



Notice of Meeting and Meeting Agenda Electoral Areas Committee

Wednesday, April 13, 2022

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. Territorial Acknowledgement

2. 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.

3. Approval of Agenda

4. Adoption of Minutes

- 4.1. [22-245](#) Minutes of the Hearing Session of the February 9, 2022 Electoral Areas Committee Meeting

Recommendation: That the minutes of the Hearing Session of the Electoral Areas Committee meeting of February 9, 2022 be adopted as circulated.

Attachments: [Minutes - February 9, 2022](#)

5. Comments by Property Owners on the Recommended Notices on Title

6. Properties to be Considered for Filing Notice against Land Title and Comments by the Building Inspector or Designated Municipal Officer**- Salt Spring Island [2]****- Southern Gulf Islands [2]**

- 6.1.** [22-218](#) File Notice on the Land Title of A 112 and B 112 Charlesworth Road, Lot 1, Section 19, Range 4 East, North Salt Spring Island, Cowichan District, Plan 20879, PID 003-459-659, File NT000348

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 19, Range 4 East, North Salt Spring Island, Cowichan District, Plan 20879, PID 003-459-659 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title - A & B 112 Charlesworth Road, SSI](#)
 [Appendix A: History](#)
 [Appendix B: Photos](#)

- 6.2.** [22-219](#) File Notice on the Land Title of 171 Hillcrest Drive, Lot 9, Section 60, South Salt Spring Island, Cowichan District, Plan 23209, PID 003-063-747, File NT000350

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 9, Section 60, South Salt Spring Island, Cowichan District, Plan 23209, PID 003-063-747 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title - 171 Hillcrest Drive, SSI](#)
 [Appendix A: History](#)
 [Appendix B: Photos](#)

- 6.3.** [22-220](#) File Notice on the Land Title of 19915 Porlier Pass Road, Lot 1, District Lot 89, Galiano Island, Cowichan District, Plan 20266, Except Part in Plan 42126, PID 001-168-878, File NT000319

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, District Lot 89, Galiano Island, Cowichan District, Plan 20266, Except Part in Plan 42126, PID 001-168-878 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report Notice on Title - 19915 Porlier Pass Road, Galiano](#)
 [Appendix A: History](#)
 [Appendix B: Photos](#)

- 6.4. [22-221](#) File Notice on the Land Title of 484 Cherry Tree Bay Road, Lot 1, Section 14, Mayne Island, Cowichan District, Plan 16306, PID 004-486-200, File NT000330

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 14, Mayne Island, Cowichan District, Plan 16306, PID 004-486-200 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-484 Cherry Tree Bay Rd. Mayne](#)
 [Appendix A: History](#)
 [Appendix B: Photos](#)

7. Adjournment

Meeting Minutes

Electoral Areas Committee

Wednesday, February 9, 2022

11:00 AM

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

Hearing Session

PRESENT:

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

Staff: K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; T. Robbins, General Manager, Integrated Water Services; K. Campbell, Senior Manager, Salt Spring Island Administration; S. Henderson, Senior Manager, Real Estate; J. Starke, Manager, Service Delivery, Southern Gulf Islands Electoral Area; M. Taylor, Manager, Building Inspection; M. Lagoa, Deputy Corporate Officer; T. Pillipow, Committee Clerk; J. Dorman, Committee Clerk (Recorder)

EP - Electronic Participation

Regrets: Director D. Howe

Meeting was called to order at 11:01 am.

1. Territorial Acknowledgement

Chair Hicks provided a Territorial Acknowledgement.

2. 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.

3. Approval of Agenda

MOVED by Alternate Director Brent, **SECONDED** by Director Holman,
That the agenda for the Hearing Session of the February 9, 2022 Electoral Areas
Committee meeting be approved.

CARRIED

4. Adoption of Minutes

- 4.1. [22-062](#) Minutes of the Hearing Session of the December 8, 2021 Electoral Areas
Committee Meeting

MOVED by Alternate Director Brent, **SECONDED** by Director Holman,
That the minutes of the Hearing Session of the Electoral Areas Committee
meeting of December 8, 2021 be adopted as circulated.

CARRIED

5. Comments by Property Owners on the Recommended Notices on Title

R. Loten spoke to item 6.3. where he faced difficulties finding a structural
engineer or architect to approve the project on his property.

