

TURKEY FARMERS OF ONTARIO

GENERAL REGULATIONS - 2015

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**TURKEY FARMERS OF ONTARIO
GENERAL REGULATIONS - 2015**

**MADE UNDER THE *FARM PRODUCTS MARKETING ACT &
COMMODITY BOARDS AND MARKETING AGENCIES ACT***

Interpretation

- S.1(1) (a) "Act" means the *Farm Products Marketing Act*;
- (b) "agreement" means an oral or written agreement for the marketing of turkeys between a producer and a buyer;
- (c) "basic quota" means a quota for the production & marketing of turkeys by category, fixed and allotted by the commodity board to a producer in respect of registered premises;
- (d) "breeder quota" means a basic quota for the production & marketing of breeder turkeys fixed and allotted by the commodity board to a producer in respect of registered premises;
- (e) "breeder turkey" means a female turkey that has produced an egg or a male turkey that has produced semen and that is at least 28 weeks of age;
- (f) "broiler turkey" means a turkey that does not exceed 6.2 kilograms live weight, and that has not produced an egg or semen;
- (g) "buyer" means a person who buys or possesses turkeys for processing and includes a processor;
- (h) "category" means the classification of turkeys as either broiler, hen, tom or breeder;
- (i) "commercial quota" means a quota allotted by the commodity board for a specified period of time for the production and marketing of turkeys that are under 28 weeks of age and that have not produced an egg or semen;
- (j) "commodity board" means Turkey Farmers of Ontario;
- (k) "custom kill" means the slaughter of a turkey for a person by a processor where the turkey meat is returned to that person;
- (l) "dealer" is a person other than a hatchery engaged in the buying and selling of poults;

- (m) "hatchery" means a person engaged in the production and marketing of poults;
- (n) "hen turkey" means a turkey exceeding 6.2 kilograms live weight, but not exceeding 10.8 kilograms live weight, that has not produced an egg or semen;
- (o) "individual unregistered premises" are identified by the legal description relating to the relevant parcel of land as set out in appropriate Registry or Land Titles office;
- (p) "its office" means the office of the commodity board located at 1120 – 100 Conestoga College Blvd., Kitchener, ON N2P 2N6;
- (q) "marketing" includes advertising, assembling, buying, financing, offering for sale, packing, processing, selling, shipping, storing and transporting and "market" and "marketed" have corresponding meanings;
- (r) "marketing quota" means a quota for the production and marketing in Canada of turkeys allotted by the commodity board to a producer by category for a specified quota period;
- (s) "On-Farm Food Safety Program" means the Turkey Farmers of Canada (TFC) HACCP based program promulgated by the TFC and consisting of various pre-requisite programs or practices augmented by various record keeping requirements related to the production of turkey;
- (t) "overmarketings" means the quantity of kilograms live weight of turkeys that are sold or processed by or on behalf of a producer in excess of the producer's marketing quota and "overmarket" and "overmarketed" have corresponding meanings;
- (u) "person" means an individual, body corporate, partnership association, trust or other organization as the case may be;
- (v) "poult" means a turkey of not more than 10 days of age;
- (w) "poult placement report" is a form prescribed by the commodity board providing information pertaining to the placement or sale of poults intra provincially or interprovincially;
- (x) "processing" means the slaughtering of turkeys and/or the subsequent handling pertinent thereto and includes further processing;
- (y) "processor" means a person engaged in the processing and/or further processing of turkeys;

- (z) "producer" means the beneficial owner of registered premises in respect of which a basic quota has been fixed and allotted for the production and marketing of turkeys;
- (aa) "producer receipt form" is a form prescribed by the commodity board providing information pertaining to the transporting of turkeys;
- (bb) "producer remittance form" is a form prescribed by the commodity board providing information pertaining to the marketing of turkeys;
- (cc) "quota period" means the time period established by the commodity board in which a producer is required to utilize his marketing quota;
- (dd) "registered premises" means the lands and buildings, if any, in respect of which the commodity board has fixed and allotted a basic quota and these premises are identified by the legal description pertaining to them set out in the appropriate Registry or Land Titles office;
- (ee) "tom turkey" means a turkey that exceeds 10.8 kilograms live weight and that has not produced an egg or semen;
- (ff) "turkey" means a turkey or any class or part thereof regardless of breed or colour;
- (gg) "turkey barn" means a building or a structure on a registered premises used for the production of turkeys that has been approved by the commodity board for such purpose;
- (hh) "unregistered premises" means all the land in the Province of Ontario in respect of which the commodity board has not fixed and allotted a basic quota;

(2) In all regulations, orders, directions and decisions of the commodity board, whenever reference to gender is made in connection with persons, the same shall be construed as including the masculine or feminine as the case may be where the fact or context so requires.

Application

S.2 This Regulation provides for the control and regulation in any or all respects of the producing and marketing within Ontario of turkeys, including the prohibition of such producing and marketing in whole or in part.

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Exemptions

S.3 Subject to the provisions of Section 10, 11 and 16 (reporting requirements), the commodity board exempts from this regulation the production and marketing of not more than 50 turkeys from individual unregistered premises during each calendar year.

Production of Turkey

S.4(1) All turkeys shall be produced on a quota basis.

- (2) No person to whom a quota has not been fixed and allotted for the producing of turkeys or whose quota has been cancelled shall produce any turkey.
- (3) No person to whom a quota has been fixed and allotted for producing turkeys shall produce any turkey in excess of such quota.
- (4) No person shall produce turkey on lands or premises other than the lands or premises in respect of which the quota for producing turkey was fixed and allotted.

Marketing of Turkey

S.5(1) All turkeys shall be marketed on a quota basis.

- (2) No person to whom a quota has not been fixed and allotted for the marketing of turkey, or whose quota has been cancelled, shall market any turkey.
- (3) No person to whom a quota has been fixed and allotted for the marketing of turkey shall market any turkey in excess of such quota.
- (4) No person to whom a quota has been fixed and allotted for the marketing of turkey produced on lands or premises in respect of which such quota was fixed and allotted shall market any turkey other than the turkey produced on such lands or premises.

Licence as a Producer

S.6(1) No person shall commence or continue to engage in the producing or marketing of turkey except under the authority of a licence as a producer of turkey.

- (2) The commodity board may refuse to grant or renew, suspend or revoke a licence where the applicant or the licensee is not qualified by experience, financial responsibility or equipment to engage in properly the business for which the application was made or where the applicant or licensee has failed to comply with or has contravened any provision or the Act, the regulations, the plan or any order or direction of the commodity board.

Licence Fees

- S.7(1) Every person shall pay to the commodity board licence fees at the rate of \$0.015 per kilogram live weight only for each turkey produced by that person and processed. Commencing January 1, 2011 every person shall pay to the commodity board additional licence fees at the rate of \$0.015 per kilogram live weight only for each turkey produced by that person and processed to fund the Generic Marketing Program, which is a minimum of a five year commitment with annual reviews.
- (2) Any person who receives turkeys for processing shall deduct from the money payable for the turkeys any licence fees payable to the commodity board by the person for whom the turkeys were received and shall forward such licence fees to the commodity board at its office not later than the Friday of the week next following the week in which the turkeys are processed.
- (3) Any person who receives turkeys for custom killing is exempt from subsection (2) and S.14 (c).
- (4) Every person shall forward to the commodity board at its office any licence fees payable by that person under subsection (1) that were not delivered and forwarded to the commodity board in the manner prescribed by subsection (2) in respect of turkeys processed in any week, not later than the Friday of the week next following the week in which the turkeys are processed.
- (5) Any person who fails to pay licence fees in accordance with this regulation shall be subject to such delayed payment penalties and interest charges as fixed by the commodity board at the rate of 2% per month and commencing on the Friday of the week following the week of slaughter.
- (6) The commodity board may recover from any person by suit in a court of competent jurisdiction any licence fees payable to the commodity board by that person.

Producer Reporting Requirements

- S.8(1) Breeder and breeder replacement flocks are exempt from this section with the exception of (9) (a) (b) (c).

Mortality

- (2) Every producer shall complete a true and accurate mortality report for each flock of turkeys produced.
- (3) Each report shall be retained by the producer and made available for inspection by the commodity board for a minimum of 24 months following shipment of the flock.

- (4)(a) (i) Any mortality above 8.00% for a flock of broilers shall be deemed to be abnormal;
- (ii) Any mortality above 8.50% for a flock of hens shall be deemed to be abnormal;
- (iii) Any mortality above 12.50% for a flock of toms shall be deemed to be abnormal;
- (b) When abnormal mortality occurs to a flock, a producer shall file a report with the commodity board at its office immediately and such report shall include such supporting documentation as may be required by the commodity board to verify the mortality claimed.

Flock Analysis Report

- (5) Every producer shall complete and file with the commodity board at its office, a true and accurate Flock Analysis Report on a form prescribed by the commodity board, not later than 45 days following shipment of the flock.
- (6) All producers shall comply with the requirements of the Canadian Notifiable Avian Influenza Surveillance System (CanNAISS) administered by the Canadian Food Inspection Agency in accordance with the *Health of Animals Act (Canada)*.

Live Export

- (7) **No person shall produce or market live turkeys for export in excess of the amount of marketing quota allotted to him during a quota year and shall comply with the conditions as specified in the Turkey Farmers of Canada Export Policy, Section 3.**
- (8) Any person producing turkeys for live export shall report to the commodity board as follows:
 - (a) a prescribed placement form shall be completed and delivered to the commodity board not later than Friday of the week next following the week in which the flock is placed.
 - (b) a prescribed shipping form shall be completed and delivered to the commodity board not later than Friday of the week next following the week in which the flock is shipped.

Land & Buildings

- (9)(a) Every producer who has constructed a new turkey barn on the registered premises, or made renovations or alterations to an existing turkey barn that changed the square footage on the registered premises, shall report such construction, renovations or alterations to the commodity board no later than 30 days following completion.
- (b) No producer shall place turkeys in a new turkey barn, or renovated or altered turkey barn, prior to reporting to the commodity board in accordance with paragraph (a).
- (c) Every producer shall report immediately to the commodity board the destruction of any turkey barn from whatever cause.

Producer Placement Report

- S.9 Every person who receives poults from other than a licenced Ontario hatchery shall, not later than Monday next following receipt of such poults, shall file with the commodity board at its office, true and accurate documentation establishing the following information:
- (a) Name and address of Hatchery of origin;
 - (b) Port of entry;
 - (c) Date of placement;
 - (d) Quantity placed;
 - (e) Type placed.

Hatcheries

- S.10 (a) The commodity board may suspend, revoke or refuse to renew a hatchery licence if the hatchery fails to observe or carry out the provisions of the Act, the regulations, orders or directions of the commodity board.
- (b) No hatchery shall market more than 50 turkeys per calendar year to any person who is not a producer unless such person presents to the hatchery a valid dealer licence issued by the commodity board.
 - (c) No hatchery shall market turkeys to a producer whose basic quota has been suspended or cancelled by the commodity board.
 - (d) All turkeys marketed by a hatchery to a person other than the holder of a

valid dealer licence issued by the commodity board under section 12 (a) shall be released by the hatchery to the purchaser of those turkeys and to no other person.

- (e) Every hatchery shall complete and file weekly with the commodity board at its office, a true and accurate Turkey Placement, Sales & Purchase report on a form prescribed by the commodity board.
- (f) **Every hatchery shall complete and file by the Friday following the week of activity, a true and accurate Flock Detail and Movement Report on a form prescribed by the commodity board or a true and accurate copy of the Agriculture and Agri-Food Canada Hatchery Report**
- (h) A hatchery shall report any change of name, address, phone number or business location to the commodity board within ten (10) business days of the date on which the change occurred.

Dealer

- S.11 (a) No dealer shall engage in the marketing of turkeys except under the authority of a licence issued by the commodity board.
- (b) The commodity board may suspend, revoke or refuse to renew a dealer licence if the dealer fails to observe or carry out the provisions of the Act, regulations, order or directions of the commodity board.
 - (c) No dealer shall market more than 50 turkeys per calendar year to any person who is not a producer unless such person presents to the dealer a valid dealer's licence from the commodity board.
 - (d) Every dealer shall distribute all turkeys in the dealer's possession within 21 days of the date of purchase.
 - (e) All turkeys marketed by a dealer to a person other than the holder of a valid dealer licence issued by the commodity board under section 11 (a) shall be released by the dealer to the purchaser of those turkeys and to no other person.
 - (f) Every dealer shall complete and file with the commodity board at its office, within 30 days of receipt of turkeys, a true and accurate Ontario Turkey Sales report on a form prescribed by the commodity board.
 - (g) A dealer shall report any change of name, address, phone number or business location to the commodity board within ten (10) business days of the date on which the change occurred.

