must inform the Corporation in writing of any change in the information in or in respect of the application forthwith after the change occurs. O. Reg. 618/85, s. 9.

10.—(1) The amount of the payment to a spill creditor authorized under section 103 of the Act shall be calculated in the following manner:

1. Interest on a judgment or on costs must not be included in the amount of the payment.
2. Where the spill creditor has settled a claim for loss or damage as a direct result of the spill with a person other than the Corporation or the Crown without commencing an action, a reasonable amount on account of the spill creditor's legal expenses related to the settlement shall be included in the amount of the payment.
3. Where the spill creditor has brought an action and obtained a final judgment entirely or partly for loss or damage as a direct result of the spill, and for costs,
 - i. where the final judgment is entirely for the loss or damage, an amount equal to the costs of the action taxed on a party and party basis shall be included in the payment, or
 - ii. where the final judgment is partly for the loss or damage, an amount shall be included in the amount authorized for payment that is in the same proportion to the total costs of the action, assessed on a party and party basis, as the amount of the final judgment for the loss or damage is to the total amount of the judgment.
4. No amount shall be authorized for payment in respect of a claim by the spill creditor in an action that is finally dismissed.
5. The amount that would otherwise be authorized for payment shall be reduced by an amount equal to,
 - i. \$500 in respect of each claim by the spill creditor for loss or damage to property as a direct result of the spill and the expense of preventing, eliminating or ameliorating adverse effects and restoring the natural environment,
 - ii. the amount of any loss or damage as a direct result of the spill that could have been prevented by the spill creditor if the spill creditor had taken reasonable measures for such prevention, and
 - iii. the amount of any loss or damage as a direct result of the spill that could have been prevented if the spill creditor had complied with the lawful orders and the reasonable recommendations of all public officers with respect to prevention, elimination and amelioration of adverse effects and restoration of the natural environment.
6. Where the amount of the spill creditor's claim for loss or damage mentioned in clause 99 (2) (a) of the Act is greater than the limit under subsection (2), the limit shall be reduced by an amount equal to,

- i. any amount recovered by the spill creditor under final judgment of a court,
- ii. any payment received by the spill creditor from a relief fund, and
- iii. the amount of coverage of all policies of insurance, within the meaning of the *Insurance Act*, (other than life insurance) that is applicable to insure the spill creditor in respect of the loss or damage, whether or not the spill creditor becomes or became disentitled or disqualified to receive the amount or, because of neglect or default by the spill creditor, the spill creditor is required or may be required to return the amount.

(2) The limit of the amount that may be authorized by the Corporation for payment to a spill creditor for loss or damage mentioned in clause 99 (2) (a) of the Act is the lesser of,

- (a) the sum of,
 - (i) where the spill creditor has obtained final judgment in an action or actions for the loss or damages, the amounts of judgments, including costs computed as mentioned in paragraph 3 of subsection (1), and
 - (ii) the amounts for which the spill creditor, with the prior consent in writing of the Corporation, has settled an action or actions by the spill creditor for payment in respect of the loss or damage; or
- (b) \$500,000. O. Reg. 618/85, s. 10.

11. The amount of every payment authorized by the Corporation under section 103 of the Act shall be calculated as of the day that the payment is authorized by the Corporation. O. Reg. 618/85, s. 11.

12. The Corporation shall not, without the approval of the Lieutenant Governor in Council, authorize payments arising out of a single spill in excess of a total of \$5,000,000. O. Reg. 618/85, s. 12.

PART III

13. A payment under section 101 or 103 of the Act is subject to the following conditions:

1. The person to whom payment is made or authorized to be made shall repay to the Treasurer of Ontario an amount equal to any amount recovered or received by the person in respect of the loss or damage as a direct result of the spill that was not deducted in calculating the amount or the limit of the amount paid or authorized for payment to the person.
2. The person who applied for payment must not have knowingly or recklessly misrepresented or omitted any information in the application or in any document or proceeding in respect of the application.
3. The person who applied for the payment must have informed the Minister or the Corporation in writing of any change in the information in or in respect of the application forthwith after the change occurred and whether the change occurred before or after payment or authorization of the payment.
4. An applicant must not include in the application a claim for cost and expense for an amount of money,
 - i. that the applicant has received from any other source,
 - ii. to which the applicant is or was entitled from any other source, or

- iii. that the applicant is qualified to receive from any other source,

that the applicant is not obligated to repay whether or not the applicant becomes or became disentitled or disqualified to receive the amount or, because of neglect or default by the applicant, the applicant is required or may be required to return the amount. O. Reg. 618/85, s. 13.

14. Where the Crown or the Corporation has consented to a settlement of a claim at less than the amount of the loss, damage, cost or expense incurred by the applicant and has in the consent specified an amount in addition to the amount of the settlement that the applicant may include in the application, the applicant may do so and payment may be made or authorized accordingly. O. Reg. 618/85, s. 14.

15. A certificate by the Corporation to the Treasurer of Ontario under section 109 of the Act shall be in Form 1. O. Reg. 618/85, s. 15.

PART IV CLASSES OF FARMERS

16.—(1) In this section, “agricultural products” includes,

- (a) Christmas trees, eggs, fish, flowers, fruit, grains, herbs, honey, livestock, maple syrup, milk, mushrooms, nursery stock, nuts, poultry, seeds, sod, tobacco, vegetables and wood from a farm woodlot; and
- (b) Christmas tree products, dairy products, egg products, fish products, fruit products, grain products, herb products, honey products, livestock products, maple syrup products, mushroom products, nut products, poultry products, seed products, vegetable products and wood products,

but does not include a manufactured article, unless the manufactured article,

- (c) is produced on a farm from an agricultural product that is listed in clause (a) or (b) and that is produced on the farm; or
- (d) is intended for use on a farm in the production of an agricultural product that is listed in clause (a) or (b) and that is produced on the farm.

(2) For the purposes of section 123 of the Act, the following classes of farmers are prescribed:

1. Farmers, each of whom is a natural person who is,
 - i. an owner,
 - ii. a tenant, or
 - iii. a shareholder of a corporation that is an owner or tenant,

of a farm in Ontario, and who is engaged in, and has incurred liability under Part X of the Act arising out of the production of an agricultural product on the farm.

2. Farmers, each of whom is the spouse of a person described in Class 1 and who has incurred liability under Part X of the Act arising out of the production of an agricultural product on the farm.
3. Farmers, each of whom is related to a natural person described in Class 1 by blood, marriage or adoption, who is engaged in work on the farm and who has incurred liability under Part X of the Act arising out of the production of an agricultural product on the farm.

4. Farmers, each of whom is a corporation that owns or is a tenant of a farm in Ontario and that has incurred liability under Part X of the Act arising out of the production of an agricultural product on the farm, if a majority of the shareholders holding a majority of the shares of the corporation are engaged in, or are related by blood, marriage or adoption to persons engaged in, the production of agricultural products on a farm in Ontario owned or rented by the corporation.

5. Farmers, each of whom is a farmer described in paragraphs 1 to 4, except that the farmer incurred liability under Part X of the Act arising in the course of the farmer assisting in the production of an agricultural product on another farm, either without remuneration or as a custom operator, provided that in the case of a custom operator, the custom operator,

- i. is not operating pursuant to a licence under the *Pesticides Act*, and
- ii. has as his or her principal source of income the production of agricultural products on a farm described in paragraphs 1 to 4 with respect to that farmer.

(3) For the purposes of subsection (2), a shareholder of a corporation who pledges or transfers a share in the corporation as security for a loan or other indebtedness shall be deemed to continue to be a shareholder in the corporation while he or she has the right to redeem the share.

(4) The amount of the limit of the liability of a farmer who is a member of a class prescribed by subsection (2) for the purposes of section 123 of the Act is the greater of \$500,000 or an amount equal to the total of the limits of liability under all policies of insurance that insure the farmer against liability under Part X of the Act.

(5) Where more than one farmer who is a member of a class prescribed in subsection (2) is liable with respect to a single spill and entitled to the benefits of the limit calculated in accordance with subsection (4), the limit applies as if all the farmers involved were a single farmer. O. Reg. 618/85, s. 16.

17. The specified deductible under subclause 8 (1) (a) (iii), for the farmer, with respect to a spill for which a limit of liability is prescribed by subsection 16 (4), is the amount prescribed by subsection 16 (4). O. Reg. 618/85, s. 17.

PART V CLASSIFICATION AND EXEMPTION OF SPILLS

18.—(1) The following are classified as Class 1 spills:

1. Spills of pollutants, each of which,
 - i. is from a sewage works or a water works for which an approval under the *Ontario Water Resources Act* or a predecessor thereof has been issued and is in force at the time of the spill, and
 - ii. occurs at a location and by a physical method that are in accordance with the approval.
2. Spills of pollutants, each of which,
 - i. is from a waste management system or a waste disposal site for which a certificate of approval or a provisional certificate of approval under Part V of the Act has been issued and is in force at the time of the spill, and
 - ii. occurs at a location and by a physical method that are in accordance with the certificate.
3. Spills of pollutants, each of which,

- i. is a discharge in respect of which methods or devices, or both, of control or prevention have been approved by a certificate under Part II of the Act that is in force at the time of the spill, and
 - ii. occurs at a location and by a physical method that are in accordance with the certificate.
4. Spills of pollutants, each of which,
- i. is from a sewage system for which a certificate of approval under Part VIII of the Act or a predecessor thereof has been issued and is in force at the time of the spill, and
 - ii. occurs at a location and by a physical method that are in accordance with the certificate.
5. Spills of pollutants, each of which,
- i. is a discharge of a pesticide with respect to which an order, licence or permit under the *Pesticides Act* has been issued and is in force at the time of the spill, and
 - ii. occurs in accordance with the order, licence or permit.

(2) A Class I spill is exempt from Part X of the Act if all orders, requirements and directions made under the Act, the *Pesticides Act* and the *Ontario Water Resources Act* with respect to the spill or the source of the spill have been complied with and the spill does not contravene any other part of the Act, any other regulations, any other federal or provincial Act or any municipal by-law. O. Reg. 618/85, s. 18.

19.—(1) Spills of pollutants that are planned are classified as Class II spills.

(2) A Class II spill is exempt from section 92 of the Act subject to the following conditions:

1. The Director must be notified in advance as to the time, the location and the details of the planned spill, including all available information about the potential effects of the spill.
2. The owner of the pollutant and the person having control of the pollutant must monitor the planned spill for effects and must report thereon to the Director.
3. The consent of the Director must be obtained before the planned spill is carried out. O. Reg. 618/85, s. 19.

20.—(1) Spills of liquid from the fuel or other systems of vehicles, where the spills are not in excess of 100 litres each, are classified as Class III spills.

(2) A Class III spill is exempt from section 92 of the Act subject to the following conditions:

1. The spilled liquid does not enter and is not likely to enter any surface water or water well.
2. The person having control of the liquid must have complied with the notification requirements under the *Highway Traffic Act*.

(3) In this section, “liquid” means operating fuels and fluids contained in the operating systems of a vehicle registered under the *Highway Traffic Act* and not being transported as cargo. O. Reg. 618/85, s. 20.

21.—(1) Spills of water from reservoirs formed by dams, where the spills are caused by natural events, are classified as Class IV spills.

(2) A Class IV spill is exempt from Part X of the Act. O. Reg. 618/85, s. 21.

22.—(1) Spills of pollutants from fires, where the pollutants are products of combustion of materials in a quantity not greater than the quantity of such materials normally found in residential properties of ten or fewer households, are classified as Class V spills.

(2) A Class V spill is exempt from Part X of the Act. O. Reg. 618/85, s. 22.

PART VI INSURERS

23. In this Part, “Corporation” means the Environmental Compensation Corporation. O. Reg. 618/85, s. 23.

24. Insurers who undertake in writing to the Corporation not to settle claims and not to commence actions in respect of persons to whom compensation may be paid under subsection 101 (1) or section 109 of the Act, except in accordance with the conditions set out in this Part, are classified as Class A insurers. O. Reg. 618/85, s. 24.

25.—(1) A Class A insurer is exempt from the application of subsections 101 (10) and (12) and subsections 110 (5) and (7) of the Act subject to the following conditions:

1. The insurer must include in an action commenced on behalf of a person referred to in section 24 a claim on behalf of the person with respect to any matter for which a payment of compensation has been or may be made by the Treasurer of Ontario under section 101 or 109 of the Act, as the case may be.
2. The insurer must give notice of any such action to the Corporation.
3. In prosecuting a claim in respect of which the Treasurer of Ontario has made a payment under Part X of the Act, the insurer must protect the interests of the Crown except where the Crown permits otherwise.
4. The insurer must pay to the Treasurer of Ontario the amount of any such claim, which has been paid by the Treasurer of Ontario, awarded in the action to the extent that there are proceeds of the action in excess of costs.
5. Where the award of an action includes a recovery for damages other than for the claim paid by the Treasurer of Ontario the award shall be proportionately shared with the Crown to the extent that it has not been apportioned by the Court.
6. The insurer must not settle any such claim or action without the consent in writing,
 - i. where there may be an application under section 101 of the Act, of Her Majesty in right of Ontario, and
 - ii. where there may be an application under section 103 of the Act, of the Corporation.

(2) A condition in subsection (1) does not apply where,

- (a) the Corporation or Her Majesty in right of Ontario, as the case requires, otherwise consents; or
- (b) the insurer repays to the Treasurer of Ontario any payment under section 101 or 109 of the Act.

(3) The provision of condition 2 in subsection (1) requiring the insurer to follow the instructions of the Corporation or Her Majesty in right of Ontario does not apply where the insurer has advised the Corporation or Her Majesty in right of Ontario, as the case requires, in writing, that the insurer is unable to continue to prosecute the

action on behalf of the Corporation or Her Majesty in right of Ontario by reason of a conflict of interest or because the insurer has no further interest in the action. O. Reg. 618/85, s. 25.

Form 1

Environmental Protection Act

ENVIRONMENTAL COMPENSATION CORPORATION

Certificate to Treasurer of Ontario under section 109 of the Act.

The Environmental Compensation Corporation certifies to the Treasurer of Ontario that

.....
 (complete name and description of person entitled to compensation sufficient for completing a cheque)

is entitled to compensation in the amount of \$..... with respect to

Claim Number

Dated at Toronto, this day of, 19.....

ENVIRONMENTAL COMPENSATION CORPORATION:

.....
 Chair

.....
 Secretary

O. Reg. 618/85, Form 1.

REGULATION 361

SULPHUR CONTENT OF FUELS

DEFINITIONS

1. In this Regulation,

“fuel” includes any fuel used for heating, generating steam or electricity, or for industrial processes;

“sulphur content” means the amount of sulphur in the fuel as determined by standard methods of sampling and testing and in the case of coal shall be determined as organic sulphur. R.R.O. 1980, Reg. 312, s. 1.

APPLICATION

2. This Regulation applies to The Municipality of Metropolitan Toronto. R.R.O. 1980, Reg. 312, s. 2.

3. Subject to section 4, no person shall use for fuel, or sell or offer for sale, any fuel referred to in Column 1 of the Schedule if the sulphur content of the fuel is greater than the maximum sulphur content set opposite thereto in Column 2 of the Schedule. R.R.O. 1980, Reg. 312, s. 3.

4. A fuel having a higher sulphur content than the maximum sulphur content prescribed for that fuel in the Schedule may be used for fuel, or sold or offered for sale to a purchaser if the user or purchaser has applied for and obtained a certificate of approval, under section 8 of the Act, for methods or devices that will result in emissions of sulphur dioxide no greater than if the fuel contained the sulphur content prescribed in the Schedule. R.R.O. 1980, Reg. 312, s. 4.

5. Every supplier of fuel,

- (a) shall report to the Air Resources Branch of the Ministry the sulphur content of the fuels supplied by the supplier; and
- (b) shall specify to the Air Resources Branch of the Ministry the source or sources of supply of the fuels supplied,

at such times and in such manner as the Air Resources Branch of the Ministry specifies. R.R.O. 1980, Reg. 312, s. 5.

6. Every supplier of fuel shall, upon the request of a provincial officer, provide duplicate samples of any fuel supplied by the supplier. R.R.O. 1980, Reg. 312, s. 6.

Schedule

FUEL	COLUMN 1	COLUMN 2
	Grade or type of Fuel	Maximum Sulphur Content
Oil	1	0.5%
	2	0.5%
	4	1.5%
	5	1.5%
	6B	1.5%
	6C	1.5%
Coal	Bituminous	1.5%

R.R.O. 1980, Reg. 312, Sched.

REGULATION 362

WASTE MANAGEMENT—PCBs

1. In this Regulation,

“hold” includes own, possess and have care or control of and “holder” has a corresponding meaning;

“PCB” means any monochlorinated or polychlorinated biphenyl or any mixture of them or any mixture that contains one or more of them;

“PCB equipment” means equipment designed or manufactured to operate with PCB liquid or to which PCB liquid was added or drums and other containers used for the storage of PCB liquid;

“PCB liquid” means,

- (a) liquids, other than liquids used or proposed for use for road oiling, containing PCBs at a concentration of more than fifty parts per million by weight,
- (b) liquids used or proposed for use for road oiling, containing PCBs at a concentration of more than five parts per million by weight, and
- (c) liquids made contrary to section 6 by diluting liquids referred to in clause (a) or (b);

“PCB materials” means materials containing PCBs at a concentration of more than fifty parts per million by weight whether the material is liquid or not;

“PCB waste” means PCB equipment, PCB liquid or PCB material, but does not include,

- (a) PCB material or PCB equipment after it has been decontaminated pursuant to guidelines issued by the Ministry of the Environment or instructions issued by the Director,

- (b) PCB equipment that is,
 - (i) an electrical capacitor that has never contained over one kilogram of PCBs,
 - (ii) electrical, heat transfer or hydraulic equipment or a vapour diffusion pump that is being put to the use for which it was originally designed or is being stored for such use by a person who uses such equipment for the purpose for which it was originally designed, or
 - (iii) machinery or equipment referred to in subclause (c) (i), or
- (c) PCB liquid that,
 - (i) is at the site of fixed machinery or equipment, the operation of which is intended to destroy the chemical structure of PCBs by using the PCBs as a source of fuel or chlorine for purposes other than the destruction of PCBs or other wastes and with respect to which a certificate of approval has been issued under section 9 of the Act after the 1st day of January, 1981 specifying the manner in which PCB liquid be processed in the machinery or equipment, or
 - (ii) is in PCB equipment referred to in subclause (b) (ii).
O. Reg. 11/82, s. 1; O. Reg. 575/84, s. 1.

2. PCB waste is designated as a waste. O. Reg. 11/82, s. 2.

3.—(1) Every site containing PCB waste and PCB related waste but not containing other wastes is classified as a PCB waste disposal site.

(2) In subsection (1), "PCB related waste" means waste containing low levels of PCBs or waste arising from a spill or clean up of PCB liquid or PCB waste. O. Reg. 575/84, s. 2.

4.—(1) Every operator of a waste disposal site shall keep records of all PCB waste held by the operator after the 15th day of January, 1982.

- (2) The records referred to in subsection (1) shall include,
 - (a) the methods and times at which the PCB waste is received and delivered to and from the site; and
 - (b) where PCB waste is transported to and from the site, the location from or to which it is transported and the person by whom it is transported,

with respect to any delivery, receipt or transport of PCB waste after the 15th day of January, 1982, and,

- (c) a description of the nature and quantities of the PCB waste;
- (d) the location of the waste disposal site; and
- (e) the methods of storage of the PCB waste,

with respect to all PCB wastes at the waste disposal site.

(3) Every operator of a waste disposal site shall report to the Director the information required to be recorded under subsection (2),

- (a) by telephone immediately, and in writing within three days, after a PCB waste first comes on the site; and
 - (b) in writing within thirty days after any other PCB waste is taken to or from the site.
- (4) A record of a PCB waste transfer submitted to the Ministry

under section 23, 24 or 25 of Regulation 347 of Revised Regulations of Ontario, 1990 satisfies the requirements of clauses (2) (b), (c) and (d) with respect to the PCB waste referred to in that record.

(5) Two years after an operator of a waste disposal site gives written notice to the Director that the operator has ceased to be a holder of PCB waste, the operator may dispose of records kept under subsection (1).

(6) Subsection (1) does not apply in respect of PCB waste that has been finally disposed of by burial before the 1st day of January, 1981. O. Reg. 11/82, s. 4.

5.—(1) A PCB waste disposal site is exempt from sections 27, 40 and 41 of the Act.

(2) The exemption set out in subsection (1) is subject to the conditions that,

- (a) the operator of the site reports to the Director the information required to be recorded under subsection 4 (2);
- (b) the operator of the site does not remove or permit to be removed,
 - (i) PCB waste containing over fifty litres of PCB liquid except in accordance with the written instructions of the Director,
 - (ii) any other PCB waste except,
 - (A) in accordance with written instructions of the Director, or
 - (B) to a waste management system or waste disposal site for which a certificate of approval has been issued after the 1st day of January, 1981 containing terms specifying the manner in which PCB waste may be stored, handled, treated, collected, transported, processed or disposed of;

(c) where there is any PCB liquid in electrical equipment or other container on the site, the operator of the site not remove the liquid from the container except,

- (i) to transfer liquid from a leaking container upon notifying the Director of the transfer, or
- (ii) pursuant to instructions of the Director; and

(d) no certificate of approval or provisional certificate of approval has been issued with respect to the site after the 1st day of January, 1981, specifying the manner in which PCB waste may be stored, handled, treated, collected, transported, processed or disposed of. O. Reg. 11/82, s. 5.

(3) In respect of a PCB waste disposal site that is offered for sale or lease or the possession of which is otherwise offered, the exemption set out in subsection (1) is subject to the conditions that,

- (a) the person offering to sell, lease or otherwise give possession notifies, in writing,
 - (i) the prospective purchaser, tenant or person taking possession, of the existence of the site and the requirements, in law, concerning the site, and
 - (ii) the Director, of the sale, lease or change in possession; and
- (b) where a sale, lease or change of possession occurs, the purchaser, tenant or person taking possession notifies, in writ-

ing, the Director, within ten days after the sale, lease or change of possession, of,

- (i) the location of the site, and
- (ii) the nature and quantity of PCB waste. O. Reg. 575/84, s. 3.

6. No person shall dispose of, decontaminate or otherwise manage PCB waste or dilute PCB waste that is in the form of a liquid except,

- (a) in or to a waste management system operating under a certificate of approval issued after the 1st day of January, 1981 containing terms specifying the manner in which PCB waste may be stored, handled, treated, collected, transported, processed, diluted or disposed of; or
- (b) in accordance with written instructions of the Director. O. Reg. 11/82, s. 6; O. Reg. 575/84, s. 4.

7. Every person storing PCB waste shall ensure that the PCB waste is in a safe and secure location so as to prevent PCB waste coming into contact with any person and so that any liquid containing PCBs that may escape can be readily recovered and will not discharge, directly or indirectly, into a watercourse or groundwater. O. Reg. 11/82, s. 7.

8. No person shall have at a waste disposal site PCB wastes received by the person after the 15th day of January, 1982 unless,

- (a) the PCB waste was delivered to the waste disposal site under written instructions of the Director; or
- (b) the waste disposal site is operated under a certificate of approval containing a condition referring to this section and specifying the circumstances under which PCB waste may be accepted at the waste disposal site. O. Reg. 11/82, s. 8.

Expropriations Act
Loi sur l'expropriation

REGULATION 363

FORMS

1.—(1) An application for approval to expropriate land shall be in Form 1.

(2) A notice of application for approval to expropriate land served and published by an expropriating authority under subsection 6 (1) of the Act shall be in Form 2.

(3) A notice of a hearing served under subsection 7 (3) of the Act shall be in Form 3.

(4) A notice indicating the grounds on which an expropriating authority intends to rely at a hearing and served by it under subsection 7 (4) of the Act shall be in Form 4.

(5) A certificate of approval of the approving authority under subsection 8 (3) of the Act shall be in Form 5 or, if endorsed on a plan of the land intended for registration under section 9 of the Act, shall be in Form 6.

(6) A notice of expropriation of land served by an expropriating authority under subsection 10 (1) of the Act shall be in Form 7 and the expropriating authority shall, with each such service, furnish the person so served with a notice of election in Form 8.

(7) A notice of requirement of possession served by an expropriating authority under subsection 39 (1) of the Act shall be in Form 9.

(8) A notice of abandonment of land under subsection 41 (1) of the Act shall be in Form 10.

(9) A declaration of abandonment under subsection 41 (2) of the Act shall,

- (a) where the abandoned land is registered under the *Registry Act*, be in Form 11; and
- (b) where the abandoned land is registered under the *Land Titles Act*, be in Form 12. R.R.O. 1980, Reg. 315, s. 1.

Form 1

Expropriations Act

APPLICATION FOR APPROVAL TO EXPROPRIATE LAND

To:
(approving authority)

.....
(address)

IN THE MATTER OF the proposed expropriation of land by
.....
(name of expropriating authority)

being (part, parts of) Lot

Con

Registered Plan
in the
(name of local municipality)

in the County of

District of

for the purpose of
(description of project or work)

APPLICATION IS HEREBY MADE for approval to expropriate the land described as follows:

.....
(by reference to attached plan) or (by metes and

.....
bounds) or (any clear description)

Dated at, this day of, 19.....

.....
(name of expropriating authority)

.....
(signature of officer or agent of
expropriating authority)

R.R.O. 1980, Reg. 315, Form 1.

Form 2

Expropriations Act

NOTICE OF APPLICATION FOR APPROVAL TO EXPROPRIATE LAND

IN THE MATTER OF an application by

.....
(expropriating authority)

for approval to expropriate land being (part, parts of) Lot

Con

Registered Plan

in the
(name of local municipality)

in the County of

District of

for the purposes of
(description of project or work)

NOTICE IS HEREBY GIVEN that application has been made for approval to expropriate the land described as follows:

.....
.....
.....

Any owner of lands in respect of which notice is given who desires an inquiry into whether the taking of such land is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority shall so notify the approving authority in writing,

- (a) in the case of a registered owner, served personally or by registered mail within thirty days after the registered owner is served with the notice, or, when the registered owner is served by publication, within thirty days after the publication of the notice;
- (b) in the case of an owner who is not a registered owner, within thirty days after the first publication of the notice.

The approving authority is

.....
 (name of approving authority)

 (address)

 (name of expropriating authority)

 (signature of officer or agent of expropriating authority)

(Where this notice is published, the following shall appear in each publication: "This notice first published on the day of, 19.....".)

R.R.O. 1980, Reg. 315, Form 2.

Form 3

Expropriations Act

NOTICE OF HEARING

To:
 (party to inquiry)

 (address)

IN THE MATTER OF the proposed expropriation of land by

.....
 (name of expropriating authority)
 being (part, parts of) Lot
 Con
 Registered Plan
 in the
 (name of local municipality)
 in the County of

District of
 for the purpose of
 (description of project or work)

TAKE NOTICE that the
 (day)
 day of, 19..... at the hour of
 (month)
 o'clock in the noon at
 (location)

 (address)

has been fixed as the time and place for a hearing to determine whether the taking of the land is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority.

Dated at, this day of, 19.....

 (name of office or authority giving notice)

 (address)

 (signature of officer or agent)

R.R.O. 1980, Reg. 315, Form 3.

Form 4

Expropriations Act

NOTICE OF GROUNDS

To:
 (party to inquiry)

 (address)

IN THE MATTER OF the proposed expropriation of land by

.....
 (name of expropriating authority)
 being (part, parts of) Lot
 Con
 Registered Plan
 in the
 (name of local municipality)
 in the County of
 District of
 for the purpose of
 (description of project or work)

AND IN THE MATTER OF a hearing fixed for
 the day of
 (day)
 , 19..... at the hour of
 (month)
 o'clock in the noon at

 (location)

 (address)

NOTICE IS HEREBY GIVEN that
 (expropriating authority)
 intends to rely at the hearing on the following grounds:

.....

The documents, maps and plans intended to be used at the hearing are available and may be inspected by you or your representative between the hours of a.m. and p.m. on any day of the week except Saturday and Sunday at the following location (s):

Dated at , this day of , 19.....

 (name of expropriating authority)

 (signature of officer or agent of expropriating authority)

R.R.O. 1980, Reg. 315, Form 4.

Form 5

Expropriations Act

CERTIFICATE OF APPROVAL

IN THE MATTER OF an application by

 (name of expropriating authority)
 for approval to expropriate land being (part, parts of) Lot
 Con
 Registered Plan
 in the
 (name of local municipality)
 in the County of
 District of
 for the purpose of
 (description of project or work)

The hereby certifies
 (name of approving authority)
 that approval was given to
 (name of expropriating authority)
 on the day of
 authority)
, 19..... to expropriate the following lands:

.....

 being the lands described in the application (with modifications).

.....
 (name of approving authority)

 (signature of approving authority)

Dated at , this day of , 19.....
 R.R.O. 1980, Reg. 315, Form 5.

Form 6

Expropriations Act

**CERTIFICATE OF APPROVAL
 (on Expropriation Plan)**

The hereby
 (name of approving authority)
 certifies that approval was given to
 (name of
 expropriating authority) on
 the day of , 19.....
 to expropriate the lands shown (Insert: "within the heavy outline" or
 "designated as PARTS NOS." or as the case may be) on
 this plan.

.....
 (signature of approving authority)

 (name of approving authority)

Dated at , this day of , 19.....
 R.R.O. 1980, Reg. 315 Form 6.

Form 7

Expropriations Act

NOTICE OF EXPROPRIATION

To:
 (name of owner)

 (address)

TAKE NOTICE THAT:

1. The lands shown on a plan registered in the
.....
(name of proper land registry office)

on the day of, 19.....
as No. have been expropriated and are now vested in the
expropriating authority.

2. The name and address of the expropriating authority for ser-
vice and further communication is:

.....
(name)

.....
(address)

3. Attached hereto is a copy of the relevant portion of the plan
of expropriation of your land (or a description thereof).

4. Under the Act you may elect, by notice in writing served
upon the expropriating authority within thirty days after the
service of this notice upon you, to have the compensation to
which you are entitled assessed,

- (a) where there has been an inquiry, as of the date the notice of
hearing before the inquiry officer was served;
- (b) as of the date of the registration of the plan; or
- (c) as of the date on which you were served with this notice,

and, where the election is not made within the prescribed
time, you shall be deemed to have elected to have the com-
pensation assessed as of the date of the registration of the
plan.

5. For your convenience a copy of a Notice of Election is fur-
nished herewith.

6. Under the Act, the expropriating authority will be notifying
you of the amount of compensation it is willing to pay you for
your interest in the land.

7. If you are not satisfied with the offer you are entitled to have
the compensation negotiated by the board of negotiation
established under the Act by applying to the board at

.....
(address)

or to have the compensation determined by the Ontario
Municipal Board if agreement with respect to compensation
cannot be reached by negotiation.

8. Despite paragraph 7, you may by agreement with the expro-
priating authority dispense with the negotiation procedures
and refer the matter directly to the Ontario Municipal Board

at
(address)

to have the compensation determined by arbitration.

9. For your information and convenience, certain provisions of
the Act that apply to,

- (a) negotiation and arbitration procedures; and
- (b) the payment of your legal and appraisal costs,

are set out as follows: (set out provisions)

Dated at, this day of, 19.....
.....
(name of expropriating authority)

.....
(signature of officer or agent
of expropriating authority)

(Where this notice is published, the following shall appear in each
publication: "This notice first published on the day of
.....,
19.....".)

R.R.O. 1980, Reg. 315, Form 7, revised.

Form 8

Expropriations Act

NOTICE OF ELECTION

To:
(name of expropriating authority)

I/We being the registered owner(s) of land expropriated by
.....
(name of expropriating authority)

and described on a plan of expropriation registered on the
day of, 19..... as No.
in the
(name of land registry office)

..... hereby elect to have the compensation
to which I/we am/are entitled assessed,

- (a) where there has been an inquiry, as of the date the notice of
hearing before the inquiry officer was served;
- (b) as of the date of the registration of the plan; or
- (c) as of the date on which I/we was/were served with the
notice of expropriation.

(Check appropriate box)

.....
(signature of registered owner(s))

R.R.O. 1980, Reg. 315, Form 8.

Form 9

Expropriations Act

NOTICE OF POSSESSION

To:
(registered owner)

TAKE NOTICE:

1. That requires
(expropriating authority)

possession on the day of,

19..... of the lands expropriated from you and defined on the plan of expropriation registered on the day of , 19..... as No. in the Land Registry Office for the Registry (Land Titles) Division of

Dated at, this day of, 19.....
.....
(name of expropriating authority)
.....
(signature of officer or agent of expropriating authority)

2. That you or the expropriating authority may upon such notice as the judge directs, apply to a judge for an adjustment of the date for possession specified in this notice, and the judge, if he or she considers that under all the circumstances the application should be granted, may order that the date for possession shall be on such earlier or later date as is specified in the order.

NOTE: Where an expropriating authority proposes the abandonment of expropriated land, a part thereof or an estate or interest therein, it is required by subsection 41 (1) of the *Expropriations Act*, to notify each owner of the abandoned land, or estate or interest, who is served or entitled to be served with the notice of expropriation, who may, by election in writing,

- (a) take the land, estate or interest back, in which case the owner has the right to compensation for consequential damages; or
(b) require the expropriating authority to retain the land, estate or interest, in which case the owner has the right to full compensation therefor. R.R.O. 1980, Reg. 315, Form 10.

Dated at, this day of, 19.....
.....
(name of expropriating authority)
.....
(signature of officer or agent of expropriating authority)

Form 11

Expropriations Act

R.R.O. 1980, Reg. 315, Form 9.

Form 10

Expropriations Act

DECLARATION OF ABANDONMENT

To the Land Registrar for the Registry Division of
IN THE MATTER OF
(lot, concession, registered plan, etc.)
in the
(local municipality)
.....
(county or district)

NOTICE OF ABANDONMENT OF LAND

To:
(name of former owner)

AND IN THE MATTER OF the abandonment of (a limited interest in) land expropriated by
(expropriating authority)

IN THE MATTER OF land expropriated by
(expropriating authority)

and shown on a plan registered in the Land Registry Office for the Registry Division of
..... on the day of , 19..... as No.

shown on a plan registered in the Land Registry Office for the Registry (Land Titles) Division of
on the day of, 19.....
as No.

TAKE NOTICE that
(name of expropriating authority)

proposes to abandon (if the abandonment contemplates retention of a limited interest in the land, state nature of interest being abandoned)

WHEREAS compensation for the herein described expropriated lands has not been paid in full;

Strike out if not applicable AND WHEREAS it has been found that (part of) the expropriated land is unnecessary for the purposes of the
(expropriating authority)

or

in the above-mentioned land described as follows:
.....
.....
.....

Strike out if not applicable AND WHEREAS it has been found that a more limited estate or interest in the expropriated land only is required by the
(expropriating authority)

AND WHEREAS all the owners entitled to be noti-

fied of the abandonment have elected in writing to take back the expropriated land;

NOW THEREFORE the (expropriating authority) hereby declares that the land described as follows:

..... is abandoned. (Where applicable, describe the more limited estate or interest to be retained by the expropriating authority.)

Dated at, this day of, 19..... (name of expropriating authority) (signature of expropriating authority)

NOTE: This form is to be used where the land affected thereby is registered under the Registry Act.

R.R.O. 1980, Reg. 315, Form 11.

Form 12

Expropriations Act

DECLARATION OF ABANDONMENT

To the Land Registrar at IN THE MATTER OF Parcel(s) in the Register for being (lot, concession, registered plan, etc.) in the (local municipality) (county or district)

AND IN THE MATTER OF the abandonment of (a limited interest in) land expropriated by (expropriating authority) and shown on a plan registered in the Land Registry Office for the Land Titles Division of on the day of, 19..... as No.

WHEREAS compensation for the herein described expropriated lands has not been paid in full;

Strike out if not applicable AND WHEREAS it has been found that (part of) the expropriated land is unnecessary for the purposes of the (expropriating authority);

or Strike out if not applicable AND WHEREAS it has been found that a more limited estate or interest in the expropriated land only is required by the (expropriating authority)

AND WHEREAS all the owners entitled to be notified of the abandonment have elected in writing to take back the expropriated land;

NOW THEREFORE, the (expropriating authority) hereby declares that the land described as follows:

is abandoned. (Where applicable, describe the more limited estate or interest to be retained by the expropriating authority.)

Dated at, this day of, 19..... (name of expropriating authority) (signature of expropriating authority)

NOTE: This form is to be used where the land affected thereby is registered under the Land Titles Act.

R.R.O. 1980, Reg. 315, Form 12.

REGULATION 364

RULES TO BE APPLIED FOR THE PURPOSES OF SUBSECTION 32 (1) OF THE ACT

1.—(1) The amount of legal, appraisal and other costs shall be in the discretion of the assessment officer to be determined quantum meruit and in assessing, the officer may reduce the amount of, or disallow, any item of cost upon the ground that the same was not reasonable in amount or was not reasonably incurred.

(2) Subject to subsection (1), legal costs shall be assessed, quantum meruit, by the assessment officer as on an assessment of costs as between a solicitor and his or her own client. R.R.O. 1980, Reg. 317, s. 1.

Extra-Provincial Corporations Act

Loi sur les personnes morales extraprovinciales

REGULATION 365

GENERAL

NAMES

1. Sections 2 to 7 apply only to corporations within class 1 and class 3. O. Reg. 43/85, s. 1.

2.—(1) For the purposes of clause 10 (1) (b) of the Act, “if the use of that name would be likely to deceive” includes,

- (a) a name that is likely to cause a person or class of persons who ordinarily might be expected to deal with either the extra-provincial corporation or another person to believe that the business, undertaking or activities carried on or intended to be carried on by the extra-provincial corporation under the name and the business, undertaking or activities carried on by that other person are one business, one undertaking or one activity, whether or not the nature of the business, undertaking or activity of the extra-provincial corporation and the other person is generally the same;
- (b) a name that is likely to cause a person or a class of persons who ordinarily might be expected to deal with either the extra-provincial corporation or another person to believe that the extra-provincial corporation bearing the name or proposed name is or would be associated or affiliated with such other person if the extra-provincial corporation and such person are not or will not be associated or affiliated; or
- (c) a name that is so similar to that of a person that it is likely to cause someone who had an interest in dealing or reason to deal with the person to deal with the extra-provincial corporation bearing the name in the belief that he or she was dealing with the person. O. Reg. 43/85, s. 2 (1).

(2) For the purposes of subsection (1),

“person” means a known body corporate, trust, association, partnership, sole proprietorship or individual, whether in existence or not, and includes the known name or known trademark under which any of them carry on business or identify themselves;

“use” means actual use by a person that carries on business or an undertaking in Canada or elsewhere. O. Reg. 43/85, s. 2 (2), *revised*.

3. An extra-provincial corporation shall not use or identify itself by a name in Ontario that contains any word or expression or abbreviation thereof in any language,

- (a) that is obscene or connotes a business, undertaking or activity that is scandalous, obscene or immoral or that is otherwise objectionable on public grounds;
- (b) that describes in a misleading manner the business, undertaking or activity in association with which the name is proposed to be used; or
- (c) the use of which is prohibited or restricted under an Act or regulation of the Parliament of Canada or a province or territory of Canada, unless the restriction is satisfied. O. Reg. 43/85, s. 3.

4. An extra-provincial corporation shall not use or identify itself in Ontario by a name that contains the following words:

1. “Amalgamated” unless the extra-provincial corporation is an amalgamated corporation resulting from the amalgamation of two or more corporations.
2. “Architect” or “architectural” where the use suggests the practice of the profession or any variation thereof, except with the written consent of the Council of the Ontario Association of Architects.
3. “Condominium” or any abbreviation or derivation thereof.
4. “Co-operative” or any abbreviation or derivation thereof, except with the written consent of the Minister under the *Co-operative Corporations Act*.
5. “Engineer” or “engineering” or any variation thereof, except with the consent in writing of the Association of Professional Engineers of the Province of Ontario.
6. “Housing” unless the extra-provincial corporation is sponsored by or connected with the Government of Canada, the Government of Ontario or a municipal government in Ontario.
7. “Royal” where the use suggests that the extra-provincial corporation is sponsored by or connected with the Crown, except with the written consent of the Crown through the Secretary of State. O. Reg. 43/85, s. 4.

5. No word or expression that suggests that an extra-provincial corporation,

- (a) is connected with the Government of Canada, the government of a province or a territory of Canada or a municipal government or any department, ministry, branch, bureau, service, board, agency, commission or activity of any of them; or
- (b) is sponsored or controlled by or is associated or affiliated with a university or an association of accountants, architects, engineers, lawyers, physicians, surgeons or any other professional association recognized by the laws of Canada or a province or territory of Canada,

shall be used by an extra-provincial corporation in its name without the consent in writing of the appropriate person referred to in clause (a) or (b). O. Reg. 43/85, s. 5.

LICENCES

6.—(1) Where an extra-provincial corporation within class 3 applies for an extra-provincial licence, the following documents shall accompany the application:

1. An original Ontario biased or weighted computer printed search report from the automated name search system owned by the Department of Consumer and Corporate Affairs, Canada, dated not more than ninety days prior to the submission of the application.
2. A certificate of status, signed by an official of the governing jurisdiction who is authorized to so certify, setting out,

- (i) the name of the extra-provincial corporation,
- (ii) the date of its incorporation or amalgamation,
- (iii) the jurisdiction to which the corporation is subject, and
- (iv) that the corporation is a valid and subsisting corporation.

3. An appointment of an agent for service in Form 2 duly executed by the corporation.

(2) Where the Director is not satisfied on the basis of the material filed with him or her under subsection (1) that the extra-provincial corporation is a valid and subsisting corporation in the jurisdiction in which it purports to be incorporated, the extra-provincial corporation shall provide the Director with a legal opinion in writing from a lawyer authorized to practice in that jurisdiction that the extra-provincial corporation is a valid and subsisting corporation in that jurisdiction.

(3) No name that is identified in an Ontario biased or weighted computer printed search report as "proposed" shall be used by an extra-provincial corporation unless a consent in writing is obtained from the person who first proposed the name. O. Reg. 43/85, s. 6.

7. Where an extra-provincial corporation within class 3 applies for an amended extra-provincial licence, the application shall be accompanied by the documents referred to in section 6 that are relevant to the application. O. Reg. 43/85, s. 7.

DELEGATION OF DUTIES

8. The Deputy Director, the Senior Legal Officer, the Controller of Records, any Assistant Controller of Records, the Manager of the Examination and Notice Section, the Chief Examiner or any Examiner of the Companies Branch of the Ministry may sign or endorse any licence or certificate required or authorized by the Act. O. Reg. 43/85, s. 8.

9. An application for an extra-provincial licence shall be in Form 1. O. Reg. 43/85, s. 9.

10. An appointment of agent for service or a revised appointment of agent for service shall be in Form 2. O. Reg. 43/85, s. 10.

11. An application for an amendment to an extra-provincial licence shall be in Form 3. O. Reg. 43/85, s. 11.

12. An application for termination of an extra-provincial licence shall be in Form 4. O. Reg. 43/85, s. 12.

FEES

13.—(1) Except as provided in subsection (2), the fees set out in the Schedule shall be paid to the Treasurer of Ontario. O. Reg. 43/85, s. 13 (1).

(2) No fee is payable in respect of a search under paragraph 3 of the Schedule or in respect of a copy of a document under paragraph 4 of the Schedule by,

- (a) any ministry of the Government of Ontario or any agency, board or commission thereof;
- (b) a ministry or department of the Government of Canada or of a territory or another province of Canada that has reciprocal arrangements or an agency, board or commission of any of them; or
- (c) the police department, fire department or any licensing agency of a municipality in Ontario. O. Reg. 43/85, s. 13 (2); O. Reg. 361/89, s. 1.

REFUNDS

14. Where a fee is paid on delivery of an application under the Act and the application is abandoned, refused or withdrawn, the sum of \$100 shall be retained and the balance of the fee remaining, if any, repaid to the person who paid it or the legal representative of the person. O. Reg. 456/88, s. 1.

EXEMPTIONS

15. The following classes of extra-provincial corporations are exempt from the Act:

- 1. Corporations licensed or registered under the *Insurance Act*, the *Investment Contracts Act* or the *Loan and Trust Corporations Act*.
- 2. Corporations incorporated for the purpose of operating,
 - (i) a banking business or the business of a savings bank;
 - (ii) a railway;
 - (iii) the business of a telegraph company;
 - (iv) the business of an express company over a railway; or
 - (v) the business of leasing or hiring sleeping or parlour or dining cars run upon a railway.
- 3. Corporations engaged in the brewing, distilling or the making of wine that are licensed under the *Liquor Licence Act*.
- 4. Corporations not having a gain for any of their objects. O. Reg. 43/85, s. 15.

Schedule

FEES

1. Upon application by an extra-provincial corporation for a licence	\$270.00
2. Upon application by an extra-provincial corporation for an amended extra-provincial licence ..	105.00
3. For a search requested in person or by letter to determine if documents are on file with the Director under the Act or a predecessor of it, including purchase of a diazo or microfilm copy of the contents of the documents, if any, for each corporation	6.00
4. For copies of documents on file under the Act or a predecessor of it .....	.60
	per page, with a minimum fee of \$6 in respect of each corporation
5. For each copy of the first page of each document filed or issued under the Act during a specified day or days where requested in advance and no search is required	0.60
6. For certification of a diazo, microfilm or paper copy of letters patent, supplementary letters patent, orders or other documents on file under the Act or a predecessor of it, for each corporation searched	21.00

7. For a certificate, for each corporation \$21.00

O. Reg. 363/90, s. 1.

Ontario Corporation Number

.....

Form 1

Extra-Provincial Corporations Act

APPLICATION FOR EXTRA-PROVINCIAL LICENCE

1. The name of the corporation is:

.....
.....
.....

2. Business name or style, other than the corporate name, under which the corporation is to be licensed in Ontario, if any (if none, state so):

.....
.....
.....

3. Jurisdiction to which subject:

4. Date of incorporation/amalgamation:

..... (Name of Province, State or Country) (day month year)

5. Full address of the head or registered office:

..... (Street & Number or R.R. Number & if Multi-Office Building give Room No.)
..... (Name of Municipality or Post Office) (Postal Code)
..... (Name of Province, State or Country)

6. The corporation has been authorized to make this application by a resolution passed by the directors of the corporation at a meeting held on:

..... (day month year)

7. Full address (including postal code) of the principal office or chief place of business in Ontario, if determined (if none, state so):

..... (Street & Number or R.R. Number & if Multi-Office Building give Room No.)
..... (Name of Municipality or Post Office) (Postal Code)

8. Chief officer or manager in Ontario, if determined (if none, state so):

Name in full including all given names	Residence address giving Street & No. or R.R. No. & Municipality or Post Office and Postal Code
--	---

9. The business that the corporation intends to carry on in Ontario is:

- 10. The corporate existence of the corporation is not limited in any way by statute or otherwise and the corporation is a valid and subsisting corporation.
- 11. The corporation has capacity to carry on business in Ontario.
- 12. The corporation has capacity to hold land without any conditions or limitations.
- 13. The corporation hereby acknowledges that upon the licence being issued, the corporation shall be subject to the *Extra-Provincial Corporations Act*, the *Corporations Information Act*, the *Corporations Tax Act* and to such further and other legislative provisions as the Legislature of Ontario may deem expedient in order to secure the due management of the corporation's affairs and the protection of its creditors within Ontario.

This application is executed in duplicate.

.....
(Name of Corporation)

(Corporate Seal)

By:
(Signature and Description of Office)

O. Reg. 43/85, Form 1.

Ontario Corporation Number

.....

Form 2

Extra-Provincial Corporations Act

Check the appropriate box

APPOINTMENT OF AGENT FOR SERVICE OR

REVISED APPOINTMENT OF AGENT FOR SERVICE OR

.....
(Name of appointing corporation)

..... (hereinafter called the "Corporation") hereby nominates,

constitutes and appoints
(Name of agent giving first name, initials and surname)

.....
(Business address of the agent, including Street Number, Suite or Room Number and Municipality) (Postal Code)

its true and lawful agent for service, to act as such and as such to sue and be sued, plead and be impleaded in any court in Ontario and generally on behalf of the corporation within Ontario to accept service of process and to receive all lawful notices and, for the purposes of the corporation, to do all acts and to execute all deeds and other instruments relating to the matters within the scope of this appointment. Until due lawful notice of the appointment of another and subsequent agent has been given to and accepted by the Director under the *Extra-Provincial Corporations Act*, service of process or of papers and notices upon the said agent for service shall be accepted by the corporation as sufficient service.

Dated
(day month year)

.....
(Name of Corporation)

BY:
(Signature) (Description of Office)

(Corporate Seal)

.....
(Signature) (Description of Office)

CONSENT TO ACT AS AGENT FOR SERVICE

I, of
(Name of Agent in full) (Business address including Street Number)

....., Ontario, hereby consent to act
(Suite or Room Number and Municipality)

as the agent for service in the Province of Ontario of
(Name of Corporation)

pursuant to the appointment executed by the said corporation on the
day of, 19....., authorizing me to accept service of
process and notices on its behalf.

Dated
(day month year)

..... (Signature of witness) (Signature of the consenting person or corporation)

O. Reg. 43/85, Form 2.

Ontario Corporation Number

Form 3

Extra-Provincial Corporations Act

APPLICATION FOR AMENDED EXTRA-PROVINCIAL LICENCE

- 1. The name of the corporation that is currently licensed in Ontario:
2. Name, other than the corporate name, under which the corporation is currently licensed to carry on business in Ontario, if different from above:
3. Jurisdiction to which subject:
4. Date of incorporation/amalgamation:
5. Date of the original extra-provincial licence:
6. The name of the corporation has been changed in its home jurisdiction to:

and the corporation requests that it be permitted to use this name in Ontario.

7. The corporation requests amendments to its extra-provincial licence as follows:

8. The corporation has been authorized to make this application by a resolution passed by the directors of the corporation on

.....
(day month year)

This application is executed in duplicate.

.....
(Name of Corporation)

(Corporate Seal)

BY:
(Signature) (Description of Office)

O. Reg. 43/85, Form 3.

Ontario Corporation Number

Form 4

Extra-Provincial Corporations Act

APPLICATION FOR TERMINATION OF EXTRA-PROVINCIAL LICENCE

1. Name of corporation:

.....
.....
.....

2. Business name or style, other than the corporate name, under which the corporation is licensed in Ontario, if any (if none, state so):

.....
.....
.....

3. Jurisdiction to which subject:

4. Date of incorporation/amalgamation:

.....
(Name of Province, State or Country) (day month year)

5. The corporation has ceased to carry on business in Ontario within the meaning of the *Extra-Provincial Corporations Act* on

.....
(day month year)

6. The corporation therefore requests that the extra-provincial licence and any amended extra-provincial licence obtained by the corporation be terminated.

.....
(Name of Corporation)

(Corporate Seal)

BY:
(Signature) (Description of Office)

O. Reg. 43/85, Form 4.

Family Benefits Act *Loi sur les prestations familiales*

REGULATION 366

GENERAL

1.—(1) In this Regulation,

“energy for heat” means any energy source used for heating a dwelling;

“liquid assets” means cash, bonds, stocks, debentures, an interest in real property, a beneficial interest in assets held in trust and available to be used for maintenance, and any other assets that can be readily converted into cash, but does not include,

- (a) the amount remaining to be paid to an applicant, recipient or beneficiary, as the case may be, under a mortgage or agreement for sale,
- (b) the cash surrender value of a life insurance policy,
- (c) that portion of the sale price of an applicant's or recipient's real property that is applied or, where the Director approves, that will be applied to the purchase price of a principal residence of the applicant or recipient,
- (d) in the calendar year in which it is received, any payment received by a recipient as a child tax credit by reason of the application of section 122.2 of the *Income Tax Act* (Canada),
- (e) in the academic year for which it is intended,
 - (i) any loan received by a student under section 3 of the *Student Loans, Canada Act*,
 - (ii) any loan received by a student under section 8 of the *Ministry of Colleges and Universities Act*,
 - (iii) any grant received by a student under Regulation 775 of Revised Regulations of Ontario, 1990 made under the *Ministry of Colleges and Universities Act*, or
 - (iv) any bursary received by a student under Regulation 773 of Revised Regulations of Ontario, 1990 made under the *Ministry of Colleges and Universities Act*,
- (f) an interest in real property that is,
 - (i) the subject of an arrangement approved by the Director in accordance with section 6, or
 - (ii) used by the applicant or recipient as his or her principal residence,
- (g) a prepaid funeral plan up to a maximum amount determined by the Director, or
- (h) an amount received as damages or compensation for,
 - (i) pain and suffering, or
 - (ii) expenses actually and reasonably incurred or to be incurred as a result of injury to, or the death of, an applicant or beneficiary,

up to a maximum amount of \$25,000;

“married person” means an adult person other than a single person;

“single person” means an adult person who is a widow or widower or who is unmarried, deserted, separated or divorced and who is not living with his or her spouse;

“spouse” means,

- (a) a person of the opposite sex to an applicant or recipient who together with the applicant or recipient have declared to the Director or a welfare administrator appointed under section 4 of the *General Welfare Assistance Act* that they are spouses,
- (b) a person who is required under the provisions of a court order or domestic contract to support the applicant, recipient or any of his or her dependent children,
- (c) a person who has an obligation to support the applicant, recipient or any of his or her dependent children under section 30 or 31 of the *Family Law Act* despite a domestic contract or other agreement between the person and the applicant or recipient whereby they purport to waive or release such obligation to support, or
- (d) a person of the opposite sex to the applicant or recipient who has resided continuously with the applicant or recipient for a period of not less than three years. R.R.O. 1980, Reg. 318, s. 1 (1); O. Reg. 654/82, s. 1; O. Reg. 847/82, s. 1; O. Reg. 709/84, s. 1; O. Reg. 825/84, s. 1; O. Reg. 396/86, s. 1 (1); O. Reg. 638/86, s. 1 (1); O. Reg. 589/87, s. 1 (1); O. Reg. 548/88, s. 1.

(2) In determining whether or not a person is a spouse within the meaning of this Regulation, sexual factors shall not be investigated or considered. O. Reg. 638/86, s. 1 (2).

(3) Clause (d) of the definition of “spouse” in subsection (1) does not apply to a person who has resided continuously for a period of not less than three years with the applicant or recipient and the applicant or recipient provides evidence to the Director that the economic, social and familial aspects of the relationship between the person and the applicant or recipient were such that the continuous residing did not amount to cohabitation. O. Reg. 589/87, s. 1 (2).

(4) For the purpose of the definition of “dependent child” in section 1 of the Act, the following are classes of educational institutions:

1. Elementary schools, secondary schools and schools for trainable retarded children under the *Education Act*.
2. Private schools operated in accordance with section 16 of the *Education Act*.
3. Schools for the blind and schools for the deaf under the *Education Act*.
4. Any school or institution that is,
 - i. designated by the Lieutenant Governor in Council as a specified educational institution for the purposes of the *Student Loans, Canada Act*, or
 - ii. an eligible institution under Regulation 774 of Revised Regulations of Ontario, 1990. O. Reg. 360/83, s. 1; O. Reg. 396/86, s. 1 (2).

(5) For the purposes of the Act and this Regulation,

“blind person” means a person with visual acuity in both eyes that with proper refractive lenses is 20/200 (6/60) or less with Snellen

chart or equivalent, or a person having the greatest diameter of the field of vision in both eyes of less than twenty degrees, where the diameter of the field of vision is determined by the use of,

- (a) a tangent screen at a distance of one metre using a ten millimetre white test object, or
- (b) a perimeter at a distance of one-third of a metre using a three millimetre white test object;

“disabled person” means a person who has a major physical or mental impairment that is likely to continue for a prolonged period of time and who, as a result thereof, is severely limited in activities pertaining to normal living, as verified by objective medical findings accepted by the medical advisory board;

“permanently unemployable person” means a person who is unable to engage in remunerative employment for a prolonged period of time as verified by objective medical findings accepted by the medical advisory board;

“person in need” means a person,

- (a) whose budgetary requirements determined under section 12 or 31, as the case may be, and section 41 exceed his or her income determined under section 13, and
- (b) who is not otherwise made ineligible for a benefit under the Act or this Regulation. R.R.O. 1980, Reg. 318, s. 1 (3); O. Reg. 459/82, s. 1; O. Reg. 589/87, s. 1 (3).

