

Notice of Meeting and Meeting Agenda Electoral Areas Committee

Wednesday, February 12, 2020

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. [20-103](#) Minutes of the Hearing Session of the November 13, 2019 Electoral Areas Committee Meeting

Recommendation: That the minutes of the Hearing Session of the November 13, 2019 Electoral Areas Committee Meeting be adopted as circulated.

Attachments: [Hearing Minutes - November 13, 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
- Salt Spring Island
- Juan de Fuca

- 5.1. [20-077](#) File Notice on the Land Title of 2139 Otter Ridge Drive, Lot B, Section

10, Otter District, Plan VIP80758, PID 026-637-821, File NT000270

Recommendation: That the Corporate Officer 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 B, Section 10, Otter District, Plan VIP80758, PID 026-637-821 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-2139 Otter Ridge Drive, Sooke](#)
[Appendix A: History](#)
[Appendix B: Photos](#)

5.2. [20-084](#) File Notice on the Land Title of 173 Jones Road, the South 1/2 of Section 9, Range 1, South Salt Spring Island, Cowichan District, PID 009-726-985, NT000101

Recommendation: That the Corporate Officer 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: the South 1/2 of Section 9, Range 1, South Salt Spring Island, Cowichan District, PID 009-726-985 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title - 173 Jones Road, Salt Spring Island](#)
[Appendix A: History](#)
[Appendix B: Photos](#)

5.3. [20-085](#) File Notice on the Land Title of 1378 Sticks Allison Road West, Strata Lot 3, District Lots 30 and 31, Galiano Island, Cowichan District Strata Plan VIS5536 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, PID 025-936-417, File NT000249

Recommendation: That the Corporate Officer 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 3, District Lots 30 and 31, Galiano Island, Cowichan District Strata Plan VIS5536 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, PID 025-936-417 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-1378 Sticks Allison Road West, Galiano Island](#)
[Appendix A: History](#)
[Appendix B: Photos](#)

5.4. [20-086](#) File Notice on the Land Title of 657 Wilks Road, Lot 39, Section 10, Mayne Island, Cowichan District, Plan 15027, PID 004-164-938, File NT000268

Recommendation: That the Corporate Officer 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 39, Section 10, Mayne Island, Cowichan District, Plan 15027, PID 004-164-938 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-657 Wilks Road, Mayne Island](#)
 [Appendix A: History](#)
 [Appendix B: Photos](#)

6. Adjournment

To ensure quorum, please advise Tamara Pillipow (tpillipow@crd.bc.ca) if you or your alternate cannot attend.

Meeting Minutes

Electoral Areas Committee

Wednesday, November 13, 2019

11:00 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: R. Lapham, Chief Administrative Officer; K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; R. Smith, Senior Manager, Environmental Resource Management; R. Gutierrez, Manager, Building Inspection; S. Henderson, Manager, Real Estate; D. Ovington, Manager, Salt Spring Island Recreation; J. Starke, Manager, Service Delivery, Southern Gulf Islands Electoral Area; M. Cranwell, Senior Building/Plumbing Inspector; E. Gorman, Deputy Corporate Officer; S. Closson, Committee Clerk (Recorder); T. Pillipow, Committee Clerk

The meeting was called to order at 11:01 am.

Territorial Acknowledgment

Chair Hicks provided a Territorial Acknowledgement.

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

MOVED by Director Howe, **SECONDED** by Director Holman,
That the agenda for the November 13, 2019 Electoral Areas Committee meeting
be approved.
CARRIED

3. Adoption of Minutes

- 3.1. [19-969](#) Minutes of the Hearing Session of the October 9, 2019 Electoral Areas Committee Meeting

MOVED by Director Holman, **SECONDED** by Director Howe,
That the minutes of the Hearing Session of the October 9, 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 by property owners.

