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**FARRIS**

File No: 32958-0007-0000

June 3, 2021

BY EMAIL

BC Farm Industry Review Board  
1st Floor, 780 Blanshard Street  
Victoria, BC V8W 2H1

**Attention: Wanda Gorsuch, Manager Issues and Planning**

Dear Sirs/Mesdames:

**Re: Notice of Supervisory Review - Vegetable Marketing  
Commission – Allegations of Bad Faith and Unlawful Activity  
("the Review")**

I am counsel to BC Fresh Vegetables Inc. ("BC Fresh") and write further to the above-captioned Notice of Supervisory Review and, in particular, the portion of the Notice regarding the opportunity to apply for a right to participate in the Review.

Having reviewed the Initial Terms of Reference for the Review, it is apparent that BC Fresh has a substantial interest in this Review and its rights will be affected by the Review. It is respectfully submitted BC Fresh should be granted a right to participate.

BC Fresh is the largest agency authorized by the BC Vegetable Marketing Commission ("BCVMC") to sell produce. BC Fresh's name appears a number of times in the Notice of Civil Claim filed by Prokam Enterprises Ltd. ("Prokam") in the Supreme Court of British Columbia on March 25, 2021 wherein the subject allegations are made. In the lawsuit filed by MPL British Columbia Distributors Inc. ("MPL") in the Supreme Court of British Columbia on April 23, 2021, there are, similarly, numerous references to agencies and conduct in regard to agencies which, by definition, involve the business of BC Fresh.

Mr. Peter Guichon, who is named as a defendant in both lawsuits and Mr. Cory Gerrard who is named as a defendant in the MPL lawsuit are both members of the Board of Directors of BC Fresh. The allegations include an intention to benefit associated business entities which, as BC Fresh markets produce from the farms of Mr. Guichon and Mr. Gerrard, would include BC Fresh.

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In addition, Initial Term of Reference 1(c), regarding the direction of producers to agencies, directly involves BC Fresh as BC Fresh was the agency the BCVMC directed Prokam to in its order as described in the opening paragraph of the Background section of the Notice on page 2. BC Fresh was an intervener in Prokam's appeal to FIRB (N1908) from this order.

In addition, as an agency, BC Fresh has an interest in FIRB's review relating to new agencies, in the context of Initial Term of Reference 1(a), entering into the market and the adjudication of agency licence applications.

In conclusion, BC Fresh takes the allegations that are the subject of the Review very seriously. BC Fresh has a perspective to bring and a contribution to make to this Review. Given its position as a major stakeholder in the industry, with respect, fairness requires that BC Fresh be given the opportunity to participate in the Review.

Thank you for your consideration of the above and we look forward to hearing from you on June 14, 2021. If you have any questions or require further information, please do not hesitate to contact the writer at any time.

Yours truly,

FARRIS LLP

Per:



Robert J. McDonell

RJM/ls

cc: Murray Driediger, CEO, BC Vegetables Inc.  
firb@gov.bc.ca