

Animal Health Act, 2009

S.O. 2009, CHAPTER 31

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PURPOSES AND DEFINITIONS

Purposes

1 The purposes of this Act are to provide for,

- (a) the protection of animal health in Ontario;
- (b) the establishment of measures to assist in the prevention of, detection of, response to, control of and recovery from hazards associated with animals that may affect animal health or human health or both;
- (c) the regulation of activities related to animals that may affect animal health or human health or both; and
- (d) the enhancement of the safety of food and other products derived from animals that humans may consume or use. 2009, c. 31, s. 1.

Definitions

2 In this Act,

“animal” means any creature that is not human and includes any other thing prescribed as an animal, but does not include any thing prescribed as excluded; (“animal”)

“animal by-product” means a part of an animal or its carcass that is extracted, collected or otherwise obtained from an animal or from its carcass for purposes that are not a principal intention of growing or raising the animal and includes,

- (a) blood and any of its components, and anything containing any of those things or derived from any of those things,
- (b) antlers, bones, bristles, feathers, flesh, hair, hides, skins, hoofs, horns, offal and anything containing any of those things or derived from any of those things, and
- (c) any other thing prescribed as an animal by-product,

but does not include any thing prescribed as excluded; (sous-produit animal”)

“animal health control area” means an animal health control area established under section 24; (“région de contrôle de la santé animale”)

“animal product” means any material derived from an animal or its carcass where a principal intention of growing or raising the animal is for the consumption or other use by humans or animals of the material, whether for food, fibre, fuel, pharmacological or medical purposes, and includes,

- (a) reproductive animal material, including ova, embryos and semen,
- (b) meat,
- (c) milk, cream, butter and cheese,
- (d) eggs,
- (e) honey,
- (f) fibre derived from animals,
- (g) hides, skins and pelts, and
- (h) any other thing prescribed as an animal product,

but does not include any thing prescribed as excluded; (“produit animal”)

“biosecurity measures” means actions taken to minimize the entry or spread of a hazard; (“mesures de biosécurité”)

“certificate” means a certificate issued under this Act; (“certificat”)

“Chief Medical Officer of Health” means the Chief Medical Officer of Health appointed under the *Health Protection and Promotion Act*; (“médecin-hygiéniste en chef”)

“Chief Veterinarian for Ontario” means the Chief Veterinarian for Ontario appointed under section 4; (“vétérinaire en chef de l’Ontario”)

“conveyance” means any vehicle, aircraft, train, vessel or other thing used to transport living or dead animals, animal products, animal by-products, inputs, fomites, vectors, waste material or any other thing to which this Act or its regulations apply; (“moyen de transport”)

“custodian” means, when used in reference to an animal, a person who is responsible for the care of and control over an animal; (“gardien”)

“Deputy Chief Veterinarian for Ontario” means the Deputy Chief Veterinarian for Ontario appointed under section 5; (“vétérinaire en chef adjoint de l’Ontario”)

“director” means a director appointed under section 6; (“directeur”)

“fomite” means an inanimate object that is capable of carrying or transmitting a disease or a biological, chemical, physical or radiological agent or factor that is a hazard and includes,

- (a) material used for bedding animals,
- (b) any clothing, footwear or equipment if it may contain a disease or a biological, chemical, physical or radiological agent or factor that is a hazard or if it may have come into contact with a hazard or an animal that a hazard is affecting or in which a hazard may be present, and
- (c) any other thing prescribed as a fomite,

but does not include a conveyance or any thing prescribed as excluded; (“vecteur passif”)

“hazard” means,

- (a) a disease or a biological, chemical, physical or radiological agent or factor,
- (b) a condition of a premises or conveyance or the environment in which an animal, animal product, animal by-product, input, waste material, fomite, vector or any other thing is kept, housed, processed, raised, grown, displayed, stored, assembled, sold, offered for sale, slaughtered, transported or disposed of, or
- (c) any other thing prescribed as a hazard,

where in the absence of control, the disease, agent, factor, condition, environment or other thing, as the case may be, adversely affects or is likely to adversely affect the health of any animal or is likely to cause, directly or indirectly, significant harm to human health, but does not include any thing prescribed as excluded; (“danger”)

“immediately notifiable hazard” means an immediately notifiable hazard or class of immediately notifiable hazards specified by the regulations; (“danger à notification immédiate”)

“input” means a substance or an organism that may be used in the growing or raising of an animal and includes animal food, water, drugs, supplements, additives, treatments, growth promotants and any other thing prescribed as an input, but does not include any thing prescribed as excluded; (“intrans”)

“inspector” means an inspector appointed under section 17; (“inspecteur”)

“justice” means a provincial judge or a justice of the peace; (“juge”)

“laboratory” means a facility that carries out operations and procedures for the examination of samples and specimens submitted by a third party from living or dead animals, animal products, animal by-products, inputs, fomites, vectors, waste material and other things related to animals to which this Act or the regulations apply in order to inform a diagnosis, prophylaxis, treatment or other veterinary analysis in respect of a hazard, but does not include any facility prescribed not to be a laboratory; (“laboratoire”)

“licence” means a licence issued under this Act; (“permis”)

“livestock medicine” means a drug or class of drugs prescribed by the Minister as livestock medicine; (“médicament pour le bétail”)

“Minister” means the Minister of Agriculture, Food and Rural Affairs or such other member of the Executive Council as may be designated under the *Executive Council Act* to administer this Act; (“ministre”)

“Ministry” means the Ministry of the Minister; (“ministère”)

“periodically notifiable hazard” means a periodically notifiable hazard or class of periodically notifiable hazards specified by the regulations; (“danger à notification périodique”)

“permit” means a permit issued under this Act; (“autorisation”)

“personal information” means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*; (“renseignements personnels”)

“premises” means land, buildings, structures, facilities, or any of them, and includes waters, temporary and portable structures, trailers that are not part of a conveyance, portable facilities and any part or parts of any of them; (“lieu”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“registration” means a registration issued under this Act; (“inscription”)

“regulation” means a regulation made under this Act; (“règlement”)

“reportable hazard” means a reportable hazard or class of reportable hazards specified by the regulations; (“danger à déclaration obligatoire”)

“surveillance zone” means a surveillance zone established under section 23; (“zone de surveillance”)

“Tribunal” means the Agriculture, Food and Rural Affairs Appeal Tribunal; (“Tribunal”)

“vector” means a living organism that is capable of carrying and transmitting a disease or a biological agent or factor that is a hazard and includes any other thing prescribed as a vector, but does not include a human or any thing prescribed as excluded; (“vecteur”)

“veterinarian” means a person licensed under the *Veterinarians Act* to engage in the practice of veterinary medicine; (“vétérinaire”)

“waste material” means any material secreted by or excreted from an animal that is not an animal product or animal by-product or material that is derived from an animal or its carcass and that has been discarded and includes,

- (a) composted material containing feces, urine, dead animals or any animal product or animal by-product,
- (b) any thing containing any of the things referred to in this definition or derived from any of those things, and
- (c) any other thing prescribed as waste material,

but does not include any thing prescribed as excluded. (“déchets”) 2009, c. 31, ss. 2, 67 (1).

Section Amendments with date in force (d/m/y)

2009, c. 31, s. 67 (1) - 01/01/2021

ADMINISTRATION

Agreements

3 (1) The Minister may enter into agreements with any person or entity for the purposes of this Act to perform such duties or undertake such functions as the Minister may specify, on such conditions as the Minister may specify. 2009, c. 31, s. 3 (1).

Advisory committees

(2) The Minister shall establish such committees as the Minister considers appropriate to provide advice to the Minister or the Chief Veterinarian for Ontario on any matter related to the protection of animal health and matters regulated under this Act. 2009, c. 31, s. 3 (2).

Chief Veterinarian for Ontario

4 (1) The Minister shall appoint an employee in the Ministry to act as Chief Veterinarian for Ontario for the purposes of this Act. 2009, c. 31, s. 4 (1).

Qualifications

- (2) The qualifications of the Chief Veterinarian for Ontario are that he or she,
- (a) is a veterinarian who holds a licence without conditions or limitations;
 - (b) has engaged in the practice of veterinary medicine for at least five years; and
 - (c) possesses the qualifications for the Chief Veterinarian for Ontario that may be prescribed. 2009, c. 31, s. 4 (2).

Functions and powers

(3) The person appointed as Chief Veterinarian for Ontario shall perform the functions and exercise the powers of the Chief Veterinarian for Ontario under this Act. 2009, c. 31, s. 4 (3).

An inspector

(4) The Chief Veterinarian for Ontario is, by virtue of his or her office, an inspector under this Act. 2009, c. 31, s. 4 (4).

Regulations

(5) The Minister may make regulations clarifying, modifying and restricting the functions or powers of the Chief Veterinarian for Ontario. 2009, c. 31, s. 4 (5).

Deputy Chief Veterinarian for Ontario

5 (1) The Minister may appoint an employee in the Ministry to act as Deputy Chief Veterinarian for Ontario for the purposes of this Act. 2009, c. 31, s. 5 (1).

Qualifications

(2) The qualifications of the Deputy Chief Veterinarian for Ontario are that he or she is a veterinarian who holds a licence without conditions or limitations and possesses the qualifications for the Deputy Chief Veterinarian for Ontario that may be prescribed. 2009, c. 31, s. 5 (2).

Functions and powers

- (3) The Deputy Chief Veterinarian for Ontario shall,
- (a) perform such functions and exercise such powers as the Chief Veterinarian for Ontario may specify in writing; and
 - (b) act in the place of the Chief Veterinarian for Ontario when the Chief Veterinarian for Ontario is absent or is unable to perform his or her functions and powers or when the office of the Chief Veterinarian for Ontario is vacant. 2009, c. 31, s. 5 (3).

An inspector

(4) The Deputy Chief Veterinarian for Ontario is, by virtue of his or her office, an inspector under this Act. 2009, c. 31, s. 5 (4).

Directors

6 (1) The Chief Veterinarian for Ontario may appoint one or more directors for the purposes of this Act and the regulations. 2009, c. 31, s. 6 (1).

Areas of responsibility

(2) If the Chief Veterinarian for Ontario appoints more than one director, the Chief Veterinarian for Ontario shall specify the area of responsibility of a director in the appointment. 2009, c. 31, s. 6 (2).

Powers

(3) A director appointed by the Chief Veterinarian for Ontario shall have those powers of an inspector that are specified in the appointment. 2009, c. 31, s. 6 (3).

REPORTING HAZARDS

Reportable hazards

7 Subject to the regulations, any person who knows, reasonably suspects or ought to know that a reportable hazard is or may be present in, contaminating or is otherwise associated with an animal, animal product, animal by-product, input, fomite, vector, waste material or any other thing related to an animal shall report, in accordance with the regulations, such knowledge or suspicion immediately to the Chief Veterinarian for Ontario or to any other prescribed person. 2009, c. 31, s. 7.

Hazards, reporting by laboratories

Immediately notifiable hazards

8 (1) Subject to the regulations, the operator of a laboratory and such other persons as may be prescribed shall report to the Chief Veterinarian for Ontario or to any other prescribed person, in accordance with the regulations, any immediately notifiable hazard in respect of any sample or specimen taken from an animal, animal product, animal by-product, input, fomite, vector, waste material or any other thing related to an animal. 2009, c. 31, s. 8 (1).

Periodically notifiable hazards

(2) Subject to the regulations, the operator of a laboratory and such other persons as may be prescribed shall report to the Chief Veterinarian for Ontario or to any other prescribed person, in accordance with the regulations, any periodically notifiable hazard in respect of any sample or specimen taken from an animal, animal product, animal by-product, input, fomite, vector, waste material or any other thing related to an animal. 2009, c. 31, s. 8 (2).

Reporting by veterinarians

9 Subject to the regulations, a veterinarian shall report to the Chief Veterinarian for Ontario or to any other prescribed person any incident or finding, as may be prescribed, encountered while engaged in the practice of veterinary medicine. 2009, c. 31, s. 9.

Report to the Chief Medical Officer of Health

10 The Chief Veterinarian for Ontario shall report to the Chief Medical Officer of Health every matter of which the Chief Veterinarian for Ontario becomes aware and that, in his or her opinion, is or may be a hazard that constitutes a significant risk to public health. 2009, c. 31, s. 10.

Protection from liability

11 (1) No action or other proceeding shall be instituted against a person, including a veterinarian, for making a report authorized under section 7, 8 or 9 in good faith to the Chief Veterinarian for Ontario or to any other prescribed person in respect of a hazard or prescribed incident or finding. 2009, c. 31, s. 11 (1).

Exception

(2) Subsection (1) does not apply with respect to a proceeding under the *Veterinarians Act*. 2009, c. 31, s. 11 (2).

LICENSING

Licences, etc.

Licences and certificates

12 (1) Subject to the regulations, on receipt of an application made in accordance with the regulations, a director may issue or refuse to issue the following:

1. A licence with respect to,
 - i. commercial operations that receive and handle animals for the purpose of sale or distribution or for the purpose of feeding, watering or resting animals while in transit,
 - ii. the control and regulation of the sale of livestock medicines, including places where livestock medicines are sold or offered for sale or distribution, or
 - iii. such other activities for the purposes of animal health monitoring and control as may be prescribed.

Note: On a day to be named by proclamation of the Lieutenant Governor, and only if sections 13 and 14 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019* are both in force, paragraph 1 of subsection 12 (1) of the Act is repealed and the following substituted: (See: 2019, c. 14, Sched. 3, s. 9 (5))

1. A licence with respect to,

- i. commercial operations that receive and handle animals for the purpose of sale or distribution or for the purpose of feeding, watering or resting animals while in transit,
- ii. the control and regulation of the sale of livestock medicines, including places where livestock medicines are sold or offered for sale or distribution,
- iii. the sale or offering for sale of livestock by public auction held at an established place of business where livestock is assembled for the purpose, or
- iv. such other activities for the purposes of animal health monitoring and control as may be prescribed.

2. A certificate with respect to,

- i. the qualifications of any person or entity to do anything under this Act, or
- ii. any requirement under this Act, certifying that the requirement has been met. 2009, c. 31, s. 12 (1); 2019, c. 14, Sched. 3, s. 9 (3).

Registrations and permits

(2) Subject to the regulations, on receipt of an application made in accordance with the regulations, a director may issue the following:

- 1. A registration with respect to such activities as may be prescribed, for the purpose of ensuring compliance with requirements under this Act.

Note: On the day section 12 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019* comes into force, paragraph 1 is repealed and the following substituted:

- 1. A registration with respect to,
 - i. beekeepers and beekeeping, or
 - ii. other activities, as prescribed, for the purpose of ensuring compliance with requirements under this Act.

See: 2009, c. 31, ss. 67 (5), 75 (3), 2019, c. 14, Sched. 3, s. 11 (2).

2. A permit,

- i. granting permission to do anything under this Act, including anything that, in the absence of the permit, is prohibited, or
- ii. relating to such other activities as may be prescribed. 2009, c. 31, s. 12 (2).

Conditions on permit, etc.

(3) A director may, in accordance with the regulations, impose conditions on a licence, certificate, registration or permit. 2009, c. 31, s. 12 (3).

Section Amendments with date in force (d/m/y)

2009, c. 31, s. 67 (2-4) - no effect - see 2019, c. 14, Sched. 3, s. 10 - 10/12/2019; 2009, c. 31, s. 67 (5) - not in force

2019, c. 14, Sched. 3, s. 9 (1) - no effect - see 2019, c. 14, Sched. 3, s. 9 (2) - 01/01/2021; 2019, c. 14, Sched. 3, s. 9 (3) - 01/01/2021; 2019, c. 14, Sched. 3, s. 9 (5) - not in force

COLLECTING, USING AND DISCLOSING INFORMATION

Collection and use of information

13 (1) The Minister may directly or indirectly collect information, including personal information, from any source for purposes related to the administration of this Act or for such other purposes as may be prescribed, and may use the information for those purposes or consistent purposes. 2009, c. 31, s. 13 (1).

Prescribed limitations

(2) The collection or use of personal information for the purposes mentioned in subsection (1) is subject to any requirements or restrictions that may be prescribed. 2009, c. 31, s. 13 (2).

Notice

(3) If the Minister collects personal information under subsection (1), the notice required by subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* is given by,

- (a) a public notice posted on the Ministry's website; or
- (b) any other method that may be prescribed. 2009, c. 31, s. 13 (3).

