



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

December 21, 2011

Reply to the attention of Ron Wallace
ALC File: 52369

William (Bill) Ross
P.O. Box 1199
34449 91st Street
Oliver, BC V0H 1T0

Dear Sir:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution #468/2011 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

By way of a copy of this letter, the Commission is advising the Registrar of Land Titles of its order by the above resolution and confirming that the ALR notation is to be removed from Certificate of Title # KJ24234.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes/Map/Title Search Print

cc: Regional District of Okanagan-Similkameen (C11-05420.000)
BC Land Title & Survey, Kamloops
BC Assessment



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 24, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Roger Mayer	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

APPLICATION ID: #52369

PROPOSAL: To exclude the subject property from the ALR. The subject property was 1.95 acres as per Plan 15135 (dated May 12, 1965). The property is used for auto sales and RV storage.
(Application submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

PROPERTY

Owner: Todd Browne Holdings Ltd.
Date of Acquisition: March 30, 1995
Parcel ID: 010-935-410
Title No. KJ24234
Legal Description: Lot 133B District Lot 2450S Similkamee Division Yale District Plan 2897
Except Plan 15135
Civic Address: 33882 97th Street, Oliver, BC
Size: 0.8 ha
Area in ALR: 0.8 ha
Current Land Use: Commercial
Farm Classification: Yes No
(BC Assessment)

COMMISSION CONSIDERATION:

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as: (1) to preserve agricultural land; (2) to encourage farming on agricultural land in collaboration with other communities of interest; and (3) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Other Factors

The ALC has confirmed that as per Section 23 of the *ALC Act*, the subject property is not subject to the restrictions of the *ALC Act*.

23(1) Restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the Land Registry act, R.S.B.C. 1960, c. 208, less than 2 acres in area.

The owner of the property, Todd Browne Holdings Ltd, provided a letter from their lender, BMO Bank of Montreal with information regarding the bank's lending practices. It was indicated that the notation "This certificate of title may be affected by the *ALC Act*" resulted in a reduced lending value used for the property. Additionally future borrowings may be affected with a reduced lending value based on this notation on title.

CONCLUSIONS:

1. That the land under application is not subject to the restrictions of the *ALC Act*, as per Section 23 noted above.
2. That the land under application is not suitable for agricultural use.
3. That the proposed exclusion of the subject property from the ALR will not impact agriculture.

IT WAS

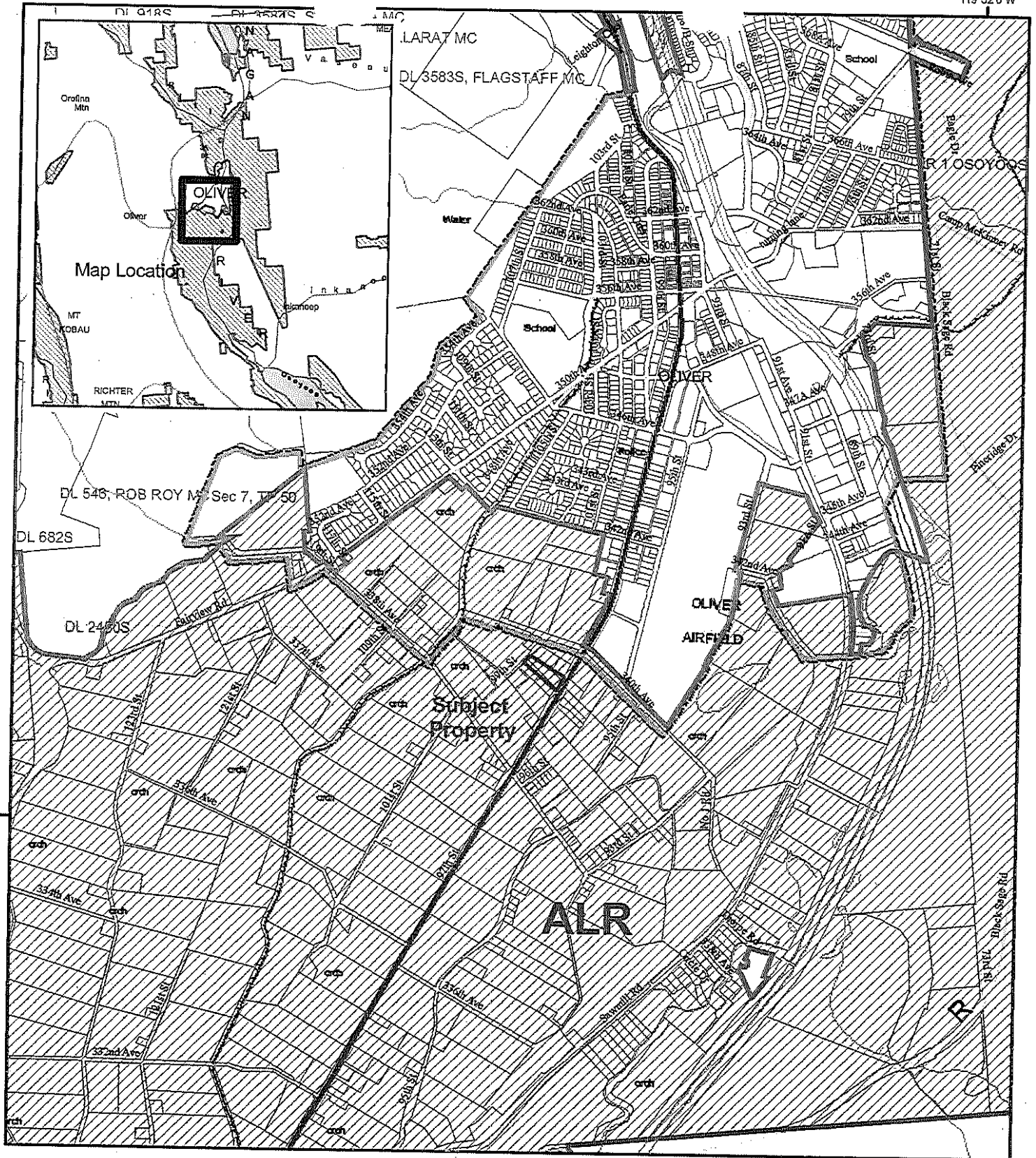
MOVED BY: Commissioner Gillette
SECONDED BY: Commissioner Johnson

THAT the application to exclude the subject property from the ALR be allowed.

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.

CARRIED

Resolution # 468/2011

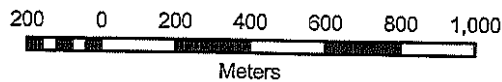


49°10'0"N



ALC Context Map

Map Scale: 1:20,000



Provincial Agricultural Land Commission
 Application #52369
 Resolution #468/2011



Subject property approved for exclusion from the ALR

