

12

IN THE MATTER OF THE NATURAL PRODUCTS
MARKETING (BC) ACT

AND

IN THE MATTER OF AN APPEAL TO THE
BRITISH COLUMBIA MARKETING BOARD
FROM A DETERMINATION DATED AUGUST 7, 1987
OF THE BRITISH COLUMBIA VEGETABLE MARKETING COMMISSION

BETWEEN:

SANDHU FARMS LTD.

APPELLANT

AND:

BRITISH COLUMBIA VEGETABLE MARKETING COMMISSION

RESPONDENT

REASONS FOR DECISION

Appearances: Sandhu Farms Ltd.
K. Affleck, Legal Counsel
G. Sandhu, Owner
B. Rangi, Manager

APPELLANT

British Columbia Vegetable Marketing Commission
J. Harris, Chairman
R. Towsley, Secretary Manager

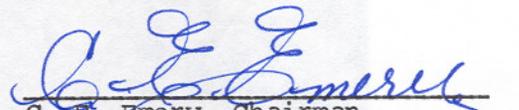
RESPONDENT

DATE OF HEARING

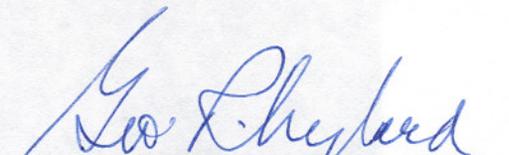
OCTOBER 27, 1987

1. The matter before the British Columbia Marketing Board ("The Board") is an appeal by Sandhu Farms Ltd. of an alleged decision of the British Columbia Vegetable Marketing Commission (the "Commission") not to grant a packing house licence to the Appellant as stated in the Commission's letter dated August 7, 1987.
2. The Appeal was filed with the Board on August 20, 1987 and was heard in Richmond, British Columbia on October 27, 1987.
3. The Appellant was represented by Counsel and was permitted to present witnesses and make oral submissions on the facts and the law. The Respondent was not represented by Counsel, but was permitted to present a statement, submitting that as the Commission had not made a final decision on the Appellant's application for a packing house licence, there were no grounds for appeal to the Board.
4. The Appellant states that:
 - a) Sandhu Farms Ltd., located at 400 Campbell Road, Abbotsford, owns and operates a vegetable farm of approximately 1700 acres and produces a wide variety of vegetable crops.
 - b) In 1969 they began growing broccoli and cauliflower which they packed and marketed themselves, until 1975 when the Cloverdale Lettuce and Vegetable Co-op was designated as the agency through which "all regulated product grown in the first district may be packed, stored or marketed, unless otherwise ordered by the Commission". The Appellant also states that he currently packs and markets his own unregulated crops, as well as the produce from other growers.
 - c) Transporting cauliflower over the long distance from the farm to the Co-op results in deterioration of the freshness and quality of the cauliflower and, in increased expense for transportation and handling, which results in:
 - the downgrading of cauliflower,
 - an increased cost to consumers,
 - fewer Fraser Valley farmers willing to grow cauliflower, and thus
 - the importation of California and Washington product.
 - d) They applied to the Commission for a packing house licence and this request was denied in the Commission's letter dated August 7, 1987.
5. The Appellant requests that the British Columbia Marketing Board vary the decision of the British Columbia Vegetable Marketing Commission and grant Sandhu Farms Ltd. a packing house licence.

6. The Respondent stated that the Appellant's application for a packing house licence included the request to market product, which is authority designated to an Agency. The Respondent further stated that the Appellant was invited to discuss his application with the members of the Commission but did not avail himself of the opportunity.
7. The Respondent asserts that a decision was never rendered and therefore the Appeal should be dismissed.
8. The Board finds that there has been no order, decision, or determination by the B.C. Vegetable Marketing Commission and therefore dismisses the Appeal and directs that the Appellant's deposit be refunded.
9. The Board orders that the parties meet to discuss the particulars of the application requested by Sandhu Farms Ltd. and further orders that the Commission render its decision on the application within 30 days from the date of the hearing of this appeal.
10. The Board censured the Vegetable Marketing Commission for not advising it prior to the hearing, that a final decision had not been taken, which resulted in unnecessary expense to all parties.


C. E. Emery, Chairman


O. Austring, Member


G. Aylard, Member


J. Reger, Member

Dated this 1st day of December, 1987 in Richmond, B. C.