Processors

- S.12 (a) No processor shall carry on business except under the authority of a licence issued by the commodity board.
- (b) The commodity board may suspend or revoke or refuse to renew a processor licence if the processor fails to observe or carry out the provisions of the *Act*, regulations, orders or directions of the commodity board.
- (c) A processor shall report any change of name, address, phone number or business location to the commodity board within ten (10) business days of the date on which the change occurred.

Posting of Licence

- S.13 Every holder of a hatchery licence, dealer licence or processor licence shall post same in a conspicuous place in the licensee's place of business and maintain it so posted so long as the licence remains in effect.

Purchase and Sale of Turkeys

- S.14 (a) Any person who produces turkeys shall offer to sell and sell turkeys to or through the commodity board.
- (b) No person shall process, pack or package any turkeys that have not been sold to, by or through the commodity board.
- (c) Unless otherwise exempted, no processor shall purchase or acquire any turkeys from any person to whom the commodity board has not fixed and allotted a quota for the marketing of turkeys.
- (d) The terms and conditions relating to the marketing of turkeys prescribed by this regulation shall apply to and form part of every agreement pertaining to the purchase and sale of turkeys.
- (e) Where a term or condition prescribed in this regulation is at variance with a term or condition in such agreement, the term or condition of this regulation shall prevail.

Payment

- S.15 (a) Every buyer shall pay to the producer the purchase price for all turkeys received at the premises of a producer in accordance with subsection (c) hereof other than turkeys condemned in accordance with regulations administered by the Canadian Food Inspection Agency under the *Health of*

Animals Act (Canada) at the plant of the processor and by reason of:

- (i) respiratory conditions;
 - (ii) sub-cut conditions;
 - (iii) leg conditions;
 - (iv) skin conditions
 - (v) abdominal conditions;
 - (vi) liver conditions;
 - (vii) emaciation;
 - (viii) dark coloured.
- (b) Condemnation of turkeys shall be determined by either an Inspector of the Meat Inspection Division of the Canadian Food Inspection Agency or the Ontario Ministry of Agriculture, Food and Rural Affairs, which inspector shall issue a Certificate of Condemnation to the processor.
- (c) A buyer shall pay the purchase price for turkeys delivered to him by a producer not later than Friday of the week following delivery of such turkeys, by the producer to the buyer.
- (d) When a buyer receives notice of an assignment by a producer of all or any part of the purchase price payable to the producer for turkeys, the buyer shall pay that part of the purchase price assigned, to the assignee within seven days after the turkeys are delivered by the producer to the buyer.
- (e) The prices to be paid by a buyer to a producer for turkeys shall be not less than the minimum prices from time to time determined by the commodity board, that are in effect at the time that the turkeys are delivered to the buyer at the premises of the producer.

Reporting Requirements

- S.16(1) Subject to subsection (2), every buyer shall, in respect of turkeys received from producers in any week, file with the commodity board at its office, not later than Friday of the week following delivery, true copies of the following:
- (i) All producer shipping receipt forms;
 - (ii) All truckers load-out reports;
 - (iii) All certificates of condemnation;
 - (iv) All weight tickets verifying the correct time, date, tare, gross and net weight of the load;

- (v) Producer's settlement statements showing in respect of each producer, the number of loads of turkeys delivered by the producer, total head and weight of each load, **the placement date**, percentage A grades of each flock, the full purchase price paid to the producer in respect of each flock, **the live price per kilogram paid for the turkeys**, the deductions, if any, therefrom, and the net amount paid to the producer.
- (2) Every buyer is exempt from subsection (1) if less than 5,000 kilograms of turkey is processed by the buyer from all turkeys marketed to the buyer by a producer in a quota period. The buyer shall determine the amount of kilograms of turkey processed by using a 75% eviscerated utilization percentage with respect to turkey marketed by the producer to the buyer.
- (3)(a) Each producer or a duly authorized representative of the producer for whom the producer shall be responsible shall complete and sign a true and accurate Producer Shipping Receipt Form for each truckload of turkeys to be marketed, prior to the transporting of such turkeys from the registered premises and shall maintain the white copy of the Producer Shipping Receipt form at the producer's registered premises for a minimum of twenty-four (24) months from the date of shipment.
- (b) Every processor, before accepting turkeys from a trucker or producer, shall receive from the trucker or the producer, as the case may be, the yellow and pink copy of a completed Producer Shipping Receipt form and maintain at the processor's premises the pink copy and file with the commodity board at its office, the yellow copy not later than the Friday of the week next following the week in which the turkeys were received by the processor.
- (4) Every person that custom kills turkeys shall complete and file with the commodity board at its office, a true and accurate report of all turkeys slaughtered on a form prescribed by the commodity board not later than the 7th day of the month following the month in which the turkeys were slaughtered.

Weighing

- S.17(1)(a) All scales used for the marketing of turkeys must be inspected annually by an authorized service provider of Weights and Measures Canada. A Weights and Measures Inspection Certificate must be issued by the authorized service provider for the scale to be deemed acceptable by the commodity board.

- (b) A producer shall be entitled to designate the closest suitable and available government inspected scale that has a current Weights and Measures Inspection Certificate as the place at which turkeys shall be weighed, by giving notice to the buyer before the time of delivery of the turkeys.
 - (c) If a producer fails to notify the buyer of the place at which turkeys shall be weighed, the turkeys shall be weighed at such place as the buyer shall elect.
 - (d) A producer that designates such scale in S.18(1)(b) shall submit a copy of the Weights and Measures Certificate annually upon scale certification to the commodity board office.
 - (e) The producer or a duly authorized representative of the producer for whom the producer shall be responsible must accompany all loads of turkeys to the scale designated in S.17(1)(b) to ensure the scale is free and clear of snow and debris on the surface and underneath and the truck and/or trailer is positioned properly on the scale.
 - (f) All weight tickets shall be mechanically printed with the correct time and date. The producer or designate of choice shall record on the weight ticket the tractor and trailer numbers and the number of turkeys.
- (2) (a) Subject to paragraph (b), the buyer, on making payments therefore, shall make the following deductions in the weight of the turkeys:
- (i) If there is more than a twelve-hour period after weighing and prior to 7 a.m. on the day of slaughter, the settlement shall provide for a shrink allowance of 2 percent of the weight.
 - (ii) If the weighing is between six and twelve hours prior to 7 a.m. on the day of slaughter, the settlement shall provide for a shrink allowance of 1 percent of the weight.
 - (iii) If the weighing is within six hours of 7 a.m. on the day of slaughter, there shall be no shrink allowance.
- (b) Unless a buyer notifies a producer of the time at which the turkeys are scheduled to be slaughtered, at least 24 hours prior to the delivery of any load of turkeys to the buyer, there shall be no shrink allowance in respect of such load of turkeys.
- (3) Where the turkeys are purchased on a plant weight basis and arrive at the plant of a buyer:
- (a) Before 7 a.m., the turkeys shall be weighed not later than 7 a.m.;
 - (b) At or after 7 a.m., the turkeys shall be weighed immediately after arrival.

- (4) (a) Where the turkeys are weighed at the plant, the fuel tank of the truck transporting the turkeys shall be full when the truck is being weighed empty and when the truck is being weighed loaded with turkeys. The buyer or his agent shall make accurate allowances for the tare weight of the vehicle, fuel, crates and driver for the purpose of determining the weight of the turkeys.
- (b) For the purpose of making accurate allowance for the tare weight of the empty truck and crates under subsection (a), the truck and crates shall be weighed,
- (i) when dry; or
- (ii) immediately prior to the departure of the truck from the processors' premises to take delivery of the turkeys.
- (5) The tractor and trailer must be weighed together or the trailer alone.
- (6) The buyer or his agent shall ensure that the correct time and date of weighing is on tare and gross weight tickets, sign the weight tickets and deliver true copies thereof to the producer. The buyer or his agent shall attach true copies of the tare and gross weight tickets to the buyers' settlement statement.
- (7) The buyer shall submit a copy of the Weights and Measures Certificate of all scales used in the marketing of turkeys by the buyer annually upon scale certification to the commodity board office.

Delivery

- S.18(1)(a) A producer shall provide adequate means of access to turkeys at the producer's premises in accordance with the commodity board's Guidelines for Producer Premises.
- (b) A producer shall provide adequate labour and supervision in delivering turkeys to employees of a transporter taking delivery of turkeys at the premises of the producer and the producer shall be liable for the cost of such labour and supervision, but a producer is not liable for any labour of the employees of the transporter in assisting in the loading of turkeys.
- (c) A producer shall be liable for any loss or damage sustained by the buyer for failure to comply with subsection (a) or (b).
- (2) A buyer shall accept delivery from the producer of all turkeys that he has agreed to purchase from the producer that are not in excess of the marketing quota allotted by the commodity board.

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- (3) Turkeys shall be at the sole financial risk of a buyer at the time that said turkeys are delivered by a producer to the buyer or his agent at the producer's premises.
- (4) A buyer shall give to a producer at least 72 hours notice of the time at which the buyer will be taking delivery of turkeys.

Record Retention

- S.19 A producer shall retain at the producer's premises and make available for inspection by the commodity board for a minimum of twenty-four (24) months following each shipment of turkeys, the following records and reports respecting such turkeys:
- (a) mortality reports;
 - (b) any veterinary documentation pertaining to each flock;
 - (c) producer shipping receipt forms;
 - (d) trucker load-out sheets;
 - (e) weight tickets
 - (f) settlement statements

Non-Fulfilment

- S.20 Either party to an agreement shall be excused for non-performance of the agreement caused by factors beyond the control of either party including acts of God, fire, floods, strikes, wind, hail, explosion, or order of a civil or military authority, to the extent that the performance of the agreement has been prevented in whole or in part, by such cause or causes.

Seizure, Detention, Release and Disposal of Turkeys

- S.21 (a) Where a person appointed by the commodity board to carry out the duties of an inspector pursuant to Section 3(1) (g) of the *Farm Products Marketing Act*, R.S.O. 1990, believes on reasonable grounds that an offence against said *Act* or the regulations made thereunder has been committed in respect of turkey, he may seize and detain the whole or any part of said turkey.
- (b) Where the commodity board is satisfied that the owner of the turkey which has been seized and detained is complying with the *Farm Products Marketing Act* or the regulations made thereunder respecting the seized

turkey, the commodity board may release from detention the whole or any part of the turkey.

- (c) Where the commodity board determines that it is necessary to dispose of the whole or any part of the turkey that has been seized or detained under the provisions of this regulation, the commodity board may effect the disposal thereof, and any money derived from such disposal may be used by the commodity board to stimulate, increase and improve the producing or marketing of turkey by such means as the commodity board considers proper.

Penalties

- S.22 (a) In addition to or as an alternative to such other remedies as it has available to it, the commodity board may impose a penalty on any applicant for a licence or a licensee who it finds, after a hearing, has contravened any term or condition of a licence or any provision of the Act, the Regulations, any Plan or any Order or Direction of the commodity board.
- (b) Subject to the Act, any penalty imposed under subsection (a) may be in an amount, as determined by the commodity board, to remove any advantage gained by the party in contravention and to fully reimburse the commodity board for any of its expenses and costs associated with the investigation, hearing and disposition of the matter, including, but not limited to, staff time, board member costs, legal and accounting fees and disbursements.
- (c) The commodity board will use any such penalty monies for the payment of its expenses as aforesaid, with any surplus to be used for its general purposes.

Prescribed Forms

- S.23 The commodity board will prescribe forms for use in connection with its regulations and quota policies from time to time.

