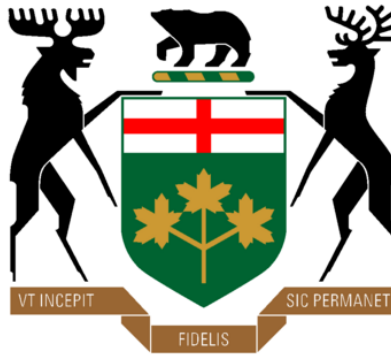




NORMAL FARM PRACTICES PROTECTION BOARD

Annual Report 2024 - 2025

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, 2025. 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.

In the last fiscal year, updates to the Agencies and Appointments Directive (AAD) came into effect on October 1, 2024, aimed at enhancing oversight and strengthening the governance of provincial agencies. The Board has worked to integrate key requirements of the revised AAD to become more efficient, sustainable and accountable.

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 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 2024-25	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
5.1 Operating Expenditures	7
6.0 Staff Resources.....	8
7.0 Appointees and Recruitment Activity.....	8
7.1 2024-25 NFPPB Members Remuneration.....	8
8.0 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 complainants about farm practices first attempt the conflict resolution process conducted by the Ministry of Agriculture, Food and Agribusiness’s (OMAFRA) agricultural engineers and environmental specialists. If this process is not successful, a party can bring an application before the Board.

For cases unresolved after the dispute resolution process, parties may apply for a hearing before the Board. The Board conducts a pre-hearing conference with the parties and may engage in a settlement conference. 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 2024-25

3.1 Complaints About Farm Practices

The type of complaints received are either disturbance complaints or municipal by-law complaints. Through OMAFA’s conflict resolution process, ministry staff were able to resolve (i.e., conflict resolution successful or on-going) 81 per cent (59 out of 73) of nuisance and by-law complaints received in 2024-25, thereby avoiding 59 potential applications to the Board that could result in a hearing. The majority of complaints received in 2024-25 were related to odour or noise.

3.2 Board Activities

Five applications received in previous fiscal years were carried over into the 2024-25 fiscal year. In 2024-25, the Board received seven new applications. Of the total 12 case files, 10 cases were closed.

The chart below summarizes the Board’s cases for period of April 1, 2024, to March 31, 2025:

# of cases carried over from previous fiscal year	# of new applications Received in 2024-25	# of cases closed in 2024-25
5	7	10

By-Law complaints received in 2024-25 primarily focused upon property standards while the Board also received two applications relating to by-laws restricting guardian worker dogs.

Disturbance complaints received in 2024-25 primarily focused upon noise and odour 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 2024-25 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 2024-25 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 2024-25 fiscal year, the Board released 7 decisions (four from hearings, two relating to applications for costs, and one motion to dismiss). All but one fell within the “less than five days” schedule. While every effort is made to meet the established timelines, some decisions may take longer to complete depending on the complexity of the matter and the volume of material involved.

Hearing Length	Number of Decisions	Average Time to Release Decision	Percent Released on Time
Less than 5 days	6	42.5	5 (80%)
5 - 20 days	1	60	1 (100%)

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 2024-25 fiscal year.

5.0 Financial Performance

The Board secretariat support is funded by the ministry. A Memorandum of Understanding 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.

5.1 Operating Expenditures

Category	2024-25			2023-24 Actual
	Budget	Actual	Variance	
Transportation and Communications	\$1,000.00	-	\$1000.00	\$82.03
Services	\$23,000.00	\$41,459.00	-\$18,459.00	\$20,855.31
Supplies and Equipment	-	-	-	-
Total	\$24,000.00	\$41,459.00	-\$17,459.00	\$20,937.34

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 2024-25 was similar in the categories on supplies and equipment and transportation and communications, with no funds being spent.

In 2024-25, the Board's overspending of its allotted budget can largely be attributed to the number of virtual hearings and the increased number of decisions written. During fiscal year 2023-24, the Board released zero decisions, while during fiscal year 2024-25 it released 7 decisions.

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. Legal services were also included, as well as translations and court reporter fees.

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 Board. 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 Board 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 Appointees and Recruitment Activity

The Board is guided by the mission of the Public Appointments Secretariat to ensure the most qualified individuals having the highest personal and professional integrity serve the public on the province's provincial agencies. The Board is composed of ten part-time appointees, including the Board Chair, who have a range of expertise in farming and/or municipal experience and an understanding of the context within which the Board operates.

One member was appointed during the 2024-25 fiscal year. Additionally, the Chair was re-appointed. Updated membership and respective term and compensation information for the Board as of the 2024-2025 fiscal year is as follows:

7.1 2024-25 NFPPB Members Remuneration

Board Members Remuneration for Services Provided During the 2024–25 Fiscal Year				
Name	Appointment Date	Expiry Date	Per Diem Remuneration Rate	Total Annual Remuneration (2024-25)
<u>Glenn Walker</u> , Chair	Jan 1, 2025	Dec 31, 2029	\$744	\$9,672.00
<u>Brandi Neil</u> , Vice-Chair	Mar 29, 2023	Mar 28, 2026	\$583	\$583.00
<u>Christine Greydanus</u> , Vice-Chair	Apr 28, 2023	Apr 27, 2026	\$583	\$6,996.00
<u>David Fawcett</u> , Member	May 17, 2024	May 16, 2026	\$472	\$236.00
<u>John Lohuis</u> , Member	Jan 30, 2023	Jan 29, 2026	\$472	\$944.00
<u>Rod De Wolde</u> , Member	Jun 10, 2024	Jun 9, 2029	\$472	\$5,428.00
<u>Lisa Hern</u> ,	May 22, 2024	May 21, 2029	\$472	\$708.00

Member				
<u>Betty Ann Mackinnon</u> , Member	Apr 29, 2023	Apr 28, 2026	\$472	\$472.00
<u>Judy Dirksen</u> , Member	Apr 15, 2023	Apr 14, 2026	\$472	\$236.00
<u>Robert Fuller</u> , Member	Jun 3, 2023	Jun 2, 2026	\$472	\$472.00

8.0 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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 1 Stone Road West, Guelph, Ontario N1G 4Y2
 Telephone: (519) 826-3433
 Toll-Free: (888) 466-2372 Ext. 519-826-3433
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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.