



AGRICULTURE, FOOD AND RURAL AFFAIRS APPEAL TRIBUNAL

Business Plan 2025 - 2028

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EXECUTIVE SUMMARY

The Agriculture, Food and Rural Affairs Appeal Tribunal (Tribunal) is an independent, quasi-judicial appeal body constituted under Section 14 of the *Ministry of Agriculture, Food and Rural Affairs Act*. The Tribunal hears appeals, applications and complaints concerning matters in the agriculture and food industry.

People who are aggrieved and impacted by decisions made under various pieces of legislation in Ontario that govern the agriculture and food industry can access the Tribunal. Tribunal hearings are held in a way that respects the rights of all parties, operating in an impartial manner with full regard for the legislation under which appeals, applications, or complaints are brought forward; yet the Tribunal operates in a less formal manner than a court.

All members of the Tribunal are part-time per diem appointees appointed by the Lieutenant Governor-in-Council. Members come from various geographical areas throughout Ontario and have background and expertise in areas relating to agricultural production, processing, marketing, labour, consumer interests, and/or drainage matters. This broad expertise allows the Tribunal to address all appeals brought forward, including those requiring specialized technical knowledge.

The way in which the Tribunal operates and the range of expertise amongst the members support the expectations of clients, government and the general public that matters before the Tribunal will be dealt with in a fair and equitable manner.

OVERVIEW & MANDATE OF THE TRIBUNAL

The Tribunal is an adjudicative agency of the Ontario government where decisions made by other bodies can be appealed or where applications and complaints can be heard pursuant to legislation that allows the Tribunal to hear those matters. It is an accessible venue that allows due process to occur. Some members of the Tribunal are appointed to a special roster of members who may hear complaints and applications under the *Agricultural Employees Protection Act, 2002*.

Mandate of the Tribunal

The mandate of the Tribunal is to provide an independent, accessible avenue of appeal on a variety of agricultural issues under the following provincial statutes and have them heard by an impartial and knowledgeable Tribunal: the *Agricultural Employees Protection Act, 2002*; the *Agricultural Tile Drainage Installation Act*; the *Agricultural Products Insurance Act, 1996*; the *Animals for Research Act*; the *Animal Health Act, 2009*; the *Assessment Act*; the *Beef Cattle Marketing Act*; the *Commodity Board Members Act*; the *Drainage Act*; the *Farm Implements Act*; the *Farm Registration and Farm Organizations Funding Act, 1993*; the *Food Safety and Quality Act, 2001*; the *Grains Act*; the *Livestock Community Sales Act*; the *Livestock and Livestock Products Act*; and the *Ministry of Agriculture, Food and Rural Affairs Act* (for appeals of decisions made under the *Farm Products Marketing Act* and the *Milk Act*).

Mission and Values of the Tribunal

To provide a fair and impartial hearing and decision process for those who are aggrieved by a direction, policy, order or decision, or who require the resolution of a dispute pursuant to legislation that falls under the mandate of the Tribunal.

The Tribunal values:

- 1) Evidence-based decision making with clearly reasoned and expressed decisions
- 2) Respect and consideration
- 3) Fairness and accessibility
- 4) Continuous professional development of its members
- 5) Adherence to adjudicative process principles
- 6) Endeavouring to reach consensus in the decision-making process

ENVIRONMENTAL SCAN & AGENCY RISK MANAGEMENT

The Tribunal is a responsive agency. The Tribunal processes appeals, applications and complaints as they are filed. As a result, the Tribunal's workload is determined by the number of appeals received each year. Although the Tribunal is required by legislation to provide adjudicative services to the public in a timely manner, the Tribunal is also required to work within a set budget. As an agency, the Tribunal continues to look for ways to enhance efficiencies and effectiveness in administrative, financial and operational business processes. If the number of

Tribunal appeals and related activity increases, financial and administrative resource concerns may result.

Of the 18 statutes under which the Tribunal can hear appeals, applications or complaints, the *Ministry of Agriculture, Food and Rural Affairs Act* is the only legislation that imposes a timeline for releasing hearing decisions. The legislation states that the Tribunal shall, within 20 days after the hearing is completed, send notice of its decision and reasons, if any, to all parties to the appeal and to the Minister. This 20-calendar day requirement for releasing decisions is challenging for the Tribunal given its part time membership, particularly in those cases where multiple parties are involved, hearings are lengthy, and the evidence presented is voluminous.

