



Agricultural Land Commission
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August 19, 2011

Reply to the attention of Eamonn Watson
ALC File: 52134

Daniel Dussault and Mary Du Sault
12283 – 244th Street
Maple Ridge, BC
V4R 1K9

Dear Danial Dussault and Mary Du Sault:

Re: Request for reconsideration of the non-farm use application, 12283 – 244 Street

Please find attached the Minutes of Resolution # **307/2011** outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to be 'Brian Underhill', written over a long horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: District of Maple Ridge (AL/094/10)

EW/52134d2



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 28th, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Roger Mayer	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Eamonn Watson	Land Use Planner
Shaundehl Runka	Policy Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

APPLICATION ID: # 52134

PROPOSAL: To use an existing small dwelling as a second dwelling for a family member in lieu of a mobile home.
(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Owner: Joseph Pierre Dussault and Mary Angeline Du Sault (As Joint Tenants)
Date of Acquisition: May 10, 2010
Parcel ID: 011-037-717
Title No. CA1555605
Legal Description: Lot 10, Section 22, Township 12, New Westminster District, Plan 3118
Civic Address: 12283 – 244 Street, Maple Ridge
Size: 3.9 ha
Area in ALR: 3.9 ha
Current Land Use: Two dwellings and a shed.
Farm Classification: No
(BC Assessment)

COMMISSION CONSIDERATION:

Background

On March 10th, 2011, the Commission considered a non-farm use application received from Daniel Dussault and Mary Du Sault on January 26th, 2011. The applicants were requesting the Commission's approval to use an existing second dwelling on the property for a family member in lieu of a manufactured home.

Along with the application was a letter from the applicants dated October 4th, 2010. This letter explained the applicants' situation and request to the Commission.

By Resolution # 135/2011 the Commission refused to allow the use of the second dwelling on the subject property.

On May 11th, 2011, the Commission received a letter from Daniel Dussault and Mary Du Sault. This letter further explained the history of the two dwellings on the subject property and requested that the Commission reconsidered the previous decision. In addition to the history, the applicants also provided the size of the second dwelling, which is consistent with the footprint regulations related to manufactured homes in Section 3(b)(ii) of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (the "Regulation"). Along with their letter, the applicants provided their BC Assessment application for Farm Classification.

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as: (1) to preserve agricultural land; (2) to encourage farming on agricultural land in collaboration with other communities of interest; and (3) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Reconsideration

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.

Discussion

The Commission considered the following:

- The second dwelling already exists and is consistent with the size of a manufactured home permitted under Section 3(b)(ii) of the Regulation.

- The incorrect information provided to the applicants by the District of Maple Ridge concerning the dwellings on the subject property.
- The applicants have demonstrated their intent to farm the property by applying to BC Assessment for Farm Classification.
- The applicants are willing to enter into a covenant with the Commission to ensure the second dwelling is used by a family member.

Conclusions

1. That the second dwelling on the subject property is consistent with the spirit and intent of the Regulation; and
2. With appropriate conditions and a covenant the second dwelling will not negatively impact agriculture.

CONCLUSIONS:

IT WAS

MOVED BY: Commissioner Bert Miles
SECONDED BY: Commissioner Roger Mayer

THAT the application be approved.

AND THAT the approval is subject to the following conditions:

- The second dwelling can only be used by a member of the owners' immediate family, defined in BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*) as "with respect to an owner, the owner's (a) parent, grandparent and great grandparents, (b) spouse, parents of spouse and stepparents of spouse, (c) brother and sisters, and (d) children or stepchildren, grandchildren and great grandchildren";
- No expansion of the second dwelling, including vertical expansion (i.e. adding another floor);
- BC Assessment Farm Classification must be attained within 3 years of this decision;
- No further permanent or temporary dwellings constructed, built or placed on the subject property;
- The registering of a covenant in favour of the Commission to restrict the use of the second dwelling to only a member of the owners' immediate family; and requiring the second dwelling to be rendered uninhabitable should the property be sold or the second dwelling no longer be used by a member of the owners' immediate family; and
- The approval for a second dwelling is granted for the sole benefit of the applicant and is non-transferable.

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 # 307/2011