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File No.: 8006-031

VIA EMAIL: Wanda.Gorsuch@gov.bc.ca

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Dear Ms. Gorsuch:

Re: MPL Prior Approval Process

This letter represents the Commission's brief reply to the submissions made by Mr. Ferris, K.C. on behalf of Greenhouse Grown Foods Inc. ("GGFI") and Windset Farms (Canada) Ltd. ("Windset").

The chief objection of GGFI and Windset appears to be that the Commission did not provide "evidence" to support its non-disclosure application. Notably, GGFI and Windset do not clearly articulate the nature of the "evidence" they say is required on such applications, nor do they directly specify to whom this "evidence" should be provided.

The Commission has provided the BCFIRB with both redacted and unredacted versions of the records which are the subject of its application, and it has made submissions with respect to the necessity for a non-disclosure application in accordance with Rule 12 of the BCFIRB's *Rules of Practice and Procedure for Appeals*. Thus, the BCFIRB has been provided with both the evidence (i.e., the unredacted text), as well as the rationale for its proposed exclusion.

The Commission submits that there is no better "evidence" of the nature of the text sought to be excluded than the unredacted text itself, which has already been provided to the BCFIRB, together with submissions supporting the rationale for exclusion. With respect to who should receive that evidence, it is self-evident that the unredacted text cannot be shared with GGFI and Windset without defeating the very purpose of the application.

The Commission respectfully submits that the BCFIRB has all the evidence and argument necessary to rule on the Commission's application for non-disclosure. The fact that the unredacted text has not been shared with GGFI and Windset cannot provide a rational basis to oppose the application.

Finally, some comment is required with respect to the following passage from the submissions made on behalf of GGFI and Windset:

Windset and GGFI understand that the Board must balance the commercial interests of MPL BC against the participant-intervenors' interest in a fair and transparent proceeding in its consideration of this application. However, we note that the position of the Commission did and does not recognize this weighing process and simply fails to recognize the interests of intervenor-participants at all.

GGFI's and Windset's assertions that: (a) the Commission "does not recognize" the need to "balance the commercial interests of MPL BC against the participant-intervenors' interest in a fair and transparent proceeding"; and (b) the Commission "fails to recognize the interests of intervenor-participants at all" are both absurd and offensive. The Commission has not sought to deprive GGFI and Windset of all evidence and information that is material to MPL's application. On the contrary, the Commission has advanced its application for non-disclosure with respect to information that is both identified with precision and supported by a rationale for its exclusion. The industry is not well served by the kind of hyperbolic allegations exemplified in the above-quoted portion of the submissions made on behalf of GGFI and Windset.

Yours truly,

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Per:


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