



Agricultural Land Commission
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June 23, 2016

ALC File: #53789

Your File: #25299

Davis Avis McEwen
Barristers & Solicitors
201 – 156 Morrison Ave
Parksville, BC V9P 2H5

Dear Mr. Avis:

Re: Reconsideration Request – ALC Resolution #104/2015

A meeting of the Executive Committee of the Agricultural Land Commission (“the Executive Committee”) was held on May 24, 2016 as it relates to the Request for Reconsideration of Application #53789 (Vogel). All members of the Executive Committee were in attendance.

The Executive Committee received correspondence dated April 28, 2016 requesting reconsideration of Resolution #104/2015 (the “Original Decision”), by which, the proposal to to subdivide the property along French Creek to create one 0.6 ha parcel and one 3.8 ha parcel was refused. You have now provided additional professional reports to support the application for subdivision.

The Executive Committee considered the Request for Reconsideration pursuant to s. 33(1) of the *Agricultural Land Commission Act* (the “ALCA”) 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.

After reviewing the file material and the Request for Reconsideration, the Executive Committee determined that the submission would constitute evidence that was not available at the time of the Original Decision and the information may have been germane to the review of the application by the Island Regional Panel. The Executive Committee concluded that the Request for Reconsideration meets the requirements for reconsideration pursuant to s. 33(1) of the ALCA and the request is therefore granted.

Section 33(2) of the Agricultural Land Commission Act, provides for the Commission to identify and notify any person(s) that may be affected by reconsideration of Resolution #104/2015.

33(2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.

Pursuant to s. 33(2) of the *ALCA*, the Executive Committee did not consider that there were any persons affected by the reconsideration.

In accordance with s. 11.1(3) of the *ALCA*, the Chair of the Commission has referred the reconsideration of the Decision to the Island Regional Panel.

As agent, it is your responsibility to notify your client(s) accordingly.

Further correspondence with respect to this application is to be directed to Liz Sutton at Elizabeth.Sutton@gov.bc.ca

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Director of Policy and Planning

cc: Regional District of Nanaimo (File: PL2014-051)

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