



**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

August 26, 2011

Reply to the attention of Ron Wallace  
ALC File: V-17860

Gordon & Young  
Barristers, Solicitors & Notaries Public  
202 – 8309 Main Street, P.O. Box 800  
Osoyoos, BC VoH 1V0

Attention: Gerry Gordon, B.Sc., LL.B.

**Re: Request for Reconsideration**

This is further to your correspondence of July 27, 2011 in which you asked the Provincial Agricultural Land Commission to reconsider this application in order to execute a partial release of ALC Covenant registered on November 18, 1986 against DL 223 and Lot 1, Plan 37442 under X545880 which provides that the parent parcels "are not to be sold or transferred separately".

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 313/2011 outlining its decision. In addition, the Commission has executed and enclosed the two Partial Releases of Covenant documents.

By way of a copy of this letter, the Commission is advising the Registrar of Land Titles of its authorization to accept a partial release of ALC covenant X1445880, for registration.

Please provide the Commission with the partial release of Covenant registration details at your earliest convenience.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B. Underhill', written over a white background.

Brian Underhill, Executive Director

cc: BC Land Title and Survey - Kamloops

Enclosure: Minutes/Partial Releases of Covenant documents

LAND TITLE ACT  
FORM C

(Section 219.81)

Province of British Columbia

GENERAL INSTRUMENT - PART 1 (This area for Land Title Office use) Page 1 of Pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)  
Nola Hay, Legal Secretary, Gordon & Young, Barristers and Solicitors, Box 800, 202 - 8309 Main Street,  
Osoyoos, B.C. V0H 1V0 495-6508, Client Number 10534

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:  
(PID) (LEGAL DESCRIPTION)  
SEE SCHEDULE

3. NATURE OF INTEREST: DESCRIPTION	DOCUMENT REFERENCE (page and paragraph)	PERSON ENTITLED TO INTEREST
Partial Release of Covenant X145880	Entire Document	Registered Owner


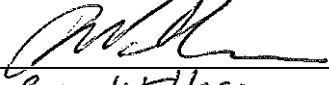
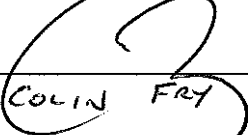
4. TERMS: Part 2 of this instrument consists of (select one only)  
(a) Filed Standard Charge Terms \_\_\_\_\_ D.F. No.  
(b) Express Charge Terms  X  Annexed as Part 2  
(c) Release \_\_\_\_\_ There is no Part 2 of this instrument  
A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in item 2.

5. TRANSFEROR(S):\*  
PROVINCIAL AGRICULTURAL LAND COMMISSION

6. TRANSFEREE(S): (Including occupation(s), postal address(es) and postal code(s))\*  
Registered Owner

7. ADDITIONAL OR MODIFIED TERMS:\*  
N/A

8. EXECUTION(S): \*\*This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

OFFICER SIGNATURE(S)	EXECUTION DATE Y M D	PARTY(IES) SIGNATURE(S)
 BRIAN UNDERHILL Commissioner for Taking Affidavits #133 - 4940 Canada Way Burnaby, B.C. V5G 4K6	11 08 26	PROVINCIAL AGRICULTURAL LAND COMMISSION by its authorized signatory:  Ron Wallace  COLIN FRY

OFFICER CERTIFICATION:  
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

\* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

\*\* If space insufficient, continue executions on additional page(s) in Form D

**LAND TITLE ACT  
FORM E**

**SCHEDULE**

**Page**

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ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM.

**2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND**

**(PID)**

**(LEGAL DESCRIPTION)**

That part of DL 223 SDYD Except Plans 4351 and 7419 included within Lot B as shown on a Subdivision Plan of 1) Part of DL 223, SDYD, Except Plans 4351 and 7419  
2) Lot 23, DL 223, SDYD Plan 4351  
3) Part of Lot 1 DL 157 and 2709 SDYD Plan 37442 prepared by Bradley Pendergraft B.C.L.S. and completed the 22<sup>nd</sup> day of June, 2011

LAND TITLE ACT  
FORM C

(Section 219.81)

Province of British Columbia

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Osoyoos, B.C. V0H 1V0 495-6508, Client Number 10534

