



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

September 11, 2009

Reply to the attention of Ron Wallace
ALC File #O-38657

Brian G. Hart & Co.
4375 West River Road
Delta, BC
V4K 1R9

Dear Sir:

Re: Request for Reconsideration

This is further to your letter of July 7, 2009 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #36/2009.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 683/2009 outlining its latest decision. As agent, it is your responsibility to notify your client(s) accordingly.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a light blue horizontal line.

Erik Karlsen, Chair

cc: The Corporation of Delta (LU005529)

Enclosure: Minutes/Sketch Plan



A meeting was held by the Provincial Agricultural Land Commission on July 30, 2009 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT:	Erik Karlsen	Chair of the Commission
	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Tony Pellett	Staff

For Consideration

A letter from Brian G. Hart was received requesting that the Commission reconsider its decision recorded as Resolution #36/2009. It indicated that the Commission’s approval fails to satisfy the applicant’s reasons for making the proposal; and more importantly fails to meet Delta’s Zoning Bylaw and Council’s clearly stated Policy with respect to farmland. It is the applicant’s request that original lot line adjustment be reconsidered.

Application:	# O-38657
Applicant:	Shirvan Bakhtiyari
Agent:	Brian G. Hart
Original proposal:	To adjust the boundary between a 15.2 ha and a 47.5 ha parcel to create a 47.5 ha and a 15.2 ha parcel.
Original decision:	The application for a boundary line adjustment, as amended to create a parcel of approximately 1.6 ha adjacent to 64 th Street and a second parcel of approximately 61.1 ha, be allowed.
Current proposal:	To request the original proposal as noted above.
Legal:	Parcel 99, Plan LMP 45178 and Lot 5, Plan 857
Location:	6020 – 28 th Avenue and 2605 – 64 th Street, Delta

Context

The proposal was considered under Section 33 of the Agricultural Land Commission Act (the “Act”) which states:

- S33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that
- (a) evidence not available at the time of the original decision has become available,
 - (b) all or part of the original decision was based on evidence that was in error or was false, or
 - (c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.

The Commission believed that the applicant had provided evidence that was not available at the time of the original decision and so reconsidered the application.

Discussion

The Commission reviewed the letter dated July 7, 2009 from Brian G. Hart. The Commission recognizes that its original decision fails to satisfy the applicant's reasons for making the application and fails to meet Delta's Zoning Bylaw and Council's stated Policy with respect to farmland. The Commission believes the proposed lot line adjustment will have no negative impacts to agriculture.

IT WAS

MOVED BY: Commissioner Tomlinson

SECONDED BY: Commissioner Bose

THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the request for a boundary line adjustment as proposed be approved.

AND THAT the approval is subject to the following conditions:

- The subdivision be in substantial compliance with the attached plan.
- The subdivision must be completed within three (3) years from the date of the decision.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