2.—(1) The spouse of a recipient of a pension under the *Old Age Security Act* (Canada) is, subject to sections 6, 7 and 8, eligible for an allowance calculated in accordance with section 11, if the spouse,

- (a) is a person in need;
- (b) is not eligible for an allowance under subsection 7 (1) of the Act or under subsections (3), (4) or (5) of this section or for a pension under the *Old Age Security Act* (Canada);
- (c) has attained the age of sixty years;
- (d) is living,
 - (i) with the recipient,
 - (ii) apart from the recipient, where the recipient is a patient in an institution under the *Mental Hospitals Act*, a chronically ill person in a hospital under the *Public Hospitals Act*, a resident in a nursing home under the *Nursing Homes Act* or a resident in a home for the aged under the *Homes for the Aged and Rest Homes Act* or the *Charitable Institutions Act* and has been a patient or resident therein, as the case may be, for a continuous period of six months or more, or
 - (iii) apart from the recipient, where the recipient is imprisoned in a penal institution and at the date of application has a term of imprisonment remaining to be served of six months or more; and
- (e) has liquid assets that together with those of the recipient do not exceed \$5,000 in value,

(2) The spouse of a recipient or of a former recipient of an allowance under the Act or a predecessor Act is, subject to sections 6, 7 and 8, eligible for an allowance calculated in accordance with section 11 if the spouse,

- (a) is a person in need;
- (b) is not eligible for an allowance under subsection 7 (1) of the Act or under any other subsection of this section;
- (c) has attained the age of sixty years or has one or more dependent children;

(d) is a single person; and

(e) has liquid assets that do not exceed \$2,500 in value.

(3) Where a person referred to in subsection (2) has one or more dependants, the amount of the liquid assets referred to in clause (2) (e) shall include the value of the liquid assets of the dependent children and shall be increased by \$2,500 for the first dependent child and \$500 for each additional dependent child. O. Reg. 709/84, s. 2 (1).

(4) Subject to sections 5, 6 and 7, a person is eligible for an allowance calculated in accordance with section 11 if he or she,

- (a) is received and lodged as a resident within the meaning of the *Homes for Special Care Act* in a home for special care established, licensed or approved under that Act; or
- (b) has attained the age of eighteen years and resides in a facility designated under the *Developmental Services Act*,

and the person,

- (c) is a person in need;
- (d) is not eligible for an allowance under subsection 7 (1) of the Act or under subsection (1), (3) or (5) of this section; and
- (e) has liquid assets not in excess of the amounts set out in section 3. R.R.O. 1980, Reg. 318, s. 2 (4); O. Reg. 459/82, s. 2 (1).

(5) A permanently unemployable person is, subject to sections 5, 6 and 7, eligible for an allowance calculated in accordance with section 11 if he or she,

- (a) is a person in need;
- (b) has attained the age of eighteen years;
- (c) is not eligible for an allowance under subsection 7 (1) of the Act or under subsection (1), (3), (4) or (6) of this section;
- (d) has liquid assets not in excess of the amounts set out in section 3; and
- (e) is not eligible for a pension under the *Old Age Security Act* (Canada). R.R.O. 1980, Reg. 318, s. 2 (5); O. Reg. 459/82, s. 2 (2).

(6) Subject to sections 5 and 7, a person is eligible for an allowance calculated in accordance with section 11 if he or she,

- (a) is a person in need;
- (b) is resident in Ontario;
- (c) with the approval of the Director of the Vocational Rehabilitation Services Branch of the Ministry of Community and Social Services, is enrolled in an assessment or training program established under section 5 of the *Vocational Rehabilitation Services Act*;
- (d) is not eligible for a pension under the *Old Age Security Act* (Canada); and
- (e) has liquid assets not in excess of the amounts under section 3. R.R.O. 1980, Reg. 318, s. 2 (6); O. Reg. 459/82, s. 2 (3); O. Reg. 709/84, s. 2 (2); O. Reg. 396/86, s. 2 (1).

(7) Subject to sections 5 and 7, a person is eligible for an allowance calculated in accordance with section 11 if she,

- (a) is a person in need;
- (b) is resident in Ontario;
- (c) is a mother with a dependent child;

- (d) has been living separate and apart from her husband for three months or more;
 - (e) is not eligible for an allowance under subsection 7 (1) of the Act or under subsection (1), (3), (4), (5) or (6) of this section; and
 - (f) has liquid assets not in excess of the amounts under section 3. R.R.O. 1980, Reg. 318, s. 2 (7); O. Reg. 690/83, s. 1.
- (8) A person who is a father of a dependent child, who is a person in need and who is resident in Ontario is eligible for an allowance and other benefits calculated in accordance with the Act and this Regulation if,
- (a) he has been living separate and apart from his wife for three months or more;
 - (b) he is a widower;
 - (c) his wife is a patient in a sanatorium, hospital or similar institution;
 - (d) his wife is imprisoned in a penal institution and at the date of the application has a term of imprisonment remaining to be served of six months or more;
 - (e) he is divorced from the mother of his dependent children and has not remarried;
 - (f) his dependent child was born out of wedlock where the father is sixteen years or more of age and his dependent child is three months or more of age; or
 - (g) his wife has deserted him and was permanently unemployable or eligible for an allowance under clause 7 (1) (c) of the Act at the time of desertion. O. Reg. 424/82, s. 1.
- (9) A person who is a recipient under subclause 7 (1) (d) (v) of the Act or subsection 2 (7) or clause 2 (8) (d) of this Regulation and,
- (a) whose spouse has deserted him or her, as the case may be; or
 - (b) who has separated from his or her spouse, as the case may be,
- at the end of the term of imprisonment or on the granting of parole as defined in section 1 of the *Ministry of Correctional Services Act* shall continue to be eligible for an allowance and other benefits calculated in accordance with the Act and this Regulation. O. Reg. 396/86, s. 2 (2).
- (10) A person is not eligible for benefits under section 21, 22, 24, 27, 28, 30 or 35 but is otherwise eligible for an allowance calculated in accordance with section 11 if the person,
- (a) is a person in need;
 - (b) is resident in Ontario;
 - (c) has liquid assets not in excess of the amounts set out in section 3;
 - (d) has attained the age of eighteen years;
 - (e) is not eligible for an allowance under subsection 7 (1) of the Act or under any other subsection of this section; and
 - (f) is a patient residing in or on a leave of absence from,
 - (i) a facility designated as a psychiatric facility by section 1 of Regulation 744 of Revised Regulations of Ontario, 1990 (General), or
 - (ii) the Clarke Institute of Psychiatry. O. Reg. 163/89, s. 1.
- (11) A man who is a person in need and who is resident in

Ontario is eligible for an allowance and other benefits calculated in accordance with the Act and this Regulation if he has attained the age of sixty years but has not attained the age of sixty-five years and if he is a widower, an unmarried man or a man,

- (a) whose wife is a patient in an institution under the *Mental Hospitals Act*, a hospital for the chronically ill or a nursing home or a resident in a home for the aged under the *Homes for the Aged and Rest Homes Act* or the *Charitable Institutions Act*, and has been a patient or resident in the hospital or home, as the case may be, for a continuous period of six months or more;
 - (b) whose wife has deserted him for three months or more and her whereabouts are unknown;
 - (c) whose wife is imprisoned in a penal institution and at the date of application has a term of imprisonment remaining to be served of six months or more;
 - (d) who is divorced and has not remarried; or
 - (e) who is living separate and apart from his wife and has been living separate and apart from her for a continuous period of five years or more. O. Reg. 526/89, s. 1.
- 3.—(1) An applicant or recipient, other than an applicant or recipient described in subsection (2), is not eligible for an allowance where the applicant or recipient is,
- (a) a single person without dependent children and has liquid assets that exceed \$2,500 in value;
 - (b) a single person with dependent children and has liquid assets that together with the liquid assets of his or her dependent children exceed \$5,000 in value for the applicant or recipient with one dependent child but that amount shall be increased by \$500 for each additional dependent child;
 - (c) a person who resides with his or her spouse and has liquid assets that together with the liquid assets of his or her spouse exceed \$5,000 in value. R.R.O. 1980, Reg. 318, s. 3 (1); O. Reg. 459/82, s. 3 (1); O. Reg. 589/87, s. 2 (1).
- (2) An applicant or recipient under clause 7 (1) (a), (b), (c) or (e) of the Act, or under subsection 2 (4), (5), (6) or (11) of this Regulation, is not eligible for an allowance where the applicant or recipient is,
- (a) a single person without dependent children and has liquid assets that exceed \$3,000 in value;
 - (b) a single person with dependent children and has liquid assets that together with the liquid assets of his or her dependent children exceed \$5,500 in value for the applicant or recipient with one dependent child but that amount shall be increased by \$500 for each additional dependent child;
 - (c) a person who resides with his or her spouse and has liquid assets that together with the liquid assets of his or her spouse exceed \$5,500 in value. R.R.O. 1980, Reg. 318, s. 3 (2); O. Reg. 459/82, s. 3 (2); O. Reg. 589/87, s. 2 (2); O. Reg. 526/89, s. 2.
- (3) The total value of the liquid assets referred to in each of clauses (1) (c) and (2) (c) shall include the value of the liquid assets of any dependent children of the applicant or recipient and shall be increased by \$500 for each dependent child. O. Reg. 589/87, s. 2 (3).
- (4) Subject to section 4, an applicant or recipient under clause 7 (1) (f) of the Act is not eligible for an allowance where the foster child has liquid assets that exceed \$2,500 in value. R.R.O. 1980, Reg. 318, s. 3 (3).
- 4.—(1) Despite section 3 and subsections 2 (1) and (3), the Director may determine that a beneficiary with liquid assets having a value in excess of the maximum amount otherwise permitted to the benefi-

ciary under the regulations continues to be eligible for a benefit where the amount of the excess is not greater than 10 per cent of that maximum.

(2) Despite section 3, subsections 2 (1) and (3) and subsection (1) of this section, the Director may determine that the person is or continues to be eligible for an allowance or a benefit, as the case may be, where,

- (a) a person who is an applicant or recipient or a beneficiary included or to be included in the allowance wishes to accumulate liquid assets having a value in excess of the maximum amount otherwise permitted under this Regulation in order to purchase an article considered by the Director to be necessary for the well-being of the person;
- (b) the amount of the intended excess referred to in clause (a) will not exceed the estimated cost approved by the Director of the article; and
- (c) the approval of the Director is given prior to the accumulation referred to in clause (a). R.R.O. 1980, Reg. 318, s. 4.

5. Subject to subsection 14 (5) and despite anything else in the Act or in this Regulation, no person is eligible for an allowance,

- (a) who, subject to section 27, is a resident or patient in a children's mental health centre under the *Child and Family Services Act* after the first month and prior to the last month of any continuous period of residence therein;
- (b) who is an applicant or recipient under clause 7 (1) (b) or (d) of the Act, or under subclause 2 (1) (d) (ii) or (iii) or subsection 2 (7), (8) or (11) of this Regulation and who is living with another person who,
 - (i) is the spouse of the applicant or recipient, or
 - (ii) provides an economic contribution to the applicant, recipient or his or her dependent children that exceeds the amount of the allowance to which the applicant or recipient would otherwise have been entitled;
- (c) following the first month of eligibility for an allowance, where the person is also a recipient of general assistance under the *General Welfare Assistance Act*, other than,
 - (i) a resident of a nursing home licensed under the *Nursing Homes Act*,
 - (ii) a recipient of general assistance as a head of a family under the *General Welfare Assistance Act* in respect of a dependant who is not included as a beneficiary for the purposes of calculating the amount of allowance to which the person is entitled, or
 - (iii) a resident of a hostel as defined in subsection 1 (1) of Regulation 537 of Revised Regulations of Ontario, 1990; or
- (d) who is an applicant or a recipient under subclause 7 (1) (d) (v) of the Act or clause 2 (8) (d) of this Regulation and whose spouse is a parolee as defined in section 1 of the *Ministry of Correctional Services Act* and who is living with the parolee as husband or wife. R.R.O. 1980, Reg. 318, s. 5; O. Reg. 424/82, s. 2; O. Reg. 459/82, s. 4; O. Reg. 709/84, s. 3; O. Reg. 396/86, s. 3; O. Reg. 589/87, s. 3; O. Reg. 526/89, s. 3.

6.—(1) Where an applicant or recipient, excluding an applicant or recipient under clause 7 (1) (f) of the Act, or the spouse or dependent child of the applicant or recipient has an interest in real property, other than real property used by the applicant or recipient as his or her principal residence, the applicant or recipient is not eligible for an allowance unless there is an arrangement with respect to the interest that is approved by the Director as necessary for the health or welfare of a beneficiary included for the purposes of calculating

the amount of allowance to which the applicant or recipient is entitled.

(2) Where an applicant or recipient is a foster parent, he or she is not eligible for an allowance on behalf of a foster child who has an interest in real property, other than real property used by the foster child as his or her principal residence, unless there is an arrangement with respect to the interest that is approved by the Director as necessary for the health or welfare of the foster child. O. Reg. 654/82, s. 2.

7.—(1) Where, at any time within the three years preceding the date of application or at any time subsequent thereto, an applicant or recipient or the spouse or dependent child of an applicant or recipient has made an assignment or transfer of liquid assets or real property and, in the opinion of the Director, the consideration for the assignment or transfer was inadequate or the assignment or transfer was made for the purpose of qualifying the applicant or recipient for an allowance, the Director may determine that the applicant or recipient is not eligible for an allowance or the Director may reduce the amount of an allowance granted to compensate for the inadequate consideration.

(2) Where an applicant or recipient is a foster parent and where, at any time within the three years preceding the date of application or at any time subsequent thereto, the person who has control over the transfer or assignment of the property of the foster child of the applicant or recipient has made an assignment or transfer of liquid assets or real property and, in the opinion of the Director, the consideration for the assignment or transfer was inadequate or the assignment or transfer was made for the purpose of qualifying the applicant or recipient for an allowance, the Director may determine that the applicant or recipient is not eligible for an allowance or the Director may reduce the amount of an allowance granted to compensate for the inadequate consideration. O. Reg. 459/82, s. 5.

8. Where the Director is not satisfied that an applicant or recipient is making reasonable efforts to obtain compensation or realize any financial resource that the applicant, recipient, or a beneficiary included or to be included in the recipient's allowance, may be entitled to or eligible for including, where the applicant, recipient or beneficiary is a sponsored dependant or nominated relative within the meaning of the regulations under the *Immigration Act* (Canada), any compensation or contribution to the support and maintenance of the applicant, recipient or beneficiary that may result from any undertaking or engagement made on his or her behalf under the said regulations between the Government of Canada and the nominator or sponsor, the Director may determine that the applicant, recipient or beneficiary is not eligible for a benefit or the Director may reduce the amount of an allowance granted by the amount of the compensation, contribution or financial resource, as the case may be, that in the Director's opinion is available to the applicant, recipient or beneficiary. R.R.O. 1980, Reg. 318, s. 8.

9. For the purposes of section 8, a retirement pension that is available to a person prior to the month in which the person attains sixty-five years of age under the *Canada Pension Plan* or the *Quebec Pension Plan* (Quebec) shall not be considered to be compensation or a financial resource to which that person is entitled. O. Reg. 742/86, s. 1.

10.—(1) Where money is due and owing or may become due and owing to an applicant, recipient or beneficiary for maintenance that would, if received by the applicant, recipient or beneficiary, be included in income for the purposes of subsection 13 (1), the Director may require as a condition of eligibility for a benefit that an applicant or recipient agree in writing to reimburse Ontario for all or any part of the benefit or benefits paid or to be paid out of the money when it becomes payable in respect of the same period of time to which the money applies. O. Reg. 709/84, s. 4.

(2) Subsection (1) does not apply to income referred to in paragraph 1 or paragraphs 18 to 44 of subsection 13 (2). O. Reg. 216/84, s. 1.

(3) The written agreement referred to in subsection (1) may include,

- (a) an authorization and direction to the person or agency from whom the money is receivable to deduct and pay such money directly to Ontario; and
- (b) an assignment to Ontario by the applicant or recipient of his or her right to such money from the person or agency from whom such money is receivable.

(4) The amount of any money paid to Ontario under an agreement under subsection (1) shall in no case exceed the total amount of the benefit or benefits paid to the applicant or recipient during the period in respect of which the money is payable.

(5) An applicant or recipient is not ineligible for an allowance solely by reason of the failure of any other person or agency to deduct and remit money to Ontario under an authorization and direction or an assignment under subsection (3). R.R.O. 1980, Reg. 318, s. 10 (3-5).

11. The amount of an allowance shall be equal to the budgetary requirements of an applicant or recipient determined in accordance with section 12 or 31, as the case may be, and section 41, minus the income of the applicant or recipient in accordance with section 13. O. Reg. 589/87, s. 4.

12.—(1) In this section,

“shelter” means the cost for a dwelling place in respect of,

- (a) rent,
- (b) principal and interest on a mortgage,
- (c) amounts repayable towards a loan obtained through the Ontario Home Renewal Program authorized by Regulation 641 of Revised Regulations of Ontario, 1990 made under the *Housing Development Act* or through the Residential Rehabilitation Assistance Program authorized by section 51 of the *National Housing Act* (Canada) for repairs to the dwelling place approved by the Director,
- (d) an agreement for sale,
- (e) taxes,
- (f) premiums for a policy of fire insurance covering the dwelling place or the contents thereof,
- (g) the amount of common expenses required to be contributed for a condominium unit except that portion of the common expenses allocated to the cost of energy for heat, and
- (h) any of the following utilities, if their cost is not included in rent or condominium fees:
 1. Any energy source used for household purposes other than heating a dwelling.
 2. Water and sewage,

but does not include, with respect to the dwelling place, any refund or payment under section 8 of the *Income Tax Act* or grant under section 2 or section 7 of the *Ontario Pensioners Property Tax Assistance Act* to any applicant, recipient or beneficiary;

“tenant in subsidized housing” means an applicant or recipient who is a tenant paying rent that is geared to income in housing accommodation that is owned, operated or provided by or on behalf of the Crown in right of Canada, the Crown in right of Ontario, a municipality or any agency of one of them. R.R.O. 1980, Reg. 318, s. 12 (1); O. Reg. 360/83, s. 2 (1); O. Reg. 548/88, s. 2 (1, 2).

(2) If the cost of any of the utilities described in clause (h) of the definition of “shelter” in subsection (1) is not included in rent or condominium fees and the actual monthly cost of all of those utilities is less than the amount shown in the following Table, their monthly cost for the purpose of that definition shall be deemed to be the amount shown in the following Table:

TABLE

Number of Beneficiaries	Amount
1	\$ 35
2	50
3	55
4	60
5	65
6 or more	70

(3) For the purpose of calculating shelter under subsection (1) in respect of a tenant in subsidized housing, the rent shall be adjusted so that the sum of that adjusted rent and the cost of utilities is not less than the fully serviced rent scale as established by the Ontario Housing Corporation for the applicable year and is not more than that rent scale for 1989. O. Reg. 686/89, s. 1 (1).

(4) Although under subsection (1) shelter includes rent, where an applicant or a recipient is a tenant of any authority or agency that provides low rental housing accommodation on behalf of the Crown in right of Canada, the Crown in right of Ontario or on behalf of a municipality, shelter does not include that portion of the rent for which the applicant or the recipient is liable in respect of a person living in the dwelling place who is not a beneficiary. O. Reg. 709/84, s. 6.

(5) For the purpose of computing the amount of an allowance, the monthly budgetary requirements of an applicant or recipient other than an applicant or recipient whose budgetary requirements are determined under subsection (6), (8), (9), (10), (12), (14), (16) or (17) shall be determined as follows:*

1. Where the applicant or recipient receives board and lodging from the same source and the source is supplying the board and lodging for profit or is an agency approved by the Director and operated by a corporation incorporated under Part III of the *Corporations Act*, an amount for basic needs that is,
 - i. the amount actually paid for board and lodging if that amount is not less than the minimum amount determined under Schedule A and not more than the maximum amount determined under Schedule A,
 - ii. the minimum amount determined under Schedule A if the amount actually paid for board and lodging is less than that amount,
 - iii. the maximum amount determined under Schedule A if the amount actually paid for board and lodging is greater than that amount. O. Reg. 686/89, s. 1 (2).
2. Where the basic needs of an applicant or recipient are not determined under paragraph 1 and the applicant or recipient receives board and lodging from the same source, an amount for basic needs that is,
 - i. the amount actually paid for board and lodging if that amount is not less than the minimum amount determined under Schedule B and not more than the maximum amount determined under Schedule B,
 - ii. the minimum amount determined under Schedule B if the amount actually paid for board and lodging is less than that amount,
 - iii. the maximum amount determined under Schedule B if the amount actually paid for board and lodging is greater than that amount. O. Reg. 686/89, s. 1 (3), *part*.
3. The Director may increase the amount for basic needs by whatever additional amount the Director considers neces-

- sary for the well-being of the applicant or recipient or any other beneficiary but the amount of the basic needs shall not exceed the maximum set out in paragraph 1 or 2. O. Reg. 680/90, s. 1 (1).
4. Where the basic needs of an applicant or recipient are not determined under paragraph 1 or 2, an amount for basic needs that is the sum of the amount for basic allowance determined in accordance with Schedule C and the amount for basic shelter determined in accordance with Schedule G. O. Reg. 686/89, s. 1 (4); O. Reg. 680/90, s. 1 (2).
 5. Where a legally qualified medical practitioner certifies that a beneficiary is pregnant or where a beneficiary has given birth to a child or has care, custody and control of a newborn child, for additional needs of the beneficiary due to the pregnancy or birth, an amount not exceeding \$35 for a period not exceeding six months, commencing in any month after the third month of the pregnancy and ending not later than the sixth month after the birth of the child. O. Reg. 740/86, s. 1 (1); O. Reg. 712/87, s. 1 (1); O. Reg. 746/88, s. 1 (1); O. Reg. 686/89, s. 1 (6); O. Reg. 680/90, s. 1 (3).
 6. Where a legally qualified medical practitioner certifies that a beneficiary requires a special diet and signs a statement setting out in detail the special diet required, the Director may increase the monthly amount determined for basic needs by an amount not to exceed the additional cost of the special diet. O. Reg. 459/82, s. 7 (2).
 7. Subject to paragraph 9, where the cost of shelter plus the cost of energy for heat exceeds the appropriate amount for basic shelter allowance set out in Schedule G, the Director shall increase the monthly budgetary requirements by a variable shelter allowance in an amount which is the lesser of,
 - i. the sum of the actual cost of shelter and the cost of energy for heat less the appropriate amount for basic shelter allowance determined under Schedule G, and
 - ii. the appropriate amount set out in the following Table:
- TABLE**
- | Family Size | Maximum Monthly Variable Shelter Allowance |
|-------------|--|
| 1 | \$265 |
| 2 | 420 |
| 3 | 450 |
| 4 | 495 |
| 5 | 540 |
| 6 or more | 560 |
- O. Reg. 686/89, s. 1 (7); O. Reg. 680/90, s. 1 (4).
8. The amount by which the basic shelter allowance is increased under subsection (18) or 31 (9) shall not be taken into account in determining the variable shelter allowance under paragraph 7. O. Reg. 686/89, s. 1 (8).
 9. The monthly budgetary requirements of an applicant or recipient whose basic needs are determined under Schedules C and G or F and G, as the case may be, shall be increased by the cost of energy for heat, as determined by the Director, and not by the amount of the variable shelter allowance under paragraph 7 if the cost of energy for heat exceeds the amount of the variable shelter allowance. O. Reg. 686/89, s. 1 (9).
 10. For travel and transportation, where the applicant or recipient or the spouse living with the applicant or recipient,
 - i. is a blind person, a monthly amount equal to \$30, or
 - ii. is a disabled person, a person referred to in clause 7 (1) (a) or (b) of the Act or in subsection 2 (5) or (11) of this Regulation, a monthly amount equal to \$15, but where in the opinion of the Director the person requires the use of a wheelchair when travelling in the community, a monthly amount equal to \$30. R.R.O. 1980, Reg. 318, s. 12 (3), par. 9; O. Reg. 727/82, s. 2 (3); O. Reg. 526/89, s. 4 (2).
 11. An amount up to a maximum amount of \$10 monthly for premiums paid on a policy of life insurance in force at the date of application by an applicant or recipient with a dependent child where,
 - i. the insurance is on the life of the applicant or recipient and the spouse of the applicant or recipient or any of them, and
 - ii. the beneficiary named in the policy is,
 - A. a person eligible for a benefit, or
 - B. the estate of the insured person.
 12. For the purposes of paragraph 13,
 - i. "aggregate" means the total of the monthly amounts determined under paragraphs 5, 6, 10 and 11, and
 - ii. "special needs minimum" means,
 - A. \$188 if the applicant or recipient is a single person or if he or she is a married person and only one spouse is a blind person, a disabled person or a person referred to in subsection 2 (5), (6) or (11),
 - B. \$376, if the applicant or recipient is a married person and both spouses are blind persons, disabled persons or persons referred to in subsection 2 (5) or (6),
 - C. \$188, if the applicant or recipient is a married person and at least one spouse is a person referred to in clause 7 (1) (a) of the Act. O. Reg. 526/89, s. 4 (4); O. Reg. 686/89, s. 1 (10); O. Reg. 680/90, s. 1 (5).
 13. For special needs, where the applicant or recipient is,
 - i. a blind person or a disabled person, or
 - ii. a person referred to in clause 7 (1) (a) or (b) of the Act or subsection 2 (5), (6) or (11) of this Regulation,

who is not a patient in a facility designated as a psychiatric facility under section 1 of Regulation 741 of Revised Regulations of Ontario, 1990 and where the aggregate is less than the special needs minimum, an amount equal to the difference between the special needs minimum and the aggregate. O. Reg. 690/83, s. 4 (5); O. Reg. 703/88, s. 1; O. Reg. 526/89, s. 4 (5).
 14. For special needs, if the applicant or recipient is eligible to have his or her budgetary requirements determined under subsection 31 (5) or (8),
 - i. \$9, if the applicant or recipient is a single person or if he or she is a married person and only one spouse is a blind person, a disabled person or a person referred to in clause 7 (1) (b) of the Act or subsection 2 (5), (6) or (11) of this Regulation,
 - ii. \$18, if the applicant or recipient is a married person and both spouses are blind persons, disabled persons or persons referred to in subsection 2 (5), (6) or (11), or

- iii. \$9, if the applicant or recipient is a married person and at least one spouse is a person referred to in clause 7 (1) (a) of the Act. O. Reg. 686/89, s. 1 (11).

15. Where an applicant or recipient is enrolled in a training program approved by the Director and is in receipt of benefits under the *Unemployment Insurance Act* (Canada), an amount for expenses determined by the Director to be necessary to participate in the training program. O. Reg. 654/82, s. 3.

16. Where a beneficiary has a guide dog as defined in the *Blind Persons' Rights Act*, a monthly amount determined by the Director but not exceeding \$61 for the care of each guide dog. O. Reg. 680/90, s. 1 (6).

*O. Reg. 480/83, s. 1 (1); O. Reg. 163/89, s. 2 (1); O. Reg. 526/89, s. 4 (1).

(6) For the purpose of computing the amount of allowance of an applicant or recipient who is eligible under clause 7 (1) (f) of the Act, the monthly budgetary requirements shall be equal to \$206 for the first foster child and \$168 for each additional foster child. O. Reg. 680/90, s. 1 (7).

(7) Subject to subsection (10), the monthly budgetary requirements shall be determined under subsection (8) for the purpose of computing the monthly allowance of an applicant or recipient resident in,

- (a) a home, joint home or satellite home under the *Homes for the Aged and Rest Homes Act*;
- (b) a charitable institution under the *Charitable Institutions Act*;
- (c) a nursing home licensed under the *Nursing Homes Act*; or
- (d) a home for retarded persons or an auxiliary residence under the *Homes for Retarded Persons Act*.

(8) The monthly budgetary requirements of a person described in subsection (7) shall be an amount equal to the sum of,

- (a) the lesser of,
 - (i) \$24.33 a day, or
 - (ii) the daily rate chargeable in respect of the resident,

multiplied by the number of days in the month or determined for the month in such other manner as the Director may decide;

- (b) a personal needs allowance determined by the Director but not exceeding \$100; and
- (c) where the applicant or recipient is sixty-five years of age or older, an additional amount of \$12. R.R.O. 1980, Reg. 318, s. 12 (5); O. Reg. 51/81, s. 1; O. Reg. 273/81, s. 1; O. Reg. 483/81, s. 1; O. Reg. 700/81, s. 1; O. Reg. 71/82, s. 1; O. Reg. 314/82, s. 1; O. Reg. 551/82, s. 1; O. Reg. 721/82, s. 1, O. Reg. 73/83, s. 1; O. Reg. 276/83, s. 1; O. Reg. 462/83, s. 1; O. Reg. 700/83, s. 1; O. Reg. 65/84, s. 1; O. Reg. 312/84, s. 1; O. Reg. 498/84, s. 1 (1-3); O. Reg. 706/84, s. 1 (1, 2); O. Reg. 748/84, s. 1; O. Reg. 29/85, s. 1; O. Reg. 207/85, s. 1; O. Reg. 402/85, s. 1; O. Reg. 555/85, s. 1; O. Reg. 49/86, s. 1; O. Reg. 245/86, s. 1; O. Reg. 444/86, s. 1; O. Reg. 643/86, s. 1; O. Reg. 40/87, s. 1; O. Reg. 227/87, s. 1; O. Reg. 380/87, s. 1 (1, 2); O. Reg. 453/87, s. 1; O. Reg. 592/87, s. 1; O. Reg. 49/88, s. 1; O. Reg. 268/88, s. 1; O. Reg. 483/88, s. 1; O. Reg. 649/88, s. 1; O. Reg. 44/89, s. 1; O. Reg. 163/89, s. 2 (2); O. Reg. 227/89, s. 1; O. Reg. 430/89, s. 1; O. Reg. 606/89, s. 1; O. Reg. 53/90, s. 1; O. Reg. 213/90, s. 1; O. Reg. 429/90, s. 1; O. Reg. 572/90, s. 1, *revised*.

(9) For the purpose of computing the monthly allowance of an applicant or recipient who,

- (a) before the 1st day of August, 1983, was a resident in an auxiliary residence that was included in a program under the *Homes for Retarded Persons Act* in which the applicant or recipient was responsible for the cost and provision of his or her own care and maintenance;
- (b) after the 31st day of July, 1983, ceased to be a resident in the auxiliary residence referred to in clause (a); and
- (c) is receiving services purchased under the *Developmental Services Act*,

the monthly budgetary requirement shall be an amount determined in accordance with section 12 but shall be no less than \$523.14. O. Reg. 676/85, s. 1 (5).

(10) In determining the monthly budgetary requirements under subsection (8) of a blind person, a permanently unemployable person or a disabled person residing in a charitable institution under the *Charitable Institutions Act*, who in the opinion of the Director requires financial aid in order to travel in the community, there shall be included, in addition to the amount determined under that subsection, an amount for transportation allowance not exceeding \$15 but, where the resident is a blind person or in the opinion of the Director requires a wheelchair for travelling in the community, the amount for a transportation allowance shall not exceed \$30. R.R.O. 1980, Reg. 318, s. 12 (6).

(11) The monthly budgetary requirements shall be determined under subsection (12) for the purpose of computing the monthly allowance of a person,

- (a) received and lodged as a resident within the meaning of the *Homes for Special Care Act* in a home for special care established, licensed or approved under that Act; or
- (b) who has attained the age of eighteen years and resides in a facility designated under the *Developmental Services Act*.

(12) The monthly budgetary requirements of a person described in subsection (11) shall be an amount equal to the sum of,

- (a) the daily amount paid under the *Homes for Special Care Act* or under the *Developmental Services Act*, as the case may be, for the care and maintenance of the person, multiplied by the number of days in the month;
- (b) any amount paid in the month on behalf of the person for clothing, toiletries and other personal essentials under the *Homes for Special Care Act* or under the *Developmental Services Act*, as the case may be;
- (c) a personal needs allowance determined by the Director but not exceeding \$100;
- (d) where the applicant or recipient is sixty-five years of age or older, an additional amount of \$12; and
- (e) any other amount paid on behalf of the person under the *Homes for Special Care Act* or under the *Developmental Services Act*, as the case may be. R.R.O. 1980, Reg. 318, s. 12 (7); O. Reg. 163/89, s. 2 (3, 4), *revised*.

(13) The monthly budgetary requirements shall be determined under subsection (14) for the purpose of computing the monthly allowance of a person who is a patient in a place that is designated under the regulations under the *Health Insurance Act* as a hospital or a health facility for the provision of insured services to chronically ill patients and that is

- (a) a hospital for chronically ill patients;
- (b) a chronic care hospital;

- (c) a chronic unit attached to a general or convalescent hospital; or
- (d) a nursing home for chronic care.
- (14) The monthly budgetary requirements of a person described in subsection (13) shall be an amount equal to the sum of,
- (a) a personal needs allowance in an amount determined by the Director but not exceeding \$100 after the first month and prior to the last month of any continuous period of residence therein;
- (b) an additional amount of \$12 where the applicant or recipient is sixty-five years of age or older; and
- (c) the cost of one or more of the following items and services approved by the Director,
- (i) dental services,
 - (ii) dentures,
 - (iii) prosthetic devices including eye glasses,
 - (iv) clothing, and
 - (v) wheelchairs and accessories thereto. R.R.O. 1980, Reg. 318, s. 12 (8); O. Reg. 690/83, s. 4 (8); O. Reg. 498/84, s. 1 (4, 5). O. Reg. 706/84, s. 1 (3); O. Reg. 380/87, s. 1 (3, 4); O. Reg. 163/89, s. 2 (5), *revised*.
- (15) The monthly budgetary requirements shall be determined under subsection (16) for the purpose of computing the monthly allowance of an applicant or a recipient who is,
- (a) a person referred to in clause 7 (1) (c) of the Act or subsection 2 (5) of this Regulation and a resident in a community resource centre established under section 15 of the *Ministry of Correctional Services Act*; and
- (b) a parolee or a person on probation, as “parolee” and “probation” are defined in section 1 of the *Ministry of Correctional Services Act*.
- (16) The monthly budget requirements for a person described in subsection (15) shall be,
- (a) a personal needs allowance in an amount to be determined by the Director but not exceeding \$100 per month; and
- (b) where the applicant or the recipient is sixty-five years of age or older, an additional amount of \$12. O. Reg. 216/84, s. 3 (3); O. Reg. 498/84, s. 1 (6); O. Reg. 706/84, s. 1 (4); O. Reg. 380/87, s. 1 (5, 6); O. Reg. 163/89, s. 2 (6), *revised*.
- (17) For the purpose of computing the monthly allowance of an applicant or a recipient who is eligible for an allowance under subsection 2 (10), the monthly budgetary requirements shall be an amount equal to the sum of,
- (a) a personal needs allowance determined by the Director but not exceeding \$100; and
- (b) where the applicant or recipient is sixty-five years of age or older, an additional amount of \$12. O. Reg. 163/89, s. 2 (7).
- (18) The basic shelter allowance of an applicant or recipient whose basic needs are calculated in accordance with paragraph 4 of subsection (5) shall be increased by \$55 if the applicant or recipient is a married person and both spouses are blind or disabled persons or persons referred to in subsection 2 (5) or (6).
- (19) Where the basic needs of the applicant or recipient are calculated in accordance with paragraph 4 of subsection (5) and both the applicant or recipient and his or her spouse are blind, disabled or

persons referred to in subsection 2 (5) or (6), the total amount paid in respect of the following items shall not exceed \$1,465:

1. The amount paid in respect of the applicant or recipient and the spouse for basic allowance, basic shelter and for the variable shelter allowance.
2. The amount paid in accordance with subsection (18).
3. The amount established for special needs in accordance with sub-subparagraph B of subparagraph ii of paragraph 12 of subsection (5). O. Reg. 686/89, s. 1 (14); O. Reg. 680/90, s. 1 (8).

INCOME

13.—(1) For the purposes of determining a person in need and computing the amounts of allowances, the income of an applicant or recipient shall include all payments of any nature or kind whatsoever, received by or on behalf of,

- (a) the applicant or recipient;
- (b) the spouse of the applicant or recipient where the spouse is living with the applicant or recipient, as the case may be;
- (c) any dependant of the applicant or recipient, other than the earnings of the dependant; and
- (d) where the applicant or recipient is a foster parent, the foster child, other than the earnings of the foster child. R.R.O. 1980, Reg. 318, s. 13 (1); O. Reg. 459/82, s. 8 (1); O. Reg. 709/84, s. 7 (1, 2); O. Reg. 528/89, s. 2 (1).

(2) For the purposes of subsection (1), and without restricting the generality of subsection (1), income shall include the following:

1. Subject to subsection (6), the total amount payable to a recipient and a spouse included as a beneficiary in respect of gross monthly income from wages, salaries and casual earnings, other than the earnings of a dependent child, and net monthly income as determined by the Director from an interest in or operation of a business less,
 - i. the total amount of deductions from wages, salaries and casual earnings made in respect of income tax, *Canada Pension Plan* and unemployment insurance,
 - ii. subject to subsection (9), an amount equal to,
 - A. \$160 if there is one beneficiary,
 - B. \$185 if there is more than one beneficiary at least one of whom is eligible to receive an allowance and benefits under clause 7 (1) (c) or (e) of the Act or subsection 2 (5) of this Regulation, or
 - C. \$175 in all other cases where there is more than one beneficiary,
 - iii. subject to subsection (10), child care expenses actually incurred for each dependent child and not otherwise reimbursed or subject to reimbursement up to the maximum amount provided in subsection (11) if the child care expenses are necessary to permit a recipient or spouse to be employed or to participate in a training program and if,
 - A. the recipient is a single person who is employed or in a training program,
 - B. the recipient and his or her spouse are either employed or in a training program, or
 - C. the recipient or his or her spouse is employed or in a training program and the other is unable to provide the child care, and

- iv. 20 per cent of the amount by which the monthly income determined under this paragraph exceeds the total amount of exemptions to which the person is entitled under subparagraphs i, ii and iii.
 2. Subject to subsection (8), any payment received under the *Old Age Security Act* (Canada).
 3. Subject to subsection (8), any increment received under the *Ontario Guaranteed Annual Income Act*.
 4. Subject to subsection (8), any pension or payment received under legislation of any other country.
 5. Subject to subsection (8), any regular or periodic payments received under a mortgage, agreement for sale or loan agreement where the unpaid balance of the mortgage, agreement for sale or loan, together with the value of his or her liquid assets exceeds the maximum value of the liquid assets permitted to the person under section 2, 3 or 4.
 6. Subject to subsection (8), any regular or periodic payments received under any annuity, pension plan, superannuation scheme or insurance benefit.
 7. Subject to subsection (8), any payments for support or maintenance received under an order made by a court of competent jurisdiction or under a domestic contract or an agreement with the putative father of a child born out of wedlock.
 8. Any amount paid under a training program, after deducting from it,
 - i. \$50 monthly if there is one beneficiary or \$100 monthly if there is more than one beneficiary,
 - ii. child care expenses as determined under subparagraph iii of paragraph 1, and
 - iii. any other expenses determined by the Director to be necessary for taking the training program.
 9. The net income of the spouse of the applicant or recipient or of the putative father of a beneficiary available to the applicant or recipient as determined by the Director where the spouse or putative father, as the case may be, is living apart from the applicant or recipient.
 10. Subject to subsection (8), where the applicant or recipient is a sponsored dependant or nominated relative within the meaning of the regulations under the *Immigration Act* (Canada), payments available to him or her, as determined by the Director, under any undertaking or engagement made on his or her behalf under the said regulations between the Government of Canada and any person nominating or sponsoring him or her.
 11. Subject to paragraph 18, where a recipient was in receipt of an allowance under this Act or assistance under the *General Welfare Assistance Act* in the month of October, 1987, had advised the Director or a welfare administrator appointed under section 4 of the *General Welfare Assistance Act* in or prior to that month that he or she was providing lodging to a person, had income as defined in this paragraph as it existed on the 31st day of October, 1987 or paragraph 11 of subsection 13 (2) of Regulation 441 of Revised Regulations of Ontario, 1980 (General) as it existed on the 31st day of October, 1987 in that month and is providing lodging to any person, a monthly amount that shall be deemed to be paid by such person to the recipient, which amount shall be,
 - i. \$40 where the person is eighteen years of age or more and is being provided with meals in addition to lodging, or
 - ii. \$20 where the person is under eighteen years of age or is not being provided with meals.
 12. Any payment received from the sale or other disposition of an asset, except that portion of the payment that is applied, or where the Director approves will be applied towards,
 - i. the purchase by the applicant or recipient or the spouse of the applicant or recipient of a principal residence used by the applicant or recipient, or
 - ii. the purchase of any other asset which in the Director's opinion is necessary for the health or welfare of a beneficiary included for the purposes of calculating the amount of allowance to which the applicant or recipient is entitled.
 13. Subject to subsection (8), a payment, other than a payment under clause 7 (1) (a) or (d) of the *Compensation for Victims of Crime Act*, received by or on behalf of an applicant, recipient or beneficiary under that Act.
 14. Subject to paragraph 18, where an applicant or recipient is providing lodging and meals to a person and paragraph 11 does not apply, an amount for each such person that is equal to the greater of,
 - i. 40 per cent of the amount received from such person, or
 - ii. \$40.
 15. Subject to paragraph 18, where an applicant or recipient is providing lodging without meals to a person and paragraph 11 does not apply, an amount for each such person that is equal to the greater of,
 - i. 60 per cent of the amount received from such person, or
 - ii. \$40.
 16. Subject to subsection (8), any payment received by or on behalf of an applicant, recipient or beneficiary under the *Pension Act* (Canada), the *Unemployment Insurance Act* (Canada), the *War Veterans Allowance Act* (Canada), the *Civilian War Pensions and Allowances Act* (Canada), the *Workers' Compensation Act* or compensation paid under a similar law of any other jurisdiction, the *Quebec Pension Plan* (Quebec) and the *Canada Pension Plan*,
- but shall not include,
17. Any benefits received under this Act and the Regulations.
 18. Any income received or deemed to be received for lodging with or without meals provided by the applicant or recipient to any child, grandchild or foster child of the applicant or recipient where the child or grandchild is,
 - i. a beneficiary,
 - ii. a recipient or a dependant of general assistance under the *General Welfare Assistance Act*,
 - iii. in full-time attendance at an educational institution or is on vacation from the institution, or
 - iv. under twenty-one years of age and without financial resources.
 19. 40 per cent of the gross income as determined by the Director received from rented self-contained quarters.
 20. 40 per cent of the gross income as determined by the Director received from the rental of land or a garage.
 21. Family allowances received under the *Family Allowances Act* (Canada).
 22. Any payment received as a child tax credit by reason of the

TABLE

Number of Beneficiaries	Column A
1	\$200
2	283
3	307
4	330
5	353
6 or more	377

application of section 122.2 of the *Income Tax Act* (Canada).

23. Any payment received under the *Vocational Rehabilitation Services Act* or the regulations thereunder.
24. Assistance received under the *General Welfare Assistance Act*, except general assistance paid under subsections 12 (1) and (6) of Regulation 537 of Revised Regulations of Ontario, 1990, received after the first month of eligibility for an allowance.
25. Payments approved by the Director received from any agency or governmental source approved by the Director on behalf of a child who is not a beneficiary.
26. Donations received from a religious, charitable or benevolent organization.
27. Casual gifts of small value.
28. Casual payments of small value.
29. Any payment or refund received under section 8 of the *Income Tax Act*.
30. Any grant received under section 2 or 7 of the *Ontario Pensioners Property Tax Assistance Act*.
31. Any payment received under Orders-in-Council numbered OC-3410/70 and OC-2403/71, or either of them, made pursuant to section 7 of the *Ministry of Agriculture and Food Act*.
32. Interest and dividends earned on liquid assets.
33. Any payment received pursuant to the *Indian Act* (Canada) under a treaty between Her Majesty and an Indian band.
34. Any payment received under Order-in-Council numbered P.C. 1977-2496, made under section 40 of the *Indian Act* (Canada).
35. A loan received by a beneficiary under Regulation 774 of Revised Regulations of Ontario, 1990 (Ontario Student Loans) or the *Student Loans, Canada Act*.
36. A grant received by a beneficiary under Regulation 775 of Revised Regulations of Ontario, 1990 (Ontario Study Grant Plan), except any amount received as a supplementary living allowance.
37. A bursary received by a beneficiary under Regulation 773 of Revised Regulations of Ontario, 1990 (Ontario Special Bursary Program).
38. A grant received by a beneficiary who is a part-time student enrolled in a post-secondary institution under clause 7 (a) of the *Ministry of Colleges and Universities Act*.
39. A bursary received by a beneficiary who is a full-time student enrolled in a secondary school under paragraph 18 of subsection 8 (1) of the *Education Act*.
40. Where an applicant or recipient or a beneficiary is in receipt of a grant under the Interest Deferment plan established by Sections 34.3 to 34.8 of the *National Housing Act* (Canada), being chapter N-10 of Revised Statutes of Canada, 1970, an amount that is the lesser of,
 - i. the average monthly amount of the grant, or
 - ii. the amount by which the cost of shelter as determined by the Director of the applicant or recipient exceeds the amount set out in Column A of the following Table:

41. Any payment received under subsection 2 (2) of the *Developmental Services Act*.
42. Any payment received under clause 175 (f) of the *Child and Family Services Act*.
43. Any payment made by an Indian Band as an incentive bonus for school attendance to any dependant of an applicant or recipient who is attending school.
44. Any death benefit payment under the *Canada Pension Plan*.
45. An amount received as damages or compensation for,
 - i. pain and suffering, or
 - ii. expenses actually and reasonably incurred or to be incurred as a result of injury to or the death of an applicant or beneficiary,
 up to a maximum amount of \$25,000.
46. Any payment received as a sales tax credit by reason of the application of section 122.4 of the *Income Tax Act* (Canada).
47. Any payment received under the *Ministry of Community and Social Services Act*.

R.R.O. 1980, Reg. 318, s. 13 (2); O. Reg. 459/82, s. 8 (2); O. Reg. 654/82, s. 4; O. Reg. 847/82, s. 4; O. Reg. 360/83, s. 3; O. Reg. 690/83, s. 5; O. Reg. 784/83, s. 4; O. Reg. 216/84, s. 4 (1-3); O. Reg. 709/84, s. 7 (3); O. Reg. 396/86, s. 4 (1); O. Reg. 169/87, s. 1; O. Reg. 589/87, s. 5 (1, 2); O. Reg. 683/87, s. 1; O. Reg. 338/89, s. 1; O. Reg. 528/89, s. 2 (2, 3); O. Reg. 46/90, s. 1 (1).

- (3) Paragraph 11 of subsection (2) does not apply to a recipient who,
 - (a) at any time after the 31st day of October, 1987 ceases to be eligible for an allowance under this Act and assistance under the *General Welfare Assistance Act* and subsequently becomes eligible for such assistance or allowance; or
 - (b) has no income as set out in the said paragraph 11 or in paragraph 11 of subsection 15 (2) of Regulation 537 of Revised Regulations of Ontario, 1990 (General) for a period of two consecutive months. O. Reg. 589/87, s. 5 (3).
- (4) The amount of the allowance for each month after November, 1979, for which the person is eligible shall, as long as clause (d) continues to apply, and does not at any time cease to apply, be calculated by applying the exemptions contained in paragraph 1 of subsection (2) as it existed on the 30th day of November, 1979 where,
 - (a) the person was eligible for an allowance during the month of November, 1979;
 - (b) during the month of November, 1979, the person referred to in clause (a) received income from wages, salaries, casual earnings or a business;

- (c) the exemptions contained in paragraph 1 of subsection (2) as of the 30th day of November, 1979, were applied in calculating the amount of the allowance for the month of November, 1979; and
- (d) as a result of the application referred to in clause (c) the amount of the allowance for which the person referred to in clause (a) is eligible under section 11 on and after the 1st day of December, 1979, is less than the amount of the allowance for which the person was eligible for the month of November, 1979. R.R.O. 1980, Reg. 318, s. 13 (3); O. Reg. 825/84, s. 4, revised.
- (5) Despite subsection (1), for the purposes of determining the amount of an allowance of an applicant or recipient who is a foster parent, income shall include only those payments to or on behalf of the foster child, other than the casual earnings of the foster child. O. Reg. 459/82, s. 8 (3).
- (6) Despite subsection (1), in determining the amount of income under this section, the Director may average the gross income for wages, salaries and casual earnings over a period,
- (a) not exceeding six months where the applicant or recipient is a blind person, a disabled person, a person referred to in clause 7 (1) (b) of the Act or subsection 2 (5) or (6) of this Regulation; and
- (b) not exceeding four months in all cases other than those cases referred to in clause (a). R.R.O. 1980, Reg. 318, s. 13 (6); O. Reg. 727/82, s. 4.
- (7) When the Director averages income for a period under subsection (6), he or she shall also average any deductions for income tax, *Canada Pension Plan* and unemployment insurance for the same period. O. Reg. 528/89, s. 2 (4), part.
- (8) Where, in the opinion of the Director, any payment of the income referred to in paragraph 2, 3, 4, 5, 6, 7, 10, 13 or 16 of subsection (2) applies to a number of months, the payment may be averaged over that number of months. O. Reg. 396/86, s. 4 (2); O. Reg. 46/90, s. 1 (3).
- (9) The amount determined under subparagraph ii of paragraph 1 of subsection (2) shall be decreased by any amount that is deducted from a payment made under a training program under subparagraph i of paragraph 8 of subsection (2).
- (10) The amount determined under subparagraph iii of paragraph 1 of subsection (2) shall be decreased by any amount that is deducted from a payment made under a training program under subparagraph ii of paragraph 8 of subsection (2).
- (11) The maximum amount of child care expenses permitted for each child is the actual amount paid if those expenses are paid to a child care provider licensed under the *Day Nurseries Act* and otherwise is,
- (a) \$390 per month if the child is less than six years of age;
- (b) subject to clause (c), \$346 per month if the child is six years of age or older and less than thirteen years of age;
- (c) \$390 per month if the child is six years of age or older and less than thirteen years of age and, in the opinion of the Director, increased child care costs are required for the child because of special circumstances;
- (d) \$390 per month if the child is thirteen years of age or older and, in the opinion of the Director, the child requires child care because of special circumstances.
- (12) Subparagraph iii of paragraph 1 of subsection (2) does not apply to child care expenses paid to a beneficiary in respect of whom the recipient receives a benefit.
- (13) An amount paid under a training program is deemed to be income under paragraph 1 of subsection (2) and not a payment from

a training program under paragraph 8 of that subsection if it is subject to deductions in respect of income tax, *Canada Pension Plan* and unemployment insurance. O. Reg. 528/89, s. 2 (4), part.

14.—(1) Subject to subsections (2), (3) and (4), an allowance shall be paid to or on behalf of a recipient monthly in arrears and shall be computed from the first day of the month following the month in which the eligibility of the applicant is determined. O. Reg. 553/89, s. 1.

(2) An allowance for an applicant who resides in a home for special care established, licensed or approved under the *Homes for Special Care Act*, or in a facility designated under the *Developmental Services Act* shall be computed from the date of the applicant's admission to the home or facility, as the case may be.

(3) Subject to subsection (4), where eligibility is determined after the last day of the month in which the application was received by the Director and delay in making the payment is caused by circumstances wholly beyond the control of the applicant, the Director may direct that payment shall commence on an earlier date to be set by the Director, but that date shall not be before the date on which the Director receives the application or more than four months before the date on which the Director determines the eligibility, whichever is the later. R.R.O. 1980, Reg. 318, s. 14 (2, 3).

(4) Where a recipient ceases to be eligible for an allowance and on a new application for an allowance the spouse of the former recipient or another person caring for a dependent child or foster child of the former recipient is eligible for an allowance, the allowance payable to that person shall commence from the 1st day of the month in which the new application is received by the Director. O. Reg. 709/84, s. 8.

(5) Where a recipient ceases to be eligible for an allowance, the Director may nevertheless direct that the allowance be paid for the calendar month immediately following the month in which the eligibility ceased. R.R.O. 1980, Reg. 318, s. 14 (5).

15.—(1) Despite sections 11 and 31, where the amount of any payment is determined under sections 12 or 31 to be more than zero and less than \$2.50 in any month, the amount may be increased to \$2.50. R.R.O. 1980, Reg. 318, s. 15 (1).

(2) Despite section 11, where the amount of the allowance payable to a recipient would be reduced to zero under section 13 by reason of income that includes income from a training allowance paid under a training program that is approved by the Director, the amount of the allowance shall be continued at \$2.50 per month so long as the beneficiary continues to be approved by the Director for the training program. O. Reg. 396/86, s. 5 (2).

(3) Despite section 11, where the amount of the allowance payable to a recipient who is,

- (a) a widow or widower;
- (b) sixty years of age and over but under sixty-five years of age; and
- (c) eligible on the 1st day of September, 1985 or who would be eligible on the 1st day of September, 1985 if an application had been made on that date for a spouse's allowance payable to a widow or widower under the *Old Age Security Act* (Canada),

would be reduced to zero under section 13 by reason of income that includes income from a spouse's allowance payable to a widow or widower under the *Old Age Security Act* (Canada), the amount of the allowance shall be continued at \$2.50 per month so long as the recipient remains otherwise eligible for an allowance until the recipient attains sixty-five years of age. O. Reg. 484/85, s. 1; O. Reg. 742/86, s. 2, part.

(4) Despite section 11, where the amount of the allowance payable in the month of January, 1987 to a recipient would be reduced to zero under section 13 by reason of income that includes income from a disability benefit under the *Canada Pension Plan* or the

Quebec Pension Plan (Quebec), the amount of the allowance shall be continued at \$2.50 per month so long as the recipient remains otherwise eligible for an allowance. O. Reg. 742/86, s. 2, *part*.

(5) Despite section 11, the amount of a person's allowance shall be \$2.50 per month for any month in which,

- (a) the person is not entitled to an allowance under section 11 because his or her income exceeds his or her budgetary requirements but the person is otherwise entitled to an allowance; and
- (b) the person's income determined under section 13 does not exceed his or her budgetary requirements determined under section 12 or 31, as the case may be, by,
 - (i) more than \$50 per month for a single person,
 - (ii) more than \$100 per month for a person with one or more dependants.

(6) Despite section 11, the amount of a person's allowance shall be \$2.50 per month for any month in which,

- (a) the person is not entitled to an allowance under section 11 because his or her income exceeds his or her budgetary requirements but the person is otherwise entitled to an allowance;
- (b) the person's income calculated under section 13 is less than the sum of,
 - (i) the person's budgetary requirements calculated under section 12 or 31, as the case may be, and
 - (ii) the value of any benefits the person would have received under sections 21, 22 and 24 and subsection 30 (4) if the person were entitled to an allowance under section 11.

(7) Despite subsection 17 (10), a person who receives an allowance under subsection (5) or (6) is not eligible to receive a benefit under section 27, 28, 29, 32, 33, 34, 35 or 36 or subsection 30 (1) or (3). O. Reg. 528/89, s. 3.

16.—(1) The Director may determine that a beneficiary is not eligible to receive a benefit or may cancel or suspend a benefit where the applicant or recipient or spouse of the applicant or recipient is unwilling to accept employment and in the opinion of the Director suitable employment is available.

(2) The Director, having regard to a beneficiary's budgetary requirements and his or her income, may vary or suspend an allowance where a beneficiary is,

- (a) a patient in a hospital;
- (b) serving a term of imprisonment; or
- (c) attending an educational institution of a class defined under subsection 1 (4) and where his or her maintenance is being paid for in whole or in part by a governmental agency approved by the Director. R.R.O. 1980, Reg. 318, s. 16 (1, 2).

(3) Where a person who was eligible for an allowance ceases to be eligible for the allowance because of an increase in the value of liquid assets, the amount recoverable under section 17 of the Act as a sum to which the recipient was not entitled shall not exceed the difference between,

- (a) the maximum value of the liquid assets that the recipient and any other beneficiaries owned during the period of ineligibility; and
- (b) the maximum value of the liquid assets permitted under subsections 2 (1) and (3), section 3 and subsection 4 (1). O. Reg. 360/83, s. 4.

17.—(1) An application for an allowance other than by a foster parent on behalf of a foster child shall be made to the Director in Form 1 of this Regulation or Form 1 of Regulation 537 of Revised Regulations of Ontario, 1990 (General).

