



Notice of Meeting and Meeting Agenda Electoral Areas Committee

Wednesday, July 14, 2021

11:00 AM

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

Hearing Session

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

The Capital Regional District strives to be a place where inclusion is paramount and all people are treated with dignity. We pledge to make our meetings a place where all feel welcome and respected.

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. [21-573](#) Minutes of the Hearing Session of the April 14, 2021 Electoral Areas Committee Meeting

Recommendation: That the minutes of the Hearing Session of the April 14, 2021 Electoral Areas Committee meeting of be adopted as circulated.

Attachments: [Minutes - April 14, 2021](#)

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 [2]

- 5.1. [21-541](#) File Notice on the Land Title of 523 Long Harbour Road, Lot A, Sections 1 and 2, Range 5 East, North Salt Spring Island, Cowichan District, Plan 29607, PID 001-379-003, File NT000281

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 A, Sections 1 and 2, Range 5 East, North Salt Spring Island, Cowichan District, Plan 29607, PID 001-379-003 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-523 Long Harbour Rd, PID 001-379-003](#)
 [Appendix A: History](#)
 [Appendix B: Photos](#)

- 5.2. [21-542](#) File Notice on the Land Title of 531 Long Harbour Road, Lot 1, Section 1, Range 5 East, North Salt Spring Island, Cowichan District, Plan 37444, PID 001-050-494, File NT000280

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 1, Section 1, Range 5 East, North Salt Spring Island, Cowichan District, Plan 37444, PID 001-050-494 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-531 Long Harbour Rd, PID 001-050-494](#)
 [Appendix A: History](#)
 [Appendix B: Photos](#)

6. Adjournment

Meeting Minutes

Electoral Areas Committee

Wednesday, April 14, 2021

11:00 AM

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

Hearing Session

PRESENT

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

Staff: R. Lapham, Chief Administrative Officer; N. Chan, Chief Financial Officer; K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; S. Carey, Manager, Legal Services; S. Carby, Senior Manager, Protective Services; L. Xu, Manager, Financial Services; J. Reimer, Manager, Electoral Area Fire and Emergency Programs; J. Starke, Manager, Service Delivery, Southern Gulf Islands Electoral Area; M. Taylor, Manager, Building Inspection; L. Xu, Manager, Finance Services; M. Lagoa, Deputy Corporate Officer; T. Pillipow, Committee Clerk (Recorder); S. Orr, Senior Committee Clerk (Recorder)

EP - Electronic Participation

Regrets: Director Howe

The meeting was called to order at 11:00 am.

The Chair provided the 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 Board Chair Plant, **SECONDED** by Director Holman,
That the agenda for the April 14, 2021 Electoral Areas Committee meeting be approved.

CARRIED

3. Adoption of Minutes

- 3.1. [20-708](#) Minutes of the Hearing Session of the September 9, 2020 and November 4, 2020 Electoral Areas Committee Meetings

MOVED by Board Chair Plant, **SECONDED** by Director Holman,
That the minutes of the Electoral Areas Committee meeting of September 9, 2020 and November 4, 2020 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

- Juan de Fuca [1]

- Salt Spring Island [1]

- 5.1. [21-238](#) File Notice on the Land Title of 17285 Parkinson Road, Renfrew District, PID 023-744-961, File NT000291

M. Taylor spoke to Item 5.1.

MOVED by Chair Hicks, **SECONDED** by Director Holman,
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 2, District Lot 17, Renfrew District, Plan VIP65199, PID 023-744-961 or any subdivision of said lands as may be affected by the contravention(s).

CARRIED

- 5.2. [21-234](#) File Notice on the Land Title of 121 Northern Way, North Salt Spring Island, PID 028-882-482, File NT000302

M. Taylor spoke to Item 5.2.

MOVED by Director Holman, **SECONDED** by Board Chair Plant,
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 2, District Lot 17, Renfrew District, Plan VIP65199, PID 023-744-961 or any subdivision of said lands as may be affected by the contravention(s).

