



## PERFORMANCE INDICATORS – APPLICATION PROCESS

### BACKGROUND

On March 3, 2016, by way of Ministerial Order M072, the Minister of Agriculture (the “Minister”) prescribed performance indicators for reporting on the Agricultural Land Commission’s (the “Commission”) application process. The performance indicators provide expectations for timelines as they relate to acknowledgement of applications, notification to applicants for additional information, release of decisions, and striving to provide the majority of decisions to applicants within 60 business days.

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### LEGISLATIVE CONTEXT FOR PERFORMANCE INDICATORS

Pursuant to s. 12(2.1) of the *Agricultural Land Commission Act* (the “ALCA”), the Minister has prescribed performance indicators which the Agricultural Land Commission (the “Commission”) must report out on annually.

#### Financial and corporate matters

12(2) At the times, and in the form and manner, prescribed by regulation, the commission must submit to the minister the following:

(b) performance indicators for the preceding period.

(2.1) The minister may, by order, set performance indicators for the purpose of subsection (2) (b).

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### EFFECTIVE DATE OF PERFORMANCE INDICATORS

The performance indicators set out in Ministerial Order M072 are effective for applications received by the Commission on or after April 1, 2016.



**APPLICATION PERFORMANCE INDICATORS AND TARGETS**

In accordance with Ministerial Order No. M072, the Commission provides the following information with respect to performance indicators associated with the processing of subdivision, non-farm use, exclusion, inclusion; and transportation, recreation, and utility corridor applications.

**NOTIFICATION TO APPLICANTS**

- Notification will be considered to have been provided when the Commission sends the notification; not when the applicant or authorized agent receives the notification.
- Notification will be made by personal delivery, mail, electronic mail or fax. The Commission's preferred method of delivery will be by electronic mail.

**DEFINITIONS**

- ***Application Paused:*** The 60 business day processing period is paused when additional information is being gathered, when a site visit is to be conducted, when an exclusion meeting is required or when an applicant or authorized agent requests a pause.
- ***Application Pause Lifted:*** The 60 business day processing period resumes when requested additional information is submitted, when a site visit is concluded, when an exclusion meeting has been held or when an applicant or authorized agent requests a pause be lifted. The term "Paused" is used during the 60 business day processing period.
- ***Application Pending:*** An application is considered pending from the date the Commission notifies the applicant or authorized agent that the submission is an Incomplete Application. The term "Pending" is specific to the period of time between when the Commission considers an application to be incomplete until the time it receives the necessary documentation to complete the application.
- ***Application Received Date:*** The date on which the Commission has received both the application documentation and the application fee. In most circumstances the application fee will arrive at the Commission subsequent to its receipt of the application documentation. The latter of the two dates will represent the "Application Received Date".



- **Business Day:** Any day the Commission is normally open for business, which does not include Saturdays, Sundays or Statutory Holidays.
- **Complete Application Received:** An application is considered complete when the Commission has received all required and correct documentation.
- **Incomplete Application:** An application is considered incomplete when the Commission has not received all required or correct documentation.
- **Site Visit Planned:** If the Commission determines a site visit is needed, the 60 business day processing period is “Paused” on the date the Commission notifies the applicant or authorized agent of its intention to conduct a site visit on a specified date. The pause will be lifted the day the site visit is conducted.
- **Site Visit Report:** Following a site visit, staff will prepare a site visit report in accordance with the Commission’s *Policy Regarding Site Visits in Applications to the Agricultural Land Commission*. During the preparation of the site visit report the 60 business day processing period will continue. A draft report will be provided to the applicant or authorized agent for comment during which time the application is paused. The pause will be lifted on the day the applicant or authorized agent provides comments.

## 1. APPLICATION COMPLETENESS

### Ministerial Order Expectation (Complete Application)

*The Minister expects that the commission will, after it receives an application and payment of the prescribed fee, notify the applicant within 5 business days of receipt of the application:*

- a. *The Commission will provide written confirmation to the applicant or authorized agent that the complete application has been received within 5 business days.*

Confirmation that the application is complete simply means that the applicant or authorized agent and local government have successfully provided the required and correct information and the application fee has been received. This does not imply that the information provided is sufficient for the Commission to make a determination; additional information may be needed.



