

Farm Products Marketing Act

**R.R.O. 1990, REGULATION 417**

Amended to O. Reg. 112/06

**GREENHOUSE VEGETABLES — MARKETING**

Notice of Currency:\* This document is up to date.

\*This notice is usually current to within two business days of accessing this document. For more current amendment information, see the Table of Regulations – Legislative History Overview.

This is the English version of a bilingual regulation.

1. In this Regulation,

“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; (“légumes de serre”)

“local board” means Ontario Greenhouse Vegetable Growers; (“commission locale”)

“plan” means the Ontario Greenhouse Vegetables Plan; (“plan”)

“producer” means a person engaged in the production of greenhouse vegetables. (“producteur”)  
R.R.O. 1990, Reg. 417, s. 1; O. Reg. 103/01, s. 1; O. Reg. 275/05, s. 1.

2. This Regulation provides for 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. R.R.O. 1990, Reg. 417, s. 2.

3. The Commission exempts from this Regulation, other than clauses 4 (a), (b) and (c),

(a) lettuce 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; and

(b) persons engaged in the producing or marketing of lettuce mentioned in clause (a). R.R.O. 1990, Reg. 417, s. 3.

Powers of Local Board

4. The Commission delegates to the local board the power,

(a) to require persons engaged in producing or marketing greenhouse vegetables to register their names, addresses and occupations with the local board;

(b) to require persons engaged in producing or marketing greenhouse vegetables to furnish such information relating to the production or marketing of the greenhouse vegetables including the completing and filing of returns as the local board determines;

(c) to appoint persons,

(i) to inspect the books, records, documents, lands and premises and any greenhouse vegetables of persons engaged in producing or marketing greenhouse vegetables, and

(ii) to enter on lands or premises used for the producing of greenhouse vegetables and to measure the area of land used to produce the greenhouse vegetables;

(d) to stimulate, increase and improve the marketing of greenhouse vegetables by such means as it considers proper;

(e) to co-operate with a marketing board, local board, marketing commission or marketing agency of Canada or of any province in Canada for the purpose of marketing greenhouse vegetables; and

(f) to do such acts and make such orders and issue such directions as are necessary to enforce the due observance and carrying out of the Act, the regulations and the plan. R.R.O. 1990, Reg. 417, s. 4; O. Reg. 60/95, s. 1.

5. The Commission delegates to the local board its powers to make regulations with respect to greenhouse vegetables,

(a) providing for the licensing of any or all persons before commencing or continuing to engage in the producing or marketing of greenhouse vegetables;

(b) prohibiting persons from engaging in the producing or marketing of greenhouse vegetables except under the authority of a licence;

(c) providing for the refusal to grant or renew a licence or for the suspension or revocation of a licence,

(i) where the applicant or licensee is not qualified by experience, financial responsibility or equipment to engage properly in the business for which the application was made or the licence granted, or

(ii) where the applicant or licensee has failed to comply with or has contravened a provision of the Act, the regulations, a plan or an order or direction of the Commission or local board;

(d) providing for the imposition, amount, disposition and use of penalties where, after a hearing, the local board is of the opinion that the applicant or licensee has failed to comply with or has contravened any term or condition of a licence or any provision of this Act, the regulations, any plan or any order or direction of the local board;

(e) providing for the fixing of licence fees and their payment by any or all persons producing or marketing greenhouse vegetables and the collecting of the licence fees and their recovery by suit in a court of competent jurisdiction;

(f) prescribing the form of licences;

(g) subject to section 3, providing for the exemption from any or all of the regulations, orders or directions under the plan of any class, variety, grade or size of greenhouse vegetables, or any person or class of persons engaged in the producing or marketing of greenhouse vegetables or any class, variety, grade or size of greenhouse vegetables;

(h) requiring and providing for the furnishing of security or a performance bond or proof of financial responsibility by a person or class of persons engaged in the producing or marketing of greenhouse vegetables and providing for the administration, forfeiture and disposition of the money or securities furnished and the proceeds from them;

(h.1) authorizing the fixing of prompt payment discounts, delayed payment penalties and interest on licence fees and service charges owing by any person engaged in the producing or marketing of greenhouse vegetables;

(i) providing for the control and regulation of the producing or marketing of greenhouse vegetables, including the times and places at which greenhouse vegetables may be produced and marketed;

(j) providing for the control and regulation of agreements entered into by producers of greenhouse vegetables with persons engaged in marketing greenhouse vegetables, and the prohibition of any provision or clause in such agreements;

(k) requiring any person who produces greenhouse vegetables to offer to sell and to sell the greenhouse vegetables to or through the local board;

(l) prohibiting any person from packing or packaging any greenhouse vegetables that have not been sold to, by or through the local board; and

(m) providing for the making of agreements relating to the marketing of greenhouse vegetables by or through the local board, and prescribing the forms and the terms and conditions of such agreements. R.R.O. 1990, Reg. 417, s. 5; O. Reg. 657/94, s. 1; O. Reg. 60/95, s. 2; O. Reg. 112/06, s. 1.

#### Licence Fees

6. (1) The Commission authorizes the local board to use any class of licence fees, service charges and other money payable to it for the purposes of paying the expenses of the local board, carrying out and enforcing the Act and the regulations and carrying out the purposes of the plan. R.R.O. 1990, Reg. 417, s. 6 (1).

(2) The Commission authorizes the local board to establish a fund in connection with the plan for the payment of any money that may be required for the purposes mentioned in subsection (1). R.R.O. 1990, Reg. 417, s. 6 (2).

