Farmers and their non-farming neighbours share more than fence lines. Both parties have a vested interest in local soil and water quality. Both want their community to thrive economically. Both prefer a rural way of life. And like people everywhere, they value harmonious relations with their neighbours.

Nevertheless, conflicts do arise. Farms are their owners’ place of business. These days many farms need to expand, specialize and adopt new technologies if they are to succeed. Increasingly they are surrounded by relative newcomers who have migrated from urban areas in search of a pastoral lifestyle in the countryside. These and other concurrent trends seem tailor-made to generate misunderstandings.

While farmers occasionally lodge complaints, more often they are on the receiving end. That is why farmers should be proactive in establishing communication channels with their neighbours. The best approach is an informal one that brings farmers, neighbours and the greater community together to talk, listen and build mutual respect and trust — long before conflicts take on a life of their own.

Once formal complaints are lodged, provincial legislation provides guidance and protocols to resolve issues. The Farming and Food Production Protection Act (FFPPA) protects farmers from liability from complaints arising from normal farm practices. Recent measures in the Nutrient Management Act, 2002 (NMA) present frameworks to resolve local conflicts.

This Factsheet outlines practical, positive strategies and legal mechanisms to help all parties understand, prevent and resolve farm-related conflicts.
FIGURE 2. Percentage of all Complaints Received by Farmers

- Farm Odour
- Dirt/Manure on Road
- Chemical Use
- Noise
- Dust
- Flies
- Slow Moving Equipment
- Water Pollution
- Expansion
- Wandering Livestock
- Property Disputes

Percentage of Responses

FIGURE 3. Percentage of all Complaints Lodged by Neighbours

- Wandering Livestock
- Odour
- Dust
- Noise
- Water Pollution

Percentage of Responses
CULTIVATING GOOD FARM, NEIGHBOUR AND COMMUNITY RELATIONS

What Farmers Can Do

Comply with provincial and federal legislation
Farmers should ensure they keep abreast of changing legislation requirements and compliance dates. The Nutrient Management Act, 2002, for example, has regulatory requirements regarding nutrient storage, transfer and application practices. Compliance dates are determined by operation type and size. Staying informed is the best protection from unintentionally violating the law.

Implement responsible and defensible farm management practices
Making demonstrable efforts and using recognized practices to protect soil, water and air quality on cropland, along water bodies, and in and around farm buildings is a farmer’s best defence. There is a wealth of options for a wide range of agricultural operations presented in the Best Management Practices series of booklets. Farm and environmental organizations also have technical resources.

The rural tradition of helping farm neighbours is longstanding, and should be extended to non-farming neighbours. Simple offers of assistance and one-on-one conversations can do much to prevent problems. The “S.M.A.R.T.” principles are other common-sense ways to reduce or avoid receiving “nuisance” complaints.

Separation — Isolate buildings, livestock and storage as far from neighbours as possible. Trees, shrubs and other landscaping features reduce odour and noise drift. The aesthetics of a farm can improve its acceptability level.

Magnitude reduction — Reduce the amount of farm odour, spray drift and noise with some simple practices. For example, to reduce noise from crop-drying fans, use sound-absorbing materials.

Alteration — Consider changing the design or management of facilities. For example, in certain applications, manure composting can reduce storage volume, odour and nuisance pests. Simply adding liquid manure to the storage from the bottom rather than the top can allow the surface to crust over, thereby reducing the release of odours.

Reduction of occurrences — Reduce potential nuisance “events”. Most rural residents accept occasional odours from farming activities, but persistent odours are likely to generate complaints. Minimize the frequency of manure spreading and use recommended incorporation strategies.

Timing — Contact all neighbour(s) a few days in advance of events such as manure spreading to give them time to take appropriate action. Communications shows the farmer is concerned and considerate, and reduces feelings of helplessness on the part of neighbours.

Be a goodwill ambassador for agriculture in your community
While adopting best management practices is important, they do little to pacify neighbours who do not understand or appreciate the efforts and investment you are making in environmental quality or agriculture’s contribution to the economy in general.

Taking part in organizing a local farm tour, an agricultural fair or other community non-farm events gives a farmer a chance to put a face to an industry — answering questions, explaining farm practices and forging relationships.

What Non-Farm Neighbours Can Do
Whenever there is a perceived problem with a nearby farming operation, approach the farmer directly and with an open mind. Go in search of resolution, not confrontation.

Non-farm neighbours are not immune to complaints from farmers. Vandalism, theft, trespass, damage, rights-of-way, encroachment, unwarranted accusations and attempts to restrict normal farm practices are the most common sources of tension.

Non-farm neighbours and other community members can adopt their own “best management practices” to minimize misunderstandings with local farmers. Here are some examples.

- Buy direct from local U-pick operations, farm stands, and farmers’ markets.
- Pick up debris from the road and road ditches to prevent equipment damage.
- Volunteer for local agricultural events.
- Recognize that farms are businesses. Be prepared for some inconveniences.
- Always ask permission before accessing a farmer’s property for any reason. For example, the weight of a snowmobile in a farmer’s field can drive frost deeper
into the soil, which in turn could freeze and damage tile drainage systems.

- Offer the hand of friendship: wave to farmers in passing, return favours, and invite a farm family to dinner.
- Be patient when driving behind farm equipment.
- Notify farm neighbours well in advance of social activities to allow them to reschedule farming activities in adjacent fields.

