

1 IN THE MATTER OF A DECISION OF THE  
 2 BRITISH COLUMBIA MILK MARKETING BOARD  
 3 CONCERNING EXCESS PRODUCTION PENALTIES AS  
 4 IDENTIFIED BY STAN AND LAURA BLAND IN A  
 5 LETTER DATED OCTOBER 22, 1993 AND  
 6 RESPONDED TO BY THE MILK MARKETING BOARD IN A  
 7 LETTER DATED DECEMBER 15, 1993  
 8  
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10 KAMLOOPS, B.C.

FEBRUARY 24, 1994

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15 BETWEEN:

16 STAN and LAURA BLAND

17 Appellants

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20 AND:

21 BRITISH COLUMBIA  
22 MILK MARKETING BOARD

23 Respondent  
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32 PROCEEDINGS AT  
33 HEARING  
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39 British Columbia Marketing Board

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41 Mrs. Donna Iverson, Chair  
42 Mrs. Mona Brun, Vice Chair  
43 Mr. Doug Kitson, Member  
44 Mr. Gurmit Brar, Member  
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46 S. and L. Bland, appearing on their own behalf  
47 A. Mykle, appearing for the Respondent

1 THE CHAIR: The Board will give its decision and I will  
2 give our oral reasons for decision at this time.  
3 First of all, we would like to thank both parties  
4 for the courtesy we felt that you presented your  
5 cases in a fair and a very clear way.

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

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

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

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

45 Now, a couple of further comments. Our Board  
46 will only interfere in the decision of a board or  
47 commission if we feel the decision was clearly wrong

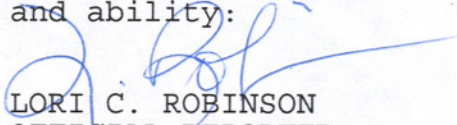
1 and we are not prepared to substitute our opinion  
2 for that of the opinion of the board or commission  
3 unless there is a clear wrong that has been  
4 established.

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

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

15  
16 (CONCLUDED)

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

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24 LORI C. ROBINSON  
25 OFFICIAL REPORTER  
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