



**Agricultural Land Commission**

133 – 4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

January 7, 2014

Reply to the attention of Ron Macleod  
ALC File: 50039

**DELIVERED BY PERSONAL SERVICE**

0946363 BC Ltd.  
10107 – 101 Avenue  
Fort St. John, BC V1J 2B4

Dear Sirs:

**Re: UNAUTHORIZED NON-FARM DEVELOPMENT IN THE AGRICULTURAL LAND RESERVE (ALR)**

**Legal description of the property where the unauthorized non-farm use is sited:**

**Parcel Identifier: 014-675-005**

**The South West ¼ of Section 34, Township 83, Range 18, West of the 6<sup>th</sup> Meridian, Peace River District, Except Parcel A (19137M) and Plans A1633, 11543, H660 and 26574**

**Civic Address: 8583 – 259 Road, Fort St. John**

**(Hereinafter referred to as the “Property”)**

As you are the registered owner of the above noted property I am writing to inform you of my findings pertaining to the site inspection conducted on the Property on Friday, November 15, 2013. This will also confirm receipt of a letter dated November 19, 2013 from Mr. Terrance Marvin McLeod identified on BC Registry Services' BC Company Summary as being the sole Director, Secretary and President of 0946363 BC Ltd. Further, set out below on page 3 is my **Stop Work Order** in respect of the matters set out in items (1), (2) and (3) on that page.

On November 14, 2013 I telephoned Mr. McLeod to inform him of my intent to conduct a site inspection the following day. As Mr. McLeod was out of the country he directed me to contact Mr. Craig Spicer, the Horse Park Manager who would provide me access to the Property.

On arrival at the Property on November 15, 2013 I met Mr. Spicer and advised him of the reasons for the site inspection and my authority as an official of the Agricultural Land Commission (the “ALC”) pursuant to s. 49 of the *Agricultural Land Commission Act*. Mr. Spicer was very forthcoming and showed me inside the structures as well as answered questions about the use of the Property. On the day of inspection I was unable to assess the condition of the soils on the Property as it was snowing and had been for several days.

## OBSERVATIONS:

- There is one residence on the Property which Mr. Spicer advised was being rented. I confirm that I neither inspected nor entered the residence;
- There are two Quonset buildings on the Property regarding which Mr. Spicer advised:
  - one is being used for hay storage; and
  - one is used for paid storage of boats and other recreational vehicles.
- There are two steel buildings on the Property regarding which Mr. Spicer advised each building measures approximately 7,000 ft<sup>2</sup> and that:
  - one is being used as a barn with 32 horse stalls; and
  - one is used for paid storage for industrial equipment and personal property.
- To the north east of the steel building being used as a barn there is an area where a substantial volume of soil is located along with a lesser volume of wood waste material. There was also a soil screening machine located in proximity to the stockpiled soil. Mr. Spicer was unable to provide information regarding the source site of the stockpiled soil.
- To the east of the steel building used for storage, along the east boundary of the Property, a rodeo ring has been constructed. The constructed rodeo ring appears to be generally consistent with the drawing provided in the non-farm use application (ALC File 53049). It is unknown whether the chuck wagon track has been constructed due to the snow on the ground.
- Situated in proximity to the rodeo ring are metal grandstands. Placement of the grandstands appears to be generally consistent with the drawing provided in the non-farm use application (ALC File 53049); and
- Situated in proximity to the rodeo ring is an elevated announcer's booth.

## FINDINGS:

Based on my observations at the November 15, 2013 site inspection and Mr. Spicer's representations during the inspection, I consider that 0946363 BC Ltd. has undertaken or allowed the establishment and development of non-farm uses on the Property without approval from the ALC. More specifically, I consider the contraventions to be:

1. The use of one Quonset building for the commercial storage of boats and other recreational vehicles;
2. The partial use of one steel building for the commercial storage of industrial equipment;
3. The development of a commercial rodeo facility on the Property which appears to be generally consistent with the facility expressly denied by the ALC regarding non-farm use application (ALC File 53049); Resolution #86/2013 dated March 21, 2013. Also, a request to the ALC that it reconsider Resolution #86/2013 was considered and dismissed on August 19, 2013.

