

# Growing Forward 2



## Ontario Wildlife Damage Compensation Program

### GUIDELINES

Effective as of April 1, 2012

[Table of Contents](#)



PURPOSE OF THE ONTARIO WILDLIFE DAMAGE COMPENSATION PROGRAM.....	4
TERM OF THE ONTARIO WILDLIFE DAMAGE COMPENSATION PROGRAM.....	4
REVIEW OF THE ONTARIO WILDLIFE DAMAGE COMPENSATION PROGRAM .....	5
FUNDING FOR THE ONTARIO WILDLIFE DAMAGE COMPENSATION PROGRAM.....	5
ADMINISTRATION OF THE ONTARIO WILDLIFE DAMAGE COMPENSATION PROGRAM.....	6
THE MINISTER’S ROLES AND RESPONSIBILITIES UNDER THE PROGRAM .....	6
THE DIRECTOR’S RESPONSIBILITIES UNDER THE PROGRAM .....	7
THE ADMINISTRATOR’S RESPONSIBILITIES UNDER THE PROGRAM .....	8
MUNICIPALITIES RESPONSIBILITIES UNDER THE PROGRAM.....	8
ELIGIBILITY REQUIREMENTS UNDER THE ONTARIO WILDLIFE DAMAGE COMPENSATION PROGRAM .....	8
LIVESTOCK AND POULTRY DAMAGE .....	9
PROCESS TO ASSESS DAMAGE OF LIVESTOCK AND POULTRY DAMAGE IN TERRITORY WITH MUNICIPAL ORGANIZATION .....	9
PROCESS TO ASSESS DAMAGE OF LIVESTOCK AND POULTRY DAMAGE IN A TERRITORY WITHOUT MUNICIPAL ORGANIZATION .....	11
DAMAGE TO BEE COLONIES, BEEHIVES AND/OR BEEHIVE RELATED EQUIPMENT IN ONTARIO.....	12
PROCESS TO ASSESS DAMAGE OF BEEHIVES AND BEEHIVE RELATED EQUIPMENT IN ONTARIO .....	12
REVIEWS AND APPEALS.....	13
REVIEW BY SECOND VALUER.....	13
APPEAL TO DIRECTOR .....	14
PAYMENT OF APPLICANTS.....	15
PAYMENTS BY MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS TO A MUNICIPALITY.....	17
GENERAL.....	17
PROGRAM CONTACT INFORMATION .....	19
SCHEDULE “A” – MAXIMUM COMPENSATION VALUES .....	20
SCHEDULE “B” – LIST OF ELIGIBLE LIVESTOCK SPECIES.....	22
SCHEDULE “C” – LIST OF ELIGIBLE POULTRY SPECIES .....	23
SCHEDULE “D” – LIST OF ELIGIBLE WILDLIFE SPECIES .....	24
SCHEDULE “E” – PROCESS FOR DETERMINING LIVESTOCK AND POULTRY LOSSES.....	25
SCHEDULE “F” – PROCESS FOR DETERMINING FAIR MARKET VALUE FOR BEEHIVES, BEE COLONIES AND BEEHIVE RELATED EQUIPMENT .....	27
SCHEDULE “G” – HOW TO SUBMIT FORMS TO THE MINISTRY FOR PROCESSING (FOR MUNICIPAL AND MINISTRY INFORMATION USE ) .....	28

For the purposes of this Program Guideline, the terms below shall have the following meanings:

**“Administrator”** means an individual appointed by the Minister for the purposes of administering the Program;

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

**“Applicant”** means a Person who applied for compensation under the Program;

**“Beehive”** means the habitation or dwelling place constructed for a Bee Colony;

**“Bee Colony”** means a colony of bees maintained for the production of honey;

**“Beehive Related Equipment”** means equipment normally associated with operating a Beehive;

**“Bee-Valuer”** means a person or persons appointed by the Minister to act as a Valuer for the purposes of determining damage to Bee Colonies, Beehives and/or Beehive-Related Equipment under the Program;

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

**“Director”** means an individual appointed by the Minister to hear appeals under the Program;

**“Farm Business Registration”** means the registration number that farm operations with a gross farm income of \$7,000 or more are required to acquire under the *Farm Registration and Farm Organizations Funding Act*;

**“Injured”** in respect of Livestock or Poultry means injured by wounding, worrying or pursuing;

**“Injury”** has a corresponding meaning to Injured;

**“Livestock”** means animals kept or raised on a farm and that are designated by the Minister in Schedule “B” in this Program Guideline;

**“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 this Program in accordance with the *Executive Council Act* unless the context indicates otherwise;

**“Ministry”** means the Ministry of Agriculture, Food and Rural Affairs or such other Ministry that has been designated as being responsible for this Program, unless the context indicates otherwise;

**“Ministry of Agriculture, Food and Rural Affairs Act”** means the *Ministry of Agriculture, Food and Rural Affairs Act*, R.S.O. 1990, c. M. 16, as amended;

**“Municipal-Valuer”** means a person or persons appointed by a municipality to act as a Valuer within the municipality for the purposes of the Program;

**“OIC”** means the Order in Council that provides the authority for this Program;

**“Ontario”** means Her Majesty the Queen in Right of Ontario, as represented by the Minister of Agriculture, Food and Rural Affairs, unless the context indicates otherwise;

**"Ontario Regulation 106/09"** means Ontario Regulation 106/09 – Disposal of Dead Farm Animals, as amended, made under the *Nutrient Management Act, 2002*, S.O. 2002, c. 4, as amended;

**"Person"** for the purposes of this Program Guideline includes a sole proprietor, corporation, partnership and unincorporated association;

**"Poultry"** includes domesticated fowl kept or raised on a farm and that are designated by the Minister in Schedule "C" in this Program Guideline;

