



NORMAL FARM PRACTICES PROTECTION BOARD

Business Plan 2025 - 2028

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EXECUTIVE SUMMARY

The Normal Farm Practices Protection Board (the “NFPPB” or the “Board”) is established under the *Farming and Food Production Protection Act, 1998* (the “Act”) to hear and rule on issues pertaining to farm practices. By protecting normal farm practices, the Board helps to preserve the competitiveness of Ontario’s farmers.

In accordance with the Preamble of the Act, the Board seeks to balance the needs of the agricultural community with provincial health, safety and environmental concerns. Under the Act, the Board holds hearings on nuisance complaints about farm practices, applications seeking non-application of municipal by-laws, and referrals from judges. The Board rules on whether the farm practices at issue are “normal farm practices”.

The Act provides in s. 2(1) that a farmer is not liable in nuisance to any person for a disturbance resulting from a normal farm practice carried on as part of an agricultural operation. Disturbance is defined as meaning odour, dust, flies, light, smoke, noise and vibration. The Act further preserves the ability to conduct normal farm practices as part of an agricultural operation pursuant to s. 6(1), “No municipal by-law applies to restrict a normal farm practice carried on as part of an agricultural operation”.

Board proceedings are subject to the Act and the *Statutory Powers Procedure Act*. Board hearings are less formal than court proceedings but follow the rules of natural justice. Hearings are managed in such a way that any complainant or respondent may present their case with or without legal representation.

The Board is governed by the Agencies and Appointments Directive (AAD), the Travel, Meal and Hospitality Expenses Directive, and other applicable Directives from Management Board of Cabinet and Treasury Board. 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”).

OVERVIEW & MANDATE OF THE BOARD

The Board protects normal farm practices that are fundamental to farming and food production. While the authority for this protection is the Act, the Board adds value through a conflict resolution process mandated by the Board's Rules of Practice and Procedure. The Environmental Management Branch of Ontario's Ministry of Agriculture, Food and Agribusiness ("OMAFRA" or the "Ministry") provides environmental specialists and engineers to conduct the conflict resolution process independently from the Board. This results in a vast majority of farm practice related conflicts being resolved without recourse to hearings. Farmers and residents are thus spared the costs and time involved in preparing for hearings. In addition, since conflict resolution often results in agreements between the parties, farmers enjoy a better relationship with their neighbours after the conflict than if the matter was decided by a Board ruling.

Mandate of the Board

The Board's mandate is established by the Act. Section 3 establishes the Board and provides for the Minister of Agriculture, Food and Agribusiness to appoint the Chair, Vice-Chairs and Members. Subsection 4(2) states that the Board has the power to:

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

Mission Statement

To provide a fair hearing and decision process to all parties involved in disputes regarding farm practices.

Vision Statement

To be acknowledged and respected by all parties in the agricultural, municipal and environmental fields as a fair arbiter of disputes involving farm practices.

Values/Operating Principles

The Board is committed to the following values and operating principles:

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.

Resources Needed to Meet Strategic Directions

- Technical expertise to independently resolve disputes/complaints prior to coming before the Board, provided by the Environmental Management Branch of OMAFA.
- Capable and qualified members with adjudicative experience and knowledge of agricultural matters.
- Administrative, financial and support services provided by OMAFA.

ENVIRONMENTAL SCAN & AGENCY RISK MANAGEMENT

The Board is an independent adjudicative agency of the Ontario government.

The Board's workload is determined by the number of applications received each year. The Board continues to experience an increased volume of applications for both nuisance complaints and by-law issues, with four active cases as of February 2025. In recent years, some hearings have become more complex due to an increase in motions regarding procedures, jurisdiction and persons seeking third party status.

Before an application for a hearing can be considered by the NFPPB, the matter must have gone through the Farm Practices Conflict Resolution Process provided by the Environmental Management Branch of OMAFA.

Risk identification, assessment and mitigation strategies

The AAD requires provincial agencies to have a risk-based approach to managing agency oversight. The Board has no medium or high-risk issues. The Board has identified five low corporate risks, along with potential corrective action.

