



Agricultural Land Commission
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March 23, 2011

Reply to the attention of Gordon Bednard
ALC File: #38893 (ID #45850)

J.E.Anderson and Associates
1A - 3411 Shenton Road
Nanaimo, BC V97 2H1

Attention David Wallace

Re: Request for Reconsideration

This is in response to your correspondence received October 29, 2010 requesting a second reconsideration of Agricultural Land Commission Resolution #235/2009 which refused the above subdivision application.

Your request and the file material were reviewed by the Island Panel at its December 7, 2010 meeting. It was determined that your submission did not contain new evidence that was unavailable at the time of its original decision, nor did you provide evidence that the decision was based on information that was in error or false. As such, your submission does not meet the requirements of Section 33 of the *Agricultural Land Commission Act* and therefore a reconsideration is not appropriate.

As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

cc: Regional District of Nanaimo (6635 04 0903)

GB/eg
i/38893d4



PROVINCIAL AGRICULTURAL LAND COMMISSION
Request for Reconsideration

Date prepared: November 16, 2010

Application: #38893
Applicant: Gene & Gloria Martini
Agent: David Wallace
Property: PID: 003-757-366 Lot 1, District Lot 139, Nanoose District, Plan 18583
Location: Ruffles Rd and Leffler Rd, Errington
Original Proposal: Subdivide 2.7 ha lot into 1.1 ha and 1.6 ha lots
Original Decision: Refused.
Resolution: #235/2009 and recon #1 1907/2009

Basis for Reconsideration: A letter was submitted by the applicant on October, 28 2010 changing the size of each subdivided lot. The applicants are also now applying via the Local government section 946. J.E Anderson and Associates has also been contracted to assist in the second reconsideration request.

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: Please see included letters from the applicant and contracted Surveyors. The application was reconsidered in December of 2009 with the original decision ratified. Applicants do not qualify for home site severance as the title is listed as 1975.

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?

YES

NO

Decision

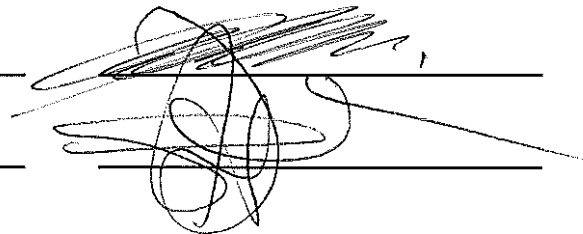
I agree to the reconsideration

I do not agree to the reconsideration

Richard Bullock

Jerry Thibeault

Niels Holbek



Jennifer Dyson

(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. _____

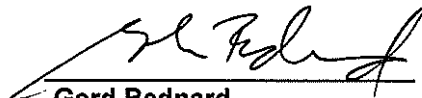
3. _____

4. _____

Date Reviewed:

Dec 7/10

Witnessed By:



Gord Bednard,
ALC Land Use Planner