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

- Southern Gulf Islands
- Juan de Fuca
- Salt Spring Island

- 5.1. [19-926](#) File Notice on the Land Title of Kevin Ryan McKenna, 17029 Parkinson Road, PID 003-848-434, Lot 5, Section 36, Township 13, Renfrew District, Plan 5109, File NT000239

M. Cranwell spoke to the File Notice on the Land Title of 17029 Parkinson Road, Renfrew District.

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 5, Section 36, Township 13, Renfrew District, Plan 5109, PID: 003-848-434 or any subdivision of said lands as may be affected by the contravention(s).
CARRIED

- 5.2. [19-927](#) File Notice on the Land Title of Hannah Laura Bielert, 121 Cairns Place, Lot 3, Sections 4 and 5, Range 4 East, North Salt Spring Island, Cowichan District, Plan VIP66658, PID: 024-060-399, NT000258

M. Cranwell spoke to File Notice on the Land Title of 121 Cairns Place, North Salt Spring Island, Cowichan District.

Discussion ensued on the following:

- Trust covenant
- compliance and remedial action

MOVED by Director Holman, **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 3, Sections 4 and 5, Range 4 East, North Salt Spring Island, Cowichan District, Plan VIP66658, PID: 024-060-399 or any subdivision of said lands as may be affected by the contravention(s).
CARRIED

- 5.3. [19-928](#) File Notice on the Land Title of Kirk Sisson, 1234 Isabella Point Road, Lot 1, Section 40, South Salt Spring Island, Cowichan District, Plan VIP60202, PID 023-004-762, File NT000261

M. Cranwell spoke to File Notice on the Land Title of 1234 Isabella Point Road, South Salt Spring Island, Cowichan District.

**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 1, Section 40, South Salt Spring Island, Cowichan District, Plan VIP60202, PID 023-004-762, or any subdivision of said lands as may be affected by the contravention(s).**

CARRIED

- 5.4. [19-929](#) 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

M. Cranwell spoke to File Notice on the Land Title of 351 Mountain Park Drive, North Salt Spring Island, Cowichan District.

**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 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).**

CARRIED

- 5.5. [19-930](#) File Notice on the Land Title of Tony V Brinks and Randy C Brinks, 160 Ross Road, Lot 1, Section 12, Range 3 East, North Salt Spring Island, Cowichan District, Plan 41408, PID 000-631-108, File NT000264

M. Cranwell spoke to File Notice on the Land Title of 160 Ross Road, North Salt Spring Island, Cowichan District.

**MOVED by Director Holman, 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 1, Section 12, Range 3 East, North Salt Spring Island, Cowichan District, Plan 41408, PID 000-631-108, or any subdivision of said lands as may be affected by the contravention(s).**

CARRIED

- 5.6. [19-931](#) File Notice on the Land Title of Tara Gentle Martin, Julie Kaija Martin, and Geoffrey Dennis Martin, 122 Sunnyside Drive, Lot 5, Block 2, Section 15, Range 2 and Section 61, South Salt Spring Island, Cowichan District, Plan 14370, PID: 004-395-654, NT000255

M. Cranwell spoke to the Land Title of 122 Sunnyside Drive, South Salt Spring Island, Cowichan District.

MOVED by Director Holman, **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 5, Block 2, Section 15, Range 2 and Section 61, South Salt Spring Island, Cowichan District, Plan 14370, PID: 004-395-654, or any subdivision of said lands as may be affected by the contravention(s).
CARRIED

- 5.7. [19-932](#) File Notice on the Land Title of Blair Morris Chornopyski, 3736 Rum Road, PID: 003-248-135, Lot 36, Section 10, Pender Island, Cowichan District, Plan 22424, File NT000265

M. Cranwell spoke to the File Notice on the Land Title of 3736 Rum Road, Pender Island, Cowichan District.

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 36, Section 10, Pender Island, Cowichan District, Plan 22424, PID: 003-248-135 or any subdivision of said lands as may be affected by the contravention(s).
CARRIED

General discussion ensued on the following:

- trends for Notices on Land Titles
- number of current properties with Notice on Title

6. Adjournment

MOVED by Director Howe, **SECONDED** by Director Hicks,
That the Hearing Session of the November 13, 2019 Electoral Areas Committee be adjourned at 11:23 am.
CARRIED

Chair

Recorder



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**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, FEBRUARY 12, 2020**

SUBJECT **File Notice on the Land Title of 2139 Otter Ridge Drive, Lot B, Section 10, Otter District, Plan VIP80758, PID 026-637-821, File NT000270**

ISSUE SUMMARY

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

Since June 25, 2019, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A-History).

