

CANADA-ONTARIO COVID-19 AGRIRECOVERY BEEF EMERGENCY FEED MAINTENANCE INITIATIVE

GUIDELINES

1.0 Interpretation

1.1 Interpretation

For the purposes of interpreting this Guidelines:

- (a) Words in the singular include the plural and vice-versa;
- (b) Words in one gender include all genders;
- (c) The headings do not form a part of this Guidelines – they are for reference purposes only and will not affect the interpretation of this Guidelines.
- (d) Any reference to dollars or currency in this Guidelines will be to Canadian currency or dollars.
- (e) Any reference to a statute means a statute of the Province of Ontario, unless otherwise indicated.
- (f) Any reference to a statute is to that statute and to the regulations made pursuant to that statute as they may be amended from time to time and to any statute and regulations that may be passed that have the effect of supplanting or superseding that statute or regulation unless a provision in this Guidelines provides otherwise; and
- (g) The words “include”, “includes” and “including” denote that the subsequent list is not exhaustive.

1.2 Definitions

For the purposes of this Guidelines, the terms below will have the following meanings:

“Administrator” means AgriCorp, a Crown Agent established under the AgriCorp Act, 1996, which will administer this Initiative on behalf of the Provincial Ministry;

“Affected Processor” means an Ontario processor of Ontario Cattle (slaughter and further processing) that regularly processes Ontario Cattle for human consumption and is experiencing reduced processing capacity of Ontario Cattle due to a COVID-19 event at the processor;

“Applicant” means a Person who has applied to the Initiative;

“Beef Industry Committee” means a transparent forum for industry and OMAFRA Provincial Ministry beef subject matter experts to provide information to support decision-making relevant to the size of Initiative intake levels for the duration of the Canada-Ontario AgriRecovery Beef Emergency Feed Maintenance Initiative, the number of cattle to be released from the Initiative as well to review applications received from producers;

“Business Day” means any working day, Monday to Friday inclusive, but excluding statutory and other holidays on which the Ministry has elected to be closed for business;

“Canada” means Her Majesty the Queen in Right of Canada;

“Cattle” means a bovine of a beef-type whose main characteristic is beef and includes Heifers and Steers, unless the context indicates otherwise;

“COVID-19 Event” means an event occurring after December 1, 2020 where, as determined by the Provincial Ministry, a COVID-19 outbreak in Ontario results in a 10% or greater reduction (as measured by average processing capacity in the previous twelve months) in the weekly processing capacity of Ontario beef cattle. A COVID-19 Event is deemed completed when the processing capacity returns to pre-COVID-19 levels or 6 months from when the date that the COVID-19 Event first occurred, whichever is shorter;

“CRA Business Number” means the business number Canada Revenue Agency issued to the Applicant pursuant to the *Income Tax Act (Canada)*;

“Cull Cow” means a female bovine animal that is no longer being used for breeding purposes;

“Enrollment Period” means a period of:

- (a) 63 calendar days for Feedlot Cattle, or
- (b) 63 calendar days for Cull Cows;

“FBRN” means a farming business registration number issued under the *Farm Registration and Farm Organizations Funding Act, 1993*;

“Federal Minister” means the Minister of Agriculture and Agri-Food Canada, or any such other Minister who may be designated from time to time as the responsible Minister in relation to the Initiative in accordance with the *Parliament of Canada Act (Canada)* and includes any delegate of the Minister;

“Federal Ministry” means the ministry of the Federal Minister;

“Feedlot Cattle” means:

- (a) Steers weighing an average of at least 1,400 pounds of live weight; or
- (b) Heifers weighing an average of at least 1,300 pounds or live weight,

“Guidelines” means this document, as it may be amended from time to time;

“Heifer” means a female bovine cow that has not born a calf;

“Identification Tag Number” means the tag number issued by the Canadian Cattle Identification Agency (CCIA) for a Steer or a Heifer;

“Initiative” means the Canada-Ontario COVID-19 AgriRecovery Beef Emergency Feed Maintenance Initiative;

“Initiative Administrator” is the same person as the “Program Administrator”, as that term is defined in the Provincial Minister’s Order, and for greater clarity means the Provincial Ministry’s Assistant Deputy Minister of the Policy Division and includes any acting Initiative Administrator of the Provincial Ministry’s Policy Division as well as any successor position;

“Initiative Operator” is the same person as the “Program Operator”, as that term is defined in the Provincial Minister’s Order, and for greater clarity means the Director of the Provincial Ministry’s Farm Finance Branch – Policy Division and includes any acting Director of the Provincial Ministry’s Farm Finance Branch – Policy Division as well as any successor position;

“Ontario” means Her Majesty the Queen in Right of Ontario, unless the context indicates otherwise;

