

Information Bulletin 06: Tourist and Agri-Tourism Accommodation in the ALR

July 16, 2024

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1. Scope of this Information Bulletin

This information bulletin provides guidance to assist in interpreting the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36 (“ALCA”) and the Agricultural Land Reserve Use Regulation (the “ALR Use Regulation”), in relation to agri-tourism accommodation and tourist accommodation in the Agricultural Land Reserve (“ALR”). The ALCA and ALR Use Regulation will govern if inconsistent with this bulletin. This information bulletin is directed only to interpretation of the ALCA and the ALR Use Regulation. All other applicable laws, regulations and bylaws related to accommodation for tourists must also be complied with.

2. Statute and Regulations

Effective February 22, 2019, the ALCA was amended and the ALR Use Regulation was created. Though many concepts contained in the ALCA and its regulations are unchanged from the past, there were changes to the use of ALR land for agri-tourism accommodation and tourist accommodation, as well as soil removal and fill placement necessary for construction. Agri-tourism accommodation and tourism accommodation are defined as permitted uses in the ALR under s. 33 and s. 34 of the ALR Use Regulation, subject to criteria. All references in this information bulletin to the ALCA and the ALR Use Regulation are as of the date of this bulletin, unless otherwise stated.

3. Role of Local Governments

A. Role as Approving Body

The approvals that an approving body such as a local government may give in respect of the construction or alteration of agri-tourism accommodation and tourism accommodations are limited: ALCA, s. 18.

Any portion of a local government bylaw that purports to allow a use of land in the ALR that is not permitted under the ALCA or the ALR Use Regulation, or contemplates a use of land that would impair or impede the intent of the ALCA or the ALR Use Regulation, is inconsistent with the ALCA or the ALR Use Regulation and has no force or effect: ALCA, ss. 46(4), (5).

For example, if a zoning bylaw provides for more agri-tourism accommodation or tourism accommodation on ALR land than the ALCA and the ALR Use Regulation does, the zoning bylaw's provision for that extra accommodation is of no force or effect and cannot be relied on.

B. Local Government May Restrict or Prohibit

Local government bylaws can be more restrictive of residential uses in the ALR, including prescribed tourist accommodation and agri-tourism accommodation uses, than the ALCA: ALCA, s. 46(6).



The ALR Use Regulation identifies certain designated farm uses and permitted non-farm uses that local governments must not prohibit but places no such limitation on local government powers to prohibit or otherwise restrict agri-tourism accommodation and tourist accommodation uses of ALR land.

A local government may decide that no agri-tourism accommodation or tourist accommodation should occur in the ALR in their jurisdiction. The local government may expressly prohibit these uses or alternatively, the local government may simply not list those uses among uses that can occur in a particular zone, which accomplishes the same purpose. Where a zoning bylaw is in place, use of land for agri-tourism accommodation and tourist accommodation must be specifically permitted by the bylaw in order for that use to occur. Otherwise, that use cannot occur even if the use would be compliant with the ALCA and ALR Use Regulation.

A local government also has the option of allowing agri-tourism accommodation or tourist accommodation but allowing less than the ALCA and the ALR Use Regulation. For example, a local government bylaw may restrict the number of agri-tourism accommodation sleeping units to fewer than 10 and may specify the maximum number of persons who may be accommodated per sleeping unit.

Further, a local government may have additional requirements related to maximum floor area, type and form of accommodation, parking, signage, setbacks, fire and emergency servicing, etc. Local governments that permit accommodation for tourists on ALR land may wish to develop monitoring methodology or require permits to ensure the occupation of the accommodation meets the requirements of their bylaws.

C. Areas Without Zoning Bylaws

Some areas of the province do not have zoning bylaws. The absence of a local zoning bylaw does not relieve a landowner from complying with the restrictions in the ALCA and ALR Use Regulation. In other words, a landowner must not exceed the agri-tourism accommodation or tourist accommodation permissions set out in the ALR Use Regulation, regardless of whether or not a zoning bylaw applies to their property, without seeking approval from the Agricultural Land Commission (the “Commission” or “ALC”) first.

D. Applications

Anyone wanting more accommodation than provided for in the ALR Use Regulation must submit an application, through their local government, to the Commission. For more information on the process for making applications to the Commission, please see the Commission’s website, at [Applications and Notices](#) as well as Section 9 of this information bulletin.