General Powers of the Board Under the *Farm Products Marketing Act*

- S.24 Pursuant to the Act and Regulation 437, R.R.O. 1990, as amended, the commodity board may:
- (a) licence all persons commencing or continuing to engage in the producing or marketing of turkeys, in such manner as it deems appropriate;
- (b) prohibit persons from engaging in the producing or marketing of turkeys except under the authority of a licence;

- (c) refuse to grant a licence where the applicant is not qualified by experience, financial responsibility or equipment to properly engage in the business for which the application was made;
- (d) suspend, revoke or refuse to renew, a licence for failure to observe, perform or carry out the *Farm Products Marketing Act*, the regulations, the plan or any order or direction of the commodity board;
- (e) require any person who produces and processes turkeys to furnish to the commodity board statements of the amounts of turkeys produced in any year and used for processing;
- (f) exempt from any or all of the regulations, orders or directions under the plan, any class, variety, grade or size of turkeys, or any person or class of persons engaged in the producing or marketing of turkeys, or any class, variety, grade or size of turkeys;
- (g) provide for the control and regulation of agreements entered into by producers of turkeys with persons engaged in marketing or processing turkeys, and prohibit any provision or clause in such agreements;
- (h) require any person who produces turkeys to offer to sell and to sell turkeys to or through the commodity board;
- (i) prohibit any person from processing, packing, or packaging any turkeys that have not been sold to, by or through the commodity board;
- (j) provide for the making of agreements relating to the marketing of turkeys by or through the commodity board, and prescribe the forms and the terms and conditions of such agreements.

COMMODITY BOARDS AND MARKETING AGENCIES ACT

Levies

- S.25(1) Section 25, 26 and 27 are enacted pursuant to the commodity board's authority under the Commodity Boards and Marketing Agencies Act.
- (2) The commodity board hereby fixes and imposes levies on persons engaged in the production or marketing of turkeys at the rate of \$0.016 per kilogram live weight only for each turkey produced.
- (3) Each person shall pay to the Commodity Board, in addition to licence fees imposed under the Farm Products Marketing Act, the levies imposed under subsection (2) for each turkey produced by that person and processed.

- (4) Any person who receives turkeys shall deduct from the monies payable for the turkeys any levies payable to the commodity board by the person from whom the turkeys were received and shall forward such levies to the commodity board at its offices not later than ten days after the last day of the week in which the turkeys were received.

Over Quota Levies

- S.26(1) Every producer other than a breeder operator who in a quota period markets turkeys in excess of the marketing quota fixed and allotted to that producer shall pay levies to the Commodity Board at the rate of 22 cents per kilogram live weight in excess of that quota.
- (2) Every breeder operator whose sole production is turkey hatching eggs is exempt from subsection (1).
- (3) Every breeder operator under subsection (2) who, in a quota period, markets turkey in excess of the marketing quota fixed and allotted to that breeder operator, shall pay levies to the commodity board at the rate of 33 cents per kilogram live weight in excess of that quota.
- (4) Notwithstanding the provisions of subsection (3), every breeder operator who has also been allotted commercial quota and who, in a quota period, markets turkey in excess of the marketing quota allotted to that producer, shall pay levies to the commodity board pursuant to the following calculations:
- (i) 33 cents per kilogram live weight in excess of the marketing quota based on 15% of that producer's marketing of breeder turkeys in the quota period: and
 - (ii) if there remains any marketings in excess of the marketing quota after application of (i), a further penalty shall be assessed in accordance with subsection (1) and section 22(1) of the Board's Quota Policy Statement.

Annual Category Overmarketing Levies

- S.27 In addition to the imposition of annual over marketing levies as provided above, a producer shall be assessed an annual category over marketing levy as set out herein effective for all quota periods.
- (a) A producer shall pay to the commodity board, a levy at the rate of 10 cents per kilogram live weight on the aggregate of broiler and hen turkeys marketed in excess of the aggregate of broiler and hen net marketing quota allotted to him, provided that such producer shall be allowed a 2% sleeve on such net marketing quota, with the levy to be imposed only on the portion of

over marketings in excess of the sleeve.

- (b) A producer shall pay to the commodity board, a levy at the rate of 10 cents per kilogram live weight on the quantity of tom turkeys marketed in excess of the tom net marketing quota allotted to him, provided that such producer shall be allowed a 2% sleeve on such net marketing quota, with the levy to be imposed only on the portion of over marketings in excess of the sleeve.
- (c) A producer with only one category of basic quota that markets in excess of that category will be exempt from the terms and conditions of 27 (a) and (b).
- (d) A breeder operator will be exempt from the terms and conditions of 27 (a) and (b).

Turkey Farmers of Canada Policies: Allocation, Export, Multiplier Breeder, Primary Breeder


S. 28 The Turkey Farmers of Ontario (TFO) is obligated to ensure compliance with the Turkey Farmers of Canada (TFC) policies. The TFO may require such additional information it considers to be appropriate to monitor compliance and it be submitted to the commodity board on forms prescribed by the commodity board in addition to the requirements as set out in the national policies.

Revocation

S.29 General Regulations – 2013 are revoked as of the 25th day of June, 2015 and this General Regulation is substituted therefore provided that such revocation shall not affect the previous effect of said regulations or anything done or suffered thereunder or any right, privilege, obligations or liability acquired, accrued, accruing or incurred under said regulations or any offence committed against said regulations or any penalty or forfeiture or punishment incurred in respect thereof or any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty or forfeiture or punishment as aforesaid.

BY ORDER OF TURKEY FARMERS OF ONTARIO

DATED at Kitchener, this 25th day of June, 2015.


Chair


General Manager

TURKEY FARMERS OF ONTARIO
QUOTA POLICY STATEMENT – 2015

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TURKEY FARMERS OF ONTARIO

QUOTA POLICY STATEMENT - 2015

(Made under the *Farm Products Marketing Act*)

Application and Purpose

- 1 This Quota Policy forms the basis on which quotas are fixed and allotted by the commodity board. All producers are required to comply with this Quota Policy at all times.
- 2 The commodity board has determined that this Quota Policy is necessary to ensure the orderly marketing of turkeys in Ontario as part of Canada's comprehensive supply management system.
- 3 This Quota Policy is subject to revision, revocation and interpretation by the commodity board in its discretion. This statement of Quota Policy is for producer convenience and is not exhaustive. Producers planning any quota dealings are strongly advised to contact the commodity board office prior to relying on this document.
- 4 Any request for an exemption from any Quota Policy must be made to the commodity board in writing, with reasons.
- 5 This Quota Policy should be read in conjunction with the General Regulations of TFO.

Interpretation

- 6 (1) (a) "agreement" means an oral or written agreement for the marketing of turkeys between a producer and a buyer;
- (b) "allocation" means the fixing and allotting of quota to a producer by the commodity board.
- (c) "basic quota" means a quota for the production & marketing of turkeys by category, fixed and allotted by the commodity board to a producer in respect of registered premises;
- (d) "beneficial ownership" means, in the context of an interest in real property:
 - i) registered legal title in the real property itself; or
 - ii) a right of ownership in the real property.

- (e) "breeder operator" means a person who has been allotted breeder quota and participates under the Turkey Farmers of Canada Multiplier Breeder or Primary Breeder policies;
- (f) "breeder quota" means a basic quota for the production & marketing of breeder turkeys fixed and allotted by the commodity board to a producer in respect of registered premises'
- (g) "commercial quota" means a quota allotted by the commodity board for a specified period of time for the production and marketing of turkeys that are under 28 weeks of age and that have not produced an egg or semen;
- (h) "immediate family member" means father, mother, husband, wife, son, daughter, brother, sister, son-in-law, daughter-in-law;
- (i) "marketing quota" means a quota for the production and marketing in Canada of turkeys allotted by the commodity board to a producer by category for a specified quota period;
- (j) "its office" means the office of the commodity board located at 1120 – 100 Conestoga College Blvd., Kitchener, ON, N2P 2N6.
- (k) "On-Farm Food Safety Program" means the Turkey Farmers of Canada (TFC) HACCP based program promulgated by the TFC and consisting of various pre-requisite programs or practices augmented by various record keeping requirements related to the production of turkey;
- (l) "overmarketings" means the quantity of kilograms live weight of turkeys that are sold or processed by or on behalf of a producer in excess of the producer's marketing quota and "overmarket" and "overmarketed" have corresponding meanings;
- (m) "producer" means the beneficial owner of registered premises in respect of which a basic quota has been fixed and allotted for the production and marketing of turkeys;
- (n) "qualifying period" means the calendar years 1966, 1967 and 1968;
- (o) "quota period" means the time period established by the commodity board in which a producer is required to utilize his marketing quota;
- (p) "registered premises" means the lands and buildings, if any, in respect of which the commodity board has fixed and allotted a basic quota and these premises are identified by the legal description pertaining to them set out in the appropriate Registry or Land Titles office;

(q) "unregistered premises" means all the land in the Province of Ontario in respect of which the commodity board has not fixed and allotted a basic quota;

(2) All other terms are as defined in the commodity board's General Regulations, the *Farm Products Marketing Act* and regulations thereunder.

Production and Allocation

7 (1) The commodity board allots basic quota and marketing quota to producers from time to time, the particulars of which are as documented by the commodity board.

(2) Basic and marketing quota shall be allotted to producers according to 4 separate categories, be either broiler, hen tom or breeder marketing quota as determined by the commodity board.

8 Turkeys produced pursuant to an allocation of marketing quota shall be delivered by the producer to a processor within the current quota year as established by the commodity board.

9 The commodity board will not allot basic quota in respect of any building to which there has been allotted a quota for production of any other regulated product under the *Farm Products Marketing Act* nor will the commodity board allot quota to more than one producer in respect of the same registered premises.

10 In order to prevent contact between turkeys and wild birds or animals and to minimize contamination of feed and water sources used by turkeys by reason of such contact with wild birds or animals, producers who raise turkeys utilizing non-confinement or open-air systems shall ensure that:

a) all outdoor enclosures are covered by a solid roof and have walls of either solid construction or wire mesh having openings of no more than 2.5 centimetres in diameter;

b) feed and water are provided to turkeys only under an area covered by a solid roof.

c) Organic turkey production is exempt from 10 (a) provided that all conditions of Section 53 are adhered to.

4

Basic Quota Category Change

- 11 (1) Subject to the provisions of this section, no producer shall produce or market turkeys other than according to the category in which the producer has been allotted quota.
- (2) Subject to the provisions of Section 11 of this Quota Policy, as amended from time to time, producers who wish to change their basic quota categories may do so in one or other of the following formats:
- (i) by making a general application every year for the next three years commencing with the 2014/2015 quota year, provided the producer has obtained agreement from the processor and pending final approval from the Board of Directors, such applications not to be made after the 30th of November of the year preceding the quota year in which the change is to occur.
 - (ii) by two producers making a joint application as further particularized in Section 12(a).
 - (iii) in such other manner and at such future times as may be prescribed by the commodity board from time to time.
- 12 An application under Section 11(2) (ii) shall be made as follows:
- (a) At least two producers must make a joint application on the form prescribed by the commodity board, at least 7 business days prior to the meeting of the commodity board at which the application is being considered, and have the required approval granted by the commodity board before the first quota period to which the application pertains, commences.
 - (b) The commodity board will not approve an application under paragraph (a) unless the applicants agree to an offsetting switch in their respective basic quota categories commencing with the same quota period for exactly the amount of production that each applicant proposes not to produce in his former category upon approval of the application.
 - (c) The commodity board will attempt to facilitate a request for a category change by notifying all producers of the particulars of such request and directing interested parties to contact the commodity board office.
- 13 Under no circumstances will any application for a change of basic quota category be accepted for consideration by the commodity board after the commencement of the quota period to which the application pertains.

Cancellation of Basic Quota

- 14 The commodity board will cancel the basic quota allotted to any producer who produces and markets less than 75% of his marketing quota from his registered premises in any consecutive two year quota period unless the commodity board has been provided with satisfactory evidence that such lack of production has been due to circumstances beyond the control of the producer in which case the commodity board may make such other order as it considers appropriate in the circumstances.

Exemption of Basic Quota

- 15 The commodity board exempts from this quota policy the production and marketing of not more than 50 turkeys from individual unregistered premises during each calendar year.

