

Farm Products Marketing Act

Loi sur la commercialisation des produits agricoles

R.R.O. 1990, REGULATION 418

GREENHOUSE VEGETABLES — PLAN

Consolidation Period: From July 25, 2007 to the e-Laws currency date.

Last amendment: O. Reg. 388/07

This Regulation is made in English only.

1. The plan in the Schedule is continued for the control and regulation of the producing and marketing within Ontario of greenhouse vegetables. R.R.O. 1990, Reg. 418, s. 1.

2. The local board named in the Schedule is given the powers set out in subsection 15 (1), in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 26 of subsection 15 (2) and in sections 50 and 110 of the Co-operative Corporations Act. R.R.O. 1990, Reg. 418, s. 2.

3. The members of the local board shall be deemed to be the shareholders and the directors thereof in the exercise of any of the powers mentioned in section 2. R.R.O. 1990, Reg. 418, s. 3.

SCHEDULE

PLAN

Farm Products Marketing Act

1. This plan may be cited as the “Ontario Greenhouse Vegetables Plan”.

2. In this plan,

“greenhouse vegetables” means cucumbers, lettuce, peppers and tomatoes produced in Ontario in a greenhouse or any other enclosure under glass, plastic or other material used for the purpose of controlling temperature and providing protection for the growing plants;

“producer” means a person engaged in the production of greenhouse vegetables.

3. This plan applies to the control and regulation in any or all respects of the producing and marketing within Ontario of greenhouse vegetables, including the prohibition of such producing or marketing in whole or in part.

4. There shall be a local board to be known as “Ontario Greenhouse Vegetable Growers”.

5. (1) The local board shall be composed of,

(a) 10 voting members elected or appointed in accordance with sections 11, 13 and 14;

and

(b) a chair whom the Commission shall appoint.

(2) The chair holds office at the pleasure of the Commission and shall not have any voting

rights.

(3) When present, the chair shall preside at all meetings of the local board.

(4) The Commission may appoint an acting chair who shall act in place of the chair during the chair’s absence or inability to act.

(5) The members of the local board from District 1 as described in section 6 shall elect a vice-chair from among themselves and the members of the local board from District 2 as described in that section shall elect a vice-chair from among themselves.

(6) The vice-chairs shall hold office until their successors are elected.

(7) The elections of vice-chairs shall take place at the first meeting of the local board over which the chair appointed by the Commission presides and annually after that at the first meeting after each election of members under section 11 or appointment of members under section 13, as the case may be.

(8) The chair and the vice-chair of the local board who were in office immediately before Ontario Regulation 41/03 comes into force shall continue to hold office until the Commission appoints a chair under clause (1) (b).

6. Producers are divided into District 1, made up of producers from the counties of Essex, Kent and Lambton, and District 2 made up of producers from all other parts of Ontario.

7. There shall be a committee in each district to be known as the “District Greenhouse Vegetable Producers’ Committee”.

8. (1) Each District Greenhouse Vegetable Producers’ Committee shall be composed of five members.

(2) Despite subsection (1), the members of the District Greenhouse Vegetable Producers’ Committee for District 2 who were in office immediately before Ontario Regulation 388/07 comes into force shall continue to hold office until their term of office expires.

9. Except in the case of the chair or the acting chair of the local board, the following rules apply with respect to being eligible to hold office on the local board or a District Greenhouse Vegetable Producers’ Committee, to voting to elect members to them or to appointing members to them:

1. The producer must be an individual,
 - i. who produces greenhouse vegetables on his or her own account,
 - ii. who is designated in writing as the producer by the corporation, partnership or firm which produces the greenhouse vegetables on its own account, or
 - iii. who produces greenhouse vegetables with one or more persons on their own account and who presents himself or herself first to vote.
2. REVOKED: O. Reg. 522/98, s. 1 (4).
3. Only a producer who is a producer in a district is eligible to be elected or appointed to the local board from the district.
4. A producer may be a member of both the local board and a District Greenhouse Vegetable Producers’ Committee.

10. (1) The producers in each district shall elect the District Greenhouse Vegetable Producers’ Committee from among the producers in the district before November 1 in each year.

(2) If the producers in a district fail to elect a member to the District Greenhouse Vegetable Producers’ Committee before November 1 in a year, the District Greenhouse Vegetable Producers’ Committee may, between that date and November 14, appoint a member from among the producers in the district.

(3) Elected members of each District Greenhouse Vegetable Producers’ Committee shall hold office from November 1 in the year of their election to and including October 31 of the year following their election.

(4) Appointed members of each District Greenhouse Vegetable Producers’ Committee shall hold office from the date of their appointment to and including October 31 next following their appointment.

11. (1) Members of the local board who were in office immediately before Ontario Regulation 41/03 comes into force shall continue to hold office until their term of office expires.

(2), (3) REVOKED: O. Reg. 41/03, s. 1 (3).

(4) In each year in which a member’s term of office expires, the producers in the district shall, before November 1, hold an election to replace the member.

(5) The members elected at an election held under subsection (4) shall hold office for a two-year period from November 1 in the year of election.

12. REVOKED: O. Reg. 185/91, s. 1 (4).

13. (1) If the producers in a district fail to elect a member to the local board before the 1st day of November in a year in which an election is required to be held, the District Greenhouse Vegetable Producers’ Committee for that district may, on or before the 15th day of November in that year, appoint a producer from that district to be the member.

(2) The local board may appoint such producers as are necessary to fill any vacancies remaining on the local board after the 15th day of November.

14. (1) If a member of the local board ceases to be a producer, resigns or is unable or unwilling to act, the local board shall declare the seat of the member vacant and appoint a producer to replace the member for the unexpired portion of the member’s term.

(2) If the local board fails to fill any vacancy on the local board within seven days of the declaration referred to in subsection (1), the Commission may appoint a producer to fill the vacancy for the unexpired portion of the term.

R.R.O. 1990, Reg. 418, Sched.; O. Reg. 185/91, s. 1; O. Reg. 679/94, s. 1; O. Reg. 522/98, s. 1; O. Reg. 104/01, s. 1; O. Reg. 41/03, s. 1; O. Reg. 274/05, s. 1; O. Reg. 388/07, s. 1.