

File: 44200-50/CMB JAYBEE
44200-50/CMB LUCK
44200-50/CMB VANCE

December 9, 1998

DELIVERED BY FAX, E-MAIL AND/OR MAIL

Mr. Bayne & Ms. Penny Vance
Vance Poultry Ltd.
29051 Haverman Road
Abbotsford, BC V4X 2P4

Mr. Anvarali A. Bandali
Jay Bee Farm Ltd.
6480 Bouchard Court
Richmond, BC V7C 5H5

Mr. Norm & Ms. Leslie Wilson
Luck of the Draw Broiler Farm
3961 Verdon Way
Abbotsford, BC V2S 7Y3

Davis and Company
Barristers & Solicitors
2800 Park Place
666 Burrard Street
Vancouver, BC V6C 2Z7
Attention: Mr. John Hunter, Q.C.

Dear Sirs/Mesdames:

**RE: APPEALS FROM THE IMPLEMENTATION OF BRITISH COLUMBIA
CHICKEN MARKETING BOARD ORDER #313**

On December 9, 1998, the Panel heard a further request for a stay, from the penalties imposed by Order #313, from Mr. Bayne Vance. Mr. and Mrs. Norm Wilson, although originally seeking this remedy were unavailable to attend the telephone conference and advised by fax that they had already made adequate submissions with respect to this issue. Mr. Bandali, who was aware of the application, did not attend and made no representations.

The Panel heard a similar application by written submission on September 24, 1998 and ruled that as there was no evidence of irreparable harm and as the hearing was to be heard in October, the balance of convenience did not favour a stay.

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This matter is now half completed and scheduled to resume in the first week of January 1999. Given that and the admission of Mr. Vance that he does not intend to grow chicken until May of 1999, the Panel is satisfied that in all circumstances a stay is inappropriate. In addition, there is nothing with respect to the particular circumstances of Luck of the Draw Broiler Farm which causes this Panel to alter its earlier decision.

Accordingly, the application for a stay of the penalty provisions of Order #313 is denied.

Dated at Victoria, British Columbia this 9th day of December, 1998.

British Columbia Marketing Board

(Original signed by):

Christine Elsaesser, Vice Chair

cc: Ms. Christine Rickson, Executive Assistant
British Columbia Chicken Marketing Board