

August 26, 2021

Farm Finance Branch
Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA)
1 Stone Road West
Guelph, Ontario
N1G 4Y2

Submitted online via the Regulatory Registry

Dear Farm Finance Branch officials:

Re: Regulatory Registry # 21-OMAFRA012: Proposed changes to combine the *Grains Act*, the *Livestock and Livestock Products Act* and the *Farm Products Payments Act*, which govern Ontario's Financial Protection Programs. The new Act will be updated to make it more flexible, modern and reflective of current industry and board governance best practices.

The Ontario Federation of Agriculture (OFA) proudly represents more than 38,000 farm family members across the province, supporting our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. OFA works to ensure the agri-food sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability of our farm businesses. We are the leading agricultural advocate for Ontario farmers, their businesses and their communities.

OFA welcomes the opportunity to provide comments regarding Regulatory Registry posting # 21-OMAFRA012. We note that a copy of the draft text of the proposed new Act was not provided as part of this consultation posting. As a result, OFA can only offer at this time its qualified support for OMAFRA's proposal to combine the *Grains Act*, the *Livestock and Livestock Products Act* and the *Farm Products Payments Act*, which govern Ontario's Financial Protection Programs. However, we do appreciate OMAFRA's commitment to consult with industry on the development of any future regulations under this proposed Act.

OFA is in favour of the OMAFRA's intended aim to:

- improve and clarify the rules and requirements to obtain and renew a licence;
- expand the suite of enforcement tools to encourage compliance;
- update appeal provisions;
- update Board powers;
- make it easier to expand the programs to other sectors; and
- allow for greater flexibility in program delivery and administration.

The Beef Cattle Financial Protection Program and the Grain Financial Protection Program are key tools to help Ontario's cattle producers and grain producers manage their business risks. These two current programs protect producers of grain corn, soybeans, canola, wheat, and beef cattle (including veal calves and dairy cattle).

OFA supports proposed amendments to make it easier to expand programming to cover agricultural products beyond these existing commodities. OFA recommends that OMAFRA engage and assist other commodity groups, expressing interest in developing a financial protection program to protect their producers, with drafting the needed business plan referred to in the second footnote of the posting's background document.

In OFA's earlier submission, dated November 14, 2019, with respect to Registry Posting # 19-OMAFRA006 (Proposed changes to Ontario's Financial Protection Programs), OFA recommended that OMAFRA also seek to transfer key protections contained in the *Innkeeper's Act* to the *Farm Products Payment Act*.

OFA recommends these key protections be transferred to the new proposed Act.

Section 3(1) of the *Innkeepers Act* states:

3. (1) The keeper of a livery stable or a boarding stable has a lien on every horse or other animal boarded at or carriage left in the livery stable or boarding stable for reasonable charges for boarding and caring for the horse, animal or carriage. R.S.O. 1990, c. 1.7, s. 3 (1).

This section provides a horse boarder or a custom livestock feeder the right to obtain payment through a possessory lien. However, it would be more appropriate to have a new section in the proposed new Act that sets out the possessory rights of unpaid custom livestock feeders and horse borders to hold animals until payment is received or to sell at public auction to recover payment.

OFA appreciates the opportunity to comment on this registry posting. We trust that our recommendations will be given due consideration.

Sincerely,



Peggy Brekveld
President

cc: OFA Board of Directors