CARRIED

6. Adjournment

MOVED by Board Chair Plant, **SECONDED** by Director Holman,
That the April 14, 2021 Hearing Session of the Electoral Areas Committee meeting
be adjourned at
11:09 am.
CARRIED

Chair

Recorder



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**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, JULY 14, 2021**

SUBJECT **File Notice on the Land Title of 523 Long Harbour Road, Lot A, Sections 1 and 2, Range 5 East, North Salt Spring Island, Cowichan District, Plan 29607, PID 001-379-003, File NT000281**

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 March 21, 2013, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Appendix A-History).

Permits were issued March 20, 2006 for the Alteration and Addition to an existing Single Family Dwelling (SFD), April 30, 2007 for installation of plumbing to the SFD and August 23, 2007 for an Accessory Building-Cabana. A Conditional Certificate of Occupancy (CCO) for the SFD was issued December 21, 2007.

The CCO expired December 21, 2008 as deficiencies and conditions had not been addressed. A final Inspection for the SFD failed on August 25, 2009. By April 21, 2013 the SFD, plumbing and Accessory Building-Cabana permits had expired. Numerous letters regarding the expired permits and expired CCO were sent to the owners between March 21, 2013 and July 7, 2020. No response was received.

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 for which a Permit is required under this Bylaw 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.

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 A, Sections 1 and 2, Range 5 East, North Salt Spring Island, Cowichan District, Plan 29607, PID 001-379-003 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 owners.

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 may 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 A, Sections 1 and 2, Range 5 East, North Salt Spring Island, Cowichan District, Plan 29607, PID 001-379-003 or any subdivision of said lands as may be affected by the contravention(s).

Submitted by:	Mike Taylor, RBO, Manager and Chief 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:

- Mar 20, 2006 Permit SS06-135 issued for Alteration and Addition to an existing Single Family Dwelling (SFD).
- Jul 25, 2006 Permit SS06-352 issued for Deconstruction of the Existing SFD to the foundation to address potential additional encroachment on setbacks.
- Apr 30, 2007 Permit SS07-167 issued for Installation of Plumbing Fixtures to the SFD.
- Aug 23, 2007 Permit SS07-369 issued for Construction of an Accessory Building-Cabana.
- Dec 21, 2007 Certificate of Occupancy (CCO) issued for the SFD. Deficiencies included:
- complete second phase of building
 - complete permanent guides and handrails throughout
 - complete finish plumbing (laundry tray only)
 - complete miscellaneous interior and exterior finishing
 - board walls containing insulation or wiring
 - complete temperature relief valves for the hot water tanks
 - CCO issued for the west wing of the building only
- Dec 21, 2008 CCO expired as requirements were not met.
- Aug 25, 2009 Final Inspection of the SFD by the Building Inspector failed. Islands Trust approval required prior to a final inspection to confirm the SFD did not increase encroachment on setbacks.
- Framing inspection for the Accessory Building-Cabana passed by the Building Inspector.
- Aug 25, 2011 Permit for construction of the Accessory Building-Cabana expired.
- Mar 21, 2013 Letter sent to owners advised that the last inspections of the SFD and Accessory Building-Cabana were August 25, 2009 and required an inspection be scheduled or for the owners to advise Building Inspection on the status of the project by April 21, 2013.
- April 21, 2013 No response was received to March 21, 2013 letter and permits for the SFD and plumbing expired.
- Oct 7, 2019 Letter sent to owners advised that the CCO expired December 21, 2008, a final inspection of the SFD failed on August 25, 2009 and an application to reactivate the permit was required by October 25, 2019.
- A second letter sent to owners advised that the permit for the construction of the Accessory Building-Cabana expired August 25, 2011 and an application to reactivate the permit was required.

