



NORMAL FARM PRACTICES PROTECTION BOARD

ANNUAL REPORT

2023-24

Message from the Chair

I am pleased to present the Annual Report of the Normal Farm Practices Protection Board (Board) for the fiscal year ending March 31, 2024. The report focuses on the Board's achievements for the year. On behalf of the members of the Board, I wish to thank the Minister of Agriculture, Food and Agribusiness for the services provided to the Board according to the Memorandum of Understanding.

The Board continues to seek to balance the needs of the agricultural community with provincial health, safety and environmental concerns to resolve disputes regarding agricultural operations and to determine what constitutes a normal farm practice.

On behalf of the Board members, I look forward to continuing to serve the agriculture and food sectors, as well as rural communities, throughout Ontario.

Yours truly,

Glenn C. Walker, Chair
Normal Farm Practices Protection Board

Table of Contents

Message from the Chair	1
1.0 Introduction	3
1.1 Values.....	3
1.2 Mandate and Mission Statement	3
1.3 Governance	3
2.0 Hearings	4
3.0 Highlights from 2023-24	4
3.1 Complaints About Farm Practices.....	4
3.2 Board Activities	4
4.0 Operational Performance	5
4.1 Performance Measures and Results	5
5.0 Financial Performance	6
Operating Expenditures	7
6.0 Staff Resources.....	7
7.0 Remuneration	8
8.0 Recruitment Activity	8
9.0 Inquiries	9

1.0 Introduction

The Normal Farm Practices Protection Board (Board) is established under the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. 1 (the “Act”) to rule on issues pertaining to farm practices. Board proceedings are subject to the Act and the *Statutory Powers Procedure Act* (SPPA).

Board hearings are less formal than court proceedings but still follow the principles of natural justice. Hearings are managed in such a way that most complainants or respondents may present their case with or without representation by legal counsel if they so choose. This promotes greater access to the services of the Board for all.

1.1 Values

The Board values:

1. timely, evidence-based, impartial, and independent decision making with clearly reasoned and expressed decisions
2. respect and consideration
3. fairness and accessibility
4. adherence to customer service and adjudicative process principles

1.2 Mandate and Mission Statement

The mandate of the Board is established by the Act. Section 3 establishes the Board as well as the appointment authority for the chair, vice-chairs, and members.

Subsection 4 (2) of the Act provides that the Board has the power to:

- a) inquire into and to resolve disputes respecting agricultural operations and to determine what constitutes a normal farm practice; and
- b) make necessary inquiries and orders to ensure compliance with its decisions.

The Board’s mission statement is to provide a fair hearing and decision process to all parties involved in disputes regarding normal farm practices.

1.3 Governance

The Board is governed by the *Agency and Appointments Directive* (AAD), the *Travel, Meal and Hospitality Expenses Directive*, and other applicable directives from the Ontario Treasury Board/Management Board of Cabinet. Board members are made aware of the AAD and its requirements. All accountability and governance documents required for the Board have been published on the Board’s web page in accordance with the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009* (ATAGAA). Reimbursements of Board members’ expenses were all within the guidelines of the *Travel, Meal, and Hospitality Expenses Directive*.

2.0 Hearings

A farmer is not liable in nuisance to any person for a disturbance resulting from an agricultural operation carried on as a normal farm practice. Disturbances covered are those arising from odour, dust, flies, light, smoke, noise, and vibration. No municipal by-law applies to restrict a normal farm practice carried on as part of an agricultural operation.

The Act defines a “normal farm practice” as a practice that:

- a) is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances, or
- b) makes use of innovative technology in a manner consistent with proper advanced farm management practices.

The operations of the Board are governed by the Act, the SPPA, and its own Rules of Practice and Procedure. The Rules require that complaints about farm practices first attempt the conflict resolution process conducted by Ministry’s agricultural engineers and environmental specialists.¹ If this process is not successful, a party can bring an application before the Board.

For unresolved cases, parties may apply for a hearing before the Board. The Board conducts a pre-hearing/settlement conference with the parties. The pre-hearing conference identifies and narrows issues and determines hearing logistics. The settlement conference is a further attempt at settlement. If the settlement conference is unsuccessful, the Board conducts a hearing to determine, among other things, whether the farm practice involved is a "normal farm practice."

