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

AND

IN THE MATTER OF AN APPEAL OF LOVERIDGE FARMS LTD. FILED ON MARCH 29, 1996

BETWEEN:

LOVERIDGE FARMS LTD.

APPELLANT

AND

BRITISH COLUMBIA MILK MARKETING BOARD

RESPONDENT

DECISION

APPEARANCES:

British Columbia Marketing Board

Panel Members Ms Karen Webster, Panel Chair

Mr. Doug Kitson, Member Mr. Gurmit Brar, Member

Ms Maggie Barrett, Panel Secretary

For the Appellant Mr. Bill Loveridge

For the Respondent Mr. Arne Mykle

Date and Place of Hearing: May 21, 1996

Surrey, British Columbia

The matter before the British Columbia Marketing Board (BCMB) is an appeal by Loveridge Farms Ltd. from a decision by the British Columbia Milk Marketing Board (BCMMB) as conveyed in a letter dated February 26, 1996 concerning reinstatement of Manufactured Milk Quota.

BACKGROUND

The provisions of the BCMMB Consolidated Order sets out the requirement that each producer must supply 90% of the established manufactured milk quota (MMQ) by the end of each dairy year expiring on July 31. Failure to meet the 90% target requires that the producer be allotted a reduced MMQ in the following dairy year. This is monitored and each producer is advised of their results on a monthly basis.

DISCUSSION

The Appellant agreed that he had not met the requisite 90% of his allotment in the dairy year 1994/1995.

Evidence was given that in August 1994, his shipment was 67.43% of Quota, that in December 1994, his year to date shipment amounted to 42.8% of Quota and that for the overall dairy year 1994/1995 his shipment amounted to 78.05% of Quota. These figures were not disputed.

The Appellant claimed that he should be given exemption from the 90% requirement under the "catastrophe" clause, contained in the BCMMB's Consolidated Order 7:02 Section (e), Subsection (i). No substantial evidence was given to support this assertion.

FINDINGS

The British Columbia Marketing Board having considered the evidence submitted before it, finds that:

- 1) The BCMMB followed its proper procedure in arriving at its decision and that its decision was clearly within its authority.
- 2) The reasons for failure by the Appellant to meet the 90% requirement did not fall within the terms of "catastrophe" as defined in the BCMMB's Consolidated Order.
- 3) The Appellant did not take steps to address the management problem in a timely fashion.

DECISION

The Appeal is denied.

Dated at Victoria, British Columbia, this 22nd day of May, 1996.

Karen Webster, Panel Chair

Daren Welister

Gurmit Brar Member

Doug Kitson, Member