

**From:** Suzanne Babcock <suzanne@bcveg.com>  
**Date:** November 2, 2020 at 1:47:17 PM PST  
**To:** "Harjeet Bajwa (bajwafarmsltd@telus.net)" <bajwafarmsltd@telus.net>  
**Cc:** Andre Solymosi <asolymosi@bcveg.com>, "Murray Driediger (murray@bcfresh.ca)" <murray@bcfresh.ca>  
**Subject: RE: 2020-11-02 - Decision on Mr. Harjeet Bajwa's Cabbage**

Good afternoon, Mr. Bajwa,

Per Mr. Solymosi's correspondence of today's date, I have attached a registration/licensing form to this email.

Should you have any questions with regard to the licensing application, please advise and I will be more than happy to assist.

Thank you,  
Suzanne

---

**From:** Andre Solymosi <asolymosi@bcveg.com>  
**Sent:** Monday, November 2, 2020 1:26 PM  
**To:** harjeet\_bajwa@yahoo.com  
**Cc:** Suzanne Babcock <suzanne@bcveg.com>; Murray Driediger (murray@bcfresh.ca) <murray@bcfresh.ca>  
**Subject:** 2020-11-02 - Decision on Mr. Harjeet Bajwa's Cabbage

Dear Mr. Bajwa,

The Commission (board) has reviewed your request for market access of the Green and Red cabbage you had grown this year on your own, independent of Bajwa Farms Ltd.

The decision was made that you cannot use the delivery allocation that has been earned by Bajwa Farms Ltd. unless the product is shipped through Bajwa Farms Ltd. Therefore, your crop is to be treated as if it were planted without delivery allocation.

The Commission will apply PART A of the interim administrative policy that has been established for the management of provincial delivery allocation over the 2020/21 Crop Year.

**2020-21 Administrative Policy**

*Access to Market – Storage Crop Vegetables*

*PART A - A Producer has planted a regulated storage crop vegetable without Delivery Allocation and wants to ship product to the retail / wholesale / food service / or processing markets.  
(see attached policy for details)*

If you qualify as a producer, you will be registered as a multi-registration farm that is associated with Bajwa Farms Ltd. Though you do not fit the definition of a multi-registration farm I am proposing to track you in the database as such so we have a link between this producer license and Bajwa Farms Ltd. We will also add a note to your file referring to this decision and the specific conditions under which you can be granted access to the market.

Suzanne in our office will forward to you a producer application form. Please complete the form and return it to our office.

Thanks,  
Andre



**Andre Solymosi** | General Manager

#207, 15252 – 32nd Avenue, Surrey BC V3Z 0R7

toll free: 1.800.663.1461 | direct line: 604.542.9734 Ext.125 | fax: 604.542.9735 | cell: 604.908.9578

[asolymosi@bcveg.com](mailto:asolymosi@bcveg.com) | [bcveg.com](http://bcveg.com) | [Download vCard](#)



APPLICATION - CLASS I PRODUCER LICENCE
(Storage and Processing Vegetables)

Licensing Period: May 16, 2020 - May 15, 2021

I AM NOT PRODUCING THIS CROP YEAR
(please complete Part I and then skip to Part IV.)

I AM PART OF A MULTIPLE REGISTRATION FARM
(for definition of "Multiple Registration Farm", please refer to Page 2.)

Part I - APPLICANT INFORMATION

Form with fields: APPLICANT NAME, Name of Operating Company (DBA) and Farm Address, Office Telephone, Mobile Number, Designated Agency, E-mail Address, Mailing Address (include Postal Code)

Table with 4 columns: Regulated Crops, Production Area (acres), Regulated Crops, Production Area (acres). Title: 2020/21 PRODUCTION PROFILE

Table with 2 columns. Title: LIST OF ALL SHAREHOLDERS OR PARTNERS

PLEASE NOTE: This application must be completed in its entirety. Applications with missing information are considered incomplete and will not be processed. This includes naming an Authorized Voter and signing your Declaration on Page 6. Applications and/or fees not received by the due date are considered late, your Agency will be advised and your licence status will be subject to review.

Form with fields: AUTHORIZED VOTER - Person authorized to vote on behalf of the licensed producer, PRINT Name, Signature, Date

**APPLICATION - CLASS I PRODUCER LICENCE**  
**(Storage and Processing Vegetables)**

Licensing Period: May 16, 2020 - May 15, 2021

When one or more of the below listed criteria is evident, the Commission will determine that the involved licensed producers are classified as **MULTIPLE REGISTRATION FARMS:**

Regardless of location and proximity of farm production lands, whether owned or rented/leased, when lands are managed in a systematic way for the production of regulated products, including rotation crops, and for achieving agronomic, sustainability and stewardship outcomes;

Farm equipment, both power and implements, are regularly shared and exchanged;

Regardless of location and proximity of storage facilities, Regulated Product is stored, graded, washed, and packaged in a manner where one licensee's regulated product may substitute for that of another licensee;

Regulated product is graded, washed and packaged using a common facility;

There is the potential for comingling of regulated product that if it occurs it can compromise on-farm food safety and supply chain traceability.

