



**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 3, 2012

ALC File: # 52904

Nirmal & Rimplejeet Dhaliwal  
RR #1 Site 36 Comp 36  
Oliver, BC  
V0H 1T0

**Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution # 392/2012 as it relates to the above noted application. The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act*.

Section 33(1) of the *Agricultural Land Commission Act* provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to ALC staff member Ron Wallace.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #392/2012

cc: City of Kelowna (A12-006)



## 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 Application #52904.

### COMMISSION MEMBERS PRESENT:

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:

Martin Collins	Regional Planner
Ron Wallace	Land Use Planner
Colin Fry	Executive Director

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### PROPOSAL

To subdivide the 12.0 ha parcel into one (1) 4.9 ha lot and one (1) 7.1 ha lot.  
(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

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### LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
  - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
  - (c) 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.

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### COMMISSION CONSIDERATION

After considering the information provided with the application the Commission concluded as follows:

1. The Commission considered that the proposed subdivision will result in an increase in rural residential parcels in the subject area and reduce rather than enhance the agricultural potential of the property under application. The Commission believes the proposal for subdivision is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve and encourage agriculture.

**IT WAS**

**MOVED BY:** Commissioner Jim Johnson  
**SECONDED BY:** Commissioner Gordon Gillette

THAT the application to subdivide the subject property into two parcels be refused.

AND THAT the applicant be advised that a revised proposal does not constitute new evidence 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.

**CARRIED**

**Resolution #392/2012**