



## Notice of Meeting and Meeting Agenda Electoral Areas Committee

Wednesday, September 11, 2024

11:00 AM

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

### Hearing Session

P. Brent (Chair), G. Holman (Vice Chair), A. Wickheim, C. Plant (Board Chair, ex-officio)

Guest: Director M. Little

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. [24-821](#) Minutes of the Hearing Session of the April 10, 2024 Electoral Areas Committee Meeting

**Recommendation:** That the minutes of the Hearing Session of the Electoral Areas Committee meeting of April 10, 2024 be adopted as circulated.

**Attachments:** [Minutes - April 10, 2024](#)

**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 [1]**

- 6.1. [24-789](#) File Notice on the Land Title of 197 Monteith Road, Lot 3, Section 10, Range 3 West, North Salt Spring Island, Cowichan District, Plan 42322, Except Part in Plan 44623, PID 001-519-034, File NT000402

**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 3, Section 10, Range 3 West, North Salt Spring Island, Cowichan District, Plan 42322, Except Part in Plan 44623, PID 001-519-034 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:** [Staff Report: Notice on Title - 197 Monteith Road, SSI](#)  
[Appendix A: History](#)  
[Appendix B: Photos](#)

**7. Adjournment**

## Meeting Minutes

### Electoral Areas Committee

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Wednesday, April 10, 2024

11:00 AM

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

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#### Hearing Session

#### PRESENT

Directors: P. Brent (Chair), G. Holman (Vice Chair), A. Wickheim, C. Plant (Board Chair, ex-officio)

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. Carby, Senior Manager, Protective Services; S. Henderson, Senior Manager, Real Estate and Southern Gulf Islands Administration; R. Smith, Senior Manager, Environmental Resource Management; C. Anderson, Manager, Emergency Programs; M. Groulx, Manager, Bylaw Enforcement and Animal Care; J. Starke, Manager, Service Delivery, Southern Gulf Islands Electoral Areas; M. Taylor, Manager, Building Inspection; L. Xu, Manager, Local Services & Corporate Grants, Financial Services; M. Lagoa, Deputy Corporate Officer; T. Pillipow, Committee Clerk (Recorder)

Guest(s): Director M. Little

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

There were no property owners in attendance.

#### 3. Approval of Agenda

**MOVED** by Director Wickheim, **SECONDED** by Director Holman,  
That Director Little be permitted to participate (without vote) in the Hearing  
Session of the Electoral Areas Committee meeting of April 10, 2024.  
**CARRIED**

**MOVED** by Director Plant, **SECONDED** by Director Brent,  
That the agenda for the Hearing Session of the April 10, 2024 Electoral Areas  
Committee meeting be approved.  
**CARRIED**

#### 4. Adoption of Minutes

- 4.1. [24-313](#) Minutes of the Hearing Session of the August 9, 2023 Electoral Areas Committee Meeting

**MOVED** by Director Plant, **SECONDED** by Director Brent,  
That the minutes of the Hearing Session of the Electoral Areas Committee meeting of August 9, 2023 be adopted as circulated.  
**CARRIED**

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

There were no comments by property owners.

#### 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]
- Juan de Fuca [1]

- 6.1. [24-330](#) File Notice on the Land Title of 197 Monteith Road, Lot 3, Section 10, Range 3 West, North Salt Spring Island, Cowichan District, Plan 42322, Except Part in Plan 44623, PID 001-519-034, File NT000402

M. Taylor spoke to Item 6.1.

Discussion ensued on communication with property owner.

**MOVED** by Director Holman, **SECONDED** by Director Plant,  
That this item be deferred for two (2) months.  
**CARRIED**

- 6.2. [24-331](#) File Notice on the Land Title of 171 Sunnyside Drive, Lot 1, Section 15, Range 2 East, South Salt Spring Island, Cowichan District, Plan VIP58377, PID 018-675-662, File NT000403

M. Taylor spoke to Item 6.2.

Discussion ensued regarding:

- clarification of what decommissioning the non-compliant buildings entails
- staff coming back to this committee with a report on properties with Notices on Title, and health and safety concerns that are occupied without permit
- the status of the advocacy work to the Province on alternate forms of construction

**MOVED** by Director Holman, **SECONDED** by Director 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 1, Section 15, Range 2 East, South Salt Spring Island, Cowichan District, Plan VIP58377, PID 018-675-662 or any subdivision of said lands as may be affected by the contravention(s).  
**CARRIED**

**OPPOSED:** Brent

6.3. [24-332](#) File Notice on the Land Title of 1488 Trail Way, Lot 29, Block 453, Malahat District, Plan VIP84067, PID 027-301-435, File NT000406

M. Taylor spoke to Item 6.3.

Discussion ensued regarding:

