



Agricultural Land Commission
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May 18, 2012

Reply to the attention of Gordon Bednard
ALC File 52238

Daniel and Penny McLean
Box 613
Dawson Creek, BC
V1G 4H4

Dear Sir and Madam:


Re: Request for Reconsideration

This is further to your letter of December 21, 2011 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #259/2011.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 179/2012 outlining its latest decision.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

cc: Peace River Regional District file 50/2011

Enclosure: Minutes

GB/52238d2



A meeting was held by the Provincial Agricultural Land Commission on March 20, 2012 at the offices of the Agricultural Land Commission, 4940 Canada Way, Burnaby, B.C.

PRESENT:	Richard Bullock	Chair
	Gordon Gillette	Chair, Interior
	Lucille Dempsey	Commissioner
	Jim Collins	Commissioner
	Denise Dowswell	Commissioner
	Gordon Bednard	Staff

For Consideration

A letter from Dan McLean was received on December 21, 2011 requesting that the Commission reconsider its decision recorded as Resolution #259/2011. It indicated that the Staff Report regarding the application contained a number of factual errors and that warranted reconsideration of the application.

Application: 52238
 Applicant: Dan McLean
 Agent: none
 Original proposal: Subdivision of two properties of 205.4 and 108.4 ha into 5 lots - 2 of 52 ha, 2 of 64 ha and one of 72 ha (later revised at the request of the applicant to one property to be divided into 3 lots).
 Original decision: Refuse
 Current proposal: Reconsideration of application for one lot of 205.4 ha (Section 32) to be divided into three lots of roughly equal size.
 Legal: Section 32, Township 80, Range 17, W6M, PRD, Except Part Lying East of Plan A938 and Except Plans A938, PGP 45537 and BCP 38517 (PID 011-407-999)
 Location: West of Alaska Highway, south of Braden Road, Peace River RD

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 "...all or part of the original decision was based on evidence that was in error or was false..." and so reconsidered the application. The Commission concurred there may have been incorrect property sizes and land uses for adjacent properties in the staff report.

Discussion

The Commission discussed the points of error raised in Mr McLean's correspondence regarding surrounding property sizes and the purchase date of the subject lands. The Commission believed that the apparent errors and inaccuracies were minor in nature and had little bearing on the original decision.

Following discussion of the points raised by Mr McLean and the overall subdivision proposal, the Commission concluded that Mr McLean's comments were not sufficient to warrant a change in the Commission's decision.

IT WAS

MOVED BY: Commissioner Gordon Gillette

SECONDED BY: Commissioner Jerry Thibeault

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 reconsideration be granted, and that following reconsideration of the application and specifically the errors in the Staff Report as pointed out by Mr Mclean, the Commission reconfirms its previous decision to refuse the application.

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

As it has now been over a year since the Commisison's original decision the Commission considers this application to be closed. Any further proposals involving the subject property must be made by way of a new application.

CARRIED

Resolution # 179/2012