

File: 44200-50/MuMB 99-13
44200-50/MuMB 99-14

July 14, 1999

DELIVERED BY FAX

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Attention: Ms. Lisa Hynes

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The Landing
250 - 375 Water Street
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Attention: Mr. Stein K. Gudmundseth, Q.C.

Mr. Tan Truong
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Abbotsford, BC V4X 1T1

Mr. Tan van Nguyen
President
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Mr. Van Dau Tran
Christina Mushroom Farm
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Langley, BC V4W 2R6

Sliman, Stander & Company
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Attention: Mr. Bruce W. Davies

Mr. Tim Powers
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Vancouver, BC V5K 1V7

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Dear Sirs/Mesdames:

**RE: AN APPEAL BY THANH TRANG MUSHROOM FARM FROM A
JUNE 15, 1999 DECISION OF THE BRITISH COLUMBIA MUSHROOM
MARKETING BOARD CONCERNING THE MARKETING OF
PRODUCT**

**AN APPEAL BY CANADIAN MUSHROOM FARM LTD. FROM A
JUNE 15, 1999 DECISION OF THE BRITISH COLUMBIA MUSHROOM
MARKETING BOARD CONCERNING THE MARKETING OF
PRODUCT**

1. On July 12, 1999, the British Columbia Marketing Board ("BCMB") commenced hearing the two above captioned appeals. The appeals were scheduled to complete on July 13, 1999, however, it now appears that two further days of hearing will be required. The Appellants, Canadian Mushroom Farm and Thanh Trang Mushroom Farm have concluded their cases, however, the Panel has yet to hear from the Respondent British Columbia Mushroom Marketing Board and the Intervenor, Money's Mushrooms Ltd. ("Money's").
2. In addition, there will be submissions from the Intervenors, Ross Land Mushroom Farm Ltd., Farmers' Fresh Mushrooms Inc. and Christina Mushroom Farms as well as submissions from a representative of Ridge Mushrooms Inc. and Counsel for Do Holding Ltd.
3. The hearing has been rescheduled to continue on August 12-13, 1999 at Newlands Golf and Country Club in Langley.

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4. At the conclusion of the second day of hearing, the Appellant Thanh Trang Mushroom Farm renewed their request for interim relief to allow them to ship their mushrooms to another agency or to direct market pending the resolution of its appeal.
5. The Panel considered this request and determined that as the appeal had been commenced it was not appropriate to alter the earlier decision of July 7, 1999 dismissing the Appellant's request for interim relief pending the outcome of the appeal.
6. However, given the evidence the Panel has heard regarding alleged hardship, particularly on the Lam family of Thanh Trang Mushroom Farm, the Panel recommends an interim solution whereby this Appellant could resume shipping their mushrooms to Money's until such time as the appeal is concluded and a decision rendered. This would allow the Appellant to maintain an income from the farm while awaiting the decision of the BCMB.
7. This recommendation is made completely without prejudice to the rights on appeal of either of the Appellants, Money's or any of the other parties to the appeal. Should either Thanh Trang Mushroom Farm or Money's feel it necessary, Mr. Jim Collins, Manager of Dispute Resolution Services of the BCMB, could facilitate these discussions.

BRITISH COLUMBIA MARKETING BOARD

Per



Christine J. Elsaesser
Vice Chair