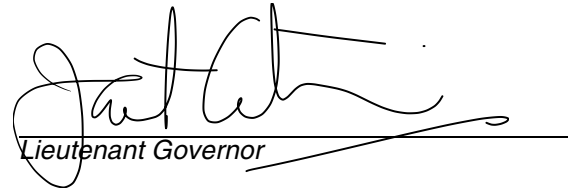


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 131

, Approved and Ordered March 12, 2020



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) the *Agricultural Land Commission Amendment Act, 2019*, S.B.C. 2019, c. 32, is brought into force, except the following:
 - (i) sections 1 (a), 12, 13, 17 (d), 19, 20, 24 to 26, 28 (a), 30, 39 (2) and (4) and 41;
 - (ii) section 17 (g) insofar as it strikes out “section 34.1” and substitutes “section 35.1”;
 - (iii) section 22 insofar as it enacts section 33 (2) (a) of the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36;
 - (iv) section 35 insofar as it repeals section 58 (1), (2) (a) to (c), (d) to (e), (e.5), (g) to (s), (3) (a) to (e) and (i) and (4) to (9) of the *Agricultural Land Commission Act* and substitutes sections 58 to 58.3, 58.5 and 58.6,
- (b) the *Agricultural Land Reserve General Regulation*, B.C. Reg. 171/2002, is re-titled as the *Agricultural Land Reserve Transitional Regulation*,
- (c) sections 34 to 43 of the *Agricultural Land Reserve Transitional Regulation* are repealed,
- (d) section 1 as it enacts the definition of “Act”, Divisions 1 and 2 of Part 4 and sections 33 and 36 of the attached *Agricultural Land Reserve General Regulation* are made,
- (e) effective September 30, 2020, the following provisions of the *Agricultural Land Commission Amendment Act, 2019*, S.B.C. 2019, c. 32, are brought into force:
 - (i) sections 1 (a), 12, 13, 17 (d), 19, 20, 24 to 26, 28 (a) and 39 (2) and (4);
 - (ii) section 17 (g) insofar as it strikes out “section 34.1” and substitutes “section 35.1”;
 - (iii) section 35 insofar as it repeals section 58 (1), (2) (a) to (c), (d) to (e), (e.5), (g) to (s), (3) (a) to (e) and (i) and (4) to (9) of the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36, and substitutes sections 58 to 58.3, 58.5 and 58.6,
- (f) effective September 30, 2020, the *Agricultural Land Reserve Transitional Regulation* is repealed, and
- (g) effective September 30, 2020, Parts 1 to 3, except section 1 as it enacts the definition of “Act”, and Part 4 except as it enacts Divisions 1 and 2 and sections 33 and 36, of the attached *Agricultural Land Reserve General Regulation* are made.



Minister of Agriculture



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Agricultural Land Commission Amendment Act, 2019*, S.B.C. 2019, c. 32, s. 43;
Agricultural Land Commission Act, S.B.C. 2002, c. 36, ss. 5.1, 58.1 to 58.5

Other: OIC 571/2002

AGRICULTURAL LAND RESERVE GENERAL REGULATION

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PART 1 – INTERPRETATION

Definitions

1 In this regulation:

“**Act**” means the *Agricultural Land Commission Act*;

“**applicant**” includes an agent of the applicant;

“**approving officer**” means an approving officer or other person described in section 18 (5) [*restrictions on approving land uses or subdivision*] of the Act;

“**local or first nation government applicant**” means an applicant who

- (a) is a local government or first nation government, and
- (b) is making an application with respect to land over which the applicant has jurisdiction;

“**public body applicant**” means an applicant described in section 16 [*public body applicants*];

“**public hearing**” means a public hearing held for the purposes of section 17 (2), 29 (2) or 30 (2) [*inclusions or exclusions of land*] of the Act, as applicable.

