

# CROWN TIMBER ACT

## GENERAL

Revised Regulations of Ontario, 1990, REGULATION 260

Amended to O. Reg. 62/95

This Regulation is made in English only.

## INTERPRETATION

1. In this Regulation,

"corporation" means any body corporate however and wherever incorporated;

"hardwood" means non-coniferous;

"lodged", when used in respect of a tree, means that the tree does not fall to the ground after being partly or wholly separated from its stump or displaced from its natural position, except where the separation or displacement results from natural causes;

"merchantable timber" means,

(a) a conifer, poplar or white birch log of which more than one-half of the total content is sound wood when the content is measured in cubic metres, or

(b) a hardwood log other than poplar or white birch of which more than one-third of the total content is sound wood when the content is measured in cubic metres;

"merchantable tree" means,

(a) a standing conifer, poplar or white birch tree of which more than one-half of the total content of wood is sound, or

(b) a standing hardwood tree, other than poplar or white birch, of which more than one-third of the total content of wood is sound;

"operating year" means the 12-month period starting on April 1 in any year and ending on March 31 in the following year;

"quarter" means a period of three consecutive months starting January 1, April 1, July 1 or October 1 in any year;

"stump height" means the vertical distance between the horizontal plane through the top of the stump and the horizontal plane through the highest point of the ground at its base. O. Reg. 666/94, s. 1.

## CROWN CHARGES

2. (1) The crown dues payable by a licensee for timber cut shall vary depending upon the kind of timber cut and the mill destination of that timber.

(2) Mill destinations are those set out in the scaling return. O. Reg. 666/94, s. 1.

3. (1) A licensee shall pay Crown dues as the price for cutting Crown timber calculated according to the following formula:

$$\text{Crown dues} = a + b + c$$

where,

"a" is the forest renewal charge

"b" is the minimum stumpage rate

"c" is the residual value rate

(2) The forest renewal charge per cubic metre of timber is the rate that is set out in Column 2 of Schedule 1 opposite the kind of timber listed in Column 1.

(3) The minimum stumpage rate per cubic metre of timber is the rate that is set out in Column 3 of Schedule 1 opposite the kind of timber listed in Column 1.

(4) The residual value rate per cubic metre of timber is the rate set out in Schedule 1.1, determined by selecting,

(a) the appropriate column of Columns 2 to 7 of Schedule 1.1 for the mill destination of the timber; and

(b) the appropriate rate set out in the column selected under clause (a) opposite the appropriate kind of timber listed in Column 1 of Schedule 1.1.

(5) Despite subsection (2), the forest renewal charge for any species of timber that is destined to a fuelwood mill is \$0.

(6) Despite subsections (1), (2) and (4), a licensee with a licence to cut Crown timber issued under subsection 2 (7) of the Act shall pay Crown dues in the amount calculated under subsection (3).

(7) Despite this section, the Crown dues to be paid by the Algonquin Forestry Authority are those amounts set out in Column 2 of Schedule 4 opposite each kind of timber listed. O. Reg. 666/94, s. 1.

4. Revoked: O. Reg. 666/94, s. 1.

4.1 (1) The area charge to be paid by a licensee consists of a basic area charge and the forestry futures charge.

(2) The total amount of the area charge to be paid by the licensee is set out in section 5. O. Reg. 620/94, s. 1.

(3) The portion of the area charge attributable to the forestry futures charge is 70.9 per cent. O. Reg. 62/95, s. 1.

(4) A licensee with a licence to cut Crown timber under subsection 2 (7) or section 5 of the Act shall not pay any portion of the area charge as a forestry futures charge. O. Reg. 620/94, s. 1.

5. (1) The area charge to be paid by a licensee, other than a licensee who holds a licence,

(a) granted under subsection 2 (7) of the Act where the stumpage charges to be paid in respect of all kinds of timber licensed to be cut are \$500 or less;

(b) granted under subsection 5 (1) or (3) of the Act; or

(c) in respect of any part of a licensed area that is included within an existing licensed area of an earlier licence,

is, in respect of each square kilometre or fraction thereof of the productive lands, for the operating year set out in Column 1 of Schedule 3, the amount set out opposite thereto in Column 2. R.R.O. 1990, Reg. 260, s. 5 (1); O. Reg. 319/93, s. 2 (1).