(2) An application by a foster parent for an allowance on behalf of a foster child shall be made to the Director in Form 2 of this Regulation or Form 2 of Regulation 537 of Revised Regulations of Ontario, 1990 (General).

(3) An application under subsection (1) or (2) shall be accompanied by a consent to disclose and verify information in Form 3 of this Regulation or Form 3 of Regulation 537 of Revised Regulations of Ontario, 1990 (General).

(4) An application for an allowance payable to a person referred to in clause 7 (1) (c) or (e) of the Act or subsection 2 (5) of this Regulation shall be accompanied by a report of a legally qualified medical practitioner in Form 4 of this Regulation, Form 4 of Regulation 537 of Revised Regulations of Ontario, 1990 (General) or Form 2 of Regulation 1095 of Revised Regulations of Ontario, 1990 (General), but, where the applicant is a blind person, the report shall be in Form 5 of this Regulation. O. Reg. 136/85, s. 1 (1).

(5) Where applicable, an applicant shall furnish, to the satisfaction of the Director,

- (a) proof of the date of birth of the applicant and any beneficiary for whom an allowance would be provided under the application;
- (b) proof of marriage; and
- (c) proof of the death of the spouse or of a parent of a dependent child or foster child in respect of whom an application is made.

(6) Where the applicant by reason of physical or mental disability is unable to make the application in person, the application may be made by the spouse or some other responsible person acting on behalf of the applicant.

(7) An application for a benefit under section 38 shall be made to the Director in Form 6.

(8) An application for a benefit under section 39 shall be made to the Director in Form 7.

(9) Despite subsections (1), (2) and (7), where, within one year preceding the date of application, an applicant applied for a benefit in Form 1, 2 or 6 or received a benefit, an application for a benefit may be made to the Director in a form provided by the Director. R.R.O. 1980, Reg. 318, s. 17 (5-9).

(10) A person who applies for an allowance under this section shall be deemed to have applied for the benefits referred to in sections 21, 22, 24, 27, 28, 29, 30, 32, 33, 34 and 35. O. Reg. 136/85, s. 1 (2).

18.—(1) In this section "intake authority" means a field worker or any other person designated by the Director. R.R.O. 1980, Reg. 318, s. 18 (1).

(2) An intake authority shall ensure that the application is filled out and completed by or on behalf of the applicant and the applicant, subject to subsection 17 (6), shall sign the application in the presence of the intake authority. R.R.O. 1980, Reg. 318, s. 18 (2); O. Reg. 825/84, s. 6.

(3) The intake authority shall immediately send the completed application and any supporting material to the Director. R.R.O. 1980, Reg. 318, s. 18 (3).

(4) An intake authority shall, at the request of the Director,

- (a) make a visit to the home of an applicant for the purpose of inquiring into the living conditions and financial and other

circumstances of the applicant and any dependants of the applicant;

- (b) verify any statements in an application for a benefit;
- (c) where any child of an applicant or recipient is receiving or may receive a benefit, review the circumstances under which the child is being cared for;
- (d) review the capacity of an applicant or recipient to manage an allowance;
- (e) make a visit to the home of a recipient for the purpose of preparing a report on any circumstances of the recipient that might affect the eligibility of the recipient for the amount of or continuance of a benefit or any other matter relating thereto; and
- (f) counsel and assist any applicant or recipient assigned to the intake authority in any matter relating to a benefit. O. Reg. 709/84, s. 10.

(5) An intake authority shall not charge any fee to or receive any remuneration from or on behalf of any beneficiary or applicant in respect of any duty that he or she performs or service that he or she renders under the Act or the regulations. R.R.O. 1980, Reg. 318, s. 18 (5).

19.—(1) A decision of the Director made under the direction of the board of review or an appellate court shall take effect from the date of the Director's original decision, order or directive, as the case may be, that was the subject of the review or appeal. R.R.O. 1980, Reg. 318, s. 19.

(2) Clause 5 (c) does not apply where the board of review or an appellate court determines that an applicant or recipient was eligible for an allowance during a period of time in respect of which the applicant or recipient received general assistance under the *General Welfare Assistance Act*. O. Reg. 360/83, s. 5.

20.—(1) A medical advisory board is continued consisting of three or more persons appointed by the Minister at least one of whom shall be a legally qualified medical practitioner. R.R.O. 1980, Reg. 318, s. 20 (1).

(2) The Minister shall designate as chair of the board any person appointed under subsection (1). O. Reg. 216/84, s. 5.

(3) The medical advisory board shall,

- (a) investigate the eligibility of an applicant or recipient under clause 7 (1) (c) or (e) of the Act, and for this purpose shall,
 - (i) review medical evidence submitted in support of the application,
 - (ii) receive any additional evidence necessary to make a complete report under subclause (iii),
 - (iii) report to the Director as to whether the applicant or recipient is a blind person, a disabled person or a permanently unemployable person or under what conditions he or she would become employable; and
- (b) determine if the spouse of the applicant or recipient is a blind person, a disabled person or a permanently unemployable person for the purposes of paragraph 10 of subsection 12 (5). R.R.O. 1980, Reg. 318, s. 20 (3); O. Reg. 459/82, s. 10.

21. A beneficiary is entitled without cost to receive insured services in accordance with the *Health Insurance Act* and the regulations thereunder. R.R.O. 1980, Reg. 318, s. 21.

22. Any beneficiary or class thereof, other than a person who is eligible for a drug benefit under section 25, may be entitled to dental services under any agreement in writing in force from time to time

between the Crown in right of Ontario and the Ontario Dental Association. O. Reg. 709/84, s. 11.

23. In sections 24 and 25, "dispensary" means a person or facility in Ontario approved by the Minister of Health to dispense drugs. O. Reg. 165/86, s. 1, *part*.

24.—(1) Ontario shall pay on behalf of a person resident in Ontario,

- (a) who is a beneficiary who is not eligible for a drug benefit under section 25;
- (b) who is eligible for general assistance under the *General Welfare Assistance Act*; or
- (c) who is a "dependant", within the meaning of subsection 1 (1) of Regulation 537 of Revised Regulations of Ontario, 1990, of a person referred to in clause (b),

an amount that is equal to the cost determined by the Minister of drugs prescribed for the person by a legally qualified medical practitioner or member of the Royal College of Dental Surgeons of Ontario where the drugs have been,

- (d) approved by the Minister of Health; and
- (e) purchased by or on behalf of the person from a dispensary during any month in which the applicant or recipient, in whose allowance or general assistance the person is included, is eligible for the allowance or the general assistance.

(2) A payment under this section is a class of benefit other than an allowance.

(3) An application for general assistance under the *General Welfare Assistance Act* shall be deemed to be an application for a benefit payable under subsection (1) and shall be deemed to be received by the Director in accordance with section 9 of the Act. O. Reg. 165/86, s. 1, *part*.

25.—(1) Ontario shall pay on behalf of a person resident in Ontario,

- (a) who is eligible for a pension payable under Part I of the *Old Age Security Act* (Canada);
- (b) who has attained the age of sixty-five years, is approved by the Minister of Health and has been a resident of Ontario for the twelve consecutive months immediately preceding the date of the approval;
- (c) who is eligible for extended care services or home care services under the *Health Insurance Act*; or
- (d) who is a resident of a home for special care under the *Homes for Special Care Act* and who is not eligible for an allowance,

an amount that is equal to the cost determined by the Minister of drugs prescribed for the person by a legally qualified medical practitioner or member of the Royal College of Dental Surgeons of Ontario, where the drugs have been,

- (e) approved by the Minister of Health;
- (f) in the case of a person referred to in clause (a) or (b), purchased by or on behalf of that person from a dispensary at any time during or after the month next following the month in which the person,
 - (i) first receives payment of a monthly pension under Part I of the *Old Age Security Act* (Canada), or
 - (ii) is approved by the Minister of Health,
 as the case may be;

- (g) in the case of a person referred to in clause (c), purchased by or on behalf of that person from a dispensary during any month in which the person is eligible for extended care services or home care services; and
- (h) in the case of a person referred to in clause (d), purchased by or on behalf of that person from a dispensary during any month in which the person is a resident of a home for special care,

so long as the person continues to reside in Ontario. O. Reg. 165/86, s. 2, *part*.

(2) A payment under this section is a class of benefit other than an allowance and each person eligible for the benefit shall be deemed to be a person in need. R.R.O. 1980, Reg. 318, s. 25 (2).

- (3) An application for,
 - (a) a pension payable under Part I of the *Old Age Security Act* (Canada);
 - (b) an increment under the *Ontario Guaranteed Annual Income Act*;
 - (c) extended care services or home care services under the *Health Insurance Act*; or
 - (d) admission to a home for special care under the *Homes for Special Care Act*,

shall be deemed to be an application for a benefit payable under subsection (1) and shall be deemed to be received by the Director in accordance with section 9 of the Act. O. Reg. 165/86, s. 2, *part*.

26. An application for a benefit payable under subsection 24 (1) or 25 (1) to a person other than the Director shall be deemed to be an application received by the Director in accordance with section 9 of the Act. O. Reg. 165/86, s. 3, *part*.

27.—(1) Subject to subsection (2), any person who ceases to be eligible for an allowance may, as determined by the Director, continue to be entitled to receive any benefit under sections 21 and 22 for such period as the Director may determine up to three months after his or her eligibility for the allowance ceased.

(2) A person who ceases to be eligible for an allowance by reason of imprisonment or by reason of admission as a patient or resident of a hospital or other institution may, as determined by the Director, continue to be entitled to receive any benefit under sections 21 and 22 that he or she was entitled to receive before the imprisonment or admission. R.R.O. 1980, Reg. 318, s. 26.

28.—(1) For the purposes of this section, “dependant” means a dependent child and includes a foster child for whom an allowance is payable to the recipient under clause 7 (1) (f) of the Act. R.R.O. 1980, Reg. 318, s. 27 (1).

(2) An applicant or recipient who is eligible for an allowance in the month of August in any calendar year and who has one or more dependants shall be paid annually, in addition to the amount of the allowance, an amount equal to,

- (a) \$66 for each dependant who attains the age of four years or more but who has not attained the age of thirteen years in the calendar year in which the amount is paid; and
- (b) \$123 for each dependant who attains the age of thirteen years or more in the calendar year in which the amount is paid. R.R.O. 1980, Reg. 318, s. 27 (2); O. Reg. 634/81, s. 3; O. Reg. 847/82, s. 5; O. Reg. 784/83, s. 5; O. Reg. 825/84, s. 9; O. Reg. 676/85, s. 2; O. Reg. 740/86, s. 2; O. Reg. 712/87, s. 2 (1); O. Reg. 746/88, s. 2 (1); O. Reg. 686/89, s. 3 (1); O. Reg. 680/90, s. 2 (1, 2).

(3) An applicant or recipient who is eligible for an allowance in the month of October in any year and who has one or more dependants shall be paid in that month, in addition to the amount of the

allowance, an amount equal to \$102 for each of his or her dependants. O. Reg. 680/90, s. 2 (3).

(4) A payment under this section is a class or benefit other than an allowance. R.R.O. 1980, Reg. 318, s. 27 (3).

29.—(1) For the purpose of this section, “training program” means a training program located in Ontario as part of the Ministry of Community and Social Services’ project for the training of recipients who are parents with dependent children and that has been approved for a specified number of trainees,

- (a) jointly by the Department of Employment and Immigration of the Government of Canada and the Ministry of Community and Social Services of the Government of Ontario; or
- (b) by the Ministry of Community and Social Services where the training program is not available through the sponsorship of the Department of Manpower and Immigration. R.R.O. 1980, Reg. 318, s. 28 (1); O. Reg. 709/84, s. 13.

(2) In addition to an allowance, a recipient who is a parent with a dependent child and who is enrolled in a training program for which he or she has been approved, subject to subsection (3), by the Director, may be paid an amount considered by the Director to be reasonable and necessary for any expenses determined by the Director to be necessary for the parent to take the program.

(3) The Director shall not approve a recipient under subsection (2) for enrolment in a training program in which there is already enrolled the maximum number of trainees for which the program has been approved under subsection (1).

(4) A payment under subsection (2) is a class of benefit other than an allowance. R.R.O. 1980, Reg. 318, s. 28 (2-4).

30.—(1) Subject to subsection (2), where the Director determines that repairs to premises which are used as the recipient’s residence and owned by the recipient or by a beneficiary included in the recipient’s allowance are necessary in order to enable the recipient to continue to reside in the premises and, where the Director gives his or her approval before any expenditure is incurred, there may be paid to the recipient, in addition to an allowance, an amount considered by the Director to be reasonable and necessary for such repairs.

(2) No payment for repairs shall be made under this section,

- (a) where the recipient has received a loan through the Ontario Home Renewal Program authorized by Regulation 641 of Revised Regulations of Ontario, 1990 made under the *Housing Development Act* or through the Residential Rehabilitation Assistance Program authorized by section 51 of the *National Housing Act* (Canada) in respect of the same item of repair;
- (b) for the cost of digging a well;
- (c) for the cost of internal renovation or remodelling except where, in the opinion of the Director, such renovation or remodelling is necessary to ensure privacy;
- (d) for the cost of new foundations for the premises;
- (e) for the cost of a new furnace except where the Director is satisfied that the existing furnace is unsafe for the occupants of the premises;
- (f) for the cost of materials for insulation unless the Director is satisfied that the thermal insulation of the premises will meet the minimum standards set out in section 9.26 of Regulation 61 of Revised Regulations of Ontario, 1990 made under the *Building Code Act*, and that the cost of such materials is reasonable in relation to the estimated future saving in the cost of heating the premises; or
- (g) where, in the opinion of the Director, the market value of the premises does not warrant incurring the cost of such repairs.

(3) Despite subsection (1), where an expenditure has been incurred without the prior approval of the Director, a payment may be made where the Director is satisfied that owing to the urgent nature of the repair work the recipient was unable to obtain the prior approval of the Director.

(4) In addition to a benefit under section 38 or an allowance, Ontario may pay on behalf of a beneficiary an amount considered by the Director to be reasonable and necessary for the purchase, replacement or repair, in a manner approved by the Director, of eye-glasses or hearing aids that are for the exclusive use of a beneficiary of the benefit under section 38 or the allowance, as the case may be.

(5) A payment under this section is a class of benefit other than an allowance. R.R.O. 1980, Reg. 318, s. 29.

31.—(1) This section applies to an applicant or recipient who is,

- (a) a blind or disabled person; or
- (b) a person referred to in clause 7 (1) (a) or (b) of the Act or subsection 2 (5), (6) or (11) of this Regulation. O. Reg. 847/82, s. 6, *part*; O. Reg. 690/83, s. 7 (1); O. Reg. 526/89, s. 5 (1).

(2) The budgetary requirements of an applicant or recipient to whom this section applies and who receives board and lodging from the same source and the source is not providing the board and lodging for a profit shall be the greater of,

- (a) an amount determined in accordance with subsection (3); or
- (b) an amount determined in accordance with section 12. O. Reg. 825/84, s. 10 (1); O. Reg. 686/89, s. 4 (1).

(3) For the purposes of clause (2) (a), the amount shall be,

- (a) \$590, where the applicant or recipient is a single person;
- (b) \$897, if the applicant or recipient is a married person and,
 - i. only one spouse is a blind person, a disabled person or a person referred to in subsection 2 (5) or (6), or
 - ii. at least one spouse is a person referred to in clause 7 (1) (a) of the Act; or

(c) \$1,180, where the applicant or recipient is a married person and both spouses are,

- (i) blind or disabled persons, or
- (ii) persons referred to in subsection 2 (5) or (6).

(4) Where the applicant or recipient has one or more dependent children, an amount determined in accordance with Schedule D shall be added to the amount determined under subsection (3). O. Reg. 746/88, s. 3 (1); O. Reg. 526/89, s. 5 (2); O. Reg. 686/89, s. 4 (2); O. Reg. 680/90, s. 3 (1), *revised*.

(5) The budgetary requirements of an applicant or recipient shall be the greater of the amount determined in accordance with subsection (6) and the amount determined in accordance with section 12 if the applicant or recipient receives board and lodging from the same source and the source,

- (a) is supplying the board and lodging for profit; or
- (b) is an agency approved by the Director and operated by a corporation incorporated under Part III of the *Corporations Act*. O. Reg. 686/89, s. 4 (3).

(6) For the purposes of clause (5) (a), the amount shall be,

- (a) \$638, where the applicant or recipient is a single person;
- (b) \$970, if the applicant or recipient is a married person and,

- i. only one spouse is a blind person, a disabled person or a person referred to in subsection 2 (5) or (6), or
- ii. at least one spouse is a person referred to in clause 7 (1) (a) of the Act; or

(c) \$1,276, where the applicant or recipient is a married person and both spouses are,

- (i) blind or disabled persons, or
- (ii) persons referred to in subsection 2 (5) or (6).

(7) Where the applicant or recipient has one or more dependent children, an amount determined in accordance with Schedule E shall be added to the amount determined under subsection (6). O. Reg. 746/88, s. 3 (2); O. Reg. 526/89, s. 5 (3); O. Reg. 686/89, s. 4 (4); O. Reg. 680/90, s. 3 (2), *revised*.

(8) The budgetary requirements of an applicant or recipient to whom subsections (2) and (5) do not apply shall be the greater of,

- (a) the amount determined in accordance with section 12; and
- (b) the amount that is the sum of the amount for basic allowance determined in accordance with Schedule F, the amount for basic shelter determined in accordance with Schedule G and the amount determined under paragraph 7 or 9, as the case may be, of subsection 12 (5).

(9) The basic shelter allowance of an applicant or recipient to whom subsection (8) applies shall be increased by \$55 if the applicant or recipient is a married person and both spouses are blind or disabled persons or persons referred to in subsection 2 (5) or (6).

(10) Where the budgetary requirements of the applicant or recipient are calculated in accordance with subsection (8) and both the applicant or recipient and his or her spouse are blind, disabled or persons referred to in subsection 2 (5) or (6), the total amount paid in respect of the following items shall not exceed \$1,465:

1. The amount paid in respect of the applicant or recipient and the spouse for basic allowance, basic shelter and for the variable shelter allowance.
2. The amount paid in accordance with subsection (9). O. Reg. 686/89, s. 4 (5); O. Reg. 680/90, s. 3 (3).

(11) For the purpose of computing the amount of the allowance under section 11, where an applicant or recipient to whom this section applies or the spouse or a dependent child of such applicant or recipient has a guide dog as defined in the *Blind Persons' Rights Act*, the budgetary requirements of such applicant or recipient shall be increased by an amount equal to the amount determined in accordance with paragraph 16 of subsection 12 (5). O. Reg. 360/83, s. 6 (3).

32.—(1) In this section, "dependent child" includes a foster child in respect of whom a benefit is provided under clause 7 (1) (f) of the Act. R.R.O. 1980, Reg. 318, s. 32 (1).

(2) There may be paid to a recipient an amount determined by the Director not less than \$25 a month and not in excess of \$350 a month in respect of each of the recipient's dependent children who,

- (a) is a beneficiary;
- (b) is, in the opinion of the Director, severely handicapped;
- (c) has not attained the age of eighteen years; and
- (d) resides with the recipient. R.R.O. 1980, Reg. 318, s. 32 (2); O. Reg. 634/81, s. 5; O. Reg. 784/83, s. 7; O. Reg. 676/85, s. 4; O. Reg. 712/87, s. 4; O. Reg. 686/89, s. 6; O. Reg. 680/90, s. 4, *revised*.

(3) In making a determination under subsection (2), the Director shall consider all the circumstances of the recipient including,

- (a) the age of the child;
- (b) the extent to which the child is severely limited in activities pertaining to normal living, including, but not necessarily limited to, the ability to walk, communicate with others, feed himself or herself, or bathe himself or herself; and
- (c) the expenses which the recipient is incurring or might incur solely by reason of the severe handicap of the child.

(4) A payment under this section is a class of benefit other than an allowance. R.R.O. 1980, Reg. 318, s. 32 (3, 4).

33. Ontario shall pay, on behalf of an applicant or recipient, the cost of completion of a medical report in the amount of,

- (a) \$15 if it is a report in Form 4 prepared under subsection 17 (4);
- (b) \$25 if it is a report in Form 5 prepared under subsection 17 (4); and
- (c) \$15 if it is a report supplementary to a report prepared under subsection 17 (4) and it is submitted by a physician at the request of the Director. O. Reg. 553/89, s. 2.

34.—(1) Where a person referred to in subsection 2 (6) is required to change his or her place of residence in order to obtain and receive assessment or training under a vocational rehabilitation program established under section 5 of the *Vocational Rehabilitation Services Act* while maintaining the person's normal place of residence, there may be paid to the applicant or recipient in addition to an allowance, an amount determined by the Director up to a maximum of \$441. O. Reg. 712/87, s. 5; O. Reg. 746/88, s. 4; O. Reg. 686/89, s. 7; O. Reg. 680/90, s. 5.

(2) A person who,

- (a) is not eligible for an allowance;
- (b) is, with the approval of the Director of the Vocational Rehabilitation Services Branch of the Ministry of Community and Social Services, enrolled in an assessment or training program established under section 5 of the *Vocational Rehabilitation Services Act*; and
- (c) is a resident or patient in an institution under the *Mental Hospitals Act*,

may be paid for transportation or work-related expenses,

- (d) an amount determined by the Director but not exceeding \$100; and
- (e) where the person is sixty-five years of age or older, an additional amount of \$12. O. Reg. 216/84, s. 7, *part*; O. Reg. 498/84, s. 2; O. Reg. 706/84, s. 2; O. Reg. 380/87, s. 2.

(3) A payment under this section is a class of benefit other than an allowance. O. Reg. 216/84, s. 7, *part*.

35.—(1) Where a recipient who has been a resident in an institution approved by the Director is discharged or is about to be discharged from the institution in order to establish a permanent residence in the community and in the opinion of the Director needs financial assistance in establishing the residence, there may be paid to the recipient, in addition to an allowance, a benefit up to a maximum amount of \$775. O. Reg. 740/86, s. 5; O. Reg. 712/87, s. 6; O. Reg. 746/88, s. 5; O. Reg. 686/89, s. 8; O. Reg. 680/90, s. 6.

(2) A payment under this section is a class of benefit other than an allowance. R.R.O. 1980, Reg. 318, s. 35 (2).

36.—(1) If a recipient or a spouse begins employment other than in a training program or changes employment, there shall be paid to the recipient, in addition to an allowance, a benefit determined by the Director for expenses reasonably necessary to begin or change employment, up to a maximum in any twelve-month period in respect of any one person of \$250.

(2) If a recipient or a spouse begins or changes employment and, in the opinion of the Director, the person is required to pay in advance for child care that is reasonably necessary to permit the person to begin or change employment, there may be paid to the recipient, in addition to an allowance, a benefit up to a maximum in any twelve-month period of the amount that he or she would be entitled to as a deduction for child care under section 13.

(3) The benefit under subsection (2) is not a reimbursement for child care expenses for the purposes of determining income under subsection 13 (2). O. Reg. 528/89, s. 4.

37. For the purpose of subsection 5 (2) of the Act and subject to subsection 12 (4), the budgetary requirements of an applicant or recipient for shelter shall be the amount of current rent for which the applicant or recipient is liable to the authority or agency, as the case may be, in respect of persons who are beneficiaries. R.R.O. 1980, Reg. 318, s. 37.

38.—(1) In this section,

“family income” means, except as determined in subsection (4), the aggregate of the amount of income for the taxation year next preceding that during which a benefit is paid or is to be paid of,

- (a) the applicant for the benefit or the parent of a beneficiary under this section,
- (b) the spouse of the applicant or the parent of a beneficiary who resides with the applicant or parent, and
- (c) the severely handicapped child;

“income” means the amount of total income declared by a person on the person's return of income as required by section 150 of the *Income Tax Act* (Canada) as being the person's total income for the applicable taxation year;

“parent” means the father or mother of a child, and includes a guardian and a person who has demonstrated a settled intention to treat the child as a child of his or her family. R.R.O. 1980, Reg. 318, s. 38 (1), *revised*.

(2) There may be paid to a parent who is not eligible for an allowance a benefit on behalf of his or her child in an amount determined by the Director not less than \$25 a month and not in excess of \$350 a month in respect of each child who,

- (a) is, in the opinion of the Director, severely handicapped;
- (b) has not attained the age of eighteen years; and
- (c) resides with the parent. R.R.O. 1980, Reg. 318, s. 38 (2); O. Reg. 634/81, s. 8; O. Reg. 784/83, s. 10; O. Reg. 676/85, s. 7; O. Reg. 712/87, s. 7; O. Reg. 686/89, s. 9; O. Reg. 680/90, s. 7, *revised*.

(3) In making a determination under subsection (2), the Director shall consider all the circumstances of the applicant or the parent of a beneficiary, including,

- (a) the age of the child;
- (b) the family income;
- (c) the extent to which the child is severely limited in activities pertaining to normal living, including, but not necessarily limited to, the ability to walk, communicate with others, feed himself or herself, or bathe himself or herself; and
- (d) the expenses which the applicant or the parent of a beneficiary is incurring or might incur solely by reason of the severe handicap of the child.

(4) For the purpose of verifying family income, the applicant or the parent of a beneficiary, as the case may be, shall when required by the Director provide the Director with a copy of the applicant's or parent's return of income and, where applicable, a copy of the returns of income of the spouse of the applicant or parent of a bene-

ficiary and the severely handicapped child, filed or to be filed with the Minister of National Revenue, for the taxation year next preceding that during which the benefit is paid or is to be paid.

(5) Despite subsection (4), for the purpose of subsection (3), the Director may determine the amount of the family income,

- (a) where the family income includes income from a farming or other business or from self-employment;
- (b) where the family income in the taxation year in which the benefit is or is to be paid is less than the family income for the immediately preceding taxation year;
- (c) where the applicant or parent of a beneficiary, or spouse of the applicant or parent of a beneficiary or the severely handicapped child did not file a return of income by reason of being a non-resident of Canada during the immediately preceding taxation year; or
- (d) where the applicant or parent of a beneficiary or spouse of the applicant or parent of a beneficiary or the severely handicapped child is unable for any other reason to provide a copy of the person's return of income for the immediately preceding taxation year to the Director.

(6) Where an applicant for a benefit under this section is in receipt of a benefit for one or more severely handicapped children pursuant to an Order in Council made under section 8 of the Act, the Director may determine that a benefit be paid under this section.

(7) Despite section 21, a child on whose behalf a benefit is paid under this section is not entitled without cost to receive insured services in accordance with the *Health Insurance Act*, and the regulations thereunder.

(8) A payment under this section is a class of benefit other than an allowance. R.R.O. 1980, Reg. 318, s. 38 (3-8).

39.—(1) In this section,

“active treatment hospital” means a hospital listed in Schedule 1, Part I of Schedule 1 or Part I of Schedule 2 to Regulation 552 of Revised Regulations of Ontario, 1990 made under the *Health Insurance Act*;

“chronic care services” means chronic care services as defined in subsection 6 (1) of Regulation 552 of Revised Regulations of Ontario, 1990 made under the *Health Insurance Act*;

“chronic care unit” means a chronic care unit as defined in subsection 6 (1) of Regulation 552 of Revised Regulations of Ontario, 1990 made under the *Health Insurance Act*;

“dependant” means,

- (a) a spouse who was cohabiting with the applicant,
 - (i) immediately prior to the applicant being admitted to a chronic care unit, or
 - (ii) where the applicant was transferred to a chronic care unit from an active treatment hospital, immediately prior to the applicant being admitted to the active treatment hospital, or

(b) a child under eighteen years of age;

“spouse”, despite the definition of “spouse” in subsection 1 (1), means,

- (a) either of a man and a woman being married to each other, and
- (b) either of a man and a woman not being married to each other who have been cohabiting in a relationship of some permanence for not less than one year,

but does not include a person who is receiving benefits under the

Old Age Security Act (Canada) or the *Ontario Guaranteed Annual Income Act*.

(2) Where a person is receiving chronic care services and a co-payment is prescribed to be made by the person under subsection 6 (8) of Regulation 552 of Revised Regulations of Ontario, 1990, made under the *Health Insurance Act*, the Director may determine in accordance with Form 7 that the person is eligible for a certificate of exemption from payment of all or part of the amount of the co-payment so assessed.

(3) A certificate of exemption under this section is a class of benefit other than an allowance. R.R.O. 1980, Reg. 318, s. 39.

40. Where a determination is made under this Regulation by the Director, the determination is prescribed to be a power of the Director. O. Reg. 360/83, s. 7.

41.—(1) The budgetary requirements of an applicant or recipient who shares accommodation with one or more persons who are not beneficiaries of any allowance payable to the applicant or recipient shall, despite sections 12 and 31, be reduced by an amount that, subject to subsection (2), is equal to the greater of,

- (a) the difference between the budgetary requirements of the applicant or recipient calculated as if the applicant or recipient was responsible for the entire cost of shelter and energy for heat, and those requirements calculated by allocating one equal share of such cost to each of the one or more persons and to the applicant or recipient and any spouse included as a beneficiary; or
- (b) \$40. O. Reg. 589/87, s. 6, *part*; O. Reg. 548/88, s. 4.

(2) Where an applicant or recipient whose budgetary requirements are calculated under paragraph 1 of subsection 12 (5), would, by the application of subsection (1), have his or her budgetary requirements reduced below the appropriate amount shown as minimum in Schedule A or B, as the case may be, the budgetary requirements of the applicant or recipient shall be equal to the appropriate minimum amount shown in Schedule A or B, as the case may be.

(3) This section does not apply to an applicant or recipient,

- (a) who has his or her budgetary requirements determined or computed under subsection 12 (6), (8), (9), (12), (14) or (16);
 - (b) who has been eligible for an allowance under this Act or assistance under the *General Welfare Assistance Act* continuously since the 31st day of October, 1987 and who, prior to the 1st day of November, 1987, had advised the Director or a welfare administrator appointed under section 4 of the *General Welfare Assistance Act* that he or she was sharing accommodation with one or more persons who were not beneficiaries of any allowance payable to the applicant or recipient; or
 - (c) to whom subsection 12 (4) applies.
- (4) Where subsection (1) applies, a share of the costs referred to in clause (a) of that subsection shall not be allocated to,

- (a) a person who lives with and provides daily physical assistance on an ongoing basis to a beneficiary, where the assistance is necessary to allow the beneficiary to function in a community setting and where the beneficiary is a blind person, disabled person or a permanently unemployable person;
- (b) a person to whom the applicant or recipient provides lodging, where the person provides income that is included or exempted, as the case may be, under section 13; or
- (c) a person who provides lodging, with or without meals, to the applicant or recipient. O. Reg. 589/87, s. 6, *part*.

Schedule A

**AMOUNTS FOR BASIC NEEDS
AMOUNTS FOR BOARD AND LODGING (PROFIT *)**

Number of Dependent Children	One Adult Person		Two Adult Persons	
	Minimum	Maximum	Minimum	Maximum
0	374	441	581	723
1	588	734	719	836
2	726	846	832	943
3	837	951	928	1048

This Schedule indicates the amounts for one or two adults and the three oldest dependent children in a family. For each child in excess of three children, add an amount up to \$110.

*Refer to paragraph 1 of subsection 12 (5)

O. Reg. 680/90, s. 8, part.

Schedule B

**AMOUNTS FOR BASIC NEEDS
BOARD AND LODGING (NON-PROFIT *)**

Number of Dependent Children	One Adult Person		Two Adult Persons	
	Minimum	Maximum	Minimum	Maximum
0	374	402	581	659
1	588	670	719	760
2	726	772	832	856
3	837	868	928	952

This Schedule indicates the amounts for one or two adults and the three oldest dependent children in a family. For each dependent child in excess of three children, add an amount up to \$100.

*Refer to paragraph 2 of subsection 12 (5)

O. Reg. 680/90, s. 8, part.

Schedule C

**AMOUNTS FOR BASIC ALLOWANCE
(FOR RENTERS AND OWNERS *)**

Number of Dependent Children	Age of Dependent Children		One Adult Person	Two Adult Persons
	13 Years and Over	0 - 12 Years		
0	0	0	\$304	\$571
1	0	1	552	676
	1	0	602	722
2	0	2	657	798
	1	1	707	844
	2	0	753	890

This Schedule indicates the amounts for one or two adults and the two oldest dependent children in a family. For each additional dependent child in the family in excess of two children, add to the appropriate amount set out in the Schedule for a family with two as follows:

- (a) 13 years and over \$168
- (b) 0 - 12 years 122

* Refer to paragraph 4 of subsection 12 (5).

O. Reg 680/90, s. 8, part.

Schedule D

**ADDITIONAL AMOUNTS FOR BASIC NEEDS OF
DEPENDENT CHILDREN
(BOARD AND LODGING—NON-PROFIT *)**

	Age of Dependent Children	
	13 Years and Over	0 - 12 Years
A. Family with One Adult Beneficiary		
1. First Dependent Child	\$343	\$294
2. For each additional Dependent Child, add to the amount in Item 1	165	123
B. Family with Two Adult Beneficiaries		
1. For each Dependent Child, add	\$165	\$123

* Refer to subsections 31 (3) and (4)

O. Reg. 680/90, s. 8, part.

Schedule E

**ADDITIONAL AMOUNTS FOR BASIC NEEDS OF
DEPENDENT CHILDREN
(BOARD AND LODGING—PROFIT *)**

	Age of Dependent Children	
	13 Years and Over	0 - 12 Years
A. Family with One Adult Beneficiary		
1. First Dependent Child	\$372	\$321
2. For each additional Dependent Child, add to the amount in Item 1	180	133
B. Family with Two Adult Beneficiaries		
1. For each Dependent Child, add	\$180	\$133

* Refer to subsections 31 (6) and (7)

O. Reg. 680/90, s. 8, part.

Schedule F

**AMOUNTS FOR BASIC ALLOWANCE
(FOR RENTERS, OWNERS *)**

Number of Dependent Children	13 Years and Over	0 - 12 Years	1 Adult, see note 1, below	2 Adults, see note 2, below	2 Adults, see note 3, below
0	0	0	\$501	\$ 768	\$1,002
1	0	1	749	873	1,107
	1	0	799	919	1,153
2	0	2	854	995	1,229
	1	1	904	1,041	1,275
	2	0	950	1,087	1,321

This Schedule indicates the amounts for one or two adults and the two oldest dependent children in a family. For each additional dependent child in the family in excess of two children, add to the appropriate amount set out in the Schedule for a family with two dependent children as follows:

- (a) 13 years and over \$168
- (b) 0 - 12 years 122

* Refer to subsection 31 (8).

1. One adult person as defined in subsection 31 (1).
2. Applicant or recipient and spouse, one of whom is a person defined in subsection 31 (1).
3. Applicant or recipient and spouse both of whom are blind, disabled or persons referred to in subsection 2 (5) or 2 (6).

O. Reg. 680/90, s. 8, *part.*

Schedule G

**AMOUNTS FOR BASIC SHELTER ALLOWANCE
(RENTERS AND OWNERS*)**

Family Size	Amount
1	\$120
2	185
3	210
4	220
5	230
6+	240

* Refer to paragraph 4 of subsection 12 (5) and subsection 31 (8).
O. Reg. 686/89, s. 10, *part.*

Form 1



Application for Assistance under the General Welfare Assistance Act An Allowance under the Family Benefits Act

Has the applicant previously applied for assistance under the General Welfare Assistance Act or an allowance under the Family Benefits Act?
Date and location of most recent application
Last payment received Amount \$ Date
GWA FBA

1. Qualifying Categories Indicate categories under which application is being made
Family Benefits Act
General Welfare Assistance Act

2. Personal Data
Applicant Surname First name Second name
What is your present marital status
Mr. Mrs. Ms. Miss
Alternate or previous name (including maiden name)
Address Postal code Telephone number
Birth Date Date of birth verified Type of proof seen Social insurance number
Health number Education (highest level achieved) Health
Next of kin - name Relationship Address
Surname of Spouse First name Second name Maiden name (if applicable)
Birth Date Date of birth verified Type of proof seen Social insurance number Health number
Education (highest level achieved) Health
Previous Spousal Relationships Applicant Spouse

Table with columns: Birthdate (O, M, Y), Verified (Y, M), Type of proof seen, School name, Grade. Rows for dependants living with you.

Do you have any dependants not living with you?
Is any other person living in the home?
Is any other person using this address for any other reason?

3. Residence
Table with columns: Applicant, Spouse, Dependant(s), Arrival date, Verified (yes/no), Current status, Landing date, Verified (yes/no)

List all places of applicant's residence within the last 12 months (GWA only)
Table with columns: From (month/year), To (month/year), Address, Municipality, Province

4. Employment History <small>List all employment of applicant/spouse/dependants within the past year</small>								
A	S	D	Employer	Employer's Address	Employment Period		Part/Full Time	Reason for Leaving Employment
					From	To		

5. Assets									
Personal Property	Y	N	Details	Value \$	Verified				
					Y	N			
Cash on hand									
Chequing / Savings Accounts (Banks, Trust Corporations, Credit Unions)									
Investments (Bonds, Shares, RRSP Term Deposits)									
Receivables (Mortgages, Loans, Accounts Receivable)									
Vehicles									
Safety Deposit Box									
Valuables (coins, stamps, jewellery)									
Prepaid Funeral (Amount in excess of allowable exempt)									
Beneficial Interest in Assets held in trust (Official Guardian, Public Trustee, Privately Administered Trust)									
Financial Interest in Business									
Other									

Real Property - other than Principal Residence no yes, provide the following:

Lot and Plan/Concession	Address	A	S	D	Owned or Life Tenancy	Rented	Vacant	Occupied	Year Purchased	Current Market Value \$	Equity \$	Verified	
												Y	N

Have you, your spouse or any dependant disposed of any assets (personal or real property) within three years prior to the application?
 no yes, provide details:

Are any assets expected in the future by you, your spouse, or any dependants? no yes, provide details:

6. Income/Revenue/Earnings									
Income	Y	N	Details reference number	Amount		Verified			
				Weekly	Monthly	Y	N		
O.A.S./G.I.S./S.A./W.S.A.									
GAINS for the aged									
Annuities, Superannuation, Insurance Benefits									
Canada Pension Plan/Quebec Pension Plan									
Pension Act (Canada)									
War Veterans' Allowance/Civilian War Pension									
Unemployment Insurance									
Training Allowance									
Foreign Pensions/Social Securities U.S.A.									
Workers' Compensation									
Compensation for Victims of Crime									
Support Payments									
Official Guardian/Public Trustee/ Privately Administered Trust									
Other (eg. sponsorship payments)									

Revenue	Y		N		Reference no.	Monthly Amounts	Verified				
	A	S	D	Y			N				
Mortgage Receivable/Loan Agreement											
Farm or Business											
Rental (gross) <input type="checkbox"/> self contained quarters											
<input type="checkbox"/> land <input type="checkbox"/> garage <input type="checkbox"/> other											
Roomer (R) or Boarder (B) <input type="checkbox"/> no <input type="checkbox"/> yes, provide details:											
Name	Effective Date	M/F	R	B	Monthly Amount \$	Birth Date	Relationship				

Is any Roomer or Boarder your child, grandchild, foster child of you or your spouse? no yes, are they a beneficiary of Family Benefits, in receipt of General Welfare Assistance, attending an educational institution without financial assistance? no yes, provide details:

Earnings	Monthly Earnings		Employer's Name and Address	No. of hours	Hourly rate	Verified	
	Gross \$	Net \$				Y	N
Applicant							
Spouse							
Dependant (GWA Only)							

Other Financial Resources
Are there any other financial resources to which the applicant/spouse or dependant child(ren) may be entitled? no yes, provide the following:

<input type="checkbox"/> sponsorship - name	Address	for (name)	Amount \$
<input type="checkbox"/> support - name	Address	for (name)	Amount \$
<input type="checkbox"/> other - specify	Address	for (name)	Amount \$

Has an application been made for any types of income for which the applicant/spouse or dependant child(ren) may be eligible? yes no, provide details:

7. Budgetary Requirements

A. Living Conditions
1. Are you, your spouse or dependant in a hospital, nursing home or other institution? no yes, provide the following:

<input type="checkbox"/> applicant <input type="checkbox"/> spouse <input type="checkbox"/> dependant	Name and address of institution	Date of admission	Expected date of discharge
---	---------------------------------	-------------------	----------------------------

Accommodation Costs (Complete 2, 3 or 4)

2. Boarding (Room and meals provided)
Total amount \$ monthly weekly
Verified yes no
With whom: _____ M/F: _____ Relationship: _____ Effective date: _____

3. Rent
Total amount \$ monthly weekly
Verified yes no
Accommodation Type: apartment house room
Number of Rooms: _____ subsidized unsubsidized

Heating Costs (annual)
Total amount \$ oil wood gas electric
Equal billing yes no
Verified yes no
Fire Insurance (annual) \$ _____ Verified yes no
Utilities (monthly) \$ _____

Landlord's name: _____ Address: _____ Telephone number: _____

4. Own Home or Condominium
Mortgage paid (monthly) (Principle + interest) \$ _____
Verified yes no
No. of rooms: _____
Heating costs (annual) Total amount \$ _____
 oil wood gas electric
Equal Billing yes no
Verified yes no
Fire Insurance (annual) \$ _____ Verified yes no

Utilities (monthly) \$ _____
Condominium Common Expenses (monthly) \$ _____
Verified yes no
Taxes (annual) \$ _____
Verified yes no
Mortgage held by: _____

5. Do you pay the total accommodation costs? yes no, provide the following:
Amount paid by you: \$ _____
Amount paid by co-resident: \$ _____

B. Special Items
Are any of the following items required by you, your spouse or any other beneficiary? no yes
 special diet pregnancy item travel/transportation discharge allowance guide dog allowance life insurance premium (see below)

Life Insurance

A/S/D	Name of Insurance Company	Policy Number	Beneficiary Name	Monthly Premium	Face Value
				\$ _____	\$ _____

8. Additional Information from Section 1 to 7 (e.g. Health numbers for dependent children)

9. Statutory Declaration of Applicant and Spouse (complete spousal information if applicable)

1. _____ do solemnly declare that I am the Applicant (or the person applying on behalf of the Applicant) named in the foregoing application.
(full name)
2. _____ do solemnly declare that I am the spouse of the above mentioned applicant.
(full name)
3. I/We have been interviewed by the Welfare Administrator or his/her representative or by the Director of Income Maintenance of the Ministry of Community and Social Services or his/her representative. I/We understand the eligibility criteria. I/We have supplied the information in this application to the best of my/our knowledge and belief. All statements in this application are true and no information required to be given has been withheld or omitted.
4. Should an allowance be granted on the basis of the foregoing information, I/we will notify the Welfare Administrator, the Director or his/her representative as the case may be, of any change of relevant circumstances of any beneficiary of the allowance/assistance to be provided, including any change in circumstances pertaining to assets, income or living arrangements.
5. I/We acknowledge that this is an application for assistance pursuant to the _____ Act as indicated in Section 1 of this application. I/We further acknowledge that should there be eligibility for Social Assistance under the _____ Act, this application and the information contained therein may be used for the purpose of verifying eligibility and I/we undertake to provide any additional information which may be required at that time.
6. I/We make this solemn Declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath by virtue of the Canada Evidence Act.

Declared before me at the _____
 of _____ Signature/mark of applicant or person applying on behalf of applicant
 in the _____ of _____
 this _____ day of _____, 19 _____ Signature/mark of spouse where applicable

A Commissioner etc.

Form 2

Family Benefits Act

APPLICATION FOR ALLOWANCE BY A FOSTER PARENT

Has a previous application been made on behalf of foster child(ren)? yes no; If yes, provide details:

Application made by _____ Date _____

1. Applicant's surname _____ First name _____ Second name _____

Address _____ Telephone number _____
Postal code _____

Birthdate

D	M	Y

 Social Insurance number _____ Health Insurance number _____

2. Data Pertaining to Foster Child(ren)

First name(s) and surname under which Birth registered	Birthdate			Verified		M F	School	Grade
	day	mt.	year	yes	no			

Health Insurance number under which foster child(ren) covered _____

If foster child(ren) born outside Canada provide the following:
Arrival date _____
Current status _____
Landing date _____

For GWA only - Residence of foster child(ren) for the past 12 months
*Provide address(es) in section 7

	From	To
<input type="checkbox"/> this municipality		
<input type="checkbox"/> another municipality		
<input type="checkbox"/> outside Ontario		
<input type="checkbox"/> Unorganized Territories		
<input type="checkbox"/> Indian Reserve		

3. Particulars of Natural Parents of Foster Child(ren)

	Surname	First name	Address	Date of Death (if applicable)
Mother				
Father				

4. Assets

A. List each item held by or on behalf of Foster child(ren) at time of application

Type	Description	Amount	Ver. v	Type	Description	Amount	Ver. v
1. cash				3. investments			
2. bank accounts				4. others			

B. Does the foster child(ren) have a beneficial interest in assets held in trust (Official Guardian, privately administered trust)? yes no
If yes, provide details: _____

C. Are any assets expected in the future (such as unadjusted claims, insurance, inheritances or lawsuits pending)? yes no
If yes, provide details: _____

D. Does foster child(ren) have any interest in real property? yes no. If yes, give details: _____

5. Income

A. List each item received by or on behalf of foster child(ren) at time of application

Type	Date commenced	Monthly amount	Type	Date commenced	Monthly amount
Canada/Quebec Pension Plan			Official Guardian		
War Veterans' Allowance			Family Allowance (if not, explain)		
Support			Other (specify)		

B. Is any income expected in the future from any source for the foster child(ren)? yes no; If yes, provide details: _____

6. Additional Information

Date child(ren) taken into care of foster parent _____ Relationship (if any) of foster parent to foster child(ren) _____

Is any person under the obligation to provide support to foster child(ren)? <input type="checkbox"/> yes <input type="checkbox"/> no. If yes, give			
Surname	First name	Address	Relationship to foster child(ren)

7. Narrative

8. **Statutory Declaration of Applicant**

I, _____, (full name) do solemnly declare that:

1. I am the applicant named in the foregoing application.
2. I have been interviewed by the Welfare Administrator or his representative or by the Director of Income Maintenance of the Ministry of Community and Social Services or his representative. I fully understand the eligibility criteria. I have supplied the information in this application and, to the best of my knowledge and belief, all statements in this application are true and no information required to be given has been withheld or omitted.
3. Should an allowance or assistance be granted to me (the applicant) on the basis of the foregoing information, I will notify the Welfare Administrator or the Director, as the case may be, or his representative of any change in the circumstances of the foster child(ren) including any changes in circumstances pertaining to assets, income or living arrangements.
4. I acknowledge that I am applying for social assistance pursuant to the _____ Act.
I further acknowledge that should I become eligible for social assistance for my foster child(ren) under the _____ Act, this application and the information contained herein may be used for the purpose of verifying my eligibility and I undertake to provide any additional information which may be required at that time.
5. I make this solemn Declaration consciously believing it to be true and knowing that it has the same force and effect as if made under oath by virtue of the Canada Evidence Act.

Declared before me at the _____ of _____ in the _____ of _____, this _____ day of _____, 19____ _____ A Commissioner, etc.	}	_____ Signature / mark of applicant
---	---	--

O. Reg. 136/85, s. 4, part.

Form 3

Family Benefits Act

CONSENT TO DISCLOSE AND VERIFY INFORMATION

1. I, , consent to the release of information
full name

to an authorized representative of the []
Municipality

[]
Indian Band

[] Ministry of Community and Social Services

for the sole purpose of determining or verifying my eligibility for social assistance.

2. Without restricting the generality of the above-noted consent, I specifically consent to the release of information to

[]
Municipality

[]
Indian Band

[] Ministry of Community and Social Services

relating to any bank account, safety deposit box, assets of any nature or kind whatsoever held by me or on my behalf or by or on behalf of my spouse, any of my dependants or my foster child(ren) (if applicable); alone or jointly with any other person, in any financial institution.

3. I further consent to the exchange of information between the municipality or Indian band (if applicable), the Ministry of Community and Social Services of Ontario, the Government of Canada, the government of any other province, any agency thereof, or any of them in order to verify information for the sole purposes of determining or verifying my eligibility for social assistance.

4. I acknowledge that I am providing the above-noted consents in connection with my application for social assistance under the

Act. Should I become eligible for social assistance under the Act, I agree that the consents set out above shall apply for the sole purposes of determining or verifying my eligibility for social assistance.

Dated at Signature/mark of applicant/recipient

This day of, 19..... Witness

I, (full name of spouse, if applicable) am the spouse of the above-named

..... name of applicant/recipient I have read the consents set out above and I join in those consents.

Dated at Signature/mark of spouse of applicant/recipient

This day of, 19..... Witness

Form 4

Family Benefits Act

MEDICAL REPORT

Name	Social Insurance number		
	Sex <input type="checkbox"/> male <input type="checkbox"/> female	Date of birth D M Y	
	Health Insurance number		
	Postal code	Caseload number	

1. Is this person a regular patient of yours? yes no
If yes, how frequently have you seen this patient in the past 2 years?

2. When did you last see this patient? give date:

for what reasons?

3. List other significant/relevant conditions and diagnoses for which this patient has been treated.

4. Briefly describe nature of treatment rendered or proposed (include place and date of relevant hospitalization).

5. What is your prognosis for your patient's condition?

6. Does your patient require the use of any medical prosthetic device (i.e., wheelchair, artificial limb, etc.) yes no
If yes, please describe:

7. In your opinion do any of these conditions limit this patient's activities pertaining to normal living, such as: self care, communication or motor activities? yes no
If yes, please describe:

8. Do you expect sufficient improvement to take place in the mental or physical condition of this patient to allow him/her to:

a) return to his/her previous work or occupation yes no

if yes, when?

full or part-time (hours/day)

b) return to any other type of work or occupation yes no

if yes, when?

full or part-time (hours/day)

Nature of work

9. In your opinion, what specific factors or conditions might adversely affect training, employment or academic progress? (Please specify any activities or working conditions that are to be avoided.)

10. If an appropriate training program is developed for your patient, is he/she medically able to participate? yes no
 if yes, when?
 full or part-time (hours/day)

11. Any additional information, including hospital reports, consultant's reports, other tests and comments you could provide with respect to your patient's physical, mental or emotional impairment will be of considerable assistance in determining program eligibility:

Certificate of Attending Physician

(Please print)

I,, am a legally qualified medical practitioner and this report contains my findings and considered opinion at this time.

Signature date

Address

.....

Note: In some instances it may be necessary to release to the applicant a summary of the contents of this form.

O. Reg. 136/85, s. 4, *part.*

Form 5

Family Benefits Act

MEDICAL REPORT IN RESPECT OF BLINDNESS

NAME DATE OF BIRTH SEX

(surname) (given names)

ADDRESS PROVINCE

1. History Age at onset of loss of sight. Right eye Left eye
 Any other disability

2. Visual acuity

	without glasses	with glasses
Right eye
Left eye
Both eyes

Field of vision:

	right	left
..... full
..... contracted
..... diameter less than 20°
..... central scotoma
..... other

NOTE: No vision (after correction) in excess of 20/200 or 6/60 Snellen admits to eligibility for allowance unless the diameter of the visual field is less than 20 degrees.

3. Visual field

The diameter of the visual field determined by use of,
(indicate which)

- a tangent screen at a distance of one metre using a 10 millimetre white test object; or
- a perimeter at a distance of one metre using a three millimetre white test object.

NOTE: No disability except the amount of vision may be considered for entitlement to an allowance.

4. Describe abnormalities of: lids, conjunctiva, globe, cornea, iris, ciliary body, lens, vitreous, retina, choroid, optic nerve, brain tumor, congenital, etc.

5. Diagnosis: main other

Right eye
Left eye

- 6. Former treatment
- 7. Treatment needed
- 8. When should re-examination be done?
- 9. Do pathological changes substantiate visual loss claimed?

Do not write in this space

10. Additional comment by examiner:

11. Indicate below, (1) Amount of refractive error as in high myopia, etc.;

or (2) Insert prescription for glasses when necessary.

	Sphere	Cyl	Axis	P.D.		Bridge	Temple
R.				Far	ADD R. for NEAR L.		
Distance				Near			
L.						Size and Shape	

Examined at Signature of Ophthalmologist

Date Address

Form 6

Family Benefits Act

APPLICATION FOR SEVERELY HANDICAPPED CHILDREN'S BENEFIT

Applicant/Spouse Please complete both sides

a) Applicant's surname Given name(s) Case/old number File number

Address Telephone number

Postal code

Date of birth Date of birth verified (yes/no) Social Insurance number Health Insurance number

Marital status

single married divorced separated widowed deserted common-law

b) Spouse's surname Social Insurance number Date of birth

Dependents

Severely handicapped child's name Sex (male/female) Date of birth

Does child spend any time in a hospital/institution? Please specify

Nature of handicap (brief description)

Other children (under 21 not gainfully employed)	Sex			Age	name	Sex			Age
	M	F				M	F		
name									

Family Income (As reported on Income Tax Return for previous taxation year, 19)

	Applicant	Spouse
Income from: Employment (less employment expense deduction)	\$	\$
Pensions, superannuation		
Maintenance, Alimony		
Rental or Boarder Income		
Family Allowance		
Unemployment Insurance		
Dividends, Interest		
Other income from investments		
Other income from Business/Property (explain)		
Other, specify		
Sub-Total	(A)	(B)

Is applicant or spouse self employed? yes no. If yes, state nature of occupation

Does the severely handicapped child have any income? yes no. If yes, specify source and amount (annual)

Total Family Income (Total A, B and C above) (C)

If present family income is substantially different from previous taxation year, explain and, if necessary, attach detailed list of current income

Has an application been made for Special Services at Home Program? yes no

Specialized Expenses for the Handicapped Child

1. Regular Expenses	Yearly	4. Other Expenses, specify	Yearly
Transportation Costs to doctor/clinic/hospital	\$	Necessary home repairs	\$
Babysitting (trained sister)		Repairs to special equipment/paid by parent (itemize below)	
Extra clothing, dispens., pants, linens			
Special shoes/boots			
Special diet			
Extra laundry/cleaning costs			
2. Medical Expenses			
Equipment for hearing impaired			
Drugs not covered by existing plan			
Surgical supplies (not covered by A.D.P.)			
Dental costs not covered by existing plan			
3. Educational and social expenditures			
Special learning/development equipment			
Specialized day care (actual cost paid by parent)			
Special education			
Special summer camp fees			
Parental relief program			
		Year Total	

Note: Availability of, and use of, alternate sources should be listed, e.g. Blue Cross, Community/Provincial Agencies, Employee Insurance Plans.

Declaration

I,, am the applicant named on page 1, or the person making application on behalf of the applicant.

I certify that all of the statements in the foregoing application are true to the best of my knowledge and belief and no information required has been omitted or concealed.

Should a benefit be granted to the applicant on the basis of the foregoing information, I undertake to notify the Director, or his or her representative, of any change in our circumstances, especially as they pertain to income, and to the residence of the children.

Dated this day of, 19.....

..... Signature of Witness	..... Signature of the Applicant or person making application on behalf of the Applicant
..... Signature of Witness	..... Signature of Spouse

O. Reg. 136/85, s. 5.

Form 7

Family Benefits Act

APPLICATION FOR REDUCED ASSESSED CO-PAYMENT

Applicant's Name Health Insurance number

Name of Spouse Number of Dependants in addition to spouse

SECTION ONE—INCOME

1. Employment Income (except self-employment)

Gross monthly income	.....
Monthly deductions (Income tax, Unemployment Insurance, Canada Pension Plan, Company Pension Plan, Union, Professional, or like dues)	.....
Net monthly employment income (gross monthly income less total deductions)	.....

2. Income from Self-Employment

Describe nature of business.....	.....
Gross monthly income	.....
Less expenses incurred to earn gross monthly income	.....
Net monthly income from self-employment	.....

3. Other Income

Net monthly investment income	.....
Old Age Security, Guaranteed Income Supplements, Spouses Allowance, Payments under the <i>Ontario Guaranteed Annual Income Act (GAINS)</i>	.....
Canada or Quebec Pension Plan, Workers' Compensation Benefits, War-related Pensions	.....
Sick Benefits, Insurance Benefits, Compensation for Victims of Crime	.....
Annuities, Superannuation	.....
Alimony, Maintenance, Support Payments	.....
Other (specify) .....	.....

4. Total Monthly Income

SECTION TWO—EXPENSES

1. Basic Needs

TABLE

Family Size	Monthly Amount
Applicant Alone	\$ 77
Applicant + 1 Dependant	\$250
Applicant + 2 Dependents	\$400
Applicant + 3 Dependents	\$500
For each dependant in addition to three, add \$100 to monthly amount.	

