

Agricultural Land Commission Practice Directive
Appeals under section 55 of the *Agricultural Land Commission Act*
(ALC Appeal Practice Directive)
April 26, 2022

BACKGROUND

Section 55 of the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36 (the “**ALCA**”) provides that a person who is the subject of a determination, a decision, an order or a penalty under section 50 (stop work orders), section 52 (determinations and remediation orders) or subsection 54(1) (penalties) of the ALCA may appeal the determination, decision, order or penalty to the Provincial Agricultural Land Commission (the “**Commission**”) by serving the Commission with a notice of appeal.

Appeals under section 55 of the ALCA are subject to certain enactments (each, an “**Applicable Enactment**”) including the ALCA, the Agricultural Land Reserve General Regulation, B.C. Reg. 57/2020 (the “**Regulation**”), and the sections of the *Administrative Tribunals Act*, S.B.C. 2004, c. 45 (“**ATA**”) that are set out in sections 5.1 and 55.01 of the ALCA.

Appeals are also subject to this practice directive (the “**ALC Appeal Practice Directive**”), which is made pursuant to sections 12 and 13 of the ATA, and to the Rules of Practice and Procedure for Appeals under section 55 of the *Agricultural Land Commission Act* (the “**ALC Appeal Rules**”), which are made pursuant to section 11(1) of the ATA. In the event of conflict between the ALC Appeal Rules or the ALC Appeal Practice Directive and an Applicable Enactment, the Applicable Enactment governs.

The ALC Appeal Practice Directive is a companion document to the ALC Appeal Rules and the definitions set out in the ALC Appeal Rules apply.

PRACTICE DIRECTIVE

Effective Date

1. (1) This practice directive may be cited as the ALC Appeal Practice Directive and will come into effect on April 26, 2022 superseding all practice directives made by the Commission in relation to appeals before that date.

(2) Unless otherwise ordered, the ALC Appeal Practice Directive applies to all appeals before the Commission whether commenced before or after April 26, 2022.

Commission not bound

2. The Commission is not bound by the ALC Appeal Practice Directive in the exercise of its powers or the performance of its duties.

Scope of Practice Directive

3. The ALC Appeal Practice Directive does not apply to matters other than an appeal.

Acknowledgement of receipt of notice of appeal

4. The acknowledgement of receipt of the notice of appeal referred to in Rule 10 of the ALC Appeal Rules will usually be sent to the appellant within 10 business days after the Commission receives the notice of appeal.

Usual time period for completing an appeal

5. The usual time period for completing an appeal is within 6 months from the date the acknowledgement of receipt of notice of appeal is sent. The appeal is completed when the Commission serves the final decision on the appeal on the parties and interveners.

Date of final decision

6. The Commission's final decision on the appeal will usually be made within 45 business days after the hearing of the appeal is completed. The Commission may make a final decision on the appeal with written reasons to follow.

Reasons for final decision

7. The Commission must give written reasons for its final decision on the appeal. The Commission's reasons will usually be released within 45 business days after the hearing of the appeal is completed.