

GRAIN FARMERS OF ONTARIO
GENERAL REGULATIONS
made under
the Farm Products Marketing Act

PART 1

Interpretation

1.1 In this Regulation,

“barley” means barley produced in Ontario.

“buyer” means a person who purchases grain directly from a producer, whether through an agent or otherwise.

“grain” means one or more of barley, grain corn, oats, soybeans and wheat.

“grain corn” means corn, other than seed corn, sweet corn or popping corn, produced in Ontario.

“local board” means Grain Farmers of Ontario.

“mixed oats and barley” means oats and barley produced in Ontario mixed together in any proportion.

“oats” means oats produced in Ontario.

“processor” means a person engaged in processing grain in Ontario.

“processing” means cleaning, drying, treating, turning, washing, grinding, roasting, rolling, pulverizing, cracking, crimping, crushing, fractionalizing, micronizing, distilling or any similar activities, and includes,

(a) processing with or without other ingredients; and

(b) processing or manufacturing any product in whole or in part from grain.

“soybeans” means soybeans produced in Ontario.

“wheat” means any variety of wheat produced in Ontario.

1.2 In this Regulation, the following terms are defined respecting the production and marketing of wheat:

“agent” means a person appointed by the local board as its agent to receive wheat from producers and to carry out such duties and responsibilities in connection therewith as

Licence Fees

- 4.1 Effective July 1 2019 every producer of wheat shall pay to the local board licence fees at the rate of \$0.76 per metric tonne plus the Grain Financial Protection Plan fee of \$0.05 per metric tonne, for a total of \$0.81 per metric tonne, taken to the third decimal point, in respect of all wheat marketed by the producer.
- 4.2 Effective July 1 2019 every producer of soybeans shall pay to the local board licence fees at the rate of \$1.29 per metric tonne, plus the Grain Financial Protection Plan Fee of \$0.10 per metric tonne, for a total of \$1.39 per metric tonne, taken to the third decimal point, in respect of all soybeans marketed by the producer.
- 4.3 Effective July 1 2019 every producer of grain corn shall pay to the local board licence fees at the rate of \$0.399 per metric tonne, plus the Grain Financial Protection Plan Fee of \$0.001 per metric tonne, for a total of \$0.40 per metric tonne, taken to the third decimal point, in respect of all grain corn marketed by the producer.
- 4.4 Effective July 1, 2019 every producer of oats shall pay to the local board license fees at the rate of \$1.34 per metric tonne, taken to the third decimal point, in respect of all oats marketed by the producer.
- 4.5 Effective July 1, 2019 every producer of barley shall pay to the local board fees at the rate of \$1.19 per metric tonne, taken to the third decimal point, in respect of all barley marketed by the producer.
- 4.6 Effective July 1, 2019 every producer of mixed oats and barley shall pay to the local board fees at the rate of \$1.34 per metric tonne, taken to the third decimal point, in respect of all mixed oats and barley marketed by the producer.

License Fee Collection

- 4.7 Every person who receives grain shall deduct from the money payable for the grain any license fees payable to the local board by the person from whom the person receives the grain, and shall forward such license fees to the local board at its office.
- 4.8 All licence fees to be deducted under section 4.7 shall be forwarded to the local board at its office at 679 Southgate Drive, Guelph, not later than the 15th day of the month following the month of the sale of the grain of the producer.
- 4.9 Interest calculated at the rate of 2% per month shall be payable by the person required to pay the fees to the local board in respect of any licence fees and arrears.
- 4.10 The local board may collect outstanding licence fees, including their recovery by way of a legal proceeding.

- (b) The local board will accept a completed forward contract at the head office of the local board or via facsimile/electronic transmission.
- (c) The local board may accept resting orders.
- (d) The local board will not accept a forward contract of less than 500 bushels or 13.61 tonne of wheat of any variety or class.
- (e) The local board or its agent will make deductions for cleaning, drying, grade discount, handling, transportation charges and service charges where applicable and for license fees.
- (f) The producer shall deliver the contracted volume within the delivery period specified in the contract.
- (g) The local board will pay the producer the forward contract price for the type or class of wheat being delivered at a designated marketable position.
- (h) Upon delivery of wheat to an agent, the agent will pay to the producer the landed basis minus all charges to the agent.
- (i) The local board will pay or charge the producer the difference between the gross landed basis and the forward contracted price.
- (j) Where a producer fails to deliver wheat in accordance with the terms of a forward contract entered into by the producer with the local board, the local board will fill the contract at market level on the producer's behalf and the producer will be liable to the local board for any value lost between the contracted price and the replacement value and will be subject to pay the local board a service charge of \$10.00 per metric tonne.
- (k) A producer may store wheat to be delivered pursuant to a forward contract at country elevator locations licenced under the *Grains Act* of Ontario and receive an elevator storage receipt in that regard.

