



BC Farm Industry Review Board

February 7, 2023

File: 44200-35\MPL

DELIVERED BY EMAIL

Morgan Camley
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Derek Sturko
Chair
BC Vegetable Marketing Commission
207 – 15252 32nd Ave
Surrey BC V3Z 0R7

Dear Ms. Camley and Mr. Sturko:

MPL BRITISH COLUMBIA DISTRIBUTORS INC. (MPL BC) AGENCY PRIOR APPROVAL PROCESS

On July 22, 2022, the MPL BC prior approval panel determined that it would be suspending its prior approval process pending the outcome of the Allegations of Bad Faith and Unlawful Activity Supervisory Review (Supervisory Review).

On January 25, 2023, in my capacity as Panel Chair of the Supervisory Review, I made findings, which followed a recommendation by Hearing Counsel (supported by the BC Vegetable Marketing Commission (Commission)):

Accordingly, it is my view that steps have been taken which will lead to the restoration of the trust and confidence which lie at the heart of effective governance and orderly marketing in the industry. I note in that regard that the Commission is supportive of Hearing Counsel's recommendation that Phase II be discontinued for MPL. In all of the circumstances, therefore, I am prepared to make an order that Phase II of the Supervisory Review be concluded for MPL. This order does not impact Phase II for Prokam.

Lastly, I wish to make clear that this ruling only addresses MPL's status in Phase II of the Supervisory Review. Prior to the hearing in Phase I of the Supervisory Review, the Commission recommended that MPL's agency license be approved by BCFIRB. It will be for the supervisory panel presiding over the prior approval process for MPL's agency license to make its own determinations in that process after hearing from all of the relevant parties.

In light of the January 25 ruling in the Supervisory Review, the suspension of this prior approval process is lifted, and it will now proceed.

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Panel

I will be stepping down as chair of this panel, and the new panel composition will be addressed in future correspondence.

Process

The next step will be to finalize the draft Terms of Reference, the original version of which, dated June 28, 2022, is attached for reference. We have received feedback from the Commission, MPL BC, and Greenhouse Grown Foods Inc./Windset Farms (Canada) Ltd.

Any final comments from other sector stakeholders should be provided by Friday February 10, 2023 to Wanda Gorsuch, Manager of Issues and Planning at Wanda.Gorsuch@gov.bc.ca.


Following the finalization of the Terms of Reference, a schedule for written submissions will be established, followed by an in-person hearing.

All interested participants, including the Commission, MPL BC and Greenhouse Grown Foods Inc./Windset Farms (Canada) Ltd., are asked to provide their availability by Friday February 10, 2023 for a 3 day in-person hearing from April 17 through to the end of May 2023. Please send to Wanda Gorsuch at Wanda.Gorsuch@gov.bc.ca.

Outstanding Appeals

Following the decision in this prior approval process, parties with outstanding appeals will be contacted by BCFIRB Case Management, and a schedule will be set for submissions on the question of whether any live issues remain to be addressed on appeal.

Regards,



Peter Donkers,
Chair

cc: Robert Hrabinsky, Legal Counsel, BC Vegetable Marketing Commission
Craig Ferris, K.C., Legal Counsel, Greenhouse/Windset
Agency Applicants and Storage crop Agency Managers
Greenhouse Agency Managers
Storage crop/Greenhouse Managers
Storage crop Producers
Greenhouse Producers
Processing Producers
Wholesalers
Processors
BCFIRB web site