



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

8th December 2010

Reply to the attention of Ron Wallace
ALC File 30969

Cantex Group of Companies
780 Okanagan Ave. E.
Penticton, BC
V2A 3K6

Dear Sirs:

Re: Request for Reconsideration

This is further to your letter dated 12th July 2010 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution # 149/2008.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 2802/2010 outlining its latest decision

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

cc: Regional District of Kootenay Boundary (C-719-04012.000)

Enclosure: Minutes
rc/30969d2



A meeting was held by the Provincial Agricultural Land Commission on 17th November 2010 in Nelson, BC

PRESENT:	Richard Bullock	Chair of Commission
	Barry Minor	Chair, North Panel
	Jerry Thibeault	Commissioner
	Gordon Gillette	Commissioner
	Roger Cheetham	Staff

For Consideration

A letter from the applicant was received requesting that the Commission reconsider its decision recorded as Resolution #149/2008. The letter requested a 10 year extension on the operation of the gravel pit because they are unable to deplete their stockpile materials due to somewhat depressed economic conditions.

Application:	30969
Applicant:	Cantex Group of Companies
Agent:	N/A
Original proposal:	To extract 750 cubic metres of gravel from a 1000m ² area of the property and conduct a test crush to determine the quality of gravel.
Original decision:	Allowed subject to conditions that include a 10 year time limit
Current proposal:	To extend the term of the approval by 10years
Legal:	District Lot 719, SDYD, Except Plans B4826, B6542 and 34440
Location:	South west of Christina Lake

Context

The proposal was considered under Section 33 of the Agricultural Land Commission Act (the "Act") which states:

- S33(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.

The Commission believed that the applicant had provided evidence that was not available at the time of the original decision and so reconsidered the application.

Discussion

The Commission considered that it was reasonable to extend the term by 10 years as requested in view of the downturn in the economy.

IT WAS

MOVED BY: Commissioner J. Thibeault

SECONDED BY: Commissioner G. Gillette

THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the request for an extension of the term of extraction be approved.

AND THAT the approval is valid until 31st December 2020

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 # 2802/2010