



## Notice of Meeting and Meeting Agenda Electoral Areas Committee

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Wednesday, April 10, 2019

10:00 AM

6th Floor Boardroom  
625 Fisgard St.  
Victoria, BC V8W 1R7

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### Hearing Session

Hearing Under Section 57 of the Community Charter Regarding Notices Against Title

M. Hicks (Chair), D. Howe (Vice Chair), G. Holman, C. Plant (Board Chair, ex-officio)

#### 1. Approval of Agenda

#### 2. Adoption of Hearing Minutes

- 2.1. [19-383](#) Minutes of the March 13, 2019 Hearing Session of the Electoral Areas Committee Meeting

**Recommendation:** That the minutes of the March 13, 2019 Hearing Session of the Electoral Areas Committee meeting be adopted as circulated.

**Attachments:** [Hearing Minutes: March 13, 2019](#)

#### 3. Comments by Property Owners on the Recommended Notices on Title

#### 4. Properties to be Considered for Filing Notice against Land Title and Comments by the Building Inspector or Designated Municipal Officer - Juan de Fuca

- 4.1. [19-372](#) File Notice on the Land Title of Christopher S. Tarr, 5365 East Sooke Road PID: 029-299-969, Strata Lot C, Section 85, Sooke District, Strata Plan EPS2029, File NT000242

**Recommendation:** That the Corporate Officer shall file a Notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the Community Charter relating to land legally described as: Strata Lot C, Section 85, Sooke District, Strata Plan EPS2029, PID: 029-299-969 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:** [Staff Report: NOT-PID-029-299-969, Strata Lot C, Section 85, Sooke District](#)

[Attachment 1: History](#)

[Attachment 2: Photos](#)

#### 5. Adjournment

## Meeting Minutes

### Electoral Areas Committee

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Wednesday, March 13, 2019

10:00 AM

6th Floor Boardroom  
625 Fisgard St.  
Victoria, BC V8W 1R7

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#### Hearing Session

#### Hearing Under Section 57 of the Community Charter Regarding Notices Against Title

**PRESENT:**

Directors: M. Hicks (Chair), D. Howe (Vice Chair), G. Holman, C. Plant (Board Chair, ex-officio)

Staff: R. Lapham, Chief Administrative Officer; N. Chan, Chief Financial Officer; S. Bagh, Acting General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; S. Carby, Senior Manager, Protective Services; R. Lachance, Senior Manager, Financial Services; K. Campbell, Senior Manager, Salt Spring Island Administration; J. Starke, Manager, Service Delivery, Southern Gulf Islands Electoral Area; R. Gutierrez, Manager, Building Inspection; M. Cranwell, Senior Building/Plumbing Inspector; E. Gorman, Deputy Corporate Officer; S. Closson, Committee Clerk (Training); P. Perna, Committee Clerk (Recorder)

The meeting was called to order at 10:00 am.

#### 1. Approval of Agenda

**MOVED** by Director Howe, **SECONDED** by Director Holman,  
That the agenda for the March 13, 2019 Hearing Session of the Electoral Areas  
Committee be approved as circulated.  
**CARRIED**

#### 2. Adoption of Hearing Minutes

- 2.1. [19-306](#) Minutes of the Hearing Session of the June 13, 2018 Electoral Area  
Services Committee Meeting

**MOVED** by Director Howe, **SECONDED** by Director Holman,  
That the minutes of the Hearing Session of the June 13, 2018 Electoral Area  
Services Committee meeting be adopted as circulated.  
**CARRIED**

#### 3. Comments by Property Owners on the Recommended Notices on Title

There were no property owners in attendance.

**4. Properties to be Considered for Filing Notice against Land Title and Comments by the Building Inspector or Designated Municipal Officer**

- Juan de Fuca

4.2. [19-260](#) File Notice on the Land Title of Tyler Johnathan Fisher, Cormorant Way, PID: 027-253-813, Lot 28, Section 2, Renfrew District, Plan VIP83894, Port Renfrew, BC, File NT000234

Item 4.2. was discussed ahead of item 4.1.

