



## Notice of Meeting and Meeting Agenda Electoral Areas Committee

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Wednesday, August 9, 2023

11:00 AM

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

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### Hearing Session

P. Brent (Chair), G. Holman (Vice Chair), A. Wickheim, 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. [23-527](#) Minutes of the Hearing Session of the July 12, 2023 Electoral Areas Committee Meeting

**Recommendation:** That the minutes of the Hearing Session of the Electoral Areas Committee meeting of July 12, 2023 be adopted as circulated.

**Attachments:** [Minutes - July 12, 2023](#)

#### 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]**

- 6.1.        [23-502](#)        File Notice on the Land Title of 190 Reynolds Road, The North West 1/4 of Section 60, South Salt Spring Island, Cowichan District, Except Parts in Plans 24110, 21769, 25612, 26491 and 26909, PID 009-744-274, File NT000392

**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 North West 1/4 of Section 60, South Salt Spring Island, Cowichan District, Except Parts in Plans 24110, 21769, 25612, 26491 and 26909, PID 009-744-274 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:**        [Staff Report: Notice on Title - 190 Reynolds Road, SSI](#)  
[Appendix A: History](#)  
[Appendix B: Photos](#)

- 6.2.        [23-504](#)        File Notice on the Land Title of 340 Blackburn Road, Lot A, Section 14, Range 4 East, North Salt Spring Island, Cowichan District, Plan 36350, PID 000-383-422, File NT000394

**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, Section 14, Range 4 East, North Salt Spring Island, Cowichan District, Plan 36350, PID 000-383-422 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:**        [Staff Report: Notice on Title - 340 Blackburn Road, SSI](#)  
[Appendix A: History](#)  
[Appendix B: Photos](#)

**7. Adjournment**

## Meeting Minutes

### Electoral Areas Committee

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Wednesday, July 12, 2023

11:00 AM

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

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#### Hearing Session

#### PRESENT

Directors: R. Fenton (for P. Brent (Chair)), G. Holman (Vice Chair), A. Wickheim, C. Plant (Board Chair, ex-officio) (11:04 am)

Staff: T. Robbins, Chief Administrative Officer; N. Chan, Chief Financial Officer; K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; K. Campbell, Senior Manager, Salt Spring Island Administration; S. Carey, Senior Manager of Legal Services; S. Henderson, Senior Manager, Real Estate; J. Starke, Manager, Service Delivery, Southern Gulf Islands Electoral Area; M. Taylor, Manager, Building Inspection; M. Greeno, Community Energy Specialist, Environmental Services; M. Lagoa, Deputy Corporate Officer; T. Pillipow, Committee Clerk (Recorder)

Regrets: Director P. Brent

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

#### 1. Territorial Acknowledgement

Director Holman provided a Territorial Acknowledgement.

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

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

#### 3. Approval of Agenda

**MOVED** by Director Wickheim, **SECONDED** by Alternate Director Fenton,  
That the agenda for the Hearing Session of the July 12, 2023 Electoral Areas  
Committee meeting be approved.

**CARRIED**

#### 4. Adoption of Minutes

- 4.1. [23-433](#) Minutes of the Hearing Session of the June 14, 2023 Electoral Areas Committee Meeting

**MOVED** by Director Wickheim, **SECONDED** by Alternate Director Fenton,  
That the minutes of the Hearing Session of the Electoral Areas Committee meeting of June 14, 2023 be adopted as circulated.  
**CARRIED**

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

D. Linstead and E.S. Lam Hon Wah spoke to Item 6.1.

## 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]

- 6.1. [23-425](#) File Notice on the Land Title of 304 Cranberry Road, Lot A, Section 15, Range 4 East, North Salt Spring Island, Cowichan District, Plan 37637, PID 001-031-074, File NT000391

M. Taylor spoke to Item 6.1.

Discussion ensued regarding the current zoning status of the property.

**MOVED** by Director Plant, **SECONDED** by Alternate Director Fenton,  
That the rules of the Capital Regional District Board Procedures be suspended to allow the Chair to engage in questions with the applicant.  
**CARRIED**

**MOVED** by Director Plant, **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 A, Section 15, Range 4 East, North Salt Spring Island, Cowichan District, Plan 37637, PID 001-031-074 or any subdivision of said lands as may be affected by the contravention(s).  
**CARRIED**

- 6.2. [23-426](#) File Notice on the Land Title of 142 Old Divide Road, Lot 1, Section 16, Range 4 East, North Salt Spring Island, Cowichan District, Plan EPP2878, PID 028-040-384, File NT000379

M. Taylor spoke to Item 6.2.

**MOVED** by Director Holman, **SECONDED** by Director Plant,  
That this item be deferred for one (1) month to allow the property owner the opportunity to communicate with the building inspection staff.  
**CARRIED**

## 7. Adjournment

**MOVED** by Director Plant, **SECONDED** by Alternate Director Fenton,  
That the Hearing Session of the July 12, 2023 Electoral Areas Committee meeting be adjourned at 11:32 am.  
**CARRIED**

