



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

August 4, 2016

ALC File: 54271

SENT VIA ELECTRONIC MAIL

Springfield Harrison
stellargps@gmail.com

Dear Mr. Harrison:

Re: Reconsideration Request – ALC Resolution #8/2016

A meeting of the Executive Committee of the Agricultural Land Commission (“the Executive Committee”) was held on April 26, 2016 as it relates to the request for reconsideration of Application #54271. All members of the Executive Committee were in attendance, save and except for Frank Leonard (ALC Chair) who recused himself.

The Executive Committee received correspondence dated February 24, 2016 requesting reconsideration of its decision recorded as Resolution #8/2016, by which, the proposal to exclude 4.4 ha of the property from the ALR, for the purpose of developing the land as per the Victoria Airport Land Use Plan was approved.

The Executive Committee considered your request for reconsideration pursuant to section 33(1) of the *Agricultural Land Commission Act* which provides a person affected 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.

After reviewing the file material and the request for reconsideration, the Executive Committee did not believe your submission constituted evidence that was not available at the time of the previous decision or demonstrated that all or part of the original decision was based on evidence that was in error or was false. The Executive Committee concluded that the request for reconsideration did not meet the requirements for reconsideration pursuant to s. 33(1) of the *Agricultural Land Commission Act*. Your request for reconsideration and a meeting is therefore dismissed.

With respect to your allegation of the perceived potential conflict of interest of Mr. Frank Leonard as Chair of the Commission as well as holding the position of a Director of the Victoria Airport Authority. In your reconsideration request you state:

35. Presumably, Mr. Leonard took all necessary steps to comply with the relevant portions of the COC. However, no information on this issue is included in the Subject Decision.

36. This failure to publically disclose this apparent conflict of interest directly undermines s. 2 of the COC.

37. Absent any information to the contrary, this apparent conflict could potentially influence the decision of the Panel. Thereby, the omission of information regarding this apparent conflict of interest from the Subject Decision constitutes an evidentiary error.

The Chair's role in the application process is to refer an application to the appropriate decision making stream. Except for specific legislative criteria, the Chair has given staff standing instruction to forward applications to the appropriate Regional Panel, in which he has no role or input, as was the case for Application 54271. Further, I can advise that Mr. Leonard, upon taking office as Chair of the Commission in May 2015, notified staff of his directorship position at the Victoria Airport Authority and advised that he will recuse himself from any and all Commission matters, discussions, or applications that may involve the Victoria Airport Authority. Mr. Leonard had no involvement in the application and did not participate in the review of your request for reconsideration.

Further correspondence with respect to this application is to be directed to Liz Sutton at (Elizabeth.Sutton@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Director of Policy and Planning

cc: Town of Sidney (File: 2125 Beacon Avenue West)
James Bogusz, 201 – 1640 Electra Blvd, Sidney, BC V8L 5V4