Interpretation

2 (1) For the purposes of this regulation,

- (a) a local government has jurisdiction over land if the local government has legislative authority over the land, and
- (b) a first nation government has jurisdiction over land if the land is, or is part of, the settlement lands or proposed settlement lands, as applicable, for that first nation.

(2) For the purposes of section 2 (1) [*application of other Acts*] of the Act, nothing in this regulation is to be interpreted as relieving a person from complying with

- (a) any other enactment that may apply, or
- (b) a decision of a responsible authority, including respecting zoning or subdivision, that may apply.

PART 2 – PERMITTED SUBDIVISIONS

Subdivision permitted on determination by approving officer

3 (1) A subdivision of agricultural land is permitted for the purposes of the Act if

- (a) an approving officer determines that the subdivision is of a type referred to in subsection (2), and
 - (b) the approving officer
 - (i) indicates the approval by endorsing on the plan of subdivision a certificate in the form required by the commission, and
 - (ii) submits to the commission a copy of the endorsed plan.
- (2) The following types of subdivision are permitted for the purposes of subsection (1) (a):
- (a) a subdivision that does one or more of the following:
 - (i) consolidates 2 or more parcels into a single parcel by eliminating common lot lines;
 - (ii) establishes a legal boundary along the boundary of the agricultural land reserve;
 - (iii) resolves a building encroachment on a property line, if no additional parcels are created;
 - (b) a subdivision for which all of the following conditions are met:
 - (i) the agricultural land to be subdivided involves not more than 4 parcels, each of which is a minimum of 1 ha;
 - (ii) on subdivision, there would be no increase in the number of parcels and no parcel would be less than 1 ha;
 - (iii) the subdivision would allow for boundary adjustments that, in the opinion of the approving officer, will enhance farming on the agricultural land or permit better use of structures used for farming.

Subdivision of lands under final agreement permitted

- 4** (1) In this section:
- “**lands under a final agreement**” means those lands affected by a plan that a treaty first nation will own in fee simple, as treaty lands or otherwise, in accordance with the treaty first nation’s final agreement;
 - “**plan**” has the same meaning as in section 19 (1) [*registration restrictions*] of the Act.
- (2) A subdivision of agricultural land is permitted for the purposes of the Act if
- (a) the subdivision results from the registration of an indefeasible title in the name of a treaty first nation to lands under a final agreement, and
 - (b) the registration is
 - (i) effective on the date the final agreement comes into effect, and
 - (ii) in accordance with the final agreement.

Registrar of Titles may accept deposit of permitted plans

- 5** A Registrar of Titles may accept an application for the deposit of a plan referred to in this Part if the applicable conditions of this Part with respect to the subdivision of agricultural land shown on the plan are met.

PART 3 – PROCEDURES FOR PROPOSALS AND APPLICATIONS

Division 1 – General Procedures

Applications and application fees

- 6** (1) Subject to subsections (3) and (4) of this section, an applicant may make an application to which section 34 [*local government or first nation government review not required*] of the Act applies by submitting to the commission
- (a) an application in the form and manner required by the commission, and
 - (b) a fee of
 - (i) \$1 200 in the case of an application described in section 34 (1) (a), (b), (c) or (e) of the Act, or
 - (ii) \$1 500 in the case of an application described in section 34 (1) (d) of the Act.
- (2) Subject to subsections (3) and (4) of this section, an applicant may make an application to which section 34.1 [*local government or first nation government review required*] of the Act applies by submitting to the applicable body under that section
- (a) an application in the form and manner required by the commission, and
 - (b) a fee of
 - (i) \$300 for the purposes of section 34.1 (1) of the Act, or
 - (ii) \$1 200 for the purposes of section 34.1 (3) of the Act.
- (3) If a fee has already been submitted under section 20.3 (1) (c) (ii) [*soil or fill use*] of the Act in respect of an application, the fee payable under subsection (1) or (2) (b) (ii) of this section is reduced by \$150.
- (4) Applicants are exempt from paying application fees in respect of applications to include land in the agricultural land reserve.