Risk #1

<i>Risk Category:</i> Strategic Risk	<i>Description:</i> Risk that the Board fails to manage stakeholder expectations
<i>Mitigation strategies:</i> Unrepresented parties are provided information on hearing procedures in a format which is easily understood. The needs of parties and witnesses are accommodated in compliance with the <i>Accessibility for Ontarians with Disabilities Act (AODA)</i> .	

Risk #2:

<i>Risk Category:</i> Strategic Risk	<i>Description:</i> Risk that the Board may not provide value for money or be cost-effective
<i>Mitigation strategies:</i> The Board adheres to the Travel, Meal and Hospitality Expenses Directive and the Procurement Directive. The Board's Rules also require that all cases go through conflict resolution, provided by ministry staff, before they can be accepted for hearing. The move to adopt electronic and written hearings will continue to provide process and resource efficiencies. The Chair works with the ministry to ensure compliance with the AAD, Travel, Meal and Hospitality Expenses Directive and the Procurement Directive.	

Risk #3

<i>Risk Category:</i> Accountability/Governance Risk	<i>Description:</i> Risk of conflict of interest of Board members
<i>Mitigation strategies:</i> Before hearing a case, the Board Panel members must confirm that they have no conflict of interest or apprehension of bias that would preclude them from hearing the case. When scheduling cases, the Chair selects panel members from a region outside that in which the case originates if possible. The risk mitigation activities maintained by the Board minimize the possibility of conflict of interest situations between Board Panel members and the cases they adjudicate.	

Risk #4

<i>Risk Category:</i> Accountability/Governance Risk	<i>Description:</i> Risk that Board members may be sued due to decisions or actions taken in the course of their duties.
<i>Mitigation strategies:</i> Board members are indemnified against liabilities arising from the good faith performance of their duties. The Board Secretary is to ensure that the ministry's Legal Services Branch is informed at an early stage about any cases that may have potential for lawsuit.	

Risk #5

Risk Category: Operational Risk	Description: The risk that services will not be delivered according to quality standards or in a timely manner as expected (for reasons unrelated to caseload) (Includes business continuity and financial risks).
Mitigation strategies: The Board's roster of members enables flexibility to avoid scheduling conflicts and unnecessary delays. The pre-hearing conferences (PHC) enables the Board to estimate the number of days needed for a full hearing to improve its efficiency. An accurate estimate of the number of days it takes to complete the hearing is achieved following the PHC in 80 per cent of cases. The Board continues to monitor the speed in which decisions are addressed. In May 2023 the Board updated its Rules of Practice and Procedure and also changed its service standard for time to release a decision to 60 calendar days (regardless of hearing length). The updated Rules of Practice and Procedure can be found at the following link: Rules of Practice and Procedure – Normal Farm Practices Protection Board (nfppb.ca) .	

COMMITMENTS AND HIGHLIGHTS OF STRATEGIES FOR 2025-28

The Board will continue to deliver on its historical key commitments and strategies moving into the next business cycle. These commitments and strategies envelop the Board's goal of providing a fair and impartial hearing and decision process in an accessible venue. The Board's focus continues to be on proficient delivery of adjudicative services, confidence in the Board by parties to the application and hearing process, efficient decision-making and timely release of decisions, and compliance with all regulatory requirements.

The Board 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), ensuring a fair and transparent application process.

The Board is guided by the mission of the PAS to ensure the most qualified individuals having the highest personal and professional integrity serve the public on Ontario's provincial agencies. Furthermore, "persons selected to serve must reflect the true face of Ontario in terms of diversity and regional representation". The Board will ensure its service delivery is responsive to the diverse communities it serves and that it promotes an inclusive workforce.

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 will continue to be provided to ensure members can address any issue that arises in 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 Board respects its obligations under AODA. The Board will ensure its Business Plan, Annual Report, and other governance and public accountability documents comply with the AAD and the ATAGAA.

