

**ONTARIO REGULATION 123/04**

**APPLES — PLAN**

Consolidation Period: From June 18, 2010 to the e-Laws currency date.

Last amendment: O. Reg. 253/10.

This is the English version of a bilingual regulation.

**Plan**

1. This Regulation sets out the plan for the control and regulation of the producing and marketing of apples within Ontario. O. Reg. 123/04, s. 1.

**Definitions**

2. In this Regulation,

“apple” includes apples of every variety produced in Ontario; (“pomme”)

“board member” means a member of the local board elected under this Regulation; (“membre”)

“district” means an apple growing district established under section 6; (“district”)

“district group member” means person who is a member of a district group of producers under subsection 7 (1) or (2); (“membre du groupe de district”)

“producer” means,

(a) any person who is the beneficial owner of a property of 10 or more acres on which apple trees are growing, if the property is not rented, or

(b) if a property described in clause (a) is rented, the person who is the tenant of the property. (“producteur”) O. Reg. 123/04, s. 2.

**Local board**

3. (1) The local board known as the “Ontario Apple Growers” is continued. O. Reg. 253/10, s. 1.

(2) The local board has the authority, and shall exercise the powers and perform the duties,

(a) that the Commission delegates to it under the Act; and

(b) that are given or assigned to it by this Regulation and by any other applicable regulation. O. Reg. 253/10, s. 1.

(3) The local board has the following powers:

1. The local board has such powers of a natural person as are necessary for the local board to exercise its other powers and perform its duties under the Act or any other Act of Ontario or Canada, subject to any limitations set out in this Regulation or any other regulation that applies to the local board.

2. The local board may accept extra-provincial powers and rights.

3. Where authorized by by-law, and subject to Regulation 400 of the Revised Regulations of Ontario, 1990 (By-laws for Local Boards) made under the Act, the local board may,

i. borrow money on the credit of the local board,

ii. issue, sell or pledge debt obligations of the local board, or

iii. charge, mortgage, hypothecate or pledge all or any currently owned or subsequently acquired real or personal movable or immovable property of the local board, including book debts, rights, powers, franchises and undertakings, to secure any debt obligations or any money borrowed or other debt or liability of the local board. O. Reg. 253/10, s. 1.

(4) The local board shall not,

(a) establish or acquire a controlling interest in a corporation or other entity;

(b) exercise its powers and perform its duties, or purport to do so, through a corporation or other entity; or

(c) indemnify or agree to indemnify any person in relation to any action or other proceeding except as permitted by Regulation 400 of the Revised Regulations of Ontario, 1990. O. Reg. 253/10, s. 1.

4. REVOKED: O. Reg. 253/10, s. 1.

**Composition of local board**

5. (1) The local board shall be composed of 10 board members. O. Reg. 123/04, s. 5 (1).

(2) The board members shall be producers elected to represent the five apple growing districts described in section 6. O. Reg. 123/04, s. 5 (2).

(3) There shall be two board members elected to represent each apple growing district in accordance with section 9. O. Reg. 123/04, s. 5 (3).

(4) A producer is eligible to be a board member for an apple growing district only if,

(a) he or she produces apples in the district or is a member of the group of producers for the district by virtue of subsection 7 (2); and

(b) at the time of his or her election to the board, he or she is a representative to the District Apple Producers' Committee for the district, having been elected as such under section 8. O. Reg. 123/04, s. 5 (4).

(5) A producer who produces apples in more than one apple growing district shall not be elected as board member for more than one district. O. Reg. 123/04, s. 5 (5).

#### Apple growing districts

6. For the purposes of elections to the local board and to the District Apple Producers' Committee, the following apple growing districts are established:

1. District 1 (Western District) comprising the upper-tier municipalities of Essex, Lambton and Middlesex and the single-tier municipality of Chatham-Kent.

2. District 2 (Central West District) comprising the upper-tier municipalities of Huron, Perth, Oxford and Elgin and the single-tier municipalities of Haldimand and Norfolk.

