



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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December 18, 2012

ALC File: # 52708

Robert Cadez  
The Airey Group  
#400 – 2695 Granville Street  
Vancouver, BC  
V6H 3H4

Dear Mr. Cadez:

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

Please find attached the Minutes of Resolution #366/2012 as it relates to the above noted application. The Commission has also attached the following:

1. a sketch plan depicting the decision;
2. a copy of Resolution #1860/81 and accompanying decision letter;
3. a copy of the ALC's June 26, 2006 letter; and
4. a copy of the ALC's November 1, 2007 correspondence.

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure(s): Minutes and Sketch Plan of Resolution #366/2012  
Minutes of Resolution #1860/81  
ALC Letter, June 26, 2006  
ALC Correspondence November 1, 2007

cc: Islands Trust (File: SP-ALR-2012.1)

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 22, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52708.

### 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:

Liz Sutton	Land Use Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

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### PROPOSAL

- 1) Strata subdivision of an 8 ha parcel to create 4 strata lots on 4.1 ha with 3.9 ha as common property. (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)
- 2) To establish a strata road across the ALR portion of the property. (Submitted pursuant to section 6 of BC Regulation #171/2002 (*ALR Use, Subdivision and Procedure Regulation*))

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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.

## **COMMISSION CONSIDERATION**

After considering the file information the Commission concluded as follows:

In 1981 the Commission refused an exclusion application on the subject property but instead allowed the proposed eleven (11) lot subdivision while retaining the property within the ALR (Resolution #1860/81). In 2006, the Commission accepted a revised fourteen (14) lot subdivision plan as it was believed to be in substantial compliance with Resolution #1860/81. In 2007, the Commission accepted a second revised plan for a seven (7) lot subdivision in lieu of the 1981 and the 2007 subdivision plans.

**Conclusion:** The Commission has already agreed to a substantive subdivision of the property.

### **IT WAS**

**Moved BY:** Commissioner Thibeault  
**SECONDED BY:** Commissioner Dempsey

THAT staff is directed to provide the applicants with the following documents to ensure they are aware of these previous decisions:

1. a copy of Resolution #1860/81 and accompanying decision letter;
2. a copy of the ALC's June 26, 2006 letter; and
3. a copy of the ALC's November 1, 2007 correspondence.

AND THAT the application for strata subdivision of the 8 ha parcel to create 4 strata lots on 4.1 ha with 3.9 ha as common property, and to establish a strata road across the ALR portion of the property be approved subject to the following conditions:

- the subdivision is to be in substantial compliance with the plan submitted with the application;
- the subdivision is to be completed within three years from the date of this decision; and
- in the event the applicants pursue the subdivision as approved herein, and the subdivision plan is registered by the Registrar of Land Titles, by doing so the applicants knowingly agree to the ALC rescinding Resolution #1860/81 and retracting its June 26, 2006 letter and November 1, 2007 correspondence.

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 #366/2012**