



## New Producer Program Lottery Application

**Particulars of Applicant:**

Mr.  Mrs.  Miss  Ms.

_____		_____		_____	
Last Name		First Name		Middle Name(s)	
_____		_____		_____	
House no./Street		City/Town		Province	
_____		_____		Postal Code	
_____		_____		_____	
Email		Phone		Fax	
_____		_____		_____	
Age (minimum age 19)		Citizenship		_____	
_____		_____		_____	

Region in which egg production unit will be located: \_\_\_\_\_

**ATTACHMENTS IN SUPPORT OF APPLICATION**

1. Notarized application form
2. Copy of applicant's birth certificate or other proof of age acceptable to the Board.
3. Proof of Canadian citizenship.
4. Proof of permanent residence status in the Province of British Columbia.
5. Non-refundable application fee of \$250.00, cheque payable to the BCEMB.

*I have read, understand and agree to be bound by and to comply with the terms and conditions of the New Producer Program (attached).*

Signature(s) \_\_\_\_\_  
\_\_\_\_\_

Dated \_\_\_\_\_ 20 \_\_\_\_\_

**This application form must be sworn before a commissioner for oaths or a Notary Public and delivered to:**

L.A. Larson & Associates Ltd.  
 Certified General Accountant  
 Suite A-2309 McCallum Road  
 Abbotsford, B.C. V2S 3N7  
 Telephone: 604-870-4968; Fax: 604-504-0888  
 Email: [llarson@shawbiz.ca](mailto:llarson@shawbiz.ca)

**SCHEDULE 1  
TO THE BRITISH COLUMBIA EGG MARKETING BOARD  
CONSOLIDATED ORDER**

**New Producer Program Rules**

**Application to Participate in the New Producer Program Lottery**

1. (1) The Board may from time to time declare that there is an unsatisfied demand for production, and announce on its website that a lottery will be conducted for the purpose of selecting an applicant to become an entrant in the New Producer Program. In such event, the announcement will remain on the Board's website for a period not less than 30 days before the expiry of the deadline for the submission of applications to participate in the lottery.
- (2) The Board may, in its sole discretion, restrict participation in the New Producer Program lottery to:
  - (a) applicants who have a genuine intention to be actively engaged in the production of a Specialty Egg Class;
  - (b) applicants who have a genuine intention to be actively engaged in egg production within a Region identified by the Board as warranting additional production capacity having regard to the interests of the industry as a whole; or
  - (c) applicants who have a genuine intention to be actively engaged in the production of a Specialty Egg Class within a Region identified by the Board as warranting additional production capacity having regard to the interests of the industry as a whole.
- (3) A Person may apply to participate in the New Producer Program lottery only when the Board has announced on its website that a lottery will be conducted for the purpose of selecting an applicant to become an entrant in the New Producer Program, and within the deadline for the submission of applications to participate in the lottery which shall not be less than 30 days from the date of the Board's announcement.
- (4) Applications to participate in the New Producer Program lottery are made by filing with the Board:
  - (a) an application form, obtainable from the Board, duly completed by the applicant;
  - (b) a copy of the applicant's birth certificate or other proof of age acceptable to the Board;
  - (c) proof of Canadian citizenship and proof of permanent residence status in the Province of British Columbia;
  - (d) a non-refundable application fee of \$250.00, payable to the Board by way of cheque; and
  - (e) a statutory declaration declaring that:
    - (i) the applicant understands, and agrees to be bound by and to comply with the terms and conditions of the New Entrant Program as specified herein<sup>1</sup>;
    - (ii) the applicant does not object to the publication of the applicant's identity by the Board;
    - (iii) the applicant owns, or will own prior to the commencement of egg production, an Independent Production Unit conforming to all applicable requirements under the Consolidated Order;
    - (iv) the applicant has a genuine intention to be actively engaged in the production of a Specialty Egg Class, if participation in the New Producer Program lottery has been so restricted in accordance with paragraph (2)(a);
    - (v) the applicant has a genuine intention to be actively engaged in egg production within a Region identified by the Board as warranting additional production capacity having regard to the interests of the industry as a whole, if participation in the New Producer Program lottery has been so restricted in accordance with paragraph (2)(b);
    - (vi) the applicant has a genuine intention to be actively engaged in the production of a Specialty Egg Class within the Region identified by the Board as warranting additional production capacity having regard to the interests of the industry as a whole, if participation in the New Producer Program lottery has been so restricted in accordance with paragraph (2)(c); and
    - (vii) neither the applicant, nor the Spouse of the applicant, nor any co-applicant, holds, or has held at any time, any legal or beneficial interest in quota or any similar transferable production right issued or allotted by a supply management commodity board or commission in British Columbia, including Layer Quota, whether directly or indirectly, through any organization or entity.
- (5) Spouses may submit a joint application, but no more than one application may be submitted by both Spouses, or either of them.
- (6) An applicant for the New Producer Program lottery may be a partnership in which case each partner must qualify under subsection (7).
- (7) A Person seeking to participate in the New Producer Program lottery must have the following qualifications:
  - (a) a genuine intention to be actively engaged in egg production from an Independent Production Unit conforming to all applicable requirements under the Consolidated Order that is owned by the applicant, or will be owned by the applicant prior to the commencement of egg production;
  - (b) a genuine intention to be actively engaged in the production of a Specialty Egg Class, if participation in the New Producer Program lottery has been so restricted in accordance with paragraph (2)(a);
  - (c) a genuine intention to be actively engaged in egg production within a Region identified by the Board as warranting additional production capacity having regard to the interests of the industry as a whole, if participation in the New Producer Program lottery has