Enter amount based on above Table

2. Shelter (Principal residence only)

- Rent
- Mortgage payments
- Taxes
- Insurance
- Hydro
- Water
- Fuel
- Telephone
- Other (specify)
- Total shelter

3. Family Related Costs

- Child Care
- Alimony/Maintenance
- Other (specify)
- Total family related costs

4. Health Costs

- Health Insurance (exclude employer contributions)
- Recurring Health Costs (optical, dental, medication)
- Total health costs

5. Transportation costs

- Public transit
- Standard operating amount for necessary vehicle
- Total transportation costs

6. Debt Payments

- For necessary vehicles
- Other (specify)
- Total debt payments

7. Other (specify)

Total monthly expenses (total of items 1-7)

Note: Income and expenses are to be declared only in respect of the applicant and his or her dependants. Do not include casual earnings of dependent children under 18.

SECTION THREE—CALCULATION OF REDUCED ASSESSED CO-PAYMENT

Total income from Section One

Less total expenses from Section Two

Equals income available for assessed co-payment

(amount A)

Co-payment Assessed per form 6565-40 (2/79)

(amount B)

Amount of Exemption (Amount B less Amount A)

(amount C)
(if less than
zero, enter nil)

Reduced Assessed Co-payment (Amount B less Amount C)

I certify that I am the above-named applicant or person making application on behalf of the above-named applicant for a reduced assessed co-payment and that all the information given by me and set out on this form is true to the best of my knowledge and belief.

.....
(date) Signature of Applicant or person making application on behalf of the Applicant

.....
Signature of Intake Authority

Certificate of Exemption

This is to certify that has been granted a monthly benefit of under section 39 of Regulation 366 of Revised Regulations of Ontario, 1990 (amount C) under the *Family Benefits Act*.

.....
(date) Signature of Director of Family Benefits or official appointed to act on his behalf

Family Law Act
Loi sur le droit de la famille

REGULATION 367

DESIGNATION OF MATRIMONIAL HOME—FORMS

1. A designation of a matrimonial home under subsection 20 (1) of the Act shall be in Form 1. O. Reg. 95/86, s. 1.
2. A cancellation of a designation of a matrimonial home under clause 20 (6) (a) of the Act shall be in Form 2. O. Reg. 95/86, s. 2.

Form 1

Family Law Act

DESIGNATION OF MATRIMONIAL HOME



Province of Ontario

Document General

Form 4 - Land Registration Reform Act

D

FOR OFFICE USE ONLY		(1) Registry <input type="checkbox"/>	Land Titles <input type="checkbox"/>	(2) Page 1 of _____ pages			
		(3) Property Identifier(s)	Block	Property	Additional See Schedule <input type="checkbox"/>		
		(4) Nature of Document Designation of matrimonial home (Family Law Act, s. 20)					
		(5) Consideration Not applicable ----- Dollars \$ -----					
		(6) Description					
		New Property Identifiers	Additional See Schedule <input type="checkbox"/>				
	Executions	Additional See Schedule <input type="checkbox"/>					
		(7) This Document Contains:	(a) Redescription New Easement Plan/Sketch <input type="checkbox"/>	(b) Schedule for Description <input type="checkbox"/>			
			Additional Parties <input type="checkbox"/>	Other <input type="checkbox"/>			
(8) This Document provides as follows: (Check appropriate box and strike out inapplicable paragraph)							
<input type="checkbox"/> The parties signing in box 10, who are spouses of each other, designate the property described in box 6 as a matrimonial home.							
<input type="checkbox"/> The party signing in box 10, who is the spouse of _____, (name) designates the property described in box 6 as a matrimonial home.							
Continued on Schedule <input type="checkbox"/>							
(9) This Document relates to instrument number(s) Not applicable -----							
(10) Party(ies) (Set out Status or Interest) Name(s)		Signature(s)		Date of Signature Y M D			
.....				
.....				
.....				
(11) Address for Service							
(12) Party(ies) (Set out Status or Interest) Name(s)		Signature(s)		Date of Signature Y M D			
Not applicable -----		.....		.....
.....				
.....				
(13) Address for Service Not applicable -----							
(14) Municipal Address of Property		(15) Document Prepared by:		Fees and Tax			
.....					Registration Fee
.....					Total

Form 2

Family Law Act

CANCELLATION OF DESIGNATION OF MATRIMONIAL HOME



Document General

Form 4 -- Land Registration Reform Act

D

FOR OFFICE USE ONLY		(1) Registry <input type="checkbox"/>	Land Titles <input type="checkbox"/>	(2) Page 1 of _____ pages
		(3) Property Identifier(s)	Block	Property
		(4) Nature of Document Cancellation of designation of matrimonial home (Family Law Act, s. 20)		
		(5) Consideration Not applicable ----- Dollars \$-----		
	(6) Description			
	New Property Identifiers	Additional See Schedule <input type="checkbox"/>		
	Executions	Additional See Schedule <input type="checkbox"/>		
		(7) This Document Contains:	(a) Redescription New Easement Plan/Sketch <input type="checkbox"/>	(b) Schedule for Description <input type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input type="checkbox"/>
(8) This Document provides as follows: (Check appropriate box and strike out inapplicable paragraph)				
<input type="checkbox"/> The parties signing in box 10, who are spouses of each other, cancel the designation by them of the property described in box 6 as a matrimonial home in the instrument referred to in box 9.				
<input type="checkbox"/> The party signing in box 10, who is the spouse of _____, (name) cancels the designation of the property described in box 6 as a matrimonial home in the instrument referred to in box 9. Continued on Schedule <input type="checkbox"/>				
(9) This Document relates to instrument number(s)				
(10) Party(ies) (Set out Status or Interest)				
Name(s)		Signature(s)		Date of Signature Y M D
.....				
.....				
(11) Address for Service				
(12) Party(ies) (Set out Status or Interest)				
Name(s)		Signature(s)		Date of Signature Y M D
Not applicable -----				
.....				
(13) Address for Service Not applicable -----				
(14) Municipal Address of Property		(15) Document Prepared by:		
		Fees and Tax		
		Registration Fee		
		Total		

REGULATION 368

RÈGLEMENT 368

ELECTION OF SURVIVING SPOUSE

CHOIX DU CONJOINT SURVIVANT

I. An election made under section 6 of the Act shall be in Form 1. O. Reg. 606/86, s. 1.

I Le choix fait en vertu de l'article 6 de la Loi est rédigé sur la formule 1. Règl. de l'Ont. 606/86, art. 1.

Form 1
Formule 1

ELECTION UNDER THE FAMILY LAW ACT
CHOIX DU CONJOINT FAIT EN VERTU DE LA LOI SUR LE DROIT DE LA FAMILLE

		Court File No./Dossier de la cour n°
This election is filed by (solicitors)/Déposé par (avocats)		
Name of deceased/Nom du défunt	Surname/Nom de famille	Given name(s)/Prénom(s)
Last address of deceased/Dernière adresse du défunt Street or postal address/Rue et numéro ou adresse postale City, town, etc./Cité, ville, etc.		
Date of death/Date du décès Day, month, year/Jour, mois, année		
Surviving spouse/Conjoint survivant	Surname/Nom de famille	Given name(s)/Prénom(s)
Address of spouse/Adresse du conjoint Street or postal address/Rue et numéro ou adresse postale City, town, etc./Cité, ville, etc. Postal Code/Code postal		

I, the surviving spouse, elect:
Je soussigné(e) (Please print)/(Écrire en caractères d'imprimerie) conjoint survivant, fais le choix suivant :

- to receive the entitlement under section 5 of the *Family Law Act*;
jouir du droit prévu à l'article 5 de la *Loi sur le droit de la famille*;

OR (check one box only)/
OU (cocher une seule case)

- to receive the entitlement under the will, or under Part II of the *Succession Law Reform Act*, if there is an intestacy, or both, if there is a partial intestacy./
bénéficier des dispositions testamentaires; s'il n'y a pas de testament, jouir du droit prévu à la partie II de la *Loi portant réforme du droit des successions*; s'il s'agit d'une succession en partie testamentaire et en partie sans testament, se prévaloir de ces deux options.

.....
Signature of surviving spouse/Signature du conjoint survivant

.....
Date

NOTE: THIS ELECTION HAS IMPORTANT EFFECTS ON YOUR RIGHTS. YOU SHOULD HAVE LEGAL ADVICE BEFORE SIGNING IT./

REMARQUE : LE PRÉSENT CHOIX ENTRAÎNERA DES EFFETS IMPORTANTS SUR VOS DROITS. VOUS DEVRIEZ OBTENIR DES CONSEILS JURIDIQUES AVANT DE LE SIGNER.

O. Reg. 606/86, Form 1.
Règl. de l'Ont. 606/86, formule 1.

Farm Implements Act *Loi sur les appareils agricoles*

REGULATION 369

GENERAL

1. The following farm implements are exempted from the Act and this Regulation:

1. A motor vehicle as defined in the *Highway Traffic Act*.
2. A tractor that, according to the manufacturer's published rating, develops twenty horsepower or less than twenty horsepower.
3. Lawn and garden equipment.
4. Tires attached to a farm implement. O. Reg. 223/90, s. 1.

2. For the purposes of section 2 of the Act, the manufacturer's suggested list price of a farm implement is \$3,500. O. Reg. 223/90, s. 2.

3. The Board shall comprise not less than seven members and not more than eleven members of whom at least one shall be a manufacturer, one a distributor, one a dealer of farm implements, one a representative of a farm organization and three independent farmers. O. Reg. 223/90, s. 3.

4.—(1) An applicant for registration as a dealer must,

- (a) pay a fee of \$200;
- (b) provide the Board with,
 - (i) the name of the applicant, as an individual, a partnership or a corporation,
 - (ii) the name under which the applicant carries on business,
 - (iii) the address and telephone number of the applicant's principal place of business in Ontario,
 - (iv) the name of the owner or manager of the applicant's principal place of business in Ontario,
 - (v) a description of the applicant's service facilities, and
 - (vi) the number of mechanics employed by the applicant, indicating the number who are licensed mechanics, the number who are apprentice mechanics, and the number of parts personnel; and
- (c) provide the Board with a copy of,
 - (i) all agreements for the sale of farm implements,
 - (ii) a list of all distributors the applicant is representing,
 - (iii) a list of all brands of farm implements the applicant is selling, and
 - (iv) the agreement between the applicant and the distributors the applicant is representing for the sale, consignment or delivery of farm implements.

(2) An applicant for registration as a distributor must,

- (a) pay a fee of \$300;
 - (b) provide the Board with,
 - (i) the name of the applicant, as an individual, a partnership or a corporation,
 - (ii) the name under which the applicant carries on business,
 - (iii) the address and telephone number of the applicant's principal place of business in Ontario,
 - (iv) the address of any depot for parts that is operated by the applicant in Ontario, and
 - (v) the names of the Parts Manager, Service Manager and Sales Manager or of other employees who perform similar duties for the applicant at the applicant's principal place of business in Ontario; and
 - (c) provide the Board with a copy of,
 - (i) all agreements between the applicant and a dealer for the sale, consignment or delivery of farm implements,
 - (ii) all warranty policies that apply to farm implements sold, consigned or delivered by the applicant to dealers,
 - (iii) a list of all brands of farm implements sold, consigned or delivered by the applicant to dealers, and
 - (iv) a list of all dealers with whom the applicant has an agreement for the sale, consignment or delivery of farm implements.
- (3) The Board may dispense with any of the requirements set out in clause (1) (b) and (c) or (2) (b) and (c).
- (4) A registered distributor who applies for registration as a dealer is exempt from the requirement to pay under clause (1) (a).
- (5) A registered dealer who applies for registration as a distributor must pay a fee of \$100 instead of the fee set out in clause (2) (a).
- (6) An applicant for registration as a dealer and distributor must pay a fee of \$300 instead of the fees set out in clauses (1) (a) and (2) (a).
- (7) New registrations for less than a full year shall be pro-rated. O. Reg. 223/90, s. 4.
5. The dealer shall at all times,
- (a) display in a clearly visible manner the registration certificate at the dealer's principal place of business; and
 - (b) display and make available to purchasers all publications that the Board directs to be displayed and made available. O. Reg. 223/90, s. 5.

6.—(1) Registration under section 4 is effective from,

- (a) the 1st day of January if the application is accepted in the preceding year; or
 - (b) the day the application is accepted if the application is made in the year for which registration is applied for.
- (2) Registration under section 4 expires on the 31st day of December in each year. O. Reg. 223/90, s. 6.
7. A dealer who sells farm implements shall at the time of delivery of the farm implement to the purchaser,
- (a) ensure that all safety decals and protective shielding provided by the manufacturer of the farm implement are in place on the farm implement;
 - (b) provide an operator's manual and operating instructions;
 - (c) convey all safety related instructions recommended by the manufacturer; and
 - (d) obtain from the purchaser a written confirmation acknowledging compliance with clauses (a), (b) and (c). O. Reg. 223/90, s. 7.
8. If a purchaser notifies in writing a dealer that a farm implement requires emergency repair parts, the dealer shall inform the

purchaser in writing of the costs that will be incurred in obtaining emergency parts and of the obligations imposed on dealers and distributors by section 19 of the Act. O. Reg. 223/90, s. 8.

9. For the purposes of subsection 19 (4) of the Act, the maximum service charge payable in respect of an order for an emergency repair part is 5 per cent of the manufacturer's suggested list price for the emergency repair part. O. Reg. 223/90, s. 9.

10. For the purposes of subsection 26 (2) of the Act, the rate of interest shall be equivalent to,

- (a) the rate of interest due, under the agreement between the distributor and the dealer, to the distributor when payment under the agreement is overdue; or
- (b) the prime rate charged by major lending institutions on the due date set out in subsection 26 (1) of the Act, plus 1 per cent, if there is no agreement between the distributor and dealer. O. Reg. 223/90, s. 10.

11. No dealer shall sell or offer for sale a new tractor that is not equipped with a roll-over protective structure and a restraining device that meet the requirements prescribed in Regulation 856 of Revised Regulations of Ontario, 1990, with the exception of section 3 of that Regulation. O. Reg. 223/90, s. 11; O. Reg. 402/90, s. 1.

Farm Income Stabilization Act
Loi sur la stabilisation des revenus agricoles

REGULATION 370

**FRESH MARKET POTATO STABILIZATION,
1989-1992—PLAN**

1. In this Regulation,

“board” means The Ontario Fresh Potato Growers’ Marketing Board established under the Farm Products Marketing Act;

“plan” means the plan established under section 2;

“potatoes” means potatoes produced in Ontario and marketed during the term referred to in section 3;

“production unit” means,

- (a) one or more farms operated by a person, or
- (b) one or more farms operated by two or more persons who have a common interest in the outcome of the operation;

“sales year” means a period from the 1st day of July to the 30th day of June in the next year. O. Reg. 479/90, s. 1.

2. There is hereby established a voluntary plan for farm income stabilization for potatoes to be known as the “Ontario Fresh Market Potato Stabilization Plan, 1989-1992”. O. Reg. 479/90, s. 2.

3.—(1) The term for this plan is three sales years with the first sales year commencing in 1989.

(2) The plan ceases to apply as soon as a plan for potatoes is established under the National Tripartite Stabilization Plan, implemented by agreement between the Minister of Agriculture for Canada and the Ontario Minister of Agriculture and Food and authorized in Ontario by Order in Council. O. Reg. 479/90, s. 3.

4.—(1) An application for enrolment in the plan may be made to the Commission by,

- (a) the owner and operator of a farm on which potatoes are produced;
- (b) the tenant and operator of a farm on which potatoes are produced;
- (c) a person engaged in the operation of a production unit.

(2) An application under subsection (1) shall be made for sales years commencing in 1989, 1990 or 1991 by a date in each sales year determined by the Commission. O. Reg. 479/90, s. 4.

5. It is a condition of continued enrolment in the plan that each person enrolled,

- (a) retain and, at the request of the Commission, make available to the Commission or its agent all sales and weigh receipts, signed by the buyer and the seller, conforming to the records of the board through which the potatoes are marketed, in respect of all potatoes for which payment is claimed under the plan;
- (b) maintain a record of all potatoes sold that includes the names of the buying agent and seller, the date of the sale,

the date and location of the delivery, the quantity and the price;

- (c) after each sales year, complete and file with the Commission, on a form provided by the Commission for that purpose, a sales report for that year which includes the total actual sales in hundredweight of all potatoes to which the plan applies;
- (d) disclose to the Commission the name and address of every person engaged in the operation of the production unit;
- (e) be the grower of the potatoes in respect of which payment is claimed under the plan;
- (f) market the potatoes during the sales year for which payment is claimed; and
- (g) pay licence fees to the board by the 30th day of July in each sales year for all potatoes in respect of which an application for payment is made. O. Reg. 479/90, s. 5.

6.—(1) The index to be used in any year in calculating the stabilization price of potatoes under clause 6 (1) (e) of the Act shall be the difference determined by subtracting from the cash-cost of producing the potatoes in that year the average cash-cost of producing potatoes for the immediately preceding five years.

(2) The stabilization price in any year for potatoes under this plan equals 95 per cent of the base price determined by the Commission added to the index for that year. O. Reg. 479/90, s. 6.

7. A claim for payment under this plan shall be made not later than two years after the expiration of the sales year in respect of which the claim is made. O. Reg. 479/90, s. 7.

8. Payments under this plan shall be made not later than one year after the receipt of an eligible claim for payment. O. Reg. 479/90, s. 8.

9. Every payment under the plan to a person who was eligible for enrolment for a sales year commencing in 1989 but whose application is made in the sales year commencing in 1990 or 1991 shall be reduced by 20 per cent. O. Reg. 479/90, s. 9.

10.—(1) Five acres of potatoes produced and marketed by a production unit in a sales year is prescribed as the minimum level of marketing necessary by a person to be enrolled in the plan and to continue to be enrolled in the plan.

(2) Forty-eight thousand hundredweight of potatoes produced and marketed by a production unit in a sales year is prescribed as the maximum level of marketing for which a person enrolled in the plan is eligible to receive payments under the plan.

(3) A person enrolled in the plan shall only be paid for potatoes marketed through the board and for which all licence fees have been paid by the 30th day of July of each sales year. O. Reg. 479/90, s. 10.

11. Fees payable to the Commission by a production unit,

- (a) are payable when the Commission makes a payment under the plan to the production unit; and
- (b) shall be deducted from any payment payable under the plan

by the Commission to the production unit. O. Reg. 479/90, s. 11.

REGULATION 371

GRAIN STABILIZATION, 1988-1990—PLAN

1. In this Regulation,

“grain” means,

- (a) barley, canola, grain corn, oats, soybeans, spring wheat and winter wheat produced in Ontario and marketed during the term of the plan,
- (b) popping corn produced in Ontario and grown under contract with a processor for commercial sale during the term of the plan, and
- (c) seed-corn produced in Ontario and grown under contract with a dealer for commercial sale for seed purposes during the term of the plan;

“local board” means a local board established under the *Farm Products Marketing Act*;

“plan” means the plan established under section 2;

“production unit” means,

- (a) one or more farms operated by a person, or
- (b) one or more farms operated by two or more persons who, in the opinion of the Commission, have a common interest in the outcome of the operation;

“sales year” means,

- (a) in the case of grain corn, popping corn and seed-corn, during the first year of the plan, the period from the 1st day of September to the 30th day of September in the following year, and during the second and third years of the plan, the period from the 1st day of October to the 30th day of September in the following year,
- (b) in the case of barley, oats and spring wheat, the period from the 1st day of August to the 31st day of July in the following year,
- (c) in the case of canola and winter wheat, the period from the 1st day of July to the 30th day of June in the following year, and
- (d) in the case of soybeans, the period from the 1st day of September to the 31st day of August in the following year. O. Reg. 181/89, s. 1.

2. There is hereby established a voluntary plan for farm income stabilization for grain to be known as the “Ontario Grain Stabilization Plan, 1988-1990”. O. Reg. 181/89, s. 2.

3.—(1) The term of the plan for each grain is three sales years with the first sales year commencing in 1988.

(2) The plan ceases to apply to a grain when a plan established for the grain under the National Tripartite Stabilization Plan, implemented by agreement between the Minister of Agriculture for Canada and the Ontario Minister of Agriculture and authorized in Ontario by Order in Council, applies to the grain. O. Reg. 181/89, s. 3.

4.—(1) A person may apply to the Commission to be enrolled in the plan if the person is,

- (a) the owner and operator of a farm on which grain is produced;
- (b) the tenant and operator of a farm on which grain is produced; or
- (c) a person who is engaged in the operation of a production unit. O. Reg. 181/89, s. 4 (1).

(2) An application under subsection (1) shall be made,

- (a) for a sales year commencing in 1988, on or before the 31st day of March, 1989;
- (b) for a sales year commencing in 1989, on or before the 31st day of December, 1989; or
- (c) for a sales year commencing in 1990, on or before the 1st day of October, 1990. O. Reg. 181/89, s. 4 (2); O. Reg. 29/90, s. 1.

5.—(1) It is a condition of continued enrolment in the plan that each person enrolled in the plan shall,

- (a) retain and, at the request of the Commission, make available to the Commission or its agent, all sales and weight receipts signed by the buyer and the seller and conforming to the records of the local board, if any, through which the grain is marketed, in respect of every lot of grain for which payment is claimed under the plan;
- (b) maintain a record of all barley, grain corn, oats and feed purchased during a sales year;
- (c) maintain a record of all grain sold that includes the names of the buying agent and the seller, the date of the sale, the date and location of the delivery and, in respect of the grain sold, the quantity, the moisture content and the price;
- (d) after each sales year, complete and file with the Commission, on a form provided by the Commission for that purpose, a sales report for that sales year which includes,
 - (i) a list of all grains that the enrolled person has marketed,
 - (ii) the acreage covered by such grains, and
 - (iii) the total actual sales in tonnes of all grains to which the plan applies;
- (e) disclose to the Commission the name and address of every person engaged in the operation of the production unit;
- (f) be the grower of the grain in respect of which an application for payment is made; and
- (g) market the grain during the sales year for which payment is claimed.

(2) A person ceases to be enrolled in the plan in respect of that quantity of barley, grain corn or oats which is marketed and replaced, as determined by the Commission, by purchases of grain or feed.

(3) A person enrolled in the plan who markets grain, the percentage moisture content of which exceeds the percentage moisture content set out for that grain in the Table, shall adjust and report the weight of the grain marketed at the weight that is equivalent to the same quantity of grain having the moisture content set out for that grain in the Table.

(4) A person submitting a report under clause (1) (d) in respect of popping corn or seed-corn shall convert every lot of such corn to

the grain corn equivalent in accordance with clauses 7 (a) and (b) respectively. O. Reg. 181/89, s. 5.

6.—(1) The index to be used in any year in calculating the stabilization price of a grain under clause 6 (1) (e) of the Act shall be the difference determined by subtracting from the cash-cost of the production of the grain in that year the average cash-cost of its production for the immediately preceding five years.

(2) The stabilization price in any year for a grain under this plan equals 95 per cent of the base price determined by the Commission added to the index for that year. O. Reg. 181/89, s. 6.

7. Payments under the plan by the Commission in respect of popping corn and seed-corn shall be determined according to their grain corn equivalent which shall be calculated,

- (a) in the case of popping corn, by multiplying the total actual sales in tonnes of popping corn by 2.624; and
- (b) in the case of seed-corn, by dividing the total market receipts for seed-corn submitted by the producer by the sum of the three-month Chatham Corn price and the premium negotiated by The Ontario Seed-Corn Growers' Marketing Board on behalf of seed-corn producers. O. Reg. 181/89, s. 7.

8. A claim for payment under this plan shall be made not later than two years after the expiration of the sales year in respect of which the claim is made. O. Reg. 181/89, s. 8.

9. Payments under this plan shall be made not later than one year after the receipt of an eligible claim for payment. O. Reg. 181/89, s. 9.

10. Every payment under the plan to a person who was eligible for enrolment for a sales year commencing in 1988 but whose appli-

cation is made under clause 4 (2) (c) shall be reduced by 20 per cent. O. Reg. 181/89, s. 10; O. Reg. 29/90, s. 2.

11.—(1) Three tonnes of grain produced and marketed by a production unit in a sales year is prescribed as the minimum level of marketing necessary by a person enrolled in the plan to continue to be enrolled in the plan.

(2) Five thousand tonnes of grain produced and marketed by a production unit in a sales year is prescribed as the maximum level of marketing for which a person enrolled in the plan is eligible to receive payments under the plan. O. Reg. 181/89, s. 11.

12. Fees payable to the Commission by a production unit,

- (a) are payable when a payment is made by the Commission under the plan to the production unit; and
- (b) shall be deducted from any payment payable under the plan by the Commission to the production unit. O. Reg. 181/89, s. 12.

TABLE

Grain	Percentage Moisture Content
Barley	14.9
Canola	10.0
Corn	15.5
Oats	14.1
Soybeans	13.0
Wheat	14.5

O. Reg. 181/89, Table.

Farm Products Containers Act
Loi sur les contenants de produits agricoles

REGULATION 372

CONTAINERS—FRUIT AND VEGETABLES

1.—(1) In this Regulation,

“association” means The Ontario Fruit and Vegetable Growers’ Association;

“producer” means a person engaged in the production of fruit or vegetables and includes a person engaged in the handling, packing, processing, shipping, transporting, purchasing or selling of fruit or vegetables.

(2) The association is designated as an association to which the Act applies and fruit and vegetables are designated as farm products to which the Act applies. O. Reg. 470/89, s. 1.

2. Every producer who purchases containers for use or suitable for use in the marketing of fruit or vegetables shall be deemed to be the holder of a licence therefor. O. Reg. 428/83, s. 2.

3.—(1) Every producer shall pay to the seller on behalf of the association licence fees of 2 per cent of the net invoice price of all containers purchased by the producer in Ontario.

(2) Every person who sells containers to a producer shall collect the licence fees payable under subsection (1) and shall, on or before the 20th day of the month next following the month in which licence fees were collected,

- (a) complete and file with the association at its head office, a statement in a form satisfactory to the association; and
- (b) pay the amount collected to the association at its head office.

(3) Every person who sells containers to a producer shall account to the association for licence fees payable to the association.

(4) Every producer shall, on or before the 20th day of the month, pay directly to the association licence fees of 2 per cent of the net invoice price of all containers purchased by the producer outside Ontario in the previous month.

(5) Every seller of containers in Ontario and every producer who purchases containers outside Ontario shall pay to the association interest at the rate of 1.5 per cent per month on overdue licence fees. O. Reg. 470/89, s. 2.

4. Every person who sells containers to a producer shall clearly show on every invoice covering the sale any licence fees payable to the association on such sale. O. Reg. 428/83, s. 4.

5. The association shall not use licence fees received under clause 3 (2) (b) for the retail or wholesale distribution or processing of fruit and vegetables. O. Reg. 428/83, s. 5.

6. The association may recover licence fees by suit in any court of competent jurisdiction. O. Reg. 428/83, s. 6.

7. This Regulation does not apply to,

- (a) field boxes and field crates;
 - (b) hampers of five-eighths of a bushel capacity;
 - (c) pallet boxes;
 - (d) bulk bins;
 - (e) containers for mushrooms; and
 - (f) containers for processed fruit or processed vegetables. O. Reg. 428/83, s. 7.
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Farm Products Grades and Sales Act
Loi sur le classement et la vente des produits agricoles

REGULATION 373

BURLEY TOBACCO

1. In this Regulation,
- “grader” means a grader appointed to grade tobacco;
- “injury” means damage that detracts from the appearance or usability of tobacco leaves, other than damage by mould or by bits of broken tobacco leaves and stems resulting from handling;
- “tobacco” means unmanufactured burley tobacco produced in Ontario;
- “uniformity”, when expressed as a figure, means the percentage of tobacco leaves that meet the minimum colour intensity, leaf structure, body, width and length requirements for a particular grade. O. Reg. 417/87, s. 1.
2. Tobacco is designated as a farm product. O. Reg. 417/87, s. 2.
3. No person shall,
- (a) sell or deliver for sale to a first buyer thereof; or
- (b) buy from the producer thereof,
- tobacco unless a grader has graded it and marked it with a grade established by this Regulation. O. Reg. 417/87, s. 3.
4. Where tobacco is graded, the grader shall examine the tobacco in as many bales on a pallet as are necessary to determine the grade of all the tobacco on the pallet and shall affix to a bale on the pallet a tag or label on which is legibly marked the grade of the tobacco on the pallet. O. Reg. 417/87, s. 4.
5. Tobacco damaged by mould after being cured containing bits of broken tobacco leaves and stems resulting from handling does not qualify for a grade. O. Reg. 417/87, s. 5.
6. The grade factors for tobacco leaves are leaf group, colour, intensity, leaf structure, body, width, length, uniformity and injury. O. Reg. 417/87, s. 6.
7. The leaf groups for tobacco and the symbols therefor are,
- (a) sands (S), consisting of the leaves nearest the ground on a tobacco plant;
- (b) cutters (C), consisting of the leaves above the sands and below the leaf;
- (c) leaf (L), consisting of the leaves above the cutters and below the tips; and
- (d) tips (T), consisting of the leaves as the top of a tobacco plant. O. Reg. 417/87, s. 7.
8. The colour classes for tobacco and the symbols therefor are,
- (a) buff (B);
- (b) tan (T);

- (c) pink (P), meaning that the lamina of at least 20 per cent of the leaves is at least 20 per cent pink;
- (d) tannish red (TR);
- (e) red (R);
- (f) dark red (DR);
- (g) variegated (V), meaning that at least 20 per cent of the leaves are greyish, mottled or bleached;
- (h) greenish (G), meaning that at least 20 per cent of the leaves contain green; and
- (i) mixed (M), meaning that at least 20 per cent of the leaves are of a distinctly different colour or leaf group. O. Reg. 417/87, s. 8.

9. The colour intensity classifications for tobacco are,

- (a) strong;
- (b) moderate; and
- (c) weak. O. Reg. 417/87, s. 9.

10. The leaf structure classifications for tobacco are,

- (a) open, meaning ripe and possessing a well-developed cell structure giving the leaf an open grain;
- (b) close, meaning fairly ripe and possessing a developed cell structure giving the leaf a close grain; and
- (c) tight, meaning possessing an undeveloped structure giving the leaf a tight grain. O. Reg. 417/87, s. 10.

11. The body classifications for tobacco of each leaf group are,

- (a) fleshy;
- (b) medium; and
- (c) lean. O. Reg. 417/87, s. 11.

12. The width classifications for tobacco of each leaf group other than sands are,

- (a) broad;
- (b) normal; and
- (c) narrow. O. Reg. 417/87, s. 12.

13. In each of sections 9, 10, 11 and 12, the most favourable classification is listed first and the least favourable classification is listed last. O. Reg. 417/87, s. 13.

14.—(1) The grades indicated in Schedules 1 to 4 and section 15 are established for tobacco.

(2) Tobacco, the majority of which is of the leaf group indicated in the heading of a schedule, may be graded with a grade indicated in the schedule if it meets the minimum grade requirements set opposite the grade.

(3) Tobacco, no more than 20 per cent of the leaves of which have an injury referred to in subsection (4), may be graded with the grade for which it would qualify but for the injury if the grade mark designating the grade that is affixed to the bale is followed by the symbol referred to for the appropriate condition set out in subsection (4).

(4) For the purpose of subsection (3), the symbol to be used,

- (a) in the case of severely leaf-spotted tobacco, is D;
- (b) in the case of severely hailed tobacco, is H;
- (c) in the case of frosted tobacco, is O;
- (d) in the case of severely sweated or barn-burnt tobacco, is S;
- (e) in the case of severely bruised or sunburnt tobacco, is B;
- (f) in the case of wet tobacco, is W; and
- (g) in the case of tobacco with excessive dirt, foreign material or odour, is U.

(5) Each symbol required to follow a grade mark shall be legibly marked and shall be at least as large as the symbols in the grade mark. O. Reg. 417/87, s. 14.

15.—(1) In this section, “nondescript” means tobacco that does not qualify for a grade indicated in the schedules and more than 20 per cent of the leaves of which are,

- (a) aphid infected;
 - (b) badly hailed;
 - (c) severely barn-burnt;
 - (d) crude right through the lamina;
 - (e) dead;
 - (f) dirty;
 - (g) frosted;
 - (h) green; or
 - (i) water damaged.
- (2) The symbol for nondescript tobacco is ND.

(3) Nondescript tobacco may be graded with one of the following grades, the first symbol of which indicates the leaf group of the majority of the tobacco:

1. S—ND.
2. C—ND.
3. L—ND.
4. T—ND. O. Reg. 417/87, s. 15.

Schedule 1

SANDS

GRADE	GRADE REQUIREMENTS						
	Colour	Colour Intensity	Leaf Structure	Body	Approximate Length (maximum inches)	Uniformity (minimum per cent)	Injury (maximum per cent)
ST1	tan	strong	open	fleshy	16	90	10
ST2	tan	moderate	open	medium	16	80	30
ST3	tan	moderate	close	lean	16	70	50
SB1	buff	strong	open	medium	16	90	10
SB2	buff	moderate	close	medium	16	80	30
SB3	buff	weak	tight	lean	16	70	50
SV3	variegated	moderate	close	medium	16	80	30
SV4	variegated	moderate	close	lean	16	75	40
SV5	variegated	weak	tight	lean	16	70	50
SG3	greenish	moderate	close	medium	16	80	30
SG4	greenish	moderate	close	medium	16	75	40
SG5	greenish	weak	tight	lean	16	70	50
SM3	mixed	strong	open	fleshy	16	80	30
SM4	mixed	moderate	close	medium	16	75	40
SM5	mixed	weak	tight	lean	16	70	50

O. Reg. 417/87, Sched. 1.

Schedule 2

CUTTERS

GRADE	GRADE REQUIREMENTS							
	Colour	Colour Intensity	Leaf Structure	Body	Width	Approximate Length (maximum inches)	Uniformity (minimum per cent)	Injury (maximum per cent)
CT1	tan	strong	open	fleshy	broad	20	90	10
CT2	tan	moderate	open	medium	normal	18	80	30
CT3	tan	moderate	close	lean	normal	16	70	50
CTR1	tannish red	strong	close	medium	broad	20	90	10
CTR2	tannish red	moderate	close	medium	normal	18	80	30
CTR3	tannish red	moderate	tight	lean	normal	16	70	50
CB1	buff	moderate	close	fleshy	broad	20	90	10
CB2	buff	moderate	close	medium	normal	18	80	30
CB3	buff	weak	tight	lean	normal	16	70	50
CP3	pink	moderate	close	medium	normal	18	80	30
CP4	pink	moderate	close	medium	normal	18	75	40
CP5	pink	weak	tight	lean	narrow	16	70	50
CV3	variegated	moderate	close	medium	normal	18	80	30
CV4	variegated	moderate	close	medium	normal	18	75	40
CV5	variegated	weak	tight	lean	narrow	16	70	50
CG3	greenish	moderate	close	medium	normal	18	80	30
CG4	greenish	moderate	close	medium	normal	18	75	40
CG5	greenish	weak	tight	lean	narrow	16	70	50
CM3	mixed	strong	open	fleshy	normal	18	80	30
CM4	mixed	moderate	close	medium	normal	16	75	40
CM5	mixed	weak	tight	lean	narrow	16	70	50

O. Reg. 417/87, Sched. 2.

Schedule 3

LEAF

GRADE	GRADE REQUIREMENTS							
	Colour	Colour Intensity	Leaf Structure	Body	Width	Approximate Length (maximum inches)	Uniformity (minimum per cent)	Injury (maximum per cent)
LR1	red	strong	open	fleshy	normal	20	90	10
LR2	red	moderate	open	medium	normal	16	80	30
LR3	red	moderate	close	lean	narrow	16	70	50
LT1	tan	strong	close	medium	normal	20	90	10
LT2	tan	moderate	close	medium	normal	16	80	30
LT3	tan	moderate	tight	lean	narrow	16	70	50
LTR1	tannish red	moderate	close	medium	normal	20	90	10
LTR2	tannish red	moderate	close	medium	normal	16	80	30
LTR3	tannish red	weak	tight	lean	narrow	16	70	50
LP3	pink	moderate	close	medium	normal	16	80	30
LP4	pink	moderate	close	medium	normal	16	75	40
LP5	pink	weak	tight	lean	narrow	16	70	50
LV3	variegated	moderate	close	medium	normal	16	80	30
LV4	variegated	moderate	close	medium	normal	16	75	40
LV5	variegated	weak	tight	lean	narrow	16	70	50
LG3	greenish	moderate	close	medium	normal	16	80	30
LG4	greenish	moderate	close	medium	normal	16	75	40
LG5	greenish	weak	tight	lean	narrow	16	70	50
LM3	mixed	strong	open	fleshy	normal	16	80	30
LM4	mixed	moderate	close	medium	normal	16	75	40
LM5	mixed	weak	tight	lean	narrow	16	70	50

O. Reg. 417/87, Sched. 3.

Schedule 4

TIPS

GRADE	GRADE REQUIREMENTS							
	Colour	Colour Intensity	Leaf Structure	Body	Width	Approximate Length (maximum inches)	Uniformity (minimum per cent)	Injury (maximum per cent)
TDR1	dark red	strong	open	fleshy	normal	16	90	10
TDR2	dark red	moderate	open	medium	narrow	16	80	30
TDR3	dark red	moderate	close	lean	narrow	16	70	50
TR1	red	strong	close	medium	normal	16	90	10
TR2	red	moderate	close	medium	narrow	16	80	30
TR3	red	moderate	tight	lean	narrow	16	70	50
TV3	variegated	moderate	close	medium	normal	16	80	30
TV4	variegated	moderate	close	medium	narrow	16	75	40
TV5	variegated	weak	tight	lean	narrow	16	70	50
TG3	greenish	moderate	close	medium	normal	16	80	30
TG4	greenish	moderate	close	medium	narrow	16	75	40
TG5	greenish	weak	tight	lean	narrow	16	70	50
TM3	mixed	strong	open	fleshy	normal	16	80	30
TM4	mixed	moderate	close	medium	narrow	16	75	40
TM5	mixed	weak	tight	lean	narrow	16	70	50

O. Reg. 417/87, Sched. 4.

REGULATION 374

FLUE-CURED TOBACCO

1. In this Regulation,

“crude” means,

- (a) hard, slick, extremely immature or firekilled, and
- (b) black or green in colour;

“grader” means a grader appointed to grade tobacco;

“green tolerance”, when expressed as a figure, means the maximum percentage of a tobacco leaf that can be green in colour for the tobacco leaf to meet the requirements for the grade;

“injury” means damage that detracts from the appearance or usability of tobacco leaves, but does not include waste;

“maturity” means degree of ripeness;

“tobacco” means unmanufactured flue-cured tobacco produced in Ontario;

“uniformity”, when expressed as a figure, means the percentage of tobacco leaves that meet the minimum colour intensity, leaf structure, leaf development, maturity, width and length requirements for a particular grade;

“variegated” means mottled grey in colour;

“waste” means unusable due to excessive damage. O. Reg. 653/87, s. 1.

2. Tobacco is designated as a farm product. O. Reg. 653/87, s. 2.

3. No person shall,

- (a) sell or deliver for sale to a first buyer thereof; or
- (b) buy from the producer thereof,

tobacco unless a grader has graded it and it has been marked with a grade established by this Regulation. O. Reg. 653/87, s. 3.

4. Where tobacco is graded, the grader shall examine the tobacco in as many bales of a lot as are necessary to determine the grade of all the tobacco in the lot and shall have affixed to a bale a tag or label under the Act on which is legibly marked the grade of the tobacco. O. Reg. 653/87, s. 4.

5.—(1) Tobacco does not qualify for a grade if it is damaged by mould after being cured, is damaged by smoke or soot at any time or contains bits of broken tobacco leaves and stems resulting from handling.

(2) Despite subsection (1), bits of broken tobacco leaves and stems free from foreign material may be graded as scrap and so marked. O. Reg. 653/87, s. 5.

6. The grade factors for tobacco leaves are plant position group, colour, colour intensity, leaf structure, leaf development, maturity, width, length, green tolerance, uniformity, injury and waste and crude. O. Reg. 653/87, s. 6.

7. The plant position groups for tobacco and the symbols therefor are,

- (a) lugs (X), consisting of the leaves nearest the ground on a tobacco plant;
- (b) cutters (C), consisting of the leaves above the lugs and below the cutter leaf;
- (c) cutter leaf (H), consisting of the leaves in the mid to upper part of a tobacco plant;
- (d) leaf (B), consisting of the leaves in the upper part of a tobacco plant; and
- (e) tips (T), consisting of the leaves at the top of a tobacco plant. O. Reg. 653/87, s. 7.

8. The colour symbols in the grades for tobacco and the meaning of such symbols are,

- (a) L, meaning lemon;

- (b) O, meaning light to medium orange;
- (c) M, meaning medium orange to mahogany;
- (d) F, meaning dusky tan;
- (e) R, meaning reddish;
- (f) V, meaning that at least 20 per cent of the leaves are variegated;
- (g) VL, meaning variegated lemon;
- (h) VF, meaning variegated dusky tan;
- (i) A, meaning green on the butt of a leaf;
- (j) G, meaning lemon to light orange to medium orange to mahogany to dusky tan with green on the lamina of a leaf;
- (k) GL, meaning lemon to light orange to medium orange with green on parts of the leaf other than the butt;
- (l) GF, meaning medium orange to mahogany to dusky tan with green on parts of the leaf other than the butt;
- (m) K, meaning that at least 50 per cent of the leaves are grey; and
- (n) CR, meaning cherry red. O. Reg. 653/87, s. 8.
- 9.** The colour intensity classifications for tobacco are,
- (a) deep;
- (b) strong;
- (c) moderate;
- (d) weak; and
- (e) pale. O. Reg. 653/87, s. 9.
- 10.** The leaf structure classifications for tobacco are,
- (a) open;
- (b) firm;
- (c) close;
- (d) tight; and
- (e) slick. O. Reg. 653/87, s. 10.
- 11.** The leaf development classifications for tobacco of each plant position group are,
- (a) fleshy;
- (b) medium fleshy;
- (c) medium;
- (d) thin; and
- (e) skinny. O. Reg. 653/87, s. 11.
- 12.** The maturity classifications for tobacco are,
- (a) very ripe;
- (b) ripe;
- (c) medium mature;
- (d) slightly immature; and
- (e) immature. O. Reg. 653/87, s. 12.
- 13.** In each of sections 9 to 12, the most honourable classification is listed first and the least favourable classification is listed last. O. Reg. 653/87, s. 13.
- 14.—(1)** The grades indicated in Schedules 1 to 5, subsection 5 (2) and sections 15 and 16 are established for tobacco.
- (2) Tobacco, the majority of which is of the plant position group indicated in the heading of a Schedule, may be graded with a grade indicated in the Schedule if it meets the minimum grade requirements set opposite the grade.
- (3) Tobacco, no more than 20 per cent of the leaves of which have an injury referred to in subsection (4), may be graded with the grade for which it would qualify but for the injury if the grade mark designating the grade that is affixed to the bale is followed by the symbol referred to for the appropriate special factor set out in subsection (4).
- (4) For the purpose of subsection (3), the symbol to be used,
- (a) in the case of tobacco severely leaf-spotted, scalded, oxidized or damaged by pole rot, is D;
- (b) in the case of frosted tobacco, is O;
- (c) in the case of severely scorched tobacco, is S; and
- (d) in the case of wet tobacco or tobacco reddened by excess moisture, is W.
- (5) Each symbol referred to in subsection (4) shall be legibly marked and shall be at least as large as the symbols in the grade mark.
- (6) Where maleic hydrazide was applied to tobacco, the producer of the tobacco before delivering the tobacco for sale shall legibly mark on each side of the bale or other container of the tobacco, in symbols at least two inches in height, the letters MH.
- (7) Subsection (6) does not apply to a producer of tobacco who notifies the person in charge of grading at the tobacco auction exchange to which he or she delivers tobacco, not later than the time of delivery of the tobacco, that the producer applied maleic hydrazide to the tobacco during the growing season.
- (8) Tobacco to which maleic hydrazide was applied shall not be included in any grade in the Schedules, but a grader may mark the tobacco with the letters and figures of the grade it would have had if maleic hydrazide had not been applied, if that mark is followed by the letters MH legibly marked or printed in at least the same size.
- (9) Section 3 does not apply to tobacco marked in accordance with subsections (6), (7) and (8). O. Reg. 653/87, s. 14.
- 15.—(1)** In this section, "nondescript tobacco" means tobacco which contains,
- (a) more than 25 per cent waste and crude; or
- (b) in the case of lugs, cutter or cutter leaf, more than 60 per cent injury or, in the case of leaf or tips, more than 50 per cent injury.
- (2) The symbol for nondescript tobacco is ND.
- (3) Nondescript tobacco may be graded with one of the following grades:
1. NDX, if it consists of lugs.
2. NDC, if it consists of cutters or cutter leaf.
3. NDB, if it consists of leaf or tip. O. Reg. 653/87, s. 15.
- 16.—(1)** In this section, "mixed tobacco" means any lot of tobacco,
- (a) that is less than 65 per cent uniform in colour; or

(b) of which more than 35 per cent of the leaves are more than one plant position removed from the plant position group making up the greatest percentage of the tobacco.

(2) The symbol for mixed tobacco is NOG.

(3) Mixed tobacco may be graded NOG. O. Reg. 653/87, s. 16.

Schedule 1

LUGS

GRADE	GRADE REQUIREMENTS									
	Colour Intensity	Leaf Structure	Leaf Development	Maturity	Average Width (inches)	Average Length (inches)	Green Tolerance	Uniformity (minimum per cent)	Injury (maximum per cent)	Waste and Crude (maximum per cent)
XO1	deep	open	fleshy	ripe	no requirements	15 and under	0	90	5	0
XO2	strong	open	medium fleshy	ripe	no requirements	15 and under	0	85	10	0
XO3	moderate	firm	medium	ripe	no requirements	15 and under	0	80	20	0
XO4	moderate	firm	medium	ripe	no requirements	15 and under	0	75	30	5
XO5	weak	close	thin	ripe	no requirements	15 and under	0	70	50	15
XO6	weak	close	thin	ripe	no requirements	15 and under	0	65	60	25
XL1	strong	firm	medium fleshy	medium mature	no requirements	15 and under	0	90	5	0
XL2	moderate	firm	medium	medium mature	no requirements	15 and under	0	85	10	0
XL3	moderate	close	medium	medium mature	no requirements	15 and under	0	80	20	0
XL4	weak	close	thin	medium mature	no requirements	15 and under	0	75	30	5
XL5	pale	tight	skinny	medium mature	no requirements	15 and under	0	70	50	15
XL6	pale	tight	skinny	medium mature	no requirements	15 and under	0	65	60	25
XA1	strong	firm	medium fleshy	ripe	no requirements	15 and under	0	85	10	0
XA2	moderate	close	medium	medium mature	no requirements	15 and under	0	75	30	10
XA3	weak	tight	thin	medium mature	no requirements	15 and under	0	65	60	25
XG1	strong	close	medium fleshy	slightly immature	no requirements	15 and under	10	90	5	0
XG2	moderate	close	medium	slightly immature	no requirements	15 and under	20	85	10	0
XG3	moderate	tight	medium	immature	no requirements	15 and under	30	80	20	0
XG4	weak	tight	thin	immature	no requirements	15 and under	40	75	30	5
XG5	pale	slick	skinny	immature	no requirements	15 and under	50	70	50	15
XG6	pale	slick	skinny	immature	no requirements	15 and under	60	65	60	25
XK4	no requirements	no requirements	no requirements	immature	no requirements	15 and under	0	75	30	10
XK	no requirements	no requirements	no requirements	immature	no requirements	15 and under	0	65	60	25
XCR	no requirements	no requirements	no requirements	medium immature	no requirements	15 and under	0	65	60	10

O. Reg. 653/87, Sched. 1.

Schedule 2

CUTTERS

GRADE	GRADE REQUIREMENTS									
	Colour Intensity	Leaf Structure	Leaf Development	Maturity	Average Width (inches)	Average Length (inches)	Green Tolerance	Uniformity (minimum per cent)	Injury (maximum per cent)	Waste and Crude (maximum per cent)
CO1	deep	open	fleshy	ripe	7	15 and over	0	90	5	0
CO2	strong	open	medium fleshy	ripe	7	15 and over	0	85	10	0
CO3	moderate	firm	medium	ripe	5	15 and over	0	80	20	0
CO4	moderate	firm	medium	ripe	no requirements	15 and over	0	75	30	5
CO5	weak	close	thin	ripe	no requirements	15 and over	0	70	50	15
CO6	weak	close	thin	ripe	no requirements	15 and over	0	65	60	25
CL1	strong	firm	medium fleshy	medium mature	7	15 and over	0	90	5	0
CL2	moderate	firm	medium	medium mature	7	15 and over	0	85	10	0
CL3	moderate	close	medium	medium mature	5	15 and over	0	80	20	0
CL4	weak	close	thin	medium mature	no requirements	15 and over	0	75	30	5
CL5	pale	tight	skinny	medium mature	no requirements	15 and over	0	70	50	15
CL6	pale	tight	skinny	medium mature	no requirements	15 and over	0	65	60	25
CR1	strong	close	medium fleshy	medium mature	7	15 and over	0	85	10	0
CR2	moderate	close	medium	medium mature	5	15 and over	0	75	30	10
CR3	moderate	tight	thin	medium mature	no requirements	15 and over	0	65	60	25
CV1	moderate	close	medium	slightly immature	7	15 and over	0	85	10	0
CV2	weak	close	thin	slightly immature	5	15 and over	0	75	30	10
CV3	pale	tight	skinny	slightly immature	no requirements	15 and over	0	65	60	25
CA1	strong	firm	medium fleshy	ripe	7	15 and over	0	85	10	0
CA2	moderate	close	medium	medium mature	5	15 and over	0	75	30	10
CA3	weak	tight	thin	medium mature	no requirements	15 and over	0	65	60	25
CG1	strong	close	medium fleshy	slightly immature	7	15 and over	10	90	5	0
CG2	moderate	close	medium	slightly immature	7	15 and over	20	85	10	0
CG3	moderate	tight	medium	immature	5	15 and over	30	80	20	0
CG4	weak	tight	thin	immature	no requirements	15 and over	40	75	30	5
CG5	pale	slick	skinny	immature	no requirements	15 and over	50	70	50	15
CG6	pale	slick	skinny	immature	no requirements	15 and over	60	65	60	25
CK4	weak	tight	no requirements	immature	no requirements	15 and over	0	75	30	10
CK	pale	slick	no requirements	immature	no requirements	15 and over	0	65	60	25
CCR	moderate	close	no requirements	medium mature	no requirements	15 and over	0	65	60	10

O. Reg. 653/87, Sched. 2.

Schedule 3

CUTTER LEAF

GRADE	GRADE REQUIREMENTS									
	Colour Intensity	Leaf Structure	Leaf Development	Maturity	Average Width (inches)	Average Length (inches)	Green Tolerance	Uniformity (minimum per cent)	Injury (maximum per cent)	Waste and Crude (maximum per cent)
HO1	deep	open	fleshy	ripe	9	16 and over	0	90	5	0
HO2	strong	open	medium fleshy	ripe	9	16 and over	0	85	10	0
HO3	moderate	firm	medium	ripe	7	16 and over	0	80	20	0
HO4	moderate	firm	medium	ripe	no requirements	16 and over	0	75	30	5
HO5	weak	close	thin	ripe	no requirements	16 and over	0	70	50	15
HO6	weak	close	thin	ripe	no requirements	16 and over	0	65	60	25
HM1	deep	open	fleshy	very ripe	9	16 and over	0	90	5	0
HM2	strong	open	medium fleshy	very ripe	9	16 and over	0	85	10	0
HM3	moderate	firm	medium fleshy	very ripe	7	16 and over	0	80	20	0
HM4	moderate	firm	medium	very ripe	no requirements	16 and over	0	75	30	5
HM5	weak	close	thin	very ripe	no requirements	16 and over	0	70	50	15
HM6	weak	close	thin	very ripe	no requirements	16 and over	0	65	60	25
HL1	strong	close	medium fleshy	medium mature	9	16 and over	0	90	5	0
HL2	moderate	close	medium	medium mature	9	16 and over	0	85	10	0
HL3	moderate	tight	medium	medium mature	7	16 and over	0	80	20	0
HL4	weak	tight	thin	medium mature	no requirements	16 and over	0	75	30	5
HL5	weak	tight	skinny	medium mature	no requirements	16 and over	0	70	50	15
HL6	weak	tight	skinny	medium mature	no requirements	16 and over	0	65	60	25
HF1	strong	close	medium fleshy	medium mature	9	16 and over	0	90	5	0
HF2	moderate	close	medium	medium mature	9	16 and over	0	85	10	0
HF3	moderate	tight	medium	medium mature	7	16 and over	0	80	20	0
HF4	weak	tight	thin	medium mature	no requirements	16 and over	0	75	30	5
HF5	weak	tight	skinny	medium mature	no requirements	16 and over	0	70	50	15
HF6	weak	tight	skinny	medium mature	no requirements	16 and over	0	65	60	25
HR1	strong	close	medium fleshy	medium mature	9	16 and over	0	85	10	0
HR2	moderate	close	medium	medium mature	7	16 and over	0	75	30	10
HR3	moderate	tight	thin	medium mature	no requirements	16 and over	0	65	60	25
HV1	moderate	close	medium	slightly immature	9	16 and over	0	85	10	0
HV2	weak	close	thin	slightly immature	7	16 and over	0	75	30	10
HV3	pale	tight	skinny	slightly immature	no requirements	16 and over	0	65	60	25
HA1	strong	firm	medium fleshy	ripe	9	16 and over	0	85	10	0
HA2	moderate	close	medium	medium mature	7	16 and over	0	75	30	10
HA3	weak	tight	thin	medium mature	no requirements	16 and over	0	65	60	25
HG1	strong	close	medium fleshy	slightly immature	9	16 and over	10	90	5	0

GRADE	GRADE REQUIREMENTS									
	Colour Intensity	Leaf Structure	Leaf Development	Maturity	Average Width (inches)	Average Length (inches)	Green Tolerance	Uniformity (minimum per cent)	Injury (maximum per cent)	Waste and Crude (maximum per cent)
HG2	moderate	close	medium	slightly immature	7	16 and over	20	85	10	0
HG3	moderate	tight	medium	immature	no requirements	16 and over	30	80	20	0
HG4	weak	tight	thin	immature	no requirements	16 and over	40	75	30	5
HG5	pale	slick	skinny	immature	no requirements	16 and over	50	70	50	15
HG6	pale	slick	skinny	immature	no requirements	16 and over	60	65	60	25
HCR	moderate	no requirements	medium	medium mature	no requirements	no requirements	0	65	50	10

O. Reg. 653/87, Sched. 3; O. Reg. 632/88, s. 1.

Schedule 4

LEAF

GRADE	GRADE REQUIREMENTS									
	Colour Intensity	Leaf Structure	Leaf Development	Maturity	Average Width (inches)	Average Length (inches)	Green Tolerance	Uniformity (minimum per cent)	Injury (maximum per cent)	Waste and Crude (maximum per cent)
BO1	deep	open	fleshy	ripe	9	16 and over	0	90	5	0
BO2	strong	open	medium fleshy	ripe	7	16 and over	0	85	10	0
BO3	moderate	firm	medium	ripe	5	16 and over	0	80	20	0
BO4	moderate	firm	medium	ripe	no requirements	16 and over	0	75	30	5
BO5	weak	close	thin	ripe	no requirements	16 and over	0	70	40	15
BO6	weak	close	thin	ripe	no requirements	16 and over	0	65	50	25
BM1	deep	open	fleshy	very ripe	9	16 and over	0	90	5	0
BM2	strong	open	medium fleshy	very ripe	9	16 and over	0	85	10	0
BM3	moderate	firm	medium fleshy	very ripe	7	16 and over	0	80	20	0
BM4	moderate	firm	medium	very ripe	no requirements	16 and over	0	75	30	5
BM5	weak	close	thin	very ripe	no requirements	16 and over	0	70	40	15
BM6	weak	close	thin	very ripe	no requirements	16 and over	0	65	50	25
BL1	strong	close	medium fleshy	medium mature	9	16 and over	0	90	5	0
BL2	moderate	close	medium	medium mature	7	16 and over	0	85	10	0
BL3	moderate	tight	medium	medium mature	5	16 and over	0	80	20	0
BL4	weak	tight	thin	medium mature	no requirements	16 and over	0	75	30	5
BL5	weak	slick	skinny	medium mature	no requirements	16 and over	0	70	40	15
BL6	weak	slick	skinny	medium mature	no requirements	16 and over	0	65	50	25
BF1	strong	close	medium fleshy	medium mature	9	16 and over	0	90	5	0
BF2	moderate	close	medium	medium mature	9	16 and over	0	85	10	0
BF3	moderate	tight	medium	medium mature	7	16 and over	0	80	20	0
BF4	weak	tight	thin	medium mature	no requirements	16 and over	0	75	30	5
BF5	weak	slick	skinny	medium mature	no requirements	16 and over	0	70	40	15

GRADE	GRADE REQUIREMENTS									
	Colour Intensity	Leaf Structure	Leaf Development	Maturity	Average Width (inches)	Average Length (inches)	Green Tolerance	Uniformity (minimum per cent)	Injury (maximum per cent)	Waste and Crude (maximum per cent)
BF6	weak	slick	skinny	medium mature	no requirements	16 and over	0	65	50	25
BR1	strong	close	medium fleshy	medium mature	9	16 and over	0	85	10	0
BR2	moderate	close	medium	medium mature	7	16 and over	0	75	30	10
BR3	moderate	tight	thin	medium mature	no requirements	16 and over	0	65	50	25
BVL1	moderate	close	medium	slightly immature	9	16 and over	0	85	10	0
BVL2	weak	close	thin	slightly immature	7	16 and over	0	75	30	10
BVL3	pale	tight	skinny	slightly immature	no requirements	16 and over	0	65	50	25
BVF1	moderate	close	medium	slightly immature	9	16 and over	0	85	10	0
BVF2	weak	close	thin	slightly immature	7	16 and over	0	75	30	10
BVF3	pale	tight	skinny	slightly immature	no requirements	16 and over	0	65	50	25
BAL1	strong	firm	medium fleshy	ripe	9	16 and over	0	85	10	0
BAL2	moderate	close	medium	medium mature	7	16 and over	0	75	30	10
BAL3	weak	tight	thin	medium mature	5	16 and over	0	65	50	25
BAF1	strong	firm	medium fleshy	ripe	9	16 and over	0	85	10	0
BAF2	moderate	close	medium	medium mature	7	16 and over	0	75	30	10
BAF3	weak	tight	thin	medium mature	5	16 and over	0	65	50	25
BGL1	strong	close	medium fleshy	slightly immature	9	16 and over	10	90	5	0
BGL2	moderate	close	medium	slightly immature	7	16 and over	20	85	10	0
BGL3	moderate	tight	medium	immature	no requirements	16 and over	30	80	20	0
BGF1	strong	close	medium fleshy	slightly immature	9	16 and over	10	90	5	0
BGF2	moderate	close	medium	slightly immature	7	16 and over	20	85	10	0
BGF3	moderate	tight	medium	immature	no requirements	16 and over	30	80	20	0
BG4	weak	tight	thin	immature	no requirements	no requirements	40	75	30	5
BG5	pale	slick	skinny	immature	no requirements	no requirements	50	70	40	15
BG6	pale	slick	skinny	immature	no requirements	no requirements	60	65	50	25
BK4	weak	tight	thin	immature	no requirements	no requirements	0	75	30	15
BK	pale	slick	skinny	immature	no requirements	no requirements	0	65	50	25
BCR	strong	no requirements	medium	medium mature	no requirements	no requirements	0	65	50	10

Schedule 5

TIPS

GRADE	GRADE REQUIREMENTS									
	Colour Intensity	Leaf Structure	Leaf Development	Maturity	Average Width (inches)	Average Length (inches)	Green Tolerance	Uniformity (minimum per cent)	Injury (maximum per cent)	Waste and Crude (maximum per cent)
TO1	deep	open	fleshy	ripe	5	16 or under	0	90	5	0
TO2	strong	open	medium fleshy	ripe	5	16 or under	0	85	10	0
TO3	moderate	firm	medium	ripe	3	16 or under	0	80	20	0
TO4	moderate	firm	medium	ripe	no requirements	16 or under	0	75	30	5
TO5	weak	close	thin	ripe	no requirements	16 or under	0	70	40	15
TO6	weak	close	thin	ripe	no requirements	16 or under	0	65	50	25
TM1	deep	open	fleshy	very ripe	5	16 or under	0	90	5	0
TM2	strong	open	medium fleshy	very ripe	5	16 or under	0	85	10	0
TM3	moderate	firm	medium fleshy	very ripe	3	16 or under	0	80	20	0
TM4	moderate	firm	medium	very ripe	no requirements	16 or under	0	75	30	5
TM5	weak	close	thin	very ripe	no requirements	16 or under	0	70	40	15
TM6	weak	close	thin	very ripe	no requirements	16 or under	0	65	50	25
TL1	strong	close	medium fleshy	medium mature	5	16 or under	0	90	5	0
TL2	moderate	close	medium	medium mature	5	16 or under	0	85	10	0
TL3	moderate	tight	medium	medium mature	3	16 or under	0	80	20	0
TL4	weak	tight	thin	medium mature	no requirements	16 or under	0	75	30	5
TL5	weak	slick	skinny	medium mature	no requirements	16 or under	0	70	40	15
TL6	weak	slick	skinny	medium mature	no requirements	16 or under	0	65	50	25
TF1	strong	close	medium fleshy	medium mature	5	16 or under	0	90	5	0
TF2	moderate	close	medium	medium mature	5	16 or under	0	85	10	0
TF3	moderate	tight	medium	medium mature	3	16 or under	0	80	20	0
TF4	weak	tight	thin	medium mature	no requirements	16 or under	0	75	30	5
TF5	weak	slick	skinny	medium mature	no requirements	16 or under	0	70	40	15
TF6	weak	slick	skinny	medium mature	no requirements	16 or under	0	65	50	25
TR1	strong	close	medium fleshy	medium mature	5	16 or under	0	85	10	0
TR2	moderate	close	medium	medium mature	5	16 or under	0	75	30	10
TR3	moderate	tight	thin	medium mature	3	16 or under	0	65	50	25
TV1	moderate	close	medium	slightly immature	5	16 or under	0	85	10	0
TV2	weak	close	thin	slightly immature	5	16 or under	0	75	30	10
TV3	pale	tight	skinny	slightly immature	3	16 or under	0	65	50	25
TA1	strong	firm	medium fleshy	ripe	5	16 or under	0	85	10	0
TA2	moderate	close	medium	medium mature	5	16 or under	0	75	30	10
TA3	weak	tight	thin	medium mature	3	16 or under	0	65	50	25
TGL1	strong	close	medium fleshy	slightly immature	5	16 or under	10	90	5	0

GRADE	GRADE REQUIREMENTS									
	Colour Intensity	Leaf Structure	Leaf Development	Maturity	Average Width (inches)	Average Length (inches)	Green Tolerance	Uniformity (minimum per cent)	Injury (maximum per cent)	Waste and Crude (maximum per cent)
TGL2	moderate	close	medium	slightly immature	5	16 or under	20	85	10	0
TGL3	moderate	tight	medium	immature	3	16 or under	30	80	20	0
TGF1	strong	close	medium fleshy	slightly immature	5	16 or under	10	90	5	0
TGF2	moderate	close	medium	slightly immature	5	16 or under	20	85	10	0
TGF3	moderate	tight	medium	immature	3	16 or under	30	80	20	0
TG4	weak	tight	thin	immature	no requirements	16 or under	40	75	30	5
TG5	pale	slick	skinny	immature	no requirements	16 or under	50	70	40	15
TG6	pale	slick	skinny	immature	no requirements	16 or under	60	65	50	25

O. Reg. 653/87, Sched. 5.

REGULATION 375**FRUIT—CONTROLLED-ATMOSPHERE STORAGE**

1. In this Regulation,

“Director” means the Director of the Plant Products Inspection Branch of the Ministry of Agriculture and Food;

“mechanical sealing” means the closing and sealing of the loading door of a compartment in a controlled-atmosphere storage plant by the operator so as to be sufficiently air-tight for the purpose of controlled-atmosphere storage;

“official seal” means a seal provided by an inspector and affixed by him or her to the loading door of a compartment in a controlled-atmosphere storage plant so that the door cannot thereafter be opened without breaking the official seal;

“operator” means an operator of a controlled-atmosphere storage plant. R.R.O. 1980, Reg. 329, s. 1.