What the Community Can Do
The community seeking to minimize conflict will rely less on legal actions and restrictive bylaws and zoning, and work informally with farmers and other local residents to mitigate or mediate conflict.

- Sponsor a farmers’ market, farm tours, farm trails, farm festivals and fairs, or monthly socials that promote opportunities for community interaction.
- Support agricultural education for youth.
- At the municipal level, consult the farm community and contact OMAF before passing farming-related by-laws.
- Take stock of what agriculture does for the community, e.g., jobs, healthy food, tax revenue, wildlife habitat.
- Encourage and recognize farm practices that protect neighbours’ enjoyment of their property.
- When farm-related land use concerns arise, encourage problem solving that satisfies the interests of both parties wherever possible.
- Put together a Rural Code of Conduct publication that sets out what newcomers to rural life can expect.

THE FARMING AND FOOD PRODUCTION PROTECTION ACT (FFPPA)
It is not always possible for people to resolve conflicts among themselves. The FFPPA was designed to ensure that the rights of all rural Ontario residents are respected. Formal complaints that cannot be resolved through mediation are taken to the Normal Farm Practices Protection Board (NFPPB) as a last resort.

The act protects farmers from “nuisance” complaints by neighbours, provided they are following normal farm practices. It also forbids the application of municipal by-laws that restrict normal farm practices.

In this case, “normal” does not mean traditional or common. What qualifies as normal varies according to several criteria, but all must be consistent with other provincial legislation, in particular the:

- Nutrient Management Act, 2002
- Environmental Protection Act, 1990
- Pesticide Act, 1990
- Ontario Water Resources Act, 1990

Seven “Nuisance” Complaints
The FFPPA identifies 7 sources of disturbances or nuisance complaints for which farmers are not liable, provided they result from normal farm practices. These are: noise, odour, dust, light, vibration, smoke and flies.

Nuisance issues do no include activities that could be harmful or dangerous to people or the environment.

The Complaints Process
When a complaint is lodged, voluntary and mediated efforts must be made to resolve it. In some areas of the province, this involves a local agricultural advisory committee. In others, a local agricultural engineer from OMAF and an environmental office from the Ontario Ministry of the Environment have been consulted. OMAF’s engineers offer abatement, conciliation and mediation services for nuisance and by-law complaints.

Less than 1% of total complaints received by either ministry on issues covered by the FFPPA actually reach a formal NFPPB hearing. Hearings are held in local communities and can take from half a day to a week. It usually takes 4–6 weeks after the hearing for a decision.

For more information about the Farming and Food Production Protection Act see OMAF Factsheet, The Farming and Food Production Protection Act and Nuisance Complaints, Order No. 03-113 and Odour Control on Livestock and Poultry Farms, Order No. 03-111.

THE NUTRIENT MANAGEMENT ACT, 2002 (NMA)
The NMA addresses the storage and application of farm nutrients such as manure. The aim is to protect rural soil and water, and give farm operators clear instruction on what they need to do to manage nutrients responsibly and meet new legislative requirements.

Information on the NMA can be obtained from the OMAF web site at www.omaf.gov.on.ca or by calling the Nutrient Management Information line at 1-866-242-
4460. Additional information on provincial legislation is available at www.e-laws.gov.on.ca.

Local Advisory Committees
Because manure is frequently the subject of complaints, the NMA strongly recommends local advisory committees be established. These can be extremely effective in both settling disputes and, through outreach efforts, creating open dialogue and awareness that resolve misunderstandings early on.

The NMA specifies the majority of committee members must be farmers or farm representatives. Each committee must also have at least one non-farmer and a representative from the local municipality.

The NMA enables local advisory committees to be involved in:

- mediation and conflict resolution
- education and consultation.

They do not handle matters that may involve violations with the NMA or other legislation.

Mediation and conflict resolution —
initiated by complaints received by the municipality, incident reports received by MOE, or matters reported to OMAF. Where the province decides a matter should be referred to a local advisory committee, it must ensure that the complainant agrees to have the committee involved. All mediations are confidential.

If the matter appears more serious than originally thought, the committee may notify MOE and stop the mediation process. If its investigations find no basis for the complaint, the committee will end the mediation. If they do find a basis for the complaint, they'll develop recommendations and meet with the farmer and the complainant in an effort to reach a resolution. If either party is dissatisfied, they can contact their local municipality or pursue a hearing with the NFFB.

Education and consultation —
focused on deepening non-farmers’ understanding of modern agriculture and its contribution to the community. Local advisory committees can also provide input to council on nutrient management issues, including building permits and site plans.

SUMMARY
In the end, it takes all sides to resolve disputes. The most effective and efficient means involve simple time-tested tools: communication, consideration, and ultimately, respect. Where informal attempts fail, recent legislation provides frameworks and processes for constructive and speedy resolution of local disputes.

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Do you know about Ontario’s new Nutrient Management Act?

The provincial Nutrient Management Act (NMA) and the Regulation 267/03, as amended, regulates the storage, handling and application of nutrients that could be applied to agricultural crop land. The objective is to protect Ontario’s surface and groundwater resources.

Please consult the regulation and protocols for the specific legal details. This Factsheet is not meant to provide legal advice. Consult your lawyer if you have questions about your legal obligations.

For more information on the NMA call the Nutrient Management Information Line at 1-866-242-4460, e-mail nmam@omaf.gov.on.ca or visit www.omaf.gov.on.ca.

Factsheets are continually being updated so please ensure that you have the most recent version.