---

<sup>1</sup> See also subsection 1(8), section 3, and subsection 6(1).

been so restricted in accordance with paragraph (2)(b);

- (d) a genuine intention to be actively engaged in the production of a Specialty Egg Class within the Region identified by the Board as warranting additional production capacity having regard to the interests of the industry as a whole, if participation in the New Producer Program lottery has been so restricted in accordance with paragraph (2)(c);
  - (e) be a Canadian citizen and a permanent resident in the Province of British Columbia;
  - (f) be at least 19 years of age at the time of application; and
  - (g) neither the applicant, nor the Spouse of the applicant, nor any co-applicant, may hold, or have held at any time, any legal or beneficial interest in quota or any similar transferable production right issued or allotted by a supply management commodity board or commission in British Columbia, including Layer Quota, whether directly or indirectly, through any organization or entity.
- (8) An applicant will not be eligible to participate in the New Producer Program lottery where:
- (a) the applicant is in breach of Board Orders, or applicable legislation;
  - (b) the applicant has made false statements on the application form;
  - (c) there have been changes in circumstances such that an applicant no longer qualifies to participate in the New Producer Program lottery;
  - (d) there have been changes in legislation adversely affecting the New Producer Program; or
  - (e) the applicant's cheque for the application fee is returned NSF.
- (9) Applications to participate in the New Producer Program lottery are:
- (a) non-transferable, under any circumstances; and
  - (b) not available to be pledged as security.

#### **Entry in Program**

2. (1) Where an applicant is randomly selected by the Board as a successful applicant under the New Producer Program lottery the Board will publish the successful applicant's name on the Board's website for a minimum of 30 days.
- (2) The successful applicant shall submit to the Board, within 60 days from the date of publication under subsection (1):
- (a) proof, in a form satisfactory to the Board, of the applicant's financial ability to establish an Independent Production Unit conforming to all applicable requirements under the Consolidated Order for the production of eggs;
  - (b) proof, in a form satisfactory to the Board, that the applicant has economically viable plans to sustain the production of eggs;
  - (c) proof, in a form satisfactory to the Board, that the applicant will be able to establish an Independent Production Unit conforming to all applicable requirements under the Consolidated Order for the production of eggs within a time period acceptable to the Board;
  - (d) proof, in a form satisfactory to the Board, that the applicant's Independent Production Unit will be within economic access of a Registered Grading Station Operator;
  - (e) proof, in a form acceptable to the Board, that the applicant owns, or will own prior to the commencement of egg production, an Independent Production Unit conforming to all applicable requirements under the Consolidated Order;
  - (f) proof, in a form satisfactory to the Board, that the applicant will be actively engaged in the production of a Specialty Egg Class, if participation in the New Producer Program lottery had been so restricted in accordance with paragraph (2)(a);
  - (g) proof, in a form satisfactory to the Board, that the applicant's Independent Production Unit will be situated within the Region identified by the Board as warranting additional production capacity having regard to the interests of the industry as a whole, if participation in the New Producer Program lottery had been so restricted in accordance with paragraph (2)(b);
  - (h) proof, in a form satisfactory to the Board, that the applicant will be actively engaged in the production of a Specialty Egg Class within the Region identified by the Board as warranting additional production capacity having regard to the interests of the industry as a whole, if participation in the New Producer Program lottery had been so restricted in accordance with paragraph (2)(c);
  - (i) proof, in a form satisfactory to the Board, that the applicant is or will be duly certified to produce a class of eggs recognized as a Specialty Egg Class, where the applicant intends to produce eggs of that Specialty Egg Class; and
  - (j) any other information deemed necessary by the Board.
- (3) An applicant who has complied with subsection (2) to the satisfaction of the Board will be issued 3,000 units of Layer Quota when the Independent Production Unit conforming to all applicable requirements under the Consolidated Order has been established.

