



Agricultural Land Commission Appeal Decision, ALC File 47403

Appellants: Gordon James Rendle and Robert Roderick Rendle

**Appeal of the January 30, 2014 Stop Work Order issued by Richard Bullock,
ALC Chief Executive Officer pursuant to section 55 of the *Agricultural Land
Commission Act***

Introduction

On January 30, 2014 Richard Bullock, Agricultural Land Commission (“ALC”) Chief Executive Officer (“CEO”), issued a Stop Work Order to Gordon James Rendle, Robert Roderick Rendle, Foundation Organics Ltd. (“Foundation”) and Stanhope Dairy Farm Ltd. (“Stanhope”) with regard to the operation of a composting facility at 6341 Old East Road, Victoria, B.C. (the “Stop Work Order”).

On March 31, 2014 the ALC received a Notice of Appeal from Mr. Gordon James Rendle and Mr. Robert Roderick Rendle (the “Appellants”) of the Stop Work Order pursuant to section 55 of the *Agricultural Land Commission Act* (the “Act”).

The appeal process included an oral hearing which occurred on June 19, 2014 at the District of Central Saanich Municipal Hall (the “Appeal Hearing”).

On May 22, 2014 the Appeal Commissioners provided direction regarding procedure related to the Appeal Hearing and applicable timelines (the “May 22, 2014 Directions”). The May 22, 2014 Directions included procedure and timelines relating to applications for intervener status in the appeal.

Further to the May 22, 2014 Directions the Appeal Commissioners received six (6) applications for intervener status and submissions from the Appellants regarding those applications. On June



2, 2014 the Appeal Commissioners granted intervener status to each of these applicants and provided directions on the appropriate extent of participation of each of the interveners (the “June 2, 2014 Directions”).

In response to the June 2, 2014 Directions the Appeal Commissioners received submissions from five interveners requesting extensions to filing deadlines and a separate intervener request for clarification regarding the procedure for submission of materials. The Appeal Commissioners also received submissions from the Appellants and one intervener regarding the applications for extension of filing deadlines. On June 4, 2014 the Appeal Commissioners granted an extension of time for filing of certain materials and provided clarification on the scope of the appeal and the participation of interveners (the “June 4, 2014 Directions”).

On June 11, 2014 the Appeal Commissioners provided the parties with an overview of procedure for the Appeal Hearing (the “June 11, 2014 Directions”). The Appeal Commissioners provided this overview with the intention that the parties and members of the public could approach the occasion with a common understanding of how, generally, it would unfold.

On June 13, 2014 the Appeal Commissioners responded to the June 6, 2014 request from the Appellants to provide specific direction regarding documents submitted by the intervener District of Central Saanich (the “District”) (the “June 13, 2014 Directions”). The Appeal Commissioners granted an extension of time to the Appellants, but the request of the Appellants to order the District to edit down its filed documents was refused. With respect to the Appellants’ objections to the affidavit evidence of Mr. Ken Neurauter, the Appeal Commissioners determined that the affidavit was not inadmissible.

On June 17, 2014 the Appeal Commissioners responded to the June 12, 2014 request from the District and determined not to vary their June 2, 2014 Directions and June 4, 2014 Directions with regard to the scope of the District’s participation.

The Appeal Hearing was held on June 19, 2014. The Appeal Commissioners heard oral submissions from the Appellants and each of the interveners. The Appellants made further submissions in reply to interveners’ submissions.



On June 27, 2014 the Appeal Commissioners invited the Appellants and interveners to make submissions in writing, by July 4, 2014, on the specific issue of whether the Appeal Commissioners have the power to vary a stop work order (the “June 27, 2014 Directions”). In response to the June 27, 2014 Directions, the Appeal Commissioners received submissions from the Appellants and all interveners.



Background

The legal description of the property located at 6341 Old East Road, Victoria, B.C., is:

Parcel Identifier: 009-409-653

Section 16, Range 5 East, South Saanich District, Except the Right of Way of the Canadian Northern Pacific Railway, Containing 2.05 Acres More or Less, as shown

on Plan 3 RW

(the "Property")

The Property is located within a designated agricultural land reserve ("ALR") as defined in section 1 of the Act.

In or about August of 2010 the ALC was informed by Mr. Matthew Mansell ("Mr. Mansell") and Dr. John Paul ("Dr. Paul") that Stanhope intended to develop a composting facility on the Property. The ALC was further informed at this time that the composting facility would be compliant with the Act and British Columbia Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*) (the "Regulation").

The ALC was provided a copy of a letter dated December 14, 2010 from the Capital Regional District ("CRD") to Mr. Mansell that acknowledged "*receipt of your Recycler Licence Application*" and stated that "[o]ne of the requirements of Bylaw 2736 is that the operation receive approval from the host municipality, in this case the District of Central Saanich." In addition, the letter stated that the CRD will "*be seeking comments on your application from the Agricultural Land Commission as these lands are in the Agricultural Land Reserve.*"

The ALC was provided a copy of a letter dated December 15, 2010 from the District to the Appellants that acknowledged "*receipt of your recent application for building permit for a new building to be located at 6341 Old East Saanich Road.*" This letter also noted that "*pursuant to the District of Central Saanich Land Use Bylaw no. 1309, 1999 as amended, the production and storage of compost are permitted on land zoned Agricultural (A-1) only for the purpose of applying the compost to land being used in the same farm business.*"



On January 18, 2011 Thomas Loo (“Mr. Loo”), ALC Compliance and Enforcement Officer, sent an email to Mr. Mansell as a follow-up to a January 12, 2011 meeting with Mr. Mansell, Dr. Paul, Mr. Rob Kline (“Mr. Kline”) of the Ministry of Agriculture and Mr. Ken Neurauter (“Mr. Neurauter”) of the District. Mr. Loo provided comments from Mr. Kline regarding the composting operation. Mr. Kline noted that it would be helpful if Stanhope did a nutrient management plan as this would provide an objective analysis of the nutrient flow on the farm.

On March 29, 2011 Mr. Loo wrote to the Appellants requesting information about the properties that comprised the farm operation, which was indicated to be 120 hectares, of which 80 hectares were actively farmed. Mr. Loo had previously requested this information by email to Mr. Mansell and Dr. Paul dated March 2, 2011 and again to Mr. Mansell on March 4, 2011.