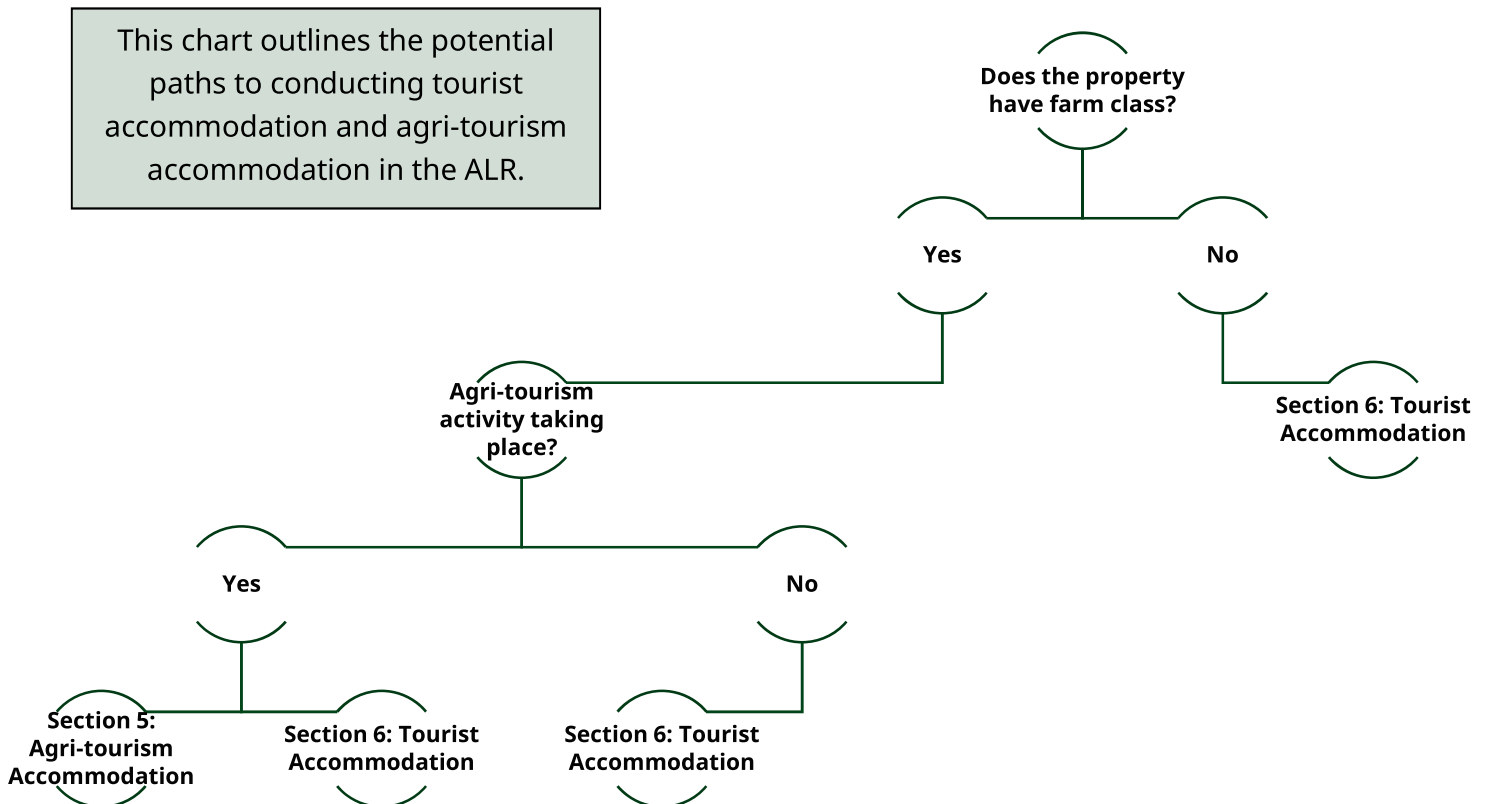
4. Types of Permitted Accommodation

The ALR is not intended to be a venue for hotels or motels. The types of accommodation permitted in the ALR are very limited and subject to restrictions for placement of fill and removal of soil. See Section 8 of this information bulletin.

The ALR Use Regulation permits two types of tourism related accommodations in the ALR without requiring an application to the ALC as described below; one type requires active farming to be present and one does not.

