



BC Farm Industry Review Board

April 28, 2020

File: F2003, F2005, F2007

DELIVERED BY EMAIL

Karen Tidball
[REDACTED]

Ruth Hanbury
Frind Estate Winery
[REDACTED]

Ryan and Vanessa Fleishman
[REDACTED]

Steven and Shirley Wedan
[REDACTED]

Dear Sirs/Mesdames:

A COMPLAINT FILED UNDER THE *FARM PRACTICES PROTECTION (RIGHT TO FARM) ACT* CONCERNING NOISE

On March 24, 2020 the BC Farm Industry Review Board (BCFIRB) received the enclosed complaints and filing fees from the following parties:

1. Karen Tidball (F2003)
2. Ryan and Vanessa Fleishman (F2005)
3. Steven and Shirley Wedan (F2007)

The complainants allege that they are aggrieved by noise generated by a neighbouring winery operating as Frind Estate Winery.

In the attached April 22, 2020 email to BCFIRB case management staff, the respondent farm has advised in part:

We are currently in the process of moving forwards with the phase 2 of the production building. As a direct result of these concerns from the neighbours, Frind has designed the expansion with these services on the opposite side of the building to shield the neighbours from any direct noise. Furthermore, it is our intention to move the existing chiller as part of this second phase construction which should enable us to move the servicing and therefore the unit.

In light of the pending modifications that the farm intends on implementing, it is my view these complaints are premature as the nature of the alleged disturbance is likely to be impacted by the moving of the chiller as part of this expansion project.

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Based on the current circumstances, and in the interests of efficient complaint management, I am ordering that these complaints be adjourned pursuant to section 39 of the *Administrative Tribunals Act* to allow the respondent time to complete its expansion plans including the relocation of the chiller unit which is the subject of the complaints.

At this point in time, I understand that the respondent hopes to complete this work by the fall of 2020. As part of my order, the respondent (Frind Estate Winery) is to advise BCFIRB once the relocation of the chiller is completed. BCFIRB will then contact the complainants to determine the status of their complaints and whether the relocation of the chiller has resolved their issues or whether they wish to proceed with their complaints.

If you have any questions with respect to the above, or if circumstances change, please contact BCFIRB case management staff directly at 778-974-5789.

BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD

Per:

A handwritten signature in black ink, appearing to read "Peter Donkers". The signature is written in a cursive style with a large, sweeping initial "P".

Peter Donkers
Chair