A yurt was constructed without the benefit of necessary approvals or a building permit being issued and a Stop Work Order was posted. Several registered letters were sent to the owner requesting a building permit application to be submitted. Discussions of the requirements were held on two separate occasions with the owner and no building permit application has been received to date.

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 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.

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.

ALTERNATIVES

Alternative 1

That the Corporate Officer 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 B, Section 10, Otter District, Plan VIP80758, PID 026-637-821 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.

IMPLICATIONS

Financial

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

Legal

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 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 B, Section 10, Otter District, Plan VIP80758, PID 026-637-821 or any subdivision of said lands as may be affected by the contravention(s).

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

ATTACHMENTS

Appendix A: History

Appendix B: Photos

Appendix A

History:

Jun 25, 2019	A Stop Work Order was posted for the construction of a yurt without approvals. Photos were taken.
Jun 27, 2019	A registered letter was sent to the owner advising that a Stop Work Order was posted and a building permit application was requested to be submitted by July 25, 2019. Canada Post tracking indicates the letter was delivered.
Jul 10, 2019	Owner called the Building Inspector to review requirements.
Jul 26, 2019	A site visit was conducted by the Building Inspector and photos were taken.
Jul 29, 2019	A registered letter was sent to the owner referencing previous correspondence sent on June 27, 2019 and the site visit on July 26, 2019 and advised 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 advised that an invitation to attend the public meeting will be sent. Canada Post tracking indicates the letter was unclaimed.
Aug 12, 2019	Owner attended the Juan de Fuca Building Inspection office responding to the June 27, 2019 registered letter. Owner was advised to submit a building permit application and that architectural and engineering signoff, if attainable, is required. Owner advised he has a compostable toilet and the yurt was used for his children. Owner was advised he would also require Island Health approval.
Aug 27, 2019	A registered letter was sent to the owner referencing letters sent on June 27 and July 29, 2019 and site visits on June 25 and July 26, 2019 advising that no building permit application was received and that we are moving forward in the process to register notice on the land title. The letter advised that an invitation to attend the public meeting will be sent. Canada Post tracking indicates the letter was delivered.
Dec 20, 2019	A site visit was conducted and photos were taken.
Jan 6, 2020	To date, there has been no further communication received from the owner nor has a building permit application been received. The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.

Appendix B

Photos:

June 25, 2019



July 26, 2019



December 20, 2019





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**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, FEBRUARY 12, 2020**

SUBJECT **File Notice on the Land Title of 173 Jones Road, the South 1/2 of Section 9, Range 1, South Salt Spring Island, Cowichan District, PID 009-726-985, NT000101**

ISSUE SUMMARY

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

Since December 2, 2004 CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Attachment 1 – History). There are six owners.

From 2005 to 2017 seven Stop Work Orders were posted for work without permits on a Mobile Home, two Accessory Buildings and a deck attached to one of the Accessory Buildings. Each time one or more of the owners were notified by letter requesting a permit application be made. A permit was issued for the first Mobile Home in 2006 and a Conditional Certificate of Occupancy was issued, however it expired in 2008 without the conditions of the permit being completed. No permits were issued for the second Mobile Home, the two Accessory Buildings or the deck added to one of the Accessory Buildings. When the last Stop Work Order was posted in 2017 it was noted by the Building Inspector that the two Mobile Homes were occupied without Certificates of Occupancy being issued. In 2019 a complaint was received, the Building Inspector visited the site and a letter was sent to the owners.

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.

2.4.4 Cancellations and Refunds

An application shall be cancelled and the plan processing fee forfeited if the Permit has not been issued within six months of the date that the Permit application was received.

