



Memo

To: Industry Stakeholders **cc:**
From: BCCMB **Date:** March 12, 2024
Re: August 26, 2011 General Orders – Amendment.

Please be advised that the following amendments have been made to the August 26, 2011 General Orders. You will find the corrected pages attached only in electronic form (except where noted). Please print and insert them into your General Orders binder and remove and discard the old pages and replace them with the new pages provided as indicated for **Part 1, Part 3, Part 6, Part 36 and Part 45**. A complete set of amended General Orders is available on the Board’s website at www.bcchicken.ca if you prefer to print a complete set.

The Board has removed the requirement that land and quota be issued 100% in the same name. The rationale is to provide flexibility to established growers (by promoting partnerships, expansion and succession planning) and to reduce barriers for entry for new growers. The changes will permit long-term leasing of barns and/or land under certain conditions.

Part 1 Definitions

The Board has clarified the definition of owner as a fee simple *interest* in the land and provided a definition for “Parcel of Land” (for which multiple growers may have a fractional fee simple interest) and a registered premises (which is narrower than a land parcel and should only relate to one specific licence/grower). The new definitions continue to exclude beneficial interests. Attached is only the newest additions to the pages of definitions, you will need to keep your original set to have a complete version or download the entire set of General Orders from the website.

Part 3 Production of Chicken

The Part has been amended to allow for 2 different chicken quota licences per parcel of land; for either owned in fee simple interest in the land or by leasehold interest. Currently this is only permitted for mainstream quota holders until such time as the Specialty Allocation system has been reviewed and revamped. Then the Part will be amended to allow Specialty Growers to also participate.

The Part also provides the requirements that you, the grower, must fulfill to allow for multiple licences on your property. The onus of risk management is between the parties.

Part 6 Licence as a Grower to Market Chicken

The Part has been amended to allow for leases of property to have a maximum 2 licences or for fractional ownership of the land allow for a maximum 2 licenced quotas per the parcel of land.

Part 36 Transfer of Quota with Registered Premises

This is the correction of a historical error – it should have said “transferor” and not “transferee”. The Part has also been changed to clarify the need for partial ownership to be in the land to be recognized to transfer quota using the new term “fee simple interest” rather than title in fee simple.

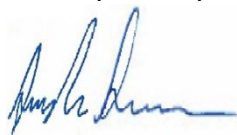
Part 45 Leasehold Agreement

The old Part prohibiting land leases (except for those grandfathered in the past) has been changed to allow leasing of land for mainstream growers only at this time. It will be up to the interested parties to obtain legal advice for a binding lease agreement which fulfills all the requirements as stated by the Board. Leases need to be registered on title (Section 5(2) of the Property Act requires lease of more than 3 years to be registered on title).

If there are multiple growers with leasehold interests in the same parcel of land, each grower requires a separate leasehold agreement filed and acknowledged by the Board. This acknowledgement must occur before the use of the lease land is permitted in the next unallocated period. The Board office will acknowledge and record the existence of the lease only. Any disagreements respecting enforcement of the lease will not be dealt with by the Board, but by the parties in a court of competent jurisdiction as required. Any failure to comply will result in immediate suspension of current and future quota allotments until such time as the lease is acknowledged by the Board.

These orders are in effect until amended or varied by further order of the Board.

Thank you for your attention to this matter.



Woody Siemens

Executive Director

BRITISH COLUMBIA CHICKEN MARKETING BOARD

(Attachments)B:\Administration\Orders\Amendments to General Orders\change to Aug 26, 2011 GO from March 2024 minutes - Land ownership.doc

(Part 1) Definitions:

“Owner” means a person who is a registered owner in fee simple of the parcel(s) of land upon which a registered premise(s) is located;

“Parcel of Land” means a property assigned with a permanent parcel identifier under s. 58 of the *Land Titles Act*;

“Registered Premises” means building(s) or portions of buildings and the lands appurtenant thereto that are registered with the Board for the production of chicken under a grower’s quota;

Part 3 Production of Chicken

- 3.1 Regulated product shall be produced with a quota or permit unless otherwise determined by the Board.
- 3.2 Only persons who hold a valid quota or permit shall produce the regulated product.
- 3.3 No grower shall produce any chicken in excess of the quota or permit allotted to the grower.
- 3.4 No grower shall produce chicken except on his registered premises.
- 3.5 The Board may, in its discretion, allow a maximum limit of two (2) different chicken quota licences in respect of the same parcel of land.
- 3.6 The Board may grant a permit to a person involved in scientific research in respect of chicken, to market chicken.
- 3.7 Quota Holders may not switch their production between classes of quota.
- 3.8 Two (2) licences in respect of the same parcel of land may be permitted where:
 - a. All growers who are licenced in respect of the same parcel of land must, in respect of that land, have either a fee simple interest, or a leasehold interest recognized under Parts 42 and/or 45;
 - b. Each building that is part of a registered premise(s) may only be registered to, and used by, one grower;
 - c. Each building that is part of a registered premise(s) cannot be shared or combined; each licence must have its own separate complete building(s) (no shared floors);
 - d. Common equipment, management and access is permitted;
 - e. Each grower must provide the following to the Board:
 - i. an annual licence application form;
 - ii. a copy of the list of shareholders (if applicable); and
 - iii. a copy of title to the land on which the registered premise(s) is located.

