

Agricultural Land Commission Act 1973 to 2000

**Compiled by
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**Source: Jim Plotnikoff, ALC Director of Planning
135-40/ALC/ /Act**

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Overview

History of Legislation Concerning the Agricultural Land Reserve

Agricultural Land Commission Act

2 April 1971	Environment and Land Use Act S.B.C. 1971, Chapter 17	
21 December 1972	Order-in Council #4483/72	Freeze on subdivision of land
18 January 1973	Order-in-Council #157/73	Defined and clarified Order-in-Council 4483/72
22 June 1973	Order-in-Council #2116/73	Amendment to Order-in-Council 157/73
17 April 1973	Bill 42 (Land Commission Act)	Certified correct and passed third reading
18 April 1973	Royal Assent given for the Land Commission Act S.B.C. 1973, Chapter 46	
18 May 1973	Proclamation	Sections 1-7, 13-15, 17*21 of the Act were proclaimed by the Lieutenant-Governor
31 May 1973	Order-in-Council #1891/73	Further definition to Order-in-Council 157/73
3 July 1973	Order-in-Council #2257/73	Sections 8-12 and 16 were proclaimed by the Lieutenant-Governor
25 October 1973	Order-in-Council #3539/73	Further amendment to Order-in-Council #157/73 permitting appeals to the Commission
29 November 1973	Order-in-Council #3919/73	Instructions for the preparation of Agricultural Land Reserve Plans
8 September 1977	Bill 88 (Land Commission Amendment Act, 1977) (certified correct and passed third reading)	First major amendments and revisions to the Act
20 January 1978	Agricultural Land Commission Act	Consolidated for convenience
29 July 1980	Bill 33 Revised Statutes Corrections Act, 1980(certified correct and passed third reading)	Amendments to sections 4, 13, 17, 18 and 28 of Agricultural Land Commission Act

Overview

History of Legislation Concerning the Agricultural Land Reserve

Agricultural Land Commission Act

22 August 1980	Bill 60, Miscellaneous Statutes Amended Act (No. 2) 1980 (certified correct and passed third reading)	Amendments to Sections 8, 10, 11, 18, 20 and 32 of the Agricultural Land Commission Act
22 December 1980	Agricultural Land Commission Act, Chapter 9	Consolidated
20 January 1984	Agricultural Land Commission Act 1979 Revised Statutes	Consolidated
3 November 1989	Agricultural Land Commission Act 1979 Revised Statutes	Consolidated
10 November 1992	Agricultural Land Commission Act 1979 Revised Statutes	Consolidated – Bill “42” Amendment – Application Fees
18 August 1993	Cabinet Appeals Abolition Act S.B.C. 1993, c38, Order-in-Council #1069	Bill 42 effective date September 1, 1993 sections 1 to 5, 8 to 11, 23 to 28, 30, 32 are brought into force
25 November 1993	Agricultural Land Commission Act 1979 Revised Statutes	Consolidated
25 August 1994	Agricultural Land Commission Act Amendment Act 1994	Bill “30” Order-in-Council #1037 BC Regulation 278/94
5 December 1994	Agricultural Land Commission Act 1979 Revised Statutes	Consolidated
8 June 1995	Bill “11”	Consequential Amendment
1996	Agricultural Land Commission Act	Revised Statues 1996
28 June 1999	Agricultural Land Commission Act 1996	Agricultural Land Commission Act titled changed to Agricultural Land Reserve Act by the Land Reserve Commission Act SBC 1999, c.14,s10,effective April 1, 2000 (BC Regulation 70/2000

Overview

History of Legislation Concerning the Agricultural Land Reserve

Agricultural Land Commission Act

21 February 2000	Agricultural Land Commission Amendment Act 1999, S.B.C. 1999, c5, is brought into force	Order-in-Council #228
21 February 2000	Land Reserve Commission Act, S.B.C. 1999, c14, Order-in-Council #232 – effective date April 1, 2000	Brought into force

Process leading to adoption of the *Land Commission Act*

April 1971 – *Environment and Land Use Act* (establishes Environment and Land Use Committee of Cabinet (ELUC) and enables action to protect farmland)
ELUC Secretariat established (coordinates action, produces *Reasons for Concern about Loss of Agricultural Land* and map of *Areas Topographically Suited to Agriculture in British Columbia*)

1972 election of NDP government results in policy announcement on the preservation of farm and other rural lands from urban land use and further subdivision of land.

11 December 1972 – Minister of Municipal Affairs writes to all local governments advising that planning bylaws which have the effect of breaking up farmland will be examined closely in the light of the foregoing policy.

*21 December 1972 – moratorium on subdivision of farmland

*18 January 1973 – moratorium on non-farm use and provision of an ELUC appeal process

16 February 1973 – explanatory note to all local governments

April 1973 – *Land Commission Act* adopted but not yet in effect

18 May 1973 – basic sections of Act proclaimed and Land Commission appointed

29 May 1973 – ELUC letter to regional districts regarding interim processes

*31 May 1973 – order in council allows building permits for agricultural purposes, and for construction of one single family dwelling per lot provided that the dwelling is eligible for the homeowner grant

03 July 1973 – balance of Act proclaimed, enabling work on ALR plans

*25 October 1973 – appeal process modified to involve Land Commission
– ***For those parts of the Regional District of Kitimat-Stikine where the ALR was never designated, the provisions of these four Orders in Council are still in effect except as may otherwise be provided for areas subject to the Nisga'a Treaty**

Subsequent actions focus on preparation and designation of ALR plans and their use.

File 1992.
Feb 6/92.

HISTORICAL OVERVIEW OF LEGISLATIVE CHANGES/PROPOSALS

- 1973 -original Act passed
- 1976/77 -amendments to Act passed - input directly from Minister
major changes -focus of Act on agriculture
-11(2) power of Lieutenant-Governor in Council to allow uses without exclusion
-13(2) appeal to Minister
-restrictive covenants
-Section 34 enforcement measures
- 1979 -standard 10 year statute revisions - no legislative change
- 1981-84 -discussions with Minister regarding changes
-various proposals
-final cabinet submission and draft legislation prepared
- Fall 1984 -Cabinet decided not to proceed with any policy changes
-Regulatory Reform Committee established and prepared to consider minor housekeeping changes
- Spring 1985 -finalization of details on housekeeping changes
- Summer or Fall 1985 -no action - Regulatory Reform Committee derailed - nothing was going
- Fall of 1986 -Ministry makes suggestion for minor changes regarding fees and revenue as part of regular legislative review process
-Committee says OK but asks for a full review of legislation
- Winter/Spring 1987 -Premier proposes "Decentralization theme" January conference / June 18 meeting
-review of legislation targeted for fall

From: Pellett, Tony ALC:EX
Sent: Wed, October 25, 2006 1:43 PM
To: ALC - All
Subject: History of Golf Course Approval Procedures

From time to time, I get enquiries about how golf courses have been approved in the ALR. Just in case others are getting these enquiries and want something to paste into an email response, here is how I have been responding:

- From ALR designation through 15 January 1975, golf courses were allowed in the ALR only after approval by the Commission following an application submitted through the local regional district.
- From 16 January 1975 through 14 January 1981, golf courses were allowed as an outright use in the ALR.
- From 15 January 1981 through 15 June 1988, golf courses were allowed in the ALR only after approval by the Commission following an application submitted directly to the Commission.
- From 16 June 1988 through 17 November 1991, golf courses were allowed as an outright use in the ALR, but only in accordance with specific terms and conditions set by the Commission, aimed at ensuring that the land could be readied for agricultural use in the event the golf use ceased.
- From 18 November 1991 through 06 April 1992, there was a moratorium on new golf course applications, and procedures were established to review existing applications through to 1994.
- Since then, golf courses have been and are allowed in the ALR only after approval by the Commission following an application submitted through the local government.

K.A. Pellett

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CHAPTER 46

Land Commission Act

[Assented to 18th April, 1973.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Interpre-
tation.

1. In this Act, unless the context otherwise requires,
- "agricultural land" means land designated under section 8;
 - "commission" means the commission established under section 2;
 - "commission land" means land acquired by the commission for the purposes of this Act;
 - "farm use" means an occupation or use of land for bona fide farm purposes, including, without limiting the generality of the foregoing, husbandry of the land and the plants, and animals thereon, and any other similar activity designated as farm use by the Lieutenant-Governor in Council;
 - "green belt land" means land referred to in section 7;
 - "land" includes any estate or interest in land;
 - "land bank land" means land referred to in section 7;
 - "land reserve plan" means a plan prepared pursuant to this Act in the manner prescribed by the regulations, which sets out clearly the areas within a municipality or regional district that, subject to the approval of the Lieutenant-Governor in Council, may be designated by the commission as an agricultural land reserve;
 - "minister" means that member of the Executive Council charged by Order of the Lieutenant-Governor in Council with the administration of this Act;
 - "park land" means land referred to in section 7;
 - "regulation" means a regulation or order of the Lieutenant-Governor in Council made under this Act;
 - "reserve" means a reserve of land established under section 8 of this Act.

Commission
established.

2. (1) There is hereby established a commission to be known as the Provincial Land Commission (hereafter referred to as the "commission") consisting of not less than five members appointed by the Lieutenant-Governor in Council, ~~to hold office during pleasure, and upon their appointment the members constitute a corporation and shall be the directors thereof.~~

(2) Each member shall be reimbursed for any reasonable travelling or out-of-pocket expenses necessarily incurred by him in discharging his duties, and in addition may be paid such remuneration for his services as a member of the commission as the Lieutenant-Governor in Council may determine.

(3) Except as provided in sections 8 and 9, at any meeting of the commission, a majority of the members constitutes a quorum.

Chairman.

3. The Lieutenant-Governor in Council shall designate one of the members as chairman and one other member as vice-chairman.

Agent of
Crown.

4. (1) The commission is for all purposes an agent of the Crown.

(2) The commission may, on behalf of the Crown, carry out its powers and duties under this Act in its own name without specific reference to Her Majesty and may hold in its own name any land or other real or personal property, and likewise may dispose of, mortgage, hypothecate, pledge, and assign any such property.

Staff.

5. (1) The commission may, pursuant to the *Civil Service Act*, appoint such officers and employees as it considers necessary for the purpose of this Act, and may determine their duties.

(2) The Lieutenant-Governor in Council may appoint a general manager of the commission, to be appointed during pleasure, and may fix his remuneration and may declare that the *Civil Service Act* applies to him.

(3) The Lieutenant-Governor in Council may declare that the *Civil Service Superannuation Act* applies to the members of the commission and to the general manager.

(4) The commission may, with the approval of the minister, engage and retain such experts, consultants, or specialists as it considers advisable and fix their remuneration.

By-laws,
etc.

6. The commission may make such by-laws and pass such resolutions, not contrary to law or this Act, as it considers necessary or advisable for the conduct of the affairs of the commission and, without limiting the generality of the foregoing, may make by-laws and pass resolutions with respect to the time and place of calling and holding meetings, the procedure to be followed at the meetings, and generally with respect to the conduct, in all respects, of the affairs of the commission; and may repeal, amend, or re-enact them.

Objects
and
powers.

7. (1) It is the object of the commission to

- (a) preserve agricultural land for farm use;
- (b) encourage the establishment and maintenance of family farms, and land in an agricultural land reserve, for a use compatible with the preservation of family farms and farm use of the land;
- (c) preserve green belt land in and around urban areas;
- (d) encourage the establishment and maintenance of land in a green belt land reserve for a use compatible with the preservation of a green belt;
- (e) preserve land bank land having desirable qualities for urban or industrial development and restrict subdivision or use of the land for other purposes;
- (f) encourage the establishment and maintenance of land in a land bank land reserve for a use compatible with an ultimate use for industrial and urban development;
- (g) preserve park land for recreational use;
- (h) encourage the establishment and maintenance of land in a park land reserve for a use compatible with an ultimate use for recreation; and

- (h1) advise and assist municipalities and regional districts in the preparation and production of the land reserve plans required for the purpose of this Act;

and, for these objects, it has the power and capacity, by itself, or in co-operation with the Government of Canada, or any of its agencies or corporations, or with any department of Government, or with a municipality or regional district to

- (i) purchase or acquire land, except by expropriation, on such terms and conditions as may be negotiated, and hold such land for the purposes of this Act;
- (j) dispose of, by sale, lease, or otherwise, commission land and Crown land that is in an agricultural land reserve, a green belt land reserve, a land bank land reserve, or a park land reserve, subject to such terms and conditions as the commission may determine;
- (k) accept gifts of land subject to such terms and conditions as the commission may determine;
- (l) acquire and hold personal property and dispose of personal property so acquired by sale, lease, or otherwise; and
- (m) if authorized by any other Act, purchase or otherwise acquire, hold, administer, and dispose of land, including Crown land, for the purposes of that other Act.

(2) For the purposes of this section, the commission may

- (a) purchase or acquire land, except by expropriation, including Crown land, the present condition or future potential of which merits preservation by reason of its aesthetic quality or its location in or around urban areas, as green belt land;
- (b) purchase or acquire land, except by expropriation, including Crown land, having desirable qualities for urban or industrial development or redevelopment, as land bank land; and
- (c) purchase or acquire land, except by expropriation, including Crown land, having desirable qualities for, or future potential for, recreational use, as park land;

and, upon being so purchased or acquired, the green belt land, land bank land, or park land is established as

- (d) a green belt land reserve; or
- (e) a land bank land reserve; or
- (f) a park land reserve,

as the case may be, and shall be subject to this Act and the regulations.

Agricultural
land reserves.

8. (1) For the purposes of section 7, the commission may, subject to this section, with the prior approval of the Lieutenant-Governor in Council, designate land, including Crown land, that is suitable for farm use, as agricultural land, and, upon being so designated, the agricultural land is

established as an agricultural land reserve and shall be subject to this Act and the regulations.

(2) The regional board of every regional district, either alone, or in co-operation with its member municipalities, shall, with the advice and assistance of the commission if required, including such financial assistance as may be determined by the commission, within ninety days after the coming into force of this Act or within such further time as the commission may allow, by by-law, adopt a land reserve plan prepared in accordance with the regulations and file the by-law and land reserve plan with the commission.

(3) The council or regional board, as the case may be, shall not adopt a by-law for the purpose of this section until it has held a public hearing, notice of which has been published in the manner prescribed in section 703 of the *Municipal Act*, and except upon the affirmative vote of a majority of all the members of council or of all the directors of a regional board.

(4) The provisions of section 703 of the *Municipal Act* apply, with the necessary changes and so far as are applicable, to a hearing under subsection (3).

(5) Where the commission considers that the land reserve plan filed under subsection (2) carries out the intent and purpose of this Act, it shall, after approval of the Lieutenant-Governor in Council, designate the agricultural land shown therein as an agricultural land reserve.

(6) Where the commission considers it necessary or advisable to amend the land reserve plan filed under subsection (2) to better carry out the intent and purpose of this Act, it may recommend to the Lieutenant-Governor in Council amendments to the land reserve plan, and shall, after approval by the Lieutenant-Governor in Council of the land reserve plan or the land reserve plan as amended, designate the agricultural land therein as an agricultural land reserve.

(7) Where the council or regional board of a municipality or regional district, as the case may be, fails or refuses to prepare and file a land reserve plan with the commission in accordance with subsection (2), the commission shall, subject to subsections (8), (9), and (10), prepare a land reserve plan and submit the land reserve plan to the Lieutenant-Governor in Council for approval.

(8) The commission shall not submit the land reserve plan prepared under subsection (7) to the Lieutenant-Governor in Council until it has held a public hearing, notice of which has been published in the manner prescribed in subsection (1) of section 703 of the *Municipal Act*, and the provisions of subsections (2), (3), and (4) of section 703 of the *Municipal Act* apply, with the necessary changes and so far as are applicable, to a hearing under this subsection.

(9) For the purpose of a hearing under subsection (8),

(a) the commission has and may exercise all the powers of a Commissioner under sections 7, 10, and 11 of the *Public Inquiries Act*;

- (b) the commission may accept written submissions or any other form of evidence; and
- (c) notwithstanding subsection (3) of section 2, three members of the commission have and may exercise all the powers of the commission.

(10) The Lieutenant-Governor in Council may approve a land reserve plan as submitted by the commission under subsection (7), or with such alterations or variations as he may consider necessary or advisable to carry out the intent and purpose of this Act, and the commission may thereupon, pursuant to subsection (1), designate the agricultural land shown therein as an agricultural land reserve.

(11) Notwithstanding the other provisions of this section, pending the establishment of an agricultural land reserve in a municipality or regional district under this section, all land that is zoned for agricultural or farm use under a by-law of the municipality or regional district subsisting immediately prior to the twenty-first day of December, 1972, shall be deemed to be an agricultural land reserve and subject to this Act and the regulations, unless excepted by the commission.

Exclusion
from agri-
cultural land
reserve.

9. (1) The Lieutenant-Governor in Council may, upon the application of a municipality, regional district, or the commission, or on his own, by order, exclude any land, whether Crown land or private land, from the reserve established under subsection (1) of section 8.

(2) Subject to subsection (5), an owner of land aggrieved by a designation by the commission of his land as part of an agricultural land reserve under section 8 may, notwithstanding that he appeared before, or made representations to, the municipality, or regional district, or the commission under subsection (3) or (8) of section 8, apply to the commission in the manner prescribed by the regulations to have his land excluded from the agricultural land reserve.

(3) The commission, after a hearing held in such manner and after such notice as is prescribed by the regulations, may allow the application upon such terms and conditions as it considers advisable, or may refuse the application.

(4) Notwithstanding subsection (3) of section 2, for the purpose of the hearing, three members of the commission have and may exercise all the powers of the commission.

(5) Where land of an owner was, immediately prior to the twenty-first day of December, 1972, zoned for agricultural or farm use under a by-law of a municipality or regional district subsisting on that date, the owner is not entitled to apply to the commission under subsection (2) unless so authorized by a resolution of a municipality or a regional district, as the case may be.

(6) The commission shall, at the request of the owner,

- (a) deliver to him its decision in writing; and
- (b) allow him to examine and make available to him copies of all relevant documents in the custody of the commission pertaining to his application.

- (7) A person who is dissatisfied with the decision of the commission,
- (a) upon being authorized to appeal by a resolution of the municipality or regional district, as the case may be; and
 - (b) upon being granted leave to appeal by any two members of the commission,

may appeal, in the manner prescribed in the regulations to the Environment and Land Use Committee established under the *Environment and Land Use Act*.

(8) Subject to the procedure prescribed by the regulations, an appeal under this section shall be a hearing and review, but the Environment and Land Use Committee may accept written submissions or any other form of evidence, provided any such submission or other form of evidence is made available to the appellant.

(9) The Environment and Land Use Committee may, after a hearing, allow the appeal, subject to such terms and conditions as it may consider advisable, or refuse the appeal; and, in the event the appeal is refused, may order that any costs of the hearing be paid by the appellant, and, in the event the appeal is allowed, shall order that the reasonable costs incurred by the appellant be paid by the commission.

(10) The commission is entitled to be a party on the hearing of the appeal and may take part in the proceedings.

(11) Where land is excluded from a land reserve plan by order of the commission or the Environment and Land Use Committee under this section, the commission shall amend the land reserve plan accordingly and notify the municipality or regional district, as the case may be, and the appropriate Registrar of Titles.

Agricultural
land reserve.

occupancy
usc

(10) (1) No person shall occupy or use agricultural land designated as an agricultural land reserve pursuant to section 8 for any purpose other than farm use, except as permitted by this Act or the regulations or by order of the commission upon such terms and conditions as the commission may impose.

(2) In addition to the exceptions, reservations, or limitations set out in subsection (1) of section 38 of the *Land Registry Act*, a certificate of title heretofore issued under that Act in respect of agricultural land that is designated as an agricultural land reserve shall be subject, by implication and without special endorsement on the certificate of title, to this Act and the regulations respecting the reserve and farm use of the land contained therein; and the Registrar under the *Land Registry Act* shall note on every certificate of title of agricultural land hereafter issued that is designated as an agricultural land reserve an endorsement that the certificate of title may be affected by this Act.

(3) Notwithstanding subsection (2), the commission may, in respect of any agricultural land that is an agricultural land reserve, register a caveat in the appropriate Land Registry Office restricting the agricultural land described therein to farm use.

under sec 10 & 11
land cannot be
excluded - only
exempted.

(4) On, from, and after the twenty-first day of December, 1972, except as permitted by this Act, or the regulations, or by an order of the commission upon such terms and conditions as the commission may impose, (3)

(a) no municipality, or regional district, or any authority, board, or other agency established by it shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use, or authorize or permit a building to be erected thereon except

- (i) for farm use; or
- (ii) for residences necessary for farm use; or
- (iii) such residences for an owner of the agricultural land as may be permitted to be erected by the regulations;

(b) no person, designated or appointed under the Local Services Act, shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use, or authorize or permit a building to be erected thereon except

- (i) for farm use; or
- (ii) for residences necessary for farm use; or
- (iii) such residences for an owner of the agricultural land as may be permitted to be erected by the regulations;

(c) no approving officer under the Land Registry Act and no approving officer or Board of Variance under the Municipal Act shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use; and

(d) no Registrar of Titles under the Land Registry Act shall accept an application for deposit of a plan of subdivision under the Land Registry Act, or under the Strata Titles Act, or under the Real Estate Act, all or part of which consists of agricultural land in an agricultural land reserve.

Exemption.

11. (1) Section 10 does not apply in respect of agricultural land in an agricultural land reserve that, on the twenty-first day of December, 1972, was, by separate certificate of title issued under the Land Registry Act, less than two acres in area.

(2) Where a use of agricultural land that is within an agricultural land reserve

- (a) is a use other than farm use; and
- (b) was established and carried on continuously for a period of at least six months immediately prior to the twenty-first day of December, 1972; and

(c) is permitted by, or is not in contravention of, any other Act, regulation, by-law, order, or any other law respecting land use, that agricultural land is exempted from section 10 unless and until

- (d) the use of that agricultural land is changed to a use other than farm use without the permission of the commission; or

(e) any other Act, regulation, by-law, order, or any other law made after the twenty-first day of December, 1972, prohibits such use; or

(f) permission for any other use granted under any other Act, regulation, by-law, or order is withdrawn or expires.

Sale, lease etc.

land that has

a non-conforming use

(3) Where agricultural land, exempted under subsection (2), is sold, leased, transferred, transmitted, or otherwise disposed of, this Act and the regulations thereupon apply to that land, except as otherwise permitted by the commission.

(4) The commission may, in accordance with the regulations, hear and determine applications for permission under subsections (2) and (3), and under subsections (1) and (4) of section 10, and may grant or refuse permission for a use of the land for other than farm use, and may impose whatever terms and conditions it considers advisable, and, except as provided in subsection (5), the decision of the commission is final and no appeal lies from that decision.

(4a) Where land of an owner was, immediately prior to the twenty-first day of December, 1972, zoned for agricultural or farm use under a by-law of a municipality or regional district subsisting on that date, the owner is not entitled to apply to the commission for permission for any other use under section 10 or 11, unless so authorized by a resolution of a municipality or a regional district, as the case may be.

(5) An owner of land aggrieved

(a) by an order or decision of the commission refusing permission under subsection (1) or (4) of section 10 or under this section; or

(b) by the terms and conditions imposed by the commission in an order made under subsection (1) or (4) of section 10, or a permission granted under this section,

may appeal, on a question of law or excess of jurisdiction only, by way of stated case to the Supreme Court, and the provisions of the *Summary Convictions Act* respecting appeals by way of stated case apply, with the necessary changes and so far as are applicable, to the appeal, and to any further appeal therefrom, and a reference in that Act to a Justice shall be deemed to be a reference to the commission.

Additional
powers re
agricultural
land.

12. With respect to agricultural land designated as an agricultural land reserve, the commission may

(a) make agreements with the owners of agricultural land respecting continued farm use of the agricultural land upon such terms and conditions as may be agreed;

(b) carry on farming operations on commission land or agree with other persons to do so;

(c) withdraw from an agricultural land reserve agricultural land owned by the commission and, with the prior approval of the Lieutenant-Governor in Council, dispose of such land to the Crown to be dealt with under the *Land Act*;

will probably need an order under 9(f) for this and (d)

- (d) dispose of agricultural land owned by the commission, with the prior approval of the Lieutenant-Governor in Council, to private ownership for permanent farm use, or any other use considered by the commission to be in the public interest, subject to such terms and conditions as the commission may determine; and
- (e) subject to the approval of the Minister of Finance, or of the Minister of Municipal Affairs, as the case may be, establish a system of tax incentives to encourage the dedication of privately owned agricultural land to permanent farm use, and to increase the agricultural productivity thereof.

Capital improvements.

13. The commission may make, place, or construct on or bring onto, or cause to be made, placed, or constructed on or brought onto, any commission land such capital improvements as it considers necessary or desirable for the efficient development or use of the commission land or other land in the vicinity, and pay for or purchase any capital improvements made, placed, or constructed on or brought onto any commission land by any person.

Taxes.

14. Where commission lands are unoccupied or a lease of commission land does not provide for the payment of tax by the lessee, the commission may pay to the municipality or regional district a grant in lieu of taxes.

Fees.

15. The commission may establish, with the approval of the Lieutenant-Governor in Council, a schedule of fees to be paid to the commission for the preparation of leases and other documents, for appraisals and evaluations of land, and for copies of documents of the commission.

No right to compensation in respect of reserve land.

16. Land shall be deemed not to be taken or injuriously affected by reason of the designation by the commission of that land as an agricultural land reserve.

Agreements.

17. For the purposes of this Act, the minister may, subject to the approval of the Lieutenant-Governor in Council, enter into such agreements as the minister considers advisable with

- (a) the Government of Canada;
- (b) a municipality;
- (c) a regional district;
- (d) an agent of the Crown; or
- (e) any other department of Government.

Reports.

18. (1) The commission shall submit annually to the Lieutenant-Governor in Council

- (a) a report respecting the operations of the commission for the immediately preceding fiscal year;

- (b) a financial statement showing the business of the commission for that fiscal year, in such form as may be required by the Comptroller-General.

(2) The report shall be laid before the Legislative Assembly within fifteen sitting days from the commencement of the session next following the end of the fiscal year for which the report is made; but the commission is not required to submit its annual report less than ninety days after the end of its fiscal year.

Regulations.

19. For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant-Governor in Council may make such regulations and orders as are ancillary thereto and not inconsistent therewith; and every regulation shall be deemed to be part of this Act and has the force of law; and, without restricting the generality of the foregoing, the Lieutenant-Governor in Council may make regulations and orders

- (a) respecting land reserve plans for, and the designation, establishment, and approval of, agricultural land reserves, and the designation of farm use;
- (b) respecting applications to the commission for permission under section 10 and section 11, and the practice and procedure for hearing the application, and for applications, hearings, and appeals under sections 8 and 9;
- (c) respecting residences for owners under subsection (4) of section 10;
- (d) respecting the appraisal of land and the acquisition, by purchase or lease, of land;
- (e) respecting applications for sale or lease of commission land or personal property, or Crown land that is in a reserve, and the terms and conditions of sale or lease;
- (f) respecting the management and control of commission land;
- (g) prescribing the method of determining the eligibility of applicants to lease or purchase commission land;
- (h) prescribing the interest payable in respect of purchases from the commission or arrears of rents;
- (i) providing for varying, waiving, postponing, or rescheduling of interest or rent or the payment of interest or rent; and
- (j) respecting any other matter required for carrying out the purpose of this Act.

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Application
of other
Acts.

20. (1) This Act is subject to the *Environment and Land Use Act*, and the *Pollution Control Act, 1967*, but otherwise, except as provided in this Act or in the regulations, this Act and the regulations are not subject to any other Act or regulations, whenever enacted or made, and no Minister, department of Government, or agent of the Crown shall exercise any power granted under any other Act or regulation except in accordance with this Act and the regulations.

(2) Notwithstanding the *Land Act* or any other Act or law, the commission, as agent of Her Majesty in right of the Province, shall administer as commission land all Crown land that is established under section 7 or 8 as reserve land, and may sell, lease, or otherwise dispose of any portion of such land in accordance with this Act upon such terms and conditions as the commission may determine.

(3) Notwithstanding subsection (1), where Crown land that is established as an agricultural land reserve under section 8 has been leased by the Crown, or sold by agreement for sale by the Crown and not transferred to the purchaser before the twenty-first day of December, 1972, and on that date was being used for a purpose other than farm use, but as permitted by, or not in contravention of, the terms and conditions of the lease or agreement for sale, that use may continue until the termination of the lease or the issue of title to the purchaser under the agreement for sale.

(4) Subject to subsection (5), nothing in this Act or the regulations affects or impairs the validity of a by-law of a municipality or regional district relating to the use of agricultural land in an agricultural land reserve except in so far as the by-law is contrary to, or is in conflict with, inconsistent with, or repugnant to, this Act, or the regulations, or an order of the commission; and in case of any conflict, inconsistency, or repugnancy between the by-law and this Act, or the regulations, or order of the commission, this Act or the regulations or the order of the commission prevails.

(5) A by-law or regulation of a municipality or regional district, or any provision thereof, that is, in any manner, in conflict with, inconsistent with, or repugnant to this Act, or the regulations, or order of the commission is suspended and of no effect to the extent of such conflict, inconsistency, or repugnancy.

(6) A by-law or regulation of a municipality or regional district that provides for further or additional restrictions or conditions respecting farm use of agricultural land than those provided by this Act and the regulations is not, for that reason alone in conflict with, inconsistent with, or repugnant to this Act and the regulations.

(7) Subject to subsection (8), the *Companies Act* does not apply to the commission.

(8) The Lieutenant-Governor in Council may, by order, declare that any of the provisions of the *Companies Act* apply to the commission, and those provisions thereupon apply to the commission.

Appropriation.

21. (1) For the purposes of this Act and the establishment of an agricultural land reserve under section 8, the Minister of Finance shall, from time to time as required by the commission, pay out of the Consolidated Revenue Fund, or the Revenue Surplus Appropriation Account of the Consolidated Revenue Fund, or partly from the Consolidated Revenue Fund and partly from the Revenue Surplus Appropriation Account, to the

commission, an amount not exceeding in the aggregate twenty-five million dollars.

(2) For the purposes of this Act and the establishment of green belt land reserves, land bank land reserves, or park land reserves, the Minister of Finance may pay under the *Green Belt Protection Fund Act* or the *Accelerated Park Development Fund Act*, or any other Act that authorizes moneys to be paid for such purposes, such amounts as he may consider necessary for the purpose of this Act.

(3) Further moneys required for the purposes of this Act shall be paid out of the Consolidated Revenue Fund with moneys authorized by an Act of the Legislature to be paid and applied for such purposes.

Commence-
ment.

22. (1) This Act, excepting this section, comes into force on a date to be fixed by the Lieutenant-Governor by his Proclamation and he may fix different dates for the coming into force of the several provisions of this Act; and the date of the coming into force of any of the provisions of this Act may be declared to be before or after the enactment of this Act.

(2) Where the date of the coming into force of any of the provisions of this Act is prior to the enactment of this Act, that provision of the Act is retroactive to the extent necessary to give full force and effect to that provision on, from, and after that date.

(3) This section comes into force on Royal Assent.

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1973

CHAPTER 46

Land Commission Act

[Assented to 18th April, 1973.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Interpre-
tation.

1. In this Act, unless the context otherwise requires,

"agricultural land" means land designated under section 8;

"commission" means the commission established under section 2;

"commission land" means land acquired by the commission for the purposes of this Act;

"farm use" means an occupation or use of land for bona fide farm purposes, including, without limiting the generality of the foregoing, husbandry of the land and the plants, and animals thereon, and any other similar activity designated as farm use by the Lieutenant-Governor in Council;

"green belt land" means land referred to in section 7;

"land" includes any estate or interest in land;

"land bank land" means land referred to in section 7;

"land reserve plan" means a plan prepared pursuant to this Act in the manner prescribed by the regulations, which sets out clearly the areas within a municipality or regional district that, subject to the approval of the Lieutenant-Governor in Council, may be designated by the commission as an agricultural land reserve;

"minister" means that member of the Executive Council charged by Order of the Lieutenant-Governor in Council with the administration of this Act;

"park land" means land referred to in section 7;

"regulation" means a regulation or order of the Lieutenant-Governor in Council made under this Act;

"reserve" means a reserve of land established under section 8 of this Act.

Commission
established.

2. (1) There is hereby established a commission to be known as the Provincial Land Commission (hereafter referred to as the "commission") consisting of not less than five members appointed by the Lieutenant-Governor in Council, to hold office during pleasure, and upon their appointment the members constitute a corporation and shall be the directors thereof.

(2) Each member shall be reimbursed for any reasonable travelling or out-of-pocket expenses necessarily incurred by him in discharging his duties, and in addition may be paid such remuneration for his services as a member of the commission as the Lieutenant-Governor in Council may determine.

(3) Except as provided in sections 8 and 9, at any meeting of the commission, a majority of the members constitutes a quorum.

Chairman.

3. The Lieutenant-Governor in Council shall designate one of the members as chairman and one other member as vice-chairman.

**Agent of
Crown.**

4. (1) The commission is for all purposes an agent of the Crown.

(2) The commission may, on behalf of the Crown, carry out its powers and duties under this Act in its own name without specific reference to Her Majesty and may hold in its own name any land or other real or personal property, and likewise may dispose of, mortgage, hypothecate, pledge, and assign any such property.

Staff.

5. (1) The commission may, pursuant to the *Civil Service Act*, appoint such officers and employees as it considers necessary for the purpose of this Act, and may determine their duties.

(2) The Lieutenant-Governor in Council may appoint a general manager of the commission, to be appointed during pleasure, and may fix his remuneration and may declare that the *Civil Service Act* applies to him.

(3) The Lieutenant-Governor in Council may declare that the *Civil Service Superannuation Act* applies to the members of the commission and to the general manager.

(4) The commission may, with the approval of the minister, engage and retain such experts, consultants, or specialists as it considers advisable and fix their remuneration.

**By-laws,
etc.**

6. The commission may make such by-laws and pass such resolutions, not contrary to law or this Act, as it considers necessary or advisable for the conduct of the affairs of the commission and, without limiting the generality of the foregoing, may make by-laws and pass resolutions with respect to the time and place of calling and holding meetings, the procedure to be followed at the meetings, and generally with respect to the conduct, in all respects, of the affairs of the commission; and may repeal, amend, or re-enact them.

**Objects
and
powers.**

7. (1) It is the object of the commission to

- (a) preserve agricultural land for farm use;
- (b) encourage the establishment and maintenance of family farms, and land in an agricultural land reserve, for a use compatible with the preservation of family farms and farm use of the land;
- (c) preserve green belt land in and around urban areas;
- (d) encourage the establishment and maintenance of land in a green belt land reserve for a use compatible with the preservation of a green belt;
- (e) preserve land bank land having desirable qualities for urban or industrial development and restrict subdivision or use of the land for other purposes;
- (f) encourage the establishment and maintenance of land in a land bank land reserve for a use compatible with an ultimate use for industrial and urban development;
- (g) preserve park land for recreational use;
- (h) encourage the establishment and maintenance of land in a park land reserve for a use compatible with an ultimate use for recreation; and

- (h1) advise and assist municipalities and regional districts in the preparation and production of the land reserve plans required for the purpose of this Act;

and, for these objects, it has the power and capacity, by itself, or in co-operation with the Government of Canada, or any of its agencies or corporations, or with any department of Government, or with a municipality or regional district to

- (i) purchase or acquire land, except by expropriation, on such terms and conditions as may be negotiated, and hold such land for the purposes of this Act;
 - (j) dispose of, by sale, lease, or otherwise, commission land and Crown land that is in an agricultural land reserve, a green belt land reserve, a land bank land reserve, or a park land reserve, subject to such terms and conditions as the commission may determine;
 - (k) accept gifts of land subject to such terms and conditions as the commission may determine;
 - (l) acquire and hold personal property and dispose of personal property so acquired by sale, lease, or otherwise; and
 - (m) if authorized by any other Act, purchase or otherwise acquire, hold, administer, and dispose of land, including Crown land, for the purposes of that other Act.
- (2) For the purposes of this section, the commission may
- (a) purchase or acquire land, except by expropriation, including Crown land, the present condition or future potential of which merits preservation by reason of its aesthetic quality or its location in or around urban areas, as green belt land;
 - (b) purchase or acquire land, except by expropriation, including Crown land, having desirable qualities for urban or industrial development or redevelopment, as land bank land; and
 - (c) purchase or acquire land, except by expropriation, including Crown land, having desirable qualities for, or future potential for, recreational use, as park land;

and, upon being so purchased or acquired, the green belt land, land bank land, or park land is established as

- (d) a green belt land reserve; or
- (e) a land bank land reserve; or
- (f) a park land reserve,

as the case may be, and shall be subject to this Act and the regulations.

Agricultural
land reserves.

8. (1) For the purposes of section 7, the commission may, subject to this section, with the prior approval of the Lieutenant-Governor in Council, designate land, including Crown land, that is (suitable) for farm use, as agricultural land, and, upon being so designated, the agricultural land is

Repealed

established as an agricultural land reserve and shall be subject to this Act and the regulations.

(2) The regional board of every regional district, either alone, or in co-operation with its member municipalities, shall, with the advice and assistance of the commission if required, including such financial assistance as may be determined by the commission, within ninety days after the coming into force of this Act or within such further time as the commission may allow, by by-law, adopt a land reserve plan prepared in accordance with the regulations and file the by-law and land reserve plan with the commission.

(3) The council or regional board, as the case may be, shall not adopt a by-law for the purpose of this section until it has held a public hearing, notice of which has been published in the manner prescribed in section 703 of the *Municipal Act*, and except upon the affirmative vote of a majority of all the members of council or of all the directors of a regional board.

(4) The provisions of section 703 of the *Municipal Act* apply, with the necessary changes and so far as are applicable, to a hearing under subsection (3).

(5) Where the commission considers that the land reserve plan filed under subsection (2) carries out the intent and purpose of this Act, it shall, after approval of the Lieutenant-Governor in Council, designate the agricultural land shown therein as an agricultural land reserve.

(6) Where the commission considers it necessary or advisable to amend the land reserve plan filed under subsection (2) to better carry out the intent and purpose of this Act, it may recommend to the Lieutenant-Governor in Council amendments to the land reserve plan, and shall, after approval by the Lieutenant-Governor in Council of the land reserve plan or the land reserve plan as amended, designate the agricultural land therein as an agricultural land reserve.

(7) Where the council or regional board of a municipality or regional district, as the case may be, fails or refuses to prepare and file a land reserve plan with the commission in accordance with subsection (2), the commission shall, subject to subsections (8), (9), and (10), prepare a land reserve plan and submit the land reserve plan to the Lieutenant-Governor in Council for approval.

(8) The commission shall not submit the land reserve plan prepared under subsection (7) to the Lieutenant-Governor in Council until it has held a public hearing, notice of which has been published in the manner prescribed in subsection (1) of section 703 of the *Municipal Act*, and the provisions of subsections (2), (3), and (4) of section 703 of the *Municipal Act* apply, with the necessary changes and so far as are applicable, to a hearing under this subsection.

(9) For the purpose of a hearing under subsection (8),

- (a) the commission has and may exercise all the powers of a Commissioner under sections 7, 10, and 11 of the *Public Inquiries Act*;

- (b) the commission may accept written submissions or any other form of evidence; and
- (c) notwithstanding subsection (3) of section 2, three members of the commission have and may exercise all the powers of the commission.

(10) The Lieutenant-Governor in Council may approve a land reserve plan as submitted by the commission under subsection (7), or with such alterations or variations as he may consider necessary or advisable to carry out the intent and purpose of this Act, and the commission may thereupon, pursuant to subsection (1), designate the agricultural land shown therein as an agricultural land reserve.

(11) Notwithstanding the other provisions of this section, pending the establishment of an agricultural land reserve in a municipality or regional district under this section, all land that is zoned for agricultural or farm use under a by-law of the municipality or regional district subsisting immediately prior to the twenty-first day of December, 1972, shall be deemed to be an agricultural land reserve and subject to this Act and the regulations, unless excepted by the commission.

Exclusion
from agri-
cultural land
reserve.

9. (1) The Lieutenant-Governor in Council may, upon the application of a municipality, regional district, or the commission, or on his own, by order, exclude any land, whether Crown land or private land, from the reserve established under subsection (1) of section 8.

(2) Subject to subsection (5), an owner of land aggrieved by a designation by the commission of his land as part of an agricultural land reserve under section 8 may, notwithstanding that he appeared before, or made representations to, the municipality, or regional district, or the commission under subsection (3) or (8) of section 8, apply to the commission in the manner prescribed by the regulations to have his land excluded from the agricultural land reserve.

(3) The commission, after a hearing held in such manner and after such notice as is prescribed by the regulations, may allow the application upon such terms and conditions as it considers advisable, or may refuse the application.

(4) Notwithstanding subsection (3) of section 2, for the purpose of the hearing, three members of the commission have and may exercise all the powers of the commission.

(5) Where land of an owner was, immediately prior to the twenty-first day of December, 1972, zoned for agricultural or farm use under a by-law of a municipality or regional district subsisting on that date, the owner is not entitled to apply to the commission under subsection (2) unless so authorized by a resolution of a municipality or a regional district, as the case may be.

(6) The commission shall, at the request of the owner,

- (a) deliver to him its decision in writing; and
- (b) allow him to examine and make available to him copies of all relevant documents in the custody of the commission pertaining to his application.

- (7) A person who is dissatisfied with the decision of the commission,
- (a) ~~upon being authorized to appeal by a resolution of the municipality or regional district, as the case may be; and~~
 - (b) upon being granted leave to appeal by any two members of the commission,

may appeal, in the manner prescribed in the regulations to the Environment and Land Use Committee established under the *Environment and Land Use Act*.

(8) Subject to the procedure prescribed by the regulations, an appeal under this section shall be a hearing and review, but the Environment and Land Use Committee may accept written submissions or any other form of evidence, provided any such submission or other form of evidence is made available to the appellant.

(9) The Environment and Land Use Committee may, after a hearing, allow the appeal, subject to such terms and conditions as it may consider advisable, or refuse the appeal; and, in the event the appeal is refused, may order that any costs of the hearing be paid by the appellant, and, in the event the appeal is allowed, shall order that the reasonable costs incurred by the appellant be paid by the commission.

(10) The commission is entitled to be a party on the hearing of the appeal and may take part in the proceedings.

(11) Where land is excluded from a land reserve plan by order of the commission or the Environment and Land Use Committee under this section, the commission shall amend the land reserve plan accordingly and notify the municipality or regional district, as the case may be, and the appropriate Registrar of Titles.

Agricultural
land reserve.

10. (1) No person ~~shall~~ occupy or use agricultural land designated as an agricultural land reserve pursuant to section 8 for any purpose other than farm use, except as permitted by this Act or the regulations or by order of the commission upon such terms and conditions as the commission may impose.

(2) In addition to the exceptions, reservations, or limitations set out in subsection (1) of section 38 of the *Land Registry Act*, a certificate of title heretofore issued under that Act in respect of agricultural land that is designated as an agricultural land reserve shall be subject, by implication and without special endorsement on the certificate of title, to this Act and the regulations respecting the reserve and farm use of the land contained therein; and the Registrar under the *Land Registry Act* shall note on every certificate of title of agricultural land hereafter issued that is designated as an agricultural land reserve an endorsement that the certificate of title may be affected by this Act.

(3) Notwithstanding subsection (2), the commission may, in respect of any agricultural land that is an agricultural land reserve, register a caveat in the appropriate Land Registry Office restricting the agricultural land described therein to farm use.

(4) On, from, and after the twenty-first day of December, 1972, except as permitted by this Act, or the regulations, or by an order of the commission upon such terms and conditions as the commission may impose,

- (a) no municipality, or regional district, or any authority, board, or other agency established by it shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use, or authorize or permit a building to be erected thereon except
 - (i) for farm use; or
 - (ii) for residences necessary for farm use; or
 - (iii) such residences for an owner of the agricultural land as may be permitted to be erected by the regulations;
- (b) no person, designated or appointed under the *Local Services Act*, shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use, or authorize or permit a building to be erected thereon except
 - (i) for farm use; or
 - (ii) for residences necessary for farm use; or
 - (iii) such residences for an owner of the agricultural land as may be permitted to be erected by the regulations;
- (c) no approving officer under the *Land Registry Act* and no approving officer or Board of Variance under the *Municipal Act* shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use; and
- (d) no Registrar of Titles under the *Land Registry Act* shall accept an application for deposit of a plan of subdivision under the *Land Registry Act*, or under the *Strata Titles Act*, or under the *Real Estate Act*, all or part of which consists of agricultural land in an agricultural land reserve.

Exemption.

11. (1) Section 10 does not apply in respect of agricultural land in an agricultural land reserve that, on the twenty-first day of December, 1972, was, by separate certificate of title issued under the *Land Registry Act*, less than two acres in area.

(2) Where a use of agricultural land that is within an agricultural land reserve

- (a) is a use other than farm use; and
 - (b) was established and carried on continuously for a period of at least six months immediately prior to the twenty-first day of December, 1972; and
 - (c) is permitted by, or is not in contravention of, any other Act, regulation, by-law, order, or any other law respecting land use,
- that agricultural land is exempted from section 10 unless and until
- (d) the use of that agricultural land is changed to a use other than farm use without the permission of the commission; or

(e) any other Act, regulation, ~~by-law~~ order, or any other law made after the twenty-first day of December, 1972, prohibits such use;

or
(f) permission for any other use granted under any other Act, regulation, by-law, or order is withdrawn or expires.

(3) Where agricultural land, exempted under subsection (2), is sold, leased, transferred, transmitted, or otherwise disposed of, this Act and the regulations thereupon apply to that land, except as otherwise permitted by the commission.

(4) The commission may, in accordance with the regulations, hear and determine applications for permission under subsections (2) and (3), and under subsections (1) and (4) of section 10, and may grant or refuse permission for a use of the land for other than farm use, and may impose whatever terms and conditions it considers advisable, and, except as provided in subsection (5), the decision of the commission is final and no appeal lies from that decision.

(4a) Where land of an owner was, immediately prior to the twenty-first day of December, 1972, zoned for agricultural or farm use under a by-law of a municipality or regional district subsisting on that date, the owner is not entitled to apply to the commission for permission for any other use under section 10 or 11, unless so authorized by a resolution of a municipality or a regional district, as the case may be.

(5) An owner of land aggrieved

(a) by an order or decision of the commission refusing permission under subsection (1) or (4) of section 10 or under this section; or

(b) by the terms and conditions imposed by the commission in an order made under subsection (1) or (4) of section 10, or a permission granted under this section,

may appeal, on a question of law or excess of jurisdiction only, by way of stated case to the Supreme Court, and the provisions of the *Summary Convictions Act* respecting appeals by way of stated case apply, with the necessary changes and so far as are applicable, to the appeal, and to any further appeal therefrom, and a reference in that Act to a Justice shall be deemed to be a reference to the commission.

12. With respect to agricultural land designated as an agricultural land reserve, the commission may

(a) make agreements with the owners of agricultural land respecting continued farm use of the agricultural land upon such terms and conditions as may be agreed;

(b) carry on farming operations on commission land or agree with other persons to do so;

(c) withdraw from an agricultural land reserve agricultural land owned by the commission and, with the prior approval of the Lieutenant-Governor in Council, dispose of such land to the Crown to be dealt with under the *Land Act*;

Additional
powers re
agricultural
land.

- (d) dispose of agricultural land owned by the commission, with the prior approval of the Lieutenant-Governor in Council, to private ownership for permanent farm use, or any other use considered by the commission to be in the public interest, subject to such terms and conditions as the commission may determine; and
- (e) subject to the approval of the Minister of Finance, or of the Minister of Municipal Affairs, as the case may be, establish a system of tax incentives to encourage the dedication of privately owned agricultural land to permanent farm use, and to increase the agricultural productivity thereof.

Capital
improve-
ments.

13. The commission may make, place, or construct on or bring onto, or cause to be made, placed, or constructed on or brought onto, any commission land such capital improvements as it considers necessary or desirable for the efficient development or use of the commission land or other land in the vicinity, and pay for or purchase any capital improvements made, placed, or constructed on or brought onto any commission land by any person.

Taxes.

14. Where commission lands are unoccupied or a lease of commission land does not provide for the payment of tax by the lessee, the commission may pay to the municipality or regional district a grant in lieu of taxes.

Fees.

15. The commission may establish, with the approval of the Lieutenant-Governor in Council, a schedule of fees to be paid to the commission for the preparation of leases and other documents, for appraisals and evaluations of land, and for copies of documents of the commission.

No right to
compensation
in respect
of reserve
land.

16. Land shall be deemed not to be taken or injuriously affected by reason of the designation by the commission of that land as an agricultural land reserve.

Agreements.

17. For the purposes of this Act, the minister may, subject to the approval of the Lieutenant-Governor in Council, enter into such agreements as the minister considers advisable with

- (a) the Government of Canada;
- (b) a municipality;
- (c) a regional district;
- (d) an agent of the Crown; or
- (e) any other department of Government.

Reports.

18. (1) The commission shall submit annually to the Lieutenant-Governor in Council

- (a) a report respecting the operations of the commission for the immediately preceding fiscal year;

- (b) a financial statement showing the business of the commission for that fiscal year, in such form as may be required by the Comptroller-General.

(2) The report shall be laid before the Legislative Assembly within fifteen sitting days from the commencement of the session next following the end of the fiscal year for which the report is made; but the commission is not required to submit its annual report less than ninety days after the end of its fiscal year.

Regulations.

19. For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant-Governor in Council may make such regulations and orders as are ancillary thereto and not inconsistent therewith; and every regulation shall be deemed to be part of this Act and has the force of law; and, without restricting the generality of the foregoing, the Lieutenant-Governor in Council may make regulations and orders

- (a) respecting land reserve plans for, and the designation, establishment, and approval of, agricultural land reserves, and the designation of farm use;
- (b) respecting applications to the commission for permission under section 10 and section 11, and the practice and procedure for hearing the application, and for applications, hearings, and appeals under sections 8 and 9;
- (c) respecting residences for owners under subsection (4) of section 10;
- (d) respecting the appraisal of land and the acquisition, by purchase or lease, of land;
- (e) respecting applications for sale or lease of commission land or personal property, or Crown land that is in a reserve, and the terms and conditions of sale or lease;
- (f) respecting the management and control of commission land;
- (g) prescribing the method of determining the eligibility of applicants to lease or purchase commission land;
- (h) prescribing the interest payable in respect of purchases from the commission or arrears of rents;
- (i) providing for varying, waiving, postponing, or rescheduling of interest or rent or the payment of interest or rent; and
- (j) respecting any other matter required for carrying out the purpose of this Act.

Application
of other
Acts.

20. (1) This Act is subject to the *Environment and Land Use Act*, and the *Pollution Control Act, 1967*, but otherwise, except as provided in this Act or in the regulations, this Act and the regulations are not subject to any other Act or regulations, whenever enacted or made, and no Minister, department of Government, or agent of the Crown shall exercise any power granted under any other Act or regulation except in accordance with this Act and the regulations.

(2) Notwithstanding the *Land Act* or any other Act or law, the commission, as agent of Her Majesty in right of the Province, shall administer as commission land all Crown land that is established under section 7 or 8 as reserve land, and may sell, lease, or otherwise dispose of any portion of such land in accordance with this Act upon such terms and conditions as the commission may determine.

(3) Notwithstanding subsection (1), where Crown land that is established as an agricultural land reserve under section 8 has been leased by the Crown, or sold by agreement for sale by the Crown and not transferred to the purchaser before the twenty-first day of December, 1972, and on that date was being used for a purpose other than farm use, but as permitted by, or not in contravention of, the terms and conditions of the lease or agreement for sale, that use may continue until the termination of the lease or the issue of title to the purchaser under the agreement for sale.

(4) Subject to subsection (5), nothing in this Act or the regulations affects or impairs the validity of a by-law of a municipality or regional district relating to the use of agricultural land in an agricultural land reserve except in so far as the by-law is contrary to, or is in conflict with, inconsistent with, or repugnant to, this Act, or the regulations, or an order of the commission; and in case of any conflict, inconsistency, or repugnancy between the by-law and this Act, or the regulations, or order of the commission, this Act or the regulations or the order of the commission prevails.

