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7/8/87

IN THE MATTER OF THE NATURAL PRODUCTS  
MARKETING (BC) ACT

AND

IN THE MATTER OF AN APPEAL TO THE  
BRITISH COLUMBIA MARKETING BOARD  
FROM A DECISION OF THE  
BRITISH COLUMBIA CHICKEN MARKETING BOARD  
DATED MARCH 19, 1987

BETWEEN:

KEITH STANLEY

APPELLANT

AND:

BRITISH COLUMBIA CHICKEN MARKETING BOARD

RESPONDENT

REASONS FOR DECISION

Appearances: K. Stanley

APPELLANT

J. Hunter, Legal Counsel  
D. Sendall, Chairman, B.C. Chicken Marketing Board  
A. Stafford, Manager, B.C. Chicken Marketing Board

RESPONDENT

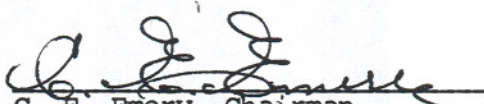
DATE OF HEARING


MAY 26, 1987

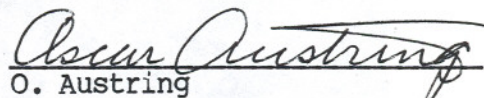
1. The matter before the British Columbia Marketing Board ("The Board") is an appeal by the Appellant, Keith Stanley, from an order of the British Columbia Chicken Marketing Board, the Respondent, identified as Order No. 1M-191-1987 dated March 19, 1987, which amends Regulation No. 1M-127-1979 of the British Columbia Chicken Marketing Board effective May 24, 1987 until further notice as follows:
  - (i) All broiler quota, secondary quota and broiler permits are revised on the basis of one bird quota equals 1.929 kgs. live wt. (4.25 lbs.) at 0.75 square foot, this will be adjusted to 2.57 kgs. live wt. (5.67 lbs.) of quota at 1 square foot of building space.
  - (ii) All roaster and roaster secondary quota are revised on the basis of one bird quota equals 3.81 kgs. live wt. (8.40 lbs.) at 1.48 square foot, this will be adjusted to 2.57 kgs. live wt. (5.67 lbs.) of quota at 1 square foot of building space.
  - (iii) Maximum quota is 135,024 kgs. live wt. for a registered grower per cycle.
  - (iv) Minimum quota is 19,290 kgs. live wt. for a registered grower per cycle.
2. The appeal was filed with the Board on April 22, 1987 and was heard in Richmond, British Columbia on May 26, 1987.
3. The Appellant was not represented by Counsel and presented his own case. The Respondent was represented by counsel. Opportunity was given to call and cross-examine witnesses, file documentary evidence, file written submissions and make oral submissions on the facts and the law.
4. The Appellant stated that it is his position that the British Columbia Chicken Marketing Board's Order No. 1M-191-1987 discriminates against the smaller chicken producers as it permits the British Columbia Chicken Marketing Board to allocate quota on percentages such that the small grower gets the least, and that he was greatly affected when the growing cycle was shortened as it gave the large grower considerably more.
5. The evidence is that the five percent (5%) increase in density in the live weight per square foot of building space is a continuation of the long-standing progressive program of the British Columbia Chicken Marketing Board whereby it improves the efficiency of chicken production in British Columbia. This improvement in industry performance keeps it abreast of developments elsewhere in Canada, and thereby enhances its competitive position.
6. K. Stanley, like all other registered growers, in British Columbia, has demonstrated that this progressive change in policy is practical and can easily be accommodated; and that they have all benefitted from this increase in efficiency.

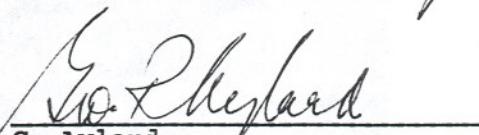
7. The distribution of the over-all benefits of this change in efficiency of production is, of necessity, a function of the size of a grower's operation. This would appear to be the most practical and fairest method of distribution of the benefits of efficiency of production inasmuch as alternative methods would be discriminatory against the larger production units simply because of their size, and would be rather cumbersome to administer.
8. The method of distribution of the benefits resulting from the efficiency of production reflects the reality of the structure of the chicken industry as it stands.
9. Having considered all of the evidence and submissions at the hearing of this appeal, the Board therefore finds in favour of the Respondent and so supports the amendments set out in Order No. 1M-191-1987 of the British Columbia Chicken Marketing Board.
10. In accordance with the Board's Rules of Appeal, the whole of the Appellant's deposit shall be forfeit.

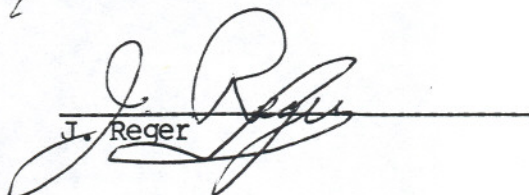
Dated this 8 day of July, 1987 in Vancouver, British Columbia.

  
C. E. Emery, Chairman

  
M. Brun, Vice-Chairman

  
O. Austring

  
G. Aylard

  
J. Reger