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.

3.1.5 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.

ALTERNATIVES

Alternative 1

That the Corporate Officer 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: the South 1/2 of Section 9, Range 1, South Salt Spring Island, Cowichan District, PID 009-726-985 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.

IMPLICATIONS

Financial

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

Legal

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 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: the South 1/2 of Section 9, Range 1, South Salt Spring Island, Cowichan District, PID 009-726-985 or any subdivision of said lands as may be affected by the contravention(s).

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

ATTACHMENTS

Appendix A: History

Appendix B: Photos

Appendix A

History:

Dec 2, 2004	Received application for building permit for move in of Mobile Home #1.
May 19, 2005	Letter sent to applicant acting on behalf of the owners advising that the application required approval from Vancouver Island Health Authority (VIHA) for installation of septic system. Owners were required to contact Building Inspector within 15 days.
Jun 15, 2005	VIHA approval not received. File referred to Bylaw Enforcement.
Jun 16, 2005	Stop Work Order posted for move in of Mobile Home #1 without permit.
Jun 8, 2006	New application for permit for move in and addition to Mobile Home #1 received. VIHA approval for installation of required septic system received.
Nov 23, 2006	Conditional Certificate of Occupancy for Mobile Home #1 issued with conditions including: provide crawlspace ventilation to code, increase size of building sanitary drain to 4 inches and provide 4 inch cleanout, complete framing of addition to code and finish exterior of storage addition.
Nov 24, 2006	Received incomplete application for permit to move in a Mobile Home #2.
Jan 9, 2008	Letter sent to the owners that no inspections had been requested concerning deficiencies set out in Conditional Certificate of Occupancy for Mobile Home #1. Correction of deficiencies required by July 9, 2008.
Jul 9, 2008	Certificate of Conditional Occupancy for Mobile Home #1 expired.
Sep 16, 2014	Stop Work Order posted for Accessory Building #1 – construction of a two storey wood frame Accessory Building without permit.
Sep 23, 2014	Letter sent to the owners advising of Stop Work Order and requesting building permit application be submitted by October 3, 2014.
Oct 26, 2016	Letter sent to the owners to arrange site visit by Building Inspector with owners to discuss status of Stop Work Order posted September 16, 2014 and expired Conditional Certificate of Occupancy for Mobile Home #1 in 2008. Response by November 7, 2016 requested.
Jan 16, 2017	Stop Work Orders posted for Accessory Building #1 - construction of a two storey wood frame Accessory Building with attached deck without permit, and Accessory Building #2 - construction of a wood frame structure over a 5 th wheel trailer without permit.
Feb 6, 2017	Letter sent to the owners advising of Stop Work Orders and requesting building permit applications be submitted by February 20, 2017.

- Feb 28, 2017 Building Inspector spoke with the tenant acting on behalf of the owners regarding requirements for building permit applications.
- Mar 7, 2017 Building Inspector received and replied to emails from the tenant and one of the owners regarding requirements for building permit applications.
- Mar 21, 2017 Building Inspector visited site and spoke with the tenant acting on behalf of the owners regarding requirements and progress of application for required permits.
- May 10, 2017 Stop Work Orders reposted for construction of: 1) Accessory Building #1 without permit, 2) addition of attached deck to Accessory Building #1 without permit, and 3) construction of Accessory Building #2 without permit.
Building Inspector noted Mobile Home #1 and #2 were occupied without Conditional or Final Occupancy Permits.
Building Inspector recommended to proceed with Notice on Title.
- Aug 29, 2019 Complaint received. The Building Inspector completed a site visit. Photos taken.
- Nov 15, 2019 Letter sent to the owners regarding letters of September 23, 2014, October 26, 2016, February 6, 2017 and site visit August 29, 2019. Owners were advised that next step is proceed to register a Notice on Title.
- Nov 15, 2019 The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.