(5) A by-law or regulation of a municipality or regional district, or any provision thereof, that is, in any manner, in conflict with, inconsistent with, or repugnant to this Act, or the regulations, or order of the commission is suspended and of no effect to the extent of such conflict, inconsistency, or repugnancy.

(6) A by-law or regulation of a municipality or regional district that provides for further or additional restrictions or conditions respecting farm use of agricultural land than those provided by this Act and the regulations is not, for that reason alone in conflict with, inconsistent with, or repugnant to this Act and the regulations.

(7) Subject to subsection (8), the *Companies Act* does not apply to the commission.

(8) The Lieutenant-Governor in Council may, by order, declare that any of the provisions of the *Companies Act* apply to the commission, and those provisions thereupon apply to the commission.

Appropriation.

21. (1) For the purposes of this Act and the establishment of an agricultural land reserve under section 8, the Minister of Finance shall, from time to time as required by the commission, pay out of the Consolidated Revenue Fund, or the Revenue Surplus Appropriation Account of the Consolidated Revenue Fund, or partly from the Consolidated Revenue Fund and partly from the Revenue Surplus Appropriation Account, to the

commission, an amount not exceeding in the aggregate twenty-five million dollars.

(2) For the purposes of this Act and the establishment of green belt land reserves, land bank land reserves, or park land reserves, the Minister of Finance may pay under the *Green Belt Protection Fund Act* or the *Accelerated Park Development Fund Act*, or any other Act that authorizes moneys to be paid for such purposes, such amounts as he may consider necessary for the purpose of this Act.

(3) Further moneys required for the purposes of this Act shall be paid out of the Consolidated Revenue Fund with moneys authorized by an Act of the Legislature to be paid and applied for such purposes.

Commence-
ment.

22. (1) This Act, excepting this section, comes into force on a date to be fixed by the Lieutenant-Governor by his Proclamation and he may fix different dates for the coming into force of the several provisions of this Act; and the date of the coming into force of any of the provisions of this Act may be declared to be before or after the enactment of this Act.

(2) Where the date of the coming into force of any of the provisions of this Act is prior to the enactment of this Act, that provision of the Act is retroactive to the extent necessary to give full force and effect to that provision on, from, and after that date.

(3) This section comes into force on Royal Assent.

Printed by K. M. MACDONALD, Printer to the Queen's Most Excellent Majesty
in right of the Province of British Columbia.
1973

Land Commission Act

(Assented to 18th April 1973)

Interpretation.

1. In this Act, unless the context otherwise requires,
 - "agricultural land" means land designated under section 8;
 - "commission" means the commission established under section 2;
 - "commission land" means land acquired by the commission for the purposes of this Act;
 - "farm use" means an occupation or use of land for bona fide farm purposes, including, without limiting the generality of the foregoing, husbandry of the land and the plants, and animals thereon, and any other similar activity designated as farm use by the Lieutenant-Governor in Council;
 - "green belt land" means land referred to in section 7;
 - "land" includes any estate or interest in land;
 - "land bank land" means land referred to in section 7;
 - "land reserve plan" means a plan prepared pursuant to this Act in the manner prescribed by the regulations, which sets out clearly the areas within a municipality or regional district that, subject to the approval of the Lieutenant-Governor in Council, may be designated by the commission as an agricultural land reserve;
 - "minister" means that member of the Executive Council charged by Order of the Lieutenant-Governor in Council with the administration of this Act;
 - "park land" means land referred to in section 7;
 - "regulation" means a regulation or order of the Lieutenant-Governor in Council made under this Act;
 - "reserve" means a reserve of land established under section 8 of this Act. 1973, c. 46, s. 1.

Commission established.

2. (1) There is hereby established a commission to be known as the Provincial Land Commission (hereafter referred to as the "commission") consisting of not less than five members appointed by the Lieutenant-Governor in Council, to hold office during pleasure, and upon their appointment the members constitute a corporation and shall be the directors thereof.

(2) Each member shall be reimbursed for any reasonable travelling or out-of-pocket expenses necessarily incurred by him in discharging his duties, and in addition may be paid such remuneration for his services as a member of the commission as the Lieutenant-Governor in Council may determine.

(3) Except as provided in sections 8 and 9, at any meeting of the commission, a majority of the members constitutes a quorum. 1973, c. 46, s. 2.

Royal (LG) assent
18 April 1973

Sections 1-7
13-15
17-21
proclaimed in force 18 May 1973

Sections 8-12
16
proclaimed in force 03 July 1973

Chairman.

3. The Lieutenant-Governor in Council shall designate one of the members as chairman and one other member as vice-chairman. 1973, c. 46, s. 3.

Agent of Crown.

4. (1) The commission is for all purposes an agent of the Crown.

(2) The commission may, on behalf of the Crown, carry out its powers and duties under this Act in its own name without specific reference to Her Majesty and may hold in its own name any land or other real or personal property, and likewise may dispose of, mortgage, hypothecate, pledge, and assign any such property. 1973, c. 46, s. 4.

Staff.

5. (1) The commission may, pursuant to the *Civil Service Act*, appoint such officers and employees as it considers necessary for the purpose of this Act, and may determine their duties.

(2) The Lieutenant-Governor in Council may appoint a general manager of the commission, to be appointed during pleasure, and may fix his remuneration and may declare that the *Civil Service Act* applies to him.

(3) The Lieutenant-Governor in Council may declare that the *Civil Service Superannuation Act* applies to the members of the commission and to the general manager.

(4) The commission may, with the approval of the minister, engage and retain such experts, consultants, or specialists as it considers advisable and fix their remuneration. 1973, c. 46, s. 5.

By-laws, etc.

6. The commission may make such by-laws and pass such resolutions, not contrary to law or this Act, as it considers necessary or advisable for the conduct of the affairs of the commission and, without limiting the generality of the foregoing, may make by-laws and pass resolutions with respect to the time and place of calling and holding meetings, the procedure to be followed at the meetings, and generally with respect to the conduct, in all respects, of the affairs of the commission; and may repeal, amend, or re-enact them. 1973, c. 46, s. 6.

Objects and powers.

7. (1) It is the object of the commission to

- (a) preserve agricultural land for farm use;
- (b) encourage the establishment and maintenance of family farms, and land in an agricultural land reserve, and a use compatible with the preservation of family farms and farm use of the land;
- (c) preserve green belt land in and around urban areas;
- (d) encourage the establishment and maintenance of land in a green belt land reserve for a use compatible with the preservation of a green belt;
- (e) preserve land bank land having desirable qualities for urban or industrial development and restrict subdivision or use of the land for other purposes;

- (f) encourage the establishment and maintenance of land in a land bank land reserve for a use compatible with an ultimate use for industrial and urban development;
- (g) preserve park land for recreational use;
- (h) encourage the establishment and maintenance of land in a park land reserve for a use compatible with an ultimate use for recreation; and
- (hl) advise and assist municipalities and regional districts in the preparation and production of the land reserve plans required for the purpose of this Act;

and, for these objects, it has the power and capacity, by itself, or in co-operation with the Government of Canada, or any of its agencies or corporations, or with any department of Government, or with a municipality or regional district to

- (i) purchase or acquire land, except by expropriation, on such terms and conditions as may be negotiated, and hold such land for the purposes of this Act;
 - (j) dispose of, by sale, lease, or otherwise, commission land and Crown land that is in an agricultural land reserve, a green belt land reserve, a land bank land reserve, or a park land reserve, subject to such terms and conditions as the commission may determine;
 - (k) accept gifts of land subject to such terms and conditions as the commission may determine;
 - (l) acquire and hold personal property and dispose of personal property so acquired by sale, lease, or otherwise; and
 - (m) if authorized by any other Act, purchase or otherwise acquire, hold, administer, and dispose of land, including Crown land, for the purposes of that other Act.
- (2) For the purposes of this section, the commission may
- (a) purchase or acquire land, except by expropriation, including Crown land, the present condition or future potential of which merits preservation by reason of its æsthetic quality or its location in or around urban areas, as green belt land;
 - (b) purchase or acquire land, except by expropriation, including Crown land, having desirable qualities for urban or industrial development or redevelopment, as land bank land; and
 - (c) purchase or acquire land, except by expropriation, including Crown land, having desirable qualities for, or future potential for, recreational use as park land;

and, upon being so purchased or acquired, the green belt land, land bank land, or park land is established as

- (d) a green belt land reserve; or
- (e) a land bank land reserve; or
- (f) a park land reserve,

as the case may be, and shall be subject to this Act and the regulations.
1973, c. 46, s. 7.

**Agricultural
land reserves.**

8. (1) For the purposes of section 7, the commission may, subject to this section, with the prior approval of the Lieutenant-Governor in Council, designate land, including Crown land, that is suitable for farm use, as agricultural land, and, upon being so designated, the agricultural land is established as an agricultural land reserve and shall be subject to this Act and the regulations.

(2) The regional board of every regional district, either alone, or in co-operation with its member municipalities, shall, with the advice and assistance of the commission if required, including such financial assistance as may be determined by the commission, within ninety days after the coming into force of this Act or within such further time as the commission may allow, by by-law, adopt a land reserve plan prepared in accordance with the regulations and file the by-law and land reserve plan with the commission.

(3) The council or regional board, as the case may be, shall not adopt a by-law for the purpose of this section until it has held a public hearing, notice of which has been published in the manner prescribed in section 703 of the *Municipal Act*, and except upon the affirmative vote of a majority of all members of council or of all the directors of a regional board.

(4) The provisions of section 703 of the *Municipal Act* apply, with the necessary changes and so far as are applicable, to a hearing under subsection (3).

(5) Where the commission considers that the land reserve plan filed under subsection (2) carries out the intent and purpose of this Act, it shall, after approval of the Lieutenant-Governor in Council, designate the agricultural land shown therein as an agricultural land reserve.

(6) Where the commission considers it necessary or advisable to amend the land reserve plan filed under subsection (2) to better carry out the intent and purpose of this Act, it may recommend to the Lieutenant-Governor in Council amendments to the land reserve plan, and shall, after approval by the Lieutenant-Governor in Council of the land reserve plan or the land reserve plan as amended, designate the agricultural land therein as an agricultural land reserve.

(7) Where the council or regional board of a municipality or regional district, as the case may be, fails or refuses to prepare and file a land reserve plan with the commission in accordance with subsection (2), the commission shall, subject to subsections (8), (9), and (10), prepare a land reserve plan and submit the land reserve plan to the Lieutenant-Governor in Council for approval.

(8) The commission shall not submit the land reserve plan prepared under subsection (7) to the Lieutenant-Governor in Council until it has held a public hearing, notice of which has been published in the manner prescribed in subsection (1) of section 703 of the *Municipal Act*, and the provisions of subsections (2), (3), and (4) of section 703 of the

Municipal Act apply, with the necessary changes and so far as are applicable, to a hearing under this subsection.

(9) For the purpose of a hearing under subsection (8),

(a) the commission has and may exercise all the powers of a Commissioner under sections 7, 10, and 11 of the *Public Inquiries Act*;

(b) the commission may accept written submissions or any other form of evidence; and

(c) notwithstanding subsection (3) of section 2, three members of the commission have and may exercise all the powers of the commission.

(10) The Lieutenant-Governor in Council may approve a land reserve plan as submitted by the commission under subsection (7), or with such alterations or variations as he may consider necessary or advisable to carry out the intent and purpose of this Act, and the commission may thereupon, pursuant to subsection (1), designate the agricultural land shown therein as an agricultural land reserve.

(11) Notwithstanding the other provisions of this section, pending the establishment of an agricultural land reserve in a municipality or regional district under this section, all land that is zoned for agricultural or farm use under a by-law of the municipality or regional district subsisting immediately prior to the twenty-first day of December, 1972, shall be deemed to be an agricultural land reserve and subject to this Act and the regulations, unless excepted by the commission. 1973, c. 46, s. 8.

Exclusion
from agri-
cultural land
reserve.

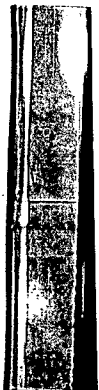
9. (1) The Lieutenant-Governor in Council may, upon the application of a municipality, regional district, or the commission or on his own, by order, exclude any land, whether Crown land or private land, from the reserve established under subsection (1) of section 8.

(2) Subject to subsection (5), an owner of land aggrieved by a designation by the commission of his land as part of an agricultural land reserve under section 8 may, notwithstanding that he appeared before, or made representations to, the municipality, or regional district, or the commission under subsection (3) or (8) of section 8, apply to the commission in the manner prescribed by the regulations to have his land excluded from the agricultural land reserve.

(3) The commission, after a hearing held in such manner and after such notice as is prescribed by the regulations, may allow the application upon such terms and conditions as it considers advisable, or may refuse the application.

(4) Notwithstanding subsection (3) of section 2, for the purpose of the hearing, three members of the commission have and may exercise all the powers of the commission.

(5) Where land of an owner was, immediately prior to the twenty-first day of December, 1972, zoned for agricultural or farm use under a



by-law of a municipality or regional district subsisting on that date, the owner is not entitled to apply to the commission under subsection (2) unless so authorized by a resolution of a municipality or a regional district, as the case may be.

- (6) The commission shall, at the request of the owner,
 - (a) deliver to him its decision in writing; and
 - (b) allow him to examine and make available to him copies of all relevant documents in the custody of the commission pertaining to his application.
- (7) A person who is dissatisfied with the decision of the commission,
 - (a) upon being authorized to appeal by a resolution of the municipality or regional district, as the case may be; and
 - (b) upon being granted leave to appeal by any two members of the commission,

may appeal, in the manner prescribed in the regulations to the Environment and Land Use Committee established under the *Environment and Land Use Act*.

(8) Subject to the procedure prescribed by the regulations, an appeal under this section shall be a hearing and review, but the Environment and Land Use Committee may accept written submissions or any other form of evidence, provided any such submission or other form of evidence is made available to the appellant.

(9) The Environment and Land Use Committee may, after a hearing, allow the appeal, subject to such terms and conditions as it may consider advisable, or refuse the appeal; and, in the event the appeal is refused, may order that any costs of the hearing be paid by the appellant, and, in the event the appeal is allowed, shall order that the reasonable costs incurred by the appellant be paid by the commission.

(10) The commission is entitled to be a party on the hearing of the appeal and may take part in the proceedings.

(11) Where land is excluded from a land reserve plan by order of the commission or the Environment and Land Use Committee under this section, the commission shall amend the land reserve plan accordingly and notify the municipality or regional district, as the case may be, and the appropriate Registrar of Titles. 1973, c. 46, s. 9.

Agricultural
land reserve.

10. (1) No person shall occupy or use agricultural land designated as an agricultural land reserve pursuant to section 8 for any purpose other than farm use, except as permitted by this Act or the regulations or by order of the commission upon such terms and conditions as the commission may impose.

(2) In addition to the exceptions, reservations, or limitations set out in subsection (1) of section 38 of the *Land Registry Act*, a certificate of title heretofore issued under that Act in respect of agricultural land that is designated as an agricultural land reserve shall be subject, by implication and without special endorsement on the certificate of title,

to this Act and the regulations respecting the reserve and farm use of the land contained therein; and the Registrar under the *Land Registry Act* shall note on every certificate of title of agricultural land hereafter issued that is designated as an agricultural land reserve an endorsement that the certificate of title may be affected by this Act.

(3) Notwithstanding subsection (2), the commission may, in respect of any agricultural land that is an agricultural land reserve, register a caveat in the appropriate Land Registry Office restricting the agricultural land described therein to farm use.

(4) On, from, and after the twenty-first day of December, 1972, except as permitted by this Act, or the regulations, or by an order of the commission upon such terms and conditions as the commission may impose,

- (a) no municipality, or regional district, or any authority, board, or other agency established by it shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use, or authorize or permit a building to be erected thereon, except
 - (i) for farm use; or
 - (ii) for residences necessary for farm use; or
 - (iii) such residences for an owner of the agricultural land as may be permitted to be erected by the regulations;
- (b) no person, designated or appointed under the *Local Services Act*, shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use, or authorize or permit a building to be erected thereon, except
 - (i) for farm use; or
 - (ii) for residences necessary for farm use; or
 - (iii) such residences for an owner of the agricultural land as may be permitted to be erected by the regulations;
- (c) no approving officer under the *Land Registry Act* and no approving officer or Board of Variance under the *Municipal Act* shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use; and
- (d) no Registrar of Titles under the *Land Registry Act* shall accept an application for deposit of a plan of subdivision under the *Land Registry Act*, or under the *Strata Titles Act*, or under the *Real Estate Act*, all or part of which consists of agricultural land in an agricultural land reserve. 1973, c. 46, s. 10.

Exemption.

11. (1) Section 10 does not apply in respect of agricultural land in an agricultural land reserve that, on the twenty-first day of December, 1972, was, by separate certificate of title issued under the *Land Registry Act*, less than two acres in area.

(2) Where a use of agricultural land that is within an agricultural land reserve

- (a) is a use other than farm use; and
- (b) was established and carried on continuously for a period of at least six months immediately prior to the twenty-first day of December, 1972; and
- (c) is permitted by, or is not in contravention of, any other Act, regulation, by-law, order, or any other law respecting land use,

that agricultural land is exempted from section 10 unless and until

- (d) the use of that agricultural land is changed to a use other than farm use without the permission of the commission; or
- (e) any other Act, regulation, by-law, order, or any other law made after the twenty-first day of December, 1972, prohibits such use; or
- (f) permission for any other use granted under any other Act, regulation, by-law, or order is withdrawn or expires.

(3) Where agricultural land, exempted under subsection (2), is sold, leased, transferred, transmitted, or otherwise disposed of, this Act and the regulations thereupon apply to that land, except as otherwise permitted by the commission.

(4) The commission may, in accordance with the regulations, hear and determine applications for permission under subsections (2) and (3), and under subsections (1) and (4) of section 10, and may grant or refuse permission for a use of the land for other than farm use, and may impose whatever terms and conditions it considers advisable, and, except as provided in subsection (5), the decision of the commission is final and no appeal lies from that decision.

(4a) Where land of an owner was, immediately prior to the twenty-first day of December, 1972, zoned for agricultural or farm use under a by-law of a municipality or regional district subsisting on that date, the owner is not entitled to apply to the commission for permission for any other use under section 10 or 11, unless so authorized by a resolution of a municipality or a regional district, as the case may be.

(5) An owner of land aggrieved

- (a) by an order or decision of the commission refusing permission under subsection (1) or (4) of section 10 or under this section; or
- (b) by the terms and conditions imposed by the commission in an order made under subsection (1) or (4) of section 10, or a permission granted under this section,

may appeal, on a question of law or excess of jurisdiction only, by way of stated case to the Supreme Court, and the provisions of the *Summary Convictions Act* respecting appeals by way of stated case apply, with the

necessary changes and so far as are applicable, to the appeal, and to any further appeal therefrom, and a reference in that Act to a Justice shall be deemed to be a reference to the commission. 1973, c. 46, s. 11.

Additional
powers *re*
agricultural
land.

12. With respect to agricultural land designated as an agricultural land reserve, the commission may

- (a) make agreements with the owners of agricultural land respecting continued farm use of the agricultural land upon such terms and conditions as may be agreed;
- (b) carry on farming operations on commission land or agree with other persons to do so;
- (c) withdraw from an agricultural land reserve, agricultural land owned by the commission and, with the prior approval of the Lieutenant-Governor in Council, dispose of such land to the Crown to be dealt with under the *Land Act*;
- (d) dispose of agricultural land owned by the commission, with the prior approval of the Lieutenant-Governor in Council, to private ownership for permanent farm use, or any other use considered by the commission to be in the public interest, subject to such terms and conditions as the commission may determine; and
- (e) subject to the approval of the Minister of Finance, or of the Minister of Municipal Affairs, as the case may be, establish a system of tax incentives to encourage the dedication of privately owned agricultural land to permanent farm use, and to increase the agricultural productivity thereof. 1973, c. 46, s. 12.

Capital im-
provements.

13. The commission may make, place, or construct on or bring onto, or cause to be made, placed, or constructed on or brought onto, any commission land such capital improvements as it considers necessary or desirable for the efficient development or use of the commission land or other land in the vicinity, and pay for or purchase any capital improvements made, placed, or constructed on or brought onto any commission land by any person. 1973, c. 46, s. 13.

Taxes.

14. Where commission lands are unoccupied or a lease of commission land does not provide for the payment of tax by the lessee, the commission may pay to the municipality or regional district a grant in lieu of taxes. 1973, c. 46, s. 14.

Fees.

15. The commission may establish, with the approval of the Lieutenant-Governor in Council, a schedule of fees to be paid to the commission for the preparation of leases and other documents, for appraisals and evaluations of land, and for copies of documents of the commission. 1973, c. 46, s. 15.

No right to
compensation
in respect of
reserve land.

16. Land shall be deemed not to be taken or injuriously affected by reason of the designation by the commission of that land as an agricultural land reserve. 1973, c. 46, s. 16.

Agreements.

17. For the purposes of this Act, the minister may, subject to the approval of the Lieutenant-Governor in Council, enter into such agreements as the minister considers advisable with

- (a) the Government of Canada;
- (b) a municipality;
- (c) a regional district;
- (d) an agent of the Crown; or
- (e) any other department of Government. 1973, c. 46, s. 17.

Reports.

18. (1) The commission shall submit annually to the Lieutenant-Governor in Council

- (a) a report respecting the operations of the commission for the immediately preceding fiscal year;
- (b) a financial statement showing the business of the commission for that fiscal year, in such form as may be required by the Comptroller-General.

(2) The report shall be laid before the Legislative Assembly within fifteen sitting days from the commencement of the session next following the end of the fiscal year for which the report is made; but the commission is not required to submit its annual report less than ninety days after the end of its fiscal year. 1973, c. 46, s. 18.

Regulations

19. For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant-Governor in Council may make such regulations and orders as are ancillary thereto and not inconsistent therewith; and every regulation shall be deemed to be part of this Act and has the force of law; and, without restricting the generality of the foregoing, the Lieutenant-Governor in Council may make regulations and orders

- (a) respecting land reserve plans for, and the designation, establishment, and approval of, agricultural land reserves, and the designation of farm use;
- (b) respecting applications to the commission for permission under section 10 and section 11, and the practice and procedure for hearing the application, and for applications, hearings, and appeals under sections 8 and 9;
- (c) respecting residences for owners under subsection (4) of section 10;
- (d) respecting the appraisal of land and the acquisition, by purchase or lease, of land;
- (e) respecting applications for sale or lease of commission land or personal property, or Crown land that is in a reserve, and the terms and conditions of sale or lease;
- (f) respecting the management and control of commission land;
- (g) prescribing the method of determining the eligibility of applicants to lease or purchase commission land;
- (h) prescribing the interest payable in respect of purchases from the commission or arrears of rents;

- (i) providing for varying, waiving, postponing, or rescheduling of interest or rent or the payment of interest or rent; and
- (j) respecting any other matter required for carrying out the purpose of this Act. 1973, c. 46, s. 19.

Application
of other
Acts.

20. (1) This Act is subject to the *Environment and Land Use Act*, and the *Pollution Control Act, 1967*, but otherwise, except as provided in this Act or in the regulations, this Act and the regulations are not subject to any other Act or regulations, whenever enacted or made, and no Minister, department of Government, or agent of the Crown shall exercise any power granted under any other Act or regulation except in accordance with this Act and the regulations.

(2) Notwithstanding the *Land Act* or any other Act or law, the commission, as agent of Her Majesty in right of the Province, shall administer as commission land all Crown land that is established under section 7 or 8, as reserve land and may sell, lease, or otherwise dispose of any portion of such land in accordance with this Act upon such terms and conditions as the commission may determine.

(3) Notwithstanding subsection (1), where Crown land that is established as an agricultural land reserve under section 8 has been leased by the Crown, or sold by agreement for sale by the Crown and not transferred to the purchaser before the twenty-first day of December, 1972, and on that date was being used for a purpose other than farm use, but as permitted by, or not in contravention of, the terms and conditions of the lease or agreement for sale, that use may continue until the termination of the lease or the issue of title to the purchaser under the agreement for sale.

(4) Subject to subsection (5), nothing in this Act or the regulations affects or impairs the validity of a by-law of a municipality or regional district relating to the use of agricultural land in an agricultural land reserve except in so far as the by-law is contrary to, or is in conflict with, inconsistent with, or repugnant to, this Act, or the regulations, or an order of the commission; and in case of any conflict, inconsistency, or repugnancy between the by-law and this Act, or the regulations, or order of the commission, this Act or the regulations or the order of the commission prevails.

(5) A by-law or regulation of a municipality or regional district, or any provision thereof, that is, in any manner, in conflict with, inconsistent with, or repugnant to this Act, or the regulations, or order of the commission is suspended and of no effect to the extent of such conflict, inconsistency, or repugnancy.

(6) A by-law or regulation of a municipality or regional district that provides for further or additional restrictions or conditions respecting farm use or agricultural land than those provided by this Act and the regulations is not, for that reason alone in conflict with, inconsistent with, or repugnant to this Act and the regulations.

(7) Subject to subsection (8), the *Companies Act* does not apply to the commission.

(8) The Lieutenant-Governor in Council may, by order, declare that any of the provisions of the *Companies Act* apply to the commission, and those provisions thereupon apply to the commission. 1973, c. 46, s. 20.

Appropriation.

21. (1) For the purposes of this Act and the establishment of an agricultural land reserve under section 8, the Minister of Finance shall, from time to time as required by the commission, pay out of the Consolidated Revenue Fund, or the Revenue Surplus Appropriation Account of the Consolidated Revenue Fund, or partly from the Consolidated Revenue Fund and partly from the Revenue Surplus Appropriation Account, to the commission, an amount not exceeding in the aggregate twenty-five million dollars.

(2) For the purposes of this Act and the establishment of green belt land reserves, land bank land reserves, or park land reserves, the Minister of Finance may pay under the *Green Belt Protection Fund Act* or the *Accelerated Park Development Fund Act*, or any other Act that authorizes moneys to be paid for such purposes, such amounts as he may consider necessary for the purpose of this Act.

(3) Further moneys required for the purposes of this Act shall be paid out of the Consolidated Revenue Fund with moneys authorized by an Act of the Legislature to be paid and applied for such purposes. 1973, c. 46, s. 21.

Commencement.

22. (1) This Act, excepting this section, comes into force on a date to be fixed by the Lieutenant-Governor by his Proclamation and he may fix different dates for the coming into force of the several provisions of this Act; and the date of the coming into force of any of the provisions of this Act may be declared to be before or after the enactment of this Act.

(2) Where the date of the coming into force of any of the provisions of this Act is prior to the enactment of this Act, that provision of the Act is retroactive to the extent necessary to give full force and effect to that provision on, from, and after that date.

(3) This section comes into force on Royal Assent. 1973, c. 46, s. 22.

[NOTE—Sections 1 to 7, inclusive, sections 13 to 15, inclusive, and section 17 to 21, inclusive, proclaimed in force May 18, 1973, Part II Gazette Vol. 16, p. 211; Sections 8 to 12, inclusive, and 16, proclaimed in force July 3, 1973, Part II Gazette Vol. 16, p. 359.]

Printed by K. M. MACDONALD, Printer to the Queen's Most Excellent Majesty
in right of the Province of British Columbia.

1976

Certified correct as passed Third Reading on the 8th day of
September, 1977. IAN D. IZARD, *Law Clerk.*

MINISTER OF THE ENVIRONMENT.

BILL

No. 88]

{1977

Land Commission Amendment Act, 1977

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

S.B.C.
1973
c. 46
title.

1. The title of the *Land Commission Act* is repealed and the following substituted:

"Agricultural Land Commission Act".

S. 1.

2. Section 1 is amended by repealing the definitions of

- (a) "green belt land",
- (b) "land bank land", and
- (c) "park land".

S. 2.

3. Section 2 is repealed and the following substituted:

Provincial
Agricultural
Land
Commission.

2. (1) The Provincial Land Commission established under the *Land Commission Act* is continued as a corporation under the name "Provincial Agricultural Land Commission", consisting of not less than 5 members appointed by the Lieutenant-Governor in Council, and, on their appointment, the members constitute the corporation and are its directors.

(2) The Lieutenant-Governor in Council shall designate one of the members as chairman and may designate one other member as vice-chairman.

(3) The Lieutenant-Governor in Council may appoint such persons as he considers advisable as regional advisers to the commission, and the commission may designate one or more of the regional advisers so appointed to assist and advise the commission in respect of a matter pertaining to a resource management region established by the Environment and Land Use Committee under the *Environment and Land Use Act*.

(4) Each member of the commission and each regional adviser shall be reimbursed for reasonable travelling and out-of-pocket expenses necessarily incurred by him in discharging his duties, and in addition may be paid such remuneration for his services as a member of the commission or as a regional adviser as the Lieutenant-Governor in Council may determine.

(5) At any meeting of the commission a majority of the members constitutes a quorum.

S. 3.

4. Section 3 is repealed and the following substituted:

Term of
office.

3. (1) The term of office of the chairman is during the Lieutenant-Governor in Council's pleasure.

(2) The term of office of the other members is during the Lieutenant-Governor in Council's pleasure, but not exceeding 4 years after their respective appointments.

(3) The term of office of a regional adviser is during the Lieutenant-Governor in Council's pleasure, but not exceeding 2 years after his appointment.

s. 7.
Objects and
powers.

5. Section 7 is repealed and the following substituted:

7. It is the object of the commission to

- (a) preserve agricultural land,
- (b) encourage the establishment, maintenance and preservation of farms, and encourage uses of land in an agricultural land reserve compatible with agricultural purposes, and
- (c) advise and assist municipalities and regional districts in the preparation and production of the land reserve plans required for the purpose of this Act;

and, for these objects, it has the power and capacity, by itself, or in co-operation with the Government of Canada, or any of its agencies or corporations, or with a ministry of the Government, or with a municipality or regional district, to

- (d) acquire and dispose of land and personal property, and
- (e) if authorized by any other Act, acquire and dispose of land, including Crown land, for the purposes of that other Act.

s. 8.

6. Section 8 is amended

- (a) in subsection (9) (c) by striking out "subsection (3) of section 2," and substituting "section 2 (5)," and
- (b) by adding the following after subsection (11):

(12) The Lieutenant-Governor in Council may, on his own, or on the application in the prescribed manner of a municipality or regional district in respect of land within its jurisdiction, or on the application of the commission, by order, approve land for addition to a designated land reserve plan, and the commission may, pursuant to subsection (1), designate the land as or as part of the designated agricultural land reserve.

(13) Before an application is made under subsection (12), the municipality, regional district, or commission, as the case may be, shall hold a public hearing respecting the application in such manner and after such notice as is prescribed, and a report of the meeting shall accompany the application.

(14) The commission, on the application in the prescribed manner of an owner of land, may, pursuant to subsection (1),

- (a) if it considers that the application carries out the intent and purpose of this Act, and
 - (b) on approval of the Lieutenant-Governor in Council,
- designate all or part of the land described in the application as or as part of a designated land reserve plan.

S. 9.

Exclusion
from agricul-
tural land
reserve.

7. Section 9 is repealed and the following substituted:

9. (1) The Lieutenant-Governor in Council may,

- (a) on his own, or on the application in the prescribed manner of a municipality or regional district in respect of land within its jurisdiction, or on the application of the commission, by order, exclude land from a reserve, on such terms and conditions as he considers advisable, or
- (b) on the application in the prescribed manner of a municipality or regional district in respect of land within its jurisdiction, or on the application of the commission, by order, without excluding the land from a reserve, grant permission under section 10 (1) or (4) or section 11 (2), on such terms and conditions as he considers advisable

subject to compliance by the owner or occupier with the Acts and regulations and

- (c) the by-laws of the municipality or regional district, and
- (d) the decisions and orders of any person or body having jurisdiction over the land under an enactment

that apply to the land; but before an application is made under this subsection, the municipality, regional district, or commission, as the case may be, shall hold a public hearing respecting the application in such manner and after such notice as is prescribed, and a report of the public hearing shall accompany the application.

(2) Subject to subsection (5), an owner of land aggrieved by a designation by the commission of his land as part of a reserve may, notwithstanding that he appeared before or made representations to the municipality, or regional district, or the commission under section 8 (3) or (8), apply to the commission in the prescribed manner to have his land excluded from the agricultural land reserve.

(3) The commission may, after a hearing held in such manner and after such notice as is prescribed,

- (a) allow the application on such terms and conditions as it considers advisable, or
- (b) refuse the application.

(4) The commission may, in its discretion, prior to or subsequent to a hearing held under subsection (3), with the consent of the applicant, grant relief to the applicant as if the application had been made pursuant to section 11 (4).

(5) Where land of an owner was, immediately prior to December 21, 1972, zoned for agricultural or farm use under a by-law of a municipality or a regional district subsisting on that date, the owner is not entitled to apply to the commission under subsection (2) unless so authorized by a resolution of the municipality or regional district, as the case may be.

(6) The commission shall, at the request of the owner,

- (a) deliver to him its decision in writing, and
- (b) allow him to examine and make available to him copies of all relevant documents in the custody of the commission pertaining to his application.

(7) A person who is dissatisfied with the decision of the commission on an application under subsection (2), or under section 5 of the *Soil Conservation Act*, on being granted leave to appeal by any 2 members of the commission, may appeal in the prescribed manner to the Environment and Land Use Committee established under the *Environment and Land Use Act*.

(8) Where

- (a) an application under this section is received by the commission after this subsection comes into force, and
 - (b) a person is refused leave to appeal under subsection (7),
- the person may, not later than 30 days after he is refused leave to appeal, apply in the prescribed manner to the minister for leave to appeal, and, if granted, he may appeal in the prescribed manner to the Environment and Land Use Committee.

(9) The Environment and Land Use Committee may, after a hearing, allow the appeal subject to such terms and conditions as it may consider advisable, or refuse the appeal, and, in the event the appeal is refused may order that costs of the hearing, as determined by the Environment and Land Use Committee, be paid by the appellant, and, in the event the appeal is allowed may order that reasonable costs incurred by the appellant, as determined by the Environment and Land Use Committee, be paid by the commission.

(10) The commission is entitled to be a party on the hearing of the appeal and may take part in the proceedings.

(11) Where land is excluded from a land reserve plan by order of

- (a) the Lieutenant-Governor in Council, or
- (b) the commission, or
- (c) the Environment and Land Use Committee

under this section, the commission shall amend the land reserve plan accordingly and notify the municipality or regional district, as the case may be, and the appropriate Registrar of Titles.

s. 10.

8. Section 10 is amended

- (a) by repealing subsection (3) and substituting the following:

(3) Notwithstanding subsection (2), a covenant, whether of a negative or positive nature,

- (a) in respect of
 - (i) the use of land, or
 - (ii) the use of a building on or to be erected on land, or
 - (iii) the subdivision of land, or
- (b) that land is or is not to be built on, or
- (c) that several parcels of land designated in the covenant and registered under one or more certificates of title are not to be sold or transferred separately

in favour of the commission in this section referred to as the "covenantee", may, with the consent of the covenantor, be registered as a charge against the title to that land and is enforceable against the covenantor and his successors in title, even if the covenant is not annexed to land owned by the covenantee.

(3a) A charge registered under subsection (3) may be

- (a) modified by the commission and the owner of the land charged, or
- (b) discharged by the commission

by an agreement or instrument in writing the execution of which is proved in accordance with the *Land Registry Act*, and

(b) in subsection (4) by repealing paragraph (d) and substituting the following:

- (d) no Registrar of Titles shall
 - (i) accept an application for deposit of a subdivision plan, reference plan, explanatory plan, or other plan evidencing the subdivision of land, or
 - (ii) permit a new parcel of land to be created by a metes and bounds description, or an abbreviated description, under the *Land Registry Act*, *Strata Titles Act*, or *Real Estate Act*, all or part of which consists of land in an agricultural land reserve.

S. 11.

9. Section 11 is amended

- (a) by repealing subsection (3),
- (b) in subsection (4)
 - (i) by striking out "subsections (2) and (3)," and substituting "subsection (2)," and
 - (ii) by inserting "or in section 9 (1) (b)" after "subsection (5)", and
- (c) in subsection (4a) by striking out "for permission for any other use under section 10 or 11," and substituting "under subsection (4),".

S. 12.

10. Section 12 is amended

- (a) by repealing paragraph (a), and
- (b) by adding "and" at the end of paragraph (c), by striking out "and" at the end of paragraph (d) and by repealing paragraph (e).

- S. 19. Regulations. 11. Section 19 is repealed and the following substituted:
19. The Lieutenant-Governor in Council may make regulations.
- S. 20. 12. Section 20 (2) is repealed.
- S. 21. 13. Section 21 is amended
(a) in subsection (1) by striking out "not exceeding in the aggregate twenty-five million dollars." and substituting "approved by the Lieutenant-Governor in Council.", and
(b) by repealing subsection (2).
- S. 22. 14. Section 22 is repealed.
- Ss. 22 to 24. Enforcement measures. 15. The Act is further amended by adding the following as sections 22 to 24:
22. (1) The Lieutenant-Governor in Council or the commission may require an applicant under this Act, whose application has been allowed or granted on certain terms and conditions, to post a bond pursuant to the *Security Bonding Act* and the regulations to ensure compliance with those terms and conditions.
(2) Where the commission has reason to believe that an activity, or use of land, in an agricultural land reserve is reasonably likely to be or is being carried on in a manner that may or does contravene this Act, the regulations, or an order of the commission, the commission
(a) may order the owner or occupant
(i) to refrain from commencing or continuing the activity, or use of land, for a period not exceeding 60 days, and
(ii) to make such written or oral submissions to the commission as it may require to determine whether or not the activity, or use of land, would be likely to impair or reduce the agricultural capability of the land,
(b) may apply to the Supreme Court for an order restraining or preventing the owner or occupant from commencing or continuing the activity, or use of land, in contravention of this Act, the regulations, or an order of the commission.
- Determination and order. 23. Where
(a) a submission has been made under section 22 (2) (a) (ii), and the commission determines that the activity, or use of land, would be reasonably likely to impair or reduce the agricultural capability of the land, or
(b) no submission is made under section 22 (2) (a) (ii), the commission may, by order,
(c) impose on the owner or occupant such terms and conditions of activity, or use of land, as it considers advisable, or

- (d) require that the land be restored to its former condition as agricultural land, to the satisfaction of the commission, or
 - (e) require a bond pursuant to section 22 (1) to ensure compliance with paragraph (c) or (d),
- and, in case of default under paragraph (d), the commission may perform the work, and the cost of it is a debt due to the commission by the owner or occupant, as the case may be.

Service.

24. Service of an order of the commission may be made
- (a) by personal service, or
 - (b) by registered mail, in which case service shall be deemed to be made 7 days after mailing.

Agricultural Land Commission Act*[Consolidated for convenience only, January 20, 1978.]*

Interpretation.

1. In this Act, unless the context otherwise requires,

"agricultural land" means land designated under section 8;

"commission" means the commission established under section 2;

"commission land" means land acquired by the commission for the purposes of this Act;

"farm use" means an occupation or use of land for bona fide farm purposes, including, without limiting the generality of the foregoing, husbandry of the land and the plants, and animals thereon, and any other similar activity designated as farm use by the Lieutenant-Governor in Council;

"land" includes any estate or interest in land;

"land reserve plan" means a plan prepared pursuant to this Act in the manner prescribed by the regulations, which sets out clearly the areas within a municipality or regional district that, subject to the approval of the Lieutenant-Governor in Council, may be designated by the commission as an agricultural land reserve;

"minister" means that member of the Executive Council charged by Order of the Lieutenant-Governor in Council with the administration of this Act;

"regulation" means a regulation or order of the Lieutenant-Governor in Council made under this Act;

"reserve" means a reserve of land established under section 8 of this Act.

1973, c. 46, s. 1; 1977, c. 73, s. 2.

Provincial
Agricultural
Land
Commission.

2. (1) The Provincial Land Commission established under the *Land Commission Act* is continued as a corporation under the name "Provincial Agricultural Land Commission", consisting of not less than 5 members appointed by the Lieutenant-Governor in Council, and, on their appointment, the members constitute the corporation and are its directors.

(2) The Lieutenant-Governor in Council shall designate one of the members as chairman and may designate one other member as vice-chairman.

(3) The Lieutenant-Governor in Council may appoint such persons as he considers advisable as regional advisers to the commission, and the commission may designate one or more of the regional advisers so appointed to assist and advise the commission in respect of a matter pertaining to a resource management region established by the Environment and Land Use Committee under the *Environment and Land Use Act*.

(4) Each member of the commission and each regional adviser shall be reimbursed for reasonable travelling and out-of-pocket expenses necessarily incurred by him in discharging his duties, and in addition may be paid such remuneration for his services as a member of the commission or as a regional adviser as the Lieutenant-Governor in Council may determine.

(5) At any meeting of the commission a majority of the members constitutes a quorum.

1977, c. 73, s. 3.

Term of
office.

3. (1) The term of office of the chairman is during the Lieutenant-Governor in Council's pleasure.

(2) The term of office of the other members is during the Lieutenant-Governor in Council's pleasure, but not exceeding 4 years after their respective appointments.

(3) The term of office of a regional adviser is during the Lieutenant-Governor in Council's pleasure, but not exceeding 2 years after his appointment.

1977, c. 73, s. 4.

Agent of
Crown.

4. (1) The commission is for all purposes an agent of the Crown.

(2) The commission may, on behalf of the Crown, carry out its powers and duties under this Act in its own name without specific reference to Her Majesty and may hold in its own name any land or other real or personal property, and likewise may dispose of, mortgage, hypothecate, pledge, and assign any such property.

1973, c. 46, s. 4.

Staff.

5. (1) The commission may, pursuant to the *Civil Service Act*, appoint such officers and employees as it considers necessary for the purpose of this Act, and may determine their duties.

(2) The Lieutenant-Governor in Council may appoint a general manager of the commission, to be appointed during pleasure, and may fix his remuneration and may declare that the *Civil Service Act* applies to him.

(3) The Lieutenant-Governor in Council may declare that the *Civil Service Superannuation Act* applies to the members of the commission and to the general manager.

(4) The commission may, with the approval of the minister, engage and retain such experts, consultants, or specialists as it considers advisable and fix their remuneration.

1973, c. 46, s. 5.

By-laws, etc.

6. The commission may make such by-laws and pass such resolutions, not contrary to law or this Act, as it considers necessary or advisable for the conduct of the affairs of the commission and, without limiting the generality of the foregoing, may make by-laws and pass resolutions with respect to the time and place of calling and holding meetings, the

procedure to be followed at the meetings; and generally with respect to the conduct, in all respects, of the affairs of the commission; and may repeal, amend, or re-enact them.

1973, c. 46, s. 6.

Objects and powers.

7. It is the object of the commission to

- (a) preserve agricultural land;
- (b) encourage the establishment, maintenance and preservation of farms, and encourage uses of land in an agricultural land reserve compatible with agricultural purposes, and
- (c) advise and assist municipalities and regional districts in the preparation and production of the land reserve plans required for the purpose of this Act;

and, for these objects, it has the power and capacity, by itself, or in co-operation with the Government of Canada, or any of its agencies or corporations, or with a ministry of the Government, or with a municipality or regional district, to

- (d) acquire and dispose of land and personal property, and
- (e) if authorized by any other Act, acquire and dispose of land, including Crown land, for the purposes of that other Act.

1977, c. 73, s. 5.

Agricultural land reserves.

8. (1) For the purposes of section 7, the commission may, subject to this section, with the prior approval of the Lieutenant-Governor in Council, designate land, including Crown land, that is suitable for farm use, as agricultural land, and, upon being so designated, the agricultural land is established as an agricultural land reserve and shall be subject to this Act and the regulations.

(2) The regional board of every regional district, either alone, or in co-operation with its member municipalities, shall, with the advice and assistance of the commission if required, including such financial assistance as may be determined by the commission, within ninety days after the coming into force of this Act or within such further time as the commission may allow, by by-law, adopt a land reserve plan prepared in accordance with the regulations and file the by-law and land reserve plan with the commission.

(3) The council or regional board, as the case may be, shall not adopt a by-law for the purpose of this section until it has held a public hearing, notice of which has been published in the manner prescribed in section 703 of the *Municipal Act*, and except upon the affirmative vote of a majority of all members of council or of all the directors of a regional board.

(4) The provisions of section 703 of the *Municipal Act* apply, with the necessary changes and so far as are applicable, to a hearing under subsection (3):

(5) Where the commission considers that the land reserve plan filed under subsection (2) carries out the intent and purpose of this Act, it

shall, after approval of the Lieutenant-Governor in Council, designate the agricultural land shown therein as an agricultural land reserve.

(6) Where the commission considers it necessary or advisable to amend the land reserve plan filed under subsection (2) to better carry out the intent and purpose of this Act, it may recommend to the Lieutenant-Governor in Council amendments to the land reserve plan, and shall, after approval by the Lieutenant-Governor in Council of the land reserve plan or the land reserve plan as amended, designate the agricultural land therein as an agricultural land reserve.

(7) Where the council or regional board of a municipality or regional district, as the case may be, fails or refuses to prepare and file a land reserve plan with the commission in accordance with subsection (2), the commission shall, subject to subsections (8), (9), and (10), prepare a land reserve plan and submit the land reserve plan to the Lieutenant-Governor in Council for approval.

(8) The commission shall not submit the land reserve plan prepared under subsection (7) to the Lieutenant-Governor in Council until it has held a public hearing, notice of which has been published in the manner prescribed in subsection (1) of section 703 of the *Municipal Act*, and the provisions of subsections (2), (3), and (4) of section 703 of the *Municipal Act* apply, with the necessary changes and so far as are applicable, to a hearing under this subsection.

(9) For the purpose of a hearing under subsection (8),

(a) the commission has and may exercise all the powers of a Commissioner under sections 7, 10, and 11 of the *Public Inquiries Act*;

(b) the commission may accept written submissions or any other form of evidence; and

(c) notwithstanding section 2 (5), three members of the commission have and may exercise all the powers of the commission.

(10) The Lieutenant-Governor in Council may approve a land reserve plan as submitted by the commission under subsection (7), or with such alterations or variations as he may consider necessary or advisable to carry out the intent and purpose of this Act, and the commission may thereupon, pursuant to subsection (1), designate the agricultural land shown therein as an agricultural land reserve.

(11) Notwithstanding the other provisions of this section, pending the establishment of an agricultural land reserve in a municipality or regional district under this section, all land that is zoned for agricultural or farm use under a by-law of the municipality or regional district subsisting immediately prior to the twenty-first day of December, 1972, shall be deemed to be an agricultural land reserve and subject to this Act and the regulations, unless excepted by the commission.

(12) The Lieutenant-Governor in Council may, on his own, or on the application in the prescribed manner of a municipality or regional district in respect of land within its jurisdiction, or on the application of

the commission, by order, approve land for addition to a designated land reserve plan, and the commission may, pursuant to subsection (1), designate the land as or as part of the designated agricultural land reserve.

(13) Before an application is made under subsection (12), the municipality, regional district, or commission, as the case may be, shall hold a public hearing respecting the application in such manner and after such notice as is prescribed, and a report of the meeting shall accompany the application.

(14) The commission, on the application in the prescribed manner of an owner of land, may, pursuant to subsection (1),

(a) if it considers that the application carries out the intent and purpose of this Act, and

(b) on approval of the Lieutenant-Governor in Council, designate all or part of the land described in the application as or as part of a designated land reserve plan.

1973, c. 46, s. 8; 1977, c. 73, s. 6.

Exclusion
from agricul-
tural land
reserve.

9. (1) The Lieutenant-Governor in Council may,
(a) on his own, or on the application in the prescribed manner of a municipality or regional district in respect of land within its jurisdiction, or on the application of the commission, by order, exclude land from a reserve, on such terms and conditions as he considers advisable, or
(b) on the application in the prescribed manner of a municipality or regional district in respect of land within its jurisdiction, or on the application of the commission, by order, without excluding the land from a reserve, grant permission under section 10 (1) or (4) or section 11 (2), on such terms and conditions as he considers advisable

subject to compliance by the owner or occupier with the Acts and regulations and

(c) the by-laws of the municipality or regional district, and

(d) the decisions and orders of any person or body having jurisdiction over the land under an enactment

that apply to the land; but before an application is made under this subsection, the municipality, regional district, or commission, as the case may be, shall hold a public hearing respecting the application in such manner and after such notice as is prescribed, and a report of the public hearing shall accompany the application.

(2) Subject to subsection (5), an owner of land aggrieved by a designation by the commission of his land as part of a reserve may, notwithstanding that he appeared before or made representations to the municipality, or regional district, or the commission under section 8 (3) or (8), apply to the commission in the prescribed manner to have his land excluded from the agricultural land reserve.

- (3) The commission may, after a hearing held in such manner and after such notice as is prescribed,
- (a) allow the application on such terms and conditions as it considers advisable, or
 - (b) refuse the application.
- (4) The commission may, in its discretion, prior to or subsequent to a hearing held under subsection (3), with the consent of the applicant, grant relief to the applicant as if the application had been made pursuant to section 11 (4).
- (5) Where land of an owner was, immediately prior to December 21, 1972, zoned for agricultural or farm use under a by-law of a municipality or a regional district subsisting on that date, the owner is not entitled to apply to the commission under subsection (2) unless so authorized by a resolution of the municipality or regional district, as the case may be.
- (6) The commission shall, at the request of the owner,
- (a) deliver to him its decision in writing, and
 - (b) allow him to examine and make available to him copies of all relevant documents in the custody of the commission pertaining to his application.
- (7) A person who is dissatisfied with the decision of the commission on an application under subsection (2), or under section 5 of the *Soil Conservation Act*, on being granted leave to appeal by any 2 members of the commission, may appeal in the prescribed manner to the Environment and Land Use Committee established under the *Environment and Land Use Act*.
- (8) Where
- (a) an application under this section is received by the commission after this subsection comes into force, and
 - (b) a person is refused leave to appeal under subsection (7),
- the person may, not later than 30 days after he is refused leave to appeal, apply in the prescribed manner to the minister for leave to appeal, and, if granted, he may appeal in the prescribed manner to the Environment and Land Use Committee.
- (9) The Environment and Land Use Committee may, after a hearing, allow the appeal subject to such terms and conditions as it may consider advisable, or refuse the appeal, and, in the event the appeal is refused may order that costs of the hearing, as determined by the Environment and Land Use Committee, be paid by the appellant, and, in the event the appeal is allowed may order that reasonable costs incurred by the appellant, as determined by the Environment and Land Use Committee, be paid by the commission.
- (10) The commission is entitled to be a party on the hearing of the appeal and may take part in the proceedings.
- (11) Where land is excluded from a land reserve plan by order of
- (a) the Lieutenant-Governor in Council, or

(b) the commission, or

(c) the Environment and Land Use Committee

under this section, the commission shall amend the land reserve plan accordingly and notify the municipality or regional district, as the case may be, and the appropriate Registrar of Titles.

1977, c. 73, s. 7.

Agricultural
land reserve.

10. (1) No person shall occupy or use agricultural land designated as an agricultural land reserve pursuant to section 8 for any purpose other than farm use, except as permitted by this Act or the regulations or by order of the commission upon such terms and conditions as the commission may impose.

(2) In addition to the exceptions, reservations, or limitations set out in subsection (1) of section 38 of the *Land Registry Act*, a certificate of title heretofore issued under that Act in respect of agricultural land that is designated as an agricultural land reserve shall be subject, by implication and without special endorsement on the certificate of title, to this Act and the regulations respecting the reserve and farm use of the land contained therein; and the Registrar under the *Land Registry Act* shall note on every certificate of title of agricultural land hereafter issued that is designated as an agricultural land reserve an endorsement that the certificate of title may be affected by this Act.

(3) Notwithstanding subsection (2), a covenant, whether of a negative or positive nature,

(a) in respect of

(i) the use of land, or

(ii) the use of a building on or to be erected on land, or

(iii) the subdivision of land, or

(b) that land is or is not to be built on, or

(c) that several parcels of land designated in the covenant and registered under one or more certificates of title are not to be sold or transferred separately

in favour of the commission in this section referred to as the "covenantee", may, with the consent of the covenantor, be registered as a charge against the title to that land and is enforceable against the covenantor and his successors in title, even if the covenant is not annexed to land owned by the covenantee.

(3a) A charge registered under subsection (3) may be

(a) modified by the commission and the owner of the land charged, or

(b) discharged by the commission

by an agreement or instrument in writing the execution of which is proved in accordance with the *Land Registry Act*.

