

IN THE MATTER OF
THE FARM PRACTICES PROTECTION (RIGHT TO FARM) ACT, RSBC 1996 C. 131
AND IN THE MATTER OF ONE COMPLAINT REGARDING ODOUR FROM
WASTE MANAGEMENT PRACTICES, FEEDING PRACTICES AND PEST
MANAGEMENT PRACTICES ON A NEIGHBOURING FARM
IN SUMMERLAND, BRITISH COLUMBIA

BETWEEN:

JANICE RICHARDS

COMPLAINANT

AND:

GARNETT VALLEY FARMS

RESPONDENT

DECISION

APPEARANCES:

For the British Columbia
Farm Industry Review Board:

Jane Pritchard, Presiding Member
Pawan Joshi, Member
Abra Brynne, Member

For the Complainant:

Janice Richards, self-represented
Steve Richards, self-represented

For the Respondent:

Jonathan Giroux, self-represented
Marnie Giroux, self-represented

Date of Hearing:

May 4 - 5, 2026

Place of Hearing

Penticton, British Columbia

A. INTRODUCTION

1. This decision relates to a complaint filed by Ms. Janice Richards (the **Complainant**) with the British Columbia Farm Industry Review Board (**BCFIRB**) under section 3 of the *Farm Practices Protection (Right to Farm) Act*, RSBC 1996, c. 131 (the **Act**), and received by BCFIRB on July 11, 2024.
2. In brief, the Complainant alleges that she is aggrieved by the feeding and management practices carried out by Mr. Jonathan Giroux (the **Respondent**) on his farm which is in the vicinity of her property in Summerland, BC. She claims that these practices generate strong, invasive and overwhelming odours that cause coughing, burning eyes and nausea and prevent her from going outside or opening windows at certain times of the year. She further alleges that the Respondent feeds rotting apples and other food waste to his animals, which in turn results in additional odours and pest infestations in the area.
3. The Complainant has lived on a 1.7-acre residential property for over 30 years, within the Agricultural Land Reserve (**ALR**) that is zoned A2 – Agricultural Large Acreage - by the District of Summerland. The residence is surrounded by large trees and is separated from Garnett Valley Farms by another property which is owned by neither party.

B. BACKGROUND

4. Garnett Valley Farms (the **Respondent Farm**) is a mixed farming operation that produces and sells piglets, hatching eggs, chicks and meat birds. It is located in Summerland on an approximately 5-acre property within the ALR.
5. BCFIRB retained Ministry of Agriculture agrologists, Chris Zabek P.Ag, and Christina Forbes, P.Ag, as “Knowledgeable Persons” under section 4 of the Act. Mr. Zabek and Ms. Forbes prepared a report which assesses the Respondent Farm and more specifically the Respondent’s feeding and waste management practices. Mr. Zabek and Ms. Forbes both testified at the hearing.
6. The parties attempted to resolve this dispute with the assistance of BCFIRB staff; however, those efforts were unsuccessful. The complaint therefore proceeded to an in-person hearing.
7. The BCFIRB hearing panel (the **Panel**) conducted a site visit of the Complainant’s and the Respondent’s properties on May 4, 2026.
8. The hearing was held before the Panel in person in Penticton, BC on May 4 and 5, 2026.

9. The Panel granted the Small-Scale Meat Producers Association (SSMPA) full intervener status on March 5, 2026, allowing them to attend the hearing, call witnesses and cross examine witnesses.
10. On April 27, 2026, the representative for the SSMPA further advised that they would no longer be attending the hearing or providing oral testimony. Instead, they confirmed that the SSMPA would be relying on their written submissions of March 30, 2026.
11. The Panel has considered all the evidence and submissions before it, including the parties' written submissions and the evidence presented at the hearing. However, the Panel refers only to the facts and evidence it considers necessary to explain its reasoning in this decision. The Panel will not address the various assumptions, conclusions drawn by the parties, or the criticisms they directed at each other, in their written submissions or at the hearing.

