

Ontario Food Terminal Act

R.S.O. 1990, CHAPTER O.15

Consolidation Period: From October 25, 2010 to the e-Laws currency date.

Last amendment: 2010, c. 16, Sched. 1, s. 8.

Definitions

1. In this Act,

“Board” means the Ontario Food Terminal Board; (“Commission”)

“fruit and produce” includes dairy products, eggs, fish, honey, maple products, poultry and vegetables;
 (“fruits et denrées alimentaires”)

“manager” means the manager appointed under this Act; (“administrateur”)

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

“regulations” means the regulations made under this Act; (“règlements”)

“securities” includes bonds, debentures and promissory notes; (“valeurs mobilières”)

“Terminal” means the Ontario Food Terminal. (“Marché”) R.S.O. 1990, c. O.15, s. 1; 2009, c. 33, Sched. 1, s. 23 (1).

Ontario Food Terminal Board

2. (1) The Board known in English as the Ontario Food Terminal Board and in French as Commission du Marché des produits alimentaires de l'Ontario is continued as a body corporate and has a corporate seal in the form prescribed by the regulations.

Members of Board

(2) The Board shall consist of not more than seven persons appointed by the Lieutenant Governor in Council.

Chair, vice-chair

(3) The Lieutenant Governor in Council may appoint one of the members of the Board to be chair and one of the members to be vice-chair.

Quorum

(4) A majority of the members of the Board constitutes a quorum.

Allowances and expenses

(5) The members of the Board shall receive such fees and expenses as the Lieutenant Governor in Council may determine and any member of the Board who is charged with the performance of any special services may be paid such additional remuneration therefor as the Lieutenant Governor in Council may determine. R.S.O. 1990, c. O.15, s. 2.

Officers, remuneration

3. (1) Subject to the approval of the Lieutenant Governor in Council, the Board may appoint a manager of the Terminal and such officers as may be prescribed in the regulations and fix their remuneration, and the appointment of any person as a manager or other officer does not disqualify him or her from acting as chair, vice-chair or a member of the Board.

Employees

(2) Subject to the approval of the Board, the manager of the Terminal may appoint such employees as he or she considers necessary and fix their salaries or other remuneration. R.S.O. 1990, c. O.15, s. 3.

Objects of Board

4. (1) The objects of the Board are,

(a) to acquire, construct, equip and operate a wholesale fruit and produce market in the City of Toronto or The Regional Municipality of York known in English as the Ontario Food Terminal and in French as Marché des produits alimentaires de l'Ontario and to acquire and operate such facilities for the transportation and handling of fruit and produce as may be necessary for the purposes of the Terminal; and

(b) to do such other acts as may be necessary or expedient for the carrying out of its operations and undertakings. R.S.O. 1990, c. O.15, s. 4 (1); 1997, c. 26, Sched.

Power to borrow money and issue securities

(2) The Board has the power to borrow money and to issue securities for the purpose of carrying out any of its objects and to make such securities payable as to principal and interest at such time or times and in such manner and at such place or places as the Board may determine.

Additional powers

(3) The Board, in carrying out its objects, has the powers set out in sections 23 and 275 of the Corporations Act. R.S.O. 1990, c. O.15, s. 4 (2, 3).

Agreements

5. The Board may rent space in the Terminal to such persons and upon such terms as the Board considers proper and may make such arrangement and enter into such agreement with any such person as it considers advisable in the circumstances. R.S.O. 1990, c. O.15, s. 5.

Guarantee by Province

6. (1) The Lieutenant Governor in Council may authorize the Minister of Finance for and on behalf of the Province of Ontario to guarantee the payment of any securities issued by the Board, the repayment of any advances made by banks to the Board and the payment of any other indebtedness incurred by the Board. R.S.O. 1990, c. O.15, s. 6 (1); 2009, c. 33, Sched. 1, s. 23 (2).

Form of guarantee

(2) The form of any such guarantee and the manner of its execution shall be determined by the Lieutenant Governor in Council. R.S.O. 1990, c. O.15, s. 6 (2).

Application of money

7. All money received by the Board from the operation of its undertakings or otherwise shall be applied to,

(a) operating expenses;

(b) payment of interest on indebtedness; and

(c) a sinking fund established by the Minister of Finance for the repayment of securities guaranteed by the Minister of Finance under subsection 6 (1) and for the retirement of any other indebtedness of the Board,

and any surplus money remaining in any year after paying for operating expenses, interest on indebtedness and the repayment of any part of the principal money payable in that year shall be used in reducing the cost of operating the Terminal, reducing the fees, rents or other charges charged or made by the Board or for the setting up of such reserve funds as the Board may determine. R.S.O. 1990, c. O.15, s. 7; 2009, c. 33, Sched. 1, s. 23 (3).

Fiscal year

8. The fiscal year of the Board commences on the 1st day of April in each year and ends on the 31st day of March in the following year. R.S.O. 1990, c. O.15, s. 8.

Annual report

9. (1) The Board shall make a report annually to the Minister, and such report shall contain a financial statement certified by the auditor and such other matters relating to the work of the Board as the Minister may require.

Idem

(2) A copy of the report shall be filed with 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. O.15, s. 9.

Audit

10. The books and accounts of the Board shall be audited and checked from time to time by the Auditor General or such other auditor as the Lieutenant Governor in Council may designate and such auditor shall make an annual report to the Minister of Finance. R.S.O. 1990, c. O.15, s. 10; 2004, c. 17, s. 32; 2009, c. 33, Sched. 1, s. 23 (4).

Authority to sue and be sued

11. The Board may be sued and may institute or defend proceedings in any court. R.S.O. 1990, c. O.15, s. 11.

By-laws

11.1 Subject to this Act and the regulations, the Board may make by-laws relating to the conduct of Board meetings and to the Board's administrative practices and procedures. 2010, c. 16, Sched. 1, s. 8.

Regulations

12. Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) prescribing the officers of the Board;
- (b) prescribing the powers and duties of the manager of the Terminal and of the officers of the Board;
- (c) prescribing the form of the seal of the Board;
- (d) respecting the operation, management and maintenance of the Terminal;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1990, c. O.15, s. 12.

Rules

13. (1) Subject to the regulations, the Board may make rules with respect to,

- (a) the conduct of the Board's employees;
- (b) the conduct of the Board's tenants and their employees;
- (c) the conduct of any person on the Board's premises for any purpose;
- (d) the use by any person of the Board's facilities and equipment.

Approval of Minister

(2) No rule hereafter made under subsection (1) takes effect until it is approved by the Minister.
R.S.O. 1990, c. O.15, s. 13.

Offence

14. (1) Every person who contravenes this Act or the regulations or any rule made under this Act is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 for a first offence and to a fine of not more than \$5,000 or to imprisonment for a term of not more than thirty days, or both, for any subsequent offence.

Motor vehicle owner and driver liable for penalties

(2) Where an offence under subsection (1) is committed by means of a motor vehicle, the driver of the motor vehicle, not being the owner, is liable to the fine provided under subsection (1) and the owner of the motor vehicle is also liable to the fine provided under subsection (1) unless at the time the offence was committed the driver was in possession of the motor vehicle without the owner's consent. R.S.O. 1990, c. O.15, s. 14.