3. District 3 (Northern District) comprising the upper-tier municipalities of Bruce, Grey, Simcoe and Dufferin.

4. District 4 (Central District) comprising the upper-tier municipalities of Wellington, Peel, York, Halton, Waterloo and Niagara and the single-tier municipalities of Brant, Toronto and Hamilton.

5. District 5 (Eastern District) comprising the upper-tier municipalities of Durham, Northumberland, Peterborough, Frontenac Management Board, Hastings, Lanark, Lennox and Addington, Leeds and Grenville, and Prescott and Russell and the single-tier municipalities of Kawartha Lakes, Ottawa, Prince Edward, Renfrew and Stormont, Dundas and Glengarry. O. Reg. 123/04, s. 6.

#### District group of producers

7. (1) The producers who produce apples in an apple growing district form a district group of producers and every producer who produces apples in the district is a district group member. O. Reg. 123/04, s. 7 (1).

(2) A producer who produces apples in an area not included in any of the districts described in section 6 shall be a member of the district group of producers for the district that is nearest to the producer's place of production. O. Reg. 123/04, s. 7 (2).

#### District Apple Producers' Committee

8. (1) On or before December 31 of each year, the district group members of an apple growing district shall elect a District Apple Producers' Committee. O. Reg. 123/04, s. 8 (1).

(2) A District Apple Producers' Committee shall be composed of the number of representatives that is proportionate to the number of district group members for the district in a ratio of 1 to 20 as follows:

1. If the number of district group members is a multiple of 20, there shall be one representative on the Committee for every 20 district group members in the district.

2. If the number of district group members is not a multiple of 20, there shall be one representative on the Committee for every 20 district group members in the district, plus one additional representative. O. Reg. 123/04, s. 8 (2); O. Reg. 276/08, s. 1.

(2.1) Despite subsection (2), in any apple growing district in which there are less than 60 district group members, there shall be three representatives on the District Apple Producers' Committee. O. Reg. 253/10, s. 2.

(3) The representatives to the District Apple Producers' Committee shall be elected for a term which shall begin on the day following their election and end on the day of the election of the Committee the following year. O. Reg. 123/04, s. 8 (3).

#### Election, term of board members

9. (1) On or before December 31 of each year, the district group members for each district shall elect two board members. O. Reg. 123/04, s. 9 (1).

(2) The board members shall take office on the day of the first meeting of the board following the district annual meetings and shall hold office until their successors take office. O. Reg. 276/08, s. 2.

(3) If the district group members for a district fail to elect a board member on or before December 31 of a given year, the other members sitting on the local board shall appoint the board member for the district from among the district group members. O. Reg. 123/04, s. 9 (3).

#### First local board

10. Within 15 days of the day this Regulation comes into force, the Commission shall appoint 10 members to the local board to hold office until their successors are elected or appointed in accordance with section 9. O. Reg. 123/04, s. 10.

#### Vacancies on local board

11. (1) If a board member representing a particular district dies or resigns before the expiry of his or her term, then within 30 days of the death or resignation, the remaining board members may appoint a replacement board member from among the district group members from that district to fill the vacancy for the remainder of the term. O. Reg. 123/04, s. 11 (1).

(2) If the local board does not appoint a person under subsection (1) within 30 days of the death or resignation of the board member, the Commission may do so. O. Reg. 123/04, s. 11 (2).

(3) If a board member is unable to act, the remaining members of the local board may declare the position vacant and appoint a replacement board member to fill the vacancy for the remainder of the term. O. Reg. 123/04, s. 11 (3).

#### Chair

12. (1) The chair of the local board shall hold office for a term of one year and may be selected for a subsequent term. O. Reg. 123/04, s. 12 (1).

(2) A board member who serves as chair of the local board for six consecutive one-year terms may not serve again as chair until two years have elapsed since the end of the last term. O. Reg. 123/04, s. 12 (2).