Agri-tourism accommodation requires the parcel to be actively farmed, have Class 9 - Farm classification under the BC *Assessment Act* ("farm class"), and agri-tourism accommodation to be offered in relation to an agri-tourism activity as defined in section 12(2) of the ALR Use Regulation (see Section 5).

Bed and breakfast type accommodation (defined as a tourist accommodation in section 34 of the ALR Use Regulation) does not require the parcel to be farmed or have farm classification to conduct the use but is restricted to no more than 4 bedrooms in the principal residence where the landowner resides (see Section 6).





5. Agri-Tourism Accommodation

Agri-tourism accommodation is a way for a farm that is offering agri-tourism activities to provide a more immersive overnight farm experience. Agri-tourism activities are defined in s. 12 ALR Use Regulation which provides a specific list of agri-tourism activities in the ALR. More information can be found in [ALC Policy L-04 Agri-tourism Activities](#). **For clarification, agri-tourism activities and agri-tourism accommodation are related but separate concepts in the ALR Use Regulation; agri-tourism accommodation is not an agri-tourism activity on its own.**

A. ALR Use Regulation Criteria

The use of land in the ALR for providing accommodation in relation to an agri-tourism activity is permitted under section 33 of the ALR Use Regulation if all of the following apply:

- (1) the accommodation is in relation to an **“agri-tourism activity”**. The agri-tourism activity must be secondary to, incidental to and compatible with the agricultural production activities. Expressly under section 12 of the ALR Use Regulation, **“agri-tourism activity”** is an activity:
 - (a) conducted on land in the ALR that is classified as a farm under the *Assessment Act*;
 - (b) to which members of the public are ordinarily invited, whether or not a fee or other charge is payable;
 - (c) in connection with which no permanent facilities are constructed or erected. See ALC Policy L-04 for further discussion; AND
 - (d) that falls into one of the following categories:
 - i. an agricultural heritage exhibit displayed on the agricultural land;
 - ii. a tour of the agricultural land, an educational activity or demonstration in respect of all or part of the farm operation conducted on that agricultural land, and activities ancillary to any of these;
 - iii. cart, sleigh and tractor rides on the agricultural land;
 - iv. subject to section 9 [*horse facilities*], activities that promote or market livestock raised or kept on the agricultural land, whether or not the activity also involves livestock raised or kept elsewhere, including shows, cattle driving and petting zoos;
 - v. dog trials held on the agricultural land;
 - vi. harvest festivals and other seasonal events held on the agricultural land for the purpose of promoting or marketing farm products produced on that agricultural land;
 - vii. corn mazes prepared using corn produced on the agricultural land on which the activity is taking place;



- (2) the accommodation is located on land in the ALR that is classified as a farm under the *Assessment Act*: ALR Use Regulation, s. 33(2)(a);
- (3) the total developed area for structures, landscaping and access for the accommodation is less than 5% of any parcel: ALR Use Regulation, s. 33(2)(b);
- (4) the accommodation is limited to 10 sleeping units in total, including any bedrooms used for tourist accommodation under section 34 of the ALR Use Regulation: ALR Use Regulation, s. 33(2)(c).; AND
- (5) accommodation is provided on a seasonal or short-term basis only: ALR Use Regulation, s. 33(2)(d).

Note that:

“Tourist” is a person who travels for pleasure from place to place away from their permanent residence.

An owner of ALR land who wishes to construct or alter agri-tourism accommodation must also comply with the requirements set out in section 20.1 of the ALCA.

B. Farm Status Requirement

The ALR Use Regulation allows agri-tourism accommodations in the ALR provided the land is assessed as “farm” under the BC *Assessment Act*. If the assessment changes, the use is no longer permitted.

C. Sleeping Units

“Sleeping unit” means “(a) a bedroom or other area used for sleeping located in a residence, cabin or other structure; (b) a vehicle, trailer, tent or other structure located on a campsite, field or other area”: ALR Use Regulation, s. 33(1).

Section 33 of the ALR Use Regulation permits up to a maximum of 10 sleeping units in total. If a landowner wishes to exceed the maximum number of sleeping units permitted in the ALR Use Regulation they must submit an application to the Commission for its consideration, regardless of compliance with other criteria in section 33 of the ALR Use Regulation.

A local government may prohibit this use or restrict the number of sleeping units to fewer than what the ALR Use Regulation permits. For example, a local government bylaw may restrict the number of sleeping units to any number less than 10.

