



June 24, 2014

ALC File: 50039

FOR IMMEDIATE RELEASE

RE: Procedure and Preliminary Agenda with respect to the Appeal Hearing for the Appeal of the January 7, 2014 Stop Work Order issued by Ron MacLeod, ALC Compliance and Enforcement Officer

On January 7, 2014, Ron MacLeod, Agricultural Land Commission (“ALC”) Compliance and Enforcement Officer, issued a Stop Work Order to 0946363 B.C. Ltd. with regard to unauthorized non-farm development in the Agricultural Land Reserve on the property at 8583 – 259 Road, Fort St. John, B.C. (the “Stop Work Order”).

On March 6, 2014, the ALC received a Notice of Appeal from Mr. Augustine Earmme on behalf of Mr. Terrance Marvin McLeod (the “Appellant”) of the Stop Work Order pursuant to s. 55 of the *Agricultural Land Commission Act* (the “Act”).

The appeal of the Stop Work Order will be heard by three Appeal Commissioners: Commissioner Jennifer Dyson (Chair), Commissioner Lucille Dempsey and Commissioner Bert Miles. The hearing of the appeal has been scheduled for June 26, 2014 (the “Appeal Hearing”).

The Stop Work Order together with the documents referenced in and/or related to Mr. MacLeod’s January 7, 2014 correspondence comprise the “ALC Documents Package”, (a) to which a link was emailed to the Appellant on June 20, 2014 and (b) has been provided to the Appeal Commissioners in advance of the Appeal Hearing.

This document is intended to provide the Appellant an overview of procedure for the Appeal Hearing. The Appeal Commissioners are providing this overview so that the Appellant, and the Appeal Commissioners, may approach the occasion with a common understanding of how, generally, it will unfold. The preliminary agenda and other such details contained herein are not intended to be binding, rather to provide a general overview of the Appeal Hearing.

Date, Time and Location of the Appeal Hearing

The Appeal Hearing will commence at 10:00 a.m. on Thursday, June 26, 2014 at the Offices of the ALC (133-4940 Canada Way) in Burnaby, B.C.

Appeal Commissioners

The Appeal Commissioners hearing the appeal are Commissioner Jennifer Dyson (Chair), Commissioner Lucille Dempsey and Commissioner Bert Miles. The Appeal Commissioners will make a decision on the appeal of the Stop Work Order (see “Final Decision”, below) and may also make decisions as to procedure concerning the Appeal Hearing.



What to Expect at the Appeal Hearing

The Chair of the Appeal Commissioners will make a brief opening statement and comment on procedural matters for the Appeal Hearing.

The Appellant will then be called upon to provide a brief opening statement, to present evidence and to make oral submissions.

During the Appeal Hearing, the Appeal Commissioners may ask questions of the Appellant at any time.

The Chair of the Appeal Commissioners may also make brief remarks at the close of the Appeal Hearing.

Decision-Maker (Ron MacLeod, ALC Compliance and Enforcement Officer) at the Appeal Hearing

The Appeal Commissioners have decided that the Decision-Maker is neither a party to the appeal nor a person affected by the appeal (and as a result an intervener). As a result, the Decision-Maker will not attend the Appeal Hearing.

The ALC Documents Package conveys the Decision-Maker's position at the time the Stop Work Order was issued. The Appeal Commissioners do not believe it is necessary for the Decision-Maker to be available during the Appeal Hearing for cross examination.

ALC Counsel at the Appeal Hearing

ALC Counsel will not be present at the Appeal Hearing. It is also understood that the Appellant will not be represented by legal counsel at the Appeal Hearing.

Preliminary Agenda for Appeal Hearing

This preliminary agenda is provided for informational purposes. It is an outline based, in part, upon information provided by the Appellant.

- 10:00 a.m. Appeal Hearing commences and the Chair makes brief remarks.
- 10:15 a.m. Appellant presentation.
- 12:00 p.m. Chair's closing remarks.

Should it be required, a break may be taken when convenient, as suggested by the Appellant or one of the Appeal Commissioners.

The Appeal Commissioners are flexible to the needs of the Appellant with respect to the allotment of time for the Appeal Hearing and it is at the Appellant's discretion how time is managed during the Appeal Hearing.



Appeal Hearing Open to the Public

The Appeal Hearing is open to the public. However, because the Appeal Hearing is being held at the ALC Offices, there is limited space for members of the public to observe proceedings. The ALC has not received any public inquiries regarding the Appeal Hearing. As a result, the ALC has not publically advertised the Appeal Hearing.

The Appeal Commissioners may have to determine at the time of the Appeal Hearing if there is room to accommodate members of the public should anyone arrive in this capacity, this also extends to members of the media. It is not anticipated that members of the public and/or media will attend the Appeal Hearing.

Recording of Hearing

ALC Staff are making arrangements to have the Appeal Hearing audio-recorded and a transcript prepared.

The use of video cameras, audio recording equipment (other than as arranged by ALC Staff), or use of cellphones or other devices for the purposes of recording video or audio will not be permitted at the Appeal Hearing.

Final Decision

The *Administrative Tribunals Act* requires that the Appeal Commissioners' decision be in writing, with reasons for decision given. The decision must be accessible to the public.

The Practice Directive of the Agricultural Land Commission relating to appeals of compliance and enforcement orders issued under the *Agricultural Land Commission Act* sets out that the Appeal Commissioners will make their best efforts to make their final decision within 20 business days after the hearing is completed. The ALC is to provide written notice of the decision to the Appellant within 10 business days of the decision being made.

The ALC will provide a copy of the written reasons for decision to the Appellant and make the written reasons publicly accessible.

Questions

Questions regarding the Appeal Hearing should be directed to Eamonn Watson at Eamonn.Watson@gov.bc.ca or 604-660-7014.

Provincial Agricultural Land Commission