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CHAIR

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RECORDER



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## REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, AUGUST 9, 2023

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**SUBJECT** File Notice on the Land Title of 190 Reynolds Road, The North West 1/4 of Section 60, South Salt Spring Island, Cowichan District, Except Parts in Plans 24110, 21769, 25612, 26491 and 26909, PID 009-744-274, File NT000392

### **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 30, 2021, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

A Stop Work Order was posted March 30, 2021 for a Greenhouse constructed without approvals or a building permit. Additional building infractions noted for five structures completed and occupied without the benefit of approvals and/or building permits. Letters and emails were exchanged between the owners and their agents, during which time the Building Inspector provided clear directions for permit requirements and building code compliance. To date, building permit applications have not been received for the Greenhouse or any of the additional structures.

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

#### **2.1.2 Permits Required**

Every person shall apply for and obtain a building permit before commencing construction, repairing or altering a building or structure.

#### **3.1.1 Work Without Permits**

No person shall commence or continue any construction, alteration, reconstruction, demolition, removal or relocation of any building or structure or other work related to construction, 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.

#### **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: The North West 1/4 of Section 60, South Salt Spring Island, Cowichan District, Except Parts in Plans 24110, 21769, 25612, 26491 and 26909, PID 009-744-274 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: The North West 1/4 of Section 60, South Salt Spring Island, Cowichan District, Except Parts in Plans 24110, 21769, 25612, 26491 and 26909, PID 009-744-274 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

**History:**

- Mar 30, 2021 Complaint received regarding construction of a large building without permits.
- Oct 26, 2021 Stop Work Order (SWO) posted for construction of a Greenhouse without approvals or a building permit. Building Inspector spoke with the owners regarding the SWO as well as other work without permits noted on the property.
- Oct 27, 2021 Email received from the owners advised they would proceed with getting the Greenhouse permitted following the Building Inspector's review of all violations.
- Email sent to the owners from the Building Inspector advised the review of existing files would be completed soon and directions for compliance would be provided. Building Inspector also requested two photos of the Greenhouse.
- Nov 1, 2021 Email received from the owners included two photos of the Greenhouse.
- Nov 24, 2021 Letter sent to the owners by registered mail referenced the SWO of October 26, 2021 and advised a building permit application be submitted for the Greenhouse by December 29, 2021.

Additionally, the Building Inspector identified five other structures observed during the site visit that had been completed without the benefit of approvals and/or permits:

- a) Accessory Building (Bath House): Permit expired for 800 square foot addition to a Farm Building. Addition to include sleeping rooms and a communal bathroom had been completed without the benefit of approvals or a building permit. New permit application was required, including as-built drawings and approvals from Islands Trust and Island Health.
- b) Accessory Building (Gatehouse): Permit expired to convert a Farm Use Workshop to a Single Family Dwelling (SFD). Plumbing and Chimney/Fireplace permits also expired. Alterations and Change of Occupancy to a Yoga Centre had been completed without the benefit of approvals or a building permit. New permit application required, including as-built drawings and approvals from Islands Trust and Island Health.
- c) Single Family Dwelling (Pond House): Permit expired for Construction of a new SFD. Permit to Amend the permit for the SFD, as well as Plumbing and Chimney/Fireplace permits also expired. Application to complete the project and obtain a Certificate of Occupancy required, as well as a pre-final inspection to determine deficiencies and other requirements to complete the project.
- d) Accessory Building (Garden Temple): Permit expired for construction of a 587 square foot Accessory Building for Farm Use. Alterations of the structure including addition of plumbing, a kitchen and a chimney had been completed without the benefit of approvals or a building permit. New permit application required, including as-built drawings and approvals from Islands Trust and Island Health.



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**190 Reynolds Road, Salt Spring Island**