2.—(1) An application for a licence or a renewal of a licence as,

- (a) an operator; or
- (b) a packer of controlled-atmosphere fruit,

shall be made to the Director in Form 1.

(2) A licence as,

- (a) an operator; or
- (b) a packer of controlled-atmosphere fruit,

shall be in Form 2.

(3) A licence in Form 2 expires with the 31st day of August next following the date on which the licence is issued.

(4) The annual fee for a licence in Form 2 is,

- (a) for an operator, \$15; and
- (b) for a packer, \$2. R.R.O. 1980, Reg. 329, s. 2.

3.—(1) Subject to section 4, a licence as an operator in Form 2 is

issued upon condition that, where apples are stored as controlled-atmosphere fruit, the operator,

- (a) notifies the Plant Products Inspection Branch of the Ministry of Agriculture and Food within 120 hours of every mechanical sealing;
- (b) controls the oxygen content of the air in each sealed compartment at not more than 5 per cent within 480 hours after the time of mechanical sealing;
- (c) maintains during storage an oxygen content of not more than 5 per cent in each compartment in which fruit is stored for a storage period of at least ninety consecutive days;
- (d) does not at any time break or permit to be broken an official seal other than where the operator,
 - (i) has first obtained the permission of an inspector to break the seal in order that necessary major repairs to the equipment or structure of the compartment may be made, or
 - (ii) has first obtained the permission of an inspector and the storage period referred to in clause (c) has been completed;
- (e) maintains on a form to be provided by the Director, an accurate daily record of the atmosphere in respect of each compartment in which fruit is stored;
- (f) keeps a record of the capacity of each compartment, the identification of each lot of fruit, and the quantity of each lot of fruit in storage;
- (g) allows inspection of all records pertaining to the stored fruit at all reasonable times by the owner of the fruit or the owner's agent or an inspector; and
- (h) marks immediately on each container of controlled atmosphere fruit removed from a sealed compartment for delivery to a licensed packer,
 - (i) the words “controlled-atmosphere” immediately preceding the name of the kind of fruit, and
 - (ii) the number of the licence as an operator in Form 2. R.R.O. 1980, Reg. 329, s. 3 (1).

(2) Where an operator has complied with clause (1) (b) with respect to any compartment, an official seal shall be affixed to the loading door of the compartment. R.R.O. 1980, Reg. 329, s. 3 (2).

(3) An inspector may require that an operator carry out adjustments to the mechanical sealing of a compartment in order to affix the official seal. R.R.O. 1980, Reg. 329, s. 3 (3).

4. Where it is necessary to make major repairs to the equipment or structure of a compartment in which fruit is stored, the oxygen content of the compartment may exceed 5 per cent for a period of not more than 240 hours if,

- (a) the operator forthwith notifies the Farm Products Quality Branch of the Ministry of Agriculture and Food that the oxygen content of the compartment exceeds 5 per cent;
- (b) the oxygen content of the compartment does not exceed 5 per cent for a period of at least ninety non-consecutive days; and
- (c) the total storage time commencing with the time of compliance with clause 3 (1) (b) is not less than 100 consecutive days. R.R.O. 1980, Reg. 329, s. 4.

5. Where the holder of a licence in Form 2 repacks controlled-atmosphere fruit, the holder may mark immediately on each container into which the holder repacks the fruit,

- (a) the words "controlled-atmosphere" or the designation "C.A." or any other words or designation indicating that the fruit is controlled-atmosphere fruit immediately preceding the name of the kind of fruit; and
- (b) the number of the licence. R.R.O. 1980, Reg. 329, s. 5.

6.—(1) No person other than the holder of a licence in Form 2 shall mark on, or display with, any container of fruit the words "controlled-atmosphere" or the designation "C.A." or any other words or designation indicating that the fruit is controlled-atmosphere fruit.

(2) No holder of a licence in Form 2 shall mark on any container of fruit the words "controlled-atmosphere" or the designation "C.A." or any other words or designation indicating that the fruit is controlled-atmosphere fruit unless the fruit was stored under the conditions of licensing mentioned in section 3.

(3) No holder of a licence in Form 2 shall mark on a container of controlled-atmosphere fruit in conjunction with the words "controlled-atmosphere" or the designation "C.A." or any other words or designation indicating that the fruit is controlled-atmosphere fruit, a number other than the number of the holder's licence. R.R.O. 1980, Reg. 329, s. 6.

7. Marks on a container of controlled-atmosphere fruit shall be legible and the letters and figures shall be at least one-quarter of an inch in height and shall be printed, stamped or stencilled,

- (a) on the container;
- (b) on a tag attached to the container; or
- (c) in the case of a transparent container, on paper that is placed within the container in such manner that the marks are plainly legible through the container. R.R.O. 1980, Reg. 329, s. 7.

8.—(1) A person who commences or continues to engage in the operation of a controlled-atmosphere storage plant for fruit, other than apples, is exempt from subsection 12 (1) of the Act and this Regulation respecting such other fruit.

(2) A person who commences or continues to engage in the packing or repacking of controlled-atmosphere fruit, other than apples, is

exempt from subsection 12 (2) of the Act and this Regulation respecting such other fruit. R.R.O. 1980, Reg. 329, s. 8.

Form 1

Farm Products Grades and Sales Act

APPLICATION FOR A LICENCE

AS AN OPERATOR OF A CONTROLLED-ATMOSPHERE STORAGE PLANT OR AS A PACKER OF CONTROLLED-ATMOSPHERE FRUIT

To: The Director,
Plant Products Inspection Branch,
Ministry of Agriculture and Food

The undersigned applies to the Director, Plant Products Inspection Branch, for a licence as

- () AN OPERATOR OF A CONTROLLED-ATMOSPHERE STORAGE PLANT, or as
- () A PACKER OF CONTROLLED-ATMOSPHERE FRUIT.

(Please mark class of licence applied for)

- 1.
(name of applicant and business name, if any,
under which applicant operates—
please type or print plainly)
- 2. Address of Applicant
(street and number)
.....
(city, town or village) (postal code)
- 3. Telephone Number
(area code)
(business telephone no.)
- 4. List the name and address of each member of a partnership.
(if necessary use reverse side).

The undersigned undertakes to furnish to the Director, Plant Products Inspection Branch, details of any changes from the facts given in this application within 15 days of the date the changes are made.

Dated at
this day of
19.....

.....
(signature of applicant)

By:
(title of official signing if a corporation)

R.R.O. 1980, Reg. 329, Form 1.

Form 2

Farm Products Grades and Sales Act

Under the *Farm Products Grades and Sales Act* and the regulations, and subject to the limitations thereof, this licence is issued to

.....
(name)

.....
(address)

as

- () an operator of a controlled-atmosphere storage plant
- () a packer of controlled-atmosphere fruit

This licence expires with the 31st day of August, 19.....

Dated at Toronto, this day of, 19.....

.....
(Director)

R.R.O. 1980, Reg. 329, Form 2.

REGULATION 376

GRADES—BEEF CARCASSES

1. In this Regulation,

“brand” means an imprint described in Schedule 2;

“carcass” means a carcass of beef but does not include,

- (a) the hide,
- (b) that portion of the head and neck forward of the first cervical joint,
- (c) that part of the fore-shank below the knee joint and that part of the hind-shank below the hock joint,
- (d) the alimentary canal, liver, kidneys, spleen, genital tract and genitalia, mammary system, heart and lungs,
- (e) the membranous portion of the diaphragm and pillar of the diaphragm,
- (f) the spinal cord,
- (g) channel fat, kidney fat, pelvic fat, heart fat, cod fat and udder fat,
- (h) the tail posterior to the first coccygeal vertebra, or
- (i) any portion of the carcass the removal of which is required under the *Meat Inspection Act* (Canada) or the *Meat Inspection Act* (Ontario) or any regulations made thereunder;

“carcass of beef” means the carcass of an animal of the bovine species that has been slaughtered and dressed as beef;

“Commissioner” means the Livestock Commissioner;

“district supervisor” means a District Supervisor of the Livestock Division of the Department of Agriculture of Canada;

“establishment” means any establishment registered under the *Meat Inspection Act* (Canada), the *Beef Carcass Grading Regulations* under the *Canada Agricultural Products Act* or the *Meat Inspection Act* (Ontario);

“grader” means a grader assigned to an establishment for the purpose of grading carcasses;

“inspector” means an inspector appointed under the Act;

“knife-ribbed” means to cut the side of a carcass midway between the eleventh and twelfth ribs, beginning at the backbone, continuing towards the plate side and severing the costal cartillages but not severing the backbone;

“operator” means a person operating an establishment. R.R.O. 1980, Reg. 330, s. 1.

2. Carcasses are designated as farm products. R.R.O. 1980, Reg. 330, s. 2.

3. The following grade names for carcasses and the grades and standards therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada A1.
2. Canada A2.
3. Canada A3.
4. Canada A4.
5. Canada B1.
6. Canada B2.
7. Canada B3.
8. Canada B4.
9. Canada C1.
10. Canada C2.
11. Canada D1.
12. Canada D2.
13. Canada D3.
14. Canada D4.
15. Canada D5.
16. Canada E.

R.R.O. 1980, Reg. 330, s. 3; O. Reg. 765/81, s. 1.

4.—(1) No carcass shall be graded,

- (a) by a person other than a grader;
- (b) at a place other than an establishment;
- (c) unless the grader is provided with a sufficient number of efficient helpers to assist in his or her duties;
- (d) if the grader is of the opinion that he or she does not have freedom from interference in carrying out his or her duties;
- (e) unless the carcass is from an animal slaughtered in the establishment where it is to be graded; and
- (f) unless the carcass is knife-ribbed to permit the taking of fat measurements and visual quality and quantity assessments of the *Longissimus dorsi* muscle area.

(2) A grader is not required to grade a carcass unless it is presented for grading during reasonable hours mutually agreed upon between the operator and the district supervisor. R.R.O. 1980, Reg. 330, s. 4 (1, 2).

(3) Where, at an establishment,

- (a) a carcass is placed under detention pursuant to the Act or this Regulation; or
- (b) an inspector, on reasonable grounds, believes that there has been a contravention of the Act or this Regulation,

it is a condition of grading that every carcass at the establishment be graded until the matter or matters giving rise to the condition have been remedied. O. Reg. 765/81, s. 2.

5.—(1) No carcass shall be considered graded unless it bears a grade stamp in the shape and size set out in Schedule 1 that has been applied by a grader indicating the applicable grade name for that carcass on each of the five primal cuts on both sides of the carcass, consisting of the short hip, steak piece, short loin, rib and chuck. R.R.O. 1980, Reg. 330, s. 5 (1); O. Reg. 765/81, s. 3.

(2) No grade stamp shall be applied to a carcass unless the carcass bears the inspection legend required by the regulations made under the *Meat Inspection Act* (Canada) or the *Meat Inspection Act* (Ontario).

(3) An operator may require that a carcass classified as Canada A4, Canada B4 or Canada D4 be trimmed prior to the application of the brand.

(4) A carcass referred to in subsection (3) shall be grade stamped after trimming with the same grade name as was assigned to that carcass prior to trimming.

(5) The grade stamp shall be applied in brown ink. R.R.O. 1980, Reg. 330, s. 5 (2-5).

6.—(1) Subject to subsection (2), brands in a continuous strip in the form set out in Schedule 2, bearing the grade name indicated on the grade stamp applied pursuant to this Regulation, shall be applied to each carcass by the operator at the time of grading under the general supervision of a grader.

(2) A carcass to which the grade stamp was applied after trimming shall be branded after trimming. R.R.O. 1980, Reg. 330, s. 6.

7. No person other than an operator shall apply a brand to a graded carcass. R.R.O. 1980, Reg. 330, s. 7.

8.—(1) Brands shall be applied in accordance with the instructions of a grader on the outside surface of the carcass in,

- (a) two strips each extending the full length of the carcass and located along,
 - (i) the dorsal side of the carcass, adjacent to the chine bone, and over each primal cut, including the short hip, steak piece, short loin, rib and chuck, and
 - (ii) the ventral side of the carcass over the flank, plate and brisket point; and
- (b) one strip across the lower portion of the chuck and brisket.

(2) Brands shall be applied in ink that has been approved by the Commissioner.

(3) Brands bearing a grade name set out in Column I of an item of the Table shall be in the colour set out in Column II of that item.

TABLE

ITEM	COLUMN I	COLUMN II
	GRADES	COLOURS
1	Canada A1.	Red
2	Canada A2.	Red
3	Canada A3.	Red
4	Canada A4.	Red
5	Canada B1.	Blue
6	Canada B2.	Blue

ITEM	COLUMN I	COLUMN II
	GRADES	COLOURS
7	Canada B3.	Blue
8	Canada B4.	Blue
9	Canada C1.	Brown
10	Canada C2.	Brown
11	All other grade names for carcasses	Black

R.R.O. 1980, Reg. 330, s. 8.

9. Stamps bearing the name of a retailer or wholesaler and a date may be applied on a carcass if the stamps,

- (a) are in brown ink or a colour of ink corresponding to the colour of ink on the brand stamp that has been applied to the carcass;
- (b) do not exceed three inches in height or width;
- (c) are not in more than one place on each primal cut; and
- (d) are not in contact with the grader's stamp. R.R.O. 1980, Reg. 330, s. 9.

10. Where a grader has graded a carcass he or she may, at the request of any consignor or agent, issue a grade certificate for any carcass or carcasses graded at an establishment, if the consignor or agent,

- (a) has placed on each of the animals to be carcass graded distinct and specific identification approved by the Commissioner that has been transferred to or otherwise appears on the carcass of such animal; and
- (b) has completed and filed with the grader at the establishment at the time of delivery of the animal or lot of animals, as the case may be, to the operator of the establishment, a manifest in a form prescribed by the Commissioner. R.R.O. 1980, Reg. 330, s. 10.

11.—(1) Where an inspector detains a carcass, he or she shall place thereon a tag indicating that the carcass is under detention.

(2) Except as authorized by an inspector, no person shall remove from a carcass a tag placed thereon by an inspector pursuant to this section. R.R.O. 1980, Reg. 330, s. 11.

12.—(1) No person shall sell, offer for sale or have in possession for sale any carcass that is marked or stamped unless it has been marked or stamped in accordance with the Act and this Regulation.

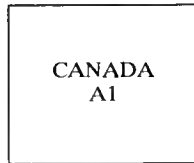
(2) No person shall apply to a carcass an impression, mark or stamp of any kind that is not a brand or a grade and that might be construed as a brand or a grade stamp. R.R.O. 1980, Reg. 330, s. 12.

13. No person shall in any advertisement offering the whole or any part of a carcass of beef for sale,

- (a) make any statement that is untrue, deceptive, misleading or that is likely to deceive or mislead any person; or
- (b) use any words that resemble a grade name or that may be mistaken by any person for a grade name other than a grade name applied to the carcass of beef under this Regulation. R.R.O. 1980, Reg. 330, s. 13.

Schedule 1**GRADE STAMP**

Dimensions: One inch square.



R.R.O. 1980, Reg. 330, Sched. 1.

Schedule 2**BEEF BRAND**

1. Form a brand in a continuous strip required to show grade names on carcasses,

CANADA
A1

CANADA
A1

CANADA
A1

CANADA
A1

2. —(1) The width of the brand shall be one and three-eighths of an inch and no word shall exceed that length.

(2) All letters in the grade name shall be block capitals (Gothic) and shall be at least five-sixteenths of an inch in height. R.R.O. 1980, Reg. 330, Sched. 2.

REGULATION 377**GRADES—CHRISTMAS TREES****DEFINITIONS**

1. In this Regulation,

“candlestick taper” means that a Christmas tree forms a cone the base of which is less than 40 per cent of its height as viewed from the best face of the tree;

“Christmas tree” means a tree, whether sheared or unsheared, that is,

(a) sold, offered for sale or intended to be sold severed from its root system and with its bark, branches and foliage mainly intact, and

(b) of the coniferous species, including but not limited to,

- (i) Douglas fir (*Pseudotsuga Menziesii*),
- (ii) Balsam fir (*Abies balsamea*),
- (iii) Black spruce (*Picea mariana*),
- (iv) White spruce (*Picea glauca*),
- (v) Scotch pine (*Pinus sylvestris*),

(vi) Norway spruce (*Picea excelsa*),

(vii) Red Pine (*Pinus resinosa*), and

(viii) Red spruce (*Picea rubens*);

“clean” means almost entirely free from moss, lichen growth, vines or other foreign material which detracts from the appearance of the Christmas tree;

“crow’s nest” means a cluster of short branches forming a compact nest type of whorl arrangement;

“curved stem” means a bend in the stem of a Christmas tree that affects the appearance and balance of the tree;

“defects” includes one or more of the following conditions or any variation thereof:

1. A decided gap or abnormal space between whorls of branches.
2. Unduly long branches.
3. Excessively uneven density in any face.
4. Weak branches.
5. Broken branches.
6. A lower whorl which is barren of needles or branches.
7. An opening in the foliage of considerable size caused by a lack of branches or foliage.
8. A stem whose length above the top whorl of branches is excessively long in relation to the overall height of the Christmas tree.
9. An incomplete whorl of branches.
10. A handle which is not proportionate to the height of the Christmas tree.
11. A curved stem.
12. Multiple stems, either above or below the top whorl of branches.
13. A crow’s nest.
14. A goose neck.
15. Galls on the branches in noticeable quantity.
16. An abnormal loss of needles.
17. An abnormal curling of needles.
18. A noticeable presence of dead twigs;

“density” means density of foliage;

“Director” means the Director of the Plant Products Inspection Branch of the Ministry of Agriculture and Food;

“face” means the surface area of a Christmas tree lying within 45 degrees, measured radially from and perpendicular to the stem, on either side of a straight centre line connecting the vertex of the cone formed by the tree and the circumference of the base of the cone;

“fairly clean” means moderately free from moss, lichen growth, vines or other foreign material which detracts from the appearance of the Christmas tree;

“flaring taper” means that a Christmas tree, other than of the genus *pinus*, forms a cone the base of which is more than 70 per cent of its height or, in the case of a Christmas tree of the genus *pinus*, forms a cone the base of which is more than 80 per cent of its height as viewed from the best face of the tree;

“fresh” means that the needles are pliable and generally firmly attached with not more than slight shattering at room temperature;

“goose neck” means a stem that has a greater distance than usual between two whorls of branches;

“handle” means that portion of the stem between the butt or base of a Christmas tree and the lowest complete whorl of foliated branches;

“healthy” means fresh and natural in appearance;

“height” means the distance from the butt or base of a Christmas tree to the top of the tree;

“inspection” means inspection by an inspector appointed under the Act and “inspected” has a corresponding meaning;

“normal taper” means that a Christmas tree, other than of the genus *pinus*, forms a cone, the base of which is more than 40 per cent and less than 70 per cent of its height or, in the case of a Christmas tree of the genus *pinus*, forms a cone the base of which is more than 40 per cent and less than 80 per cent of its height as viewed from the best face of the tree;

“stem” means the trunk of a Christmas tree from the base or butt of the tree to the top of the tree;

“well trimmed” means that all barren branches below the first whorl of branches have been removed and the butt of the stem has been smoothly cut at approximately right angles to the stem. R.R.O. 1980, Reg. 331, s. 1.

2. Christmas trees are designated as farm products. R.R.O. 1980, Reg. 331, s. 2.

3. This Regulation applies to the grading and sale of Christmas trees in Ontario. R.R.O. 1980, Reg. 331, s. 3.

GENERAL

4.—(1) No person shall,

- (a) sell, offer for sale, advertise or represent any Christmas tree as having been graded unless such tree has been graded in accordance with this Regulation;
- (b) misrepresent the grade of any Christmas tree; or
- (c) attach any tag to a Christmas tree describing or relating to the grade of such Christmas tree unless the markings on such tag comply with this Regulation.

(2) No person shall sell or offer for sale any Christmas tree the handle of which measures less than one inch in length for every foot of the tree's height. R.R.O. 1980, Reg. 331, s. 4.

GRADING

5.—(1) Any person who is a grower of Christmas trees or who is in possession of Christmas trees may apply in Form 1 to the Director to have such trees inspected.

(2) Any person making application under subsection (1) shall submit such application to the Director prior to the 1st day of June in the year in which such person proposes to sell the Christmas trees.

(3) Any person making application under subsection (1) shall grade the Christmas trees prior to inspection and shall attach to each

tree a grade tag in accordance with section 6 indicating the grade to which the tree conforms under section 12.

(4) For the purposes of grading Christmas trees, each Christmas tree shall be deemed to have four faces, the centre lines of which are at ninety degree intervals around the tree measured radially from and perpendicularly to the stem. R.R.O. 1980, Reg. 331, s. 5.

6.—(1) Every grade tag attached to a Christmas tree under subsection 5 (3) shall include,

- (a) the name and address of the person who applied for the inspection;
- (b) the grade of the tree; and
- (c) in the case of a tree imported from outside Canada, the country of origin.

(2) All letters and figures marked on a grade tag in accordance with subsection (1) shall be at least one-quarter of an inch in height. R.R.O. 1980, Reg. 331, s. 6.

INSPECTION

7. Upon receipt of an application in Form 1, the Director may cause the Christmas trees referred to in the application to be inspected. R.R.O. 1980, Reg. 331, s. 7.

8.—(1) For variations incidental to proper grading and handling, the tolerance set out in subsection (2) is permitted in any lot of Christmas trees at the time the trees are inspected.

(2) Ten per cent of the Christmas trees in a lot may be below the requirements for the grade marked on grade tags attached thereto but not more than 5 per cent shall be below the requirements for the grade next lower than that marked on the grade tags.

(3) In calculating the tolerance referred to in subsection (2), percentages shall be calculated on the basis of actual count using individual trees as the units.

(4) The tolerance referred to in subsection (2) does not apply to Christmas trees sold, offered for sale or advertised for sale at retail. R.R.O. 1980, Reg. 331, s. 8.

9.—(1) After every inspection the inspector shall complete an inspection certificate in Form 2.

(2) The inspector shall serve a copy of the inspection certificate upon the person who applied for the inspection by delivering it to the person or by mailing it to the person at the address shown on the application. R.R.O. 1980, Reg. 331, s. 9.

DETENTION

10.—(1) Where an inspector detains any Christmas tree or lot of trees, the inspector may attach thereto a numbered detention tag.

(2) No person shall, without the written authority of an inspector, sell, offer for sale, transport or cause to be transported any Christmas tree or lot of trees that have been detained or remove any detention tag. R.R.O. 1980, Reg. 331, s. 10.

FEEES

11. Where the services of an inspector are required for inspecting Christmas trees, the fees payable shall be at the cost of the services and the method of payment shall be determined by negotiation between the director and the person who applied for the services. R.R.O. 1980, Reg. 331, s. 11.

GRADES FOR CHRISTMAS TREES

12.—(1) The grades for Christmas trees are as follows:

- 1. Ontario Premium, consisting of Christmas trees of any height that possess the characteristics typical of the species and that are fresh, clean, healthy, well trimmed, of not less than medium density, with normal taper and with each of the four faces free from defects.
- 2. Ontario No. 1 or Ontario Choice, consisting of Christmas trees of any height that possess the characteristics typical of the species and that are fresh, clean, healthy, well trimmed, of not less than medium density, with normal taper and with three faces free from defects.
- 3. Ontario Standard, consisting of Christmas trees of any height that possess the characteristics typical of the species and that are fresh, fairly clean, healthy, well trimmed, of not less than light density, with candlestick taper, normal taper or flaring taper and with two adjacent faces free from defects.

Name of grower or person in possession

.....

Address

Location of Christmas Trees

.....

Species and approximate number of Christmas Trees:

Dated at, this day of, 19.....

.....

(signature of inspector)

R.R.O. 1980, Reg. 331, Form 2.

(2) Christmas trees that fail to meet the requirements of Ontario Premium, Ontario No. 1, Ontario Choice or Ontario Standard shall have affixed thereto grade tags bearing the words "Below Grading Standards". R.R.O. 1980, Reg. 331, s. 12.

Form 1

Farm Products Grades and Sales Act

APPLICATION FOR INSPECTION OF CHRISTMAS TREES

To: The Director,
Plant Products Inspection Branch,
Ministry of Agriculture and Food,
Legislative Buildings,
Toronto.

.....
(name of applicant)

.....
(address)

makes application for inspection of
(approximate

..... Christmas trees composed of
number of trees)

..... located at
(species) (location)

Dated at, this day of, 19.....

.....
(signature of applicant)

R.R.O. 1980, Reg. 331, Form 1.

Form 2

Farm Products Grades and Sales Act

CHRISTMAS TREE INSPECTION CERTIFICATE

I,
(name of inspector)

have inspected the Christmas trees referred to below, in accordance with the regulations respecting grades for Christmas trees made under the *Farm Products Grades and Sales Act*, and certify that such trees have been graded in accordance with the said regulations to the tolerances set forth therein.

REGULATION 378

GRADES—FRUIT AND VEGETABLES

DEFINITIONS

1. In this Regulation,

"aggregate area" means the total area under consideration if assembled into one circular area of the diameter specified;

"catchweight package" means any transparent package sold on a weight basis in which the produce is readily visible and which contains not more than three pounds net weight;

"clean" means not affected in appearance by dirt, dust, spray residue or other foreign material;

"closed package" means any package the contents of which cannot be satisfactorily inspected without removing the cover or other enclosing device;

"condition defect" means any defect that may develop in produce during storage or transit;

"diameter" means the greatest diameter at right angles to the longitudinal axis;

"establishment" includes any plant, factory or premises where produce is canned, preserved or otherwise processed;

"fairly well formed" means that not less than one-half of the fruit is of the shape characteristic of the variety when fully mature and the remainder of the fruit deviates only slightly from the shape characteristic of the variety when fully mature;

"hand-picked" in respect of fruit means that the fruit shows no evidence of rough handling or of having been on the ground;

"inspection" means inspection by an inspector appointed under the Act and "inspected" has a corresponding meaning;

"inspection point" means any point or area at which an inspector attends;

"master container" means a container that is designed to hold more than one package of produce;

"mature" means that the produce has reached such stage of development as ensures completion of the ripening process;

"Ministry" means the Ministry of Agriculture and Food;

"package" means any receptacle, container, wrapper or confining

band, but does not include foil wrap on individual potatoes or transparent film wrap on individual specimens of any other produce;

“processing” means canning or preserving fruit or vegetables, or manufacturing of products from fruit or vegetables by a processor;

“processor” means a person who cans or preserves fruit or vegetables or, by a continuous operation or series of operations, manufactures products from fruit or vegetables, but does not include a person who cans or preserves fruit or vegetables for consumption by himself or herself or his or her household;

“produce” includes any fruit, vegetable or sweet corn that can be grown in Canada;

“properly packed” means that the produce is not slack, overpressed or otherwise in a condition likely to result in permanent damage during handling or in transit;

“sized” means that the fruit in a box or crate has a size range not in excess of one-quarter of an inch in diameter;

“smooth” means that the produce is not ridged, angular or indented;

“sound” means that the produce at the time of packing, loading or final shipping-point inspection is free from condition defects, including decay, breakdown, freezing injury, bitter pit, soft, shrivelled, water core, over-ripeness, brown core, corky core or other injury that may affect the keeping quality of the produce;

“stemless fruit” means any fruit that has no portion of the stem attached thereto and has no broken skin at the stem end;

“well formed” means that the produce has a shape characteristic of the variety;

“wrapper leaves” means leaves that do not closely enfold the compact portion of the head. R.R.O. 1980, Reg. 332, s. 1; O. Reg. 217/84, s. 1.

2. All fruit, vegetables and sweet corn that can be commercially grown in Canada are designated as farm products. R.R.O. 1980, Reg. 332, s. 2.

APPLICATION

3. This Regulation does not apply to,

- (a) produce not grown for the purpose of sale but grown for the sole purpose of producing seed; or
- (b) unharvested produce. R.R.O. 1980, Reg. 332, s. 3.

PART I GENERAL

4. No person shall pack, transport, ship, advertise, sell or offer for sale any produce,

- (a) unless the produce is graded, packed and marked in accordance with the Act and this Regulation and is contained in packages which comply with the Act and this Regulation;
- (b) that is below the minimum grade for the produce;
- (c) if the faced or shown surface falsely represents the contents;
- (d) in a package, unless the package is properly filled and packed;
- (e) in a package that has been previously marked, unless the marks are completely removed or obliterated;

(f) that is so immature or so diseased or otherwise affected as to be unfit for human consumption;

(g) in a package that is damaged, stained, soiled, warped or otherwise deteriorated so as to materially affect the soundness, appearance or wholesomeness of the produce packed therein; or

(h) that has been injured by insects or that shows evidence of any foreign substance in an amount injurious to public health. R.R.O. 1980, Reg. 332, s. 4; O. Reg. 255/89, s. 1.

5.—(1) Section 4 does not apply to the transportation of produce,

- (a) of any person for the purpose of use by himself or herself and his or her household;
- (b) of a grower by the grower for the purpose of grading and packing, storing or processing; or
- (c) of any person (other than a grower who transports the produce for the purpose of grading, packing or processing) where the transporter supplies, upon request of an inspector, proof of the purpose for which the produce is transported.

(2) Section 4 does not apply to the sale of produce for processing. R.R.O. 1980, Reg. 332, s. 5.

6. No person shall misrepresent the class, variety, grade, size, size range, count, weight, measure, mark or marking, ownership, origin, storage records or conditions of storage of any produce. R.R.O. 1980, Reg. 332, s. 6.

7. No person shall, during the course of packing, warehousing or shipping of any produce,

- (a) wilfully or carelessly damage the produce;
- (b) handle the produce in such a manner that it is likely to deteriorate in quality;
- (c) expose the produce to any weather or other conditions that are likely to cause damage to the produce; or
- (d) fail to comply with the recommendation and instructions of an inspector regarding the exposure of any produce to any conditions. O. Reg. 764/81, s. 1.

PART II PACKAGES

8.—(1) Every package for produce shall be of the dimensions and capacities specified in Tables 1 and 2 of section 9. R.R.O. 1980, Reg. 332, s. 8 (1); O. Reg. 460/85, s. 1.

(2) Subsection (1) does not apply to,

- (a) produce for which there are no grades established under this Regulation;
- (b) produce sold or offered for sale in a package where the experimental use thereof has been authorized by the Director and the package is identified and used only in the manner authorized by the Director;
- (c) produce, other than apples, beets, carrots, onions, parsnips and potatoes packed in bags and tomatoes packed in tubes, that is sold or offered for sale in catchweight packages; or
- (d) produce under detention, or for which permission has been granted by an inspector for shipment or transportation for the purpose of packing in standard packages for sale. R.R.O. 1980, Reg. 332, s. 8 (2).

9.—(1) No person shall sell or offer for sale at retail, asparagus, snap beans, beets without tops, carrots without tops, onions without tops, parsnips, forced rhubarb or tomatoes except by weight or in a package prescribed for vegetables by this Regulation. R.R.O. 1980, Reg. 332, s. 9 (1).

(2) Subject to subsections (4) and (5), all produce shall be packed in the packages described in Table 1. O. Reg. 255/89, s. 2 (1).

(3) The dimensions in Tables 1 and 2 are inside measurements unless otherwise stated.

TABLE 1

Type of Package	Volume
Half pint	16.8 cubic inches
Pint	33.6 cubic inches
Quart	67.2 cubic inches
Baskets	2 quarts
"	4 quarts
"	6 quarts
"	8 quarts
"	11 quarts
Half bushel hamper	16 quarts
Bushel hamper	32 quarts
Half bushel box, Carton or Crate	1,100 cubic inches
Bushel box, Carton or Crate	2,200 cubic inches
Baskets	2 litres
"	4 litres

R.R.O. 1980, Reg. 332, s. 9 (3); O. Reg. 433/84, s. 1.

(4) Subject to subsection (5), produce referred to in Table 2 may be packed in the corresponding packages described in that Table.

TABLE 2

Item	Fruit or Vegetable	Type of Package	Size or Volume			
1.	Apples	Apple Bags	3, 5, 10 pounds			
		Shopping-type bags packed at point of retail sale	6, 8, 10, 20 pounds			
		Standard apple box	18 in. × 11½ in. × 10½ in.			
		Half box	16½ in. × 8½ in. × 7½ in.			
		Apple crates	17 in. × 13 in. × 11 in.			
		Tray carton	19¾ in. × 11½ in. × 5¾ in.			
			19¾ in. × 12 in. × 11¾ in.			
		Carton or Crate	16½ in. × 11½ in. × 5¾ in. end piece with 4¾ in. side piece			
		Cell-pack	i. Apple cell-packs shall, in the case of cell-packs for elongated varieties of apples, including Delicious variety, have individual cells of the dimensions set out in columns II, III and IV for the number of apples, by count, contained in the cell-pack, set out opposite thereto in column I as follows:			
			Column I	Column II	Column III	Column IV
			Count	Length	Width	Depth
			60	3⅝ in.	3⅜ in.	3⅝ in.
			72	3 ⁷ / ₁₆ in.	3 ³ / ₁₆ in.	3 ⁷ / ₁₆ in.
			80	3 ⁵ / ₁₆ in.	3 ¹ / ₁₆ in.	3 ⁵ / ₁₆ in.
			96	3 ¹ / ₁₆ in.	2 ⁷ / ₈ in.	3 ¹ / ₈ in.
			120	2 ⁷ / ₈ in.	2 ¹¹ / ₁₆ in.	2 ¹⁵ / ₁₆ in.
			140	2 ¹¹ / ₁₆ in.	2 ⁹ / ₁₆ in.	2 ³ / ₄ in.
			160	2 ⁹ / ₁₆ in.	2 ⁷ / ₁₆ in.	2 ⁵ / ₈ in.
			175	2 ¹³ / ₃₂ in.	2 ¹¹ / ₃₂ in.	2 ¹ / ₂ in.
			200	2 ¹¹ / ₃₂ in.	2 ⁹ / ₃₂ in.	2 ⁷ / ₁₆ in.
			216	2 ⁷ / ₃₂ in.	2 ⁷ / ₃₂ in.	2 ³ / ₈ in.

			<p>ii. Apple cell-packs shall, in the case of cell-packs for round varieties of apples, including McIntosh, Spartan, Newton and Rome varieties, have individual cells of the dimensions set out in columns II, III and IV for the number of apples, by count, contained in the cell-packs, set out opposite thereto in column I as follows:</p>																																															
		<table border="1"> <thead> <tr> <th>Column I</th> <th>Column II</th> <th>Column III</th> <th>Column IV</th> </tr> <tr> <th>Count</th> <th>Length</th> <th>Width</th> <th>Depth</th> </tr> </thead> <tbody> <tr> <td>60</td> <td>3¹/₁₆ in.</td> <td>3¹/₄ in.</td> <td>3³/₄ in.</td> </tr> <tr> <td>72</td> <td>3⁷/₁₆ in.</td> <td>3¹/₁₆ in.</td> <td>3⁹/₁₆ in.</td> </tr> <tr> <td>84</td> <td>3¹/₄ in.</td> <td>2³/₄ in.</td> <td>3⁵/₁₆ in.</td> </tr> <tr> <td>96</td> <td>3³/₁₆ in.</td> <td>2¹¹/₁₆ in.</td> <td>3¹/₄ in.</td> </tr> <tr> <td>120</td> <td>2¹⁵/₁₆ in.</td> <td>2¹/₂ in.</td> <td>3 in.</td> </tr> <tr> <td>140</td> <td>2³/₄ in.</td> <td>2⁵/₁₆ in.</td> <td>2¹³/₁₆ in.</td> </tr> <tr> <td>160</td> <td>2¹/₂ in.</td> <td>2¹/₄ in.</td> <td>2¹¹/₁₆ in.</td> </tr> <tr> <td>180</td> <td>2¹/₂ in.</td> <td>2³/₁₆ in.</td> <td>2⁵/₈ in.</td> </tr> <tr> <td>200</td> <td>2³/₈ in.</td> <td>2¹/₁₆ in.</td> <td>2¹/₂ in.</td> </tr> <tr> <td>216</td> <td>2⁵/₁₆ in.</td> <td>2 in.</td> <td>2⁷/₁₆ in.</td> </tr> </tbody> </table>	Column I	Column II	Column III	Column IV	Count	Length	Width	Depth	60	3 ¹ / ₁₆ in.	3 ¹ / ₄ in.	3 ³ / ₄ in.	72	3 ⁷ / ₁₆ in.	3 ¹ / ₁₆ in.	3 ⁹ / ₁₆ in.	84	3 ¹ / ₄ in.	2 ³ / ₄ in.	3 ⁵ / ₁₆ in.	96	3 ³ / ₁₆ in.	2 ¹¹ / ₁₆ in.	3 ¹ / ₄ in.	120	2 ¹⁵ / ₁₆ in.	2 ¹ / ₂ in.	3 in.	140	2 ³ / ₄ in.	2 ⁵ / ₁₆ in.	2 ¹³ / ₁₆ in.	160	2 ¹ / ₂ in.	2 ¹ / ₄ in.	2 ¹¹ / ₁₆ in.	180	2 ¹ / ₂ in.	2 ³ / ₁₆ in.	2 ⁵ / ₈ in.	200	2 ³ / ₈ in.	2 ¹ / ₁₆ in.	2 ¹ / ₂ in.	216	2 ⁵ / ₁₆ in.	2 in.	2 ⁷ / ₁₆ in.
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2.	Asparagus	<p>Half-bin</p> <p>Pyramid-type</p>	<p>10 bushels, outside measurements 48 in. × 42 in. and inside depth 12¹/₄ in. with sides and ends ¹/₂ in. minimum thickness and bottom ⁵/₈ in. minimum thickness</p> <p>minimum net weights of 15 pounds for asparagus 6 in. or less in length and 20 pounds for asparagus over 6 in. in length.</p>																																															
3.	Beets	Bags, cartons, boxes or crates	1, 2, 3, 5, 10, 15, 25, 50, 75 and 100 pounds.																																															
4.	Cabbage	Bags	40, 50 and 75 pounds																																															
		Sound, suitable non-standard open containers																																																
		Sound wire-bound crates																																																
5.	Cantaloupes	Sound, suitable containers																																																
6.	Carrots	Bags, cartons, boxes or crates	1, 2, 3, 5, 10, 25, 50, 75 and 100 pounds																																															
7.	Cauliflower	Sound suitable non-standard open containers																																																
		Sound wire-bound crates.																																																
8.	Celery	<p>Carton i. Regular celery</p> <p>ii. Celery hearts</p> <p>iii. Hearts and stalks</p>	<p>19¹/₂ in. × 16¹/₂ in. × 11 in.</p> <p>20 in. × 14¹/₂ in. × 10 in.</p> <p>20 in. × 14¹/₂ in. × 11 in.</p>																																															
9.	Cherries	Carton or crate	<p>i. 15³/₄ in. × 15³/₄ in. × 4³/₈ in.</p> <p>ii. 16¹/₄ in. × 12 in. × 5¹/₄ in.</p>																																															
10.	Corn (Sweet)	<p>Bag, carton, box or crate</p> <p>Transparent packages</p>	<p>any multiple of ¹/₂ dozen ears</p> <p>any number of ears up to a dozen</p>																																															
11.	Cucumbers	<p>Regular type:</p> <p>Crate</p> <p>Cartons: i. Special</p> <p>ii. 1 Dozen</p> <p>iii. 2 Dozen</p> <p>iv. King</p> <p>v. Queen</p> <p>vi. Prince</p> <p>vii. Super King</p> <p>Long Seedless Type:</p> <p>Cartons: i. Small</p> <p>ii. Medium</p> <p>iii. Large</p>	<p>16¹/₈ in. × 11¹/₂ in. × 4¹/₂ in.</p> <p>14 in. × 9¹/₂ in. × 5 in. or 4¹/₂ in.</p> <p>14³/₄ in. × 6³/₈ in. × 3³/₄ in.</p> <p>16¹/₂ in. × 9 in. × 6³/₄ in.</p> <p>16¹/₂ in. × 8¹/₂ in. × 6¹/₄ in.</p> <p>14³/₄ in. × 8¹/₂ in. × 6¹/₄ in.</p> <p>13³/₄ in. × 8¹/₄ in. × 6¹/₄ in.</p> <p>16 in. × 11 in. × 9¹/₂ in.</p> <p>13¹/₂ in. × 12¹/₂ in. × 4¹/₂ in.</p> <p>15 in. × 12¹/₂ in. × 4¹/₂ in.</p> <p>17 in. × 12¹/₂ in. × 4¹/₂ in.</p>																																															

Item	Fruit or Vegetable	Type of Package	Size or Volume			
12.	Head Lettuce	iv. Extra Large Cartons: Sound, suitable non-standard open packages Sound, wire-bound crates	19 in. × 12½ in. × 4½ in. 19½ in. × 16½ in. × 11 in. 24 in. × 16½ in. × 11 in.			
13.	Onions	Cartons, boxes, crates or new bags Transparent packages	1, 2, 3, 5, 10, 15, 25, 50, 75 and 100 pounds 2 or 3 "Jumbo" onions sold as a unit			
14.	Parsnips	Bags, cartons, boxes or crates	1, 2, 3, 5, 10, 15, 25, 50, 75 and 100 pounds			
15.	Peaches	Cartons or crates Boxes, cartons or crates Panta Pak Cell-Pak	16⅞ in. × 11½ in. × 5¾ in. end piece and 4¾ in. side piece ⅔ bushel—1,440 cubic inches 16⅞ in. × 11½ in. × 5¾ in. end piece and 3¾ in. side piece 16¼ in. × 13½ in. × 6½ in. Peach cell-packs shall have individual cells of the dimensions set out in columns II, III and IV for the number of peaches, by count, contained in the cell-pack, set out opposite thereto in column I as follows:			
			Column I	Column II	Column III	Column IV
			Count	Length	Width	Depth
			30	3⅛ in.	3 in.	¾ in.
			36	3 in.	2⅛ in.	⅝ in.
			40	2⅞ in.	2⅜ in.	⅜ in.
			48	2⅞ in.	2⅞ in.	2⅝ in.
			56	2⅞ in.	2⅞ in.	2⅝ in.
			60	2⅞ in.	2⅞ in.	2⅝ in.
			70	2¼ in.	2¼ in.	2⅝ in.
16.	Pears	Pear Box Half Box Carton or crate Pear carton Tray carton	18 in. × 11½ in. × 8½ in. 16⅞ in. × 8⅝ in. × 7⅝ in. 16⅞ in. × 11½ in. × 5¾ in. end piece and 4¾ in. side piece ⅔ bushel—1,440 cubic inches 17 in. × 10¾ in. × 5 in. 19¾ in. × 12 in. × 11¾ in.			
17.	Plums, Prunes	Boxes, cartons or crates	i. 18 in. × 11½ in. × 3¼ in. ii. 16⅞ in. × 13¾ in. × 5¾ in. iii. 16⅞ in. × 11½ in. × 4¾ in. end piece and 3¾ in. side piece iv. 16⅞ in. × 10 in. × 3⅝ in.—may have ½ in. cleat v. ⅔ bushel—1,440 cubic inches			
18.	Potatoes	Cartons, boxes, crates or new bags Transparent packages	1, 2, 3, 5, 10, 15, 20, 25, 50, 75 and 100 pounds 3 potatoes which are uniformly sized, foil wrapped and sold as a unit			
19.	Rhubarb (Field)	Cartons Sound, suitable containers	10 pounds			
	(Forced)	Cartons	10 pounds			
20.	Rutabagas	Bag, carton, box or crate	5, 10, 15, 25, 40, 50, 75 and 100 pounds			
21.	Tomatoes	Cartons, boxes, crates or other packages Tomato tubes Crates or lugs	1, 2, 3, 5, 8 and 10 pounds and multiples of 5 pounds minimum net weight of 14 ounces 16⅞ in. × 13½ in. × 6½ in.			

(5) Asparagus sold by growers and packers shall be packed in the packages for asparagus described in Table 2 of subsection (4) except asparagus sold directly to consumers which shall not be so packed. O. Reg. 255/89, s. 2 (4).

(6) Half-bin packages for apples shall be constructed of plywood and ends, sides and bottoms shall be padded with number 1 poly-foam or plastic bubble sheeting with a minimum thickness of one-quarter inch.

(7) During shipment, half-bin packages of apples shall be level full and completely covered with corrugated material capable of withstanding a bursting test of 125 pounds per square inch. O. Reg. 583/86, s. 1 (3).

(8) Pyramid-type packages for asparagus shall be constructed of corrugated cardboard with,

- (a) each outer liner being forty-two pounds basic weight with full weather and water resistant adhesive applied to the inside facing;
- (b) a white outer liner on the outside surface of the container;
- (c) the medium being thirty-three pounds basic weight C flute corrugated;
- (d) wet wax cascade treatment to a minimum of 45 per cent by weight; and
- (e) an extra strength designation and a mullen test capability of not less than 200 pounds per square inch. O. Reg. 532/88, s. 1, *part*; O. Reg. 255/89, s. 2 (5).

(9) The inside surface of the bottom of every pyramid-type package for asparagus shall be entirely covered with a moisture pad consisting of a minimum of ten plies of cellulose or like material stitched or applied to a polyethylene backing. O. Reg. 532/88, s. 1, *part*; O. Reg. 255/89, s. 2 (6).

10. Where packages of apples are placed in master containers, the master containers shall be of corrugated material with partitions designed for apples, and,

- (a) for packing of three-pound bags, the master container shall hold twelve units and be capable of withstanding a bursting test of 175 pounds per square inch;
- (b) for packing of five-pound bags, the master container shall hold eight units and be capable of withstanding a bursting test of 200 pounds per square inch;
- (c) for packing of ten-pound bags, the master container shall hold four units and be capable of withstanding a bursting test of 175 pounds per square inch; and
- (d) for packing of three-pound over wrap trays, the master container shall hold twelve units and be capable of withstanding a bursting test of 175 pounds per square inch. O. Reg. 460/85, s. 3.

11. At least 95 per cent by weight of the asparagus packed in a pyramid-type package shall be packed so that the butt end of each spear contacts the moisture pad. O. Reg. 255/89, s. 3, *part*.

PART III MARKINGS

12. Every person who packs, transports, ships, advertises, sells, offers for sale or has in possession for sale any produce in a package shall mark the package and master container with,

- (a) his or her initials, surname and address, and a firm or cor-

poration shall mark the package with the firm or corporate name and address;

- (b) the proper designation of the grade of the produce; and
- (c) the kind of produce, when so packed that the kind of produce is not readily visible. R.R.O. 1980, Reg. 332, s. 10.

13.—(1) No person shall,

- (a) use any registered number or mark assigned to any other person or use any brand, stencil or label designating any other owner, packer or shipper;
- (b) alter or efface any marks on any package of produce except for the purpose of compliance with this Regulation; or
- (c) where a grade name is marked on a package, mark the package with any other words or markings in such a manner that the words or markings appear to be part of the grade name or are likely to be mistaken for part of the grade name unless the words or markings comply with this Regulation. R.R.O. 1980, Reg. 332, s. 11 (1).

(2) Despite clause (1) (c),

- (a) where this Regulation requires that a package be marked to indicate the size of the produce therein, the markings indicating size shall be adjacent to the grade name;
- (b) where carrots have been washed prior to being packed, the additional designation "Washed" may be used in connection with any of the grades of carrots;
- (c) where onions have a minimum diameter of one and one-quarter inches and a maximum of one and three-quarter inches, the additional designation "Small" may be used in connection with Canada No. 1 Grade;
- (d) where onions have a minimum diameter of three inches the additional designation "Jumbo" may be used in connection with Canada No. 1 Grade;
- (e) where rutabagas have been completely immersed in a wax solution, the additional designation "Waxed" may be used in connection with the grade of rutabagas;
- (f) where potatoes of the Yukon Gold variety are packaged, the package shall be prominently marked "Yukon Gold" in letters no smaller than those of the grade name; and
- (g) where potatoes of a yellow-flesh variety are packaged, the package shall be marked on the principal display surface of the package in bold face type in letters of not less than one-half inch in height with the words,
 - (i) "yellow fleshed", where the common name of the produce is shown elsewhere on the package, or
 - (ii) "yellow fleshed potatoes", where the common name of the produce is not shown elsewhere on the package. R.R.O. 1980, Reg. 332, s. 11 (2); O. Reg. 460/85, s. 4; O. Reg. 583/86, s. 2.