(4) On, from, and after the twenty-first day of December, 1972, except as permitted by this Act, or the regulations, or by an order of the commission upon such terms and conditions as the commission may impose,

(a) no municipality, or regional district, or any authority, board, or other agency established by it shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use, or authorize or permit a building to be erected thereon, except

(i) for farm use; or

(ii) for residences necessary for farm use; or

(iii) such residences for an owner of the agricultural land as may be permitted to be erected by the regulations;

(b) no person, designated or appointed under the *Local Services Act*, shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use, or authorize or permit a building to be erected thereon, except

(i) for farm use; or

(ii) for residences necessary for farm use; or

(iii) such residences for an owner of the agricultural land as may be permitted to be erected by the regulations;

(c) no approving officer under the *Land Registry Act* and no approving officer or Board of Variance under the *Municipal Act* shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use; and

(d) no Registrar of Titles shall

(i) accept an application for deposit of a subdivision plan, reference plan, explanatory plan, or other plan evidencing the subdivision of land; or

(ii) permit a new parcel of land to be created by a metes and bounds description, or an abbreviated description,

under the *Land Registry Act*, *Strata Titles Act*, or *Real Estate Act*, all or part of which consists of land in an agricultural land reserve.

1973, c. 46, s. 10; 1977, c. 73, s. 8.

Exemption.

11. (1) Section 10 does not apply in respect of agricultural land in an agricultural land reserve that, on the twenty-first day of December, 1972, was, by separate certificate of title issued under the *Land Registry Act*, less than two acres in area.

(2) Where a use of agricultural land that is within an agricultural land reserve

(a) is a use other than farm use; and

(b) was established and carried on continuously for a period of at least six months immediately prior to the twenty-first day of December, 1972; and

(c) is permitted by, or is not in contravention of, any other Act, regulation, by-law, order, or any other law respecting land use,

that agricultural land is exempted from section 10 unless and until

(d) the use of that agricultural land is changed to a use other than farm use without the permission of the commission; or

(e) any other Act, regulation, by-law, order, or any other law made after the twenty-first day of December, 1972, prohibits such use; or

(f) permission for any other use granted under any other Act, regulation, by-law, or order is withdrawn or expires.

(3) [*Repealed*, 1977, c. 73, s. 9.]

(4) The commission may, in accordance with the regulations, hear and determine applications for permission under subsection (2), and under subsections (1) and (4) of section 10, and may grant or refuse permission for a use of the land for other than farm use, and may impose whatever terms and conditions it considers advisable, and, except as provided in subsection (5) or in section 9 (1) (b), the decision of the commission is final and no appeal lies from that decision.

(4a) Where land of an owner was, immediately prior to the twenty-first day of December, 1972, zoned for agricultural or farm use under a by-law of a municipality or regional district subsisting on that date, the owner is not entitled to apply to the commission under subsection (4), unless so authorized by a resolution of a municipality or a regional district, as the case may be.

(5) An owner of land aggrieved

(a) by an order or decision of the commission refusing permission under subsection (1) or (4) of section 10 or under this section; or

(b) by the terms and conditions imposed by the commission in an order made under subsection (1) or (4) of section 10, or a permission granted under this section,

may appeal, on a question of law or excess of jurisdiction only, by way of stated case to the Supreme Court, and the provisions of the *Summary Convictions Act* respecting appeals by way of stated case apply, with the necessary changes and so far as are applicable, to the appeal, and to any further appeal therefrom, and a reference in that Act to a Justice shall be deemed to be a reference to the commission.

1973, c. 46, s. 11; 1977, c. 73, s. 9.

Additional
powers re
agricultural
land.

12. With respect to agricultural land designated as an agricultural land reserve, the commission may

(a) [*Repealed*, 1977, c. 73, s. 10.]

(b) carry on farming operations on commission land or agree with other persons to do so;

(c) withdraw from an agricultural land reserve, agricultural land owned by the commission and, with the prior approval of the

Lieutenant-Governor in Council, dispose of such land to the Crown to be dealt with under the *Land Act*; and

- (d) dispose of agricultural land owned by the commission, with the prior approval of the Lieutenant-Governor in Council, to private ownership for permanent farm use, or any other use considered by the commission to be in the public interest, subject to such terms and conditions as the commission may determine.

- (e) [Repealed. 1977, c. 73, s. 10.]

1973, c. 46, s. 12; 1977, c. 73, s. 10.

Capital improvements.

13. The commission may make, place, or construct on or bring onto, or cause to be made, placed, or constructed on or brought onto, any commission land such capital improvements as it considers necessary or desirable for the efficient development or use of the commission land or other land in the vicinity, and pay for or purchase any capital improvements made, placed, or constructed on or brought onto any commission land by any person.

1973, c. 46, s. 13.

Taxes.

14. Where commission lands are unoccupied or a lease of commission land does not provide for the payment of tax by the lessee, the commission may pay to the municipality or regional district a grant in lieu of taxes.

1973, c. 46, s. 14.

Fees.

15. The commission may establish, with the approval of the Lieutenant-Governor in Council, a schedule of fees to be paid to the commission for the preparation of leases and other documents, for appraisals and evaluations of land, and for copies of documents of the commission.

1973, c. 46, s. 15.

No right to compensation in respect of reserve land.

16. Land shall be deemed not to be taken or injuriously affected by reason of the designation by the commission of that land as an agricultural land reserve.

1973, c. 46, s. 16.

Agreements.

17. For the purposes of this Act, the minister may, subject to the approval of the Lieutenant-Governor in Council, enter into such agreements as the minister considers advisable with

- (a) the Government of Canada;
- (b) a municipality;
- (c) a regional district;
- (d) an agent of the Crown; or
- (e) any other ministry or department of Government.

1973, c. 46, s. 17; 1977, c. 75, s. 9 (proc. eff. Oct. 21, 1977).

Reports.

18. (1) The commission shall submit annually to the Lieutenant-Governor in Council

- (a) a report respecting the operations of the commission for the immediately preceding fiscal year;

(b) a financial statement showing the business of the commission for that fiscal year, in such form as may be required by the Comptroller-General.

(2) The report shall be laid before the Legislative Assembly within fifteen sitting days from the commencement of the session next following the end of the fiscal year for which the report is made; but the commission is not required to submit its annual report less than ninety days after the end of its fiscal year.

1973, c. 46, s. 18.

Regulations.

19. The Lieutenant-Governor in Council may make regulations.

1977, c. 73, s. 11.

Application
of other
Acts.

20. (1) This Act is subject to the *Environment and Land Use Act*, and the *Pollution Control Act, 1967*, but otherwise, except as provided in this Act or in the regulations, this Act and the regulations are not subject to any other Act or regulations, whenever enacted or made, and no Minister, ministry of Government, or agent of the Crown shall exercise any power granted under any other Act or regulation except in accordance with this Act and the regulations.

(2) [*Repealed.* 1977, c. 73, s. 12.]

(3) Notwithstanding subsection (1), where Crown land that is established as an agricultural land reserve under section 8 has been leased by the Crown, or sold by agreement for sale by the Crown and not transferred to the purchaser before the twenty-first day of December, 1972, and on that date was being used for a purpose other than farm use, but as permitted by, or not in contravention of, the terms and conditions of the lease or agreement for sale, that use may continue until the termination of the lease or the issue of title to the purchaser under the agreement for sale.

(4) Subject to subsection (5), nothing in this Act or the regulations affects or impairs the validity of a by-law of a municipality or regional district relating to the use of agricultural land in an agricultural land reserve except in so far as the by-law is contrary to, or is in conflict with, inconsistent with, or repugnant to, this Act, or the regulations, or an order of the commission; and in case of any conflict, inconsistency, or repugnancy between the by-law and this Act, or the regulations, or order of the commission, this Act or the regulations or the order of the commission prevails.

(5) A by-law or regulation of a municipality or regional district, or any provision thereof, that is, in any manner, in conflict with, inconsistent with, or repugnant to this Act, or the regulations, or order of the commission is suspended and of no effect to the extent of such conflict, inconsistency, or repugnancy.

(6) A by-law or regulation of a municipality or regional district that provides for further or additional restrictions or conditions respecting farm use or agricultural land than those provided by this Act and the

regulations is not, for that reason alone in conflict with, inconsistent with, or repugnant to this Act and the regulations.

(7) Subject to subsection (8), the *Companies Act* does not apply to the commission.

(8) The Lieutenant-Governor in Council may, by order, declare that any of the provisions of the *Companies Act* apply to the commission, and those provisions thereupon apply to the commission.

1973, c. 46, s. 20; 1977, c. 73, s. 12; 1977, c. 75, s. 1 (proc. eff. Oct. 21, 1977).

Appropriation.

21. (1) For the purposes of this Act and the establishment of an agricultural land reserve under section 8, the Minister of Finance shall, from time to time as required by the commission, pay out of the Consolidated Revenue Fund, or the Revenue Surplus Appropriation Account of the Consolidated Revenue Fund, or partly from the Consolidated Revenue Fund and partly from the Revenue Surplus Appropriation Account, to the commission, an amount approved by the Lieutenant-Governor in Council.

(2) [Repealed. 1977, c. 73, s. 13.]

(3) Further moneys required for the purposes of this Act shall be paid out of the Consolidated Revenue Fund with moneys authorized by an Act of the Legislature to be paid and applied for such purposes.

1973, c. 46, s. 21; 1977, c. 73, s. 13.

Enforcement measures.

22. (1) The Lieutenant-Governor in Council or the commission may require an applicant under this Act, whose application has been allowed or granted on certain terms and conditions, to post a bond pursuant to the *Security Bonding Act* and the regulations to ensure compliance with those terms and conditions.

(2) Where the commission has reason to believe that an activity, or use of land, in an agricultural land reserve is reasonably likely to be or is being carried on in a manner that may or does contravene this Act, the regulations, or an order of the commission, the commission

(a) may order the owner or occupant

(i) to refrain from commencing or continuing the activity, or use of land, for a period not exceeding 60 days, and

(ii) to make such written or oral submissions to the commission as it may require to determine whether or not the activity, or use of land, would be likely to impair or reduce the agricultural capability of the land,

(b) may apply to the Supreme Court for an order restraining or preventing the owner or occupant from commencing or continuing the activity, or use of land, in contravention of this Act, the regulations, or an order of the commission.

1977, c. 73, s. 15.

Determination and order.

23. Where

(a) a submission has been made under section 22 (2) (a) (ii), and the commission determines that the activity, or use of

land, would be reasonably likely to impair or reduce the agricultural capability of the land, or

- (b) no submission is made under section 22 (2) (a) (ii), the commission may, by order,
 - (c) impose on the owner or occupant such terms and conditions of activity, or use of land, as it considers advisable, or
 - (d) require that the land be restored to its former condition as agricultural land, to the satisfaction of the commission, or
 - (e) require a bond pursuant to section 22 (1) to ensure compliance with paragraph (c) or (d),
- and, in case of default under paragraph (d), the commission may perform the work, and the cost of it is a debt due to the commission by the owner or occupant, as the case may be.

1977, c. 73, s. 15.

Service.

24. Service of an order of the commission may be made

- (a) by personal service, or
- (b) by registered mail, in which case service shall be deemed to be made 7 days after mailing.

1977, c. 73, s. 15.

[NOTE—Sections 1 to 7, inclusive, sections 13 to 15, inclusive, and section 17 to 21, inclusive, proclaimed in force May 18, 1973, Part II Gazette Vol. 16, p. 211; sections 8 to 12, inclusive, and 16, proclaimed in force July 3, 1973, Part II Gazette Vol. 16, p. 359.]

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1978

1978 Act
CONS. JAN 20/78

1973

AGRICULTURAL LAND COMMISSION

CHAP. 46

Agricultural Land Commission Act

[Consolidated for convenience only, January 20, 1978.]

Interpreta-
tion.

1. In this Act, unless the context otherwise requires,
 - "agricultural land" means land designated under section 8;
 - "commission" means the commission established under section 2;
 - "commission land" means land acquired by the commission for the purposes of this Act;
 - "farm use" means an occupation or use of land for bona fide farm purposes, including, without limiting the generality of the foregoing, husbandry of the land and the plants, and animals thereon, and any other similar activity designated as farm use by the Lieutenant-Governor in Council;
 - "land" includes any estate or interest in land;
 - "land reserve plan" means a plan prepared pursuant to this Act in the manner prescribed by the regulations, which sets out clearly the areas within a municipality or regional district that, subject to the approval of the Lieutenant-Governor in Council, may be designated by the commission as an agricultural land reserve;
 - "minister" means that member of the Executive Council charged by Order of the Lieutenant-Governor in Council with the administration of this Act;
 - "regulation" means a regulation or order of the Lieutenant-Governor in Council made under this Act;
 - "reserve" means a reserve of land established under section 8 of this Act.

1973, c. 46, s. 1; 1977, c. 73, s. 2.

Provincial
Agricultural
Land
Commission.

2. (1) The Provincial Land Commission established under the *Land Commission Act* is continued as a corporation under the name "Provincial Agricultural Land Commission", consisting of not less than 5 members appointed by the Lieutenant-Governor in Council, and, on their appointment, the members constitute the corporation and are its directors.

(2) The Lieutenant-Governor in Council shall designate one of the members as chairman and may designate one other member as vice-chairman.

(3) The Lieutenant-Governor in Council may appoint such persons as he considers advisable as regional advisers to the commission, and the commission may designate one or more of the regional advisers so appointed to assist and advise the commission in respect of a matter pertaining to a resource management region established by the Environment and Land Use Committee under the *Environment and Land Use Act*.

(4) Each member of the commission and each regional adviser shall be reimbursed for reasonable travelling and out-of-pocket expenses necessarily incurred by him in discharging his duties, and in addition may be paid such remuneration for his services as a member of the commission or as a regional adviser as the Lieutenant-Governor in Council may determine.

(5) At any meeting of the commission a majority of the members constitutes a quorum.

1977, c. 73, s. 3.

**Term of
office.**

3. (1) The term of office of the chairman is during the Lieutenant-Governor in Council's pleasure.

(2) The term of office of the other members is during the Lieutenant-Governor in Council's pleasure, but not exceeding 4 years after their respective appointments.

(3) The term of office of a regional adviser is during the Lieutenant-Governor in Council's pleasure, but not exceeding 2 years after his appointment.

1977, c. 73, s. 4.

**Agent of
Crown.**

4. (1) The commission is for all purposes an agent of the Crown.

(2) The commission may, on behalf of the Crown, carry out its powers and duties under this Act in its own name without specific reference to Her Majesty and may hold in its own name any land or other real or personal property, and likewise may dispose of, mortgage, hypothecate, pledge, and assign any such property.

1973, c. 46, s. 4.

Staff.

5. (1) The commission may, pursuant to the *Civil Service Act*, appoint such officers and employees as it considers necessary for the purpose of this Act, and may determine their duties.

(2) The Lieutenant-Governor in Council may appoint a general manager of the commission, to be appointed during pleasure, and may fix his remuneration and may declare that the *Civil Service Act* applies to him.

(3) The Lieutenant-Governor in Council may declare that the *Civil Service Superannuation Act* applies to the members of the commission and to the general manager.

(4) The commission may, with the approval of the minister, engage and retain such experts, consultants, or specialists as it considers advisable and fix their remuneration.

1973, c. 46, s. 5.

By-laws, etc.

6. The commission may make such by-laws and pass such resolutions, not contrary to law or this Act, as it considers necessary or advisable for the conduct of the affairs of the commission and, without limiting the generality of the foregoing, may make by-laws and pass resolutions with respect to the time and place of calling and holding meetings, the

procedure to be followed at the meetings, and generally with respect to the conduct, in all respects, of the affairs of the commission; and may repeal, amend, or re-enact them.

1973, c. 46, s. 6.

Objects and powers.

7. It is the object of the commission to

- (a) preserve agricultural land,
- (b) encourage the establishment, maintenance and preservation of farms, and encourage uses of land in an agricultural land reserve compatible with agricultural purposes, and
- (c) advise and assist municipalities and regional districts in the preparation and production of the land reserve plans required for the purpose of this Act;

and, for these objects, it has the power and capacity, by itself, or in co-operation with the Government of Canada, or any of its agencies or corporations, or with a ministry of the Government, or with a municipality or regional district, to

- (d) acquire and dispose of land and personal property, and
- (e) if authorized by any other Act, acquire and dispose of land, including Crown land, for the purposes of that other Act.

1977, c. 73, s. 5.

Agricultural land reserves.

8. (1) For the purposes of section 7, the commission may, subject to this section, with the prior approval of the Lieutenant-Governor in Council, designate land, including Crown land, that is suitable for farm use, as agricultural land, and, upon being so designated, the agricultural land is established as an agricultural land reserve and shall be subject to this Act and the regulations.

(2) The regional board of every regional district, either alone, or in co-operation with its member municipalities, shall, with the advice and assistance of the commission if required, including such financial assistance as may be determined by the commission, within ninety days after the coming into force of this Act or within such further time as the commission may allow, by by-law, adopt a land reserve plan prepared in accordance with the regulations and file the by-law and land reserve plan with the commission.

(3) The council or regional board, as the case may be, shall not adopt a by-law for the purpose of this section until it has held a public hearing, notice of which has been published in the manner prescribed in section 703 of the *Municipal Act*, and except upon the affirmative vote of a majority of all members of council or of all the directors of a regional board.

(4) The provisions of section 703 of the *Municipal Act* apply, with the necessary changes and so far as are applicable, to a hearing under subsection (3).

(5) Where the commission considers that the land reserve plan filed under subsection (2) carries out the intent and purpose of this Act, it

shall, after approval of the Lieutenant-Governor in Council, designate the agricultural land shown therein as an agricultural land reserve.

(6) Where the commission considers it necessary or advisable to amend the land reserve plan filed under subsection (2) to better carry out the intent and purpose of this Act, it may recommend to the Lieutenant-Governor in Council amendments to the land reserve plan, and shall, after approval by the Lieutenant-Governor in Council of the land reserve plan or the land reserve plan as amended, designate the agricultural land therein as an agricultural land reserve.

(7) Where the council or regional board of a municipality or regional district, as the case may be, fails or refuses to prepare and file a land reserve plan with the commission in accordance with subsection (2), the commission shall, subject to subsections (8), (9), and (10), prepare a land reserve plan and submit the land reserve plan to the Lieutenant-Governor in Council for approval.

(8) The commission shall not submit the land reserve plan prepared under subsection (7) to the Lieutenant-Governor in Council until it has held a public hearing, notice of which has been published in the manner prescribed in subsection (1) of section 703 of the *Municipal Act*, and the provisions of subsections (2), (3), and (4) of section 703 of the *Municipal Act* apply, with the necessary changes and so far as are applicable, to a hearing under this subsection.

(9) For the purpose of a hearing under subsection (8),

(a) the commission has and may exercise all the powers of a Commissioner under sections 7, 10, and 11 of the *Public Inquiries Act*;

(b) the commission may accept written submissions or any other form of evidence; and

(c) notwithstanding section 2 (5), three members of the commission have and may exercise all the powers of the commission.

(10) The Lieutenant-Governor in Council may approve a land reserve plan as submitted by the commission under subsection (7), or with such alterations or variations as he may consider necessary or advisable to carry out the intent and purpose of this Act, and the commission may thereupon, pursuant to subsection (1), designate the agricultural land shown therein as an agricultural land reserve.

(11) Notwithstanding the other provisions of this section, pending the establishment of an agricultural land reserve in a municipality or regional district under this section, all land that is zoned for agricultural or farm use under a by-law of the municipality or regional district subsisting immediately prior to the twenty-first day of December, 1972, shall be deemed to be an agricultural land reserve and subject to this Act and the regulations, unless excepted by the commission.

(12) The Lieutenant-Governor in Council may, on his own, or on the application in the prescribed manner of a municipality or regional district in respect of land within its jurisdiction, or on the application of

the commission, by order, approve land for addition to a designated land reserve plan, and the commission may, pursuant to subsection (1), designate the land as or as part of the designated agricultural land reserve.

(13) Before an application is made under subsection (12), the municipality, regional district, or commission, as the case may be, shall hold a public hearing respecting the application in such manner and after such notice as is prescribed, and a report of the meeting shall accompany the application.

(14) The commission, on the application in the prescribed manner of an owner of land, may, pursuant to subsection (1),

(a) if it considers that the application carries out the intent and purpose of this Act, and

(b) on approval of the Lieutenant-Governor in Council, designate all or part of the land described in the application as or as part of a designated land reserve plan.

1973, c. 46, s. 8; 1977, c. 73, s. 6.

Exclusion
from agricul-
tural land
reserve.

9. (1) The Lieutenant-Governor in Council may,

(a) on his own, or on the application in the prescribed manner of a municipality or regional district in respect of land within its jurisdiction, or on the application of the commission, by order, exclude land from a reserve, on such terms and conditions as he considers advisable, or

(b) on the application in the prescribed manner of a municipality or regional district in respect of land within its jurisdiction, or on the application of the commission, by order, without excluding the land from a reserve, grant permission under section 10 (1) or (4) or section 11 (2), on such terms and conditions as he considers advisable

subject to compliance by the owner or occupier with the Acts and regulations and

(c) the by-laws of the municipality or regional district, and

(d) the decisions and orders of any person or body having jurisdiction over the land under an enactment

that apply to the land; but before an application is made under this subsection, the municipality, regional district, or commission, as the case may be, shall hold a public hearing respecting the application in such manner and after such notice as is prescribed, and a report of the public hearing shall accompany the application.

(2) Subject to subsection (5), an owner of land aggrieved by a designation by the commission of his land as part of a reserve may, notwithstanding that he appeared before or made representations to the municipality, or regional district, or the commission under section 8 (3) or (8), apply to the commission in the prescribed manner to have his land excluded from the agricultural land reserve.

(3) The commission may, after a hearing held in such manner and after such notice as is prescribed,

- (a) allow the application on such terms and conditions as it considers advisable, or
- (b) refuse the application.

(4) The commission may, in its discretion, prior to or subsequent to a hearing held under subsection (3), with the consent of the applicant, grant relief to the applicant as if the application had been made pursuant to section 11 (4).

(5) Where land of an owner was, immediately prior to December 21, 1972, zoned for agricultural or farm use under a by-law of a municipality or a regional district subsisting on that date, the owner is not entitled to apply to the commission under subsection (2) unless so authorized by a resolution of the municipality or regional district, as the case may be.

(6) The commission shall, at the request of the owner,

- (a) deliver to him its decision in writing, and
- (b) allow him to examine and make available to him copies of all relevant documents in the custody of the commission pertaining to his application.

(7) A person who is dissatisfied with the decision of the commission on an application under subsection (2), or under section 5 of the *Soil Conservation Act*, on being granted leave to appeal by any 2 members of the commission, may appeal in the prescribed manner to the Environment and Land Use Committee established under the *Environment and Land Use Act*.

(8) Where

- (a) an application under this section is received by the commission after this subsection comes into force, and

- (b) a person is refused leave to appeal under subsection (7),

the person may, not later than 30 days after he is refused leave to appeal, apply in the prescribed manner to the minister for leave to appeal, and, if granted, he may appeal in the prescribed manner to the Environment and Land Use Committee.

(9) The Environment and Land Use Committee may, after a hearing, allow the appeal subject to such terms and conditions as it may consider advisable, or refuse the appeal, and, in the event the appeal is refused may order that costs of the hearing, as determined by the Environment and Land Use Committee, be paid by the appellant, and, in the event the appeal is allowed may order that reasonable costs incurred by the appellant, as determined by the Environment and Land Use Committee, be paid by the commission.

(10) The commission is entitled to be a party on the hearing of the appeal and may take part in the proceedings.

- (11) Where land is excluded from a land reserve plan by order of
 - (a) the Lieutenant-Governor in Council, or

(b) the commission, or

(c) the Environment and Land Use Committee

under this section, the commission shall amend the land reserve plan accordingly and notify the municipality or regional district, as the case may be, and the appropriate Registrar of Titles.

1977, c. 73, s. 7.

Agricultural
land reserve.

10. (1) No person shall occupy or use agricultural land designated as an agricultural land reserve pursuant to section 8 for any purpose other than farm use, except as permitted by this Act or the regulations or by order of the commission upon such terms and conditions as the commission may impose.

(2) In addition to the exceptions, reservations, or limitations set out in subsection (1) of section 38 of the *Land Registry Act*, a certificate of title heretofore issued under that Act in respect of agricultural land that is designated as an agricultural land reserve shall be subject, by implication and without special endorsement on the certificate of title, to this Act and the regulations respecting the reserve and farm use of the land contained therein; and the Registrar under the *Land Registry Act* shall note on every certificate of title of agricultural land hereafter issued that is designated as an agricultural land reserve an endorsement that the certificate of title may be affected by this Act.

(3) Notwithstanding subsection (2), a covenant, whether of a negative or positive nature,

(a) in respect of

(i) the use of land, or

(ii) the use of a building on or to be erected on land, or

(iii) the subdivision of land, or

(b) that land is or is not to be built on, or

(c) that several parcels of land designated in the covenant and registered under one or more certificates of title are not to be sold or transferred separately

in favour of the commission in this section referred to as the "covenantee", may, with the consent of the covenantor, be registered as a charge against the title to that land and is enforceable against the covenantor and his successors in title, even if the covenant is not annexed to land owned by the covenantee.

(3a) A charge registered under subsection (3) may be

(a) modified by the commission and the owner of the land charged, or

(b) discharged by the commission

by an agreement or instrument in writing the execution of which is proved in accordance with the *Land Registry Act*.

(4) On, from, and after the twenty-first day of December, 1972, except as permitted by this Act, or the regulations, or by an order of the commission upon such terms and conditions as the commission may impose,

- (a) no municipality, or regional district, or any authority, board, or other agency established by it shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use, or authorize or permit a building to be erected thereon, except
 - (i) for farm use; or
 - (ii) for residences necessary for farm use; or
 - (iii) such residences for an owner of the agricultural land as may be permitted to be erected by the regulations;
- (b) no person, designated or appointed under the *Local Services Act*, shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use, or authorize or permit a building to be erected thereon, except
 - (i) for farm use; or
 - (ii) for residences necessary for farm use; or
 - (iii) such residences for an owner of the agricultural land as may be permitted to be erected by the regulations;
- (c) no approving officer under the *Land Registry Act* and no approving officer or Board of Variance under the *Municipal Act* shall authorize or permit agricultural land in an agricultural land reserve to be used for a purpose other than farm use; and
- (d) no Registrar of Titles shall
 - (i) accept an application for deposit of a subdivision plan, reference plan, explanatory plan, or other plan evidencing the subdivision of land, or
 - (ii) permit a new parcel of land to be created by a metes and bounds description, or an abbreviated description, under the *Land Registry Act*, *Strata Titles Act*, or *Real Estate Act*, all or part of which consists of land in an agricultural land reserve.

1973, c. 46, s. 10; 1977, c. 73, s. 8.

Exemption.

11. (1) Section 10 does not apply in respect of agricultural land in an agricultural land reserve that, on the twenty-first day of December, 1972, was, by separate certificate of title issued under the *Land Registry Act*, less than two acres in area.

(2) Where a use of agricultural land that is within an agricultural land reserve

- (a) is a use other than farm use; and
- (b) was established and carried on continuously for a period of at least six months immediately prior to the twenty-first day of December, 1972; and

- (c) is permitted by, or is not in contravention of, any other Act, regulation, by-law, order, or any other law respecting land use,

that agricultural land is exempted from section 10 unless and until

- (d) the use of that agricultural land is changed to a use other than farm use without the permission of the commission; or
 - (e) any other Act, regulation, by-law, order, or any other law made after the twenty-first day of December, 1972, prohibits such use; or
 - (f) permission for any other use granted under any other Act, regulation, by-law, or order is withdrawn or expires.
- (3) [*Repealed.* 1977, c. 73, s. 9.]

(4) The commission may, in accordance with the regulations, hear and determine applications for permission under subsection (2), and under subsections (1) and (4) of section 10, and may grant or refuse permission for a use of the land for other than farm use, and may impose whatever terms and conditions it considers advisable, and, except as provided in subsection (5) or in section 9 (1) (b), the decision of the commission is final and no appeal lies from that decision.

(4a) Where land of an owner was, immediately prior to the twenty-first day of December, 1972, zoned for agricultural or farm use under a by-law of a municipality or regional district subsisting on that date, the owner is not entitled to apply to the commission under subsection (4), unless so authorized by a resolution of a municipality or a regional district, as the case may be.

(5) An owner of land aggrieved

- (a) by an order or decision of the commission refusing permission under subsection (1) or (4) of section 10 or under this section; or
- (b) by the terms and conditions imposed by the commission in an order made under subsection (1) or (4) of section 10, or a permission granted under this section,

may appeal, on a question of law or excess of jurisdiction only, by way of stated case to the Supreme Court, and the provisions of the *Summary Convictions Act* respecting appeals by way of stated case apply, with the necessary changes and so far as are applicable, to the appeal, and to any further appeal therefrom, and a reference in that Act to a Justice shall be deemed to be a reference to the commission.

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- (c) withdraw from an agricultural land reserve, agricultural land owned by the commission and, with the prior approval of the

Lieutenant-Governor in Council, dispose of such land to the Crown to be dealt with under the *Land Act*; and

- (d) dispose of agricultural land owned by the commission, with the prior approval of the Lieutenant-Governor in Council, to private ownership for permanent farm use, or any other use considered by the commission to be in the public interest, subject to such terms and conditions as the commission may determine.

(e) [*Repealed.* 1977, c. 73, s. 10.]

1973, c. 46, s. 12; 1977, c. 73, s. 10.

Capital improvements.

13. The commission may make, place, or construct on or bring onto, or cause to be made, placed, or constructed on or brought onto, any commission land such capital improvements as it considers necessary or desirable for the efficient development or use of the commission land or other land in the vicinity, and pay for or purchase any capital improvements made, placed, or constructed on or brought onto any commission land by any person.

1973, c. 46, s. 13.

Taxes.

14. Where commission lands are unoccupied or a lease of commission land does not provide for the payment of tax by the lessee, the commission may pay to the municipality or regional district a grant in lieu of taxes.

1973, c. 46, s. 14.

Fees.

15. The commission may establish, with the approval of the Lieutenant-Governor in Council, a schedule of fees to be paid to the commission for the preparation of leases and other documents, for appraisals and evaluations of land, and for copies of documents of the commission.

1973, c. 46, s. 15.

No right to compensation in respect of reserve land.

16. Land shall be deemed not to be taken or injuriously affected by reason of the designation by the commission of that land as an agricultural land reserve.

1973, c. 46, s. 16.

Agreements.

17. For the purposes of this Act, the minister may, subject to the approval of the Lieutenant-Governor in Council, enter into such agreements as the minister considers advisable with

- (a) the Government of Canada;
- (b) a municipality;
- (c) a regional district;
- (d) an agent of the Crown; or
- (e) any other ministry or department of Government.

1973, c. 46, s. 17; 1977, c. 75, s. 9 (proc. eff. Oct. 21, 1977).

Reports.

18. (1) The commission shall submit annually to the Lieutenant-Governor in Council

- (a) a report respecting the operations of the commission for the immediately preceding fiscal year;

(b) a financial statement showing the business of the commission for that fiscal year, in such form as may be required by the Comptroller-General.

(2) The report shall be laid before the Legislative Assembly within fifteen sitting days from the commencement of the session next following the end of the fiscal year for which the report is made; but the commission is not required to submit its annual report less than ninety days after the end of its fiscal year.

1973, c. 46, s. 18.

Regulations.

19. The Lieutenant-Governor in Council may make regulations.

1977, c. 73, s. 11.

Application
of other
Acts.

20. (1) This Act is subject to the *Environment and Land Use Act*, and the *Pollution Control Act, 1967*, but otherwise, except as provided in this Act or in the regulations, this Act and the regulations are not subject to any other Act or regulations, whenever enacted or made, and no Minister, ministry of Government, or agent of the Crown shall exercise any power granted under any other Act or regulation except in accordance with this Act and the regulations.

(2) [*Repealed.* 1977, c. 73, s. 12.]

(3) Notwithstanding subsection (1), where Crown land that is established as an agricultural land reserve under section 8 has been leased by the Crown, or sold by agreement for sale by the Crown and not transferred to the purchaser before the twenty-first day of December, 1972, and on that date was being used for a purpose other than farm use, but as permitted by, or not in contravention of, the terms and conditions of the lease or agreement for sale, that use may continue until the termination of the lease or the issue of title to the purchaser under the agreement for sale.

(4) Subject to subsection (5), nothing in this Act or the regulations affects or impairs the validity of a by-law of a municipality or regional district relating to the use of agricultural land in an agricultural land reserve except in so far as the by-law is contrary to, or is in conflict with, inconsistent with, or repugnant to, this Act, or the regulations, or an order of the commission; and in case of any conflict, inconsistency, or repugnancy between the by-law and this Act, or the regulations, or order of the commission, this Act or the regulations or the order of the commission prevails.

(5) A by-law or regulation of a municipality or regional district, or any provision thereof, that is, in any manner, in conflict with, inconsistent with, or repugnant to this Act, or the regulations, or order of the commission is suspended and of no effect to the extent of such conflict, inconsistency, or repugnancy.

(6) A by-law or regulation of a municipality or regional district that provides for further or additional restrictions or conditions respecting farm use or agricultural land than those provided by this Act and the

regulations is not, for that reason alone in conflict with, inconsistent with, or repugnant to this Act and the regulations.

(7) Subject to subsection (8), the *Companies Act* does not apply to the commission.

(8) The Lieutenant-Governor in Council may, by order, declare that any of the provisions of the *Companies Act* apply to the commission, and those provisions thereupon apply to the commission.

1973, c. 46, s. 20; 1977, c. 73, s. 12; 1977, c. 75, s. 1 (proc. eff. Oct. 21, 1977).

Appropriation.

21. (1) For the purposes of this Act and the establishment of an agricultural land reserve under section 8, the Minister of Finance shall, from time to time as required by the commission, pay out of the Consolidated Revenue Fund, or the Revenue Surplus Appropriation Account of the Consolidated Revenue Fund, or partly from the Consolidated Revenue Fund and partly from the Revenue Surplus Appropriation Account, to the commission, an amount approved by the Lieutenant-Governor in Council.

(2) [*Repealed.* 1977, c. 73, s. 13.]

(3) Further moneys required for the purposes of this Act shall be paid out of the Consolidated Revenue Fund with moneys authorized by an Act of the Legislature to be paid and applied for such purposes.

1973, c. 46, s. 21; 1977, c. 73, s. 13.

Enforcement measures.

22. (1) The Lieutenant-Governor in Council or the commission may require an applicant under this Act, whose application has been allowed or granted on certain terms and conditions, to post a bond pursuant to the *Security Bonding Act* and the regulations to ensure compliance with those terms and conditions.

(2) Where the commission has reason to believe that an activity, or use of land, in an agricultural land reserve is reasonably likely to be or is being carried on in a manner that may or does contravene this Act, the regulations, or an order of the commission, the commission

(a) may order the owner or occupant

(i) to refrain from commencing or continuing the activity, or use of land, for a period not exceeding 60 days, and

(ii) to make such written or oral submissions to the commission as it may require to determine whether or not the activity, or use of land, would be likely to impair or reduce the agricultural capability of the land,

(b) may apply to the Supreme Court for an order restraining or preventing the owner or occupant from commencing or continuing the activity, or use of land, in contravention of this Act, the regulations, or an order of the commission.

1977, c. 73, s. 15.

Determination and order.

23. Where

(a) a submission has been made under section 22 (2) (a) (ii), and the commission determines that the activity, or use of

land, would be reasonably likely to impair or reduce the agricultural capability of the land, or

- (b) no submission is made under section 22 (2) (a) (ii), the commission may, by order,
 - (c) impose on the owner or occupant such terms and conditions of activity, or use of land, as it considers advisable, or
 - (d) require that the land be restored to its former condition as agricultural land, to the satisfaction of the commission, or
 - (e) require a bond pursuant to section 22 (1) to ensure compliance with paragraph (c) or (d),
- and, in case of default under paragraph (d), the commission may perform the work, and the cost of it is a debt due to the commission by the owner or occupant, as the case may be.

1977, c. 73, s. 15.

Service.

24. Service of an order of the commission may be made

- (a) by personal service, or
- (b) by registered mail, in which case service shall be deemed to be made 7 days after mailing.

1977, c. 73, s. 15.

[NOTE—Sections 1 to 7, inclusive, sections 13 to 15, inclusive, and section 17 to 21, inclusive, proclaimed in force May 18, 1973, Part II Gazette Vol. 16, p. 211; sections 8 to 12, inclusive, and 16, proclaimed in force July 3, 1973, Part II Gazette Vol. 16, p. 359.]

Printed by K. M. MACDONALD, Printer to the Queen's Most Excellent Majesty
in right of the Province of British Columbia.

1978

AGRICULTURAL LAND COMMISSION ACT**CHAPTER 9****Interpretation****1. In this Act**

"agricultural land" means land so designated under this Act;

"commission" means the commission continued under this Act;

"commission land" means land acquired by the commission for the purposes of this Act;

"farm use" means an occupation or use of land for farm purposes, including husbandry of land, plants and animals and any other similar activity designated as farm use by regulation;

"land reserve plan" means a plan prepared under this Act according to the regulations and which sets out the areas that, subject to the approval of the Lieutenant Governor in Council, may be designated by the commission as an agricultural land reserve;

"reserve" means a reserve of land established under this Act.

1973-46-1; 1977-73-2.

Provincial Agricultural Land Commission

2. (1) The Provincial Agricultural Land Commission is continued as a corporation consisting of not less than 5 members appointed by the Lieutenant Governor in Council. The members constitute the directors.

(2) The Lieutenant Governor in Council shall designate one member as chairman and may designate another member as vice chairman.

(3) The Lieutenant Governor in Council may appoint regional advisers to the commission. The commission may designate one or more of the regional advisers to assist and advise the commission on a matter pertaining to a resource management region established by the Environment and Land Use Committee under the *Environment and Land Use Act*.

(4) Each member and each regional adviser shall be reimbursed for reasonable travelling and out of pocket expenses necessarily incurred in discharging his duties, and in addition may be paid the remuneration fixed by regulation.

1977-73-3.

Term of office

3. The term of office of a member or adviser is during pleasure but, except for the chairman, shall not exceed 4 years for a member or 2 years for an adviser...

1977-73-4.

Agent of Crown; service

4. (1) The commission is for all purposes an agent of the Crown and may in its own name acquire and dispose of property.

(2) An order of the commissioner may be delivered personally or by registered mail. Service by mail is deemed to be made 7 days after mailing.

1973-46-4; 1977-73-15.

Staff

5. (1) There may be appointed under the *Public Service Act* officers and other employees necessary for the purpose of this Act. The commission may determine their duties.

(2) The Lieutenant Governor in Council may appoint, during pleasure, a general manager of the commission, fix his remuneration and declare that the *Public Service Act* applies to him.

(3) The Lieutenant Governor in Council may declare the *Pension (Public Service) Act* applicable to members of the commission and to the general manager.

(4) The commission may, with the approval of the minister, retain consultants considered advisable and fix their remuneration.

1973-46-5.

Bylaws, etc.

6. The commission may pass bylaws and resolutions, not contrary to law or this Act, considered advisable for the conduct of the affairs of the commission.

1973-46-6.

Objects and powers

7. It is the object of the commission to

- (a) preserve agricultural land;
- (b) encourage the establishment and maintenance of farms, and the use of land in an agricultural land reserve compatible with agricultural purposes; and
- (c) assist municipalities and regional districts in the preparation of land reserve plans required under this Act.

For these objects, the commission has power, by itself or in cooperation with Canada, any of its agencies or corporations, a ministry of the Province, a municipality or a regional district, to acquire and dispose of property.

1977-73-5.

Agricultural land

8. For the purposes of section 7, the commission may with the prior approval of the Lieutenant Governor in Council, designate as agricultural land, land, including Crown land, that is suitable for farm use.

1973-46-8(1,5).

Plans

9. (1) The board of every regional district, alone or in cooperation with its member municipalities, shall, with the assistance of the commission if required, including financial assistance if approved by the commission, within the time allowed by the commission, adopt by bylaw a land reserve plan and file the bylaw and plan with the commission.

(2) A regional board or municipal council shall not adopt a bylaw for the purpose of this section until it has held a public hearing, notice of which has been published in the manner set out in section 720 of the *Municipal Act*, and a majority of all members of council or of all directors of a regional board vote for the bylaw. Section 720 of the *Municipal Act* applies, with the necessary changes and so far as are applicable, to the hearing.

(3) Where the commission considers it advisable to amend the plan to better carry out the intent of this Act, it may recommend amendments to the plan to the Lieutenant Governor in Council.

(4) Where the municipal council or regional board fails or refuses to prepare and file a plan with the commission, the commission shall, subject to subsections (5) and (6) and section 10 (1), prepare a land reserve plan and submit the land reserve plan to the Lieutenant Governor in Council for approval.

(5) The commission shall not submit the plan prepared under subsection (4) to the Lieutenant Governor in Council until it has held a public hearing similar to that in subsection (2).

(6) For the hearing

(a) the commission has the powers of a commissioner under sections 12, 15 and 16 of the *Inquiry Act*;

(b) the commission may accept written submissions or any other form of evidence; and

(c) 3 members of the commission have and may exercise all the powers of the commission.

1973-46-8(2,3,4,6,7,8,9); 1977-73-6.

Land reserves

10. (1) The Lieutenant Governor in Council may approve a land reserve plan as submitted by the commission with or without such alterations or variations as he may consider advisable to carry out the intent of this Act. On approval the commission, shall for municipal and regional plans and may for commission plans, designate the agricultural land shown in the plan as an agricultural land reserve.

(2) Pending the establishment of an agricultural land reserve in a municipality or regional district under this section, all land zoned for agricultural or farm use under a bylaw of the municipality or district passed prior to December 21, 1972, is deemed to be an agricultural land reserve unless excepted by the commission.

(3) The Lieutenant Governor in Council may, on his own, on the application of a municipality or regional district for land within its territory or on the application of the commission, approve land for addition to a designated land reserve plan, and the commission may designate the agricultural land an agricultural land reserve.

(4) For an application under subsection (3), the municipality, regional district or commission shall hold a public hearing in the manner and after the notice determined by regulation. A report of the meeting shall accompany the application.

(5) The commission may, on application of an owner of land, with the approval of the Lieutenant Governor in Council and if it considers that designation carries out the intent of this Act, designate all or part of the land described in the application as or as part of an agricultural land reserve.

1973-46-8(10-14); 1977-73-6.

Exclusion etc. from land reserve

11. (1) The Lieutenant Governor in Council may, on his own, on application of a municipality or regional district for land within its territory or on application of the commission, exclude land from a reserve, on the terms he considers advisable.

(2) The Lieutenant Governor in Council may, on the application of a municipality or regional district for land within its territory, or of the commission, without excluding the land from a reserve, grant permission on any terms he considers advisable for other

than farm use subject to compliance by the owner or occupier with the applicable Acts, regulations, bylaws of the municipality or regional district, and the decisions and orders of any person or body having jurisdiction over the land under an enactment.

(3) Before the application is made, the proposed applicant shall hold a public hearing in the manner and with the notice determined by regulation. A report of the public hearing shall accompany the application.

1977-73-7(part).

Application for exclusion

12. (1) An owner of land aggrieved by a designation of his land as reserve land may, notwithstanding an appearance before or representations to the municipality, regional district or commission under section 9, apply to the commission to have his land excluded from a land reserve.

(2) The commission may, after a hearing held in the manner and after the notice required by regulation, allow the application on the terms it considers advisable or refuse the application.

(3) The commission may in its discretion, pending or after the hearing, with the consent of the applicant, permit, on terms, a use other than a farm use.

(4) Where land was, immediately prior to December 21, 1972, zoned for agricultural or farm use under a municipal or regional district bylaw subsisting on that date, the owner may not apply to the commission under this section unless so authorized by a resolution of the municipality or regional district.

(5) The commission shall, at the the owner's request, deliver to him its decision in writing, and allow him to examine, and make available to him, copies of all relevant documents in the custody of the commission.

1977-73-7(part).

Appeal

13. (1) A person who is dissatisfied with the decision of the commission on an application for exemption, on being granted leave to appeal by any 2 members of the commission, may appeal in the prescribed manner to the Environment and Land Use Committee under the *Environment and Land Use Act*.

(2) Where an application is received by the commission after September 27, 1977, and a person is refused leave to appeal, the person may, not later than 30 days after the refusal, apply in the prescribed manner to the minister for leave to appeal in the prescribed manner to the Environment and Land Use Committee.

(3) The Environment and Land Use Committee may, after a hearing, allow the appeal subject to the terms it considers advisable, or dismiss the appeal and, in the event the appeal is dismissed, may order that costs of the hearing, as determined by the committee, be paid by the appellant. In the event the appeal is allowed, the committee may order that reasonable costs incurred by the appellant, as determined by the committee, be paid by the commission.

(4) The commission is entitled to be a party on the appeal.

1977-73-7(part).

Plan to be amended

14. Where land is excluded from a land reserve plan by order of the Lieutenant Governor in Council, the commission or the Environment and Land Use Committee, the commission shall amend the land reserve plan accordingly and notify the appropriate municipality or regional district and registrar of titles.

1977-73-7(part).

Use of land reserve

15. (1) This section and sections 16 to 22 apply to agricultural land designated as an agricultural land reserve.

(2) No person shall use agricultural land for any purpose other than farm use, except as permitted by this Act, the regulations or an order of the commission, on terms the commission may impose.

(3) In addition to the limitations set out in section 23 (1) of the *Land Title Act*, a certificate of title heretofore issued for agricultural land is subject, by implication and without endorsement on the certificate of title, to this Act and the regulations governing the reserve and farm use of the land.

(4) The registrar of titles shall endorse on every certificate of title to agricultural land hereafter issued, that the certificate may be affected by this Act.

1973-46-10(1,2); 1978-25-335.

Further use

16. After December 21, 1972, except as permitted by this Act, the regulations or any terms imposed in an order of the commission,

- (a) a municipality or regional district, or any authority, board or other agency established by it or person designated under the *Local Area Act* may not permit agricultural land to be used for other than farm use, or permit a building to be erected on the land except for farm use or for residences necessary to farm use or as permitted by regulation;
- (b) an approving officer under the *Land Title Act* or the *Municipal Act* or a Board of Variance may not permit agricultural land to be used for other than farm use.

1973-46-10; 1978-25-332.

Covenant

17. (1) A covenant in favour of the commission may, with the consent of the covenantor, be registered as a charge against the title and is enforceable against the covenantor and his successors in title, even if the covenant is not annexed to land owned by the commission.

(2) The covenant may be

- (a) for the use of land, subdivision of land or the use of a building on or to be erected on land;
- (b) that land is or is not to be built on; or
- (c) that several parcels of land are not to be transferred separately.

(3) A charge registered under this section may be modified by the commission and the owner of the land or discharged by the commission by an instrument in writing executed under the *Land Title Act*.

1977-73-8; 1978-25-332.

Registration restrictions

18. A registrar of titles may not

- (a) accept a subdivision, reference, explanatory or other plan showing subdivision of land; or
- (b) permit a new parcel of land by a metes and bounds description or an abbreviated description,

under the *Land Title Act*, *Condominium Act* or *Real Estate Act*, ~~where all or part of the land is~~ in an agricultural land reserve.

1977-73-8; 1978-25-332.

Exception

19. (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*, less than 2 acres in area.

(2) The restrictions on the use of agricultural land do not apply to land lawfully used for other than a farm use, established and carried on continuously for at least 6 months immediately prior to December 21, 1972, unless and until

- (a) the use is changed, other than to farm use, without the permission of the commission;
- (b) an enactment made after December 21, 1972, prohibits the use; or
- (c) permission for the use granted under an enactment is withdrawn or expires.

1973-46-11(1,2).

Application for other than farm use

20. (1) The commission may, under the regulations, hear applications for permission for a use other than a farm use, may grant or refuse permission for that use and may impose the terms it considers advisable.

(2) Where land was, immediately prior to December 21, 1972, zoned for agricultural or farm use under a municipal or regional district bylaw, the owner may not apply to the commission under this section unless so authorized by a resolution of the municipality or the regional district.

1973-46-11(4,4a); 1977-73-9.

Appeal

21. An owner of land, aggrieved by an order of the commission refusing permission for a use other than a farm use or imposing terms on permission for that use, may appeal, on a question of law or excess of jurisdiction only, by way of stated case to the Supreme Court. The provisions of the *Offence Act* for appeals by way of stated case apply, with the necessary changes and so far as are applicable, to the appeal and to any further appeal. A reference in that Act to a justice is deemed to be a reference to the commission.

1973-46-11(5).

Additional powers

22. The commission may for agricultural land

- (a) carry on farming operations on commission land or agree with other persons to do so;
- (b) withdraw from an agricultural land reserve agricultural land owned by the commission and, with the approval of the Lieutenant Governor in Council, dispose of the land to the Crown to be dealt with under the *Land Act*; and
- (c) dispose of agricultural land owned by the commission, with the approval of the Lieutenant Governor in Council, to private ownership for permanent farm use, or any other use considered by the commission to

be in the public interest, subject to any terms the commission may impose.

1973-46-12; 1977-73-10.

Capital improvements

23. The commission may make capital improvements on commission land where it considers them desirable for the efficient use of its land or other land in the vicinity, and pay for or purchase capital improvements made on commission land by any person.

1973-46-13.

Taxes

24. Where commission land is unoccupied or a lease of commission land does not provide for the payment of tax by the lessee, the commission may pay to the municipality or regional district a grant in place of taxes.

1973-46-14.

Fees

25. The commission may establish, with the approval of the Lieutenant Governor in Council, a schedule of fees to be paid to the commission for the preparation of leases and other documents, for appraisals and evaluations of land and for copies of documents of the commission.

1973-46-15.

No compensation for reserve land

26. Land shall be deemed not to be taken or injuriously affected by reason of its designation as an agricultural land reserve.

1973-46-16.

Agreements

27. The minister may, for the purposes of this Act, with the approval of the Lieutenant Governor in Council, enter into agreements with Canada, a municipality, a regional district or an agent of the Crown.

1973-46-17; 1977-75-9.

Report and statement

28. (1) The commission shall submit annually to the Lieutenant Governor in Council, not later than 90 days after the end of its fiscal year,

(a) a report of its operations for the preceding fiscal year;

(b) a financial statement showing its business for that fiscal year, in the form required by the Comptroller General.

(2) The report shall be laid before the Legislative Assembly within 15 sitting days, following submission, of the session next following the end of the fiscal year.

1973-46-18.

Application of other Acts

29. (1) This Act and regulations are not subject to any other enactment, whenever enacted, except the *Interpretation Act*, the *Environment and Land Use Act*, the *Pollution Control Act* and as provided in this Act or regulations.

(2) The Lieutenant Governor in Council may, by order, declare that a provision of the *Company Act* applies to the commission but otherwise the *Company Act* does not apply to the commission.

1973-46-20(1,7,8).

Power under other Acts

30. A minister or agent of the Crown shall not exercise a power granted under another enactment except in accordance with this Act and regulations.

1973-46-20(1).

Conflict with bylaws

31. (1) Nothing in this Act or the regulations affects or impairs the validity of a municipal or regional district bylaw relating to the use of agricultural land in an agricultural land reserve except in so far as the bylaw is inconsistent with this Act, the regulations or an order of the commission. In case of an inconsistency this Act, the regulations and the order prevail and the inconsistent portion is suspended.

(2) A municipal or regional district bylaw that provides restrictions on farm use of agricultural land additional to those provided by this Act and the regulations is not, for that reason alone, inconsistent with this Act and the regulations.

1973-46-20(4,5,6)

Appropriation

32. Money required for the purposes of this Act shall be paid out of the consolidated revenue fund with money authorized by an Act of the Legislature for such purposes.

1973-46-21.

Bonding

33. The Lieutenant Governor in Council or the commission may require an applicant under this Act, whose application has been granted on terms, to post a bond pursuant to the *Bonding Act* and the regulations to ensure compliance with the terms.

1977-73-15.

