



---

## BC Farm Industry Review Board

January 21, 2022

File: N2109

### DELIVERED BY EMAIL

Morgan Camley  
Melanie Power  
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

On December 17, 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 November 19, 2021 Mainstream Pricing Order for Period A-173 Pricing Order #164.

In paragraph 32 of its notice of appeal, the PPPABC consented to this matter being considered by the BCFIRB supervisory panel as part of the Long Term Chicken Sector Pricing Review under s. 8(8) of the *Natural Products Marketing (BC) Act*, 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.

By letter dated December 30, 2021, BCFIRB requested the position of the parties with respect to deferring the appeal to the supervisory panel as part of the chicken pricing review process.

On January 7, 2022, the BC Chicken Marketing Board (Chicken Board) also consented to the deferral of the appeal until 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.

---

**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

## 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 along with the previously deferred appeals N2103, N2104, N2105, and N2106.

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