

January 9, 2023

Tamara Fernandes  
Acting Director  
Farm Finance Branch  
Ontario Ministry of Agriculture, Food and Rural Affairs  
1 Stone Road West  
Guelph, ON N1G 4Y2

Submitted online and sent via email to [tamara.fernandes@ontario.ca](mailto:tamara.fernandes@ontario.ca)

Dear Tamara Fernandes,

**Re: Registry Posting 22-OMAFRA013: Proposed changes to the *Ministry of Agriculture, Food and Rural Affairs Act* and *Innkeepers Act* to exempt cattle in the Feeder Cattle Loan Guarantee Program from the custom feeding provisions in the *Innkeepers Act***

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 appreciates this opportunity to provide comments on registry posting 22-OMAFRA013: Proposed changes to the *Ministry of Agriculture, Food and Rural Affairs Act* (MAFRAA) and *Innkeepers Act* to exempt cattle in the Feeder Cattle Loan Guarantee Program (FCLGP) from the custom feeding provisions in the *Innkeepers Act*.

Section 3 of the *Innkeepers Act* provides a simple and effective remedy for farmers and stable owners to resolve situations where money has not been paid after care and management to those animals has been provided, or when livestock has been abandoned by their owners. Section 3 provides a custom livestock feeder or a horse boarder the right to obtain payment through a possessory lien.

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,*

OFA is supportive of granting lenders, holding FCLGP-supported loans, a priority security position ahead of custom feeders who may rely on the *Innkeepers Act* provisions with respect to cattle enrolled in the Ontario FCLGP. However, we do not support the proposed amendment to exempt cattle enrolled in the FCLGP from section 3 of the *Innkeepers Act*. Such an exemption would prevent custom feeders from having any such lien on the cattle as well as preventing custom feeders from being able to seize and sell the cattle for unpaid services. Instead, we recommend that provisions in the *Innkeepers Act* continue to apply, albeit subordinate to lenders with respect to FCLGP-supported loans.

OFA maintains that it would be more appropriate to have a new section in the *Farm Products Payment 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 recommends that the key protections contained in the *Innkeepers Act* with respect to livestock and horses be transferred to the more appropriate *Farm Products Payments Act*.

OFA appreciates the opportunity to provide our comments on this regulatory registry posting.

Sincerely,



Peggy Brekveld  
President

cc: Jack Chaffe, President, Beef Farmers of Ontario  
OFA Board of Directors