On March 31, 2011 the ALC received a letter from John Alexander (“Mr. Alexander”) of Cox Taylor Law Corporation, solicitor for the Appellants. Among other comments, Mr. Alexander stated that *“it is of some concern that the Land Commission would object or interfere with an activity that is clearly a permitted farm use.”*

On April 11, 2011 Mr. Loo responded to the March 31, 2011 letter from Mr. Alexander and stated that this *“office has been receiving a large number of inquiries and concerns with regards to the proposed composting facility at Stanhope. Given the great interest by the local community the Commission is attempting to gather all the information so that it may practice it’s [sic] due diligence to not only ensure the proposed activity is consistent within its regulations but so that it may competently respond to those inquiries.”* In addition, Mr. Loo noted that *“the Commission has not issued any orders or acted in any way that hindered the construction and development activities that have been occurring to date.”*

On May 16, 2011 the ALC wrote to the Appellants regarding the proposed composting facility on the Property. The ALC stated that *“[b]ased on the information provided by Stanhope Dairy Farm, Mr. Matt Mansell and Dr. John Paul, the Commission believes the proposed composting facility located at Stanhope Dairy Farm home property is consistent with section 2(m) of BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation).”*



The ALC received a letter from the District on May 8, 2013. Enclosed with this letter was an email dated May 3, 2013 “*from a concerned resident*” regarding activities on the Property.

On May 15, 2013 the ALC provided a letter to the Appellants and Mr. Mansell ordering the production of documents related to the land base of the farm and farm and composting operations.

On June 24, 2013 Mr. Loo sent a letter to Mr. Alexander with respect to the previous letter dated May 15, 2013. This letter stated that “*the deadline as set by the order was June 15, 2013. We still have not received any information to date.*” The letter went on to say that Mr. Alexander “*had indicated a willingness to cooperate with the investigation, yet at this time, I do not feel that we have received your clients’ full cooperation.*” The letter also indicated that a “[f]ailure to comply may result in the Commission taking further actions against your client.”

The ALC received a package from Mr. Alexander dated July 2, 2013 in response to the letter from the ALC dated May 15, 2013. Mr. Alexander enclosed “*various documents which have been provided by my client and satisfy a number of the requests made by the Commission.*” With regard to truck weigh scale data, Mr. Alexander indicated that “*scale information is kept electronically, slips are printed, but the information is not retained thereafter.*” Furthermore, with respect to finished compost volumes, Mr. Alexander stated that “*the tonnage is currently only about 35% of permit tonnage, no further record is kept.*” Enclosed with this letter were the following:

1. *Land Title – Stanhope Farm*
2. *Various aerial photographs*
3. *File with documents containing compost processing test data (temperatures etc.) (no volume information)*
4. *Compost Sampling Analysis Data*
5. *File containing CRD recycler licence and licence info*
6. *Various materials relating to utilization of finished compost material in cattle feed program and resource material Re: agricultural composting*
7. *A & L Canada Laboratories Inc. Certificate of Analysis*



8. *Letter of instruction and opinion letter from Dr. John Paul*
9. *Agrologist Report dated January 4, 2011*
10. *Transform Certified Process for composting operation*
11. *Composting Permits – MOE Registration November 15, 2010, CRD June 3, 2011*
12. *Drawings and site plans*
13. *Notification to Ministry of Environment under O.M.R.R. September 10, 2010*
14. *Operation Plan for composting dated December 27, 2010*
15. *Soil Deposit Notification to ALC dated August 31, 2010*
16. *Landfill/Food Waste/Compost/Hogg tonnages 2011-2013*
17. *Manure Sales Summary 2004-2013*

The ALC received a letter from the District dated August 27, 2013 that stated “[w]e are concerned that the scale of the composting operation at Stanhope Farm/Foundation Organics in Central Saanich may significantly exceed the capacity of the land base of the operation to beneficially utilize 100% of the compost product.”

On October 25, 2013 the CEO sent a letter to Mr. Alexander with respect to the composting facility on the property. This letter noted that Mr. Alexander’s “July 2, 2013 letter and documents forwarded with said letter have been reviewed by the ALC and only some of the details requested in Mr. Loo’s May 15, 2013 letter have been provided.” As a result of ALC inquiries into the land base associated with the Stanhope farm operation and the composting facility on the Property, the CEO concluded that the “ALC does not believe the current composting operation is compliant with the Act and Regulation, and considers that the operation constitutes an unauthorized non-farm use of land in the Agricultural Land Reserve.”

The ALC received a letter, dated November 6, 2013, from Mr. Alexander that included the following:

1. *Letter from Foundation Organics Ltd. to the CRD dated November 6, 2013;*
2. *Revised Operations Plan certified by Dr. John Paul [dated November 5, 2013];*
3. *Documents entitled Rationale for Compost Application Rates for Stanhope Dairy dated November 4, 2013 authored by Dr. John Paul;*



4. *Occupancy Certificate for compost building.*

In this letter, Mr. Alexander stated that “*Foundation has proposed in its Revised Operation Plan to only produce the volume of compost that can be land applied on the Stanhope property only.*” Furthermore, Mr. Alexander stated that, “[t]o avoid the other issues with respect to utilization of the compost material on lands other than Stanhope Farm, or utilization of it as bedding material, Stanhope Farms has switched back to the use of sawdust as bedding, and will utilize all of the compost for land application on its parcel alone.” Also, Mr. Mansell stated in his enclosed November 6, 2013 letter that “*if [CRD] want further response from the DCS or ALC, that [CRD] ask them to respond immediately. We also welcome their involvement in any meeting, as long as it can happen quickly.*”

On November 13, 2013 in response to the requests of Mr. Alexander and Mr. Mansell, Mr. Eamonn Watson (“Mr. Watson”) of the ALC, along with representatives from the District and CRD met with Mr. Alexander and Dr. Paul at the District municipal hall. As follow-up to this meeting, Mr. Watson sent a letter dated November 14, 2013 confirming that the ALC was prepared to review the November 5, 2013 *Revised Operations Plan* collaboratively with the District and CRD and that the ALC would be seeking additional information from Mr. Alexander’s clients.

Mr. Watson sent a letter dated November 29, 2013 to Mr. Alexander that provided an overview of the review process of the November 5, 2013 *Revised Operations Plan* and requested “*additional information that you and your clients can provide to continue moving this process forward.*” Specific documents, document types and categories of information required to properly review the November 5, 2013 *Revised Operations Plan* were requested.

The ALC received a letter dated December 18, 2013 from Mr. Alexander which provided a partial response to the information requests contained in Mr. Watson’s November 29, 2013 letter. Mr. Alexander also stated that “[i]n keeping with historical farming practices and understanding that the Rendle family has been farming the land in question for several generations, their knowledge and understanding of their farm operations, and the way in which they create and



maintain records reflects a much more organic approach which makes the production of the documents that you have requested in some cases difficult, if not impossible.”

