



Agricultural Land Commission
133-4940 Canada Way
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www.alc.gov.bc.ca

August 19, 2014

ALC File: #53496

Jacob and Anna Reimer
PO Box 247
Prespatou, BC
V0C 2S0

Dear Mr. and Mrs. Reimer:

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

Please find attached the Minutes of Resolution #303/2014 as it relates to the above noted application. The Commission has also attached a sketch plan depicting the decision.

Please send two (2) copies of the final survey plan to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the survey plan.

Further correspondence with respect to this application should be directed to Laurel Eyton (Laurel.Eyton@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Layton' or 'Fry', written over a horizontal line.

Colin J. Fry, Chief Tribunal Officer

Enclosures: Minutes of Resolution #303/2014
Sketch Plan

cc: Peace River Regional District (File #128/2013)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on August 7, 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 #53496.

COMMISSION MEMBERS PRESENT:

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

COMMISSION STAFF PRESENT:

Martin Collins	Planner
Laurel Eyton	Planner
Colin J. Fry	Chief Tribunal Officer

REQUEST FOR RECONSIDERATION

The Commission received a letter dated June 19, 2014 requesting reconsideration of its decision recorded as Resolution #123/2014, by which, the proposal to subdivide a 3.6 ha lot from the 128 ha property was refused as proposed.

Owners: Jacob and Anna Reimer

Original Proposal: (Submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*)

To subdivide a 3.6 ha lot from the 128 ha property as divided by Steiner Road and Triad Road.

Original Decision: That the proposal to subdivide a 3.6 ha lot from the subject property be refused as proposed.

However, the ALC approved the subdivision of the subject property into two lots as divided by Triad Road.

Current Request: To reconsider the request to subdivide a 3.6 ha lot from the 128 ha property as divided by Steiner Road and Triad Road.

Legal: PID: 014-927-446
District Lot 2955, Peace River District, Except Plans PGP36912 and PGP37945

Location: Prespatou, north of Fort St. John

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.

DECISION REGARDING THE REQUEST FOR RECONSIDERATION

The Commission believes that the applicant has demonstrated the all or part of the original decision was based on evidence that was in error or was false. The applicant, in a letter dated June 12, 2014 to the Commission, outlined that the division of the subject property into two properties along Triad Road would impede her agricultural operation. Whereas, the proposed subdivision will have a smaller or negligible impact on the agricultural operation on the subject property.

As a result, it was moved by Commissioner Thibeault and seconded by Commissioner Dempsey that there were no persons affected by the reconsideration and that the Commission reconsider Resolution #123/2014. The motion was carried unanimously.

COMMISSION CONSIDERATION

After considering the new information the Commission concluded as follows:

1. There is limited agricultural utility of the proposed small parcel of land, as it is separated from the rest of the subject property by Steiner Road and Triad Road.

Conclusion:

Approval of the proposed subdivision will have limited impact on the agricultural potential of the subject property.

IT WAS

MOVED BY: **Commissioner Thibeault**
SECONDED BY: **Commissioner Dempsey**

THAT the request to subdivide a 3.6 ha lot from the 128 ha property as divided by Steiner Road and Triad Road be approved.

AND THAT the approval is subject to the following condition(s):

1. the subdivision being in substantial compliance with the plan submitted with the application; and
2. the subdivision plan being completed within three years from the date of the Commission's letter communicating this decision.

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 #303/2014