

BRITISH COLUMBIA MARKETING BOARD

IN THE MATTER OF AN APPEAL PURSUANT TO
THE NATURAL PRODUCTS MARKETING (B.C.) ACT
R.S.B.C. 1979, c. 296, s. 11

BETWEEN:

GOLDEN EAGLE RANCH INC.

Appellant

AND:

BRITISH COLUMBIA CRANBERRY MARKETING BOARD

Respondent

DETERMINATION OF THE BOARD

Appearances:

A. HARVEY BLACKMORE, Counsel
Parm Bains, General Manager

APPELLANT

RALPH MAY, Counsel
Bruce May, Chairman

RESPONDENT

1. This matter before the British Columbia Marketing Board ("**the Board**") is an appeal by Golden Eagle Ranch Inc. ("GERI") from decisions made December 7, 1988 and January 23, 1989 by the British Columbia Cranberry Marketing Board ("**Cranberry Board**") in adopting its new General Orders and in granting to GERI approval to plant 10 acres of cranberries.

2. GERI's appeal is dated January 6, 1989 and amended February 6, 1989. GERI applied to the Board on January 6, 1989 for permission to plant 260 acres of cranberries. The Cranberry Board responded on January 23, 1989 with permission to plant 10 acres of cranberries.

3. Both the Appellant and Respondent were represented by legal counsel and were given the opportunity to call and cross examine witnesses, present documentary evidence and make oral submissions on the facts and the law.

4. The Cranberry Board admitted that it did not have the authority or power under the British Columbia Cranberry Scheme to restrict or prohibit the quantity of production of cranberries or the acreage of cranberries planted or under cultivation, to the Appellant or any other applicant. The Cranberry Board stated that it did not intend to exercise any such authority or power but only to restrict marketing quotas to approved acres.

5. The appeal was therefore concluded. The Appellant's deposit shall be returned.

DATED this 1 day of MAY, 1989.

APPROVED TO FORM:

(Original signed by):

Counsel for the Appellant
Counsel for the Respondent

C.E. EMERY, Chairman
E.M. BRUN, Vice-Chairman
O. AUSTRING, Member
G. AYLARD, Member
J. REGER, Member