On January 9, 2014 the CEO sent a letter to Mr. Alexander as a follow up to Mr. Watson’s November 29, 2013 letter and in response to Mr. Alexander’s December 18, 2013 letter. Enclosed with this letter was the *Criteria for Development of a Nutrient Management Plan for Stanhope Dairy Farm and Foundation Organics Ltd. Composting Facility*, dated December 27, 2013 and prepared by Mr. Bruce McTavish (“Mr. McTavish”), a Professional Agrologist and Registered Professional Biologist retained by the ALC. In this letter, the CEO confirmed that the ALC continued *“to take a cooperative approach to reviewing the information submitted by you and your clients and has remained committed to the process outlined through previous communications.”* In addition, the CEO also indicated that *“[i]n accordance with your repeated indications that your clients are willing to work cooperatively with the regulatory agencies involved in this review, I have not issued a stop work order. However, to date your clients continue to operate and limited information has been provided to the ALC.”* The CEO’s letter also requested Mr. Alexander’s *“response to this letter, indicating how your clients intend to proceed, by January 16, 2014. The ALC specifically requests that you state the date on which your client will be providing the remaining information outlined in the ALC’s November 29, 2013 letter; confirmation that your clients will prepare a nutrient management plan as outlined by Mr. McTavish; and confirmation that your clients intend to voluntarily cease the importation of materials to the Property, save and except required farm inputs that have been processed offsite.”*

The ALC received a letter from Ms. Lindsay R. LeBlanc (“Ms. LeBlanc”) also of Cox Taylor Law Corporation on January 16, 2014 in response to the CEO January 9, 2014 letter. Ms. LeBlanc stated that her clients would not voluntarily cease importation of materials to the Property and were continuing to accept garden and yard waste for use on the farm. Ms. LeBlanc advised that her clients had retained Dr. Paul to provide a nutrient management plan in accordance with the *Criteria for Development of a Nutrient Management Plan for Stanhope Dairy Farm and Foundation Organics Ltd. Composting Facility*. With respect to the outstanding



request for information, Ms. LeBlanc reiterated that “*the documentation is sparse or non-existent given the nature of our client’s farming business*”.



Stop Work Order

Among the various materials the Appeal Commissioners had before them on this appeal was a copy of the Stop Work Order together with the documents referenced therein. These documents comprised the “ALC Documents Package” to which the Appellants and interveners were provided electronic access on June 6, 2014 as part of this appeal.

On January 30, 2014, the CEO issued, pursuant to sections 49 and 50 of the Act, the following Production Order and Stop Work Order to the Appellants, Foundation and Stanhope:

1. Immediately cease importation of all spent animal bedding, biosolids, brewery/winery waste, domestic septic tank sludge, fish wastes, food waste, hatchery waste, manure, milk processing waste, plant matter derived from processing plants, poultry carcasses, red-meat waste, untreated/unprocessed wood residuals, whey and yard waste (as defined by Schedule 12 of British Columbia Regulation 18/2002 (*Organic Matter Recycling Regulation*)) and construction debris to the Property. However, you may continue to receive required farm inputs that have been processed offsite, such as unused animal bedding (e.g. sawdust), commercial grade fertilizers and animal feed. For further clarity, spent animal bedding, manure and other such agricultural waste products are not considered to be imported to the Property for the purpose of this Order if created on the Property by Stanhope Dairy Farms Ltd. farm operation; and
2. Provide all information outlined in my January 9, 2014 letter and all information outlined in Mr. Eamonn Watson’s November 29, 2013 letter by February 28, 2014.

In addition, the CEO stated that “[o]nce the Agricultural Land Commission has received, reviewed and commented on the information provided by you and your representatives in response to the inquiries made by me and my staff, consideration may be given to the rescission or variance of this stop work order and the recommencement of certain operations, if warranted.”



The CEO based his Production Order and Stop Work Order on eight (8) findings related to the Property and the operation of the composting facility on the Property:

- I. *Gordon James Rendle, Robert Roderick Rendle, Foundation Organics Ltd. and Stanhope Dairy Farm Ltd. continue to operate a composting facility on the Property;*
- II. *Despite repeated requests from the ALC, insufficient information has been provided to substantiate the agricultural need for a composting facility of this size and production level;*
- III. *Despite assurances that Stanhope Dairy Farms Ltd. “will utilize all of the compost for land application on [the Property] alone”, material has been observed leaving the Property;*
- IV. *Despite repeated assertions that Gordon James Rendle, Robert Roderick Rendle, Foundation Organics Ltd. and Stanhope Dairy Farm Ltd. are willing to work cooperatively, you continue to operate a composting facility on the Property that is not consistent with the Agricultural Land Commission Act and British Columbia Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation) and for which no non-farm use application has been made to the ALC;*
- V. *The ALC’s review of the November 5, 2013 Revised Operations Plan is ongoing. Dr. Paul’s nutrient management plan is outstanding, as are substantive portions of the ALC’s requests for specific information made on November 29, 2013. You have advised through counsel that some of the requested documentation does not exist, but have not provided a detailed response indicating which documentation will be provided in future and which does not exist.*
- VI. *It appears that the composting operation on the Property is not being run in compliance with the November 5, 2013 Revised Operations Plan. Specifically, material has been observed leaving the Property which would not be consistent with the November 5, 2013 Revised Operations Plan.*



- VII. *Currently, as indicated by Robert Roderick Rendle, there is 3000 m³ of finished material on the Property. I find that a stop work order would not impact the current day-to-day operation of the farm as manure, fertilizers and compost high in nitrogen should not currently be applied to the land due to the season and conditions and you have indicated all inputs are for compost production and all composted material are to be land applied on the Property; and*
- VIII. *With respect to my January 9, 2014 letter, I do not consider Ms. Lindsay R. LeBlanc's January 16, 2014 letter to constitute a satisfactory response to the outstanding information requests and note that it also indicated that you intend to continue receiving material to the Property.*

The CEO concluded that the Appellants, Foundation and Stanhope had operated or planned to operate a composting facility that was beyond what is permitted pursuant Section 2(2)(m) and/or Section 3(1)(p) of Regulation on the Property.