Payment by commission for comments or information

- 7** The commission may pay \$200 to each local government or first nation government from which the commission requests comments or information under section 34 (3) [*local government or first nation government review not required*] of the Act.

Local or first nation government review

- 8** (1) A local government or first nation government that receives an application under section 34.1 [*application procedure if local government or first nation government review required*] of the Act must, in accordance with this section, forward to the commission
- (a) the application, and
 - (b) the comments and recommendations of the local government or first nation government in respect of the application.
- (2) The application, comments and recommendations must be forwarded within the following period after the local government or first nation government receives the application:

- (a) 90 days, if a public information meeting is held under section 19 (b) [*public hearing and public information meeting*];
 - (b) 60 days, if paragraph (a) does not apply.
- (3) The comments and recommendations must be in a form acceptable to the commission and address all of the following that apply:
- (a) in the case of an exclusion application made by a public body applicant,
 - (i) whether the notice required under section 17 (a) [*exclusion applications by public body applicants*] of this regulation has been given,
 - (ii) whether the resolution or law required under section 29 (4) [*exclusion applications*] of the Act has been made, and
 - (iii) any responses the local government or first nation government received
 - (A) under section 18 [*responses to exclusion applications*], and
 - (B) through a public information meeting held under section 19 (b), if any;
 - (b) in the case of a use or subdivision application, whether
 - (i) the resolution, if required under section 25 (3) [*applications by owner*] of the Act, has been made, or
 - (ii) the law required under section 25 (3.1) of the Act has been made.
- (4) The comments and recommendations may include any other information the local government or first nation government wants the commission to consider concerning the application.

Procedures at meetings and public hearings

- 9**
- (1) The commission, a local government, a first nation government or a public body applicant that holds a meeting, public information meeting or a public hearing with respect to an application may, without limiting any other powers of the commission, local government, first nation government or public body applicant,
 - (a) designate the date, time and place for the meeting or public hearing, and
 - (b) adjourn the meeting or public hearing.
 - (2) The commission, a local government, a first nation government or a public body applicant holding a public hearing
 - (a) must give all persons present an opportunity to be heard on matters related to the proposal or application that is the subject of the public hearing, and
 - (b) may, without further notice, allow a proposal or application that is the subject of the public hearing to be amended to accommodate representations made at that public hearing.
 - (3) A member of the commission, a local government or a first nation government who was not present at a public hearing may vote on the proposal or application that was the subject of the public hearing if an oral or written report of the public hearing has been given to the member.

Notice of action

- 10** (1) Without limiting any other requirement under the Act, the commission must give written notice to each applicable person referred to in subsection (2) if the commission does any of the following, whether on the commission's own initiative or on determination of an application:
- (a) includes, or refuses to include, land in the agricultural land reserve;
 - (b) excludes, or refuses to exclude, agricultural land from the agricultural land reserve;
 - (c) grants, or refuses to grant, permission for a use or subdivision;
 - (d) reverses or varies a decision on reconsideration under the Act.
- (2) The persons who must receive notice are the following:
- (a) the applicant;
 - (b) the local government or first nation government that has jurisdiction over the land that is the subject of the action.

Fees if action of official required

- 11** (1) An applicant must pay a fee in accordance with this section if
- (a) the commission, on granting an application, imposes a term or condition on the applicant, and
 - (b) the effect of the term or condition is to cause an official to engage in an activity described in this section.
- (2) At the time that the term or condition is imposed, an applicant must pay a fee as follows:
- (a) \$350 for each site inspection an official must conduct, unless subsection (3) applies;
 - (b) \$150 for each of the following that an official must administer, process, prepare, review, execute, file or register, other than in the context of an application:
 - (i) a contract or similar legal instrument, report, survey, map or a form of security;
 - (ii) a record that must be approved, filed or registered under an enactment;
 - (iii) a plan within the meaning of section 19 [*registration restrictions*] of the Act or a covenant, including related records necessary for deposit of the plan or covenant with a Registrar of Titles.
- (3) On the annual date set by the commission, an applicant must pay a fee as follows for each year or part of a year that an official monitors activities conducted on agricultural land:
- (a) \$500 for agricultural land surveyed as being less than 0.8 ha;
 - (b) \$1 000 for agricultural land surveyed as being between 0.8 ha and 4 ha;
 - (c) \$2 000 for agricultural land surveyed as being more than 4 ha.

