

April 11, 2023

File No.: 8006-031

VIA EMAIL: Wanda.Gorsuch@gov.bc.ca

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Dear Ms. Gorsuch:

Re: MPL Prior Approval Process – Amended Non-Disclosure Application Decision

In the interest of maintaining an accurate record of these proceeding, I am writing to address two apparent inaccuracies in the letter issued today by BCFIRB Panel Chair, Pawan Joshi.

First, the letter states:

Following receipt of the [non-disclosure order issued by the BCFIRB on April 6, 2023], the BC Vegetable Marketing Commission (Commission) requested clarification that "... the documents filed by the Commission with the BCFIRB may be appropriately redacted to protect solicitor-client privilege without having to make an application to rely on that absolute privilege". (emphasis added)

In fact, the substance of that "clarification" was sought by the Commission on March 14, 2023, and obtained from the BCFIRB on March 15, 2023. Consequently, the "clarification" did not "follow" the non-disclosure order made on April 6, 2023, but rather, preceded it.

Second, the letter states: "As the Commission has now clarified that the identified redaction was made to protect communications subject to solicitor-client privilege..." (emphasis added). This tends to suggest that the Commission had only identified the redaction as one that was made to protect solicitor-client privilege after the non-disclosure order had been issued by the BCFIRB on April 6, 2023. In fact, the basis

for that redaction was expressly communicated to the BCFIRB on March 16, 2023, well prior to the making of the non-disclosure order.

I respectfully ask that this letter be included in the record of proceeding.

Yours truly,

AFFLECK HRABINSKY BURGOYNE LLP

Per:


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