

Appendix "A"
HER MAJESTY THE QUEEN

and

MAPLE LODGE FARMS

PROBATION ORDER

(Pursuant to 732.1 (3.1) Criminal Code of Canada)

WHEREAS:

1. Maple Lodge Farms (MLF) is an Organization within the meaning of Section 732.1 (3.1) of the Criminal Code of Canada.
2. MLF has been convicted of a total of 20 charges of failing to transport chickens humanely pursuant to section 65(1) of the Health of Animals Act.
3. MLF has been sentenced to pay a fine and directed to comply with the conditions prescribed in a Probation Order. That Probation Order will be for a period of three years. The maximum fine upon conviction for a single offence pursuant to section 65(1) of the Health of Animals Act where the Crown has proceeded by summary conviction is \$50,000.00.
4. MLF has been sentenced to pay a fine of \$40,000.00 on each of the two counts upon which Justice N. Kastner tried MLF for a total fine of \$80,000.00.
5. The sentencing of MLF in relation to the additional 18 charges has been suspended for a period of 3 years during which MLF will be subject to this Probation Order.
6. MLF has agreed that in addition to any further conditions prescribed by the court it will comply with the following conditions which will also be prescribed by the court and will be subject to enforcement as part of the court's Probation Order.
7. MLF will expend no less than \$1,000,000.00 over the period of this probation order in the manner prescribed and according to the schedule for expenditures where provided for to modify its fleet of trailers used to transport broiler and spent hens and to make changes to its facilities as well as transportation policies, methods and procedures.
8. MLF hereby acknowledges that it remains subject to the provisions of all extant laws including the Health of Animals Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and Regulations.
9. The conditions of this Probation Order are intended to ensure compliance with the Health of Animals Act and Regulations.

IT IS AGREED BY THE PARTIES AND ORDERED BY THE COURT:

GENERAL

10. MLF will establish policies, standards and procedures to reduce the likelihood of that organization committing a subsequent offence.
11. MLF will report to the court on the implementation of those policies, standards and procedures as set out herein.
12. MLF has identified the Senior Animal Welfare Officer as the senior officer (SO) who is responsible for compliance with those policies, standards and procedures.
13. MLF will provide, in the manner specified herein, the following information to the public, namely,
 - (i) the offence(s) of which the organization was convicted,
 - (ii) the sentence imposed by the court
 - (iii) any measures that the organization is taking – including any policies, standards and procedures established by this Order – to reduce the likelihood of it committing a subsequent offence.
14. MLF or the prosecutor may, at any time, apply to the court to:
 - (i) make changes to any additional conditions;
 - (ii) relieve MLF from compliance with any additional conditions completely or in part, or
 - (iii) decrease the period for which this Order is in force.

TRANSPARENCY

15. MLF will ensure that the convictions, a summary of the facts supporting those convictions, the sentence imposed and the terms of the probation order are published in a prominent place on its website. That publication must include a summary of the reported decision of Justice Kastner including relevant excerpts from the Reasons for Decision and/or Sentence. That publication is subject to approval in writing as to form and content by the Canadian Food Inspection Agency (CFIA) within three (3) weeks of the date that sentence is imposed and its approval may be withheld at its discretion. The above noted information, as approved by the CFIA must be posted on MLF's website within a week of approval by the CFIA.

16. In addition, MLF will ensure that proof of implementation of the conditions herein be provided to the CFIA on a quarterly basis and as certified by the SO of MLF. Failure to meet a schedule for compliance as set out in this order must be published on the MLF website and is subject to approval in writing as to form and content by the CFIA and its approval may be withheld at its discretion.
17. In addition, while on probation, MLF will publish on its website, in a manner approved of in advance by the CFIA, a summary of Dead on Arrivals (DOA) on a quarterly basis indicating the number of loads that exceed the 1% and 4% DOA thresholds for broiler birds and spent hens that trigger a more in-depth CFIA inspection.
18. The parties have agreed that Penny Lawlis will assume the position of an independent expert (IE) for the duration of this Order to oversee and report to the Court in relation to both expenditures and compliance with this Probation Order and the above noted Act and Regulations. Ms. Lawlis is currently the Humane Standards Officer for the Ontario Ministry of Agriculture, Food and Rural Affairs.