Disclosure of information

(4) The Minister may, as he or she considers appropriate, disclose information, except personal information, to any person or entity, if the Minister considers it necessary for one or more of the purposes set out in subsection (5) or the disclosure is made in any of the circumstances set out in subsection (6). 2009, c. 31, s. 13 (4).

Purposes for which disclosure may be made

(5) The purposes for which disclosure of information may be made in accordance with subsection (4) are as follows:

1. The protection of animal health, human health or both.
2. Assistance in ongoing health, safety and biosecurity measures to minimize a suspected or confirmed hazard or to minimize the risk of a hazard spreading or persisting.
3. The detection of a hazard, including the presence, absence or prevalence of it.
4. The response to a hazard, including the control, suppression and mitigation of it.
5. The establishment and overseeing the operation of a provincial traceability system under section 33.
6. The enhancement of emergency preparedness.
7. Monitoring the health of animals.
8. Conducting animal health research, developing policy with respect to animal health or designing or implementing programs or both in respect of animal health.
9. Any other prescribed purpose. 2009, c. 31, s. 13 (5).

Circumstances in which disclosure may be made

(6) The circumstances in which disclosure of information may be made in accordance with subsection (4) are as follows:

1. The person or entity to whom the record or information relates consents to its disclosure.
2. The disclosure is permitted by, required under or is necessary for the administration of this Act or the regulations or is made in connection with any proceeding taken under this Act or the regulations.
3. The disclosure is necessary in order to comply with another Act of the Legislature.
4. The disclosure is necessary in order to comply with an Act of Parliament.
5. The disclosure is authorized under the *Regulatory Modernization Act, 2007*.
6. The disclosure is to an institution or a law enforcement agency in Canada to aid in a law enforcement investigation.
7. The disclosure is pursuant to an order of a court or tribunal. 2009, c. 31, s. 13 (6).

Collection, use and disclosure by authorized person

(7) Any information collected by, used by, disclosed to or disclosed by a person authorized under this Act is deemed to have been collected by, used by, disclosed to, or disclosed by the Minister. 2009, c. 31, s. 13 (7).

Personal health information

(8) Nothing in this Act authorizes the collection, use or disclosure of personal information that is also information referred to in clauses (a) and (b) of the definition of “personal health information” in subsection 4 (1) of the *Personal Health Information Protection Act, 2004*. 2009, c. 31, s. 13 (8).

Minister’s agreements re information

14 (1) Subject to subsections (2), (3) and (4), the Minister may enter into agreements with respect to the collection, use and disclosure of information, including personal information, with any person or entity. 2009, c. 31, s. 14 (1).

Disclosure of personal information

(2) At the Minister’s discretion, he or she may enter into an agreement under subsection (1) with respect to the disclosure of personal information for a purpose set out in paragraphs 1 to 4 of subsection 13 (5), but if the Minister does enter into such an agreement,

- (a) the disclosure must be made in accordance with the agreement; and
- (b) the person or entity that receives the information must agree to use the information only for the purpose set out in the paragraph in subsection 13 (5) for which the information was disclosed. 2009, c. 31, s. 14 (2).

Same

(3) The Minister may disclose personal information for a purpose set out in paragraphs 5 to 9 of subsection 13 (5) if he or she enters into an agreement under subsection (1) with respect to the disclosure of the personal information and,

- (a) the disclosure is made in accordance with the agreement; and
- (b) the person or entity that receives the information agrees to use the information only for the purpose set out in the paragraph in subsection 13 (5) for which the information was disclosed. 2009, c. 31, s. 14 (3).

Confidentiality

(4) An agreement under this section must,

- (a) provide that personal information collected, used or disclosed under it is confidential; and
- (b) establish mechanisms for protecting and maintaining the confidentiality of the information. 2009, c. 31, s. 14 (4).

Deemed compliance

15 Any disclosure of personal information that is authorized under subsection 14 (2) or (3) is deemed to be in compliance with clause 42 (1) (e) of the *Freedom of Information and Protection of Privacy Act*. 2009, c. 31, s. 15.

Records and information deemed to be maintained in confidence

16 (1) Information in the custody or control of an institution that has been collected for the purposes of this Act is deemed to be subject to the exemption in section 17 of the *Freedom of Information and Protection of Privacy Act* and section 10 of the *Municipal Freedom of Information and Protection of Privacy Act* if the disclosure of the information,

- (a) would identify,
 - (i) an animal, animal product or animal by-product that is located at or in a certain premises or on or in a particular conveyance, or
 - (ii) the owner of an animal, animal product or animal by-product; or
- (b) would reveal that a hazard is or may be contaminating or otherwise affecting an animal, animal product or animal by-product that is located at or in a certain premises, on or in a particular conveyance or owned by an identifiable person or entity. 2009, c. 31, s. 16 (1).

Other information deemed to be supplied in confidence

(2) Information in the custody or control of an institution that has been collected for the purposes of this Act, other than information to which subsection (1) applies, is deemed for the purposes of section 17 of the *Freedom of Information and Protection of Privacy Act* and section 10 of the *Municipal Freedom of Information and Protection of Privacy Act*,

- (a) to be scientific, technical, commercial or financial information; and
- (b) to have been supplied in confidence to the institution by the person or entity to whom the record or information relates. 2009, c. 31, s. 16 (2).

Definition

(3) In this section,

“institution” means an institution for the purposes of the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act*. 2009, c. 31, s. 16 (3).

INSPECTIONS

Appointment of inspectors

17 (1) The Chief Veterinarian for Ontario may in writing appoint, as he or she considers necessary, any of the following persons or classes of persons as inspectors:

1. Public servants employed under Part III of the *Public Service of Ontario Act, 2006* who work in the Ministry or members of a class of such public servants.
2. Any other persons or the members of any other class of persons. 2009, c. 31, s. 17 (1).

Powers

(2) Inspectors shall act as inspectors in respect of such provisions of this Act and the regulations as are set out in their appointment. 2009, c. 31, s. 17 (2).

Qualifications

(3) Inspectors shall possess such skills or qualifications as the Chief Veterinarian for Ontario considers appropriate with respect to the exercise of powers that are set out in their appointment under subsection (2). 2009, c. 31, s. 17 (3).

Limitation of authority

(4) In an appointment of an inspector, the Chief Veterinarian for Ontario may limit the authority of the inspector in any manner that he or she considers necessary or advisable. 2009, c. 31, s. 17 (4).

Authority of inspector

18 An inspector may inspect any animal, animal product, animal by-product, input, waste material or any other thing regulated under this Act, as well as any premises, conveyances, activities, fomites or vectors related to any of them in the following circumstances:

1. A reportable hazard, immediately notifiable hazard, or periodically notifiable hazard or a prescribed incident or finding referred to in section 9 has been reported to the Chief Veterinarian for Ontario or to any other prescribed person in respect of an animal, animal product, animal by-product, input, fomite, vector, waste material and any other thing related to an animal, and the inspector has reasonable grounds to believe that the thing that is to be inspected,
 - i. has been exposed, directly or indirectly, to the hazard that is the subject of the report, or
 - ii. was associated with the incident or finding that is the subject of the report.
2. The Chief Veterinarian for Ontario has reasonable grounds to suspect that a hazard in respect of animals, animal products, animal by-products, inputs, fomites, waste material, conveyances and other things related to animals is located at or on the premises or on or in the conveyance, and he or she is of the opinion that the hazard is significant because of its potential to spread or otherwise pose a threat to animal or human health and has directed the inspector to conduct the inspection.
3. The premises or conveyance is in a surveillance zone established under section 23, and the Chief Veterinarian for Ontario is of the opinion that,
 - i. an inspection is required for the monitoring and surveillance of the hazard or suspected hazard, and
 - ii. it is necessary to use the inspection powers under section 19 to determine the presence, absence or prevalence of the hazard described in the order establishing the surveillance zone.
4. The premises or conveyance is in an animal health control area established under section 24 or is a facility or class of facilities in respect of which an animal health control area order has been made under that section, and the Chief Veterinarian for Ontario is of the opinion that,
 - i. an inspection is required for a purpose set out in subsection 24 (1), and
 - ii. it is reasonably necessary to use the inspection powers under section 19 to determine the presence, absence or prevalence of the hazard specified in the order establishing the animal health control area.
5. The inspector is conducting the inspection for the purpose of,
 - i. determining whether a person who holds a licence, certificate, registration or permit is carrying on an activity in accordance with the licence, certificate, registration or permit, including any conditions attached to it,
 - ii. determining whether a person is carrying on an activity for which a licence, certificate, registration or permit is required under this Act, where the inspector has reasonable grounds to believe that the activity is occurring,
 - iii. determining whether a person is in compliance with or has complied with an order made or issued under section 20, 21, 23, 23.1 or 25,
 - iii.1 determining whether a person is in compliance with or has complied with requirements, restrictions or measures imposed by the Chief Veterinarian for Ontario under subsection 24 (7), or
 - iv. determining whether a person is carrying on an activity or is required to carry on an activity in accordance with this Act and the regulations, where an inspector has reasonable grounds to believe that the activity is being carried on or is not being carried on.
6. In the case of an inspection at a premises, the operation of the premises requires a licence under the *Food Safety and Quality Act, 2001*, and the Chief Veterinarian for Ontario is of the opinion that an inspection is required for the purposes of this Act.
7. In the case of an inspection at a premises, the business of operating community sales at the premises requires a licence under the *Livestock Community Sales Act*. 2009, c. 31, s. 18; 2023, c. 2, Sched. 1, s. 1.

Note: On the day section 13 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019* comes into force, paragraph 7 is repealed. See: 2009, c. 31, ss. 67 (6), 75 (4); 2019, c. 14, Sched. 3, s. 11 (3).

Section Amendments with date in force (d/m/y)

2009, c. 31, s. 67 (6) - not in force

2023, c. 2, Sched. 1, s. 1 - 22/03/2023

Powers of an inspector

Acting under this Act

19 (1) When acting under section 18 or under the authority of a warrant or when consent has been given, an inspector may, alone or in conjunction with a person possessing special, expert or professional knowledge or skills, do any of the following:

1. Pass through or over any land, including the curtilage or grounds adjacent to or surrounding a private dwelling, without being liable to trespass or any other action in relation to that land, in order to gain access to the premises or conveyance that are subject to inspection under this section, if,
 - i. it is necessary to do so in order to gain the access or to gain the access in a timely manner, and
 - ii. it is impractical to use any other means to gain access.
2. Enter any premises, other than a private dwelling or a part of a premises used as a private dwelling unless the occupant has consented or the entry is under the authority of a warrant.
3. Open and enter a conveyance if there are reasonable grounds to believe that any living or dead animal, animal product, animal by-product, input, fomite, waste material or other thing regulated under this Act is or has been in or on the conveyance.
4. Open any container, package, crate, cage, storage vessel or any other thing for the purpose of examining the contents.
5. Examine, take samples and specimens from, and perform or arrange for tests on, living or dead animals, animal products, animal by-products, inputs, fomites, vectors, waste material and any other things related to an animal at or in the premises or on or in the conveyance, and may exhume or cause to be exhumed the carcass of an animal to do any of these things.
6. Conduct or cause to be conducted *post mortem* examinations with respect to any dead animal.
7. Transport or cause to be transported all or any part of the remains of a dead animal to another location for the purposes of paragraph 6.
8. Apply a symbol, tag or other identification mark or device to an animal, animal product, animal by-product, input, fomite, waste material or any other thing related to an animal for the purposes of subsequent identification.
9. Take photographs or make videos, notes or other recordings of any thing at or in the premises or on or in the conveyance that the inspector considers to be of assistance in the inspection.
10. Require the production for examination of any books, records or other documents, including electronic records or documents, pertaining to or documenting the movement of an animal, animal product, animal by-product, input, fomite, vector, waste material, conveyance or other thing regulated under this Act and any books, records or other documents relating to any activity, premises or conveyance regulated under this Act.
11. Make copies of books, records or other documents or temporarily remove them, after issuing a written document acknowledging receipt for them, for the purposes of making copies.
12. Require the owner or person in charge of and any person found at or in the premises or on or in the conveyance to provide assistance to the inspector, or to any person who is in possession of special, expert or professional knowledge or skills and is working in conjunction with the inspector, in order to enable the inspector or the person to carry out duties or perform functions under this Act.
13. Require the owner or person in charge of the premises or conveyance to answer all questions put to the person by the inspector relating to matters arising under this Act concerning animals, animal products, animal by-products, inputs, fomites, vectors, waste material and any other things related to an animal that are present, have been present or are expected to be present at or in the premises or on or in the conveyance.
14. Apply a seal or other identification mark or device to a conveyance, container or any other thing related to an animal and open and inspect the contents of any conveyance, container or other thing if an identification mark or device previously applied under this Act appears to have been altered, broken or otherwise tampered with.
15. Detain or seize a conveyance, animal, animal product, animal by-product, input, fomite, waste material or any other related thing, and may do any of the following, as applicable:
 - i. If the animal is detained, require that the animal be kept in isolation or separate from certain other animals at or in the premises or on or in the conveyance, release it or dispose of it or make arrangements for its disposal or other manner of dealing with it.
 - ii. If the animal is seized, release the animal or dispose of it or make arrangements for its disposal or other manner of dealing with it.

- iii. If the conveyance, animal product, animal by-product, input, fomite, waste material or other related thing is detained, issue a direction as to where and how the item is to be kept securely pending inspection, release it or cause it to be released or dispose of it or make arrangements for its disposal or other manner of dealing with it.
- iv. If the conveyance, animal product, animal by-product, input, fomite, waste material or other related thing is seized, release it or cause it to be released or dispose of it or make arrangements for its disposal or other manner of dealing with it. 2009, c. 31, s. 19 (1).

Same, directions with respect to certain animals

(2) When an inspector has reasonable grounds to suspect that a hazard may be present in or affecting an animal that he or she has examined, the inspector may direct that the animal be held at or in the premises or on or in the conveyance for further examination. 2009, c. 31, s. 19 (2).

Same, segregation, etc.

(3) When an inspector directs that an animal be held for further examination, the direction may include requirements that the animal be,

- (a) segregated in a secure place and held separate from other animals;
- (b) identified in a manner specified by the inspector; and
- (c) held in segregation until it is examined further by an inspector. 2009, c. 31, s. 19 (3).

Same, veterinarian to attend

(4) An inspector who directs that an animal be held for further examination shall,

- (a) release the animal;
- (b) consult a veterinarian; or
- (c) arrange for a veterinarian to attend as soon as practicable at the premises to examine the animal. 2009, c. 31, s. 19 (4).

Removal of identification device prohibited

(5) No person shall,

- (a) remove any symbol, tag, seal or other identification mark or device applied by an inspector under paragraph 8 or 14 of subsection (1) without the permission of an inspector; or
- (b) fail to identify the animal in the manner specified by an inspector under clause (3) (b). 2009, c. 31, s. 19 (5).

Conveyance to stop, etc.

(6) An inspector acting under paragraph 3 of subsection (1) may require an operator of a conveyance to stop and the operator shall,

- (a) stop the conveyance and, subject to clause (c), remain stopped for any period of time reasonably necessary for the inspector to carry out his or her duties under this Act;
- (b) not proceed until permitted to do so by the inspector; and
- (c) at the direction of the inspector, relocate the conveyance to the nearest point where an inspection may be conducted. 2009, c. 31, s. 19 (6).

Warrants

(7) An inspector may apply, without notice, to a justice to obtain a warrant,

- (a) to enter a private dwelling; or
- (b) to enter any premises or conveyance,
 - (i) if entry to the premises or conveyance has been refused, or
 - (ii) if there are grounds to believe that entry to the premises or conveyance is likely to be refused. 2009, c. 31, s. 19 (7).

Application, dwelling

(8) An application for a warrant to enter a private dwelling shall specifically indicate that the application relates to a private dwelling. 2009, c. 31, s. 19 (8).

Same, use of force

(9) A warrant may authorize the reasonable use of force, if required in the circumstances and subject to such conditions as may be contained in the warrant, by the inspector and any person who is acting in conjunction with the inspector in accordance with subsection (1). 2009, c. 31, s. 19 (9).