3.0 Highlights from 2023-24

3.1 Complaints About Farm Practices

The type of complaints received are either disturbance complaints or municipal by-law complaints. Through the conflict resolution process, OMAFA advises that ministry staff were able to resolve (i.e., conflict resolution successful or on-going) 93 per cent (77 out of 83) of nuisance and by-law complaints received in 2023-24, thereby avoiding 77 potential Board hearings. The majority of complaints received in 2023-24 were related to odour or noise.

3.2 Board Activities

Ten applications received in previous fiscal years were carried over into the 2023-24 fiscal year. In 2023-24, the Board received six new applications. Of the total 16 case files, 11 cases were closed.

¹ Formerly, the Ministry of Agriculture, Food and Rural Affairs (OMAFRA)

The chart below summarizes the Board’s cases for period of April 1, 2023 to March 31, 2024:

# of cases carried over from previous fiscal year	# of new applications Received in 2023/2024	# of cases closed in 2023-24
10	6	11

The Board conducts a pre-hearing/settlement conference with the parties for each accepted application. A pre-hearing conference identifies and narrows issues for the hearing and determines the hearing’s logistics. A settlement conference is a further attempt at dispute resolution. A withdrawn application withdrawn may be an indication of a successful settlement, thus avoiding a potentially costly hearing.

By-Law complaints received in 2023-24 primarily focused upon property standards.

Disturbance complaints received in 2023-24 primarily focused upon noise from agricultural operations.

4.0 Operational Performance

The ATAGAA came into force (in part) on April 7, 2010. The purpose of the ATAGAA is to ensure that adjudicative tribunals are accountable, transparent, and efficient in their operations by having in place governance accountability documents (which include a Memorandum of Understanding, Business Plan, and Annual Report) and public accountability documents (which include a Mandate and Mission Statement, Consultation Policy, Service Standard Policy, Ethics Plan and Member Accountability Framework). The Board continued to meet these requirements in the 2023-24 fiscal year.

4.1 Performance Measures and Results

The Board measures the performance of its programs in three areas:

1. Timeliness of response to request for hearing

Number of days between receipt of a hearing application and response to applicant on whether the application is set for a hearing.

On receipt of a complete application for a hearing, the Board will issue a decision on whether the case is accepted for hearing within 20 calendar days. Time begins when the Board receives a complete application; it does not include time taken for the applicant to provide missing information.

This timeline goal is set based on what is a reasonable amount of time for staff and the Chair to review the application, assign, and confirm a hearing panel's availability, based on workload and the number of staff working on Board files. The Boards target is to respond to 100% of complete applications received within the 20 calendar day timeline.

Results: The Board received six applications for a hearing during the 2023-24 fiscal year. It responded within 20 calendar days of receipt of an application, whether the application was accepted or denied, 100 per cent of the time.

2. Timeliness of Board decisions

Following completion of a hearing, the Board endeavors to release its written decision, with reasons, to the parties according to the following schedule:

- a) Hearings lasting less than five days: decision released within 60 calendar days
- b) Hearings lasting five to 20 days: decision released within 90 calendar days
- c) Hearings lasting more than 20 days: decision released within 120 calendar days

These timeline goals are set based on the comparatively larger volume of evidence typically presented during a 5-day hearing versus that in a 20-day or lengthier hearing.

Results: During the 2023-24 fiscal year, the Board held one hearing (less than five days). As of the time of this report, the Tribunal's decision has not been reached.

3. Quality of Service

The Board's goal is fewer than three complaints about the quality of service received per fiscal year.

The measure is the incidence of complaints from parties about any aspect of the quality of the provision of the Board's service.

Results: The Board did not receive any complaints about any aspect of the quality of the Board's service during the 2023-24 fiscal year.

5.0 Financial Performance

The Board secretariat support is funded by the ministry. A Memorandum of Understanding (MOU) is in place which sets out the accountability relationships between the Board, the Ministry and the Minister to enable the Board to operate "at arm's length" from OMAFA. The "arm's length" relationship ensures that the Board can operate independently and that OMAFA does not have any undue influence on the decisions of the Board regarding cases that come before it.

