



**Agricultural Land
Commission Act**

Policy L-09

January 2016

ADDITIONAL RESIDENCES FOR FARM HELP ACCOMMODATION

This policy is intended to assist in the interpretation of the [Agricultural Land Commission Act](#), 2002, including amendments as of September 2014, (the “ALCA”) and BC Regulation 171/2002 ([Agricultural Land Reserve Use, Subdivision and Procedure Regulation](#)), including amendments as of August 2016, (the “Regulation”). In case of ambiguity or inconsistency, the ALCA and Regulation will govern.

REFERENCE:

Agricultural Land Commission Act, S.B.C. 2002, c. 36 – Section 18

Unless permitted by this Act, the regulations or the terms imposed in an order of the commission,

(a) a local government, or an authority, a board or another agency established by it or a person or an agency that enters into an agreement under the [Local Services Act](#) may not

(ii) approve more than one residence on a parcel of land unless the additional residences are necessary for farm use

INTERPRETATION:

The ALCA and the Regulation do not set a limit on the number of additional residences for farm help accommodation per parcel, but all residences must be necessary for farm use.

Local government must be provided with evidence that there is a legitimate need for an additional residence for farm help accommodation. One criterion is that the parcel should have ‘farm’ classification under the [Assessment Act](#). In coming to a determination, a local government should consider the size and type of farm operation and other relevant factors. To help determine the need and evaluate the size and type of farm operation, the local government may wish to obtain advice and direction from staff of:

- a) the Ministry of Agriculture
- b) the Agricultural Land Commission.

Local government bylaws should not necessarily be the basis for making a determination about the necessity for farm help accommodation. Some bylaws may automatically permit a second residence on a specified size of parcel in the Agricultural Land Reserve (“ALR”). This is not an appropriate determination under the ALCA and should not be used as the basis for issuing a building permit for an additional residence for farm help accommodation. Some local governments have adopted detailed guidelines as a basis for determining legitimacy of a request for additional residences for farm help, in which a threshold for different types of agricultural operations is specified. In these instances, it may be appropriate to consider these as factors in interpreting Section 18 of the ALCA. If

there is any doubt with respect to need, an application under Section 20 (3) of the *ALCA* for permission for a non-farm use is required.

Unless defined in this policy, terms used herein will have the meanings given to them in the *ALCA* or the Regulation.