



November 1, 2016

## **“Agri-tourism” and complaints under the Farm Practices Protection (Right to Farm) Act (FPPA)**

From time to time, BCFIRB receives complaints arising out of the use of a farm property for agri-tourism purposes (such as the hosting of events, outdoor plays, concerts, gatherings, parties, weddings or races). It is important to note that not every disturbance that arises on a farm property can be the basis of a farm practices complaint.

Section 3 of the [\*Farm Practices Protection \(Right to Farm\) Act \(FPPA\)\*](#) requires that a complaint arise out of a farm operation carried on by a farm business. “Farm business” is defined in the *FPPA* to mean a business in which one or more farm operations are conducted and “farm operation” means any of a defined list of activities involved in carrying on a farm business including growing, producing and processing animals or plants, working land, using farm machinery and equipment, applying chemicals and “conducting any other agricultural activity on, in or over agricultural land.

In order for a complaint with respect to the use of a farm property as a venue to be properly before BCFIRB, the complained of activity must fit within the list of specific “farm operations” involved in carrying on a farm business or the catch all provision which extends the definition of “farm operation” to any “other agricultural activity on, in or over agricultural land”.

In [\*Shawlee v. Quail’s Gate Estate Winery\*](#) (June 30, 2015) BCFIRB held that the use of a farm property as a venue for events such as weddings, concerts, operas, sponsor races, movie making, and political rallies is not an “agricultural activity” and therefore complaints regarding noise, dust or other disturbance arising out the properties use as venues are not properly before BCFIRB in a complaint under the FPPA.

There may be circumstances where the farm property’s use as a venue is closely tied to direct marketing of agricultural products so as to properly fall within the definition of agricultural activity in which case, disturbances related to that use could be the subject of a farm practices complaint. However, the mere fact that agricultural products are available for consumption or purchase at an event held on agricultural land has to date been held to be insufficient to make the hosting of an event an “agricultural activity” with protections under the FPPA.

**British Columbia  
Farm Industry Review Board**

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“Agri-tourism” and complaints under the FPPA

Where persons have complaints related to the use of a farm property as a venue, they may wish to follow up with [local government](#) to determine whether the activity falls within applicable zoning and /or licensing requirements and to seek possible enforcement of nuisance bylaws. If the land is within the Agricultural Land Reserve (ALR), persons may refer to the Agricultural Land Commission (ALC) website [www.alc.gov.bc.ca](http://www.alc.gov.bc.ca) or contact the ALC at 604-660-7000 or via email at [ALCBurnaby@Victoria1.gov.bc.ca](mailto:ALCBurnaby@Victoria1.gov.bc.ca)

Alternatively, persons may wish to seek legal advice regarding a potential private civil action in nuisance.

**Contact** [BCFIRB](#)

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