

## **Agricultural Research Institute of Ontario Act**

### **R.S.O. 1990, CHAPTER A.13**

Consolidation Period: From December 15, 2009 to the e-Laws currency date.

Last amendment: 2009, c. 33, Sched. 1, s. 3.

#### Definitions

1. In this Act,

“agricultural lands” means those lands described in the regulations made under this Act; (“terres agricoles”)

“Director of Research” means the administrator of the Agricultural Research Institute of Ontario; (“directeur de la recherche”)

“Minister” means the Minister of Agriculture, Food and Rural Affairs; (“ministre”)

“research” means research carried out and services provided in respect of agriculture, veterinary medicine and household science; (“recherche”)

“Research Institute” means the Agricultural Research Institute of Ontario. (“Institut de recherche”)

R.S.O. 1990, c. A.13, s. 1; 1994, c. 27, s. 5 (1); 2009, c. 33, Sched. 1, s. 3 (1).

#### Agricultural Research Institute of Ontario continued

2. (1) The Agricultural Research Institute of Ontario, a body corporate responsible to the Minister, is continued under the name Agricultural Research Institute of Ontario in English and Institut de recherche agricole de l’Ontario in French. R.S.O. 1990, c. A.13, s. 2 (1).

#### Composition of Research Institute

(2) The Research Institute shall consist of not more than fifteen members appointed by the Minister. R.S.O. 1990, c. A.13, s. 2 (2); 1994, c. 27, s. 5 (2).

#### Chair, vice-chair

(3) The Minister shall appoint from the persons appointed under subsection (2) a chair and a vice-chair of the Research Institute. R.S.O. 1990, c. A.13, s. 2 (3); 1994, c. 27, s. 5 (3).

#### Term of appointment

(4) An appointment under subsection (2) shall be for a term of not more than three years but any person is eligible for reappointment.

#### Expiration of term

(5) When the term of a member of the Research Institute expires, he or she continues to be a member until a successor is appointed.

#### Quorum

(6) A majority of the members of the Research Institute constitutes a quorum.

#### Absence of chair

(7) The vice-chair shall, in the absence or disability of the chair, possess and exercise the powers and duties of the chair.

#### Remuneration

(8) The members of the Research Institute shall receive such remuneration and expenses as the Lieutenant Governor in Council determines. R.S.O. 1990, c. A.13, s. 2 (4-8).

#### Duties of Research Institute

3. The duties and responsibilities of the Research Institute are,
- (a) to make rules governing its procedures;
  - (b) to appoint an executive committee and such other committees as it considers advisable and to delegate to any such committee any of its duties and responsibilities;
  - (c) to inquire into programs of research in respect of agriculture, veterinary medicine and household science;
  - (d) to select and recommend areas of research for the betterment of agriculture, veterinary medicine and household science;
  - (e) to stimulate interest in research as a means of developing in Ontario a high degree of efficiency in the production and marketing of agricultural products; and
  - (f) at the request of the Director of Research,
    - (i) to enter into agreements, covenants and easements with owners of real property or interests therein, or assign such agreements, covenants and easements, for the conservation, protection or preservation of agricultural lands, and
    - (ii) to exercise any of its powers under subsection 4 (3). R.S.O. 1990, c. A.13, s. 3; 1994, c. 27, s. 5 (4).

#### Property

4. (1) All property heretofore or hereafter granted, conveyed, devised or bequeathed for purposes of research to, or to any person in trust for, any institution of the Ministry of Agriculture, Food and Rural Affairs that is engaged in research is vested in the Research Institute, subject to any trust affecting the same. R.S.O. 1990, c. A.13, s. 4 (1); 2009, c. 33, Sched. 1, s. 3 (2).

## Money for research

(2) The Research Institute may take by gift, grant, donation or bequest money for use in research or the conservation, protection or preservation of agricultural lands. R.S.O. 1990, c. A.13, s. 4 (2); 1994, c. 27, s. 5 (5).

## Powers with respect to property

(3) The Research Institute may, with the written consent of the Director of Research,

(a) construct, maintain and alter any buildings or works in carrying out its duties and responsibilities;

(b) acquire property or any interest therein by purchase, lease or otherwise and may dispose of all or any part of such property or interest therein by sale, lease or otherwise. 1994, c. 27, s. 5 (6).

## Exercise of powers by Institute

(4) The Director of Research may direct the Research Institute to exercise its powers under subsection (3) and the Research Institute shall comply. 1994, c. 27, s. 5 (6).

## Money to be held in trust

(5) Money received by the Research Institute under subsection (2) or (3) shall be held in trust by the Director of Research and be used for the purposes of this Act in accordance with the terms, if any, on which it was given. 1994, c. 27, s. 5 (6).

## Proceeds of disposition

(6) A sale, lease or other disposition made by the Research Institute under this Act may be for purposes unrelated to the objects of this Act if any proceeds or benefits obtained by the Research Institute as a result are used for those objects. 1994, c. 27, s. 5 (6).

## Registration of agreements, etc., regarding land

4.1 (1) An easement or covenant entered into by the Research Institute under subclause 3 (f) (i) may be registered against the real property affected in the appropriate land registry office.

## Easement or covenant enforceable

(2) Any easement or covenant registered against real property under subsection (1) runs with the real property and such easement or covenant, whether positive or negative in nature, may be enforced by the Research Institute against the owner or subsequent owners of the real property even if it owns no appurtenant land or real property that would be accommodated or benefited by the easement or covenant.

## Assignment

(3) An easement or covenant entered into by the Research Institute may be assigned to any person designated by the Director of Research.

Same

(4) An assignee may enforce the easement or covenant against the owner or subsequent owners of the property as if it were the Research Institute even if the assignee owns no appurtenant land or real property that would be accommodated or benefited by the easement or covenant.

