ADMINISTRATIVE PENALTY ORDER

Issued under section 89 of the
Resource Recovery and Circular Economy Act, 2016, c 12, Sched 1

TO: Del Fresco Produce Ltd

Attention: Amanda Sharman, Compliance and Regulatory Specialist

Served by email to: amandam@delfrescopure.com

ORDER NO.: RPRA-0109

I, Addison Veres, am issuing this Administrative Penalty Order because I am of the opinion that Del Fresco Produce Ltd has contravened the *Resource Recovery and Circular Economy Act, 2016* (the "Act") or the regulations.

Excerpts of the Act and the *Administrative Penalties Regulation* made under the Act (the "Administrative Penalties Regulation") relating to Administrative Penalty Orders are attached.

CONTRAVENTION

I am of the opinion that Del Fresco Produce Ltd has contravened the following provision(s):

1. Section 88 of the Act: Failure to comply with a compliance order

DESCRIPTION OF THE CONTRAVENTION

Del Fresco Produce Ltd (hereafter referred to as the "Registrant") has registered with the Resource Productivity and Recovery Authority ("RPRA") pursuant to section 66 of the Act and is a producer under O. Reg. 391/21 (the "Blue Box Regulation"). RPRA issued Compliance Order RPRA-0042 to Del Fresco Produce Ltd on July 14, 2025. The Registrant failed to complete the actions described in Compliance Order RPRA-0042 by the deadline of July 25, 2025. The Registrant has failed to provide details regarding steps taken to address non-compliance.

CONSIDERATION OF REGISTRANT'S REQUEST

RPRA issued the Registrant a Notice of Intention to Issue an Administrative Penalty Order on December 2, 2025. The Registrant subsequently took one of the actions required by Compliance Order RPRA-0042 but failed to fully remedy the contravention within 21 days of being served with the Notice of Intention.

On December 23, 2025, the Registrant submitted a request to consider information pursuant to s. 4 of the Administrative Penalties regulation.

Section 4(1) of the Administrative Penalties Regulation requires me to consider the following information, as submitted by the Registrant:

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1. Any additional information related to the contravention.
2. Any information relevant to the Registrar or Deputy Registrar's determination of the proposed base penalty amount or the proposed amount for economic benefit.
3. Information about any actions the person has taken to remedy the contravention since it occurred.

Pursuant to s. 5(1) of the Administrative Penalties Regulation, after receiving such a request, I am required to:

(a) Consider any information contained in a request received; and
(b) Decide whether or not to issue an order to the person in respect of the contravention.

Pursuant to s. 6(1)(b)(iii), my considerations and decision are as follows.

The Registrant submits that it experienced a change in administration, which may have led to communications becoming lost.

This submission does not change my assessment of the contravention. Ensuring that RPRA has accurate contact information is the Registrant's responsibility: subsection 45(5) of the Blue Box Regulation requires the Registrant to submit updated information to the Registry within 30 days of a change.

Compliance Order RPRA-0042 required the Registrant to update the contact information for the account administrator of its Registry account by July 25, 2025. The Registrant completed this action on December 12, 2025, after multiple outreach efforts from RPRA staff. Action number 3 of the Registrant's contravention is considered remedied.

The Registrant further submits that the lack of familiarity of its staff with the Blue Box Regulation may have led to the non-compliance.

This submission does not change my assessment of the contravention. RPRA staff have attempted to contact the Registrant several times to discuss the Registrant's requirements and how to address the non-compliance, without success.

The Registrant further submits that it has taken steps towards compliance with action number 1 and 2, as required by Compliance Order RPRA-0042, and requests additional time to come into compliance.

This submission does not change my assessment of the contravention. First, the Registrant has not provided details or evidence with respect to the steps that have been taken towards entering into an agreement for the establishment and operation of a collection system and a promotion and education program for blue box material. Second, the Registrant's submissions indicate that it intends to take the actions required by Compliance Order RPRA-0042 by the end of January 2026. I do not accept this submission, since the contravention continues to the date of this AP Order.

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AMOUNT OF THE ADMINISTRATIVE PENALTY

I have determined the following administrative penalty amounts are appropriate and reflect the fact that the contraventions have continued following the Notice of Intention to Issue Administrative Penalty Order and continue to date.