**"Premises Identification"** means the assignment of one unique Premises Identification number based on national standards to a single land parcel that has been registered, characterized and validated;

**"Program"** means the Ontario Wildlife Damage Compensation Program;

**"Program Guidelines"** means this document;

**"Recipient"** means a Person who receives compensation under the Program;

**"Registered Livestock"** means Livestock that are registered with the appropriate breeding association for that type of livestock;

**"Territory Without Municipal Organization-Valuer"** means a person or persons appointed by the Minister to act as a Valuer for territories without municipal organization for the purposes of this Program;

**"Valuer"** means a person (or persons) that has (have) been appointed for the purposes of the Program to determine:

- (a) Whether Livestock, Poultry, Bee Colonies, Beehives and/or Beehive Related Equipment has been Injured, killed and/or damaged by Wildlife, and
- (b) If Livestock, Poultry, Bee Colonies, Beehives and/or Beehive Related Equipment has been Injured, killed and/or damaged by Wildlife the amount of compensation that should be paid under the Program to the Applicant,

and may include, depending upon the context, a Bee-Valuer, Municipal-Valuer or a Territory Without Municipal Organization-Valuer; and

**"Wildlife"** means undomesticated animals as designated by the Minister in Schedule "D" in this Program Guideline.

## Purpose of the Ontario Wildlife Damage Compensation Program

The purpose of the Program is to provide compensation to eligible Applicants whose Livestock and/or Poultry have been Injured or killed as a result of Wildlife or whose Bee Colonies, Beehives and/or Beehive Related Equipment has been damaged as a result of Wildlife.

## Term of the Ontario Wildlife Damage Compensation Program

**Commencement of Program**

The Program will begin on July 1, 2011.

**Termination of Program**

The Program will terminate in the event there is an insufficient appropriation for the Program. Where the Program is terminated pursuant to this Program Guideline, the following rules will apply:

- (a) The Minister will post a notice on the Ministry's website indicating the Program has been terminated and the date that it was terminated. The Program will be considered terminated as of the date indicated in the notice; and
- (b) Any claims currently under investigation as of the date of termination will not be eligible for payment if there is no appropriation for the payment.

The Minister may terminate this Program at any time if the Minister determines that the Program should not continue. Where the Minister terminates the Program pursuant to this section of this Program Guideline, the following rules shall apply:

- (a) The Minister will post a notice on the Ministry's website indicating the Program has been terminated and the date that it was terminated. The Program will not be considered terminated until the notice required by this section of this Program Guideline has been complied with; and
- (b) Any claims currently under investigation as of the date of termination will, if deemed to be eligible for compensation, be paid.

## Review of the Ontario Wildlife Damage Compensation Program

**Two-Year Review of Program**

The Minister will review the Program within two (2) years after the OIC is passed to confirm that the Program is continuing to meet its objectives and is otherwise performing on a cost benefit basis.

**Five-Year Review of Program**

The Minister will also conduct a review at least once every five (5) years after the review required under section 4(1) of the OIC is conducted to confirm that the Program is continuing to meet its objectives and is otherwise performing on a cost benefit basis.

## FUNDING FOR THE ONTARIO WILDLIFE DAMAGE COMPENSATION PROGRAM

The Program is part of Growing Forward, a federal, provincial and territorial initiative. Funding for Ontario's portion of the Program will come from the monies allocated to the Ministry for the purpose of the Program.

The Minister may provide to any Person any funding that is required, contemplated or permitted under the Program. The Minister may further provide any administrative costs that the Minister determines are reasonable or prudent for the administration of the Program.

# ADMINISTRATION OF THE ONTARIO WILDLIFE DAMAGE COMPENSATION PROGRAM

## The Minister's Roles and Responsibilities Under the Program

### General Administration of Program

The Minister is responsible for the overall administration and delivery of the Program. This responsibility includes:

- (a) Establishing standards and procedures for the delivery of all aspects of the Program;
- (b) Monitoring the performance of all aspects of the Program;
- (c) Designating animals as Livestock and/or Poultry under the Program in this Program Guideline;
- (d) Designating animals as Wildlife under the Program in this Program Guideline;
- (e) Setting the maximum amount of compensation for any Injury to or death of Livestock or Poultry caused by Wildlife under the Program in this Program Guideline;
- (f) Setting the maximum amount of compensation for damage done to Bee Colonies, Beehives and Beehive Related Equipment caused by Wildlife under the Program in this Program Guideline;
- (g) Setting the percentage in which the Ministry will pay on any maximum amount of compensation under this Program Guideline;
- (h) Setting out the process for determining the fair market value for Livestock, Poultry, Bee Colonies, Beehives and Beehive Related Equipment in this Program Guideline;
- (i) Establishing eligibility criteria for Applicants in addition to what is set out in the OIC for the Program in this Program Guideline;
- (j) Setting the administration fee (if any) municipalities are eligible to apply for from the Ministry for the services being provided by Municipal-Valuers under the Program in this Program Guideline;
- (k) Setting out who is responsible for making the payment to the Applicant and the process that will be following under the Program in this Program Guideline;
- (l) Setting out the process in which a municipality may seek re-imbursement from the Ministry for:
  - (i) The costs for its Municipal-Valuer up to the amount (if any) the Minister sets out in this Program Guideline, and
  - (ii) Paying the Applicant's claim,in this Program Guideline;
- (m) Appointing a Director for the purposes of hearing appeals under the Program;

- (n) Appointing an Administrator for the purposes of assisting the Minister in the administration of the Program;
- (o) Directing a municipality to appoint one or more Municipal-Valuers for the purposes of the Program where a municipality has not done so;
- (p) Directing a municipality to pay an Applicant's claim where a Valuer has determined the claim is valid;
- (q) Appointing Territory Without Municipal Organization-Valuers for territories without municipal organization;
- (r) Appointing Bee-Valuers for all of Ontario; and
- (s) Carrying out all other administrative functions required for the successful operation of all aspects of the Program.

