



## Notice of Meeting and Meeting Agenda Electoral Areas Committee

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Wednesday, September 11, 2019

10:00 AM

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

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### Hearing Session

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

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

This hearing is being convened pursuant to section 57 of the Community Charter. The Electoral Areas Committee has been delegated the power of the Regional Board to consider a recommendation of the Building Inspector to file a notice on land title of properties that contravene building safety standards and applicable building regulations.

Anyone who considers their interest in property will be affected by a notice on title shall be provided an opportunity to speak before the Committee. Speakers should focus their remarks on the issue under consideration and to address all comments to the Committee Chair.

Once the property owner has been heard, the committee shall determine whether to confirm the recommendation of the Building Inspector, to file a notice against title of the subject property.

During the course of this hearing, this committee is sitting as a quasi-judicial body and in that capacity should only consider the facts brought before it by the Building Inspector and the affected property owners. In making a decision, committee members should refrain from considering facts that are extraneous to the hearing process.

#### 2. Approval of Agenda

#### 3. Adoption of Minutes

- 3.1. [19-713](#) Minutes of the Hearing Session of the July 10, 2019 Electoral Areas Committee Meeting

**Recommendation:** That the minutes of the Hearing Session of the July 10, 2019 Electoral Areas Committee meeting be adopted as circulated.

**Attachments:** [Hearing Minutes: July 10, 2019](#)

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

#### 5. Properties to be Considered for Filing Notice against Land Title and Comments by the Building Inspector or Designated Municipal Officer - Southern Gulf Islands

- 5.1. [19-742](#) File Notice on the Land Title of Melvyn John Gibb and Conny Louise Nordin, 721 Cain Road, Galiano Island, PID: 006-333-508, Lot 2, Section 7, Cowichan Plan, VIP2514, File NT000243

**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: Lot 2, Section 7, Cowichan Plan, VIP2514, PID: 006-333-508 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:** [Staff Report: Notice on Title-721 Cain Road; PID: 006-333-508](#)  
[Attachment 1: History](#)  
[Attachment 2: Photos](#)

- 5.2. [19-743](#) File Notice on the Land Title of Melvyn John Gibb and Conny Louise Nordin, 725 Cain Road, Galiano Island, PID: 006-333-508, Lot 2, Section 7, Cowichan Plan, VIP2514, File NT000244

**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: Lot 2, Section 7, Cowichan Plan, VIP2514, PID: 006-333-508 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:** [Staff Report: Notice on Title-725 Cain Road; PID: 006-333-508](#)  
[Attachment 1: History](#)  
[Attachment 2: Photos](#)

- 5.3. [19-744](#) File Notice on the Land Title of Jennifer Pearson, Julia Pearson and David Pearson, 85 McClure Road, Galiano Island, PID: 023-055-499, Lot A, District Lot 56, Galiano Island, Cowichan District, Plan VIP61183, File NT000248

**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: Lot A, District Lot 56, Galiano Island, Cowichan District, Plan VIP61183, PID: 023-055-499, or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:** [Staff Report: 85 McClure Road; PID: 023-055-499](#)  
[Attachment 1: History](#)  
[Attachment 2: Photos](#)

- 5.4. [19-745](#) File Notice on the Land Title of Helene Halladay, Marjorie Stoner and Allan Stoner, 9880 Castle Road, PID: 023-066-385, Strata Lot 14, Section 4, Pender Island, Cowichan District, Strata Plan VIS3428 together with an interest in the common property in proportion to the unit entitlement of the strata lot as show on Form 1, File NT000148

**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 14, Section 4, Pender Island, Cowichan District, Strata Plan VIS3428 together with an interest in the common property in proportion to the unit entitlement of the strata lot as show on Form 1, PID: 023-066-385 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:** [Staff Report: Notice on Title-9880 Castle Road; PID: 023-066-385](#)  
[Attachment 1: History](#)  
[Attachment 2: Photos](#)

## 6. Adjournment

To ensure quorum, please advise Sherri Closson ([sclosson@crd.bc.ca](mailto:sclosson@crd.bc.ca)) if you or your alternate cannot attend.

## Meeting Minutes

### Electoral Areas Committee

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Wednesday, July 10, 2019

10:00 AM

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

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#### Hearing Session

#### PRESENT:

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

Staff: K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; T. Robbins, General Manager, Integrated Water Services; K. Campbell, Senior Manager, Salt Spring Island Administration; S. Carey, Manager of Legal Services; J. Starke, Manager, Service Delivery, Southern Gulf Islands Electoral Area; R. Gutierrez, Manager, Building Inspection; E. Gorman, Deputy Corporate Officer; P. Perna, Committee Clerk (Recorder)

The meeting was called to order at 10:01 am.