***Part II - ASSOCIATED MULTIPLE REGISTRATION FARMS (if applicable)***

**\*\* Each multi-registration farm must be individually licensed. Completion of this section does not replace licensing for each farm.**

**Farm No. 2 Name:**

**Farm No. 2 Operating  
Name (DBA):**

**Farm Address,  
including Postal Code:**

**Farm No. 3 Name:**

**Farm No. 3 Operating  
Name (DBA):**

**Farm Address,  
including Postal Code:**

**Farm No. 4 Name:**

**Farm No. 4 Operating  
Name (DBA):**

**Farm Address,  
including Postal Code:**

**Farm No. 5 Name:**

**Farm No. 5 Operating  
Name (DBA):**

**Farm Address,  
including Postal Code:**

# APPLICATION - CLASS I PRODUCER LICENCE (Storage and Processing Vegetables)

Licensing Period: May 16, 2020 - May 15, 2021

*The BC Vegetable Marketing Commission is vested with the power to promote, control and regulate in any respect the production, transportation, packing, storage and marketing of Regulated Product grown in British Columbia.*

*The Applicant / Operating Company is expected to be familiar with the General Order under the BC Vegetable Marketing Scheme that defines the production, transportation, packing, storage and marketing of Regulated Product for sale within British Columbia and for interprovincial and export trade.*

*Parts from the BC Vegetable Marketing Commission General Order that deal with general prohibitions on the movement of product and market access by producers are highlighted below.*

## **PART V - AGENCIES**

Below is a list of Designated Agencies available to all Producers for marketing Regulated Storage and Root Crops:

1. BC Fresh Vegetables Inc.
2. Fraserland Organics Inc.
3. Island Vegetable Co-operative Association
4. Okanagan Grown Product Ltd.
5. Vancouver Island Farm Products Inc.

## **PART IX - GENERAL PROHIBITIONS**

- No person shall transport a Regulated Product unless it has been packed in a container authorized by a Designated Agency or by the Commission;
- No person shall sell, offer to sell, supply or deliver the Regulated Product to any person other than an Agency or such other person as the Commission may expressly direct or authorize;
- A Wholesaler shall only buy, accept or receive a Regulated Product from an Agency or Producer-Shipper;
- A Retailer located in BC shall only buy, accept or receive a Regulated Product from an Agency, a Processor, or a Wholesaler, in accordance with Part VIII of these Orders, or a Producer as authorized by a Manifest Sales Program;
- No person, Producer or Processor, unless otherwise ordered by the Commission, shall grow, deliver, receive, accept or market Regulated Product for Processing, freezing, canning, or preserving in any way unless there is a signed Commission-approved Processing Crop contract which complies with all Commission Orders; such a contract shall be in compliance with and shall not deviate from the Master Contract negotiated for the Regulated Product in question and shall include a service charge;
- No person other than a member or employee of the Commission shall move, destroy, sell or offer for sale any Regulated Product on which there has been put a detention tag or seizure tag, or with respect to which a Notice of Seizure has been given by any member or employee of the Commission or individual authorized by the Commission to effect such seizure, without the written authority of the Commission;
- No Producer shall market or transport any Regulated Product unless the Producer is currently licensed with the Commission, except as expressly authorized by the Commission pursuant to Section 8 of Part IV of the General Order;
- No Producer shall produce or ship Regulated Product without Delivery or Production Allocation for the product in question, unless otherwise authorized by the Commission;
- No Producer or Agency shall sell or offer for sale Regulated Crops subject to Commission minimum pricing, and no person shall buy Regulated Crops subject to Commission minimum pricing at a price less than the minimum price fixed by the Commission from time to time for the variety and grade of the Regulated Product offered for sale, sold or purchased, unless authorized by the Commission.

# APPLICATION - CLASS I PRODUCER LICENCE (Storage and Processing Vegetables)

Licensing Period: May 16, 2020 - May 15, 2021

## PART X - EXEMPTIONS

**Par. 2 (1):** A Producer may sell Regulated Product (except a Regulated Product excluded from this section by resolution of the Commission) to a Consumer for use and consumption by that Consumer or by that Consumer's immediate family provided that:

(a) where the Producer is not a Producer-Shipper:

- (i) the Producer has a current and subsisting Producer's licence;
- (ii) the sale is carried out on the Producer's Farm, or at a Municipal Market situate within British Columbia, or at road-side stand owned, controlled and managed by the Producer situate within British Columbia;
- (iii) the Regulated Product meets or exceeds Canada No. 2 Grade or BC Grade No. 2;
- (iv) the Producer's privilege to sell such Regulated Product has not been withdrawn by the Commission because it has found or suspects that the Producer has abused or intends to abuse the privilege or, in the opinion of the Commission, has failed to comply with any general or specific Order of the Commission;
- (v) the sale does not contravene any of the provisions concerning Direct Manifest Sales in any general or specific Order of the Commission;  
and
- (vi) the maximum amount of all Regulated product sold to any Consumer in any one day does not exceed 300 pounds each of storage crops and 60 pounds each of greenhouse crops.

