



Agricultural Land Commission
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March 18, 2011

Reply to the attention of Gordon Bednard
ALC File #39029 (46012)

Manuel Aguiar
3569 Happy Valley Road
Victoria, BC V9C 3X1

Dear Sir:

Re: Request for Reconsideration

This is further to your letter of September 30, 2010 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #2384/2010.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 75/2011 outlining its latest decision.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

cc: District of Langford Attn: Matthew Baldwin

Enclosure: Minutes

GB/d2



A meeting was held by the Provincial Agricultural Land Commission on December 7, 2010 at Qualicum Beach, B.C.

PRESENT: Jennifer Dyson Vice Chair
Niels Holbek Commissioner
Gordon Bednard Staff

For Consideration

A letter (via E-mail) from Manuel Aguiar was received requesting that the Commission reconsider its decision recorded as Resolution #2384/2010. It indicated that Mr. Aguiar was no longer represented by HV Developments and that the request for exclusion of the 0.74 ha property should stand on its own merits.

Application: #39029
Applicant: Manuel Aguiar
Agent: HV Developments (Roy Coburn)
Original proposal: Exclusion in conjunction with three other properties
Original decision: Refused
Current proposal: Exclusion of one property of 0.74 ha
Legal: Pcl 1, (DD150993I) of Pcl D, (DD144079I) Section 79 Metchosin District
Location: 3569 Happy Valley Road

Site Inspection

A site inspection was conducted for the original application on September 15, 2009. Those in attendance at that time were:

- Lorne Seitz Chair, Island Panel
- Jennifer Dyson Commissioner
- Niels Holbek Commissioner
- Gordon Bednard Staff
- Roy Coburn HV Developments

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 was concerned that exclusion of the property may facilitate non-farm development of the property which lies adjacent on all sides with lands in the ALR. While the Commission acknowledges that the property is exempt from the Act and Regulations by virtue of Section 23 of the Act, the Commission wants to maintain the agricultural continuity of the area. The Commission feels that any consideration of exclusion of this property should be the result of an agreed overall agricultural plan for this area of Langford.

IT WAS

MOVED BY: Commissioner Jennifer Dyson
SECONDED BY: Commissioner Niels Holbek

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 exclusion be refused for the above reasons.

CARRIED

Resolution # 75/2011