



# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 59854

**Application Status:** Under LG Review

**Applicant:** 1135191 BC Ltd. Inc. No. BC1135191

**Agent:** Grant Land Surveying Inc.

**Local Government:** Nanaimo Regional District

**Local Government Date of Receipt:** 10/04/2019

**ALC Date of Receipt:** This application has not been submitted to ALC yet.

**Proposal Type:** Subdivision

**Proposal:** The purpose of this proposal is to restore the property to its original configuration before 2018 and Plan EPP77233 (see attached). The applicant purchased the northern piece of the property and amalgamated with the southern part by Plan EPP77233 with the expectation that they would be able to install and operate greenhouses and a cannabis production facility. Due to regulatory uncertainty and change to cannabis production requirements in both 2018 and 2019, the project became no longer financially viable. As the project is not moving forward, the applicant would like to revert to the previous lot configuration.

See the document attached for a detailed history of the timeline.

## Agent Information

**Agent:** Grant Land Surveying Inc.

**Mailing Address:**

580 10th STREET  
COURTENAY, BC  
V9N 1P8  
Canada

**Primary Phone:** [REDACTED]

**Email:** [REDACTED]

## Parcel Information

### Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

**Parcel Identifier:** 030-513-383

**Legal Description:** Lot A District Lot 141 Nanoose and Newcastle Districts Plan EPP77233

**Parcel Area:** 16.3 ha

**Civic Address:** 981 Virginia Road, Parksville

**Date of Purchase:** 09/05/2018

**Farm Classification:** Yes

**Owners**

1. **Name:** 1135191 BC Ltd. Inc. No. BC1135191

**Address:**

103-1333 Jervis Street  
Vancouver, BC

**Applicant:** 1135191 BC Ltd. Inc. No. BC1135191

V6E 1E9

Canada

Phone: [REDACTED]

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## **Current Use of Parcels Under Application**

### **1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**

*Southern Parcel: Indoor cannabis production under a personal federal medical marijuana license.*

*Northern Parcel: No active agriculture is occurring.*

### **2. Quantify and describe in detail all agricultural improvements made to the parcel(s).**

*Southern Parcel: A licensed micro-cannabis production facility was constructed in 2016.*

*Northern Parcel: Perimeter drainage ditches were installed to eliminate conditions of standing water and*

*enable future field crop production. Fields have been monitored for potential invasive species. A topographical survey was undertaken and a preliminary site drainage plan was developed to support siting groundwater borrow pits for agricultural irrigation purposes.*

*A pre-existing, historical engineered road through the property was periodically graded and maintained.*

### **3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).**

*No non-agricultural is occurring on either of the parcels.*

## **Adjacent Land Uses**

### **North**

**Land Use Type:** Agricultural/Farm

**Specify Activity:** Animal grazing

### **East**

**Land Use Type:** Agricultural/Farm

**Specify Activity:** Single family dwellings

### **South**

**Land Use Type:** Agricultural/Farm

**Specify Activity:** Single family dwellings

### **West**

**Land Use Type:** Unused

**Specify Activity:** French creek/Vacant

## **Proposal**

### **1. Enter the total number of lots proposed for your property.**

12.1 ha

4.2 ha

### **2. What is the purpose of the proposal?**

*The purpose of this proposal is to restore the property to its original configuration before 2018 and Plan EPP77233 (see attached). The applicant purchased the northern piece of the property and amalgamated with the southern part by Plan EPP77233 with the expectation that they would be able to install and operate greenhouses and a cannabis production facility. Due to regulatory uncertainty and change to cannabis production requirements in both 2018 and 2019, the project became no longer financially viable. As the project is not moving forward, the applicant would like to revert to the previous lot configuration.*

*See the document attached for a detailed history of the timeline.*

**3. Why do you believe this parcel is suitable for subdivision?**

*The property is suitable for subdivision because up until 2018 it had previously been 2 lots. See titles attached (006-416-250 and 006-429-831)*

**4. Does the proposal support agriculture in the short or long term? Please explain.**

*Yes, by enabling separation of title to the lots, it increases the opportunity that they will each be able to be utilized for agriculture independent of each other.*

**5. Are you applying for subdivision pursuant to the ALC Homesite Severance Policy? If yes, please submit proof of property ownership prior to December 21, 1972 and proof of continued occupancy in the "Upload Attachments" section.**

*No*

## **Applicant Attachments**

- Agent Agreement - Grant Land Surveying Inc.
- Proposal Sketch - 59854
- Other correspondence or file information - Project Timeline
- Other correspondence or file information - Corporate Reg. Summary
- Other correspondence or file information - Plan of Subdivision
- Certificate of Title - 030-513-383

## **ALC Attachments**

None.

## **Decisions**

None.

