

Farm Practices Protection (Right to Farm) Act

3. RESOLVING PUBLIC CONCERNS AND COMPLAINTS

New legislation

B.C.'s new *Farm Practices Protection (Right to Farm) Act* protects farmers who use normal farm practices, encourages local governments to support farming in their local plans and bylaws, and creates a new process to resolve complaints about farm practices.

The fundamental policy of the new legislation is that farmers have a right to farm in B.C.'s important farming areas, particularly the Agricultural Land Reserve, provided they use "normal farm practices" and follow other legislation listed in the act (*Waste Management Act, Pesticide Control Act, Health Act*). These farm practices will vary among different commodity groups and with local or regional conditions across the province.

The ministry, in co-operation with B.C.'s farm community, local governments and other ministries, is developing a comprehensive guide to farm practices. This guide, which describes existing farm practices and references ministry and government guidelines for farm practices, will be useful to farmers, local governments and interested individuals.

Types of concerns

As B.C.'s population grows, many citizens are moving into new neighbourhoods adjacent to traditional farming areas. Some non-farm residents may have concerns about farm practices which create dust, odour, noise or other disturbances (e.g. noise from bird control devices or farm machinery, odour from manure management activities).

Continuing role of local governments

Local governments are often the first point of contact for a person who has a concern with a farm practice. Local government staff may be able to resolve a concern by explaining the legislation, or refer the person to the ministry for more information about farm practices. If the concern is not related to a farm practice, other local bylaws would apply.

Regional ministry staff: informal concern resolution process

The ministry is committed to find quick, efficient and reasonable solutions to concerns about farm practices. By explaining what farm practices are normally used on farms in B.C., many concerns can be resolved to the person's satisfaction.

Ministry staff may use other resources such as peer advisors – farmers and ranchers in the area who are familiar with the farm practice in question – to decide whether the farm practice is normal for that type of farming. If it is not, the farmer will be encouraged to change the practice.

Every attempt will be made to resolve a concern at the local "neighbour" level and solutions will be discussed with both the farmer and the concerned individual. This informal approach offers a low-cost, efficient alternative to formal complaints to the board or the courts.

FACTS



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The Farm Practices Board: formal complaint resolution process

A person does not have to use the informal ministry process. They can file a complaint directly with the Farm Practices Board. A person may also take a concern to the board if they are not satisfied with the outcome of the informal ministry process.

The Farm Practices Board is the statutory body established under the act to provide a fair and equitable process for resolving farm practice disputes out of court.

Complaints must be made in writing and be accompanied by a non-refundable \$100 filing fee.

Who is on the board?

The Farm Practices Board consists of the members of the British Columbia Marketing Board (currently six members) and up to 10 additional members who may be appointed by the Minister of Agriculture, Fisheries and Food. The chair of the BCMB is also the chair of the Farm Practices Board.

Board members will represent both farming and non-farming interests across the province. Criteria for appointments include:

- farming background
- local government background
- community and coastal planning experience
- earth science skills
- mediation and dispute resolution skills

The board may initially try to resolve a complaint through a settlement process which may include the use of ministry experts, peer advisors, mediators and other knowledgeable persons. If the complaint was first handled by the ministry as a local concern, the information collected by the ministry may be requested by the board. At an early stage, the board may also dismiss a complaint if it is considered to be frivolous or vexatious.

If a formal hearing is required, the chair will appoint three members of the board to sit as a panel to hear the matter and to determine whether the practice in question is a “normal farm practice”. If it is not, the panel can order the farmer to stop or modify the practice.

Decisions of the board can be appealed to the Supreme Court of British Columbia but only on a question of law or jurisdiction.

The board may also study and make recommendations on any matter related to normal farm practices. Board members have powers under the *Inquiry Act* to assist them in those studies.

The future

Most concerns should be able to be handled at the local level with assistance from ministry staff, local producers and local governments (via farming-related bylaws). The Farm Practices Board will continue to provide a fair and equitable process for resolving farm nuisance disputes and is a cost-effective alternative to the court system.

The new planning and bylaw procedures that are being included in the *Municipal Act* will also help to avoid future conflicts between farmers and their neighbours through better land-use planning.

Revised: 10/04

FOR MORE INFORMATION,
CONTACT:

Your local Ministry of
Agriculture, Food and
Fisheries office.

The ministry's Resource
Management Branch
(Abbotsford).

Phone: 604 556-3100
Fax: 604 556-3099

The Farm Practices Board
(Victoria).

Phone: 250 356-8946
Fax: 250 356-5131

The Agricultural Land
Commission (Burnaby).

Phone: 604 660-7000
Fax: 604 660-7033

Or visit the ministry's home
page on the Internet.

<http://www.agf.gov.bc.ca/>

This fact sheet is one of a
series on the new *Farm
Practices Protection
(Right to Farm) Act*