- f. Failure to comply with this section may result in the suspension or cancellation of quota and immediate suspension of future allotments until compliance is achieved.

Part 6 Licence as a Grower to Market Chicken

- 6.1 No person shall commence or continue to engage in the marketing of chicken except under the authority of a Board licence.
- 6.2 No licence shall be issued to any natural person under the age of 19 years or any corporation controlled by any person under the age of 19 years or to any firm, partnership or joint venture where a party thereto is under the age of 19 years.
- 6.3 No licence or quota shall be issued in respect of a registered premises to a grower who is not an owner of that registered premises, with the exception of:
- a. Permit holders under Part 50 of the orders;
 - b. Growers who qualify under Section 3.5 of Part 3 (Production of Chicken) or;
 - c. Growers who qualify under Part 42 (Leases of Quota with Registered Premises) or Part 45 (Leasehold Agreement).
amended by Board motion March 7, 2024
- 6.4 No licence shall be issued to a grower unless the grower has obtained initial certification and yearly recertification in the following programs:
- a. Chicken Farmers of Canada On Farm Food Safety Assurance Program (Safe, Safer, Safest);
 - b. Mandatory BC Bio-Security Program.
 - c. Chicken Farmers of Canada -- Animal Care Program (ACP)
amended by Board motion May 8, 2012

Part 36 Transfer of Quota with Registered Premises

36.1 Where the owner proposes to transfer a fee simple interest in the land upon which the registered premise(s) is located, and to have the quota allotted in respect of the registered premise transferred to the transferee of the registered premises, the owner and transferee may apply to the Board to cancel the quota allotted in respect of the transferor and to allot quota to the transferee by completing, signing, and delivering to the Board an application in the prescribed form. The transferee must be at least 19 years of age.

amended by Board motion March 7, 2024

- a. The registered premise must hold current OFFSP & ACP certification. If the premise(s) does not hold these designations, Board Staff will inspect the premises and report the status to the Board. This report will include a recommendation as to whether the premises meet, or upon making the required changes will be able to meet OFFSP and ACP requirements.

Amended by Board motion June 8, 2021

36.2 Where the Board is satisfied with the application, the Board will notify the transferor and transferee that it approves the transfer subject to Part 46 and receipt of:

- a. the transferor's declaration in the prescribed form;
- b. the transferor's certified cheque, bank draft or money order payable to the Board in an amount equal to the transfer assessment fee as referred to in Section 35.2;
- c. the transferee's declaration in the prescribed form; and
- d. a certified copy of proof of transfer in a form satisfactory to the Board, showing the transferee to be the owner of the premises.

36.3 Upon compliance with the above and Part 46 and Part 47, the Board will cancel the quota allotted to the transferor and allot a like amount of quota to the transferee.

36.4 Where an application for transfer is approved, the transferee shall be liable for any overmarketing of the transferor and shall receive the benefit of any undermarketing of the transferor, subject to Part 26 and Part 27.

36.5 Where an application for transfer pursuant to this Part is approved, the transferee shall assume any marketing and contractual obligations of the transferor at the time of transfer.

Part 45 Leasehold Agreement

- 45.1 Only registered growers holding mainstream quota may participate in this Part.
- 45.2 The leasehold agreement may be renewed by the agreement of the parties and the acknowledgement of the Board.
- 45.3 Long term leasing of land may be permitted at the discretion of the Board under the following conditions:
- a. A formal leasehold agreement for the registered premise(s) must be signed by the parties (the owner or lessor and lessee) and filed with the Board office;
 - b. The lease must be registered on title to the land on which the registered premises(s) is located;
 - c. The lease must be acknowledged by the Board;
 - d. The lease must be for a minimum of 5 years;
 - e. If there are two growers with leasehold interests in the same parcel of land, each grower requires a separate leasehold agreement filed and acknowledged by the Board.
 - f. Failure to comply with this section may result in suspension or cancellation of quota, immediate suspension of future allotments until compliance is achieved.
- 45.4 Renewal under this Part is permitted but only 6 months in advance of expiration date. Failure to renew in a timely manner will result in a suspension of allotment until such time as the new lease is acknowledged by the Board.