C. ISSUE

12. Are the Respondent's feeding and waste management practices in accordance with normal farm practice?

D. KNOWLEDGABLE PERSONS (KPs) REPORT (the KP Report)

Chris Zabek, P.Ag, and Christina Forbes, P.Ag

13. Mr. Zabek's title is "Regional Agrologist, Kelowna" within the Ministry of Agriculture (the **Ministry**). He has held this role since 2000 and holds a Bachelor of Science in Agriculture (plant ecology). His work at the Ministry involves providing information to the public and local governments regarding agricultural and land use planning, farm practices, and agricultural production in general.
14. Ms. Forbes' title is "Livestock Industry Specialist" within the Ministry. She has held this role since 2021. Prior to that, she served as a regional agrologist from 2018 to 2021, and before that as an Animal Health Inspector from 2004 to 2018 with the Canadian Food Inspection Agency (CFIA). She holds a Bachelor of Science in Agroecology. Her role at the Ministry involves working directly with industry associations, regulatory agencies, and government partners to elevate the livestock sector's competitiveness and sustainability.
15. Mr. Zabek and Ms. Forbes conducted site visits of the Complainant's and Respondent's properties on May 7, 2025. The KP Report, dated July 3, 2025, was entered as an exhibit at the hearing and the KPs confirmed their findings and recommendations in their oral evidence.
16. The KPs noted that the Complainant's house is approximately 110 meters from the Respondent's house and 79 meters from the Respondent's property line. Both properties slope down toward the west from Garnet Valley Road.

17. The KPs noted that the Respondent's property is approximately 4.74 acres. It is separated into a north and south area by a long driveway coming in from Garnett Valley Road. Approximately two thirds of the property south of the driveway and closest to Garnett Valley Road is used for housing and feeding pigs and chickens, representing less than 2 acres. The majority of the bins holding apples for feed are held on the upper corner of the south section of the property adjacent to the Respondent's driveway and Garnett Valley Road. There is no pasture on this part of the property currently and the majority of the area is covered in wood chips.
18. The KPs noted that at their site visit, a significant rotting apple odour was released when a bin of cull apples was opened and its plywood cover removed.
19. The Respondent's practices were described as unique by the KPs. They compared the farm to both larger and smaller pigs and poultry operations; however, this was of limited assistance due to the small sample size. Instead, the KPs compared the Respondent's Farm to the proper and accepted customs and standards as established in the Canadian Small Scale Pig Farming Manual (the **Manual**) and the Code of Practice for the Care and Handling of Pigs (the **Code**).
20. The recommendations for the Respondent listed in the KP Report are as follows:
 - i. Consult with a qualified animal nutritionist to obtain advice and recommendations with respect to the current feeding program. Use this advice as needed to fine-tune the types and amounts of feed products brought on-farm and fed out.
 - ii. Utilize a veterinarian to aid in creating herd and flock health programs which include species-relevant protocols for vaccination, deworming, biosecurity, disease treatment, breeding, birthing and euthanasia.
 - iii. Dispose of chicken mortalities at the landfill or by other suitable method instead of allowing consumption by the pigs. Continue disposing of pig mortalities at the landfill or by other suitable method.
 - iv. Keep the full apple bins covered at all times to minimize odour during storage.
 - v. Continue to ensure that no meat is fed by carefully examining all food stock provided by the Loop Food Waste Diversion Program¹. Even if meat is found and removed prior to feeding, the rest of the food stock is still contaminated. If the provider cannot ensure no meat products enter the

¹ Loop Food Waste Diversion Program

The Loop Food Waste Diversion Program is a collaborative initiative that connects stores with local farms to divert unsellable food waste from landfills. This program has grown significantly, with 160 retail partners and 1,600 farms participating, diverting between one and two million kilograms of food waste monthly across Western Canada. The program aims to reduce environmental waste and support local communities by providing food that can be used as feed for animals, bio-energy, or compost. As found at <https://loopresource.ca/public/>

stream, discontinue use of the Loop.

