

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

AND

IN THE MATTER OF AN APPEAL CONCERNING
TOTAL PRODUCTION QUOTA CONVERSION

BETWEEN:

VANCOUVER ISLAND DAIRYMEN'S ASSOCIATION

APPELLANT

AND:

BRITISH COLUMBIA MILK MARKETING BOARD

RESPONDENT

AND:

BRITISH COLUMBIA MILK PRODUCERS ASSOCIATION

INTERVENORS

DECISION

APPEARANCES BY WRITTEN SUBMISSION AND CONFERENCE CALL:

For the
British Columbia Marketing Board

Mr. Ross Husdon, Chair
Mr. Doug Kitson, Vice Chair
Mr. Harley Jensen, Member
Ms Karen Webster, Member
Ms Maggie Barrett, Panel Secretary

For the Appellant

Mr. Allen Looy, Director
Ms Johanna Mellor

For the Respondent

Mr. John Durham, Chair
Mr. Tom Demma, General Manager
Mr. Jerry Reghelin, Program Manager

For the Intervenor

Mr. Tom Nash, President
Mr. Andy Dolberg, Secretary

DATE OF HEARING:

July 31, 1997

INTRODUCTION

1. The matter before the British Columbia Marketing Board (BCMB) is a preliminary issue in an appeal by the Vancouver Island Dairymen's Association (VIDA) from a decision by the British Columbia Milk Marketing Board (Milk Board). The appeal concerns Total Production Quota (TPQ) conversion.
2. The B.C. Milk Producers Association (Association) was granted intervenor status on July 30, 1997.

PRELIMINARY ISSUE

3. Should the BCMB vary, under Section 8(9)(a) of the *Natural Products Marketing (BC) Act* (Act), the August 1, 1997 implementation of TPQ and grant a "stay" pending a hearing of the merits of this Appeal?

BACKGROUND

4. The BCMB has received the following written submissions:

- July 25, 1997, Notice of Appeal
- July 28, 1997, Letter from BC Milk Producers Association requests Intervenor status.
- July 29, 1997, Letter from Appellant substantiating the “stay” application.
- July 30, 1997, Letter from the Appellant objecting to the BC Milk Producers Association’s request for Intervenor status.
- July 30, 1997, Letter from the Respondent stating that it has no objection to the BC Milk Producer Association’s request for Intervenor status.
- July 30, 1997, Letter from Respondent responding to the July 29, 1997 submission from the Appellant.
- July 30, 1997, Letter from the BC Milk Producers Association objecting to the “stay” application.
- July 31, 1997, Letter from the Appellant replying to the July 30, 1997 letters from the Respondent and Intervenor regarding the “stay” application.

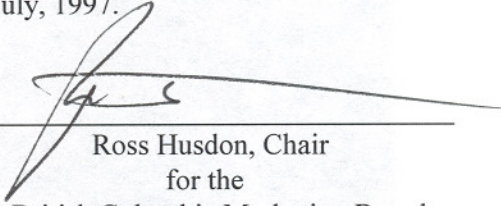
FINDINGS

5. The BCMB has subsequently considered the written submissions and oral presentations and finds no merit in the request for a “stay”.

DECISION

6. The “stay” is denied.

Dated at Victoria, British Columbia, this 31st day of July, 1997.



Ross Husdon, Chair
for the
British Columbia Marketing Board