

## **BC FARM INDUSTRY REVIEW BOARD COMPLAINT HEARING PROCESS**

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1. The Chair of the Panel outlines the matters under complaint as identified in the Notice of Complaint and the pre-hearing conference report. The Chair will also outline the statutory authority under which the complaint is being heard.
2. The Chair invites the Complainant (or legal counsel, if represented) to introduce him/herself.  
  
The Chair invites a spokesperson for the Respondent (or legal counsel, if represented) to introduce him/herself.
3. The Chair introduces the Panel, the FIRB Legal Counsel (if present) and the Panel Secretary.
4. Complainant and Respondent, in turn, make a brief opening statement, describing their presentation to the panel and outlining the remedy they are seeking from the FIRB. This is optional and the parties may choose not to present opening statements.
5. Complainant and Respondent, in turn, present evidence (including calling witnesses). Witnesses are sworn or affirmed by the Chair. Following the testimony of each witness, the opposing party may cross examine, followed by questions from the Panel. The party calling the witness will then be given an opportunity to ask questions arising from the cross examination, or arising from the Panel's questions.
6. Following the presentation of evidence, the Complainant and Respondent present their closing argument and again outline the remedy they are seeking from the FIRB.
7. The Chair will end the hearing. The FIRB's Decision and Reasons for Decision may be given at this time or, more usually, will be forwarded as soon as possible after the hearing. This may take several weeks in order to allow time for the hearing transcript to be produced and for the Panel to review and discuss the proceedings.
8. The *Farm Practices Protection (Right to Farm) Act* states that the FIRB must:
  1. dismiss the complaint;
  2. order the farmer to cease or modify the farm practice.
9. During the course of a hearing, the Panel may also decide to "refuse" the complaint because the issue under complaint is not within the FIRB's jurisdiction; or that the complaint is trivial, frivolous, vexatious, not in good faith or because the complainant does not have sufficient personal interest in the issue under complaint.
10. The order in which argument and evidence is presented may be as agreed by the parties, or as directed by the Panel.