

Application:#O-37443Applicant:Hendrik (John) MalenstynAgent:N/AProperty:Lot 5, NWD, Except The East 70.41 Feet, Section 12, Township 6, Plan 779Location:6620 - 60th Avenue, DeltaOriginal Proposal:The proposal is for the creation of two lots on the 3.4 ha lot under homesiteseverance.One lot of approximately 0.3 ha for the applicant's son and the remaining 3.1 haportion would continue to be used for farming.

Original Decision: Refused as proposed.

However, the Commission may be in the position to revisit the matter should you wish to submit a revised proposal that:

- Creates the smallest lot possible surrounding Ken Malenstyn's home.
- Connects Ken Malenstyn's lot to the municipal sewer system.
- Consolidates the balance of the property with the property immediately adjacent to the west.

Resolution: #378/2007

Basis for Reconsideration

A letter dated April 30, 2009 prepared by the applicants requesting reconsideration of their proposal. A copy of this letter is attached.

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.
 - (2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.

Review

After reviewing the applicants' submission and the file material the Commissioners were canvassed to determine if they believe the requirements of section 33 have been met. The Commissioners concluded as follows:

1. Does the information provided represent evidence not available at the time of the original decision.?

YES 🗌 NO 🗆

2. Does the information provided represent evidence that all or part of the original decision was based on evidence that was in error or was false?

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YES	5			NO		
Decisior	n	I	agree to the	e reconsider	ation	I <u>do not agree</u> to the reconsideration
Sylvia Pr	range					
John Tor	mlinso	n				
Michael I	Bose					
(Note: A minimum of two (2) Commissioners are needed to grant or deny reconsideration) If a reconsideration is granted, did the Commission identify any person that it considers is affected by the reconsideration.						
YES			NO			
-	s) Co	nsidered .	Affected			
1						
2						
3						
4						
5						
Date Reviewed:						
Witnessed By:			Ron Wallac ALC Land U			