M. Cranwell provided an overview of the report.

**MOVED by Director Hicks, SECONDED by Director Holman, That the Corporate Officer shall file a Notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the Community Charter relating to land legally described as: Lot 28, Section 2, Renfrew District, Plan VIP83894, PID: 027-253-813 or any subdivision of said lands as may be affected by the contravention(s). Further action is required. That the Notice is to remain in perpetuity.**

**CARRIED**

4.1. [19-259](#) File Notice on the Land Title of William B. Paul, 2501 Central Avenue, Victoria, BC V8S 2T2, PID: 005-473-110, Lot 34, Section 43, Highland District, Plan 8166, Victoria, BC, File NT000240

M. Cranwell provided an overview of the report.

**MOVED by Director Hicks, SECONDED by Director Howe, That the Corporate Officer shall file a Notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the Community Charter relating to land legally described as: Lot 34, Section 43, Highland District, Plan 8166, PID: 005-473-110 or any subdivision of said lands as may be affected by the contravention(s). Further action for compliance required.**

**CARRIED**

**5. New Business**

There was no new business.

**6. Adjournment**

**MOVED by Director Howe, SECONDED by Director Holman, That the March 13, 2019 Hearing Session of the Electoral Areas Committee meeting be adjourned at 10:09 am.**

**CARRIED**

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Chair

\_\_\_\_\_  
Recorder



**REPORT TO ELECTORAL AREA SERVICES COMMITTEE  
MEETING OF WEDNESDAY, APRIL 10, 2019**

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**SUBJECT**     **File Notice on the Land Title of Christopher S. Tarr, 5365 East Sooke Road  
PID: 029-299-969, Strata Lot C, Section 85, Sooke District, Strata  
Plan EPS2029, File NT000242**

**ISSUE**

The purpose of this staff report is to recommend that a notice be placed on the land title of the property described above with respect to the contraventions as a result of non-compliance with Capital Regional District (CRD) and other regulations.

**BACKGROUND**

This property has been registered to the owner since June 24, 2015.

A Stop Work Order was posted on May 9, 2018 for garage and decks constructed without permits. Registered letters requesting building permit applications were sent to the owner on May 11, 2018 and July 23, 2018 with a final notification letter advising of a Notice on Title and the \$500 fee to remove sent on September 6, 2018. To date, no response to the letters has been received.

As work has been carried out and completed without the benefit of a building permit or inspections, a notice on title is required as the Building Inspector cannot verify that the work was done in accordance with the BC Building Code.

The owner has been advised of the outstanding issues and requirements. The owner of the property violated the following sections of the Bylaw:

**2.1.2 Permits Required**

Every person shall apply for and obtain a building permit before commencing construction, repairing or altering a building or structure.

**3.1.1 Work Without Permits**

No person shall commence or continue any construction, alteration, reconstruction, demolition, removal or relocation of any building or structure or other work related to construction unless a building official has issued a valid and subsisting Permit for the work.

**3.1.8 Contrary**

No person shall do any work or carry out any construction contrary to a provision or requirement of this Bylaw No. 3741, the *Building Code* or any other applicable enactment.

**4.1.1 Stop Work Notice**

A building official may order the cessation of any work that is proceeding in contravention of the Building Code or this Bylaw by posting a Stop Work Notice.

## **ALTERNATIVES**

### *Alternative 1:*

That the Corporate Officer shall file a Notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the *Community Charter* relating to land legally described as: Strata Lot C, Section 85, Sooke District, Strata Plan EPS2029, PID: 029-299-969, or any subdivision of said lands as may be affected by the contravention(s).

### *Alternative 2:*

That a notice not be filed and staff be directed to take no further action.

## **FINANCIAL IMPLICATIONS**

The cost of the process to file notice on land title is included in the annual Building Inspection and Bylaw Enforcement budgets. In the event that the notice can be removed, there will be a \$500 removal fee charged to the owner.

## **LEGAL IMPLICATIONS**

If a notice is not filed on the land title, the liability of the CRD is potentially increased and possible future owners may not be advised of a building inspection deficiency and may be exposed to potential loss. If CRD Bylaw Services is unable to achieve compliance, staff will bring forward a recommendation to proceed with legal action as required.

## **CONCLUSION**

The Chief Building Inspector recommends placing notice on the land title to notify potential buyers of building deficiencies, the concerns of the CRD Building Inspector, and to reduce the liability of the CRD. Due to work carried out prior to inspection, it may be necessary to have the notice remain on title in perpetuity, as complete inspection of the work may not be possible.

