



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

May 14, 2014

ALC File: 52935

Prit Sidhu
Sidco Property Consultants Ltd.
Suite 500-666 Burrard Street
Vancouver, BC V6C 2X8

Dear Mr. Sidhu:

Re: Application to Conduct a Non-Farm Use on Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #152/2014 as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

Further correspondence with respect to this application should be directed to Eamonn Watson at Eamonn.Watson@gov.bc.ca.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to be 'C. Fry', is written over a horizontal line that extends across the page.

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #152/2014

cc: Fraser Valley Regional District (File # 3015-20-2012-06)
45950 Cheam Avenue, Chilliwack, BC V2P 1N6

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 28, 2014 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 #52935.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

COMMISSION STAFF PRESENT:

Jennifer Carson	Planner
Eamonn Watson	Planner
Colin Fry	Chief Tribunal Officer

REQUEST FOR RECONSIDERATION

The Commission received a letter dated December 2, 2013 requesting reconsideration of its decision recorded as Resolution #96/2013, by which the proposal to construct a second residence was refused.

Owners: Stanley Malcolm Shannon (As to an undivided ½ interest)
Beau Earl Blain and Tania Mae Blain (As to an undivided ½ interest as joint tenants)

Agent: Prit Sidhu, Sidco Property Consultants Ltd.

Original Proposal: (Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)
To construct a second residence on the subject property to be used by a family member of the owners. The occupants of the new residence would also work on the farm and have a significant role in the development and operation of an expanded farm enterprise.

Original Decision: That the request to construct a second residence on the subject property be refused.

Current Request: To reconsider the application based on the submission of new and more detailed information about the farm operation.

Legal: PID: 028-160-606
Lot 1, District Lot 499, Group 2, New Westminster District, Plan BCP43744

Location: 48151 Auchenway Road, Chilliwack

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 December 2, 2013 submission has provided evidence that was not available at the time of the previous decision in the form of more detailed information related to the farm operation.

As a result, it was moved by Commissioner Dyson and seconded by Commissioner Dempsey that there were no persons affected by the reconsideration and that the Commission reconsider Resolution #96/2013. The motion was carried unanimously.

COMMISSION CONSIDERATION

After considering the new information the Commission concluded as follows:

1. The Commission appreciates the additional information provided regarding the farm operation. However, the Commission still believes the level of farm development is not consistent with the need for additional permanent dwellings on the subject property.

Conclusion:

The Commission does not believe that the current level of agricultural activity on the subject property requires two permanent dwellings.

2. Section 3(1)(b) of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*) permits the following:

(1) *The following land uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable treaty first nation government:*

...

(b) *for each parcel,*

(i) *one secondary suite within a single family dwelling, and*

- (ii) *one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family;*

Conclusion:

The Commission believes that Section 3(1)(b) provides an adequate opportunity to create an additional dwelling for a family member that would be more appropriate than permitting an additional permanent dwelling on the subject property.

IT WAS

MOVED BY: Commissioner Dyson
SECONDED BY: Commissioner Dempsey

THAT the request for the construction of a second dwelling on the subject property be refused.

CARRIED

Resolution #152/2014