Breeder Operations

- 16 (1) **A breeder operator must hold breeder quota and be allotted marketing quota in order to market breeder turkeys**
- 2) **A person wishing to become a breeder operator must apply to the commodity board on a quota transfer form, satisfy the commodity board that he or she has equipment and facilities deemed appropriate by it to commence a breeder operation. He or she will acquire sufficient quota (reference level) to cover the anticipated marketings of breeder turkeys in Ontario. If the commodity board is satisfied with the foregoing, it will approve the allocation of breeder quota to such person in respect of registered premises.**
- 3) If an existing producer with an allocation of commercial quota wishes to become a breeder operator, the commodity board will exchange the commercial quota for breeder quota on a kilogram per kilogram basis upon compliance with subsection 2.
- (4) If a breeder operator wishes to exchange all of his or her breeder quota for commercial quota, the commodity board will inspect the registered premises to ensure that all activities of breeder operation have ceased. Upon being satisfied of this, the commodity board will exchange the breeder quota for commercial quota on a kilogram for kilogram basis.
- 5) **A reference level will need to be met by each breeder operator before they can begin earning any conditional allocation under the Turkey Farmers of Canada Multiplier Breeder policy. This reference level will be determined by the commodity board, will be reviewed and may be revised annually. Notification of the reference level required for each breeder operator will be provided to the breeder operators by the commodity board not later than July 31st of each calendar year.**

6

- (6) The commodity board will not approve a transfer reversing a transfer allowed pursuant to sections 2, 3 and 4, until 5 years from the initial transfer approval has elapsed.
- (7) A breeder operator will be allowed flexibility in marketings as follows: up to 15% of the marketing quota for breeders can be used as commercial quota in any given year and up to 15% of the commercial quota can be used as marketing quota for breeders in any given year.
- (8) A breeder operator who anticipates inability to market any breeder turkeys for a full **quota** year, may apply in writing to the commodity board by **December 31st** of the year preceding the year to which the permit applies, for a permit to substitute commercial quota for his/her marketing quota. Upon approval being granted by the commodity board, a permit will be issued to such breeder operator allocating commercial quota for the one-year period applied for.

Reporting Requirements:

- (9) Breeder operators shall file not later than the Friday following the week of placement, a true and accurate breeder placement report on a form prescribed by the commodity board.
- (10) Breeder operators shall file not later than the Friday following the week of flock close out, a true and accurate Flock Close Out report on a form prescribed by the commodity board
- (11) Multiplier Breeder operators shall file with the commodity board a declaration form prescribed by the commodity board with every mature marketing submitted verifying the criteria have been met for both age and production of eggs or semen.
- (12) Breeder operators shall file 14 days prior to movement a true and accurate flock movement report on a form prescribed by the commodity board.

Leasing of Premises

Lease of Registered or Unregistered Premises

- 17 (a) Where a producer satisfies the commodity board that:
 - (i) the building on the registered premises in respect of which the basic quota was allotted is destroyed or damaged by fire, lightning or tempest;

- (ii) the registered premises have been expropriated;
- (iii) the registered premises have become diseased; or
- (iv) such other circumstances exist that makes it impractical for the producer to continue to produce all or part of any marketing quota on the registered premises;

the producer may file with the commodity board at its office, an application on a prescribed form for permission to produce all or part of the marketing quota on premises leased by the producer in a barn(s), on one floor of a multi-level barn or an adequately partitioned floor of a barn provided there is separate feeding equipment.

- (b) Where a producer wishes to lease a registered or unregistered premise to grow all or part of his marketing quota, the lessee shall file with the commodity board at its office, at least 7 business days prior to the board meeting at which the application is to be considered:
 - (i) an application on a form prescribed by the commodity board;
 - (ii) a true copy of the lease setting out all the terms and conditions agreed to by the parties;
 - (iii) any collateral agreement signed by the parties;
 - (iv) a letter outlining the reasons for the application.
- (c) A lease shall apply for a maximum period of 12 months. If the lessee and the lessor require an extension of the lease they shall sign and file with the commodity board at its office, a true copy of a renewal of the lease or a new lease, 30 days prior to the expiry date of the existing lease. More than one renewal may be permitted by the commodity board but in no case shall a renewal of a lease be for a period longer than 12 months.
- (d) Where a producer leases a barn(s), one floor of a multi-level barn or an adequately partitioned floor of a barn, the lessee's turkeys must be:
 - (i) kept completely separate from the lessor's turkeys;
 - (ii) shipped completely separate from the lessor's turkeys.
- (e) The number of kilograms marketed shall be part of the lessee's annual marketing quota.

- (f) The production shall be subject to the normal overmarketing penalties established by the commodity board.
- (g) The commodity board will not accept any proposal by a producer to lease registered or unregistered premises for the production or marketing of turkeys unless the commodity board is satisfied that the lessee's quota will be under the lessee's full control during the period of the lease.
- (h) The commodity board will not accept any proposal by a producer to lease registered or unregistered premises for the production or marketing of turkeys for live export.
- (i) The commodity board will not accept any proposal by a producer to lease registered or unregistered premises for the production or marketing of turkeys on export credits.
- (j) The commodity board will not accept any proposal by a producer to lease unregistered premises unless the commodity board is satisfied that unused registered premises are not available or would not be appropriate to be leased.
- (k) If poults are placed prior to a lease application being filed with the commodity board at its office, the commodity board may refuse to approve the application or revoke the lease and the turkeys placed will become part of the lessor's annual marketing quota.
- (l) **The lessee is responsible for ensuring that the TFC On Farm Programs are adhered to on any non-registered premises.**

Exemption

- 18 Where an application for the lease of a registered or unregistered premises is brought before the commodity board, if the commodity board, in all of the circumstances is satisfied that it would be in the best interest of the Ontario turkey industry to exempt the parties from the provisions of Section 17 (c) (g) (h) (i) (j), the commodity board may exempt the parties from those provisions.

Penalties

- 19 Where there has been any contravention of the rules established by the commodity board with respect to any application made pursuant to sections 17 & the commodity board proposes to utilize all penalty provisions at its disposal including the cancellation or reduction of quota held by the lessee and produced on the leased premises.

Overmarketing

- 20 (1) The marketing quota allotted to a producer will be reduced by an amount equal to such over marketings in the quota year following the quota year in which the over marketings occurred.
- (2) Quota credits earned as a result of various National and Provincial policies will be applied by the commodity board against a **producer's** total over marketings and if **following the** application of such quota credits any over marketing in total or in a category still exists, levies shall be applied in respect of the overmarketings in excess of the quota credits applied.

Transfer of Basic Quota

- 21 (1) The commodity board will in no case approve the transfer of basic quota, or part thereof, the effect of which would result in the transferor and/or the transferee holding more than 0 kilograms but less than 2,000 kilograms of basic quota, or if the proposed transferee formally was fixed and allotted a basic quota during the three years prior to the proposed date of transfer.
- (2) (a) Where a producer wishes to have the whole or part of his or her basic quota transferred to a proposed transferee, the transferor and the transferee shall apply to the commodity board by completing, signing and delivering to the commodity board at its office, an application on a prescribed form at least 7 business days prior to the board meeting at which the application is to be considered.
- (b) Upon review of the application, where the commodity board is satisfied that the requirements for transfer of a basic quota have been complied with, the commodity board will notify the producer that the application for transfer will be approved by the commodity board, subject to compliance by the transferee with subsection (c).
- (c) (i) The transferee, shall acquire beneficial ownership of the premises that the commodity board deems suitable for the production of turkeys and files with the commodity board at its office, a true copy of the deed or transfer of title to such premises.

- (ii) Where an application for transfer of basic quota involves a transaction between and limited to immediate family members or between and limited to corporations whose shareholders consist only of immediate family members from the same family, the commodity board may exempt the parties from compliance with the provisions of Section 14 and subsection 23(2)(c)(i) herein and the commodity board shall make such order in connection therewith as it deems appropriate in the circumstances.
- (d) Upon compliance with the requirements specified in subsections (a) and (c), the commodity board will cancel or reduce the basic quota allotted to the transferor and will allot the basic quota or part thereof to the transferee in respect of the premises referred to in subsection (c).

Sale of Live Turkeys Between Producers

22 (1) When a producer sells live turkeys to another producer, before they can be legally marketed under the purchasing producer's marketing quota, they shall be transported and unloaded at the purchasing producer's registered premises prior to the turkeys attaining 8 weeks of age.

(2) Any producer selling live turkeys to another producer shall:

- (a) Submit documentation to the commodity board at its office, verifying the following information:
 - (i) purchaser's name;
 - (ii) purchaser's farm location;
 - (iii) placement date of turkeys;
 - (iv) quantity and type of turkeys placed;
 - (v) date and time turkeys are to be moved;
 - (vi) name of trucking company moving turkeys.
- (b) Provide the information in subsection (a) to the commodity board at least 8 days prior to the movement of the turkeys to the purchasing producer's registered premises.
- (c) Ensure that the turkeys are transported and unloaded at the purchasing producer's registered premises prior to the turkeys attaining 8 weeks of age.

- (3) Where there has been a contravention of subsection (1) and (2), the commodity board will not acknowledge the sale and movement of the turkeys of the parties involved and the commodity board shall assess the marketing of such turkeys against the selling producers marketing quota.

Transfer of Basic Quota Through Provisions of a Will

- 23 Notwithstanding the provisions of Section 21; where a transfer of basic quota occurs on death through the provisions of a Will or through intestate succession, the transferee shall forthwith file with the commodity board at its office, notice of such transfer and provide such information and complete such documentation as the commodity board may require to give effect to said transfer.

Guidelines for Producer Premises

Backing in or out of lanes

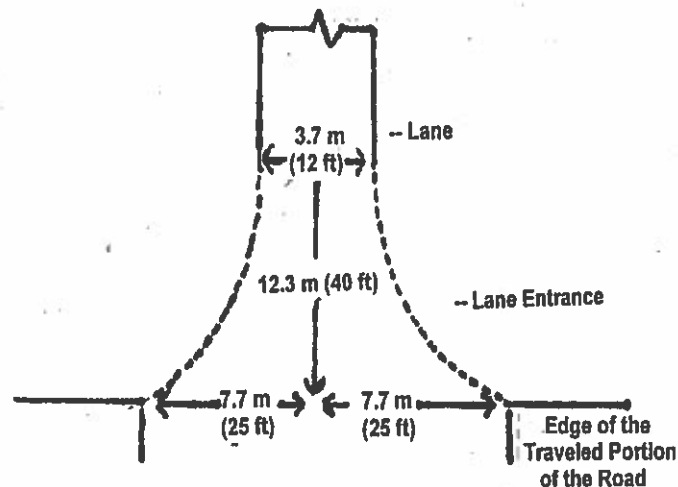
- 24 (a) For safety reasons, it is no longer permissible for a truck driver to back in or out of farm lanes to turn his vehicle around.
- (b) An adequate truck turnaround area or other such arrangements shall be provided on the farm, as close to the barn as possible so that the truck does not have to back in or out of the lane. Schedules A & B are two examples of a truck turnaround area.

Lane Entrance

- 25 (a) For reasons of safety or to facilitate turkey loading and feed deliveries, producers may be required to comply with any or all of the provisions in this section. Each case will be assessed on its own merit.
- (b) The lane entrance shall be such that it provides a safe and reasonable access for the type of vehicle operating in the area. If the type of vehicle used to pick up a producer's turkeys changes, then the producer shall ensure that the lane entrance can accommodate the new vehicle type.
- (c) The following identifies the standard lane entrance that Turkey Farmers of Ontario may require a producer to comply with in order to provide a safe and reasonable access to the turkey barns.

- (d) The standard for a lane entrance was established for rural municipalities with a road allowance of 20.3 meters (66 feet). The "traveled portion of the road" is defined as the paved portion with respect to highways and the graveled portion with respect to non-paved roads.
- (e) At a point where the lane intersects with the road, the width of the lane shall be 15.2 meters (50 feet). This is required in order that the truck does not have to swing across the centre line and into oncoming traffic in order to enter the lane.
- (f) The lane entrance should taper from the shoulder of the road so that, at a point 12.3 meters (40 feet) in from the edge of the traveled portion of the road, the width of the lane is a minimum of 3.7 meters (12 feet).
- (g) The length of any necessary culvert will be dependent on the ditch location with respect to the lane entrance. (See Figure 1)
- (h) Every effort was made to provide lane entrance standards, which complied with Ministry of Transportation standards as well as local County, Township and Municipal guidelines. However the standards may not be permissible in every instance and in those few instances, exemptions should be sought by submitting a request to Turkey Farmers of Ontario Field Personnel for approval by the Commodity Board.
- (i) Prior to any major alterations to the lane entrance, information and a permit if necessary should be obtained from the local municipality.

Figure 1: Farm Lane Entrance



Lane Width

- 26 The minimum width of the lane shall be 3.7 meters (12 feet) for the entire length of the lane, and greater than this at the entrance and at points where the lane direction changes.

