



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

December 14, 2012

ALC File: #52292

Norm-Ron Construction
5880 – 268th Street
Aldergrove, BC
V4W 1V6

Dear Mr. Ron Zaruk:

Re: Reconsideration Request – ALC Resolution #491/2011

Please find attached the response of the Agricultural Land Commission with respect to your request for reconsideration. As agent, it is your responsibility to notify your clients accordingly.

Further correspondence with respect to this application is to be directed to Eamonn Watson (Eamonn.Watson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, consisting of a stylized 'B' followed by a long horizontal line that extends across the page.

Brian Underhill, Executive Director

Enclosure: Response to Request

cc: Township of Langley (SO000669)

52292d2



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 21, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to the Request for Reconsideration of Application #52292.

COMMISSION MEMBERS PRESENT:

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

COMMISSION STAFF PRESENT:

Eamonn Watson	Land Use Planner
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REQUEST FOR RECONSIDERATION

The Commission received correspondence dated October 25, 2012 requesting reconsideration of its decision recorded as Resolution #491/2011, by which, the proposal to place fill was refused.

Owner: Paul Louis Caravetta, Ben-Sion Bezalel and Darlene Gay Bezalel
Agent: Ron Zaruk, Norm-Ron Construction Ltd.

Original Proposal: The applicants proposed to place approximately 14,200 cubic metres of fill on the two adjacent subject properties. The placement of fill was intended to improve the land for pasture.
(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

Legal:

Property 1

PID: 005-588-162

Lot 30, Section 23, Township 11, New Westminster District, Plan 57333
25528 – 73rd Avenue, Langley

Property 2

PID: 000-643-122

Lot 19, Section 23, Township 11, New Westminster District, Plan 43475
25476 – 73rd Avenue, Langley

Original Decision: THAT the application to deposit soil be refused for the following reasons:

- The land under application is suitable for agricultural use;
- The proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land; and,
- Although the *Soils and Agricultural Assessment* addresses some deficiencies to agricultural capability of the subject properties, soil deposition should not be a primary method to resolve these issues.

Current Request: The Commission received a letter dated October 25, 2012 from Ron Zaruk requesting the Commission reconsider Resolution #491/2011, the letter specifically stated:

"Please reconsider our application ALC 52292. There is [no] way you can do anything with this land unless it is raised, EvEco Consultant's file."

LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION

Section 33(1) of the *Agricultural Land Commission Act* provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

33(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.

DECISION REGARDING THE REQUEST FOR RECONSIDERATION

The Commission does not believe the applicant has provided evidence that was not available at the time of the previous decision or demonstrated that all or part of the original decision was based on evidence that was in error or was false.

The Commission considered the *Soils and Agricultural Assessment* prepared by EvEco Consultants Ltd. dated July 6, 2012. This information was considered by the Commission prior to it rendering its decision recorded as Resolution #491/2011.

Conclusion:

The Commission decided not to reconsider Resolution #491/2011.

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