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- e) Accessory Building (Farm Wagon): Construction of an Accessory Building – Farm Use. Bedroom dwelling built on a farm wagon without wheels had been completed without approvals or a building permit. New permit application required, including as-built drawings and approvals from Islands Trust and other agencies (to be determined).
- Dec 2, 2021 Email received from the owners advised the application for the Greenhouse was completed but they had questions about the other buildings on the list. The Building Inspector responded with answers to their questions.
- Dec 30, 2021 Email sent to Islands Trust enquired if a permit review had been initiated.
- Jan 4, 2022 Email received from Islands Trust confirmed a permit review had been initiated.
- Feb 10, 2022 Permit review application for the greenhouse approved by Islands Trust.
- Feb 18, 2022 Email sent to the owners advised the building permit application for the Greenhouse could be submitted.
- Mar 18, 2022 Email sent to the owners referenced the email of February 18, 2022 and requested a signed authorization form for the owners' agents.
- Mar 23, 2022 Signed agent authorization form received.
- Feb 7, 2023 Email sent to the owners advised the Greenhouse application was still required.
- Feb 10, 2023 Phone call received from the agent acknowledged the building permit application was still required and enquired about requirements for construction plans. Clerk provided the agent with resources and advised them to bring drafts to the office for review and discussion.
- Feb 14, 2023 The agent visited the Building Inspection office and spoke with the Building Inspector regarding details required for as-built construction plans and site plan.
- Mar 1, 2023 As a building permit was not issued, Islands Trust expired their permit review. Email sent to Islands Trust enquired if an extension had been granted. Islands Trust advised the applicant had not been in contact since the issuance of the review.
- Mar 13, 2023 Letter sent to the owners by registered mail referenced the letter of November 24, 2021 and subsequent communications and advised the next step would be to register a notice on title and then refer the file for further action. Canada Post tracking confirmed letter was delivered.
- Apr 24, 2023 Email sent to the owners referenced the letters of November 24, 2021 and March 13, 2023 and requested an update on the Greenhouse application.
- May 8, 2023 Email sent to Islands Trust enquired if they had any further contact with the owners regarding the Greenhouse. Islands Trust advised the applicant had not been in contact since the permit review had been approved.

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**190 Reynolds Road, Salt Spring Island**

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- Jun 15, 2023 The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Jul 4, 2023 The Chief Building Inspector left a phone message with one of the owners asking for a call back to discuss their intentions with respect to the non-compliant buildings.

**Photos:**

November 1, 2021

**Greenhouse**





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## REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, AUGUST 9, 2023

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**SUBJECT** File Notice on the Land Title of 340 Blackburn Road, Lot A, Section 14, Range 4 East, North Salt Spring Island, Cowichan District, Plan 36350, PID 000-383-422, File NT000394

### **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 November 7, 2022, 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 November 7, 2022 for an Accessory Building (Garage) constructed without approvals or a building permit. Letters, emails, and phone calls were exchanged with the owners, during which time the Building Inspector provided direction for permit requirements and building code compliance. To date, a building permit application has not 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, 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 A, Section 14, Range 4 East, North Salt Spring Island, Cowichan District, Plan 36350, PID 000-383-422 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 A, Section 14, Range 4 East, North Salt Spring Island, Cowichan District, Plan 36350, PID 000-383-422 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

**History:**

- Nov 3, 2022 Building Inspector observed construction possibly without a building permit.
- Nov 7, 2022 Stop Work Order (SWO) posted for construction of an Accessory Building (Garage) without approvals or a building permit. The owner and construction crew were on site. Photos taken.
- Nov 21, 2022 Letter sent to the owner by registered mail referenced the SWO of November 7, 2022 and advised a building permit application must be submitted by January 3, 2023.
- Dec 14, 2022 Letter returned. Reason: “refused”.
- Jan 9, 2023 Email sent to Islands Trust enquired if a permit review application was submitted. Islands Trust advised no application was received.
- Jan 10, 2023 A second letter sent to the owner by registered mail referenced the letter of November 21, 2022 and advised the next step would be to register a notice on title and then refer the file for further action. Canada Post tracking confirmed letter was delivered.
- Feb 2, 2023 Referral email sent to Islands Trust Bylaw Enforcement, who opened a compliance file.
- Feb 21, 2023 Letter received from the owner advised they were having difficulty completing the building permit application and requested the original building permit for the dwelling, with specific interest in the site plan which they believed would show the information required for the Garage.
- Phone call to the owner from Clerk advised that the records for the dwelling did not include a site plan or map.
- Mar 16, 2023 Phone call to the owner from Clerk enquired if a permit review application was submitted to Islands Trust. The owner advised an application had not been submitted. Clerk reviewed requirements for the building permit as sent in the letter of November 21, 2022. The owner stated they would look at the form again. Clerk repeated that, if there was no progress toward obtaining a building permit, the next step would be to register a notice on title and then refer the file for further action.
- Apr 14, 2023 Email sent to Islands Trust enquired if a permit review application was submitted. Islands Trust advised no application was received.
- Apr 19, 2023 Email received from Islands Trust Bylaw Enforcement that their investigation of the file was completed and the file was closed.

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**340 Blackburn Road, Salt Spring Island**

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- Apr 21, 2023 A third letter sent to the owner by registered mail referenced the letters of November 21, 2022 and January 10, 2023 and advised the next step would be to register a notice on title and then refer the file for further action. Canada Post tracking confirmed letter was delivered
- May 19, 2023 Email sent to Islands Trust enquired if a permit review application was submitted. Islands Trust advised no application was received.
- Jun 15, 2023 The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Jul 4, 2023 The Chief Building Inspector contacted the owner by phone and discussed the need for Islands Trust approval and then a building permit. The owner was apparently advised by Islands Trust that the garage is too close to the house. The Chief Building Inspector encouraged the owner to consult with Islands Trust to see if a variance is possible.



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**340 Blackburn Road, Salt Spring Island**

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**Appendix B**

**Photos:**

Nov 7, 2022