Factors that are likely to impact the volume of appeals, applications or complaints to the Tribunal include:

- Decisions made by marketing boards that have a significant financial impact on the livelihood of producers and other groups.
- The number of landowners who appeal drainage matters under the *Drainage Act*.

Marketing boards have the authority to make decisions, policies, regulations, orders or directions pursuant to their powers and authorities. Where any person is aggrieved by a decision of a marketing board, that person may appeal to the Tribunal, provided the appellant has first applied to the marketing board for a hearing and reconsideration or both have waived their respective right to a hearing. Where decisions of a marketing board have a financial impact on the livelihood of producers and other groups, there is a greater likelihood of decisions being appealed to the Tribunal.

The Tribunal finds that appeals and hearings continue to increase in complexity. Also, as the dollar value at stake in appeals increases, the Tribunal may see more appellants and more appellants with legal representation.

Risk identification, assessment and mitigation strategies

The AAD requires provincial agencies to have a risk-based approach to managing agency oversight. The Tribunal has no medium or high-risk issues. The Tribunal has identified two low corporate risks in the Strategic and Operational categories along with potential corrective action.

Risk #1

Risk Category: Strategic Risk	Description: 20-day timeline for sending notice of its decisions in Section 16(12) of the <i>Ministry of Agriculture, Food and Rural Affairs Act</i> is challenging given the complexity of cases and part- time resources of the Tribunal.
Mitigation strategies: The Tribunal strives to release its decisions as quickly as possible and informs stakeholders that decisions may take longer than the 20-day requirement depending upon the complexity of the matter under appeal and volume of evidence to be considered.	

Risk #2:

<i>Risk Category:</i> Accountability/ Governance Risk	<i>Description:</i> Caseload/number of appeals and appeal complexity could have an impact on the Tribunal's ability to complete decisions within suggested timelines.
<i>Mitigation strategies:</i> Mitigate the risk by informing stakeholders that decisions may take longer than anticipated for completion, depending upon the complexity of the matter and volume of evidence to be considered.	

COMMITMENTS AND HIGHLIGHTS OF STRATEGIES FOR 2025-28

The Tribunal will continue to deliver on its key commitments and strategies as it moves forward into the next business cycle. These commitments and strategies support the Tribunal's goal of providing a fair and impartial hearing and decision-making process in an accessible venue, including the virtual venue. The Tribunal focuses on the proficient delivery of adjudicative services, confidence in the Tribunal by parties, efficient decision making, timely release of decisions and compliance with all regulatory requirements.

The Tribunal aims to maintain adequate capacity to hear appeals and thus reduce the time to hold a hearing and complete cases. One new Vice Chair was appointed in 2024 and since 2021, various Vice-Chairs and Members have been re-appointed.

The Tribunal is responsive to and inclusive of the diversity of Ontario through its people and processes. Recruitment practices are coordinated with the Public Appointments Secretariat (PAS) to ensure a fair and transparent application process.

The Tribunal follows the PAS mission which looks for people who are committed to the principles and values of public service and who will perform their duties with integrity.

Our responsibility is to make sure that appointees:

- are representative of all segments of Ontario society
- reflect Ontario's diversity and regional representation
- have the personal and professional integrity to serve the public on Ontario's provincial agencies

Orientation, training and mentorship are provided to ensure new members can address any issue that arises during the proceedings. Members and staff will continue to be diligent in meeting the requirements of the Travel, Meal and Hospitality Expenses Directive. Hearing and travel arrangements, if required, will continue to be made in the most cost-effective manner. The

Tribunal respects its obligations under the *Accessibility for Ontarians with Disabilities Act, 2005*. The Tribunal will continue to respect all accommodation requests for venues or proceedings and ensure its Business Plan, Annual Report, and other governance and public accountability documents comply with the Agencies and Appointments Directive (AAD) and the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009* (ATAGAA).

In 2023, an agency mandate review of the Tribunal was completed per the requirements of the AAD. The review concluded that the Tribunal's mandate remains relevant, is necessary to achieve OMAFA's priorities, and should be maintained in its current form. The Tribunal's current goals/strategies, accountability requirements, and governance and appointments structures are aligned with its mandate. The mandate review also determined that the current agency structure is the most appropriate form of delivery mechanism for the type of adjudicative dispute resolution services that are currently being provided by the agency.