1. **Section 88: Failure to comply with Compliance Order RPRA-0042**

TOTAL PENALTY FOR THE CONTRAVENTION: $75,000.00

Base penalty: $75,000

The base penalty is determined by multiplying the applicable base penalty amount by the number of days the contravention occurred.

The maximum daily base penalty amount for contravening section 88 is $2,500.00 per day. The factors set out in the table below were considered in determining that the applicable base penalty amount in this case is $2,000.00 per day.

The contravention commenced on July 26, 2025, and continues to the date of this AP Order. The applicable base penalty is therefore multiplied by 349 days.

Factor	Considerations	Factor points available	Assessment of Impact	Assessed points
i. The contravention's impact, if any, on RPRA's ability to carry out its objects	Compliance orders are of critical importance to the statutory scheme. Failure to fulfill a compliance order hinders RPRA's ability to carry out compliance and enforcement objectives and consumes considerable resources.	30	High	25
ii. The contravention's impact, if any, on resource recovery and waste reduction of a class of materials designated for the purposes of section 60 of the Act.	The Registrant's failure to comply with Section 88 delays the producer's fulfillment of its obligations under the Blue Box Regulation and compromises the provincial interest, by impacting the following aims: • Foster the continued growth and development of the circular economy • Hold persons who are most responsible for the design of products and	30	High	22

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	packaging responsible for the products and packaging at the end of life Failure to comply with an order ultimately impacts the public's overall trust in the system for material recovery, creates an uneven playing field for producers and increases uncertainty in the obligated material program.			
iii. A. History of compliance of the obligated party.	The Registrant registered as a blue box producer after the deadline. The Registrant has submitted a majority of its blue box supply reports after the deadline. The Registrant has failed to establish and operate a compliant blue box collection system for all required performance periods. The Registrant has failed to establish and operate a compliant blue box management system for all required performance periods. The Registrant has failed to implement a blue box promotion and education program for all required performance periods. The Registrant has not paid a majority of its annual registry fees on time.	20	High	20
iii. B. Any steps taken or not taken to remedy the contravention.	The Registrant has not responded to RPRA's outreach and has not fully remedied the contravention after multiple reminders. Following the issuance of the Notice of Intention to Issue an Administrative Penalty Order, the Registrant took one of the three	20	High	13

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	actions required by the subject compliance order. All deadlines to fully remedy the contravention have passed.			
Factor assessment total		100		80
Total Daily Base Penalty				$2,000
Total Calculated Base Penalty – Not applicable, Maximum Base Penalty used instead				349 days x $2,000 = $698,000
Maximum Base Penalty				$75,000

REQUIRED ACTION

Within 30 days from the date of this order, Del Fresco Produce Ltd is required to take the following action:

1. Remit payment of the Administrative Penalty to RPRA via EDI/EFT, Online Bill Payment, or Cheque. Email payment details, including the Order Number listed above and amount paid, to registry@rpra.ca.

   EDI/EFT:
   Information to be provided separately as requested.

   Online Bill Payment:
   From within your online bank account, go to the bill payment section, and choose to add a payee. Search for and select “RPRA” as the payee. Once “RPRA” is selected, enter the Order Number listed above and proceed to remit the payment.

   Cheque:
   Remit to: Resource Productivity & Recovery Authority

APPEAL OF ADMINISTRATIVE PENALTY ORDER

You have the right to appeal this Order to the Ontario Land Tribunal. To appeal, you must serve written notice of your intention to appeal on the Deputy Registrar who made the Order, and on the Tribunal, within **15 days** of being served with this Order, as follows:

Addison Veres, Deputy Registrar
RPRA
registry@rpra.ca

and

Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, ON M5G 1E5

Phone: 416-212-6349 | 1-866-448-2248
Website: www.olt.gov.on.ca

The notice of appeal must state the portions of the order in respect of which the hearing is required and the grounds on which the applicant intends to rely at the hearing.

FAILURE TO PAY AN ADMINISTRATIVE PENALTY

If you fail to pay this Administrative Penalty Order, RPRA may file the Order with a local registrar of the Superior Court of Justice and the order may be enforced as if it were an order of the court.

PUBLICATION OF ORDER

This Order will be posted on the Resource Productivity and Recovery Registry on RPRA's website in accordance with section 51 of the Act.

