



# BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD (BCFIRB)

## KNOWLEDGABLE PERSON GUIDE *Farm Practices Protection (Right to Farm) Act (FPPA)*

A Knowledgeable Person or “KP” is a person who provides specific expert knowledge to support BCFIRB in a complaint under the *FPPA*. KP’s may be industry business members, Ministry of Agriculture staff, consultants, or other experts.

For example, a waste management expert may be engaged for a complaint about manure management.

### **What happens when you are engaged as a KP?**

When BCFIRB engages you as a KP based on your qualifications (which are shared with the parties at the time of engagement), you will work closely with, and be supported by, BCFIRB staff throughout the complaint process. Once you are engaged, you will be provided with:

- a Terms of Reference (ToR)<sup>1</sup> outlining your role and remuneration (if applicable); and,
- a copy of the notice of complaint.

If, as normally the case, a site visit is necessary to assist in preparing a report, BCFIRB staff will schedule a visit for you to meet with the parties to the complaint, discuss the issues and view the neighbourhood context. BCFIRB staff and/or members may also attend.

As a KP, you will provide a written report to BCFIRB based on your expert knowledge. BCFIRB will distribute the report to the parties. The report will be used to assist the parties in reaching a settlement of the complaint and if necessary, be tendered in evidence at a hearing.

If the matter proceeds to hearing, you will likely be required to attend to present your report and answer questions from the parties and the BCFIRB panel.

### **Writing a KP report**

The ToR provided when you are engaged will outline the focus of the KP report. In general, a KP report should include:

- A brief statement of your expertise with particular reference to the matters in issue in the complaint
- Background – sets the stage by providing property description, type of operation, and any other relevant factors, documents or photographs
- Issue(s) – describes the issues in the complaint
- Positions - outlines the positions of the parties
- References – provides any applicable guidelines and/or industry customs and standards
- Analysis – provides analysis of the practices in context of the particular complaint (referencing any relevant contextual factors)
- Conclusion
- Recommendations.

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<sup>1</sup> Sample Terms of Reference attached.



## Participating in a hearing

A BCFIRB hearing may be held in-person, by teleconference or other means. Normally, the KP evidence is presented near the beginning of a hearing. First, you will be sworn in by the panel chair. After you are sworn in,

- The panel chair will formally qualify you as an “expert”:
  - The panel will present your qualifications in relation to the complaint being heard (e.g. your C.V.)
  - Parties have opportunity comment with respect to your qualifications prior to the panel qualifying you as an expert.
- You will be asked by the panel to provide your evidence (presenting your report and outlining your assumptions, conclusions and recommendations).
- Once you have provided your evidence, the parties will have an opportunity to ask questions, followed by any questions from the panel
  - Parties will have the opportunity to ask any follow-up questions arising out of the panel questions
  - Once questioning is complete, you will be excused by the panel chair.

In some cases the panel chair will ask the KP to remain throughout the hearing to give further evidence at the end of the hearing, after the evidence from the parties has been submitted.

For more information on the complaint process visit [www.firb.gov.bc.ca](http://www.firb.gov.bc.ca)  
Or contact BCFIRB directly at [firb@gov.bc.ca](mailto:firb@gov.bc.ca)