Publishing the status of applications

- 12** (1) The commission must publish the following information in respect of each application:
- (a) the date on which the application was received;
 - (b) in general terms, the intent of the application;
 - (c) the name of the applicant;
 - (d) the dates on which the commission began and completed its review of the application;
 - (e) the commission's determination and the reasons for it.
- (2) For the purposes of subsection (1),
- (a) publication must be on a website maintained by or on behalf of the commission, and
 - (b) published information must be kept current.

Division 2 – Commission Proposals and Local and First Nation Government Applications for Inclusion or Exclusion

Proposals by commission

- 13** If the commission is proposing on the commission's own initiative to include land in, or exclude agricultural land from, the agricultural land reserve, the commission must do all of the following:
- (a) give notice of the proposal not less than 3 days and not more than 10 days before the date of the public hearing;
 - (b) give a copy of the proposal and supporting material to each local government or first nation government whose interests, the commission believes, will be affected by the application;
 - (c) post a sign, in a form and manner acceptable to the commission, on the land that is the subject of the application.

Applications by local or first nation government applicants

- 14** (1) If a local or first nation government applicant is applying to include land in, or exclude agricultural land from, the agricultural land reserve, the applicant must do all of the following:
- (a) give notice of the application not less than 3 days and not more than 10 days before the date of the public hearing;
 - (b) give a copy of the application to the following:
 - (i) if the land that is the subject of the application is adjacent to an area over which a different local government or first nation government has jurisdiction, that different local government or first nation government;
 - (ii) each local government or first nation government whose interests, the local or first nation government applicant believes, will be affected by the application;
 - (c) include with the application

- (i) a report of the public hearing and any additional public comments, and
 - (ii) any other supporting material the commission may require;
 - (d) post a sign, in a form and manner acceptable to the commission, on the land that is the subject of the application.
- (2) Despite subsection (1) (b), a local or first nation government applicant is not required to give a copy of an application to a first nation government referred to in paragraph (b) of the definition of “first nation government” in section 1 of the Act.

Notice of public hearing

- 15** (1) A notice of a public hearing must be given in accordance with this section by
- (a) the commission, in respect of a proposal on the commissions’ own initiative to include land in, or exclude agricultural land from, the agricultural land reserve, and
 - (b) a local or first nation government applicant, in respect of an application by the applicant to include land in, or exclude agricultural land from, the agricultural land reserve.
- (2) The notice must do all of the following:
- (a) state the general intent of the proposal or application;
 - (b) identify the land affected, whether by using the legal description or by describing the land generally;
 - (c) state the date, time and place of the public hearing;
 - (d) state when and where a copy of the proposal or application may be inspected.
- (3) The notice must be published as follows:
- (a) publication must be in at least 2 issues of a newspaper within the meaning of the *Community Charter*;
 - (b) the newspaper must be circulated in the municipality, regional district or settlement lands within which the land that is the subject of the proposal or application is located;
 - (c) the last publication must be circulated not less than 3 days and not more than 10 days before the date of the public hearing.
- (4) Despite subsection (3) of this section, if the requirements of that subsection are not practical, the commission or local or first nation government applicant, as applicable, may give notice in the same manner as a council may give notice under section 94 (4) and (5) of the *Community Charter*.

