

 <p><i>Agricultural Land Commission Act</i></p>	<p>FILE CLOSURE WHERE INFORMATION, OTHER MATERIAL OR FEE(S) NOT PROVIDED</p>	<p>Policy P-09</p> <p>Amended July 2024 October 2016</p>
---	---	--

To establish policy and procedures for closing Provincial Agricultural Land Commission (“ALC”) application files and Notice of Intent (“NOI”) files where information, other material or fees are not provided. This policy applies to all applications and Notices of Intent submitted to the ALC.

Section A. Application or NOI Files Identified as “Incomplete” When Received by ALC

ALC staff review applications and NOIs when received to ensure the required information and other material, as well as the required fee(s), have been submitted. If ALC staff identify those files to be “incomplete” because the required information, other material or fee(s) have not been submitted the following applies as applicable:

1. Application Files:

- 1.1. ALC staff notify the applicant or the applicant’s agent, by correspondence (the **“Incomplete Application Status Correspondence”**), that the application file is incomplete, identifying the outstanding information, other material, or fee(s) (the **“Outstanding Application Items”**), and either enclosing or providing a link to this policy.
- 1.2. Subject to Section 1.3, as soon as practicable but in any event no later than 30 days from the date on the Incomplete Application Status Correspondence, the applicant or applicant’s agent must provide all the Outstanding Application Items to the ALC.
- 1.3. Upon receipt of a written request from the applicant or applicant’s agent, to extend the 30 day deadline at any time within the 30 day period (the **“Application Extension Request”**), supported by specific justification that is satisfactory to the ALC, the ALC may extend the 30 day deadline for providing all of the Outstanding Application Items.
- 1.4. The application file will be closed if the ALC either does not receive all the Outstanding Application Items within the 30 day period or does not grant the Application Extension Request.

- 1.5. Written notification of an impending application file closure will be emailed to the applicant or applicant's agent 5 business days prior to the scheduled file closure date. Subject to an extension being granted under Section 1.3, upon expiration of the 5 business day notice period the application file will be closed.

2. NOI Files:

- 2.1. ALC staff notify the landowner or the landowner's agent, by correspondence (the **"Incomplete NOI Status Correspondence"**), that the NOI file is incomplete, identifying the outstanding information, other material, or fee(s) (the **"Outstanding NOI Items"**), and either enclosing or providing a link to this policy.
- 2.2. Subject to Section 2.3 as soon as practicable but in any event no later than 30 days from the date on the Incomplete NOI Status Correspondence, the landowner or landowner's agent must provide all the Outstanding NOI Items to the ALC.
- 2.3. Upon receipt of a written request from the landowner or landowner's agent, to extend the 30 day deadline at any time within the 30 day period (the **"NOI Extension Request"**), supported by specific justification that is satisfactory to the ALC, the ALC may extend the 30 day deadline for providing all of the Outstanding NOI Items.
- 2.4. The NOI file will be closed if the ALC does not receive either all the Outstanding NOI Items within the 30 day period or does not grant or the NOI Extension Request.
- 2.5. Written notification of an impending NOI file closure will be emailed to the landowner or landowner's agent 5 business days prior to the scheduled file closure date. Subject to an extension being granted under Section 2.3, upon expiration of the 5 business day notice period the NOI file will be closed.

Section B. Application or NOI Files For Which Further-Sought Information or Material Is Not Provided

Even after all the Outstanding Application Items or all the Outstanding NOI Items referred to in Section A have been provided, questions may arise with respect to the content of, or otherwise in relation to, the application or NOI. Section B of this policy deals with situations in which the information or other material that is sought when this arises is not provided to the ALC, as applicable.

3. Application Files

- 3.1. ALC staff notify the applicant or applicant's agent, by correspondence (the **"Application Request For Information"**), that further information or other material (the **"Additional Application-Related Items"**) is required, and either enclosing or providing a link to this policy.

- 3.2. Subject to Section 3.3, as soon as practicable but in any event no later than 90 days from the date on the Application Request For Information (or as otherwise specified in the Application Request For Information), the applicant or applicant's agent must provide all the Additional Application-Related Items to the ALC.
- 3.3. Upon receipt of a written request from the applicant or applicant's agent to extend the deadline at any time within the 90 day period (or other timeframe identified in the Application Request for Information), (the "**Application Request for Information Extension Request**"), supported by specific justification that is satisfactory to the ALC, the ALC may extend the deadline for providing the Additional Application-Related Items.
- 3.4. Written notification of an impending application file closure will be emailed to the applicant or applicant's agent 10 business days prior to the scheduled file closure date. Subject to an extension being granted under Section 3.3, upon expiration of the 10 business day notice period the application file will be closed.

4. NOI Files

- 4.1. ALC staff notify the landowner or landowner's agent, by correspondence (the "**NOI Request For Information**"), that the ALC requests further information (the "**Additional NOI-Related Items**"), and either encloses or provides a link to this policy.
- 4.2. Subject to Section 3.3, as soon as practicable but in any event no later than 60 days from the date of the NOI Request for Information (or as otherwise specified in the NOI Request for Information), the landowner or landowner's agent must provide all the Additional NOI-Related Items to the ALC.
- 4.3. Upon receipt of a written request by the landowner or the landowner's agent to extend the deadline at any time within the 60 day period (or other timeframe identified in the NOI Request for Information), (the "**NOI Request for Information Extension Request**"), supported by specific justification that is satisfactory to the ALC, the ALC may extend the deadline for providing the Additional NOI-Related Items.
- 4.4. Written notification of an impending NOI file closure will be emailed to the landowner or landowner's agent 5 business days prior to the scheduled file closure date. Subject to an extension being granted under Section 4.3, upon expiration of the 5 business day notice period the NOI file will be closed.

Section C: General

5. General Procedures and Definitions

5.1. **Continued failure to provide information or other material or fee(s):** If the applicable information, other material or fee(s) are not provided in a timely manner after an extension request is granted, a new deadline may be set for response. If that deadline is not complied with, the application/NOI file may be closed.

5.2. **When files are closed:**

5.2.1. **Application files:** Once an application file has been closed on any of the bases set out in this policy, the applicant or the applicant's agent are no longer able to proceed with that application. If at a later date they wish to pursue the use or other outcome for which they originally submitted an application, they will need to make a new application and pay full application fees for the new application.

5.2.2. **NOI files:** Once an NOI file has been closed on any of the bases set out in this policy, the landowner or landowner's agent are no longer able to proceed with that NOI. If at a later date they wish to pursue the soil or fill use for which they originally submitted an NOI, they will need either to submit a new NOI and pay full fees for the new NOI, or to submit an application and pay full application fees for that application.

5.2.3. **Compliance and enforcement:** If the original application had been initiated as a result of ALC compliance and enforcement action, and the application file is closed as per this policy, the matter will be referred back to ALC compliance and enforcement. Note that this does not limit the discretion of compliance and enforcement staff to proceed at any time even where an application or NOI file remains open.

5.3. **Definitions.** In this policy:

5.3.1. **"business day"** means a day other than a Saturday, Sunday, or statutory holiday in British Columbia; and

5.3.2. **"day"** means a day, whether or not it is a business day.