



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

September 21, 2016

ALC File: 47403

DELIVERED BY PERSONAL SERVICE

Gordon James Rendle
6341 Old East Road
Victoria, B.C. V8Y 1R7

Robert Roderick Rendle
6341 Old East Road
Victoria, B.C. V8Y 1R7

Stanhope Dairy Farm Ltd.
26 Bastion Square
Third Floor – Burnes House
Victoria, B.C. V8W 1H9

COPY

REMEDIATION ORDER

As Chief Executive Officer for the Agricultural Land Commission (the "Commission"), I have reviewed information regarding the activities being carried out on the property legally described as:

Legal: 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

PID: 009-409-653

with the following civic address:

6431 Old East Road
Victoria, B.C. V8Y 1R7

(the "Property").

A stop work order dated January 30, 2014 was delivered by the Commission to Gordon James Rendle, Robert Roderick Rendle, Foundation Organics Ltd. and Stanhope Dairy Farm Ltd. pursuant to sections 49 and 50 of the *Agricultural Land Commission Act* (the "Act"). That order was appealed pursuant to section 55 of the Act, resulting in an appeal decision dated September 4, 2014. The stop work order was subsequently varied on September 23, 2014 and October 28, 2014. The order as varied consists of:

- a. Stop work order dated January 30, 2014;
 - b. Letter of September 23, 2014 varying the stop work order; and
 - c. Letter of October 28, 2014 varying the stop work order
- (together the "Previous Order").

Further copies of the three documents comprising the Previous Order are enclosed for your reference.

The terms of the Previous Order included that Gordon James Rendle, Robert Roderick Rendle, Foundation Organics Ltd. and Stanhope Dairy Farm Ltd.:

- a. Cease importation of all spent animal bedding, biosolids, 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, whey and construction debris to the Property. Gordon James Rendle, Robert Roderick Rendle, Foundation Organics Ltd. and Stanhope Dairy Farm Ltd. 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 the Previous Order if created on the Property by the Stanhope Dairy Farm Ltd. farm operation;
- b. Are permitted to import untreated and unprocessed wood residuals to the Property subject to conditions detailed in the Commission's letter of September 23, 2014, including:
 - a. Untreated and unprocessed wood residuals may only be used as animal bedding for animals housed on the Property;
 - b. The importation of untreated and unprocessed wood residuals must be commensurate to the bedding needs, and number, of animals on the Property using untreated and unprocessed wood residuals as bedding;
 - c. Certain records must be kept including with regard to the number of animals housed on the Property, deliveries of untreated and unprocessed wood residuals to the Property, and the amount of untreated and unprocessed wood residuals used on the Property;
 - d. Untreated and unprocessed wood residuals must be processed and stored separately from all other farm inputs on the Property in accordance with normal farm practices and any other bylaw or enactment having jurisdiction over such activities.
- c. Are permitted to import brewery waste to the Property subject to conditions detailed in the Commission's letter of September 23, 2014; and
- d. Are permitted to import yard waste subject to conditions detailed in the Commission's letter of October 28, 2014.

In connection with a request by Gordon James Rendle, Robert Roderick Rendle, Foundation Organics Ltd. and Stanhope Dairy Farm Ltd. to rescind or further vary the Previous Order and their provision of new information, the Commission made further findings by letter dated April 14, 2015. A further copy of this letter is enclosed for your reference.

Commission officials have attended at the Property including on August 9, 2016 and August 25, 2016. Based on the officials' investigations of these dates and my review of the Commission file for the Property, I have determined the following:

1. Gordon James Rendle and Robert Roderick Rendle are the registered owners of the Property and are directors of Stanhope Dairy Farm Ltd. Stanhope Dairy Farm Ltd. conducts operations on the Property, including as proprietor of sole proprietorship Stanhope Organics.
2. It is not readily apparent whether Foundation Organics Ltd. is currently conducting operations on the Property.
3. The Property is situated within the Agricultural Land Reserve.
4. Section 20(1) of the Act provides that "[a] person must not use agricultural land for a non-farm use unless permitted under this Act".
5. The terms of the Previous Order prohibit the importation of construction debris and permit the importation of untreated and unprocessed wood residuals and yard waste subject to specified conditions.
6. The natural and ordinary meaning of "construction debris" includes waste derived from construction or demolition, including wood waste derived from construction or demolition.
7. Further, the Organic Matter Recycling Regulation, B.C. Reg. 18/2002, includes the following:
 - a. Untreated and unprocessed wood residuals is constituted of "clean (non-contaminated and untreated) wood from lumber manufacture, e.g. shavings, sawdust, chips, hog fuel, ground mill ends and land clearing waste which has been ground with the majority of the greenery removed and no soil present but does not include construction and demolition debris"; and
 - b. Yard waste means "clean and untreated wood waste, or non-food vegetative matter resulting from gardening operations, landscaping, and land clearing, but does not include wood waste derived from construction or demolition. For greater certainty, neither human or animal food waste that is diverted from residential, commercial or institutional sources, nor manure, is yard waste".