**Example**

*The application fee is received on April 8, 2016. This means that the application is considered received on April 8, 2016. The 5 business day period for the Commission to assess completeness begins on April 11, 2016 and ends on April 15, 2016.*

**APRIL 2016**

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4 Application Documents Received by Commission	5	6	7	8 Application Fee Received Application now "RECEIVED"	9
10	11 Notification Business Day 1	12 Notification Business Day 2	13 Notification Business Day 3	14 Notification Business Day 4	15 Notification Business Day 5 Acknowledge Application "COMPLETE" OR Notify Application "INCOMPLETE"	16
17	18 If Application is "COMPLETE" Begin 60 Business Day Process	19	20	21	22	23
24	25	26	27	28	29	30

**Target:** Notification provided within 5 business days for 100% of applications.

**Performance Indicator:** Percent of notifications provided within 5 business days of receipt of application.

Ministerial Order Expectation (Incomplete Application)

*The Minister expects that the commission will, after it receives an application and payment of the prescribed fee, notify the applicant within 5 business days of receipt of the application:*

- b. The Commission will provide written confirmation to the applicant or authorized agent that an incomplete application has been received. Within 5 business days the Commission will specify what additional information is required to consider the application complete.*

If during the 5 business day period for notification it is determined that incomplete documents have been submitted, or documents are missing, the Commission considers the application to be incomplete. Within 5 business days of determining that the application is incomplete, the Commission will notify the applicant, authorized agent, and/or local government that the application is incomplete. The application will be considered complete when the Commission receives the information it requires. Notification of completeness does not imply that the information provided is sufficient for the Commission to make a determination; additional information may be needed.

Examples of incomplete or incorrect information may include, but are not limited to: incorrect Certificate of Title, missing signatures on agent authorization form, missing Corporate Summary, supplementary documents referred to in the application which were not attached, and missing local government information or documents.

***Example***

***Application documents received April 4, 2016 and application fee is received on April 8, 2016. This means that the application is considered, in the first instance, as being received on April 8, 2016. The 5 business day period for notification begins on April 11, 2016 and ends on April 15, 2016.***

***Between April 11 and 15 the Commission identifies that incorrect or incomplete documents have been submitted, or documents are missing, and the applicant or authorized agent is informed accordingly on April 15. The specified information that is needed to consider the application complete is received from the applicant or authorized agent on April 21, 2016. This means that the***



*application is now considered complete on April 21, 2016. The 5 business day period for notification begins on April 22, 2016 and ends on April 28, 2016.*

APRIL 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4 Application Documents Received by Commission	5	6	7	8 Application Fee Received  Application now "RECEIVED"	9
10	11 Notification Business Day 1	12 Notification Business Day 2	13 Notification Business Day 3	14 Notification Business Day 4	15 Notification Business Day 5  Determine "INCOMPLETE"	16
17	18 Application Pending	19 Application Pending	20 Application Pending	21 Required Information Received	22 Notification Business Day 1	23
24	25 Notification Business Day 2	26 Notification Business Day 3	27 Notification Business Day 4	28 Notification Business Day 5  Acknowledge "COMPLETE"	29 Begin 60 Business Day Process  Day 1	30

**Example (Continuing with the example immediately above)**

The 60 business day application process commences on April 29, 2016. During the course of its review the Commission determines on May 6, 2016 that a site visit is needed to inspect the property under application. The applicant or authorized agent is notified accordingly on May 6, 2016 and advised that the site visit will take place on May 18, 2016. The 60 business day application process is "Paused" on May 6. The 60 business day application process resumes on May 18, 2016. On May 24, 2016 the Commission provides the applicant or authorized agent with a copy of a draft Site Visit Report and the 60 business day application process is once again "Paused". The applicant or authorized agent responds on May 26, 2016 advising that the report is



accurate. The 60 business day application process resumes on May 26, 2016. See calendar below.

May 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2 60 Business Day Process DAY 2	3 60 Business Day Process DAY 3	4 60 Business Day Process DAY 4	5 60 Business Day Process DAY 5	6 Notification of Site Visit on May 18 Application Paused	7
8	9 Application Paused	10 Application Paused	11 Application Paused	12 Application Paused	13 Application Paused	14
15	16 Application Paused	17 Application Paused	18 Site Visit Conducted 60 Business Day Process Resumes DAY 6	19 60 Business Day Process Resumes DAY 7	20 60 Business Day Process DAY 8	21
22	23 Victoria Day)	24 Draft Site Visit Report provided to Applicant Application Paused	25 Application Paused	26 Applicant advises report is accurate 60 Business Day Process Resumes DAY 9	27 60 Business Day Process DAY 10	28
29	30 60 Business Day Process DAY 11	31 60 Business Day Process DAY 12				