Modification or discharge

(5) An easement or covenant granted to, entered into with or assigned to or by the Research Institute shall not be modified or discharged without the written agreement of the Director of Research or the Research Institute's assignee, as applicable, and the owner or subsequent owners of the real property against which the easement or covenant is registered. 1994, c. 27, s. 5 (7).

Expenditure

5. Except with the approval of the Minister, the Research Institute shall not incur any liability or make any expenditure that is not provided for in the income for the Research Institute unless provided for by money appropriated therefor by the Legislature or for which funds otherwise have been furnished therefor. R.S.O. 1990, c. A.13, s. 5.

Audit of accounts

6. The accounts of the Research Institute are subject to audit by the Auditor General. R.S.O. 1990, c. A.13, s. 6; 2004, c. 17, s. 32.

Annual report

7. The Research Institute shall submit an annual report on its affairs to the Minister, who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next session. R.S.O. 1990, c. A.13, s. 7.

Other reports

8. The Research Institute shall submit to the Minister such reports on its financial affairs and the progress of its work as the Minister from time to time requires. R.S.O. 1990, c. A.13, s. 8.

Director of Research

9. (1) There shall be a Director of Research appointed by the Minister who shall be the administrator of the business and affairs of the Research Institute. R.S.O. 1990, c. A.13, s. 9 (1); 1994, c. 27, s. 5 (8).

Duties of Director

(2) The duties and responsibilities of the Director of Research are,

(a) to co-ordinate programs of research of the Research Institute with programs in comparable areas of research by other institutions and organizations;

(b) to select, develop and maintain research programs in accordance with the needs of agriculture, veterinary medicine and household science in Ontario;

(c) to maintain a balance of effort in research among various areas of research;

(d) to inquire into the efficiency of programs of research undertaken in conjunction with academic work at other institutions of learning and research in Ontario;

(e) to establish the operational budgets of the Research Institute for programs of research in agriculture, veterinary medicine and household science at the Ontario Agricultural College, the Ontario Veterinary College and the Macdonald Institute or any of them and at institutions of the Ministry of Agriculture, Food and Rural Affairs that are engaged in research and at other institutions in Ontario where the facilities and personnel are available for such programs;

(f) to determine matters of integration of research with the academic work of the Ontario Agricultural College, the Ontario Veterinary College and the Macdonald Institute and institutions of learning and research that are administered by the Ministry of Agriculture, Food and Rural Affairs; and

(g) to develop and maintain programs for the conservation, protection or preservation of agricultural lands. R.S.O. 1990, c. A.13, s. 9 (2); 1994, c. 27, s. 5 (9); 2009, c. 33, Sched. 1, s. 3 (3, 4).

#### Agreements with respect to land

(3) In carrying out his or her duties and responsibilities, the Director of Research may require the Research Institute,

(a) to enter into agreements, covenants and easements with owners of real property or interests therein for the purposes of clause (2) (g) and to assign, modify or discharge such agreements, covenants and easements; and

(b) to exercise its powers under subsection 4 (3). 1994, c. 27, s. 5 (10).

#### Delegation of authority

(4) The Director of Research may delegate any of his or her duties, responsibilities or powers under this Act to an employee or officer of the Ministry of Agriculture, Food and Rural Affairs. 1994, c. 27, s. 5 (10).

#### Delegation in writing

(5) A delegation under subsection (4) shall be in writing and may be subject to such limitations, conditions and requirements as are set out in it. 1994, c. 27, s. 5 (10).

#### Exception

(6) The authority to delegate under subsection (4) does not apply with respect to the director's duty to hold in trust money received by the Research Institute. 1994, c. 27, s. 5 (10).

#### Appointments

(7) The Director of Research may appoint persons to advisory committees to assist him or her in the discharge of his or her duties. 1994, c. 27, s. 5 (10).

#### Supervision by Director

10. The Director of Research shall have supervision over every program for which funds have been supplied by the Research Institute. R.S.O. 1990, c. A.13, s. 10; 1994, c. 27, s. 5 (11).

#### Estimates of expenditures

11. The Director of Research shall prepare and submit to the Minister an estimate of all expenditures required during the next ensuing year. R.S.O. 1990, c. A.13, s. 11.

#### Comptroller

12. (1) There shall be a Comptroller for the Research Institute who is responsible to the Director of Research.

#### Duties of Comptroller

(2) The Comptroller shall,

- (a) supervise the business affairs of the Research Institute;
- (b) prepare the budget for the Research Institute;
- (c) prepare such financial reports and statistical surveys as may be required by the Director of Research or by the Minister; and
- (d) perform such other duties and functions as may be assigned to him or her from time to time by the Director of Research or by the Research Institute. R.S.O. 1990, c. A.13, s. 12.

#### Power to acquire patents, etc.

13. Subject to the approval of the Minister, the Research Institute may purchase or arrange for the use of any invention or any interest therein, or any rights in respect thereof, or any secret or other information as to any invention, and apply for, purchase or otherwise acquire, any patents, interest in patents, licences or other rights conferring any exclusive or non-exclusive or limited right to make, use or sell any invention or inventions and to use, exercise, develop, dispose of, assign or grant licences in respect of or otherwise turn to account the property rights or information so acquired, and possess, exercise and enjoy all the rights, powers and privileges that the owner of any invention or any rights in respect thereof or the owner of a patent or invention or of any rights thereunder may possess, exercise and enjoy. R.S.O. 1990, c. A.13, s. 13.

#### Regulations

14. Lieutenant Governor in Council may make regulations defining agricultural lands for the purposes of this Act. 1994, c. 27, s. 5 (12).