POLICIES, STANDARDS AND PROCEDURES:

19. MLF will create and abide by specific standard operating procedures (SOPs) that make all decision making on loading and transporting broilers and spent hens transparent and traceable including:
 - 19.1 SOPs must be in writing and approved by the IE and made available to the CFIA and court if requested. Those SOPs must be adhered to and form part of this Probation Order. They must be posted in a conspicuous place in the workplace available to all employees. They must also include a prominent declaration that adherence to the SOPs is by court order. They must include the following:
 - a. Guidance documents for employees and dispatchers, including contingency plans;
 - b. Specifications and undertakings by third parties involved in transport that they will follow MLF procedures, and certifications that procedures have been followed;
 - c. Reduce SOPs to writing and have all employees involved in the transportation process and supervisory personnel certify they have been trained and read the SOPs and are aware of the requirement to follow them;
 - d. Requirement that drivers must report weather conditions to MLF dispatchers at the time of loading. Written records of these reports shall be kept and maintained by MLF for three (3) years;
 - e. Requirement that drivers must take, and MLF shall preserve time and date

stamped, digital photos of the trailer being loaded in a way that accurately depicts the animals and current weather conditions at the following times:

- i. the beginning of loading;
- ii. the approximate halfway point of loading; and
- iii. the completion of loading

19.2. This provision is subject to any regulations or laws prohibiting the photographing of any farms or property where loading takes place. In the event that photographing the trailer is prohibited by law or by the producer, the driver shall still take digital photographs in accordance with the above time requirements of the weather conditions immediately adjacent to the farm.

- f. Requirement that the holding barns be manned by an employee fully acquainted with holding barn procedures.
- g. Requirement that holding barn procedures be in writing and include monitoring of all loads to standards agreed upon with the IE. Compliance is to be confirmed in writing within a log kept by MLF for the duration of this order.
- h. SOPs shall include procedures to be followed for internal investigations. Investigations are to be conducted by an identifiable person who will:
 - i. Certify facts and review all relevant documents;
 - ii. speak to all relevant witnesses/parties;
 - iii. identify the most likely cause of the deficiency and include all of this information in an investigation report that is certified true by that person, and
 - iv. recommend corrective action
- i. Clear and effective contingency plans in writing including but not limited to the following events:
 - i. severe weather;
 - ii. equipment failures;
 - iii. delays in processing;
 - iv. compromised loads

19.3 Severe weather has the same meaning for any type of chicken and includes actual and forecast weather. Severe weather must include conditions during which the actual or forecast temperature are affected by humidity or wind chill. The Ontario Farm Animal Counsel (OFAC) Poultry Handbook chart and graph

contained on page twenty-six (26) provides guidance for whether or not to transport chickens during the summertime based on temperature and humidity combined. Standards for the transportation in cold weather shall take the wind chill into account in any related SOPs and procedures, and MLF shall maintain their records indicating the temperature and wind chill on days when chickens are transported in the winter. These decisions relating to transporting chickens in severe weather shall be documented and maintained for the duration of this probation order, and shall be made available to the IE and CFIA for the purpose of assessing compliance with this order.

19.4 Requirement that MLF provides semi-annual reports to CFIA and the IE on compliance with appropriate standards within six (6) months of this order. MLF must also provide in their report proof of implementation of new SOPs that have been certified by all MLF employees and third parties involved in the transport process of chickens, which shall be confirmed by the IE. Thereafter, reports must confirm that SOPs are being followed and outline any circumstances where SOPs were not followed, including details of any corrective action taken.

19.5 MLF will include SOP Industry/Government guidelines as the minimum for the loading process including "Should this bird be loaded" and the Transportation Code of Practice.