The Board operates under a budget from the Ministry and as such does not have its own audited financial statements. The budget is used to deliver the hearing services and other business priorities of the Board

across the province. The budget includes money for members and staff for agency operating expenses related to transportation, communication, services, supplies and equipment.

Operating Expenditures

Category	23-24 (\$) Budget	23-24 (\$) Actual	23-24 (\$) Variance	22-23 (\$) Actual
Transportation & Communications	1,000.00	82.03	917.97	436.76
Services	66,000.00	20,855.31	45,144.69	66,196.63
Supplies & Equipment	500.00	0	500.00	0
Total	67,500.00	20,937.34	46,562.66	66,633.39

The Board cannot predict how many new cases will be brought forward by the public, clients, or stakeholders in any given fiscal year. Budget forecasting is based on trends in historical volumes of hearings, active matters that transcend the previous fiscal year, government fiscal policies or social, environmental, or economic factors that have the potential to impact the sector.

When compared to the previous fiscal years, spending in 2023-24 was similar in the categories on supplies and equipment, with no funds being spent. In 2023-24, the Board's underspending of its allotted budget can largely be attributed to virtual hearings. Services expenses were underspent due to virtual hearings being implemented. Expenditures that fall under the Services category consist mainly of per-diem payments to the Chair, Vice-Chairs, and Members for their work. This includes correspondence, reviewing documents, preparing for upcoming matters, hosting Pre-Hearing Conferences, Conducting Motions, and conducting Hearings. Furthermore, a number of cases were resolved without a hearing, and some will continue into the 2024-25 fiscal year.

6.0 Staff Resources

The ministry has employees who support and provide services to the Ontario Ministry of Agriculture, Food and Agribusiness's two adjudicative agencies, which includes the Tribunal. The ministry provides administrative and financial support through the Corporate Planning and Projects Unit, Business Services Branch, Research and Corporate Services Division. Legal services are provided to the Tribunal by the Ministry of the Attorney General through dedicated counsel at the Legal Services Branch of the Ministry of Agriculture, Food and Agribusiness.

7.0 NFPPB Members

2023-24 fiscal year total remuneration was \$20,855.31.

Board Members 2023-24 Fiscal Year				
Name	Appointment date	Expiry date	Per diem remuneration rate	Total annual remuneration (2023-2024)
Glenn Walker , Chair	Jan 1, 2020	Dec 31, 2024	\$744	\$5,580.00
Brandi Neil , Vice-Chair	Mar 10, 2021	Mar 28, 2026	\$583	\$8,162.00
Christine Greydanus , Vice-Chair	Apr 28, 2021	Apr 27, 2026	\$583	\$583.00
Robert Brander, Member	Oct 26, 2015	Oct 25, 2023	\$472	\$0
John Lohuis , Member	Jan 30, 2018	Jan 29, 2026	\$472	\$472.00
Rod De Wolde , Member	Jun 10, 2019	Jun 9, 2029	\$472	\$3,068.00
Lisa Hern , Member	May 22, 2019	May 21, 2029	\$472	\$472.00
Betty Ann Mackinnon , Member	Apr 29, 2021	Apr 28, 2026	\$472	\$472.00
Judy Dirksen , Member	Apr 15, 2021	Apr 14, 2026	\$472	\$472.00
Robert Fuller , Member	Jun 3, 2021	Jun 2, 2026	\$472	\$0

8.0 Recruitment Activity

One Member's term expired during the 2023-24 fiscal year. One Vice-Chair and some Members have been re-appointed.

9.0 Inquiries

Copies of full Board decisions are available online at www.canlii.org or may be requested from the Board directly.

Media requests made to the Board are addressed according to the Communications Protocol appended to the Memorandum of Understanding between the Minister and the Chair.

All questions regarding any matter pertaining to the Board may be directed to:

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This document is also available in French. Please contact the Board at 519-826-3433 or by email at NFPPB@ontario.ca to request a copy in French.

Ce document est également disponible en français. Veuillez contacter la commission au 519 826-3433 ou par courriel à NFPPB@ontario.ca pour demander une copie en français.