Agricultural Land Commission Appeal Decision, ALC File 147335

In the matter of an appeal under section 55 of the *Agricultural Land Commission Act*

BETWEEN:

Kush Panatch

Appellant

AND:

Agricultural Land Commission

Respondent

BEFORE: An Appeal Panel of the ALC

Jennifer Dyson, ALC Chair

Jerry Thibeault, ALC Vice Chair

DATE: Conducted by way of written submissions concluding on October 30, 2025

The Appeal

[1] This is an appeal from a July 31, 2025 stop work order for a non-farm use (the "**SWO**"). The SWO requires the Appellant to cease gatherings for events on a farm property in Richmond (the "**Property**"), on the grounds that gatherings held or planned for the Property in 2025 failed to comply with ss. 17(b), (c), (d) and (f) of the *Agricultural Land Reserve Use Regulation*, BC Reg. 30/2019 (the "***Use Regulation***").

[2] For the reasons which follow, the appeal is dismissed and the SWO confirmed.

Background

[3] The Property is agricultural land, within the meaning of the *Agricultural Land Commission Act*, SBC 2002, c 36 (the "***Act***"). An organic regenerative farm, called Athiana Acres, is operated on the Property. The farm grows a variety of vegetables, fruits, herbs and flowers.

[4] In 2024, the Commission approved an application to place fill on the Property to, among other things, create an equipment maneuvering and staging area (*i.e.*, a turnaround area for equipment) of up to 1255.6 m^2.

[5] On June 3, 2025, a Compliance and Enforcement Officer (the "**Officer**") wrote to the Appellant advising that the Commission had recently received information alleging that the Appellant may be hosting events on the Property contrary to regulatory requirements. The Appellant promptly met with the Officer. At the meeting, the Appellant's representative (the "**Managing Director**") shared information about the weekly farm market festivals the Appellant had held, and

was planning to hold, on the Property. The Managing Director requested information from the Officer to confirm that the proposed activities would be acceptable agri-tourism activities.

[6] On June 11, 2025, the Officer conducted an inspection of the Property and observed the following:

- There was a 75 ft by 40 ft greenhouse structure with large metal beams and transparent glass or plastic sheets on the roof and walls, which the Officer described as unauthorized and permanently secured to the ground. The structure had a non-permitted fill base of crushed gravel, overlaid with interlocking plastic tiles.
- There was a second, smaller greenhouse structure, approximately 40 ft long and 20 ft wide, with a crushed gravel base, again overlaid with interlocking plastic tiles but with a cement base at the front door. A patio attached to the structure had been created with crushed gravel and had a raised edge. A large electrical junction box was permanently attached to one corner of the structure, and there were speakers bolted to one side of the structure's frame.
- There was a commercial tent, approximately 31ft long by 23 ft wide, set atop a crushed gravel base. The Officer described the tent as "permanent" and "unauthorized". There was a power junction box behind the commercial tent.

[7] The Officer also documented observing four hoop-style greenhouses on the Property, with plastic covers; three "coverall" structures, housing equipment and supplies; office and washroom structures; a crushed gravel parking area; and open grass areas for music events, vendors, weddings, etc. Two signs on the Property

advertised a weekly seasonal market and "Markets, Custom Florals, Farm Tours, Field Trips, Bouquet Making Workshops, Farming Workshops, Community & Private Events", respectively.

[8] In an email exchange after the inspection, the Officer referred the Managing Director to the definition of "permanent facilities" in the Commission's Agri-Tourism Policy L-04, and the policy's requirements with respect to parking areas for the purposes of agri-tourism. The Officer also noted that gatherings for events were limited to no more than 150 people, whereas the Managing Director had advised that 500 – 800 people attended events at the Property. The Managing Director provided a list of vendors for scheduled markets and advised that the farm had cancelled the upcoming weekly market to ensure the market falls within the classification of an agri-tourism activity.