#### **Guidelines Cannot Conflict With OIC**

This Program Guideline cannot conflict with anything contained in the OIC. For the purposes of determining whether this Program Guideline conflict with the OIC, a conflict will be found if this Program Guideline provide for something that is prohibited under the OIC or if this Program Guideline provide that something is not needed which is strictly required under the OIC. A conflict shall not, however, exist if this Program Guideline set out additional requirements that must be followed for an Applicant to be eligible for compensation under the Program or the Minister is using any authority pursuant to section 6(1) of the OIC to change certain aspects of the Program. In the event of a conflict between this Program Guideline and the OIC, the OIC will govern to the extent of that conflict.

#### **Minister Amending Program Guidelines**

The Minister may make changes to this Program Guideline on a yearly basis pursuant to section 6(1) of the OIC. Where the Minister makes changes to this Program Guideline, the following rules will apply:

- (a) A summary of the changes to the Program Guidelines will be set out on the Ministry's website;
- (b) Any changes to the Program Guidelines will be clearly set out in the Program Guidelines;
- (c) The summary of changes to the Program Guidelines and the updated Program Guidelines will be posted on the Ministry's website by April 1 of each year; and
- (d) Any changes to the Program shall be effective April 1 onwards and shall not have any retroactive effect.

#### **Minister Directions**

The Minister has the authority to issue a direction to a municipality to appoint a Municipal Valuer in accordance with the requirements set out in section 7(6) of the *Ministry of Agriculture, Food and Rural Affairs Act*. Where a municipality refuses to comply with the Minister's direction, the Minister may withhold any funding the Ministry is responsible for providing to that municipality under any agreement the municipality may have with the Her Majesty the Queen Crown in Right of Ontario, as represented by the Minister, until such time as the municipality complies with the Minister's direction.

### **The Director's Responsibilities Under the Program**

The Director is responsible for adjudicating over written appeals under the Program.

## The Administrator's Responsibilities Under the Program

The Administrator is responsible for assisting the Minister in the administration and delivery of the Program. This includes:

- (a) Enforcement of the requirements of the OIC and this Program Guideline;
- (b) Selecting a Territory Without Municipal Organization-Valuer, as required;
- (c) Selecting a second Valuer or Territory Without Municipal Organization-Valuer to re-evaluate a previous valuation, as required;
- (d) Selecting a Bee-Valuer, as required; and
- (e) Selecting a second Bee-Valuer to re-evaluate a previous valuation, as required.

## Municipalities Responsibilities Under the Program

Municipalities are responsible for the following:

- (a) Appointing Municipal-Valuers for the purposes of this Program; and
- (b) Paying an Applicant's claim under the Program in accordance with the terms and conditions set out in the OIC and this Program Guideline, unless this Program Guideline provide otherwise.

## ELIGIBILITY REQUIREMENTS UNDER THE ONTARIO WILDLIFE DAMAGE COMPENSATION PROGRAM

### General Eligibility Requirements

Each Applicant to the Program must meet all of the eligibility requirements set out below in order to be eligible to participate in this Program. At a minimum, all Applicants must meet the following eligibility criteria:

- (a) Be a Person;
- (b) Apply for compensation under the Program using a Ministry-approved application form;
- (c) Agree to be bound by the requirements of the OIC and this Program Guideline;
- (d) Be in compliance with and remain in compliance with all applicable federal, provincial and municipal laws;
- (f) Fully cooperate in any audits that may be initiated in relation to any compensation the Applicant receives under the Program;
- (g) Have a valid Farm Business Registration number (FBR) or approved documentation issued by the Ministry for new/retired farmers that do not currently qualify for an FBR number, or have a religious exemption approved by the Agriculture Food and Rural Affairs Appeal Tribunal or have a confirmation letter provided by the Indian



Agricultural Program of Ontario, or for Beehive, Bee Colony or Beehive Related Equipment Damage have a Beekeeper ID registered under the *Bees Act*;

- (h) Have a Premises Identification number or a confirmation letter provided by the Indian Agricultural Program of Ontario unless a Premises Identification number is not available in that particular area;
- (i) The weight of Poultry injured or killed must be more than twenty five (25) kilograms;
- (j) Must demonstrate to the Valuer that reasonable effort has been taken to prevent incidences of Wildlife damage to Livestock, Poultry, Beehives, Bee Colonies or Beehive Related Equipment to be eligible for a claim. This assessment will be included in the Valuer report; and
- (k) Cannot be a Person whom the Minister has found to be ineligible because of previous bad conduct, which includes the following:
  - (i) Filing false or misleading information under the Program, or
  - (ii) Acted in an abusive or threatening manner toward a Valuer appointed under the Program or any other person responsible for administering the Program.

#### **Minister's Ability To Add Further Eligibility Requirements**

The Minister may, on a yearly basis, update the eligibility requirements to add further eligibility criteria. Applicants are encouraged to review this part of this Program Guideline carefully to ensure that they meet the eligibility requirements for the Program.

## **LIVESTOCK AND POULTRY DAMAGE**

### **Process to Assess Damage of Livestock and Poultry Damage in Territory with Municipal Organization**

#### **Notification**

Where the owner of Livestock or Poultry discovers that any of the owner's Livestock or Poultry has been Injured or killed and to the best of the owner's knowledge and belief such Injury or death was caused by Wildlife, the owner must contact the municipality within forty-eight (48) hours of discovering the Injury or death. A clerk of a municipality that receives notification from the owner of Livestock or Poultry that the owner's Livestock or Poultry has been Injured or killed by Wildlife, shall immediately notify the Municipal-Valuer for the municipality.

