



BC Farm Industry Review Board

January 21, 2022

File: N2108

DELIVERED BY EMAIL

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Dear Parties:

RE: BC CHICKEN GROWERS ASSOCIATION V BRITISH COLUMBIA CHICKEN MARKETING BOARD

On December 15, 2021, The British Columbia Farm Industry Review Board (BCFIRB) received a notice of appeal from the BC Chicken Growers Association (BCCGA) with respect to the November 19, 2021 Mainstream Pricing Order for Period A-173 Pricing Order #164 and the November 24, 2021, Exceptional Circumstances Decision.

In paragraph 18 of its notice of appeal, the BCCGA consented to this matter being considered by the BCFIRB supervisory panel.

By letter dated December 29, 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 BCCGA 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.

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

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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 BCCGA can give notice of its intention to proceed with the appeal at which time it will be necessary to consider whether this appeal would be combined with the other related appeals filed by the BC Poultry Processors Association.

Regards,

A handwritten signature in black ink, appearing to read 'P. Joshi', written in a cursive style.

Pawan Joshi
Presiding Member