

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL


Order in Council No. 508 , Approved and Ordered July 08, 2016

  
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 the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, is amended as set out in the attached Schedule.

  
Minister of Agriculture

  
Presiding Member of the Executive Council

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*(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 Act*, S.B.C. 2002, c. 36, s. 58 (2) (b) and (1.1), (8) and (9)

Other: OIC 571/2002

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June 14, 2016

2/R/312/2016/33

## SCHEDULE

**1 Section 3 (1) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, is amended by adding the following paragraph:**

- (r) conversion of non-forested land to forested land on parcels less than 20 ha other than for a farm use under section 2 (2) (f) and (g).

**2 The following sections are added to Part 6:**

**Seeking owner consent to exclusion**

- 14.1** (1) If, on completion of a public hearing held for the purpose of section 29 (2) of the Act, the commission intends to exclude land from an agricultural land reserve, the commission must send to each owner of the land a notice of the commission's intention.
- (2) A notice must include all of the following:
- (a) a description of the land to be excluded;
  - (b) the date on which the public hearing was held;
  - (c) a form that requires the owner to
    - (i) indicate whether or not the owner consents to the exclusion of the land from the agricultural land reserve, and
    - (ii) sign and date the form;
  - (d) the address, whether electronic or mail, to which the form may be returned by the owner to the commission;
  - (e) the date by which, and the manner in which, the form must be returned to the commission;
  - (f) a statement that, if the form is not received by the commission by the stated date and in the stated manner, the owner will be deemed to have consented to the exclusion.
- (3) For the purpose of subsection (2) (e), the date by which the form must be returned must not be less than 60 days from the date the notice is sent.
- (4) Despite subsection (1), if the land intended to be excluded from an agricultural land reserve is Crown land,
- (a) consent to the exclusion is not required for the purpose of section 29 (1.1) of the Act, and
  - (b) the commission is not required to send a notice to the Crown under subsection (1).

**Sending notice of intent to exclude**

- 14.2** (1) The commission may send a notice under section 14.1 of its intent to exclude land from an agricultural land reserve by any of the following means:
- (a) personally;
  - (b) by registered mail sent to the owner's last known address;
  - (c) by electronic mail sent to the owner's last known electronic mail address;

- (d) by posting it at a conspicuous location on the land that is intended to be excluded.
- (2) If a notice is sent by registered mail, the notice is deemed to have been received by the owner to whom it is addressed on the 14th day after deposit with Canada Post, unless the owner actually received the notice before that day.
- (3) If a notice is sent by electronic mail, the notice is deemed to have been received by the owner to whom it is addressed as follows:
  - (a) as provided for under section 18 (2) of the *Electronic Transactions Act*;
  - (b) despite paragraph (a), no later than 96 hours after the notice was sent.
- (4) If a notice is sent by posting it on the land, the notice is deemed to have been received by the owner to whom it is addressed on the 14th day after it was posted, unless the owner actually received the notice before that day.

**Deemed consent**

- 14.3** (1) An owner who receives a notice under section 14.1 of the commission's intent to exclude land from an agricultural land reserve is deemed to have consented to the exclusion if any of the following apply:
- (a) the form referred to in that section is not received by the commission on or before the date, or in the manner, stated in the notice;
  - (b) the owner fails to clearly indicate on the form that the owner does not consent to the exclusion;
  - (c) it is indicated on the form that the owner does not consent to the exclusion, but the owner fails to sign or date the form as required.
- (2) Deemed consent under subsection (1) of this section is effective on the date referred to in the notice under section 14.1 (2) (e).