In the event the municipality does not have a Municipal-Valuer, the clerk must immediately notify the Administrator and the Administrator will immediately notify a Valuer who shall act as the Municipal-Valuer for the municipality. If this occurs, the municipality will be responsible for paying the Valuer who is acting on behalf of the municipality.

#### **Investigation**

A Municipal-Valuer will make and complete a full investigation within three (3) days of receiving the notification from the clerk of the municipality or the Administrator (as the case may be). When conducting an investigation, the Municipal-Valuer will record such evidence, including the taking of photographs and/or video, that is reasonably necessary to allow another person to review the

evidence and make a conclusion as to whether Wildlife caused the Injury or death to the Livestock or Poultry. The Municipal-Valuer will also make and serve a report in writing within ten (10) Business Days after receiving notification.

### **Report**

The Municipal-Valuer's report will include the following information:

- (a) Whether the Injury or death was, to the Valuer's best knowledge and belief,
  - (i) Caused by Wildlife covered under the Program,
  - (ii) Caused by a dog owned by or habitually kept on the premises of the owner of Livestock or Poultry, or
  - (iii) A result of the owner's failure to take reasonable care to prevent the Injury or killing of the Livestock or Poultry by Wildlife;
- (b) The extent and amount of damage to the owner's Livestock or Poultry; and
- (c) The quantum of compensation (if any) the owner of the Livestock or Poultry should receive under the Program.

The Municipal-Valuer will provide a copy of his/her report to:

- (a) The owner of the Livestock or Poultry;
- (b) The clerk of the municipality in which the Livestock or Poultry was Injured or killed; and
- (c) The Administrator.

### **Limitation on Disposal**

The owner of the Livestock or Poultry cannot destroy or dispose of or permit to be destroyed or disposed of the carcass of any Livestock or Poultry reported killed until the Municipal-Valuer has seen the carcass and agrees that the carcasses can be destroyed or disposed. The **one exception** to this rule is if owner of the Livestock or Poultry is required to dispose of the Livestock or Poultry because of the requirements set out under Ontario Regulation 106/09. The owner of Livestock or Poultry **shall** comply with the requirements set out for the disposal of animals under Ontario Regulation 106/09 at all times.

Where the owner of Livestock or Poultry is required to dispose of the Livestock or Poultry in accordance with Ontario Regulation 106/09 and a Municipal-Valuer has not had an opportunity to see the carcass(es), the death shall be attributed to Wildlife for the purposes of this Program provided the owner of the Livestock or Poultry can provide sufficient evidence demonstrating that the Livestock or Poultry was likely killed by Wildlife and the Livestock or Poultry was disposed of in accordance with Ontario Regulation 106/09.

### **Damage Caused by Dogs**

If the Municipal-Valuer determines that the damage was caused by a dog that is not habitually kept on the premises of the owner of Livestock or Poultry, the owner is not eligible for compensation through this Program. If the damage is caused by dogs, the process set out in the *Protection of Livestock and Poultry from Dogs Act* shall be followed.

## Process to Assess Damage of Livestock and Poultry Damage in a Territory Without Municipal Organization

### Notification

Where the owner of Livestock or Poultry within a Territory Without Municipal Organization discovers that any of the owner's Livestock or Poultry has been Injured or killed and to the best of the owner's knowledge and belief such Injury or death was done by Wildlife, the owner must notify the Ministry within forty-eight (48) hours of discovering the Injury or death. Upon notification, the Administrator of the Program will immediately notify a Territory Without Municipal Organization-Valuer.

### Investigation

A Territory Without Municipal Organization-Valuer will make and complete a full investigation within three (3) days of receiving notification from the Administrator. When conducting an investigation, the Territory Without Municipal Organization-Valuer will record such evidence, including the taking of photographs and/or video, that is reasonably necessary to allow another person to review the evidence and make a conclusion as to whether Wildlife caused the Injury or death to the Livestock or Poultry. The Territory Without Municipal Organization-Valuer will also make and serve a report in writing within ten (10) Business Days after receiving notification.

### Report

The Territory Without Municipal Organization-Valuer's report will include the following information:

- (a) Whether the Injury or death was, to the Valuer's best knowledge and belief,
  - (i) Caused by Wildlife covered under the Program,
  - (ii) Caused by a dog owned by or habitually kept on the premises of the owner of Livestock or Poultry, or
  - (iii) A result of the owner's failure to take reasonable care to prevent the Injury or killing of the Livestock or Poultry by Wildlife;
- (b) The extent and amount of damage to the Livestock or Poultry;
- (c) The quantum of compensation (if any) the owner of the Livestock or Poultry should receive under the Program.

The Territory Without Municipal Organization-Valuer will provide a copy of the report to:

- (a) The owner of the Livestock or Poultry; and
- (b) The Administrator of the Program.

### Limitation on Disposal

The owner of the Livestock or Poultry cannot destroy or dispose of or permit to be destroyed or disposed of the carcass of any Livestock or Poultry reported killed until the Territory Without Municipal Organization-Valuer has seen the carcass and agrees that it can be destroyed or disposed of. The **one exception** to this rule is if the owner of the Livestock or Poultry is required to dispose of the Livestock or Poultry because of the requirements set out under Ontario Regulation 106/09. The owner of Livestock or Poultry **shall** comply with the requirements set out for the disposal of animals under Ontario Regulation 106/09 at all times.

Where the owner of Livestock or Poultry is required to dispose of the Livestock or Poultry in accordance with Ontario Regulation 106/09 and a Territory Without Municipal Organization-Valuer has not had an opportunity to see the carcass(es), the death shall be attributed to Wildlife for the purposes of this Program provided the owner of the Livestock or Poultry can provide sufficient

evidence demonstrating that the Livestock or Poultry was likely killed by Wildlife and the Livestock or Poultry was disposed of in accordance with Ontario Regulation 106/09.

