



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

November 28, 2012

ALC File: # 52537

Edward Shaw  
7096 West Coast Road  
Sooke, BC  
V9Z 0S1

Dear Mr. Shaw:

**Re: Application to Exclude Land from the Agricultural Land Reserve (ALR)**

Please find attached the reconsideration decision as it relates to the above noted application.

Further correspondence with respect to this application should be directed to Liz Sutton.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure(s): Reconsideration #52537

cc: District of Sooke (PLN00888)

LS/52537d2



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 21, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to the Request for Reconsideration of Application #52537.

### COMMISSION MEMBERS PRESENT:

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

### COMMISSION STAFF PRESENT:

Roger Cheetham	Regional Planner
Lindsay McCoubrey	Land Use Planner
Eamonn Watson	Land Use Planner
Liz Sutton	Land Use Planner
Brian Underhill	Executive Director

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### REQUEST FOR RECONSIDERATION

The Commission received a letter dated September 22, 2012 requesting reconsideration of its decision recorded as Resolution #189/2012, by which, the proposal to exclude three properties totaling 16.6 ha from the ALR in return for the inclusion of two properties totaling 11.4 ha on Kemp Lake Road was refused.

<b>Owner:</b>	Edward & Marion Shaw
<b>Agent:</b>	Edward Shaw
<b>Original Proposal:</b>	To exclude three properties totaling 16.6 ha from the ALR in return for the inclusion of two properties totaling 11.4 ha on Kemp Lake Road. (Submitted pursuant to section 30(1) of the <i>Agricultural Land Commission Act</i> )
<b>Original Decision:</b>	Refused as the property has good agricultural capability and suitability.
<b>Current Request:</b>	Request to reconsider the original proposal.

#### Parcel 1

<b>Legal:</b>	PID: 005-780-241 Lot 9, Section 3, Sooke District, Plan 6875, Except Parcel A (DD 21561811), and Except Those Parts in Plan 15947 and 20590
<b>Location:</b>	6912 West Coast Road, Sooke

**Parcel 2**

**Legal:** PID: 025-103-725  
Lot A, Section 3, Sooke District, Plan VIP72644  
**Location:** 7096 West Coast Road, Sooke

**Parcel 3**

**Legal:** PID: 003-586-995  
Lot 1, Section 3, Sooke District, Plan 20590 Except Those Parts in Plans  
32540 and VIP72644  
**Location:** 1841 Brooks Road, Sooke

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**LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION**

Section 33 (Reconsideration of decisions) of the *Agricultural Land Commission Act* states:

- 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.

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**DECISION REGARDING THE REQUEST FOR RECONSIDERATION**

Your request and the file material were reviewed by the Commission and 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. The original decision under Resolution #189/2012 remains in effect.