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OUR FILE: 130414

March 6, 2014

VIA FACSIMILE (604) 660-7033

Provincial Agricultural Land Commission
133 – 4940 Canada Way
Burnaby, BC
V5J 4K6

RECEIVED
PROV. AGRICULTURAL
LAND COMMISSION
MAR 06 2014
RM

Attention: Chair and Commissioners

Dear Sir/Madam:

Re: ALC File No. 50039
Appeal pursuant to Section 55 of the *Agricultural Land Commission Act* (the "Act")

We are the solicitors for 0946363 B.C. Ltd. Our client was served with a letter from the Compliance and Enforcement Officer for the Commission dated January 7, 2014 (the "Letter") regarding the Southwest 1/4 of Section 34, Township 83, Range 18, West of the 6th Meridian, Peace River District, except Parcel A (19137M) and Plans A1633, 11543, H660 and 26574. (the "Property")

Pursuant to Section 55 of the Act, our client hereby serves the Commission with a Notice of Appeal. The grounds for appeal are as follows:

1. There is no "Commercial Storage" on the Property, as our client is not charging any party for any storage on the Property despite the observations of the officer in the Letter. The boats and other recreational vehicles stored in the Quonset building belong to our client. The industrial equipment and personal property in the one steel building belongs to our client, his father-in-law and uncle. Our client is not charging a fee of any kind to his relatives;
2. Our client has never operated a commercial rodeo facility on the Property. He was granted permission by the Commission to conduct an RCMP musical ride during July of 2013. The grandstands were on the Property when the Commission gave approval for the musical ride. At that time, the Commission made no reference to removing the grandstands. Further, we refer to Policy Number 4 dated March 2003 of the Commission, wherein grandstands could be required for some of the agri-tourism activities identified in that policy which we would like to conduct on the Property. The grandstands qualify as temporary and seasonal;
3. The Property is also used as a training facility for horses and as such requires a timing booth, the "elevated announcers booth" will be used as the timing booth. Such use is permitted under the Act;
4. The officer that issued the order did not give sufficient weight to our client's offer to post a bond to ensure compliance with an Order of the Commission and, to ensure that the

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uses conducted on the Property are allowed under the Act. Our client wishes to reiterate to the Commission that the Property and any improvements thereon will only be used for uses allowed under the Act or for those uses approved by the Commission as result of an application. Our client provided a letter to the Commission dated November 19, 2013 (copy enclosed for your reference) which clearly stated our commitment to ensure compliance with the legislation.

5. The Board of the Peace River Regional District ("PRRD"), at its meeting of February 27, 2014, decided to proceed with a review of the Fort St. John Fringe Area which may include the Property. Depending on the results of the review, the Property may be considered for future exclusion from the Agricultural Land Reserve ("ALR").
6. Our client will be obtaining a detailed Agricultural Capability On Site for the Property once weather permits and that we will be submitting such report to the Commission requesting reconsideration of our application. Our client does not believe that the Property has the capabilities as identified in the soil classification maps used by the Commission to determine the capabilities of a property;

Our client has made many improvements to the Property to make portions of the Property arable. When our client purchased the Property, it was not in the best of shape and our client has removed thirty plus loads of garbage including metal, old steel structures, old houses, old granaries that were no longer being used, piles of wood that was being stored and acres of trees that were dead. The stockpiled soil mentioned under "Additional Requirement" in the Letter is from cleaning up the Property and as a result of creating drainage ditches to open more of the lands for hay crops. The soil will be used on the banks of the drainage ditches, or to improve other areas of the Property and will not be removed from the Property.

Therefore, based on the grounds for appeal stated above, our client seeks from the Commission that the Stop Work Order set out in the Letter be reversed; or the Commission refer the matter back to the official with a recommendation that any enforcement of same be delayed. We would request that the Order be delayed for at least a two-year period from April 1, 2014; or until either the results of the review by the PRRD and ALC for the Fort St. John Fringe Area are completed or the application has been reconsidered by the ALC.