Application without notice

(10) A justice may receive and consider an application for a warrant or renewal of a warrant under this section without notice to the owner, occupant or person in charge of the private dwelling or premises or the owner or lessee of the conveyance. 2009, c. 31, s. 19 (10).

Use of police

(11) An inspector may take such steps and employ such assistance as is necessary to accomplish what is required under this section and may, when obstructed in doing so, call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required, and it is the duty of every member of the Ontario Provincial Police Force or the police force to render assistance. 2009, c. 31, s. 19 (11).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 19 (11) of the Act is amended by striking out “the Ontario Provincial Police Force or the police force” wherever it appears and substituting in each case “the police service”. (See: 2019, c. 1, Sched. 4, s. 2 (1))

OSPCA Act continues to apply

(12) If an animal is detained by an inspector under paragraph 15 of subsection (1) or directed to be held under subsection (2), the owner or custodian of the animal is deemed to continue to have custody or care of the animal for the purpose of section 13 of the *Provincial Animal Welfare Services Act, 2019*. 2009, c. 31, s. 19 (12); 2019, c. 13, s. 73.

Section Amendments with date in force (d/m/y)

2018, c. 3, Sched. 5, s. 2 (1) - no effect - see 2019, c. 1, Sched. 3, s. 5 - 26/03/2019

2019, c. 1, Sched. 4, s. 2 (1) - not in force; 2019, c. 13, s. 73 - 01/01/2020

ORDERS (COMPLIANCE, QUARANTINE, TEMPORARY RESPONSE, ANIMAL HEALTH CONTROL AREAS, DESTRUCTION OF ANIMALS ETC.)

Compliance orders

20 (1) An inspector or director who has reasonable grounds to believe that a person has contravened a provision of this Act or the regulations or a condition of a licence, certificate, registration or permit may make an order in writing directing the person to comply with this Act, the regulations, licence, certificate, registration or permit, as the case may be, immediately or within the time specified in the order. 2009, c. 31, s. 20 (1).

Discretionary part of order

(2) The order may direct the person to modify or stop anything that the person is doing until the contravention on which the order is based no longer exists. 2009, c. 31, s. 20 (2).

Order to destroy or dispose of animal, etc.

(3) The order may direct the person to destroy or dispose of any animal, animal product, animal by-product, input, fomite, vector, waste material, conveyance or thing if the regulations require that such action be taken. 2009, c. 31, s. 20 (3).

Oral order

(4) If the delay necessary to put the order in writing will or is likely to increase substantially the risk to the health of any person or animal, the inspector may make the order orally. 2009, c. 31, s. 20 (4).

Same, to be given in writing

(5) An order that is made orally shall be provided in writing as soon as practicable in the circumstances and in no case later than seven days after the oral order is given. 2009, c. 31, s. 20 (5).

Contents of order

(6) The order shall,

- (a) specify the provisions of this Act or the regulations or the conditions of a licence, certificate, registration or permit that the inspector believes the person has contravened;
- (b) briefly describe the nature and, if applicable, the location of the contravention;
- (c) describe the action required to correct the contravention and the time within which the person is required to ensure that the action is taken; and
- (d) specify that the person has,

- (i) the right to request a review by a director in accordance with section 34 if the order is issued by an inspector who is not a director, the Chief Veterinarian for Ontario or the Deputy Chief Veterinarian for Ontario, or
- (ii) the right to a hearing by the Tribunal in accordance with section 36 if the order is issued by a director, the Chief Veterinarian for Ontario or the Deputy Chief Veterinarian for Ontario. 2009, c. 31, s. 20 (6).

Information re compliance

(7) The order may require that the person to whom the order is directed keep records and report information with respect to compliance with the order. 2009, c. 31, s. 20 (7).

Service

(8) The order shall be served on the person in accordance with section 51. 2009, c. 31, s. 20 (8).

Compliance

(9) Every person served with an order made under this section shall comply with the order within the time period specified in the order and, if requested to do so, shall provide proof of such compliance. 2009, c. 31, s. 20 (9).

Quarantine orders

21 (1) When an inspector has reasonable grounds to believe that a hazard exists or may be present at or in any premises or any part of the premises and the hazard needs to be contained, the inspector may issue an order under this section to do one or more of the following:

1. Quarantine the premises or part of it.
2. Quarantine any of the following at or in the premises or part of it:
 - i. an animal,
 - ii. an animal product,
 - iii. an animal by-product,
 - iv. an input,
 - v. a fomite,
 - vi. waste material,
 - vii. a conveyance, and
 - viii. any other thing related to animals. 2009, c. 31, s. 21 (1).

Same, conditions

(2) The order shall include any conditions the inspector considers necessary to minimize the risk of the hazard persisting or spreading, shall briefly describe the hazard or suspected hazard and may,

- (a) specify the hazard or suspected hazard to the extent it is known;
- (b) name the owner or the person in charge of the premises or the owner or custodian of a quarantined animal, animal product, animal by-product, input, fomite, waste material, conveyance or other thing related to animals;
- (c) describe the location or boundaries of the quarantined premises or the quarantined part or parts of the premises;
- (d) describe any quarantined animal, animal product, animal by-product, input, fomite, waste material, conveyance and other thing and its location at or in the premises;
- (e) require, in order to identify any quarantined animal, animal product, animal by-product, input, fomite, waste material or other thing, the application of a symbol, tag or other identification mark or device or the recording of any identification mark or device previously applied;
- (f) require, in order to identify a conveyance, container or any other relevant thing, the application of a seal or other identification mark or device or the recording of any identification mark or device previously applied;
- (g) require the application or installation of an identifying marker, signage, or temporary barrier at or on the premises or appropriate part of the premises;
- (h) direct the manner in which the owner or custodian of the animals is to provide input or care to the animals at or in the quarantined premises;
- (i) impose restrictions on the movement of living or dead animals, animal products, animal by-products, inputs, fomites, waste material, conveyances or other things in the quarantined premises or on entering or leaving the quarantined premises;

- (j) require that records be kept and information be reported in respect of complying with the order;
- (k) specify any precautionary or biosecurity measures for individuals, animals, animal products, animal by-products, inputs, fomites, waste material, conveyances or other things at or in the quarantined premises and when entering or leaving the quarantined premises, including any requirements for cleaning and disinfection;
- (l) require the isolation of an animal or the separation of two or more animals from other animals present at or in the premises or on or in a conveyance;
- (m) require the animal owner or custodian to provide or arrange for the provision of veterinary medical or other health related treatment for animals in their possession or care, including preventive measures such as vaccination;
- (n) require the owner or person in charge of the premises, conveyance or other things at the premises to clean and disinfect or otherwise treat the premises, conveyance or any fomites or other things, including ordering that specific methods be used and certain conditions be observed;
- (o) allow the movement of living or dead animals, animal products, animal by-products, inputs, fomites, waste material, conveyances or other things from the quarantined premises to other premises, including imposing requirements that records be kept in respect of the movement and that reports be made to the inspector;
- (p) require the owner or custodian of an animal to report to an inspector details of mortality or morbidity among animals at or in the premises or on or in the conveyance during the quarantine;
- (q) fix the duration of the term of the quarantine; and
- (r) impose any other conditions the inspector or the Chief Veterinarian for Ontario considers necessary. 2009, c. 31, s. 21 (2).

Information in order

- (3) The order shall,
 - (a) briefly describe the reasons for the order and the circumstances giving rise to those reasons; and
 - (b) specifically notify the person to whom it is directed that the person has,
 - (i) the right to request a review by a director in accordance with section 34 if the order is issued by an inspector who is not a director, the Chief Veterinarian for Ontario or the Deputy Chief Veterinarian for Ontario, or
 - (ii) the right to a hearing by the Tribunal in accordance with section 36 if the order is issued by a director, the Chief Veterinarian for Ontario or the Deputy Chief Veterinarian for Ontario. 2009, c. 31, s. 21 (3).

Service of order

- (4) Subject to subsection (5), the order shall be served by being delivered personally to,
 - (a) the owner or person in charge of the premises;
 - (b) the owner or custodian of the animal, the animal product, the animal by-product, the input, the fomite, the waste material, the conveyance or other thing related to animals; or
 - (c) both the owner or person in charge of the premises and the owner or custodian referred to in clause (b). 2009, c. 31, s. 21 (4).

Deemed service

- (5) If, in the opinion of an inspector, service cannot reasonably be effected in accordance with subsection (4), a copy of the order may be posted in a conspicuous place at the premises where the animal, animal product, animal by-product, input, fomite, waste material or other thing related to animals is located or on the conveyance that is the subject of the order and the order is deemed to be served when it is posted. 2009, c. 31, s. 21 (5).

Publication of order

- (6) The Chief Veterinarian for Ontario may publish or disseminate an order made under this section, or a summary of the order, and may include any relevant information for the purposes of communicating the contents of the order or to provide notice that it has been made. 2009, c. 31, s. 21 (6).

Compliance

- (7) Every person served or deemed to be served with an order under this section shall comply with the order within the time period specified in the order and, if requested to do so, shall provide proof of such compliance. 2009, c. 31, s. 21 (7).

Prohibition

- (8) Except with the written consent of an inspector, no person shall remove, alter, deface, conceal, damage, destroy, move, interfere with or render illegible,

- (a) an order or a copy of an order made under this section that is posted at or on any premises or on any conveyance; or
- (b) any identifying marker, signage or temporary barrier applied or installed as authorized under this section. 2009, c. 31, s. 21 (8).

Amendment or revocation of compliance or quarantine order

22 (1) If an inspector makes an order under section 20 or 21, the inspector, a director or the Chief Veterinarian for Ontario may, by order, amend or revoke it. 2009, c. 31, s. 22 (1).

Notice

(2) Upon making an order under this section to amend or revoke an order, the inspector, director or Chief Veterinarian for Ontario shall serve written notice of the amendment or revocation on every person affected by the amendment or revocation,

- (a) in accordance with section 51 if the original order was made under section 20; or
- (b) in accordance with subsections 21 (4) and (5) if the original order was made under section 21. 2009, c. 31, s. 22 (2).

Surveillance zones

23 (1) If an inspector has issued a quarantine order under section 21 in respect of a premises and the Chief Veterinarian for Ontario is of the opinion that further monitoring and surveillance of the hazard or suspected hazard is required, the Chief Veterinarian for Ontario may issue a written order establishing a surveillance zone around the quarantined premises. 2009, c. 31, s. 23 (1).

Conditions included in order

(2) The order shall include any conditions the Chief Veterinarian for Ontario considers necessary for further monitoring and surveillance of the hazard or suspected hazard described in the quarantine order made under section 21 and may,

- (a) specify the hazard or suspected hazard to the extent it is known;
- (b) describe the location or boundaries of the surveillance zone, which shall be an area not exceeding a radius of 10 kilometres around the quarantined premises;
- (c) require animal owners or custodians in the surveillance zone to provide or arrange for the provision of veterinary medical or other health related treatment for animals in their possession or care, including preventive measures such as vaccination;
- (d) require animal owners and custodians to report to the Chief Veterinarian for Ontario details of unusual mortality or morbidity with respect to animals in the surveillance zone during the term of the order;
- (e) specify any precautionary or biosecurity measures for individuals, animals, animal products, animal by-products, inputs, fomites, waste material, conveyances or other things related to animals in the surveillance zone or when entering or leaving the surveillance zone, including any requirements for cleaning and disinfection;
- (f) require that records be kept and information be reported relating to compliance with any requirements of the order;
- (g) fix the duration of the term of the order; and
- (h) impose any other conditions the Chief Veterinarian for Ontario considers necessary to minimize the risk of the hazard spreading from any quarantined premises to any part of the surveillance zone. 2009, c. 31, s. 23 (2).

Information in order

(3) The order shall,

- (a) briefly describe the reasons for the order and the circumstances giving rise to those reasons; and
- (b) specifically notify the person to whom it is directed or any person affected by it that the person has the right to request a hearing by the Tribunal. 2009, c. 31, s. 23 (3).

Service of order

(4) Subject to subsection (5), the order shall be served by being delivered personally to,

- (a) every owner or person in charge of premises in the surveillance zone;
- (b) every owner or custodian of an animal, animal product, animal by-product, input, fomite, waste material or conveyance or other thing related to animals in the surveillance zone; or
- (c) both the persons described in clause (a) and the persons described in clause (b). 2009, c. 31, s. 23 (4).

Deemed service

(5) If, in the opinion of the Chief Veterinarian for Ontario, service cannot reasonably be effected on any person in accordance with subsection (4), a copy of the order may be posted in a conspicuous place at the premises of that person and the order is deemed to be served when it is posted. 2009, c. 31, s. 23 (5).

Publication of order

(6) The Chief Veterinarian for Ontario may publish or disseminate an order made under this section, or a summary of the order, and may include any relevant information for the purposes of communicating the contents of the order or to provide notice that it has been made. 2009, c. 31, s. 23 (6).

Compliance

(7) Every person served or deemed to be served with an order under this section shall comply with the order within the time period specified in the order and, if requested to do so, shall provide proof of such compliance. 2009, c. 31, s. 23 (7).

Prohibition

(8) Except with the written consent of the Chief Veterinarian for Ontario, no person shall remove, alter, deface, conceal, damage, destroy, move, interfere with or render illegible an order made under this section that is posted at or on any premises. 2009, c. 31, s. 23 (8).

Temporary response order

23.1 (1) The Minister may, in accordance with this section, issue a temporary response order in writing that applies with respect to any part of the Province or for the entire Province, or with respect to facilities or classes of facilities in the Province or any part of the Province, for one or more of the following purposes:

1. To minimize the risk of one or more specific hazards from entering the Province if the hazard is believed not to be present in the Province and,
 - i. the hazard has been confirmed to be present in another jurisdiction, or
 - ii. there are reasonable grounds to suspect the hazard is present in another jurisdiction.
2. To designate and protect the Province or one or more parts of the Province that are believed to be either free from the presence of one or more specific hazards or to have a low prevalence of one or more specific hazards.
3. To prevent, detect, control, suppress or mitigate any one or more specific hazards if there is a significant risk to animal or human health in the Province. 2023, c. 2, Sched. 1, s. 2.

Limitation — urgency of mitigating risk

(2) The Minister shall not issue a temporary response order unless, after receiving the advice of the Chief Veterinarian for Ontario, the Minister is of the opinion that,

- (a) any delay in implementing the measures authorized or required by the order will or is likely to increase substantially the risk to animal or human health; and
- (b) immediate measures are necessary to mitigate the possibility of that risk increasing. 2023, c. 2, Sched. 1, s. 2.

Minister's opinion

(3) In forming an opinion under this section, the Minister shall consider the principle that the absence of scientific consensus should not be used as a reason for postponing measures to avoid or minimize the risk to animal or human health. 2023, c. 2, Sched. 1, s. 2.

Contents of order

(4) The order may do any of the following:

1. Establish restrictions on the transportation, movement or distribution of living or dead animals, animal products, animal by-products, inputs, fomites, waste material, conveyances or any other thing related to animals in, to or from the area to which the order applies.
2. Specify handling measures relating to the housing of animals that must be observed in the area to which the order applies.
3. Specify any precautionary or biosecurity measures for individuals, animals, animal products, animal by-products, inputs, fomites, waste material, conveyances or other things related to animals in the area to which the order applies or when entering or leaving that area, including requirements for cleaning and disinfection.
4. Authorize the Chief Veterinarian for Ontario to grant written exemptions, with or without conditions, from the restrictions or requirements in the order if the Chief Veterinarian for Ontario believes that the exemption would lead to less risk to animal or human health than would the application of the order.

5. Set out any other restriction or requirement that the Minister considers necessary. 2023, c. 2, Sched. 1, s. 2.

Same

(5) The order shall also,

- (a) briefly describe the reasons for the order and the circumstances giving rise to those reasons;
- (b) contain a description of the part of the Province to which the order applies or, if the order applies with respect to facilities or classes of facilities, a description of the facility or class of facilities;
- (c) specify the effective period of the order, subject to subsections (9) and (10);
- (d) specify the hazard in respect of which the order is being issued;
- (e) indicate whether the order authorizes the Chief Veterinarian for Ontario to grant exemptions; and
- (f) include any other relevant information. 2023, c. 2, Sched. 1, s. 2.

