



BC FARM INDUSTRY  
REVIEW BOARD

April 27, 2026

File: F2512

**DELIVERED BY EMAIL**

Nicole Riviers  
[REDACTED]

Mountain Honey c/o Alan Dekleer  
[REDACTED]

Dear Parties:

**A COMPLAINT FILED UNDER THE *FARM PRACTICES PROTECTION (RIGHT TO FARM) ACT* CONCERNING BEES**

The BC Farm Industry Review Board (BCFIRB) received a notice of complaint (NOC) and filing fee from Nicole Riviers (the Complainant) on October 28, 2025. The NOC states that the Complainant is aggrieved by the swarming of bees from hives located on a neighbouring property owned by Alan Dekleer (the Respondent). The bee hives are owned by Mountain Honey who lease the Respondent's property to overwinter their bees.

On December 2, 2025, the Respondent applied for summary dismissal of the complaint pursuant to Rule 7(1)(b) of the Rules of Practice and Procedure for Complaints (Rules) under the *Farm Practices Protection (Right to Farm) Act* (FPPA), and section 31(1)(c) of the *Administrative Tribunals Act* (ATA) on the basis that the complaint is frivolous and vexatious.

By email on December 3, 2025, BCFIRB established a submission process to give the Complainant an opportunity to respond to the summary dismissal application and for the Respondent to reply to any new issues raised in the Complainant's response. I have now reviewed those submissions.

**Summary Dismissal Application**

**Position of Respondent**

The Respondent's submissions include pictures, videos, and a detailed description of the bee operation. The Respondent submits that they operate within expected guidelines and have setbacks from the Complainant property that exceed the setbacks for similar farms engaged in apiculture. The Respondent further describes a history of hostile

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interactions with the Complainant, unrelated to the bee operation, that the Respondent submits are demonstrative of the Complainant's unreasonable and vexatious behaviour.

The Respondent notes that the bee hives are stored on the Respondent's property during the fall and winter for overwintering. The hives that are the subject of this complaint arrived at the end of September 2025 and will leave the property in the spring, when temperatures rise, to pollinate crops. During the time the bees are stored on the property, they are inactive and hibernating with close to zero flight activity. The overwintering hives are covered with lids and tarps or other rain barriers, and are stored on pallets.

The Respondent's property is zoned RU-2 which allows for apiculture. The hive located closest to the Complainant's property is over 45 feet from the shared property line which has a buffer of bushes and trees. The Complainant's home is estimated to be 125-150 feet from the shared property line.

The Respondent states that after the complaint was received, the two hive pallets that were located closest to the Complainant's property were moved further back from the shared property line, as a gesture of goodwill.

The Respondent compared the setbacks of bee hives in another bee operation located near the Respondent's property. They note that the hives in the comparison property are located approximately 15 feet from the shared property line with that neighbour's home located approximately 20-25 feet from the property line. The Respondent claims that their own hives are three times further away from the shared property line and 4.5 times further away from the Complainant's home when compared to the other bee operation.

### **Position of Complainant**

The Complainant submits that she is not able to enjoy her property due to the Respondent's bees. The Complainant claims that she must stay indoors during the late summer and early fall due to her bee allergy. The Complainant is also concerned about the impact of the bees on her animals.

The Complainant states that she feels threatened by the proximity of bee hives and believes that the hives could be placed further away from her residence. The Complainant acknowledges that there is less flight activity during the winter months, however she states that the flight activity is not as limited in the fall as the Respondent claims.

The Complainant provided photos and videos showing a few bees on her outdoor patio. She also provided information, including videos, which show the contentious relationship that she has with the Respondent regarding non-farm related issues.

The Complainant states that the Respondent's assertion that the hives are located 45 feet from the property line is inaccurate and unreasonable. The Complainant's own measurements and video evidence indicate that her house is approximately 57.7 feet from the shared property line, not 125-150 feet as the Respondent has claimed.

The Complainant further notes that the Respondent's reference to the other bee operation with hives closer to a property line is unverifiable and irrelevant to this case, especially as differing site conditions and safety considerations may apply (i.e. neighbours with bee allergies). She further states that the Respondent has not demonstrated adequate mitigation efforts to protect neighbouring properties. The placement of the hives near the property line, rather than toward the rear of the main lot as commonly practiced by hobby beekeepers, does not minimize the potential effects to neighbors.

The Complainant submits that the Respondent's application for summary dismissal should be dismissed and that the case should proceed on its merits.

### **Respondent's Reply**

The Respondent objects to the Complainant's allegations that are unrelated to agricultural practices, including zoning interpretation and enforcement, as being irrelevant and outside of BCFIRB's jurisdiction. The Respondent further states that the Complainant's references to municipal hobby beekeeping are not instructive as the Respondent operates a commercial apiary and seasonal hive storage.

The Respondent re-affirms that apiculture is a permitted agricultural use on RU-2 land and that the hives are professionally managed and maintained. The hives are temporarily stored during the fall and winter and flight activity during this period is minimal. The hives are set back from the property line and buffered by existing vegetation and voluntary mitigation steps were taken by relocating pallets further inward after learning of the complaint.

