



November 20, 2019

File: F1912

DELIVERED BY EMAIL

Carolyn Cartwright-Owers
[REDACTED]

Lester and Mae Quitzau
[REDACTED]

Dear Mesdames:

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

On September 25, 2019 the BC Farm Industry Review Board (BCFIRB) received a complaint and the \$100.00 filing fee from Carolyn Cartwright-Owers, of Pender Island, BC alleging that they are aggrieved by odour generated by two horses on a neighbouring property owned by Lester and Mae Quitzau.

By letter dated October 2, 2019, BCFIRB set up a submission schedule to hear from the parties on the threshold issue of whether the subject complaint involved a disturbance resulting from a farm operation conducted by a farm business as required by section 3 of the [Farm Practices Protection \(Right to Farm\) Act \(FPPA\)](#):

3(1) if a person is aggrieved by any odour, noise, dust or other disturbance resulting from a farm operation conducted as part of a farm business, the person may apply in writing to the board for a determination as to whether the odour, noise, dust or other disturbance results from a normal farm practice.

I have reviewed the brief submissions. The respondent lives on a small acreage on Pender Island and keeps two elderly horses (that are the subject of this odour complaint). She states:

Our horse 'operation' is not a farm business because we do not collect revenue related to the horses nor do we have any intention of collecting revenue in the future. We have two senior horses that we keep as pets. From time to time friends visit our home and the horses. There are no financial transactions related to these visits.

The complainant offers very little evidence of any underlying farm business in her brief reply. She says she finds it hard to believe that there has not been money exchanged for the loads of apples and manure leaving the property.

Decision

The *FPPA* was not designed to hear every complaint by a neighbour about a disturbance resulting from a farm or farm animal. In the absence of any evidence to the contrary, I find the keeping of these two elderly horses is not a farm business.

As such, BCFIRB has no jurisdiction to hear this complaint and it is dismissed.

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 initial "P" and a long, sweeping flourish extending upwards and to the right.

Peter Donkers, Chair
BC Farm Industry Review Board