#### **Damage Caused by Dogs**

If the Territory Without Municipal Organization-Valuer determines that the damage was caused by a dog that is not habitually kept on the premises of the owner of Livestock or Poultry, the owner is not eligible for compensation through this Program. If the damage is caused by dogs, the process set out in the *Protection of Livestock and Poultry from Dogs Act* shall be followed.

## **DAMAGE TO BEE COLONIES, BEEHIVES AND/OR BEEHIVE RELATED EQUIPMENT IN ONTARIO**

### **Process to Assess Damage of Beehives and Beehive Related Equipment in Ontario**

#### **Notification**

Where the owner of a Bee Colony, Beehive or Beehive Related Equipment discovers that the owner's Beehive or Beehive Related Equipment has been damaged or destroyed and to the best of the owner's knowledge and belief such damage or destruction was done by Wildlife, the owner shall notify the Ministry within forty-eight (48) hours of discovering the damage. Upon notification, the Administrator shall immediately notify a Bee-Valuer.

#### **Investigation**

A Bee-Valuer will make and complete a full investigation within three (3) Business Days of receiving notification from the Administrator. When conducting an investigation, the Bee-Valuer will record such evidence, including the taking of photographs and/or video, that is reasonably necessary to allow another person to review the evidence and make a conclusion as to whether Wildlife caused the damage or destruction to the owner's Bee Colony, Beehive or Beehive Related Equipment. The Bee-Valuer will also make and serve a report in writing within ten (10) Business Days after receiving notification.

#### **Report**

The Bee-Valuer's report will include the following information:

- (a) Whether the damage or destruction was, to the Bee-Valuer's best knowledge and belief,
  - (i) Caused by Wildlife covered under the Program,
  - (ii) Caused by a dog owned by or habitually kept on the premises of the owner of the Bee Colony, Beehive or Beehive Related Equipment, or
  - (iii) A result of the owner's failure to take reasonable care to prevent the damage or destruction to the Bee Colony, Beehive or Beehive Related Equipment by Wildlife;
- (b) The extent and amount of damage or destruction to the Bee Colony, Beehive or Beehive Related Equipment;
- (c) The quantum of compensation (if any) the owner of the Bee Colony, Beehive or Beehive Related Equipment should receive under the Program.

The Bee-Valuer will provide a copy of his/her report to:

- (a) The owner of the Bee Colony, Beehive or Beehive Related Equipment; and
- (b) The Administrator of the Program.

#### **Limitation on Destruction**

The owner of the Bee Colony, Beehive or Beehive Related Equipment shall not destroy or dispose of or permit to be destroyed or disposed of the Bee Colony, Beehive or Beehive Related Equipment reported damaged until the Bee-Valuer has seen the Bee Colony, Beehive or Beehive Related Equipment and agrees that it can be destroyed or disposed of.

## **REVIEWS AND APPEALS**

### **Review By Second Valuer**

#### **Request for Review By Owner of Livestock or Poultry**

Where the owner of Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment (as the case may be) is dissatisfied with the original Valuers' report, the owner of the Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment (as the case may be) may request that the Administrator select another Valuer to review the valuation, provided the following requirements have been met:

- (a) The owner of the Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment (as the case may be) makes the request to the Administrator in writing within twenty (20) Business Days of receiving the original Valuers' report, and
- (b) The owner of the Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment (as the case may be) deposits with the Administrator a fee of twenty-five dollars (\$25.00) that will only be returnable if the second Valuer reaches a different conclusion than the first Valuer and that conclusion favours the owner of Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment's (as the case may be) position,

and the Administrator shall appoint a Valuer.

#### **Request for Review by Municipality**

Where a municipality is dissatisfied with the original Valuers' report, the municipality may request that the Administrator select another Valuer to review the valuation, provided the municipality makes the request to the Administrator in writing within twenty (20) Business Days of receiving the original Valuers' report and the Administrator shall appoint a Valuer.

#### **Request for Review by Administrator**

Where the Administrator is dissatisfied with the original Valuers' report, the Administrator may select another Valuer to review the valuation provided the Administrator notifies the owner of the Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment (as the case may be) and the municipality within twenty (20) Business Days of receiving the original Valuers' report.

#### **Process of Review**

A second Valuer selected by the Administrator will make and serve a report in writing within ten (10) Business Days after being selected by the Administrator. This report will include the following:

- (a) Whether the Injury or death was, to the Valuer's best knowledge and belief,

- (i) Caused by Wildlife covered under the Program,
  - (ii) Caused by a dog owned by or habitually kept on the premises of the owner of Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment (as the case may be), or
  - (iii) A result of the owner's failure to take reasonable care to prevent the Injury or killing of the Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment (as the case may be) by Wildlife;
- (b) The extent and amount of damage to the Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment (as the case may be);
  - (c) The quantum of compensation (if any) the owner of the Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment (as the case may be) should receive under the Program.

The second Valuer will provide a copy of his/her report to:

- (a) The owner of the Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment (as the case may be);
- (b) The clerk of the municipality in which the Livestock or Poultry was Injured, killed or damaged (if applicable); and
- (c) The Administrator of the Program.

## Appeal to Director

### Appeal by Owner of Livestock or Poultry

The owner of Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment (as the case may be) may appeal to the Director under the following conditions:

- (a) The municipality or the Administrator exercised the municipality or the Administrator's ability to have a second Valuer review the original Valuer's report;
- (b) The owner of Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment (as the case may be) is not satisfied with the second Valuer's report;
- (c) The owner of Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment (as the case may be) makes the appeal within twenty (20) Business Days of receiving the second Valuer's report by serving the Administrator and the Director; and
- (d) The owner of Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment (as the case may be) deposits with the Administrator a fee of twenty-five dollars (\$25.00) that will only be returnable if the Director makes a decision that favours the owner of Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment's (as the case may be) position.

