

 <p>Agricultural Land Commission Act</p>	<p style="text-align: right;">Policy P-01 January 2016</p> <p style="text-align: center;">ALR SUBDIVISION APPROVAL BY APPROVING OFFICERS</p>
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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 Reserve Use, Subdivision and Procedure Regulation (BC Regulation 171/2002), Sections 9, 10 and 11 “Permitted Subdivisions”

Application of this Part

9 This Part applies to a plan of subdivision, all or part of which consists of land in an agricultural land reserve.

Subdivision approval

10(1) Despite Section 18 (b) of the Act, an approving officer under the [Land Title Act](#), the [Local Government Act](#), or the [Strata Property Act](#) or a person who exercises the powers of an approving officer under any other Act may authorize or approve a plan of subdivision without the approval of the commission if the proposed plan achieves one or more of the following:

- (a) consolidates 2 or more parcels into a single parcel by elimination of common lot lines;
 - (b) resolves a building encroachment on a property line and creates no additional parcels;
 - (c) involves not more than 4 parcels, each of which is a minimum of 1 ha, and results in all of the following:
 - (i) no increase in the number of parcels;
 - (ii) boundary adjustments that, in the opinion of the approving officer, will allow for the enhancement of the owner’s overall farm or for the better utilization of farm buildings for farm purposes;
 - (iii) no parcel in the reserve of less than 1 ha;
 - (d) establishes a legal boundary along the boundary of an agricultural land reserve.
- (2) An approving officer who declines to authorize or approve a plan must give notice of that decision to the person who made the application.
- (3) A person who receives a notice under subsection (2) may apply to the commission with respect to the proposed subdivision.

Certification and deposit of approved plan

11(1) If an approval is granted under section 10, the approving officer must

- (a) *endorse on the plan a certificate acceptable to the commission, and*
 - (b) *provide a copy of the approved plan to the commission.*
- (2) *If the requirements of subsection (1) (a) are met, a registrar of titles under the Land Title Act may accept the endorsed plan for deposit.*

INTERPRETATION:

If approved under the Section 10 of the Regulation, the must endorse the plan of subdivision as required and provide a copy of the approved plan to the Agricultural Land Commission (the "Commission"). The following certificate will fulfill the requirement of section 11(1) of the Regulation:

<p><i>I hereby certify that this subdivision plan is approved under Section 10 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation.</i></p> <hr/> <p><i>Signature</i></p> <hr/> <p><i>Name of Officer</i></p>
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The approving officer must provide a copy of the approved plan directly to the Commission, or may require the owner or agent to provide a copy. The Commission will keep the copy of the approved plan for record keeping and performance evaluation.

Under section 11(2) the registrar of titles is not required to determine that a copy of the plan has been provided to the Commission.

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