

February 10, 2023

File No.: 582211-1

Sent Via EmailBritish Columbia Farm Industry Review Board
PO Box 9129 Stn Prov Govt
Victoria, BC V8W 9B5Attention: Wanda Gorsuch, Manager of Issues and Planning

Dear Ms. Gorsuch:

Re: MPL British Columbia Distributors Inc. ("MPL") Agency Prior Approval Process

We write with respect to Peter Donkers' letter of February 7, 2023.

MPL welcomes BCFIRB's decision to lift the suspension of the prior approval process and its advice regarding next steps in this proceeding.

As noted in Mr. Donkers' letter, MPL has already provided feedback on the draft Terms of Reference, dated June 28, 2022. Due to certain developments that have occurred since the draft Terms of Reference were issued, MPL has one additional comment on the draft. Paragraph two of page three of the draft Terms of Reference states, in part, that: The Panel anticipates that the supervisory decision in the Allegations of Bad Faith and Unlawful Activity supervisory review may inform this prior approval process. In light of the Chair's January 25, 2023 decision that Phase II of the Supervisory Review is concluded for MPL, it is MPL's position that the above-noted sentence should either be removed from the Terms of Reference or replaced with a statement that the Panel will have regard to Chair Donkers' January 25, 2023 decision.

Further, MPL highlights the critical importance of addressing any potential procedural fairness issues, such as those raised on appeal in BCFIRB Appeals N2202-13. The Terms of Reference should thus set out a process that will fairly and efficiently address all outstanding matters relating to MPL's agency license approval.

Regarding our availability for a three day in-person hearing, of the dates provided by BCFIRB, we are available on the following dates: April 18-21 and May 8-12, 23-26 and 29-31, 2023.

We look forward to receiving the finalized Terms of Reference.

Yours truly,

Dentons Canada LLPMorgan L. Camley
Partner

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