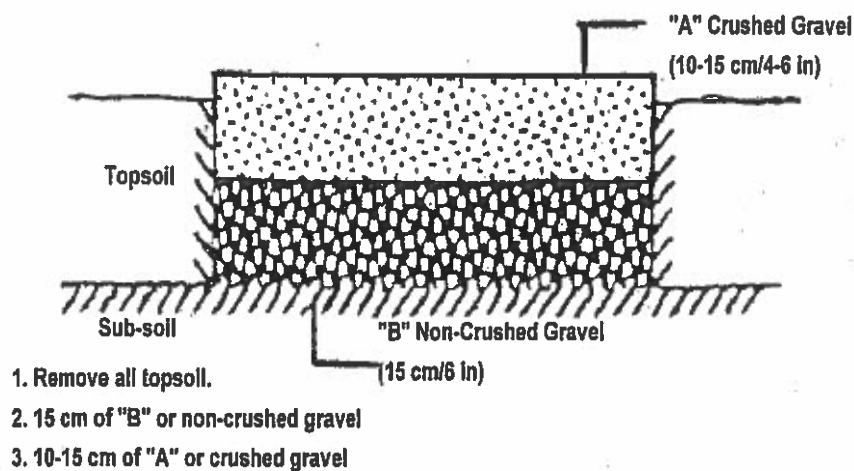
Fences Along Lanes

- 27 Fences should be set back at least 2.4 meters (8 feet) from the closest edge of the lane to allow for adequate snow removal.

Lane Construction

- 28 (a) In order to provide adequate drainage and permit winds to carry snow over the laneway, the lane surface should be elevated with a gentle downward slope from the center to each side of the lane. In addition, the lane shoulders should slope at an angle not greater than 45 degrees.
- (b) That portion of the yard and lane through which the turkey and feed truck travels should be constructed so as to provide adequate drainage and prevent the buildup of mud. Proper construction guidelines, for those areas on which the turkey and feed truck travels, vary depending on the type of soil.
- (c) An example of the type of construction that might be used in constructing a lane or turn around area is shown in Figure 2. However, the amount of natural drainage will determine if more, or less, granular material is needed compared to the amount shown in Figure 2.

Figure 2. Cross-Section of Lane or Turnaround Area



Overhead Objects

- 29 The traveled portion of the yard and lane shall be free of all overhead objects such as branches and wires to a height of 4.5 meters (15 feet) from the surface of the yard and lane. Ice and snow buildup should be taken into consideration when determining the height.

Lane Bridges

- 30 All bridges & culverts shall be clearly identified on all four corners where the lane meets the bridge.

Blocked Access

- 31 Cars, farm trucks, farm tractors and farm implements must not be parked in that portion of the yard and lane, which is traveled by the turkey truck in the process of picking up turkeys and the feed truck in the process of delivering.

Loading Area

- 32 The area of the yard, on which the turkey truck, loader or loading platform sits while being loaded with turkeys, shall be graveled, reasonably level and dry.

Parking

- 33 No trucks shall be parked on the road allowance. Ample parking shall be available on the producers' premises for any trucks waiting to be loaded & for any loaded trucks waiting for departure.

Maintenance

- 34 (a) The yard and lane shall be kept in good repair and free of potholes and ruts by means of regular grading. The yard and lane shall also be clearly marked with poles and reflecting markers.
- (b) In winter, that portion of the yard and the lane through which the turkey and feed truck travels shall be cleared of snow whenever necessary by either a snow blower or plow. Ideally, the lane surface shall be kept clear of ice but any ice buildup shall be salted and/or sanded before the trucks are scheduled to arrive at the farm.

Compliance

- 35 Producers who fail to upgrade their premises to meet the minimum requirements set out in this guideline will be held responsible for any damage to trucks or towing charges incurred during the loading of turkeys and feed deliveries on your property.

Loading Equipment

- 36 A minimum recommended loading platform should be 3 feet wide by 12 feet long surrounded by a 2-inch high toe rail and 42" high safety rails fixed to each end. This platform must be able to elevate from a minimum of 43 inches to a maximum of 85 inches. This could be on wheels or stationary. There will not be any hooks and planks available on the trucks for loading turkeys.

Recommendation

- 37 Encourage all producers to arrange for mechanical loaders if possible. Producers with extra-long barns should consider setting up a mechanical loader at the side of the barn. This should be located about midway down the outside of the barn. This will help to avoid having to drive the turkeys too far to gain access to the loader. (See Schedule C).

On-Farm Food Safety and Flock Care Programs

- 38 In this part,
- (a) *"Audit"* means a systematic and independent examination to determine whether activities and results at a registered premises comply with this policy.
 - (b) *"TFC"* means the Turkey Farmers of Canada constituted by Proclamation under the *Farm Products Agencies Act (Canada)*;
 - (c) *"TFC On-Farm Food Safety Program"* means the HACCP based program promulgated by the TFC and consisting of various pre-requisite programs or practices augmented by various record keeping requirements related to the production of turkey;
 - (d) *"HACCP"* means an internationally recognized, scientifically-based system to control food safety during the production process by identifying biological, chemical and physical hazards related to food safety at each production step, establishing measures to keep appropriate control over such hazards and requiring record keeping to verify that the measures established have been undertaken.

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- 39 In continuing to fix and allot quotas to producers, the commodity board requires the producers comply with the TFC On-Farm Food Safety Program while engaging in the producing of turkeys.
- 40 A duly appointed inspector of the commodity board will undertake an audit of each producer in order to determine whether the producer complies with the TFC On-Farm Food Safety Program.
- 41 All producers will be required to demonstrate compliance with the provisions of the TFC On-Farm Food Safety Program and will have been either audited or be in an auditable position for each registered premises that they own or lease.
- 42 Every producer that completes an audit to the satisfaction of the commodity board will be recognized by the commodity board as being in compliance with the TFC On-Farm Food Safety Program. It is a condition of recognition that an audited producer completes an undertaking to continue to comply with the requirements of the TFC On-Farm Food Safety Program.
- 43 All producers **not in compliance with TFC On-Farm Food Safety Program**
- (i) the producer shall be subjected to a 5% reduction in marketing quota effective immediately; and
 - (ii) A further 20% reduction in marketing quota effective at the beginning of the immediately subsequent quota year, if non-compliance continues to that time.
- 44 If, as a result of a random or scheduled audit, a producer is determined to be in non-compliance with the TFC On-Farm Food Safety program, that producer shall be given until the time of the producer's next complete marketing of turkeys to undertake all necessary corrective actions, failing which:
- (i) the producer shall be subject to a 5% reduction in marketing quota effective immediately; and
 - ii) **If at the beginning of each subsequent quota year non-compliance continues, then the producer's marketing quota shall be reduced each time at the rate of 20% and on a cumulative basis on the amount of marketing quota then remaining, until the marketing quota is reduced to zero kilograms.**
- 45 **The marketing quota of a producer that has been reduced in accordance with section 44, shall be allocated by TFO at the level it was allocated before the application.**

- 46 The time frame for new producers to become recognized by the commodity board as being in compliance with the TFC On-Farm Food Safety Program is one year from placement of their 1st flock.
- 47 **Effective April 26, 2015, all producers will be required to demonstrate compliance with the provisions of the TFC Flock Care Program and will have been either audited or be in an auditable position for each registered premises that they own or lease.**
- 48 **Every producer that completes an audit to the satisfaction of the commodity board will be recognized by the commodity board as being in compliance with the TFC Flock Care Program. It is a condition of recognition that an audited producer completes an undertaking to continue to comply with the requirements of the TFC Flock Care Program.**
- 49 **All producers shall be in compliance with the TFC Flock Care Program on or before April 26, 2015, failing which:**
- (i) the producer shall be subjected to a 5% reduction in marketing quota effective immediately; and**
 - (ii) A further 20% reduction in marketing quota effective at the beginning of the immediate subsequent quota year and for each quota year that follows, if non-compliance continues to that time.**
- 50 **If, as a result of a random or scheduled audit, a producer is determined to be in non-compliance with the TFC Flock Care Program, that producer shall be given until the time of the producer's next complete marketing of turkeys to undertake all necessary corrective actions, failing which:**
- (i) the producer shall be subject to a 5% reduction in marketing quota effective immediately; and**
 - ii) If at the beginning of each subsequent quota year non-compliance continues, then the producer's marketing quota shall be reduced each time at the rate of 20% and on a cumulative basis on the amount of marketing quota then remaining, until the marketing quota is reduced to zero kilograms.**
51. **The marketing quota of a producer that has been reduced in accordance with section 50, shall be allocated by TFO at the level it was allocated before the application of section 50, once the producer has satisfied all necessary corrected actions.**

- 52 **The time frame for new producers to become recognized by the commodity board as being in compliance with the TFC Flock Care Program is one year from placement of their 1st flock**
- 53 If a producer made an appointment to have a full audit, partial audit, records review or corrective actions and does not call 24 hours prior to the appointment to cancel shall be subject to a \$300 administration charge being applied.
- 54 **The lessee of premises is responsible for ensuring that the TFC On-Farm Programs are adhered to on any non-registered premises.**

Organic Turkey Policy

- 55 (a) Feed and water must be covered by a solid roof in accordance with the provisions of the Turkey Farmers of Canada On-Farm Food Safety program for semi-confined production.
- (b) There must be a fence around the outdoor access area.
- (c) There must be a maximum flock size of 2,000 birds or approximately 30,000 kilograms.
- (d) There must be verification of certification from an accredited organic certifier in Canada. This must be submitted to the TFO with each flock of turkeys that are marketed as organic.
- (e) There must be blood testing of 5% for each flock to a maximum of 20 birds that will be conducted 1 week prior to slaughter with no outdoor access allowed after testing. Results are to be submitted to the TFO prior to the turkeys going to slaughter.
- (f) Due to increased risk associated with wild birds, it is recommended that turkeys not be allowed outside on the range during periods of migration (in the spring and fall).
- (g) These requirements may be altered depending on the presence of Avian Influenza or any reportable diseases as detected by Canadian Food Inspection Agency (CFIA) in the wild bird population in Canada.

Contravention of Regulations, Quota Policy or Order of the Commodity Board

- 56 (1) Contravention of the *Farm Products Marketing Act* or of a regulation, Quota Policy, direction or order of the commodity board by any person may result in one or more of the following:
- (a) the suspension of, revocation of, or refusal to renew a licence granted by the commodity board;
 - (b) the cancellation of, suspension of, reduction of, or refusal to increase any quota issued by the commodity board;
 - (c) prosecution pursuant to Section 15 of the *Farm Products Marketing Act* R.S.O. 1990, Chapter F.9, as amended;
 - (d) such monetary penalties as may be permitted pursuant to the provisions of the *Farm Products Marketing Act*;
 - (e) such levies as may be permitted pursuant to the provisions of the *Commodity Board and Marketing Agencies Act*.
- (2) Where the commodity board, after a hearing, is of the opinion that a person who has been issued a licence by the commodity board to carry on business in Ontario, has failed to comply with or has contravened any condition of that licence, or any of the orders, directions, or regulations of the commodity board, the commodity board may impose a monetary penalty in such amount and in such a manner as the commodity board deems appropriate.

Revocation

- 57 Quota Policy Statement 1-2013 is hereby revoked and this Quota Policy Statement is substituted therefore, provided that such revocation shall not affect the previous effect of any such quota policies or anything done, or rights or obligations owing thereunder.