**Par. 2 (2):** The onus of establishing that a Person purchasing Regulated Product is a Consumer is on the Producer or Producer-Shipper, as the case may be.

**Par. 3:** Persons seeking an exemption under this Part must advise the Commission of any contractual relations which may be affected; unless special circumstances exist, this Part will not be applied in a manner which abrogates existing contractual relations.

**Par. 4:** A Person who purchases Regulated Product in accordance with the provisions of **Par. 2 (2)** of this Part may transport the Regulated Product so purchased from the place of purchase to his residence without obtaining a Transport Order.

**Par. 5:** A Producer may apply to the Commission for permission to sell or offer for sale the Regulated Product to a Person other than an Agency, or an exempted Person as described in **Par. 3**. If the Commission gives the Producer permission, subject to such terms and conditions as the Commission may prescribe, such Producer may sell and offer for sale or supply the Regulated Product to such Person and such Person may buy, accept and receive the Regulated Product from such Producer.

## PART XX - DIRECT MANIFEST SALES

The purpose of the Manifest Sales system is to allow Producers to supply local product directly to smaller outlets who are not customers of an Agency or any other person specified by the Commission.

- An Agency must obtain Commission approval before instituting a Manifest Sales Program;
- The Producer MUST obtain approval from their Designated Agency prior to shipping any Regulated Product to any consumer (Customer);
- The Producer shall not interfere with Agency direct sales;
- Manifest Sales are NOT to be made to Brokers, Wholesalers, Processors, Producers, Commission Salespersons, or to any other persons prohibited by the Commission;
- All sales shall be recorded on an Agency manifest or invoice with a Transport Order Number approved by the Sales Manager of that Agency;
- All sales by the Manifest Sales system shall be reported to the Agency's sales desk.

**APPLICATION - CLASS I PRODUCER LICENCE  
(Storage and Processing Vegetables)**

Licensing Period: May 16, 2020 - May 15, 2021

**PART XVII - Procedure For Determining Delivery Allocation for Storage Crops**

**Par. 10:** Unless there are special circumstances, if a Producer ceases production for **two consecutive years**, then the Commission shall rescind their Delivery Allocation.

**POLICY 12.38 - Recovery of Enforcement Surveillance and Recovery Costs**

If a Licensee is found in violation of the Commission General Order or issued Commission marketing directives, the Licensee is liable for payment to the Commission of the actual incurred surveillance, investigation costs, and time expended by Commission staff regarding the enforcement actions.

**IMPORTANT APPLICATION DEADLINES**

<b>PRODUCER LICENCE APPLICATIONS 2020/21 Crop Year</b>	<b>MAY 15, 2020</b>
<b>PRODUCER AGENCY TRANSFERS 2021/22 Crop Year</b>	<b>OCTOBER 31, 2020</b>
<b>DELIVERY ALLOCATION TRANSFERS 2021/22 Crop Year</b>	<b>MARCH 15, 2021</b>

← **Producer's Initials**

*I have thoroughly read and understand the key parts of the BCVMC General Order outlined on Pages 3 and 4 of this application that deal with general prohibitions on the movement of product and market access by producers.*

**APPLICATION - CLASS I PRODUCER LICENCE**  
**(Storage and Processing Vegetables)**

Licensing Period: May 16, 2020 - May 15, 2021

**Part III - LICENCE FEE**

LICENCE FEE:	\$	250.00
GST:		N/A
TOTAL PAYABLE:	\$	<u>250.00</u>

**\*\* Payment is required if you are growing Regulated Product for this licensing period or have been granted a freeze of your Delivery Allocation for this licensing period.**

**Part IV - DECLARATION**

I/We certify that all information given in this application is true, correct, and complete in every aspect AND agree to comply with all General Orders, Regulations and Policies of the BC Vegetable Marketing Commission.

PRINT NAME

Signature

Date

**\*\*\* CHECKLIST \*\*\***

Did you remember...?

- PART I - Production Profile? (Page 1)
- PART 1 - List of all Shareholders and/or Partners? (Page 1)
- PART I - Named an Authorized Voter? (Page 1)
- PART II - List of all Associated Farms? (Page 2)
- Reviewed Pages 3 and 4 and initial on Page 5? (not applicable if not producing Regulated Product)
- PART III - Licence Fee? (Page 6) (not applicable if not producing Regulated Product)
- PART IV - Signed Declaration? (Page 6)

Please send completed application and payment made payable to the BC Vegetable Marketing Commission to the below address. Payment may be made by CHEQUE or BANK DRAFT only. Sorry, no credit cards.