Oral exemptions by Chief Veterinarian for Ontario

(6) If the order authorizes the granting of exemptions and the Chief Veterinarian for Ontario believes that the delay necessary to put an exemption in writing will or is likely to increase substantially the risk to the health of any animal or person, the Chief Veterinarian for Ontario may grant the exemption orally. 2023, c. 2, Sched. 1, s. 2.

Same, exemption to be provided in writing

(7) An exemption that is granted orally shall be provided in writing as soon as practicable in the circumstances and in no case later than 48 hours after the oral exemption is granted. 2023, c. 2, Sched. 1, s. 2.

Geographic limitation

(8) The order shall apply only to the areas of the Province where it is necessary. 2023, c. 2, Sched. 1, s. 2.

Time limitation

(9) The order shall be effective only for as long as necessary but, in any case, shall be effective for no longer than 72 hours. 2023, c. 2, Sched. 1, s. 2.

Extension

(10) If the Chief Veterinarian for Ontario recommends that the order be extended and if, in the Minister's opinion, the criteria for issuing the order continue to exist, the Minister may extend the order once, before it expires, for a further period of no longer than 72 hours. 2023, c. 2, Sched. 1, s. 2.

Publication

(11) The Minister shall publish the order and any extension of the order on a website of the Government of Ontario and in any other manner the Minister considers appropriate. 2023, c. 2, Sched. 1, s. 2.

Notice to specific owner

(12) In addition to publication, the Minister may provide notice of the order in any manner the Minister considers appropriate to an owner or custodian of an animal, animal product, animal by-product, input, fomite, waste material, premises, conveyance or other thing affected by the order and, if the order applies with respect to a facility or class of facilities, to the owners of the facilities. 2023, c. 2, Sched. 1, s. 2.

Compliance

(13) Unless the order provides otherwise, a person affected by the order shall comply with it immediately after the order is published or the person receives notice of it under subsection (12), whichever is earlier. 2023, c. 2, Sched. 1, s. 2.

Limitations on actions of inspector

(14) The actions of an inspector authorized by subparagraph 5 iii of section 18 to conduct an inspection in respect of an order under this section shall be exercised in a manner that is consistent with the purpose of the order and limits intrusiveness. 2023, c. 2, Sched. 1, s. 2.

Legislation Act, 2006

(15) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order issued under this section. 2023, c. 2, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2023, c. 2, Sched. 1, s. 2 - 22/03/2023

Animal health control area

24 (1) On the advice of the Chief Veterinarian for Ontario, the Minister may issue a written order establishing an animal health control area in any part of the Province or for the entire Province or with respect to facilities or classes of facilities in the Province or any part of the Province for one or more of the following purposes:

1. To minimize the risk of one or more specific hazards from entering the Province if the hazard is believed not to be present in the Province and,
 - i. the hazard has been confirmed to be present in another jurisdiction, or
 - ii. there are reasonable grounds to suspect the hazard is present in another jurisdiction.
2. To designate and protect the Province or one or more parts of the Province that are believed to be either free from the presence of one or more specific hazards or to have a low prevalence of one or more specific hazards.
3. To prevent, detect, control, suppress or mitigate any one or more specific hazards if there is a significant risk to animal or human health in the Province. 2009, c. 31, s. 24 (1).

Limitations

(2) An order made under this section shall apply only to the areas of the Province where it is necessary and shall be effective only for as long as necessary. 2009, c. 31, s. 24 (2).

Information in order

(3) The order shall briefly describe the reasons for the order and the circumstances giving rise to those reasons. 2009, c. 31, s. 24 (3).

Publication of notice of order

(4) The Minister shall publish notice of the order on a website of the Government of Ontario and in any other manner the Minister considers appropriate. 2023, c. 2, Sched. 1, s. 3 (1).

Same, to a specific owner

(5) In addition to publishing a notice under subsection (4), the Minister may provide notice in any manner the Minister considers appropriate to an owner or custodian of an animal, animal product, animal by-product, input, fomite, waste material, premises, conveyance or other thing located in the animal health control area and, if the animal health control area is established with respect to a facility or class of facilities, to the owner of each facility subject to the order. 2009, c. 31, s. 24 (5).

Notice, mandatory information

(6) The notice of the order must,

- (a) contain a description of the part of the Province that is designated an animal health control area, including where applicable the geographical location and boundary limits of the animal health control area and, if the animal health control area is established with respect to a facility or class of facilities in the Province or a part of the Province, a description of the facility or class of facilities;
- (b) specify the hazard for which the animal health control area is established;
- (c) identify the species, class or sub-set of animals that the hazard is known to affect or for which such animals may be a vector;
- (d) list the legislative powers the Chief Veterinarian for Ontario requires in the animal health control area; and
- (e) include any other relevant information. 2009, c. 31, s. 24 (6).

Powers of Chief Veterinarian for Ontario

(7) When the Minister makes an order under this section, the Chief Veterinarian for Ontario may do any or all of the following:

1. Require an owner or custodian of a living or dead animal, animal product, animal by-product, input, fomite, vector, waste material or any other thing related to animals to submit samples and specimens from it for testing for the presence of any specific hazard.
2. Require animal owners or custodians in the animal health control area to provide or arrange for the provision of veterinary medical or other health related treatment for animals in their possession or care, including preventive measures such as vaccination.
3. Require animal owners and custodians in the animal health control area to report to the Chief Veterinarian for Ontario details of unusual mortality or morbidity with respect to animals in the animal health control area.

4. Establish restrictions on the possession, storage, transportation, movement or distribution of living or dead animals, animal products, animal by-products, inputs, fomites, waste material, conveyances or any other thing related to animals in, to or from the animal health control area, including requiring permits to be obtained before any such activity may take place.
5. Specify animal handling measures that must be observed in the animal health control area, including measures for the isolation of an animal or the separation of two or more animals from other animals.
6. Specify any precautionary or biosecurity measures for individuals, animals, animal products, animal by-products, inputs, fomites, waste material, conveyances or other things related to animals in the animal health control area or when entering or leaving the animal health control area, including requirements for cleaning and disinfection.
7. Require the destruction and disposal of animals, animal products, animal by-products, inputs, fomites, waste material and any other thing related to animals in the animal health control area.
8. Require the recording, maintenance and reporting of specified information related to an animal, animal product, animal by-product, input, fomite, waste material or any other thing related to animals.
9. Set out any other restriction or requirement that he or she considers necessary. 2009, c. 31, s. 24 (7).

Limitations on actions

(8) The actions of the Chief Veterinarian for Ontario authorized by subsection (7) and of an inspector authorized by paragraph 4 or subparagraphs 5 iii or iii.1 of section 18 shall be exercised in a manner that is consistent with the purpose of the order and limits intrusiveness. 2009, c. 31, s. 24 (8); 2023, c. 2, Sched. 1, s. 3 (2).

Compliance

(9) When an order is issued under this section and notice is provided in accordance with the requirements of this section, all persons in the animal health control area or affected by the order shall comply with the order and with the requirements of the Chief Veterinarian for Ontario under subsection (7) and, if requested to do so, shall provide proof of such compliance. 2009, c. 31, s. 24 (9).

Legislation Act, 2006

(10) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order issued under this section. 2023, c. 2, Sched. 1, s. 3 (3).

Section Amendments with date in force (d/m/y)

2023, c. 2, Sched. 1, s. 3 - 22/03/2023

Order, destruction of animals

25 (1) If, in the opinion of the Chief Veterinarian for Ontario, any of the hazards or circumstances listed in subsection (2) exists and the hazard or the hazard related to the circumstances is significant because of its potential to spread or otherwise pose a threat to animal or human health, the Chief Veterinarian may, if he or she considers it necessary to control the hazard or to prevent further spread or escalation of the hazard,

- (a) issue a written order to the owner or custodian of an animal to destroy or dispose of the animal, or to do both, within the period of time specified in the order; and
- (b) subject to the regulations, determine the method of destruction and the method of disposal of the carcass. 2009, c. 31, s. 25 (1).

Same

(2) The following are the hazards and circumstances referred to in subsection (1):

1. An animal product, animal by-product, input, fomite, vector, waste material or other thing related to the animal is affected by or contaminated with a hazard or is suspected on reasonable grounds of being affected by or contaminated with a hazard.
2. The animal is, has been or is suspected on reasonable grounds to be or to have been, affected by or contaminated with a hazard.
3. The animal has come into contact with an animal that is, has been or is suspected on reasonable grounds to be or to have been affected by or contaminated with a hazard.
4. The animal is at or in quarantined premises or on or in a quarantined conveyance.
5. The animal is in a surveillance zone or an animal health control area. 2009, c. 31, s. 25 (2).

Order, destruction of other property

(3) When there are appropriate grounds to do so, the Chief Veterinarian for Ontario may,

- (a) issue a written order to the owner or a custodian of an animal product, animal by-product, input, fomite, waste material, conveyance or other thing related to animals to destroy or dispose of it within the period of time specified in the order; and
- (b) subject to the regulations, set out in the order the method of destruction and the method of disposal. 2009, c. 31, s. 25 (3).

Grounds for issuing order under subs. (3)

- (4) There are appropriate grounds to issue an order under subsection (3),
 - (a) when the animal product, animal by-product, input, fomite, waste material, conveyance or other thing,
 - (i) is, has been or is suspected on reasonable grounds to be or to have been affected by or contaminated with a hazard,
 - (ii) has come into contact with an animal that is or has been, or is suspected on reasonable grounds to be or to have been affected by or contaminated with a hazard,
 - (iii) is at or in premises or on or in a conveyance that is quarantined by an order made under section 21, or
 - (iv) is in a surveillance zone or an animal health control area; and
 - (b) if, in the opinion of the Chief Veterinarian for Ontario,
 - (i) the hazard is significant because of its potential to spread or otherwise pose a threat to animal or human health, and the order is necessary to control the hazard or prevent further spread or escalation of the hazard, and
 - (ii) the hazard cannot be controlled or mitigated sufficiently by cleaning, disinfecting or otherwise treating the animal product, animal by-product, input, fomite, waste material, conveyance or other thing. 2009, c. 31, s. 25 (4).

Oral order

- (5) If the delay necessary to put the order in writing will or is likely to increase substantially the risk to the health of any animal or person, the Chief Veterinarian for Ontario may issue an order under this section orally. 2009, c. 31, s. 25 (5).

Same, order to be issued in writing

- (6) An order under this section that is issued orally shall be provided in writing as soon as practicable in the circumstances and in no case later than seven days after the oral order is given. 2009, c. 31, s. 25 (6).

Information in order

- (7) The order shall,
 - (a) briefly describe the reasons for the order and the circumstances giving rise to those reasons; and
 - (b) specifically notify the person to whom it is directed that the person has the right to request a hearing by the Tribunal. 2009, c. 31, s. 25 (7).

Content of order

- (8) The order may require the person to whom it is directed to,
 - (a) use methods specified in the order in carrying out the destruction and disposal activity;
 - (b) complete the destruction and disposal within a set period of time;
 - (c) keep records and report information with respect to compliance with the order; and
 - (d) comply with such other conditions as the Chief Veterinarian for Ontario considers appropriate in the circumstances. 2009, c. 31, s. 25 (8).

Slaughter for human consumption

- (9) In the case of an animal, the order may authorize the slaughter of the animal for human consumption. 2009, c. 31, s. 25 (9).

Service

- (10) The Chief Veterinarian for Ontario shall have the order served on the person in accordance with section 51. 2009, c. 31, s. 25 (10).

Compliance

- (11) A person who is subject to an order under this section shall comply with the order within the time period specified in the order and, if requested by the Chief Veterinarian for Ontario, shall provide proof of compliance. 2009, c. 31, s. 25 (11).

COMPENSATION

Compensation, authorization

26 (1) Subject to the regulations and out of money appropriated for such purposes by the Legislature, the Minister may, in accordance with the regulations, authorize reasonable compensation to,

- (a) an owner of an animal that,
 - (i) is destroyed pursuant to an order made under section 24 or 25 or by reason of the regulations, or
 - (ii) dies or is required to be destroyed as a result of being injured in the course of being tested, treated or identified under this Act by an inspector or by a person possessing special, expert or professional knowledge or skills who is assisting the inspector under section 19 or the regulations;
- (b) a person for cleaning and disinfection costs incurred in the course of complying with an order made under this Act, including a quarantine order, surveillance zone order, temporary response order and an animal health control area order;
- (c) an owner of an animal product, animal by-product, input, fomite, waste material, conveyance or other thing destroyed or disposed of pursuant to paragraph 7 of subsection 24 (7), section 25 or the regulations;
- (d) a person for the costs of the destruction and disposal of an animal, animal product, animal by-product, input, fomite, waste material, conveyance or any other thing that is destroyed or disposed of pursuant to paragraph 7 of subsection 24 (7), section 25 or the regulations; or
- (e) a person in respect of any prescribed matter. 2009, c. 31, s. 26 (1); 2023, c. 2, Sched. 1, s. 4.

Same, amount in certain cases

(2) Subject to the regulations and to subsections (3) and (4), the amount of compensation authorized by the Minister shall not exceed the following with respect to the following:

- 1. If an animal is destroyed, the market value of the animal, as determined by the Minister, less the value of the animal's carcass, as determined by the Minister.
- 2. For cleaning and disinfecting, the costs reasonably incurred by the person, as determined by the Minister.
- 3. For the disposal of an animal carcass, animal product, animal by-product, input, fomite, waste material, conveyance or any other thing, the costs reasonably incurred by the person to dispose of it, as determined by the Minister, less any value received in respect of it. 2009, c. 31, s. 26 (2).

Same, calculation and maximum

(3) The amount of the compensation determined by the Minister shall be calculated in accordance with any prescribed rules and shall not exceed any maximum amount established by or determined in accordance with the regulations. 2009, c. 31, s. 26 (3).

Same, refusal or reduction of compensation

(4) The Minister may refuse to authorize compensation for any person or may reduce the amount of the compensation authorized if, in the opinion of the Minister, the circumstances giving rise to the claim for compensation resulted wholly or partially from,

- (a) a failure to comply with an order, direction or requirement made by an inspector, a director, the Chief Veterinarian for Ontario, the Deputy Chief Veterinarian for Ontario or the Minister under this Act;
- (b) a failure to implement biosecurity measures as specified in the regulations;
- (c) a failure to comply with a provision of this Act, where the breach of the provision presents a risk to animal health or human health;
- (d) a failure to comply with any law of Canada or of a Province relating to animal health, food safety or a hazard; or
- (e) any other prescribed reason. 2009, c. 31, s. 26 (4).

Section Amendments with date in force (d/m/y)

2023, c. 2, Sched. 1, s. 4 - 22/03/2023

Crown not liable for losses, etc.

27 Despite section 54, if a person is required under this Act or the regulations to do a particular thing or an inspector is permitted to do a particular thing, the Crown is not liable,

- (a) for any costs, loss or damage resulting from the person or inspector doing it in compliance with this Act or the regulations; or

- (b) for the payment of any fee, rent or other charge associated with doing it in compliance with this Act or the regulations. 2009, c. 31, s. 27.

ACTIONS BY MINISTER AND CHIEF VETERINARIAN FOR ONTARIO RE ORDERS

Action by Minister

28 If an order or decision made under any of sections 20 to 25 is stayed, the Minister may cause to be done anything required by the order or decision. 2009, c. 31, s. 28.

Action by Chief Veterinarian for Ontario

29 (1) If an order made under any of sections 20 to 25 is not stayed, the Chief Veterinarian for Ontario may do or cause to be done anything required by the order,

- (a) if the person required by the order to do the thing,
 - (i) cannot be served with the order,
 - (ii) has refused to comply with or is not complying with the order,
 - (iii) is not likely, in the Chief Veterinarian for Ontario's opinion, to comply with the order in accordance with its requirements,
 - (iv) is not likely, in the Chief Veterinarian for Ontario's opinion, to carry out the order competently, or
 - (v) requests the assistance of the Chief Veterinarian for Ontario in complying with the order;
- (b) if, in the Chief Veterinarian for Ontario's opinion, it would be in the public interest to do so; or
- (c) if the prescribed conditions are satisfied. 2009, c. 31, s. 29 (1).

Notice

(2) The Chief Veterinarian for Ontario or his or her designate shall serve notice of an intention to cause a thing to be done under subsection (1) on each person required by the order to do the thing, unless the identity of the person cannot be ascertained. 2009, c. 31, s. 29 (2).