Enforcement

34. Where the commission believes that a present or future activity or use of land in an agricultural land reserve may contravene this Act, the regulations or an order of the commission, the commission

- (a) may order the owner or occupant to refrain from the activity or use for a period not exceeding 60 days, and to make written or oral submissions to the commission as it requires to determine any likely impairment of the agricultural capability of the land;
- (b) may apply to the Supreme Court for an order restraining the owner or occupant from commencing or continuing the activity or use of land in contravention of this Act, the regulations or an order of the commission.

[Note: see section 6. Soil Conservation Act.]

1977-73-15.

Determination and order

35. Where after a submission and a determination that the activity, or use of land, would likely impair agricultural capability, or where no submission is made, the commission may, by order

- (a) impose on the owner or occupant the terms for activity or use of the land it considers advisable; or
- (b) require that the land be restored to its former condition as agricultural land, to the satisfaction of the commission; and
- (c) require a bond to ensure compliance.

In case of default under paragraph (b), the commission may perform the work, and the cost is a debt due to the commission by the owner or occupant in default.

1977-73-15.

Transitional

36. Notwithstanding sections 29 and 30, where Crown land established as an agricultural land reserve under this Act has been leased by the Crown, or sold by agreement for sale by the Crown and not transferred to the purchaser before December 21, 1972, and on that date was being used for a purpose other than farm use, and not in contravention of the terms of the lease or agreement, that use may continue until termination of the lease or issue of title to the purchaser under the agreement for sale.

1973-46-20(3).

Regulations

37. The Lieutenant Governor in Council may make regulations.

1977-73-11.

[Note: Act assented to April 18, 1973 and came into force on proclamation, which could have been declared to be before or after enactment. The declaration power was not exercised. 1973-46-22.]

BILL

No. 33]

[1980

Revised Statutes Correction Act, 1980

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Agricultural Land Commission Act Amendments

1. Section 4 (2) of the Agricultural Land Commission Act, R.S.B.C. 1979, c. 9, is amended by striking out "commissioner" and substituting "commission".
2. Section 13 (1) is amended by striking out "exemption," and substituting "exclusion,".
3. Section 17 (1) is amended by adding ", whether of a negative or positive nature," after "A covenant".
4. Section 18 is amended
 - (a) by adding "an application for deposit of" after "accept", and
 - (b) by striking out "where all or part of the land is" and substituting ", all or part of which consists of land".
5. Section 28 is amended
 - (a) in subsection (1) by striking out ", not later than 90 days after the end of its fiscal year," and
 - (b) in subsection (2) by adding at the end ", but the commission need not submit its report sooner than 90 days after the end of its fiscal year".

Forest Act Amendment

6. Section 14 (1) of the Forest Act, R.S.B.C. 1979, c. 140, is repealed and the following substituted:

- (1) With the approval of the regional manager the holder of one or more, or a combination of,
 (a) timber sale harvesting licences, and
 (b) timber sale licences entered into under this or the former Act,
 may surrender it or them for replacement by one or more forest licences under subsection (2).

Insurance (Marine) Act Amendment

7. The Insurance (Marine) Act, R.S.B.C. 1979, c. 203, is amended by adding the following sections:

Partial interest

9. A partial interest is insurable.

Reinsurance

10. (1) The insurer under a contract of marine insurance has an insurable interest in his risk and may reinsure in respect of it.
 (2) Unless the policy otherwise provides, the original assured has no right or interest in respect of the reinsurance.

Bottomry

11. The lender of money on bottomry or respondentia has an insurable interest in respect of the loan.

Municipal Act Amendment

8. Section 717 (2) of the Municipal Act, R.S.B.C. 1979, c. 290, is amended by striking out "in one or more ways is specified in the bylaw,".

Railway Act Amendment

9. The definition of "aerial tramway" in section 1 of the Railway Act, R.S.B.C. 1979, c. 354, is amended by striking out "overhead".

Sale of Goods on Condition Act Amendments

10. Section 3 of the Sale of Goods on Condition Act, R.S.B.C. 1979, c. 373, is amended
 (a) by striking out "section 5," and substituting "section 4," and
 (b) by striking out "section 3," and substituting "section 2,".

BILL

No. 60]

[1980

Miscellaneous Statutes Amendment Act (No. 2), 1980

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Agricultural Land Commission Act Amendments

3. Section 8 of the Agricultural Land Commission Act, R.S.B.C. 1979, c. 9, is amended by adding at the end "and on being so designated the land is established as an agricultural land reserve".
4. Section 10 is amended
- (a) in subsection (1) by striking out the second sentence, and
 - (b) by adding the following subsection:
(1.1) If the commission considers that the plan referred to in subsection (1) carries out the purpose of this Act, the commission may designate the agricultural land shown on the plan as an agricultural land reserve.
5. Section 11 (2) is amended by striking out "grant permission on any terms he considers advisable for other than farm use" and substituting "grant permission under section 15 (2), 16, 18 or 19 (2) on any terms he considers advisable".
6. Section 18 is amended by adding at the beginning "Except as permitted by this Act or the regulations or by an order of the commission on terms and conditions the commission may impose,".
7. Section 20 (1) is repealed and the following substituted:
(1) The commission may, under the regulations, hear applications for permission under section 15 (2), 16, 18 or 19 (2) and may grant or refuse permission and may impose the terms it considers advisable.
8. Section 32 is repealed and the following substituted:

Appropriation

32. Money required for the purposes of this Act may
- (a) in the absence of an appropriation, or
 - (b) where money appropriated is insufficient,
- be paid out of the consolidated revenue fund to the commission in amounts approved by the Lieutenant Governor in Council.

AGRICULTURAL LAND COMMISSION ACT

CHAPTER 9

Interpretation

[Consolidated December 22, 1980.]

1. In this Act

- "agricultural land" means land so designated under this Act;
- "commission" means the commission continued under this Act;
- "commission land" means land acquired by the commission for the purposes of this Act;
- "farm use" means an occupation or use of land for farm purposes, including husbandry of land, plants and animals and any other similar activity designated as farm use by regulation;
- "land reserve plan" means a plan prepared under this Act according to the regulations and which sets out the areas that, subject to the approval of the Lieutenant Governor in Council, may be designated by the commission as an agricultural land reserve;
- "reserve" means a reserve of land established under this Act.

1973-46-1; 1977-73-2.

Provincial Agricultural Land Commission

2. (1) The Provincial Agricultural Land Commission is continued as a corporation consisting of not less than 5 members appointed by the Lieutenant Governor in Council. The members constitute the directors.

(2) The Lieutenant Governor in Council shall designate one member as chairman and may designate another member as vice chairman.

(3) The Lieutenant Governor in Council may appoint regional advisers to the commission. The commission may designate one or more of the regional advisers to assist and advise the commission on a matter pertaining to a resource management region established by the Environment and Land Use Committee under the *Environment and Land Use Act*.

(4) Each member and each regional adviser shall be reimbursed for reasonable travelling and out of pocket expenses necessarily incurred in discharging his duties, and in addition may be paid the remuneration fixed by regulation. *the L.G. in C*

1977-73-3.

Amended SBC

1983 C10

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Term of office

3. The term of office of a member or adviser is during pleasure but, except for the chairman, shall not exceed 4 years for a member or 2 years for an adviser.

1977-73-4.

Agent of Crown; service

4. (1) The commission is for all purposes an agent of the Crown and may in its own name acquire and dispose of property.

(2) An order of the commission may be delivered personally or by registered mail. Service by mail is deemed to be made 7 days after mailing.

1973-46-4; 1977-73-15; 1980-49-1, effective May 17, 1980.

Staff

5. (1) There may be appointed under the *Public Service Act* officers and other employees necessary for the purpose of this Act. The commission may determine their duties.

(2) The Lieutenant Governor in Council may appoint, during pleasure, a general manager of the commission, fix his remuneration and declare that the *Public Service Act* applies to him.

(3) The Lieutenant Governor in Council may declare the *Pension (Public Service) Act* applicable to members of the commission and to the general manager.

(4) The commission may, with the approval of the minister, retain consultants considered advisable and fix their remuneration.

1973-46-5.

Bylaws, etc.

6. The commission may pass bylaws and resolutions, not contrary to law or this Act, considered advisable for the conduct of the affairs of the commission.

1973-46-6.

Objects and powers

7. It is the object of the commission to

- (a) preserve agricultural land;
- (b) encourage the establishment and maintenance of farms, and the use of land in an agricultural land reserve compatible with agricultural purposes; and
- (c) assist municipalities and regional districts in the preparation of land reserve plans required under this Act.

For these objects, the commission has power, by itself or in cooperation with Canada, any of its agencies or corporations, a ministry of the Province, a municipality or a regional district, to acquire and dispose of property.

1977-73-5.

Agricultural land

8. For the purposes of section 7, the commission may with the prior approval of the Lieutenant Governor in Council, designate as agricultural land, land, including Crown land, that is suitable for farm use, and on being so designated the land is established as an agricultural land reserve.

1973-46-8(1,5); 1980-36-3, proclaimed October 2, 1980, effective May 17, 1980.

Plans

9. (1) The board of every regional district, alone or in cooperation with its member municipalities, shall, with the assistance of the commission if required, including financial assistance if approved by the commission, within the time allowed by the commission, adopt by bylaw a land reserve plan and file the bylaw and plan with the commission.

(2) A regional board or municipal council shall not adopt a bylaw for the purpose of this section until it has held a public hearing, notice of which has been published in the manner set out in section 720 of the *Municipal Act*, and a majority of all members of council or of all directors of a regional board vote for the bylaw. Section 720 of the *Municipal Act* applies, with the necessary changes and so far as are applicable, to the hearing.

(3) Where the commission considers it advisable to amend the plan to better carry out the intent of this Act, it may recommend amendments to the plan to the Lieutenant Governor in Council.

(4) Where the municipal council or regional board fails or refuses to prepare and file a plan with the commission, the commission shall, subject to subsections (5) and (6) and section 10 (1), prepare a land reserve plan and submit the land reserve plan to the Lieutenant Governor in Council for approval.

(5) The commission shall not submit the plan prepared under subsection (4) to the Lieutenant Governor in Council until it has held a public hearing similar to that in subsection (2).

(6) For the hearing

(a) the commission has the powers of a commissioner under sections 12, 15 and 16 of the *Inquiry Act*;

(b) the commission may accept written submissions or any other form of evidence; and

(c) 3 members of the commission have and may exercise all the powers of the commission.

1973-46-8(2,3,4,6,7,8,9); 1977-73-6.

Land reserves

10. (1) The Lieutenant Governor in Council may approve a land reserve plan as submitted by the commission with or without such alterations or variations as he may consider advisable to carry out the intent of this Act.

(1.1) If the commission considers that the plan referred to in subsection (1) carries out the purpose of this Act, the commission may designate the agricultural land shown on the plan as an agricultural land reserve.

(2) Pending the establishment of an agricultural land reserve in a municipality or regional district under this section, all land zoned for agricultural or farm use under a bylaw of the municipality or district passed prior to December 21, 1972, is deemed to be an agricultural land reserve unless excepted by the commission.

(3) The Lieutenant Governor in Council may, on his own, on the application of a municipality or regional district for land within its territory or on the application of the commission, approve land for addition to a designated land reserve plan, and the commission may designate the agricultural land an agricultural land reserve.

(4) For an application under subsection (3), the municipality, regional district or commission shall hold a public hearing in the manner and after the notice determined by regulation. A report of the meeting shall accompany the application.

(5) The commission may, on application of an owner of land, with the approval of the Lieutenant Governor in Council and if it considers that designation carries out the intent of this Act, designate all or part of the land described in the application as or as part of an agricultural land reserve.

1973-46-8(10-14); 1977-73-6; 1980-36-4, proclaimed October 2, 1980, effective May 17, 1980.

Exclusion etc. from land reserve

11. (1) The Lieutenant Governor in Council may, on his own, on application of a municipality or regional district for land within its territory or on application of the commission, exclude land from a reserve, on the terms he considers advisable.

(2) The Lieutenant Governor in Council may, on the application of a municipality or regional district for land within its territory, or of the commission, without excluding the land from a reserve, grant permission under section 15 (2), 16, 18 or 19 (2) on any terms he considers advisable subject to compliance by the owner or occupier with the applicable Acts, regulations, bylaws of the municipality or regional district, and the decisions and orders of any person or body having jurisdiction over the land under an enactment.

(3) Before the application is made, the proposed applicant shall hold a public hearing in the manner and with the notice determined by regulation. A report of the public hearing shall accompany the application.

1977-73-7(part); 1980-36-5, proclaimed October 2, 1980, effective May 17, 1980.

Application for exclusion

12. (1) An owner of land aggrieved by a designation of his land as reserve land may, notwithstanding an appearance before or representations to the municipality, regional district or commission under section 9, apply to the commission to have his land excluded from a land reserve.

(2) The commission may, after a hearing held in the manner and after the notice required by regulation, allow the application on the terms it considers advisable or refuse the application.

(3) The commission may in its discretion, pending or after the hearing, with the consent of the applicant, permit, on terms, a use other than a farm use.

(4) Where land was, immediately prior to December 21, 1972, zoned for agricultural or farm use under a municipal or regional district bylaw subsisting on that date, the owner may not apply to the commission under this section unless so authorized by a resolution of the municipality or regional district.

(5) The commission shall, at the owner's request, deliver to him its decision in writing, and allow him to examine, and make available to him, copies of all relevant documents in the custody of the commission.

1977-73-7(part).

Appeal

13. (1) A person who is dissatisfied with the decision of the commission on an application for exclusion, on being granted leave to appeal by any 2 members of the commission, may appeal in the prescribed manner to the Environment and Land Use Committee under the *Environment and Land Use Act*.

(2) Where an application is received by the commission after September 27, 1977, and a person is refused leave to appeal, the person may, not later than 30 days after the refusal, apply in the prescribed manner to the minister for leave to appeal in the prescribed manner to the Environment and Land Use Committee.

(3) The Environment and Land Use Committee may, after a hearing, allow the appeal subject to the terms it considers advisable, or dismiss the appeal and, in the event the appeal is dismissed, may order that costs of the hearing, as determined by the committee, be paid by the appellant. In the event the appeal is allowed, the committee may order that reasonable costs incurred by the appellant, as determined by the committee, be paid by the commission.

(4) The commission is entitled to be a party on the appeal.

1977-73-7(part); 1980-49-2, effective May 17, 1980.

Plan to be amended

14. Where land is excluded from a land reserve plan by order of the Lieutenant Governor in Council, the commission or the Environment and Land Use Committee, the commission shall amend the land reserve plan accordingly and notify the appropriate municipality or regional district and registrar of titles.

1977-73-7(part).

Use of land reserve

15. (1) This section and sections 16 to 22 apply to agricultural land designated as an agricultural land reserve.

(2) No person shall use agricultural land for any purpose other than farm use, except as permitted by this Act, the regulations or an order of the commission, on terms the commission may impose.

(3) In addition to the limitations set out in section 23 (1) of the *Land Title Act*, a certificate of title heretofore issued for agricultural land is subject, by implication and without endorsement on the certificate of title, to this Act and the regulations governing the reserve and farm use of the land.

(4) The registrar of titles shall endorse on every certificate of title to agricultural land hereafter issued, that the certificate may be affected by this Act.

1973-46-10(1,2); 1978-25-335.

Further use

16. After December 21, 1972, except as permitted by this Act, the regulations or any terms imposed in an order of the commission,

- (a) a municipality or regional district, or any authority, board or other agency established by it or person designated under the *Local Area Act* may not permit agricultural land to be used for other than farm use, or permit a building to be erected on the land except for farm use or for residences necessary to farm use or as permitted by regulation;
- (b) an approving officer under the *Land Title Act* or the *Municipal Act* or a Board of Variance may not permit agricultural land to be used for other than farm use.

1973-46-10; 1978-25-332.

Covenant

17. (1) A covenant, whether of a negative or positive nature, in favour of the commission may, with the consent of the covenantor, be registered as a charge against the title and is enforceable against the covenantor and his successors in title, even if the covenant is not annexed to land owned by the commission.

(2) The covenant may be

- (a) for the use of land, subdivision of land or the use of a building on or to be erected on land;
- (b) that land is or is not to be built on; or
- (c) that several parcels of land are not to be transferred separately.

(3) A charge registered under this section may be modified by the commission and the owner of the land or discharged by the commission by an instrument in writing executed under the *Land Title Act*.

1977-73-8; 1978-25-332; 1980-49-3, effective May 17, 1980.

Registration restrictions

18. Except as permitted by this Act or the regulations or by an order of the commission on terms and conditions the commission may impose, a registrar of titles may not

- (a) accept an application for deposit of a subdivision, reference, explanatory or other plan showing subdivision of land; or
- (b) permit a new parcel of land by a metes and bounds description or an abbreviated description,

under the *Land Title Act*, *Condominium Act* or *Real Estate Act*, all or part of which consists of land in an agricultural land reserve.

1977-73-8; 1978-25-332; 1980-36-6, proclaimed October 2, 1980, effective May 17, 1980; 1980-49-4, effective May 17, 1980.

Exception

19. (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*, less than 2 acres in area.

(2) The restrictions on the use of agricultural land do not apply to land lawfully used for other than a farm use, established and carried on continuously for at least 6 months immediately prior to December 21, 1972, unless and until

- (a) the use is changed, other than to farm use, without the permission of the commission;
- (b) an enactment made after December 21, 1972, prohibits the use; or
- (c) permission for the use granted under an enactment is withdrawn or expires.

1973-46-11(1,2).

Application for other than farm use

20. (1) The commission may, under the regulations, hear applications for permission under section 15 (2), 16, 18 or 19 (2) and may grant or refuse permission and may impose the terms it considers advisable.

(2) Where land was, immediately prior to December 21, 1972, zoned for agricultural or farm use under a municipal or regional district bylaw, the owner may not apply to the commission under this section unless so authorized by a resolution of the municipality or the regional district.

1973-46-11(4,4a); 1977-73-9; 1980-36-7, proclaimed October 2, 1980, effective May 17, 1980.

Appeal

21. An owner of land, aggrieved by an order of the commission refusing permission for a use other than a farm use or imposing terms on permission for that use, may appeal, on a question of law or excess of jurisdiction only, by way of stated case to the Supreme Court. The provisions of the *Offence Act* for appeals by way of stated case apply, with the necessary changes and so far as are applicable, to the appeal and to any further appeal. A reference in that Act to a justice is deemed to be a reference to the commission.

1973-46-11(5).

Additional powers

22. The commission may for agricultural land

- (a) carry on farming operations on commission land or agree with other persons to do so;

- (b) withdraw from an agricultural land reserve agricultural land owned by the commission and, with the approval of the Lieutenant Governor in Council, dispose of the land to the Crown to be dealt with under the *Land Act*; and
- (c) dispose of agricultural land owned by the commission, with the approval of the Lieutenant Governor in Council, to private ownership for permanent farm use, or any other use considered by the commission to be in the public interest, subject to any terms the commission may impose.

1973-46-12; 1977-73-10.

Capital improvements

23. The commission may make capital improvements on commission land where it considers them desirable for the efficient use of its land or other land in the vicinity, and pay for or purchase capital improvements made on commission land by any person.

1973-46-13.

Taxes

24. Where commission land is unoccupied or a lease of commission land does not provide for the payment of tax by the lessee, the commission may pay to the municipality or regional district a grant in place of taxes.

1973-46-14.

Fees

25. The commission may establish, with the approval of the Lieutenant Governor in Council, a schedule of fees to be paid to the commission for the preparation of leases and other documents, for appraisals and evaluations of land and for copies of documents of the commission.

1973-46-15.

No compensation for reserve land

26. Land shall be deemed not to be taken or injuriously affected by reason of its designation as an agricultural land reserve.

1973-46-16.

Agreements

27. The minister may, for the purposes of this Act, with the approval of the Lieutenant Governor in Council, enter into agreements with Canada, a municipality, a regional district or an agent of the Crown.

1973-46-17; 1977-75-9.

Report and statement

28. (1) The commission shall submit annually to the Lieutenant Governor in Council

- (a) a report of its operations for the preceding fiscal year;
- (b) a financial statement showing its business for that fiscal year, in the form required by the Comptroller General.

(2) The report shall be laid before the Legislative Assembly within 15 sitting days, following submission, of the session next following the end of the fiscal year, but the commission need not submit its report sooner than 90 days after the end of its fiscal year.

1973-46-18; 1980-49-5, effective May 17, 1980.

Application of other Acts

29. (1) This Act and regulations are not subject to any other enactment, whenever enacted, except the *Interpretation Act*, the *Environment and Land Use Act*, the *Pollution Control Act* and as provided in this Act or regulations.

(2) The Lieutenant Governor in Council may, by order, declare that a provision of the *Company Act* applies to the commission but otherwise the *Company Act* does not apply to the commission.

1973-46-20(1,7,8).

Power under other Acts

30. A minister or agent of the Crown shall not exercise a power granted under another enactment except in accordance with this Act and regulations.

1973-46-20(1).

Conflict with bylaws

31. (1) Nothing in this Act or the regulations affects or impairs the validity of a municipal or regional district bylaw relating to the use of agricultural land in an agricultural land reserve except in so far as the bylaw is inconsistent with this Act, the regulations or an order of the commission. In case of an inconsistency this Act, the regulations and the order prevail and the inconsistent portion is suspended.

(2) A municipal or regional district bylaw that provides restrictions on farm use of agricultural land additional to those provided by this Act and the regulations is not, for that reason alone, inconsistent with this Act and the regulations.

1973-46-20(4,5,6)

Appropriation

32. Money required for the purposes of this Act may

(a) in the absence of an appropriation, or

(b) where money appropriated is insufficient,

be paid out of the consolidated revenue fund to the commission in amounts approved by the Lieutenant Governor in Council.

1980-36-8, proclaimed October 2, 1980, effective May 17, 1980.

Bonding

33. The Lieutenant Governor in Council or the commission may require an applicant under this Act, whose application has been granted on terms, to post a bond pursuant to the *Bonding Act* and the regulations to ensure compliance with the terms.

1977-73-15.

Enforcement

34. Where the commission believes that a present or future activity or use of land in an agricultural land reserve may contravene this Act, the regulations or an order of the commission, the commission

(a) may order the owner or occupant to refrain from the activity or use for a period not exceeding 60 days, and to make written or oral submissions to the commission as it requires to determine any likely impairment of the agricultural capability of the land;

- (b) may apply to the Supreme Court for an order restraining the owner or occupant from commencing or continuing the activity or use of land in contravention of this Act, the regulations or an order of the commission.
[Note: see section 6, Soil Conservation Act.]

1977-73-15.

Determination and order

35. Where after a submission and a determination that the activity, or use of land, would likely impair agricultural capability, or where no submission is made, the commission may, by order

- (a) impose on the owner or occupant the terms for activity or use of the land it considers advisable; or
- (b) require that the land be restored to its former condition as agricultural land, to the satisfaction of the commission; and
- (c) require a bond to ensure compliance.

In case of default under paragraph (b), the commission may perform the work, and the cost is a debt due to the commission by the owner or occupant in default.

1977-73-15.

Transitional

36. Notwithstanding sections 29 and 30, where Crown land established as an agricultural land reserve under this Act has been leased by the Crown, or sold by agreement for sale by the Crown and not transferred to the purchaser before December 21, 1972, and on that date was being used for a purpose other than farm use, and not in contravention of the terms of the lease or agreement, that use may continue until termination of the lease or issue of title to the purchaser under the agreement for sale.

1973-46-20(3).

Regulations

37. The Lieutenant Governor in Council may make regulations.

1977-73-11.

[Note: Act assented to April 18, 1973 and came into force on proclamation, which could have been declared to be before or after enactment. The declaration power was not exercised. 1973-46-22.]

AGRICULTURAL LAND COMMISSION ACT

[Consolidated January 20, 1984.]

CHAPTER 9

[Act administered by the Ministry of Agriculture and Food]

Interpretation

1. In this Act

"agricultural land" means land so designated under this Act;

"commission" means the commission continued under this Act;

"commission land" means land acquired by the commission for the purposes of this Act;

"farm use" means an occupation or use of land for farm purposes, including husbandry of land, plants and animals and any other similar activity designated as farm use by regulation;

"land reserve plan" means a plan prepared under this Act according to the regulations and which sets out the areas that, subject to the approval of the Lieutenant Governor in Council, may be designated by the commission as an agricultural land reserve;

"reserve" means a reserve of land established under this Act.

1973-46-1; 1977-73-2.

Provincial Agricultural Land Commission

2. (1) The Provincial Agricultural Land Commission is continued as a corporation consisting of not less than 5 members appointed by the Lieutenant Governor in Council. The members constitute the directors.

(2) The Lieutenant Governor in Council shall designate one member as chairman and may designate another member as vice chairman.

(3) The Lieutenant Governor in Council may appoint regional advisers to the commission. The commission may designate one or more of the regional advisers to assist and advise the commission on a matter pertaining to a resource management region established by the Environment and Land Use Committee under the *Environment and Land Use Act*.

(4) Each member and each regional adviser shall be reimbursed for reasonable travelling and out of pocket expenses necessarily incurred in discharging his duties, and in addition may be paid the remuneration fixed by the Lieutenant Governor in Council.

1977-73-3; 1983-10-21, effective October 26, 1983 (B.C. Reg. 393/83).

Term of office

3. The term of office of a member or adviser is during pleasure but, except for the chairman, shall not exceed 4 years for a member or 2 years for an adviser.

1977-73-4.

Agent of Crown; service

4. (1) The commission is for all purposes an agent of the Crown and may in its own name acquire and dispose of property.

(2) An order of the commission may be delivered personally or by registered mail. Service by mail is deemed to be made 7 days after mailing.

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5. (1) There may be appointed under the *Public Service Act* officers and other employees necessary for the purpose of this Act. The commission may determine their duties.

(2) The Lieutenant Governor in Council may appoint, during pleasure, a general manager of the commission, fix his remuneration and declare that the *Public Service Act* applies to him.

(3) The Lieutenant Governor in Council may declare the *Pension (Public Service) Act* applicable to members of the commission and to the general manager.

(4) The commission may, with the approval of the minister, retain consultants considered advisable and fix their remuneration.

1973-46-5.

Bylaws, etc.

6. The commission may pass bylaws and resolutions, not contrary to law or this Act, considered advisable for the conduct of the affairs of the commission.

1973-46-6.

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7. It is the object of the commission to

- (a) preserve agricultural land;
- (b) encourage the establishment and maintenance of farms, and the use of land in an agricultural land reserve compatible with agricultural purposes; and
- (c) assist municipalities and regional districts in the preparation of land reserve plans required under this Act.

For these objects, the commission has power, by itself or in cooperation with Canada, any of its agencies or corporations, a ministry of the Province, a municipality or a regional district, to acquire and dispose of property.

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Agricultural land

8. For the purposes of section 7, the commission may with the prior approval of the Lieutenant Governor in Council, designate as agricultural land, land, including Crown land, that is suitable for farm use, and on being so designated the land is established as an agricultural land reserve.

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Plans

9. (1) The board of every regional district, alone or in cooperation with its member municipalities, shall, with the assistance of the commission if required, including financial assistance if approved by the commission, within the time allowed by the commission, adopt by bylaw a land reserve plan and file the bylaw and plan with the commission.

(2) A regional board or municipal council shall not adopt a bylaw for the purpose of this section until it has held a public hearing, notice of which has been published in the manner set out in section 720 of the *Municipal Act*, and a majority of all members of council or of all directors of a regional board vote for the bylaw. Section 720 of the *Municipal Act* applies, with the necessary changes and so far as are applicable, to the hearing.

(3) Where the commission considers it advisable to amend the plan to better carry out the intent of this Act, it may recommend amendments to the plan to the Lieutenant Governor in Council.

(4) Where the municipal council or regional board fails or refuses to prepare and file a plan with the commission, the commission shall, subject to subsections (5) and (6) and section 10 (1), prepare a land reserve plan and submit the land reserve plan to the Lieutenant Governor in Council for approval.

(5) The commission shall not submit the plan prepared under subsection (4) to the Lieutenant Governor in Council until it has held a public hearing similar to that in subsection (2).

(6) For the hearing

- (a) the commission has the powers of a commissioner under sections 12, 15 and 16 of the *Inquiry Act*;
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1973-46-8(2.3.4.6.7.8.9); 1977-73-6.

Land reserves

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(1.1) If the commission considers that the plan referred to in subsection (1) carries out the purpose of this Act, the commission may designate the agricultural land shown on the plan as an agricultural land reserve.

(2) Pending the establishment of an agricultural land reserve in a municipality or regional district under this section, all land zoned for agricultural or farm use under a bylaw of the municipality or district passed prior to December 21, 1972, is deemed to be an agricultural land reserve unless excepted by the commission.

(3) The Lieutenant Governor in Council may, on his own, on the application of a municipality or regional district for land within its territory or on the application of the commission, approve land for addition to a designated land reserve plan, and the commission may designate the agricultural land an agricultural land reserve.

(4) For an application under subsection (3), the municipality, regional district or commission shall hold a public hearing in the manner and after the notice determined by regulation. A report of the meeting shall accompany the application.

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(2) The Lieutenant Governor in Council may, on the application of a municipality or regional district for land within its territory, or of the commission, without excluding the land from a reserve, grant permission under section 15 (2), 16, 18 or 19 (2) on any terms he considers advisable subject to compliance by the owner or occupier with the applicable Acts, regulations, bylaws of the municipality or regional district, and the decisions and orders of any person or body having jurisdiction over the land under an enactment.

(3) Before the application is made, the proposed applicant shall hold a public hearing in the manner and with the notice determined by regulation. A report of the public hearing shall accompany the application.

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Application for exclusion

12. (1) An owner of land aggrieved by a designation of his land as reserve land may, notwithstanding an appearance before or representations to the municipality, regional district or commission under section 9, apply to the commission to have his land excluded from a land reserve.

(2) The commission may, after a hearing held in the manner and after the notice required by regulation, allow the application on the terms it considers advisable or refuse the application.

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(4) Where land was, immediately prior to December 21, 1972, zoned for agricultural or farm use under a municipal or regional district bylaw subsisting on that date, the owner may not apply to the commission under this section unless so authorized by a resolution of the municipality or regional district.

(5) The commission shall, at the owner's request, deliver to him its decision in writing, and allow him to examine, and make available to him, copies of all relevant documents in the custody of the commission.

1977-73-7(part).

Appeal

13. (1) A person who is dissatisfied with the decision of the commission on an application for exclusion, on being granted leave to appeal by any 2 members of the commission, may appeal in the prescribed manner to the Environment and Land Use Committee under the *Environment and Land Use Act*.

(2) Where an application is received by the commission after September 27, 1977, and a person is refused leave to appeal, the person may, not later than 30 days after the refusal, apply in the prescribed manner to the minister for leave to appeal in the prescribed manner to the Environment and Land Use Committee.

(3) The Environment and Land Use Committee may, after a hearing, allow the appeal subject to the terms it considers advisable, or dismiss the appeal and, in the event the appeal is dismissed, may order that costs of the hearing, as determined by the committee, be paid by the appellant. In the event the appeal is allowed, the committee may order that reasonable costs incurred by the appellant, as determined by the committee, be paid by the commission.

(4) The commission is entitled to be a party on the appeal.

1977-73-7(part); 1980-49-2, effective May 17, 1980.

Plan to be amended

14. Where land is excluded from a land reserve plan by order of the Lieutenant Governor in Council, the commission or the Environment and Land Use Committee, the commission shall amend the land reserve plan accordingly and notify the appropriate municipality or regional district and registrar of titles.

1977-73-7(part).

Use of land reserve

15. (1) This section and sections 16 to 22 apply to agricultural land designated as an agricultural land reserve.

(2) No person shall use agricultural land for any purpose other than farm use, except as permitted by this Act, the regulations or an order of the commission, on terms the commission may impose.

(3) In addition to the limitations set out in section 23 (1) of the *Land Title Act*, a certificate of title heretofore issued for agricultural land is subject, by implication and without endorsement on the certificate of title, to this Act and the regulations governing the reserve and farm use of the land.

(4) The registrar of titles shall endorse on every indefeasible title to agricultural land hereafter issued, that the title may be affected by this Act.

1973-46-10(1,2); 1978-25-335; 1982-60-88, proclaimed effective August 1, 1983.

Further use

16. After December 21, 1972, except as permitted by this Act, the regulations or any terms imposed in an order of the commission,

- (a) a municipality or regional district, or any authority, board or other agency established by it or person designated under the *Local Area Act* may not permit agricultural land to be used for other than farm use, or permit a building to be erected on the land except for farm use or for residences necessary to farm use or as permitted by regulation;
- (b) an approving officer under the *Land Title Act* or the *Municipal Act* or a Board of Variance may not permit agricultural land to be used for other than farm use.

1973-46-10; 1978-25-332.

Covenant

17. (1) A covenant, whether of a negative or positive nature, in favour of the commission may, with the consent of the covenantor, be registered as a charge against the title and is enforceable against the covenantor and his successors in title, even if the covenant is not annexed to land owned by the commission.

(2) The covenant may be

- (a) for the use of land, subdivision of land or the use of a building on or to be erected on land;
- (b) that land is or is not to be built on; or
- (c) that several parcels of land are not to be transferred separately.

(3) A charge registered under this section may be modified by the commission and the owner of the land or discharged by the commission by an instrument in writing executed under the *Land Title Act*.

1977-73-8; 1978-25-332; 1980-49-3, effective May 17, 1980.

Registration restrictions

18. Except as permitted by this Act or the regulations or by an order of the commission on terms and conditions the commission may impose, a registrar of titles may not

- (a) accept an application for deposit of a subdivision, reference, explanatory or other plan showing subdivision of land; or
- (b) permit a new parcel of land by a metes and bounds description or an abbreviated description,

under the *Land Title Act*, *Condominium Act* or *Real Estate Act*, all or part of which consists of land in an agricultural land reserve.

1977-73-8; 1978-25-332; 1980-36-6, proclaimed October 2, 1980, effective May 17, 1980;
1980-49-4, effective May 17, 1980.

Exception

19. (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*, less than 2 acres in area.

(2) The restrictions on the use of agricultural land do not apply to land lawfully used for other than a farm use, established and carried on continuously for at least 6 months immediately prior to December 21, 1972, unless and until

- (a) the use is changed, other than to farm use, without the permission of the commission;
- (b) an enactment made after December 21, 1972, prohibits the use; or
- (c) permission for the use granted under an enactment is withdrawn or expires.

1973-46-11(1,2).

Application for other than farm use

20. (1) The commission may, under the regulations, hear applications for permission under section 15 (2), 16, 18 or 19 (2) and may grant or refuse permission and may impose the terms it considers advisable.

(2) Where land was, immediately prior to December 21, 1972, zoned for agricultural or farm use under a municipal or regional district bylaw, the owner may not apply to the commission under this section unless so authorized by a resolution of the municipality or the regional district.

1973-46-11(4,4a); 1977-73-9; 1980-36-7, proclaimed October 2, 1980, effective May 17, 1980.

Appeal

21. An owner of land, aggrieved by an order of the commission refusing permission for a use other than a farm use or imposing terms on permission for that use, may appeal, on a question of law or excess of jurisdiction only, by way of stated case to the Supreme Court. The provisions of the *Offence Act* for appeals by way of stated case apply, with the necessary changes and so far as are applicable, to the appeal and to any further appeal. A reference in that Act to a justice is deemed to be a reference to the commission.

1973-46-11(5).

Additional powers

22. The commission may for agricultural land

- (a) carry on farming operations on commission land or agree with other persons to do so;

- (b) withdraw from an agricultural land reserve agricultural land owned by the commission and, with the approval of the Lieutenant Governor in Council, dispose of the land to the Crown to be dealt with under the *Land Act*; and
- (c) dispose of agricultural land owned by the commission, with the approval of the Lieutenant Governor in Council, to private ownership for permanent farm use, or any other use considered by the commission to be in the public interest, subject to any terms the commission may impose.

1973-46-12; 1977-73-10.

Capital improvements

23. The commission may make capital improvements on commission land where it considers them desirable for the efficient use of its land or other land in the vicinity, and pay for or purchase capital improvements made on commission land by any person.

1973-46-13.

Taxes

24. Where commission land is unoccupied or a lease of commission land does not provide for the payment of tax by the lessee, the commission may pay to the municipality or regional district a grant in place of taxes.

1973-46-14.

Fees

25. The commission may establish, with the approval of the Lieutenant Governor in Council, a schedule of fees to be paid to the commission for the preparation of leases and other documents, for appraisals and evaluations of land and for copies of documents of the commission.

1973-46-15.

No compensation for reserve land

26. Land shall be deemed not to be taken or injuriously affected by reason of its designation as an agricultural land reserve.

1973-46-16.

Agreements

27. The minister may, for the purposes of this Act, with the approval of the Lieutenant Governor in Council, enter into agreements with Canada, a municipality, a regional district or an agent of the Crown.

1973-46-17; 1977-75-9.

Report and statement

28. (1) The commission shall submit annually to the Lieutenant Governor in Council

- (a) a report of its operations for the preceding fiscal year;
- (b) a financial statement showing its business for that fiscal year, in the form required by the Comptroller General.

(2) The report shall be laid before the Legislative Assembly within 15 sitting days, following submission, of the session next following the end of the fiscal year, but the commission need not submit its report sooner than 90 days after the end of its fiscal year.

1973-46-18; 1980-49-5, effective May 17, 1980.

Application of other Acts

29. (1) This Act and regulations are not subject to any other enactment, whenever enacted, except the *Interpretation Act*, the *Environment and Land Use Act*, the *Waste Management Act* and as provided in this Act or regulations.

(2) The Lieutenant Governor in Council may, by order, declare that a provision of the *Company Act* applies to the commission but otherwise the *Company Act* does not apply to the commission.

1973-46-20(1,7,8); 1982-41-37, proclaimed effective September 16, 1982.

Power under other Acts

30. A minister or agent of the Crown shall not exercise a power granted under another enactment except in accordance with this Act and regulations.

1973-46-20(1).

Conflict with bylaws

31. (1) Nothing in this Act or the regulations affects or impairs the validity of a municipal or regional district bylaw relating to the use of agricultural land in an agricultural land reserve except in so far as the bylaw is inconsistent with this Act, the regulations or an order of the commission. In case of an inconsistency this Act, the regulations and the order prevail and the inconsistent portion is suspended.

(2) A municipal or regional district bylaw that provides restrictions on farm use of agricultural land additional to those provided by this Act and the regulations is not, for that reason alone, inconsistent with this Act and the regulations.

1973-46-20(4,5,6).

Appropriation

32. Money required for the purposes of this Act may

(a) in the absence of an appropriation, or

(b) where money appropriated is insufficient,

be paid out of the consolidated revenue fund to the commission in amounts approved by the Lieutenant Governor in Council.

1980-36-8, proclaimed October 2, 1980, effective May 17, 1980.

Bonding

33. The Lieutenant Governor in Council or the commission may require an applicant under this Act, whose application has been granted on terms, to post a bond pursuant to the *Bonding Act* and the regulations to ensure compliance with the terms.

1977-73-15.

Enforcement

34. Where the commission believes that a present or future activity or use of land in an agricultural land reserve may contravene this Act, the regulations or an order of the commission, the commission

(a) may order the owner or occupant to refrain from the activity or use for a period not exceeding 60 days, and to make written or oral submissions to the commission as it requires to determine any likely impairment of the agricultural capability of the land;

- (b) may apply to the Supreme Court for an order restraining the owner or occupant from commencing or continuing the activity or use of land in contravention of this Act, the regulations or an order of the commission.

[Note: see section 6, Soil Conservation Act.]

1977-73-15.

Determination and order

35. Where after a submission and a determination that the activity, or use of land, would likely impair agricultural capability, or where no submission is made, the commission may, by order

- (a) impose on the owner or occupant the terms for activity or use of the land it considers advisable; or
- (b) require that the land be restored to its former condition as agricultural land, to the satisfaction of the commission; and
- (c) require a bond to ensure compliance.

In case of default under paragraph (b), the commission may perform the work, and the cost is a debt due to the commission by the owner or occupant in default.

1977-73-15.

Transitional

36. Notwithstanding sections 29 and 30, where Crown land established as an agricultural land reserve under this Act has been leased by the Crown, or sold by agreement for sale by the Crown and not transferred to the purchaser before December 21, 1972, and on that date was being used for a purpose other than farm use, and not in contravention of the terms of the lease or agreement, that use may continue until termination of the lease or issue of title to the purchaser under the agreement for sale.

1973-46-20(3).

Regulations

37. The Lieutenant Governor in Council may make regulations.

1977-73-11.

[Note: Act assented to April 18, 1973 and came into force on proclamation, which could have been declared to be before or after enactment. The declaration power was not exercised. 1973-46-22.]

AGRICULTURAL LAND COMMISSION ACT

CHAPTER 9

[Consolidated November 3, 1989]

Interpretation

1. In this Act

- "agricultural land" means land so designated under this Act;
- "commission" means the commission continued under this Act;
- "commission land" means land acquired by the commission for the purposes of this Act;
- "farm use" means an occupation or use of land for farm purposes, including husbandry of land, plants and animals and any other similar activity designated as farm use by regulation;
- "land reserve plan" means a plan prepared under this Act according to the regulations and which sets out the areas that, subject to the approval of the Lieutenant Governor in Council, may be designated by the commission as an agricultural land reserve;
- "reserve" means a reserve of land established under this Act.

1973-46-1; 1977-73-2.

Provincial Agricultural Land Commission

2. (1) The Provincial Agricultural Land Commission is continued as a corporation consisting of not less than 5 members appointed by the Lieutenant Governor in Council. The members constitute the directors.

(2) The Lieutenant Governor in Council shall designate one member as chairman and may designate another member as vice chairman.

(3) The Lieutenant Governor in Council may appoint regional advisers to the commission. The commission may designate one or more of the regional advisers to assist and advise the commission on a matter pertaining to a resource management region established by the Environment and Land Use Committee under the *Environment and Land Use Act*.

(4) Each member and each regional adviser shall be reimbursed for reasonable travelling and out of pocket expenses necessarily incurred in discharging his duties, and in addition may be paid the remuneration fixed by the Lieutenant Governor in Council.

1977-73-3; 1983-10-21, effective October 26, 1983 (B.C. Reg. 393/83).

Term of office

3. The term of office of a member or adviser is during pleasure but, except for the chairman, shall not exceed 4 years for a member or 2 years for an adviser.

1977-73-4.

Agent of Crown; service

4. (1) The commission is for all purposes an agent of the Crown and may in its own name acquire and dispose of property.

(2) An order of the commission may be delivered personally or by registered mail. Service by mail is deemed to be made 7 days after mailing.

1973-46-4; 1977-73-15; 1980-49-1, effective May 17, 1980.

Staff

5. (1) There may be appointed under the *Public Service Act* officers and other employees necessary for the purpose of this Act. The commission may determine their duties.

(2) The Lieutenant Governor in Council may appoint, during pleasure, a general manager of the commission, fix his remuneration and declare that the *Public Service Act* applies to him.

(3) The Lieutenant Governor in Council may declare the *Pension (Public Service) Act* applicable to members of the commission and to the general manager.

(4) The commission may, with the approval of the minister, retain consultants considered advisable and fix their remuneration.

1973-46-5.

Bylaws, etc.

6. The commission may pass bylaws and resolutions, not contrary to law or this Act, considered advisable for the conduct of the affairs of the commission.

1973-46-6.

Objects and powers

7. It is the object of the commission to

(a) preserve agricultural land;

(b) encourage the establishment and maintenance of farms, and the use of land in an agricultural land reserve compatible with agricultural purposes; and

(c) assist municipalities and regional districts in the preparation of land reserve plans required under this Act.

For these objects, the commission has power, by itself or in cooperation with Canada, any of its agencies or corporations, a ministry of the Province, a municipality or a regional district, to acquire and dispose of property.

1977-73-5.

Agricultural land

8. For the purposes of section 7, the commission may with the prior approval of the Lieutenant Governor in Council, designate as agricultural land, land, including Crown land, that is suitable for farm use, and on being so designated the land is established as an agricultural land reserve.

1973-46-8(1.5); 1980-36-3, proclaimed October 2, 1980, effective May 17, 1980.

Plans

9. (1) The board of every regional district, alone or in cooperation with its member municipalities and electoral areas, shall, with the assistance of the commission if required, including financial assistance if approved by the commission, within the time allowed by the commission, adopt by bylaw a land reserve plan and file the bylaw and plan with the commission.

(2) A regional board or municipal council shall not adopt a bylaw for the purpose of this section until it has held a public hearing, notice of which has been published in the manner set out in section 957 of the *Municipal Act*, and a majority of all members of council or of all directors of a regional board vote for the bylaw. Section 956 of the *Municipal Act* applies, with the necessary changes and so far as are applicable, to the hearing.

(3) Where the commission considers it advisable to amend the plan to better carry out the intent of this Act, it may recommend amendments to the plan to the Lieutenant Governor in Council.

(4) Where the municipal council or regional board fails or refuses to prepare and file a plan with the commission, the commission shall, subject to subsections (5) and (6) and section 10 (1), prepare a land reserve plan and submit the land reserve plan to the Lieutenant Governor in Council for approval.

(5) The commission shall not submit the plan prepared under subsection (4) to the Lieutenant Governor in Council until it has held a public hearing similar to that in subsection (2).

(6) For the hearing

- (a) the commission has the powers of a commissioner under sections 12, 15 and 16 of the *Inquiry Act*;
- (b) the commission may accept written submissions or any other form of evidence; and
- (c) 3 members of the commission have and may exercise all the powers of the commission.

1973-46-8(2,3,4,6,7,8,9); 1977-73-6; 1985-79-9; 1989-59-19.

Land reserves

10. (1) The Lieutenant Governor in Council may approve a land reserve plan as submitted by the commission with or without such alterations or variations as he may consider advisable to carry out the intent of this Act.

(1.1) If the commission considers that the plan referred to in subsection (1) carries out the purpose of this Act, the commission may designate the agricultural land shown on the plan as an agricultural land reserve.

(2) Pending the establishment of an agricultural land reserve in a municipality or regional district under this section, all land zoned for agricultural or farm use under a bylaw of the municipality or district passed prior to December 21, 1972, is deemed to be an agricultural land reserve unless excepted by the commission.

(3) The Lieutenant Governor in Council may, on his own, on the application of a municipality or regional district for land within its territory or on the application of the commission, approve land for addition to a designated land reserve plan, and the commission may designate the agricultural land an agricultural land reserve.

(4) For an application under subsection (3), the municipality, regional district or commission shall hold a public hearing in the manner and after the notice determined by regulation. A report of the meeting shall accompany the application.

(5) The commission may, on application of an owner of land, with the approval of the Lieutenant Governor in Council and if it considers that designation carries out the intent of this Act, designate all or part of the land described in the application as or as part of an agricultural land reserve.

1973-46-8(10-14); 1977-73-6; 1980-36-4, proclaimed October 2, 1980, effective May 17, 1980.

Exclusion etc. from land reserve

11. (1) The Lieutenant Governor in Council may, on his own, on application of a municipality or regional district for land within its territory or on application of the commission, exclude land from a reserve, on the terms he considers advisable.

Nov. 3, 1989

(2) The Lieutenant Governor in Council may, on the application of a municipality or regional district for land within its territory, or of the commission, without excluding the land from a reserve, grant permission under section 15 (2), 16, 18 or 19 (2) on any terms he considers advisable subject to compliance by the owner or occupier with the applicable Acts, regulations, bylaws of the municipality or regional district, and the decisions and orders of any person or body having jurisdiction over the land under an enactment.

(3) Before the application is made, the proposed applicant shall hold a public hearing in the manner and with the notice determined by regulation. A report of the public hearing shall accompany the application.

1977-73-7(part); 1980-36-5, proclaimed October 2, 1980, effective May 17, 1980.

Application for exclusion

12. (1) An owner of land aggrieved by a designation of his land as reserve land may, notwithstanding an appearance before or representations to the municipality, regional district or commission under section 9, apply to the commission to have his land excluded from a land reserve.

(2) The commission may, after a hearing held in the manner and after the notice required by regulation, allow the application on the terms it considers advisable or refuse the application.

(3) The commission may in its discretion, pending or after the hearing, with the consent of the applicant, permit, on terms, a use other than a farm use.

(4) Where land was, immediately prior to December 21, 1972, zoned for agricultural or farm use under a municipal or regional district bylaw subsisting on that date, the owner may not apply to the commission under this section unless so authorized by a resolution of the municipality or regional district.

(5) The commission shall, at the owner's request, deliver to him its decision in writing, and allow him to examine, and make available to him, copies of all relevant documents in the custody of the commission.

1977-73-7(part).

Appeal

13. (1) A person who is dissatisfied with the decision of the commission on an application for exclusion, on being granted leave to appeal by any 2 members of the commission, may appeal in the prescribed manner to the Environment and Land Use Committee under the *Environment and Land Use Act*.

(2) Where an application is received by the commission after September 27, 1977, and a person is refused leave to appeal, the person may, not later than 30 days after the refusal, apply in the prescribed manner to the minister for leave to appeal in the prescribed manner to the Environment and Land Use Committee.

(3) The Environment and Land Use Committee may, after a hearing, allow the appeal subject to the terms it considers advisable, or dismiss the appeal and, in the event the appeal is dismissed, may order that costs of the hearing, as determined by the committee, be paid by the appellant. In the event the appeal is allowed, the committee may order that reasonable costs incurred by the appellant, as determined by the committee, be paid by the commission.

(4) The commission is entitled to be a party on the appeal.

1977-73-7(part); 1980-49-2, effective May 17, 1980.

Plan to be amended

14. Where land is excluded from a land reserve plan by order of the Lieutenant Governor in Council, the commission or the Environment and Land Use Committee, the commission shall amend the land reserve plan accordingly and notify the appropriate municipality or regional district and registrar of titles.

1977-73-7(part).

Use of land reserve

15. (1) This section and sections 16 to 22 apply to agricultural land designated as an agricultural land reserve.

(2) No person shall use agricultural land for any purpose other than farm use, except as permitted by this Act, the regulations or an order of the commission, on terms the commission may impose.

(3) In addition to the limitations set out in section 23 (1) of the *Land Title Act*, a certificate of title heretofore issued for agricultural land is subject, by implication and without endorsement on the certificate of title, to this Act and the regulations governing the reserve and farm use of the land.

(4) The registrar of titles shall endorse on every indefeasible title to agricultural land hereafter issued, that the title may be affected by this Act.

1973-46-10(1,2); 1978-25-335; 1982-60-88, proclaimed effective August 1, 1983.

Further use

16. After December 21, 1972, except as permitted by this Act, the regulations or any terms imposed in an order of the commission,

- (a) a municipality or regional district, or any authority, board or other agency established by it or person designated under the *Local Area Act* may not permit agricultural land to be used for other than farm use, or permit a building to be erected on the land except for farm use or for residences necessary to farm use or as permitted by regulation;
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- (a) for the use of land, subdivision of land or the use of a building on or to be erected on land;
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- (a) the use is changed, other than to farm use, without the permission of the commission;
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- (c) permission for the use granted under an enactment is withdrawn or expires.

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(2) Where land was, immediately prior to December 21, 1972, zoned for agricultural or farm use under a municipal or regional district bylaw, the owner may not apply to the commission under this section unless so authorized by a resolution of the municipality or the regional district.

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- (b) withdraw from an agricultural land reserve agricultural land owned by the commission and, with the approval of the Lieutenant Governor in Council, dispose of the land to the Crown to be dealt with under the *Land Act*; and
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1973-46-12; 1977-73-10.

Capital improvements

23. The commission may make capital improvements on commission land where it considers them desirable for the efficient use of its land or other land in the vicinity, and pay for or purchase capital improvements made on commission land by any person.

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24. Where commission land is unoccupied or a lease of commission land does not provide for the payment of tax by the lessee, the commission may pay to the municipality or regional district a grant in place of taxes.

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25. The commission may establish, with the approval of the Lieutenant Governor in Council, a schedule of fees to be paid to the commission for the preparation of leases and other documents, for appraisals and evaluations of land and for copies of documents of the commission.

1973-46-15.

No compensation for reserve land

26. Land shall be deemed not to be taken or injuriously affected by reason of its designation as an agricultural land reserve.

1973-46-16.

Agreements

27. The minister may, for the purposes of this Act, with the approval of the Lieutenant Governor in Council, enter into agreements with Canada, a municipality, a regional district or an agent of the Crown.

