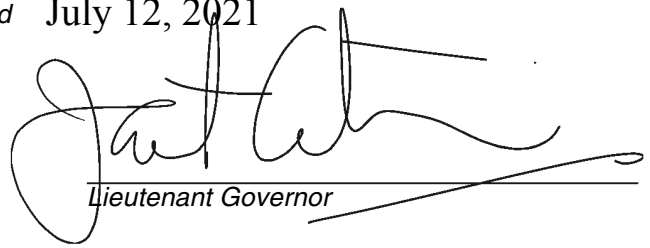


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 438

, **Approved and Ordered** July 12, 2021



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, effective December 31, 2021, the Agricultural Land Reserve Use Regulation, B.C. Reg. 30/2019, is amended as set out in the attached Schedule.

DEPOSITED
July 12, 2021
B.C. REG. **190/2021**



Minister of Agriculture, Food and Fisheries



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: *Agriculture Land Commission Act*, S.B.C. 2002, c. 36, ss. 58 (2) and 58.6 (3)

Other: OIC 67/2019

R10499003

SCHEDULE

- 1 The Agricultural Land Reserve Use Regulation, B.C. Reg. 30/2019, is amended by adding the following heading to Part 4 before section 28:*

Division 1 – Residential Uses Generally .

- 2 Section 28 is amended by striking out “section 32 [additional residences]” and substituting “Division 2 [Additional Residences]”.*
- 3 Section 32 is repealed.*
- 4 The following Division is added to Part 4:*

Division 2 – Additional Residences

Pre-existing residential structures constructed before February 22, 2019

- 34.1** (1) The use of agricultural land for an additional residence that is a pre-existing residential structure is permitted if
- (a) the residence is constructed in accordance with all applicable enactments, and
 - (b) on February 22, 2019, the size, siting and use of the residence complied with section 3 (1) (b) (ii) or (b.1) (ii) or (iii) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, as it read on February 21, 2019.
- (2) The size and siting of a residence permitted under this section must not be altered unless one of the following applies:
- (a) the alteration is permitted under section 25 or 45 of the Act;
 - (b) in the case of a manufactured home, the alteration does not increase the size of the manufactured home;
 - (c) in the case of residence that is not a manufactured home, the alteration does not increase the total area occupied by all residences and other residential structures, roads and service lines, and all agricultural land between them.

Manufactured homes constructed between July 4, 2019 and December 31, 2021

- 34.2** (1) The use of agricultural land for an additional residence that is a manufactured home and that is not a pre-existing residential structure is permitted if
- (a) the residence is constructed in accordance with all applicable enactments, and
 - (b) on December 31, 2021, all conditions with respect to the residence imposed under section 32 (3), as it read on December 30, 2021, were met.
- (2) The size and siting of a residence permitted under this section must not be altered unless permitted under section 25 or 45 of the Act.

Additional residences constructed after December 30, 2021

- 34.3** (1) The use of agricultural land for an additional residence for which construction begins after December 30, 2021 is permitted on a parcel if all of the following conditions are met:
- (a) at the time that construction begins, the parcel has located on it only one residence, whether or not a secondary suite is located in the residence as permitted under section 31;
 - (b) neither residence will be attached to, nor be part of, the other residence;
 - (c) one of the following applies to the residences, as constructed:
 - (i) if the parcel is 40 ha or less, there will be
 - (A) one residence, the total floor area of which is 500 m² or less, and
 - (B) one residence, the total floor area of which is 90 m² or less;
 - (ii) if the parcel is more than 40 ha, there will be
 - (A) one residence, the total floor area of which is any size permitted under the Act, and
 - (B) one residence, the total floor area of which is 186 m² or less.
- (2) The size of a residence permitted under this section must not be altered unless one of the following applies:
- (a) the alteration is permitted under section 25 or 45 of the Act;
 - (b) the alteration does not increase the size of the residence beyond the size permitted under subsection (1) (c).
- (3) Nothing in this section prevents the granting of permission, under section 25 or 45 of the Act, for additional residences to be constructed after the additional residence permitted under this section.