14. Every person who packs, transports, ships, advertises, sells, offers for sale or has in possession for sale any produce in a package shall mark the package with,

- (a) in the case of produce imported from outside Canada and repacked within Canada, the words "Product of" followed by the name of the country of origin; and

- (b) in the case of produce grown within Canada, the words "Product of Canada" or "Product of" followed by the name of the province of origin. R.R.O. 1980, Reg. 332, s. 12.

15. No person shall sell, offer for sale or have in possession for sale at retail any produce unless a sign appears on the display stating,

- (a) "Product of" followed by the name of the country or Canadian province of origin;
- (b) where a grade is established under this Regulation, the grade of the produce;
- (c) the price per unit of weight if sold by weight;
- (d) the variety for apples and pears; and
- (e) the word "sweet" or "hot" for peppers. R.R.O. 1980, Reg. 332, s. 13; O. Reg. 583/86, s. 3.

16. The country or Canadian province of origin, the grade of the produce, and the measure, weight or size of the package shall be declared in every advertisement respecting any produce by the use of the words "Product of" followed by the name of the country or Canadian province of origin, as the case may be. R.R.O. 1980, O. Reg. 332, s. 14.

17. Where this Regulation requires that a package, a retail display sign, or an advertisement marked with a grade designation and the country or province of origin, the country or province of origin markings shall be located immediately above, beside or below the grade name and in the same size of lettering as the grade name. R.R.O. 1980, Reg. 332, s. 15.

18. Size marks for produce packed in packages shall include,

- (a) for sweet corn the word "Small" where if the ears have, when measured lengthwise, a minimum of four inches and a maximum of six inches of edible corn;
- (b) for onions when size is specified, the size range on each package or tag; and
- (c) for baskets of peaches or containers of untiered peaches, the minimum diameter prescribed by this Regulation for the grade of peaches therein, or any diameter larger than that minimum. R.R.O. 1980, Reg. 332, s. 16.

19.—(1) The numerical count shall be shown on,

- (a) cartons of tiered apples, peaches or pears; and
- (b) non-transparent packages of,
 - (i) cauliflower,
 - (ii) celery,
 - (iii) greenhouse cucumbers of Canada No. 1 grade, and
 - (iv) lettuce. R.R.O. 1980, Reg. 332, s. 17 (1); O. Reg. 433/84, s. 2 (1).

(2) Cartons, boxes and crates of cabbages, other than those of half-bushel or bushel capacity, shall be marked with,

- (a) the net weight of the contents; or
- (b) the numerical count. R.R.O. 1980, Reg. 332, s. 17 (2).

(3) Packages of sweet corn, other than transparent packages containing not more than twelve ears, shall be marked with,

- (a) the net volume of the packages; or

- (b) the numerical count. O. Reg. 433/84, s. 2 (2).

20.—(1) Net weight of contents shall be marked on each package of,

- (a) apples packed in bags;
- (b) beets, carrots, onions, parsnips, potatoes and rutabagas packed in bags, cartons, boxes or crates other than those of pint, quart, half-bushel and bushel capacity;
- (c) cabbage packed in bags;
- (d) field rhubarb packed in closed containers;
- (e) forced rhubarb; and
- (f) tomatoes packed in baskets and cartons other than two-quart, four-quart, six-quart, eight-quart or eleven-quart baskets. R.R.O. 1980, Reg. 332, s. 18 (1).

(2) Catchweight packages shall be marked to show the net weight of the produce and where the net weight is other than one, one and one-half, two, two and one-half or three pounds, these packages shall be marked to show the price per unit. R.R.O. 1980, Reg. 332, s. 18 (2); O. Reg. 460/85, s. 5.

21. Marks for produce packed in packages shall include,

- (a) for apples and pears, the name of the variety; and
- (b) for peppers, the word "sweet" or "hot". R.R.O. 1980, Reg. 332, s. 19.

22.—(1) Except as otherwise provided in this section, marks required by this Regulation shall be readily discernible, of a permanent nature and of a size reasonable in proportion to the package, label or retail display sign and in any case shall be not less than one-eighth of an inch in height on tags or tomato tubes, three-sixteenths of an inch in height on bags containing less than ten pounds and one-quarter of an inch in height in all other cases and shall be placed,

- (a) on one end, or on a label or tag affixed to one end of each box, carton or crate;
- (b) on one side, or on a label or tag affixed to one side, of each bushel and half-bushel hamper; and
- (c) subject to subsections (2) and (3), on the handle or one side or end, or on a label or tag affixed to one side or end, of each package other than a package mentioned in clause (a) or (b). R.R.O. 1980, Reg. 332, s. 20 (1).

(2) Marks for baskets or cartons of two-quart, four-quart, six-quart, eight-quart or eleven-quart capacity shall include the capacity in letters and figures not less than one-half of an inch in height on the principal display surface. R.R.O. 1980, Reg. 332, s. 20 (2); O. Reg. 460/85, s. 6.

(3) Marks for cartons of half-bushel and bushel capacity shall include the capacity in letters and figures not less than one-half of an inch in height.

(4) Marks for catchweight packages and advertisements may be less than one-eighth of an inch in height if they are legible.

(5) The marks for bags shall be,

- (a) stencilled or printed on the bag;
- (b) interwoven in the bag;
- (c) on a suitable tag attached to the bag; or

(d) on a suitable label or tag within the bag and plainly legible through the bag.

(6) A label may be used in the case of baskets with transparent covers and shall be placed directly under the cover and shall be plainly legible through the cover. R.R.O. 1980, Reg. 332, s. 20 (3-5).

23. Every person who uses a label on produce packages may at any time be required to submit it to the Director for approval. R.R.O. 1980, Reg. 332, s. 21.

24. Every pyramid-type package for asparagus shall be marked with a trade mark of the Ontario Asparagus Growers' Marketing Board registered under the *Trade-Marks Act* (Canada). O. Reg. 255/89, s. 3, *part*.

PART IV INSPECTION

25. Produce may be inspected according to the grades prescribed under this Regulation or according to such variations of those grades as are provided by any regulation or order made under the *Farm Products Marketing Act*. R.R.O. 1980, Reg. 332, s. 22.

26.—(1) Every person who requires produce to be inspected shall apply to the nearest inspector or to the Ministry.

(2) Inspection shall be made as nearly as is practicable in the order in which applications are received. R.R.O. 1980, Reg. 332, s. 23.

27. Produce shall be made accessible for inspection and shall be placed so as to disclose its quality and condition and an inspector shall be rendered such reasonable assistance as is required. R.R.O. 1980, Reg. 332, s. 24.

28. Where inspection at destination is requested, the inspector may, pending unloading of the produce, inspect and certify that portion of the produce that is accessible for inspection and issue a certificate bearing the notation "doorway inspection" or "top and doorway inspection" or issue a conditional report or give an oral report. R.R.O. 1980, Reg. 332, s. 25.

29. Where an inspector has reason to believe that because of latent defects due to climatic or other conditions the true quality or condition of the produce cannot be determined, the inspector may postpone inspection for such period as he or she considers necessary to enable the true quality or condition of the produce to be determined. R.R.O. 1980, Reg. 332, s. 26.

30.—(1) Where a person who is financially interested in any produce is dissatisfied with an inspection certificate the person may apply for an appeal inspection.

(2) The application for an appeal inspection shall state the reasons for appeal and may be accompanied by a copy of any previous inspection certificate or other information possessed by the applicant.

(3) An application for an appeal inspection may be refused where,

- (a) it appears trivial;
- (b) the quality or condition of the produce has materially changed; or
- (c) the produce is not accessible for inspection.

(4) Where an inspector by request furnishes to any person an inspection report respecting the quality or condition of any produce that may have materially changed since the previous inspection or where a subsequent inspection is requested for the purpose of obtaining a report without questioning the correctness of any previ-

ous certificate, the inspection shall not be considered an appeal inspection. R.R.O. 1980, Reg. 332, s. 27.

31. Where an appeal inspection is made, the original certificate shall, upon the issuance of the appeal certificate, be deemed to be annulled. R.R.O. 1980, Reg. 332, s. 28.

32. In the case of destination inspections, other than inspections made at the time of grading and packing, a tolerance of five per cent in addition to the tolerances allowed at the original shipping point shall be allowed for condition defects of which, in the case of potatoes, not more than an additional one per cent may be decay, and in the case of all other commodities, not more than an additional two per cent may be decay. R.R.O. 1980, Reg. 332, s. 29.

33. Inspection is required of all produce moving by,

- (a) any vehicle to or from any place designated by the Minister; or
- (b) any vehicle from, to or through any inspection point designated by the Minister. R.R.O. 1980, Reg. 332, s. 30.

PART V DETENTION

34. An inspector who detains any lot of produce or produce packages may attach thereto a number detention tag, and no person shall alter or deface the tag, or remove the tag from the lot of produce without the written authority of an inspector. R.R.O. 1980, Reg. 332, s. 31, *revised*.

35. Where an inspector detains any lot of produce or produce packages, no person shall sell, offer for sale, move or allow or cause to be moved, or otherwise dispose of the lot of produce or produce packages without the written authority of an inspector. O. Reg. 764/81, s. 3.

36. An inspector may give written permission for produce which has been placed under detention to be,

- (a) moved from the point of detention to another designated point;
- (b) regraded;
- (c) repacked; or
- (d) remarked,

but in each case all of the produce and produce packages shall be held following the movement, regrading, repacking or remarking, until further movement or disposal is authorized by an inspector. R.R.O. 1980, Reg. 332, s. 33.

37. Where produce under detention is shipped or transported with the written authority of an inspector for the purpose of packing in standard packages it is not subject to the provisions of this Regulation respecting packages and markings. R.R.O. 1980, Reg. 332, s. 34.

38. An inspector who is satisfied that any produce or produce package that has been placed under detention complies with the Act and this Regulation may release the produce or produce package by issuing a detention release. R.R.O. 1980, Reg. 332, s. 35, *revised*.

PART VI GENERAL

39.—(1) The fees payable for requested inspection of produce other than produce for processing, excepting re-certification inspections and appeal inspections, shall be computed on a time basis at the rate of \$10 per hour to the nearest half-hour with a maximum daily charge of \$50.

(2) The fee for re-certification of produce that has had shipping point inspection but requires re-certification is \$5.

(3) For an appeal inspection,

(a) where the produce is found to be in accordance with the previous inspection, the fees payable are twice the amount prescribed under subsection (1); and

(b) where the produce is found to be not in accordance with the previous inspection, no fees are payable. R.R.O. 1980, Reg. 332, s. 36.

40. Despite section 36 and subject to sections 40 and 41, the fees payable for inspection or grading of produce for processing shall be the cost to the Ministry of providing such inspection or grading. R.R.O. 1980, Reg. 332, s. 37.

41. The fees under sections 37, 40 and 41 shall be paid within fifteen days of receipt of a statement of account from the Director, to the Treasurer of Ontario at the address indicated on the statement. O. Reg. 217/84 s. 2.

42. Where travelling, telegram, telephone, or other expenses are incurred in connection with the inspection of produce, the fees set out in this part may be increased by the amount of such expenses. R.R.O. 1980, Reg. 332, s. 39.

TOMATOES

43.—(1) The fees payable for grading of tomatoes bought for processing and received by a processor are \$1.18 per net delivered ton or fraction thereof. O. Reg. 529/87, s. 1.

(2) The processor and the grower of tomatoes shall each pay 50 per cent of the fees under subsection (1) in respect of the grower's tomatoes sold to and received by the processor.

(3) The processor is the agent of the Treasurer of Ontario in collecting the grower's share of the fee and shall deduct that share from the account of the grower in respect of the tomatoes received and graded. R.R.O. 1980, Reg. 332, s. 40 (2, 3).

(4) Each processor shall on or before the 1st day of November in each year furnish to the Director a statement of the total weight of tomatoes received for processing and any other information required on a form prescribed by the Director. O. Reg. 764/81, s. 4, *part*; O. Reg. 217/84, s. 3 (3).

PEAS

44.—(1) The fees payable for inspection of peas bought for processing and received by a processor are 60 cents per ton or fraction thereof. O. Reg. 529/87, s. 2.

(2) The processor and the grower of peas shall each pay 50 per cent of the fees under subsection 1 in respect of the grower's peas sold to and received by the processor.

(3) The processor is the agent of the Treasurer of Ontario in collecting the grower's share of the fee and shall deduct that share from the account of the grower in respect of the peas received. R.R.O. 1980, Reg. 332, s. 41 (2, 3).

(4) Each processor shall on or before the 1st day of November in each year furnish to the Director a statement of the weight and tare of peas received for processing and any other information required on a form prescribed by the Director. R.R.O. 1980, Reg. 332, s. 41 (5).

PART VII

FRESH FRUIT AND VEGETABLE GRADE STANDARDS

45.—(1) The grade names adopted or established in this Part shall

only be applied to or used in connection with produce grown in Canada.

(2) The grade names to be applied to or used in connection with imported produce are the same as those for produce grown in Canada except that the words "Canada" and "Ontario" are deleted from them.

(3) Produce imported into Ontario that bears a grade name formed in accordance with subsection (2) shall comply with the same grade standards, established under the *Canada Agricultural Products Act* and adopted in this Part, as produce grown in Canada that bears a corresponding grade name.

(4) As of the 1st day of July, 1990, no person shall be in conformity with clause 15 (b) and section 16 of this Regulation, unless the person uses a grade name formed in accordance with subsection (2) when stating the grade of imported produce.

(5) As of the 1st day of January, 1991, no person shall be in conformity with clause 12 (b) of this Regulation, unless the person uses a grade name formed in accordance with subsection (2) when designating the grade of imported produce. O. Reg. 480/90, s. 1.

APPLES

46.—(1) The following grade names for apples and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Standards Act*, are hereby adopted in whole:

1. Canada Extra Fancy Grade.
2. Canada Fancy Grade.
3. Canada Commercial Grade.
4. Canada Commercial Cookers Grade.
5. Canada Hailed Grade. R.R.O. 1980, Reg. 332, s. 42.

(2) Despite the Fresh Fruit and Vegetable Regulations made under the *Canada Agricultural Products Act*, apples packed in Ontario, for sale in Ontario, shall be of a diameter of not less than 2 $\frac{3}{8}$ inches. O. Reg. 460/85, s. 9.

47. Apples that meet the requirements for Canada Commercial Grade apples may be alternatively designated as Canada Cee Grade or Canada "C" Grade. R.R.O. 1980, Reg. 332, s. 44.

ASPARAGUS

48.—(1) The following grade names for asparagus established under the *Canada Agricultural Products Act* are hereby adopted:

1. Canada No. 1 Grade.
2. Canada No. 1 Slender Grade.
3. Canada No. 2 Grade.

(2) The grades, standards and tolerances for asparagus established under that Act are also hereby adopted in whole. O. Reg. 347/90, s. 1, *part*

49.—(1) Where asparagus is marketed according to the diameter of the asparagus stalks, one of the designations set out in subsection (2) shall be used in addition to the grade name.

(2) For the purposes of subsection (1), the diameter grades of asparagus are,

- (a) "medium", where the asparagus stalks have a minimum diameter of 5/16 inch and a maximum diameter of 9/16 inch;

- (b) "large", where the asparagus stalks have a minimum diameter of 1/2 inch and a maximum diameter of 13/16 inch; and
- (c) "jumbo", where the asparagus stalks have a minimum diameter of 3/4 inch. O. Reg. 347/90, s. 1, *part*.

50. Each eleven-quart basket of bunched asparagus shall weigh not less than twelve pounds net weight and, where asparagus is sold or offered for sale by the bunch, each bunch shall,

- (a) weigh either eight ounces or sixteen ounces; or
- (b) be sold on an exact weight and price per unit weight basis. R.R.O. 1980, Reg. 332, s. 46; O. Reg. 460/85, s. 11.

BEETS

51. The following grade names for topped beets and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada No. 1 Grade.
2. Canada No. 2 Grade. R.R.O. 1980, Reg. 332, s. 47.

CABBAGE

52. The following grade names for cabbage and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada No. 1 Grade.
2. Canada No. 2 Grade. R.R.O. 1980, Reg. 332, s. 48.

CANTALOUPE

53. The following grade name for cantaloupes and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada No. 1 Grade. R.R.O. 1980, Reg. 332, s. 49.

54.—(1) Ontario No. 2 Grade is the grade name for cantaloupes that are,

- (a) fairly clean, mature, sound and of one variety;
- (b) free from insects, insect larva and decay; and
- (c) properly packed.

(2) Tolerances by count for variations incidental to the commercial grading and handling of cantaloupes of Ontario No. 2 Grade are the same as for Canada No. 1 Grade. R.R.O. 1980, Reg. 332, s. 50.

CARROTS

55. The following grade names for topped carrots and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada No. 1 Grade.
2. Canada No. 1 Cut Crowns Grade.
3. Canada No. 2 Grade. R.R.O. 1980, Reg. 332, s. 51.

CAULIFLOWERS

56. The following grade names for cauliflowers and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada No. 1 Grade.
2. Canada No. 2 Grade. R.R.O. 1980, Reg. 332, s. 52.

CELERY

57. The following grade names for celery and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada No. 1 Grade.
2. Canada No. 1 Heart Grade.
3. Canada No. 2 Grade. R.R.O. 1980, Reg. 332, s. 53.

CHERRIES

58. The following grade names for cherries and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada No. 1 Grade.
2. Canada Domestic Grade.
3. Canada Orchard Run Grade. R.R.O. 1980, Reg. 332, s. 54.

CORN (SWEET)

59. The following grade name for sweet corn and the grade, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada No. 1 Grade. R.R.O. 1980, Reg. 332, s. 55.

CUCUMBERS (FIELD)

60. The following grade names for field cucumbers and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada No. 1 Grade.
2. Canada No. 2 Grade. R.R.O. 1980, Reg. 332, s. 56.

CUCUMBERS (GREENHOUSE)

61. The following grade names for greenhouse cucumbers and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada No. 1 Grade.
2. Canada No. 2 Grade. R.R.O. 1980, Reg. 332, s. 57.

62.—(1) Ontario Utility Grade is the grade name for long, seedless greenhouse cucumbers that are,

- (a) fresh, sound, firm, clean and free from disease;
- (b) free from decay;
- (c) free from any injury or defect or a combination thereof that seriously affects the edibility of the cucumber; and
- (d) properly packed.

(2) Tolerances by count for variations incidental to commercial grading and handling of greenhouse cucumbers of Ontario Utility Grade shall not be more than,

- (a) 1 per cent affected by decay;

- (b) 5 per cent having the same grade defects, except decay; and
- (c) 10 per cent having grade defects including those referred to in clauses (a) and (b). O. Reg. 637/90, s. 1.

GRAPES

63. The following grade names for grapes and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

- 1. Canada No. 1 Grade.
- 2. Canada Domestic Grade. R.R.O. 1980, Reg. 332, s. 58.

64. Despite the varietal requirements of Canada No. 1 Grade, grapes that,

- (a) are of different varieties and colours;
- (b) are packed in approximately equal proportions in packages that,
 - (i) do not exceed six quarts in capacity, and
 - (ii) are marked with the words "Mixed Varieties"; and
- (c) in all other respects, meet the requirements for Canada No. 1 Grade,

may be designated as Canada No. 1 Grade. R.R.O. 1980, Reg. 332, s. 59.

HEAD LETTUCE (ICEBERG TYPE)

65. The following grade names for lettuce and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

- 1. Canada No. 1 Grade.
- 2. Canada No. 2 Grade. R.R.O. 1980, Reg. 332, s. 60.

ONIONS

66. The following grade names for onions, other than green onions, and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

- 1. Canada No. 1 Grade.
- 2. Canada No. 1 Pickling Grade.
- 3. Canada No. 2 Grade. R.R.O. 1980, Reg. 332, s. 61.

67. Prior to the 16th day of September in any year, onions grown during that year which do not comply with the firmness and neck dryness requirements of Canada No. 1 Grade, but that comply with all other requirements of Canada No. 1 Grade, and

- (a) are cured so that the neck is moderately dry; and
- (b) yield only slightly to moderate pressure,

shall be deemed to meet the requirements of Canada No. 1 Grade. R.R.O. 1980, Reg. 332, s. 62.

PARSNIPS

68. The following grade names for topped parsnips and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

- 1. Canada No. 1 Grade.

- 2. Canada No. 1 Cut Crowns Grade.
- 3. Canada No. 2 Grade. R.R.O. 1980, Reg. 332, s. 63.

PEACHES

69. The following grade name for peaches and the grade, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

- 1. Canada No. 1 Grade. R.R.O. 1980, Reg. 332, s. 64.

70.—(1) Ontario Domestic Split-pit Grade is the grade name for peaches that are,

- (a) sound, mature, clean, hand-picked and one variety;
- (b) of a minimum diameter of 2½ inches;
- (c) offered for sale or sold prior to the 15th day of August;
- (d) free from worm injury;
- (e) free from russetting that affects an aggregate of more than 5 per cent of the surface area of a peach;
- (f) free from limb rub that affects more than 5 per cent of the surface area of a peach;
- (g) free from hail marks that affect more than 10 per cent of the surface area of a peach and that have indented the skin more than slightly or have broken the skin;
- (h) free from mildew, scab or ink spots and oak bug injury that affects more than 5 per cent of the surface area of a peach;
- (i) free from slight deformities that affect more than 15 per cent of the surface of a peach;
- (j) free from any combination of two or more of the defects referred to in clause (e), (f), (g), (h) or (i) the total area of which exceeds the greater single area tolerance prescribed for the particular defects of the combination;
- (k) free from any damage, injury or defect or a combination thereof, that is not referred to in clause (e), (f), (g), (h) or (i) and that materially affects their appearance, edibility or shipping quality; and
- (l) properly packed. R.R.O. 1980, Reg. 332, s. 65 (1); O. Reg. 764/81 s. 5.

(2) The tolerances by count for variations incidental to commercial grading and handling of peaches of Ontario Domestic Split-pit Grade shall be the same as for Canada No. 1 Grade. R.R.O. 1980, Reg. 332, s. 65 (2).

71. Despite the maturity requirements under Canada No. 1 Grade, the firmness for peaches shall not exceed fifteen pounds as indicated by a pressure tester having a five-sixteenths of an inch plunger. R.R.O. 1980, Reg. 332, s. 66.

72. Sales of peaches directly to consumers from the premises on which they are produced are exempt from sections 69 and 70 providing,

- (a) the peaches are packed in containers other than four quart, four litre or six quart baskets, panta pak boxes or two-third bushel cartons;
- (b) the containers in which the peaches are displayed and sold are marked with the word "UTILITY" in letters of at least one inch in height; and
- (c) the peaches are not advertised. O. Reg. 460/85, s. 13.

PEARS

73. The following grade names for pears and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada Extra Fancy Grade.
 2. Canada Fancy Grade.
 3. Canada Commercial Grade. R.R.O. 1980, Reg. 332, s. 67.
74. Ontario No. 3 Grade is the grade name for pears that are,
- (a) sound, mature, hand-picked and of one variety;
 - (b) free from bruises that affect more than 15 per cent of the surface of a pear;
 - (c) free from leaf roller injury that has deformed more than 25 per cent of the surface area of a pear;
 - (d) free from insect injury that has broken the skin or that affects more than 15 per cent of the surface area of a pear;
 - (e) free from limb rub or leaf marks that affect more than 15 per cent of the surface area of a pear;
 - (f) free from hail injury that has broken the skin or that affects an area that exceeds three-quarters of an inch in diameter;
 - (g) free from sun-scald or spray burn that affects more than 15 per cent of the surface area of a pear;
 - (h) free from skin punctures,
 - (i) in the case of pears of any variety other than those of Anjou variety, or
 - (ii) in the case of pears of Anjou variety, that exceed two per pear and that exceed one-eighth of an inch in diameter;
 - (i) free from drought spots that depress or discolour the surface more than slightly;
 - (j) free from scab spots that affect more than 15 per cent of the surface area of a pear;
 - (k) free from deformities other than slight deformities;
 - (l) free from any combination of two or more of the defects referred to in clause (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k), the total area of which exceeds the greater single area tolerance prescribed for the particular defects of the combination;
 - (m) free from any damage, injury or defect or a combination thereof, that is not referred to in clause (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k) and that materially affects their appearance, edibility or shipping quality;
 - (n) of a minimum diameter of,
 - (i) 1½ inches for all varieties, other than those of Seckel variety, and
 - (ii) one inch for Seckel variety; and
 - (o) properly packed. R.R.O. 1980, Reg. 332, s. 68.

75. Tolerances by count for variations incidental to the commercial grading and handling of pears of Ontario No. 3 Grade are the same as for Canada Fancy Grade. R.R.O. 1980, Reg. 332, s. 69.

76. Pears that meet the requirements for Canada Fancy Grade may be alternatively designated as Canada No. 1 and pears that meet the requirements for Canada Commercial Grade may be alternatively designated as Canada Cee Grade, Canada "C" Grade or Canada Domestic Grade. R.R.O. 1980, Reg. 332, s. 70.

PEPPERS

77.—(1) Ontario No. 1 Grade is the grade name for peppers that are,

- (a) of similar varietal characteristics;
- (b) firm and not soft or shrivelled;
- (c) free from insects, insect larvae and insect injury;
- (d) free from bruises or mechanical injury;
- (e) free from disease;
- (f) free from decay;
- (g) free from any damage, injury or defect or combination thereof that is not referred to in clause (a), (b), (c), (d), (e) or (f) and that materially affects their appearance, edibility or shipping quality; and
- (h) properly packed.

(2) Tolerances by count for variations incidental to commercial grading and handling of peppers shall not be more than,

- (a) 3 per cent affected by decay;
- (b) 5 per cent having the same grade defects; and
- (c) 10 per cent having grade defects including those referred to in clauses (a) and (b). R.R.O. 1980, Reg. 332, s. 71.

PLUMS AND PRUNES

78. The following grade name for plums and prunes and the grade, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada No. 1 Grade. R.R.O. 1980, Reg. 332, s. 72.

79. The firmness for Shiro plums shall not exceed ten pounds as indicated by a pressure tester having a five-sixteenths of an inch plunger. R.R.O. 1980, Reg. 332, s. 73.

80.—(1) Each two-thirds bushel carton of plums or prunes shall have a minimum gross weight of thirty-one pounds or 14.1 kilograms.

(2) A master container of three four litre baskets of plums or prunes shall have a minimum gross weight of twenty-four pounds or 10.9 kilograms. O. Reg. 532/88, s. 3.

POTATOES

81. The following grade names for potatoes and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada No. 1 Grade.
2. Canada No. 1 Large Grade.
3. Canada No. 2 Grade. R.R.O. 1980, Reg. 332, s. 74.

82.—(1) Ontario No. 1 Grade is the grade name for potatoes of similar varietal characteristics that are,

- (a) firm, fairly well matured, fairly well shaped and reasonably clean;
- (b) free from dumbbells, hollow hearts, necrosis, freezing injury, late blight, bacterial ring rot and soft rot;
- (c) free from damage caused by greening, abnormal growth, growth cracks, cuts, scab, dry rot, disease, sprouts, sunburn or insects, or by mechanical or other injury;
- (d) not potatoes from which knobs have been removed;
- (e) of,
 - (i) in the case of round varieties, a minimum diameter of 2 inches and a maximum diameter of 3½ inches, except that in any package, not less than 75 per cent, by weight, of the potatoes shall be of a minimum diameter of 2¼ inches, and
 - (ii) in the case of long varieties, a minimum diameter of 2 inches and a maximum diameter of 3½ inches except that for potatoes exceeding 3½ inches in length, the minimum diameter may be 1¾ inches; and
- (f) properly packed.

(2) Ontario No. 1 Large Grade is the grade name for potatoes that meet the requirements for Ontario No. 1 Grade except that the only requirement in respect of size is that the potatoes shall be not less than 3¼ inches in diameter. R.R.O. 1980, Reg. 332, s. 75 (1, and 2).

(3) Ontario No. 1 Small Grade is the grade name for potatoes that meet the requirements for Ontario No. 1 Grade except that the only requirement in respect of size is that the potatoes shall be not less than 1¾ inches and not more than 2¼ inches in diameter. R.R.O. 1980, Reg. 332, s. 75 (3); O. Reg. 347/90, s. 2.

(4) Ontario No. 2 Grade is the grade name for potatoes of similar varietal characteristics that are,

- (a) reasonably firm, reasonably mature, not seriously misshapen and reasonably clean;
- (b) free from damage caused by blight;
- (c) free from dumbbells, freezing injury, bacterial ring rot and soft rot;
- (d) free from serious damage caused by sunburn, greening, abnormal growth, growth cracks, cuts, scab, dry rot, or other disease or insects, or by mechanical or other injury;
- (e) not less than two inches in diameter except that in any package not less than 75 per cent by weight of the potatoes shall be, in the case of varieties other than long-shaped varieties, not less than 2¼ inches in diameter and, in the case of long-shaped varieties, not less than 1¾ inches in diameter and 3½ inches in length; and
- (f) properly packed.

(5) Ontario Mini Grade is the grade name for potatoes of similar varietal characteristics that are,

- (a) firm, well-shaped and clean;
- (b) free from blight, hollow heart, bacterial ring rot or other decay, sunburn, greening, insect injury, grass root holes, pitted scab, sprouts or mechanical or other injury; and
- (c) not more than 1⅞ inches in diameter.

- (6) In subsections (1) to (5),

“fairly well matured” means that not more than 10 per cent by weight of the individual potatoes in a lot have more than one-quarter of the skin missing or feathered;

“fairly well shaped” means that the individual potato is not materially pointed, dumbbell shaped or otherwise deformed;

“reasonably clean” means that the individual potatoes are not caked with dirt or materially stained and the appearance of the potatoes is not materially affected;

“reasonably mature” means that more than 10 per cent by weight of the individual potatoes in a lot have more than one-half of the skin missing or feathered;

“seriously misshapen” means that the individual potato is pointed, dumbbell shaped or otherwise deformed; and

“soft rot” means any soft, mushy condition of the tissues of the potato.

(7) For the purpose of Ontario No. 1 Grade, Ontario No. 1 Large Grade and Ontario No. 1 Small Grade, “damage” means any injury caused by,

- (a) surface scab,
 - (i) that shows no pronounced contrast with the background colour of the potato and the aggregate area affected exceeds 5 per cent of the surface of the potato, or
 - (ii) surface scab that shows pronounced contrast with the background colour of the potato and the aggregate area affected exceeds 3 per cent of the surface of the potato;
- (b) pitted scab that affects the appearance of the potato to a greater extent than the amount of surface scab permitted under clause (a), or that causes a loss of more than 5 per cent of the total weight of the potato including the peel covering the defective area;
- (c) russet scab that materially affects the appearance of the potato;
- (d) sunburn that causes a dark green area more than one-half of an inch in diameter on a potato 2½ inches in diameter or a correspondingly smaller or larger dark green area on a smaller or larger potato, or that causes discoloration that extends into the flesh of the potato to the extent that it causes a waste of at least 5 per cent by weight of the potato including the peel covering the defective area;
- (e) greening that materially affects the potato by yellowish or greenish surface discoloration or that extends into the flesh of the potato to the extent that it causes a waste of at least 5 per cent of the total weight of the potato including the peel covering the defective area;
- (f) sprouts exceeding one-half of an inch in length on inspection at shipping point, or exceeding one inch in length on inspection at destination, where more than 10 per cent by weight of the potatoes are so affected; and
- (g) any other injury or defect that causes a waste of more than 5 per cent of the total weight of the potato including the peel covering the defective area.

(8) For the purpose of Ontario No. 2 Grade, “damage” means blight that causes a waste of more than 5 per cent of the total weight of the potato, including the peel covering the defective area.

(9) For the purpose of Ontario No. 2 Grade, "serious damage" means any injury caused by,

- (a) scab when more than 25 per cent of the surface of the potato in the aggregate is affected; and
- (b) defects, including scab, that cause a waste of more than 10 per cent of the total weight of the potato including the peel covering the defective area.

(10) For the purposes of Ontario No. 1 Grade, Ontario No. 1 Large Grade, Ontario No. 1 Small Grade and Ontario No. 2 Grade, the tolerances by weight for variations incidental to grading, packing and handling are,

- (a) 5 per cent below minimum size and 5 per cent above maximum size;
- (b) 1 per cent soft rot other than bacterial ring rot;
- (c) 3 per cent hollow hearts for Ontario No. 1 Grade and Ontario No. 1 Small Grade, 5 per cent hollow hearts for Ontario No. 1 Large Grade and 10 per cent hollow hearts for Ontario No. 2 Grade; and
- (d) 4 per cent for other grade defects,

where the total grade defects in any lot are not more than 10 per cent, but a package may contain one defective and one off-sized potato.

(11) For the purposes of Ontario Mini Grade, the tolerances by weight for variations incidental to grading, packing and handling are,

- (a) 5 per cent above maximum size;
- (b) 3 per cent affected with hollow heart;
- (c) 1 per cent affected by decay;
- (d) 5 per cent having grade defects other than those referred to in clauses (a), (b) and (c); and
- (e) 10 per cent having grade defects of any kind including those referred to in clauses (a), (b), (c) and (d).

(12) Subsections (1) to (10) apply to new potatoes except that for new potatoes shipped on or before the 15th day of September in any year from the packer's premises,

- (a) the minimum diameter shall be $1\frac{7}{8}$ inches for new potatoes of Canada No. 1 Grade, Ontario No. 1 Grade and Ontario No. 2 Grade;
- (b) washed new potatoes need not be reasonably mature; and
- (c) any lot of unwashed new potatoes of Canada No. 1 Grade or Ontario No. 1 Grade shall contain not more than 10 per cent of the new potatoes with more than half the skin feathered or missing. R.R.O. 1980, Reg. 332, s. 75 (4-12).

83. The Director may in his or her discretion grant an extension of the period for marketing $1\frac{7}{8}$ inches minimum diameter new potatoes of Ontario No. 1 Grade or Ontario No. 2 Grade beyond the 15th day of September in any year. R.R.O. 1980, Reg. 332, s. 76.

RASPBERRIES

84.—(1) Ontario No. 1 Grade is the grade name for raspberries sold or offered for sale on a grade basis that are,

- (a) fresh picked, clean, sound, mature, whole, ripe, firm and of one variety;
- (b) free from mould, mildew or other decay, cores, stems,

leaves or other foreign matter, green or dried raspberries; and

- (c) uniform in size and at least one-half of an inch in diameter.

(2) The tolerances by volume for variation incidental to the commercial grading, packing and handling of raspberries sold or offered for sale on a grade basis, shall not be more than,

- (a) 5 per cent below the prescribed size; and
- (b) 10 per cent below the other requirements of the grade. R.R.O. 1980, Reg. 332, s. 77.

RHUBARB (FIELD)

85. The following grade names for field rhubarb and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada No. 1 Grade.
2. Canada Domestic Grade. R.R.O. 1980, Reg. 332, s. 78.

RHUBARB (FORCED)

86.—(1) Ontario No. 1 Grade is the grade name for stalks of forced rhubarb of similar varietal characteristics that are,

- (a) well coloured, clean, reasonably straight and well trimmed;
- (b) fresh, tender and not pithy;
- (c) including attached leaf, free from decay or disease;
- (d) free from damage caused by scars, insects, bruising, scratching, splits, skinning, or by mechanical or other means;
- (e) at least fifteen inches in length from the end of the stalk to the tip, with or without leaves; and
- (f) at least one-half of an inch in diameter at the greatest distance across the flat face of the stalk at the centre of its length measured from the end of the stalk to the base of the leaves.

(2) Ontario No. 2 Grade is the grade name for stalks of forced rhubarb that are,

- (a) fresh, clean and not pithy;
- (b) including attached leaf, free from decay or disease;
- (c) free from damage caused by scars, insects, bruising, scratching, splits or skinning or by mechanical or other means;
- (d) well trimmed and reasonably well coloured; and
- (e) at least eight inches in length exclusive of the leaves.

(3) In this section,

"damage" means any injury or defect that materially affects the appearance, edibility or shipping quality of the stalks;

"fresh" means not withered;

"reasonably straight" means that the stalk does not have more than one-half twist and is not bent or crooked;

"reasonably well coloured" means that a pink or red colour predominates on at least one-half of the length of the stalk measured from the lower end of the stalk to the base of the leaves;

“similar varietal characteristics” means that the stalks are alike in general characteristics;

“well coloured” means that a pink or red colour predominates on at least three-quarters of the length of the stalk measured from the end of the stalk to the base of the leaves; and

“well trimmed” means that a minimum of 80 per cent of each basal husk has been removed. R.R.O. 1980, Reg. 332, s. 79 (1-3).

(4) Tolerances, by count of the stalks, for variations incidental to commercial grading and handling of Ontario No. 1 Grade forced rhubarb shall be not more than,

- (a) 5 per cent having the same grade defect;
- (b) 5 per cent affected by decay or disease; and
- (c) 10 per cent having grade defects of any kind including those referred to in clauses (a) and (b). R.R.O. 1980, Reg. 332, s. 79 (4); O. Reg. 764/81, s. 6 (1).

(5) Tolerances, by count of the stalks, for variations incidental to commercial grading and handling of Ontario No. 2 Grade forced rhubarb shall be not more than,

- (a) 10 per cent having excess basal husks;
- (b) 10 per cent affected by decay or disease;
- (c) 10 per cent having any other single defect; and
- (d) 15 per cent having grade defects of any kind, including those referred to in clauses (a), (b) and (c). R.R.O. 1980, Reg. 332, s. 79 (5); O. Reg. 764/81, s. 6 (2).

RUTABAGAS

87. The following grade name for rutabagas and the grade, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada No. 1 Grade. R.R.O. 1980, Reg. 332, s. 80.

STRAWBERRIES

88.—(1) The following grade name for strawberries and the grade, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole for strawberries that are sold or offered for sale on a grade basis:

1. Canada No. 1 Grade.

(2) Strawberries that are not sold or offered for sale on a grade basis and that are sold for a purpose other than for processing shall be free from,

- (a) bird pecks;
- (b) slug injury;
- (c) green tips;
- (d) individual strawberries that are immature;
- (e) individual strawberries that are misshapen; and
- (f) individual strawberries that are dirty.

(3) Tolerances by count for variations incidental to commercial grading and handling of strawberries that are not sold or offered for sale on a grade basis and that are sold for a purpose other than for processing, shall be not more than,

- (a) 5 per cent having any single defect referred to in subsection (2); and
- (b) 10 per cent having any of the defects referred to in subsection (2). R.R.O. 1980, Reg. 332, s. 81.

TOMATOES (FIELD)

89. The following grade names for field tomatoes and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada No. 1 Grade.
2. Canada No. 2 Grade.
3. Canada No. 1 Picklers.
4. Canada No. 2 Picklers. R.R.O. 1980, Reg. 332, s. 82.

90.—(1) Tomatoes that meet the requirements for Canada No. 1 Picklers Grade or Canada No. 2 Picklers Grade respectively may be alternately designated as Canada No. 1 Pickling Grade and Canada No. 2 Pickling Grade.

(2) Tomatoes of Canada No. 1 Picklers Grade and Canada No. 2 Picklers Grade may only be sold during the months of September and October in each year. R.R.O. 1980, Reg. 332, s. 83.

TOMATOES (GREENHOUSE)

91.—(1) The following grade names for greenhouse tomatoes and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada No. 1 Grade.
2. Canada No. 2 Grade.
3. Canada Commercial Grade.
4. Canada No. 1 Extra Large. R.R.O. 1980, Reg. 332, s. 84 (1); O. Reg. 532/88, s. 4.

(2) Ontario Jumbo Grade is the grade name for greenhouse tomatoes that are,

- (a) clean, sound and not soft;
- (b) possessing at least a tinge of pink at the blossom end and uniformly coloured;
- (c) of a minimum diameter of 2½ inches;
- (d) free from disease, scald, water blisters, ground spots, worm holes, growth cracks and other scars that are likely to cause leaking or materially affect the appearance of the tomato;
- (e) free from damage caused by blossom ends, plant or stem-rub and insect injury;
- (f) free from any damage, injury or defect or a combination thereof that is not referred to in clause (a), (b), (c), (d) or (e) and that causes a waste of more than 5 per cent of an individual tomato or that affects the edible quality of an individual tomato; and
- (g) properly packed.

(3) Tolerances by count for variations incidental to commercial grading and handling of greenhouse tomatoes of Ontario Jumbo Grade shall be not more than,

- (a) 1 per cent affected by decay;

- (b) 5 per cent having the same grade defect; and
- (c) 10 per cent having grade defects of any kind including those referred to in clauses (a) and (b). R.R.O. 1980, Reg. 332, s. 84 (2, 3).

PART VIII PROCESSING

92.—(1) The processed fruit, vegetables and sweet corn and the fruit, vegetable and sweet corn products referred to in subsections (3) and (4) are designated as farm products.

(2) In this section, "canned" means packed in a hermetically sealed container.

(3) No person shall pack, transport, ship, advertise, sell or offer for sale any of the following fruit, vegetables or fruit or vegetable products that have been processed in Ontario unless the container is marked "Canada Fancy", "Canada Choice", "Canada Standard" or "Sub-standard":

1. Canned Apples other than Apple Juice or Apple Sauce.
2. Canned Apricots.
3. Canned Asparagus.
4. Canned Beans. (Green or Wax).
5. Canned Beans. (Lima).
6. Canned Beets.
7. Canned Berries. (Including Raspberries, Blackberries, Boysenberries, Currants, Gooseberries, Logan Berries, Lawtonberries and Thimbleberries).
8. Canned Blueberries.
9. Canned Carrots.
10. Canned Cherries.
11. Canned Corn.
12. Canned Fruit Cocktail.
13. Canned Fruits for Salad.
14. Canned Fruit Salad.
15. Canned Mushrooms. (Other than pieces and stems).
16. Canned Peas.
17. Canned Peas and Carrots.
18. Canned Peaches.
19. Canned Pears.
20. Canned Plums and Prune Plums.
21. Canned Sweet Potatoes.
22. Canned White Potatoes.
23. Canned Pumpkin and Squash.
24. Canned Spinach.
25. Canned Squash.

26. Canned Strawberries.
27. Canned Tomatoes. (Other than Stewed Tomatoes, Tomato Juice, Tomato Puree, Tomato Paste, Tomato Catsup, Tomato Chili Sauce or Tomato Sauce).

(4) No person shall pack, transport, ship, advertise, sell or offer for sale any of the following fruit, vegetables and sweet corn or fruit, vegetable or sweet corn products that have been processed in Ontario unless the container is marked "Canada Fancy", "Canada Choice" or "Sub-standard":

1. Apple Juice.
2. Concentrated Apple Juice.
3. Apple Juice from Concentrate.
4. Apple Sauce.
5. Dried or Dehydrated Apples.
6. Frozen Apples.
7. Frozen Concentrated Apple Juice.
8. Frozen Apricots.
9. Frozen Asparagus.
10. Frozen Beans. (Green and Wax).
11. Frozen Beans. (Lima).
12. Frozen Berries. (Including Raspberries, Blackberries, Boysenberries, Lawtonberries, Thimbleberries).
13. Dried Blueberries.
14. Frozen Blueberries.
15. Frozen Broccoli.
16. Frozen Brussels Sprouts.
17. Frozen Melon Balls and Cantaloupe.
18. Frozen Carrots.
19. Frozen Cauliflower.
20. Frozen Cherries.
21. Frozen Corn.
22. Frozen Fruit Cocktail.
23. Frozen Fruits for Salad.
24. Frozen Fruit Salad.
25. Frozen Leafy Greens. (Other than Spinach).
26. Frozen Mixed Vegetables.
27. Frozen Peas.
28. Frozen Peas and Carrots.
29. Frozen Peaches.
30. Frozen French Fried Potatoes.

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| 31. Frozen Rhubarb. | iii. damage caused by dirt or freezing, |
| 32. Canned Sauerkraut. | iv. serious damage, and |
| 33. Frozen Spinach. | v. decay. |
| 34. Frozen Squash. | (2) In subsection (1), |
| 35. Frozen Strawberries. | “badly broken tips” means spears with more than the extreme tip missing so that the shape or general appearance of the tip is seriously affected; |
| 36. Tomato Juice. | “badly crooked” means, |
| 37. Concentrated Tomato Juice. | (a) deformed by abnormal growth of flat spears or tips, or |

R.R.O. 1980, Reg. 332, s. 85.

**PART IX
FRUIT AND VEGETABLES FOR PROCESSING GRADE
STANDARDS**

APPLES

93. The following grade names for apples for processing purposes and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada No. 1 (Peelers) Grade.
2. Canada No. 2 (Peelers) Grade.

R.R.O. 1980, Reg. 332, s. 86.

ASPARAGUS

94.—(1) The grades for asparagus for processing are as follows:

- | | |
|--|--|
| 1. Select Grade, consisting of spears that are fresh and not badly misshapen, not more than 5½ inches nor less than 5 inches in length and not less than three-eighths of an inch in diameter, and that are free from, | (a) tips that are spread or branched so that any portion of the upper two-thirds of the tip shows a readily apparent seedy appearance or that have more than two seed stems showing above the bracts on the remaining portion of the tip, known as spreading tips, |
| i. tips that are so spread or branched that they show a seedy appearance in any part thereof, | (b) doubles that affect the shape of the spear or show a hollow opening in the centre of the spear, |
| ii. broken tips, | (c) dirt or sand embedded in the tip or under the bracts that cannot be removed in the process of washing, |
| iii. white butts, | (d) damage by freezing as shown by watery, glazed or discoloured appearance or more than slight whitish or blanched appearance, |
| iv. damage, and | (e) insect injury by scarring of more than one-quarter of an inch in diameter in the aggregate or due to insect eggs or larvae on the spear, where the damage appreciably affects the appearance of the spear, |
| v. decay. | (f) mechanical injury or longitudinal growth scarring in the upper 4½ inches of the spear of a more than superficial nature and corky or fibrous, and |
| 2. No. 1 Grade, consisting of spears that are fresh and not badly misshapen, not more than seven inches nor less than 4½ inches in length, not less than one-quarter of an inch in diameter, when measured at a point 4½ inches from the extreme tip and that are free from, | (g) disease having more than two discoloured bracts or scales resulting from rust; |
| i. broken tips, | “fresh” means not limp, flabby or badly wilted; |
| ii. white butts, | “serious damage” means any injury or defect that seriously affects the quality of spears for canning or freezing and includes, |
| iii. damage, and | (a) tips having tip branches that exceed three-quarters of an inch in length exclusive of head and that are badly spreading, |
| iv. decay. | (b) doubles that show a hollow opening in the centre of the spear, |
| 3. No. 2 Grade, consisting of spears that are fresh and not badly crooked, not more than 10 inches in length and not less than one-quarter of an inch in diameter, and that are free from, | (c) disease resulting from rust that causes discolouration of more than four bracts, |
| i. badly broken tips, | |
| ii. white butts, | |

- (d) insect injury due to insect eggs or larvae on the spear, and
- (e) mechanical damage that causes scars and longitudinal growth scarring in the upper 7½ inches of the spear of a more than superficial nature and corky or fibrous;

“white butts” means butts that show on the spear at the extreme butt and a white colour,

- (a) that completely encircles the spear and is in excess of one-quarter of an inch in height, or
- (b) that does not completely encircle the spear but is in excess of one-half of an inch in height.

(3) For variations incidental to harvesting, grading and handling of asparagus for processing, the following tolerances by weight shall be allowed:

1. For Select Grade,

- i. 6 per cent that does not meet the length and diameter requirements of the grade, and
- ii. 5 per cent for other grade defects of which not more than 1 per cent may be for decay.

2. For No. 1 Grade,

- i. 6 per cent that does not meet the length and diameter requirements of the grade, and
- ii. 10 per cent for other grade defects of which not more than 5 per cent may be for insect eggs and larvae and not more than 1 per cent may be for decay.

3. For No. 2 Grade,

- i. 2 per cent less than one-quarter of an inch in diameter and 6 per cent more than 10 inches in length, and
- ii. 10 per cent for grade defects of which not more than 5 per cent may be for insect eggs and larvae and not more than 1 per cent may be for decay. R.R.O. 1980, Reg. 332, s. 87.

BEANS

95. The grade for green and wax beans for processing is as follows:

- 1. No. 1 Grade, consisting of fresh picked, well formed, tender green or wax beans, medium sized for the variety, and free from beans that are,
 - i. large, seedy, shrivelled or rusty,
 - ii. damaged by disease or insects, or
 - iii. heated. R.R.O. 1980, Reg. 332, s. 88.

BEETS

96.—(1) The grade for beets for processing is as follows:

- 1. Ontario No. 1 Grade, consisting of beets that are,
 - i. of similar varietal characteristics,
 - ii. not soft, shrivelled or woody in texture,
 - iii. free from rings that have a white tint,
 - iv. not rough or seriously misshapen,

- v. reasonably clean,
- vi. free from decay,
- vii. free from frost injury,
- viii. free from areas of flesh that are materially darker in colour than the remainder of the flesh,
- ix. free from damage caused by cuts, growth cracks, insects or mechanical or other means that results in a loss to a beet of more than 5 per cent by weight when such damage is trimmed from the beet, and
- x. trimmed so that the tops do not exceed three-eighths of an inch in length and are not trimmed into the shoulder.

(2) Unless the diameter size ranges of the beets are otherwise specified in a contract of sale, beets for processing shall be packed in accordance with the following diameter size ranges:

- 1. 1 inch to 1¼ inches.
- 2. 1¼ inches to 1¾ inches.
- 3. 1¾ inches to 2½ inches.
- 4. 2½ inches to 4½ inches.

(3) Tolerances by weight for variations incidental to commercial grading and handling of beets for processing shall be not more than,

- (a) 5 per cent below the diameter size ranges referred to in subsection (2);
- (b) 5 per cent above the diameter size ranges referred to in subsection (2);
- (c) 2 per cent affected by decay; and
- (d) 5 per cent affected by grade defects that are not referred to in clauses (a) and (b) but including that referred to in clause (c). R.R.O. 1980, Reg. 332, s. 89.

CABBAGES

97.—(1) The grade for cabbages for processing is as follows:

- 1. Ontario No. 1 Grade, consisting of cabbages that are,
 - i. free from heads that yield more than slightly to pressure,
 - ii. trimmed so that,
 - (A) the butts do not exceed one-half of an inch in length, and
 - (B) there are not more than five wrapper leaves on any one head of cabbage,
 - iii. free from seed stems,
 - iv. free from decay,
 - v. free from damage caused by bursting, freezing, disease, birds, insects, discolouration or by mechanical or other means that results in a loss to a head of cabbage of more than 5 per cent by weight when such damage is trimmed from the head of cabbage,
 - vi. composed of individual heads that are of a minimum weight of 3½ pounds and a minimum diameter of 5½ inches, and

- vii. free from insects and worms. R.R.O. 1980, Reg. 332, s. 90 (1); O. Reg. 637/90, s. 2 (1).

(2) Tolerances by count for variations incidental to commercial grading and handling of cabbages for processing shall be not more than,

- (a) 3 per cent affected by decay;
- (b) 10 per cent having grade defects including decay; and
- (c) 3 per cent affected by insects and worms. R.R.O. 1980, Reg. 332, s. 90 (2); O. Reg. 637/90, s. 2 (2).

CARROTS

98.—(1) The grade for carrots for processing is as follows:

1. No. 1 Grade, consisting of carrots that are,
- i. of similar varietal characteristics,
 - ii. not seeders,
 - iii. firm but not woody,
 - iv. well shaped, fairly smooth, well trimmed and reasonably clean,
 - v. free from serious damage caused by sprouts, secondary growth, cuts, growth cracks, disease, sunburn, insects or rodents or by mechanical or other means, and
 - vi. free from decay, frost injury, hollow hearts and tainted flavour.

(2) In subsection (1),

“fairly smooth” means not rough, forked, misshapen or covered with rootlets;

“firm” means not soft, flabby or shrivelled;

“of similar varietal characteristics” means of the same general type;

“reasonably clean” means that the general appearance is not seriously affected and individual carrots are not caked with dirt;

“seeders” means carrots that have a yellow centre, are tough and have no definite core;

“serious damage” means damage that seriously affects the appearance of the carrot and that causes a loss of more than 10 per cent of the total weight of the carrot;

“well shaped” means having the shape characteristic of the variety; and

“well trimmed” means that the tops are trimmed to not more than one-half of an inch in length.

(3) Tolerances by weight for variations incidental to grading and handling of carrots for processing are,

- (a) 2 per cent for decay; and
- (b) 6 per cent in the aggregate for other grade defects. R.R.O. 1980, Reg. 332, s. 91.

CHERRIES

99.—(1) The grade for sour cherries for processing is as follows:

1. No. 1 Grade, consisting of cherries that are,

- i. sound, mature, hand-picked, clean, of one variety, of good colour, well formed and of fair size for the variety,
- ii. free from decay, worms, pulled pits, doubles, sunscald, stems, dirt or other foreign matter,
- iii. free from insect injury and disease,
- iv. free from softness, shrivelling and bruises,
- v. free from rain cracks or other skin breaks that exceed one-eighth of an inch in length other than a very thin line encircling the stem end of the cherry,
- vi. free from superficial scars, hail marks, wind whip, limb rub, russeting and similar discolouration or scars that affect an aggregate area per cherry exceeding one-eighth of an inch in diameter,
- vii. free from any scars that materially discolour the flesh,
- viii. of a minimum size of five-eighths of an inch in diameter, and
- ix. free from any damage, injury or defect or a combination thereof that is not referred to in subparagraph v, vi or vii and that materially affects their quality for canning or freezing.

(2) Subject to subsection (3), the minimum colour of sour cherries for processing shall be determined by a “B” or “No. 3” plastic colour comparator.

(3) Where a processor enters into a contract for sour cherries for processing with a grower thereof, the processor shall specify in the contract which type of colour comparator will be used.

(4) Tolerances by count or weight for variations incidental to commercial grading and handling of sour cherries for processing shall be not more than,

- (a) 1 per cent affected by decay or worms;
- (b) 5 per cent having the same grade defect; and
- (c) 8 per cent having grade defects of any kind including those referred to in clauses (a) and (b). R.R.O. 1980, Reg. 332, s. 92.

100.—(1) The grade for sweet cherries for processing is as follows:

1. No. 1 Grade, consisting of cherries that are,
- i. sound, mature, hand-picked, clean, of one variety, of good colour, well formed and of fair size for the variety,
 - ii. free from decay, worms, pulled pits, doubles, sunscald, stems, dirt or other foreign matter,
 - iii. free from insect injury and disease,
 - iv. free from softness, shrivelling and bruises,
 - v. free from rain cracks or other skin breaks that exceed one-eighth of an inch in length other than a very thin line encircling the stem end of the cherry,
 - vi. free from superficial scars, hail marks, wind whip, limb rub, russeting and similar discolouration or scars that affect an aggregate area per cherry exceeding one-eighth of an inch in diameter,

- vii. free from any scars that materially discolour the flesh,
- viii. in the case of sweet cherries that are processed for canning, of a minimum diameter of three-quarters of an inch, and
- ix. free from any damage, injury or defect or a combination thereof that is not referred to in subparagraph v, vi or vii and that materially affects their quality for canning or freezing.

(2) The minimum colour of sweet cherries for processing shall be determined by a "No. 6" plastic colour comparator.

(3) Tolerances by count or weight for variations incidental to commercial grading and handling of sweet cherries for processing shall be not more than,

- (a) 1 per cent affected by decay or worms;
- (b) 5 per cent having the same grade defect; and
- (c) 8 per cent having grade defects of any kind including those referred to in clauses (a) and (b). R.R.O. 1980, Reg. 332, s. 93.

101.—(1) The grade for brine cherries for processing is as follows:

- 1. No. 1 Grade, consisting of cherries that are,
 - i. sound, mature, hand-picked, clean, of one variety, of good colour, well formed and of fair size for the variety,
 - ii. free from decay, worms, pulled pits, doubles, sunscald, dead stems, dirt or other foreign matter,
 - iii. free from insect injury and disease,
 - iv. free from softness, shrivelling and bruises,
 - v. free from rain cracks or other skin breaks that exceed one-eighth of an inch in length other than a very thin line encircling the stem end of the cherry,
 - vi. free from superficial scars, hail marks, wind whip, limb rub, russeting and similar discolouration or scars that affect an aggregate area per cherry exceeding one-eighth of an inch in diameter,
 - vii. free from any scars that materially discolour the flesh,
 - viii. of a minimum size of nine-sixteenths of an inch in diameter, and
 - ix. free from any damage, injury or defect or a combination thereof that is not referred to in subparagraph v, vi or vii and that materially affects their quality for canning or freezing.