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Report and statement

28. (1) The commission shall submit annually to the Lieutenant Governor in Council

- (a) a report of its operations for the preceding fiscal year;
- (b) a financial statement showing its business for that fiscal year, in the form required by the Comptroller General.

(2) The report shall be laid before the Legislative Assembly within 15 sitting days, following submission, of the session next following the end of the fiscal year, but the commission need not submit its report sooner than 90 days after the end of its fiscal year.

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Application of other Acts

29. (1) This Act and regulations are not subject to any other enactment, whenever enacted, except the *Interpretation Act*, the *Environment and Land Use Act*, the *Waste Management Act* and as provided in this Act or regulations.

(2) The Lieutenant Governor in Council may, by order, declare that a provision of the *Company Act* applies to the commission but otherwise the *Company Act* does not apply to the commission.

1973-46-20(1,7,8); 1982-41-37, proclaimed effective September 16, 1982.

Power under other Acts

30. A minister or agent of the Crown shall not exercise a power granted under another enactment except in accordance with this Act and regulations.

1973-46-20(1).

Conflict with bylaws

31. (1) Nothing in this Act or the regulations affects or impairs the validity of a municipal or regional district bylaw relating to the use of agricultural land in an agricultural land reserve except in so far as the bylaw is inconsistent with this Act, the regulations or an order of the commission. In case of an inconsistency this Act, the regulations and the order prevail and the inconsistent portion is suspended.

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- (a) in the absence of an appropriation, or
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34. Where the commission believes that a present or future activity or use of land in an agricultural land reserve may contravene this Act, the regulations or an order of the commission, the commission

- (a) may order the owner or occupant to refrain from the activity or use for a period not exceeding 60 days, and to make written or oral submissions to the commission as it requires to determine any likely impairment of the agricultural capability of the land;

- (b) may apply to the Supreme Court for an order restraining the owner or occupant from commencing or continuing the activity or use of land in contravention of this Act, the regulations or an order of the commission.
[Note: see section 6, Soil Conservation Act.]

1977-73-15.

Determination and order

35. Where after a submission and a determination that the activity, or use of land, would likely impair agricultural capability, or where no submission is made, the commission may, by order

- (a) impose on the owner or occupant the terms for activity or use of the land it considers advisable; or
- (b) require that the land be restored to its former condition as agricultural land, to the satisfaction of the commission; and
- (c) require a bond to ensure compliance.

In case of default under paragraph (b), the commission may perform the work, and the cost is a debt due to the commission by the owner or occupant in default.

1977-73-15.

Transitional

36. Notwithstanding sections 29 and 30, where Crown land established as an agricultural land reserve under this Act has been leased by the Crown, or sold by agreement for sale by the Crown and not transferred to the purchaser before December 21, 1972, and on that date was being used for a purpose other than farm use, and not in contravention of the terms of the lease or agreement, that use may continue until termination of the lease or issue of title to the purchaser under the agreement for sale.

1973-46-20(3).

Regulations

37. The Lieutenant Governor in Council may make regulations.

1977-73-11.

[Note: Act assented to April 18, 1973 and came into force on proclamation, which could have been declared to be before or after enactment. The declaration power was not exercised. 1973-46-22.]

AGRICULTURAL LAND COMMISSION ACT

CHAPTER 9

Interpretation

*[Consolidated November 10, 1992]
[See status sheet following this Act.]*

1. In this Act

- "agricultural land" means land so designated under this Act;
- "commission" means the commission continued under this Act;
- "commission land" means land acquired by the commission for the purposes of this Act;
- "farm use" means an occupation or use of land for farm purposes, including husbandry of land, plants and animals and any other similar activity designated as farm use by regulation;
- "land reserve plan" means a plan prepared under this Act according to the regulations and which sets out the areas that, subject to the approval of the Lieutenant Governor in Council, may be designated by the commission as an agricultural land reserve;
- "reserve" means a reserve of land established under this Act.

1973-46-1; 1977-73-2.

Provincial Agricultural Land Commission

2. (1) The Provincial Agricultural Land Commission is continued as a corporation consisting of not less than 5 members appointed by the Lieutenant Governor in Council. The members constitute the directors.

(2) The Lieutenant Governor in Council shall designate one member as chairman and may designate another member as vice chairman.

(3) The Lieutenant Governor in Council may appoint regional advisers to the commission. The commission may designate one or more of the regional advisers to assist and advise the commission on a matter pertaining to a resource management region established by the Environment and Land Use Committee under the *Environment and Land Use Act*.

(4) Each member and each regional adviser shall be reimbursed for reasonable travelling and out of pocket expenses necessarily incurred in discharging his duties, and in addition may be paid the remuneration fixed by the Lieutenant Governor in Council.

1977-73-3; 1983-10-21, effective October 26, 1983 (B.C. Reg. 393/83).

Term of office

3. The term of office of a member or adviser is during pleasure but, except for the chairman, shall not exceed 4 years for a member or 2 years for an adviser.

1977-73-4.

Agent of Crown; service

4. (1) The commission is for all purposes an agent of the Crown and may in its own name acquire and dispose of property.

(2) An order of the commission may be delivered personally or by registered mail. Service by mail is deemed to be made 7 days after mailing.

1973-46-4; 1977-73-15; 1980-49-1, effective May 17, 1980.

Staff

5. (1) There may be appointed under the *Public Service Act* officers and other employees necessary for the purpose of this Act. The commission may determine their duties.

(2) The Lieutenant Governor in Council may appoint, during pleasure, a general manager of the commission, fix his remuneration and declare that the *Public Service Act* applies to him.

(3) The Lieutenant Governor in Council may declare the *Pension (Public Service) Act* applicable to members of the commission and to the general manager.

(4) The commission may, with the approval of the minister, retain consultants considered advisable and fix their remuneration.

1973-46-5.

Bylaws, etc.

6. The commission may pass bylaws and resolutions, not contrary to law or this Act, considered advisable for the conduct of the affairs of the commission.

1973-46-6.

Objects and powers

7. It is the object of the commission to

- (a) preserve agricultural land;
- (b) encourage the establishment and maintenance of farms, and the use of land in an agricultural land reserve compatible with agricultural purposes; and
- (c) assist municipalities and regional districts in the preparation of land reserve plans required under this Act.

For these objects, the commission has power, by itself or in cooperation with Canada, any of its agencies or corporations, a ministry of the Province, a municipality or a regional district, to acquire and dispose of property.

1977-73-5.

Agricultural land

8. For the purposes of section 7, the commission may with the prior approval of the Lieutenant Governor in Council, designate as agricultural land, land, including Crown land, that is suitable for farm use, and on being so designated the land is established as an agricultural land reserve.

1973-46-8(1.5); 1980-36-3, proclaimed October 2, 1980, effective May 17, 1980.

Plans

9. (1) The board of every regional district, alone or in cooperation with its member municipalities and electoral areas, shall, with the assistance of the commission if required, including financial assistance if approved by the commission, within the time allowed by the commission, adopt by bylaw a land reserve plan and file the bylaw and plan with the commission.

(2) A regional board or municipal council shall not adopt a bylaw for the purpose of this section until it has held a public hearing, notice of which has been published in the manner set out in section 957 of the *Municipal Act*, and a majority of all members of council or of all directors of a regional board vote for the bylaw. Section 956 of the *Municipal Act* applies, with the necessary changes and so far as are applicable, to the hearing.

(3) Where the commission considers it advisable to amend the plan to better carry out the intent of this Act, it may recommend amendments to the plan to the Lieutenant Governor in Council.

(4) Where the municipal council or regional board fails or refuses to prepare and file a plan with the commission, the commission shall, subject to subsections (5) and (6) and section 10 (1), prepare a land reserve plan and submit the land reserve plan to the Lieutenant Governor in Council for approval.

(5) The commission shall not submit the plan prepared under subsection (4) to the Lieutenant Governor in Council until it has held a public hearing similar to that in subsection (2).

(6) For the hearing

(a) the commission has the powers of a commissioner under sections 12, 15 and 16 of the *Inquiry Act*;

(b) the commission may accept written submissions or any other form of evidence; and

(c) 3 members of the commission have and may exercise all the powers of the commission.

1973-46-8(2,3,4,6,7,8,9); 1977-73-6; 1985-79-9; 1989-59-19.

Land reserves

10. (1) The Lieutenant Governor in Council may approve a land reserve plan as submitted by the commission with or without such alterations or variations as he may consider advisable to carry out the intent of this Act.

(1.1) If the commission considers that the plan referred to in subsection (1) carries out the purpose of this Act, the commission may designate the agricultural land shown on the plan as an agricultural land reserve.

(2) Pending the establishment of an agricultural land reserve in a municipality or regional district under this section, all land zoned for agricultural or farm use under a bylaw of the municipality or district passed prior to December 21, 1972, is deemed to be an agricultural land reserve unless excepted by the commission.

(3) On application by a municipality or regional district for land within the municipality's or regional district's territory, or on the commission's own initiative, the commission may

(a) approve all or part of the land described in the application for addition to a designated land reserve plan, and

(b) designate all or part of the land described in the application as or as part of an agricultural land reserve.

(4) For an application under subsection (3), the municipality, regional district or commission shall hold a public hearing in the manner and after the notice determined by regulation. A report of the meeting shall accompany the application.

(5) On application by an owner of land the commission may designate all or part of the land described in the application as or as part of an agricultural land reserve if the commission considers that the designation carries out the intent of this Act.

(6) The applications referred to in subsections (3) and (5) must be made in accordance with section 25.1.

Exclusion etc. from land reserve

11. (1) On application by a municipality or regional district for land within the municipality's or regional district's territory, or on the commission's own initiative, the commission may exclude land from a reserve, on the terms it considers advisable.

if acting on the Commission's own initiative

(2) On application by a municipality or regional district for land within the municipality's or regional district's territory, or on the commission's own initiative, the commission, without excluding the land from a reserve, may grant permission under section 15 (2), 16, 18 or 19 (2) in respect of the land that is the subject of the application, on any terms the commission considers advisable.

(2.1) It is a condition of permission granted under subsection (2) that the owner or occupier must comply with the applicable Acts, regulations, bylaws of the municipality or regional district, and the decisions and orders of any person or body having jurisdiction over the land under an enactment. . and

(3) Before the application is made, the proposed applicant shall hold a public hearing in the manner and with the notice determined by regulation. A report of the public hearing shall accompany the application.

1977-73-7(part); 1980-36-5, proclaimed October 2, 1980, effective May 17, 1980.

(4) The applications referred to in subsections (1) and (2) must be made in accordance with section 25.1.

Application for exclusion

12. (1) An owner of land aggrieved by a designation of his land as reserve land may, notwithstanding an appearance before or representations to the municipality, regional district or commission under section 9, apply to the commission to have his land excluded from a land reserve. in accordance with Section 25.1

(2) The commission may, after a hearing held in the manner and after the notice required by regulation, allow the application on the terms it considers advisable or refuse the application.

(3) The commission may in its discretion, pending or after the hearing, with the consent of the applicant, permit, on terms, a use other than a farm use.

(4) Where land was, immediately prior to December 21, 1972, zoned for agricultural or farm use under a municipal or regional district bylaw subsisting on that date, the owner may not apply to the commission under this section unless so authorized by a resolution of the municipality or regional district.

(5) The commission shall, at the owner's request, deliver to him its decision in writing, and allow him to examine, and make available to him, copies of all relevant documents in the custody of the commission.

1977-73-7(part).

Section 13 repealed

Plan to be amended

14. On land being excluded under this Act from a land reserve plan, the commission must amend the land reserve plan and notify the appropriate municipality, regional district and registrar of titles.

Use of land reserve

15. (1) This section and sections 16 to 22 apply to agricultural land designated as an agricultural land reserve.

(2) No person shall use agricultural land for any purpose other than farm use, except as permitted by this Act, the regulations or an order of the commission, on terms the commission may impose.

(3) In addition to the limitations set out in section 23 (1) of the *Land Title Act*, a certificate of title heretofore issued for agricultural land is subject, by implication and without endorsement on the certificate of title, to this Act and the regulations governing the reserve and farm use of the land.

(4) The registrar of titles shall endorse on every indefeasible title to agricultural land hereafter issued, that the title may be affected by this Act.

1973-46-10(1,2); 1978-25-335; 1982-60-88, proclaimed effective August 1, 1983.

or the commission if acting on its own initiative.

Further use

16. After December 21, 1972, except as permitted by this Act, the regulations or any terms imposed in an order of the commission,

- (a) a municipality or regional district, or any authority, board or other agency established by it or person designated under the *Local Area Act* may not permit agricultural land to be used for other than farm use, or permit a building to be erected on the land except for farm use or for residences necessary to farm use or as permitted by regulation;
- (b) an approving officer under the *Land Title Act* or the *Municipal Act* or a Board of Variance may not permit agricultural land to be used for other than farm use.

1973-46-10; 1978-25-332.

Covenant

17. (1) A covenant, whether of a negative or positive nature, in favour of the commission may, with the consent of the covenantor, be registered as a charge against the title and is enforceable against the covenantor and his successors in title, even if the covenant is not annexed to land owned by the commission.

(2) The covenant may be

- (a) for the use of land, subdivision of land or the use of a building on or to be erected on land;
- (b) that land is or is not to be built on; or
- (c) that several parcels of land are not to be transferred separately.

(3) A charge registered under this section may be modified by the commission and the owner of the land or discharged by the commission by an instrument in writing executed under the *Land Title Act*.

1977-73-8; 1978-25-332; 1980-49-3, effective May 17, 1980.

Registration restrictions

18. Except as permitted by this Act or the regulations or by an order of the commission on terms and conditions the commission may impose, a registrar of titles may not

- (a) accept an application for deposit of a subdivision, reference, explanatory or other plan showing subdivision of land; or
- (b) permit a new parcel of land by a metes and bounds description or an abbreviated description,

under the *Land Title Act*, *Condominium Act* or *Real Estate Act*, all or part of which consists of land in an agricultural land reserve.

1977-73-8; 1978-25-332; 1980-36-6, proclaimed October 2, 1980, effective May 17, 1980; 1980-49-4, effective May 17, 1980.

Exception

19. (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*, less than 2 acres in area.

(2) The restrictions on the use of agricultural land do not apply to land lawfully used for other than a farm use, established and carried on continuously for at least 6 months immediately prior to December 21, 1972, unless and until

- (a) the use is changed, other than to farm use, without the permission of the commission;
- (b) an enactment made after December 21, 1972, prohibits the use; or
- (c) permission for the use granted under an enactment is withdrawn or expires.

1973-46-11(1,2).

Application for other than farm use

made in accordance with
section 25.1

20. (1) The commission may, under the regulations, hear applications for permission under section 15 (2), 16, 18 or 19 (2) and may grant or refuse permission and may impose the terms it considers advisable.

(2) Where land was, immediately prior to December 21, 1972, zoned for agricultural or farm use under a municipal or regional district bylaw, the owner may not apply to the commission under this section unless so authorized by a resolution of the municipality or the regional district.

1973-46-11(4.4a); 1977-73-9; 1980-36-7, proclaimed October 2, 1980, effective May 17, 1980.

Appeal

21. An owner of land, aggrieved by an order of the commission refusing permission for a use other than a farm use or imposing terms on permission for that use, may appeal, on a question of law or excess of jurisdiction only, by way of stated case to the Supreme Court. The provisions of the *Offence Act* for appeals by way of stated case apply, with the necessary changes and so far as are applicable, to the appeal and to any further appeal. A reference in that Act to a justice is deemed to be a reference to the commission.

1973-46-11(5).

Additional powers

22. The commission may for agricultural land

- (a) carry on farming operations on commission land or agree with other persons to do so;
- (b) withdraw from an agricultural land reserve agricultural land owned by the commission and, with the approval of the Lieutenant Governor in Council, dispose of the land to the Crown to be dealt with under the *Land Act*; and
- (c) dispose of agricultural land owned by the commission, with the approval of the Lieutenant Governor in Council, to private ownership for permanent farm use, or any other use considered by the commission to be in the public interest, subject to any terms the commission may impose.

1973-46-12; 1977-73-10.

Capital improvements

23. The commission may make capital improvements on commission land where it considers them desirable for the efficient use of its land or other land in the vicinity, and pay for or purchase capital improvements made on commission land by any person.

1973-46-13.

Taxes

24. Where commission land is unoccupied or a lease of commission land does not provide for the payment of tax by the lessee, the commission may pay to the municipality or regional district a grant in place of taxes.

1973-46-14.

Fees

25. The commission may establish, with the approval of the Lieutenant Governor in Council, a schedule of fees to be paid to the commission for the preparation of leases and other documents, for appraisals and evaluations of land and for copies of documents of the commission.

1973-46-15.

Applications

25.1 (1) In this section, except in subsection (2), "application" means an application under section 10 (3) or (5) or 12 (1) or an application for permission under section 15 (2), 16, 18 or 19 (2).

(2) A municipality or regional district that makes an application to the Lieutenant Governor in Council under section 11 must pay the prescribed application fee.

(3) A person who makes an application to the commission, other than an application

(a) to use land in an agricultural land reserve for a prescribed type of use, or

(b) to subdivide land in an agricultural land reserve in prescribed circumstances,

must do so by submitting the application and, except in the case of an application under section 10 (3) or (5), by paying the prescribed application fee

- (c) to the municipality, if the land described in the application is in a municipality, and
- (d) to the regional district, if the land described in the application is in a regional district but not in a municipality.
- (4) A person who makes an application to the commission
 - (a) for a prescribed type of use, or
 - (b) to subdivide land in prescribed circumstancesreferred to in subsection (3) must submit the application and pay the prescribed application fee directly to the commission.
- (5) In respect of an application to the commission
 - (a) for a prescribed type of use, or
 - (b) to subdivide land in prescribed circumstancesreferred to in subsection (3), the commission may require assistance from a municipality or regional district in which the land described in the application is situated.
- (6) The municipal council of a municipality or the regional board of a regional district that receives an application under subsection (3) shall
 - (a) review the application, and
 - (b) subject to subsection (7), forward the application to the commission together with the council's or board's comments and recommendations concerning the application.
- (7) In a case where section 12 (4) or 20 (2) applies to an application or proposed application, the requirement in subsection (6) (b) to forward the application to the commission does not apply if the municipality's or regional district's authorization, required by that section, is refused.

Application fees

25.2 (1) A municipality or regional district that receives application fees under section 25.1

- (a) may retain a prescribed portion of the application fees, and
 - (b) must remit the balance of the application fees to the commission at the prescribed times.
- (2) Despite subsection (1), in a case where section 12 (4) or 20 (2) applies to an application or proposed application and the municipality's or regional district's authorization required by that section is refused, the portion of the application fee that would otherwise be remitted to the commission under subsection (1) (b) shall be returned to the applicant by the municipality or regional district, as the case may be.
 - (3) Subject to the approval of the commission, if the clerk of a municipality or the secretary of a regional district considers that a case of hardship exists, he or she may waive the application fee payable under section 25.1 (3).
 - (4) If the commission considers that a case of hardship exists it may waive the application fee payable under section 25.1 (4).

(5) If, under section 25.1 (5), the commission requires assistance from a municipality or regional district, the commission must remit a prescribed portion of the application fee to the municipality or regional district.

(6) This section applies notwithstanding the *Financial Administration Act*.

No compensation for reserve land

26. Land shall be deemed not to be taken or injuriously affected by reason of its designation as an agricultural land reserve.

1973-46-16.

Agreements

27. The minister may, for the purposes of this Act, with the approval of the Lieutenant Governor in Council, enter into agreements with Canada, a municipality, a regional district or an agent of the Crown.

1973-46-17; 1977-75-9.

Report and statement

28. (1) The commission shall submit annually to the Lieutenant Governor in Council

- (a) a report of its operations for the preceding fiscal year;
- (b) a financial statement showing its business for that fiscal year, in the form required by the Comptroller General.

(2) The report shall be laid before the Legislative Assembly within 15 sitting days, following submission, of the session next following the end of the fiscal year, but the commission need not submit its report sooner than 90 days after the end of its fiscal year.

1973-46-18; 1980-49-5, effective May 17, 1980.

Nov. 10, 1992

Definition of "board" in sections 28.2 to 28.6

28.1 In sections 28.2 to 28.6 "board",

- (a) during the period before the establishment of the Environmental Assessment Board under the *Environmental Assessment Act*, means a commissioner or commissioners appointed under the *Inquiry Act* for the purpose of inquiring into a matter described in section 28.2, and
- (b) after the establishment of the Environmental Assessment Board under the *Environmental Assessment Act*, means the Environmental Assessment Board.

Reference of a matter to the board

28.2 (1) If the Lieutenant Governor in Council considers it to be in the Provincial interest, the Lieutenant Governor in Council by order may refer to the board, for the purpose of a public hearing described in section 28.5, any of the following matters that is before the commission at the time of the order making the referral:

- (a) an application under section 10 (3) or (5), 11 (1) or (2) or 12 (1);
- (b) an application referred to in section 20 (1);
- (c) where land is being considered by the commission on its own initiative for

- (i) approval and designation under section 10 (3),
- (ii) exclusion from a reserve under section 11 (1), or
- (iii) the granting of the permission referred to in section 11 (2),

the issues relating to the approval and designation, to the exclusion or to the permission, as the case may be.

- (2) The Lieutenant Governor in Council must specify written terms of reference for the purpose of a public hearing by the board pertaining to a matter referred to the board under this section.

Suspension of matters pending a decision under section 28.2

- 28.3** (1) For the purpose of giving the Lieutenant Governor in Council time to consider whether an order under section 28.2 is warranted in relation to a matter referred to in section 28.2 that is before the commission, the minister may order that the matter be suspended for a period, to be specified in the order, that is not longer than 90 days or any shorter period that is prescribed for the purpose of this subsection.

- (2) An order of the minister under subsection (1) has effect and is binding on the commission and on any parties to a proceeding relating to matter that is the subject of the order until the expiry of the period specified in the order.

Effect of an order under section 28.2

- 28.4** (1) On the date of an order under section 28.2 referring a matter to the board, the commission's powers and duties under this Act in relation to the matter that is the subject of the order are transferred to the Lieutenant Governor in Council to the extent necessary to enable the Lieutenant Governor in Council to act in accordance with section 28.6.

- (2) An order under section 28.2 is final and binding.

Mandate of the board

- 28.5** (1) On receipt of and in accordance with the written terms of reference specified in conjunction with an order under section 28.2, the board, in accordance with the terms of reference, must conduct a public hearing of the probable environmental, economic, social, cultural and heritage effects, and, without limitation, the agricultural effects, of whichever of the following is the subject of the matter described in section 28.2 in respect of which the order was made:

- (a) an approval and designation under section 10 (3);
- (b) a designation under section 10 (5);
- (c) an exclusion from a reserve under section 11 (1) or 12 (1);
- (d) the granting or refusal of the permission referred to in section 11 (2) or 20 (1).

- (2) On conclusion of the public hearing, the board must submit to the Lieutenant Governor in Council

- (a) a written report in accordance with the written terms of reference specified under subsection (3), and

BY
REGULATION

(d) a summary of the evidence received and submissions made in the course of any public hearing held in accordance with the terms of reference.

(3) Within 10 days after submitting its report under section 28.2, the board must publish the report in the prescribed manner.

Lieutenant Governor in Council's decision

28.6 (1) On receiving the board's report the Lieutenant Governor in Council by order may decide the outcome of the matter that is the subject of the order under section 28.2 by

(a) granting or refusing to grant the approval, designation, exclusion or permission applied for, in the case of a matter described in section 28.2 (1) (a) or (b), or

(b) making or deciding not to make the approval, designation, exclusion or permission that was under consideration by the commission on its own initiative, in the case of a matter described in section 28.2 (1) (c).

(2) The Lieutenant Governor in Council may attach conditions to an order made under this section.

(3) An order made under this section is final and binding.

BY
REGULATION

Application of other Acts

29. (1) This Act and regulations are not subject to any other enactment, whenever enacted, except the *Interpretation Act*, the *Environment and Land Use Act*, the *Waste Management Act* and as provided in this Act or regulations.

(2) The Lieutenant Governor in Council may, by order, declare that a provision of the *Company Act* applies to the commission but otherwise the *Company Act* does not apply to the commission.

1973-46-20(1,7,8); 1982-41-37, proclaimed effective September 16, 1982.

Power under other Acts

30. A minister or agent of the Crown shall not exercise a power granted under another enactment except in accordance with this Act and regulations.

1973-46-20(1).

Conflict with bylaws

31. (1) Nothing in this Act or the regulations affects or impairs the validity of a municipal or regional district bylaw relating to the use of agricultural land in an agricultural land reserve except in so far as the bylaw is inconsistent with this Act, the regulations or an order of the commission. In case of an inconsistency this Act, the regulations and the order prevail and the inconsistent portion is suspended.

(2) A municipal or regional district bylaw that provides restrictions on farm use of agricultural land additional to those provided by this Act and the regulations is not, for that reason alone, inconsistent with this Act and the regulations.

1973-46-20(4,5,6).

Appropriation

- 32.** Money required for the purposes of this Act may
- (a) in the absence of an appropriation, or
 - (b) where money appropriated is insufficient,
- be paid out of the consolidated revenue fund to the commission in amounts approved by the Lieutenant Governor in Council.

1980-36-8, proclaimed October 2, 1980, effective May 17, 1980.

Consolidated revenue fund

- 32.1** The commission shall pay as soon as practical all money received by it, other than money received pursuant to an appropriation under a *Supply Act* or under section 32 of this Act, into the consolidated revenue fund

Bonding

- 33.** The Lieutenant Governor in Council or the commission may require an applicant under this Act, whose application has been granted on terms, to post a bond pursuant to the *Bonding Act* and the regulations to ensure compliance with the terms.

1977-73-15.

Enforcement

- 34.** Where the commission believes that a present or future activity or use of land in an agricultural land reserve may contravene this Act, the regulations, an order of the commission or a condition imposed by section 4 (2) of the *Golf Course Development Moratorium Act*, the commission

- (a) may order the owner or occupant to refrain from the activity or use for a period not exceeding 60 days, and to make written or oral submissions to the commission as it requires to determine any likely impairment of the agricultural capability of the land;

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AGRICULTURAL LAND COMMISSION

RS CHAP. 9

- (b) may apply to the Supreme Court for an order restraining the owner or occupant from commencing or continuing the activity or use of land in contravention of this Act, the regulations, an order of the commission or a condition imposed by section 4 (2) of the *Golf Course Development Moratorium Act*.

[Note: see section 6, Soil Conservation Act.]

1977-73-15; 1992-8-7.

Determination and order

- 35.** Where after a submission and a determination that the activity, or use of land, would likely impair agricultural capability, or where no submission is made, the commission may, by order

- (a) impose on the owner or occupant the terms for activity or use of the land it considers advisable; or
- (b) require that the land be restored to its former condition as agricultural land, to the satisfaction of the commission; and
- (c) require a bond to ensure compliance.

In case of default under paragraph (b), the commission may perform the work, and the cost is a debt due to the commission by the owner or occupant in default.

1977-73-15.

Transitional

36. Notwithstanding sections 29 and 30, where Crown land established as an agricultural land reserve under this Act has been leased by the Crown, or sold by agreement for sale by the Crown and not transferred to the purchaser before December 21, 1972, and on that date was being used for a purpose other than farm use, and not in contravention of the terms of the lease or agreement, that use may continue until termination of the lease or issue of title to the purchaser under the agreement for sale.

1973-46-20(3).

Regulations

37(i) The Lieutenant Governor in Council may make regulations.

1977-73-11.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations

- (a) establishing different application fees for different types of applications and applications in different circumstances, and**
- (b) exempting classes of persons from payment of a prescribed application fee.**

[Note: Act assented to April 18, 1973 and came into force on proclamation, which could have been declared to be before or after enactment. The declaration power was not exercised. 1973-46-22.]

AGRICULTURAL LAND COMMISSION ACT - STATUS SHEET

**AGRICULTURAL LAND COMMISSION ACT
RS1979, c. 9**

AMENDMENTS NOT IN FORCE

Section	Reference
10 to 12, 20, 25.1, 25.2, 32.1 and 37	1992-29-1 to 6

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PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **1069**, Approved and Ordered AUG. 19.1993



Lieutenant Governor

Executive Council Chambers, Victoria AUG. 18.1993

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective September 1, 1993, sections 1 to 5, 8 to 11, 23 to 28, 30, 32 and 33 of the *Cabinet Appeals Abolition Act*, S.B.C. 1993, c. 38, are, by this regulation, brought into force.

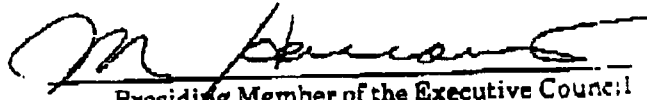
DEPOSITED

AUG 19 1993

B.C. REG. 273/93



Attorney General



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: *Cabinet Appeals Abolition Act*, S.B.C. 1993, c. 38 (Bill 12), s. 34

Other specify: *O.C.*

August 13, 1993

1292 93 37 ejk



This list contains amendments relevant to the AGRICULTURAL LAND COMMISSION ACT at the time of purchase.

NOTE: This list is printed for convenience only and has been consolidated as of:

JULY 29, 1993

This list contains bills enacted JULY 1993

Amended by	Section	Amended Acts and Amendments	Effective Date
BILL 42, 1993		<i>Agricultural Land Commission Act</i>	
	1.	<p><i>Section 10 of the Agricultural Land Commission Act, R.S.B.C. 1979, c. 9, is amended:</i></p> <p><i>(a) by repealing subsection (3) and substituting the following:</i></p> <p>(3) On application by a municipality or regional district for land within the municipality's or regional district's territory, or on the commission's own initiative, the commission may</p> <p>(a) approve all or part of the land described in the application for addition to a designated land reserve plan, and</p> <p>(b) designate all or part of the land described in the application as or as part of an agricultural land reserve. ,</p> <p><i>(b) in subsection (4) by adding " , if acting on the commission's own initiative," after "commission", and</i></p> <p><i>(c) by repealing subsection (5) and substituting the following:</i></p> <p>(5) On application by an owner of land the commission may designate all or part of the land described in the application as or as part of an agricultural land reserve if the commission considers that the designation carries out the intent of this Act.</p>	BY REGULATION
	2.	<p><i>Section 11 is amended</i></p> <p><i>(a) by repealing subsections (1) and (2) and substituting the following:</i></p> <p>(1) On application by a municipality or regional district for land within the municipality's or regional district's territory, or on the commission's own initiative, the commission may exclude land from a reserve, on the terms it considers advisable.</p> <p>(2) On application by a municipality or regional district for land within the municipality's or regional district's territory, or on the commission's own initiative, the commission, without excluding the land from a reserve, may grant permission under section 15 (2), 16, 18 or 19 (2) in respect of the land that is the subject of the application, on any terms the commission considers advisable.</p> <p>(2.1) It is a condition of permission granted under subsection (2) that the owner or occupier must comply with the applicable Acts, regulations, bylaws of the municipality or regional district, and the decisions and orders of any person or body having jurisdiction over the land under an enactment. , and</p> <p><i>(b) in subsection (3) by adding " , or the commission if acting on its own initiative," after "the proposed applicant".</i></p>	

Amended by	Section	Amended Acts and Amendments	Effective Date
BILL 42, 1993	<p>3. <i>Section 13 is repealed.</i></p> <p>4. <i>Section 14 is repealed and the following substituted:</i></p> <p>Plan to be amended</p> <p>14. On land being excluded under this Act from a land reserve plan, the commission must amend the land reserve plan and notify the appropriate municipality, regional district and registrar of titles.</p> <p>5. <i>The following sections are added:</i></p> <p>Definition of "board" in sections 28.2 to 28.6</p> <p>28.1 In sections 28.2 to 28.6 "board",</p> <ul style="list-style-type: none"> (a) during the period before the establishment of the Environmental Assessment Board under the <i>Environmental Assessment Act</i>, means a commissioner or commissioners appointed under the <i>Inquiry Act</i> for the purpose of inquiring into a matter described in section 28.2, and (b) after the establishment of the Environmental Assessment Board under the <i>Environmental Assessment Act</i>, means the Environmental Assessment Board. <p>Reference of a matter to the board</p> <p>28.2 (1) If the Lieutenant Governor in Council considers it to be in the Provincial interest, the Lieutenant Governor in Council by order may refer to the board, for the purpose of a public hearing described in section 28.5, any of the following matters that is before the commission at the time of the order making the referral:</p> <ul style="list-style-type: none"> (a) an application under section 10 (3) or (5), 11 (1) or (2) or 12 (1); (b) an application referred to in section 20 (1); (c) where land is being considered by the commission on its own initiative for <ul style="list-style-type: none"> (i) approval and designation under section 10 (3), (ii) exclusion from a reserve under section 11 (1), or (iii) the granting of the permission referred to in section 11 (2), the issues relating to the approval and designation, to the exclusion or to the permission, as the case may be. <p>(2) The Lieutenant Governor in Council must specify written terms of reference for the purpose of a public hearing by the board pertaining to a matter referred to the board under this section.</p>		BY REGULATION

Amended by	Section	Effective Date
BILL 42, 1993	<p>Suspension of matters pending a decision under section 28.2</p> <p>28.3 (1) For the purpose of giving the Lieutenant Governor in Council time to consider whether an order under section 28.2 is warranted in relation to a matter referred to in section 28.2 that is before the commission, the minister may order that the matter be suspended for a period, to be specified in the order, that is not longer than 90 days or any shorter period that is prescribed for the purpose of this subsection.</p> <p>(2) An order of the minister under subsection (1) has effect and is binding on the commission and on any parties to a proceeding relating to matter that is the subject of the order until the expiry of the period specified in the order.</p> <p>Effect of an order under section 28.2</p> <p>28.4 (1) On the date of an order under section 28.2 referring a matter to the board, the commission's powers and duties under this Act in relation to the matter that is the subject of the order are transferred to the Lieutenant Governor in Council to the extent necessary to enable the Lieutenant Governor in Council to act in accordance with section 28.6.</p> <p>(2) An order under section 28.2 is final and binding.</p> <p>Mandate of the board</p> <p>28.5 (1) On receipt of and in accordance with the written terms of reference specified in conjunction with an order under section 28.2, the board, in accordance with the terms of reference, must conduct a public hearing of the probable environmental, economic, social, cultural and heritage effects, and, without limitation, the agricultural effects, of whichever of the following is the subject of the matter described in section 28.2 in respect of which the order was made:</p> <p>(a) an approval and designation under section 10 (3);</p> <p>(b) a designation under section 10 (5);</p> <p>(c) an exclusion from a reserve under section 11 (1) or 12 (1);</p> <p>(d) the granting or refusal of the permission referred to in section 11 (2) or 20 (1).</p> <p>(2) On conclusion of the public hearing, the board must submit to the Lieutenant Governor in Council</p> <p>(a) a written report in accordance with the written terms of reference specified under subsection (3), and</p> <p>(b) a summary of the evidence received and submissions made in the course of any public hearing held in accordance with the terms of reference.</p> <p>(3) Within 10 days after submitting its report under section 28.2, the board must publish the report in the prescribed manner.</p> <p>Lieutenant Governor in Council's decision</p> <p>28.6 (1) On receiving the board's report the Lieutenant Governor in Council by order may decide the outcome of the matter that is the subject of the order under section 28.2 by</p>	BY REGULATION

Amended by	Section	Amended Acts and Amendments	Effective Date
BILL 42, 1993		<p>(a) granting or refusing to grant the approval, designation, exclusion or permission applied for, in the case of a matter described in section 28.2 (1) (a) or (b), or</p> <p>(b) making or deciding not to make the approval, designation, exclusion or permission that was under consideration by the commission on its own initiative, in the case of a matter described in section 28.2 (1) (c).</p> <p>(2) The Lieutenant Governor in Council may attach conditions to an order made under this section.</p> <p>(3) An order made under this section is final and binding.</p>	BY REGULATION

Certified correct as passed Third Reading on the 15th day of July,
1993 Ian D. Izard, Law Clerk.

ATTORNEY GENERAL.

BILL 42 - 1993

CABINET APPEALS ABOLITION ACT

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Agricultural Land Commission Act

1. *Section 10 of the Agricultural Land Commission Act, R.S.B.C. 1979, c. 9, is amended:*

(a) *by repealing subsection (3) and substituting the following:*

(3) On application by a municipality or regional district for land within the municipality's or regional district's territory, or on the commission's own initiative, the commission may

(a) approve all or part of the land described in the application for addition to a designated land reserve plan, and

(b) designate all or part of the land described in the application as or as part of an agricultural land reserve .

(b) *in subsection (4) by adding " , if acting on the commission's own initiative," after "commission", and*

(c) *by repealing subsection (5) and substituting the following:*

(5) On application by an owner of land the commission may designate all or part of the land described in the application as or as part of an agricultural land reserve if the commission considers that the designation carries out the intent of this Act.

2. *Section 11 is amended*

(a) *by repealing subsections (1) and (2) and substituting the following:*

(1) On application by a municipality or regional district for land within the municipality's or regional district's territory, or on

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the commission's own initiative, the commission may exclude land from a reserve, on the terms it considers advisable.

- (2) On application by a municipality or regional district for land within the municipality's or regional district's territory, or on the commission's own initiative, the commission, without excluding the land from a reserve, may grant permission under section 15 (2), 16, 18 or 19 (2) in respect of the land that is the subject of the application, on any terms the commission considers advisable.
- (2.1) It is a condition of permission granted under subsection (2) that the owner or occupier must comply with the applicable Acts, regulations, bylaws of the municipality or regional district, and the decisions and orders of any person or body having jurisdiction over the land under an enactment. , and
- (b) *in subsection (3) by adding " , or the commission if acting on its own initiative," after "the proposed applicant".*

3. *Section 13 is repealed.*

4. *Section 14 is repealed and the following substituted:*

Plan to be amended

- 14.** On land being excluded under this Act from a land reserve plan, the commission must amend the land reserve plan and notify the appropriate municipality, regional district and registrar of titles.

5. *The following sections are added:*

**Definition of "board" in
sections 28.2 to 28.6**

28.1 In sections 28.2 to 28.6 "board",

- (a) during the period before the establishment of the Environmental Assessment Board under the *Environmental Assessment Act*, means a commissioner or commissioners appointed under the *Inquiry Act* for the purpose of inquiring into a matter described in section 28.2, and
- (b) after the establishment of the Environmental Assessment Board under the *Environmental Assessment Act*, means the Environmental Assessment Board.

Reference of a matter to the board

28.2 (1) If the Lieutenant Governor in Council considers it to be in the Provincial interest, the Lieutenant Governor in Council by order may refer to the board, for the purpose of a public hearing described in section 28.5, any of the following matters that is before the commission at the time of the order making the referral:

- (a) an application under section 10 (3) or (5), 11 (1) or (2) or 12 (1);
- (b) an application referred to in section 20 (1);
- (c) where land is being considered by the commission on its own initiative for
 - (i) approval and designation under section 10 (3),
 - (ii) exclusion from a reserve under section 11 (1), or
 - (iii) the granting of the permission referred to in section 11 (2),

the issues relating to the approval and designation, to the exclusion or to the permission, as the case may be.

- (2) The Lieutenant Governor in Council must specify written terms of reference for the purpose of a public hearing by the board pertaining to a matter referred to the board under this section.

Suspension of matters pending a decision under section 28.2

28.3 (1) For the purpose of giving the Lieutenant Governor in Council time to consider whether an order under section 28.2 is warranted in relation to a matter referred to in section 28.2 that is before the commission, the minister may order that the matter be suspended for a period, to be specified in the order, that is not longer than 90 days or any shorter period that is prescribed for the purpose of this subsection.

- (2) An order of the minister under subsection (1) has effect and is binding on the commission and on any parties to a proceeding relating to matter that is the subject of the order until the expiry of the period specified in the order.

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Effect of an order under section 28.2

28.4 (1) On the date of an order under section 28.2 referring a matter to the board, the commission's powers and duties under this Act in relation to the matter that is the subject of the order are transferred to the Lieutenant Governor in Council to the extent necessary to enable the Lieutenant Governor in Council to act in accordance with section 28.6.

(2) An order under section 28.2 is final and binding.

Mandate of the board

28.5 (1) On receipt of and in accordance with the written terms of reference specified in conjunction with an order under section 28.2, the board, in accordance with the terms of reference, must conduct a public hearing of the probable environmental, economic, social, cultural and heritage effects, and, without limitation, the agricultural effects, of whichever of the following is the subject of the matter described in section 28.2 in respect of which the order was made:

- (a) an approval and designation under section 10 (3);
- (b) a designation under section 10 (5);
- (c) an exclusion from a reserve under section 11 (1) or 12 (1);
- (d) the granting or refusal of the permission referred to in section 11 (2) or 20 (1).

(2) On conclusion of the public hearing, the board must submit to the Lieutenant Governor in Council

- (a) a written report in accordance with the written terms of reference specified under subsection (3), and
- (b) a summary of the evidence received and submissions made in the course of any public hearing held in accordance with the terms of reference.

(3) Within 10 days after submitting its report under section 28.2, the board must publish the report in the prescribed manner.

Lieutenant Governor in Council's decision

28.6 (1) On receiving the board's report the Lieutenant Governor in Council by order may decide the outcome of the matter that is the subject of the order under section 28.2 by

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- (a) granting or refusing to grant the approval, designation, exclusion or permission applied for, in the case of a matter described in section 28.2 (1) (a) or (b), or
 - (b) making or deciding not to make the approval, designation, exclusion or permission that was under consideration by the commission on its own initiative, in the case of a matter described in section 28.2 (1) (c).
- (2) The Lieutenant Governor in Council may attach conditions to an order made under this section.
- (3) An order made under this section is final and binding.

Coal Act

6. *Section 7 (1.3) of the Coal Act, R.S.B.C. 1979, c. 51, is repealed and the following substituted:*

- (1.3) If surface rights are restricted under this section, the minister must serve the licensee with a notice of the restriction.

7. *Section 33 is repealed.*

Company Act

8. *Section 36 (7) of the Company Act, R.S.B.C. 1979, c. 59, is repealed and the following substituted:*

- (7) The registrar may refuse to issue a certificate of continuation.
- (8) An appeal lies from a decision of the registrar under subsection (7) to the commission.

9. *Section 326 is repealed and the following substituted:*

Refusal of registration

326. (1) The registrar may refuse to register an extraprovincial company.

- (2) An appeal lies from a decision of the registrar under subsection (7) to the commission.

Creston Valley Wildlife Act

- 10.** *Section 29 of the Creston Valley Wildlife Act, R.S.B.C. 1979, c. 82, is repealed and the following substituted:*

Appeal to management authority

- 29.** (1) An appeal lies to the management authority against
- (a) an order given under section 14 (b) or (c), or
 - (b) the suspension or revocation of a permit by the delegate of the management authority.
- (2) An appeal must be brought under subsection (1) within 7 days of the date of the order or suspension, as the case may be, and must be in writing delivered to the management authority.

Hospital District Act

- 11.** *Section 32 (4) of the Hospital District Act, R.S.B.C. 1979, c. 178, is repealed.*

Mineral Land Tax Act

- 12.** *Section 19 (5) of the Mineral Land Tax Act, R.S.B.C. 1979, c. 260, is repealed.*

Mineral Tenure Act

- 13.** *Section 13 (4) of the Mineral Tenure Act, S.B.C. 1988, c. 5, is repealed.*

- 14.** *Section 15 (3) is repealed and the following substituted:*

- (3) An order under subsection (1) must be served on the recorded holder.

Motor Carrier Act

- 15.** *Section 5 of the Motor Carrier Act, R.S.B.C. 1979, c. 286, is amended*
- (a) *in subsection (1) by striking out "the commission thinks proper, the commission" and substituting "a panel of the commission consisting of one, 2 or 3 members thinks proper, the panel", and*

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(b) in subsections (2), (3), (4), (5) and (6) (a) and (b) by striking out "the commission" wherever it appears and substituting "panel of the commission".

16. Section 6 (1) is amended by striking out "commission" and substituting "a panel of the commission consisting of one, 2 or 3 members".

17. Section 7 is repealed and the following substituted:

Transfer of licences

7. A licence must not be assigned or transferred except with the approval of a panel of the commission consisting of one, 2 or 3 members, and subject to payment of the prescribed fee and to conditions the panel imposes.

18. Section 9 (1) is amended

(a) in subsection (1) by striking out "The commission" and substituting "A panel of the commission consisting of one, 2 or 3 members", and

(b) in subsection (2) by striking out "the commission may amend" and substituting "a panel of the commission consisting of one, 2 or 3 members may amend".

19. Section 31 is amended

(a) by repealing subsection (1) and substituting the following:

(1) The Motor Carrier Commission is continued, consisting of not less than 7 persons who are to be appointed by the Lieutenant Governor in Council and hold office during pleasure. ,

(b) by repealing subsection (7), and

(c) by repealing subsection (9) and substituting the following:

(9) The Lieutenant Governor in Council must fix the remuneration of the commissioners and the terms and conditions of their appointments.

20. The following section is added:

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Organization into panels

31.2 (1) The chair may organize the commission into panels, each comprised of one or more members.

(2) The members of the commission may sit as a commission or as a panel of the commission.

(3) If members of the commission sit as a panel,

(a) one or more panels may sit at the same time,

(b) the panel has all the jurisdiction of and may exercise and perform the powers and duties of the commission, and

(c) an order, decision or action of the panel is an order, decision or action of the commission.

21. *Section 39 is amended by striking out "The commission" and substituting "A panel of the commission consisting of one, 2 or 3 members".*

22. *Section 52 is repealed and the following substituted:*

Reconsideration of decisions

52. (1) On application by a person aggrieved by any of the decisions described in subsection (2), a panel of the commission consisting of 3 or more members, may grant leave to that person to apply for reconsideration of that decision, if the person satisfies the panel of the commission that

(a) evidence not available at the time of the original decision has become available, or

(b) there are probable grounds to believe that the decision is inconsistent with the principles expressed or implied in this Act or the regulations.

(2) The following are the decisions that may be the subject of an application under subsection (1) to a panel of the commission:

(a) the granting of a licence, in whole or in part, or the refusal to grant a licence, in whole or in part;

(b) the attachment of terms or conditions to a licence;

(c) an approval or refusal to approve the assignment or transfer of a licence;

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- (d) the amendment, suspension or cancellation of a licence;
 - (e) the determination of an application by or on behalf of any person complaining as set out in section 39.
- (3) Leave to apply for reconsideration of any decision referred to in subsection (2) may be granted only once.
- (4) An application under subsection (1) must be made within 30 days after the date of the decision that is the subject of the application.
- (5) If an application for leave is made under subsection (1), another person affected by the decision that is the subject of that application may apply for leave under subsection (1) by the later of
- (a) 30 days after the date of the decision that is the subject of the application, or
 - (b) 5 days after that person receives notice of the application by the aggrieved person referred to in subsection (1).
- (6) On a reconsideration under this section, the panel of the commission may confirm, reverse, alter or vary the decision that is the subject of the application for reconsideration or make any other order as to the commission seems just.
- (7) An application under this section must be made in accordance with the regulations.
- (8) Except as provided in this section, the provisions of the *Utilities Commission Act* as to appeals on questions of jurisdiction and law apply to regulations, orders and decisions made by the commission under this Act.
- (9) Despite section 40, a finding or determination of a panel whose decision is the subject of a reconsideration under this section on a question of fact does not bind the panel of the commission that reconsiders the decision.
- (10) An appeal under this section to the Lieutenant Governor in Council that, on the day section 19 of the *Cabinet Appeals Abolition Act* comes into force, has been commenced but not disposed of must continue and be disposed of as though section 21 of that Act had not come into force.

Municipal Act

- 23.** *Section 341 of the Municipal Act, R.S.B.C. 1979, c. 290, is repealed and the following substituted:*

Appeal from inspector

- 341.** (1) An appeal lies to the minister from a decision of the inspector under section 332 or 337.
- (2) On an appeal under subsection (1), the minister must hear and determine the matter, and may confirm, rescind or amend the decision of the inspector.
- (3) The determination on the appeal is conclusive and binding on all parties, including the inspector.
- (4) The deputy minister may not hear or be involved in an appeal under this section.

- 24.** *Section 389 is amended*

(a) *in subsection (3) by striking out "Lieutenant Governor in Council" and substituting "Supreme Court", and*

(b) *by adding the following:*

- (4) An appeal from a decision of the Supreme Court lies to the Court of Appeal with leave of a justice of the Court of Appeal.

- 25.** *Section 748 is repealed and the following substituted:*

Appeal from inspector

- 748.** (1) An appeal lies to the minister from every decision of the inspector withholding or refusing a certificate applied for under this Part.
- (2) On an appeal under subsection (1) the minister must hear and determine the matter, and may confirm or vary the decision of the inspector.
- (3) The determination on the appeal is conclusive and binding on all parties, including the inspector.
- (4) The deputy minister may not hear or be involved in an appeal under this section.

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26. *Section 942 (2) to (4) is repealed and the following substituted:*

- (2) If the council or regional board does not alter the bylaw or plan in accordance with the notice, the minister with the prior approval of the Lieutenant Governor in Council may order the bylaw or plan to be altered in accordance with the notice.
- (3) On the date of an order of the minister under subsection (2) the bylaw or plan, as the case may be, is conclusively deemed to be altered in accordance with the notice.
- (4) The order of the minister is final and binding.

Mutual Fire Insurance Companies Act

27. *Section 36 of the Mutual Fire Insurance Companies Act, R.S.B.C. 1960, c. 262, is amended*

- (a) *by striking out "Lieutenant-Governor in Council" wherever it appears and substituting "the Supreme Court", and*
- (b) *by striking out "he" in both places and substituting "the Supreme Court".*

Name Act

28. *Section 7 (3) to (5) of the Name Act, R.S.B.C. 1979, c. 295, is repealed and the following substituted:*

- (3) If the director refuses to register a change of name, the applicant, within 30 days after receipt of notification of the refusal, may appeal the refusal to the Supreme Court.

Natural Gas Price Act

29. *Section 7 of the Natural Gas Price Act, S.B.C. 1989, c. 74, is repealed and the following substituted:*

Appeal

- 7.** (1) If the minister cancels a permit, licence or lease under section 6 (2), the holder, not more than 30 days after the date of the cancellation, may appeal the minister's decision to the Supreme Court.
- (2) An appeal from a decision of the Supreme Court lies to the Court of Appeal with leave of a justice of the Court of Appeal.

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Park Act

- 30.** *Sections 22 and 23 of the Park Act, R.S.B.C. 1979, c. 309, are repealed.*

Petroleum and Natural Gas Act

- 31.** *Section 144 of the Petroleum and Natural Gas Act, R.S.B.C. 1979, c. 323, is repealed and the following substituted:*

Appeal

- 144.** (1) If the minister cancels a permit, licence or lease under section 143, the holder, not more than 30 days after the date of the cancellation, may appeal the minister's decision to the Supreme Court.
- (2) An appeal from a decision of the Supreme Court lies to the Court of Appeal with leave of a justice of the Court of Appeal.

Soil Conservation Act

- 32.** *Section 4 of the Soil Conservation Act, R.S.B.C. 1979, c. 391, is repealed.*

- 33.** *Section 5 is amended*

(a) in subsection (1) by striking out everything before paragraph (c) and substituting the following:

- (1) If a local authority or the commission determines that a person
- (a) has contravened a permit; or
 - (b) is removing soil from, or placing fill on, an agricultural land reserve without a permit,
- the local authority or the commission may, and

(b) by repealing subsection (2).

Commencement

- 34.** This Act comes into force by regulation of the Lieutenant Governor in Council.

AGRICULTURAL LAND COMMISSION ACT**CHAPTER 9***[Consolidated November 25, 1993]***Interpretation****1. In this Act**

- "agricultural land" means land so designated under this Act;
"commission" means the commission continued under this Act;
"commission land" means land acquired by the commission for the purposes of this Act;
"farm use" means an occupation or use of land for farm purposes, including husbandry of land, plants and animals and any other similar activity designated as farm use by regulation;
"land reserve plan" means a plan prepared under this Act according to the regulations and which sets out the areas that, subject to the approval of the Lieutenant Governor in Council, may be designated by the commission as an agricultural land reserve;
"reserve" means a reserve of land established under this Act.

1973-46-1; 1977-73-2.

Provincial Agricultural Land Commission

2. (1) The Provincial Agricultural Land Commission is continued as a corporation consisting of not less than 5 members appointed by the Lieutenant Governor in Council. The members constitute the directors.