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

The Deputy Corporate Officer read the hearing instructions into the record.

#### 2. Approval of Agenda

**MOVED** by Director Holman, **SECONDED** by Alternate Director Mabberley,  
That the agenda for the Hearing Session of the July 10, 2019 Electoral Areas  
Committee meeting be approved as circulated.  
**CARRIED**

#### 3. Adoption of Minutes

- 3.1. [19-677](#) Minutes of the Hearing Session of the June 12, 2019 Electoral Areas  
Committee Meeting

**MOVED** by Director Holman, **SECONDED** by Alternate Director Mabberley,  
That the minutes of the Hearing Session of the June 12, 2019 Electoral Areas  
Committee meeting be adopted as circulated.  
**CARRIED**

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

There were no property owners present.

**5. Properties to be Considered for Filing Notice against Land Title and Comments by the Building Inspector or Designated Municipal Officer**  
**- Salt Spring Island**

- 5.1. [19-634](#) File Notice on the Land Title of the Salt Spring Island Land Bank Society, Inc. No. S48461, 584 Rainbow Road, PID 015-854-698, Lot A, Section 2, Range 1 East, North Salt Spring Island, Cowichan District, Plan 49990, File NT000084

R. Gutierrez provided an overview of the report.

Discussion ensued on the amount and type of notification given.

**MOVED** by Director Holman, **SECONDED** by Alternate Director Mabblerley,  
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 A, Section 2, Range 1 East, North Salt Spring Island, Cowichan District, Plan 49990, PID 015-854-698, or any subdivision of said lands as may be affected by the contravention(s).

**CARRIED**

**6. Adjournment**

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

**CARRIED**

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Chair

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Recorder



**REPORT TO ELECTORAL AREAS COMMITTEE  
MEETING OF WEDNESDAY, SEPTEMBER 11, 2019**

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**SUBJECT**     **File Notice on the Land Title of Melvyn John Gibb and Conny Louise Nordin, 721 Cain Road, Galiano Island, PID: 006-333-508, Lot 2, Section 7, Cowichan Plan, VIP2514, File NT000243**

**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 Melvyn Gibb and Conny Nordin since November 10, 2017.

A site visit carried out on May 9, 2018 revealed that alteration to the existing single family dwelling-cottage (SFD-Cottage) was being carried out without the benefit of a building permit or inspections and a Stop Work Order was posted.

There have been several site visits to this property and communication with the owners. A registered letter requesting a building permit application was sent to the owners on May 10, 2018. An incomplete building permit application was received on May 25, 2018 and the owners were notified of the required documents to support the building permit application. The owners responded and advised the project was 'on hold' until the fall. A final notification letter advising of Notice on Title and the \$500 fee to remove was sent to the owners on June 8, 2018 and that letter was refused by the recipient.

Another site visit was carried out on March 14, 2019 and a second Stop Work Order was posted.

The property was presented at the May 8, 2019 Electoral Areas Committee (EAC) meeting and the item was deferred for two months.

A site visit conducted on July 10, 2019 confirmed there was no change to the SFD-Cottage and no one was on site.

To date, no new building permit applications or supporting documents have been received and there has been no communication from the owners since the EAC meeting held on May 8, 2019.

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 owners have been advised of the outstanding issues and requirements. The owners 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: Lot 2, Section 7, Cowichan Plan, VIP2514, PID: 006-333-508, 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: Lot 2, Section 7, Cowichan Plan, VIP2514, PID: 006-333-508 or any subdivision of said lands as may be affected by the contravention(s).

