

B. C. Vegetable Marketing Commission

THIS ORDER WAS RESCINDED UPON APPEAL
GRANTED 2015-12-18

AMENDING ORDER # 43

TO THE
THE BRITISH COLUMBIA VEGETABLE MARKETING COMMISSION
GENERAL ORDER OF MARCH 16, 2005, AS AMENDED

MADE BY THE
BRITISH COLUMBIA VEGETABLE MARKETING COMMISSION
NOVEMBER 25, 2014

The British Columbia Vegetable Marketing Commission General Order of March 16, 2005, as amended, is further amended as follows:

1. Section 5 – *Interpretation* – of Part I – *Introductory* – of the General Order is amended by adding the term ‘family member’ as provided below:

“Family Member” means the son, daughter, son-in-law, daughter-in-law or grandchildren of a licensed producer operating as a proprietorship or spousal partnership or in the instance of a partnership or corporation is the son, daughter, son-in-law, daughter-in-law or grandchild of the person who holds the majority interest or shareholder interest in the partnership or corporation
2. A new section to be numbered section 14 is to be added to Part IX – *General Prohibitions* – of the General Order as follows:
 14. Irrespective of business structure a Producer having transferred the entirety of a crop specific Delivery Allocation will not be permitted to be the transferee in a Delivery Allocation transfer application for the same crop and attendant delivery allocation periods until three successive crop years have transpired.
3. Sections 12 – 16 - Transfer of Delivery Allocations – of Part XVII –are repealed and replaced with the following:

Transfer of Delivery Allocations

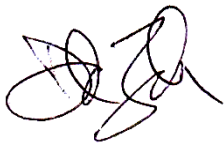
 12. Except in extenuating circumstances, transfer of a Delivery Allocation by any

Producer can only take place once a year and is subject to the following conditions:

- (a) all applications for transfer of a Delivery Allocation must be on a form prescribed by the Commission;
 - (b) all applications for transfer of Delivery Allocations must be filed with the Commission not later than December 31;
 - (c) unless otherwise specified by the Commission, all transfers of Delivery Allocation shall take effect the following crop year; and
 - (d) VMC decisions regarding Delivery Allocation transfers are to be in writing and issued to the to the transferor and the transferee(s) by March 1.
13. Only that portion of a Delivery Allocation that has been determined to be Earned Delivery Allocation will be eligible for transfer.
14. Only the entirety of the assigned Delivery Allocation for a certain regulated crop for each respective delivery allocation period is eligible for transfer. Partial transfers of Delivery Allocation will only be permitted when the transferor and transferee(s) are family members.
15. Except for extenuating circumstance any Delivery Allocation earned or acquired must be used by the licensed Producer for a minimum of two (2) consecutive years before it may be eligible for transfer.
16. Delivery Allocation periods for Storage Crops shall be as set out in Schedule VI – *Delivery Allocation Periods for Storage Crops*.
4. Other than for section 12(b) of Part XVII – *Procedure for Determining Delivery Allocation for Storage Crops* – of the General Order, which is cited above, this Order comes into effect November 25, 2014.
5. Section 12(b) Part XVII - *Procedure for Determining Delivery Allocation for Storage Crops* – of the General Order, which is cited above, is to come into effect July 1, 2015 and until that date the application deadline for 2015 – 2016 crop year delivery allocation transfer applications is February 15, 2015.

DATED at Surrey, British Columbia on November 25, 2014

BRITISH COLUMBIA VEGETABLE MARKETING COMMISSION



David Taylor, Chair



Hugh Reynolds, Secretary