

Notice of Meeting and Meeting Agenda Electoral Areas Committee

Wednesday, October 9, 2019

11:00 AM

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

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. [19-816](#) Minutes of the Hearing Session of the September 11, 2019 Electoral Areas Committee Meeting

Recommendation: That the minutes of the Hearing Session of the September 11, 2019 Electoral Areas Committee Meeting be adopted as circulated.

Attachments: [Hearing Session Minutes - September 11, 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 - Salt Spring Island

- 5.1. [19-805](#) File Notice on the Land Title of Cameron Richard Mackay and Leslie Evelyn Bell, 351 Mountain Park Drive, Lot 1, Section 13, Range 4 West, North Salt Spring Island, Cowichan District, Plan VIP63873, Except part

in Plan EPP5792, PID: 023-511-451, NT000253

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 1, Section 13, Range 4 West, North Salt Spring Island, Cowichan District, Plan VIP63873, Except part in Plan EPP5792, PID: 023-511-451, or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-351 Mountain Park Dr; PID 023-511-451](#)

[Attachment 1: History](#)

[Attachment 2: Photos](#)

- 5.2. [19-806](#) File Notice on the Land Title of Filip Hroch and Ellis Hroch, 223 Booth Canal Road, Lot C, Sections 3 and 4, Range 1 East, North Salt Spring Island, Cowichan District, VIP2143, PID: 006-394-191, NT000105

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 C, Sections 3 and 4, Range 1 East, North Salt Spring Island, Cowichan District, Plan 2143, PID: 006-394-191 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-223 Booth Canal Rd; PID 006-394-191](#)

[Attachment 1: History](#)

[Attachment 2: Photos](#)

- 5.3. [19-807](#) File Notice on the Land Title of Nancy B Bloch, 192 Vesuvius Bay Road, Section 8, Range 1 East, North Salt Spring Island, Cowichan District, except Parcel A (DD 46426I), Parcel C (DD 227978I) and Part in Plans 3629, 8770 and 17081, PID: 010-419-632, File NT000252

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: 192 Vesuvius Bay Road, Section 8, Range 1 East, North Salt Spring Island, Cowichan District, except Parcel A (DD 46426I), Parcel C (DD 227978I) and Part in Plans 3629, 8770 and 17081, PID 010-419-632 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-192 Vesuvius Bay Rd; PID 010-419-632](#)

[Attachment 1: History](#)

[Attachment 2 - Photos](#)

- 5.4. [19-808](#) File Notice on the Land Title of Robin Soles and Jesse Cullen, 2045 North End Road, Lot A, Section 8, Range 1 North, North Salt Spring Island, Cowichan District Plan 2584, PID: 006-311-644, File NT000259

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, Section 8, Range 1 North, North Salt Spring Island, Cowichan District Plan 2584, PID: 006-311-644 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-2045 North End Rd; PID 006-311-644](#)

[Attachment 1: History](#)

[Attachment 2: Photos](#)

6. Adjournment

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

Meeting Minutes

Electoral Areas Committee

Wednesday, September 11, 2019

10:00 AM

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

Hearing Session

PRESENT

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

Staff: K. Lorette, General Manager, Planning and Protective Services; S. Carby, Senior Manager, Protective Services; M. Cranwell, Senior Building/Plumbing Inspector; S. Carey, Manager of Legal Services; K. Campbell, Senior Manager, Salt Spring Island Administration; J. Starke, Manager, Service Delivery, Southern Gulf Islands Electoral Area; Manager, Visitor Services and Community Development, Regional Parks; E. Gorman, Deputy Corporate Officer; S. Closson, Committee Clerk (Recorder)

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

- 1. Hearing Under Section 57 of the Community Charter Regarding Notices Against Title**
- 2. Approval of Agenda**

**MOVED by Director Howe, SECONDED by Board Chair Plant,
That the agenda for the September 11, 2019 Hearing Session of the Electoral
Areas Committee meeting be approved.
CARRIED**

- 3. Adoption of Minutes**

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

**MOVED by Director Holman, SECONDED by Director Howe,
That the minutes of the Hearing Session of the July 10, 2019 Electoral Areas
Committee meeting be adopted as circulated.
CARRIED**

- 4. Comments by Property Owners on the Recommended Notices on Title**

There were no comments.