8. The importation to the Property of construction debris, including wood waste derived from construction or demolition, is a non-farm use and is expressly prohibited by the Previous Order.
9. On August 9, 2016, Commission officials attended at the Property and met with Gordon James Rendle and Robert Roderick Rendle (the "Rendles"). The Commission officials observed piles of wood construction waste. The Rendles advised the Commission officials that no construction material was being dumped on the Property.
10. On August 25, 2016, Commission officials attended at the Property and met with the Rendles. The Commission officials observed piles of wood construction waste, which upon inspection included painted wood, plywood and particle board. The Rendles stated that they were unaware that construction wood was prohibited by the Previous Order. They stated that construction wood is a superior bedding material for cattle and they preferred it to yard waste. The Rendles stated that treated wood (such as painted wood and particle board) was not included in what was chipped for bedding material.
11. The Commission provided the Previous Order to the subjects of the order in 2014.
12. Further, Commission records indicate that Gordon James Rendle, Robert Roderick Rendle, Foundation Organics Ltd. and Stanhope Dairy Farm Ltd. have been represented by legal counsel in communications with Commission officials since before the stop work order dated January 30, 2014, including at the time of the appeal of the stop work order and when the Commission sent its letters of September 23, 2014, October 28, 2014 and April 14, 2015 regarding the Previous Order. In these circumstances, I conclude that a purported lack of understanding of the terms of the Previous Order does not mitigate the breach of the Act and the Previous Order.

Based on the foregoing, I conclude that Gordon James Rendle, Robert Roderick Rendle and Stanhope Dairy Farm Ltd. have contravened section 20 of the Act and the Previous Order. Accordingly and in the circumstances, pursuant to section 52(1) of the Act, as Chief Executive Officer of the Commission, I hereby order Gordon James Rendle, Robert Roderick Rendle and Stanhope Dairy Farm Ltd. and their agents, representatives, employees and any other persons acting on their behalf, to remove all construction debris and treated or processed wood residuals, including painted wood, plywood and particle board, from the Property, including as found in the piles described in paragraphs 9 and 10 above.

The removal ordered above must be completed by October 17, 2016 unless prior to that time I agree in writing to vary the Remediation Order to extend the completion date.

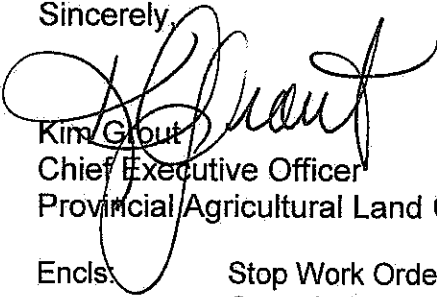
FAILURE TO COMPLY WITH THE REMEDIATION ORDER MAY RESULT IN A PENALTY OF UP TO \$100,000, AN APPLICATION TO COURT FOR A

COMPLIANCE ORDER UNDER SECTION 53 OF THE ACT AND/OR OTHER ENFORCEMENT MEASURES.

Nothing herein in any way limits the penalties and/or other enforcement measures that may be taken in relation to the breaches of the Previous Order described in this Remediation Order or in relation to any other breaches, whether past, continuing or future, of the Previous Order or the Act.

The Previous Order remains in effect and must be complied with.

Sincerely,



Kim Grout
Chief Executive Officer
Provincial Agricultural Land Commission

Encls: Stop Work Order of January 30, 2014
Commission letter of September 23, 2014 varying the Stop Work Order
Commission letter of October 28, 2014 varying the Stop Work Order
Commission letter of April 14, 2015
Act
Regulations