

ONTARIO REGULATION 723/93

GENERAL

Consolidation Period: From January 1, 2010 to the e-Laws currency date.

Last amendment: O. Reg. 442/09.

This is the English version of a bilingual regulation.

1. (1) A person who carries on a farming business shall file with the Minister a completed farming business registration form in every year in respect of which the annual gross income of the farming business equals or exceeds \$7,000. O. Reg. 723/93, s. 1 (1).

(2) The annual gross income of a farming business shall be determined in the same manner as the gross income from farming of the farming business is determined under the Income Tax Act (Canada) for the most recent taxation year for which a tax return was filed in relation to the farming business during the eighteen-month period preceding the date on which the annual registration form is required. O. Reg. 723/93, s. 1 (2).

2. A farming business registration form, in addition to the information mentioned in subsection 2 (3) of the Act, must contain the following information:

1. The name, location, address, fax number, e-mail address and emergency/fire/911 numbers of a home farm operated by the farming business as designated by the person filing the farming business registration form for the farming business.

2. The name, address, telephone number, fax number and e-mail address of an individual who can be contacted concerning the contents of the registration form and the operation of the farming business.

3. The form of business organization that is used in carrying on the farming business.

4. If an individual carries on the farming business, his or her name, address, telephone number, fax number, e-mail address, approximate age with reference to the age ranges specified in the form and educational background.

5. If a partnership carries on the farming business, the name, address, telephone number, fax number, e-mail address, approximate age with reference to the age ranges specified in the form, proportionate interest and educational background of the partner who is the most active in the farming business and the names of the other partners.

6. If a corporation carries on the farming business,

i. in the case of a business corporation that does not offer its shares to the public, the name, address, telephone number, fax number, e-mail address, approximate age with reference to the age ranges specified in the form and educational background of the shareholder holding the largest number of shares and the names of the other shareholders, and

ii. in the case of a business corporation that offers its shares to the public, a co-operative corporation incorporated under the Co-operative Corporations Act or a non-profit corporation incorporated under Part III of the Corporations Act, the name, address, telephone number, fax number, e-mail address, approximate age with reference to the age ranges specified in the form and educational background of the officer acting as the corporation's representative for the filing of the farming business registration form and the names of the other officers.

7. The approximate annual gross income of the farming business with reference to the income ranges specified in the form.
 8. The approximate number of individuals employed on a part-time, regular full-time and seasonal full-time basis with reference to the ranges specified in the form.
 9. The type of crops, livestock or poultry raised or the type of animal or other agricultural products produced in the farming business.
 - 9.1 The three agricultural products, listed in descending order, that make the greatest contribution to gross farm income.
 10. The area of the land used in the farming business, the amount, if any, of that area that is cultivated, the amount, if any, that is owned and the amount, if any, that is rented.
 11. The name and position within the farming business of the individual signing the form.
 12. On request, for the purpose of verifying the farming business's eligibility for the Class 6-farmlands property tax rate under the Assessment Act and for registration under the Act, additional financial, inventory and business information and records sufficient to establish that the eligibility criteria are met, including the gross income from farming of the farming business for the year. O. Reg. 723/93, s. 2; O. Reg. 446/97, s. 1; O. Reg. 42/99, s. 1.
3. (1) For the purposes of subsection 21 (1) of the Act,
"cheque" has the same meaning as in the Bills of Exchange Act (Canada), but does not include an undated, stale-dated or post-dated cheque. O. Reg. 723/93, s. 3 (1).
 - (2) The amount of the payment to be provided to the Ministry under subsection 21 (1) of the Act is \$195. O. Reg. 723/93, s. 3 (2); O. Reg. 442/09, s. 1.
4. The accreditation of the Christian Farmers Federation of Ontario and of the Ontario Federation of Agriculture is in effect for the three-year period starting on November 8, 1996. O. Reg. 480/96, s. 1.
 5. (1) Subject to the other provisions of this section, a farm organization qualifies for accreditation if it meets the following criteria:
 1. It has at least 250 members who,
 - i. carry on a farming business in Ontario, and
 - ii. have paid the membership fee.
 2. The majority of the members of the farm organization carry on a farming business for which there is a current farming business registration.
 3. It has an annual membership fee, including applicable taxes, of at least \$195 for each member.
 4. It is incorporated under a general or special Act of the Legislature.
 5. Its purpose is to represent persons carrying on farming businesses.
 6. It provides education or training in respect of agricultural matters.
 7. It has an executive body at the provincial level that is elected by its members or by electors chosen by members.

8. It has an established process whereby individual members have the right to make submissions on relevant issues of concern and the executive body has the duty to consider the submissions and respond.

9. It provides advice and analysis to governments, administrative tribunals or advisory bodies concerning agricultural issues and the development of programs or policies that are of interest to persons carrying on farming businesses.

10. If it is an unaccredited organization, it has submitted to the Tribunal audited financial statements for its most recent completed fiscal year and the auditor's report on those financial statements.

11. It has at least twelve local affiliates each of which represents members carrying on farming businesses in a different area of Ontario.

12. It contributes to the local affiliates referred to in paragraph 11 an amount that equals or exceeds 25 per cent of,

i. in the case of a farm organization that is not accredited, the amount that is obtained when the number of members it had in the most recent completed fiscal year before the day in which application for accreditation is made is multiplied by \$195 less the amount that would be payable in taxes if this amount were being charged as a membership fee, or

ii. in the case of a farm organization that is accredited, the amount that is obtained in the most recent completed fiscal year under subsection 21 (3) of the Act for which no refund was given under subsection 21 (5) of the Act less the amount that would be payable in taxes if this amount were being charged as a membership fee.