(2) The area charge to be paid by a licensee who holds a licence,

(a) granted under subsection 2 (7) of the Act where the stumpage charges to be paid in respect of all kinds of timber licensed to be cut are \$500 or less;

(b) granted under subsection 5 (1) or (3) of the Act; or

(c) in respect of any part of a licensed area that is included within an existing licensed area of an earlier licence,

is, in respect of each square kilometre or fraction thereof of the productive lands, for the operating year set out in Column 1 of Schedule 3, \$1. R.R.O. 1990, Reg. 260, s. 5 (2); O. Reg. 319/93, s. 2 (2).

(3) Other than where the productive lands in a licensed area are 9.0 square kilometres or less, or where the area charge payable in respect of each square kilometre or fraction thereof of the productive lands for the operating year set out in Column 1 of Schedule 3 is \$1, the area charge may be paid in equal portions quarterly in advance, in the first operating year the initial payment being payable before the licence is delivered to the licensee, and in subsequent operating years the initial payment being payable before the 1st day of April.

(4) Despite subsection (3), where a licensee does not make any quarterly payment in advance as required by subsection (3), the licensee, in addition to being liable for the payment not made, may, at the discretion of the Minister, be required to pay any subsequent payments in respect of the operating year immediately.

(5) Where the productive lands in a licensed area are 9.0 square kilometres or less, or where the area charge payable in respect of each square kilometre or fraction thereof of the productive lands for the operating year set out in Column 1 of Schedule 3 is \$1, the area charge is payable annually in advance, the first of which payments shall be made before the licence is delivered to the licensee, and subsequent yearly payments shall be made before the 1st day of April in each year of the period of the licence.

(6) Where an account for area charge remains unpaid after the time of payment required by this section, interest of 1 per cent of the amount of the account that is overdue on the first day of each month shall be charged and added to the account of the licensee as of each such day and shall be treated thereafter as a part of the amount of the account that is overdue. R.R.O. 1990, Reg. 260, s. 5 (3-6).

6. (1) Stumpage charges are payable,

(a) on demand; or

(b) on or before the due date on an account therefor sent to the licensee.

(2) Where the stumpage charges remain unpaid after a demand therefor or after the due date on an account therefor sent to the licensee, interest of 1 per cent of the amount of the account that is overdue on the first day of each month shall be charged and added to the account of the licensee as of each such day and shall be treated thereafter as a part of the amount of the account that is overdue. R.R.O. 1990, Reg. 260, s. 6.

7. (1) Crown charges, other than those under sections 5 and 6, are payable on or before the due date on an account therefor sent to the licensee.

(2) Where Crown charges payable under subsection (1) remain unpaid after the due date on an account therefor sent to the licensee, interest of 1 per cent of the amount of the account that is overdue on the first

day of each month shall be charged and added to the account of the licensee as of each such day and shall be treated thereafter as a part of the amount of the account that is overdue. R.R.O. 1990, Reg. 260, s. 7.

8. The due date for payment of an account sent to a licensee under section 6 or 7 shall be the last day of the month next following the month within which the account was prepared. R.R.O. 1990, Reg. 260, s. 8.

#### TERMS AND CONDITIONS OF LICENCES

9. Every licence to cut Crown timber except a licence granted under subsection 2 (7) or section 5 of the Act, is subject to the terms and conditions set out in sections 10 to 14. R.R.O. 1990, Reg. 260, s. 9.

10. (1) A licensee shall not erect, or permit or cause the erection of, any building on any part of a licensed area until the licensee has received written notification that, in the opinion of the Minister under section 10 of the Act, exclusive possession of so much of the licensed area as will be covered by the building is necessary for incidental operations.

(2) When the buildings, other than those forming a logging camp or depot camp, are no longer required in respect of operations, the licensee shall move them off the licensed area. R.R.O. 1990, Reg. 260, s. 10.

11. Where an account for Crown charges, other than a charge under section 5, remains unpaid on the last day of the operating year next following the operating year in which it became payable, the licence is forfeited and the licensee shall deliver up the licence to the Minister. R.R.O. 1990, Reg. 260, s. 11.

12. Where an account for area charge remains unpaid one year from the 31st day of March next following the date on which it became payable, the licence is forfeited and the licensee shall deliver up the licence to the Minister. R.R.O. 1990, Reg. 260, s. 12.

13. Notwithstanding forfeiture and delivery up under section 11 or 12, the licensee continues to be liable for all indebtedness in respect of,

(a) Crown charges accrued at the date of forfeiture or delivery up of the licence, whichever is the later; and

(b) Crown charges for which account is rendered after that date. R.R.O. 1990, Reg. 260, s. 13.