The Tribunal respects the need to meet the expectation that decisions be released in a timely manner. However, appeal matters have increased in complexity and more often involve multiple parties with legal representation. As a result, the Tribunal will continue to inform stakeholders that some decisions may take longer to complete depending on the complexity of the matter under appeal and the volume of evidence to be considered.

The Tribunal uses a client survey to get feedback on its services. The results of the survey assist the Tribunal in its ongoing efforts to improve its service delivery and to evaluate its performance. Surveys are distributed electronically to participants once a decision has been released. Survey distribution was expanded in early 2024 so that surveys are now sent:

- After an appeal/application/complaint has been withdrawn;
- After a hearing is held and the Tribunal has released its decision; or
- If a matter was dismissed for another reason.

The Tribunal continues to hold virtual hearings which assist in the Tribunal's efforts to provide services in an efficient manner.

Programs and Activities

The Tribunal will deliver on the following key activities within its five key strategic directions:

Liaising with Public

- Having staff liaise with parties to the appeals, providing non-legal advice regarding appropriate hearing, pre-hearing and post-hearing practices and procedures.
- Making governance and public accountability documents available on its website.
- Posting decisions to the Canadian Legal Information Institute website (exceptions include some decisions under the *Assessment Act* and religious exemptions under the *Farm Registration and Farm Organizations Funding Act, 1993*).
- Chair responding to media inquiries in a timely manner.

- Complying with the *French Language Services Act* and the *Accessibility for Ontarians with Disabilities Act, 2005*.
- Receiving feedback through a survey distributed to parties once a matter is closed.

Processing of Appeals, Applications and Complaints

- Screening the appeal, application or complaint to assess its compliance with the Act under which it is filed. Further information may be solicited from the parties.
- Informing the Chair of the receipt of the appeal, application or complaint so that he may assign a panel of members to hear the dispute.
- Scheduling the hearing. Pre-hearing conferences may be scheduled where appropriate.
- Responding to questions about the Tribunal's processes and procedures.
- Tracking and administering the appeal process through to the release of the written decision.

Hearings and Decision-Making

- Conducting hearings in a manner that respects the rights of all parties.
- Applying the Rules of Procedure made pursuant to the *Statutory Powers Procedure Act* and the *Tribunal Adjudicative Records Act, 2019* to ensure a fair and cost-effective determination of appeals, applications and complaints.
- Providing unrepresented parties with adequate information on hearing procedures prior to the hearing.
- Issuing written decisions.

Orientation and Ongoing Education

- Providing an annual training session for members with a review of responsibilities under the applicable legislation and directives.
- Providing members with the following documents to review: Ethics Plan, Code of Conduct, Accessibility Policy, and the *Public Service of Ontario Act* Parts I, IV and V and its Conflict of Interest regulation.
- New members are provided with the following training and orientation:
 - i. An orientation session that introduces them to their role and responsibilities.
 - ii. An intensive adjudicator training course offered by the Society of Ontario Adjudicators and Regulators.
 - iii. Observing a Tribunal proceeding prior to being assigned to a panel.
 - iv. Being paired with an experienced Vice-Chair to provide mentorship.
 - v. Being provided with legal cases and articles of relevance for review.

Compliance with ATAGAA and AAD

- Ensuring the Tribunal is accountable, transparent and efficient in its operations while remaining independent in its decision-making.
- Remaining compliant with Public Accountability Documents: Mandate and Mission Statement, Consultation Policy, Service Standards Policy, Ethics Plan and Member Accountability Framework including Code of Conduct.

- Remaining compliant with Governance Accountability Documents: Memorandum of Understanding, Business Plan and Annual Report.
- Posting governance documents on website to fulfill the government's objective of increased transparency.

HUMAN RESOURCES

The Ministry of Agriculture, Food and Agribusiness (OMAFA or ministry) provides administrative, financial and support services to the Tribunal through the Business Services Branch, Research and Corporate Services Division.

Three full-time employees/FTEs provide secretariat support to the Tribunal. Staff work under the supervision of a Manager, who manages the day to day delivery of administrative, financial and support services to the Tribunal in accordance with Treasury Board and Management Board of Cabinet and Ministry of Finance directives.

Staff administer Tribunal operations by planning, coordinating and supporting all required activities related to hearings. These include addressing pre-hearing and post-hearing issues; liaising with parties to appeals to provide information and explanations related to hearing practices and procedures; issuing official correspondence; explaining rules of procedure to parties to appeals and their counsel and completing the necessary accountability documents required by government legislation or directives.