Grounds of Appeal

Section 55(1) of the Act permits an appeal from certain specified orders, including an order made under section 50 of the Act. Section 55(1) states as follows:

- (1) A person who is the subject of a determination, a decision, an order or a penalty under section 50, 52 or 54 (1) may appeal the determination, decision, order or penalty to the commission by serving the commission with a notice of appeal.*

On March 31, 2014, the ALC received a Notice of Appeal from the Appellants of the Stop Work Order.

As part of the Notice of Appeal, with respect to the CEO's eight (8) findings, the Appellants said as follows:

- 1. Any composting activity operating on the Property was and is permitted pursuant to section 2(2)(m) and/or section 3(1)(p) of British Columbia Regulation 171/2002.*
- 2. All relevant documents within the possession and control of the Appellants were provided as requested. Additional reports were prepared at the request of the ALC and at a cost to the Appellants.*
- 3. All compost material was utilized for the Stanhope Dairy Farm Ltd. operation.*
- 4. The Appellants are and continue to work cooperatively with the ALC and assert that the composting activity is consistent with the Agricultural Land Commission Act and Regulations, and the Organic Matter Recycling Regulation.*
- 5. All existing documentation was provided and further materials generated to respond to ALC's more specific and on-going requests, has now be provided.*
- 6. As stated above, all compost material was utilized for the Stanhope Dairy Farm Ltd. operation.*
- 7. The Appellants are currently utilizing purchased fertilizers as a consequence of the stop work order. The impact of the stop work order is great and extends beyond just financial impacts.*



8. *As provided in [Ms. LeBlanc's] January 16, 2014 letter all information within the possession and control of the Appellants was provided to the ALC as requested.*

The Appellants' grounds for appeal, as set out in the March 30, 2014 Notice of Appeal, are as follows:

- *The background facts relied on as set out on pages 1 – 6 [of the Stop Work Order] are inaccurate or incomplete.*
- *The background facts [of the Stop Work Order], to the extent they are findings of fact, rely on inaccurate and undisclosed complaints that are not valid.*
- *The facts incorrectly conclude that the farm operator was failing to cooperate.*
- *The concerns expressed by local government were based on inadequate factual foundation or understanding of the farm and compost operation.*
- *The background facts improperly ignore the cooperation shown by the farm, its agrologist and other consultants.*
- *The finding that “material has been observed leaving the Property” is not a contravention of any statute, regulation or bylaw.*
- *Preparation and filing a Nutrient Management Plan is not a requirement of any statute, regulation or bylaw.*
- *Operation of agricultural composting is not required to be done in accordance with an Operating Plan under and statute, regulation or bylaw.*
- *A determination that the presence of 3000 m³ of material allows for land application in the spring season ignores another (although perhaps unenforceable) order to remove the finished material.*
- *The Stop Work Order directly detrimentally impacts the operation of the farm and contradicts Section 6 of the Agricultural Land Commission Act, and the decision is inconsistent with the Act.*

The Notice of Appeal concluded by stating that the “*continued stop work order is interfering with the Appellants regular farming activities and has a very significant financial impact and as such this matter is of the utmost urgency.*”



In advance of the Appeal Hearing, the Appellants provided further information with respect to their grounds for appeal, specifically:

1. *On January 30, 2014 the Commission issued a Stop Work Order based on eight “finding”. Six of those findings are disputed as set out below.*
2. *The Stop Work Order required the Appellants to cease importing certain identified materials and specified that once the Agricultural Land Commission has received, reviewed and commented on the information provided that consideration will be given to the rescission or variance of the Stop Work Order.*
3. *Despite submitting substantial information both prior to and after the Stop Work Order, the Commission has refused to rescind or vary any portion of the Stop Work Order. Despite the obvious need for materials to support farming operations completely unrelated to the controversial food waste composting operation undertaken in 2012 and 2013, the absolute prohibition of importation of material that is clearly permitted and needed for farming continues, and the appellants do not know why.*
4. *The Stop Work Order was based on three findings that collectively can be summarized as failure to provide records or documents (finding II, finding V and Finding VIII).*
5. *Secondly the Commission made findings that “material has been observed leaving the property” (finding III), that the “composting facility” is not consistent with the regulation (finding IV) and that there is non-compliance with an operations plan related to a separate Capital Regional District licencing scheme (finding VI).*
6. *The Appellants say the Commission erred either by finding that documents and records were not produced contrary to section 49 of the Act, or alternatively by ordering the creation of documents which is not supported by any provision of the Act. As farmers, the appellants have never been required to study and report on their farming practices, and do not believe others in similar situations have been required to do so.*
7. *The Appellants say that the Commission erred in referencing and relying on a November 5, 2013 revised Operations Plan prepared for the CRD licencing process. In particular, that was a proposed revised Operation Plan that has never been implemented, and was sent to the Commission as a referral document in the CRD licencing process.*



8. *To the knowledge of the Commission, the CRD licenced food waste composting operation has been shut down by an order of the CRD in August 2013 and by the fall of the 2013 little or no food waste processing of any kind was being undertaken. There was no change or activity in January [2014] justifying any Order.*
9. *In any event the Appellants say that all of the issues surrounding the revised Operations Plan and the utilization of the property as a food waste composting facility no longer constitute a finding that supports a Stop Work Order, as the Class 3 Composting Facility Recycler Licence issued by the Capital Regional District has been surrendered and there is no planned operation of a food waste composting facility. The Commission staff were informed of this, but still did not change any part of the Order.*
10. *The Appellants do not seek to appeal any order that prohibits importation of domestic septic tank sludge, fish wastes, food wastes, hatchery wastes, milk processing wastes, red meat waste, or related materials at this time.*
11. *To the extent that the Stop Work Order was based on a finding that “material has been observed leaving the property” there was and is no evidence that any material leaving the site did so in contravention of the Act or Regulation, and “material” has left this farm site continuously for the last 50 years. In any event, that is not an issue that the Commission should be policing. The Appellants say they have never produced enough compost to adequately fertilize their own property. If they were able to do so, the amounts between that used on the farm, and that which could have (but did not) is a municipal bylaw matter. Here the Appellants say the bylaw allows use on fields in the same farm business. But, at present, this is a non-issue, as there will be far less than needed for this property only for the foreseeable future, and the Appellants cannot understand a “0” allowance.*
12. *Since the Stop Work Order the Appellants have complied with provision of further information requests and provided further documents.*
13. *In particular the Appellants have provided more information regarding a soil nutrient management plan that demonstrates unequivocally that soil nutrient levels are deficient on all forage fields and would benefit from the application of green waste compost and liquid manure. The commission has never alleged that the soil is being damaged, and*



has no evidence of over-production of compost fertilizer that would justify a Stop Work Order.