**BC VEGETABLE MARKETING COMMISSION**  
#207 - 15252 - 32nd Avenue  
Surrey, BC V3Z 0R7





DLA Piper (Canada) LLP  
Suite 2800, Park Place  
666 Burrard St  
Vancouver BC V6C 2Z7  
www.dlapiper.com

Dean Dalke  
dean.dalke@dlapiper.com  
T +1 604.643.6369  
F +1 604.605.3566

November 6, 2020

FILE NUMBER: 105718-00001

**By Email: murray@bcfresh.ca**

BC Fresh  
7330 Churchill Street  
Delta, BC  
V4K 0B4

Attention: Murray Driediger

**By Email: asolymosi@bcveg.com**

BCVMC  
#207, 15252 – 32nd Avenue  
Surrey, BC  
V3Z 0R7

Attention: Andre Solymosi

**By Email: bmeckling@cwilson.com**

Clark Wilson LLP  
885 W Georgia St #900  
Vancouver, BC  
V6C 3H1

Attention: Brent Meckling

**By Email: ria@witloof.ca  
marinus@witloof.ca**

Van Eekelen Entertainment Ltd.  
38900 No. 4 Road, RR#4  
Abbotsford, BC  
V3G 2G2

Attention: Ria van Eekelen  
Marinus van Eekelen

**Re: Bajwa Farms Ltd.**

---

We are the lawyers for Bajwa Farms Ltd. (“Bajwa Farms”). We are instructed by Nupinder Bajwa, who operates Bajwa Farms pursuant to a Court order made October 30, 2019.

We write regarding the fiduciary duties owed to Bajwa Farms by Harjeet Bajwa (“Harjeet”). Those fiduciary duties require that Harjeet act with loyalty and good faith, avoiding conflicts of interest and putting the company’s interests ahead of his own self interest.

We believe that Harjeet is in breach of the fiduciary duties he owes to Bajwa Farms. We understand that Harjeet has, *inter alia*, prevailed upon Van Eekelen Ent. Ltd. (“Van Eekelen”) to cease leasing a portion of its lands to Bajwa Farms. Van Eekelen has instead worked with Harjeet to grow crops on Van Eekelen’s lands that Bajwa Farms has traditionally grown.

Harjeet has effectively taken for himself and for Van Eekelen a corporate opportunity that in fact belongs to Bajwa Farms. This is readily apparent in that Harjeet and Van Eekelen have grown



cabbage on lands that were formerly leased to Bajwa Farms. Van Eekelen has not previously grown cabbage.

Cabbage is a regulated crop. Growers must have a quota before planting and marketing cabbage. Neither Harjeet nor Van Eekelen hold cabbage quotas. Bajwa Farms does have a cabbage quota.

The cabbage grown on the Van Eekelen lands was grown in breach of Harjeet's fiduciary duties to Bajwa Farms. Harjeet's breach of fiduciary duty is clearly demonstrated by the application he made to the British Columbia Vegetable Marketing Commission ("BCVMC") for market access for the cabbage he grew (see enclosed correspondence between BCVMC and Harjeet).

Anyone who participates in or facilitates Harjeet's breach of fiduciary duties is liable to account to Bajwa Farms for any profit earned in connection with Harjeet's breach of his duties or any damages suffered by Bajwa Farms related to Harjeet's breach of his duties. With respect to the cabbage, anyone who receives proceeds realized from the sale of the cabbage is liable to account to Bajwa Farms for those proceeds.

Proceeds earned from a breach of fiduciary duties are trust funds held for the benefit of Bajwa Farms. Having now been put on notice through this letter, anyone who pays funds earned from the cabbage crop to a person other than Bajwa Farms will be committing a breach of trust and will be liable to account to Bajwa Farms for the trust funds and any resulting losses from inappropriate disposition of those funds.

We hereby demand that any proceeds from the sale of the cabbage be paid by BC Fresh directly to Bajwa Farms. We also demand that any other person who receives funds related to the cabbage also pay those funds to Bajwa Farms.

Because we are sending this letter directly to Van Eekelen, BC Fresh and the BC Vegetable Marketing Commission, we are required to advise that we do not act for you. We urge you to obtain your own independent legal advice. If you have legal counsel, please advise and we will direct future correspondence to your counsel.

This letter addresses issues respecting the cabbage only. We believe Harjeet has committed numerous other wrongs against Bajwa Farms, and we will be addressing those additional wrongs in due course.

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

Per:

A handwritten signature in blue ink, appearing to read 'D Dalke', written over a horizontal line.

Dean Dalke

DXD  
Encls.