(2) The Lieutenant Governor in Council shall designate one member as chairman and may designate another member as vice chairman.

(3) The Lieutenant Governor in Council may appoint regional advisers to the commission. The commission may designate one or more of the regional advisers to assist and advise the commission on a matter pertaining to a resource management region established by the Environment and Land Use Committee under the *Environment and Land Use Act*.

(4) Each member and each regional adviser shall be reimbursed for reasonable travelling and out of pocket expenses necessarily incurred in discharging his duties, and in addition may be paid the remuneration fixed by the Lieutenant Governor in Council.

1977-73-3; 1983-10-21, effective October 26, 1983 (B.C. Reg. 393/83).

Term of office

3. The term of office of a member or adviser is during pleasure but, except for the chairman, shall not exceed 4 years for a member or 2 years for an adviser.

1977-73-4.

Agent of Crown; service

4. (1) The commission is for all purposes an agent of the Crown and may in its own name acquire and dispose of property.

(2) An order of the commission may be delivered personally or by registered mail. Service by mail is deemed to be made 7 days after mailing.

1973-46-4; 1977-73-15; 1980-49-1, effective May 17, 1980.

*ALC Act
Consolidated Nov 25
1993*

Staff

5. (1) There may be appointed under the *Public Service Act* officers and other employees necessary for the purpose of this Act. The commission may determine their duties.

(2) The Lieutenant Governor in Council may appoint, during pleasure, a general manager of the commission, fix his remuneration and declare that the *Public Service Act* applies to him.

(3) The Lieutenant Governor in Council may declare the *Pension (Public Service) Act* applicable to members of the commission and to the general manager.

(4) The commission may, with the approval of the minister, retain consultants considered advisable and fix their remuneration.

1973-46-5.

Bylaws, etc.

6. The commission may pass bylaws and resolutions, not contrary to law or this Act, considered advisable for the conduct of the affairs of the commission.

1973-46-6.

Objects and powers

7. It is the object of the commission to

- (a) preserve agricultural land;
- (b) encourage the establishment and maintenance of farms, and the use of land in an agricultural land reserve compatible with agricultural purposes; and
- (c) assist municipalities and regional districts in the preparation of land reserve plans required under this Act.

For these objects, the commission has power, by itself or in cooperation with Canada, any of its agencies or corporations, a ministry of the Province, a municipality or a regional district, to acquire and dispose of property.

1977-73-5.

Agricultural land

8. For the purposes of section 7, the commission may with the prior approval of the Lieutenant Governor in Council, designate as agricultural land, land, including Crown land, that is suitable for farm use, and on being so designated the land is established as an agricultural land reserve.

1973-46-8(1,5); 1980-36-3, proclaimed October 2, 1980, effective May 17, 1980.

Plans

9. (1) The board of every regional district, alone or in cooperation with its member municipalities and electoral areas, shall, with the assistance of the commission if required, including financial assistance if approved by the commission, within the time allowed by the commission, adopt by bylaw a land reserve plan and file the bylaw and plan with the commission.

(2) A regional board or municipal council shall not adopt a bylaw for the purpose of this section until it has held a public hearing, notice of which has been published in the manner set out in section 957 of the *Municipal Act*, and a majority of all members of council or of all directors of a regional board vote for the bylaw. Section 956 of the *Municipal Act* applies, with the necessary changes and so far as are applicable, to the hearing.

(3) Where the commission considers it advisable to amend the plan to better carry out the intent of this Act, it may recommend amendments to the plan to the Lieutenant Governor in Council.

(4) Where the municipal council or regional board fails or refuses to prepare and file a plan with the commission, the commission shall, subject to subsections (5) and (6) and section 10 (1), prepare a land reserve plan and submit the land reserve plan to the Lieutenant Governor in Council for approval.

(5) The commission shall not submit the plan prepared under subsection (4) to the Lieutenant Governor in Council until it has held a public hearing similar to that in subsection (2).

(6) For the hearing

- (a) the commission has the powers of a commissioner under sections 12, 15 and 16 of the *Inquiry Act*;
- (b) the commission may accept written submissions or any other form of evidence; and
- (c) 3 members of the commission have and may exercise all the powers of the commission.

1973-46-8(2,3,4,6,7,8,9); 1977-73-6; 1985-79-9; 1989-59-19.

Land reserves

10. (1) The Lieutenant Governor in Council may approve a land reserve plan as submitted by the commission with or without such alterations or variations as he may consider advisable to carry out the intent of this Act.

(1.1) If the commission considers that the plan referred to in subsection (1) carries out the purpose of this Act, the commission may designate the agricultural land shown on the plan as an agricultural land reserve.

(2) Pending the establishment of an agricultural land reserve in a municipality or regional district under this section, all land zoned for agricultural or farm use under a bylaw of the municipality or district passed prior to December 21, 1972, is deemed to be an agricultural land reserve unless excepted by the commission.

(3) On application by a municipality or regional district for land within the municipality's or regional district's territory, or on the commission's own initiative, the commission may

- (a) approve all or part of the land described in the application for addition to a designated land reserve plan, and
- (b) designate all or part of the land described in the application as or as part of an agricultural land reserve.

(4) For an application under subsection (3), the municipality, regional district or commission, if acting on the commission's own initiative, shall hold a public hearing in the manner and after the notice determined by regulation. A report of the meeting shall accompany the application.

(5) On application by an owner of land the commission may designate all or part of the land described in the application as or as part of an agricultural land reserve if the commission considers that the designation carries out the intent of this Act.

(6) The applications referred to in subsections (3) and (5) must be made in accordance with section 25.1.

1973-46-8(10-14); 1977-73-6; 1980-36-4, proclaimed October 2, 1980, effective May 17, 1980; 1992-29-1; 1993-38-1.

Exclusion etc. from land reserve

11. (1) On application by a municipality or regional district for land within the municipality's or regional district's territory, or on the commission's own initiative, the commission may exclude land from a reserve, on the terms it considers advisable.

(2) On application by a municipality or regional district for land within the municipality's or regional district's territory, or on the commission's own initiative, the commission, without excluding the land from a reserve, may grant permission under section 15 (2), 16, 18 or 19 (2) in respect of the land that is the subject of the application, on any terms the commission considers advisable.

(2.1) It is a condition of permission granted under subsection (2) that the owner or occupier must comply with the applicable Acts, regulations, bylaws of the municipality or regional district, and the decisions and orders of any person or body having jurisdiction over the land under an enactment.

(3) Before the application is made, the proposed applicant, or the commission if acting on its own initiative, shall hold a public hearing in the manner and with the notice determined by regulation. A report of the public hearing shall accompany the application.

(4) The applications referred to in subsections (1) and (2) must be made in accordance with section 25.1.

1977-73-7(part); 1980-36-5, proclaimed October 2, 1980, effective May 17, 1980;
1992-29-2; 1993-38-2.

Application for exclusion

12. (1) An owner of land aggrieved by a designation of his land as reserve land may, notwithstanding an appearance before or representations to the municipality, regional district or commission under section 9, apply to the commission in accordance with section 25.1, to have his land excluded from a land reserve.

(2) The commission may, after a hearing held in the manner and after the notice required by regulation, allow the application on the terms it considers advisable or refuse the application.

(3) The commission may in its discretion, pending or after the hearing, with the consent of the applicant, permit, on terms, a use other than a farm use.

(4) Where land was, immediately prior to December 21, 1972, zoned for agricultural or farm use under a municipal or regional district bylaw subsisting on that date, the owner may not apply to the commission under this section unless so authorized by a resolution of the municipality or regional district.

(5) The commission shall, at the owner's request, deliver to him its decision in writing, and allow him to examine, and make available to him, copies of all relevant documents in the custody of the commission.

1977-73-7(part); 1992-29-3.

13. [Repealed 1993-38-3.]

Plan to be amended

14. On land being excluded under this Act from a land reserve plan, the commission must amend the land reserve plan and notify the appropriate municipality, regional district and registrar of titles.

1993-38-4.

Use of land reserve

15. (1) This section and sections 16 to 22 apply to agricultural land designated as an agricultural land reserve.

(2) No person shall use agricultural land for any purpose other than farm use, except as permitted by this Act, the regulations or an order of the commission, on terms the commission may impose.

(3) In addition to the limitations set out in section 23 (1) of the *Land Title Act*, a certificate of title heretofore issued for agricultural land is subject, by implication and without endorsement on the certificate of title, to this Act and the regulations governing the reserve and farm use of the land.

(4) The registrar of titles shall endorse on every indefeasible title to agricultural land hereafter issued, that the title may be affected by this Act.

1973-46-10(1,2); 1978-25-335; 1982-60-88, proclaimed effective August 1, 1983.

Further use

16. After December 21, 1972, except as permitted by this Act, the regulations or any terms imposed in an order of the commission,

(a) a municipality or regional district, or any authority, board or other agency established by it or person designated under the *Local Area Act* may not permit agricultural land to be used for other than farm use, or permit a building to be erected on the land except for farm use or for residences necessary to farm use or as permitted by regulation;

(b) an approving officer under the *Land Title Act* or the *Municipal Act* or a Board of Variance may not permit agricultural land to be used for other than farm use.

1973-46-10; 1978-25-332.

Covenant

17. (1) A covenant, whether of a negative or positive nature, in favour of the commission may, with the consent of the covenantor, be registered as a charge against the title and is enforceable against the covenantor and his successors in title, even if the covenant is not annexed to land owned by the commission.

(2) The covenant may be

(a) for the use of land, subdivision of land or the use of a building on or to be erected on land;

(b) that land is or is not to be built on; or

(c) that several parcels of land are not to be transferred separately.

(3) A charge registered under this section may be modified by the commission and the owner of the land or discharged by the commission by an instrument in writing executed under the *Land Title Act*.

1977-73-8; 1978-25-332; 1980-49-3, effective May 17, 1980.

Registration restrictions

18. Except as permitted by this Act or the regulations or by an order of the commission on terms and conditions the commission may impose, a registrar of titles may not

- (a) accept an application for deposit of a subdivision, reference, explanatory or other plan showing subdivision of land; or
- (b) permit a new parcel of land by a metes and bounds description or an abbreviated description,

under the *Land Title Act*, *Condominium Act* or *Real Estate Act*, all or part of which consists of land in an agricultural land reserve.

1977-73-8; 1978-25-332; 1980-36-6, proclaimed October 2, 1980, effective May 17, 1980; 1980-49-4, effective May 17, 1980.

Exception

19. (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*, less than 2 acres in area.

(2) The restrictions on the use of agricultural land do not apply to land lawfully used for other than a farm use, established and carried on continuously for at least 6 months immediately prior to December 21, 1972, unless and until

- (a) the use is changed, other than to farm use, without the permission of the commission;
- (b) an enactment made after December 21, 1972, prohibits the use; or
- (c) permission for the use granted under an enactment is withdrawn or expires.

1973-46-11(1,2).

Application for other than farm use

20. (1) The commission may, under the regulations, hear applications made in accordance with section 25.1 for permission under section 15 (2), 16, 18 or 19 (2) and may grant or refuse permission and may impose the terms it considers advisable.

(2) Where land was, immediately prior to December 21, 1972, zoned for agricultural or farm use under a municipal or regional district bylaw, the owner may not apply to the commission under this section unless so authorized by a resolution of the municipality or the regional district.

1973-46-11(4,4a); 1977-73-9; 1980-36-7, proclaimed October 2, 1980, effective May 17, 1980; 1992-29-4.

Appeal

21. An owner of land, aggrieved by an order of the commission refusing permission for a use other than a farm use or imposing terms on permission for that use, may appeal, on a question of law or excess of jurisdiction only, by way of stated case to the Supreme Court. The provisions of the *Offence Act* for appeals by way of stated case apply, with the necessary changes and so far as are applicable, to the appeal and to any further appeal. A reference in that Act to a justice is deemed to be a reference to the commission.

1973-46-11(5).

Additional powers

22. The commission may for agricultural land

- (a) carry on farming operations on commission land or agree with other persons to do so;

- (b) withdraw from an agricultural land reserve agricultural land owned by the commission and, with the approval of the Lieutenant Governor in Council, dispose of the land to the Crown to be dealt with under the *Land Act*; and
- (c) dispose of agricultural land owned by the commission, with the approval of the Lieutenant Governor in Council, to private ownership for permanent farm use, or any other use considered by the commission to be in the public interest, subject to any terms the commission may impose.

1973-46-12; 1977-73-10.

Capital improvements

23. The commission may make capital improvements on commission land where it considers them desirable for the efficient use of its land or other land in the vicinity, and pay for or purchase capital improvements made on commission land by any person.

1973-46-13.

Taxes

24. Where commission land is unoccupied or a lease of commission land does not provide for the payment of tax by the lessee, the commission may pay to the municipality or regional district a grant in place of taxes.

1973-46-14.

Fees

25. The commission may establish, with the approval of the Lieutenant Governor in Council, a schedule of fees to be paid to the commission for the preparation of leases and other documents, for appraisals and evaluations of land and for copies of documents of the commission.

1973-46-15.

Applications

25.1 (1) In this section, except in subsection (2), "application" means an application under section 10 (3) or (5) or 12 (1) or an application for permission under section 15 (2), 16, 18 or 19 (2).

(2) A municipality or regional district that makes an application to the Lieutenant Governor in Council under section 11 must pay the prescribed application fee.

(3) A person who makes an application to the commission, other than an application

- (a) to use land in an agricultural land reserve for a prescribed type of use, or
- (b) to subdivide land in an agricultural land reserve in prescribed circumstances,

must do so by submitting the application and, except in the case of an application under section 10 (3) or (5), by paying the prescribed application fee

- (c) to the municipality, if the land described in the application is in a municipality, and
- (d) to the regional district, if the land described in the application is in a regional district but not in a municipality.

- (4) A person who makes an application to the commission
- (a) for a prescribed type of use, or
 - (b) to subdivide land in prescribed circumstances
- referred to in subsection (3) must submit the application and pay the prescribed application fee directly to the commission.
- (5) In respect of an application to the commission
- (a) for a prescribed type of use, or
 - (b) to subdivide land in prescribed circumstances
- referred to in subsection (3), the commission may require assistance from a municipality or regional district in which the land described in the application is situated.
- (6) The municipal council of a municipality or the regional board of a regional district that receives an application under subsection (3) shall
- (a) review the application, and
 - (b) subject to subsection (7), forward the application to the commission together with the council's or board's comments and recommendations concerning the application.
- (7) In a case where section 12 (4) or 20 (2) applies to an application or proposed application, the requirement in subsection (6) (b) to forward the application to the commission does not apply if the municipality's or regional district's authorization, required by that section, is refused.

1992-29-5.

Application fees

25.2 (1) A municipality or regional district that receives application fees under section 25.1

- (a) may retain a prescribed portion of the application fees, and
- (b) must remit the balance of the application fees to the commission at the prescribed times.

(2) Despite subsection (1), in a case where section 12 (4) or 20 (2) applies to an application or proposed application and the municipality's or regional district's authorization required by that section is refused, the portion of the application fee that would otherwise be remitted to the commission under subsection (1) (b) shall be returned to the applicant by the municipality or regional district, as the case may be.

(3) Subject to the approval of the commission, if the clerk of a municipality or the secretary of a regional district considers that a case of hardship exists, he or she may waive the application fee payable under section 25.1 (3).

(4) If the commission considers that a case of hardship exists it may waive the application fee payable under section 25.1 (4).

(5) If, under section 25.1 (5), the commission requires assistance from a municipality or regional district, the commission must remit a prescribed portion of the application fee to the municipality or regional district.

(6) This section applies notwithstanding the *Financial Administration Act*.

1992-29-5.

No compensation for reserve land

26. Land shall be deemed not to be taken or injuriously affected by reason of its designation as an agricultural land reserve.

1973-46-16.

Agreements

27. The minister may, for the purposes of this Act, with the approval of the Lieutenant Governor in Council, enter into agreements with Canada, a municipality, a regional district or an agent of the Crown.

1973-46-17; 1977-75-9.

Report and statement

28. (1) The commission shall submit annually to the Lieutenant Governor in Council

- (a) a report of its operations for the preceding fiscal year;
- (b) a financial statement showing its business for that fiscal year, in the form required by the Comptroller General.

(2) The report shall be laid before the Legislative Assembly within 15 sitting days, following submission, of the session next following the end of the fiscal year, but the commission need not submit its report sooner than 90 days after the end of its fiscal year.

1973-46-18; 1980-49-5, effective May 17, 1980.

Definition of "board" in sections 28.2 to 28.6

28.1 In sections 28.2 to 28.6 "board",

- (a) during the period before the establishment of the Environmental Assessment Board under the *Environmental Assessment Act*, means a commissioner or commissioners appointed under the *Inquiry Act* for the purpose of inquiring into a matter described in section 28.2, and
- (b) after the establishment of the Environmental Assessment Board under the *Environmental Assessment Act*, means the Environmental Assessment Board.

1993-38-5.

Reference of a matter to the board

28.2 (1) If the Lieutenant Governor in Council considers it to be in the Provincial interest, the Lieutenant Governor in Council by order may refer to the board, for the purpose of a public hearing described in section 28.5, any of the following matters that is before the commission at the time of the order making the referral:

- (a) an application under section 10 (3) or (5), 11 (1) or (2) or 12 (1);
- (b) an application referred to in section 20 (1);
- (c) where land is being considered by the commission on its own initiative for
 - (i) approval and designation under section 10 (3),
 - (ii) exclusion from a reserve under section 11 (1), or
 - (iii) the granting of the permission referred to in section 11 (2),the issues relating to the approval and designation, to the exclusion or to the permission, as the case may be.

(2) The Lieutenant Governor in Council must specify written terms of reference for the purpose of a public hearing by the board pertaining to a matter referred to the board under this section.

1993-38-5.

**Suspension of matters pending
a decision under section 28.2**

28.3 (1) For the purpose of giving the Lieutenant Governor in Council time to consider whether an order under section 28.2 is warranted in relation to a matter referred to in section 28.2 that is before the commission, the minister may order that the matter be suspended for a period, to be specified in the order, that is not longer than 90 days or any shorter period that is prescribed for the purpose of this subsection.

(2) An order of the minister under subsection (1) has effect and is binding on the commission and on any parties to a proceeding relating to matter that is the subject of the order until the expiry of the period specified in the order.

1993-38-5.

Effect of an order under section 28.2

28.4 (1) On the date of an order under section 28.2 referring a matter to the board, the commission's powers and duties under this Act in relation to the matter that is the subject of the order are transferred to the Lieutenant Governor in Council to the extent necessary to enable the Lieutenant Governor in Council to act in accordance with section 28.6.

(2) An order under section 28.2 is final and binding.

1993-38-5.

Mandate of the board

28.5 (1) On receipt of and in accordance with the written terms of reference specified in conjunction with an order under section 28.2, the board, in accordance with the terms of reference, must conduct a public hearing of the probable environmental, economic, social, cultural and heritage effects, and, without limitation, the agricultural effects, of whichever of the following is the subject of the matter described in section 28.2 in respect of which the order was made:

- (a) an approval and designation under section 10 (3);
- (b) a designation under section 10 (5);
- (c) an exclusion from a reserve under section 11 (1) or 12 (1);
- (d) the granting or refusal of the permission referred to in section 11 (2) or 20 (1).

(2) On conclusion of the public hearing, the board must submit to the Lieutenant Governor in Council

- (a) a written report in accordance with the written terms of reference specified under subsection (3), and
- (b) a summary of the evidence received and submissions made in the course of any public hearing held in accordance with the terms of reference.

(3) Within 10 days after submitting its report under section 28.2, the board must publish the report in the prescribed manner.

1993-38-5.

Lieutenant Governor in Council's decision

28.6 (1) On receiving the board's report the Lieutenant Governor in Council by order may decide the outcome of the matter that is the subject of the order under section 28.2 by

- (a) granting or refusing to grant the approval, designation, exclusion or permission applied for, in the case of a matter described in section 28.2 (1) (a) or (b), or
 - (b) making or deciding not to make the approval, designation, exclusion or permission that was under consideration by the commission on its own initiative, in the case of a matter described in section 28.2 (1) (c).
- (2) The Lieutenant Governor in Council may attach conditions to an order made under this section.
- (3) An order made under this section is final and binding.

1993-38-5.

Application of other Acts

29. (1) This Act and regulations are not subject to any other enactment, whenever enacted, except the *Interpretation Act*, the *Environment and Land Use Act*, the *Waste Management Act* and as provided in this Act or regulations.

(2) The Lieutenant Governor in Council may, by order, declare that a provision of the *Company Act* applies to the commission but otherwise the *Company Act* does not apply to the commission.

1973-46-20(1,7,8); 1982-41-37, proclaimed effective September 16, 1982.

Power under other Acts

30. A minister or agent of the Crown shall not exercise a power granted under another enactment except in accordance with this Act and regulations.

1973-46-20(1).

Conflict with bylaws

31. (1) Nothing in this Act or the regulations affects or impairs the validity of a municipal or regional district bylaw relating to the use of agricultural land in an agricultural land reserve except in so far as the bylaw is inconsistent with this Act, the regulations or an order of the commission. In case of an inconsistency this Act, the regulations and the order prevail and the inconsistent portion is suspended.

(2) A municipal or regional district bylaw that provides restrictions on farm use of agricultural land additional to those provided by this Act and the regulations is not, for that reason alone, inconsistent with this Act and the regulations.

1973-46-20(4,5,6).

Appropriation

32. Money required for the purposes of this Act may

- (a) in the absence of an appropriation, or
 - (b) where money appropriated is insufficient,
- be paid out of the consolidated revenue fund to the commission in amounts approved by the Lieutenant Governor in Council.

1980-36-8, proclaimed October 2, 1980, effective May 17, 1980.

Consolidated revenue fund

32.1 The commission shall pay as soon as practical all money received by it, other than money received pursuant to an appropriation under a Supply Act or under section 32 of this Act, into the consolidated revenue fund.

Bonding

33. The Lieutenant Governor in Council or the commission may require an applicant under this Act, whose application has been granted on terms, to post a bond pursuant to the *Bonding Act* and the regulations to ensure compliance with the terms.

1977-73-15.

Enforcement

34. Where the commission believes that a present or future activity or use of land in an agricultural land reserve may contravene this Act, the regulations, an order of the commission or a condition imposed by section 4 (2) of the *Golf Course Development Moratorium Act*, the commission

- (a) may order the owner or occupant to refrain from the activity or use for a period not exceeding 60 days, and to make written or oral submissions to the commission as it requires to determine any likely impairment of the agricultural capability of the land;
- (b) may apply to the Supreme Court for an order restraining the owner or occupant from commencing or continuing the activity or use of land in contravention of this Act, the regulations, an order of the commission or a condition imposed by section 4 (2) of the *Golf Course Development Moratorium Act*.

[Note: see section 6, Soil Conservation Act.]

1977-73-15; 1992-8-7.

Determination and order

35. Where after a submission and a determination that the activity, or use of land, would likely impair agricultural capability, or where no submission is made, the commission may, by order

- (a) impose on the owner or occupant the terms for activity or use of the land it considers advisable; or
- (b) require that the land be restored to its former condition as agricultural land, to the satisfaction of the commission; and
- (c) require a bond to ensure compliance.

In case of default under paragraph (b), the commission may perform the work, and the cost is a debt due to the commission by the owner or occupant in default.

1977-73-15.

Transitional

36. Notwithstanding sections 29 and 30, where Crown land established as an agricultural land reserve under this Act has been leased by the Crown, or sold by agreement for sale by the Crown and not transferred to the purchaser before December 21, 1972, and on that date was being used for a purpose other than farm use, and not in contravention of the terms of the lease or agreement, that use may continue until termination of the lease or issue of title to the purchaser under the agreement for sale.

1973-46-20(3).

Regulations

37. (1) The Lieutenant Governor in Council may make regulations.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations

- (a) establishing different application fees for different types of applications and applications in different circumstances, and
- (b) exempting classes of persons from payment of a prescribed application fee.

1977-73-11; 1992-29-6.

[Note: Act assented to April 18, 1973 and came into force on proclamation, which could have been declared to be before or after enactment. The declaration power was not exercised. 1973-46-22.]

Queen's Printer for British Columbia©
Victoria, 1994

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Kirk Miller
ACC / JPP

Order in Council No. **1037** . Approved and Ordered **AUG 25 1994**

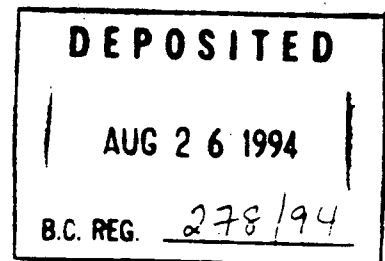
[Signature]

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 Commission Amendment Act, 1994, S.B.C. 1994, c. 25,
is by this regulation, brought into force.

(JS)
CC-LKM
JPP
BD



[Signature: David Zimbel]

Minister of Agriculture Fisheries and Food

[Signature: M. Hancock]

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:

Agricultural Land Commission Amendment Act, 1994, S.B.C. 1994, c. 25, s. 18(1).

Bill 30

Act and section:

Other (specify):

(JP 4011)

1913/94/1

Aug 25, 1994

Government Bill

Third Session, Thirty-fifth Parliament
43 Elizabeth II, 1994
Legislative Assembly of British Columbia

BILL 30

**AGRICULTURAL LAND COMMISSION
AMENDMENT ACT, 1994**

Honourable David Zirnelt
Minister of Agriculture, Fisheries and Food

Explanatory Notes

SECTION 1: adds a definition to section 1 of the *Agricultural Land Commission Act* for the purpose of other amendments.

SECTION 2: adds section 2.1 of the *Agricultural Land Commission Act* to allow a new member of the commission to complete proceedings started before the member's appointment.

SECTION 3: replaces section 7 of the *Agricultural Land Commission Act* to reflect the commission's cooperative role in achieving the objectives of the Act.

BILL 30 - 1994

**AGRICULTURAL LAND COMMISSION
AMENDMENT ACT, 1994**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1. *Section 1 of the Agricultural Land Commission Act, R.S.B.C. 1979, c. 9, is amended by adding the following definition:*

"approving officer" means an approving officer as defined in the *Land Title Act*; .

2. *The following section is added:*

Completion of proceedings

- 2.1 (1) Subject to subsection (2), a member of the commission, after being appointed, may take up and carry on to completion all proceedings commenced under this Act but not completed before the member's appointment.
- (2) A member of the commission who was not present at the hearing of an application or other matter under this Act may vote on the application or matter only if a record of the hearing is given to the member before the vote.

3. *Section 7 is repealed and the following substituted:*

Objects and powers

7. (1) It is the object of the commission to
- (a) preserve agricultural land,
 - (b) encourage the establishment and maintenance of farms, and the use of land in an agricultural land reserve compatible with agricultural purposes,
 - (c) assist municipalities and regional districts in the preparation of land reserve plans required under this Act, and
 - (d) encourage municipalities, regional districts, first nations and ministers, ministries and agents of the governments of British Columbia

SECTION 3: (Continued)

SECTION 4: replaces section 12 (4) of the *Agricultural Land Commission Act* to give local government an expanded role in applications under that section.

SECTION 5: adds section 15 (1.1) of the *Agricultural Land Commission Act* to clarify that certain sections apply only to land within an agricultural land reserve.

SECTION 6: replaces section 16 (1) (b) of the *Agricultural Land Commission Act* with provisions that accurately reflect the jurisdiction of approving officers.

and Canada to support and accommodate farm use of agricultural land in their bylaws, plans and policies.

- (2) The commission has the power, by itself or in cooperation with the entities referred to in subsection (1) (d), to acquire and dispose of property.

4. *Section 12 (4) is repealed and the following substituted:*

(4) If an application under this section

- (a) applies to land that is zoned to permit agricultural or farm use in a bylaw, or
- (b) requires, in order to proceed, an amendment to an official settlement plan, official community plan, official development plan, rural land use bylaw or zoning bylaw,

of a municipality or regional district adopted under the *Municipal Act* or the *Vancouver Charter* that is in force on the day that the application is made, the application may not proceed under this section unless so authorized by a resolution of the municipality or the regional district.

5. *Section 15 is amended*

(a) *in subsection (1) by striking out "This section" and substituting "Subject to subsection (1.1), this section", and*

(b) *by adding the following:*

- (1.1) For greater certainty, if the boundary of an agricultural land reserve divides a parcel of land, this section and sections 16 to 22 apply only to that portion of the parcel that is designated as an agricultural land reserve.

6. *Section 16 is amended*

(a) *by renumbering the section as section 16 (1),*

(b) *by repealing subsection (1) (b) and substituting the following:*

- (b) an approving officer may not approve a subdivision of agricultural land under the *Land Title Act*, the *Condominium Act* or the *Municipal Act*; and

- (c) a board of variance may not permit agricultural land to be used for other than farm use under the *Municipal Act*, and

(c) *by adding the following subsection:*

- (2) Subsection (1) (b) applies to any person who exercises the authority of an approving officer under any other Act.

SECTION 7: adds section 19 (3) of the *Agricultural Land Commission Act* to clarify that legal non-conforming uses are limited to the part of the parcel on which they were carried on.

SECTION 8: replaces section 20 (2) of the *Agricultural Land Commission Act* to give local government an expanded role in applications under that section. Adds section 20 (3) of the *Agricultural Land Commission Act* to allow applications to be decided on the basis of written representations. The commission would maintain the flexibility to hold a hearing in appropriate circumstances.

SECTION 9: adds several new sections of the *Agricultural Land Commission Act*. Section 20.1 allows local government, with the agreement of the commission, to decide section 20 applications. Section 20.2 establishes a limited scope for section 20 applications to be decided by the general manager. Section 20.3 states that decisions made by local government or the general manager may be appealed. Section 20.4 allows the commission to reconsider its decisions in limited circumstances.

7. *Section 19 is amended by adding the following:*

- (3) For greater certainty, the exception in subsection (2) applies only to the land that was actually being used for other than a farm use and not to the entire parcel on which that use was being carried on.

8. *Section 20 is amended*

- (a) *in subsection (1) by striking out “hear applications” and substituting “decide applications”, and*

- (b) *by repealing subsection (2) and substituting the following:*

- (2) If an application under this section

- (a) applies to land that is zoned to permit agricultural or farm use in a bylaw, or

- (b) requires, in order to proceed, an amendment to an official settlement plan, official community plan, official development plan, rural land use bylaw or zoning bylaw,

of a municipality or regional district adopted under the *Municipal Act* or the *Vancouver Charter* that is in force on the day that the application is made, the application may not proceed under this section unless so authorized by a resolution of the municipality or the regional district.

- (3) In deciding an application under this section, the commission may, under the regulations, hold a hearing or may make a decision on the basis of written representations only.

9. *The following sections are added:*

Delegation of section 20 powers to municipalities and regional districts

- 20.1** (1) The commission may enter into an agreement with a municipality or regional district to enable the municipality or regional district to exercise some or all of the commission's power to decide applications under section 20 with respect to lands within the municipality or regional district.

- (2) If an agreement is entered into under subsection (1), the municipality or regional district must, with respect to an application covered by the agreement,

- (a) consider each application in the prescribed manner, and

- (b) advise the commission in the prescribed manner of each application received and the decision made on each application.

SECTION 9: (Continued)

- (3) A decision made by a municipality or regional district under this section must be made by resolution of the council or board, as the case may be.
- (4) The Lieutenant Governor in Council may make regulations respecting the terms of agreements entered into under this section.
- (5) If the commission's power to decide applications under section 20 is delegated to a municipality or regional district by an agreement entered into under this section, the decision of the municipality or regional district is a decision of the commission for the purposes of this Act.
- (6) If a municipality or regional district has the power to decide an application under an agreement entered into under subsection (1)
 - (a) an application that would be required to be submitted to the municipality or regional district under section 25.1 for review, comment and recommendation must be made directly to the municipality or regional district,
 - (b) the entire fee payable under section 25.1 with respect to the application may be retained by the municipality or regional district, and
 - (c) sections 28.2 to 28.6 apply to the application as if the application were before the commission.

**General manager may approve
specified section 20 applications**

- 20.2** (1) The commission may, by resolution, establish criteria under which
- (a) specified types of applications under section 20, or
 - (b) applications under section 20 with respect to specified regions of British Columbia,
- would be approved by the commission.
- (2) The commission must put the criteria established under subsection (1) in writing and make them available for inspection during ordinary business hours.
 - (3) An application under section 20 that meets the criteria established under subsection (1) may be approved by the general manager on the conditions that the general manager may impose.
 - (4) The conditions imposed by the general manager under subsection (3) must be consistent with the criteria established by the commission under subsection (1).
 - (5) If the general manager is of the opinion that the application does not meet the criteria specified under subsection (1) or for any other reason does not

SECTION 9: (Continued)

SECTION 10: adds section 22.1 of the *Agricultural Land Commission Act* to allow inspection powers for the purposes of deciding applications and enforcing the Act.

wish to approve the application under subsection (3), the application must be referred to the commission for a decision.

- (6) An approval of a section 20 application made by the general manager under subsection (3) is a decision of the commission for the purposes of this Act.
- (7) The general manager may not exercise a power that has been delegated to a municipality or regional district through an agreement entered into under section 20.1.

Decisions may be appealed

- 20.3** Without limiting section 20.1 (5) or 20.2 (6), a decision of the municipality or regional district under section 20.1 or of the general manager under section 20.2 is a decision that may be appealed under section 21.

Reconsideration of decisions

- 20.4** (1) If the commission determines, on the written request of a person affected or on the commission's own initiative, that
- (a) evidence not available at the time of an original decision of the commission under this Act has become available, or
 - (b) a decision of the commission under this Act was based, in whole or in part, on evidence that was in error or was false,
- the commission may reconsider that decision and may confirm, reverse or vary it.
- (2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.

10. *The following section is added:*

Inspections

- 22.1** (1) For the purpose of deciding an application under this Act or ensuring compliance with this Act, the regulations or an order of the commission, a member of the commission, or a person appointed under section 5 and designated in writing by the commission for the purpose, may
- (a) enter any land, other than a dwelling house,
 - (b) make any surveys, analyses, inspections, examinations or soil tests that are necessary to determine
 - (i) the current use of the land,

SECTION 10: (Continued)

SECTION 11: makes a minor amendment to section 25.1 (2) of the *Agricultural Land Commission Act* that is consequential to the *Cabinet Appeals Abolition Act*.

SECTION 12: adds section 25.3 of the *Agricultural Land Commission Act* to require public notice of applications under the Act.

SECTION 13: replaces section 31 of the *Agricultural Land Commission Act* to clarify the relationship between the Act and local government bylaws.

- (ii) the suitability of the land for farm use, or
 - (iii) the potential impact of proposed changes to the use of the land on land in an agricultural land reserve, and
 - (c) remove soil samples for the purposes of conducting the analyses and tests referred to in paragraph (b).
 - (2) A person who hinders, obstructs, impedes or otherwise interferes with a person exercising a power under subsection (1) commits an offence.
- 11.** *Section 25.1 (2) is amended by striking out “the Lieutenant Governor in Council” and substituting “the commission”.*
- 12.** *The following section is added:*

Notice of applications

- 25.3** (1) In this section “**application**” means an application under section 25.1.
- (2) A person who makes an application must, in the prescribed circumstances,
 - (a) give notice of the application in accordance with the regulations before submitting the application, and
 - (b) provide evidence, satisfactory to the commission, that the applicant has complied with the notice requirements of the regulations.
 - (3) A municipality or regional district that has the power to decide an application through an agreement entered into under section 20.1 must ensure that the application is accompanied by evidence, satisfactory to the municipality or regional district, that the applicant has complied with the notice requirements of the regulations.
 - (4) A decision of the commission or of a municipality or regional district with respect to an application is not invalidated by reason only of the failure of the applicant to comply with the notice requirements of the regulations, if the applicant made reasonable efforts to comply with those requirements.

- 13.** *Section 31 is repealed and the following substituted:*

Conflict with bylaws

- 31.** (1) In this section “**bylaw**” means
- (a) a bylaw made by a municipality or regional district under the *Municipal Act* or the *Vancouver Charter* that adopts an official settle-

SECTION 13: (Continued)

SECTION 14: adds section 35.1 of the *Agricultural Land Commission Act* to provide standard liability protection for actions done in good faith.

ment plan, official community plan, official development plan, rural land use bylaw or zoning bylaw, and

- (b) any other bylaw respecting land use in a municipality or regional district made by a municipality or regional district under any other enactment.
- (2) Every municipality and regional district must ensure that its bylaws are consistent with this Act, the regulations and the orders of the commission.
- (3) Subject to subsection (4), nothing in this Act affects or impairs the validity of a bylaw relating to the use of agricultural land in an agricultural land reserve.
- (4) A bylaw that is inconsistent with this Act, the regulations or an order of the commission is, to the extent of the inconsistency, of no force or effect.
- (5) Without limiting subsection (4), a bylaw that
 - (a) allows agricultural land in an agricultural land reserve to be used for a use not permitted by this Act, the regulations or an order of the commission, or
 - (b) contemplates a use of land that would impair or impede the intent of this Act, the regulations or an order of the commission, whether or not that use requires the adoption of any further bylaw, the giving of any consent or approval or the making of any order,is deemed to be inconsistent with this Act.
- (6) A bylaw that provides restrictions on farm use of agricultural land additional to those provided by this Act and the regulations is not, for that reason alone, inconsistent with this Act and the regulations.
- (7) The *Offence Act* does not apply to a contravention of subsection (2).
- (8) This section applies only to bylaws made after this section comes into force.

14. *The following section is added:*

Civil liability

- 35.1** (1) No action for damages lies or may be brought against any member of the commission or any person appointed under section 5 because of anything done or omitted in good faith
- (a) in the performance or purported performance of any duty under this Act, or
 - (b) in the exercise or purported exercise of any power under this Act.

SECTION 14: (Continued)

SECTION 15: adds regulation making powers to section 37 of the *Agricultural Land Commission Act* for the purposes of other amendments.

SECTION 16: makes consequential amendments to section 947 of the *Municipal Act* to require local government plans relating to agricultural land reserves to be referred to the commission for comment.

- (2) Subsection (1) does not absolve the commission from vicarious liability for an act or omission for which it would be vicariously liable if this section were not in force.

15. Section 37 is amended

- (a) *in subsection (2) by striking out “and” at the end of paragraph (a) and by adding the following:*

- (c) respecting the terms of an agreement entered into under section 20.1,
- (d) respecting the manner in which a municipality or regional district is required to
 - (i) consider an application, and
 - (ii) advise the commission of an application received and a decision made on an application,for the purpose of section 20.1 (2),
- (e) prescribing circumstances in which notice of an application is required to be given under section 25.3, and
- (f) respecting the notice requirements for the purpose of section 25.3, including prescribing a form of notice, , and

- (b) *by adding the following subsection:*

- (3) A regulation made under subsection (2) (f) may prescribe different notice requirements for different types of applications or different areas of British Columbia.

Consequential Amendments

Municipal Act

16. Section 947 of the Municipal Act, R.S.B.C. 1979, c. 290, is amended

- (a) *in subsection (2) by adding the following:*

- (a.2) if the plan applies to land in an agricultural land reserve established under the *Agricultural Land Commission Act*, refer the plan to the Provincial Agricultural Land Commission for comment, , and

- (b) *by adding the following:*

- (2.2) The minister may make regulations

SECTION 16: (Continued)

SECTION 17: validates the original process for designation of agricultural land reserves.

- (a) defining areas for which and describing circumstances in which subsection (1) (a.2) does not apply, and
- (b) providing that an exception under paragraph (a) is subject to the terms and conditions specified by the minister.

Validations

17. (1) In this section

“agricultural land reserve” means an agricultural land reserve established under section 8 of the former Act;

“commission” means the Provincial Agricultural Land Commission continued under section 2 of the *Agricultural Land Commission Act*;

“former Act” means the *Land Commission Act*, S.B.C. 1973, c. 46;

“land reserve plan” means the land reserve plan of the regional district listed in column 1 of the Schedule, adopted by the bylaw of the number listed opposite it in column 2 on the date listed opposite it in column 3, and filed with the commission under section 8 (2) of the former Act.

- (2) Despite any decision of a court to the contrary, all amendments to a land reserve plan made and recommended by the commission under section 8 (6) of the former Act are confirmed and validated effective the date on which each of the amendments was purported to have been made and recommended.
- (3) Despite any decision of a court to the contrary, the orders in council, approving land reserve plans under section 8 (6) of the former Act, listed in column 4 of the Schedule, are confirmed and validated effective the date on which each of the orders in council was purported to have been made.
- (4) Despite any decision of a court to the contrary, the designations of land as an agricultural land reserve made by the commission under section 8 (6) of the former Act and contained in the resolutions of the commission listed in column 5 of the Schedule are confirmed and validated effective the date on which each of the designations was purported to have been made.
- (5) Everything done that would have been validly done had the acts validated by this section been validly done on the date they were purported to have been done is conclusively deemed to have been validly done.
- (6) This section is retroactive to the extent necessary to give full force and effect to its provisions and must not be construed as lacking retroactive effect in relation to any matter by reason that it makes no specific reference to that matter.

Commencement

- 18.** (1) Subject to subsection (2), this Act comes into force by regulation of the Lieutenant Governor in Council.
- (2) Section 17 is deemed to come into force on the day this Act receives First Reading in the Legislative Assembly and is retroactive to the extent necessary to give it effect on and after that day.

BILL 30**SCHEDULE***(Section 17)*

Column 1	Column 2	Column 3	Column 4	Column 5
REGIONAL DISTRICT	BYLAW NUMBER	BYLAW DATE	APPROVAL ORDER IN COUNCIL	DESIGNATION RESOLUTION
Alberni-Clayoquot	47	Oct. 24/73	1246/74	173/74
Bulkley-Nechako	79	Nov. 22/73	3953/74	193/75
Capital	150	Nov. 2/73	2125/74	181/74
Cariboo	238	Feb. 15/74	3744/74	190/74
Ocean Falls	1	May 31/74	132/75	194/75
Central Fraser Valley	73	Oct. 22/73	1244/74	175/74
Central Kootenay	150	Jan. 5/74	3076/74	189/74
Central Okanagan	71	Dec. 5/73	2413/74	183/74
Columbia Shuswap	70	Dec. 18/73	2856/74	187/74
Comox Strathcona	113	Nov. 14/73	1645/74	177/74
Cowichan Valley	120	Nov. 14/73	1646/74	176/74
Dewdney-Alouette	68	Oct. 24/73	1245/74	174/74
East Kootenay	79	Feb. 23/74	1838/75	196/75
Fraser-Cheam	32	Dec. 18/73	2790/74	185/74
Fraser-Fort George	153	Dec. 17/73	2673/74	184/74
Greater Vancouver	120	Oct. 3/73	1936/74	179/74
Kitimat-Stikine	32	Mar. 28/74	3634/74	191/74
Kootenay Boundary	82	Dec. 12/73	3075/74	188/74
Mount Waddington	37	Jan. 19/76	3593/76	197/76
Nanaimo	112	Dec. 11/73	2124/74	182/74
North Okanagan	88	Sept. 27/73	900/74	171/74
Okanagan-Similkameen	184	Sept. 20/73	181/74	170/74
Peace River Liard	54	Nov. 22/73	1984/74	180/74
Powell River	24	June 27/74	3743/74	192/74

BILL 30

Column 1	Column 2	Column 3	Column 4	Column 5
REGIONAL DISTRICT	BYLAW NUMBER	BYLAW DATE	APPROVAL ORDER IN COUNCIL	DESIGNATION RESOLUTION
Skeena-Queen Charlotte	31	June 28/74	470/75	195/75
Squamish-Lillooet	50	Oct. 22/73	1647/74	178/74
Sunshine Coast	83	Nov. 8/73	1139/74	172/74
Thompson-Nicola	159	Oct. 5/73	2857/74	186/74

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Ian D. Izard, Law Clerk

MINISTER OF AGRICULTURE,
FISHERIES AND FOOD

BILL 30 - 1994

**AGRICULTURAL LAND COMMISSION
AMENDMENT ACT, 1994**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1. *Section 1 of the Agricultural Land Commission Act, R.S.B.C. 1979, c. 9, is amended by adding the following definition:*

"approving officer" means an approving officer as defined in the *Land Title Act*;

2. *The following section is added:*

Completion of proceedings

- 2.1 (1) Subject to subsection (2), a member of the commission, after being appointed, may take up and carry on to completion all proceedings commenced under this Act but not completed before the member's appointment.
- (2) A member of the commission who was not present at the hearing of an application or other matter under this Act may vote on the application or matter only if a record of the hearing is given to the member before the vote.

3. *Section 7 is repealed and the following substituted:*

Objects and powers

7. (1) It is the object of the commission to
 - (a) preserve agricultural land,
 - (b) encourage the establishment and maintenance of farms, and the use of land in an agricultural land reserve compatible with agricultural purposes,
 - (c) assist municipalities and regional districts in the preparation of land reserve plans required under this Act, and

(d) encourage municipalities, regional districts, first nations and ministers, ministries and agents of the governments of British Columbia and Canada to support and accommodate farm use of agricultural land in their bylaws, plans and policies.

(2) The commission has the power, by itself or in cooperation with the entities referred to in subsection (1) (d), to acquire and dispose of property.

4. *Section 12 (4) is repealed and the following substituted:*

(4) If an application under this section

(a) applies to land that is zoned to permit agricultural or farm use in a bylaw, or

(b) requires, in order to proceed, an amendment to an official settlement plan, official community plan, official development plan, rural land use bylaw or zoning bylaw,

of a municipality or regional district adopted under the *Municipal Act* or the *Vancouver Charter* that is in force on the day that the application is made, the application may not proceed under this section unless so authorized by a resolution of the municipality or the regional district.

5. *Section 15 is amended*

(a) in subsection (1) by striking out "This section" and substituting "Subject to subsection (1.1), this section", and

(b) by adding the following:

(1.1) For greater certainty, if the boundary of an agricultural land reserve divides a parcel of land, this section and sections 16 to 22 apply only to that portion of the parcel that is designated as an agricultural land reserve.

6. *Section 16 is amended*

(a) by renumbering the section as section 16(1),

(b) by repealing subsection (1) (b) and substituting the following:

(b) an approving officer may not approve a subdivision of agricultural land under the *Land Title Act*, the *Condominium Act* or the *Municipal Act*; and

(c) a board of variance may not permit agricultural land to be used for other than farm use under the *Municipal Act*. , and

(c) by adding the following subsection:

- (2) Subsection (1) (b) applies to any person who exercises the authority of an approving officer under any other Act.

7. *Section 19 is amended by adding the following:*

- (3) For greater certainty, the exception in subsection (2) applies only to the land that was actually being used for other than a farm use and not to the entire parcel on which that use was being carried on.

8. *Section 20 is amended*

- (a) *in subsection (1) by striking out "hear applications" and substituting "decide applications", and*

- (b) *by repealing subsection (2) and substituting the following:*

- (2) If an application under this section

- (a) applies to land that is zoned to permit agricultural or farm use in a bylaw, or

- (b) requires, in order to proceed, an amendment to an official settlement plan, official community plan, official development plan, rural land use bylaw or zoning bylaw,

of a municipality or regional district adopted under the *Municipal Act* or the *Vancouver Charter* that is in force on the day that the application is made, the application may not proceed under this section unless so authorized by a resolution of the municipality or the regional district.

- (3) In deciding an application under this section, the commission may, under the regulations, hold a hearing or may make a decision on the basis of written representations only.

9. *The following sections are added:*

Delegation of section 20 powers to municipalities and regional districts

- 20.1** (1) The commission may enter into an agreement with a municipality or regional district to enable the municipality or regional district to exercise some or all of the commission's power to decide applications under section 20 with respect to lands within the municipality or regional district.
- (2) If an agreement is entered into under subsection (1), the municipality or regional district must, with respect to an application covered by the agreement,

- (a) consider each application in the prescribed manner, and
- (b) advise the commission in the prescribed manner of each application received and the decision made on each application.
- (3) A decision made by a municipality or regional district under this section must be made by resolution of the council or board, as the case may be.
- (4) The Lieutenant Governor in Council may make regulations respecting the terms of agreements entered into under this section.
- (5) If the commission's power to decide applications under section 20 is delegated to a municipality or regional district by an agreement entered into under this section, the decision of the municipality or regional district is a decision of the commission for the purposes of this Act.
- (6) If a municipality or regional district has the power to decide an application under an agreement entered into under subsection (1),
 - (a) an application that would be required to be submitted to the municipality or regional district under section 25.1 for review, comment and recommendation must be made directly to the municipality or regional district,
 - (b) the entire fee payable under section 25.1 with respect to the application may be retained by the municipality or regional district, and
 - (c) sections 28.2 to 28.6 apply to the application as if the application were before the commission.

**General manager may approve
specified section 20 applications**

- 20.2** (1) The commission may, by resolution, establish criteria under which
- (a) specified types of applications under section 20, or
 - (b) applications under section 20 with respect to specified regions of British Columbia,
- would be approved by the commission.
- (2) The commission must put the criteria established under subsection (1) in writing and make them available for inspection during ordinary business hours.
 - (3) An application under section 20 that meets the criteria established under subsection (1) may be approved by the general manager on the conditions that the general manager may impose.

- (4) The conditions imposed by the general manager under subsection (3) must be consistent with the criteria established by the commission under subsection (1).
- (5) If the general manager is of the opinion that the application does not meet the criteria specified under subsection (1) or for any other reason does not wish to approve the application under subsection (3), the application must be referred to the commission for a decision.
- (6) An approval of a section 20 application made by the general manager under subsection (3) is a decision of the commission for the purposes of this Act.
- (7) The general manager may not exercise a power that has been delegated to a municipality or regional district through an agreement entered into under section 20.1.

Decisions may be appealed

- 20.3** Without limiting section 20.1 (5) or 20.2 (6), a decision of the municipality or regional district under section 20.1 or of the general manager under section 20.2 is a decision that may be appealed under section 21.

Reconsideration of decisions

- 20.4** (1) If the commission determines, on the written request of a person affected or on the commission's own initiative, that
- (a) evidence not available at the time of an original decision of the commission under this Act has become available, or
 - (b) a decision of the commission under this Act was based, in whole or in part, on evidence that was in error or was false,
- the commission may reconsider that decision and may confirm, reverse or vary it.
- (2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.

10. The following section is added:

Inspections

- 22.1** (1) For the purpose of deciding an application under this Act or ensuring compliance with this Act, the regulations or an order of the commission, a

member of the commission, or a person appointed under section 5 and designated in writing by the commission for the purpose, may

- (a) enter any land, other than a dwelling house,
- (b) make any surveys, analyses, inspections, examinations or soil tests that are necessary to determine
 - (i) the current use of the land,
 - (ii) the suitability of the land for farm use, or
 - (iii) the potential impact of proposed changes to the use of the land on land in an agricultural land reserve, and
- (c) remove soil samples for the purposes of conducting the analyses and tests referred to in paragraph (b).

- (2) A person who hinders, obstructs, impedes or otherwise interferes with a person exercising a power under subsection (1) commits an offence.

11. *Section 25.1 (2) is amended by striking out "the Lieutenant Governor in Council" and substituting "the commission".*

12. *The following section is added:*

Notice of applications

25.3 (1) In this section "**application**" means an application under section 25.1.

(2) A person who makes an application must, in the prescribed circumstances,

- (a) give notice of the application in accordance with the regulations before submitting the application, and
- (b) provide evidence, satisfactory to the commission, that the applicant has complied with the notice requirements of the regulations.

(3) A municipality or regional district that has the power to decide an application through an agreement entered into under section 20.1 must ensure that the application is accompanied by evidence, satisfactory to the municipality or regional district, that the applicant has complied with the notice requirements of the regulations.

(4) A decision of the commission or of a municipality or regional district with respect to an application is not invalidated by reason only of the failure of the applicant to comply with the notice requirements of the regulations, if the applicant made reasonable efforts to comply with those requirements.