ORDER ISSUED ON JULY 9, 2026

Original signed by:

_____

Addison Veres
Deputy Registrar, RPRA

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EXCERPT OF THE *RESOURCE RECOVERY AND CIRCULAR ECONOMY ACT, 2016*

ADMINISTRATIVE PENALTIES

Administrative penalties

89 (1) An administrative penalty may be imposed under this section for one or more of the following purposes:

1. To ensure compliance with this Act and the regulations.
2. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of contravening a provision of this Act or of the regulations.

Order by Registrar or Deputy Registrar

(2) The Registrar or a Deputy Registrar may, subject to the regulations, issue an order requiring a person described in subsection (3) to pay an administrative penalty to the Authority if the Registrar or Deputy Registrar is of the opinion that the person has contravened,

(a) subsection 41 (5);

(b) a requirement under subsection 50 (4) to file information, reports, records or documents that are complete and accurate;

(c) subsection 68 (3);

(d) subsection 75 (1);

(e) section 79; or

(f) a provision of this Act or of the regulations that is prescribed for the purposes of this section.

Same

(3) An order may be issued under subsection (2),

(a) to a person required to pay a fee under subsection 41 (5);

(b) to a person required under Part IV to carry out a responsibility under that Part;

(c) to a person who fails to respond to an inquiry made under section 79;

(d) to a person prohibited from marketing a product under subsection 75 (1); or

(e) to a prescribed person.

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Limitation

(4) An order under subsection (2) shall be served not later than one year after the day on which evidence of the contravention first came to an inspector's attention.

Orders not to be issued to directors, officers, employees or agents

(5) If a person who is required to comply with a provision of this Act or of the regulations is a corporation, an order under subsection (2) shall be issued to the corporation and not to a director, officer, employee or agent of the corporation.

Amount of penalty

(6) The amount of the administrative penalty for each day or part of a day on which a contravention occurred or continues to occur shall be determined by the Registrar or a Deputy Registrar in accordance with the regulations.

Contents

(7) An order under subsection (2) shall be served on the person who is required to pay the administrative penalty and shall,

(a) contain a description of the contravention to which the order relates, including, if appropriate, the date of the contravention;

(b) specify the amount of the penalty;

(c) give particulars respecting the time for paying the penalty and the manner of payment; and

(d) provide details of the person's right to require a hearing under section 91.

Absolute liability

(8) A requirement that a person pay an administrative penalty applies even if,

(a) the person took all reasonable steps to prevent the contravention; or

(b) at the time of the contravention, the person had an honest and reasonable belief in a mistaken set of facts that, if true, would have rendered the contravention innocent.

Same

(9) For greater certainty, nothing in subsection (8) affects the prosecution of an offence.

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Payment prevents conviction

(10) A person who pays an administrative penalty in respect of a contravention and has remedied the contravention shall not be convicted of an offence under this Act in respect of the same contravention.

Failure to pay administrative penalty when required

90 (1) If a person who is required to pay an administrative penalty fails to comply with the requirement, the Authority may file the order that requires payment with a local registrar of the Superior Court of Justice and the order may be enforced as if it were an order of the court.

Same

(2) Section 129 of the *Courts of Justice Act* applies in respect of an order filed under subsection (1) and, for that purpose, the date on which the order is filed is deemed to be the date of the order that is referred to in that section.

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EXCERPT OF THE ADMINISTRATIVE PENALTIES REGULATION MADE UNDER THE RESOURCE RECOVERY AND CIRCULAR ECONOMY ACT, 2016

Issuing of order

6. (1) Without limiting the contents required under subsection 89 (7) of the Act, an order shall,

(a) specify the provision that the person has contravened and describe the contravention, including the day, days or parts of days on which the contravention occurred;

(b) set out the final amount of the administrative penalty, and as part of specifying the final amount of the administrative penalty, specify the final base penalty amount and the final amount for economic benefit, including,

i. a description of the manner in which the final base penalty amount was determined,

ii. a description of the calculations, variables and assumptions that led to the determination of the final amount for the economic benefit, and

iii. any consideration given by the Registrar or Deputy Registrar to any request made under section 4;

(c) give particulars respecting the time for paying the penalty and the manner of payment; and

(d) provide details of the person's right to require a hearing under section 91 of the Act.

