



BC Farm Industry Review Board

August 31, 2021

File: N2105

DELIVERED BY EMAIL

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Dentons Canada
20th Fl, 250 Howe Street
Vancouver BC V6C 3R8

Claire Hunter
Hunter Litigation Chambers
2100 – 1040 W Georgia St
Vancouver BC V6E 4H1

Dear Parties:

RE: PPPABC V BRITISH COLUMBIA CHICKEN MARKETING BOARD

On August 25, 2021, The British Columbia Farm Industry Review Board (BCFIRB) received a notice of appeal from the Primary Poultry Processors Association of British Columbia (PPPABC) with respect to the July 30, 2021 Mainstream Pricing Order for Period A-171 Pricing Order #162 and August 6, 2021, Revised Pricing Order #162.

In its letter of August 26, 2021, BCFIRB requested the parties' positions with respect to deferring the appeal to the supervisory panel as part of the chicken pricing review process.

On August 27, 2021, the PPPABC consented to the deferral of the appeal to the supervisory process underway noting that the supervisory panel has the authority to address the issues raised in the notices of appeal filed by PPPABC on May 7, 2021 and June 23, 2021 which raise significant concerns about the stability of current pricing structures in the BC chicken sector.

On August 30, 2021, the Chicken Board also consented to the deferral of the appeal pursuant to section 8(8) of the *Natural Products Marketing Act (NPMA)*, until after the completion of the Long Term Chicken Sector Pricing Review supervisory process. The Chicken Board noted that the deferral of the appeal cannot constrain the supervisory panel in terms of the issues that may be considered in the supervisory process, nor does it provide an opportunity for the PPPABC to seek particular relief before the supervisory panel as a person aggrieved or dissatisfied by a decision of the Chicken Board. If the appeal is deferred the consideration and determination of the issues raised in the notice of appeal are held in abeyance until following the conclusion of the supervisory process. Once the supervisory process has concluded, the appellant may at that time give notice that it wishes to pursue its appeal.

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DECISION

As I agree with the parties that the subject matter of this appeal is more properly dealt with by the supervisory panel as part of the chicken pricing review process, pursuant to s. 8(8) of the *NPMA*, I am deferring the hearing of this appeal until after the supervisory process is completed. It will be for the supervisory panel to determine how it will engage with the parties on the issues raised in this appeal.

Once the supervisory process is completed, the PPPABC can give notice of its intention to proceed with the appeal.

Regards,

A handwritten signature in black ink, appearing to read 'P Joshi', with a stylized flourish at the end.

Pawan Joshi
Presiding Member