



October 15, 2019

File: 44200-20 PROC

DELIVERED BY E-MAIL

Michel Benoit, General Manager
BC Turkey Marketing Board

Dear Mr. Benoit:

EXTENSION REQUEST – K&M FARMS LTD. V. BRITISH COLUMBIA TURKEY MARKETING BOARD

I have reviewed your September 23, 2019 deadline extension request to Kirsten Pedersen, Executive Director, BC Farm Industry Review Board (BCFIRB) on behalf of the BC Turkey Marketing Board (Turkey Board).

In its December 31, 2018 appeal decision *K&M Farms Ltd. V. British Columbia Turkey Marketing Board*¹, BCFIRB ordered the Turkey Board to "...undertake an industry assessment of grower-vendor direct marketing and establish a workplan as outlined above in paragraph 106(c), no later than December 31, 2019". You are requesting the December 31, 2019 deadline be extended.

You indicate on behalf of the Turkey Board:

We have commenced our Self Marketers Needs Assessment review and the process is going well and the response has been very positive. That said, we have encounter (sic) a scheduling issue and unfortunately, the only time that works for our consultant, myself and our 7 Island growers to arrange individual meetings on the Island is November 18th to 20th. The Island growers have been very busy and will continue to be very busy until after Thanksgiving. We will ensure that these are the last interviews we have left to perform in our consultation process but it does bring us close to the deadline of December 31st, 2019.

You also raise a second reason for the deadline extension request. Rosstown Natural Foods Ltd is currently appealing a decision of the Turkey Board (the "Rosstown appeal"; hearing is scheduled for October 16 and 17, 2019). You raise the concern that the resulting BCFIRB decision may have implications for the final work plan. Although the panel established a narrow scope for this appeal

¹ 2018 December 31. BCFIRB. [In the Matter of the *Natural Products Marketing \(BC\) Act* and an Appeal from a Decision of the British Columbia Turkey Marketing Board Refusing to Direct Further Processing.](#)

**British Columbia
Farm Industry Review Board**

Mailing Address:
PO Box 9129 Stn Prov Govt
Victoria BC V8W 9B5
Telephone: 250 356-8945
Facsimile: 250 356-5131

Location:
1st Floor, 780 Blanshard Street
Victoria BC V8W 2H1
Email: firb@gov.bc.ca
Website: www.gov.bc.ca/BCFarmIndustryReviewBoard

(related to the particular price for services between a grower and processor), until the matter is heard and a decision made, I agree it is difficult to predict or anticipate what impact this decision could have on your final work plan.

Of the two reasons you raise for a deadline extension for completing the industry assessment and establishing a work plan, I find the first reason to be the more compelling. It is important for developing a full and sound industry assessment and work plan that the Turkey Board hear from as many grower-vendors as possible, from all the regions of the province. Since you cannot hear from the Vancouver Island growers until late November, and the grower members on the Turkey Board are also likely experiencing heavy demands on their time into December, I agree that in order for the Turkey Board to develop a useful industry assessment and work plan an extension is required.

As to the second reason identified, namely the potential impact of the Rosstown appeal decision noted above, if the appeal decision impacts on or is inconsistent with the identified work plan, the Turkey Board will need to make adjustments as necessary in response. The future appeal decision is not something I am prepared to rely on as the basis for making an order extending the BCFIRB deadline.

Based on the considerations noted above, I am prepared to grant a four-month extension beyond December 31, 2019 to allow for industry consultations to be concluded and the industry assessment and work plan finalized.

The completion date for the industry assessment and work plan referred to in paragraph 108 (c), in BCFIRB's 2018 K&M Farms Ltd. v. British Columbia Turkey Marketing Board decision is amended to April 30, 2020.

Yours truly,



Daphne Stancil
Member and Panel Chair K&M Farms Ltd. V. BC Turkey Marketing Board
BC Farm Industry Review Board

cc: BCFIRB web site