(2) A single order may require a person to pay an administrative penalty in respect of one or more contraventions.

Administrative penalty amount, general

7. (1) Subject to subsections (2), (3) and (4), the administrative penalty amount under subsection 89 (2) of the Act in respect of a contravention shall consist of the following, determined in accordance with this Regulation:

1. A base penalty amount.

2. An amount for economic benefit.

(2) The administrative penalty amount in respect of a person's contravention of a provision set out in Schedule 1 shall not exceed $1 million.

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(3) The administrative penalty amount in respect of a contravention of a provision set out in Schedule 2 shall not exceed $1 million minus the total amount of any administrative penalties in respect of the contravention of the same provision by the same person in the previous 365 days.

(4) If, after determining the administrative penalty amount in respect of a contravention in accordance with subsections (1), (2) and (3), the Registrar or Deputy Registrar determines that, due to its magnitude, the imposition of the administrative penalty is punitive in nature having regard to all the circumstances, including any other administrative penalty amounts in respect of contraventions under the same order, the Registrar or Deputy Registrar shall reduce the amount such that the imposition of the administrative penalty is consistent with the purposes set out in subsection 89 (1) of the Act.

Base penalty amount, determination

8. (1) For the purposes of setting out the proposed base penalty amount in a notice under subsection 3 (1) and the final base penalty amount set out in an order under subsection 6 (1), the Registrar or Deputy Registrar shall determine the base penalty amount in accordance with the following rules:

1. The Registrar or Deputy Registrar shall consider the following factors:

i. The contravention's impact, if any, on the Authority's ability to carry out its objects.

ii. The contravention's impact, if any, on resource recovery and waste reduction of a class of materials designated for the purposes of section 60 of the Act.

iii. With respect to the person who carried out the contravention,

A. the person's history, if any, of complying or not complying with the Waste Diversion Transition Act, 2016 or its regulations or with the Resource Recovery and Circular Economy Act, 2016 or its regulations, and

B. any information available to the Registrar regarding whether the person has remedied the contravention or is in the process of remedying the contravention, and how quickly the contravention was or is being remedied.

2. For a contravention of a provision set out in Schedule 1, the base penalty amount shall not exceed the applicable maximum base penalty amount, as set out in the applicable Table to Schedule 1.

3. For a contravention of a provision set out in Schedule 2, the following rules apply:

i. The daily base penalty amount shall not exceed the applicable maximum daily base amount, as set out in the applicable Table to Schedule 2 and shall be multiplied by the number of full or partial days during which the contravention continued before it was remedied.

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ii. The base penalty amount in respect of a contravention shall not exceed the applicable maximum total base penalty amount, as set out in the applicable Table to Schedule 2, minus the total of any base penalty amounts included in administrative penalties that were imposed in respect of a contravention of the same provision by the same person in the previous 365 days.

(2) For the purposes of paragraph 3 of subsection (1), a contravention of a provision set out in Schedule 2 that requires a person to do something within a particular time period shall be considered to have been remedied when the person has done it, even if the person has done it after it was required to be done.

Amount for economic benefit, determination

9. The Registrar or Deputy Registrar shall consider the following factors when determining, with respect to a contravention of a provision set out in Schedule 1 or 2, the proposed amount for economic benefit to be set out in a notice under subsection 3 (1) and the final amount for economic benefit to be set out in an order under subsection 6 (1):

1. Costs that the person avoided incurring by failing to comply with the provision.

2. Costs that the person delayed incurring by delaying compliance with the provision.

3. Gains that the person has accrued by failing to comply with the provision.

Determination of final administrative penalty amount

10. (1) The Registrar or Deputy Registrar shall, when determining the final administrative penalty amount to be set out in an order, reapply sections 8 and 9 and redetermine the base penalty amount and amount for economic benefit if the Registrar or Deputy Registrar considers it to be appropriate based on any additional information now available to the Registrar or Deputy Registrar that was not available at the time of giving the notice under subsection 3 (1), which may include information regarding the continuation of the contravention following the giving of the notice.

(2) In making the determinations under subsection (1), the Registrar or Deputy Registrar shall consider any information contained in a request received under section 4.

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