

CANADA-ONTARIO COVID-19 2020 HOG MAINTENANCE FEED 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*;

“Affected Processor” means a federally-inspected or provincially-licensed hog processor that regularly processes Hogs for human consumption and is experiencing, or experienced reduced processing capacity of at least 10%, as measured by average weekly processing capacity at the facility for the previous six (6) months of operation, that is due to a COVID-19 Event;

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

“BRMRC” means the Business Risk Management Review Committee, as established under the BRMRC OIC;

“BRMRC OIC” means Order in Council 1460/2018, as it may be amended from time to time;

“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;

“COVID-19 Event” means an event occurring after March 15, 2020 where, due to COVID-19, there is a shortage of labour needed at a processing facility that regularly processes Hogs for human consumption;

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

“Enrollment Period” means a period of not less than eight (8) calendar days and not more than thirty (30) calendar days;

“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;

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

“Hog Industry Committee” means a committee comprised of relevant industry representatives and government subject-matter experts;

“Hogs” means a porcine animal raised for human consumption in Ontario and has reached market weight;

“Initiative” means the Canada-Ontario COVID-19 2020 Hog Maintenance Feed 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;

“Ontario Pork” means the organization created through the *Farm Products Marketing Act*, which provides the legal authority for Hog producers to organize and control their own affairs through the Ontario Pork Producers’ Marketing Board;

“Overpayment” means any Payment of to 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 or indirect provision of funds to a Recipient;

“Person” for the purposes of this Initiative means a legal entity and may include:

- (a) An individual, including the administrator of a deceased individual’s estate,
- (b) A corporation,
- (c) A partnership, and
- (d) 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;

“Surplus Animals” means market-ready Hogs owned by a Participant and scheduled for processing for human consumption but were held back from processing due to a COVID-19 Event; 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 producers with Surplus Animals to cover additional costs incurred due to a reduction of processing capacity at an Affected Processor where the producer normally ships Hogs to or was scheduled to ship Hogs to and was unable to do so because of a COVID-19 Event.

2.0 Term Of Initiative

2.1 Commencement Of Initiative

This Initiative will commence on November 6, 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 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 Canada's portion of the Initiative will come from the monies allocated to Agriculture and AgriFood Canada for the purposes of 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.

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) Has Surplus Animals;
- (b) Is a Person;
- (c) Applies to the Initiative using an Initiative Operator approved application form;
- (d) Submits a completed application form for the Initiative to the Administrator of Initiative no later than March 1, 2021;
- (e) Provides:
 - (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) Provides:
 - (i) A valid FBRN within the current or previous calendar year, or
 - (ii) An acceptable alternative to the FBRN, which includes:

- (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 valid Ontario Premises ID Number for each premises where the Surplus Animals are being fed after the date this Initiative comes into force;
 - (h) Provides the Administrator with:
 - (i) Written attestation that the Applicant was scheduled to ship Hogs to an Affected Processor and has fed Surplus Animals from the time the Hogs were scheduled to be shipped for processing at an Affected Processor to the time the Hogs were actually shipped for processing either at an Affected Processor or an alternate processor, and
 - (ii) Written attestation that the Applicant is submitting a claim for Surplus Animals only;
 - (i) Cannot also be in the business of processing Hogs unless the producer is part of a co-operative that owns the Affected Processor and the Hogs are being processed by that Affected Processor;
 - (j) Discloses 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;
 - (k) Agrees to be bound by the terms and conditions of the Initiative, as set out in this Guidelines;
 - (l) Is in compliance with and agrees to remain in compliance with all material Requirements Of Law while participating in the Initiative;
 - (m) Has not lost its eligibility to participate in the Initiative pursuant to section 4.5 of this Guidelines;
 - (n) Has regularly shipped Hogs to an Affected Processor within the previous six (6) months;

Ontario Pork has agreed to provide the Program Administrator:

- A list of producers who have regularly shipped Hogs to an Affected Processor within the previous six (6) months on a roll forward basis (listed by Affected Processor), and
- Weekly number of Hogs released for processing listed by release date, by producer and by Affected Processor; and

- (o) Acknowledges 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*.

