



**Agricultural Land  
Commission Act**

**Policy L-10**

**January 2016**

**Amended October 2017**

**BUILDING NEW RESIDENCE WHILE OCCUPYING EXISTING  
RESIDENCE**

*This policy is intended to assist in the interpretation of the [Agricultural Land Commission Act, 2002](#), including amendments as of May 2016, (the “ALCA”) and BC Regulation 171/2002 ([Agricultural Land Reserve Use, Subdivision and Procedure Regulation](#)), including amendments as of January 2017 (the “Regulation”). In case of ambiguity or inconsistency, the ALCA and Regulation will govern.*

**INTERPRETATION:**

A landowner may construct a new single family dwelling while residing in the initial single family dwelling without application under s. 20(3) of the ALCA for non-farm use if all of the following criteria are met:

- 1) There is currently only one single family dwelling on the parcel (the “initial dwelling”);
- 2) There is a building approval authority with jurisdiction over the parcel;
- 3) Prior to the building permit for the new dwelling being issued, the owner enters into an agreement with the building authority that within 6 months of the occupancy permit for the new dwelling being issued (including a temporary occupancy permit) the land owner will either:
  - a) Remove the initial dwelling. This agreement must include a signed affidavit that confirms that the land owner commits to remove the initial dwelling; OR
  - b) Decommission the initial dwelling. In addition, prior to the issuance of the building permit, a s. 219 restrictive covenant in favour of the local government must be registered on the Certificate of Title stipulating that the initial dwelling will not be used for residential purposes and that any other use must be in accordance with the ALCA and the Regulation; AND
- 4) The landowner posts a financial security (eg. a bond or irrevocable letter of credit) with the building authority, only to be released once the initial dwelling is removed or decommissioned as described in 3 above.

If there is no building authority, or if any other criteria listed above cannot be met, the ALC must be contacted prior to construction beginning to determine an acceptable process.

## **TERMS:**

**Decommission:** The initial single family dwelling is no longer considered a dwelling as defined and verified by the local building authority. If no such definition exists, at minimum, decommissioning of the single family dwelling requires the removal of:

- all kitchen facilities including cabinets, counter tops, sinks and associated plumbing;
- all kitchen appliances (including stoves, fan hoods, microwaves, hotplates, etc);
- all 220 volt electrical connections for the kitchen and/or gas piping;
- all laundry facilities and associated plumbing; and
- all bathroom fixtures including toilets, bathtub/shower facilities and associated plumbing.

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

## **RELATED POLICIES:**

ALC Policy L-08 - Residential Uses in the ALR – Zone 1

ALC Policy L-09 - Additional Residences for Farm Help Accommodation

ALC Policy L-18 - Residential Uses in the ALR – Zone 2

## **REFERENCE:**

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

*s. 18 Unless permitted under this Act,*

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

*(i) permit non-farm use of agricultural land or permit a building to be erected on the land except for farm use, or*

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