[9] On June 23, 2025, the Officer delivered to the Appellant a Contravention Notice of Non-Farm Use Activity and Unauthorized Fill (the "**Contravention Notice**"). The Contravention Notice said that fill not authorized in 2024 had been imported onto the Property and that the following structures had been purpose-built to host events in breach of the authorization and the *Agricultural Land Commission Act*, SBC 2002, c 36 (the "***Act***"):

- approximately 100-vehicle parking lot ~ 2900 m^2;
- gravel walkway to an unauthorized structure ~ 345 m^2;
- commercial tent with aggregate base storing commercial items for events and not used as a farm roadside stand/market space ~ 100m^2;

- large glass/metal beam structure with aggregate base and locking plastic tiles used for events ~ 975m^2;
- small glass/metal beam structure with aggregate base and locking plastic tiles used for events ~ 100 m^2; and
- gravel road.

[10] The Contravention Notice described the structures as non-farm uses with associated fill contrary to s. 20(1) of the *Act*. This section of the *Act* provides, "A person must not use agricultural land for a non-farm use unless permitted under section 25 or 45 or the regulations". The Contravention Notice "strongly advise[d]" the Appellant to remove the purpose-built permanent structures used to host events, and to remove the associated unauthorized fill and remediate the area (total 5,175m^2) back to an agricultural standard equivalent to or better than what existed before the fill importation and construction.

[11] The evidence before the Appeal Panel shows that the Appellant has, since June 2025, removed the tent and large greenhouse and the gravel associated with them.

[12] The same day that the Contravention Notice was delivered, the Managing Director emailed the Officer to discuss the weekly markets, which were not addressed in the Contravention Notice.

[13] On July 2, 2025, the solicitor for the City of Richmond forwarded the Officer an email from the Managing Director which, among other things, set out a schedule of events planned for the summer of 2025. These included various farm

workshops, weddings, a fundraiser for Vancouver Food Runners and FarmFolk City Folk's Feast of the Fields.

[14] On July 14, 2025, the City of Richmond notified the Officer of noise complaints relating to the Property.

[15] On July 31, 2025, the Officer issued the SWO. The SWO provided, in part,

> Further to my June 23, 2025 letter concerning non-farm use activity and unauthorized fill, we understand you are continuing to host weddings and other events on the Property utilizing the illegal permanent facilities. These events must stop.
>
> Specifically, my concern is with the following permanent facilities identified in my previous letter:
>
> 1. 100-vehicle parking lot;
> 2. Gravel walkway;
> 3. Commercial Tent with aggregate base;
> 4. Large glass/metal beam structure with aggregate base. I understand the above-ground portion of the structure has been removed but the aggregate base remains and is being used as a base for temporary structures; and
> 5. Gravel road.
>
> You placed fill for each of the above-noted structures without permission from the Agricultural Land Commission (the "ALC") or its CEO, in breach of section 20.3 of the *Agricultural Land Commission Act* (the "ALCA"). I previously recommended the removal of these permanent facilities and their associated unauthorized fill.

I understand that the small glass/metal structure has been repurposed for growing plants and flowers. On the basis of that understanding, I do not have further concerns regarding this structure.

I have reviewed your schedule of 10 weddings, which includes events hosted on May 4, 2025 and June 12, 2025, three family celebrations, "Vancouver Food Runners" fundraiser and "Feast of Fields" fundraiser. We note that all the above events will be attended by less than 150 people except for the Feast of Fields where you are expecting over 800+ people. You must stop hosting these events until the permanent facilities listed above are removed and the area remediated.

Flower U-pick and arranging workshops are allowed as they are related to on-site agricultural production and harvest. These are agritourism activities designated as a farm use so long as no permanent facilities are constructed or erected in connection with these activities.

Section 20(1) of the *Agricultural Land Commission Act* (the "ALCA") prohibits the use of agricultural land for a non-farm use unless permitted after application or under the regulations. Your construction and use of permanent facilities in connection with the hosting of events, some of which are attended by more than 150 people are breaches of section 20(1) of the ALCA. They are non-compliant with section 17 (b), (c), (d) and (f) of the Agricultural Land Reserve Use Regulation (the "Use Regulation") …

As you are not complying with section 17 of the Use Regulation, you are conducting unauthorized non-farm use of the Property.