#### Agents

7. The Commission authorizes the local board to appoint agents, to prescribe their duties and terms and conditions of employment and to provide for their remuneration. R.R.O. 1990, Reg. 417, s. 7.

#### Marketing by Local Board

8. (1) All greenhouse vegetables shall be marketed by or through the local board. R.R.O. 1990, Reg. 417, s. 8 (1).

(2) No person shall market greenhouse vegetables except by or through the local board. R.R.O. 1990, Reg. 417, s. 8 (2).

9. The Commission vests in the local board the following powers:

1. To direct and control, by order or direction, either as principal or agent, the producing or marketing of greenhouse vegetables, including the times and places at which greenhouse vegetables may be produced or marketed.

2. To determine the quality of each class, variety, grade and size of greenhouse vegetables that shall be marketed by each producer.

3. To prohibit the marketing of any class, variety, grade or size of greenhouse vegetables.
4. To determine from time to time the price or prices that shall be paid to producers or to the local board, as the case may be, for greenhouse vegetables or any class, variety, grade or size of greenhouse vegetables and to determine different prices for different parts of Ontario.
5. To fix and impose service charges for the marketing of greenhouse vegetables.
6. To require the price or prices payable or owing to the producer for greenhouse vegetables to be paid to or through the local board.
7. To collect from any person by suit in a court of competent jurisdiction the price or prices or any part thereof of greenhouse vegetables.
8. To pay from service charges imposed under paragraph 5 its expenses in carrying out the purposes of the plan.
9. To pay to the producer the price or prices for greenhouse vegetables, less service charges imposed under paragraph 5, and to fix the times at which or within which such payments shall be made.
10. To purchase or otherwise acquire such quantity or quantities of greenhouse vegetables as the local board deems advisable, and to sell or otherwise dispose of any greenhouse vegetables so purchased or acquired. R.R.O. 1990, Reg. 417, s. 9.

10. Each payment made under paragraph 9 of section 9 shall be accompanied by a statement showing the classes, varieties, grades of each variety and the quantity of each grade of greenhouse vegetables sold, and the price or prices paid and the particulars of the service charges imposed by the local board. R.R.O. 1990, Reg. 417, s. 10.

#### Greenhouse Vegetable Industry Advisory Committee

11. (1) In this section,

“retailer” means a person in Ontario engaged in the retail selling of greenhouse vegetables for consumption; (“détaillant”)

“shipper” means a person in Ontario engaged in purchasing greenhouse vegetables from the producers thereof for resale. (“expéditeur”) R.R.O. 1990, Reg. 417, s. 11 (1).

(2) There shall be a committee to be known as the “Greenhouse Vegetable Industry Advisory Committee”. R.R.O. 1990, Reg. 417, s. 11 (2).

(3) The Greenhouse Vegetable Industry Advisory Committee shall be composed of a chair and eight members. R.R.O. 1990, Reg. 417, s. 11 (3).

(4) After the 1st day of November and before the 30th day of November in each year,

- (a) the Commission shall appoint the chair;
- (b) the local board shall appoint four members;
- (c) the shippers shall appoint two members; and
- (d) the retailers shall appoint two members,

to the Greenhouse Vegetable Industry Advisory Committee. R.R.O. 1990, Reg. 417, s. 11 (4).

(5) Subject to subsection (6), the members of the Greenhouse Vegetable Industry Advisory Committee are and remain members thereof until the 30th day of November in the year next following the year in which they were appointed. R.R.O. 1990, Reg. 417, s. 11 (5).

(6) Where a member of the Greenhouse Vegetable Industry Advisory Committee dies or resigns or is unavailable to act before the expiration of his or her term, the person or persons who appointed him or her shall appoint a person for the unexpired term of the member who dies, resigned or was unavailable to act. R.R.O. 1990, Reg. 417, s. 11 (6).

(7) Where the person or persons who are required to appoint any member to the Greenhouse Vegetable Industry Advisory Committee fail to do so in accordance with subsection (3) or (5), the Commission may appoint such members as are necessary to complete the said committee. R.R.O. 1990, Reg. 417, s. 11 (7).

(8) The Greenhouse Vegetable Industry Advisory Committee may advise and make recommendations to the local board or to any person or organization represented on the committee in respect of,

(a) the promotion of harmonious relationships between persons engaged in the production and marketing of greenhouse vegetables;

(b) the promotion of greater efficiency in the production and marketing of greenhouse vegetables;

(c) the prevention and correction of irregularities and inequities in the marketing of greenhouse vegetables;

(d) the improvement of the quality and variety of greenhouse vegetables;

(e) the improvement of the circulation of market information respecting greenhouse vegetables; and

(f) without limiting the generality of any of the foregoing, any matter with respect to which the Commission or the local board may be empowered to make regulations under the Act. R.R.O. 1990, Reg. 417, s. 11 (8).

12. The local board shall forthwith provide the Commission with full particulars of any recommendations made to the local board by the Greenhouse Vegetable Industry Advisory Committee. R.R.O. 1990, Reg. 417, s. 12.

13. The Commission authorizes the local board to conduct a pool or pools for the distribution of all money received from the sale of greenhouse vegetables and after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the money received from the sale in such manner that every producer receives a share of the remainder of the money received from the sale in relation to the amount, class, variety, grade or size of the greenhouse vegetables delivered by the producer, and authorizes the local board to make an initial payment on delivery of the greenhouse vegetables and subsequent payments until all of the remainder of the money received from the sale is distributed to the producers. R.R.O. 1990, Reg. 417, s. 13.