

LIDSTONE & COMPANY  
BARRISTERS AND SOLICITORS

MEMORANDUM

**TO:** clients  
**FROM:** Sara Dubinsky  
**DATE:** June 26, 2014  
**RE:** Province's comments re MMGO zoning approval

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We have received a number of requests for our advice regarding the following comments issued by the Minister of Agriculture:

Consistent with British Columbia government policy, the Minister of Agriculture does not intend to approve any bylaw that would prohibit the production of medical marihuana in the ALR.

Section 903 and 917 of the *Local Government Act* restrict the ability of some local governments to regulate farm operations. Section 903(5) provides that local governments may not use their authority with respect to zoning to prohibit or restrict the use of land for a farm business in a farming area, unless they receive ministerial approval. Section 917 similarly requires ministerial approval for local government bylaws that regulate farm operations in farming areas.

However, s. 918 of the LGA further provides that sections 903(5) and 917 do not apply, unless a regulation declares that they apply. The *Right to Farm Regulation* BC Reg 261/97<sup>1</sup> declares that sections 903(5) and 917 apply in four jurisdictions: the Township of Langley, Abbotsford, Delta and Kelowna.

Accordingly, the LGA does not restrict most local governments' ability to zone or otherwise regulate MMGO's in farming areas, but does require that any such bylaws enacted by the Township of Langley, Abbotsford, Delta and Kelowna first receive ministerial approval.

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<sup>1</sup> Available online at:

[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/82\\_261\\_97](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/82_261_97)