



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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Reply to the attention of Terra Kaethler  
ALC File: # **S- 37326**

March 28, 2008

John McFaul  
34 - 2989 Trafalgar Street  
Abbotsford, BC V2S 7X9

Dear Sir:

**Re: Application to Exclude Land from the Agricultural Land Reserve (ALR)**

**PID: 000-119-521  
Lot 3, Section 1, Range 7, Cranberry District, Plan 725, EXCEPT Part in  
Plans VIP69195 and VIP69231**

Please be advised that the Commission has considered your most recent request, received February 1, 2008, for reconsideration of its decision to refuse the application to exclude 3.2 ha on Vowell's Road from the Agricultural Land Reserve as per Resolution #392/2007.

The Commission draws your attention to Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration. Please note the very specific requirements for reconsideration.

**Statutory Provision for Reconsiderations**

- S.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, or
  - (c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.

After reviewing the applicants' most recent submission and the file material the Commission concluded that the requirements of Section 33 have not been met. Therefore it believes reconsideration of the application to be inappropriate and confirms its original decision to refuse the exclusion of the subject property.

The Commission has reviewed the proposal for exclusion of the subject property on numerous occasions, as the property has been the subject of two applications, the previous application dating back to 2001. At each review, the Commission has confirmed its decision to refuse the exclusion of the property.

While the Commission recognizes that the applicant may not agree with the Commission's decision, Commissioners are appointed to exercise their judgment in support of the Commission's mandate. The Island Panel has reached a definitive decision with respect to this application and the Commission considers this file closed.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A large, stylized handwritten signature in black ink, appearing to be 'EK', is written over the signature line.

Erik Karlsen, Chair

TK/  
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