### Appeal by Municipality

A municipality may appeal to the Director under the following conditions:

- (a) The owner of Livestock or Poultry exercised the owner's ability to have a second Valuer review the original Valuer's report;

- (b) The municipality is not satisfied with the second Valuer's report; and
- (c) The municipality makes the appeal within twenty (20) Business Days of receiving the second Valuer's report by serving the owner of Livestock or Poultry, the Administrator and the Director.

#### **Appeal by Administrator**

The Administrator may appeal to the Director under the following conditions:

- (a) The owner of Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment (as the case may be) exercised the owner's ability to have a second Valuer review the original Valuer's report;
- (b) The Administrator is not satisfied with the second Valuer's report; and
- (c) The Administrator makes the appeal within twenty (20) Business Days of receiving the second Valuer's report under section 14(4) of this Program Guideline by serving the owner of Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment (as the case may be) the municipality and the Director.

#### **Director's Decision**

Upon receiving an appeal, the Director may do one of the following:

- (a) Where the Director is of the belief that the first Valuer's report reflects what happened, follow the recommendations set out therein;
- (b) Where the Director is of the belief that the second Valuer's report reflects what happened, follow the recommendations set out therein; or
- (c) Where the Director is of the belief that both the Valuers' reports are reflective of what happened but that the amount of compensation being recommended by both reports is not proper, substitute the Director's opinion for that of the Valuers as to the quantum of compensation the owner of Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment (as the case may be) should receive, subject to Program Guidelines.

## **PAYMENT OF APPLICANTS**

#### **Payment of Applicants that Own Livestock or Poultry and Live in Territory with Municipal Organization**

Payment of Applicants who own Livestock or Poultry and live in a territory with municipal organization will be as follows:

- (a) The municipality will pay the Applicant without deducting any administrative costs the municipality may have incurred from the payment or seek re-imbursement of any administrative costs from the Applicant; and
- (b) The municipality may apply for re-imbursement of claims paid by providing a copy of the original Valuer's report, the second Valuer's report or the decision of the Director along with proof of payment to the Ministry within twelve (12) months of paying the claim.

#### **Payment of Applicants that Own Livestock or Poultry and Live in Territory without Municipal Organization**

Payment of Applicants who own Livestock and Poultry and live in a Territory Without Municipal Organization will be as follows:

- (a) The Territory Without Municipal Organization-Valuer will submit a copy of the report to the Ministry;

- (b) The Ministry will pay the claim directly to the Applicant.

#### **Payment of Applicants that Own Bee Colonies, Beehives and/or Beehive Related Equipment**

Payments of Applicants who own Bee Colonies, Beehives and/or Beehive Related Equipment will be as follows:

- (a) The Bee-Valuer will submit a copy of the report to the Ministry; and
- (b) The Ministry will pay the claim directly to the Applicant.

#### **General Restriction on Paying Applicant**

No Applicant shall be paid in respect of the Applicant's claim under the Program until the latter of:

- (a) The time period in which to request a review of an original Valuer's report or to appeal from the report of a second Valuer (as the case may be) has expired and no request for review of the original Valuer's report or appeal from the report of the second Valuer (as the case may be) has been made, and
- (b) The Director has made a decision regarding any appeal to the Director.

#### **Payment of Claim Limited to Amount Set Out in Program Guidelines**

Notwithstanding anything else contained within the OIC or this Program Guideline, the Ministry shall not be liable to an owner of Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment (as the case may be) in excess of the maximum amount set out in this Program Guideline.

#### **Payment of Claim Limited to Fair Market Value**

Notwithstanding anything else contained within the OIC or this Program Guideline, the Ministry shall not be liable to an owner of Livestock or Poultry or the owner of the Bee Colony, Beehive or Beehive Related Equipment (as the case may be) in excess of the fair market value, as determined by the calculation set out in this Program Guideline, of the Livestock, Poultry, Bee Colony, Beehive or Beehive Related Equipment (as the case may be).

#### **Payment of Claim to Consider any Insurance Payments Applicant Receives**

Any insurance payments a Recipient is eligible to receive as a result of Injury or death to Livestock or Poultry or damage or destruction to Bee Colony, Beehives or Beehive Related Equipment shall be deducted from any compensation the Recipient may be eligible to receive under this Program.

#### **Percentage of Compensation**

The Program will pay one-hundred (100) per cent of the assessed value of Livestock, Poultry, Beehives, Bee Colonies and Beehive Related Equipment up to but not exceeding the maximum values of compensation prescribed in Schedule "A".

#### **Minister's Discretion to Pay Claims**

The Minister may pay an Applicant's claim directly even though that responsibility may fall to a municipality where the Minister is of the opinion that special or unique circumstances exist that warrant paying the Applicant's claim directly.

#### **Minister's Discretion to Pro-Rate Payments**

The Minister may pro-rate the payment of any claim where an insufficient appropriation exists. The Minister may also pro-rate the payment of any claim at the Minister's own discretion.



**Payments are Income for Tax Purposes**

Any payments received under the Program will be considered as income for tax purposes.

**Payments Under Program may be Used to Set-Off Against Other Debts**

Payments under this Program may be used to set-off against any other debt the Recipient owes to Her Majesty the Queen in Right of Ontario and/or Her Majesty the Queen in Right of Canada.

## PAYMENTS BY MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS TO A MUNICIPALITY

**Municipal Claim to the Ministry**

A municipality may make a claim to the Ministry for re-imbursement of the costs the municipality incurred for the following:

- (a) Up to thirty dollars (\$30.00) for the expenses the municipality incurred for its Valuer and other administrative costs, and
- (b) The amount paid for the Applicant's claim.