Appendix B

Photos:

August 29, 2019



Mobile Home #1



Mobile Home #2 with Addition



Accessory Building #1



Accessory Building #2



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**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, FEBRUARY 12, 2020**

SUBJECT **File Notice on the Land Title of 1378 Sticks Allison Road West, Strata Lot 3, District Lots 30 and 31, Galiano Island, Cowichan District Strata Plan VIS5536 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, PID 025-936-417, File NT000249**

ISSUE SUMMARY

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

Since September 26, 2018, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A-History).

A Stop Work Order was posted on September 26, 2018 on a tiny house on a trailer placed on site without the benefit of a building permit or approvals. Registered letters were sent advising the owner that the tiny house cannot be placed on the residential property on Galiano Island and will be required to be removed or to have it approved as a cabin. A recent site visit confirms the tiny house continues to remain onsite and no building permit application has been received.

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.

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.

ALTERNATIVES

Alternative 1

That the Corporate Officer 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 3, District Lots 30 and 31, Galiano Island, Cowichan District Strata Plan VIS5536 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, PID 025-936-417 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.

IMPLICATIONS

Financial

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

Legal

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 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 3, District Lots 30 and 31, Galiano Island, Cowichan District Strata Plan VIS5536 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, PID 025-936-417 or any subdivision of said lands as may be affected by the contravention(s).

Submitted by:	Mark Cranwell, Building Inspector, Building Inspection
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services

ATTACHMENTS

Appendix A: History
Appendix B: Photos

Appendix A

History:

Sep 26, 2018 A Stop Work Order was posted for a tiny house placed on site without the benefit of permits or approvals. Photos were taken.

Oct 1, 2018 A registered letter was sent to the owner advising that a Stop Work Order was posted and a building permit application was requested to be submitted by October 26, 2018. Canada Post tracking indicates the letter was delivered.

Oct 4, 2018 An email was received from the owner acknowledging the Stop Work Order posted and advised that the tiny house is a recreational vehicle that was built offsite and that it is not resided in on a regular basis.

Oct 16, 2018 A registered letter was sent to the owner advising that the tiny house cannot be placed on the residential property on Galiano Island and will be required to be removed from site or have it approved as a cabin. The letter requested an action plan to be submitted by November 10, 2018 to avoid proceeding with the registration of a notice on the land title and further remedial action for compliance. Canada Post tracking indicates the letter was delivered.

The owner telephoned the Building Inspector to advise that they are leaving town for four months and will call upon their return.

Oct 18, 2018 A site visit conducted by the Building Inspector revealed no change.

Feb 5, 2019 A letter was received from an architect working with the property owners and requested clarification for the requirements to comply. The Chief Building Inspector responded to the architect by phone.

Mar 4, 2019 A registered letter was sent to the owner referencing the site visit on September 26, 2018 and previous correspondence sent on October 1 and October 16, 2018 and advised 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 advised that an invitation to attend the public meeting will be sent. Canada Post tracking indicates the letter was delivered.

Jun 25, 2019 A site visit was conducted by the Building Inspector and photos were taken.

Jul 2, 2019 A follow up email was sent to the architect requesting a progress update on the compliance work of the tiny house.

Jul 10, 2019 An email response from the architect advised that the owners are not prepared to move ahead with any further work towards compliance.

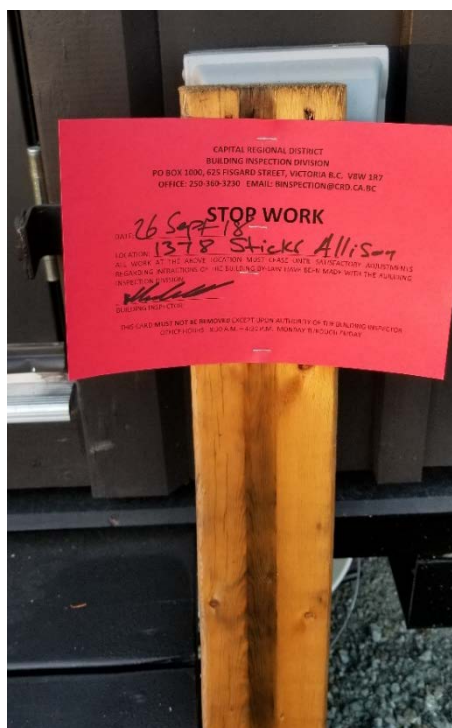
Nov 12, 2019 A site visit was conducted by the Building Inspector and photos were taken.