(2) Tolerances by count or weight for variations incidental to commercial grading and handling of brine cherries for processing shall be not more than,

- (a) 1 per cent affected by decay or worms;
- (b) 5 per cent having the same grade defect; and
- (c) 8 per cent having grade defects of any kind including those referred to in clauses (a) and (b). R.R.O. 1980, Reg. 332, s. 94.

102. In sections 99, 100 and 101,

"double" means a cherry that has the appearance of attached twin cherries; and

"mature" means having reached the state of maturity at which the pit will separate cleanly from the flesh. R.R.O. 1980, Reg. 332, s. 95.

PEACHES

103.—(1) The grade for peaches for processing is as follows:

- 1. No. 1 Grade, consisting of peaches that are,
 - i. uniformly mature, ripe or firm, not soft or hard, well formed, sound, clean, hand-picked, of good colour and of one variety,
 - ii. free from decay, worms, disease, skin punctures or skin breaks, growth cracks, split pits and gum,
 - iii. free from damage by insects,
 - iv. free from damage caused by russeting and limb rub that affects an aggregate area per peach that exceeds 5 per cent of the surface area of the peach,
 - v. free from damage caused by hail marks and bruises other than such slight bruises as are incidental to the grading, packing and handling of peaches, and
 - vi. free from any damage, injury or defect that causes such waste as to not yield, after trimming, two well formed halves, or that materially affects the quality of the peach.

(2) In this section,

"firm" means fairly solid but yielding very slightly to moderate pressure;

"ripe" means yielding readily to moderate pressure;

"soft" means, with respect to peaches that are not clingstone peaches, over-ripe, possessing very little resistance to slight pressure and having reached a stage of growth that is too far advanced to be desirable for processing; and

"well formed" included being capable of yielding two well shaped halves.

(3) Tolerances by count for variations incidental to commercial grading and handling of peaches for processing shall be not more than,

- (a) 3 per cent affected by decay;
- (b) 5 per cent having the same grade defect; and
- (c) 10 per cent having grade defects of any kind including those referred to in clauses (a) and (b). R.R.O. 1980, Reg. 332, s. 96.

PEARS

104.—(1) The grade for pears for processing is as follows:

- 1. No. 1 Grade, consisting of pears that are,
 - i. mature, hand-picked, sound, firm, well formed, capable of yielding two well shaped halves and of one variety,
 - ii. free from scald, hard end, black end, internal breakdown, decay, worms, drought, spots, sooty blotch and ink spots, and

iii. free from damage that cannot be completely removed in the ordinary process of paring the pears for commercial use and that is caused by,

- (A) bruises,
- (B) russetting that is not characteristic of the variety and that affects an aggregate area per pear that exceeds 5 per cent of the surface area of the pear,
- (C) insect injury,
- (D) limb rub or leaf marks, other than limb rub or leaf marks of a russet character that do not harm the quality of the pear,
- (E) hail marks,
- (F) sun-scald or spray burns, other than sun-scald or spray burns that have only slightly changed the normal colour of the pear and have caused no blistering or cracking of the skin,
- (G) skin punctures,
- (H) insects, other than leaf roller injury that is not more than one-half of an inch in diameter and does not deform the pear,

(1) disease.

(2) The firmness for No. 1 Grade pears for processing of the Bartlett variety shall be not less than sixteen pounds and not more than twenty pounds as indicated by a pressure tester having a five-sixteenths of an inch plunger.

(3) Tolerances by count for variations incidental to commercial grading and handling of pears for processing shall not be more than,

- (a) 1 per cent affected by worms;
- (b) 3 per cent over-mature;
- (c) 5 per cent having the same grade defect; and
- (d) 10 per cent having grade defects of any kind including those referred to in clauses (a), (b) and (c). R.R.O. 1980, Reg. 332, s. 97.

PLUMS AND FRESH PRUNES

105.—(1) The grade for plums and fresh prunes for processing is as follows:

1. No. 1 Grade, consisting of plums or prunes that are,
 - i. well formed, mature, clean, of good colour and of one variety,
 - ii. free from plum rot, decay, insect injury, leaf marks, doubles, sun-scald where the softening or collapse of the flesh is apparent, russetting and disease,
 - iii. free from skin breaks that are not healed other than those that are caused by pulled stems and do not extend beyond the stem basin,
 - iv. free from heat injury that is extensive or not light in colour,
 - v. free from sunburn that has materially changed the normal colour of the plum or prune or that has caused the skin to blister or crack,

vi. free from growth cracks,

vii. free from split pits,

viii. free from drought spots and gum spots,

ix. free from insects,

x. free from bruising other than slight bruising incidental to grading and handling of plums and prunes,

xi. free from hail marks or other similar depressions or scars that are not shallow or superficial or that affect an aggregate area per plum or prune exceeding one-quarter of an inch in diameter,

xii. free from any combination of two or more of the defects referred to in subparagraph iii, iv, v, vi, vii, viii, ix, x or xi the seriousness of which exceeds the tolerance prescribed for any one defect in the combination, and

xiii. free from any damage, injury or defect or a combination thereof that is not referred to in subparagraph iii, iv, v, vi, vii, viii, ix, x or xi and that materially affects their appearance, edibility or processing quality.

(2) In subsection (1), "double" means a plum or a prune that has the appearance of attached twin plums or prunes.

(3) Tolerances by count for variations incidental to commercial grading and handling of plums and fresh prunes for processing shall be not more than,

- (a) 3 per cent affected by decay;
- (b) 4 per cent having the same grade defects; and
- (c) 8 per cent having grade defects of any kind including those referred to in clauses (a) and (b).

(4) Plums or fresh prunes in a lot do not meet the requirements for No. 1 Grade plums or fresh prunes for processing where,

- (a) a contract between a grower and a processor for the plums or fresh prunes for processing provides that the plums or fresh prunes shall be without stems; and
- (b) more than 4 per cent of the plums or fresh prunes in the lot have stems attached. R.R.O. 1980, Reg. 332, s. 98.

TOMATOES FOR PROCESSING

106.—(1) All tomatoes for processing contracted by a processor under an order of The Farm Products Marketing Board shall be bought from a grower on a graded basis. O. Reg. 764/81, s. 7, *part*.

(2) Every contracted load delivered to a processor licensed under the *Farm Products Marketing Act* and the regulations made thereunder shall be graded by an inspector or grader or by a person employed by the Ministry. O. Reg. 583/86, s. 4.

107.—(1) In this section,

"grass green" means immature tomatoes whose surface is totally green or greenish-white;

"limited use" means tomatoes that are,

- (a) affected by black mould, early blight, late blight, decay, frost, insect feeding or blossom end rot to the extent that each tomato incurs a loss in trimming of 15 per cent or less by weight,

(b) affected by sun-scald, sunburn, shrivelling, blotchy ripening, grey wall, growth cracks, catfacing, cracked or damaged fruit, broken locules, hail, bacterial speck or bacterial spot to the extent that each tomato incurs a loss in trimming of more than 15 per cent by weight, or

(c) affected by one spot of anthracnose;

“material other than tomato” means dirt, vines, loose stems, attached stems over one inch long or past the first joint, or any other foreign substance;

“non-peelable” means tomatoes that are,

(a) affected by black mould, early blight, late blight, decay, frost, insect feeding or blossom end rot to the extent that each tomato incurs a loss in trimming of 15 per cent or less by weight,

(b) affected by growth cracks, catfacing, cracked or damaged fruit, broken locules, hail, bacterial speck or bacterial spot to the extent that each tomato incurs a loss in trimming of more than 15 per cent by weight,

(c) affected by sun-scald, sunburn, blotchy ripening or grey wall to more than 15 per cent of the surface area of each tomato,

(d) affected by one spot of anthracnose;

(e) affected by internally sprouted seeds, or

(f) not of a flesh colour, when the skin is removed, which meets the colour requirement of Canada Choice grade canned tomatoes established under the *Canada Agricultural Products Act*;

“other defects” means tomatoes that are,

(a) affected by black mould, white mould, early blight, late blight, decay, frost, insect feeding or blossom end rot to the extent that each tomato incurs a loss in trimming of more than 15 per cent by weight,

(b) affected by any defect causing the tomato to be sour, or

(c) affected by more than one spot of anthracnose;

“processing breakers” means immature tomatoes that are,

(a) coloured to the extent that at least 90 per cent of the surface shows a blush of yellow, pink or orange, and

(b) of an Agtron E-5M reading greater than 77 when determined on cut halves;

“processing green” means immature tomatoes that have an external blush of yellow, pink or orange but more than 10 per cent of the surface area is green.

(2) The grades for tomatoes for processing are as follows:

1. Option A, consisting of tomatoes that are,

i. of an Agtron E-5M juice colour reading of 36 or less when pureed using a method approved by the Director,

ii. not grass green, processing green or processing breakers,

iii. not limited use or other defects, and

iv. free from insects, worms, insect excrement and material other than tomato.

2. Option B, consisting of tomatoes that are,

i. of an Agtron E-5M juice colour reading of 36 or less when pureed using a method approved by the Director,

ii. not grass green or processing green,

iii. not limited use or other defects, and

iv. free from insects, worms, insect excrement and material other than tomato.

3. Option C, consisting of tomatoes that are,

i. not grass green or processing green,

ii. not non-peelable or other defects, and

iii. free from insects, worms, insect excrement and material other than tomato.

(3) Tolerances by weight for variations incidental to commercial grading and handling for each load of tomatoes for processing shall not be more than:

1. For Option A,

i. 1 per cent affected by insects, worms or insect excrement,

ii. 5 per cent total undercolour fruit consisting of,

(A) not more than 1 per cent grass green,

(B) not more than 1 per cent processing green, or 2 per cent if there are no grass green,

(C) not more than 3 per cent processing breakers, or 5 per cent if there are no grass green or processing green, or 4 per cent if there is a combination of 1 per cent grass green and no processing green or no grass green and 1 per cent processing green,

iii. 7 per cent other defects,

iv. 20 per cent limited use, and

v. 3 per cent material other than tomato.

2. For Option B,

i. 1 per cent affected by insects, worms or insect excrement,

ii. 2 per cent total undercolour fruit consisting of,

(A) not more than 1 per cent grass green,

(B) not more than 1 per cent processing green, or 2 per cent if there are no grass green,

iii. 7 per cent other defects,

iv. 20 per cent limited use, and

v. 3 per cent material other than tomato.

3. For Option C,

i. 1 per cent affected by insects, worms or insect excrement,

ii. 2 per cent total undercolour fruit consisting of,

- (A) not more than 1 per cent grass green,
- (B) not more than 1 per cent processing green, or 2 per cent if there are no grass green,
- iii. 7 per cent other defects,
- iv. 30 per cent non-peelable, and
- v. 3 per cent material other than tomato,

but the combination of allowable tolerances shall not be more than 30 per cent. O. Reg. 217/84, s. 5.

- 12. Canada Index 92.
- 13. Canada Index 88.
- 14. Canada Index 91 (heavy).
- 15. Canada Index 87 (heavy).
- 16. Canada Index 87 (light).
- 17. Canada Index 85 (extra-heavy).
- 18. Canada Index 82 (extra-heavy).
- 19. Canada Index 80 (deficient).
- 20. Canada Index 67 (ridgling).
- 21. Canada Stag.
- 22. Canada Sow Class 1.
- 23. Canada Sow Class 2. R.R.O. 1980, Reg. 333, s. 3.

REGULATION 379

GRADES—HOG CARCASSES

1. In this Regulation,

“carcass” means the carcass of an animal of the swine species, including the head, leaflard, kidneys, tongue including hyoid bone, tenderloins, diaphragm, tail, backbone and feet;

“Commissioner” means the Livestock Commissioner of Ontario;

“establishment” means any establishment registered under the *Meat Inspection Act* (Canada), or the *Meat Inspection Act (Ontario)* or approved under the Hog Carcass Grading Regulations under the *Canada Agricultural Products Act*;

“grader” means a grader assigned to an establishment for the purpose of grading carcasses;

“inspector” means an inspector appointed under the Act;

“operator” means a person operating an establishment;

“shipper” means a shipper licensed under the Ontario Pork Producers’ Marketing Plan;

“veterinary inspector” means a person appointed or designated as an inspector under the *Meat Inspection Act* (Canada) or the *Meat Inspection Act (Ontario)*. R.R.O. 1980, Reg. 333, s. 1.

2. Carcasses are designated as farm products. R.R.O. 1980, Reg. 333, s. 2.

3. The following grade names for carcasses and the grades and standards therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

- 1. Canada Index 112.
- 2. Canada Index 110.
- 3. Canada Index 109.
- 4. Canada Index 107.
- 5. Canada Index 105.
- 6. Canada Index 103.
- 7. Canada Index 102.
- 8. Canada Index 100.
- 9. Canada Index 98.
- 10. Canada Index 97.
- 11. Canada Index 95.

4. Every operator shall ensure that each carcass measured for the purposes of this Regulation is,

- (a) completely and accurately split with the spinous processes of the thoracic vertebrae remaining on the left side;
- (b) open through the tailhead to within one inch above the atlas joint; and
- (c) measured on the left side. R.R.O. 1980, Reg. 333, s. 4.

5.—(1) The standards for Type demerits established under the *Canada Agricultural Products Act* are hereby adopted in whole.

(2) The standards for Quality demerits established under the *Canada Agricultural Products Act* are hereby adopted in whole.

(3) Before a grader applies a Quality demerit to any carcass the operator may elect to hold that carcass for final appraisal after it has been chilled. R.R.O. 1980, Reg. 333, s. 5.

6.—(1) No carcass shall be graded,

- (a) by a person other than a grader;
- (b) at a place other than an establishment;
- (c) unless the grader is provided with a sufficient number of efficient helpers to assist in his or her duties;
- (d) if the operator is of the opinion that he or she does not have freedom from interference in carrying out his or her duties; and
- (e) unless the carcass is from an animal slaughtered in the establishment where it is to be graded.

(2) A grader is not required to grade a carcass unless it is presented to him or her during reasonable working hours.

(3) In grading any carcass the grader shall not take into account bruises or other marks that are evident at the time of grading unless he or she determines that such bruises or marks are the result of physical injury of farm origin. R.R.O. 1980, Reg. 333, s. 6.

7.—(1) A grader who has graded a carcass may, at the request of any consignor or the consignor’s agent, issue a grade certificate for any carcass or carcasses graded by the grader at an establishment if the consignor or agent,

- (a) has placed on each of the animals to be carcass graded the

distinct and specific tattoo mark of identity referred to in section 8; and

- (b) has completed and filed with the grader at the establishment at the time of delivery of the animal or animals, as the case may be, to the operator of the establishment the manifest referred to in section 8.

(2) A grader may refuse to issue a grade certificate for any carcass where he or she believes, on reasonable and probable grounds, that the provisions of the Act or this Regulation have been contravened by means of or in relation to such carcass until such time as he or she is satisfied that such provisions have been complied with.

(3) A grade certificate shall indicate any carcasses that have been condemned by a veterinary inspector. R.R.O. 1980, Reg. 333, s. 7.

8.—(1) A shipper, upon taking delivery of animals from a producer, shall place a tattoo mark of identity on the shoulder of each animal of each producer's lot before any of the lot has mingled with any other producers' animals.

(2) No shipper shall ship, transport or deliver to an assembly yard under the Ontario Pork Producers' Marketing Plan or to an establishment animals that do not bear a tattoo mark of identity.

(3) A shipper shall complete a manifest in a form approved by the Commissioner before the animals in a shipment are delivered to an assembly yard or establishment.

(4) The shipper shall deliver the manifest to the person in charge of the assembly yard to which the animals are delivered or to the inspector at the establishment at which the animals are to be slaughtered, as the case may be.

(5) Where animals are delivered to an assembly yard, the person in charge of the assembly yard shall forward the manifest to the inspector at the establishment at which the hogs are to be slaughtered. R.R.O. 1980, Reg. 333, s. 8.

9.—(1) Where an inspector detains a carcass, the inspector shall place thereon a tag indicating that the carcass is under detention.

(2) Except as authorized by an inspector, no person shall remove from a carcass a tag placed thereon by an inspector pursuant to this section. R.R.O. 1980, Reg. 333, s. 9.

10. A carcass bought by an operator shall be deemed to be bought on the basis of the grade shown on any grading certificate issued respecting such carcass. R.R.O. 1980, Reg. 333, s. 10.

REGULATION 380

GRADES—LAMB AND MUTTON CARCASSES

1. In this Regulation,

“brand” means an imprint described in Schedule 2;

“carcass” means the entire carcass of an animal of the sheep species, but does not include,

- (a) the pelt, that part of the head and neck forward of the first cervical joint, that part of the hind shank below the ankle joint, that part of the foreshank below the break joint in the case of lamb, and below the ankle joint in the case of mutton, the alimentary canal, liver, spleen, genital tract and genitalia, heart, lungs, membranous portion of the diaphragm, heart fat, external cod or udder fat, and the tail posterior to the third coccygeal vertebra, or
- (b) any portion of the carcass the removal of which is required

under the *Meat Inspection Act* (Canada) or the *Meat Inspection Act* (Ontario) or any regulation made thereunder;

“Commissioner” means the Livestock Commissioner of Ontario;

“district supervisor” means a District Supervisor of the Livestock Division of the Department of Agriculture of Canada;

“establishment” means any establishment registered under the *Meat Inspection Act* (Canada), the *Lamb and Mutton Carcass Grading Regulations* under the *Canada Agricultural Products Act* or the *Meat Inspection Act* (Ontario);

“grader” means a grader assigned to an establishment for the purpose of grading carcasses;

“inspector” means an inspector appointed under the Act;

“lamb carcass” means the carcass of an animal of the sheep species of either sex, up to and including twelve months of age, having four well-defined relatively soft ridges at the break joint of the forelegs;

“mutton carcass” means the carcass of an animal of the sheep species, of either sex, more than twelve months of age, having two smooth hard white ridges where the feet are severed at the ankle (spool) joint and bones somewhat whiter and harder than those in a lamb carcass;

“operator” means a person operating an establishment. R.R.O. 1980, Reg. 334, s. 1.

2. Carcasses are designated as farm products. R.R.O. 1980, Reg. 334, s. 2.

3.—(1) The following grade names for lamb carcasses and the grades and standards therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada A1.
2. Canada A2.
3. Canada A3.
4. Canada A4.
5. Canada B.
6. Canada C1.
7. Canada C2.

(2) The following grade names for mutton carcasses and the grades and standards therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada D1.
2. Canada D2.
3. Canada D3.
4. Canada D4.
5. Canada E. R.R.O. 1980, Reg. 334, s. 3.

4.—(1) No carcass shall be graded,

- (a) by a person other than a grader;
- (b) at a place other than an establishment;
- (c) unless the grader is provided with a sufficient number of efficient helpers to assist the grader in his or her duties;

- (d) if the grader is of the opinion that he or she does not have freedom from interference in carrying out his or her duties; and
- (e) unless the carcass is from an animal slaughtered in the establishment where it is to be graded.

(2) A grader is not required to grade a carcass unless it is presented to the grader for grading during reasonable hours mutually agreed upon between the operator and the district supervisor. R.R.O. 1980, Reg. 334, s. 4 (1, 2).

(3) Where, at an establishment,

- (a) a carcass is placed under detention pursuant to the Act or this Regulation; or
- (b) an inspector, on reasonable grounds, believes that there has been a contravention of the Act or this Regulation,

it is a condition of grading that every carcass at the establishment be graded until the matter or matters giving rise to the condition have been remedied. O. Reg. 766/81, s. 1.

5.—(1) No carcass shall be considered graded unless it bears a grade stamp in the shape and size set out in Schedule 1 that has been applied by a grader indicating the applicable grade name for that carcass on the foresaddle, loin or leg on both sides of the carcass. R.R.O. 1980, Reg. 334, s. 5 (1); O. Reg. 766/81, s. 2.

(2) No grade stamp shall be applied to a carcass unless the carcass bears the inspection legend required by the regulations made under the *Meat Inspection Act* (Canada) or the *Meat Inspection Act* (Ontario).

(3) The grade stamp shall be applied in brown ink. R.R.O. 1980, Reg. 334, s. 5 (2, 3).

6.—(1) Brands in a continuous strip in the form set out in Schedule 2 bearing the grade name indicated on the grade stamp applied pursuant to this Regulation shall be applied in accordance with the instructions of the grader in the establishment where the animal was slaughtered on each side of the carcass extending the full length of the carcass from the hock over the leg, the saddle and shoulder at a distance of approximately 2 inches from the vertebrae.

(2) Brands shall be applied in ink that has been approved by the Commissioner.

(3) Brands bearing the grade name set out in Column I of an item of the Table shall be in the colour set out in Column II of that item.

TABLE

ITEM	COLUMN I	COLUMN II
	GRADES	GRADES
1	Canada A1.	Red
2	Canada A2.	Red
3	Canada A3.	Red
4	Canada A4.	Red
5	Canada B.	Blue
6	Canada C1.	Brown
7	Canada C2.	Brown
8	Canada D1.	Black
9	Canada D2.	Black
10	Canada D3.	Black

ITEM	COLUMN I	COLUMN II
	GRADES	GRADES
11	Canada D4.	Black
12	Canada E.	Black

R.R.O. 1980, Reg. 334, s. 6.

7. No person other than an operator shall apply a brand to a graded carcass. R.R.O. 1980, Reg. 334, s. 7.

8. A stamp bearing the name or logo of a producer, retailer or wholesaler and a date may be applied on a carcass if the stamp,

- (a) is applied in brown ink or in ink of a colour corresponding to the colour of the brand that has been applied to the carcass;
- (b) does not exceed three inches in height or width;
- (c) is not applied in more than one place on the carcass; and
- (d) is not in contact with the grader's stamp. R.R.O. 1980, Reg. 334, s. 8.

9. A grader who has graded a carcass may, at the request of any consignor or the consignor's agent, issue a grade certificate for any carcass or carcasses graded by the grader at an establishment, if the consignor or agent,

- (a) has placed on each of the animals to be carcass graded distinct and specific identification approved by the Commissioner that has been transferred to or otherwise appears on the carcass of such animal; and
- (b) has completed and filed with the grader at the establishment at the time of delivery of the animal or lot of animals, as the case may be, to the operator of the establishment, a manifest in a form prescribed by the Commissioner. R.R.O. 1980, Reg. 334, s. 9.

10.—(1) Where an inspector detains a carcass, the inspector shall place thereon a tag indicating that the carcass is under detention.

(2) Except as authorized by an inspector, no person shall remove from a carcass a tag placed thereon by an inspector pursuant to this section. R.R.O. 1980, Reg. 334, s. 10.

11.—(1) No person shall sell, offer for sale or have in possession for sale any carcass that is marked or stamped unless it has been marked or stamped in accordance with the Act and this Regulation.

(2) No person shall apply to a carcass an impression, mark or stamp of any kind that is not a brand or a grade and that might be construed as a brand or grade stamp. R.R.O. 1980, Reg. 334, s. 11.

12. Carcasses shall be divided into lamb carcasses and mutton carcasses in accordance with the characteristics set out in,

- (a) the definitions of "lamb carcass" and "mutton carcass" in section 1; and
- (b) the standards referred to in section 3. R.R.O. 1980, Reg. 334, s. 12.

13. No person shall in any advertisement offering the whole or any part of a lamb carcass or a mutton carcass for sale,

- (a) make any statement that is untrue, deceptive, misleading or that is likely to deceive or mislead any person; or
- (b) use any words that resemble a grade name or that may be

mistaken by any person for a grade name other than a grade name applied to the lamb carcass or mutton carcass, as the case may be, under this Regulation. R.R.O. 1980, Reg. 334, s. 13.

Schedule 1

GRADE STAMP

Dimensions: 1 inch square



R.R.O. 1980, Reg. 334, Sched. 1.

Schedule 2

1. Form a brand in a continuous strip required to show grade names on carcasses:

CANADA
A1

CANADA
A1

CANADA
A1

CANADA
A1

2.—(1) The width of the brand shall be one and three-eighths of an inch and no word shall exceed that length.

(2) All letters in the grade name shall be block capitals (Gothic) and shall be at least five-sixteenths of an inch in height. R.R.O. 1980, Reg. 334, Sched. 2.

REGULATION 381

GRADES—POULTRY

DEFINITIONS

1. In this Regulation,

“consumer” means a person who buys undrawn dressed poultry or eviscerated poultry for use by the person or the person’s household and not for resale;

“eviscerated poultry” means slaughtered poultry from which the blood, feathers, head, legs at the hock joints, oil sac and viscera, including the respiratory, digestive, reproductive and urinary systems have been removed;

“further processing” means the cutting into parts, canning or manufacturing into food products of undrawn dressed poultry or eviscerated poultry;

“poultry” means,

- (a) chicken—being young birds of either sex that have flexible cartilage at the posterior end of the breast or keel bone and tender meat and soft skin of smooth texture,
- (b) chicken capon—being male chickens that have undergone a

process resulting in a complete removal or inactivation of the sex organs, and that have a flexible cartilage at the posterior end of the breast or keel bone, tender meat and soft skin of smooth texture,

(c) fowl—being mature chickens of either sex with rigid cartilage at the posterior end of the breast or keel bone; male birds may have lengthy hard spur development,

(d) turkey, including,

(i) young turkey, being young birds of either sex, having flexible cartilage at the posterior end of the breast or keel bone, tender meat and soft skin of smooth texture, and

(ii) mature turkey, being mature birds of either sex, having rigid cartilage at the posterior end of the breast or keel bone,

(e) ducks, including,

(i) young ducks, being young birds of either sex, having flexible cartilage at the posterior end of the breast or keel bone, tender meat and soft skin of smooth texture, and

(ii) mature ducks, being mature birds of either sex, having rigid cartilage at the posterior end of the breast or keel bone,

(f) geese, including,

(i) young geese, being young birds of either sex, having flexible cartilage at the posterior end of the breast or keel bone, tender meat and soft skin of smooth texture, and

(ii) mature geese, being mature birds of either sex, having rigid cartilage at the posterior end of the breast or keel bone;

“producer” means a person who produces poultry;

“producer-grader” means a person to whom a grader’s certificate has been issued as a producer-grader under the *Canada Agricultural Products Act*;

“registered station” means a place in respect of which a certificate of registration as,

(a) a registered poultry killing and dressing station, or

(b) a registered poultry grading station,

has been issued under the *Canada Agricultural Products Act*;

“undrawn dressed poultry” means slaughtered poultry from which the blood and feathers have been removed;

“vendor” means a person who sells or offers for sale undrawn dressed poultry or eviscerated poultry to a retail or wholesale market, a consumer, a retail store, an institution, a hotel, a restaurant, a barbecue or to anyone commercially engaged in serving meals. R.R.O. 1980, Reg. 335, s. 1.

APPLICATION OF REGULATION

2. Undrawn dressed poultry and eviscerated poultry are designated as farm products. R.R.O. 1980, Reg. 335, s. 2.

GENERAL

3.—(1) Subject to subsections (2) and (3) and section 4, no person shall pack, transport, ship, advertise, sell, offer for sale or hold in

possession for sale any undrawn dressed poultry or eviscerated poultry unless the poultry has been graded and marked to indicate the kind and grade of the poultry in accordance with the standards set out in Schedules 1, 2, 3, 4, 5 and 6.

(2) Undrawn dressed or eviscerated poultry that is not marked as required in subsection (1) may be transported or shipped to a registered station for the purpose of being graded.

(3) Poultry being shipped for further processing is not required to be individually marked. R.R.O. 1980, Reg. 335, s. 3.

4. Despite section 3, a producer may, in any place in Ontario, including any public market, advertise, sell, offer for sale, hold in possession for sale or transport undrawn dressed poultry or eviscerated poultry that is not marked as required in section 3, if the poultry is produced on the producer's farm and is advertised, sold, offered for sale, held in possession for sale or transported to consumers only. R.R.O. 1980, Reg. 335, s. 4.

MARKING

5. Any person grading poultry pursuant to the Act or this Regulation shall mark each individual bird of such poultry to show,

- (a) the name of the kind, and in the case of turkeys, ducks and geese the word "Young" or the word "Mature" preceding the kind;
- (b) the name of the grade; and
- (c) the words "Reg. No." followed by,
 - (i) the certificate number and letters assigned to the producer-grader, or
 - (ii) the registered station number and letter assigned to the operator of the registered station,

as the case may be. R.R.O. 1980, Reg. 335, s. 5.

6.—(1) The individual bird markings referred to in section 5 shall be placed on metal tags, inserts or transparent bags for packing individual birds.

(2) Where the bird markings are on a tag, the tag shall be securely attached to the bird at the "V" formed by the wishbone.

(3) Where the bird markings are on an insert or transparent bag, the markings shall appear in the centre of the breast. R.R.O. 1980, Reg. 335, s. 6.

7. The individual bird markings shall be clear and legible. R.R.O. 1980, Reg. 335, s. 7.

8. The colour of the background on metal tags shall be white and the colour of the lettering on individual bird markings shall be,

- (a) for Canada Grade special, purple;
- (b) for Canada Grade A, red;
- (c) for Canada Grade B, blue;
- (d) for Canada Grade Utility, blue;
- (e) for Canada Grade C, yellow; and
- (f) for Canada Grade D, brown. R.R.O. 1980, Reg. 335, s. 8.

9. The size of the lettering on individual bird markings shall be as follows:

1. The word or letter denoting the grade shall be at least one-quarter of an inch in height.

2. All other required markings shall be at least one-sixteenth of an inch in height, but not larger than the height of the word or letter denoting the grade. R.R.O. 1980, Reg. 335, s. 9.

10. No person other than,

- (a) the operator of a registered station;
- (b) a producer-grader; or
- (c) an inspector,

shall apply the bird markings referred to in section 5. R.R.O. 1980, Reg. 335, s. 10.

11.—(1) An operator of a registered station, who applies bird markings shall apply the markings only at the registered station.

(2) A producer-grader who applies bird markings shall apply the markings only at the premises where the producer-grader is permitted to grade poultry under the *Canada Agricultural Products Act* and the regulations thereunder.

(3) Where poultry has been improperly marked, an inspector may remove or obliterate the bird markings and may apply proper bird markings in accordance with this Regulation. R.R.O. 1980, Reg. 335, s. 11.

ADVERTISING

12.—(1) No person who sells, offers for sale or holds in possession for sale undrawn dressed poultry or eviscerated poultry shall publish or cause to be published any advertisement or statement respecting the kind or grade of the poultry that is untrue, deceptive, misleading or likely to mislead.

(2) No person shall sell, offer for sale or have in possession for sale at retail any undrawn dressed poultry or eviscerated poultry that has been frozen and subsequently thawed unless the words "Frozen-Thawed" followed by the kind of poultry appear conspicuously on the display in letters at least one inch high and one-half of an inch wide. R.R.O. 1980, Reg. 335, s. 12.

13. In any advertisement pertaining to undrawn dressed poultry or eviscerated poultry wherein the price of the poultry appears, the grade name of the poultry shall appear in letters at least one-eighth the size of the numerals of the price and shall appear in letters at least one-quarter of an inch in height and in block type. R.R.O. 1980, Reg. 335, s. 13.

14.—(1) Any advertisement pertaining to undrawn dressed poultry or eviscerated poultry shall state the kind of the poultry, whether the poultry is undrawn dressed poultry or eviscerated poultry and whether the poultry has been frozen and subsequently thawed, and in the case of turkeys, ducks or geese, shall state whether they are young or mature.

(2) All matters required to be stated in an advertisement under subsection (1) shall be in letters of a size and prominence at least equal to those of the grade name. R.R.O. 1980, Reg. 335, s. 14.

15. All grade markings on undrawn dressed poultry or eviscerated poultry displayed for sale shall be clearly visible and not obscured by other markings or materials. R.R.O. 1980, Reg. 335, s. 15.

16. All undrawn dressed poultry and eviscerated poultry on the premises of a vendor shall be deemed to be for sale whether or not the vendor is the owner of the poultry. R.R.O. 1980, Reg. 335, s. 16.

DETENTION

17.—(1) An inspector who has placed under detention any undrawn dressed poultry or eviscerated poultry shall,

- (a) attach to at least one package of the lot a numbered tag, hereinafter referred to as a "detention tag", upon which shall be clearly written,
 - (i) the words "Under Detention—Ministry of Agriculture and Food —Province of Ontario",
 - (ii) the number assigned by the inspector,
 - (iii) a brief description of the lot being detained,
 - (iv) the reason for detention,
 - (v) the date, and
 - (vi) the inspector's signature; and
- (b) mark one end of each package in the lot with a mark consisting of the letters "DET" and the number of the detention tag inside a design of a circle.

(2) Where the poultry detained is not in packages, an inspector may require the owner to place such poultry in packages and the packages shall be marked in accordance with subsection (1). R.R.O. 1980, Reg. 335, s. 17.

18. As soon as possible after attaching the detention tag and marking the packages, the inspector shall deliver or mail to the owner of the poultry or to the owner's agent, a duly completed notice of detention in Form 1 and, where the poultry is on premises other than that of the owner, the inspector shall also deliver or mail a copy of the notice of detention to the person on whose premises the poultry is found. R.R.O. 1980, Reg. 335, s. 18.

19. Except as authorized by an inspector, no person shall alter or remove a detention tag or alter any marks made on any package by an inspector. R.R.O. 1980, Reg. 335, s. 19.

20. Except with the written permission of an inspector, no person shall remove, sell or otherwise dispose of any poultry contained in a package on which a detention tag has been placed or in a package marked by an inspector under section 17. R.R.O. 1980, Reg. 335, s. 20.

21.—(1) An inspector who is satisfied that any poultry held under detention complies with this Regulation may release the poultry by completing a notice of release in Form 2.

(2) As soon as possible after completing the notice of release, the inspector shall deliver or mail one copy of the notice of release to the owner of the poultry and one copy to the person on whose premises the poultry is located. R.R.O. 1980, Reg. 335, s. 21.

22.—(1) The grades for undrawn dressed poultry and eviscerated poultry are established as set out in Tables 1 to 6. R.R.O. 1980, Reg. 335, s. 22 (1), *part*.

(2) The standards for the grades established in Tables 1, 2, 3, 4, 5 and 6 are set out in Schedules 1, 2, 3, 4, 5 and 6, respectively. R.R.O. 1980, Reg. 335, s. 22 (2).

TABLE 1

1. Canada Grade Special Chicken.
2. Canada Grade A Chicken.
3. Canada Grade B Chicken.
4. Canada Grade Utility Chicken.

5. Canada Grade C Chicken.

6. Canada Grade D Chicken. R.R.O. 1980, Reg. 335, s. 22 (1), *part*.

TABLE 2

1. Canada Grade Special Capon Chicken.
2. Canada Grade A Capon Chicken.
3. Canada Grade B Capon Chicken.
4. Canada Grade Utility Capon Chicken.
5. Canada Grade C Capon Chicken.
6. Canada Grade D Capon Chicken. R.R.O. 1980, Reg. 335, s. 22 (1), *part*.

TABLE 3

1. Canada Grade Special Fowl.
2. Canada Grade A Fowl.
3. Canada Grade B Fowl.
4. Canada Grade Utility Fowl.
5. Canada Grade C Fowl.
6. Canada Grade D Fowl. R.R.O. 1980, Reg. 335, s. 22 (1), *part*.

TABLE 4

1. Canada Grade Special Turkey.
2. Canada Grade A Turkey.
3. Canada Grade B Turkey.
4. Canada Grade Utility Turkey.
5. Canada Grade C Turkey.
6. Canada Grade D Turkey. R.R.O. 1980, Reg. 335, s. 22 (1), *part*.

TABLE 5

1. Canada Grade Special Duck.
2. Canada Grade A Duck.
3. Canada Grade B Duck.
4. Canada Grade Utility Duck.
5. Canada Grade C Duck.
6. Canada Grade D Duck. R.R.O. 1980, Reg. 335, s. 22 (1), *part*.

TABLE 6

1. Canada Grade Special Goose.
2. Canada Grade A Goose.
3. Canada Grade B Goose.
4. Canada Grade Utility Goose.

5. Canada Grade C Goose.
6. Canada Grade D Goose. R.R.O. 1980, Reg. 335, s. 22 (1), *part.*

Schedule 1

CHICKEN

The standards for the grades established in Table 1 are as follows:

1. Canada Grade Special Chicken, consisting of undrawn dressed chickens and eviscerated chickens that,
 - i. are whole, except for the usual cutting for proper evisceration, in the case of eviscerated chickens,
 - ii. are of normal physical conformation with no deformities,
 - iii. are plump, full breasted on both sides of the keel bone at the anterior end, with a slight tapering of flesh toward the posterior end and with the keel bone at the anterior end not projecting more than one-sixteenth of an inch beyond the flesh,
 - iv. have a thick deposit of fat at the base of the neck extending in a heavy roll into the "V" of the wishbone and fat showing generally over the breast, thighs and back,
 - v. do not have more than four pin-feathers on the breast and not more than eight pin-feathers elsewhere on the carcass,
 - vi. have no prominent discoloration,
 - vii. have no more than one skin tear on the breast and the tear does not exceed one-quarter inch in length,
 - viii. do not have more than two skin tears on the carcass elsewhere than on the breast and in the case of undrawn dressed chickens weighing three and one-half pounds or less or eviscerated chicken weighing three pounds, no tear exceeds one-quarter inch in length and in the case of undrawn dressed chicken weighing more than three and one-half pounds or eviscerated chicken weighing more than three pounds, no tear exceeds one-half of an inch in length,
 - ix. do not have any freezer burn other than freezer burn consisting of slight surface desiccation,
 - x. do not have a dried out appearance,
 - xi. do not have any cysts, and
 - xii. do not have any broken bones.
2. Canada Grade A Chicken, consisting of undrawn dressed chickens and eviscerated chickens that,
 - i. are whole except for the usual cutting for proper evisceration in the case of eviscerated chicken,
 - ii. are of normal physical conformation with no deformities except that the keel bone may be slightly crooked so long as it does not interfere with the normal arrangement and placement of meat,
 - iii. are moderately plump breasted on both sides of the keel bone at the anterior end, with a moderate tapering of flesh towards the posterior end and with the keel bone at the anterior end not projecting more than one-eighth of an inch beyond the flesh,
3. Canada Grade B Chicken, consisting of undrawn dressed chicken and eviscerated chicken that do not meet the requirements for Canada Grade Special Chicken or Canada Grade A Chicken but that,
 - i. are whole except for the usual cutting for proper evisceration in the case of eviscerated chicken,
 - ii. are of normal physical conformation with no deformities except that the keel bone may be slightly crooked,
 - iii. have sufficient fullness of flesh on both sides of the keel bone to prevent a sharp falling away of flesh from the anterior end to the posterior end and with the keel bone not projecting more than one-eighth of an inch beyond the flesh,
 - iv. have sufficient fat to prevent a dark red appearance,
 - v. do not have more than eight pin-feathers on the breast and not more than sixteen pin-feathers elsewhere on the carcass,
 - vi. do not have more than six prominent discoloured spots on the breast and the total area of the spots does not exceed one square inch,
 - vii. may have discoloration from poor bleeding on the neck, feather tract discoloration of an amber or reddish tinge on the back and up to six other prominent discoloured spots on the breast and the total area of the spots does not exceed one-quarter square inch,
 - viii. do not have on the breast more than one skin tear and the tear does not exceed one-quarter of an inch in length,
 - ix. have no more than two skin tears on the carcass elsewhere than on the breast and no tear exceeds one-half of an inch in length,
 - x. do not have any freezer burn other than freezer burn consisting of surface desiccation and the total area of the surface desiccation does not exceed two and one-quarter square inches,
 - xi. do not have a dried out appearance,
 - xii. do not have any cysts, and
 - xiii. do not have any broken bones.

- ment discoloured spots on the carcass elsewhere than on the breast if the total area of the other spots does not exceed one and one-quarter square inches,
- viii. have no more than two skin tears on the breast and no tear exceeds one-half of an inch in length,
- ix. have no more than three skin tears on the carcass elsewhere than on the breast and no tear exceeds one-half of an inch in length,
- x. may have freezer burn consisting of deep pitted desiccation if the total area of deep pitted desiccation does not exceed two and one-quarter square inches,
- xi. do not have more than one cyst and the cyst is small, loose and not discoloured, and
- xii. do not have any broken bones.
4. Canada Grade Utility Chicken, consisting of undrawn dressed chicken and eviscerated chicken that do not meet the requirements for Canada Grade Special Chicken, Canada Grade A Chicken or Canada Grade B Chicken but that,
- i. may have, in the case of eviscerated chicken, the usual cutting for evisceration,
- ii. subject to subparagraph iii, have flesh that is substantially intact except that a small portion of the flesh may be cut away if no appreciable loss in meat yield is occasioned thereby,
- iii. may have had the wings removed in whole or in part, one leg including the thigh may have been removed completely, if the other leg is intact, or the drumstick of each leg may have been removed, and the tail may have been removed at the base, so long as the limbs have been severed only at a joint,
- iv. have areas of skin missing if the areas do not exceed in aggregate the area of one-half of the breast,
- v. subject to subparagraphs i, ii, iii and iv, are whole,
- vi. have sufficient fullness of flesh on both sides of the keel bone to prevent a sharp falling away of flesh from the anterior to the posterior end and with the keel bone not projecting more than one-eighth of an inch beyond the flesh,
- vii. have sufficient fat to prevent a dark red appearance,
- viii. do not have more than eight pin-feathers on the breast and not more than sixteen pin-feathers elsewhere on the carcass,
- ix. do not have more than six prominent discoloured spots on the breast and the total area of the spots does not exceed one square inch,
- x. may have discolouration from poor bleeding on the neck, feather tract discolouration of an amber or reddish tinge on the back, and up to six other prominent discoloured spots on the carcass elsewhere than on the breast if the total area of the other spots does not exceed one and one-quarter square inches,
- xi. do not have more than one cyst and the cyst is small, loose and not discoloured,
- xii. may have freezer burn consisting of deep pitted desiccation if the total area of deep pitted desiccation does not exceed two and one-quarter square inches, and
- xiii. may have dislocated or broken wing or leg bones, so long as no other bone is dislocated or broken.
5. Canada Grade C Chicken, consisting of undrawn dressed chickens and eviscerated chickens that do not meet the requirements for Canada Grade Special Chicken, Canada Grade A Chicken, Canada Grade B Chicken or Canada Grade Utility Chicken but that,
- i. are whole except for the usual cutting for proper evisceration in the case of eviscerated chicken,
- ii. have sufficient fullness of flesh on both sides of the keel bone to prevent an extremely sharp falling away of flesh from the anterior to the posterior end and with the keel bone not projecting more than three-sixteenths of an inch beyond the flesh,
- iii. may have pin-feathers or discolouration caused by pin-feathers,
- iv. subject to subparagraph iii, do not have discolouration on the breast in excess of an area of two and one-quarter square inches,
- v. may have discolouration from poor bleeding on the neck, feather tract discolouration of an amber or reddish tinge on the back and subject to subparagraph iii, other discoloured spots on the carcass elsewhere than on the breast if the total area of the other spots does not exceed two and one-quarter square inches, and
- vi. do not have any discoloured cysts.
6. Canada Grade D Chicken, consisting of undrawn dressed chickens and eviscerated chickens that do not meet the requirements for Canada Grade Special Chicken, Canada Grade A Chicken, Canada Grade B Chicken, Canada Grade Utility Chicken or Canada Grade C Chicken but that,
- i. are whole except for the usual cutting for proper evisceration in the case of eviscerated chicken,
- ii. have some flesh on both sides of the keel bone,
- iii. may have pin-feathers or discolouration caused by pin-feathers, and
- iv. subject to subparagraph iii, do not have severe discolouration from any cause. R.R.O. 1980, Reg. 335, Sched. 1.

Schedule 2

CHICKEN CAPON

The standards for the grades established in Table 2 are as follows:

1. Canada Grade Special Chicken Capon, consisting of undrawn dressed chicken capons and eviscerated chicken capons that,
 - i. have the breast, thighs and back well covered with fat, and
 - ii. in all other respects meet the standards for Canada Grade Special Chicken as prescribed in paragraph 1 of Schedule 1.
2. Canada Grade A Chicken Capon, consisting of undrawn

- dressed chicken capons and eviscerated chicken capons that,
- i. have the breast, thighs and back reasonably well covered with fat, and
 - ii. in all other respects meet the standards for Canada Grade A Chicken as prescribed in paragraph 2 of Schedule 1.
3. Canada Grade B Chicken Capon, consisting of undrawn dressed chicken capons and eviscerated chicken capons that do not meet the requirements for Canada Grade Special Chicken Capon or Canada Grade A Chicken Capon but meet the standards for Canada Grade B Chicken as prescribed in paragraph 3 of Schedule 1.
 4. Canada Grade Utility Chicken Capon, consisting of undrawn dressed chicken capons and eviscerated chicken capons that do not meet the requirements for Canada Grade Special Chicken Capon, Canada Grade A Chicken Capon or Canada Grade B Chicken Capon but meet the standards for Canada Grade Utility Chicken as prescribed in paragraph 4 of Schedule 1.
 5. Canada Grade C Chicken Capon, consisting of undrawn dressed chicken capons and eviscerated chicken capons that do not meet the requirements for Canada Grade Special Chicken Capon, Canada Grade A Chicken Capon, Canada Grade B Chicken Capon or Canada Grade Utility Chicken Capon but meet the standards for Canada Grade C Chicken as prescribed in paragraph 5 of Schedule 1.
 6. Canada Grade D Chicken Capon, consisting of undrawn dressed chicken capons and eviscerated chicken capons that do not meet the requirements for Canada Grade Special Chicken Capon, Canada Grade A Chicken Capon, Canada Grade B Chicken Capon, Canada Grade Utility Chicken Capon or Canada Grade C Chicken Capon but meet the standards for Canada Grade D Chicken as prescribed in paragraph 6 of Schedule 1. R.R.O. 1980, Reg. 335, Sched. 2.
- Schedule 3**
- FOWL
- The standards for the grades established in Table 3 are as follows:
1. Canada Grade Special Fowl, consisting of undrawn dressed fowl and eviscerated fowl that,
 - i. are whole except for the usual cutting for proper evisceration in the case of eviscerated fowl,
 - ii. are of normal physical conformation with no deformities,
 - iii. are plump, full breasted on both sides of the keel bone at the anterior end, with a slight tapering of flesh toward the posterior end and the keel bone at the anterior end not projecting more than one-sixteenth of an inch beyond the flesh,
 - iv. have the breast, thighs and back well covered with fat,
 - v. do not have more than four pin-feathers on the breast and not more than eight pin-feathers elsewhere on the carcass,
 - vi. have no prominent discolouration,
 - vii. have no more than one skin tear on the breast and the tear does not exceed one-quarter of an inch in length,
 - viii. have no more than two skin tears on the carcass elsewhere than on the breast and no tear exceeds one-half of an inch in length,
 - ix. do not have any freezer burn other than freezer burn consisting of slight surface desiccation,
 - x. do not have a dried out appearance,
 - xi. do not have any cysts, and
 - xii. do not have any broken bones.
 2. Canada Grade A Fowl, consisting of undrawn dressed fowl and eviscerated fowl that,
 - i. are whole except for the usual cutting for proper evisceration in the case of eviscerated fowl,
 - ii. are of normal physical conformation with no deformities except that the keel bone may be slightly crooked so long as it does not interfere with the normal arrangement and placement of meat,
 - iii. are moderately plump breasted on both sides of the keel bone at the anterior end, with a moderate tapering of flesh towards the posterior end and with the keel bone at the anterior end not projecting more than one-eighth of an inch beyond the flesh,
 - iv. have the breast, thighs and back reasonably well covered with fat,
 - v. do not have more than five pin-feathers on the breast and not more than ten pin-feathers elsewhere on the carcass,
 - vi. do not have more than four prominent discoloured spots on the breast and the total area of the spots does not exceed one-quarter square inch,
 - vii. may have a discolouration from poor bleeding on the area of the neck extending from the head to a point mid-way between the head and the base of the neck, a feather tract discolouration of an amber or reddish tinge on the back, and up to six other prominent discoloured spots on the carcass elsewhere than on the breast if the total area of the other spots does not exceed one square inch,
 - viii. do not have on the breast more than one skin tear and the skin tear does not exceed one-quarter of an inch in length,
 - ix. have no more than three skin tears on the carcass elsewhere than on the breast and no tear exceeds one-half of an inch in length,
 - x. do not have any freezer burn other than freezer burn consisting of surface desiccation and the total area of the surface desiccation does not exceed two and one-quarter square inches,
 - xi. do not have a dried out appearance,
 - xii. do not have any cysts, and
 - xiii. do not have any broken bones.
 3. Canada Grade B Fowl, consisting of undrawn dressed fowl and eviscerated fowl that do not meet the requirements for

- Canada Grade Special Fowl or Canada Grade A Fowl, but that,
- i. are whole except for the usual cutting for proper evisceration in the case of eviscerated fowl,
 - ii. are of normal physical conformation with no deformities except that the keel bone may be slightly crooked,
 - iii. have sufficient fullness of flesh on both sides of the keel bone to prevent a sharp falling away of flesh from the anterior to the posterior end and with the keel bone not projecting more than one-eighth of an inch beyond the flesh,
 - iv. have sufficient fat to prevent a dark red appearance,
 - v. do not have more than eight pin-feathers on the breast and not more than sixteen pin-feathers elsewhere on the carcass,
 - vi. do not have more than six prominent discoloured spots on the breast and the total area of the spots does not exceed one square inch,
 - vii. may have discolouration from poor bleeding on the neck, feather tract discolouration of an amber or reddish tinge on the back, and up to six other prominent discoloured spots on the carcass elsewhere than on the breast if the total area of the other spots does not exceed one and one-quarter square inches,
 - viii. have no more than two skin tears on the breast and no tear exceeds one-half of an inch in length,
 - ix. have no more than three skin tears on the carcass elsewhere than on the breast and no tear exceeds one-half of an inch in length,
 - x. may have freezer burn consisting of deep pitted desiccation if the total area of deep pitted desiccation does not exceed two and one-quarter square inches,
 - xi. do not have more than one cyst and the cyst is small, loose and not discoloured, and
 - xii. do not have any broken bones.
4. Canada Grade Utility Fowl, consisting of undrawn dressed fowl and eviscerated fowl that do not meet the requirements for Canada Grade Special Fowl, Canada Grade A Fowl or Canada Grade B Fowl, but that,
- i. may have, in the case of eviscerated fowl, the usual cutting for evisceration,
 - ii. subject to subparagraph iii, have flesh that is substantially intact except that a small portion of the flesh may be cut away if no appreciable loss in meat yield is occasioned thereby,
 - iii. may have had the wings removed in whole or in part, one leg, including the thigh, may have been removed completely if the other leg is intact, or the drumstick of each leg may have been removed, and the tail may have been removed at the base, so long as the limbs have been severed only at a joint,
 - iv. have areas of skin missing if the areas do not exceed in aggregate the area of one-half of the breast,
 - v. subject to subparagraphs i, ii, iii and iv, are whole,
 - vi. have sufficient fullness of flesh on both sides of the keel bone to prevent a sharp falling away of flesh from the anterior to the posterior end and with the keel bone not projecting more than one-eighth of an inch beyond the flesh,
 - vii. have sufficient fat to prevent a dark red appearance,
 - viii. do not have more than eight pin-feathers on the breast and not more than sixteen pin-feathers elsewhere on the carcass,
 - ix. do not have more than six prominent discoloured spots on the breast and the total area of the spots does not exceed one square inch,
 - x. may have discolouration from poor bleeding on the neck, feather tract discolouration of an amber or reddish tinge on the back, and up to six other prominent discoloured spots on the carcass elsewhere than on the breast if the total area of the other spots does not exceed one and one-quarter square inches,
 - xi. do not have more than one cyst and the cyst is small, loose and not discoloured,
 - xii. may have freezer burn consisting of deep pitted desiccation if the total area of deep pitted desiccation does not exceed two and one-quarter square inches, and
 - xiii. may have dislocated or broken wing or leg bones, so long as no other bone is dislocated or broken.
5. Canada Grade C Fowl, consisting of undrawn dressed fowl and eviscerated fowl that do not meet the requirements for Canada Grade Special Fowl, Canada Grade A Fowl, Canada Grade B Fowl or Canada Grade Utility Fowl but that,
- i. are whole except for the usual cutting for proper evisceration in the case of eviscerated fowl,
 - ii. have sufficient fullness of flesh on both sides of the keel bone to prevent an extremely sharp falling away of flesh from the anterior to the posterior end and the keel bone projecting more than three-sixteenths of an inch beyond the flesh,
 - iii. may have pin-feathers or discolouration caused by pin-feathers,
 - iv. subject to subparagraph iii, do not have discolouration on the breast in excess of an area of two and one-quarter square inches,
 - v. may have discolouration from poor bleeding on the neck, feather tract discolouration of an amber or reddish tinge on the back and subject to subparagraph iii, other discoloured spots on the carcass elsewhere than on the breast if the total area of the other spots does not exceed two and one-quarter square inches, and
 - vi. do not have any discoloured cysts.
6. Canada Grade D Fowl, consisting of undrawn dressed fowl and eviscerated fowl that do not meet the requirements for Canada Grade Special Fowl, Canada Grade A Fowl, Canada Grade B Fowl, Canada Grade Utility Fowl or Canada Grade C Fowl but that,
- i. are whole except for the usual cutting for proper evisceration in the case of eviscerated fowl,
 - ii. have some flesh on both sides of the keel bone,

- iii. may have pin-feathers or discolouration caused by pin-feathers, and
- iv. subject to subparagraph iii, do not have severe discolouration from any cause. R.R.O. 1980, Reg. 335, Sched. 3.

Schedule 4

TURKEYS

The standards for the grades established in Table 4 are as follows:

1. Canada Grade Special Turkey, consisting of undrawn dressed turkeys and eviscerated turkeys that,

- i. are whole except that the wing tips may have been removed, and in the case of eviscerated turkeys, are whole except for the usual cutting for proper evisceration,
- ii. are of normal physical conformation with no deformities,
- iii. are plump, full breasted on both sides of the keel bone at the anterior end, with a slight tapering of flesh toward the posterior end and with the keel bone at the anterior end not projecting more than one-sixteenth of an inch beyond the flesh,
- iv. in the case of undrawn dressed turkey weighing nine pounds or less or eviscerated turkey weighing eight pounds or less, have the breast, thighs and back reasonably well covered with fat and in the case of undrawn dressed turkey weighing more than eight pounds, have the breast, thighs and back well covered with fat,
- v. do not have more than four pin-feathers on the breast and not more than eight pin-feathers elsewhere on the carcass,
- vi. have no prominent discolouration,
- vii. have no more than one skin tear on the breast and the tear does not exceed one-quarter of an inch in length,
- viii. have no more than two skin tears on the carcass elsewhere than on the breast and in the case of undrawn dressed turkey weighing nine pounds or less or eviscerated turkey weighing eight pounds or less no tear exceeds one-half of an inch in length and in the case of undrawn dressed turkey weighing more than nine pounds or eviscerated turkey weighing more than eight pounds no tear exceeds three-quarters of an inch in length,
- ix. have the fore part of the breast free of flabbiness,
- x. do not have any freezer burn other than freezer burn consisting of slight surface desiccation,
- xi. do not have a dried out appearance,
- xii. do not have any cysts, and
- xiii. do not have any broken bones.