---

**RE: 2020-11-02 - Decision on Mr. Harjeet Bajwa's Cabbage**

---

**From :** Suzanne Babcock <suzanne@bcveg.com> Mon, Nov 02, 2020 01:47 PM  
**Subject :** RE: 2020-11-02 - Decision on Mr. Harjeet Bajwa's Cabbage 📎 2 attachments  
**To :** 'Harjeet Bajwa (bajwafarmsltd@telus.net)' <bajwafarmsltd@telus.net>  
**Cc :** Andre Solymosi <asolymosi@bcveg.com>, Murray Driediger (murray@bcfresh.ca) <murray@bcfresh.ca>

Good afternoon, Mr. Bajwa,

Per Mr. Solymosi's correspondence of today's date, I have attached a registration/licensing form to this email.

Should you have any questions with regard to the licensing application, please advise and I will be more than happy to assist.

Thank you,  
Suzanne

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**Sent:** Monday, November 2, 2020 1:26 PM  
**To:** harjeet\_bajwa@yahoo.com  
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**Subject:** 2020-11-02 - Decision on Mr. Harjeet Bajwa's Cabbage

Dear Mr. Bajwa,

The Commission (board) has reviewed your request for market access of the Green and Red cabbage you had grown this year on your own, independent of Bajwa Farms Ltd.

The decision was made that you cannot use the delivery allocation that has been earned by Bajwa Farms Ltd. unless the product is shipped through Bajwa Farms Ltd. Therefore, your crop is to be treated as if it were planted without delivery allocation.

The Commission will apply PART A of the interim administrative policy that has been established for the management of provincial delivery allocation over the 2020/21 Crop Year.

### **2020-21 Administrative Policy**

#### **Access to Market – Storage Crop Vegetables**

PART A - A Producer has planted a regulated storage crop vegetable without Delivery Allocation and wants to ship product to the retail / wholesale / food service / or processing markets.  
(see attached policy for details)

If you qualify as a producer, you will be registered as a multi-registration farm that is associated with Bajwa Farms Ltd. Though you do not fit the definition of a multi-registration farm I am proposing to track you in the database as such so we have a link between this producer license and Bajwa Farms Ltd. We will also add a note to your file referring to this decision and the specific conditions under which you can be granted access to the market.

Suzanne in our office will forward to you a producer application form. Please complete the form and return it to our office.

Thanks,  
Andre

# BCVMC

BC VEGETABLE MARKETING COMMISSION

**Andre Solymosi** | General Manager

#207, 15252 – 32nd Avenue, Surrey BC V3Z 0R7

toll free: 1.800.663.1461 | direct line: 604.542.9734 Ext.125 | fax: 604.542.9735 | cell: 604.908.9578

[asolymosi@bcveg.com](mailto:asolymosi@bcveg.com) | [bcveg.com](http://bcveg.com) | [Download vCard](#)

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# BCVMC

image001.jpg  
5 KB

BC VEGETABLE MARKETING COMMISSION

 **2020-21 Renewal Application - SC Licence (April 2020).pdf**

717 KB

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**APPLICATION - CLASS I PRODUCER LICENCE  
(Storage and Processing Vegetables)**

Licensing Period: May 16, 2020 - May 15, 2021

I AM NOT PRODUCING THIS CROP YEAR   
(please complete Part I and then skip to Part IV.)

I AM PART OF A MULTIPLE REGISTRATION FARM   
(for definition of "Multiple Registration Farm", please refer to Page 2.)

**Part I - APPLICANT INFORMATION**

<b>APPLICANT NAME:</b>	
<b>Name of Operating Company (DBA) and Farm Address:</b>	
<b>Office Telephone:</b>	<b>Mobile Number:</b>
<b>Designated Agency:</b>	<b>E-mail Address:</b>
<b>Mailing Address (include Postal Code):</b>	

2020/21 PRODUCTION PROFILE			
Regulated Crops	Production Area (acres)	Regulated Crops	Production Area (acres)

LIST OF ALL SHAREHOLDERS OR PARTNERS	

**PLEASE NOTE:** This application must be completed in its entirety. Applications with missing information are considered incomplete and will not be processed. This includes naming an Authorized Voter and signing your Declaration on Page 6. Applications and/or fees not received by the due date are considered late, your Agency will be advised and your licence status will be subject to review.

<b>AUTHORIZED VOTER - Person authorized to vote on behalf of the licensed producer</b>		
<b>PRINT Name</b>	<b>Signature</b>	<b>Date</b>

**APPLICATION - CLASS I PRODUCER LICENCE  
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<b>Farm No. 4 Operating Name (DBA):</b>
<b>Farm Address, including Postal Code:</b>
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## **APPLICATION - CLASS I PRODUCER LICENCE (Storage and Processing Vegetables)**

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- |  |  |
|--|--|
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# APPLICATION - CLASS I PRODUCER LICENCE (Storage and Processing Vegetables)

Licensing Period: May 16, 2020 - May 15, 2021

## PART X - EXEMPTIONS

**Par. 2 (1):** A Producer may sell Regulated Product (except a Regulated Product excluded from this section by resolution of the Commission) to a Consumer for use and consumption by that Consumer or by that Consumer's immediate family provided that:

(a) where the Producer is not a Producer-Shipper:

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- (ii) the sale is carried out on the Producer's Farm, or at a Municipal Market situate within British Columbia, or at road-side stand owned, controlled and managed by the Producer situate within British Columbia;
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- (v) the sale does not contravene any of the provisions concerning Direct Manifest Sales in any general or specific Order of the Commission; and
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**Par. 2 (2):** The onus of establishing that a Person purchasing Regulated Product is a Consumer is on the Producer or Producer-Shipper, as the case may be.

