

May 22, 2026

File: F2514

**DELIVERED BY EMAIL**

Ray Liu



John May



Dear Parties:

**A COMPLAINT FILED UNDER THE *FARM PRACTICES PROTECTION (RIGHT TO FARM) ACT* CONCERNING ODOUR, FLIES AND NOISE FROM FARM ANIMALS, INCLUDING GOATS**

On October 28, 2025, the BC Farm Industry Review Board (BCFIRB) received a complaint and filing fee from Ray Liu (the Complainant). The complaint states that Mr. Liu is aggrieved by odour, flies and noise from farm animals, including goats, on a neighbouring property owned by John May (the Respondent).

A Case Management Conference (CMC) call was conducted on January 6, 2026. During the CMC, the Respondent repeatedly referred to their property as a hobby farm and stated the farm does not generate a profit and operates at a loss each year. He further stated that the income from the goats was approximately \$2,500 every two years.

By letter dated March 24, 2026, BCFIRB set up a submission schedule to hear from the parties on the threshold issue of whether the subject complaint involved a disturbance resulting from a farm operation conducted by a farm business as required by section 3(1) of the [Farm Practices Protection \(Right to Farm\) Act](#) (FPPA):

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. (emphasis added)

**Submissions of the Parties**

**Respondent**

In his submission, the Respondent states that the property has been owned and operated as a hobby farm by the May family since 1986. He states that during that time the family has received no other complaints with regards to their farming activities.

The Respondent notes that the hobby farm is operated primarily for their personal enjoyment and to maintain farm classification with BC Assessment. The property is

6.5 acres and they currently keep 36 chickens, 6 ducks, 3 pot-bellied pigs and 13 goats. The property is not located in the Agricultural Land Reserve (ALR). The Respondent confirms they comply with all local bylaws.

The Respondent asserts that the farm is not operated as a commercial business and that they do not hold a farm number, license or certifications. The farm does not receive farm tax credits or exemptions. They have no plans for future commercial activity and do not offer educational or public-facing farm services. They do not generate a profit and in fact operate at an approximate annual deficit of \$20,000. The Respondent states that the income from the farm, which is approximately \$2,500 a year from eggs and fruit, is solely to maintain farm status. Their goat breeding and sales are conducted to sustain grazing levels required by BC Assessment which includes the use of at least 40% of the property.

With respect to the issues raised in the complaint, the Respondent states that the operation does not generate persistent or unreasonable odour or noise. He notes that new fencing has been installed to increase separation between the properties. The Respondent further states that the previous odour issue associated with a rutting male goat has since been resolved. The Respondent claims that typical agricultural activities carried out on nearby ALR properties generate odours that are significantly more pronounced and widely dispersed than any odour attributable to their property.

The Respondent submits that their property should be considered a hobby farm operated for personal enjoyment and not for profit. As such, he submits that the complaint does not fall within BCFIRB's jurisdiction because the alleged disturbances do not result from a farm operation conducted as part of a farm business.

## **Complainant**

The Complainant did not provide any submissions to be considered for this matter.

## **Decision**

Section 3(1) of the FPPA requires that a complaint arise out of a farm operation carried on by a farm business. "Farm business" and "farm operation" are defined by the Act, as follows:

**"farm business"** means a business in which one or more farm operations are conducted, and includes a farm education or farm research institution to the extent that the institution conducts one or more farm operations;

**"farm operation"** means any of the following activities involved in carrying on a farm business:

(a) growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals...

The question of whether there is a "farm business" is essentially one of statutory interpretation, namely do the facts alleged in the complaint fall within the statutory definition of a "farm operation conducted as part of a farm business". In addressing

whether the complaint relates to a farm business, I have considered the factors set out in [Hanson v. Asquini](#) (October 31, 2003) which include the location and magnitude of the farming operation in comparison to other operations producing similar agricultural products and whether the farm operation operates or intends to operate for the purpose of generating income or profit. Farm classification by BC Assessment, while relevant context, is not determinative of whether there is a farm business for the purposes of section 3(1) of the FPPA.

Applying this analysis, I am not satisfied that the alleged disturbances result from a farm operation conducted as part of a farm business. The evidence before me shows that the Respondent operates a hobby farm, with no intention of generating a profit, and receives minimal income from the goats. The Respondent's uncontested evidence is that he breeds and sells goats predominantly to maintain grazing levels on the property for BC Assessment purposes and not as a commercial undertaking.

The statutory requirement is narrow: the disturbance must result from a farm operation conducted as part of a farm business. The Complainant alleges disturbances associated with animals on the Respondent's property and raises concerns about compliance with municipal animal-care requirements. However, while those allegations may be relevant to municipal bylaw processes or other remedies, they do not establish that the Respondent's activities are conducted as part of a farm business under the FPPA.

In my view, this case is similar to an earlier decision of BCFIRB: [Pepper v. MacDonald](#) (BCFIRB, November 3, 2013) which involved a complaint related to noise, dust and runoff from a small poultry operation. In that case, the Presiding Member emphasized that a complaint under section 3 requires more than the existence of farm activities or animal-related practices and held:

In my view, a farm business means more than what we see here, the selling of a small volume of agricultural product from one's back door.

For the reasons set out above, I find that the subject matter of this complaint is not within the jurisdiction of BCFIRB under s. 3(1) of the FPPA and as such, I decline to refer the complaint to a panel for hearing.

The complaint is dismissed.

**BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD**

**Per:**



---

Gunta Vitins  
Chair, British Columbia Farm Industry Review Board