“Overpayment” means any Payment which the Recipient is not entitled to receive at the time the Payment was made (through administrative error or otherwise) or to which the Recipient ceases to be eligible to receive at any time after the Payment was made;

“Participant” means a Person who has been accepted to participate in the Initiative;

“Payment” means the direct provision of funds to a Recipient that is calculated by the Provincial Ministry for each week during an intake period; The Payment per Surplus Animal cannot be greater than \$126 per Feedlot Cattle or \$100.80 per Cull Cow;

“Payment Rate” means \$2.00 per day per Surplus Animal where the Surplus Animal is Feedlot Cattle and \$1.60 per day where the Surplus Animal is a Cull Cow;

“Person” for the purposes of this Initiative means an individual, including the administrator of a deceased individual’s estate, or a legal entity which may include:

- (a) A corporation,
- (b) A partnership, and
- (c) An unincorporated association;

“Premises ID Number” means a unique identifier assigned by Ontario pursuant to the Provincial Minister’s Order 0002/2018;

“Provincial Minister” means the Minister of Agriculture, Food and Rural Affairs, or any such other Minister who may be designated from time to time as the responsible Minister in relation to the Initiative in accordance with the *Executive Council Act* and includes any delegate of the Minister;

“Provincial Minister’s Order” means Minister’s Order 0004/2018, as amended;

“Provincial Ministry” means the ministry of the Provincial Minister;

“Recipient” means a Participant who received a Payment under the Initiative;

“Requirements Of Law” means all applicable statutes, regulations, by-laws, ordinances, codes, official plans, rules, guidelines, approvals, permits, licenses, authorizations, orders, decrees, injunctions, directions, agreements, as they may be amended from time to time, with all authorities that now or at any time hereafter may relate to the Applicant/Participant/Recipient’s business operations, this Initiative, or both;

“SIN” means a Social Insurance Number;

“Steer” means a castrated male bovine;

“Surplus Animals” means Feedlot Cattle and/or Cull Cows to be set aside for 63 calendar days from an Ontario processing facility due to a COVID-19 Event. The total number of Surplus Animals for any week within the Initiative may not exceed the processing capacity lost for the week for which the intake being considered due to a COVID-19 Event plus the cumulative COVID-19-related backlog of market-ready Feedlot Cattle and Cull Cows from previous weeks that are not enrolled in the Initiative; and

“Tribunal” means the Agriculture, Food and Rural Affairs Appeal Tribunal, as continued under the *Ministry of Agriculture, Food and Rural Affairs Act*.

1.3 Purpose Of Initiative

The purpose of this Initiative is to provide financial assistance to those who produce Feedlot Cattle or Cull Cows in Ontario to cover additional costs incurred because they have been required to provide maintenance feed rations to the Feedlot Cattle or Cull Cows (i.e. the Feedlot Cattle or Cull Cows are Surplus Animals) due to a COVID-19 event at an Ontario processor.

2.0 Term Of Initiative

2.1 Commencement Of Initiative

This Initiative will commence on December 21, 2020.

2.2 End Of Initiative

This Initiative will end on March 31, 2021.

2.3 Termination Of Initiative

The Provincial Minister may terminate the Initiative at any time, without prior notice, if the Provincial Minister determines the Initiative should no longer continue.

The Federal Minister may terminate Canada's funding under the Initiative at any time, without prior notice, if the Federal Minister determines Canada should no longer be providing funding for the Initiative. Where the Federal Minister terminates Canada's funding for the Initiative, the Provincial Minister may continue the Initiative. Where the Provincial Minister decides to continue the Initiative despite the Federal Minister's termination of Canada's funding, Participants will only be eligible to receive Ontario's portion (40%) of a Payment. For greater certainty, the Provincial Minister may also terminate the Initiative at any time, without prior notice, if the Federal Minister terminates Canada's funding for the Initiative.

Where the Federal Minister terminates Canada's funding under the Initiative or the Provincial Minister terminates the Initiative, the Provincial Minister will post a notice of termination of the Initiative on the Provincial Ministry's website and the termination will be effective as of the date the notice is posted.

The Federal Minister and the Provincial Minister will pay any claims submitted to the Administrator up to the date the Initiative is terminated. For greater certainty, this includes any claims submitted via mail where the mail is post-marked prior to the date the Federal Minister terminated Canada's funding for the Initiative or the Provincial Minister terminated the Initiative.

3.0 Funding For Initiative

Funding for the Initiative is based on a cost-share between Canada and Ontario. Canada will provide 60% of the funds for the Initiative and Ontario will provide 40% of the funds for the Initiative.

Funding for Ontario's portion of the Initiative will come from the monies allocated to the Provincial Ministry for the purposes of the Initiative.

Funding for Canada's portion of the Initiative will come from the monies allocated to the Federal Ministry for the purposes of the Initiative.