13. Section 31 is repealed and the following substituted:

Conflict with bylaws

31. (1) In this section "bylaw" means

- (a) a bylaw made by a municipality or regional district under the *Municipal Act* or the *Vancouver Charter* that adopts an official settlement plan, official community plan, official development plan, rural land use bylaw or zoning bylaw, and
 - (b) any other bylaw respecting land use in a municipality or regional district made by a municipality or regional district under any other enactment.
- (2) Every municipality and regional district must ensure that its bylaws are consistent with this Act, the regulations and the orders of the commission.
- (3) Subject to subsection (4), nothing in this Act affects or impairs the validity of a bylaw relating to the use of agricultural land in an agricultural land reserve.
- (4) A bylaw that is inconsistent with this Act, the regulations or an order of the commission is, to the extent of the inconsistency, of no force or effect.
- (5) Without limiting subsection (4), a bylaw that
- (a) allows agricultural land in an agricultural land reserve to be used for a use not permitted by this Act, the regulations or an order of the commission, or
 - (b) contemplates a use of land that would impair or impede the intent of this Act, the regulations or an order of the commission, whether or not that use requires the adoption of any further bylaw, the giving of any consent or approval or the making of any order,
- is deemed to be inconsistent with this Act.
- (6) A bylaw that provides restrictions on farm use of agricultural land additional to those provided by this Act and the regulations is not, for that reason alone, inconsistent with this Act and the regulations.
- (7) The *Offence Act* does not apply to a contravention of subsection (2).
- (8) This section applies only to bylaws made after this section comes into force.

14. The following section is added:

Civil liability

35.1 (1) No action for damages lies or may be brought against any member of the commission or any person appointed under section 5 because of anything done or omitted in good faith

(a) in the performance or purported performance of any duty under this Act, or

(b) in the exercise or purported exercise of any power under this Act.

(2) Subsection (1) does not absolve the commission from vicarious liability for an act or omission for which it would be vicariously liable if this section were not in force.

15. Section 37 is amended

(a) in subsection (2) by striking out "and" at the end of paragraph (a) and by adding the following:

(c) respecting the terms of an agreement entered into under section 20.1,

(d) respecting the manner in which a municipality or regional district is required to

(i) consider an application, and

(ii) advise the commission of an application received and a decision made on an application,

for the purpose of section 20.1 (2),

(e) prescribing circumstances in which notice of an application is required to be given under section 25.3, and

(f) respecting the notice requirements for the purpose of section 25.3, including prescribing a form of notice, , and

(b) by adding the following subsection:

(3) A regulation made under subsection (2) (f) may prescribe different notice requirements for different types of applications or different areas of British Columbia.

Consequential Amendments

Municipal Act

16. Section 947 of the Municipal Act, R.S.B.C. 1979, c. 290, is amended

(a) in subsection (2) by adding the following:

(a.2) if the plan applies to land in an agricultural land reserve established under the *Agricultural Land Commission Act*, refer the plan to the Provincial Agricultural Land Commission for comment, , and

(b) by adding the following:

(2.2) The minister may make regulations

(a) defining areas for which and describing circumstances in which subsection (1) (a.2) does not apply, and

(b) providing that an exception under paragraph (a) is subject to the terms and conditions specified by the minister.

Validations

17. (1) In this section

"agricultural land reserve" means an agricultural land reserve established under section 8 of the former Act;

"commission" means the Provincial Agricultural Land Commission continued under section 2 of the *Agricultural Land Commission Act*;

"former Act" means the *Land Commission Act*, S.B.C. 1973, c. 46;

"land reserve plan" means the land reserve plan of the regional district listed in column 1 of the Schedule, adopted by the bylaw of the number listed opposite it in column 2 on the date listed opposite it in column 3, and filed with the commission under section 8 (2) of the former Act.

(2) Despite any decision of a court to the contrary, all amendments to a land reserve plan made and recommended by the commission under section 8 (6) of the former Act are confirmed and validated effective the date on which each of the amendments was purported to have been made and recommended.

(3) Despite any decision of a court to the contrary, the orders in council, approving land reserve plans under section 8 (6) of the former Act, listed in column 4 of the Schedule, are confirmed and validated effective the date on which each of the orders in council was purported to have been made.

(4) Despite any decision of a court to the contrary, the designations of land as an agricultural land reserve made by the commission under section 8 (6) of the former Act and contained in the resolutions of the commission listed in column 5 of the Schedule are confirmed and validated effective the date on which each of the designations was purported to have been made.

- (5) Everything done that would have been validly done had the acts validated by this section been validly done on the date they were purported to have been done is conclusively deemed to have been validly done.
- (6) This section is retroactive to the extent necessary to give full force and effect to its provisions and must not be construed as lacking retroactive effect in relation to any matter by reason that it makes no specific reference to that matter.

Commencement

18. (1) Subject to subsection (2), this Act comes into force by regulation of the Lieutenant Governor in Council.
- (2) Section 17 is deemed to come into force on the day this Act receives First Reading in the Legislative Assembly and is retroactive to the extent necessary to give it effect on and after that day.

BILL 30

SCHEDULE

(Section 17)

Column 1	Column 2	Column 3	Column 4	Column 5
REGIONAL DISTRICT	BYLAW NUMBER	BYLAW DATE	APPROVAL ORDER IN COUNCIL	DESIGNATION RESOLUTION
Alberni-Clayoquot	47	Oct. 24/73	1246/74	173/74
Bulkley-Nechako	79	Nov. 22/73	3953/74	193/75
Capital	150	Nov. 2/73	2125/74	181/74
Cariboo	238	Feb. 15/74	3744/74	190/74
Ocean Falls	1	May 31/74	132/75	194/75
Central Fraser Valley	73	Oct. 22/73	1244/74	175/74
Central Kootenay	150	Jan. 5/74	3076/74	189/74
Central Okanagan	71	Dec. 5/73	2413/74	183/74
Columbia Shuswap	70	Dec. 18/73	2856/74	187/74
Comox Strathcona	113	Nov. 14/73	1645/74	177/74
Cowichan Valley	120	Nov. 14/73	1646/74	176/74
Dewdney-Alouette	68	Oct. 24/73	1245/74	174/74
East Kootenay	79	Feb. 23/74	1838/75	196/75
Fraser-Cheam	32	Dec. 18/73	2790/74	185/74
Fraser-Fort George	153	Dec. 17/73	2673/74	184/74
Greater Vancouver	120	Oct. 3/73	1936/74	179/74
Kitimat-Stikine	32	Mar. 28/74	3634/74	191/74
Kootenay Boundary	82	Dec. 12/73	3075/74	188/74
Mount Waddington	37	Jan. 19/76	3593/76	197/76
Nanaimo	112	Dec. 11/73	2124/74	182/74
North Okanagan	88	Sept. 27/73	900/74	171/74
Okanagan-Similkameen	184	Sept. 20/73	181/74	170/74
Peace River Liard	54	Nov. 22/73	1984/74	180/74
Powell River	24	June 27/74	3743/74	192/74

BILL 30

Column 1	Column 2	Column 3	Column 4	Column 5
REGIONAL DISTRICT	BYLAW NUMBER	BYLAW DATE	APPROVAL ORDER IN COUNCIL	DESIGNATION RESOLUTION
Skeena-Queen Charlotte	31	June 28/74	470/75	195/75
Squamish-Lillooet	50	Oct. 22/73	1647/74	178/74
Sunshine Coast	83	Nov. 8/73	1139/74	172/74
Thompson-Nicola	159	Oct. 5/73	2857/74	186/74

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Victoria, 1994

Agricultural Land Reserve — Historical Table to December 31, 1996

Legislative History

AGRICULTURAL LAND RESERVE ACT (formerly Agricultural Land Commission Act)

RSBC 1996, chapter 10

Section	History
1.....	RS1979-9-1; 1994-25-1.
2.....	RS1979-9-2; 1983-10-21.
3.....	RS1979-9-2.1; 1994-25-2.
4.....	RS1979-9-3.
5.....	RS1979-9-4 (1).
6.....	RS1979-9-4 (1).
7.....	RS1979-9-4 (2); 1980-49-1.
8.....	RS1979-9-5.
9.....	RS1979-9-6.
10.....	RS1979-9-7; 1994-25-3.
11.....	RS1979-9-8; 1980-36-3
12.....	RS1979-9-9; 1985-79-9; 1989-59-19.
13.....	RS1979-9-10; 1980-36-4; 1992-29-1; 1993-38-1.
14.....	RS1979-9-11; 1980-36-5; 1992-29-2; 1993-38-2.
15.....	RS1979-9-12; 1992-29-3; 1994-25-4.
16.....	RS1979-9-14; 1993-38-4.
17.....	RS1979-9-15; 1982-60-88; 1994-25-5.
18.....	RS1979-9-16; 1994-25-6.
19.....	RS1979-9-17; 1980-49-3.
20.....	RS1979-9-18; 1980-36-6; 1980-49-4.
21.....	RS1979-9-19; 1994-25-7.
22.....	RS1979-9-20; 1980-36-7; 1992-29-4; 1994-25-8.
23.....	RS1979-9-20.1; 1994-25-9.
24.....	RS1979-9-20.2; 1994-25-9.
25.....	RS1979-9-20.3; 1994-25-9.
26.....	RS1979-9-20.4; 1994-25-9.
27.....	RS1979-9-21.
28.....	RS1979-9-22.
29.....	RS1979-9-22.1; 1994-25-10.
30.....	RS1979-9-23.
31.....	RS1979-9-24.
32.....	RS1979-9-25.
33.....	RS1979-9-25.1; 1992-29-5; 1994-25-11.
34.....	RS1979-9-25.2; 1992-29-5.
35.....	RS1979-9-25.3; 1994-25-12.
36.....	RS1979-9-26.
37.....	RS1979-9-27.
38.....	RS1979-9-28; 1980-49-5.
39.....	RS1979-9-28.1; 1993-38-5.
40.....	RS1979-9-28.2; 1993-38-5.
41.....	RS1979-9-28.3; 1993-38-5.
42.....	RS1979-9-28.4; 1993-38-5.
43.....	RS1979-9-28.5; 1993-38-5.
44.....	RS1979-9-28.6; 1993-38-5.
45.....	RS1979-9-29; 1982-41-37.
46.....	RS1979-9-30.
47.....	RS1979-9-31; 1994-25-13; 1995-9-19.
48.....	RS1979-9-32; 1980-36-8.
49.....	RS1979-9-32.1; 1992-29-5.
50.....	RS1979-9-33.

AGRICULTURAL LAND RESERVE — HISTORICAL TABLE

Legislative History — *Continued*

AGRICULTURAL LAND RESERVE ACT (formerly Agricultural Land Commission Act)

RSBC 1996, chapter 10

Section	History
51	RS1979-9-34; 1992-8-7.
52	RS1979-9-35.
53	RS1979-9-35.1; 1994-25-14.
54	RS1979-9-36.
55	RS1979-9-37; 1992-29-6; 1994-25-15.

EXPLANATORY NOTE

Amendments Not in Force: If there are any legislative changes to the Act that are not in force as of December 31, 1996, these are identified in italics at the beginning of the historical table. The "Section" column identifies the affected provisions of the Act. The "Citation" column identifies the amending legislation by its citation in the 1996 Statute Revision Supplement.

Legislative History: The second part of the table provides a legislative history of each section of the Act between the 1979 Statute Revision and the 1996 Statute Revision. The "Section" column identifies all sections of the Act in force on December 31, 1996. The "History" column for each section begins with the citation of the section immediately before the 1996 Statute Revision. This is followed by a list of citations for the legislation that enacted or amended the section between the 1979 Statute Revision and the 1996 Statute Revision (if a section was repealed and replaced during that period, these last citations begin at the most recent replacement).

Legislative citations have the format of "year-chapter-section".

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TABLE OF LEGISLATIVE CHANGES
Updated to Sept. 6, 2000

AGRICULTURAL LAND RESERVE ACT
(formerly Agricultural Land Commission Act)
RSBC1996, chapter 10

Changes Not in Force

<i>Section</i>	<i>Change</i>	<i>Citation</i>	<i>Into force</i>
15	am	2000-7-192	by reg
22	am	2000-7-193	by reg
47	am	2000-7-194	by reg

Changes in Force

Section	Change	Citation	Effective date
title	am	1999-14-10	1 Apr 2000 (BC Reg 70/00)
1	am	1999-14-11	1 Apr 2000 (BC Reg 70/00)
2	rep	1999-14-12	1 Apr 2000 (BC Reg 70/00)
4, 5	rep	1999-14-13	1 Apr 2000 (BC Reg 70/00)
7	am	1999-14-14	1 Apr 2000 (BC Reg 70/00)
8	rep	1999-14-15	1 Apr 2000 (BC Reg 70/00)
	am	1999-44-30	1 Apr 2000 (BC Reg 66/00)
9	rep	1999-14-15	1 Apr 2000 (BC Reg 70/00)
10	am	1999-14-16	1 Apr 2000 (BC Reg 70/00)
12	am	1998-34-227	23 Sep 1998 (BC Reg 311/98)
	am	2000-7-191, Sch	12 Jun 2000 (RA)
15	am	BC Reg 23/98 under RS1996-440-10	21 Apr 1997 [retro from 30 Jan 1998 (BC Reg 23/98)], continued by 1998-19-1,8(3) [retro from 24 Jul 1998 (BC Reg 261/98)]
	am	2000-7-191, Sch	12 Jun 2000 (RA)
18	am	1998-43-295	1 Jul 2000 (BC Reg 43/00)
	am	2000-7-191, Sch	12 Jun 2000 (RA)
20	am	1998-43-295	1 Jul 2000 (BC Reg 43/00)
22	am	2000-7-191, Sch	12 Jun 2000 (RA)
24	am	1999-14-17	1 Apr 2000 (BC Reg 70/00)
25	am	1999-14-18	1 Apr 2000 (BC Reg 70/00)
29	am	1999-14-19	1 Apr 2000 (BC Reg 70/00)
34	am	1998-34-228	23 Sep 1998 (BC Reg 311/98)
38	rep	1999-14-20	1 Apr 2000 (BC Reg 70/00)
40	am	1999-5-1	22 Feb 2000 (BC Reg 69/00)
41	am	1999-5-2	22 Feb 2000 (BC Reg 69/00)
42	am	1999-5-3	22 Feb 2000 (BC Reg 69/00)
43	re-en	1999-5-4	22 Feb 2000 (BC Reg 69/00)
43.1	en	1999-5-4	22 Feb 2000 (BC Reg 69/00)
44	am	1999-5-5,6	22 Feb 2000 (BC Reg 69/00)
45	am	1999-14-21	1 Apr 2000 (BC Reg 70/00)
47	am	2000-7-191, Sch	12 Jun 2000 (RA)

Changes in Force

Section	Change	Citation	Effective date
48.....	rep	1999-14-22	1 Apr 2000 (BC Reg 70/00)
49.....	am	1999-14-23	1 Apr 2000 (BC Reg 70/00)
53.....	rep	1999-14-24	1 Apr 2000 (BC Reg 70/00)

Explanatory Note for Table of Legislative Changes — RS96 Act

This Table shows Act changes enacted between January 1, 1997 (the day after the Act was consolidated for the 1996 Revision) and the date to which the Act is now consolidated (shown as “Updated to” on p. 1 of Act).

The Table may have 1 to 3 parts: “Changes by Regulation” or “Order” (*italics*) lists provisions authorizing changes by regulation or order in council, “Changes Not in Force” (*italics*) identifies changes that are not in force, and “Changes in Force” identifies changes that have come into force, as of the Act consolidation date.

The “Section” column identifies sections of the Act affected by changes; sections not changed are not listed. The “Change” column shows the nature of the changes (*see* abbreviations below). The “Citation” column cites the enactments making the changes. The “Into force” column (under “Changes Not in Force”) shows how changes are to come into force. The “Effective date” column (under “Changes in Force”) indicates when changes have come into force.

Abbreviations that may be used:

am	=	amended	per	=	under, pursuant to	rem	=	remainder
conseq	=	consequential	RA	=	Royal Assent	rep	=	repealed
eff	=	effect(ive)	re-en	=	re-enacted	retro	=	retroactive
en	=	enacted	reg	=	regulation	Supp	=	Supplement

The Users Guide to the looseleaf edition of the B.C. statutes (including the Folio electronic version) provides detailed information about Tables of Legislative Changes.

AGRICULTURAL LAND COMMISSION ACT

CHAPTER 9

[Consolidated December 5, 1994]

Interpretation

1. In this Act

“agricultural land” means land so designated under this Act;

“approving officer” means an approving officer as defined in the *Land Title Act*;

“commission” means the commission continued under this Act;

“commission land” means land acquired by the commission for the purposes of this Act;

“farm use” means an occupation or use of land for farm purposes, including husbandry of land, plants and animals and any other similar activity designated as farm use by regulation;

“land reserve plan” means a plan prepared under this Act according to the regulations and which sets out the areas that, subject to the approval of the Lieutenant Governor in Council, may be designated by the commission as an agricultural land reserve;

“reserve” means a reserve of land established under this Act.

1973-46-1; 1977-73-2; 1994-25-1.

Provincial Agricultural Land Commission

2. (1) The Provincial Agricultural Land Commission is continued as a corporation consisting of not less than 5 members appointed by the Lieutenant Governor in Council. The members constitute the directors.

(2) The Lieutenant Governor in Council shall designate one member as chairman and may designate another member as vice chairman.

(3) The Lieutenant Governor in Council may appoint regional advisers to the commission. The commission may designate one or more of the regional advisers to assist and advise the commission on a matter pertaining to a resource management region established by the Environment and Land Use Committee under the *Environment and Land Use Act*.

(4) Each member and each regional adviser shall be reimbursed for reasonable travelling and out of pocket expenses necessarily incurred in discharging his duties, and in addition may be paid the remuneration fixed by the Lieutenant Governor in Council.

1977-73-3; 1983-10-21, effective October 26, 1983 (B.C. Reg. 393/83).

Completion of proceedings

2.1 (1) Subject to subsection (2), a member of the commission, after being appointed, may take up and carry on to completion all proceedings commenced under this Act but not completed before the member's appointment.

(2) A member of the commission who was not present at the hearing of an application or other matter under this Act may vote on the application or matter only if a record of the hearing is given to the member before the vote.

1994-25-2.

Consolidated
Dec 5
1994

Term of office

3. The term of office of a member or adviser is during pleasure but, except for the chairman, shall not exceed 4 years for a member or 2 years for an adviser.

1977-73-4.

Agent of Crown; service

4. (1) The commission is for all purposes an agent of the Crown and may in its own name acquire and dispose of property.

(2) An order of the commission may be delivered personally or by registered mail. Service by mail is deemed to be made 7 days after mailing.

1973-46-4; 1977-73-15; 1980-49-1, effective May 17, 1980.

Staff

5. (1) There may be appointed under the *Public Service Act* officers and other employees necessary for the purpose of this Act. The commission may determine their duties.

(2) The Lieutenant Governor in Council may appoint, during pleasure, a general manager of the commission, fix his remuneration and declare that the *Public Service Act* applies to him.

(3) The Lieutenant Governor in Council may declare the *Pension (Public Service) Act* applicable to members of the commission and to the general manager.

(4) The commission may, with the approval of the minister, retain consultants considered advisable and fix their remuneration.

1973-46-5.

Bylaws, etc.

6. The commission may pass bylaws and resolutions, not contrary to law or this Act, considered advisable for the conduct of the affairs of the commission.

1973-46-6.

Objects and powers

7. (1) It is the object of the commission to

- (a) preserve agricultural land,
- (b) encourage the establishment and maintenance of farms, and the use of land in an agricultural land reserve compatible with agricultural purposes,
- (c) assist municipalities and regional districts in the preparation of land reserve plans required under this Act, and
- (d) encourage municipalities, regional districts, first nations and ministers, ministries and agents of the governments of British Columbia and Canada to support and accommodate farm use of agricultural land in their bylaws, plans and policies.

(2) The commission has the power, by itself or in cooperation with the entities referred to in subsection (1) (d), to acquire and dispose of property.

1994-25-3.

Agricultural land

8. For the purposes of section 7, the commission may with the prior approval of the Lieutenant Governor in Council, designate as agricultural land, land, including Crown land, that is suitable for farm use, and on being so designated the land is established as an agricultural land reserve.

1973-46-8(1,5); 1980-36-3, proclaimed October 2, 1980, effective May 17, 1980.

Plans

9. (1) The board of every regional district, alone or in cooperation with its member municipalities and electoral areas, shall, with the assistance of the commission if required, including financial assistance if approved by the commission, within the time allowed by the commission, adopt by bylaw a land reserve plan and file the bylaw and plan with the commission.

(2) A regional board or municipal council shall not adopt a bylaw for the purpose of this section until it has held a public hearing, notice of which has been published in the manner set out in section 957 of the *Municipal Act*, and a majority of all members of council or of all directors of a regional board vote for the bylaw. Section 956 of the *Municipal Act* applies, with the necessary changes and so far as are applicable, to the hearing.

(3) Where the commission considers it advisable to amend the plan to better carry out the intent of this Act, it may recommend amendments to the plan to the Lieutenant Governor in Council.

(4) Where the municipal council or regional board fails or refuses to prepare and file a plan with the commission, the commission shall, subject to subsections (5) and (6) and section 10 (1), prepare a land reserve plan and submit the land reserve plan to the Lieutenant Governor in Council for approval.

(5) The commission shall not submit the plan prepared under subsection (4) to the Lieutenant Governor in Council until it has held a public hearing similar to that in subsection (2).

(6) For the hearing

- (a) the commission has the powers of a commissioner under sections 12, 15 and 16 of the *Inquiry Act*;
- (b) the commission may accept written submissions or any other form of evidence; and
- (c) 3 members of the commission have and may exercise all the powers of the commission.

1973-46-8(2,3,4,6,7,8,9); 1977-73-6; 1985-79-9; 1989-59-19; [see 1994-25-17].

Land reserves

10. (1) The Lieutenant Governor in Council may approve a land reserve plan as submitted by the commission with or without such alterations or variations as he may consider advisable to carry out the intent of this Act.

(1.1) If the commission considers that the plan referred to in subsection (1) carries out the purpose of this Act, the commission may designate the agricultural land shown on the plan as an agricultural land reserve.

(2) Pending the establishment of an agricultural land reserve in a municipality or regional district under this section, all land zoned for agricultural or farm use under a bylaw of the municipality or district passed prior to December 21, 1972, is deemed to be an agricultural land reserve unless excepted by the commission.

(3) On application by a municipality or regional district for land within the municipality's or regional district's territory, or on the commission's own initiative, the commission may

- (a) approve all or part of the land described in the application for addition to a designated land reserve plan, and
- (b) designate all or part of the land described in the application as or as part of an agricultural land reserve.

(4) For an application under subsection (3), the municipality, regional district or commission, if acting on the commission's own initiative, shall hold a public hearing in the manner and after the notice determined by regulation. A report of the meeting shall accompany the application.

(5) On application by an owner of land the commission may designate all or part of the land described in the application as or as part of an agricultural land reserve if the commission considers that the designation carries out the intent of this Act.

(6) The applications referred to in subsections (3) and (5) must be made in accordance with section 25.1.

1973-46-8(10-14); 1977-73-6; 1980-36-4, proclaimed October 2, 1980, effective May 17, 1980; 1992-29-1; 1993-38-1; [see 1994-25-17].

Exclusion etc. from land reserve

11. (1) On application by a municipality or regional district for land within the municipality's or regional district's territory, or on the commission's own initiative, the commission may exclude land from a reserve, on the terms it considers advisable.

(2) On application by a municipality or regional district for land within the municipality's or regional district's territory, or on the commission's own initiative, the commission, without excluding the land from a reserve, may grant permission under section 15 (2), 16, 18 or 19 (2) in respect of the land that is the subject of the application, on any terms the commission considers advisable.

(2.1) It is a condition of permission granted under subsection (2) that the owner or occupier must comply with the applicable Acts, regulations, bylaws of the municipality or regional district, and the decisions and orders of any person or body having jurisdiction over the land under an enactment.

(3) Before the application is made, the proposed applicant, or the commission if acting on its own initiative, shall hold a public hearing in the manner and with the notice determined by regulation. A report of the public hearing shall accompany the application.

(4) The applications referred to in subsections (1) and (2) must be made in accordance with section 25.1.

1977-73-7(part); 1980-36-5, proclaimed October 2, 1980, effective May 17, 1980; 1992-29-2; 1993-38-2.

Application for exclusion

12. (1) An owner of land aggrieved by a designation of his land as reserve land may, notwithstanding an appearance before or representations to the municipality, regional district or commission under section 9, apply to the commission in accordance with section 25.1, to have his land excluded from a land reserve.

(2) The commission may, after a hearing held in the manner and after the notice required by regulation, allow the application on the terms it considers advisable or refuse the application.

(3) The commission may in its discretion, pending or after the hearing, with the consent of the applicant, permit, on terms, a use other than a farm use.

(4) If an application under this section

(a) applies to land that is zoned to permit agricultural or farm use in a bylaw, or

(b) requires, in order to proceed, an amendment to an official settlement plan, official community plan, official development plan, rural land use bylaw or zoning bylaw,

of a municipality or regional district adopted under the *Municipal Act* or the *Vancouver Charter* that is in force on the day that the application is made, the application may not proceed under this section unless so authorized by a resolution of the municipality or the regional district.

(5) The commission shall, at the owner's request, deliver to him its decision in writing, and allow him to examine, and make available to him, copies of all relevant documents in the custody of the commission.

1977-73-7(part); 1992-29-3; 1994-25-4.

13. [Repealed 1993-38-3.]

Plan to be amended

14. On land being excluded under this Act from a land reserve plan, the commission must amend the land reserve plan and notify the appropriate municipality, regional district and registrar of titles.

1993-38-4.

Use of land reserve

15. (1) Subject to subsection (1.1), this section and sections 16 to 22 apply to agricultural land designated as an agricultural land reserve.

(1.1) For greater certainty, if the boundary of an agricultural land reserve divides a parcel of land, this section and sections 16 to 22 apply only to that portion of the parcel that is designated as an agricultural land reserve.

(2) No person shall use agricultural land for any purpose other than farm use, except as permitted by this Act, the regulations or an order of the commission, on terms the commission may impose.

(3) In addition to the limitations set out in section 23 (1) of the *Land Title Act*, a certificate of title heretofore issued for agricultural land is subject, by implication and without endorsement on the certificate of title, to this Act and the regulations governing the reserve and farm use of the land.

(4) The registrar of titles shall endorse on every indefeasible title to agricultural land hereafter issued, that the title may be affected by this Act.

1973-46-10(1,2); 1978-25-335; 1982-60-88, proclaimed effective August 1, 1983; 1994-25-5.

Further use

16. (1) After December 21, 1972, except as permitted by this Act, the regulations or any terms imposed in an order of the commission,

(a) a municipality or regional district, or any authority, board or other agency established by it or person designated under the *Local Area Act* may not

permit agricultural land to be used for other than farm use, or permit a building to be erected on the land except for farm use or for residences necessary to farm use or as permitted by regulation;

- (b) an approving officer may not approve a subdivision of agricultural land under the *Land Title Act*, the *Condominium Act* or the *Municipal Act*; and
- (c) a board of variance may not permit agricultural land to be used for other than farm use under the *Municipal Act*.

(2) Subsection (1) (b) applies to any person who exercises the authority of an approving officer under any other Act.

1973-46-10; 1978-25-332; 1994-25-6.

Covenant

17. (1) A covenant, whether of a negative or positive nature, in favour of the commission may, with the consent of the covenantor, be registered as a charge against the title and is enforceable against the covenantor and his successors in title, even if the covenant is not annexed to land owned by the commission.

(2) The covenant may be

- (a) for the use of land, subdivision of land or the use of a building on or to be erected on land;
- (b) that land is or is not to be built on; or
- (c) that several parcels of land are not to be transferred separately.

(3) A charge registered under this section may be modified by the commission and the owner of the land or discharged by the commission by an instrument in writing executed under the *Land Title Act*.

1977-73-8; 1978-25-332; 1980-49-3, effective May 17, 1980.

Registration restrictions

18. Except as permitted by this Act or the regulations or by an order of the commission on terms and conditions the commission may impose, a registrar of titles may not

- (a) accept an application for deposit of a subdivision, reference, explanatory or other plan showing subdivision of land; or
- (b) permit a new parcel of land by a metes and bounds description or an abbreviated description,

under the *Land Title Act*, *Condominium Act* or *Real Estate Act*, all or part of which consists of land in an agricultural land reserve.

1977-73-8; 1978-25-332; 1980-36-6, proclaimed October 2, 1980, effective May 17, 1980; 1980-49-4, effective May 17, 1980.

Exception

19. (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*, less than 2 acres in area.

(2) The restrictions on the use of agricultural land do not apply to land lawfully used for other than a farm use, established and carried on continuously for at least 6 months immediately prior to December 21, 1972, unless and until

- (a) the use is changed, other than to farm use, without the permission of the commission;

- (b) an enactment made after December 21, 1972, prohibits the use; or
- (c) permission for the use granted under an enactment is withdrawn or expires.

(3) For greater certainty, the exception in subsection (2) applies only to the land that was actually being used for other than a farm use and not to the entire parcel on which that use was being carried on.

1973-46-11(1,2); 1994-25-7.

Application for other than farm use

20. (1) The commission may, under the regulations, decide applications made in accordance with section 25.1 for permission under section 15 (2), 16, 18 or 19 (2) and may grant or refuse permission and may impose the terms it considers advisable.

(2) If an application under this section

(a) applies to land that is zoned to permit agricultural or farm use in a bylaw, or

(b) requires, in order to proceed, an amendment to an official settlement plan, official community plan, official development plan, rural land use bylaw or zoning bylaw,

of a municipality or regional district adopted under the *Municipal Act* or the *Vancouver Charter* that is in force on the day that the application is made, the application may not proceed under this section unless so authorized by a resolution of the municipality or the regional district.

(3) In deciding an application under this section, the commission may, under the regulations, hold a hearing or may make a decision on the basis of written representations only.

1973-46-11(4,4a); 1977-73-9; 1980-36-7, proclaimed October 2, 1980, effective May 17, 1980; 1992-29-4; 1994-25-8.

Delegation of section 20 powers to municipalities and regional districts

20.1 (1) The commission may enter into an agreement with a municipality or regional district to enable the municipality or regional district to exercise some or all of the commission's power to decide applications under section 20 with respect to lands within the municipality or regional district.

(2) If an agreement is entered into under subsection (1), the municipality or regional district must, with respect to an application covered by the agreement,

(a) consider each application in the prescribed manner, and

(b) advise the commission in the prescribed manner of each application received and the decision made on each application.

(3) A decision made by a municipality or regional district under this section must be made by resolution of the council or board, as the case may be.

(4) The Lieutenant Governor in Council may make regulations respecting the terms of agreements entered into under this section.

(5) If the commission's power to decide applications under section 20 is delegated to a municipality or regional district by an agreement entered into under this section, the decision of the municipality or regional district is a decision of the commission for the purposes of this Act.

(6) If a municipality or regional district has the power to decide an application under an agreement entered into under subsection (1)

- (a) an application that would be required to be submitted to the municipality or regional district under section 25.1 for review, comment and recommendation must be made directly to the municipality or regional district,
- (b) the entire fee payable under section 25.1 with respect to the application may be retained by the municipality or regional district, and
- (c) sections 28.2 to 28.6 apply to the application as if the application were before the commission.

1994-25-9.

**General manager may approve
specified section 20 applications**

20.2 (1) The commission may, by resolution, establish criteria under which

- (a) specified types of applications under section 20, or
- (b) applications under section 20 with respect to specified regions of British Columbia,

would be approved by the commission.

(2) The commission must put the criteria established under subsection (1) in writing and make them available for inspection during ordinary business hours.

(3) An application under section 20 that meets the criteria established under subsection (1) may be approved by the general manager on the conditions that the general manager may impose.

(4) The conditions imposed by the general manager under subsection (3) must be consistent with the criteria established by the commission under subsection (1).

(5) If the general manager is of the opinion that the application does not meet the criteria specified under subsection (1) or for any other reason does not wish to approve the application under subsection (3), the application must be referred to the commission for a decision.

(6) An approval of a section 20 application made by the general manager under subsection (3) is a decision of the commission for the purposes of this Act.

(7) The general manager may not exercise a power that has been delegated to a municipality or regional district through an agreement entered into under section 20.1.

1994-25-9.

Decisions may be appealed

20.3 Without limiting section 20.1 (5) or 20.2 (6), a decision of the municipality or regional district under section 20.1 or of the general manager under section 20.2 is a decision that may be appealed under section 21.

1994-25-9.

Reconsideration of decisions

20.4 (1) If the commission determines, on the written request of a person affected or on the commission's own initiative, that

- (a) evidence not available at the time of an original decision of the commission under this Act has become available, or
- (b) a decision of the commission under this Act was based, in whole or in part, on evidence that was in error or was false,

the commission may reconsider that decision and may confirm, reverse or vary it.

(2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.

1994-25-9.

Appeal

21. An owner of land, aggrieved by an order of the commission refusing permission for a use other than a farm use or imposing terms on permission for that use, may appeal, on a question of law or excess of jurisdiction only, by way of stated case to the Supreme Court. The provisions of the *Offence Act* for appeals by way of stated case apply, with the necessary changes and so far as are applicable, to the appeal and to any further appeal. A reference in that Act to a justice is deemed to be a reference to the commission.

1973-46-11(5).

Additional powers

22. The commission may for agricultural land

- (a) carry on farming operations on commission land or agree with other persons to do so;
- (b) withdraw from an agricultural land reserve agricultural land owned by the commission and, with the approval of the Lieutenant Governor in Council, dispose of the land to the Crown to be dealt with under the *Land Act*; and
- (c) dispose of agricultural land owned by the commission, with the approval of the Lieutenant Governor in Council, to private ownership for permanent farm use, or any other use considered by the commission to be in the public interest, subject to any terms the commission may impose.

1973-46-12; 1977-73-10.

Inspections

22.1 (1) For the purpose of deciding an application under this Act or ensuring compliance with this Act, the regulations or an order of the commission, a member of the commission, or a person appointed under section 5 and designated in writing by the commission for the purpose, may

- (a) enter any land, other than a dwelling house,
- (b) make any surveys, analyses, inspections, examinations or soil tests that are necessary to determine
 - (i) the current use of the land,
 - (ii) the suitability of the land for farm use, or
 - (iii) the potential impact of proposed changes to the use of the land on land in an agricultural land reserve, and
- (c) remove soil samples for the purposes of conducting the analyses and tests referred to in paragraph (b).

(2) A person who hinders, obstructs, impedes or otherwise interferes with a person exercising a power under subsection (1) commits an offence.

1994-25-10.

Capital improvements

23. The commission may make capital improvements on commission land where it considers them desirable for the efficient use of its land or other land in the vicinity, and pay for or purchase capital improvements made on commission land by any person.

1973-46-13.

Taxes

24. Where commission land is unoccupied or a lease of commission land does not provide for the payment of tax by the lessee, the commission may pay to the municipality or regional district a grant in place of taxes.

1973-46-14.

Fees

25. The commission may establish, with the approval of the Lieutenant Governor in Council, a schedule of fees to be paid to the commission for the preparation of leases and other documents, for appraisals and evaluations of land and for copies of documents of the commission.

1973-46-15.

Applications

25.1 (1) In this section, except in subsection (2), "application" means an application under section 10 (3) or (5) or 12 (1) or an application for permission under section 15 (2), 16, 18 or 19 (2).

(2) A municipality or regional district that makes an application to the commission under section 11 must pay the prescribed application fee.

(3) A person who makes an application to the commission, other than an application

- (a) to use land in an agricultural land reserve for a prescribed type of use, or
- (b) to subdivide land in an agricultural land reserve in prescribed circumstances,

must do so by submitting the application and, except in the case of an application under section 10 (3) or (5), by paying the prescribed application fee

- (c) to the municipality, if the land described in the application is in a municipality, and
- (d) to the regional district, if the land described in the application is in a regional district but not in a municipality.

(4) A person who makes an application to the commission

- (a) for a prescribed type of use, or
- (b) to subdivide land in prescribed circumstances

referred to in subsection (3) must submit the application and pay the prescribed application fee directly to the commission.

(5) In respect of an application to the commission

- (a) for a prescribed type of use, or
- (b) to subdivide land in prescribed circumstances

referred to in subsection (3), the commission may require assistance from a municipality or regional district in which the land described in the application is situated.

(6) The municipal council of a municipality or the regional board of a regional district that receives an application under subsection (3) shall

- (a) review the application, and
- (b) subject to subsection (7), forward the application to the commission together with the council's or board's comments and recommendations concerning the application.

(7) In a case where section 12 (4) or 20 (2) applies to an application or proposed application, the requirement in subsection (6) (b) to forward the application to the commission does not apply if the municipality's or regional district's authorization, required by that section, is refused.

1992-29-5; 1994-25-11.

Application fees

25.2 (1) A municipality or regional district that receives application fees under section 25.1

- (a) may retain a prescribed portion of the application fees, and
- (b) must remit the balance of the application fees to the commission at the prescribed times.

(2) Despite subsection (1), in a case where section 12 (4) or 20 (2) applies to an application or proposed application and the municipality's or regional district's authorization required by that section is refused, the portion of the application fee that would otherwise be remitted to the commission under subsection (1) (b) shall be returned to the applicant by the municipality or regional district, as the case may be.

(3) Subject to the approval of the commission, if the clerk of a municipality or the secretary of a regional district considers that a case of hardship exists, he or she may waive the application fee payable under section 25.1 (3).

(4) If the commission considers that a case of hardship exists it may waive the application fee payable under section 25.1 (4).

(5) If, under section 25.1 (5), the commission requires assistance from a municipality or regional district, the commission must remit a prescribed portion of the application fee to the municipality or regional district.

(6) This section applies notwithstanding the *Financial Administration Act*.

1992-29-5.

Notice of applications

25.3 (1) In this section "application" means an application under section 25.1.

(2) A person who makes an application must, in the prescribed circumstances,

- (a) give notice of the application in accordance with the regulations before submitting the application, and
- (b) provide evidence, satisfactory to the commission, that the applicant has complied with the notice requirements of the regulations.

(3) A municipality or regional district that has the power to decide an application through an agreement entered into under section 20.1 must ensure that the application is accompanied by evidence, satisfactory to the municipality or regional district, that the applicant has complied with the notice requirements of the regulations.

(4) A decision of the commission or of a municipality or regional district with respect to an application is not invalidated by reason only of the failure of the applicant to comply with the notice requirements of the regulations, if the applicant made reasonable efforts to comply with those requirements.

1994-25-12.

No compensation for reserve land

26. Land shall be deemed not to be taken or injuriously affected by reason of its designation as an agricultural land reserve.

1973-46-16.

Agreements

27. The minister may, for the purposes of this Act, with the approval of the Lieutenant Governor in Council, enter into agreements with Canada, a municipality, a regional district or an agent of the Crown.

1973-46-17; 1977-75-9.

Report and statement

28. (1) The commission shall submit annually to the Lieutenant Governor in Council

- (a) a report of its operations for the preceding fiscal year;
- (b) a financial statement showing its business for that fiscal year, in the form required by the Comptroller General.

(2) The report shall be laid before the Legislative Assembly within 15 sitting days, following submission, of the session next following the end of the fiscal year, but the commission need not submit its report sooner than 90 days after the end of its fiscal year.

1973-46-18; 1980-49-5, effective May 17, 1980.

Definition of "board" in sections 28.2 to 28.6

28.1 In sections 28.2 to 28.6 "board",

- (a) during the period before the establishment of the Environmental Assessment Board under the *Environmental Assessment Act*, means a commissioner or commissioners appointed under the *Inquiry Act* for the purpose of inquiring into a matter described in section 28.2, and
- (b) after the establishment of the Environmental Assessment Board under the *Environmental Assessment Act*, means the Environmental Assessment Board.

1993-38-5.

Reference of a matter to the board

28.2 (1) If the Lieutenant Governor in Council considers it to be in the Provincial interest, the Lieutenant Governor in Council by order may refer to the board, for the purpose of a public hearing described in section 28.5, any of the following matters that is before the commission at the time of the order making the referral:

- (a) an application under section 10 (3) or (5), 11 (1) or (2) or 12 (1);
- (b) an application referred to in section 20 (1);
- (c) where land is being considered by the commission on its own initiative for
 - (i) approval and designation under section 10 (3),
 - (ii) exclusion from a reserve under section 11 (1), or
 - (iii) the granting of the permission referred to in section 11 (2),the issues relating to the approval and designation, to the exclusion or to the permission, as the case may be.

(2) The Lieutenant Governor in Council must specify written terms of reference for the purpose of a public hearing by the board pertaining to a matter referred to the board under this section.

1993-38-5.

**Suspension of matters pending
a decision under section 28.2**

28.3 (1) For the purpose of giving the Lieutenant Governor in Council time to consider whether an order under section 28.2 is warranted in relation to a matter referred to in section 28.2 that is before the commission, the minister may order that the matter be suspended for a period, to be specified in the order, that is not longer than 90 days or any shorter period that is prescribed for the purpose of this subsection.

(2) An order of the minister under subsection (1) has effect and is binding on the commission and on any parties to a proceeding relating to matter that is the subject of the order until the expiry of the period specified in the order.

1993-38-5.

Effect of an order under section 28.2

28.4 (1) On the date of an order under section 28.2 referring a matter to the board, the commission's powers and duties under this Act in relation to the matter that is the subject of the order are transferred to the Lieutenant Governor in Council to the extent necessary to enable the Lieutenant Governor in Council to act in accordance with section 28.6.

(2) An order under section 28.2 is final and binding.

1993-38-5.

Mandate of the board

28.5 (1) On receipt of and in accordance with the written terms of reference specified in conjunction with an order under section 28.2, the board, in accordance with the terms of reference, must conduct a public hearing of the probable environmental, economic, social, cultural and heritage effects, and, without limitation, the agricultural effects, of whichever of the following is the subject of the matter described in section 28.2 in respect of which the order was made:

- (a) an approval and designation under section 10 (3);
- (b) a designation under section 10 (5);
- (c) an exclusion from a reserve under section 11 (1) or 12 (1);
- (d) the granting or refusal of the permission referred to in section 11 (2) or 20 (1).

(2) On conclusion of the public hearing, the board must submit to the Lieutenant Governor in Council

- (a) a written report in accordance with the written terms of reference specified under subsection (3), and
- (b) a summary of the evidence received and submissions made in the course of any public hearing held in accordance with the terms of reference.

(3) Within 10 days after submitting its report under section 28.2, the board must publish the report in the prescribed manner.

1993-38-5.

Lieutenant Governor in Council's decision

28.6 (1) On receiving the board's report the Lieutenant Governor in Council by order may decide the outcome of the matter that is the subject of the order under section 28.2 by

- (a) granting or refusing to grant the approval, designation, exclusion or permission applied for, in the case of a matter described in section 28.2 (1) (a) or (b), or
- (b) making or deciding not to make the approval, designation, exclusion or permission that was under consideration by the commission on its own initiative, in the case of a matter described in section 28.2 (1) (c).

(2) The Lieutenant Governor in Council may attach conditions to an order made under this section.

(3) An order made under this section is final and binding.

1993-38-5.

Application of other Acts

29. (1) This Act and regulations are not subject to any other enactment, whenever enacted, except the *Interpretation Act*, the *Environment and Land Use Act*, the *Waste Management Act* and as provided in this Act or regulations.

(2) The Lieutenant Governor in Council may, by order, declare that a provision of the *Company Act* applies to the commission but otherwise the *Company Act* does not apply to the commission.

1973-46-20(1,7,8); 1982-41-37, proclaimed effective September 16, 1982.

Power under other Acts

30. A minister or agent of the Crown shall not exercise a power granted under another enactment except in accordance with this Act and regulations.

1973-46-20(1).

Conflict with bylaws

31. (1) In this section "bylaw" means

- (a) a bylaw made by a municipality or regional district under the *Municipal Act* or the *Vancouver Charter* that adopts an official settlement plan, official community plan, official development plan, rural land use bylaw or zoning bylaw, and
- (b) any other bylaw respecting land use in a municipality or regional district made by a municipality or regional district under any other enactment.

(2) Every municipality and regional district must ensure that its bylaws are consistent with this Act, the regulations and the orders of the commission.

(3) Subject to subsection (4), nothing in this Act affects or impairs the validity of a bylaw relating to the use of agricultural land in an agricultural land reserve.

(4) A bylaw that is inconsistent with this Act, the regulations or an order of the commission is, to the extent of the inconsistency, of no force or effect.

(5) Without limiting subsection (4), a bylaw that

- (a) allows agricultural land in an agricultural land reserve to be used for a use not permitted by this Act, the regulations or an order of the commission, or

(b) contemplates a use of land that would impair or impede the intent of this Act, the regulations or an order of the commission, whether or not that use requires the adoption of any further bylaw, the giving of any consent or approval or the making of any order,
is deemed to be inconsistent with this Act.

(6) A bylaw that provides restrictions on farm use of agricultural land additional to those provided by this Act and the regulations is not, for that reason alone, inconsistent with this Act and the regulations.

(7) The *Offence Act* does not apply to a contravention of subsection (2).

(8) This section applies only to bylaws made after this section comes into force.

1994-25-13.

Appropriation

32. Money required for the purposes of this Act may

(a) in the absence of an appropriation, or

(b) where money appropriated is insufficient,

be paid out of the consolidated revenue fund to the commission in amounts approved by the Lieutenant Governor in Council.

1980-36-8, proclaimed October 2, 1980, effective May 17, 1980.

Consolidated revenue fund

32.1 The commission shall pay as soon as practical all money received by it, other than money received pursuant to an appropriation under a Supply Act or under section 32 of this Act, into the consolidated revenue fund.

1992-29-5.

Bonding

33. The Lieutenant Governor in Council or the commission may require an applicant under this Act, whose application has been granted on terms, to post a bond pursuant to the *Bonding Act* and the regulations to ensure compliance with the terms.

1977-73-15.

Enforcement

34. Where the commission believes that a present or future activity or use of land in an agricultural land reserve may contravene this Act, the regulations, an order of the commission or a condition imposed by section 4 (2) of the *Golf Course Development Moratorium Act*, the commission

(a) may order the owner or occupant to refrain from the activity or use for a period not exceeding 60 days, and to make written or oral submissions to the commission as it requires to determine any likely impairment of the agricultural capability of the land;

(b) may apply to the Supreme Court for an order restraining the owner or occupant from commencing or continuing the activity or use of land in contravention of this Act, the regulations, an order of the commission or a condition imposed by section 4 (2) of the *Golf Course Development Moratorium Act*.

[Note: see section 6, Soil Conservation Act.]

1977-73-15; 1992-8-7.

Determination and order

35. Where after a submission and a determination that the activity, or use of land, would likely impair agricultural capability, or where no submission is made, the commission may, by order

- (a) impose on the owner or occupant the terms for activity or use of the land it considers advisable; or
- (b) require that the land be restored to its former condition as agricultural land, to the satisfaction of the commission; and
- (c) require a bond to ensure compliance.

In case of default under paragraph (b), the commission may perform the work, and the cost is a debt due to the commission by the owner or occupant in default.

1977-73-15.

Civil liability

35.1 (1) No action for damages lies or may be brought against any member of the commission or any person appointed under section 5 because of anything done or omitted in good faith

- (a) in the performance or purported performance of any duty under this Act, or
- (b) in the exercise or purported exercise of any power under this Act.

(2) Subsection (1) does not absolve the commission from vicarious liability for an act or omission for which it would be vicariously liable if this section were not in force.

1994-25-14.

Transitional

36. Notwithstanding sections 29 and 30, where Crown land established as an agricultural land reserve under this Act has been leased by the Crown, or sold by agreement for sale by the Crown and not transferred to the purchaser before December 21, 1972, and on that date was being used for a purpose other than farm use, and not in contravention of the terms of the lease or agreement, that use may continue until termination of the lease or issue of title to the purchaser under the agreement for sale.

1973-46-20(3).

Regulations

37. (1) The Lieutenant Governor in Council may make regulations.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations

- (a) establishing different application fees for different types of applications and applications in different circumstances,
- (b) exempting classes of persons from payment of a prescribed application fee,
- (c) respecting the terms of an agreement entered into under section 20.1,
- (d) respecting the manner in which a municipality or regional district is required to
 - (i) consider an application, and
 - (ii) advise the commission of an application received and a decision made on an application,for the purpose of section 20.1 (2),

(e) prescribing circumstances in which notice of an application is required to be given under section 25.3, and

(f) respecting the notice requirements for the purpose of section 25.3, including prescribing a form of notice.

(3) A regulation made under subsection (2) (f) may prescribe different notice requirements for different types of applications or different areas of British Columbia.

1977-73-11; 1992-29-6; 1994-25-15.

[Note: Act assented to April 18, 1973 and came into force on proclamation, which could have been declared to be before or after enactment. The declaration power was not exercised. 1973-46-22.]

Queen's Printer for British Columbia©
Victoria, 1995



QUEEN'S PRINTER LIST
OF CONSEQUENTIAL LEGISLATIVE
AMENDMENTS

This list contains amendments relevant to the *AGRICULTURAL LAND COMMISSION ACT* at the time of purchase.

NOTE: This list is printed for convenience only and has been consolidated as of:

JUNE 8, 1995

This list contains bills enacted JUNE 1995

Amended by	Section	Amended Acts and Amendments	Effective Date
BILL 11, 1995		<p><i>Agricultural Land Commission Act</i></p> <p>19. <i>Section 31 (1) (a) of the Agricultural Land Commission Act, R.S.B.C. 1979, c. 9, is repealed and the following substituted:</i></p> <p style="padding-left: 40px;">(a) a bylaw made by a municipality or regional district under the <i>Municipal Act</i> or the <i>Vancouver Charter</i> that adopts a regional growth strategy, official settlement plan, official community plan, official development plan, rural land use bylaw or zoning bylaw, and .</p> <p>Transitional - regional planning in progress</p> <p>20. (1) If a regional district is already engaged in a regional planning process at the time this section comes into force, the minister may, by order, exempt the regional district from specified provisions of the <i>Municipal Act</i> in relation to that planning process and may make other provisions in their place.</p> <p>(2) After a board has adopted a regional planning document developed by a process exempted under subsection (1), the minister may, by order, deem the document to be a regional growth strategy adopted under Part 28.1 of the <i>Municipal Act</i>.</p>	JUNE 8, 1995

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No.

1513

, Approved and Ordered DEC 14, 1995

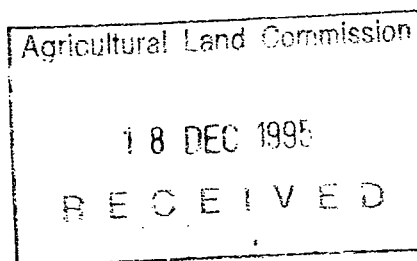
1513

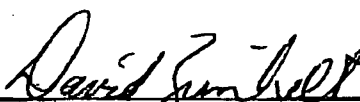


Lieutenant Governor

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 January 1, 1996, approval is given to the Provincial Agricultural Land Commission to establish the Schedule of Fees, attached to this order, to be paid to the commission for copies of documents of the commission.




Minister of Agriculture, Fisheries and Food


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 Act, section 25

Other (specify):-

December 4, 1995

1908/95/37/sas

PROVINCIAL AGRICULTURAL LAND COMMISSION

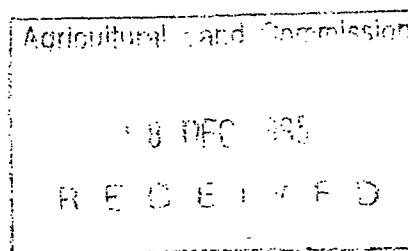
Schedule of Fees

Copying of records

1. (1) The fee for copying a record of the commission is the sum of
 - (a) \$7.50 for each 1/4 hour spent by commission staff searching and retrieving the record, and
 - (b) \$0.25 for each page of the record photocopied by commission staff.
- (2) Subsection (1) does not apply if
 - (a) the record is copied on behalf of a federal, Provincial or local government or a person for the purpose of academic studies at a post-secondary institution, or
 - (b) not more than 30 minutes of commission staff time or 15 pages of photocopying are requested by the person in the day for which the fee would otherwise be payable.

Agricultural Land Commission Handbook

2. (1) The fee for a printed copy of the Agricultural Land Commission Handbook is \$45.
- (2) Subsection (1) does not apply to an initial copy provided to an office of a federal, Provincial or local government.



