



ATTACHMENT 2

Agricultural Land Commission
201 – 4940 Canada Way
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www.alc.gov.bc.ca

April 25, 2022

ALC File: 65028

SENT BY EMAIL: vic@aspyrhomes.com

Mudhar Aspyr Homes Inc.
Vic Mudhar
16787 20a Avenue, Surrey, BC

Attention: Vic Mudhar, Agent

Dear Vic Mudhar:

Order Under Section 20.3(2)(c) of the Agricultural Land Commission Act

Re: Notice of Intent to place fill on land in the Agricultural Land Reserve

PID: 008-334-463

Legal Description: Parcel A (DD 673278I) of Section 9, Range 7, Somenos District,
Except: Plans 504 BL, 45592, and EPP1597

Civic Address: 2441 Herd Rd, Duncan, BC
(the "Property")

On March 10, 2022 the Chief Executive Officer (CEO) of the Agricultural Land Commission received a Notice of Intent (NOI) pursuant to section 20.3(1)(c) of the *Agricultural Land Commission Act* (ALCA) to place fill on the Property (the **Proposed Fill Placement Activities**). The CEO also received a fee of \$150 with respect to the NOI pursuant to subsection 20.3(1)(c)(ii).

As delegate CEO pursuant to section 20.3(6) of the ALCA, I understand the following about the Proposed Fill Placement Activities from the NOI and accompanying documents:

- The landowner of the Property is Salinder Kaur Kullar;
- The total area of the Proposed Fill Placement Activities is 0.13ha (1300m²);
- The purpose of the Proposed Fill Placement Activities is to place fill for the purpose of constructing a principal residence and accessory buildings;

- The proposed primary residence will have a total floor area of 361.19 m²;
- The two accessory buildings will have a combined footprint of 228.10 m²;
 - The total area of the proposed structures will be 589.29 m²;
- The type of material proposed to be placed on the Property is crushed gravel and sand for the purpose of providing a foundation for the proposed buildings;
- The proposed volume of materials to be placed on the Property is 528 m³;
- The proposed depth of material to be placed on the Property is 0.4 m;
- The proposed duration of the Proposed Fill Placement is 1 year and 2 months.

Upon review of the Notice of Intent, I, as delegate of the CEO, have determined that the accessory buildings labelled as “Garage 1” and “Garage 2” that contain a sauna, an infrared sauna, washrooms, office space, gym space, a library, a study, and multiple closets and storage space are residential uses and are therefore counted towards the total floor area of the principal residence. Based on the information submitted with the NOI, the footprint of the proposed structures (“garages” and principal residence) exceeds the maximum 500 m² allowance for a principal residence under the Act (SBC 2002, c. 36 , section 20.1(1)(b)).

Furthermore, the Commission has issued [Information Bulletin No. 5 - Residences in the ALR](#) stating that attached garages up to 42 m² will not be considered as part of the total floor area of a principal residence. A residential garage greater than 42 m² may be a permitted residential use in the ALR, but only if the total floor area of the main house, all accessory buildings that are considered part of the total floor area of the principal residence, and the part of the garage beyond 42 m² is within the limits set by the Act.

The Proposed Fill Placement Activities must not proceed unless both the following conditions are met before the Proposed Fill Placement Activities are undertaken:

- You make an application under section 20.3(5) of the Act for approval of the Proposed Fill Placement Activities; and
- On receiving that application, the Commission approves the Proposed Fill Placement Activities under section 25 of the Act.

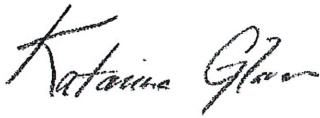
I therefore order, pursuant to section 20.3(2)(c) of the Act, that you must not engage in the Proposed Fill Placement unless both the above conditions are first met.

If you wish to pursue the Proposed Fill Placement Activities, you may initiate the Non-Adhering Residential Use application process by submitting the required form and paying the requisite fee: (\$450) to the local government (District of North Cowichan). The remainder of the application fee (\$450) will only be required if your local government forwards the above noted application to the Agricultural Land Commission. The application can be submitted through the [ALC's Application Portal](#). Information on the application process can be found on the ALC website under [Applications and Decisions](#).

Any further correspondence with respect to this letter should be directed to ALC.soil@gov.bc.ca.

As agent, it is your responsibility to advise your client of this correspondence.

Sincerely,

A handwritten signature in black ink that reads 'Katarina Glavas'.

Katarina Glavas
Delegate of the Chief Executive Officer

cc: Planning Department – North Cowichan (planning@northcowichan.ca)