Submitted by:	Robert Gutierrez, RBO, Manager Building Inspection
Concurrence:	Christine Culham, Acting General Manager Planning & Protective Services

Attachment 1: History  
Attachment 2: Photos



**Attachment 1**

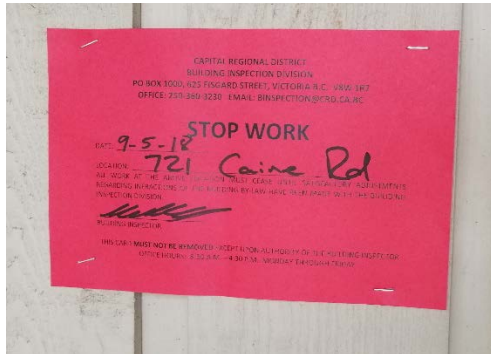
**History:**

- |               |   |
|---------------|---|
| May 9, 2018   | A Stop Work Order was posted for alterations to SFD-Cottage without permits. Photos were taken by the Building Inspector.   |
| May 10, 2018  | Registered letter was sent to the owners advising that a Stop Work Order was posted on May 9, 2018 and to submit a building permit application within 30 days. Canada Post tracking indicates the letter was received.<br>A second site visit resulted in finding construction work underway. The Chief Building Inspector spoke with contractor onsite and instructed them to stop work.                                       |
| May 23, 2018  | Third site visit was conducted. No one was on site but some work had continued including windows that were removed and plumbing that was installed.   |
| May 25, 2018  | A building permit application was received.   |
| May 31, 2018  | An email was sent to the owners advising that the permit application received was incomplete and additional information was required to continue processing the application.  |
| Jun 01, 2018  | An email was received from the owner stating that due to lack of trades, he will be putting the project 'on hold' until the fall.   |
| Jun 08, 2018  | A registered letter was sent to the owners to advise the next step is to register a notice on land title and that the fee for removing the notice is \$500. The letter advised that an invitation to attend the public meeting will be sent. Canada Post tracking indicates the letter was refused by the recipient.  |
| Mar 14, 2019  | A site visit by the Building Inspector revealed the owners have continued construction without the benefit of a permit and a second Stop Work Order was posted. Photos were taken.<br>The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.  |
| Apr 25, 2019  | Invitation was sent to the owners by registered mail to attend the May 8, 2019 EAC. Canada Post tracking confirms the letter was received.  |
| May 2, 2019   | Owners submitted incomplete application. Permit application could not be processed. Owners were notified.   |
| May 8, 2019   | The property was presented at the EAC meeting and this item was deferred for two months.  |
| May 28, 2019  | Building Inspector emailed owners requesting additional documents to complete permit application.   |
| July 10, 2019 | Site visit conducted by the Building Inspector confirmed there was no change to the SFD-Cottage and no one was onsite.<br>To date, no new building permit applications or supporting documents have been received. There has been no communication from the owners since the May 8, 2019 EAC meeting.<br>The Chief Building Inspector authorized a second invitation letter and staff report be prepared for the EAC committee. |

Attachment 2

Photos:

Photos taken May 9, 2018



Photos taken May 23, 2018







Photos taken March 14, 2019







**REPORT TO ELECTORAL AREAS COMMITTEE  
MEETING OF WEDNESDAY, SEPTEMBER 11, 2019**

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**SUBJECT**     **File Notice on the Land Title of Melvyn John Gibb and Conny Louise Nordin, 725 Cain Road, Galiano Island, PID: 006-333-508, Lot 2, Section 7, Cowichan Plan, VIP2514, File NT000244**

**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 Melvyn Gibb and Conny Nordin since November 10, 2017.

A site visit was carried out on January 18, 2018 revealed that alterations to the single family dwelling (SFD) were being carried out without the benefit of a building permit or inspections and a Stop Work Order was posted.

There have been several site visits to this property and communication with the owners. A registered letter requesting a building permit application was sent to the owners on January 23, 2018. The owner verbally confirmed with the Building Inspector that he would not be applying for a building permit. A final notification letter advising of Notice on Title and the \$500 fee to remove was sent on May 22, 2018 and that letter was refused by the recipient.

The property was presented at the May 8, 2019 Electoral Areas Committee (EAC) meeting and the item was deferred for two months.

A site visit conducted on July 10, 2019 confirmed there was no change to the SFD and no one was on site.

To date, no new building permit applications or supporting documents have been received and there has been no communication from the owners since the EAC meeting held on May 8, 2019.

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 owners have been advised of the outstanding issues and requirements. The owners 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: Lot 2, Section 7, Cowichan Plan, VIP2514, PID: 006-333-508, 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: Lot 2, Section 7, Cowichan Plan, VIP2514, PID: 006-333-508 or any subdivision of said lands as may be affected by the contravention(s).

