

July 19, 2021

Sent Via E-mail

British Columbia Farm Industry Review Board
780 Blanshard Street
Victoria, BC V8W 2H1

Attention: Wanda Gorsuch

Dear Madam :

Re: British Columbia Farm Industry Review Board (“**BCFIRB**”) 2021 Supervisory Review

We write on behalf of our client, MPL British Columbia Distributors Inc. (“**MPL**”), and further to the correspondence from BCFIRB of July 9, 2021, enclosing the Final Rules of Practice and Procedure (the “**Rules**”) governing the Supervisory Review with respect to allegations of bad faith and unlawful activity (the “**Supervisory Review**”).

It is MPL’s respectful view that the Rules have failed to substantively address the concerns and comments MPL has expressed on numerous occasions, specifically in correspondence of June 4, 2021, and June 25, 2021, and again at the Pre-Hearing Conference of June 30, 2021, which include but are not limited to the following:

- The Supervisory Review has arisen solely at the initiative of BCFIRB, not MPL;
- The only proceedings MPL has initiated are the court proceeding against various current and former members of the British Columbia Vegetable Marketing Commission (“**BCVMC**”) in Action Number S-214043 (the “**Action**”), and the Defendants have not yet filed and served their Responses to Civil Claim in the Action. Conversely, an oral hearing with respect to the issues raised in the Supervisory Review, which overlap with the issues raised in the Action, is expected to take place in September or October 2021;
- The prejudice to the Action arising from a pre-determination of issues during the oral hearing has the potential to be significant; and
- Leading up to the oral hearing, the Rules contemplate the compulsion of non-participant industry members to produce documentation and answer questions before the Hearing Counsel, without the procedural protections or constraints that would typically be afforded in the civil litigation process. The continued absence of these procedural rights in the Supervisory Review increases the risk of prejudice to the Action.

As a result of such continuing concerns, and by this letter, MPL confirms that it does not intend to participate in the Supervisory Review.

Finally, in its July 9, 2021 decision BCFIRB requested that MPL provide submissions on the following proposed panel to consider its agency application during the period of review: Chair Etsell, and commissioners Reynolds, Husband, VanderMeulen and Royal. MPL confirms that they have no objections to the members of this panel and have no objections to this panel considering MPL's agency application.

Yours truly,

Dentons Canada LLP

A handwritten signature in blue ink, appearing to read 'David Wotherspoon', with a long horizontal flourish extending to the right.

David Wotherspoon
Partner