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## BC Farm Industry Review Board

May 20, 2021

File: N2103

### DELIVERED BY EMAIL

Morgan Camley  
Dentons Canada  
20<sup>th</sup> 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

I am responding to your letter of May 20, 2021.

To be clear, BCFIRB staff made an error when it included a draft letter as an attachment along with my deferral decision of May 18, 2021. The draft letter purporting to set a schedule for submissions was never sent by BCFIRB to the parties.

Instead, upon reviewing the position of the appellant as set out in the Notice of Appeal that it consented to the matter being heard by the supervisory panel, Ms. Chojnacki was asked to contact Ms. Hunter directly to ask if the Chicken Board would be providing its position on the deferral of the issue to the supervisory panel. The Chicken Board did so in its May 14, 2021 letter.

In light of the position of the PPABC, that it consented to the supervisory panel hearing this matter and the Chicken Board's agreement with the deferral, I issued my deferral decision on May 18, 2021. While I observe that there appeared to be a disagreement on the form of any hearing before the supervisory panel, there did not appear to be any dispute that both parties agreed that the subject matter of the appeal was more appropriately dealt with in the supervisory process which is underway.

As presiding member of the appeal, I can not direct the supervisory panel in its processes. It will be for the parties to raise the issue of the specific relief they seek with the supervisory panel and the panel will make any process decisions it feels are necessary to address the issues in a procedurally fair manner and in a timeline it feels is appropriate.

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**Web:**

Email: [firb@gov.bc.ca](mailto:firb@gov.bc.ca)

Website: [www.gov.bc.ca/BCFarmIndustryReviewBoard](http://www.gov.bc.ca/BCFarmIndustryReviewBoard)

**Phone:**

Info: 250 356-8945

Fax: 250 356-5131

**Mail:**

PO Box 9129 Stn Prov Govt  
Victoria BC V8W 9B5

**Location:**

2975 Jutland Rd  
Victoria, BC V8T 5J9

Once the supervisory process is completed, the PPABC can give notice that it intends to proceed with the appeal.

I trust this clarifies my decision.

Regards,

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

Pawan Joshi  
Presiding Member