Please note that all the conditions set out in section 17 of the Use Regulation must be met. Gathering for an event for which permanent facilities have been constructed or erected in connection with the event is not permitted, so compliance with section 17 is not possible so long as the permanent facilities listed above remain on the Property.

Therefore, pursuant to Section 50 of the ALCA, I issue this Stop Work Order requiring you to immediately cease any further gathering for events on this Property specifically:

1. **Weddings;**
2. **Family Gatherings;**
3. **Vancouver Food Runners fundraiser**
4. **Feast of Fields fundraiser**
5. **Any other events**

[Emphasis in original.]

[16] "Gathering for an event" is defined in the *Use Regulation* as follows:

> "gathering for an event" means a gathering of people on agricultural land for the purposes of attending
>
> (a) a wedding, other than a wedding to which paragraph (c)(ii) applies;
>
> (b) a music festival; or
>
> (c) an event, other than
>
> (i) an event held for the purpose of agri-tourism activity; or
>
> (ii) the celebration, by residents of the agricultural land and those persons whom they invite, of a family event for which no fee or charge is payable in connection with the event by the invitees.

[17] Section 17 of the *Use Regulation* provides in relevant part:

> The use of agricultural land for the purpose of gathering for an event is permitted and may not be prohibited in section 14 [pursuant to a local government enactment or a first nation government law] if all of the following conditions are met:
>
> …

(b) no permanent facilities are constructed or erected in connection with the event;

(c) parking for those attending the event

(i) is available on that agricultural land,

(ii) occurs only in connection with that event, and

(iii) does not interfere with the productivity of that agricultural land;

(d) no more than 150 people, excluding residents of the agricultural land and employees of the farm operation conducted on that agricultural land, are gathered on the agricultural land at one time for the purpose of attending the event;

...

(f) no more than 10 gatherings for an event of any type occur on that agricultural land within a single calendar year.

The Appeal Process

[18] On August 14, 2025, the Appellant filed a notice of appeal from the SWO.

[19] On August 27, 2025, the Respondent provided the Appellant with a link to download the compliance and enforcement records related to the SWO.

[20] On September 3, 2025, the Appellant filed additional submissions in the Appeal.

[21] On September 17, 2025, the Respondent filed submissions in the Appeal.

[22] On October 14, 2025, the ALC wrote to the Appellant, describing the appeal process, providing notice of the hearing and setting deadlines for the steps in the appeal.

[23] On October 30, 2025, the Appeal Panel convened to consider the Appeal.

Discussion and Findings

[24] The Appeal Panel's reasons in this section take into account the parties' submissions and the evidence in the Appeal, all of which has been reviewed in full, even if not referred to in detail.

Preliminary Issue: the Panel's Jurisdiction

[25] In written submissions delivered September 3, 2025, the Appellant sought the following outcomes from the Appeal:

- the ability to continue to host permitted farm and non-farm uses on the Property;
- permission to retain the crushed gravel parking lot for the purposes set out in the 2024 authorization;
- permission to retain the commercial tent for the purposes set out in the 2024 authorization;
- permission to relocate the farm road;
- clarification of whether the planned summer markets are acceptable under s. 12(2)(f) of the *Use Regulation* and if not, which components are acceptable,

provided that the activity was held on the farm's lawn using 10 ft by 10 ft pop-up tents.

[26] Much of the relief sought by the Appellant is not available in the Appeal. Section 55(1) of the *Act* provides that a person subject to (among other things) an order made under section 50 may appeal that order. Section 55(2) of the *Act* provides that the Appeal Panel may confirm, vary or reverse the order or refer the matter, with or without directions, back to the person who made the order. There is only one order at issue in this Appeal: the SWO; this is the "matter" in the Appeal. The Appeal Panel's task is, therefore, to determine whether the SWO was appropriately issued and, if not, to determine the appropriate remedy. Matters not connected to the SWO are not at issue in the Appeal.