13. If it is an accredited organization, it has submitted to the Tribunal, on an ongoing basis during the period of its accreditation, its audited financial statements and audited report within ten days after each annual general meeting.

14. It has entered into, or agreed to enter into, an agreement with the Minister and the accredited farm organizations to provide special funding to the francophone organization that is eligible for special funding under section 12 or 13 of the Act. O. Reg. 723/93, s. 5 (1); O. Reg. 442/09, s. 2.

(2) A farm organization does not meet the criterion prescribed in paragraph 5 of subsection (1) if it represents only persons carrying on a farming business in which only certain crops, livestock or poultry are raised or in which only certain agricultural products are produced. O. Reg. 723/93, s. 5 (2).

(3) A farm organization does not meet the criteria prescribed in paragraphs 10 and 13 of subsection (1) unless,

(a) the financial statements include a balance sheet, a statement of members' equity, a statement of revenues and expenses and a statement of changes in financial position, however those statements are entitled;

(b) the financial statements and auditor's report are prepared in accordance with the standards set forth in the Handbook of the Canadian Institute of Chartered Accountants; and

(c) the financial statements show the amount received under subsection 21 (3) of the Act and the number of refunds made by the organization under subsection 21 (8) of the Act during the fiscal year and the per cent of the applicable amounts received under paragraph 12 of subsection (1) that the organization has contributed to branches referred to in paragraph 11 of subsection (1) during the fiscal year. O. Reg. 723/93, s. 5 (3).

(4) A farm organization does not meet the criterion prescribed in paragraph 11 of subsection (1) unless each local affiliate,

(a) has at least ten members, each of whom has paid the membership fee, carrying on farming businesses in the area concerned;

(b) has a local affiliate executive elected by the affiliate's members;

(c) has an annual general meeting; and

(d) is entitled to send a representative to any meeting of the farm organization to which representatives of local affiliates are invited. O. Reg. 723/93, s. 5 (4).

6. An accredited farm organization may apply for renewal of its accreditation only during the period that is no sooner than nine months and no later than six months before the expiry of its accreditation. O. Reg. 723/93, s. 6.

7. Uniondes cultivateurs franco-ontariens is eligible for special funding for three years starting on November 8, 1996. O. Reg. 480/96, s. 2.

8. (1) Subject to the other provisions of this section, a francophone organization representing farmers in Ontario may be eligible for special funding if, in addition to meeting the criteria set out in clauses 12 (a) and (b) of the Act, it meets the following criteria:

1. It promotes knowledge of agriculture and agricultural issues amongst francophones in agricultural and rural areas of Ontario.

2. It provides advice and analysis to governments, administrative tribunals or advisory bodies concerning agricultural issues and the development of programs or policies that are of interest to francophones carrying on farming businesses in Ontario.

3. It provides education or training in respect of agricultural matters or provides information on obtaining such education or training to francophones carrying on farming businesses in Ontario.

4. It plans, promotes or implements or assists in planning, promoting or implementing economic development projects in agricultural and rural areas of Ontario.

5. It maintains a liaison with the accredited organizations and other francophone organizations representing farmers.

6. It has an executive body that is elected by its members or by electors chosen by members.

7. If it is an organization that is eligible for special funding, it has submitted to the Tribunal, on an ongoing basis during the period of its eligibility, within ten days after each annual general meeting,

i. an annual report describing its objectives and activities and the number of members it has during its most recently completed fiscal year, and

ii. its audited financial statements and audited report for its most recently completed fiscal year.

8. If it is an organization that is not eligible for special funding, it has submitted to the Tribunal,

i. an annual report describing its objectives and activities and the number of members it has during its most recently completed fiscal year, and

ii. its audited financial statements and audited report for its most recently completed fiscal year.

9. It is incorporated under a general or special Act of the Legislature.

10. It has at least forty members who,

i. carry on a farming business in Ontario, and

ii. have paid the membership fee.

11. It has at least twenty-one members who carry on a farming business for which there is a current farming business registration. O. Reg. 723/93, s. 8 (1); O. Reg. 442/09, s. 3.

(2) A francophone organization does not meet the criteria prescribed in paragraphs 7 and 8 of subsection (1) unless,

(a) the financial statements include a balance sheet, a statement of members' equity, a statement of revenues and expenses and a statement of changes in financial position, however those statements are entitled; and

(b) the financial statements and auditor's report are prepared in accordance with the standards set forth in the Handbook of the Canadian Institute of Chartered Accountants. O. Reg. 723/93, s. 8 (2).

9. A francophone organization eligible for special funding may apply for renewal of its eligibility only during the period that is no sooner than nine months and no later than six months before the expiry of its eligibility. O. Reg. 723/93, s. 9.

10. In the Act and this Regulation,

“special funding” means the funding accredited organizations have agreed to pay to the eligible francophone organization. O. Reg. 723/93, s. 10.

11. For the purpose of subsection 21 (7) of the Act, the time prescribed for applying for a refund is the ninety-day period starting with the day the registration form is required to be filed. O. Reg. 723/93, s. 11.

12. For the purpose of subsection 11 (7) of the Act, the time prescribed for resubmitting a payment is the thirty-day period starting with the day the Ministry returns the first payment pursuant to subsection 11 (6) of the Act. O. Reg. 723/93, s. 12.

13. In addition to the information that the Minister must provide under subsection 21 (3) of the Act, the Minister may, under section 3 of the Act, for the purpose of promoting the efficient administration of the Act, provide to the appropriate farm organizations the fax numbers and e-mail addresses provided in the farming business registration forms of those who have provided payments under subsection 21 (1) of the Act. O. Reg. 42/99, s. 2.