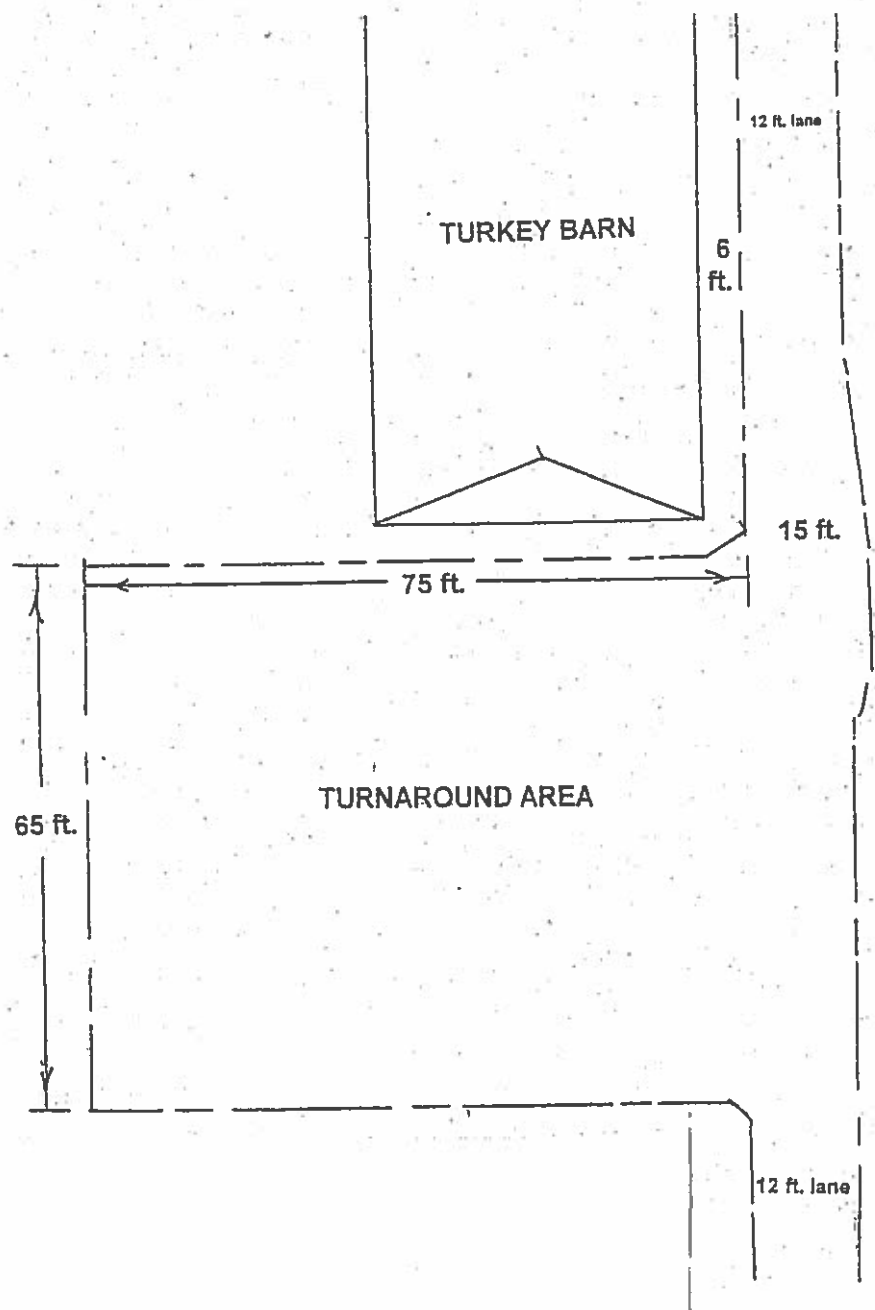
BY ORDER OF TURKEY FARMERS OF ONTARIO

DATED at *Kitchener* this 25th day of June 2015.


Chair

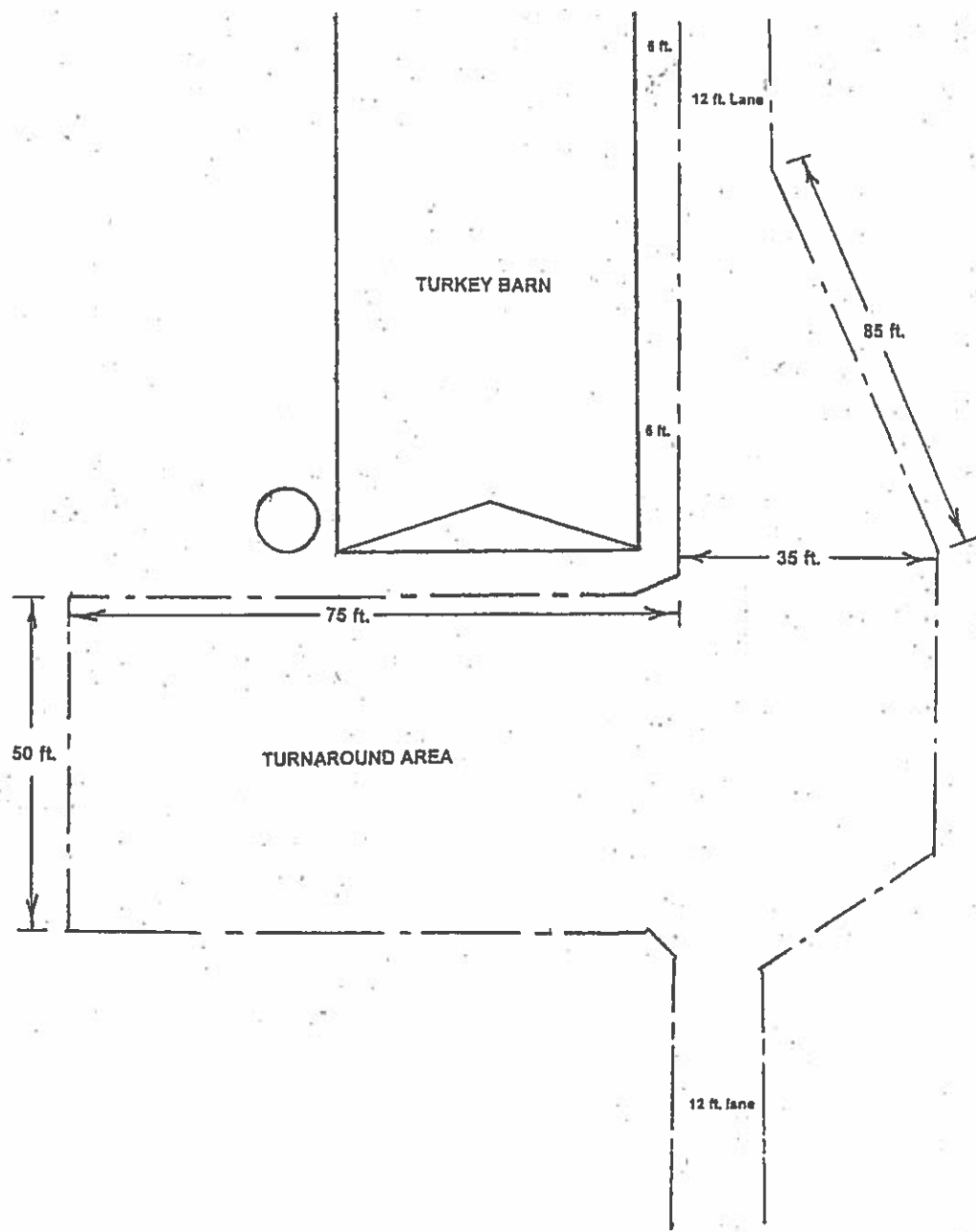

General Manager

**SCHEDULE "A"
TRUCK TURNAROUND AREA**



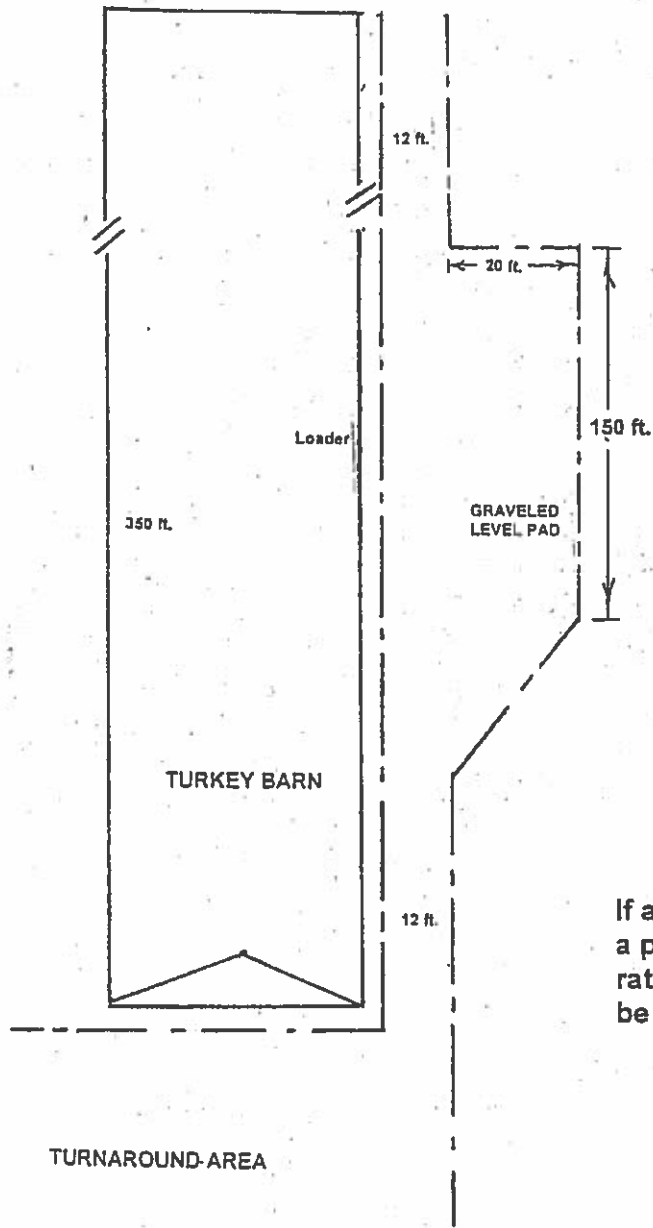
If the laneway at the corner of the barn cannot be more than 15 ft. wide, a wider turnaround area is necessary in front of the barn.

SCHEDULE "B" TRUCK TURNAROUND AREA



If the laneway at the corner of the barn can be widened to 35 ft., a narrower turnaround can be used in front of the barn.

**SCHEDULE "C"
MECHANICAL LOADER SET-UP FOR LONG BARN**



If a loader is used at the side of a longer barn, a pad should be built for the truck to sit on rather than going onto the lawn. The Pad should be 20 ft. wider than the lane & 150 ft. long.

TURKEY FARMERS OF ONTARIO

BY-LAW NO. 1-2013

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TURKEY FARMERS OF ONTARIO

BY-LAW NO. 1-2013

A By-law relating generally to the
transaction of the business and affairs

of

Turkey Farmers of Ontario
(Hereinafter referred to as the TFO)

BE IT ENACTED as a By-law of Turkey Farmers of Ontario as follows:

HEAD OFFICE

1. The head office of TFO shall be at the City of Kitchener, in the Regional Municipality of Waterloo and at such place therein as the members of TFO may, from time to time, determine.

SEAL

2. (1) The seal, an impression whereof is stamped in the margin hereof, shall be the corporate seal of TFO.
- (2) The general manager shall have custody of the seal.
- (3) Where the seal is used it shall be attested by anyone of the chair, vice-chair, executive member, if any, or the general manager.

MEETINGS OF TFO

3. The first meeting of the newly elected Board of Directors after every general election of the members thereof shall be held within thirty days after every such general election of the members thereof.
4. (1) Meetings of the Board of Directors shall be held from time to time at such place, at such time and on such day as the chair or vice-chair or any two members of the Board may determine and the general manager, when directed or authorized by either of the said officers or by any two members of the Board of Directors, shall give or cause to be given notice of the meeting.

- (2) Unless otherwise stated in the notice calling the meeting, meetings of TFO shall be held at the head office.
- (3) Notice of a meeting shall,
 - a) include the date and time of the meeting, and
 - b) be given:
 - i) in writing by mail or electronic transmission, or
 - ii) orally or by telephone
 - iii) not fewer than 2 days before the date on which the meeting is held.
- (4) Notwithstanding the foregoing, notice of a meeting, if given by electronic transmission, orally or by telephone, shall be given not less than 8 hours before the time at which the meeting is to be held.
- (5) No notice of a meeting is required to be given, where, in addition to the members of the Board of Directors present, those absent waive notice of the meeting either before or after the meeting.
- (6) Notice in writing by mail or electronic transmission shall be sufficiently given if mailed or transmitted to a member at his or her last address as recorded in the books of TFO.

TRANSACTION OF BUSINESS OTHER THAN AT A MEETING

5. (1) The Board of Directors may transact a matter of business other than at a meeting called and conducted in accordance with paragraph 4 upon the condition that,
 - a) the chair of TFO is of the opinion that the matter of business should be decided sooner than a meeting can be called,
 - b) the chair submits the matter to be decided to the general manager of TFO,
 - c) the chair or the general manager submits the matter for decision to at least two-thirds (2/3) of the members of the Board of Directors,
 - i) by mail or electronic transmission,
 - ii) by telephone, or

- iii) orally; and
 - d) the general manager (or appointed staff) makes a record in the minute book of TFO of the matter to be decided and the decision of each member.
- (2) Where the conditions prescribed in sub-paragraph (1) have been complied with and the record shows a majority of members in favour of, or against, the matter of business, it shall be decided accordingly.
- (3) Where the general manager (or appointed staff) of TFO makes a record in the minute book under sub-paragraph (1), the record shall be read and confirmed at the next meeting of the Board of Directors.

