



**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

November 17, 2005

Reply to the attention of Gordon Bednard

Evalds and Skaidrite Bandeniaks  
Lidumi Farms Ltd  
2825 - 256th Street  
Langley, BC - V4W1Y3

Dear Sir and Madam:

**Re: Application # O-34223**  
**Lot 2, Section 23, Township 10, New Westminster District, Plan LMP18556**

Further to correspondence from Robin Barteluk and Art Bandeniaks dated October 4, 2005, the Commission, acting under section 33 of the *Agricultural Land Commission Act*, has reconsidered the above noted application.

The Commission, by Resolution # 607/2005, has approved an increase in the size of the approved homesite lot to 1.2 ha subject to the conditions as outlined in the Commission's letter of November 15, 2005 (copy attached).

This approval is granted provided that your revised subdivision plan is in substantial compliance with the plan attached hereto.

The land referred to in the application continues to be subject to the provisions of the Act and regulations except as provided by this approval.

This approval in no way relieves the owner or occupier of the responsibility of adhering to all other legislation that may apply to the land. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that may have jurisdiction. Before your development can proceed, other approvals may be necessary and we urge you to check with the Township of Langley.

Please quote the above application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'E. Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

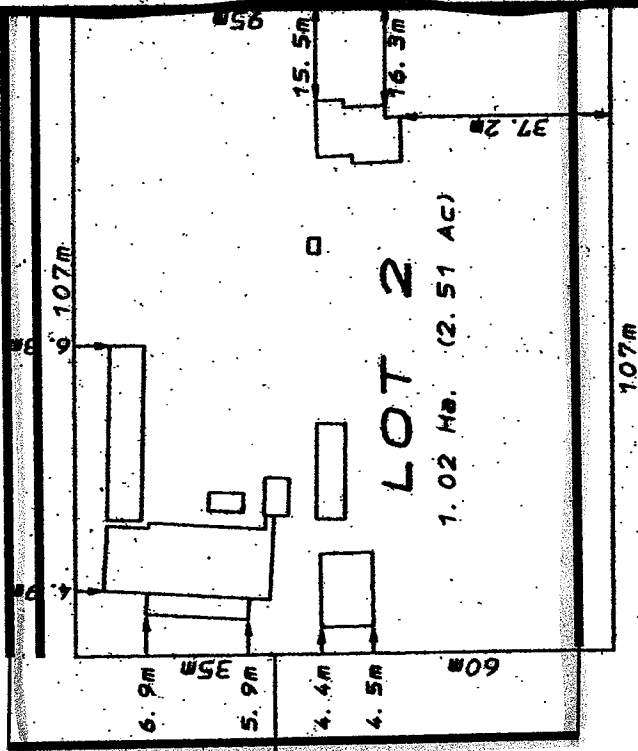
cc Township of Langley Attn: Mark Neill file # 10-23-0017

Enclosure: letter of November 15/02 with HSS attachments

GB/eg  
I/34223d2

256+5 STREET

108.977



**Provincial Agricultural Land Commission**

Application: O-34223

Resolution # 607/2005

— Subject property.

▭ 1.2 ha lot approved under the homesite severance policy.

November 15, 2002

Reply to the attention of Sherry Gordon

Evalds & Skaidrite Bandeniekas  
Lidumi Farms Ltd.  
2825 – 256<sup>th</sup> Street  
Langley, BC V4W 1Y3

Dear Mr. & Mrs. Bandeniekas:

Re: Application # O-34223  
Lot 2, Section 23, Township 10, New Westminster District,  
Plan LMP18556

We write to advise that pursuant to section 20(1) of the *Agricultural Land Reserve Act* (the "ALRA") the Provincial Agricultural Land Commission (the "Commission") by Resolution #226/2002, has refused your application to subdivide the approximately 16 ha property into two parcels of approximately 8 ha each on the grounds that the break-up of this agricultural parcel is not felt to be supportive of long term agriculture.

However, during its review of the file the Commission noted that you may be eligible for consideration under the Homesite Severance Policy (copy attached). This being the case the Commission would be willing to permit the subdivision of one lot of 0.4 ha in size around the existing home located at 2923 256<sup>th</sup> St., or the minimum parcel size necessary to accommodate a septic field, in the location shown on the attached sketch plan, subject to compliance with the following conditions:

- the construction of a fence around the homesite lot,
- that the homesite lot not be sold for five (5) years except in the case of estate settlements. The Commission requires your commitment in this regard which can be done by signing below and returning to our office a copy of the letter. The Commission requires your commitment prior to it approving deposit of the subdivision plan.
- that you obtain Commission approval for an increase in the size of the homesite lot or a change in its location deemed necessary by other approval agencies.
- compliance with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment. The Commission suggests you contact the Township of Langley at your earliest convenience.

If you wish to proceed on this basis please undertake the following steps:

1. Commence approval procedures of other agencies that must approve the subdivision.
2. Have a surveyor prepare the subdivision plan.
3. Obtain recent State of Title Certificate for the property.
4. Prepare a "Transfer of an Estate in Fee Simple" document indicating the transfer of the remainder of the property from you to the purchaser.
5. Prior to approaching the Registrar of Land Titles to register the subdivision please submit the following to this office:
  - a) two (2) paper prints of the plan of subdivision
  - b) the State of Title Certificate
  - c) a copy of the "Transfer of an Estate in Fee Simple" document
  - d) your signed commitment that the homesite lot will not be sold for five (5) years except in the case of estate settlements.