4.0 Eligibility Requirements For Initiative

4.1 Eligibility Requirements

To be eligible to participate in the Initiative, an Applicant must meet the following eligibility requirements:

- (a) Have Surplus Animals;
- (b) Be a Person;

- (c) Apply to the Initiative using an Administrator-approved application form;
- (d) Submit a completed application form for the Initiative to the Administrator of Initiative no later than January 19, 2021;
- (e) Provide the Administrator with:
 - (i) The Applicant's CRA Business Number, or
 - (ii) The Applicant's SIN, if the Applicant does not have a CRA Business Number and the Applicant is eligible to receive a Payment under the Initiative;
- (f) Provide the Administrator with:
 - (i) A valid FBRN, or
 - (ii) One of the following acceptable alternatives to the FBRN:
 - (a) An order of the Tribunal exempting the Applicant from having to obtain a FBRN,
 - (b) A letter from the Indian Agriculture Program of Ontario verifying the Applicant's farm business operates within a "Reserve", as defined under the *Indian Act* (Canada), or
 - (c) Income statements or other evidence acceptable to the Initiative Operator demonstrating the annual gross income for the farming business for the 2019 FBRN program year was equal to or greater than \$7,000.00;
- (g) Has a Premises ID Number for each premises where the Surplus Animals are being fed;
- (h) Provides the Administrator with a written attestation showing the Applicant was scheduled to market Feedlot Cattle or Cull Cows and was not able to do so due to a COVID-19 related processing disruption in Ontario;
- (i) Disclose any financial assistance the Applicant has received from any federal-provincial-municipal source meant to address the costs incurred that are covered by this Initiative;
- (j) Agree to be bound by the terms and conditions of the Initiative, as set out in the Guidelines;

- (k) Is in compliance with and agrees to remain in compliance with all material Requirements Of Law while participating in the Initiative;
- (l) Has not lost its eligibility to participate in the Initiative pursuant to section 4.4 of the Guidelines; and
- (m) Acknowledge that a person lobbying, as defined in the Lobbying Act (Canada), on behalf of an Applicant/Participant/Recipient must be registered pursuant to the Lobbying Act.

4.2 Waiver Of Eligibility Requirements

The Initiative Operator may waive one or more eligibility requirements set out under section 4.1 of the Guidelines, provided the Initiative Operator is of the opinion that not providing such a waiver would create an unfair result for the Applicant making the waiver request. The Initiative Operator may impose conditions on any waiver the Initiative Operator may provide.

4.4 Loss Of Eligibility

An Applicant/Participant/Recipient may lose its eligibility to participate in the Initiative if one or more of the situations set out in section 4.4.1 to 4.4.5 of the Guidelines arises.

4.4.1 Willful Submission Of False Of Misleading Information

An Applicant/Participant/Recipient that willfully submits false or misleading information under the Initiative:

- (a) May have its eligibility to participate, or continue participating, in the Initiative revoked for the remainder of the Initiative; and
- (b) Will repay any Payments received under the Initiative.

The Initiative Operator will be responsible for determining whether an Applicant/Participant/Recipient has willfully submitted false or misleading information under the Initiative. The Initiative Operator will also be responsible for making any decisions pursuant to sections 4.4.1(a) the Guidelines.

4.4.2 Submission Of False Or Misleading Information

An Applicant/Participant/Recipient that submits false or misleading information under the Initiative or is found to have acted in a negligent manner in regards to allowing false or misleading information to be submitted under the Initiative:

- (a) May have its eligibility to participate, or continue participating, in the Initiative revoked for the remainder of the Initiative; and

- (b) Will repay any Payments received under the Initiative.

The Initiative Operator will be responsible for determining whether an Applicant/Participant/Recipient has submitted false or misleading information under the Initiative or acted in a negligent manner regarding allowing false or misleading information to be submitted under the Initiative. The Initiative Operator will also be responsible for making any decisions pursuant to section 4.4.2(a) of this Guidelines.

4.4.3 Abusive Or Offensive Behaviour

An Applicant/Participant/Recipient who acts in an abusive or offensive manner toward any person responsible for administering or delivering the Initiative will receive one written warning about its conduct. If the Applicant/Participant/Recipient continues with its abusive or offensive conduct, the Applicant/Participant/Recipient may lose its eligibility to participate, or continue participating, in the Initiative for the remainder of the Initiative.

The Initiative Operator will be responsible for determining whether an Applicant/Participant/Recipient's behavior is abusive or offensive. The Initiative Operator will also be responsible for determining whether an Applicant/Participant/Recipient should lose its eligibility to participate, or continue participating, in the Initiative.

