



**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 5, 2013

ALC File: # 52479

Kenneth Nicholson  
2547 Hilltop Road  
Sorrento, BC  
V0E 2W1

**Re: Reconsideration Request – ALC Resolution # 200/2012**

Please find attached the response of the Agricultural Land Commission with respect to your Request for Reconsideration.

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Response to Request

cc: Columbia Shuswap Regional District (LC2453C)

52479m1



## PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 2, 2013 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 #52479.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner

### COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Brian Underhill	Executive Director

---

### REQUEST FOR RECONSIDERATION

The Commission received correspondence dated May 6, 2013 requesting reconsideration of its decision recorded as Resolution #200/2012, by which, the proposal to build an office/shop which exceeds the maximum floor area of 100 m<sup>2</sup> for a home occupation within the ALR was refused.

<b>Owner:</b>	Kenneth Nicholson
<b>Original Proposal:</b>	(Submitted pursuant to section 20(3) of the <i>Agricultural Land Commission Act</i> ) To build an office/shop which exceeds the maximum floor area of 100 m <sup>2</sup> allowed for a home occupation within the ALR Use, Subdivision and Procedure Regulation. The building is currently under construction and is approximately 280 m <sup>2</sup> .
<b>Legal:</b>	PID: 004-845-170 Lot 1 Section 11 Township 22 Range 11 West of the 6 <sup>th</sup> Meridian Kamloops Division Yale District Plan 27305
<b>Location:</b>	2547 Hilltop Road, Sorrento, BC
<b>Original Decision:</b>	Refused.
<b>Current Request:</b>	As outlined in the applicant's letter noted above. To use the subject building for storage of equipment, tractor and parts as well as for office space for the home based business. It was indicated that the use would continue until 2018 when the applicant would retire and the building would be available for storage of agricultural equipment.

---

### LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION

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.

---

**DECISION REGARDING THE REQUEST FOR RECONSIDERATION**

The Commission acknowledges the request for reconsideration as outlined in the above noted letter. However, the information provided did not change the Commission's decision to refuse the proposed use on the subject property within the ALR.

**Conclusion:**

The Commission decided not to reconsider Resolution #200/2012.