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## BC Farm Industry Review Board

November 2, 2021

File: N2106

### DELIVERED BY EMAIL

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Claire Hunter  
Hunter Litigation Chambers  
2100 – 1040 W Georgia St  
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Dear Parties:

### RE: PPPABC V BRITISH COLUMBIA CHICKEN MARKETING BOARD

On October 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 September 24, 2021 Mainstream Pricing Order for Period A-172 Pricing Order #163.

In its letter of October 27, 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 November 1, 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, June 23, 2021, August 25, 2021 and October 25, 2021 which raise significant concerns about the stability of current pricing structures in the BC chicken sector.

On November 1, 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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**Web:**

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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', written in a cursive style.

Pawan Joshi  
Presiding Member