4.4 Eligible Costs

An Applicant may apply to the Initiative to receive a Payment for expenses related to having Surplus Animals due to a processing issue at an Affected Processor on or after March 15, 2020 but is only eligible to receive compensation as set out in this Guidelines.

4.5 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 this section 4.5 of the Guidelines arises.

4.5.1 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;
- (b) May have its eligibility to participate, or continue participating, in any other program established under the Provincial Minister's Order revoked for the remainder of that program's program year as well as lose its ability to participate in, or continue participating in, any other program established under the Provincial Minister's Order for up to an additional two program years; and
- (c) 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 4.5.1(a) and section 4.5.1(b) of this Guideline.

4.5.2 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 regard 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 4.5.2(a) of this Guidelines.

4.5.3 Abusive Or Offensive Behavior

An Applicant/Participant/Recipient who acts 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.

4.5.4 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 Overpayments 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 4.5.4(a) and 4.5.4(b) of this Guidelines.

5.0 Operation Of The Initiative

The Initiative will operate based on two time periods. The time period is based on pre and post October 1, 2020. The manner in which Payments will be calculated will depend on whether the claim arises before October 1, 2020 or after October 1, 2020.

5.1 Operation Of The Initiative Prior To October 1, 2020 (March 15, 2020 To September 30, 2020)

5.1.1 Intake Period

Applications may be submitted for Surplus Animals held prior to September 30, 2020, as outlined in sections 5.1.2 to 5.1.3 of this Guidelines.

5.1.2 Enrollment Numbers

There is no minimum number of Surplus Animals for this time period

5.1.3 Enrolment Requirements

5.1.3.1 Identification

Surplus Animals enrolled in the Initiative must be identified by a tag or tattoo. The Administrator may de-enroll any Surplus Animals from the Initiative that are not properly identified.

5.1.3.2 Location

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

5.1.3.3 Ownership

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

5.1.3.4 Processing For Human Consumption

Surplus Animals enrolled in the Initiative must be raised with the intent to be sold for processing for human consumption at the end of the Enrollment Period.

5.1.4 Payments

Payments for the time period prior to October 1, 2020, are calculated using an estimated average of Surplus Animals in Ontario for each week that there was a COVID-19 event and are based on industry data.

The payment rate is determined from the date that the Participant shipped Surplus Animals to an Affected Processor multiplied by the number of Surplus Animals shipped to an Affected Processor using the following table:

Date When Participant Shipped Surplus Animals To A Processor	Estimated Number of Days Surplus (net of 7-day Deductible)	Payment Rate
29 Mar – 4 Apr	0	\$0.00
5 Apr – 11 Apr	1.18	\$1.12
12 Apr – 18 Apr	4.17	\$3.96
19 Apr – 25 Apr	5.99	\$5.69
26 Apr – 2 May	6.29	\$5.97
3 May – 9 May	7.95	\$7.55
10 May – 16 May	7.95	\$7.55
17 May – 23 May	8.28	\$7.87
24 May – 30 May	7.71	\$7.32
31 May – 6 Jun	4.18	\$3.97
7 Jun – 13 Jun	1.35	\$1.28
14 Jun - 20 Jun	0	\$0.00
21 Jun – 27 Jun	0	\$0.00

5.1.5 Payment Timing

Payments during this time period will be made after proof of slaughter has been provided to the Administrator, or attestation from the Participant that only Surplus Animals are enrolled in the Initiative.

5.2 Operation Of The Initiative From October 1, 2020 Onward

5.2.1 Intake Period

Intakes under the Initiative will begin on the Monday of each calendar week during the period that the Initiative Operator has determined that an Affected Processor has experienced a loss of processing capacity to process Hogs of ten percent (10%) or greater and will continue until processing capacity as returned to full capacity or, or the Initiative Operator, in consultation with the Hog Industry Committee, has determined that no further intakes are required to address processing capacity reduction at the Affected Processor, or it is not possible to meet the applicable Enrollment Period timeline requirements. Once it is not possible to meet the applicable Enrollment Period timeline requirements, no new intakes will be held under the Initiative.