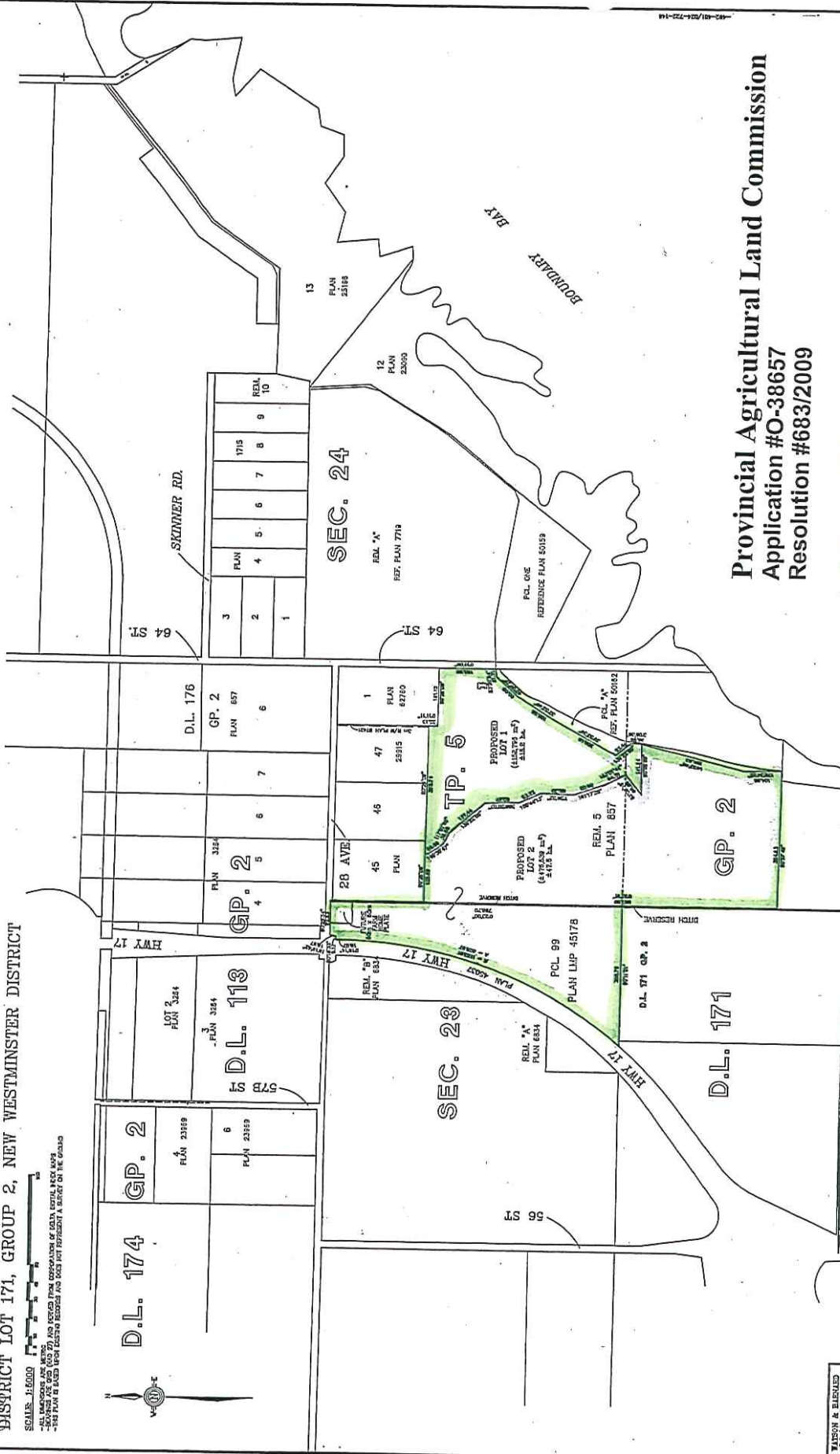
Resolution #683/2009

RECEIVED
NOV 17 2008

PLAN SHOWING PROPOSED SUBDIVISION OF
 GP PARCEL 99, PLAN LMP 45178; AND
 LOT 5 EXCEPT.

FIRSTLY: PART SUBDIVIDED BY PLAN 29915;
 SECONDLY: PARCEL "A" (REFERENCE PLAN 50162);
 THIRDLY: PART ON PLAN 62780;
 SECTION 23, TOWNSHIP 5, AND
 DISTRICT LOT 171, GROUP 2, NEW WESTMINSTER DISTRICT

SCALE: 1:5000
 -THIS PLAN IS BASED UPON EXISTING RECORDS AND DOES NOT REPRESENT A SURVEY OF THE LANDS
 -NO WARRANTY IS MADE BY THE REGISTRAR OF LANDS AS TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN
 -THIS PLAN IS VALID UNLESS REVOKED OR SET ASIDE BY THE COURT



Provincial Agricultural Land Commission
 Application #O-38657
 Resolution #683/2009

Approved for subdivision in the ALR



WATSON & BURNETT
 400 WEST 10TH STREET
 CALGARY, ALBERTA T2P 1K9
 TEL: 403-243-1111 FAX: 403-243-1112

THIS PLAN LIES WITHIN THE PUBLIC VOUCHER IS
 A REQUIREMENT OF SECTION 10(1) OF THE
 LAND SURVEY ACT