



**Agricultural Land Commission**  
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December 19, 2005

Reply to the attention of Gordon Bednard

Roy & Beryl Moore  
3713 -240th Street  
Langley, BC - V2Z 2J8

Dear Sir/Madam:

**Re: Application # O-36193  
North 1/2 of the South 1/2 of the North East 1/4, Section 28, Township 10,  
New Westminster District**

Further to fax correspondence received from Bernie Moore dated October 11 and October 26, 2005 the Commission, acting under section 33 of the *Agricultural Land Commission Act*, has reconsidered the above noted application.

The above correspondence asked the Commission to reconsider the application based on an application which was approved for a larger homesite lot in the Cariboo region, and asked if the Commission would approve the application as a simple subdivision into two lots instead of considering the proposal under the Homesite Severance policy.

This is to confirm that the Commission did consider your proposal both as a simple subdivision and under the Homesite Severance policy. Only because you had owned the property since prior to the advent of the ALR, and therefore qualified for consideration under the Homesite severance policy, was the Commission able to justify the creation of a separate property to surround your home, while keeping the balance of the property in as large a parcel as possible to ensure it retained the widest possible range of potential agricultural options. If you had not qualified under the policy, the Commission would have refused the application outright.

With regard to the allowance of larger homesite lots in other parts of the province, please note that the Commission deals with applications on their own individual merits and what may be appropriate in one area may not be applicable in another. The application to which your son's correspondence refers dealt with a property of 69 ha in size which contained much poorer soils than yours. Commission records indicate many instances where the Commission has refused applications for subdivision, and these could also be compared to your circumstances.

For these reasons, the Commission, by Resolution # **671/2005**, reconfirmed its decision to refuse the application for subdivision into two equal size lots. The Commission reiterates its approval for a small lot surrounding the existing dwelling under the conditions of the Homesite Severance policy. If you wish to act on this approval please follow the policy guidelines attached.

R & B Moore  
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The land referred to in the application will continue to be subject to the provisions of the *Agricultural Land Commission Act* and regulations.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc Township of Langley - Attn: Bill Ulrich file #AL100092  
Bernie Moore Brenda Moore, 7288-201B Street, Langley, BC - V2Y1S7

GB/lv/Encl.  
36193d2



*Agricultural Land  
Commission Act*

**Policy #11  
March 2003**

## **HOMESITE SEVERANCE ON ALR LANDS**

*This policy provides advice to assist in the interpretation of the Agricultural Land Commission Act, 2002 and Regulation. In case of ambiguity or inconsistency, the Act and Regulation will govern.*

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 Section 21 (2) of the *Agricultural Land Commission 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".

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

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