**Par. 3:** Persons seeking an exemption under this Part must advise the Commission of any contractual relations which may be affected; unless special circumstances exist, this Part will not be applied in a manner which abrogates existing contractual relations.

**Par. 4:** A Person who purchases Regulated Product in accordance with the provisions of **Par. 2 (2)** of this Part may transport the Regulated Product so purchased from the place of purchase to his residence without obtaining a Transport Order.

**Par. 5:** A Producer may apply to the Commission for permission to sell or offer for sale the Regulated Product to a Person other than an Agency, or an exempted Person as described in **Par. 3**. If the Commission gives the Producer permission, subject to such terms and conditions as the Commission may prescribe, such Producer may sell and offer for sale or supply the Regulated Product to such Person and such Person may buy, accept and receive the Regulated Product from such Producer.

## PART XX - DIRECT MANIFEST SALES

The purpose of the Manifest Sales system is to allow Producers to supply local product directly to smaller outlets who are not customers of an Agency or any other person specified by the Commission.

- An Agency must obtain Commission approval before instituting a Manifest Sales Program;
- The Producer MUST obtain approval from their Designated Agency prior to shipping any Regulated Product to any consumer (Customer);
- The Producer shall not interfere with Agency direct sales;
- Manifest Sales are NOT to be made to Brokers, Wholesalers, Processors, Producers, Commission Salespersons, or to any other persons prohibited by the Commission;
- All sales shall be recorded on an Agency manifest or invoice with a Transport Order Number approved by the Sales Manager of that Agency;
- All sales by the Manifest Sales system shall be reported to the Agency's sales desk.



**APPLICATION - CLASS I PRODUCER LICENCE  
(Storage and Processing Vegetables)**

Licensing Period: May 16, 2020 - May 15, 2021

**PART XVII - Procedure For Determining Delivery Allocation for Storage Crops**

**Par. 10:** Unless there are special circumstances, if a Producer ceases production for **two consecutive years**, then the Commission shall rescind their Delivery Allocation.

**POLICY 12.38 - Recovery of Enforcement Surveillance and Recovery Costs**

If a Licensee is found in violation of the Commission General Order or issued Commission marketing directives, the Licensee is liable for payment to the Commission of the actual incurred surveillance, investigation costs, and time expensed by Commission staff regarding the enforcement actions.

**IMPORTANT APPLICATION DEADLINES**

<b>PRODUCER LICENCE APPLICATIONS 2020/21 Crop Year</b>	<b>MAY 15, 2020</b>
<b>PRODUCER AGENCY TRANSFERS 2021/22 Crop Year</b>	<b>OCTOBER 31, 2020</b>
<b>DELIVERY ALLOCATION TRANSFERS 2021/22 Crop Year</b>	<b>MARCH 15, 2021</b>

← Producer's Initials

*I have thoroughly read and understand the key parts of the BCVMC General Order outlined on Pages 3 and 4 of this application that deal with general prohibitions on the movement of product and market access by producers.*

**APPLICATION - CLASS I PRODUCER LICENCE**  
**(Storage and Processing Vegetables)**

Licensing Period: May 16, 2020 - May 15, 2021

**Part III - LICENCE FEE**

<b>LICENCE FEE:</b>	<b>\$</b>	<b>250.00</b>
<b>GST:</b>		<b>N/A</b>
<b>TOTAL PAYABLE:</b>	<b>\$</b>	<b><u>250.00</u></b>

**\*\* Payment is required if you are growing Regulated Product for this licensing period or have been granted a freeze of your Delivery Allocation for this licensing period.**

**Part IV - DECLARATION**

<b>I/We certify that all information given in this application is true, correct, and complete in every aspect AND agree to comply with all General Orders, Regulations and Policies of the BC Vegetable Marketing Commission.</b>		
<b>PRINT NAME</b>	<b>Signature</b>	<b>Date</b>

**\*\*\* CHECKLIST \*\*\***

**Did you remember...?**

- PART I - Production Profile? (Page 1)**
- PART 1 - List of all Shareholders and/or Partners? (Page 1)**
- PART I - Named an Authorized Voter? (Page 1)**
- PART II - List of all Associated Farms? (Page 2)**
- Reviewed Pages 3 and 4 and initial on Page 5? (not applicable if not producing Regulated Product)**
- PART III - Licence Fee? (Page 6) (not applicable if not producing Regulated Product)**
- PART IV - Signed Declaration? (Page 6)**

