



PROVINCIAL AGRICULTURAL LAND COMMISSION
Request for Reconsideration

Date prepared: January 28, 2010

Application: # L-38757
Applicant: Brendan Kerr
Property: PID 012-425-044 Lot 10, Blk 8, DL 132, KD, Plan 1181
Location: Baynes Lake
Original Proposal: To subdivide the 1.5 ha property into two 0.75 ha lots.
Original Decision: Refuse as proposed.
Resolution: #156/2009

Basis for Reconsideration

The applicant, in a letter dated January 22, 2010 (attached), requests a reconsideration of the decision because he believes it to be inconsistent and discriminatory. The applicant has also included a letter of support from a professional engineer which confirms that the resulting 0.75 ha lots would be adequate for septic disposal.

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.

Staff Comments

The Commission originally refused, then reconsidered and approved several similar applications in the Baynes Lake area in 2009 (see L-38103 and L-38638).

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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Re: Application # L-38757

YES

NO

Decision

I agree to the reconsideration

I do not agree to the reconsideration

Barry Minor

Jerry Thibeault

(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

Person(s) Considered Affected

1. _____

2. _____

3. _____

4. _____

5. _____

Date Reviewed: _____

Witnessed By: _____

**Roger Cheetham
Regional Planner**