Division 3 – Public Body Applications for Exclusion

Public body applicants

- 16** (1) An applicant to exclude agricultural land from the agricultural land reserve is a public body applicant if the applicant is the owner of the agricultural land and is

- (a) the Province, a local government or a first nation government, or
 - (b) a person or body listed in subsection (2).
- (2) The following are prescribed for the purposes of section 29 (1) (a) (ii) [*exclusion applications*] of the Act:
- (a) a regional health board designated under section 4 (1) of the *Health Authorities Act*;
 - (b) an educational body within the meaning of the *Freedom of Information and Protection of Privacy Act*;
 - (c) an improvement district within the meaning of the *Local Government Act*;
 - (d) BC Transportation Financing Authority;
 - (e) British Columbia Housing Management Commission;
 - (f) British Columbia Hydro and Power Authority;
 - (g) South Coast British Columbia Transportation Authority;
 - (h) British Columbia Transit Corporation;
 - (i) Columbia Power Corporation.

Exclusion applications by public body applicants

- 17** If a public body applicant is applying to exclude agricultural land from the agricultural land reserve, the public body applicant must do all of the following:
- (a) give notice of the application not less than 3 days and not more than 10 days before the date of the public hearing;
 - (b) give a copy of the application to any local government or first nation government that has jurisdiction over land that shares a common boundary with the agricultural land that is the subject of the application;
 - (c) include with the application a copy of the notice required under paragraph (a);
 - (d) post a sign, in a form and manner acceptable to the commission, on the land that is the subject of the application.

Responses to exclusion applications

- 18** (1) If a public body applicant receives a response to a notice given under section 17 (a) [*exclusion applications by public body applicants*], the applicant must promptly forward the response to the local government or first nation government that has jurisdiction over the agricultural land that is the subject of the application.
- (2) A local government or first nation government that receives a copy of an application under section 17 (b) may respond to the application by giving comments and recommendations to the local government or first nation government that has jurisdiction over the agricultural land that is the subject of the application.

Public hearing and public information meeting

- 19** If a public body applicant is applying to exclude agricultural land from the agricultural land reserve,

- (a) the applicant must give notice of a public hearing in accordance with section 15 (2) to (4) [*notice of public hearing*] as if the applicant were a local or first nation government applicant, and
- (b) the commission, or the local government or first nation government that has jurisdiction over the agricultural land that is the subject of the application, may, in addition to the public hearing, hold a public information meeting with respect to that application.

Division 4 – Commission Meeting on Exclusion Application

Commission meeting

- 20** (1) The commission must do all of the following:
- (a) hold a meeting to determine an exclusion application;
 - (b) not more than 30 days before the meeting, give written notice of the meeting to
 - (i) the applicant,
 - (ii) the local government or first nation government that has jurisdiction over the agricultural land that is the subject of the application, and
 - (iii) if the commission considers it advisable, each owner of agricultural land that shares a common boundary with, or is separated by a public road right of way from, the agricultural land that is the subject of the application;
 - (c) before the meeting, give notice to the applicant of the following:
 - (i) the information, if any, related to the application that will be considered at the meeting;
 - (ii) any new information that becomes available.
- (2) At the meeting, the commission may do one or more of the following:
- (a) hear representations from the applicant;
 - (b) accept written submissions or any other form of evidence, whether or not it would be admissible as evidence in a court of law;
 - (c) hear representations, evidence and opinions the commission considers relevant of
 - (i) any person present or represented at the meeting, and
 - (ii) the local government or first nation government that has jurisdiction over the agricultural land that is the subject of the application.

Evidence presented at meeting

- 21** (1) This section applies if
- (a) evidence is presented at a meeting of the commission held to determine an exclusion application, and
 - (b) a statement or summary of that evidence has not been given to the applicant before the meeting.
- (2) If the applicant is present at the meeting, the commission may

- (a) hear further representations in respect of the evidence, or
 - (b) adjourn the meeting to enable the applicant to answer the evidence.
- (3) If the applicant is not present at the meeting, the commission must notify the applicant personally or by registered or electronic mail of
- (a) the evidence, and
 - (b) the date by which the additional evidence may be answered.