**Eligibility Requirements for Municipality to Make a Claim to the Ministry**

To be eligible for payment, the municipality must apply for its costs using a Ministry-approved form and follow the process set out in this Program Guideline.

## GENERAL

**Recipient Receiving Non-Eligible Payments**

If a Recipient receives a Payment that he/she/it/they are not otherwise entitled to receive under the Program (through administrative error or otherwise), that debt shall be considered a debt that is owed to Her Majesty the Queen in Right of Ontario.

**Providing False Misleading Information**

Any Recipient who knowingly provides or has provided false or misleading information under the Program shall have his/her/its/their participation in the Program terminated and shall immediately return to the Minister any compensation received under Program.

**Municipality Receiving Non-Eligible Payments**

Any municipality that receives any type of payment under this Program that is directly or indirectly related to a Municipal-Valuer knowingly providing false or misleading information under the Program shall immediately return to the Minister any payment received under the Program.

**Collection of Debts Under Program**

Any Person that receives a payment that that Person is not eligible to receive will repay that payment. Such debt shall constitute a debt owing to Her Majesty the Queen in Right of Ontario. The Ministry will recover this debt in a manner that is consistent with the Ministry's collections practice and in consideration of all applicable Acts and other Government of Ontario directives.

**Termination of Program Does Not Eliminate Debt Owning**

The termination of this Program will not, in any way, affect the obligation of a Recipient under the Program or any other Person who receives money under the Program to repay any payments that the Recipient or any other Person who receives money under the Program was not eligible to receive under the Program.

**Use of Individual's Social Insurance Number**

The Minister, Director, Administrator, Ministry staff, Valuers and/or clerk of a municipality may collect, use and/or disclose the Social Insurance Number of an Applicant where that individual applies for and receives compensation under the Program as a sole proprietor, as a partner within a partnership or as an unincorporated entity and where it is necessary for the sole purposes of tax, auditing and collection of overpayments.

**Issuance of Tax Receipts**

For Livestock and Poultry damage in an a territory with municipality organization the municipality shall issue tax receipts to Recipients for payments made under the Program as well as submit this information to the Canada Revenue Agency.

For Livestock and Poultry damage in a territory without municipal organization, the Ministry shall issue tax receipts to Recipients for payments made under the Program as well as submit this information to the Canada Revenue Agency.

For Beehive, Bee Colony and Beehive Related Equipment damage, the Ministry shall issue tax receipts to Recipients for payments made under the Program as well as submit this information to the Canada Revenue Agency.

**Concern Over Person's Conduct**

Where anyone has a concern over a Person's conduct in relation to making a claim under the Program, that person may contact the Administrator about the Person. Upon receiving a complaint about a Person's conduct in relation to making a claim under the Program, the Administrator shall obtain any and all relevant information that the Administrator believes is reasonable and necessary to make a recommendation to the Minister as to whether that Person should be suspended from being eligible under the Program and, if so, for what time period. The Minister shall then decide upon receiving the Administrator's recommendation whether the Person should be suspended from being eligible under the Program and, if so, for what time period.

Where the Minister decides to suspend the Person from being eligible under the Program, the Administrator shall notify the Person in writing within ten (10) Business Days after the Minister's decision. This notification shall include the date of the Minister's decision, the reasons the Minister relied upon for making the decision and the duration of the Person's ineligibility under the Program.

## PROGRAM CONTACT INFORMATION

Program inquiries can be directed to:

Ministry of Agriculture, Food and Rural Affairs  
1 Stone Road West, Guelph, ON N1G 4Y2  
Attention: Ontario Wildlife Damage Compensation Program

Telephone: 1-877-424-1300

e-mail: [ag.info.omafra@ontario.ca](mailto:ag.info.omafra@ontario.ca)

Additional Program information and information on preventing livestock predation can be found at [www.ontario.ca/predation](http://www.ontario.ca/predation)

## SCHEDULE "A" – MAXIMUM COMPENSATION VALUES

### Livestock

Species	Maximum Amount (\$) Per Unit
Cattle, registered	8,000
Cattle, non-registered	2,500
Bison bull, 1 year and older	4,000
Bison, all other	2,500
Sheep, registered	1,200
Sheep, non-registered	300
Goat, registered	1,000
Goat, non-registered	600
Swine, registered	5,000
Swine, non-registered	2,000
Horse	8,000
Rabbit Breeders for meat production	40
Rabbit ,all other	30
Elk Bull, 1 year and older	8,000
Elk, all other	4,000
Deer Buck, 1 year and older	8,000
Deer, all other	4,000
Alpaca	8,000
Llama	8,000
Ostrich	3,000
Emu	500
Rhea	1,500
Donkey	5,000
Mule	5,000
Mink	150
Fox	1,500
Raccoon	75
Fisher	250
Marten	250
Lynx	2,000

## Poultry

Species	Maximum Amount (\$)
Chicken, for egg production	30
Chicken, parent breeder for egg production	60
Chicken, grandparent breeder for egg production	120
Chicken, parent breeder for meat production	60
Chicken, grandparent breeder for meat production	100
Chicken, primary breeder foundation stock	1,200
Chicken, all other	20
Turkey, for meat production	70
Turkey, parent breeder	250
Turkey, grandparent breeder	700
Turkey, primary breeder foundation stock	1,050
Duck, for meat production	28
Duck, for egg production	60
Duck, parent breeder	85
Duck, grandparent breeder	250
Goose, for meat production	40
Goose, parent breeder	100
Goose, grandparent breeder	300
<ul style="list-style-type: none"> <li>• Bobwhite, northern</li> <li>• Grouse, ruffed</li> <li>• Grouse, sharp-tailed</li> <li>• Grouse, spruce</li> <li>• Partridge, gray (Hungarian)</li> <li>• Pheasant, ring-necked</li> <li>• Ptarmigan, rock</li> <li>• Ptarmigan, willow</li> <li>• Turkey, wild</li> </ul> <p>These species are game birds pursuant to a license under Schedule 3 of the Fish and Wildlife Conservation Act, 1997.</p>	500