- 14. The soil analysis also demonstrates unequivocally that at no time have the Appellants over applied compost or any other fertilizer. Yet, after 60 years they are told they cannot manufacture fertilizer.*
- 15. Based on the foregoing, there is no justification for a Stop Work Order that prohibits the importation of feedstock required to produce compost as an agricultural activity, in accordance with the Act and Regulation. The Appellants' know how to farm their fields, have demonstrated this over 60 years, and are offended by the suggestion they must not process ANY compost, on the basis that they produce or may apply to much in the future.*
- 16. There is no justification for a "zero input" of compostable material to this farm. Compost is an outright permitted use of the property in question under the regulation. Unless and until there is some evidence that the scale of compost production is exceeding amounts that can be utilized on the farm, there is no justification for the Stop Work Order.*
- 17. The Appellants have provided documentation and evidence of the plan to have between 200 and 350 cattle on site in the spring and summer of 2014. There can be no doubt that animal bedding for the cattle is a necessary agricultural product.*
- 18. The Appellants say that they have been importing and grinding wood waste to make cattle bedding for years and there is no justification to support a blanket Stop Work Order that prevents wood and yard waste being used in this fashion.*
- 19. The refusal to allow production of bedding is a huge financial impact, and unfair.*

During the Appeal Hearing, the Appellants focused their submissions with respect to the grounds for appeal on the following additional points:

- The Stop Work Order prevents the Appellants from importing a list of materials, and some of the restrictions are of no consequence to the Appellants at this time. However, there are some restrictions that are having a significant harmful effect on the Appellants' ability to engage in their normal farming activities.



- The appeal seeks removal or modification of the Stop Work Order to permit the importation of three (3) specific materials for use by the farm on the Property:
 1. Brewery waste, to be used as animal feed by the farm on the Property;
 2. Untreated or unprocessed wood residuals, to be ground and used as animal bedding for cows by the farm on the Property; and
 3. Yard and garden plant waste, to be composted, mixed with manure and used as fertilizer by the farm on the Property.
- The importation of these three (3) specific materials to the Property for use by the farm is consistent with the Act and Regulation.
- Without going into the merits of the findings of the CEO's January 30, 2014 letter when the Stop Work Order was issued, the Appellants say that the Stop Work Order cannot continue to be supported by the evidence which is available as of the date of the Appeal Hearing. This was generally the focus of the Appellants during the Appeal Hearing.
- As of the March 7, 2014 correspondence from the law firm of Cox Taylor, signed by Mr. Alexander, everything that had been requested by the CEO was provided with the exception of the nutrient management plan.
- The Appellants pointed out, that despite the ability to receive material processed off-site for use by the farm (in particular that of animal bedding), this practice would incur an extra cost for the farm.
- Referring to the May 16, 2014 letter from Ms. LeBlanc, the Appellants point out that all the material that was in the composting facility, and at that time referring to the food waste composting facility, has been removed and the facility is currently empty. Foundation no longer operates on the Property and the building(s) associated with the previous operation have been turned over to Stanhope for use in its farm operation.
- The Stop Work Order impedes the Appellants' farm operation in two (2) distinct and discrete ways:
 1. With respect to the receipt of materials to the Property; and
 2. With respect to nutrient management of the Property, specifically the portion in soil-based production which the soil analysis indicated is deficient and requires fertilization.



- The Appellants point out that if reliance on the November 5, 2013 Operation Plan (referenced above) was appropriate at the time of the Stop Work Order, the change in the operation and the fact that that licenced operation no longer exists as of the date of the Appeal Hearing makes it no longer appropriate.
- The Stop Work Order was issued at the end of January, and although the CEO determined there was no impact to the day-to-day operation of the farm operation at that time, it is now the summer and peak of the farming season, and the farm operation is being impacted.
- The Appellants only intend to apply compost produced on the Property to land on the Property itself.



Relief Requested on Appeal

Section 55(2) of the Act states:

- (2) *On an appeal under this section, the commission may*
 - (a) *confirm or reverse the determination, decision, order or penalty, or*
 - (b) *refer the matter, with or without directions, back to the person who made the initial determination, decision or order.*

At the time of the Notice of Appeal, March 30, 2014, the Appellants requested the reversal of the Stop Work Order pursuant to s. 55(2)(a).

Throughout the appeal process, the relief sought by the Appellants was refined such that they sought only the ability to import brewery waste, untreated/unprocessed wood residuals and plant matter and yard waste to the Property. The refined relief focused on only a portion of those materials prohibited by the Stop Work Order.

Upon consideration of the refined relief sought by the Appellants, the Appeal Commissioners queried whether this would constitute a variance of the Stop Work Order, a power not expressly provided to the Appeal Commissioners under s. 55(2) of the Act. As a result, the Appeal Commissioners provided the June 27, 2014 Directions inviting the Appellants and interveners to make submissions in writing, by July 4, 2014, on the specific issue of whether the Appeal Commissioners have the power to vary a stop work order and, if so, the source of the Appeal Commissioners' authority.

In response to the June 27, 2014 Directions, the Appellants stated that “[e]ither the power to reverse an order in section 55(2)(a) of the Act or the power to refer to an order back to the Chief Executive Officer with directions under section 55(2)(b) of the Act is sufficient to achieve the result requested by the Appellants.”



It was the general position of the interveners, all of which responded to the June 27, 2014 Directions, that the Appeal Commissioners did not have the power to vary a stop work order and a decision of this nature should be referred to the CEO with directions pursuant to s. 55(2)(b).



Written Evidence and Written Submissions

The Appeal Commissioners received evidence and written submissions from the Appellants and interveners during the course of the appeal. The Appeal Commissioners have considered all filings that were submitted pursuant to their directions in arriving at this decision.

Provided in this section is a brief summary of evidence and written submissions received in advance of the Appeal Hearing.

Appellants

As outlined previous, the Appellants provided further information, in advance of the Appeal Hearing, in the form of a brief written statement, this is set out in detail above.

In the form of written evidence, the Appellants also provided most of the communications between themselves and the ALC since February 2014 as it related to the Stop Work Order.

Although all this information was considered, the Appeal Commissioners focused particular attention on the matters related to the Nutrient Management Plan. The initial Nutrient Management Plan was reviewed by a third party qualified professional, this review was provided to the Appellants on May 12, 2014. It does not appear as though all of the issues identified in this review have been addressed in subsequent submissions.

The Appellants also provided a written submission, June 15, 2014, in response to the submissions made by the interveners. This was also duly considered by the Appeal Commissioners.