- vi. Feed on at least a daily basis and do not feed more product than will be consumed daily.
 - vii. Consider using some type of an easily cleaned feeder to reduce feed contamination, control feed distribution and make wild bird access more difficult. Covering the feeding area (i.e. tarp that can be easily moved for filling) may also help limit wild bird access.
 - viii. Limit the feeding of significant volumes of apples during July and August to reduce odour potential during the hottest period of the summer.
 - ix. Continue to avoid feeding in the southwest corner of the property
21. Mr. Zabek stated that the Complainant reported only one rat sighting a month and that they could not clearly identify the source. The Complainant also reported occasional coyotes and increased numbers of crows and ravens during the winter; however, these were not observed by the KPs. Mr. Zabek indicated that the increased number of crows and ravens could be attributed to the uncovered and ground-fed feed, as well as the ground laid eggs on the Respondent's property.
22. The KPs stated that Garnett Valley Farms is not a typical small holding hog farm. They listed several unique features including:
- i. The co-raising and feeding of chickens, breeding pigs, baby pigs and grower pigs together.
 - ii. The use of cull apples as the dominant feed source, cull apples and waste produce have high moisture content presenting a greater likelihood of generating odour.
 - iii. The lack of records on breeding and mortalities,
 - iv. The lack of raised feeding troughs, or concrete pad for feeding. Ground feeding is not uncommon but the volume of cull apples being ground fed were considered to be uncommon.
 - v. It is uncommon to consistently feed the same feed to all ages of pigs and not separate pigs into groups for feeding to meet their variable nutritional needs.

E. COMPLAINANT EVIDENCE

Complainant – Janice Richards

23. The Complainant provided oral evidence and submitted a book of documents which was entered as Exhibit #2 in the hearing record. The book of documents included an area map, a feeding chart, photographs, and several information sheets on livestock management and odour from government or university sources.

24. At the beginning of the hearing the Complainant stated that they wished to drop the issue of pests, leaving the feeding practices that lead to the odour problem as the only remaining complaint issue for the hearing to consider.
25. The Complainant stated that while odour is a major concern, the bigger issue is the feeding and storage practices which she contends do not conform to normal farm practices.
26. The Complainant has lived on their rural residential property for over 30 years. They testified that they have made their pasture available to friends for grazing livestock, and they are accustomed to odours and other farm-related impacts of living surrounded by farms in the ALR.
27. The Complainant indicated that their property is located downhill from the Respondent Farm, and that odours from the farm tend to travel downhill and persist on their property.
28. The Complainant stated that the first occurrence of a strong, unpleasant odour was in December 2023. The odour lasted for several days and was initially assumed to be from manure.
29. The Complainant indicated that the odour is a year-round issue, although it is not constant. They stated that the odour is most intense from late May through September. The odour intensity is related to the frequency and volume of apple dumping, as well as the ambient temperature. They no longer open their windows or socialize outdoors due to the “strong, invasive, overwhelming odour.” In 2026, as of the date of the hearing, the Complainant noted that they have not experienced the objectionable odour from the Respondent’s Farm.
30. The Complainant indicated that other feed sources have not caused odour problems.
31. The Complainant noted that the documents submitted by the SSMPA indicated that feed should be consumed by farm animals within a few hours after being provided and that measures such as netting should be used to reduce wildlife attractants.
32. The Complainant submitted that the Respondent should be ordered to comply with the nine recommendations in the KP report.

