

August 22, 2022

**File No.: 8006-029**

**VIA EMAIL: [Wanda.Gorsuch@gov.bc.ca](mailto:Wanda.Gorsuch@gov.bc.ca)**

Ms. Wanda Gorsuch  
Manager, Issues and Planning  
B.C. Farm Industry Review Board  
780 Blanshard Street  
Victoria, BC V8W 2H1

**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. Gorsuch:

**Re: Supervisory Review into Allegations of Bad Faith and Unlawful Activity**

I am writing further to Mr. Donkers' letter dated August 17, 2022 inviting submissions on the issues raised in the Commissioner's letter dated August 12, 2022.

In its May 26, 2022 Notice of Supervisory Review, the BCFIRB stated:

The purpose of the supervisory review is for BCFIRB to determine whether these allegations can be substantiated and what resulting orders or directions may be required.  
(emphasis added)

Consequently, the Commission respectfully submits that the outstanding concerns identified in the BCFIRB's July 14, 2022 decision should be addressed in the context of a continuation of the existing supervisory process, rather than in the context of a new and separate supervisory review. Not only is this consistent with the BCFIRB's stated objective of addressing "what resulting orders or directions may be required", it will mitigate the prospect that some aspects of the existing supervisory review will be "re-done" in the context of a new and separate review.

Having said that, the Commission appreciates that the terms of reference may need to be amended in order to provide clarity to the outstanding concerns that may be addressed as this review continues. Further, both Prokam and MPL should be given a fulsome opportunity to speak to the procedures to be employed in this continued phase of the review.

Yours truly,

**AFFLECK HRABINSKY BURGOYNE LLP**

Per:   
**ROBERT P. HRABINSKY**

- cc. [chunter@litigationchambers.com](mailto:chunter@litigationchambers.com)
- cc. [randrosoff@litigationchambers.com](mailto:randrosoff@litigationchambers.com)
- cc. [acalvert@litigationchambers.com](mailto:acalvert@litigationchambers.com)
- cc. [rmbasham@bashamlaw.ca](mailto:rmbasham@bashamlaw.ca)
- cc. [Emma.iring@dentons.com](mailto:Emma.iring@dentons.com)
- cc. [rhira@hirarowan.com](mailto:rhira@hirarowan.com)
- cc. [ahall@hirarowan.com](mailto:ahall@hirarowan.com)
- cc. [rnhira@hirarowan.com](mailto:rnhira@hirarowan.com)
- cc. [m nicholls@hirarowan.com](mailto:mnicholls@hirarowan.com)
- cc. [rmcdonell@farris.com](mailto:rmcdonell@farris.com)
- cc. [kmcewan@mcewanpartners.com](mailto:kmcewan@mcewanpartners.com)
- cc. [wstransky@mcewanpartners.com](mailto:wstransky@mcewanpartners.com)
- cc. [dean.dalke@dlapiper.com](mailto:dean.dalke@dlapiper.com)
- cc. [patti.allen@dlapiper.com](mailto:patti.allen@dlapiper.com)
- cc. [munderhill@arvayfinlay.ca](mailto:munderhill@arvayfinlay.ca)
- cc. [kphipps@arvayfinlay.ca](mailto:kphipps@arvayfinlay.ca)
- cc. [nmitha@mithalawgroup.ca](mailto:nmitha@mithalawgroup.ca)
- cc. [FIRB@gov.bc.ca](mailto:FIRB@gov.bc.ca)