Submitted by:	Robert Gutierrez, RBO, Manager Building Inspection
Concurrence:	Christine Culham, Acting General Manager Planning & Protective Services

Attachment 1: History  
Attachment 2: Photos



**Attachment 1**

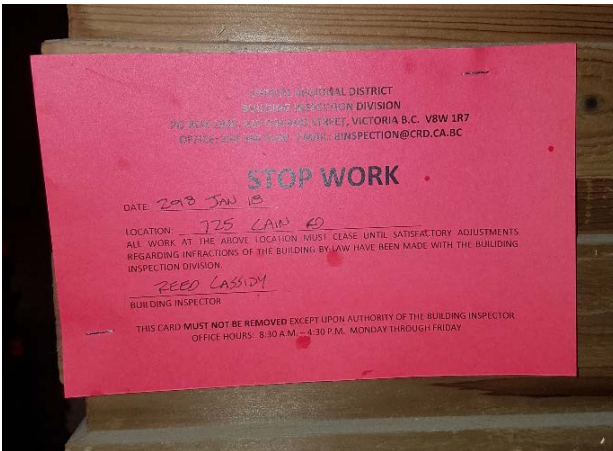
**History:**

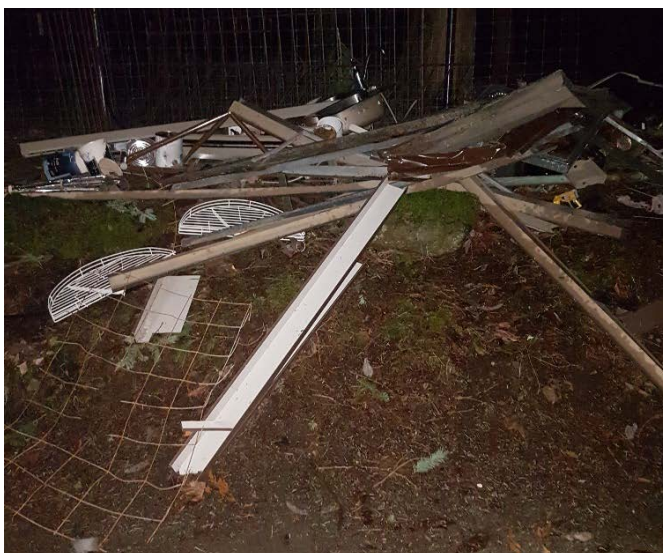
- Jan 18, 2018 A Stop Work Order was posted for alterations to the SFD without permits. Photos were taken by the Building Inspector.
- Jan 23, 2018 A registered letter was sent to owners advising that a Stop Work Order was posted on January 18, 2018 and to submit a building permit application within 30 days.
- Jan 31, 2018 A second site visit revealed construction work was ongoing. The owner was onsite and advised that he didn't have time to show the Building Inspector around and he had issues with the CRD and Islands Trust. The owner felt he did not need a building permit.
- Feb 15, 2018 A third site visit was conducted by the Building Inspector and met with the owner on site. The owner showed what construction work had been carried out and advised that he would be applying for a building permit.
- May 22, 2018 A registered letter was sent to the owners to advise the next step is to register a notice on land title and that the fee for removing the notice is \$500. The letter advised that an invitation to attend the public meeting will be sent. Canada Post tracking indicates the letter was refused by the recipient.
- Mar 14, 2019 A follow up site visit by the Building Inspector was conducted on the property.
- The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Apr 25, 2019 Invitation was sent to the owners by registered mail to attend the May 8, 2019 EAC. Canada Post tracking confirms the letter was received.
- May 2, 2019 Owners submitted incomplete application. Permit application could not be processed. Owners were notified.
- May 8, 2019 The property was presented at the EAC meeting and this item was deferred for two months.
- May 28, 2019 Building Inspector emailed owners requesting additional documents to complete permit application.
- July 10, 2019 Site visit conducted by the Building Inspector confirmed there was no change to the alterations of the SFD and no one was onsite.
- To date, no new building permit applications or supporting documents have been received. There has been no communication from the owners since the May 8, 2019 EAC meeting.
- The Chief Building Inspector authorized a second invitation letter and staff report be prepared for committee.

Attachment 2

Photos:

Photos taken January 18, 2018







**REPORT TO ELECTORAL AREA COMMITTEE  
MEETING OF WEDNESDAY, SEPTEMBER 11, 2019**

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**SUBJECT**     **File Notice on the Land Title of Jennifer Pearson, Julia Pearson and David Pearson, 85 McClure Road, Galiano Island, PID: 023-055-499, Lot A, District Lot 56, Galiano Island, Cowichan District, Plan VIP61183, File NT000248**

**ISSUE**

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

**BACKGROUND**

This property has been registered to the above owners since April 14, 1999. Since September 26, 2018, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Attachment 1-History).