AGRICULTURAL LAND COMMISSION ACT

CHAPTER 10

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Definitions**1 In this Act:**

"agricultural land" means land so designated under this Act;

"approving officer" means an approving officer as defined in the *Land Title Act*;

"commission" means the commission continued under this Act;

"commission land" means land acquired by the commission for the purposes of this Act;

"farm use" means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation;

"land reserve plan" means a plan prepared under this Act according to the regulations and which sets out the areas that, subject to the approval of the Lieutenant Governor in Council, may be designated by the commission as an agricultural land reserve;

"reserve" means a reserve of land established under this Act.

Provincial Agricultural Land Commission

- 2** (1) The Provincial Agricultural Land Commission is continued as a corporation consisting of not less than 5 members appointed by the Lieutenant Governor in Council.
- (2) The members are the directors of the corporation.
- (3) The Lieutenant Governor in Council must designate one member as the chair and may designate another member as vice chair.
- (4) The Lieutenant Governor in Council may appoint regional advisers to the commission.
- (5) The commission may designate one or more of the regional advisers to assist and advise the commission on a matter relating to a resource management region

established by the Environment and Land Use Committee under the Environment and *Land Use Act*.

- (6) Members and regional advisers must be reimbursed for reasonable travelling and out of pocket expenses necessarily incurred in discharging their duties, and in addition may be paid the remuneration fixed by the Lieutenant Governor in Council.

Completion of proceedings

- 3 (1) Subject to subsection (2), a member of the commission, after being appointed, may take up and carry on to completion all proceedings commenced under this Act but not completed before the member's appointment.
- (2) A member of the commission who was not present at the hearing of an application or other matter under this Act may vote on the application or matter only if a record of the hearing is given to the member before the vote.

Term of office

- 4 The term of office of a member or adviser is during pleasure but, except for the chair, must not exceed 4 years for a member or 2 years for an adviser.

Commission as agent of the government

- 5 The commission is for all purposes an agent of the government.

Power to acquire and dispose of land

- 6 The commission may acquire and dispose of property in its own name.

Delivery and service

- 7 (1) An order of the commission may be delivered personally or by registered mail.
- (2) For the purposes of this Act, service by mail is deemed to be made 7 days after mailing.

Staff

- 8 (1) Officers and other employees necessary for the purposes of this Act may be appointed under the *Public Service Act* and the commission may determine their duties.
- (2) The Lieutenant Governor in Council may appoint, during pleasure, a general manager of the commission, fix the remuneration of the general manager, and declare that the *Public Service Act* applies to the general manager.
- (3) The Lieutenant Governor in Council may declare that the *Pension (Public Service) Act* applies to members of the commission and to the general manager.
- (4) The commission may, with the approval of the minister, retain consultants and fix their remuneration.

Section 9

Bylaws and resolutions

- 9 The commission may pass bylaws and resolutions, not contrary to law or this Act, for the conduct of the affairs of the commission.

Objects and powers

- 10 (1) It is the object of the commission to
- (a) preserve agricultural land,
 - (b) encourage the establishment and maintenance of farms, and the use of land in an agricultural land reserve compatible with agricultural purposes,
 - (c) assist municipalities and regional districts in the preparation of land reserve plans required under this Act, and
 - (d) encourage municipalities, regional districts, first nations and ministers, ministries and agents of the governments of British Columbia and Canada to support and accommodate farm use of agricultural land in their bylaws, plans and policies.
- (2) The commission has the power, by itself or in cooperation with the entities referred to in subsection (1) (d), to acquire and dispose of property.

Agricultural land

- 11 For the purposes of section 10, the commission may with the prior approval of the Lieutenant Governor in Council, designate as agricultural land, land, including Crown land, that is suitable for farm use, and on being designated the land is established as an agricultural land reserve.

Plans

- 12 (1) The board of every regional district, alone or in cooperation with its member municipalities and electoral areas, must, with the assistance of the commission if required, including financial assistance if approved by the commission, within the time allowed by the commission, adopt by bylaw a land reserve plan and file the bylaw and plan with the commission.
- (2) A regional board or municipal council must not adopt a bylaw for the purpose of this section until it has held a public hearing, notice of which has been published in the manner set out in section 892 of the *Municipal Act*, and a majority of all members of council or of all directors of a regional board vote for the bylaw.
- (3) Section 890 of the *Municipal Act* applies to the hearing referred to in subsection (2).
- (4) If the commission considers it advisable to amend the plan to better carry out the intent of this Act, it may recommend amendments to the plan to the Lieutenant Governor in Council.

- (5) If the municipal council or regional board fails or refuses to prepare and file a plan with the commission, the commission must prepare a land reserve plan and submit the land reserve plan to the Lieutenant Governor in Council for approval.
- (6) The commission must not submit the plan prepared under subsection (5) to the Lieutenant Governor in Council until it has held a public hearing similar to that in subsection (2).
- (7) For the hearing
 - (a) the commission has the powers of a commissioner under sections 12, 15 and 16 of the *Inquiry Act*,
 - (b) the commission may accept written submissions or any other form of evidence, and
 - (c) 3 members of the commission have and may exercise all the powers of the commission.

Land reserves

- 13
- (1) The Lieutenant Governor in Council may approve a land reserve plan as submitted by the commission and may alter or vary the plan.
 - (2) If the commission considers that the plan referred to in subsection (1) carries out the purpose of this Act, the commission may designate the agricultural land shown on the plan as an agricultural land reserve.
 - (3) Until the establishment of an agricultural land reserve in a municipality or regional district under this section, all land zoned for agricultural or farm use under a bylaw of the municipality or district passed before December 21, 1972, is deemed to be an agricultural land reserve unless excepted by the commission.
 - (4) On application by a municipality or regional district for land within the municipality's or regional district's territory, or on the commission's own initiative, the commission may
 - (a) approve all or part of the land described in the application for addition to a designated land reserve plan, and
 - (b) designate all or part of the land described in the application as or as part of an agricultural land reserve.
 - (5) For an application under subsection (4), the municipality, regional district or commission, if acting on the commission's own initiative, must hold a public hearing in the manner and after the notice determined by regulation, and a report of the meeting must accompany the application.
 - (6) On application by an owner of land the commission may designate all or part of the land described in the application as or as part of an agricultural land reserve if the commission considers that the designation carries out the intent of this Act.
 - (7) The applications referred to in subsections (4) and (6) must be made in accordance with section 33.

Section 14

Exclusion etc. from land reserve

- 14
- (1) On application by a municipality or regional district for land within the municipality's or regional district's territory, or on the commission's own initiative, the commission may exclude land from a reserve, on the terms it considers advisable.
 - (2) On application by a municipality or regional district for land within the municipality's or regional district's territory, or on the commission's own initiative, the commission, without excluding the land from a reserve, may grant permission under section 17 (3), 18, 20 or 21 (2) in respect of the land that is the subject of the application, on any terms the commission considers advisable.
 - (3) It is a condition of permission granted under subsection (2) that the owner or occupier must comply with the applicable Acts, regulations, bylaws of the municipality or regional district, and the decisions and orders of any person or body having jurisdiction over the land under an enactment.
 - (4) Before the application is made, the proposed applicant, or the commission if acting on its own initiative, must hold a public hearing in the manner and with the notice determined by regulation.
 - (5) A report of the public hearing must accompany the application.
 - (6) The applications referred to in subsections (1) and (2) must be made in accordance with section 33.

Application for exclusion

- 15
- (1) Pending an appearance before or representations to the municipality, regional district or commission under section 12, an owner of land aggrieved by a designation of the owner's land as reserve land may apply to the commission in accordance with section 33 to have the land excluded from a land reserve.
 - (2) After a hearing held in the manner and after the notice required by regulation, the commission may allow the application on the terms it considers advisable or refuse the application.
 - (3) Pending or after the hearing, with the consent of the applicant, the commission may permit, on terms, a use other than a farm use.
 - (4) If an application under this section
 - (a) applies to land that is zoned to permit agricultural or farm use in a bylaw, or
 - (b) requires, in order to proceed, an amendment to an official settlement plan, official community plan, official development plan, rural land use bylaw or zoning bylaw,of a municipality or regional district adopted under the *Municipal Act* or the *Vancouver Charter* that is in force on the day that the application is made, the application may not proceed under this section unless so authorized by a resolution of the municipality or the regional district.

- (5) At the owner's request, the commission must
 - (a) deliver its decision in writing to the owner, and
 - (b) allow the owner to examine, and make available to the owner, copies of all relevant documents in the custody of the commission.

Plan to be amended

- 16 On land being excluded under this Act from a land reserve plan, the commission must amend the land reserve plan and notify the appropriate municipality, regional district and registrar of titles.

Use of land reserve

- 17
 - (1) Subject to subsection (2), this section and sections 18 to 28 apply to agricultural land designated as an agricultural land reserve.
 - (2) For greater certainty, if the boundary of an agricultural land reserve divides a parcel of land, this section and sections 18 to 28 apply only to that portion of the parcel that is designated as an agricultural land reserve.
 - (3) A person must not use agricultural land for a purpose other than farm use, except as permitted by this Act, the regulations or an order of the commission, on terms the commission may impose.
 - (4) In addition to the limitations set out in section 23 (2) of the *Land Title Act*, a certificate of title issued before June 29, 1973 for agricultural land is subject, by implication and without endorsement on the certificate of title, to this Act and the regulations governing the reserve and farm use of the land.
 - (5) The registrar of titles must endorse on every indefeasible title to agricultural land issued after June 29, 1973, that the title may be affected by this Act.

Further use

- 18
 - (1) After December 21, 1972, except as permitted by this Act, the regulations or terms imposed in an order of the commission, the following rules apply:
 - (a) a municipality or regional district, or an authority, board or other agency established by it or person designated under the *Local Services Act* may not permit agricultural land to be used for other than farm use, or permit a building to be erected on the land except for farm use or for residences necessary to farm use or as permitted by regulation;
 - (b) an approving officer may not approve a subdivision of agricultural land under the *Land Title Act*, the *Condominium Act* or the *Municipal Act*;
 - (c) a board of variance may not permit agricultural land to be used for other than farm use under the *Municipal Act*.
 - (2) Subsection (1) (b) applies to any person who exercises the authority of an approving officer under any other Act.

Section 19

Covenant

- 19 (1) A covenant, whether of a negative or positive nature, in favour of the commission may, with the consent of the covenantor, be registered as a charge against the title and is enforceable against the covenantor and the covenantor's successors in title, even if the covenant is not annexed to land owned by the commission.
- (2) The covenant may be
- (a) for the use of land, subdivision of land or the use of a building on or to be erected on land,
 - (b) that land is or is not to be built on, or
 - (c) that several parcels of land are not to be transferred separately.
- (3) A charge registered under this section may be modified by the commission and the owner of the land or discharged by the commission by an instrument in writing executed under the *Land Title Act*.

Registration restrictions

- 20 Except as permitted by this Act or the regulations or by an order of the commission on terms and conditions the commission may impose, a registrar of titles may not
- (a) accept an application for deposit of a subdivision, reference, explanatory or other plan showing subdivision of land, or
 - (b) permit a new parcel of land by a metes and bounds description or an abbreviated description,
- under the *Land Title Act*, *Condominium Act* or *Real Estate Act*, all or part of which consists of land in an agricultural land reserve.

Exception

- 21 (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.
- (2) The restrictions on the use of agricultural land do not apply to land lawfully used for other than a farm use, established and carried on continuously for at least 6 months immediately before December 21, 1972, unless and until
- (a) the use is changed, other than to farm use, without the permission of the commission,
 - (b) an enactment made after December 21, 1972, prohibits the use, or
 - (c) permission for the use granted under an enactment is withdrawn or expires.
- (3) For greater certainty, the exception in subsection (2) applies only to the land that was actually being used for other than a farm use and not to the entire parcel on which that use was being carried on.

Application for other than farm use

- 22 (1) Under the regulations, the commission may
- (a) decide applications made in accordance with section 33 for permission under section 17 (3), 18, 20 or 21 (2),
 - (b) may grant or refuse permission, and
 - (c) may impose the terms it considers advisable.
- (2) If an application under this section
- (a) applies to land that is zoned to permit agricultural or farm use in a bylaw, or
 - (b) requires, in order to proceed, an amendment to an official settlement plan, official community plan, official development plan, rural land use bylaw or zoning bylaw,
- of a municipality or regional district adopted under the *Municipal Act* or the *Vancouver Charter* that is in force on the day that the application is made, the application may not proceed under this section unless so authorized by a resolution of the municipality or the regional district.
- (3) In deciding an application under this section, the commission may, under the regulations, hold a hearing or may make a decision on the basis of written representations only.

Delegation of section 22 powers to municipalities and regional districts

- 23 (1) The commission may enter into an agreement with a municipality or regional district to enable the municipality or regional district to exercise some or all of the commission's power to decide applications under section 22 with respect to lands within the municipality or regional district.
- (2) If an agreement is entered into under subsection (1), the municipality or regional district must, with respect to an application covered by the agreement,
- (a) consider each application in the prescribed manner, and
 - (b) advise the commission in the prescribed manner of each application received and the decision made on each application.
- (3) A decision made by a municipality or regional district under this section must be made by resolution of the council or board, as the case may be.
- (4) The Lieutenant Governor in Council may make regulations respecting the terms of agreements entered into under this section.
- (5) If the commission's power to decide applications under section 22 is delegated to a municipality or regional district by an agreement entered into under this section, the decision of the municipality or regional district is a decision of the commission for the purposes of this Act.
- (6) If a municipality or regional district has the power to decide an application under an agreement entered into under subsection (1)

Section 24

- (a) an application that would be required to be submitted to the municipality or regional district under section 33 for review, comment and recommendation must be made directly to the municipality or regional district,
- (b) the entire fee payable under section 33 with respect to the application may be retained by the municipality or regional district, and
- (c) sections 40 to 44 apply to the application as if the application were before the commission.

General manager may approve specified section 22 applications

- 24 (1) The commission may, by resolution, establish criteria under which
- (a) specified types of applications under section 22, or
 - (b) applications under section 22 with respect to specified regions of British Columbia,
- would be approved by the commission.
- (2) The commission must put the criteria established under subsection (1) in writing and make them available for inspection during ordinary business hours.
 - (3) An application under section 22 that meets the criteria established under subsection (1) may be approved by the general manager on the conditions that the general manager may impose.
 - (4) The conditions imposed by the general manager under subsection (3) must be consistent with the criteria established by the commission under subsection (1).
 - (5) If the general manager is of the opinion that the application does not meet the criteria specified under subsection (1) or for any other reason does not wish to approve the application under subsection (3), the application must be referred to the commission for a decision.
 - (6) An approval of a section 22 application made by the general manager under subsection (3) is a decision of the commission for the purposes of this Act.
 - (7) The general manager may not exercise a power that has been delegated to a municipality or regional district through an agreement entered into under section 23.

Decisions may be appealed

- 25 Without limiting section 23 (5) or 24 (6), a decision of the municipality or regional district under section 23 or of the general manager under section 24 is a decision that may be appealed under section 27.

Reconsideration of decisions

- 26 (1) If the commission determines, on the written request of a person affected or on the commission's own initiative, that

- (a) evidence not available at the time of an original decision of the commission under this Act has become available, or
 - (b) a decision of the commission under this Act was based, in whole or in part, on evidence that was in error or was false,
- the commission may reconsider that decision and may confirm, reverse or vary it.
- (2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.

Appeal

- 27
- (1) An owner of land, aggrieved by an order of the commission refusing permission for a use other than a farm use or imposing terms on permission for that use, may appeal, on a question of law or excess of jurisdiction only, by way of stated case to the Supreme Court.
 - (2) The provisions of the *Offence Act* for appeals by way of stated case apply to the appeal and to any further appeal.
 - (3) A reference in that Act to a justice is deemed to be a reference to the commission.

Additional powers

- 28
- For agricultural land the commission may
- (a) carry on farming operations on commission land or agree with other persons to do so,
 - (b) withdraw from an agricultural land reserve agricultural land owned by the commission and, with the approval of the Lieutenant Governor in Council, dispose of the land to the government to be dealt with under the *Land Act*, and
 - (c) dispose of agricultural land owned by the commission, with the approval of the Lieutenant Governor in Council, to private ownership for permanent farm use, or another use considered by the commission to be in the public interest, subject to terms the commission may impose.

Inspections

- 29
- (1) For the purpose of deciding an application under this Act or ensuring compliance with this Act, the regulations or an order of the commission, a member of the commission, or a person appointed under section 8 and designated in writing by the commission for the purpose, may
 - (a) enter any land, other than a dwelling house,
 - (b) make any surveys, analyses, inspections, examinations or soil tests that are necessary to determine
 - (i) the current use of the land,
 - (ii) the suitability of the land for farm use, or

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- (iii) the potential impact of proposed changes to the use of the land on land in an agricultural land reserve, and
 - (c) remove soil samples for the purposes of conducting the analyses and tests referred to in paragraph (b).
- (2) A person who hinders, obstructs, impedes or otherwise interferes with a person exercising a power under subsection (1) commits an offence.

Capital improvements

- 30 The commission may
- (a) make capital improvements on commission land if it considers them desirable for the efficient use of its land or other land in the vicinity, and
 - (b) pay for or purchase capital improvements made on commission land by any person.

Taxes

- 31 If commission land is unoccupied or a lease of commission land does not provide for the payment of tax by the lessee, the commission may pay to the municipality or regional district a grant in place of taxes.

Fees

- 32 With the approval of the Lieutenant Governor in Council, the commission may establish a schedule of fees to be paid to the commission for the preparation of leases and other documents, for appraisals and evaluations of land and for copies of documents of the commission.

Applications

- 33 (1) In this section, except in subsection (2), “**application**” means an application under section 13 (4) or (6) or 15 (1) or an application for permission under section 17 (3), 18, 20 or 21 (2).
- (2) A municipality or regional district that makes an application to the commission under section 14 must pay the prescribed application fee.
- (3) A person who makes an application to the commission, other than an application
- (a) to use land in an agricultural land reserve for a prescribed type of use, or
 - (b) to subdivide land in an agricultural land reserve in prescribed circumstances,
- must do so by submitting the application and, except in the case of an application under section 13 (4) or (6), by paying the prescribed application fee
- (c) to the municipality, if the land described in the application is in a municipality, and
 - (d) to the regional district, if the land described in the application is in a regional district but not in a municipality.

- (4) A person who makes an application to the commission
 - (a) for a prescribed type of use, or
 - (b) to subdivide land in prescribed circumstancesreferred to in subsection (3) must submit the application and pay the prescribed application fee directly to the commission.
- (5) In respect of an application to the commission
 - (a) for a prescribed type of use, or
 - (b) to subdivide land in prescribed circumstancesreferred to in subsection (3), the commission may require assistance from a municipality or regional district in which the land described in the application is located.
- (6) The municipal council of a municipality or the regional board of a regional district that receives an application under subsection (3) must
 - (a) review the application, and
 - (b) subject to subsection (7), forward the application to the commission together with the council's or board's comments and recommendations concerning the application.
- (7) In a case where section 15 (4) or 22 (2) applies to an application or proposed application, the requirement in subsection (6) (b) to forward the application to the commission does not apply if the municipality's or regional district's authorization, required by that section, is refused.

Application fees

- 34
- (1) A municipality or regional district that receives application fees under section 33
 - (a) may retain a prescribed portion of the application fees, and
 - (b) must remit the balance of the application fees to the commission at the prescribed times.
 - (2) Despite subsection (1), in a case where section 15 (4) or 22 (2) applies to an application or proposed application and the municipality's or regional district's authorization required by that section is refused, the portion of the application fee that would otherwise be remitted to the commission under subsection (1) (b) must be returned to the applicant by the municipality or regional district, as the case may be.
 - (3) Subject to the approval of the commission, if the clerk of a municipality or the secretary of a regional district considers that a case of hardship exists, he or she may waive the application fee payable under section 33 (3).
 - (4) If the commission considers that a case of hardship exists it may waive the application fee payable under section 33 (4).

Section 35

- (5) If, under section 33 (5), the commission requires assistance from a municipality or regional district, the commission must remit a prescribed portion of the application fee to the municipality or regional district.
- (6) This section applies despite the *Financial Administration Act*.

Notice of applications

- 35
- (1) In this section “**application**” means an application under section 33.
 - (2) A person who makes an application must, in the prescribed circumstances,
 - (a) give notice of the application in accordance with the regulations before submitting the application, and
 - (b) provide evidence, satisfactory to the commission, that the applicant has complied with the notice requirements of the regulations.
 - (3) A municipality or regional district that has the power to decide an application through an agreement entered into under section 23 must ensure that the application is accompanied by evidence, satisfactory to the municipality or regional district, that the applicant has complied with the notice requirements of the regulations.
 - (4) A decision of the commission or of a municipality or regional district with respect to an application is not invalidated merely because of the failure of the applicant to comply with the notice requirements of the regulations, if the applicant made reasonable efforts to comply with those requirements.

No compensation for reserve land

- 36
- Land is deemed not to be taken or injuriously affected by its designation as an agricultural land reserve.

Agreements

- 37
- For the purposes of this Act, and with the approval of the Lieutenant Governor in Council, the minister may enter into agreements with Canada, a municipality, a regional district or an agent of the government.

Report and statement

- 38
- (1) The commission must submit annually to the Lieutenant Governor in Council
 - (a) a report of its operations for the preceding fiscal year, and
 - (b) a financial statement showing its business for that fiscal year, in the form required by the Comptroller General.
 - (2) The report must be laid before the Legislative Assembly within 15 sitting days, following submission, of the session next following the end of the fiscal year, but the commission need not submit its report sooner than 90 days after the end of its fiscal year.

Definition of "board" in sections 40 to 44

39 In sections 40 to 44 "board",

- (a) during the period before the establishment of the Environmental Assessment Board under the *Environmental Assessment Act*, means a commissioner or commissioners appointed under the *Inquiry Act* for the purpose of inquiring into a matter described in section 40, and
- (b) after the establishment of the Environmental Assessment Board under the *Environmental Assessment Act*, means the Environmental Assessment Board.

Reference of a matter to the board

- 40 (1) If the Lieutenant Governor in Council considers it to be in the Provincial interest, the Lieutenant Governor in Council by order may refer to the board, for the purpose of a public hearing described in section 43, any of the following matters that is before the commission at the time of the order making the referral:
- (a) an application under section 13 (4) or (6), 14 (1) or (2) or 15 (1);
 - (b) an application referred to in section 22 (1);
 - (c) if land is being considered by the commission on its own initiative for
 - (i) approval and designation under section 13 (4),
 - (ii) exclusion from a reserve under section 14 (1), or
 - (iii) the granting of the permission referred to in section 14 (2),the issues relating to the approval and designation, to the exclusion or to the permission, as the case may be.
- (2) The Lieutenant Governor in Council must specify written terms of reference for the purpose of a public hearing by the board pertaining to a matter referred to the board under this section.

Suspension of matters pending a decision under section 40

- 41 (1) For the purpose of giving the Lieutenant Governor in Council time to consider whether an order under section 40 is warranted in relation to a matter referred to in section 40 that is before the commission, the minister may order that the matter be suspended for a period, to be specified in the order, that is not longer than 90 days or any shorter period that is prescribed for the purpose of this subsection.
- (2) An order of the minister under subsection (1) has effect and is binding on the commission and on any parties to a proceeding relating to a matter that is the subject of the order until the expiry of the period specified in the order.

Effect of an order under section 40

- 42 (1) On the date of an order under section 40 referring a matter to the board, the commission's powers and duties under this Act in relation to the matter that is the subject of the order are transferred to the Lieutenant Governor in Council to the

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extent necessary to enable the Lieutenant Governor in Council to act in accordance with section 44.

- (2) An order under section 40 is final and binding.

Mandate of the board

- 43** (1) On receipt of and in accordance with the written terms of reference specified in conjunction with an order under section 40, the board, in accordance with the terms of reference, must conduct a public hearing of the probable environmental, economic, social, cultural and heritage effects, and, without limitation, the agricultural effects, of whichever of the following is the subject of the matter described in section 40 in respect of which the order was made:
- (a) an approval and designation under section 13 (4);
 - (b) a designation under section 13 (6);
 - (c) an exclusion from a reserve under section 14 (1) or 15 (1);
 - (d) the granting or refusal of the permission referred to in section 14 (2) or 22 (1).
- (2) On conclusion of the public hearing, the board must submit to the Lieutenant Governor in Council
- (a) a written report in accordance with the written terms of reference specified under subsection (3), and
 - (b) a summary of the evidence received and submissions made in the course of any public hearing held in accordance with the terms of reference.
- (3) Within 10 days after submitting its report under section 40, the board must publish the report in the prescribed manner.

Lieutenant Governor in Council's decision

- 44** (1) On receiving the board's report the Lieutenant Governor in Council by order may decide the outcome of the matter that is the subject of the order under section 40 by
- (a) granting or refusing to grant the approval, designation, exclusion or permission applied for, in the case of a matter described in section 40 (1) (a) or (b), or
 - (b) making or deciding not to make the approval, designation, exclusion or permission that was under consideration by the commission on its own initiative, in the case of a matter described in section 40 (1) (c).
- (2) The Lieutenant Governor in Council may attach conditions to an order made under this section.
- (3) An order made under this section is final and binding.

Application of other Acts

- 45 (1) This Act and the regulations are not subject to any other enactment, whenever enacted, except the *Interpretation Act*, the *Environment and Land Use Act*, the *Waste Management Act* and as provided in this Act or the regulations.
- (2) The Lieutenant Governor in Council may, by order, declare that a provision of the *Company Act* applies to the commission but otherwise the *Company Act* does not apply to the commission.

Power under other Acts

- 46 A minister or agent of the government must not exercise a power granted under another enactment except in accordance with this Act and the regulations.

Conflict with bylaws

- 47 (1) In this section, "bylaw" means
- (a) a bylaw made by a municipality or regional district under the *Municipal Act* or the *Vancouver Charter* that adopts a regional growth strategy, official settlement plan, official community plan, official development plan, rural land use bylaw or zoning bylaw, and
 - (b) any other bylaw respecting land use in a municipality or regional district made by a municipality or regional district under any other enactment.
- (2) Every municipality and regional district must ensure that its bylaws are consistent with this Act, the regulations and the orders of the commission.
- (3) Subject to subsection (4), nothing in this Act affects or impairs the validity of a bylaw relating to the use of agricultural land in an agricultural land reserve.
- (4) A bylaw that is inconsistent with this Act, the regulations or an order of the commission is, to the extent of the inconsistency, of no force or effect.
- (5) Without limiting subsection (4), a bylaw that
- (a) allows agricultural land in an agricultural land reserve to be used for a use not permitted by this Act, the regulations or an order of the commission, or
 - (b) contemplates a use of land that would impair or impede the intent of this Act, the regulations or an order of the commission, whether or not that use requires the adoption of any further bylaw, the giving of any consent or approval or the making of any order,
- is deemed to be inconsistent with this Act.
- (6) A bylaw that provides restrictions on farm use of agricultural land additional to those provided by this Act and the regulations is not, for that reason alone, inconsistent with this Act and the regulations.
- (7) The *Offence Act* does not apply to a contravention of subsection (2).
- (8) This section applies only to bylaws made after August 26, 1994.

Section 48

Appropriation

- 48 Money required for the purposes of this Act may be paid out of the consolidated revenue fund to the commission in amounts approved by the Lieutenant Governor in Council
- (a) in the absence of an appropriation, or
 - (b) if money appropriated is insufficient.

Consolidated revenue fund

- 49 The commission must pay as soon as practical all money received by it, other than money received under an appropriation under a *Supply Act* or under section 48 of this Act, into the consolidated revenue fund.

Bonding

- 50 The Lieutenant Governor in Council or the commission may require an applicant under this Act, whose application has been granted on terms, to post a bond under the *Bonding Act* and the regulations to ensure compliance with the terms.

Enforcement

- 51 If the commission believes that a present or future activity or use of land in an agricultural land reserve may contravene this Act, the regulations, an order of the commission or a condition imposed by section 4 (2) of the *Golf Course Development Moratorium Act*, S.B.C. 1992, c. 8, the commission may do one or more of the following:
- (a) order the owner or occupant to refrain from the activity or use for a period not exceeding 60 days, and to make written or oral submissions to the commission as it requires to determine any likely impairment of the agricultural capability of the land;
 - (b) apply to the Supreme Court for an order restraining the owner or occupant from beginning or continuing the activity or use of land in contravention of this Act, the regulations, an order of the commission or a condition imposed by section 4 (2) of the *Golf Course Development Moratorium Act*, S.B.C. 1992, c. 8.

Determination and order

- 52 (1) If after a submission and a determination that the activity, or use of land, would likely impair agricultural capability, or if no submission is made, the commission may, by order
- (a) impose on the owner or occupant the terms for activity or use of the land it considers advisable, or
 - (b) require that the land be restored to its former condition as agricultural land, to the satisfaction of the commission, and
 - (c) require a bond to ensure compliance.

- (2) In case of default under subsection (1) (b), the commission may perform the work, and the cost is a debt due to the commission by the owner or occupant in default.

Civil liability

- 53 (1) No action for damages lies or may be brought against any member of the commission or any person appointed under section 8 because of anything done or omitted in good faith
- (a) in the performance or purported performance of any duty under this Act, or
 - (b) in the exercise or purported exercise of any power under this Act.
- (2) Subsection (1) does not absolve the commission from vicarious liability for an act or omission for which it would be vicariously liable if this section were not in force.

Preservation of rights

- 54 Despite sections 45 and 46, if Crown land established as an agricultural land reserve under this Act has been leased by the government, or sold by agreement for sale by the government and not transferred to the purchaser before December 21, 1972, and on that date was being used for a purpose other than farm use, and not in contravention of the terms of the lease or agreement, that use may continue until termination of the lease or issue of title to the purchaser under the agreement for sale.

Power to make regulations

- 55 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) establishing different application fees for different types of applications and applications in different circumstances;
 - (b) exempting classes of persons from payment of a prescribed application fee;
 - (c) respecting the terms of an agreement entered into under section 23;
 - (d) respecting the manner in which a municipality or regional district is required to
 - (i) consider an application, and
 - (ii) advise the commission of an application received and a decision made on an application,for the purpose of section 23 (2);
 - (e) prescribing circumstances in which notice of an application is required to be given under section 35;
 - (f) respecting the notice requirements for the purpose of section 35, including prescribing a form of notice.

Section 55

- (3) A regulation made under subsection (2) (f) may prescribe different notice requirements for different types of applications or different areas of British Columbia.

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Victoria, 1997

AGRICULTURAL LAND COMMISSION — HISTORICAL TABLE

Legislative History

AGRICULTURAL LAND COMMISSION ACT

RSBC 1996, chapter 10

Section	History
1	RS1979-9-1; 1994-25-1.
2	RS1979-9-2; 1983-10-21.
3	RS1979-9-2.1; 1994-25-2.
4	RS1979-9-3.
5	RS1979-9-4 (1).
6	RS1979-9-4 (1).
7	RS1979-9-4 (2); 1980-49-1.
8	RS1979-9-5.
9	RS1979-9-6.
10	RS1979-9-7; 1994-25-3.
11	RS1979-9-8; 1980-36-3.
12	RS1979-9-9; 1985-79-9; 1989-59-19.
13	RS1979-9-10; 1980-36-4; 1992-29-1; 1993-38-1.
14	RS1979-9-11; 1980-36-5; 1992-29-2; 1993-38-2.
15	RS1979-9-12; 1992-29-3; 1994-25-4.
16	RS1979-9-14; 1993-38-4.
17	RS1979-9-15; 1982-60-88; 1994-25-5.
18	RS1979-9-16; 1994-25-6.
19	RS1979-9-17; 1980-49-3.
20	RS1979-9-18; 1980-36-6; 1980-49-4.
21	RS1979-9-19; 1994-25-7.
22	RS1979-9-20; 1980-36-7; 1992-29-4; 1994-25-8.
23	RS1979-9-20.1; 1994-25-9.
24	RS1979-9-20.2; 1994-25-9.
25	RS1979-9-20.3; 1994-25-9.
26	RS1979-9-20.4; 1994-25-9.
27	RS1979-9-21.
28	RS1979-9-22.
29	RS1979-9-22.1; 1994-25-10.
30	RS1979-9-23.
31	RS1979-9-24.
32	RS1979-9-25.
33	RS1979-9-25.1; 1992-29-5; 1994-25-11.
34	RS1979-9-25.2; 1992-29-5.
35	RS1979-9-25.3; 1994-25-12.
36	RS1979-9-26.
37	RS1979-9-27.
38	RS1979-9-28; 1980-49-5.
39	RS1979-9-28.1; 1993-38-5.
40	RS1979-9-28.2; 1993-38-5.
41	RS1979-9-28.3; 1993-38-5.
42	RS1979-9-28.4; 1993-38-5.
43	RS1979-9-28.5; 1993-38-5.
44	RS1979-9-28.6; 1993-38-5.
45	RS1979-9-29; 1982-41-37.
46	RS1979-9-30.
47	RS1979-9-31; 1994-25-13; 1995-9-19.
48	RS1979-9-32; 1980-36-8.
49	RS1979-9-32.1; 1992-29-5.
50	RS1979-9-33.
51	RS1979-9-34; 1992-8-7.
52	RS1979-9-35.
53	RS1979-9-35.1; 1994-25-14.

AGRICULTURAL LAND COMMISSION — HISTORICAL TABLE

Legislative History

AGRICULTURAL LAND COMMISSION ACT — *Continued*

RSBC 1996, chapter 10

Section	History
54	RS1979-9-36.
55	RS1979-9-37; 1992-29-6; 1994-25-15.

EXPLANATORY NOTE

Amendments Not in Force: If there are any legislative changes to the Act that are not in force as of December 31, 1996, these are identified in *italics* at the beginning of the historical table. The "Section" column identifies the affected provisions of the Act. The "Citation" column identifies the amending legislation by its citation in the 1996 Statute Revision Supplement.

Legislative History: The second part of the table provides a legislative history of each section of the Act between the 1979 Statute Revision and the 1996 Statute Revision. The "Section" column identifies all sections of the Act in force on December 31, 1996. The "History" column for each section begins with the citation of the section immediately before the 1996 Statute Revision. This is followed by a list of citations for the legislation that enacted or amended the section between the 1979 Statute Revision and the 1996 Statute Revision (if a section was repealed and replaced during that period, these last citations begin at the most recent replacement).

Legislative citations have the format of "year-chapter-section".

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Agricultural Land Commission Act

10 The title of the Agricultural Land Commission Act, R.S.B.C. 1996, c. 10, is amended by striking out "Commission" and substituting "Reserve".

11 Section 1 is amended

(a) by repealing the definition of "commission" and substituting the following:

"commission" means the Land Reserve Commission established under section 2 of the Land Reserve Commission Act; , and

(b) by adding the following definition:

"chief executive officer" means the chief executive officer of the commission appointed under section 5 (1) of the Land Reserve Commission Act; .

12 Section 2 is repealed.

13 Sections 4 and 5 are repealed.

14 Section 7 (1) is amended by adding "under this Act" after "order of the commission".

15 Sections 8 and 9 are repealed.

16 Section 10 (1) is amended by adding "under this Act" after "object of the commission".

17 Section 24 is amended by striking out "general manager" wherever it appears and substituting "chief executive officer".

18 Section 25 is amended by striking out "general manager" and substituting "chief executive officer".

19 Section 29 (1) is amended by striking out "section 8" and substituting "section 5 (1) or (4) of the Land Reserve Commission Act".

20 Section 38 is repealed.

21 Section 45 is amended

(a) in subsection (1) by adding ", the Land Reserve Commission Act" after "the Waste Management Act", and

(b) by repealing subsection (2).

22 Section 48 is repealed.

23 Section 49 is amended by striking out "or under section 48 of this Act".

24 Section 53 is repealed.

**1998/99 Legislative Session: 3rd Session, 36th Parliament
FIRST READING**

The following electronic version is for informational purposes only.
The printed version remains the official version.

**HONOURABLE CORKY EVANS
MINISTER OF AGRICULTURE AND FOOD**

BILL 70 -- 1999

AGRICULTURAL LAND COMMISSION AMENDMENT ACT, 1999

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 Section 40 of the Agricultural Land Commission Act, R.S.B.C. 1996, c. 10, is amended

(a) in subsection (1) by adding the following paragraph:

(d) a reconsideration under section 26 of a decision of the commission made in respect of a matter referred to in paragraph (a), (b) or (c) of this subsection. , **and**

(b) by adding the following subsections:

(3) In determining whether it is in the Provincial interest to refer a matter to the board under subsection (1), the Lieutenant Governor in Council must take into account

(a) the public interest that all British Columbians have in the preservation of agricultural land as a scarce and important Provincial asset,

(b) the potential long term consequences of failing to preserve agricultural land, and

(c) the province-wide context of the matter.

(4) The Lieutenant Governor in Council may make an order under subsection (1) on the Lieutenant Governor in Council's own initiative or at the request of

(a) a municipality or regional district, as set out in a resolution of the applicable municipal council or regional district board, or

(b) the commission, as set out in a resolution of the commission.

2 Section 41 is amended

(a) by repealing subsection (1) and substituting the following:

(1) For the purpose of affording adequate time to consider whether an order under section 40 is warranted in

relation to a matter referred to in section 40 that is before the commission, the Lieutenant Governor in Council may order that the matter be suspended for a period, to be specified in the order, that is not longer than 90 days or any shorter period that is prescribed for the purpose of this subsection. , **and**

(b) in subsection (2) by striking out "the minister" and substituting "the Lieutenant Governor in Council".

3 Section 42 is amended by adding the following subsection:

(3) If the Lieutenant Governor in Council makes an order under section 40 referring a matter to the board, the commission must, within 14 days of the date of the order,

(a) prepare a written report with respect to the matter, and

(b) submit the report to the board for the purpose of assisting the board in conducting a public hearing under section 43 in respect of the matter.

4 Section 43 is repealed and the following substituted:

Public hearing

43 (1) On receiving the written terms of reference specified in conjunction with an order under section 40, the board must

(a) prepare a discussion paper with respect to the matter that is the subject of the order, and

(b) make the paper available to the public before holding a public hearing under this section.

(2) The discussion paper prepared under subsection (1) (a) must include the written report that the commission submitted to the board under section 42 (3).

(3) For the purpose of providing the report and recommendations required under section 43.1, the board must conduct a public hearing of the probable agricultural, environmental, heritage, economic, cultural and social effects of whichever of the following is the subject of the matter described in section 40 in respect of which the order under that section was made:

(a) an approval and designation under section 13 (4);

(b) a designation under section 13 (6);

(c) an exclusion from a reserve under section 14 (1) or 15 (1);

(d) the granting or refusal of the permission referred to in section 14 (2) or 22 (1);

(e) a decision under section 26 to confirm, reverse or vary a decision referred to in paragraph (a), (b), (c) or (d) of this subsection.

(4) The public hearing held under subsection (3) must be conducted in accordance with the terms of reference specified in conjunction with the order made under section 40.

(5) The board must hold at least one public hearing with respect to the matter in each of the following regions of British Columbia:

- (a) Vancouver Island;
- (b) Lower Mainland;
- (c) Okanagan;
- (d) Interior;
- (e) Kootenays;
- (f) Northern British Columbia.

Report and recommendations

43.1 (1) On conclusion of the public hearing under section 43, the board must submit to the Lieutenant Governor in Council

- (a) a written report in accordance with the terms of reference specified in conjunction with the order made under section 40, and
- (b) a summary of the evidence received and submissions made in the course of any public hearing held in accordance with the terms of reference.

(2) The report referred to in subsection (1) must include the board's recommendations to the Lieutenant Governor in Council for action under section 44.

(3) In making the recommendations referred to in subsection (2), the board must give weight to the following values in descending order of priority:

- (a) agricultural values, including the preservation of agricultural land and the promotion of agricultural purposes;
- (b) environmental and heritage values, but only if
 - (i) those values cannot be replaced or relocated to land other than agricultural land, or
 - (ii) giving weight to those values results in no net loss to the agricultural capabilities of the area;
- (c) economic, cultural and social values.

(4) The board must provide a copy of its report to the commission at the same time that the report is submitted to the Lieutenant Governor in Council under subsection (1).

(5) The commission may submit to the Lieutenant Governor in Council written comments on the report but must do so within 30 days of receiving a copy of the report under subsection (4).

(6) Within 10 days after submitting its report under subsection (1), the board must publish the report in the prescribed manner.

5 Section 44 (1) is amended

(a) by striking out "On receiving the board's report" and substituting "On receiving the board's report under section 43.1 (1) and the commission's comments, if any, under section 43.1 (5)," and

by striking out "or" at the end of paragraph (a), by adding ", or" at the end of paragraph (b) and by adding the following paragraph:

(c) confirming, reversing or varying a decision referred to in section 40 (1) (d).

6 Section 44 is amended by adding the following subsection:

(1.1) When deciding the outcome of a matter under subsection (1), the Lieutenant Governor in Council must give weight to the following values in descending order of priority:

(a) agricultural values, including the preservation of agricultural land and the promotion of agricultural purposes;

(b) environmental and heritage values, but only if

(i) those values cannot be replaced or relocated to land other than agricultural land, or

(ii) giving weight to those values results in no net loss to the agricultural capabilities of the area;

(c) economic, cultural and social values.

Commencement

7 This Act comes into force by regulation of the Lieutenant Governor in Council.

Explanatory Notes

SECTION 1: *[Agricultural Land Commission Act, amends section 40]*

- adds subsection (1) (d) to clarify that a reconsideration under section 26 is a matter that may be referred to the board;
- adds subsection (3) to require that the public interest in the preservation of agricultural land and the province-wide context be taken into account in determining whether a referral order should be made under subsection (1);
- adds subsection (4) to permit certain persons to request a referral order under subsection (1).

SECTION 2: *[Agricultural Land Commission Act, amends section 41]* gives the power to make a suspension order to the Lieutenant Governor in Council instead of the minister.

SECTION 3: *[Agricultural Land Commission Act, adds section 42 (3)]* requires the commission to prepare a report with respect to a referred matter and submit the report to the board for the purposes of the public hearing under section 43.

SECTION 4: *[Agricultural Land Commission Act, re-enacts section 43 and enacts section 43.1]*

- section 43 sets out the mandate of the board in holding a public hearing on a referred matter;
- section 43.1 requires the board to provide to the Lieutenant Governor in Council a report on the public hearing and recommendations for action under section 44.

SECTION 5: *[Agricultural Land Commission Act, amends section 44 (1)]* amends section 44 (1) consequential to the addition of sections 40 (1) (d) and 43.1 (5).

SECTION 6: *[Agricultural Land Commission Act, adds section 44 (1.1)]* requires the Lieutenant Governor in Council to give agricultural values the greatest weight in deciding the outcome of a matter under subsection (1).

[*Return to: [Legislative Assembly Home Page](#)*]

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IMPORTANT INFORMATION

AGRICULTURAL LAND RESERVE ACT

[RSBC 1996] CHAPTER 10

[Formerly titled *Agricultural Land Commission Act*. *Agricultural Land Commission Act*
title changed to *Agricultural Land Reserve Act* by the
Land Reserve Commission Act, SBC1999, c. 14, s. 10, effective April 1, 2000 (B.C. Reg. 70/2000).]

Agricultural Land Reserve Act repealed by the *Agricultural Land Commission Act*,
SBC2002, c. 36, s. 90, effective November 1, 2002 (B.C. Reg. 171/2002).]

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PROVINCE OF BRITISH COLUMBIA

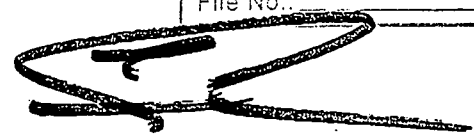
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Ministry of Agriculture and Food
RECEIVED
FEB 28 2000
Policy and Legislation Services
File No.:

Order in Council No.

228 , Approved and Ordered FEB 21 2000

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21/2/00
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Lieutenant Governor

Executive Council Chambers, Victoria

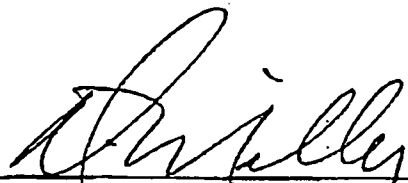
On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the *Agricultural Land Commission Amendment Act, 1999*, S.B.C. 1999, c. 5, is brought into force.

40

DEPOSITED
FEB 22 2000
B.C. REG. 69/2000



Minister of Agriculture and Food



Presiding Member of the Executive Council

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

Authority under which Order is made:

Act and section:- *Agricultural Land Commission Amendment Act, 1999*, S.B.C. 1999 c. 5, s. 7

Other (specify):-

January 14, 2000

76 /00/9/

PROVINCE OF BRITISH COLUMBIA

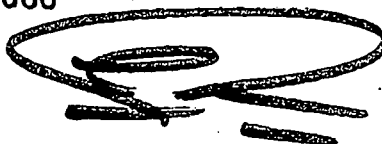
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No.

232

Approved and Ordered FEB 21 2000

21/2/00
16:45



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 April 1, 2000, the *Land Reserve Commission Act*, S.B.C. 1999, c. 14, is brought into force.

DEPOSITED

FEB 22 2000

B.C. REG. 70/2000



Minister of Agriculture and Food



Presiding Member of the Executive Council

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

Authority under which Order is made:

Act and section:- *Land Reserve Commission Act*, S.B.C. 1999, c. 14, section 45

ther (specify):-

January 14, 2000

77 /00/9

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IMPORTANT INFORMATION

LAND RESERVE COMMISSION ACT

[SBC 1999] CHAPTER 14

Assented to June 29, 1999

Contents

Section

- 1 Definitions
- 2 Commission established
- 3 Objects of the commission
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- 7 Financial and corporate matters
- 8 Liability of the commission
- 9 Power to make regulations
- 10 – 43 [Spent]
- 44 Transitional
- 45 Commencement

Definitions

1 In this Act:

"agricultural reserve land" means land that is or is part of an agricultural land reserve under the *Agricultural Land Reserve Act*;

"agroforestry" means a land use system that involves deliberate retention, introduction or mixing of trees or other plants in crop and animal production systems in order to increase profitability, sustainability and social acceptance;

"chair" means the member of the commission designated as chair under section 4;

"commission" means the Land Reserve Commission established under section 2;

"first nation" means an aboriginal governing body, however organized and established by aboriginal people within their traditional territory in British Columbia;

"forest reserve land" has the same meaning as in the *Forest Land Reserve Act*;

"local government" has the same meaning as in the *Forest Land Reserve Act*.

Commission established

2 (1) The Land Reserve Commission is established as a corporation consisting of the members appointed under section 4.

(2) The commission is an agent of the government.

Objects of the commission

3 The objects of the commission are as follows:

(a) to protect the integrity of the agricultural land base and the working forest land base in British Columbia;

(b) to work with owners, local governments, first nations, the governments of British Columbia and Canada and other communities of interest in achieving the object set out in paragraph (a);

(c) to assist the communities of interest referred to in paragraph (b) in the accommodation, support and encouragement of farming, forestry and agroforestry on agricultural reserve lands and forest reserve lands;

(d) to provide a fair, effective and independent mechanism for considering applications under the *Agricultural Land Reserve Act*, the *Forest Land Reserve Act* and the *Soil Conservation Act*;

(e) to carry out its powers and duties under the *Agricultural Land Reserve Act*, the *Forest Land Reserve Act* and the *Soil Conservation Act* in a manner consistent with the objects of the commission under this section and under those Acts;

(f) to provide recommendations to the ministers responsible for the administration of the *Agricultural Land Reserve Act* and the *Forest Land Reserve Act* to protect and strengthen the land reserve system in British Columbia.

Commission members

4 (1) The Lieutenant Governor in Council may appoint no fewer than 5 individuals knowledgeable in matters relating to agriculture, forestry, land use planning or local government as members of the commission and may establish the terms of their appointment.

(2) The members are the board of directors of the commission.

(3) The Lieutenant Governor in Council must designate one of the members as the chair of the commission and another member as vice-chair.

(4) The Lieutenant Governor in Council may designate additional vice-chairs from among the members of the commission.

- (5) The term of office of a member is during pleasure but, except for the chair, must not exceed 4 years.
- (6) A member or former member may be reappointed to the commission.
- (7) A member must be reimbursed for reasonable travelling and out of pocket expenses necessarily incurred in discharging the member's duties and, in addition, may be paid the remuneration set by the Lieutenant Governor in Council.
- (8) [Repealed 1999-44-68.]

Staff of the commission

- 5 (1) The Lieutenant Governor in Council may appoint, during pleasure, a chief executive officer of the commission and may determine the remuneration and the terms and conditions of the appointment of the chief executive officer.
- (2) [Repealed 1999-44-68.]
- (3) The commission may determine the functions and duties of the chief executive officer.
- (4) The commission may appoint other officers and employees necessary for the purposes of the commission and may determine their duties and remuneration.
- (5) The *Public Service Act* and the *Public Service Labour Relations Act* apply to the commission and its officers and employees, other than the chief executive officer, except that the references to the commissioner and a deputy minister in section 22 of the *Public Service Act* are to be read as references to the chief executive officer.
- (6) The commission may retain consultants as it considers advisable and may set their remuneration.

Operation of the commission

- 6 (1) The commission may pass resolutions and bylaws it considers necessary or advisable for the management and conduct of its affairs and for the performance of its duties and the exercise of its powers.
- (2) The commission may refer an application or other matter that is before the commission under the *Agricultural Land Reserve Act*, the *Forest Land Reserve Act* or the *Soil Conservation Act* to a panel established by the commission and consisting of one or more members as determined by the commission.
- (3) A panel established under subsection (2) has all the powers and duties of the commission in respect of the application or other matter and a decision of a panel in respect of the application or other matter is, for all purposes, a decision of the commission.

Financial and corporate matters

- 7 (1) The financial year end of the commission is March 31 and the Minister of Finance and

Corporate Relations is the fiscal agent of the commission.

(2) Within 90 days after the end of each financial year, the commission must submit to the minister responsible for the administration of the *Agricultural Land Reserve Act* and the minister responsible for the administration of the *Forest Land Reserve Act*

(a) a report of its operations during the preceding financial year, and

(b) a financial statement showing its business for that financial year, prepared in accordance with generally accepted accounting principles and in the form required by the Minister of Finance and Corporate Relations.

(3) The report and statement under subsection (2) must be laid before the Legislative Assembly within 30 days following their receipt if the Legislative Assembly is then sitting, and otherwise as soon as practicable.

(4) Subject to subsection (5), the *Company Act* and the *Company Clauses Act* do not apply to the commission.

(5) The Lieutenant Governor in Council may, by order, declare that specified provisions of the *Company Act* apply to the commission.

Liability of the commission

8 (1) No action for damages lies or may be brought against any member of the commission or any person appointed under section 5 (1) or (4) because of anything done or omitted in good faith

(a) in the performance or intended performance of any duty under this Act, the *Agricultural Land Reserve Act*, the *Forest Land Reserve Act* or the *Soil Conservation Act*, or

(b) in the exercise or intended exercise of any power under this Act, the *Agricultural Land Reserve Act*, the *Forest Land Reserve Act* or the *Soil Conservation Act*.

(2) Subsection (1) does not absolve the commission from vicarious liability for an act or omission for which it would be vicariously liable if this section were not in force.

Power to make regulations

9 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations establishing policies and procedures to be followed by the commission in conducting its affairs, performing its duties and exercising its powers under this Act, the *Agricultural Land Reserve Act*, the *Forest Land Reserve Act* or the *Soil Conservation Act*.

Sections Spent

10 to 43 [*Consequential amendments. Spent. 1999-14-10 to 43.*]

Transitional

44 (1) In this section:

"Forest Land Commission" means the Forest Land Commission continued under section 3 of the *Forest Land Reserve Act* as it read immediately before the coming into force of this section;

"Land Reserve Commission" means the Land Reserve Commission established under section 2 of the *Land Reserve Commission Act* as it read immediately before the coming into force of this section;

"Provincial Agricultural Land Commission" means the Provincial Agricultural Land Commission continued under section 2 of the *Agricultural Land Commission Act*.

(2) All of the rights, property and assets and all of the debts, liabilities and obligations of the Forest Land Commission and the Provincial Agricultural Land Commission are transferred to and vested in the Land Reserve Commission.

(3) The Land Reserve Commission may take up and carry on to completion all proceedings or other matters commenced under any enactment that were, immediately before the coming into force of this section, before the Provincial Agricultural Land Commission or the Forest Land Commission.

Commencement

45 This Act comes into force by regulation of the Lieutenant Governor in Council.