



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 6, 2006

Reply to the attention of Simone Rivers
ALC File: #W - 36232

Jerald and Margaret Giesbrecht
PO Box 154, 9992 219 Road
Cecil Lake, B.C. V0C 1G0

Dear Mr. and Mrs. Giesbrecht:

Re: Request for Reconsideration

This is further to your letter of April 20, 2006 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #82/2006.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 524/2006 outlining its latest decision.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

Cc: Peace River Regional District (#94-2005)

SBR/lv/Encl.: Minutes/ Sketch Plan
36232d2

IT WAS

MOVED BY: Commissioner Read
SECONDED BY: Commissioner Kendrew

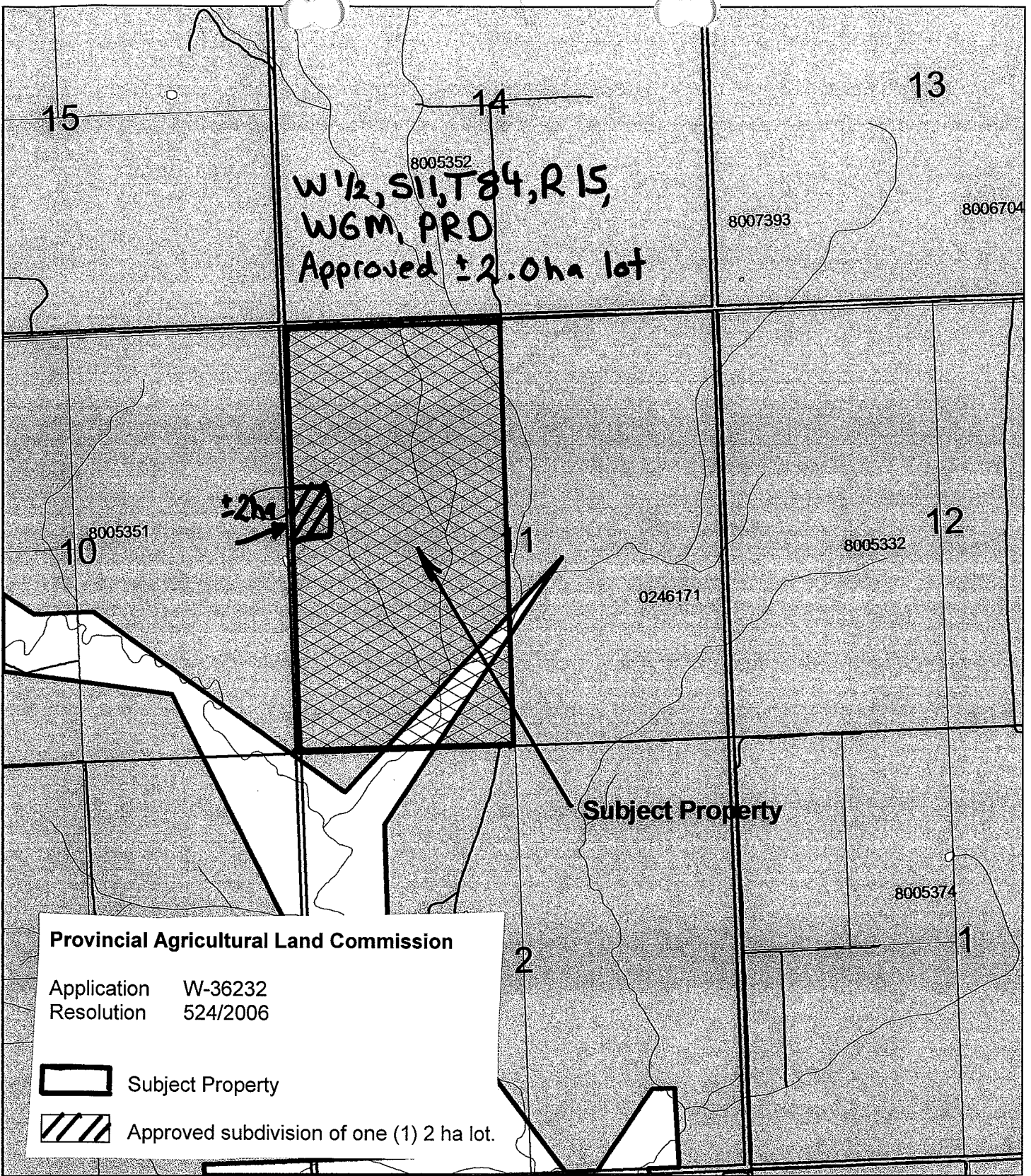
THAT the application be refused as proposed.