4. As noted above, I have taken into account the fact that Mr. McLeod wrote a letter to the Commission on November 19, 2013. That letter includes the statement that: "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". That letter also includes an offer to post a bond to ensure removal of the grandstands or to take other steps required. Despite these representations, I must recognize that they have come very late in the day, and I do not have sufficient confidence in all the circumstances - including the erection of these works despite the Commission's decisions and numerous public statements Mr. McLeod has previously made with regard to compliance - that the actions I consider to be required to comply with the legislation would be taken in the absence of an order.

#### **LEGISLATIVE CONTEXT TO DEAL WITH UNAUTHORIZED NON-FARM USES IN THE ALR**

Section 50 of the *Agricultural Land Commission Act* provides as follows:

##### Stop work order

- 50 If an official considers that a person is contravening or is about to contravene a provision of this Act or the regulations, the official, in accordance with the regulations, may order that
- (a) the contravention cease,
  - (b) the contravention cease to the extent specified by the order, or
  - (c) the person not take any action that would result in a contravention.

##### **STOP WORK ORDER:**

**In my role as ALC Compliance and Enforcement Officer, and in accordance with s. 50 of the *Agricultural Land Commission Act*, I hereby order 0946363 BC Ltd. to:**

- 1. Cease the contravention of using one of the Quonset buildings for the commercial storage of boats and other recreational vehicles. To comply with the ordered cessation of the contravention, all commercially stored boats and recreational vehicles are to be removed from the Property on or before June 1, 2014;**
- 2. Cease the contravention of using one of the steel buildings for the commercial storage of industrial equipment. To comply with the ordered cessation of the contravention, all commercially stored industrial equipment is to be removed from the Property on or before June 1, 2014; and**
- 3. Cease the contravention of developing and operating a commercial rodeo facility on the Property. To comply with the ordered cessation of the contravention, the grandstands and the elevated announcer's booth are to be removed from the Property on or before June 1, 2014.**

##### **ADDITIONAL REQUIREMENT:**

As noted above, I was unable to assess the condition of the soils on the Property as it was snowing when I conducted the site inspection on November 15, 2013 and it had been snowing

for several days prior. Since I do not know the nature of any earthworks that may have occurred on the Property, and since Mr. Spicer was unable to provide information regarding the source site of the stockpiled soil, I consider it prudent to ask for your voluntary compliance to leave the stockpiled soil in place and to not remove any of the stockpiled soil from the Property until weather allows me to conduct a follow up site inspection. I would appreciate receiving your written assurance in this regard.

**APPEAL:**

Section 55 of the *Agricultural Land Commission Act* provides as follows:

Appeal

- 55 (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.
- (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.
- (3) The commission must give notice of an appeal to any person the commission considers is affected by the appeal.
- (4) [Repealed 2004-45-65.]
- (5) For the purposes of an appeal under this section, sections 11 to 15, 17 to 21, 23 to 25, 31 (1) (a) to (e) and (g), (2) and (3), 32, 33, 35 to 37, 39, 40, 44, 46.3, 48, 50 to 55, 57, 58, 60 (a) and (b) and 61 of the *Administrative Tribunals Act* apply to the commission.

A notice of an appeal of a determination, decision, order or penalty made under Section 55 of the *Agricultural Land Commission Act* must be delivered to the ALC not more than 60 calendar days after the written determination, decision, order or penalty is personally served on the person. It is the responsibility of the appellant to make sure that the notice of appeal is fully and properly completed, including the grounds for the appeal and the relief requested, by any filing deadline.

The ALC's *Practice Directive* relating to appeals of compliance and enforcement orders issued under the *Agricultural Land Commission Act* can be viewed in full on the ALC's website at: [http://www.alc.gov.bc.ca/commission/compliance\\_enforce.htm](http://www.alc.gov.bc.ca/commission/compliance_enforce.htm) .

Should you have any questions or require any further clarification you may contact me directly at 604-660-7030 or by email to [Ron.MacLeod@gov.bc.ca](mailto:Ron.MacLeod@gov.bc.ca) .

Sincerely,

PROVINCIAL AGRICULTURAL LAND COMMISSION

  
Ron MacLeod  
Compliance and Enforcement Officer

cc: Mr. Terry McLeod  
Site 10, Comp 36, RR1, Fort St. John, BC V1J 4M6  
Peace River Regional District (File: 212/2012)