If tourist accommodation is offered in the principal residence (see Section 6) the number of bedrooms offered in the principal residence are included in the total number of accommodation units offered on the property which is set at a maximum of 10 of all types.

Agri-tourism accommodation units must not be constructed to circumvent the number of permitted residences on a property in the ALR (e.g. including kitchens within sleeping units or cabins), and they should not be constructed in a way that the agri-tourism accommodation could be used or easily converted to a residence. Agri-tourism accommodation may only be conducted if all of the criteria in section 33 of the ALR Use Regulation are met and may be required to be removed if the criteria are no longer met. This should be taken into consideration during the design and construction process.

D. Total Developable Area

The total developed area for agri-tourism accommodation structures, including associated landscaping and access for the accommodation must be less than 5% of any parcel (see Table 1). Agri-tourism accommodation structures only include those structures that contain sleeping units and do not include other structures (e.g. pools, spas, amenity buildings, cooking pavilions, etc). If the developed area exceeds 5% or if additional accessory structures are planned for agri-tourism accommodations, an application to the Commission is required. In addition, restaurants, cafes, and bistros are not permitted without an application to the Commission.

If fill (defined in the ALCA as any material brought onto the parcel including structural aggregate) is required to develop the agri-tourism accommodation (e.g. for driveways, gravel for tent pads, etc), a Notice of Intent is required (see Section 9).

Table 1. Lot Coverage Limit Calculation Examples

Parcel Area	Maximum Total Developable Area (5%)
10 ha (~25 acres)	5,000 m ²
8 ha (~17 acres)	4,000 m ²
4 ha (~10 acres)	2,000 m ²
2 ha (~5 acres)	1,000 m ²
0.8 ha (~2 acres)	400 m ²

E. Short-Term or Seasonal Use

“Seasonal” is a use or activity that fluctuates according to one or more seasons (spring, summer, fall and winter) (but not all seasons) or available or taking place during one or more seasons (but not all seasons) or at a specific time of the year.



“Short-term basis” means the use by a tourist of accommodation for a period of not more than 30 consecutive days.

Given the seasonal nature of farms, it is likely that most agri-tourism accommodation will be provided during the months when the farm and agri-tourism activities are active and be dormant at other times.

6. Tourist Accommodation in a Principal Residence

Tourist accommodation is in the nature of a “bed and breakfast” use. Tourist accommodation may only occur in a principal residence where the landowner resides.

A. Tourist Accommodation in Lawful Principal Residence

A bed and breakfast (referred to in the ALR Use Regulation as “tourist accommodation”) is permitted in a lawful principal residence including a secondary suite within the principal residence without application to the Commission if all of the following conditions are met:

- the landowner resides in the principal residence;
- the accommodation is limited to a maximum of 4 bedrooms in the principal residence; AND
- the accommodation is provided on a short-term basis only.

Short-term rental of an entire principal residence (i.e. a whole house rental for AirBnB or VRBO) is not permitted by regulation and requires an application to the Commission (see Section 7).

“Tourist” is a person who travels for pleasure from place to place away from their permanent residence.

“Bedroom” for the purpose of section 34 of the ALR Use Regulation means “a bedroom or other area used for sleeping in a residence”: ALR Use Regulation, s. 34(1).

“Short-term basis” means the use by a tourist of accommodation for a period of not more than 30 consecutive days.

B. Grandfathered Tourist Accommodation in a Principal Residence

Tourist accommodation on ALR land is permitted without application to the Commission in a principal residence that has a total floor area of more than 500 m² or that is otherwise of a size or is sited in contravention of a regulation if all of the following conditions are met:

- on February 22, 2019, the number of bedrooms complied with section 3(1)(d) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, as it read immediately before February 22, 2019 (that is, “bed and breakfast use of not more than 4 bedrooms for short term tourist accommodation or such other number of bedrooms as specified in a local government bylaw, or treaty first nation government law, applicable to the area in which the parcel is located”);



- the number of bedrooms is not changed after February 22, 2019 unless (i) permitted under section 25 or 45 of the ALCA, or (ii) the number of bedrooms is not increased by the change; AND
- accommodation is provided on a short-term basis only.

An owner of ALR land who wishes to construct or alter tourist accommodation use in a principal residence on ALR land must also comply with the requirements set out in section 20.1 of the ALCA.

7. Short Term Rental Accommodation Act

Effective May 1, 2024 the *Short Term Rental Accommodations Act* ("STRAA") limits short-term rentals of certain residences, in certain areas of B.C. The STRAA was introduced to regulate short-term rentals and encourage long-term rentals to address B.C.'s housing crisis.