- the need for property owners to renew two expired permits
- property owner notification process for hearing session date

**MOVED by Director Wickheim, SECONDED by Director 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 29, Block 453, Malahat District, Plan  
VIP84067, PID 027-301-435 or any subdivision of said lands as may be affected by  
the contravention(s).**

**CARRIED**

## 7. Adjournment

**MOVED by Director Plant, SECONDED by Director Holman,  
That the Hearing Session of the April 10, 2024 Electoral Areas Committee meeting  
be adjourned at 11:39 am.**

**CARRIED**

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CHAIR

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RECORDER



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## REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, September 11, 2024

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**SUBJECT**     **File Notice on the Land Title of 197 Monteith Road, Lot 3, Section 10, Range 3 West, North Salt Spring Island, Cowichan District, Plan 42322, Except Part in Plan 44623, PID 001-519-034, File NT000402**

### **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 August 18, 2022, CRD Building Inspection staff has attempted to persuade the current owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

A complaint was received from the public August 15, 2022 regarding construction of a bathroom addition and possible construction in the lower level of the Single Family Dwelling (SFD). The owner submitted the SFD Addition to Islands Trust for review but there has been no progress since August 22, 2022 when Islands Trust requested further documents.

A Stop Work Order was posted September 15, 2022, as work continued on the SFD Addition. Letters and emails were sent to the owner, during which time the Building Inspector provided clear directions for permit requirements and building code compliance.

To date, a building permit application and Islands Trust planning approval have not been received for the SFD Addition.

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 3, Section 10, Range 3 West, North Salt Spring Island, Cowichan District, Plan 42322, Except Part in Plan 44623, PID 001-519-034 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 Building Inspection and/or 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 3, Section 10, Range 3 West, North Salt Spring Island, Cowichan District, Plan 42322, Except Part in Plan 44623, PID 001-519-034 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:**

- Aug 15, 2022 Complaint received from the public regarding addition of a bathroom and possible construction in the lower level of the Single Family Dwelling (SFD).
- Aug 18, 2022 Site visit conducted by Building Inspector noted work being carried out without a permit on the bathroom addition to SFD. Additionally, the underside (lower level) of the SFD appeared to have added storage. Photo taken.
- Aug 19, 2022 Email sent to the owner included forms for the Islands Trust Review and a Building Permit Application and Checklist. Owner confirmed receipt of email.
- Aug 22, 2022 Email received from Islands Trust advised the owner had submitted the SFD Addition for review.
- Sep 13, 2022 Email sent to Islands Trust requested an update on the SFD Addition review.
- Email received from Islands Trust confirmed there had been no progress since August 22, 2022, during which time a site plan, elevation drawings and title search were requested.
- Sep 15, 2022 Stop Work Order (SWO) posted as further work had been completed since August 18, 2022 on the SFD Addition. Photos taken.
- Oct 11, 2022 Letter sent to the owner by registered mail referenced the site visit of August 18, 2022, email of August 19, 2022, and SWO of September 15, 2022 and advised a building permit application must be submitted by October 28, 2022. Canada Post tracking confirmed the letter was delivered.
- Dec 2, 2022 Email sent to Islands Trust requested an update on the review.
- Dec 6, 2022 Email received from Islands Trust confirmed there has been no progress since August 22, 2022.
- Jan 9, 2023 A second letter was sent to the owner by registered mail referencing the letter of October 11, 2022 and advised that a building application had not been received and the next step would be to register a notice on title then refer the file for further action. Canada Post tracking confirmed the letter was delivered.
- Apr 12, 2023 Email sent to the owner referenced the letters of October 11, 2022 and January 9, 2023, as well as email correspondence of August 19, 2022 and requested an update on the progress of the required building permit application.
- May 8, 2023 Email sent to Islands Trust requested an update on review of the SFD Addition.
- Email received from Islands Trust confirmed there has been no progress since August 22, 2022.



- July 21, 2023 The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Feb 14, 2024 The Chief Building Inspector contacted the owner via email asking for a response discussing his intentions.
- Feb 15, 2024 A representative for the owner phoned to discuss the Notice on Title process and options for the owner.
- Apr 10, 2024 Staff report brought to committee. Owner given until June 10, 2024, to comply with request to apply for Islands Trust approval and a building permit.
- May 27, 2024 Building permit application instructions emailed to owner again via email.
- Aug 8, 2024 Complaint via telephone received from member of public regarding construction without permit(s).
- Aug 9, 2024 To date, no building permit application has been received. The Chief Building Inspector authorized an invitation letter and updated staff report be prepared for committee.
- Aug 14, 2024 The Chief Building Inspector attempted to contact the owner via email to ask of progress made with a permit application.

Appendix B

Photos:

August 18, 2022



September 15, 2022