If the Commission is not prepared to reverse this determination pursuant to Section 55 (2)(a) and as an alternative to the Commission referring the matter back to the Official under Section 55 (2)(b) we would request that the CEO, review the matter, under Section 51, and "vary" the enforcement of the Order to allow sufficient time for the review to be completed and/or the application to be reconsidered.

EARMME & ASSOCIATES

AUGUSTINE T. EARMME
ATE/mc
Enclosure

cc: client (Via E-Mail)

November 19, 2013
Agricultural Land Commission
#133 4940 Canada Way
Burnaby, B.C.
V5G 4K6
Attn: Richard Bullock, Chair

Terry McLeod
Site 10 Comp 36 RR1
Fort St John, BC V1J 4M6

RECEIVED
PROV. AGRICULTURE
LAND COMMISSION
MAY 20 2014

Dear Mr. Bullock:

Re: Application 53049

SW 1/4 Sec.34, Twp.83, R18W, Except Pct "A" (19137M) and Plans A1633, H660 and 26574

I am writing to clarify my intentions with regard to any future use of my property in Fort St. John. While certain media reports have made reference to my intentions (some - unfortunately - reflected what I said, others did not) I wish to state categorically that I have no intention of conducting any activity on this property which is not permitted under the terms of the ALC Act, regulations or orders of the Commission.

While it has been reported that I am planning to hold a rodeo on the property in June of 2014, this is to confirm that I WILL NOT BE proceeding with that initiative. I acknowledge that approval would be required from the ALC and I recognize there is insufficient time for me to submit the application, get approval from the Regional District and provide sufficient time for the Commission to properly access such a request.

I am also writing to enquire whether the ALC considers any activities, buildings or structures currently on the property are in contravention of the ALC Act, Regulations or Orders of the Commission. While I acknowledge that the temporary grandstands may not appear to be an approved use, they were placed on the property for the recent RCMP Musical Ride, which was approved by the ALC. They could easily be removed should the ALC determine they should not be on the property. However, as stated previously, it is not my intention to use the grandstands for any activity not approved by the ALC.

I have been advised the Regional District has agreed to undertake a review of the Fort St. John Fringe Area Plan, and that this review may result in a request to the ALC to consider removal of additional properties from the ALR to meet the growth needs of Fort St. John. While at this time I do not know if my property will be included in that review, I may request that the Regional District include it. I believe

that I can make the case that this property, and indeed the surrounding area, represents an area that is a logical extension of the community.

Should the review include my property, and should the Regional District and the ALC agree to exclude this property, I may reexamine the possibility of using the property for a rodeo grounds and campsite.

If you require, I also am prepared to deposit a bond to ensure removal of the grandstands or to take other steps required by the ALC to ensure any use of the property is in compliance with the ALCA. However, if possible I would like to delay removal of the grandstands, if required, until such time as they are required elsewhere, or the area review has been completed or my application has been reconsidered.

With respect to reconsideration, I will be providing additional information to the Regional District and the ALC in the form of a detailed agricultural capability/suitability study of the property. I do not believe that their current designation as Class 2 accurately reflects its past use as a bulk fuel storage yard, which included areas of the property. I will try to ensure that the ALC receives a copy of that Report if still available.

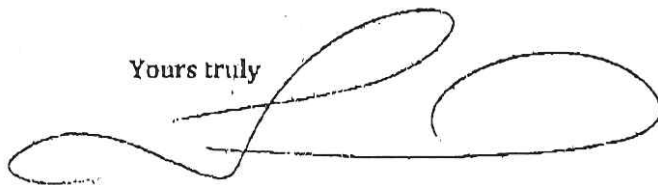
I believe the capability/suitability study will provide evidence not available at the time of the previous decision and subsequent reconsideration, thus allowing the ALC to reconsider the application under Sec 33 (1) of the Act.

Is there a time limit on when I can request reconsiderations under this section of the Act?

In conclusion I would like to apologize for any comments attributed to me about the authority of the ALC, its decision-making processes or the integrity of the ALR. In particular I wish to apologize for any suggestion that I would proceed with the rodeo without the approval of the ALC.

Thank you for your consideration. Should you require any further clarification of any of the above please contact me directly at 250-794-8000.

Yours truly



Terry McLeod

President 0946363 BC Ltd.