4.4.4 Non-Compliance With Providing Information Or Participating In Audits

An Applicant/Participant/Recipient who does not comply with a request for information or refuses to participate in any audits conducted under the Initiative:

- (a) Where the non-compliance relates to the processing of a potential Payment under the Initiative – The Applicant/Participant:
 - (i) Will not have a Payment issued under the Initiative until such information is provided; and
 - (ii) May have its eligibility to participate, or continue participating, in the Initiative revoked for the remainder of the Initiative; or
- (b) Where the non-compliance relates to participating in an audit under the Initiative – The Participant/Recipient:
 - (i) May have its eligibility to participate, or continue participating, in the Initiative revoked for the remainder of the Initiative; and
 - (ii) Will repay any Payments received under the Initiative.

The Initiative Operator will be responsible for determining whether an Applicant/Participant/Recipient has failed to comply with a request to submit information

or participate in an audit under the Initiative. The Initiative Operator will also be responsible for making decisions pursuant to sections 4.4.4(a) and 4.4.4(b) of this Guidelines.

5.0 Operation Of The Initiative

5.1 Intake Periods

Intake Periods

The Beef Industry Committee will meet on an ongoing basis during the term of the Initiative to monitor the number of Surplus Animals and will share this information with the Provincial Ministry.

The Provincial Ministry will make a determination based on information and evidence provided by the Beef Industry Committee on whether COVID-19 Events necessitate an intake.

There are 4 (four) potential intake dates*:

Beef Industry Committee Meeting Date*	Decision on Whether an Intake is Triggered*	Application Date*	Set Aside Start Date*	Set Aside End Date
December 18, 2020	December 18, 2020	December 21, 2020 9:00am to December 22, 2020 5:00pm	December 28, 2020	March 1, 2021
December 24, 2020	December 24, 2020	December 29, 2020 9:00am to December 30, 2020 5:00pm	January 4, 2021	March 8, 2021
January 8, 2021	January 8, 2021	January 11, 2021 9:00am to January 12, 2021 5:00pm	January 18, 2021	March 22, 2021
January 15, 2021	January 15, 2021	January 18, 2021 9am to January 19, 2021 5:00pm	January 25, 2021	March 29, 2021

*The dates are subject to change based on the availability of data to support an intake decision. The end date for any set aside may not be later than 63 days after the start date of a set aside or March 29, 2021.

The Beef Industry Committee will gather and review evidence on the number of Surplus Animals including Initiatives and mechanisms to address processing disruptions in other

provinces in considering a recommendation to the Provincial Ministry on the maximum number of Feedlot Cattle and Cull Cows to be enrolled in the Initiative for each week that there is an Intake Period.

The Provincial Ministry will review the recommendation made by the Beef Industry Committee and provide the Administrator with the maximum weekly number of Feedlot Cattle and Cull Cows to be enrolled no later than Friday for each week during an Intake Period.

The maximum size of an intake must not be greater than the processing capacity lost for the week to which the intake applies plus the cumulative backlog of market-ready Feedlot Cattle and Cull Cows from previous weeks that are not enrolled in the Initiative.

Application intakes under the Initiative will begin on the Monday of each calendar week during an Intake Period.

Intakes under the Initiative will begin on the Monday of each calendar week during the period the Provincial Ministry has determined there is a COVID-19 Event and will continue until there is no COVID-19 Event.

Enrollment applications must be submitted by Applicants between Monday, 9 a.m. through to Tuesday, 5 p.m. Eastern Standard Time to be considered for enrollment the following week. In the event of a statutory holiday falling on the enrollment dates, enrollment applications will be extended one day.

The Beef Industry Committee will review all applications for cattle to be set aside for the week once the Administrator has verified applicants' eligibility on a first come, first served basis.

Applicants may not enroll more than 500 Surplus Animals per Intake Period.

When the number of applications for enrollment exceeds the maximum number of Surplus Animals for an Intake Period, the Provincial Ministry will limit the number of Surplus Animals set aside to reflect the maximum number of Surplus Animals that the Provincial Ministry has approved for enrollment for that Intake Period.

If an Applicant has been verified as meeting Initiative eligibility criteria by the Administrator and is not accepted into the intake for that week because the number of total applications exceeds the intake size for that week, the Administrator will ensure that the Applicant gets priority to have animals enrolled in the following intake week.

Upon enrollment approval by the Administrator, the set aside start date begins the subsequent Monday.

Surplus Animals, once accepted to the Initiative, cannot be sold or shipped to a processor until either the animals: (i) have been set aside for a minimum of 30 days and released early by the Administrator and any requests will be considered by the Provincial Ministry in consultation with the Beef Industry Committee or (ii) held for 63 days.

Participants may request an early release of their Surplus Animals to the Administrator. The decision to release a Surplus Animal from the Initiative will be made by the Provincial Ministry, in consultation with the Beef Industry Committee.

5.2 Enrollment Number Requirements

A minimum of:

- (a) 20 Feedlot Cattle Surplus Animals; or
- (b) 5 Cull Cow Surplus Animals,

must be enrolled during each intake under the Initiative and remain enrolled in the intake for the entire Eligibility Period.

