

BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD

IN THE MATTER OF THE *NATURAL PRODUCTS MARKETING (BC) ACT*,
R.S.B.C. 1996, c. 330

AND

IN THE MATTER OF AN APPEAL FROM BRITISH COLUMBIA VEGETABLE
MARKETING COMMISSION ORDER 10/03(a)

BETWEEN:

BC VEGETABLE GREENHOUSE I, L.P.

APPELLANT

AND:

BRITISH COLUMBIA VEGETABLE MARKETING
COMMISSION

RESPONDENT

AND:

BC HOT HOUSE FOODS INC.

INTERVENOR

ORDER

WHEREAS:

- On October 31, 2003, the Appellant filed an appeal from British Columbia Vegetable Commission Order 10/03(a) dated October 7, 2003;
- On September 2, 2004, certain grounds of the appeal were dismissed as being either devoid of merit (being based on a patently wrong characterization of Order 10/03(a)) or an abuse of the Provincial board's process (as having already been decided by Drost J. in *Global Greenhouse Produce Inc., BC Vegetable Greenhouse I, L.P. and others v. British Columbia Marketing Board and British Columbia Vegetable Marketing Commission*, 2003 BCSC 1508), while allowing two other grounds of appeal to proceed;

- On January 11, 2005, the Appellant withdrew its Notice of Appeal;
- Section 17 of the *Administrative Tribunals Act*, S.B.C. 2004, c. 45 provides if an appellant withdraws an appeal, the tribunal must order that the appeal is dismissed:

THEREFORE THIS BOARD ORDERS:

1. That the appeal from British Columbia Vegetable Marketing Commission Order 10/03(a) (attached hereto) is dismissed.
2. That the parties may make written submissions addressing costs of the appeal, including interlocutory proceedings on the appeal.

FOR THE PANEL

A handwritten signature in blue ink, appearing to read 'CJ Elsaesser', is written over a circular stamp or seal.

Christine J. Elsaesser
Vice Chair

January 14, 2005, at Victoria, British Columbia.