

The matter before the British Columbia Marketing Board (BCMB) is an appeal by Loveridge Farms Ltd. from a decision by the British Columbia Milk Marketing Board (BCMMB) as conveyed in a letter dated February 26, 1996 concerning reinstatement of Manufactured Milk Quota.

BACKGROUND

The provisions of the BCMMB Consolidated Order sets out the requirement that each producer must supply 90% of the established manufactured milk quota (MMQ) by the end of each dairy year expiring on July 31. Failure to meet the 90% target requires that the producer be allotted a reduced MMQ in the following dairy year. This is monitored and each producer is advised of their results on a monthly basis.

DISCUSSION

The Appellant agreed that he had not met the requisite 90% of his allotment in the dairy year 1994/1995.

Evidence was given that in August 1994, his shipment was 67.43% of Quota, that in December 1994, his year to date shipment amounted to 42.8% of Quota and that for the overall dairy year 1994/1995 his shipment amounted to 78.05% of Quota. These figures were not disputed.

The Appellant claimed that he should be given exemption from the 90% requirement under the "catastrophe" clause, contained in the BCMMB's Consolidated Order 7:02 Section (e), Subsection (i). No substantial evidence was given to support this assertion.

FINDINGS

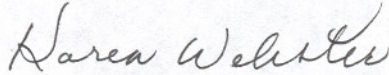
The British Columbia Marketing Board having considered the evidence submitted before it, finds that:

- 1) The BCMMB followed its proper procedure in arriving at its decision and that its decision was clearly within its authority.
- 2) The reasons for failure by the Appellant to meet the 90% requirement did not fall within the terms of "catastrophe" as defined in the BCMMB's Consolidated Order.
- 3) The Appellant did not take steps to address the management problem in a timely fashion.

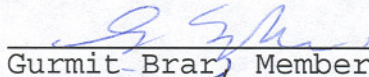
DECISION

The Appeal is denied.

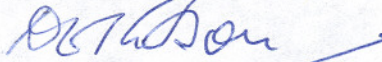
Dated at Victoria, British Columbia, this 22nd day of
May, 1996.



Karen Webster, Panel Chair



Gurmit Brar, Member



Doug Kitson, Member