5.3 Enrollment Requirements

To be eligible for enrollment under the Initiative, the Surplus Animals must meet the requirements set out in sections 5.3.1 to 5.3.6 of the Guidelines.

5.3.1 Weight

The average weight requirement for each lot of cattle for the first day of the Enrollment Period for Surplus Animals is:

- (a) 1,400 pounds for Feedlot Cattle Steers, and
- (b) 1,300 pounds for Feedlot Cattle Heifers.

5.3.2 Grading

Feedlot Cattle Surplus Animals enrolled in the Initiative must reasonably be expected to make Grade "A" upon being processed. The Administrator may de-enroll any Feedlot Cattle Surplus Animals from the Initiative if the Administrator is of the view it is not reasonably expected that the Feedlot Cattle Surplus Animals will make Grade "A" upon being processed.

Cull Cow Surplus Animals enrolled in the Initiative must reasonably be expected to make Grade "D" upon being processed. The Administrator may de-enroll any Cull Cows Surplus Animals from the Initiative if the Administrator is of the view it is not reasonably expected that the Cull Cow Surplus Animals will make Grade "D" upon being processed.

5.3.3 Identification

Surplus Animals enrolled in the Initiative must each be identified by a Canadian Cattle Identification (CCIA) Program Identification Tag Number. The Administrator may de-enroll any Surplus Animal from the Initiative that do not meet this requirement.

5.3.4 Location

Surplus Animals enrolled in the Initiative must be fed at premises located in Ontario for at least 60 consecutive days. The Administrator may de-enroll any Surplus Animals from the Initiative if they are being fed at premises located outside of Ontario.

5.3.5 Ownership

Surplus Animals enrolled in the Initiative must remain the property of the Participant who enrolled them during the Enrollment Period for at least 60 consecutive days. The Administrator may de-enroll any Surplus Animals from the Initiative if the ownership of the Surplus Animals changes during the Enrollment Period.

Surplus Animals that are jointly owned may participate in the Initiative, provided all owners of the Surplus Animals consent to have the Surplus Animals enrolled in the Initiative and there is no change in ownership while the Surplus Animals are enrolled in the Initiative.

5.3.6 Processing For Human Consumption

Surplus Animals enrolled in the Initiative must be sold for processing for human consumption at the end of the Enrollment Period. The Administrator may de-enroll any Surplus Animals from the Initiative if they are not sold for processing for human consumption.

5.4 Payments

Payments under the Initiative will follow the process set out under sections 5.1.1 to 5.1.5 of this Guidelines.

5.4.1 Payment Per Head

Two dollars (\$2.00) will be paid for each Feedlot Cattle Surplus Animal enrolled in the Initiative for each day each Feedlot Cattle Surplus Animal is enrolled within the Enrollment Period of the Initiative and One dollar and sixty cents dollars (\$1.60) will be paid for each Cull Cow Surplus Animal enrolled in the initiative for each day each Cull Cow Surplus Animal is enrolled within the Enrollment Period of the Initiative.

5.4.2 Payment Information

- (a) For Feedlot Cattle, no payment will be made without the Participant providing the Administrator with proof of sale intended for slaughter for each Surplus Animals enrolled in an intake of the Enrollment Period under the Initiative, which may include: (1) date of slaughter; (2) processor information (note: the processor may be different than the one than the processor the Participant originally intended to send to); (3) identification tag number for each animal; (4) grading information for each animal; and (5) dressing weight for each animal.
- (b) For Cull Cows, no payment will be made without the Participant providing the Administrator with proof of sale intended for slaughter including sale date, number of head sold, buyer name and buyer contact information. The Administrator may require additional information such as slaughter date, slaughter weight, grading information;

5.4.3 Reduction In Payment

No Payment will be made for any Surplus Animals that have been de-enrolled by the Administrator pursuant to section 5.3 of the Guidelines.

5.4.4 No Payment

No Payment will be made to a Participant where the number of Surplus Animals the Participant enrolled in an intake falls below what is required pursuant to section 5.2 of this Order.

5.4.5 Payment Timing

Payments under the Initiative will be provided after proof of slaughter for all Surplus Animals the Participant enrolled in an intake of the Enrollment Period has been provided to the Administrator.

5.5 Initiative Operator's Powers

The Initiative Operator may reduce the Enrollment Period for Surplus Animals under the Initiative if the Initiative Operator is of the opinion such a reduction in time is warranted. Where the Initiative Operator reduces the Enrollment Period, all operational requirements set out in this Initiative will remain in effect.