14. Any price established by a licence based on a tonne measurement shall be converted to a price based on a cubic metre measurement by multiplying the price established by the licence for each of the following kind or class of timber by the number opposite thereto:

white pine 0.893  
red pine 0.915  
jack pine 0.808  
spruce 0.769  
hemlock 1.080  
balsam 0.920  
fuelwood (conifer) 0.796  
maple 1.123  
yellow birch 1.090  
white birch 1.127  
oak 1.171  
beech 1.160  
ash 0.981  
elm 1.118  
basswood 0.914  
hickory 1.117  
black walnut 1.085

butternut 0.856  
ironwood 1.142  
black cherry 0.895  
poplar 0.991  
fuelwood (hardwood) 1.127

R.R.O. 1990, Reg. 260, s. 14.

#### TRANSFER FEES

15. The fee to be paid on the transfer of a licence is \$500. R.R.O. 1990, Reg. 260, s. 15.

#### CLASSIFICATION AND LICENCES OF MILLS

16. (1) In this section,

"capacity" means the quantity of product that a mill can produce in eight consecutive hours of operation under normal conditions.

(2) Mills are classified by the types designated by capital letters set out in Column 1 of Schedule 2 according to the product and capacity of the mill set out in Columns 2 and 3.

(3) The fee for a licence for a mill of a type itemized in Column 1 of Schedule 2 is the fee prescribed opposite thereto in Column 4, and where a mill is classified by more than one type, the fee for the licence for such mill is the total of the fees prescribed for each type by which such mill is classified.

(4) The fee for a mill licence shall be paid before the mill licence is issued and thereafter on or before the 1st day of April in each year during the term of the licence.

(5) Where the holder of a mill licence fails to pay the fee therefor in the manner prescribed by subsection (4), the licence shall be deemed cancelled until the fee therefor is paid. R.R.O. 1990, Reg. 260, s. 16.

17. (1) A person desiring a mill licence shall make application therefor in Form 1.

(2) A mill licence shall be in Form 2.

(3) A mill licence expires with the 31st day of March in the year noted on the licence. R.R.O. 1990, Reg. 260, s. 17.

18. (1) A person desiring to transfer a mill licence shall apply to the Minister for his consent to the transfer.

(2) An application for consent to a transfer of a mill licence shall be in Form 3.

(3) A transfer of a mill licence shall be in Form 4. R.R.O. 1990, Reg. 260, s. 18.

19. (1) The holder of a Type A, Type D or Type H mill licence shall make an annual return to the Minister in Form 5. R.R.O. 1990, Reg. 260, s. 19 (1).

(2) The holder of a Type B, Type E, Type F, Type G or Type I mill licence shall make an annual return to the Minister in Form 6. O. Reg. 666/94, s. 2.

20. (1) Periodic inspection of mills shall be made at least once in each year at such times and by such officers or agents as the Minister may direct.

(2) The licensee shall give to the inspecting officer or agent all information and assistance necessary for a proper inspection. R.R.O. 1990, Reg. 260, s. 20.

## WASTEFUL PRACTICES

21. (1) In this section,

"heavy-branching" means the lowest part of a tree where the growth of branches is so concentrated that the timber in that part is not marketable.

(2) Wasteful practices in forest operations are defined as,

(a) felling a tree of any species so that its stump height is greater than thirty centimetres, except that a tree may be felled so that its stump height is not greater than its diameter measured outside the bark at the point of cutting, provided no tree shall be felled so that its stump height is greater than sixty centimetres;

(b) subject to subsection (3), not utilizing merchantable timber of any length,

(i) measuring twenty-two centimetres or more in diameter outside the bark at the smaller end, obtainable from a felled hardwood tree of any species except poplar and white birch, or

(ii) measuring twenty centimetres or more in diameter outside the bark at the smaller end, obtainable from a felled white pine, red pine, hemlock, poplar or white birch tree, or

(iii) measuring ten centimetres or more in diameter outside the bark at the smaller end, obtainable from a felled conifer tree other than a white pine, red pine or hemlock;

(c) leaving any merchantable trees that the licensee has the right to cut standing on any part of a licensed area at the time when the licensee,

(i) ceases operations in respect of that part,

(ii) abandons the licence, or

(iii) fails to renew the licence; or

(d) leaving trees lodged where cutting operations have been carried on in the licensed area.

(3) Clause (2) (b) does not apply to a log referred to,

(a) in subclause (i) of that clause, where that log is separated by heavy-branching or by unmerchantable timber from a log that has been cut from the tree; or

(b) in subclause (ii) or (iii) of that clause, where that log is separated by unmerchantable timber from a log that has been cut from the tree.

