



**Agricultural Land Commission**  
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March 18, 2014

ALC File: #53351

Ted and Isabelle Malyk  
1355 Hodges Road  
Parksville BC, V9P 2B5

Dear Mr. and Mrs. Malyk:

**Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution #436/2013 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: 

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #436/2013

cc: Regional District of Nanaimo (File: PL2013-061)

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 28, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53351.

### COMMISSION MEMBERS PRESENT:

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

### COMMISSION STAFF PRESENT:

Liz Sutton	Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

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**PROPOSAL** (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

To subdivide 6 ha south of Hodges Road from the 27.6 ha parcel for a family member.

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### PROPERTY INFORMATION:

**Owner:** Teddy and Isabelle Malyk

**Legal:** PID: 009-355-847  
The South ½ of District Lot 83, Nanoose District, Except Amended Parcel “B” (DD 14401N) and Except the Right of Way of the Esquimalt and Nanaimo Railway Company Shown Colored Red on Plan Deposited in DD 9088F and Except That Part in Plan 13475

**Location:** Parksville

**Size:** 27.6 ha

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### SITE INSPECTION

A site inspection of the subject property was conducted on November 12, 2013. Those in attendance included Commissioners Bullock and Dyson, ALC Planner Liz Sutton and Ted and Isabelle Malyk.

The applicants and ALC representatives toured the proposed 6 ha lot south of Hodges Road. Mr. Malyk explained that the proposed lot south of the road had previously been a poplar farm



and that the land had been left in poor condition after having much of the organic material removed. Mr. Malyk further explained that he has been working to de-stump the property, and has rolled and leveled much of the area. North of the road, the applicants would like to eventually have hay and cattle.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. Commissioner Dyson gave a verbal summary of the site inspection to all Commission members recorded above.

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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

After considering the information the Commission concluded as follows:

1. In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI) system.

The improved agricultural capability ratings identified on Canadian Land Inventory (CLI) map sheet 92F/08 for the subject property are approximately 10% (70% Class 3M and 30% Class 4P) and 90% (60% Class 4P and 40% Class 3M).

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

The limiting subclasses associated with this parcel of land are M (moisture deficiency), P (stoniness).

#### **Conclusion:**

The Commission recognizes that the portion of the property south of Hodges Road has been compromised due to the stripping of top soil and piling of stumps associated with the previous poplar farm. The Commission commends the applicants for their efforts to

remediate the southern portion of the property as those efforts may serve to improve the agricultural capability.

2. The Commission also considered whether or not Hodges Road was an impediment to farming the parcel as a cohesive unit.

**Conclusion:**

The Commission did not consider the road to be an impediment to farming.

**IT WAS**

**MOVED BY:            Commissioner Pranger**

**SECONDED BY:        Commissioner Miles**

THAT the proposal to subdivide refused.

**CARRIED**

**Resolution #436/2013**