6.0 Request For Internal Reconsideration By The Administrator or a review By The Business Risk Management Review Committee

Where an Applicant/Participant/Recipient is of the view that the Administrator did not correctly apply the Program rules in the processing of and decision-making regarding the application, that Applicant/Participant/Recipient may:

- Request that the Administrator reconsider its decision; and/or
- Make a written request to the BRMRC to conduct a review of the Administrator's decision, whether that decision is the Administrator's original decision or the Administrator's reconsideration of the Administrator's original decision.

6.1 Process For Internal Reconsideration Of Decision By The Administrator

Any request for reconsideration of a decision by the Administrator will be made to the Administrator in accordance with section 6.1 to 6.1.3 of the Guidelines. Any reconsideration of a decision the Administrator may make will be made in accordance with sections 6.1.4 to 6.1.5 of the Guidelines.

6.1.1 Time To Make Request For Reconsideration

Where an Applicant/Participant/Recipient is not satisfied with the Administrator's decision, the Applicant/Participant/Recipient may request, in writing, the Administrator to reconsider the decision within thirty (30) days of receiving the Administrator's decision.

6.1.2 Content Of Request For Reconsideration

Any request to have the Administrator reconsider a decision will set out the part of the Administrator's decision that the Applicant/Participant/Recipient wants the Administrator to reconsider. It will also include a brief description of the reasons why the decision should be reconsidered.

6.1.3 No Requirement To Ask Administrator To Reconsider Decision

An Applicant/Participant/Recipient is not required to ask the Administrator to reconsider its decision before asking the BRMRC to review the Administrator's decision. The Applicant/Participant/Recipient may ask the BRMRC to review the Administrator's original decision, provided the Applicant/Participant/Recipient follows the process set out in section 6.2 of this Guidelines.

6.1.4 Timeline In Which Administrator Will Make Reconsideration Decision

The Administrator will render its decision on a request for reconsideration and provide it to the Applicant/Participant/Recipient within thirty (30) days of receiving the request for reconsideration. In the event the Administrator fails to meet this deadline, the original Administrator's decision is deemed to be confirmed and the Applicant/Participant/Recipient may request the BRMRC review that decision.

6.1.5 Reasons For Decision

The Administrator will provide reasons, in writing, to the Applicant/Participant/Recipient on any request the Applicant/Participant/Recipient makes to have the Administrator reconsider its original decision.

6.2 Requests For Review By Business Risk Management Review Committee

Any request for a review of a decision made by the Administrator will be made to the BRMRC in accordance with this section 6.2 of the Guidelines. Any review conducted by the BRMRC will be made in accordance with section 6.3 of the Guidelines. The Administrator will make a final decision in accordance with section 6.4 of the Guidelines.

6.2.1 Time To Make Request For Review

Where an Applicant/Participant/Recipient is not satisfied with the Administrator's decision, whether that decision is the Administrator's original decision or the Administrator's reconsideration of its original decision, the Applicant/Participant/Recipient may request, in writing, the BRMRC to reconsider the decision within ninety (90) days of receiving the Administrator's original or reconsidered decision.

6.2.2 Content Of Request For Review

Any request to have the BRMRC review the Administrator's decision, whether that decision is the Administrator's original decision or the Administrator's reconsideration of its original decision, must be in writing and will include:

- (a) The part of the Administrator's decision the Applicant/Participant/Recipient wants the BRMRC to review;
- (b) The grounds on which the Applicant/Participant/Recipient intends to rely upon before the BRMRC; and
- (c) The information and documentation the Applicant/Participant/Recipient intends to rely upon before the BRMRC.

6.2.3 Whom To Make Request For Review

Where an Applicant/Participant/Recipient wants to request the BRMRC review a decision made by the Administrator, the Applicant/Participant/Recipient will provide the request for review to the Agricultural Information Contact Centre. Upon receipt of a written request for review, the Agricultural Information Contact Centre will forward the request for review to the BRMRC within fifteen (15) Business Days of receiving it.

6.2.4 Type Of Review

If an Applicant/Participant/Recipient requests the BRMRC to review a decision made by the Administrator, the Applicant/Participant/Recipient may request the BRMRC to consider the review either in writing or in person.

6.2.4.1 Written Reviews

Where an Applicant/Participant/Recipient request the BRMRC to conduct the review via writing, the following will apply:

- (a) The Applicant/Participant/Recipient and the Administrator may provide the BRMRC with written submissions; and
- (b) Written submissions must be provided to the BRMRC and Administrator no later than thirty (30) Business Days before the day the BRMRC is scheduled to consider the request for review.