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(PID) (LEGAL DESCRIPTION)  
SEE SCHEDULE

3. NATURE OF INTEREST:	DOCUMENT REFERENCE	PERSON ENTITLED TO INTEREST
DESCRIPTION	(page and paragraph)	
Partial Release of Covenant X145880	Entire Document	Registered Owner


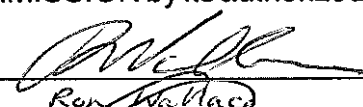
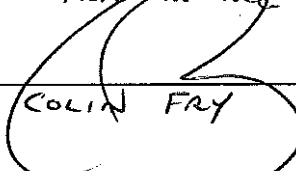
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**(PID)**

**(LEGAL DESCRIPTION)**

That part of Lot 1 DL 157 and 2709 SDYD Plan 37442 included within Lot B as shown on a Subdivision Plan of  
1) Part of DL 223, SDYD, Except Plans 4351 and 7419  
2) Lot 23, DL 223, SDYD Plan 4351  
3) Part of Lot 1 DL 157 and 2709 SDYD Plan 37442  
prepared by Bradley Pendergraft B.C.L.S. and completed the 22<sup>nd</sup> day of June, 2011



## PROVINCIAL AGRICULTURAL LAND COMMISSION

**Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on August 24, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.**

### FOR CONSIDERATION

**Application:** (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

Application: V-17860

Applicant: James Floyd Pedergraft

Agent: Gerry Gordon

Proposal: To reconsider this application in order to execute a partial release of ALC Covenant registered on November 18, 1986 against DL 223 and Lot 1, Plan 37442 under X545880 which provides that the parent parcels "are not to be sold or transferred separately."

Legal: The objective of this proposal is a boundary line adjustment subdivision to allow for the construction of a water well and reservoir. Osoyoos Irrigation District will be doing the construction of the facility. Lot 1 DL 157 and 2709 SDYD Plan 37442  
DL 223 SDYD Except Plans 4351 and 7419  
Lot 23 District Lot 223 SDYD Plan 4351

Location: Osoyoos, BC

Background: The agent, Gerry Gordon, of Gordon & Young Barristers, Solicitors & Notaries Public, sent the ALC a request to execute a partial release of an ALC Covenant as noted above. This covenant was required by the ALC as a result of an application (by Mr. Pendergraft) requesting permission to subdivide a 4 ha parcel from the subject property, which was approved subject to the said parcel being consolidated with DL 223, SDYD by means of a restrictive covenant stating that one parcel cannot be sold independently.

Osoyoos Irrigation District owns a long corridor (Lot 23, Plan 4351) and is subdividing off a portion to be added to the adjacent Pendergraft property known as DL 223 to form a new Lot A for Pendergraft. The boundary adjustment subdivision plan can be approved by the Approving Officer under Sections 10 and 11 of the ALR Use Subdivision and Procedure Regulations. However, the Kamloops Land Title Office advises that they will require a partial discharge of the ALC Covenant for the portions to be transferred.

Attachment: 

1. Title search for Lot 23, Plan 4351
2. Title search for Lot 1, Plan 37442
3. Title search for DL 223
4. Copy of Covenant X145880
5. Copy of Subdivision Plan
6. Copy of previous decision for Pendergraft

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**DELEGATION OF DECISION-MAKING TO THE CHIEF EXECUTIVE OFFICER (CEO)**

On September 11, 2009 the Commission delegated decision-making to the CEO by Resolution #003N-2009 (File: 135-45/ALC/CEO/APPL). In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified that the following application may be decided by the CEO.

**Criterion 8**

Requests for minor variations of conditions of approval imposed by the Commission by resolution in exclusion, subdivision, non-farm use and inclusion applications provided the minor variations are consistent with the intent of the Commission's original decision.

**DECISION:**

After reviewing the entire file material, I, Richard Bullock, Chief Executive Officer of the Commission, am satisfied that the proposal is consistent with Criterion # 8 of Resolution #016N/2011 and approve the request to execute the Partial Releases of Covenant documents on behalf of the Commission.

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.

**RESOLUTION # 313/2011**

**I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION**



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**Richard Bullock, Chief Executive Officer**