AND THAT the Commission would allow the subdivision of a 2 ha homesite.

AND THAT the approval is subject to the subdivision being in substantial compliance with the plan submitted with the application AND THAT the approval is granted to the applicant only and is valid for three (3) years from the date of this decision. Subdivision must be completed within this time frame.

This decision does not relieve the owner or occupier of the responsibility to comply 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.

CARRIED
Resolution # 524/2006



ALC CONTEXT MAP
 Application # 36232

Map Scale: 1: 20000

ALC File #: 21-05-36232
 BCGS Map Sheet #: 94A.029
 Regional District: Peace River



Staff Report
Application # W – 36232 – 01
Applicant: Jerald and Margaret Giesbrecht

DATE RECEIVED: August 28, 2006

DATE PREPARED: September 19, 2006

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide one 4.0 ha lot from the 128 property.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission visited the Giesbrechts' property on November 3rd, 2005. By Resolution 82/2006 the Commission refused the request to subdivide the 4 ha lot from the property.

Mr. Giesbrecht has been in contact with Commission staff asking for reconsideration. He has requested that the Commission consider his request under the *Homesite Severance Policy*. Staff has spent some time corresponding with Mr. Giesbrecht to determine if he might be eligible for consideration under this policy.

Mr. Giesbrecht owns five properties in the area. There has been some question as to when he bought his first property in the area. It appears that he has owned some of the land since December 15, 1972. He does not strictly qualify for a homesite severance as he has not lived on the same land since 1972 nor is he applying to subdivide his homesite from the remainder of the farm. He is however, asking for permission to subdivide in lieu of further consideration under this policy.

In addition to the half section under application Mr. Giesbrecht's holdings are as follows:

- **PID:** 014-770-148 - Legal Subdivision 12 of S1, T84, R15, W6M, PRD
 - **PID:** 014-770-156 - Legal Subdivision 13 of S1, T84, R15, W6M, PRD
 - **PID:** 014-770-091- The East ½ of the North West ¼ of S1, T84, R15, W6M, PRD
- These three properties are adjacent to each other and make up one quarter section. This is the land that he has owned since 1972.

Additionally Mr. Giesbrecht owns and lives on:

- **PID:** 014-355-809 - Block A of the North East ¼ of S35, T83, R15, W6M, PRD

STAFF COMMENTS:

Staff request that the Commission consider the following. Although Mr. Giesbrecht is not asking for a homesite severance he has owned land in the area prior to December 21, 1972. Therefore the Commission may wish to consider the request under this policy. At the time the Commission's original decision was made Mr. Giesbrecht's history of land ownership in the area was not known.

Alternately if the Commission may wish to consider allowing the subdivision in return for a benefit to agriculture such as requiring the consolidation of the NW ¼ of Section 1 into one title. It currently exists as three titles but Mr. Giesbrecht has always farmed it as a unit.

ATTACHMENTS:

- Map: Jerry Giesbrecht – Other Land Holdings (Created in iMap by ALC Staff)
- March 28, 2006 Letter from the applicant's son to Blair Leckstrom – re: the Commission's refusal.
- Letter received April 20, 2006 requesting reconsideration
- May 8, 2006 letter from ALC requesting more information
- Letter received May 26, 2006 from applicants
- Land Title and Assessment Roll for the four properties described above
- Letter received August 28 from the applicants with additional description of their history of property ownership in the area.
- March 16, 2006 ALC Decision Letter
- Minutes of the Provincial Agricultural Land Commission - Resolution # 86/2006
- Staff Report – Application # W-36232 – Applicant Jerald and Margaret Giesbrecht

END OF REPORT



Signature



Date