

B.C. Vegetable Marketing Commission

AMENDING ORDER # 19

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

MADE BY THE BRITISH COLUMBIA VEGETABLE MARKETING COMMISSION DECEMBER 16, 2008

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

1. Section 11 of Part XVIII - Procedures for Assigning Production Allocations for Greenhouse Crops All Districts - is repealed and the following is substituted therefore:

11. Applications for new Greenhouse Vegetable Production Allocation will be processed as follows:

- (a.) Prior to starting construction of a new greenhouse facility, Producers are required to make application in writing on a form prescribed by the Commission.
- (b.) Producers will be required to demonstrate, at a minimum, the date at which they anticipate setting seed in a propagation facility and that they have a marketing plan, a production plan and financial capability to construct and operate the facility and/or increased capacity applied for.
- (c.) Upon receiving notice of conditional approval for new greenhouse vegetable Production Allocation at its discretion the Commission may require the applicant to provide performance security within 30 days of receiving such notice with the form of the security to be in the form of a cash deposit or an irrevocable letter of credit made in favour of the Commission equivalent to \$1.00 per square metre of the approved new production area.
- (d.) Failure to make the performance deposit within 30 days of receiving conditional approval will result in the Commission immediately revoking the approval.

- (e.) The Producer will keep the Commission apprised of construction progress by providing the date when footings are installed and the date when the greenhouse is scheduled to be completed.
- (f.) Should the Producer encounter delays or circumstances which may or will impact the anticipated seed setting date, the Producer will immediately provide the Commission with the revised seed setting date and the reasons for the change.
- (g.) The Producer will advise the Commission, in writing, at least 30 days in advance of seed set in the propagation house that plants are being started for the new capacity.
- (h.) The Producer will advise the Commission, in writing, confirming the date when propagated plants were placed in the new greenhouse facility.
- (i.) Upon receiving confirmation of plant set in the new greenhouse facility, the Commission will return the performance security deposit.
- (j.) Should the Producer abandon the construction of the new facility the Commission will be advised, in writing, that the project is being abandoned and the reasons for the abandonment.
- (k.) Upon abandoning the project, the Commission will cancel the conditionally approved Production Allocation and will return the performance security deposit less a 10% commitment fee.

2. Sections 15, 16 and 17 – *Suspending or Cancelling a Greenhouse Vegetable Production Allocation of Part XVIII – Procedures for Assigning Production Allocations for Greenhouse Crops All Districts are repealed and the following sections are substituted therefore:*

- 15. Subject to paragraph 16, if a person ceases greenhouse vegetable production in all or part of his Greenhouse Vegetable Production Allocation for one year, all or a portion of the Greenhouse Vegetable Production Allocation may be cancelled.
- 16. A person holding a Greenhouse Vegetable Production Allocation and not intending to produce greenhouse vegetables for one year regarding the entirety or a part of the assigned greenhouse vegetable Production Allocation may make advance application in writing for preserving the Greenhouse Vegetable Production Allocation and the Commission may approve the request.
- 17. A Person earlier approved for the preservation of assigned Greenhouse Vegetable Production Allocation as provided for in Section 16 may make advance application in writing to the Commission requesting that preservation of the Greenhouse Vegetable Production Allocation continue beyond the initial one year period and the Commission may approve such requests:

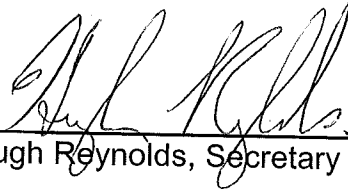
18. The Commission may cancel or suspend a Producer's Greenhouse Vegetable Production Allocation for cause if the continued use of the Greenhouse Vegetable Production Allocation puts other Producers or Producer-Shippers at material risk of injury.

DATED at Surrey, British Columbia this 16th day of December 2008

BRITISH COLUMBIA VEGETABLE MARKETING COMMISSION

Handwritten signature of George Leroux, consisting of stylized initials and the word "per" written to the right.

George Leroux, Chair

Handwritten signature of Hugh Reynolds, consisting of stylized initials and the name "Hugh Reynolds" written below.

Hugh Reynolds, Secretary