The ALCA and ALR Use Regulation permit a principal residence, a suite within that principal residence, and an additional residence subject to criteria and a local government may prohibit or permit a suite and/or additional residence. Depending on where the property is and whether it includes farmland (BC Assessment Class 9), the STRAA may allow the use of a lawful principal residence including the secondary suite and/or an additional residence in the ALR for short-term rental accommodation subject to criteria.

A parcel in the ALR is subject to the ALCA and ALR Use Regulation and may also be subject to restrictions or exemptions from the STRAA. However, the STRAA does not exempt a landowner from complying with the ALCA and ALR Use Regulation with respect to tourist accommodation and agri-tourism accommodation.

Landowners should seek guidance from their local government on whether the STRAA applies to their property and potential restrictions. More information on the STRAA can be found at [Overview: B.C.'s short-term rental accommodations legislation](#).

8. Use of Residential Structures in the ALR for Short-Term Rental

The ALCA and ALR Use Regulation permits a principal residence, a suite within that principal residence, and an additional residence subject to criteria. The ALR Use Regulation specifies which of those residential structures can be used for short-term tourism rental in the form of tourist accommodation and agri-tourism accommodation.

A. Principal Residence

Section 34 of the ALR Use Regulation permits tourist accommodation in the nature of a "bed and breakfast" only in a principal residence where the host lives. Short-term rental of an entire principal residence (such as a whole house rental for AirBnB or VRBO) is not permitted by regulation and requires an application to the Commission.



B. Secondary Suite within the Principal Residence

The bedrooms of a secondary suite within the principal residence may be used to count towards the 4 bedrooms permitted under Section 34 of the ALR Use Regulation for tourist accommodation in the principal residence where the host lives. The 4 bedrooms permitted could be located within the secondary suite within the principal residence or elsewhere within the principal residence, or a combination thereof.

Section 33 of the ALR Use Regulation permits agri-tourism accommodation with up to 10 “sleeping units” which may be comprised of a bedroom or other area used for sleeping located in a residence, cabin or other structure; a vehicle, trailer, tent or other structure located on a campsite, field or other area. A secondary suite within the principal residence permitted under section 31 of the ALR Use Regulation may be used to provide “sleeping units” for agri-tourism accommodation.

C. Additional Residence

Section 33 of the ALR Use Regulation permits agri-tourism accommodation with up to 10 “sleeping units” which may be comprised of a bedroom or other area used for sleeping located in a residence, cabin or other structure; a vehicle, trailer, tent or other structure located on a campsite, field or other area. A lawful additional residence may be used to provide “sleeping units” for agri-tourism accommodation.

The additional residence may only be used for short-term rental if the criteria for agri-tourism accommodation is met.

9. Soil or Fill Restrictions for Accommodation Construction

Removing soil from or placing fill on ALR land is permitted for the construction or maintenance of a principal residence if the total area from which soil is removed or on which fill is placed is 1,000 m² or less: ALR Use Regulation, s. 35.

Removing soil from or placing fill on ALR land in connection with other residential uses (such as constructing an additional residence or residential structures for agri-tourism accommodation or where the area affected by a principal residence is greater than 1,000 m²) is not permitted. An owner of ALR land seeking to remove soil or place fill may submit a Notice of Intent along with payment of the required fee to the ALC’s chief executive officer requesting approval: ALCA, s. 20.3. The landowner may also apply to the Commission for a soil or fill use under s. 25 of the ALCA.

The following types of fill are prohibited on ALR land (ALR Use Regulation, s. 36):

- construction or demolition waste (including masonry rubble, concrete, cement, rebar, drywall and wood waste);
- asphalt;
- glass;
- synthetic polymers;



- treated wood;
- unchipped lumber.

10. Applications for Non-Adhering Residential Use

An owner may apply to the Commission for approval under section 25 of the ALCA for a non-adhering residential use: ALCA, s. 20.1(2). A **“non-adhering residential use”** means “any of the following: (a) an additional residence; (b) a principal residence having a total floor area that is more than 500 m²; (c) a use of a residential structure that contravenes the regulations”: ALCA, s. 1(1). For example, use of more than four bedrooms in a principal residence for short-term tourist accommodation would be a non-adhering residential use requiring an application (subject to the potential exception for Tourist Accommodation in a Grandfathered Principal Residence discussed above).