The Initiative Operator will, in consultation with the Hog Industry Committee, determine the maximum number of Surplus Animals allowable within each intake period.

Each intake under the Initiative will be considered separately from any other intake under the Initiative. Each intake will last for the applicable Enrollment Period.

The Initiative Administrator may extend the program intake if the Initiative Administrator has determined that there is sufficient existing backlog to warrant an extension.

5.2.2 Enrollment Number Requirements After Initiative Came Into Effect

A minimum of ten (10) Surplus Animals must be enrolled by the Participant during each intake under the Initiative and remain enrolled in the intake for the entire Enrollment Period.

5.2.3 Enrollment Requirements

To be eligible for enrollment under the Initiative, the Surplus Animals must meet the requirements set out in this section 5.2.3 of the Guidelines.

5.2.3.1 Identification

Surplus Animals enrolled in the Initiative must be identified by a tag or tattoo. The Administrator may de-enroll any Surplus Animals from the Initiative that are not properly identified.

5.2.3.2 Location

Surplus Animals enrolled in the Initiative must be fed at a premise or premises located in Ontario. The Administrator may de-enroll any Surplus Animals from the Initiative if they are being fed at a premise or premises located outside of Ontario.

5.2.3.3 Ownership

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

5.2.3.4 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.

5.2.4 Waiver Of Enrollment Requirements

The Initiative Operator may waive one or more of the enrollment requirements set out under section 5.2.3 of this Guidelines, provided the Initiative Operator is of the opinion 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 waive the Initiative Operator may provide.

5.2.5 Payments

Payments under the Initiative will follow the process set out under this section 5.2.5 of the Guidelines.

5.2.5.1 Payment Per Head

Ninety-five cents (\$0.95) will be paid for each Surplus Animal enrolled in the Initiative for each day each Surplus Animal is enrolled within the Enrollment Period of the Initiative, minus a 7-day deductible, to a maximum of \$28.50 per Surplus Animal.

5.2.5.2 Payment Information

A Participant will provide the Administrator with written proof of slaughter for each Surplus Animal enrolled in an intake of the Enrollment Period under the Initiative, or the Participant will provide a slaughter date for each Surplus Animal that the Participant will attest to

5.2.5.3 Reduction In Payment

No Payment will be made for any Surplus Animals that have been de-enrolled by the Administrator pursuant to section 5.2.3 of this Guidelines.

5.2.5.4 No Payment

No Payment will be made to a Participant where the number of Surplus Animals the Participant enrolled in an intake falls below ten (10) head of Surplus Animals during an intake of the Enrollment Period under the Initiative.

5.2.5.5 Payment Timing

Payments under the Initiative will be made after proof of slaughter for all Surplus Animals the Participant enrolled in an intake of the Enrollment Period has been provided to the Administrator, or an attestation to that 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:

- The Administrator to 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 this 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 this 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 this Guidelines. The Administrator will make a final decision in accordance with section 6.4 of this 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 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 request 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 within fifteen (15) Business Days of 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, within fifteen (15) Business Days of 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 Decision

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

- (a) The BRMRC will only make non-binding recommendations to the Administrator in terms of how the Administrator should 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 decision 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 decision, 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

In the event there are insufficient funds to make full payments under the Initiative, the Initiative Operator may pro-rate payments by paying a fixed percentage (less than 100%) of calculated payments to eligible participants. 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 in the year that it is claimed (not in the reference period) 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 this 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 this 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 ten (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 within ten (10) Business Days of the request 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 this 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 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 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.

11.2 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.

11.3 Amending Guidelines

11.3.1 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.

11.3.2 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 this 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 this Guidelines will come into effect on the date set out therein.

11.3.3 No Retroactive Effect

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

11.4 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.