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

- Juan de Fuca [4]

MOVED by Director Hicks, **SECONDED** by Alternate Director Brent,
That the agenda be amended to move Item 6.3. before Item 6.1.

CARRIED

- 6.3. [22-071](#) File Notice on the Land Title of 6803 East Sooke Road, Strata Lot A,
Section 132, Sooke District, Strata Plan VIS4936 Together With an
Interest in the Common Property in Proportion to the Unit Entitlement of the
Strata Lot as Shown on Form 1, PID 024-719-501, File NT000313

M. Taylor spoke to item 6.3.

Discussion ensued on the unfamiliarity of the structure and how a
engineer/architect needs to approve the structure as there is no current code.

MOVED by Director Hicks, **SECONDED** by Alternate Director Brent,
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 A, Section 132, Sooke District,
Strata Plan VIS4936 Together With an Interest in the Common Property in
Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1, PID
024-719-501 or any subdivision of said lands as may be affected by the
contravention(s).

CARRIED

- 6.1. [22-018](#) File Notice on the Land Title of 1410 Finlayson View Place, Lot 4, Block 453, Malahat District, Plan VIP84067, PID 027-301-362, File NT000310

M. Taylor spoke to item 6.1.

MOVED by Director Hicks, SECONDED by Alternate Director Brent,
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 4, Block 453, Malahat District, Plan VIP84067, PID 027-301-362 or any subdivision of said lands as may be affected by the contravention(s).

CARRIED

- 6.2. [22-019](#) File Notice on the Land Title of 10493 West Coast Road, Lot 6, Sections 77 and 78, Renfrew District, Plan VIP57335, PID 018-451-055, File NT000317

M. Taylor spoke to item 6.2.

MOVED by Director Hicks, SECONDED by Alternate Director Brent,
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 6, Sections 77 and 78, Renfrew District, Plan VIP57335, PID 018-451-055 or any subdivision of said lands as may be affected by the contravention(s).

CARRIED

- 6.4. [22-072](#) File Notice on the Land Title of 4036 Trans-Canada Highway, Lot 1, District Lots 119 and 147, Malahat District, Plan VIP83379, PID 027-188-141, File NT000318

M. Taylor spoke to item 6.4

MOVED by Director Hicks, SECONDED by Alternate Director Brent,
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, District Lots 119 and 147, Malahat District, Plan VIP83379, PID 027-188-141 or any subdivision of said lands as may be affected by the contravention(s).

CARRIED

7. Adjournment

MOVED by Alternate Director Brent, SECONDED by Director Holman,
That the Hearing Session of the February 9, 2022 Electoral Areas Committee meeting be adjourned at 11:17 am.

CARRIED

CHAIR

RECORDER



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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, APRIL 13, 2022

SUBJECT **File Notice on the Land Title of A 112 and B 112 Charlesworth Road, Lot 1, Section 19, Range 4 East, North Salt Spring Island, Cowichan District, Plan 20879, PID 003-459-659, File NT000348**

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 28, 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 Notice was posted March 28, 2018 for repair and alteration of a Single Family Dwelling (SFD) without permits or approvals. In May 2018, a building permit was issued. This permit expired in January 2020 without inspections completed.

In January 2020, it was also learned that several recreational vehicles (RVs) had been connected to sewer and water services without the required plumbing permits or approvals. In addition, plumbing work had been completed in the SFD without the needed plumbing permit.

In June 2020, the building permit for alterations to the SFD was reactivated; however, plumbing permit applications had not been received. RVs on the property were still connected to services.

In January 2021, it was discovered that some work in the SFD had been covered without the required inspections. Plumbing permit applications still had not been submitted. The building permit was cancelled in March 2021 as deficient matters had not been addressed.

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.