## **RECOMMENDATION**

That the Corporate Officer shall file a Notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the *Community Charter* relating to land legally described as: Strata Lot C, Section 85, Sooke District, Strata Plan EPS2029, PID: 029-299-969 or any subdivision of said lands as may be affected by the contravention(s).

Submitted by:	Robert Gutierrez, RBO, Manager Building Inspection
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager Planning & Protective Services

Attachment 1: History

Attachment 2: Photos

**Attachment 1**

**History:**

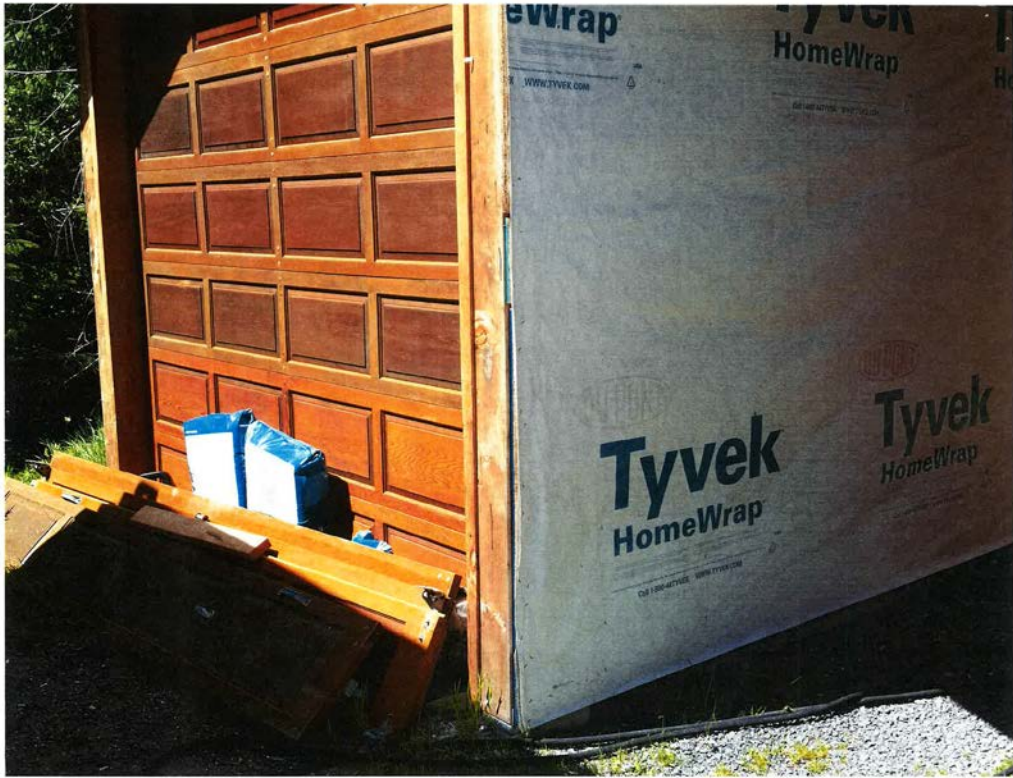
- Feb 7, 2018 The owner called the Building Inspection office and was requested to submit a permit application for a deck addition and advised to contact the Planning Department regarding the possible need for a development permit or soil deposit permit.
- May 9, 2018 A Stop Work Order was posted for a garage and deck constructed without permits. Photos were taken by the Building Inspector.
- May 11, 2018 Registered letter was sent to owner advising that a Stop Work Order was posted and to submit a building permit application by May 31, 2018. Canada Post tracking indicates the letter was received.
- Jul 23, 2018 Registered letter was sent to owner advising that a Stop Work Order was posted and to submit a building permit application by August 23, 2018. The letter was returned as 'unclaimed'.
- Sep 6, 2018 Registered letter sent to owner referencing the May 11, 2018 and July 23, 2018 letters and the subsequent site visit on August 27, 2018. The letter stated that the next step would be to register a notice on the land title and that the fee for removing the notice is \$500. The letter also stated an invitation to the public meeting will be sent. The letter was returned as 'unclaimed'.
- Mar 7, 2019 To date, no response has been received.  
The Chief Building Inspector authorized an invitation letter and staff report be prepared for the April Electoral Areas Committee.
- Mar 11, 2019 Site visit conducted by the Building Inspector and photos were taken.

Attachment 2

Photos:

Photos taken May 9, 2018







Photos taken March 11, 2019

