

May 1, 2023

File No.: 582211-1

**Sent Via Email**British 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 the Book of Documents submitted by Greenhouse Grown Foods Inc. (“GGFI”) and Windset Farms (Canada) Ltd. (“Windset”) on April 21, 2023, and with respect to hearing witnesses, to request that BCFIRB:

1. direct GGFI and Windset to particularize the arguments they intend to make which are to be supported by the documents they have tendered but not referred to in their written submissions; and
2. direct the parties to advise in advance of the oral hearing of any witnesses they may call and to provide will say statements for those potential witnesses.

**GGFI and Windset Need to Particularize the Arguments they Intend to Make**

GGFI and Windset’s Book of Documents contains a host of documents which are not referred to (and thus do not appear to support any of the arguments raised) in their written submissions, dated April 6, 2023.

In our view, GGFI and Windset have failed to identify, in their written submissions, the arguments that they intend to make which are to be supported by the documents they have tendered. The majority of the documents contained in GGFI and Windset’s Book of Documents are not referenced at all in their Written Submissions. The result of the approach that GGFI and Windset have taken to their submissions and supporting documents is that MPL BC has not been given a fair opportunity to make submissions on the relevance and other grounds of objections to the documents and to identify documents it may want to tender in response to GGFI and Windset’s documents by the deadline set by BCFIRB. In addition, it is our view that many of GGFI and Windset’s documents are inadmissible, including on the basis that they are hearsay or irrelevant.

Further, we are concerned that GGFI and Windset may intend to use many of the documents in their Book of Documents to support arguments not previously raised in their Written Submissions. It would be

Fernanda Lopes & Asociados ► Guevara & Gutierrez ► Paz Horowitz Abogados ► Sirote ► Adepetun Caxton-Martins Agbor & Segun ► Davis Brown ► East African Law Chambers ► Eric Silwamba, Jalasi and Linyama ► Durham Jones & Pinegar ► LEAD Advogados ► Rattagan Macchiavello Arocena ► Jiménez de Aréchaga, Viana & Brause ► Lee International ► Kensington Swan ► Bingham Greenebaum ► Cohen & Grigsby ► Sayarh & Menjra ► For more information on the firms that have come together to form Dentons, go to [dentons.com/legacyfirms](https://www.dentons.com/legacyfirms)

procedurally unfair to allow GGFI and Windset to raise issues at the oral supervisory review hearing that were not raised in their Written Argument and of which MPL BC and the Commission do not have advanced notice. See *Nicholls v. Canada (Revenue Agency)*, 2010 FC 1235 at paras. 33 and 34.

Accordingly, we are writing to request that BCFIRB direct GGFI and Windset to particularize the arguments they intend to make with respect to the documents contained in their Book of Documents.

Depending on the stated purpose of the tendered documents, we may seek leave from BCFIRB to tender documents in response to those provided by GGFI and Windset. Further, we reserve the right to object to the admissibility of the documents, including on the basis of relevance, after GGFI and Windset have identified the arguments that the documents are intended to support.

### **Hearing Witnesses**

In addition, we note that the Terms of Reference do not contain a deadline for parties to advise of any potential witnesses they may call or for the provision of will say statements. In order to assist with scheduling and to allow the parties the opportunity to adequately prepare for any potential witnesses, we are writing to request that BCFIRB make a direction that the parties advise in advance of the oral hearing of any witnesses they may call and to provide will say statements for those potential witnesses. We would propose May 12, 2023 as the deadline.

We look forward to hearing from you regarding the above.

Yours truly,

**Dentons Canada LLP**



Morgan L. Camley  
Partner