3.1.8 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 1, Section 19, Range 4 East, North Salt Spring Island, Cowichan District, Plan 20879, PID 003-459-659 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 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 19, Range 4 East, North Salt Spring Island, Cowichan District, Plan 20879, PID 003-459-659 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 28, 2018	Stop Work Notice posted for repair and alteration of a Single Family Dwelling (SFD) without a permit. Photos taken.
Apr 5, 2018	Letter sent to the owner advised of the Stop Work Notice and required a permit. Permit application for alteration of a SFD received from the Agent.
May 4, 2018	Permit BP004239 issued for alteration of a SFD.
Nov 2, 2018	Framing inspection passed.
Nov 1, 2019	Letter sent to the Agent advised no inspections had been carried out since November 2, 2018 and an inspection was required by November 18, 2019.
Dec 19, 2019	Letter sent to the Agent advised inspections were required or permit BP004239 would be expired January 13, 2020.
Jan 13, 2020	Permit BP004239 expired.
Jan 16, 2020	Letter sent to the owner referencing letters of November 1 and December 19, 2019 advised that permit BP004239 had been expired and the next step would be to register a notice on title and refer the file for further action.
Jan 29, 2020	Site visit conducted by Building Inspector. Sewerage and water connections installed without permits in trailers (RVs) being used as dwellings. Agent agreed to remove trailers. Photos taken. Building Inspector also checked alterations to SFD. New hot water tanks added to basement without plumbing permit. Agent agreed to request plumber apply for plumbing permit. Photos taken.
Feb 19, 2020	Letter sent to the owner and Agent referencing letters of November 1 and December 19, 2019, and January 16, 2020 required a plumbing permit be obtained by a certified plumber by February 28, 2020 or notice would proceed.
Mar 23, 2020	Email received from the Agent asked why BP004239 had been expired and why a plumbing permit was required for hot water tanks installed years prior. Email sent to the Agent from Building Inspector advised building permits are issued for two years but expire if there are no inspections for a 12 month period, and that while the plumbing work had been completed several years ago, the installation was not Plumbing Code compliant. A plumbing permit by a qualified plumber was required, and the work must be brought into compliance with the BC Building and Plumbing Code. Expiry date for permit BP004239 extended to May 4, 2020 as a courtesy.
May 12, 2020	Letter sent to the owner and Agent advised that permit BP004239 had expired and required it be renewed by May 29, 2020.

Jun 15, 2020	Application to reactivate BP004239 received, but no application for plumbing. Reactivation permit BP006434 issued for alteration of an SFD.
Jun 17, 2020	Site visit conducted by Building Inspector. RVs with sewerage and water connections had not been removed. Photos taken.
Jul 3, 2020	Site visit conducted by Building Inspector. RVs with sewerage and water connections had not been removed. Photos taken.
Aug 26, 2020	Letter sent to the owner by registered mail required plumbing permit application be submitted for connections to RVs by September 18, 2020.
Oct 5, 2020	Letter sent to the owner by registered mail advised that, as no plumbing permit for RVs had been received, the notice on title would be recommended.
Oct 21, 2020	Email sent to the Agent advised that an inspection for BP006434 must be requested by December 15, 2020 or the permit would be expired.
Oct 26, 2020	Inspection cancelled by Building Inspector due to COVID-19 concerns. Plumbing permit for unpermitted hot water tanks still required.
Dec 17, 2020	Agent advised by email that an inspection must be requested for permit BP006434 by January 15, 2021 or the permit would be expired.
Jan 19, 2021	Inspection of Insulation Vapour Barrier failed. Agent claimed insulation had been inspected previously; however, this was not found to be the case. Drywall had been installed and work concealed prior to inspection.
Jan 21, 2021	Letter sent to the owner and Agent by registered mail referencing January 19, 2021 inspection advised that permit BP006434 had been placed on hold. Plumbing permit application from a certified plumber was required by February 12, 2021 or the permit would be cancelled and further action would be taken.
Mar 10, 2021	Telephone call received from the Agent requesting inspection. Agent was advised that permit BP006434 was expired and the plumbing permit from a certified plumber was required prior to additional renewals or extensions.
Feb 7, 2022	To date, no plumbing permit applications have been received for the Alteration of the SFD, or for the sewerage and water connections to RVs on the property. The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.

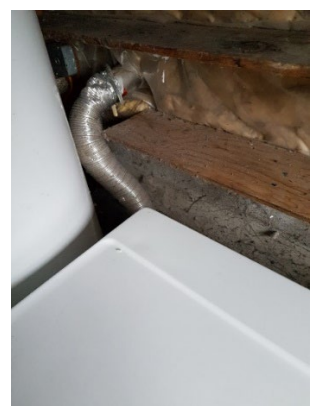
Appendix B

Photos:

March 28, 2018



January 29, 2020



A 112 Charlesworth Road – Alteration of Single Family Dwelling

January 29, 2020



A 112 and B 112 Charlesworth Road – Sewerage and Water Connections to Recreational

June 17, 2020



July 3, 2020





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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, APRIL 13, 2022

SUBJECT **File Notice on the Land Title of 171 Hillcrest Drive, Lot 9, Section 60, South Salt Spring Island, Cowichan District, Plan 23209, PID 003-063-747, File NT000350**

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 February 12, 2020, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

A site inspection completed February 12, 2020 confirmed use of an Accessory Building as a dwelling without the benefit of a building permit or approvals. Letters were sent requesting a building permit application be submitted. No application was received. A site visit on January 13, 2021 confirmed the Accessory Building was still in use as a dwelling.