The Merits of the Appeal

[27] Section 17 of the *Use Regulation* provides that a gathering for an event on agricultural land may not be prohibited by a local government enactment of first nation government law, if all conditions set out in s. 17 are met. The Officer issued the SWO on the grounds that past and planned gatherings and events were not, or would not be, in compliance with ss. 17(b), (c), (d) and (f) of the *Use Regulation.*

[28] The evidence in the Appeal persuades the Appeal Panel that the gatherings for events held or planned for the Property in 2025 did not, and would not, meet all conditions in s. 17.

[29] Section 17(b) of the *Use Regulation* requires that no permanent facilities be constructed in connection with an event. The Appellant's submissions confirm that the Appellant used, and intended to continue to use, the gravel parking area on the

Property. The Respondent confirmed in submissions that its "main concern is the permanent vehicle parking area used for gatherings for events".

[30] The gravel parking area is a "permanent facility" within the meaning of the *Use Regulation.* Commission Policy L-22, "Activities Designated as Permitted Non-Farm Use: Gathering for an Event in the Agricultural Land Reserve" provides:

> For the purposes of this policy, parking areas must not be permanent (asphalt, concrete, *gravel*, etc.)… [Emphasis added.]

[31] Section 17(d) of the *Use Regulation* provides that no more than 150 people, excluding residents and employees, may be gathered on the agricultural land at one time for the purpose of attending an event. The evidence shows that more than 800 people were expected to attend the Feast of the Fields event scheduled for September 7, 2025.

[32] Section 17(e) provides that no more than 10 gatherings for an event of any type may occur on agricultural land within a single calendar year. Policy L-22 interprets this provision as follows:

> A maximum of 10 events of any type are permitted within a calendar year on a farm. For example, 5 weddings, 2 music concerts and 3 art shows. …

[33] According to the Appellant's own evidence, nine events had been held in 2025 before the SWO was issued and 18 were scheduled to be held:

- the Appellant had held two weekly markets and had 13 more scheduled;
- six weddings had been hosted on the Property and four more were planned; and

- the Appellant had already held the Vancouver Food Runners Fundraiser and was scheduled to host the Feast of the Fields event on September 7, 2025.

[34] The evidence shows that all conditions set out in s. 17 of the *Use Regulation* had not been met by the Appellant. First, the permanent gravel parking area had been used for gatherings for events, and the Appellant intended to continue to use it for this purpose. Second, the number of events held and scheduled for 2025 exceeded the allowable limit. Third, more than 150 people were expected for at least one event. The Appeal Panel is thus persuaded that the SWO was appropriate. The Appeal Panel confirms the order.

[35] The Appellant has sought the Appeal Panel's views on whether the weekly market would be permitted under s. 12(2)(f) of the *Use Regulation*, provided pop-up tents were used on the farm lawn. Section 12 of the *Use Regulation* concerns agri-tourism.

[36] The question posed by the Appellant invites the Appeal Panel to provide an advisory opinion on a hypothetical situation. This is not a function provided for by s. 55 of the *Act*, and the Appeal Panel declines the Appellant's invitation. However, for the Appellant's assistance, the Appeal Panel notes that s. 12(1)(c) of the *Use Regulation* provides that no permanent facility may be constructed or erected in connection with an agri-tourism activity. Policy L-04, "Activities Designated as Farm Use: Agri-Tourism Activities in the ALR" confirms that gravel parking areas are considered permanent. The Officer drew Policy L-04 to the attention of the Appellant and the Managing Director on June 12, 2025.

[37] At an early stage in the interactions between the Appellant and the Commission in June 2025, the Managing Director confirmed, "[W]e want to stay

onside the ALC regulations while promoting Athiana Acres, our organic and regenerative farm". This is a productive and laudable goal. To further this goal, the Appeal Panel suggests that the Appellant may wish to consider an application for a non-farm use of the Property.

Appeal Panel:

Jennifer Dyson

Jerry Thibeault

Appeal Decision Date: November 26, 2025