F. RESPONDENT EVIDENCE

Respondent – Jonathan (Mick) Giroux

33. The Respondent stated that, in December 2023, at the time of the first odour incident that led to the complaint, he had only 10 adult pigs and was using the southwest corner of his property as a feeding area. He explained that this is the lowest area within the pig enclosure and is now used as a wallow area.
34. The Respondent stated that he currently has approximately 130 pigs on the property, although no records were available to verify that number. This is the same number of pigs he reported he had at that time of the KP site visit.
35. At the time of the KP site visit, the upper northern area of the fenced pig area was in pasture. The pasture was noted to be overgrazed and showed significant rooting damage. At the time of the hearing, no pasture remained and the area was covered in wood chips. The Respondent described returning the upper southeast area to pasture. This is the area currently where apple bins are stored and feeding commonly takes place.
36. The Respondent runs an uncontrolled, continuous farrowing breeding system with piglets being born continuously. Several uncastrated males are kept with the breeding sows and there is no separation of young gilts (female pigs that have not had a litter). He stated that he had a breeding program to develop small pigs adapted to his management system. He stated he wants to build to 30 breeding sows. The Respondent also stated that he keeps written notes on which sows were bred by which boars but also stated he can be away from the farm for up to three days at a time.
37. The Respondent has had 21 pigs slaughtered for sale in the last year. He stated that most recently in January 2026 eight pigs were slaughtered. The pigs were approximately 11 months old at the time of slaughter.
38. The Respondent stated that he does not stockpile apples and that he now covers the apple bins with plywood. He stated that the apples are rarely on his property for longer than five days before they are fed to the pigs.
39. The Respondent stated he regularly feeds by tipping over one to two bins of apples onto the ground and that up to six bins may be fed in a day. In unusual circumstances when he is away for several days, he has tipped 15 to 20 bins onto the ground at one time for feeding.
40. He believes that the odour is sporadic and seasonal and influenced by the changing wind.

41. The Respondent provided his own expert evidence by way of a report written by Mr. Carl Withler. P. Ag. In this report Mr. Withler agreed with the recommendations of the KPs and stated that he thought the minor adjustments to the Respondent's farming practices will ensure that any odours would be minimized. Mr. Withler also commented that the property would benefit from a more organized layout of equipment, feed supply, and livestock management.
42. The Respondent stated that, when he is away from the farm for up to three days at a time, he puts out enough food for that period. He also stated that, while he is away, his wife walks through to check on the pigs, but she is unable to empty the apple bins to feed them.
43. The Respondent explained that both the pigs and chickens are fed the same feed. He indicated that the chickens consume any remaining feed and break up the pig manure so that it does not persist in the environment. He stated that there is no competitive fighting over feed with the quantity he feeds on the ground. He also noted that he feeds along a 12-foot area and believes that he has enough space such that each feeding area is only used twice a year.
44. The Respondent stated that he has observed crows and magpies around the pig food on the ground and has seen crows pick up an apple and fly off with it. He suggested that pests are worse in the winter when other farms in the area are calving.
45. The Respondent indicated that he had made some efforts to limit feed access to the non-farm birds but found it difficult.

Respondent Witness – Grant Peters

46. Mr. Peters lives on the same road as the Respondent Farm but on the east side and so it is above it. He has been familiar with the Respondent's farm operation since 2012. He also has pigs and feeds them apples occasionally. He stated that less than 15% of the apples that he feeds to his pigs are fermented and these apples are more often at the bottom of the bin. He has smelled the apple odour when in the vicinity of the Respondent's Farm, but he stated that he did not feel that it was any different than the manure smells in the area.
47. Mr. Peters has visited the Respondent's Farm four to five times in the last year, mostly staying on the driveway.

G. ANALYSIS

48. The complaint was filed pursuant to section 3(1) of the *Act*:
- 3(1) If a person is aggrieved by any odour, noise, dust or other disturbance resulting from a farm operation conducted as part of a farm business, the person may apply in writing to the board for a determination as to whether the odour, noise, dust or other disturbance results from a normal farm practice.
49. Normal farm practice is defined in Section 1 of the *Act* as follows:
- Normal farm practice means a practice that is conducted by farm business in a manner consistent with:
- a) proper and accepted customs and standards as established and followed by similar farm businesses under similar circumstances, and
 - b) any standards prescribed by the Lieutenant Governor in Council and includes a practice that makes use of innovative technology in a manner consistent with proper advanced farm management practices and with any standards prescribed under paragraph (a).
50. When a person files a complaint under the *Act* section 3 requires the complainant to demonstrate both that she is aggrieved by the complained of disturbance (which arises out of a farm operation, carried on by a farm business) and that the complained of practice is inconsistent with normal farm practice (proper and accepted customs and standards as established and followed by similar farms in similar circumstances).
51. If, after a hearing, the Panel is of the opinion that the odour, noise, dust or other disturbance results from a normal farm practice, then the complaint is dismissed. If the disturbance results from a practice that is not a normal farm practice, then the Panel may order the farmer to cease or modify the practice.
52. In this proceeding, it was accepted by all of the parties and by the Panel that the Respondent's Farm represents a farm operation conducted by a farm business and as such there were no jurisdictional issues to be resolved with respect to the Panel's authority to consider the complaint.