- 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

M. Cranwell spoke to item 5.1, File Notice on the Land Title for 721 Cain Road, Galiano Island and noted that no response had been received from the home owners.

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

CARRIED

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

M. Cranwell spoke to item 5.2. File Notice on the Land Title for 725 Cain Road, Galiano Island.

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

CARRIED

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

M. Cranwell spoke to item 5.4. File Notice on the Land Title for 9880 Castle Road, Pender Island.

**MOVED by Director Howe, 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: 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).**

CARRIED

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

M. Cranwell spoke to item 5.3. File Notice on Land Title for 85 McClure Road,

Galiano Island.

MOVED by Director Howe, **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 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).
CARRIED

6. Adjournment

MOVED by Director Howe, **SECONDED** by Director Holman,
That the September 11, 2019 Hearing Session of the Electoral Areas Committee
be adjourned at 10:09 am.
CARRIED

Chair

Recorder



**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, OCTOBER 9, 2019**

SUBJECT **File Notice on the Land Title of Cameron Richard Mackay and Leslie Evelyn Bell, 351 Mountain Park Drive, Lot 1, Section 13, Range 4 West, North Salt Spring Island, Cowichan District, Plan VIP63873, Except part in Plan EPP5792, PID: 023-511-451, NT000253**

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 July 13, 2016. As of May 12, 2017 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 issued on May 12, 2017 on a two storey accessory building which was constructed without the benefit of necessary approvals or a building permit being issued. Items of concern relating to health and safety: No inspections of the construction have been carried out as no permit has been issued. With no monitoring of construction the health and safety cannot be confirmed.

The owners have been advised of the outstanding issues and requirements for compliance to the BC Building Code. 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 or contrary to any notice given by a building official.

3.1.5 Cessation of Work

No person shall continue to do any work upon a building or structure or any portion of it after the building official has ordered cessation or suspension of work on it.

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 the 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 1, Section 13, Range 4 West, North Salt Spring Island, Cowichan District, Plan VIP63873, Except part in Plan EPP5792, PID: 023-511-451, 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 owners.

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 1, Section 13, Range 4 West, North Salt Spring Island, Cowichan District, Plan VIP63873, Except part in Plan EPP5792, PID: 023-511-451, 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

Attachments: Attachment 1: History
Attachment 2: Photos

History:

- May 12, 2017 Stop Work Order posted for accessory building being constructed without a building permit.
- May 15, 2017 Letter sent to owners advising that a Stop Work Order had been placed on the property, and that an application for a building permit is required and must be obtained prior to further construction. Deadline for application was June 12, 2017.
- May 29, 2017 Received a letter from the owner advising he has hired an Architect and Engineer but may need more time to submit application.
- July 19, 2017 Building permit application received.
- Aug. 16, 2017 Islands Trust declined permit stating that it was not a permitted use, Development variance permit is required, and Development permit required for DPA 6.
- Feb. 20, 2018 E-mail sent to owners advising outstanding issues, including rejection from Islands Trust and requirement of development variance permit.
- July 23, 2019 Site visit by the Building Inspector confirmed building near completion. Photos were taken.
- July 24, 2019 The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.

Attachment 2

Photos:

May 15, 2017



July 23, 2019





**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, OCTOBER 9, 2019**

SUBJECT **File Notice on the Land Title of Filip Hroch and Ellis Hroch, 223 Booth Canal Road, Lot C, Sections 3 and 4, Range 1 East, North Salt Spring Island, Cowichan District, VIP2143, PID: 006-394-191, NT000105**

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 November 16, 2001. As of November 18, 2009 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 issued on November 9, 2009 on a Mobile home which was moved in and added to without the benefit of necessary approvals or a building permit being issued. A permit for the move-in of a Mobile home was issued December 29, 2011 and expired December 30, 2013.