Quality Control

- 2.2 (1) Wheat sold or offered for sale by a producer to the local board shall be,
- (a) inspected and sold on the basis of grades and inspection procedures established under *The Canada Grain Act*; and
 - (b) tested for moisture content by the agent who takes delivery of the wheat.
- (2) When an agent receives wheat from a producer, the agent or the producer may require a sample of the wheat to be taken for the purpose of checking the grade, dockage, moisture and protein content of the wheat.

Avenue W, Suite 201, Guelph, Ontario, N1K 1E5 a Wheat Producer Settlement Listing Form with the following information:

Buyer #
 Buyer Name
 Producer Number AEB #
 Producer Name, Farm/Business Name, Civic Address, Rural Address,
 City/Town, Province, Postal Code and Telephone #
 Sale Date
 Receiving Ticket and Suffix Numbers
 Dry Tonnage
 Wheat Class
 Grade
 Variety
 Protein % (if applicable)
 Net \$/tonne

- 3.2 Every person who receives wheat from a producer shall, at any reasonable time upon request make all books, records and documents related to the marketing of wheat and wheat available for inspection by persons appointed as inspectors by the local board.
- 3.3 Every buyer of wheat shall deduct any licence fees payable by the producer from whom the buyer received the wheat and remit same to the local board at its office not later than the 15th day of month following the month in which the wheat was purchased, along with the Wheat Producer Settlement Listing Form.
- 3.4 Every producer shall report to the local board any buyer who has not deducted licence fees on behalf of the producer.
- 3.5 Every producer shall pay to the local board at its office any licence fees payable by the producer in respect of wheat sold by the producer which have not been forwarded to the local board by the person who purchased the wheat from the producer within ten days from the date on which the local board has sent an invoice for same to the producer by regular mail at the producer's address as recorded on the books of the local board.

PART 4 – WHEAT AGENTS

Application for Appointment

- 4.1 (1) No person shall commence or continue to engage as an agent for wheat unless and until that person is appointed as an agent by the local board.
- (2) No person,
- (a) who is a member of the local board;
- (b) is a corporation having an officer or employee who is a member of the local board; or

- (b) not less than one dryer;
- (c) not less than one cleaner capable of removing small seeds, chaff and foreign materials as per the specification of the Canadian Grain Commission standards;
- (d) no less than one scale, either of the batch or trip type of the truck and wagon platform type, approved under the *Weights and Measures Act*;
- (e) adequate rail or truck loading equipment;
- (f) at least one moisture meter of a type that meets the calibration standards of the Canadian Grain Commission; and
- (g) grading equipment and screens as defined by Canadian Grain Commission standards.

(3) Despite clauses (2) (b) and (d), an applicant may designate a dryer or scale to be utilized by the applicant at premises other than those belonging to the applicant provided that such designated scale or dryer is acceptable to the local board.

Terms and Conditions of Appointment

- 4.4 (1) All wheat received by an agent shall be at the agent's risk.
- (2) An agent is entitled to ship wheat received from producers as agent of the local board to any landed basis point except as otherwise directed by the local board through written shipping instructions.
- (3) All wheat received by an agent shall be at the agent's risk and the agent shall be responsible to the local board for the grade, class and quality of the wheat until the wheat,
- (i) is accepted by the person purchasing the wheat from the local board; or
 - (ii) is delivered into the local board's designated storage other than that of the agent.
- (4) Agents are liable to the local board for grade discounts, as determined in accordance with these regulations and for any loss of grade of wheat delivered to the local board.
- (5) Payment for the improvement, adjustment or downgrading of grade of wheat handled by an agent and delivered to the local board shall be made according to the grade differential in effect at the time of the said deliver and will be paid by the local board to the agent at the time of the agent balancing the grades of wheat.