EQUIPMENT, FACILITIES AND IMPLEMENTATION OF TRANSPORT SOPs:

20. MLF will modify the equipment and facilities associated with the transportation, handling and receipt of live chickens to improve the conditions that live chickens (broilers and spent hens) are transported to its processing facilities in Brampton, Ontario.
21. MLF will spend a minimum of \$1,000,000.00 on capital improvements to that equipment and those facilities, as well as the transportation SOPs during the period of this Probation Order.
22. That expenditure will take place in a manner and at the rate set out below, and must include improvements to trailers, holding facilities, modular transportation systems, and the SOPs for their use.
23. That expenditure must be supported by receipts and records provided to the IE as described below. MLF must provide the IE with proof to the satisfaction of the IE that changes made in accordance with this Probation Order has brought MLF into compliance with the *Health of Animals Act* and the regulations thereto in so far as the transportation of live chickens is concerned.

24. Specifically, MLF must ensure that modifications are made to all or some of the following as they see fit, while ensuring that the outcome is compliance with the above noted Act and Regulations. The IE shall assess whether the modifications made are substantial and demonstrable improvements consistent with ensuring compliance with the Act and Regulations.
25. The modification of equipment and facilities be made to all or some of the following, as MLF sees fit, are:
 - 25.1 Climate controlled and/or mechanically ventilated trailers for transporting all broilers and spent hens;
 - 25.2 Temperature and humidity monitoring devices for all trailers;
 - 25.3 Modular transportation of broilers and spent hens; and
 - 25.4 Climate controlled and/or mechanically ventilated barns for broilers and spent hens with sufficient capacity to service all arriving trailers.
26. MLF will provide unfettered access to all of its facilities, equipment and any data collected pursuant to this Probation Order to the CFIA and IE and establish a reasonable time frame for any exchange of documents required. The confidentiality of intellectual property rights will be respected. Access to confidential corporate financial information shall be limited to the IE.
27. The IE will report on a quarterly basis to the designated CFIA person (CFIA Regional Director, Central Region, or their designate) and Court with respect to all matters related to compliance with this Probation Order.
28. MLF's expenditures pursuant to this Probation Order will be at a rate of no less than \$80,000 per quarter, which may be varied with the consent of the IE. Those expenditures will be reported to the IE in sufficient detail to identify and quantify those expenditures. Those expenditures will be supported by third party receipts or otherwise in accordance with generally accepted audit standards. Where scientific research and/or experimental research are undertaken any expenditure must be identified in accordance with Canada Revenue Agency (CRA) requirements. All expenditures are to be excluded from the calculation of expenditures required by this Order unless the IE is satisfied that the expenditure, including internal expenditures is not in the usual and ordinary course of business prior to this Order.
29. MLF will collect data relating to research and development with respect to the modification of equipment, as well as transport policies, methods and procedures, and make that data available to the IE when requested for the purpose of the IE's reports.

ONTARIO COURT OF JUSTICE

Central West

Region at 7755 Hurontario Street, Brampton

Ontario

ADULT PROBATION ORDER

* Maple Lodge Farms Ltd. (Ontario Corporation 92480)

DOB: 2014/03/27

(Name of the offender)

Date (yyyy/mm/dd)

of 8301 Winston Churchill Blvd, Brampton, ON

(complete address)

A **PROBATION ORDER** has been made against you as part of your sentence for the following offence(s):