R.R.O. 1990, Reg. 260, s. 21.

22. The penalties that may be imposed for contraventions of subsection 21 (2) are,

(a) for a contravention of clause (a), \$3 for each stump;

(b) for a contravention of clause (b), \$2 for each piece of merchantable timber not utilized;

(c) for a contravention of clause (c), \$5 for each tree left standing; and

(d) for a contravention of clause (d), \$10 for each lodged tree. R.R.O. 1990, Reg. 260, s. 22.

## SCALERS' LICENCES

23. (1) A scaler's licence and a renewal of a scaler's licence shall be in Form 7.
- (2) An application for a renewal of a scaler's licence shall be in Form 8.
- (3) A special permit shall be in Form 9.
- (4) The fee payable for a scaler's licence or a renewal of a scaler's licence is \$15.
- (5) The fee payable for a special permit is \$5. R.R.O. 1990, Reg. 260, s. 23.

## SEIZURE

24. An officer or agent may effect a seizure of timber under section 22 of the Act by securing in a prominent place on the timber a notice of seizure in Form 10. R.R.O. 1990, Reg. 260, s. 24.

## SCHEDULE 1

SPECIES (See note)	Forest Renewal	Charge	Minimum Stumpage
White Pine and Red Pine	\$6.00	\$1.00	
Conifer other than White Pine and Red Pine	\$6.00	\$1.00	
Poplar and White Birch	\$0.50	\$1.00	
Grade 1 Hardwood other than Poplar And White Birch	\$1.00	\$1.00	
Grade 2 Hardwood other than Poplar And White Birch	\$1.00	\$1.00	

Note: The rates in Schedule 1 are rates per cubic metre of timber.

O. Reg. 666/94, s. 3.

## SCHEDULE 1.1

[Missing]

O. Reg. 62/95, s. 2.

## SCHEDULE 2 CLASSIFICATION OF AND LICENCE FEES FOR MILLS

[missing]

O. Reg. 666/94, s. 4.

SCHEDULE 3  
AREA CHARGES

April 1, 1992 to March 31, 1993	\$51
April 1, 1993 to March 31, 1994	102
April 1, 1994 to March 31, 1995	102

O. Reg. 319/93, s. 5.

SCHEDULE 4  
CROWN DUES-ALGONQUIN FORESTRY AUTHORITY

1. For the following timber:
  - i. conifers, for each cubic metre \$0.30
  - ii. poplar and white birch, for each cubic metre 0.06
2. For the following grades of hardwood timber:
  - i. grade 1 hardwoods, other than poplar and white birch, for each cubic metre 0.47
  - ii. grade 2 hardwoods, other than poplar and white birch, for each cubic metre 0.06
3. For fuelwood of any species, for each cubic metre 0.06

R.R.O. 1990, Reg. 260, Sched. 4.

FORM 1  
Crown Timber Act  
APPLICATION FOR A MILL LICENCE

R.R.O. 1990, Reg. 260, Form 1.

FORM 2  
Crown Timber Act  
MILL LICENCE

R.R.O. 1990, Reg. 260, Form 2.

FORM 3  
Crown Timber Act  
APPLICATION FOR CONSENT TO TRANSFER A MILL LICENCE

R.R.O. 1990, Reg. 260, Form 3.

FORM 4  
Crown Timber Act  
TRANSFER OF A MILL LICENCE

R.R.O. 1990, Reg. 260, Form 4.

FORM 5  
Crown Timber Act

RETURN BY A MILL LICENSEE FOR THE YEAR 19.....

R.R.O. 1990, Reg. 260, Form 5.

FORM 6  
Crown Timber Act  
RETURN BY A MILL LICENSEE FOR THE YEAR 19.....

R.R.O. 1990, Reg. 260, Form 6.

FORM 7  
Crown Timber Act  
SCALER'S LICENCE

R.R.O. 1990, Reg. 260, Form 7.

FORM 8  
Crown Timber Act  
APPLICATION FOR RENEWAL OF SCALER'S LICENCE

R.R.O. 1990, Reg. 260, Form 8.

FORM 9  
Crown Timber Act  
SPECIAL PERMIT

R.R.O. 1990, Reg. 260, Form 9.

FORM 10  
Crown Timber Act  
NOTICE OF SEIZURE OF TIMBER

R.R.O. 1990, Reg. 260, Form 10.