- Oct 30, 2019 Letter sent to owners advised that the CCO and SFD permit had expired and that the next step was to register a notice on title and that once a notice was registered a building permit was still required.
- A second letter sent to the owners advised that the permit for the Accessory Building-Cabana had expired and that the next step was to register a notice on title and that once a notice was registered a building permit was still required.
- Mar 5, 2020 Letter sent by registered mail to owners regarding the expired permit for the SFD and expired CCO referenced the letters of October 7 and October 30, 2019, and advised that a staff report was being prepared for the Electoral Areas Committee.
- A second letter sent by registered mail to the owners regarding the expired permit for the Accessory Building-Cabana referenced the letters of October 7 and October 30, 2019, and advised that a staff report was being prepared for the Electoral Areas Committee.
- Canada Post returned both letters.
- Mar 31, 2020 Site visit conducted by Building Inspector to determine status of project. Photos taken.
- Jul 7, 2020 Letter sent by registered mail to owners at an alternative address referenced letters sent March 21, 2013, October 7 and October 30, 2019 and March 5, 2020, and advised that a staff report is being prepared for the Electoral Areas Committee. Canada Post returned the letter.
- Jun 21, 2021 To date no applications to reactivate the expired permits have been received.
- The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Jun 22, 2021 The Chief Building Inspector left a phone message with the owners asking to discuss the current status of the project and their intentions. A return call has not yet been received.

Appendix B

Photos:

March 31, 2020



Addition and Alteration to Single Family Dwelling



Accessory Building-Cabana



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**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, JULY 14, 2021**

SUBJECT **File Notice on the Land Title of 531 Long Harbour Road, Lot 1, Section 1, Range 5 East, North Salt Spring Island, Cowichan District, Plan 37444, PID 001-050-494, File NT000280**

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 March 21, 2013, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Appendix A-History).

Permit was issued September 16, 2005 for the construction of an Accessory Building-Garage. A second permit was issued May 24, 2007 for installation of plumbing fixtures in the Accessory Building-Garage. A final inspection by the Building Inspector failed on December 6, 2007. A safety inspection by the Building Inspector failed on August 25, 2009 with a note that work was progressing. The owners did not schedule any further inspections and the permit expired August 25, 2011.

Letters were sent March 21, 2013, October 8 and October 30, 2019. Registered letters were sent March 5 and July 7, 2020. No response was received.

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 for which a Permit is required under this Bylaw unless a building official has issued a valid and subsisting permit for the work.

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 1, Section 1, Range 5 East, North Salt Spring Island, Cowichan District, Plan 37444, PID 001-050-494 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 owners.

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 may 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 1, Section 1, Range 5 East, North Salt Spring Island, Cowichan District, Plan 37444, PID 001-050-494 or any subdivision of said lands as may be affected by the contravention(s).

Submitted by:	Mike Taylor, RBO, Manager and Chief 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 16, 2005	Permit SS05-423 was issued for construction of an Accessory Building-Garage.
May 24, 2007	Permit SS07-204 was issued for installation of plumbing fixtures in the Accessory Building-Garage.
Dec 6, 2007	Final Inspection by the Building Inspector failed.
Aug 25, 2009	Safety inspection by the Building Inspector failed, with a note that work was progressing.
Aug 25, 2011	Permits for construction of an Accessory Building-Garage and plumbing expired.
Mar 21, 2013	Letter sent to owners advised that the last inspection was August 25, 2009 and an inspection or status update was required by April 21, 2013. No response was received. File became dormant.
Oct 8, 2019	Letter sent to owners advised that permit SS05-423 for construction of an Accessory Building-Garage expired August 25, 2011 and a new permit application was required. The associated plumbing permit also expired.
Oct 30, 2019	Letter sent to owners acknowledged letter of October 8, 2019 and advised that a staff report was being prepared for the Electoral Areas Committee.
Mar 5, 2020	Letter sent to owners by registered mail acknowledged letters of October 8 and October 30, 2019 and advised that a staff report was being prepared for the Electoral Areas Committee. Canada Post returned the letter.
Mar 31, 2020	Site visit conducted by Building Inspector to determine status of project. Photos were taken.
Jul 7, 2020	Letter sent by registered mail to owners at alternative address referenced letters of March 21, 2013, October 8 and October 30, 2019 and March 5, 2020 and advised that a staff report was being prepared for the Electoral Areas Committee. Canada Post returned the letter.
Jun 21, 2021	To date no application to reactivate the expired permit has been received. The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
Jun 22, 2021	The Chief Building Inspector left a phone message with the owners asking to discuss the current status of the project and their intentions. A return call has not yet been received.

Appendix B

Photos:

March 31, 2020

