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## ONTARIO REGULATION

made under the

### GRAINS ACT

Amending O. Reg. 260/97

(General)

Note: Ontario Regulation 260/97 has previously been amended. For the legislative history of the Regulation, see the Table of Consolidated Regulations – Detailed Legislative History at [www.e-Laws.gov.on.ca](http://www.e-Laws.gov.on.ca).

**1. (1) Subsection 6 (1) of Ontario Regulation 260/97 is amended by adding “Subject to subsection (1.1),” at the beginning.**

**(2) Subsection 6 (1) of the Regulation, as amended by subsection (1), is amended by striking out “Subject to subsection (1.1)” at the beginning.**

**(3) Section 6 of the Regulation is amended by adding the following subsections:**

(1.1) If grain sold as provided in subsection 18 (3) of the Act is subject to an agreement for deferred payment described in subsection (1.2), subsection (1) does not apply and the grain elevator operator shall ensure that payment for the grain is made in accordance with the agreement.

(1.2) An agreement for deferred payment referred to in subsection (1.1) shall be,

- (a) made in writing between the grain elevator operator and the owner of the grain;
- (b) sets out one or more times at which deferred payments shall be made; and

(c) provides that payment in full be made on or before July 1, 2012.

(1.3) For greater certainty, an agreement that provides for deferred payments in accordance with subsection (1.1) may also provide for the price of the grain sold to be determined on a basis or delayed price contract.

(1.4) Grain in storage that is sold in accordance with an agreement for deferred payment described in subsection (1.1) is exempt from subsection 18 (2) of the Act.

**(4) Subsections 6 (1.1) to (1.4) of the Regulation, as made by subsection (3), are revoked.**

**(5) Subsection 6 (2) of the Regulation is amended by striking out “under subsection (1)” in the portion before clause (a) and substituting “under subsection (1) or (1.1)”.**

**(6) Subsection 6 (2) of the Regulation, as amended by subsection (5), is amended by striking out “under subsection (1) or (1.1)” in the portion before clause (a) and substituting “under subsection (1)”.**

**(7) Section 6 of the Regulation is amended by adding the following subsection:**

(4) No grain elevator operator or owner shall refuse to enter into an agreement to sell or buy grain on the sole basis that the agreement does not provide for deferred payment of the grain.

**(8) Subsection 6 (4) of the Regulation, as made by subsection (7), is revoked.**

**2. (1) The Regulation is amended by adding the following section:**

**9.1** A grain elevator operator who buys grain under agreements for deferred payment described in subsection 6 (1.1) is exempt from section 22 of the Act to the extent that the amount of grain in the operator’s grain elevator or storage facilities that is less than the total amount of outstanding grain storage receipts and weigh tickets issued by the operator is equal to the amount of grain sold under such agreements.

**(2) Section 9.1 of the Regulation, as made by subsection (1), is revoked.**

**3. (1) Subsection 15 (1) of the Regulation is amended by adding “Subject to subsection (2.1)” at the beginning.**

**(2) Subsection 15 (1) of the Regulation, as amended by subsection (1), is amended by striking out “Subject to subsection (2.1)” at the beginning.**

**(3) Subsection 15 (2) of the Regulation is amended by striking out “where subsection (1) does not apply” in the portion before clause (a) and substituting “where subsections (1) and (2.1) do not apply”.**

**(4) Subsection 15 (2) of the Regulation, as amended by subsection (3), is amended by striking out “where subsections (1) and (2.1) do not apply” in the portion before clause (a) and substituting “where subsection (1) does not apply”.**

**(5) Section 15 of the Regulation is amended by adding the following subsections:**

(2.1) If a dealer purchases grain under an agreement for deferred payment described in subsection (2.2), the dealer shall make payments for the grain at such times as are set out in the agreement.

(2.2) An agreement for deferred payment referred to in subsection (2.1) shall be,

(a) made in writing between the dealer and the owner of the grain;

(b) set out one or more times at which deferred payments shall be made; and

(c) provide that payment in full be made on or before July 1, 2012.

(2.3) For greater certainty, an agreement that provides for deferred payments in accordance with subsection (2.2) may also provide for the price of the grain sold to be determined on a basis or delayed price contract.

**(6) Subsections 15 (2.1), (2.2) and (2.3) of the Regulation, as made by subsection (5), are revoked.**

**(7) Section 15 of the Regulation is amended by adding the following subsection:**

(5) No dealer or owner shall refuse to enter into an agreement to sell or buy grain on the sole basis that the agreement does not provide for deferred payment of the grain.

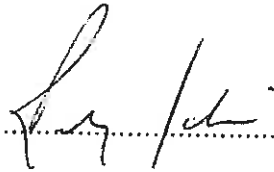
**(8) Subsection 15 (5) of the Regulation, as made by subsection (7), is revoked.**

**4. (1) Subject to subsection (2), this Regulation comes into force on the day it is filed.**

(2) Subsections 1 (2), (4), (6) and (8), subsection 2 (2) and subsections 3 (2), (4), (6) and (8) come into force on July 1, 2012.

Made by:

AGRICORP:

  
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Signature

Randy Jackiw, CEO AgriCorp  
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Please print name and title

Date made: Dec 16, 2010  
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I approve this Regulation.

  
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Minister of Agriculture, Food and Rural Affairs

Date approved: Dec 16/2010  
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