**Please send completed application and payment made payable to the BC Vegetable Marketing Commission to the below address. Payment may be made by CHEQUE or BANK DRAFT only. Sorry, no credit cards.**

**BC VEGETABLE MARKETING COMMISSION**  
#207 - 15252 - 32nd Avenue  
Surrey, BC V3Z 0R7

November 9, 2020

DELIVERED BY EMAIL

Dean Dalke  
DLA Piper (Canada) LLP  
Suite 2800, Park Place  
666 Burrard St.  
Vancouver BC V6C 2Z7  
By E-mail: [dean.dalke@dlapiper.com](mailto:dean.dalke@dlapiper.com)

CC: Murray Driediger  
BC Fresh Vegetables Inc.  
By Email: [murray@bcfresh.ca](mailto:murray@bcfresh.ca)

Ria Van Eekelen, Marinus van Eekelen  
Van Eekelen Ent. Ltd.  
By Email: [ria@witloof.ca](mailto:ria@witloof.ca), [marinus@witloof.ca](mailto:marinus@witloof.ca)

Brent Meckling  
Clark Wilson LLP  
885 W Georgia St #900  
Vancouver, BC V6C 3H1  
By Email: [bmeckling@cwilson.com](mailto:bmeckling@cwilson.com)

Dear Mr. Dalke:

**RE:** Bajwa Farms Ltd.

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Thank you for your letter dated November 6, 2020.

While your letter provides notice of your client's position on this matter, it seems likely that this position would be contested by other persons. Consequently, the Commission cannot direct that proceeds from the sale of the cabbage by Harjeet Bajwa or Van Eekelen Ent. Ltd. be forwarded to Bajwa Farms Ltd. on the strength of one party's expression of its position arising in the context of a private dispute.

We encourage you to reach an agreement with all other affected parties regarding the proceeds from the sale of cabbage, or to otherwise obtain a court order with respect to same. In the absence of either, the Commission cannot intervene on behalf of one party to a private dispute.

Yours truly,



Andre Solymosi  
General Manager



**DLA Piper (Canada) LLP**  
Suite 2800, Park Place  
666 Burrard St  
Vancouver BC V6C 2Z7  
www.dlapiper.com

Dean Dalke  
dean.dalke@dlapiper.com  
**T** +1 604.643.6369  
**F** +1 604.605.3566

November 25, 2020

FILE NUMBER: 105718-00001

**VIA E-MAIL (asolymosi@bcveg.com)**

BCVMC  
#207, 15252 – 32nd Avenue  
Surrey, BC  
V3Z 0R7

**Attention: Andre Solymosi**

Dear Mr. Solymosi:

**Re: Bajwa Farms Ltd.**

---

Thank you for your letter of November 9, 2020.

Our client continues to have concerns about the actions taken by Harjeet Bajwa and Van Eekelen Enterprises Ltd. (“Van Eekelen”); their actions appear to raise issues within the jurisdiction of the British Columbia Vegetable Marketing Commission (the “Commission”).

Since writing to you on November 6, 2020, we have been advised by Harjeet Bajwa’s counsel that some of the cabbage referred to in our November 6, 2020 letter has been sold already, but that Van Eekelen “has no quota and is at ‘the end of the line’ to sell its cabbage”. At the same time, Van Eekelen’s counsel claims that Van Eekelen has “regulatory approvals to grow cabbage on its land.”

Our client’s suspicions are heightened given your November 2, 2020 email to Harjeet Bajwa that includes the following:

The Commission (board) has reviewed your request for market access of the Green and Red cabbage you had grown this year on your own, independent of Bajwa Farms Ltd.

Your November 2, 2020 email indicates that Harjeet Bajwa has grown cabbage on his own without a delivery allocation. To the best of our client’s knowledge, the only place where Harjeet Bajwa has been involved in growing activities is lands owned by Van Eekelen. This fact indicates that the cabbage grown on Van Eekelen lands is the same cabbage that was the subject of Harjeet Bajwa’s application to the Commission.

Harjeet Bajwa's application to the Commission indicates that he has grown cabbage on Van Eekelen lands without prior regulatory approvals.

Our client requests that the Commission investigate whether Harjeet Bajwa has grown and sold cabbage without regulatory approvals.

We also ask that you provide the following information:

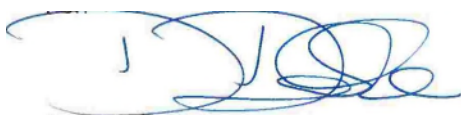
1. Does Van Eekelen have a delivery allocation for green and/or red cabbage?
2. If not, which party holds the delivery allocation for the green and/or red cabbage grown on Van Eekelen lands and sold by Van Eekelen or Harjeet Bajwa? When was such approval or delivery allocation granted?
3. Which agency does the party in question #1 or #2 (as applicable) use for the sale of the cabbage?
4. When did Van Eekelen become a grower of cabbage for BC Fresh?
5. Please provide a copy of Harjeet Bajwa's application that was the subject of your November 2, 2020 email to Harjeet Bajwa.
6. Please provide a copy of any applications submitted by Harjeet Bajwa subsequent to your November 2, 2020 email.