District of Central Saanich ("District")

The District provided a written statement along with written evidence, including an affidavit sworn by Mr. Ken Neurauter, a Bylaw Enforcement Officer for the District that was addressed in the June 13, 2014 Directions. Although the evidence and submissions tendered by the District provide the Appeal Commissioners some cause for concern with respect to the



past operations on the Property, the information generally focuses on the District's Bylaw(s) in this regard. The Appeal Commissioners will not address the appropriateness or lawfulness of the District's Bylaw. Any decision does not relieve the Appellants from the necessity to comply with other bylaws or enactments.

Capital Regional District ("CRD")

The CRD provided a written statement along with written evidence. Although the Appeal Commissioners considered this information in full, the primary concern of the CRD is with compliance with its own bylaw in this regard. The Appeal Commissioners understand the CRD's position; however, as noted above, the appeal of the Stop Work Order is not specifically about local or regional government bylaws. As a result, many of these factors were not given substantial weight.

As noted above, any decision made by the Appeal Commissioners, the CEO, and/or ALC staff regarding land uses on the Property does not relieve the Appellants from the necessity to comply with local government (municipal and regional) bylaws and any other enactment applicable to the Property. The Appeal Commissioners take no position with respect to the appropriateness or lawfulness of any bylaws raised as part of the process; this is not the forum to debate these matters.

Lee Hardy and Ray Baker

Ms. Lee Hardy and Mr. Ray Baker provided a written submission along with photographs of activities taking place on the Property. They believe that the CEO was correct in issuing the Stop Work Order and, as a result, the Stop Work Order should be confirmed.

Michele and David Bond

Ms. Michele Bond and Mr. David Bond provided a written submission along with their logs of trucks entering and leaving the Property over specific periods. They believe the Stop Work Order was *"properly issued and that it should be continued in its entirety."*



Tanner Ridge Community Members

The Tanner Ridge Community Members provided a written submission with respect to their position in this regard. Outlined in their submission is generally how the composting operation on the Property has impacted the Tanner Ridge Community Members. Although the Appeal Commissioners did consider this submission and the documents noted therein, the impacts noted are primarily related to issues outside the purview of the Act and Regulation. Matters outside the Act and Regulation were not given any weight by the Appeal Commissioners.

Central Saanich Community Members

The Central Saanich Community Members provided a written submission along with written evidence. As noted in the submission, the Central Saanich Community Members' intention was to "*provide information to [the Appeal Commissioners] with regards to the behaviour and actions of some individuals that the ALC collected information from when making the decision to issue the Stop Work Order on January 30 2014.*" Although the Appeal Commissioners considered this submission and the evidence provided by the Central Saanich Community Members, these submissions did not relate directly to what could be considered pursuant to the Act and Regulation. However, it was noted that in general, the Central Saanich Community Members supported the relief sought by the Appellants.



Appeal Hearing

As noted previously, the appeal process included an oral hearing which was held on June 19, 2014 at the Central Saanich Municipal Hall.

During the Appeal Hearing, oral submissions were made, pursuant to the June 2 and 11, 2014 Directions. Provided in this section is a brief summary of these oral submissions.

Appellants

The Appellants indicate that they seek the removal or modification of the Stop Work Order to permit the importation of three specific farm inputs:

1. Brewery waste, to be used as animal feed on the farm;
2. Untreated or unprocessed wood residuals, to be ground for animal bedding to be used as bedding for cows that are located on the Property;
3. Yard and garden plant waste, to be composted, mixed with animal manure from the Property and used as fertilizer on the Property.

In general, the Appellants reviewed their written submissions and evidence supporting their position that the restrictions, or at least some of the restrictions, set out in the Stop Work Order are no longer required and are harming the Appellants' ability to operate the farm on the Property.

Three witnesses were brought forward by the Appellants:

Mr. Gordon Rendle

Information was provided with respect to the history of the Property and the farm. In addition, an overview of the farm operation and some general business practices were also provided.

Mr. Rendle provided some general information about the use of compost, referred to as fertilizer as opposed to petroleum fertilizer, on the land dating back to the fall of 2012.



Mr. Rendle also provided further information with respect to the specific relief sought, as outlined above, and the use of these materials as farm inputs. In this regard, Mr. Rendle also outlined some of the impacts the Stop Work Order was having on the farm operation.

Mr. David Tattam

Mr. Tattam outlined his credentials and role as an environmental farm planning advisor as well as his background and education.

Mr. Tattam provided an overview of the Nutrient Management Plan. Mr. Tattam was asked to do an environmental farm plan for the Appellants' farm and from this plan a nutrient management plan was targeted. Some specific details with respect to soil sampling procedures were also discussed.

Mr. Tattam explained that the use of compost in the Nutrient Management Plan was considered using a number of different scenarios, and addressed how those scenarios were considered. Mr. Tattam explained how these scenarios led to the recommendation made in the Nutrient Management Plan. Mr. Tattam generally provided a review of the complexity of the Nutrient Management Plan and the various factors that impact such a plan. In this regard it was clear it is important to have a firm grasp of a farm operation in order to properly assess nutrient management.

The Appeal Commissioners asked further questions with respect to the Nutrient Management Plan, specifically with respect to the review of the Nutrient Management Plan by a third party qualified professional. Mr. Tattam provided additional information in this regard; however, the answer in this regard addressed primarily soil sampling procedures and not other issues raised in the third party review.

Mr. Matthew Mansell

Mr. Mansell provided an overview of composting activities that would be conducted moving forward, should the Stop Work Order be varied (or rescinded).



In addition, Mr. Mansell provided information with respect to the delivery of wood waste to the Property on five specific dates in February 2014.

District of Central Saanich (the “District”)

The District relied on its written submissions, but also provided further details with respect to certain aspects of its position. In this regard, the District takes the position that compost that has been produced on the Property is not being used entirely on the Property, as would be required by section (2)(2)(m) of the Regulation. With respect to section 3(1)(p) of the Regulation, this section specifically engages the District because it says unless otherwise prohibited by a local government bylaw, an operation may be able to remove 50% of the compost from the Property. However, the District’s bylaw clearly prohibits the removal of compost, and says it must all be used on the land and cannot be sold.

The District asserts that the only section under consideration should be section 2(2)(m) of the Regulation as section 3(1)(p) of the Regulation is not engaged because the District’s bylaw prohibits this use.

The District continued to provide a general overview of the regulatory context set out in its written submissions and evidence.