Is the complainant aggrieved by the odour from the Respondent's Farm?

53. The Complainant provided compelling evidence of significant disruption of normal activities due to an obnoxious odour of rotten/fermenting apples sourced from the Respondent's property.
54. The frequency and timing of the occurrences of the obnoxious odour were not presented. However, it was uncontested by the Respondent that his feeding practices result in the odours complained of by the Complainant and that he engages in those feeding practices on a regular basis.

55. The Panel finds that the Complainant has been aggrieved by a disturbance (obnoxious odours) arising from the Respondent's Farm.

Are the Respondent's feeding and waste management practices consistent with normal farm practice?

56. To determine whether a complained of practice falls within the definition of normal farm practice, the Panel must determine whether the practice is "consistent with proper and accepted customs and standards as established and followed by similar farm businesses under similar circumstances."
57. The evidence of the farm management practices at the Respondent's Farm was consistent and essentially uncontested. Those practices are challenging to align with similar farm businesses under similar circumstances. Further complicating the issue, there were few comparable farms available for comparison. As an alternative approach, the KPs applied the standards set by the Manual and the Code. In that review, clear discrepancies were noted between the Respondent's Practices and those recommended as best practices. The KPs recommendations were made to bring the Respondent's Practices into alignment with accepted customs and standards despite the somewhat unique nature of those practices. The recommendations made by the KPs were further substantively approved and endorsed by the Respondent's expert witness.
58. Raising pigs outdoors on pasture in an extensive management system is not uncommon. In these operations, as set out in the Manual, the recommended density of pigs is six to ten pigs per acre, consistent with extensive management on pasture. The Respondent is raising his pigs outdoors in a dry lot but applying many of the practices of extensively managed pigs on pasture.
59. The Respondent's animals do not have access to pasture, and the density of the pigs on the property is approximately 130 pigs on two acres, or approximately 65 pigs per acre, which is considerable.
60. The feed that the Respondent is using is dominated by cull apples, and waste food, and supplemented with small amounts of grain. This contrasts to the small lot pastured pig rations where it is a grain or formulated feed supplemented with waste food.
61. The SSMPA applied and was granted Intervener status in this complaint hearing. They supplied several reference documents including the Manual (as defined herein above).
62. The SSMPA's written submission provided context on how "proper and accepted customs and standards" are applied in practice for small-scale and mixed livestock operations, particularly where farms integrate animals, pasture-based management, and diversified feeding approaches. Their submission further

provided industry context on common feeding practices, including circumstances where ground feeding is used for bulky feeds or whole produce (e.g., hay, pumpkins, cull fruit), and how reasonableness is commonly assessed through outcomes (prompt consumption, avoidance of prolonged decomposition, odour management, and vector control) rather than prescribing a single technique. Lastly, their submission provided context on the types of reasonable mitigation measures small-scale producers can implement to address odour and attractants in close-proximity agricultural settings, including measures that reduce conflict without effectively eliminating pasture-based and diversified production systems.

