

October 27, 2022

Nazeer T. Mitha, QC  
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By Email (Wanda.Gorsuch@gov.bc.ca)

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Our file 1041-001

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

Attention: Wanda Gorsuch

Dear Sirs and Mesdames:

**Re: October 21, 2022 Decision**

I write this letter to seek clarification of the above-noted Decision. In Appendix A (the Amended Final Terms of Reference), clause 3 states as follows:

Prokam and MPL advancing allegations of bad faith and unlawful conduct against the Commissioners and Mr. Solymosi *for strategic or ulterior purposes* (emphasis added).

In paragraph 269 of the Decision dated July 14, 2022, Chair Donkers stated, in part:

“... the specific question of whether the allegations were advanced in *bad faith*, or for the improper purpose of exerting influence over the Commission, was never put squarely in issue in this Supervisory Review, and was not put to any of the Complainant Participants’ witnesses” (emphasis added).

From the October 21, 2022 Decision, it appears that Chair Donkers intended to amend the Final Terms of Reference to put to the Complainant Participants’ witnesses, what he stated in paragraph 269 of the July 14, 2022 Decision, namely, the question of whether their allegations were advanced in *bad faith*.

However, the Amended Final Terms of Reference do not make explicit reference to the ‘*bad faith*’ factor. Could Chair Donkers please clarify whether the phrase ‘*strategic or ulterior purposes*’ in the

Amended Final Terms of Reference includes bad faith or whether the Amended Terms of Reference should explicitly include *'bad faith'* as a factor?

Yours very truly,  
Mitha Law Group

Per:



Nazeer T. Mitha, KC \*  
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NTM/kk

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