 <p><b>Agricultural Land Commission Act</b></p>	<p style="text-align: right;"><b>Policy P-02 March 2017</b></p> <p style="text-align: center;"><b>POTENTIAL EXCEPTIONS FROM THE ALC ACT: PARCELS LESS THAN 2 ACRES CREATED PRIOR TO DECEMBER 21, 1972</b></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”), and including February 2017 advice from the Office of the Surveyor General. In case of ambiguity or inconsistency, the ALCA and Regulation will continue to govern.*

**REFERENCE:**

*Agricultural Land Commission Act, S.B.C. 2002, c. 36, Section 23 (1).*

*23(1) Restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the Land Registry Act, R.S.B.C. 1960, c. 208, less than 2 acres in area.*

**INTERPRETATION:**

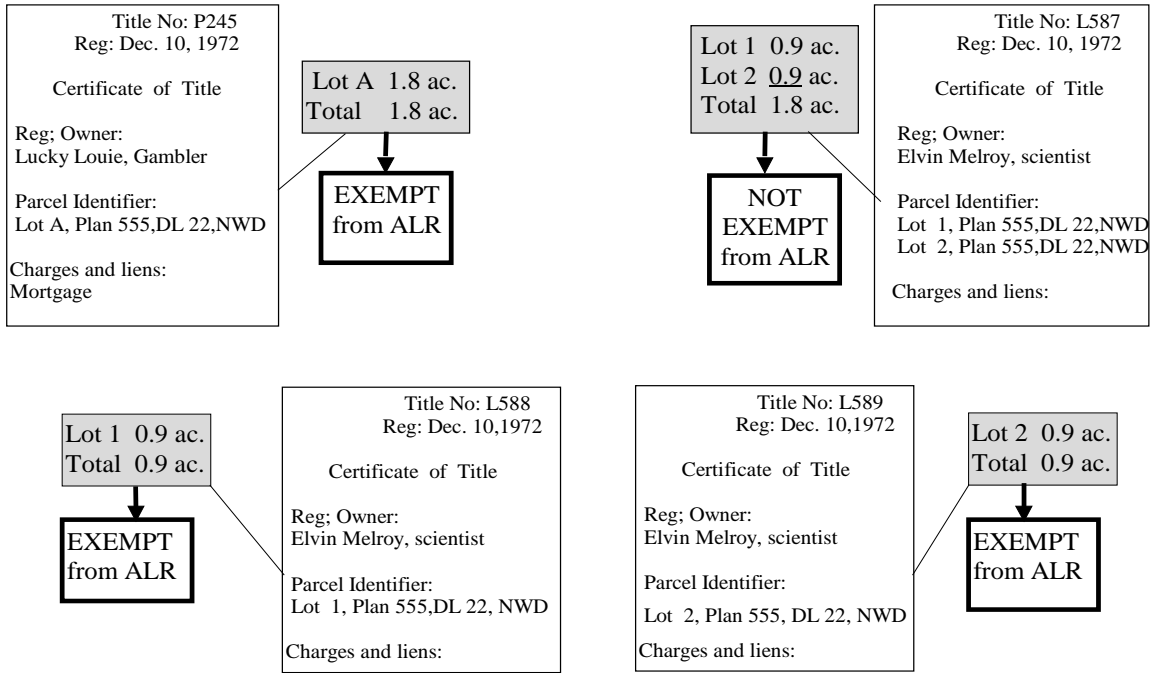
Under survey requirements and General Survey instructions in place on December 21, 1972, lots would need to be less than 1.995 acres to be considered “less than 2 acres”.

Where dimensions are shown on a registered plan, a surveyor would need to be able to demonstrate that:

- a. the area calculation, using the dimensions on the registered plan, is less than 1.995 acres for a parcel to be considered ‘less than 2 acres in area’ under section 23 of the *Agricultural Land Commission Act*;
- b. the area calculation shown on the plan included a watercourse or a waterbody that was owned by the Crown and the surveyor calculates the area of the parcel to be less than 1.995 acres when the Crown owned watercourse or waterbody is excluded from the parcel for the parcel to be ‘less than 2 acres area’; or
- c. there was a significant blunder on the registered plan and that the true area of the parcel is less than 1.995 acres for the parcel to be ‘less than 2 acres in area’.

If the land was listed with other parcels on the same Certificate of Title on December 21, 1972, the restrictions on the use of the land apply to the parcels regardless of whether or not the total area of all lands listed on the Certificate of Title is less than 2 acres.

*Certificates of Title at December 21, 1972*



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