

**C-3**

May 26, 2023

**BY EMAIL**

**Alyssa Tomkins**  
Direct +1 613 786 0078  
Alyssa.Tomkins@gowlingwlg.com

David K. Wilson  
Conway Baxter Wilson LLP/s.r.l.  
400-411 Roosevelt Avenue  
Ottawa, ON K2A 3X9

Dear Mr. Wilson:

**Re: Simple Path Farms**  
**Market Development Final Assessment Determination for periods A-174 and A-175**

We write in relation to the levy assessed against Simple Path Farms (“SPF”) by the Chicken Farmers of Canada for the above-listed periods.

We hereby advise that SPF intends to appeal the levy.

SPF will argue that it was unable to meet its market development commitments as a result of one or more force majeure events as set out in the Force Majeure Guidelines, being Annex 1 to the CFC Market Development Policy.

In addition, SPF will also argue that the levies set out at s. 5(1) of the *Canadian Chicken Marketing Levies Order*, SOR/2002-35 are punitive, unreasonable and not rationally connected to the purpose of the CFC market development program, as established by *Canadian Chicken Marketing Quota Regulations*, SOR/2002-36 and *Canadian Chicken Licensing Regulations*, SOR/2002-22.

The levies in question are also inconsistent with and *ultra vires* s. 21 of the *Farm Products Agencies Act*, RSC 1985, c F-4, the governing statute. This inconsistency is particularly acute and evident in the times of a market shortage.

Sincerely,

Gowling WLG (Canada) LLP



Alyssa Tomkins

cc: C. Hobbs