**TITLE SEARCH PRINT**

File Reference: 210

2019-08-02, 10:31:12

Requestor: Sandy Grant

**\*\*CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN\*\***

<b>Title Issued Under</b>	SECTION 98 LAND TITLE ACT
<b>Land Title District</b> Land Title Office	VICTORIA VICTORIA
<b>Title Number</b> From Title Number	CA6787720 CA6333442 CA6383090
<b>Application Received</b>	2018-05-09
<b>Application Entered</b>	2018-07-24
<b>Registered Owner in Fee Simple</b> Registered Owner/Mailing Address:	1135191 BC LTD., INC.NO. BC1135191 103-1333 JERVIS STREET VANCOUVER, BC V6E 1E9
<b>Taxation Authority</b>	Port Alberni Assessment Area
<b>Description of Land</b> Parcel Identifier: Legal Description:	030-513-383 LOT A DISTRICT LOT 141 NANOOSE AND NEWCASTLE DISTRICTS PLAN EPP77233
<b>Legal Notations</b>	THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT; SEE AGRICULTURAL LAND RESERVE PLAN NO. 5, DEPOSITED JULY 26TH, 1974
<b>Charges, Liens and Interests</b> Nature: Registration Number: Registered Owner: Remarks:	EXCEPTIONS AND RESERVATIONS M76300 ESQUIMALT AND NANAIMO RAILWAY COMPANY INTER ALIA A.F.B. 9.693.7434A 118313G; SECTION 172(3) FOR ACTUAL DATE AND TIME OF REGISTRATION SEE ORIGINAL GRANT FROM E & N RAILWAY COMPANY

**TITLE SEARCH PRINT**

File Reference: 210

2019-08-02, 10:31:12

Requestor: Sandy Grant

<b>Duplicate Indefeasible Title</b>	NONE OUTSTANDING
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<b>Transfers</b>	NONE
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<b>Pending Applications</b>	NONE
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This letter is submitted in support of our application to return the Southern and Northern ALR Lots to their original status before the amalgamation.

In 2016, we applied to Health Canada for a license to produce Medical Cannabis at 981 Virginia Road (PID: 006-429-83: Part of Lot 1, District of Lot 141, Nanoose and Newcastle Districts, Plan 2273). Our application satisfied all of Health Canada's preliminary requirements for licensing (security clearance, approval of facility design, SOPs, etc.)

During July 2017, Health Canada confirmed to us that we were ready to begin construction. During this period, we had several meetings and discussions with the Regional District of Nanaimo (RDN) to ensure that the facility would meet all their Municipal requirements including building setbacks of 60 m from residential boundaries, 30 m from Agricultural Land Reserve (ALR) boundaries and 30 m inland from the top-of-bank along French Creek. On July 27, 2017 an environmental site visit conducted by Cooper Beauchesne and Associates Ltd documented an active eagle nest within the north-central portion of the property.

Throughout the remainder of 2017, various project preparation tasks such a perk test, an application for BC Hydro service, the re-design of greenhouses and processing facility, soil testing, irrigation design and additional agricultural crop layouts were completed.

In February 2018: In order to provide adequate protection for the resident eagles and their nest tree while still satisfying the above requirements of Health Canada and the RDN, we purchased the adjoining ALR property (PID: 006-416-250. That Part of Lot 1, District Lot 141, Lying to the North of a Boundary Parallel to and Perpendicularly Distant from the Northerly Boundary of said Lot 1) and **were successful in our application to combine these lots July 27, 2018**. The facility address would retain the civic address of "981 Virginia Road" as required by Health Canada to continue with the same application.

The combined site and proposed building plan for the facility on the Northern boundary of the combined lot was shared with the RDN to confirm it was still compliant with Municipal requirements.

By June 2018, we were ready to commence construction and project bids were solicited, however:

- On July 2018, the ALC-amended the Agricultural Land Use Reserve Use, Subdivision and Procedure Regulation (BC 171/2002) by adding a section 2(2.5) defining the types of structures considered a "Farm Use" by the ALC. The ALC released an Informational Bulletin 04 on August 15, 2018 which provided an explanation but left a number of unanswered questions regarding the concept of a building that "has a base consisting entirely of soil".
- The Regional District of Nanaimo only permits activities deemed by the ALC to be "Farm Use" on A-1 Zoned land or rezoning would have been required.

