



**Agricultural Land Commission**  
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April 5, 2013

ALC File: #53046

Inder Bir Hundle  
6393 Patricia Bay Hwy  
Victoria, BC V8Y 1T7

Re: **Application for an Additional Residential Accommodation in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution #69/2013 as it relates to the above noted application

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which 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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #69/2013

cc: District of Central Saanich

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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 Application #53046.

### 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

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**PROPOSAL:** To legalize the existing garage suite.  
(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

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### PROPERTY INFORMATION:

**Owner:** Inder Hundle

**Legal:** PID: 023-458-151  
Lot A, Section 16, Range 4, East, South Saanich District, Plan VIP63540, Except Plan VIP65747

**Location:** Central Saanich

**Size:** 4.1 ha

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### LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
  - (a) to preserve agricultural land;
  - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and

- (c) 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.

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## COMMISSION CONSIDERATION

The Commission reviewed one previous application involving the subject property.

Application #32610 (Hundle, 1999) The applicant requested permission to retain the use of a "heritage house" as a second residence. One of the applicant's sons would live in the heritage house, help with the farm operation and help attend to his brother who is confined to a wheel chair. The application was allowed provided the applicant obtained heritage status for the identified home. The Commission felt the second residence would not impact the agricultural potential of the property as it was located next to the highway and access was via a shared driveway to the new house. Resolution #378/99

**Note:** At the time of application #32610, structures on the property consisted of a heritage house, a new house, and a garage with a studio. The District of Central Saanich noted in their November 2, 2012 report that in 1999 a "studio" above the garage with no cooking facilities was approved. The studio was not to be lived in, and as such the "suite" was never approved. The heritage house has been removed since the time of application #32610.

After considering the information the Commission concluded as follows:

1. There are currently three dwellings on the subject property including the garage suite occupied by the applicant, the main house occupied by the applicant's family, and a suite within the main house that is occupied by unrelated tenants.

**Conclusion:**

The Agricultural Land Reserve Use, Subdivision and Procedure Regulation permits a secondary suite within a single family dwelling for use by an immediate family member. The house suite is not presently used by a family member, and as such is not compliant with the regulation.

2. In 1999, the District of Central Saanich issued a permit for a garage studio without cooking facilities and was not to be lived in as a dwelling unit. As such, the garage suite was built without permission from the District of Central Saanich and the ALC.

**Conclusion:**

This residential use of the garage suite is not compliant with ALC regulations.

3. Aside from the permitted residential accommodations provide for in the regulation for a family member (i.e. secondary suite in a house or a manufactured home), the Commission believes that any additional dwellings must be commensurate with the level of agricultural activity being conducted on the property. The Commission does not believe the present level of agricultural activity on the property (20 fruit trees and 3.6 ha of hay) is sufficient to warrant an additional dwelling for farm help.

**Conclusion 3:**

The garage suite is not necessary for farm help.

**IT WAS**

**MOVED BY: Commissioner Dyson**

**SECONDED BY: Commissioner Pranger**

THAT the request to legalize the existing residential suite in the garage be refused.

**CARRIED**

**Resolution #69/2013**