



Agricultural Land Commission

201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

February 10, 2021

ALC C&E File: 158428

REGISTERED MAIL

BRENT ERWIN MISKUSKI & DELIA MARIA MISKUSKI
2715 HEWLETT RD
KELOWNA, BC
V1W 4B4

Dear Property Owners,

Unauthorized Commercial Activity in the Agricultural Land Reserve

CIVIC ADDRESS: 2770 SCHRAM RD KELOWNA BC V1P 1K2
LEGAL: Plan KAP6572B, District Lot 4182, Osoyoos Div of Yale Land
District, Except Plan 16146
PID: 011-778-946
(the “Property”)

This letter serves to inform you that the Agricultural Land Commission (the “ALC”) has recently received information that alleges you are operating a commercial business on the Property.

An inspection of the Property was completed by Central Okanagan Regional District and Agricultural Land Commission staff. During the inspection staff located a partially enclosed barn with approximately 4 recreational vehicles (RV’s) and 4 large boats. Another RV and boat were located just outside the barn. It appears that there is commercial business operating on the Property storing RV’s and boats.

Commission records indicate that the Property is within the Agricultural Land Reserve (the “ALR”) and therefore is subject to the *Agricultural Land Commission Act* (the “ALCA”) Agricultural Land Reserve Use Regulation (the “Use Regulation”).

Be advised that pursuant to s. 20(1) and of the ALCA:

20(1) “A person must not use agricultural land for a non-farm use unless permitted by under section 25 or 45 of the regulations.

Our records do not indicate this activity is permitted under section 25 or 45 of the regulations, I consider that the activity taking place on the Property may be in contravention of the ALCA and Use Regulation. **Therefore, you must cease the aforementioned non-farm use activity immediately.**

In the future if you wish to pursue the above activity you may apply for a non-farm use application with the commission. Applications are submitted electronically through the ALC Application Portal, accessed using a Basic or Business BCeID account. Information about the

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ALC Application process instructions for submitting an application to the Panel and access to the Application Portal can be found on the ALC's website at:

<http://www.alc.gov.bc.ca/alc/content/applications-and-decisions>

If you decide to submit an application, please advise me of the Application ID. You have until April 1, 2021 to submit an application.

Please contact me upon receipt of this letter. I can be reached at sara-hart.sodomsky@gov.bc.ca. A lack of timely response to this letter may result in further action which may include, stop work order, 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. I look forward to hearing from you to resolve this matter in a timely fashion.

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

Sincerely,



Sara-Hart Sodomsky
ALC Compliance and Enforcement Officer

Cc: Curtis Svenson, Chief Bylaw Enforcement Officer, Curtis.Svenson@rdco.com