

PORT OF JOHNSTOWN
A Division of the Corporation of the Township of Edwardsburgh/Cardinal

NOTICE RESPECTING THE TARIFF OF
GRAIN ELEVATOR CHARGES

Short Title

1. This Notice may be cited as the Grain Elevator Charges Tariff Notice.

Interpretation

2. In this Notice:

“**Corporation**” means the Corporation of the Township of Edwardsburgh/Cardinal;

“**CGC**” means the Canadian Grain Commission, a federal government agency operating under the authority of the Canada Grain Act;

“**elevator**” means the transfer grain elevator, licensed by the CGC and under the administration, management and control of the Corporation at the Port of Johnstown;

“**owner**” includes, in respect of grain, the agent, sender, consignee or bailee of the grain, as well as the carrier of the grain to, upon, over or from the property under the administration or jurisdiction of the Corporation.

Application

3. This Notice applies to the elevator under the administration, management and control of the Corporation at the Port of Johnstown, Ontario, Canada.

Elevator Charges

4. (1) A charge shall be made for services provided in respect of grain at the elevator and shall constitute a toll in respect of the grain.

(2) The elevator services rates are set out in Schedule I (attached).

(3) The charges prescribed by this Notice are due from the owner as soon as they are incurred and shall be paid to the Port of Johnstown, and delivered to the Port office at 3035 County Road 2, Johnstown, Ontario, K0E 1T1.

(4) The charges referred to in subsection (3) are payable within 30 days from the date of invoice and, where the charges are not paid within the time, an additional charge of 1.5 per cent of the charges payable shall be paid for each subsequent 30 day period or portion thereof that the charges remain unpaid.

(5) The charges prescribed by this Notice for services in respect of grain at the elevator at the Port of Johnstown shall be paid,

- (a) In the case of elevation charges, by the owner of the grain,
 - (i) where grain is received, on unloading, and
 - (ii) where grain is discharged, on loading;
- (b) In the case of vessel services, by the shipper of the grain as named on the Lake Bill of Lading on unloading; and
- (c) In the case of other charges such as cleaning, drying, turning, aeration, fumigation bagging and storage by the owner of the grain when incurred.

(6) Where charges are incurred in any year in respect of grain that remains in store after the expiration of that year, the charges shall be paid on or before the 30th day of January in the year next following.

Terms and Conditions

- 5. Every person who proposes to deliver grain to an elevator shall give notice to the Corporation of that proposal, stating the expected date of arrival, quantity, kind and grade of grain.
- 6. The Corporation may refuse to receive into the elevator all grain without discrimination [subsection 69 (1) of the Canada Grain Act] under the following conditions:
 - (a) When total stocks of all grain exceed 98,572 tonnes (64%);
 - (b) During the month of November when the total stocks of all grain exceed 55,447 tonnes (36%);
 - (c) During the period December 1, to April 30 of the following year inclusive, when the total stocks of all grain exceed 41,585 tonnes (27%);
 - (d) With respect to unloading any grain to be transferred through the elevator to vessels waiting to load, when:
 - 1. The elevator is full and unable to unload the next vessel in turn according to the rules of normal priority; and
 - 2. The loading of vessels waiting to load from the elevator is not interfered with; and
 - 3. The owner of the carrier, wishing to transfer direct through the elevator, has no grain of identical grade stored in the elevator, which is available for delivery.

Other Charges

- 7. The charges prescribed by this Notice are in addition to any other charges prescribed in any other Notice or that may be owing to the Corporation.

SCHEDULE 1

PORT OF JOHNSTOWN
A DIVISION OF THE CORPORATION OF THE TOWNSHIP OF
EDWARDSBURGH/CARDINAL

JOHNSTOWN, ONTARIO, CANADA

NOTICE OF GRAIN ELEVATOR CHARGES

Effective August 1, 2010