Reaction to notice

(3) A person who receives a notice under subsection (2) shall not do the thing referred to in the notice without the permission of the Chief Veterinarian for Ontario or his or her designate. 2009, c. 31, s. 29 (3).

Entry

30 (1) A person who is responsible for doing any thing under section 28 or 29 may, for that purpose, enter on or in any premises or conveyance where the thing is to be done and any adjacent premises without a warrant if,

- (a) the entry is made with the consent of the owner, occupier or person in charge of the premises or the owner or operator of the conveyance, as the case may be; or
- (b) the delay necessary to obtain a warrant under subsection (2) would result in,
 - (i) danger to the health or safety of any person or animal, or
 - (ii) injury or damage or serious risk of injury or damage to any property. 2009, c. 31, s. 30 (1).

Warrant

(2) A person who is responsible for doing a thing under section 28 or 29 may apply to a justice to obtain a warrant,

- (a) to enter a private dwelling; or
- (b) to enter any premises or conveyance,
 - (i) if entry has been refused, or
 - (ii) if there are grounds to believe that entry to the premises or conveyance is likely to be refused. 2009, c. 31, s. 30 (2).

Application, dwelling

(3) An application for a warrant to enter a private dwelling shall specifically indicate that the application relates to a private dwelling. 2009, c. 31, s. 30 (3).

Same, use of force

(4) A warrant may authorize the reasonable use of force, if required in the circumstances and subject to such conditions as may be contained in the warrant, by the person who is responsible for doing the thing under section 28 or 29. 2009, c. 31, s. 30 (4).

Execution and expiry of warrant

(5) A warrant issued under subsection (2) shall,

- (a) specify the times, which may be 24 hours each day, during which the warrant may be carried out; and
- (b) state when the warrant expires. 2009, c. 31, s. 30 (5).

Renewal

(6) Before or after the warrant expires, a justice may renew the warrant for the additional periods that the justice considers necessary. 2009, c. 31, s. 30 (6).

Necessary assistance

(7) A person authorized under clause (1) (b) or subsection (2) to enter premises or a conveyance for the purpose of doing a thing may take the necessary steps and employ the assistance that is necessary to accomplish the thing. 2009, c. 31, s. 30 (7).

Police assistance

(8) A person authorized under clause (1) (b) or subsection (2) to enter premises or a conveyance for the purpose of doing a thing may, when obstructed in doing so, call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required, and it is the duty of every member of the Ontario Provincial Police Force or the police force to render assistance. 2009, c. 31, s. 30 (8).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30 (8) of the Act is amended by striking out “the Ontario Provincial Police Force or the police force” wherever it appears and substituting in each case “the police service”. (See: 2019, c. 1, Sched. 4, s. 2 (2))

Assistance from other persons

(9) A person named in a warrant issued under subsection (2) may call on any other persons he or she considers advisable to execute the order. 2009, c. 31, s. 30 (9).

Application without notice

(10) A justice may receive and consider an application for a warrant or renewal of a warrant under this section without notice to the owner, occupier or person in charge of the premises or the owner or operator of the conveyance, as the case may be. 2009, c. 31, s. 30 (10).

Identification

(11) On the request of an owner, occupier or person in charge of the premises or an owner or operator of a conveyance, a person who exercises a power conferred under subsection (1) or (2) shall identify himself or herself and shall explain the purpose of the entry. 2009, c. 31, s. 30 (11).

Section Amendments with date in force (d/m/y)

2018, c. 3, Sched. 5, s. 2 (2) - no effect - see 2019, c. 1, Sched. 3, s. 5 - 26/03/2019

2019, c. 1, Sched. 4, s. 2 (2) - not in force

Order to pay costs

31 (1) If a person is required to do any thing by an order or decision made under this Act and the Minister or the Chief Veterinarian for Ontario causes the thing to be done under section 28 or 29, the Chief Veterinarian for Ontario may make an order requiring the person, and any other person whom the Chief Veterinarian for Ontario determines is appropriate, to pay the costs incurred for having the thing done. 2009, c. 31, s. 31 (1).

Contents of order

(2) The order to pay costs shall include,

- (a) a description of things that the Minister or the Chief Veterinarian for Ontario caused to be done under this Act;
- (b) a brief statement of the circumstances giving rise to the decision of the Minister or the Chief Veterinarian for Ontario to cause the things to be done;
- (c) a detailed account of the costs incurred in doing the things; and
- (d) a direction that the person to whom the order is issued pay the costs to the Minister of Finance. 2009, c. 31, s. 31 (2).

Enforcement of order

32 (1) An order to pay costs may be filed with a local registrar of the Superior Court of Justice and enforced as if it were an order of the court. 2009, c. 31, s. 32 (1).

Interest

(2) Section 129 (postjudgment interest) of the *Courts of Justice Act* applies in respect of an order filed with the Superior Court of Justice under subsection (1) and, for that purpose, the date of filing is deemed to be the date of the order. 2009, c. 31, s. 32 (2).

Recovery of money

(3) The debt resulting from the failure to pay the order is, for all purposes, a debt due to the Crown in right of Ontario and may be recovered by any remedy or other procedure available to the Crown by law. 2009, c. 31, s. 32 (3).

PROVINCIAL TRACEABILITY SYSTEM

Provincial traceability system

Establishing and overseeing operation of system

33 (1) The Minister may establish and oversee the operation of a provincial traceability system for animals, animal products, animal by-products and any other thing related to animals that is prescribed. 2009, c. 31, s. 33 (1).

Requirement to take action and reporting to Ministry

(2) Subject to the regulations, the Minister may require persons who own, have control over, or custody of premises, conveyances, animals, animal products, animal by-products and any other thing related to animals that is prescribed to take specified actions to support the establishment and effective operation of the system and to report the following to the Ministry or its designate at prescribed times:

1. The identification of premises and conveyances, including details of their characteristics, by such means as may be prescribed.
2. The identification of living and dead animals, animal products, animal by-products and any other thing related to animals that is prescribed, by such means as may be prescribed.
3. The movement from one premises to another premises of living and dead animals, animal products, animal by-products and any other thing related to animals that is prescribed and the conveyances used for such movement. 2009, c. 31, s. 33 (2).

REVIEW OF INSPECTORS' ORDERS

Review of order

34 (1) A person to whom an order made by an inspector under section 20 or 21 is directed may, within seven days after being served with a copy of the order, request that a director review the order. 2009, c. 31, s. 34 (1).

Same

(2) Despite subsection (1), an order made under section 20 or 21 by a director, the Chief Veterinarian for Ontario or the Deputy Chief Veterinarian for Ontario, acting as an inspector, shall not be reviewed by a director. 2009, c. 31, s. 34 (2).

Form of request

(3) The person may make the request for review orally, with written confirmation served on the director within the time specified in subsection (1), or in writing. 2009, c. 31, s. 34 (3).

Contents of request

- (4) A written request for review or a written confirmation of an oral request shall include,
- (a) the portions of the order in respect of which the person is requesting the review;
 - (b) any submissions that the person wishes the director to consider; and
 - (c) for the purpose of subsection (8), an address for service by mail or by fax or by any other means of service that the regulations specify. 2009, c. 31, s. 34 (4).

No automatic stay

(5) A request for review does not stay an order, unless the director orders otherwise in writing. 2009, c. 31, s. 34 (5).

Decision of director

- (6) A director who receives a request for review may,
- (a) revoke the order of the inspector; or
 - (b) by order directed to the person requesting the review, confirm or alter the order of the inspector. 2009, c. 31, s. 34 (6).

Same

(7) For the purposes of subsection (6), the director may substitute his or her own opinion for that of the inspector. 2009, c. 31, s. 34 (7).

Notice of decision

(8) The director shall serve the person requesting the review with a copy of,

- (a) the decision, if the director decides to revoke the order of the inspector; or
- (b) the director's order and reasons for it, if the director confirms or alters the order of the inspector. 2009, c. 31, s. 34 (8).

Deemed confirmation of order

(9) If, within seven days after receiving a written request for review or a written confirmation of an oral request for review, the director does not make a decision under subsection (6) and serve notice of the decision on the person requesting the review, the director is deemed to have made an order confirming the order of the inspector. 2009, c. 31, s. 34 (9).

Same, notice

(10) For the purpose of an appeal to the Tribunal, a confirmation order that a director is deemed under subsection (9) to have made is deemed,

- (a) to be directed to each person to whom the order of the inspector was directed; and
- (b) to have been served, on each person to whom the order of the inspector was directed, at the expiry of the time period mentioned in subsection (9). 2009, c. 31, s. 34 (10).

HEARINGS BY TRIBUNAL

Notice of director's actions

35 (1) A director who does one of the following shall serve a written notice of his or her decision, with reasons, on the holder of the licence, certificate, registration or permit:

- 1. Imposes or amends conditions on a licence, certificate, registration or permit.
- 2. Suspends or revokes a licence, certificate, registration or permit. 2009, c. 31, s. 35 (1).

Same, non-issuance or non-renewal

(2) A director who refuses to issue or renew a licence, certificate, registration or permit shall serve a written notice of his or her decision, with reasons, on the person to whom the director refused to issue or renew the licence, certificate, registration or permit. 2009, c. 31, s. 35 (2).

Right to hearing

36 (1) A person who receives a notice under subsection 35 (1) or (2) may request a hearing by the Tribunal by serving a written notice of the request on the director and the Tribunal within 15 days after service of the notice. 2009, c. 31, s. 36 (1).

Same, director's order

(2) If a director makes an order under section 20 or 21, confirms or alters an order made by an inspector, is deemed to have made an order under section 34 or amends or revokes an order under section 22, the person to whom the order is directed may request a hearing by the Tribunal by serving a written notice of the request on the director and the Tribunal within 15 days after service of notice of the order or deemed service of the order. 2009, c. 31, s. 36 (2).

Same, order of Chief Veterinarian for Ontario, etc.

(3) If the Chief Veterinarian for Ontario or Deputy Chief Veterinarian for Ontario makes, amends or revokes an order under this Act, the person to whom the order is directed or a person affected by the order may request a hearing by the Tribunal by serving a written notice of the request on the Chief Veterinarian for Ontario or Deputy Chief Veterinarian for Ontario, as the case may be, and the Tribunal within 15 days after service of notice of the order. 2009, c. 31, s. 36 (3).

No order

(4) The refusal by the director, Chief Veterinarian for Ontario or Deputy Chief Veterinarian for Ontario to make, amend or revoke an order does not itself constitute an order. 2009, c. 31, s. 36 (4).

No right to hearing

(5) A person is not entitled to request a hearing under subsection (1), (2) or (3) if the person receives,

- (a) notice that the director has issued the licence, certificate, registration or permit for which the person applied; or
- (b) notice of an action that the Tribunal has directed the director or Chief Veterinarian for Ontario to take under clause 38 (b). 2009, c. 31, s. 36 (5).

Extension of time

(6) The Tribunal shall extend the time in which a person may serve a notice under subsection (1), (2) or (3) requesting a hearing on a decision or order if, in the Tribunal's opinion, it is just to do so because the person did not receive actual notice of the decision or order through the method of service of the decision or order. 2009, c. 31, s. 36 (6).

Contents of notice

(7) A person requesting a hearing shall state in the notice requesting the hearing,

- (a) the portions of the licence, certificate, registration, permit or order in respect of which the hearing is requested; and
- (b) the grounds on which the person requesting the hearing intends to rely at the hearing. 2009, c. 31, s. 36 (7).

Effect of contents of notice

(8) Except with leave of the Tribunal, a person requesting a hearing is not entitled to appeal a portion of the licence, certificate, registration, permit or order that is not stated to be a subject of the appeal or a ground for appeal in the person's notice requesting the hearing. 2009, c. 31, s. 36 (8).

Leave by Tribunal

(9) The Tribunal may grant the leave referred to in subsection (8) if the Tribunal is of the opinion that to do so is proper in the circumstances, and the Tribunal may give the directions that the Tribunal considers proper after granting leave. 2009, c. 31, s. 36 (9).

Tribunal may refuse to hear appeal

(10) The Tribunal may refuse to hear the appeal or, after a hearing has commenced, refuse to continue the hearing or make a decision if the appeal relates to any subject matter related to a licence, certificate, registration, permit or order of which the person requesting the hearing has had knowledge for more than one year before the notice is filed under subsection (1), (2) or (3) or, if in its opinion,

- (a) the subject matter of the appeal is trivial;
- (b) the appeal is frivolous or vexatious or is not made in good faith; or
- (c) the person requesting the hearing does not have a sufficient interest in the subject matter of the appeal. 2009, c. 31, s. 36 (10).

Parties

(11) The following persons are parties to a hearing:

- 1. The person requesting the hearing.
- 2. In the case of a hearing requested under subsection (1) or (2), the director.
- 3. In the case of a hearing requested under subsection (3), the Chief Veterinarian for Ontario or Deputy Chief Veterinarian for Ontario, as the case may be.
- 4. Any other person specified by the Tribunal. 2009, c. 31, s. 36 (11).

No automatic stay

37 (1) The commencement of a hearing before the Tribunal does not stay the operation of the order or decision taken with respect to the licence, certificate, registration or permit that is the subject matter of the hearing, unless the order is an order made under section 31 to pay costs. 2009, c. 31, s. 37 (1).

Grant of stay

(2) Subject to subsection (3), the Tribunal may, on the application of a party to a hearing, stay the order or decision that is the subject matter of the hearing. 2009, c. 31, s. 37 (2).

Grounds for not granting stay

(3) The Tribunal shall not stay the order or decision if doing so would result in,

- (a) serious risk to the health or safety of any person or any animal; or
- (b) significant damage or serious risk of significant damage to any property. 2009, c. 31, s. 37 (3).

Application for removal of stay

(4) A party to the hearing may apply for the removal of a stay if relevant circumstances have changed or have become known to the party since the stay was granted, and the Tribunal may grant the application. 2009, c. 31, s. 37 (4).

Application by new party

(5) A person who is made a party to the hearing after a stay is granted may, at the time the person is made a party, apply for the removal of the stay, and the Tribunal may grant the application. 2009, c. 31, s. 37 (5).

Removal of stay

(6) The Tribunal, on the application of a party under subsection (4) or (5), shall remove a stay if failure to do so would have a result mentioned in clause (3) (a) or (b). 2009, c. 31, s. 37 (6).

Conditions

(7) The Tribunal may impose conditions on granting or removing a stay under this section. 2009, c. 31, s. 37 (7).

Powers of Tribunal

38 A hearing by the Tribunal shall be a new hearing and the Tribunal may,

- (a) confirm, alter or revoke the order or decision of the director, Chief Veterinarian for Ontario or Deputy Chief Veterinarian for Ontario that is the subject matter of the hearing;
- (b) by order direct the director, Chief Veterinarian for Ontario or Deputy Chief Veterinarian for Ontario to take the action that the Tribunal considers that he or she should take in accordance with this Act and the regulations;
- (c) for the purposes of clauses (a) and (b), substitute its opinion for that of the director, Chief Veterinarian for Ontario or Deputy Chief Veterinarian for Ontario. 2009, c. 31, s. 38.

ADMINISTRATIVE PENALTIES

Administrative penalties, penalties

39 An administrative penalty may be imposed under section 40 for the purpose of promoting compliance with the requirements established under this Act or the regulations. 2009, c. 31, s. 39.

Administrative penalties, director

40 (1) A director may, subject to the regulations, issue a notice in writing requiring a person to pay an administrative penalty in the amount set out in the notice if,

- (a) the director is of the opinion that a person has contravened a provision of this Act or the regulations, has failed to comply with an order made under this Act or has failed to comply with a condition of a licence, certificate, registration or permit; and
- (b) the contravention or failure is not one in respect of which an inspector is authorized by the regulations to issue a notice requiring the person to pay an administrative penalty. 2009, c. 31, s. 40 (1).

Same, inspector

(2) An inspector shall, subject to the regulations, issue a notice in writing requiring a person to pay an administrative penalty in the amount set out in the notice if,

- (a) the inspector is of the opinion that the person has contravened a provision of this Act or the regulations, has failed to comply with an order made under this Act or has failed to comply with a condition of a licence, certificate, registration or permit;
- (b) the inspector believes that the contravention or failure warrants more than a warning; and
- (c) the contravention or failure is one in respect of which an inspector is authorized by the regulations to issue a notice requiring the person to pay an administrative penalty. 2009, c. 31, s. 40 (2).

