

BRITISH COLUMBIA MARKETING BOARD

IN THE MATTER OF AN APPEAL PURSUANT TO THE NATURAL
PRODUCTS MARKETING (BC) ACT, R.S.B.C. 1979, c.296, s.11

10/12/84

BETWEEN:

MARIO AGLIANI

APPELLANT

AND:

BRITISH COLUMBIA MUSHROOM MARKETING BOARD

RESPONDENT

REASONS FOR DECISION

APPEARANCES:

No one on behalf of the Appellant

A.M. BLACKMORE, A. ETHIER and L. PILCHUK
on behalf of the Respondent

1. Mr. Mario Agliani by letter dated July 3, 1984, has appealed the decision of the B.C. Mushroom Marketing Board taken earlier to deny him a licence to grow and produce mushrooms in the central interior.
2. The B.C. Marketing Board (the "Board") set this appeal for hearing on September 12, 1984, and invited the parties, if they chose, to submit written submissions in lieu of attending an oral hearing on that date.
3. The Appellant supplied a written submission to the Board.
4. The Respondent appeared with counsel and took the position that the Board had lost jurisdiction to hear the appeal through the failure of the Appellant and/or the Board to adhere to time limits imposed by the Natural Products Marketing (BC) Act.
5. After hearing argument on this preliminary objection to jurisdiction from counsel for the Respondent, the Board adjourned the hearing in order to give the Appellant the opportunity to respond.

6. By letter dated September 25, 1984, counsel for the Appellant advised the Board through its solicitor that the Appellant has decided not to pursue the present Appeal any further.

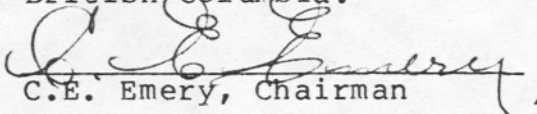
7. Having determined that neither the Appellant nor Respondent needed to attend or make further submissions, the Board met on September 27, 1984, to consider the disposition of this Appeal and decided at that time to dismiss the Appeal.

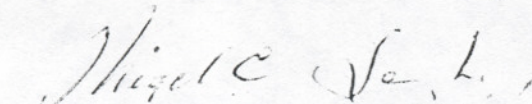
8. Since the disposition of this Appeal is effectively by consent, the Board considers that it is not necessary or appropriate to determine the preliminary question of jurisdiction raised by the Respondent.

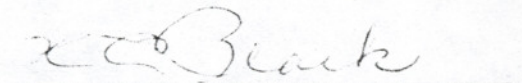
9. The Board orders that the present Appeal, filed by Mr. Agliani by letter of July 3, 1984, be dismissed.


10. The Board considers it to be equitable in the circumstances that the Appellant's deposit of one hundred dollars (\$100.00) shall be returned in its entirety to the Appellant.


DATED the ^{12th} day of October, 1984, in Richmond,
British Columbia.


C.E. Emery, Chairman


N.C. Taylor, Vice-Chairman


H. Black


M. Brun


M. Hunter