We anticipate that the actions of Harjeet Bajwa and Van Eekelen may be the subject of a civil claim by Bajwa Farms. Please ensure you preserve all documents related to the issues raised above so that they are available to establish our client's claims in any civil proceeding.

We thank you in advance for your cooperation. If you wish to discuss the above issues further, please do not hesitate to contact the writer.

We look forward to hearing from you.

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

A handwritten signature in blue ink, appearing to read 'D Dalke', written over a light blue horizontal line.

Dean Dalke  
DXD

December 15, 2020

**File Nos.: 8006-009**

**VIA EMAIL:** [dean.dalke@dlapiper.com](mailto:dean.dalke@dlapiper.com)

Mr. Dean Dalke  
DLA Piper (Canada) LLP  
Suite 2800, Park Place  
666 Burrard St.  
Vancouver, BC, V6C 2Z7

**Robert P. Hrabinsky**  
Direct Tel: (604) 800-8026  
Direct Fax: (604) 800-9026  
Email: [rhrabinsky@ahb-law.com](mailto:rhrabinsky@ahb-law.com)

Dear Ms. Chojnacki:

**Re: Bajwa Farms Ltd**

I am legal counsel for the British Columbia Vegetable Marketing Commission. Your letter dated November 25, 2020 addressed to Mr. Solymosi has been forwarded to me for reply.

With respect to your request for information, I am instructed as follows:

1. Van Eekelen Enterprises Ltd. ("Van Eekelen") does not have delivery allocation;
2. No person holds delivery allocation for green and/or red cabbage grown on lands owned by Van Eekelen or sold by Van Eekelen or Harjeet Bajwa. However, Van Eekelen is licensed as a producer of cabbage for the 2020/21 Crop Year and may ship as permitted under the Commission's administrative policy, "Access to Market – Storage Crop Vegetables";
3. Van Eekelen's designated agency is BCfresh;
4. Van Eekelen became licensed in November, 2020;

5. The "request" referenced in the Commission's November 2, 2020 email to Harjeet Bajwa was made by BCfresh on behalf of Mr. Bajwa by email dated September 18, 2020. A copy of that email is attached.
6. No other applications submitted have been submitted by Harjeet Bajwa subsequent to the Commission's November 2, 2020 email.

Yours truly,

**AFFLECK HRABINSKY BURGOWNE LLP**

Per:

  
**ROBERT P. HRABINSKY**

## Andre Solymosi

---

**From:** Murray Driediger <murray@bcfresh.ca>  
**Sent:** Friday, September 18, 2020 9:14 AM  
**To:** Andre Solymosi  
**Subject:** Cabbage DA

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Andre

We have a complicated situation on our hands which will require VMC direction and approval.

1. Bajwa Farms is owned by Harjeet and Nupinder Bajwa. They are involved in a messy marital dispute that is in front of the courts. It may or may not get resolved in the next 60-days. In the interim, the court gave Nupinder possession of the family home and the farm. You should also know that Nupinder is the sister of Bob Dhillon and Bob has been actively involved in this matter.
2. Bajwa Farms has cabbage DA and a Grower Marketing Agreement with BC Fresh. Nupinder has advised us that she has not grown any cabbage for us this year. The DA is not being used.
3. Harjeet Bajwa has grown green and red cabbage for storage this year. Financially, he has grown the cabbage on his own without using any equipment or finances from Bajwa Farms. He is doing it with the help of other farms who are trying to help him get on his feet again. He would like to ship the cabbage through BC Fresh. In his view, he is still an owner of Bajwa Farms and has DA. If his wife chose not to grow cabbage then he has a right to the DA but the proceeds cannot go through Bajwa Farms as they have no financial involvement in the growing of the crop.
4. I do not think there will be any agreement to transfer the DA to Harjeet absent a broader settlement with the courts as it forms part of the assets.
5. In the interim, the cabbage will soon be ready and we are prepared to market the product this fall so that is where we are at.

This is without a doubt the most unusual situation I have been involved in and not sure how to proceed. No one has done anything wrong. Harjeet is still an owner in Bajwa Farms. Bajwa Farms has cabbage DA. Nupinder has control of Bajwa Farms but did not grow any cabbage. Harjeet chose to do so on his own. I do not believe Nupinder will transfer the DA to Harjeet. Not sure if it gets any more complicated than that.

### Murray Driediger

President & CEO

P (604) 952-3233

M (604) 309-4009

E murray@bcfresh.ca | <http://bcfresh.ca/>

7330 Churchill St | Delta, BC | V4K 0B4



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