



**Agricultural Land Commission**  
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October 26, 2012

ALC File: # 52633

Henry and Sandra Braun  
PO Box 243  
Prespatou BC  
V0C 2S0

Dear Mr. and Mrs. Braun:

**Re: Request for Reconsideration – Resolution # 199/2012**

Please find attached the Minutes of Resolution # 74/2012 as it relates to the above.

Further correspondence with respect to this application should be directed to Gordon Bednard.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #74/2012

cc: Peace River Regional District Attn: Owen Bloor file # 193/2011

GB/52633d2



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 20, 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 #52633.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Gordon Gillette	Vice-Chair
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

### COMMISSION STAFF PRESENT:

Gordon Bednard	Land Use Planner
Martin Collins	Regional Planner
Colin Fry	Executive Director

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### REQUEST FOR RECONSIDERATION

The Commission received a letter dated July 24, 2012 requesting reconsideration of its decision recorded as Resolution #199/2012, by which, the proposal to subdivide two lots from the subject property for the daughter and son of the applicant was refused.

**Owner:** Henry Braun  
**Original Proposal:** To subdivide two lots from the subject property for the daughter and son of the applicant.  
(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)  
**Original Decision:** Refuse as proposed  
**Current Request:** To reconsider the decision based on a proposal to include into the ALR the South East ¼ of District Lot 2517, Peace River District - a ¼ section of developed farmland also owned by the applicant.  
**Legal:** PID: 014-830-523  
**Location:** South ½ of District Lot 2359, Peace River District  
Triad Road, east of Prespatou

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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**

The Commission believes that the applicant has provided evidence that was not available at the time of the previous decision. The Commission was not aware of the possibility of the inclusion of land in exchange for the creation of the two proposed lots.

As a result, it was moved by Commissioner Dowswell and seconded by Commissioner Dempsey that there were no persons affected by the reconsideration and that the Commission reconsider Resolution # 199/2012. The motion was carried unanimously.

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**IT WAS**

**MOVED BY: Commissioner Dowswell**

**SECONDED BY: Commissioner Dempsey**

THAT the request for subdivision of 2 lots of 4 ha each from the South East corner of the subject property, be approved subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application;
- the receipt of an application for inclusion of the South East ¼ of District Lot 2517, Peace River District;
- the subdivision plan must be completed within three years from the date of this decision;
- the approval for subdivision is granted for the sole benefit of the applicant and is non-transferable.

AND FINALLY THAT 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 #74/2012**