A Stop Work Order was posted on September 26, 2018 on a small house constructed on a trailer without the benefit of necessary approvals or a building permit being issued. The property owners contacted the CRD Building Inspection Division to advise of unapproved and unpermitted construction being carried out on their property and that they have been unsuccessful evicting the tenant(s) that occupy the structure.

A registered letter together with a building permit application was sent to the owners on October 1, 2018 and receipt of the letter was confirmed by Canada Post.

The tenant living in the structure contacted the Building Inspector by phone on October 25, 2018 requesting a hold on the Stop Work Order and expressed intentions to have the structure deconstructed and removed off of Galiano Island. The Building Inspector requested the tenant to submit her intentions by email and provide an action plan by November 15, 2018 outlining the intended house move. The tenant submitted the email and advised that she would respect the stop work/do not occupy notice and would submit an action plan by November 15, 2018. Subsequently, the requested action plan was never received.

A follow up site visit conducted on April 24, 2019 by the Building Inspector confirmed the structure remains on the property and additional photos were taken.

To date, no further communication has been received from the owners or tenant, nor has a new building permit application been received.

The owners have been advised of the outstanding issues and requirements. The owners 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.

**2.6.1** An owner must obtain a Certificate of Occupancy pursuant to the Bylaw prior to occupying a building or structure. Certificates of Occupancy are not required for accessory buildings.

**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.

**3.1.3 Occupancy**

No person shall occupy or use any building or structure unless a valid and subsisting Certificate of Occupancy has been issued by a building official for the building or structure. No person shall occupy or use any building contrary to the terms of any Permit issued or contrary to any notice given by a building official.

**3.1.8 Contrary**

No person shall do any work or carry out any construction contrary to a provision or requirement of the Bylaw, 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.

**4.12. Do Not Occupy**

Where a person occupies a building or structure or part of a building or structure in contravention of Section 3.1.3 of the Bylaw a building official may post a Do Not Occupy Notice on the affected part of the building or structure.

**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: Lot A, District Lot 56, Galiano Island, Cowichan District, Plan VIP61183, PID: 023-055-499 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: Lot A, District Lot 56, Galiano Island, Cowichan District, Plan VIP61183, PID: 023-055-499, or any subdivision of said lands as may be affected by the contravention(s).

Submitted by:	Robert Gutierrez, RBO, Manager Building Inspection
Concurrence:	Christine Culham, Acting General Manager Planning & Protective Services

Attachment 1: History  
Attachment 2: Photos



**Attachment 1**

**History:**

- Sep 26, 2018 A Stop Work Order was posted for the construction of a small house constructed on a trailer without the benefit of a building permit or necessary approvals. Photos were taken by the Building Inspector.
- Oct 1, 2018 Registered letter sent to the owners advising of the Stop Work Order posted and requesting a building permit application be completed and submitted by October 26, 2018. Canada Post confirmed receipt of registered letter.
- Oct 25, 2018 A phone call from the tenant was received by the Building Inspector. The tenant was advised to send her request for a hold on the Stop Work Order by email as soon as possible and to submit an action plan by November 15 outlining her intention to move the structure off Galiano Island.
- A follow up email was sent by the Building Inspector to the tenant confirming their conversation and outlined the requirements discussed.
- Nov 7, 2018 Email was received from the tenant to the Building Inspector confirming she would no longer occupy the structure and will submit an action plan of her intended house move by November 15, 2018.
- Apr 24, 2019 Site visit conducted by the Building Inspector confirmed the structure still existed on the property and new photos were taken.
- May 14, 2019 The Building Inspection Division emailed Islands Trust and the CRD Bylaw Enforcement Division to advise of an unsightly and unsafe structure on Galiano Island and that remedial action will be considered.
- May 28, 2019 Email response from CRD Bylaw Enforcement Division stated that staff attended the property and reported back. It was explained that the unsightly bylaw was not the avenue to pursue in this property matter and it was suggested to pursue the *Community Charter*, Division 12 for such structures.
- An email response from the Chief Building Inspector recommended to Bylaw Enforcement to start with the ticketing process for unsightly premises to have the rubbish removed. Failing compliance of such, then remedial action can then be pursued.
- June 20, 2019 To date, no further communication has been received from the owners or tenant. No building permit application nor the requested action plan have been received. Compliance has not been achieved.
- The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.

