

BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD

PRACTICE DIRECTIVE: NATURAL PRODUCTS MARKETING (BC) ACT APPEALS

Whereas:

- A. Section 12 of the *Administrative Tribunals Act*, S.B.C. 2004, c. 45 (*ATA*) has been incorporated by reference into s. 8.1 of the *Natural Products Marketing (BC) Act*, R.S.B.C. 1996, c. 330 (*NPMA*); and
- B. Section 12(1) of the *ATA* requires a tribunal to which it applies to issue practice directives respecting (i) the usual time period for completing an appeal and for the completing the procedural steps within an appeal, and (ii) the usual time period within which the tribunal's final decision and reasons are to be released after the hearing of the appeal is completed.

Therefore the British Columbia Farm Industry Review Board (BCFIRB) issues these practice directives respecting appeals to BCFIRB (the "Provincial board") under s. 8 of the *NPMA*:

1. The usual time period for BCFIRB to complete the required pre-hearing procedural steps and hold a one day hearing is 45 business days from the date that BCFIRB receives a completed Notice of Appeal meeting the requirements of s. 22 of the *ATA*, together with the prescribed filing fee.
2. The usual time period within which an appeal hearing panel's final decision and reasons are to be released following the completion of a one day appeal or an equivalent written submissions process is 45 business days.
3. The usual time periods identified in "1" and "2" are extended by 25 business days for each day or part of a day that a hearing (including written closing arguments) proceeds beyond one day.
4. The calculation of the usual time period in paragraph 1 is suspended, if BCFIRB decides to:
 - a. adjourn the appeal to allow a facilitated settlement process;
 - b. defer setting the hearing date to accommodate a party or parties; or,
 - c. defer the appeal to a supervisory process under s. 8(8) of the *NPMA*.

Calculation of time resumes at the end of the period set for an adjournment or deferral.

5. Circumstances will arise (e.g., there are multiple appellants) where it is impractical or unjust to complete a matter within the usual time period. In such cases, BCFIRB will on a case by case basis establish time periods which are as short as possible consistent with realities of the case.

Dated: November 18, 2015 at Victoria, British Columbia



John Les, Chair
British Columbia
Farm Industry Review Board