In 2023, an agency mandate review of the Board was completed per the requirements under the AAD. The review concluded that the Board's mandate remains relevant, is necessary to achieve OMAFA's priorities, and should be maintained in its current form. The Board'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 Board will continue to deliver on the following key activities supporting its strategic directions:

Communication with the Public

- Through its website, the Board will continue to provide the public with information about normal farm practices, what to expect when moving to the country, the work of the Board, how to apply for a hearing, how to prepare for a hearing, accessibility considerations and the operation and accountability of the Board. The Board's Rules of Practice and Procedure and Citizen's Guide are available from the Board's website and Board Secretary. Board decisions are available on the Canadian Legal Information Institute website at www.canlii.org/en/on/onnfppb/ or from the Board Secretary.
- 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 Applications

- The Board will process hearing applications in accordance with its performance standards.
- To reduce financial burden, minimize the number of hearings and promote agreement between parties, the Board will continue to apply the conflict resolution process before an application proceeds to a hearing.
- Responding to questions about the Board's processes and procedures.

Hearings

The Board will:

- a. Conduct all Board business in accordance with the customer service standards of the AODA, as set out in the Board's Accessibility Document at: [/ Accessibility Document of the Normal Farm Practices Protection Board – Normal Farm Practices Protection Board \(nfppb.ca\)](https://nfppb.ca)
- b. Endeavour to have hearing procedures adhere to the principles of natural justice and the duty of procedural fairness.
- c. Make adequate information on hearing procedures available to parties in a form that is easily understood and meets the requirements of the AODA.
- d. Provide full access to information on the Act and the Board, and to all Board decisions. Since 2020, the Board continues to hold virtual hearings held via the Zoom online platform which assists in the Board's efforts to provides services in an efficient manner.
- e. Manage cases at the pre-hearing and hearing stages in a manner that encourages settlement between parties and eliminates or shortens hearings.
- f. Complete the processing of hearing applications and issuance of decisions in a timely manner to meet Board service standards.

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 Board 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 Board 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 (OMAFRA or ministry) provides administrative, financial and support services to the Board through the Business Services Branch, Research and Corporate Services Division.

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

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

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

The Board consists of not fewer than five persons appointed by the Minister, of whom one may be appointed as Chair and one or more of the remaining members as Vice-Chair. Panels of at least three Board members adjudicate hearings. The Board meets as necessary to discuss policy issues. Members are appointed for an initial term of two years and are eligible for reappointment. The term of appointment is generally a maximum of 10 years in total.

PERFORMANCE MEASURES & TARGETS

The Board currently has three 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 of response to request for hearing

The speed of the response regarding acceptance or rejection of applications for a hearing is the number of days between receipt of a hearing application and the response to the applicant on whether the application is accepted for a hearing. This is a measure of the length of time a person who applies for a hearing must wait before they know when the Board will proceed to hear their case. The measure begins when the Board receives a complete application; it does not include time taken for the applicant to provide missing information. To assist the applicant, the Board has provided the full application form showing all the required information on the NFPPB website: <https://nfppb.ca/application/>.

Target #2: Timeliness of Board decisions

The speed of issuance of Board decisions is the number of days between completion of the hearing and release of the decision. This is a measure of the length of time the parties must wait for the Board's written decision after the hearing has ended. Following completion of a hearing, the Board endeavors to release its written decision, with reasons, to the parties within 60 days.

Target #3: Quality of Service

The quality of service is a measure of the Board's commitment to its values and operating principles. The Board measures the incidence of complaints from parties about any aspect of the quality of the Board's service to them. The performance goal is fewer than three complaints about quality of service per year. The Board did not receive any complaints about any aspect of the quality of the Board's service during the 2024-25 fiscal year.

FINANCIAL BUDGET

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

Expense category	2025-26	2026-27	2027-28
Transportation, communications, services, supplies, and equipment.	\$56,500	\$56,500	\$56,500

INFORMATION TECHNOLOGY & ARTIFICIAL INTELLIGENCE

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

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

The Board website address is <https://nfppb.ca/>. General information about the Board, information on how to prepare for a hearing, the Citizen's Guide, the Rules of Practice and Procedure and agency accountability documents are posted on the website. The site is accessible in English and French. Board Decisions are posted on the Canadian Legal Information Institute website at www.canlii.ca/en/on/onnfppb.

There is an established system for the retention of Board 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 Board can be made as indicated below. The Board Chair acts as the spokesperson for all media inquiries.

Normal Farm Practices Protection Board
1 Stone Road West, 2nd Floor NW, Guelph, ON N1G 4Y2
Telephone: 519-826-3433
Toll free: 1-888-466-2372 ext. 519-826-3433
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