IN THE MATTER OF A DECISION OF THE
BRITISH COLUMBIA MILK MARKETING BOARD
CONCERNING EXCESS PRODUCTION PENALTIES AS
IDENTIFIED BY STAN AND LAURA BLAND IN A
LETTER DATED OCTOBER 22, 1993 AND
RESPONDED TO BY THE MILK MARKETING BOARD IN A
LETTER DATED DECEMBER 15, 1993

KAMLOOPS, B.C. FEBRUARY 24, 1994

BETWEEN:

STAN and LAURA BLAND
Appellants

AND:

BRITISH COLUMBIA
MILK MARKETING BOARD
Respondent

PROCEEDINGS AT
HEARING

British Columbia Marketing Board
Mrs. Donna Iverson, Chair
Mrs. Mona Brun, Vice Chair
Mr. Doug Kitson, Member
Mr. Gurmit Brar, Member
S. and L. Bland, appearing on their own behalf
A. Mykle, appearing for the Respondent
THE CHAIR: The Board will give its decision and I will give our oral reasons for decision at this time. First of all, we would like to thank both parties for the courtesy we felt that you presented your cases in a fair and a very clear way.

The Board appreciates that the appellants were caught in a very difficult situation at a very uncertain time. We are aware that the normal rules regarding milk production and the transfer of quota and levies is complex at the best of times and we appreciate how a milk producer could be confused about what was happening around the end of August and found it very difficult to make a decision as to what is best.

We also appreciate the fact that when you are farming and producing milk, you are dealing with animals and not dealing with machines and you can't be exact in your production and you can't simply one day stop production. We are aware it doesn't work that way.

We also appreciate the fact that the appellants' unfortunate position and the position of the Milk Board wasn't something of their own making.

This came about as a result of a court decision which put milk producers in British Columbia in a very difficult situation. However, the appellants did appeal and as a result, did appeal previously in September of 1993 and as a result of that appeal, they were given the choice as to whether or not they wanted to have their quota transferred as of September 1st and as unfair as those consequences might seem to be, the appellants will have to accept the consequences which came about as a result of deciding to have the transfer, the quota transfer at September 1st and I would also like to make the comment about some alleged comment by you, Mr. Bland to the effect that there is a recollection of some people that you mentioned that you'd gladly pay levies if the transfer could be allowed. We disallowed those comments. They haven't played a part in our decision. It's not a contract and if there was a comment, it was a comment that we haven't placed any weight on.

Now, a couple of further comments. Our Board will only interfere in the decision of a board or commission if we feel the decision was clearly wrong.
and we are not prepared to substitute our opinion for that of the opinion of the board or commission unless there is a clear wrong that has been established.

The Milk Marketing Board in August and September of 1993 was in a very difficult situation. Its existence was in question and we find they made the decision which they felt best in the circumstances and it's not a decision that we are prepared to interfere with.

So in conclusion, the appeal is dismissed but the Board would like to express its sympathy to you for being caught in a very unfortunate situation that was not of your own making. Thank you.

(CONCLUDED)

I hereby certify the foregoing to be a true and accurate transcript of the proceedings herein to the best of my skill and ability:

LORI C. ROBINSON
OFFICIAL REPORTER