The Respondent claims that the Complainant's video submissions showing bees on her patio do not demonstrate excessive activity, unsafe conditions or even a connection to the hives stored on the Respondent's property. The Respondent further states that in agricultural areas incidental pollinator bee presence is common and can't be attributed to a specific apiary without expert evidence.

The Respondent believes that the Complainant's submissions are subjective and based on speculation and personal grievances. He asserts that there is no supporting evidence showing unsafe practices, risks associated with winter storage, or medical or incident-based harm.

## Decision

BCFIRB has the authority to summarily dismiss the hearing of a complaint on the application of a party pursuant to the *Administrative Tribunals Act* (ATA) s. 31 (1), and the *Farm Practices Protection (Right to Farm) Act* (FPPA), s. 6 (2).

Section 6(2) of the FPPA reads as follows:

**6** (2) The chair of the board, after giving the complainant an opportunity to be heard, may refuse to refer an application to a panel for the purpose of a hearing, or, after a hearing has begun, the panel to which an application has been referred may refuse to continue the hearing or to make a decision if, in the opinion of the chair of the board or the panel, as the case may be,

(a) the subject matter of the application is trivial,

(b) the application is frivolous or vexatious or is not made in good faith, or

(c) the complainant does not have a sufficient personal interest in the subject matter of the application.

In *Britschgi v. Jealous Fruits*, January 12, 2023, the Chair of BCFIRB considered the scope of section 6(2) of the FPPA and wrote as follows:

Section 6(2) of the FPPA gives me the authority to refuse to refer an application to a panel for hearing where the subject matter of the application lacks bona fides and is trivial, frivolous or vexatious or is not made in good faith, or where the complainant does not have a sufficient personal interest in the subject matter of the application. Terms like “vexatious” and “frivolous” appear somewhat jarring terms to persons who are not legally trained. However, as used in statutes, they have established meanings. A “vexatious” complaint is one made with an intent to harass, or even if not made with such intent, which abuses the board’s process because it is asking the board, and the opposing party, to commit resources to matters that have been fully and finally adjudicated or brought for improper purposes. A “frivolous” complaint is one that is inappropriate to refer to a panel because it has no reasonable prospect of success. While this is a judgment that needs to be exercised wisely and with restraint, it recognizes that it is fundamentally unfair to the other party, and contrary to the public interest, to establish a hearing process for a complaint that has no reasonable prospect of success. (emphasis added)

Based on my review of the submissions, I find the complaint to be frivolous. My decision in that regard should not be interpreted as including a finding that the appeal was vexatious or made for an improper purpose. However, it is clear that the complaint has no reasonable prospect of success and it would not be in the public interest for the complaint to proceed to a hearing. The submissions show that the parties have a hostile relationship however, the majority of the hostile interactions between the parties are unrelated to the bee operation, and I decline to consider them in my decision.

The Complainant's claim that she is aggrieved by the swarming of bees appears to be an over-exaggeration of her situation, as evidenced by the photos and videos submitted by the Complainant which show only a few bees, and not a swarm, on her outside patio. As noted by the Respondent, the few bees on the Complainant's patio could originate from sources other than the overwintering hives on the Respondent's property, thus the Complainant cannot reasonably attribute the bees to the Respondent's bee operation.

The Complainant acknowledges that there is less flight activity in the winter months. She suggests that there is more flight activity in the fall months but provides no supporting evidence of such activity on her property. The covered hives of overwintering bees are set back from the Complainant's property by approximately 45 feet and are buffered by trees and shrubs. The Respondent's property has approximately 18 pallets of hives covered with lids and tarps, placed in a double row formation on a large gravel driveway and set back from the shared property line. The placement of the hives is meant to provide easy access for bee management, as evidenced by the video submitted by the Complainant which shows individuals wearing protective beekeeping clothing and equipment accessing the hives.

The BC Ministry of Agriculture and Food and the local municipality do not prescribe required setbacks from property lines for the overwintering of hives of commercial bee operations located in rural agricultural communities, thus setbacks can vary, as evidenced by the setback of the overwintering hives on the comparison property identified by the Respondent. The Complainant's reference to municipal hobby beekeeping and related bylaws are not relevant with respect to the Respondent's commercial apiary. In summary, to sustain the complaint, the Complainant would need to show some deviation from normal farm practices and the parties' submissions make it clear that there is no substantive evidence to that effect.

While I acknowledge the Complainant's concern regarding her bee allergy, her particular health issues are not determinative with respect to whether her neighbour is operating according to normal farm practices. It may be the case that the Complainant will need to be additionally vigilant as a result of the neighbouring farm operation but that vigilance is her responsibility. Without providing evidence that the Respondent is operating outside of normal farm practices, the complaint cannot be advanced solely on the basis that the Complainant desires that additional accommodations be made.

**Order**

For the reasons set out in this decision, it is my view that this complaint is frivolous and should not be referred to a panel for the purpose of a hearing pursuant to section 6(2)(b) of the FPPA.

The complaint is dismissed.

Dated at Victoria, British Columbia this 27<sup>th</sup> day of April, 2026.

**BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD**

**Per:**

A handwritten signature in black ink, appearing to read 'G. Vitins', is written over a faint, light blue watermark of the British Columbia Farm Industry Review Board logo. The signature is fluid and cursive.

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Gunta Vitins

Chair, British Columbia Farm Industry Review Board