Legal services to the Tribunal are provided by the Ministry of the Attorney General through OMAFA's Legal Services Branch.

PERFORMANCE MEASURES & TARGETS

The Tribunal currently has two performance measures. There are plans to review the performance measures and targets to ensure its services and programs are achieving intended objectives.

Target #1: Timeliness for Releasing Written Decisions after Hearings

A key benefit to using administrative tribunals is that parties to a dispute may have their issue decided in a timely manner without having to access a superior court. The Tribunal has established timelines for releasing decisions after a hearing. The Tribunal measures the average days to release a decision, the range in days to release a decision, and the percentage of decisions released outside its guidelines.

The Tribunal measures the number of days it takes to release a decision after the conclusion of a hearing. The current service standards as required by legislation or as set out in guidance material are:

- 20 days – Proceedings held under the *Ministry of Agriculture, Food and Rural Affairs Act*

- 30 days – Proceedings held under all other statutes

The *Ministry of Agriculture, Food and Rural Affairs Act* is the only legislation that imposes a timeline for releasing decisions. The legislation states that the Tribunal shall, within 20 days after the hearing is completed, send notice of its decision and reasons, if any, to all parties to the appeal and to the Minister.

In some cases, decisions may take longer than anticipated depending upon the complexity of the matter and the volume of evidence to be considered. The Tribunal also monitors the number of days between the receipt of an appeal, application or complaint to the release of the decision. It does not set performance targets in this regard, as delays in setting hearings are largely due to external factors, such as party and representative availability. The Tribunal also tracks the number of appeals filed by commodity and statute.

Target #2: Client Satisfaction

The Tribunal tracks clients' confidence in the appeal process through a client survey distributed to parties after a matter is closed. It is unusual that all parties to a proceeding are satisfied with the outcome, nor is that a goal the Tribunal tries to meet. Instead, the Tribunal attempts to ensure that all parties are treated fairly and have confidence that the process used to hear the matter was reasonable.

Client satisfaction is tracked by key indicators.

Expected Outcomes:

1. Proficient delivery of adjudicative services.
2. Confidence in the Tribunal by parties.
3. Efficient decision making and timely release of decisions.
4. Compliance with the Travel, Meal and Hospitality Expenses Directive.
5. Compliance with the requirements of the AAD and the ATAGAA.

The target is to achieve 80 per cent client satisfaction rate.

FINANCIAL BUDGET

The chart below outlines the proposed budget for the Tribunal for the next three fiscal years. The Tribunal has an operational expenses budget allocated by OMAFA. The budget for operating expenses will continue to be used to deliver on all Tribunal business priorities.

Expense category	2025-26	2026-27	2027-28
Transportation, communications, services, supplies, and equipment.	\$150,600	\$150,600	\$150,600

INFORMATION TECHNOLOGY & ARTIFICIAL INTELLIGENCE

The Tribunal operates within the Ontario Public Service Management and Use of Information and Information Technology Directive.

At present, the Tribunal does not utilize Artificial Intelligence (AI). Therefore, as per Section 6.3 of the Ontario Government's Responsible Use of AI Directive, it does not utilize AI for development or delivery of a program/policy/service, in decision-making, in maintaining records of AI risk management, or in leveraging AI for direct public interactions (i.e. chatbot).

COMMUNICATION PLAN

The Tribunal's offices is located in the Government Building at 1 Stone Road West, Guelph. Since 2020, the Tribunal has been conducting its hearings virtually through the Zoom online platform. The Tribunal also conducts hearings throughout Ontario, as necessary, to improve its accessibility to parties.

The Tribunal website can be accessed at this address: <https://afraat.ca/>. General information about the Tribunal, information on how to prepare for a hearing, information about upcoming hearings, the Rules of Procedure and agency accountability documents are posted on the website. The site is accessible in English and French. Decisions of the Tribunal are posted on the Canadian Legal Information Institute website at www.canlii.ca/en/on/onafraat with the exception of decisions under the *Assessment Act* and religious exemptions issued under the *Farm Registration and Farm Organizations Funding Act, 1993*.

There is an established system for retaining Tribunal documents, for making such documents publicly available when appropriate, and for ensuring compliance with the *Freedom of Information and Protection of Privacy Act* and the *Archives and Recordkeeping Act, 2006* where applicable.

Inquiries

All inquiries to the Tribunal can be made as indicated below. The Tribunal Chair acts as the spokesperson for all media inquiries.

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