VOTES TO GOVERN

6. (1) All questions at a meeting of the Board of Directors shall be decided by the majority of the votes of the members present and in the event of a tie vote, the chair of the meeting shall have the deciding vote.
- (2) All votes at a meeting of the Board of Directors shall be taken by ballot if so demanded by any member present, but if no demand is made; the question shall be decided by a show of hands.

QUORUM

7. A majority of the members of TFO constitute a quorum for the transaction of business. Notwithstanding vacancies, the remaining members may exercise all the powers of TFO so long as a quorum of TFO remains in office.

MINUTES

8. Minutes of each meeting of TFO shall be kept by the general manager and approved at the next regular meeting of the Board of Directors.

ORDER OF BUSINESS AT MEETING

9. (1) The order of business at a meeting of TFO shall be,
- a) roll call;
 - b) approving of minutes of last meeting;

- c) business arising out of minutes;
 - d) reports;
 - e) dealing with correspondence;
 - f) unfinished business; and
 - g) new business.
- (2) The order of business may be varied by the chair.

ELECTIONS

10. (1) Prior to October 1st each year, general elections for the District Turkey Producers' Committee shall take place under the provisions of Regulation 439 as amended and in accordance with the rules of procedure dated the 15th day of August, 2013 and identified as Schedule A to this By-law.
- (2) At the first meeting after every general election of the members thereof, the Board of Directors shall appoint such producer-members as are necessary to complete the Board of Directors under the provisions of Regulation 439 as amended.
- (3) At the meeting mentioned in sub-paragraph (2) the Board of Directors shall after appointment of any producer-members necessary to complete the Board of Directors conduct its annual elections in accordance with the rules of procedure dated the 15th day of August, 2013 and identified as Schedule B to this By-law.

OFFICERS

11. (1) The chair shall, when present, preside at all meetings of TFO.
- (2) The chair, when present, shall preside at any annual or special general meeting of producers.
- (3) The chair shall act as liaison with the general manager of TFO who shall be charged with the general supervision of the business and affairs of TFO. The chair shall also perform such duties and exercise such powers as the Board of Directors may prescribe.
- (4) During the absence of the chair or his or her inability to act, the chair's duties may be performed by the vice-chair. The vice-chair shall also perform such duties and exercise such powers as the Board of Directors may prescribe.

- (5) Where the chair and vice-chair are absent from a meeting, the Board of Directors may elect a chair for the purpose of that meeting from among the members present at the meeting.
- (6) The chair, vice-chair and executive member of the Board of Directors shall hold office until their successors are elected.
- (7) The Board of Directors shall appoint a general manager, a secretary and a treasurer.
- (8) The same person may be appointed, general manager, secretary and treasurer.
- (9) The Board of Directors may appoint such other officers and employees, as it deems necessary.
- (10) The Board of Directors shall not appoint a member of the Board of Directors as an officer or employee thereof except for the positions of chair, vice-chair and executive member which shall be filled by members of the Board.

DUTIES OF THE GENERAL MANAGER

12. The Board of Directors may delegate to the general manager full authority to manage and direct the business and affairs of TFO (except such matters and duties as by law must be transacted or performed by members of the Board of Directors) or may delegate to him or her any lesser power. The general manager shall liaison with the chair and shall conform to all reasonable and lawful orders given by the Board of Directors and shall at all reasonable times give the Board of Directors all information it may require regarding the affairs of TFO. The position of General Manager and Secretary may be held by the same person.

13. The general manager (or appointed staff) of TFO shall:

- (a) attend all meetings of the Board of Directors and keep true minutes thereof and shall send a copy of the minutes to every member of the Board of Directors within ten days, excluding Saturdays, Sundays and holidays, after the meeting;
- (b) conduct the correspondence of TFO;
- (c) keep a record of,

- i) all business transactions of TFO,
 - ii) all orders, directions or determinations of TFO,
 - iii) all reports of committees that are from time to time appointed by TFO, and
 - iv) all annual statements and financial auditor's reports;
- d) maintain at the head office of TFO true copies of all regulations, orders and policy statements of TFO and an index identifying all regulations, including amendments, by subject matter, and shall during the normal business hours of TFO,
- i) permit any person to inspect the copies and index without charge, and
 - ii) provide to any person upon request copies of the regulations, orders and policy statements; and
- e) file with the Farm Products Marketing Commission orders, directions, regulations, policy statements, reports, financial statements, appointments of agents and special statements, as may be required from time to time by the Commission through regulation;
- f) perform such other duties as may be prescribed from time to time by the Board of Directors.

DUTIES OF THE TREASURER

14. The treasurer of TFO shall,
- a) under the direction of the Board of Directors, provide for the deposit of money, the safekeeping of securities and the disbursement of the funds of TFO;
 - b) maintain separate accounts for the deposit of,
 - i) money received by TFO in trust for any other person, and
 - ii) levies or charges imposed by TFO pursuant to powers exercised under authority granted under the Agricultural Products Marketing Act (Canada);
 - c) keep full and accurate books of account in which shall be recorded all receipts and disbursements of TFO;
 - d) prepare reports showing the financial position of TFO as the Board of Directors may direct from time to time; and

- e) perform such other duties as may be prescribed from time to time by the Board of Directors.

ASSISTANTS

15. Any of the powers and duties of an officer to whom an assistant has been appointed by the Board of Directors may be exercised and performed by the assistant.

VARIATION OF DUTIES

16. The Board of Directors may add to or limit the powers and duties of an officer or his or her assistant.

BORROWING

17. (1) A by-law passed by the Board of Directors,
- a) for borrowing money on the credit of TFO;
 - b) for issuing, selling or pledging securities of TFO;
 - c) for charging, mortgaging, hypothecating or pledging all or any of the real or personal property of TFO, including books debts and unpaid calls, rights, powers franchises and undertakings;
or
 - d) to negotiate for any securities or any money borrowed, or other debt, or any other obligation or liability of TFO,

shall state the purpose or purposes for which the money, credit, debt or liability are to be used.

- (2) No by-law referred to in subsection (1) is effective unless it is passed at a meeting of the members of the Board of Directors called for the purpose of considering the by-law and not less than two-thirds of the members are present and vote in favour thereof.

INVESTMENT OF FUNDS

18. (1) Subject to section 14, TFO shall not invest any surplus funds of TFO other than in,
- a) bonds, debentures or other evidences of indebtedness,

- i) of or guaranteed by the Government of Canada,
 - ii) of or guaranteed by the government of any province of Canada,
 - iii) of or guaranteed by the Government of the United Kingdom,
 - iv) of any municipal corporation in Canada, including debentures issued for public, separate, secondary or vocational school purposes, or guaranteed by any municipal corporation in Ontario, or secured by or payable out of rates or taxes levied under the law of any province of Canada on property in that province and collectible by or through the municipality in which the property is situated;
- a.1) bonds, debentures or other evidences of indebtedness of a corporation that are secured by the assignment to a trustee of payments that the Government of Canada has agreed to make, if those payments are sufficient to meet the interest as it falls due on the bonds, debentures or other evidences of indebtedness outstanding and to meet the principal amount of the bonds, debentures or other evidences of indebtedness upon maturity;
 - a.2) debentures of any loan corporation that is registered under the *Loan and Trust Corporations Act*;
 - a.3) guaranteed investment certificates of any trust corporation that is registered under the *Loan and Trust Corporations Act*;
 - a.4) deposit receipts, deposit notes, certificates of deposits, acceptances and other similar instruments issued or endorsed by any bank listed in Schedule I or II to the *Bank Act (Canada)* or by any authorized foreign bank within the meaning of section 2 of the *Bank Act (Canada)*;
 - a.5) term deposits accepted by a credit union as defined in the *Credit Unions and Caisses Populaires Act, 1994*;
 - b) investment certificates of a bank listed in Schedule I or II to the *Bank Act (Canada)* or of an authorized foreign bank within the meaning of section 2 of the *Bank Act (Canada)*; and
 - c) paid up shares of,

- i) any credit union league to which the Credit Unions and Caisses Populaires Act applies; and
- ii) The Ontario Co-operative Credit Society.

- (1.1) Despite subsection (1), TFO shall not invest its surplus funds in the investments listed in that subsection unless the investment is in other respects reasonable and proper.
- (2) TFO may lend money to a fund established under the Farm Products Payments Act.

ANNUAL AUDITS

19. (1) TFO shall cause its accounts to be audited annually by one or more auditors within three months after the end of the fiscal year of TFO.
- (2) The auditor shall make a report to TFO based on the accounts examined by him or her and on every balance sheet laid before the TFO at a general meeting and in the report shall state whether, in the auditor's opinion, the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the TFO's affairs as shown by its books and the treasurer's financial statements.
- (3) The secretary of TFO shall file the report of the auditor.
- (4) TFO shall within four months of the close of its fiscal year publish in one issue of at least one edition of a newsletter or a magazine having general circulation among its producers, its annual statement of operations and the financial report of TFO.

BONDING

20. (1) The Board of Directors shall require the treasurer to furnish a bond for the faithful discharge of his or her duties in such form and with such security as the Board of Directors may from time to time prescribe.
- (2) The Board of Directors may require such other officers and such employees and agents as the Board of Directors considers advisable to furnish bonds for the faithful discharge of their duties in such form

and with such security as the Board of Directors may from time to time prescribe.

- (3) TFO shall pay the cost of any bond or bonds required under subsections (1) or (2).

INDEMNITY OF MEMBERS AND OFFICERS

21. (1) Every member or officer of TFO and his or her heirs, executors or administrators, and estate and effects respectively shall, from time to time and at all times, be indemnified and saved harmless out of the money of TFO, from and against any action, suit or proceeding that is brought, commenced or prosecuted against the member or officer in respect of any matter to which subsection 3 (6) of the Act applies.
- (2) Where any member or officer of TFO or his or her heirs, executors or administrators or estate and effects receives any money from any person on account of any matter with respect to which the member or officer has already received money from TFO under subsection (1), the member or officer shall forthwith pay to TFO the amount of money that he or she received respecting that matter from TFO or the amount of money that he or she received respecting that matter from the other person, whichever is the lesser amount.
22. (1) In addition to the indemnity provided by section 23 and except in respect of an action to procure a judgment in favour of TFO, every member, officer, clerk or employee of TFO, past, present and future, against whom any action, suit or proceeding has been or may be brought, commenced or prosecuted or who is required by law or otherwise agreed to participate in any investigation, hearing, inquiry, appeal, examinations for discovery, trial or any judicial or other proceeding in connection with TFO business, shall:
- i) receive from TFO such legal counsel and assistance as TFO may reasonably determine;
 - ii) in the case of board members, past or present, be paid by TFO per diems at the rate paid to board members at the time;
 - iii) in the case of officers, clerks or employees, past or present, be paid by TFO the lower of the equivalent current salary of the person in that or a similar position or the per diem paid to board members at the time; and
 - iv) be reimbursed for all out-of pocket expenses including travel and other costs.

- (2) Provided however that, in exchange for the presentation of these provisions of indemnity and remuneration and reimbursement such member, officer, clerk or employee, past, present or future, as the case may be, shall co-operate fully with TFO in the defense of such proceedings and shall be subject to such direction as TFO or its counsel shall deem appropriate, failing which such provision of indemnity, remuneration and reimbursement provided hereby shall forthwith lapse and be of no further force and effect.

REMUNERATION OF MEMBERS OF THE BOARD OF DIRECTORS

23. The members of TFO shall be paid such remuneration on a per diem basis as the Board of Directors may from time to time determine. In addition, TFO may pay its members a monthly honorarium and may from time to time award special remuneration to any member of the Board of Directors who performs any special work or service for or undertakes any special mission on behalf of TFO outside the work or services ordinarily required of a member of the Board of Directors. Subject to approval of the audit committee of TFO, the members of the Board of Directors shall be paid such sums in respect of their out of pocket expenses incurred in attending meetings of TFO and committees or otherwise in respect of the performance by them of their duties as the Board of Directors may from time to time determine.

BANKING ARRANGEMENTS

24. The banking business of TFO, or any part thereof, shall be transacted with such bank, trust company or other firm or corporation carrying on a banking business as TFO may designate, appoint or authorize from time to time by resolution and all such banking business, or any part thereof, shall be transacted on the TFO's behalf by such one or more officers and other persons that the Board of Directors may designate, direct or authorize from time to time by resolution and to the extent therein, provided, including, but without restricting the generality of the foregoing, the operation of TFO's accounts; the making, signing, drawing, accepting, endorsing, negotiating, lodging, depositing, or transferring of any cheques, promissory notes, drafts, acceptances, bills of exchange and orders for the payment of money; the giving of receipts for and orders relating to any property of TFO; the execution of any agreement relating to any such banking business and defining the rights and powers of the parties thereto; and the authorizing of any officer of such banker to do any act or thing on TFO's behalf to facilitate such banking business.