6.2.4.2 In-Person Reviews

Where an Applicant/Participant/Recipient requests the BRMRC to conduct the review in person, the following will apply:

- (a) The Applicant/Participant/Recipient may participate in the review in person or via any other electronic means the BRMRC may permit;
- (b) The Applicant/Participant/Recipient and the Administrator may provide the BRMRC with written submissions;
- (c) The Applicant/Participant/Recipient will be allowed to review the Administrator's written submission and will have thirty (30) Business Days to submit any additional information to supplement the issues raised;
- (b) The Applicant/Participant/Recipient will inform the BRMRC as to the manner the Applicant/Participant/Recipient will participate in the review no later than fifteen (15) Business Days prior to the date the BRMRC scheduled for the review to be considered;
- (c) The Applicant/Participant/Recipient will inform the BRMRC whether the Applicant/Participant/Recipient will have a representative, including any support person required to assist the Applicant/Participant/Recipient because of a disability the Applicant/Participant/Recipient may have, including the name and contact information for the representative or support person, no later than fifteen (15) Business Days prior to the date the BRMRC has scheduled for the review to be considered;

- (d) The Provincial Ministry may have a representative present at the review and the Provincial Ministry representative may respond to any policy-related questions the Applicant/Participant/Recipient or the BRMRC may have;
- (e) The Administrator may have a representative at the review and the Administrator's representative may respond to any operational-related questions the Applicant/Participant/Recipient or the BRMRC may have; and
- (f) If the Applicant/Participant/Recipient has legal representation, the Provincial Ministry and the Administrator may also have legal representation at the review.

6.3 The Business Risk Management Review Committee's Review Recommendation

The BRMRC will make its review recommendation in accordance with the following:

- (a) The BRMRC will only make non-binding recommendations to the Administrator in terms of how the Administrator may respond to the Applicant/Participant/Recipient's request for review;
- (b) The BRMRC has no authority to make recommendations to the Administrator that has the effect of providing an exception or an exemption to the eligibility requirements of the Initiative, unless the BRMRC is responding to a request that the Applicant/Participant/Recipient be exempt from a deadline set out in the Guidelines because of a situation beyond the Applicant/Participant/Recipient's control;
- (c) Any recommendation made by the BRMRC will have a support of the majority of members of the panel considering the request for review;
- (d) The BRMRC will provide its review recommendation, including reasons, in writing, to both the Administrator and the Applicant/Participant/Recipient; and
- (e) The BRMRC will respond to the Applicant/Participant/Recipient's request for review in a timely manner after the date the BRMRC scheduled the review to be considered.

6.4 The Administrator's Final Decision

The Administrator will make its final decision in accordance with the following:

- (a) The Administrator will receive and consider the BRMRC's recommendations when making the final decision regarding the Applicant/Participant/Recipient's request for review;
- (b) The Administrator will make its final decision in a timely manner after receiving the BRMRC's recommendations;
- (c) The Administrator will provide its decision, including written reasons for its decision, to the Applicant/Participant/Recipient; and
- (d) The Administrator will provide the BRMRC with a copy of its decision after informing the Applicant/Participant/Recipient of its decision.

7.0 Program Payments Under Initiative

7.1 Participating In Initiative Does Not Create Right To Payment

Participating in the Initiative does not create a legal, equitable or other right to receive a Payment under the Initiative.

7.2 Payments May Be Pro-Rated

Any Payments a Participant may be eligible to receive under the Initiative may be pro-rated in the event there are insufficient funds to make full payments under the Initiative. The Initiative Operator will determine whether there are sufficient funds as well as any rate of proration that is to be made.

7.3 Payment Is Income For AgriStability

Any Payment a Recipient receives under the Initiative is considered income for the purposes of AgriStability and will be recorded as such.

7.4 Payment Is Income

Any Payment a Recipient receives under the Initiative is considered income for the purposes of the *Income Tax Act* and will be recorded as such.

7.5 No "Stacking" Of Financial Assistance

A Recipient will not "stack" federal-provincial-municipal payments so that the Recipient receives more than 100% of costs caused by COVID-19. In the event a Recipient receives payments that provide more than 100% coverage for any COVID-19-related costs, any costs above 100% coverage shall constitute an Overpayment for the purposes of this

Initiative and will be recovered in accordance with the terms and conditions set out under the Guidelines.

7.6 No Assignment Of Payment

An Applicant/Participant/Recipient will not assign any Payment that may be issued under this Initiative to another Person without the prior written consent of the Initiative Operator.

7.7 Retention Of Records Relating To Payment

A Recipient will retain records relating to any Payments received under the Initiative for a period of seven (7) years from the date the Recipient received the Payment.

7.8 Payment Part Of A Social Program

Any Payment made under the Initiative is provided in connection with a social or economic policy and the Initiative is a social or economic program.

8.0 Collection, Use And Disclosure Of Information Under Initiative

8.1 Consent To Collection Of Personal Information

Applicants/Participants/Recipients consent to the collection of personal information, as defined under the *Freedom of Information and Protection of Privacy Act*, that is reasonably necessary for the administration of the Initiative.