Limitation

(3) A director or inspector shall not issue a notice under subsection (1) or (2) in respect of a contravention or failure later than two years after the later of,

- (a) the day on which the director or inspector knew the contravention or failure had occurred; and
- (b) the day on which the director or inspector ought to have known of the contravention or failure. 2009, c. 31, s. 40 (3).

Amount of penalty

(4) The amount of an administrative penalty in respect of a contravention or failure,

- (a) shall not exceed \$10,000, if the contravention or failure is one in respect of which a director may issue a notice under subsection (1); and
- (b) shall be the amount, not to exceed \$1,000, prescribed by the regulations, if the contravention or failure is one in respect of which an inspector is authorized by the regulations to issue a notice under subsection (2). 2009, c. 31, s. 40 (4).

Contents of notice

- (5) The notice of an administrative penalty served on the person who is required to pay the penalty shall,
- (a) contain a description of the contravention or failure to which the notice relates, including, where appropriate, the date and location of the contravention or failure;
 - (b) specify the amount of the penalty,
 - (i) with respect to a notice under subsection (1), determined by the director in accordance with the regulations, or
 - (ii) with respect to a notice under subsection (2), specified by the regulations;
 - (c) give particulars respecting the time for paying the penalty and the manner of payment; and
 - (d) provide information to the person as to the person's right to request,
 - (i) with respect to a notice under subsection (1), the Tribunal to hold a hearing of the matter under subsection (6),
 - (ii) with respect to a notice under subsection (2), the director to hold a hearing of the matter under subsection (7). 2009, c. 31, s. 40 (5).

Right to hearing re subs. (1)

- (6) The person who is required by a notice issued under subsection (1) to pay an administrative penalty may, within the prescribed time after service of the notice, by written notice served on the director who issued the notice request that the Tribunal hold a hearing with respect to,
- (a) whether the contravention or failure to which the notice relates occurred; and
 - (b) whether the amount of the penalty is justified in the circumstances, if the regulations do not set out a specific amount for the penalty. 2009, c. 31, s. 40 (6).

Review, re subs. (2)

- (7) The person who is required by a notice issued under subsection (2) to pay an administrative penalty may, within the prescribed time after service of the notice, by written notice served on the inspector who issued the notice, request that a director review whether the contravention or failure to which the notice relates occurred. 2009, c. 31, s. 40 (7).

Stay

- (8) If the person requests a hearing under subsection (6) or a review under subsection (7), the requirement to pay is stayed until the disposition of the matter. 2009, c. 31, s. 40 (8).

Tribunal's decision

- (9) After a hearing, the Tribunal may confirm, rescind or amend the notice issued under subsection (1) according to what it considers reasonable in the circumstances, but the Tribunal shall not vary the amount of the penalty unless it considers the amount to be unreasonable. 2009, c. 31, s. 40 (9).

Regulations

- (10) For greater certainty, the regulations made under subsection 63 (9) apply to the Tribunal's decisions under subsection (9), including the determination of the amount for the administrative penalty, if the Tribunal's decision is to vary the amount of the penalty. 2009, c. 31, s. 40 (10).

Director's decision

- (11) After a review, the director may confirm, rescind or amend the notice issued under subsection (2) according to what he or she considers reasonable in the circumstances, but the director shall not vary the amount of the penalty specified in the regulations unless the decision is to rescind the notice and the amount payable is nil. 2009, c. 31, s. 40 (11).

Same

- (12) If the director rescinds the notice, he or she may instead issue a warning. 2009, c. 31, s. 40 (12).

Regulations

- (13) For greater certainty, the regulations made under subsection 63 (9) apply to the director's decisions under subsection (11). 2009, c. 31, s. 40 (13).

Appeal

- (14) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Divisional Court in accordance with the rules of court. 2009, c. 31, s. 40 (14).

No offence if penalty is paid

(15) A person shall not be charged with an offence in respect of a contravention or failure to which a penalty applies, if the person who is required to pay the administrative penalty pays it in accordance with the notice or the decision of the Tribunal or director, as applicable. 2009, c. 31, s. 40 (15).

Failure to pay

(16) If the person who is required to pay an administrative penalty does not pay it in accordance with the notice or the decision of the Tribunal or director, as applicable,

- (a) the notice or decision may be filed with a local registrar of the Superior Court of Justice and the notice or decision may be enforced as if it were an order of the court;
- (b) the director may suspend any licence, certificate, registration or permit that has been issued under this Act to the person until the penalty is paid; and
- (c) the director may refuse to issue or renew any licence, certificate, registration or permit to the person until the penalty is paid. 2009, c. 31, s. 40 (16).

Interest

(17) Section 129 (postjudgment interest) of the *Courts of Justice Act* applies in respect of a notice or decision filed with the Superior Court of Justice under subsection (16) and, for that purpose, the date on which the notice or decision is filed is deemed to be the date of the order. 2009, c. 31, s. 40 (17).

Recovery of money

(18) A debt resulting from the failure to pay an administrative penalty is, for all purposes, a debt due to the Crown in right of Ontario and may be recovered by any remedy or other procedure available to the Crown by law. 2009, c. 31, s. 40 (18).

INVESTIGATIONS**Searches with respect to offences**

41 (1) On application without notice, a justice may issue a warrant authorizing an inspector to use any investigative technique or procedure or to do anything described in the warrant if the justice is satisfied by information under oath that there are reasonable grounds to believe that an offence under this Act has been, is being, or will be committed, and that evidence concerning the offence will be obtained through the use of the technique or procedure or the doing of the thing. 2009, c. 31, s. 41 (1).

Assistance

(2) The warrant may authorize any person specified in the warrant to accompany and assist the inspector in the execution of the warrant. 2009, c. 31, s. 41 (2).

Terms and conditions of warrant

(3) The warrant shall authorize the inspector to enter and search the premises or conveyance for which the warrant was issued and, without limiting the powers of the justice under subsection (1), the warrant may, in respect of the alleged offence, authorize the inspector to conduct any tests, take any measurements, take any samples or specimens, set up any equipment, make any excavations and make any photographic or other records that may be relevant to the search. 2009, c. 31, s. 41 (3).

Duration

(4) The warrant is valid for 30 days or for such shorter period as may be specified in it. 2009, c. 31, s. 41 (4).

Further warrants

(5) A justice may issue further warrants under subsection (1). 2009, c. 31, s. 41 (5).

Part VIII of the *Provincial Offences Act*

(6) Subsections (1) to (5) do not prevent an inspector from obtaining a search warrant under Part VIII of the *Provincial Offences Act*. 2009, c. 31, s. 41 (6).

Searches without warrant

(7) If an inspector has reasonable grounds to believe that there is something at or in a premises or on or in a conveyance that will afford evidence of an offence under this Act but that the time required to obtain a warrant would lead to the loss, removal or destruction of the evidence, the inspector may, without a warrant, enter and search the premises or conveyance. 2009, c. 31, s. 41 (7).

Dwellings

(8) Subsection (7) does not apply to any premises or part of any premises that is being used as a private dwelling. 2009, c. 31, s. 41 (8).

Computers, etc.

(9) An inspector who is conducting a search that is authorized by a warrant or by subsection (7) may, for the purpose of examining information contained in or available to any computer or other device that contains or is able to retrieve information, use or cause to be used the computer or other device and produce or cause to be produced a printout or other output from the computer or other device. 2009, c. 31, s. 41 (9).

Seizure and forfeiture

42 (1) An inspector who is lawfully at or in a premises or in or on a conveyance may, without a warrant, seize any thing that he or she has reasonable grounds to believe,

- (a) has been obtained by the commission of an offence under this Act;
- (b) has been or will be used in the commission of an offence under this Act;
- (c) will afford evidence of the commission of an offence under this Act; or
- (d) is intermixed with a thing referred to in clause (a), (b) or (c). 2009, c. 31, s. 42 (1).

Presence pursuant to warrant

(2) If the inspector is in the premises or on or in the conveyance pursuant to a warrant, subsection (1) applies to any thing, whether or not it is specified in the warrant. 2009, c. 31, s. 42 (2).

Safekeeping

(3) An inspector shall deliver any thing that he or she seizes to a person authorized by the Minister for safekeeping. 2009, c. 31, s. 42 (3).

Leaving with owner or person in charge

(4) Despite subsection (3), an inspector may leave a thing that he or she seizes in the custody of the owner or person in charge of the premises or conveyance where it was seized. 2009, c. 31, s. 42 (4).

Owner or person in charge to safeguard

(5) If any thing is left in the custody of an owner or person in charge under subsection (4), the owner or person in charge shall safeguard the thing until,

- (a) an inspector removes the thing;
- (b) the owner or person in charge is notified by an inspector that the investigation has concluded and that a charge will not be laid; or
- (c) the defendant is acquitted or the charge is dismissed or withdrawn, if a charge is laid and the charge is finally disposed of. 2009, c. 31, s. 42 (5).

Thing taken before justice

(6) Subsections (3) and (4) do not apply to a thing that is required to be carried before a justice by a search warrant issued under Part VIII of the *Provincial Offences Act*. 2009, c. 31, s. 42 (6).

Return of seized things

(7) Any thing seized and not forfeited under this section shall be returned to the person from whom it was seized if,

- (a) a charge is not laid at the conclusion of the investigation; or
- (b) a charge is laid but, when the charge is finally disposed of, the defendant is acquitted or the charge is dismissed or withdrawn. 2009, c. 31, s. 42 (7).

Payment of fine

(8) If a person is convicted of an offence and a fine is imposed,

- (a) a thing seized in connection with the offence and not forfeited to the Crown in right of Ontario under this section shall not be returned until the fine has been paid; and
- (b) if payment of the fine is in default within the meaning of section 69 of the *Provincial Offences Act*, a justice may order that the thing be forfeited to the Crown in right of Ontario. 2009, c. 31, s. 42 (8).

Forfeiture if identity unknown

(9) If the identity of the person from whom a thing was seized has not been ascertained within 30 days after the seizure, the thing is forfeited to the Crown in right of Ontario. 2009, c. 31, s. 42 (9).

Forfeiture of dead animals, etc.

(10) Despite any order under Part VIII of the *Provincial Offences Act*, any dead animal, animal product, animal by-product, input, waste material or other thing that is seized is forfeited to the Crown in right of Ontario if, in the opinion of the person who has custody of it, it is likely to spoil. 2009, c. 31, s. 42 (10).

Forfeiture of living animals, etc.

(11) Despite any order under Part VIII of the *Provincial Offences Act*, any living animal, animal product, animal by-product, input, waste material or other thing that is seized is forfeited to the Crown in right of Ontario if, in the opinion of the person who has custody of it, it cannot properly be maintained in custody. 2009, c. 31, s. 42 (11).

Forfeiture on conviction

(12) If a person is convicted of an offence under this Act,

- (a) any living or dead animal, animal product, animal by-product, input, fomite, waste material or other thing seized in connection with the offence and any container, package, crate, cage, storage vessel or other thing seized in connection with the animal, animal product, animal by-product, input, fomite, waste material or other thing that is seized are forfeited to the Crown in right of Ontario; and
- (b) the justice may order that any other thing seized in connection with the offence be forfeited to the Crown in right of Ontario. 2009, c. 31, s. 42 (12).

Application of subs. (12)

(13) Subsection (12) applies in addition to any other penalty. 2009, c. 31, s. 42 (13).

Forfeiture if possession is an offence

(14) On motion in a proceeding under the *Provincial Offences Act*, or on application in accordance with the rules of court applicable to applications under that Act, a justice shall determine whether possession of a thing seized is an offence under this Act and, if it is, the justice shall order that the thing be forfeited to the Crown in right of Ontario. 2009, c. 31, s. 42 (14).

Application of subs. (14)

(15) Subsection (14) applies whether or not a charge is laid in respect of the thing seized and, if a charge is laid, subsection (14) applies even if the defendant is acquitted or the charge is dismissed or withdrawn. 2009, c. 31, s. 42 (15).

Disposition of forfeited thing

(16) A thing forfeited to the Crown in right of Ontario shall be disposed of in accordance with the directions of the Minister. 2009, c. 31, s. 42 (16).

Application by person with interest

(17) If a thing is forfeited to the Crown in right of Ontario following a conviction under this Act, a person who claims an interest in the thing and who is not the person from whom the thing was seized or the person who was convicted may apply to a justice, not later than 30 days after the thing is forfeited, on notice to the Minister and to the person from whom the thing was seized, for an order directing that the thing be released to the person claiming the interest. 2009, c. 31, s. 42 (17).

Conditions

(18) An order made under subsection (17) is subject to such conditions as may be imposed by the justice. 2009, c. 31, s. 42 (18).

Exception

(19) Subsections (17) and (18) do not apply to a thing forfeited under subsection (10) or (11). 2009, c. 31, s. 42 (19).

Costs of seizure, etc.

(20) If a person is convicted of an offence under this Act, the justice may, in addition to any other penalty, order the person to pay all or part of any expenses incurred by the Minister with respect to the seizure, storage or disposition of any thing seized in connection with the offence. 2009, c. 31, s. 42 (20).

Incidental authority to pass through

43 An inspector who has the power to enter any land, building or other place under sections 41 and 42, and any person authorized under this Act to accompany the inspector, may enter and pass through other private property for the purpose of reaching the land, building or other place. 2009, c. 31, s. 43.

Exemptions from Act, inspectors

44 The Minister may, for the purpose of inspections under sections 41 and 42 exempt an inspector from the application of any provision of this Act, subject to such conditions as the Minister considers necessary. 2009, c. 31, s. 44.

OFFENCES AND PENALTIES

Obstruction prohibited

45 No person shall, or shall attempt to, hinder, obstruct or interfere with any of the following persons in the exercise of their powers or the performance of their duties under this Act:

1. An inspector.
2. A person possessing special, expert or professional knowledge or skills who is acting in conjunction with an inspector under section 19.
3. A director.
4. The Chief Veterinarian for Ontario.
5. The Deputy Chief Veterinarian for Ontario.
6. Other persons who are authorized to act under this Act. 2009, c. 31, s. 45.

False information

46 (1) No person shall orally, in writing or electronically, give or furnish by any means false or misleading information in respect of any matter related to this Act or the regulations to an inspector, a person acting in conjunction with an inspector under section 19, a director, the Chief Veterinarian for Ontario, the Deputy Chief Veterinarian for Ontario, the Minister, the Ministry, a laboratory or any other person authorized to act under this Act or involved in carrying out a program of the Ministry. 2009, c. 31, s. 46 (1).

Same

(2) No person shall include false or misleading information in any document required to be created, stored or submitted under this Act. 2009, c. 31, s. 46 (2).

Refusal to furnish information

47 No person shall refuse to furnish information required for the purposes of this Act or the regulations to any inspector, a person acting in conjunction with an inspector under section 19, a director, the Chief Veterinarian for Ontario, the Deputy Chief Veterinarian for Ontario, the Minister, the Ministry, any other person authorized to act under this Act, a laboratory or any person involved in carrying out a program of the Ministry. 2009, c. 31, s. 47.

Offences

48 (1) Every person is guilty of an offence who contravenes a provision of this Act that is listed in subsection (2), if the person is required under this Act to comply with the provision. 2009, c. 31, s. 48 (1).

List of provisions

(2) Each of the following is a provision of this Act that is listed for the purposes of subsection (1):

1. Section 7.
2. Section 8.
3. Section 9.
4. Paragraphs 12 and 13 of subsection 19 (1) and subsection 19 (5).
5. Subsection 21 (8).
6. Subsection 23 (8).
7. Subsection 29 (3).
8. Subsection 33 (2).
9. Section 45.
10. Section 46.
11. Section 47. 2009, c. 31, s. 48 (2).

Offence re regulations

(3) A person who contravenes a provision of the regulations is guilty of an offence. 2009, c. 31, s. 48 (3).

Offence re inspection powers

(4) A person who moves or interferes with an animal, animal product, animal by-product, input, fomite, waste material, conveyance or any other thing detained pursuant to paragraph 15 of subsection 19 (1), fails to comply with the directions

regarding segregation given under subsection 19 (3), or fails to stop or follow the direction of an inspector acting under subsection 19 (6) is guilty of an offence. 2009, c. 31, s. 48 (4).

