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

AND

IN THE MATTER OF AN APPEAL TO THE
BRITISH COLUMBIA MARKETING BOARD
AGAINST A DECISION OF THE
BRITISH COLUMBIA MILK MARKETING BOARD
ANNOUNCED BY NEWSLETTER DATED
SEPTEMBER 4, 1990

BETWEEN:

MAINLAND DAIRYMEN'S ASSOCIATION

APPELLANT

AND:

BRITISH COLUMBIA MILK MARKETING BOARD

RESPONDENT

DECISION

Appearances: Mainland Dairymen's Association
R. Higginson
S. Van Keulen
A. Van Esch
B. Longpre, Legal Counsel

APPELLANT

British Columbia Milk Marketing Board
G. Thorpe
A. Gould, Legal Counsel

RESPONDENT

J. Van Dongen, Ridgedale Farms Ltd.
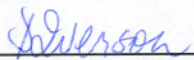V. Spetifore

DATE OF HEARING   NOVEMBER 16, 1990
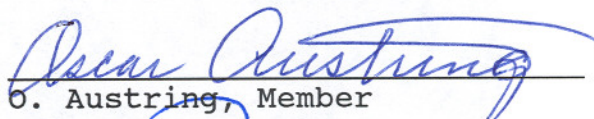   JANUARY 9, 1991
                                   FEBRUARY 11, 1991
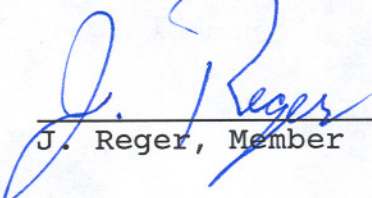   MARCH 20, 1991

1. The matter before the British Columbia Marketing Board ("the Board") is an appeal by the Mainland Dairymen's Association against a decision of the British Columbia Milk Marketing Board not to refund levies paid on milk deliveries utilized for industrial purposes in excess of a producer's 1989/90 dairy year market sharing quota.

2. The appeal was filed with the Board on September 21, 1990. The hearing was conducted on November 16, 1990, January 9, 1991, February 11, 1991 and March 20, 1991.

3. The Appellant and Respondent were represented by counsel and were permitted to present witnesses and make oral and written submissions on the facts and the law. The Board allowed Mr. J. Van Dongen and Mr. V. Spetifore, milk producers, to make oral presentations, and the Appellant and Respondent were allowed to cross examine Mr. J. Van Dongen and Mr. V. Spetifore.

4. After consideration of the evidence and arguments presented by the parties during the hearing, the Board orders that the decision of the British Columbia Milk Marketing Board as announced September 4, 1990 is confirmed.

5. In keeping with this Board's Rules of Appeal the Appellant's deposit shall be forfeit.

Dated this 25th day of April, 1991 in Victoria, British Columbia

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D. Iverson, Chairperson

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E.M. Brun, Vice-Chairperson

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O. Austring, Member

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J. Reger, Member