



Agricultural Land Commission
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April 19, 2010

Reply to the attention of Brandy Ridout
ALC File G-38003

Robert Verkerk
4232 Spiers Road
Kelowna, BC V1W 4E3

Dear Mr. Verkerk:

Re: Request for Reconsideration

This is further to your letter of December 3, 2009 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #216/2008.

The Commission has reconsidered the matter and has attached the Minutes of Resolution #2412/2010 outlining its latest decision. As your mother's representative, it is your responsibility to notify her accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:



Erik Karlsen, Chair

Enclosure: Minutes

BR/
38003d2

- Gerald Zimmermann Commissioner
- Brandy Ridout Staff
- Martin Collins Staff
- Johanna Verkerk Applicant
- David Taylor Agent

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 noted the information provided that if a fence were built along the boundary between the driveway and the orchard at the northern end of the east boundary, approximately 100 trees would have to be removed to allow enough room between the remaining apple trees and fence to allow proper movement of the tractor and equipment through the orchard. As the Commission did not believe that removing trees to allow for the construction of a fence was in the best interest of agriculture, it agreed to remove the fencing condition of approval.

IT WAS

MOVED BY: Commissioner Mayer
SECONDED BY: Commissioner Zimmermann

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 to remove the fencing condition be approved.

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 #2412/2010