Offence Information				
Offence Date(s)	Location (City)	Short Wording	Section Number and Statute	
2008/12/10 - 2008/12/11	Brampton	Health of Animal Reg.	S.65(1) Health of Animals Act	Summary
2008/12/22	Brampton	Health of Animal Reg.	S.65(1) Health of Animals Act	Summary
2009/01/14	Brampton	Health of Animal Reg.	S.65(1) Health of Animals Act	Summary
2009/01/14	Brampton	Health of Animal Reg.	S.65(1) Health of Animals Act	Summary
2009/01/16	Brampton	Health of Animal Reg.	S.65(1) Health of Animals Act	Summary
2009/01/16	Brampton	Health of Animal Reg.	S.65(1) Health of Animals Act	Summary
2009/01/20 - 2009/01/21	Brampton	Health of Animal Reg.	S.65(1) Health of Animals Act	Summary
2009/01/21	Brampton	Health of Animal Reg.	S.65(1) Health of Animals Act	Summary
2009/01/21	Brampton	Health of Animal Reg.	S.65(1) Health of Animals Act	Summary
2009/01/27	Brampton	Health of Animal Reg.	S.65(1) Health of Animals Act	Summary
2009/02/05	Brampton	Health of Animal Reg.	S.65(1) Health of Animals Act	Summary
2009/02/23	Brampton	Health of Animal Reg.	S.65(1) Health of Animals Act	Summary
2009/12/10 - 2009/12/11	Brampton	Health of Animal Reg.	S.65(1) Health of Animals Act	Summary
2009/12/29 - 2009/12/30	Brampton	Health of Animal Reg.	S.65(1) Health of Animals Act	Summary
2010/01/27	Brampton	Health of Animal Reg.	S.65(1) Health of Animals Act	Summary
2010/01/29	Brampton	Health of Animal Reg.	S.65(1) Health of Animals Act	Summary
2010/02/17 - 2010/02/18	Brampton	Health of Animal Reg.	S.65(1) Health of Animals Act	Summary
2010/04/11 - 2010/04/12	Brampton	Health of Animal Reg.	S.65(1) Health of Animals Act	Summary

30. MLF must produce a Compliance Audit written by the IE on a yearly basis to report on MLF's compliance with the requirements above. The yearly Compliance Audit shall be published on MLF's website, in a manner to be approved of by the CFIA, and shall be provided to the parties and the Court. The annual Compliance Audit may be combined with the fourth quarterly report, in each year of the Order.

March 27, 2014

Honourable Justice N.S. Kastner

THIS ORDER will be in force for a period of **3 years** and during the time you are not in custody serving an intermittent sentence. It will begin today unless you are also sentenced to or serving a term of imprisonment (other than an intermittent sentence) or a conditional sentence of imprisonment. (See "When and Where Order is in Force" section of this Order).

Compulsory Statutory Conditions:

You must obey all of the following conditions as well as any of the Additional Conditions that form part of this Order:

1. Keep the peace and be of good behaviour.
2. Appear before the court when required to do so.
3. Notify the court or probation officer in advance of any change of name or address and promptly notify the court or probation officer of any change in employment or occupation.

Type of sentence:

This Order is made
on suspending the passing of sentence on the offender concurrent on all counts

When and Where Order is in force:

This Order continues to apply whether you are in Canada or outside of Canada. This Order applies anywhere in the world.

This Order is in force starting TODAY except:

- If you are also sentenced to a period of imprisonment today or are serving a sentence of imprisonment previously imposed in which case this Order will start when you are released from imprisonment or, if released on conditional release (parole), from the date the sentence or imprisonment ends.
- If you are also sentenced today to a conditional sentence of imprisonment, this Order will start immediately after the conditional sentence ends.
- If you are sentenced to an intermittent sentence, this Order is in force starting today and at all times when you are not in custody serving that sentence.

Your probation officer can tell you exact dates when this Order starts and ends.

This Order is in force at all times and must be obeyed unless a sentence of imprisonment makes it impossible to comply for the time being with the Order.

Variation, extension:

You, the probation officer or the prosecutor may *at any time* apply to the court to:

- make changes to any Additional Conditions;
 - relieve you from compliance with any Additional Condition completely or in part or
 - decrease the period for which this Order is in force.
-

CONDITIONS:

ADDITIONAL CONDITIONS

YOU SHALL:

1. See terms of seven page Probation Order dated March 27, 2014, as Appendix "A" attached.

Warning

Refusal or failure (without reasonable excuse) to comply with any condition of this Order is a criminal offence for which you may be arrested, prosecuted and imprisoned for up to two years, fined up to \$2000.00 or both if found guilty. Further, if you are convicted of any criminal offence, including a breach of this Order, the prosecutor may apply to the court to change or add conditions or to extend the period for which this Order is in force or, in some cases, to cancel this Order and sentence you again for these offences.