An earlier permit issued July 6, 2007 for the addition of a deck to a Single Family Dwelling (house) expired and remains incomplete. Items of concern relating to health and safety are guards and stairs not to BC Building Code and support and structural aspects not to BC Building Code.

The owners have been advised of the outstanding issues and requirements for compliance to the BC Building Code. The owners of the property violated the following sections of the Bylaw.

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 or contrary to any notice given by a building official.

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 the 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 C, Sections 3 and 4, Range 1 East, North Salt Spring Island, Cowichan District, VIP2143, PID: 006-394-191 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 C, Sections 3 and 4, Range 1 East, North Salt Spring Island, Cowichan District, Plan 2143, PID: 006-394-191 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

Attachments: Attachment 1: History
Attachment 2: Photos

Attachment 1

History:

Jul 6, 2007	Permit issued for addition of a deck to a Single Family Dwelling (house).
July 6, 2009	Permit for addition of deck to a Single Family Dwelling (house) expired, not completed.
Nov 9, 2009	Stop Work Order was posted on the property for move-in Mobile home and an addition to the Mobile home, occupancy without a permit and for construction of a lean-to addition to Single Family Dwelling (house) constructed without a valid building permit.
May 26, 2010	Vancouver Island Health Authority filing for septic system received.
Dec 29, 2011	Permit Issued for move-in Mobile home.
Dec 30, 2013	Permit for move-in of Mobile home expired, no inspections since date of issue.
Aug 7, 2015	Stop Work Order posted for construction of an addition to a Mobile home without permit and without an Occupancy Certificate.
Aug 10, 2015	Letter sent to owners regarding Stop Work Order posted August 7, 2015 regarding structure that did not have valid building permit requesting owners to apply for building permit by August 21, 2015.
Feb 8, 2017	Follow-up letter sent to owners advising of permit requirement and advising that further action such as placing a notice on title of property will be moving forward.
July 25, 2019	Site visit by Building Inspector. Photos taken.
Aug 1, 2019	The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.

Attachment 2

Photos:

July 25, 2019
Addition to Single Family Dwelling (House) Without Permit – Deck with Roof



July 25, 2019
Addition #1 Without Permit to Mobile Home Without Occupancy



July 25, 2019
Addition #2 Without Permit to Mobile Home Without Occupancy





**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, OCTOBER 9, 2019**

SUBJECT **File Notice on the Land Title of Nancy B Bloch, 192 Vesuvius Bay Road, Section 8, Range 1 East, North Salt Spring Island, Cowichan District, except Parcel A (DD 46426I), Parcel C (DD 227978I) and Part in Plans 3629, 8770 and 17081, PID: 010-419-632, File NT000252**

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 owner since August 14, 2014. As of November 17, 2015 CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Attachment 1 – History).

On November 17, 2015 CRD Bylaw Enforcement and Islands Trust Bylaw Enforcement met with Building Inspection to report multiple complaints of construction and occupancy of buildings. On November 18, 2015 the Building Inspector conducted a site visit and posted eight Stop Work Orders on buildings altered without permits.

The owner has been advised of the outstanding issues and requirements for compliance to the BC Building Code. 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 or contrary to any notice given by a building official.

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.

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 the Bylaw by posting a Stop Work Notice.

4.1.2 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: 192 Vesuvius Bay Road, Section 8, Range 1 East, North Salt Spring Island, Cowichan District, except Parcel A (DD 46426I), Parcel C (DD 227978I) and Part in Plans 3629, 8770 and 17081, PID: 010-419-632 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: 192 Vesuvius Bay Road, Section 8, Range 1 East, North Salt Spring Island, Cowichan District, except Parcel A (DD 46426I), Parcel C (DD 227978I) and Part in Plans 3629, 8770 and 17081, PID 010-419-632 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

Attachments: Attachment 1: History
Attachment 2: Photos

History:

- November 17, 2015 CRD Bylaw Enforcement and Islands Trust Bylaw Enforcement visited the site. Afterwards they visited Building Inspection to report multiple complaints of construction and occupancy of buildings.
- November 18, 2015 The Building Inspector visited this site with CRD Bylaw Enforcement and posted eight Stop Work Orders on existing buildings being altered without permits. No interior access was allowed.
- November 18, 2015 Letter sent to owner advising Stop Work Orders posted on several buildings.
- November 19, 2015 Telephone complaint received regarding continued work at this site.
- November 24, 2015 Telephone complaint received through CRD Bylaw Enforcement regarding continued work at site.
- November 27, 2015 Building Inspector visited site with CRD Bylaw Enforcement and posted eight Do Not Occupy Notices on the buildings. CRD Bylaw Enforcement issued eight bylaw violation tickets for alteration of buildings without permits.
- November 30, 2015 Complaint received from new tenant at the site regarding his rights as a tenant in the posted building.
- December 1, 2015 Letter sent to owner advising that “Do Not Occupy” orders were posted on buildings, and requested owner to apply for building permits by December 11, 2015. No building applications were received.
- July 12, 2019 Telephone call to Farm Manager (Adam Gold) advising of site visit required to update contravention file. Organized site visit for Tuesday July 16, 2019.
- July 16, 2019 Building Inspector attended the site with the Farm Manager and briefly reviewed seven farm buildings and confirmed that five of the buildings have been converted to include living accommodations. Health and safety concerns exist with many of the buildings including smoke alarms that are not working and lack of fire separation. Work has been carried out without permits or inspections.
- July 18, 2019 The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.

Attachment 2

Photos:



Building #1: Hay barn altered to include dwelling unit. Unknown fire separations.



Building #1: Back entrance.



Building #2: First tack shed converted to a dwelling.



Building #3: Second tack shed converted to a dwelling.



Building #4: Horse barn. Top floor converted to a dwelling with lower floor storage. Inadequate fire separations.



Building #5: Tractor shed. Tractor storage area eliminated. Currently vacant.



Building #6: Washroom building. Alterations to interior, converting to a dwelling.



Building #7: Third tack shed converted to a dwelling.



**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, OCTOBER 9, 2019**

SUBJECT **File Notice on the Land Title of Robin Soles and Jesse Cullen, 2045 North End Road, Lot A, Section 8, Range 1 North, North Salt Spring Island, Cowichan District Plan 2584, PID: 006-311-644, File NT000259**

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 August 22, 2017. As of May 22, 2019, 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 placed on May 22, 2019 on an accessory building that was being added to and was inhabited without the benefit of necessary approvals or a building permit issued.

Letters were sent out to owners requesting a building permit application. The final letter advising the next step is to register a notice on title was sent on June 13, 2019. The owners have not contacted the CRD, nor have they applied for a building permit.

The owners have been advised of the outstanding issues and requirements for compliance to the BC Building Code. 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 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 the 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 A, Section 8, Range 1 North, North Salt Spring Island, Cowichan District Plan 2584, PID: 006-311-644 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, Section 8, Range 1 North, North Salt Spring Island, Cowichan District Plan 2584, PID: 006-311-644 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

Attachments: Attachment 1: History
Attachment 2: Photos

History:

- May 22, 2019 Stop Work Order posted for an accessory building that was being added to and was inhabited without a valid building permit.
- May 28, 2019 Registered letter sent to owners advising of Stop Work Order and requested a building permit application to be submitted by June 12, 2019.
- June 13, 2019 Registered letter sent to owners referring to May 28, 2019 letter and Stop Work Order posted May 22, 2019. The letter advised that the next step is to register a notice on the land title and that the fee to remove the notice is \$500.
- Aug 28, 2019 Owners did not respond to registered letters and a building application has not been received. A site visit was conducted by the Building Inspector and photos were taken.
- Aug 28, 2019 The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
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Attachment 2

Photos:

May 22, 2019



August 28, 2019