### Special Restrictions on Layer Quota Issued Under the Program

3. Layer Quota issued under the New Producer Program may be held for production by the entrant only for so long as the entrant:
- (a) permits Board audits of the farm operation to ensure compliance with Board orders and all applicable legislation, including all terms and conditions of the New Producer Program;
  - (b) is in good standing with all applicable Board orders and all applicable legislation, including all terms and conditions of the New Producer Program;
  - (c) is actively engaged in egg production;
  - (d) continues to own an Independent Production Unit conforming to all applicable requirements under the Consolidated Order;
  - (e) continues to produce eggs of a Specialty Egg Class, if participation in the New Producer Program lottery had been so restricted in accordance with paragraph (2)(a);
  - (f) continues to produce eggs from an Independent Production Unit situated within the Region identified by the Board as warranting additional production capacity having regard to the interests of the industry as a whole, if participation in the New Producer Program lottery had been so restricted in accordance with paragraph (2)(b); and
  - (g) continues to produce eggs of a Specialty Egg Class from an Independent Production Unit situated within the Region identified by the Board as warranting additional production capacity having regard to the interests of the industry as a whole, if participation in the New Producer Program lottery had been so restricted in accordance with paragraph (2)(c);
- failing which the Layer Quota so allotted shall thereupon be subject to immediate cancellation on notice by the Board to the entrant.

### Purchase or Acquisition of Additional Layer Quota

4. (1) An entrant may purchase or acquire Layer Quota.
- (2) Entrants under the New Producer Program are eligible to receive general allotments of new Layer Quota arising from an increase to the Province's allocation, and are subject to general adjustments or reductions of Layer Quota, and for that purpose, such receipts, adjustments or reductions shall be calculated against the Layer Quota then allotted to the entrant.

### Determination as to Whether the Entrant is Actively Engaged in Egg Production

5. (1) The Board will determine, in its sole discretion, whether an entrant is actively engaged in egg production for the purposes of the New Producer Program. Without limiting the generality of the foregoing, the Board will have regard to the following factors:
- (a) whether the Layer Quota allotted under the New Producer Program is being used for the benefit of the entrant;
  - (b) whether the entrant is active in the day-to-day affairs of the Independent Production Unit, including matters of animal husbandry;
  - (c) whether the entrant operates and controls the Independent Production Unit;
  - (d) whether the entrant pays for feed and other farm supplies utilized on the Independent Production Unit;
  - (e) whether the entrant enjoys the chance of profit and bears the risk of loss in relation to the operations of the Independent Production Unit; and
  - (f) whether the entrant continues to retain Canadian citizenship and permanent residence status in the Province of British Columbia.
- (2) For the purpose of determining whether the entrant is actively engaged in the production of eggs, the Board shall have regard to the substance and effect of any arrangement made between the entrant and any other Person, irrespective of the form of that arrangement.
- (3) Where it appears to the Board that the entrant is primarily engaged in the business of administering Layer Quota allotted under the New Producer Program, and that some other Person is primarily engaged in the business of egg production associated with that Layer Quota, the entrant shall be deemed not to be actively engaged in egg production.

### Additional Provisions Included at the Request of the BCFIRB

6. (1) Notwithstanding, or in addition to, paragraph 1(4)(e)(i), subsection 1(8) and section 3, the statutory declaration referred to in paragraph 1(4)(e) must include a declaration that the applicant understands that all Layer Quota allotted under the New Producer Program Rules may be cancelled without compensation<sup>2</sup> if it is determined that the applicant has provided false or misleading information, or has failed to comply with the conditions or requirements of the New Producer Program Rules.<sup>3</sup>
- (2) The Transfer provisions of the Consolidated Order apply to Layer Quota allotted under the New Producer Program Rules.<sup>4</sup>

---

<sup>2</sup> Notwithstanding subsection 6(1), there is no entitlement to compensation as against the Board where Layer Quota (whether allotted under the New Producer Program Rules or otherwise) is cancelled other than in the circumstances described in that subsection.

<sup>3</sup> See also subsection 1(4)(e)(i), subsection 1(8), and section 3.

<sup>4</sup> Subsection 6(2) shall not be interpreted to mean that provisions of the Consolidated Order other than the Transfer provision do not apply to Layer Quota allotted under the New Producer Program Rules.