- (2) Graded sample wheat shall only be received by the agent from producers with the written approval of the local board.
- (3) The agent shall determine the number of dry tonne of wheat received from each producer (basis 14.0% moisture).
- (4) The agent shall pay to producer on behalf of the local board the landed basis initial payment as determined in accordance with this regulation less the local board's licence fees and the deductions of the agent for grade discounts as authorized by the local board when the wheat is delivered to the agent.
- (5) The agent shall clean, weigh, condition, grade and establish the moisture content of all wheat received from producers
- (6) The agent shall keep separate all classes of wheat as established under the Canada Grain Act or those varieties determined by the local board as set within Pool B and Pool C.
- (7) The agent shall ship wheat to an elevator as instructed by the local board, showing on the Bill of Lading the grade and class of the wheat being shipped.
- (8) Where any dispute arises between an agent and elevator in respect of the grade, variety, class, dockage, moisture content or condition of any load of wheat, the agent shall, upon instructions from the local board, require the elevator to which wheat has been shipped, to draw a sample of the wheat and forward the sample to the office of the Canadian Grain Commission at Chatham to establish the grade and/or class of the wheat. The cost of testing will be the responsibility of the agent.
- (9) The agent shall accept the decision of the inspector of the Canadian Grain Commission at the office to which the sample is forwarded as final and binding upon the agent, the local board and the operator of the elevator.
- (10) The agent shall pay the cost of sample inspection charged by the Canadian Grain Commission and forward the findings of the dispute by the inspector of the Canadian Grain Commission to the local board upon request.
- (11) The agent shall complete all wheat purchases before wheat is converted to feed or seed.

4.11 An agent shall forthwith after receiving wheat from a producer,

- (a) (i) Where the agent agrees, store the wheat for the producer and deliver to the producer a storage receipt under the *Grains Act*, and pay the producer, upon surrender of the elevator storage receipt, the landed basis initial payment as determined in accordance with the regulations, less the agent's deduction for storage at no higher than the transfer elevator storage rate as approved by the local board.

and Canada Eastern Durum
 Grade #1 - nil
 Grade #2 - nil
 Grade #3 - \$10.00 per tonne
 Feed grade - designated to Pool G

(iii) Canada Eastern Red winter varieties
 Grade #1 - nil
 Grade #2 - nil
 Grade #3 - \$10.00 per tonne
 Feed grade - designated to Pool G

- (b) Drying charge deductions as agreed to by the producer.
- (c) The agent's handling fee as agreed to by the producer.
- (d) Any other amounts agreed to by the producer under section 4.8.

4.13 (1) The agent shall be reimbursed in an amount equal to the initial payment made by the agent to the producer less applicable licence fees upon completion and filing with the local board of all information required by the local board.

(2) The agent shall insure at the agent's expense with loss payable to the local board all wheat received for the local board against all damage or loss while the wheat is on the agent's premises and while the wheat is in transit from the premises of the agent to any destination specified by the local board.

(3) When wheat is received by the agent from a producer for the local board, the agent shall issue out a similar quantity and variety of wheat in accordance with the local board's instructions, which wheat shall be at least equal in grade, variety and class to that of the wheat received.

(4) All wheat delivered by an agent to the local board shall be subject to weight, protein, Pool B and Pool C, grades, class and moisture at points of destination specified by the local board.

(5) The agent shall only receive wheat of the classes and varieties in accordance with the agent's appointment by the local board.

(6) The agent shall grade any varieties of wheat not included in the prescribed varieties into the lowest grade as set out in Schedule 1 of the Canada Grain Act for that kind of grain.

(7) The agent shall adhere to the following class and variety designation by Pool:

- (i) Pool A
 - Canada Eastern Soft White Winter Wheat recommended for Eastern Canada
 - Canada Eastern Soft White Spring Wheat

PART 5 – GENERAL PROVISIONS

Forms and Filings

- 5.1 (1) The forms referred to in this Regulation are attached.
- (2) Unless otherwise directed by the local board, when information is to be provided, reports made or licence fees or service charges paid, they shall be provided, made or paid to the local board at its head office at 679 Southgate Drive, Guelph, Ontario, N1G 4S2.

Revocation

- 5.2 General Regulations of Grain Farmers of Ontario made the 13th day of June, 2018 are hereby revoked as of the effective date, with these General Regulations being substituted therefor provided that such revocation shall not affect the previous effect of the former regulations or anything duly done or suffered thereunder or any right, privilege, obligations or liability acquired, accrued, accruing or incurred under the former Regulations or any offence committed against the former Regulations or any penalty or forfeiture or punishment incurred in respect thereof or any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment.

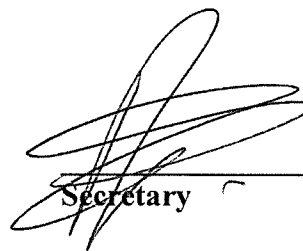
Effective Date

- 5.3 This Regulation comes into effect on the 14th day of June, 2019.

BY ORDER OF GRAIN FARMERS OF ONTARIO

Markus Hoels

Chair



Secretary