## Beehives, Bee Colonies and Beehive Related Equipment

The maximum compensation value for a Bee Colony is \$150

The maximum compensation value for Beehive Related Equipment is \$100

## SCHEDULE "B" – LIST OF ELIGIBLE LIVESTOCK SPECIES

Species
Cattle
Bison
Sheep
Goat
Swine
Horse
Rabbit
Elk
Deer
Alpaca
Llama
Ostrich
Emu
Rhea
Donkey
Mule
Mink
Fox
Raccoon
Fisher
Marten
Lynx

## SCHEDULE "C" – LIST OF ELIGIBLE POULTRY SPECIES

Species
Chicken
Turkey
Duck
Goose
Bobwhite, northern
Grouse, ruffed
Grouse, spruce
Grouse, sharp-tailed
Partridge, gray (Hungarian)
Pheasant, ring-necked
Ptarmigan, rock
Ptarmigan, willow
Turkey, wild

## SCHEDULE "D" – LIST OF ELIGIBLE WILDLIFE SPECIES

<b>Wildlife damage to Livestock and Poultry</b>
Coyote
Wolf
Bear
Fox
Fisher
Cougar
Lynx
Bobcat
Raven
Eagle
Hawk
Crow
Turkey vulture
Weasel
Raccoon
Mink
Elk

<b>Wildlife damage to Beehives, Bee Colonies and Beehive Related Equipment</b>
Bear
Skunk
Raccoon
Deer



## SCHEDULE "E" – PROCESS FOR DETERMINING LIVESTOCK AND POULTRY LOSSES

### For Weaned Beef and Dairy Calves:

Determine the award by estimating the weight and using the current price for the class of animal.

### For Young Calves (not weaned):

**This option represents the minimum standard.**

Beef calves are assumed to weigh 500 pounds at weaning age. Obtain the current market value price for a weaned calf as described in the most recent sales data available. Newborn calves and calves up to 1 month of age are to be compensated at 70 % of weaning value. If the market price of weaned calves is \$1.70 per pound, then a 500 pound calf is valued at  $\$1.70 \times 500 = \$850$ .

Newborn and calves up to 1 month of age will be compensated at 70 percent of the total value or  $70\% \times \$850 = \$595.00$ .

The value increases by 5% per month and reaches full value at 7 months of age. For example, a 2 month old calf is 75% of value, 3 months is 80%, 4 months is 85% and 5 months is 90% and 6 months is 95%.

### For Weaned Lambs and Kids

Determine the award by estimating weight and using the current price for the class of animal.

### For Young Lambs and Kids (not weaned):

**This option represents the minimum standard.**

If the market price for lambs and kid goats are valued at \$120 based on an 80 pound lamb and \$1.50 per pound:

Newborn lambs and kids are valued at 45% of the full market value, or 45% of \$120 which is \$54.00. The value increases by 5% per week and reaches full value at 12 weeks of age. For example, a lamb or kid from 4 to 5 weeks of age is valued at  $[45\% + (5\% \times 4 \text{ weeks})]$  or 65% of full value, or 65% of \$120 which is \$78.00.

The following table shows the percent of full value for each week of age. The dollar value was calculated based on a \$120 market lamb.

Age of Lamb or Goat Kid	Percentage of Full Value	Dollar Value (if \$120 is full value)
1st week	45%	\$54.00
2nd week	50%	\$60.00
3rd week	55%	\$66.00
4th week	60%	\$72.00
5th week	65%	\$78.00
6th week	70%	\$84.00

7th week	75%	\$90.00
8th week	80%	\$96.00
9th week	85%	\$102.00
10th week	90%	\$108.00
11th week	95%	\$114.00
12th week	100%	\$120.00

**For Breeding Stock (Breeding Stock (cows, bulls, ewes, rams, does, bucks and replacement animals))**

Additional information may be factored into the value. Pedigree, genetics, pertinent performance records, physical identification, invoices and or sales records and age should be considered in determining the value. Simply put, "What would the livestock owner have to pay to "replace" that animal in the herd?"

For Registered Livestock, owners must provide documentation to be eligible to receive up to the maximum compensation levels for Registered Livestock.

## SCHEDULE "F" – PROCESS FOR DETERMINING FAIR MARKET VALUE FOR BEEHIVES, BEE COLONIES AND BEEHIVE RELATED EQUIPMENT

The Bee-Valuer will determine the market value of damaged Beehives, Bee Colonies and Beehive Related Equipment and use that as the basis to calculate the value of a claim under this Program.

## SCHEDULE "G" – HOW TO SUBMIT FORMS TO THE MINISTRY FOR PROCESSING (FOR MUNICIPAL AND MINISTRY INFORMATION USE )

Municipal Valuers, Municipal staff and Ministry Valuers can submit forms to the Ministry by e-mail, fax or mail.

**By E-mail:**

Program Applications (i.e. Valuers' reports) to meet the 10 Business Day submission requirement can be e-mailed to:

[Valuercompliance.owdcp@ontario.ca](mailto:Valuercompliance.owdcp@ontario.ca)

Municipal Application (i.e. reimbursement form) can be e-mailed to: [Paymentprocessing.owdcp@ontario.ca](mailto:Paymentprocessing.owdcp@ontario.ca)

**By Fax:** 519-826-3170

**By Mail:**

Ontario Ministry of Agriculture, Food and Rural Affairs

1 Stone Road West, Guelph, ON N1G 4Y2

Attention: Ontario Wildlife Damage Compensation Program