Offence re order

(5) Every person who fails to comply with an order made under this Act, other than an order under section 31 to pay costs, is guilty of an offence. 2009, c. 31, s. 48 (5).

Offence re permits, licences, etc.

(6) Every person who contravenes a condition in a licence, certificate, registration or permit issued under this Act is guilty of an offence. 2009, c. 31, s. 48 (6).

Offence re fees

(7) Every person who fails to pay a fee that the person is required to pay under this Act is guilty of an offence. 2009, c. 31, s. 48 (7).

Offence re concealing hazards

(8) A person who knowingly conceals the presence or the existence of a hazard is guilty of an offence. 2009, c. 31, s. 48 (8).

Offence, re carry on activity without a licence, etc.

(9) A person who carries on an activity for which a licence, certificate, registration or permit is required without having the licence, certificate, registration or permit is guilty of an offence. 2009, c. 31, s. 48 (9).

Officers, directors, etc.

(10) Every officer, director, employee and agent of a corporation who commits an offence under this Act, for which the corporation would be liable for prosecution, is guilty of an offence and on conviction is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted or convicted. 2009, c. 31, s. 48 (10).

Act of officer, etc.

(11) For the purposes of this Act and the regulations, an act or thing done or omitted to be done by an officer, director, employee or agent of a corporation in the course of his or her employment or in the exercise of his or her powers or in the performance of his or her duties is deemed to also be an act or thing done or omitted to be done by the corporation. 2009, c. 31, s. 48 (11).

Penalties

Individuals

49 (1) An individual convicted of an offence under this Act is liable to,

- (a) on a first conviction, a fine of not less than \$1,000 and not more than \$15,000 for each day on which the offence occurs or continues; and
- (b) on each subsequent conviction,
 - (i) a fine of not less than \$2,000 and not more than \$30,000 for each day on which the offence occurs or continues,
 - (ii) imprisonment for a term of not more than one year, or
 - (iii) both a fine under subclause (i) and imprisonment under subclause (ii). 2009, c. 31, s. 49 (1).

Corporations

(2) A corporation convicted of an offence under this Act is liable to,

- (a) on a first conviction, a fine of not less than \$1,000 and not more than \$30,000 for each day on which the offence occurs or continues; and
- (b) on each subsequent conviction, a fine of not less than \$2,000 and not more than \$60,000 for each day on which the offence occurs or continues. 2009, c. 31, s. 49 (2).

Subsequent convictions

(3) For the purposes of determining the penalty to which a person is liable under subsection (1) or (2), a conviction of the person for an offence under this Act is a subsequent conviction if the person has previously been convicted of an offence for contravening a provision related to animal health under,

- (a) this Act;
- (b) the *Bees Act*;
- (c) the *Food Safety and Quality Act, 2001*;
- (d) the *Health of Animals Act* (Canada);

(e) the *Health Protection and Promotion Act*;

(f) the *Livestock Community Sales Act*;

Note: On the day section 12 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019* comes into force, clause (f) is amended by adding at the end “being chapter B.6 of the Revised Statutes of Ontario, 1990”. See: 2009, c. 31, ss. 67 (7), 75 (3); 2019, c. 14, Sched. 3, s. 11 (2).

(g) the *Livestock Medicines Act*, being chapter L.23 of the Revised Statutes of Ontario, 1990;

Note: On the day section 13 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019* comes into force, clause (g) is amended by adding at the end “being chapter L.22 of the Revised Statutes of Ontario, 1990”. See: 2009, c. 31, ss. 67 (8), 75 (4); 2019, c. 14, Sched. 3, s. 11 (3).

(h) the *Milk Act*; or

(i) the *Nutrient Management Act, 2002*. 2009, c. 31, s. 49 (3), 67 (9).

Presiding judge

(4) The Crown, by notice to the clerk of the Ontario Court of Justice, may require that a provincial judge preside over a proceeding in respect of an offence under this Act. 2009, c. 31, s. 49 (4).

Limitation period

(5) No proceeding for an offence under this Act or the regulations shall be commenced more than two years after the later of,

(a) the day on which the offence was committed; and

(b) the day evidence of the offence first came to the attention of an inspector. 2009, c. 31, s. 49 (5).

Injunction

(6) If a person contravenes this Act, fails to comply with an order under this Act or fails to comply with a condition of a licence, certificate, registration or permit, the Crown may, in addition to any other remedy and to any penalty imposed by law, apply without notice to a judge of the Superior Court of Justice for an order restraining the person from continuing the contravention or failure. 2009, c. 31, s. 49 (6).

Court order

(7) If a court convicts a person of an offence under this Act, it may, on its own initiative or on application by the Crown, in addition to any other remedy and to any other penalty imposed by law, make an order prohibiting the continuation or repetition by the person of the act or omission for which the person is convicted. 2009, c. 31, s. 49 (7).

Section Amendments with date in force (d/m/y)

2009, c. 31, s. 67 (7, 8) - not in force; 2009, c. 31, s. 67 (9) - 01/01/2021 - see 2019, c. 14, Sched. 3, s. 11 - 01/01/2021

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Penalty re monetary benefit

50 The court that convicts a person of an offence under this Act, in addition to any other penalty imposed by the court, may increase a fine imposed on the person by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the commission of the offence, despite any maximum fine provided elsewhere. 2009, c. 31, s. 50.

OTHER MATTERS

Service

51 (1) Unless otherwise provided in this Act or the regulations, a document, other than an offence notice or summons, that is to be served under this Act is sufficiently served if it is,

(a) delivered personally;

(b) sent by mail addressed to the person to whom delivery or service is required to be made at the latest address for the person appearing on the records of the Ministry;

(c) sent by fax to the last fax number appearing on the records of the Ministry for the person to whom delivery or service is required to be made; or

(d) served in accordance with the regulations respecting service. 2009, c. 31, s. 51 (1).

Service deemed made, mail

(2) If service is made by mail, the service is deemed to be made on the fifth day after the day of mailing, unless the person on whom service is being made establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the document until a later date. 2009, c. 31, s. 51 (2).

Same, fax

(3) If service is made by fax, the service is deemed to be made on the day after the day the fax is sent, unless the person on whom service is being made establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the faxed document until a later date. 2009, c. 31, s. 51 (3).

Service of offence notice, etc., offences re conveyances**Definition**

52 (1) In this section,

“offence notice or summons” means,

- (a) an offence notice or summons under Part I of the *Provincial Offences Act*, or
- (b) a summons under Part III of the *Provincial Offences Act*. 2009, c. 31, s. 52 (1).

Service of offence notice or summons

(2) Delivery of an offence notice or summons to the custodian or operator of a conveyance in respect of an offence under this Act is deemed to be personal service of the offence notice or summons on the owner or lessee of the conveyance who is named in the offence notice or summons. 2009, c. 31, s. 52 (2).

Employer

(3) Delivery of an offence notice or summons to the custodian or operator of a conveyance in respect of an offence under this Act committed in the course of the custodian or operator's employment is deemed to be personal service of the offence notice or summons on the employer of the custodian or operator. 2009, c. 31, s. 52 (3).

Exception

(4) Subsection (2) does not apply if, at the time of the offence, the conveyance was in the possession of the custodian or operator without the consent of the owner or lessee of the conveyance, as the case may be, but the burden of proof of that shall be on the owner or lessee of the conveyance. 2009, c. 31, s. 52 (4).

Service of offence notice or summons**Service on corporations**

53 (1) Service of an offence notice or summons on a corporation may be effected by delivering the offence notice or summons personally to the manager, secretary or other officer of the corporation or to a person apparently in charge of a branch office of the corporation. 2009, c. 31, s. 53 (1).

Service on partnership

(2) Service of an offence notice or summons on a partnership may be effected by delivering the offence notice or summons personally to a partner or to a person apparently in charge of an office of the partnership. 2009, c. 31, s. 53 (2).

Service on a sole proprietorship

(3) Service of an offence notice or summons on a sole proprietorship may be effected by delivering it personally to the sole proprietor or to a person apparently in charge of an office of the sole proprietorship. 2009, c. 31, s. 53 (3).

Substituted service

(4) On application without notice, a justice, on being satisfied that service cannot be made effectively in accordance with subsections (1) to (3), may by order authorize another method of service that has a reasonable likelihood of coming to the attention of the corporation, partnership or sole proprietorship. 2009, c. 31, s. 53 (4).

Protection from personal liability

54 (1) Except in the case of an application for judicial review or an action or proceeding that is specifically provided for with respect to a person referred to in this subsection, in any Act or in a regulation made under this or any other Act, no action or other proceeding for damages or otherwise shall be instituted in respect of any act done in good faith in the execution or intended execution of any duty or authority under this Act, or for any alleged neglect or default in the execution in good faith of a duty or authority under this Act, against any of the following:

1. A member of the Tribunal.
2. An employee in the Ministry.
3. A public servant employed under Part III of the *Public Service of Ontario Act, 2006* acting under the direction of a person referred to in paragraph 1 or 2.
4. A person possessing special, expert or professional knowledge or skills acting in conjunction with an inspector under section 19.

5. Any person or member of a class of persons appointed as an inspector under section 17.
6. Any person assisting in the execution or intended execution of any duty or authority with respect to a warrant issued for the purposes of this Act. 2009, c. 31, s. 54 (1).

Crown not relieved of liability

(2) Subsection (1) does not, by reason of subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, relieve the Crown of liability in respect of a tort committed by a person referred to in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted. 2009, c. 31, s. 54 (2); 2019, c. 7, Sched. 17, s. 38.

Section Amendments with date in force (d/m/y)

2019, c. 7, Sched. 17, s. 38 - 01/07/2019

Documents as evidence

Official documents

55 (1) An official document that purports to be signed by the Minister, a director, the Chief Veterinarian for Ontario, the Deputy Chief Veterinarian for Ontario, an inspector or an employee in the Ministry under this Act shall be received in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the facts stated in the official document without proof of the signature or position of the person appearing to have signed the official document. 2009, c. 31, s. 55 (1).

Admissibility of copies made under s. 19

(2) A copy of a thing, certified by an inspector as a copy made under paragraph 11 of subsection 19 (1), is admissible in evidence to the same extent and has the same evidentiary value as the thing copied. 2009, c. 31, s. 55 (2).

Definition

(3) In this section,

“official document” means,

- (a) a licence, certificate, registration, permit, notice or order under this Act,
- (b) a certificate as to service of a document mentioned in clause (a),
- (c) a certificate as to the custody of any book, record or report or as to the custody of any other document, or
- (d) a certificate as to whether or not any document or notice was received or issued by the Minister or the Ministry under this Act. 2009, c. 31, s. 55 (3).

Electronic signature

56 (1) Despite any requirement under this Act, for the purposes of anything done under this Act, a document may be prepared and signed by electronic means in an electronic format and may be filed by direct electronic transmission, if the preparation, signature and filing are in accordance with the *Electronic Commerce Act, 2000*. 2009, c. 31, s. 56 (1).

Deemed filing

(2) A printed copy of a document filed under subsection (1) is deemed to be the original document. 2009, c. 31, s. 56 (2).

Joint and several liability

57 If a licence, certificate, registration or permit is issued or granted to more than one person under this Act, those persons are jointly and severally liable to comply with all conditions in the licence, certificate, registration or permit. 2009, c. 31, s. 57.

Orders and instruments, consequential authority

Orders, intermediate action, etc.

58 (1) The authority to make an order under this Act includes the authority to require the person or entity to whom the order is issued to take any intermediate actions or procedural steps, specified in the order, that are related to the action required or prohibited by the order. 2009, c. 31, s. 58 (1).

Orders, authority to access

(2) A person who has authority under this Act to order that a thing be done on or in any place also has authority to order any person who owns, occupies or has the charge, management or control of the place to permit access to the place for the purpose of doing the thing. 2009, c. 31, s. 58 (2).

Authority to amend or revoke included

(3) For greater certainty, where a section in this Act gives a person the power to issue an order and the section does not expressly provide the authority to amend or revoke the order, the section shall be interpreted as including the authority to do so. 2009, c. 31, s. 58 (3).

Administrative changes to instruments

59 A director may amend or revoke a licence, certificate, registration, permit or order issued under this Act if,

- (a) it is desirable for administrative reasons to,
 - (i) reflect changes that have occurred with respect to the identity or description of a person or place, or
 - (ii) eliminate provisions that are spent or obsolete; and
- (b) the director is satisfied that it is in the public interest to do so. 2009, c. 31, s. 59.

Sections bind the Crown

60 Sections 7, 8, 13, 14, 15 and 16 of this Act bind the Crown. 2009, c. 31, s. 60.

Binding successors, assigns, etc.

61 (1) A licence, certificate, registration, permit or order under this Act is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it is directed, and any other successor or assignee of the person to whom it is directed. 2009, c. 31, s. 61 (1).

Extent of liability

(2) If, pursuant to subsection (1), an order is binding on an executor, administrator, administrator with will annexed, guardian of property or attorney for property, their obligations to incur costs to comply with the order are limited to the value of assets they hold or administer, less their reasonable costs of holding or administering the assets. 2009, c. 31, s. 61 (2).

Binding on receiver

(3) A licence, certificate, registration, permit or order under this Act is binding on a receiver or trustee that holds or controls the animal, animal product, animal by-product, input, fomite, waste material or other thing to which this Act or the regulations apply. 2009, c. 31, s. 61 (3).

Extent of trustee's liability

(4) If, pursuant to subsection (3), an order is binding on a trustee, other than a trustee in bankruptcy, the trustee's obligation to incur costs to comply with the order is limited to the value of the assets held or administered by the trustee, less the trustee's reasonable costs of holding or administering the assets. 2009, c. 31, s. 61 (4).

Conflict

62 In the event of conflict between an order made under this Act and an order made under subsection 13 (1) of the *Health Protection and Promotion Act* in respect of an animal, animal product, animal by-product, input, fomite, vector, waste material, conveyance or any other thing related to an animal, the Chief Veterinarian for Ontario and Chief Medical Officer of Health shall receive notice of the conflict and shall resolve the conflict in such manner as they consider appropriate. 2009, c. 31, s. 62.

REGULATIONS

Regulations, Lieutenant Governor in Council

Same, general

63 (1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing anything that is required or permitted to be prescribed, referred to as being prescribed or in the regulations or that is required, permitted or referred to as being done in the regulations, in accordance with the regulations or by the regulations;
- (b) defining words and expressions that are used in this Act that are not expressly defined in this Act;
- (c) respecting the destruction and disposal of animals, animal products, animal by-products, inputs, fomites, vectors, waste material and any other thing;
- (d) respecting the qualifications of any person or class of persons carrying out activities under this Act;
- (e) prohibiting the sale or the transfer of ownership or custody of an animal, animal product, animal by-product, input, fomite, waste material and any other thing where a hazard may be present in it, contaminating it or otherwise associated with it;
- (f) exempting any person, hazard, animal, animal product, animal by-product, input, fomite, vector, waste material, conveyance, activity, matter, thing or premises, or any class of them, from this Act, any provision of this Act, any regulations made by the Lieutenant Governor in Council or any provision of such a regulation and setting out the circumstances, if any, specified in the regulations and establishing any conditions that attach to the exemption;
- (g) prescribing facilities or classes of facilities that are excluded as laboratories under this Act;

- (h) specifying the manner of serving anything that this Act requires to be served on any person and specifying the time at which the service is deemed to be made;
- (i) respecting the sale, purchase, advertising, distribution, use, storage, handling and disposal of livestock medicines;
- (j) respecting the sale and transfer of animals that have been administered livestock medicines, drugs or vaccines or in which a hazard may be present or where exposure to a hazard may have occurred. 2009, c. 31, s. 63 (1), 67 (10, 11).

Same, powers and duties

(2) The Lieutenant Governor in Council may make regulations in respect of the powers and duties, in addition to those specified in this Act, of the Chief Veterinarian for Ontario, the Deputy Chief Veterinarian for Ontario, directors, inspectors and other persons authorized to act under this Act, including regulations authorizing the Chief Veterinarian for Ontario to appoint other persons or classes of persons to assist them and specifying the powers and duties of such persons or classes of persons. 2009, c. 31, s. 63 (2).

Same, licences, certificates, etc.

