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**DELIVERED BY EMAIL**

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Farm Industry Review Board  
PO Box 9129 Stn Prov Govt  
Victoria, BC  
V8W 9B5

Attention: Wanda Gorsuch, Manager, Issues and Planning

**Re: Notice of Supervisory Review, May 26, 2021, Vegetable Marketing Commission**

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We are the lawyers for Bajwa Farms Ltd. ("Bajwa Farms").

We write in response to the Notice of Supervisory Review dated May 26, 2021 regarding the British Columbia Vegetable Marketing Commission ("Commission") and your letter dated June 14, 2021. Bajwa Farms wishes to participate in the supervisory process and is content to do so on a public basis. Our client believes that the Commission acted in bad faith, without procedural fairness and based on personal animosity on the part of certain Commissioners and/or the Commission's general manager.

Bajwa Farms Ltd. is a family company, owned by Nupinder Bajwa ("Nupinder") and Harjeet Bajwa ("Harjeet"). Nupinder and Harjeet were married and are now separated. Nupinder operates Bajwa Farms pursuant to an order of the BC Supreme Court dated October 30, 2019. Harjeet is prohibited from attending at the Bajwa Farms' properties pending criminal charges against him, which are going to trial June 21, 2021.<sup>1</sup>

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<sup>1</sup> Specifically, Harjeet is charged with criminal assault causing bodily harm and uttering threats, fear of injury and damage by another person in relation to Nupinder and two of their children. He is also prohibited from attending at any of the workplaces of Nupinder or the children.



In the fall of 2020, Nupinder was concerned that Harjeet was growing cabbage for his own account, in breach of his fiduciary obligations to Bajwa Farms. Nupinder believes that Harjeet sought to market that cabbage using the delivery allocation that belonged to Bajwa Farms.

Email correspondence sent to the Bajwa Farms email address shows that Harjeet applied to the Commission to use Bajwa Farms' cabbage allocation, despite growing the cabbage for his own account. Although Mr. Solymosi denied Harjeet's request to use the Bajwa Farms cabbage allocation, Mr. Solymosi made efforts to accommodate Harjeet's efforts to sell cabbage on his own account by offering Harjeet registration as a multi-registered farm associated with Bajwa Farms. See the enclosed emails dated November 2, 2020 from the Commission to Harjeet. Nupinder was not consulted on or even advised by the Commission that these arrangements were under consideration.

Nupinder is a sibling of Bob Dhillon, the principal of Prokam. Nupinder believes that BC Fresh and the Commission may have favoured Harjeet and ignored her and Bajwa Farms' interests as a result of the animosity displayed by BC Fresh and the Commission to Prokam and its principals, especially Bob Dhillon.

By letter dated November 6, 2020, our firm advised Mr. Solymosi of the serious concerns Bajwa Farms had regarding Harjeet's conduct. See enclosed our November 6 letter to the Commission and others. The Commission responded by letter dated November 9, 2020, declining to intervene.

We sent a follow up letter to the Commission dated November 25, 2020, also enclosed. The Commission responded through its legal counsel, by letter dated December 15, 2020. The Commission's legal counsel included an email from Murray Driediger to Mr. Solymosi dated September 18, 2020. The email between Messrs. Driediger and Solymosi shows the cozy relationship between BC Fresh and the Commission and indicates that the animus against Bob Dhillon animated the actions taken by BC Fresh and the Commission, leading the Commission to favour Harjeet's interests and ignore Nupinder's interests. Specifically:

- Mr. Driediger refers to a "messy marital dispute" between Harjeet and Nupinder but fails to mention that Nupinder's authority to operate Bajwa Farms resulted from criminal charges against Harjeet for assaults allegedly committed against Nupinder and their children.
- Mr. Driediger mentions that Nupinder is the sister of Bob Dhillon and that Bob Dhillon "has been actively involved in this matter." Presumably, by "this matter", Mr. Driediger was referring to the marital dispute, but Bob Dhillon's relationship to Nupinder and his involvement in the marital dispute is completely irrelevant to the issue of the cabbage allocation that is discussed in Mr. Driediger's email. The only plausible reason for Mr. Driediger to include this is to influence the Commission to favour Harjeet's interests given the animus against Mr. Dhillon.

- Mr. Driediger makes assertions about Harjeet's circumstances to paint Harjeet in a sympathetic light. The Commission never sought input from Nupinder about Harjeet's application or circumstances and appears to have simply accepted Mr. Driediger's incomplete description in accommodating Harjeet's request.
- BC Fresh seems to have had an alignment of interest with Harjeet to sell the cabbage that Harjeet grew without authorization and in breach of his fiduciary duties to Bajwa Farms.

The December 15, 2020 letter from the Commission's legal counsel confirms several key facts that support our concern that the Commission has been complicit in Harjeet's breach of fiduciary duty. Specifically, the letter from Mr. Hrabinsky confirms that:

- Neither Harjeet nor Van Eekelen Enterprises Ltd. ("Van Eekelen") had a delivery allocation when Harjeet began growing cabbage during the 2020 growing season;
- Van Eekelen became licenced as a producer of cabbage only in November 2020, presumably after Harjeet applied to use Bajwa Farms' delivery allocation and after our firm raised concerns about Harjeet's breach of fiduciary duties to Bajwa Farms; and
- BC Fresh made the request on behalf of Harjeet for Harjeet to use Bajwa Farms' delivery allocation.

It is clear that, despite the concerns we raised with the Commission about Harjeet's breach of fiduciary duties, the Commission granted a licence to Van Eekelen so that Harjeet could sell cabbage he grew without authorization, which has now presumably been sold to his own account.

We emphasize that Nupinder was not consulted about Harjeet's application to the Commission or the arrangement to grant Van Eekelen a licence, even after we raised concerns with the Commission through our November 6, 2020 letter. In fact, the application by Harjeet came to light only because a November 2, 2020 email from Susan Babcock to Harjeet was sent to Bajwa Farms' general email address to which Nupinder has access.

Despite the Commission's December 15, 2020 response, a number of our client's concerns have not been addressed. Specifically, we requested that the Commission investigate whether Harjeet grew cabbage without regulatory approvals. We have not been apprised of any such investigation.

The facts outlined above raise concerns about the conduct of the Commission that Bajwa Farms wishes to raise in the Supervisory Review.

**We accordingly ask that Bajwa Farms be permitted full participation in the Supervisory Review.**



Regarding the scope of the Supervisory Review, we ask that it include an examination as to whether members of the Dhillon family have been treated unfairly as a result of animus toward Bob Dhillon and Prokam, in particular, whether the Commission has dealt with cabbage delivery allocations or cabbage producer licences in a way that is not consistent with best practices.

If you have any questions regarding the foregoing, please do not hesitate to contact the writer.

Sincerely,  
**DLA Piper (Canada) LLP**  
Per:

A handwritten signature in blue ink, appearing to read 'D Dalke', with a large, stylized flourish at the end.

Dean Dalke

DXD  
Encls.