Attachment 2

Photos taken on April 24, 2019:









**REPORT TO ELECTORAL AREA COMMITTEE  
MEETING OF WEDNESDAY, SEPTEMBER 11, 2019**

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**SUBJECT**     **File Notice on the Land Title of Helene Halladay, Marjorie Stoner and Allan Stoner, 9880 Castle Road, PID: 023-066-385, Strata Lot 14, Section 4, Pender Island, Cowichan District, Strata Plan VIS3428 together with an interest in the common property in proportion to the unit entitlement of the strata lot as show on Form 1, File NT000148**

**ISSUE**

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

**BACKGROUND**

This property has been registered to the above owners since March 5, 2014. Since October 19, 2015, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Attachment 1-History).

The building permit issued on May 14, 2014 for construction of a single family dwelling (SFD) was making slow construction progress and had expired on May 30, 2016. Several attempts were made for the owners to submit a new building permit application.

Letters were sent on October 19, 2015, June 14, 2016, November 3, 2016 and April 19, 2018 advising of the expired building permit and that a new building permit would be required to complete the work covered under the previous building permit. Some of the letters also advised that should the issues not be resolved, the next step was to register a notice on the land title and the fee to remove the notice is \$500.

A site visit was conducted on May 17, 2017 where copies of two previous letters were hand delivered to the SFD by the Building Inspector and photos were taken. Records indicate that our last inspection was carried out on June 15, 2016. To date no further inspections have been called for or carried out.

A follow up site visit was conducted on March 1, 2019 by the Building Inspector and additional photos were taken.

To date, no new building permit application has been received.

The owners have been advised of the outstanding issues and requirements. The owners 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 the Bylaw, 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 14, Section 4, Pender Island, Cowichan District, Strata Plan VIS3428 together with an interest in the common property in proportion to the unit entitlement of the strata lot as show on Form 1, PID: 023-066-385 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 14, Section 4, Pender Island, Cowichan District, Strata Plan VIS3428 together with an interest in the common property in proportion to the unit entitlement of the strata lot as show on Form 1, PID: 023-066-385 or any subdivision of said lands as may be affected by the contravention(s).

Submitted by:	Robert Gutierrez, RBO, Manager Building Inspection
Concurrence:	Christine Culham, Acting General Manager Planning & Protective Services

Attachment 1: History

Attachment 2: Photos

**Attachment 1**

**History:**

Oct 19, 2015	Letter was sent to owner, Helene Halladay, that no inspection had been carried out since October 6, 2014. The letter requested to book an inspection or advise the office of the project status by November 19, 2015.
May 30, 2016	A building permit BP000309 issued for the construction of a SFD had expired.
Jun 14, 2016	Letter was sent to owner, Helene Halladay, to advise building permit BP000309 had expired. The letter requested to complete the enclosed building permit application and submit with a \$300 fee. Canada Post returned the letter as moved.
Jun 15, 2016	Building Inspector carried out inspection of foundation and drainage.
Nov 3, 2016	Registered letter sent to owner, Helene Halladay, referred to the June 14, 2016 letter that was returned as undeliverable. The letter advised the building permit had expired and requested a new building permit application be completed and submitted.
May 17, 2017	Site visit conducted by the Building Inspector left copies of two previous letters stapled to the SFD. Photos were taken.
Apr 19, 2018	Registered letter sent to owner, Helene Halladay, referred to the November 3, 2016 letter and advised the building permit had expired and requested a building permit application be completed and submitted. The letter also advised that a notice on title may be registered if the issues are not resolved and the fee to remove the notice is \$500. Canada Post confirmed receipt of the letter.
Mar 1, 2019	Registered letters sent individually to the three owners referred to the October 15, 2015, June 14, 2016, November 3, 2016 and April 19, 2018 letters and advised the building permit expired and that a new building permit is required to complete the work covered under this permit. It was requested to complete the attached building application form and submit with a \$300 plan processing fee. The letter also advised that a notice on title may be registered if the issues are not resolved and the fee to remove the notice is \$500. Canada Post confirmed receipt of the letter by Allan Stoner and Helene Halladay. Canada Post returned Marjorie Stoner's letter as unclaimed.
Mar 1, 2019	Site visit was conducted by the Building Inspector and new photos were taken.
June 20, 2019	To date no new building permit application has been received.  The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
Aug 19, 2019	The Chief Building Inspector phoned the owner, however was unable to make contact as the phone number we have on file was not in service.



**Attachment 2**

**Photos taken on March 1, 2019:**



