



# Temporary Farm Worker Housing FAQ

<b>Q</b>	<b>What is Temporary Farmworker Housing (TFWH)?</b>
<b>A</b>	TFWH is a building or buildings on a farm used for the accommodation of seasonal local and/or foreign workers employed on a temporary basis. TFWH is supported through a Temporary Use Permit (TUP).
<b>Q</b>	<b>What is a Temporary Use Permit (TUP)?</b>
<b>A</b>	A TUP allows for the temporary use of land that is not otherwise permitted through the Zoning Bylaw. A TUP can be approved for up to three years, with the possibility of extension for up to an additional three years.
<b>Q</b>	<b>Which properties are eligible for Temporary Farmworker Housing?</b>
<b>A</b>	Properties are eligible to apply for TFWH if: <ul style="list-style-type: none"><li>• All or part of the parcel on which the TFWH will be located is in A-Zones;</li><li>• All or part of the parcel on which the TFWH will be located is classified as a 'Farm' under the BC Assessment Act;</li><li>• There is demonstrated need for Temporary Farm Worker Housing; and</li><li>• The minimum size of the farm operation on which the TFWH can be located is 4 ha. Consideration may be given to smaller farms in limited circumstances, if the need for farm worker accommodation, as well as an overall net benefit for farming, is demonstrated.</li></ul>
<b>Q</b>	<b>Where on my property can the TFWH be located?</b>
<b>A</b>	Siting and placement of the TFWH can range on a case-by-case basis. It is recommended that the siting of TFWH be consistent with the Zoning Bylaw requirements identified in the zone. The proposed location of the housing must minimize residential impacts on agricultural land and should not infringe upon the productive farming area of your property. The clustering of the TFWH with other non-agricultural residences on the property is recommended. TFWH may also be strategically placed in a location that contributes to the efficiency of farming operations (e.g., the monitoring of livestock on a large property).
<b>Q</b>	<b>What types of buildings can be used for TFWH?</b>
<b>A</b>	Prefabricated buildings or conversion of pre-existing buildings are recommended for TFWH.
<b>Q</b>	<b>How do I show demonstrated need for Temporary Farmworker Housing?</b>
<b>A</b>	An applicant must demonstrate that the scale and intensity of the farm operation has exceeded labour capacity of the owner/residents. The proposed need for TFWH must be demonstrated through a Professional Agrologists report and supporting documentation. See "TFWH Demonstrated Need Evaluation Form" for more information.  Note: In alignment with the Agricultural Land Commission (ALC), employers who are approved for farm workers under the Canadian Seasonal Agricultural Worker Program (SAWP) have already been assessed for farm business legitimacy and employment need as part of the application process, and therefore do not need to prove demonstrated need.
<b>Q</b>	<b>What is the Seasonal Agriculture Worker Program (SAWP)?</b>
<b>A</b>	SAWP is a federal program that allows employers to hire temporary farm workers (TFWs) from participating countries when Canadians and permanent residents are not available. Typically, employers can hire TFWs for a maximum period of 8 months, between January 1 and December 15, provided they are able to offer the workers a minimum of 240 hours of work within a period of 6 weeks or less.  For more information see: <a href="https://www24.international.gc.ca/seasonal-agricultural-workers-program-program-travailleurs-agricoles-saisonniers-pasawp-2019-2020.aspx">Hire a temporary worker through the Seasonal Agricultural Worker Program - Overview - Canada.ca</a>



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<b>Q</b>	<b>Can the TFWH be used to house temporary farm workers employed on other farm operations?</b>
<b>A</b>	Yes. This applies to workers registered in the Seasonal Agriculture Worker Program only and is subject to prior approval by Human Resources and Skills Development Canada (HRSDC) and the host country. A statutory declaration must be filed with the District of Saanich describing the terms of the arrangement and there must be a written agreement between the farm operations. The workers must be employed for at least part of the year on the farm with the TFWH.
<b>Q</b>	<b>My property is in the ALR. Do I need approval from the ALC?</b>
<b>A</b>	<p>Maybe.</p> <p>Effective December 31, 2021, the Agricultural Land Reserve Use Regulation (B.C. Reg. 36/2022) was amended to provide more flexibility with regards to additional residences in the ALR. The size of a small secondary residence will depend on the size of the land parcel and the existing home, as follows:</p> <ul style="list-style-type: none"><li>On parcels 40 ha or smaller, if the existing residence is 500 m<sup>2</sup> (approximately 5,400 ft<sup>2</sup>) or less, a second residence of 90 m<sup>2</sup> (approximately 970 ft<sup>2</sup>) or less can be built.</li><li>If the existing residence is larger than 500 m<sup>2</sup>, then a small secondary residence for non-farm use would not be permitted. However, farmers can still apply to the ALC for an additional residence for farm use.</li><li>On parcels larger than 40 ha, a second residence 186 m<sup>2</sup> (approximately 2,000 ft<sup>2</sup>) or less is permitted, no matter the size of the first residence.</li><li>Landowners who had previously invested in a secondary manufactured home on their land had until Dec. 31, 2021, to ensure appropriate permits and authorizations are in place.</li><li>Filing a notice of intent for soil/fill use to the ALC for the additional residence continues to be a requirement.</li></ul> <p>If the application does not follow the ALC requirements, approval of an ALC Non-Adhering Residential Use Application (NARU) is required. An applicant must apply for a NARU through the ALC portal. All NARU applications will be reviewed by the District of Saanich and subject to consideration by Council. Should an application be approved by Council, it will be sent to the ALC for final approval.</p>
<b>Q</b>	<b>Are there any related regulations I should be aware of?</b>
<b>A</b>	<p>Applicants should be aware of the following regulations related to housing temporary workers on their farm:</p> <ul style="list-style-type: none"><li>The ALC's <a href="#">Non-Adhering Residential Use Applications Policy (Policy L-26)</a> outlines general guidelines for the ALC's consideration of NARU applications, which includes applications for temporary farm worker housing. Land in the ALR is subject to inspections by a member of the ALC or an official to ensure compliance to these regulations.</li><li><a href="#">"Guidelines for Seasonal Housing for Temporary Farm Workers in BC"</a> for criteria outlining the suitability of housing for temporary farm workers.</li><li>BC's <a href="#">"Temporary Foreign Worker Protection Act"</a>.</li><li>The Compliance and TFW Team from BC's Employment Standards Branch ensure that farm owners/producers and farm labour contractors are following BC's Employment Standards. The team inspects vehicles used by farm labour contractors to transport workers and visits farms where work is being done. During farm visits, they observe operations, interview workers, review records and talk to farm labour contractors and the owner/producer. Visits are not scheduled. Refusing inspection can result in fines from \$500 to \$10,000. More information <a href="#">here</a>.</li></ul>