



Agricultural Land Commission
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April 5, 2013

ALC File: #52991

Torchbearers Capenwray Canada Society
299 Foster Point Road
PO Box 1-10
Thetis Island, BC
V0R 2Y0

Attention: Doug Snyder

Dear Mr. Snyder:

Re: Application for Non-Farm Use of Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #64/2013 as it relates to the above noted application.

Further correspondence with respect to this application should be directed to Liz Sutton.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #64/2013

cc: Islands Trust (File:TH-ALR-2012.1 (Torchbearers Capenwray Canada Society)
700 North Road, Gabriola Island BC, V0R 1X3

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 21, 2013 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 #52991.

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:

Liz Sutton	Land Use Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

REQUEST FOR RECONSIDERATION

The Commission received a letter dated March 20, 2013 requesting reconsideration of its decision recorded as Resolution #22/2013.

Owner: Torchbearers Capernwray Canada Society (Inc. No. 42645)

Original Proposal:

1. To allow renovations of the existing Capernwray Harbour Bible Center; and
2. To construct four new dwellings for staff and guests.
(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

Original Decision: The request to upgrade or replace Capernwray Harbour Bible Center facilities in Areas 1 – 4 and to construct new facilities including four new dwellings in Area 5 was approved subject to the following conditions:

1. The applicant submitting within six (6) months from the date of this decision, an inclusion application for the non-ALR grazing area; and
2. Construction within Area 5 may not commence until the inclusion application has been forwarded by the Islands Trust and received by the Commission.

Current Request: To remove the requirement to include land into the ALR.

Legal: PID: 002-734-150
Lot 4, Thetis Island, Cowichan District, Except Parcel A (DD 77453I) and That Part in Red on DD 64490I and Except Those Parts in Plans 5745, 6149, 6150, 32591, 1233RW, 3593RW, VIP68699 and VIP75292

Location: Thetis Island

LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION

Section 33 (Reconsideration of decisions) of the *Agricultural Land Commission Act* states:

- 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.
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DECISION REGARDING THE REQUEST FOR RECONSIDERATION

The Commission believes that the applicant has provided evidence that was not available at the time of the previous decision. The applicant advised that while the use of the proposed inclusion area is currently used for grazing young cattle, it is essentially a septic field used for the camp which is not suitable for agriculture aside from the occasional grazing.

It was moved by Commissioner Pranger and seconded by Commissioner Dyson that there were no persons affected by the reconsideration and that the Commission reconsider Resolution #22/2013. The motion was carried unanimously.

COMMISSION CONSIDERATION

The proposed area for inclusion is a septic field which may be required to be upgraded or replaced in the future.

Conclusion:

The condition of inclusion is unnecessary.

IT WAS

MOVED BY: Commissioner Dyson
SECONDED BY: Commissioner Dowswell

THAT the request for removal of the condition to include land be approved.

CARRIED

Resolution #64/2013