2. Canada Grade A Turkey, consisting of undrawn dressed turkeys and eviscerated turkeys that,

- i. are whole except that the wing tips may be removed, and in the case of eviscerated turkeys, are whole except for the usual cutting for proper evisceration,

- ii. are of normal physical conformation with no deformities except that the keel bone may be slightly crooked so long as it does not interfere with the normal arrangement and placement of meat,

- iii. are moderately plump breasted on both sides of the keel bone at the anterior end, with a moderate tapering of flesh towards the posterior end and with the keel bone at the anterior end not projecting more than one-eighth of an inch beyond the flesh,

- iv. have a disposition and quantity of fat such that,

- A. in the case of undrawn dressed turkey weighing eleven pounds or less or eviscerated turkey weighing ten pounds or less, there is a moderate covering of fat over the breast, thighs and back,

- B. in the case of undrawn dressed turkey weighing more than eleven pounds but less than eighteen pounds or eviscerated turkey weighing more than ten pounds but less than sixteen pounds, the breast and thighs are reasonably well covered with fat and there is a moderate covering of fat over the back, and

- C. in the case of undrawn dressed turkey weighing eighteen pounds or more or eviscerated turkey weighing sixteen pounds or more, there is evidence of fat deposits in the main feather tract on each side of the breast as indicated by a pronounced thickening at the centre of each of those areas, there is sufficient fat beneath the skin in other areas of the breast to prevent the appearance of the flesh, and, in the feather tract area of the back extending from the base of the tail to a point between the hip bones, there is a sufficient deposit of fat to produce a smooth appearance of the feather follicles,

- v. do not have more than five pin feathers on the breast and not more than ten pin-feathers elsewhere on the carcass,

- vi. may have discolouration on the keel bone if light amber in colour, discolouration on the keel bone of a scaly nature that does not exceed two inches in length and up to four other prominent discoloured spots on the breast if the total area of the other spots does not exceed one-quarter square inch,

- vii. may have discolouration from poor bleeding on the area of the neck extending from the head to a point mid-way between the head and the base of the neck, a feather tract discolouration of an amber or reddish tinge on the back, and up to six other prominent discoloured spots on the carcass elsewhere than on the breast if the total area of the other spots does exceed one square inch,

- viii. do not have on the breast more than one skin tear and the tear does not exceed one-quarter of an inch in length,

- ix. have no more than two skin tears on the carcass elsewhere than on the breast and in the case of undrawn dressed turkey weighing nine pounds or less or eviscerated turkey weighing eight pounds or less, no tear exceeds one-half of an inch in length and in the case of undrawn dressed turkey weighing more than nine pounds or eviscerated turkey weighing more than eight pounds, no tear exceeds three-quarters of an inch in length,

- x. do not have more than a slight flabbiness on the fore part of the breast,
 - xi. do not have any freezer burn other than freezer burn consisting of surface desiccation and the total area of the surface desiccation does not exceed two and one-quarter square inches,
 - xii. do not have a dried out appearance,
 - xiii. do not have any cysts, and
 - xiv. do not have any broken bones.
3. Canada Grade B Turkey, consisting of undrawn dressed turkeys and eviscerated turkeys that do not meet the requirements for Canada Grade Special Turkey or Canada Grade A Turkey but that,
- i. are whole except that the wing tips may have been removed and, in the case of eviscerated turkey, are whole except for the usual cutting for proper evisceration,
 - ii. of normal physical conformation with no deformities except that it may have a slightly crooked keel,
 - iii. have sufficient fullness of flesh on both sides of the keel bone to prevent a sharp falling away of flesh from the anterior to the posterior end and with the keel bone not projecting more than one-eighth of an inch beyond the flesh,
 - iv. have sufficient fat to prevent a dark red appearance,
 - v. do not have more than eight pin-feathers on the breast and not more than sixteen pin-feathers elsewhere on the carcass,
 - vi. may have discoloration on the keel bone if the discoloration is light amber in colour, and discoloration on the keel bone of a scaly nature, which may extend the entire length of the keel bone, and up to six other prominent discoloured spots on the breast if the total area of the other spots does not exceed one square inch,
 - vii. may have discoloration from poor bleeding on the neck, feather tract discoloration of an amber or reddish tinge on the back, dark pigment discoloration if confined to an area not exceeding two inches forward from the base of the tail, and up to six other prominent discoloured spots on the carcass elsewhere than on the breast if the total area of the other spots does not exceed one and one-quarter square inches,
 - viii. have no more than two skin tears on the breast and no tear exceeds one-half of an inch in length,
 - ix. have no more than three skin tears on the carcass elsewhere than on the breast and in the case of undrawn dressed turkey weighing nine pounds or less or eviscerated turkey weighing eight pounds or less no tear exceeds one-half of an inch in length and in the case of undrawn dressed turkey weighing more than nine pounds, or eviscerated turkey weighing more than eight pounds, no tear exceeds one inch in length,
 - x. may have freezer burn consisting of deep pitted desiccation if the total area of deep pitted desiccation does not exceed four square inches,
- xi. do not have more than one cyst and the cyst is small, loose and not discoloured, and
 - xii. do not have any broken bones.
4. Canada Grade Utility Turkey, consisting of undrawn dressed turkeys and eviscerated turkeys that do not meet the requirements for Canada Grade Special Turkey, Canada Grade A Turkey or Canada Grade B Turkey but that,
- i. may have, in the case of eviscerated turkey, the usual cutting for evisceration,
 - ii. subject to subparagraph iii, have flesh that is substantially intact except that a small portion of the flesh may be cut away if no appreciable loss in meat yield is occasioned thereby,
 - iii. may have had the wings removed in whole or in part, one leg, including the thigh, may have been removed completely if the other leg is intact, or the drumstick of each leg may have been removed, and the tail may have been removed at the base so long as the limbs have been severed only at a joint,
 - iv. have areas of skin missing if the areas do not exceed in aggregate the area of one-half of the breast,
 - v. subject to subparagraphs i, ii, iii and iv, are whole,
 - vi. have sufficient fullness of flesh on both sides of the keel bone to prevent a sharp falling away of flesh from the anterior to the posterior end and with the keel bone not projecting more than one-eighth of an inch beyond the flesh,
 - vii. have sufficient fat to prevent a dark red appearance,
 - viii. do not have more than eight pin-feathers on the breast and not more than sixteen pin-feathers elsewhere on the carcass,
 - ix. may have discoloration on the keel bone if the discoloration is light amber in colour, and discoloration on the keel bone of a scaly nature, which may extend the entire length of the keel bone, and up to six other prominent discoloured spots on the breast if the total area of the other spots does not exceed one square inch,
 - x. may have discoloration from poor bleeding on the neck, feather tract discoloration of an amber or reddish tinge on the back, dark pigment discoloration if confined to an area not exceeding two inches forward from the base of the tail, and up to six other prominent discoloured spots on the carcass elsewhere than on the breast if the total area of the other spots does not exceed one and one-quarter square inches,
 - xi. do not have more than one cyst and the cyst is small, loose and not discoloured,
 - xii. may have freezer burn consisting of deep pitted desiccation if the total area of deep pitted desiccation does not exceed four square inches, and
 - xiii. may have dislocated or broken wing or leg bones, so long as no other bone is dislocated or broken.
5. Canada Grade C Turkey, consisting of undrawn dressed turkeys and eviscerated turkeys that do not meet the requirements for Canada Grade Special Turkey, Canada

- Grade A Turkey, Canada Grade B Turkey or Canada Grade Utility Turkey but that,
- i. are whole except that the wing tips may have been removed, and in the case of eviscerated turkey, are whole except for the usual cutting for proper evisceration,
 - ii. have sufficient fullness of flesh on both sides of the keel bone to prevent an extremely sharp falling away of flesh from the anterior to the posterior end and with the keel bone not projecting more than three-sixteenths of an inch beyond the flesh,
 - iii. may have pin-feathers or discolouration caused by pin-feathers,
 - iv. may have discolouration on the keel bone if the discolouration is light amber in colour, and discolouration on the keel bone of a scaly nature, which may extend the entire length of the keel bone, and subject to subparagraph iii, other discoloured spots on the breast if the total area of the other spots does not exceed two and one-quarter square inches,
 - v. may have discolouration from poor bleeding on the neck, feather tract discolouration of an amber or reddish tinge on the back, dark pigment discolouration if confined to an area not exceeding eight inches in length forward from the base of the tail and, subject to subparagraph iii, other discoloured spots on the carcass elsewhere than on the breast if the total area of the other spots does not exceed two and one-quarter square inches, and
 - vi. do not have any discoloured cysts.
6. Canada Grade D Turkey, consisting of undrawn dressed turkeys and eviscerated turkeys that do not meet the requirements for Canada Grade Special Turkey, Canada Grade A Turkey, Canada Grade B Turkey, Canada Grade Utility Turkey or Canada Grade C Turkey but that,
- i. are whole except that the wing tips may have been removed and, in the case of eviscerated turkey, are whole except for the usual cutting for proper evisceration,
 - ii. have some flesh on both sides of the keel bone,
 - iii. may have pin-feathers, discolouration caused by pin-feathers, dark pigmentation or freezer burn, and
 - iv. subject to subparagraph iii, do not have severe discolouration from any cause. R.R.O. 1980, Reg. 335, Sched. 4.
- bone at the anterior end not projecting more than one-sixteenth of an inch beyond the flesh,
- iv. have the breast, thighs and back well covered with fat,
 - v. do not have more than four pin-feathers on the breast and not more than eight pin-feathers elsewhere on the carcass,
 - vi. have no prominent discolouration,
 - vii. have no more than one skin tear on the breast and the tear does not exceed one-quarter of an inch in length,
 - viii. have no more than two skin tears on the carcass elsewhere than on the breast and no tear exceeds one-half of an inch in length,
 - ix. do not have any freezer burn other than freezer burn consisting of slight surface desiccation,
 - x. do not have a dried out appearance,
 - xi. do not have any cysts, and
 - xii. do not have any broken bones.
2. Canada Grade A Duck, consisting of undrawn dressed ducks and eviscerated ducks that,
- i. are whole except for the usual cutting for proper evisceration in the case of eviscerated duck,
 - ii. are of normal physical conformation with no deformities except that the keel bone may be slightly crooked so long as it does not interfere with the normal arrangement and placement of meat,
 - iii. are moderately plump breasted on both sides of the keel bone at the anterior end, with a moderate tapering of flesh towards the posterior end and with the keel bone at the anterior end not projecting more than one-eighth of an inch beyond the flesh,
 - iv. have the breast, thighs and back reasonably well covered with fat,
 - v. do not have more than five pin-feathers on the breast and not more than ten pin-feathers elsewhere on the carcass,
 - vi. do not have more than four prominent discoloured spots on the breast and the total area of the spots does not exceed one-quarter square inch,
 - vii. may have discolouration from poor bleeding on the area of the neck extending from the head to a point mid-way between the head and the base of the neck, a feather tract discolouration of an amber tinge on the back, and up to six other prominent discoloured spots on the carcass elsewhere than on the breast if the total area of the other spots does not exceed one square inch,
 - viii. do not have on the breast more than one skin tear and the skin tear does not exceed one-quarter of an inch in length,
 - ix. have no more than two skin tears on the carcass elsewhere than on the breast and no tear exceeds one-half of an inch in length,
 - x. do not have any freezer burn other than freezer burn

Schedule 5

DUCKS

The standards for the grades established in Table 5 are as follows:

1. Canada Grade Special Duck, consisting of undrawn dressed ducks and eviscerated ducks that,
 - i. are whole except for the usual cutting for proper evisceration in the case of eviscerated duck,
 - ii. are of normal physical conformation with no deformities,
 - iii. are plump, full breasted on both sides of the keel bone at the anterior end, with a slight tapering of flesh toward the posterior end and with the keel

- consisting of surface desiccation and the total area of the surface desiccation does not exceed two and one-quarter square inches,
- xi. do not have a dried out appearance,
 - xii. do not have any cysts, and
 - xiii. do not have any broken bones.
3. Canada Grade B Duck, consisting of undrawn dressed ducks and eviscerated ducks that do not meet the requirements for Canada Grade Special Duck or Canada Grade A Duck but that,
- i. are whole except for the usual cutting for proper evisceration in the case of eviscerated duck,
 - ii. are of normal physical conformation with no deformities except that the keel bone may be slightly crooked,
 - iii. have sufficient fullness of flesh on both sides of the keel bone to prevent a sharp falling away of flesh from the anterior to the posterior end and with the keel bone not projecting more than one-eighth of an inch beyond the flesh,
 - iv. have sufficient fat to prevent a dark red appearance,
 - v. do not have more than eight pin-feathers on the breast and not more than sixteen pin-feathers elsewhere on the carcass,
 - vi. do not have more than six prominent discoloured spots on the breast and the total area of the spots does not exceed one square inch,
 - vii. may have discolouration from poor bleeding on the neck, feather tract discolouration of an amber or reddish tinge on the back, and up to six other prominent discoloured spots on the carcass elsewhere than on the breast if the total area of the other spots does not exceed one and one-quarter square inches,
 - viii. have no more than two skin tears on the breast and no tear exceeds one-half of an inch in length,
 - ix. have no more than three skin tears on the carcass elsewhere than on the breast and no tear exceeds one-half of an inch in length,
 - x. may have freezer burn consisting of deep pitted desiccation if the total area of deep pitted desiccation does not exceed two and one-quarter square inches,
 - xi. do not have more than one cyst and the cyst is small, loose and not discoloured, and
 - xii. do not have any broken bones.
4. Canada Grade Utility Duck, consisting of undrawn dressed ducks and eviscerated ducks that do not meet the requirements for Canada Grade Special Duck, Canada Grade A Duck or Canada Grade B Duck but that,
- i. may have, in the case of eviscerated duck, the usual cutting for evisceration,
 - ii. subject to subparagraph iii, have flesh that is substantially intact except that a small portion of the flesh may be cut away if no appreciable loss in meat yield is occasioned thereby,
 - iii. may have had the wings removed in whole or in part,
- one leg, including the thigh, may have been removed completely if the other leg is intact, or the drumstick of each leg may have been removed, and the tail may have been removed at the base, so long as the limbs have been severed only at a joint,
- iv. have areas of skin missing if the areas do not exceed in aggregate the area of one-half of the breast,
 - v. subject to subparagraphs i, ii, iii and iv, are whole,
 - vi. have sufficient fullness of flesh on both sides of the keel bone to prevent a sharp falling away of flesh from the anterior to the posterior end and with the keel bone not projecting more than one-eighth of an inch beyond the flesh,
 - vii. have sufficient fat to prevent a dark red appearance,
 - viii. do not have more than eight pin-feathers on the breast and not more than sixteen pin-feathers elsewhere on the carcass,
 - ix. do not have more than six prominent discoloured spots on the breast, and the total area of the spots does not exceed one square inch,
 - x. may have discolouration from poor bleeding on the neck, feather tract discolouration of an amber or reddish tinge on the back, and up to six other prominent discoloured spots on the carcass elsewhere than on the breast if the total area of the other spots does not exceed one and one-quarter square inches,
 - xi. do not have more than one cyst and the cyst is small, loose and not discoloured,
 - xii. may have freezer burn consisting of deep pitted desiccation if the total area of deep pitted desiccation does not exceed one and one-quarter square inches, and
 - xiii. may have dislocated or broken wing or leg bones, so long as no other bone is broken or dislocated.
5. Canada Grade C Duck, consisting of undrawn dressed ducks and eviscerated ducks that do not meet the requirements for Canada Grade Special Duck, Canada Grade A Duck, Canada Grade B Duck or Canada Grade Utility Duck but that,
- i. are whole except for the usual cutting for proper evisceration in the case of eviscerated ducks,
 - ii. have sufficient fullness of flesh on both sides of the keel bone to prevent an extremely sharp falling away of flesh from the anterior to the posterior end and with the keel bone not projecting more than three-sixteenths of an inch beyond the flesh,
 - iii. may have pin-feathers or discolouration caused by pin-feathers,
 - iv. subject to subparagraph iii, do not have discolouration on the breast in excess of an area of two and one-quarter square inches,
 - v. may have discolouration from poor bleeding on the neck, feather tract discolouration of an amber or reddish tinge on the back and, subject to subparagraph iii, other discoloured spots on the carcass elsewhere than on the breast if the total area of the other spots does not exceed two and one-quarter square inches, and

- vi. do not have any discoloured cysts.
6. Canada Grade D Duck, consisting of undrawn dressed ducks and eviscerated ducks that do not meet the requirements for Canada Grade Special Duck, Canada Grade A Duck, Canada Grade B Duck, Canada Grade Utility Duck or Canada Grade C Duck but that,
- i. are whole except for the usual cutting for proper evisceration in the case of eviscerated duck,
 - ii. have some flesh on both sides of the keel bone,
 - iii. may have pin-feathers or discoloration caused by pin-feathers, and
 - iv. subject to subparagraph iii, do not have severe discoloration from any cause. R.R.O. 1980, Reg. 335, Sched. 5.

Schedule 6

GEESE

The standards for the grades established in Table 6 are as follows:

1. Canada Grade Special Goose, consisting of undrawn dressed geese and eviscerated geese that,
- i. are whole except for the usual cutting for proper evisceration in the case of eviscerated geese,
 - ii. are of normal physical conformation with no deformities,
 - iii. are plump, full breasted on both sides of the keel bone at the anterior end, with a slight tapering of flesh toward the posterior end and with the keel bone at the anterior end not projecting more than one-sixteenth of an inch beyond the flesh,
 - iv. have the breast, thighs and back well covered with fat,
 - v. do not have more than four pin-feathers on the breast and not more than eight pin-feathers elsewhere on the carcass,
 - vi. have no prominent discoloration,
 - vii. have no more than one skin tear on the breast and the tear does not exceed one-quarter of an inch in length,
 - viii. have no more than two skin tears on the carcass elsewhere than on the breast and no tear exceeds three-quarters of an inch in length,
 - ix. do not have any freezer burn other than freezer burn consisting of slight surface desiccation,
 - x. do not have a dried out appearance,
 - xi. do not have any cysts, and
 - xii. do not have any broken bones.
2. Canada Grade A Goose, consisting of undrawn dressed geese and eviscerated geese that,
- i. are whole except for the usual cutting for proper evisceration in the case of eviscerated geese,
 - ii. are of normal physical conformation with no deformities except that the keel bone may be slightly

crooked so long as it does not interfere with the normal arrangement and placement of meat,

- iii. are moderately plump breasted on both sides of the keel bone at the anterior end, with a moderate tapering of flesh towards the posterior end and with the keel bone at the anterior end not projecting more than one-eighth of an inch beyond the flesh,
 - iv. have the breast, thighs and back reasonably well covered with fat,
 - v. do not have more than five pin-feathers on the breast and not more than ten pin-feathers elsewhere on the carcass,
 - vi. do not have more than four prominent discoloured spots on the breast and the total area of the spots does not exceed one-quarter square inch,
 - vii. may have discoloration from poor bleeding on the area of the neck extending from the head to a point mid-way between the head and the base of the neck, a feather tract discoloration of an amber or reddish tinge on the back, and up to six other prominent discoloured spots on the carcass elsewhere than on the breast if the total area of the spots does not exceed one square inch,
 - viii. do not have on the breast more than one skin tear and the skin tear does not exceed one-quarter of an inch in length,
 - ix. have no more than two skin tears on the carcass elsewhere than on the breast and no tear exceeds one inch in length,
 - x. do not have any freezer burn other than freezer burn consisting of surface desiccation and the total area of the surface desiccation does not exceed two and one-quarter square inches,
 - xi. do not have a dried out appearance,
 - xii. do not have any cysts, and
 - xiii. do not have any broken bones.
3. Canada Grade B Goose, consisting of undrawn dressed geese and eviscerated geese that do not meet the requirements for Canada Grade Special Goose or Canada Grade A Goose but that,
- i. are whole except for the usual cutting for proper evisceration in the case of eviscerated geese,
 - ii. are of normal physical conformation with no deformities except that the keel bone may be slightly crooked,
 - iii. have sufficient fullness of flesh on both sides of the keel bone to prevent a sharp falling away of flesh from the anterior to the posterior end and with the keel bone not projecting more than one-eighth of an inch beyond the flesh,
 - iv. have sufficient fat to prevent a dark red appearance,
 - v. do not have more than eight pin-feathers on the breast and not more than sixteen pin-feathers elsewhere on the carcass,
 - vi. do not have more than six prominent discoloured spots on the breast and the total area of the spots does not exceed one square inch,

- vii. may have discolouration from poor bleeding on the neck, feather tract discolouration of an amber or reddish tinge on the back, and up to six other prominent discoloured spots on the carcass elsewhere than on the breast if the total area of the other spots does not exceed one and one-quarter square inches,
 - viii. have no more than two skin tears on the breast and no tear exceeds one-half of an inch in length,
 - ix. have no more than three skin tears on the carcass elsewhere than on the breast and no tear exceeds one inch in length,
 - x. may have freezer burn consisting of deep pitted desiccation if the total area of deep pitted desiccation does not extend two and one-quarter square inches,
 - xi. do not have more than one cyst and the cyst is small, loose and not discoloured, and
 - xii. do not have any broken bones.
4. Canada Grade Utility Goose, consisting of undrawn dressed geese and eviscerated geese that do not meet the requirements for Canada Grade Special Goose, Canada Grade A Goose or Canada Grade B Goose but that,
- i. may have, in the case of eviscerated geese, the usual cutting for evisceration,
 - ii. subject to subparagraph iii, have flesh that is substantially intact except that a small portion of the flesh may be cut away if no appreciable loss in meat yield is occasioned thereby,
 - iii. may have had the wings removed in whole or in part, one leg, including the thigh, may have been removed completely if the other leg is intact, or the drumstick of each leg may have been removed, and the tail may have been removed at the base, so long as the limbs have been severed only at a joint,
 - iv. have areas of skin missing if the areas do not exceed in aggregate the area of one-half of the breast,
 - v. subject to subparagraphs i, ii, iii and iv, are whole,
 - vi. have sufficient fullness of flesh on both sides of the keel bone to prevent a sharp falling away of flesh from the anterior to the posterior end and with the keel bone not projecting more than one-eighth of an inch beyond the flesh,
 - vii. have sufficient fat to prevent a dark red appearance,
 - viii. do not have more than eight pin-feathers on the breast and not more than sixteen pin-feathers elsewhere on the carcass,
 - ix. do not have more than six prominent discoloured spots on the breast and the total area of the spots does not exceed one square inch,
 - x. may have discolouration from poor bleeding on the neck, feather tract discolouration of an amber or reddish tinge on the back, and up to six other prominent discoloured spots on the carcass elsewhere than on the breast if the total area of the other spots does not exceed one and one-quarter square inches,
 - xi. do not have more than one cyst and the cyst is small, loose and not discoloured,
 - xii. may have freezer burn consisting of deep pitted desiccation if the total area of deep pitted desiccation does not exceed two and one-quarter square inches, and
- xiii. may have dislocated or broken wing or leg bones, so long as no other bones are dislocated or broken.
5. Canada Grade C Goose, consisting of undrawn dressed geese and eviscerated geese that do not meet the requirements for Canada Grade Special Goose, Canada Grade A Goose, Canada Grade B Goose or Canada Grade Utility Goose but that,
- i. are whole except for the usual cutting for proper evisceration in the case of eviscerated geese,
 - ii. have sufficient fullness of flesh on both sides of the keel bone to prevent an extremely sharp falling away of flesh from the anterior to the posterior end and with the keel bone not projecting more than three-sixteenths of an inch beyond the flesh,
 - iii. may have pin-feathers or discolouration caused by pin-feathers,
 - iv. subject to subparagraph iii, do not have discolouration on the breast in excess of an area of two and one-quarter square inches,
 - v. may have discolouration from poor bleeding on the neck, feather tract discolouration of an amber or reddish tinge on the back and, subject to subparagraph iii, other discoloured spots on the carcass elsewhere than on the breast if the total area of the other spots does not exceed two and one-quarter square inches, and
 - vi. do not have any discoloured cysts.
6. Canada Grade D Goose, consisting of undrawn dressed geese and eviscerated geese that do not meet the requirements for Canada Grade Special Goose, Canada Grade A Goose, Canada Grade B Goose, Canada Grade Utility Goose or Canada Grade C Goose but that,
- i. are whole except for the usual cutting for proper evisceration in the case of eviscerated geese,
 - ii. have some flesh on both sides of the keel bone,
 - iii. may have pin-feathers or discolouration caused by pin-feathers, and
 - iv. subject to subparagraph iii, do not have severe discolouration from any cause. R.R.O. 1980, Reg. 335, Sched. 6.

Form 1

Farm Products Grades and Sales Act

NOTICE OF DETENTION

Place

Date

To

Address

You are hereby notified that the following poultry described as

 marked
 said to have originated at
 and to be owned by
 and now situated at
 is seized and detained under detention tags numbered
 This action has been taken because

You are hereby forbidden to sell or otherwise dispose of the material so detained without written permission from an inspector.

.....
 (signature of inspector)
 R.R.O. 1980, Reg. 335, Form 1.

Form 2

Farm Products Grades and Sales Act

NOTICE OF RELEASE

Place
 Date
 To
 Address

You are hereby notified that poultry seized and detained under detention tags numbered

 and respecting which a Notice of Detention dated has been issued, is hereby released from detention.

.....
 (signature of inspector)
 R.R.O. 1980, Reg. 335, Form 2.

REGULATION 382

GRADES—VEAL CARCASSES

1. In this Regulation,

- “brand” includes mark or label;
- “carcass” means any carcass or portion of a carcass of a young animal of the bovine species commonly known as veal, but does not include a carcass as defined in Regulation 376 of Revised Regulations of Ontario, 1990;
- “Commissioner” means the Livestock Commissioner of Ontario;

- “conformation” means the general outline of the muscle formation of a carcass;
- “district supervisor” means a District Supervisor of the Livestock Division of the Department of Agriculture of Canada;
- “establishment” means any establishment registered under the *Meat Inspection Act* (Canada), the *Veal Carcass Grading Regulations* under the *Canada Agricultural Products Act* or the *Meat Inspection Act* (Ontario);
- “grader” means a grader assigned to an establishment for the purpose of grading carcasses;
- “inspector” means an inspector appointed under the Act;
- “operator” means a person operating an establishment. R.R.O. 1980, Reg. 336, s. 1.

2. Carcasses are designated as farm products. R.R.O. 1980, Reg. 336, s. 2.

3. The following grade names for carcasses and grades and standards therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada A.
2. Canada B.
3. Canada C.
4. Canada D.
5. Canada E. R.R.O. 1980, Reg. 336, s. 3.

- 4.—(1) No carcass shall be graded,
- (a) by a person other than a grader;
 - (b) at a place other than an establishment;
 - (c) unless the grader is provided with a sufficient number of efficient helpers to assist the grader in his or her duties;
 - (d) if the grader is of the opinion that he or she does not have freedom from interference in carrying out his or her duties; and
 - (e) unless the carcass is from an animal slaughtered in the establishment where it is to be graded.

(2) A grader is not required to grade a carcass unless it is presented to him or her for grading during reasonable hours mutually agreed upon between the operator and the district supervisor. R.R.O. 1980, Reg. 336, s. 4 (1, 2).

- (3) Where, at an establishment,
- (a) a carcass is placed under detention pursuant to the Act or this Regulation; or
 - (b) an inspector, on reasonable grounds, believes that there has been a contravention of the Act or this Regulation,

it is a condition of grading that every carcass at the establishment be graded until the matter or matters giving rise to the condition have been remedied. O. Reg. 767/81, s. 1.

5.—(1) No carcass shall be considered graded unless it bears a grade stamp in the shape and size set out in Schedule 1 that has been applied by a grader indicating the applicable grade name for that carcass, on the foresaddle, loin and leg on both sides of the carcass. R.R.O. 1980, Reg. 336, s. 5 (1); O. Reg. 767/81, s. 2.

(2) No grade stamp shall be applied to a carcass unless the carcass bears the inspection legend required by the regulations made under the *Meat Inspection Act* (Canada) or the *Meat Inspection Act* (Ontario).

(3) The grade stamp shall be applied in brown ink. R.R.O. 1980, Reg. 336, s. 5 (2, 3).

6. Brands in a continuous strip in the form set out in Schedule 2, bearing the grade name indicated on the grade stamp applied pursuant to this Regulation, shall be applied to each carcass by the operator at the time of grading under the general supervision of a grader. R.R.O. 1980, Reg. 336, s. 6.

7. No person other than an operator shall apply a brand to a graded carcass. R.R.O. 1980, Reg. 336, s. 7.

8.—(1) Brands shall be applied on the outside surface of the side of the carcass in a continuous ribbon-like form in at least two strips extending the full length of the side of the carcass, in accordance with the instructions of the grader.

(2) Brands shall be applied in ink that has been approved as to quality by the Commissioner in the following colours:

1. The grade name "Canada A" shall be applied in red ink.
2. The grade name "Canada B" shall be applied in blue ink.
3. The grade name "Canada C" shall be applied in brown ink.
4. The grade names "Canada D" and "Canada E" shall be applied in black ink. R.R.O. 1980, Reg. 336, s. 8.

9. Stamps bearing the name of a retailer or wholesaler and a date may be applied on a carcass if the stamps,

- (a) are in brown ink or a colour of ink corresponding to the colour of ink on the brand stamp that has been applied to the carcass;
- (b) do not exceed three inches in height or width;
- (c) are not in more than one place on each primal cut; and
- (d) are not in contact with the grader's stamp. R.R.O. 1980, Reg. 336, s. 9.

10. Where a grader has graded a carcass, the grader may, at the request of any consignor or the consignor's agent, issue a grade certificate for any carcass or carcasses graded by him or her at an establishment if the consignor or agent,

- (a) has placed on each of the animals to be carcass graded distinct and specific identification approved by the Commissioner that has been transferred to or otherwise appears on the carcass of such animal; and
- (b) has completed and filed with the grader at the establishment at the time of delivery of the animal or lot of animals, as the case may be, to the operator of the establishment, a manifest in a form prescribed by the Commissioner. R.R.O. 1980, Reg. 336, s. 10.

11.—(1) Where an inspector detains a carcass, he or she shall place thereon a tag indicating that the carcass is under detention.

(2) Except as authorized by an inspector, no person shall remove from a carcass a tag placed thereon by an inspector pursuant to this section. R.R.O. 1980, Reg. 336, s. 11.

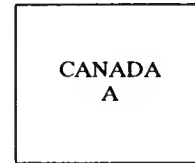
12.—(1) No person shall sell, offer for sale or have in possession for sale any carcass that is marked or stamped unless it has been marked or stamped in accordance with the Act and this Regulation.

(2) No person shall apply to a carcass an impression, mark or stamp of any kind that is not a brand or a grade and that might be construed as a brand or grade stamp. R.R.O. 1980, Reg. 336, s. 12.

Schedule 1

GRADE STAMP

Dimensions: One inch square.



R.R.O. 1980, Reg. 336, Sched. 1.

Schedule 2

VEAL BRAND

1. Form a brand in a continuous strip required to show grade names on carcasses:

CANADA
A

CANADA
A

CANADA
A

CANADA
A

2.—(1) The width of each word "Canada" shall be one and three-eighths of an inch and no word shall exceed that length.

(2) All letters in the grade name shall be block capitals (Gothic) and shall be at least five-sixteenths of an inch in height. R.R.O. 1980, Reg. 336, Sched. 2.

REGULATION 383

GRAIN

1. In this Regulation,

"dealer" means a person who purchases or accepts for sale grain from the producer thereof, other than a person who purchases grain for his or her own consumption;

"Fund" means the Fund for Grain Corn Producers, the Fund for Soybean Producers or the Fund for Canola Producers established under the *Farm Products Payments Act*;

"grain" means grain corn, soybeans and canola;

"producer" means a producer of grain. O. Reg. 653/84, s. 1; O. Reg. 405/89, s. 1.

2. Grain is designated as a farm product. O. Reg. 653/84, s. 2.

3. A dealer is exempt from the Act and this Regulation in respect of the purchase or acceptance for sale of popping corn, seed corn or sweet corn. O. Reg. 653/84, s. 3.

4.—(1) An application for a licence or a renewal of a licence to

engage in business as a dealer shall be made to the Director on a form provided by the Director. O. Reg. 351/86, s. 1, *part*.

(2) An application for the renewal of a licence under subsection (1) shall be made on or before the 31st day of March next following the day the licence is issued. O. Reg. 183/90, s. 1.

(3) The duration of every licence issued for a licence year is one year calculated from the 1st day of July in the year that the licence is issued and expiring with the 30th day of June in the following year.

(4) For a licence issued for a licence year commencing in 1985, the year shall be calculated from the 1st day of July, 1985 and shall expire with the 30th day of June, 1986 even though a different date is indicated on the licence.

(5) The duration of a licence that is a renewal of a licence that was deemed to be continued under section 16 of the Act is one year calculated from the 1st day of July in the year that the previous licence expired and expiring with the 30th day of June in the following year.

(6) The duration for a first time licence or a licence that is not deemed to be continued under section 16 of the Act issued for a partial licence year is the period from the time of issue to the 30th day of June next following.

(7) No licence is transferable.

(8) The fee for a licence is \$25. O. Reg. 351/86, s. 1, *part*.

5. Renewal of a licence may be refused on the grounds,

- (a) that the application was not submitted; or
- (b) security or proof of financial responsibility was not furnished,

before the 30th day of April preceding the expiry day of the licence. O. Reg. 351/86, s. 1, *part*.

6.—(1) Every dealer shall furnish to the Director proof of financial responsibility and, where the Director is not satisfied in respect of the financial responsibility of the dealer, the dealer shall deposit with the Director security in a form satisfactory to the Director and in an amount prescribed by the Director.

(2) Security deposited with the Director under subsection (1) shall be applicable solely to the claims of,

- (a) a producer who sells grain to a dealer;
- (b) a producer who stores grain with a grain elevator operator who is licensed under the *Grain Elevator Storage Act*,

and in respect of which payments have been made under the *Farm Products Payments Act* and the regulations thereunder.

(3) Where the Director receives notice pursuant to the *Farm Products Payments Act* and the regulations thereunder that a payment has been made to,

- (a) a producer who has sold grain to a dealer; or
- (b) a producer who has stored grain with a grain elevator operator licensed under the *Grain Elevator Storage Act*,

in respect of a dealer who has deposited security under subsection (1), the Director may realize upon the security or such part thereof that he or she considers necessary.

(4) When a security has been realized upon under subsection (3), the Director shall pay into the Fund the money obtained therefrom or so much thereof as is necessary to reimburse the Fund for the

amount paid to a seller or to the person on whose behalf the grain was stored, as the case may be.

(5) Where a security has been realized upon under subsection (3), the dealer shall deposit with the Director such additional security as is necessary to comply with the amount prescribed by the Director under subsection (1) and on the deposit of such additional security by the dealer, the Director shall pay to the dealer the money remaining, if any, after payment is made to the Fund pursuant to subsection (4). O. Reg. 653/84, s. 5.

7.—(1) Subject to subsection 18 (3) of the *Grain Elevator Storage Act* and the regulations thereunder, payment in respect of the sale of grain shall be made within ten trading days following the date of sale.

(2) Where the seller of grain has not received payment in accordance with,

- (a) this section; or
- (b) subsection 18 (3) of the *Grain Elevator Storage Act* and the regulations thereunder,

he or she shall forthwith notify the Director of the default in payment. O. Reg. 653/84, s. 6.

8. Every dealer shall keep for at least two years a record of all grain purchased or sold as the case may be, showing,

- (a) the names and addresses of the sellers or buyers, as the case may be, of the grain;
- (b) the dates of such purchases or sales;
- (c) the purchase or sale price, as the case may be, of the grain; and
- (d) a description, of the grain. O. Reg. 653/84, s. 7.

9. A licence is issued on the terms and conditions that the holder of the licence,

- (a) where any payment is made from the Fund to a seller or storer of grain under the *Farm Products Payments Act* and the regulations thereunder, complies with the provisions of such regulations respecting the payment; and
- (b) complies with the provisions of the regulations under the *Farm Products Payments Act* respecting,
 - (i) the payment of fees to the Board constituted to administer the Fund, and
 - (ii) the collection of fees and the forwarding of such fees to the Board constituted to administer the Fund. O. Reg. 653/84, s. 8.

10. In addition to the grounds mentioned in section 10 of the Act for refusal to issue licences or in section 11 of the Act for refusal to renew, suspension or revocation of licences, the Director may refuse to issue or renew, suspend or revoke a licence where,

- (a) the whole or any part of a dealer's assets have been placed in the hands of a trustee for distribution under the *Bankruptcy Act* (Canada) or the *Bulk Sales Act* or in the hands of a receiver; or
- (b) a dealer fails to furnish proof of financial responsibility or to deposit the security required under section 6. O. Reg. 653/84, s. 9.

REGULATION 384

HONEY

1. In this Regulation,

“box” means any crate, carton, other outer covering or wrapper in which containers are packed;

“bulk container” means a container that has a weight capacity of more than five kilograms;

“class” in respect of honey, means honey that lies within a specific range of colours as shown on a honey classifier or within a specific range of reading as shown on a Pfund Honey Grader;

“comb honey” means honey that is in the honeycomb;

“consumer container” means a container that has a weight capacity of five kilograms or less;

“container” means a receptacle in which honey or honey substitute is packed for sale;

“establishment” means a plant, factory or premises where honey is extracted, packed, processed or used in connection with any manufacturing process and includes a packing plant and a pasteurizing plant;

“grade” means a grade established for honey in this Regulation;

“honey classifier” means a honey classifier of a type that has been approved by the Department of Agriculture (Canada);

“honey substitute” means a product other than pure honey manufactured or derived in whole or in part from a farm product, prepared for the same uses as honey and resembling honey in appearance;

“inspection” means inspection by an inspector appointed under the Act and “inspected” has a corresponding meaning;

“label” means a paper label or any area of a container or box on which any legend, word or mark is applied;

“lot” means a uniform blend of honey in a batch or in a storage tank from which honey is drawn for processing or grading;

“packer” means any person who packs and grades honey for sale;

“pasteurizing” means the treatment of extracted honey by the controlled application of heat to a point where it is free of viable sugar-tolerant yeasts and “pasteurized” has a corresponding meaning;

“producer” means a beekeeper who packs, ships, transports or sells only honey produced in his or her own apiaries. O. Reg. 399/82, s. 1.

2. Honey and honey substitute are designated as farm products. O. Reg. 399/82, s. 2.

3. This Regulation does not apply to,

- (a) honey that is sold on the premises of the producer directly to the consumer where the container is marked with the name and address of the producer and the word “honey”; or
- (b) honey that is being transported in bulk containers to an establishment. O. Reg. 399/82, s. 3.

4. No person shall pack, transport, ship, advertise, sell or offer for sale honey,

- (a) unless the honey has been graded, classified, packed and marked in accordance with this Regulation;
- (b) except in the case of comb honey, that is below Canada No. 3 Grade;
- (c) that is marked “Product of Ontario” or “Product of Canada” or in other terms identifying it as having been produced in Ontario or in Canada unless the honey has been produced in Ontario or in Canada, as the case may be;
- (d) in a bulk container or box that has been previously marked unless the marks have been completely removed or obliterated;
- (e) unless it is clean, wholesome and fit for human consumption;
- (f) unless it is free from any defect or deterioration that seriously affects its edibility, appearance or shipping quality; or
- (g) in the case of comb honey, unless it is free from infestation by wax moth. O. Reg. 399/82, s. 4.

5. No person shall misrepresent the class, grade, flavour, weight, ownership or origin of honey. O. Reg. 399/82, s. 5.

6. Every person who packs, transports, ships, advertises, sells, offers for sale or has in possession for sale any honey in a container shall mark,

- (a) on the main panel of the label on the container,
 - (i) the word “honey” or, where applicable, the words “comb honey”;
 - (ii) where applicable, the class of the honey immediately preceded by the grade thereof;
 - (iii) the net weight of the honey in kilograms or, if the net weight is less than one kilogram, in grams, located immediately above, below or beside the word “honey” without any intervening written, printed or graphic matter;
 - (iv) where applicable, the word “liquid”;
 - (v) where applicable, the word “pasteurized” adjacent to and in letters of the same size and visibility as the class and grade designation, and
 - (vi) where comb honey contains cells of pollen, notice thereof; and
- (b) on the main panel of the label or any other panel thereof, other than a panel located on the bottom of the container, the name and address of the packer or the person responsible for packing the honey. O. Reg. 399/82, s. 6.

7. No person,

- (a) who is the owner, packer or shipper of honey, shall use any mark or label on the honey designating any other person as the owner, packer or shipper of the honey, as the case may be;
- (b) shall alter or efface any marks on any container or box of honey; or
- (c) shall mark any container or box of honey so as to describe or relate to the class or grade of honey unless the mark complies with this Regulation. O. Reg. 399/82, s. 7.

8.—(1) Subclauses 6 (a) (ii), (iii), (iv) and (v) do not apply to a

container of honey, the weight of which, including the container, is less than 150 grams.

(2) Subclause 6 (a) (iii) does not apply to a glass container on which the net weight appears in two or more locations on the shoulder or upper part of the container in blown numerals with a flat, stippled face having a height of,

- (a) 9.5 millimetres, where the net weight is more than 250 grams; or
- (b) 6.4 millimetres, where the net weight is 250 grams or less. O. Reg. 399/82, s. 8.

9. All marks required by this Regulation shall be clearly and prominently displayed on each container in such a manner that they are readily discernible by a purchaser and of a size not less than,

- (a) 1.6 millimetres in height on a container the main panel of the label of which has an area of 32 square centimetres or less;
- (b) 3.2 millimetres in height on a container the main panel of the label of which has an area of more than 32 but not more than 258 square centimetres;
- (c) 6.4 millimetres in height on a container the main panel of the label of which has an area of more than 258 but not more than 645 square centimetres; and
- (d) 9.5 millimetres in height on a container the main panel of the label of which has an area of more than 645 square centimetres. O. Reg. 399/82, s. 9.

10. Every box in which there is honey that has been classified and graded shall be marked in distinctly legible block letters not less than 9.5 millimetres in height with,

- (a) the word "honey";
- (b) the class and grade of the honey;
- (c) the name and address of the packer or the person responsible for packing the honey;
- (d) the number and size of the containers therein;
- (e) the net weight of the honey;
- (f) the lot number;
- (g) where applicable, the word "liquid"; and
- (h) where applicable, the word "pasteurized" adjacent to and in letters of the same size and visibility as the class and grade designation. O. Reg. 399/82, s. 10.

11.—(1) No person shall make a misleading claim with respect to a honey substitute by word or design in an advertisement or on a container.

(2) No person shall use on any container containing honey substitute the word "honey" or any other word that resembles "honey".

(3) Despite subsection (2),

- (a) where a honey substitute contains honey; and
- (b) the container containing the honey substitute bears a label with a complete list of the ingredients of the honey substitute with the ingredients listed in decreasing order as to the proportion of the honey substitute that they comprise,

the list of ingredients may contain the word "honey" only if the let-

ters of the word "honey" are of the same size, colour and type as the letters used for the other ingredients.

(4) No person shall display for sale at retail a honey substitute,

- (a) among containers of honey; or
- (b) in a manner that implies the honey substitute has a relation to honey. O. Reg. 399/82, s. 11.

12.—(1) Honey that is packed in consumer containers shall be packed in new, clean, sound containers that are, except in the case of comb honey, of any of the following net weight sizes:

1. Any size up to and including 150 grams.
2. 250 grams.
3. 330 grams.
4. 375 grams.
5. 500 grams.
6. 750 grams.
7. One kilogram.
8. One and one-half kilograms.
9. Two kilograms.
10. Three kilograms.
11. Five kilograms. O. Reg. 399/82, s. 12 (1); O. Reg. 237/88, s. 1.

(2) Honey that is packed in bulk containers shall be packed in clean, sound containers that are, except in the case of comb honey, of any of the following net weight sizes:

1. Seven kilograms.
2. Fifteen kilograms.
3. Thirty kilograms.
4. Containers larger than thirty kilograms in net weight increments of multiples of one kilogram.

(3) Despite subsection (1), the Minister may authorize the packing of honey in novelty containers of sizes that do not comply with subsection (1).

(4) Every container of honey shall be securely closed by means of a screw-cap, friction lid, bung or other device.

(5) Boxes shall be well constructed of durable materials and shall be clean, in good condition and not defaced by old markings. O. Reg. 399/82, s. 12 (2-5).

13.—(1) Every person who requires an inspection of honey shall apply to the nearest inspector or to the Director.

(2) Inspections shall be performed, as nearly as practicable, in the order in which applications therefor are received.

(3) Upon completion of an inspection, the inspector who made the inspection shall issue an inspection certificate respecting the honey or containers or boxes of honey. O. Reg. 399/82, s. 13.

14. The person who has possession of any honey or containers or boxes of honey for inspection shall make such honey or containers or boxes of honey accessible for inspection, shall place them so as to disclose the class and grade for each lot and shall render such assis-

tance to the inspector as the inspector requires. O. Reg. 399/82, s. 14.

15. Where an inspector has reason to believe that the class or grade of any honey may not be immediately determined, the inspector may postpone inspection for such period of time as he or she considers necessary to enable the class or grade to be determined. O. Reg. 399/82, s. 15.

16. Where an inspector detains any container, box or any number of containers or boxes of honey, the inspector may attach thereto a numbered detention tag and no person shall sell, offer for sale, move or allow or cause to be moved the honey or containers or boxes of honey or remove the detention tag without the written authority of an inspector. O. Reg. 399/82, s. 16.

17. Where an inspector is satisfied that any honey or container or box of honey that has been placed under detention complies with this Regulation, the inspector may release the honey, container or box by issuing a detention release. O. Reg. 399/82, s. 17.

18.—(1) Where a person who is financially interested in any honey is dissatisfied with an inspection certificate, the person may apply to an inspector for an appeal inspection.

(2) An application for an appeal inspection shall state the reasons for appeal and may be accompanied by a copy of any previous inspection certificate or other information possessed by the applicant.

(3) An application for an appeal inspection may be refused by the inspector where he or she is of the opinion that,

- (a) it is trivial;
- (b) the class or grade of the honey has changed;
- (c) the honey is not accessible for inspection;
- (d) the identity of the honey has been lost; or

(e) the condition of the honey has materially changed. O. Reg. 399/82, s. 18.

19. Where an appeal inspection proves the original inspection to have resulted in an incorrect inspection certificate, the issuance of an appeal inspection certificate shall be deemed to cancel the original inspection certificate. O. Reg. 399/82, s. 19.

20. The equipment, appliances and facilities in an establishment shall be maintained in a clean and sanitary condition. O. Reg. 399/82, s. 20.

21.—(1) Except in the case of comb honey, the following grade names for honey and the grades, standards and tolerances therefor, established under the *Canada Agricultural Products Act*, are hereby adopted in whole:

1. Canada No. 1 Grade.
2. Canada No. 2 Grade.
3. Canada No. 3 Grade. O. Reg. 237/88, s. 2.

(2) Despite subsection (1), honey that is not pasteurized or otherwise treated with heat may be sold or offered for sale under the grade name of No. 1 Grade or No. 2 Grade where,

- (a) the granulation is not complete or the texture is not uniform;
- (b) the moisture content does not exceed 17 per cent; and
- (c) the honey complies in all other respects with the requirements for Canada No. 1 Grade or Canada No. 2 Grade, as the case may be. O. Reg. 399/82, s. 21 (2).

22. Where honey, other than comb honey, is packed in containers, it shall be classified while it is in liquid form and shall be marked with the class of the honey in accordance with the colour designation on a honey classifier or with the reading on a Pfund Honey Grader in the manner prescribed in Column 1 of Part 1 or 2, as the case may be, of the Schedule. O. Reg. 399/82, s. 22.

Schedule

CLASSIFICATION OF HONEY

PART 1

Honey Packed in Consumer Containers

COLUMN 1	COLUMN 2	COLUMN 3
Class	Designation on Honey Classifier	Reading on Pfund Honey Grader
1. White	Not darker than White	Not more than 30 millimetres
2. Golden	Darker than White but not darker than Golden	More than 30 millimetres but not more than 50 millimetres
3. Amber	Darker than Golden but not darker than Amber	More than 50 millimetres but not more than 85 millimetres
4. Dark	Darker than Amber	More than 85 millimetres

PART 2

Honey Packed in Bulk Containers

COLUMN 1	COLUMN 2	COLUMN 3
Class	Designation on Honey Classifier	Reading on Pfund Honey Grader
1. Extra White	Not darker than Extra White	Not more than 13 millimetres
2. White	Darker than Extra White but not darker than White	More than 13 millimetres but not more than 30 millimetres
3. Golden	Darker than White but not darker than Golden	More than 30 millimetres but not more than 50 millimetres

COLUMN 1	COLUMN 2	COLUMN 3
Class	Designation on Honey Classifier	Reading on Pfund Honey Grader
4. Light Amber	Darker than Golden but not darker than Amber	More than 50 millimetres but not more than 85 millimetres
5. Dark Amber	Darker than Amber but not darker than Dark	More than 85 millimetres but not more than 114 millimetres
6. Dark	Darker than Dark	More than 114 millimetres

O. Reg. 399/82, Sched.

REGULATION 385**LICENCES****1. In this Regulation,**

“dealer” means a person who purchases or accepts for sale fruits or vegetables from a producer but does not include a person who,

- (a) purchases the fruits or vegetables for his or her own consumption, or
- (b) purchases fruits or vegetables from a producer for sale at retail in the person's own retail outlet and who is not directly or indirectly engaged in the operation of more than one retail outlet;

“fruits or vegetables” means fruits or vegetables that are produced in Ontario and are not sold for commercial processing. O. Reg. 253/86, s. 1.

2.—(1) An application for a licence or a renewal of a licence as a dealer shall be made to the Director in a Form provided by the Director.

(2) A licence as a dealer shall be in a Form provided by the Director.

(3) A licence as a dealer shall be renewed annually and shall be valid for the period from the 1st day of April in the year of issue or renewal, as the case may be, to the 31st day of March in the following year.

(4) The annual fee for a licence as a dealer is \$25. O. Reg. 253/86, s. 2.

3. Every dealer shall maintain a record of every transaction showing,

- (a) the quantity and variety or type of each kind of fruit or vegetable purchased, accepted for sale or sold by the dealer;
- (b) the name of the person from whom fruits or vegetables are purchased or accepted for sale or to whom they are sold;
- (c) the price at which fruits or vegetables are bought or sold, as the case may be; and
- (d) where the dealer has not purchased the fruits or vegetables on the dealer's own account, the commission the dealer charged to a producer. O. Reg. 253/86, s. 3.

of maple syrup produced from sap that flows after the buds of the tree have commenced to open;

“inspection” means inspection by an inspector appointed under the Act and “inspected” has a corresponding meaning;

“maple product” means any product prepared directly or indirectly from maple sap;

“maple product substitute” means a product other than a pure maple product manufactured or derived in whole or in part from a farm product and prepared for the same uses as a maple product and resembling a maple product in appearance. R.R.O. 1980, Reg. 339, s. 1.

2. Maple products and maple product substitutes are designated as farm products. R.R.O. 1980, Reg. 339, s. 2.

3. This Regulation does not apply to maple products that are in bulk containers and that are in the process of being transported for further packaging. R.R.O. 1980, Reg. 339, s. 3; O. Reg. 72/85, s. 1.

4. No person shall pack, transport, ship, advertise, sell, offer for sale or have in possession for sale any maple product unless,

- (a) the maple product has been graded in accordance with the Act and this Regulation;
- (b) the maple product has been packed and marked in accordance with the Act and this Regulation; and
- (c) where the maple product has been transported into Ontario and has been repacked in Ontario, the container containing the maple product is marked to indicate the country of origin and all other provisions of this Regulation have been complied with. R.R.O. 1980, Reg. 339, s. 4; O. Reg. 72/85, s. 2.

5. No person shall pack, transport, ship, advertise, sell, offer for sale or have in possession for sale any maple product unless the container containing the maple product has marked thereon,

- (a) the name of the maple product;
- (b) the amount of maple product in the container measured,
 - (i) in volume units for maple syrup, and
 - (ii) in weight units for other maple products;
- (c) the grade and colour class of the maple syrup; and
- (d) the name and address of the person who packed the maple product. R.R.O. 1980, Reg. 339, s. 5; O. Reg. 72/85, s. 3.

6. No person shall pack, transport, ship, advertise, sell, offer for sale or have in possession for sale any maple product in a container that has been previously marked unless all markings thereon that do

REGULATION 386**MAPLE PRODUCTS****1. In this Regulation,**

“caramel, buddy or sappy taste” means a bitter flavour characteristic

not comply with this Regulation are completely removed or obliterated. R.R.O. 1980, Reg. 339, s. 6.

7. No person shall misrepresent the grade, count, weight, measure, mark or marking, ownership or place of origin of any maple product. R.R.O. 1980, Reg. 339, s. 7.

8.—(1) No person shall make a misleading claim with respect to a maple product substitute by word or design in an advertisement or on a container in which a maple product substitute is contained.

(2) Where,

- (a) a maple product substitute contains a maple product; and
- (b) the container in which the maple product substitute is contained bears a label with a complete list of the ingredients of the maple product substitute with the ingredients listed in decreasing order as to the proportion of the maple product substitute that they comprise, the list of ingredients may contain the word "maple" only if the letters of the word "maple" are of the same size, colour and type as the letters used for the other ingredients.

(3) Where a maple product substitute contains no maple product, no person shall use on any container in which the maple product substitute is contained the word "maple" except in the expressions "artificially maple flavoured" or "artificial maple flavouring". R.R.O. 1980, Reg. 339, s. 8.

9. Where an inspector detains any lot of maple product or maple product containers or maple product substitute or maple product substitute containers, the inspector may attach thereto a numbered detention tag and no person shall sell, offer for sale, move or allow or cause to be sold, offered for sale or moved the maple product or maple product containers or maple product substitute or maple product substitute containers or remove the detention tag without the written authority of an inspector. R.R.O. 1980, Reg. 339, s. 9.

10. Where an inspector is satisfied that any maple product or maple product container or maple product substitute or maple product substitute container that has been placed under detention, complies with the Act and this Regulation, the inspector may release the maple product or maple product container or maple product substitute or maple product substitute container by issuing a detention release. R.R.O. 1980, Reg. 339, s. 10.

11.—(1) Every person who requires an inspection of a maple product shall apply to the nearest inspector or to the Director. O. Reg. 72/85, s. 4.

(2) Inspection shall be made as nearly as is practicable in the order in which applications are received. R.R.O. 1980, Reg. 339, s. 11 (2).

12.—(1) No person shall sell or offer for sale a maple product that,

- (a) is not produced by the concentration of maple sap or by the solution of maple sugar in water;
- (b) is not clean, wholesome, free from objectionable flavours and fit for human consumption; and
- (c) is not free from any defect or deterioration affecting its edibility, appearance or shipping quality.

(2) No person shall sell or offer for sale,

- (a) maple syrup that does not have a minimum soluble solids content of 66 per cent as determined by a refractometer at 20°C; or
- (b) maple sugar that contains more than 10 per cent moisture. R.R.O. 1980, Reg. 339, s. 12.

13. The grades for maple syrup are as follows:

- 1. Canada No. 1, consisting of maple syrup that,
 - (a) is free from fermentation;
 - (b) is uniform in colour and free from cloudiness or turbidity;
 - (c) is Extra Light, Light or Medium in colour class; and
 - (d) has a maple flavour characteristic of its colour class and is free from any objectionable odour or taste.
- 2. Canada No. 2, consisting of maple syrup that,
 - (a) is free from fermentation;
 - (b) is uniform in colour and free from any cloudiness or turbidity;
 - (c) is Amber in colour class; and
 - (d) has a maple flavour characteristic of its colour class and is free from any objectionable odour or taste.

3. Canada No. 3, consisting of maple syrup that has a characteristic maple flavour and is free from any objectionable odour or taste other than a trace of caramel, buddy or sappy taste. R.R.O. 1980, Reg. 339, s. 13; O. Reg. 72/85, s. 5.

14. The colour classes for maple syrup are as follows:

- 1. Extra Light, consisting of maple syrup having a percentage of light transmission not less than 75.0.
- 2. Light, consisting of maple syrup having a percentage of light transmission less than 75.0 but not less than 60.5.
- 3. Medium, consisting of maple syrup having a percentage of light transmission less than 60.5 but not less than 44.0.
- 4. Amber, consisting of maple syrup having a percentage of light transmission less than 44.0 but not less than 27.0.
- 5. Dark, consisting of maple syrup having a percentage of light transmission less than 27.0. R.R.O. 1980, Reg. 339, s. 14.

15. The determination of the light transmission of maple syrup shall be made optically by means of,

- (a) a spectrophotometer using matched square optical cells having a 10 mm light path at a wavelength of 560 nm, the colour values being expressed in per cent of light transmission as compared to A.R. Glycerol fixed at 100 per cent transmission; or
- (b) a visual glass comparator, the optical specifications of which correspond as closely as possible to the specifications determined by the method described in clause (a). R.R.O. 1980, Reg. 339, s. 15.