63. According to the Manual, feeding produce-based homemade feeds, including diverted fruit and vegetable waste, is a normal and accepted part of a pig's diet. These diets will require an additional specific vitamin and mineral supplement to ensure nutritional needs of the pigs are met. Over 4,000 Canadian farmers participate in the Loop food waste diversion program. Feeding grocery store waste and other diverted food products is a normal practice across Canada's small farms.
64. In the SSMPA's note accompanying their List of Documents, they state that raising multiple livestock species together on pasture (including poultry and pigs) is a regular practice on small farms. They go on to state that according to Lee Rinehart, the Agriculture Specialist in the Northeast Office at the National Center for Appropriate Technology (ncat.org), multispecies growing systems including both pigs and poultry are standard practice and offer several beneficial outcomes, including soil health benefits, maximum utilization of feed, parasite control, and protection from predators.
65. The SSMPA's submission noted that it is developing a course on best practices for multispecies grazing systems involving pigs and poultry for Farmers for Climate Solutions' Farm Learning Hub. They state that grazing integration of pigs and poultry is a standard practice for small-scale, outdoor farmers.
66. The SSMPA also received and provided written submissions from farmer members across the province of B.C. with experience participating in food waste diversion programs and feeding waste produce to pigs. Key best practices outlined in the submissions to maximize feed utilization while reducing odour and attraction of pests are as follows.
 - a) At any given time, feed only an amount of produce that animals can consume within a few hours.
 - b) Employ livestock guardian dogs to keep wild birds and other pests away from feed.
 - c) Since the amount of produce fed to pigs is often greater than can fit in troughs or other feeders, ground feeding is a common practice. Only the amount of feed that can be consumed or trampled within a few hours should be fed at any given time.

- d) Employ methods to prevent wild birds and other pests from accessing storage of produce for feed. These can include exclusion netting on top of feed containers/piles, closed containers for feed, and livestock guardian dog.
- 67. Using the practices listed above, none of the farmers who submitted responses to the SSMPA had issues related to odour from feeding food waste or received complaints from neighbours regarding odour.
- 68. Although the Respondent is using feeding practices considered to be normal in small scale out-door mixed systems (raising mixed species together and feeding waste food), his application is inconsistent, it involves significantly higher density of animals than would normally be the case and occurs not on pasture but in a dry lot.
- 69. The Respondent is feeding a significantly higher percentage of food waste than is considered normal practice and the higher level of moisture contributes to higher odour. The Respondent is not consistently ground feeding quantities that can be consumed or trampled in several hours at a time. The Respondent is not consistently keeping feed stored away from weather and pests.
- 70. These practices are inconsistent with the requirements of the Code and the Manual. These inconsistencies were identified in the KP Report and supported by evidence, that was predominantly uncontested, presented in the hearing.
- 71. The Panel finds that the Respondent's feeding and waste management practices do not currently represent normal farm practice. The odours complained of by the Complainant are the result of the Respondent's deficient feeding and waste management practices and as such the Respondent is required to modify those practices as set out below.

H. ORDER

- 72. The Respondent is ordered to modify his feeding and waste management practices as follows:
 - a) The Respondent will keep apple bins and food waste storage containers covered at all times to minimize odour during storage prior to feeding, and to protect the feed from pests and weather.
 - b) When ground feeding, the Respondent will provide only the feed that can be consumed or trampled within a few hours at any given time.
 - c) If the Respondent needs to be away from the farm for prolonged periods or more than one day, the Respondent will ensure an individual is appointed to feed the animals on at least a daily basis but preferably more frequently.

- d) The Respondent will limit the feeding of significant volumes of apples during periods of high daytime temperatures (in excess of 30 degrees Celsius) and ensure alternate appropriate feed is ready for use during these periods.
 - e) The Respondent will continue to not feed in the southwest corner of the Property.
73. For the purposes of clarity, the terms of the order set out above are meant to sufficiently modify the Respondent's feeding and waste management practices such that they conform with normal farm practice and mitigate any odour nuisances arising from the Respondent's Farm. If the Respondent is unable or unwilling to meet the terms of the order, then any subsequent complaints arising from his farm operation will be more likely to result in an order that the Respondent cease his feeding and waste management practices entirely.
74. There is no order as to costs.

Dated at Victoria, British Columbia, this 27th day of July 2026

BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD

Per:



Jane Pritchard, Presiding Member



Pawan Joshi, Member



Abra Brynne, Member