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Our File No.: 7111-001

July 29, 2022

VIA EMAIL: Wanda.Gorsuch@gov.bc.ca

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

Attention: Wanda Gorsuch, Manager, Issues and Planning

Dear Sirs/Mesdames:

Re: Supervisory Review re Vegetable Marketing Commission Allegations of Bad Faith and Unlawful Activity

We have reviewed the July 27, 2022 submissions of Mr. Nazeer Mitha, QC ("**Hearing Counsel**"), regarding the next steps to be undertaken to determine whether or not the Complainant Participants who filed Notices of Civil Claim against Mr. Andre Solymosi and others, namely Prokam Enterprises Ltd. and MPL British Columbia Distributors Inc., were acting in bad faith in filing their respective claims.

We generally agree with Hearing Counsel's recommendations. However, we are concerned about the role of Bajwa Farms Ltd. We note that Chair Donkers found the following regarding Bajwa Farms Ltd.:

Paragraph 256: I see a number of problems with Bajwa Farms' allegations.

Paragraph 258: [...] I am satisfied on the evidence before me that Mr. Solymosi was not acting out of any animus towards Ms. Bajwa or Mr. Dhillon. In any event, the real issue for Ms. Bajwa was not that the Commission did not follow its rules, but rather that it failed to intervene on her behalf in her dispute Mr. Bajwa.

Paragraph 259: [...] It is not the Commission's place to get involved in corporate disputes about misappropriation of a corporate opportunity. Further, Mr. Solymosi had no obligation to investigate private affairs or marital disputes, and owed no private law duty to Ms. Bajwa.

Paragraph 260: Taking all of this together, there is no basis for drawing any link between the decisions taken by Mr. Solymosi and the Commission and any animus towards Mr. Dhillon or Ms. Bajwa herself. While I understand why

Ms. Bajwa may have hoped that Mr. Solymosi would reach out to her, and accept that it may have been prudent for him to do so, I cannot find the necessary evidentiary support to substantiate Bajwa Farms' very serious allegations, particularly in light of the lack of any evidence that Mr. Solymosi or the Commissioners took decisions because of a negative animus toward Prokam and Mr. Dhillon.

In the circumstances, we respectfully suggest that Hearing Counsel also consider whether Bajwa Farms Ltd. acted in bad faith.

Provided that the investigation proposed by Hearing Counsel does not result in a reopening of the Supervisory Review, we agree with the proposed next steps. However, we want to be clear that Item 1, under heading "Phase One" at page 5 of Hearing Counsel's July 27, 2022 submissions, should not result in a reopening of the Supervisory Review with further witnesses being called, cross-examination, and further submissions.

With the caveats noted above, we agree with the proposed next steps as outlined by Hearing Counsel.

Yours very truly,

HIRA ROWAN LLP

Per:



Ravi R. Hira, Q.C.

RRH/akh

cc: B.C. Farm Industry Review Board, via email: firb@gov.bc.ca
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