Division 5 – Other Applications

Transportation and utility use applications

- 22** (1) For the purposes of section 34 (1) (d) [*local government or first nation government review not required*] of the Act, an application for any of the following uses must, unless the use is permitted under the Agricultural Land Reserve Use Regulation, be filed directly with the commission:
- (a) construction for the purpose of widening an existing road right of way;
 - (b) construction of a road within an existing right of way;
 - (c) construction of any of the following:
 - (i) a new road, railway or recreational trail;
 - (ii) a new forest service road under the *Forest Act*;
 - (iii) a utility corridor use;
 - (iv) a sewer or water line other than for ancillary utility connections;
 - (d) a new use of an existing right of way for a recreational trail.
- (2) If the applicant is not the owner of the agricultural land that is the subject of the application, the applicant must give notice of the application to the owner within the period stated by the commission.

Fill placement applications

- 23** The commission must reject an application for permission to place fill on agricultural land if the fill to be placed includes any of the materials referred to in section 36 [*prohibited fill*] of the Agricultural Land Reserve Use Regulation.

PART 4 – GENERAL

Division 1 – Commission Members and Duties

Definition

- 24** In sections 25 [*residency information*] and 26 [*determining residency in administrative region*], “**director**” means the director of the office of the government that is responsible for the recruitment and recommendation of candidates for appointments to all Crown corporations, agencies, boards and commissions.

Residency information

- 25** (1) A person is a resident of an administrative region if the person
- (a) is a citizen or permanent resident of Canada,

- (b) resides in the administrative region, and
 - (c) intends to return to the administrative region when absent.
- (2) A person seeking to be appointed as a member of the commission must do all of the following:
- (a) identify to the director, in writing,
 - (i) the administrative region of which the person is a resident, and
 - (ii) either the regional district in which the person is a resident or, if the person resides in the area referred to in section 4 (b) of the Schedule to the Act, that area;
 - (b) provide supporting evidence for the purpose of subsection (1).
- (3) The director may request additional supporting evidence to that provided under subsection (2) (b).

Determining residency in administrative region

- 26** (1) If the director is satisfied that a person seeking to be appointed as a member of the commission is a resident of the administrative region identified by the person under section 25 (2) (a) (i) [*residency information*], the director must provide confirmation of that fact and the information provided under that section to
- (a) the Lieutenant Governor in Council, in the case of a person seeking to be appointed as chair of the commission, and
 - (b) the minister, in any other case of a person seeking to be appointed as a member of the commission.
- (2) Confirmation by the director that a person is a resident of an administrative region must be in writing and is final and binding.

Mapping of agricultural land reserve boundaries

- 27** The commission must ensure that
- (a) the agricultural land reserve boundary is represented on maps using technology, standards and security procedures the commission considers appropriate, and
 - (b) a map referred to in paragraph (a) is updated as soon as reasonably practicable after becoming aware that the agricultural land reserve boundary is not accurately represented on the map.

Reports to minister

- 28** The commission must submit to the minister reports as follows:
- (a) before June 30 of each year, an annual report that includes information respecting the financial operation of the commission and a financial statement
 - (i) showing the commission's financial operations for the 2 preceding financial years, and
 - (ii) prepared in accordance with generally accepted accounting principles and the accounting policies and practices established by Treasury Board;

- (b) on request of the minister, a report that includes the following information with respect to the period specified by the minister:
 - (i) information specified by the minister respecting the administration of the Act by the commission and the expenditure of the budget allocated to the commission;
 - (ii) information respecting expenditures in relation to specific budget allocations.