The District reiterated its position that there is a lack of documentation to support the Appellants’ position in the past and moving forward. As a result of this lack of information, there is confusion as to what uses have been and are proposed to be conducted on the Property, and why, and how these relate to the farm operation. The District’s position remains that there has not been, nor is there now, clarity about how and why certain materials are imported or exported from the Property and how these practices relate to the operation of the farm and the nutrient requirements of the land.

In response to the District’s submissions, the Appellants provided some specific responses. Most notably, that many of the issues raised by the District relate to the ongoing litigation



between these parties and/or interpretation of the District's bylaw in this regard and that neither should be considered as part of this appeal.

Capital Regional District ("CRD")

The CRD outlined its involvement with the composting facility on the Property and the related composting facilities bylaw. In general, although outside of the Appeal Commissioners' purview, the CRD wants to ensure that its bylaw in this matter is adhered to by the Appellants. In particular, the CRD focused on the permitted inputs that may be composted and how an operation must be conducted.

The CRD also outlined the issues related to the suspension of the Class 3 license and some primary issues related to the appeal and judicial review of that suspension.

Although the CRD clarified that the issue of grinding wood waste was not within the jurisdiction of the CRD, its position is that any variance of the Stop Work Order should relate only to what the Appellants are requesting at this time (the importation of brewery waste and yard and garden waste) and go no further.

In response to the CRD's submission, the Appellants provided some general statements. The Appellants are only requesting variance of the Stop Work Order as it relates to the specific items identified and it does not appear as though the CRD disputes this particular relief requested.

Lee Hardy and Ray Baker

Mr. Ray Baker provided an oral submission on behalf of himself and Ms. Lee Hardy. Mr. Baker provided his, and Ms. Hardy's, position with respect to the use of the Property leading up to the Stop Work Order as well as some factors that should be balanced by the Appeal Commissioners when considering the relief requested as part of the appeal.



Michele and David Bond

Ms. Michele Bond provided an oral submission on behalf of herself and Mr. David Bond. Ms. Bond provided an overview of the records they have kept with respect to the trucks entering and leaving the Property. Along with this information, Ms. Bond stated the impact the operation has had on them and their neighbours. Ms. Bond believes there is sound reason and ample evidence to uphold the Stop Work Order in its entirety.

Tanner Ridge Community Members

Ms. Becky Cotterell provided an oral submission on behalf of the Tanner Ridge Community Members. Ms. Cotterell provided an overview of the impact of the composting facility on the members of this community group.

Central Saanich Community Members

Ms. Brenda Jordison provided an oral submission on behalf of the Central Saanich Community Members. Ms. Jordison provided an overview of the history of the neighborhood involvement with the facility along with the position that the relief requested by the Appellants' should be granted.

Appellants' Response

Although the Appellants responded to some of the interveners directly after their oral submission, a general response was also provided at the close of the interveners' oral submissions.

Included in this response was information provided by Mr. Mansell with respect to soil sampling procedure and timing.

The Appellants also provided brief closing statements and addressed a few specific issues raised by the interveners.



Reasons and Findings

Section 20(1) of the Act, under the heading “*use of agricultural land reserve*”, states: “*A person must not use agricultural land for a non-farm use unless permitted under the Act.*”

“*Farm use*” is defined under section 1 of the Act and “*means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and included a farm operation as defined in the Farm Practice Protection (Right to Farm) Act.*”

Section 2 of the Regulation provides “*activities designated as farm use*”, whereas, section 3 of the Regulation provides “*permitted uses for land in an agricultural land reserve*”. The primary difference in the regulation of the uses provided in these sections is identified in section 2(2) and 3(1), respectively.

2 (2) *The following activities are designated as farm use for the purposes of the Act and may be regulated but must not be prohibited by any local government bylaw except a bylaw under section 917 of the Local Government Act or, if the activity is undertaken on treaty settlement lands, by a law of the applicable treaty first nation government.*

3 (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.*

With respect to the production, storage and application of Class A compost, this use is permitted by sections 2(2)(m) and 3(1)(p) of the Regulation, which state, respectively:

2 (2) (m) *the production, storage and application of Class A compost in compliance with the Organic Matter Recycling Regulation, B.C. Reg. 18/2002, if all the compost produced is used on the farm.*



3 (1) (p) the production, storage and application of Class A compost in compliance with the Organic Matter Recycling Regulation, B.C. Reg. 18/2002, if at least 50% of the compost measured by volume is used on the farm.

The production, storage and application of Class A compost is permitted by the Act and Regulation. The importation, and potential processing, of required farm inputs, is also permitted by the Act and Regulation.

The Act and Regulation do not dictate the specific amount of Class A compost that can be produced, stored and applied to any farm. However, the production, storage and application of Class A compost must be necessary for a farm use and, as a result, commensurate to the size and scale of the farm operation. The importation, and potential processing, of required farm inputs, must also be necessary for a farm use and commensurate to the size and scale of the farm operation.

It is appropriate for the ALC to ask for documentation and analysis to confirm whether the amount of any required farm input (compost or otherwise) is necessary for a farm use. In this regard the CEO and ALC staff acted appropriately and within the bounds of the Act and Regulation.

The CEO issued the Stop Work Order on January 30, 2014 based on sound and reasoned findings.

Submissions have been made to suggest the CEO findings were incorrect, or he erred in making those findings. Based on their review of the submissions the Appeal Commissioners do not agree with those submissions.

Submissions have been made that provide reasons to balance the CEO's findings that led to the Stop Work Order in January 2014 with the current farm operation and intentions as of June 2014. In this regard, there appears to be a material change.



The CRD and the District both provided evidence and made submissions with respect to their bylaws related to the Property and the uses thereon. The appropriateness or lawfulness of these bylaws was not considered; this decision is focused on the Act and Regulation and the land uses permitted therein.

Although many interveners provided evidence and made submissions with respect to the impact of the uses on the Property, the Appeal Commissioners are bound by the Act and Regulation and the land uses permitted therein. As a result, issues related to visual appearance, noise, smell, traffic, were not considered within the scope of the appeal.

Although the relief sought by the Appellants evolved throughout the appeal process, it appears to fall in three (3) primary categories. The Appellants seek to continue the importation of the following material:

1. The importation of yard and garden waste to be composted and used on the Property as a soil fertilizer;
2. The importation of unprocessed wood waste to be ground and used on the Property as animal bedding; and
3. The importation of brewery waste to be used on the Property as animal feed, processing is not required.