- In October 2018, a regulatory consultant and professional agrologist were procured and a greenhouse and building plan (which we understood to meet the tests of the new ALC Regulations - Greenhouses are a Farm Use, and the Production Facility would be treated as an ancillary “necessary structure – were developed.
- However, to develop RDN Building Permit application drawings and appropriate Civil, Mechanical and Structural engineering plans for both structures would have cost greater than \$60,000.
- Therefore, an Affirmation of Farm Use request was made to Martin Collins, Director of Policy and Planning at the ALC on November 15, 2018 with a detailed proposal and regulatory compliance rationale. A policy decision that the buildings would be interpreted as “Farm Use” for the purposes of a Building Permit was requested. On December 6, Director Collins responded that a policy decision would only be made by a Statutory Decision maker through the process of filing a Non-Farm Use permit application.
- The Non-Farm Use Permit Application was filed on February 21, 2019. It specifically highlighted the request for clarification for Farm Use. The first stage for review was with the Regional District of Nanaimo.
- On February 22, 2019 the Agricultural Land Commission Act and the Agricultural Land Use Regulation were quietly amended slightly to grant local governments the power over certain cannabis structures, while clarifying which type of structures Municipalities could not prohibit. The effect was to treat all cannabis production as “Farm Use”. ALC staff continued to engage on Non-Farm Use Permits for cannabis well into the Spring and no direction was provided to Municipalities that their review of Non-Farm Use permits was no longer necessary, until an ALC Bulletin was released until May 8, 2019.
- The projects’ Non-Farm Use permit application languished with the Regional District of Nanaimo from January until May 8, when a site meeting was held with the RDN Agricultural Advisory Committee. The following day (May 9) the City Planner and our consultant had a discussion regarding the ALC’s Information Bulletin and agreed to cancel the Non-Farm Use Permit Application.
- Another key change was that ALC amended the soil deposition notification requirements, to a more onerous requirement, which did not align with the Municipal building permit application process to the RDN. Effectively a soil deposition authorization would be required before making a building permit application in order to have the regulatory certainty to proceed with the process of detailed building design. The ALC regulations continue to require authorizations for creation of parking lots and driveways to access structures on properties.

**The cascade of regulatory changes and uncertainties noted above resulted in our inability to proceed with our project to construct a health Canada Facility on the site.**

In January 2019, we obtained permission from Health Canada to move to a new site since 981 Virginia Road was no longer an option.

Although, the status of cannabis as an agricultural crop was reinstated by the ALC, we have constructed our facility elsewhere and are no longer able to move our application back to 981 Virginia Road. Nonetheless, we wish to continue our plan for the farming of the Southern plot.

We are requesting a subdivision such that the original 981 Virginia Road Lot (Southern lot) can be returned to farming by a family member and the Northern plot can be sold to pay off debts incurred throughout this process.



## AGENT AUTHORIZATION LETTER

I (we) Shannon Van Boeyen  
*Printed/typed name(s) of landowner(s)*

hereby appoint Grant Land Surveying Inc. (Sandy Grant BCLS) to  
*Printed/typed name of agent*

make application to the Agricultural Land Commission as agent on my/our behalf with respect to  
the following parcel (s): *Insert legal description for each parcel under application*

LOT A DISTRICT LOT 141 NANOOSE AND NEWCASTLE DISTRICTS PLAN  
EPP77233

I Sandy Grant BCLS understand that as  
*Printed/typed name of agent*

agent, I am required to ensure that all landowners are provided with information being  
submitted to and received from the Agricultural Land Commission.

Signature(s) of landowner(s):

<u>Shannon van boeyen</u>	<u>Shannon Van Boeyen</u>	<u>08/06/1993</u>
Signature	Printed Name	Date

<div></div>		
Signature	Printed Name	Date



## BC Company Summary

For  
1135191 B.C. LTD.

**Date and Time of Search:** August 02, 2019 11:33 AM Pacific Time  
**Currency Date:** July 05, 2019

### ACTIVE

**Incorporation Number:** BC1135191  
**Name of Company:** 1135191 B.C. LTD.  
**Recognition Date and Time:** Incorporated on September 25, 2017 02:50 PM Pacific Time  
**Last Annual Report Filed:** Not Available  
**In Liquidation:** No  
**Receiver:** No

### REGISTERED OFFICE INFORMATION

**Mailing Address:**  
410-1333 WEST BROADWAY  
VANCOUVER BC V6H 4C1  
CANADA  
**Delivery Address:**  
410-1333 WEST BROADWAY  
VANCOUVER BC V6H 4C1  
CANADA

### RECORDS OFFICE INFORMATION

**Mailing Address:**  
410-1333 WEST BROADWAY  
VANCOUVER BC V6H 4C1  
CANADA  
**Delivery Address:**  
410-1333 WEST BROADWAY  
VANCOUVER BC V6H 4C1  
CANADA

### DIRECTOR INFORMATION

**Last Name, First Name, Middle Name:**  
BOEYEN, SHANNON VAN

**Mailing Address:**  
103-1333 JERVIS STREET  
VANCOUVER BC V6E 1E9  
CANADA  
**Delivery Address:**  
103-1333 JERVIS STREET  
VANCOUVER BC V6E 1E9  
CANADA

NO OFFICER INFORMATION FILED .