



November 22nd, 2024

ALC C&E File: 234523

SENT BY REGISTERED MAIL

BKS ENTERPRISES LTD
737 EAST 54TH Ave, VANCOUVER
V5X-1L8

Dear Property Owners,

STOP WORK ORDER - Unauthorized Fill & Construction

CIVIC ADDRESS: 2601-56 St, DELTA

LEGAL: PARCEL A, OF SE1/4, SECTION 22, TOWNSHIP 5, NEW WESTMINSTER LAND DISTRICT, EXCEPT PLAN 27311, (REF PL 4554)

PID: 001-993-038

(the "Property")

This letter serves to inform you that the Agricultural Land Commission (the "ALC") C&E Officer inspected the Property on October 23rd, 2024. ALC staff observed a large "barn" type structure constructed on the Northwest area of the Property. Based on approximate area the structure has a total square footage of 1,230 ft² (375 m²).

ALC Officer inspected the interior and exterior of the structure and observed the following:

- Inside of structure area are 13 large garage doors, with 4-5 entrance doors located close to each door, several large windows are located inside each bay area;
- Property owner advised that the structure will be used for storage of blueberry farming equipment & machinery only and no other uses;

Therefore, due to the verity of multiple large windows located in several of the garage bays found in your barn/structure, the ALC considers you maybe constructing a commercial structure rather than a farm structure. Therefore, you are in contravention of section 20.1 (1) of the *Agricultural Land Commission Act* (ALCA) for constructing a structure without receiving prior approval from the ALC.

ALR regulations limit what uses are permitted, their size and location, and placing fill for development. Any use must also be consistent with Municipal zoning and land use bylaws.

Soil or Fill Use Application - A landowner is always at liberty to make an application for fill placement or soil removal to be decided by the Commission under s. 25 of the ALCA. If the Commission approves the *Soil or Fill Use Application*, the landowner may proceed with the approved use on the terms of that approval. If a landowner is unsure as to which type of authorization they should seek, they should contact the Commission staff for guidance at ALC.Soil@gov.bc.ca.

A person who places fill or removes soil from land in the ALR without successfully having completed one of these processes, may be subject to a penalty or order to remediate the land or remove the unauthorized fill.

Therefore, pursuant to Section 50 of the ALCA, I issue this Stop Work Order requiring you to immediately cease the construction of the barn/residence.

You may appeal this Stop Work Order pursuant to section 55 of the ALCA and section 37 of the *Agricultural Land Reserve General Regulation*. Appeals are also subject to the *ALC Appeal Practice Directive* and to the *Rules of Practice and Procedure* for Appeals. These documents can be referenced at:


www.alc.gov.bc.ca/assets/alc/assets/legislationregulation/policies/rules_of_practice_and_procedure_for_appeals.pdf

The commencement of an Appeal does not suspend or operate as a stay of the Stop Work Order. You must comply with the Stop Work Order unless the Commission orders otherwise.

I advise you contact me at (604) 660-7000 or Roy.Biedrava@gov.bc.ca upon receipt of this Stop Work Order to resolve this issue. A lack of immediate response to this letter may result in further action which may include the recommendation of a monetary penalty under Section 54 and/or an order to remediate the property to a suitable agricultural standard under section 52 (1) of the ALCA.

This letter does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, decisions and orders of any person or body having jurisdiction over the land under an enactment.

Sincerely,



Roy Biedrava
ALC Compliance and Enforcement Officer

cc: Avtar Sundher, Director of Compliance & Enforcement, ALC Avtar.Sundher@gov.bc.ca
Dave Birchmore, Compliance & Enforcement Supervisor, ALC Dave.Birchmore@gov.bc.ca
Ted Swardh, Director of Development Permits, City of Delta, tswardh@delta.ca
Doreann Mayhew, General Manager, Development, City of Delta, dmayhew@delta.ca
Agriculture Land Commission, Land Use Planners, ALC.SouthCoast@gov.bc.ca