



**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

June 12, 2012

Reply to the attention of Liz Sutton  
ALC File #52566

Richard Cindric  
PO Box 4665  
Quesnel, BC  
V2J 3J9

Dear Mr. Cindric:

**Re: Request for Reconsideration**

This is further to the email correspondence of April 18, 2012 in which the applicant asked the Provincial Agricultural Land Commission to reconsider Resolution #134/2012.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 164/2012 outlining its latest decision. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Brian Underhill, Executive Director

cc: Cariboo Regional District (4035-20-C20110039)

Enclosure: Minutes

LS/52566d2



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

---

**A meeting was held by the Provincial Agricultural Land Commission on October 18th, 2010 at Fort St. John, B.C.**

### **COMMISSION MEMBERS PRESENT:**

Gordon Gillette	Vice-Chair
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

### **COMMISSION STAFF PRESENT:**

Liz Sutton	Land Use Planner
Brian Underhill	Executive Director

### **For Consideration**

Email correspondence from Don LeBrun was received requesting that the Commission reconsider conditions of Resolution #134/2012.

Application:	52566
Applicant:	LeBrun Ranch Ltd
Agent:	Richard Cindric
Original proposal:	1) Subdivide 6.8 ha from a 55.2 ha property for a family member. 2) Non-farm use on the proposed 6.8 ha lot for an existing heavy machinery business.
Original decision:	Refused as proposed. However the Commission allowed a 2.0 ha parcel around the shop with conditions regarding consolidation with an adjacent property, construction of a fence, 3 year time limit and that approval for the non-farm use be granted for the sole benefit of the applicant and is non-transferable.
Current proposal:	The current proposal only pertains to the non-farm use component. The applicant requests an amendment of approval conditions to allow for the transfer of non-farm use of the heavy machinery shop to a potential new operator.
Legal Location:	The Fractional South West 1/4 of District Lot 6202 Cariboo District 3834 Morosoff Road, near Quesnel

### **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

- 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**

At the time of the original decision, the Commission was unaware that the heavy machinery shop and business may be potentially sold in future. The Commission was amenable to amending the conditions of non-farm use approval to allow for transfer of the heavy machinery business.

### **IT WAS**

**MOVED BY:** Commissioner Gillette  
**SECONDED BY:** Commissioner 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 transfer of non-farm use of the heavy machinery shop be approved,

AND THAT the allowed non-farm use is for heavy machinery repair, and that any other type of non-farm use may require a new application to the Commission.

AND THAT aside from the amendment of non-farm use transferability, all other conditions of approval of Resolution #134/2012 remain in effect.

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 # 164/2012**