**Target:** Notification provided within 5 business days for 100% of applications.

**Performance Indicator:** Percent of notifications provided within 5 business days of receipt of application.

## 2. ADDITIONAL INFORMATION REQUIRED TO REVIEW APPLICATION

### Ministerial Order Expectation

*If at any point during the review of the application the commission finds that additional information is required before a decision can be made, the Minister expects that the commission will notify the applicant as soon as practicable, to request submission of the required information or for the commission to conduct a site visit, and in any event, no more than 5 business days after the need for more information is identified by the commission.*

### **Commission Meetings, Site Visits and Requests for Additional Information**

The Commission may need to arrange for or request the following:

#### I. Applicant Meeting

Scheduling the time and place for a meeting for an exclusion application as required by s. 22(1) of BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation).

#### II. Additional Information:

The Commission may request the submission of additional documentation which the Commission considers necessary to gain a full understanding of the proposal so that it will be able to assess the proposal in accordance with s. 6 and s. 4.3 of the *Agricultural Land Commission Act* (See Below). The Commission's request for additional documentation may be made to the applicant, authorized agent, neighbouring ALR landowners that may be impacted by the proposal, local government, provincial ministries, qualified professionals, or any other person considered appropriate given the specific circumstances of the application.

The time period between the request for additional documentation and the provision of the documentation is not included in the calculation of the 60 business days for processing an application. In other words, if the Commission determines that additional documentation is needed, and informs the applicant or authorized agent accordingly, the



business days that elapse during this period do not count towards the 60 business days to process the application. The count of business days to process an application will resume following the Commission's receipt of the specified additional documentation and confirmation that it meets the request for additional information.

III. Site Visit

The Commission may determine that a site visit is needed and will notify, schedule and conduct a site visit of the land under application. From the time the Commission notifies the applicant or authorized agent of its intent to conduct a site visit, until the site visit is completed, the business days that elapse during this period do not count towards the 60 business days to process the application.

***Applicant or Authorized Agent may ask the Commission to Pause Processing the Application***

The Commission will grant all requests from an applicant or authorized agent to pause the 60 business day application process. For example, an applicant or authorized agent may not be available to participate at a site visit or in a meeting regarding an exclusion application as prescribed in s. 22(1) of BC Regulation 171/2002 (Agricultural land Commission Act Use, Subdivision and Procedure Regulation), or inclement weather may not be conducive to conducting a site visit, etc. The 60 business day process will resume when mutually agreed to by the Commission and an applicant or authorized agent.

**Target:** Notification provided within 5 business days for 90% of applications requiring additional information.

**Performance Indicator:** Percent of notifications provided within 5 business days.

3. DECISION

Ministerial Order Expectation

*The Minister expects that each applicant will be notified of the commission's decision within 5 business days of the decision being made.*

Upon review of the application, the Commissioners or CEO may direct staff to prepare a draft *Reasons for Decision*. The Commission will release the *Reasons for Decision* to the applicant or authorized agent when staff have been instructed to do so by the decision maker (Regional Panel, Executive Committee or CEO).

**Target:** Notification provided within 5 business days for 100% of applications.

**Performance Indicator:** Percent of notifications provided within 5 business days.

#### 4. IMPROVING APPLICATION REVIEW (APPLICATIONS COMPLETED WITHIN REVIEW PERIOD)

##### Ministerial Order Expectation

*The Minister expects that a final decision on each application by the commission will be made within 60 business days, commencing with receipt by the commission of the completed application. The 60 business day period does not include time elapsed while applicants gather and submit information required to complete the application.*

A final decision on each application by the Commission will be made within 60 business days, commencing with the Commission's receipt of a complete application. The 60 business day period does not include:

- time elapsed while the applicant, authorized agent, neighbouring ALR landowners that may be impacted by the proposal, local government, provincial ministries, qualified professionals, or any other person considered appropriate given the specific circumstances of the application gather and submit information required by the Commission;
- time elapsed to conduct a site visit;
- time elapsed for the Commission to convene an exclusion meeting as prescribed in BC Regulation 171/2002; or
- any request by the applicant or authorized agent to pause the Commission's consideration of the application.



**Target:** Review of application completed and decision made within 60 business days for 90% of completed applications.

**Performance Indicator:** Percent of application reviews completed and decisions made within 60 business days.

**END**