Importation of yard and garden waste to be composted and used as a soil fertilizer

Compost presents a potentially viable fertilizer alternative, the use and processing of which is permitted in the Regulation. The processing of compost on land in the ALR must be commensurate to the farm needs. Specifically, in the case of compost, the nutrient requirements of the land base of the farm, or the Property, in this instance.

The Appellants intend to pursue a reduced composting operation in terms of scale and types of materials. Although the types of materials that can be utilized to produce compost pursuant to the Regulation are not governed directly by the Act and Regulation, questions of ultimate nutrient content and ensuring compost application is consistent with the needs of the



Property's land base are directly within the jurisdiction of the ALC as a land use listed in the Regulation.

Evidence supports that the land on the Property does require nutrients. However, the information currently available does not appear to answer all of the questions with respect to the amount and nutrient composition of compost produced on the Property as it related to meeting these nutrient requirements.

Given the history of the Property, requesting, and requiring, information as well as detailed reporting with respect to nutrient management regarding the operations on the Property was the only way for the CEO and ALC staff to determine if the use was compliant with the Act and Regulation. The CEO and ALC staff acted appropriately and within the purview of the Act and Regulation in requiring this information.

Although it was agreed that nutrient applications, whether compost or another form, are required on the Property, these applications and any compost produced on the Property should be appropriately justified based on the requirements set out by the ALC, should it be determined additional information is required in this regard.

Importation of unprocessed wood waste to be ground and used as animal bedding

Animal bedding is a required input for a farm that houses animals. Those bedding requirements could be addressed in a number of ways, each of which presents positives and negatives to an operator, including financial considerations.

The importation of animal bedding to any farm operation must be commensurate to the needs of the farm operation, specifically in this instance, the number of animals on that farm.

Although no determination can be made with respect to best practice for farming, processing animal bedding on the Property for use on the Property would be consistent with the Act and Regulation, although not expressly listed. However, that processing must be commensurate with the needs of the number of animals on the Property.



The number of animals on the farm varies and does not appear to be very steady or predictable. This presents a challenge in determining at what level the processing of animal bedding is consistent with the Regulation.

Importation of brewery waste to be used as animal feed

Animal feed is a required input for farm operations that house animals, in this regard, the appropriateness of brewery waste as an animal feed was not considered.

The proposed importation of brewery waste to the Property was not suggested to involve any processing, but it could likely involve some short term storage. The CEO expressly permitted the importation of required farm inputs that have been processed offsite. The use of brewery waste as an animal feed appears to have been an unforeseen overlap with the Stop Work Order.

With respect to all three categories, it still appears as though further clarity with respect to the scale and scope of these activities both individually and as they interrelate is required. Very few concrete numbers were provided that related to the coming and going of material from the Property as it related to the specific agricultural needs (nutritionally, bedding and/or feed) of the farm operation on the Property. Further clarifications would likely be required.



Conclusion

The production, storage and application of Class A compost is permitted by the Act and Regulation. The importation, and potential processing, of required farm inputs, is also permitted by the Act and Regulation.

The Act and Regulation do not dictate the specific amount of Class A compost that can be produced, stored and applied to any farm. However, the production, storage and application of Class A compost must be necessary for a farm use and, as a result, commensurate to the size and scale of the farm operation. The importation, and potential processing, of required farm inputs, must also be necessary for a farm use and commensurate to the size and scale of the farm operation.

It is appropriate for the ALC to ask for documentation and analysis to confirm the amount of any required farm input (compost or otherwise) is necessary for a farm use. In this regard the CEO and ALC staff acted appropriately and within the bounds of the Act and Regulation.

On January 30, 2014, the CEO issued a Production Order, in addition to the Stop Work Order, pursuant to section 49 of the Act. No appeal of the Production Order has been brought forward. In any event the Act does not enable an appeal of an order pursuant to this section.

Having received and considered the information submitted as part of the appeal, the Appeal Commissioners still have concerns that not all questions and concerns raised by the CEO and ALC staff have been answered. Although this creates some concerns, it does not detract from the primary focus of the Appellants that the scale and scope of the operations on the Property have changed since the Stop Work Order was issued.

The Appeal Commissioners find that, at the time the Stop Work Order was issued, it was correct and reasonable based on the information available at that time.



On a plain reading of the Act, the Appeal Commissioners, on an appeal under section 55 of the Act, may (a) confirm or reverse the determination, decision, order or penalty, or (b) refer the matter, with or without direction, back to the person who made the initial determination, decision or order. The Appeal Commissioners' options pursuant to section 55(2) of the Act are both within the relief sought by the Appellant.

Based on the evidence before them, the Appeal Commissioners refuse to grant the relief sought pursuant to section 55(2)(a) of the Act.

However, the Appeal Commissioners find that the scale and scope of the operations on the Property have changed since the Stop Work Order was issued. As a result, and pursuant to section 55(2)(b) of the Act, the Appeal Commissioners direct that this matter be referred back to the CEO with the following directions:

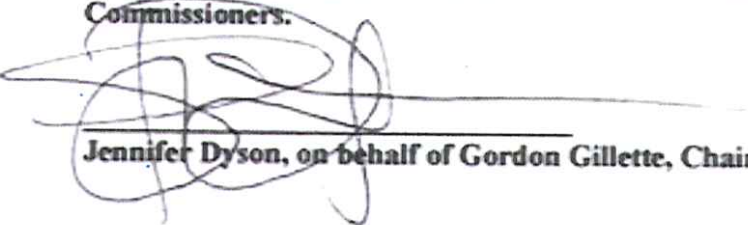
- Review the Stop Work Order;
- Consider the decision of the Appeal Commissioners;
- Consider the evidence and submissions provided by the Appellants, specifically the revised relief sought by the Appellants to import (1) brewery waste, to be used as animal feed by the farm on the Property, (2) untreated or unprocessed wood residuals, to be ground and used as animal bedding for cows by the farm on the Property, and (3) yard and garden plant waste, to be composted, mixed with manure and used as fertilizer by the farm on the Property, and seek further clarifications or information from them if the CEO considers it necessary to do so;
- Consider the evidence and submissions provided by the interveners within the context of the Act and Regulation; and
- Alter, rescind and/or provide clarity to the Stop Work Order in the manner that the CEO deems appropriate based on the information provided, the Act and Regulation.

Appeal Commissioners: **Gordon Gillette, Chair**
 Jennifer Dyson
 Jerry Thibeault



Appeal Decision Date: September 4, 2014

I hereby certify that the decision herein is the unanimous decision of the Appeal Commissioners.



Jennifer Dyson, on behalf of Gordon Gillette, Chair