8.2 Consent To Use And Disclosure Of Personal Information

Applicants/Participants/Recipients consent to the use and disclosure of any personal information collected pursuant to section 8.1 of this Guidelines for the purposes of:

- (a) Verifying any information that has been provided under the Initiative;
- (b) Conducting audits under the Initiative;
- (c) Enforcing the terms and conditions of the Initiative;
- (d) Collecting any Overpayments issued under the Initiative; and
- (e) Confirming the Recipient paid all applicable taxes on any Payments received under the Initiative;

8.3 Consent To Collection Of SIN

Where a Participant – operating as a sole proprietor, partner in a partnership or part of an unincorporated association – does not have a CRA Business Number, the Participant consents to the collection of that Participant's SIN where that Participant is eligible to receive a Payment under the Initiative.

8.4 Use Of SIN

Where a Participant's SIN is collected pursuant to section 8.3 of the Guidelines, the Participant consents to the use and disclosure of the SIN to any government department/ministry, agency or third-party entity for the purposes set out under section 8.2 of this Guidelines.

8.5 Provision Of Information

Applicants/Participants/Recipients will provide any information that is requested within 10 Business Days of the request.

9.0 Audits Under Initiative

9.1 Consent To Audit

Applicants/Participants/Recipients consent to any audits made pursuant to the Initiative.

9.2 Provision Of Reasonable Assistance During Audit

Applicants/Participants/Recipients will provide reasonable assistance during any audit that is conducted pursuant to the Initiative. This includes allowing access to any person, place or thing reasonably required for the purposes of the audit within 10 Business Days of the request for access being made.

10.0 Collection Of Debts

10.1 Set-Off Against Existing Debt Owing To Canada Or Ontario

Any Payment a Participant may be eligible to receive under the Initiative may be set-off against any debt the Participant owes to Canada or Ontario.

10.2 Set-Off In Addition To Other Remedies

The right of set-off provided under section 10.1 of the Guidelines is in addition to any other remedies Canada or Ontario may have at law, in equity or otherwise to recover any debts owing to Canada or Ontario.

10.3 Overpayment

Any Payment a Recipient receives where that Recipient was not eligible to receive such Payment under the Initiative is an Overpayment and constitutes a debt owing to Canada and Ontario and is repayable upon demand. The Recipient acknowledges and agrees that Canada and Ontario may charge interest on the debt at the applicable interest rates charged by Canada and Ontario for accounts receivable.

10.4 Interest

Canada and Ontario may charge interest on any debt arising under this Initiative at the chargeable interest rate for Canada and Ontario for accounts receivable.

10.5 Termination Of Initiative Does Not Affect Repayment Of Overpayment

The termination of Canada's funding for the Initiative by the Federal Minister or the termination of the Initiative by the Provincial Minister does not affect a Recipient's obligation to repay any Overpayment the Recipient received under the Initiative.

11.0 General

11.1 Applying To Initiative Does Not Create Right To Participate In Initiative

Applying to the Initiative does not create a legal, equitable or other right to participate in the Initiative.

11.2 Amending Guidelines

11.2.1 Authority To Amend Guidelines

This Guidelines may be amended in writing at any time with the agreement of Canada and Ontario, as represented by Canada's Designated Representative and Ontario's Designated Representative.

11.2.2 Process To Amend Guidelines

Any amendment to this Guidelines will be posted on the Ministry's website where the Provincial Minister's Order is posted. The amendment to the Guidelines will come into effect on the date it is posted on the Ministry's website where the Provincial Minister's Order is posted, unless the amending document provides otherwise, in which case the amendment to the Guidelines will come into effect on the date set out therein.

11.2.3 No Retroactive Effect

Any amendment to the Guidelines will not have a retroactive effect.

11.3 Ontario's Authority For Initiative

Ontario's authority for this Initiative includes:

- (a) The "Canadian Agricultural Partnership: A Federal-Provincial-Territorial Framework Agreement on Agriculture, Agri-Food and Agri-Based Products Policy", signed by Ontario on January 19, 2018; and
- (b) The Provincial Minister's Order.

11.4 Service Of Documents Under Initiative

Any documents required to be given or served under the Initiative will only be served via personal service, regular mail, email, courier or facsimile. A document will be deemed to be sufficiently given or served:

- (a) If the document is personally served, on the Business Day the document was personally served;
- (b) If sent by regular mail, on the fifth (5th) Business Day after the day the document was mailed;
- (c) If sent by courier, on the second (2nd) Business Day after the day the document was provided to the courier; or
- (d) If the document is sent by email or facsimile, on the next Business Day following the day indicated in the sent email or proof of facsimile transmission that the document was sent via email or facsimile.

In the event of a postal disruption, documents will not be served via regular mail until ten (10) Business Days after the postal disruption.

The onus is on the person claiming the document was given or served has been sufficiently given or served, other than for the BRMRC.

David Hagarty,
Initiative Administrator

Executed on this _____ day of _____, 2020.