Publishing reports

- 29** (1) Subject to subsection (2) of this section, the commission must publish on a website maintained by or on behalf of the commission a report submitted under
- (a) section 44 [*report and recommendations respecting matters referred to the board*] of the Act, and
 - (b) section 28 [*reports to minister*] of this regulation, no earlier than 60 days and not later than 90 days after submitting the report.
- (2) The minister may direct the commission not to publish any part of a report that, in the opinion of the minister, contains information that would be protected from disclosure under Division 2 of Part 2 of the *Freedom of Information and Protection of Privacy Act*, whether the information relates to the commission or to the government.

Division 2 – Enforcement

Penalties for contraventions

- 30** (1) The chief executive officer must consider all of the following before levying a penalty against a person for contravening the Act, the regulations or an order of the commission:
- (a) the gravity and magnitude of the contravention;
 - (b) whether the contravention was deliberate, repeated or continuous;
 - (c) whether there has been any contravention of a similar nature by the person;
 - (d) whether the person derived an economic benefit from the contravention;
 - (e) the person’s cooperativeness and efforts to correct the contravention;
 - (f) the degree to which the contravention detrimentally affected or impaired the agricultural capability of agricultural land or its suitability for farming.
- (2) The maximum penalty which the chief executive officer may levy is as follows:
- (a) for any single contravention, \$100 000;
 - (b) for a subsequent contravention, double the amount of the penalty levied for the first contravention.

Notice of action

- 31** (1) In this section, “**action**” means a determination or an order made, or a penalty levied, under section 50 [*stop work order*], 52 [*determinations and remediation orders*] or 54 (1) [*penalties levied by chief executive officer*] of the Act.

- (2) An official who takes an action must give notice of the action to the person against whom it is taken.
- (3) If the chief executive officer levies a penalty against a person for contravening the Act, the regulations or an order of the commission, the chief executive officer must set out all of the following in the notice:
 - (a) the nature of the contravention;
 - (b) the amount of the penalty;
 - (c) the date by which the penalty must be paid;
 - (d) a description of the person's right to appeal the penalty.

Giving a notice of action

- 32** (1) An official who is required to give notice under section 31 (2) [*notice of action*] must give the notice by one or more of the following means:
- (a) personally;
 - (b) by registered mail sent to the person's last known address;
 - (c) by electronic mail sent to the person's last known electronic mail address;
 - (d) by posting the notice at a conspicuous location on the agricultural land that is the subject of the notice.
- (2) Notice is deemed to have been received by the person who is the subject of the notice as follows:
- (a) if sent in accordance with subsection (1) (b), on the 14th day after deposit with Canada Post unless the person actually received the notice before that day;
 - (b) if sent in accordance with subsection (1) (c), as follows:
 - (i) as provided for under section 18 (2) of the *Electronic Transactions Act*;
 - (ii) despite subparagraph (i), no later than 96 hours after the notice was sent.

Division 3 – Other Matters

Service and receipt of notice and records generally

- 33** Except as otherwise set out in this regulation,
- (a) if the commission is required to give a notice under the Act, the commission may determine the form and manner of giving the notice, and
 - (b) if a person other than the commission is required to give a notice under the Act, the person must do so in a form and manner acceptable to the commission.

Notice of statutory right of way

- 34** (1) For the purposes of section 18.1 (3) [*notice of statutory right of way*] of the Act, the form issued by the commission to the applicant under subsection (2) of this section, confirming that the commission received notice in accordance

section 18.1 (2) of the Act, is proof that notice has been given as required under that section.

(2) The commission

- (a) must, if it received notice in accordance with section 18.1 (2) of the Act, issue a form confirming that fact, and
- (b) may issue the form electronically or otherwise.

Fee if notice of intent to remove soil or place fill

- 35** A person who submits to the chief executive officer a notice of intent to remove soil or place fill on agricultural land must pay a fee of \$150.

Delegation to oil and gas commission

- 36** The commissioner appointed under the *Oil and Gas Activities Act* is prescribed as a public officer for the purposes of section 26 (1) (b) [*delegation of powers respecting applications*] of the *Agricultural Land Commission Act*.