When all the required documentation has been received the Commission will authorize the Registrar of Land Titles to accept the application for deposit of the subdivision plan.

Please quote your application number in any future correspondence.

Finally, on November 1, 2002 the new *Agricultural Land Commission Act* came into force replacing the *Land Reserve Commission Act*, the *Agricultural Land Reserve Act* and the *Soil Conservation Act*. As a result the Land Reserve Commission is now known as the Provincial Agricultural Land Commission. The *Agricultural Land Commission Act* provides that an application or matter commenced under the former Act is continued as an application or matter under the new Act. The Provincial Agricultural Land Commission may take up and carry on to completion all proceedings or other matters commenced under the former Act. The new Act and regulations can be viewed at the Commission's website located at [www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)

Yours truly

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

  
K. B. Miller, Chief Executive Officer

cc: Township of Langley – 10-23-0017  
BC Assessment, Abbotsford  
Campbell Froh May & Rice, #200 – 5611 Cooney Road, Richmond V6X 3J6  
Your File #R24289

SG/lv/Encl.  
I:34223d1

I/we being the registered owner(s) of the property which is the subject of this application and for whom the homesite lot was approved, hereby agree not to sell, transfer, or otherwise dispose of the homesite lot for five (5) years from the date of registration of the subdivision plan creating the homesite lot, save and except for estate purposes following the death of the owner, or any one of the owners, if there are more than one.

\_\_\_\_\_  
Owner's Name (Please Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Owner's Name (Please Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witnessed By (Please Print Name)

\_\_\_\_\_  
Occupation of Witness

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

**HOMESITE SEVERANCE**

**The purpose of this policy is to provide a consistent approach to situations where property under application has been the principal residence of the applicant as owner-occupant since December 21, 1972 and the applicant wishes to dispose of the parcel but retain a homesite on the land.**

An application under Sec. 21 of the PALC Act is required.

Persons making use of this policy should understand clearly that:

- a. no one has an automatic right to a "homesite severance";
- b. the Commission shall be the final arbiter as to whether a particular "homesite severance" meets good land use criteria; (*see #4 below*)
- c. a prime concern of the Commission will always be to ensure that the "remainder" will constitute a suitable agricultural parcel. (*see #5 below*).

Without limiting the generality of the foregoing, the following guidelines apply to "homesite severance" applications.

1. A *once only* severance may be permitted where the applicant submits documentary evidence that he or she has continuously owned and occupied the property as his or her principal place of residence since 21 December 1972.
2. Where an applicant for a "homesite severance" has had a previous subdivision application approved by the Commission resulting in the creation of a separate parcel, the Commission may consider the previous approval as having fulfilled the objectives of the Homesite Severance Policy and may deny any further consideration under the Homesite Severance Policy.
3. An application for a "homesite severance" will be considered only where the applicant submits documentary evidence showing a legitimate intention to sell the remainder of the property upon the approval of the "homesite severance" application. [An interim agreement for sale, a prospective buyer's written statement of intent to purchase, a real estate listing, or some other written evidence of pending real estate transaction would be acceptable as documentation.]

In considering the application, the Commission may make its approval subject to sale of the remainder within a specified period of time.

A Certificate of Order authorizing the deposit of the subdivision plan will be issued to the Registrar of Land Titles only when a "transfer of estate in fee simple" or an "agreement for sale" is being registered concurrently.

4. There will be cases where the Commission considers that good land use criteria rule out any subdivision of the land because subdivision would compromise the agricultural integrity of the area, and the Commission must therefore exercise its discretion to refuse the "homesite severance".

**Homesite Severance**

Provincial Agricultural Land Commission
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Where the Commission decides to allow a "homesite severance", there are two options:

- a. the existing homesite may be created as a separate parcel where it is of a minimum size compatible with the character of the property (plus a reasonable area, where required, for legal access purposes); or
  - b. where the location of the existing homesite is such that the creation of a parcel encompassing the homesite would, in the Commission's opinion, create potential difficulty for the agricultural operation or management of the "remainder", the Commission may, as it deems appropriate, approve the creation of a parcel elsewhere on the subject property.
5. The remainder of the subject property after severance of the homesite must be of a size and configuration that will, in the Commission's opinion, constitute a suitable agricultural parcel. Where, in the Commission's opinion, the "remainder" is of an unacceptable size or configuration from an agricultural perspective, there are three options:
- a. the Commission may deny the "homesite severance";
  - b. the Commission may require that the "remainder be consolidated with an adjacent parcel; or
  - c. the Commission may require the registration of a covenant against the title of the "remainder" and such a covenant may prohibit the construction of dwellings.
6. A condition of every "homesite severance" approved by the Commission shall be an order stipulating that the homesite is not to be resold for five years except in the case of estate settlements. Prior to the issuance of a Certificate of Order authorizing deposit of the subdivision plan, the owner shall file with the Commission a written undertaking or standard notarized contractual commitment to this effect.
7. Where a "homesite severance" application has been approved by the Commission, local governments and approving officers are encouraged to handle the application in the same manner as an application under Section 946 of the *Local Government Act* insofar as compliance with local bylaws is concerned.

**Homesite Severance**

Provincial  
Agricultural  
Land  
Commission