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.

3.1.3 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 9, Section 60, South Salt Spring Island, Cowichan District, Plan 23209, PID 003-063-747 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 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 9, Section 60, South Salt Spring Island, Cowichan District, Plan 23209, PID 003-063-747 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

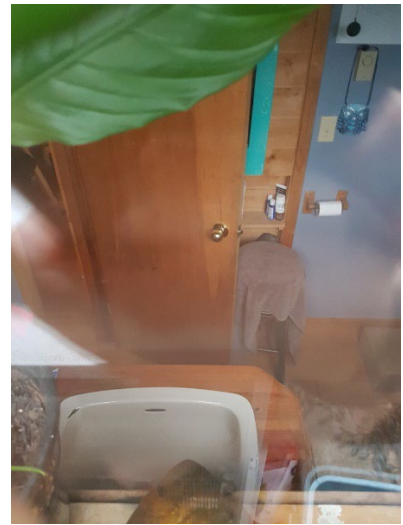
History:

Feb 12, 2020	Site visit conducted by Building Inspector. Confirmed use of an Accessory Building as a dwelling. Lavatory and toilet visible. Unable to locate where the plumbing drains are. Photos taken.
Jun 3, 2020	Letter sent to the owner by registered mail required a building permit application be submitted by July 24, 2020.
Jun 8, 2020	Telephone call received from the owner requesting requirements to obtain a Change of Occupancy, or to revert the Accessory Building to non-occupied use. Application forms mailed per the owner's request.
Aug 4, 2020	Site visit conducted by Building Inspector.
Aug 10, 2020	Letter sent to the owner by registered mail referencing the letter of June 3 and site visit of August 4, 2020 advised that, as no permit application had been received, a recommendation would be made to register a notice on the land title and then refer the file for further action.
Sep 29, 2020	Islands Trust Bylaw Enforcement advised the Building Inspection Division that the owner was given until December 31, 2020 to cease using the Accessory Building for habitation.
Jan 13, 2021	Site visit conducted by Building Inspector. Confirmed Accessory Building still in use as a dwelling.
Feb 7, 2022	To date, no building permit application has been received. The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.

Appendix B

Photos:

February 12, 2020





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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, APRIL 13, 2022

SUBJECT **File Notice on the Land Title of 19915 Porlier Pass Road, Lot 1, District Lot 89, Galiano Island, Cowichan District, Plan 20266, Except Part in Plan 42126, PID 001-168-878, File NT000319**

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 2, 2020, 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 Notice was posted June 2, 2020 for an accessory building constructed on a trailer chassis without a building permit, as well as decks with stairs, new siding and a rain screen installed on the existing house.

Registered letters were sent June 5, July 31 and September 30, 2020. No responses received.

The owner has 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, 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, District Lot 89, Galiano Island, Cowichan District, Plan 20266, Except Part in Plan 42126, PID 001-168-878 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 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, District Lot 89, Galiano Island, Cowichan District, Plan 20266, Except Part in Plan 42126, PID 001-168-878 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:

Jun 2, 2020	Stop Work Notice posted for an accessory building constructed on a trailer chassis without a building permit, as well as decks with stairs, new siding and a rain screen installed on the existing house. Photos taken.
Jun 5, 2020	Letter sent to the owner by registered mail advised that a Stop Work Notice was posted and a building permit application was required by July 2, 2020.
July 23, 2020	Site visit conducted by Building Inspector. Spoke with the owner, who said she felt she could not comply. Building Inspector advised owner to send an email with a statement of intention. Second Stop Work Notice posted as work had proceeded. Photos taken.
Jul 31, 2020	Letter sent to the owner by registered mail referencing the letter of June 5, 2020 and site visit on July 23, 2020 advised that the next step would be to register a notice on title.
Aug 19, 2020	Site visit conducted by Building Inspector. No change.
Sep 30, 2020	Letter sent to the owner by registered mail referencing the letters of June 5 and July 31, 2020 and site visit on August 19, 2020 advised that the notice on title would proceed, the fee to remove the notice is \$500, and an invitation to attend the public meeting would be sent.
Jan 5, 2021	Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
Mar 18, 2022	Telephone message left by Chief Building Inspector asking the owner to contact him to discuss this matter.

