



BC Farm Industry Review Board

January 12, 2022

File: F2110

DELIVERED BY EMAIL

David Drummond



Adria Kray and Ryan Gibson



Dear Sirs/Mesdames:

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

On December 1, 2021 the BC Farm Industry Review Board (BCFIRB) received a complaint and the \$100.00 filing fee from David Drummond, of Salt Spring Island, BC. The complaint states Mr. David Drummond is aggrieved by noise from roosters on a neighbouring farm operated by Adria Kray and Ryan Gibson.

By letter dated December 9, 2021, 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 respondents state they do not run a farming business of any kind. They keep a small number of chickens, mostly hens, and use the eggs for their own consumption. The respondents also stated they had their roosters processed at the local abattoir and provided an invoice from Salt Spring Abattoir Society showing a charge for Chicken Processing Layer Stock for 5 birds (lay hens and roosters and dual-purpose breeds).

The complainant failed to provide any submissions.

Decision

For the reasons set out below, I find that the subject matter of this complaint is not within the jurisdiction of BCFIRB under s. 3 of the *FPPA* and as such, I decline to refer the complaint to a panel for hearing.

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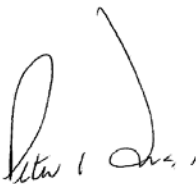
The *FPPA* was not designed to hear every complaint by a neighbour about a disturbance resulting from a farm operation or farm animal. In this case, and despite being given an opportunity to do so, the complainant has failed to identify what farm business they believe is being conducted on the respondent's property. The respondents maintain they are not conducting any farm business.

In my view, it is not appropriate for the complainant to bring a complaint to BCFIRB where there is no evidence of a farm business. The complainant can and should pursue existing common law remedies or alternatively, take this matter up with local government. In such court proceedings or bylaw enforcement actions, farmers can still avail themselves of the "normal farm practice defense" where they meet certain requirements. That would appear to be the appropriate forum for this dispute.

As such, the complaint is dismissed.

BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD

Per:

A handwritten signature in black ink, appearing to read "Peter Donkers". The signature is stylized with a large initial 'P' and a long, sweeping underline.

Peter Donkers
Chair, BC Farm Industry Review Board

Enclosure