The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.

Appendix B

Photos:

September 26, 2018



Plastic cover lids installed indicating probable septic system



Tiny house on trailer anchored in ground

June 25, 2019



November 12, 2019





Making a difference...together

**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, FEBRUARY 12, 2020**

SUBJECT **File Notice on the Land Title of 657 Wilks Road, Lot 39, Section 10, Mayne Island, Cowichan District, Plan 15027, PID 004-164-938, File NT000268**

ISSUE SUMMARY

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

Since April 28, 2016, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A-History).

A site visit carried out on April 28, 2016 revealed that an accessory building with deck and plumbing was constructed without the benefit of approvals or a building permit and a Stop Work Order was posted.

An incomplete building permit application was received and requests for additional information were made in order to continue processing the building permit. A new owner was registered on May 4, 2018 and registered letters were sent and no response was 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 the Bylaw, the *Building Code* or any other applicable enactment.

ALTERNATIVES

Alternative 1

That the Corporate Officer 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 39, Section 10, Mayne Island, Cowichan District, Plan 15027, PID 004-164-938 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.

IMPLICATIONS

Financial

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

Legal

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 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 39, Section 10, Mayne Island, Cowichan District, Plan 15027, PID 004-164-938 or any subdivision of said lands as may be affected by the contravention(s).

Submitted by:	Chris Watson, Building Inspector, Building Inspection
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services

ATTACHMENTS

Appendix A: History

Appendix B: Photos

Appendix A

History:

Apr 28, 2016	A Stop Work Order was posted for an accessory building with deck and plumbing constructed without approvals or permits. Photos were taken.
May 17, 2016	A registered letter was sent to the owner advising that a Stop Work Order was posted for an accessory building with deck and plumbing constructed without the benefit of approvals or permits. A building permit application was requested to be submitted by June 17, 2016.
Jun 20, 2016	An incomplete building permit application and the plan processing fee was received. The owner advised by letter that the remaining necessary documents were forthcoming.
Dec 22, 2016	An email was sent to the owner advising of the additional information required for further processing of the building permit application and to be submitted within 60 days to avoid further enforcement action.
Mar 9, 2017	A letter was sent to the owner that requested additional information be submitted by March 30, 2017 and advising if a permit was not issued, a notice on title would be registered.
Mar 29, 2017	The owner submitted the plan processing fee and a letter that explained that registering a notice on the land title would cause great hardship given the difficult family circumstances the owner was facing. A request was made for additional time to submit the additional information or to apply for a demolition permit in the future.
Dec 29, 2017	A registered letter was sent to the owner referencing previous correspondence and advised that the next step would be to register a notice on the land title and that the fee for removing the notice is \$500.
May 4, 2018	New owner was registered on the land title (the new owner is related to the previous owner's spouse).
Aug 9, 2018	As a result of a complaint received, a site visit was conducted by the Building Inspector and a second Stop Work Order was posted.
Aug 14, 2018	A registered letter sent to the new family owner and referenced previous correspondence sent to the previous owner and advised that the next step would be to register a notice on the land title and that the fee for removing the notice is \$500. Canada Post tracking confirmed delivery of the registered letter.
Jul 23, 2019	A site visit was conducted by the Building Inspector and new photos were taken. It was revealed that additional work was carried out since the Stop Work Order was posted on April 28, 2016.

- Oct 2, 2019 A registered letter was sent to the owner advising we were moving forward with registration of a Notice on Title and an invitation to attend the public meeting will be sent. Canada Post tracking indicated the letter was unclaimed.
- Nov 8, 2019 The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.

Appendix B

Photos:

April 28, 2016



July 23, 2019