EXECUTION OF DOCUMENTS

25. Regulations, orders, contracts, documents or other instruments in writing requiring the signature of TFO may be signed by the chair, vice-chair and the secretary and all such regulations, orders, contracts, documents and instruments in writing so signed shall be valid and binding upon TFO, and all others affected thereby without any further authorization or formality. The Board of Directors shall have power from time to time by resolution to appoint any officer or officers, person or persons on behalf of TFO, either to sign contracts, documents or instruments in writing.

FISCAL YEAR

26. The fiscal year of Turkey Farmers of Ontario shall end on the 31st day of December in each year.

MEETINGS OF PRODUCERS

27. (1) TFO shall call an annual meeting of the producers under the plan.
- (2) The annual meeting of the producers shall be held on or before the 1st day of May in each year at such date and time and at such place as the Board of Directors determines.
- (3) At the annual meeting referred to in paragraph (1) TFO shall present the auditor's report referred to in subsection 19 (2) and shall announce the appointment of auditors for the next succeeding annual meeting.
28. (1) Where TFO receives a petition or request from at least ten per cent of the producers under the plan requesting that a special meeting of the producers be held for discussion of matters respecting the operation of the plan or of TFO, the Board of Directors shall call a special meeting of the producers within thirty days of receipt of the petition or request.
- (2) A petition or request shall contain or be accompanied by a statement of the matters for discussion at the special meeting.
29. (1) A meeting referred to in section 27 or 28 may be called,
- a) by giving notice thereof to each producer who is entitled to attend; or

- b) by publication of a notice in at least one newspaper or magazine having a general circulation among the producers.
- (2) Notice of a meeting referred to in section 27 shall be given or published at least two weeks before the date of the meeting.

INTERPRETATION

30. In this by-law and all other by-laws of TFO, expressions used, unless the contra intention appears, shall have the same meaning as similar expressions in the Farm Products Marketing Act and Regulations as amended from time to time; words importing the singular number only shall include the plural and vice versa; words importing the masculine gender shall include the feminine and neuter genders; words importing persons shall include companies, corporations, partnerships and any number or aggregate of persons.

Revocation

31. By-Law No. 1-2011 is hereby revoked and this By-Law is substituted therefore.

ENACTED and confirmed by the members of Turkey Farmers of Ontario in their respective capacities as directors and members thereof this 15th day of August, 2013.

WITNESS the corporate seal of Turkey Farmers of Ontario.



Chair


General Manager

TURKEY FARMERS OF ONTARIO

BY-LAW NO. 1-2013 -- SCHEDULE A

RULES OF PROCEDURE - District Elections

1. ELECTION PROCEDURES FOR DISTRICTS

1.01 On or before October 1, 2007 and in every second year after that, the producers in District 1 shall elect, from amongst themselves, their representatives to their committee and to the local board, to hold office for two years from October 1.

1.02 On or before October 1, 2008 and in every second year after that, the producers in District 2 shall elect, from amongst themselves, their representatives to their committee and to the local board, to hold office for two years from October 1.

1.03 On or before October 1, 2007 and in every second year after that, the producers in District 3 shall elect, from amongst themselves, their representatives to their committee and to the local board, to hold office for two years from October 1.

1.04 On or before October 1, 2008 and in every second year after that, the producers in District 4 shall elect, from amongst themselves, their representatives to their committee and to the local board, to hold office for two years from October 1.

2. ELIGIBILITY REQUIREMENTS

2.01 District Turkey Producers' Committee Representative: To be eligible to stand for election, as a member of the District Turkey Producers' Committee a person shall,

- a) have their mailing address in that district, and
- b) be a producer, or
- c) be a shareholder in a company that is a producer, or
- d) be designated by letter (proxy) representing a producer or company that is a producer.

2.02 TFO Director: To be eligible to stand for election as a director of TFO a person shall,

- a) have their mailing address in that district, and

- b) be a producer, or
- c) be a shareholder in a company that is a producer, and
- d) be a representative of the District Turkey Producers' Committee.

2.03 Voting:

- a) For the purpose of electing producer representatives to the District Turkey Producers' Committee and eligibility for membership in a District Turkey Producers' Committee or the Board, a producer is the beneficial owner of registered premise in respect of which a basic quota has been fixed and allotted for the production and marketing of turkeys, and
 - i) where the producer is a corporation, the person, if any, designated in writing in respect of that property by the corporation shall be deemed to be the producer;
 - ii) where the producer is a firm or partnership or one or more persons carrying on the production and marketing under a trade name, farm name, or other designation, the person, if any, designated in writing in respect of that property by the owner or owners shall be deemed to be the producer, and;
 - iii) where the producer is comprised of two or more persons who are joint owners, the one of such joint owners who first presents himself or herself to register the vote in respect of that property shall be deemed to be the producer;
 - iv) no person/producer shall have more than one vote;
 - v) no producer shall be eligible to vote in a district unless that producer's mailing address is in that district.
- b) Any producer who cannot attend an election meeting, may designate in writing an individual who is
 - i) not a producer or a representative of a producer;
 - ii) no such alternative representative can have more than one vote or represent more than one producer.

3. DISTRICT COMMITTEE REPRESENTATIVE NOMINATIONS

- 3.01 a) There shall be a committee of not fewer than four members in each district to be known as the District Turkey Producers' Committee.

- b) Subject to paragraph (a), the number of District Committee Representatives comprising each District Turkey Producers' Committee shall be determined on the basis of one member for every ten producers or part of ten in the district on August 1 in the year in which the election is held.
- c) The meeting shall decide by motion as to whether the nominations will be verbal or by ballot.
- d) The chair of the election meeting shall accept nominations of eligible candidates for district committee representatives from the meeting by producers within that district provided that where a producer nominated is not in attendance the chair must have filed with him or her the written consent of the named producer to allow his or her name to stand for that position as a District Committee Representative.
- e) If only the required representatives are nominated and willing to stand for the positions, the chair will declare them elected by acclamation.
- f) If more than the required representatives are nominated and willing to stand for the position, an election by ballot is required.

4. **TFO DIRECTOR NOMINATIONS**

- a) The local board as Turkey Farmers of Ontario shall be composed of seven members as follows:
 - i) two members from each of Districts 1, 2 and 3.
 - ii) one member from District 4.
- b) In Districts where 2 members are to be elected, each member shall be elected separately, subject to subsection (e).
- c) The meeting shall decide by motion as to whether the nominations will be verbal or by ballot.
- d) The chair of the election meeting shall accept nominations of eligible candidates for TFO director from the meeting by producers within that district provided that where a producer nominated is not in attendance the chair must have filed with him or her the written consent of the named producer to allow his or her name to stand for that position as a TFO director.

- e) If only the required members are nominated and willing to stand for the director position, the chair of the meeting shall declare them elected by acclamation.
- f) If more than the required members are nominated and willing to stand for the director position, an election by ballot is required.

5. ELECTIONS

5.01 The order of proceedings at the election meeting shall be as follows:

- a) nominations for District Committee Representatives, and
- b) election of District Committee Representatives.
- c) nominations for TFO director(s), and
- d) election of TFO director(s).

6. SCRUTINEERS

- 6.01
- a) The meeting shall, by motion, appoint two independent scrutineers for each district to the election meeting.
 - b) The scrutineers shall check the eligibility of voters against a list of producers eligible to vote in the district as supplied by TFO, together with any alternate representative designations filed at the meeting, before allowing the producers to receive a ballot and vote.

7. BALLOTS

- 7.01
- a) Voting shall be conducted by secret ballot;
 - b) TFO shall provide each district with sufficient ballot forms to properly conduct the election;
 - c) The chair shall give specific directions for the guidance of voters in the voting procedure prior to conducting the election.

8. VOTING PROCEDURE FOR DISTRICT COMMITTEE REPRESENTATIVES

- 8.01 a) A voter must vote for the number of person to be elected;
- b) Any ballot not marked for the exact number required shall be declared spoiled;
- c) The scrutineers shall count the votes immediately on completion of voting;
- d) District Committee Representatives, up to the numbers allowed, receiving the greatest number of votes, shall be declared elected by the scrutineers.
- e) After removing the nominees with the least votes, if two or more candidates are tied for the last position(s) on the District Committee, further ballots shall be held.
- f) In the event of a tie after three votes, the chair shall remove one ballot at random with the resulting recount of the remaining ballots determining the winner.

9. VOTING PROCEDURE FOR TFO DIRECTOR

- 9.01 a) A voter may only vote for one person to be elected as a TFO director.
- b) Any ballot marked otherwise than for one TFO director shall be declared spoiled.
- c) The scrutineers shall count the votes immediately on completion of voting.
- d) In the event that no one nominee for a TFO director receives a majority of the ballots cast (i.e. 50% plus one), a second ballot shall be held with the Chair removing the name of the nominee with the least votes. If there is still not a clear majority, and also a tie-vote (between the lowest number of votes), there must be a ballot to break the tie, and a subsequent ballot between the tiebreaker and the candidate with the highest votes.
- e) In the event of a tie for TFO director position after three ballots, the chair shall remove one ballot at random with the resulting recount of the remaining ballots determining the winner.

- f) The chair will accept a motion to destroy all ballots.
- g) The chair will then return the meeting back to the Chair of the district.

BY ORDER OF TURKEY FARMERS OF ONTARIO

DATED at Kitchener this 15th day of August, 2013.



Chair


General Manager

TURKEY FARMERS OF ONTARIO**BY-LAW NO. 1-2013 -- SCHEDULE B****RULES OF PROCEDURE – Board of Director Elections****1. BOARD OF DIRECTOR ELECTION PROCEDURES**

1.01 At the first meeting in October, the Board of Directors shall conduct its annual elections, to hold office for one year.

- a) The Board of Directors shall elect from its members a chair, a vice-chair and an executive member, to hold office until the first Board of Directors meeting in October of the next year.
- b) The Board of Directors shall elect from its members a **TFC** director and a **TFC** alternate, to hold office commencing at the **TFC** annual meeting in March for one year.
- c) Elected **TFC** directors and alternates are to attend **TFC** meetings between October and March as an observer.

2. NOMINATIONS

2.01 Nominations for all positions shall be made by ballot.

- a) If only one person is nominated and willing to stand for the position, the chair will declare them elected by acclamation.
- b) If more than the required representatives are nominated and willing to stand for the position, an election by ballot is required.

3. ELECTIONS

3.01 The order of proceedings at the election meeting shall be as follows:

- a) nominations for **TFC** director, and election of **TFC** director.
- b) nominations for **TFC** alternate, and election of **TFC** alternate.
- c) nominations for Chair, and election of Chair.

- d) nominations for Vice Chair, and election of Vice Chair.
- e) nominations for Executive Member, and election of Executive Member.

4. **SCRUTINEERS**

4.01 The meeting shall, by motion, appoint two independent scrutineers for the election meeting.

5. **BALLOTS**

5.01 Voting shall be conducted by secret ballot.

6. **VOTING PROCEDURE**

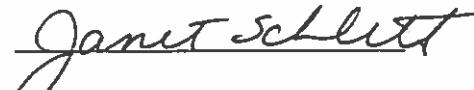
- 6.01
- a) A voter may only vote for one person to be elected.
 - b) Any ballot marked otherwise shall be declared spoiled.
 - c) The scrutineers shall count the votes immediately on completion of voting.
 - d) In the event that no one candidate receives a majority of the ballots cast (i.e. 50% plus one), a second ballot shall be held with the Chair removing the name of the candidate with the least votes. If there is still not a clear majority, and also a tie-vote (between the lowest number of votes), there must be a ballot to break the tie, and a subsequent ballot between the tiebreaker and the candidate with the highest votes.
 - e) In the event of a tie after three ballots, the chair shall remove one ballot at random with the resulting recount of the remaining ballots determining the winner.
 - f) The chair will accept a motion to destroy all ballots.
 - g) The chair will then return the meeting back to the Chair of the board.

BY ORDER OF TURKEY FARMERS OF ONTARIO

DATED at Kitchener this 15th day of August, 2013.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Chair

A handwritten signature in black ink that reads "Janet Schlitt" in a cursive style, positioned above a solid horizontal line.

General Manager