Appendix B

Photos:

June 2, 2020



July 23, 2020





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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, APRIL 13, 2022

SUBJECT **File Notice on the Land Title of 484 Cherry Tree Bay Road, Lot 1, Section 14, Mayne Island, Cowichan District, Plan 16306, PID 004-486-200, File NT000330**

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 February 19, 2014, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

A building permit application was received February 19, 2014 to construct a storage building. The Building Inspector required certain conditions be met prior to issuance, including reactivation of an expired permit to complete a Single Family Dwelling (SFD). This expired permit was re-issued on September 29, 2014 and the storage building permit was issued December 8, 2014.

The SFD and storage building permits expired January 18, 2017. A registered letter sent to the owner advised that failure to reinstate the building permits, carry out a final inspection and close the file would result in a notice being registered on the land title. No response received, and work proceeded without the required building 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, for which a Permit is required under this Bylaw, unless a building official has issued a valid and subsisting Permit for the work.

3.1.8 Work Contrary to Requirements

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 1, Section 14, Mayne Island, Cowichan District, Plan 16306, PID 004-486-200 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 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 14, Mayne Island, Cowichan District, Plan 16306, PID 004-486-200 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

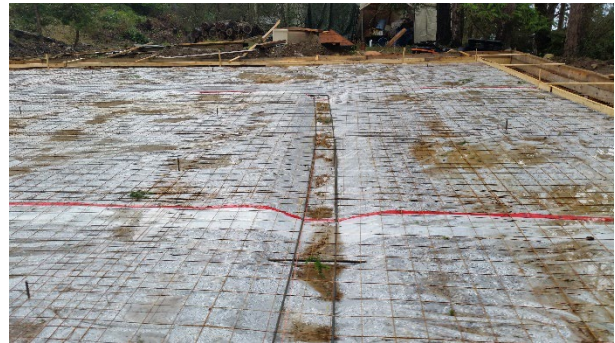
History:

- Feb 19, 2014 Received a building permit application to construct a storage building.
- Mar 13, 2014 Email sent to the owner advised that the Chief Building Inspector required the following conditions to continue processing the application:
- Reactivation of permit MA09-108 (expired January 13, 2012) to complete construction of the Single Family Dwelling (SFD);
 - Foundation plan and engineer truss design and specifications;
 - Driveway access permit from the fire department; and
 - BC land survey for flood control required.
- Jun 25, 2014 Email sent to the owner advised that the Building Inspector reviewed the files and the above conditions were still required to process the application.
- Sep 29, 2014 Permit BP000170 issued for addition to SFD (reactivation of MA09-108).
- Dec 8, 2014 Permit BP000171 issued to construct storage building and workshop.
- Jan 15, 2015 Site visit conducted by the Building Inspector. Photos taken.
- Feb 19, 2015 Stop Work Notice posted for construction of accessory building. Photos taken.
- Feb 23, 2015 Letter sent to the owner advised that the CRD required the engineer's approvals prior to pour and framing inspection. The Stop Work Notice would be removed once written approvals were received from the engineer.
- Mar 13, 2015 Site visit conducted by the Professional Engineer.
- Apr 16, 2015 Site visit conducted by the Building Inspector. Stop Work Notice removed following Professional Engineer's site review report.
- Jan 18, 2017 Permits BP000170 and BP000171 expired.
- Letter sent to the owner by registered mail advised that new permits would be required to complete the work. Failure to reinstate the building permits, carry out a final inspection and close the file would result in a notice on title.
- Dec 17, 2019 Site visit conducted by Building Inspector. Photos taken.
- Mar 2, 2021 Site visit conducted by Building Inspector. Work proceeded without the required building permit. Photos taken.
- Building Inspector recommended registration of a notice on title for work carried out without passed inspections, work not in accordance with permit, building code deficiency, and permits expired with no response to letters.
- Apr 9, 2021 Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Mar 18, 2022 Chief Building Inspector attempted to contact the owner by telephone but was unable to make contact or leave a message.

Appendix B

Photos:

January 15, 2015



February 19, 2015



December 17, 2019



March 2, 2021

