



BC Farm Industry Review Board

September 24, 2021

File: 44200-60\AREV

DELIVERED BY EMAIL

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Dear all:

INTERIM ORDER REGARDING AMENDING ORDER 54: VEGETABLE COMMISSION ALLEGATIONS OF BAD FAITH AND UNLAWFUL ACTIVITY REVIEW:

On September 15, 2021, I issued a decision amending my interim order of August 20, 2021 regarding the establishment of BC Vegetable Marketing Commission (Commission) panels to hear and decide any requests and applications made by Prokam Enterprises Ltd., CFP Marketing Corporation (CFP), and MPL British Columbia Distributors Inc. (MPL).

Subsequently, MPL drew to my attention the Commission's Amending Order 54, which states that applications for agency status shall be referred to a five-member panel. MPL suggested that my September 15 order be amended to clarify that requirement would be "waived".

Section 11(2) of the *Natural Products Marketing (BC) Act* gives me the power to, at any time, amend, vary or cancel an order made by the Commission. I have determined that it is appropriate for me to vary s. 2(1) of Amending Order 54 to make it inapplicable to agency applications made by CFP and MPL for the duration of this supervisory review. I make that order for the reasons set out in my August 20 decision, and as result of the fact that quorum for Commission decisions is now four members.

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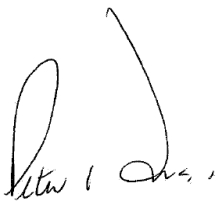
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I am therefore making the following order:

- a. Section 2(1) of the Commission's Amending Order 54 is varied such that any requirement for agency applications to be decided by a five-member panel is inapplicable to requests and applications made by CFP and MPL for the duration of this supervisory review.

I encourage the Commission to consider in the future whether amendments to s. 2(1) of Amending Order 54 are appropriate given quorum for Commission decisions will change depending on Commission composition.

Regards,

A handwritten signature in black ink, appearing to read "Peter Donkers". The signature is stylized with a large, sweeping initial "P" and a long, thin tail extending upwards and to the right.

Peter Donkers
Chair

cc: Nazeer Mitha, Q.C.
Mark Underhill
Kate Phipps
BCFIRB web site