

October 19, 2023

File No.: 582211-1

**Sent Via Email**British Columbia Farm Industry Review Board  
PO Box 9129 Stn Prov Govt  
Victoria, BC V8W 9B5Attention: Justine Lafontaine

Dear Ms. Lafontaine:

**Re: MPL British Columbia Distributors Inc. (“MPL BC”) Agency Prior Approval Process**

We write in response to the October 18, 2023 letter from counsel for Windset Farms (Canada) Ltd. and Greenhouse Grown Foods Inc. (“**Windset/GGFI**”).

Contrary to what Windset/GGFI assert, MPL BC is not attempting to circumvent any BCFIRB or Commission requirements, whether set out in the Decision or otherwise. As stated in our October 17, 2023 letter, MPL BC is seeking clarification regarding the Decision, specifically to ensure compliance.

It appears there may be a typographical error in paragraph 79 of the Decision and that BCFIRB intended to approve the designation of MPL BC as an agency “for a probationary period, that being the 2023-2025 growing season” (rather than 2024-2025). MPL BC believes this is the case given that paragraphs 79, 83 and 84 would otherwise be ambiguous, especially in light of MPL BC’s obligations under paragraphs 80-81.

The ambiguity arises because on the one hand BCFIRB approves the designation of MPL BC as an agency for the “2024-2025 growing season”, but on the other hand suggests a further BCFIRB approval is required for that same period, while also requiring MPL BC to immediately take steps as an agency, such as appointing a senior executive as Commission liaison within a month of the Decision and reporting to BCFIRB on December 31, 2023 on its agency activities for the quarter then ending. Windset/GGFI’s proposed interpretation of paragraphs 79, 83, and 84 would require MPL BC to report to BCFIRB about its agency activities over two quarters (ending December 31, 2023 and March 31, 2024), when it would have only been an agency for less than a month (from March 1, 2024), but, as explained in our October 17<sup>th</sup> letter, with an inability to operate as such in practice, given the October 31 deadline.

BCFIRB may correct typographical errors and amend a final decision to clarify it, pursuant to section 8.3 of the *Natural Products Marketing Act*. MPL BC reiterates its request for BCFIRB to clarify and confirm that paragraph 79 of the Decision was intended to immediately designate MPL BC as a designated agency.

MPL BC further looks forward to the clarification sought by the Commission in its October 18, 2023 letter regarding paragraphs 83 and 84 of the Decision.

We look forward to hearing from BCFIRB regarding the above.

Yours truly,

**Dentons Canada LLP**



Morgan L. Camley  
Partner

cc: Robert Hrabinsky, BC Vegetable Marketing Commission (via email)  
Craig Ferris, K.C., Windset Farms (Canada) Ltd. and Greenhouse Grown Foods Inc. (via email)