(3) The Lieutenant Governor in Council may make regulations governing licences, certificates, registrations and permits, including,

- (a) prescribing activities for which a licence, certificate, registration or permit is required;
- (b) prescribing persons or classes of persons who are required to obtain a licence, certificate, registration or permit;
- (c) respecting the qualifications, education or training that is necessary in order to carry out prescribed activities and prohibiting persons other than those with the prescribed qualifications, education or training from performing the prescribed activities;
- (d) respecting applications for a licence, certificate, registration or permit and respecting their issuance, renewal, suspension and revocation, their term and the purpose for which they may be issued, including imposing conditions and amending conditions in respect of them;
- (e) respecting persons or classes of persons who are exempt from the requirement to have a licence, certificate, registration or permit, including conditions attaching to the exemption;
- (f) requiring persons or classes of persons who have a licence, certificate, registration or permit to keep and maintain such records as may be prescribed and to submit such information at such intervals as may be prescribed;
- (g) respecting the transfer of a licence, certificate, registration or permit;
- (h) requiring applicants for a licence or permit to post a performance bond or other form of financial security as required by a director and governing the rights and obligations of the parties to such bond or financial security. 2009, c. 31, s. 63 (3).

Same, inspections

(4) The Lieutenant Governor in Council may make regulations governing inspections, including,

- (a) governing the procedures for the following persons to follow, in addition to the requirements of this Act, with respect to exercising their powers under this Act:
 - (i) officials appointed by the Minister or the Chief Veterinarian for Ontario, as the case may be,
 - (ii) persons assisting or acting in conjunction with inspectors in exercising their powers and with persons designated by a regulation made under clause (b);
- (b) designating persons or classes of persons who are not inspectors and who are to have those powers of an inspector that are specified in the regulations. 2009, c. 31, s. 63 (4).

Same, matters related to the protection of animal health

(5) The Lieutenant Governor in Council may make regulations in respect of any matter related to the protection of animal health, including, but not limited to,

- (a) respecting premises and their operations where animals may be displayed, exhibited, shown, marketed, assembled, sold, offered for sale or used in any form of competition, including the handling and care of animals at such premises and the loading, unloading and transportation of animals to and from such premises;
- (b) restricting the entry of living or dead animals, animal products, animal by-products, inputs, fomites, waste material and any other thing into the Province from another jurisdiction or the exit of living or dead animals, animal products, animal by-products, inputs, fomites, waste material and any other thing from the Province to another jurisdiction;
- (c) respecting the taking, supplying, examining, testing, analysis and interpretation of samples and specimens, including,

- (i) specifying methods and procedures that laboratories are required to follow with respect to testing, analysis and interpretation,
- (ii) specifying tests to be conducted by the laboratory on diagnostic material submitted by any person, and
- (iii) specifying the length of time diagnostic material shall be stored at the laboratory;
- (d) specifying documents verifying animal health status that may be issued under the authority of this Act, including the purpose of such documents, the persons to whom the documents may be issued, the persons authorized to issue such documents, any criteria to govern the issuance, renewal, amendment and cancellation of such documents and establishing fees in relation to such documents;
- (e) respecting measures for general hazard control and for specific hazards;
- (f) respecting any other measures required to be taken for the prevention, detection, control or mitigation of a hazard, including biosecurity measures. 2009, c. 31, s. 63 (5).

Note: On the day section 13 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019* comes into force, section 63 is amended by adding the following subsection:

Same, matters related to sale of livestock

(5.1) The Lieutenant Governor in Council may make regulations setting out requirements related to the sale or offering for sale of livestock by public auction held at an established place of business where livestock is assembled for the purpose, including requirements relating to,

- (a) the day to day operations of the place of business;
- (b) the management of the sale or offering for sale;
- (c) the practices to be followed in connection with the sale or offering for sale;
- (d) facilities at the place of business for use by inspectors;
- (e) the protection of the financial interests of consignors of livestock;
- (f) insurance to be carried by persons who hold a licence for the sale or offering for sale of livestock by public auction held at an established place of business where livestock is assembled for the purpose. 2009, c. 31, s. 67 (12).

See: 2009, c. 31, ss. 67 (12), 75 (4); 2019, c. 14, Sched. 3, s. 11 (3).

Note: On the day section 12 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019* comes into force, section 63 is amended by adding the following subsection:

Same, matters relating to bees

(5.2) The Lieutenant Governor in Council may make regulations governing bees and beekeeping, including,

- (a) respecting rights of ownership in bees reared and kept in hives;
- (b) governing the ownership and recovery of swarms of bees, including rights in respect of entry onto premises to recover a swarm of bees;
- (c) respecting the rights of owners of premises where swarms have settled;
- (d) respecting beekeeping equipment, the operation of apiaries and the health of bees, including prohibitions to ensure the health of bees. 2009, c. 31, s. 67 (13).

See: 2009, c. 31, ss. 67 (13), 75 (3); 2019, c. 14, Sched. 3, s. 11 (2).

Same, compensation

(6) The Lieutenant Governor in Council may make regulations governing compensation, including,

- (a) prescribing the circumstances under which compensation may be paid, reduced or refused;
- (b) prescribing the amount of compensation that may be paid or the manner of determining the amount of compensation that may be paid, including,
 - (i) the maximum amount of compensation, and
 - (ii) the market value of an animal, animal product, animal by-product, input, fomite, waste material, conveyance or any other thing;
- (c) prescribing any other matter for which compensation may be paid under clause 26 (1) (e). 2009, c. 31, s. 63 (6).

Same, actions by Minister and Chief Veterinarian re orders

(7) The Lieutenant Governor in Council may make regulations governing things the Minister or Chief Veterinarian for Ontario may cause to be done with respect to orders, including prescribing conditions for the purposes of clause 29 (1) (c). 2009, c. 31, s. 63 (7).

Same, provincial traceability system

(8) For the purposes of section 33, the Lieutenant Governor in Council may make regulations governing the establishment and overseeing the operation of the provincial traceability system, including,

- (a) prescribing things related to animals to be included in the traceability system;
- (b) prescribing requirements in respect of the collection, maintenance and use of any information in respect of the traceability system;
- (c) establishing the times when the information must be reported and prescribing things or classes of things upon which reports are required;
- (d) requiring persons who are required to provide information to keep records relating to their activities and to store the records for specific periods of time;
- (e) authorizing the collection, use and disclosure of information from any source that may be included in the traceability system and requiring the reporting of information by persons;
- (f) authorizing the disclosure of information contained in or collected pursuant to the traceability system and the purposes for which, circumstances under which, and persons to whom, disclosure of such information may occur;
- (g) exempting persons, premises, conveyances, animals (including by species or class), animal products, animal by-products and any other thing from any or all of the requirements of the traceability system and establishing any conditions that attach to the exemption. 2009, c. 31, s. 63 (8).

Same, administrative penalties

(9) The Lieutenant Governor in Council may make regulations governing administrative penalties, including,

- (a) specifying the form and content of notices of administrative penalties;
- (b) specifying persons or classes of persons to whom a director or inspector shall not issue a notice under section 40;
- (c) specifying the types of contraventions or failures in respect of which and the circumstances in which a director shall not issue a notice under subsection 40 (1);
- (d) governing the determination of the amount of the administrative penalty to be set out in a notice issued under subsection 40 (1) or (2), including,
 - (i) the criteria to be considered and providing for different amounts depending on when an administrative penalty is paid,
 - (ii) the ability to set a schedule for the payment of the amount, and
 - (iii) the ability to enter into an agreement that provides the ability to reduce the amount and to allow for part of the amount to be used to correct the contravention or failure;
- (e) permitting the director and a person to whom a notice may be or has been issued under subsection 40 (1) to enter into an agreement providing for the reduction or suspension of a penalty upon the satisfaction of specified conditions and prescribing types of conditions that may be imposed;
- (f) specifying contraventions or failures or classes of contraventions or failures in respect of which an inspector is required to issue a notice under subsection 40 (2);
- (g) setting a specific amount for the administrative penalty that must be set out in a notice that an inspector is required to issue under subsection 40 (2);
- (h) respecting any other matter necessary for the administration of a system of administrative penalties provided for by section 40. 2009, c. 31, s. 63 (9).

Concurrent authority

(10) The Lieutenant Governor in Council may make any regulation that the Minister has authority to make and may amend or revoke any regulation made by the Minister. 2009, c. 31, s. 63 (10).

Same

(11) The Minister may amend or revoke a provision of a regulation if the provision was made or amended by the Lieutenant Governor in Council under subsection (10). 2009, c. 31, s. 63 (11).

Section Amendments with date in force (d/m/y)

2009, c. 31, s. 67 (10, 11) - 01/01/2021; 2009, c. 31, s. 67 (12, 13) - not in force

Regulations, Minister

Same, hazards and reporting of incidents

64 (1) The Minister may make regulations,

- (a) governing reportable hazards, including,
 - (i) specifying a hazard or a class of hazards as a reportable hazard,
 - (ii) requiring the reporting of a reportable hazard, prescribing the persons or classes of persons who are required to make such reports, prescribing the persons to whom such reports are to be made and prescribing the information to be provided,
 - (iii) specifying the manner and time in which reports of a reportable hazard shall be made, and
 - (iv) respecting any action that must be taken, including imposing conditions, with respect to the reporting of a reportable hazard or requiring any person to protect and preserve the animal, the carcass of a dead animal and any diagnostic or other material relating to an animal, animal product, animal by-product, input, fomite, vector, waste material or any other thing;
- (b) governing immediately notifiable hazards, including,
 - (i) specifying a hazard or a class of hazards as an immediately notifiable hazard,
 - (ii) requiring the reporting of an immediately notifiable hazard, prescribing the persons, facilities or classes of persons or facilities that are required to make such reports, prescribing the persons to whom such reports are to be made and prescribing the information to be provided,
 - (iii) specifying the manner and time in which reports of an immediately notifiable hazard shall be made, and
 - (iv) respecting any action that must be taken, including imposing conditions, with respect to the reporting of an immediately notifiable hazard;
- (c) governing periodically notifiable hazards, including,
 - (i) specifying a hazard or a class of hazards as a periodically notifiable hazard,
 - (ii) requiring the reporting of a periodically notifiable hazard, prescribing the persons, facilities or classes of persons or facilities that are required to make such reports, prescribing the persons to whom such reports are to be made and prescribing the information to be provided,
 - (iii) requiring the reporting of positive, negative and inconclusive findings with respect to the periodically notifiable hazard,
 - (iv) specifying the manner and time in which reports of a periodically notifiable hazard shall be made, and
 - (v) respecting any action that must be taken, including imposing conditions, with respect to the reporting of a periodically notifiable hazard;
- (d) governing the reporting of incidents or findings by veterinarians under section 9, including,
 - (i) specifying factors that must be present in order for an incident or finding to be reportable,
 - (ii) requiring the reporting of an incident or finding, specifying the information that is required to be reported and prescribing the persons to whom such reports are to be made,
 - (iii) specifying the manner and time in which reports of such incidents or findings shall be made, and
 - (iv) respecting any action that must be taken, including imposing conditions, with respect to the incident or finding;
- (e) exempting any person or class of persons from the reporting requirements in sections 7 to 9 and prescribing any conditions that must be satisfied for the exemption to apply. 2009, c. 31, s. 64 (1).

Same, collecting, using, and disclosing information

(2) The Minister may make regulations governing the collection, use and disclosure of information, including personal information, including,

- (a) prescribing purposes for collecting information under subsection 13 (1);
- (b) prescribing requirements and restrictions for the purposes of subsection 13 (2);
- (c) prescribing purposes for disclosing personal information under subsection 13 (5);

- (d) prescribing methods of giving the notice required by subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act*. 2009, c. 31, s. 64 (2).

Same, general

(3) The Minister may make regulations,

- (a) governing the delegation of authority over the administration of this Act or parts of it or of regulations or parts of them made under this Act, including specifying a third party to whom the authority is delegated and setting out the conditions of the delegation;
- (b) respecting the types of records to be kept, maintained and submitted under this Act;
- (c) respecting how records are to be kept, maintained and submitted;
- (d) respecting the period of time records must be kept;
- (e) exempting any person, hazard, animal, animal product, animal by-product, input, fomite, vector, waste material, conveyance, activity, matter, thing or premises, or any class of them, from any regulations made by the Minister or any provision of such a regulation and setting out the circumstances, if any, specified in the regulations and establishing any conditions that attach to the exemption;
- (f) prescribing anything the Minister is expressly authorized by this Act to prescribe. 2009, c. 31, s. 64 (3).

Same, fees

(4) The Minister may make regulations governing fees under this Act, including,

- (a) requiring the payment of fees;
- (b) prescribing fees or the manner of calculating fees for the purposes of this Act and regulations and for services provided under this Act;
- (c) prescribing fees or the manner of calculating fees that are payable under this Act in respect of applications for permits, licences, registrations, certificates, amendments and renewals of any of them and other administrative matters;
- (d) prescribing rules governing the refund of all or part of a fee paid under this Act;
- (e) requiring the payment of interest on the amount of outstanding fees and prescribing the manner of calculating the interest and determining the rate of interest. 2009, c. 31, s. 64 (4).

Regulations, general

General or particular in its application

65 (1) A regulation in respect of living or dead animals, animal products, animal by-products, inputs, fomites, vectors, waste material, hazards, premises, conveyances and any other thing related to an animal may be general or particular in its application, may be limited as to time or place or both and may exclude any place from the application of the regulation. 2009, c. 31, s. 65 (1).

Classes

(2) A regulation may apply in respect of any class of activity, matter, person or thing, and in respect of any class of animal, animal product, animal by-product, input, fomite, waste material or any other thing related to an animal. 2009, c. 31, s. 65 (2).

Same

(3) A class under this Act or the regulations may be defined with respect to any attribute, quality or characteristic or combination of those items and may be defined to consist of or to include or exclude any specified member, whether or not with the same attributes, qualities or characteristics. 2009, c. 31, s. 65 (3).

Adoption of codes in regulations

(4) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council or the Minister considers necessary, any document, including a code, formula, standard, protocol or procedure, and may require compliance with any document so adopted. 2009, c. 31, s. 65 (4).

Amendments to codes

(5) The power to adopt by reference and require compliance with a document in subsection (4) includes the power to adopt such a document as it may be amended from time to time. 2009, c. 31, s. 65 (5).

When effective

(6) The adoption of an amendment to a document that has been adopted by reference comes into effect upon the Ministry publishing notice of the amendment in *The Ontario Gazette*. 2009, c. 31, s. 65 (6).

Retroactivity

(7) If a regulation provides that a provision of the regulation is deemed to have come into force on a day before the regulation is filed, the provision is deemed to have come into force on that day. 2009, c. 31, s. 65 (7).

Regulations, transition

66 (1) The Lieutenant Governor in Council may make regulations,

- (a) in respect of transitional matters;
- (b) providing for transitional matters,
 - (i) to facilitate the implementation of this Act or any provision of this Act, or
 - (ii) to deal with problems or issues arising as a result of the enactment of this Act and the repeal of the *Bees Act*, the *Livestock Community Sales Act* and the *Livestock Medicines Act*. 2009, c. 31, s. 66 (1).

Conflicts

(2) If there is a conflict between a regulation under this section and any other regulation, the regulation under this section prevails. 2009, c. 31, s. 66 (2).

Regulation general or specific

(3) A regulation made under this section may be general or specific in its application. 2009, c. 31, s. 66 (3).

67 (1), (5)-(13) OMITTED (PROVIDES FOR AMENDMENTS TO THIS ACT). 2009, c. 31, s. 67.

(2)-(4) REPEALED: 2019, c. 14, Sched. 3, s. 10.

Section Amendments with date in force (d/m/y)

2019, c. 14, Sched. 3, s. 10 - 10/12/19

68-71 OMITTED (AMENDS, REPEALS OR REVOKES OTHER LEGISLATION). 2009, c. 31, ss. 68-71.

72-74 REPEALED: 2019, c. 14, Sched. 3, s. 10.

Section Amendments with date in force (d/m/y)

2019, c. 14, Sched. 3, s. 10 - 10/12/19

75 OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 2009, c. 31, s. 75; 2019, c. 14, Sched. 3, s. 11.

Section Amendments with date in force (d/m/y)

2019, c. 14, Sched. 3, s. 11 (1-3) - 10/12/19

76 OMITTED (ENACTS SHORT TITLE OF THIS ACT). 2009, c. 31, s. 76.

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