For more information on making applications to the Commission, please see the Commission’s website, at [Applications and Notices](#).

Section 25(1) of the ALCA provides that on receiving a use application the Commission may:

- refuse permission for the use applied for,
- grant permission, with or without limits or conditions, for the use applied for, or
- grant permission for an alternative use or subdivision, with or without limits or conditions, as applicable.

Examples of considerations that the Commission may take into account in determining an application are found at [What the Commission Considers](#).

11. Related Policies and Information Bulletins

[ALC Land Use Policy L-04 – Agri-tourism Activities in the ALR](#)
[Information Bulletin 07 Soil and Fill Uses in the ALR](#)

12. Glossary

The following key definitions are relevant to this information bulletin:

“agri-tourism activity” means “an activity referred to in section 12” of the ALR Use Regulation: ALR Use Regulation, s. 1

“additional residence” means “a residence on a parcel of agricultural land, other than the principal residence”: ALCA, s. 1(1)

“alter” means “the following: (a) to alter the exterior of a structure so as to increase its size; (b) to move or alter the exterior walls or edges of a structure so as to change its siting”: ALCA, s.1(1)

“authorization” means “a permit or other authorization, issued under an enactment, to construct or alter a residence”: ALCA, s. 20.2

“bedroom” means “a bedroom or other area used for sleeping in a residence”: ALR Use Regulation, s. 34(1)

“construct” means “the following: (a) to build a new structure; (b) to place on land a new structure that is fully or partially pre-fabricated; (c) to replace a structure, 75% or more of which has been substantially damaged or destroyed”: ALCA, s. 1(1)

“farm use” means “an occupation or use of agricultural land for (i) farming land, plants, mushrooms, truffles or animals, (ii) a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*, or (iii) a purpose designated as a farm use by regulation”, but “farm use” does “not include a residential use or a soil or fill use”: ALCA, s. 1(1)

“fill” means “any material brought onto agricultural land other than materials exempted by regulation”: ALCA, s. 1(1)

“non-adhering residential use” means “any of the following: (a) an additional residence; (b) a principal residence having a total floor area that is more than 500 m²; (c) a use of a residential structure that contravenes the regulations”: ALCA, s. 1(1)

“non-farm use” means “a use of agricultural land other than a farm use, a residential use or a soil or fill use”: ALCA, s. 1(1)

“pre-existing residential structure” means “a residential structure that exists on agricultural land on the date this section comes into force [February 22, 2019], and (a) is an additional residence, (b) is a principal residence having a total floor area of more than 500 m², or (c) is of a size or is sited in contravention of a regulation”: ALCA, s. 20.2

“prescribed residential structure” is either a “structure” that, or a “vehicle” that, is “used, whether permanently or temporarily, to provide or in connection with providing accommodation as described in [Part 4 of the ALR Use Regulation]”: ALR Use Regulation, s. 29

“principal residence” means “the residence permitted under section 20.1(1)(a)”: ALCA, s. 1(1)

“residential structure” means “a structure used, during all or part of the year and whether fully or partially, as (a) a residence, (b) if prescribed, accommodation, or (c) if prescribed, in relation to a residence or accommodation”: ALCA, s. 1(1)

“residential use” means “a use of agricultural land for a residential structure” but “does not include a farm use or a soil or fill use”: ALCA, s. 1(1)



“seasonal” means a use or activity that fluctuates according to one or more seasons (spring, summer, fall and winter) (but not all seasons) or available or taking place during one or more seasons (but not all seasons) or at a specific time of the year

“short-term basis” means the use by a tourist of accommodation for a period of not more than 30 consecutive days

“sleeping unit” means “(a) a bedroom or other area used for sleeping located in a residence, cabin or other structure; (b) a vehicle, trailer, tent or other structure located on a campsite, field or other area”: ALR Use Regulation, s. 33(1)

“soil or fill use” means “the removal of soil from, or the placement of fill on, agricultural land” but “does not include a farm use or a residential use”: ALCA, s. 1(1)

“tourist” is a person who travels for pleasure from place to place away from their permanent residence

“use or subdivision application” means “an application for permission made under any of the following: (a) section 20 (2) for a non-farm use; (b) section 20.1 (2) (a) for a non-adhering residential use; (c) section 20.3 (5) for a soil or fill use; (d) section 21 (2) for subdivision”: ALCA, s. 1(1).